

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 11, 2019

FROM: Planning Services Department

DATE: January 21, 2019

SUBJECT: **Public Meeting and Recommendation Report - Zoning By-law Amendment, Polco Investments Ltd and 1275921 Ontario Inc., 891 Progress Court, File No. ZBA 1624.05, By-law 2019-003**

LOCATION: 891 Progress Court

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RECOMMENDATION:

1. That Zoning By-law Amendment application submitted by Polco Investments Ltd. and 1275921 Ontario Inc. (File No. Z.1624.05), as revised, 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 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 January 21, 2019;
2. That By-law 2019-003, an amendment to Zoning By-law 2014-014, be passed;
3. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed; and
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS:

The application proposes a Zoning By-law Amendment (ZBA) to permit a motor vehicle dealership, comprising of approximately 470 square metres of area, within the existing building on the subject property.

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The subject lands are designated as “Industrial” on Schedule F, Southwest Land Use, in the Livable Oakville Plan. Part D, Section 14.5.1 d) ii) of the Livable Oakville Plan permits motor vehicle related uses on lands designated *Industrial* in areas between Bronte Creek and Kerr Street, south of the QEW.

Council has until March 1, 2019 (150 days), to make a decision on this application.

The existing Official Plan policies and Zoning By-law are consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, and conforms with the Halton Region Official Plan, as the policies allow for a number of employment related uses.

Staff recommend approval as the proposed Zoning By-law Amendment application as it continues to be consistent with the PPS, conforms to the Growth Plan, Regional Official Plan and the general intent and purpose of the Livable Oakville Plan, as the proposed development provides for an additional employment use that does not undermine the intent of the surrounding employment area and makes efficient use of existing municipal infrastructure.

Based upon the analysis within this report, staff recommend approval of the Zoning By-law Amendment, as revised.

BACKGROUND

Proposal:

The application proposes to rezone the subject lands from *Industrial (E3) with Special Provision 3* to a site specific *E3* with a special provision to permit a motor vehicle dealership, comprising of approximately 470 square metres of area within the existing building on the subject property. No external changes to building or parking area are proposed.

The application was submitted on October 2, 2018. The following information was submitted related to the application and can be found on the Town’s website at <https://www.oakville.ca/business/da-30931.html>:

- Aerial photograph;
- Survey;
- Concept Plan;
- Engineers Letter on Grading and Drainage;
- Planning Justification Report and draft Zoning By-law Amendment;
- Phase One Environmental Site Assessment;
- Environmental site Screening Questionnaire; and,
- Applicant-initiated Public Consultation Meeting minutes.

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Figure 2 - view from Progress Court

Location and Site Description

The subject lands are located on the east side of Progress Court, south of South Service Road West, as shown on Figure 3. The site is rectangular in shape with an area of 0.83 ha and contains a building, approximately 3,950 square metre in size. There is 78 m of frontage along Progress Court.

Surrounding Land Uses

Industrial properties surround the site. Immediately to the north and across the street are extensive parking areas associated with these industrial properties.

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Fig. 3 – Airphoto

Timing

The application was received on October 2, 2018 and deemed complete on October 10, 2018.

A pre-consultation meeting was held on May 2, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.

An applicant-hosted Public Information Meeting was held on July 19, 2018. No members of the public attended this applicant sponsored meeting. Minutes of that meeting were submitted with the application and can be found on the town's website.

Notices of this meeting were mailed on January 11, 2019 and is listed on the site notice sign.

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PLANNING POLICY AND ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014

Appendix A contains applicable policies.

Provincial Policy Statement

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes 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.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The existing Official Plan designation and zoning are consistent with the PPS 2014, as a range of employment and office uses are permitted.

Staff is of the opinion that the proposed Zoning By-law Amendment is also consistent with the Provincial Policy Statement (2014) as the re-purposing of a portion of an existing warehouse to include a motor vehicle dealership, at approximately 470 square metres in total area, provides an additional compatible employment use in the area and makes efficient use of the land and existing infrastructure.

Growth Plan (2017)

The 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.

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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 "Built-Up Area".

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses including residential and employments uses, convenient access to local stores, services, and public service facilities and expand convenient access to transportation options.

The existing Official Plan designation is in conformity with the Growth Plan, and therefore does not conflict with the Growth Plan, given the range of employment uses permitted.

Similarly, the proposed Zoning By-law Amendment would also be in conformity with and does not conflict with the Growth Plan as it continues to provide for a range of employment uses.

Halton Region Official Plan

The lands are designated as 'Urban Area' with an Employment Area overlay in the Region's Official Plan 2009 (ROP). Regional staff, as advised within a letter dated December 10, 2018 (Appendix B) is satisfied with the development proposal.

Livable Oakville 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. Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15.

The subject lands continue to be identified as *Employment Areas*.

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Land Use Policies:

The policies of the Livable Oakville Plan establish four employment designations to provide industrial, business and office activities. The subject lands are designated as “Industrial” on Schedule F, Southwest Land Use, in the Livable Oakville Plan.

The Industrial land use designation is intended to provide for heavy industrial operations and are limited to well screened highly accessible locations. Section 14.5.1 d) reflects the permitted uses associated within the *Industrial* designation.

Part D, Section 14.5.1 d) ii) of the Livable Oakville Plan permits motor vehicle related uses on lands designated *Industrial* in areas between Bronte Creek and Kerr Street, south of the QEW.

Both the existing Zoning By-law and proposed Zoning By-law would conform to the town’s Official Plan as motor vehicle related uses would be permitted on the subject site.

Zoning By-law 2014-014:

The subject lands are currently zoned *E3 with Special Provision 3*. The zone permits a number of uses including business offices, commercial self storage, manufacturing, motor vehicle storage compound, heavy vehicle parking area, retail store, transportation terminal and warehousing. Special Provision 3 also permits motor vehicle body shops, motor vehicle repair facilities and motor vehicle washing facilities. However, the special provision does not permit motor vehicle dealerships or motor vehicle rental facilities.

The zoning for the property immediately to the north of the subject site, zoned E2 Special Provision 3, does permit motor vehicle dealerships.

The Zoning By-law Amendment proposes a site specific Special Provision to permit a motor vehicle dealership, as previously referenced.

TECHNICAL AND PUBLIC COMMENTS

Grading and Drainage

The applicant’s engineering firm, following review of the development plan, indicated that in their opinion, the proposed rezoning “would cause no changes to the site’s drainage”. Both the Town and the Region are satisfied with the submit information.

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No urban design brief was required as the applicant was not making any changes to areas external to the building.

Public Comments

An applicant hosted a Public Information Meeting was held on July 19, 2018. No members of the public attended this applicant sponsored meeting.

At the timing of writing this report, no public comments were received.

OPINION

The following section provides an overview of the proposed Zoning By-law Amendment and details of the site specific Special Provision. A copy of the proposed modified Zoning By-law Amendment (By-law 2019-003) being recommended by staff is contained in the By-law section of the agenda.

The applicant is seeking an amendment to the existing zoning for the introduction of a motor vehicle dealership as an additional permitted use.

The following table is a breakdown in relation to the town's zoning by-law of the proposed uses within the existing building, their permissions, the percentage of the total building area together with the proposed number of employees.

Use	Permitted	Parent or Special Provision	Area (m2)	% of Building	Employees
Business Office	Yes	Parent By-law	536	13.57	6
Motor Vehicle Car Wash Facility	Yes	Special Provision 3	152	3.86	
Motor Vehicle Repair Facility including storage	Yes	Special Provision 3	2796	70.78	3
Motor Vehicle Dealership	Proposed		466	11.79	3
Total Building Area			3950	100	12

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Staff have been advised by the applicant's representative that the previous owner used the site to warehouse a private auto collection.

The proposed dealership is to cater to very specific clientele wishing to acquire supercars, luxury and exotic vehicles. The dealership will not operate in the same manner as a normal car dealership, but on an appointment-only basis. The size of the proposed dealership, including the display of vehicles, is limited to approximately 470 square metres within the existing warehouse building.

All required parking (employee, visitor and barrier-free) are accommodated on the south side of the building. The area to the south of the building reflect two way movements, while the back laneway and northerly aisle is proposed as one-way movements. Any parking on the north side of the building is surplus. All parking is being accommodated within the existing asphalted area. No new parking areas are proposed.

An Automobile Related Use Review was undertaken as part of the town's InZone project. The final document was received by the InZone Subcommittee on October 22, 2012. This Review examined the existing locational context for automobile related uses within the town, as well as the 2006 Official Plan policies. In addition, the review examined the Livable Oakville Plan policies and previous Zoning By-law regulations to identify differences in land use approaches and any needs for special exceptions for existing automobile related uses. Part D, Section 14.5.1 d) ii) of the Livable Oakville policy is the result of that review, which provides locational criteria to motor vehicle related uses within the *Industrial* designation.

Also, as a result of that review, the zoning by-law was further refined to permit motor vehicle dealerships within the Business Employment (E2) and Business Commercial (E4) zones.

The introduction of a motor vehicle dealership on lands zoned Industrial E3 does not undermine the principal land use objectives of the *Industrial* designation or the intent of the *Industrial* zoning for the following reasons:

- The location of the proposed dealership is contained within the geographic area established by the Automobile Related Use Review as part of the InZone project and as reflected within Section 14.5.1 d) ii) of the Livable Oakville Plan.
- The northerly abutting property is zoned E2 Special Provision 3, which already permits motor vehicle dealerships.

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- a number of motor vehicle related uses such as motor vehicle body shops, motor vehicle repair facilities, motor vehicle washing facilities and motor vehicle storage compounds are already permitted on the subject site.
- the size of the proposed motor vehicle dealership, including the display area, is capped at 470 square metres within the existing 3950 square metre building;
- vehicles associated with the proposed dealership will be housed inside the building, not displayed outside; and,
- no external advertisement for the motor vehicle dealership is proposed by the applicant, which de-emphasizes the proposed dealership proposed for the site.

No site plan application is necessary as only indoor modifications are required. No external regrading, drainage or landscaping modifications are proposed.

CONSIDERATIONS:

(A) PUBLIC

An applicant sponsored Public Information Meeting was held on July 19, 2018 and no members of the public attended the meeting. Notice has been sent out and placed on the sign. No comments or correspondence has been received from members of the public in response to these applications as of the date of this report.

(B) FINANCIAL

Any Development Charges are payable at building permit issuance at the rates in effect at that time.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Agencies and Town departments were consulted during the review of these applications.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development addresses the principles of responsible land use planning, managing growth and promoting a community where people want to live, work and play.

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(E) COMMUNITY SUSTAINABILITY

The development proposal furthers the sustainability principles established within the Livable Oakville Plan.

CONCLUSION:

A full circulation and assessment of the application was undertaken to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is of the opinion that the existing Official Plan designation and existing zoning do not conflict with all applicable Provincial plans and conform to the Region of Halton Official Plan.

The proposed Zoning By-law Amendment does not conflict with Provincial plans or to the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the Town's approved Urban Structure and the principles and overall policy direction of the Livable Oakville Plan. Staff recommends approval of the Zoning Bylaw Amendment (By-law 2019-003), as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved.
- Any comments from public have been appropriately addressed.
- The proposed development does not conflict with the provincial plans or to the Halton Region Official Plan.

APPENDICES:

Appendix A - Applicable Policies

Appendix B - Halton Region comments

Appendix C - Applicant submitted Zoning By-law Amendment

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