



OAKVILLE

REPORT

SPECIAL COUNCIL MEETING

MEETING DATE: JANUARY 23, 2017

FROM: Planning Services Department and Legal Department

DATE: January 18, 2017

SUBJECT: Update on Glen Abbey Golf Course

LOCATION: 1333 Dorval Drive

WARD: 4

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RECOMMENDATION:

That the report of the Planning and Legal Departments dated January 16, 2017, regarding the Glen Abbey Golf Course be received.

KEY FACTS:

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

- On February 1, 2016, Council passed By-law 2016-024, being an interim control by-law to restrict the use of the Glen Abbey Golf Course to the existing uses only, for a period of one year, pending the completion of the following studies:
 - a. An Urban Structure review;
 - b. A Land Use Economic and Impact Analysis study; and
 - c. The Cultural Heritage Landscapes assessment of the Glen Abbey Golf Course.
- On November 1, 2016, Council passed By-law 2016-115, extending Interim Control By-law 2016-024 for a further year, to expire on January 31, 2018. Under the *Planning Act*, an interim control by-law may apply to lands for a total period not to exceed two years.
- An appeal of both By-laws 2016-024 and 2016-115 to the Ontario Municipal Board (“Board”) was filed by ClubLink Corporation ULC and ClubLink Holdings Limited (“ClubLink”).

- The Board has set 10 days for the hearing of the appeal, scheduled to commence on Monday, January 30, 2017.
- On November 10, 2016, ClubLink filed development applications with the Town for an official plan amendment, zoning by-law amendment, and draft plan of subdivision for a mix of residential, commercial, and public open space uses for the lands of the Glen Abbey Golf Course, including 3,200 residential units and 121,000 square feet of new office and retail space.
- On December 8, 2016, pursuant to delegated authority, the Town's Planning Director advised the applicants' planning consultants that all the information and material required for the development applications had not been provided and the application was incomplete.
- On December 12, 2016, the solicitors for ClubLink wrote to the Board requesting that the Board hear a motion to determine the completeness of the applications, and that such motion be consolidated with the interim control by-law hearing commencing on January 30, 2017. The Town opposed that consolidation request and the Board agreed. A date for the hearing of the motion has not yet been set by the Board.
- On December 12, 2016, the solicitors for ClubLink also wrote to the Board to initiate an appeal against the application fees that were submitted with its application, given that the Town concluded the applications are incomplete.

BACKGROUND:

The purpose of this report is to provide an update to Council regarding the status of current matters involving the Glen Abbey Golf Course.

COMMENT/OPTIONS:

INTERIM CONTROL BY-LAW APPEALS

The interim control by-law, extended to January 31, 2018, restricting the use of the Glen Abbey Golf Course to its existing uses only, was passed pending the completion and implementation of the following studies:

- a. An Urban Structure review
- b. A Land Use Economic and Impact Analysis study; and,
- c. The Cultural Heritage Landscapes Assessment of the Glen Abbey Golf Course.

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The purpose of the interim control by-law is to provide time to complete the studies and implement any changes to the Town's Official Plan and Zoning By-Law and necessary tools in order to have the appropriate policy and regulatory context in place to properly consider the Glen Abbey Golf Course redevelopment proposal. The interim control by-law was also enacted to ensure that development permitted under existing zoning, but which does not currently exist, does not occur until the Cultural Heritage Landscape Assessment has been completed.

Each of these studies is well underway, with final reports to be provided later this year.

The Town is moving forward to defend the appeals against the interim control by-law and its extension at a hearing before the Ontario Municipal Board, commencing on January 30, 2017. This hearing deals only with the issue of the interim control by-laws that have been passed by the Town, and not with any other matter involving the site.

STATUS OF TOWN STUDIES

The Urban Structure Review has been initiated to examine the town's urban structure, including natural heritage and open space, as well as the designated Growth Areas, residential, commercial, employment and mixed-use areas, to assess whether changes are necessary to accommodate required growth through to 2041. It will also make sure community infrastructure and public services are available for the long term while ensuring environmental concerns and cost effectiveness are addressed.

A Land Use Economic and Impact Analysis study has been initiated to examine the economic impact and tourism function of the existing and planned function of the Glen Abbey Golf Course.

The Cultural Heritage Landscapes Assessment of the Glen Abbey Golf Course, amongst other properties, has been initiated in response to the Council adopted Cultural Heritage Landscapes Strategy, which set the foundation for the primary identification of candidate cultural heritage landscapes.

As noted above, it is anticipated that the Town will implement the recommendations of the studies through appropriate Official Plan and Zoning By-law Amendments, and that each of the three studies is well underway and will be presented to Town Council later in 2017.

DEVELOPMENT APPLICATIONS SUBMITTED BY CLUBLINK

On November 10, 2016, Clublink submitted development applications for an Official Plan Amendment, Zoning By-law Amendment and a Plan of Subdivision. The applicant is proposing the following:

- 141 single detached dwellings,
- 299 townhouse, street townhouse, stacked townhouse and back-to-back townhouse dwellings,
- 2,782 apartment dwellings, (for a total of 3,222 dwelling units);
- 5,429 square metres (58,438 square feet) of office commercial space,
- 5,841 square metres (62,871 square feet) of retail commercial uses in mixed-use residential and commercial buildings,
- 546 square metres (5,877 square feet) of community amenity uses including a village market,
- 10.41 hectares (25.72 acres) of parks,
- 0.78 hectares (1.66 acres) of open space,
- 32.47 hectares (80.24 acres) of natural heritage system,
- 0.34 hectares (0.84 acres) of remnant wooded area,
- 1.79 hectares (4.42 acres) of buffer blocks,
- 4.32 hectares (10.67 acres) of storm water management ponds.
- The portion of Sixteen Mile Creek and its associated valleyland, two tableland woodlots, and valleyland and woodlot buffers are proposed to be conveyed to the appropriate public authority as a condition of approval.

The *Planning Act* sets out information and material that is required to be provided in support of all development applications. The Act also provides that a municipality may require that an applicant provide any other information and material that it considers it needs, provided its official plan contains policies related to such requirements. Until the municipality has received all of the required information, the council may refuse to accept or further consider the proposed applications.

The Town's Official Plan requires that proponents consult with the Town prior to the submission of a development application, so that the appropriate technical studies, reports and plans in support of the proposal can be determined. Where the Town receives a development application, the Town's Director of Planning has the authority to determine if all of the information specified by the *Planning Act*, and all of the additional information required by the Town to process the application, has been provided, and accordingly if the application is "complete".

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The Town's Director of Planning has concluded that the development applications filed with the Town by ClubLink on November 10, 2016, are not complete, for the reasons as set out in the correspondence dated December 8, 2016 to the planning consultants of ClubLink (Appendix A).

The *Planning Act* provides for disputes over the completeness of a development application to be resolved by the Board by way of motion. On such a motion the Board will determine whether the applicant has provided all of the information required by the municipality, and whether any requirement by the municipality for additional information is reasonable. In response to a request by ClubLink, the Board will be setting a date to hear a motion regarding whether ClubLink's development applications that were filed with the Town were complete. ClubLink requested that the motion be consolidated with the interim control by-law hearing that is commencing on January 30, 2017, which request was opposed by the Town. The Board refused ClubLink's consolidation request and has not yet scheduled the motion, although has indicated it will likely be heard in the March to June timeframe.

This motion may also have implications for the timeframes within which the Town would have to make a decision on the applications before ClubLink could potentially appeal its applications to the Board. Pursuant to the provisions of the *Planning Act*, where a council refuses or neglects to make a decision on a development application within specified time periods, the applicant may appeal such 'non-decision' to the Board. In the case of an application for a zoning amendment the time period is 120 days following receipt of the application, and in the case of an application for an official plan amendment or plan of subdivision the time period is 180 days following receipt of the application. However, these time periods do not begin to run until all of the information and material required to be provided in support thereof, as determined through the Board's decision on the motion, has been received by the Town.

Staff will be reporting further to Council prior to these dates on next steps.

CONSIDERATIONS:

(A) PUBLIC

This is a public report, available on the Town's website. The meeting is open to the public, and may also be viewed on the Town's website.

Where they arise in the course of a meeting, certain matters may be considered in the absence of the public, pursuant s s239(2) of the *Municipal Act, 2001*, including:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(B) FINANCIAL

N/A

(C) IMPACT ON OTHER DEPARTMENTS & USERS

N/A

(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 issue impacts on all pillars of sustainability - social, economic, environment and cultural aspects of the community.

APPENDICES:

Appendix A: Letter, December 8, 2016, Mark Simeoni to Mark Bradley, Glen Scharr and Associates Inc.

Prepared and Submitted by:

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Director, Planning Services

Douglas Carr
Town Solicitor