

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 18, 2017

FROM: Planning Services Department

DATE: March 27, 2017

SUBJECT: Recommendation Report
Official Plan and Zoning By-law Amendments
2378224 Ontario Inc. - Z.1617.43 - 231-237 Rebecca Street
By-law 2017-016 and 2017-017

LOCATION: 231-237 Rebecca Street

WARD: 2

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RECOMMENDATION:

1. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary;
2. That Official Plan Amendment and Zoning By-law Amendment applications submitted by 2378224 Ontario Inc. (File No. Z.1617.43), as revised, be approved;
3. That By-law 2017-016, a by-law to adopt an amendment to the Livable Oakville Plan, be passed;
4. That By-law 2017-017, an amendment to Zoning By-law 2014-014, be passed; and
5. That notice of Council's decision reflects that the comments from the public have been appropriately addressed.

KEY FACTS:

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

- This report recommends approval of proposed Official Plan and Zoning by-law Amendment applications submitted by 2378224 Ontario Inc. to permit the development of a six unit multiple attached residential project.
- The site, being 231 and 237 Rebecca Street, is located generally east of Dorval Drive and Margaret Drive on the north side of Rebecca Street.

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- The effect of the Official Plan Amendment would be to re-designate the subject lands from *Low Density Residential* to *Medium Density Residential*.
- The proposed Zoning By-law would permit a six unit, three-storey townhouse development. Vehicular access is proposed from Margaret Drive to a future condominium rear lane. A net increase of four residential units in the neighbourhood.
- The applications were received on September 4, 2014 and deemed complete on September 25, 2014.
- A Public Information Meeting was held on November 25, 2014, and the Statutory Public Meeting was held on February 9, 2015.
- As a result of the written and verbal comments received from the residents abutting the site and comments received at the Statutory Public Meeting the applicant revised the proposal in March 2016 and December 2016 to address issues related to overlook/privacy, height and the loss of vegetation.
- The effect of the revisions was to reduce the overall height from 15.9 m to 12 m, and increase the rear and side yard setbacks. Design modifications have also been undertaken to reconfigure the location of the third storey balconies to mitigate potential overlook/privacy issues.
- Approval of the revised development applications is recommended.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on proposed Official Plan Amendment and Zoning By-law Amendment applications to allow the development of six multiple attached dwelling units on the site.

The intent of the Official Plan Amendment is to re-designate the lands from *Low Density Residential* to *Medium Density Residential*. The intent of the proposed Zoning By-law Amendment is to rezone the subject site from *RL3-O – Residential Low* to a site specific *RM1 – Residential Medium* zone.

Applications for an Official Plan Amendment and Zoning By-law Amendment (Z.1617.43) were submitted on September 4, 2014, and deemed complete on September 25, 2014. A Public Information Meeting took place on November 25, 2014 at which time the Ward Councillors were in attendance and approximately 30 neighbourhood residents. The statutory public meeting required by the *Planning Act* was hosted by Planning and Development Council on February 9, 2015.

Proposal

The initial application received by the Town (September 2014) consisted of a six unit, three-storey townhouse development facing Rebecca Street (Figure 1) with vehicular access provided from a condominium lane connecting to Margaret Drive.

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The original proposal anticipated rear decks above the garage and third storey balconies (Figure 2).

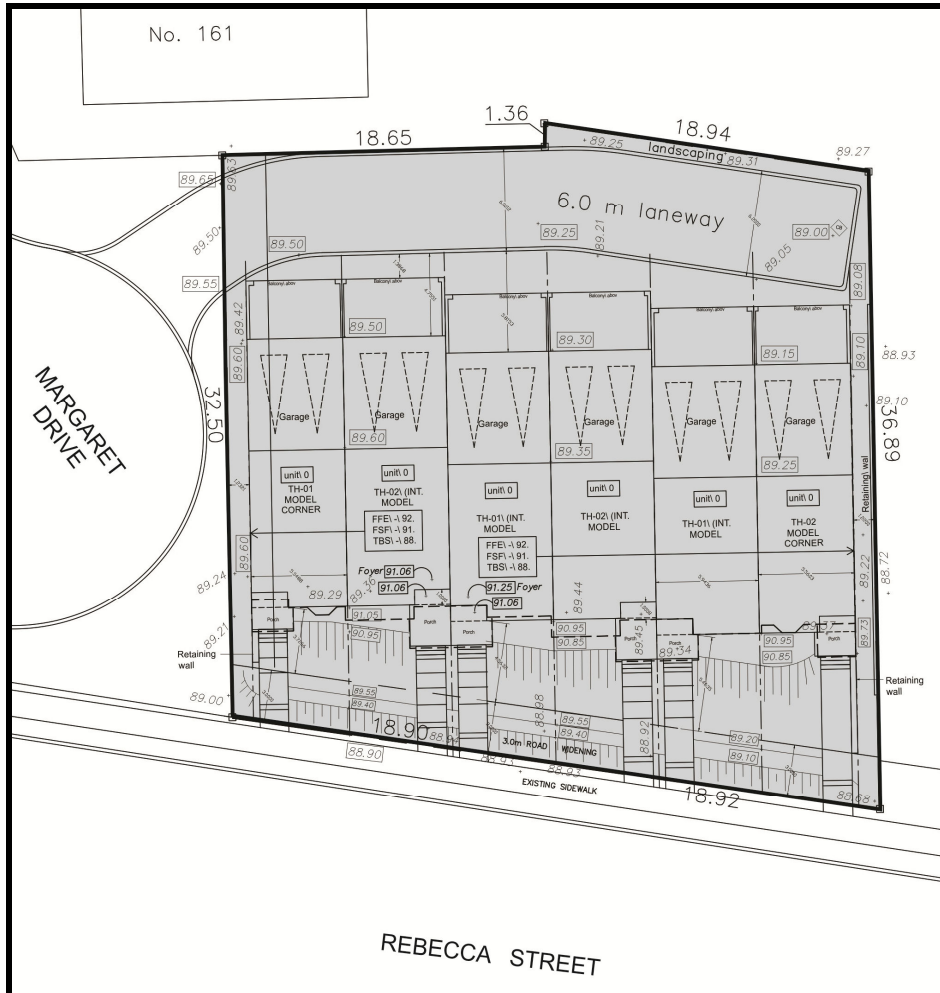


Figure 1: Original Concept plan prepared by the applicant

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Figure 2: Original Elevation illustrating Rear Third Floor Balconies prepared by the applicant

As a result of comments received the applicant made design revisions to the proposal in March 2016, which had the effect of moving the private lane further south away from the abutting dwellings, reducing the overall height from 15.9 m to 13 m and to relocate the third floor balconies to face Rebecca Street to mitigate potential overlook/privacy issues (Figures 3 and 4).

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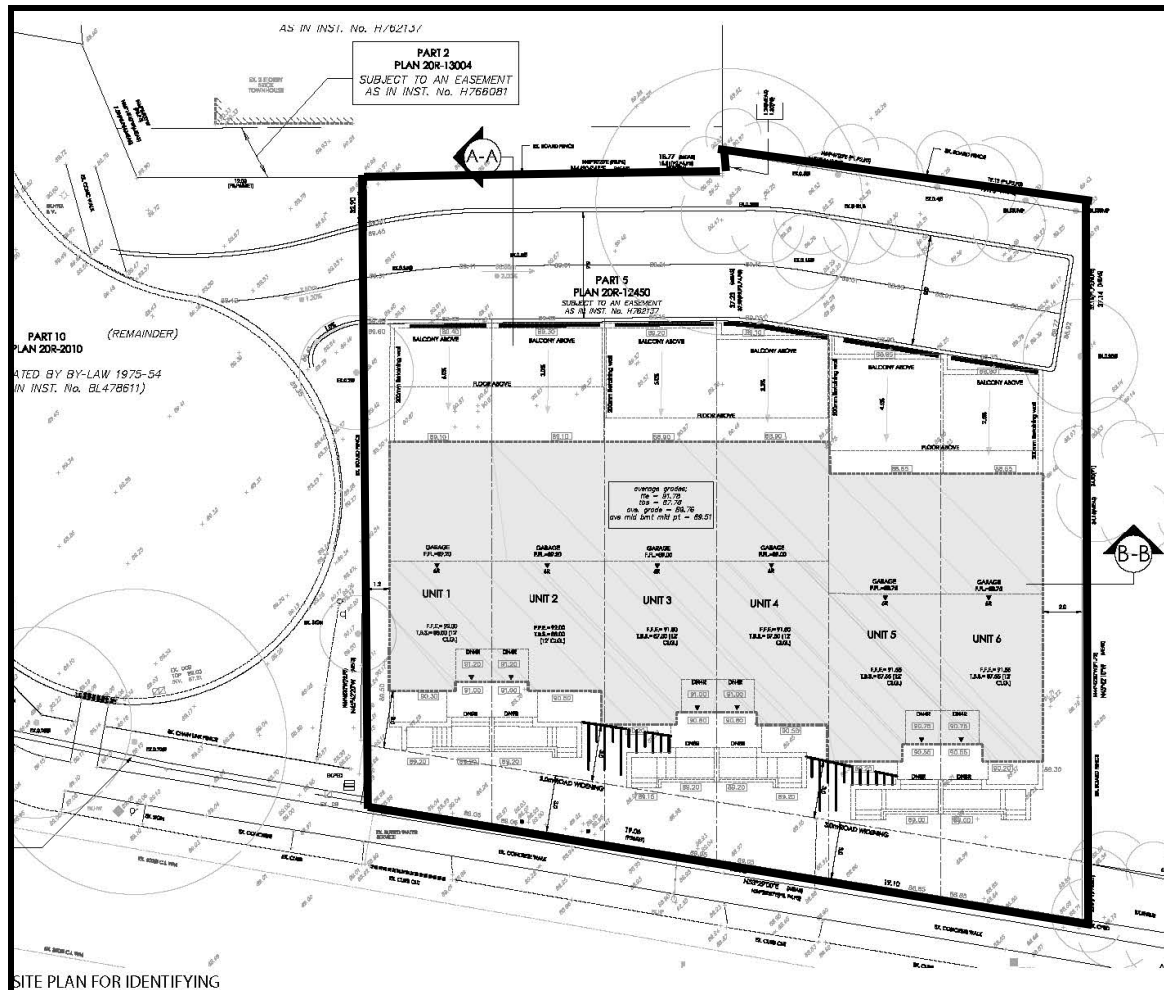


Figure 3: Revised Concept plan prepared by the applicant (March 2016)

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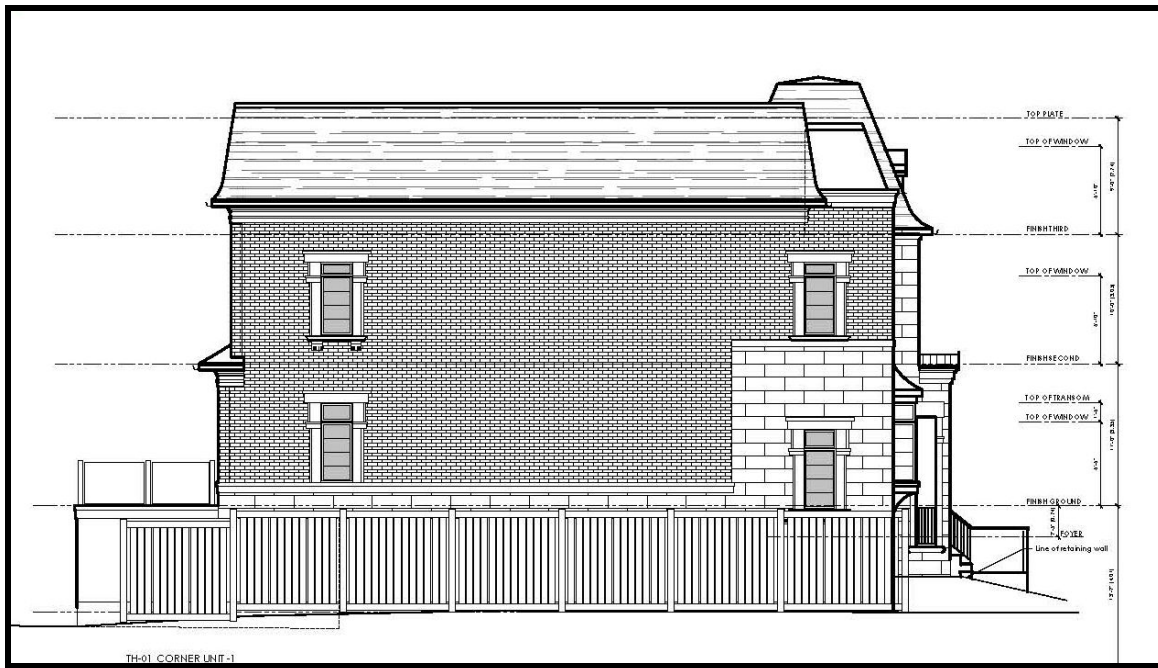


Figure 4: Revised Elevation prepared by the applicant (March 2016)

A further design modification was made in December 2016, which had the effect of further reducing the overall height from 13 m to 12 m, or an overall reduction of 15.9 m to 12 m. (Figures 5 and 6).

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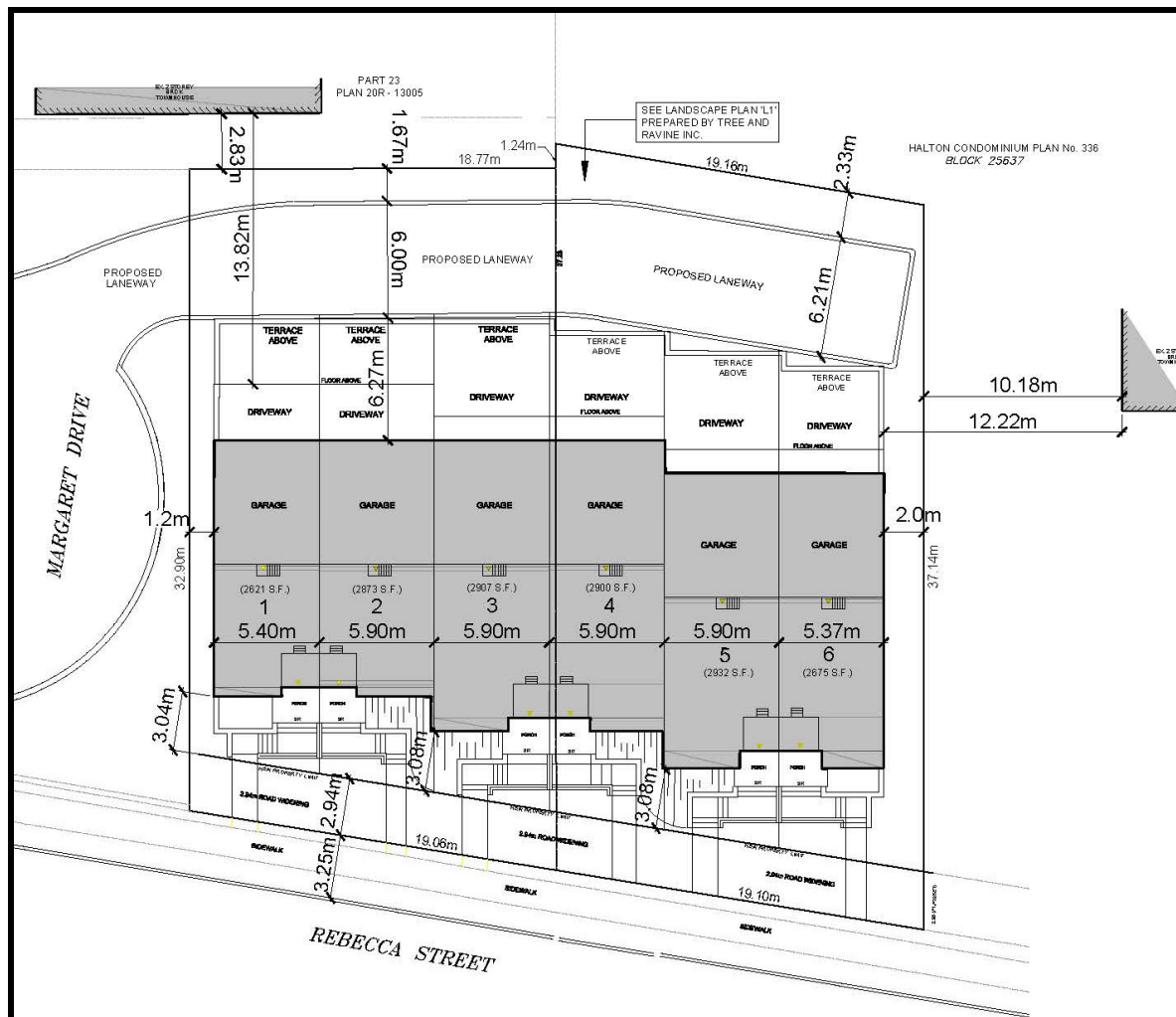


Figure 5: Revised Concept plan prepared by the applicant (December 2016)

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Figure 6: Revised Elevation prepared by the applicant (December/February 2016)

Location

The subject property is located on the north side of Rebecca Street generally east of Dorval Drive and is municipally known as 231-237 Rebecca Street (Figure 7).

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Figure 7: Aerial

Site Description

The subject lands consist of two separate parcels with an area of approximately 0.13 ha and approximately 33 m of frontage on Margaret Drive and 38 m of frontage on Rebecca Street. There are a number of trees on the site located along the property boundaries. Each property contains a detached dwelling facing Rebecca Street which will be removed to accommodate the proposed development.

Surrounding Land Uses

The surrounding land uses are as follows:

South: A four-storey residential apartment building and three-storey townhouses fronting onto Rebecca Street and Garden Drive.

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West: Three-storey townhouses located on the former DND lands.

North: Two-storey townhouses part of the Barclay Square Condominium.

East: Private Storm pond, two-storey townhouses and further east detached dwellings.

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.

The subject proposal is consistent with the new PPS.

Region of Halton Official Plan

The Ontario Municipal Board has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. The policies of ROPA 38 to Halton's Official Plan are in force with the exception of site specific and policy specific matters unrelated to this application.

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 will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

Regional staff has no objections to the approval of the Official Plan and Zoning By-Law Amendment applications.

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Livable Oakville Plan

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

The subject property is designated *Low Density Residential* as identified on Schedule G – South East Land Use within the Livable Oakville Plan (Figure 8).

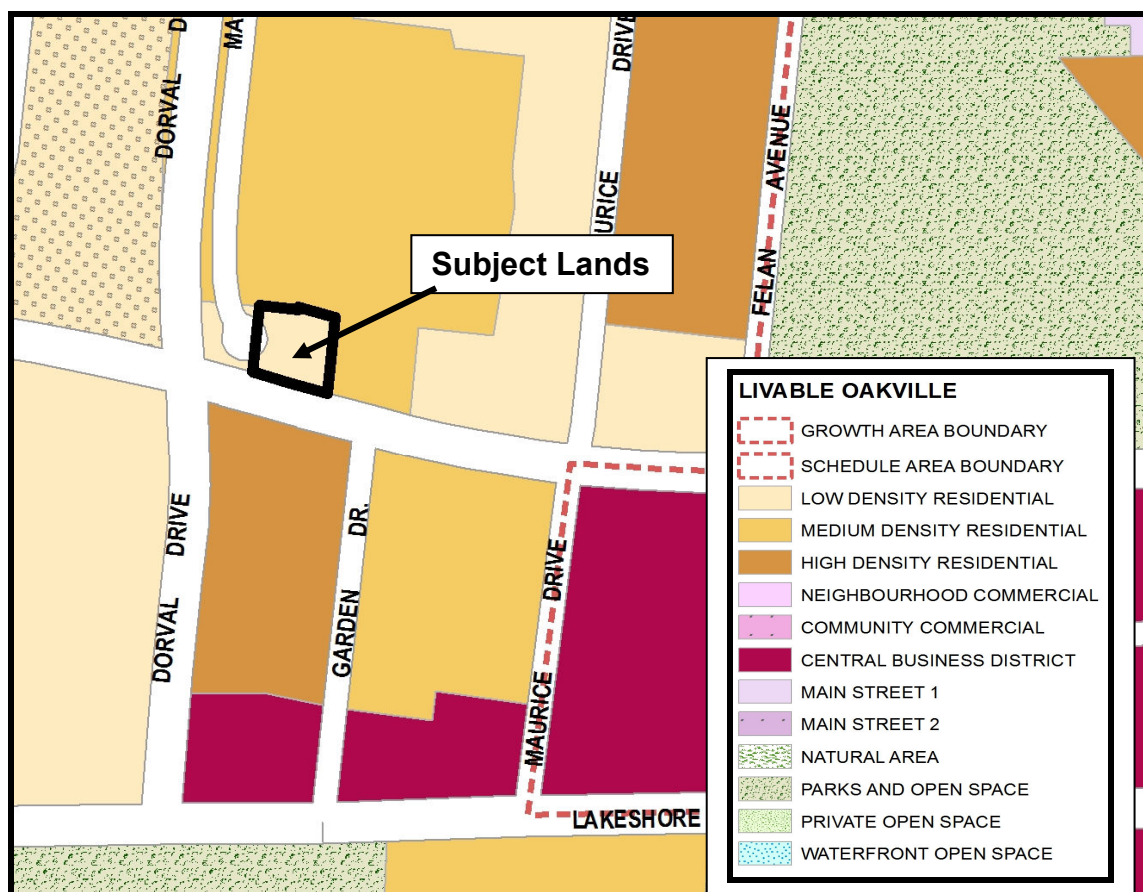


Figure 8: Livable Oakville Plan Extract

The following specific policies apply to the lands designated *Low Density Residential*.

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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.

Policies of Part C, Section 4.3 and Part D, Section 11 – Residential, including Section 11.1.8 and 11.1.9 govern intensification within stable residential communities.

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 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.

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 section 11.1.9 and all other applicable policies of this Plan.*

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

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- 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 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.*

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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 and transitions between existing and new development. These policies are as follows:

- “6.1.1 a) to provide diversity, comfort, safety and compatibility with the existing community;
- 6.9.9. New development shall ensure that proposed building heights and form are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm.”

Zoning By-law – 2014-014

By-law 2014-014 zones the subject lands as *RL3-O – Residential Low* as shown on Figure 9 below.

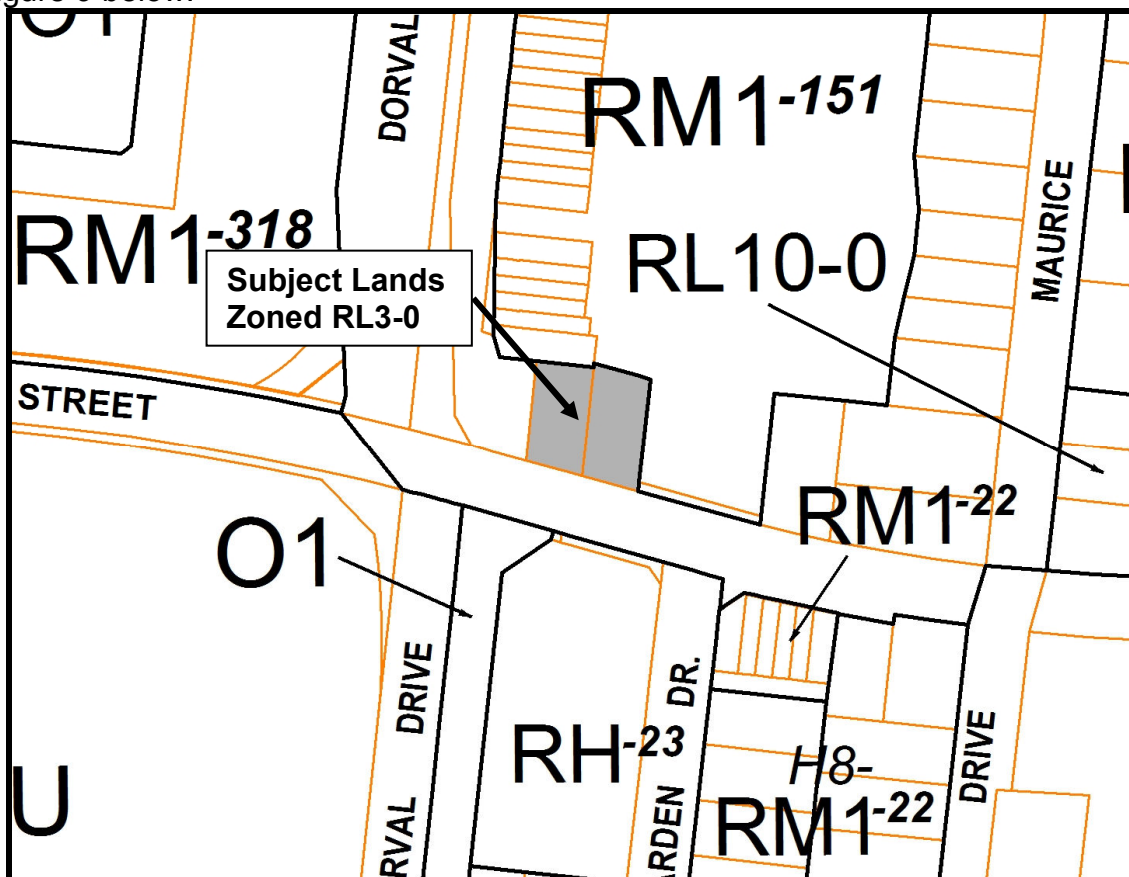


Figure 9: Zoning By-law Extracts from By-law 2014-014

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Multiple-attached dwelling units are not permitted within the *RL3-O – Residential Low* zone therefore a Zoning By-law Amendment is required.

PLANNING ANALYSIS:

Proposed Official Plan Amendment

The proposed Official Plan Amendment would re-designate the subject lands from *Low Density Residential* to *Medium Density Residential* to permit a six unit townhouse development (Figure 10).

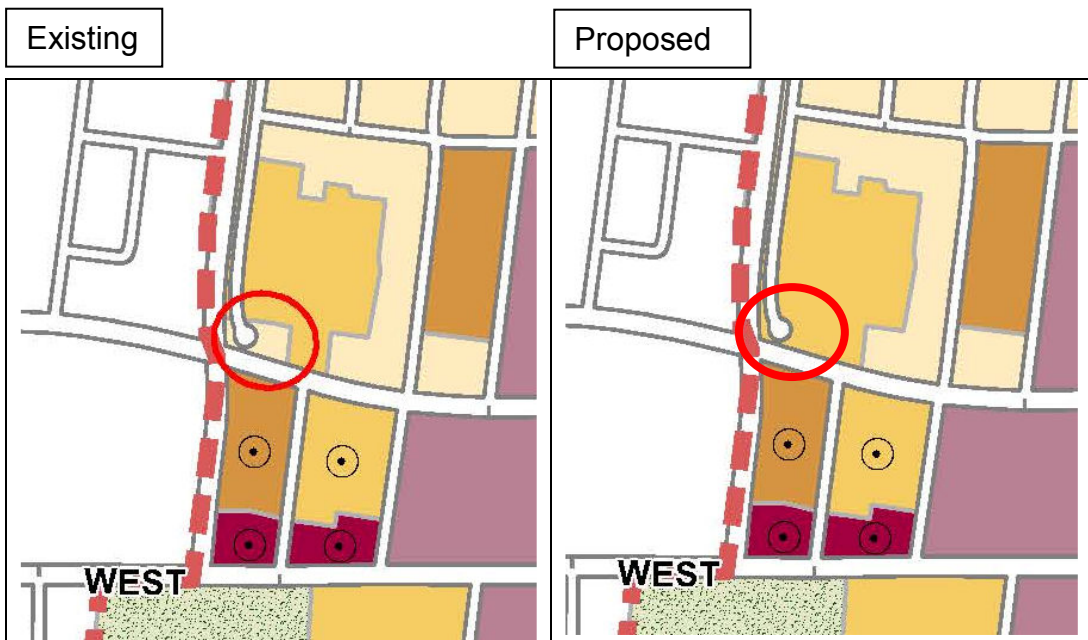


Figure 10: Existing and Proposed Official Plan Designations

The following specific policies apply to lands designated as *Medium Density Residential*:

11.3 Medium Density Residential

11.3.1 Permitted Uses

The Medium Density Residential land use designation may permit a range of medium density housing types including *multiple-attached dwelling* units, apartments, retirement homes and long-term care homes. Existing detached and semi-detached dwellings are permitted.

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11.3.2 A density range is to be between 30 to 50 dwelling units per *site hectare*.

Pursuant to section 4.3 – Residential Intensification Outside of the Growth Areas, states that:

“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 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”

The subject lands are designated as *Low Density Residential* and are located within a stable residential neighbourhood where some growth and change may occur provided the character of the area is preserved.

Part D, Section 11 – Residential, including Section 11.1.8 and 11.1.9 govern intensification within stable residential communities. While Section 11.1.8 b) allows for Low Density Residential intensification on lands designated as Low Density Residential located at intersections of arterial and/or collector roads subject to the criteria in Section 11.1.9, the subject lands are proposed to be re-designated to Residential Medium Density.

Residential Low Density uses at this location would not be in character with the area given the surrounding which context consists of townhouse and apartment uses (Figure 11). The proposed medium density development would be appropriate based on its conformity with the applicable criteria noted in Section 11.1.9, as it was determined that the proposed development maintains the character within the neighbourhood. .

Re-designating the lands from *Low Density Residential* to *Medium Density Residential* is appropriate as noted below:

- The subject lands are surrounded by medium and high density development to the north, east, south and west and as such the proposed townhouse form is compatible with the surrounding land uses and the character of the area.
- The neighbourhood character of the adjacent lands consist of two and three-storey multiple attached dwellings units and a 4-storey apartment building (Figure 11).

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- The scale and massing of the revised proposal is compatible with the surrounding neighbourhood given the development setbacks and resulting separation distances between adjacent buildings (Figure 12).
- The height of the revised proposal is compatible with the surrounding neighbourhood as the proposed height of three storeys and 12 m provides an appropriate gradation in height from the apartment development (14 m) south of the subject lands to the Barclay Square condominium (9.5 m and 10.5 m).
- This development represents a logical extension of the surrounding built form.
- The subject lands can be adequately serviced by the existing water and wastewater services in accordance with the Region of Halton requirements.
- Relocation of the 3rd-floor balconies to face Rebecca Street mitigates any overlook/privacy concerns to the Barclay Square development.
- No adverse impacts are anticipated on the adjacent properties. Final grading, drainage/servicing, tree protection and landscaping will be addressed to the satisfaction of the applicable agencies prior to final site plan approval.
- The subject lands are adjacent to Rebecca Street which is designated a “minor arterial” road which is accessible by public transit. Schools are located within the vicinity.
- Traffic generated from the addition of six residential units can be accommodated on the existing road network without any road modifications.
- The proposed density of 46 units per site hectare is within the density range permitted by the *Medium Density Residential* land use policies.

Proposed Zoning By-law Amendment

The applicant proposes to rezone the lands from *RL3-O – Residential Low* to a site specific *RM1 -Residential Medium 1* zone to implement the proposed medium density residential land use and establish appropriate regulations for the lands.

The following is a comparison between the proposed site specific RM1- Residential Medium subject to site specific 377 and the parent RM1 zone (Table 1).

Table 1: Zoning Comparison

	RM1	Proposed (RM1 SP377)
Minimum <i>lot area</i>	135.0 m ² /unit	complies
Minimum <i>lot frontage</i>	30.5 m	38.2 m
Minimum <i>front yard</i>	4.5 m	3.0 m
Minimum <i>flankage yard</i>	3.0 m	1.2 m
Minimum <i>interior side yard</i>	1.2 m	2.0 m
Minimum <i>rear yard</i>	6.0 m	7.5 m* 11.4 m**
Maximum <i>height</i>	12 m	12 m

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Maximum number of <i>storeys</i>	3	3
Minimum <i>landscaping coverage</i>	10 %	18%
Parking	2 spaces/unit of which 0.25 shall be designated for visitor (12 parking spaces required)	20 spaces provided

* From the rear lot line to garage/carport

** From the rear lot line to the dwelling

The following are the basic principles of the proposed site specific Zoning By-law:

- increase the rear yard setback to the garage/carport of 7.5 m
- increase the rear yard setback to the dwelling of 11.4 m
- reduce the front yard setback to 3.0 m
- reduce the flankage side yard setback to 1.2 m
- visitor parking is not required as 20 total parking spaces are being provided where 12 parking spaces are required including visitor parking

The proposed zoning meets or exceeds the zoning regulations for a RM1 lot with the exception of the front yard and flankage yard setbacks. Reducing the front yard and flankage yard setbacks has the effect of locating the proposed building further away from the Barclay Square development.

Planning matters to be considered

Physical Context

The subject property is centrally located within a residential neighbourhood that consists mainly of townhouse dwelling units and apartments (Figure 11). To the north and east of the subject lands is the Barclay Square development that was approved in the 1980's and consisted of 47 townhouse dwellings and 18 semi-detached dwellings. To the south is the Vandyke-Wyldham four-storey apartment development which was approved in 2007 which consisted of 99 condominium apartment units. South-east is the West Oakville and Garden Drive Townes developments approved in 2007 which permitted a 6 and 18 townhouse development respectively. To the west is the former DND lands development approved in 2012 which permitted 62 townhouse units.

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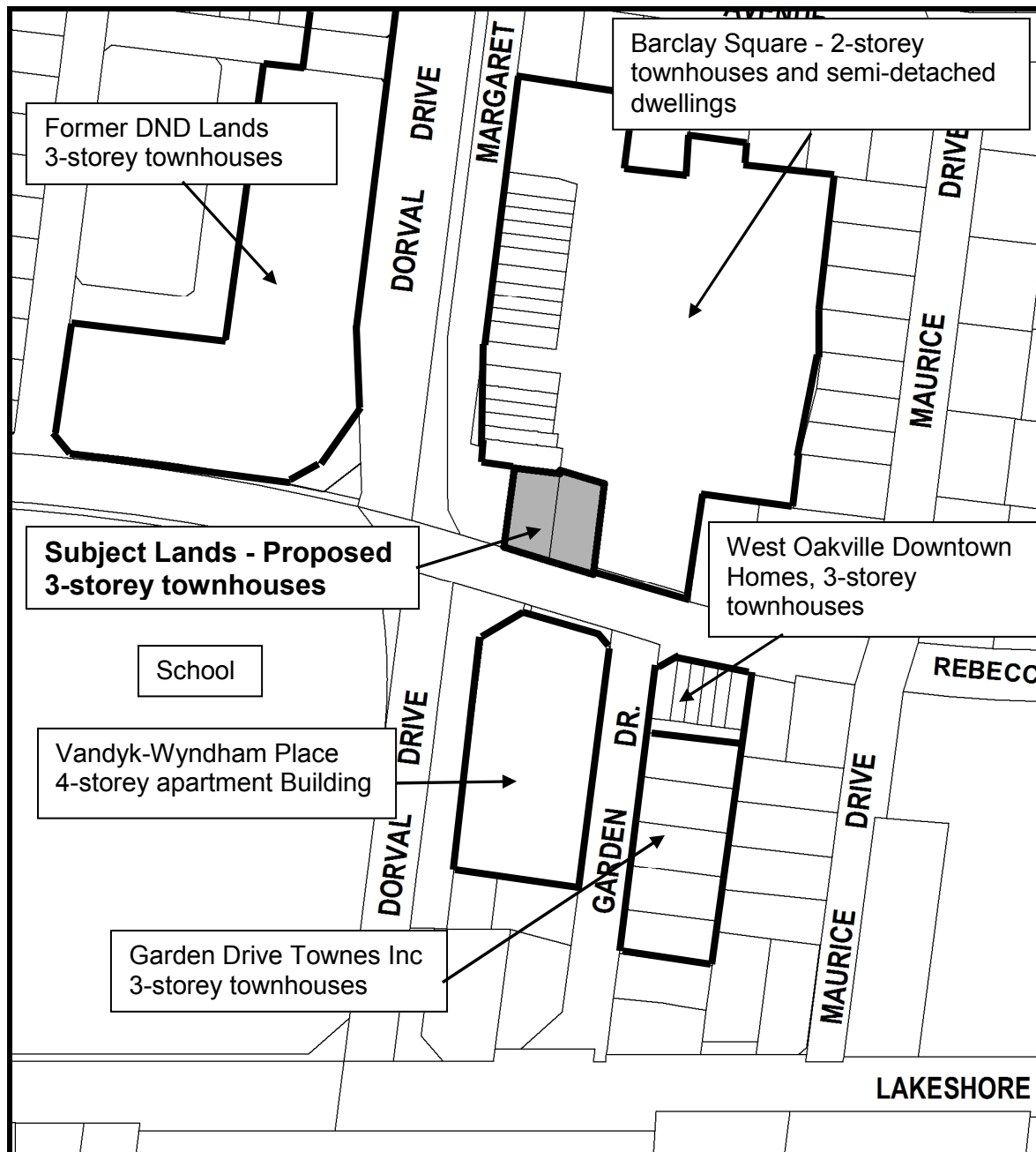


Figure 11: Context

The subject lands currently are zoned to permit detached dwellings and are in essence the “hole-in-the-donut” as they are surrounded by townhouse and apartment units. The proposed three storey housing form is a logical extension of the surrounding development and is appropriate given the context of the development.

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Matters raised through the processing of this application

The following section provides an analysis of the matters raised through the processing of this application, at the public information meeting on November 25, 2014, and the statutory public meeting on February 9, 2015.

The Planning Department has received a number of letters of opposition which were attached to the Statutory Public Meeting Report or given out at the Public Meeting. Issues included:

- Compatibility/Height/Privacy/Overlook;
- Traffic/Parking;
- Tree Retention; and
- Drainage/Servicing/Garbage/Snow Removal.

Compatibility/Height/Privacy/Overlook

The neighbourhood character of the adjacent lands consist of two and three-storey multiple attached dwellings units and a 4-storey apartment building as shown on Figure 11. The introduction of multiple attached dwellings in this location is appropriate given the surrounding context.

Figure 12 illustrates the spatial separation between the proposed building and the adjacent buildings on the abutting properties. The proposed building will be setback approximately 11.4 m from the multiple attached units to the east, 13.8 m from the multiple attached dwelling units fronting onto Margaret Drive and approximately 33.5 m from the multiple attached dwelling units north of the site. As a result, the development setbacks and resulting spatial separation between adjacent buildings are generally in keeping in the neighbourhood.

Staff note that a 9 m high detached dwelling could be constructed on the lot setback approximately 3.5 m from the multiple attached dwelling units fronting onto Margaret Drive (Figure 13).

Height was raised at the public information meeting and at the statutory public meeting. As noted earlier in this report the original proposal anticipated a 15.9 m tall multiple attached development project. The applicant has reduced the height from 15.9 m to 12 m in keeping with the parent regulation for a Residential Medium zone. The proposed 12 m height provides for an appropriate transition between the 14.5 m tall apartment building to the south and multiple attached dwellings to the west to the Barclay Square development that maintains a 10.5 m height directly north.

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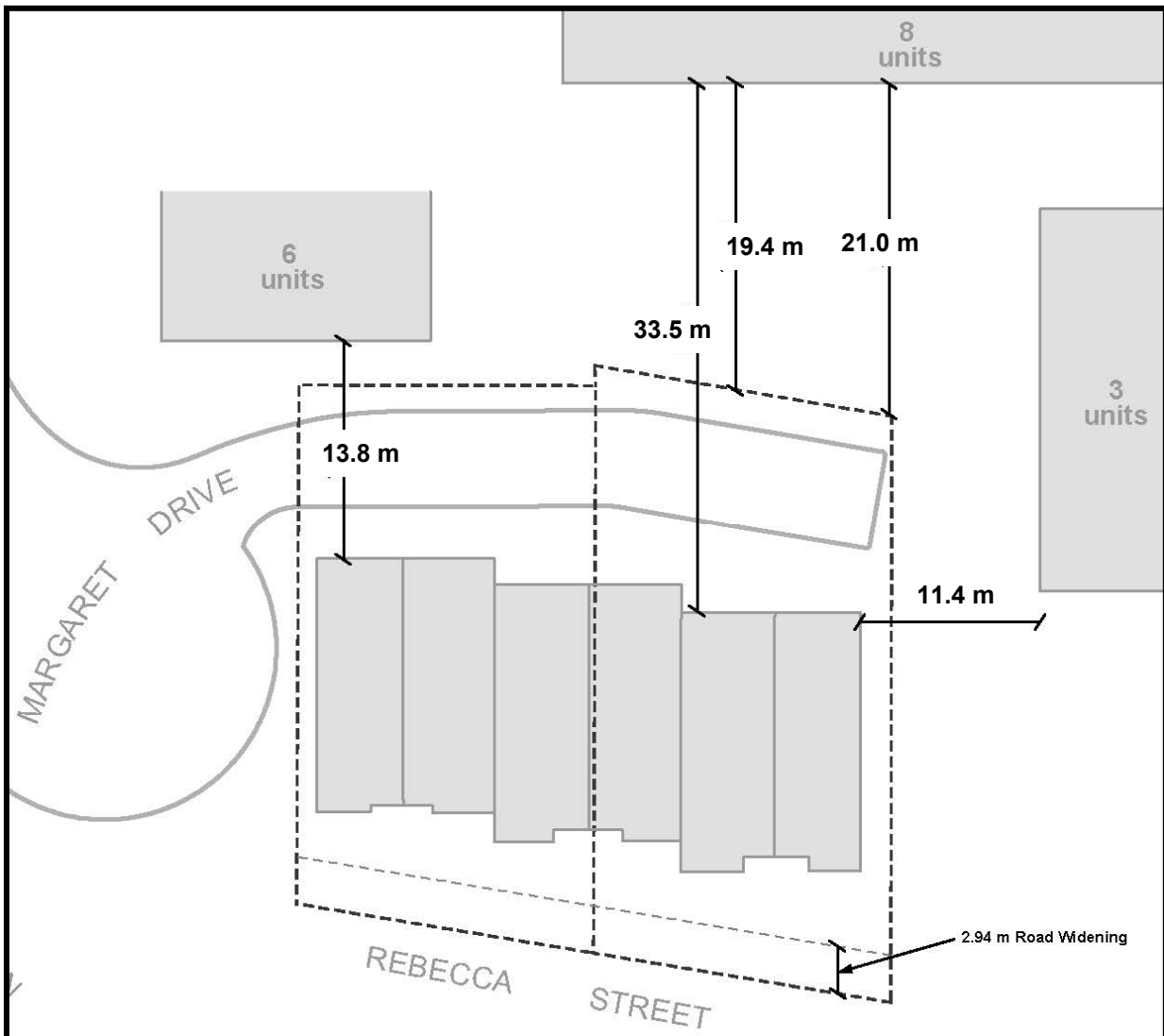


Figure 12: Spatial Separation between adjacent buildings

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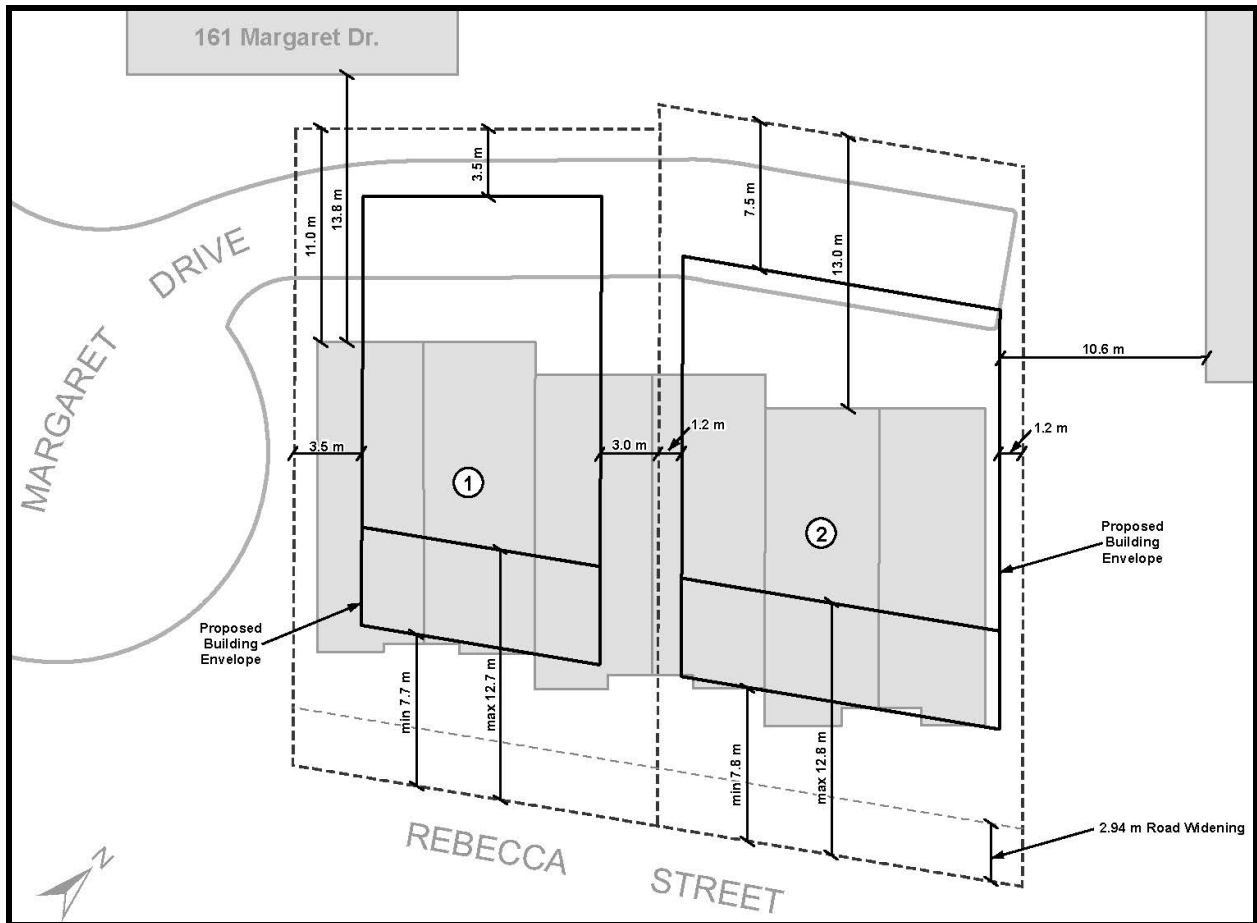


Figure 13: Existing Zoning Building Envelopes

Privacy and overlook were also raised as a concern through the processing of this application. The applicant originally proposed a 3rd storey balcony and a rear deck over the carport. The applicant has since revised the proposal and reconfigured the 3rd storey balcony to face Rebecca Street thereby minimizing overlook issues for the Barclay Square residents. The applicant is still proposing a rear deck over the carport and it is anticipated that through the site plan process additional planting can be reviewed for the landscape strip between the lane and the fence. This landscape strip in combination with a vegetated buffer on the neighbouring lands are expected to assist in minimizing any overlook/privacy issues (Figure 15). Further, privacy screening can be considered for the amenity area above the carport as part of the site plan application process.

Tree Retention

The original proposal anticipated the rear lane directly abutting the rear lot line which would result in the removal of some rear yard trees and hedge along the lot line. The lane way in this location would not have provided any opportunity to provide for



It is noted that there is a vegetated buffer associated with a drainage channel that leads to a dry pond on the abutting property to the north and east (Figure 15). The planting within this area also screens the proposed development.

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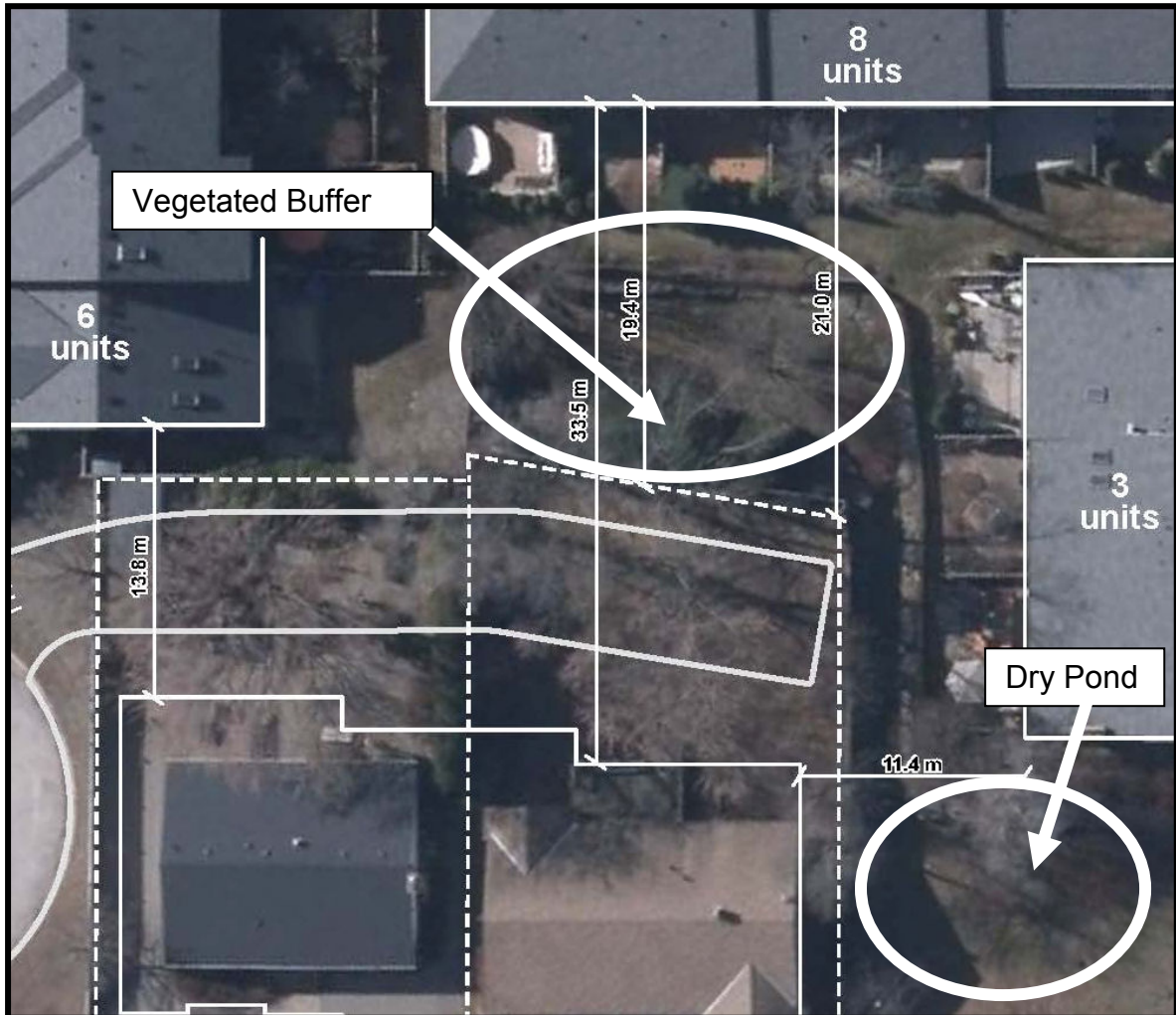


Figure 15:

Traffic/Parking

Traffic generated from the addition of six residential lots can be accommodated on the existing road network without any road modifications.

The parking requirement for a townhouse development is 2 parking spaces per unit where 0.25 parking spaces per unit are designated as visitor parking. A six unit townhouse development is required to provide 12 parking spaces of which 2 parking spaces be designated for visitor parking. The site has been designed to accommodate 4 parking spaces per unit for 4 of 6 units and 2 parking spaces per unit for the remaining 2 units. In total the applicant is providing 20 parking spaces.

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Drainage/Servicing/Garbage/Snow Removal

Drainage, servicing, garbage and snow removal will be reviewed as part of a future site plan application.

The Region has indicated that garbage pick up will be from Rebecca Street.

CONCLUSION

The Planning Department undertook a circulation of the application to ensure that all technical matters have been satisfactorily addressed.

Staff have evaluated the proposed development in the context of the Livable Oakville Plan, surrounding neighbourhood and the site's characteristics and support the proposed Zoning By-law Amendment. The subject report recommends approval of an Official Plan Amendment and a site specific Zoning By-law Amendment which would have the effect of permitting six multiple attached dwelling units. The height, design and massing of the proposal is appropriate and compatible with the adjacent land uses and in keeping with the intent of the land use policies of the Livable Oakville Plan.

The proposal is a logical extension of the surrounding development in the area and represents appropriate intensification within an established residential neighbourhood.

The modifications to the applications are minor compared to the original application presented at the statutory public meeting and respond to concerns raised at that meeting; therefore, no further notice for a public meeting is required. The proposed Official Plan Amendment (2017-016) and Zoning By-law Amendment (2017-017) can be found within the by-law section of the Planning and Development Council agenda.

The revised proposal represents good planning. On this basis, staff recommend approval of the applications.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting (PIM) was held on November 25, 2014, whereby the Ward Councillors and approximately 30 residents were in attendance. A Statutory Public Meeting was held February 9, 2015.

From: Planning Services Department
Date: March 27, 2017
Subject: **Recommendation Report**
Official Plan and Zoning By-law Amendments
2378224 Ontario Inc. - Z.1617.43 - 231-237 Rebecca Street
By-law 2017-016 and 2017-017

The Planning Department has received a number of letters of opposition which were attached to the Statutory Public Meeting Report. A notice has been provided to those who participated in the entire process.

(B) FINANCIAL

Capital requirements of the proposal are local to the development and not anticipated to have any impact on the town. Applicable cash in lieu of parkland and development charges will be determined (net of any applicable demolition credits) at the rates and values in effect/determined prior to the issuance of the building permits.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The various internal departments and external agencies have been part of the technical review of the application and have provided their input into 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

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

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Submitted by:
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