



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 10, 2017

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**FROM:** Planning Services Department

**DATE:** September 18, 2017

**SUBJECT:** Recommendation Meeting Report, Zoning By-law Amendment, Trustees of Hopedale Presbyterian Church, 156 Third Line, File No. Z.1726.07, By-law 2017-043

**LOCATION:** West side of Third Line, north of Salvator Boulevard

**WARD:** 1

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### RECOMMENDATION:

1. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary;
2. That the application for Zoning By-law Amendment by Trustees of Hopedale Presbyterian Church, (File Z.1726.07), be approved;
3. That By-law 2017-043 be passed; and
4. That notice of Council's decision reflects that the comments from the public have been appropriately addressed as described in staff report from Planning Services Department dated September 18, 2017.

### KEY FACTS:

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

- A Zoning By-law Amendment application was submitted on December 23, 2016 by the Trustees of Hopedale Presbyterian Church to rezone a portion of the church property from "CU" *Community Use* to "RL2-0" *Residential Low* to permit the creation of two residential lots.
- The site is located on the west side of Third Line, north of Salvator Boulevard.
- The application was deemed complete on January 18, 2017.
- A Public Information Meeting was held on March 21, 2017. Nine members of the public were in attendance. No concerns were raised.
- The Public Meeting was held on April 18, 2017. One member of the public to the south of the subject site spoke related to an existing retaining wall.

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Technical discussion on the retaining wall, grading and drainage will be addressed in the future site plan process.

- The proposal reflects development on a public road and meets the requirements of the Town’s intensification policies, which are intended to maintain and protect the existing neighbourhood character.
- Staff are recommending approval of this 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 to allow for the creation of two (2) lots for detached dwellings fronting onto Third Line.

Proposal

The applicant has submitted a Zoning By-law Amendment (ZBA) application to rezone a portion of the existing church property from “CU” Community Use to “RL2-0” Residential Low to permit the creation of two residential lots with frontage and access onto Third Line.

Figures 1 below highlight the proposed development.

	Proposed Lot Area (sq. m.)	RL2 lot area (sq. m.)	Proposed Frontage (m)	RL2 Lot frontage (m)
<b>Parcel A</b>	960	836	22.50	22.5
<b>Parcel B</b>	837	836	22.90	22.5

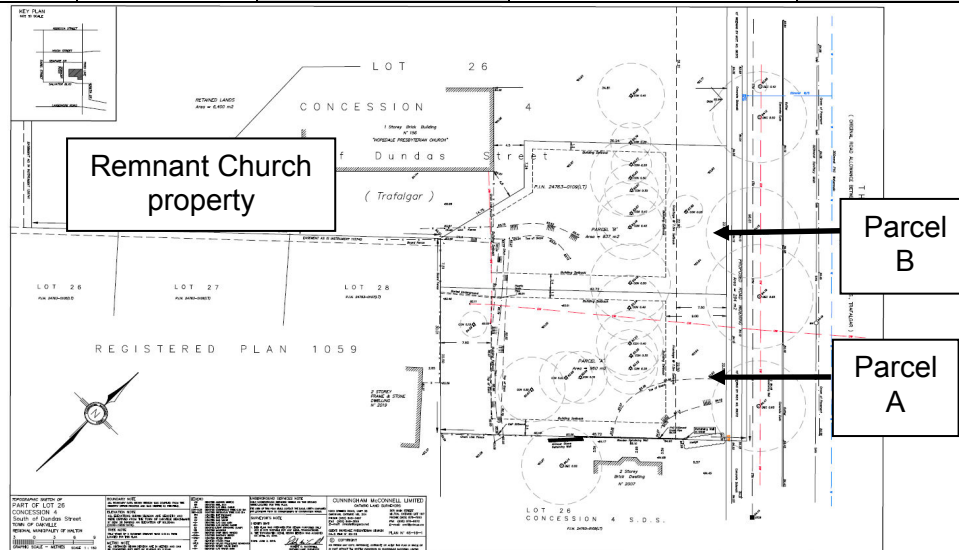


Figure 1

Location and Site Description (Figure 2)

The church property, being 0.85 ha in size, is located on the west side of Third Line, north of Salvator Boulevard. Frontage on Third Line is approximately 96 metres. A number of trees are located on the lots to be created.



Figure 2 - Airphoto

Surrounding Land Uses

The surrounding land uses are detached residential and the existing church facility.

**POLICY FRAMEWORK**

Provincial Policy Statement (PPS) – 2014

The Provincial Policy Statement 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.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

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Regional Planning staff is satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement (2014).

### Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2017 was released on May 18, 2017 and came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan provides a framework for implementing the Province's vision for building stronger more prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

Regional staff considers the proposal is in conformity with this new plan.

Town Planning staff have also undertaken an analysis of the application in relation to the Growth Plan (2017), wherein the proposal is considered to be in conformity with this Plan, as it aids in achieving forecasted growth targets; is growth within a delineated built boundary; will utilize existing municipal water and wastewater systems, and supports the achievement of creating complete communities.

### Region of Halton Official Plan

The Ontario Municipal Board has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. Development applications are being reviewed in accordance with the approved policies of ROPA 38.

The lands are designated "Urban Area" according to the Region's Official 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 communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". The range of permitted uses and the creation of new lots 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.

Regional staff had no objection to the proposal as outlined in a letter dated August 28, attached as Appendix A.

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Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011.

The site is designated as ‘*Low Density Residential*’ on Schedule F, South West Land Use.

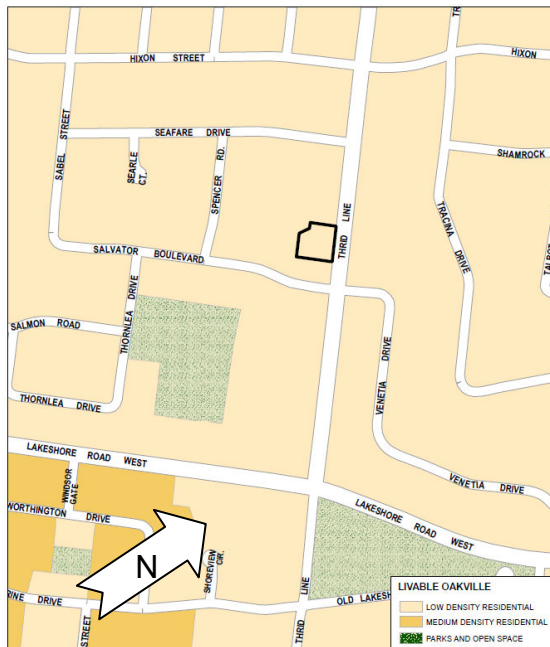


Figure 3 – Livable Oakville Plan excerpt

Part B, Section 2.2 sets out a number of Guiding Principles for the Livable Oakville Plan. Section 2.2.1 states.

**2.2 Guiding Principles**

“2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods; and, ...”

In addition to the above, Section 4.3 referenced below discusses intensification outside Growth Areas.

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### 4.3 Residential Intensification Outside of the Growth Areas

*“It is the policy of the Plan that the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages intensification generally throughout the built up area, it also recognizes that some growth and change may occur in these areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas including additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered in the context of this Plan.”*

Being located in a stable residential community as defined by the Livable Oakville Plan, Part D, Section 11 applies and states.

*“11.1.8 Intensification within the stable residential communities shall be provided as follows:*

- a) Within stable residential communities, on lands designated Low Density Residential, the construction of a new dwelling on an existing vacant lot, land division, and/or the conversion of an existing building into one or more units, may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood and subject to the policies of section 11.1.9 and all other applicable policies of this Plan;*
- b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through development approvals. Intensification of these sites may occur with Low Density Residential uses in accordance with sections 11.1.9 and all other applicable policies of this Plan...”*

The policy criteria within Section 11.1.9 for evaluating development applications within all stable residential communities is as follows:

*“11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:*

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- a) *The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*
  - b) *Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
  - c) *Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.*
  - d) *Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*
  - e) *Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*
  - f) *Surface parking shall be minimized on the site.*
  - g) *A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.*
  - h) *Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*
  - i) *The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.*
  - j) *Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.*
  - k) *The transportation system should adequately accommodate anticipated traffic volumes.*
  - l) *Utilities shall be adequate to provide an appropriate level of service for new and existing residents.”*

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### Consent/Land Division

This rezoning will be implemented through a future consent application, and therefore, this rezoning must also be evaluated/analyzed against the application of land division/consent policies of Part F, Section 28.12. These are as follows.

*“28.12.1 Consents may be permitted for the creation of a new lot, boundary adjustments, rights-of-way, easements, long-term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.*

*28.12.1 Applications for consent to create new lots may only be granted where:*

- a) a plan of subdivision is not necessary;*
- b) the number of resulting lots is three or less;*
- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
- d) no extension, improvement or assumption of municipal services is required;*
- e) the lot will have frontage on a public street and access will not result in traffic hazards;*
- f) the lot will not restrict the ultimate development of adjacent lands;*
- g) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and,*
- h) the consent conforms to all relevant policies of this Plan.”*

### Zoning

The site is currently zoned *CU – Community Use* within By-law 2014-014 as highlighted on Figure 4. Only a portion of the property is affected by this Zoning By-law Amendment application.



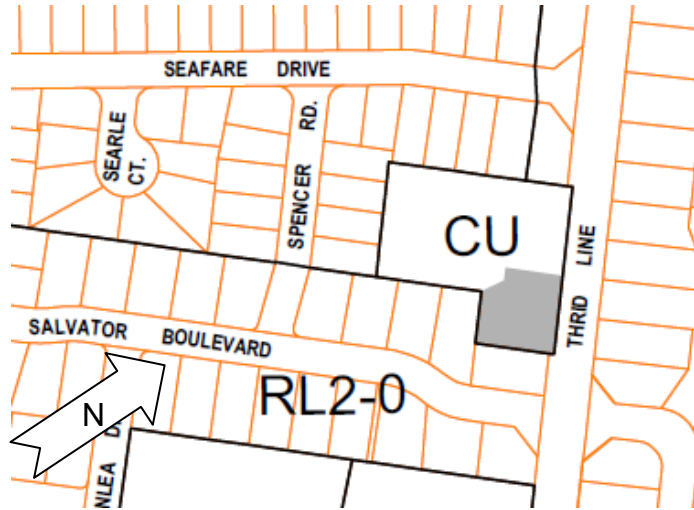


Figure 4 – By-law 2014-014

**PLANNING ANALYSIS:**

**Planning matters considered**

**Physical Context**

The Hopedale Church property fronts onto Third Line and has frontage of approximately 96 metres. Access to the proposed lots is from Third Line.

**Conformity with the Livable Oakville Plan**

The proposal reflects two (2) lots for detached dwellings; a built form contained within the abutting neighbourhood. No relief from the parent RL2-0 zoning by-law regulations was requested.

The proposal to rezone a portion of the site from *Community Use* to *Residential Low* has been reviewed in relation to the Guiding Principles and Section 4.3 referenced above, and has been deemed to conform as the lots being created are similar in lot size and frontage to that of the neighbourhood and the proposed built form is detached dwellings; all of which aid in preserving, enhancing, and protecting the distinct character of the neighbourhood.

The subject lands are designated *Low Density Residential* and are located within a stable residential area. This designation permits detached dwellings units to a maximum density of 29 units per site hectare. The proposal reflects two lots for detached dwelling units with a density of 11 upha. The proposal conforms to the

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use and density requirements under the *Low Density Residential* designation of the Livable Oakville Plan.

These lands are subject to the policies of Part D, Section 11 – Residential, including Section 11.1.8 and 11.1.9 that govern intensification within stable residential communities.

#### Section 11.1.8 a) and b)

Section 11.1.8 of the Livable Oakville Plan defines the circumstances whereby lands within stable residential communities may be considered appropriate for intensification. Section 11.1.8 (a) recognizes that lands designated *Low Density Residential* having the opportunity to be severed through the land division process may be considered appropriate intensification sites, given that such intensification is compatible with the lot area and frontage of the surrounding area, and conforms to the policies of Section 11.1.9. Similarly, Section 11.1.8 (b) also contemplates opportunities for intensification, where sites comprise of existing non-residential uses. The subject lands have been identified as surplus to the needs of the Hopedale Presbyterian Church, and are situated in such a way so as to not impede the continued functionality of the existing Church operation. Further, the propose intensification of the subject land would actually be implemented through the Consent to Sever process. On this basis, the proposal can be further evaluated in the context of Section 11.1.9 of the Livable Oakville Plan, which defines the specific criteria to ensure that the existing character of the existing neighbourhood is being both maintained and protected, and against the Consent policies of the Livable Oakville Plan.

Staff consider the proposal as satisfying the criteria of Sections 11.1.8 (a) and (b) to merit consideration to accommodate appropriate intensification.

#### Section 11.1.9

As stated above, the site merits consideration for appropriate intensification.

As the proposal will result in the creation of two additional residential lots and the rezoning will establish the regulations permitting single detached dwellings of a certain size, the proposal has been reviewed in accordance with the applicable policies of Section 11.1.9 as follows:

- Setback, orientation, separation distances within the surrounding neighbourhood;
- Proposed lotting pattern;
- Road and/or municipal infrastructure; and,

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- Impacts on adjacent properties.

It was determined that the proposal maintains and protects the character of the existing neighbourhood.

### Section 28.12 – Consent Policies

The next step is the creation of the lots through a future consent process. Matters related to the actual development of the two lots will be undertaken as part of the required site plan process.

Section 28.12 of the Livable Oakville Plan establishes the consent policies. It was determined that proposal conforms to these policies as:

- A plan of subdivision is not necessary and only three resulting lots are being created;
- The proposed lots can be serviced with existing infrastructure and no extensions are necessary;
- The proposed lots will have frontage and access on a public street ;
- The proposed lots do not affect the functions of the remnant church lands;
- The size and shape conforms to the Zoning By-law and is compatible with adjacent lots; and,
- Conforms to other relevant Livable Oakville policies as discussed above.

The deferred conveyance of the three (3) metre (10 foot) wide proposed road widening, identified as Instrument No. 86372, shall be addressed as part of the future consent to sever process.

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

The proposed site specific by-law proposes to rezone a portion of the subject property from *Community Use* to *Residential Low (RL2-0)* reflecting the zoning of the existing surrounding neighbourhood. The amendment does not require any modifications to the CU zone and regulations related to the remnant church property.

The proposed zoning amendment appropriately recognizes the ability to develop the two future lots in keeping with the general intent of the Livable Oakville Plan, which protects and maintains the character of the existing neighbourhood.

Staff have evaluated the proposed overall development in the context of the Livable Oakville Plan, surrounding neighbourhood and the site's characteristics and support the proposed Zoning By-law Amendment. No further notice for a public meeting is

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required. The proposed Zoning By-law 2017-043 can be found within the by-laws sections of the October 10, 2017 Planning and Development Council agenda.

### **Matters raised at the Public Meeting**

This section provides a staff response and analysis of the matter raised at the public meeting.

#### **Grading and Retaining Wall**

At the Public Meeting on April 18, 2017, the southerly landowner submitted a comment related to the integrity of existing retaining wall and associated drainage on the north side of their property that has been in existence since the early 1980's. Following the meeting, the matter was referred to the applicant and their engineering consultant.

It is the opinion of the applicant's engineering consultant that the two lot development can be graded to Town standards leaving the retaining wall in place. As an alternative, it was suggested that the potential may exist for the future builder to work with the owners of 2007 Salvator Blvd. to re-grade both properties with the intent of eliminating the retaining wall. This is a matter that will be addressed at the site plan stage. Town Development Engineering staff concur with the options and will review the further details at the future planning stages.

### **CONCLUSION**

The proposal represents good planning. The proposal addresses infill development of this area and also the consent polices of section 28.12 of the Livable Oakville Plan.

On this basis, staff recommends approval of the application.

### **CONSIDERATIONS:**

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

Notice for this meeting was provided through a mailing to all members of the public who have participated in the process.

A Public Information Meeting was held on March 21, 2017. Nine members of the public attended. No concerns were raised. The comment raised at the April 18, 2017 Public Meeting has been addressed above.

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**(B) FINANCIAL**

Cash in lieu of parkland will be required. Valuation will be at building permit issuance in accordance with Town By-law 2008-105 and Sec. 42 of the *Planning Act*. Development Charges will also be payable at building permit issuance in accordance with the rates and by-laws in effect at that time.

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

None

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

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposed development generally complies with the sustainability objectives of Livable Oakville.

**APPENDICES:**

Appendix A – Regional comments

Prepared by:  
Robert H. Thun, MCIP, RPP  
Senior 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