

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 9, 2015

FROM: Planning Services Department PD-014-15

DATE: February 13, 2015

SUBJECT: **Public Meeting and Recommendation Report**
Draft Plan of Condominium, Fernbrook Homes (Dorval) Limited,
160-222 Dorval Drive, 219-267 Hanover Street, 253-291 Rebecca
Street, 262 Military Way, 270, 271 & 276 Ortona Gate, 275 & 281
Tudor Avenue File No.: 24CDM-14007/1617

LOCATION: 160-222 Dorval Drive, 219-267 Hanover Street, 253-291 Rebecca
Street, 262 Military Way, 270, 271 & 276 Ortona Gate, 275 & 281
Tudor Avenue

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RECOMMENDATIONS

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-14007/1617) submitted by David Faye & Associates Inc., prepared by J.D. Barnes Limited, dated December 2, 2014, subject to the conditions contained in Appendix D.

KEY FACTS

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

- The subject lands are located at the northwest corner of Dorval Drive and Rebecca Street.
- Council approved Zoning By-law Amendment, Z.1617.39 and Draft Plan of Subdivision, 24T-11002 on May 22, 2012 to permit, in part, a townhouse development with 62 units and vehicular access from a private lane.
- Final site plan approval (SP. 1617.051/01) was granted on June 6, 2014, and the subject 62 unit townhouse development is currently under construction.
- A Draft Plan of Condominium application has been submitted to create a common element condominium inclusive of a private rear lane, sidewalks, 16 visitor parking spaces, and landscaping.

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- A full circulation has been undertaken, and subject to the conditions of approval in Appendix D, there are no outstanding financial or planning issues to be resolved.

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 to create a common element condominium inclusive of a private rear lane, sidewalks, 16 visitor parking spaces, and landscaping.

A Draft Plan of Condominium application was submitted on December 10, 2014 by David Faye & Associates. The application was deemed complete on December 15, 2014.

Proposal

The applicant proposes a Draft Plan of Condominium to create a common element condominium inclusive of a private rear lane, sidewalks, 16 visitor parking spaces, and landscaping (Figure 1).

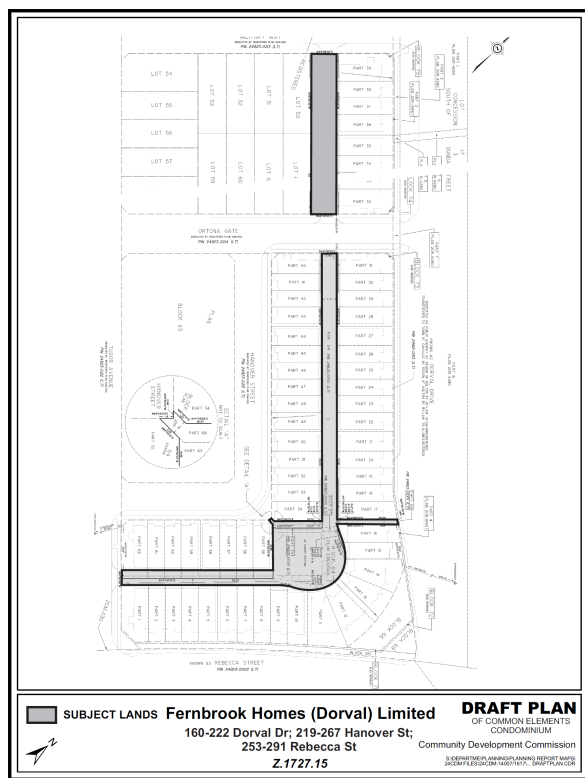


Figure 1 – Draft Plan

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The townhouse development for which the common element condominium would service consists of a total of 13 townhouse blocks with 62 units. The proposed private rear laneway would provide vehicular access to each unit. In addition, 16 surface parking spaces are proposed for visitor parking in addition to other common elements such as landscaping and walkways to provide a continuous path of travel to adjacent public streets.

Other Planning Processes

The subject lands were part of detailed discussion and public consultation throughout the preparation of the Livable Oakville Plan, which resulted in the identification of the lands as a Special Policy Area. The Special Policy Area designation identified the site as a low density residential area, with an allowance for multiple attached dwelling units along a portion of the site adjacent to Dorval Dr.

On May 22, 2012, Council approved a Zoning By-law Amendment (By-law 2012-051) and Draft Plan of Subdivision (24T-11002) to permit 62 single-detached dwelling units, two blocks of townhouse units, and a 0.48 ha park (see Figure 2).



Figure 2 – Concept Plan

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Subsequently, final site plan approval (SP. 1617.051/01) was granted on June 6, 2014, and the subject 62 unit townhouse development is currently under construction.

Location

The subject lands are located at the northwest corner of Rebecca Street and Dorval Drive and are part of a larger plan of subdivision. Vehicular access is proposed from a private rear lane. The townhouses front onto Dorval Drive, Rebecca Street and Hanover Street.



Figure 3 - Air Photo

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Surrounding Land Uses

The surrounding land uses are as follows:

North: Single detached residential dwellings

East: Single detached residential dwellings and townhouse dwellings

South: St. Thomas Aquinas Catholic High School

West: Single detached residential dwellings, St. James Catholic Elementary School and Church

POLICY FRAMEWORK

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 lands are designated Low Density Residential, and are further identified as a Special Policy Area, on Schedule F, South West Land Use, of the Livable Oakville Plan (Appendix A). The Low Density Residential land use policies are found in Part D, Section 11 and the Special Policy Area policies are found in Part E, Section 26 of the Livable Oakville Plan (Appendix B).

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

Zoning By-law 2014-014 is currently under appeal to the Ontario Municipal Board (OMB). While appeals remain active, building permit and development applications on lands subject to this by-law will need to comply with both this by-law and Zoning By-law 1984-63, as amended. Compliance with both by-laws will be required until appeals are disposed of by the Ontario Municipal Board.

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Zoning By-law 1984-063

The subject lands are zoned R07 SP 871, as shown in Appendix C. Minor variance CAV A/146/2013 and CAV A/150/2013) were granted by the Committee of Adjustment on November 12, 2013. The proposed development complies with the Zoning By-law, as varied.

Zoning By-law 2014-014

The subject lands are zoned RM1 SP 318, as shown in Appendix C. The proposed development complies with the Zoning By-law. As a condition of approval, the applicant will be required to confirm that the “as built” development complies with the Zoning By-law.

PLANNING ANALYSIS:

Planning matters considered

Physical context

The subject lands are part of the former Department of National Defence lands which were the subject of detailed discussion and public consultation throughout the preparation of the Livable Oakville Plan. Through subsequent development applications, the lands were subdivided and zoned to permit redevelopment of the site consisting of 62 single-detached dwelling units, a 0.48 ha park, public street network and the subject two blocks of townhouse units.

Planning Analysis

Final site plan approval was granted on June 6, 2014 (File No.: SP. 1617.051/01) for the proposed development. As part of final site plan approval the following matters were addressed:

- Built form and site layout;
- Landscaping, urban design and tree protection;
- Site servicing, grading and stormwater management; and,
- Conformity with Livable Oakville and compliance with the Zoning By-law.

Pursuant to Section 11.1.5 of the Livable Oakville Plan, a public road is not warranted. The proposed private rear lane exclusively services the subject townhouse development and does not form part of the public street network. Furthermore, all required services are appropriately accommodated as part of the

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private road design. However, as a condition of approval an easement will be required over the pedestrian connection from the public park being constructed as part of the larger development to Dorval Drive. This will allow the public to use the pedestrian connection linking the park and broader subdivision to Dorval Drive.

The Draft Plan of Condominium application was circulated to internal departments and external agencies for comments and subject to the conditions in Appendix D, there are no outstanding financial, legal or planning issues to be resolved. Accordingly, the proposed Plan of Condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with the Livable Oakville plan.

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 D, 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 plan of condominium 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 through the conditions of site plan approval.
- The application for a common elements condominium is necessary for providing shared ownership and maintenance of the internal site service and amenity 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.

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CONSIDERATIONS

(A) PUBLIC

The subject lands and the planning applications have been the subject of significant public consultation, both prior to the approved designation in Livable Oakville, and throughout the planning applications outlined herein.

Notice for the statutory public meeting regarding this development application was provided through a mailing to all properties within 120 m of the subject property and included on the applicant's sign posted on the subject site.

(B) FINANCIAL

The owner is responsible for the payment of all required fees and securities.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and their comments are included as part of 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 proposal generally complies with the sustainability goals and objectives of Livable Oakville.

APPENDICES

A – Livable Oakville Plan Extract

B – Policy Excerpts from Livable Oakville Plan

C – Zoning By-law Extract

D – Conditions of Draft Plan Approval

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