



OAKVILLE

## REPORT

## APPENDIX F

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 1, 2018

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**FROM:** Planning Services Department

**DATE:** September 10, 2018

**SUBJECT:** 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

**LOCATION:** 170 North Service Road West

**WARD:** 4

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#### RECOMMENDATION:

1. That 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 for the reasons outlined in the report from the Planning Services department dated September 10, 2018;
2. That By-law 2018-133, an amendment to the Livable Oakville Plan, OPA 30, be passed;
3. That By-law 2018-134, 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,

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6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix E of the report from the Planning Services department dated September 10, 2018.

**KEY FACTS:**

Timing:

The Official Plan Amendment and Zoning by-law Amendment applications were received on March 29, 2018. Council has until October 25th, 2018 (210 days), to make a decision on this application.

Location:

The subject lands are located on the south side of North Service Road West, west of the Kerr Street QEW off ramp as shown on Figure 1. The lands are triangular in shape with an area of 0.68 ha 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.

**EXECUTIVE SUMMARY**

Policy Context:

The Livable Oakville Plan (LOP) designates the site as Core Commercial. Zoning By-law 2014-014 zones the subject lands C3. An Official Plan Amendment and Zoning By-law amendment have been applied for to allow a hotel as a permitted use. The primary focus of the Core Commercial designation is intended to provide major concentrations of commercial facilities serving the broader regional community and are located at the intersection of major arterial roads with proximity to highway access.

The existing Official Plan policies and Zoning regulations are consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, and conforms with the Halton Region Official Plan, as the policies and zoning allow for a full range and compliment of commercial uses that serve the broader community.

Staff recommends approval of this Official Plan Amendment and Zoning by-law amendment application, as revised, as the proposed development is consistent with the PPS, conforms to the Growth Plan, Regional Official Plan and the general intent and purpose of the Livable Oakville Plan, as the proposed development aids in the

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achievement of complete communities by providing a use compatible with the surrounding commercial area that makes efficient use of existing municipal infrastructure and serves the broader regional community.

## **BACKGROUND**

The purpose of this report is to provide a full staff review and a recommendation on the proposed Official Plan and Zoning By-law amendment application to permit a 7 storey, 114 room hotel.

The applications were received on March 29, 2018. The applicant proposes a site specific Official Plan Amendment and Zoning By-law Amendment to permit the development of a seven storey hotel.

A Public Information Meeting was held on May 29th, 2018 and a Statutory Public Meeting was held at the Planning and Development Council meeting of July 9<sup>th</sup>, 2018; no members of the public attended either meeting. Council adopted the following resolution at the Statutory Public Meeting:

1. *That the public meeting report prepared by the Planning Services Department dated June 18, 2018, be received.*
2. *That comments from the public with respect to the proposed Official Plan Amendment and Zoning By-law Amendment applications (File No: OPA 1517.18, ZBA 1517.18) submitted by Empress Capital Group, be received.*
3. *That analysis of the following matters of interest to Council be included as part of the recommendation report:*
  - a) *Landscaping, snow storage and parking reduction.*
  - b) *Cautions regarding land owner agreements which may not be binding in the fullness of time.*
  - c) *Are reductions in zoning considered overdevelopment?*
  - d) *Timing of construction with Kerr Street grade separation/ construction.*
  - e) *Combination of concerns over parking and shared parking arrangements.*

To respond to comments received from staff, agencies and members of Council, revised Official Plan Amendment and Zoning By-law Amendment applications were submitted on August 1, 2018. The applications remained the same in terms of use, general layout and building height. The revised supporting information was submitted to address comments provided as part of the initial review, and no substantive changes to the application were made. The revisions can be

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considered minor, therefore, in accordance with Section 34(17) of the Planning Act, no further notice is determined to be necessary.

Proposal:

The applicant proposes a site specific Official Plan Amendment and Zoning By-law Amendment to permit the development of a seven storey, 114 room hotel. The subject lands are designated and zoned Core Commercial by the Livable Oakville Plan and Zoning By-law 2014-014. The Core Commercial designation and zone do not allow a hotel as a permitted use. The purpose of the Official Plan Amendment is to create a site specific exception to allow a hotel as a permitted use on the subject lands. The purpose of the Zoning By-law Amendment is to create a site specific Special Provision to permit the proposed hotel use and to allow site specific performance standards to implement the proposed site layout. Specifically, the Draft Zoning By-law Amendment submitted by the applicant also requests the following regulations to implement the proposed hotel site layout:

- To reduce the minimum landscape buffer from 3.0 metres to 1.10 metres on the interior side yard;
- To reduce the minimum lot area from 4.0 hectares to 0.5 hectares;
- To increase the maximum permitted projection (parapet) above the roofline from 2.0 metres to 2.8 metres;
- To increase the maximum permitted projection for a canopy from 0.6 metres to 2.0 metres into the front yard and 10.0 metres into the interior side yard; and,
- To allow for 95 parking spaces, whereas 134 parking spaces are required.

The proposed hotel is seven storeys in height (23.78m) with a total Gross Floor Area of 5,146 m<sup>2</sup>. (No zoning amendments are required for height or Gross Floor Area). The proposed concept plan is contained in Appendix C. The proposed hotel would contain 114 hotel rooms, amenities for guests including a lobby, fitness centre, breakfast area, outdoor patio, indoor pool, meeting facilities and “back of house” facilities (employee areas, mechanical facilities and corridors). The building is proposed to be oriented parallel to North Service Road West with the primary entrance being visible from the street.

Vehicle access is provided through a proposed new right-in right-out driveway along North Service Road West and the majority of the 95 surface parking spaces are provided at the rear of the site. In addition, a potential secondary access has been proposed that would link the subject lands with the adjacent commercial property to the west (Dorval Crossing). The proposed secondary access would allow vehicles from the hotel site to access the full movement signalized intersection on North Service Road West. Coordination with the adjacent landowner and registration of an easement on title would be required to facilitate this arrangement.

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Location & Site Description

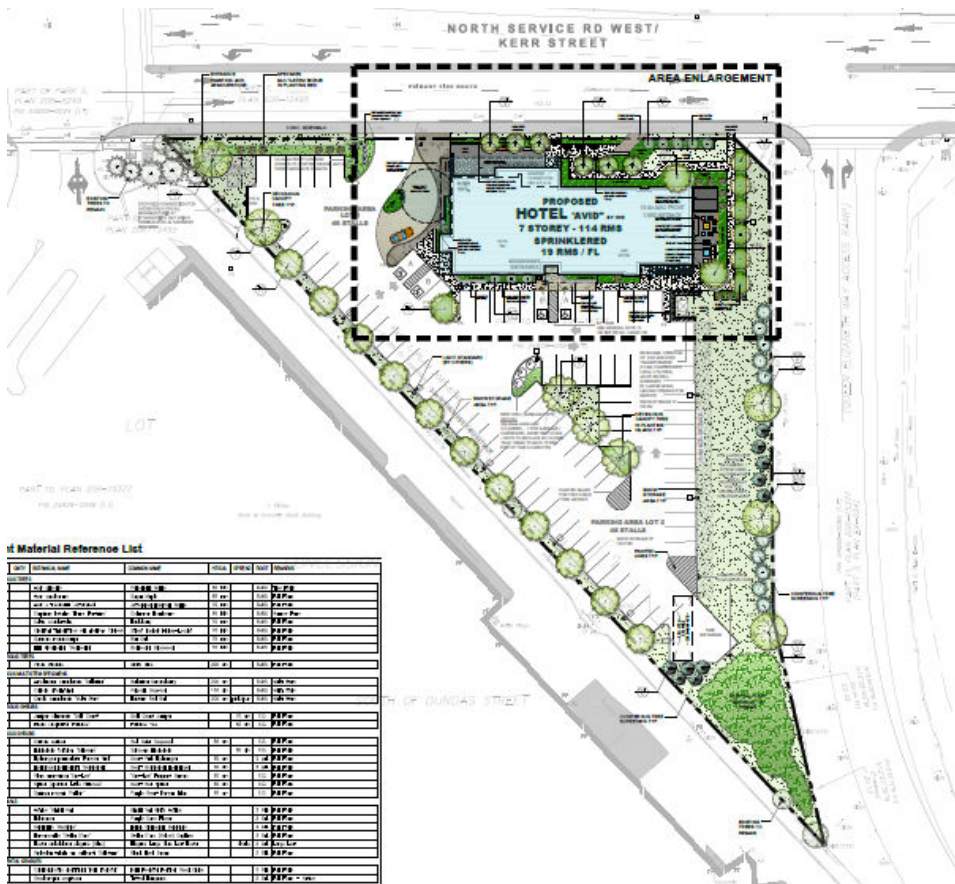
The subject lands are located on the south side of North Service Road West, west of the Kerr Street QEW off ramp as shown on Figure 1.

The lands are triangular in shape with an area of 0.68 ha and are currently vacant. The subject lands maintain frontage of approximately 104 m along North Service Road West and 125 m of frontage along the QEW off ramp.

Surrounding Land Uses

North: North Service Road West and 16 Mile Creek

East & West: Kerr Street QEW off-ramp and single storey commercial uses.



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Fig. 1 – Air Photo



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## **POLICY FRAMEWORK:**

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

- 2014 Provincial Policy Statement
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014
- MTO Building & Land Use Policy

### 2014 Provincial Policy Statement

The 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 area 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.

Intensification, including the development of vacant lots within previously developed areas, is one of the ways planning authorities can make efficient use of land and existing infrastructure. The PPS states that land use patterns within settlement area shall be based in part on providing a range of uses and opportunities for intensification and redevelopment.

With respect to intensification, the PPS states:

#### **1.1.3.3**

*That planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

#### **1.1.3.4**

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

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In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with' the PPS.

#### 2017 Growth Plan for the Greater Golden Horseshoe

On May 18, 2017 the 2017 Growth Plan for the Greater Golden Horseshoe (hereinafter 'Growth Plan') was released and it came into effect on July 1, 2017. The Growth Plan is a long-term plan that works together with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan 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. Section 2.2.1.4, Managing Growth, notes that applying the policies of the Growth Plan will support the achievement of complete communities that, among other matters, feature a diverse mix of land uses, including residential and employments uses, and convenient access to local stores, services and public service facilities.

Intensification, including the development of vacant lots within previously developed areas, is one of the ways local municipalities can make efficient use of land and existing infrastructure. Policy 2.2.2.4 a) states that all municipalities develop a strategy to achieve the minimum intensification target throughout the delineated built-up areas which will encourage intensification generally to achieve the desired urban structure.

All decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter are required to conform to the 2017 Growth Plan.

#### Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region Official Plan (hereinafter 'Halton Plan'). The policies of ROPA 38 to the Halton Plan are in force with the exception of site-specific and policy-specific matters unrelated to this application.

The site is designated Urban Area according to the Halton Plan. The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". 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". The range of permitted uses in the Urban Area will be in accordance with Local Official Plans and



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Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

### Livable Oakville

#### Urban Structure:

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011 and is currently undergoing a 5 year Official Plan Review to ensure the policies are consistent with the latest 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. On September 27, 2017, Council adopted Official Plan Amendment 15 (OPA 15) to the Livable Oakville Plan, which confirms the Town's existing urban structure in terms of nodes (growth areas) and corridors. OPA 15 was approved by Halton Region on April 26, 2018 and there are two appeals pending. The subject lands continue to be identified as forming part of a Major Commercial Area and North Service Road West is identified as a Major Transportation Corridor.

#### Land Use Policies:

The policies of the Livable Oakville Plan establish four commercial designations to ensure that an adequate range and variety of goods and services are distributed throughout the town and are available to residents and shoppers. The subject lands are designated as "Core Commercial" on Schedule H, West Land Use, in the Livable Oakville Plan as shown in Appendix A. The Core Commercial land use designation is intended to provide major concentrations of commercial facilities serving the broader regional community and are located at the intersection of major arterial roads with proximity to highway access. Uses permitted within the Core Commercial designation include:

*"13.3.1. Permitted uses may include a range of retail and service commercial uses including restaurants, food stores and motor vehicle service stations. Large format retail, retail warehouse, entertainment and recreational uses may also be permitted. Offices and motor vehicle repair facilities may be permitted provided they serve a secondary function within the Core commercial designation and are small in scale."*

Hotels are not a permitted use in the Core Commercial designation, therefore the applicant has applied for an Official Plan Amendment to allow a hotel on the subject lands as a site specific exception in the Livable Oakville Plan. In addition to policies related to permitted uses, development within the Core Commercial designation is subject to the following policies:

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*13.3.3 The retail and service commercial uses within the Core Commercial designation are to be accommodated within an enclosed shopping mall, large freestanding buildings or through groupings of buildings. These areas shall be developed in a nodal configuration to minimize traffic impacts on adjacent uses.*

*13.3.4 Core commercial areas should be developed with integrated access, parking and loading as well as common landscaping and design features.*

Implementation Policies:

Part F - Implementation and Interpretation, of the Livable Oakville plan provides a description of the tools that the Town can use to implement the Official Plan. Section 28.2 of OPA 15 provides criteria for evaluation of site specific amendments to the Official Plan:

*“28.2.1 The Town shall evaluate site-specific amendments to this Plan within the context of the goals, objectives and policies of this Plan.*

*28.2.2 The proponent of an official plan amendment shall submit reports to the satisfaction of the Town demonstrating the rationale for the amendment in accordance with the submission requirements set out in Part F of this Plan.*

*28.2.3 Submissions must demonstrate that the proposed amendment:*

- a) is consistent with the Town’s mission and guiding principles.*
- b) does not undermine the Town’s urban structure in terms of:
 
  - i) directing growth to identified nodes and corridors, and ensuring their timely development in a manner that makes effective and efficient use of existing and planned investment and achieves the planned objectives for these areas;*
  - ii) protecting natural heritage systems;*
  - iii) protecting waterfront open space, parks and other public open space;*
  - iv) conserving cultural heritage resources; and,*
  - v) the maintenance of the character of established residential areas, employment areas and major commercial areas.**
- c) is consistent with Provincial, Regional and Town plans for multi-modal transportation systems, municipal services, infrastructure and public service facilities.*
- d) does not result in adverse fiscal impacts for the Town.*
- e) is an appropriate use for the land.*
- f) is compatible with existing and planned surrounding land uses.*
- g) is not more appropriately considered under a required comprehensive Official Plan review or a municipal comprehensive review.*

- h) does not establish an undesirable precedent if approved.*
- i) satisfies all other applicable policies of this plan.”*

**Zoning By-law 2014-014:**

Zoning By-law 2014-014, as amended, is the Town’s comprehensive zoning by-law for the lands south of Dundas Street and north of Highway 407. The Zoning By-law was partially approved by the Ontario Municipal Board in February 2015 and there are currently three appeals outstanding.

Map 19(14) of Zoning By-law 2014-014 indicates that the property is zoned Core Commercial (C3) as shown in Appendix B. The C3 zone allows a range of retail, service commercial, office, community, open space and motor vehicle uses. A hotel is not a permitted use in the C3 zone, therefore a Zoning By-law Amendment is required to permit the proposed use on the subject property.

The Zoning By-law Amendment proposes a site specific Special Provision to permit the development in terms of use and to allow site specific performance standards to implement the proposed site layout including to reduce required parking, minimum lot area, minimum landscape buffer and to increase maximum height of parapets and maximum projection for a canopy.

A summary of requested amendments to the regulations of Zoning By-law 2014-014 is illustrated in the following Table 1:

<b>Figure 1 – Zoning Comparison</b>		
	<b>Requirements of Zoning By-law 2014-014</b>	<b>Proposal (Special Provision)</b>
<b>Use</b>	Hotel not a permitted use in C3 zone	Allow Hotel as a permitted use
<b>Required Parking Ratio</b>	1 space per lodging unit plus 1 space per 30.0 m <sup>2</sup> net floor area outside a lodging unit	0.8 spaces per lodging unit
<b>Required Parking</b>	134 spaces	95 spaces
<b>Minimum lot area</b>	4.0 ha	0.5 ha
<b>Maximum Height of Parapets</b>	2.0 m maximum	3.0 m maximum
<b>Maximum Projection of Canopy</b>	0.6 m maximum	Front yard: 2.9 m

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<b>Minimum Landscape Buffer</b>	3.0 minimum	0.65m minimum
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**PLANNING ANALYSIS:**

**EXISTING POLICY:**

The following section explains how the existing Official Plan designation (Core Commercial) and zoning (C3- Core Commercial) are consistent with the Provincial Policy Statement 2014 (PPS 2014), conforms and therefore does not conflict with all applicable Provincial plans, and conforms with the Region of Halton Official Plan and the Livable Oakville Official Plan.

Consistency with Provincial Policy Statement 2014:

The PPS 2014 encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by providing a compact development form. In doing this, the PPS recognizes that healthy, livable and safe communities are sustained by, among other matters, accommodating an appropriate range and mix of uses, including commercial uses. The subject lands are designated as “Core Commercial” on Schedule H, West Land Use, in the Livable Oakville Plan. Map 19(14) of Zoning By-law 2014-014 indicates that the property is zoned Core Commercial (C3). The existing Official Plan designation and zoning are consistent with the PPS 2014, as a range and mix of retail and commercial uses are currently permitted.

Conformity with Growth Plan:

The Growth Plan provides policies for where and how to grow, directing population and employment growth to areas with delineated built boundaries on full municipal services. The subject lands are within a built up area of Oakville, where growth is intended to be accommodated through intensification, subject to policies developed by local municipalities based on local conditions, including a strategy which will encourage intensification generally to achieve the desired urban structure. In regard to directing growth and change, the existing Official Plan designation and zoning are in conformity with the Growth Plan, and therefore does not conflict with the Growth Plan, as they allow for suitable intensification of underutilized lands in accordance with the Town’s established urban structure.

The policies of the Growth Plan are to be applied to support complete communities by, among other matters, providing a mix of land uses and convenient access to local stores and services. The existing Official Plan designation and zoning conforms with the Growth Plan given that a range of retail and commercial uses are provided for. Further, within the context of the larger community, the Official Plan designation and zoning forms part of a larger concentration of Core Commercial lands that are intended to serve the broader regional community.

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Conformity with the Regional Official Plan:

The subject lands are designated Urban Area and located within the Built Boundary as identified within the 2009 Regional Official Plan. The policies of the Urban Area designation support intensification and the development of vibrant and complete communities which provide maximum choices for residence, work and leisure. In order to meet long-term needs, an appropriate range and balance of employment uses including industrial, office, retail and institutional uses are to be provided for. The existing Official Plan designation and zoning conforms to the Regional Official Plan, given that the range of permitted commercial and retail uses contributes to overall choice for residents, in terms of work and leisure and in doing so, supports the development of complete communities.

Conformity with Livable Oakville:

The subject lands are designated Core Commercial in the Livable Oakville Plan. The Core Commercial land use designation is intended to provide major concentrations of commercial facilities serving the broader regional community and are located at the intersection of major arterial roads with proximity to highway access. In terms of use, the existing C3 (Core Commercial) zoning implements the Livable Oakville Plan by providing for a range of retail and service commercial uses including restaurants, food stores, motor vehicle service stations, large format retail, retail warehouse, entertainment and recreational uses, which are all uses permitted by the Core Commercial land use designation. In addition, the subject lands form part of a larger Core Commercial area concentrated around the intersection of Dorval Drive and North Service Road West, to serve the needs of the broader regional community.

**PROPOSED OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT:**

The following section explains how the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement 2014 (PPS 2014), does not conflict with applicable Provincial plans, and conforms with the Region of Halton Official Plan and the Livable Oakville Official Plan.

Consistency with Provincial Policy Statement 2014:

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment, are consistent with the 2014 Provincial Policy Statement as the introduction of a hotel as site specific use will make efficient use of the land and existing infrastructure, represents an appropriate opportunity of intensification, while not posing a risk to public health or safety.

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Conformity with Growth Plan:

The subject lands are considered within a built up area of Oakville in accordance with the Growth Plan, where growth is intended to be accommodated through intensification, subject to policies developed by local municipalities based on local conditions. Accordingly, the proposed development would conform to the policies of the Growth Plan and would provide an important contribution to achieving broader complete community objectives.

Conformity with the Regional Official Plan:

The subject lands are designated Urban Area as identified within the 2009 Regional Official Plan. The proposed Official Plan Amendment and Zoning By-law Amendment do not conflict with the Regional Official Plan, given the proposed development represents compact development that contributes to the existing mix of uses in the area. Technical matters related to the extension of services have been addressed as a condition to be fulfilled prior to removal of the proposed Holding Zone to be implemented through the related Zoning By-law Amendment.

Conformity with Livable Oakville:

As part of the subject application, a hotel use is proposed, whereas the Livable Oakville Plan does not allow hotels within the Core Commercial designation. As a result, the subject application includes proposed site specific Official Plan Amendment to allow a hotel as a permitted use.

Core Commercial Land Use:

The subject lands are designated Core Commercial in the Livable Oakville Plan. The Core Commercial land use designation is intended to provide major concentrations of commercial facilities serving the broader regional community and are located at the intersection of major arterial roads with proximity to highway access. In terms of use, the existing C3 (Core Commercial) zoning implements the Livable Oakville Plan by providing for a range of retail and service commercial uses including restaurants, food stores, motor vehicle service stations, large format retail, retail warehouse, entertainment and recreational uses, which are all uses permitted by the Core Commercial land use designation. In addition, the subject lands form part of a larger Core Commercial area concentrated around the intersection of Dorval Drive and North Service Road West, to serve the needs of the broader regional community.

The introduction of a hotel into the Core Commercial zone does not undermine the principal land use objectives of the Core Commercial designation, which promote the concentration of commercial facilities serving the broader regional community, along major arterial roads with proximity to major highways access. The site's

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frontage onto the North Service Road, immediately adjacent to the QEW off-ramp, and the hotel's traditional draw from the broader travelling public, satisfies many of the functional characteristics of a Core Commercial land use.

Further, the triangular shape of the subject lands has posed past challenges for its development for traditional core commercial uses. The introduction of a hotel on this site, in closer proximity to North Service Road actually promotes to a greater degree many of the urban design principles espoused within the Core Commercial area.

The Core Commercial designation also permits additional uses that are complementary to the principal permitted uses, including office buildings and motor vehicle repair facilities. The proposed hotel is not a dissimilar use, in that it is a large scale, single use building whose users are drawn from a more broad regional community.

Implementation Policies:

As a result of OPA 15, Part F (Implementation and Interpretation) of the Livable Oakville plan was amended to provide additional tools to evaluate site specific amendments to the Official Plan. Although not yet in full force and effect, a response to the pertinent criteria contained in 28.2.3 of OPA 15 is provided below:

28.2.3 Submissions must demonstrate that the proposed amendment:

- a) is consistent with the Town's mission and guiding principles.

The introduction of a hotel as a permitted use in this instance, does not undermine the guiding principle of achieving the long term economic prosperity of the Core Commercial area.

- b) does not undermine the Town's urban structure in terms of:
  - i) directing growth to identified nodes and corridors, and ensuring their timely development in a manner that makes effective and efficient use of existing and planned investment and achieves the planned objectives for these areas; and ... v) the maintenance of the character of established residential areas, employment areas and major commercial areas.

The subject lands are identified as forming part of a Major Commercial Area and North Service Road West is identified as a Major Transportation Corridor. The subject lands are currently vacant, while surrounding lands forming part

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of the Major Commercial Area are developed with single storey commercial uses.

c) is consistent with Provincial, Regional and Town plans for multi-modal transportation systems, municipal services, infrastructure and public service facilities.

The proposal is consistent with Provincial, Regional and Town policies for municipal services, infrastructure and public service facilities in that the Region has confirmed that the lands are serviceable by municipal services, and that the MTO is satisfied, through the use of a Holding “H” provision associated with the implementing Zoning By-law, that improvements to the QEW off-ramp are not prejudiced by the development.

*d) does not result in adverse fiscal impacts for the Town.*

No negative fiscal impacts have been identified as a result of the proposed Official Plan Amendment.

*e) is an appropriate use for the land.*

The proposal have been fully evaluated from a policy and technical basis, wherein the implementing zoning and urban design principles will ensure the he proposed hotel use is an appropriate use of the land.

*f) is compatible with existing and planned surrounding land uses.*

The proposal will have no undue impact on existing or planned surrounding uses.

*g) is not more appropriately considered under a required comprehensive Official Plan review or a municipal comprehensive review.*

The proposed Official Plan Amendment, while considering the introduction of a single use not currently permitted, does not undermine the principles of the Core Commercial designation, and does not constitute a conversion that would be more appropriately considered through a MCR.

*h) does not establish an undesirable precedent if approved.*

The proposed site specific Official Plan Amendment would allow for redevelopment of an underutilized parcel of land within an existing commercial area of the Town, and due to the unique characteristics of the site, would not establish and undesirable precedent.



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## Zoning By-law Amendment

The following section provides an overview of the proposed Zoning By-law Amendment, in terms of details of the site specific Special Provision and Holding Provision. A copy of the proposed modified Zoning By-law Amendment (By-law 2018-134) being recommended by staff is contained in the By-law section of the agenda.

The applicant is seeking an amendment to the existing Core Commercial “C3” Zone, by retaining the parent zone, save and except for the introduction of a Hotel as an additional permitted use. The introduction of a hotel into the Core Commercial zone does not undermine the principal land use objectives of the Core Commercial designation, which promote the concentration of commercial facilities serving the broader regional community, along major arterial roads with proximity to major highways access. The site’s frontage onto the North Service Road, immediately adjacent to the QEW off-ramp, and the hotel’s traditional draw from the broader travelling public, satisfies many of the functional characteristics of a Core Commercial land use.

With respect to the zoning provisions, relief is being sought for parapet and canopy projections. These are reasonable given as they enhance the functional architectural design of the hotel.

With respect to the request to reduce the minimum 3m landscape strip to 1.0m, staff are able to support a reduction to no less than 2.0m along the westerly side lot line only, given the triangular shape of the property, and the fact that this lot line is paired with a landscape buffer strip on the adjacent property.

Based on the submitted Parking Analysis Study, the request to reduce the parking ratio from 1.0 to 0.8 spaces per lodging unit can be supported on the basis that this ratio is consistent with the parking ratio for hotels of similar size in similar situations, thereby resulting in a total of 95 parking spaces. The Town’s Engineering Department has been satisfied that the level of parking proposed on site is adequate to support the size of the proposed hotel.

### **TECHNIAL REVIEW:**

#### Urban Design

An Urban Design Brief has been submitted with the original development application submission. While the conceptual design of the property sites the building in a relatively appropriate location, the Urban Design Brief requires further modification to address such matters as the method of enhancing the design elements at the

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corner of the property, building façade and materials enhancements, as well as opportunities of enhanced canopy coverage. The foregoing issues can be dealt with through the requisite site plan approval process, include the need for an updated urban design brief to be submitted to approved by Planning staff.

#### Protection of QEW Off-ramp corridor

MTO requires 14m adjacent to the existing QEW off-ramp be protected from development to allow for future intersection upgrades along the off-ramp and North Service Road. This issue has been addressed through existing setback requirements in By-law 2014-014 and a holding provision to ensure that Ministry approval is obtained prior to construction. The issue will also be reviewed through the site plan process.

#### Shared Access

The applicant is actively pursuing the securement of a shared driveway with the adjacent landowner. A Holding "H" provision is to be attached to the implementing Zoning By-law, to be lifted upon the successful securement of the shared access, or unless not deemed necessary by the Town to the functional design of the site.

#### Functional Servicing Report/Stormwater Management Report

Both the Town and the Region are satisfied with the submitted FSR and Stormwater Management Report.

#### Zoning Issues

All zoning issues have been satisfactorily resolved, wherein the proposed implementing Zoning By-law will allow for the appropriate development of the lands within having an undue negative impact on any surrounding lands.

#### **Matters raised by Council:**

Members of Planning & Development Council approved a resolution that an analysis and response to a range of matters be included as part of this recommendation report. A response has been provided below:

- a) *Landscaping, snow storage and parking reduction.*  
The preliminary design of the site can achieve a reasonable amount of landscaping and snow storage. The details of these will be finalized through the Site Plan approval process. The reduction in parking has

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been substantiated to the satisfaction of the Town's Traffic Engineering Department.

b) *Cautions regarding land owner agreements which may not be binding in the fullness of time.*

The proposed shared driveway access between the subject lands and the westerly abutting property would be required to be secured through the Consent process, which would establish an easement in perpetuity between the two properties.

c) *Are reductions in zoning considered overdevelopment?*

The modifications being sought to the Zoning By-law are minor in nature, and continues to allow for the achievement of the Town's Official Plan and urban design principles, and do not collectively represent overdevelopment of the site. It should be noted that the specific request to reduce the landscape strip from 3m down to 1.0m cannot be supported. Rather, due to the triangular shape of the parking, and the need to functionally accommodate driving aisles and parking spaces, a reduction in the landscape strip to 2m can be supported, as this can still accommodate a reasonable growing environment for vegetation. Also, this landscape strip is paired with a landscape strip on the opposite side of the property line, thereby creating collectively wider planting environment.

d) *Timing of construction with Kerr Street grade separation/ construction.*

The timing of the construction of the Kerr Street underpass, proposed to commence in 2020-2021, will not negatively impact this development.

e) *Combination of concerns over parking and shared parking arrangements.*

The Town's Engineering Department has been satisfied that the level of parking proposed on site is adequate to support the size of the proposed hotel. Also, the opportunity may exist for the informal sharing of parking between the hotel site and the abutting plaza lands, as the peak parking demands of the two properties would be offset from one another. As a condition of H Removal, a Committee of Adjustment consent application is required to formalize the driveway easement.

### **NEXT STEPS:**

Should the modified Official Plan Amendment and Zoning By-law Amendment application be approved by Council, further planning approvals will be required to implement the development. Once the site design has been sufficiently advanced,

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staff expect the submission of a site plan application for the consideration of the Site Plan Review Committee. In addition, an H Removal and Committee of Adjustment consent application are required to formalize the driveway easement.

**CONCLUSION:**

A full circulation and assessment of the application was undertaken to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is of the opinion that the existing Official Plan designation and existing zoning do not conflict with all applicable Provincial plans and conform to the Region of Halton Official Plan.

The proposed Official Plan Amendment and Zoning By-law Amendment does not conflict with Provincial plans or to the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the Town’s approved Urban Structure and the principles and overall policy direction of the Livable Oakville Plan. Staff recommends approval of the Official Plan Amendment (By-law 2018-133) and Zoning Bylaw Amendment (By-law 2018-134), as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Issues raised by agencies have been addressed through conditions to be fulfilled prior to development through a Holding Provision.
  - Comments from Council have been appropriately addressed.
  - The proposed development does not conflict with the provincial plans or to the Halton Region Official Plan.

**CONSIDERATIONS:**

**(A) PUBLIC**

A Public Information Meeting was held on May 29th, 2018 and a Statutory Public Meeting was held on July 9<sup>th</sup>, 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 are payable at building permit issuance at the rates in effect at that time.

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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

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development addresses the principles of responsible land use planning, managing growth and promoting a community where people want to live, work and play.

**(E) COMMUNITY SUSTAINABILITY**

The development proposal furthers the sustainability principles established within the Livable Oakville Plan.

**APPENDICES:**

Appendix A - Proposed Layout

Appendix B – Proposed Building Renderings

Appendix C – Livable Oakville Plan

Appendix D - Existing Zoning 2014-014

Appendix E – Urban Design Requirements

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