



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: June 27, 2022

FROM: Planning Services Department

DATE: June 14, 2022

SUBJECT: **Public Meeting and Recommendation Report – Draft Plan of Subdivision, Plan 20M-1186, Blocks 415 and 418 – Fernbrook Homes (Seven Oaks 2021) Ltd., File No.: 24T-22004/1315**

LOCATION: Plan 20M-1186, Blocks 415 and 418, Concession 1, NDS

WARD: Ward 7 Page 1

RECOMMENDATION

1. That Draft Plan of Subdivision application (File No. 24T-22004/1315), submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest and Section 51(24) of the *Planning Act*, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-22004/1315) submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., prepared by J.D Barnes Limited, dated January 4, 2022, subject to the conditions contained in Appendix “A”.
3. That the Subdivision Agreement be prepared and finalized to the satisfaction of the CAO and Town Solicitor or delegates, and executed in accordance with By-law 2013-057.
4. That notice of Council’s decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

KEY FACTS

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

- This report is a combined public meeting and recommendation report and recommends approval of a proposed Draft Plan of Subdivision submitted by Fernbrook (Seven Oaks 2021) Ltd., which will have the effect of creating four blocks for townhouse dwelling units with public laneway access and nine lots for detached dwelling units with access from a public right-of-way for a total of 28 units.
- Draft plan conditions have been recommended to address the conditions of approval based on agency comments and are attached as Appendix 'A' to this report.
- The subject lands are designated *Neighbourhood Area* in the North Oakville East Secondary Plan (Figure NOE2), and identified as Neighbourhood Centre and General Urban on the Master Plan.
- The subject lands are zoned *Neighbourhood Centre* subject to Special Provision 29 and subject to "H" holding provisions 10 and 15 (H10/H15 - NC sp:29) within Zoning By-law 2009-189, as amended, and there are no amendments to the zoning by-law required for this application.
- The applicant-initiated public information meeting was held on December 2, 2021, which was attended by one resident. One written comment was received after the application was submitted inquiring about purchasing a lot within the proposed subdivision.
- The Region's records indicate that 36 SDEs of servicing allocation have been reserved for the subject lands through the 2012 Allocation Program (Law file: 2021-143). Therefore, sufficient allocation has been reserved to support the proposed development.
- The Draft Plan of Subdivision application was deemed complete on March 10, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before July 8, 2022, after which the applicant can file an appeal for non-decision.
- Staff recommend approval of the draft plan of subdivision application as the proposed development is consistent with NOESP and Master Plan. The proposal is also consistent with the Provincial Policy Statement 2020, conforms to all applicable Provincial plans, and the Region of Halton Official Plan as they establish applicable policies to guide development in accordance with the Town's established urban structure.

BACKGROUND

The purpose of this report is to introduce the planning application as part of the statutory public meeting and provide a comprehensive staff review of the application and a recommendation on the proposed Draft Plan of Subdivision by Fernbrook (Seven Oaks 2021) Ltd. Staff have proceeded with a combined public meeting and recommendation report for this proposal, as the principal land use was reviewed through a comprehensive zoning and draft plan of subdivision process known as the Sixth Line Corporation Subdivision in 2014. No new issues have been raised by staff or the public during the review of this current application.

The subject lands are known as Block 415 and Block 418 (a 0.3m reserve) within registered plan 20M-1186. The original subdivision, submitted by Sixth Line Corporation, was registered in 2017. The zoning by-law amendment approved for the subdivision identified the subject lands for mixed use development. Holding provisions were incorporated to restrict the use of the block to only permit an apartment or mixed use building for the first three years from approval, but detached dwellings and townhouse dwellings are also permitted as-of-right after the three year waiting period expires. The applicant will still need to remove the holding provision to permit the development of detached dwellings and townhouse dwellings.

Proposal

The applicant is proposing to create four blocks for 19 townhouse dwelling units and nine lots for detached dwelling units, and a public lane through the Draft Plan of Subdivision application. The proposal results in a total 28 units on the subject lands, as illustrated in Figure 1.

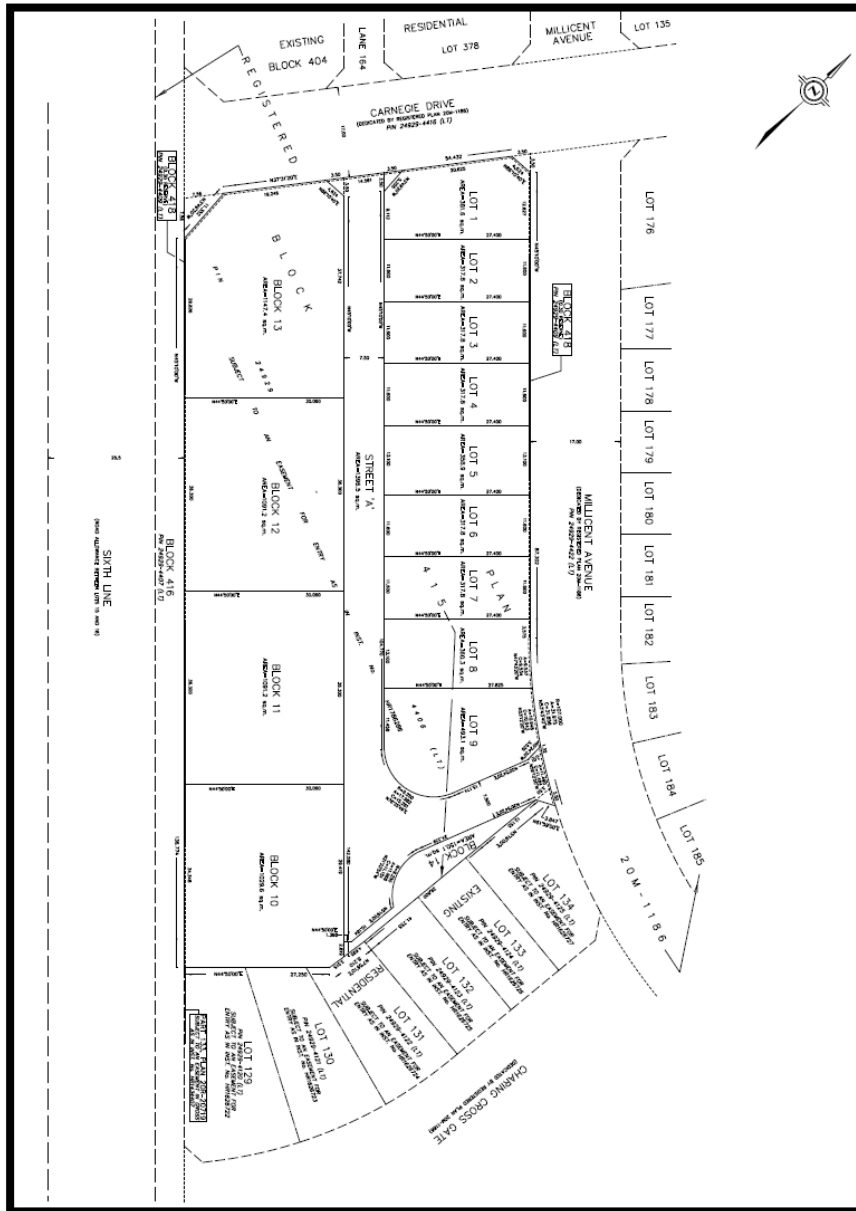


Figure 1 – Proposed Draft Plan of Subdivision

Location & Site Description

The subject lands are approximately 0.909 hectares in size and are located at the southeast corner of Carnegie Drive and Sixth Line, abutting Millicent Avenue, as shown in Figure 2 below.



Figure 2 – Aerial Photo

Surrounding Land Uses

The surrounding land uses are as follows:

South/East: Residential uses consisting of detached dwelling units.

North: Future residential units consisting townhouse dwelling units and detached dwelling units

West: Sixth Line and future residential uses consisting of townhouse dwelling units.

PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Oakville Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

Provincial Policy Statement

The Provincial Policy Statement 2020 (“PPS”), which came into effect on May 1, 2020, 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 encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

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 areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, and appropriately use the infrastructure and public service facilities that are planned or available.

The subject application is consistent with the 2020 PPS as it will utilize existing infrastructure and provides for a mix of housing types.

Growth Plan

The Growth Plan (2019) is a long-term plan that intends 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 (policy 2.2.1). The subject lands are located within a “Designated Greenfield Area”. The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services and public service facilities, and provide a diverse range and mix of housing options.

The subject application conforms to the Growth Plan.

Halton Region Official Plan

The subject lands are designated “Urban Area” in the Halton Region Official Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities, which afford maximum choices for residence, work and leisure. Policy 76 notes that the range of permitted uses in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The original subdivision was approved under the 2012 allocation program. The applicant has 36 SDEs available from that program and only 23 SDEs are required for the proposal.

In a letter dated May 9, 2022, Halton Region advised Town staff that they have no objection to the proposed draft plan of subdivision subject to conditions, which are included in Appendix “A” On this basis, the subject application conforms to the policies of the Regional Official Plan.

Oakville Official Plan

The North Oakville East Secondary Plan is an amendment to the 1984 Oakville Official Plan. The land division policies for North Oakville are contained within the parent Official Plan rather than the Secondary Plan. As Section 51(24) of the *Planning Act* deals with the criteria for considering a Draft Plan of Subdivision, applications for Consent dealt with under Section 53 of the Act are subject to the same criteria for the severance of land. Noting this, the Official Plan contains

policies that deem a Plan of Subdivision the appropriate process for the development of land in most cases:

“12.2 URBAN SEVERANCE POLICIES

- a) *Severances for any form of Urban Development shall comply with the Phasing provisions of Part C, Section 2 and Figures "C", "D" and "D1" of this Plan.*
- b) *Although urban severances may be permitted, development in urban areas is generally to take place in accordance with comprehensively designed registered plans of subdivision. Land division by a plan of subdivision, rather than by a consent, shall generally be deemed necessary in the following cases:*
 - i) ***where the extension of a public road is required or a new road allowance is required;***

Therefore, it is necessary, as per the Official Plan policies, for the development of the subject lands to proceed by way of a Plan of Subdivision in order for the creation of the proposed public lane to occur prior to the dwellings being built.

Urban Structure

The *Livable Oakville Plan* is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the 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 and identifies the site as *Residential Areas*. This is also reflected in Section 3, *Urban Structure*, of the *Livable Oakville Plan*. Official Plan Amendment 317 to the *North Oakville East Secondary Plan*, confirms the Town’s existing urban structure and was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

North Oakville East Secondary Plan (NOESP)

The North Oakville East Secondary Plan provides a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line and Sixteen Mile Creek in the west.

The development of the North Oakville community is premised on a sustainable, design-first philosophy, which promotes the protection of the natural environment, mixed-use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

The North Oakville East Secondary Plan designates the subject lands as *Neighbourhood Area* on Figure NOE 2 Land Use Plan, as seen in Figure 4.

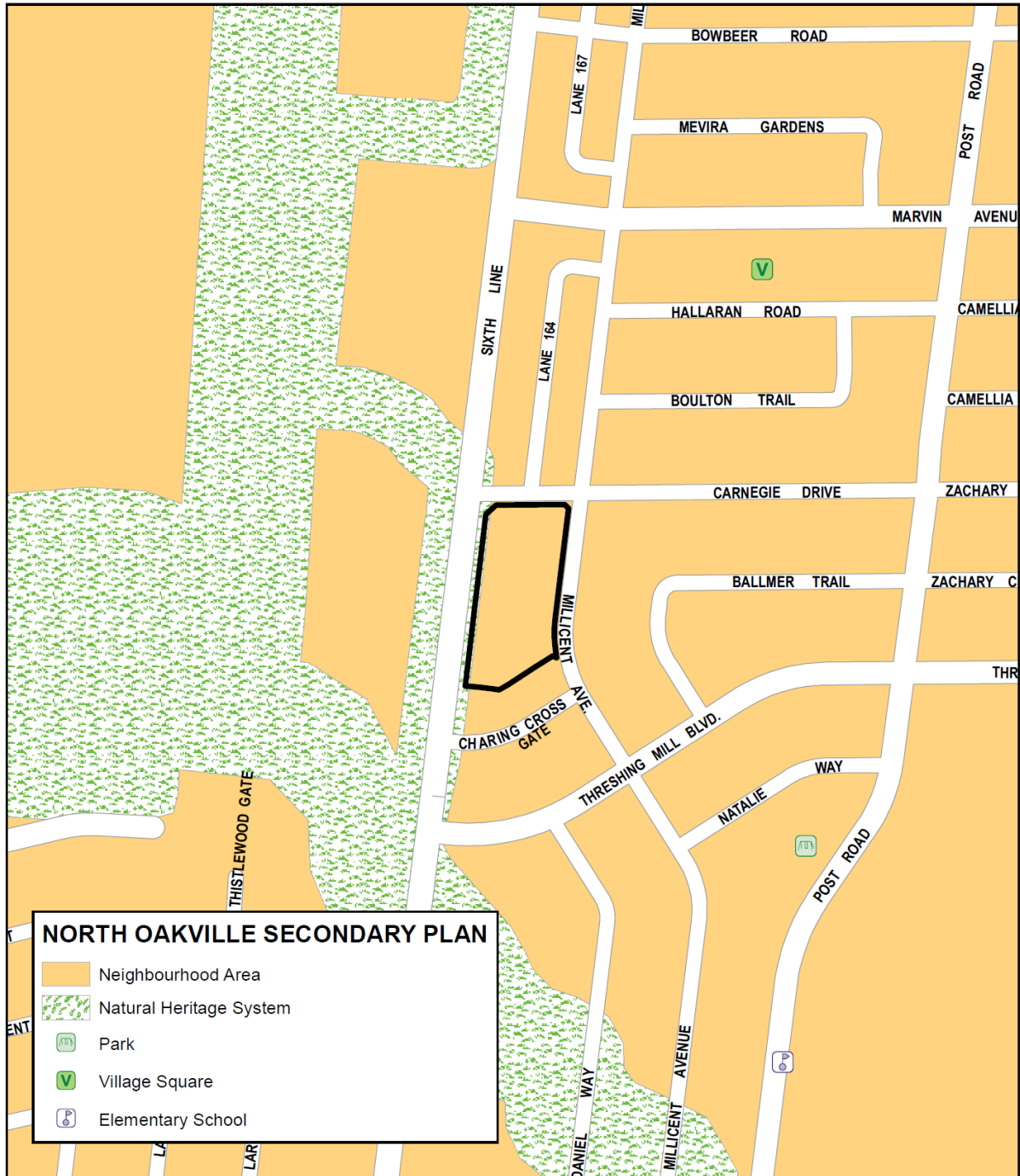


Figure 4: Official Plan – NOE 2 Map

Master Plan – Appendix 7.3

The North Oakville Master Plan is intended to assist in providing guidance and coordination of local roads and adjacent land uses for the North Oakville Planning Area. Development applications are reviewed to ensure general coordination and consistency with the intent of the Master Plan. Minor modifications are permitted provided the general intent and direction of the Master Plan is maintained (Section 7.5.2).

The lands are further identified as Neighbourhood Centre and General Urban Area in North Oakville Master Plan, as seen in Figure 5. It is also noted that the activity node identified on the Master Plan at Carnegie Drive and Sixth Line was relocated north to Marvin Avenue and Sixth Line (shown in blue on Figure 5) through the previous approvals for the abutting subdivision to the north known as EMGO (North Oakville I) Ltd. On this basis, there is no requirement for commercial uses at Carnegie Drive and Sixth Line.

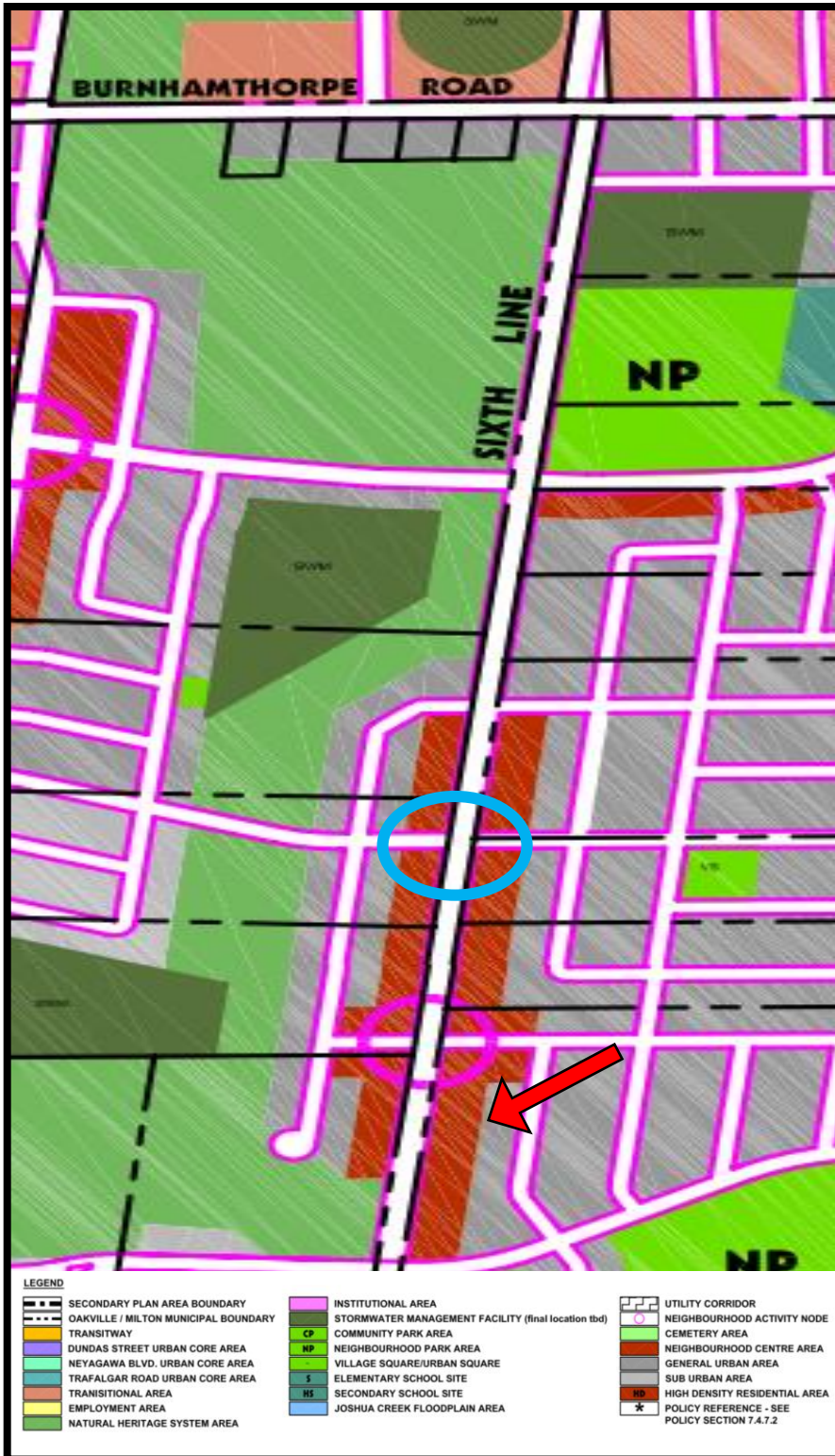


Figure 5: North Oakville Master Plan Map Excerpt

The subject application meets the intent of the policies and objectives of the Oakville Official Plan and North Oakville East Secondary Plan (NOESP).

North Oakville Zoning By-law

Zoning By-law 2009-189, as amended is the comprehensive Zoning By-law in order to implement the North Oakville Secondary Plans, for all properties in Oakville north of Dundas Street, and south of Highway 407. It was passed by Council on November 23, 2009 and approved by the Ontario Municipal Board on October 25, 2010.

The subject lands are currently zoned *Neighbourhood Centre subject* to Special Provision 29 and subject to two “H” holding provisions (H10/H15 NC sp:29) as seen in Figure 6 below.

Holding Provisions

These lands are part of a larger subdivision submitted by Sixth Line Corporation in 2013. The Zoning By-law Amendment and Draft Plan of Subdivision applications were approved by Council in 2014, which had the effect of rezoning the subject lands for residential uses, including detached and townhouse dwellings, apartment and mixed use buildings uses, subject to two Holding “H” Provisions.

Holding Provisions “H10” and “H15” were incorporated into the Zoning By-law at the request of Conservation Halton and the Town. The Holding “H” Provisions were to restrict development until specific conditions had been satisfied. No development can occur until such time as the “H15” is removed, following which townhouse and detached dwellings cannot be constructed until such time as the “H10” is removed. At this time, both “H” holding provisions remain in effect and will be lifted at a future date. The applicant cannot receive building permits for any permitted use until both holding provisions have been removed. Conditions of the holding provisions are as follows:

Holding Provision “H10”:

H10	Sixth Line Corporation (Part of Lot 15, Concession 1 N.D.S.)	Parent Zone: NC
Map 12(5)		(2014-080)
9.3.10.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	All <i>uses</i> permitted in the Neighbourhood Centre (NC – SP 29) <i>Zone</i>	
9.3.10.2 Zone Regulations Prior to Removal of the “H”		
For such time as the “H” symbol is in place, the provisions of the Neighbourhood Centre (NC – SP 29) <i>Zone</i> shall apply. Notwithstanding this, the following regulations shall additionally apply for such time as the “H” symbol is in place:		
a)	<i>Dwelling units</i> are not permitted on the <i>first storey</i>	
9.3.10.3 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following conditions shall first be completed to the satisfaction of the Town of Oakville:		
a)	Holding Provision H9 has been removed from the subject lands.	
b)	A minimum of three years has passed since the date of registration of the underlying draft plan of subdivision.	

Staff note that the “H10” holding provision three year timeframe has lapsed, but the “H15” conditions have not yet been met as provided below.

Holding Provision “H15”:

H15	Sixth Line Corporation (Part of Lot 15, Concession 1, N.D.S. 41 Dundas Street)	Parent Zone: NC, GU
Map 12(5)		(2016-103) (2020-010)
9.3.15.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, buildings and structures existing on the lot.	
9.3.15.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	That written confirmation is received from Conservation Halton indicating that these lots are no longer susceptible to flooding under the Regional Storm event to the satisfaction of the Town of Oakville.	

Through the channel works proposed on the west side of Sixth Line together with the Sixth Line right-of-way improvements, the lands require these works to be completed to the extent where a stormwater outlet is provided. The applicant will be eligible to submit an application to remove the “H15” holding provision once clearance from Conservation Halton is provided.

The proposed subdivision will comply with the applicable regulations of the Zoning By-law, including special provision 29. A Zoning By-law Amendment application is not required to permit the proposed development.

TECHNICAL & PUBLIC COMMENTS

The applicant has submitted the following documents as part of the application submission, which have been circulated to various public agencies and internal Town departments. A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the Town’s website at the following link: <https://www.oakville.ca/business/da-40969.html>

- Draft Plan of Subdivision
- Concept Plan
- Urban Design Brief
- Traffic Impact Study
- Environmental Site Screening
- Functional Servicing Report
- Archaeological Clearance Letter

Public Comments

The applicant-initiated public information meeting was held on January 10, 2022, which was attended by one resident who had questions about timing of construction. Following the submission of the application, one written comment was received inquiring about purchasing a lot within the proposed subdivision. This has been included in Appendix “C”.

This report is presented as a combined public meeting and recommendation report as there have been no substantive issues raised from the public or staff regarding the proposal.

Technical Review

The following items are matters that were considered in the review of the application.

Appropriateness and Compatibility

The proposed Draft Plan of Subdivision application to create 28 dwelling units consisting of detached and townhouse units. The proposed townhouses are accessible by the proposed public lane and will be three-storeys in height, as shown in Figures 7 and 8 below. The proposed detached dwellings are currently proposed to be accessed from Millicent Avenue. The units will be two-storeys in height and will have a similar design to those already found in the surrounding subdivision. As these uses are currently found within the neighbourhood, and a similar built form is anticipated to the north and west, the proposed development is compatible and appropriate for the neighbourhood.



Figure 7 – Proposed front elevation on Sixth Line



Figure 8 – Proposed rear elevation on proposed public lane

Through the finalization of the Urban Design Brief staff will explore alternative layouts to optimize the overall functionality of the block, including the design of the lane and the orientation of the dwellings. Staff will work with the developer to explore the option of accessing the single-detached dwellings from the rear lane. Appropriate conditions have been included in Appendix “A”.

Public Lane Functionality and Snow Removal

Vehicular access to this subdivision will be from Carnegie Drive and Millicent Avenue. The proposed lane would be 7.5m in width and designed to meet Town standards prior to the Town assuming ownership.

Due to the irregular shape of the development block, and the location of the private lane, a remnant area is created which will form part of the public lane to be conveyed to the town. The remnant area will be used for snow storage, as shown in Figure 9 below.

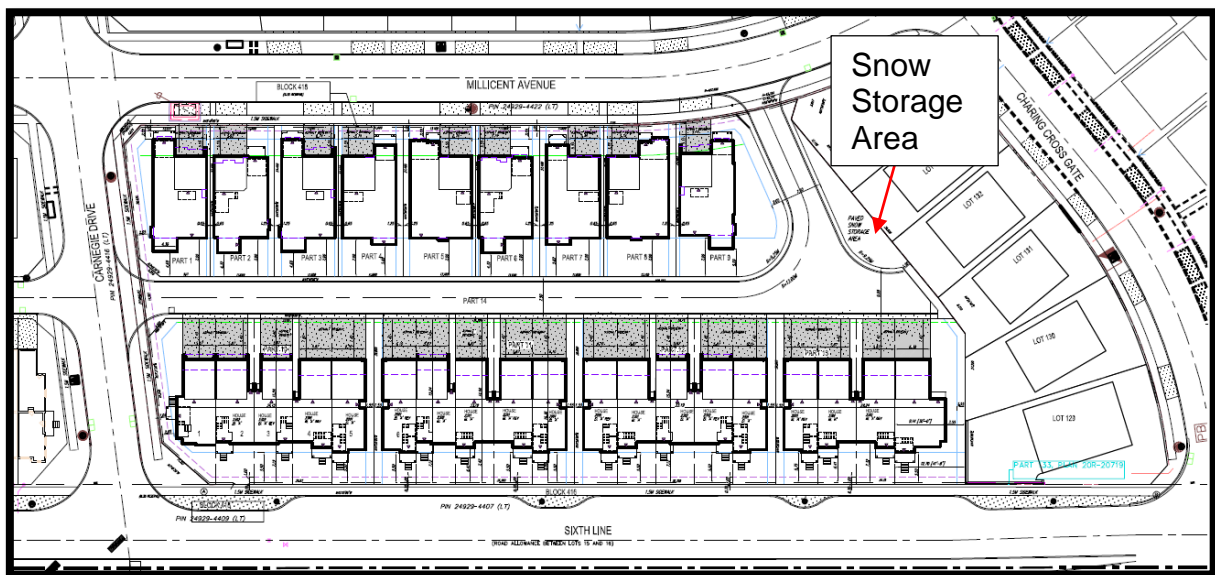


Figure 9 – Concept Plan

Snow plowing will be the responsibility of the municipality once the lane has been constructed by the developer to meet Town standards and the lane assumed by the Town. Until this time winter maintenance will be the responsibility of the developer. The conditions of approval include the following Warning Clause to be included in all Offers of Purchase and Sale:

“Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal.”

The Towns 2021-2022 Plow Priority Map (Figure 10), would deem the lane as a “Residential Road” which would be plowed after snow accumulates in excess of 7.5 cm (three inches) to the best of the Town’s ability within 24 hours after the snowfall event. This service is completed in accordance with O. Reg. 239/02 – Minimum Maintenance Standards for Municipal Highways.

In this instance, there is a dedicated area which will be in town ownership to be used for some snow storage to mitigate the hammerhead design of the lane. Additional information can be found on the Towns website at [Snow Clearing \(oakville.ca\)](http://Snow Clearing (oakville.ca))

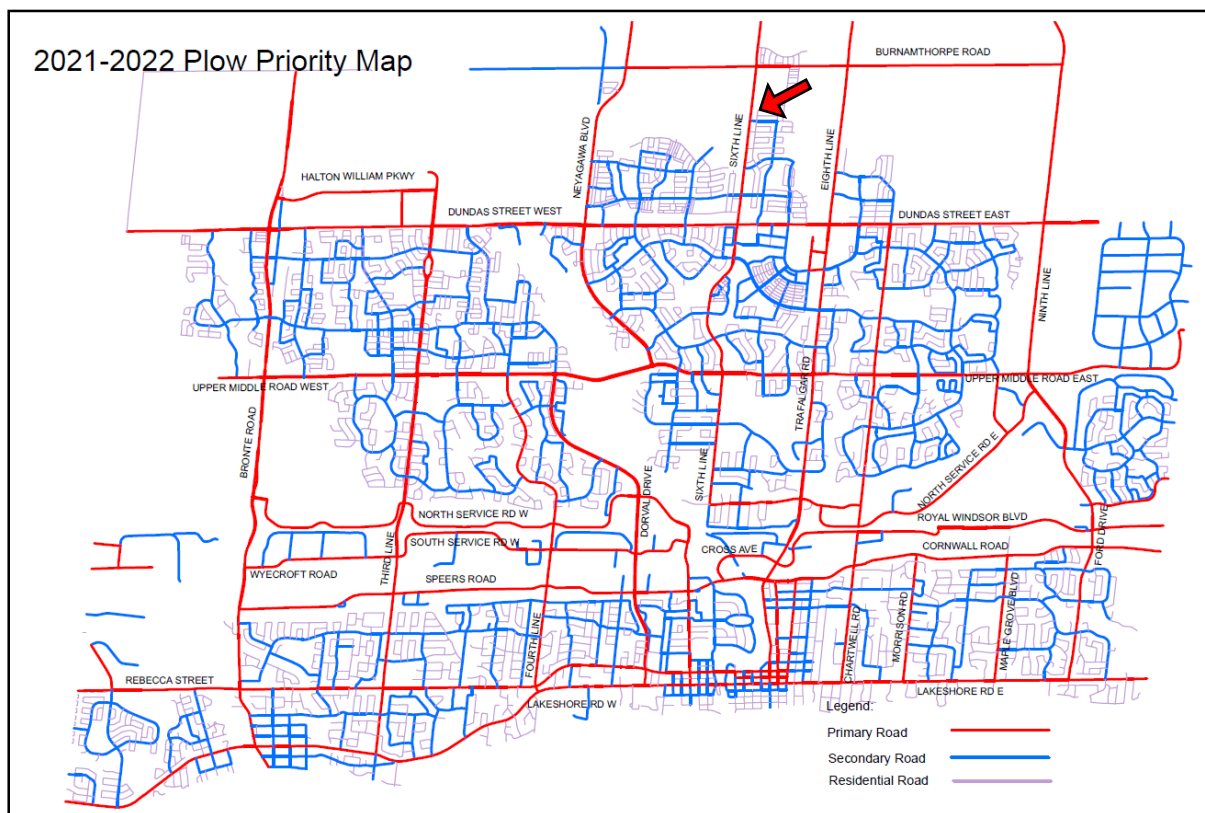


Figure 10 – Snow Plow Priority Map

Parking

Under the current Zoning By-law 2009-189, one parking space per dwelling is required on each lot for a total of 28 parking spaces, and no visitor parking is

With respect to the townhouse dwelling units, the applicant has provided a typical garage floor plan that includes storage areas for waste bins and lawn equipment, shown in Figure 12 below:

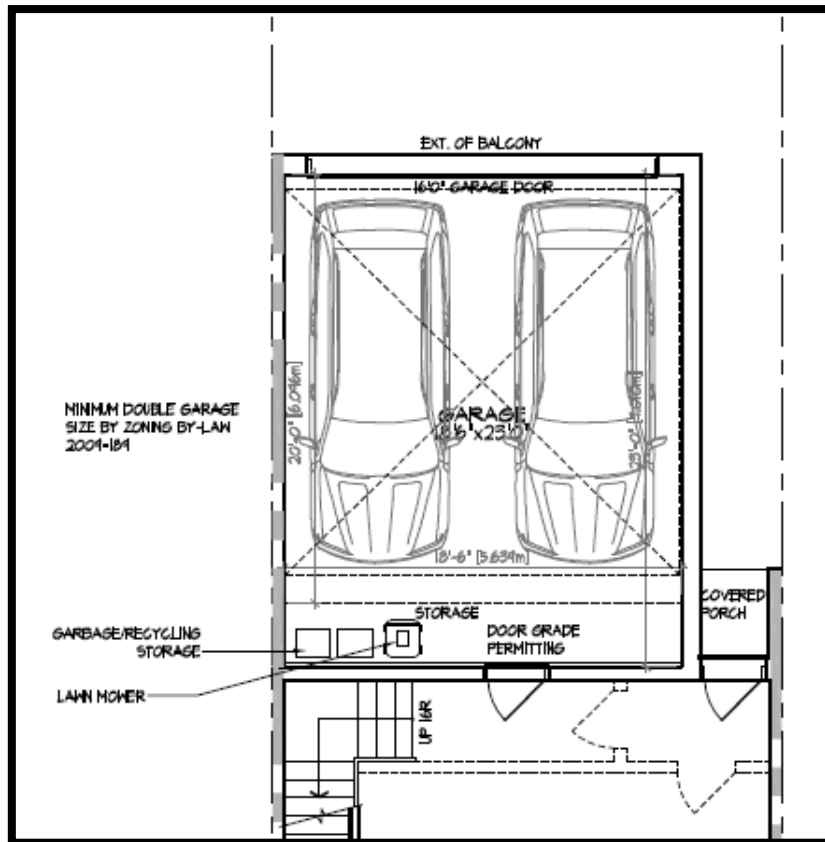


Figure 12 – Typical Garage Floor Plan

Staff have included appropriate draft plan conditions to ensure the garage floor plans and parking layout is maintained as proposed. Additionally, a warning clause will be provided to purchasers advising them of the garage sizes and typical vehicle accommodations within the garage area, as follows:

“Not all vehicle types can be accommodated on the proposed lots whether on the driveway or within a garage area. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”

CONSIDERATIONS:

(A) PUBLIC

The applicant held a community consultation Public Information Meeting (PIM) virtually on December 2, 2021, and one member of the public attended. The

resident was seeking clarification on the timing of the construction of the proposed development.

One written comment was received after the application was submitted inquiring about purchasing a lot within the proposed subdivision (included in Appendix “C”). Staff have received no letters of objections from the public to-date. Notice for the meeting regarding this development application was provided through a mailing of all properties within 240 metres of the subject lands. Resident Associations were notified along with property owners in accordance with the *Planning Act* Regulations and Town practices.

(B) FINANCIAL

Development Charges are applicable for this development. Confirmation from the applicant is required to confirm that the parkland dedication has been previously satisfied through the registration of plan 20M-1186, and demonstrate that the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to Agencies and Town Departments for review and comment. Conditions of Approval have been provided in Appendix ‘A’.

The Draft Plan of Subdivision application was deemed complete on March 10, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before July 8, 2022, after which the applicant could have filed an appeal for non-decision.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development generally complies with the Town’s sustainability objectives of the Livable Oakville Plan. The proposal has been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities for compact urban form as an efficient use of land.

CONCLUSION

Staff recommends approval of the Draft Plan of Subdivision application would have the effect of permitting a total of 28 dwelling units in the form of detached and townhouse dwellings, together with a public laneway. A site-specific Zoning By-law Amendment is not required to implement the proposed development, as the Zoning was established through the original subdivision and zoning approvals.

A combined public meeting and recommendation report is appropriate for the proposed applications as the subject lands are the final block to be developed as part of the Sixth Line Corporation subdivision. The principal land use has been reviewed through the previous comprehensive zoning and draft plan of subdivision process and no new substantive issues have been raised by staff or the public during the review of this current application. The proposal provides for and adds to the mix of housing types found throughout the area. The proposed rear-lane townhouse built form is similar to, but not the same as other townhomes anticipated to the north and west of the subject lands. This results in a residential land use that is compatible with the previously approved subdivision and equates to a density that is appropriate for the development of the site.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region 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 North Oakville East Secondary Plan. Staff recommends approval of the application, subject to the conditions contained in Appendix 'A' 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 the Region of Halton have been addressed through conditions of approval.
- The proposal implements the vision, development objectives, community design strategy, and land use strategy of the North Oakville East Secondary Plan.
- The draft plan of subdivision is necessary to facilitate future land division into individual residential lots and is appropriate for the orderly development of the lands.
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.

APPENDICES

Appendix A – Conditions of Draft Plan Approval
Appendix B – Proposed Draft Plan of Subdivision
Appendix C – Public Comment

Prepared by:

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Recommended by:

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