



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 16, 2018

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**FROM:** Planning Services Department

**DATE:** March 22, 2018

**SUBJECT:** Public Meeting Report, Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, 407 Dundas L.P., 407 Dundas Street West, File No. OPA 1319.06, Z.1319.06, 24T 17007/1319

**LOCATION:** 407 Dundas Street West

**WARD:** 5

Page 1

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### RECOMMENDATION:

That comments from the public with respect to the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications by 407 Dundas L.P., (File No. Z1319.06, OPA 1319.06, 24T-17007/1319), be received.

### KEY FACTS:

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

- The subject lands are located on the north side of Dundas Street West, east of Gladeside Avenue and west of George Savage Avenue.
- The Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications propose a mixed use development that includes a 10 storey mixed use building containing 228 apartment units and 390 m<sup>2</sup> of ground floor commercial space, 36 three-storey stacked back-to-back townhouse units and 17 three-storey townhouse dwellings.
- The application was deemed complete on the date of submission, January 16, 2018 which was after Bill 139 received Royal Assent (December 12, 2017).
- A Public Information Meeting was held on March 1, 2018 where 6 residents attended.

### BACKGROUND:

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered by staff in their evaluation of the application. The report is to be received and no recommendations on the application are being made at this time.

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The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

The subject application was deemed complete on the date of submission, January 16, 2018, which was after Bill 139 received Royal Assent (December 12, 2017).

The applicant proposes to amend the North Oakville East Secondary Plan, rezone and subdivide the lands to permit the development of a mixed use development which includes a 10 storey mixed use building containing 228 apartment units and 390 m<sup>2</sup> of ground floor commercial space; 36 three storey stacked back-to-back townhouse units and 17 three storey townhouse dwellings.

The purpose of the Official Plan Amendment is to increase the maximum building height in the Dundas Urban Core designation from 8 to 10 storeys. The purpose of the Zoning By-law Amendment is to re-zone the lands from 'Existing Development' to 'Dundas Urban Core' with a site specific special provision, 'General Urban' and 'Natural Heritage System' zones. A Draft Plan of subdivision is required in order to provide for the dedication of a portion of Shannon's Creek to the Natural Heritage System and to allow for a new north-south road, being, Trailside Drive, which will connect Dundas Street West to Sixteen Mile Drive.

A Public Information Meeting was held on March 1, 2018 where 6 residents attended. An overview of the comments received from the public is contained on page 10 of this report and two letters received by residents are contained in Appendix H.

### Proposal

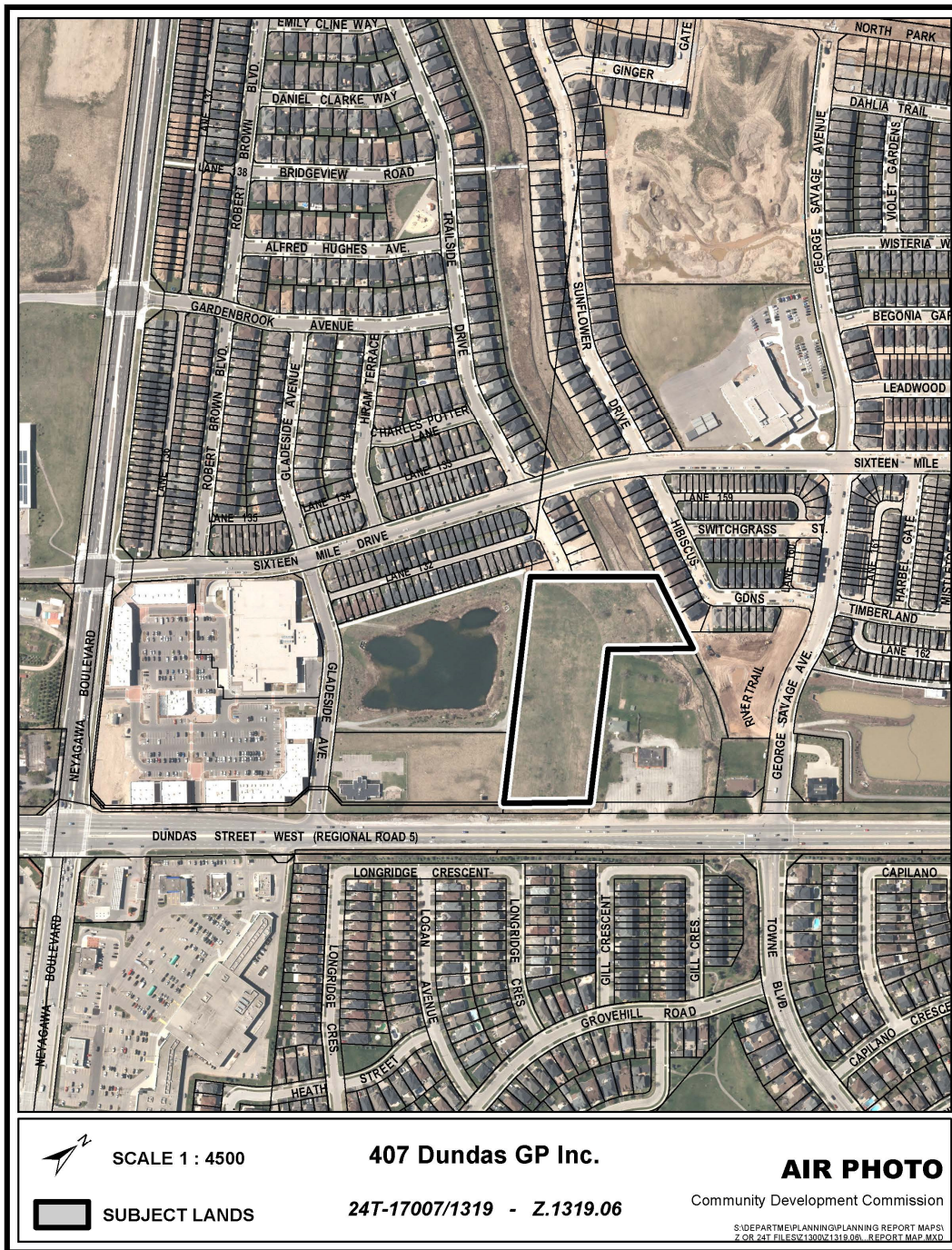
The Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted on January 16, 2018, to permit a mixed use development that includes a 10 storey mixed use building containing 228 apartment units and 390 m<sup>2</sup> of ground floor commercial space, 36 three-storey stacked back-to-back townhouse units and 17 three-storey townhouse dwellings as shown in Appendix A. The proposed street network extends Trailside Drive providing a connection between Sixteen Mile Drive and Dundas Street West. The draft plan also includes the dedication of 0.32 ha of the Natural Heritage System to the Town as shown in Appendix G.

### Location

The subject lands are located on the north side of Dundas Street West, east of Gladeside Avenue and West of George Savage Avenue.

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Site Description

The site has an area of 2.21 ha, with 69 m of frontage along Dundas St West. The site is currently vacant.

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Surrounding Land Uses

North: Townhouse fronting onto Gladeside Pond and detached dwellings fronting Trailside Drive  
 East: Former Dynasi restaurant site and Shannon’s Creek channel  
 South: Dundas Street West  
 West: Stormwater management pond (Gladeside Pond) and a parcel of land designated Dundas Urban Core that is being used on an interim basis as a new homes sales centre.

**POLICY & REGULATORY FRAMEWORK:**

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

- 2014 Provincial Policy Statement
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189

**2014 Provincial Policy Statement**

The 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 Provincial Policy Statement (hereinafter ‘PPS’) under Section 3 of the Planning Act. The new PPS replaced the 2005 statement and came into effect April 30, 2014. All planning decisions must be consistent with the PPS.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). Land use patterns within settlement areas are required to efficiently use land and resources; are appropriate for and efficiently use planned or existing infrastructure and public service facilities; minimize negative impacts to air quality and climate change, and promote energy efficiency; support active transportation; and are both transit and freight supportive (policy 1.1.3 a).

The PPS also recognizes the importance of the protection of natural features for the long term for their economic, environmental and social benefits (policy 2.1.1) and that the diversity and connectivity of natural features should be maintained, restored or, improved (policy 2.1.2).

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In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with' the PPS. As part of the forthcoming recommendation report, the proposal will be reviewed for consistency with the PPS, both in the context of efficient use of land use and impact on natural heritage.

### **2017 Growth Plan for the Greater Golden Horseshoe**

On May 18, 2017 the 2017 Growth Plan for the Greater Golden Horseshoe (hereinafter 'Growth Plan') was released and it came into effect on July 1, 2017, replacing the 2006 Growth Plan. 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 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 2.2.1.1). The subject lands are located within the 'Settlement Area' and are within 'Designated Greenfield 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; improve social equity and overall quality of life; provide a diverse range and mix of housing options; expand convenient access to transportation options, public service facilities, accessible open space and healthy local, affordable food options; ensure development of high quality compact built form; mitigate and adapt to climate change impacts, and integrate green infrastructure and low impact development (policy 2.2.1.4 a-g).

Policy 2.2.7.1 directs that new development in 'Designated Greenfield Areas' will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

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 2017 Growth Plan. As part of the forthcoming recommendation report, the proposal will be reviewed for conformity with the Growth Plan, both in the context of efficient use of land use and impact on natural heritage.

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## **Region of Halton Official Plan**

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

The site is designated Urban Area according to the Halton 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 - Emerging Policy related to Urban Structure:**

On September 26th, 2017, Council adopted an urban structure official plan amendment which provides a framework for how the Town will accommodate growth, while protecting natural heritage, open space and cultural heritage, maintaining the character of residential areas and directing growth to an identified system of nodes and corridors. As of the date of this report, these town-initiated official plan amendments are not in full force and effect and are being reviewed by Halton Region as the approval authority.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Nodes and Corridors and front onto Dundas Street, which is identified as a Regional Transit Priority Corridor. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. From a land use perspective, lands adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development, which is considered to be compact, mixed use development with higher levels of employment and residential densities to support frequent transit service.

## **North Oakville East Secondary Plan:**

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board in 2008 through OPA 272. The Secondary Plan includes detailed

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policies establishing general development objectives to guide the future development of the area covered by the Plan.

The North Oakville East Secondary Plan designates the subject property as Dundas Urban Core, Natural Heritage System and Residential Area on figure NOE2, Land Use Plan as seen in Appendix B. In addition, the lands front onto Dundas Street, which is identified as a Major Arterial/Transit Corridor. Within the Neighborhood Area designation, the lands are further categorized as GUA as seen in Appendix 7.3 North Oakville Master Plan. The North Oakville Master Plan, identified in Appendix 7.3 of the NOESP illustrates the conceptual design and land use categories for the North Oakville East planning area. Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan may be considered, assuming the general intent and direction of the Master Plan is maintained.

The Official Plan Amendment is proposed in order to increase the maximum permitted height from 8 storeys to 10 storeys. The following policies relate to the Dundas Street Urban Core Area:

*“7.6.5.1 Purpose*

*The Dundas Urban Core Area designation on Figure NOE2 is intended to allow the creation of a band of mixed use development at medium and high densities with a clustering of retail and service commercial development and/or high density buildings at the intersections with north/south streets.*

*7.6.5.2 Permitted Uses, Buildings and Structures*

- a) *The permitted uses shall be the full range of office, commercial, including retail and service commercial, health and medical, institutional and medium and high density residential uses.*
- b) *Permitted uses shall be primarily located in medium and high density residential, office and institutional buildings. Both mixed use and single use buildings shall be permitted. Commercial uses shall be restricted to locations in nodes primarily in mixed use buildings at the intersections with north-south roads, although single use retail and service commercial buildings will be permitted at such nodes in accordance with the applicable policies of Section 7.6.5, including 7.6.5.2 (c) and 7.6.5.3(c) and the design policies of Section 7.5, particularly 7.5.15.*
- c) *...*
- d) *High density residential uses shall generally be clustered at the nodes.*

From: Planning Services Department  
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7.6.5.3 Land Use Policies

- a) *Development will be visually connected by establishing a coherent streetscape along Dundas Street through a number of design features and mechanisms, identified in the applicable urban design guidelines, including provisions for landscaping, signage, street furniture and other features in the public right of way, and guidelines for the siting and massing of adjacent buildings. Development will also be physically connected by road, transit, pedestrian and bicycle linkages.*
  
- b) *A mix of uses shall be permitted at the following heights and densities:*
  - *Minimum density - FSI of 0.5, with the exception of service station sites and as set out in Subsection c);*
  
  - *Maximum density - FSI of 2.5*
  
  - *...;*
  
  - *Minimum height*  
  
*5 metres for a commercial building,  
3 storeys for other development within nodes,  
2 storeys for other development; and,*
  
  - *Maximum height - 8 storeys”.*

The following policies relate to the General Urban Area:

“7.6.7.2 General Urban Area

- a) Purpose  
*The General Urban Area land use category on Appendix 7.3 is intended to accommodate a range of low and medium density residential development.*
  
- b) Permitted Uses, Buildings and Structures
  - *The permitted uses shall be low and medium density residential uses and home occupation and home business uses.*
  
  - *Permitted uses shall be located in low or medium density residential buildings.*
  
- c) Land Use Policies
  - *A mix of housing types shall be permitted at the following heights and densities:  
Minimum density - 25 units per net hectare;  
Maximum density - 75 units per net hectare; and,*



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*Maximum height - 3 storeys.”*

The following policies relate to the Natural Heritage System:

*“7.4.10 Natural Heritage and Open Space System Securement:*

- b) .... the Town recognizes that public securement of the lands in the Natural Heritage component of the Natural Heritage and Open Space System will provide opportunities for enhanced management of the lands in the System. The Town will investigate all options for the securement of lands in the Natural Heritage component of the Natural Heritage and Open Space System.*

*7.6.3 Natural Heritage System Area:*

- a) Purpose  
 The Natural Heritage System Area designation on Figure NOE2 reflects the Natural Heritage component of the Natural Heritage and Open Space System. The primary purpose of the Natural Heritage component of the System is to protect, preserve and, where appropriate, enhance the natural environment. The focus of the Natural Heritage component is on the protection of the key ecological features and functions of North Oakville. It will also contribute to the enhancement of air and water resources, and provide for limited, passive recreational needs.”*

A number of Implementation Guidelines were approved by Council in November 2009 in accordance with Section 7.10.1 of the Secondary Plan. These Guidelines relate to such matters as Urban Design, Transit, Sustainability, and Cycling Facilities, among others. The proposal will be reviewed in the context of the land use policies of the NOESP and implementing documents and evaluated in the future recommendation report.

**North Oakville East Secondary Plan - Emerging policy:**

As part of the Town’s ongoing Official Plan Review of Livable Oakville, the North Oakville Secondary Plans Review was formally initiated by the Livable Oakville Subcommittee in May 2017. Town-initiated official plan amendments to the North Oakville East and West Secondary Plans will be brought back to Council for a decision on May 14, 2018. Introduction of a new policy change for the Dundas Urban Core designation is proposed to allow the Town to consider increases of up to 4 storeys beyond the maximum permitted building height through bonusing agreements under Section 37 of the *Planning Act*.

From: Planning Services Department  
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## **North Oakville Zoning By-law**

The North Oakville Zoning By-law (By-law 2009-189) sets zoning standards with the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law on November 23, 2009.

The subject property is zoned Existing Development (ED) by Zoning By-law 2009-189, which allows only uses that legally existed on the date of the By-law coming into effect. In order to allow the proposed development, a Zoning By-law amendment proposes to rezone the lands to Dundas Urban Core (DUC) Special Provision Zone, General Urban and Natural Heritage System zones. A copy of the proposed zoning map change is attached in Appendix E.

### **COMMENTS:**

#### **Technical Review:**

The applicant has provided numerous studies in support of the application which have been circulated to public agencies and internal Town departments, and are currently under review. The following studies and supporting documentation are available on the Town's website for review

(<https://www.oakville.ca/business/28367.html>):

- Aerial photograph
- Archaeological Assessment
- Architectural Plans
- Density Plan
- Draft Official Plan amendment
- Draft Plan of Subdivision
- Draft Zoning By-law amendment
- Environmental Impact Report/Functional Servicing Report
- Environmental Site Assessment
- Vehicle Swept Path Analysis
- Noise Assessment
- Pedestrian Circulation Plan
- Planning Justification Report
- Preliminary Intrusive Investigation
- Reliance Letter
- Survey
- Transportation Impact Study
- Transit Facility Plan

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- Urban Design Brief
- Waste Management Brief

### Public Comments:

A Public Information Meeting was held on March 1, 2018 which was attended by 6 residents. Comments raised by residents included:

- Concern for the negative impacts of increasing the building height from 8 storeys to 10 storeys in terms of sun shadowing and obstruction of views.
- Concern that existing land use permissions in the Dundas Urban Core designation allow for an 8 storey building height. Residents expected that future development along Dundas Street would maintain lower building heights that exist within the surrounding area and that taller buildings will appear out of place.
- Concern for the impact of increased traffic congestion from the proposed development during rush hour on Trailside Drive, Gladeside Avenue and George Savage Avenue.
- Concern for traffic safety and potential for speeding along the extension of Trailside Drive between Sixteen Mile Drive and Dundas Street.
- Concern for availability of school accommodation within the neighbourhood.

Subsequent to the PIM, Planning Services staff received an additional phone call from another resident who expressed similar views about the development outlined above. To date, two written public comments have been submitted in response to the notice of complete application and notice of a PIM. These comments are included in Appendix H.

### **MATTERS TO BE CONSIDERED**

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

- Provincial Policy Statement (PPS):
  - Consideration for policies related to mix of residential uses, efficient use of land, infrastructure, services that support transit and natural heritage.
- Growth Plan:
  - Consideration for complete communities; intensification that efficiently uses land, infrastructure and supports transit viability; demonstrated mix of housing options, and protection of natural features

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- Regional Official Plan:
    - Consideration by Regional staff to review conformity with Regional Official Plan.
  
  - Livable Oakville:
    - Regard for policies related to urban structure implementation.
  
  - North Oakville East Secondary Plan:
    - Consistency with the goals and objectives of the Master Plan.
    - Consistency with policies of Dundas Urban Core and General Urban Area with respect to use and density to ensure the development contributes to a compact, walkable and transit supportive community.
    - Evaluation of appropriateness of requested 10-storey building height.
    - Evaluation of the amount of floor area proposed for commercial use to ensure a viable mixed use building.
    - Impact and interface of the proposed built form with the existing and planned neighbourhood context.
    - Consistency with the vision and principles of the North Oakville Urban Design and Open Space Guidelines.
    - Consistency with the policies and objectives of the Town and Regional transportation plans.
  
  - Zoning By-law:
    - Evaluation of the suitability of the proposed zone and regulation amendments in relation to the proposed development, policies of the NOESP and the existing neighbourhood.
  
  - Technical Review:
    - Functional Servicing and Stormwater Management  
A review of the Functional Servicing and Stormwater Management Report in order to demonstrate that the development can be feasibly serviced with full municipal services including sanitary, water and fire protection, and that stormwater and storm drainage can be adequately managed to Town standards.
  
    - Transportation Impact Study  
A review of the Transportation Impact Study, to demonstrate that site will not negatively impact existing and future road conditions in the area and that the vehicle maneuvering plan and sightlines are suitable.

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- Environmental Site Assessment  
 A review of the Environmental Site Assessment in order to provide information and recommendations on potential areas of environmental concern to the satisfaction of the Region of Halton.
- Subdivision Design:
  - Review of proposed width and alignment of proposed north-south street being Trailside Drive, connecting Dundas Street West to Sixteen Mile Drive.
  - Coordination of rights-of-way, servicing and emergency services.
  - Ensuring the preservation and enhancement of the Natural Heritage System, through dedication of Shannon’s Creek Channel.

**CONCLUSION**

Planning staff will continue to review the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation prior to the expiration of the Bill 139 210-day timeframe for Official Plan Amendments, being the August 7, 2018 meeting of the Planning & Development Committee. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice of this meeting was provided through a mailing to all properties within 120 m of the subject property and placed on one sign posted on the site. A response to public comments will be provided in the future recommendation report.

**(B) FINANCIAL**

Parkland dedication requirements shall be in accordance with Section 7.7.4.5 of the North Oakville East Secondary Plan and the North Oakville East Secondary Plan Master Parkland Agreement.

In accordance with Section 7.9.4 of the North Oakville Secondary Plan, documentation was submitted with the application from the Trustee of the North Oakville East Developers Group Cost Sharing Agreement and North Oakville East Master Parkland Agreement confirming the owners of 407 Dundas Street are parties in good standing under both agreements.

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**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The proposal has been circulated to the various agencies and departments for consideration. As such, the application remains in technical circulation.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- enhance our natural environment
- 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.

**APPENDICES:**

- Appendix A – Proposed Layout
- Appendix B – North Oakville Secondary Plan (NOE2, Land Use Plan)
- Appendix C – North Oakville Master Plan
- Appendix D – Zoning By-law 2009-189
- Appendix E - Draft Zoning Amendment Prepared By Applicant
- Appendix F –Draft Official Plan Amendment Prepared By Applicant
- Appendix G – Proposed Draft Plan of Subdivision
- Appendix H – Public Comments

Prepared by:  
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Current Planning – West District

Recommended by:  
Charles McConnell, MCIP, RPP  
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Submitted by:  
Mark H. Simeoni, MCIP, RPP  
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