

REPORT

Planning and Development Council

Meeting Date: October 4, 2021

FROM: Planning Services Department

DATE: September 28, 2021

SUBJECT: Recommendation Report, Draft Plan of Condominium,
Trafalgar Heights Inc., 24CDM-21003/1413

LOCATION: 297 Oak Walk Drive

WARD: Ward 5

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RECOMMENDATION:

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-21003/1413) submitted by Trafalgar Heights Inc., prepared by KRCMAR, dated March 8, 2021, subject to the conditions contained in Appendix 'A' of the Planning Services report dated September 28, 2021.

KEY FACTS:

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

- A standard draft plan of a condominium application has been submitted for the purpose of establishing condominium tenure for 242 residential units within Tower 1.
- Condominium tenure would allow for the transfer of individual units to the future owners.
- Final site plan approval (SP.1413.046/01) was issued on June 10, 2020, to permit the construction of four towers with a total of 750 residential units, and commercial and office space.
- It is anticipated that additional condominium applications will be required for Towers, 2, 3 and 4, as well as for the commercial/office areas.
- The underground garage for the entire development is under construction and located under the subject application condominium lands as well as the future condominium lands. The creation of this first condominium will create a strata separation of ownership between this condominium and the remainder of the lands.
- No circulated internal or external agencies raised concerns with the application.

- Staff recommends approval of the draft plan of condominium subject to the conditions outlined in Appendix 'A'.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Draft Plan of Standard Condominium application for Tower 1. Upon registration of the condominium, the condominium corporation will be created and will be responsible for the management of the development

Final site plan approval (SP.1413.046/01) was issued on June 10, 2020, to permit the construction of four residential towers, two podiums, 750 residential units, commercial/offices uses, outdoor amenity space, and underground parking for all users including visitor parking. The Owner of the lands proposes a total of three condominium applications and a severance application that will be required to facilitate the independent function and/or operations of the separate residential buildings and the commercial/office space.

The effect of this condominium application will create the residential condominium for Tower 1. The second application, anticipated to be submitted fall of 2021, will sever the remainder of the development into two separate parcels for the residents of Towers 2, 3 and 4 and a separate lot for the commercial/offices uses within Tower 1 and 2. This would then be followed by two more condominium applications to create a condominium for the residential units and a condominium for the commercial units.

Draft plan approval and registration of the plan is the last step in the planning process and will allow for the formal transfer of the individual units to the purchasers.

Proposal

The Owner proposes, to create condominium tenure (strata) for the development which is currently under construction. The strata will separate the residential uses from the office/commercial uses on Floors 1, 2 and P1. The proposed condominium for Tower 1 will consist of 242 residential units in total, including the required parking and visitor parking spaces, on a private condominium laneway with access off of Oak Walk Drive. The office/commercial uses will be the subject of a separate condominium application. Figure 1 below illustrates the division of lands and future condominiums in a 3D perspective. The lands forming this condominium application are shown in green, the lands intended to be part of the commercial condominium are shown in pink and the lands intended to be part of the second residential condominium are shown in yellow.

Parking to accommodate the residential units is located in the underground garage on parking level P2 and P3 which will be registered as part of this application. The shared visitor parking is located on P1 along with the non-residential parking for the commercial/office uses which will be included in a future condo application for the non-residential uses.

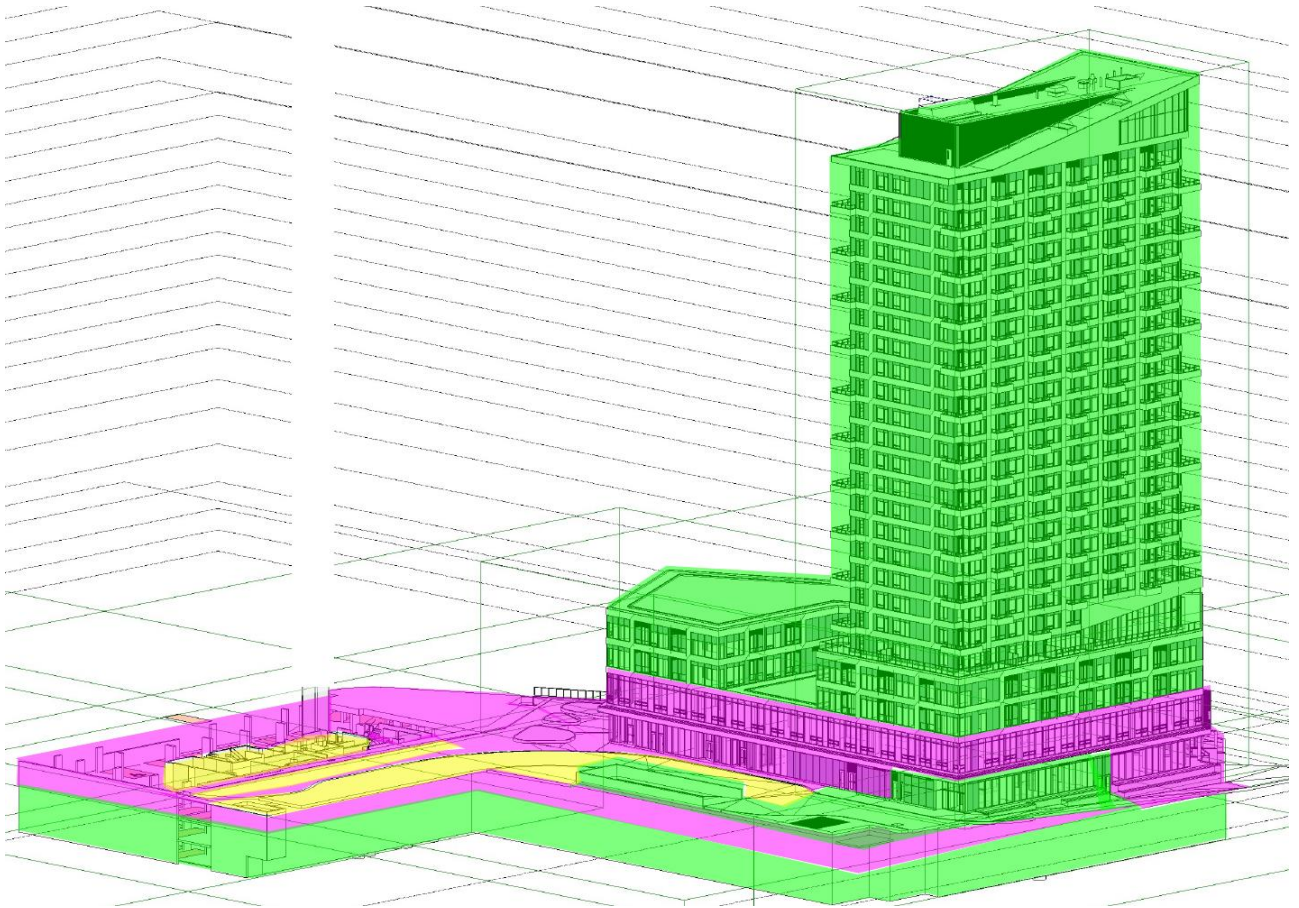


Figure 1: Context Plan for Tower 1 condominium looking north from Oak Walk Drive

As part of the final approval and registration of the condominium the Owner is required to provide evidence satisfactory to the Town's legal department that the necessary easements are in place, or will be created in the declaration, to allow the condominium corporations to function independently on their own as separate parcels.

Draft plan of condominium conditions have been included in Appendix 'A' of this report. Upon final approval of the plan of condominium, the condominium corporation will be responsible for the management of the development.

Submission materials are posted on the town's website:

<https://www.oakville.ca/business/da-37679.html>

Location and Site Description

The subject land area is 2.47 hectares with frontage onto Dundas Street East and Trafalgar Road and vehicular access from Oak Walk Drive and Taunton Road.

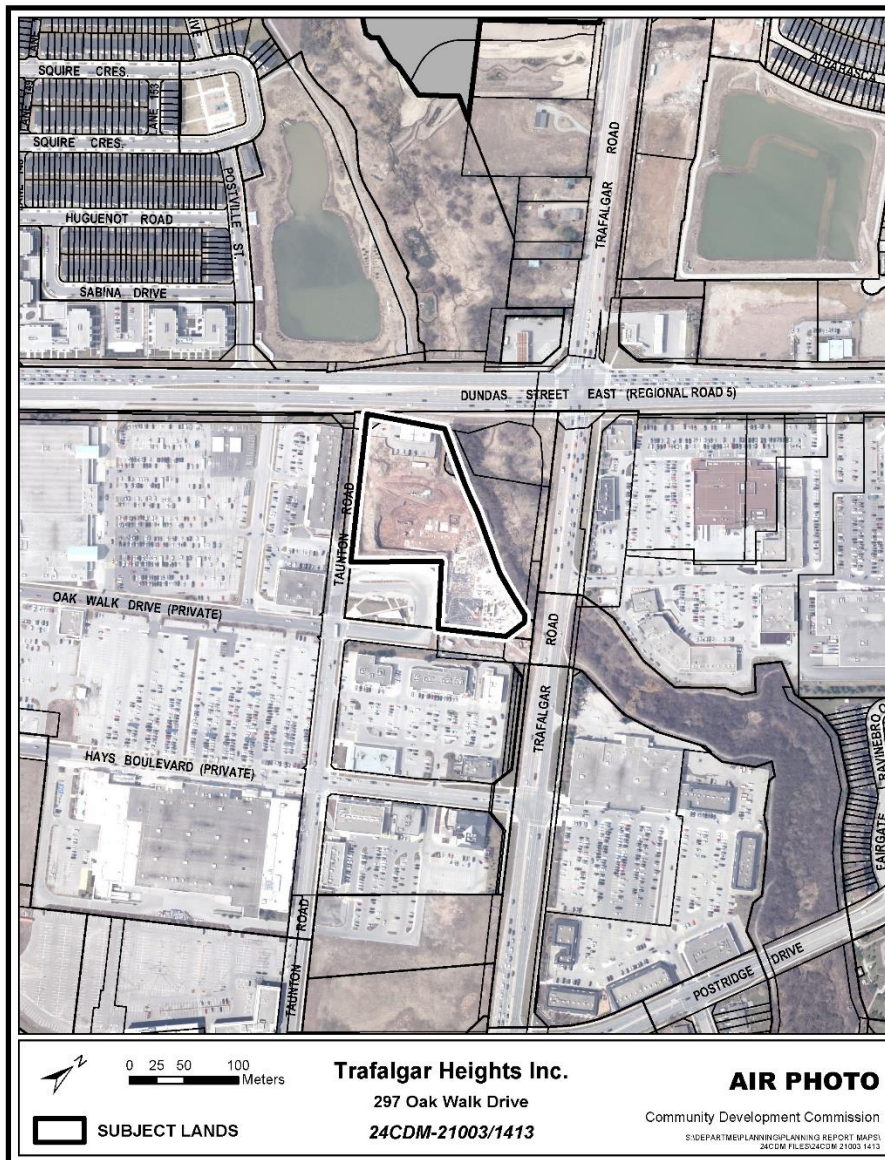


Figure 2: Air Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North: Dundas Street East
East: pedestrian walkway, natural area and Trafalgar Road
South: Oak Walk Drive, one-storey commercial buildings
West: Uptown Core Transit Terminal, Taunton Road, one-storey commercial buildings

PLANNING POLICY & ANALYSIS:

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

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014

2020 Provincial Policy Statement:

The Provincial Policy Statement (2020) ('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 areas 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.

Staff is of the opinion that the proposed draft plan of condominium is consistent with the 2020 Provincial Policy Statement as it adds to the mix of residential uses, provides for compact development that makes use of existing municipal infrastructure, including Oakville Transit routes.

2019 Growth Plan for the Greater Golden Horseshoe:

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 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, and expand convenient access to transportation options.

The subject lands are located within an identified “Built-Up Area” and a “Settlement Area”, where intensification is encouraged to efficiently make use of the existing infrastructure, municipal servicing availability and convenient access to services that meet the daily needs of residents. Intensification must give consideration to adjacent uses and compatible built form and transitioning.

Staff is of the opinion that the proposed draft plan of condominium conforms and therefore does not conflict with the Growth Plan 2019 as the application contributes to the achievement of complete communities by providing additional residential unit types to help accommodate people at different stages of life, as well as access to commercial uses and Oakville Transit services.

Halton Region Official Plan

The subject lands are designated “Urban Area” in 2009 Regional Official Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. One of the objectives of the Urban Area (Policy 72(1)) is to “accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a sustainable natural environment, and preserve certain landscapes permanently”.

The proposed draft plan of condominium conforms with the Regional Official Plan, given the proposal represents compact development and healthy communities where residents can walk to commercial and service businesses as well as to transit facilities.

The Region of Halton has no objection to the application and has provided a clearance condition which is included in Appendix A.

Livable Oakville Plan

The subject lands are designated Urban Core allowing for mixed use buildings with increased densities. The development provides an appropriate mix of uses, variety of residential units, and access to transit within the Uptown Core in terms of land use, height and density in a manner consistent with Livable Oakville and the approved site plan application.

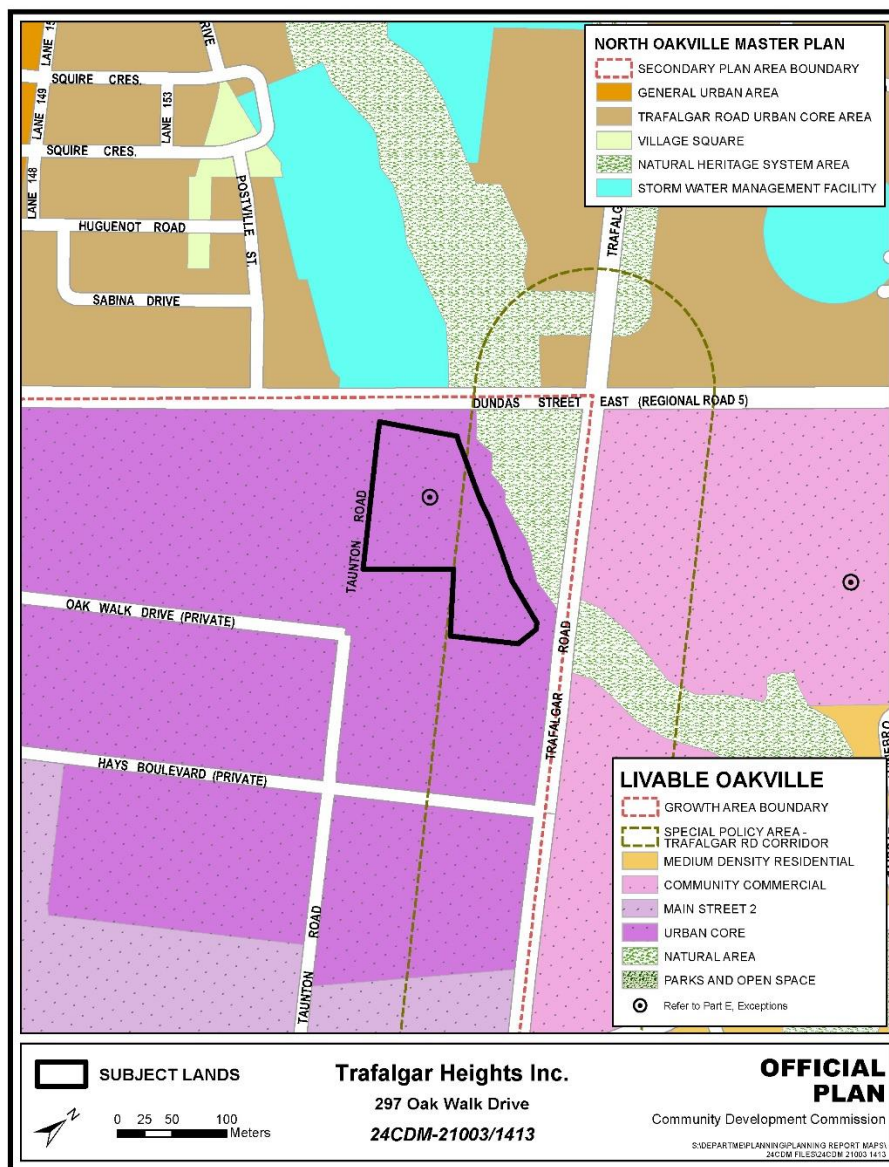


Figure 3: Excerpt from the Livable Oakville Plan

Zoning By-law 2014-014

The subject lands are zoned Mixed Use 4 (MU4 SP13) as shown on Figure 4 below. The zoning by-law for the subject lands permits mixed use and stand-alone residential buildings which is consistent with the overall development concept for this site. The development has been constructed in accordance with the Zoning By-law.

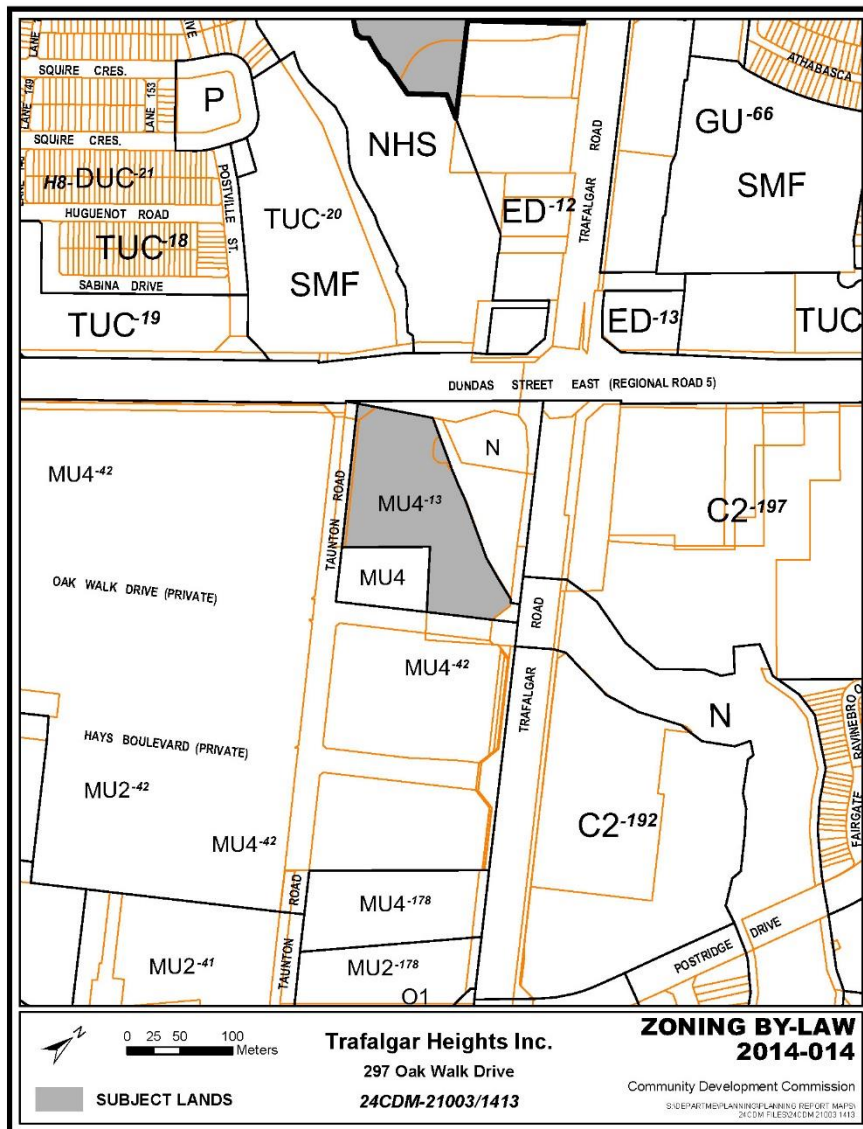


Figure 4: Excerpt from By-law 2014-014

As a standard condition of approval for all developments, the applicant will be required to confirm that the “as built” development complies with the Zoning By-law prior to registration.

PLANNING ANALYSIS

Technical Review

The purpose of the proposed condominium is to create condominium tenure for 242 residential units on a private condominium road.

Through the review and approval of the site plan application the development has been subject to detailed technical analysis. Specifically, the following matters were addressed through previous processes:

- Built form and site layout;
- Elevations;
- Pedestrian circulation;
- Landscaping, canopy coverage, tree restoration planting
- Grading and stormwater management;
- Local road conveyances;
- Vehicle access;
- Residential, non-residential and visitor parking spaces
- Conformity with the Livable Oakville Plan; and
- Compliance with the Zoning By-law.

The condominium plan is consistent with the site plan approved on June 10, 2020, (SP.1413.046/01).

The draft plan of condominium application was circulated to internal departments and external agencies for comments and there were no issues raised. Draft plan of condominium conditions have been included in Appendix 'A' of this report.

The financial obligations of the developer as it relates to the construction of the development have been addressed through the conditions of site plan approval. Accordingly, staff have determined that the proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with the Livable Oakville Plan.

CONSIDERATIONS:

(A) PUBLIC

Public input opportunities were provided through the subdivision, and zoning process. No comments were received from the public.

(B) FINANCIAL

Financial requirements specific to construction, such as the payment of development charges and parkland requirements, have been satisfied. A standard condition has been included to ensure that the property taxes are paid to date.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None of the circulated departments/agencies raised any issues with respect to the proposal. Relevant conditions have been included within the draft plan of condominium conditions listed in Appendix 'A'.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- to be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposal generally complies with the sustainability objectives of the Livable Oakville Plan.

CONCLUSION:

Staff recommends approval of the draft plan of condominium subject to the conditions noted in Appendix A, as the application is consistent with the Provincial Policy Statement, 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 Livable Oakville Plan and Zoning By-law 2014-014. The following requirements have been satisfied:

- The proposed plan of condominium meets the criteria established in Section 51(24) of *the Planning Act*.
- The proposed development conforms to the Livable Oakville Plan and complies with the Zoning By-law regulations applicable to the subject lands;
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved.
- The development has been granted final site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were addressed through the conditions of site plan approval.
- There is no need for a condominium agreement as all financial, design and technical requirements have been addressed through the site plan approval process and the Town holds sufficient securities to allow for the completion of the required site works.
- Opportunities for public participation were provided as part of the rezoning and subdivision processes.
- Building permits have been issued in accordance with the approved Site Plan.
- The application for a standard condominium is related to tenure of the approved development, is necessary to provide shared ownership and

maintenance of the internal amenity elements and is appropriate for the orderly development of the lands.

APPENDICES:

Appendix A - Draft Plan of Condominium Conditions for 24CDM-21003/1413

Appendix B - Draft Plan of Condominium

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