



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: October 15, 2024

FROM: Planning and Development Department

DATE: October 1, 2024

SUBJECT: Recommendation Report, Draft Plan of Condominium, Mattamy (Joshua Creek) Limited, File No.: 24CDM-24006/1308 – 1415 Dundas Street East and 3006 William Cutmore Boulevard

LOCATION: 1415 Dundas Street East and 3006 William Cutmore Boulevard

WARD: Ward 6 Page 1

RECOMMENDATION:

That the Director of Planning and Development be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-24006/1308) submitted by Mattamy (Joshua Creek) Limited, and prepared by R-PE Surveying Ltd. dated September 12, 2024, subject to the conditions contained in Appendix A of the Planning and Development Report dated October 1, 2024.

KEY FACTS:

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

- A Draft Plan of Standard Condominium application has been submitted to create 328 residential units, 407 parking units, 374 storage units, 8 commercial units, 1 loading unit and 1 geothermal unit.
- Condominium tenure would allow for the transfer of the residential, commercial, parking and storage units to the future owners.
- The development received Final Site Plan Approval (SP.1307.002/02) on October 26, 2022.
- No circulated internal departments or external agencies raised concerns with the application.
- Staff recommends approval to the Draft Plan of Standard 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 consisting of 328 residential units, 407 parking units, 374 storage units, 8 commercial units, 1 loading unit and 1 geothermal unit. Upon registration of the condominium, the condominium corporation will be created and responsible for the management of the development. Phase 4 of the overall development will have ownership of the private road (Part 1 on Plan 20R-22029), noting this application relates to Phase 1. Furthermore, Phase 2 has been Conditionally Site Plan approved, the Site Plan application for Phase 3 is currently under review and no applications have been made to date for Phase 4. Each condominium corporation will have legal rights of access via an easement over the driveway and there will be a Share Facilities Agreement between the condominium corporations.

A Site Plan application (SP.1307.002/02) was submitted on May 19, 2020, and the applicant received Final Site Plan Approval on October 26, 2022 for the development of two, twelve-storey high-rise buildings. The associated Site Plan Agreement is registered on title and the buildings are currently under construction.

The Draft Plan of Standard Condominium application was submitted on June 28, 2024 by Mattamy (Joshua Creek) Limited. Draft Plan Approval and registration of the plan will allow for the transfer of the residential, commercial, parking and storage units to the future owners.

Proposal

The applicant is proposing a Standard Condominium consisting of residential and commercial units, contained within two 12-storey buildings as shown on Figure 1.

Surrounding Land Uses

The surrounding land uses are predominately developing residential lands, with a nearby natural area (William Cutmore Pond) to the east, as shown on Figure 3.

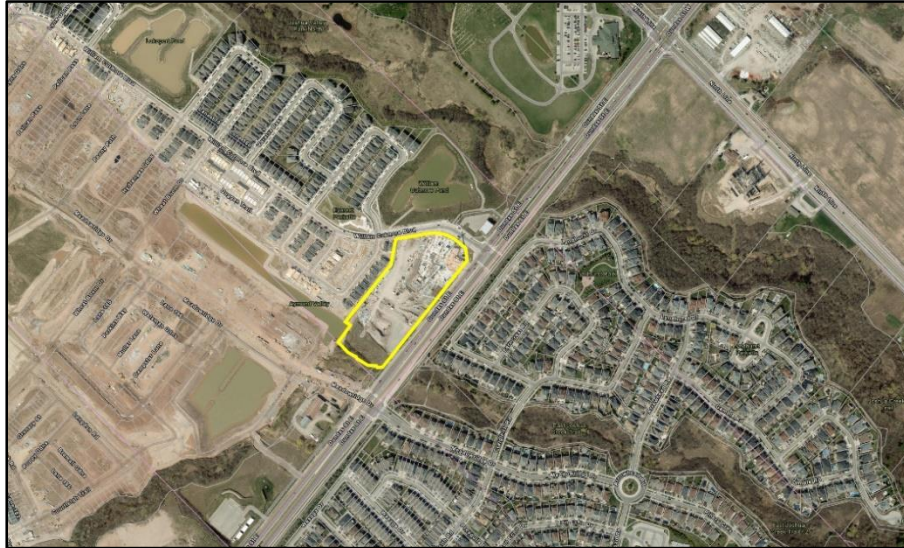


Figure 3: Air Photo Map

PLANNING POLICY & ANALYSIS:

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

- Provincial Planning Statement (pending October 20, 2024)
- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- North Oakville East Secondary Plan
- Zoning By-law 2009-189

Provincial Planning Statement

With the introduction of the Provincial Planning Statement (new PPS) 2024, the Ontario government has taken an important step in its plan to have 1.5 million new homes built by 2031. The new PPS will come into force on October 20, 2024, on that same day the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe will be repealed. In doing so, it will set the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. Staff do not anticipate any conflicts with approving this development, prior to the new PPS taking effect.

Provincial Policy Statement

The Provincial Policy Statement (2020), the '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. All planning decisions must be consistent with the PPS.

Draft Plan of Condominium applications deal with property tenure of otherwise previously approved developments. At the time of Site Plan approval, the subject lands were reviewed for consistency with the PPS, and the development was determined to be consistent with the PPS.

Growth Plan

The 2020 Growth Plan for the Greater Golden Horseshoe, the 'A Place to Grow' is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment. All planning decisions are required to conform to the Growth Plan.

Draft Plan of Condominium applications deal with property tenure of otherwise previously approved developments. At the time of Site Plan approval, the subject lands were reviewed for conformity with the Growth Plan, and the development was determined to be in conformity with the Growth Plan.

North Oakville East Secondary Plan

The subject lands are designated as 'Dundas Urban Core Area', as identified on NOE2, Land Use Plan in the North Oakville East Secondary Plan. Section 7.6.5.1 of the NOESP outlines the Purpose of the Dundas Urban Core Area as follows:

The Dundas Urban Core Area designation on Figure NOE2 is intended to allow the creation of a band of mixed use development at medium and high densities with a clustering of retail and service commercial development and/or high density buildings at the intersections with north/south streets.

The proposed Draft Plan of Condominium application provides the mechanism for conveyance of the individual residential and commercial units to future owners. On this basis, the development conforms to the applicable policies of the Plan.

Zoning By-law

The subject lands are zoned DUC-1 sp: 56 – Dundas Urban Core Zone 1 Special Provision 66. Zoning By-law Amendment application Z.1307.03 (By-law 2018-036) was approved on February 7, 2019 by the Local Planning Appeal Tribunal (PL170733) to facilitate the 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.

PLANNING ANALYSIS:

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, elevations and site layout;
- Pedestrian circulation and vehicle movements;
- Landscaping and urban design;
- Grading, site servicing and stormwater management;
- Conformity with the North Oakville East Secondary Plan; and,
- Compliance with the Zoning By-law

The financial obligations of the developer as it relates to the construction of the development have been addressed through the Site Plan Approval process. Required on-site and off-site works are secured by a letter of credit collected through the preparation of the Site Plan Agreement registered on title. A letter was received from the trustee of North Oakville Community Builders Inc. (the North Oakville landowners group) indicating that the owner of the subject lands is a signatory to both the North Oakville Cost Sharing Agreement and the North Oakville Master Parkland Agreement and that the owner is a party in good standing under both agreements.

The Draft Plan of Standard Condominium application was circulated to internal departments and external agencies for comments and there were no issues raised. Conditions of Draft Plan Approval have been included in Appendix A.

The proposed Draft Plan of Standard Condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with the North Oakville East Secondary Plan.

CONSIDERATIONS:

(A) PUBLIC

Public input opportunities were provided through the Zoning By-law Amendment, Draft Plan of Subdivision application and Local Planning Appeal Tribunal appeal processes. 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 of approval 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. Any relevant conditions have been included within the Draft Plan of Condominium Conditions listed in Appendix A.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

(E) CLIMATE CHANGE/ACTION

The proposal complies with the sustainability objectives of Climate Change Adaptation Initiative.

CONCLUSION:

Staff recommends approval of the application, subject to the conditions in Appendix A, as the application is consistent with the Provincial Policy Statement, does not conflict with Provincial plans, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the North Oakville East Secondary Plan and Zoning By-law 2009-189. 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 Plan of Condominium is consistent with the PPS (2020), conforms to the Growth Plan, conforms to the North Oakville East Secondary Plan, and complies with the Zoning By-law regulations applicable to the subject lands;

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- A full circulation has been undertaken and there are no outstanding issues to be resolved, subject to the conditions within Appendix A;
 - The development has been granted Final Site Plan Approval, where site servicing, grading and stormwater management, landscaping, urban design, and financial obligations were addressed;
 - 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 Zoning By-law Amendment, Draft Plan of Subdivision and Local Planning Appeal Tribunal appeal processes.
 - Approval of the Draft Plan of Standard Condominium is necessary to create the units tenure and is appropriate for the orderly development of the lands.

APPENDICES:

Appendix A – Draft Plan of Condominium Conditions

Prepared by:
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Recommended by:
Kate Cockburn, Acting Manager, Current Planning – East District

Submitted by:
Gabe Charles, Director of Planning and Development