



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: March 4, 2024

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**FROM:** Planning Services Department

**DATE:** February 20, 2024

**SUBJECT:** Recommendation Report, Draft Plan of Condominium, Biddington Homes Lakeshore Inc. – 95 Brookfield Road, File No.: 24CDM-23007/1716

**LOCATION:** 95 Brookfield Road

**WARD:** Ward 2

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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-23007/1716) submitted by Biddington Homes Lakeshore Inc., and prepared by J.H. Gelbloom Surveying Ltd., dated February 12, 2024, subject to the conditions contained in Appendix 'A' of the Planning Services report dated February 20, 2024.

#### KEY FACTS

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

- A standard draft plan of condominium has been submitted to create a condominium consisting of twenty-two townhouse units and an underground parking garage.
- Condominium tenure would allow for the transfer of individual units to the future owners.
- Minor variance application (CAV A/078/2017) was approved on May 30, 2017, to permit the twenty-two unit townhouse development.
- The development received site plan approval (SP.1716.015/02) on June 25, 2019.
- There were no concerns raised with the draft plan of condominium application from internal departments or external agencies.
- Staff recommends approval of the standard draft plan of condominium application, 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 consisting of twenty-two back-to-back townhouse units. Minor variance application (CAV A/078/2017) was approved on May 30, 2017, to permit the twenty-two unit townhouse development. Site plan approval was subsequently granted on June 25, 2019 (SP.1716.015/02). The approved site plan is shown on Figure 1.

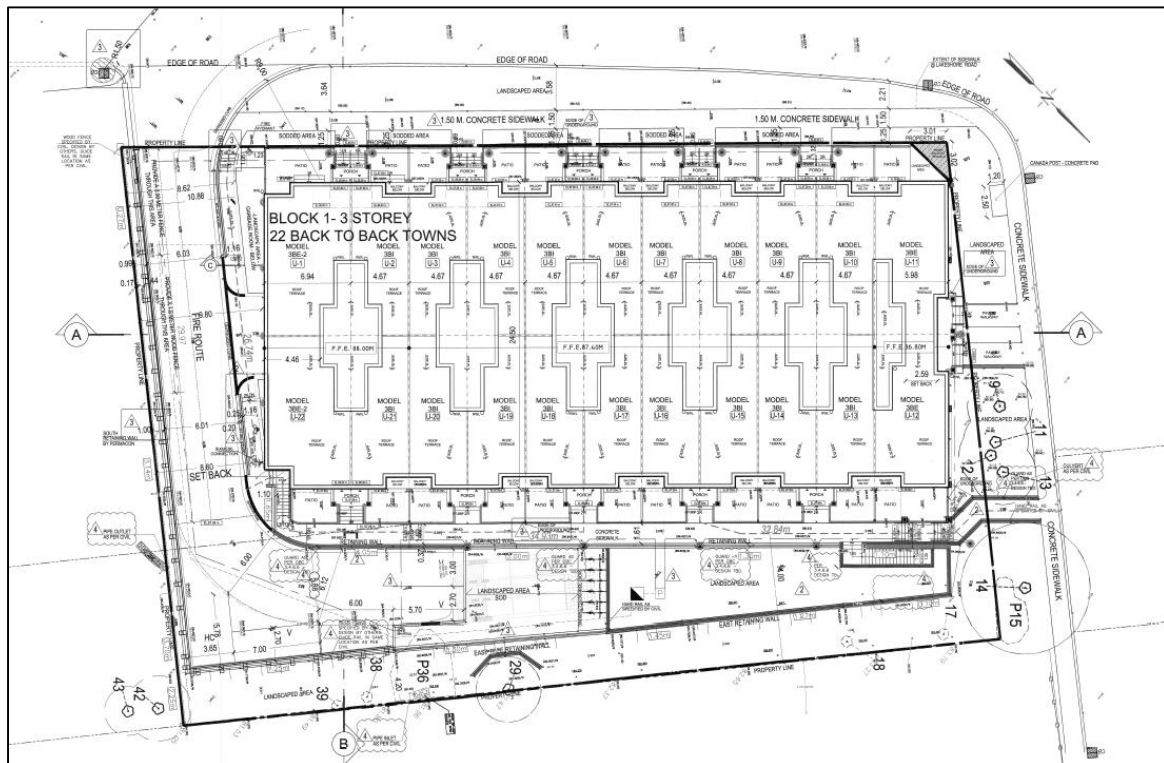


Figure 1: Approved Site Plan (SP.1716.015/02)

A note to file was approved on March 11, 2021, to permit a minor revision to the approved site plan, accommodating for the connection of mechanical penthouses to accommodate elevators, and minor related material updates.

The draft plan of condominium application was submitted on November 15, 2023 by Biddington Homes Lakeshore Inc. Draft plan approval and registration of the plan will allow for the formal transfer of the individual units to the purchasers. Upon registration of the plan of condominium, the condominium corporation will be responsible for the management of the development.

## Proposal

The applicant seeks approval for a standard plan of condominium to establish tenure for twenty-two, three-storey, back-to-back townhouse units and twenty-two vehicular parking spaces of which will be located in an underground parking garage. One vehicular access point will be provided from Brookfield Road. The Draft Plan of Condominium is shown below as Figure 2.

Submission materials are posted on the town’s website:

[Biddington Homes Lakeshore Inc. - 95 Brookfield Road - 24CDM-23007/1716 \(oakville.ca\)](http://BiddingtonHomesLakeshoreInc.-95BrookfieldRoad-24CDM-23007/1716(oakville.ca))

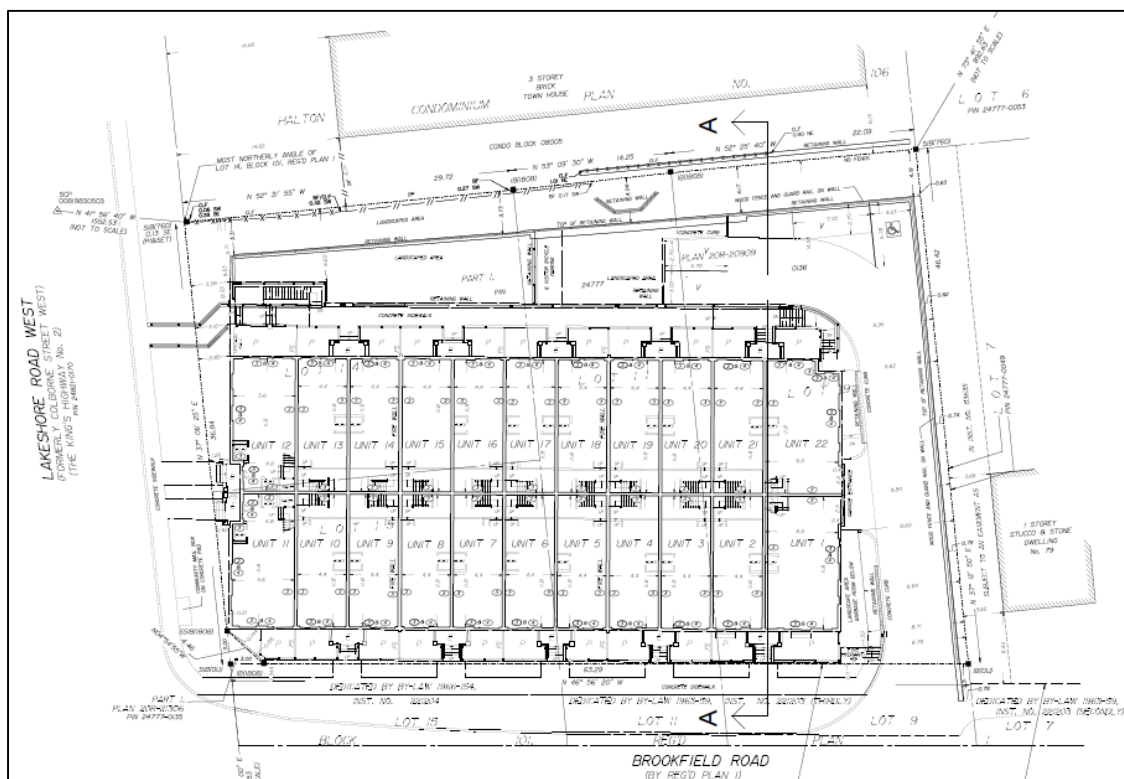


Figure 2: Draft Plan of Condominium

## Location & Site Description

The subject lands are approximately 0.7 ha in size with frontage onto Lakeshore Road West and Brookfield Road. Construction of the twenty-two unit townhouse development was completed on June 14, 2023.



**Figure 3: Aerial Image**

### **Surrounding Land Uses**

North: Lakeshore Road West and Fortinos Grocery Store

East: Residential - existing two-storey townhouse development.

South: Residential – existing one- and two-storey detached dwellings.

West: Brookfield Road and existing two-storey townhouse development.

### **PLANNING POLICY & ANALYSIS**

#### **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 high quality, sustainable natural environment, and preserve certain landscapes permanently”.



Halton Region staff have reviewed the applications and are of the opinion that the proposal conforms to the relevant planning documents and have no objection to the applications subject to the conditions included within Appendix “A”.

### Livable Oakville Plan

The subject lands are designated ‘Main Street 1’ on Schedule O1 – Kerr Village Land Use in the Livable Oakville Plan.

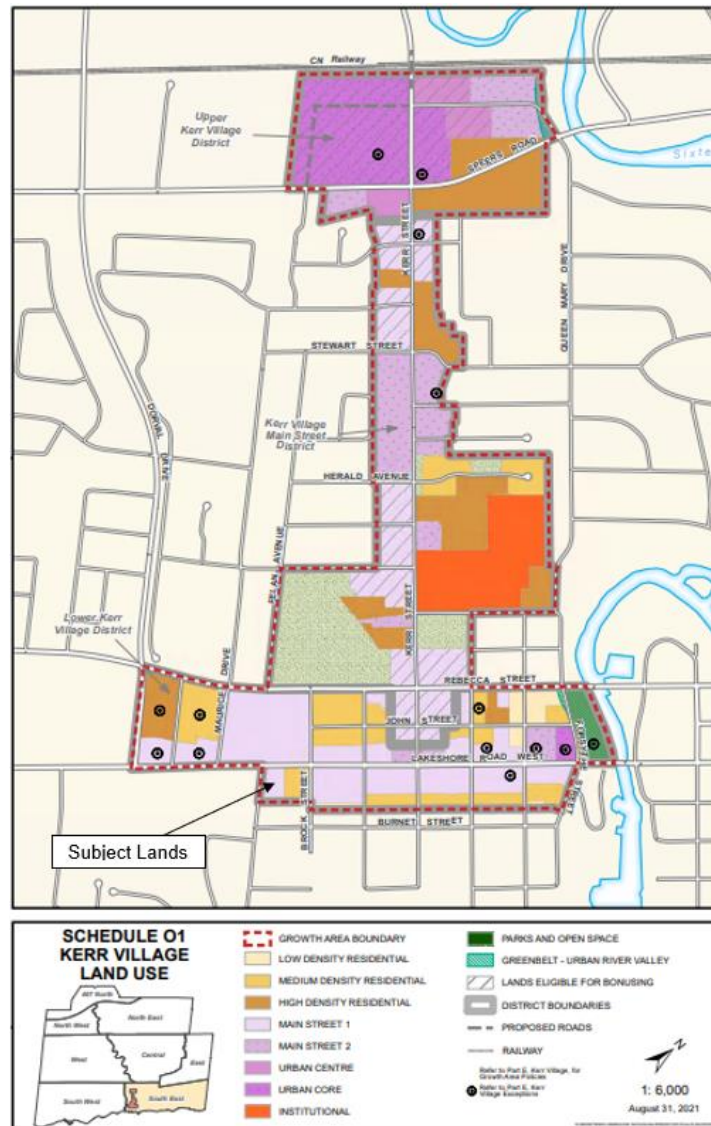


Figure 4: Aerial Image

## Zoning By-law 2014-014

The subject lands are zoned Central Business District (CBD) subject to Special Provision 349 (CBD sp:349) as shown on **Figure 5** below. A minor variance was (CAV A/078/2017) was approved on May 30, 2017, to permit the twenty-two unit townhouse development.

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.

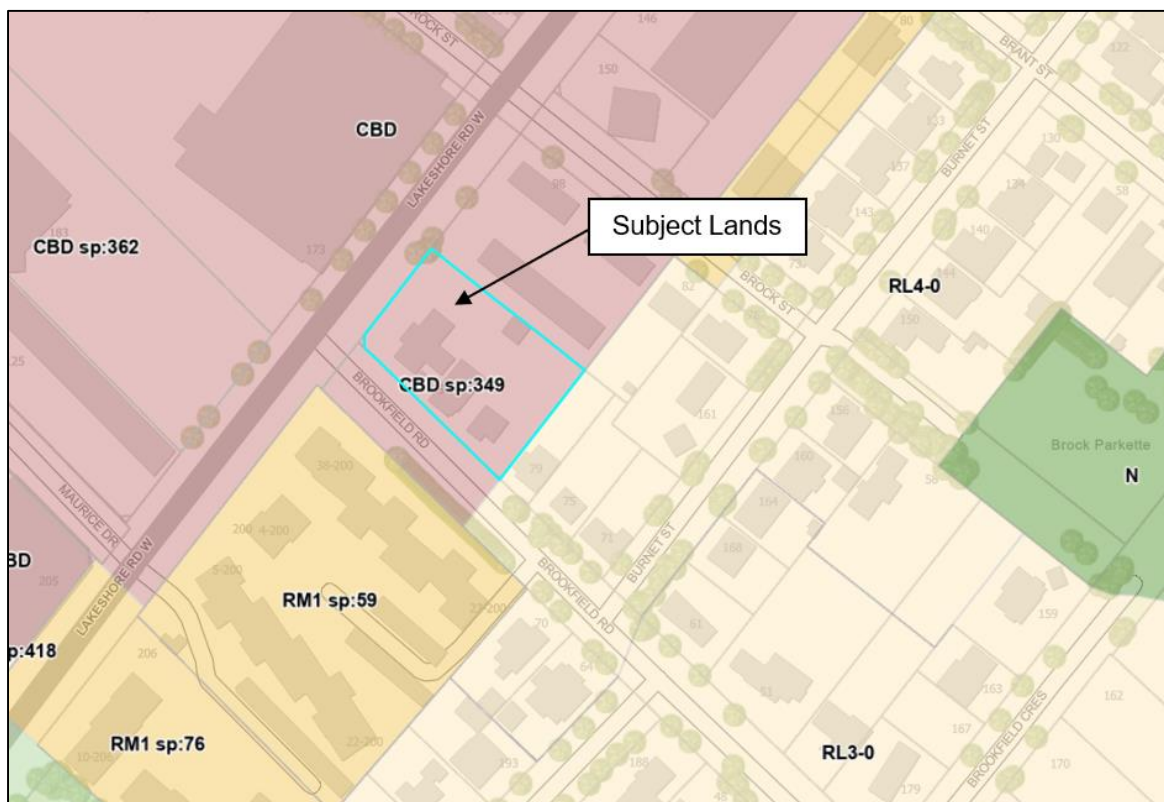


Figure 5: Zoning By-law Extract

## PLANNING ANALYSIS

### Technical Review

The purpose of the proposed condominium is to create condominium tenure to permit twenty-two, 3-storey, townhouse units and twenty-two associated parking spaces to allow for the transfer of ownership to the purchasers.

Site plan approval SP.1716.015/02 was approved on June 25, 2019. Through the review and approval of the site plan application, and minor variance, the development was subject to a detailed technical analysis. Specifically, the following matters were addressed:

- Built form and site layout;
- Elevations;
- Pedestrian circulation;
- Landscaping, canopy coverage and urban design;
- Site servicing;
- Grading and stormwater management;
- Conformity with the Livable Oakville Plan; and,
- Compliance with the Zoning By-law 2014-014.

The following matters will continue to be reviewed for compliance with the approved site plan:

- Tree preservation; and,
- Handrail location along Lakeshore Road West.

The draft plan of condominium application was circulated to internal departments and external agencies for comments, and no issues were raised. Draft Plan of Condominium Conditions have been included in Appendix 'A'.

The financial obligations as related to the construction of the development have been addressed through the site plan process. Specific conditions related to the required stormwater works are contained within the registered site plan agreement, including a condition for stormwater management performance certification.

Both on-site and off-site works are secured by a letter of credit collected through the site plan approval process.

Lastly, 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.

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## **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*;
- 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 conditions of site plan approval;
- Building permits have been issued in accordance with the approved Site Plan;
- There is no need for a condominium agreement as all financial, design and technical requirements have been addressed through the site plan approval process;
- Opportunities for public participation were provided as part of the previous rezoning and site plan application processes.
- Approval of the draft plan of condominium is necessary to create each unit as its own legal parcel, and is appropriate for the orderly development of the lands.

## **CONSIDERATIONS**

### **(A) PUBLIC**

Public input opportunities were provided through a previous site plan approval process. No public comments were received with respect to this application.

### **(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 Council's strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.



**(E) CLIMATE CHANGE/ACTION**

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

**APPENDICES:**

Appendix A - Draft Plan of Condominium Conditions

Prepared by:  
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Recommended by:  
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Manager, Current Planning – West District

Submitted by:  
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Director, Planning Services