



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, 2848327 Ontario Limited, File No.: 24CDM-24008/1713 – 78, 80 and 82 Trafalgar Road

LOCATION: 78, 80 and 82 Trafalgar Road

WARD: Ward 3

RECOMMENDATION

That the Director of Planning and Development be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-24008/1713) submitted by 2848327 Ontario Limited, and prepared by J.H. Gelbloom Surveying Limited. dated 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 Common Elements Condominium application has been submitted to create a private driveway, landscaping and walkways.
- 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.1713.040/03) on August 17, 2023.
- No circulated internal departments or external agencies raised concerns with the application.
- Staff recommends approval to the Draft Plan of Common Elements 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 Common Elements Condominium application consisting of a private driveway, landscaping and walkways. Upon registration of the condominium, the condominium corporation will be created and responsible for the management of the development.

A Site Plan application (SP.1713.040/03) was submitted on March 29, 2022, and the applicant received Final Site Plan Approval on August 17, 2023 for the development of three, three-storey townhomes. The associated Site Plan Agreement is registered on title and the buildings are currently under construction.

The Draft Plan of Common Elements Condominium application was submitted on July 18, 2024 by 2848327 Ontario Limited. Draft plan approval and registration of the plan will allow for the creation of the condominium for a private driveway, landscaping and sidewalk common elements. The applicant will be required to submit a Part Lot Control application to create the freehold townhouse units that will be tied to the Common Elements Condominium.

Proposal

The applicant is proposing a Common Elements Condominium consisting of a private driveway, landscaping and walkways to serve the three, three-storey townhouse units, as shown on Figure 1.

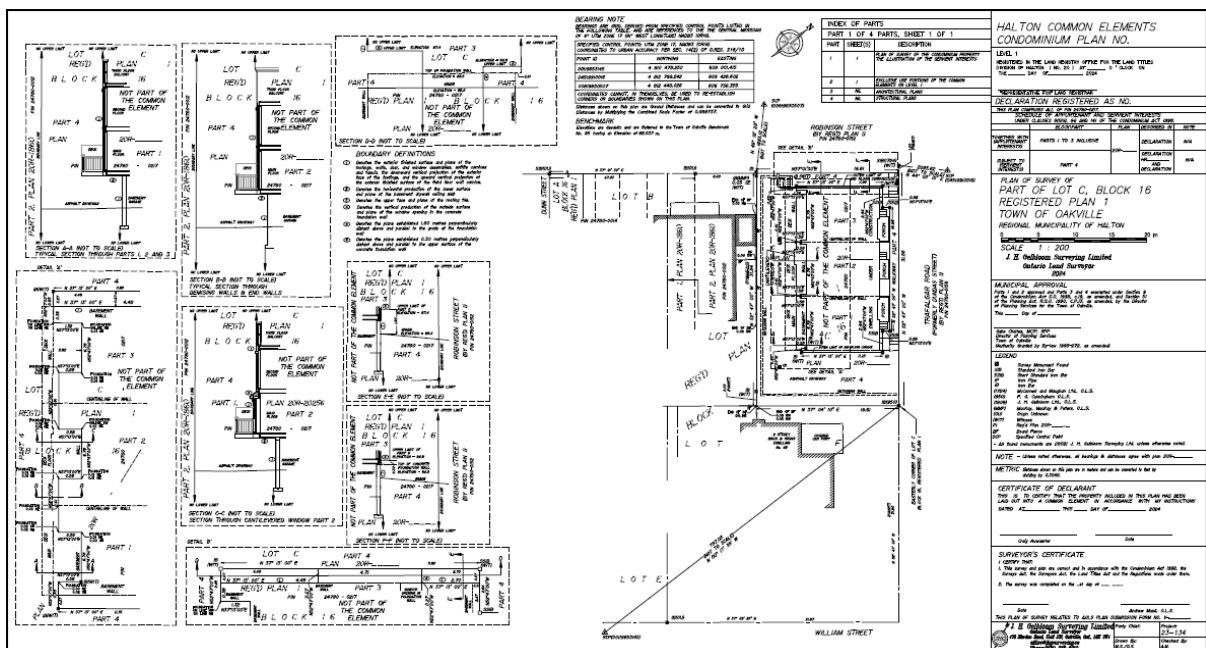


Figure 1: Draft Plan of Common Elements Condominium

Location & Site Description

The subject property is approximately 0.06 hectares in size and is located on the south-west corner of Robinson Street and Trafalgar Road, south of Lakeshore Road East and north of William Street. The site currently contains the three three-storey townhomes under construction with the internal driveway, landscaping and walkways as shown on Figure 2.



Figure 2: Street View (from Robinson Street and Trafalgar Road intersection)

Surrounding Land Uses

The surrounding land uses are predominately residential and commercial, as shown on Figure 3.

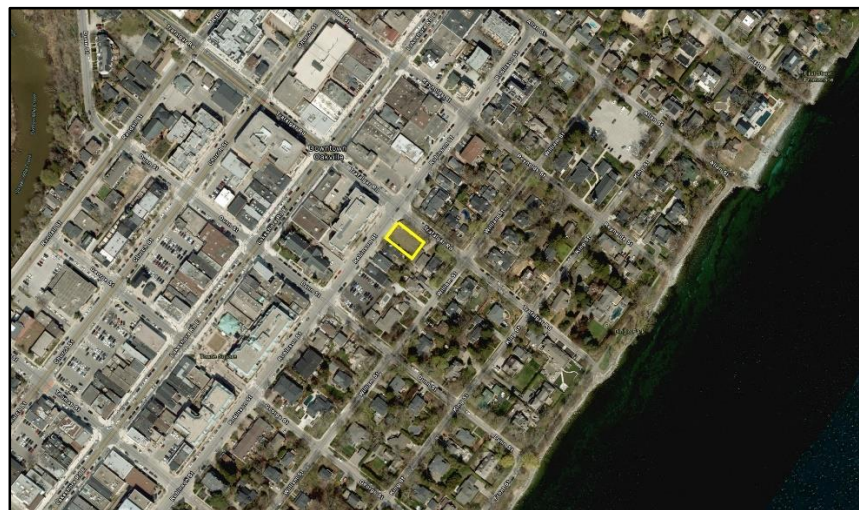


Figure 3: Air Photo

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)
- Livable Oakville Plan
- Zoning By-law 2014-014

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.

Livable Oakville Plan

The subject lands are designated as 'Medium Density Residential, as identified on Schedule G – South East Land Use, in the Livable Oakville Plan. Section 11 of the Official Plan provides objectives for Residential Areas including:

b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;

The proposed Draft Plan of Condominium application provides structure for shared costs and maintenance of elements that are common to the three townhouse dwelling units. On this basis, the development conforms to the applicable policies of the Plan.

Zoning By-law

The subject lands are zoned RM1 sp: 50 – Residential Medium Special Provision 50. Minor Variance application CAV A/040/2014 was approved on March 18, 2024 by the Committee of Adjustment, with the subsequent withdrawal of the Ontario Municipal Board appeal (PL140324) 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 Livable Oakville 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.

The Draft Plan of Common Elements 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 Common Elements 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 Minor Variance and Ontario Municipal Board 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 (2020), does not conflict with Provincial plans, 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 Plan of Condominium is consistent with the PPS (2020), conforms to the Growth Plan, 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 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 Minor Variance and Ontario Municipal Board appeal processes.
- Approval of the Draft Plan of Common Element Condominium is necessary to create the common elements 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, MCIP, RPP, Acting Manager, Current Planning – East District

Submitted by:

Gabe Charles, MCIP, RPP, Director of Planning and Development