

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 25, 2016

FROM: Planning Services Department 16-558

DATE: June 24, 2016

SUBJECT: **Public Meeting and Recommendation Report, Draft Plan of Subdivision, Fernbrook Homes (Rebecca) Ltd. File No. 24T-16001/1617**

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

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RECOMMENDATIONS

1. That comments from the public with respect to the Draft Plan of Subdivision application by Fernbrook Homes (Rebecca) Ltd. (File No. 24T-16001/1617), be received;
2. That notice of Council's decision reflect that the comments from the public have been appropriately addressed as described in staff report PD-16-558; and
3. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (File No. 24T-16001/1617) submitted by Fernbrook Homes (Rebecca) Ltd. prepared by J. D. Barnes Limited dated January 26, 2016 subject to the conditions contained in Appendix 'C'.

KEY FACTS

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

- A draft plan of subdivision application has been submitted to create a block of land for 16 multiple attached dwelling units, and allow for transfer of a road widening along Rebecca Street and Maurice Drive.
- Approval of the draft plan of subdivision will allow for future land division through part lot control exemption to ultimately provide for the transfer of individual parcels of land to the future owners.
- The development was granted conditional site plan approval (SP. 1617.055/01) on January 12, 2016.

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- No circulated internal department or external agencies raised concerns with the application.
- Staff recommends approval of the Draft Plan of Subdivision 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 subdivision application to create a block of land for 16 multiple attached dwelling units, and allow for transfer of a road widening along Rebecca Street and Maurice Drive.

The draft plan of subdivision application was submitted on February 10th, 2016 by Fernbrook Homes (Rebecca) Ltd.

Proposal

The applicant seeks approval for a plan of subdivision to create a block of land for 16 multiple attached dwelling units, and allow for transfer of a road widening along Rebecca Street and Maurice Drive.

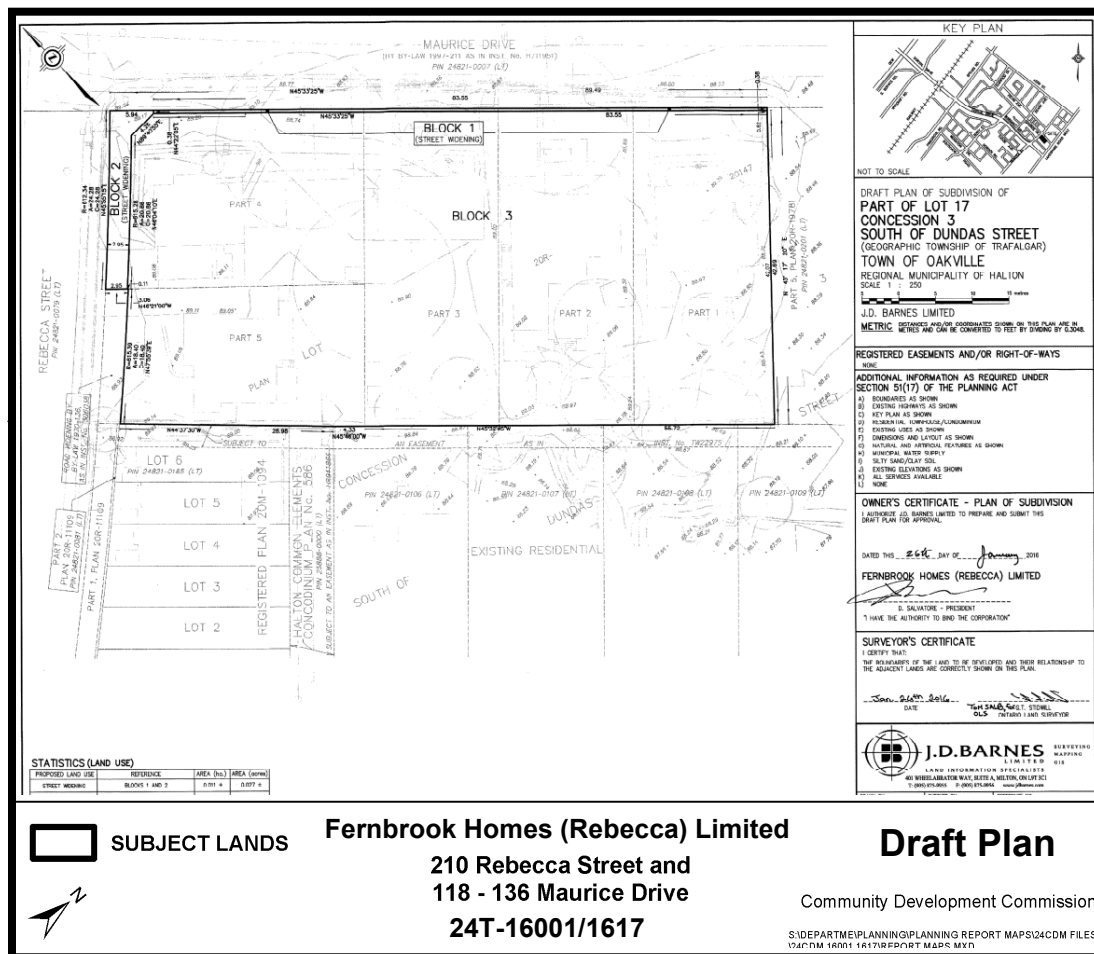


Figure 1: Draft Plan

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

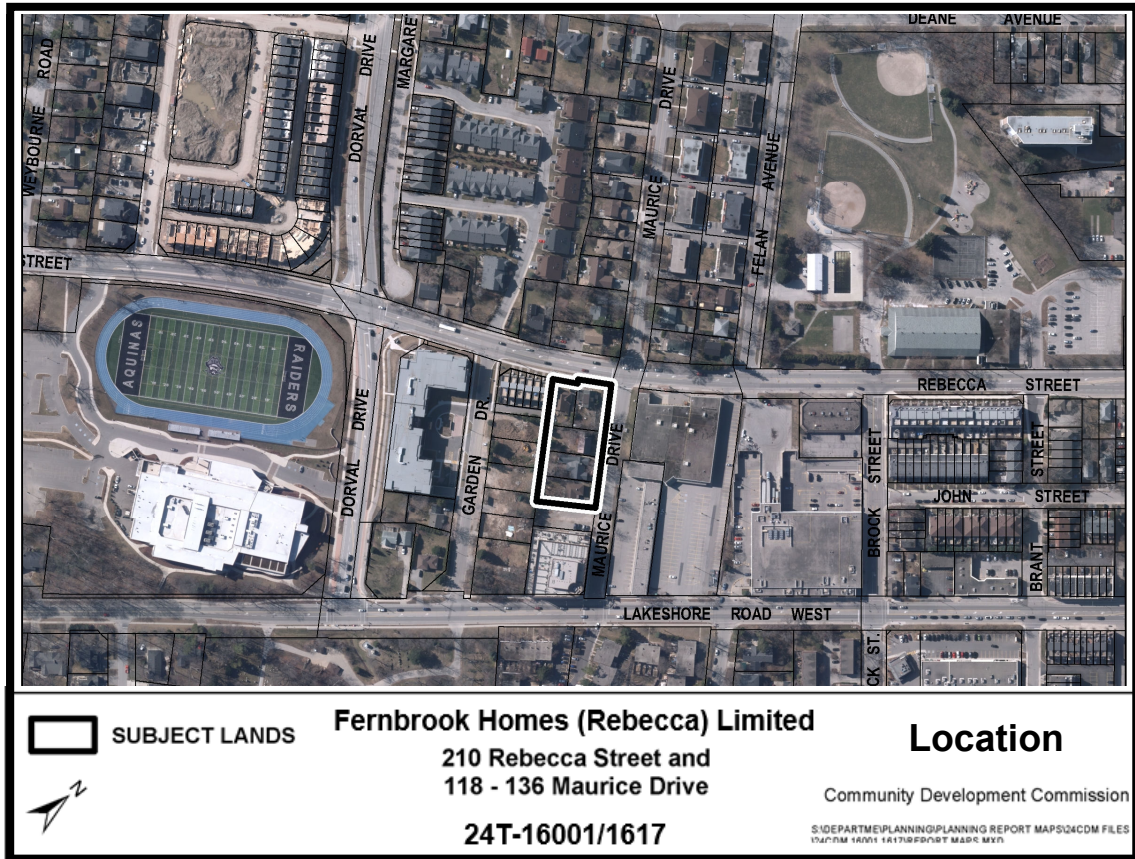


Figure 2: Air Photo

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

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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 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

Zoning by-law 2014-014 has been partially deemed in force by the Ontario Municipal Board. Where a development application or building permit is made on lands subject to a regulation not yet in force, compliance with the standards of both this by-law and the former by-law 1984-63, as amended, will be necessary. Compliance with both standards will be required until the new standard comes into effect.

The property is zoned as H13-R8 SP809 under Zoning By-law 1984-63 and H8 - RM1 SP 22 under Zoning By-law 2014-014 (Appendix B). The proposed development complies with both By-laws as varied by C.A.V. A/116/2015.

The holding provision relates to servicing of the lands, traffic impact, and orderly development of the overall block. Prior to development taking place on the subject lands, as conditionally approved through site plan application (SP. 1617.055/01), it will be necessary to remove the holding provision.

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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 subdivision is related to securing the road widening along Maurice Drive and Rebecca Street and allowing for future land division through part lot control exemption for legal creation of the individual land parcels.

More specifically, the following matters were addressed:

- Built form and site layout
- Landscaping and urban design
- Grading and stormwater management
- Site servicing
- Conformity with Livable Oakville and compliance with the Zoning By-law
- Financial obligations

It is noted that since the development was subject to site plan control, which will result in a site plan agreement being registered on title, a subdivision agreement is not necessary.

A separate draft plan of condominium application (24CDM 16001/1617) has been submitted to permit a private road and other common elements. Staff expect to bring forward a separate recommendation report for this application in due course, once site plan design matters have been finalized. As part of the future condominium staff report conformity with Section 11.1.5 of the Livable Oakville Plan with respect to private roads will be reviewed in more detail.

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

Matters raised by the Public

A concern with respect to the irregular lot shape has been submitted to Council to consider when making a decision on this application:

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"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"

Staff have reviewed this concern and advise that as a condition of approval in Appendix C, a road widening along Rebecca Street will be taken thereby aligning the frontage of the subject site with the adjacent townhouse development to the west. Furthermore, the same general zoning provisions apply to both sites requiring a minimum front yard setback of 3.0 m.

Based on the above, staff have included a recommendation that *'comments from the public have been appropriately addressed'*, in satisfaction of the new requirements introduced through *Bill 73, The Smart Growth for Our Communities Act*.

If additional public input is received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council's planning decisions.

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 subdivision 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.
- Staff expect to bring forward subsequent staff report(s) regarding lifting of the holding provision and the related draft plan of condominium in due course.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;
- The development has been granted conditional 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.
- Comments from the public have been appropriately addressed.

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- The application for a draft plan of subdivision is necessary to facilitate future land division into individual townhouse units and conveyance of road widening along Rebecca Street and Maurice Drive to the Town, and is appropriate for the orderly development of the lands.

Staff recommends approval of the draft plan of subdivision 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.

Public comments received to date have been addressed including the 'matters raised by the public' section of this staff report.

(B) FINANCIAL

None arising from this report.

(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.

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APPENDICES

Appendix A – Livable Oakville Plan Extract

Appendix B – Zoning By-law Extract

Appendix C – Conditions of Draft Plan Approval

Prepared by:

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