

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM: Planning Services Department

DATE: May 30, 2023

SUBJECT: Recommendation Report – Draft Plan of Subdivision (24T-21005/1530) – Part of Lot 30, Concession 2 (SDS), Bronte Green Corporation

LOCATION: Part of Lot 30, Concession 2 (SDS)

WARD: Ward 4

Page 1

RECOMMENDATION:

1. That Draft Plan of Subdivision application (File No. 24T-21005/1530), submitted by Bronte Green Corporation, 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 Livable Oakville Official Plan, has regard for matters of Provincial interest and Section 51(24) of the *Planning Act*, and represents good planning for the reasons outlined in the report from the Planning Services department dated May 30, 2023.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-21005/1530) submitted by Bronte Green Corporation, prepared by J.D Barnes Limited, dated October 27, 2021, subject to the conditions contained in Appendix “A”.
3. That once 24T-21005/1530 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor or designates.
4. That the Subdivision Agreement be executed in accordance with By-law 2013-057.
5. That notice of Council’s decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

KEY FACTS:

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

- This report recommends approval of the proposed draft plan of subdivision submitted by Bronte Green Corporation.
- The subject property is located at the northwest corner of Charles Cornwall Avenue and Queens Plate Road.
- The purpose and effect of this application is to create six lots for detached dwelling units and one block for six townhouse dwelling units, together with two reserve blocks to be merged with abutting subdivision (Registered as Plan 20M-1223).
- The subject property is designated Low Density and Medium Density Residential, and zoned RL6 and RM1 respectively, subject to Special Provision 376 and “H30” Holding Provision.
- The proposed plan of subdivision implements an OMB decision which amended Livable Oakville and rezoned a larger area comprised of the former Saw Whet Golf Course, lands west of Bronte Road, and the subject property.
- A statutory public meeting was held on December 5, 2022. No members of the public spoke to the subject application.

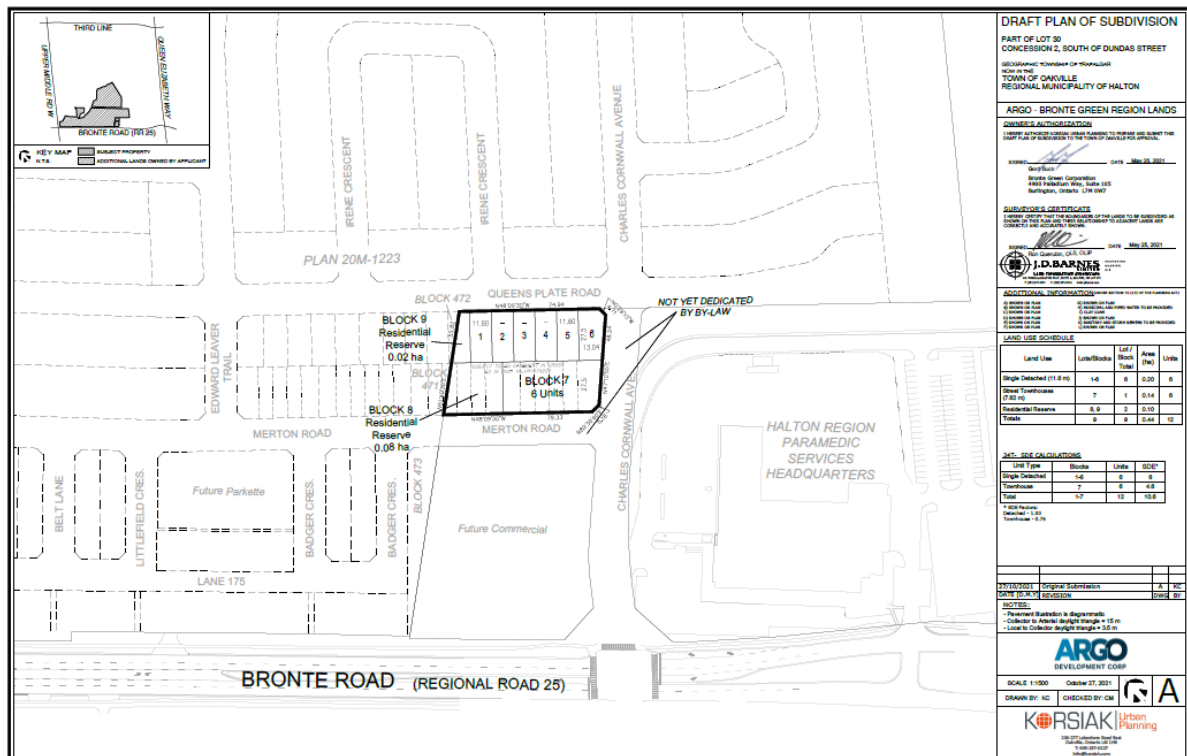
BACKGROUND:

The purpose of this report is to provide a full staff review of the draft plan of subdivision application. A statutory public meeting was hosted by Council on December 5, 2022. No member of the public attended the Public Meeting, and no written submissions have been received as of the date of this report.

The subject property was used as a public works yard by Halton Region, and partially occupied by a stormwater management pond. It was acquired by Bronte Green Corporation, and as a result of an Ontario Municipal Board (“OMB”) decision issued on June 21, 2017 (PL141318) redesignated and rezoned to permit residential land use together with the former Saw Whet Golf Course, and lands to the west of Bronte Road.

Now that the engineering review for the relocation of the stormwater function of the existing stormwater management pond is sufficiently advanced, the applicant has submitted a draft plan of subdivision application to subdivide the subject property to create six lots for detached dwelling units and one block for six townhouse dwelling units, together with two reserve blocks, for the residential land use as approved by the OMB.

The applicant proposes to subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. The proposed draft plan is provided below as Figure 1.



Location & Site Description

The subject property is located at the northwest corner of Charles Cornwall Avenue and Queens Plate Road, as shown in Figure 2 below. The subject lands contain an existing stormwater management facility formerly owned and operated by the Region of Halton.



Figure 2 – Aerial Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North: detached and townhouse dwellings

East: detached dwellings

South: Halton Woodlands Operations Centre

West: vacant land, designated as neighbourhood commercial

PLANNING POLICY & ANALYSIS:

The subject 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
- Livable Oakville Official Plan

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. Specific policies applicable to this application are included in Appendix "B".

The draft plan of subdivision proposes to subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. As detailed in this report a full review of the application has been completed, and subject to the conditions of approval in Appendix "A", all comments have been addressed.

On this basis, and for the reasons outlined in this report, the proposed draft plan of subdivision 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 subject lands are located within a “Delineated Built-Up Boundary.”

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. Specific policies applicable to this application are included in Appendix “B”.

The draft plan of subdivision proposes to subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. As detailed in this report a full review of the application has been completed, and subject to the conditions of approval in Appendix “A”, all comments have been addressed.

On this basis, and for the reasons outlined in this report, the proposed draft plan of subdivision conforms to the Growth Plan.

Halton Region Official Plan

The subject lands are designated as “Urban Area” on Map 1: Regional Structure of the Plan. Bronte Road is shown on Map 3: Functional Plan of Transportation Facilities as a “Higher Order Transportation Corridor”.

The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which to provide a range of choices for residence, work and leisure. The Region’s Official Plan also provides that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws.

The Region of Halton has provided the following comments:

“Policy 143 (12) requires the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions, in accordance with the Region’s Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines.

In this regard, the Halton Regional Centre/Woodlands Centre is identified as has having potential impacts on the proposed residential uses.

The lands are zoned with a Holding provision that includes a requirement for the construction of a noise wall on the Region's lands by the Woodland Centre in order to address noise impacts from the facility on the proposed residential uses.

In conjunction with engineering review for the noise wall (Region file DO-1060), alternatives were investigated to the initial proposal for a wing wall to address noise generated from siren testing. A new location was confirmed situated close to the 4.0-metre tall wall in the northeast area of the Woodlands Centre yard. An updated letter report prepared by HGC Engineering and dated February 10, 2022 was submitted which confirmed that the noise wall is sufficient in protecting the subject lots from noise impacts from the revised siren testing location.

On this basis, the Region has requested warning clauses to be included in the conditions of draft approval in relation to the potential impacts from the operations at the Halton Regional Offices lands.

Further, as stated above, the subject property contains an existing stormwater management pond. This pond is temporary and services the Halton Regional Centre/Woodland Centre lands. To facilitate the development of the subject property the pond will be relocated. As a condition of approval in Appendix 'A', the relocation works will be required to be completed and the new stormwater facility be in operation prior to registration.

On this basis, the Region has no objections to this application subject to the inclusion of the requested conditions of draft plan approval. Accordingly, the proposed draft plan of subdivision conforms to the Halton Plan.

Livable Oakville Official 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 Town's Residential Areas.

Livable Oakville Land Use Policies

The subject lands were included in the approvals for the surrounding Bronte Green subdivision in relation to the Official Plan designation. The lands are designated Low Density Residential on the eastern half of the site, and Medium Density Residential on the western half of the site, as shown in Figure 3 below.

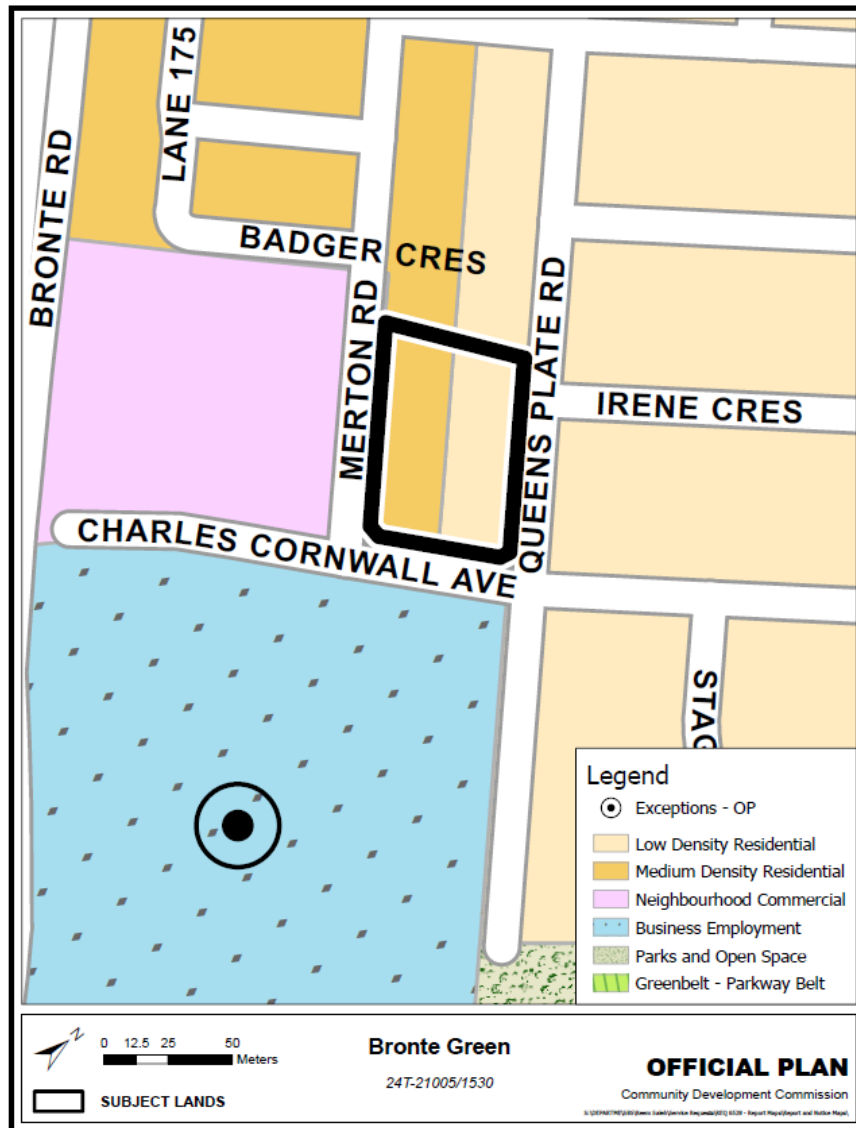


Figure 3 – Official Plan

Site-specific policies apply to the subject property. Policy 27.3.73 states:

“b) Low Density Residential

- i) *On the lands designated Low Density Residential, a row of townhouses may be permitted on the north side of the southerly section of the proposed collector road shown on Schedule H to buffer from adverse impacts from the Regional lands located to the south. The need for, and design of, the potential townhouse block will be determined through a noise study.*

c) Medium Density Residential

- i) *On the lands designated Medium Density Residential, the minimum building height shall be 3 storeys for development abutting Bronte Road.*
- ii) *On the lands designated Medium Density Residential, permitted residential uses on the north side of the southerly section of the proposed collector road shown on Schedule H may require a buffer to mitigate adverse impacts from the Regional lands located to the south. The need for a buffer and the design of the buildings will be determined through a noise study.”*

As provided in the comments from Halton Region, noise mitigation measures will be managed on the Halton Regional Centre/Woodlands Centre property. This work is underway, and the Region has secured agreements with the developer to conduct these works. Similarly, appropriate conditions of draft plan approval have been included in Appendix “A”. As noted below H30 applies to the subject property which will provide for implementation of a detailed noise study.

On this basis, and for the reasons outlined in this report, the proposed draft plan of subdivision conforms to Livable Oakville.

Zoning By-law

The eastern portion of the subject property is zoned RL6 special provision 376, and subject to the “H30” holding provision. The western portion of the subject property is zoned RM1 special provision 376 and subject to the “H30” holding provision, shown in Figure 4 below.

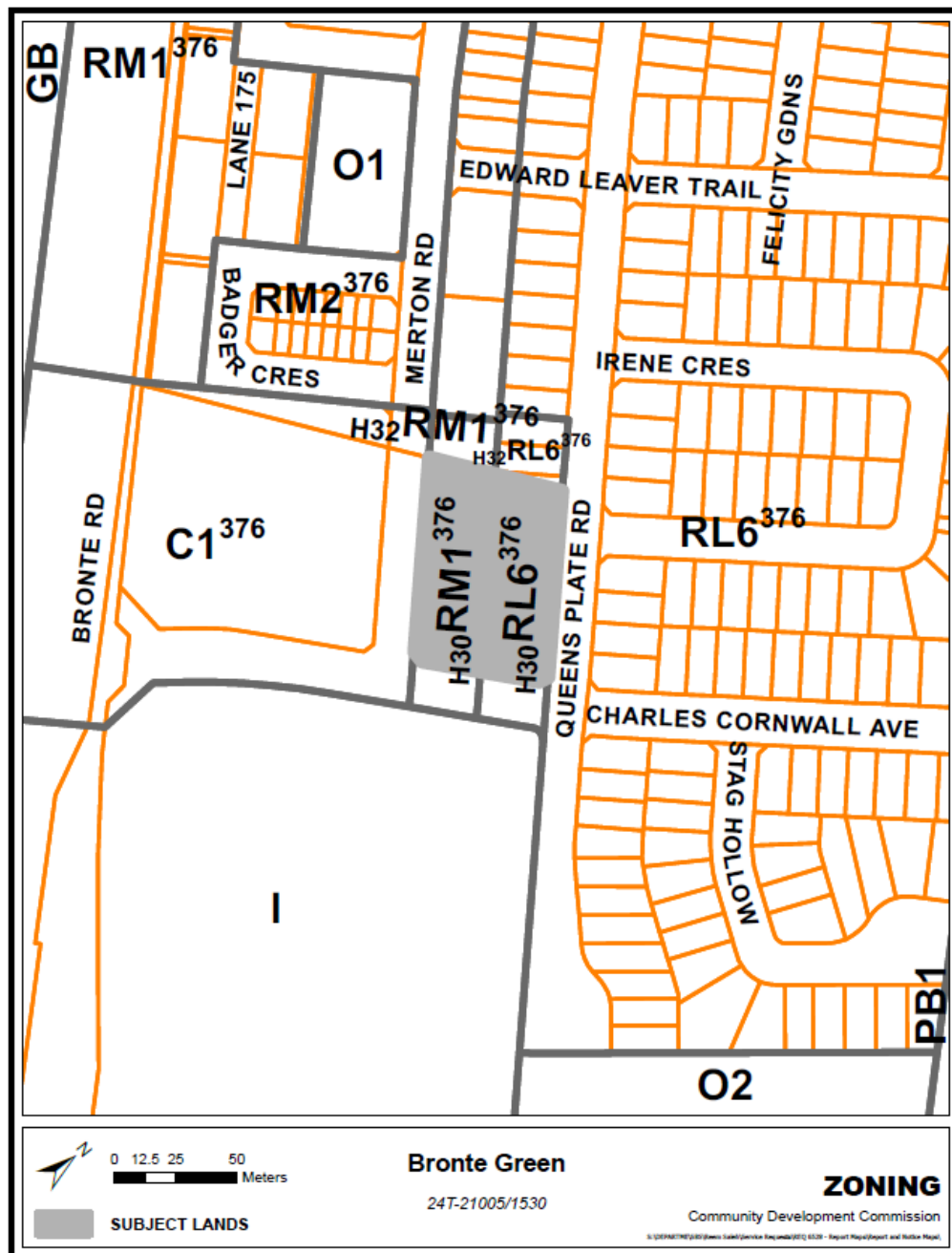


Figure 4 – Zoning Map

Both zones are consistent with the zoning to the north, as the proposed development is intended to be an extension of the Bronte Green subdivision. The proposed lots and blocks comply with the Zoning By-law. Staff note that the “H30” holding provision applies to the subject property and will be required to be lifted prior to registration of the subdivision:

- “a) That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville.*
- b) A Ministry of Environment acknowledged Record of Site Condition, certified by a Qualified Person as defined in Ontario Regulation 153/04, is provided to the satisfaction of the Regional Municipality of Halton.*
- c) That a detailed noise study conducted by a qualified Professional Engineer shall be provided which demonstrates compliance with Ministry of Environment sound level limits, to the satisfaction of Halton Region and the Town of Oakville.*
- d) That an updated functional servicing report be submitted which provides for potential decommissioning of the existing stormwater management pond and all grading, drainage and SWM and implications on the Region’s future EMS lands be provided to the satisfaction of Halton Region, Conservation Halton and the Town of Oakville.*
- e) The required noise walls associated with the noise impacts from the Region’s Woodlands Operations Centre and Public Works Yard have been designed, located and installed to the satisfaction of Halton Region.”*

An application to remove the “H30” holding provision has not been submitted as of the date of this report.

TECHNICAL & PUBLIC COMMENTS:

The applicant has provided plans and studies in support of their 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 have been satisfactorily addressed. The following supporting documents, among others are accessible on the town’s website (<https://www.oakville.ca/business/da-39707.html>):

- Air Photo
- Survey
- Draft Plan of Subdivision
- Planning Justification Report
- Functional Servicing Report

- Archaeological Assessment
- Traffic Impact Study
- Arborist Report
- Traffic Noise Feasibility Study Amendment

The proposed plan of subdivision implements the OMB decision which amended the Official Plan and rezoned a larger area comprised of the former Saw Whet Golf Course, lands west of Bronte Road, and the subject property. Since the proposed plan of subdivision is an extension of the registered subdivision to the north (Bronte Green - 20M-1223), many subdivision obligations have already been secured and constructed, including the conveyance, design and construction of the Merton Road and Charles Cornwall Avenue extensions together with street trees and other boulevard works.

However, technical matters related to the decommissioning of the existing pond and relocating the stormwater function off-site are required prior to registration of this plan. The draft plan conditions in Appendix “A” of this report address these matters.

In review of the proposal with respect to Section 51(24) of the *Planning Act*, it is staff’s opinion that the application is not premature and has regard for matters of provincial interest. Further, it has been determined that through the review of preliminary engineering materials, the lands are suitable for the proposed residential uses, and the lands have been adequately accounted for with respect to drainage and full municipal services within the Bronte Green Subdivision (20M-1223).

The draft plan conditions in Appendix ‘A’, together with the “H30” holding provision, provide that development of the subject property will not occur until such time as, noise mitigation measures have been installed to the satisfaction of Halton Region, and suitable stormwater management infrastructure is in place to support the development of the subject property, to the satisfaction of the Town, the Region and Conservation Halton.

Resolution of Issues Raised at the Public Meeting

The statutory public meeting was hosted by Council and held on December 5, 2022. At the meeting, Council passed the following resolution:

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 plan of subdivision submitted by Bronte Green Corporation. (File No.: 24T-21005/1530), be received.*
3. *That analysis of the following matters of interest to Council be included as part of the recommendation report:*

- a. ensure there are warning clauses to note that there is siren testing in the area and the proximity of elementary schools in the area.*

As part of the Bronte Green OMB hearing, H30 was applied to the subject property which requires, in part:

- c) That a detailed noise study conducted by a qualified Professional Engineer shall be provided which demonstrates compliance with Ministry of Environment sound level limits, to the satisfaction of Halton Region and the Town of Oakville.*
- e) The required noise walls associated with the noise impacts from the Region's Woodlands Operations Centre and Public Works Yard have been designed, located and installed to the satisfaction of Halton Region.*

Noise mitigation will be reviewed in detail and noise mitigation measures will be installed prior to building permits being issued for the proposed 6 detached and 6 townhouse units. In addition, the following warning clauses will be registered on title of the subject property, and included in all agreements of purchase and sale:

- "a) Purchasers/tenants are advised that due to the operations of the Region of Halton's Regional Operation Centre, that noise, dust, traffic, maintenance, vibration, lighting, electrical transformers, and/or odour may be of concern, sometimes interfering with the activities of the dwelling occupants.*
- b) Purchasers/tenants are advised that despite the inclusion of noise control features, sound levels from the Region of Halton municipal buildings, EMS and public works activities may occasionally be audible, and may cause some interference with some activities of the dwelling occupants.*
- c) Warning: This property is in proximity to the Halton Region facilities including the Woodlands Operation Centre and the Halton Regional Centre. The operations that take place at these facilities include: fleet maintenance (garage activities), refueling, vehicle movements, movements of supplies and material, movements of ambulances, occasional use of police and ambulance sirens during emergencies, siren testing and the use of back-up beepers. These facilities operate 24 hours a day, 7 days a week. Halton Region may apply to alter or expand these facilities in the future. Sound from these facilities may at times be audible."*

No members of the public spoke at the public meeting, and no written comments have been received as of the date of this report.

CONSIDERATIONS:

(A) PUBLIC

A statutory public meeting was held on December 5, 2022. No concerns were raised by the public at the Public Meeting and no comments have been received as of the date of this report. Notice for this meeting has been provided to those who participated in the process or requested to be notified.

(B) FINANCIAL

Development Charges would be applicable to this development.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. Subject to the conditions of approval in Appendix “A”, all comments have been addressed. Additional review will be required prior to registration of the subdivision to clear the draft plan conditions in Appendix ‘A.’

(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 developer is encouraged to consider sustainable building and community design. The subject lands form part of a complete community with walking and cycling opportunities, and access to transit to support reduced vehicular use.

CONCLUSION:

Staff recommends approval of the proposed draft plan of subdivision which will subdivide the subject property into six lots for detached dwellings, one block for six townhouse units, and two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. The proposed draft plan of subdivision is appropriate as it would be an extension of the existing Bronte Green registered plan of subdivision (20M-1223) and implement the approved land use Bronte Green OMB decision.

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 principles and overall policy direction of Livable Oakville. On this basis, staff recommend approval of draft plan of subdivision, subject to the draft plan conditions set out in Appendix “A” as the following requirements have been satisfied:

- The proposed development does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan.
- The proposed development would assist in achieving healthy, liveable and safe community objectives of the PPS and is consistent with the policies of the PPS.
- The draft plan of subdivision is necessary to create individual residential lots and is appropriate for the orderly development of the lands.
- The proposed development is a planned extension of the surrounding registered plan of subdivision (20M-1223), known as Bronte Green, which was approved by the former Ontario Municipal Board (OMB).
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.
- Comments from Council have been appropriately addressed.

APPENDICES:

Appendix “A”: Draft Plan Conditions and Subdivision Agreement Conditions

Appendix “B”: Applicable Policies

Prepared and Recommended by:

Paul Barrette, MCIP, RPP
Acting Manager, Current Planning - West

Submitted by:

Gabe Charles, MCIP, RPP
Director of Planning