

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 11, 2019

FROM: Planning Services Department

DATE: January 21, 2019

SUBJECT: Recommendation Report, Draft Plan of Condominium, East Sovereign GP Inc. 2286, 2296 & 2298 Sovereign Street & 124, 126 & 128 East Street, File No. 24CDM-17001/1728, Southwest Corner of Sovereign Street and East Street

LOCATION: 2286, 2296 & 2298 Sovereign Street & 124, 126 & 128 East Street

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RECOMMENDATION:

1. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-17001/1728) submitted by East Sovereign GP Inc. prepared by YWRC dated January 10th, 2019 subject to the conditions contained in Appendix 'C'.
2. That notice of Council's decision reflects that the comments from the public have been appropriately addressed.

KEY FACTS:

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

- The subject lands are located at the southwest corner of East Street and Sovereign Street.
- On December 4th, 2017 Council approved an Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision which permits a 19 unit townhouse development.
- On November 13th, 2018 the Site Plan Committee conditionally approved the related site plan application for a 19-unit townhouse development.
- The subject draft plan of condominium application proposes to create a common element condominium inclusive of a roadway, walkways, visitor parking and landscaped areas for the 19 unit townhouse development.

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- Approval of the draft plan of condominium would provide shared ownership and maintenance of the common elements and is appropriate for the orderly development of the lands.
- No circulated internal department or external agencies raised concerns with the application.

Based on the foregoing, and the analysis within this report, staff recommend approval of the Draft Plan of Condominium, subject to the conditions outlined in Appendix C.

BACKGROUND

Proposal

A draft plan of condominium application was submitted which proposes to create a common element condominium inclusive of a roadway, walkways, visitor parking and landscaped areas for the 19 unit townhouse development. Submission materials are posted to the town's website: <https://www.oakville.ca/business/da-14109.html>

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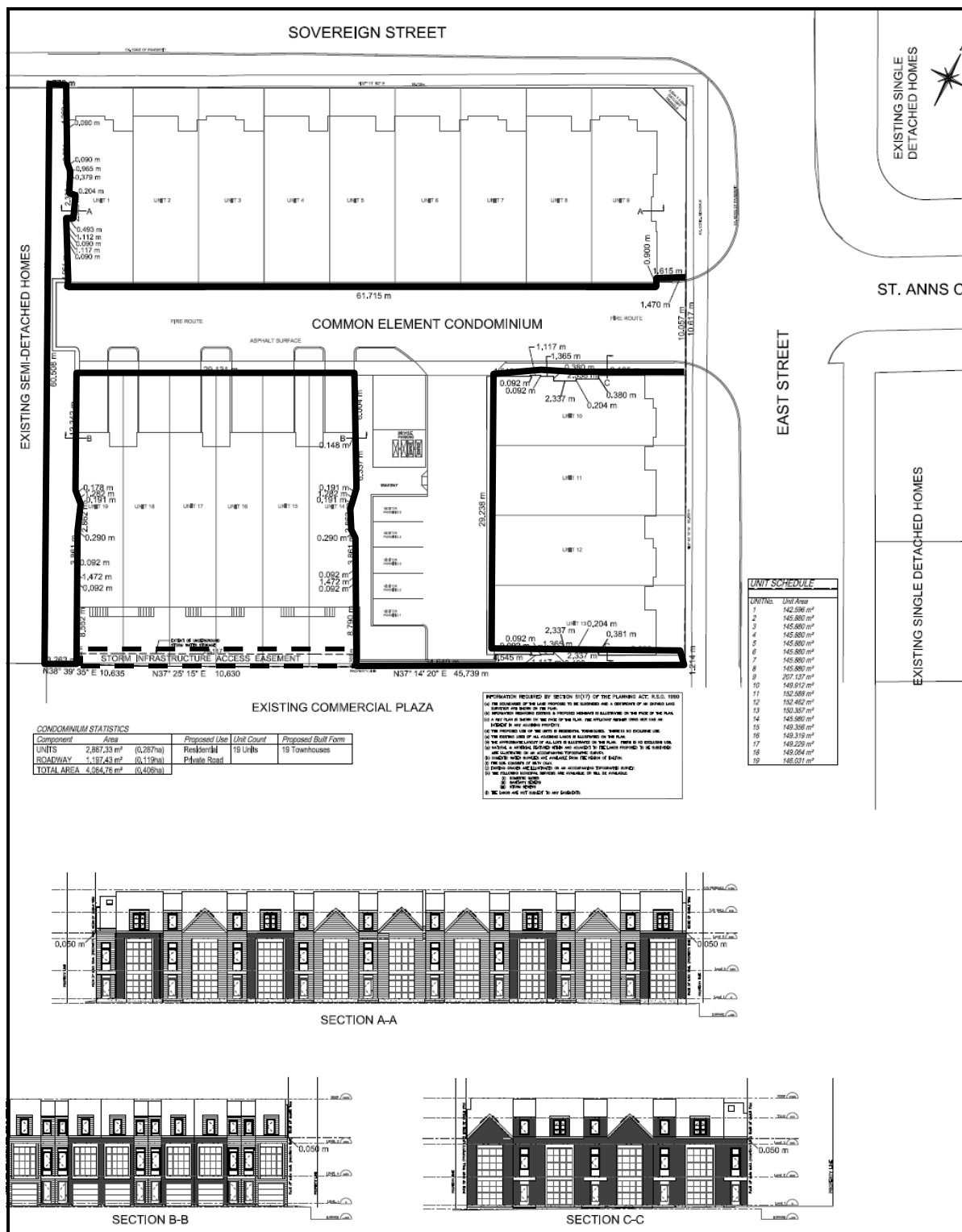


Figure 1: Draft Plan of Condominium

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Location & Site Description

The subject lands are located at the southwest corner of Sovereign Street and East Street within Bronte Village. The subject lands are 0.4 ha in size and occupied by 4 detached dwellings, 2 semi-detached dwellings and a number of trees.



Figure 2: Air Photo

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Surrounding Land Uses

The surrounding land uses are as follows:

North: Single-detached dwellings

East: single-detached dwellings and approved townhouse development;

South: commercial 'Main Street' fronting Lakeshore Rd. W.; and

West: detached, semi-detached and townhouse dwellings

Timing

On December 4th, 2017, Council approved an Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision which permits a 19 unit townhouse development. Subsequently on November 13th, 2018 the Site Plan Committee conditionally approved the related site plan application for a 19 unit townhouse development. Since the site layout and other site plan matters have sufficiently advanced, this allows for consideration of the subject draft plan of condominium application which was deemed complete on March 21st, 2017 together with the Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision applications.

PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014

Provincial Policy Statement

The Provincial Policy Statement (2014) ('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 are based on densities and a mix of land uses that, among other matters, efficiently use land and

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resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The proposed draft plan of condo application implements an approved development that is consistent with the PPS.

Growth Plan (2017)

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 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 proposed development implements an approved development that conforms to the Growth Plan.

Region of Halton Official Plan

The subject lands are designated “Urban Area” in the Halton Region Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan. All development, however, shall be subject to the policies of the Regional Plan.

Livable Oakville Plan

OP Objectives

The guiding principles of the Livable Oakville Plan include the following:

2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

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Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Nodes and Corridors as they are located within the Bronte Village Growth Area. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification.

Land Use Policies

The subject lands are designated 'Medium Density Residential' on Schedule P, Bronte Village Land Use, in the Livable Oakville Plan (Appendix A). Medium density residential uses, such as townhouses, are a permitted use.

Section 11.1.5 of the Livable Oakville Plan states the following with respect to private roads:

"Development on private roads shall be discouraged. Where it is demonstrated that a public road is not warranted, to the satisfaction of the Town, development through plans of condominium on private roads may be permitted provided all required services are appropriately accommodated and all applicable policies of this Plan are satisfied."

Zoning By-law 2014-014

The subject lands are zoned RM1 SP: 381. A minor variance application (CAV A/127/2018) was approved on October 2nd, 2018 to permit a dwelling unit fronting Sovereign Street to project a maximum of 1.5 m into the front yard for a maximum of 73% of the dwelling width. The minor variance is in full force. The proposed development complies with the By-law, as varied.

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TECHNICAL & PUBLIC COMMENTS

Technical Review

The development has been subject to a detailed development planning process, with public participation and Council approval, where conformance with the Livable Oakville Plan policies were provided, zoning performance standards to implement the aforementioned policies enacted, and more detailed site plan technical matters addressed. Accordingly, the proposed plan of condominium is related to tenure of the lands. More specifically, the following matters were addressed:

- Built form and site layout
- Landscaping and urban design
- Grading and stormwater management
- Site servicing
- Conformity with Livable Oakville and compliance with the Zoning By-law
- Financial obligations

The proposed common element condominium which includes a roadway, walkways, visitor parking and landscaped areas is consistent with the conditional site plan approval granted by the Site Plan Committee on November 13, 2018 (SP. 1728.028/02). Figure 1 outlines the areas (in bold) that will be common element. Figure 1 also outlines in dashed bold the areas where the condominium will retain an easement over features (drainage swales, infiltration trench) that should be maintained by the condominium corporation.

As part of the site plan approval, tree plantings were provided on the west side of the internal townhouse block to assist in buffering the proposed development from the adjacent property. This 3.0m wide buffer is proposed to form part of the future common element condominium.

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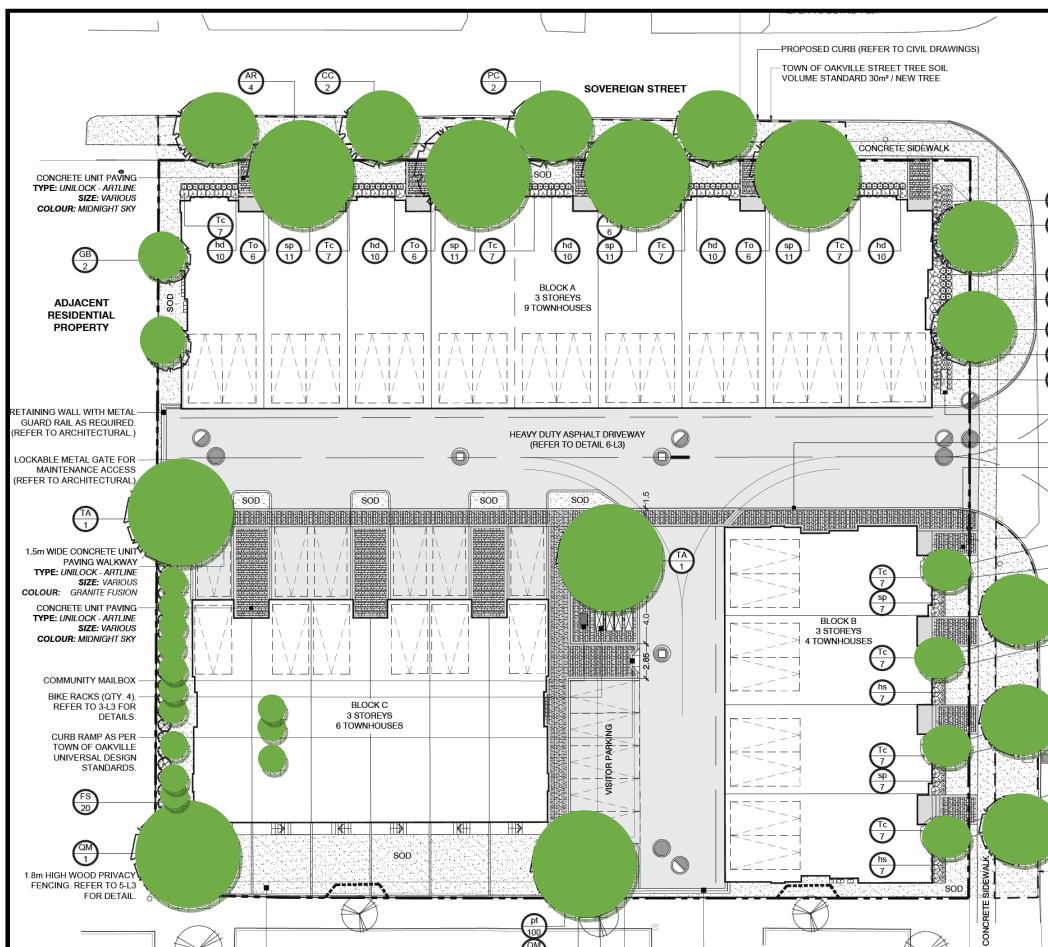


Figure 3: Landscape Plan

As a condition of approval in Appendix C, the condo declaration will require the condominium corporation to maintain this buffer area in perpetuity.

Similarly, as part of the site plan approval, a privacy fence will be required to be built by the developer at the western terminus of the internal laneway to mitigate headlights from vehicles directed towards the adjacent property.

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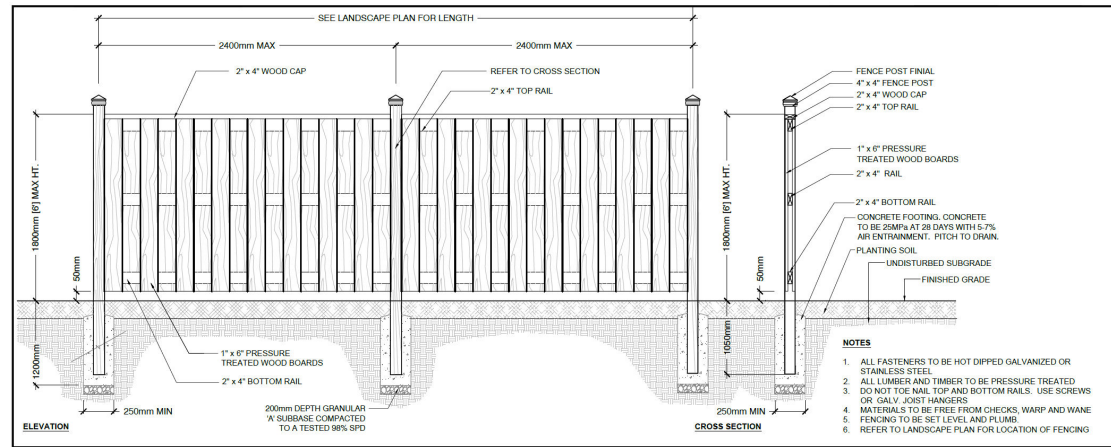


Figure 4: Landscape Plan Fence Detail

The fence is proposed to be located within the common element condominium and as a condition of approval in Appendix C, the condominium corporation will be responsible to maintain this fence.

As part of the site plan approval, a below grade infiltration tank is proposed in the rear yards of the six internal townhouse units (figure 5). As a condition of approval in Appendix C, the condominium corporation will be responsible for long-term maintenance and an easement over the affected portion of the rear yards will be required to grant the condominium corporation access within the private rear yards to perform maintenance. The easement(s) will include standard provisions to allow for maintenance of the below grade infrastructure such as limitations on tree planting, concrete patios and other similar encumbrances within the easement area. This easement area will also include the surface drainage swale for these lots. The easement will identify that the condominium is also responsible for ensuring this drainage swale is maintained over time.

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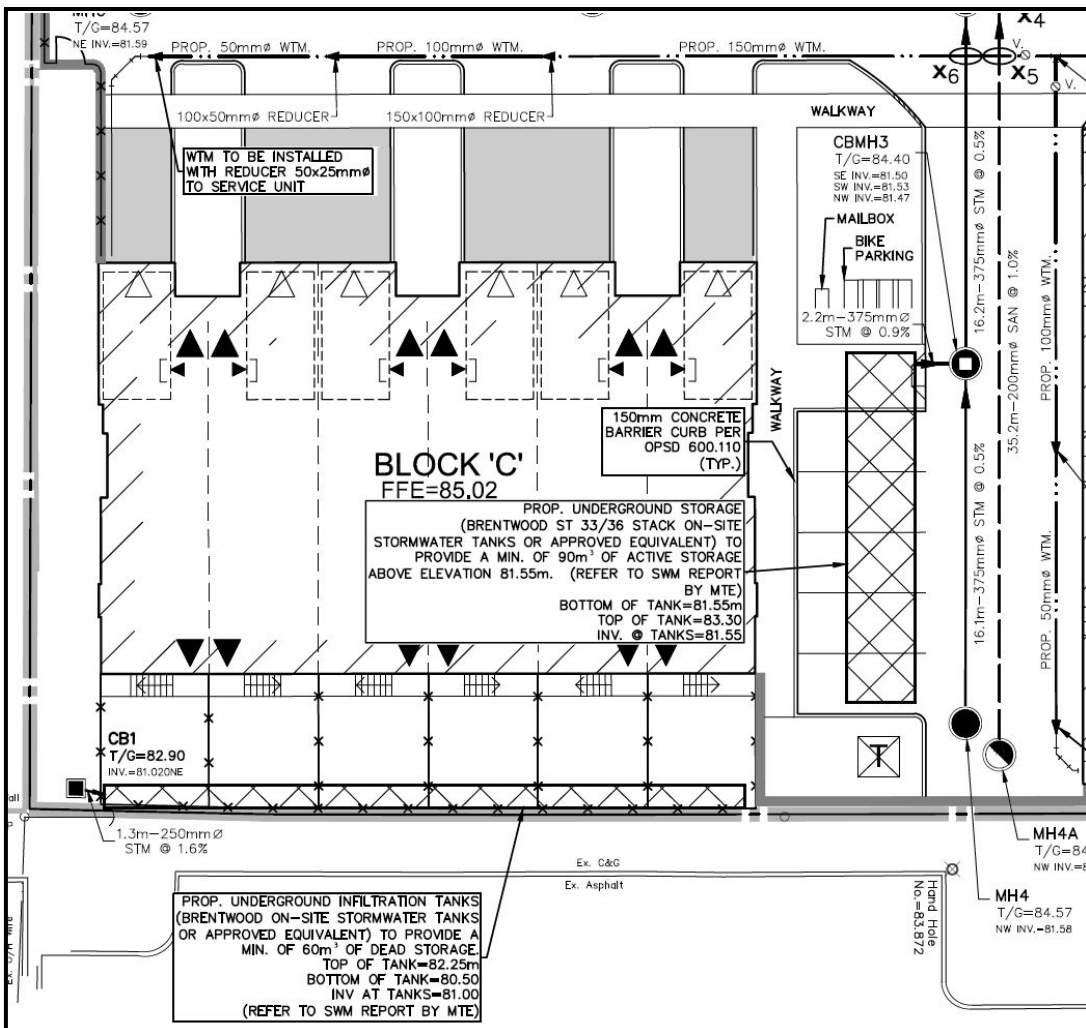


Figure 5: Rear Yard Infiltration Tank

As part of the concurrent site plan approval a site plan agreement will be registered on the title of the lands which will include conditions pertaining to the condominiums obligations to:

- 1) Maintain the approved storm water elements on these lands (e.g. surface swales, storage and infiltration tanks);
- 2) Maintain the screening fence at the western terminus of the condominium roadway;
- 3) Maintaining a form of screening along the western boundary in keeping with the intent of the initial landscaping plan; and,
- 4) During winter snow clearing operations snow cleared from the access ramps and driveways, parking and loading areas, and walkways shall be removed from the site. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or

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impinge on adjacent properties or open space. The contracting for private snow removal from the site shall remain the sole responsibility of the owners and tenants / future purchasers.

The foregoing site plan conditions can be enforced through our Lot Maintenance Bylaw.

Pursuant to Section 11.1.5 of the Livable Oakville Plan, a public road is not warranted. The proposed private road is required for internal site access, is not required for public access and does not form a connection between public roads. Furthermore, all required services are appropriately accommodated as part of the private road design.

Matters raised by the Public

No public comments have been received as part of the draft plan of condominium application. Previous comments received regarding the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision application were reviewed and addressed in the staff report dated November 13, 2017. Similarly, comments received as part of the site plan application were reviewed and addressed as part of the site plan report dated November 7, 2018.

Based on the above, staff have included a recommendation that *'comments from the public have been appropriately addressed'*, in satisfaction of the new requirements introduced through *Bill 73, The Smart Growth for Our Communities Act*.

If additional public input is received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council's planning decisions.

OPINION & CONCLUSIONS

Staff is satisfied that the application conforms to the overall policy direction of the Livable Oakville Plan and other relevant policy documents, and recommends approval of the application, subject to the conditions in Appendix C, 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 development conforms to the Livable Oakville Official 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;

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- The development has been granted conditional site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were addressed.
- Comments from the public have been appropriately addressed.
- Approval of the draft plan of condominium is necessary to provide shared ownership and maintenance of the common elements and is appropriate for the orderly development of the lands.

Staff recommends approval of the draft plan of condominium as the proposal is consistent with the Livable Oakville Plan, represents good planning and is in the public interest.

CONSIDERATIONS:

(A) PUBLIC

Notice for the meeting regarding this development application was provided through a mailing to all properties within 120 m of the subject property and to other residents who expressed interest in the application.

(B) FINANCIAL

Capital works associated with the proposal are local requirements and not anticipated to have any impact on the town. The value of cash-in-lieu of parkland and development charges that may be applicable to the development will be determined at the rates in effect at building permit issuance.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. Concerns from the circulated departments and agencies raised have been addressed in this staff report and, if required, have been included as conditions of draft approval in Appendix C.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

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

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CONCLUSION

Staff recommend approval of the Draft Plan of Condominium application as the proposal represents good planning, is in the public interest, and approval is necessary to provide shared ownership and maintenance of the common elements and is appropriate for the orderly development of the lands.

APPENDICES:

- A – Livable Oakville Plan Extract
- B – Zoning By-law Extract
- C – Conditions of Draft Plan Approval

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