

## REPORT

### Planning and Development Council

Meeting Date: July 11, 2022

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**FROM:** Planning Services Department

**DATE:** June 28, 2022

**SUBJECT:** **Public Meeting and Recommendation Report – Halton District School Board – Zoning By-law Amendment – File No.: Z.1309.06 – By-law 2022-024**

**LOCATION:** Part of Lot 9, Concession 1 N.D.S. – Block 57 - 24T-12003/1309

**WARD:** Ward 6 Page 1

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#### RECOMMENDATION:

1. That Zoning By-law Amendment application (File No. Z.1309.06), submitted by the Halton District School Board, 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 June 28, 2022.
2. That By-law 2022-024, a by-law to Zoning By-law 2009-189, as amended, be passed.
3. That Council direct staff to ensure the site plan approval for the proposed development is designed in accordance with the urban design requirements in Appendix “A” of the report from the Planning Services Department dated November June 28, 2022.
4. That Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, submission of a minor variance application, within two years from the date By-law 2022-024 is enacted.
5. That staff be authorized to enter into servicing agreements necessary to implement any interim stormwater solution for the school site to the satisfaction of the Commissioner of Community Development and Town Solicitor or delegates.

6. That notice of Council's decision reflect that Council has fully considered all 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:

- The subject report is a combined Statutory Public Meeting and recommendation report that would modify the site's zoning regulations to allow the processing and final approval of a related site plan. Construction needs to commence this summer to meet the HDSB timelines for a 2023-2024 opening.
- This report recommends approval of a proposed zoning by-law amendment application submitted by the Halton District School Board to permit modifications to the "I – Institutional" zone to permit a public elementary school (North Oakville #3).
- The subject lands are located within the Mattamy(Joshua Creek) limited subdivision also known as "Dunoak" which received draft plan approval from the former Local Planning Appeal Tribunal in 2019.
- The development of the subject lands currently relies on a stormwater pond located within an adjacent plan of subdivision which is under construction but not complete.
- By-law 2022-024 will modify the existing Special Provision 71 regulations for the site, specifically height, parking, and yards. The proposed by-law will also remove the current Holding "H" Provisions H31, 32 and 33 from the site and introduce a new holding provision (H52) to allow for more flexibility in the timing of construction.
- The subject lands are designated *Elementary School Site*, on Figure NOE 2 – Land Use in the North Oakville East Secondary Plan.
- Staff recommend approval of the zoning by-law application as the proposed development is consistent with the Provincial Policy Statement 2020, conforms to all applicable Provincial plans, and the Region of Halton Official Plan as they establish applicable policies to guide intensification in accordance with the Town's established urban structure.
- The application will be considered under Bill 108, which provides a 90-day timeline before an appeal can be filed for lack of decision. The current application was deemed complete on April 5, 2022. An appeal can be filed as of July 4, 2022.

### **BACKGROUND:**

The purpose of this report is to introduce the planning application as part of the statutory public meeting and to provide a comprehensive staff evaluation and a recommendation on a proposed Zoning By-law Amendment application. The effect of the application is to modify the site specific regulations to permit a public

elementary school on the lands, remove three holding provisions and introduce a new holding provision to allow for the school board to commence construction this summer.

The current application was deemed complete on April 5, 2022. The developer initiated a Public Information Meeting/video conference that occurred on April 26, 2022, and was attended by staff, the Ward 6 Councillors, and the School Board Trustee. No members of the public attended.

This report has been prepared as a combined statutory public meeting and recommendation meeting given the HDSB timelines to obtain all the necessary approvals before constructing the school for a 2023-2024 opening.

#### History

Zoning By-law Amendment and Draft Plan of Subdivision applications were approved by the Local Planning Appeal Tribunal (LPAT) on June 11, 2019, which had the effect of rezoning the Dunoak/Mattamy (Joshua Creek) Limited lands for residential uses, stormwater management, elementary school and natural heritage system subject to a number of Holding “H” Provisions. The subdivision included the subject public elementary school block which is intended to serve the surrounding area (Figure 1).

Although an elementary school was permitted on the subject lands, the use was subject to holding provisions designed to ensure that the services necessary to support the school use were in place. In particular, the long-term drainage for the site relies on the stormwater management pond within the adjacent Argo (Joshua Creek) subdivision also shown on Figure 1. The Argo subdivision received draft plan approval on July 2, 2021. The pond is under construction but is not complete.

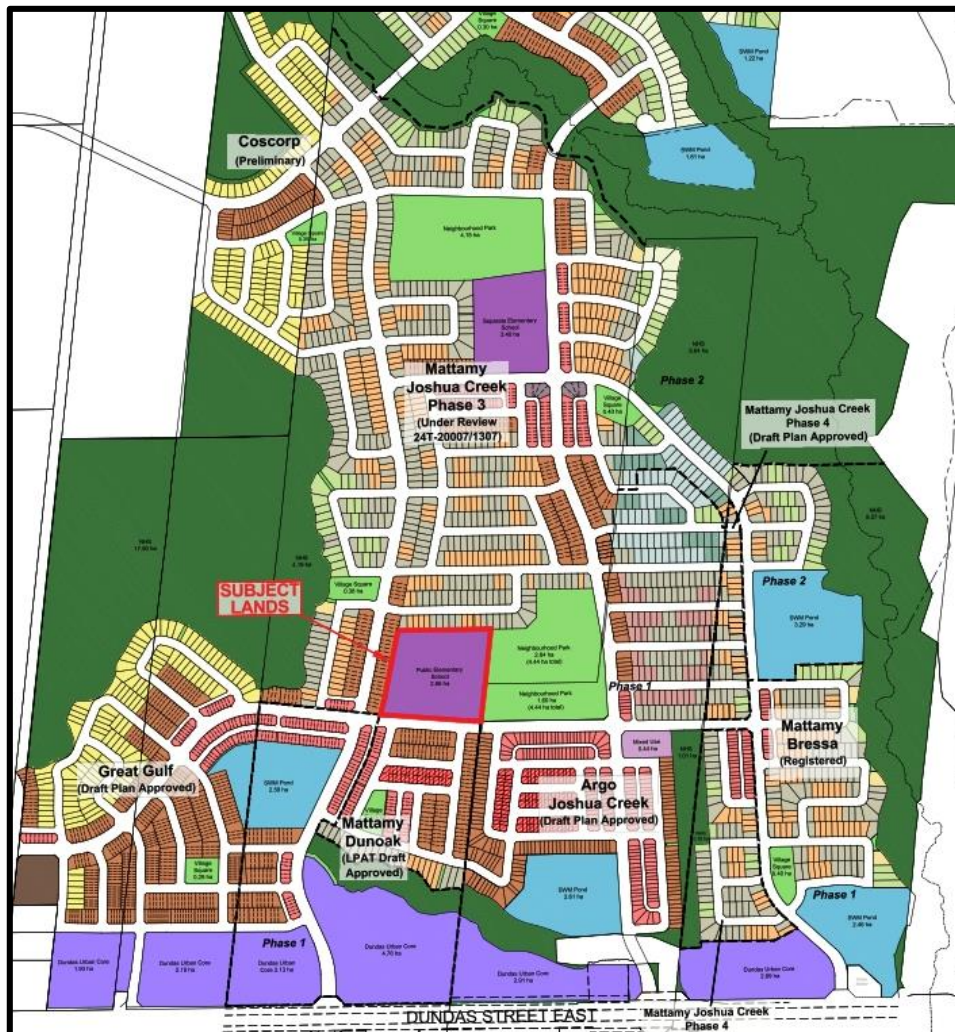


Figure 1: Composite Plan

## Proposal

The applicant has submitted a Zoning By-law Amendment application to permit the construction of a public elementary school on 2.8 ha of land (Figure 2) subject to revised regulations and holding provisions.

### Elementary School Concept Plan

A conceptual rendering/site plan for the school (Figures 2 and 3) was submitted as part of the application. Below is a summary of the proposed development:

- Three-storey public elementary school
- Total floor area is proposed at 7,116 m<sup>2</sup> plus a 700 m<sup>2</sup> daycare
- 39 classrooms plus 18 portables
- Vehicular access is proposed from Wheat Boom Drive
- 157 parking spaces (inclusive of accessible spaces)

- Six small bus/7 car queuing spaces
- 20 bicycle parking spaces



Figure 2 - Rendering

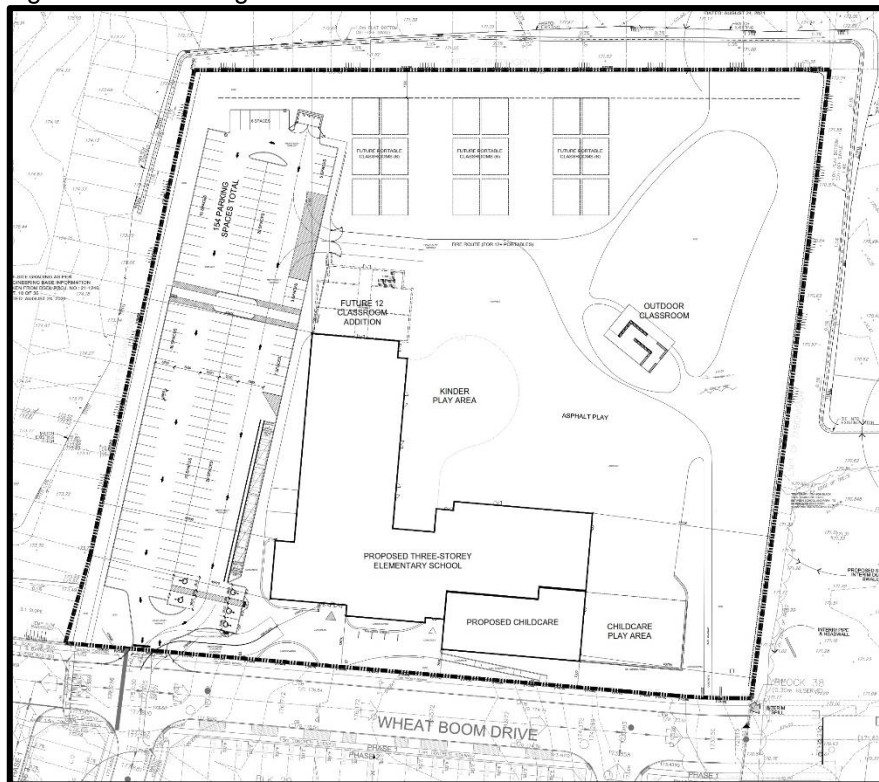


Figure 3: Conceptual site plan

A corresponding site plan application is expected shortly, which will further refine the details around the development of the school block.

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All application submission materials are found on the town's website site at <https://www.oakville.ca/business/da-41052.html>

To accommodate the construction of the school, modifications are required to the existing site-specific zoning regulations as summarized below:

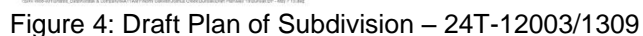
- Increased height to allow for a three-storey elementary school;
- Elimination of the minimum height of the school given the grade difference across the site;
- Increase the maximum # of parking spaces/classroom (which includes parking requirements for portables);
- Apply a blended parking rate for the proposed daycare;
- Remove the maximum front yard setback to take into consideration the grade difference on the site;
- Increase the minimum landscape strip width along the interior and rear lot lines;
- Section 1.7 shall not apply;
- Section 4.13.1 shall not apply;
- Remove Holding Provisions “H31”, “H32” and “H33” and introduce a new H52 to permit school construction to commence in the summer based on interim stormwater management solutions.

## **Location & Site Description**

### Location

The property is located at the northeast corner of John McKay Boulevard and Wheat Boom Drive, as shown in Figure 4. The legal description of the property is Part of Lot 9, Concession 1 N.D.S, but can also be described as Block 57 in Draft Plan of Subdivision 24T-12003/1309. The registration of the subdivision is expected shortly.





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### Site Description

The school site is located between the Argo (Joshua Creek) and Capoak/Redoak subdivisions and is 2.85 ha in size and has approximately 184 m of frontage on Wheat Boom Drive. There is an approximate 5 m drop in grade across the site from west to east. The school block is located west of the future Neighbourhood Park 5 (NP5) and is currently vacant.

### **Surrounding Land Uses**

Generally, the surrounding land uses are as follows (Figure 1):

**South:** Wheat Boom Drive, beyond which is the balance of the Mattamy (Joshua Creek)/Dunoak draft plan of subdivision (24T-12003/1309) which received approval from the LPAT on June 11, 2019. This subdivision consists of detached dwellings, townhouse units, Dundas Urban Core blocks, Natural Heritage System and a stormwater management pond.

**East:** Neighbourhood Park 5 (NP5), which straddles the Argo (Joshua Creek) draft plan approved subdivision (24T-20002) and the Mattamy (Joshua Creek) Phase 3 subdivision (24T-20007) which is currently under review. Beyond which is the Bressa subdivision, which the LPAT approved on February 7, 2019. This subdivision consists of detached dwellings, townhouse units, a Dundas Urban Core block, and a stormwater management pond. Many of the dwellings within this subdivision are resident-occupied.

**West/North:** The Mattamy (Joshua Creek) Phase 3 subdivision (24T-20007) which is currently under review. This proposal consists of detached dwellings, townhouse units, a Halton Catholic District Elementary school (NO#5 CES) and Neighbourhood Park 10 (NP10).

### **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 (2019)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

### **Provincial Policy Statement**

The Provincial Policy Statement (2020) (PPS) continues to recognize 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 PPS (2020) promotes the integration of land use planning, growth management, and transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. On this basis, the proposed rezoning is consistent with the PPS (2020).

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') 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 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, provide a diverse range and mix of housing options, and expand convenient access to transportation options. On this basis, the proposed rezoning conforms to the Growth Plan.

### **Halton Region Official Plan**

The subject lands are designated "Urban Area" in the Halton Region Plan based upon the provincial approval of Regional Official Plan Amendment 48. 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 is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

In a letter dated April 25, 2022, Halton Region advised Town staff that they have no objection to the proposal and Holding Provisions 31, 32 and 33 have been addressed to its satisfaction.

### **North Oakville East Secondary Plan**

#### **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 and Natural Heritage System*. 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*, confirmed 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 in the east and Tremaine Road in the west. The NOESP is not part of the *Livable Oakville Plan* but endures as an amendment to the town's 2006 Official Plan.

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

Educational Facilities are permitted uses in most land use designations subject to some conditions within the North Oakville East Secondary Plan as outlined in Section 7.6.2.2. The land use designations which apply to the subject lands consist of *Neighbourhood Area* with the *Elementary School Site* symbol on Figure NOE2, Land Use Plan (Figure 5).

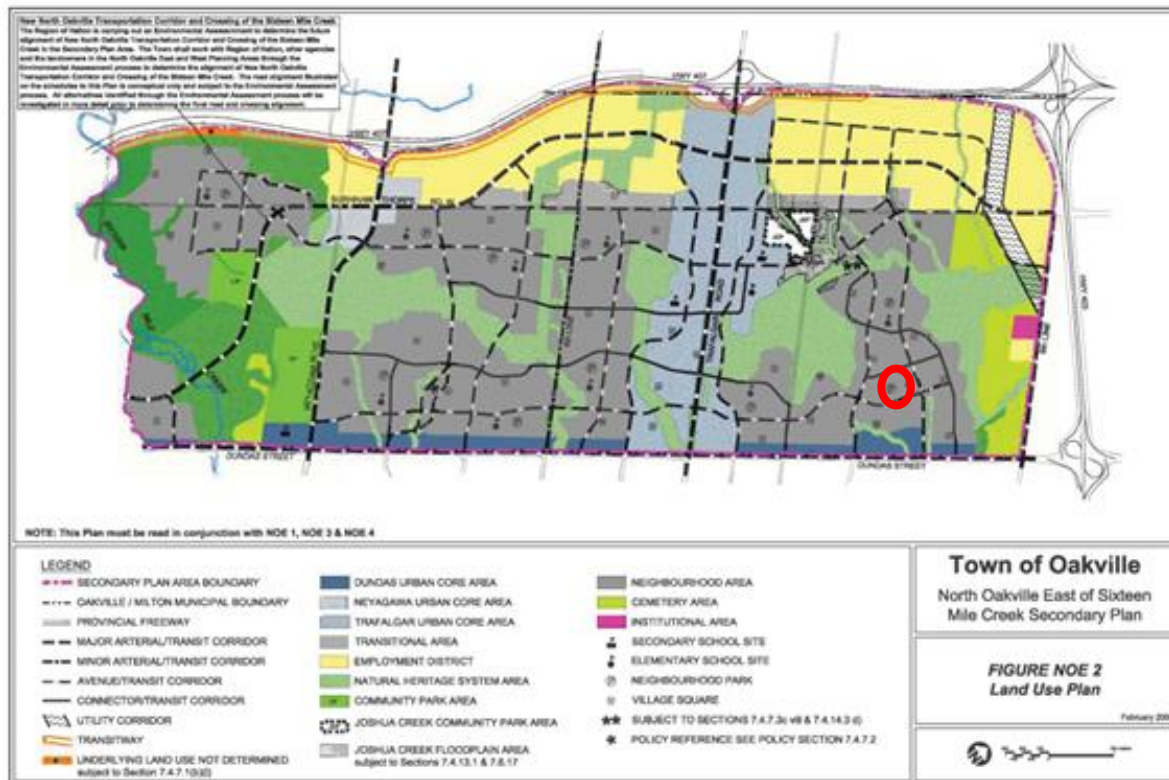


Figure 5 – NOE 2 – Land Use Plan ○ General location of the subject lands

### Master Plan – Appendix 7.3

The North Oakville Master Plan is intended to provide 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 are maintained (Section 7.5.2).

This site is identified as an *Elementary School Site* within the Master Plan.

### Zoning By-law (By-law 2009-189)

The North Oakville Zoning By-law sets the zoning standards with the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law (By-law 2009-189) on November 23, 2009.

The subject property is zoned "*I – Institutional*" subject to special provision 71. Holding Provisions "H31", "H32" and "H33" also apply to the lands (Figure 6).

A zoning amendment is required to implement the proposal.

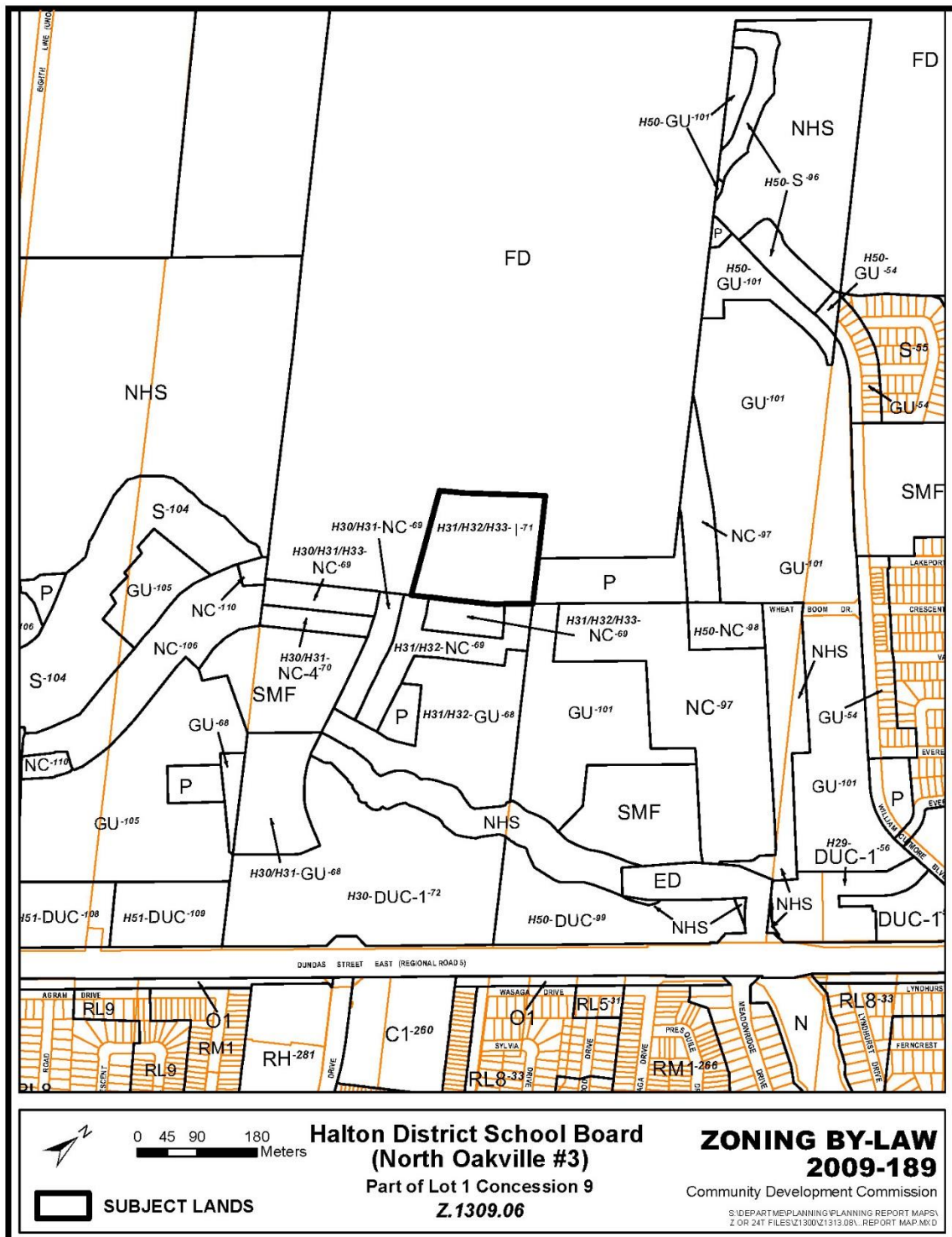


Figure 6 – Zoning By-law Extract

### Proposed Zoning By-law 2022-024

Zoning by-law 2022-024 was prepared to modify the *I-Institutional* regulations specific to this school site and is based on the conceptual site plan and the following information:

#### North Oakville Public Elementary School Statistics (NO#3):

- # of Classrooms – 39
- # of portables (max) – 18
- Daycare – 700 m<sup>2</sup> or 88 pupils

#### School Comparison:

	<b>Proposed School (NO#3)</b>	<b>Dr. David William</b>	<b>Oodenawi</b>	<b>Joshua Creek (south of Dundas)</b>
<b>SCHOOL CAPACITY:</b>				
Building Capacity (OTG*)	788	792	762	806
Max Capacity (OTG + portables)	1202	1344	1176	990
Daycare Capacity (# pupils)	88	88	0	0
<b>POPULATION:</b>				
2021 Student Population	1202**	1075	1005	881
2021 School Staff Counts	127**	85	117	86
2021 Daycare Staff Counts	19**	19	-	-
2021 Staff Counts Totals (including daycare)	147**	104	117	86
<b>CLASSROOMS:</b>				
# of Classrooms	39	33	36	36
# of Portables (max)	18	24	18	8
2021 Portable Counts	-	12	11	5
<b>PARKING:</b>				
Total # Parking Spaces	152 + 5 ACC	107 + 5 ACC	69 + 3 ACC	93 + 3 ACC
Bus-layby	Off Site (large) On Site (small)	Off Site Layby	Off Site Layby	On Site
Parent Pick Up Drop Off	Off Site/On Site Parking	On Site (12 spaces)	On Site (+/- 6 cars on site)	On Site (closed)
Total Drop Off spaces	6 small buses or 7 cars	12 cars on site	+/- 6 cars on site	Closed

\*On the ground capacity – the permanent capacity of the school building

\*\* Maximum when school is at maximum capacity, including 18 portables are on site

The following is an overview of the proposed zoning by-law:

<b>INSTITUTIONAL</b>	<b>2009-189 (required)</b>	<b>Proposed SP71</b>
<b>Regulations:</b>		
Front yard (min)	3.0 m	complies
Front yard (max)	6.0 m	shall not apply
Interior side yard (min)	3.0 m	complies
Rear yard (min)	7.5 m	complies



Height (min)	11.0 m	shall not apply
Height (max)	16.0 m	18.0 m
Landscape strip (min)	3.0 m	4.5 m

PARKING	2009-189 (required)	Proposed SP71	Providing
Parking (elementary school):			
Parking space/classroom* (min)	1	-	118 spaces
Parking space/classroom* (max)	2	3	
Queued parking	No requirement in the North Oakville By-law	-	6 spaces for small buses or 7 for cars
Parking – bicycle (min)	7% of automobile parking spaces (11 spaces required)	-	20
Parking (day care centre):			
Parking space/40m <sup>2</sup> leasable floor area (min)	1	1 parking space/18m <sup>2</sup> leasable floor area (min)**	39 spaces
Parking space/30m <sup>2</sup> leasable floor area (max)	1		
Queued parking space/5 pupils (max)	1		
TOTAL (Required)			75
TOTAL (Proposed)			157

\*classrooms includes portables

\*\*combined the parking requirement for maximum leasable floor area and maximum queued parking for a minimum parking requirement associated with the day care centre.

### School Parking:

The North Oakville zoning by-law for a high school or elementary school provides the following parking regulations:

- Elementary school
  - 1 parking space/classroom minimum
  - 2 parking spaces/classroom maximum
  - No requirement to provide queueing spaces
- High school
  - 1 parking space/classroom minimum
  - 3 parking spaces/classroom maximum
  - No requirement to provide queueing spaces

The HDSB has acknowledged that parking has been problematic at other school sites in North Oakville. They have indicated that the issues experienced at other school sites are at the forefront of this school's design to rectify those issues. The proposed zoning by-law has increased the maximum parking spaces/classroom to correspond with the high school rate (3 parking spaces/classroom). Although the school board intends to design the site with more than 1 space/classroom maintaining the existing standard would provide the most flexibility at the site plan stage. For example, during the site plan review, if it is decided the small bus queue lane should be increased to accommodate 8 small buses (thereby losing 2-3 parking

spaces) the development will still comply with the zoning by-law. Lastly, increasing the maximum number of parking spaces to 3 spaces/classroom will also allow more flexibility.

Day Care Parking:

The North Oakville zoning by-law for a day care centre provides the following parking regulations:

- 1 parking space per 40 m<sup>2</sup> of leaseable floor area minimum
- 1 parking space per 30 m<sup>2</sup> of leaseable floor area maximum
- 1 queued parking space per every five pupils maximum is required

The HDSB has indicated that the day care centre will be 700 m<sup>2</sup> in size and can accommodate a maximum of 88 children. Using the existing zoning by-law regulations, the school board is required to provide 18-23 parking spaces and 18 queued parking spaces, giving a combined minimum of 36 parking spaces and a maximum of 41 parking. The HDSB has advised that parents accessing the day care facility typically will park and physically walk their child into the building, thereby defeating the purpose of a queuing area. The proposed by-law includes a blended rate for a day care centre of 1 parking space per 18m<sup>2</sup>, giving a minimum number of 39 physical parking spaces which is consistent with the maximum number of parking under the existing zoning.

Although the HDSB concept plan includes 6 small bus/7 car queued spaces the HDSB has advised that queue lanes are vacant for the majority of the day. Given the issues at other school sites north of Dundas Street, this school has been designed to provide more physical parking spaces on site, thereby reducing the need for teacher off-site parking passes. Transportation and Engineering staff are supportive of maximizing the on-site parking.

Other modifications to the By-law:

The proposed by-law also increases the landscape strip along the interior and rear lot lines to allow for additional landscaping with the effect of buffering the school parking lot from the abutting residential uses. The landscape strip will be further reviewed as part of the future site plan application.

Modifications to the front yard setbacks and height regulations will allow for a 3-storey school to be constructed, also considering the 5 m grade drop from west to east.

Sections 1.7 iii) shall not apply, which will provide flexibility to allow the school board to commence construction of the school concurrently with the construction of the ultimate stormwater management pond (discussed later in this report).

Section 4.13.1 shall not apply. This is included within the by-law in the unlikely event the school commences construction prior to the registration of the larger subdivision. Registration of the subdivision is expected imminently.

Holding Provisions:

The Dunaok/Mattamy (Joshua Creek) Ltd. Zoning By-law Amendment and Draft Plan of Subdivision applications were approved by the Local Planning Appeal Tribunal (LPAT) on June 11, 2019, which had the effect of rezoning the subdivision lands for residential uses, stormwater management, elementary school and natural heritage system subject to several Holding “H” Provisions.

Holding Provisions “H31” and “H33” were incorporated into the Zoning By-law at the request of the Region of Halton. The Holding “H” Provisions were to ensure that sufficient water and wastewater servicing allocation has been secured and that sanitary sewer services are constructed and commissioned through the abutting lands to the east or an alternative satisfactory to the Region.

Holding Provision “H32” was incorporated into the Zoning By-law at the request of Conservation Halton and the Town. The purpose of the Holding “H” Provisions was to ensure that the stormwater management pond on the Argo lands was constructed, certified, stabilized, operational and in public ownership before the removal of the hold.

As part of this rezoning application, the HDSB has requested the removal of the holding provisions to allow for the construction of the school to meet its timelines for a 2023/2024 opening. The request was circulated to the Region of Halton, Conservation Halton and Town staff to evaluate the merits of removing the holding provisions related to the school block. A review of each holding provision is provided below.

Holding Provision “H31”:

H31	Mattamy (Joshua Creek) Limited Part of Lot 9, Concession 1, N.D.S	Parent Zone: GU, NC-4, NC
Map 12(6)		(2019-062)
9.3.31.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	Legal <i>uses</i> , <i>buildings</i> and <i>structures</i> existing on the <i>lot</i>	
9.3.31.2 Conditions for Removal of the "H"		

The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the *Planning Act*. The following condition shall first be completed to the satisfaction of the Town of Oakville:

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| a) | That water and wastewater Servicing Allocation has been secured for the subject lands and the proposed development through Halton Region; and that Halton Region provides correspondence indicating that sufficient water and wastewater servicing allocation has been secured to support the development. |
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Holding Provision "H31" deals with the Regional Allocation Program. Although the school site does not require the assignment of Single Detached Equivalents (SDEs), it is required to ensure the necessary infrastructure is in place to support the development. Regional staff advised that a Public Works Commissioner's Notice was issued on January 18, 2021, and as such, the above Holding Provision is no longer required.

Staff note that although the existing zoning map identifies "H31" on the school block the header of "H31" is missing the reference to the *I-Institutional* zone.

Proposed by-law 2022-024 removes Holding Provision "H31" from the school block.

Holding Provision "H32":

H32	Mattamy (Joshua Creek) Limited Part of Lot 9, Concession 1, N.D.S	Parent Zone: GU, NC, NC-4, I
Map 12(6)		(2019-062)
9.3.32.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	Legal <i>uses</i> , <i>buildings</i> and <i>structures</i> existing on the <i>lot</i>	
9.3.32.2 Conditions for Removal of the "H"		
The "H" symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u><i>Planning Act</i></u> . The following condition shall first be completed to the satisfaction of the Town of Oakville:		

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a)	That Stormwater Management Pond 54 (located on the Argo/Diam lands abutting the subject lands to the east) is zoned, constructed, certified, stabilized, operational and in public ownership in accordance with Town approved engineering drawings, MOECC Environmental Compliance Approval (ECA and Conservation Halton permits) to the satisfaction of the Town of Oakville, Regional Municipality of Halton and Conservation Halton.
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Holding Provision “H32” was placed on the lands at the request of the Town, Region of Halton and Conservation Halton. The purpose of the Holding “H” Provision was to ensure that stormwater management pond on the Argo lands was constructed, certified, stabilized, operational and in public ownership before the removal of the Hold.

Before submitting the current application, the Town, Region, Conservation Halton, HDSB, Mattamy and Argo met on numerous occasions to discuss the timing of the school construction in relation to the construction of the Argo pond and the registration of the subdivision. Based on the wording above, the holding provision could not be lifted until the Argo pond is constructed, certified, stabilized and in public ownership (a block in a registered plan of subdivision). The effect of the current wording prohibits the school from starting construction, thereby delaying the opening of the school for the 2023-2024 school year.

The HDSB submitted a Functional Servicing Report (FSR) to provide interim and ultimate stormwater management solutions while the Argo pond is under construction. The school board is desirous of commencing construction of the school concurrently with the construction of the ultimate Argo pond. Argo has already constructed the sediment control pond, and they anticipate the fully completed pond this fall which would align with the school board's timing.

Staff are proposing to remove Holding Provision “H32” and replace it with a new Holding Provision “H52” that will allow the HDSB to further refine the FSR addressing the interim and ultimate stormwater management solutions. Once reviewed by Conservation Halton and the Town, the holding provision can be removed and the school can commence construction concurrently with Argo pond construction. The Town also requires a servicing agreement between the HDSB and Argo to formalize an interim outlet for the school block on the Argo lands should the need arise. The updated FSR will be reviewed as part of the site plan application and the construction of any works necessary to implement the interim solution and manage stormwater from the site prior to the completion of the pond will be secured through the site plan agreement and/or servicing agreements involving Argo and HDSB.



Staff is proposing the following Holding Provision:

H52	Mattamy (Joshua Creek) Limited/ Halton District School Board Part of Lot 9, Concession 1, N.D.S	Parent Zone: I
Map 12(6)		(2022-024)
9.3.52.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i>	
9.3.52.2 Conditions for Removal of the "H"		
The "H" symbol shall, upon application by the landowner, be removed by a By-law under Section 36 of the <u>Planning Act</u> . The following condition shall first be completed to the satisfaction of the Town of Oakville and Conservation Halton:		
a)	A satisfactory Functional Servicing Report demonstrating interim and ultimate servicing connections from a stormwater management perspective to the satisfaction of the Town and Conservation Halton; and,	
b)	One or more executed servicing agreements are in place to facilitate and secure construction of either an interim outlet for the school block, or ultimate stormwater management connections.	

The above Holding Provision was reviewed by the Town's Stormwater Management engineer, Conservation Halton and the Region of Halton and are satisfied with the above approach. Halton Region has advised that they do “...*not have a direct interest in this provision,*” and as such, “H52” is to the satisfaction of the Town and Conservation Halton.

Proposed by-law 2022-024 removes Holding Provision “H32” from the school block and incorporates “H52”.

Holding Provision “H33”:

H33	Mattamy (Joshua Creek) Limited Part of Lot 9, Concession 1, N.D.S	Parent Zone: NC, NC-4, GU, I,
Map 12(6)		(2019-062)
9.3.32.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i>	

**9.3.32.2 Conditions for Removal of the "H"**

The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the *Planning Act*. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:

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|----|--|
| a) | That sanitary sewer services are constructed and commissioned through the abutting lands to the east ("Argo/Diam") or an alternative satisfactory to the Regional Municipality of Halton is accepted, constructed and commissioned to the satisfaction of the Regional Municipality of Halton. |
|----|--|

Holding Provision "H33" relates to the servicing of the site through the abutting Argo subdivision and allows for an alternative servicing scheme to be considered. The applicant provided a Functional Servicing Report (FSR) as part of the application that proposes an interim servicing solution where the proposed sanitary sewer would be connected to the existing sanitary sewer system located west of the property if servicing through the Argo subdivision is not available.

The Region has advised that there are no impacts on the Region's water or sanitary sewer system from this proposed development, as demonstrated in the FSR. The Region supports the interim servicing solution proposed in the FSR, which would be required should the ultimate wastewater and water servicing not be in place in time to service the school. As such, the above Holding Provision is no longer required.

Proposed by-law 2022-024 removes Holding Provision "H33" from the school block.

**TECHNICAL & PUBLIC COMMENTS:**

The proponent has provided technical studies supporting the application, which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application were undertaken to ensure that all technical matters were satisfactorily addressed.

The following studies and supporting documentation are available on the town's website <https://www.oakville.ca/business/da-41052.html>

- Context Map
- Mattamy (Joshua Creek) draft plan of subdivision
- Conceptual Site Plan, including elevations and floor plans
- Grading Plan
- Interim grading and drainage plan
- Planning Justification Report
- Draft Amending Zoning By-law
- Traffic Impact Study

- Functional Servicing Report

**Technical Comments:**

Consistency with the PPS and Conformity with the Growth Plan, Regional Official Plan, and North Oakville East Secondary Plan

The proposed development would allow for the expedited construction of a public elementary school which the NOESP contemplates. It is staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2020 Growth Plan, the Region of Halton Official Plan, and the NOESP.

Neighbourhood Park #5

The North Oakville East Parks Facilities Distribution Plan (November 2009) is a document to be used as a guide for the location, configuration, design and development of the parks system for the North Oakville East Secondary Plan, (NOESP). The North Oakville East Parks Facilities Distribution Plan contemplates ten neighbourhood parks, two community parks and 30 village/urban squares based on a population target between 45,000 and 55,000 people.

These parkland obligations were formalized through the Master Parkland Agreement and is part of the OMB settlement for the NOESP in 2008.

Neighbourhood Park #5 currently straddles the draft approved Argo (Joshua Creek) subdivision and the Mattamy (Phase 3) subdivision (currently under review). It is anticipated that the total park size will be 4.44 hectares.

Argo/Mattamy prepared a parks facility fit plan which is currently under review by the Parks and Open Space Department. The current concept is shown as Figure 7.

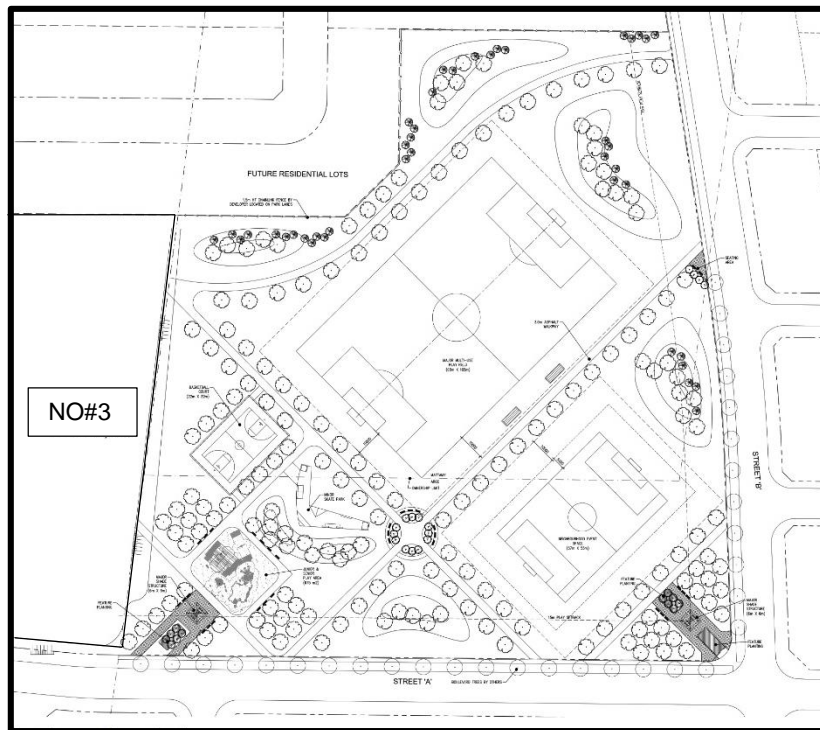


Figure 7 – Neighbourhood Park #5 Concept

It is anticipated that there will be pedestrian connections between the school block and the park block, which will be further reviewed as part of the future site plan application for the school block.

**On-Street Parking:**

As part of the application, an on-street parking analysis was provided to demonstrate on-street parking opportunities in the vicinity of the school block (Figure 8)

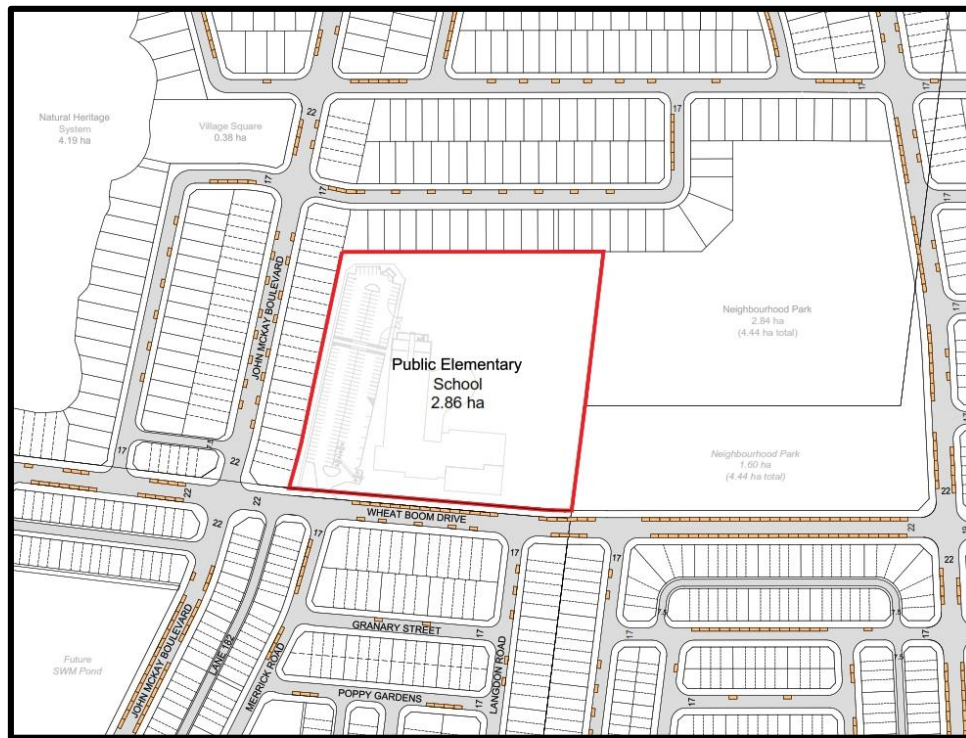


Figure 8 – On-street parking opportunities

The above plan was prepared in conjunction with Mattamy and Argo and will be further refined as part of the detailed engineering review of the abutting subdivisions. The HDSB has requested the ability to use the on-street parking on the north side of Wheat Boom in front of the school for certain times of the day for large bus pick-up and drop-off. Transportation and Engineering staff have reviewed the conceptual site plan and advised that they had no concerns with the bus pick-up and drop-off with appropriate signage. In terms of parent pick up and drop off, Transportation staff raised no concerns with the proposed school layout and through the site plan process, it will be required that at least 10% of the parking is labelled for visitor parking and that the school board provides sufficient parking spaces for their staff.

Transportation and Engineering also did not raise any issues about the shared on-site queuing for six small buses/seven cars.

Based on the above plan there is approximately 100 on-street parking spaces in close proximity to the park (not including the parking in front the school or on the side streets).



Future Site Plan Application:

The HDSB provided a conceptual site plan (Figure 3) as part of the rezoning application. The detail design of the school block will be further reviewed and refined as part of a formal site plan application submission.

The Urban Design Requirements (Appendix “A”) establish additional architectural and site design requirements which will guide the design of the public realm and interface, the built form (i.e. massing and articulation of the proposed building), and the landscaping treatments for the subject site through the Site Plan process.

In addition, Planning staff have had preliminary discussion with the HDSB to explore opportunities to incorporate electric vehicle charging stations as part of the development. This will also be further explored as part of the future site plan application.

Lastly, if, through the site plan application review, other zoning modifications are required due to changes in site layout, staff recommend that Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, permission for the HDSB to submit a minor variance application within 2 years from the date the By-law 2022-024 is enacted.

**Public Comments**

The applicant hosted Public Information Meeting on April 26, 2022. No members of the public attended. Two written submissions were received however, the issues/questions were not related to the current application but rather to school boundaries. Written submissions are included within Appendix "D".

**CONCLUSION:**

Staff recommends approval of the zoning by-law amendment which allow the construction of a public elementary school with a target opening date of 2023/2024.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) 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 recommend that By-law 2022-024 be passed as the following requirements have been satisfied:

- A full circulation has been undertaken, and there are no outstanding planning issues to be resolved.
- The proposal implements the vision, development objectives, community design strategy, and land use strategy of the North Oakville East Secondary Plan.

- Approval of the application will assist in bringing a much needed elementary school online to service the North Oakville community.

By-law 2022-024 is attached as Appendix "C".

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice for the meeting 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.

Two written submissions were received but the issues/questions were not related to the current application but rather to school boundaries. Written submissions are included within Appendix "D".

An applicant-hosted public information meeting/video conference took place on April 26, 2022, that was attended by staff, the Ward 6 Councillors and the school board trustee. No residents attended the meeting. Minutes from the meeting can be found at Appendix "E".

The current application was deemed completed on April 5, 2022. An appeal can be filed as of July 4, 2022.

### **(B) FINANCIAL**

There are no financial implications arising from this report.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The rezoning application was circulated to internal and external departments and agencies for comment. No concerns were raised prior to the finalization of this report.

### **(D) CORPORATE STRATEGIC GOALS**

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

- be the most livable town in Canada

### **(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the Town's sustainability goals and objectives of the North Oakville East Secondary Plan. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities to reduce the development footprint of the proposal.

**APPENDICES:**

Appendix "A" – Urban Design Requirements

Appendix "B" – Applicable Policy Excerpts

Appendix "C" – By-law 2022-024

Appendix "D" – Written Submission

Appendix "E" - Applicant Hosted Public Information Meeting Minutes – April 26, 2022

Prepared and Recommended by:

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