



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 6, 2020

FROM: Planning Services Department

DATE: June 30, 2020

SUBJECT: Recommendation Report, Site Plan Application, 515476 Ontario Limited, 2300 Speers Road, File No. SP.1629.002/04

LOCATION: 2300 Speers Road

WARD: 2

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RECOMMENDATION

1. That, the A/CAO be authorized to sign the site plan agreement, pursuant to the Signing By-Law 2013-057; and,
2. That, the Director of Planning be authorized to grant final site plan approval of the site plan application for 2300 Speers Road submitted by 515476 Ontario Limited (File No. SP. 1629.002/04) once the site plans have been finalized, site plan agreement has been signed by the A/CAO, and the site plan agreement registered on title, in priority, for the reasons outlined in the report from the Planning Services department dated June 30th, 2020.

KEY FACTS

The subject lands are located on the south side of Speers Road, east of Bronte Road, adjacent to a stable residential community, and are occupied by an industrial building. As a result of tree removal, initially directed by the Town due to hazardous dead ash trees, the established buffer between the accessory truck yard and loading area on the subject lands and the stable residential community to the south was diminished and the applicant is seeking site plan approval to permit an expanded hard surface area, earth berm and related landscaping in place of the former wooded area.

The Site Plan Committee considered this site plan application and granted conditional site plan approval on December 12th, 2017. Since then, staff have worked with the applicant to fulfil the conditions of site plan approval. The applicant has revised their plans numerous times to address the conditions of

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site plan approval and commissioned a noise study which has informed the required height, location and length of the proposed berm to provide adequate sound attenuation.

Pursuant to Site Plan Control By-law 2019-114, a one time six-month extension of the conditional site plan approval was granted by the Director of Planning Services to June 12th, 2020. The applicant was not able to fully address the conditions of conditional site plan approval within that timeline, however has since been able to substantially fulfil the conditions of approval, aside from a minor revision to the plans, and the registration of the site plan agreement. Given that the conditional site plan approval has now lapsed, staff require authorization from Council for the A/CAO to sign the site plan agreement and for the Director of Planning to issue final site plan approval.

Pursuant to section 9 of Site Plan Control By-law 2019-114, notwithstanding the delegation of authority to approve site plans, the Director may present site plans to Council at any time prior to final approval. Accordingly, given that the conditions of the site plan approval have been substantially satisfied, as described herein, staff are recommending that Council authorize the CAO to sign the site plan agreement, and delegate issuance of the final site plan approval to the Director of Planning Services once the site plans have been finalized, site plan agreement has been signed by the A/CAO, and the site plan agreement has been registered on title, in priority

BACKGROUND:

The subject lands are occupied by an industrial building which was site plan approved in 1974, with a subsequent building addition approved in 1981. An accessory truck yard for the warehouse use is located on the west side of the building. Historically, this accessory truck yard was buffered from the stable residential community to the south by a wooded area. However, in response to complaints regarding dead ash trees within the woodlot, town staff investigated the complaints and prepared an arborist report which noted that the wooded area included numerous ash trees which were in declining state of health. Four of those trees were considered hazardous and the owner was ordered by the town to remove those four ash trees. Prior to May 2nd, 2017, when the new Private Tree Protection By-law was in force, the Owner submitted notification to the town, required at that time, to allow for removal of two additional poplar trees and 76 additional ash trees. No additional unauthorized tree removals were observed by staff.

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Figure 1 – Air Photo History

As a result of the tree removal, the established buffer between the accessory truck yard and loading area and the stable residential community to the south was diminished.

Once the foregoing trees were removed, the owner commenced site alteration work without a permit which resulted in charges being issued by the town, which have since been resolved by the court. A site alteration permit to allow for these works was subsequently filed with the town which was later deemed more appropriate to be considered through this site plan application.

Proposal Description

The applicant seeks site plan approval to permit site plan alterations consisting of an expanded hard surface area, earth berm and related landscaping. Since the Site Plan Committee considered this application, the earth berm has doubled in height, from 2.0 m to 4.0 m, in accordance with the minimum requirements recommended by the applicant’s Noise Study to provide for adequate sound mitigation between the industrial land use and the residential neighbourhood to the south.

Similarly, the applicant has improved the landscape plans from the original version which proposed 12 Austrian pine trees to the current version which would provide for 19 deciduous trees, 17 coniferous trees, 149 deciduous shrubs and 169 coniferous shrubs. Given the increased height and slope of the earth berm, a geotechnical engineer had to review the stability of the berm profile and recommend construction techniques, and the landscape

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plan required extraordinary attention to ensure the proposed planting plan would stabilize the slope and be hardy enough to survive in the proposed conditions (figure 2).

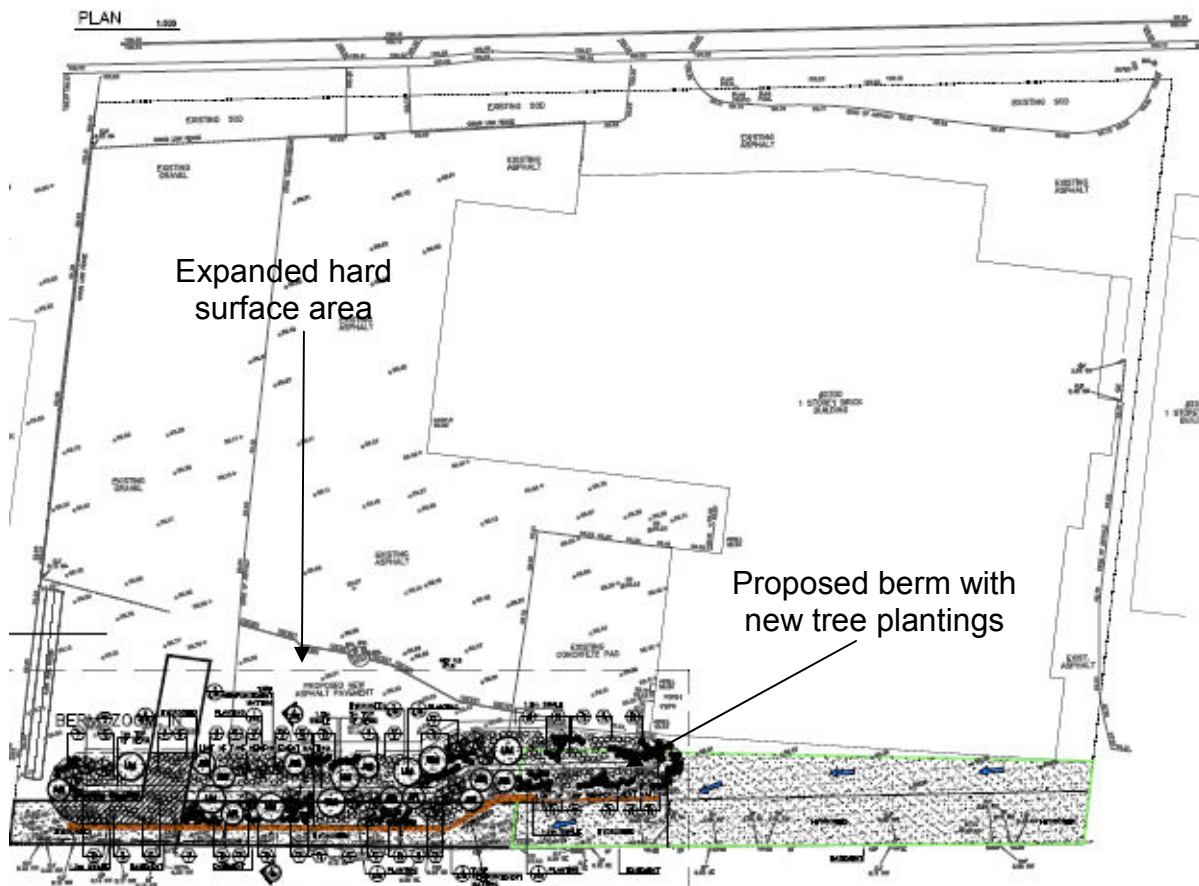


Figure 2 Site Plan Submitted by Applicant

The berm design, as redlined by the applicant, now also appropriately addresses easements registered on title of the subject lands which limits planting of trees in certain areas of the berm in case servicing works are required in the future. Lastly, staff's comments regarding drainage have been addressed by the applicant and a swale will be reinstated along the southern property line (adjacent to the residential neighbourhood), together with a storm sewer on the north side of the berm and connection to the nearby catch basin to ensure that the original approved drainage patterns are maintained and that there will be no adverse impact resulting from surface water drainage on the adjacent properties.

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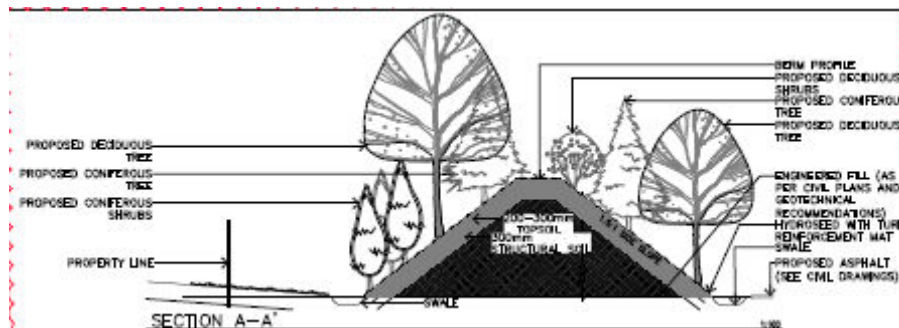


Figure 3: Proposed Berm Section

The updated plans have been reviewed by staff, and subject to the a minor revision, agreed to by the applicant, to shift the berm approximately 2.0 m north to provide sufficient space for maintenance of the drainage swale along the southern lot boundary, there are no outstanding concerns.

Proposal Compliance

Official Plan

The subject lands are designated Office Employment by the Livable Oakville Plan. The existing warehouse and accessory truck yard and loading area are a 'light industrial use' which is permitted by Section 14.3.1 a) of the Livable Oakville Plan.

Zoning By-law

The property is zoned as E1 which permits existing legal warehouses. The proposed development complies with the Zoning By-law.

TECHNICAL & PUBLIC COMMENTS

Conditions of Site Plan Approval

The conditions of site plan approval, as approved by the Site Plan Committee on December 12th, 2017 have been satisfied as follows:

1. **Revised Plans:** Subject to the a minor revision, agreed to by the applicant, to shift the berm approximately 2.0 m north to provide sufficient space for maintenance of the drainage swale along the southern lot boundary, all outstanding comments on the plans have been addressed. This includes the location, length and profile of the earth berm, landscaping, considerations for easements, drainage, stormwater management and erosion and sediment control.

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2. **Site Plan Agreement:** The Site Plan Agreement contains clauses suitable to the Director of Planning, Director of Development Engineering, and the Town Solicitor including a specific timeline for construction of the berm. The Owner has agreed to these terms and signed the site plan agreement (appended to this report as 'Appendix B'). Given that the conditional site plan approval has lapsed, staff are seeking authority for the A/CAO to sign the site plan agreement pursuant to the Signing By-Law 2013-057.
3. **Securities:** The Owner has posted full securities for the site works, in accordance with the site plan agreement, appended to this report as Appendix B, in the amount of \$150,595.00.
4. **Noise Report:** The berm design was increased in height by 2.0 m (total of 4.0 m) and increased in length in accordance with the Noise Impact Study dated May 25th, 2018.

Public Comments

The Site Plan approval process provides an opportunity for the town to review specific technical details with respect to plans for development on individual sites.

Site Plan control regulates the development of facilities not land use or operational issues. Land use is regulated through the Zoning By-law, and includes such matters as height, setbacks, and parking requirements. Operational issues may be subject to other by-laws, including the Town's Nuisance By-law or Noise By-law.

A number of public comments have been received as part of this site plan application, and staff have participated in meetings with residents in the neighbourhood to south of the subject lands. Public input was also received at the Site Plan Committee meeting on December 12, 2017, where the following resolution was adopted:

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c. S.P. 1629.002/04, 515476 Ontario Ltd., Site Plan Alterations, 2300 Speers Road

- *Report from Planning Services Department, December 6, 2017*

Moved by Councillor Robinson

That the site plan application S.P. 1629.002/04 to permit site plan alterations be approved subject to the conditions contained in Appendix A of the report, dated December 6, 2017, from Planning Services be amended to include the following additional conditions of approval:

- i. That the plans be amended, with additional securities deposited, to provide for a noise attenuation wall on the north side of the proposed berm and trees, adjacent to the expanded hard surface area, extending easterly to the end of the loading bays to the satisfaction of the Director of Planning Services.*
- ii. The height and material of the noise attenuation wall shall be informed by an acoustic assessment to the satisfaction of the Director of Planning Services.*

Aside from the complaints received regarding noise, lights, and property standards regarding vegetation growth on the subject lands, the most prevalent public comment was related to timing of when the proposed works would be built by the owner. All other technical comments with respect to site plan application including noise, and stormwater management have been fully addressed as part of the revised plans.

With respect to timing of construction, the site plan agreement will require the Owner to commence construction of the works within 3 months (this summer), and finish construction of the works within one year of starting construction.

Although members of the public have been invited to participate in the site plan process and their input is welcomed, notice to the public is not required under the *Planning Act*, and there is no public right of appeal from any decision. However, notice of this meeting has been provided to adjacent landowners, above and beyond the *Planning Act* requirements, consistent with the original notice provided for the Site Plan Committee meeting on December 12th, 2017.

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IMPLEMENTATION

Should Council approve this application, the A/CAO will have authority to sign the site plan agreement, and the legal department will work with the applicant's solicitor to register the site plan agreement on title, in priority. Once the foregoing has been satisfied, and site plans finalized as provided herein, the Director of Planning can issue final site plan approval, and the Owner can commence construction of the works in accordance with the approved plans and site plan agreement.

CONSIDERATIONS:

(A) PUBLIC

Notice of this meeting was mailed to adjacent landowners, consistent with the notice provided for the Site Plan Committee meeting on December 12th, 2017.

(B) FINANCIAL

None arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The site plan application has been circulated to town departments and external agencies. All comments have been addressed in the plans and reports, as updated by the applicant.

(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 was reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan. The proposal was also reviewed in the context of Council declaring a Climate Change Emergency on June 24th, 2019 to provide opportunities to efficiently use infrastructure and add greenspace for future residents.

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CONCLUSION

Planning staff circulated the site plan application to internal departments and external agencies. There are no outstanding financial or planning issues to be resolved and approval of this site plan application would be in the public interest. Accordingly, staff recommend approval of the site plan application, as revised.

APPENDICES:

A – Staff Report dated December 6th, 2017

B – Site Plan Agreement

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Current Planning – West District

Submitted by:

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