



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 18, 2019

FROM: Planning Services Department

DATE: February 25, 2019

SUBJECT: **Public Meeting Report - Zoning By-law Amendment MacLachlan College (2555765 Ontario Ltd. and 2587978 Ontario Inc.) - 331, 337, 339, 349 Trafalgar Road and 272 Macdonald Road, File No.: Z.1614.72**

LOCATION: 331, 337, 339, 349 Trafalgar Road and 272 Macdonald Road

WARD: 3

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RECOMMENDATION

1. That the public meeting report prepared by the Planning Services Department dated February 25, 2019, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by 25557565 Ontario Ltd., and 2587978 Ontario Inc. (MacLachlan College) (File No.: Z.1614.72) be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS

The owners of MacLachlan College have submitted a Zoning By-law Amendment application to permit the expansion of the existing boundaries of the school.

The school has acquired additional lands adjacent to the existing school site to be used for school purposes and which are intended to be rezoned as part of the expansion of the school.

The application was submitted on December 19, 2018, and the *Planning Act* timeframe for Council to make a decision is 150 days (May 18, 2019).

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The subject lands are designated *Low Density Residential* in the *Livable Oakville Plan*. The existing school is zoned *Community Use - CU²⁸³* and the recently acquired lands are zoned *Residential Low Density - RL4-0*.

MacLachlan College is considered as “educational facility” as part of the Community Use policy framework of the Official Plan.

The Official Plan allows for Community Uses within all land use designations (except for lands designated Natural Area) subject to the relevant policies in the *Livable Oakville Plan*. The existing Official Plan designation is consistent with the Provincial Policy Statement 2014, and conforms to all applicable Provincial plans, the Region of Halton Official Plan and the *Livable Oakville Plan* as it allows for community uses in accordance with the Town’s established urban structure.

The existing zoning regulations are also consistent with the PPS, conform or do not conflict with all applicable Provincial Plans, and conform to the Halton Region Official Plan. The existing zoning by-law implements the Official Plan and requires that proponents submit zoning amendments to permit expansions of existing uses to ensure that such redevelopment is in accordance with the policies and objectives of the *Livable Oakville Plan*.

BACKGROUND

Proposal

The applicant has submitted a zoning amendment application to rezone 331 Trafalgar Road, 349 Trafalgar Road and 272 Macdonald Road (Figure 1) from RL4-0 to CU²⁸³. The effect of the zoning amendment would be to allow for the expansion of MacLachlan College including additions to the existing building and internal alterations to the site.

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Figure 1: Location

The applicant is proposing the following modifications (Figure 2):

- construct a 332.6 m² addition to the existing building;
- use the existing heritage building (349 Trafalgar Road) for school offices and high school elective classrooms. The existing carriage house would be maintained by re-configuring its location on the property;
- use the existing heritage building (331 Trafalgar Road) as a private staff residence with the rear yard to be incorporated into a school playground;
- demolish the dwelling at 272 Macdonald Road and use the lands as a vehicular exit from the site;
- remove one of two vehicular access points from Trafalgar Road;
- reconfigure the parking/queuing area and introduce additional parking;
- modify the existing landscaping on the site which would include removal of the pillars and fencing along Trafalgar Road.

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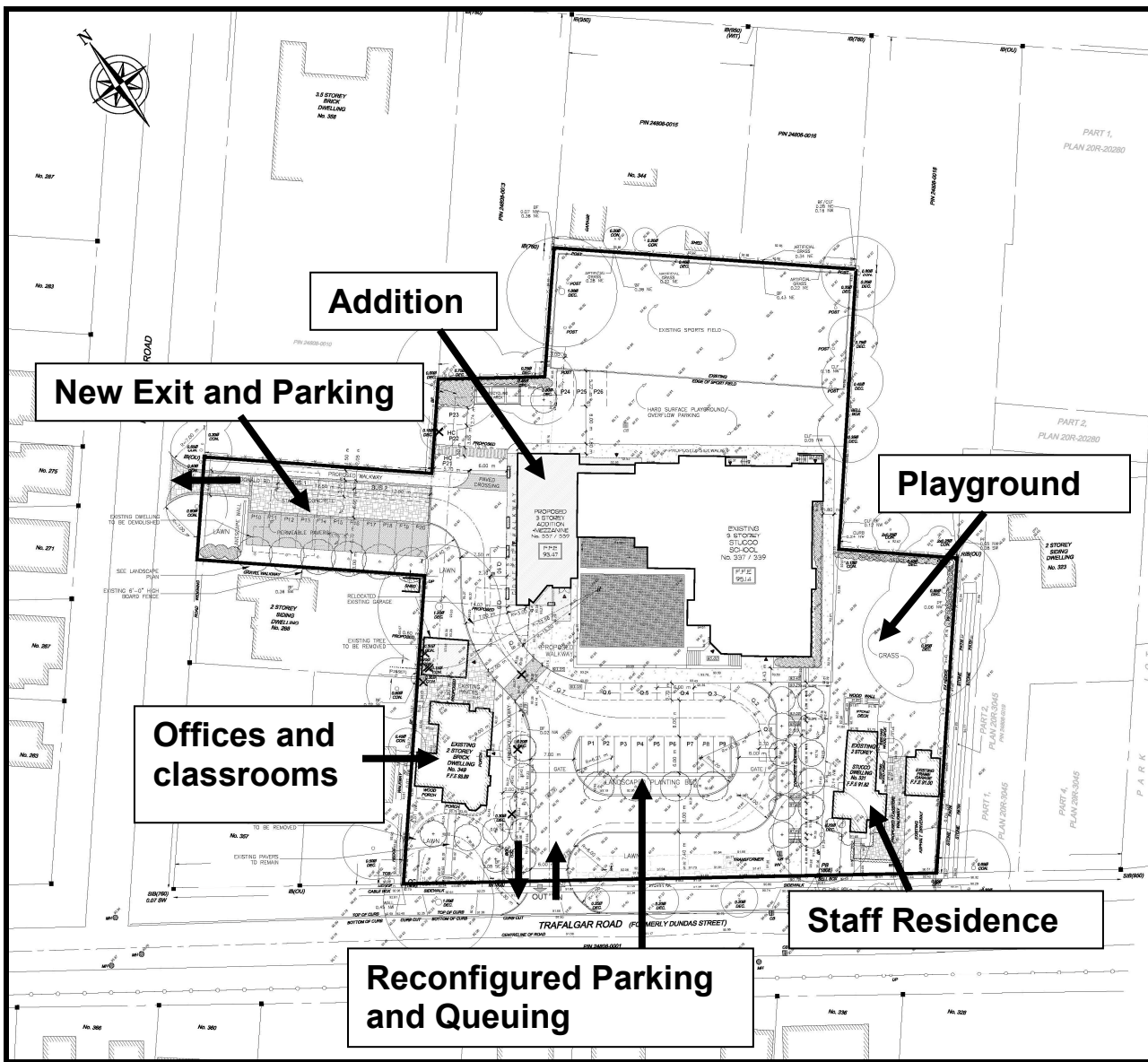


Figure 2: Concept Plan

Application material can be found on the town’s website site at <https://www.oakville.ca/business/31777.html>

Location & Site Description

The subject lands are located at 331, 337, 339, 349 Trafalgar Road and 272 Macdonald Road. The subject lands are 0.8 ha (2 acres) in size and has a frontage of 86 m on Trafalgar Road and 17 m of frontage on Macdonald Road.

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Heritage Resources

Each property within the land holdings is designated pursuant to the *Ontario Heritage Act*. The lands located at 331 and 349 Trafalgar Road and 272 Macdonald Road are designated under Part V as part of the Trafalgar Road Heritage Conservation District. The existing private school property located at 337-339 Trafalgar Road is individually designated under Part IV of the *Ontario Heritage Act* by By-law 1980-069 as a property of cultural heritage value or interest.

While any development would be subject to permit requirements under the *Ontario Heritage Act*, consideration of potential impacts on both the heritage district and the heritage attributes of the individually designated property is also relevant to the evaluation of the zoning amendment application.

331 Trafalgar Road

The property directly south of the existing private school (331 Trafalgar Road) is intended to be used as a residence for the head master with the rear of the property to be used as a playground for the younger students.

Heritage staff has advised that *“This property is designated under Part V of the Ontario Heritage Act as part of the Trafalgar Road HCD and is considered to be of significant heritage value for its c.1887-1888 two-storey stucco house associated with the Galbraith family”*. The applicant intends to modify the landscaping on the site which would include the proposed play area at the rear of the property and some additional flagstone patio at the front of the property. The existing dwelling and garage is intended to be retained.

349 Trafalgar Road

The property directly north of the existing private school (349 Trafalgar Road) is intended to be used as an office associated with the school and high school elective classrooms.

Heritage staff has advised that *“This property is designated under Part V of the Ontario Heritage Act as part of the Trafalgar Road HCD and is considered to be of significant heritage value. The property contains the c.1876 Italianate red brick house that is associated with the Ford family. It also contains a 1 ½ storey frame carriage house which likely dates back to the same time. A one-storey lean-to addition was added to the original structure by 1910.”* In order to accommodate the internal road and the future addition to the school, the existing carriage house is proposed to be shifted northward toward the lot line and rotated so that the door would face the internal driveway. The existing dwelling is intended to remain,

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however the one-storey lean-to of the carriage house is expected to be removed. In addition, the existing driveway would be removed and replaced with a walkway connecting Trafalgar Road to the internal driveway. The majority of the trees on site are proposed to remain and be supplemented.

272 Macdonald Road

This property is located north of the private school and fronts onto Macdonald Road. The applicant proposes to remove this dwelling and to use the property for parking and as a vehicular exit from the site. A landscaped wall has been proposed to screen the parking area from the street.

Heritage staff has advised that *“This property is designated under Part V of the Ontario Heritage Act as part of Trafalgar Road HCD but is considered by staff to be a ‘non-contributing’ property because of its house which has minimal heritage value. The brick and frame house on the property was constructed in 1969 with a typical side-split design that was common in suburban homes in the 1960s and 1970s.”*

337-339 Trafalgar Road

MacLachlan College currently exists on these lands. The applicant is proposing to construct a 332.6 m² addition, including on-site modifications to the parking and access points. The existing pillars and fencing along Trafalgar Road are intended to be removed and an expanded lawn area is proposed along that frontage. The applicant has advised the town that the pillars and fencing are not original. Early photos indicate a different fence along the property line.

Heritage staff have advised that *“This property is designated under Part IV of the Ontario Heritage Act for the historic portion of the house, which was originally known as Kerosene Castle. Built c.1856, the house was constructed for Richard Shaw Wood who owned the Oakville Oil Refinery. The original two-storey stucco house was built in the Second Empire style.*

By the mid-1900s, the house had been split into apartments and was later used as a nursing home. In the 1970s, it was saved from demolition and turned into a private school, MacLachlan College. Since that time, several additions have been made to the building, most of which have retained the style of the original house, including white stucco walls and a black mansard roof.”

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Surrounding Land Uses

The surrounding land uses are as follows:

North of the subject site: 1, 1 ½ and 2 storey detached dwellings and a 3 ½ storey medical building with parking

East, South and West of the subject site: 1, 1 ½ and 2 storey detached dwellings

PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe (2007)
- Halton Region Official Plan
- *Livable Oakville* Plan
- Zoning By-law 2014-014

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 areas to be the focus of growth and development. The land use patterns within the settlement areas 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 PPS also indicates that "significant built heritage resources and significant cultural landscapes shall be preserved". Development on lands adjacent to protected heritage properties shall only be permitted where it has been demonstrated that the heritage attributes of the protected properties will be conserved.

The existing *Residential Low Density* land use designation is consistent with the PPS (2014), as detached dwellings are included as a permitted use (in addition to other uses) which provide for an appropriate range and mix of housing types as contemplated by the PPS. Furthermore, Community Uses (educational facilities)

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are also permitted within all designations in the *Livable Oakville Plan* except for the Natural Area designation.

Notwithstanding the proposed zoning amendment application, the existing zoning of the subject lands is consistent with the Provincial Policy Statement, as the RL4-0 zone permits detached dwellings on the lands municipally known as 331 and 349 Trafalgar Road and 272 Macdonald Road. The existing Community Use zone - CU²⁸³ allows for the existing educational facility located at 337-339 Trafalgar Road. Expansion of the school onto abutting lands can only be permitted through the approval of Zoning By-law Amendment in accordance with the policies and objectives of the *Livable Oakville Plan*.

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.

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 with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

Furthermore, Section 4.2.7.1 of the Growth Plan also indicates that Cultural Heritage Resources are to be conserved to foster a sense of place and benefit communities.

The existing *Low Density Residential* land use designation and Community Use policies conform to the Growth Plan in terms of providing for complete communities.

The existing RL4-0 zoning as it applies to 331 and 349 Trafalgar Road and 272 Macdonald Road, conforms to the Growth Plan as detached dwellings are a permitted use. The existing Community Use zone CU²⁸³ allows for the existing educational facility on 337-339 Trafalgar Road. Expansion of the school onto abutting lands can only be permitted through the approval of Zoning By-law Amendment in accordance with the policies and objectives of the *Livable Oakville Plan*.

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Halton Region Official Plan

The subject lands are designated “Urban Area” in the Halton Region Official Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development is subject to the policies of the Regional Plan.

Livable Oakville Plan

Official Plan Objectives

The guiding principles of the *Livable Oakville* Plan include the following:

2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

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 (OPA 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 are identified on *Schedule A1 – Urban Structure* within OPA 15 as being within the Town’s *Residential Areas*. Section 3.9 - Residential Areas states:

“Residential Areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

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Some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the town is upheld. The character of the Residential Areas will be significantly influenced by their relationship to the Natural Heritage System, parks and open space areas.”

Land Use Policies

The subject lands are designated *Low Density Residential* on Schedule G, South East Land Use in the *Livable Oakville Plan* (Figure 3).

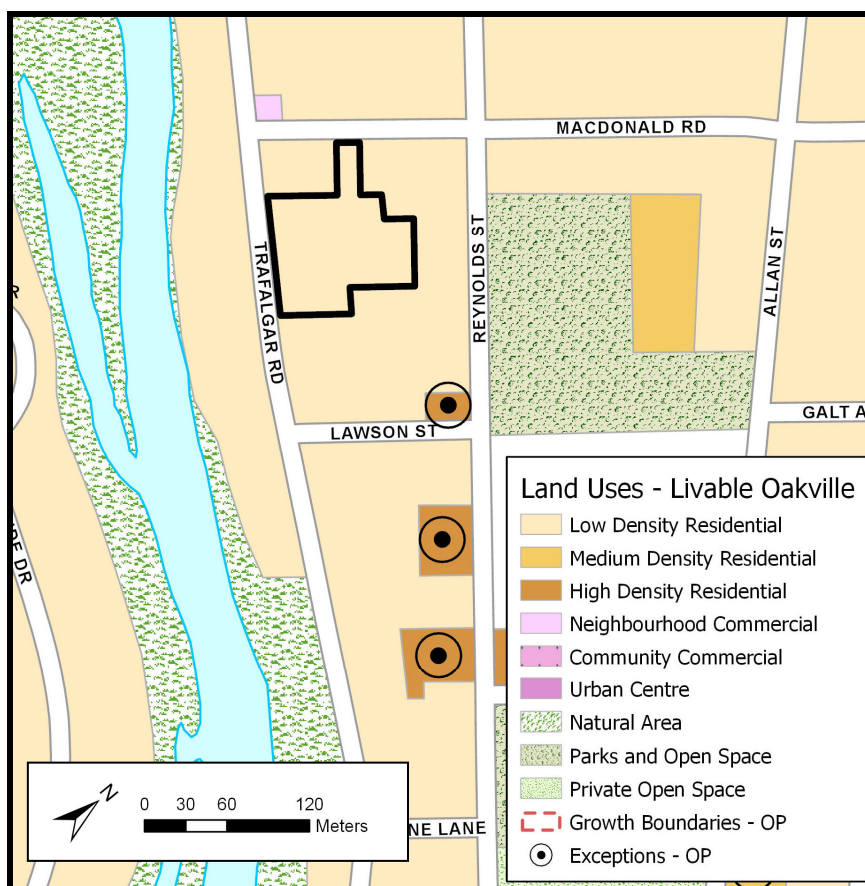


Figure 3: Livable Oakville Extract

Part C, Section 7 – Community Uses are intended to serve and support health, educational, religious, recreational and cultural needs of the Town. The objective for community uses is to provide for a range of accessible community uses.

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Subsection 7.1.2. - Policies state:

- a) The following uses are generally defined as community uses and may be permitted within all land use designations of this Plan with the exception of the Natural Area designation:
 - i) educational facilities such as elementary and secondary schools;
 - ii) places of worship on sites less than 2.5 ha;
 - iii) community facilities such as libraries, seniors' centres, emergency services buildings and facilities, and recreational facilities;
 - iv) day care centres;
 - v) parks;
 - vi) emergency shelters; and,
 - vii) arts and cultural facilities such as museums, art galleries and performing arts centres.
- b) The Town shall ensure community uses are well placed in relation to their service area with sufficient access.
- c) In determining the location for new community uses, the following criteria shall be considered:
 - i) the use is intended to serve and support the community and is not more appropriately located in the Institutional designation;
 - ii) the use is compatible with surrounding land uses;
 - iii) the site is designed to be well integrated with surrounding land uses;
 - iv) the site is an appropriate size to accommodate adequate:
 - buffers such as landscaping and fencing to ensure compatibility with adjacent land uses;
 - recreational amenities as necessary;
 - on-site parking;
 - v) the use complies with the land use compatibility and appropriate mitigation measures, such as setbacks and buffers, defined by the Ministry of the Environment; and,

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- vi) Where permitted in the Employment Areas, community uses shall be of a scale that does not adversely impact the existing and planned employment function of the area.
- d) Educational facilities are to be located adjacent to a public park, where possible, to encourage the provision of complementary facilities.
- e) Community facility uses are encouraged to be integrated in shared facilities.

Educational facilities are permitted within lands designated *Low Density Residential* subject to the policies and objectives of the *Livable Oakville Plan*.

Part C – Section 5 – Cultural Heritage

The subject lands are also designated under the *Ontario Heritage Act*, both individually and as part of the Trafalgar Road Heritage Conservation District, and are therefore subject to the Cultural Heritage policies.

Part C – Section 5.3 - Heritage Conservation

- 5.3.1** The Town shall encourage the preservation and continued use of *cultural heritage resources* identified on the register and their integration into new *development* proposals through the approval process and other appropriate mechanisms.
- 5.3.2** The *character* of Heritage Conservation Districts (as identified in Appendix 1) shall be preserved, maintained and enhanced through the careful consideration of plans for change within the district. In reviewing proposals for the construction, demolition, relocation or removal of buildings and structures, or for alterations, additions, renovation or restoration of existing buildings or structures within a designated Heritage Conservation District, the Town will be guided by the applicable Heritage Conservation District plan.
- 5.3.3** Significant *cultural heritage resources* shall be *conserved*, and may be integrated into new *development*.
- 5.3.4** The Town may require a heritage impact assessment where the *development* or redevelopment of property is proposed:
 - a) on, adjacent to, or in the immediate vicinity of, an individually designated historic property;
 - b) within, adjacent to, or in the immediate vicinity of, the boundaries of a Heritage Conservation District; or,

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- c) on a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest.

5.3.8 Improvements to Trafalgar Road within the Trafalgar Road Heritage Conservation District shall ensure that the existing pavement, boulevard, and sidewalk widths are retained.

Part D, Section 11– Residential - The lands identified as Residential Areas on Schedule A1, Urban Structure, represent the areas that provide for stable residential communities.

The majority of *intensification* and *development* within the Town is to occur within the Growth Areas as described in Part E. *Intensification* outside of the Growth Areas within the stable residential communities will be subject to policies that are intended to maintain and protect the existing *character* of those communities.

Development within all stable residential communities shall be evaluated using the criteria to maintain and protect the existing neighbourhood *character* as outlined in Section 11.1.9 (see Appendix A).

Zoning By-law 2014-014

The subject lands are zoned *Community Use – CU²⁸³* (MacLachlan College -337-339 Trafalgar Road) and *Residential Low Density – RL4-0* (331 and 349 Trafalgar Road and 272 Macdonald Road) (Figure 4).

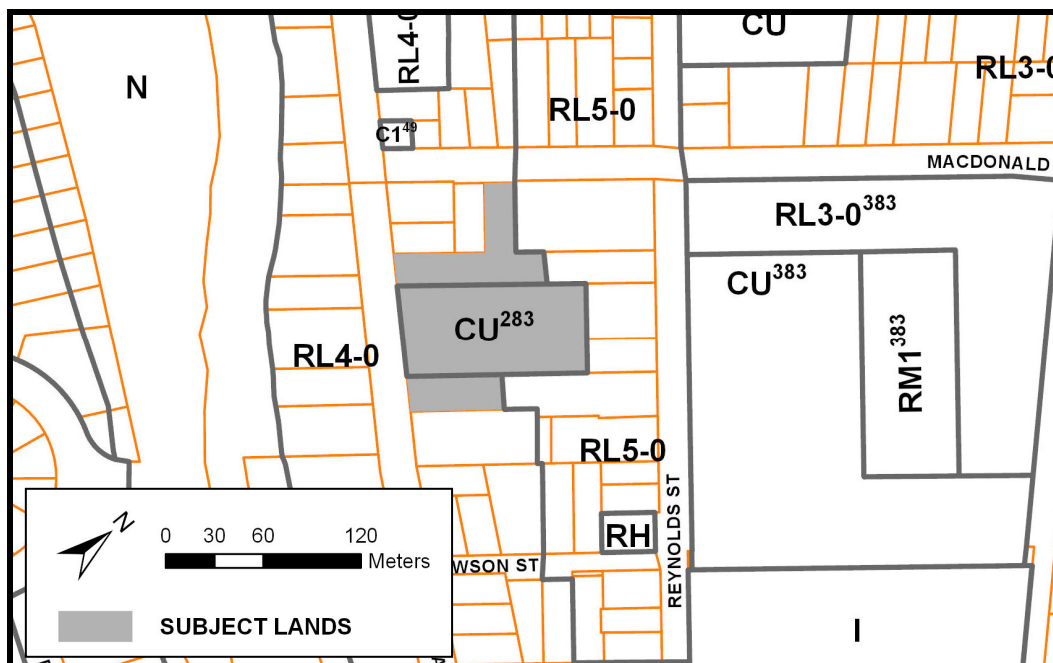


Figure 4: Zoning By-law 2014-014 Extract

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Although the Official Plan allows community uses (i.e. educational facilities) on all land use designations except for the Natural Area designation, Zoning By-law 2014-014 only permits educational facilities within the Community Use Zone. As such, applications for new educational facilities or expansions of an existing educational facility are required to obtain a rezoning. It is through the zoning amendment process that it will be determined whether a new educational facility or expansion of an existing educational facility is appropriate given the policies of the plan and the surrounding context.

The applicant's Zoning By-law Amendment application proposes to expand the existing CU zone and site specific Special Provision to permit the private school use on the additional lands acquired by the school.

TECHNICAL & PUBLIC COMMENTS

The proponent has submitted technical studies in support of the application which has been circulated to various public agencies and internal town departments for comment. The following studies and supporting documentation are also accessible on the town's website:

- Plan of Survey
- Planning Justification Report
- Functional Servicing Report
- Stormwater Management Report
- Heritage Impact Assessment
- Traffic Impact Study
- Planting Plan and Canopy Plan
- Circulation Plan
- Grading and Servicing Plan
- Site Plan, including floor plans and elevations
- Arborist Report and Tree Preservation Plan

Issues Under Review / Matters to be Considered

- i. **consistency / conformity with applicable Provincial, Regional and town policy including:**
 - Does the expansion of this community use serve and support the educational needs of the Town?
 - Does the expansion of the community use serve and support the community or is the use more appropriately located within an Institutional land use designation?

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- Is the expansion of the community use compatible with the surrounding land uses?
- Is the site designed to be well integrated with the surrounding land uses?
- Does the proposed development satisfy the criteria in Section 11.1.9 of the Livable Oakville Plan?
- Will the preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District be achieved in a manner that conserves significant built heritage resources and the heritage attributes of protected properties in accordance with provincial policy?
- Can the existing road network accommodate the proposed expansion?

ii. Suitability of land for intended use including:

- Does the expansion of the school maintain, protect and enhance the character of the existing residential area?
- Is the site of an appropriate size to accommodate buffering such as landscaping and fencing to ensure compatibility with the adjacent land uses?
- Is the site of an appropriate size to accommodate on-site parking?
- Is the scale of the development appropriate for the subject lands?

iii. Impact/integration of the proposed development on adjacent properties including:

- What adverse effects may be associated with the expansion of the school on the adjacent properties in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing?
- What is the potential transportation impact to adjacent roadways, intersections and the general character of the area?
- Is vehicular access safe?
- Is on-site circulation efficient?
- Is the proposed parking area appropriately sized and easily accessed?
- Do the proposed parking areas dominate the streetscape?
- Is the on-site parking appropriately connected to the pedestrian network and streetscape?

iv. Urban Design and functionality of the site including:

- Is the built form including scale, massing, height, building setbacks, overall design compatible with the surrounding neighbourhood;
- Does the transportation system adequately accommodate anticipated traffic volumes?
- How does the anticipated traffic pattern compare to historical patterns?

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- Is the location of the proposed driveway access and egress appropriate?
- Does the proposal affect the established streetscape relative to the Trafalgar Road Conservation District?
- Is the location and function of on-site vehicular and bus queuing appropriate
- Is there sufficient on-site parking?
- Is there sufficient pedestrian access from the Public Street and on-site parking areas?
- What is the impact of the use of gates in the parking area for on-site circulation?
- How does the existing site function in terms of existing parking and queuing compared to what is proposed?
- Does the removal of the pillars/fencing along Trafalgar Road impact neighbourhood character or the heritage attributes of the property or district?
- Is there sufficient landscaping to buffer parking areas?

In addition, comments received at this public meeting will be considered and included in a forthcoming recommendation report.

CONSIDERATIONS

(A) PUBLIC

Applicant-initiated Public Information Meetings were held on January 31, 2018, August 20, 2018, August 28, 2018 and January 17, 2019. Approximately 40-50 residents attended. Issues identified included impacts on traffic volumes and operations on Trafalgar Road, Heritage preservation, impacts on adjacent properties, the proposed floor area and student enrollments and site landscaping and design. Planning staff have met with a number of residents on January 15, 2019, and February 7, 2019, where issues discussed included massing impacts, traffic, intensification is a stable residential area among other matters.

(B) FINANCIAL

None associated with this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application is currently in circulation to internal departments and public agencies for comment. The application remains in technical circulation.

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(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

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

CONCLUSION

Planning staff will continue to review and analyze the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written submissions.

APPENDICES

Appendix A – Applicable Policies

Appendix B – Public Comments

Recommended by:

Heinz Hecht, MCIP, RPP
Manager, Current Planning – East District

Submitted by:

Mark H. Simeoni, MCIP, RPP
Director, Planning Services