



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: September 6, 2022

FROM: Planning Services Department

DATE: August 23, 2022

SUBJECT: **Public Meeting and Recommendation Report, Official Plan Amendments, Sixth Oak Inc., 103 Burnhamthorpe Road West, File No.: OPA.1216.01, By-laws 2022-065 and 2022-066**

LOCATION: Northwest corner of Sixth Line and Burnhamthorpe Road West

WARD: Ward 7 Page 1

RECOMMENDATION:

1. That Official Plan Amendment application submitted by Sixth Oak Inc., (File No.: OPA.1216.01) 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, Livable Oakville Plan and 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 August 23, 2022.
2. That By-law 2022-065, a by-law to adopt an Official Plan Amendment to the Livable Oakville Plan as it applies to 103 Burnhamthorpe Road West (Sixth Oak Inc.), be passed.
3. That By-law 2022-066, a by-law to adopt an Official Plan Amendment to the 1984 Oakville Official Plan (North Oakville East Secondary Plan) as it applies to 103 Burnhamthorpe Road West (Sixth Oak Inc.), be passed.
4. 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.
5. That staff be authorized to enter into agreement(s) as required with one or more property owners near or adjacent to Sixth Line in order to facilitate any

financial compensation to the town for the design, construction and approval of local municipal services and utilities for works that would otherwise be carried out by the developer, provided such agreements are at nominal cost to the Town and on terms satisfactory to the Town Solicitor and the Director, Transportation & Engineering.

KEY FACTS:

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

- The overall development of the site was previously discussed with Council at the May 2, 2022 Planning and Development/Council meeting. The proposal has the effect of permitting the development of approximately 23 hectares of land for a future employment block, a block for a secondary school, a stormwater management pond, and three natural heritage system blocks. This requires Official Plan and Zoning By-law Amendments and a Draft Plan of Subdivision.
- The Official Plan Amendments only relate to the lands associated with the future secondary school and not the remaining lands.
- The subject report is a combined Statutory Public Meeting and Recommendation Meeting on the Official Plan Amendment application only. Because staff propose changes to the Urban Structure schedule, which relates to the Livable Oakville Plan, an additional Official Plan Amendment and public meeting is necessary.
- Staff are targeting Q1 2023 for the associated Zoning By-law Amendment and Draft Plan of Subdivision, which will implement the proposed Official Plan amendments.
- The subject report recommends approval of the two proposed Official Plan Amendments (OPA 48 and OPA 327). OPA 327 also includes the relocation of the secondary school symbol from the northwest corner of the intersection of Neyagawa Boulevard and Dundas Street West to the subject site.
- The two proposed Official Plan Amendments are attached as Appendices “B1” and “B2”.
- The land subject to the Official Plan Amendment is designated *Employment District* within the North Oakville East Secondary Plan (Figure NOE2).
- The lands are presently zoned Future Development (FD) within Zoning By-law 2009-189, as amended.

Staff are recommending approval of two official plan amendments as the proposed development conforms to the Livable Oakville Plan and NOESP. The amendments are also consistent with the Provincial Policy Statement 2020, conform to all applicable Provincial plans, the Region of Halton Official Plan (implements ROPA 48), as they establish applicable policies to guide future development and aid in the achievement of complete communities.

BACKGROUND:

The purpose of this report is to provide a full staff review of the Official Plan Amendment component of the larger OPA/ZBA/Draft Plan of Subdivision application submitted by Sixth Oak Inc. and provide a recommendation.

The application was deemed complete on February 17, 2022. The *Planning Act* provides for a 120 day timeline to make a decision on this application (June 17, 2022), after which the applicants can file an appeal for non-decision.

A statutory public meeting for this application was hosted by Council on May 2, 2022. No members of the public attended or made submissions.

Proposal

The overall proposal, as submitted by Sixth Oak Inc., reflects the development of approximately 23 hectares of land as referenced below and as seen on Figure 1 below:

- one employment block (Block 1)
- one secondary school block (Block 2);
- a stormwater management pond (Block 3); and,
- three natural heritage system blocks (Blocks 4 – 6).

The three NHS blocks, which are to be conveyed to the Town as part of the overall North Oakville NHS system, comprise approximately 9.2 hectares of land and represents approximately 39% of the site.

Future access to the site will be from Burnhamthorpe Road West, Sixth Line and the future extension of William Halton Parkway.

Notwithstanding the above, the Official Plan Amendment submitted by the applicant, only relates to Block 2 on the associated draft plan as highlighted by the star on Figure 1. The amendment strictly relates to the future development for the secondary school site.

The applicant's amendment proposes to:

- amend Schedule A1 of the Livable Oakville Plan consistent with ROPA 48;
- remove the Employment District designation from the Community Structure (Figure NOE1- NOESP)
- re-designate a portion of the site from Employment District to Transitional Area (Figure NOE2 - NOESP);

- relocate the secondary school symbol from the northwest corner of Neyagawa Boulevard and Dundas Street West to this site on Block 2 (Figure NOE2 - NOESP); and,
- amend Official Plan policies related to development of the proposed secondary school use.

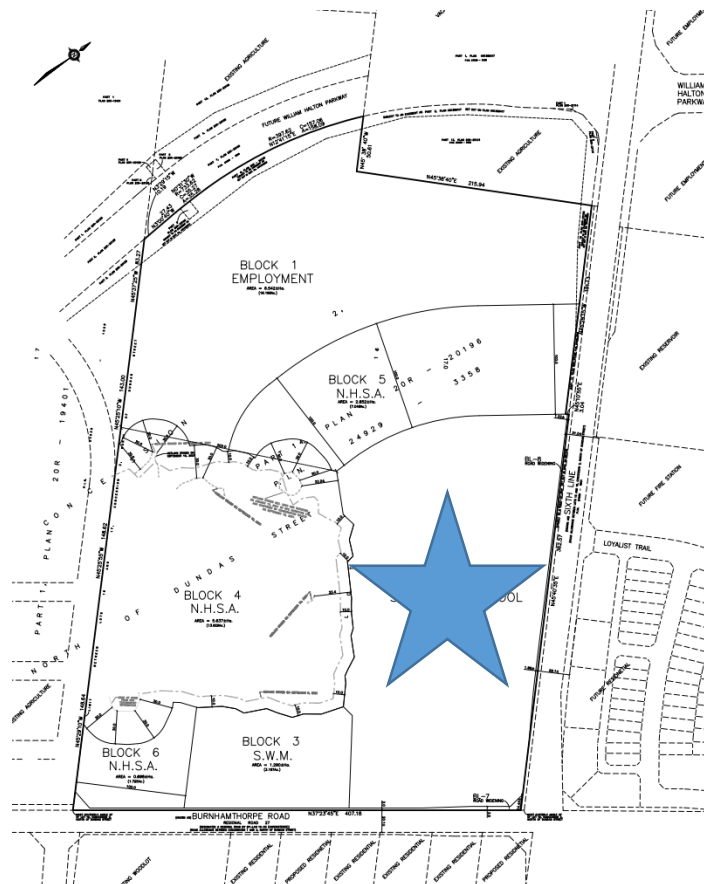


Figure 1 – Excerpt from Proposed Draft Plan NTS

All application submission materials are found on the town's website site at <https://www.oakville.ca/business/da-40680.html>.

Location / Site Description / Surrounding Land Uses

The overall subject land is located at the northwest corner of Burnhamthorpe Road West and Sixth Line.

The lands are remnant agricultural lands with a wooded area (Core 6 as identified by the North Oakville Creeks Subwatershed Study).

The majority of the property is contained within the West Morrison Creek subcatchment area with a small portion within the 16 Mile Creek subcatchment area.

Lands to the east are also designated Transitional Area and have been developed for residential uses. There is also a Halton Region water reservoir. Development applications for the lands to the south have already been discussed with Council at previous Planning and Development / Council meetings.



Figure 2 – Airphoto - NTS

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 (2020)

The Provincial Policy Statement (2020) (PPS), which came into effect on May 1, 2020, 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 appropriate employment development and 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. In addition, the application addresses a provincial interest as set out in Section 2 of the *Planning Act* regarding the provision and distribution of educational facilities.

On this basis, the proposed Official Plan Amendments are consistent with the PPS (2020).

Growth Plan (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 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, provide a diverse range and mix of employment and housing options, and expand convenient access to transportation options.

On this basis, the proposed Official Plan Amendments are consistent with the Growth Plan.

Halton Region Official Plan

The subject lands are designated "Urban Area" in Halton Region's Official Plan (ROP) with portions of "Regional Natural Heritage System" (RNHS). 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.

Regional Official Plan Amendment No.48 (ROPA 48 – approved by the Province in November 2021) was undertaken as part of the Region’s municipal comprehensive review process. Within ROPA 48, the northerly area of Block 2, the proposed secondary school site (illustrated in Figure 1 above), was re-designated from *Employment Area* to *Urban Area*. Neither the Regional Natural Heritage System nor the proposed Block 1 changed – these remain part of the regional Employment Area designation.

Regional staff stated “...that as part of ROPA 48, a portion of the employment area overlay was removed from the subject lands. As such, the re-designation of this area would be keeping with Regional employment area overlay”. Appendix A contains the Region’s June 2, 2022 letter to the Town.

Livable Oakville Plan

Urban Structure

Official Plan Amendment 317 to the *North Oakville East Secondary Plan* confirms the Town’s existing urban structure. OPA 317 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the structural elements for the Town and identifies the site as *Employment Areas*. OPA 48 proposes to change this to “Residential Areas”.

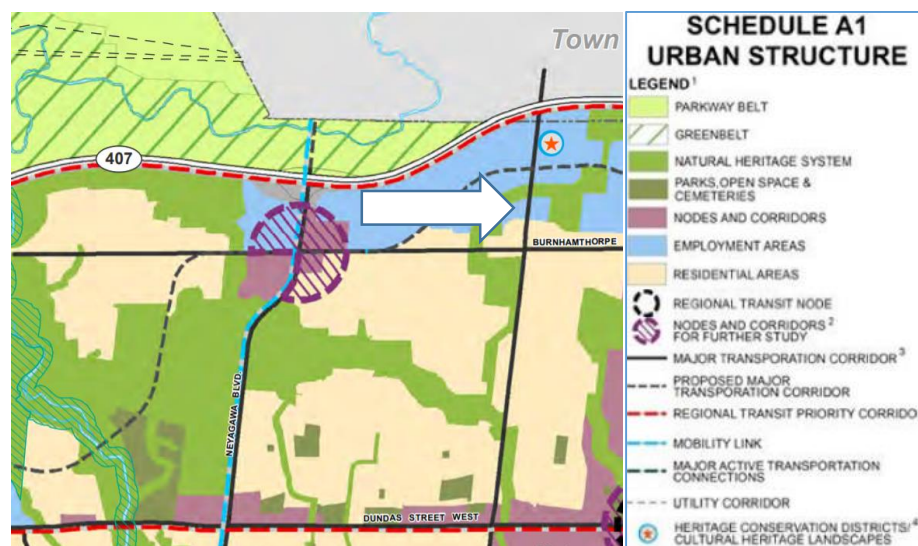


Figure 3a – Schedule A1 - Livable Oakville Plan

North Oakville East Secondary Plan

Land Use Policies

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board in 2008 through OPA 272 and was prepared to be consistent with the 2005 PPS and in conformity with the 2006 Growth Plan. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.

The OPA area, as highlighted by the arrow below, is designated *Employment District* on Figure NOE2 of the NOESP and as illustrated on Figure 3b below.

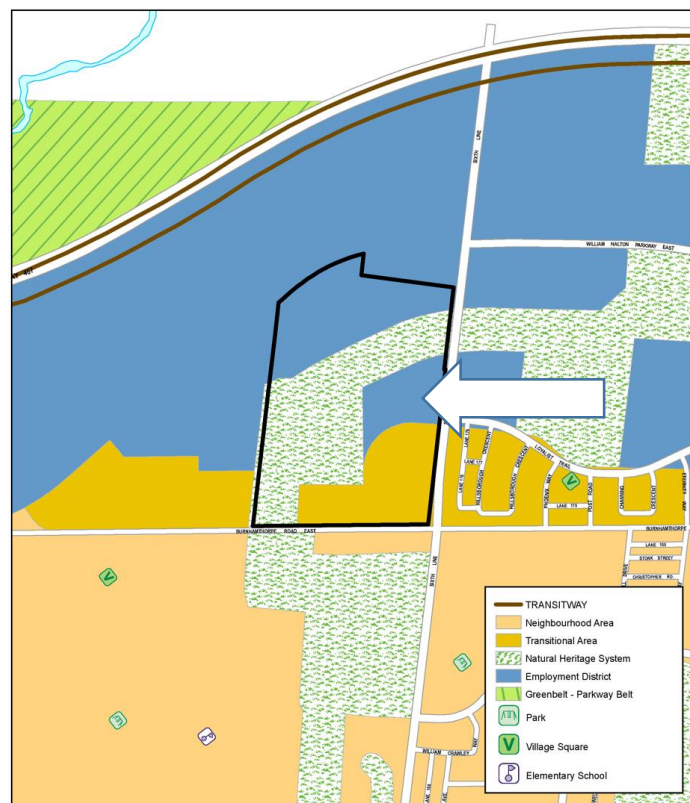


Figure 3b – North Oakville East Secondary Plan - Figure NOE2

Educational facilities are a permitted use in most land use designations subject to some conditions (such as in association with an employment use) within the North Oakville East Secondary Plan as outlined in Section 7.6.2.2. Within Section 7.6.9.2, Transition Area, institutional uses (including schools) are a permitted use.

Appendix 7.3 - Master Plan

The North Oakville Master Plan illustrates a conceptual design and land use categories for the North Oakville East planning area.

Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan may be considered, assuming the general intent and direction of the Master Plan is maintained.

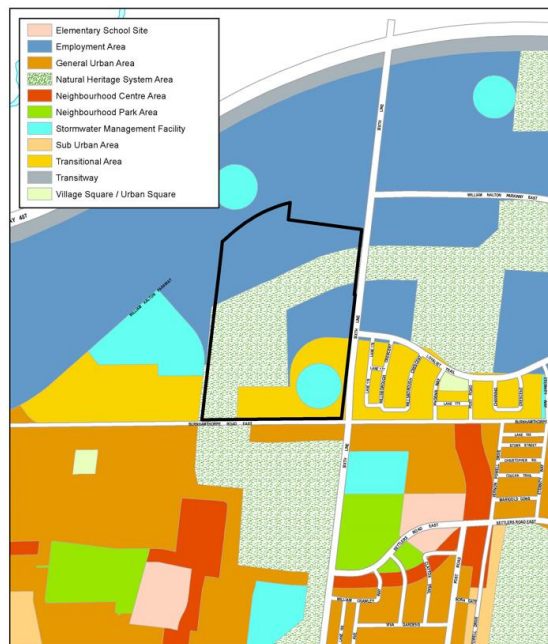


Figure 3C – Master Plan excerpt

Proposed Official Plan Amendments (Livable Oakville Plan and NOESP)

Staff are proposing two Official Plan Amendments. One is related to the Livable Oakville Plan (Schedule A1 - Urban Structure) and the other is related to Figures NOE1 and NOE2 within the North Oakville East Secondary Plan.

The amendments propose to:

OPA 48 – Livable Oakville Plan

- Amend the Schedule A1, Urban Structure, of the Livable Oakville Plan to modify the northerly portion of the proposed school block (Block 2 of the associated Draft Plan of Subdivision) from *Employment Areas* to *Residential Areas*; consistent with ROPA 48.

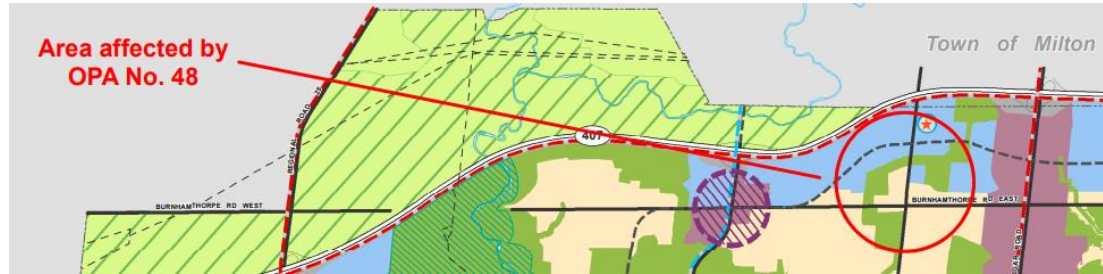


Figure 4 – Proposed Urban Structure (Livable Oakville Plan)

OPA 327 - NOESP

- Amend the Figures NOE1 and NOE2 of the North Oakville East Secondary Plan as follows:
 - Figure NOE1, Community Structure: removed the *Employment District* designation from the northerly part of the proposed school block. See arrow for location.



Figure 5 – Proposed Community Structure (NOESP)

- Figure NOE2, Land Use Plan: redesignate the northerly portion of Block 2 of the proposed secondary school site from *Employment District* to *Transitional Area* and relocate the secondary school symbol from the northwest corner of Neyagawa Boulevard and Dundas Street West to the northwest corner of Sixth Line and Burnhamthorpe Road West;

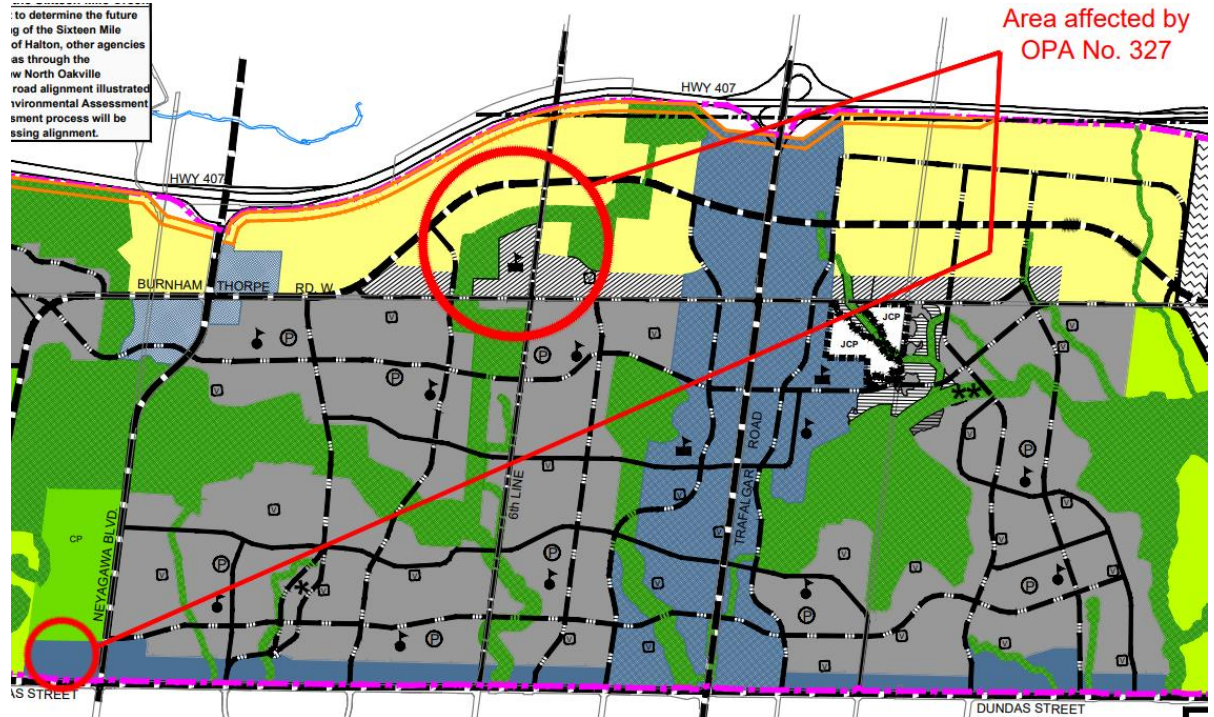


Figure 6 – Proposed Land Use Plan (NOESP)

- Amend existing NOESP policies related to the proposed secondary school use.

Development criteria associated with the Transitional Area designation include matters such as height, storeys and FSI. The school will be three storeys with a seasonal dome facility being a single storey in height.

The minimum height is 5 metres for commercial and two storeys for other developments. To facilitate the proposed development, staff are proposing that there be no minimum height. The maximum height will remain at 4 storeys.

In addition, the minimum floor space index is 0.4 FSI. Staff again are proposing that there be no minimum FSI as the proposed FSI is below 0.4. The maximum FSI of 2 will remain.

It should be noted that the Master Plan is not part of the operative sections of the North Oakville East Secondary Plan, and as such, is not being amended.

The proposed OPAs are found in Appendices B1 and B2 to this report. The approval of the OPAs will provide certainty as to the location of the secondary school.

Master Plan and School Symbol

The Master Plan is intended to graphically illustrate a design of the North Oakville East area and how the policies and figures are to be implemented. It is only one way to implement the policies.

The main purpose of the Official Plan Amendment is the relocation of the secondary school from Neyagawa Boulevard and Dundas Street West to the subject site.

Section 7.5.2 h iii) of the NOESP speaks directly to this matter and states:

“The following will generally not be considered to be inconsistent with the Master Plan, provided that the Town determines that the plan of subdivision or other development plan conforms with the policies and Figures of the Secondary Plan:

iii) relocation of public facilities including parks, schools and stormwater ponds;...”

The Master Plan is not part of the operative sections of the North Oakville East Secondary Plan. In consideration of the policies the Plan and since the Master Plan is not part of the operative sections of the NOESP, staff are not proposing to amend the Master Plan. Staff will, however, review the status of the Master Plan as part of the on-going North Oakville East Secondary Plan review.

Public Comments

No public comments or concerns were submitted to staff for the previous Public Meeting report or for this public meeting/recommendation report.

The Statutory Public meeting was held on May 2, 2022.

NEXT STEPS

Staff understand that initial construction is targeted for the summer 2023 with an opening of September 2025.

As noted, the associated zoning by-law amendment and draft plan of subdivision are not before Council. At the present time, staff are reviewing a number of logistical and technical matters that will better inform the zoning by-law amendment and draft plan of subdivision:

- Construction of the Upper West Morrison Creek channel south of NHS Core 7. This is located on the Star Oak lands to the south and continues farther south. The West Morrison Creek is the receiving watercourse for drainage

from the Sixth Oak draft plan of subdivision. At the time of writing this report, the required Conservation Halton permit application has not been submitted for review.

- Coordination and construction of the Sixth Line project including necessary storm services to support the school site.
- Construction of a clean water pipe from the NHS' Core 6 to north of Core 7. The purpose of this pipe is to provide clean water to the Provincially Significant Wetland (PSW 15) in Core 7, south of Burnhamthorpe Road West.
- Construction of a pipe from the proposed swm pond (future Block 3) west of the school site to the intersection of Sixth Line and Burnhamthorpe Road West (town project limits). This would be a developer responsible project.
- Burnhamthorpe Road West is currently a regional road until such time as William Halton Parkway is extended from Neyagawa Boulevard to Sixth Line, and agreements with Halton Region are necessary for the installation of services. This section of the road is not proposed to be transferred to the town until the William Halton Parkway opens; targeted for 2025.
- With regard to the draft plan design, the associated pipes (clean water pipe between the NHS Cores and a stormwater pipe collecting drainage from the site and Burnhamthorpe Road West to the swm pond), are required to be in a block in town ownership. This is a matter that the applicant and HDSB have requested to be further discussed. Details of this matter have the potential to affect the block layout on the draft plan.

Other processes that are necessary as follows:

- Site Alteration Process – the applicant is working on a submission of a Site Alteration permit application to be submitted this Fall. This would relate to rough grading the site, installation of erosion and sediment controls and ensure that drainage continues to support the southerly PSW 15. This process is necessary as a precursor to foundation construction and may allow for early earthworks, once the zoning and draft plan have been approved.
- Site Plan Process – As mentioned, staff understand that the HDSB is targeting summer 2023 for start of construction. To assist in maintaining this timeframe and notwithstanding the draft plan and zoning matters referenced above, a pre-consultation meeting was held on August 10, 2022, wherein the HDSB was provided the site plan submission requirements. The HDSB will use this meeting information to generate material for the site plan application. Once submitted and reviewed, staff will benefit from this more detailed information to finalize zoning and draft plan conditions for the entire subdivision and particularly the school site. These processes, in this instance, can run in parallel.

In consideration of the above and the information necessary to support the ZBA and Draft Plan of Subdivision and associated conditions, the intent is to return to Council as soon as possible in Q1 2023 with a recommendation on both of the Zoning By-law Amendment and Draft Plan of Subdivision.

CONCLUSION:

Staff recommends approval of the two proposed Official Plan Amendments, including the relocation of the secondary school symbol from the intersection of Neyagawa Boulevard and Dundas Street West to this site, which will provide further guidance to the development of the proposed secondary school.

Staff is satisfied that the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (2020), conform to the Growth Plan (2019) and the Halton Region Official Plan, have regard for matters of Provincial interest and represents good planning. Further, the amendments maintain the Town's approved Urban Structure, and the principles and overall policy direction of the North Oakville East Secondary Plan.

Staff recommend approval of the Official Plan Amendments and that By-laws 2022-065 and 2022-066 be passed as the following additional requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues. No matters of concerns were raised.
- The proposal implements the vision, development objectives, community design strategy and land use strategy of the North Oakville East Secondary Plan.
- Comments from Council from the May 2022 Planning and Development / Council meeting will be addressed as part of the forthcoming recommendation report on the ZBA and Draft plan of Subdivision.

By-law 2022-065 (OPA - Livable Oakville) and 2022-066 (OPA - NOESP) are attached as Appendix "B1" and "B2".

CONSIDERATIONS:

(A) PUBLIC

A notice reflecting this meeting was mailed out to all properties within 240 metre radius of the site and placed on the sign on the property. Resident Associations were notified along with property owners in accordance with the *Planning Act* regulations and Town practices.

In addition to the 240 metre radius affecting this site, notice was also provided to the 240 metre radius around the existing location of the secondary school symbol at the northwest corner of Neyagawa Boulevard and Dundas Street West.

No concerns were raised by the public at the time of writing this report.

(B) FINANCIAL

Development Charges would be applicable to this development. Parkland dedication is applicable and may be satisfied following confirmation that 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 internal and external departments and agencies for comment. No concerns were raised related to the Official Plan Amendments.

(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 – Regional comments

Appendix B1 – By-law 2022-065 (OPA - Livable Oakville)

Appendix B2 – By-law 2022-066 (OPA - NOESP)

Prepared by:

Robert Thun, MCIP, RPP, Senior Planner, Current Planning, West District

Recommended by:

Charles McConnell, MCIP, RPP, Manager, Current Planning, West District

Submitted by:

Gabe Charles, MCIP, RPP, Director, Planning Services