

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

FROM: Planning Services Department

DATE: April 18, 2019

SUBJECT: Public Meeting Report, 320 Bronte Road Inc., Proposed Official Plan and Zoning Amendment, Draft Plan of Subdivision and Draft Plan of Common Element Condominium, 320 - 350 Bronte Road, File No.'s: Z.1631.01, OPA 1631.01, 24T-19001/1631, 24CDM-19001/1631

LOCATION: 320 - 350 Bronte Road

WARD: 1

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RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services department dated April 18, 2019, be received.
2. That comments from the public with respect to the proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Common Element Condominium application for 320 - 350 Bronte Road (File No.'s: Z.1631.01, OPA 1631.01, 24T-19001/1631, 24CDM-19001/1631), be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

320 Bronte Road Inc. seeks approval for a 30-unit residential development. The proposed development consists of 28 new multiple-attached residential dwellings and one new single detached dwelling at 762 square metres (8,211 ft²). The applicant also proposes to change the existing day care facility to a residential detached dwelling and add an addition. Portions of the property related to Bronte Creek valley are proposed to be dedicated to the Town of Oakville for incorporation into the Town of Oakville's natural heritage system.

Specifically, the applicant's proposed Official Plan Amendment is as follows:

From: Planning Services Department

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1. Redesignate a portion of the subject property from 'Low Density Residential' to 'Medium Density Residential'; To permit a single detached dwelling built form within the Residential Medium Density designation; and to permit an overall density of 26 units per a net hectare;
2. Redesignate the rear portion of the subject property from 'Low Density Residential' to 'Natural Area'; and, include land use permissions for a single detached dwelling within an existing structure that is located within the Natural Area designation. This amendment reflects a change in use of the existing day care building to a residential detached dwelling, but does not reflect the proposed addition.

Staff disagree with the characterization of the rear portion of the property as being designated as *Low Density Residential*. It is mapped as *Parkway Belt* in the Livable Oakville Plan. Although as discussed later in this report, the lands are not subject to the province's Parkway Belt West Plan, the designation in the Town's Official Plan still applies.

The following are the applicant's proposed site specific Zoning By-law amendments:

1. "Rezone portions of the site zoned Residential Low 2 (RL2-0) to Residential Medium 1 (RM1);
2. Rezone portions of the site zoned Community Use (CU) to Residential Medium (RM1);
3. Rezone portions of the site zoned Community Use (CU) and Residential Low (RL2-0) to Natural Area (N); and,
4. Permit a maximum building height of 13.5 metres when measured from a datum of 91.32m ASL".

Similar to the proposed Official Plan Amendment, the applicant's zoning by-law amendment does not reflect the existing Parkway Belt Public Use Zone (PB1).

In addition, a draft plan of subdivision and draft plan of Common Element Condominium have been submitted.

The application was submitted on March 8, 2019 and the *Planning Act* timeframe to review is 210 days (October 4, 2019), given the joint Official Plan Amendment/Zoning By-law Amendment. The draft plan of subdivision application is subject to a timeframe of 180 days.

The subject lands are designated in the Livable Oakville Plan as follows:

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- *Low Density Residential* by the Livable Oakville Plan, which permits *detached dwellings, semi-detached dwellings and duplexes* to a maximum density of 29 units per site hectare; and,
- *Parkway Belt*, which refers back to the *Parkway Belt West Plan*, 1978 (PBWP). Staff notes that despite the application of the PBWP policies by reference through the town's designation/text, the Parkway Belt West Plan itself doesn't apply to these lands.

In addition, Schedule B, Natural Features and Hazard Lands identifies a portion of the site as *Valleylands* including top of banks setbacks/buffers, *Area of Natural and Scientific Interest (ANSI)*, *Environmentally Sensitive Area* and *Woodlands*.

Staff consider the existing designations and existing zoning to be consistent with the PPS with the possible exception of the Parkway Belt designation and zoning as they would permit additional development to occur on the site in accordance with the town's established urban structure, while still providing direction to the protection for the natural heritage system.

Staff consider the existing designations and existing zoning to conform to or not conflict with the Growth Plan with the possible exception of the Parkway Belt designation and zoning as they aid in developing complete communities, continues to support transit services, aid in supporting the achievement of minimum intensification targets and also provides for the protection of the natural heritage system.

Although the Parkway Belt West Plan does not apply to the lands, it would also not prevent the lands from being designated in a manner that applied the policies by reference.

BACKGROUND:

Proposal

The proposal, as submitted, relates to the redevelopment of 320 - 350 Bronte Road for 30 residential units as follows:

- 28 new townhouses units;
- one new detached dwelling, 8,211 square feet in size, fronting onto Bronte Road, immediately south of the entrance to Petro Canada Park; and,
- the conversion of the existing day care building to residential and a proposed addition onto the building.

The Official Plan Amendment, as submitted, proposes the following:

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Date: April 18, 2019

Subject: **Public Meeting Report, 320 Bronte Road Inc., Proposed Official Plan and Zoning Amendment, Draft Plan of Subdivision and Draft Plan of Common Element Condominium, 320 - 350 Bronte Road, File No.'s: Z.1631.01, OPA 1631.01, 24T-19001/1631, 24CDM-19001/1631**

1. Redesignate a portion of the subject property from 'Low Density Residential' to 'Medium Density Residential; To permit a single detached dwelling built form within the Residential Medium Density designation; and to permit an overall density of 26 units per a net hectare;
2. Redesignate the rear portion of the subject property from 'Low Density Residential' to 'Natural Area'; and, include land use permissions for a single detached dwelling within an existing structure that is located within the Natural Area designation. This amendment reflects a change in use of the existing day care building to a residential detached dwelling.

It should be noted that the applicant considers the entire property as being designated as *Low Density Residential* due to an anomaly with the *Parkway Belt* designation/text and Parkway Belt West Plan. This is discussed further below.

The site specific Zoning Amendment, as submitted, proposes the following:

1. "Rezone portions of the site zoned Residential Low 2 (RL2-0) to Residential Medium 1 (RM1);
2. Rezone portions of the site zoned Community Use (CU) to Residential Medium (RM1);
3. Rezone portions of the site zoned Community Use (CU) and Residential Low (RL2-0) to Natural Area (N); and,
4. Permit a maximum building height of 13.5 metres when measured from a datum of 91.32m ASL".

The draft plan of subdivision creates the various blocks and the draft plan of Common Element Condominium establishes the tenure and obligations associated with the lane, sidewalks, parking area and associated landscape areas.

The blocks will subsequently be subdivided into individual lots through the Part Lot Control process. Vehicular access to the units would be from Bronte Road via the proposed lanes.

A portion of the Bronte Creek valley is proposed to be conveyed to the town.

The site plan, Figure 1 below, as submitted and dated Revision 2 January 31, 2019, illustrates the proposed development concept for the site.

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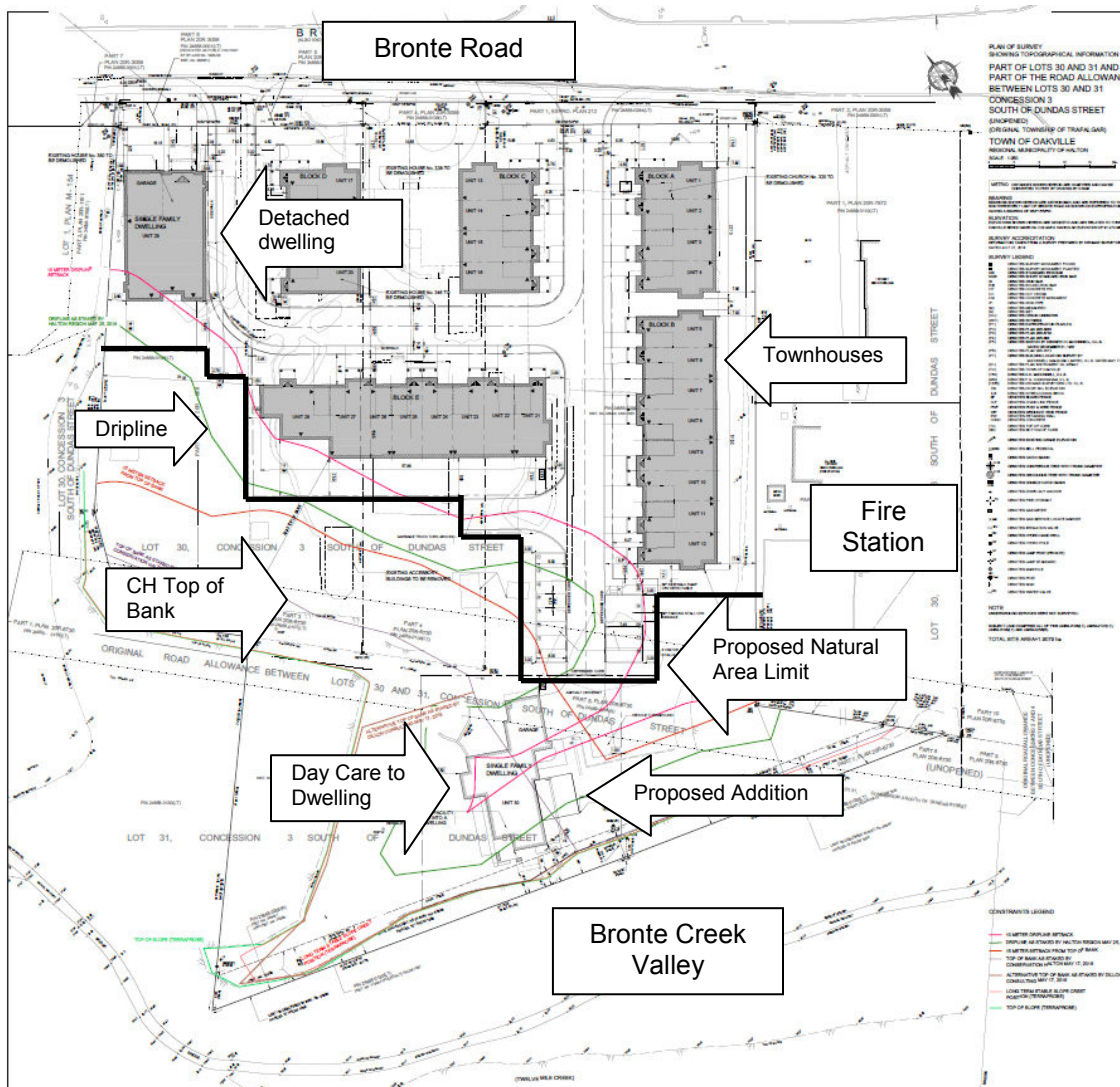


Figure 1 – Site Plan NTS

A number of environmental constraint limits are identified, which must still be confirmed by Halton Region, Conservation Halton and Town of Oakville.

- Top of slope as defined by Terraprobe;
- Long term stable slope crest position by Terraprobe;
- Alternative top of bank as staked by Dillon Consulting May 17, 2018;
- Top of bank as staked by Conservation Halton May 17, 2018;
- 15 metre setback from top of bank;
- Dripline as staked by Halton Region May 25, 2018; and,
- 10 metre dripline setback.

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Based upon the policies with the Livable Oakville Plan (Section 16) and as evidenced by past planning practices through the town's development process, the proposed *Natural Area* designation would correspond to the most restrictive defined limit, being the 10 metre dripline setback, once confirmed.

The following features are contained within the 10 m dripline setback:

- Portion of the 762 square metre (8,211 ft²) dwelling and its associated rear yard amenity area;
- A portion of the side and rear yard areas for Block E (centrally located townhouse block)
- The garbage truck turn around area;
- The visitor's parking (12 spaces);
- A portion of the front yard for Block B, Unit 12;
- The existing day care, its access and playground area; and,
- The proposed addition onto the day care building being proposed for conversion to a detached dwelling.

As per the applicant's OP and Zoning amendments, the proposed limit of the Natural Area is generally identified by the solid black line on Figure 1 above. The limit as proposed by the applicant is defined by the proposed development, instead of being defined by the supporting studies as required by the policies of the Livable Oakville Plan. As noted above, these limits are yet to be confirmed.

The applicant's Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Common Element Condominium can be found in Appendices A1 to A4 to this report.

Application submission material can be found on the town's website site at <https://www.oakville.ca/business/da-32666.html>.

Location & Site Description

The subject lands are located on the west side of Bronte Road, north of Rebecca Street. The total site is 1.9 ha (4.7 acres) in size including valley lands with 126.3 metres of frontage on Bronte Road. A church, day care and three detached dwellings exist on the site.

Surrounding Land Uses

The surrounding land uses are as follows:

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West: Bronte Creek valley;
 North: Petro Canada Park, access to Petro Canada Park and detached dwellings;
 East: detached dwellings; and,
 South: town fire station, Oakville Hydro facility.

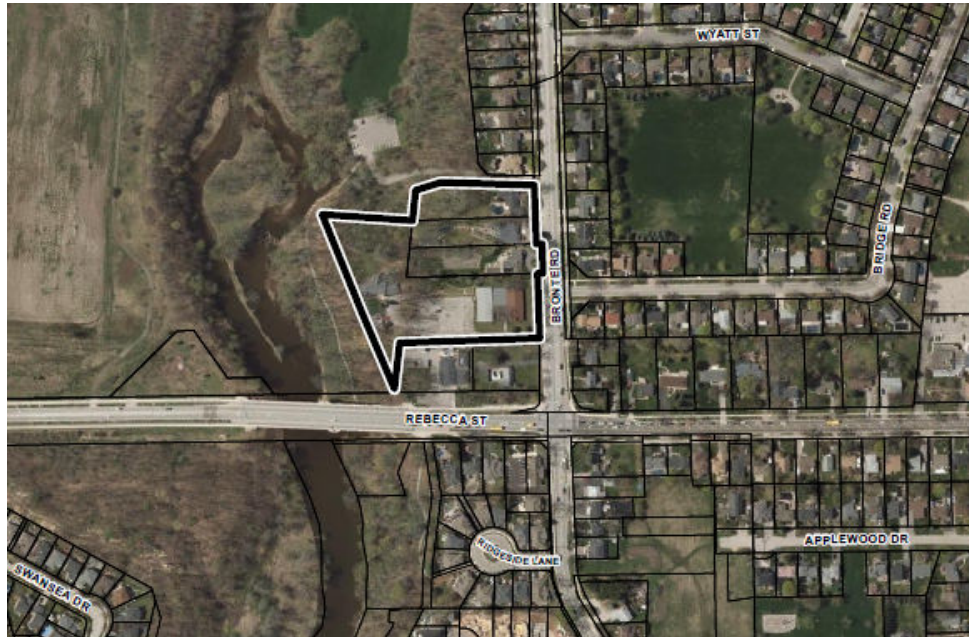
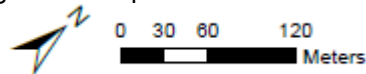


Figure 2 – Airphoto and Area Context



Timing

The application was received on March 8, 2019 and deemed complete on March 19, 2019.

A pre-consultation meeting was held on August 8, 2018. The purpose of the pre-consultation meeting was to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.

An applicant-initiated Open House was held on December 12, 2018 and was attended by approximately 60 members of the public. The concern(s) raised at this Open House, as outlined within the Public Consultation Strategy report dated January 2019, were:

- impacts on traffic volumes and flows;
- overflow of visitors parking onto neighbouring streets;

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- amount of visitors parking and the adequacy of the number of parking spaces;
- community character and compatibility with the existing character;
- existing and limited internet capacity;
- timing of construction and timing of construction of Wyecroft Road bridge;
- signalization of driveway entrances;
- proposed density and intensity; and,
- proposed three storey height.

PLANNING POLICY & ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2014);
- Growth Plan for the Greater Golden Horseshoe (2017);
- Halton Region Official Plan;
- *Livable Oakville* Plan; and,
- Zoning By-law 2014-014

Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) ('PPS') 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, promoting a compact development form, and the long term protection of natural features.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Staff consider the existing designations and existing zoning to be consistent with the PPS with the possible exception of the Parkway Belt designation and zoning as they would permit additional development to occur on the site in accordance with the town's established urban structure as confirmed within the town's OPA 15, while still providing direction to the protection for the natural heritage system.

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Growth Plan (2017)

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Built-up Area."

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

Staff consider the existing designations and existing zoning to conform to or not conflict with the Growth Plan with the possible exception of the Parkway Belt designation and zoning as they aid in developing complete communities, continues to support transit services, aid in supporting the achievement of minimum intensification targets and also provides for the protection of the natural heritage system.

Parkway Belt West Plan (1978)

The PBWP was implemented in 1978 to create a multi-purpose utility corridor, urban separators and linked open space systems. As noted above, despite the designation under the Livable Oakville Plan, it does not apply to these lands. As a result, it is silent on the application other than to the extent the Livable Oakville Plan incorporates the policies of the PBWP by reference. Staff continues to assess the impact of the anomaly on current policies and acknowledge that the *Natural Area* designation may be a more appropriate designation.

Halton Region Official Plan

The subject lands are designated "Urban Area" and included in the "Employment Area" overlay in the Halton Region Plan. Lands within the "Urban Area" are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Comments from Halton Region has not been received to date.

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Livable Oakville Plan

Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community.

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town and identifies the site as Residential Areas and Parkway Belt. This is also reflected in Section 3, Urban Structure, of the Livable Oakville Plan.

Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15. Official Plan Amendment 15, while not presently in force, represents emerging policy.

Schedule A1 of OPA 15 reflects the Residential Area, Parkway Belt and Natural Heritage System elements as part of the Urban Structure. While the site is not within a defined node or corridor, OPA 15 reinforced that some growth or change may occur in the residential area, provided the character of the area is preserved and the overall urban structure is upheld.

Land Use Policies

The key focus for development and redevelopment to accommodate intensification is within the defined Growth Area. The subject lands are located in a stable residential community as defined by Section 4.3 of the Livable Oakville Plan. While Section 4.3 encourages intensification generally thorough the built up area, it emphasizes that growth and change may occur provided the "character of the areas is preserved and overall urban structure of the Town is upheld".

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 a land division process may be considered appropriate intensification site, 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

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uses. Intensification related to Section 11.1.8 (b) may occur with Low Density Residential uses in accordance with Section 11.1.9 and other applicable policies. Section 11.1.9 outlines a number of evaluative criteria for development within stable residential communities; all with the intent of maintaining and protecting the existing neighbourhood character.

Sections 4.3, 11.1.8 and 11.1.9 together with other Livable Oakville Policies can be found within Appendix B.

The subject lands are located are designated as “Low Density Residential” and “Parkway Belt” on Schedule F, South West Land Use, in the Livable Oakville Plan.

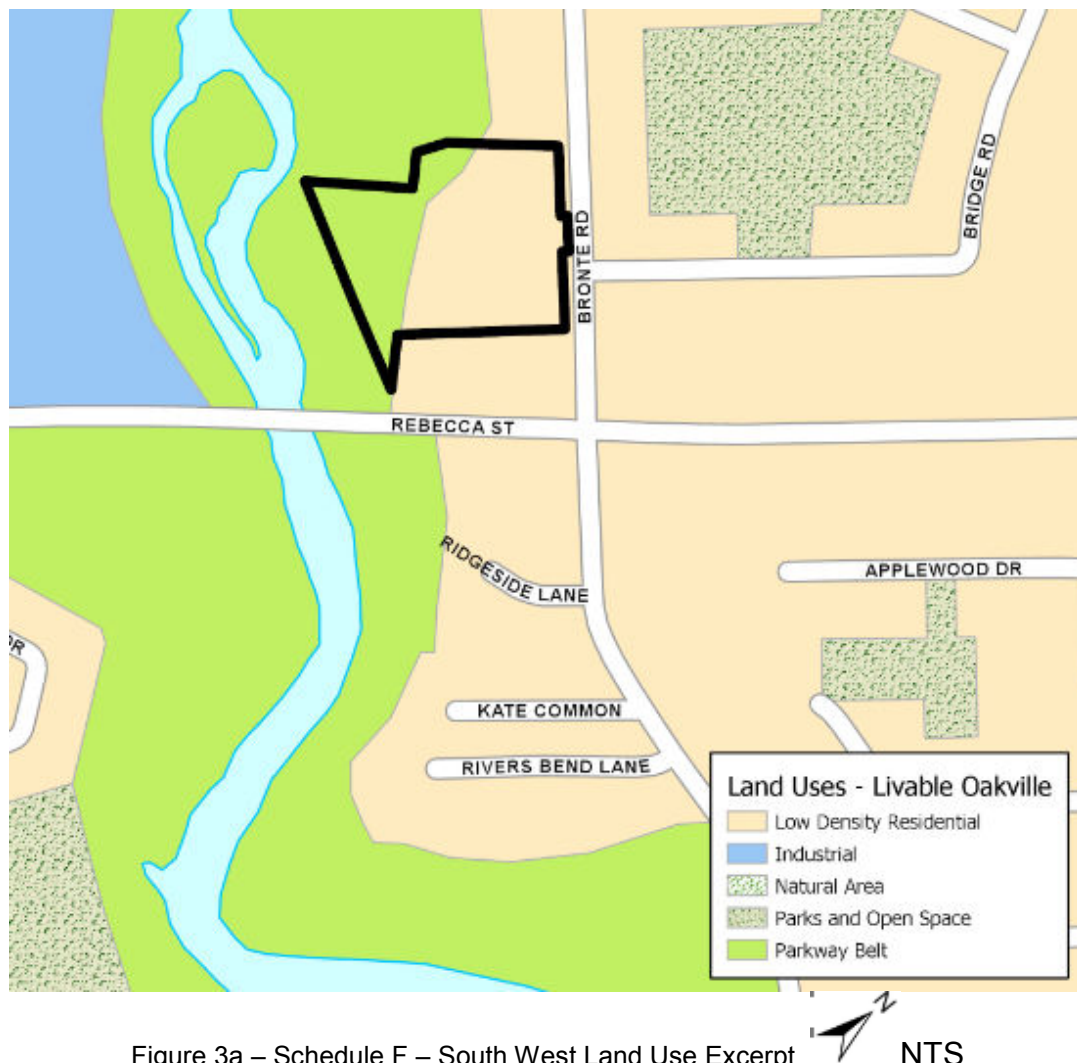


Figure 3a – Schedule F – South West Land Use Excerpt

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The *Low Density Residential* land use designation is intended to provide for low density housing types including detached dwelling units, semi-detached dwellings and duplexes with a density range up to 29 units per site hectare. This is reflected in Section 11.2 of the Livable Oakville Plan.

A portion of the property is designated as *Parkway Belt* (Section 19). Staff note an anomaly with this designation as the associated policies refer back to the 1978 Parkway Belt West Plan. In that 1978 document, the subject property is not captured in the PBWP mapping.

However, the following is an excerpt from Schedule B, Natural Features and Hazard Lands. As can be seen, a portion of the property is identified as having the following:

- Valleylands,
- Area of Natural and Scientific Interest (ANSI)
- Environmentally Sensitive Area; and,
- Woodlands

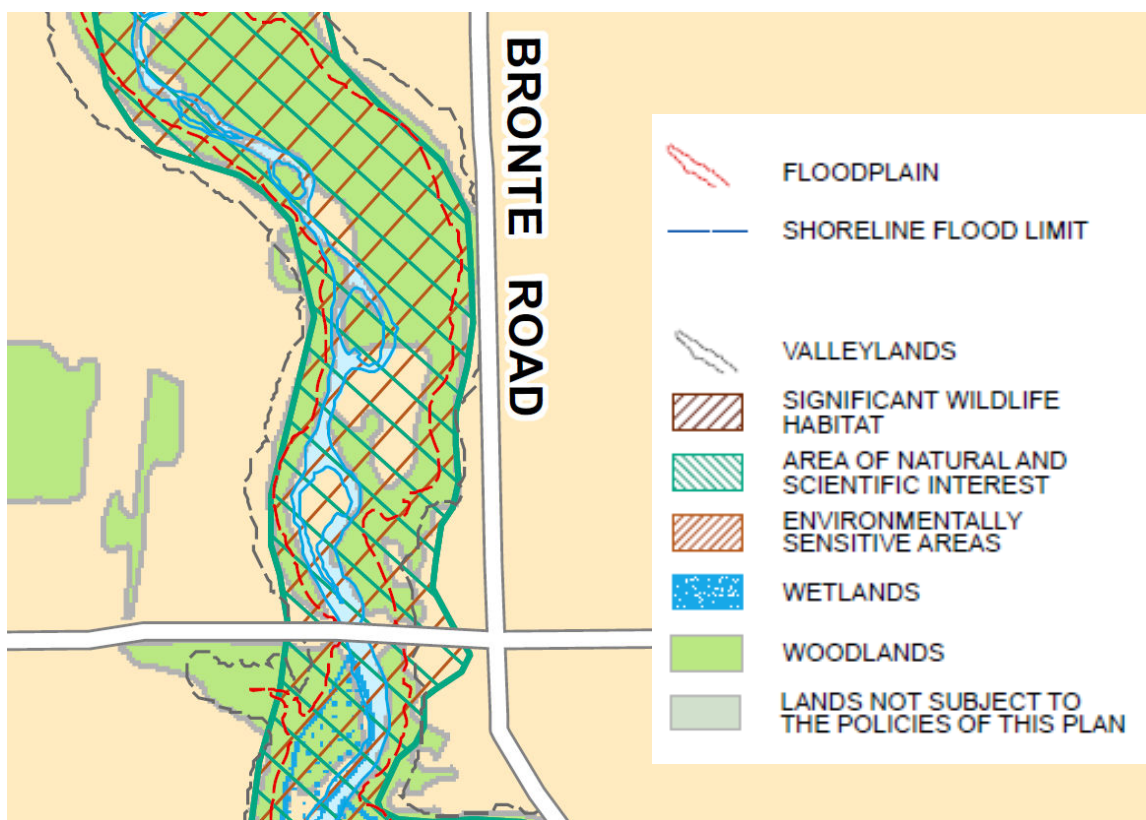


Figure 3b – Schedule B excerpt Scale NTS

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Any Official Plan Amendment reflecting the removal of the *Parkway Belt* designation must to consider Schedule B, as referenced above, and the *Natural Area* policies contained within Section 16 of the Livable Oakville Plan including Section 16.1.9 c) related to top of bank buffers, consistent with the town' objective of long-term preservation of natural features and their associated functions.

Zoning By-law (2014-014)

The subject lands are zoned Residential Low (RL2-0), Community Use (CU) and Parkway Belt Public Use (PB1).

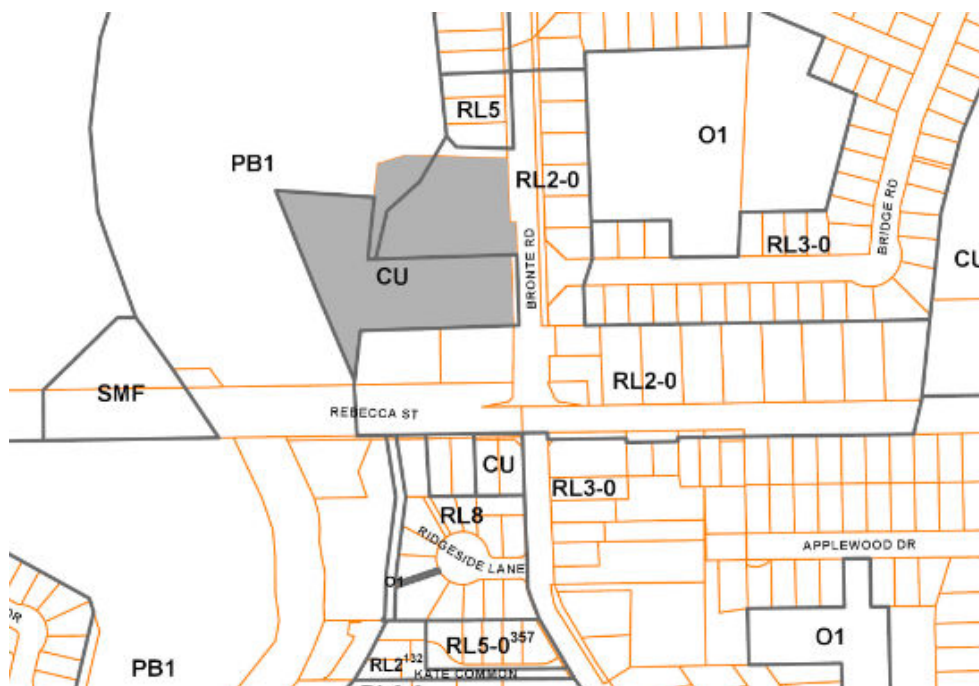
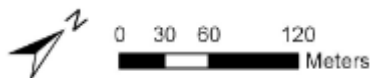


Figure 4 – Zoning By-law Excerpt



TECHNICAL & PUBLIC COMMENTS

The proponent has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town's website

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This included the following:

- Aerial;
- Arborist report;
- Archaeological Reports;
- Canopy Cover Plan;
- Character Impact Analysis;
- Draft Plan of Subdivision;
- Draft Plan of Condominium
- Environmental Impact Study;
- Erosion and Sediment Control Plan;
- Block A Floor Plans;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Report;
- Grading Plan;
- Hydrogeological Investigation;
- Phase One and Two Environmental Site Assessment;
- Planning Justification Report includes Draft OPA and Zoning By-law;
- Pedestrian Circulation Plan;
- Proposed Bronte Road Streetscape;
- Proposed Site Plan;
- Public Consultation Strategy Report;
- Servicing Plan;
- Transportation Impact Study;
- Survey; and,
- Urban Design Brief.

Issues Under Review / Matters to be Considered

The following reflects issues and matters to date for further review and consideration. Not all circulation comments have been received to date but will be considered in future recommendation report.

- Consistency with the Provincial Policy Statement, 2014 and conformity to the Growth Plan for the Greater Golden Horseshoe, 2017.

Within the applicant's Planning Justification Report, it is stated that the Existing *Low Density Residential* designation is in conflict with the PPS and Growth Plan as the permitted forms of development do not represent the most efficient forms of development, is considered overly restrictive and limits opportunities for a diverse range and mix of housing options.

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-
- Conformity to the Region of Halton Official Plan, including the Regional Natural Heritage System
 - Compliance with Conservation Halton's planning and regulatory policies
 - Conformity with various Livable Oakville policies including but not limited to the evaluative criteria (Sec 4.3, 11.1.8, 11.1.9) for residential intensification, urban structure, natural area identification including Schedule B feature, delineation, land conveyance policies, and the change of existing uses within the *Natural Area* designation to a new use.
 - Is the proposed change of the existing daycare to a residential use and the construction of an addition onto this building within the proposed *Natural Area* designation appropriate, considering the policies of Section 16, *Natural Area* of the Livable Oakville Plan outlined in Appendix B.
 - Various sections within the Livable Oakville Plan reflect the requirement of maintaining and protecting the existing neighbourhood character. What is the neighbourhood and what are its characteristics?
 - Does the introduction of a townhouse built form and a 762 square metre (8,211 ft²) detached dwelling maintain and protect the existing neighbourhood character?
 - Does the EIS dated February 2019 sufficiently address matters such as the delineation of the top of bank, existing and stable, tree driplines and their associated buffers/setbacks to the satisfaction of Halton Region and Conservation Halton and aid in the delineation of the *Natural Area* designation? In addition, this matter will aid in defining the actual developable area of the site and assist in determining the density.
 - Adequate justification to the use of a private road system, whereas Section 11.1.5 discourages the use of private roads.
 - Conformity with urban design policies on matters such as built forms, heights, transitions, compatibility with adjacent properties, interface with public realms and vehicular access as contained within Section 6 of the Livable Oakville Plan
 - Does the proposed zoning by-law amendment appropriately implement the vision of the Livable Oakville Plan?

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- The alignment of the proposed southerly driveway entrance does not align with the intersection of Bridge Road and Bronte Road. Is this acceptable from a transportation perspective? In addition, are the proposed access/egress movements to and from the site appropriate considering existing Bronte Road traffic conditions?
- In addition to the points/comments noted above, a number of comments were provided to the applicant at the applicant-initiated Open House on August 8, 2019. Staff will also consider these comments in analyzing the submitted application together with comments received at this Public Meeting.

CONSIDERATIONS:

(A) PUBLIC

An applicant-initiated Public Open House was held on December 12, 2018 and 60 members of the public attended the meeting. Staff were not in attendance. Discussion of the Public Open house held by the applicant is described earlier in the report within the Timing section.

Notice of this meeting was mailed out on April 17, 2019 and was placed on the sign.

Public comments received up to April 23, 2019 are contained within Appendix D.

(B) FINANCIAL

None associated with this report.

Development Charges and CIL of Parkland shall be determined and payable at the rates in effect at building permit issuance, net of eligible demolition credits.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The proposal has been circulated to the various agencies and departments for consideration. As such, the application remains in technical circulation.

(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

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CONCLUSION

Planning staff will continue to review and analyze the proposed applications and address all technical matters, if any, along with submitted public comments, and report to Council at a future meeting. No further notice is required; however, notice of any future public meetings will be provided to those who have made submissions.

APPENDICES:

- Appendix A1 - Applicant's Official Plan Amendment
- Appendix A2 - Applicant's Zoning By-law Amendment
- Appendix A3 - Applicant's Draft Plan of Subdivision
- Appendix A4 - Applicant's Draft Plan of Common Element Condominium
- Appendix B - Applicable Policies
- Appendix C - Public 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