



**SUBJECT: Draft Plan of Subdivision at 5209 Stonehaven Drive**

**TO: Committee of the Whole**

**FROM: Community Planning Department**

Report Number: PL-84-24

Wards Affected: 5

Date to Committee: November 5, 2024

Date to Council: November 19, 2024

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### **Recommendation:**

Approve the application submitted by Basingstoke Enterprises Ltd to draft approve a residential plan of subdivision consisting of 10 lots, one townhouse block, and a private road at 5209 Stonehaven Drive, as shown in Appendix A of community planning department report PL-84-24, subject to the conditions contained in Appendix B of community planning department report PL-84-24.

### **PURPOSE:**

#### **Vision to Focus Alignment:**

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

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### **Executive Summary:**

WEBB Planning Consultants on behalf of the landowner at 5209 Stonehaven Drive has submitted a Draft Plan of Subdivision application to facilitate the creation of 10 lots and two blocks to accommodate the development of 10 single detached dwellings, eight street townhomes.

In 2018, Council conditionally approved a draft plan of subdivision for the subject lands to facilitate the development of 10 single detached dwellings on a public road and eight street townhomes on site. The draft plan of subdivision approval provided three years to clear the conditions of draft approval, with an expiry date in October 2021. The applicant was granted a one-year extension in September of 2021 and a subsequent one-year extension granted in September of 2022, in order to clear the conditions of draft plan approval. In September 2023, the draft plan approval lapsed as no further extension was requested by the applicant and there were outstanding conditions that had not yet been cleared.

On August 16, 2024, the applicants submitted a new draft plan of subdivision application to reestablish the draft plan approvals that had previously lapsed. The applicants have also changed the tenure of the subdivision, such that the lots are now proposed to be Parcels of Tied Land fronting onto a private common element condominium roadway, as opposed to a municipal street.

The subject lands are designated as “Residential – Low Density within the Orchard Community” in accordance with Schedule B of the City of Burlington Official Plan and is zoned “RO3-482’ (Orchard Community Zone 3 with Site Exception 482). The RO3 zone permits low density residential uses to a maximum height of two (2) storeys. Site exception number 482 refines the provisions of lot area and width for single detached dwellings and townhomes.

One public comment was received by the City at the time of writing this report. The public comment expressed concern for traffic, safety and environmental impact. These concerns have been addressed through the technical review of the previous application as well as this application process.

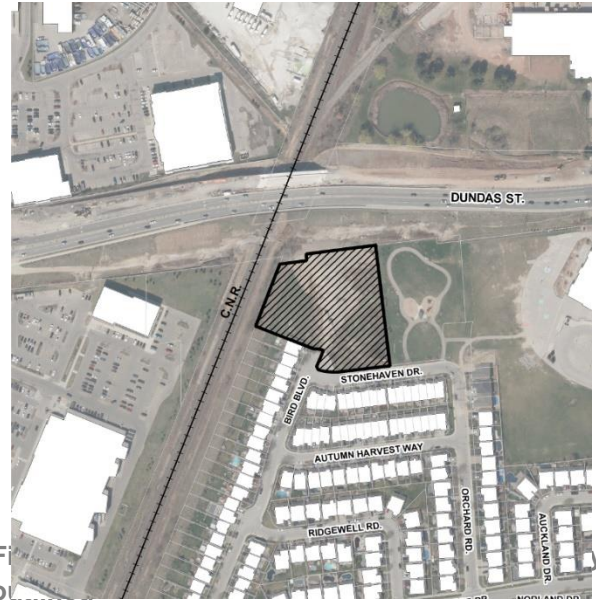
Planning staff have reviewed the Draft Plan of Subdivision application and are of the opinion that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan, Burlington Official Plan, 1997 and Zoning By-law. As such, staff are recommending approval of the application subject to conditions.

**Background and Discussion:**

<b>RECOMMENDATION:</b>		Approval	<b>Ward:</b> 5
<b>Applic ation</b>	<b>APPLICANT:</b>	WEBB Planning Consultants	
	<b>OWNER:</b>	Basingstoke Enterprises Ltd	

<b>Property Details</b>	<b>FILE NUMBERS:</b>	510-02/24(24T-24002/B)
	<b>TYPE OF APPLICATION:</b>	Plan of Subdivision
	<b>PROPOSED USE:</b>	10 detached dwellings on a private street and eight street townhomes
	<b>PROPERTY LOCATION:</b>	Orchard Park Community is on the north side of Stonehaven Drive, north of the terminus of Bird Boulevard.
	<b>MUNICIPAL ADDRESSES:</b>	5209 Stonehaven Drive
	<b>PROPERTY AREA:</b>	0.86 ha
	<b>EXISTING USE:</b>	Vacant land
<b>Documents</b>	<b>OFFICIAL PLAN (1997) Existing:</b>	Residential Low Density- Orchard Community
	<b>OFFICIAL PLAN (2020):</b>	Residential Low Density
	<b>OFFICIAL PLAN Proposed:</b>	No change proposed
	<b>ZONING Existing:</b>	Orchard Community Zone 3 (RO3-482) with site exception 482.
	<b>ZONING Proposed:</b>	No change proposed.
	<b>APPLICATION RECEIVED:</b>	August 16, 2024
<b>Processing Details</b>	<b>STATUTORY DEADLINE:</b>	December 14, 2024 (120 days)
	<b>COMMUNITY MEETING:</b>	Not applicable
	<b>PUBLIC COMMENTS:</b>	One written comment was received from 101 notices sent out.

Complete applications had been received as of August 16, 2024 for a Plan of Subdivision at 5209 Stonehaven Drive to support the development of the lands for 10 single detached dwellings and eight street townhomes. This report provides an overview of the application, an outline of applicable policies and regulations, a summary of technical and public comments received and staff's opinion and recommendation with respect to this application.



A previous application for a Zoning By-law Amendment and Plan of Subdivision was received by the City in August of 2017. The purpose of the application was to facilitate the creation ten single detached dwellings and eight street townhomes and the extension of Bird Boulevard as a public right of way. The application was approved by Council subject to conditions in September 2018. The application was deemed to have lapsed in September of 2023, as no extension was requested by the applicant and the subdivision was not registered. As a result of the lapsing application, a new application has since been submitted to facilitate the same proposal with a minor change from the public right of way to a private road.

The subject lands are located in the Orchard Community on the north side of Stonehaven Drive, north of the terminus of Bird Boulevard. Overall frontage is along Stonehaven Drive and the proposed private roadway will be the extension of Bird Boulevard.

Surrounding and adjacent land uses are described below and the applicable zoning of these properties is illustrated on Appendix C (Existing Zoning).

- North: Dundas Street, beyond which is zoned for “General Employment (GE1)” uses as well as “Regional Commercial (CR)” uses
- East: William Boich Parkette which is currently being developed, beyond which is John W. Boich Public School
- South: Residential development consisting of single detached and townhouse dwelling units
- West: CN Rail tracks, beyond which is a grocery store and other commercial and retail units

### **Description of Applications**

As shown on the concept drawing (Appendix A), the applicant proposes to subdivide the subject lands into 10 lots and two blocks to facilitate the development of 10 single detached dwellings, eight street townhomes and a private roadway.

To facilitate the development, the applicant has applied for a plan of subdivision consisting of:

- 10 lots;
- One block for eight street townhomes; and
- One block for the Private Roadway.

### **Supporting Documents**

The applicant has submitted the following materials in support of the subject applications:

- [Approved Tree Permit](#), issued April 26, 2023
- [Common Element Condo Plan](#), prepared by A.T McLaren Limited
- [Cover Letter](#), prepared by WEBB Planning Consultants, dated August 15, 2024
- [Draft Plan of Subdivision](#), prepared by A.T McLaren, dated July 17, 2024
- [Geotechnical Investigation](#), prepared by Peto MacCallum Ltd. dated March 2019
- [Landscape Plan Details](#), prepared by adesso design inc., dated September 30, 2021
- [Landscape Plan](#), prepared by adesso design inc., dated September 30, 2021
- [Noise Study](#), prepared by IBI Group, dated December 9, 2020
- [Planning Justification Report](#), prepared by WEBB Planning Consultants, dated August 15, 2024
- [Record of Site Condition](#), Ontario Ministry of Environment, Conservation and Parks, dated January 9, 2020
- [Grading Plan](#), S. Llewellyn & Associates Limited, dated August 16, 2024
- [Servicing Memo](#), S. Llewellyn & Associates Limited, dated August 12, 2024
- [Tree Protection Plan](#), prepared by adesso design inc, dated July 12, 2024

Supporting documents have been published on the City's website for the subject application, [Stonehaven Subdivision - City of Burlington](#).

## **Policy Framework**

The proposed Plan of Subdivision application is subject to review against the Planning Act, Provincial Policy Statement (2020), Provincial Planning Statement (2024), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. Staff are of the opinion that the proposed application is consistent with and conforms to the applicable policy framework, as discussed below.

### **Planning Act: Draft Plan of Subdivision Criteria**

Section 51(24) of the Planning Act outlines criteria that approval authorities are to have regard to when considering a draft plan of subdivision, including:

- *Whether the proposed subdivision is premature or in the public interest*

The proposed subdivision establishes new development lots for single-detached dwellings and street townhomes that conform to and implement the Zoning By-law and Official Plan. Moreover, according to Halton Region, Halton District School Board, Halton Catholic District School Board, and City Engineering Services staff, adequate water, wastewater servicing, schools, and parks are available nearby to accommodate the development. The proposal also includes a new private road providing an extension into a cul-de-sac of Bird Crescent. The proposed subdivision conforms to the Low Density – Residential (RO3-482) zoning and reflects the natural evolution of this 0.18 ha lot within the neighbourhood. The proposed subdivision is therefore not premature and is in the public interest.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Staff is of the opinion that the proposed subdivision conforms to the City's Official Plans (1997 and 2020) and Regional Official Plan.

- *The suitability of the land for the purposes for which it is to be subdivided;*

The applicant has submitted a Record of Site Condition, Geotechnical Investigation, and Noise Impact Feasibility Study in support of the application. Development Engineering staff have reviewed these reports and find them satisfactory for the purpose of draft plan

approval. Development Engineering staff request amendments to the Functional Servicing & Stormwater Management Report to ensure the necessary stormwater management accommodates the private roadway. As a condition of draft approval for the plan of subdivision, the owner will be required to update these reports/plans and implement the recommendations of the final reports.

- *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivisions with the established highway system in the vicinity and the adequacy of them;*

The proposed draft plan of subdivision includes the extension of Bird Boulevard as a private roadway for access to the proposed parcels of tied land. Transportation Services staff have reviewed the proposal and have no concerns from a traffic perspective about the increase of 18 homes. Overall, there is no concern with the increased traffic in this area as it is considered a natural evolution of the area.

- *The dimensions and shapes of the proposed lots;*

The proposed lots conform to the Zoning By-law and are therefore appropriately shaped and dimensioned.

- *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

The Noise Impact Feasibility Study recommends that the acoustic fences would need to be higher than the maximum allowed; however, there is opportunities where the total sound barrier height increase could be achieved by raising the berm (resulting in a significantly larger footprint), or a combination (raise the berm and install a higher acoustic fence). In order to implement the noise mitigation measure, appropriate conditions have been included.

- *Conservation of natural resources and flood control;*

The subject lands are not within a floodplain and do not have any natural heritage features or areas, as defined by the Provincial Policy Statement. Development Engineering comments consider stormwater management and drainage, and the recommendations by Development Engineering are to be adhered to.

- *The adequacy of utilities and municipal services and school sites;*

Burlington Hydro, Union Gas, Halton Region, and City departments have been circulated on the application and do not have objections to the proposed development. Halton District School Board and Halton Catholic District School Board comments that students from the proposed development can be accommodated at existing schools nearby. Any relocation of existing services will be addressed through the conditions of draft approval.

- *The area of land, if any within the proposed subdivision that, exclusive highways, is to be conveyed or dedicated for public purposes;*

There are no lands that are to be conveyed to the City as the proposed access is through private ownership and will be managed by the future condo corporation.

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The proposed plan of subdivision is consistent with the residential low-density policies within a well serviced area and supports an efficient use of energy.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of [the Planning Act].*

The proposed subdivision is proposed to be developed with single-detached dwellings, and eight townhome units, which is not subject to site plan control.

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS. The PPS promotes healthy, livable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health and safety and the environment. The PPS directs that growth and development be focused in settlement areas. In settlement areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate, support active transportation and transit.

The proposed plan of subdivision is consistent with the Provincial Policy Statement. The subdivision is proposed to be located on vacant lands within a built-up residential area within the Orchard Community. This promotes efficient development as existing community amenities are located within walking distance of the proposed development. There are also existing services in the area that can support the proposed residential



development. The proposal will add 10 single-detached dwellings, eight street townhomes, as well as a new private road. This will add to the housing stock within the urban settlement area in the City of Burlington. The proposed subdivision will support the intensification of the lands, in accordance with the City's Official Plan and Zoning By-law.

Stormwater management has also been considered through the Functional Servicing & Stormwater Management Report which has been reviewed by Region of Halton and City of Burlington staff. Through draft plan conditions, revisions to the stormwater management plan will be required as the application contemplates a private roadway whereas in the previous application proposed a public right of way.

### **Provincial Planning Statement, 2024**

The New Provincial Planning Statement, 2024 (PPS, 2024) similar to the previous 2020 Provincial Policy Statement, provides policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS, 2024. The development policies examined in previous section of this report under the PPS 2020 have been carried forward into the new PPS, 2024 with a focus on complete communities by way of redevelopment and intensification of underutilized lands.

The proposed plan of subdivision is consistent with the new Provincial Policy Statement since the proposal promotes development within a settlement area and provides for various housing types where adequate infrastructure can accommodate the proposal.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

Under Bill 185, the new PPS 2024 has replaced the Growth Plan effective as of October 20, 2024. Going forward, all planning decisions must be consistent with the policies within the Provincial Planning Statement, 2024.

For the reasons noted previously, the proposed subdivision is consistent with the new PPS (2024) policies.

### **Halton Region Official Plan (ROP)**

The ROP outlines a long-term vision for the physical form and community character of Halton. All planning decisions must conform to the ROP (2006, as amended).

The subject lands are designated as Urban Area within the Halton Region Official Plan.

Lands within the Urban Area designation are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The Regional Official Plan states that the range of permitted uses and creation of new lots within the Urban Area shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

A Record of Site Condition has been filed with the Ministry of Environment ensuring that the lands are suitable for the proposed sensitive land uses. Overall, the plan of subdivision application will be consistent with the PPS and the Halton Region Official Plan once conditions have been addressed.

### **City of Burlington Official Plan (1997, as amended)**

The City of Burlington's Official Plan (1997, as amended) provides more specific guidance on land use planning and development within the city. The Official Plan includes principles and objectives that relate to stormwater management, transportation, and residential infill development.

The site is designated "Residential – Low Density" within the Orchard Community 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 density of a maximum of 25 units per net hectare (Official Plan, Part III, 2.2.2). The Official Plan also encourages ground-oriented residential infilling within existing neighbourhoods (Official Plan, Part III, 2.5.4). Infilling is defined in the Official Plan as development or redevelopment within an existing developed area that is proposed to be undertaken in conformity with the existing zoning and may include the creation of new lots. The proposal looks to add 18 new lots on a vacant 0.8 ha property within an existing developed area. The additional housing proposed through this application is compatible with the community as there are existing single detached dwellings in the surrounding area.

The proposed subdivision is for the creation of new lots within an existing developed area, in conformity to the existing zoning. The proposed plan of subdivision is for ground-oriented housing (single-detached dwellings) and has a density of approximately 20 units per net hectare.

The City of Burlington requires effective implementation of storm water management to provide protection against flooding and erosion (Official Plan, Part II, 2.11). The applicants submitted a Functional Servicing & Stormwater Management Report which addresses the previous design of public right of way and revisions will be required to amend the design to reflect the private roadway. Staff are satisfied that this is achievable through draft plan conditions.

### **City of Burlington New Official Plan (OP, 2020)**

Schedule B: Land Use - Urban Area in the new Official Plan designates the subject lands as Residential – Low Density (Official Plan, Chapter 8, 8.3.3). This designation permits single-detached and street townhomes. Development is permitted to a maximum density of 25 units per net hectare. The proposed development of 10 new lots for single-detached dwellings and two blocks for eight street townhomes and a private roadway. The

proposed density of approximately 20 units per net hectare conforms to the New Official Plan.

The City of Burlington has an Urban Forest Master Plan that was developed with the purpose of implementing effective and efficient management of the urban forest, improving tree health and diversity, minimizing risks to the public maximizing the benefits provided by a healthy and sustainable urban forest (Official Plan, Chapter 4, 4.3). The applicants have submitted a landscape plan and tree protection plan. The proponents have obtained a tree permit to remove three trees to facilitate the development. Tree protection measures were also a part of the tree permit. Staff are satisfied that through conditions, tree protection and landscaping can be addressed.

The City's stormwater management techniques shall be used in the design and construction of all new developments to control both the quantity and quality of stormwater runoff (Official Plan, Chapter 4, 4.4.2). As previously mentioned through the review of the City of Burlington Official Plan (1997, as amended), the applicants have submitted a Functional Servicing & Stormwater Management Report which is required to be amended to the satisfaction of Development Engineering.

Overall, the proposal conforms to the policies of the former and New Official Plan. The property continues to be designated Residential – Low Density under the New Official Plan which is unchanged from the 1997 Official Plan.

### **Zoning By-law 2020**

The subject lands are currently zoned "Orchard Community Zone 3" (RO3-482) in the City's Zoning By-law 2020. This zone permits single-detached dwellings and townhomes. Since the proposal includes the creation of a private roadway, the 10 lots created will be parcels of tied land (POTL). Different and more restrictive provisions apply to POTL's. However, it has been determined that the proposed lots and building footprints will comply with those provisions.

The proposed draft plan of subdivision is intended to conform to and implement this zoning. No amendments are required or proposed to facilitate the proposal.

### **Technical Comments**

The subject applications were circulated to internal staff and external agencies for review. The following comments and conditions have been received by staff and agencies with the required conditions to be fulfilled prior to final approval, included as Appendix D.

***City Transportation Services*** – No objections subject to conditions

***Forestry, Landscape and Parks*** – No objections subject to condition

***Enbridge Gas (formerly Union Gas)*** – No objections

**Bell Canada** – No objections and standard conditions are to be included

**Halton Police** – No objections

**Canada Post** – No objects subject to conditions

**Hydro One** – No objections

**City of Burlington's Engineering Services – Accessibility staff** – No objections

**Region of Halton** – any revisions required can be addressed through draft conditions.

**CN** - No objections as the application has entered into a development agreement with CN and cleared the previous condition.

**Urban Forestry and Landscaping staff** – Staff have no objections to the draft plan of subdivision and relative conditions have been included.

**Finance Department** – That the standard condition that all taxes are up to date be included.

**Development Engineering** – revisions are required to the stormwater management design the plan of subdivision subject to the attached conditions.

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### **Financial Matters:**

The property is subject to City, Region and School Board Development Charges and Park Dedication fees.

All application fees have been received in accordance with the Development Application Fee Schedule.

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### **Climate Implications:**

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

The proposed development contributes to the intensification of the City's urban area and will introduce additional residents to a location that is within reasonable proximity to parks,

neighbourhood conveniences and transit services. As such, the proposed development supports reduced automobile trip lengths, transit usage, and consequently reduced greenhouse gas emissions.

Furthermore, while the proposed development increases the amount of impervious surface on the subject site. Adequate stormwater managements controls will be implemented through conditions of draft approval to ensure safe functionality of the site and surrounding land uses.

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### **Engagement Matters:**

The proponent did not engage in a pre-application community meeting for the proposal since the purpose of this application is to re-establish the previous draft plan of subdivision approval. As no major changes were made to the proposal save and except the ownership of the roadway, staff were of the opinion that a community meeting would not be required.

In response to public circulation, staff received one comment out of 101 notices from members of the public. A copy of the public comment received is attached as Appendix D to this report. The concerns raised include the impact of increased traffic and safety, and impact on greenspace/environment. Transportation staff have reviewed a Transportation Impact Study with the former application and have no concerns for the inclusion of 18 dwellings units. The lands are located in an established neighbourhood where the natural evolution of the lot development was anticipated.

Forestry and Parks staff have no concerns with the proposed development as the lands were never intended on being contemplated as a park expansion. A tree permit has been issued to the application for the removal of three street trees on site. Through the tree protection plans prepared by adesso design inc. a number of trees have previously been removed and demonstrates there is a number of mature trees surrounding the site that are to be preserved. Staff believe that the concerns have been reviewed and addressed through relative studies and draft conditions.

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### **Conclusion:**

Staff's analysis of the application for a Plan of Subdivision considers the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that draft approval be given for a residential plan of subdivision to facilitate the creation of ten lots and two blocks, subject to the conditions attached as Appendix B to Report PL-84-24.

Respectfully submitted,

Alicia West, MCIP, RPP

Planner

905-335-7600 Ext. 7504

**Appendices:**

- A. Concept Plan
- B. Draft Conditions
- C. Zoning Map
- D. Public comments

**Notifications:**

James Webb - [jwebb@webbplanning.ca](mailto:jwebb@webbplanning.ca)

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.