



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 16, 2018

FROM: Planning Services Department

DATE: March 22, 2018

SUBJECT: **Public Meeting and Recommendation Report - Temporary Use Zoning By-law Amendment - EMGO Lease Ltd. - 87 Dundas Street East - File No. Z.1315.07 - By-law 2018-050**

LOCATION: 87 Dundas Street East

WARD: 5

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RECOMMENDATION:

1. That the comments from the public with respect to the temporary use zoning by-law amendment application by EMGO Lease Ltd., File No. Z.1315.07, be received.
2. That the temporary use zoning by-law amendment application submitted by EMGO Lease Ltd. (File No. Z.1315.07), be approved on the basis that they are consistent with the Provincial Policy Statement, conformed to all applicable Provincial plans, the Region of Halton Official Plan, and the Livable Oakville Official Plan, have regard for matters of Provincial interest, and represent good planning for the reasons outlined in the report from Planning Services department dated March 22, 2018.
3. That By-law 2018-050, an amendment to Zoning By-law 2009-189, be passed; and
4. That notice of Council's decision reflects that Council has fully considered all written and oral submissions related to this matter and that these comments have been appropriately addressed.

KEY FACTS:

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

- An application was submitted on December 22, 2017 to permit a temporary sales office to be located on the subject lands. The sales office would be used to market the sale of units / lots in the EMGO plan of subdivision (24T-

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12012) to prospective purchasers. The EMGO plan of subdivision is located at 3369 Sixth Line, east of Sixth Line and south of Burnhamthorpe Road East.

- The application was deemed complete on January 19, 2018.
- The application was received after royal assent of Bill 139. Under Bill 139, Council is required to make a decision on the application by May 21, 2018, which is 150 days from the date of complete application.
- Zoning By-law 2009-189 contemplates temporary sales offices to be located on the property which was subject to the draft plan of subdivision.
- The applicant is proposing this temporary sales office outside of the draft-approved plan of subdivision because (1) a holding provision on the EMGO plan of subdivision prevents issuance of building permits until the Town is satisfied that the requirements of the North Oakville East Secondary Plan phasing policies are met, and (2) Sixth Line is proposed to be reconstructed over the next three years which would potentially prevent or significantly limit access to a sales office within the EMGO plan of subdivision.
- This report is a combined statutory public meeting and recommendation report given the minimal level of public interest anticipated by the application.
- The proposed zoning by-law amendment conforms to the Growth Plan (2017), is consistent with the Provincial Policy Statement (2014), and conforms to the Halton Region Official Plan.
- The proposed zoning by-law amendment will not preclude or constrain ultimate development of the subject lands in accordance with the North Oakville East Secondary plan. The proposed by-law is consistent with the principles and policies of the North Oakville East Secondary Plan.
- Approval of the zoning by-law amendment application is recommended for a maximum period of three years.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed temporary use zoning by-law amendment application in conjunction with a public statutory meeting.

The application was submitted on December 22, 2017, after royal assent of Bill 139. The application was deemed complete on January 19, 2018. Under Bill 139, Council is required to make a decision on the application by May 21, 2018, which is 150 days from the date the complete application was received.

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A Public Information Meeting was not held for this application.

Proposal

The applicant is proposing to develop a temporary home sales office on the subject lands from where units / lots within the EMGO draft-approved plan of subdivision (24T-12012) will be marketed for sale to prospective purchasers.

The 287 m², one-storey sales office is proposed to be located along Dundas Street East with vehicle access provided off of Post Road. An asphalt surface parking area with 60 parking spaces is proposed to be located behind and beside the sales office.

The applicant is proposing this temporary sales office outside of the draft-approved plan of subdivision, on the subject lands, for two reasons:

- An existing holding provision on the EMGO subdivision prohibits issuance of a building permit for any development, including temporary sales offices.

The EMGO plan of subdivision and associated zoning by-law amendment were approved by the OMB on May 4, 2017. As part of that decision, a holding provision was applied to the EMGO subdivision which requires the phasing policies of the NOESP to be met to the satisfaction of Town prior to issuance of building permits. The intent of the holding provision is to prevent the construction of dwelling units while still allowing a logical sequence of mutually-supportive draft plan approvals, pre-servicing agreements, subdivision agreements and plan registrations to occur while maintaining the phasing requirements of the North Oakville East Secondary Plan. Staff anticipate that the holding provision may possibly be lifted later on in 2018.

- The EMGO plan of subdivision only has frontage onto Sixth Line. Sixth Line is proposed to be reconstructed in phases beginning in the summer of 2018 with anticipated completion in 2021. This would mean that a sales office within the draft-approved subdivision would be inaccessible and/or suffer from poor access for a period of approximately three years.

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Figure 1 – Artistic rendering of proposed sales office

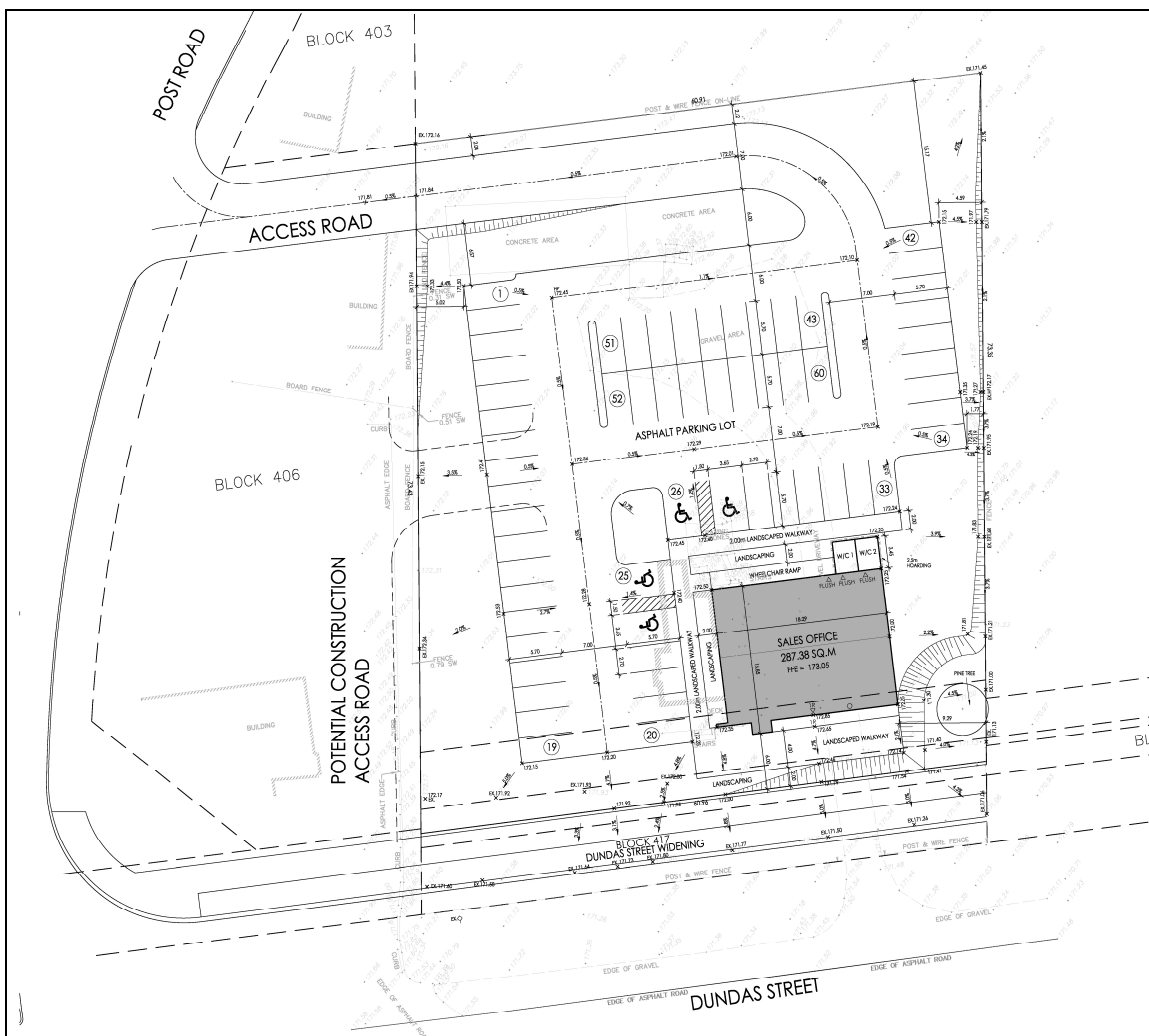


Figure 2 – Conceptual site plan

Location

The lands area located in North Oakville, north of Dundas Street East, and east of Post Road with a municipal address of 87 Dundas Street East.

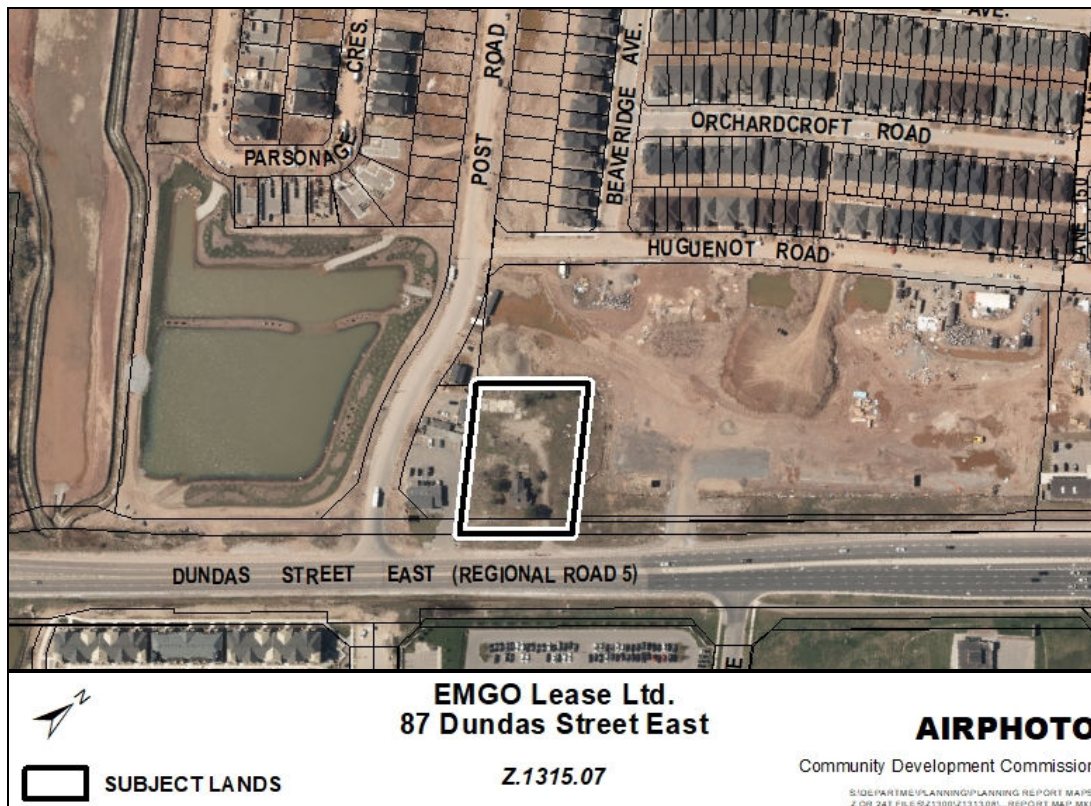


Figure 3 – Airphoto

Surrounding Land Uses

The surrounding land uses are as follows:

South: Halton Regional Police Service building

West: Temporary sales office (Fernbrook Homes)

North: vacant land / residential detached dwellings

East: vacant land with site plan application for 6-storey apartment buildings and 2-storey townhouses currently under review

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POLICY FRAMEWORK:

The applications are subject to the following policy framework: the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), the Halton Region Official Plan, the North Oakville East Secondary Plan and Zoning By-law 2009-189.

Provincial Policy Statement

The Provincial Policy Statement 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.

Staff note that the vacant property represents an underutilized development in the context of the PPS, 2017 Growth Plan, Region of Halton Official Plan and North Oakville East Secondary Plan. Notwithstanding, the North Oakville East Secondary Plan contemplates interim land uses provided that the interim use does not compromise the ultimate development form.

Regional planning staff and Town planning staff are satisfied that the proposal is consistent with the policies of the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2017 was released on May 18, 2017 and 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 communities, curb sprawl and protect cultural heritage resources and the natural environment. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

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 (2017).

Regional planning staff are satisfied that the proposal is in conformity with this new plan. Town planning staff have also undertaken an analysis of the application in relation to the Growth Plan (2017) where in the proposal is considered to be in

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conformity with this Plan as it represents growth within a delineated built boundary and will utilize existing municipal services.

Region of Halton Official Plan

The Ontario Municipal Board has issued a series of decisions regarding the partial approval of Regional Official Plan Amendment (ROPA) 38 to Halton Region's Official Plan. The policies of ROPA 38 to Halton Region's Official Plan are in force with the exception of site-specific and policy-specific matters unrelated to this application.

The lands are designated as 'Urban Area' in the 2009 Regional 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.

Regional Planning staff are satisfied that the proposal is consistent with the policies of the Regional Official Plan (2009).

North Oakville East Secondary Plan

In 2008, the North Oakville East Secondary Plan was approved through OPA 272. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan. It is recognized that while the Growth Plan for the Greater Golden Horseshoe, 2006 was not legally applicable to the North Oakville East Secondary Plan, it was reviewed as part of the preparation of the Plan.

Figure NOE2 of NOESP and the North Oakville Master Plan designates the subject lands as Dundas Urban Core Area. Dundas Urban Core Area is intended to create a band of mixed use development at medium and high densities along Dundas Street. Commercial uses in single-use buildings are permitted within the Dundas Urban Core designation (s.7.6.5).

Conformity with the North Oakville East Secondary Plan is discussed below in the 'Planning matters considered' section.

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Zoning By-law 2009-189

The subject lands are zoned (ED) Existing Development.

Section 4.3.2.vii indicates that temporary sales offices for the sale of residential, employment or commercial units / lots in a plan of subdivision or condominium within Oakville is permitted in all zones except NHS and ED.

A zoning by-law amendment (temporary use by-law) is required to implement the proposal.

PLANNING ANALYSIS:

Planning matters considered

Conformity with North Oakville East Secondary plan

The temporary sales office is only being requested as an interim use for a period of three years on the subject lands. It is not intended to represent the ultimate development of the lands in accordance with the Dundas Urban Core area designation.

Section 7.5.13 of the secondary plan indicates that in order to ensure that the ultimate development form is not constrained by interim land uses, buildings shall be planned on the basis that intensification will occur in several manners including the redevelopment of the buildings themselves. The policies also indicate that buildings to be developed should be viewed as if permanent, except for minor buildings (s.7.5.13.a).

Staff consider the temporary sales office to be a minor building. Staff do not consider the proposed building to be permanent because the building would only be permitted by way of a temporary use by-law for a maximum three-year period, which by its nature is non-permanent. As such, staff are of the opinion that the proposed temporary sales office will not constrain the ultimate development of the subject lands under the DUC designation.

Furthermore, Zoning By-law 2009-189 – which conforms to and implements the North Oakville East Secondary Plan – indicates in 4.3.2.vii that temporary sales offices for the sale of residential, employment or commercial units / lots in a plan of subdivision or condominium within Oakville is permitted in all zones except NHS and ED. This would indicate that temporary sales offices do not conflict with any land use designation in the North Oakville East Secondary Plan, including Dundas Urban Core, with the exception of the Natural Heritage System. Temporary sales offices are permitted in North Oakville so long as the following requirements are met:

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- The applicable plan of subdivision has been zoned to permit the proposed development.
- Work within the relevant plan of subdivision remains in progress, having not been finished or discontinued for 60 days.
- The temporary sales office complies with the minimum setbacks of the applicable zone and parking provisions of the Zoning By-law.

The above requirements have been met with respect to the proposed temporary sales office.

As a result of the above, the proposed temporary use by-law to permit a temporary sales centre in the Existing Development zone for a period of three years conforms to the North Oakville East Secondary Plan.

Technical Review

Development of the temporary sales office will be subject to site plan approval. Technical matters and any remaining financial matters will be addressed at the site plan stage.

Proposed Zoning By-law Amendment

The effect of the proposed zoning by-law amendment would be to add a temporary sales office as a permitted use for the sale of residential, employment of commercial lots or units in a plan of subdivision or condominium in the Town of Oakville for a maximum of three years from the date of passing of the by-law.

The following provisions will apply to the temporary sales office use:

The temporary sales office shall only be permitted for such period that work within a relevant plan of subdivision or condominium remains in progress, having not been finished or discontinued for 60 days.	
Minimum <i>front yard</i>	2 m
Maximum <i>front yard</i>	6 m
Minimum <i>interior side yard</i>	2 m
Minimum <i>rear yard</i>	6 m
Minimum width of <i>landscape strip</i> along the east <i>side lot line</i>	1.7 m

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Minimum width of <i>landscape strip</i> along all other <i>lot lines</i>	2 m
<i>Vehicle</i> access shall not be permitted from Dundas Street East.	
The temporary sales office shall comply with the parking provisions of Section 5.2 and 5.4 of this By-law.	

Matters raised at the Public Meeting

Notice of complete application was sent to adjacent property owners within 120 metres of the site and a notice sign with respect to this application has been posted on the site. Staff have not received any correspondence from the public regarding this application as of the date of this staff report.

This report is a combined statutory public meeting and recommendation report as staff do not anticipate significant public interest in this application.

Should any public input be received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council’s planning decision.

CONCLUSION:

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

Staff is satisfied that the application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and the Halton Region Official Plan. Further, the application is consistent with the principles and overall policy direction of the North Oakville East Secondary Plan.

Staff recommends approval of the zoning by-law amendment (By-law 2018-050), based on the following:

- The proposed development provides an appropriate temporary, interim land use that will not preclude or constrain the ultimate development of the subject lands in accordance with the North Oakville Secondary Plan.
- The proposed development conforms to the Growth Plan (2017), is consistent with the Provincial Policy Statement (2014), and conforms to the Halton Region Official Plan.

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- Comments from the public have been appropriately addressed.
- Technical matters and any remaining financial matters will be addressed through a future site plan application in order to permit the proposed development.
- The proposed temporary sales office is necessary in order to facilitate development of the EMGO subdivision (24T-12012), as approved.

Staff recommend approval of the zoning by-law amendment and the draft plan of subdivision 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 120 metres of the subject lands and to other residents who expressed interest in the application.

(B) FINANCIAL

No financial implications are resulting from this application. Any remaining financial matters relating to the proposed development will be addressed through a future site plan application.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

No concerns of issues were raised as a result of the circulation to the Town departments and agencies.

(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 complies with the sustainable development strategy of the North Oakville East Secondary Plan.

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APPENDICES:

None.

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