

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 9, 2015

FROM: Planning Services Department

PD-010-15

DATE: February 13, 2015

SUBJECT: Recommendation Report - Draft Plan of Condominium,
Peppergate Developments Inc., 2420 Baronwood Drive
File No.: 24CDM-14006/1430

LOCATION: 2420 Baronwood Drive

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RECOMMENDATIONS

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-14006/1430) submitted by Peppergate Developments Inc., prepared by Rady-Pentek & Edward Surveying Ltd., dated August 11, 2014, subject to the conditions contained in Appendix D.

KEY FACTS

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

- A draft plan of condominium application has been submitted to create a standard condominium containing 166 residential units inclusive of eight units fronting Khalsa Gate built to accommodate limited commercial uses.
- The intent of the Draft Plan of Condominium is to establish condominium tenure for the development to allow for the transfer of individual units to the future owners.
- The development received conditional site plan approval (SP.1430.040/01) on November 12, 2013.
- The building foundations are currently under construction.
- No circulated internal department or external agencies raised concerns with the application.
- Staff recommends approval of the Draft Plan of Condominium subject to the conditions outlined in Appendix D.

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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 Condominium application for a 166 unit stacked townhouse development inclusive of 255 parking spaces (of which 42 are visitor parking spaces), private road, elevator, landscaping and pedestrian walkways.

The Draft Plan of Condominium application was submitted on November 18, 2014 by Rady-Pentek & Edward Surveying Ltd.

Proposal

The applicant seeks approval of a Plan of Condominium for a 166 stacked townhouse development inclusive of 255 parking spaces (of which 42 are visitor parking spaces), private road, elevator, landscaping and pedestrian walkways, as provided in Figure 1.

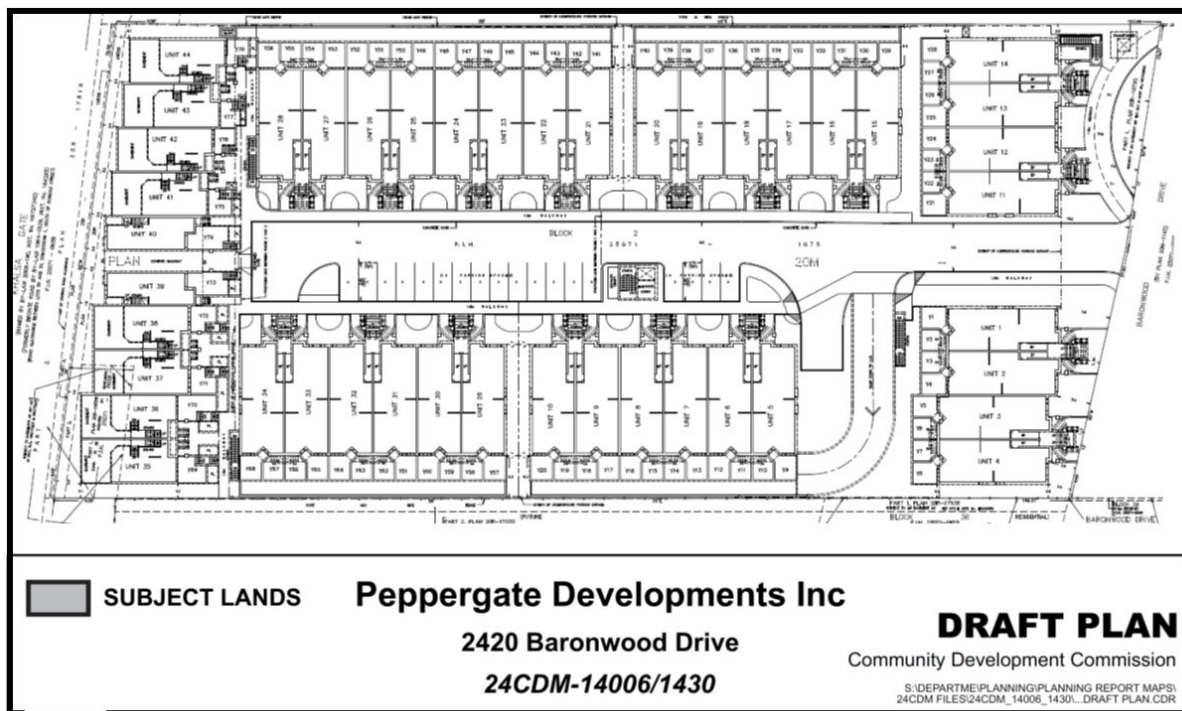


Figure 1: Draft Plan of Condominium

In November 2011, the applicant submitted a Zoning By-law Amendment application (Z.1430.28) to permit the development of a 147 unit stacked townhouse development. In discussion with staff, and in response to input received, the application was subsequently revised to 166 stacked townhouse units in seven

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blocks as a result of agreeing to acquire a portion of the surplus right-of-way along Khalsa Gate and decreasing dwelling unit size.

As part of the Zoning By-law Amendment application, design considerations such as pedestrian access to Khalsa Gate, opportunity for commercial uses at grade along Khalsa Gate, and incorporation of a surplus road allowance along Khalsa Gate to support the implementation of the Old Bronte Road/Khalsa Gate Streetscape Plan were provided for. On October 22, 2012, Council approved the Zoning By-law Amendment application.

A site plan application was subsequently submitted on April 15, 2013. The northerly extension of Baronwood Drive was secured for through a subdivision agreement (24T-08005) and the street townhouses on the east side of the extended Baronwood Drive were not part of the site plan application (pursuant to By-law 2005-062, site plan approval not required). The site plan application addressed site development matters such as; built form and site layout; landscaping and urban design; grading and stormwater management; related financial obligations; and, was conditionally approved by the Site Plan Committee on November 12, 2013.

Draft plan approval of the proposed standard condominium and registration of the plan is the last step in the planning process which would allow for the formal transfer of the individual deeds to the purchasers.

Location

The property is located on the east side of Khalsa Gate, south of Pine Glen Road within Palermo Village and municipally known as 2420 Baronwood Drive (Figure 2).

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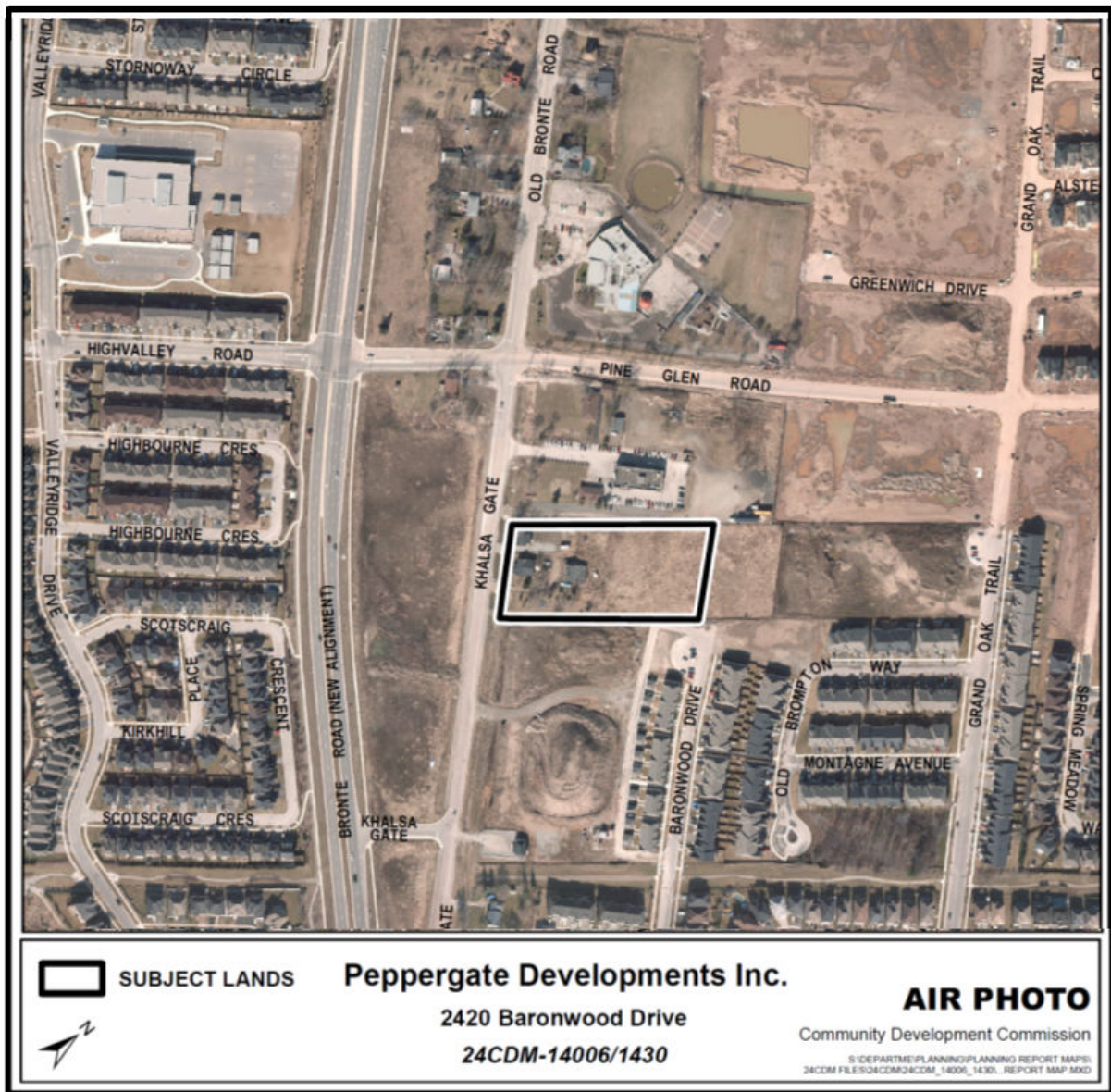


Figure 2: Air Photo

Site Description

The lands subject to this application are approximately 1.06 ha in size with 70.4 m of frontage on Khalsa Gate and 71.5 m of frontage on Baronwood Drive. The foundation of the 166 stacked townhouse development is currently under construction.

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Surrounding Land Uses

The surrounding land uses are as follows:

South: Townhouses and vacant parcel subject to development applications (appealed) to permit three apartment buildings up to eight storeys in height.
 West: Khalsa Gate then vacant parcel with recent Zoning By-law Amendment (Z.1431.15) permitting 120 townhouses and one 10 storey apartment.
 North: Place of worship then Pine Glen Road.
 East: Townhouses

POLICY FRAMEWORK

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011 and is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe. The subject lands are designated Urban Centre on Schedule N, Palermo Village Land Use Schedule in the Livable Oakville Plan (See Appendix A).

Pursuant to Section 4.1 of the Livable Oakville Plan, the subject lands are located within Palermo Village, which is one of the Town's primary growth areas.

Section 22.5.1 of the Livable Oakville Plan provides that stacked townhouses are permitted within the Urban Centre designation with a minimum density of 100 units per site hectare and height between two and eight (10 for corner sites) storeys.

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.”

Old Bronte Road/Khalsa Gate Streetscape Plan

Pursuant to Section 22.4.2 of the Livable Oakville Plan, the Old Bronte Road/Khalsa Gate Streetscape Plan (“the Streetscape Plan”) contains design concepts that combine to produce a cohesive strategy for the street, reflects the local context, and promotes a pedestrian oriented environment that is safe, attractive and accessible.

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The Streetscape Plan was developed in conjunction with public and stakeholder input, including Heritage Oakville and was endorsed by Council on April 10, 2012.

The subject lands are located within a character area identified as the promenade which has a design focus to:

“create a safe, attractive, and green area for not only residents on Old Bronte Road but also for all residents in the vicinity, a place to walk, play, relax and enjoy.”

Additional features proposed for the promenade may include bikes lanes, lay-by street parking, street trees, wider sidewalks, street furniture and lighting. Site and building design for the area includes building orientation towards the street, appropriately scaled setbacks, and active uses at grade including small format commercial uses.

Zoning By-law

Zoning By-law 2014-014 is currently under appeal to the Ontario Municipal Board (OMB). While appeals remain active, building permit and development applications on lands subject to this by-law will need to comply with both this by-law and Zoning By-law 1984-63, as amended. Compliance with both by-laws will be required until appeals are disposed of by the Ontario Municipal Board.

Zoning By-law 1984-63

The subject lands are zoned H49-R8 SP:776, as shown in Appendix C. The R8 SP:776 zone permits stacked townhouses. Minor variance CAV A/110/2013 and CAV A/169/2013 were subsequently granted on August 13, 2013 and November 12, 2013, respectfully. The proposed development complies with the Zoning By-law, as varied.

Zoning By-law 2014-014

The subject lands are zoned H24-RM3 SP:273, as shown in Appendix C. The proposed development complies with the Zoning By-law. As a condition of approval, the applicant will be required to confirm that the “as built” development complies with the Zoning By-law.

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PLANNING ANALYSIS:

Planning matters considered

Physical context

The subject lands are situated in Palermo Village which was settled over 200 years ago in 1806. At its peak in 1920, there were 30 homes, a post office, community hall, blacksmith shop, schoolhouse, medical office and several churches. In 2007, the Region of Halton constructed the Bronte Road by-pass of the historic Palermo Village to accommodate greater traffic demands. Despite the change that has occurred over time, a significant cluster of heritage resources remains.

Today, Palermo Village is one of the primary growth areas in the Livable Oakville Plan. Palermo Village is intended to be developed as a relatively dense mixed use centre that is pedestrian-friendly, transit-supportive and is compatible with existing heritage buildings and features.

Palermo Village is experiencing change and urban growth. Rural parcels of land are redeveloping to a mix of residential and commercial uses. Infrastructure to support this growth including streetscape improvements and full urban services are occurring together with the emerging higher density land uses.

Planning Analysis

The development has been subject to a detailed development planning process, with public participation and Council approval, where conformance with the Livable Oakville and Streetscape Plan policies were provided, zoning performance standards to implement the aforementioned policies enacted, and more detailed site plan technical matters fully addressed. Accordingly, the proposed Plan of Condominium is related to tenure of the stacked townhouse units now under construction and will allow for legal creation of the individual units and transfer of the deeds to the respective purchasers.

More specifically, Draft Plan of Subdivision 24T-04002/1430 was approved by Council on December 8, 2008 which created the subject land parcel and where other matters such as the extension of Baronwood Drive were secured for. Subsequently, Zoning By-law Amendment (Z.1430.28) was approved by Council on October 22, 2012 which established site-specific zoning standards and site-specific design guidelines to be implemented through the requisite site plan application. Conditional site plan approval was granted on November 12, 2013 (SP.1430.040/01) where the following matters were addressed:

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- Built form and site layout;
- Landscaping and urban design;
- Grading and stormwater management;
- Site servicing including the extension of Baronwood Drive;
- Cash-in-lieu of streetscape improvements;
- Conformity with Livable Oakville and compliance with the Zoning By-law;
- Financial obligations; and,
- Purchase of the surplus right-of-way along Khalsa Gate.

The Old Bronte Road / Khalsa Gate Streetscape Plan will be implemented, in part, though cash-in-lieu contribution of streetscape improvements, required as a condition of site plan approval, and through the approved built form.

Pursuant to Section 11.1.5 of the Livable Oakville Plan, a public road is not warranted. The proposed private road exclusively services the subject site and does not form part of the public street grid. Furthermore, all required services are appropriately accommodated as part of the private road design. However, as a condition of approval, an easement will be required over the pedestrian connection from Baronwood Drive through the site to Khalsa Gate. This will allow for the public to use the barrier-free pedestrian connection linking the adjacent neighbourhood to Khalsa Gate and Palermo Village.

The Draft Plan of Condominium application was circulated to internal departments and external agencies for comments and subject to the conditions in Appendix D, there are no outstanding financial, legal or planning issues to be resolved.

Accordingly, 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.

CONCLUSION

The Planning department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

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 D, 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 the Livable Oakville Official 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 financial or planning issues to be resolved;
- The development has been granted conditional site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were addressed through the conditions of site plan approval.
- The application for a Draft Plan of Condominium is necessary to provide shared ownership and maintenance of the internal site servicing and amenity 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

Public participation related to these lands occurred through planning process for the Plan of Subdivision, Zoning Amendment, minor variances and site plan approval. No written comments have been received as of the date of this report.

(B) FINANCIAL

Securities and other financial requirements associated with this development were satisfied as conditions of the site plan approval. A condition of approval in Appendix D 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. Conditions have been included within Appendix D.

(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 complies with the sustainability objectives of Livable Oakville.

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APPENDICES

A – Livable Oakville Plan Extract

B – Policy Excerpts from Livable Oakville Plan

C – Zoning By-law Extract

D – Conditions of Draft Plan Approval

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