



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 13, 2017

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**FROM:** Planning Services Department

**DATE:** January 23, 2017

**SUBJECT:** **Public Meeting Report**  
**Official Plan Amendment and Zoning By-law Amendment**  
**Capreit Limited Partnership Z.1512.08**

**LOCATION:** 1360 White Oaks Boulevard/1289 Marlborough Court

**WARD:** 6

Page 1

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**RECOMMENDATION:**

That comments from the public with respect to the Official Plan Amendment and Zoning By-law Amendment applications by Capreit Limited Partnership (File Z. 1512.08), be received.

**KEY FACTS:**

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

- This report provides information about a proposed Official Plan Amendment and a Zoning By-law Amendment submitted by Capreit Limited Partnership, received on September 16, 2016 and deemed complete on September 28, 2016.
- The intent of the applications is to permit an 838 m<sup>2</sup> fitness facility to be located within the residential building located at 1360 White Oaks Boulevard. The applicant is proposing to convert existing amenity space previously used as an indoor swimming pool.
- The application has been circulated to internal departments and public agencies for review and comment.
- A Public Information Meeting was held on November 22, 2016 and ten residents of the area attended the meeting.

**BACKGROUND:**

The purpose of this report is to introduce the planning application 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

From: Planning Services Department  
 Date: January 23, 2017  
 Subject: Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment –  
 Capreit Limited Partnership Z.1512.08

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.

Proposal

The applicant seeks an amendment to the Official Plan and Zoning By-law to permit an 838 sq m sports facility (i.e. fitness centre) to be located within the existing residential building at 1360 White Oaks Boulevard.

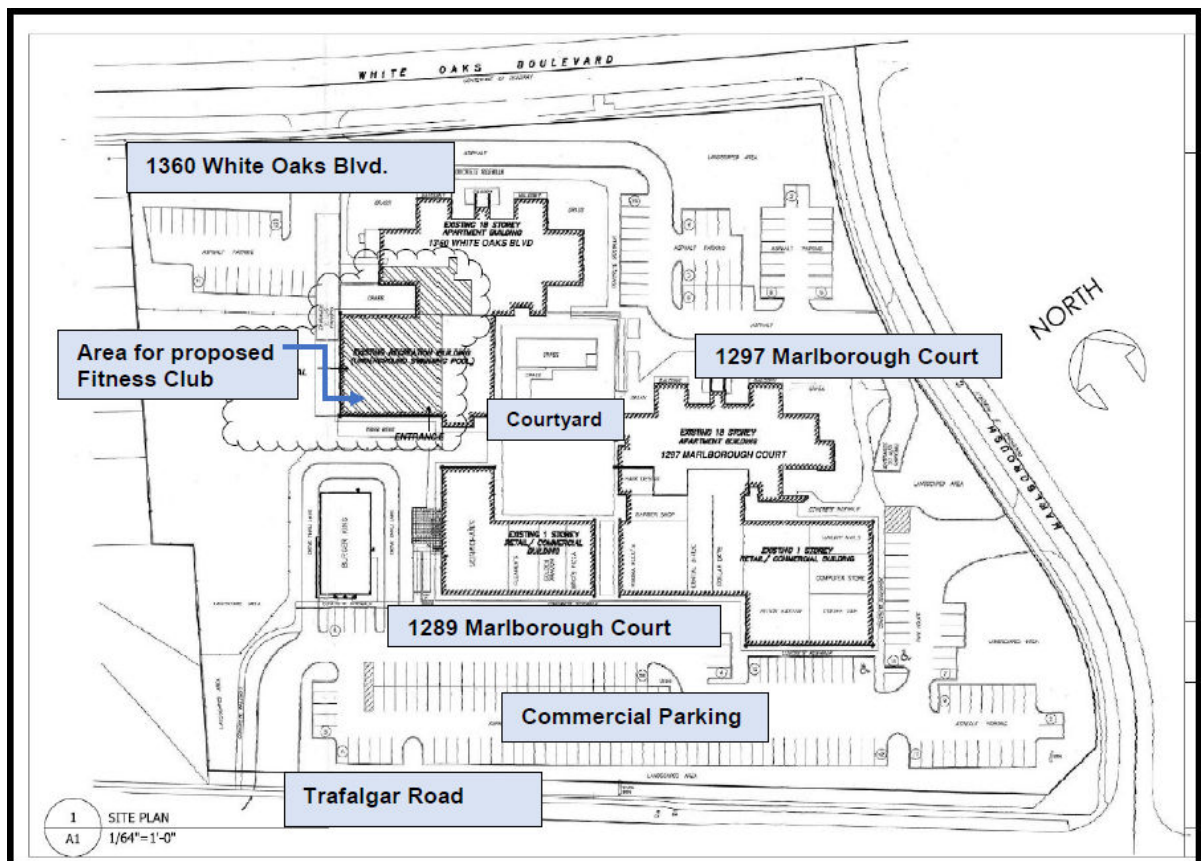


Figure 1: Site showing location of 1360 White Oaks Boulevard and the proposed fitness centre

The fitness facility would be located at the base level of the residential apartment building which was previously used as an indoor swimming pool for the apartment residents.

From: Planning Services Department  
Date: January 23, 2017  
Subject: Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment –  
Capreit Limited Partnership Z.1512.08

Location

The subject site is approximately 3.2 hectares in size and is bounded by Marlborough Court to the south, Trafalgar Road to the west, White Oaks Boulevard to the south. Detached dwellings about the site to the north.



Figure 2: Aerial Photograph of subject land

From: Planning Services Department  
Date: January 23, 2017  
Subject: **Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment – Capreit Limited Partnership Z.1512.08**

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### Site Description

The subject lands contain two 18-storey rental apartment buildings (1360 White Oaks Boulevard and 1297 Marlborough Court) and a commercial plaza (1289 Marlborough Court). The apartment building located at 1360 White Oaks Boulevard contains 125 apartment units and 1297 Marlborough Court contains 141 apartment units.

The commercial development located at 1289 Marlborough Court contains 14 commercial uses with the majority of the uses fronting onto Trafalgar Road, three units fronting onto Marlborough Court and two units face the internal courtyard.

There is a Montessori school located at the base of 1360 White Oaks Boulevard.

### Surrounding Land Uses

The area surrounding the site includes:

North: two storey detached residential dwellings

East: 21 storey residential apartment building

South: six storey residential apartment building

West: Sheridan Campus and green space

## **POLICY FRAMEWORK**

### Provincial Policy Statement

The Provincial Policy Statement is intended to promote a policy led system, which recognises 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 by promoting a compact development form.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

Staff are investigating whether or not the proposal of this nature fully complies to the PPS.



From: Planning Services Department  
Date: January 23, 2017  
Subject: **Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment – Capreit Limited Partnership Z.1512.08**

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### Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. The policies of ROPA 38 to Halton's Official Plan are in force with the exception of site specific and policy specific matters unrelated to this application.

The lands are designated "Urban Area" according to the Region's Official Plan. The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". One of the objectives of the Urban Area (Policy 72(1)) is to "accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". 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. All development, however, shall be subject to the policies of the Regional Plan.

### Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011 and is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe.

The subject lands are dual-designated Neighbourhood Commercial and High Density Residential on the Livable Oakville Plan on Schedule I: Central Land Use. The portion of the lands fronting onto Trafalgar Road are designated Neighbourhood Commercial. The balance of the lands are designated High Density Residential.

The High Density Residential land use designation does not contemplate commercial uses.

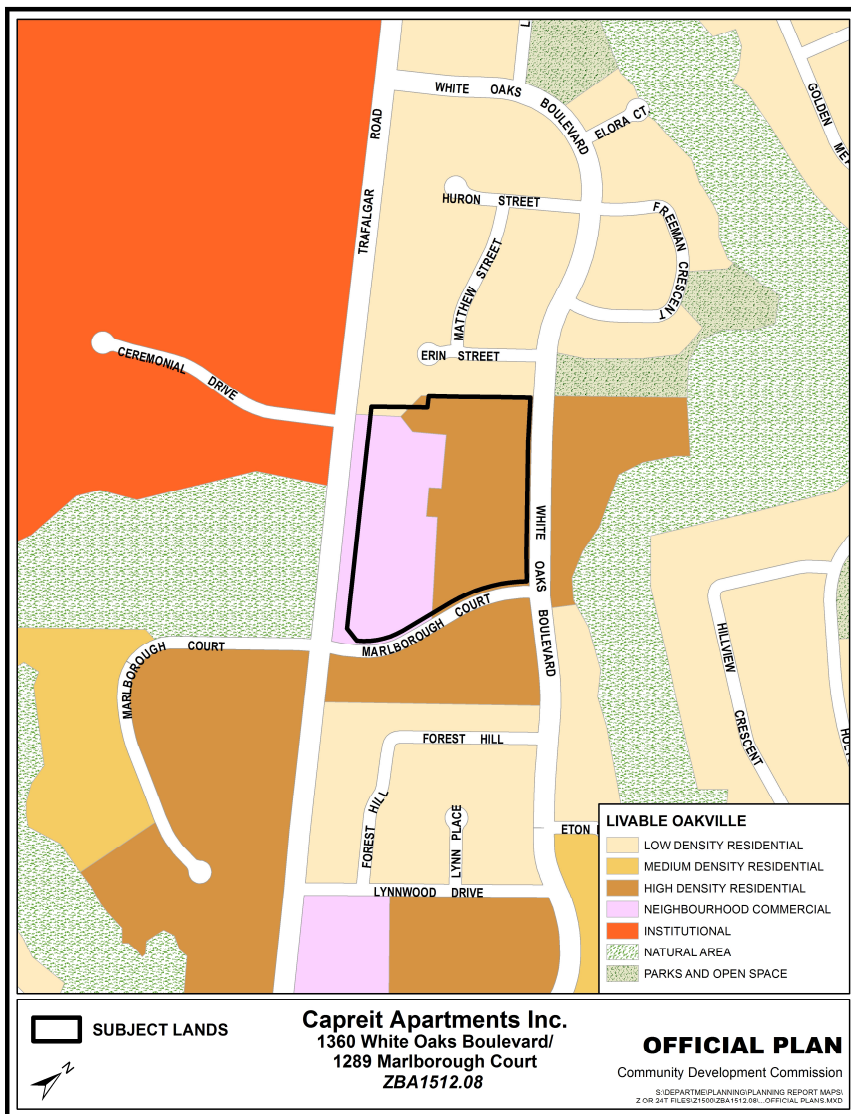


Figure 3: Livable Oakville Excerpt

The Definitions within Livable Oakville that are particularly relevant in the review of the subject application include:

*“Development – means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.*

*Intensification – means the development of a property, site or area at a higher density than currently exists through:  
 d) the expansion of conversion of existing buildings.”*

From: Planning Services Department  
Date: January 23, 2017  
Subject: Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment –  
Capreit Limited Partnership Z.1512.08

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The proposal is considered development due to the proposed change in land use – commercial use permissions in a residential designation, and the proposal is considered intensification due to the conversion of an existing amenity area within an existing residential building to a commercial use. Additional intensification within residential neighbourhoods may take place if it is determined the lands are underutilized. Intensification of residential areas is typically in the form of increasing density permissions, not in increasing the types of uses permitted.

Part D: Section 11 of the Livable Oakville Plan contains objectives and policies that speak to the importance of compatibility within the stable residential neighbourhoods, such as:

*11.a) An objective within all of the Residential Areas is to “maintain, protect and enhance the character or existing residential areas.”*

*11.1.8 “Intensification within the stable residential communities shall provide as follows:*

*c) Within stable residential communities, on lands designated Medium Density Residential and High Density Residential, there may be underutilized lands on which additional development may be appropriate. Intensification of these lands may occur within the existing density permissions for the lands and may be considered subject to the requirements of section 11.1.9 and all other applicable policies of this Plan.”*

*11.1.9 “Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:*

*a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.”*

*11.4 “The High Density Residential land use designation may permit a wide range of high density housing types, including multiple-attached dwelling units, apartments, retirement homes and long-term care homes.”*

From: Planning Services Department  
Date: January 23, 2017  
Subject: **Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment –  
Capreit Limited Partnership Z.1512.08**

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### Trafalgar Road Corridor Planning Study (TRCPS)

Part C: Section 3: Urban Structure speaks to Special Policy Areas that are subject to further study for which additional policies apply beyond the underlying land use designations.

The TRCPS is considered a Special Policy Area with policies for lands within the designated corridor area.

The entirety of the subject property, including the High Density Residential lands identified outside the Trafalgar Road Corridor Special Policy Area boundary on Schedule I, is considered part of and subject to the Special Area Policies. The intent of the special area policies is to maintain the commercial uses along Trafalgar Road, and recognizes the residential nature of the apartment buildings.

#### Part E: 26.3 Trafalgar Road Corridor (QEW to Dundas Street)

*26.3.1 “Development Concept: The Trafalgar Road Corridor Special Policy Area is intended to provide for the redevelopment of specific properties along Trafalgar Road to provide transit-supportive development which supports and creates an urban connection between Midtown Oakville and the Uptown Core*

The Trafalgar Road Corridor consists of a wide range of existing land uses including low and medium density residential uses. Development shall be designed to respect the built and planned context, and in accordance with the design direction contained in the Livable by Design Manual.”

Policy 26.3.3. The following policies apply specifically to the lands within the TRCPS Special Policy Area:

- b) *“Notwithstanding section 11.1.8c) and 11.4.2, on lands designated High Density Residential within the Trafalgar Road Corridor Special Policy Area, there may be underutilized lands on which additional development may be appropriate.*

*Intensification of these lands may be considered to occur up to 300 units per site hectare.”*

The policies speaking to intensification for residential uses do not contemplate commercial uses within the designation.



From: Planning Services Department  
 Date: January 23, 2017  
 Subject: Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment – Capreit Limited Partnership Z.1512.08

Zoning By-law 2014-014

There is currently split zoning which applies to the subject lands. The westerly portion of the site is zoned C-86 and the easterly portion is zoned RH-86. The special provision speaks to the underground parking garage crossing zoning lines and that parking spaces for all uses are permitted throughout the garage, as well as permissions for outdoor play equipment and accessory structures being permitted in the northern yard.

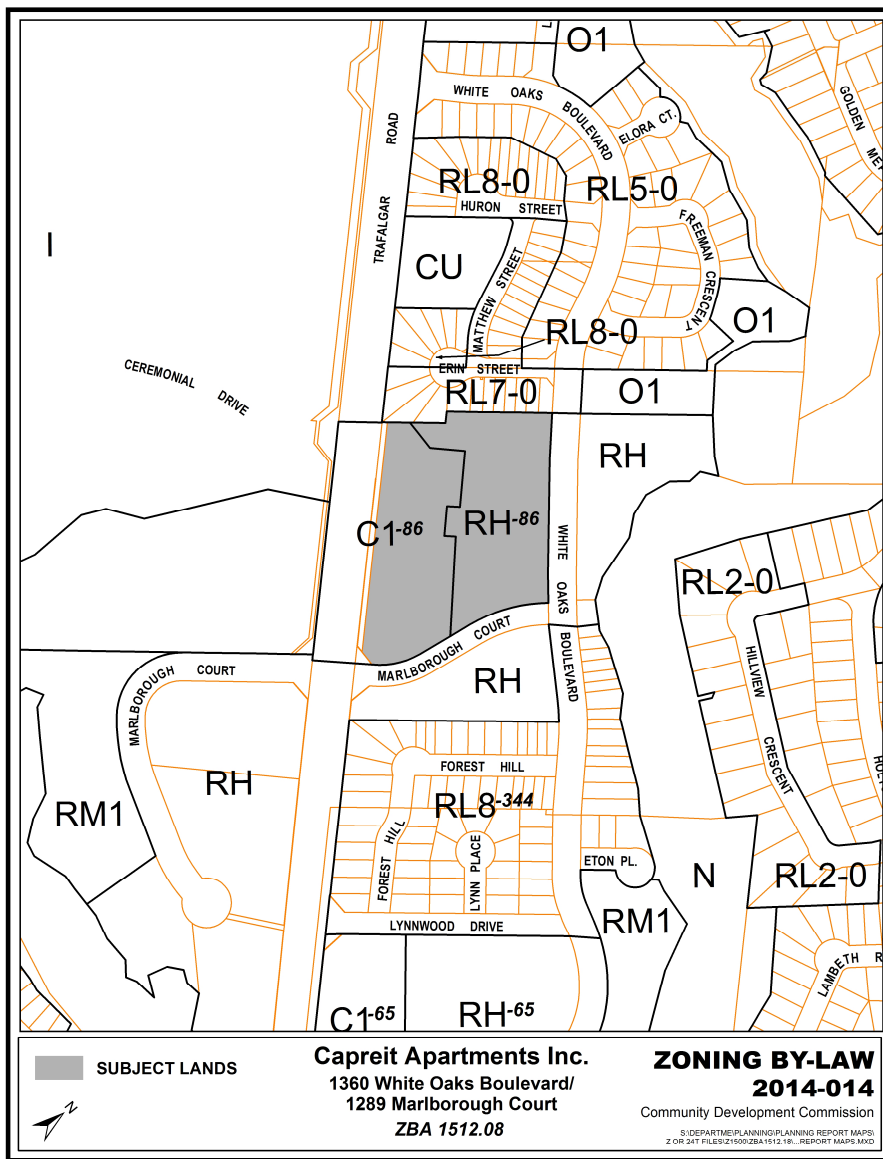


Figure 4: Zoning By-law Excerpt

From: Planning Services Department  
Date: January 23, 2017  
Subject: **Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment – Capreit Limited Partnership Z.1512.08**

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### Proposed Official Plan Amendment and Zoning By-law Amendment

The proposed site specific Official Plan Amendment would request the inclusion of a commercial use (fitness centre) within the portion of the property designated High Density Residential.

A site specific Zoning By-law would establish regulations intended to control the scale and location of the proposed commercial use. A detailed planning review of the merits of the proposed policy and regulation modifications will be provided as part of the future recommendation report.

#### **COMMENTS:**

The proponent has provided the following plans and studies in support of the application which have been circulated to various public agencies and internal Town departments, and which are under review.

- Legal survey
- Conceptual site plan and elevations
- Planning Justification Report
- Parking Study
- Servicing letter

The materials to support the application can be found on the Town's website at <http://www.oakville.ca/business/da-13381.html>.

#### **Matters to be considered**

A complete analysis of the application will be undertaken and includes a review of the following matters, which have been identified to date:

- Conformity with Section 11.1.8, 11.1.9 and 26.3.3.b) of Livable Oakville's general intent for the subject lands
- Compatibility of a commercial use within a residential building
- Concern of residents that a commercial use could set a precedent in the neighbourhood
- Are the lands under-utilized and appropriate for intensification
- Impacts to residents of 360 White Oaks Boulevard and adjacent residents i.e. garbage, noise, traffic, and parking
- Ability to regulate the hours of operation of the fitness facility

From: Planning Services Department  
Date: January 23, 2017  
Subject: **Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment –  
Capreit Limited Partnership Z.1512.08**

Comments received from the public at the February 13, 2017 public meeting will be considered and included in a forthcoming recommendation report. The residents that attended the meeting were opposed to the application and their concerns are included in the above list of matters to be considered.

**CONCLUSION:**

Planning staff will continue to review and analyze the proposed application and address all technical matters, if any, 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.

**CONSIDERATIONS:**

**(A) PUBLIC**

A Public Information Meeting (PIM) was held on November 22, 2016, which was attended by a Ward Councillor and ten members of the public. Comments received related to impacts of the proposed use on adjacent residents, parking, hours of operation, setting a precedent for commercial uses, garbage and noise.

Comments received from the February 13, 2017, statutory Public Meeting will be included in the future recommendation report.

**(B) FINANCIAL**

None arising from this report.

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

The application is currently in circulation to internal departments and public agencies for comment. Comments received from the circulation will be included in the future recommendation report.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

From: Planning Services Department  
Date: January 23, 2017  
Subject: **Public Meeting Report - Official Plan Amendment and Zoning By-law Amendment –  
Capreit Limited Partnership Z.1512.08**

**(E) COMMUNITY SUSTAINABILITY**

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

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