

## 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 Report, Zoning By-law Amendment, Golden Arch Tech Investment Corp., 2418 Khalsa Gate, File No. Z.1431.16 By-law 2017-076

**LOCATION:** 2418 Khalsa Gate

**WARD:** 4

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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 Zoning By-law Amendment application by Golden Arch Tech Investment Corp, File Z.1431.16, as revised, be approved;
3. That By-law 2017-076 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 originally submitted on November 18, 2015 by Golden Arch Tech Investment Corporation to permit the development of the subject site for 274 residential units and 791 square metres of commercial space with a 10 storey mixed use building.
- Since the original submission and based upon further analysis, the applicant has increase the number of units to 289 but has kept the size of the development the same. The change is related to the size of units (one bedroom vs. 2 bedroom).
- The site is located on the southwest corner of Khalsa Gate and Pine Glen Road. Access is from Khalsa Gate and Pine Glen Road.
- The application was deemed complete on December 4, 2015.

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- A Public Information Meeting was held on March 2, 2016. No members of the public were in attendance.
- The Statutory Public meeting was held on April 18, 2016. No members of the public spoke.
- The modifications to the Zoning By-law are considered minor in nature and no further notice is recommended.
- The proposal ensures development on a public road and meets the requirements of the Town's intensification policies.
- Staff are recommending approval of the application.

## BACKGROUND:

The purpose of this report is to provide a full staff review of the updated proposal and a recommendation on the proposed Zoning By-law Amendment to permit the updated development of the site for 289 residential units and 791 square metres of commercial space with a 10 storey mixed use building.

The Old Bronte Road/Khalsa Gate Streetscape Study was endorsed by Council on April 10, 2012. This study recommended a reduction of the road rights-of-way in section of this roadway as part of the future streetscape design. This design matter will be addressed as part of the site plan process.

Land along Khalsa Gate will be transferred by the Town to the applicant. The transfer of land between the applicant and the Town is conditional upon the successful rezoning of the land.

## Proposal

The applicant originally submitted a Zoning By-law Amendment (ZBA) to rezone the site from Existing Development "ED" to *Urban Core "MU4"* to permit the development of a 10 storey mixed use development containing 274 residential units (mix of studios, one bedroom plus den and two bedroom units) and 791 square metres of commercial space. Since the original submission, the unit breakdown has changed with the total number of units increasing to 289 while staying within the maximum floor space index of four (4) for the building size as per the Official Plan.

Figures 1a, b, c and d below highlight the proposed development.

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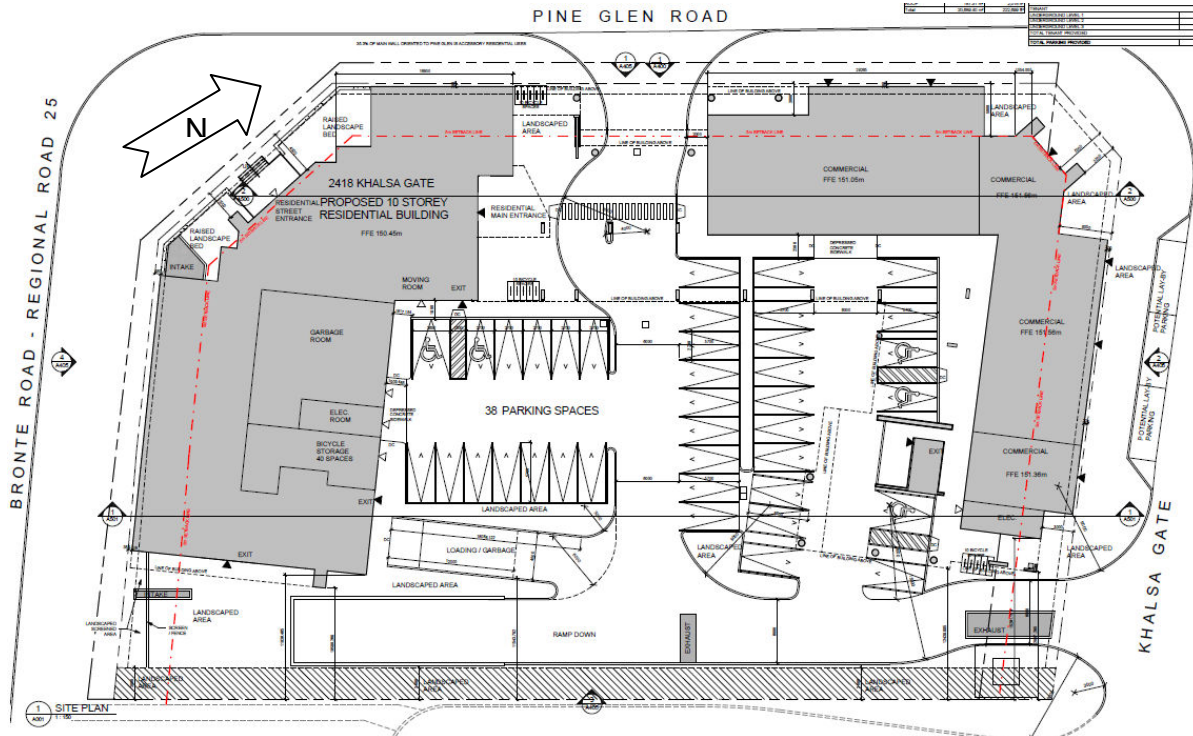


Figure 1a – Site Plan excerpt



Figure 1b (Khalsa Gate looking north)



Figure 1c (Khalsa Gate and Pine Glen int.)



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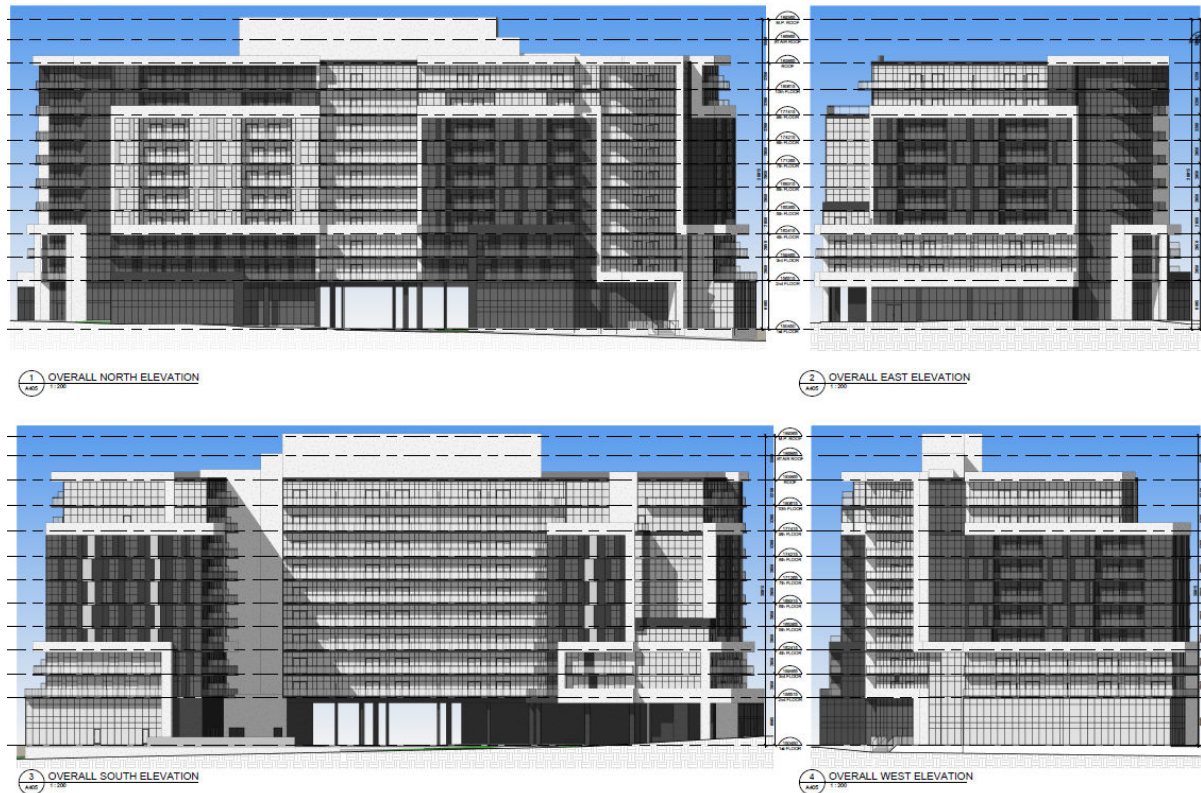


Figure 1d – Overall elevations

### Location and Site Description (Figure 2)

This site is located on the southwest corner of Khalsa Gate and Pine Glen Road. It is approximately 0.52 ha in size and includes surplus Khalsa Gate land (discussed below). Frontage along Khalsa Gate is approximately 61 metres.

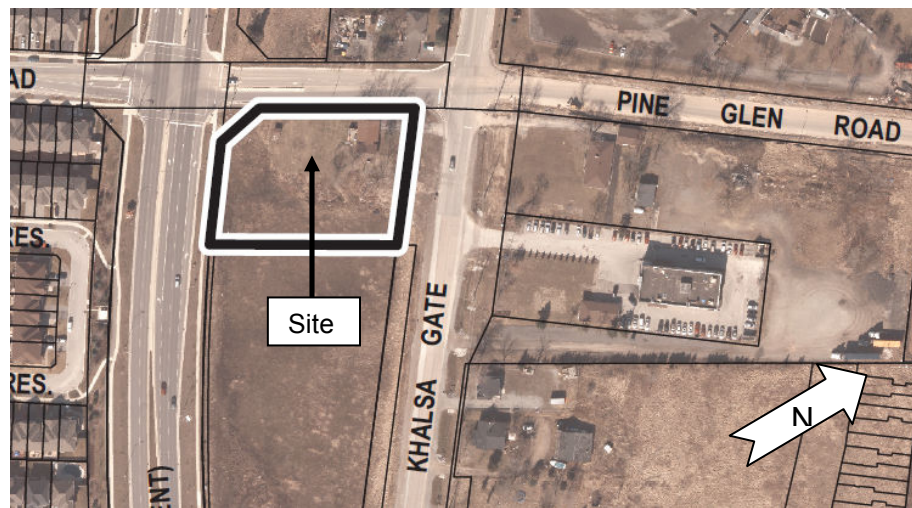


Figure 2 - Airphoto

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### Surrounding Development

The Palermo area is the subject of a number of development applications, either under construction or in the planning application process, as follows:

- VGR – southwest corner of Dundas Street West and Old Bronte Road: five storey medical office building.
- New Horizon – Old Bronte Road south of Dundas Street West: two – 8 storey condominium buildings.
- EMS Station – Pine Glen Road.
- Peppergate development – east side of Khalsa Gate, south of Pine Glen Road: 166 units, three storey stacked townhouses.
- Ballantry Homes – west side of Khalsa Gate, south of Pine Glen Road - 122 units, three storey apartment buildings.
- Bronte Community Development Corp. (Crystal Homes): east side of Khalsa Gate, north side of pipeline corridor: three apartment buildings – 346 apartment units approved at the Ontario Municipal Board.

### **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.

The subject application is consistent with the new PPS.

#### 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.

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Regional staff considers the proposal to conform to the Growth Plan (2017).

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 strategic growth area (Palermo) as defined by the town; 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.

In a letter dated July 11, 2017, Regional staff has no objection to the above referenced application.

#### 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.

The site is designated as '*Urban Centre*' on Schedule N, Palermo Village Land Use.

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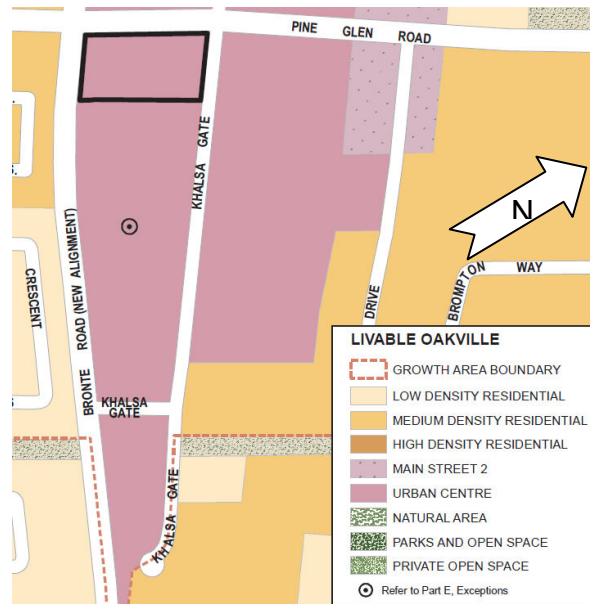


Figure 3 – Livable Oakville Plan excerpt

The following sections from the Livable Oakville are applicable to the subject property.

#### Part C, Section 4.1 Growth Areas

*“The majority of intensification in the Town is to occur within the Growth Areas as defined in Part E.*

*... and Palermo Village are primary Growth Areas, which will accommodate the highest level of intensification. They are intended to be developed as mixed use centres with transit-supportive development focused around major transit station areas and along corridors. These areas have been the subject of detailed, comprehensive land use studies or secondary planning exercises which have resulted in objectives and policies to provide for intensification opportunities.”*

#### Part D, Section 12.4 Urban Centre

*“The Urban Centre designation shall incorporate a mix of uses including retail and service commercial, office and residential uses. Development should be oriented to the street and shall contribute to a high quality pedestrian-oriented and transit-supportive environment.”*

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### Part E, Section 22.3, Development Concepts

*"It is the intent of this Plan to establish a lively and active mixed use corridor along Old Bronte Road and Khalsa Gate, which will function as a main street.*

*Development on the lands designated Urban Centre will include single use and mixed use buildings, and be of high quality pedestrian-oriented design."*

### Part E Section 22.4, Functional Policies

#### *"22.4.1 Transportation*

- a) .....
- b) *Parking – Urban Centre and Main Street 2*
  - i) ...
  - ii) *The maximum portion of any lot that may be used for surface parking shall be approximately 50 percent.*
  - iii) .....
  - iv) *Individual driveway access to Bronte Road or Dundas Street shall not be permitted.*

#### *22.4.2 Urban Design*

- a) ...
- b) *Old Bronte Road/Khalsa Gate will include streetscape elements that support its planned function as a pedestrian-oriented main street. It is expected that this main street will be improved with a high quality public realm that includes sidewalks on both sides, special paving treatment, pedestrian scaled lighting, street trees and planters.*
- c) ..."

### Part E Section 22.5.1 Land Use Policies

The lands designated *Urban Centre* are subject to the following additional policies:

*"The lands designated Urban Centre are subject to the following additional policies:*

- a) *The minimum residential density shall be 100 units per site hectare.*
- b) *Mixed use and residential and office developments shall have a maximum floor space index of 4.0.*



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- c) *The minimum building height shall be two storeys. The maximum building height shall be eight storeys, except on corner sites it shall be 10 storeys.*
- d) *...*
- e) *South of Pine Glen Road, the following uses may be permitted:*
  - i) *multiple-attached dwellings;*
  - ii) *stand-alone apartment buildings;*
  - iii) *stand-alone office buildings; and,*
  - iv) *stand-alone retail and service commercial buildings, which shall not exceed a gross floor area of 6,000 square metres”.*

Intensification is defined in the Livable Oakville Plan as:

*“the development of a property, site or area at a higher density than currently exists through:*

- a) *redevelopment, including the reuse of brownfield sites;*
- b) *the development of vacant and/or underutilized lots within previously developed areas;*
- c) *infill development; or*
- d) *the expansion or conversion of existing buildings.”*

### Zoning

The site is currently zoned Existing Development (ED) within By-law 2014-014 as highlighted on Figure 6.

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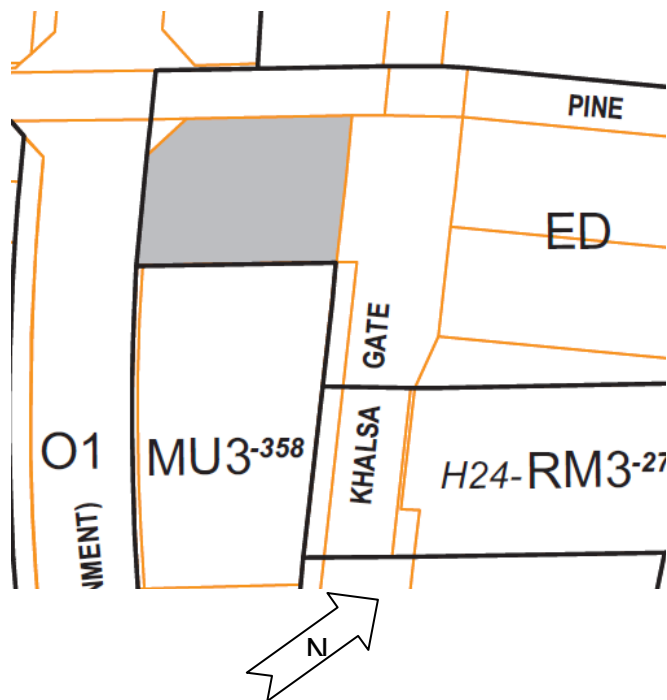


Figure 4 – By-law 2014-014

As stated above, the applicant has submitted a Zoning By-law Amendment (ZBA) to rezone the site to a site-specific *Urban Core MU4* zoning category.

### **PLANNING ANALYSIS:**

#### **Planning matters considered**

##### **Physical Context**

The overall subject property fronts onto three roads, namely Bronte Road, Pine Glen Drive and Khalsa Gate. Access to the subject lands will be from Khalsa Gate and Pine Glen Road. There will be no access from Bronte Road.

To the southeast is the Peppergate property (File No.'s Z.1430.28 and SP 1430.040/01), which received approval for 166 three storey stacked townhouses on October 22, 2012.

Also to the east is situated an OMB-approved development containing three apartment buildings totaling 343 dwelling units (File No.: OPA 1430.30 and ZBA.1430.30 – Bronte Community Developments).

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To the south are three storey apartment buildings being developed by Ballantry Homes. The site also contains permissions to develop a maximum 10 storey building comprising of a minimum of 240 units (By-law 2016-013, Special Provision 358).

### **Conformity with the Livable Oakville Plan**

The site is situated within the Palermo Growth Area, as identified on Schedule N in the Livable Oakville Plan.

The proposal conforms to Section 12.4 of the Livable Oakville Plan, referenced above, as it proposes a multi-storey mixed use development within one of the town's Growth Areas that is transit supportive and street oriented.

#### Palermo Growth Area

Palermo Village has been identified as a primary Growth Area accommodating the highest levels of intensification. Growth Areas are intended to be developed as transit supportive mixed use centres. Section 22.2 sets out a number of development objectives including matters related to the built form and the creation of attractive streetscapes. This proposal conforms to these objectives as the development will consist of a mixed use development (at grade commercial with residential above) and will provide for an attractive streetscape in accordance with the Old Bronte Road/Khalsa Gate Streetscape Plan. Staff will continue to work with the applicant as part of the future site plan process on various aspects of the development including the Khalsa Gate streetscape.

#### Section 22.4 - Functional Policies

##### Section 22.4.1 – Parking and Access

Parking for the development is proposed to be underground with additional surface parking (378 tenant, visitors and commercial parking spaces). Additional parking will be provided on Khalsa Gate in accordance with Old Bronte Road/Khalsa Gate Streetscape Plan. No parking relief is being proposed within the proposed by-law.

Driveway access to this site is proposed from Khalsa Gate and Pine Glen Road.

The proposal conforms to the parking and access policies within the Livable Oakville Plan, Section 22.4.1 b).

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## Section 22.5 - Land Use Policies

### Section 22.5.1

The latest proposal relates to the development of 289 units and additional commercial floor space on the ground floor within a 10 storey building. The commercial space will front onto Khalsa Gate and Pine Glen Road (easterly section). Town staff support these uses as it further implements the mixed use vision for Palermo Village.

The proposed density of 556 upha exceeds the residential minimum density of 100 units per site hectare, as set out in Section 22.5.1 a). There is no maximum density, subject to the proposal conforming to the maximum floor space index (fsi) and height provisions.

The proposed Floor Space Index (fsi) of 3.7 conforms to the maximum 4 times fsi, as set out in Section 22.5.1 b).

Section 22.5.1 c) has a maximum height limit for corner lots of 10 storeys and 8 storeys for non-corner lots within the *Urban Centre* designation. As the proposal is for 10 storeys, it conforms to this height policy.

The proposal conforms to Section 22.5.

### Old Bronte Road/Khalsa Gate Streetscape Plan

The Old Bronte Road/Khalsa Gate Streetscape Plan contains design concepts to produce a cohesive strategy for the street. This reflects local context, promotes a pedestrian oriented environment that is safe, attractive and accessible and provides cohesion between the public and private realms.

The streetscape plan was developed in conjunction with public and stakeholder input, including Heritage Oakville. The streetscape plan was endorsed by Council on April 10, 2012 as detailed in Planning Services Department report PD-020-12 dated March 26, 2012.

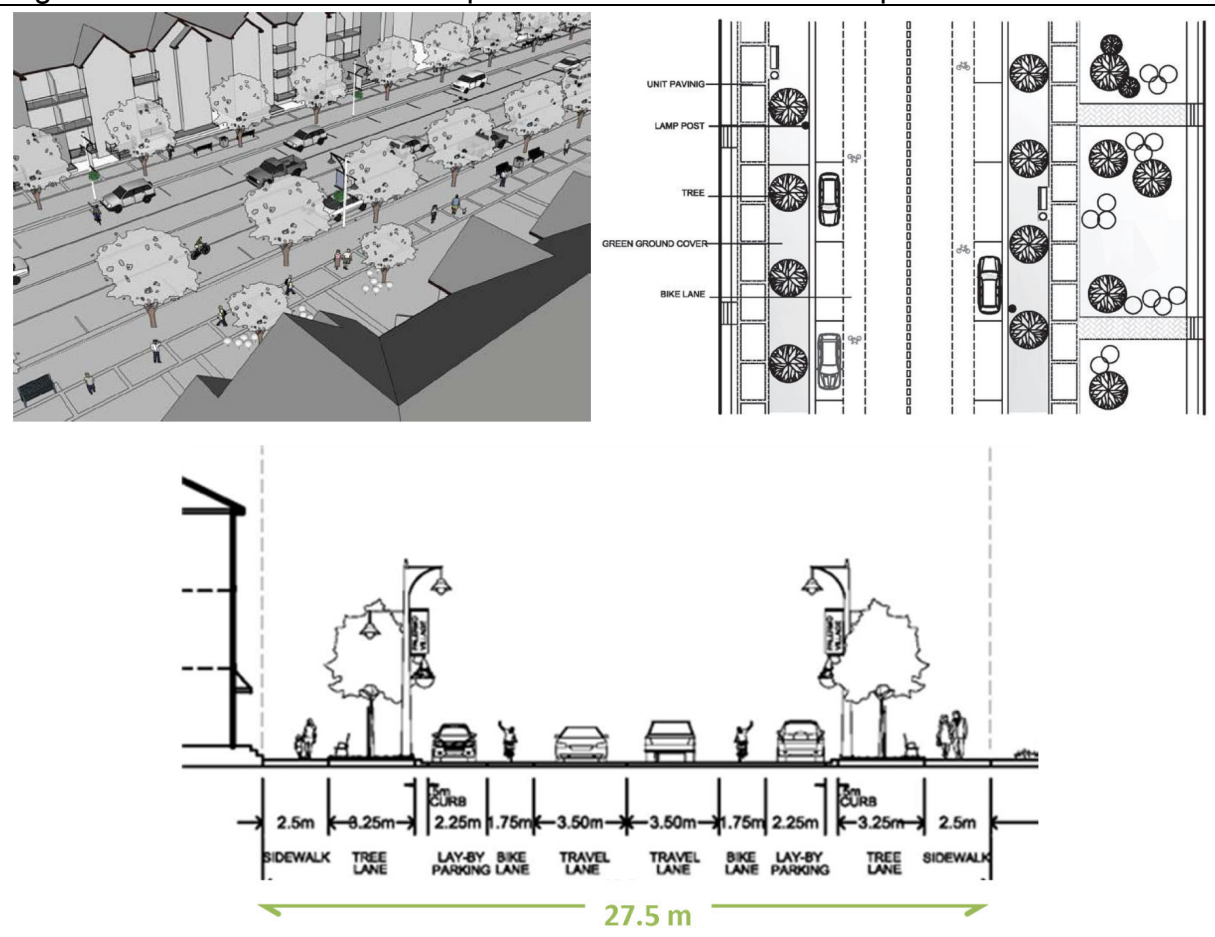
In the streetscape plan, the subject lands on Khalsa Gate are located within a character area identified as *The Promenade* (see Figure 5) that has a design focus to “*create a safe, attractive, and green area for not only residents on Old Bronte Road but also for all residents in the vicinity, a place to walk, play, relax and enjoy.*”

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Figure 5. The Promenade concept for Khalsa Gate in 3D and plan view



Additional features proposed for *The Promenade* may include bikes lanes, lay-by street parking, street trees, wider sidewalks, street furniture and lighting. Site and building design for the area includes building orientation towards the street, and appropriately scaled setbacks.

The proposal will require site plan approval, wherein details related to the development of the streetscape (i.e.: lay-by parking, sidewalk treatment, lighting) will be further reviewed. Implementation of the required street improvement works and costs will be borne by the developer.

#### Surplus Right-of-Way along Khalsa Gate

The Livable Oakville Plan classifies Khalsa Gate as a minor collector and generally specifies a right-of-way width of 20 m for this type of road. In contrast, the current right-of-way width adjacent to the subject lands ranges is 39 m. This width is greater

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than what is required to accommodate main street pedestrian facilities, cycling facilities, street trees and 2 lanes of local traffic. As indicated by the Old Bronte Road/Khalsa Gate Streetscape Plan, the Council endorsed right-of-way width in this section of Khalsa Gate is 27.5 m. This width is slightly more than the minor collector standard since it is intended to accommodate a generous amount of main street facilities proposed for *The Promenade*.

The development site includes a strip of land approximately 6.9 metres wide from the Khalsa Gate right-of-way as shown below. The sale of this land is conditional upon the approval of a Zoning By-law Amendment. Staff are in possession of a conditional purchase and sale offer.



Figure 6 – Khalsa Gate lands



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## Technical Review

### Proposed Zoning By-law Amendment

The following are the basic principles of the proposed zoning amendment resulting from the review of the proposal:

- The front lot line has been defined as the easterly property limit along Khalsa Gate.
- Additional provisions related to:
  - the various setbacks such a minimum front, flankage and interior side yards.
  - balconies (widths) and terraces (locations and setback from roof edge);
  - permissions for air vent locations; and,
  - surface parking setback.

The proposed site specific by-law appropriately recognizes the design of this development which is in keeping with the general intent of the Livable Oakville Plan particularly as a growth area such as Palermo Village. Staff will be working with the applicant through the site plan process to further refine the development.

Staff have evaluated the proposed development in the context of the Livable Oakville Plan, surrounding neighbourhood and the site's characteristics and support the proposed Zoning By-law Amendment. The modifications to the zoning are deemed minor and reflect the general intent of the zoning presented at the statutory public meeting. No further notice is necessary. The proposed Zoning By-law 2017-076 can be found within the by-laws section of the October 10, 2017 Planning and Development Council agenda.

## CONCLUSION

The Planning department undertook a circulation of the application to ensure that all technical matters have been satisfactorily addressed.

Staff is satisfied that the application conforms to the overall policy direction of the Livable Oakville Plan and other relevant policy documents, and recommends approval of the application. The proposal represents good planning. The proposal furthers the development vision for the Palermo area.

On this basis, staff recommends approval of the application.

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## CONSIDERATIONS:

### (A) PUBLIC

A Public Information Meeting was held on March 2, 2016. No members of the public were in attendance. The Statutory Public meeting was held on April 18, 2016. No members of the public spoke.

### (B) FINANCIAL

Financial obligations such as Khalsa Gate streetscape and other requirements of the owner with respect to on-site works are being dealt with through the Site Plan process. All works to be constructed will be fully funded by the owner.

Cash in lieu of parkland is 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

The proposal has been circulated to the various agencies and departments for consideration.

### (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 will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

## 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