

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 10, 2019

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**FROM:** Planning Services Department

**DATE:** May 17, 2019

**SUBJECT:** Recommendation Report, Draft Plan of Condominium, BEC  
Trafalgar, 3075 Trafalgar Road - Part of Block 15, Plan 20M-1211  
24CDM-19002/1312

**LOCATION:** Trafalgar Road and Threshing Mill Boulevard  
Part of Block 15, Plan 20M-1211

**WARD:** 7

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#### RECOMMENDATION:

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-19002/1312) submitted by BEC Trafalgar GP Inc., prepared by Rady-Pentek & Edward Surveying Ltd., dated February 1, 2019, subject to the conditions contained in Appendix 'A' of the Planning Services report dated May 17, 2019.

#### KEY FACTS:

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

- The intent of the Draft Plan of Condominium is to establish condominium tenure for 71 townhouse units currently under construction, located on Part of Block 15 on Plan 20M-1211.
- The proposal is for the creation of a common elements roadway, sidewalk and nine visitor parking spaces to service the 71 townhomes.
- The development received draft plan of subdivision (Plan 24T-12013/1312) and zoning approval (2014-094) from the Ontario Municipal Board in September 2014.
- The development received final site plan approval (SP.1312.007/02) on February 14, 2019 and is currently under construction.
- No circulated internal or external agencies raised concerns with the applications.
- Staff recommends approval to the Draft Plan of Condominium subject to the conditions outlined in Appendix 'A'.

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## **BACKGROUND:**

### Proposal

The applicant seeks approval for a plan of condominium to create a common element condominium consisting of shared vehicular and pedestrian access to the 71 townhouse units on Part of Block 15, on Plan 20M-1121. Two parking spaces have been provided for each unit, for a total of 142 occupant parking spaces, as well as nine visitor parking spaces located in designated parking areas off of the condominium road. The width of the condominium road is 6 metres which does not accommodate on-street parking. There is a common element sidewalk as well as two common element pedestrian connections which will be maintained by the condominium corporation.

In addition to the above common elements that are included as part of the plan of condominium there are also required noise walls in three locations as a result of the increasing traffic noise along Trafalgar Road. The condominium corporation will also be responsible for the maintenance of the noise walls.

The draft plan is shown as Figure 1. Upon final approval of the Plan of Condominium, the condominium corporation will be responsible for the management of the development.

Submission materials are posted on the town's website:

<https://www.oakville.ca/business/da-32855.html>

*Figure 1: Draft Plan of Condominium*

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## Location and Site Description

The subject land area is 1.57 hectares and is located at the north end of the Trafalgar-Dundas Inc. subdivision on the west side of William Colton Avenue and abuts the natural heritage system to east. There will be an unpaved multi-use trail through the NHS with a pedestrian connection from the development located between Parts 38 and 39.

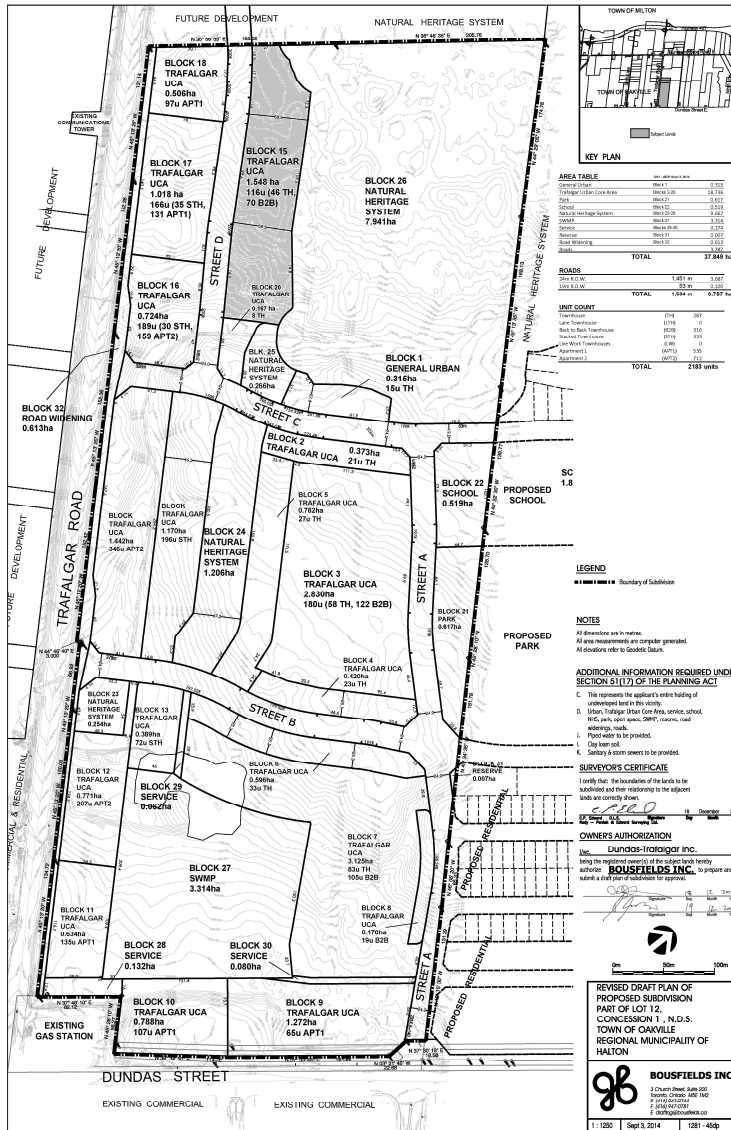


Figure2: subject lands shown in grey within the plan of subdivision



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### Surrounding Land Uses

The surrounding land uses are as follows:

North: Future high density development lands  
 East: Future high density development lands (as part of the approved subdivision)  
 South: Townhouse development  
 West: Natural Heritage System lands

### Timing

The subject lands form part of the Dundas-Trafalgar Inc. subdivision which includes approximately 2,100 residential units, commercial uses, a neighbourhood park, elementary school, stormwater management pond and a dedication of a portion of the Natural Heritage System. The draft plan of subdivision 24T-12013/1312, and Zoning By-law 2014-094 were approved by the Ontario Municipal Board on September 4, 2014. The subdivision was divided into two phases for registration. Phase 1 (Plan 20M-1185) and Phase 2 (20M-1211) has now been registered. The final site plan approval for the lands subject to this application was granted on February 14, 2019.

As the site layout and other site plan matters have been finalized, this allows for consideration of the subject draft plan of condominium application which was submitted on March 21, 2019, and deemed complete on March 26, 2019.

### **POLICY FRAMEWORK**

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

- Provincial Policy Statement (2014)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189

### 2014 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 is to be the focus of growth and development. The land use patterns within the settlement area are

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based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The PPS 2014 encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by providing a compact development form. In doing this, the PPS recognizes that healthy, liveable and safe communities are sustained by, among other matters, accommodating an appropriate range and mix of densities and land uses and protection of natural features.

Staff is of the opinion that the proposed Draft Plan of Condominium is consistent with the 2014 Provincial Policy Statement as it adds to the range of residential uses in the NOE Plan Area, provides for compact development that makes use of existing municipal infrastructure, including existing and future transit facilities located along Trafalgar Road and Dundas Street East.

2019 Growth Plan for the Greater Golden Horseshoe:

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 Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1).

The subject lands are located within a “Designated Greenfield Area”, where areas are to be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

Staff is of the opinion that the proposed Draft Plan of Condominium conforms and therefore does not conflict with the Growth Plan 2019 as the application contributes to the achievement of complete communities by providing additional residential unit types to help accommodate people at different stages of life.

Halton Region Official Plan

The subject lands are designated “Urban Area” and located within the Greenfield Area and is in proximity to Trafalgar Road and to Dundas Street East, Higher Order Transit Corridors, which is part of a Regionally identified Intensification Area. The policies of the Urban Area designation support a form of growth that is compact, supportive of transit and the development of vibrant and healthy mixed use communities, which afford maximum choices for residence, work and leisure.

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Sections 77, 78 and 81 of the Regional Official Plan further supports providing opportunities for live/work relationships, and achieving higher greenfield densities as defined and prescribed by Local Official Plan policies. The proposed Draft Plan of Condominium conforms with the Regional Official Plan, given the proposed development represents compact development.

### Urban Structure

On September 27, 2017, Council adopted Official Plan Amendment 15 (OPA 15) to the Livable Oakville Plan and OPA 317 to the North Oakville East Secondary Plan, which confirms the Town's existing urban structure in terms of nodes (growth areas) and corridors. OPA 15 was approved by Halton Region on April 26, 2018 and there are active appeals on OPA 15 that impact OPA 317.

The subject lands are identified on Schedule A1 – Urban Structure as forming part of the Residential Area, and is adjacent to the Town's system of Nodes and Corridors in near proximity to future transit facilities and service along Trafalgar Road and Dundas Street East, which is identified as a Regional Transit Priority Corridor.

### North Oakville East Secondary Plan

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board (OMB) through OPA 272. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.

The subject lands are designated Trafalgar Urban Core on Figure NOE2, Land Use Plan in the NOESP. The approved zoning by-law for the subject lands pre-dates recent Official Plan Amendments to the NOESP that look at increasing building heights and densities within 100 metres of the Trafalgar Road corridor. A small portion of the subject lands fall within the 100 metre band along Trafalgar Road and provide an appropriate transition of height and use from the future high density development along Trafalgar Road and the Natural Heritage System. The proposed Draft Plan of Condominium maintains the intent of the NOESP in terms of land use and density and implements the approved site plan application.

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Figure 3: Excerpt from the North Oakville Secondary Plan

### North Oakville Zoning By-law

The subject lands are zoned TUC - SP30 as shown on Figure 4 below. The development has been constructed in accordance with the Zoning By-law.

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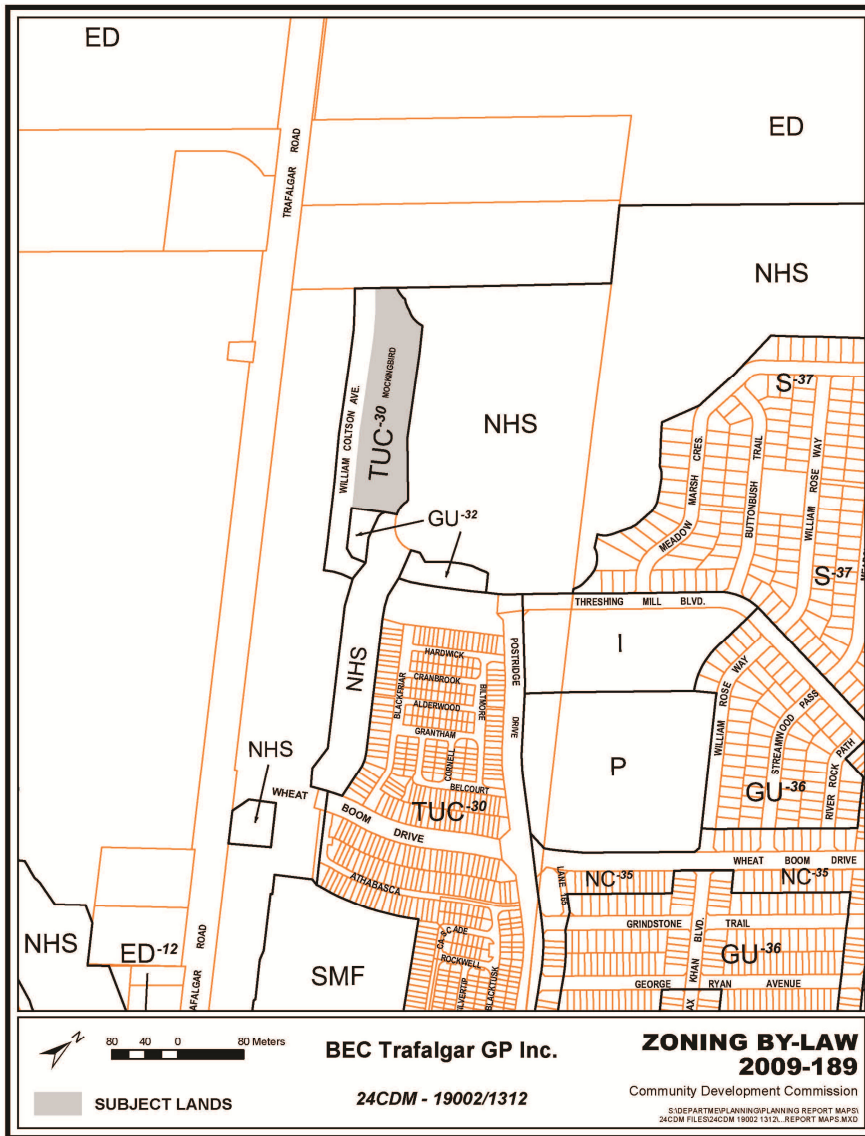


Figure 4: Excerpt from the North Oakville Zoning By-law

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.

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## TECHNICAL AND PUBLIC COMMENTS

### Technical Review

The purpose of the proposed Plan of Condominium is to legally create the common element portion of the development to be managed by the condominium corporation.

Through the review of previous applications approved at the Ontario Municipal Board (Draft Plan of Subdivision, Zoning By-law Amendment), and Site Plan Committee (Site Plan) the development has been subject to detailed technical analysis. Specifically, the following matters were addressed through previous processes:

- Built form and site layout;
- Elevations;
- Pedestrian circulation and appropriate access to the NHS;
- Landscaping and urban design;
- Grading and stormwater management;
- Site servicing;
- Vehicle movements;
- Nine visitor parking spaces;
- Noise attenuation requirements;
- Regional servicing requirements;
- Conformity with North Oakville East Secondary Plan; and
- Compliance with the Zoning By-law.

The proposed common element condominium which includes a common roadway, visitor parking and connection to the multi-use trail is consistent with the plans approved as part of the February 14, 2019 site plan approval (SP. 1312.007/02).

The Draft Plan of Condominium application was circulated to internal departments and external agencies for comments and no issues were raised except for a new requirement for noise attenuation measures that surfaced as the site plan process was nearing completion. The requirements for noise measures were included in the Site Plan Agreement for the subject lands. Regional and Town staff have worked with the applicant and have scoped the requirements down to three locations for the noise walls as shown in Figure 5 below. Draft Plan of Condominium conditions have been included in Appendix A of this report to ensure that Owner includes warning clauses in the Declaration to alert all future owners affected by the noise walls that the condominium corporation will be responsible for the maintenance of the noise walls.

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Figure 5: Excerpt from the Detailed Noise Control Study (April 2019)

The financial obligations of the developer as it relates to the construction of the development have been addressed through the conditions of site plan approval and



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subdivision agreement. Accordingly, staff have determined that the proposed plan of condominium meets the criteria established in Section 51(24) of the *Planning Act* and is consistent with the North Oakville East Secondary Plan. There are no zoning compliance issues.

### Matters Raised by the Public

Opportunities for public comment were provided through the processing of previously approved applications approved at the Ontario Municipal Board (Draft Plan of Subdivision, Zoning By-law Amendment), and Site Plan Committee (Site Plan). No public comments have been received in response to the mailed notice of complete application for the subject application. Staff have included a recommendation that 'comments from the public have been appropriately addressed', to satisfy the requirements introduced through *Bill 73, The Smart Growth for our Communities Act*. If public input is received, the recommendations of this report could be amended to address how such submissions have affected Council's planning decisions.

### **CONCLUSION**

Staff recommends approval of the draft plan of condominium subject to the conditions noted in Appendix A, as the application is consistent with the Provincial Policy Statement, does not conflict with Provincial plans or to the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further the application is consistent with the North Oakville East Secondary Plan and Zoning By-law 2009-189. The following requirements have been satisfied:

- The proposed plan of condominium meets the criteria established in Section 51(24) of the *Condominium Act*;
- The proposed development conforms to the NOESP 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 addressed through the conditions of site plan approval.
- There is no need for a condominium agreement as all financial, design and technical requirements have been addressed through the site plan approval process and the Town holds sufficient securities to allow for the completion of the required site works.

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- Opportunities for public participation were provided as part of previous Subdivision, Zoning and Site Plan application processes.
- Approval of the draft plan of condominium is necessary to provide shared ownership and maintenance of the common elements and noise walls, and is appropriate for the orderly development of the lands.
- Building permits have been issued in accordance with the approved Site Plan.

## CONSIDERATIONS:

### (A) PUBLIC

Public input has been provided as part of the draft Plan of Subdivision, Official Plan and Zoning Amendments and through the Site Plan approval process. Notice of complete application was provided through a mailing to all properties within 120 m of the subject property. No comments have been received from the public in response to the notice.

### (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. Relevant conditions have been included within the Draft Plan of Condominium conditions listed in Appendix 'A'.

### (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 the North Oakville East Secondary Plan.

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**APPENDICES:**

Appendix A - Draft Plan of Condominium Conditions for 24CDM-19002/1312

Prepared by:

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Recommended by:

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Manager

Current Planning – East District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services