

## REPORT

### Planning and Development Council

Meeting Date: July 10, 2023

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**FROM:** Planning Services Department

**DATE:** June 27, 2023

**SUBJECT:** Public Meeting Report, Official Plan Amendment & Zoning By-law Amendment, Enirox Dundas 3015 Inc., File No.: OPA.1331.01; Z.1331.01 - 3005, 3015 Dundas Street West

**LOCATION:** 3005, 3015 Dundas Street West

**WARD:** Ward 7

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#### RECOMMENDATION:

1. That comments from the public with respect to the proposed Official Plan Amendment and Zoning By-law Amendment submitted by Enirox Dundas 3015 Inc. (File No.: OPA 1331.01 & Z.1331.01), be received.
2. 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:

- **Nature of the Application:** The applicant applied for an Official Plan Amendment and a Zoning By-law Amendment to permit a high-density mixed-use development, consisting of two towers (27 and 30 storeys) on a three-storey podium with retail and commercial units along the ground floor and underground parking. The effect of these applications would permit the development of a high-density mixed-use development with retail and commercial uses along the ground floor.
- **Proposal:** The applications propose the development of Two towers (27 and 30 storeys) including a three-storey podium, four levels of underground parking with 698 parking spaces, 690 dwelling units and 1,380m<sup>2</sup> (14,854.2 square feet) of on-site amenity space.

- **Public Consultation:** A Public Information Meeting (“PIM”) was held on April 18, 2023, to present and discuss the subject applications. The meeting was attended by eight members of the public.

## **BACKGROUND:**

The purpose of this report is to provide an overview of the Official Plan Amendment and Zoning By-law Amendment applications which seeks to modify existing policy and zoning to permit two towers (27 and 30 storeys) including a three-storey podium, four levels of underground parking with 698 parking spaces, 690 dwelling units.

As part of the town's ongoing Official Plan Review, the Palermo Village Growth Area Review was initiated. On March 22, 2021, Town Council resolved to adopt Official Plan Amendment 34 (OPA 34)

On April 12, 2021, Town Council passed the by-law required to adopt Official Plan Amendment 34 (OPA 34), as modified by Town Council resolution on March 22, 2021. OPA 34, as adopted, includes the policies for the expanded Palermo Village growth area, except for the deferred area-specific parking and cultural heritage policies.

On July 5, 2021, Planning and Development Council adopted Official Plan Amendment 37 (OPA 37), which provides area-specific parking and cultural heritage policies for the expanded Palermo Village growth area. The same policies were originally proposed through OPA 34, but deferred by Council resolution on March 22, 2021.

OPA 34 and 37 were approved, with modifications by Halton Region on March 13, 2023; however, both were subsequently appealed to the Ontario Land Tribunal (OLT) and are not in force and effect.

OPA 34 will repeal the 1984 Oakville Official Plan on the subject lands and expanded the Palermo Village Growth Area to the north side of Dundas Street, inclusive of the subject lands.

Subsection 22.6 of By-law 2021-043 (OPA 34) provides various land use policies for the subject lands, designating them as Urban Centre and applying area specific policies related to the development of the lands, including maximum building heights. The adopted policies, under appeal, provide for a maximum of 16 storeys in building height with the general intent of the lands to be developed for a high-density, mixed-use community.

Subsection 22.8.2 of By-law 2021-043 (OPA 34) provides policy for the requirement of Landowners Agreements(s) for the subject lands in order to ensure appropriate and orderly development of lands within Palermo Village north of Dundas Street. The policy states that the development of individual parcels of land will generally not be permitted in the absence of participation in a landowners' cost sharing agreement.

Notwithstanding the foregoing, the subject lands remain subject to the policies of the Town of Oakville Official Plan (1984) and Official Plan Amendment 198. The purpose of OPA 198 was to redesignate the subject area (inclusive of the subject lands pertaining to this application) into the urban area of the Town. The amendment did not provide detailed land use designations because these were to be established through the secondary plan process. Additionally, the north side of Dundas Street is subject to Zoning By-law 2009-189, which was approved to conform to the policies of the Oakville Official Plan (1984) and OPA 198, and the North Oakville East and West Secondary Plans. The lands south of Dundas are subject to Zoning By-law 2014-014, which is approved to conform to the policies of the Livable Oakville Official Plan.

The 1984 Oakville Official Plan, OPA 198 and the North Oakville West Secondary Plan established the current in effect policy to guide development for the subject lands. Currently, a portion of the North Oakville West Secondary Plan that affects the subject property and Official Plan Amendment 306 are also appealed to the OLT, and as such are presently not in force. There is currently no in effect policy for the subject lands under the Livable Oakville Official Plan, the only in effect policy for the subject lands is established by OPA 198. OPA 198 designated the lands as a Special Study Area. In order to advance development on the subject lands ahead of any resolution of the appeals, the applicant has submitted Official Plan and Zoning By-law amendment applications.

On June 29, 2011, the former Ontario Municipal Board (now OLT) issued a written decision to consolidate certain appeals of OPA 306 (Palermo Village North Urban Core) with appeals to OPA 289 (North Oakville West Secondary Plan), generally regarding the lands north of Dundas Street adjacent to Bronte Road. The consolidated appeals have yet to be resolved.

The 1984 Official Plan, as amended, remains in effect as the parent official plan to the North Oakville East and West Secondary Plans, which apply to the lands between Dundas Street and Highway 407.

The effect of the Official Plan Amendment application would be to include the subject lands within the jurisdiction of the Livable Oakville Official Plan, while the Zoning By-law Amendment would be to rezone the lands within the Zoning By-law 2009-189.

## APPLICATION SUMMARY

**Applicant/Owner:** Enirox Dundas 3015 Inc.

**Purpose of Application(s):** The purpose of the applications is to amend the Town's Official Plan and Zoning By-law to permit a high-density mixed-use residential development with site-specific provisions. The proposed Zoning By-law Amendment would implement the proposed development and introduce regulations relating to the Floor Space Index, minimum setback requirements, maximum podium height, maximum building height, and modified parking requirements for the subject lands.

An aerial map, existing North Oakville West Secondary Plan land use schedule and an existing excerpt from the Zoning By-law 2009-189, as amended, are included in **Appendix "A"**.

**Effect of Application(s):** The effect of the applications will be to permit a new high-density mixed-use residential development, containing 690 dwelling units with retail and commercial units along the ground floor.

A copy of the applicant's Concept Plans are included as **Appendix "B"**.

A copy of the applicant's draft Official Plan Amendment is included as **Appendix "C"**.

A copy of the applicant's draft Zoning By-law is included as **Appendix "D"**.

**Submitted Plans / Reports:** The applicant has provided technical supporting studies which are currently under review by various public agencies and internal Town departments. The supporting documentation is accessible on the Town's website at [Enirox Dundas 3015 Inc. – 3005 Dundas Street West – Z.1331.01 and OPA 1331.01 \(oakville.ca\)](#).

**Property Location:** The subject lands are located on the north side of Dundas Street West, east of Regional Road 25, west of Old Bronte Road and south of William Halton Parkway West.

**Surrounding Land Uses:** The subject lands are currently vacant. The surrounding land uses are as follows:

- *North* – Vacant land and low density residential uses (single-detached).
- *South* – Retail and commercial shopping plaza.
- *East* – Low density residential uses and Palermo United Church.
- *West* – Vacant land.

## **Key Milestones:**

This is a Bill 109 application.

Pre-Consultation Meeting	October 28, 2022
Public Information Meeting	April 18, 2023
Pre-submission Review	N/A
Application Deemed Complete	June 8, 2023
P & D Council - Public Meeting	July 10, 2023
Date Eligible for Appeal/Refund for Non-decision	October 7, 2023

This application is not subject to Section 34 (10.12) of the *Planning Act* as amended by Bill 97, as the application was considered complete prior to July 1, 2023.

## **PLANNING POLICY CONTEXT**

The subject lands are subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth plan for the Greater Golden Horseshoe (2019, as amended in 2020);
- Halton Region Official Plan;
- 1984 Oakville Official Plan (2006 Consolidation);
- Official Plan Amendment 198; and,
- Zoning By-law 2009-189

A full analysis of the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019, as amended in 2020), Halton Regional Official Plan will be included within the future recommendation report.

1984 Oakville Official Plan (2006 Consolidation), Official Plan Amendment 198, and Zoning excerpts are included as **Appendix “E”**.

The subject lands are affected by the following Official Plan Amendments that are currently under appeal and may provide future policies for this area:

- Official Plan Amendment 34; and,
- Official Plan Amendment 37

Official Plan Amendment 34 and Official Plan Amendment 37 excerpts, which have been adopted by Council but are currently under appeal, are included as **Appendix “F”**.

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## **MATTERS UNDER REVIEW**

These applications were recently received and are under review by Town departments and agencies. The following are general issues that will be addressed in a future recommendation report, in addition to any comments from the public, Council and commenting agencies:

- Climate Change/Sustainability Goals
- Public & Council Comments/Concerns
- Conformity with applicable policy
- Zoning performance standards
- Transportation & Servicing Implications
  - functional servicing (water, wastewater & stormwater)
  - road and related infrastructure capacity
  - waste management
  - parking utilization
- Urban Design
  - interface with the public realm
  - compatibility with buildings in the surrounding area
  - appropriate setbacks of additional building height
  - integration/impact on adjoining and adjacent properties
  - shadow impacts

## **CONCLUSION**

Planning Staff will continue to review and analyze the submitted Official Plan and Zoning By-law Amendment applications, evaluate the conceptual plans, and address all technical matters, if any, along with submitted public comments. 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.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The applicant held a Public Information Meeting (“PIM”) on April 18, 2023 to present the proposed development applications for the subject lands. It was attended by eight members of the public. Minutes of the meeting have been included as **Appendix “G”**. All other public comments received as of the date of this report are included as **Appendix “H”**.

Notice of complete application and statutory public meeting were distributed to property owners within 240m of the subject lands in accordance with the Town's current notice requirements.

**(B) FINANCIAL**

This application is subject to the Town's Community Benefit Charge By-law.

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

This application was circulated to internal and external departments and agencies for review and comment. The application remains in technical review.

**(D) CORPORATE STRATEGIC GOALS**

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

- Be the most liveable town in Canada

**(E) CLIMATE CHANGE/ACTION**

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

**APPENDICES:**

Appendix "A": Mapping

Appendix "B": Concept Plans

Appendix "C": Applicant's Draft Official Plan Amendment

Appendix "D": Applicant's Draft Zoning By-law Amendment

Appendix "E": Policy Excerpts

Appendix "F": Official Plan Amendment 34 & 37 Excerpts

Appendix "G": Applicant's Hosted Public Information Meeting Minutes

Appendix "H": Public Comments

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