

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

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**FROM:** Planning Services Department

**DATE:** April 18, 2019

**SUBJECT:** Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision for 47 Nelson Street, File No.: Z.1728.65 and 24T-18007/1728, By-law 2019-029

**LOCATION:** 47 Nelson Street

**WARD:** 1

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#### RECOMMENDATION:

1. That Zoning By-law Amendment application submitted by W.E. Oughtred and Associates Inc. for 47 Nelson Street (File No. Z.1728.65), as revised, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated April 18, 2019;
2. That By-law 2019-029, an amendment to Zoning By-law 2014-014, be passed;
3. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-18007/1728) submitted by W.E. Oughtred and Associates Inc., prepared by J.H. Gelbloom Surveying Ltd., dated January 21, 2019, subject to the conditions contained in Appendices A1 and A2 of the staff report prepared by Planning Services Department dated April 18, 2019;
4. That once 24T-18007/1728 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;
5. That the Subdivision Agreement be executed in accordance with By-law 2013-057;

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6. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed; and
7. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

### KEY FACTS:

The purpose of the Zoning By-law Amendment application is to permit the development of four townhouses at 47 Nelson Street. Specifically, the application proposes to rezone the site from *Existing Development (ED)* to *Residential Medium (RM1)* with a revised Special Provision reflecting the existing lot frontage of 28.3 metres, whereas the RM1 zone requires a minimum lot frontage of 30.5 metres. The previous increase in maximum height request has been withdrawn.

The subject lands are designated *Medium Density Residential* by the Livable Oakville Plan, which permits a range of medium density housing types including *multiple attached dwellings*.

The application was submitted on December 17, 2018. The *Planning Act* timeframe to review the Zoning By-law Amendment is 150 days, being May 16, 2019. The draft plan of subdivision application is subject to a timeframe of 180 days.

The existing Official Plan designation is consistent with the Provincial Policy Statement 2014, conform to all applicable Provincial plans, the Region of Halton Official Plan and the *Livable Oakville Plan* as it allows for medium density residential development in accordance with the Town's established urban structure.

The existing Zoning regulations are consistent with the PPS, conforms or does not conflict with all applicable Provincial Plans, and conforms with the Halton Region Official Plan, as it limits the expansion of existing uses so that the lands may be redeveloped through a Zoning By-law Amendment, in accordance with the policies and objectives of the Livable Oakville Plan.

Staff recommend approval as the proposed development is consistent with the PPS, conforms to the Growth Plan, Regional OP and general intent and purpose of the Livable Oakville Plan as the proposed development aids in the achievement of complete communities by providing a use compatible with the surrounding growth area that makes efficient use of existing municipal infrastructure and serves the broader regional community.

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Based on the foregoing, and the analysis within this report, staff recommend approval of the Zoning By-law Amendment, as revised with a holding provision related to street tree preservation, and the draft plan of subdivision.

## BACKGROUND:

### Proposal

The applicant proposes to redevelop 47 Nelson Street to permit four townhouses.

The purpose of the Zoning By-law Amendment, as originally submitted, was to rezone the land from *Existing Development (ED)* to *Residential Medium (RM1)* with a Special Provision to permit townhouses with a maximum height of 12.8 metres; whereas the RM1 zone has a maximum height of 12 metres.

Since the original submission, the applicant has re-examined the design and has revised the proposal as follows:

- The proposed height of the building has been reduced to comply with the town's zoning by-law at 12 metres.
- The building has been shifted further back from the street to better align with the townhouses to the south. The front yard setback has been increased from 6.66 metres to 7.12 metres, whereas, the By-law requires minimum setback of 4.5 metres.
- The rear yard setback has been reduced from 6.88 metres to 6.48 metres. The by-law requires minimum rear yard setback of 6.0 metres. The uncovered deck will encroach into the rear yard setback by less than 1.5 metres. The rear decks have been reduced in size and exterior fireplaces have been removed.
- The proposed interior side yard setbacks are greater than the required 1.2 metres.
- All driveways can accommodate parking for one vehicle on the driveway and two spaces in the garage.

Based upon the comments received, a revised zoning by-law amendment application was received on April 5, 2019. It reflected the presentation to Council by the applicant's representative at the March 18, 2019 Public Meeting. The proposed zone category change remains the same, from *ED* to *RM1*. The applicant has amended the zoning regulation request to only reflect the existing lot frontage of the site. This minimum lot frontage would be the same as the four townhouses to the south. The applicant has removed the maximum height request.

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The purpose of the draft plan of subdivision is to create a single lot plan of subdivision. The land would subsequently be subdivided into individual lots through the Part Lot Control process. Direct access to the units will be from Nelson Street.

Figures 1a and 1b highlight the revised proposal following the March 19, 2019 Public Meeting.

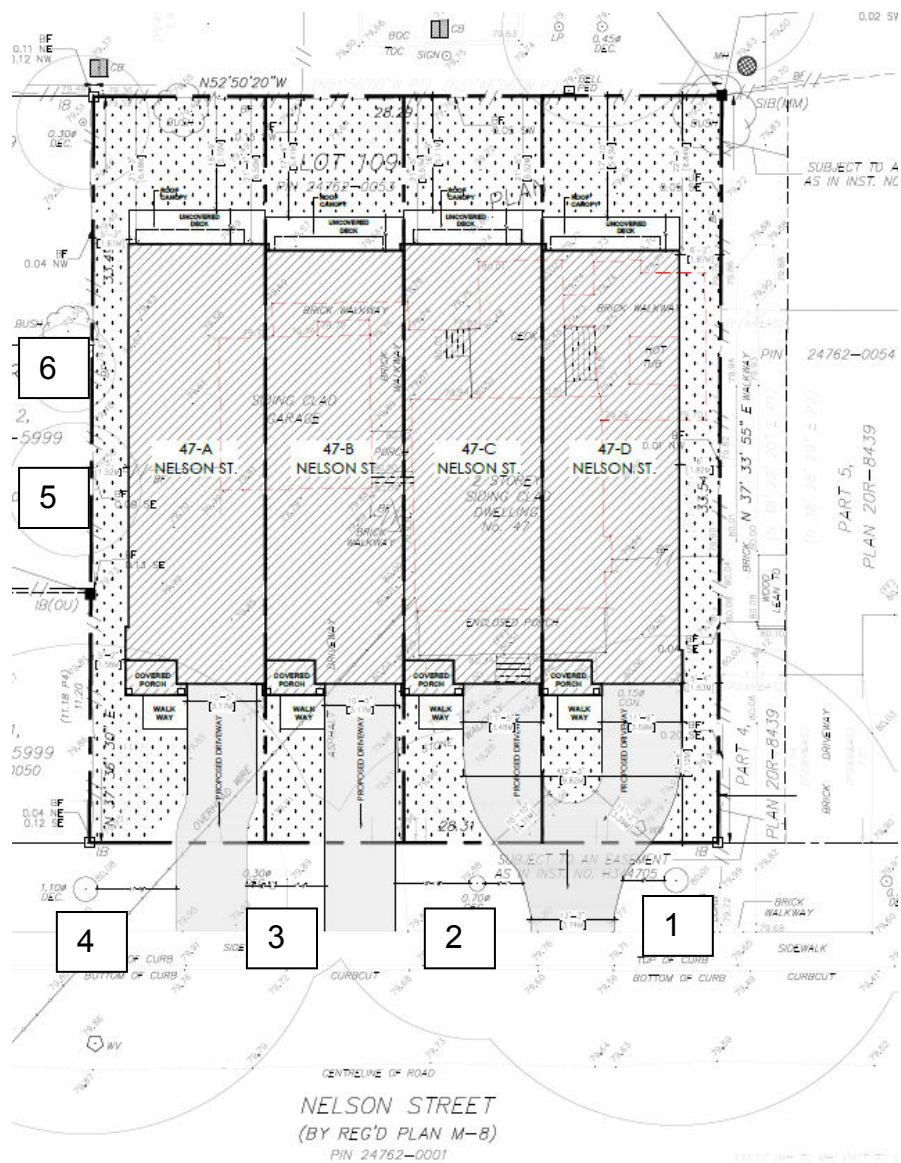


Figure 1a – Revised Development Concept  
Note: Numbers reflect trees numbers in this report

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Figure 1b - Elevations

Revised submission material can be found on the towns website site at <https://www.oakville.ca/business/da-31763.html>.

### Location & Site Description

The subject lands are located at 47 Nelson Street, south of Marine Drive. The subject lands are 0.0948 ha (0.23 acres) in size with 28.31 m of frontage on Nelson Street. The site is currently occupied by a detached dwelling and separate garage.

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Figure 2 – Airphoto and Area Context Scale: NTS



## Surrounding Land Uses

The surrounding land uses are as follows:

North: detached dwellings

East: multiple attached dwellings

South: multiple attached dwellings

West: Nelson Street, semi-detached dwellings and a six (storey) apartment building

## Timing

The application was received on December 17, 2018 and deemed complete on January 8, 2019.

A pre-consultation meeting was held on July 25, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.



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The applicant-initiated Public Information Meeting (PIM) was held on September 25, 2018, and was attended by 12 members of the public. The principal concern(s) raised at the PIM were preservation and protection of four street trees within the town boulevard, the arborist on the project, details related to the proposed dwellings and timelines for construction. These issues were identified in the Statutory Public Meeting report dated February 25, 2019, and considered by Council on March 18, 2019.

Notice of this recommendation meeting was mailed to those members of the public who have participated in this application process.

## PLANNING POLICY & ANALYSIS

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2014);
- Growth Plan for the Greater Golden Horseshoe (2007);
- Halton Region Official Plan;
- *Livable Oakville* Plan; and,
- Zoning By-law 2014-014

### Provincial Policy Statement

The Provincial Policy Statement (2014) ('PPS') 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.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The existing *Medium Density Residential* designation is consistent with the PPS (2014), as it promoted a compact urban form within one of the town's Growth Areas. The existing designation of the property within the larger context of the surrounding neighbourhood provides for transit supportive uses and increases the range of housing choice available.

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The existing zoning of the subject lands is consistent with the Provincial Policy Statement, as the ED zone acts as a placeholder by limiting the expansion of existing uses, so that the lands may be redeveloped through a Zoning By-law Amendment in accordance with the policies and objectives of the Livable Oakville Plan.

The proposed Zoning Bylaw amendment continues to be consistent with the PPS 2014 as the development promotes residential intensification, implements the vision for the property as outlined within the town's Livable Oakville Plan for the Bronte Village Growth Area, is an efficient use of land and provides for a mix of housing types.

### **Growth Plan (2017)**

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Built-up Area."

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

The existing *Medium Density Residential* designation conforms or does not conflict with the Growth Plan given that implementation of the development aids in the development of a complete community, developed at a density that supports existing and planned transit services and active transportation. The existing designation of the property within the larger context of the surrounding neighbourhood provides for an increased range of housing choice, a compact built form, convenient access to transit on Lakeshore Road West and aids in achieving density targets for the Built-Up area.

The existing zoning of the subject property conforms or does not conflict with the Growth Plan as the ED zone acts as a placeholder by limiting the expansion of existing uses so that the lands may be redeveloped through a Zoning By-law Amendment, in accordance with the policies and objectives of the Livable Oakville Plan.



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The proposed Zoning By-law conforms to the 2017 Growth Plan as it continues to aid in the creation of complete communities.

### **Halton Region Official Plan**

The subject lands are designated “Urban Area” in the Halton Region Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Halton Region comments dated February 8, 2019 (contained within the Public Meeting report) states:

*“... Halton Region has no objection to the Town of Oakville granting draft plan approval to the development proposal or presenting this proposed zoning by-law amendment to Town Council for their consideration”.*

Halton Region’s conditions are contained with Appendix A1 and A2.

### **Livable Oakville Plan**

#### Guiding Principles

Section 2.2 of the Livable Oakville Plan sets out the Guiding Principles.

Section 2.2.1 b) states “direct the majority of growth to identified locations where higher density, transit and pedestrian oriented *development* can be accommodated”. The proposal conforms with this principle as the development promotes a townhouse built form within one of the town’s six Growth Areas; this being the Bronte Village Growth Area.

#### Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town’s strategic goals, and reflect the visions and needs of the community.

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town and designates Bronte Village as a *Growth Area*. Section 3, Urban Structure, also identifies the Bronte Village Growth Area.

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Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15. Official Plan Amendment 15, while not presently in force, represents emerging policy.

Schedule A1, Urban Structure, as contained within OPA 15, designates the site as *Nodes and Corridors*.

OPA 18 was the result of the Bronte Village Growth Area review process. The intent of that review was to assess the Bronte Village policies in the *Livable Oakville Plan* and consider new or revised policies, as necessary, to ensure the goals and objectives for Bronte Village continue to be realized. No changes were made affecting the subject property. The site remains designated *Medium Density Residential*.

#### Land Use Policies

The subject property is located within Bronte Village Growth Area. Bronte Village is identified as one of six growth areas within the town as set out in Section 4.1. The proposal conforms to the over-arching principle that the majority of intensification should occur in growth areas.

Section 24.3.2 - Lands Outside of the Bronte Village Main Street District, states:

*The lands within Bronte Village, but outside of the Bronte Village Main Street District, are intended to provide for some intensification as permitted by the applicable residential land use designations.*

The policies of the *Livable Oakville Plan* establish three residential designations to provide for a full range of housing types, forms and densities. The subject lands are designated as *Medium Density Residential* on Schedule P, Bronte Village Land Use, in the *Livable Oakville Plan*.

The *Medium Density Residential* land use designation is intended to provide for medium density housing types including multiple attached dwelling units with a density range of 30 to 50 units per site hectare. This is reflected in Section 11.3 of the *Livable Oakville Plan*. The subject proposal conforms with the *Medium Density Residential* designation as multiple-attached dwelling units with a density of 42 units per site hectare are proposed.

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The existing zoning conforms or does not conflict with the Livable Oakville Plan as the ED zone acts as a placeholder by limiting the expansion of existing uses so that the lands may be redeveloped through a Zoning By-law Amendment, in accordance with the policies and objectives of the Livable Oakville Plan.

### **Zoning By-law (2014-014)**

The subject lands are currently zoned *Existing Development (ED)*.

Based upon the comments received, the Zoning By-law Amendment application was revised by the applicant. The application still reflects a proposed zone category change from *ED* to *RM1*, but amends the minimum lot frontage regulation to recognizing the existing lot frontage of 28.31 metres, whereas the *RM1* zone requires 30.5 metres. The original amendment contemplated a maximum height of 12.8 metres, but this request was subsequently deleted.

The applicant is proposing to comply with all other zoning performance standards including the minimum lot area of 135 square metres, minimum front setback of 4.5 metres, minimum side yard setback of 1.2 metres, maximum number of storeys of 3 and maximum height of 12.0 metres. Staff do not anticipate any adverse impacts from the reduction to a minimum lot frontage of 28.3 metres. This also reflects the existing lot frontage condition.

In addition to defining the minimum lot frontage, staff are proposing the following Holding Provision be included within the proposed by-law related to tree protection/preservation of the four street trees and abutting trees through the Site Plan process:

*That the applicant through the Site Plan Control process demonstrate to the satisfaction of Town staff, that development of the site can occur without adversely impacting the root system of the four street trees and neighboring trees.*

The intent of this Holding Provision relates to the preservation and protection of the four existing street trees within the Nelson Street right of way.

A specific condition of draft approval, as follows, has also been included to further reinforce the required site plan control process:

*That the Owner apply for and receive final Site Plan Approval that will address, amongst other matters, both on-site and off-site tree preservation.*

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The proposed Zoning By-law conforms to the Livable Oakville Plan, as it implements the development of the site in accordance the existing permissions (medium density built form and density).

## **TECHNICAL & PUBLIC COMMENTS**

The following discussion relates to matters either cited within the Public Meeting Report, raised by the public at the Public Meeting of March 18, 2019, Town Council on March 18, 2019 or contained within submissions made as part of this proposal.

### **Town Council Resolution**

The following resolution was adopted by Council at the March 18, 2019 Statutory Public Meeting:

1. That the public meeting report prepared by the Planning Services Department dated February 25, 2019, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment and Draft Plan of Subdivision application for 47 Nelson Street (File No.: Z.1728.65, 24T-18007/1728), be received.
3. That analysis of the following matters of interest to Council be included as part of the recommendation report:
  - a) Archeological and historical investigations should occur.
  - b) Proper investigation regarding tree preservation should occur.
  - c) Is this overdevelopment?
  - d) Is this appropriate development given the types of development in the area?

### **Archaeological and Historical Investigation**

A Phase One Archeological investigation was submitted to the town as supporting documentation to the application. This document was reviewed by Halton Region staff. The Region's comments dated February 8, 2019 were contained within Appendix C of the Public Meeting report. Halton staff requested as a condition of draft approval of the subdivision the following condition:

That the Owner shall complete a Stage 2 Archaeological Survey of the subject property as per the recommendations of the Stage 1 report and, if recommended, mitigate/salvage/excavate any significant resources to the satisfaction of the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport. In addition, the Owner shall agree that no grading or other soil disturbance shall take place on any unreleased areas of the subject property prior to the letter of release from the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport, being submitted to the Town of Oakville and the Regional Municipality of Halton.

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This condition has been included into the conditions of draft approval in Appendix A1.

### Preservation of street trees

Concerns were raised about the preservation of the four trees within the right of way of Nelson Street in front of the subject property. The applicant undertook an air spade/dry-vac root zone investigation initially started on March 18, 2019, but postponed to April 9, 2019 due to frozen soil conditions. The purpose of this investigation was to assess the extent of the root system in relation to the proposed development.

Following the onsite work, a report dated April 15, 2019 was submitted to the town for review. The report investigated two areas, those being Area 1 between trees 1 and 2 and Area 2 between trees 3 and 4 as illustrated on Figure 3 below. In both areas, the investigation was able to excavate between 12 and 15 centimetres below the surface. Roots with a diameter range of 2 to 4 cm were exposed. One root from tree 1 was 6 cm in diameter west of the tree base. Root pruning was not permitted as part of this investigation.

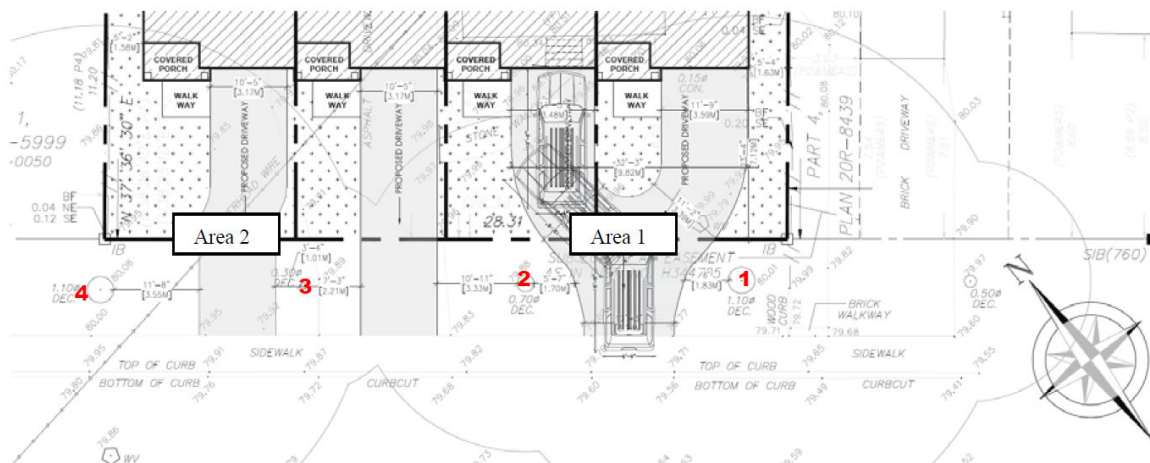


Figure 3 – Plan from Tree Audit report

The applicant's arborist generally concluded the following:

- there would be root loss to Trees 1 – 4 to allow for any driveway installation;
- the surface root density allowed for an excavation depth of 15 cm. Without pruning, the determination of larger diameter roots beneath this root mass could be not determined.
- The final decision on injury or root loss would need to be determined by the town staff.

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In addition, the arborist stated:

“While it is difficult to predict if, when or how root loss will impact the short and long-term health of Trees #1-4, it would be reasonable to assume that the bulk of the tree’s lateral and support roots would be intact below the surface root mass exposed during the air spade/dry-vac exploration”.

As a result of this investigation, the applicant put forth an alternative driveway design, as shown below in Figure 4. The arborist in the April 15, 2019 report also listed a number of options, one of which included a tree removal, that is not supported by staff. Units 47A and 47D would each have a single driveway with the 47B and 47C having a shared driveway. This middle driveway would take advantage of the existing driveway location and minimally extend beyond the existing driveway towards tree 2.

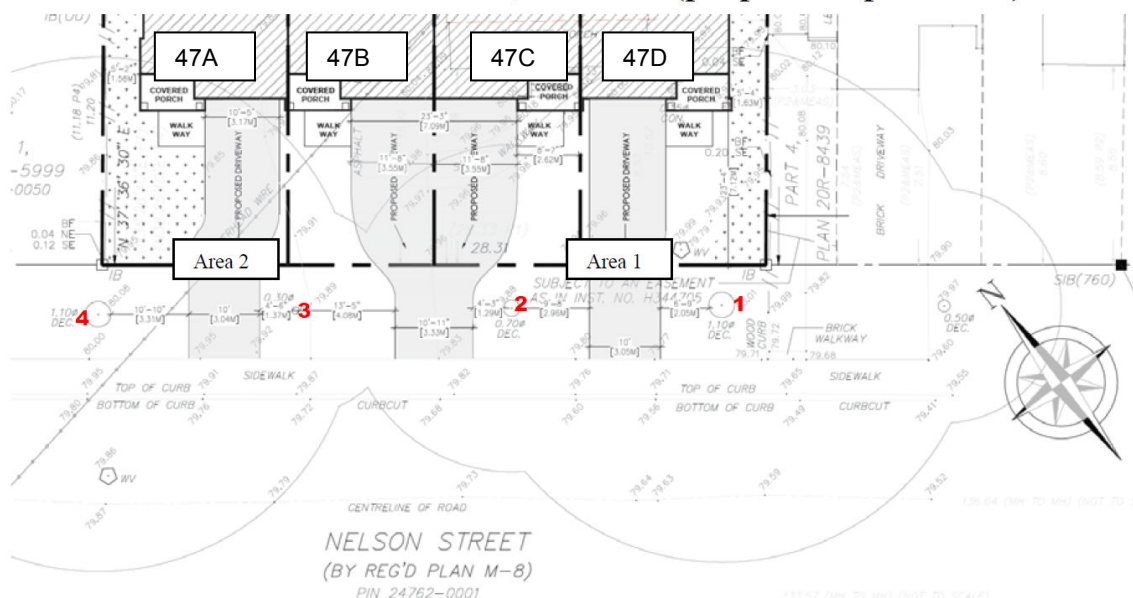


Figure 4 – Applicant's alternative driveway concept following air-spade/dry-vac investigation

Driveway alignments, car movements, driveway parking, and construction/treatment of driveways are all matters that need to be considered in the protection of the town's four street trees. Additionally, grading is a consideration.

To ensure tree protection is maximized within the tree protection zone for any driveway and considering the dense root mass exposed during the air spading

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investigation, staff may require that the driveways be constructed with a granular type of material only. Hard surfacing the driveway areas with asphalt or even paver stones has the potential to adversely affect the root system and health of the tree. In consideration of potential alternatives to servicing, driveway alignments and construction details and staff's concern related to the protection of the street trees, staff are proposing to utilize a holding provision and the Site Plan process to further investigate the development of the site to minimize tree root impacts. Determination of the final driveway treatment will be determined through the Site Plan process and included within the Site Plan agreement.

Is this overdevelopment?

Is it appropriate development given the types of development in the area?

The townhouses on the east side of Nelson Street to the immediate south, being 37 to 43 Nelson Street, reflect:

- Lot frontages ranging from approximately 6.0 to 9.1 metres;
- Lot areas ranging from approximately 215 to 313 square metres;
- A density of 38.4 units per site hectare for the four lots; and,
- The associated Special Provision 141 of the town's Zoning By-law for these four townhouse lots reflects a minimum lot frontage of 28.0 metres.

The semi-detached dwellings on the west side of Nelson Street across from the subject property, being 30 to 46 Nelson Street, reflect:

- Lot frontages ranging from approximately 7.3 m to 8.4 metres;
- Lot areas ranging from approximately 231 to 266 square metres; and,
- A density of 41.1 units per site hectare for these lots.

A six storey apartment building exists across Nelson Street from the subject property.

The applicant proposes four lots on the subject property with frontages ranging from approximately 6.2 to 7.9 metres and lot areas ranging from approximately 208 to 268 square metres. The proposed density would be 42 upha.

Based upon this review, the proposed future individual lot frontages and areas would be similar to that of the existing surrounding area and would comply with the RM1 regulations. The proposed density of 42 units per site hectare would also be consistent with the surrounding area as described above and conform to the *Medium Density Residential* designation within the Livable Oakville Plan.

The proposed development is within the Bronte Village Growth Area, where intensification, transit supportive built forms and higher densities are promoted. The proposal aids in meeting growth targets for the Bronte Village Growth Area.



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## **Additional Matters Addressed from Public Meeting Report**

### **Ability to park within the proposed u-shaped driveway for proposed unit 47C (original proposal)**

Parking for proposed unit 47C has been addressed with a shift of the building further away from Nelson Street in line with the townhouses to the south. The revised plan reflects a 7.12 m setback from the front lot line to the garage. The garage setback, as per Section 5.8.7 a) of the Town's Zoning By-law, is 5.7 metres.

Any shared driveways on private properties would require easements, which would be created through the Part Lot Control process. Driveways alignments can be further reviewed as part of the site plan process.

### **Increase in maximum height in relation to the surrounding built form**

The applicant has revised the proposal to comply with the RM1 maximum height regulation of 12 metres. Council was advised of this revision at the March 18, 2019 Public Meeting. In addition, staff have determined that the semi-detached building directly across the street at 44/46 Nelson Street has an approximate height of 12 metres.

### **Additional zoning relief to reflect existing frontage at 28.3 metres, whereas the RM1 zone requires 30.5 metres**

The existing lot frontage for the subject property is 28.31 metres; whereas the minimum lot frontage requirement under the RM1 zone is 30.5 metres.

The applicant is proposing to develop the site to comply with all other RM1 regulations, such as the minimum lot area of 135 square metres, minimum front yards of 4.5 metres, minimum interior side yards of 1.2 metres, maximum number of storeys, being of 3 storeys, and a maximum height of 12.0 metres. The requested relief reflects only the existing lot frontage condition.

This minimum lot frontage situation is the same as the four townhouses immediately to the south. No adverse impact of such an amendment is anticipated.

### **Confirmation of zoning regulations associated with each proposed lot.**

As mentioned previously, the actual lots will be created through the Part Lot Control process. The applicant has confirmed that the proposed lots sizes range in area from approximately 208 to 268 square metres with corresponding individual lot

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frontages ranging from 6.23 to 7.94 metres. The Zoning By-law Amendment proposes a 28.3 metre lot frontage for the four lots consistent with that of the block to the south. In consideration of the above, staff have determined that the future lots would comply with the RM1 regulations.

Provision for easements related to the built form, for access to rear yards for middle townhouses and for rear yard drainage

Provision of a driveway access easement on Unit 47D for Unit 47C.

Easements related to building maintenance and shared driveway are to be addressed as part the future Part Lot Control process. Access to the rear yards for the middle units will be through the units, similar to other situations within the town.

Storm drainage, grading and any required easements will be reviewed as part of the site plan process. This is a typical process to ensure proper drainage between and across properties.

### **Other Public Comments Received**

#### **Shadow Study – Impacts on northerly abutting homes and trees**

The Planning department, as part of a suite of development application guidelines, has terms of reference for shadow impact analysis. As set out in the terms of reference, a shadow impact analysis may be required for proposal comprised of buildings five (5) storeys and higher for certain development applications. On this basis, this proposal did not require a shadow impact analysis.

An additional concern was received on the effect of the development on the trees 5 and 6, as shown on Figure 1A, within the rear yard of 2328 Marine Drive (abutting northerly property). The proposed building, based upon the latest plan, is approximately 2.4 metres from tree 5 (Kwanzan Cherry) and from tree 6 (Cedar). The tree protection zone as contained within the Welwyn Consulting Arborist report dated August 25, 2017 and updated April 12, 2019 is 2.4 metres for both trees 5 and 6. The amended Arborist report dated April 12, 2019 states the following for trees 5, 6 and 7:

*These three (3) neighbouring trees must be preserved. Full implementation of the Tree Care Recommendations, Tree Preservation Plan and Tree Preservation Guidelines starting on Page 11 of this report should result in the trees' continued survival.*

In consideration of this, staff will be reviewing this matter in more detail as part of the Site Plan Control process.

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### Obstruction of Views (especially to the lake)

This comment was made by the resident of 2328 Marine Drive, identified by the star on the airphoto below, Figure 5. 2328 Marine Drive is the middle detached dwelling of the three fronting onto Marine Drive, which backs onto the subject property. A rear yard / side yard situation is created. A similar situation, highlighted by arrow on Figure 5, exists with 2318 Marine Drive Units 1 to 5 and 2326 Marine Drive.

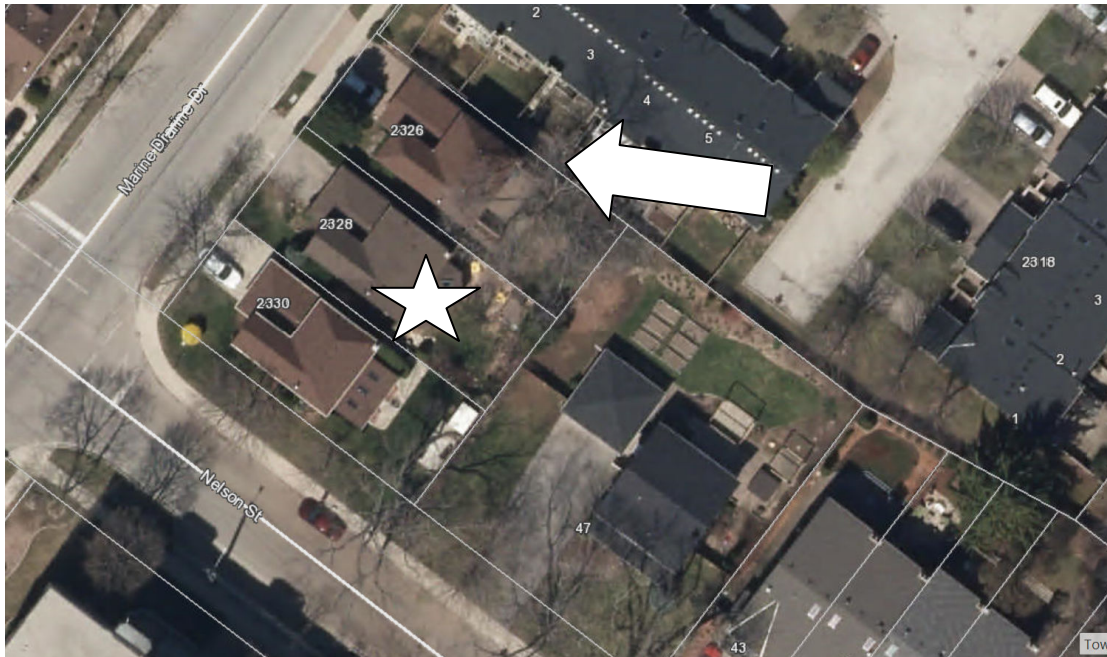


Figure 5 – Town GIS air photo

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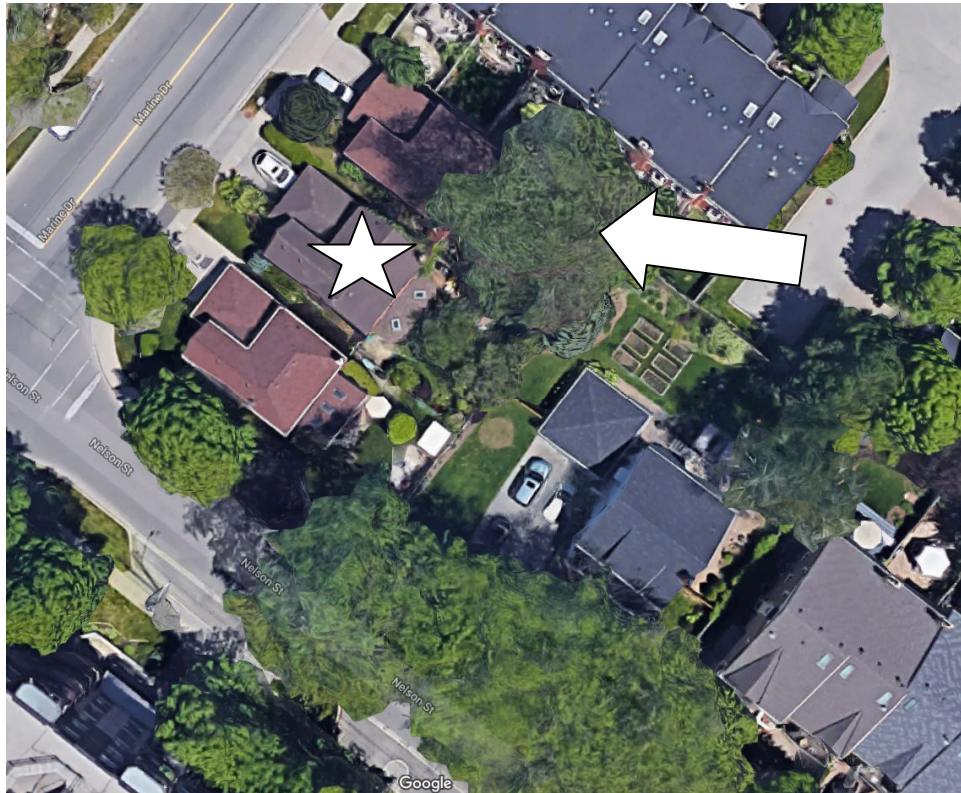


Figure 6 – Google 3D image

As can be seen from the Google Map 3D image above, views are already impacted by the location of 2328 Marine Drive in relation to the existing built form surrounding the lot, the existing vegetation in the rear yard of 2328 Marine Drive and that of the town trees on Nelson Street.

### Proposed Zoning By-law Amendment

Staff recommended zoning by-law amendment is as follows:

- A zone amendment from *Existing Development (ED)* to *Residential Medium (RM1)*, consistent with the Livable Oakville designation (*Medium Density Residential*);
- Introduction of site specific zoning regulation related to minimum lot frontage, which recognizes the existing lot frontage for 47 Nelson Street; and,
- A holding provision related to further tree analysis as part of the site plan process. The site plan process can determine the most appropriate driveway lay-outs, construction of driveways and services to minimize any tree root impacts.

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## CONCLUSIONS

A full circulation and assessment of the application was undertaken to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is of the opinion that the existing Official Plan designation and existing zoning do not conflict with all applicable Provincial plans and conform to the Region of Halton Official Plan.

The proposed site specific by-law appropriately recognizes the design of this development that is in keeping with the general intent of the Livable Oakville Plan, particularly with Bronte Village being a growth area.

The proposed Zoning By-law Amendment does not conflict with Provincial plans or to the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the Town's existing and emerging Urban Structure and the principles and overall policy direction of the Livable Oakville Plan. Staff recommends approval of the Zoning Bylaw Amendment (By-law 2019-003), as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved.
- Any comments from public have been appropriately addressed.
- The proposed development does not conflict with the provincial plans or to the Halton Region Official Plan.

The modifications to the zoning are deemed minor and reflect the general intent of the zoning presented at the statutory public meeting. No further notice is necessary. The proposed Zoning By-law 2019-029 can be found within the by-laws section of the May 13, 2019 Planning and Development Council agenda.

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.

## IMPLEMENTATION

The next steps in the development of this site would be the following:

- Site Plan Control process to address various matters related to the development of the site including but not limited to tree preservation,

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driveway alignments and treatments, grading, drainage and potential easements;

- Lifting of the Holding provision upon successfully addressing tree issues;
- fulfillment of the draft plan conditions and registration of the subdivision;
- development of the site; and,
- Part Lot Control for the creation of the associated lots and associated easements.

## CONSIDERATIONS:

### (A) PUBLIC

An applicant sponsored Public Information Meeting was held on September 25, 2018 and 12 members of the public attended the meeting. The Statutory Public Meeting was held on March 18, 2019. Notice of this meeting has been sent out. Comments or correspondence received from members of the public and Council have been addressed in this report.

### (B) FINANCIAL

Cash in lieu of parkland is required. Valuation will be at building permit issuance in accordance with Town By-law 2008-105 and Sec. 42 of the *Planning Act*. Development Charges will also be payable at building permit issuance in accordance with the rates and by-laws in effect at that time.

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

Agencies and Town departments were consulted during the review of these applications.

### (D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development addresses the principles of responsible land use planning, managing growth and promoting a community where people want to live, work and play.

### (E) COMMUNITY SUSTAINABILITY

The development proposal furthers the sustainability principles established within the Livable Oakville Plan.

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## **APPENDICES**

### **Appendix A1 and A2 – Draft Plan Conditions**

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