



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 12, 2017

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**FROM:** Planning Services Department

**DATE:** May 19, 2017

**SUBJECT:** Recommendation Report, Draft Plan of Condominium,  
Fernbrook Homes (Rebecca) Ltd., File No. 24CDM-16001/1617 -  
210 Rebecca Street and 118, 122, 128 & 136 Maurice Drive

**LOCATION:** 210 Rebecca Street and 118, 122, 128 & 136 Maurice Drive

**WARD:** 2 Page 1

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### RECOMMENDATIONS

1. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (File No. 24CDM-16001/1617) submitted by Fernbrook Homes (Rebecca) Ltd., prepared by J. D. Barnes Limited, dated May 3, 2016, subject to the conditions contained in Appendix 'C' attached to the staff report dated May 19, 2017, from Planning Services department; and
2. That the Town Solicitor be authorized to provide a release of the easement previously taken over Parts 2, 4, and 5 on Plan 20R-17995 that was registered as Instrument No. HR742413.

### KEY FACTS

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

- The subject lands are located at the southwest corner of Rebecca Street and Maurice Drive.
- The development was granted final site plan approval (SP. 1617.055/01) on March 30, 2017.
- Council approved draft plan of subdivision (24T-16001/1617) on July 11, 2016 and it was registered on March 15, 2017.
- The subject draft plan of condominium application proposes to create a common element condominium inclusive of a roadway, visitor parking and landscaped areas for a 16 unit townhouse development.

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- Approval of the draft plan of condominium would provide shared ownership and maintenance of the common elements and is appropriate for the orderly development of the lands.
- No circulated internal department or external agencies raised concerns with the application.
- Staff recommends approval of the draft plan of condominium subject to the conditions outlined in Appendix C.

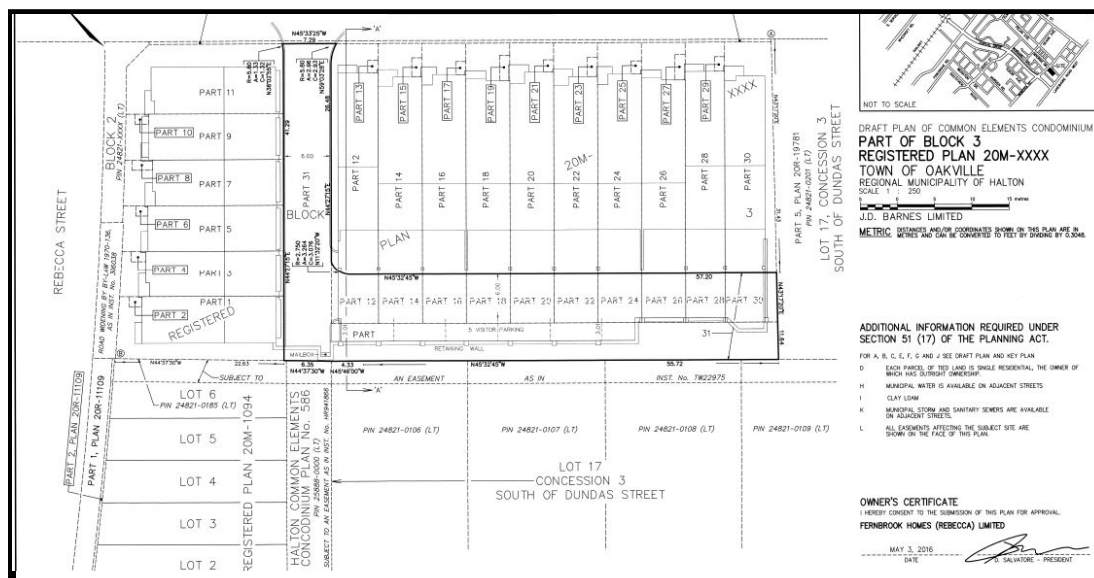
**BACKGROUND**


The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed draft plan of condominium application to create a common element condominium inclusive of a roadway, visitor parking and landscaped areas for a 16 unit townhouse development.

Council approved draft plan of subdivision (24T-16001/1617) on July 11, 2016, which allowed for lot creation of the individual townhouse units and conveyance of road widening's to the town. Subsequently, final site plan approval (SP. 1617.055/01) for the development was granted on March 30, 2017. Since the site layout and other site plan matters have been finalized, this allows for consideration of the subject draft plan of condominium application which was submitted on February 10<sup>th</sup>, 2016 by Fernbrook Homes (Rebecca) Ltd.

Proposal

The applicant seeks approval for a plan of condominium to create a common element condominium inclusive of a roadway, visitor parking and landscaped areas for a 16 unit townhouse development.



	<p><b>Subject Lands</b></p> <p><b>Fernbrook Homes (Rebecca) Limited</b></p> <p>210 Rebecca Street and 118 - 136 Maurice Drive</p> <p><b>24CDM - 16001/1617</b></p>	<p><b>Draft Plan</b></p> <p>Community Development Commission</p> <p><small>S:\DEPARTMENT\PLANNING\PLANNING REPORT MAPS\24CDM FILES\1617\DM 16001 1617\REPORT MAPS\MX1</small></p>
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Location

The subject lands are generally bound by Rebecca Street, Lakeshore Road West and Maurice Drive (Figure 1) and are municipally known as 210 Rebecca Street and 118-136 Maurice Drive.

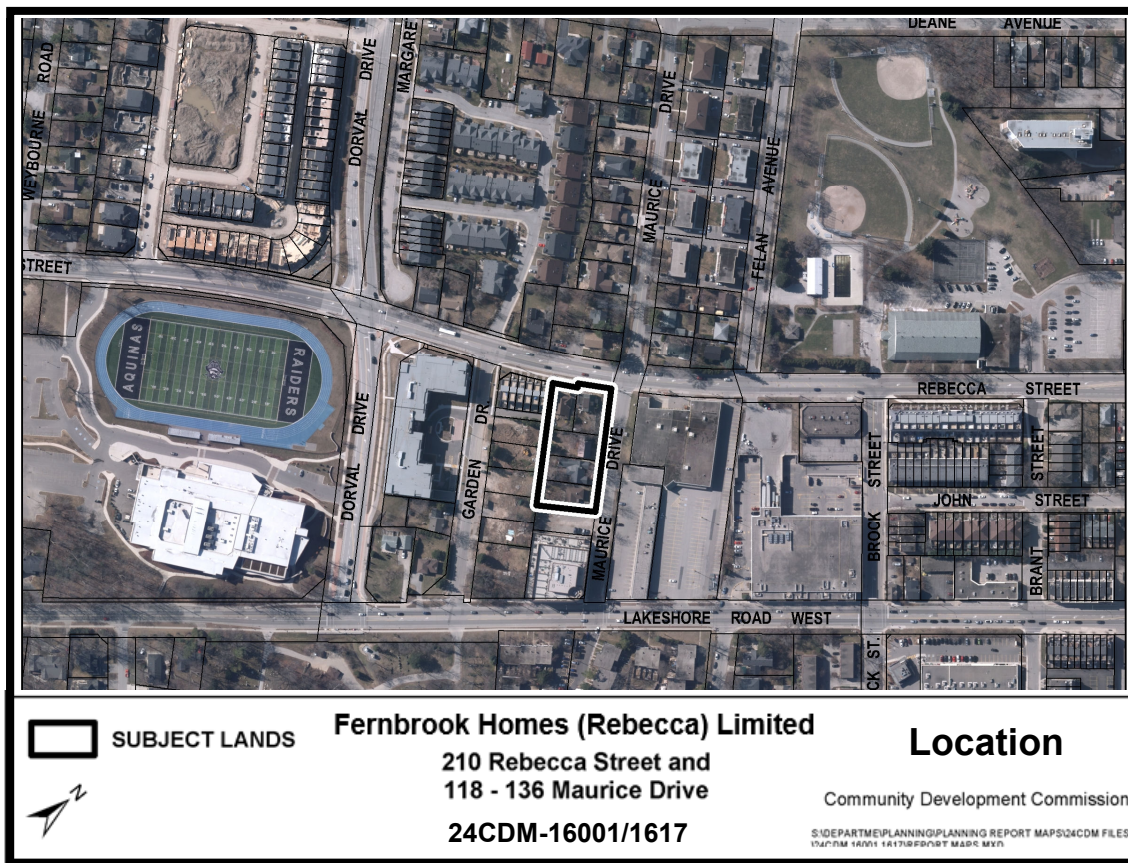


Figure 2: Air Photo

Site Description

The property is generally rectangular in shape and has approximately 80 m of frontage onto Maurice Drive, 42 m of frontage on Rebecca Street and a site area of 0.38 ha.

Surrounding Land Uses

The surrounding land uses are as follows:

- South & West: Residential
- North: Rebecca Street then Residential
- East: Maurice Drive then Commercial Plaza

## **POLICY FRAMEWORK**

### 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 lands are designated within the Livable Oakville Plan as Medium Density Residential on Schedule G – South East Land Use (Appendix A). The subject lands are also subject to a site specific exemption 27.2.1 which permits three-storey multiple attached dwellings.

Section 11.1.5 of the Livable Oakville Plan states the following with respect to 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.”*

### Zoning By-law

The property is zoned RM1 SP 22 by Zoning By-law 2014-014 (Appendix B). The proposed development complies with the By-law, as varied by C.A.V. A/116/2015.

## **PLANNING ANALYSIS:**

### Planning matters considered

The development has been subject to a detailed development planning process, with public participation and Council approval, where conformance with the Livable Oakville Plan policies were provided, zoning performance standards to implement the aforementioned policies enacted, and more detailed site plan technical matters addressed. Accordingly, the proposed plan of condominium is related to tenure of the lands. More specifically, the following matters were addressed:

- Built form and site layout
- Landscaping and urban design
- Grading and stormwater management

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- Site servicing
- Conformity with Livable Oakville and compliance with the Zoning By-law
- Financial obligations

The proposed common element condominium which includes a common roadway, visitor parking and landscaped areas is consistent with the plans approved as part of the March 30, 2017 site plan approval (SP. 1617.055/01).

Pursuant to Section 11.1.5 of the Livable Oakville Plan, a public road is not warranted. The proposed private road is required for internal site access, is not required for public access and does not form a connection between public roads. Furthermore, all required services are appropriately accommodated as part of the private road design.

A full circulation of the application has been undertaken and there are no outstanding financial or planning issues to be resolved;

Accordingly, staff have determined that the proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with Livable Oakville. There are no zoning compliance issues.

It is noted that as part of the redevelopment of the lands to the west with townhouses, an easement was granted in favor of the Town to protect for a continuous rear lane extending from Garden Drive through the subject development block to Maurice Drive. Since the layout of the subject development was not known at that time, this easement would have allowed an additional access through the existing rear lane to the west. Given the approved site design does not utilize this access, the continuation of the rear lane is no longer necessary and it is recommended that the Town Solicitor be authorized to provide a release of the easement previously taken over the rear lane to the west (Parts 2, 4, and 5 on Plan 20R-17995).

### **Matters raised by the Public**

As part of the related plan of subdivision application (24T-16001/1617) a concern with respect to the irregular lot shape was submitted to Council to consider when making a decision:

*“If this application would allow construction closer to Rebecca Street than those existing immediately west of it and is approved, then I wish to be entitled to appeal the decision of the Director of Planning Services to the Ontario Municipal Board. Thank you”*

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This concern was addressed through the plan of subdivision application by requiring a road widening along Rebecca Street to align the frontage of the subject site with the adjacent townhouse development to the west. This road widening was transferred to the town as part of the registration of the Plan of Subdivision on March 15, 2017.

## CONCLUSION

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

Staff is satisfied that the application conforms to the overall policy direction of the Livable Oakville Plan and other relevant policy documents, and recommends approval of the application, subject to the conditions in Appendix C, as the following requirements have been satisfied:

- The proposed plan of condominium meets the criteria established in Section 51(24) of *the Planning Act*;
- The proposed development conforms to the Livable Oakville Official Plan and complies with the Zoning By-law regulations applicable to the subject lands.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;
- The development has been granted final site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were addressed.
- Comments from the public have been appropriately addressed.
- Approval of the draft plan of condominium is necessary to provide shared ownership and maintenance of the common elements and is appropriate for the orderly development of the lands.

Staff recommends approval of the draft plan of condominium as the proposal is consistent with the Livable Oakville Plan, represents good planning and is in the public interest.

## CONSIDERATIONS:

### (A) PUBLIC

Notice for the meeting regarding this development application was provided through a mailing to all properties within 120 m of the subject property and to other residents who expressed interest in the application.

### (B) FINANCIAL

None arising from this report.

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

The application was circulated to internal and external departments and agencies for review. Concerns from the circulated departments and agencies raised have been addressed in this staff report and, if required, have been included as conditions of draft approval in Appendix C.

**(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 proposal generally complies with the sustainability goals and objectives of Livable Oakville.

**APPENDICES:**

- A – Livable Oakville Plan Extract
- B – Zoning By-law Extract
- C – Conditions of Draft Plan Approval

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