



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 11, 2018

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**FROM:** Planning Services Department

**DATE:** May 18, 2018

**SUBJECT:** **Public Meeting and Recommendation Report - Town-initiated Site Specific Zoning By-law Amendment to By-law 2014-014 (File: Z.1424.09) - 1388 Dundas Street West - By-law 2018-081**

**LOCATION:** Southeast corner of Proudfoot Trail and Dundas Street West

**WARD:** 4 Page 1

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### RECOMMENDATION:

1. That the town-initiated Zoning By-law Amendment application (File No. Z.1424.09), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Livable Oakville Official 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 May 18, 2018;
2. That By-law 2018-081, a by-law to make housekeeping modifications to Zoning By-law 2014-014, as amended, be passed; and
3. That notice of Council's decision reflects that the comments from the public have been appropriately addressed.

### KEY FACTS:

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

- Town-initiated amendments to Zoning By-law 2014-014 are part of an ongoing initiative to improve the document. The proposed housekeeping amendment was prepared to address a site-specific issue identified through the ongoing use of Zoning By-law 2014-014 for the subject site only.
- The subject site, municipally known as 1388 Dundas Street West, is located on the southeast corner of Dundas Street West and Proudfoot Trail.

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- By-law 2018-081 would make a site-specific amendment to By-law 2014-014 for the property at 1388 Dundas Street West to re-introduce site-specific zoning regulations and mapping associated with a previous Council approved condominium development. These regulations were inadvertently omitted as part of the By-law 2014-014 process. For ease of review and reference, Special Provision 317 and Holding Provision H21 are being replaced in their entirety.
- A joint public meeting and recommendation report has been prepared.

### **EXECUTIVE SUMMARY:**

This zoning by-law amendment was recently initiated by town staff as a housekeeping matter. As a town-initiated amendment, it is not subject to the processing deadlines under the recent amendments to the *Planning Act*.

The original site specific zoning provisions reflected a phased development for the site. Model homes would be built in the interim with the sale centre remaining. Ultimately, the model homes would be converted to dwelling units and the remaining lots, where the sales centre exists, would be developed for additional dwelling units; all part of a 16 lot plan of condominium.

### **Proposal:**

A town-initiated Zoning By-law Amendment is proposed as a housekeeping amendment to Zoning By-law 2014-014 that would re-introduced zoning provisions and mapping for the subject property as originally approved within By-law 2012-044, as amended within By-law 2012-079 and that were inadvertently omitted as part of the By-law 2014-014 process.

### **Policy Context:**

Zoning By-law 2014-014 zones the subject lands H21 – RL6 SP317 and RL6 SP317. The existing zoning is consistent with the Provincial Policy Statement 2014, conforms to all applicable Provincial plans, the Region of Halton Official Plan and the Livable Oakville Official Plan as it promotes development within settlement areas, reflects suitable intensification of underutilized lands, and conforms to the Regional and Town Official Plans. The proposed reintroduction of zoning provisions and mapping for a previous Council approved development application continues to be consistent with the PPS, conforms to all applicable Provincial policies and continues to conform with the region's and town's official plans.

Staff are recommending approval of this housekeeping zoning by-law amendment.

**BACKGROUND:**

Zoning By-law 2014-014, as amended, is the town’s comprehensive zoning by-law for the lands south of Dundas Street and north of Highway 407. It was partially approved by the OMB in February 2015. There are currently three unrelated appeals outstanding.

**Location and Site Description of Subject Site**

The subject site, as seen in Figure 1 below, is located at 1388 Dundas Street West and is bounded by Dundas Street, Proudfoot Trail, Scotch Pine Drive and a tributary of the Sixteen Mile Creek (see below). The subject land is approximately 1.22 ha in area, with approximate frontages of 72 m along Dundas Street West, 100 m along Proudfoot Trail and 37 m on Scotch Pine Drive.

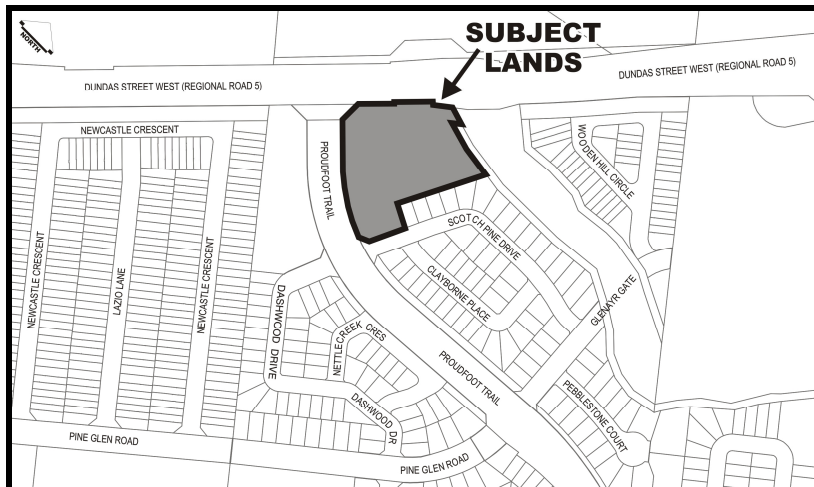


Figure 1

**Existing Site Uses**

The site was the subject of extensive public consultation processes as part of the creation of Livable Oakville Plan, and a previous development application process (File No.: Z. 1424.08 and 24CDM-07012/1424). Council passed the original zoning by-law amendment and draft plan of vacant land condominium on June 11, 2012. Information on this previous approval can be found on the town’s website at <https://securepwa.oakville.ca/sirepub/mtgviewer.aspx?meetid=1466&doctype=AGENDA>.

The Mattamy sales office and associated parking area are located within the northwest portion of the site. Additionally, four model homes have been constructed. The interim purpose of this site is for the sale of dwelling units north of

Dundas Street. The use of the sales office on the subject lands was granted by the Committee of Adjustment under file C.A.V. A/143/2000 in October 2000. An associated zoning by-law amendment and draft plan of vacant land condominium were approved by Council on August 2, 2012.

The Zoning By-law Amendment, as originally drafted, reflected a phased development approach. The first phase reflected the development of the existing four (4) model homes (Blocks 1 – 4 on Figure 2 below), which front onto the future condominium roadway (Block 17) and back onto Proudfoot Trail. The second phase reflects the development of additional model homes interior to the site (Blocks 5 – 10 on Figure 2). The final phase would reflect the removal of the sale office and parking area, the development of the final dwelling units (Blocks 11 to 16 on Figure 2), conveyance of lands to the region and town, and registration of a condominium.

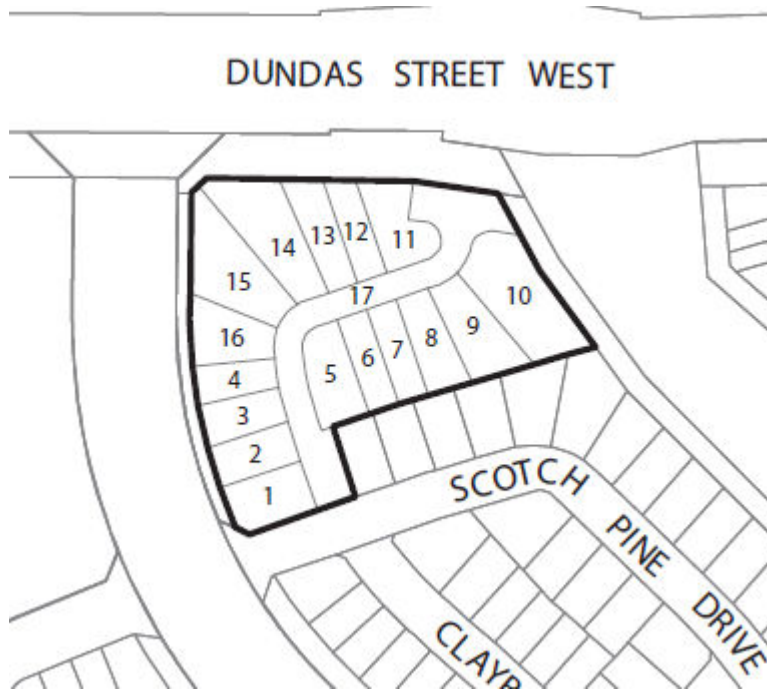


Figure 2 – Block Plan

To achieve this, the original zoning by-law amendment (By-law 2012-044) contained the following:

1. Interim permissions for existing sales centre, existing parking area and 10 model homes.
2. A holding provision (originally H47, now H21) to restrict the use of the site to the sales centre and 10 model homes until such a time as the sales

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centre/model home centre ceases operation. Once the sale centre ceases operation, the proponent can apply to the Town to register the condominium, remove the holding provision and could then sell the lots for occupancy by future owners.

Further, to reflect the phased approach related to the 10 model homes, staff included an additional holding provision related to

- a) Registration of restrictive covenants under Section 118 of the *Land Titles Act* to prevent transfers without Town consent; and,
  - b) Required development agreements addressing a number of technical matters associated with the model homes and development of the site.
3. An O4 zone consistent with the existing creek block.
  4. An O1 zone consistent with the zoning along the south side of Dundas Street.
  5. Site specific zoning for certain lots.

Since the passing of the original by-law (By-law 2012-044), Council has passed an additional zoning by-law amendment (By-law 2012-079) on September 10, 2012. The purpose of that amendment was strictly to remove a portion of the holding provision to permit the construction of the four existing model homes. Appendices A and B reflect zoning map excerpts.

#### Draft Plan of Vacant Land Condominium

The associated draft plan of vacant land condominium was originally approved in August 2012 and due to the nature of the operation of the site, has had several extensions of this original draft approval. The condominium approval lapsed in August 2017. Mattamy has submitted a new condominium application (File No.: 24CDM-18003/1424) to reintroduce the same condominium as Council previously approved. Information on this condominium application can be found on the town's website.

#### **COMMENT/OPTIONS:**

Through the ongoing use and interpretation of Zoning By-law 2014-014, as amended, staff from the Building Services and Planning Services departments have identified a number of issues. It recently came to light that certain original provisions of By-law 2012-044 and 2012-079 were inadvertently not transferred into By-law 2014-014. The result would restrict Mattamy's ability to continue the operation of this site, as originally approved. In response, a town-initiated housekeeping amendment to Zoning By-law has been prepared.

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Purpose

The purpose of the proposed amendment to Town of Oakville Zoning By-law 2014-014, as amended, is to make a housekeeping amendment, which would assist in the use and interpretation of the Zoning By-law and the implementation of the Livable Oakville Plan.

Effect

The effect of the housekeeping amendment to Zoning By-law 2014-014 would be to re-introduce the zoning provisions and correct mapping for the subject property as originally approved (By-law 2012-044), and as amended within By-law 2012-079. Regulations already contained within the parent by-law have not been re-introduced (i.e.: measurement of height).

Proposed Change	Rationale
<b>Part 15, <i>Special Provisions</i> and Part 16 Holding Provisions</b> , would be amended by:	
<b>Part 15 Special Provision</b>	
a) Reintroduction of several site specific regulations reflective of the entire site	- to ensure that the zoning reflects the previously approved regulations and reflects the language of By-law 2014-014
b) Revised Figure 15.317.1 to reflect a new block plan and references	
<b>Part 16 Holding Provision</b>	
c) Re-introduce the reference for sales of dwelling units	- The original intent was for the sale centre to be used in the interim for the sale of units north of Dundas Street. Staff have reviewed this matter and made reference to sale of units in the Town of Oakville.
d) Reflect wording and regulations consistent with By-law 2014-014	- New wording was utilized in By-law 2014-014. As an example, the original by-law used sales <u>centre</u> ; wherein the new by-law uses sales <u>office</u> . - Previously approved zoning regulations already captured by the parent zoning by-law have not been re-iterated.
e) Introduction of temporary tent structures for sales purposes	- Reflects a recent CAV approval (File NO.: CAV A/049/2018) granting permission for the erection of temporary tent structure accessory to the existing temporary sale office use on the site.

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Proposed Change	Rationale
f) Reintroduction of regulations for Blocks 1 – 10 prior to the removal of the holding provision for the entire site	<ul style="list-style-type: none"> <li>- This was previously reflected a holding provision.</li> <li>- Ensures that the proposed zoning reflects the previous Council approved development process</li> <li>- Due to the timing associated with this site, the landowner has requested that the holding regulation for Blocks 1 to 4 be reinstated. The potential may arise in the future for the dwelling units to be demolished and a new dwelling unit built reflecting sales/marketing at that time.</li> </ul>
g) Revised Figure 16.3.21.1 to reflect a new block plan and references	
<b>Part 19, Maps</b> , would be amended by:	
h) Revise Map 19(20) to consider entire site under one zoning category	
i) Reintroduced of the 01 zone across the Dundas Street frontage	j) to reflect the buffer block along Dundas Street West as previously approved

**PLANNING ANALYSIS:**

Consistency with Provincial Policy Statement 2014 (PPS):

The PPS 2014 encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by providing a compact development form. In doing this, the PPS recognizes that healthy, liveable and safe communities are sustained by, among other matters, accommodating an appropriate range and mix of residential uses. Map 19(20) of Zoning By-law 2014-014 indicates that the property is zoned H21 – RL6 SP317 and RL6 SP317. The existing zoning is consistent with the PPS 2014, as a range and mix of residential uses are currently permitted within settlement areas and allows for the coordination of development with existing and proposed infrastructure. The zoning of the property within the larger context of the surrounding residential neighbourhood continues to provide for an increased range of housing choice with the ultimate development scenario.

The proposed housekeeping amendment introduces previously Council approved zoning mapping, zoning regulations and a process to implement the development of this site, both in the interim and ultimate scenarios. No change of use, increase in density, servicing or overall development principles are being contemplated. As such, the proposed housekeeping amendment remains consistent with the PPS.

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Conformity with Growth Plan:

The Growth Plan provides policies for where and how to grow, directing population and employment growth to areas with delineated built boundaries on full municipal services. The subject lands are considered to be within a built-up area of Oakville in accordance with the Growth Plan, where growth is intended to be accommodated through intensification, subject to policies developed by local municipalities based on local conditions, including a strategy which will encourage intensification generally to achieve the desired urban structure. The existing zoning is in conformity with the Growth Plan, and therefore does not conflict with the Growth Plan, as it continues to allow for suitable intensification of underutilized lands in accordance with the Town's established urban structure and local conditions and will utilize existing municipal infrastructure.

As no changes are being proposed to the site's development, both in the interim and ultimate scenarios, the proposed housekeeping amendment remains consistent with the Growth Plan.

Conformity with the Regional Official Plan:

The subject lands are designated Urban Area and located within the Built Boundary as identified within the 2009 Regional Official Plan. The policies of the Urban Area designation support residential intensification and the development of vibrant and complete communities which afford maximum choices for residence, work and leisure. The existing zoning conforms to the Regional Official Plan, given that that the range of permitted residential dwelling types contributes to overall housing choice and the development of complete communities. Regional staff were supportive of the original by-law (By-law 2012-044) the associated draft plan of vacant land condominium and amending by-law (By-law 2012-079). This amendment only reintroduces these provisions. Regional staff in a letter dated May 23, 2018 have no objection to the town-initiated housekeeping amendment.

Conformity with Livable Oakville:

The subject lands are designated *Low Density Residential* and *Medium Density Residential* (Part E, Section 27.3.6) in the Livable Oakville Plan. Part E, Section 27.3.6 which is a special exception to the *Medium Density Residential* policies states the following:

*“On the lands designated Medium Density Residential on the east side of Proudfoot Trail south of Dundas Street West, a density between 13 and 57 units per site hectare may be permitted. Low density residential uses may also be permitted on the lands in accordance with section 11.2. The lands may also be used for a temporary model home sales office and for model homes.”*



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The existing zoning implements the Livable Oakville Plan by providing for the low density development and the use of the site on an interim basis for a temporary sales office and model homes. The proposed zoning amendment reintroduces regulations and mapping reflecting the approved use of the land as identified by the interim development and ultimate development scenarios, all in accordance with the Livable Oakville Plan.

### **CONCLUSION:**

By-law 2018-081, an amendment to Zoning By-law 2014-014, has been prepared to address a town-initiated housekeeping matter as described in this report.

Staff is of the opinion that the existing zoning (H21 – RL6 SP317 and RL6 SP317) is consistent with the Provincial Policy Statement, conforms to all applicable Provincial plans, the Region of Halton Official Plan, and the Livable Oakville Official Plan.

Staff is satisfied that the housekeeping amendment, which re-introduces previous Council approval regulations and zoning mapping for the site, remains consistent with the Provincial Policy Statement and conforms to the Growth Plan (2017) and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. Further, the application is consistent with the principles and overall policy direction of the Livable Oakville Plan.

On the basis of the above, staff recommends approval of this town-initiated zoning by-law amendment.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

No public information meeting was held, as the proposed zoning by-law amendment is intended to improve implementation and interpretation issues, is considered a housekeeping matter and relates to matters that Council already approved as part of a previous planning process. Notice was published in the Oakville Beaver on May 17, 2018 and a mailing notice to properties within 120 metres of the site was undertaken. The proposed zoning by-law amendment has been available for review in-person in the Planning Services department.

#### **(B) FINANCIAL**

There are no financial impacts arising from this report.

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

The proposed zoning by-law amendment was written in collaboration with the internal departments. No concerns were raised prior to the finalization of this 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 proposed zoning by-law amendment complies with the sustainability objectives of the Livable Oakville Plan.

**APPENDIX**

Appendix A – mapping excerpts from previously approved site zoning by-laws

Appendix B – map excerpt from By-law 2014-014

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