



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 12, 2018

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**FROM:** Planning Services Department

**DATE:** January 22, 2018

**SUBJECT:** Recommendation Report, Zoning By-law Amendment, Halton Catholic District School Board, 304, 312, 324 & 332 Rebecca Street, File No. Z.1618.24 - By-laws 2018-011 and 2018-014

**LOCATION:** 304, 312, 324 & 332 Rebecca Street

**WARD:** 2

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### RECOMMENDATION:

1. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary;
2. That the Zoning By-law Amendment application submitted by Halton Catholic District School Board (File No. Z.1618.24), be approved;
3. That By-law 2018-011 an amendment to Zoning By-law 2014-014, be passed;
4. That By-law 2018-014 (Deeming By-law) be passed to merge Lots 4, 5, 6, 7 and Block 'A' and B on Registered Plan 552 with Part of Lot 17, Concession 3 Trafalgar SDS, and part of Lots 8 and 9, Plan 190, as in 783271, save and except Parts 1, 2 and 3 on Plan 20R-18286 in accordance with subsection 50(4) of the *Planning Act* and staff be directed to register the by-law on title of the subject lands; and,
5. That the respective notices of Council's decisions reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.

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**KEY FACTS:**

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

- The subject lands are located on the south side of Rebecca Street, west of Dorval Drive, adjacent to St. Thomas Aquinas Catholic Secondary School.
- The applicant is proposing to consolidate the subject lands with the adjacent Secondary School and establish a 'passive and active open space' on the subject lands, which would be defined as a 'private park' by the Zoning By-law.
- A private park is not permitted in the existing zone (RL3-0).
- The applicant applied to rezone the subject lands from 'RL3-0' (residential low) to 'Community Use' (same as Secondary School).
- The 'Community Use' Zone permits a range of community, open space and hospitality land uses. This includes a community centre, daycare, library, public school and a public and private park.
- The application was deemed complete on June 27, 2017
- A Public Information Meeting was held on September 20, 2017 where two residents attended and a statutory public meeting was held on October 10, 2017.

**BACKGROUND:**

The purpose of this report is to provide a full staff review and a recommendation on the proposed zoning by-law amendment application to rezone the subject lands from 'RL3-0' (residential low) to 'Community Use'.

On November 4, 2015, the applicant submitted a site alteration application to permit grading and landscaping of the subject four residential lots. However, pursuant to Zoning By-law 2014-014, the proposed development would constitute a 'private park' land use which is not permitted in a residential zone. Accordingly, the applicant submitted the subject application to rezone the lands to the same zone as the adjacent high school 'Community Use' which permits a 'private park'.

The subject application was deemed complete on June 27, 2017 and a Public Information Meeting was held on September 20, 2017 where two residents attended. The statutory public meeting was held on October 10, 2017.

Proposal

A Zoning By-law amendment application was submitted to rezone four lots and a walkway block from RL3-0 (residential low) to Community Use (same as adjacent Secondary School).

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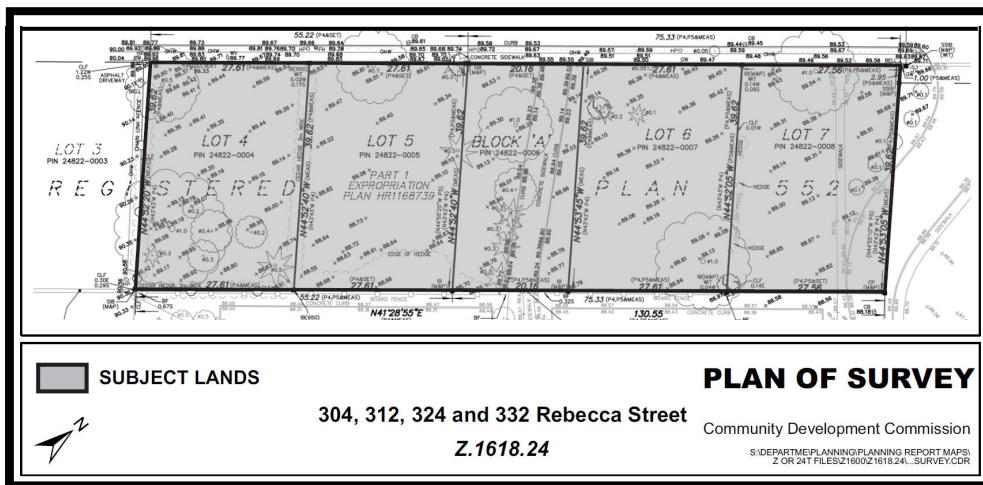


Figure 1: Plan of Survey

Location

The subject lands are located on the south side of Rebecca Street, west of Dorval Drive.

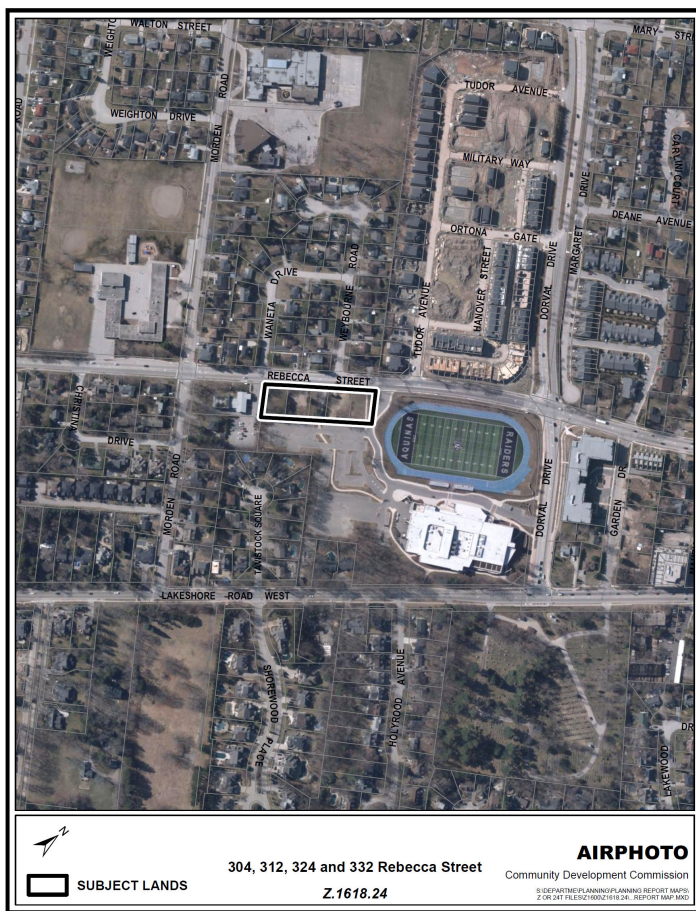


Figure 2: Air Photo

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### Site Description

The subject lands are 0.5 ha in size with 130 m of frontage on Rebecca Street. The preexisting dwellings have been demolished and the lots are generally vacant except for existing trees, two walkways and part of the Secondary School driveway access from Rebecca Street.

### Surrounding Land Uses

The surrounding land uses are as follows:

North: Rebecca Street then residential

East: St. Thomas Aquinas Catholic Secondary School

South: St. Thomas Aquinas Catholic Secondary School and residential

West: place of worship and residential

### **POLICY FRAMEWORK**

This application is subject to Provincial, Regional and local policy framework including: the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), Halton Region Official Plan, and the Livable Oakville Plan.

#### 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.

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

All planning decisions must be consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe (2017)

On May 18, 2017 the Growth Plan for the Greater Golden Horseshoe, 2017 ('Growth Plan') was released and it came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan is a long-term plan that works together with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan to manage growth, build complete

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communities, curb sprawl and protect cultural heritage resources and the natural environment.

All decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter are required to conform to the Growth Plan.

#### 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. The subject lands are designated as 'Low Density Residential' on Schedule F, South West Land Use, in the Livable Oakville Plan (Appendix A).

Section 7 (Community Uses) provides the following policies with respect to the establishment of community uses in the Town:

*7.1.2 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) emergency shelters; and,*

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*vi) 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,*

*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.*

### Zoning By-law

Zoning By-law 2014-014 zones the subject lands as 'RL3-0' (Appendix B). The applicant is proposing to establish a 'passive and active open space' on the subject lands, which would be defined as a 'private park' by the Zoning By-law. A private park is not permitted in the 'RL3-0' zone. Accordingly, the applicant has applied to rezone the subject lands from 'RL3-0' (residential low) to 'Community Use' (same as Secondary School).

The 'Community Use' Zone permits a range of community, open space and hospitality land uses. This includes a community centre, daycare, library, public school and a public and private park.



**PLANNING ANALYSIS:**

**Planning matters considered**

**Physical Context**

The subject lands are comprised of four former residential lots which were occupied by single-detached dwellings, and a walkway block. The subject lands together with the adjacent secondary school and the surrounding area, form part of a stable residential community.



Figure 3: Surrounding Context

Halton Catholic District School Board acquired the subject lands and proposes to rezone them from ‘RL3-0’ (residential low) to ‘Community Use’, to permit a ‘private park’ land use. The community use zone would be identical to the adjacent Secondary School, and permit a range of community, open space and hospitality land uses. This includes a community centre, daycare, library, public school and a public and private park.

Staff have reviewed the PPS, Growth Plan and Halton Region Plan, in its entirety and advise that the subject application does not conflict with any PPS, Growth Plan, or Halton Region Official Plan policies. Halton Region has provided comments on the subject development application which concur with the foregoing assessment.

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Pursuant to Section 7 of the Livable Oakville Plan, community uses are intended to serve and support the 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. The subject rezoning application constitutes the expansion of an established community use, and is planned by HCDSB to be used as a 'passive and active open space' which would complement and enhance the existing Secondary School land use. The proposal meets the objectives of a community use and conforms to the Livable Oakville Plan.

A more detailed technical review for site plan matters such as grading, tree preservation / planting and stormwater management will be undertaken through the required site plan application.

A separate site plan application was previously submitted by the applicant applying to the adjacent Secondary School proper to rectify deficiencies in the as-built condition relative to the original approved site plan. As an example of the aforementioned deficiencies, the site access along Rebecca Street was not built in accordance with the original approved site plan, and is located partially on the subject lands (whereas the original approved access was linearly followed and was setback from this property line). A walkway on the eastern most part of the subject land was also constructed connecting the Secondary School to Rebecca Street, which was not part of the original site plan approval.

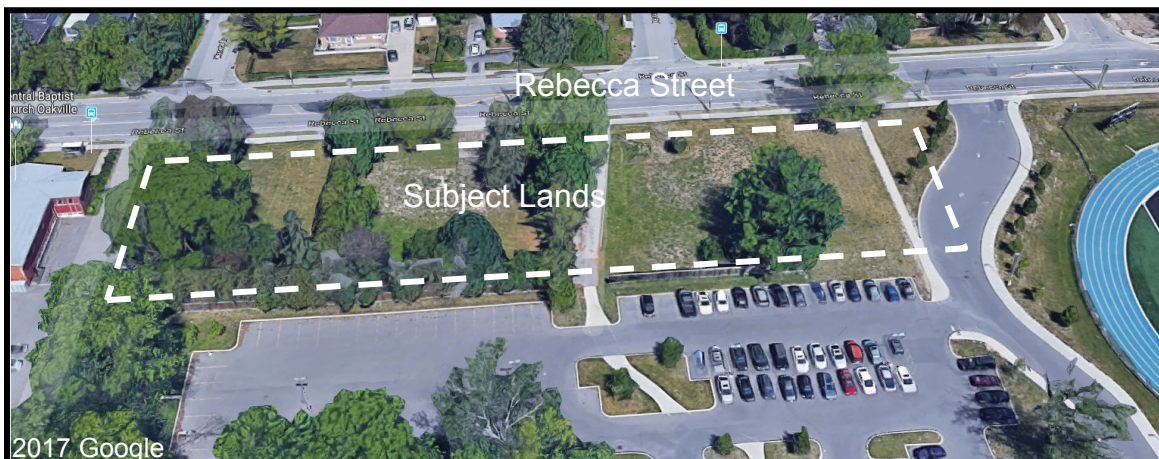


Figure 4: Subject Lands

As part of this site plan application staff will, amongst other matters, review the as-built access to ensure safe access for vehicles and pedestrians alike.

Since the site plan application required to permit the establishment of a private park on subject lands and the site plan application already submitted to rectify deficiencies in the as-built condition of the Secondary School are interrelated, both



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site plan applications are expected to be reviewed concurrently. The applicant has agreed to this approach, and it is expected that both site plans will be considered by the Site Plan Committee at the same time to ensure that any existing deficiencies on the existing Secondary School site are addressed before or concurrent with development of the subject lands. Additionally, the town is holding \$968,250 in securities which will not be released until the works on the Secondary School site have been completed, in accordance with the applicable site plan agreement, as amended and registered on title.

#### **Deeming By-law 2018-014**

The legal description of the subject lands is Lots 4, 5, 6, 7 and Block 'A' and B on Registered Plan 552. The subject lands were acquired by the Halton Catholic District School Board and are proposed to be integrated with the adjacent secondary school site (Part of Lot 17, Concession 3 Trafalgar SDS, and part of Lots 8 and 9, Plan 190, as in 783271, save and except Parts 1, 2 and 3 on Plan 20R-18286). Pursuant to subsection 50 (4) of the *Planning Act*:

*(4) Designation of plans of subdivision not deemed registered. – The council of a local municipality by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purpose of subsection (3).*

Effectively, this means in order to facilitate this land merger, Council would need to pass a deeming by-law so the subject lands are no longer recognized as distinct lots within a plan of subdivision.

Staff are recommending that this deeming by-law be passed by Council on the basis that doing so would: facilitate the land merger; recognize that the subject lands and the adjacent school site function as one site (e.g. driveway, pedestrian walkways, etc...); and, would allow for the zoning by-law performance standards to be applied on an overall site basis. The School Board has also agreed to transfer a road widening to the town along Rebecca Street as part of the land merger.

If approved, staff will give notice on the by-law in accordance with the *Planning Act* and register the by-law against title to the property.

#### Technical Review

#### **Environmental Site Assessment**

Given that a sensitive land use is proposed ('passive and active open space' for students), a Phase 1 Environmental Site Assessment was submitted. Halton Region reviewed the Assessment and have no further requirements.

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## Tree Preservation

An arborist report was submitted in support of the subject application which assessed the health of the trees on and in the vicinity of the subject lands. This information is expected to be reviewed in more detail as part of the future site plan application, and used to inform the design of the future private park. There may be an opportunity to increase the tree canopy cover across both the subject lands and the adjacent Secondary School as part of the forthcoming site plan applications.

## Functional Servicing and Stormwater Management Report

A stormwater management brief was reviewed by Development Engineering and will be further advanced in a comprehensive manner (subject site and adjacent Secondary School) as part of the site plan applications.

## Matters raised by the Public

A Public Information Meeting was held on held on September 20<sup>th</sup>, 2017 where two residents attended. The statutory public meeting was subsequently held on October 10, 2017. No formal written submissions have been received as of the date of this report.

As part of the public information meeting, a number of questions and concerns were raised including:

- Future land use and conformity with applicable policy
- Tree preservation

These concerns have been reviewed in the planning analysis section of this report. Furthermore, as part of the subsequent site plan application, which is expected to be reviewed concurrent with the active site plan application for the Secondary School site, site design matters will be reviewed including grading, tree preservation and landscaping

Based on the above, staff have included a recommendation that *'comments from the public have been appropriately addressed'*, in satisfaction of the new requirements introduced through *Bill 73, The Smart Growth for Our Communities Act*.

If additional public input is received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council's planning decisions.

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**CONCLUSION**

The Planning Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Halton Region Official Plan. Further, the application is consistent with the Livable Oakville Plan. Staff recommends approval of the Zoning By-law Amendment, as the following requirements have been satisfied:

- The subject application constitutes the expansion of an established community use, and is planned by HCDSB to be used as a 'passive and active open space' which would complement and enhance the existing Secondary School land use. Accordingly, the proposal meets the objectives for a community use and conforms to the Livable Oakville Plan.
- The proposed development conforms to the Growth Plan, is consistent with the PPS, and conforms to the Halton Region Official Plan.
- Staff expect to bring forward a subsequent staff report to the Site Plan Committee which will advance site plan matters for both the subject lands and the adjacent Secondary School site.
- Comments from the public have been appropriately addressed.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;

Staff recommend approval of the zoning by-law amendment application as the proposal represents good planning and is in the public interest.

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice for the meeting regarding this development application was provided through a mailing to all properties within 120m of the subject property and to other residents who expressed an interest in the application.

Public comments received to date have been addressed including the 'matters raised by the public' section of this staff report.

**(B) FINANCIAL**

None arising from 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. Concerns from the circulated departments and agencies raised have been addressed in this staff report.

**(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:**

A – Official Plan (*Livable Oakville*) extract

B – Zoning By-law (2014-014) extract

Prepared by:

Paul Barrette, MCIP, RPP  
Senior Planner  
Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP  
Manager  
Current Planning – West District

Submitted by:

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