

## REPORT

### Planning and Development Council

Meeting Date: December 5, 2022

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**FROM:** Planning Services Department

**DATE:** November 22, 2022

**SUBJECT:** Public Meeting – Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment – Eaglewood Communities Ltd – 1354 Bronte Road, File Nos. 24T-22008/1531, OPA1531.04, and Z.1531.04

**LOCATION:** 1354 Bronte Road

**WARD:** Ward 1

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#### RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated November 22, 2022, be received.
2. That comments from the public with respect to the proposed draft Eaglewood Communities Ltd. (File No 24T-22008/1531, OPA1531.04 and Z.1531.04), be received.
3. That staff consider such comments as may be provided by Council.

#### KEY FACTS:

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

- The applicant has submitted a draft plan of subdivision, Official Plan amendment and zoning by-law amendment applications to develop a four-storey residential building with 71 units and one level of underground parking and a new public lane.
- Access to the property will be provided via a new public lane which will connect to a future public road to be developed as part of the future plan of

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subdivision to the south known as Bronte River (currently under appeal at the Ontario Land Tribunal)

- The lands were included in the Merton Planning Study, and as a result of an Ontario Municipal Board hearing, subsequently designated Medium Density Residential with a Parkway Belt Overlay and with specific exemption policies included in Part E of the Livable Oakville Plan.
- The lands are within the Parkway Belt West Plan and subject to a Minister's Zoning Order. An application with the Ministry of Municipal Affairs and Housing to revoke these from the property is currently under review.
- The lands are currently zoned PB2 (Parkway Belt) in Zoning By-law 2014-014.
- The proposed draft plan of subdivision, Official Plan amendment and zoning by-law amendment applications are intended to implement the Bronte Road West Lands land use policies which includes the "Development Concept" for the area.
- Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement, conform to all applicable Provincial plans, the Region of Halton Official.
- The Official Plan and zoning by-law amendment applications were submitted on April 26, 2022 and deemed incomplete as an Urban Design Brief was not submitted. Upon receipt of the outstanding information, the applications were deemed complete on May 24, 2022. Bill 108 provides for 120-day appeal timeframe, which ended September 21, 2022.
- The draft plan of subdivision was submitted on November 1, 2022, as a result of the towns review of the Official Plan and zoning by-law amendment application. Bill 108 provides for 180-day appeal timeframe, which will end on April 26, 2023. The draft plan of subdivision application is required to establish a new public lane.

## **BACKGROUND:**

The purpose of this report is to introduce the planning applications in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

The subject lands are included within the lands known as the “Bronte Road West Lands” and are within a larger area known as the Merton Lands that are generally located north of the QEW and south of Upper Middle Road between Fourteen Mile Creek and Third Line to the east and Bronte Road to the west. The Bronte Road West Lands comprise the portion of the Merton Lands located west of Bronte Road and east of the Bronte Creek and were initially included in the Town’s Merton Planning Study. The town decided not to proceed with the Merton Planning Study given an appeal filed relating to a development application also within the Merton Planning Area filed by Bronte Green Corporation.

The Official Plan Amendment filed by Bronte Green Corporation, also included the subject lands. Through an OMB hearing, a settlement was reached, which put in place a policy framework for the subject lands to guide future redevelopment.

The property remains subject to the Parkway Belt West Plan, and Ministerial approval is required prior to any development proceeding on the subject lands.

## **Proposal**

The applicant submitted a draft plan of subdivision together with an Official Plan amendment and zoning by-law amendment applications to develop the lands for a new four-storey residential building with 71 dwelling units, one level of underground parking and accessed by a new public laneway. The proposed Draft Plan of Subdivision is shown in Figure 1 below and included in Appendix “A”.

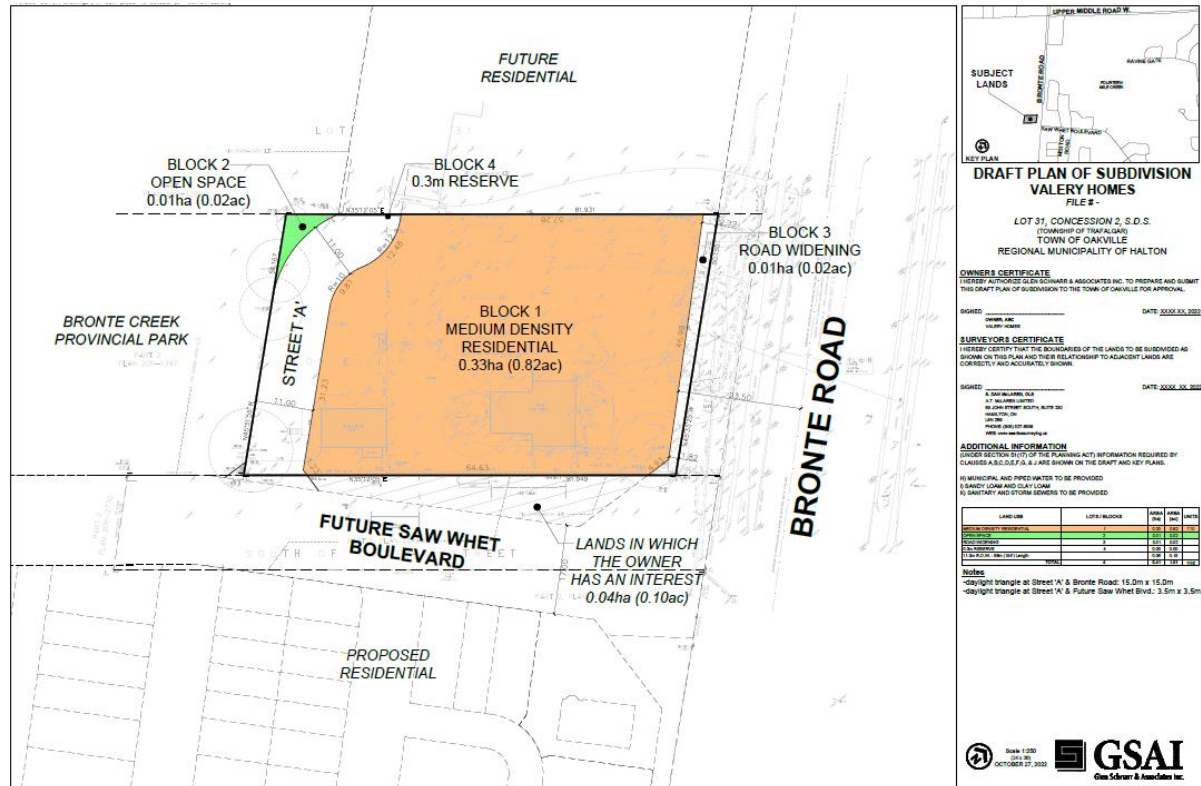


Figure 1 – Proposed Draft Plan of Subdivision

The design of the proposed building is anticipated to be refined through an approved Urban Design Brief, and other supportive studies and reports required as part of the subject applications. Detailed site plan and condominium / tenure matters would be further advanced through future planning applications comprised of site plan approval and draft plan of condominium. A detailed concept of the proposal is provided in Figure 2 below.



Figure 2 – Proposed Concept Plan

## Location & Site Description

The subject lands are located on the west side of Bronte Road, south of Upper Middle Road as shown in Figure 3 below. The subject lands are approximately 0.44ha in size, with frontage on Bronte Road. The site will be accessed through a future public road to be provided within the subdivision to the south (currently under appeal). The site is known municipally as 1354 Bronte Road and the legal description of the lands is Part of Lot 31, Concession 2, S.D.S. The properties contain an existing dwelling which was partially utilized as for boarding cats and has not yet been demolished.

## Surrounding Land Uses

The surrounding land uses are as follows:

North – Residential and Natural Area  
 East – Bronte Road, Residential uses



South – Future Residential and Natural Area  
West – Bronte Creek Natural Area

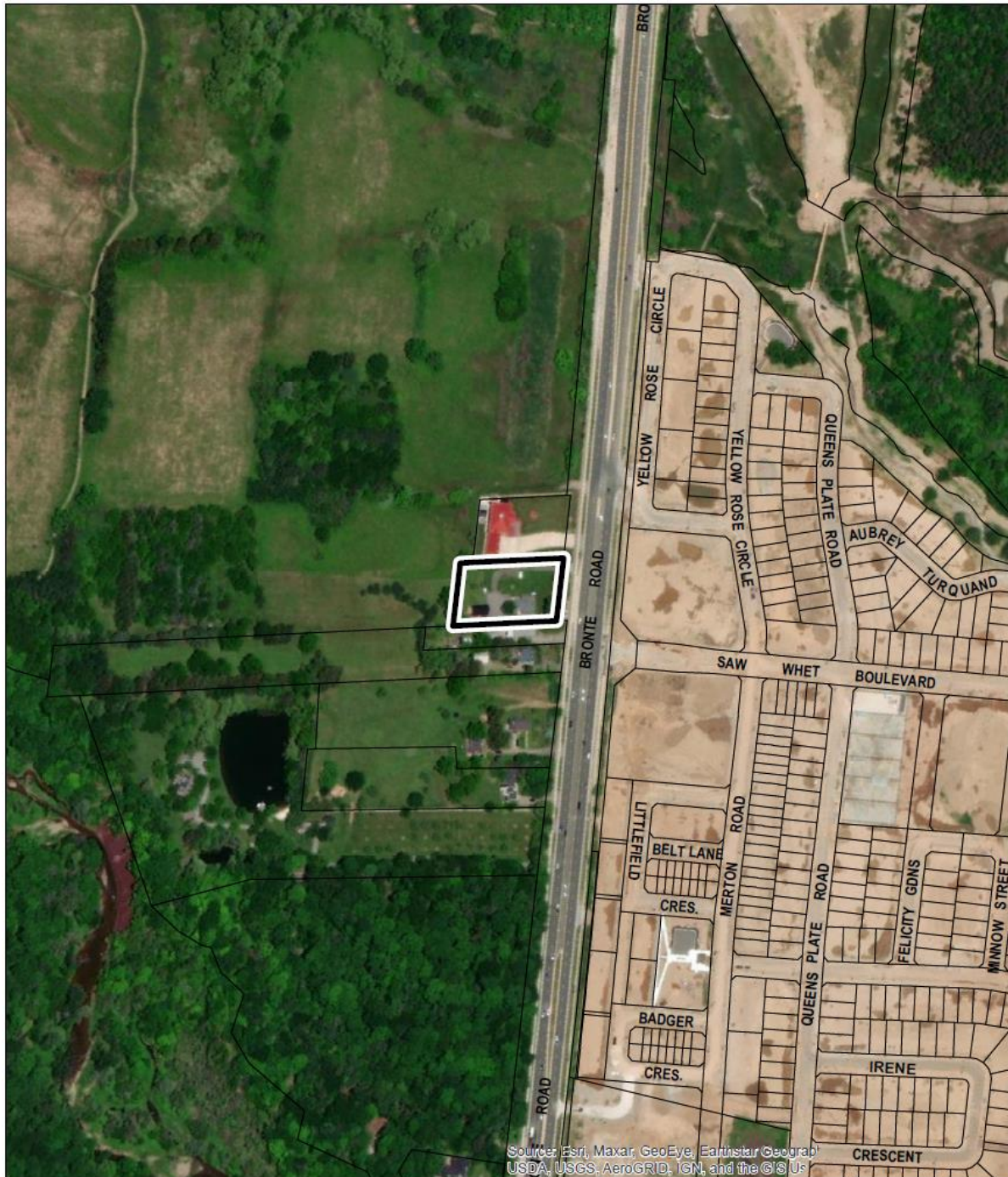


Figure 3 – Aerial Photo

## **PLANNING POLICY & ANALYSIS:**

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

- Parkway Belt West Plan (1978), as amended
- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan
- Livable Oakville Official Plan
- Zoning By-law 2014-014

### **Parkway Belt West Plan**

The Parkway Belt West Plan (PBW Plan) took effect in 1978 to reserve land for infrastructure, separate urban areas, and connecting open spaces in Halton, Peel, York, Hamilton and Toronto.

To-date, over 160 amendments have been made to the Plan, and currently, the Plan primarily designates and protects land needed for large-scale infrastructure corridors such as transit, hydro, and electric power facilities.

The lands are located within the Parkway Belt West Plan (1978) and subject to a Minister's Zoning Order. Applications to remove 1354 Bronte Road from the Parkway Belt West Plan and the associated Minister's Zoning Order, filed as O. Reg. 481/73, was received on December 23, 2020, and is currently with the Ministry for a decision.

Discussed further below, Livable Oakville recognizes the PBW Plan through land use designations and an overlay in the Livable Oakville Official Plan. For the subject lands, the Livable Oakville Plan identifies a Parkway Belt West Overlay as shown in Schedule H – West Land Use (excerpt provided in Figure 4 below). This is further discussed in the Livable Oakville section of this report.



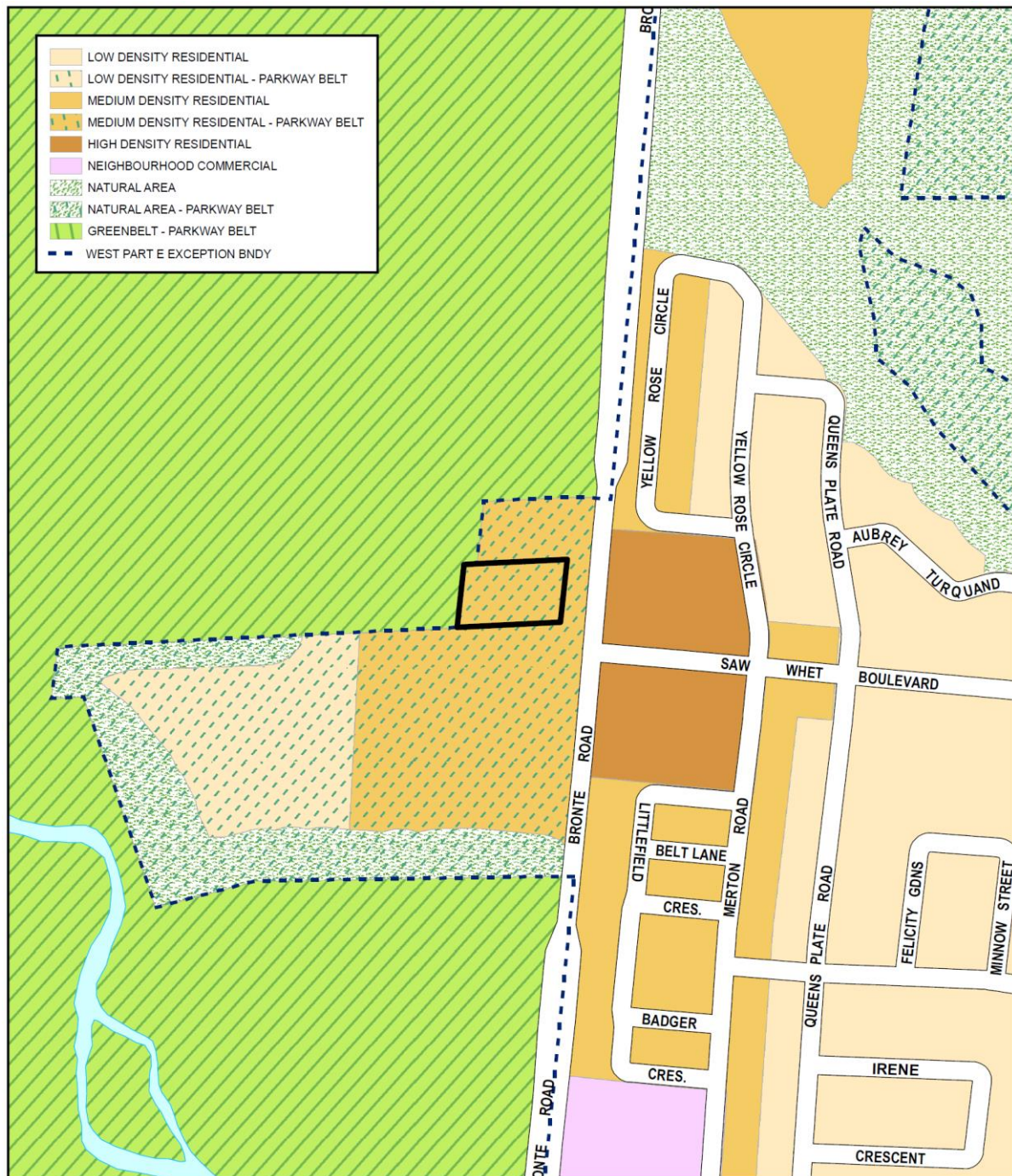


Figure 4 – Official Plan Excerpt



## **Provincial Policy Statement**

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 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 consideration of new development, the PPS (2020) provides direction to ensure that land use is carefully managed to accommodate appropriate development to meet the full range of current and future needs, while also achieving efficient development patterns that avoid significant or sensitive resources and areas which may pose a risk to public health and safety. Further, efficient development patterns are intended to optimize the use of land and resources, rather than maximize.

A complete list of applicable policies has been included in Appendix "D".

## **Growth Plan**

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 "Built-Up 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 housing options, expand convenient access to transportation options.

Similar to the PPS (2020), growth and development shall occur in manner which optimizes land and resources and protects significant or sensitive resources and areas that may pose a risk to public health and safety, such as hazard lands. A complete list of applicable policies has been included in Appendix “D”.

## **Halton Region Official Plan**

Regional Official Plan Amendment (ROPA) 49 was adopted by Regional Council on June 15, 2022 and is the second amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the *Planning Act*. The Minister of Municipal Affairs and Housing is the approval authority for ROPA 49 and has not yet issued a decision. The Official Plan amendment and zoning by-law amendment applications have been reviewed against the in-force Regional Official Plan, but with regard to the policies in ROPA 49, as adopted by Regional Council. The subdivision application has not yet been reviewed by Regional staff.

The subject lands are designated ‘Urban Area’ in the Region of Halton Official Plan. The policies of Urban Area designation support the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure.

Region of Halton staff have also identified that Bronte Road is shown as a “Higher Order Transportation Corridor” on Map 1h: Regional Urban Structure and Map 3: Functional Plan of Major Transportation Facilities. It is also considered a “Regional Corridor” within the “Strategic Growth Areas” of the Region’s Official Plan.

Through the review of this application, Regional Staff are unable to determine if the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the Provincial Policy Statement (2020) and if they are in conformity with the Growth Plan (2020) and Halton Region Official Plan (2009), based on the information they have been presented with to-date. The Region has concerns with the proposed development with respect to the ultimate width of the Bronte Road right-of-way, the impact of the proposed development on the Regional Natural Heritage System area, site servicing, site contamination, and waste management.

The Region has identified that some of these matters could be addressed at a future stage provide a Holding “H” Provision is included with the amending by-law.

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## Livable Oakville 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.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Parkway Belt Area.

Policy 3.2 states:

*“The Parkway Belt and the Greenbelt are areas within the Town where development is limited in accordance with Provincial policy. Lands in the Parkway Belt in Oakville are primarily designed to provide a linked system of open space and recreational facilities and to achieve other objectives including, but not limited to, the protection of infrastructure corridors, utilities, and an inter-urban transitway. Lands in the Greenbelt are part of a broad area of land that is permanently protected, primarily for the purpose of protecting the natural heritage and water resource systems within. Lands in the Greenbelt that are also within the Parkway Belt are only subject to Greenbelt Plan policies 3.2 Natural System and 3.3 Parkland, Open Space and Trails.”*

Further, Policy 27.3.8.3 a) i, which provides more specific direction for the development of the subject lands states:

*“The lands identified by Parkway Belt – Overlay form part of the Parkway Belt West Plan. Until such time that these lands are removed from the Parkway Belt West Plan and come under the jurisdiction of the Town and this Plan, the policies of the Parkway Belt West Plan shall govern the use of land.”*

However, in accordance with Policy 28.1.6:

*“Detailed land use designations and policies for development are found in Part D, Land Use Designations and Policies and on the Land Use Schedules E through K. In the event of a conflict between the boundaries identified on Schedule A1, Urban Structure and the Land Use Schedules E through K, the Land Use Schedules E through K shall prevail.”*

The land use designation as provided on Schedule H – West Land Use Map, provided in Figure 4 above, is further described below.

### Livable Oakville Land Use Policies

The subject lands are designated Medium Density Residential with a Parkway Belt Overlay, making the lands also subject to the Parkway Belt West Plan (1978), as shown in Schedule H – West Land Use Map (Figure 4 above).

As discussed above, the subject lands were initially included in the Merton Planning Study. Through a subsequent OMB hearing, a settlement was reached and as a result, a policy framework was established for the future development of the “Bronte West Lands” which include the subject lands. Section 27.3.8 titled “Bronte West Lands” provides a detailed policy framework for the lands at 1300, 1316, 1326, 1342, 1350, 1354 and 1372 Bronte Road. While the proposal only addresses 1354 Bronte Road, consideration must be given to the future development potential of the abutting properties to the north and south.

The purpose of the Official Plan amendment application is to increase the allowable density for the subject lands. The medium density designation permits a maximum density of 50 units per site hectare, and the applicant proposed an increase in density to 162 units per site hectare. The effect of the draft plan of subdivision application would result in a further increase in density to 215 units per site hectare as the area for the lane would be removed from the developable area of the site. The applicant has submitted a draft Official Plan amendment which has been included as Appendix “B”

The development of the subject lands is dependent on the development of the lands to the south (known as Bronte River) as it relates to access, servicing, and stormwater management. A draft plan of subdivision and a zoning by-law amendment application (24T-21009/1531 and Z.1531.03) was submitted for the Bronte River development, and a Public Meeting was held on May 2, 2022. The application was subsequently appealed to the Ontario Land Tribunal (OLT) for town’s failure to make a decision. Both the proposed development and the Bronte River proposal will be required consider the future development potential of the remaining Bronte Road West lands located at 1372 Bronte Road.

As a whole, the “Development Concept” for the Bronte West Lands, which includes the subject site, shall provide for the long-term protection, preservation and enhancement of the related features, functions and linkages of the natural environment area. Additionally, matters related to Cultural Heritage, Urban Design, Transportation, Community Facilities, Sustainability, and Stormwater Management must be addressed in conformity with the policies set out in Section 27.3.8 and other applicable policies of the Official Plan.



The design of the site requires further review with respect to the applicable town standards and guidelines. Therefore, staff will continue to review the layout, orientation, and density of the proposed development and related studies and reports. Further, approval of the applicable studies and reports may also inform suitable zoning regulations for the proposed development.

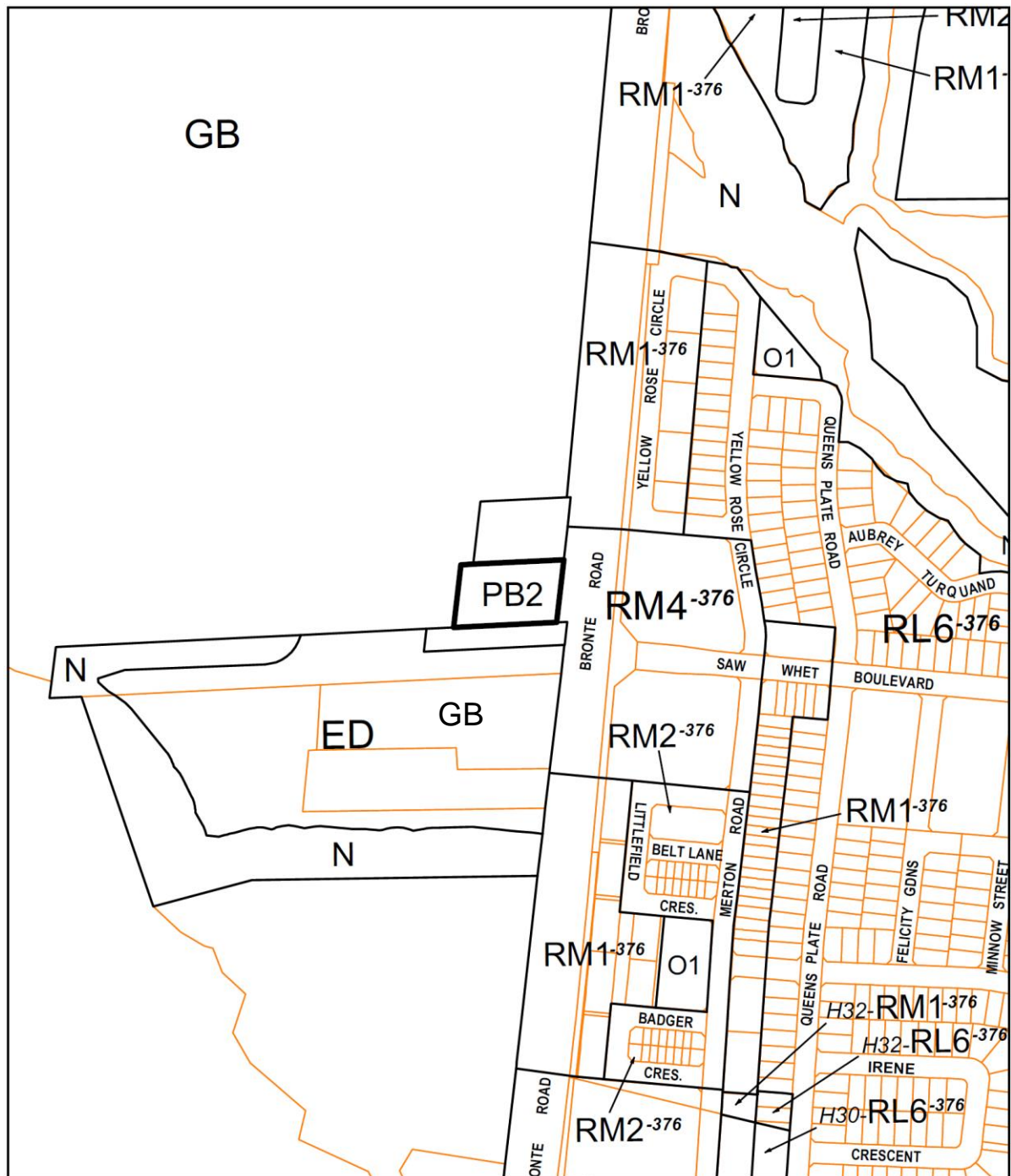
A complete list of applicable policies is included in Appendix “D”

### Zoning By-law

The subject lands are zoned PB2 (Parkway Belt) in Zoning By-law 2014-014, shown in Figure 5 below.

The applicant’s proposed zoning by-law requests a change to the zoning from PB2 to RM4 (Residential Medium – apartment dwellings), with special provisions. The maximum height in metres permitted in the RM4 zone is 15m, and the applicant is requesting an increase to 16m while maintaining a maximum of four storeys. Further, the applicant is requesting a further modification for minimum front yard setback from Bronte Road from 6m to 3.5m. The applicant has prepared a draft zoning by-law, which is included in Appendix “C”.

The zoning by-law at this stage has not been fully reviewed and may be further modified through the review of the application to ensure the by-law adequately implements the “Development Concept” set out in section 27.3.8.1 of the Official Plan.



*Figure 5 - Zoning*

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## **TECHNICAL & PUBLIC COMMENTS:**

The applicant has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town's website

(<https://www.oakville.ca/business/da-41498.html>)

- Draft Plan of Subdivision
- Archaeological Assessment
- Concept Plan
- Draft Zoning By-law Amendment
- Geotechnical Report
- Noise Study
- Functional Servicing Study
- Environmental Site Screening Questionnaire
- Planning Justification Report
- Area Design Plan
- Urban Design Brief
- Transportation Impact Study

## **Issues Under Review / Matters to be Considered**

A complete analysis of the applications will be undertaken including the review of the following matters which have been identified to date:

- Completion of the removal of the Parkway Belt West Plan and applicable Minister Zoning Order from the subject lands.
- Consistency with the Provincial Policy Statement 2020 and conformity to the 2020 Growth Plan for the Greater Golden Horseshoe.
- Conformity with the Region of Halton Official Plan.
- Conformity with the Livable Oakville Official Plan, including the "Development Concept" for the Bronte Road West Lands and other applicable policies included in Section 27.3.8.
- Coordination with the proposed and future developments to the north and south.
- Protection of the natural heritage system, including significant woodlands, Bronte Creek and associated valley lands and other natural features together with required buffers as it affects the subject lands.
- The final type, size and location of stormwater management facilities through the Bronte River development, taking into consideration the ecological sensitivity of Bronte Creek and Fourteen Mile Creek together with all local, provincial and federal requirements.

- Design and alignment of proposed public road, and coordination of roadways and driveways with lands to the north and south.
- Ensure the efficient and optimized use of the developable area of the subject lands, which protects the surrounding natural environment.
- Conformity with all applicable urban design policies and guidelines, on matters including but not limited to built form, transitions and compatibility with adjacent properties, trees, interface with public realms and vehicular access.
- Evaluation of on-street and visitor parking opportunities.
- Evaluation of the proposal with respect to Sections 2 and 51(24) of the *Planning Act*.

Staff note that these matters must be satisfactorily resolved before the preparation of draft plan of subdivision conditions. Further, resolution of these matters is likely to inform suitable regulations for the proposed amending zoning by-law to implement the policies of the Official Plan including the “Development Concept” provided in the Official Plan. As the review of this application continues, resolution of these matters may result in modifications to the application.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The applicant held a Public Information Meeting on January 27, 2022, and it was attended by the Ward and Regional Councillors and the owner of the property to the south. The minutes have been included as Appendix “E”.

Notice of Complete Application was distributed to property owners within 240m of the subject lands in accordance with the town’s current notice requirements. Following the Notice of Complete application and installation of the development sign, no public comments have been received to-date.

Notice of the Public Meeting has been provided to property owners within 240m of the subject lands in accordance with the town’s current notice requirements.

### **(B) FINANCIAL**

Development Charges are applicable to this development.

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

The application was circulated to internal and external departments and agencies or review. The application remains in technical review.



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**(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 will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

**CONCLUSION:**

Planning staff will continue to review and analyze the proposed application and address all technical matters along with submitted public comments, and report to Council at a future meeting. No further notice is required; however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

**APPENDICES:**

Appendix "A": Draft Plan of Subdivision

Appendix "B": Applicant's Proposed Official Plan Amendment

Appendix "C": Applicant's Proposed Zoning By-law Amendment

Appendix "D": Applicable Policies

Appendix "E": Public Information Meeting Minutes

Prepared by:

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Director of Planning