

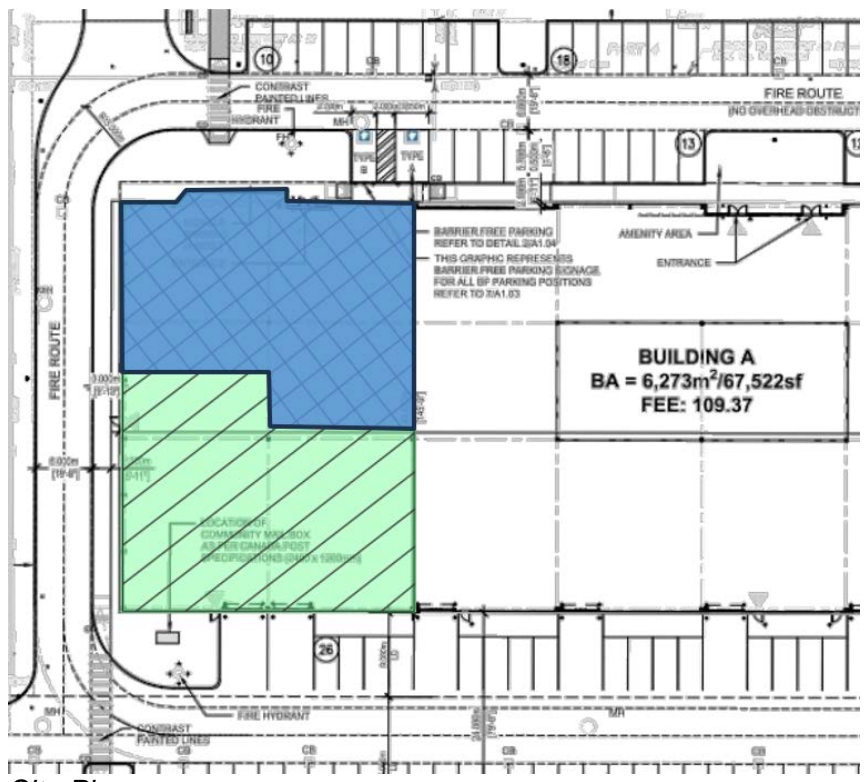
CAV A/125/2024 – 3540 & 3560 Wycroft Road (West District) (OP Designation: Business Employment/Business Commercial, with an Exception)

The applicant proposes to permit a retail store in Building A on the subject property, subject to the variance listed above.

Site Area and Context

The subject property located on the southeast corner of Burloak Drive and Wycroft Road is currently under construction. OPA 40 was approved in 2021 which re-oriented the designations on the subject lands to provide Business Commercial uses oriented towards Wycroft Road (northern portion of the site), and Business Employment uses behind (southern portion of the site), along with an Exception to permit warehousing over the entirety of the lands. A Zoning By-law Amendment was also passed to add warehousing uses in the E4 Zone.

The development of the subject lands will provide for two warehouse buildings as approved through site plan approval on December 14, 2023 (SP.1635.090/01). It was the applicant's opinion that the principle use of their unit was warehousing, with accessory retail (showroom). The front of this unit (as shaded blue in the figure below) was proposed to be retail, with the rear (shaded green in the figure below) remaining warehouse to support the retail space. However, in May of 2024, a note to file was made to SP.1635.090/01 to address a parking deficiency recognized when it was determined that the entirety of the applicant's operation is considered to be retail. At that time, it was determined that an additional 88 parking spaces is required to meet the parking regulations identified in Zoning By-law 2014-014, as amended. While some additional parking was accommodated on the site to better comply with the by-law requirements, the proposal is deficient 77 parking spaces to meet the requirements identified in Zoning By-law 2014-014, as amended. The applicant provided relevant and technical justification through the site plan application and has chosen to pursue a minor variance to address the parking deficiency.



Site Plan

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Business Commercial (north portion of subject lands), and Business Employment (south portion of subject lands) with an Exception to permit warehousing within the Business Commercial designation within the Official Plan, as shown in the figure below.



Official Plan Excerpt

The intent of the Business Commercial designation is to provide for service commercial and convenience retail uses to support the surrounding employment areas and travelling public. Warehousing was added as an additional permitted use to provide flexibility to in the total build-out of the site. The intent of the Business Employment designation is to provide for a wide range of business and industrial uses, predominantly within enclosed buildings, and provide for office uses and light and service industrial operations with minimal impacts on the surrounding area.

The applicant has demonstrated that the proposed retail use is limited to the front portion of their unit, and have justified that there will be no adverse impacts to the function of the site as a whole as a result of the parking deficiency.

It is staff's opinion that the requested variance, maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 – Minimum number of parking spaces for a retail store – reduced from 77 to 8. The applicant requests relief from Zoning By-law 2014-014, as amended, to permit 1 parking space per 175.0 square meters of net floor area, whereas, a minimum parking rate of 1 parking space per 18.0 square meters is required to accommodate retail uses. The intent of the Zoning By-law provision for the required parking count is to ensure there is an appropriate number of parking spaces available for all users of the property.

Staff recognize that although the subject unit is classified as retail, a portion of this space will be used for warehousing purposes. It is noted that the parking rate for warehousing uses is 1 parking space per 100 square meters of net floor area for the first 7,500 square meters of net floor area, plus 1 per 200 square meters of net floor area for any additional

area. As such, the total parking space requirement for the site would be 166 parking spaces if it were determined to contain warehouse uses only. The parking rate provided through Zoning By-law 2014-014, as amended, assumes the fulsome area of the unit is to be utilized for retail purposes. Therefore, it is understood that the parking rate requirement includes more parking spaces than will actually be used on the subject lands. Transportation Engineering Staff have reviewed the parking assessment submitted by the applicant, and confirm that there are no concerns at this time with the parking rate as proposed.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts on adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The property be constructed in general accordance with the submitted site plan dated May 28, 2024.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

Fire: No Concerns for Fire.

Municipal Enforcement: The property must comply with noise limits as set out in the noise by-law.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received.

Heritage: No heritage issues.

Metrolinx:

- Be advised Metrolinx is a stakeholder that has provided comments on the comprehensive application including the Site Plan application (File no. 1635.030/01) and has been engaged in technical review with our Technical Advisor.
- Any comments/requirements provided by Metrolinx and/or our Technical Advisor are still applicable.

- As the requested variances have minimal impact on Metrolinx property (i.e. Oakville Subdivision), Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Halton Region:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit a decrease in the minimum number of parking spaces for the retail store, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of permitting the proposed retail store located in Building A on the Subject Property.
- General ROP Policy: The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' in the 2009 Halton Region Official Plan (ROP). 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. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

- RNHS

Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as concerns regarding the impact on the NHS were addressed as part of the Site Plan application (S.P.1635.030/01).

- Archeological Potential

The ROP also contains policies concerning archaeological potential and the preservation mitigation, and documentation of artifacts. It should be noted the site is identified as having archaeological potential overlay. Archaeological concerns were addressed through the associated OPA and ZBA applications (OPA.1635.10 and Z.1635.10). As such, there would be no further Regional requirements in this regard.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments/authorities (e.g. Engineering and Construction, Building, Conservation Halton etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:

- Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
- A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.

Requested conditions from circulated agencies:

1. The property be constructed in general accordance with the submitted site plan dated May 28, 2024.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.



Jennifer Ulcar
Secretary-Treasurer