



## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 13, 2015

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**FROM:** Planning Services Department

PD-024-15

**DATE:** March 19, 2015

**SUBJECT:** Recommendation Report - Draft Plan of Condominium,  
Fox Farm Developments Inc., 2441 Greenwich Drive,  
File No.: 24CDM-15001/1430

**LOCATION:** 2441 Greenwich Drive

**WARD:** 4

Page 1

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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-15001/1430) submitted by Fox Farm Developments Inc., prepared by R. Avis Surveying Inc., dated January 6, 2015, 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 128 residential units inclusive of 182 parking spaces, landscaping, court yard, and internal roadway.
- 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 was granted final site plan approval (SP. 1430.036/01A) on April 1, 2014.
- 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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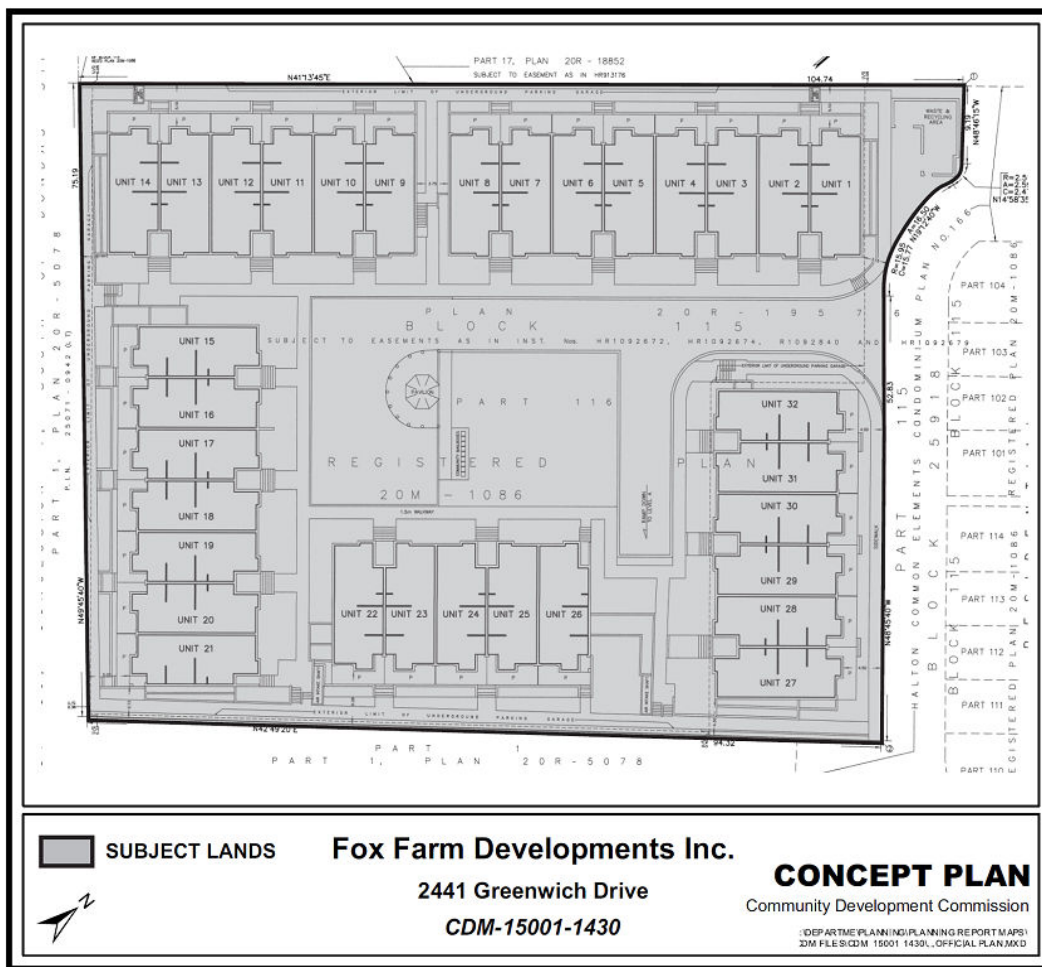
## BACKGROUND

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 128 unit stacked townhouse development inclusive of 182 parking spaces, landscaping, court yard, and internal roadway.

The Draft Plan of Condominium application was submitted on January 9<sup>th</sup>, 2015 by Fox Farm Developments Inc.

## Proposal

The applicant seeks approval for a plan of condominium for a 128 unit stacked townhouse development inclusive of 182 parking spaces, landscaping, court yard, and internal roadway, as provided in Figure 1.



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The subject lands were part of a larger land holding known as "Fox Farms". In December 2008, applications were submitted for an Official Plan Amendment, Zoning By-law Amendment (Z.1430.24) and Draft Plan of Subdivision (24T-08006) to permit a development consisting of 328 residential units including 111 single-detached dwellings and 217 street/back to back/stacked townhouse units together with a commercial block on Dundas Street West. The aforementioned applications were appealed to the Ontario Municipal Board in June 2009 for lack of a decision within the statutory timeframe.

The plans were amended prior to the hearing and the applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision were approved by the Ontario Municipal Board on April 16, 2010. The subject lands were created, in part, through the plan of subdivision application. The site-specific zoning for the subject lands, where the site was split-zoned to permit the stacked townhouse units on a portion of the site, was also established through the Ontario Municipal Board hearing.

A site plan application was submitted on November 10, 2010 to permit 114 back-to-back townhouse units and 128 stacked townhouse units on the subject lands. The site plan application was subsequently split into two phases, the first phase being the 114 back-to-back townhouse units and the second phase being the 128 stacked townhouse units. The first phase (114 back-to-back townhouse units) was granted final approval on July 16, 2012. The second phase (128 stacked townhouse units) was granted final site plan approval on April 1, 2014.

A Draft Plan of Condominium application (24CDM-13002/1430) to create a common elements condominium was approved by Council on May 21, 2013 and registered as Halton Common Elements Condominium Plan No. 616 on July 18, 2013. Phase 1 (114 back-to-back townhouse units) and phase 2 (128 stacked townhouse units) share ownership and ongoing maintenance obligations of Common Elements Condominium No. 616 which provides for access to phase 2 through the existing internal private roadway.

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.

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## Location

The property is located at northwest corner of Greenwich Drive and Grand Oak Trail and is municipally known as 2441 Greenwich Drive (Figure 2).

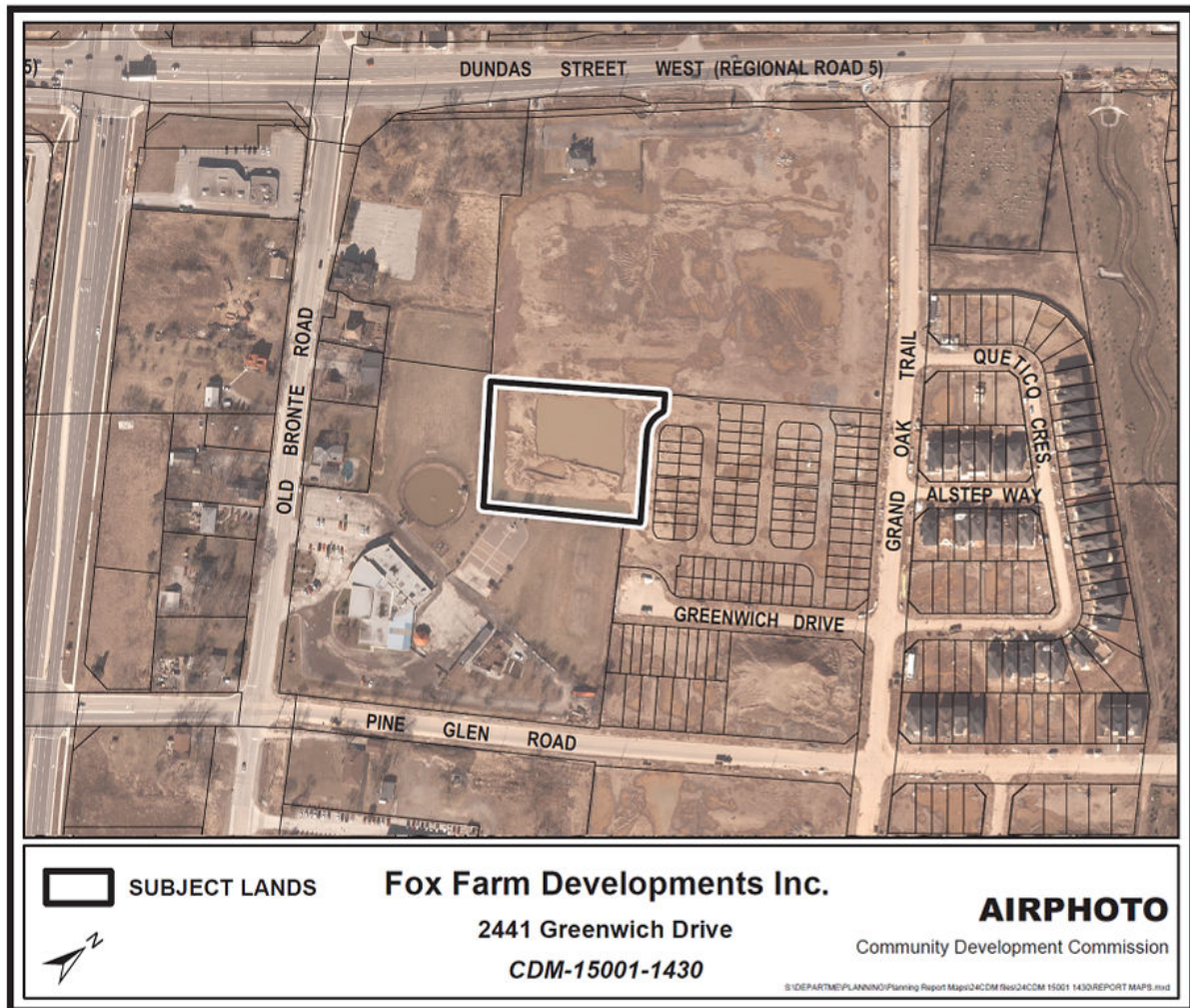


Figure 2: Air Photo

## Site Description

The lands subject to this application are approximately 0.73 ha in size with frontage on an existing private road. The subject 128 unit stacked townhouse development is currently under construction.

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## Surrounding Land Uses

The surrounding land uses are as follows:

South:	St. Joseph's Portuguese Roman Catholic Church
West:	St. Joseph's Portuguese Roman Catholic Church
North:	Dedicated school block
East:	114 back-to-back townhouse units (phase 1)

## **POLICY FRAMEWORK**

### Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 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 split-designated Urban Centre and Main Street 2 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 of the Livable Oakville Plan provides that stacked townhouses are permitted within the Urban Centre and Main Street 2 designations.

The Palermo Village growth area policies of Part E, Section 22 are applicable (see Appendix B) and provide the planning goal to *"be a transit-supportive, pedestrian-oriented mixed use community."*

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."*

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### Zoning By-law

Zoning By-law 2014-014 has been partially deemed in force by the Ontario Municipal Board. Where a development application or building permit is made on lands subject to a regulation not yet in force, compliance with the standards of both this by-law and the former By-law 1984-63, as amended, will be necessary. Compliance with both standards will be required until the new standard comes into effect.

#### *Zoning By-law 1984-63*

The subject lands are zoned R8(c) SP:844, as shown in Appendix C. The R8(c) SP:844 zone permits stacked townhouses. As a condition of approval, the applicant will be required to confirm that the “as built” development complies with the Zoning By-law.

#### *Zoning By-law 2014-014*

The subject lands are zoned RM3 SP:300, as shown in Appendix C. As a condition of approval, the applicant will be required to confirm that the “as built” development complies with the Zoning By-law.

### **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.

The subject 128 unit stacked townhouse is the last phase of the development which is located at the northwest corner of Greenwich Drive and Grand Oak Trail.

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## 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 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, 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; and,
- Shared access through the existing private road.

Pursuant to Section 11.1.5 of the Livable Oakville Plan, a public road is not warranted. The proposed private road represents an extension of an existing private road which exclusively services the subject site and does not form part of the public street network. Furthermore, all required services are appropriately accommodated as part of the private road design.

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:



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Page 8

- 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;
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;
- The development has been granted final site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were fully addressed.
- 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 Official Plan Amendment, Plan of Subdivision, Zoning By-law Amendment, 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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Manager, West District

Submitted by:

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Senior Manager, Current Planning &  
Heritage