



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 21, 2013

FROM: Planning Services

PD-097-13

DATE: September 27, 2013

SUBJECT: Recommendation Report - 1455 Joshuas Creek Drive
Official Plan Amendment, Zoning Amendment & Plan of
Subdivision, Upper Middle Road GP Inc. (Carttera)
File No.: Z.1506.12 & 24T-12002/1506
By-law 2013-095 & By-law 2013-096

LOCATION: 1455 Joshuas Creek Drive

WARD: 6

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RECOMMENDATION:

1. That Official Plan and Zoning By-law Amendment application Z.1506.12, submitted by Upper Middle Road GP. Inc., be approved as outlined in the report dated September 27, 2013 from the Planning Services Department;
2. That the Director of Planning Services be authorized to grant draft approval for Draft Plan of Subdivision (24T-12002/1506) as prepared by Cunningham McConnell Limited, dated July 2012, subject to the conditions included in Appendices E-1 and E-2 of Staff Report PD-097-13;
3. That By-law 2013-095, which implements Official Plan Amendment Number 3, regarding application Z.1506.12 by Upper Middle Road GP. Inc., be passed;
4. That Zoning By-law Amendment 2013-096 be passed;
5. That in accordance with Section 34(17) of the Planning Act, Council deems that the changes to the proposed Zoning By-law 2013-096 (File Z.1506.12) to be minor and that no further public notice is required with respect to the proposed Zoning By-law;
6. That Council delegate approval authority for the approval of the removal of the holding provision from the Zoning By-law 2013-096 to the Director of Planning Services;

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7. That the proposed land exchange between the Town and Owner be approved in principle; and,
8. That staff be authorized to finalize the land exchange to the satisfaction of the CAO.

KEY FACTS:

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

- The proposed applications seek the development of the subject lands incorporating approximately 7,167m² of gross floor area for business/commercial uses, 37,723m² of gross floor area for office uses, and 16,723m² of gross floor area of warehouse/industrial uses.
- The applicant has revised the Official Plan and Zoning Amendment requests from 5,000m² of convenience retail commercial uses over Blocks 1 and 2, to 2,500m² of convenience retail commercial uses over Blocks 1 and 2.
- The proposal, as revised, incorporates three planning applications:
 - An Official Plan Amendment application which proposes to re-designate the land use identified as Blocks 1 and 2 of the Draft Plan from Business Employment to Business Commercial.
 - A Zoning By-law Amendment application to rezone the lands identified as Blocks 1 and 2 from E1 – SP 358 (Employment) to C3A (Commercial).
 - A Draft Plan of Subdivision application which would establish a public road connection from Joshuas Creek Drive to the North Service Road, 2 blocks for commercial uses, 2 blocks for future employment uses, 2 open space blocks, and 2 blocks for the Joshuas Creek Arena land exchange.
 - The report recommends that Council approve a land exchange between the Town and the developer involving a portion of the parking area of the Joshuas Creek Arena.
- A Statutory Public Meeting was held on June 10, 2013.
- Based on staff's analysis of the revised application, the proposal is recommended for approval subject to the conditions attached herein.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.

Proposal

The applicant proposes an Official Plan Amendment and Zoning By-law Amendment to re-designate the lands identified as Blocks 1 and 2 of the Draft Plan from

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Business Employment to Business Commercial, and to rezone the lands indicated as Blocks 1 and 2 from E1 – SP 358 (Employment) to C3A (Commercial).

The Draft Plan of Subdivision application would have the effect of creating a public street, 2 blocks for commercial uses, 2 blocks for future employment uses, 2 open space blocks, and 2 blocks for the Joshuas Creek Arena land exchange. The proposed public street would provide a new connection from North Service Road to Joshuas Creek Drive through the subject lands and would require a land swap with the Town involving the existing Joshuas Creek Arena parking lot with the applicant's lands to the west of the arena.

The effect of the application would be to permit approximately 7,167m² of business/commercial uses, 37,723m² of office uses, and 16,723m² of warehouse/industrial uses. The northern portion of the site is intended to be primarily commercial in nature whereas the southerly portion of the site is intended to be predominantly office and warehousing type uses. Blocks 1 and 2, which would be limited to a maximum of 2,500m² of convenience retail uses divided equally over the two blocks. The proposed convenience retail component would include all retail related uses, in addition to the uses permitted within the 'C3A' Zone category.

The following charts provide an overview of the allocation of uses and sizes.

| Land Use Chart – Upper Middle Road GP (Carttera) | | |
|--|------------|---------------------------------|
| Block | Size (ha.) | Land Use |
| 1 | 1.389 | Commercial / Employment |
| 2 | 1.621 | Commercial / Employment |
| 3 | 3.477 | Employment |
| 4 | 7.062 | Employment |
| 5 | 0.921 | Stormwater Pond |
| 6 | 0.512 | Merge with Block 13 (arena) |
| 7 | 0.885 | Open Space |
| 8 | 0.162 | 7.5m Buffer (Open Space) |
| 9 | 0.005 | 7.5m Buffer (Open Space) |
| 10 | 0.105 | Merge with Block 3 (Employment) |
| 11 | 0.033 | Merge with Block 3 (Employment) |
| 12 | 0.289 | Merge with Block 3 (Employment) |
| 13 | 1.639 | Existing Arena |
| Road A | 0.876 | Public Road |
| Road B | 0.179 | Public Road |
| PIN 2489-0360 | 0.09 | Open Space |

Table 1

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| Block | Business Commercial Uses | Office Uses | Warehouse / Industrial Uses |
|-------|---|--|--|
| 1 & 2 | 7,167m ² (77,150ft ²), including up to 2,500m ² (26,900ft ²) of convenience retail uses | N/A | N/A |
| 3 | N/A | 20,903m ² (225,000ft ²) | N/A |
| 4 | N/A | 16,723m ² (180,000ft ²) | 16,723m ² (180,000ft ²) |
| Total | | 37,723m ² (405,000ft ²) | 16,723m ² (180,000ft ²) |

Table 2

Location

The property is identified as Part of Lot 6, Concession 2, South of Dundas Street and includes Part of the Road Allowance between Lots 5 and 6. The subject property is municipally known as 1455 Joshuas Creek Drive.



Figure 1: Air Photo

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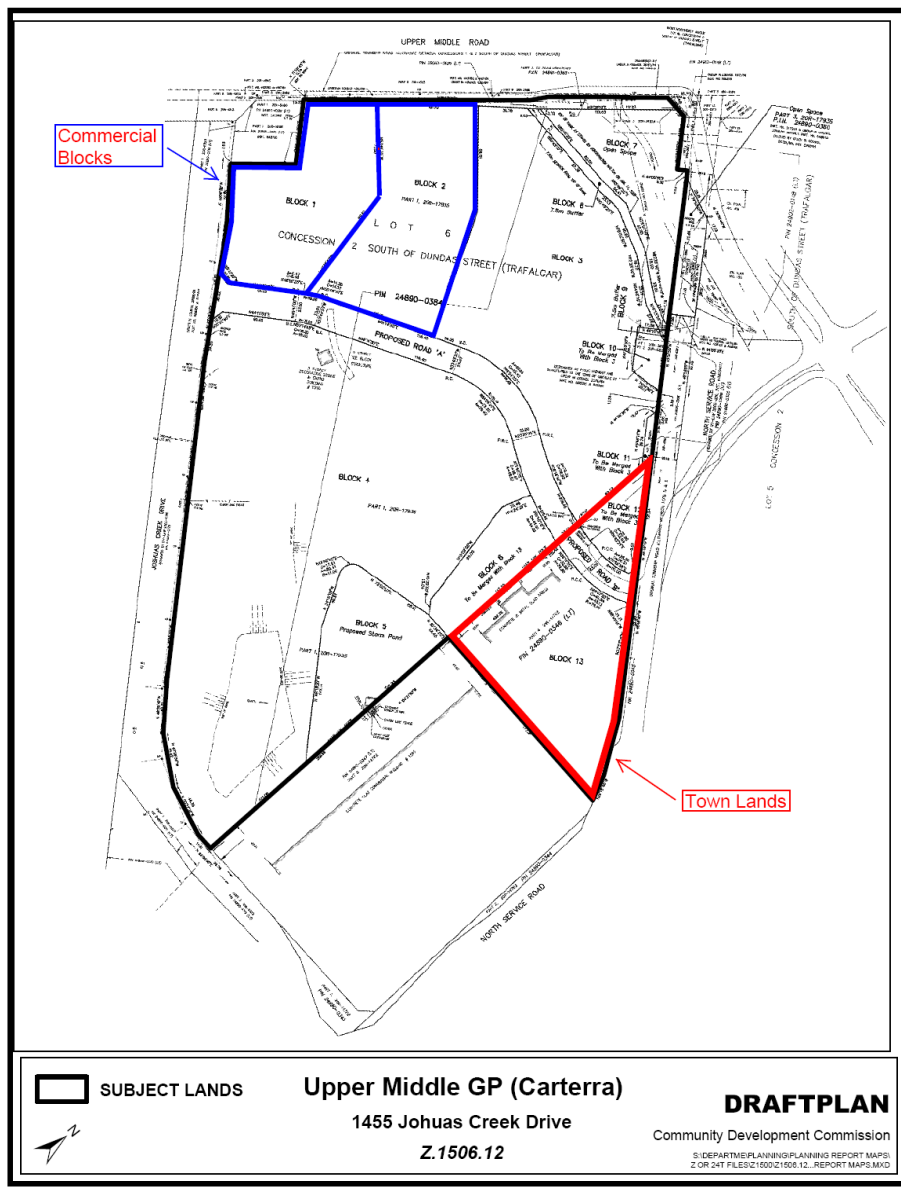


Figure 2: Draft Plan

Site Description

The subject lands contain an area of approximately 19.3 hectares (47.7 acres). The existing uses on the subject property include a golf driving range and Joshuas Creek Arena. The lands are bounded by Upper Middle Road East, Joshuas Creek Drive, and North Service Road East. The current vehicular access to the lands owned by Upper Middle Road GP is from Joshuas Creek Drive. Vehicular access to the Town owned arena is from North Service Road East.

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Surrounding Land Uses

To the south of the site are employment uses (warehousing) and the QEW Highway. To the west of the site is Joshuas Creek Drive and a woodlot. To the north of the site is Upper Middle Road and vacant lands. To the east of the site are Open Space uses, detached dwellings, and the Hwy. 403 / QEW Interchange.

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. Upper Middle Road is under the jurisdiction of the Region of Halton.

Livable Oakville Plan

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

Schedule J – East Land Use designates the site as “Business Employment” and “Natural Area”.

Extracts from the Livable Oakville Plan are as follows:

14.1.1 It is anticipated that all of the lands designated for employment purposes will be needed to make the Town a balanced and complete community.

14.1.2 It is a key policy of this Plan to provide a balance of population and employment in the Town in order to maximize the opportunity for residents to work in Oakville, to maintain a healthy tax base, and to achieve the goal of a balanced and complete community. The Town will monitor the rate of employment growth and the utilization of employment lands to ensure that sufficient employment land is designated to meet these objectives.

14.1.3 The Town will encourage the development of employment areas with transit supportive, compact built form and minimized surface parking areas. All

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development shall be at a scale compatible with adjacent uses. Height and built form shall be regulated through the implementing zoning.

14.6 Business Commercial

Business Commercial areas provide for service commercial and convenience retail uses to support the surrounding employment areas and the travelling public.

14.6.1 Permitted Uses

Uses permitted in the Business Commercial designation may include hotels, training facilities and commercial schools, automobile related uses, automobile sales, and convenience retail and service commercial uses, including restaurants. Offices may also be permitted.

14.6.2 Limitations on the type and size of uses within the Business Commercial areas shall be defined within implementing zoning.

14.6.3 Convenience retail uses on sites designated Business Commercial shall not exceed 2,500 square metres in total floor area.

14.6.5 Business Commercial areas shall apply primarily to existing service commercial uses located along major arterial roads.

13.1.2 The intensification and redevelopment of existing commercial centres is intended to be the primary means of accommodating additional retail uses to meet future growth needs. The Town may require a market impact study to support additional commercial development.

14.4 Business Employment

Business Employment areas are intended to provide for a wide range of business and industrial uses. The uses in the Business Employment areas are intended to be predominantly within enclosed buildings and provide for light and service industrial operations with minimal impacts on the surrounding areas

14.4.1 Permitted Uses

Uses permitted within the Business Employment designation may include offices, light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing, wholesaling, banquet halls, meeting halls and convention centres. Training facilities and commercial schools may be permitted.

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16 Natural Area

The purpose of the Natural Area designation is for the long-term preservation of natural features and functions. Therefore the diversity and connectivity of natural features in creating a system, and the long-term ecological function and biodiversity of natural heritage features, should be maintained, restored or, where possible, improved, recognizing links or corridors between and among natural heritage features and areas, surface water features and groundwater features. The features may also have some passive recreational amenity for paths, trails, and education, and contribute to a continuous open space system.

16.1 Permitted Uses

a) The following uses may be permitted within the Natural Area designation, subject to applicable Conservation Authority policies:

- i) legally existing uses, buildings and structures including existing agricultural uses;*
- ii) fish, wildlife and conservation management including forestry management;*
- iii) essential public works including transportation, utility, watershed management, and flood and erosion control facilities; and,*
- iv) passive recreation features such as trails, walkways, and bicycle paths.*

14.2 Conversion of Employment Areas

14.2.1 It is the policy of the Town to protect and preserve employment areas.

14.2.2 Employment areas are defined by this Plan as all lands designated for employment uses under section 14.

14.2.3 The Town will only consider the conversion of lands within the employment areas to non-employment uses through a municipal comprehensive review where the following conditions have been satisfied:

- a) there is a need for the uses proposed by the conversion as established by the municipal comprehensive review;*
- b) the conversion will not prevent the ability of the Town to meet the employment forecasts established by the Region;*
- c) the conversion will not adversely affect the overall viability of the employment area and achievement of the intensification target of Table 3, density targets and other policies of this Plan, and will not impact the ability of adjacent lands or development to be used or continue to be used for employment purposes;*
- d) there is existing or planned infrastructure to accommodate the proposed conversion;*
- e) the lands are not required in the long-term for employment purposes; and,*
- f) cross-jurisdictional issues have been considered.*

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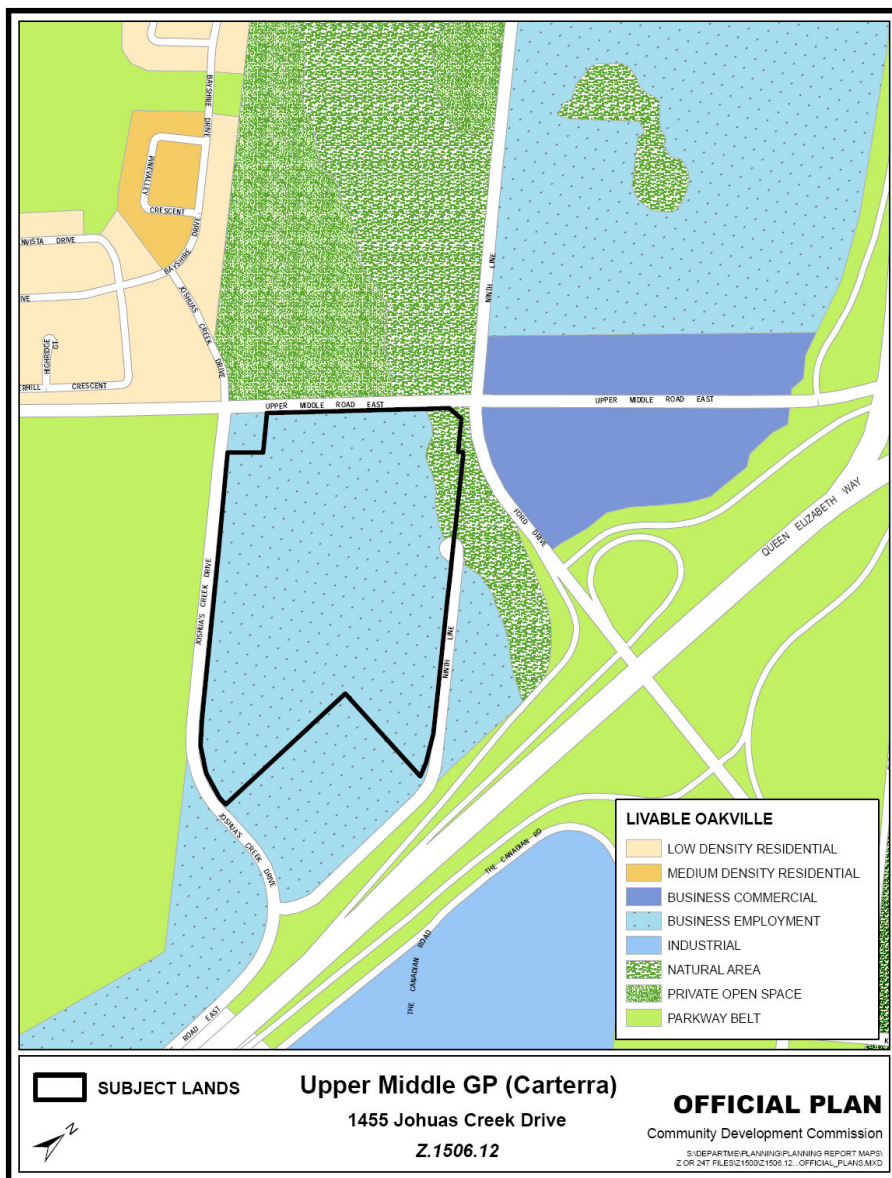


Figure 3: Official Plan

Zoning By-law

There is a split zoning which currently applies to the site. The northern portion of the lands are zoned E1 (358) H25. The southern portion of the lands are zoned E1 (836) H25.

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The northern portion of the site would permit the standard range of E1 – 'Employment' uses with the exception of drive through facilities, vehicle dealerships and vehicle repair facilities. The southern portion of the site would permit a transportation terminal and outside storage in addition to the standard range of E1 uses.

Holding Provision 25 (H25)

The lands are subject to a holding provision (H25) which requires adequate water and wastewater services to be available prior to development occurring.

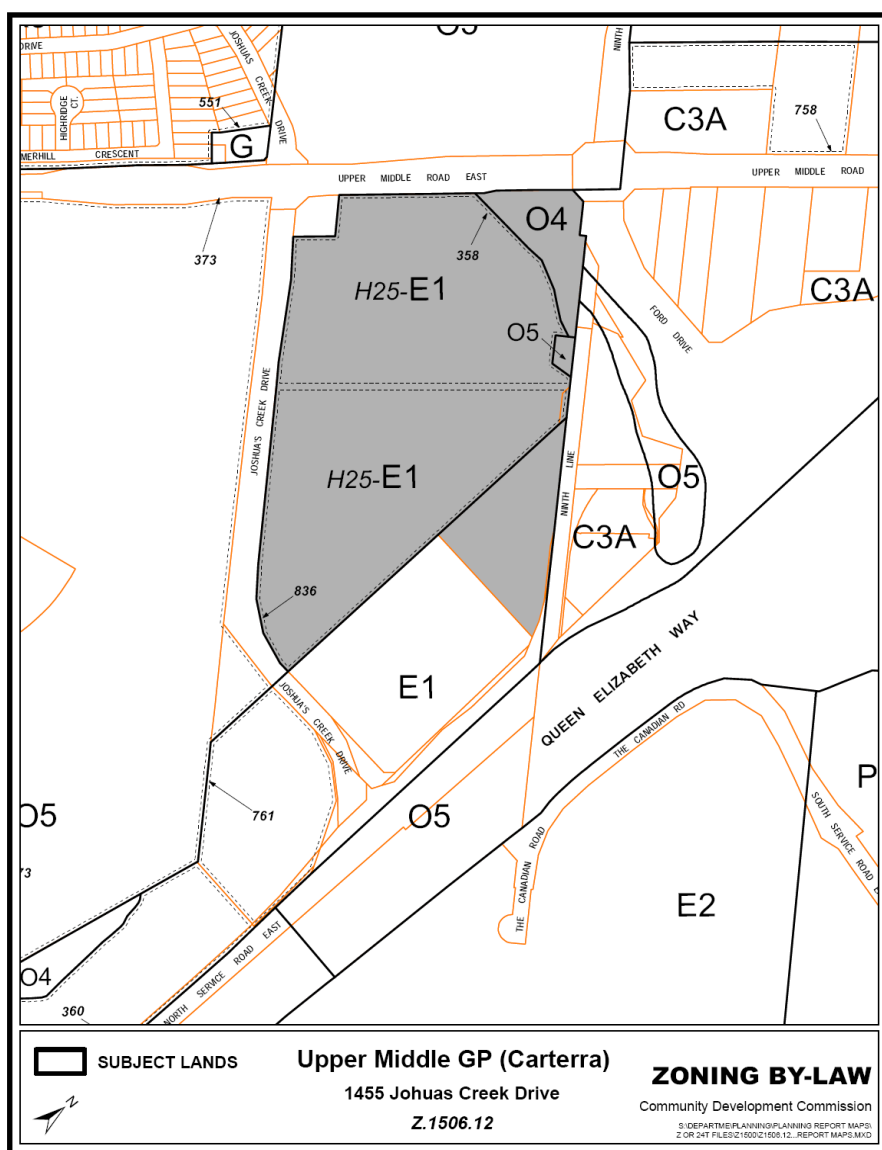


Figure 4: Zoning Map

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PLANNING ANALYSIS:

Planning Matters to be considered

Physical Context

The subject property fronts onto Upper Middle Road East and Joshuas Creek Drive. A woodlot and open space are located to the west and north respectively. An industrial building and a Town owned Arena are located to the south.

Conformity with the Livable Oakville Official Plan

An amendment to the Livable Oakville Official Plan is required to permit the proposed development on Blocks 1 and 2.

Proposed Official Plan Amendment

Staff are of the opinion that the proposed Official Plan amendment is appropriate based on the following:

The proposed Official Plan Amendment seeks to re-designate a portion of the subject lands, being Blocks 1 and 2 from a Business Employment designation to a Business Commercial designation. The Business Commercial designation would permit land uses that are supportive of the employment land uses within close proximity of the subject lands.

Section 14.6.3 of the Official Plan limits the convenience retail uses on site designated Business Commercial. Staff were initially opposed to the 5,000m² of convenience retail proposed over Blocks 1 and 2, as this was regarded as beyond the intent of the Business Commercial land use designation. The revised proposal, which limits the convenience retail component within Blocks 1 and 2 to 2,500m² in total floor area, is consistent with the maximum retail cap defined in Section 14.6.3 of the Livable Oakville Official Plan.

Section 14.1.6 of the Official Plan speaks to Business Commercial areas providing support for service commercial and convenience retail uses for the surrounding employment areas and the travelling public. The proposed 2,500m² cap on the convenience retail commercial floor area will allow the commercial blocks to develop at a scale and intensity which is supportive and complementary to the employment uses within the area and additionally will serve the day to day needs of employees within the employment areas. Furthermore, the location of the proposed land use

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designation is consistent with neighbouring land uses along Upper Middle Road, east of Ninth Line.

The applicant has submitted a market demand study, which indicates that there is sufficient market demand to accommodate the proposed Business Commercial land use designation, and further complement the existing and planned growth within the Towns employment areas. The retail and service commercial components within Blocks 1 and 2 would service the daily needs of existing and future employees on both the subject site and surrounding employment lands, as well as the nearby residential neighbourhoods.

Staff are of the opinion that the effect of the proposal to allow the Business Commercial designation with a 2,500m² cap of retail commercial floor area does not generate a conversion of employment land for non-employment uses and therefore satisfies Section 14.2 of the Livable Oakville Official Plan.

Proposed Zoning By-law Amendment

The Zoning By-law Amendment proposes to establish a site specific 'E1' and 'C3A' Zoning. The proposed zoning would allow for retail uses, up to a maximum of 2,500m² over Blocks 1 and 2 of the subdivision. A food store is not a permitted use.

A Holding 'H' provision is being recommended as part of the zoning amendment and would be removed by an amending By-law at such time as the following condition have been satisfied:

- Registration of Draft Plan 24T-12002/1506.

Given the nature of the holding provision, a further report is not warranted. Staff are requesting that authority to approve the application to remove the holding provision be delegated to the Director of Planning Services.

The registration of the plan ensures that all conditions of draft approval have been satisfied including the execution of the subdivision agreement, securities posted for all road works and that the details have been finalized for the Joshuas Creek arena land exchange with the Town.

Given that the proposal has been modified to reduce the scale of the retail commercial from 5,000m² to 2,500m² of gross floor area, staff consider the modification to be minor and no further notice is required.

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Technical Review

Plan of Subdivision

The Draft Plan of Subdivision application would have the effect of creating a public street, 2 blocks for commercial uses, 2 blocks for future employment uses, 2 open space blocks, and 2 blocks to accommodate the Joshuas Creek Arena land exchange. The proposed public street would provide a new connection from North Service Road to Joshuas Creek Drive through the subject lands and would require a land exchange with the Town of the existing parking lot of the existing Joshuas Creek Arena with the applicant's lands to the west of the arena.

Staff are supportive of the proposed block configuration and layout of the subdivision. The proposed draft plan is consistent with the policy intent outlined within the Livable Oakville Official Plan and will provide an opportunity for employment growth within the Town.

Land Exchange with Town of Oakville

The applicant has proposed a land exchange with the Town, which would exchange the existing parking lot of the existing Joshuas Creek Arena with the applicant's lands to the west of the arena. The Town would receive 0.512 ha of land in exchange for transferring 0.368 ha of land to the developer. This proposed land exchange would also provide a new connection from North Service Road to Joshuas Creek Drive as a portion of the proposed road connection extends through the arena lands. The existing access to Ninth Line will no longer be operational when the North Service Road realignment is completed to Ford Drive.

The benefit to the Town would result in improved access to the Joshuas Creek Arena from Street 'B' and the arena's proximity to the Street 'B' / North Service Road intersection. A further benefit would be an opportunity for improved overall parking configuration and parking utilization.

Recreation and Culture staff, in consultation with Realty Services, supports the exchange of land between the Joshua Creek Arena parking lot and the applicant's lands (Appendix B).

It is also noted that the land exchange, planning approvals, parking lot reconfiguration, and any changes that need to be completed to the existing arena will be the financial responsibility of the applicant, and will bear no financial burden on the Town. Staff note that an initial meeting was held with the applicant and the Recreation and Culture Department to discuss moving this proposal forward through

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the Site Plan process. This process would involve communication with the User Groups at the appropriate time.

A condition of draft plan approval (Condition #26) requires that the implementation details regarding the proposed land exchange be addressed prior to plan registration.

Site Plan Approval

Individual sites within the proposed development will also be subject to a Site Plan approval following the registration of the Plan of Subdivision and prior to building permit issuance. The Site Plan review process will provide an opportunity to finalize matters including design details, grading and landscaping. The Site Plan approval which will ensure that suitable buffers and landscaping are implemented to establish a well-designed and well-functioning site layout.

Site Plan approval will be required for all development within the plan including the parking lot reconfiguration. Accessibility and appropriate pedestrian connections to Joshuas Creek Arena will need to be considered and addressed through the Site Plan process to ensure the site is adequately reconfigured to Town requirements.

Transportation

A Traffic Impact Study (TIS) has been prepared by Crozier & Associates and provides an analysis of traffic impacts of the development including the proposed connection from Joshuas Creek Drive to North Service Road East. The proposed road connection will service the commercial and employment blocks within the subdivision. The Ministry of Transportation (MTO) has final approval authority over the location of the proposed connection to the North Service Road and staff note that MTO has approved of the full move connection in principal and final approval will be required prior to the removal of the H Holding Provision.

The traffic report also considers two right-in right-out connections from Upper Middle Road East, which will service the commercial and employment blocks. The right-in / right out connections to Upper Middle Road East are under jurisdiction of the Region of Halton, and approval of these connections will be at the discretion of the Region.

The Transportation Impact Study was circulated to MTO, Halton Region and Town Departments. A final version of the TIS will be required prior to the draft plan's registration. Conditions of draft approval have been included reflecting required revisions and updates to these documents.

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In terms of the timing of the North Service Road and Ford Drive realignment/connection, staff note the capital forecast indicate a project start date of Spring 2014, with a one year timeframe for completion. These road improvements consider the proposed development and the timing and connection implications.

Stormwater Management (SWM) Pond

A Functional Servicing Study (FSS) was prepared as part of the Draft Plan of Subdivision application. The subdivision has been designed to ensure water flowing from the northern area of the property can continue to move through the subdivision to a proposed stormwater management facility near the southern boundary of the subject lands.

Town, Region and Conservation Halton staff have advised they each are satisfied with the FSS for the purposes of proceeding to draft plan approval. A final and updated version of the FSS will be required prior to registration. Conditions of draft plan approval have been included reflecting required revisions and updates to this document.

CONCLUSION:

Staff is satisfied that the applications conform to the policies of the Livable Oakville Plan and other relevant policy documents, and therefore recommends approval of the applications. Further technical matters related to the Plan of Subdivision will be addressed through the conditions of draft plan approval. It is recommended that By-laws 2013-095 and 2013-096 be passed, and conditions of draft approval be passed.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on January 9, 2013. A Statutory Public Meeting was held on June 10, 2013; no members of the public attended, and no written submissions have been received regarding the application.

(B) FINANCIAL

None arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Comments have been received and incorporated into conditions of draft approval where required.

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(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development 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 proposal furthers the sustainability principles established within the Livable Oakville Plan.

APPENDICES:

- A – Mapping, Draft Plan & Concept Plan
- B – Memo to Council
- C – Conditions of Draft Plan Approval
- D – Matters to be Dealt with in the Subdivision Agreement of through Town Standards

Prepared by:
Paul Demczak, MCIP, RPP
Planner, East District

Recommended by:
Heinz Hecht, MCIP, RPP
Manager, East District

Recommended By
R. Scott Hannah, MCIP, RPP
Senior Manager, Current Planning & Heritage

Submitted by:
Dana Anderson, MCIP, RPP
Director of Planning Services