



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 5, 2020

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**FROM:** Planning Services Department

**DATE:** September 23, 2020

**SUBJECT:** 79 Wilson Street Development Applications Update

**LOCATION:** 79 Wilson Street

**WARD:** 2

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### RECOMMENDATION:

That the report titled 79 Wilson Street Development Applications Update dated September 23, 2020, be received.

### KEY FACTS:

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

- This report responds to Council's request for an overview of the timing for the re-development of the subject property.
- The owner firstly applied for a Zoning By-law Amendment application to re-zone the subject lands to permit a semi-detached dwelling. The Zoning incorporated a Holding Provision.
- The owner thereafter applied for:
  - A Site Plan Approval to develop the property in conformity with the approved Zoning.
  - A Demolition Permit and Building Permit.
  - A Servicing Permit from Halton Region.
- From initiating the pre-consultation meeting, the re-development of the property took longer than 26 months.
  - 355 calendar days with the Town and Region for processing
  - 463 calendar days with the Applicant for revisions and responses to Staff comments

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- Total fees of \$60,979.55 were paid to the Town and Region in accordance with the fee models, approved as part of the applicable Rates and Fees Schedules.

**BACKGROUND:**

This report has been prepared in response to a Council request made at the August 4, 2020 Planning and Development Council meeting:

*“That staff report back to Council on the redevelopment of the property at 79 Wilson St. Specifically, the timelines associated with the processing permits/applications and the fees associated with the redevelopment.”*

The applicant applied for a Zoning By-law Amendment (ZBA) to permit the development of a semi-detached dwelling. The subject lands are designated Low Density Residential and was zoned Central Business District Special Provision (CBD SP:149) (now CBD SP: 398) by the Livable Oakville Plan and Zoning By-law 2014-014 respectively. The CBD SP:149 zone did not allow new semi-detached dwellings. In order to implement the proposed development, a new site specific Special Provision was required to permit semi-detached dwelling as a permitted use and to permit site specific regulations to accommodate the proposed site layout.

Below is a timeline of each development application in regards to timing and costs:

**Zoning By-law Amendment Application (\$5,432.00)**

- Section 34 of the *Planning Act* required the applicant to rezone the subject lands to permit the proposed semi-detached dwelling.
- A Holding Provision (H41) was incorporated into the process to deal with Regional and Site Plan related issues.
  - Pre-consultation meeting was held on May 9, 2018
  - Public Information Meeting (PIM) hosted by the applicant was held on July 26, 2018.
  - Application received and deemed complete on January 8, 2019, giving Council until June 7, 2019, to make a decision on the application.
  - Statutory Public Meeting was held at the Planning and Development Council meeting of March 18, 2019
  - By-law 2019-029 approved at the May 13, 2019 Planning and Development Council meeting (attached as Appendix A)

Total calendar days: **369 (125 - Town and 244 - Applicant)**

**Site Plan Application (\$12,983.72 + \$20,000 Securities + \$4,329.72 Fees)**

- Section 41 of the *Planning Act* required the applicant to demonstrate that the proposed development was feasible from a technical and functional perspective.
  - Pre-consultation Meeting – July 10, 2019
  - 1<sup>st</sup> Site Plan Submission Received – July 24, 2019
  - 1<sup>st</sup> Site Plan Submission Circulated – August 14, 2019
  - Three week circulation period ended – September 4, 2019
  - Draft Comments Report provided to the Applicant – September 4, 2019
    - Comments received from Zoning – September 5, 2019
    - Comments received from Development Engineering – September 11, 2019
  - Consolidated Comments Report provided to the Applicant – September 11, 2019 (attached as Appendix B)
    - The applicant met with the Acting CAO at the time and Director of Planning on September 23, 2019 to review the status of the Site Plan Application and discuss the process.

**NOTE:** *Site Plan Committee was disbanded on November 11, 2019*

- 2<sup>nd</sup> Site Plan Submission Received – January 8, 2020
- 2<sup>nd</sup> Site Plan Submission Circulated – January 14, 2020
- Three week circulation period ended – February 4, 2020
- Draft Comments Report provided to the Applicant – February 10, 2020
  - Comments received from Zoning – February 6, 2020
  - Comments received from Development Engineering – February 19, 2020
- Consolidated Comments Report provided to the Applicant – February 19, 2020 (attached as Appendix D)
  - The applicant met with the Director of Development Engineering on March 12, 2020 to review and discuss the Engineering related comments and revisions to be made for the following submission.

**NOTE:** *Town Hall closed on March 18, 2020 due to COVID-19*

- 3<sup>rd</sup> Site Plan Digital Submission Received – April 17, 2020
- 3<sup>rd</sup> Site Plan Submission Circulated – April 20, 2020
- Three week circulation period ended – May 12, 2020
- Consolidated Comments Report provided to the Applicant – May 14, 2020 (attached as Appendix E)
  - Site Plan Agreement Registered – June 19, 2020
  - Final Site Plan Approval Granted – June 29, 2020
  - Note to File for relocating windows Approved – July 28, 2020

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Total calendar days: **384 (165 Town and 219 – Applicant)**

**Holding Provision Removal (\$5,432.00)**

- Section 34 of the *Planning Act* required Town Council to remove the (H41) Holding Provision on the subject lands, subject to the applicant satisfying certain conditions.
  - Submitted – May 15, 2020
  - Approved – June 16, 2020

Total calendar days: **32**

**Halton Region Servicing Permit (\$4,767.21 + \$2,300 Security Deposit)**

- Halton Region required the Site Plan to be sufficiently completed in order for a permit to be released to provide water and sanitary services.
  - Submitted – March 27, 2020
  - Issued – June 8, 2020
  - Work to proceed after Holding Provision Removal – June 26, 2020

Total calendar days: **73**

**Building Permit (\$4,916.90)**

- The applicant was required to obtain a building permit for the proposed development.
  - Submitted – June 15, 2020
  - Intake – July 6, 2020
  - Review complete and development charges billed – July 17, 2020
  - Payment received and permit issued – August 4, 2020

Total calendar days: **50**

**Demolition Permit (\$518.00)**

- The applicant was required to submit a demolition permit to remove the existing building from the property to facilitate the proposed development.
  - Submitted – June 15, 2020
  - Intake – July 6, 2020
  - Issued – July 6, 2020

Total calendar days: **21**

**COMMENTS:**

The development of the property involved a number of issues that needed to be resolved before Staff could support it through a review of the Zoning By-law Amendment and Site Plan applications as good planning. During the process of reviewing the applications, Staff raised a number of concerns that are not uncommon to developments of this nature, given the scale of the proposal and constraints of the property, which required several resubmissions.

At the Statutory Public Meeting held at the Planning and Development Council on March 18, 2019 for the Zoning By-law Amendment application, Council approved a resolution that the following matters of interest to Council be included as part of the recommendation report:

- a) *Consider matters raised by the public at the public meeting in the final report.* Minutes of the July 26, 2018 developer hosted Public Information Meeting were submitted with the subject application and captured public comments as described below. Further, the applicant indicated that all concerns were addressed and that no attendees had any additional questions. Staff have considered the comments raised by the public, and provide the following response:

*Will window placement result in the loss of privacy?*

Window placement alongside walls is common on residential dwellings, and will not be inconsistent with other dwelling units in the area.

*Where will the building be placed in relationship to the road?*

The building will be situated in relatively close proximity the Wilson Street, approximately 3.5m from the property line, and approximately 8.5m to the roadway.

*Concern for loss of trees in mutual driveway, larger tree at back NE corner of 79 Wilson and loss of filtered light and wildlife.*

The existing trees within the driveway are not considered to be substantial trees in good health, and are worthy of removal. Additional landscaping will be proposed through the site plan process.

*How high will the building be?*

The building is proposed to be 12m in height.

*What is the proposed building size, compared to the existing?*

The proposed building, as shown on the Concept Plan, is approximately 240 sq.m, whereas the the original dwelling is approximately 130 sq.m in size.

*What building materials will be used?*

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This is a building code issue, and is not required to be defined through the zoning or the site plan process.

*Concern for construction noise*

Construction noise is not governed through the zoning or site plan process, however, hours of operation are governed through the building permit process.

*Concern for foundation depth, collapse of adjacent buildings, fences and trees*

These issues are more appropriately dealt with through the building permit process.

*Construction start date*

The start of construction is not know at this time.

- b) *Further review as to what constitutes a 4th storey to this development.*  
The floor area leading to the roof top patio is not considered a fourth storey from the perspective of zoning interpretation.
- c) *Will staff consider the loss of trees on the final landscape plan?*  
The proposed Holding Provision includes a condition related to the submission of a Site Plan application. Among other matters, a landscape plan will be required and evaluated at the site plan application stage to maximize landscaping potential on the subject lands.
- d) *What is the current tree canopy on site and what will it be as a result of this proposed development?"*  
The existing on-site tree canopy cover is 220.44 m<sup>2</sup>. In order to achieve the desired 20% tree canopy coverage, 75sq.m. of tree coverage will be required. This will be addressed through the site plan approval process

The Zoning By-law Amendment application resulted in a new site specific Special Provision for the subject lands with a Holding Provision. The intent of the Holding Provision was to ensure the Region of Halton's requirement for a Record of Site Condition (RSC) be addressed, and that a Site Plan application be submitted demonstrating that stormwater management can be appropriately managed to Town standards and that appropriate landscape treatment and urban design criteria can be implemented.

These specific issues were identified in the 1<sup>st</sup> Submission Comments Report provided to the applicant (attached as Appendix E) on March 6, 2019. The 2<sup>nd</sup> Submission was received on March 29, 2019 and subsequently circulated on April 2, 2019.

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**CONCLUSION:**

In summary, the net result of the six development applications took 2 years, 2 months and 26 calendar days from the date of the Zoning By-law Amendment Application (ZBA) pre-consultation meeting to the issuance of the Building Permit. The application review process followed the normal practice of dealing with the land use first through the ZBA and then technical review of the Site Plan and other applications. Throughout the review process, the Town had care of the applications for 355 days, while the applicant had care of the applications for 463 days. It should be noted that due to the COVID-19 pandemic, the Town was unable to accept applications until the Digital Submissions Intake process was launched in April of 2020. The net applications fees paid through the duration of the time period in accordance with the Council approved Rates and Fees Policy equates to \$60,979.55.

**CONSIDERATIONS:****(A) PUBLIC**

None associated with this report.

**(B) FINANCIAL**

None associated with this report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

None associated with this report.

**(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**

A review of sustainability objectives of the Livable Oakville Plan were undertaken as part of the review of the Zoning By-law Amendment, Site Plan and Holding Removal applications.

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**APPENDICES:**

1. Appendix A – By-law 2019-053
2. Appendix B – 1<sup>st</sup> Submission Site Plan Consolidated Comments Report
3. Appendix C – 2<sup>nd</sup> Submission Site Plan Consolidated Comments Report
4. Appendix D – 3<sup>rd</sup> Submission Site Plan Consolidated Comments Report
5. Appendix E – 1<sup>st</sup> Submission Zoning By-law Amendment Comments Report

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