

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 20, 2017

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**FROM:** Planning Services Department

**DATE:** March 7, 2017

**SUBJECT:** Public Meeting Report and Recommendation Report, Official Plan and Zoning By-law Amendment, 1463291 Ontario Inc. (Dunpar Developments Inc.), 1020 - 1042 Sixth Line, File No. Z.1516.02

**LOCATION:** 1020 - 1042 Sixth Line

**WARD:** 5

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#### RECOMMENDATION:

1. That the proposed Official Plan Amendment and Zoning By-law Amendment applications, as submitted by 1463291 Ontario Inc. (Dunpar Developments Inc.), File No.: Z.1516.02, and detailed within the March 7, 2017 Planning and Development Council report from Planning Services, be refused; and
2. That notice of Council decision reflect that the refusal of the application was consistent with comments received from the public.

#### KEY FACTS:

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

- This report provides information about an Official Plan and Zoning By-law Amendment application submitted by 1463291 Ontario Inc. The application was received on October 11, 2016 and deemed complete October 18, 2016.
- The site, being five (5) properties with addresses 1020 – 1042 Sixth Line, is located on the west side of Sixth Line, just north of the QEW and North Service Road East. Access is proposed from Sixth Line.
- The development proposes 81 townhouse units including six (6) back to back units, and the retention of the detached dwellings at 1024 and 1042 Sixth Line.
- A Public Information Meeting was held on November 29, 2016. 42 members of the public were in attendance. Comments received to date from the public are attached as Appendix E.

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- Staff has reviewed the application in the context of the existing neighbourhood as well as in accordance with the applicable policy framework. Staff has also considered the comments from the technical review and those received from the public.
- Based upon staff's review and analysis, it is recommended that Council refuse the applications, as submitted, for the reasons outlined in this report.
- Some of the key studies in particular the Environmental Impact Assessment and Heritage Impact Assessment have also been identified as inadequate.

## **BACKGROUND:**

The purpose of this report is to introduce the planning application in conjunction with the public meeting and to provide a recommendation.

The applications were received on October 11, 2016 and deemed complete October 18, 2016. A Public Information meeting was held on November 29, 2016 and was attended by 42 members of the public.

### Proposal

The proponent has submitted an Official Plan and Zoning By-law Amendment application seeking to permit development of the site for 81 townhouse units, six of which are back to back style and the retention of the detached dwellings at 1024 and 1042 Sixth Line. Specifically, the Official Plan Amendment proposes the following:

- to redesignate the developable area from *Low Density Residential with Special Policy Area* to *Medium Density Residential*;
- to remove the *Special Policy Area* overlay, which reflects a maximum density of up to 10 units per site hectare;
- to permit a maximum density of 56.5 units per site hectare; and,
- to redesignate the top of bank setback from *Natural Area* to *Private Open Space* with permissions for the existing dwellings and structures to remain.

The proposed Official Plan Amendment by the applicant can be found in Appendix A.

The Zoning By-law Amendment proposes to rezone the developable portion of the site from *Residential Low (RL1-0)* and *Natural Area (N)* to *Residential Medium (RM1 and RM2)* and *Private Open Space (O2)*, each zone with site specific regulations to permit the proposed redevelopment of the site.

[illegible]

Specifically, the proposal, which can be found on the town's website, comprises of the following:

- 81 townhouse units on the tableland portion of the site.
- The dwellings at 1020 and 1042 Sixth Line, depicted by the arrows on Figure 1, are proposed to remain as part of the overall development.
- Access is proposed from Sixth Line via a future private road and with an emergency access to/from Sunnycrest Lane.
- A driveway/rear access to the rear garages is also proposed for the units, north of the future condominium road.
- No new development is proposed below top of bank of the Sixteen Mile Creek or the adjacent 15 metre top of bank buffer.
- The physical top of bank for the Sixteen Mile Creek has been identified and staked by Conservation Halton
- A geotechnical stable top of bank for the Sixteen Mile Creek has been identified by the applicant. The geotechnical limit goes through the dwelling

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at 1020 Sixth Line (lower arrow on Figure 1). The location of the top of bank have not been accepted by Conservation Halton to date.

- A required 15 metre buffer for new development is required from the geotechnical stable top of bank;
- 81% of the tableland trees are proposed to be removed. No tree removal is proposed below top of bank. Some limited tree removal is proposed within the identified buffer.

The following chart provides an overview of the proposed unit breakdown as shown below in Figure 1.

Use	# of units	New Units
Existing Detached Dwellings (1020 and 1042 Sixth Line) depicted by arrows	2	
Townhouses - standard		75
Townhouses – back to back		6
<b>TOTAL RESIDENTIAL UNITS</b>		<b>83</b>

Typical units are described within the applicant's submission are as followings:

1. 14 ft. by 42 ft. - three (3) storey townhouses with deck at 1<sup>st</sup> floor.
2. 14 ft. by 42 ft. - three (3) storey townhouses with cantilevered decks.
3. 17 ft. by 42 ft. - three (3) storey townhouses with cantilevered decks.
4. 15 ft. by approx. 33 ft. – three (3) storey back to back townhouses.

Although the townhouses function as a three storey townhouse due to the ground floor garage, under the Building Code and Zoning, the units are considered to be four (4) storeys.

Elevations are contained within Appendix C.

#### Location and Site Description

The site, being five properties, is located on the west side of Sixth Line, just north of the QEW and North Service Road East (see Figure 2). The overall site area including the 16 Mile Creek valley land is 3.23 hectares. Approximately half of the site contains the 16 Mile Creek Valley. The tableland area is approximately 1.47 hectares. Frontage on Sixth Line is approximately 104 metres. The QEW pedestrian underpass is located just to the south of the site.

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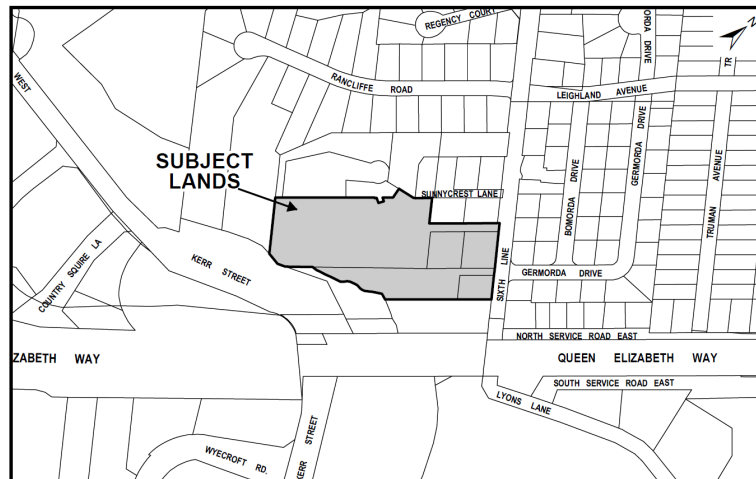


Figure 2 - Location

As can be seen on the Google Map image below (Figure 3), the site is well treed. In reviewing the Arborist report submitted with the application, “four hundred and twenty-nine regulated trees are involved with this project...”. The composition of the trees on site comprise of the following: Sugar Maples, Norway Pines, Beech, Red Oaks, Cedars, Maidenhair Tree, Ash, Birch, Hemlock, Hop hornbeam, Elm, Austrian Pine Cherry and Crabapple. As noted below, 81% of the trees on the tableland are to be removed.

The dwelling on 1020 Sixth Line is in close proximity to the top of bank of the 16 Mile Creek Valley (identified by the bottom arrow on Figure 1). Existing access is from Sixth Line via a long driveway.

1042 Sixth Line is a listed heritage property (identified by the top arrow on Figure 1). The house was constructed in the early 1900’s and is located at the top of bank of the 16 Mile Creek valley. Access is from Sixth Line via a long tree-lined driveway (Figure 4 below).

1058 Sixth Line, a one-storey detached dwelling located on Sunnycrest Lane, which is a private lane, is also a listed heritage property beyond the boundaries of the site. It is located by the star on Figure 1.

### Surrounding Land Uses

Residential (detached dwelling) - to the north  
 Sixth Line and residential (detached dwelling) - to the east  
 QEW and North Service Road East - to the south  
 16 Mile Creek Valley - to the west



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Figure 3 – Google Map image of the subject site  
White Arrow represents driveway entrance to 1042 Sixth Line

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Figure 4 – Driveway Access to 1042 Sixth Line

## **POLICY FRAMEWORK**

### Provincial Policy Statement (PPS) – 2014

The Provincial Policy Statement 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.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

### Growth Plan for the Greater Golden Horseshoe

In 2006, the Growth Plan was approved and provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification

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where development proposals can efficiently use existing transportation and servicing infrastructure.

### Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. Development applications are being reviewed in accordance with the approved policies of ROPA 38.

The lands are designated "Urban Area" according to the Region's Official 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 and the creation of new lots in the Urban Area are to be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

Comments on provincial and regional policies from both Conservation Halton and Halton Region can be found in Appendix D.

### Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011 and is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe.

The subject land is contained within a stable residential community as identified by the Livable Oakville Plan and is designated *Low Density Residential* with *Special Policy Area* overlay and *Natural Area* on Schedule I, Central Land Use (see Figure 4).

The following are residential policy excerpts from the Livable Oakville Plan.

#### **"4.3 Residential Intensification Outside of the Growth Areas**

*It is the policy of the Plan that the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages intensification generally throughout the built up area, it also recognizes that some growth and change may occur in these areas*



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*provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas including additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered in the context of this Plan.* [underline added]

## “11.2 Low Density Residential

### 11.2.1 Permitted Uses

*The Low Density Residential land use designation may permit a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes.*

*11.2.2 A density of up to 29 dwelling units per site hectare may be permitted in areas designated Residential Low Density.”*

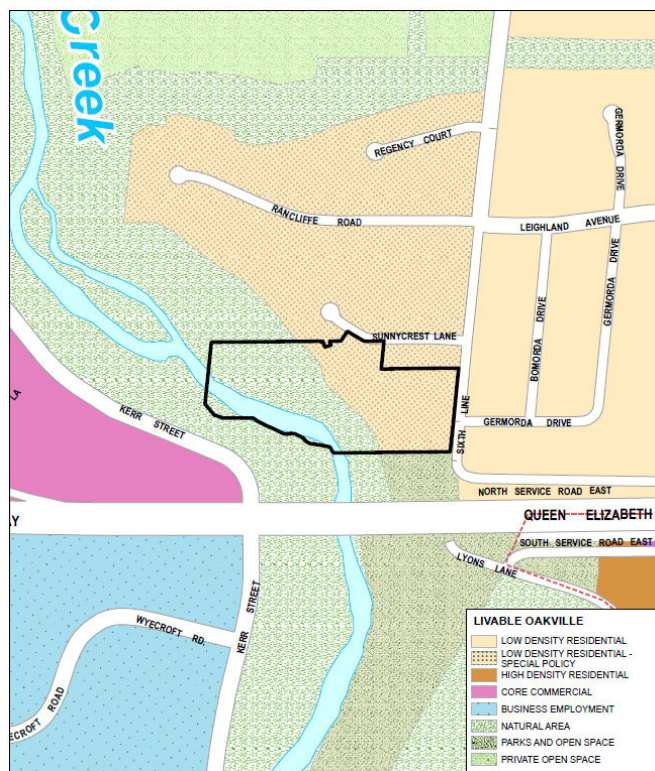


Figure 4 – Official Plan excerpt

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The *Special Policy Area* overlay policy is as follows.

*“26.2 Residential Lands (R1 / R01 Zones)*

*26.2.1 The Special Policy Area in Southeast, Central and Southwest Oakville that applies to the Low Density Residential designation is intended to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots. Densities in the Special Policy Area shall not exceed 10 units per site hectare notwithstanding the Low Density Residential designation.”*

Being located in a stable residential community as defined by the Livable Oakville Plan, Part D, Section 11 applies and states the following.

*“11.1.8 Intensification within the stable residential communities shall be provided as follows:*

*... b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through development approvals. Intensification of these sites may occur with Low Density Residential uses in accordance with sections 11.1.9 and all other applicable policies of this Plan...”*

The policy criteria within Section 11.1.9 for evaluating development applications within all stable residential communities is as follow.

*“11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:*

- a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*
- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
- c) Where a development represents a transition between different land use designations or housing forms, a gradation in building*

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*height shall be used to achieve a transition in height from adjacent development.*

- d) *Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*
- e) *Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*
- f) *Surface parking shall be minimized on the site.*
- g) *A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.*
- h) *Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*
- i) *The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.*
- j) *Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.*
- k) *The transportation system should adequately accommodate anticipated traffic volumes.*
- l) *Utilities shall be adequate to provide an appropriate level of service for new and existing residents."*

Part C, Section 6 of the Livable Oakville Plan contains objectives and policies pertaining to urban design that must be considered as part of this application review. These include policies related to such matters as the compatibility with the existing community, maintenance of existing healthy trees, built form, access and circulation.

From the *Natural Area* designation perspective, the policies from Section 16 of the Livable Oakville Plan are applicable.

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#### Section 16.1.1 a) Permitted Uses states:

*“The following uses may be permitted within the Natural Area designation, subject to applicable Conservation Authority policies:*

- i) *legally existing uses, buildings and structures including existing agricultural uses; ...”*

Section 16.1.9 a) relates to valleylands which includes the defined setback from the limit of the valley land from the stable top of bank to stable top of bank as determined by a geotechnical report to the satisfaction of the town and Conservation Halton.

Further Section 16.1.9 c) defines the applicable top of bank setback as being 15 metres. Boundaries for the Natural Area are to be determined through technical studies in consultation with Halton Region and Conservation Halton.

From a town land acquisition perspective, the Livable Oakville Plan states the following.

#### **“28.10 Land Acquisition and Parkland Dedication**

- 28.10.1 *The Town recognizes that public acquisition of hazard lands, open space lands and lands designated Natural Area improves opportunities for conservation, protection, enhancement and stewardship of natural features and the mitigation and management of natural hazards.*
- 28.10.2 *The Town shall require the conveyance of hazard lands, open space lands and lands designated Natural Area through the development process as permitted by the Planning Act and in accordance with the policies of this Plan.*
- 28.10.3 *Where public ownership cannot be achieved through conveyance, the Town may secure the long-term protection of hazard lands, open space lands and lands designated Natural Area through other means including easement agreements, land exchange, long-term lease, land trusts, and land protection under the planning process among other measures that may be at its disposal.”*

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## Zoning By-laws (By-law 2014-014)

The Zoning By-law Amendment proposes to rezone the development from *Residential Low (RL1-0)* and *Natural Area (N)* to *Residential Medium (RM1 and RM2)* and *Private Open Space (O2)*, each zone with site specific regulations to permit the proposed redevelopment of the site.

Figure 5 below highlights the existing Zoning By-law for the site.

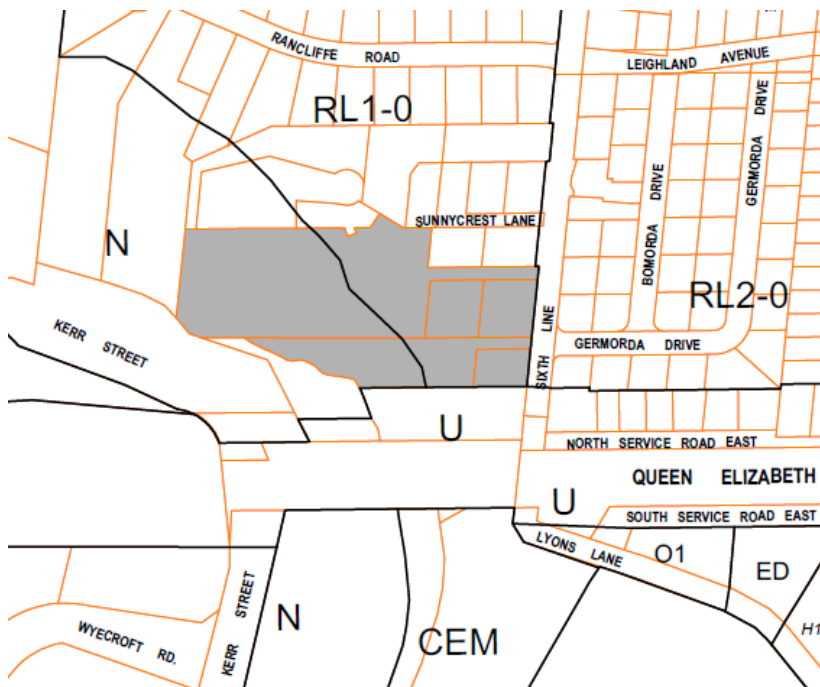


Figure 5 – Zoning By-law excerpts (By-law 2014-014)

## **COMMENTS**

### Planning Analysis of the Development Application

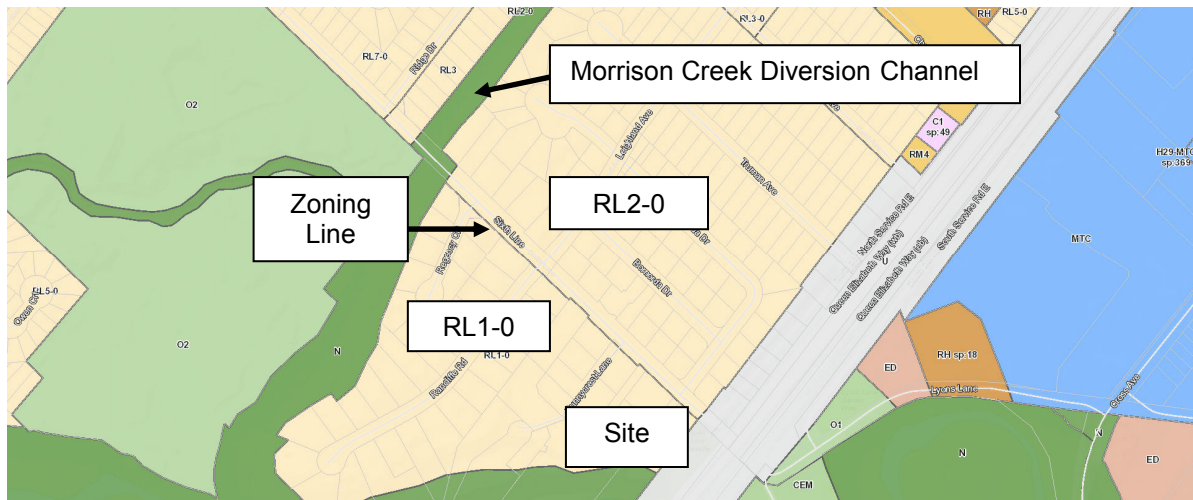
#### *Existing Character*

The evaluation of the proposed development includes an assessment of the physical context and character of the surrounding neighbourhood. The analysis involves classification of the surrounding neighbourhood which generally represents the lands zoned RL1-0 and RL2-0.

Within these areas land use, built form, lot configuration and overall development pattern are examined.



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The land west of Sixth Line is zoned RL1-0 land is characterized by one and two storey dwellings in a detached form only. The well treed lots are large to very large and created along wide public rights of way with the exception of Sunnycrest Lane which is a private road. The dwellings are set back a significant distance from the road and are well separated from each other.

The lands east of Sixth Line (Bomorda Drive, Germorda Drive, Truman Avenue) are zoned RL2-0 possess large wide lots situated on public rights-of-way with a suburban cross-section of open swales. The streetscape and lots are a balance between mature trees and landscaping with dwellings ranging in height from one to two storeys.

The existing neighbourhood basically defined by the RL1-0 and RL2-0 zones south of the Morrison Creek Diversion Channel is very stable and does not contain a mix of varying uses and forms. Truman Avenue and Kent Avenue are evolving through the replacement of original house stock on individual lots (tear downs and replaced with larger detached homes). These neighbourhoods were originally post war construction and have remained stable since that time.

The protection of the existing character is reinforced through the Special Policy Area which provides that intensification shall be limited to development which maintains the integrity of the large lots. The existing neighbourhood is characterized by the type of large lots described in this policy.

The proposed density of 56.5 unit per site hectare reflects the Town's Official Plan *High Density Residential* designation. The proposed application, as submitted, for 81 townhouses and 2 existing detached homes, is not in keeping with the character of the existing neighbourhood.

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### *Conformity with the Livable Oakville Policies for Residential Intensification*

The Livable Oakville plan establishes various land use categories to recognize and shape Oakville's urban structure, up to and including defined Growth Areas. While the Plan recognizes that intensification may occur in stable residential communities, the highest level of intensification is targeted for these Growth Areas. The development, as submitted, proposes a high density built form with an approximate density of 56 units per site hectare within a stable residential community. Development of this site at this level of intensification is not envisioned within the Town's Official Plan or the Town's established urban structure.

As identified in the Policy Framework section of this report, these lands are subject to the policies of Part D, Section 11 – Residential, including Section 11.1.8 and 11.1.9 that govern intensification within stable residential communities.

*“11.1.8 Intensification within the stable residential communities shall be provided as follows:*

*b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through development approvals. Intensification of these sites may occur with Low Density Residential uses in accordance with sections 11.1.9 and all other applicable policies of this Plan...”*

The subject lands qualify as a site designated as *Low Density Residential* with sufficient frontage and depth to accommodate appropriate intensification. However, the key operative word within the policy is “appropriate” which is to be in accordance with the policy criteria of Section 11.1.9 for evaluating development within all stable residential communities and further refined by the Special Policy Area.

The subject *Special Policy Area* is the only *Special Policy Area* located north of the QEW. It is bound by the QEW to the south, the Sixteen Mile Creek valley to the west, Sixth Line to the east and the Morrison Creek Diversion Channel to the north. It represents an area of approximately 10 ha in size on a corner edge of this neighbourhood. This area is vastly different in size from the other two Special Policy Areas, one that extends along Lakeshore Road West between Coronation Park to Kerr Village and south to Lake Ontario within the southwest community of the town and the other in southeast community, east of Gloucester Avenue that comprises a vast amount of area.

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The lands to the north of the subject lands, also within the *Special Policy Area*, being Ranccliffe Road, Regency Court and Sunnycrest Lane comprise of single detached dwellings on large lots.

The *Special Policy Area* of this subject site represents only the tableland, previously mentioned as being 1.47 hectares in size. This area is approximately more than 1,000 metres from Oakville Place and 1,000 metres from the Oakville GO Train Station, connected by pedestrian underpass under QEW. Transit exists on Sixth Line. The *Special Policy Area* designation does not apply to the east side of Sixth Line.

While there are trees on the tableland worthy of preservation and valleylands to be consider, there is potential for appropriate redevelopment/intensification in the context of the neighbourhood and the town's policies.

The relevant policies of Section 11.1.9 are presented in the following section along with corresponding analysis:

*"11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:*

*"a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood".*

The term *compatible* in the Livable Oakville Plan is defined as *"the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact"*.

The proposed scale, height, massing and architectural character of this development application are not considered compatible since the official plan and zoning by-law amendment applications introduce a built form that does not maintain or protect the existing neighbourhood character. The existing neighbourhood consists of the original stable housing stock and rebuilt dwellings on existing lots. The consolidation of lots and the introduction of a new built form has not occurred previously in this neighbourhood.

The built form (four storey townhouses, minimum of 14 ft wide) introduced would be more dense, taller and more intensive in scale and would create unacceptable adverse impacts related to overlook and privacy on adjacent existing properties.

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*“b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.”*

The surrounding neighbourhood is characterized by setbacks, orientation and separation distances that maintain or exceed the minimum requirements of the existing RL1-0 and RL2-0 zones. The development introduces setbacks and building orientations that are not compatible with adjacent residences as they are not reflective of the existing character of the surrounding neighbourhood.

*“d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.”*

The surrounding neighbourhood contains large lots with wide separations between dwellings that front onto public roads in mostly looped and cul-de-sac patterns. The existing lotting pattern, in most cases, aligns lots with similar wide frontages to maintain consistency. The proposed redevelopment of the site, as submitted, reflects one large lot in a condominium format on a private condominium road with a tall built form (four storey townhouses). The resultant lot pattern for this future condominium proposal would reflect narrow and shallow lot not reflective of this neighbourhood.

*“g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.”*

The applicant is not proposing to extend the public street network but instead proposes a private road with sidewalks internal to the site to accommodate traffic and pedestrian circulation. It is staff's understanding that an emergency connection is proposed for Sunnycrest Lane. At the time of writing this report, staff are not aware of any acceptance to this connection by the owners of this private laneway.

*“h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

While the applicant does not propose to develop any land within 15 metres of the stable top of bank, 81% of the tableland trees is proposed to be removed. This is reflective of a greenfield situation and not the protection and maintenance of the existing neighbourhood character. Removal of such a large amount of trees will introduce privacy issues resulting from the tall built form proposed.

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*“j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.”*

As Sixth Line is a minor collector and transit route, the proposal does not offend this policy.

*Conformity with General Policies for Urban Design, Streetscape and Landscape*

The Livable Oakville Plan, Part C, Section 6 Urban Design sets out policies for compatibility with the existing community and compatibility in terms of height transitions between existing and new development. These policies are as follows:

*“6.1.1 a) to provide diversity, amenity, comfort, safety and compatibility with the existing community;*

*6.5.3 New development shall ensure that proposed building heights demonstrate compatibility with adjacent existing development by employing an appropriate transition of height from new to existing development*

*6.10.2 Development should preserve and enhance the urban forest by:  
a) maintaining existing healthy trees, where possible;  
d) incorporating trees with historic or cultural significance”*

The proposed development has not been designed to respond to these urban design objectives and policies. Specifically, the proposed development in comparison with the existing surrounding neighbourhood will contain a significantly taller and more dense development, which does not provide for an appropriate transition in height. Also, as referenced above, the proposal reflects an 81 % reduction of tableland tree cover. There is insufficient discussion within the Heritage Impact Assessment to the trees on the listed heritage property or surrounding area.

In addition, Council endorsed the *Design Guidelines for Stable Residential Communities* on April 23, 2013. The document provides assistance to new development proposals by providing guidance on important design elements for building in stable residential communities. The proposal, as submitted, does not address the design principles/objectives of this document.



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### Development on Private Roads

Part D – Residential, Section 11.1.5 refers to development on private roads:

*“Development on private roads shall be discouraged. Where it is demonstrated that a public road is not warranted, to the satisfaction of the Town, development through plans of condominium on private roads may be permitted provided all required services are appropriately accommodated and all applicable policies of this Plan are satisfied.”*

No discussion has been provided within the Planning Justification Report in support of the use of a private road. The Planning Justification Report states that the road is to be a common element condominium roadway. However, the redevelopment of the site to an appropriate level of intensification may utilize the existing treed driveway as part of a private road system.

### Top of Bank Open lands

1024 and 1042 are two detached dwelling situation at the top of bank of the Sixteen Mile Creek Valley. The owners of these dwelling would like the dwellings to remain *in situ*. To reflect this, the applicant is proposing that the lands within 15 metres of the long term stable top of bank be re-designated from *Natural Area* to *Private Open Space* with permissions for the dwelling and buildings to stay. In addition, the applicant has requested a corresponding zoning amendment to *Private Open Space Zone* (02 Zone) with site specific zoning provisions to permit residential buildings and structures which legally existed on the day of the passing of the site specific Zoning by-law. The intent of this zone is to permit these two existing residential uses to continue but to prevent future expansion of these residential uses.

*Private Open Space* is a separate designation from that of *Natural Area*. Similarly, the permitted uses in either designation are different. While the two dwellings are permitted uses in the *Natural Area* designation as a legal existing use, building and structures (Sec 16.1.1 permitted uses), these two dwelling are not permitted with the *Private Open Space* designation as contained within Section 17.4.1 permitted uses.

The proposal, as submitted, does not further the town's policy to obtain the valley lands and top of bank as part of the Town overall natural heritage system.

### Zoning By-Law Amendment to Regulate the Proposed Land Uses

The proposed development is seeking to introduce a built form and zoning (*Residential Medium*) which are not characteristic of the built form and zoning in the area. The proposed zoning is also seeking modifications to a number of zoning performance standards, as illustrated in the Appendix B.

From: Planning Services Department

Date: March 7, 2017

Subject: **Public Meeting Report and Recommendation Report, Official Plan and Zoning By-law Amendment, 1463291 Ontario Inc. (Dunpar Developments Inc.), 1020 - 1042 Sixth Line, File No. Z.1516.02**

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The proposed zoning does not implement the objectives and policies of the Livable Oakville Plan, as it would provide for a built form and density that would not protect or maintain the existing character of the stable residential neighbourhood. The intent of Livable Oakville was to ensure appropriate intensification protects and maintains the existing neighbourhood character.

### **Submitted Documents**

The proponent has submitted a number of documents, as outlined below, in support of the application, which have been circulated to various public agencies and internal Town departments.

- Planning Justification Report;
- Draft Official Plan and Zoning By-law Amendments
- Development Concept Plan;
- Survey; and
- Various technical plans and reports such as Urban Design Brief and Character Analysis, Noise Assessment, Traffic Impact Study, Soils/Geotechnical Investigation, Phase 1 Environmental Site Assessment, Functional Servicing Report, Arborist Report and Tree Preservation Plan.

The various documents have been placed on the Town's website at <http://www.oakville.ca/business/da-13478.html>. The latter two documents referenced above, once available, will also be posted to the Town's website.

### **Environmental Impact Assessment (EIA)**

An Environmental Impact Assessment (EIA) was requested as part of the pre-consultation / complete application process. The applicant submitted a Soils/Geotechnical report and preliminary Natural Heritage Technical Opinion report with the comment in the Opinion report as follows.

*"After the environmental studies described in this letter were completed in 2015, Dunpar Homes purchased adjacent properties at 1020, 1028 and 1032 Sixth Line. In 2016, Savanta completed vegetation surveys on those new possessions. The remainder of vegetation surveys (spring), as well as all zoological surveys as described in the Terms of Reference recently submitted to the Region of Halton, will be completed in 2017. At that time Savanta will prepare a formal Environmental Impact Assessment (EIA) report."*

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The Opinion letter was deemed by both Halton Region and Conservation Halton to be incomplete for the purposes of an EIA. Town staff agree that there are deficiencies and supports this position.

Further, the applicant is working with Halton Region and Conservation Halton on the completion of the Environmental Impact Assessment (EIA). A terms of reference for such a study has been approved by both agencies in December 2016. The purpose of the EIA would be to identify key Natural Heritage Features, characterize their ecological functions, identify appropriate buffer width, and any potential enhancement areas on site that are part of the Regional Natural Heritage System (NHS). The EIA, if prepared, would be submitted for review to the Town, Region and Conservation Halton upon the completion of all required on-site surveys. This matter is reflected in comments from both Halton Region and Conservation Halton. The comprehensive EIA report would then address matters necessary to complete a review from a Provincial Policy Statement perspective.

With regard to the arborist report and as mentioned above, 81% of the tableland trees are proposed to be removed to permit this development. Staff have major concerns with this significant amount of tree loss on site. Some of these trees help create a very strong identity of the site (for example, the tree-lined driveway to the house at 1042 Sixth Line). Individual trees and tree rows must be recognized and protected in any development scheme. Efforts should be made to redesign the site to preserve the trees along the driveway, as well as the mature trees around the historic building.

Other technical matters such as the Greenbelt delineation and servicing have also been raised within the comments of Halton Region and/or Conservation Halton.

The final EIA has the potential to significantly impact the developable area and design of this site. Since the Town is opposed to this application based upon other planning policies, staff have not waited for the completion of the EIA prior to recommending refusal.

### Heritage

Also, the applicant has prepared a Heritage Impact Assessment for 1042 Sixth Line. The document has been review by Town Heritage staff. While the report discusses the existing dwelling and its potential for Part IV designation under the Ontario Heritage Act, it did not sufficiently discuss the merits of the cultural heritage landscape component of the site including the surrounding landscape features and vistas. . As an example, the tree-lined driveway is a major character feature to this site which could be considered a heritage attribute of the property. Again, this analysis has the potential to impact the developable and design of the site.

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Part E, Section 24.4.4 (a) "Cultural Heritage" of the Livable Oakville Plan states "cultural heritage resources shall be maintained and integrated into new development". Since the Town is opposed to the application based on other planning policies, a full assessment of the heritage merits and the application of these policies has not been completed. However, the existing information is sufficient to identify a concern.

## **CONCLUSION:**

The submitted applications for an official plan amendment and corresponding zoning amendment, for 81 townhouse dwelling units and two single detached dwelling neither maintains nor protects the existing character of the surrounding neighbourhood. The proposal, as submitted, does not satisfy the intensification policies and evaluative criteria as found under Sections 11.1.8 and 11.1.9 of Livable Oakville, nor does it maintain the Town's urban structure.

Similarly, the zoning, as proposed, is not appropriate for the use of the lands, and the numerous modifications from the underlying zoning regulations would result in an unacceptable adverse impact on the surrounding area.

The proposal, as submitted, does not represent a development that reflects the appropriate implementation of the Livable Oakville Plan, and is not considered to be good planning or in the public interest. Based on the undertaken analysis as discussed through this report, staff recommends that the subject applications, as submitted, be refused.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice for this meeting was provided through a mailing to all properties within 120 m of the subject property and placed on the site sign.

A Public Information Meeting was held on November 29, 2016. 42 members of the public attended. Public comments received to date are attached as Appendix E.

### **(B) FINANCIAL**

None arising from this report.

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

Relevant technical and agency comments are been included in Appendix D.

**(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 does not conform with the sustainability goals and objectives of the Livable Oakville Plan.

**APPENDICES:**

Appendix A - Proposed Official Plan Amendment

Appendix B - Proposed Zoning By-law Amendment

Appendix C - Unit Elevations

Appendix D - Technical Comments

Appendix E - Public Comments

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