



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: February 3, 2025

FROM: Planning and Development Department

DATE: January 6, 2025

SUBJECT: Recommendation Report, Draft Plan of Condominium, 2136 & 2148 Trafalgar Road, 2500674 Ontario Inc., 24CDM-24010/1413

LOCATION: 2136 & 2148 Trafalgar Road

WARD: Ward 5

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RECOMMENDATION:

That the Director of Planning and Development be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-24010/1413) submitted by 2500674 Ontario Inc. and prepared by A.T. McLaren Ltd., O.L.S., dated August 1, 2024, subject to the conditions contained in Appendix "A" of the Planning and Development Report dated January 6, 2025.

KEY FACTS:

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

- A Draft Plan of Common Element Condominium application has been submitted by 2500674 Ontario Inc., which relates to the private road providing vehicular access to Lillykin Street, visitor parking spaces, internal pathways, and the walkway connection that provides pedestrian access to Trafalgar Road to the freehold townhouse dwellings currently under construction at 2136 and 2148 Trafalgar Road.
- Condominium tenure would allow for the shared ownership of the private road providing vehicular access to Lillykin Street, visitor parking spaces, internal pathways, and the walkway connection that provides pedestrian access to Trafalgar Road to the future owners of the freehold townhouse dwelling units.
- Site Plan approval was granted for this site on October 25, 2022 with a Note to File approved for minor refinements related to the addition of sprinkler rooms with exterior access stairs within each block of townhouse units on October 31, 2023.
- This report is presented to Council concurrent to the draft Part Lot Control By-law that will allow for the creation of parcels-of-tied-land (POTLs) that are

to gain access to a municipal right-of-way (i.e., Lillykin Street) from the common element condominium roadway (PLC 23/24). A Section 118 Restriction under the *Land Titles Act* has been registered on title to prevent the sale of the individual parcels-of-tied-land (townhouse dwelling units) until such time as the common element condominium is registered at the Land Registry Office.

- No other circulated internal departments or external agencies raised concerns with the application.
- Staff recommends approval of the draft plan of common element 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 element condominium application.

The draft plan of common element condominium application was submitted on August 14, 2024.

Upon registration of the condominium, the condominium corporation will be created and responsible for the management and maintenance of the private road providing vehicular access to Lillykin Street, visitor parking spaces, internal pathways, and the walkway connection that provides pedestrian access to Trafalgar Road.

Final Site Plan approval was granted on October 25, 2022 with minor refinements accepted on October 31, 2023. A Site Plan Agreement is registered on title and securities are being held to construct the development in accordance with the approved plans

Proposal

The applicant is proposing a common element condominium to provide pedestrian access within the site and to Trafalgar Road, vehicular access to Lillykin Street, and visitor parking spaces for 58 four-storey townhouse dwellings (freehold tenure) currently under construction on the subject lands. There are 12 visitor parking spaces that are provided within the common element condominium, while two resident parking spaces are provided within each parcel-of-tied-land (not part of the condominium), noted in Figure 1 below.

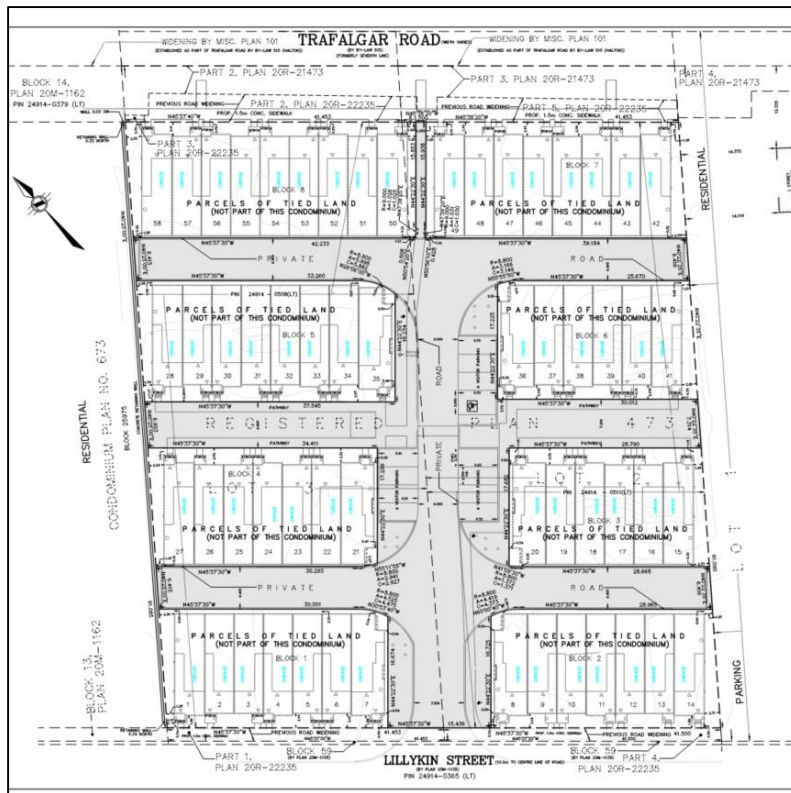


Figure 1: Draft Plan of Common Element Condominium

The Plan of Subdivision that created the original lots (Lots 2 and 3, Registered Plan 473) was not deregistered. Therefore, the owner of the lands applied for a Part Lot Control Exemption (PLC 23/24) to create parcels-of-tied-land associated with this draft plan of common element condominium. Based on the foregoing, a Section 118 Restriction under the *Land Titles Act* will be registered on title to prevent the sale of the individual parcels-of-tied-land (townhouse dwelling units) until such time as the common element condominium is registered at the Land Registry Office. A by-law to declare that the lands are not subject to Part Lot Control (By-law 2025-013) is being brought forward to the same Planning & Development Council meeting as this matter.

Location & Site Description

The subject property is approximately 0.84 hectares in size and is located on the west side of Trafalgar Road, north of River Oaks Boulevard East, west of Lillykin Street with the municipal addresses of 2136 and 2148 Trafalgar Road. The townhouse dwellings that are currently under construction have been assigned the following municipal addresses: of 2119 & 2123 Lillykin Street, 250, 260, 270 & 280 Melody Common, and 2140 & 2150 Trafalgar Road.

Surrounding Land Uses

The land uses surrounding the subject lands include the following:

- North – Residential (townhouse dwellings)
- East – Residential (single detached dwellings)
- South – Residential (single detached dwelling) and Institutional (Place of Worship)
- West: – Residential (single detached dwellings)

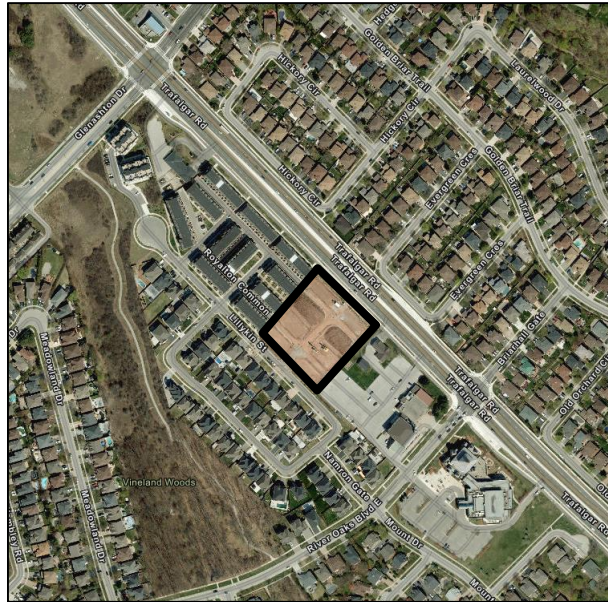


Figure 2: Aerial Photo

PLANNING POLICY & ANALYSIS:

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

- Provincial Planning Statement (2024)
- Halton Region Official Plan (implemented by the Town)
- Livable Oakville Official Plan
- Zoning By-law 2014-014

Provincial Planning Statement

The new Provincial Planning Statement (2024), 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.

The draft plan of condominium application relates to property tenure only. At the time of Site Plan approval, the development was reviewed under the Provincial Policy Statement (2020), and determined to be consistent with that policy statement at that time.

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 have reviewed the proposal and have determined the development to be consistent with the PPS 2024.

Halton Region Official Plan

As of July 1, 2024 (Bill 185), the responsibility of the Region's Official Plan rests with the Town of Oakville.

The subject lands are designated as '*Urban Area*'. 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".

The draft plan of condominium conforms to the *Urban Area* policies of the Regional Official Plan.

Livable Oakville Plan

The subject property is designated 'Main Street 2' on Schedule I – Central Land Use Plan in Livable Oakville. See Figure 3 below.



Figure 3: Excerpt of Schedule I – Central Land Use, Liveable Oakville

Conformity to Livable Oakville was reviewed as part of the previous Zoning By-law amendment application to permit the land use. The intent of the draft plan of condominium application is to establish condominium tenure for the development to allow for the transfer of individual units to the future owners. Therefore, the proposal conforms to Livable Oakville.

Zoning By-law

The subject property is zoned MU2 (Main Street 2) SP 354 in Zoning By-law 2014-014, as shown in Figure 4 below.

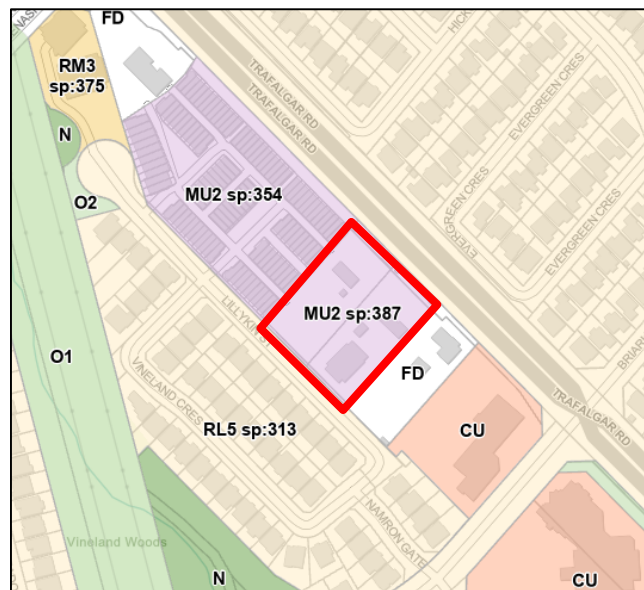


Figure 4: Excerpt of Map 19(22), Zoning By-law 2014-014

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

Site Plan Application

Through the review and approval of the site plan application, the development has been subject to detailed technical analysis.

The following matters were addressed through the site plan process:

- built form and site layout;
- snow removal;
- parking;

- pedestrian circulation;
- landscaping and urban design;
- site servicing;
- grading and stormwater management;
- vehicle movements;
- acoustic assessment and appropriate noise mitigation measures;
- conformity with Livable Oakville; 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. Works performed were secured by a letter of credit collected through the preparation of the Site Plan agreement and registered on title.

TECHNICAL & PUBLIC COMMENTS:

The draft plan of condominium application was circulated to internal departments and external agencies for comments, and was subject to detailed technical analysis. This included a detailed review of the as-built development, including the adequacy and detailed design of pedestrian circulation, on-site parking spaces, as well as the inclusion of clauses in the future condominium declaration to address noise and associated mitigative measures, tree canopy coverage, etc.

Common elements of the condominium include the private road providing vehicular access to Lillykin Street, visitor parking spaces, internal pathways, and the walkway connection that provides pedestrian access to Trafalgar Road.

Subject to the conditions in Appendix “A”, no further requirements have been identified. There are no outstanding financial, legal or planning issues to be resolved.

The proposed plan of condominium meets the criteria of Section 51(24) of the *Planning Act* and conforms to Livable Oakville.

CONSIDERATIONS:

(A) PUBLIC

Public input opportunities were provided through previous planning processes. As this is a standard condominium application and related to tenure, notice is not required with respect to this application.

(B) FINANCIAL

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. 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 by:

- Including conditions of draft plan approval that the Condominium Declaration is to provide prospective purchasers/tenants with:
 - A Neighbourhood Information Map that delineates public transit and active transportation network to promote usage; and,
 - The obligation to maintain a minimum tree canopy cover or potential canopy cover of 20% over the site area.

CONCLUSION:

Planning staff have undertaken a circulation of the application to ensure that all technical and financial matters have been addressed.

Draft Plan of Condominium conditions have been included in Appendix "A".

Staff is satisfied that the application conforms to the overall policy direction of Livable Oakville and other relevant policy documents, and recommends approval of the application, subject to the conditions in Appendix A, as 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 conforms to Livable Oakville, and complies with the Zoning By-law regulations applicable to the subject property;
- A full circulation has been undertaken and there are no outstanding financial, legal, or planning issues to be resolved, subject to the conditions within Appendix "A"; and,
- There is no need for a Condominium Agreement as all financial, design, and technical requirements have been addressed through the site plan approval process.

APPENDICES:

Appendix "A" – Draft Plan of Condominium Conditions

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