

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 12, 2012

FROM: Planning Services Department

PD-076-12

DATE: October 22, 2012

SUBJECT: Recommendation Report, Proposed Zoning By-law Amendment,
William and Maureen Brown, 112 Ulster Drive, File No.: Z.1727.15

LOCATION: 112 Ulster Drive

WARD: 1

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RECOMMENDATION:

That the proposed Zoning By-law Amendment by William and Maureen Brown, File No.: Z.1727.15 and as detailed within Report PD-076-12 dated October 22, 2012, from Planning Services be refused.

KEY FACTS:

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

- A Zoning By-law Amendment application was submitted by William and Maureen Brown to rezone 112 Ulster Drive from RO2 to RO3. The effect of the application is to facilitate a future severance of the existing lot to create one additional lot for a single detached dwelling.
- A Public Information Meeting was held on February 8, 2012.
- A Statutory Public meeting was held on April 10, 2012 at which time members of the public raised concerns with the application.
- Staff have reviewed the application in the context of the existing neighbourhood as well as in accordance with the applicable policy framework.
- Staff are recommending refusal of the application.

BACKGROUND:

William and Maureen Brown are proposing a Zoning By-law Amendment for their property at 112 Ulster Drive. The application was deemed complete under the *Planning Act* on November 25, 2011. The application was circulated for technical review, agency comment and was posted on the Town's website at <http://www.oakville.ca/business/da-5775.html>.

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A Public Information Meeting was held for the application on February 8, 2012 and was attended by 22 members of the public. The Statutory Public Meeting was held on April 10, 2012 at which time staff introduced the application and members of Council heard from a number of local residents expressing concerns with the application.

Proposal

A site specific Zoning By-law Amendment application was submitted on November 11, 2011 by William and Maureen Brown to rezone 112 Ulster Drive from RO2 to RO3. A rezoning to the RO3 zone is necessary to facilitate a future consent (severance) application to create one additional lot for a single detached dwelling. The owner is proposing to retain the existing dwelling.

Figure 1 (below) outlines the proposal and existing neighbouring zoning. The divide between the RO2 and RO3 zone is the property limit between 112 and 120 Ulster Drive (dashed line).

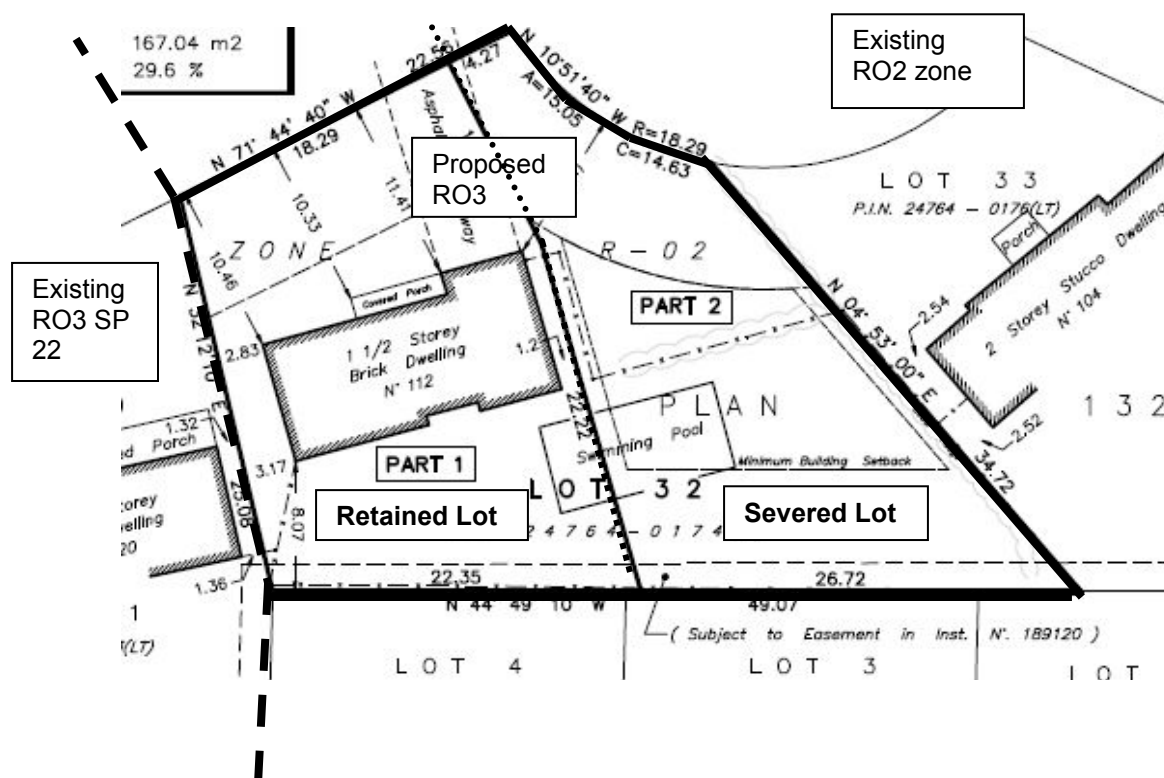


Figure 1 (submitted on October 17, 2011)

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Figure 1a (below) generally depicts the proposed lot in relation to the neighbourhood.



Figure 1a

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Figure 2 (below) is a photo taken of the proposed lot from the existing driveway to 112 Ulster Drive.



Figure 2

The following table highlights the zoning regulations of the RO2 and RO3 zones and the corresponding regulations of both the proposed and retained parcels of land.

	RO2 Zone (existing)	RO3 Zone (proposed)	Retained Lot (Oct 17 plan)	Proposed Severed Lot (Oct 17 plan)
Lot Area – Min	836 sq. m	557.50 sq. m.	614.7 sq. m. *	564.1 sq. m.*
Lot Frontage – Min	22.50 m	18 m	20.1 m *	18.48 m *
Lot Coverage - Max	30%	35%	22.41% (dwelling only)	29.63% (dwelling only)
No. of Storeys - Max	2	2	1.5	2
Overall Height - Max	9.0 m	9.0 m	7.55 m	9.0 m

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Floor Area (2 storeys) - Min	139.50 sq. m	120.5 sq. m	n/a	203.73 sq. m.
Front Yard - Min	9.0 m	7.5 m	10.33 m	7.5 m*
Side Yard - Min (attached garage)	2.4m / 1.2m	1.2 m/1.2 m	2.83 m / 1.2 m	1.2 m / 1.2 m*
Rear yard - Min	7.5m	7.5m	8.07 m	7.5 m

* Regulations that do not comply with the RO2 zone, thereby necessitating the rezoning to RO3.

Location and Site Description

The subject property situated at 112 Ulster Drive is 1,179 square metres (approx. 0.3 acres) in size and is located at the end of Ulster Drive, which terminates in a cul-de-sac. The length of the property along Ulster Drive is approximately 38 metres. Access to the existing lot is from the straight section of Ulster Drive.

Adjacent Lands

The adjacent lands contain single detached dwellings.

POLICY FRAMEWORK

Region of Halton Official Plan

The lands are designated Urban Area. Policy 76 of the Regional Plan states that the range of permitted uses and the creation of new lots will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Plan.

Livable Oakville Plan

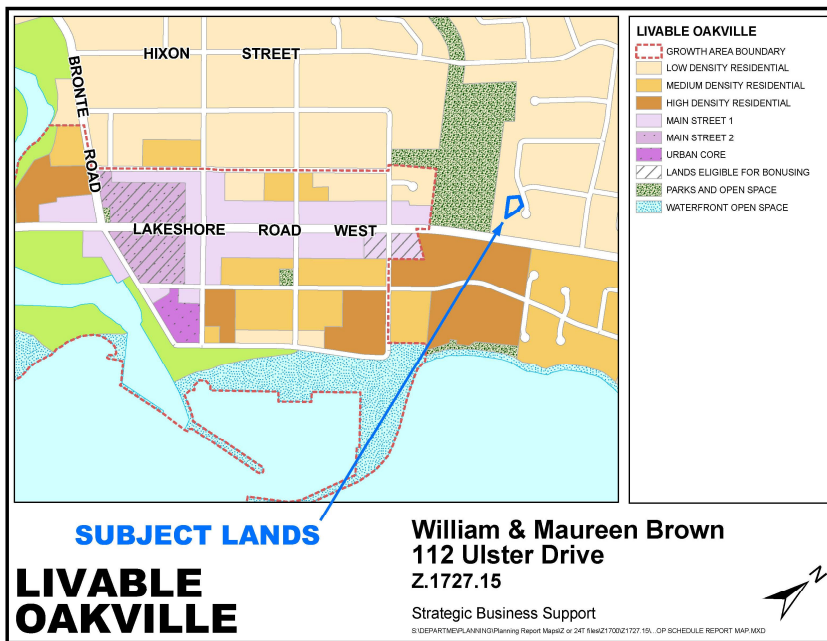
The Livable Oakville Plan was approved on May 11, 2011. The Livable Oakville Plan conforms to the Growth Plan and is consistent with the Provincial Policy Statement.

The site is designated as 'Low Density Residential' on Schedule F, Southwest Land Use Plan.

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The following are applicable excerpts from the Livable Oakville Plan.

“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.”

“11.2 Low Density Residential

11.2.1 Permitted Uses

The Low Density Residential land use designation may permit a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes.

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11.2.2 A density of up to 29 dwelling units per site hectare may be permitted in areas designated Residential Low Density."

In addition, the Livable Oakville Plan has the following policies related to intensification within stable residential communities.

"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 the Plan;...*

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.”*

Part F, Section 28 Consents (Severances) contains the following policies:

- 28.12.1 Consents may be permitted for the creation of a new lot, boundary adjustments, rights-of-way, easements, long-term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.*
- 28.12.2 Applications for consent to create new lots may only be granted where:*
 - a) a plan of subdivision is not necessary;*
 - b) the number of resulting lots is three or less;*
 - c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
 - d) no extension, improvement or assumption of municipal services is required;*
 - e) the lot will have frontage on a public street and access will not result in traffic hazards;*
 - f) the lot will not restrict the ultimate development of adjacent lands;*
 - g) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and,*
 - h) the consent conforms to all relevant policies of this Plan.*

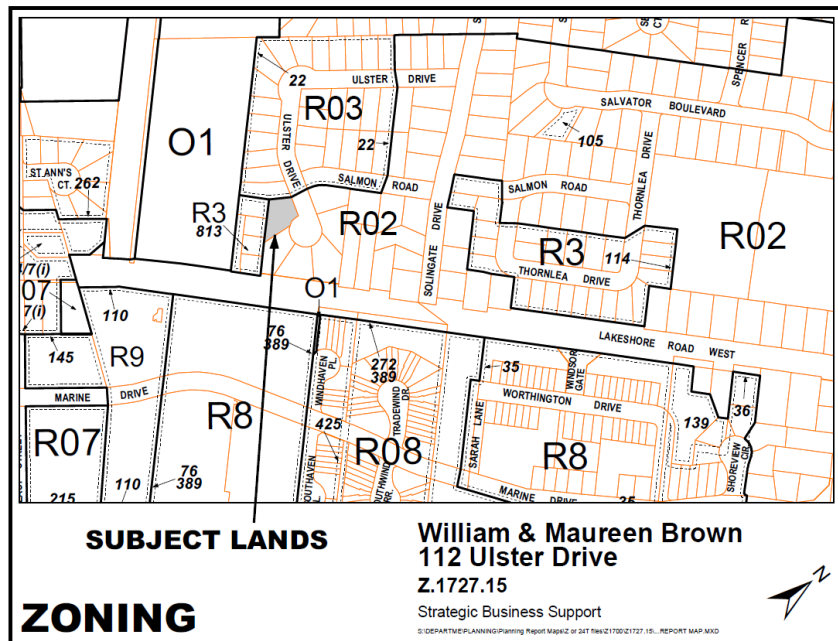
Zoning

The land is currently zoned RO2. As stated above, the applicant has submitted a Zoning By-law Amendment application to change the subject property from RO2 to RO3.

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COMMENT/OPTIONS:

Public Consultation

A Public Information Meeting was held for this application on February 8, 2012. The Statutory Public Meeting was held before Planning and Development Council on April 10, 2012. Public input has been extensive and has consisted of written correspondence, participation in meetings, and formal delegations to Council.

The comments received are in opposition to the development. The key concern is that the development does not maintain or protect the existing character of the neighbourhood.

Planning Services report PD-012-12 dated February 14, 2012 and presented at the Public Meeting on April 10, 2012 contained appendices of written public correspondence received. Written correspondence received since the Public Meeting is attached in Appendix A to this report.

Planning Analysis of the Development Application

Halton Region

Regional staff in a letter dated September 25, 2012 had no objection to the application (see Appendix B).

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Livable Oakville Plan (LOP)

The lot is located within a stable residential community. The Livable Oakville Plan (LOP) sets out the policy framework for evaluating planning applications. The various LOP policies including Sections 11.1.8 and 11.1.9 requires new development to maintain and protect the existing neighbourhood character.

The Livable Oakville Plan defines several terms applicable to this application as follows:

Character means the collective qualities and characteristics that distinguish a particular area or neighbourhood.

Compatible means the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.

Intensification means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; or
- d) the expansion or conversion of existing buildings.

Existing Character of the Neighbourhood and Areas Within

112 Ulster Drive is contained within Plan of Subdivision - Plan 1324 (see Figure 3) which was registered in 1965. Plan 1324 was designed with the largest lots being located south of Salmon Road and 120 Ulster Drive (Lot 31), around the off-set cul-de-sac, and along Solingate Drive. The lotting pattern has remained intact and stable since 1965.

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Figure 3 – Plan 1324

Based on the air photo (Figure 4), the neighbourhood is defined by distinct areas that can be categorized as reflecting lots fronting onto Lakeshore Road West, lots fronting onto the straight road sections of Salmon Road and Ulster Drive and lots fronting onto the off-set cul-de-sac area of Ulster Drive. While there are some similar elements that characterize the neighbourhood such as the built form of single detached housing, there are clear elements of lot area and frontages that define distinct areas within the neighbourhood.

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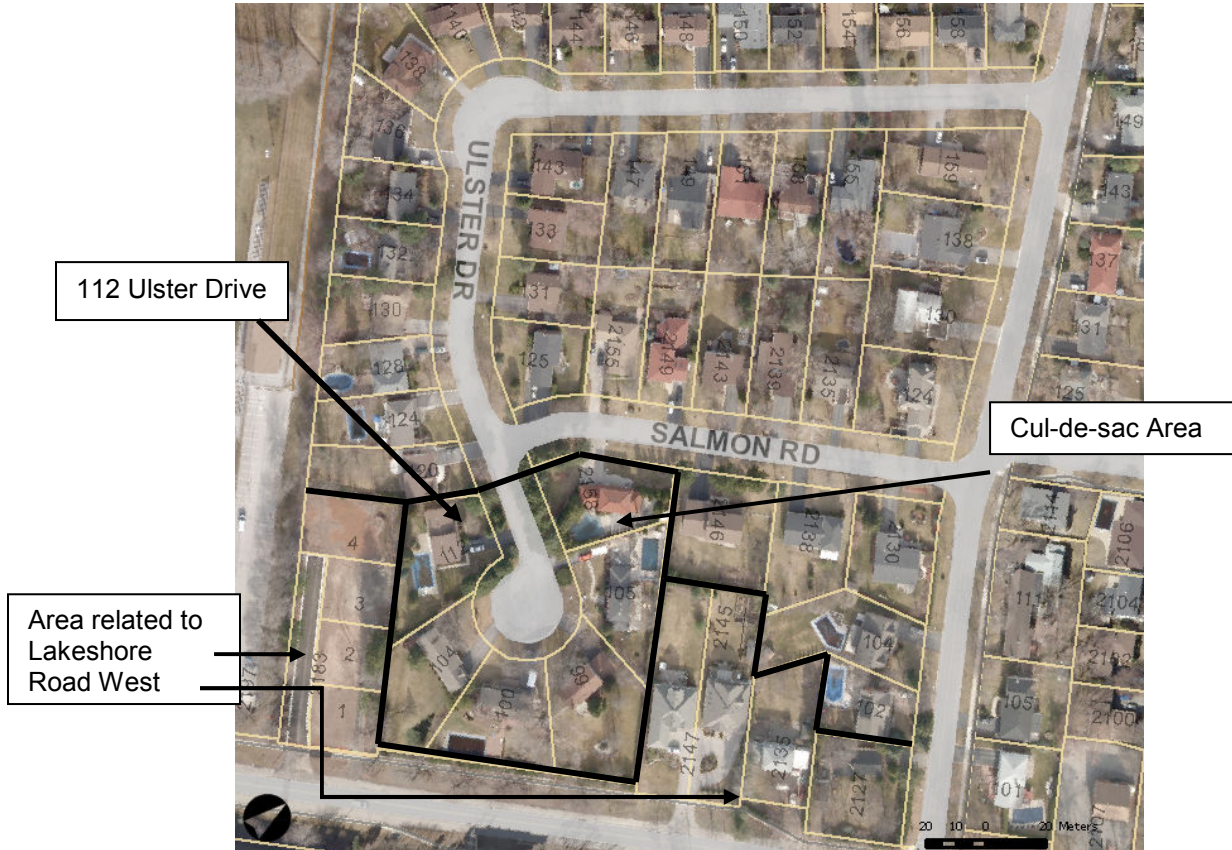


Figure 4 – aerial photo

The first area of the neighbourhood are those lots that front onto Lakeshore Road West. 2127, 2135, 2145 and 2147 Lakeshore Road West, which all front onto Lakeshore Road West, have lot areas that exceed the minimum lot area of the RO2 zone of 886 square metres. A variance for lot frontage of 17.5 metres for 2145 and 2147 Lakeshore Road West was approved by the OMB, but exceeds the lot area of the RO2 zone. 2127 and 2135 Lakeshore Road West comply with the lot area and lot frontage regulations for the RO2 zone. Being on the periphery of the neighbourhood, these four lots were developed more in relation to Lakeshore Road West than internal to the neighbourhood.

2183 Lakeshore Road West contains four (4) lots accessed by a condominium road that were also approved by the OMB. The property is zoned R3 with Special Provision 813. The lots sizes range from 508 square metres to 717 square metres with frontages greater than 21 metres. These lots, also on the periphery of the neighbourhood, while part of the larger neighbourhood are unique and separated from the internal roads and are not defined or linked by the character internal to the neighbourhood.

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The second area north of the cul-de-sac along Ulster Drive and Salmon Road is characterized by regular shaped lots on the straight road sections and traditional pie shaped lots on the outside corner. The frontages in the existing RO3 area average approximately 19 metres with an average lot area of approximately 780 square metres. Lots in this area have maintained the existing lot fabric, as established in 1965.

The third area in the neighbourhood is the cul-de-sac area of Ulster Drive. It is characterized by traditional pie-shaped lots under an RO2 zone. Each lot has an area of approximately 1100 sq. metres or greater with frontages greater than approximately 23 metres. Other than 112 Ulster Drive, the two storey dwellings around this off-set cul-de-sac are centrally located on each lot.

The dwellings around the cul-de-sac are defined by side yard setbacks greater than the minimum required by the RO2 zoning regulations (2.4 and 1.2 with attached garages). Therefore, separation distances between existing dwellings are greater than the by-law. In consideration of the pie-shaped nature of the lots on the cul-de-sac, the character of this area is further defined by a low dwelling coverage of less than 15%.

Conformity with the Livable Oakville Policies for Residential Intensification

The intent of the Livable Oakville policies for development within stable residential communities is to maintain and protect the existing character of those communities. The property is 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.

“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 the Plan;...”

Based upon a review of the lot areas in the larger area, the lot areas for both proposed lots (approximately 615 sq. m. for the retained lot and 564 sq. m for the severed lot) are well below the average for the entire area. The smallest lot within the Ulster Drive/Salmon Road area is approximately 695 square metres. The lot

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(120 Ulster Drive) abutting the northerly property limit to 112 Ulster Drive is approximately 940 square metres.

Lot frontage as defined by the Town's Zoning By-law means:

"the horizontal distance between the side lot lines of a lot measured 7.5m back from the front lot line and parallel to it, provided that where the street upon which a lot fronts is less than the width required by Section 14 (3), lot frontage shall be measured 7.5m back from a line parallel to the lot line but distant one-half of the required road width from the middle of the street".

With the introduction of a new property line, frontage for the retained lot is defined 7.5 m back from the property line along the straight section of Ulster Road, and for the severed lot, frontage is defined 7.5 m back from the offset bulb of the cul-de-sac of Ulster Road.

As stated above, the frontages of the existing cul-de-sac lots are greater than 23 metres. The proposed frontages (20.1 m and 18.48 m) are not compatible in the context of the cul-de-sac area.

The relevant policies of Section 11.1.9 are presented in the following section along with corresponding analysis:

"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 built form of development will be compatible with the neighbourhood. However, it will be introduced on a lot which has a lot frontage and lot area within the cul-de-sac of Ulster Drive that is not considered compatible.

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

The proposal will introduce a building that is on an irregular shape lot that is not reflective of the existing character of the neighbourhood.

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

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The proposed lot is a highly irregular shaped lot that almost reflects a triangle. The curved section of the cul-de-sac, with the proposed driveway coming on the straight section of the property, acts like a sideyard even though it is considered the front yard.

The lotting pattern for the lots around the cul-de-sac was specifically designed under a zoning category that was different from the neighbourhood to the north, and was specifically designed for 'pie-shaped' lots due to their orientation around the cul-de-sac. The resulting lotting pattern results in a specific character for this area. This character is defined by lots larger in terms of both lot area and frontage, spacious side yards, separation distances between dwelling units and a homogenous character of dwellings and associated garages being uniformly aligned around the cul-de-sac.

The proposed rezoning and future severance would not maintain or protect the existing character of these specifically zoned lots around the cul-de-sac as it would result in a lotting configuration that is out of character with the uniformly patterned surrounding lots.

The introduction of this lot would have an adverse effect on the area by creating a lot with significantly less area than the surrounding lots as well as a dwelling with reduced zoning regulations.

Part F, Section 28, Consents (Severances)

Part F Section 28, Consents (Severances), Section 28.12.1 states that "*Consents may be permitted ... provided an undersized lot is not created*". Section 28.12.2 h) states that "*the consent conforms to all relevant policies of this Plan.*"

The proposed and retained lots are well below the average lot size of the larger neighbourhood or the smallest lot in the Ulster Drive/Salmon Road area of the neighbourhood. The proposal, therefore, does not comply with the requirements for consents, Section 11.1.8 and of Section 11.1.9.

CONCLUSION

The submitted application for a Zoning By-law Amendment neither maintains nor protects the existing character of the cul-de-sac area of the neighbourhood. The proposal does not comply with Section 11.1.8 and does not meet the criteria of Section 11.1.9, nor the consent policies of Section 28 of the Livable Oakville Plan.

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The proposal does not represent a development that reflects the appropriate implementation of the Livable Oakville Plan and is not considered good planning or in the public interest. Based upon the analysis as discussed in this report, staff recommend that the proposed Zoning By-law Amendment application be refused.

CONSIDERATIONS:

(A) PUBLIC

A Public Information meeting was held February 8, 2012. A Statutory Public meeting was held on April 10, 2012. Correspondence from the public was received and included as part of the review of the application.

(B) FINANCIAL

There are no financial impacts arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Internal and external agencies were included as part of this review. Regional comments are included in Appendix A.

(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 does not conform with the sustainability goals and objectives of the Livable Oakville Plan.

APPENDICES:

Appendix A - Public Comments

Appendix B - Halton Region comments

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:

Dana Anderson, MCIP, RPP

Director of Planning Services