



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: June 7, 2022

FROM: Planning Services Department

DATE: May 24, 2022

SUBJECT: Recommendation Report, Draft Plan of Subdivision, 404072 Ontario Limited (Mattamy Homes), Block 263, 20M-1212, File No.: 24T-22001/1314

LOCATION: Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS

WARD: Ward 7

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RECOMMENDATION:

1. That the Draft Plan of Subdivision application (File No.: 24T-22001/1314) submitted by 404072 Ontario Limited (Mattamy Homes), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated May 24, 2022.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-22001/1314) submitted by 404072 Ontario Limited (Mattamy Homes) prepared by Korsiak Urban Planning dated January 13, 2022, subject to the conditions contained in Appendix A.
3. That once Plan 24T-22001/1314 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor, or designates.
4. That the Subdivision Agreement be executed in accordance with By-law 2013-057.

5. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This report recommends approval of a proposed Draft Plan of Subdivision submitted by 404072 Ontario Limited (Mattamy Homes), which would have the effect of creating eight blocks to permit the development of 32 townhouse units with a public laneway.
- Draft plan conditions have been recommended to address the conditions of approval based on agency comments and are attached as Appendix A to this report.
- The subject lands are designated *Neighbourhood Area* within the North Oakville East Secondary Plan (Figure NOE2).
- The subject lands are zoned *Neighbourhood Centre* subject to Special Provision 48 (NC sp:48) within Zoning By-law 2009-189, as amended, and there is no zoning relief required for this application.
- The applicant initiated public information meeting was held on January 10, 2022, which was attended by four residents and Town Planning Staff.
- The statutory public meeting was held on April 4, 2022 by the Planning and Development Council.
- The application is proceeding in accordance with the 2020 Halton Region Allocation Program for Single Detached Equivalents (SDE) to fully service the development as per the Public Works Commissioner Notice (PWCN) Law File: 2020-140.
- The Draft Plan of Subdivision application was deemed complete on January 19, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before May 19, 2022, after which the applicant could have filed an appeal for non-decision.
- Staff recommend approval of the draft plan of subdivision application as the proposed development is consistent with NOESP and Master Plan. The proposal is also consistent with the Provincial Policy Statement 2020, conforms to all applicable Provincial plans, and the Region of Halton Official Plan.

BACKGROUND:

The purpose of this report is to provide a comprehensive staff review of the application and a recommendation on the proposed Draft Plan of Subdivision by 404072 Ontario Ltd. (Mattamy Homes).

In 2012, the applicant submitted applications for a Draft Plan of Subdivision (24T-12011B/1314) and Zoning By-law Amendment (Z.1314.06B) for a larger landholding that included the subject site. In 2016, Town Council approved the subdivision and rezoning, which had the effect of rezoning the subject lands to *Neighbourhood Centre* subject to Special Provision 48 (NC sp:48). At the same time, Holding Provision “H17” was incorporated into the Zoning By-law for the subject site. The purpose of Holding Provision “H17” was to restrict the use of the land to only permit the following uses to a maximum of five storeys in height:

- mixed use building;
- apartment;
- parking garage, built as part of an apartment or mixed use building; or
- stacked townhouse dwelling.

The applicant was permitted to apply to remove the Holding Provision once three years had passed since the date of registration of the underlying draft plan of subdivision. The underlying subdivision was registered in January 2019. In October 2021, the applicant applied to remove Holding Provision “H17”, which was approved by Council on January 18, 2022.

With the removal of the Holding Provision, the as-of-right Zoning would also permit lane-based townhouse dwelling units in addition to the other uses listed above. In January 2022, the applicant submitted the Draft Plan of Subdivision application according to the approved Zoning on the land to facilitate the development of 32 lane-based townhouses with a public laneway.

Proposal

The applicant is proposing to create eight development blocks and a public lane through the Draft Plan of Subdivision application. Each block would contain four townhouses, resulting in a total of 32 lane-based units on the subject lands, as seen in Figure 1.

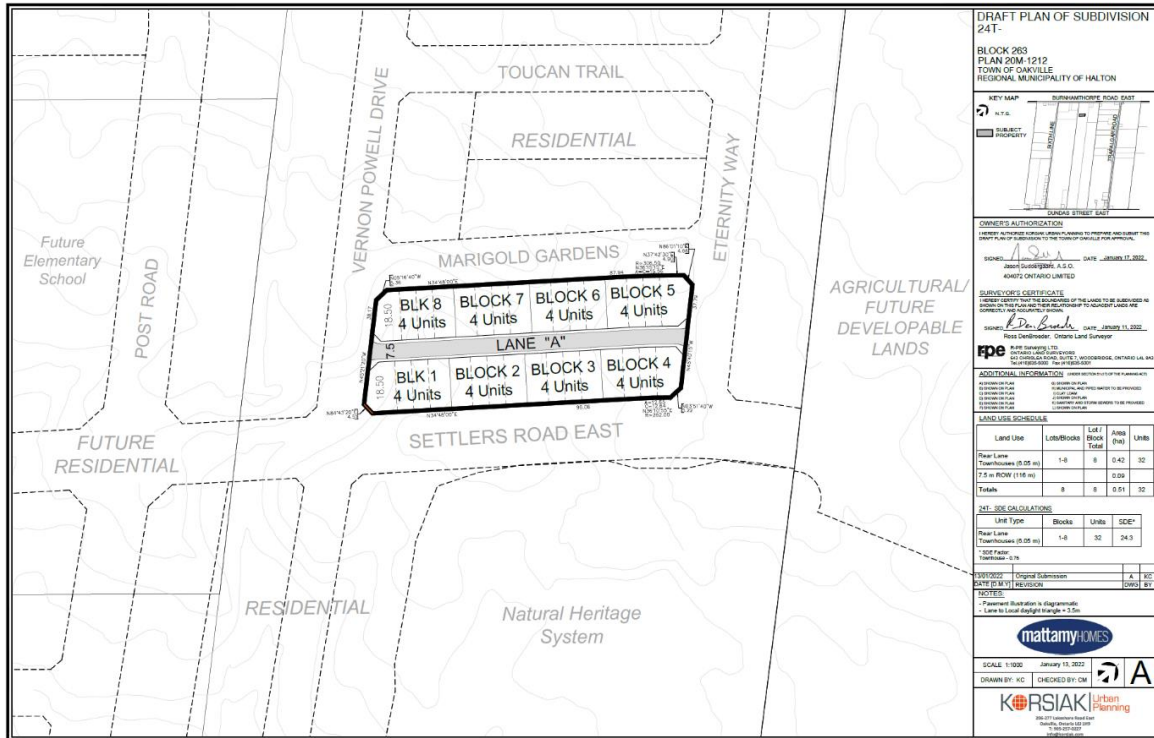


Figure 1: Draft Plan of Subdivision

Location & Site Description

The subject lands are approximately 0.51 hectares (1.26 acres) in size and is bounded by Settlers Road East, Vernon Powell Drive, Marigold Gardens and Eternity Way, as seen in Figure 2.

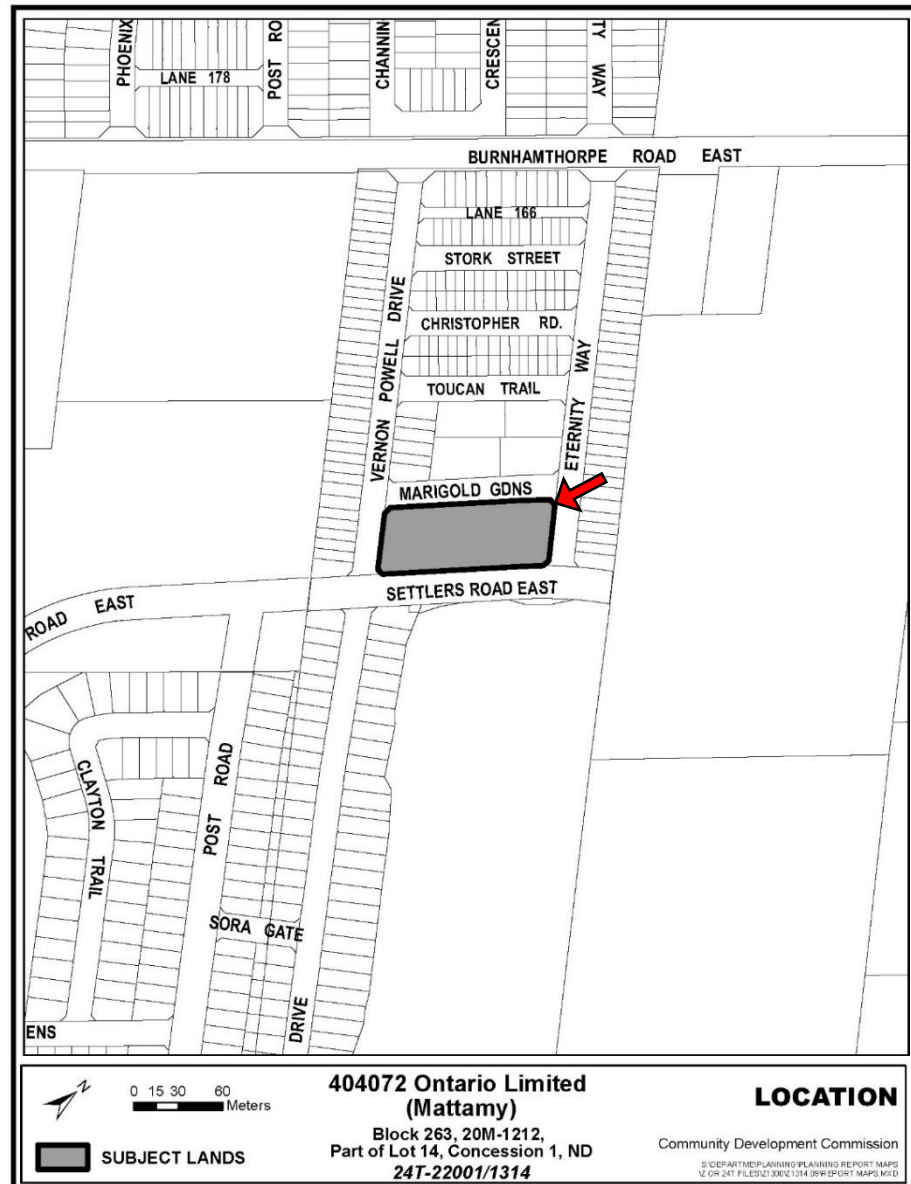


Figure 2: Location Map

Surrounding Land Uses

The surrounding land uses are as follows as seen in Figure 3:

North/East: Residential uses consisting of on-street townhouse units.

South: Residential uses consisting of detached dwellings and Natural Heritage System

West: Residential uses consisting of on-street townhouses units, beyond which will be an elementary school and community park.



Figure 3: Air Photo (outdated image – dwellings in the area are constructed and occupied)

PLANNING POLICY & ANALYSIS:

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan
- Oakville Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

Provincial Policy Statement

The Provincial Policy Statement 2020 (“PPS”), which came into effect on May 1, 2020, is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, and appropriately use the infrastructure and public service facilities that are planned or available.

The subject application is consistent with the 2020 PPS as it will utilize existing infrastructure and provides for a mix of housing types.

Growth Plan

The Growth Plan (2020) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a “Designated Greenfield Area”. The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services and public service facilities, and provide a diverse range and mix of housing options.

The subject application conforms to the Growth Plan as it represents a component of the previously approved comprehensive draft plan.

Halton Region Official Plan

The subject lands are designated “Urban Area” in the Halton Region Official Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities.” The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities, which afford maximum choices for residence, work and leisure. Policy 76 notes that the range of permitted uses in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

2020 Servicing Allocation Program – Water and Wastewater

Halton Region has implemented a servicing allocation program that requires proponents of residential development applications to secure servicing allocation from Halton Region through a formal Allocation Agreement.

On June 17, 2020, Regional Council passed By-law 34-20, which confirmed the Regional allocation agreement conditions and requirements have been met and the appropriate financial commitments by all the parties are in place. On this basis, the proposal conforms to the Regional Official Plan

The subject applications conform to the policies of the Regional Official Plan and Conditions of Draft Plan Approval have been provided by the Region of Halton.

Oakville Official Plan

As Section 51(24) of the *Planning Act* deals with the criteria for considering a Draft Plan of Subdivision, applications for Consent dealt with under Section 53 of the Act are subject to the same criteria for the severance of land. Noting this, the Official Plan contains policies that deem a Plan of Subdivision the appropriate process for the development of land in most cases:

“12.2 URBAN SEVERANCE POLICIES

- a) *Severances for any form of Urban Development shall comply with the Phasing provisions of Part C, Section 2 and Figures "C", "D" and "D1" of this Plan.*
- b) *Although urban severances may be permitted, development in urban areas is generally to take place in accordance with comprehensively designed registered plans of subdivision. Land division by a plan of subdivision, rather than by a consent, shall generally be deemed necessary in the following cases:*
 - i) ***where the extension of a public road is required or a new road allowance is required;***

Therefore, it is necessary as per the Official Plan policies for the development of the subject lands to proceed by way of a Plan of Subdivision in order for the creation of the proposed public lane to occur prior to the 32 townhouses being built.

Urban Structure

The *Livable Oakville* Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. *Schedule A1, Urban Structure*, of the *Livable Oakville Plan* provides the basic structural elements for the Town and identifies the site as *Residential Areas*. This is

also reflected in Section 3, Urban Structure, of the *Livable Oakville Plan*. Official Plan Amendment 317 to the *North Oakville East Secondary Plan*, confirms the Town’s existing urban structure and was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

North Oakville East Secondary Plan (NOESP)

The North Oakville East Secondary Plan provides a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line and Sixteen Mile Creek in the west.

The development of the North Oakville community is premised on a sustainable, design-first philosophy, which promotes the protection of the natural environment, mixed-use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

The North Oakville East Secondary Plan designates the subject lands as *Neighbourhood Area* on Figure NOE 2 Land Use Plan, as seen in Figure 4.



Figure 4: Official Plan – NOE 2 Map

Master Plan – Appendix 7.3

The North Oakville Master Plan is intended to assist in providing guidance and coordination of local roads and adjacent land uses for the North Oakville Planning Area. Development applications are reviewed to ensure general coordination and consistency with the intent of the Master Plan. Minor modifications are permitted provided the general intent and direction of the Master Plan is maintained (Section 7.5.2).

Additional land use designations are further identified as *General Urban Area* in North Oakville Master Plan, as seen in Figure 5.

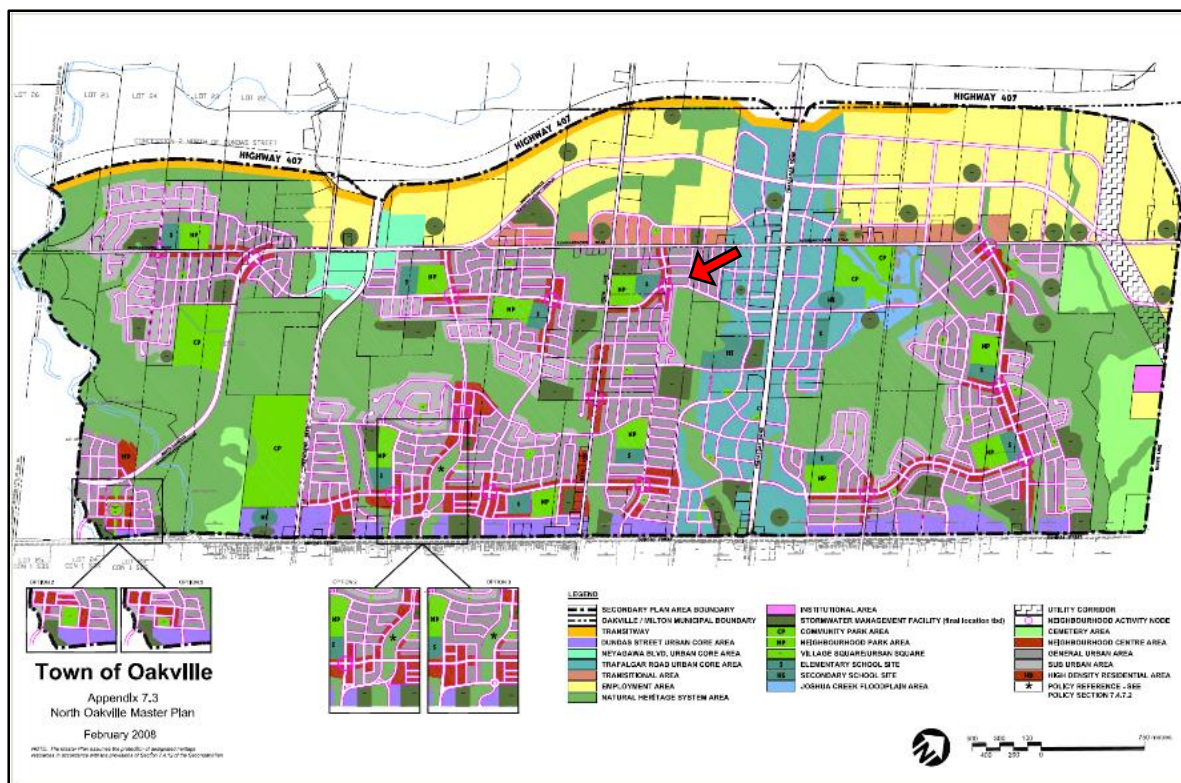


Figure 5: North Oakville Master Plan Map Excerpt

The subject application meets the intent of the policies and objectives of the Oakville Official Plan and North Oakville East Secondary Plan (NOESP).

North Oakville Zoning By-law

Zoning By-law 2009-189, as amended is the comprehensive Zoning By-law in order to implement the North Oakville Secondary Plans, for all properties in Oakville north of Dundas Street, and south of Highway 407. It was passed by Council on November 23, 2009 and approved by the Ontario Municipal Board on October 25, 2010.

The subject lands are currently zoned *Neighbourhood Centre* subject to Special Provision 48 (NC sp:48) as seen in Figure 6, which permits various uses, including townhouse dwellings, apartment buildings and commercial uses. The current application would allow 32 rear lane townhouse uses.

Once the blocks are created through the registration of the Draft Plan of Subdivision, the applicant will be eligible to apply for Building Permits in accordance with the in-effect Zoning regulations. A Zoning By-law Amendment application is not required to permit the proposed development.

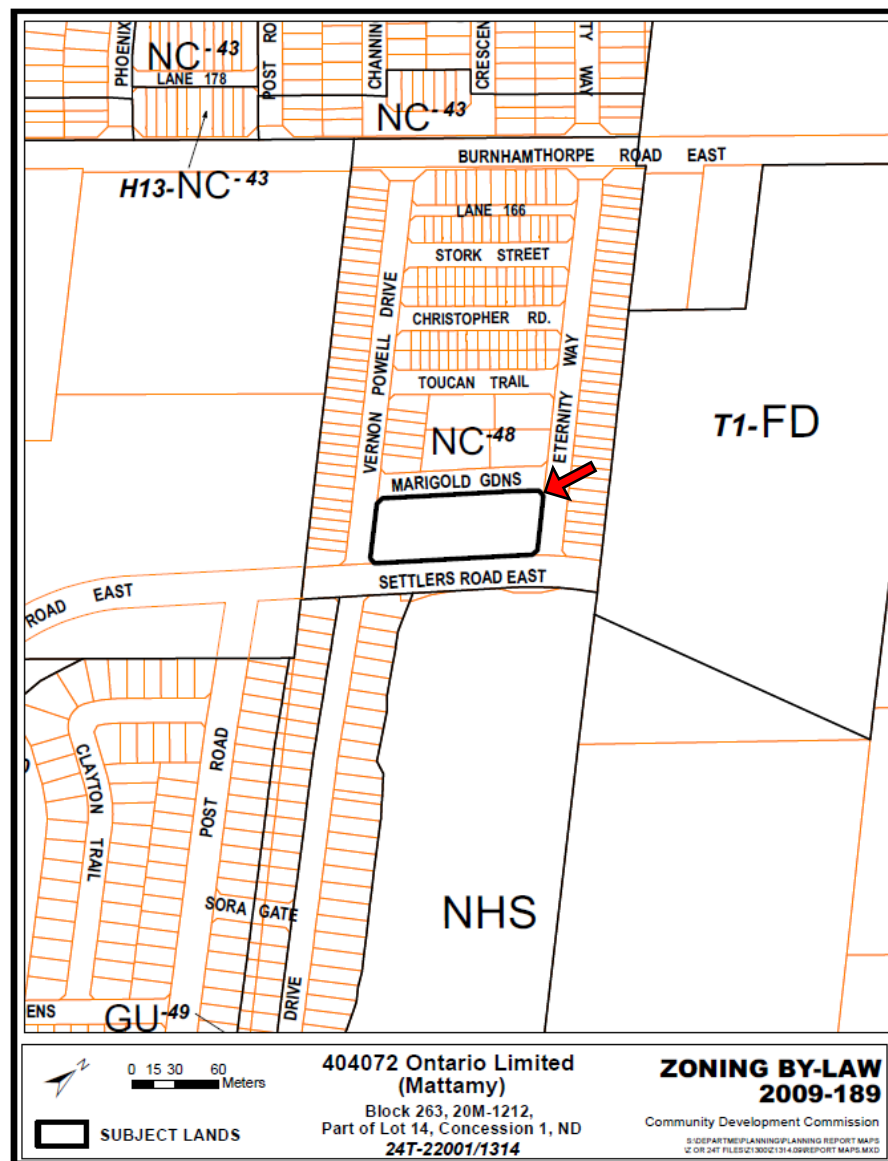


Figure 6: Zoning By-law 2009-189 Map

PUBLIC COMMENTS & TECHNICAL REVIEW:

The applicant has submitted the following documents as part of the application submission, which have been circulated to various public agencies and internal Town departments. A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the Town's website at the following link: <https://www.oakville.ca/business/da-40345.html>

- Draft Plan of Subdivision
- Concept Plan
- Urban Design Brief
- Streetscape Plan
- Canopy Cover Plan
- Environmental Site Screening
- Record of Site Condition
- Archaeological Clearance Letter

Public Comments

The applicant-initiated public information meeting was held on January 10, 2022, which was attended by four residents and Town Planning Staff. Questions were raised relating to:

- the type of housing proposed, specifically related to the use of the land for an apartment building;
- timing of the proposed construction;
- location for on-street parking; and
- amenity areas for the townhouse units.

The statutory public meeting was held by Town Planning and Development Council on April 4, 2022, at which time comments were received through Council resolution and are identified in the Matters of Interest section of this report.

Technical Review

The following items are the issues and matters that were identified through the application process for review and consideration.

Alignment with the Climate Emergency

The applicant has advised that the developer (Mattamy Homes) is known as an industry leader in sustainability. The company offers a variety of innovation and sustainability solutions by developing better building home envelopes and leveraging smart home technology that provides ongoing and optimized efficiencies. When constructing its homes, a range of techniques and building practices are used to improve the sustainability of a project and reduce climate

change impacts. Through Mattamy's 'Built-In Smart Technology', buildings are designed, constructed and programmed in a manner that reduce energy consumption to save homeowners an average of 23% on their hydro bills. They partner with various companies to offer a 'Comfort Tech' bundle for new homes that provide optimal heating, cooling, humidity control and on-demand hot water that lowers carbon emissions and offers enhanced energy-efficiency. Additionally, all houses are built to Energy Star standards, which is 20% more efficient than the *Ontario Building Code* and air tightness testing by 3rd party energy advisors, which is not a standard in the industry.

All new homes also include items such as low e-glass windows, low-flow faucets, water-efficient toilets, high-efficiency furnaces, heat recovery ventilators, tankless water heaters, energy-efficient appliances, rough-ins for electric car charge stations and solar power.

Appropriateness and Compatibility

The proposed Draft Plan of Subdivision application to create 8 blocks and a public lane will facilitate the development of 32 rear-lane townhouses. The developers expected three-storey built form provides a residential land use that complies with the Zoning By-law 2009-189 and adds to the range of housing types found throughout the neighbourhood. Through the application review process, it has been determined that the proposed development has merit, noting that access to the private garages via a public lane:

- reduces the vehicular and pedestrian conflicts along Marigold Gardens and Settlers Road East, compared to 32 individual driveways that would be perpendicular to and intersect with sidewalks surrounding the subject lands;
- maintains a majority of the boulevard and front yard landscaping surrounding the subject lands, save and except for the portions of Vernon Powell Drive and Eternity Way where the public lane connects with said streets;
- retains a majority of the street trees as previously approved with a Canopy Cover of 22.7%, save and except for four trees within the portions of Vernon Powell Drive and Eternity Way where the public lane connects with said streets as seen in Figure 7; and
- provides for 25 on-street parking spaces along Settlers Road East and Marigold Gardens, whereas individual driveways would negate parking along these streets.



Figure 7: Streetscape Landscape Plan

Urban Design

To the north, east and west of the subject lands are resident-occupied townhouse dwelling units. The proposed development is consistent with the surrounding approved development. The applicant has submitted an Urban Design Brief that addresses the proposals compliance with the Livable by Design Manual. Conditions of Draft Plan Approval are included that requires the applicant to submit elevation drawings (all façades), typical floor plans (all levels) and typical lotting plans for all models on lots not subject to Site Plan Approval for review by the Planning Services Urban Design staff prior to marketing or selling on any units. The applicant is also required to select a control architect who shall ensure all development proceeds in accordance with the Town-approved Urban Design Brief.

Public Lane Functionality

Vehicular access to this subdivision will be from Eternity Way and Vernon Powell Drive to the private garages (without driveways) of the proposed 32 townhouse units. Figure 8 below illustrates a similar lane (Lane 166) north of the north of the subject lands, south of Burnhamthorpe Road, between Vernon Powell Drive and

Eternity Way. The proposed lane would be designed to meet the Town's engineering standards prior to the Town assuming ownership.



Figure 8: Street-view of Lane 166 (*garages without driveways on the right*)

On-street Parking

Under the current Zoning By-law 2009-189, 32 parking spaces are required (i.e. within the private garages), whereas the applicant is providing 64 and approximately 25 on-street parking spaces are provided abutting or in close proximity to the subject lands. As part of the application, an on-street parking analysis was provided (Figure 9). It should be noted that in a calendar year, a maximum of 15 Temporary On-street Parking Permits per licensed vehicle are subject to certain terms and conditions (i.e. no parking permitted during snow clearing), which can be found on the Town's website at [Temporary on-street parking permit terms and conditions \(oakville.ca\)](http://oakville.ca). Furthermore, a Warning Clause is to be included in all Offers of Purchase and Sale as follows:

“Purchasers are advised that driveway entrance widenings or modifications will not be permitted where they impact on the availability of on-street parking space. Property Owners must take note of the available parking space on their own private lot and purchase homes with knowledge that additional space for more personal / family vehicles may be limited or unavailable.”

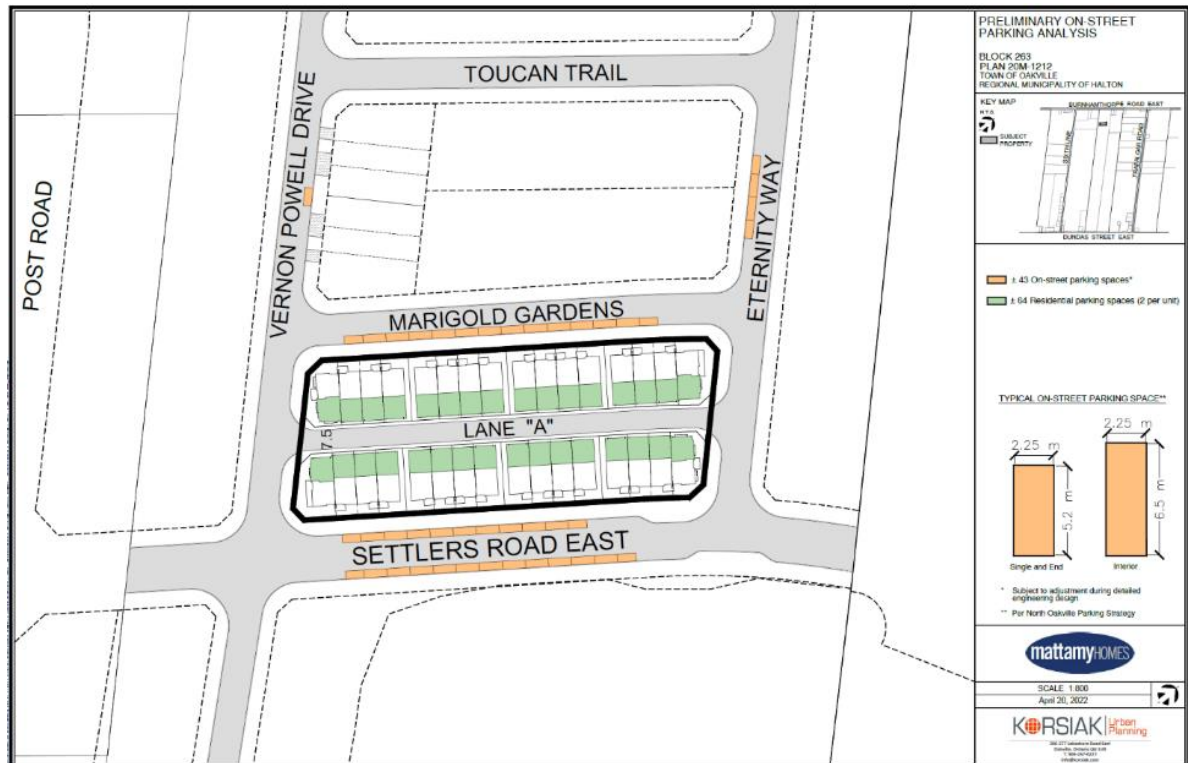


Figure 9: On-street Parking Plan

Matters of Interest

Basements and Garage Storage Space

As depicted in the conceptual floor plans submitted by the applicant, the proposed townhomes would be slab-on-grade with no basements. Floor plans submitted by the applicant illustrate the parking of various vehicle types within the garage and the potential storage space, shown on Figures 10, 11 and 12. Conditions of Draft Plan Approval are included that require the developer to provide this information to prospective purchases, specifically as it relates to the garage dimensions and the parking space for their vehicles. This would allow the potential owners to make informed decisions about their purchase when reviewing their Offers of Purchase and Sale, which includes the following Warning Clause:

“Not all vehicle types can be accommodated on the proposed lots whether on the driveway or within a garage area. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”

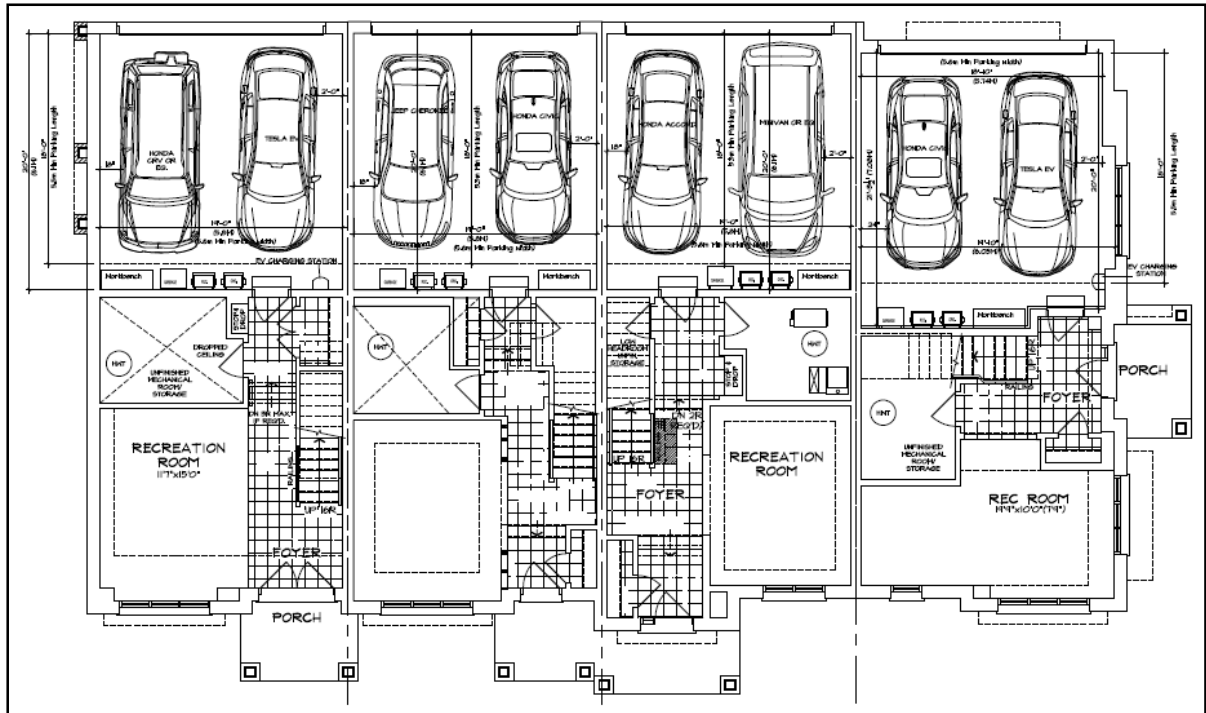


Figure 10: Conceptual Townhouse Ground Floor Plans with Vehicles and Storage

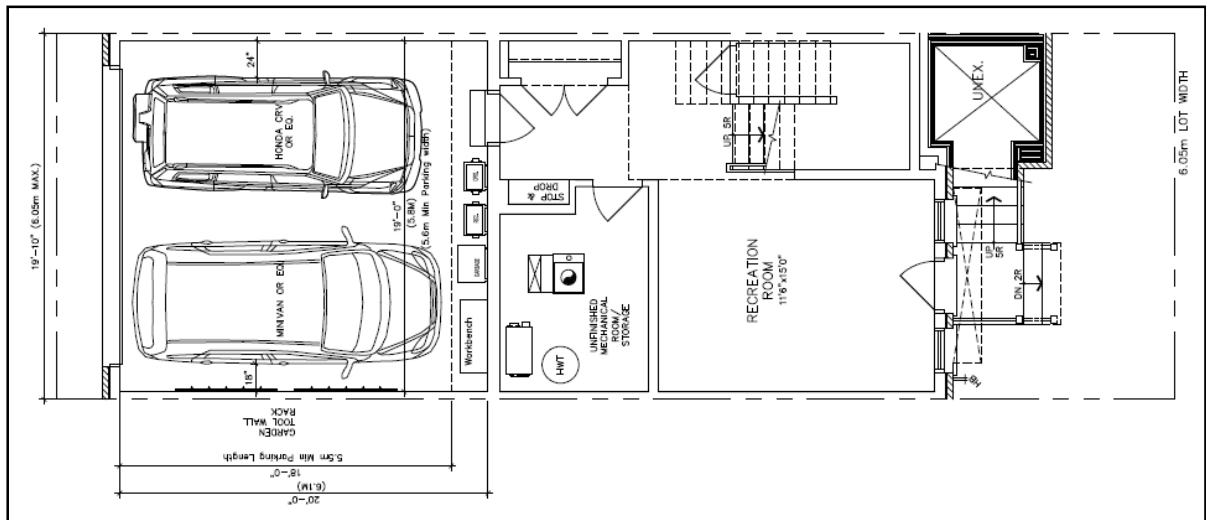


Figure 11: Conceptual Unit Ground Floor Plan with Vehicles and Storage

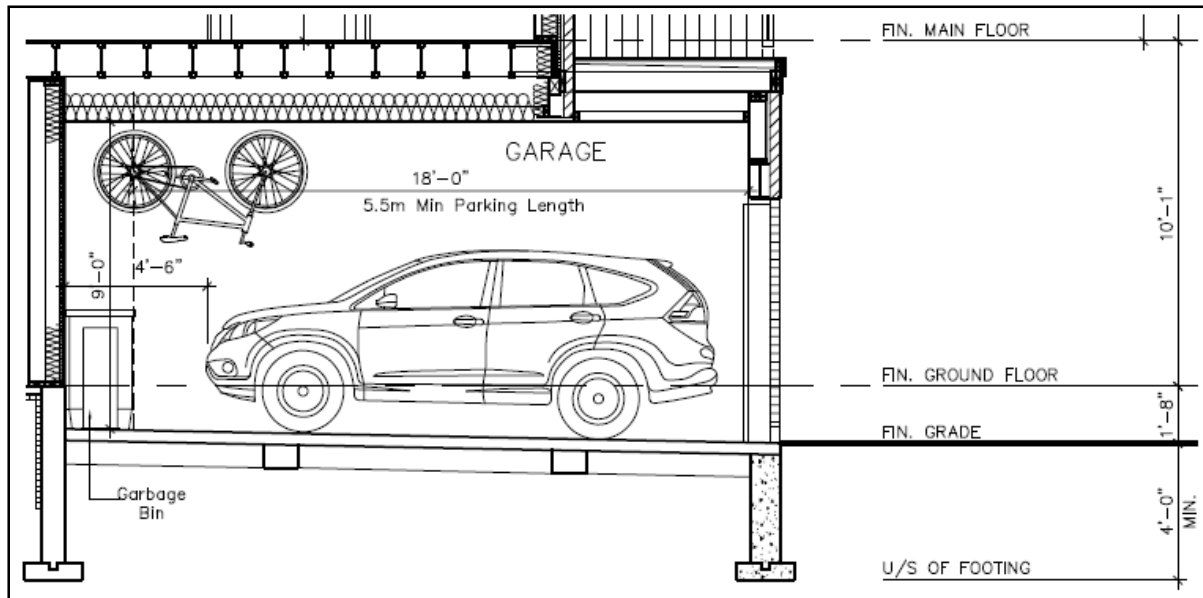


Figure 12: Conceptual Garage Section Plan with Vehicle and Bicycle Storage

Snow Plowing and Storage

The proposed development includes a public lane that provides access to the two-car garages located at the rear of the townhouse units. Snow plowing will be the responsibility of the municipality once it is assumed and the lane has been constructed by the developer to meet Town standards. Winter maintenance will also be the responsibility of the developer until the Town assumes ownership and a Warning Clause to be included in all Offers of Purchase and Sale is required as follows:

“Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal.”

The Towns 2021-2022 Plow Priority Map (Figure 13), deems the lane as a Residential Road consistent with the abutting streets in the surrounding neighbourhood, for example, Lane 166, which is located north of the subject lands, south of Burnhamthorpe Road. As a Residential Road, snow is plowed after it accumulates in excess of 7.5 cm (three inches) to the best ability of the Town within 24 hours after the snowfall event. This service is completed in accordance with O. Reg 239/02 – Minimum Maintenance Standards for Municipal Highways.

There are no specific Town-owned parcels of land that are dedicated for snow storage within the existing subdivision or anticipated as part of this proposed development. Snow that is plowed would be located along the sides of the road

allowance, predominately in the boulevard areas. Additional information can be found on the Towns website at [Snow Clearing \(oakville.ca\)](http://Snow Clearing (oakville.ca))

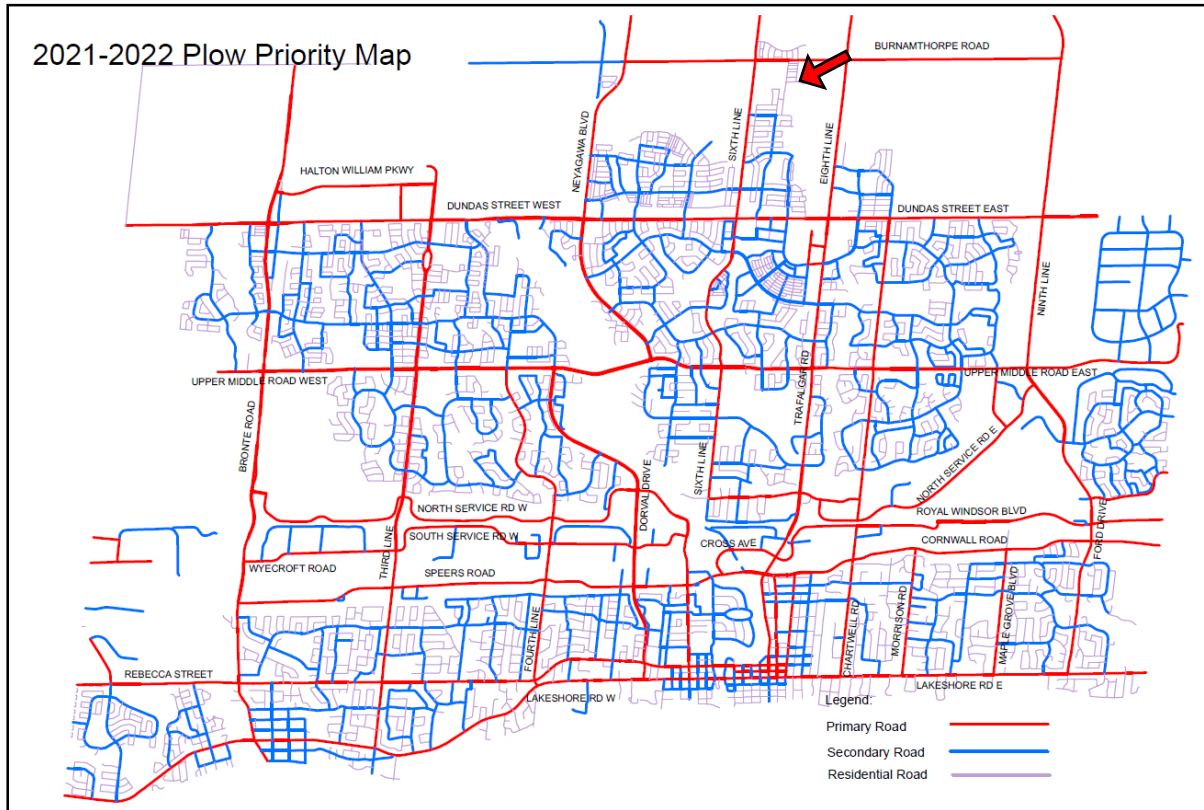


Figure 13: Snow Plow Road Classifications

Electric Vehicle (EV) Charging

With the emergence and growing popularity of electric vehicles, there is an equal growing demand and need for EV charging within private residences. Through discussions with the applicant, Staff were informed that electrical rough-ins to new development are provided by the developer as a paid option for potential purchasers (i.e. 40, 60 and 90 Amps). A Level 1 EV Charger (40 Amp) provides a 12-18 hour charge, whereas a Level 2 EV Charger provides a 6-8 hour charge. This will evolve and improve with time, enhances to technology and the increased range of availability for EV products.

CONSIDERATIONS:

(A) PUBLIC

The applicant held a community consultation Public Information Meeting (PIM) virtually via Microsoft Teams on January 10, 2022, and four members of the public attended.

The statutory public meeting was held on April 4, 2022. No written correspondence has been received since the public meeting. Notice for the meeting regarding this development application was provided through a mailing of all properties within 240 metres of the subject lands. Resident Associations were notified along with property owners in accordance with the *Planning Act* Regulations and Town practices.

(B) FINANCIAL

Development Charges would be applicable to this development. Parkland dedication is satisfied as the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to Agencies and Town Departments for their review and comments, of which Conditions of Approval have been provided in Appendix A.

The Draft Plan of Subdivision application was deemed complete on January 19, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before May 19, 2022, after which the applicant could have filed an appeal for non-decision.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be the most liveable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development generally complies with the Town's sustainability objectives of the Livable Oakville Plan. The proposal has been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities for compact urban form as an efficient use of land.

CONCLUSION:

Staff recommend approval of the Draft Plan of Subdivision application would have the effect of permitting a total of 32 townhouse units on a public laneway. A site-specific Zoning By-law Amendment is not required to implement the proposed development, as the Zoning was established via By-law 2016-120 through the approval of Zoning By-law Amendment application Z.1314.06B.

The subject lands are the final block to be developed as part of the Mattamy Petgor Phase 2 subdivision. It provides for and adds to the mix of housing types found throughout the area. The proposed rear-lane townhouse built form is similar to, but not the same as other townhomes to the north of the subject lands. This results in a

residential land use that is compatible with the previously approved subdivision and equates to a density that is appropriate for the development of the site.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2020) and the Halton Region Official Plan, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the Town's approved Urban Structure and the principles and overall policy direction of the North Oakville East Secondary Plan. Staff recommends approval of the application, subject to the conditions contained in Appendix A as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Issues raised by the Region of Halton have been addressed through conditions of approval.
- The proposal implements the vision, development objectives, community design strategy, and land use strategy of the North Oakville East Secondary Plan.
- The draft plan of subdivision is necessary to facilitate future land division into individual residential lots and is appropriate for the orderly development of the lands.
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.
- Comments from Council have been appropriately addressed.

APPENDICES:

Appendix A – Conditions of Draft Plan Approval

Appendix B – Proposed Draft Plan of Subdivision

Prepared by:

Brandon Hassan, MCIP, RPP, Planner – Planning Services

Recommended by:

Leigh Musson, MCIP, RPP, Manager, East District – Planning Services

Submitted by:

Gabe Charles, MCIP, RPP, Director – Planning Services