

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 4, 2019

FROM: Planning Services Department

DATE: October 11, 2019

SUBJECT: Public Meeting Report, Zoning By-law Amendment, Oakville Developments (2010) Inc., 550 Kerr Street, File No. Z.1616.55

LOCATION: 550 Kerr Street

WARD: 2

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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 Zoning By-law Amendment by Oakville Developments (2010) Inc. (File No. Z.1616.55), be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS

Timing:

This application will be considered under Bill 108, which provides for a 90 day timeline (December 12th, 2019), before an appeal could be filed within any hearing considered under the 'hearing de novo' approach. It is anticipated that a recommendation report will be brought to Council for consideration beyond the 90 day timeframe.

Location:

The subject lands are located on the west side of Kerr Street, north of Speers Road in Upper Kerr Village.

Proposal:

A Zoning By-law Amendment application was submitted by Oakville Developments (2010) Inc. that proposes to redevelop the subject lands, which are currently occupied by part of the Upper Kerr Village Plaza, with 3 sixteen storey buildings on

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a 6 storey podium comprising of 472 dwelling units with 2,415 m² of commercial uses at grade and 624 parking spaces in six underground parking levels.

EXECUTIVE SUMMARY:

Policy Context:

As part of the Town's [Official Plan Review](#), the land use designations and policies that apply to Kerr Village were studied and approved by Council through Official Plan Amendment 19 which is now in effect. This changed the land use designation of the subject lands from 'Urban Centre' to 'Urban Core' which now permits building heights ranging from eight to twelve storeys. The applicant is seeking to enter into a community benefit agreement with the town to permit an additional 4 storeys of height (from 12 to 16 storeys).

Within Kerr Village, the subject lands are located within the Upper Kerr Village District. The District is planned to be a transit-supportive and mixed use area where higher density forms of development are permitted to achieve the critical mass required for enhanced transit. Development within the District is required to be coordinated and based on a comprehensive development plan which demonstrates the potential full build out of the District. This includes, amongst other matters: a complete local road network; adequate building setbacks and tower separation; location and treatment of planned gateways at Kerr and Speers and Kerr and the northern limit of Upper Kerr Village at Kerr and the railway; location of planned urban square & park; safe setbacks to rail line, utilities and pipelines; location of commercial space, including a food store; and, transit-supportive considerations such as adequate transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks.

It is expected that development of Upper Kerr Village will be gradual over the long-term and be coordinated with the provision of infrastructure.

BACKGROUND

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public

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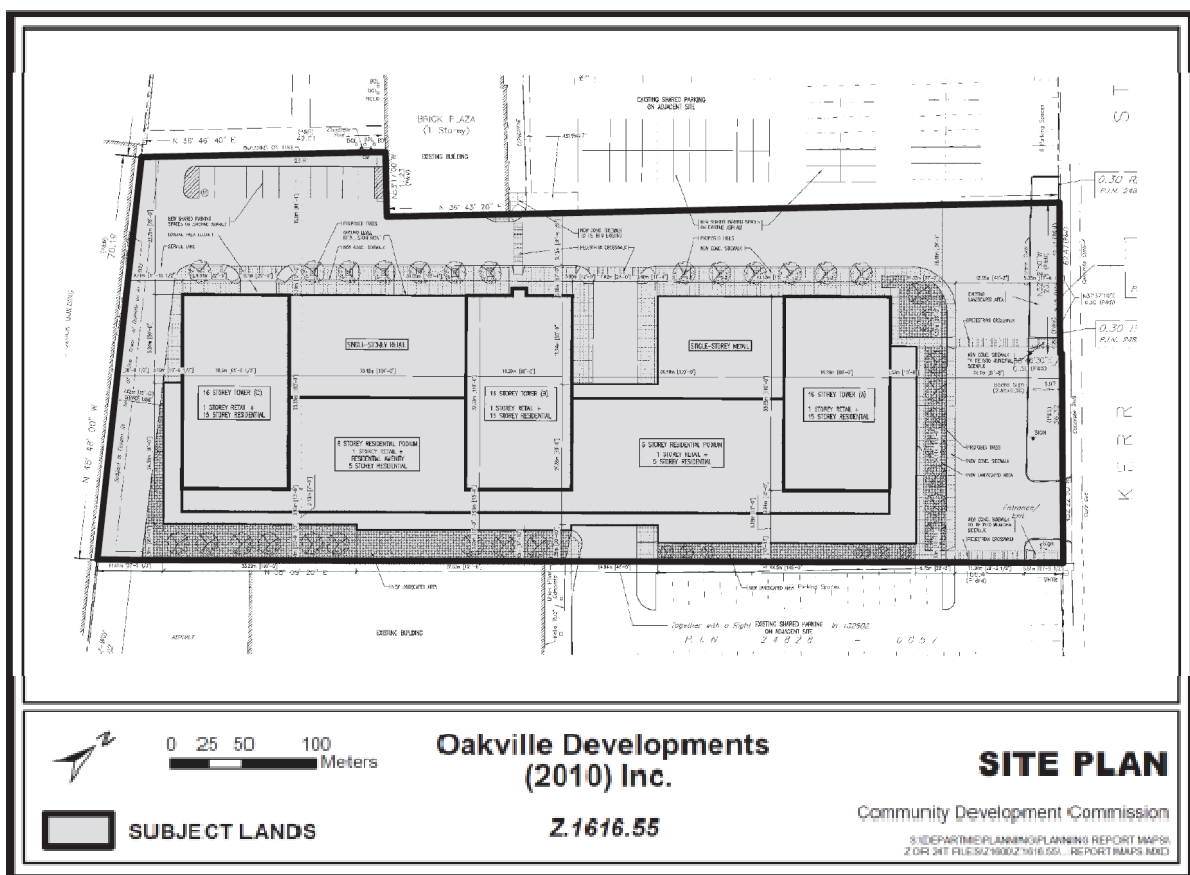
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meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

The subject application was submitted and deemed complete on September 13th, 2019, and two Public Information Meetings were held. The first Public Information Meeting was applicant-initiated and held on June 5th, 2019 and the second Public Information Meeting was hosted by the town on October 7th, 2019.

Proposal

The subject Zoning By-law Amendment application proposes to redevelop the subject lands with 3 sixteen storey buildings on a 6 storey podium comprising of 472 dwelling units with 2,415 m² of commercial uses at grade and 624 parking spaces in six underground parking levels, as shown in Figure 1 below.



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The subject lands are located on the west side of Kerr Street, north of Speers Road in Upper Kerr Village.

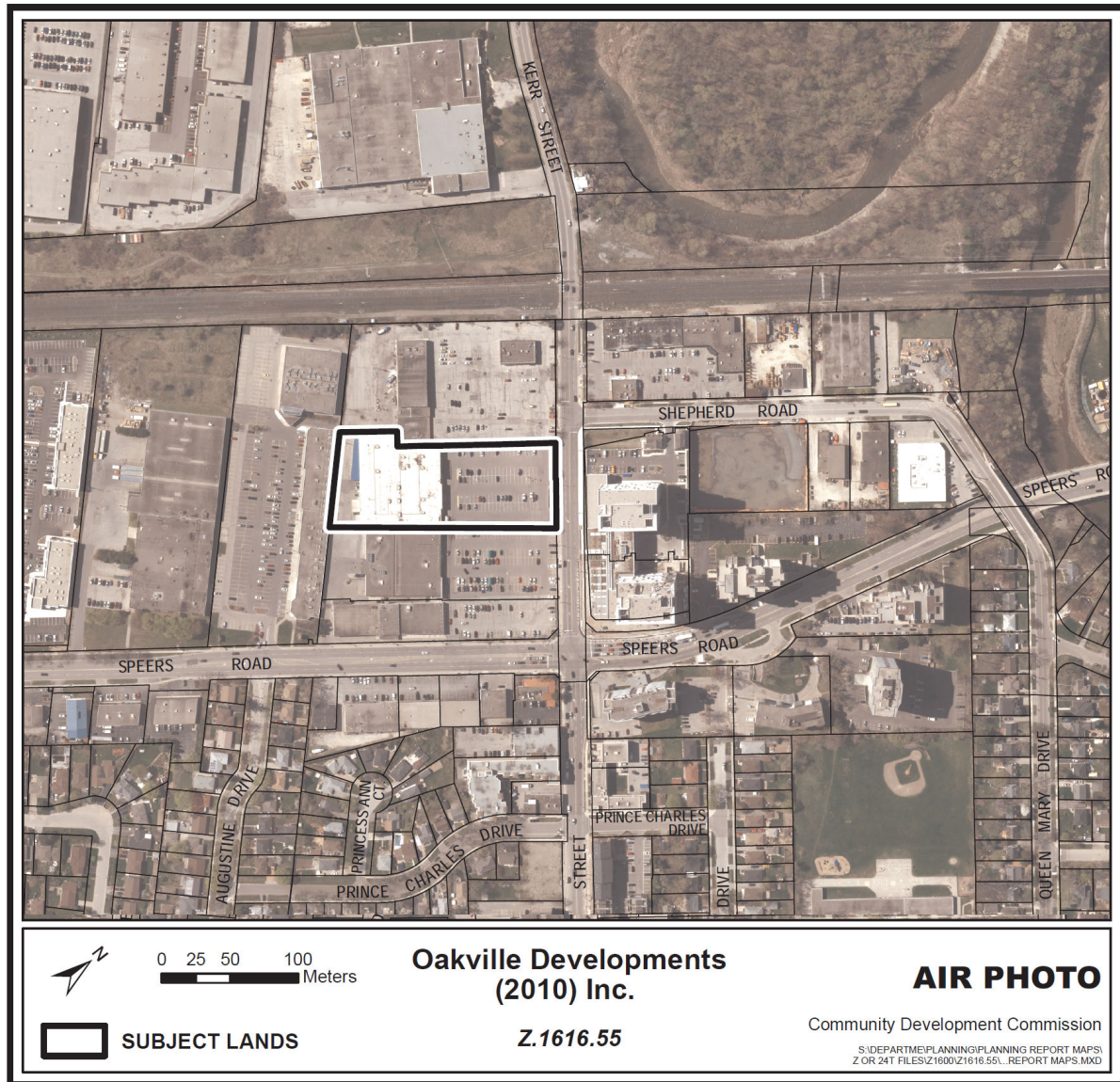


Figure 2: Air Photo

Site Description

The subject lands are 1.03 ha in size and are occupied by a commercial building with a surface parking lot which is part of a larger commercial shopping plaza.

The size of the subject lands is expected to be reduced through an expropriation process currently underway for a road widening and realignment of Kerr Street

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between Speers Road and Wynecroft Road. This will allow for a new underpass to be built at the Lakeshore West GO rail line north of the site which will support the Province's plans for more frequent service levels.

Preliminary work on this project is expected to start in 2020 with construction of the underpass starting as early as the spring of 2021. The work is expected to take up to three years to complete. The current road alignment will remain in place during construction while the new road is built to the west (across the frontage of the subject lands).

Surrounding Land Uses

The surrounding land uses are as follows:

North: commercial then railway line

East: mixed use condominium and commercial plaza

South: commercial then Speers Road

West: commercial plaza

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 (2019)
- Halton Region Official Plan
- *Livable Oakville* Plan
- Zoning By-law 2014-014

Provincial Policy Statement

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 and by promoting a compact development form.

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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A full analysis of the PPS will be provided as part of a future recommendation report.

Growth Plan (2019)

The Growth Plan for the Greater Golden Horseshoe ('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. 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.

A full analysis of the Growth Plan will be provided as part of a future recommendation report.

Halton Region Official Plan

The subject lands are designated "Urban Area" 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.

A full analysis of the proposal in the context of the Halton Region Official Plan will be provided as part of a future recommendation report.

Livable Oakville Plan

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. 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 26th, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15.

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The subject lands are identified on Schedule A1 – Urban Structure as being within the Town’s system of Nodes and Corridors and are in proximity to Speers Road, which is identified as a Regional Transit Priority Corridor.

Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development, which is considered to be compact, mixed use development with higher levels of employment and residential densities to support frequent transit service.

As part of the Town’s ongoing [Official Plan Review](#), the land use designations and policies that apply to Kerr Village were studied and reviewed. This review was considered by Council in December of 2017 where Council passed By-law 2017-119 to adopt Official Plan Amendment 19 (‘OPA 19’) to the Livable Oakville Plan. OPA 19 was then approved by Halton Region and it came into effect on June 19, 2018. This changed the land use designation of the subject lands from ‘Urban Centre’ to ‘Urban Core’ on Schedule O1, in the Livable Oakville Plan (Appendix A).

Within Kerr Village, the subject lands are located within the Upper Kerr Village District. The Upper Kerr Village District is planned to be a transit-supportive and mixed use area where higher density forms of development are permitted to achieve the critical mass required for enhanced transit. The District is also planned to include appropriate gateway features, an urban park with pedestrian mid-block connections and opportunities for affordable housing¹.

Pursuant to section 12.5.2 of the Livable Plan, buildings within the Urban Core designation of between eight storeys to twelve storeys are permitted. Section 23.8.2 provides that the town may allow up to four storeys of additional height (total of 16 storeys) beyond the maximum permitted in exchange for the provision of public benefits as listed in section 28.6.2, with priority given to those public benefits noted in section 23.8.2 d). This includes: affordable housing units and/or rental housing units; community service/facility space; non-profit child care facilities; public art; enhanced streetscape/public open space improvements; and, enhanced green building and energy conservation technology.

The subject lands are also subject to an exception. Section 23.7.1 of the Livable Oakville Plan provides that the following additional policies apply to certain lands on Schedule O1, Kerr Village:

¹ Policy 23.3.1, Livable Oakville Plan

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- a) 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.*
- b) Redevelopment of existing low-rise commercial uses may occur gradually in a phased manner. Notwithstanding the minimum building heights required by this Plan, building additions, alterations and/or replacements may be permitted where they can be demonstrated not to preclude the long-term redevelopment of the properties as set out in this Plan; and,*
- c) On the west side of Kerr Street abutting the railway, any requirement for, and the size and location of, retail, service commercial and office uses on the ground floor of buildings shall be determined through the development process and regulated by the implementing zoning.*

The westerly extension of Shepherd Road along the northern portion of the subject lands is planned to connect with the northerly extension of St. Augustine Drive which will be a 'secondary street', as identified on Schedule O2. As such, Shepherd Road is required to be planned for as a pedestrian-oriented streetscape through the use of wide sidewalks, landscaping and furnishings². Pursuant to policy 23.5.3 c) buildings along secondary streets, should:

- i. incorporate a high degree of transparency on the ground floor;*
- ii. provide building openings and principal entrances facing the street; and,*
- iii. contain commercial, office, community or cultural uses adjacent to the street which support the main street district, and may also contain residential uses on the ground floor.*

Pursuant to Section 23.5.4 of the Livable Oakville Plan, three gateways are proposed in Upper Kerr Village. These locations are to provide gateway treatments which may include well designed built form or structures, distinctive streetscape treatments, landscaping, and/or public art.

² Policy 2.5.3 a), Livable Oakville Plan

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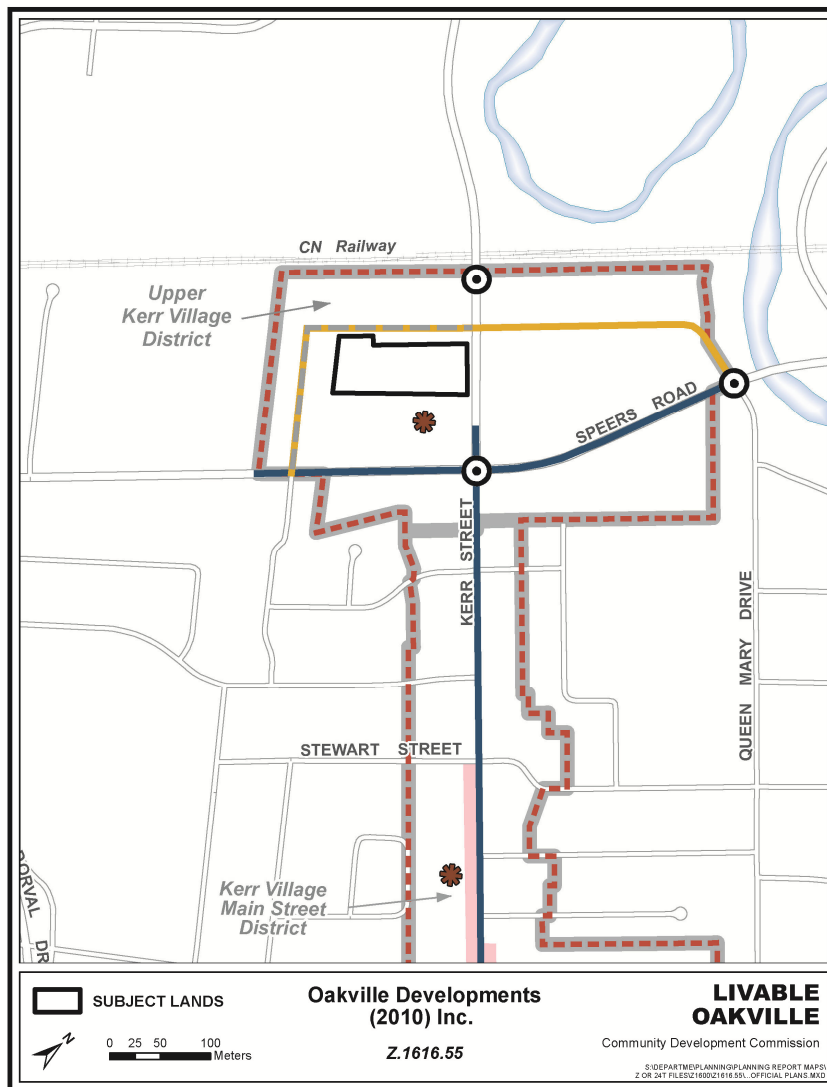


Figure 3: Kerr Urban Design

Pursuant to 23.8.3 c) of the Livable Plan, an urban park is proposed in the Upper Kerr District, west of Kerr Street, north of Speers Road which:

- i. may be located within the site bound by the Shepherd Road extension to the north, Kerr Street to the east, Speers Road to the south and St. Augustine Road extension to the west;
- ii. may provide public underground parking facilities with a “green roof” at street level forming the urban park portion of the site;
- iii. may be accessed at street level via mid-block pedestrian connections and from Kerr Street, Speers Road and the north Gateway; and,
- iv. is encouraged to be maintained through a public-private partnership.

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Pursuant to Section 23.6.2 of the Livable Oakville Plan, the maintenance of a food store in any redevelopment of lands within the Urban Core designation shall be encouraged.

Section 23.4.1 a) of the Livable Oakville Plan provides for transit service improvements to be introduced at an early stage in the development of Upper Kerr Village District. As the revitalization of this district evolves it will be serviced by the extension of improved transit levels of service, including transit priority measures and infrastructure required to create an efficient and attractive transit environment.

To support the foregoing, it may include transit passenger amenities, minimal surface parking, and other travel demand management strategies to encourage transit ridership³. Further, access to parking and servicing areas should not occur from Kerr Street but from local streets, service lanes and to the side or rear of buildings⁴. Bicycle facilities are also encouraged throughout Kerr Village with the appropriate signage and infrastructure such as bicycle racks and bicycle lockers⁵.

The Livable Oakville Plan provides that development within Kerr Village will likely occur gradually over the long-term and be coordinated with the provision of infrastructure, including⁶:

- i) transit;
- ii) transportation improvements;
- iii) water and wastewater services;
- iv) stormwater management facilities;
- v) pedestrian and cycling facilities; and,
- vi) utilities.

Zoning By-law

Zoning By-law 2014-014 zones the subject lands as H1-MU3, which does not permit the proposed development.

The application proposes to rezone the lands to a site-specific MU4 zone to permit the development of 3 sixteen storey buildings on a 6 storey podium with commercial uses at grade and total of 472 dwelling units. The draft zoning by-law amendment submitted by the applicant may be viewed on the Town of Oakville website at <https://www.oakville.ca/business/da-34100.html>. Table 1 summarizes the

³ Policy 24.4.1 b), Livable Oakville Plan

⁴ Section 24.4.1 c) ii), Livable Oakville Plan

⁵ Section 24.4.1 d), Livable Oakville Plan

⁶ Section 23.8.1, Livable Oakville Plan

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differences between the existing MU3 zone, to the parent MU4 zone and the site-specific MU4 zone proposed by the applicant:

Table 1 – Comparison between Mixed Use 3 & 4 Zones to Proposed Site-Specific MU4 Zone

Regulation	MU3 (existing)	MU4 Zone	Proposed Site-Specific MU4 Zone
Minimum Front Yard	0.0 m	1.0 m	1.0 m
Maximum Front Yard	5.0 m ⁷	5.0 m ⁶	shall not apply
Minimum Flankage Yard	0.0 m	1.0 m	1.0 m
Maximum Flankage Yard	5.0 m ⁶	5.0 m ⁶	shall not apply
Minimum Interior Side Yard	0.0m	0.0m	0.0m
Minimum Rear Yard	0.0m	0.0m	0.0m
Minimum Number of Storeys⁸	6	8	8
Maximum Number of Storeys	8	12	16
Minimum First Storey Height⁷	4.5 m	4.5 m	4.5 m
Minimum Height	19.5 m	25.5 m	25.5 m
Maximum Height	29.0 m	43 m	53 m

The applicant is seeking to enter into a community benefit agreement with the town, pursuant to Section 37 of *the Planning Act* to permit an additional 4 storeys of height (from 12 to 16 storeys). It is noted that Bill 108 will be removing the existing Section 37 density/height bonus provisions in *the Planning Act* and replacing this section with a capped community benefit charge. It is unclear when this change will take effect.

The Zoning By-law Amendment, as proposed, would also remove holding provision 'H1' from the subject lands. The conditions of removal of holding provision 'H1' are provided below:

⁷ Subject to footnotes (1) & (3) in Table 8.3.1

⁸ Subject to footnote (7) in Table 8.3.1

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16.3.1.3 Conditions for Removal of the “H”

The “H” symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the *Planning Act*. The following conditions, if and as applicable, shall first be completed to the satisfaction of the Town of Oakville:

a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the <i>Town of Oakville</i> .
b)	The owner has entered into any required servicing agreement(s) with the <i>Town</i> regarding stormwater management.
c)	The completion of detailed design drawings required for the construction of <i>road</i> and <i>infrastructure</i> improvements.
d)	Registration on title of an agreement between the owner and the <i>Town</i> with respect to the road and <i>infrastructure</i> improvements. This agreement shall also address security and advancing of funds, or a letter of credit for the full cost of the <i>road</i> and <i>infrastructure</i> improvements.
e)	The registration on title of a Section 37 Agreement per the <u>Planning Act</u> .
f)	All required land conveyances have been undertaken.

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 (<https://www.oakville.ca/business/da-34100.html>):

- Site Plan, Floor Plans, Elevations
- Block Concept Plan
- Draft Zoning By-law Amendment
- Site Servicing and Grading Plan
- Noise & Vibration Study
- Planning Justification Report
- Shadow Study
- Urban Design Brief
- Traffic Impact Study
- Functional Servicing Report
- Tree Assessment Report
- Phase 1 Environmental Site Assessment

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Matters to be considered

A complete analysis of the application will be undertaken and includes a review of the following matters, which have been identified to date:

i. Comprehensive Masterplan including:

- demonstration of the potential full build out of this, and adjacent properties, within the context of the Livable Oakville Plan including the following elements:
 - a) complete local road network;
 - b) appropriateness of proposed private road to provide access to other parcels;
 - c) adequate building setbacks and tower separation;
 - d) shadow impacts;
 - e) location and treatment of planned gateways at Kerr and Speers and Kerr and the northern limit of Upper Kerr Village at Kerr and the railway;
 - f) location of planned urban square & park;
 - g) safe setbacks to rail line, utilities and pipelines;
 - h) location of commercial space, including a food store; and,
 - i) transit-supportive including adequate transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks.

ii. suitability of land for intended use including:

- environmental suitability of lands for proposed use (sensitive land use / contamination); and,
- archaeological (whether such matters have been appropriately investigated, identified and protected).

iii. impact/integration of the proposed development on adjoining properties including:

- whether the proposed density, built form and design of the proposed development is appropriate given the existing and planned surrounding context.
- transportation impact to adjacent roadways and intersections;
- consistency of proposed development with overall development plan, including layout and connectivity of roadways, servicing, and future development considerations;

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- adequacy of proposed sanitary, water and stormwater management servicing and consistency with applicable engineering standards;
- pedestrian circulation and integration with larger network;
- capacity of existing transportation, water, sanitary and other infrastructure to support the proposed development and the broader redevelopment within Upper Kerr Village; and,
- appropriateness of phasing / coordinating the proposed development with the provision of necessary infrastructure improvements or reduction of the proposed density.

iv. operation of site and existing commercial plaza including:

- parking including compliance with any related easements registered on title of the property and impact of development on parking layout of adjacent commercial plaza;
- maintenance of access to the remainder of the commercial plaza during and after construction considering the road improvements and realignment of Kerr Street proposed as part of the grade separation project and any related access agreements registered on title;
- stormwater infrastructure during and after construction including any related easements registered on title of the property;
- appropriateness / feasibility of interim reliance of access to the site through lands being expropriated by Metrolinx to form new alignment of Kerr Street as part of grade separation project; and,
- suitability of longer-term reliance of lands being expropriated by Metrolinx to provide access to the commercial plaza which may not be opened as a public road, however is planned to form the eventual westerly extension of Shepherd Road.

v. urban design and function of site including:

- built form, massing, building setbacks, overall design and appropriate zoning performance standards;
- shadow impact in relation to existing and future development;
- consideration of active at-grade uses to provide safety, animation and attractive building façades;
- treatment of the Kerr Street frontage with proposed elevation changes proposed through the realignment of Kerr Street;
- Provision of publicly accessible private open space and other private open space in an urban context; and,
- Conformity with the urban design policies of the Livable Oakville Plan and consistency with the Livable by Design Manual.

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vi. consistency / conformity with applicable Provincial, Regional and Town policy including:

- whether the proposed development is designed appropriately to support the full build out of Upper Kerr Village together with provision of planned features and amenities and infrastructure.
- whether the proposed density and built form of development supports the urban structure of the town and is appropriate given the existing and planned surrounding context;
- Whether the holding zone should be lifted, at this time, in absence of fully satisfying the related criteria to lift the holding zone such as registration of a Section 37 agreement under the *Planning Act*, dedication of all land conveyances to the Town, and completion of detailed design drawings required for the construction of road and infrastructure improvements, amongst other matters.
- Consistency with the Provincial Policy Statement, conformity with the Growth Plan, Halton Region Official Plan, Livable Oakville Plan and related guidelines.

vii. Increased height and appropriate community benefits including:

- whether the proposed 4 storey increase in height can be supported on this site and if so, what community benefits would be appropriate.

A complete analysis of this application will be undertaken including the foregoing matters, and other matters which may be subsequently identified. It is anticipated that due to the complexity of these interrelated matters, and additional information requested from the applicant which has not been provided yet, that a recommendation report will be brought to Council for consideration beyond the 90 day timeframe. Staff will address these matters in a future recommendation report.

Public Comments

As of the date of this report, one formal public comment has been received (Appendix C). The letter provides that the other three owners of the Upper Kerr Village Plaza have retained an expert to advise them on the appropriate approach to block planning. The block plans provided to staff by the other three owners are also attached in Appendix C. Staff intend to hold a landowner coordinating meeting in due course to advance the comprehensive development plan for the larger area, using the Livable Oakville policy framework, as approved by Council. A Public Information Meeting was held by the applicant on June 5th, 2019 where 21 members of the public attended. Comments received are summarized on page 8-9 of the Planning Justification Report submitted with the subject application, dated

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July 30th, 2019. The Planning Justification Report provides that the project team did not hear any significant concerns at this meeting relating to the layout or build form that would require alterations to the concept plan.

A second Public Information Meeting was held on October 7th, 2019 and hosted by the town where 15 members of the public attended, including some of the area landowners. The following comments / concerns were raised at this meeting:

- a) timing of construction of proposed development;
- b) whether there is a need to acquire adjacent lands for project;
- c) timing of proposed construction related to Kerr Street underpass project;
- d) impact on tenants of plaza;
- e) infrastructure requirements;
- f) environmental (whether site is contaminated)
- g) traffic congestion;
- h) comprehensive development plan;
- i) construction noise;
- j) securities to ensure project is not started and not completed;
- k) location and number of road connections to Speers Road;
- l) provision of rental housing and affordable housing; and,
- m) shadow impact of proposed development.

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

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, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to all properties within 120 m of the subject property and included on the two signs posted on the site.

In addition, a Public Information Meeting was held on June 5th, 2019 where 21 members of the public attended, and a second meeting was held on October 7th, 2019 where 15 members of the public attended.

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(B) FINANCIAL

None arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. The application remains in technical review.

(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

A – Official Plan (*Livable Oakville*) extract

B – Zoning By-law (2014-014) extract

C – Public Comments

Prepared by:

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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