



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: June 10, 2024

FROM: Planning Services Department

DATE: May 28, 2024

SUBJECT: Recommendation Report – Official Plan Amendment, Infrastructure Ontario – 2551 Sherwood Heights Drive, By-law 2024-091, File No. OPA1504.03

LOCATION: 2551 Sherwood Heights Drive

WARD: Ward 3 .

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RECOMMENDATION:

1. That the proposed Official Plan Amendment application submitted by Infrastructure Ontario (File No. OPA1504.03), inclusive of the site specific Urban Design Guidelines included as Appendix "B" to this report, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the Livable Oakville 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 May 28, 2024.
2. That By-law 2024-091, a by-law to adopt Official Plan Amendment number 68 to the Livable Oakville Plan, be passed.
3. That the notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS:

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

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- **Nature of the Application:** Infrastructure Ontario has applied for an Official Plan Amendment to permit a range of employment uses on the subject lands.
 - **Proposal:** Official Plan Amendment for a change in land use from “Parkway Belt West” to “Business Employment” with an exception to permit a select range of Business Employment and Business Commercial uses to act as a transition from surrounding employment uses and sensitive land uses.

The lands have been removed from the Parkway Belt West Plan since March 2022 which results in no land use permissions for the subject lands.

- **Location:** The subject lands are located on the west side of Sherwood Heights Drive, adjacent to the Highway 403 ramp, Ford Drive and Kingsway Drive and are municipally known as 2551 Sherwood Heights Drive.
- **Policy Context:** The subject lands are designated *Parkway Belt West* within the Livable Oakville (Schedule J – East Land Use).
- **Zoning:** The subject lands are presently zoned *U (Utility)* within the Zoning By-law 2014-014, as amended. A future Zoning By-law Amendment application, and a site plan application, will be required to implement the proposed Official Plan Amendment.
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting (“PIM”) was held on March 23, 2022, and was attended by the Ward Councillor and eight members of the public. The statutory public meeting for this application was held on January 23, 2023, and one member of the public attended. At the time of writing this report, 16 written submissions have been received and are included in Appendix “D”.
- **Timing:** This application was submitted and deemed complete on April 12, 2022. The *Planning Act* provides a 120-day timeline for Council to make a decision on this application (August 10, 2022) failing which the applicant could file an appeal for non-decision. This application was submitted prior to Bill 109 coming into effect and therefore is not eligible for any fee refunds.
- **Recommendation:** Staff recommends approval of the Official Plan Amendment (OPA) 68 included in Appendix “A” together with the site specific Urban Design Guidelines contained in Appendix “B” as the proposed change in designation allows for land use permissions under the Livable Oakville Plan where none existed previously, and provides opportunity for development that is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms to the Region of Halton Official Plan and the general intent and purpose of

the Livable Oakville Plan. The application conforms to the Town’s Urban Structure as the proposed development aids in the achievement of complete communities.

BACKGROUND:

Infrastructure Ontario (IO) manages the provincial land holdings portfolio and is tasked with acquiring and disposing of lands as needed. The subject lands have been identified as surplus to the Province.

The subject lands were previously part of the Parkway Belt West (PBW) Plan, which was implemented in 1978 to protect land needed for large-scale infrastructure corridors such as transit, hydro, and electric power facilities. Since 1978, over 160 amendments have been made to the PBWP. An application was made to the Ministry of Municipal Affairs and Housing (MMAH) in July 2020 to remove the lands from the Parkway Belt West Plan as the lands were no longer required for infrastructure purposes. The MMAH approved the amendment in March 2022.

The applicant has submitted an OPA application to redesignate the lands to permit development opportunities for employment uses in advance of selling the lands.

Proposal

The applicant proposes to amend the Livable Oakville Official Plan to change the land use designation from “Parkway Belt West” to “Business Employment” with an exception. Since the lands are no longer subject to the Parkway Belt West Plan, there are no underlying local land use permissions for the site. On this basis, the OPA is necessary to permit development opportunities for the site.

The applicant has prepared a concept plan to demonstrate a possible site layout, shown in Figure 1 below. As discussed later in this report, a refinement of uses, size and types will be implemented through a future Zoning By-law Amendment application. Therefore, the plan shown in Figure 1 below is provided to demonstrate a potential scenario for the site and not to be considered the ultimate design and configuration.

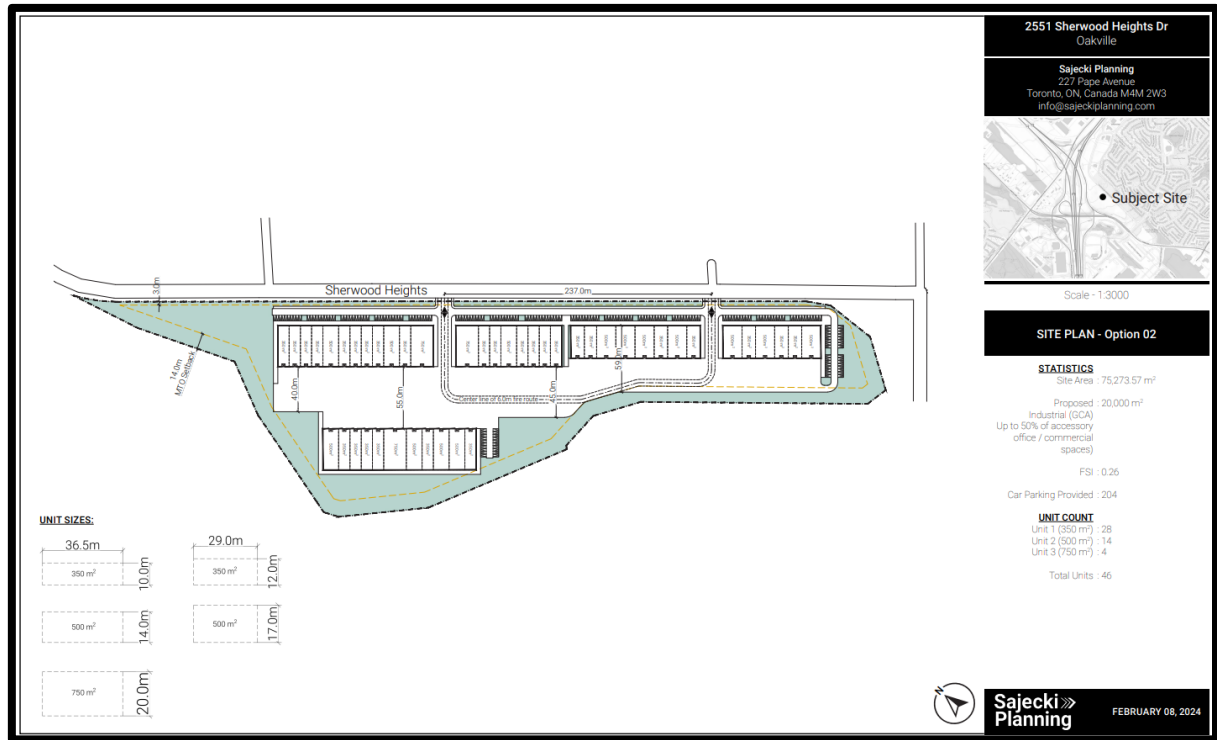


Figure 1 – Conceptual Site Plan

Location & Site Description

The lands are located on the west side of Sherwood Heights Drive, adjacent to Ford Drive, Kingsway Drive and Highway 403 access ramp, as shown below. The lands are known municipally as 2551 Sherwood Heights Drive. The lands are currently vacant. The north half of the site contains an unregulated wetland feature.



Figure 2 - Aerial

Surrounding Land Uses: The surrounding land uses are as follows:

- North – 403/Queen Elizabeth Way highway
- East – Kingsford Gardens Park, Residential uses

- South – Kingsford Gardens Park, SWM Pond
- West – 403/ Queen Elizabeth Way highway, Ford Motor Company

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 (2020)
- Halton Region Official Plan
- Livable Oakville Official Plan
- Zoning By-law 2014-014

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.

The Subject Property is located within a settlement area, which is the focus of growth and development. Land use patterns within settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, and appropriately use the infrastructure and public service facilities that are planned or available.

Staff are of the opinion that the proposed change in land use designation would contribute to a healthy, liveable and safe community and that it represents an efficient use of land and existing resources. On this basis, the proposed Official Plan Amendment is consistent with the PPS (2020).

Excerpts of relevant PPS policies to the application are provided in Appendix "C".

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 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.

The subject lands are located within a "Delineated Built-Up Boundary" which are to be the focus of growth. In accordance with the policy direction of the PPS, the Growth Plan also supports economic development and competitiveness. Policy 2.2.5 provides direction on Employment uses throughout the Greater Golden Horseshoe. Further, policy 2.2.5.5 states:

"Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities."

On this basis, the proposed Official Plan Amendment for a change in land use for employment uses in proximity of a major highway interchange is consistent with the Growth Plan and contributes to the achievement of complete communities.

Excerpts of relevant Growth Plan policies to the application are provided in Appendix "C".

Halton Region Official Plan

The subject lands are designated 'Urban Area' in the Regional Official Plan (ROP). Section 72 of the ROP, provides that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity. Additionally, the policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities, which afford maximum choices for residence, work, and leisure. Further, Section 72.1(10) of the ROP, states that another objective of the Urban Area is to provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs.

The ROP supports comprehensive planning of new development areas. On this basis, Section 77(5) provides that new major growth areas have area-specific plans or policies developed for them and lists what these plans/policies should address.

While this application does not represent a major growth area, it does represent the introduction of a new development area which warrants some consideration of the requirements.

The proposed Official Plan Amendment has been prepared to address the necessary studies and reports required to meet the requirements of the ROP as it relates to Land Use Compatibility, Natural Heritage, and Transportation.

On this basis, the proposed Official Plan Amendment to designate the lands for employment uses conforms to the Region of Halton Official Plan.

Livable Oakville Plan

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. In staff's opinion, the proposal advances the goals and objectives of the Livable Oakville Official plan by promoting intensification within a growth area, described in further detail below.

Urban Structure

The Town's urban structure most recently updated through Official Plan Amendment 15, is comprehensive and provides certainty to guide major infrastructure investment and to maximize cost effectiveness. It is the basis for the policies in this Plan and for making planning decisions. The urban structure consists of a number of distinct and interconnected elements shown on Schedule A1, Urban Structure.

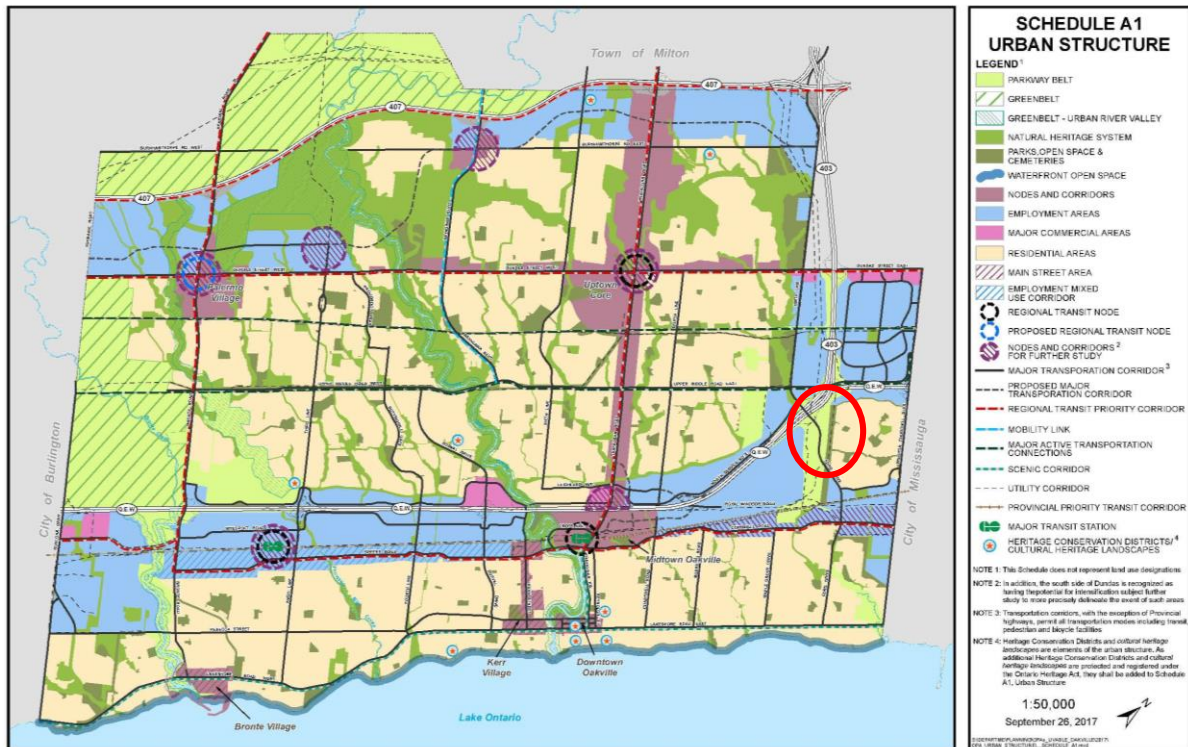


Figure 3 - Urban Structure

In accordance with Section 3.2 of the Official Plan, the Parkway Belt designated areas within the Town are where development is limited in accordance with Provincial policy. Lands in the Parkway Belt in Oakville are primarily designed to achieve other objectives including, but not limited to, the protection of infrastructure corridors, utilities, and an inter-urban transitway. As the lands are no longer subject to the PBW Plan, the purpose of the proposed amendment is to remove the lands from the Parkway Belt areas as shown on Schedule A1, Urban Structure and identify the lands as Employment.

Section 3.7 provides that Employment areas include a mix of employment uses including industrial, manufacturing, warehousing, offices, and associated retail and ancillary facilities. The Employment Areas are generally located along the Provincial Highways including the QEW, the 403 and the 407.

Land Use Policies

As noted above, the subject lands are designated *Parkway Belt West* on Schedule J – East Land Use. With the removal of the lands from the PBW Plan, there are no underlying land use permissions that would support development of any kind on the subject property. An Official Plan Amendment is required in order to provide development opportunities for the site. An analysis of the proposed Official Plan Amendment is provided later in this report.



Figure 4 – Official Plan Designation

Zoning By-law

The lands are zoned U (Utility). The permitted uses of the U zone at this location are limited to conservation uses, and a stormwater management facility. Public and private parks is not a permitted use. A future Zoning By-law Amendment is required

to implement the proposed Official Plan Amendment and to permit development on the subject lands.

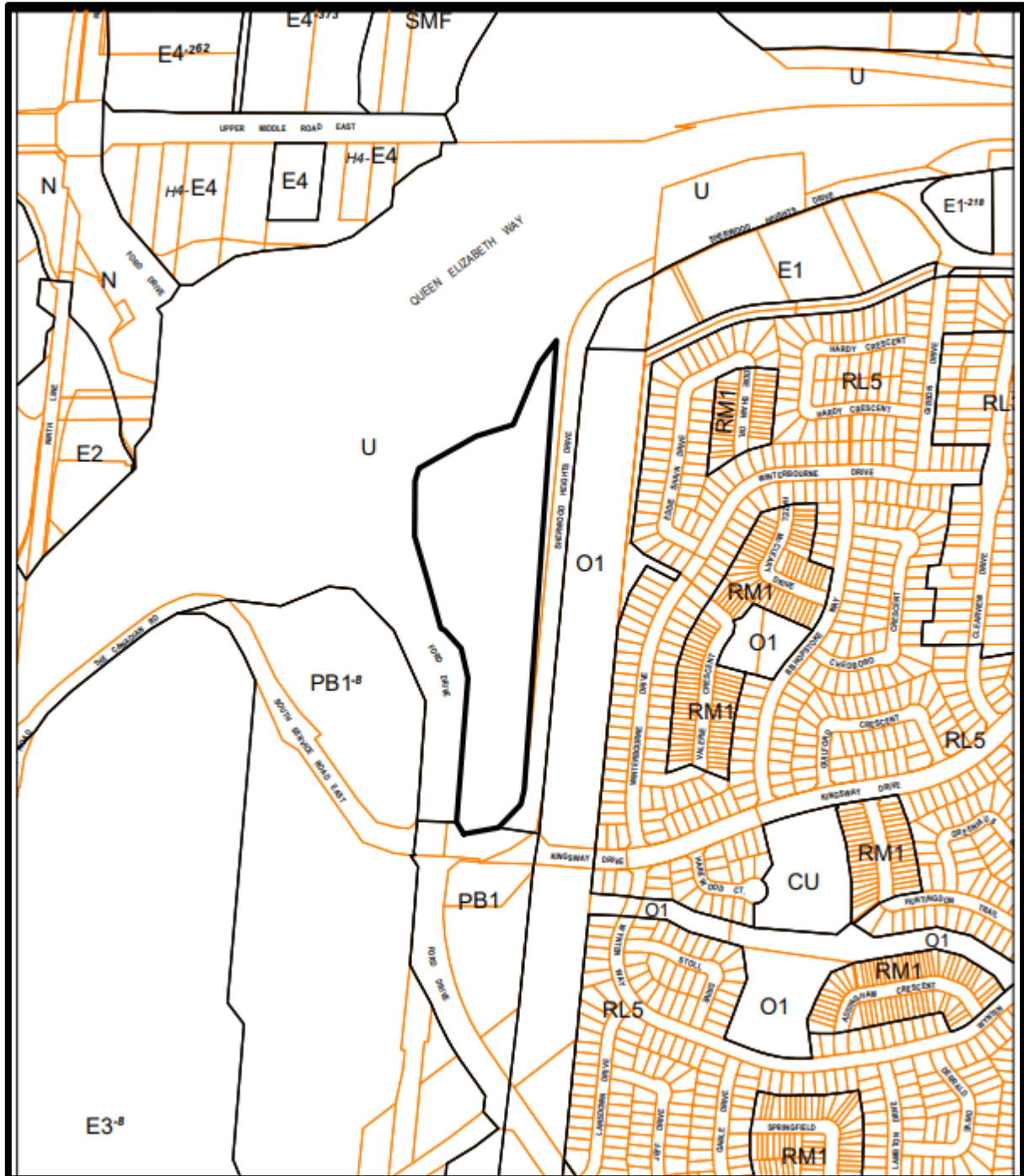


Figure 5 – Zoning

TECHNICAL & PUBLIC COMMENTS:

Planning staff circulated the development application to internal departments and external agencies for a full assessment of the proposal to ensure technical matters have been satisfactorily addressed. A variety of studies and supportive materials were submitted with the application and are available on the town's website. The proposed OPA 68 provides a policy framework and identifies a similar set of studies and reports that are required with a future Zoning By-law Amendment application to better determine the specific range of uses, size and scale that reflect the intended transitional nature of the site.

The town has received 16 written letters of correspondence since the application was received and are included in Appendix "D", which have all primarily indicated concerns over the removal of the lands from the PBW Plan and the broad range of uses permitted in the "Business Employment" designation.

Analysis

As discussed earlier in this report, the PBW Plan was established to protect lands exclusively for infrastructure purposes. The subject lands were part of the highway corridor under the jurisdiction of the Ministry of Transportation (MTO). It has been determined that MTO does not require these lands for future infrastructure purposes and has declared them surplus. The application to remove the lands from the PBW Plan was approved by MMAH in March 2022 and it is appropriate for the town to consider the proposed OPA application to provide land use permissions for development where currently no land use policies exist.

The following matters to be considered were identified in the Public Meeting Report and at the Public Meeting held on January 23, 2023:

- Integration/Impact on adjoining and adjacent properties
- Conformity with applicable policy
- Identification of Urban Structure (Growth Corridor, Natural Area etc.)
- Conformity with Section 14, and other applicable policies of the Livable Oakville Plan
- Proposed use and density
- Land use compatibility and context to nearby parks and residential areas
- Transportation implications
- Stormwater Management
- Tree Preservation
- Functional Servicing
- Urban Design
- Natural Heritage Features
- Climate Change/Sustainability Goals

- Public & Council Comments/Concerns

Council also included the following items for consideration:

- Review the appropriateness of “Business Employment” designation compared to Office Employment designation.
- Review the former designation under the Parkway Belt West Plan, including policies and objectives for the subject lands.
- Review the need for additional buffers on the subject lands to sensitive land uses.
- Review land use compatibility for residential development, including long term care and mixed uses on the subject lands.
- Investigate the opportunities for a peer review of the Environmental Impact Assessment to assess the developability of the subject lands.
- Review the purpose and function of the relocated wetland feature.
- Determine if there is nearby contamination that would limit the development subject lands.

The applicant has modified their application to propose a “Business Employment” designation with an exception in order to provide a policy framework for the future development of the lands. It is understood that IO will not be the developer of this property, as they are tasked with managing provincial lands. It is staff’s opinion that the proposed Official Plan Amendment framework provides for a clear set of objectives that consider the future development opportunities for the site.

The unique context of the site provides some limits on the range of uses that could be contemplated for the property. Staff note the potential concerns around land use compatibility while maintaining the stability of an established employment area to the southwest. The industrial lands to the southwest are home to the Oakville Assembly Complex of the Ford Motor Company of Canada whose facilities are considered a major emitter under the town’s Health Protection Air Quality By-law. The Ford Motor Company Facilities are classified as a Class III Industrial facility under the province’s D-6 Guidelines for Compatibility between Industrial Facilities. Town staff estimates that portions of the subject lands may also be located inside the minimum separation distance of 300 metres under the D-6 Guidelines for Class III facilities, making residential and other sensitive land uses such as parks undesirable uses for the subject lands.

Further, the lands are directly adjacent to the QEW and 403 Provincial highway and within an area of influence for emissions, noise and vibration. These additional elements would also make residential and other sensitive land uses undesirable for the subject lands. However, the proximity of the subject lands to the Kingsford

Gardens Park to the east, and the residential neighbourhood known as Clearview further east present opportunities for supportive employment and commercial uses that complement both the industrial uses to the southwest, and the sensitive land uses to the northeast. Further, complementary development on the subject lands have potential to act as a buffer for emissions, noise and vibrations coming from the adjacent highway, and improve access to services and goods for Clearview residents.

On this basis, it is staff's opinion that an employment designation with an exception for the subject lands can create opportunities for transitional employment and small-scale commercial uses and support the development of complete communities.

Business Employment and Business Commercial

The "Business Employment" and "Business Commercial" land use designations in Section 14 of the Livable Oakville Official Plan provide opportunities for a range of uses that can support both employment uses and residential uses in the vicinity of the site. The "Business Employment" Designation provides:

"a wide range of business and industrial uses. The uses in the Business Employment areas are intended to be predominantly within enclosed buildings and provide for office uses and light and service industrial operations with minimal impacts on the surrounding areas."

The "Business Commercial" designation provides:

"service commercial and convenience retail uses to support the surrounding Employment Areas and the travelling public."

The proposed "Business Employment" designation with an exception to permit a select range of "Business Commercial" uses provides an approach to permitting development on the subject lands which are transitional in nature. The proposed OPA 68 including in Appendix "A" establishes the requirement for the completion of a Land Use Compatibility Study to best determine the appropriate range of uses at the time of a Zoning By-law Amendment. The Land Use Compatibility Study will help ensure that employment uses are compatible with the sensitive land uses in proximity to the site. Additionally, land use policies have been included to limit the size of buildings to ensure that large format facilities such as stand-alone warehousing and distribution requiring tractor trailer operations are not permitted on the site.

The Official Plan Amendment requires the following additional studies to be completed with a future Zoning By-law Amendment:

- Environmental Impact Assessment (EIA) to address an existing unregulated natural feature, which if determined to remain, may be relocated elsewhere on the site, provided the existing hydrologic and natural functions can be maintained. The completion of the EIA will inform the developable area for the site.
- Stormwater Management Report (SWM Report) to identify and develop the required stormwater management strategy for the site, including the possibility of constructing a pond or other facility such as a Low Impact Development (LID) feature. The completion of the SWM Report will also inform the developable area for the site.
- Transportation Impact Study (TIS) to determine the location, and number of access points to the site as well as identify and mitigate any transportation issues generated from the uses proposed through the future Zoning By-law Amendment. The TIS may include recommendations for changes to the Kingsway Drive and Sherwood Heights intersection, as well as the introduction of new pedestrian crossings on Sherwood Heights, and sidewalks adjacent to the subject lands.
- Arborist Report in conjunction with the EIA to identify existing trees on and off the site and mitigate any negative impacts while also demonstrating opportunities for new plantings on and off site to enhance the town's tree canopy.
- Environmental Site Assessment (ESA) and any associated phases is needed to determine whether there is any potential contamination on the site, and if so, to undertake the steps necessary to bring the site to a condition suitable for its intended use and receive a Record of Site Condition from the Ministry of the Environment, Conservation and Parks.

Staff note that most of these studies had been submitted in support of IO's application. However, new and or additional information will be required when the land uses are determined with the future Zoning By-law Amendment application. It is on this basis that they have been included in the proposed OPA 68. As provided in OPA 68, many of these studies will require the approval of a Terms of Reference, vetted by town staff prior to the study's completion to establish the scope and purpose of each study.

As provided in proposed OPA 68 found in Appendix "A", the range of Business Employment uses (informed by an approved Land Use Compatibility Study), and "Business Commercial" uses include:

- offices including co-locating spaces;
- light industrial uses such as manufacturing, assembling, processing, fabricating, and repairing, which can also include a variety of artist specialties such as pottery making, glass blowing, and furniture making spaces;
- warehousing and wholesaling for small scale operations;
- hotels and public halls;
- indoor sports facilities, and training facilities and commercial schools;
- accessory retail in conjunction with another permitted employment use within the same unit;
- restaurants and other food services such as small-scale catering services;
- motor vehicle related uses, excluding car dealerships, car rental facility, vehicle service station, motor vehicle storage compound, and washing facility,
- art galleries and places of entertainment; and
- animal shelters.

As indicated above, the type, size and scale of the permitted uses will be determined through a future Zoning By-law Amendment application while the proposed OPA sets out an overall Gross Floor Area cap on a per building basis and establishes the expectation of multiple compatible uses on the site instead of a stand alone use. Aspects of development including the number of units and buildings, parking requirements, and Urban Design will be evaluated through future development applications. Additionally, site specific Urban Design Guidelines have been established for the subject lands and are included in Appendix “B” of this report. The site-specific guidelines are intended to inform the design and function of the site in relation to built form and the public realm. For instance, given the exposure of the site to public rights-of-way on all sides of the property, careful consideration for building design and lay-out, parking, buffering and screening is needed. Additionally, heights of buildings will be further regulated in the Zoning By-law.

CONSIDERATIONS:

(A) PUBLIC

The applicant held a Public Information Meeting on March 23, 2022, and it was attended by 24 residents. A Statutory Public Meeting was held on January 23,

2023, and one member of the public attended. All other public comments received as of the writing of this report are included as Appendix “D”.

Notice for the Statutory Public 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.

(B) FINANCIAL

None.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

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

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council’s strategic priority:

- To be a vibrant and livable community for all.

(E) CLIMATE CHANGE/ACTION

The proposed Official Plan Amendment requires the completion of a Land Use Compatibility Study and provides a maximum building size to reduce the development footprint of the proposal. The future Zoning By-law Amendment application will also be reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide further opportunities to reduce the development footprint of the proposal. This will be reviewed in greater detail through a future site plan approval process.

CONCLUSION:

Staff support a comprehensive approach for removing lands subject to the PBW Plan that would provide for appropriate local land use designations and policies in the Livable Oakville Official Plan. The proposed OPA 68 provides a change in land use designation that creates opportunities for new development that are both sensitive to the parks and residential uses in the vicinity of the site, as well as supporting the nearby employment uses. It is staff’s opinion that OPA 68 establishes a policy framework that supports the development of complete communities in a manner that provides transitional employment uses and serves the needs of the Clearview community and the surrounding area.

It is staff’s opinion that OPA 68 provides a comprehensive approach to determining the limits of development, protecting for natural features and stormwater

management practices, and creating opportunities for new development on the subject lands. Staff recommends approval of OPA 68 and is satisfied that the OPA 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.

Staff recommend that By-law 2024-091 be passed to adopt OPA 68 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 Livable Oakville Plan.
- Functional and technical design matters will be fully addressed through a future Zoning By-law Amendment and Site Plan applications.
- Comments from the public and Council have been appropriately addressed.

Official Plan Amendment 68 and implementing By-law 2024-091 is attached as Appendix “A”.

APPENDICES:

Appendix “A” – OPA 68, By-law 2024-091

Appendix “B” – Site Specific Urban Design Guidelines

Appendix “C” – PPS (2020), Growth Plan and Livable Oakville policy excerpts

Appendix “D” – Public Comments

Prepared by:

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Senior Planner, Current Planning - East District

Recommended by:

Leigh Musson, MCIP, RPP

Manager, Current Planning - East District

Submitted by:

Gabriel A.R. Charles, MCIP, RPP

Director, Planning Services