



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 6, 2020

FROM: Planning Services Department

DATE: June 30, 2020

SUBJECT: **Supplementary Report: Recommendation Report - Official Plan Amendment and Zoning By-law Amendment, Empress Capital Group, North Service Road West, File No. OPA 1517.18, ZBA 1517.18, 170 North Service Road West, By-law 2020-072 and By-law 2020-073**

LOCATION: 170 North Service Road West

WARD: 2

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RECOMMENDATION:

1. That the Official Plan Amendment and Zoning By-law Amendment applications submitted by API Development Consultants Inc., on behalf of Empress Capital Group Inc. (File No. OPA 1517.18, Z.1517.18), be approved as modified, on the basis that the Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement, conforms with all applicable provincial plans, the Halton Region Official Plan, the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning;
2. That By-law 2020-072, an amendment to the Livable Oakville Plan, OPA 30, be passed;
3. That By-law 2020-073, an amendment to Zoning By-law 2014-014, be passed;
4. That notice of Council's decision reflects that the comments from the public were fully considered by Council and have been appropriately addressed;
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary; and,
6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix E.

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KEY FACTS

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

- **Resolution:** The Official Plan Amendment and Zoning by-law Amendment applications were received on March 29, 2018. At the October 1, 2018 special Planning and Development Council meeting, Council made the following resolution:

“That this item be deferred, so that the Applicant can, in addition to the requirements set out in the planning staff report, secure a Shared Parking and Access Agreement with the westerly abutting property owner, and demonstrate that the minimum landscaping regulations of the applicable Zoning By-law can be adhered to.”

- **Location:** The subject lands are located on the south side of North Service Road West, west of the Kerr Street QEW off ramp. The lands are triangular in shape with an area of 0.68 hectares and are currently vacant.
- **Proposal:** The applicant proposes an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to permit the development of a seven storey hotel. The proposed OPA would create a site specific exception to allow a hotel as a permitted use on the subject lands. The proposed ZBA would create a site specific Special Provision to permit a hotel use with performance standards to implement the proposed site layout.

BACKGROUND

Council Resolution

Staff originally presented a recommendation report at the October 1, 2018 special Planning and Development Council meeting for an Official Plan Amendment and Zoning By-law Amendment application submitted by API Development Consultants Inc., on behalf of Empress Capital Group Inc., for a 7 storey 114 room hotel at 170 North Service Road West.

The September 10, 2018 report is attached hereto as Appendix F.

As outlined in the report, staff recommended that the applications be approved on the basis that the Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement; conform with all applicable provincial plans, the Halton Region Official Plan, the Livable Oakville Plan; has regard for matters of Provincial interest; and represents good planning.

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At the October 1, 2018 special Planning and Development Council meeting, Council adopted the following resolution:

“That this item be deferred, so that the Applicant can, in addition to the requirements set out in the planning staff report, secure a Shared Parking and Access Agreement with the westerly abutting property owner, and demonstrate that the minimum landscaping regulations of the applicable Zoning By-law can be adhered to.”

Supplementary Information

On November 14, 2019, Bruce Hall, representing Empress Capital Group Inc., submitted a letter to Oakville Planning – attached as Appendix G – outlining the work the applicant has completed since the Council resolution on October 1, 2018.

In pursuit of securing a Shared Parking and Access Agreement, the applicant spoke with the westerly abutting property owner ('Bentall GreenOak') to secure rights to a physical connection between the two sites. Management for Bentall GreenOak were open to creating the connection, but were ultimately unable to secure consent from all of the affected tenants, meaning a Shared Parking and Access Agreement was not able to be fulfilled.

Despite this, the applicant has made minor modifications to their proposal and provided updated justification, and wish to proceed with development on the basis of a single point of access with all parking being accommodated on-site.

Parking and Access Requirement

In order to address the parking and access concerns raised by Council, the applicant retained a second transportation consultant (Trans-Plan) to undertake a peer review of the work completed to-date, and prepare an additional Traffic Impact Study and Parking Study to further justify the proposal.

Trans-Plan found the original LMM Traffic Impact Study (TIS) to be reasonable, and provided an updated TIS that addressed the inability to secure a shared access agreement with the westerly abutting property owner. Transportation staff are satisfied with the updated TIS's justification for a single, right-in right-out access from North Service Road to the site.

Upon review of the original LMM Parking Study, Trans-Plan found that the proxy site used was too dissimilar from the proposed hotel development, and therefore did not provide for an accurate forecast of parking volume for the site. To address the

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inaccuracy, Trans-Plan conducted an updated Parking Study, where additional parking demand surveys were conducted at two similar proxy sites. The surveys were conducted within the Town of Oakville during the two busiest months for hotel occupancy, those being August and September.

The two proxy sites studied were the Fairfield Inn and the Hilton Garden Inn, which have 65 rooms and 64 parking spaces, and 127 rooms and 122 parking spaces respectively. Both sites feature shared parking lots that serve overnight guests, hotel staff, and conference visitors, all of which are included in the surveyed parking rate.

Trans-Plan considers the surveys to be a conservative estimate because both proxy sites include rentable conference space, whereas the proposed development will not contain any rentable conference space or public use areas that would generate additional parking demand. The proposed Zoning By-law Amendment specifically excludes meeting facilities and public halls from the definition of Hotel, ensuring they are not permitted on-site.

The parking surveys at the proxy sites found that the average parking rate across the two hotels at 100% assumed occupancy was 0.80, meaning 0.8 parking spaces were used per occupied room at peak parking demand. Given the observed parking rate of 0.80 spaces per room, and 114 room being proposed, the parking demand for the proposed development would be 92 spaces, which would be met by the proposed parking supply of 95 spaces for this development.

Transportation staff have verified the information provided by Trans-Plan in the Traffic Impact Study and Parking Study update, and are satisfied with their findings.

Minimum Landscaping Requirement

The Council resolution also stated that the applicant demonstrate that the minimum landscaping regulations of the applicable Zoning By-law can be adhered to.

According to Section 4.11 of the Town's 2014-014 Zoning By-law, the minimum width of landscaping along the south-westerly property line is required to be 3.0m. However, the Zoning By-law allows for the minimum required landscaping width to be reduced from 3.0m to 2.0m if there are two required widths of landscaping on both sides of the property line totalling at least 4.0m.

Site Plan revisions provided by the applicant demonstrate there is landscaping on both sides of the property line with a total width greater than 4.0m, and Zoning staff have confirmed the required minimum landscaping width can be reduced to 2.0m.

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The applicant has demonstrated through revisions to the Site Plan that the required 2.0m can be achieved. Building Services - Zoning has reviewed the provided plans and are confident that the applicant can meet the minimum landscaping requirements of the applicable Zoning By-law.

IMPLEMENTATION

Town Planning received a Site Plan submission for the property which was circulated on March 11, 2020. The Site Plan submission was circulated with the understanding that the applicant would continue to work with the Planning department to resolve the outstanding issues for the Zoning By-law and Official Plan Amendment application.

As discussed in this report, Planning and Urban Design, Transportation, and Zoning staff have all been actively reviewing the updated materials, including the site plan submission, and are satisfied that any outstanding issues related to the proposed development, site layout, and implementation of the Zoning By-law can be addressed through subsequent site plan submissions, and do not necessitate any further revisions to the proposed Zoning By-law and Official Plan Amendments.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on May 29th, 2018 and a Statutory Public Meeting was held on July 9th, 2018. No members of the public attended either of the meetings and no comments or correspondence has been received from members of the public in response to these applications.

(B) FINANCIAL

Development Charges would be applicable to this development. 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. Bill 108 introduces significant change to the financial tools available to the town. Planning Act changes with respect to density and height bonusing, parkland and cash-in-lieu of parkland, and some development charges will be replaced with a capped community benefits charge. This is anticipated to impact the town’s ability to ensure that “growth pays for growth” and the protection of complete communities. Details of the final regulations are pending.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

Agencies and Town departments were consulted during the review of these applications.

(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 has been reviewed to ensure compliance with the Town's sustainability objectives of Livable Oakville. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 to provide opportunities to reduce the development footprint of the proposal.

CONCLUSION

In response to the Council resolution made at the October 1, 2018 special Planning and Development Council meeting, Planning is satisfied that the applicant has sufficiently addressed the parking and shared access requirements, and through review of the site plan application, will comply with the minimum landscaping regulations of the applicable Zoning By-law. Therefore, Planning makes the above-noted recommendation for Council's consideration.

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APPENDICES

Appendix A – Revised Proposed Layout
Appendix B – Proposed Building Renderings
Appendix C – Livable Oakville Plan
Appendix D – Existing Zoning 2014-014
Appendix E – Urban Design Requirements
Appendix F – Original Recommendation Staff Report
Appendix G – Applicant Letter to Town Planning
Appendix H – By-law 2020-072
Appendix I – By-law 2020-073

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