



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 10, 2017

FROM: Planning Services Department

DATE: September 18, 2017

SUBJECT: Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, Sabrina Homes (Burloak Acquisitions) Inc., 181 Burloak Drive, File No.: Z.1731.12 and 24T-17002/1735, By-law 2017-087

LOCATION: East side of Burloak Drive, north of Stevenson Road

WARD: 1

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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 By-law 2017-087 be passed;
3. That the application for Zoning By-law Amendment and Draft Plan of Subdivision by Sabrina Homes (Burloak Acquisitions) Inc., (File Z.1735.12, 24T-17002/1735), reflecting four lots, be approved;
4. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-17002/1735) submitted by Sabrina Homes (Burloak Acquisitions) Inc., prepared by Candevcon Ltd., dated April 7, 2017, subject to the conditions contained in Appendices B and C of the staff report prepared by Planning Services Department dated September 18, 2017;
5. That once 24T-17002/1735 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor, or designates;
6. That the Subdivision Agreement be executed in accordance with By-law 2013-057;

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7. That the Urban Design Brief document prepared by MHBC dated September, 2017, which provides specific directions, be approved; and
8. That notice of Council's decision reflects that the comments from the public have been appropriately addressed as described in Planning Services staff report dated September 18, 2017.

KEY FACTS:

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

- A Zoning By-law Amendment and Draft Plan of Subdivision application was submitted on March 7, 2017 by Sabrina Homes (Burloak Acquisitions) Inc. to rezone the property from "*RL3*" Residential Low and "*RL5*" Residential Low to "*RL5*" Residential Low with a special provision (reduced lot frontage) related to the three lots fronting onto Burloak Drive and to permit the creation of a four (4) lot draft plan of subdivision.
- Three (3) lots are proposed to front onto Burloak Drive with the fourth fronting onto Wilmot Crescent.
- The site is located on the east side of Burloak Drive, north of Stevenson Road.
- The application was deemed complete on March 30, 2017.
- A Public Information Meeting was held on May 9, 2017. Ten members of the public were in attendance. Several concerns were raised and are addressed within this report.
- The Statutory Public Meeting was held on June 12, 2017.
- Notice was provided to those members of the public who have participated in this planning application process.
- The proposal ensures development on a public road and meets the requirements of the Town's intensification policies, which are intended to maintain and protect the existing neighbourhood character.
- The proposed Zoning By-law would ensure that the future dwellings would be compatible with the existing neighbourhood character and the existing two storey dwellings in the area.
- Staff recommends approval of these applications.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Zoning By-law Amendment and Draft Plan of Subdivision for the development of four (4) lots for detached dwellings on existing public roadways.

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Proposal

A Zoning By-law Amendment and Draft Plan of Subdivision application for 181 Burloak Drive was submitted by Sabrina Homes (Burloak Acquisitions) Inc. to:

- rezone the property from “RL3” Residential Low and “RL5” Residential Low to “RL5” Residential Low with a special provision (reduced lot frontage) related to the lots fronting onto Burloak Drive; and,
- permit the creation of a four (4) lot draft plan of subdivision.

Three (3) lots are proposed to front onto Burloak Drive with the fourth lot fronting onto Wilmot Crescent.

The following chart provides an overview of the proposed subdivision as highlighted below as Figure 1.

Land Use	Lots/Blocks	Area (ha)	# of units
Detached Dwellings	1 - 4	0.29	4
TOTALS		0.29	4

The following are the proposed lot frontages and lot sizes for each of the lots.

Lots	Lot Frontage (measured 7.5 metres from front lot line)	Lot Depth	Lot Area
1	16.7 m	Approx. 46 m from Wilmot Crescent	1,316 sq. m
2	13.2 m	40 m	528 sq. m
3	13.2 m	40 m	528 sq. m
4	13.2 m	40 m	528 sq. m

Figure 1 below highlights the proposed development.

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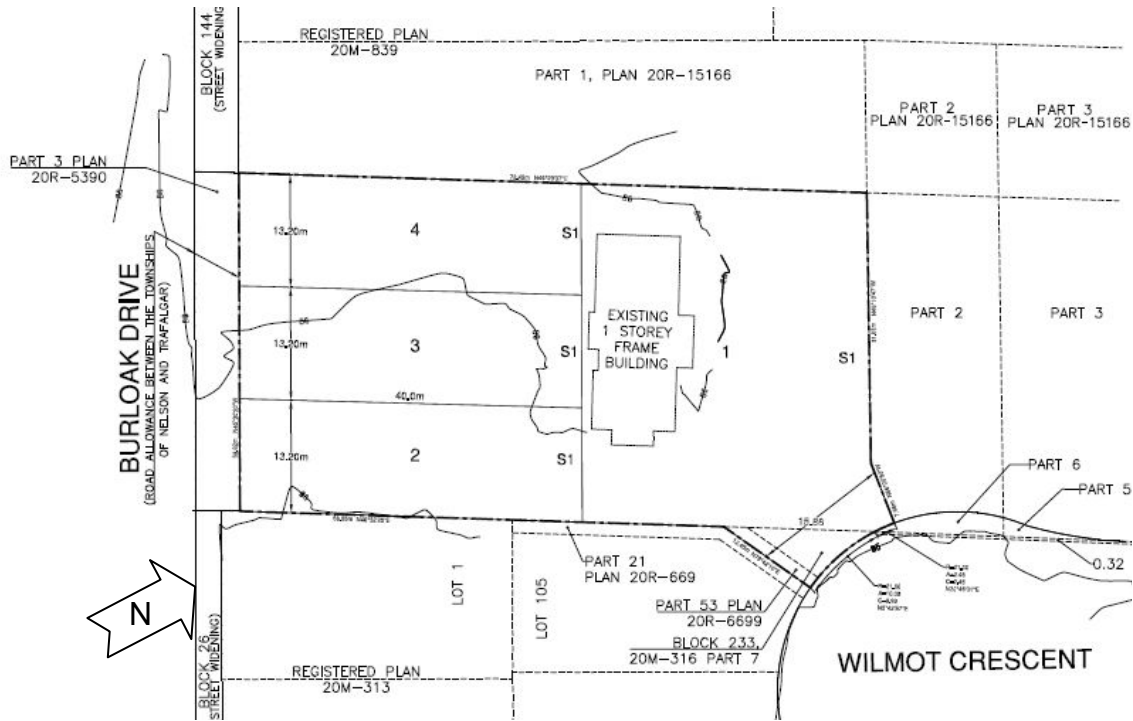


Figure 1 – Draft Plan Excerpt NTS

Location and Site Description (Figure 2)

The property, being 0.29 ha in size, is located on the east side of Burloak Drive, north of Stevenson Road. Frontage on Burloak Drive is approximately 39 metres with approximately 16 metres on Wilmot Crescent.



Figure 2 - Airphoto

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Surrounding Land Uses

The surrounding land uses are detached residential.

POLICY FRAMEWORK

Provincial Policy Statement (PPS) – 2014

The Provincial Policy Statement is intended to promote a policy led system, which recognises 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.

Regional Planning staff is satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2017 was released on May 18, 2017 and came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan provides a framework for implementing the Province's vision for building stronger more prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

Regional Planning staff is satisfied that the proposal is in conformity with this new plan.

Town Planning staff have also undertaken an analysis of the application in relation to the Growth Plan (2017), wherein the proposal is considered to be in conformity with this Plan, as it aids in achieving forecasted growth targets; is growth within a delineated built boundary; will utilize existing municipal water and wastewater systems, and supports the achievement of creating complete communities.

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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. 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 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 have no objection and in a letter dated May 17, 2017, attached as Appendices A, recommended a number of the conditions for draft plan approval.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011.

The subject land is designated as ‘Low Density Residential’ on Schedule F, South West Land Use.

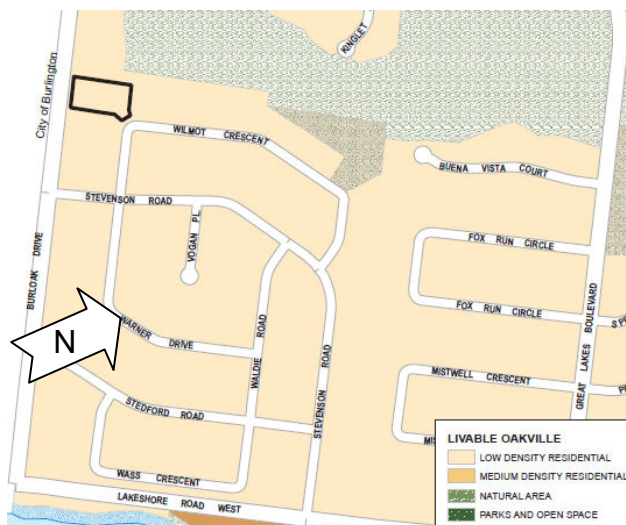


Figure 3 – Livable Oakville Plan excerpt

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The subject land is located in a stable residential community as identified by the Livable Oakville Plan.

Section 2.2 states the following.

2.2 Guiding Principles

“2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods; and, ...”*

In addition to the above, Section 4.3 referenced below discusses intensification outside Growth Areas.

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.”

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

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

- a) Within stable residential communities, on lands designated Low Density Residential, the construction of a new dwelling on an existing vacant lot, land division, and/or the conversion of an existing building into one or more units, may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood and subject to the policies of section 11.1.9 and all other applicable policies of this Plan;...”*

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

“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 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.*

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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.”*

Zoning

The site is currently zoned within By-law 2014-014, as highlighted on Figure 4.

- “RL3” Residential Low - majority of the site; and,
- “RL5” Residential Low - a small portion of the property fronting onto Wilmot Crescent.

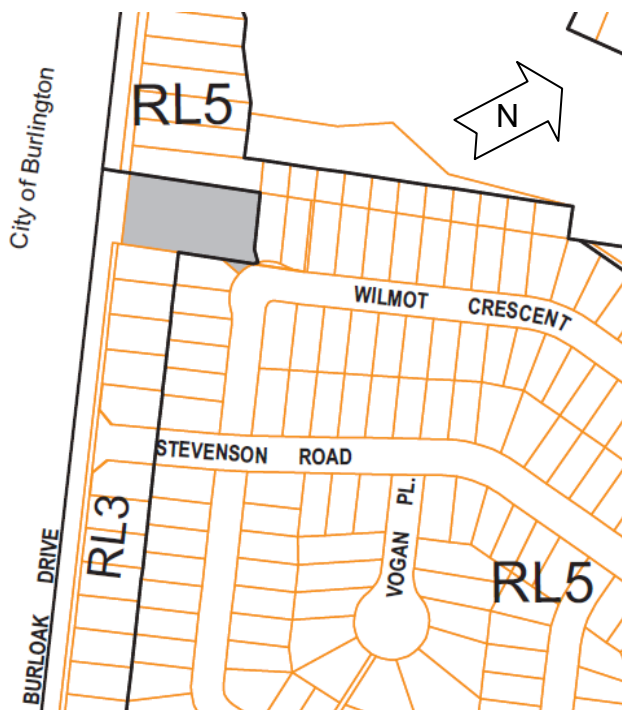


Figure 4 – By-law 2014-014
 (Shaded area reflects property)

The applicant has submitted a Zoning By-law Amendment application to rezone the property from “RL3” Residential Low and “RL5” Residential Low to “RL5” Residential Low to permit the creation of a four (4) lot draft plan of subdivision. A special provision related a reduced lot frontage (13.2 metres from 15 metres) has been requested for the lots fronting onto Burloak Drive.

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PLANNING ANALYSIS:

Planning matters considered

Physical Context

The subject property has 39.62 metres frontage onto Burloak Drive and approximately 16 metres of frontage on Wilmot Crescent. The depth of the property is approximately 73 metre.

Existing driveway access is from Burloak Drive. Proposed driveway access is from both Wilmot Crescent (proposed lot 1) and Burloak Drive (proposed lots 2, 3 and 4).

The topography for the site is generally flat.

Conformity with the Livable Oakville Plan

The application proposes the following:

- A draft plan of subdivision for four (4) lots for four detached dwellings; a built form contained within the abutting neighbourhood.
- A zoning amendment application that proposes a change in zoning from property from “*RL3 Residential Low*” and “*RL5 Residential Low*” to “*RL5 Residential Low*” with one site specific zoning regulation amendment related to a reduced lot frontage of 13.2 metres for the three proposed lots on Burloak Drive.

The proposal has been reviewed in relation to the Guiding Principles and Section 4.3 referenced above, and has been deemed to conform as the lots being created are similar in lot sizes and frontages to that of the neighbourhood and the proposed built form is detached dwellings; all of which aid in preserving, enhancing, and protecting the character of the neighbourhood.

The subject lands are designated *Low Density Residential* and are located within a stable residential area. This designation permits detached dwellings units to a maximum density of 29 units per site hectare. The proposed draft plan has a density of 13.8 upha. The applicant is proposing detached dwelling units. The proposal conforms to the use and density requirements of the Livable Oakville Plan.

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.

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Section 11.1.8 (a)

Section 11.1.8 of the Livable Oakville Plan defines the circumstances whereby lands within stable residential communities may be considered appropriate for intensification. Section 11.1.8 (a) recognizes that lands designated *Low Density Residential* having the opportunity to be severed through a land division process, may be considered appropriate intensification sites, given that such intensification is compatible with the lot area and frontage of the surrounding area, and conforms to the policies of Section 11.1.9. The proposed intensification of the subject land would actually be implemented through the Draft Plan of Subdivision process. On this basis, the proposal can be further evaluated in the context of Section 11.1.9 of the Livable Oakville Plan, which defines the specific criteria to ensure that the existing character of the neighbourhood is being both maintained and protected.

Staff consider the proposal as satisfying the criteria of Sections 11.1.8 (a) to merit consideration to accommodate appropriate intensification.

Section 11.1.9

The following is an analysis of the Section 11.1.9 criteria.

“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 proposed zoning introduces a built form comprising of two storey detached dwellings that reflects the existing surrounding neighbourhood. The proposed scale, height, massing and architectural character is considered to be compatible with the surrounding neighbourhood. The maximum lot coverage for the dwelling on lot 1 has been reduced from 35% (parent RL5 zoning provision) to 25% to aid in addressing mass of the dwelling within the neighbourhood.

It is anticipated that the house size for lot 1 would be approximately 4,500 ft² with the house sizes for Lots 2 - 4 being approximately 3,100 ft².

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

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Staff have added a minimum northeasterly interior side yard setback of 3.0 metres for lot 1 to aid in allowing for rear yard drainage to occur (future drainage easement) between lot 1 and 3545 Wilmot Crescent. The lot orientations reflect that of the abutting subdivisions. The lot coverage and setback requirements aid in achieving compatibility with 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.”

This criteria is not applicable.

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

The proposed lotting pattern is considered to 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.”

Municipal services shall be serviced from Burloak Drive and Wilmot Crescent. Conditions have been included into Appendices B and C.

“f) Surface parking shall be minimized on the site.”

Parking will be provided within the proposed garages and driveways for future detached dwellings.

‘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.”

Not applicable as proposed lots already front onto existing public roads.

“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.”

No negative impacts are anticipated on adjacent properties as a result of this proposed development. Development Engineering staff have worked with the applicant’s engineer to address drainage issues associated with 3545 Wilmot

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Crescent and 195 Burloak Drive. The owner of 3545 Wilmot Crescent has been involved in these discussions. A condition has been included in Appendix B (condition 17) that addresses this matter.

Regarding construction access, development access for the site will come principally from Burloak Drive. It is understood that some construction activity will be from/on Wilmot Crescent, particularly from a service connection perspective. The following condition is proposed within the subdivision agreement (Appendix C, Conditions 3):

That the owner agrees that construction access will principally be from Burloak Drive. It is understood there may be limited construction activity from Wilmot Crescent.

All efforts will be made for the protection of trees on the site. This will be further assessed as part of the detailed engineering review wherein detailed grading and drainage matters are reviewed.

"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."

Access to various amenities is being maintained.

"k) The transportation system should adequately accommodate anticipated traffic volumes."

Traffic generated by this development can be accommodated on the existing road network. No traffic or transportation issues or concerns were raised through the process.

"l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents."

All required utilities shall be provided to this development.

The development was evaluated in accordance with the applicable policies of Section 11.1.9 and determined to maintain and protect the character of the existing neighbourhood.

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Proposed Zoning By-law Amendment

Based upon the comments received as part of the planning process, a site specific Zoning By-law Amendment has been created by staff for the purpose of accommodating the proposed development.

The proposed by-law includes the following:

- A schedule change to reflect the lot pattern and parent RL5 zoning category;
- Creation of a block plan identifying the Wilmot Crescent lot (Block 1 reflecting lot 1) separately from the Burloak Drive lots (Block 2 reflecting lots 2, 3 and 4).
- 3 lots fronting onto Burloak Drive - creation of a site specific zone provision (minimum lot frontage). Staff consider the proposed lot frontage of 13.2 metres as being compatible with the abutting lots on Burloak Drive, which range from 15 metres to approximately 19 metres. It should be noted that the proposed lot size of 528 square metres exceeds the minimum lot area permission of 465.5 square metres under the RL5 zone; and,
- Lot 1 fronting onto Wilmot Crescent - Creation of specific zone provisions (minimum lot area, minimum northeasterly interior side yard and maximum lot coverage for the dwelling). The purpose of the minimum lot area regulation is to address the residents concern related to the ability to divide lot 1 into two lots. A further regulation for reduced lot coverage (25%) for the dwelling is being proposed to address building mass for this internal lot. The minimum northeasterly side yard of 3.0 metres provides a greater separation distance from 3545 Wilmot Crescent and provides space for drainage.

The proposed site specific by-law appropriately recognizes the design of this development, which is in keeping with the general intent of the Livable Oakville Plan and maintains the character of the existing neighbourhood.

Staff have evaluated the proposed overall development in the context of the Livable Oakville Plan, the surrounding neighbourhood and the site's characteristics and support the proposed Zoning By-law Amendment and Draft Plan of Subdivision. No further notice for a public meeting is required. The proposed Zoning By-law 2017-087 can be found within the by-laws sections of the October 10, 2017, Planning and Development Council agenda.

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Matters raised at the Public Meeting

This section provides a staff response and analysis of an additional matter raised at the public meeting; not discussed above.

Density

Density was a concern raised by the general public. As discussed above, the proposed density is well within the maximum density limit of 29 units per site hectare for the *Low Density Residential* designation.

CONCLUSION

The application proposes a zoning and draft plan of subdivision that maintains and protects the character of the existing neighbourhood. The proposed lot frontages for the lots fronting onto Burloak Drive are compatible with the abutting neighbourhood.

The proposal represents good planning and completes the development of this area.

The subject subdivision was reviewed in relation to Section 51 (24) of the *Planning Act* and has been determined to satisfy the requirements of this section.

On this basis, staff recommends approval of the application.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting together Statutory Public Meeting was held on this application. Comments from the public have been addressed. A courtesy notice for the recommendation meeting has been provided to those who participated in the process.

(B) FINANCIAL

Capital works associated with proposal are local requirements and not anticipated to have any impact on the town. The value of applicable cash-in-lieu of parkland and development charges will be determined at the rate in effect at building permit issuance. Payment of cash in lieu of parkland in accordance with town bylaw and Section 42 of the *Planning Act*.

(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.

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(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 generally complies with the sustainability objectives of Livable Oakville.

APPENDICES:

Appendix A – Regional comments

Appendix B and C – Conditions of Draft Approval

Prepared by:

Robert H. Thun, MCIP, RPP

Senior Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP

Manager

Current Planning – West District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services