



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 04, 2017

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**FROM:** Planning Services Department

**DATE:** November 13, 2017

**SUBJECT:** Recommendation Report - Town-initiated Official Plan  
Amendment: Kerr Village Growth Area Review (Livable Oakville)  
- File No. 42.15.55 - By-law 2017-119

**LOCATION:** Kerr Village Growth Area

**WARD:** 2

Page 1

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### RECOMMENDATION:

1. That the town-initiated official plan amendment No.19 (Kerr Village Growth Area, File: 42.15.55) be approved;
2. That By-law 2017-119, a by-law to adopt an amendment to the Livable Oakville Plan be passed; and
3. That notice of Council's decision reflect that comments received from the public have been appropriately addressed.

### KEY FACTS:

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

- The Official Plan Review was launched at a Special Public Meeting of Planning and Development Council on May 11, 2015. The Kerr Village Growth Area Review, which forms part of the Official Plan Review, was identified.
- The Kerr Village Growth Area Review commenced on May 26, 2015 with a public open house. Since that time, numerous public input opportunities including open houses, stakeholder meetings and information sessions were provided.

From: Planning Services Department  
Date: November 13, 2017  
Subject: Recommendation Report - Town-initiated Official Plan Amendment: Kerr Village Growth Area Review (Livable Oakville) - File No. 42.15.55 - By-law 2017-119 – By-law 2017-119

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- Three staff reports were provided to the Livable Oakville Council Subcommittee over the course of the review, providing project updates and advancing policy development.
- A proposed town-initiated official plan amendment was presented at a statutory public meeting of Planning and Development Council on October 11, 2017 to solicit public comments.
- As a result of these comments and further investigations by staff, this report brings forward a recommended town-initiated official plan amendment (OPA No.19) for Council's consideration and approval.

### **BACKGROUND:**

Livable Oakville is the town's official plan for the lands south of Dundas Street and north of Highway 407. It provides land use designations and policies to guide development to the year 2031. The Plan was adopted by Council in June 2009 and approved by Halton Region in November 2009, with modifications, as it was deemed to conform to the 2006 Growth Plan and the Region's Official Plan, as amended, and to be consistent with the 2005 Provincial Policy Statement. A number of parties appealed the Region's decision to the Ontario Municipal Board. The Board subsequently adjudicated the majority of the appeals and approved the Plan, with further modifications, in May 2011.

The Livable Oakville Plan was the result of a comprehensive planning exercise that involved extensive public consultation, numerous background and technical studies, and policy development. The policies for Kerr Village were developed through *The Plan for Kerr Village* process, one of six major studies that formed part of the Official Plan Review work program. The study included an extensive public engagement and technical review process which led to the policies that guide growth and development in Kerr Village today.

On February 10, 2014, Planning and Development Council received a staff report entitled "Long Range Planning Work Program" which signaled the commencement of the next five-year Official Plan Review. The report identified that the policies guiding growth and change in Kerr Village were to be reviewed.

On May 11, 2015, the five-year Official Plan Review was launched at Planning and Development Council. The Kerr Village Growth Area Review was identified as a project to commence that would be coordinated with the other main street growth area reviews.

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## **Kerr Village Growth Area Review**

The purpose of the Kerr Village Growth Area Review, established at the outset of the study process, was to assess the Kerr Village policies in the Livable Oakville Plan and consider new or revised policies, as necessary, to ensure the goals and objectives for Kerr Village continue to be realized.

### **Chronology**

An extensive work program, including public consultation and technical review, was undertaken as part of the Kerr Village Growth Area Review. Public input and consultation formed a foundational element to the study process. Key project milestones included the following:

- May 26, 2015 – The Kerr Village Growth Area Review commenced at a public open house to solicit the views of the public on how to make Kerr Village an even better place.
- November 19, 2015 – A public open house was held to solicit public feedback on draft policy directions prepared by staff.
- [June 13, 2016 – A Livable Oakville Council Subcommittee](#) (Subcommittee) meeting was held to report on work completed to date, public feedback received, next steps, and provide the Subcommittee with an opportunity for discussion.
- [October 3, 2016 – A Subcommittee](#) meeting was held to present the “Assessment of Redevelopment Viability within the Town of Oakville’s Main Street Growth Areas”, prepared by N. Barry Lyon Consultants Limited, retained by the town in May 2016, which investigated the viability of existing and emerging land use policies for the town’s main street areas and provided background information to inform policy development.
- [January 16, 2017 – A Subcommittee](#) meeting was held to present draft policy changes for discussion with the Subcommittee and proceed to further consultation with the public.
- March 9, 2017 – Two public information sessions were held to present the draft policy changes and solicit input from the public.
- [June 12, 2017 – A Subcommittee](#) meeting was held to report back on public feedback and comments received, next steps, and provide the Subcommittee with an opportunity for discussion.

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- [October 11, 2017 – Planning and Development Council](#) hosted a statutory public meeting under the *Planning Act* to solicit the views of the public regarding a proposed town-initiated official plan amendment for the Kerr Village Growth Area.

Hyperlinks to the agendas which brought forward the staff reports and related consultation materials for the Kerr Village Growth Area Review are provided above for reference purposes.

### **Policy and Plans Review**

Since the Livable Oakville Plan came into effect in 2011, a number of new Provincial plans have come into effect which municipal plans must be consistent with or conform to. Most recently, the new Growth Plan for the Greater Golden Horseshoe (2017) and the Greenbelt Plan (2017) have come into effect.

As part of the recommended official plan amendment attached to this report, the updated Provincial plans have been considered and the policies for Kerr Village updated where possible to bring it into further alignment. The Kerr Village Growth Area Review is one of many studies which, over the duration of the broader Official Plan Review process, is working toward full consistency and conformity. A conformity exercise is anticipated at the end of the Official Plan Review process, in coordination with the Halton Region Official Plan Review. Further policy updates may be required once Halton Region has completed their municipal comprehensive review to ensure full consistency and conformity with Provincial and Regional plans.

### **COMMENT/OPTIONS:**

Public consultation formed a foundational component of the review and included two public open houses, two public information sessions, and several stakeholder meetings. Town staff have presented all input received from the public at four Livable Oakville Council Subcommittee meetings over the course of the review process. This led to the development of a proposed Official Plan Amendment which was presented at a statutory public meeting of Planning and Development Council for public comment on October 11, 2017.

Comments received through the statutory public meeting process are attached as Appendix A. Staff reponse to comments received on the proposed official plan amendment, including oral delegations, are provided below. Staff note that some comments received were broad in nature and do not directly impact official plan land use policy considerations.

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Subject: Recommendation Report - Town-initiated Official Plan Amendment: Kerr Village Growth Area Review (Livable Oakville) - File No. 42.15.55 - By-law 2017-119 – By-law 2017-119

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## **Response to Comments Received**

1. Comments were received from property owners in the northwest corner of Kerr Street and Speers Road. Comments received expressed concern about a new exception policy which states that “as part of any *development* approval, *development* and redevelopment shall be based on a comprehensive development plan which demonstrates the potential full build out of the lands.”

The written submission identifies that this area is owned by four property owners, and as such they are opposed to the proposed policy requiring that a “fully integrated and comprehensive redevelopment plan for the entire site” is required. They are of the opinion that this requirement will erode and devalue any redevelopment potential and cause financial hardship. The comments note that for one or more of these owners to develop their own property either jointly with others, or individually will have additional burdens of hardship placed upon them.

Staff note that in an effort to improve opportunities for comprehensive redevelopment, the OPA proposes to consolidate the northwest quadrant of Kerr Street and Speers Road into one land use designation - “Urban Core”. This change provides additional development opportunity on the site than what is currently enjoyed today.

The Urban Core designation permits 8-12 storey buildings with a bonusing overlay which considers an additional four storeys to a maximum of 16 storeys. The intention of this policy change is to simplify the land use direction for the entire block and provide for additional development opportunity within the Upper Kerr Village District.

Given that this quadrant has several property parcels under different ownership, this policy has been put forward to ensure that as development applications are received by the town requesting to redevelopment individual properties, staff can ensure a development application received and processed first would not preclude the appropriate development of adjacent parcels. This policy is not intended to prohibit individual properties from developing at separate times, so long as it can be demonstrated that doing so would not preclude the long term development of adjacent parcels within the quadrant.

A comprehensive development plan will also ensure that the necessary road improvements anticipated in this area are also considered in the context of any proposed redevelopment.

From: Planning Services Department

Date: November 13, 2017

Subject: **Recommendation Report - Town-initiated Official Plan Amendment: Kerr Village Growth Area Review (Livable Oakville) - File No. 42.15.55 - By-law 2017-119 – By-law 2017-119**

2. A comment sought opportunities for streetscape enhancement areas along Lakeshore Road, similar to areas identified as “Streetscape Enhancement Areas” on the new urban design schedule.

Staff note that within the recommended official plan amendment, Lakeshore Road is identified a “primary street”. Primary streets are to provide for pedestrian-oriented streetscapes through the use of wide sidewalks, landscaping and furnishings. Staff note that although not specifically identified as a “streetscape enhancement area,” it does not preclude opportunities for streetscape enhancements. In fact, primary streets are to be given the highest attention to detail given they are the main focus area for redevelopment and revitalization. Staff note that this approach is in tandem with the recommendation for Lakeshore Road within Downtown Oakville, which will see substantial transformation in the near-term.

3. A comment was received asking staff to consider the potential for bonusing on 79 Wilson Street.

Staff note that this area is located within an identified transition area located between Lakeshore Road and the properties designated Low Density Residential on the north side of Burnet Street. The existing policies in the official plan for this area are not proposed to change. This area has an established framework to ensure an appropriate treatment within the transition area, including:

- contributing to a sensitive transition from the lands to the north of the transition zone with those to the south;
- being compatible with adjacent, existing development with respect to scale, form and character; and,
- being sensitive to neighbouring heights, massing, setbacks from the street, distance between buildings, architectural form, colour and materials.

4. A comment from council noted that reference to the words “growth target” should be removed as it applies to the Kerr Village context.

Staff note that the recommended official plan amendment has removed the words “growth target” and replace it with “minimum density” which is in keeping with the language of the Provincial Growth Plan. The minimum density, to be determined in coordination with the Region of Halton,

5. A comment was received in regard to the privately initiated site plan application located as 67 Lakeshore Road West, File No. 1615.040/02. Staff note that comments with regard to site specific development applications are to be

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addressed through the application process. Staff note that the site plan application in question did not require an amendment to the official plan.

In addition to the formal written comments and oral delegations provided through the statutory public meeting process, staff continued dialogue with interested parties.

### **Revisions to the Official Plan Amendment to the Livable Oakville Plan**

As a result of comments received and further consideration by staff, the recommended official plan amendment to the Livable Oakville Plan is revised from that presented at the October 11, 2017 statutory public meeting, as follows:

1. Policy 23.4.2 (as renumbered by the recommended OPA) has been further modified to remove the words “Growth Target” in the heading, and replaced with “Minimum Density”.
2. A new policy has been added given discussions with property owners and the Kerr Village BIA who have pointed to several small offices and service commercial uses within converted detached dwellings located on side streets. These businesses and commercial uses contribute to the overall business mix, and support the established mixed use main street vision for Kerr Village. In response, a new policy has been introduced into the recommended official plan amendment which states:  
  
“On lands north of Lakeshore Road, offices and limited commercial uses which do not generate major traffic and noise may also be permitted as stand-alone uses within existing detached dwellings.”
3. The mapping changes to Schedule A1 – Urban Structure, have been added which reflect the proposed modifications to the Kerr Village Growth Area boundary.
4. The land use policies have been edited to note that “limited” office uses are permitted on the ground floor facing the primary streets within mixed use developments, which reflects existing zoning regulations.
5. Housekeeping edits to reflect punctuation, grammatical errors, and remove redundant policy have been included.

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Subject: Recommendation Report - Town-initiated Official Plan Amendment: Kerr Village Growth Area Review (Livable Oakville) - File No. 42.15.55 - By-law 2017-119 – By-law 2017-119

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## **Overview of the Recommended Official Plan Amendment**

The recommended official plan amendment to the Livable Oakville Plan would result in changes to the Livable Oakville Plan Section 23 (Kerr Village), Section 27.2 (South East Exceptions – Schedule G), Schedule A1 (Urban Structure), Schedule O (Kerr Village Land Use), and Schedule G (South East Land Use). It would also introduce a new urban design schedule. The effect of the change would modify the text and schedules of the Livable Oakville Plan to:

- update the description and development concept to clarify intent and to reflect various policy changes throughout;
- update the policy language for expressing growth targets as a minimum planned density to be determined as part of future conformity matters;
- introduce new and revised urban design policies to enhance existing objectives; introduce a new urban design schedule to illustrate urban design elements including: primary streets, secondary streets, enhanced streetscape areas, urban squares, and gateways;
- designate the northwest corner of Kerr Street and Speers Road entirely Urban Core to facilitate comprehensive redevelopment;
- introduce bonusing permissions to the Main Street 1 designations within the Kerr Village Main Street District;
- permit stand-alone residential uses in certain contexts within the Main Street 1 and Main Street 2 designations;
- permit stand-alone office uses and limited commercial uses within existing detached dwellings north of Lakeshore Road;
- extend the Kerr Village Growth Area boundary in the Lower Kerr Village District to Dorval Drive in the west and Sixteen Mile Creek in the east;
- introduce the Greenbelt Urban River Valley to the lands subject to the new Greenbelt Plan (2017);
- update the Kerr Village Land Use Schedule and South East Land Use Schedule accordingly; and,
- housekeeping amendments to enhance clarity and intent of the Kerr Village Growth Area policies.

A detailed description and rationale of the changes considered as part of the recommended official plan amendment are outlined in the staff report titled “Public Meeting Report - Town-initiated Official Plan Amendment: Kerr Village Growth Area Review (Livable Oakville) – File No. 42.15.55” which was received at a statutory public meeting of Planning and Development Council held on October 11, 2017.



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## **Coordination and Timing**

By-law 2017-119, which brings forward the recommended town-initiated official plan amendment for Kerr Village (OPA 19), considers the status of the Urban Structure Official Plan Amendment (OPA 15), adopted by Council on September 26, 2017 through By-law 2017-079. Given Halton Region is the approval authority for OPA 15, By-law 2017-119 gives direction for Halton Region to modify the adopted Schedule A1, as attached to By-law 2017-079, in accordance with OPA 19, as part of Halton Region's approval of By-law 2017-079.

## **CONCLUSIONS:**

The Kerr Village Growth Area Review, which forms part of the town's broader Official Plan Review, is a town-initiated and comprehensive review of the policies that guide future development in Kerr Village. Public consultation has formed a foundational element of this review. As part of the review which began in May 2015, town staff have hosted two public open houses, two public information sessions, and have attended and hosted several stakeholder meetings. Staff have presented all input received from the public at four Livable Oakville Council Subcommittee meetings.

A statutory public meeting was held on October 11, 2017 to solicit public comments on the proposed official plan amendment. A response to public comments received are provided in this report.

This report presents Planning and Development Council with a recommended town-initiated official plan amendment to the Livable Oakville Plan, which would, if approved, update the policies and mapping related to the Kerr Village Growth Area. For convenience purposes, a mark-up version showing the effect of the recommended official plan amendment is provided in Appendix B.

In coordination with the recommended official plan amendment for the Kerr Village Growth Area, urban design direction for Kerr Village is being prepared for inclusion in the Livable by Design – Urban Design Manual. The design direction for Kerr Village will be presented under a separate staff report for council endorsement.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice of the statutory public meeting was published in the Oakville Beaver September 14, 2017, mailed to property owners within the Kerr Village Growth Area, emailed to the required agencies, as well as in an e-blast to the Official Plan Review email list. The proposed official plan amendment

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was made available for review on the town’s webpage and in the Planning Services department by September 20, 2017, being 20 days before the statutory public meeting. The proposed official plan amendment was presented at a statutory public meeting October 11, 2017.

Notice of the recommendation meeting was provided to properties within the study area and within 120 metres of the study area, persons who made an oral or written submission to Council, or requested to be notified as part of the statutory public meeting process, and to the required agencies. The recommended official plan amendment was made available for review on the town’s webpage and in the Planning Services department by November 14, being 20 days before the recommendation meeting.

**(B) FINANCIAL**

No financial implications arise from this report.

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

The recommended official plan amendment puts in place the growth and development vision, land use policies and permissions for the Kerr Village Growth Area which is to be upheld by all town departments when making growth and development related decision in Kerr Village.

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

This report addresses the corporate strategic goal to:

- enhance our natural environment
- enhance our economic environment
- enhance our cultural environment
- enhance our social environment
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The official plan amendment for the Kerr Village Growth Area incorporates the four pillars of sustainability – social, economic, environment and cultural.

**APPENDICES:**

- Appendix A – Public Comments Received (Statutory Public Meeting)
- Appendix B – Mark-up of Effect of Official Plan Amendment

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