

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 8, 2021

FROM: Planning Services Department

DATE: February 23, 2021

SUBJECT: Recommendation Report, Zoning By-law Amendment, St. Paul's United Church, 454 Rebecca Street, File No.: Z.1619.22, By-law 2021-023

LOCATION: 454 Rebecca Street and 109 Sybella Drive

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RECOMMENDATION:

1. That the proposed Zoning By-law Amendment submitted by St. Paul's United Church (File No. Z.1619.22) 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 February 23, 2021.
2. That By-law 2021-023, 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.
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS:

- St Paul's United Church, the owners of the subject lands, submitted a Zoning By-law Amendment application to rezone a portion of lands at 454 Rebecca Street and 109 Sybella Drive containing an existing manse that the Church no longer needs for their operations.

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- The subject lands are located just south-east of the Rebecca Street and Sybella Drive intersection in Ward 2.
- A Zoning By-law Amendment application is required to facilitate a future severance of the manse lands from the larger St Paul's United Church property. The manse lands are proposed to be rezoned from Community Use (CU) to Residential Low zone RL2-0. A special provision will also be applied to the Church lands to formally bring the church lands into compliance with the current Zoning By-law in support of the future severance.
- No physical change or land development is being proposed on either the existing church or manse lands.
- The application was submitted and deemed complete on February 4, 2020. The statutory timeframe for processing this application expired on May 4, 2020 and the applicant is eligible to appeal the Zoning By-law Amendment application to the LPAT.

BACKGROUND:

Proposal

A Zoning By-Law Amendment application was submitted which proposes to rezone a portion of lands on the St. Paul's United Church site (hereafter referred to as "the Church") at 454 Rebecca Street and 109 Sybella Drive, which contain an existing manse, from Community Use (CU) to Residential Low zone RL2-0. A special provision will also be applied to the Church lands.

As the applicant has explained in their submission materials, the manse was originally constructed on-site to house members of the Church's clergy. Over time, the clergy has increasingly chosen to live off-site, and as such, the Church has found the manse is no longer required for their purposes.

The purpose and effect of the proposed Zoning By-law Amendment therefore, is to facilitate a future severance of the manse lands from the church property. Since the Community Use zone does not permit for single-detached dwellings, the zone change is allow for a single-detached dwelling on the future severed parcel, and the special provision will ensure the Church lands as they currently exist are in full compliance with the current Zoning By-law 2014-014.

Figure 1 below depicts the area of lands proposed to be re-zoned. The area noted as "St Paul's Church Lands" will be those receiving the special provision.

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Figure 1 – Air photo depicting extent of manse lands to be re-zoned

Submission materials are available at the following link on the Town's website:

<https://www.oakville.ca/business/da-35033.html>

Location & Site Description

The church property is located just south-east of the Rebecca Street and Sybella Drive intersection, and is approximately 1.01 hectares in size, with approximately 74.5 metres of frontage on Sybella Drive. The lands proposed to be rezoned – the manse lands, herein referred to as the subject lands – occupy a portion of lands in the southwest corner of the church property. The subject lands are approximately 0.09 hectares in size, with about 23 metres of frontage to Sybella Drive.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Low Density Residential
 East: YMCA Community Centre
 South: Low Density Residential
 West: Low Density Residential

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PLANNING POLICY & ANALYSIS

The subject lands are subject to the following policy and regulatory framework:

- Provincial Policy Statement (2014 and 2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014

Provincial Policy Statement

The Provincial Policy Statement (herein referring to both the 2014 and 2020 versions) ("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 2020 PPS came into effect May 1, 2020, wherein all Planning decisions must comply with the updated PPS.

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 area 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.

The proposed Zoning By-law Amendment represents an efficient use of land and existing resources through compatible residential intensification, and is therefore consistent with the PPS.

Growth Plan

The Growth Plan (2019) 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 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.

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The subject lands are located within the “Built-up Area” where intensification is encouraged generally by the Growth Plan. The proposed Zoning By-law Amendment and future severance creating a new lot are considered intensification, and would represent efficient use of existing infrastructure. The application is consistent with the Growth Plan.

Halton Region Official Plan

The subject lands are designated “Urban Area” in the Halton Region Official Plan (ROP). 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, however, is subject to the policies of the ROP.

Halton Region staff have reviewed the application to amend the zoning, and are of the opinion that the proposal conforms to the relevant planning documents and have no objection to the subject application.

Livable Oakville Plan

OP Objectives and Urban Structure

The Livable Oakville Plan (“OP”) was approved by the Ontario Municipal Board on May 10th, 2011. The OP 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.

Land Use Policies

The subject lands are designated Low Density Residential by the OP. The subject lands are also identified on Schedule A1 – Urban Structure as being within the Town’s system of Residential Areas. Excerpts of the following referenced OP policies are attached as Appendix ‘B’.

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Section 3 of the OP establishes Oakville's Urban Structure, which describes and assigns the basic structural elements of the Town. Section 3.1 describes how low density residential growth should ensure "a continuation of the existing neighbourhood structure".

Section 4, Managing Growth and Change, further elaborates in subsection 4.3, Residential Intensification Outside of the Growth Areas. Here, the OP states that while the Town's Growth Areas are to be the key focus for development, growth and change may occur in established stable residential communities, "provided the character of the areas is preserved and the overall urban structure of the Town is upheld".

Section 11 of the OP provides for the Town's Residential area policies. It states that intensification "within the stable residential communities will be subject to policies that are intended to maintain and protect the existing character of those communities." The OP lists a set of objectives that apply to the Town's Residential Areas, which includes maintaining the character of existing residential areas while encouraging a mix of housing types through the Town.

Subsection 11.1.8 describes how intensification within stable residential communities shall be provided. For lands designated Low Density Residential, land division "may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood, and subject to the policies of section 11.1.9". Section 11.1.9 provides criteria by which all development within stable residential communities shall be evaluated. The full list of criteria are provided in Appendix B, but the most relevant to the current application are listed as follows:

- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
- d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*
- e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection*

Permitted uses for the Low Density Residential land use designation are provided in subsection 11.2, which include detached dwellings up to a density of 29 dwelling units per site hectare.

Since the purpose of the rezoning application currently being considered is for a future severance application, it is relevant to review the OP's criteria for evaluating severance applications provided in subsection 28.12 Consents (Severances).

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The OP states in subsection 28.12.2 that applications for consent to create new lots may only be granted where:

- a) a plan of subdivision is not necessary;*
- b) the number of resulting lots is three or less;*
- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
- d) no extension, improvement or assumption of municipal services is required;*
- e) the lot will have frontage on a public street and access will not result in traffic hazards;*
- f) the lot will not restrict the ultimate development of adjacent lands;*
- g) the size and shape of the lot conforms with the requirements of the Zoning Bylaw, is appropriate to the use proposed and is compatible with adjacent lots; and,*
- h) the consent conforms to all relevant policies of this Plan.*

It is Planning Staff's opinion that the proposed Zoning By-law Amendment is consistent with all applicable OP policies. The proposal upholds the Urban Structure, is compatible with the existing neighbourhood and its surrounding lot areas and frontages, and complies with the evaluative criteria for development in stable residential communities and applications for severance in subsections 11.1.9 and 28.12.2 respectively.

Zoning By-law (2014-014)

Zoning By-law 2014-014 is the comprehensive Zoning By-law applying to all properties in Oakville south of Dundas Street, and north of Highway 407. It was passed by Council on February 25, 2014 and partially deemed in force by the Ontario Municipal Board on February 23, 2015. The most recent consolidation of the 2014-014 Zoning By-law is dated February 10, 2020.

The proposed Zoning By-law Amendment has two components that will be addressed in order:

First, the manse lands as shown in red on Figure 2 below are proposed to be rezoned from Community Use (CU) to Residential Low (RL2-0). The RL2-0 zone

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permits various uses, including single detached dwellings. As discussed in the report, this component of the proposed by-law amendment is to enable the severance by making the existing single-detached home on-site a legally permitted use for a future severed lot.

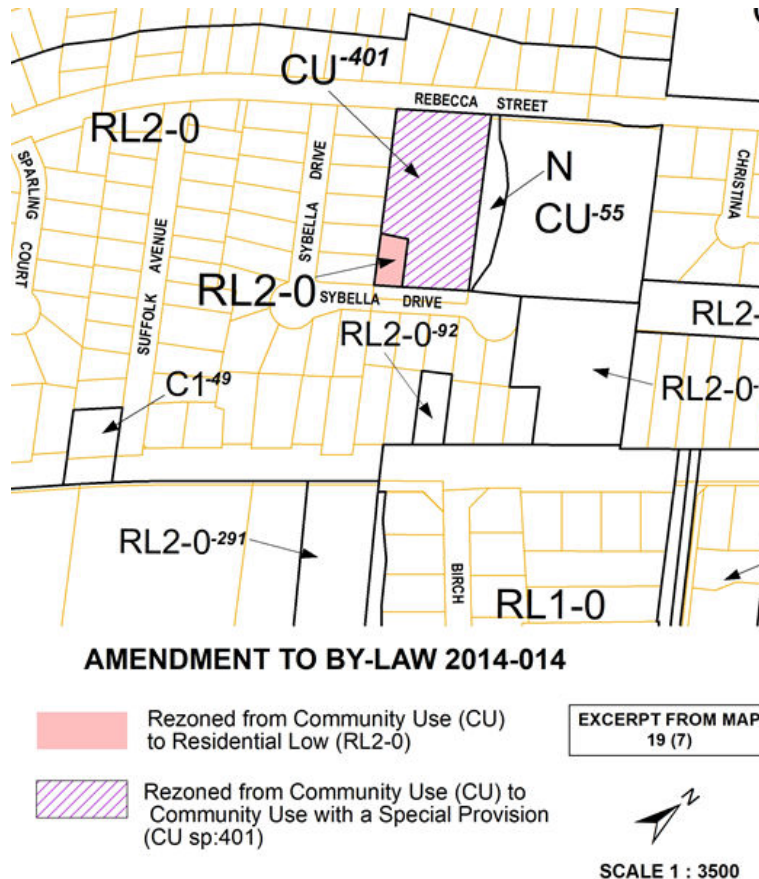


Figure 2 – Portion of Schedule A to By-law 2021-023

The second portion of the Zoning By-law Amendment is shown as hatched on Figure 2, and is the addition of a new special provision which reduces the required width of an aisle providing access for up to nine parking spaces, to three metres. An image of the special provision is shown in Figure 3 below, and the full by-law 2021-023 is provided as Appendix C to this report.

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| | | |
|--|---|-----------------|
| 401 | 454 Rebecca Street | Parent Zone: CU |
| Map 19(7) | (Part of Lot 19, Concession 3) | (2021-023) |
| 15.401.1 Parking Provisions | | |
| The following additional parking provisions apply: | | |
| a) | Minimum width of an <i>aisle</i> providing access for up to nine (9) <i>parking spaces</i> , including <i>barrier-free parking spaces</i> . | 3.0 m |

Figure 3 – Special Provision 401 of By-law 2021-023

The Special Provision is required to be placed on the church lands in order to facilitate the severance. Through review of the application, the Zoning department found that not all of the aisles providing access to parking spaces comply with the current 2014-014 Zoning By-law standard of a minimum 6.0 metre aisle, or 4.0m or 5.5m if the aisle is one-way and the parking space is at a specific angle. Therefore, any parking spaces on the Church site accessed via a deficient aisle, are not considered as legal under the current definition of the 2014-014 Zoning By-law.

Typically in cases where the property and use have historically existed for many years - predating current and former Zoning By-laws - the lands would be considered legal non-conforming under the *Planning Act*. In this instance however, all permits on file predate the previous Zoning By-law 1984-063 and the applicant and Town do not have record of a plan that is stamped as approved by the Town of Oakville, meaning there is no verifiable proof that the site layout is legal in the first place for the purposes of determining Zoning compliance. Therefore, the site must be evaluated according to the standards of the current and operable 2014-014 Zoning By-law.

Upon review of a fully dimensioned plan of the Church site (provided on the second page of Appendix A) Zoning staff found that the entire site complies with the current By-law, except for nine parking spaces accessed by aisles that are below the standard 6.0 metre requirement. Town staff have reviewed the existing site layout, and find no concerns with the layout from a design, traffic, and safety perspective. The special provision has been thoroughly reviewed and approved by Zoning staff, who recognize it is intended only to specifically formalize the existing nine parking spaces in support of a future severance.

Analysis

As described in the “Livable Oakville Plan” section, it is Planning Staff’s opinion that the proposed zoning by-law amendment is consistent with all Official Plan policies, including the residential intensification policies in Section 11.

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Furthermore, through circulation and review of the application, it has been confirmed that a potential future severance can be achieved, whereby both the manse lands and the church property can fully comply with all applicable zoning regulations if severed. More specifically, the proposed rezoning achieves subsections 28.12.2(f) and 28.12.2(g) of the Official Plan as follow:

- f) the lot will not restrict the ultimate development of adjacent lands;*
- g) the size and shape of the lot conforms with the requirements of the Zoning Bylaw, is appropriate to the use proposed and is compatible with adjacent lots;*

Town Zoning staff have completed a full review of the proposed rezoning, implementing By-law 2021-023, and applicant-provided plans that depict potential severance boundaries, and agree with the conclusion that the lot will not restrict the ultimate development of adjacent lands and that the size and shape of both lots conform to all requirements of Zoning By-law 2014-014.

TECHNICAL & PUBLIC COMMENTS:

At the Statutory Public Meeting held at Planning and Development Council on June 16, 2020, Council approved a resolution to (1) receive the Public Meeting report for this application dated June 3, 2020, and (2) to receive any comments from the public; in which one public comment in favour of the proposed rezoning was received.

Since the public meeting, the proponent has provided the Town with additional and revised materials to address the matters raised at the public meeting. These materials are posted on the Town's website and available at the link provided in the "Background" section of this report.

The matters to be addressed, as identified by the Public Meeting report, are identified as follow, with discussion that shows how each matter has been cleared accordingly.

- *Consistency with the Provincial Policy Statement, both 2014 and 2020 versions, and conformity with the 2019 Growth Plan.*
- *Conformity to the Region of Halton Official Plan.*
- *Conformity to the Livable Oakville Plan policies, including, but not limited to the urban structure, residential intensification, and severance policies identified in this report.*

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Consistency and conformity to relevant Planning policy has been evaluated in this report; therefore the application has addressed the comments listed above.

- *Evaluation of the appropriateness for the proposed rezoning from Community Use (CU) to RL2-0, ensuring that the rezoning is consistent with the character of the surrounding area and applicable policies of the Livable Oakville Plan.*

The applicant provided both a Planning Justification Report and Character Impact Analysis with their submission to demonstrate how the proposed development is consistent with the existing neighbourhood character and all Livable Oakville plan policies.

The Character Impact Analysis performed an analysis of built form, and of the lot areas and frontages for homes in the immediate area. All homes along Sybella Drive were included in the analysis. The applicant found that the proposed lot lines for the rezoning and future severance would result in a frontage and lot area that maintains the existing lotting pattern, and would therefore maintain the neighbourhood character.

Planning and Urban Design staff reviewed both the Planning Justification Report and the Character Impact Analysis, and are satisfied with the findings. Planning Staff have further analyzed the Livable Oakville policies as provided in this report and are of the opinion that the proposed Zoning By-law Amendment is consistent with all applicable OP policies. Therefore, the proposed rezoning is considered to be appropriate by Planning Staff.

Zoning Compliance

- *Evaluation of the specific lot dimensions for the area to be-rezoned, and whether they meet requirements for a future severance. The Town is specifically concerned with ensuring that the rezoning does not restrict the development of adjacent lands, does not put any part of the remaining Church lands into non-compliance with the CU zone, and that the size and shape of the manse lands conform to the requirements of the RL2-0 zone.*

As discussed in the "Zoning By-law (2014-014)" section of this report, with the passing of By-law 2021-023, both the church and the manse lands can achieve full compliance with the 2014-014 Zoning By-law in order to facilitate a future severance. The size and shape of a future parcel on the manse lands would fully conform to the requirements of the RL2-0 zone, and will not restrict any hypothetical future development of adjacent lands. With the passing of By-law 2021-023, the retained Church parcel would also be in full compliance with the CU zone in the event of a severance.

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Severance Criteria

As discussed, the applicant has submitted plans that demonstrate both properties if severed can fully comply with all applicable zoning regulations in accordance with Livable Oakville policy 28.12.2 (g).

g) the size and shape of the lot conforms with the requirements of the Zoning Bylaw, is appropriate to the use proposed and is compatible with adjacent lots;

As outlined in this "Livable Oakville Plan" section of this report, it is therefore Planning Staff's opinion that the proposed Zoning By-law amendment complies with the evaluative criteria for applications for severance in subsections 28.12.2.

No further issues were identified through review of the application, and no additional public comments have been received since the public meeting was held. In response to the Council resolution approved at the June 16, 2020 Planning and Development Council, Planning staff are satisfied that all matters have been sufficiently resolved.

CONCLUSION:

A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed. In Staff's opinion the Zoning By-law Amendment is appropriate and conforms to the Livable Oakville Plan, is consistent with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan. It is recommended that By-law 2021-023 be approved as the proposal represents good planning and is in the public interest.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was hosted by the applicant on February 19, 2019 that was attended by two members of the public.

A Public Meeting was held on June 16, 2020. Notice for the meeting was distributed in accordance with the *Planning Act*. One written submission in favour of the application was received from the community in advance of the Public Meeting.

(B) FINANCIAL

There are no financial implications associated with this report.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review and there was no objection to the proposed development.

(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 generally complies with the Town's sustainability goals and objectives of the Livable Oakville Plan, which contributes to the Town's climate change objectives in accordance with the Climate Change Emergency Report approved by Council on June 24, 2019.

APPENDICES:

Appendix A – Maps of 454 Rebecca Street

Appendix B – Livable Oakville Policy Excerpts

Appendix C – By-law 2021-023

Prepared by:

Kelly Livingstone

Planner, Current Planning

West District

Recommended by:

Charles McConnell, MCIP, RPP

Manager, Current Planning

West District

Submitted by:

Gabe Charles, MCIP, RPP

Director, Planning Services