

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 13, 2015

FROM: Planning Services Department PD-012-15

DATE: March 19, 2015

SUBJECT: **Public Meeting and Recommendation Report, Town-Initiated Zoning By-law Amendment, Conseil Scolaire Viamonde, 1055 and 1075 McCraney Street East, File No.: Z.1515.22 By-law 2015-039**

LOCATION: 1055 and 1075 McCraney Street East

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RECOMMENDATIONS

1. That comments from the public with respect to the Town-Initiated Zoning By-law Amendment (File No. Z.1515.22), be received;
2. That the Town-Initiated Zoning By-law Amendment (File No. Z.1515.22), as amended, be approved; and
3. That By-law 2015-039 be passed.

KEY FACTS

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

- The subject lands are located on the north side of McCraney Street East, east of Sixth Line and are occupied by the north campus of White Oaks Secondary School.
- A Memorandum of Understanding was endorsed by Council in July 2013 that sets out a conceptual arrangement, whereby the Town will acquire land from the Halton District School Board to be used as a park, and Conseil Scolaire Viamonde will build a new secondary school fronting McCraney Street East.
- Zoning By-law Amendment application Z.1515.22 was approved by Council on February 10, 2014 to recognize the existing open space use on the northern portion of the site (to be acquired by the Town), and rezone the eastern portion of the lands to permit a new secondary school.

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- Implementing By-law 2014-007 was tabled by Council until the land acquisition was further advanced.
- The requisite agreements of purchase and sale are well advanced and are expected to be executed prior this Council meeting.
- Since the implementing By-law 2014-007 was tabled by Council, Zoning By-law 2014-014 was passed (with portions deemed in force by the OMB including SP 351 which incorporated the provisions that had been set out in By-law 2014-007).
- There are a number of administrative changes and some landscaping requirements that require amendment which do not change the overall intent of the implementing By-law.
- The holding zone is also no longer required as the related requirements have since been satisfied.
- Given the foregoing necessary changes to the impending by-law tabled by Council in 2014, a second statutory public meeting is required before Council can consider passing the revised implementing By-law 2015-039.
- Staff recommends that By-law 2015-039 be passed.

BACKGROUND

Memorandum of Understanding

In March 2010, the Halton District School Board (HDSB) declared two portions of their land surplus located to the east (together with a 1.7 acre parcel owned by the Town “the eastern parcel”) and north (“the northern parcel”) of the north campus of White Oaks Secondary School (“WOSS”) (see Figure 1).

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Figure 1: Surplus Lands

The Town declared an interest in both the eastern and northern parcels and both the Halton Catholic District School Board (HCDSB) and the Conseil Scolaire Viamonde (CSV) declared an interest in the northern parcel to build a new secondary school.

Given Provincial disposition policies, the CSV had the first opportunity to finalize a sale, followed by the HCDSB and then the Town. A Memorandum of Understanding ("MOU") was endorsed by Council in July 2013 that sets out a conceptual arrangement whereby the HDSB would sell the surplus land to the Town of which the northern parcel will be used for community use and the eastern parcel would be consolidated and sold to the CSV for use as a new secondary school. It was considered that a more appropriate location for the proposed secondary school would be on the eastern parcel due to access, compatibility with adjacent land uses and protection of natural heritage features. Acquisition costs for the northern parcel are to be funded from the Parkland Reserve Fund in accordance with the related resolution adopted by Council at the July 3, 2013 Administrative Service Committee meeting.

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Approved Zoning By-law Amendment

A Zoning By-law Amendment was initiated on September 16, 2013 by the Town to recognize the existing open space use on the northern parcel (to be acquired by the Town), and rezone the eastern parcel to permit a new secondary school. A Public Information Meeting was subsequently held on October 23, 2013 and the statutory public meeting was held on November 12, 2013. A second Public Information Meeting was held on January 14, 2014, to further discuss traffic patterns in the area.

As part of the zoning by-law amendment application (File Z.1515.22), concerns were expressed regarding, amongst other matters, pedestrian safety and traffic in the surrounding area. The Traffic Impact Assessment submitted with the application recommended replacement of the existing crosswalk with a mid-block pedestrian signal together with signal optimization to assist with traffic congestion in the immediate area. The Town subsequently relocated the pedestrian crosswalk linking the north and south campuses of WOSS to a mid-block location and it has been generally observed that vehicle queuing at the crosswalk has been reduced by virtue of allowing a dedicated time (variable timing) for pedestrians to cross and for vehicles to pass, without conflict.

In addition, to address concerns regarding existing traffic congestion in the surrounding area, Council directed staff to undertake an area-wide transportation study to examine various transportation issues in the College Park neighbourhood. The study includes a specific focus on the intersection of Sixth Line and McCraney Street while also focusing on transportation issues around the various schools in the study area. The first public open house was held on January 28, 2015 which provided an overview of the study and allowed residents to provide input on transportation concerns in the area. A second open house will be held in the spring to present alternative solutions and obtain final public input.

All related technical matters were addressed to the satisfaction of staff as part of the Zoning By-law Amendment and staff recommended approval of the application in a staff report dated January 22, 2014. At the February 10, 2014 Planning and Development Council meeting, Council approved Zoning By-law Amendment Z.1515.22 in principle.

However, the Zoning By-law Amendment was not passed, given that the foregoing amendment was only required if the Town acquired the northern parcel to retain open space and CSV acquired the eastern parcel for a new secondary school, as set out in the MOU endorsed by Council in July 2013.

As of the date of this report, the requisite agreements of purchase and sale are well advanced and are expected to be executed prior to the Council meeting of April 13, 2015. It is expected that the sale will close in spring 2015, subject to satisfying a

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number of conditions including the finalization of the zoning. A further report from the Legal Department regarding the sale is also on the agenda for April 13, 2015.

COMMENT/OPTIONS:

Changes to Implementing By-law

Since the subject zoning by-law amendment application was approved by Council on February 10, 2014, Council passed a new Zoning By-law 2014-014. The new Zoning By-law (2014-014) was subsequently appealed to the Ontario Municipal Board ("OMB") in its entirety. On February 11, 2015, portions of Zoning By-law 2014-014 were deemed in force by the OMB. Those sections are now in force and effect, with a number of sections still remaining under appeal.

Since the new Zoning By-law 2014-014 was passed after the subject zoning by-law amendment was approved, a special provision (SP 351) was included for the subject lands which largely duplicated the regulations proposed in the original version of the implementing by-law tabled by Council. It is now proposed to rezone the subject lands and replace SP 351 in its entirety with the following amendments to the original version of the implementing by-law tabled by Council:

I. Holding Provision

Removal of the requirement for the holding provision which was originally included at the request of Halton Region to ensure that the following matters be satisfied:

- a. The applicant has submitted all supporting documentation and a MOE-Acknowledged Record of Site Condition prepared by a Qualified Person (per Ontario Regulation 153/04).*
- b. That the existing 250mm diameter sewer on McCraney Street East be extended to the proposed school."*

In correspondence dated January 22, 2015 (Appendix A), Halton Region confirmed that a phase I Environmental Site Assessment has been submitted which concluded that there are no areas of potential environmental concern. Pursuant to a letter of intent dated January 13, 2015, a MOE-Acknowledged Record of Site Condition prepared by a Qualified Person (per Ontario Regulation 153/04) will be submitted by January 2016. Servicing matters will be satisfied as part of the concurrent site plan application (SP 1515.018/01). Accordingly, the holding provision is no longer required and is proposed to be removed in its entirety.

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II. Boundary Adjustment

Pursuant to the agreement of purchase and sale, the bolded triangular area shown in Figure 2 is no longer part of the subject lands, will be retained by the Town, and is now proposed to be zoned O1 - Park (whereas the triangular area was originally proposed to be part of and within the same zone as the proposed secondary school).

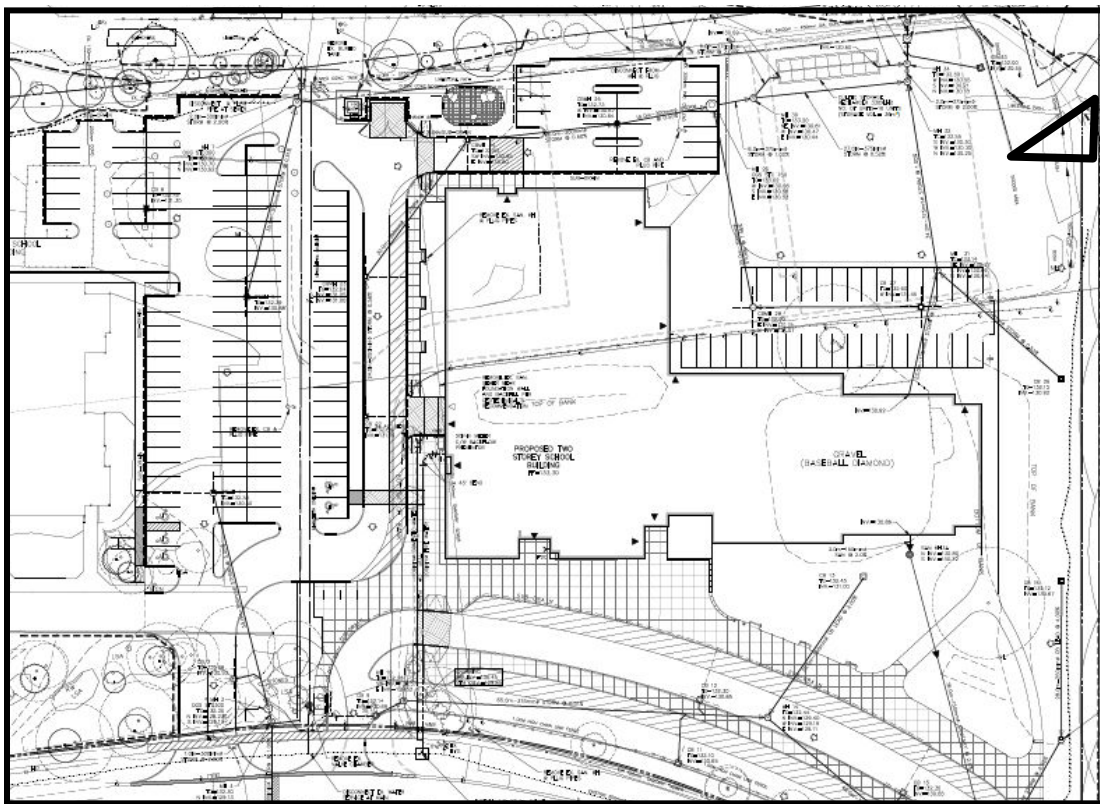


Figure 2: Boundary Adjustment

III. Landscaping

Given that section 4.11 (Landscaping) of By-law 2014-014 remains under appeal, site-specific landscaping regulations have added to clarify that the general 3 m landscaping requirement for the rear lot line does not apply (0.0 m), to accommodate the proposed parking lot which the rear lot line would now bisect.

In addition, the landscaping requirement along the eastern interior lot line was amended to acknowledge that a 3 m wide portion of the subject site along the eastern boundary is now being retained by the Town for the purpose of preserving the existing pathway connection. Accordingly, the landscaping requirement has been reduced to 7.0 m measured from the new property line, resulting in the same overall landscape strip width (7.0 m landscaping

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requirement in addition to 3.0 m retained lands equals 10.0 m) as originally proposed.

IV. Administrative & Stylistic Changes

The formatting and wording of by-law 2015-039 and the proposed regulations have been updated to reflect the definitions and formatting of the new Zoning By-law 2014-014 and to clarify the intent.

Overall, the changes proposed are minor in nature and maintain the overall intent of the original version of the implementing by-law tabled by Council. The amendments are necessary given the intervening passing of Zoning By-law 2014-014, satisfaction of holding zone requirements, minor boundary adjustments, minor revision to landscaping regulations, and other administrative changes outlined herein.

Given the foregoing changes since the statutory public meeting on November 12, 2013, and pursuant to 34(12) of the *Planning Act*, this public meeting is required to provide sufficient information to the public regarding the proposed Zoning By-law Amendment, and to allow for the public to make representations to Council before a decision is made regarding By-law 2015-039.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on October 23, 2013 where 10 members of the public attended, and a statutory public meeting was held on November 12, 2013. In addition, a second Public Information Meeting was held on January 14, 2014 regarding the Traffic Impact Study where six members of the public attended. Additional public consultation will be undertaken as part of site plan application SP 1515.018/01 to permit a new secondary school on the eastern parcel.

Notice for the statutory public meeting regarding this development application was provided through a mailing to all properties within 120 m of the subject property and included on the applicant's sign posted on the subject site.

(B) FINANCIAL

There are no financial implications related to this report. As approved by Council in July 2013 the acquisition costs for the land parcel will be funded from the Parkland Reserve Fund.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

The passing of By-law 2015-039 will implement Council's decision on February 10, 2014 to approve Zoning By-law Amendment ZBA 1515.22 to rezone the eastern parcel to permit a new secondary school.

(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 proposal generally complies with the sustainability goals and objectives of Livable Oakville.

APPENDICES:

Appendix A Halton Region Comments

Prepared by:

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Senior Planner

Current Planning – West District

Recommended by:

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Manager

Current Planning – East District

Submitted by:

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Senior Manager, Current Planning and

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