



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 6, 2017

FROM: Planning Services Department

DATE: October 16, 2017

SUBJECT: Evaluation of Redevelopment Potential, 1020 - 1042 Sixth Line, 1463291 Ontario Inc. (Dunpar Developments Inc.), File No. Z.1516.02

LOCATION: West side of Sixth Line, just north of QEW

WARD: 5

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RECOMMENDATION:

That the report dated October 16, 2017, from Planning Services Department, be received.

KEY FACTS:

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

- The applications for Official Plan Amendment and Zoning by-law Amendment submitted by 1463291 Ontario Inc. (Dunpar Developments Inc.) were refused by Council on March 20, 2017.
- In addition, a Council resolution was passed providing staff direction to undertake a review of the subject lands and their context to determine what appropriate redevelopment opportunities exist, in consultation with the local residents and the applicant.
- In response to this direction, meetings were held with area residents and the applicant on June 15, 2017, September 28, 2017 and October 5, 2017 for the purpose of identifying opportunities and constraints related to the future development of the site.
- The applicant has appealed the Official Plan Amendment and Zoning By-law Amendment application to the Ontario Municipal Board. A pre-hearing conference in this matter has been scheduled for November 14, 2017.

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BACKGROUND:

Detailed information with respect to the background of this application and the policies applicable to the site is provided in the report on this matter to the Planning Development Council meeting of March 20, 2017. Key information is summarized below.

Subject Lands and Context

The site, consisting of 5 properties (1020 to 1042 Sixth Line), is located on the west side of Sixth Line, just north of the QEW and North Service Road East. The overall site area including the 16 Mile Creek valley land is 3.23 hectares. Approximately half of the site contains the 16 Mile Creek Valley. The tableland area is approximately 1.47 hectares. Frontage on Sixth Line is approximately 104 metres. The QEW pedestrian underpass is located just to the south of the site and connects the site to the Midtown Oakville Growth Area identified in the Livable Oakville Plan.

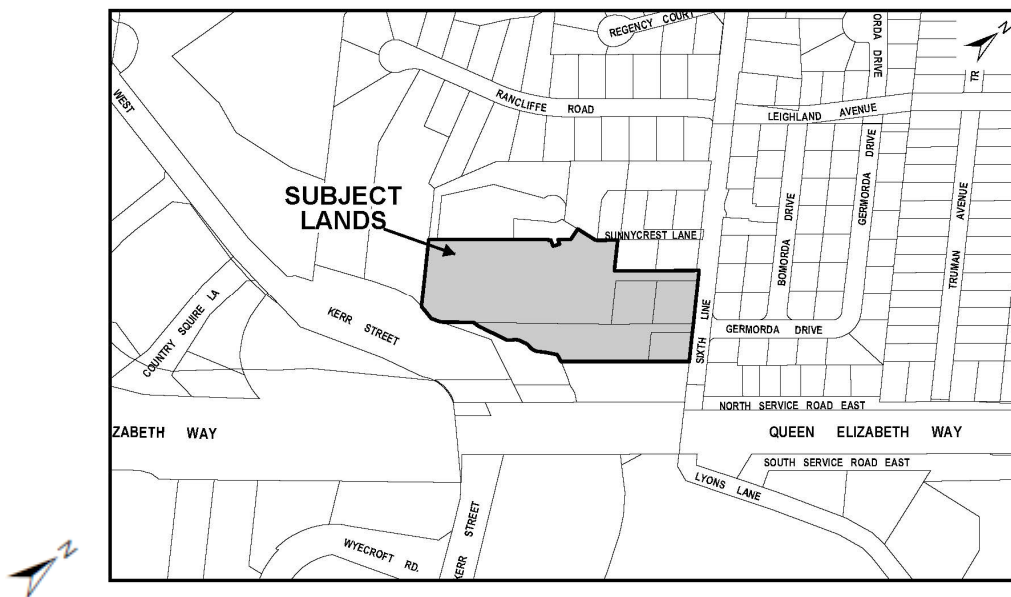


Figure 1

The lands west of Sixth Line, including the subject property, are zoned RL1-0 and characterized by one and two storey detached dwellings. These well treed lots are large to very large in size and are created along wide public rights of way with the exception of Sunnycrest Lane (to the north of the subject property), which is a private road. The dwellings are set back from the road and are well separated from each other.

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The lands east of Sixth Line (Bomorda Drive, Germorda Drive, Truman Avenue) are zoned RL2-0 and possess large wide lots situated on public rights-of-way with a suburban cross-section of open swales. The streetscape and lots are a balance between mature trees and landscaping with dwellings ranging in height from one to two storeys.

From a policy perspective, the subject lands are within a *Special Policy Area* under the Livable Oakville Plan that was designed to protect the character of the area by preserving the pattern of large lots. The subject *Special Policy Area* is unique for several reasons. It is the only such area north of the QEW and at 10 ha is smaller than other areas. Unlike these other areas, it is located at the edge of a community instead of containing several neighbourhoods. It is also located in close proximity to the QEW. Details of these matters and their influence on the development potential of the site are further discussed later in this report.

One of the properties (1042 Sixth Line) is currently listed on the Oakville Heritage Register in Section F as a property of potential cultural heritage value and/or interest (not designated) based on the c.1900 frame Arts and Crafts style home. The Heritage Impact Assessment suggested the potential for a Part IV designation under the *Ontario Heritage Act*. This lot is accessed through a treed driveway (the allee).

Current Applications and Appeals

The submitted Official Plan and Zoning By-law Amendment application, refused by Town Council, sought permission to develop the site for 81 new townhouse units, six of which are back to back style and the retention of the detached dwellings at 1024 and 1042 Sixth Line. Specifically, the Official Plan Amendment proposed the following:

- to redesignate the developable area from *Low Density Residential with Special Policy Area* to *Medium Density Residential*;
- to remove the *Special Policy Area* overlay, which reflects a maximum density of up to 10 units per site hectare;
- to permit a maximum density of 56.5 units per site hectare; and,
- to redesignate the top of bank setback from *Natural Area* to *Private Open Space* with permissions for the existing dwellings and structures to remain.

The Zoning By-law Amendment proposed to rezone the developable portion of the site from *Residential Low (RL1-0)* and *Natural Area (N)* to *Residential Medium (RM1 and RM2)* and *Private Open Space (O2)*, each zone with site specific regulations to permit the proposed redevelopment of the site.

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The applications were refused by Council on March 20, 2017. The applicant appealed Council's refusal decision to the Ontario Municipal Board (OMB) on March 31, 2017. The OMB has scheduled the initial pre-hearing meeting on this matter for November 14, 2017.

Council Direction

In addition to refusing the application, Council passed the following resolution on March 20, 2017:

That Council direct Planning Services staff to undertake a review of the subject land and their context to determine what appropriate redevelopment opportunities exist, having regard to the issues identified in the Planning Services report dated March 7, 2017, in consultation with the local residents and the applicant.

This report responds to that direction and is being provided prior to the prehearing to allow the information contained in this report to be considered by Council and inform the Town's position for the pre-hearing. Additional information related to the appeal is provided in a separate confidential report from the Legal Department appended elsewhere in the agenda.

COMMENTS/OPTIONS:

The March 7, 2017 Planning Report undertook an analysis of the original development application. A number of policy related and technical issues were identified, that led planning staff to put forth a recommendation that the application be refused.

Issues identified within the March 7, 2017 report included the following:

Policy Issues:

- Introduction of a high density development into a low density residential neighbourhood;
- Failure to conform to section 4.3 of the Livable Oakville which requires that redevelopment outside of the Growth Areas preserve the character of the areas and uphold the overall urban structure of the Town.
- Introduction of a built form and density in a manner that did not conform to Section 11.1.9 of Livable Oakville, being the criteria that guide in maintaining and protecting the existing neighbourhood character;
- Inadequate consideration of the protection of the cultural heritage resources on site. The Heritage Impact Assessment suggested the potential for a Part IV designation under the *Ontario Heritage Act*. The merits of the cultural

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heritage landscape component of the site including the allee (treed driveway of 1042 Sixth Line) must also be considered.

- Introduction of a private condominium road to service the proposed development; and
- The proposed retention of two dwellings (including the heritage dwelling) within the valley lands and the impact on the Town's ability to take ownership and protect the valley lands and top of bank as part of the Town overall natural heritage system in accordance with the Town's standard practice and policies.

Technical Matters:

- Incomplete identification of technical constraints including the delineation of the valley land limits and top of bank buffers constraints.
- Impact of development on existing tableland trees; and,
- Proposed access onto Sunnycrest Lane, being a private lane.

These technical and policy issues continue to be relevant to the assessment of the development potential of the site.

Public Consultation

In response to Council's direction, three meetings were conducted with the area residents and the applicant on June 15, September 28 and October 5, 2017.

The first meeting (June 15, 2017) allowed residents the opportunity to define the issues that were of concern to them. The following generally summarizes issues raised by the public. Notes taken at this meeting reflecting comments, concerns and questions of the public are attached as Appendix A:

- Noise impacts from the QEW;
- Official Plan and Zoning Conformity (transition, maintaining character)
- Transportation Matters;
- Construction Matters;
- Stormwater Management;
- Provision of Utilities;
- Heritage;
- Tree Preservation;
- Parkland Dedication;
- Preference to maintaining existing Official Plan and Zoning; and,
- Environmental Impact Study.

The second meeting (September 28, 2017) confirmed staff's understanding of the public comments/concerns raised from the June 15, 2017 meeting, and then

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identified the issues as opportunities and constraints for the site. The comments/concerns were translated into a “Bubble Diagram” (Appendix B), prepared by the applicant, effectively identifying the constraints and general areas where development could and could not occur based on these opportunities and constraints.

These identified opportunities and constraints include:

- Protection of the top of bank and associated buffer area and of the Sixteen Mile Creek valley area;
- Incorporation of a buffer strip along Sixth Line for the purpose of creating an effective buffer or transition between the development on the east side and the new development;
- Protection of the treed driveway (the Allee) at 1042 Sixth Line with increased building setbacks;
- Protection of an existing Gingko Tree in the area around the listed heritage building;
- Appropriate development interface with Sunnycrest Lane. Access would not be supported; and,
- Possibility of retention of two existing dwellings (including the listed heritage building) within the top of bank buffer along the 16 Mile Creek valley remained subject to consideration.

The identified constraints would assist in permitting redevelopment of the site while maintaining and protecting the character of the existing neighbourhood as envisioned by the Livable Oakville policies.

The third meeting, held on October 5, 2017, allowed the applicant to prepare and present a Draft Concept Plan (see Appendix C), which they represented as implementing the “Bubble Diagram”. Noise and Traffic consultants retained by the applicant also attended to further address technical issues raised by the public.

The applicant’s solicitor has advised that the draft concept plan has been provided “for the purposes of allowing Town staff to consider the “constraints” to development that exist on the site and to enable staff to consider the form and density of development that could occur on the site, and to assist staff in forming an opinion on what might be acceptable to them.” At this stage, the applicant has not submitted or revised its existing application or submitted an application for draft plan of condominium or subdivision based on this concept. Town staff has not completed the type of detailed review of the concept that would be part of that process. However, the Concept Plan is useful for the purpose of illustrating the type of development which may be possible and for identifying additional issues.

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The draft concept plan presented by the applicant contains the following:

- 69 total overall units - 67 new units – 65 townhouses, two (2) semi-detached units and the two (2) existing detached dwellings. These two detached dwelling are proposed by the applicant to remain. The southerly existing dwelling at 1020 Sixth Line partially extends beyond the stable top of bank of the Sixteen Mile Creek as currently identified.
- Single access via private lanes from Sixth Line;
- Protection of the allee (treed driveway);
- Delineation of the staked top of bank, geotechnical top of bank and 15 metre top of bank setback buffer based on current studies;
- Introduction of an open space area along the west side of Sixth Line south of the site entrance, identified by the applicant as parkland dedication;
- No connection to Sunnycrest Lane; and,
- Protection of a number of tableland trees and introduction of new tree plantings.

Considerable discussion took place with respect to the issue of traffic, and the potential impact that the proposed development would have on contributing to the traffic congestion in the area. In this regard, a Traffic Report had been submitted with the original proposal, wherein it was determined that all intersections would operate at acceptable levels, no improvements were required to accommodate this development. Parking would also be provided in accordance with the town's Zoning By-law.

Written submissions from the public received as part of the above referenced process are contained within Appendix D.

Various matters contained within the Environmental Impact Assessment and geotechnical study including but not limited to the final definition of valley land limits and top of bank buffers and associated areas remain outstanding and must still be confirmed by Conservation Halton, Halton Region and Ministry of Natural Resources and Forestry (where Species at Risk are involved).

Staff have been advised by the applicant's consultant that the area outside the top of bank buffer area is approximately 1.235 hectares, while the total amount of table land (including the top of bank buffer area) is approximately 1.47 hectares. The 69 units would result in an overall density of 47 uph based on the tableland (1.47 ha). The Livable Oakville plan excludes buffer areas from the calculation of density. The 67 units within the area beyond the buffer (1.235 ha.) would result in a density of 54.25 uph within that area.

Considerations for Appropriate Redevelopment of the Site

As noted above, the lands are currently subject to a *Special Policy Area* overlay which limits the maximum density of the site to 10 uph. This policy was designed to protect the character of areas with development patterns consisting of substantially large lots. Although these lands are subject to a *Special Policy Area* overlay, similar to other lands within the town, there are also distinctions that may allow for additional redevelopment.

The size of the *Special Policy Area* associated with this site is smaller and more isolated than other areas subject to this *Special Policy Area* overlay, as can be seen by the excerpt from the Livable Oakville Plan below (Figure 2). The Sixth Line *Special Policy Area* site is a small isolated area containing only two public streets and a private lane; and is bound by Sixth Line, 16 Mile Creek valley, Morrison Creek Diversion Channel and the QEW. The other *Special Policy Areas* reflect large contiguous neighbourhoods, on numerous well connected streets.

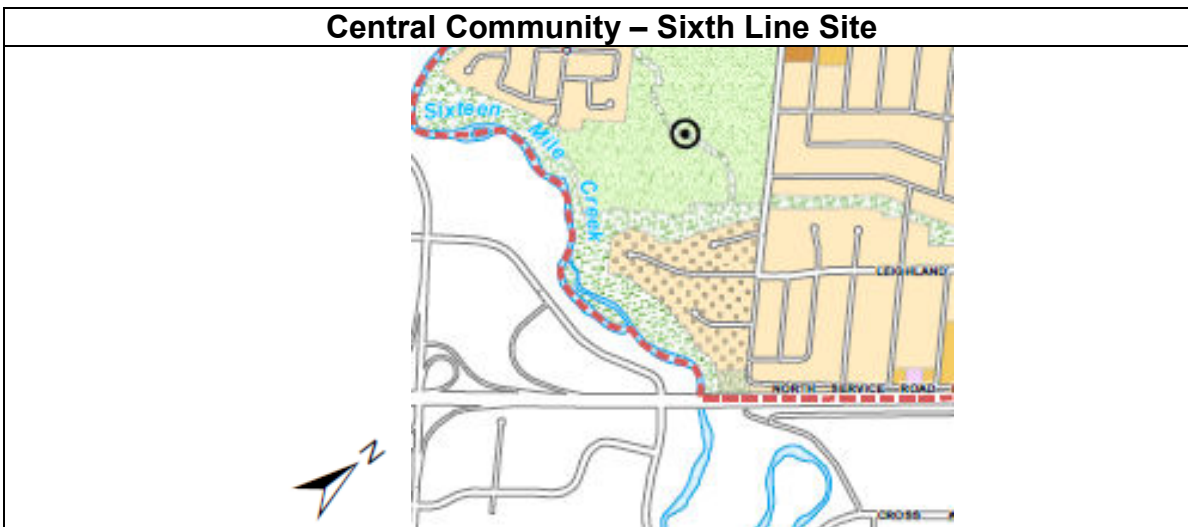


Figure 2

The site, as shown of Figure 3 below, is on the edge of the community, separated by the QEW from the Midtown Growth Area, as defined by the Livable Oakville Plan, and the Sixteen Mile Creek valley to the west. Pedestrian access to the Midtown Core Growth Area is made by the QEW pedestrian underpass. The site is approximately 1000 metres from Oakville Place and the Oakville GO Station.

While maintaining the character of the area remains important, the size and isolated nature of this area provides an opportunity for change at the edge of the neighbourhood that would allow for redevelopment without altering this character.

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The proximity to the QEW, Midtown, GO Station and Oakville Place make this site a candidate worthy of consideration for an appropriate level of redevelopment.



Figure 3

The site has remained undeveloped/underutilized for a number of years. Noise related issues from the QEW may have deterred development of single detached dwellings on large lots, similar to that in the neighbourhood, on this site.

A review of the area (Figure 4 below) identifies that there are no other comparably large lots with the ability to redevelop in the immediate neighbourhood. The surrounding area is an established residential area, with redevelopment consisting of the replacement of original housing stock on existing lots (tear downs and replaced with larger detached homes). This site represents the only site within the immediate area which may be suitable for redevelopment of this nature. Appropriate redevelopment of this site is not expected to undermine the stable character of this neighbourhood.

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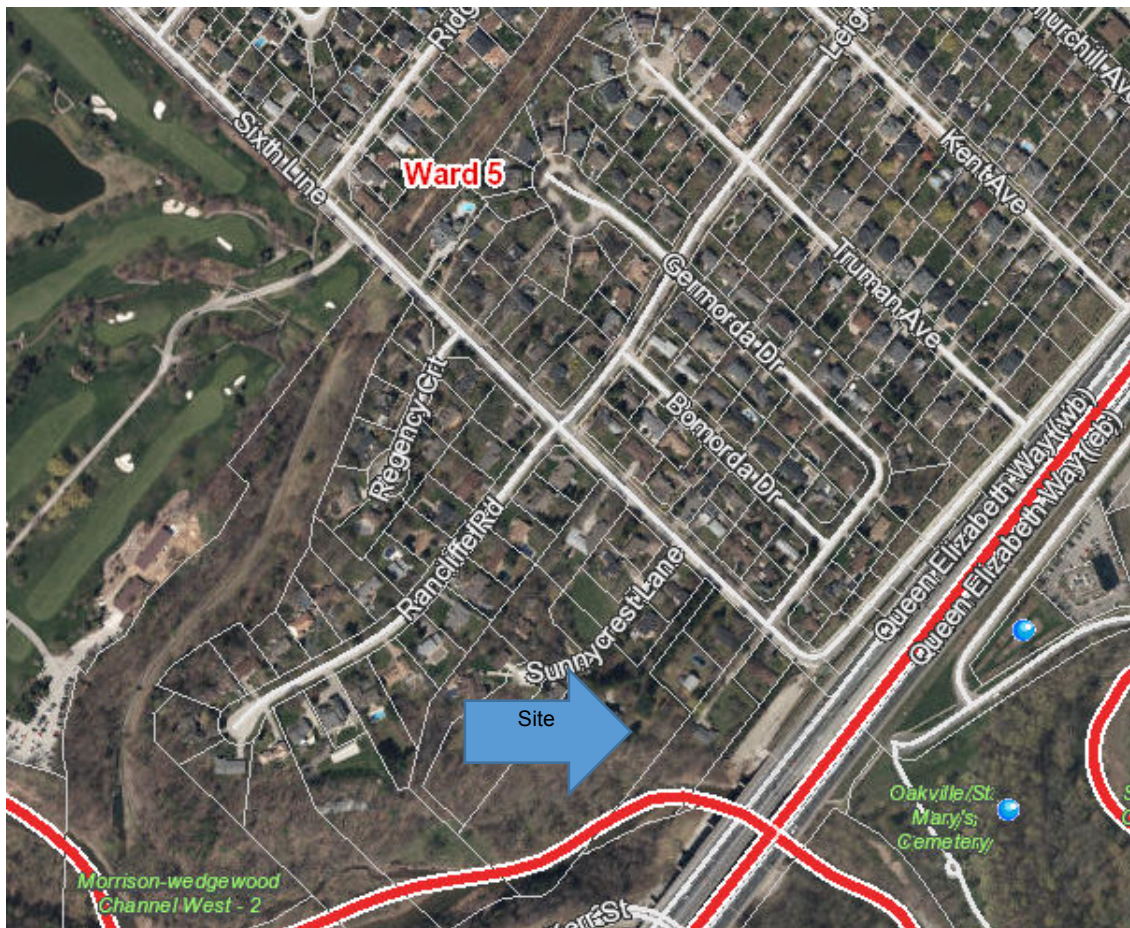


Figure 4

Within the Livable Oakville Plan, Sixth Line, south of Leighland Avenue/Rancliffe Road, and the North Service Road East, are designated as a minor collector roads. Minor collector roads are designated to accommodate moderate volumes of intra-community traffic with 5,000 vehicles per day volumes and 20 metre right of ways. Leighland Avenue is a major collector road designed to accommodate intermediate volumes of intra-community traffic with 10,000 vehicles per day volumes and 26 metre wide right of way. As a result, staff is satisfied that the level of development proposed can be accommodated within the transportation network.

Any redevelopment of the site must provide the ability to protect valuable natural heritage resources such as the 16 Mile Creek valley, top of bank areas and tableland trees, including the alley associated with 1042 Sixth Line and trees along the Sixth Line frontage.

Any redevelopment proposal must conform with Sections 2.2 (Guiding Principles), Section 4.3 (Residential Intensification Outside of Growth Areas), and Section

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11.1.9, collectively upholding the town's urban structure, and maintaining and protecting neighbourhood character.

In consideration of the discussion above related to the characteristics of this site within the *Special Policy Area*, opportunities exist to redevelop the site at densities greater than presently exists within the Livable Oakville Plan. *Medium Density Residential* development would be appropriate for the area subject to design in a manner that would both address the physical constraints of the property and maintain the character of the area. Under the Livable Oakville Plan, this would permit a density range of 30 to 50 units per site hectare. Respecting the constraints identified in the 'Bubble Plan', in particular the buffer along Sixth Line, the retention of the allee, the protection of the Sixteen Mile Creek Valley and the appropriate interface with Sunnycrest Lane, would allow for development at this level.

While new development is not permitted within the top of bank buffer, the Livable Oakville Plan policies recognize that existing development may remain, particularly when the existing development (1042 Sixth Line) has cultural heritage value. Additional consideration is necessary with respect to the existing dwelling at 1020 Sixth Line which is not of heritage interest, in poor condition, and is located partially below the yet to be confirmed stable top of bank. In addition to Town policies, Conservation Halton regulations would apply to this area.

Matters to be addressed

This report is intended to outline principles of redevelopment that could be applied to the site. It is emphasized that staff's review of the draft concept plan is preliminary and is not an endorsement of the plan submitted. The existing technical work necessary to establish the developable area remains subject to review and has not yet been accepted by the appropriate public authorities. Additional technical reports would be required as part of any future applications related to the development.

Although staff have not reviewed the Concept Plan in detail, the following comments are provided based on the principles described in this report:

- A continuous buffer strip is required along Sixth Line, tapering from a width of approximately 16 m adjacent to the allee to approximately 11 m at the southerly edge. Units 26 and 27 and part of 25 are within this area. In addition, this area is identified on the plan as parkland. A public park at this location and in this configuration would not be supported as parkland dedication and should remain part of any condominium as private open space.

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- The protection of the allee is critical. Additional information would be required to confirm that building setbacks from the allee are sufficient to protect the health of these trees.
- The concept plan shows new development in the form of a driveway within the buffer area. This would not be permitted under relevant policies.
- Additional consultation is required with Conservation Halton on the existing dwelling situated partially below a yet to be confirm stable top of bank of the Sixteen Mile Creek. In the event that the existing houses remain within the top of bank buffer area, consideration would be required to identify appropriate land areas providing amenity space for these dwelling units. Public ownership of portions of this buffer area should be accommodated, if feasible.
- Additional evaluation of the interface with Sunnycrest Lane would be required including the preservation of existing vegetation.

These technical matters remain unresolved, at the time of writing this report, which collectively have the potential to impact the overall unit count and resultant density.

Issues to be explored through further applications or processes include the treatment and ownership of the valley lands and buffers, the potential heritage designation of the listed dwelling and allee. Opportunities for landscape preservation and/or enhancement consistent with these principles would also occur through future processes. Zoning regulations would need to consider the matters described in this report particular to maintaining the character of the area.

CONSIDERATIONS:

- (A) PUBLIC**
 Notice to the public of this meeting has been provided.
- (B) FINANCIAL**
 Not applicable to this report.
- (C) IMPACT ON OTHER DEPARTMENTS & USERS**
 Matter from various departments and agencies will be addressed through the OMB process.
- (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**
 Not applicable to this report.

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APPENDICES:

Appendix A - Public Comments from June 15, 2017 Meeting

Appendix B - Bubble Diagram

Appendix C - Draft Concept Plan

Appendix D - Public Comments from Process

Prepared by:

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Senior Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP

Manager

Current Planning – West District

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Mark H. Simeoni, MCIP, RPP

Director, Planning Services