

PUBLIC AGENCIES

Metrolinx

Metrolinx is supportive of the proposed use of the land at the site for mixed-use commercial and residential purposes as these uses meet both the Town's and Metrolinx's vision of a vibrant, mixed-use community in Midtown.

The following are our comments on the site plan application, based on the Metrolinx Midtown Oakville Mobility Hub Study, our Mobility Hub Guidelines (MHG), and our rail corridor management requirements. The numbers in brackets below refer to the relevant section of the Guidelines document.

Building Massing and Street Presence

The building massing is "modulated, and broken down through the judicious use of stepping, projections, canopies, trellises, changes in scale, fenestration patterns, materials and finishes" (6.1.5) and generally expresses the different uses within the building.

Generally, the building is aligned "with the sidewalk" and "uses are facing the street rather than parking lots" and the building elevations facing the flanking streets are "treated as principle building facades" (6.1.5).

However, the Hub Study notes that "primary building entrances should be on the street or public space, not the parking lot," yet the residential entrance faces parking on the interior (west side) of the site. Likewise, the Guidelines say "building should be oriented towards the pedestrian...and not located behind parking lots" (6.1.5) and "accommodate retail and other 'active uses' with transparent facades at the ground plane to ensure high-quality pedestrian environments" (5.1.2). However, the presumably transparent façade at the Cornwall ground level only offers pedestrians views of the parking garage first floor. And the retail space above must be accessed via stairs, and does little to animate Cornwall Road, a major street.

Traffic

The Hub Study did not anticipate or propose development on this site, and as such, the supporting transportation review did not assume trips generated by this development, as it did for the redevelopment site on the other side of Old Mill Road (existing GO surface parking). As Old Mill road is the exit for two GO kiss 'n rides and an entrance to a surface parking lot, we do have some concerns about the traffic impacts of this development, including the proposed on-street parking. The operations at the intersection of Old Mill Road and Cornwall Road are not known and the proponent should provide a traffic study to demonstrate that acceptable conditions can be maintained and there won't be significant vehicle conflicts. One way to help mitigate traffic impacts is to reduce parking requirements since the site is so well served by transit (4.4.2).

As well, as you are aware, Metrolinx is starting work on an operational strategy to develop and immediately implement innovative solutions that will improve the operating conditions of the transportation network surrounding Oakville GO station for customers.

GO Transit Rail Corridor

The subject site directly abuts the GO Transit Lakeshore West rail corridor. Based on review of the project plans, there is a discrepancy between the horizontal residential building setbacks reported – from 25.31 metres on the property plan (drawing #98-026TP02) to 28.9 metres on the Site Plan (drawing #001). The proponent should provide additional information to confirm the true setback, as well as to justify why the established residential setback requirement of 30 metres cannot be achieved.

The subject property will have direct exposure to the rail corridor in the vicinity of Old Mill Road, but no details pertaining to a safety barrier in this location have been provided. The proponent should provide additional information in this regard.

The proponent must retain a qualified consultant to conduct a noise and vibration study, to be submitted for review by GO Transit. The following warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease for each dwelling unit:

“Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

The proponent must enter into an agreement stipulating how Metrolinx concerns will be resolved and will pay Metrolinx’s reasonable costs in preparing and negotiating the agreement. The agreement will include an environmental easement, to be registered on title for all residential units in favour of Metrolinx.

The proponent must confirm whether a crane will be incorporated into the construction approach. Depending on the method of construction, the proponent may be required to enter into a crane swing agreement with Metrolinx.

UPDATED: 3 October, 2013

We note three improvements with this revised scheme:

1. The primary residential entrance is located at the street level close to the corner of Old Mill and Cornwall (versus facing parking on the interior of the site), as per the Midtown Oakville Mobility Hub Study, which notes that “primary building entrances should be on the street or public space, not the parking lot.”
2. The commercial spaces are being provided at sidewalk level of Cornwall Road (versus one storey up), as per the Mobility Hub Guidelines, which say buildings should “accommodate retail and other ‘active uses’ with transparent facades at the ground plane to ensure high-quality pedestrian environments” (5.1.2).
3. There is slightly less parking being provided (74 versus 82 spaces), which will reduce the traffic impacts to the GO station parking entrances across Old Mill Road.

Halton Region

Regional planning staff has reviewed the application in the context of the PPS and find that the application is consistent with the PPS.

The proposal conforms with the Growth Plan.

Regional Official Plan, 2006

The subject lands are designated Urban Area and Primary Node Area under the Region's Official Plan (ROP), 2006. Policy 76 of the Regional Plan states that the range of permitted uses and the creation of new lots will be in accordance with Local Official Plans and Zoning By-laws. All development however shall be subject to the policies of this Plan. The objectives of Nodes are to provide an urban form that is complementary to existing development area, uses space economically, promote live-work relationships, reduces travel by the automobile and is environmentally more sustainable.

In accordance with Section 147(17) of the ROP, the applicant has submitted a Phase 1 ESA (Terraprobe 2012) and Phase 2 ESA (Terraprobe, 2012) with the application. The rezoning application indicates the subject property has been used for industrial purposes (King Paving Company). The rezoning application proposes additional land uses for the subject lands including residential uses. The proposed residential use would be considered a more sensitive land use under Ontario Regulation 153/04 and requires a mandatory Record of Site Condition (RSC). Halton Region requires that an Acknowledged Letter of a Ministry of the Environment Record of Site Condition for the proposed residential use be received to the satisfaction of the Region prior to permitting any residential uses. A letter of reliance is also required for both the Phase 1 and Phase 2 ESA reports. A Holding provision on the zoning subject to satisfying the above is therefore recommended.

The noise and vibration impact study (JE Coulter, February 2013) submitted in support of the subject application notes that the combined effect of the nearby road and rail sources result in a moderately high noise impact on the site. The impact is dominated by the rail noise. Noise control measures including air conditioning, upgrade exterior facades and warning clauses are recommended to deal with the noise excess. The consultant has determined that vibration control measures are not required for this development. These noise mitigation and warning measures will be further addressed at the site plan stage.

The Region's Official Plan also contains policies with respect to archaeological potential, and the preservation and mitigation and documentation of artifacts. Halton Region's database does not indicate that the subject lands have archaeological potential. The subject lands are previously disturbed. During construction and any grading or disturbance, should any artifacts be found, the applicant is required to contact the Ministry of Tourism and Culture immediately. Additional comments in this regard have been outlined in the PPS Review section above.

ROPA 38: For Information Purposes Only

On December 16, 2009, Halton's Regional Council adopted Regional Official Plan Amendment No. 38 (ROPA 38). The Minister of Municipal Affairs and Housing approved ROPA 38 with modifications. The Minister's decision has been appealed to the Ontario Municipal Board. ROPA 38 designates this site as

Urban Area, Urban Growth Area, adjacent to a Major Transit Station. ROPA 38 contains similar policies to those referenced herein for ROP.

The proposal is in conformity with the Regional Official Plan in terms of land use however, there are outstanding environmental related matters that are required to be addressed.

Regional Servicing

Halton Region's Development Project Manager has reviewed the subject application and Functional Servicing Report (FSR) and notes a 300mm dia. watermain is located on Cornwall Road adjacent to the property. A 150mm dia. watermain is located on Old Mill Road adjacent to the property. The applicant should undertake their own fire flow testing in the area in order to confirm the design requirements for domestic water supply and fire protection. A 200mm dia. sanitary sewer is located on Old Mill Road adjacent to the property.

The property does not abut a Regional Road.

The Functional Servicing Report prepared by Skira & Associates Ltd. proposes that servicing connections be made to the existing watermain on Cornwall Road. For sanitary sewer servicing the FSR proposes to utilize existing sanitary laterals to the property that are already connected to the existing sewer on Old Mill Road.

The FSR provided a water analysis of the proposed water use for this development that demonstrated that the existing watermain system in the area can accommodate this development.

The existing sewer on Old Mill Road and part of Cornwall Road is only a 200mm diameter sized sewer. The proposed connection to this sewer to a building that has commercial space is against Regional policy. Commercial buildings are to be connected to a sanitary sewer that is a minimum size of 300mm diameter. The FSR does not address this issue. The existing sewer will have to be upsized to a 300mm diameter sewer to accommodate flow from this development. The upgrades for the existing downstream sanitary sewer can be addressed at site plan approval. The region will require as part of site plan approval that the downstream local sewer on Old Mill Road and part of Cornwall Road be upsized to a minimum 300mm diameter sized sewer.

The sanitary drainage from this development drains to the Rebecca Street trunk sewer and eventually goes to the Southwest Wastewater Treatment Plant. No sanitary sewage pumping stations will be affected by the flow from this development.

The existing 900mm diameter Rebecca Street trunk sewer currently operates at/or over its design capacity during significant rainfall events. The Region's "Sustainable Halton Master Plan" has identified that a new trunk sewer along Rebecca Street and Lakeshore Road is required to address the capacity issue in the existing sewer.

Halton Region's Wastewater Planning Group was consulted regarding the Rebecca Street Trunk Sewer capacity issue and the possible impact this development may have on this sewer. They have noted that the new trunk sewer project is currently under design and it is anticipated that the design will be completed shortly with the project proceeding to construction soon afterward. Due to this, it is anticipated that the existing capacity issues for this area will be addressed by the new trunk sewer and that development in the area can proceed.

Halton Region's Development Project Manager has no objections to this development with the understanding that this development will be subject to Site Plan approval in order that the Regional servicing issues can be addressed through this process.

Transportation

Halton Region's Transportation Coordinator has reviewed the application and related Traffic Impact Study and indicates there are no Regional Transportation comments.

Health

Halton Region's Health Department has reviewed the application and comment as follows.

With the understanding that the proposed development would be serviced by municipal water and sanitary service, the Health Department has no objection to this proposed application.

Waste Management

Halton Region's Waste Management Division staff confirms the Region will provide full waste collection for the proposed residential units only. Halton Region will not provide waste collection from the commercial units. Waste from the commercial units must be kept separate.

Halton Region uses 95 gal totes for all recycling collection for apartments and will be using 95 gal totes in future, for organics collection. It is recommended that the proposed building have a tri sorter to incorporate the collection of organics in future. A cardboard front end bin may be rented or purchased from the Region's waste management contractor as well to deal with the influx of cardboard during move in and move outs. At site plan application stage, Halton Region staff would require a copy of the scaled floor plan of the waste room as well as a signed drive thru agreement, which allows the Region's Waste Management vehicles onto the property for waste collection purposes. The waste room must be large enough to accommodate four blue totes and two green totes as well as the regular waste.

Finance

NOTE: The Owner will be required to pay all applicable Regional development charges prior to the issuance of any building permits at the rate in effect at that time, unless a servicing (or other form of development) agreement is required in which case the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement. Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge information, which is subject to change.

Conclusion

Regional staff has no objection to the above noted application subject to the provision of an “H” until such time as environmental related matters have been addressed to the satisfaction of the Region.

The “H” symbol shall, upon application by the landowner, be removed by way of an amending zoning by-law from all or part of these lands, when Halton’s Commissioner of Legislative and Planning Services or his or her designate, has confirmed that:

The applicant has submitted a Ministry of the Environment Acknowledged Record of Site Condition (RSC), and a letter of reliance for both the Phase 1 and Phase 2 ESA Reports, to the satisfaction of Halton Region.

Please provide Halton Region with a copy of the Town’s Decision regarding this application.

Conservation Halton

Ontario Regulation 162/06

The subject property is located on the north side of Cornwall Road. The southern limit of Cornwall Road is immediately adjacent to the physical top of bank of the Main Branch of Sixteen Mile Creek. Although Conservation Halton’s Approximate Regulated Limit mapping identifies that a small portion of the subject property is regulated by this agency, based on an examination of the height, inclination and assumed soil types present (based on previous studies and knowledge of the area), staff are of the opinion that the subject property is not regulated by Conservation Halton. As a result, staff will not require a slope stability analysis.

Halton/CA MOU - Stormwater Management

Given the size of the subject property (0.16 ha), staff defer the review of the stormwater management report to the Town of Oakville Engineering Department.

Based on the above, staff have no objection to the approval of the zoning by-law amendment.

Canada Post

Canada Post has no comments or concerns relating to the above-referenced application for zoning by-law amendment. We would appreciate being circulated on and site plan applications that may result for the approval of this application.

Halton Catholic District School Board

No objection, warning clauses applicable at Site Plan. Educational Development Charges are payable in accordance with the applicable Education Development Charge by-law and are required at the issuance of a building permit.

Halton District School Board

No objection, warning clauses applicable at Site Plan. Educational Development Charges are payable in accordance with the applicable Education Development Charge by-law and are required at the issuance of a building permit.

INTERNAL TOWN DEPARTMENTS

Development Engineering

The following comments are in reference to the road widening requirement of 2.5 meters, the proposed changes to the retaining wall and the impact of the 2012 TMP on the above noted site.

The proposed retaining wall is required to be revised. The wall shall terminate at the road widening. Grade change to be addressed onsite to eliminate the need for a retaining wall within the town road right-of-way.

The Engineering & Construction Department require any lands within 17.50 meters of the centreline of Cornwall Road. This will require a road widening of 2.50 meters across the portion of the site that adjoins Cornwall Road.

Daylight Triangle Widening – A 15.0 metre x 15.0 metre daylight triangle widening is required at the corner of Cornwall Road & Old Mill Road for the purpose of right-of-way widening and future road improvements.

These lands shall be dedicated with clear title, free and clear of encumbrances and therefore, all encroachments within the road allowance should be removed.

In addition, the Oakville Town Council have endorsed the 2012 Oakville Transportation Master Plan (TMP) which supports the Speers Road and Cornwall Road sections between Bronte Road and Trafalgar Road being designated a seven lane platform arterial with a width of 42.0 metres. In this area the vision of a seven lane platform is anticipated for access to Old Mill Road.

The Engineering and Construction department (E&C) have reviewed the road widening requirements for the property known as 70 Old Mill Road. The 42 metre road allowance will require the Town to protect an additional 3.5 meters across this site (along Cornwall Road) in order to support of the 2012 Transportation Master Plan vision of a seven lane platform road. The Engineering & Construction department wish to undertake a review of the Speers – Cornwall Road section in this area for various factors which would assist in realizing the vision of the 2012 TMP. We will offer additional information on this 3.5 meter area as more information becomes available.

Fire Department

I have completed my review of the above noted development application circulation and have no comments to submit. A comprehensive review of the fire access route will take place during the site plan review process.

Transit

Oakville Transit has no comments on the Zoning By-Law Amendment for the above noted Site Plan application for 2317511 Ontario Inc.

Finance

Cash-in-lieu of parkland requirements will be determined in accordance with the provisions of Sec. 42 of the *Planning Act*. 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.