

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 4, 2019

FROM: Planning Services Department

DATE: October 11, 2019

SUBJECT: Public Meeting Report, Silwell Developments Limited, Zoning By-law Amendment - Z.1414.11

LOCATION: Block 15 and Part of Block 4, Plan 20M-1032

WARD: 5

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RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated October 11, 2019, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Silwell Developments Limited (File No.: Z.1414.11) be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

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

- Silwell Developments Limited, the Owners of the subject lands, submitted a Zoning By-law Amendment application to facilitate the development of a twelve storey, mixed use apartment building containing 226 dwelling units, 1,089 square metres of retail space, an urban square and underground parking.
- An amendment to the existing zoning is required to permit the maximum height of twelve storeys that is permitted under Livable Oakville through the use of Bonusing Section 37 agreement, whereas the maximum height limit is eight storeys without bonusing.
- The subject lands are located within the Uptown Core Growth Area on vacant lands planned to accommodate intensification to meet prescribed provincial, regional and municipal targets.
- The application was submitted on June 28, 2019 and is subject to Bill 108. The 90 day timeline before an appeal could be filed expired on September

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26, 2019. It is anticipated that Council will have an opportunity to consider the staff recommendation report in December 2019 or early 2020.

- A Public Information Meeting was hosted by the applicant on March 13, 2019 and was attended by three people. No written submissions were submitted.

BACKGROUND:

The applicant has submitted a Zoning By-law Amendment application to facilitate the development of an eight to twelve storey, mixed use apartment building containing 226 dwelling units, 1,089 square metres of retail space, and an urban square fronting onto Oak Park Boulevard.

The proposal includes a mix of one, two and three bedroom units, as well as six townhome units integrated into the base of the podium. A total of 279 parking spaces are proposed for residential uses and 45 spaces for commercial uses within an underground parking garage.

The current zoning permits apartments, townhouses, commercial uses and mixed use buildings to a maximum height of eight storeys. The existing zoning by-law and Special Provision 38 were established through a settlement of a previous application and Ontario Municipal Board appeal that pre-dated the provisions within the Livable Oakville Plan that allow the potential for additional height through bonusing for the south end of the site as identified on Schedule M2: Uptown Core Building Heights. The ability to utilize bonusing provisions as intended in the Livable Oakville Plan is subject to any by-law being approved prior to the coming into force of the relevant sections of Bill 108 removing this authority.

A number of modifications to the zoning regulations incorporated into the previous by-law are also proposed which are required to recognize the proposed design and are discussed later in this report.

The proposal for the subject lands is part of a development concept the applicant has prepared for the entire block bounded by Oak Walk Drive, Oak Park Boulevard, Hays Boulevard and Millwood Drive, and is included as Appendix 'A'.

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Figure 1: Air Photo

Submission materials are available at the following link on the Town's website:
<https://www.oakville.ca/business/da-33836.html>.

The concept plan and proposed elevations, Figure 2 and Figure 3 below, as submitted, illustrate the proposed development concept for the subject lands. The proposed future development of the site in context with the larger development block to the west is included as Appendix 'A'.

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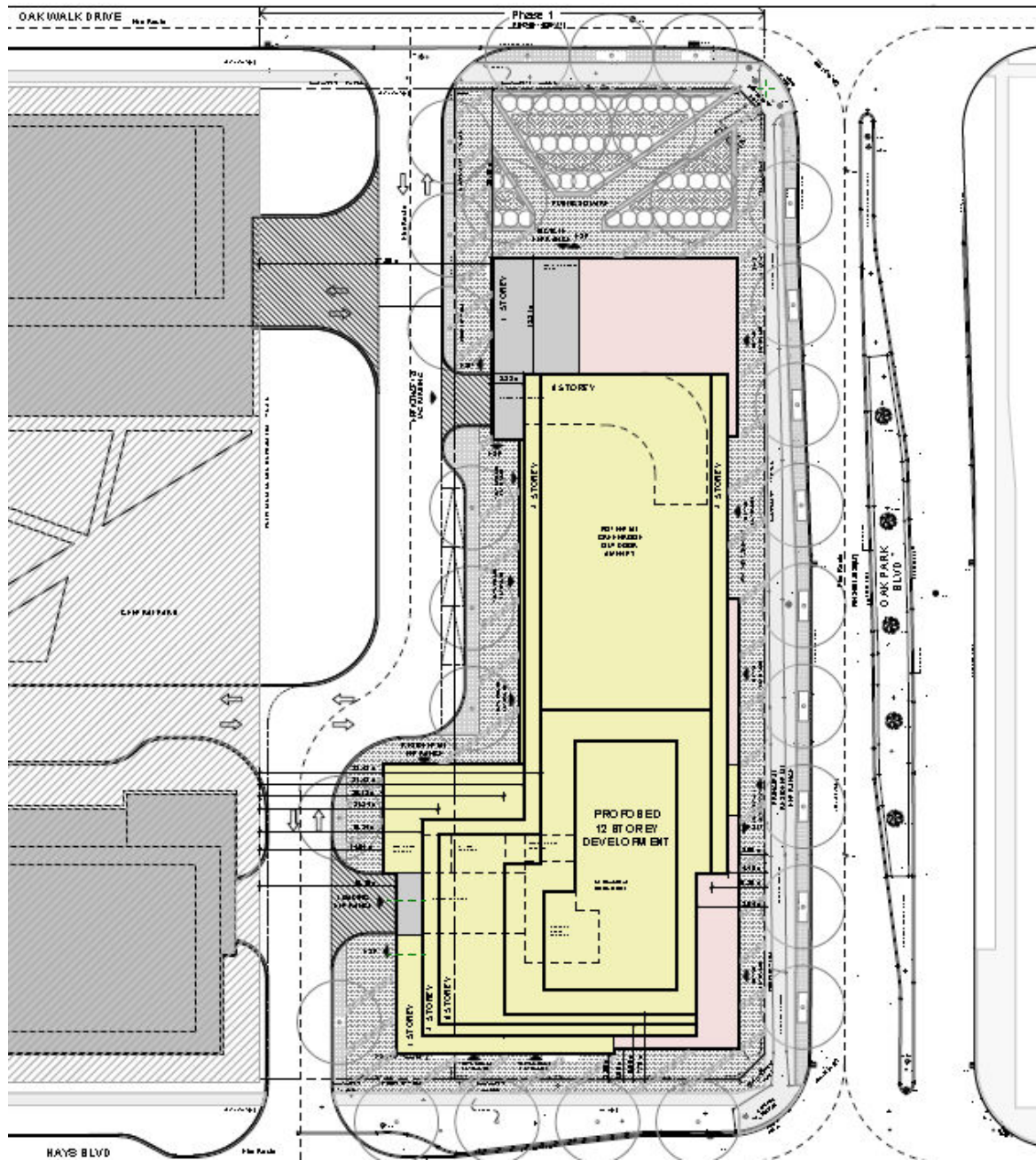


Figure 2: Concept Plan

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Figure 3: Proposed Elevation along Oak Park Boulevard

Location and Site Description

The subject lands are located in the Uptown Core Growth Area and have frontage on Oak Walk Drive, Oak Park Boulevard and Hays Boulevard. The legal description of the lands is Block 15, Part of Block 4, 20M-1032. A municipal address has not yet been assigned.

The subject lands are on the outer edge of the existing commercial and residential development consisting of large format retail/big box stores and a neighbourhood characterized by a mix of apartment buildings, townhomes, semi and single detached dwellings. There are multiple transit stops located adjacent and within close proximity to the site providing local as well as GO Transit service. The Uptown Core Transit Terminal is within a six-minute walk of the subject lands.

The site is approximately 0.71 hectares in size with 118 metres of frontage along Oak Park Boulevard and is currently vacant.

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Surrounding Land Uses

The surrounding land uses are as follows:

- North: Future mixed use development block with height permissions between six and twelve storeys and bonusing eligibility for an additional four storeys. There is an existing sales centre on the block.
- East: Oak Park Boulevard, and further east is a large single-storey commercial development, including existing big box stores
- South: Hays Boulevard, and further south is Trafalgar Memorial Park and further south is a residential neighbourhood consisting of a mix of mid-rise apartments, townhomes, semi-detached and single detached dwellings.
- West: Future mixed use development block with height permissions between six and twelve storeys and bonusing eligibility for an additional four storeys.

PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2014);
- 2019 Growth Plan for the Greater Golden Horseshoe (2007);
- 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.

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Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan (2019) 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 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, and expand convenient access to transportation options.

The subject lands are located within a “Settlement Area”, where growth will be focused in identified built up areas, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities.

Halton Region Official Plan

The subject lands are designated “Urban Area” in 2009 Regional Official Plan (ROP). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The subject lands are also located within proximity of a Higher Order Transit Corridor (Map 3) which is part of a regionally identified *Intensification Area*. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure.

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”. 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.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011. The subject lands are located within the Uptown Core Growth Area and are intended for intensification and high density growth.

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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.

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. OPA 15 is subject to one appeal, as such it is not presently in force.

The subject lands are identified on Schedule A1 – Urban Structure as forming part of the Growth Area for the Uptown Core, are adjacent to the Town's system of Nodes and Corridors and in near proximity to future transit facilities and service along Trafalgar Road and Dundas Street East, which is identified as a Regional Transit Priority Corridor as well as the Uptown Core Transit Terminal.

Land Use Policies

The Uptown Core is identified as a Growth Area in the Livable Oakville Plan and the key focus for development and redevelopment to accommodate intensification is within defined Growth Areas. The subject lands are designated Urban Core on Schedule M1: Uptown Core Land Use Plan in the Livable Oakville Plan, shown in Figure 4. Schedule M2: Uptown Core Building Heights identifies building heights between six and eight storeys, for the subject lands, with potential bonusing opportunities to accommodate an additional four storeys of height.

Within Part E: Growth Areas, Special Policy Areas and Exceptions of the Livable Oakville Plan, Policy 21.7.2 speaks to the use of bonusing and the public benefits considered appropriate for the application of increased height and density in the Uptown Core.

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Figure 4: Official Plan Excerpt

Excerpts of relevant Livable Oakville policies to the application are attached as Appendix 'B'.

Zoning By-law (2014-014)

The subject lands are zoned MU4 – SP38 as shown on Figure 5 below.

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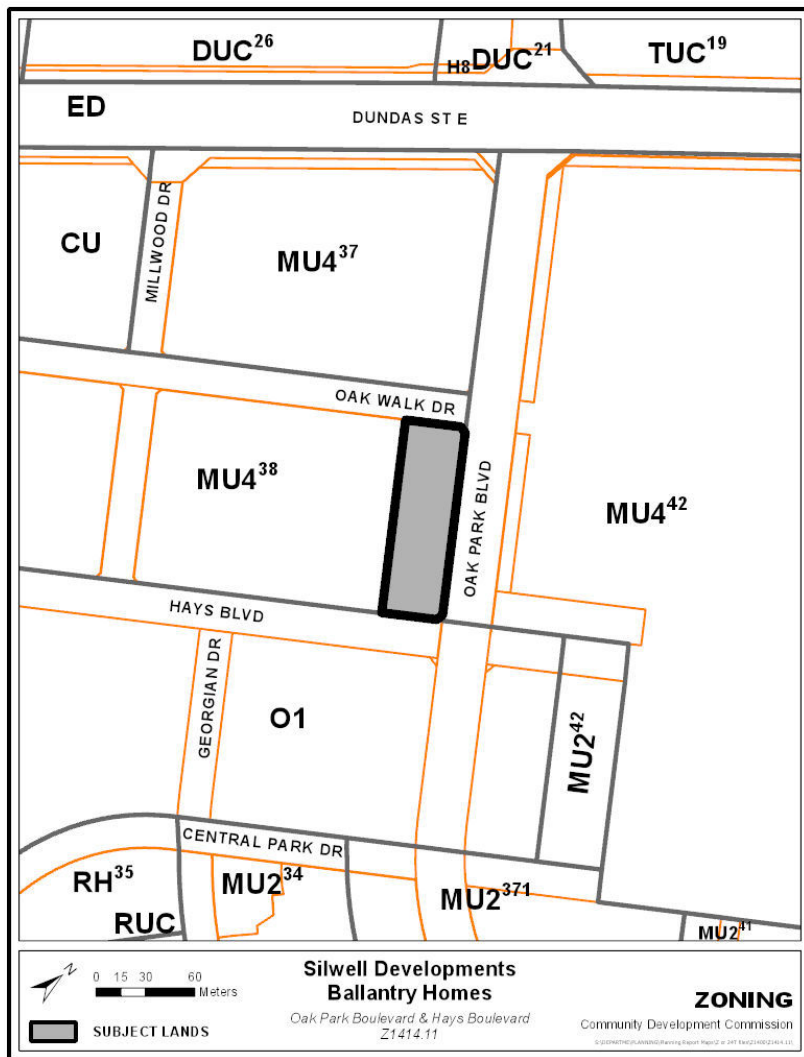


Figure 5: Zoning Excerpt

The applicant proposes the following modifications to Special Provision 38 to permit the current development proposal:

Proposed Modification	Applicant's Justification
Permit bonusing to facilitate the increase in height from 8 to 12 storeys for the southern portion of the site.	The modification would implement the bonusing policies of the Official Plan and maximize the potential of the site.
Alterations to current yard regulations and regulations with regards to front yard	The proposed modification would make use of an existing provision that exists for Mixed Use zones in Section 8.3. of By-law 2014-014.

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setbacks and height when an abutting urban square is proposed	A publicly accessible urban square is proposed at the north end of the site and is not intended to be dedicated to the Town.		
Decrease the setback of a rooftop mechanical penthouse	The design proposal includes the mechanical penthouse within the overall design of the building and requires flexibility within the setbacks.		
Removal of the first storey height requirements	The proposal includes a mix of uses on the ground floor and requires modifications to the regulations to allow for the current design.		
Decrease the minimum parking rate for the residential parking from 1.5 to 1.4 spaces per dwelling unit (inclusive of visitor parking).	Reducing parking is intended to encourage residents to utilize transit and active transportation (Oak Park Boulevard is a signed bike route) and rely less on private vehicles – thereby advancing provincial, regional and municipal policies related to active transportation, complete communities and transit-supportive development.		
	Use / Units	Required	Proposed
	Apartment / 216	281	266
	Townhouse / 10	13	12
	Commercial/Visitor	45	45
	Totals	339	324

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

This included the following:

- Planning Justification Report
- Transportation Impact Analysis
- Functional Servicing Reliance Letter
- Concept Plan and Pedestrian Circulation Plan
- Minutes from the Public Information Meeting held on March 13, 2019
- Urban Design Brief
- Building Elevations and Coloured Renderings

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- Landscape Plan
- Phase One Environmental Site Assessment
- Shadow Impact Analysis
- Noise Study
- Survey
- Servicing Allocation Summary
- Waste Management Plan

Issues Under Review / Matters to be Considered

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

- Consistency with the Provincial Policy Statement, 2014 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe.
- Conformity to the Region of Halton Official Plan and the inclusion of a Holding Provision to ensure, among other matters, the Phase 1 Environmental Site Assessment is revised in accordance with provincial and regional regulations and policies.
- Compliance with the Livable by Design Guidelines for tall buildings, including scale, massing, interface with public realms, shadow impacts and appropriate separation distances to future buildings on the development block.
- Conformity with Livable Oakville policies including the implementation of bonusing policies for lands that are identified within the Uptown Core Growth Area, which is an area intended for intensification and high density development.
- Identification of appropriate public benefits in exchange for height and density, such as those benefits lists within Section 21.7.2 of the Livable Oakville Plan.
- Confirmation that the Transportation Impact Analysis is acceptable; including, but not limited to rationalizing the amount of volume that is allocated to Hays Boulevard and Oak Walk (between Oak Park Boulevard and Taunton Road). These roads remain in private ownership and are constrained by their current design, active parking lots and pedestrian circulation and their function. The TIA will be required to assess the capacity of the study area roads as they function now in their current state.

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- Understanding the function/management of the private public open space that is proposed as part of the development.
- Justification for the proposed modifications to the parent zoning by-law ensuring the proposed zoning by-law amendment appropriately implements the vision of the Livable Oakville Plan.
- Establishment of an appropriate parking standard for residential parking including visitor parking.
- Bill 108 implications on the ability to utilize bonusing provisions in a manner intended by the Livable Oakville Plan should relevant sections of the Bill come into force prior to the subject zoning by-law amendment being approved.

Comments received at this public meeting will be considered and included in a forthcoming recommendation report.

CONCLUSION:

Planning staff will continue to review the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written submissions.

CONSIDERATIONS:

(A) PUBLIC

Notice for the public meeting has been distributed in accordance with the *Planning Act*.

The applicant held a public information meeting on March 13, 2019, that was attended by three members of the public. The meeting was set up in an open house format with display boards. No written comments were submitted.

(B) FINANCIAL

On June 6, 2019, Bill 108, More Homes, More Choices Act (Bill 108), received Royal Assent. Parts of the Bill are now in force while others await proclamation. To date, only some information on the proposed regulations and prescribed matters has been provided. Bill 108 introduces significant changes to the financial tools available to the Town. Planning Act changes

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with respect to Section 37 (density and height bonusing), Section 42 parkland dedications, existing parkland agreements, and payments in lieu, along with proposed changes to Development Charges (DCs) for growth-related park and community infrastructure will be replaced with a capped community benefits charge (CBC). This is anticipated to impact the town's ability to ensure that "growth pays for growth" and protection of complete communities.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application is currently in circulation to internal departments and public agencies for comment.

(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: Master Plan concept of future development block

Appendix B: Livable Oakville Plan Excerpts

Prepared by:

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Senior Planner

Current Planning – East District

Recommended by:

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Current Planning – East District

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Director, Planning Services