

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 21, 2013

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**FROM:** Planning Services Department PD-092-13

**DATE:** September 27, 2013

**SUBJECT:** Recommendation Report and Zoning By-law Amendment  
2317511 Ontario Inc., 70 Old Mill Road, Z.1614.71  
By-law 2013-106

**LOCATION:** 70 Old Mill Road

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### RECOMMENDATION

1. That Zoning By-law Amendment application Z.1614.71, submitted by 2317511 Ontario Inc., be approved as outlined in report (PD-092-13), dated September 27, 2013 from the Planning Services Department.
2. That By-law 2013-106 be passed.
3. That Town Council, in accordance with section 34(17) of the *Planning Act*, determine that no further notice of a public meeting is required with respect to application Z.1614.71.

### KEY FACTS

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

- This report presents information with respect to a Zoning By-law Amendment, for a property north-west of the intersection of Old Mill Road and Cornwall Road, west of Trafalgar Road.
- A public meeting was held May 21, 2013 and provided opportunity for public comment. The application has been revised to address a number of issues raised by members of the public.

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- The proposed zoning conforms with, and implements, the objectives and policies of the *Livable Oakville* Plan.
- Staff recommends approval of the application.

## BACKGROUND

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Zoning By-law Amendment, including recent modifications to the proposal. An application for a Zoning By-Law Amendment was submitted on February 13, 2013, and deemed complete on March 1, 2013. Following the statutory public meeting and discussions with the Staff, the applicant has revised the proposal to address concerns.

A synopsis of some of the history associated with the subject site was provided in the Planning & Development Council report (PD-039-13) on the May 21, 2013 agenda. The original consolidated property of which the subject site is a part, included 40, 50, 60 and 70 Old Mill Road; however, the development of 70 Old Mill Road was never built out as initially intended. The initial concept considered a three storey commercial building on the subject site, with permission for a total of 3,230 square metres of retail and office uses.

## Proposal

The February, 2013 proposal by 2317511 Ontario Inc. included a mix of uses, including 29 residential apartments, and commercial and office land uses, in a nine storey tall building, as measured from the common condominium driveway. The application was modified in September 2013 in response to comments and issues raised. These changes include the elimination of the office use, and a reduction in the retail use to approximately 150 square metres. The residential component remains at 29 units. The resulting parking requirement is substantially lower due to removing the office use. Vehicular access to the building and underground parking is now via the common condominium driveway without the need to utilise the existing ramp adjacent to the 60 Old Mill building.

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### **Location**

The property is located at 70 Old Mill Road, north-west of the intersection of Old Mill Road and Cornwall Road, in Midtown Oakville. The legal description of the property is Concession 3, Parts of Lot 14, S.D.S.

### **Site Description**

The subject land is currently vacant, having been created by virtue of the registration of the three condominiums directly west of the subject site. The property is 1,589 m<sup>2</sup> (0.39 acres) in size, with frontage along Cornwall Road and Old Mill Road. Access is provided via a shared condominium driveway to Old Mill Road. The property includes right-of-way access across the other condominiums, as well as to shared facilities.

### **Surrounding Land Uses**

The site is within the Town's Urban Growth Centre, which is slated for the majority of the Town's intensification. The site is also adjacent to the Oakville GO station which is the second busiest station on the entire GO Transit network, after only Union Station.

The surrounding land uses are as follows:

- |        |   |
|--------|---|
| North: | A railway corridor, beyond which are GO Transit and VIA stations, and a GO Transit parking lot,   |
| East:  | A vacant parcel used for GO Transit parking and a recently opened six storey GO Transit parking garage,                                     |
| South: | Cornwall Road, beyond which is the Sixteen Mile Creek valley,   |
| West:  | Three condominium apartment buildings comprised of approximately 307 units, beyond which is Cross Avenue and the Sixteen Mile Creek valley. |

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## **POLICY FRAMEWORK**

### **Region of Halton Official Plan**

The lands are designated “Urban Area” according to the Region’s Official Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The property had been used for industrial purposes in the past. With the transition to a more sensitive land use, Provincial regulations require a Record of Site Condition. Halton Region requires an RSC for the proposed residential use prior to development proceeding. A Holding provision has been included in the Zoning By-law to address this matter.

Halton Region has also reviewed the servicing component of the proposal and notes that while there is sufficient watermain infrastructure for the development, the wastewater infrastructure requires upgrading. The existing trunk sewer serving the immediate area operates at/or over its design capacity during significant rainfall events, and a new trunk sewer along Rebecca Street and Lakeshore Road is required to address the capacity issue in the existing sewer. This new trunk sewer project is currently under design. Upon completion of the design, and construction following soon thereafter, the new trunk will facilitate the development. Halton Region has no objection to this development with the understanding that the development will be subject to a subsequent Site Plan approval process wherein Regional servicing issues can be addressed.

The proposed Zoning By-law Amendment complies with the policy direction of the Halton Region Official Plan.

### **Livable Oakville Plan**

The *Livable Oakville Plan* was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011 and is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe.

As noted above, the subject lands are located in Midtown Oakville, which is the Town’s Urban Growth Centre, as required by the Growth Plan (2006). An Urban Growth Centre is intended to be “a regional focal area that accommodate(s) a significant portion of future population and employment growth”. The goals, objectives and policies for Midtown Oakville are consistent with this intent. There is policy direction in the *Livable Oakville Plan* that provides for the creation of a transit-

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supportive, vibrant and complete community. There is also a minimum gross density for Midtown Oakville of 200 residents and jobs combined per hectare.

Located in the Cornwall District, the property is designated *High Density Residential* which permits up to 185 units per site hectare. As well, Schedule L2 requires a minimum building height of 6 storeys, and limits the height to 12 storeys. There is no bonusing eligibility applicable to the subject property.

The site-specific policy noted above relating to commercial and office land use permissions is found at section 20.5.11 a) of the *Livable Oakville Plan* and states:

- i) *A neighbourhood shopping centre with a maximum of 930 square metres of gross leasable area may also be permitted.*
- ii) *A maximum of 2,300 square metres of non-retail service commercial area, including office and private recreational uses, may also be permitted.*

The noted policy provides permission for retail and office uses, but does not require them. The policy recognises the original scheme for the redevelopment of the larger land holdings and reflects the site-specific zoning created at the time of the previous land use approvals.

### **Zoning By-law**

The subject property is currently zoned Residential Mixed Dwellings (R8-SP578). This site specific zoning was implemented with the consideration of four buildings across the whole of the original property (i.e. 40-70 Old Mill Road). The permissions for the subject site contemplate a three storey building with the intent of accommodating the overall site's commercial uses.

The proposal seeks to align the permissions for the site with those contained in the *Livable Oakville Plan*, by adding residential land use permissions to 70 Old Mill. As well, the site specific zoning includes regulations for building placement, coverage, height, and proposed parking ratios for the residential and commercial components.

### **PLANNING ANALYSIS**

The proposal has been modified from that originally proposed in an effort to respond to Staff and public comments. These modifications result in a project that contemplates a less intense commercial and office development, and one which has less adverse effects on adjacent properties. These changes do not, in Staff's

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opinion, warrant the need for another statutory public meeting. Those persons who provided written and verbal submissions have been provided notice of the Planning and Development Council meeting.

### **Planning matters considered**

#### ***Land Use***

The proposed Zoning By-law Amendment serves to implement the policies of the *Livable Oakville* Plan which designates the subject property as High Density Residential. The maximum density permitted is 185 units per hectare, which translates to 29 residential units for the site. As well, by proposing a nine storey building, the height complies with Official Plan requirements which identify a minimum height of six storeys, and a maximum height of 12 storeys.

Adding residential uses to the last remaining parcel at this location complies with the *Livable Oakville* Plan. Staff has not identified any significant technical issues with the proposal which would affect the proposed land use. By reducing the amount of parking, and having an incremental increase to the number of residential units in the area, there are minimal, if any, effects on the road network.

As noted, the site-specific policy notes that retail and office uses may be permitted. The permission is contingent on the review of the intended development to ensure the site and immediate area can function properly with the addition of the retail and office uses. The application was revised to reflect some of the concerns raised by the adjacent residents by limiting the amount of retail and containing the parking access to the subject site. Staff is satisfied that these revisions maintain the intent of the Official Plan, and allow better functionality to the overall area.

The addition of a mixed-use development in Midtown Oakville, directly adjacent to an inter-regional transit hub, helps advance the objectives of the Town's Urban Growth Centre. Including retail opportunities as part of new development helps limit car trips by having goods and services in close proximity to residences.

#### ***Proposed Zoning By-law Amendment***

The proposed zoning for the subject site builds on the existing site-specific zoning by updating the regulations associated with the 70 Old Mill site based on the proposed development.

The specific regulations being updated include permission for 29 residential units, a minimum and maximum building height, maximum commercial use size, and a

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modified parking ratio. The chart below provides additional detail specific to the 70 Old Mill site:

Regulation	Existing Zoning (SP 578)	Proposed By-law
Number of Residential Units	0	29
Average Residential unit size	112.5 m <sup>2</sup>	193 m <sup>2</sup>
Minimum height	N/A	6 storeys (22 metres)
Maximum height	3 storeys	9 storeys (36 metres), plus 7 metres mechanical penthouse
Parking Ratio (minimum)	1.75 spaces per residential unit	1.25 spaces per residential unit, inclusive of visitor
Parking Ratio – Commercial (minimum)	1 per 28 m <sup>2</sup>	0
Maximum commercial use	930 m <sup>2</sup>	155 m <sup>2</sup>
Maximum office use	2300 m <sup>2</sup>	0 m <sup>2</sup>

As described above, the modifications being proposed reflect the existing permissions in the *Livable Oakville* Plan which includes residential uses, up to a maximum of 185 units per hectare, and a building height of minimum 6 storeys and maximum 12 storeys. Based on the size of the property, 29 units is the maximum allowable. The site specific Official Plan policy allows commercial uses; however, the concept proposes far less than is permitted.

With respect to the parking ratio, 1.25 spaces per residential unit (inclusive of visitor parking) is becoming a typical ratio for apartment style buildings. In the Town's Urban Growth Centre, and directly adjacent to the GO Transit station, a lower parking ratio than is provided in the neighbouring buildings is acceptable. There are three parking spaces provided at-grade to the entrance of the underground parking garage which could potentially be used for commercial parking.

A Holding provision is being proposed in the draft Zoning By-law which requires the Owner to provide Halton Region with a letter of reliance for both the Phase 1 and Phase 2 ESA Reports as well as file a Record of Site Condition for the site due to past industrial uses on the property. A Record of Site Condition is required when a land use is transitioning to one that is more sensitive (i.e. from industrial to residential). The RSC ensures the lands meet a specific standard prior to residents occupying the lands, in accordance with Ministry of Environment standards.

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### ***Urban Design***

New development in Midtown Oakville, regardless of the type of land use, must be of the highest quality and reflect the significance of the Town's Urban Growth Centre. Although the subject site may not be considered a "landmark" location, there remain various strategies available to help signify this location such as employing different architectural treatment, and streetscape enhancements. New buildings must also integrate with, and enhance, the neighbourhood. Building design and massing must be appropriate for the location and not compromise neighbours' ability to make reasonable use of their own properties.

The height of the existing buildings at 40, 50 and 60 Old Mill Road step down towards the subject site. The proposed development at 70 Old Mill would have the lowest height, but remain slightly taller than the adjacent GO Transit parking garage. The proposed development's height is sensitive to the existing condition, yet is within the prescribed height requirements of the Official Plan. Staff is of the opinion that the proposed built form does not adversely affect the immediate area, is appropriate for its context and is of a reasonable scale.

The proposed placement of the building encourages development which is focussed towards the street and is accessible to pedestrians and patrons of the immediate area.

It is Staff's opinion that the proposal complies with the *Livable Oakville* Plan policies respecting Built Form (Part 'C', s.6.5) and through a subsequent site plan approval process, further refinement to the building, and building details is expected. Staff will also focus on technical and landscaping matters, along with creating a streetscape that is coherent and scaled to pedestrians. A significant part of the streetscape review will be how the existing retaining wall is to be removed at the intersection of Cornwall Road and Old Mill Road. The concept of on-street parking along Old Mill Road will also be reviewed through the site plan process.

### **Matters raised by the Public**

Staff has received feedback from the public on the initial concept, as presented at the statutory public meeting in May 2013. Written comments submitted relative to the proposal are attached in Appendix 'B'. A number of comments relate to issues not germane to the proposed Zoning By-law Amendment application, but which could apply to a future site plan application. Three main recurring themes have been raised including: access to parking areas, land use composition, and built form.



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### ***Access to Parking Areas***

This issue raised by area residents was premised on the original proposal using the common vehicle ramp to access the underground parking garage. This ramp, located between the 60 and 70 Old Mill sites, functions as the ingress to the underground parking garage for all three condominium buildings. Residents of the complex use the westerly ramp (adjacent to 40 Old Mill) for egress from the parking garage.

The original proposal for 70 Old Mill considered the use of this common ramp to its own garage through a “knock-out”, which was designed into the foundation. The result raised security concerns for residents insofar as residents of the new 70 Old Mill building and patrons of the office and commercial uses could access the rest of the garage. To address this concern, the proposal was re-designed so that parking and access is entirely self-contained on the 70 Old Mill site. A parking ramp is now proposed within the building, accessing the common driveway off of Old Mill Road. This ramp utilises neither the existing ramp nor the knock-out.

The amount of parking provided is 38 spaces for 29 units, inclusive of visitor parking. Three additional parking spaces are provided at-grade, on-site, near the entrance to the 70 Old Mill parking garage which may be used for visitor and/or commercial patrons. The exact location of visitor parking and loading facilities for 70 Old Mill will be further refined through a subsequent site plan application process.

The parking calculation does not rely upon any common parking areas outside of the 70 Old Mill site. The sharing of those types of facilities among the existing and future condominium will be addressed outside of this development application.

### ***Land Use***

The applicant has eliminated the office use and substantially reduced the amount of commercial space permitted by the existing site specific zoning. The retail space is identified as being between 150m<sup>2</sup> and 153m<sup>2</sup>. Therefore, Staff has recommended a maximum of 155m<sup>2</sup> of retail in the proposed Zoning By-law. This will provide some flexibility to the configuration of the retail space. The retail use is permitted currently by the site specific zoning, and having some incidental retail on the site maintains the overall vision for Oakville’s Urban Growth Centre where mixing of land uses is encouraged. The small amount of retail being proposed does not raise any concerns regarding parking supply.

The residential land use being introduced through the Zoning By-law Amendment conforms to the *Livable Oakville* Plan policies, and advances the Town’s objective of

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meeting the 200 jobs / people per hectare requirement in the Growth Plan and Official Plan.

### ***Built Form***

Area residents identified concerns with the height and design of the proposed building. It is important to note that the architectural design of the building remains a concept and may be further reviewed through a site plan application. Regardless, the style of architecture remains a subjective issue. While Staff can provide advice to an applicant on design elements, the specific architectural style is not something which may be controlled through the *Planning Act*.

Staff has reviewed the proposed height and placement of the building. While the office use has been eliminated, the height of the building remains at nine storeys due to the increase in residential unit sizes. The Zoning By-law Amendment notes a building height (at 36 m) because the building height is measured along the Cornwall Road frontage. The retail space is directed to the Cornwall Road frontage where pedestrian traffic has easy accessibility to the retail unit without the need to traverse through the condominium complex.

The height of the building is nine storeys from Cornwall Road; however, due to the topography, is only eight storeys when viewed from the parking entrance. The height is within the limits as stipulated by the *Livable Oakville* Plan and remains less than the adjacent building at 60 Old Mill.

### **CONCLUSION**

Planning staff has evaluated the contextual appropriateness of the proposal to ensure conformity with the existing policy framework and is of the opinion that the proposed development is compatible with adjacent land uses. Staff is satisfied that the proposed Zoning By-law Amendment conforms to the overall policy direction of the Town's Official Plan and it serves to implement the in-effect land use designation. Staff recommends approval of the Zoning By-law Amendment.

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## CONSIDERATIONS

### (A) PUBLIC

A public information meeting was held April 11, 2013, and a statutory public meeting was held May 21, 2013. A second public meeting was not deemed necessary as the modifications made to the proposal were in response to issues raised by Staff and the public. Those persons who provided verbal and written submissions have been notified of the October 21, 2013 Council meeting.

### (B) FINANCIAL

All costs associated with the development are anticipated to be local in nature and therefore, would not trigger the need for any capital infrastructure to be undertaken by the Town. Cash-in-lieu of parkland requirements will be determined in accordance with the provisions of Section 42 of the *Planning Act*.

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

No concerns were raised by commenting departments or agencies.

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

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The re-zoning has been evaluated in the context of the Town's Corporate Strategic Goals to ensure development appropriately addresses the principles of responsible land use planning, managing growth and promoting a vibrant and attractive community where people want to live and work.

### (E) COMMUNITY SUSTAINABILITY

The proposed Zoning By-law Amendment generally complies with the Town's sustainability objectives.

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## **APPENDICES**

Appendix 'A' – Maps & Schedules

Appendix 'B' – Public Comments

Appendix 'C' – Circulation Comments

Prepared by:

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Recommended by:

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Submitted by:

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