



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 09, 2018

FROM: Planning Services Department

DATE: June 18, 2018

SUBJECT: Public Meeting - Official Plan Amendment and Zoning By-law Amendment, Empress Capital Group, 170 North Service Road West, File No. OPA 1517.18, ZBA 1517.18

LOCATION: 170 North Service Road West

WARD: 1

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RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated June 18, 2018, be received.
2. That comments from the public with respect to the proposed Official Plan Amendment and Zoning By-law Amendment applications (File No: OPA 1517.18, ZBA 1517.18) submitted by Empress Capital Group, be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

Timing:

The Official Plan Amendment and Zoning by-law Amendment applications were received on March 29, 2018. Council has until October 25th, 2018 (210 days), to make a decision on this application.

Location:

The subject lands are located on the south side of North Service Road West, west of the Kerr Street QEW off ramp as shown on Figure 1. The lands are triangular in shape with an area of 0.68 ha and are currently vacant.

Proposal:

The applicant proposes an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to permit the development of a seven storey hotel. The proposed OPA would create a site specific exception to allow a hotel as a permitted use on the subject lands. The proposed ZBA would create a site specific Special Provision

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to permit a hotel use with performance standards to implement the proposed site layout.

EXECUTIVE SUMMARY:

Policy Context:

The subject lands are designated and zoned Core Commercial by the Livable Oakville Plan and Zoning By-law 2014-014. The Core Commercial designation and zone do not allow a hotel as a permitted use. Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement 2014, conform to all applicable Provincial plans, the Region of Halton Official Plan and the Livable Oakville Official Plan as they allow for suitable intensification of underutilized lands with a range of retail and commercial uses in accordance with the Town's established urban structure.

BACKGROUND:

The purpose of this report is to introduce the planning applications in conjunction with the statutory public meeting. Council will hear public delegations on the applications, 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 applications are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review. 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 applications were received on March 29, 2018. The applicant proposes a site specific Official Plan Amendment and Zoning By-law Amendment to permit the development of a seven storey hotel.

A Public Information Meeting was held on May 29th, 2018 and no members of the public attended.

Proposal

The applicant proposes a site specific Official Plan Amendment and Zoning By-law Amendment to permit the development of a seven storey hotel. The subject lands are designated and zoned Core Commercial by the Livable Oakville Plan and Zoning By-law 2014-014. The Core Commercial designation and zone do not allow a hotel as a permitted use. The purpose of the Official Plan Amendment is to create a site specific exception to allow a hotel as a permitted use on the subject lands. The purpose of the Zoning By-law Amendment is to create a site specific Special

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Provision to permit the proposed hotel use and to allow site specific performance standards to implement the proposed site layout. Specifically the Draft Zoning By-law Amendment submitted by the applicant also requests the following regulations to implement the proposed hotel site layout:

- To reduce the minimum landscape buffer from 3.0 metres to 1.10 metres on the interior side yard;
- To reduce the minimum lot area from 4.0 hectares to 0.5 hectares;
- To increase the maximum permitted projection (parapet) above the roofline from 2.0 metres to 2.8 metres;
- To increase the maximum permitted projection for a canopy from 0.6 metres to 2.0 metres into the front yard and 10.0 metres into the interior side yard;
- and,
- To allow for 95 parking spaces, whereas 134 parking spaces are required.

The proposed hotel is seven storeys in height (23.78m) with a total Gross Floor Area of 5,146 m². (No zoning amendments are required for height or Gross Floor Area). The proposed concept plan is contained in Appendix C. The proposed hotel would contain 114 hotel rooms, amenities for guests including a lobby, fitness centre, breakfast area, outdoor patio, indoor pool, meeting facilities and “back of house” facilities (employee areas, mechanical facilities and corridors). The building is proposed to be oriented parallel to North Service Road West with the primary entrance being visible from the street.

Vehicle access is provided through a proposed new right-in right-out driveway along North Service Road West and the majority of the 95 surface parking spaces are provided at the rear of the site. In addition, a potential secondary access has been proposed that would link the subject lands with adjacent commercial property to the west (Dorval Crossing). The proposed secondary access would allow vehicles from the hotel site to access the full movement signalized intersection on North Service Road West. Coordination with the adjacent landowner and registration of an easement on title would be required to facilitate this arrangement.

Location & Site Description

The subject lands are located on the south side of North Service Road West, west of the Kerr Street QEW off ramp as shown on Figure 1.

The lands are triangular in shape with an area of 0.68 ha and are currently vacant. The subject lands maintain frontage of approximately 104 m along North Service Road West and 125 m of frontage along the QEW off ramp.

Surrounding Land Uses

North: North Service Road West and 16 Mile Creek

East & West: Kerr Street QEW off-ramp and single storey commercial uses.

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South: Single storey commercial buildings that form part of Dorval Crossing plaza.
West: North Service Road West and single storey commercial buildings that form part of Abbey Center plaza.

Figure 1: Air Photo



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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*
- *Livable Oakville Plan*
- *Zoning By-law 2014-014*
- *MTO Building & Land Use Policy*

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.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement area are based on densities and a mix of land uses that, among other matters, efficiently use land and resources; appropriately use the infrastructure and public service facilities that are planned or available; and are transit-supportive.

Intensification, including the development of vacant lots within previously developed areas, is one of the ways planning authorities can make efficient use of land and existing infrastructure. The PPS states that land use patterns within settlement area shall be based in part on providing a range of uses and opportunities for intensification and redevelopment.

With respect to intensification, the PPS states:

1.1.3.3

That planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with' the PPS.

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. 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. Section 2.2.1.4, Managing Growth, notes that applying the policies of the Growth Plan will support the achievement of complete communities that, among other matters, feature a diverse mix of land uses, including residential and employments uses, and convenient access to local stores, services and public service facilities.

Intensification, including the development of vacant lots within previously developed areas, is one of the ways local municipalities can make efficient use of land and existing infrastructure. Policy 2.2.2.4 a) states that all municipalities develop a strategy to achieve the minimum intensification target throughout the delineated built-up areas which will encourage intensification generally to achieve the desired urban structure. The subject lands are considered 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.

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.

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

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communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". The range of permitted uses 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

Urban Structure:

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011 and is currently undergoing a 5 year Official Plan Review to ensure the policies are consistent with the latest Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. On September 27, 2017, Council adopted Official Plan Amendment 15 (OPA 15) to the Livable Oakville Plan, which confirms the Town's existing urban structure in terms of nodes (growth areas) and corridors. OPA 15 was approved by Halton Region on April 26, 2018 and there are two appeals pending. The subject lands continue to be identified as forming part of a Major Commercial Area and North Service Road West is identified as a Major Transportation Corridor.

Land Use Policies:

The policies of the Livable Oakville Plan establish four commercial designations to ensure that an adequate range and variety of goods and services are distributed throughout the town and are available to residents and shoppers. The subject lands are designated as "Core Commercial" on Schedule H, West Land Use, in the Livable Oakville Plan as shown in Appendix A. The Core Commercial land use designation is intended to provide major concentrations of commercial facilities serving the broader regional community and are located at the intersection of major arterial roads with proximity to highway access. Uses permitted within the Core Commercial designation include:

"13.3.1. Permitted uses may include a range of retail and service commercial uses including restaurants, food stores and motor vehicle service stations. Large format retail, retail warehouse, entertainment and recreational uses may also be permitted. Offices and motor vehicle repair facilities may be permitted provided they serve a secondary function within the Core commercial designation and are small in scale."

Hotels are not a permitted use in the Core Commercial designation, therefore the applicant has applied for an Official Plan Amendment to allow a hotel on the subject lands as a site specific exception in the Livable Oakville Plan.

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In addition to policies related to permitted uses, development within the Core Commercial designation is subject to the following policies:

13.3.3 The retail and service commercial uses within the Core Commercial designation are to be accommodated within an enclosed shopping mall, large freestanding buildings or through groupings of buildings. These areas shall be developed in a nodal configuration to minimize traffic impacts on adjacent uses.

13.3.4 Core commercial areas should be developed with integrated access, parking and loading as well as common landscaping and design features.

Implementation Policies:

Part F - Implementation and Interpretation, of the Livable Oakville plan provides a description of the tools that the Town can use to implement the Official Plan. Section 28.2 of OPA 15 provides criteria for evaluation of site specific amendments to the Official Plan:

“28.2.1 The Town shall evaluate site-specific amendments to this Plan within the context of the goals, objectives and policies of this Plan.

28.2.2 The proponent of an official plan amendment shall submit reports to the satisfaction of the Town demonstrating the rationale for the amendment in accordance with the submission requirements set out in Part F of this Plan.

28.2.3 Submissions must demonstrate that the proposed amendment:

- a) is consistent with the Town’s mission and guiding principles.*
- b) does not undermine the Town’s urban structure in terms of:

 - i) directing growth to identified nodes and corridors, and ensuring their timely development in a manner that makes effective and efficient use of existing and planned investment and achieves the planned objectives for these areas;*
 - ii) protecting natural heritage systems;*
 - iii) protecting waterfront open space, parks and other public open space;*
 - iv) conserving cultural heritage resources; and,*
 - v) the maintenance of the character of established residential areas, employment areas and major commercial areas.**
- c) is consistent with Provincial, Regional and Town plans for multi-modal transportation systems, municipal services, infrastructure and public service facilities.*
- d) does not result in adverse fiscal impacts for the Town.*
- e) is an appropriate use for the land.*

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- f) is compatible with existing and planned surrounding land uses.*
- g) is not more appropriately considered under a required comprehensive Official Plan review or a municipal comprehensive review.*
- h) does not establish an undesirable precedent if approved.*
- i) satisfies all other applicable policies of this plan.”*

Urban Design Policies:

The proposed development will be evaluated in accordance with the Urban Design policies contained in Part C, Section 6 of the Livable Oakville Plan related to Built Form, Pedestrian Access and Circulation, Vehicular Access and Circulation, and Parking, as well as the applicable design directions provided in the Livable by Design Manual, as amended.

Zoning By-law 2014-014

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. The Zoning By-law was partially approved by the Ontario Municipal Board in February 2015 and there are currently three appeals outstanding.

Map 19(14) of Zoning By-law 2014-014 indicates that the property is zoned Core Commercial (C3) as shown in Appendix B. The C3 zone allows a range of retail, service commercial, office, community, open space and motor vehicle uses. A hotel is not a permitted use in the C3 zone, therefore a Zoning By-law Amendment is required to permit the proposed use on the subject property.

The Zoning By-law Amendment proposes a site specific Special Provision to permit the development in terms of use and to allow site specific performance standards to implement the proposed site layout including to reduce required parking, minimum lot area, minimum landscape buffer and to increase maximum height of parapets and maximum projection for a canopy.

A summary of requested amendments to the regulations of Zoning By-law 2014-014 is summarized in Table 1.

Table 1: Zoning Comparison

	Requirements of Zoning By-law 2014-014	Proposal (Special Provision)
Use	Hotel not a permitted use in C3 zone	Allow Hotel as a permitted use
Required Parking Ratio	1 space per lodging unit plus 1 space per 30.0 m ² net floor area outside a lodging unit	0.83 spaces per lodging unit
Required Parking	134 spaces	95 spaces
Minimum lot area	4.0 ha	0.5 ha
Maximum Height of Parapets	2.0 m maximum	3.0 m maximum
Maximum Projection of Canopy	0.6 m maximum	Front yard: 2.0 m Interior side yard: 10.0 m
Minimum Landscape Buffer	3.0 minimum	1.0 m minimum

MTO Building & Land Use Policy:

Staff have circulated the applications to the MTO for review and comment given the proximity of the subject lands to the Kerr Street QEW off ramp. The placement of buildings, structures and the development of lands adjacent to Provincial Highways are controlled under the authority of *The Public Transportation and Highway Improvement Act*. A hotel is classified as a Commercial Building and is required to maintain a 14 m minimum setback from the highway property line. In addition to building setback, the MTO will review other matters related to site access, traffic and drainage in order to determine impacts, if any, on the highway lands. A Ministry building and land use permit would be required prior to the issuance of any municipal building permit.

SUBMITTED STUDIES

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/da-29290.html>):

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- Aerial Photograph
- Concept Plan
- Elevations
- Landscape Plan
- Pedestrian Plan
- Survey
- Draft Official Plan Amendment
- Planning Justification Report
- Urban Design Brief
- Traffic Impact Study
- Arborist Report
- Stormwater Management Plan
- Geotechnical Report
- Draft Zoning By-law Amendment

PLANNING ANALYSIS:

EXISTING POLICY AND ZONING BY-LAW:

The following section explains how the existing Official Plan designation (Core Commercial) and zoning (C3- Core Commercial) are consistent with the Provincial Policy Statement 2014 (PPS 2014), conforms and therefore does not conflict with all applicable Provincial plans, and conforms with the Region of Halton Official Plan and the Livable Oakville Official Plan.

Consistency with Provincial Policy Statement 2014:

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, livable and safe communities are sustained by, among other matters, accommodating an appropriate range and mix of uses, including commercial uses. The subject lands are designated as “Core Commercial” on Schedule H, West Land Use, in the Livable Oakville Plan. Map 19(14) of Zoning By-law 2014-014 indicates that the property is zoned Core Commercial (C3). The existing Official Plan designation and zoning are consistent with the PPS 2014, as a range and mix of retail and commercial uses are currently permitted.

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 within a built up area of Oakville, 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. In regard to directing growth and change, the existing Official Plan designation and zoning are in conformity with the Growth Plan, and therefore does not conflict with the Growth Plan, as they allow for suitable intensification of underutilized lands in accordance with the Town’s established urban structure.

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The policies of the Growth Plan are to be applied to support complete communities by, among other matters, providing a mix of land uses and convenient access to local stores and services. The existing Official Plan designation and zoning conforms with the Growth Plan given that a range of retail and commercial uses are provided for. Further, within the context of the larger community, the Official Plan designation and zoning forms part of a larger concentration of Core Commercial lands that are intended to serve the broader regional community.

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 intensification and the development of vibrant and complete communities which provide maximum choices for residence, work and leisure. In order to meet long-term needs, an appropriate range and balance of employment uses including industrial, office, retail and institutional uses are to be provided for. The existing Official Plan designation and zoning conforms to the Regional Official Plan, given that the range of permitted commercial and retail uses contributes to overall choice for residents, in terms of work and leisure and in doing so, supports the development of complete communities.

Conformity with Livable Oakville:

The subject lands are designated Core Commercial in the Livable Oakville Plan. The Core Commercial land use designation is intended to provide major concentrations of commercial facilities serving the broader regional community and are located at the intersection of major arterial roads with proximity to highway access. In terms of use, the existing C3 (Core Commercial) zoning implements the Livable Oakville Plan by providing for a range of retail and service commercial uses including restaurants, food stores, motor vehicle service stations, large format retail, retail warehouse, entertainment and recreational uses, which are all uses permitted by the Core Commercial land use designation. In addition, the subject lands form part of a larger Core Commercial area concentrated around the intersection of Dorval Drive and North Service Road West, to serve the needs of the broader regional community.

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:

Planning Act:

- Regard for matters of Provincial Interest (Section 2) of the Planning Act.

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Provincial Policy Statement (PPS):

- Consideration for policies related to intensification; efficient use of land and resources; and transit-supportive development.

Growth Plan:

- Consideration for complete communities and intensification that efficiently uses land, infrastructure and supports transit viability.

Regional Official Plan:

- Consideration for conformity with the Regional Official Plan.

Livable Oakville:

- Evaluation of the proposal in accordance with the Town's adopted Urban Structure, Commercial land use policies, Implementation policies and Urban Design policies.
- Consideration of the impact of the proposed hotel use on the existing surrounding Major Commercial Area.

Zoning By-law 2014-014:

- Evaluation of the appropriateness of the requested site specific Special Provision, including, adding a hotel as a permitted use; reducing required parking, minimum lot area and minimum landscape buffer; and increasing maximum height of parapets and maximum projection for a canopy.

MTO Requirements:

- Evaluation of the applications to determine any impacts to the highway lands arising from proposed building setback, site access, traffic and drainage.

• 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.
- Traffic Impact, Parking & Loading Study:
 - A review of the Transportation Impact Study, to demonstrate that additional traffic generated by the proposed development will not negatively impact existing and future road conditions in the area.
 - A review of the proposed vehicle access on North Service Road West, the proposed secondary access through the existing

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Dorval Crossing site and site circulation to ensure that vehicle maneuvering and sightlines are suitable.

- A review of the proposed parking supply to determine if 95 parking spaces are sufficient for the proposed development.

- 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.

- Arborist Report
 The Arborist Report submitted inventoried 3 privately owned trees and 4 boundary trees on the subject site, all of which are to be retained and preserved. As part of the future site plan application ensuring proper tree preservation, streetscape plans and a review of proposed tree canopy cover will be taken into consideration.

CONCLUSION:

Planning staff will continue to review the proposed application, including departmental, agency, public and Council feedback and report back to Council with a recommendation no later than October 25th, 2018. 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 a notice sign posted on the subject lands. A Public Information Meeting was held on May 29th, 2018.

(B) FINANCIAL

There are no financial impacts arising from this report.

(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:
- be the most livable town in Canada

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(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 – Livable Oakville Plan

Appendix B – Zoning By-law 2014-014

Appendix C – Proposed Concept Plan

Prepared by:

Melissa Dalrymple, MCIP, RPP

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