



SUBJECT: Statutory Public Meeting and Information Report for a Zoning By-law Amendment and Plan of Subdivision for 1159 Bellview Crescent

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-40-18

Wards Affected: 1

File Numbers: 520-24/17 and 510-04/17

Date to Committee: May 8, 2018

Date to Council: May 22, 2018

Recommendation:

Receive and file department of city building report PB-40-18 regarding proposed zoning by-law amendment and plan of subdivision for 1159 Bellview Crescent.

Purpose:

The purpose of this report is to provide information for a statutory public meeting concerning an application to amend the Zoning By-law and an application for a plan of subdivision to facilitate the development of five single detached lots and a private road at 1159 Bellview Crescent.

The following objectives of Burlington's Strategic Plan (2015-2040) apply to the discussion of the subject application:

- A City that Grows
 - Intensification
 - Focused Population Growth



Executive Summary:

RECOMMENDATIONS:		<i>None. Statutory Public Meeting</i>	Ward No.:	<i>1</i>
Application Details	APPLICANT:	<i>David Faye, David Faye + Associates Inc.</i>		
	OWNER:	<i>Markay Homes</i>		
	FILE NUMBERS:	<i>520-24/17 and 510-04/17</i>		
	TYPE OF APPLICATION:	<i>Zoning By-Law Amendment and Plan of Subdivision</i>		
	PROPOSED USE:	<i>Residential</i>		
Property Details	PROPERTY LOCATION:	<i>North side of Bellview Crescent, east of the QEW</i>		
	MUNICIPAL ADDRESSES:	<i>1159 Bellview Crescent</i>		
	PROPERTY AREA:	<i>0.23 hectares</i>		
	EXISTING USE:	<i>1 detached dwelling (to be demolished)</i>		
Documents	OFFICIAL PLAN Existing:	<i>Residential – Low Density</i>		
	OFFICIAL PLAN Proposed:	<i>Residential – Low Density (no change)</i>		
	ZONING Existing:	<i>R3.2</i>		
	ZONING Proposed:	<i>R3.2-XXX; and R3.4-XXX</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>February 22, 2018</i>		
	PUBLIC COMMENTS:	<i>Staff have received 1 email</i>		

Background and Discussion:

General

On February 16, 2018, the Department of City Building acknowledged that complete applications had been received as of February 1, 2018 for a plan of subdivision and to amend the Zoning By-law to permit the development of five detached lots at 1159 Bellview Crescent. The purpose of this report is to provide an overview of the application, an outline of applicable policies and regulations, and a summary of technical and public comments received to date. This report is intended as background information for the statutory public meeting.

Site Description

The subject property is located on the north side of Bellview Crescent, east of the QEW as shown on Figure 1 (below) and Sketch No. 1 (Appendix A). The property has an area of 0.23 hectares, with 32.3 metres of frontage on Bellview Crescent, and a lot depth of 76.2 metres. A single detached dwelling currently exists on the property and is proposed to be demolished. The property is surrounded by single detached dwellings of varying sizes to the north, west and south.

The lands immediately to the east of the subject property, at 1169 Bellview Crescent, are owned by the applicant. The lands are currently vacant but are subject to a draft approved plan of subdivision and consent applications which allow for the creation of seven detached lots and the extension of an existing common element road to the east at 1173 Bellview Crescent (Halton Condominium Plan #338).



Figure 1 – Air photo (2017) with subject property outlined

Description of Application

As shown on Sketch No. 2, the applicant proposes to subdivide the land into two detached freehold lots fronting on Bellview Crescent, and three detached condominium lots (parcels of tied land) fronting on a private road to allow for the development of five single detached dwellings. A block to complete the private road from 1173 and 1167 Bellview Crescent is also proposed.

To facilitate the development, the applicant has applied for a plan of subdivision and to amend the Zoning By-law to rezone the subject property from R3.2 to R3.2-XXX for the two proposed lots on Bellview Crescent (Lots 1 and 2), and to R3.4-XXX for the remaining three proposed lots (Lots 3-5).

The applicant has submitted the following materials in support of the application:

- Draft Plan of Subdivision, Plan of Survey, and Topographic Survey prepared by Ashenurst Nouwens & Associates Inc., and signed by Surveyor on December 12, 2017;
- Concept Plan, prepared by Ashenurst Nouwens & Associates Inc., and signed by Surveyor on December 13, 2017;
- Planning Justification Report, prepared by David Faye & Associates Inc., dated December 2017;
 - The report includes a Draft Amending Zoning By-law.
 - The report concludes that the proposed development is consistent with provincial, regional and City planning documents, such as the City's official plan neighbourhood compatibility criteria, and represents good planning. The report recommends that the applications be approved.
- Tree Inventory and Preservation Plan, prepared by Kuntz Forestry Consulting Inc., dated October 18, 2017;
 - The Plan identifies 8 trees on the subject property and recommends the removal of 3 trees, including one hazardous privately owned tree. The Plan also provides recommendations on how impacts to the remaining trees may be minimized.
- Environmental Site Screening Questionnaire, completed December 13, 2017;
- Phase 1 Environmental Site Assessment, prepared by Soil-Mat Engineers & Consultants, dated November 28, 2017;
 - The assessment did not reveal any former industrial or commercial uses on the property and finds that the lands in the general vicinity are not expected to have an adverse environmental impact on the site. The

assessment concludes that the potential of site contamination on the subject property is low and recommends that additional investigations are not required.

- Functional Servicing Report, prepared by Trafalgar Engineering Ltd., dated December 15, 2017
 - This report concludes that the development can be adequately serviced by the existing private services at 1173 Bellview Crescent and by existing municipal services on Bellview Crescent.
- Grading, Storm Drainage, Servicing Plans and Details, prepared by Trafalgar Engineering Ltd., dated December 2016
- Geotechnical Investigation, prepared by Soil-Mat dated December 20, 2017
 - This report provides background information on subsurface soil and groundwater condition of 1159 and 1169 Bellview Crescent, and provides recommendations for construction and how excavated soil may be reused.

All of the supporting documents have been published on the City's website for the subject application, www.burlington.ca/1159Bellview.

Policy Framework

The proposed Zoning By-law Amendment and draft plan of subdivision is subject to the following policy framework: Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), Region of Halton Official Plan, City of Burlington Official Plan, and the City of Burlington Zoning By-law 2020. A discussion of conformity with the provincial and regional documents will be addressed in the subsequent recommendation report.

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development and sets the foundation for regulating development and land use in Ontario. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the built environment.

The PPS directs growth and development to urban and rural settlement areas. Land use patterns within settlement areas are to be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities.

Growth Plan for the Greater Golden Horseshoe, 2017

The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017. All planning decisions made on or after July 1, 2017 must conform to the Growth Plan. The Growth Plan builds on the policy foundation set out in the PPS and provides a framework for managing growth and achieving compact, complete communities in the Greater Golden Horseshoe.

Halton Region Official Plan (ROP)

The property is designated as Urban Area in the Halton Region Official Plan (ROP). The ROP states that the range of permitted uses and the creation of new lots within the Urban Area shall be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP.

City of Burlington Official Plan

The property is designated as “Residential – Low Density” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation permits single-detached and semi-detached housing units with a maximum density of 25 units per net hectare. Other attached ground oriented housing forms may also be permitted in this designation, provided that the form does not exceed a density of 25 units per net hectare and is compatible with the existing residential neighbourhood. The applicant is proposing six single detached units, with a density of 22 units per net hectare.

The Official Plan also contains criteria to be considered when evaluating proposals for residential intensification within established neighbourhoods. These criteria include: adequate municipal servicing and off street parking, the capacity of the City’s transportation system to accommodate any increased traffic flows, proximity to existing or future transit facilities, compatibility and transitioning between existing and proposed buildings, and impact on future redevelopment of adjacent properties.

City of Burlington Zoning By-law 2020

The property is currently zoned R3.2 in the City’s Zoning By-Law 2020, as shown on Sketch No. 1. Table 1 provides an overview of the existing and requested zoning regulations.

Table 1 – Overview of Existing and Proposed Zoning

	Existing R3.2	Proposed R3.2-XXX (for 2 new lots on Bellview)	Proposed R3.4-XXX (for 3 new lots on private road)
Lot width	15 m	13 m	11 m
Lot area	425 m ²	400 m ²	300 m ²
Front yard	6 m	4.5 m (to dwelling) 6 m (to garage)	4.5 m (to dwelling) 6 m (to garage)
Rear yard	9 m	7.5 m	6 m
Side yard	1.8 m	1.2 m	1.2 m/0.6 m (Lots 3, 4) 1.8m/1.2m (Lot 5)
Street side yard	4.5 m	3 m	n/a
Lot coverage for 2-storey dwelling	35%	45% (Lot 1) 40% (Lot 2)	45% (Lots 3, 4) 40% (Lot 5)
Maximum porch projection into front yard	0.65 m	1.5 m	1.5 m
Driveway length for Parcels of Tied Land	6.7 m	n/a	6 m
Building height for 2-storey dwelling	10 m (peaked roof) 7 m (flat roof)	11.5 m	11.5 m
Width of attached garage	Max. 50% of dwelling width	Max. 50% of dwelling width	No maximum

Technical Review

The subdivision and rezoning applications were circulated to internal staff and external agencies for review. Written responses to the technical circulation have been received from Halton District School Board, Union Gas, Burlington Hydro, and the Ministry of Transportation. No objections have been identified by these agencies. Staff will address technical concerns and/or recommended conditions submitted by these agencies in the recommendation report.

An issue under review is the coordination of conditions and clearance of conditions related to the approved draft plan of subdivision at 1169 Bellview Crescent and the subject subdivision application. Future updates on this matter will be provided in the recommendation report.

Financial Matters:

The applications are being processed in accordance with the required development application fees. Any additional financial matters will be addressed in the future recommendation report.

Public Engagement Matters:

The application was subject to the standard circulation requirements for a property in the urban area. A public notice/neighbourhood meeting invitation and request for comments were circulated in February 2018 to all property owners and tenants within 120 m of the subject property. A notice sign was posted on the property on February 1, 2018.

A webpage was created on the City of Burlington website, accessible at <https://www.burlington.ca/1159Bellview>. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and the Department of City Building.

Neighbourhood Meeting

City staff held a neighbourhood meeting on February 22, 2018, at City Hall. Ward 1 Councillor Craven and staff from the Department of City Building were present. The applicant and his planning consultant were also present. The meeting was attended by approximately 7 members of the public.

The meeting consisted of a presentation by Planning staff on the planning process and how residents can become involved in the processing of the subject application, followed by a presentation by the applicant's planning consultant on the proposed development. The meeting concluded with a question and answer period. The general themes of the question and answer period are outlined below.

- Question about side yard setback of Lot 5 and square footage of homes
- Question about how development will be phased with 1169 Bellview
- Concern about potential mud on Bellview Crescent and Bellview Street as a result of construction
- Concern from neighbouring property owner about a potential title dispute for the western lot line of the property.
 - The applicant will be working with neighbouring property owner to resolve the matter. Further updates on this issue will be provided in the recommendation report.

Public Comments

In response to public circulation, staff received 1 email from members of the public on the subject application. The email, from residents at 1171 Bellview Crescent, expressed support for the development while recommending that the proposed side yard setback for the two lots on Bellview Crescent be increased from 1.2 m to 1.5 m, and that the site be graded to ensure that water is not discharged onto 1171 Bellview. A copy of the email is provided in Appendix 2 of this report.

The questions and concerns raised in the public's written comments, as well as those raised at the neighbourhood meeting, will inform staff's review of the application.

Conclusion:

This report provides a description of the subject application and an update on the technical and public review that are underway. A subsequent report will provide an analysis of the proposal in terms of applicable planning policies and will provide a recommendation on the proposed application.

Respectfully submitted,

Rebecca Lau

Planner I

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Appendices:

- A. Sketches
- B. Public Comments Received to Date

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.