

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 9, 2019

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**FROM:** Planning Services Department

**DATE:** August 19, 2019

**SUBJECT:** **Public Meeting and Recommendation Report, Draft Plan of Condominium, Ballantry (Oak Park 2) Inc., 24CDM-19003/1414**

**LOCATION:** 150 Oak Park Boulevard

**WARD:** 5

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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-19003/1414) submitted by Ballantry (Oak Park 2) Inc., prepared by KRCMAR Ltd., dated January 24, 2019, subject to the conditions contained in Appendix 'A' of the Planning Services report dated August 19, 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 create 100 residential units and ten commercial units currently under construction.
- Condominium tenure would allow for the transfer of individual units to the future owners.
- The development received final site plan approval (SP.1414.029/01) on August 4, 2017.
- 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 standard plan of condominium to create 100 residential units and ten commercial units in order to make each unit its own legal parcel. A total of 122 residential parking spaces (inclusive of visitor parking) have been provided in the underground garage, as well as seven commercial parking spaces. There is a total of 32 surface parking spaces to serve visitors and the commercial units. The applicant has provided fifteen additional spaces above the required total of 146 parking spaces.

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-33437.html>.

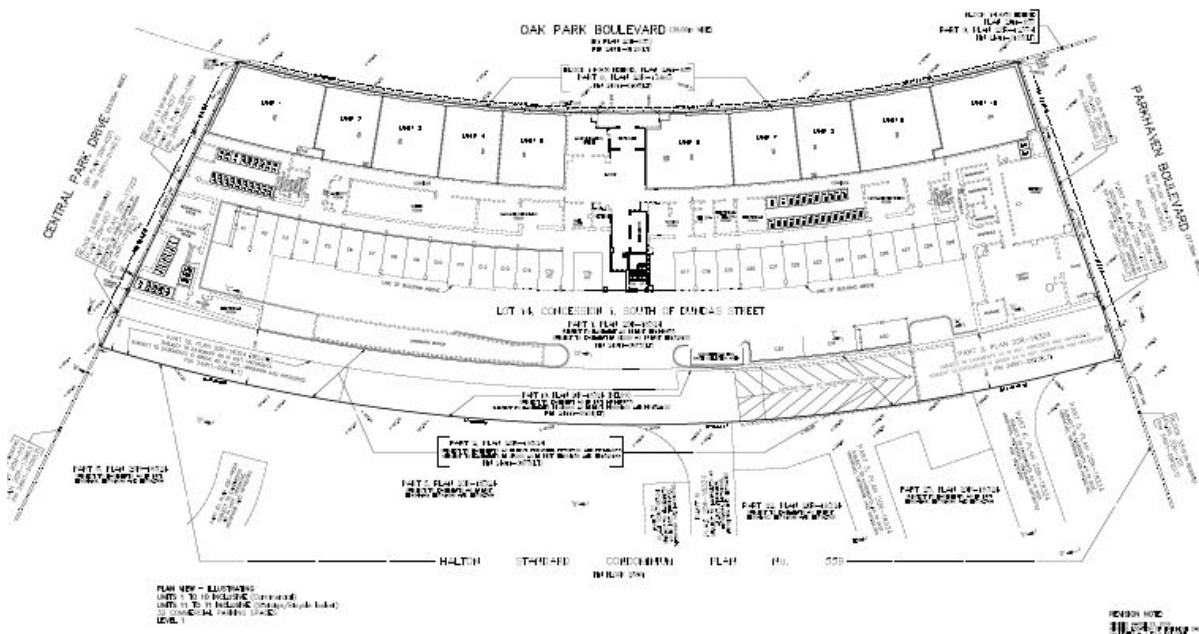


Figure 1: Draft Plan of Condominium

Location and Site Description

The subject land area is 0.5 hectares and fronts onto Oak Park Boulevard with vehicular access from Parkhaven Boulevard and Central Park Drive.

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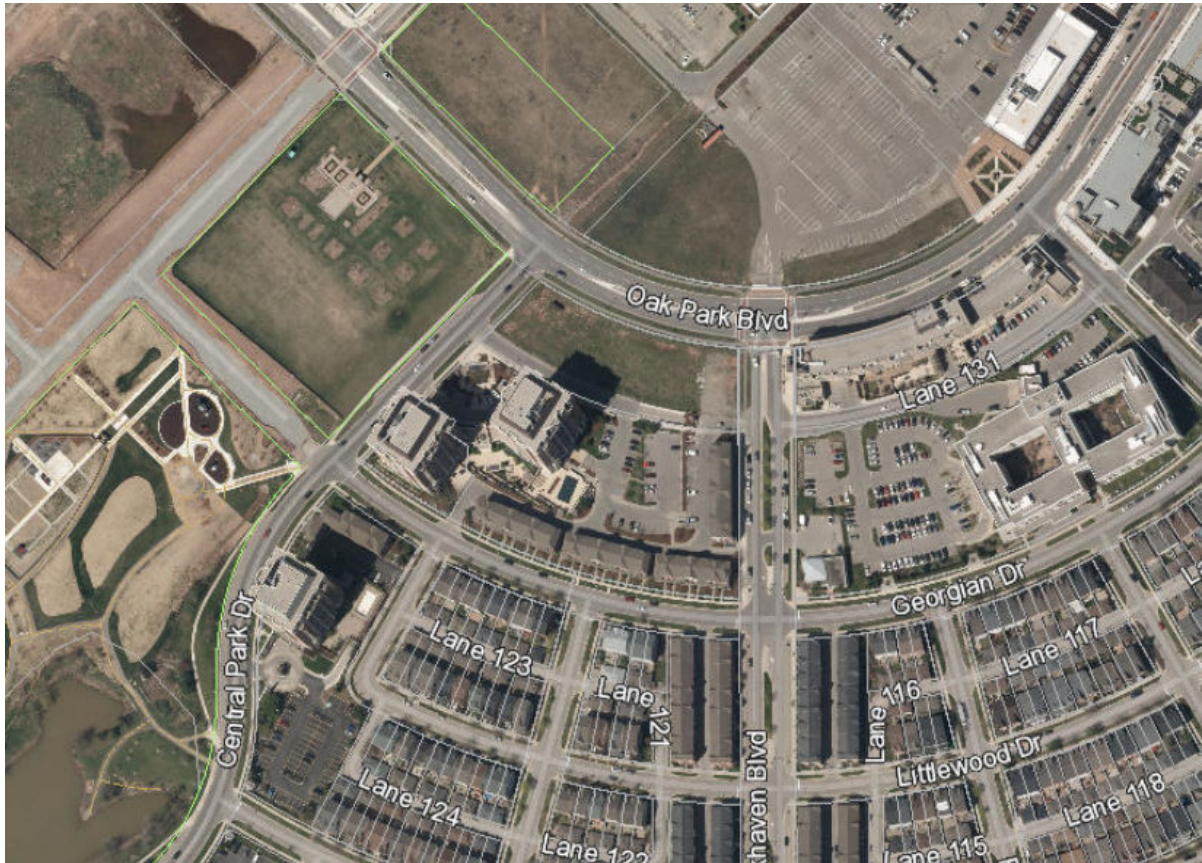


Figure 2: Air Photo

#### Surrounding Land Uses

The surrounding land uses are as follows:

North: Vacant  
East: Retirement Residence  
South: Residential Development (apartments and townhomes)  
West: Trafalgar Memorial Park

#### **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
- Livable Oakville Plan
- Zoning By-law 2014-014

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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 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, adds to the range of and access to services, provides for compact development that makes use of existing municipal infrastructure, including the existing Uptown Core Transit Terminal.

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 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 subject lands are located within a "Settlement Area", where growth will be focused in identified built up areas, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities.

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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, as well as new commercial uses and access to local transit services.

#### Halton Region Official Plan

The subject lands are designated “Urban Area” in 2009 Regional Official Plan. 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 proposed Draft Plan of Condominium conforms with the Regional Official Plan, given the proposed development represents compact development and healthy communities where residents can walk to commercial and service businesses as well as to transit facilities.

#### 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 designated Main Street 2 on Schedule M1: Uptown Core Land Use Plan in the Livable Oakville Plan. The proposed Draft Plan of Condominium maintains the intent of the Livable Oakville Plan in terms of land use and density and implements the approved site plan application.



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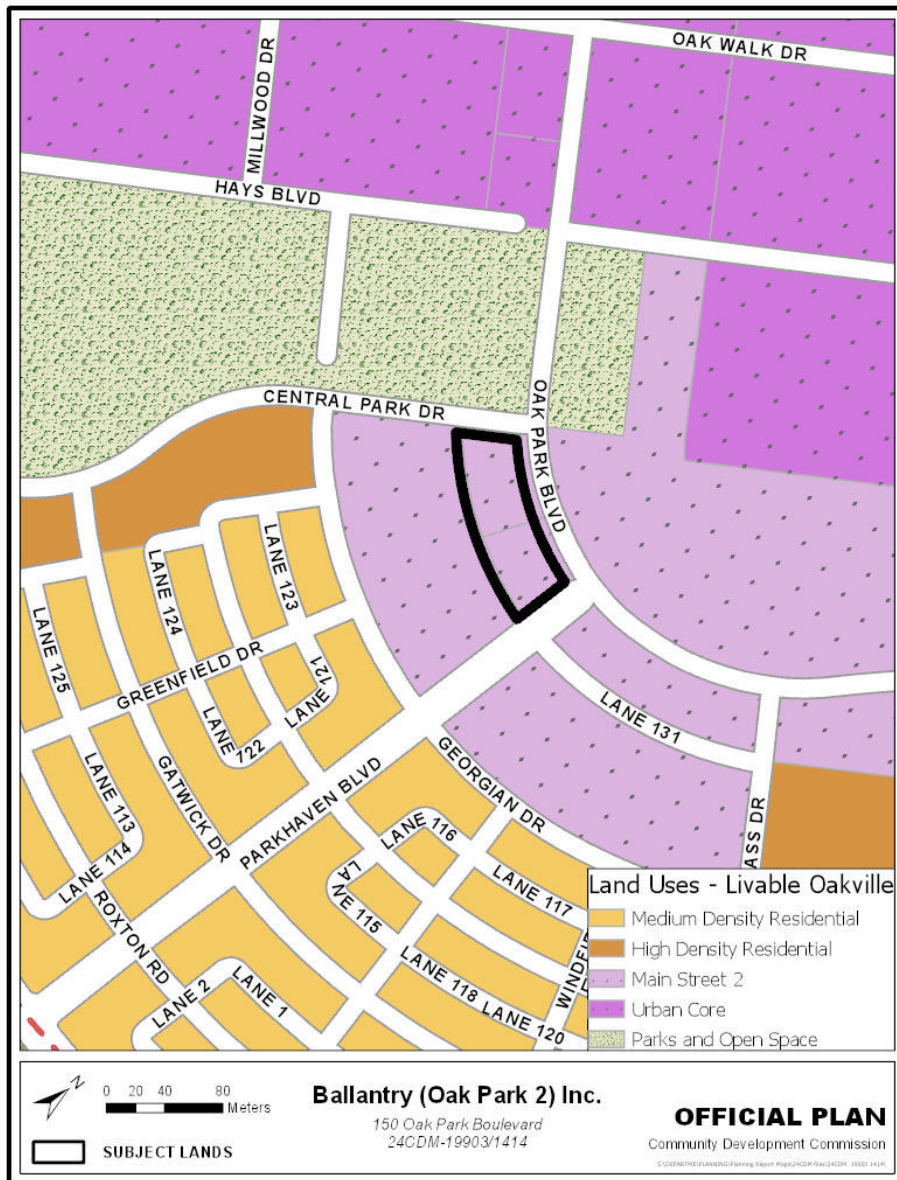


Figure 3: Excerpt from the Livable Oakville Plan

#### Zoning By-law 2014-014

The subject lands are zoned MU2 – SP371 as shown on Figure 4 below. The development has been constructed in accordance with the Zoning By-law.

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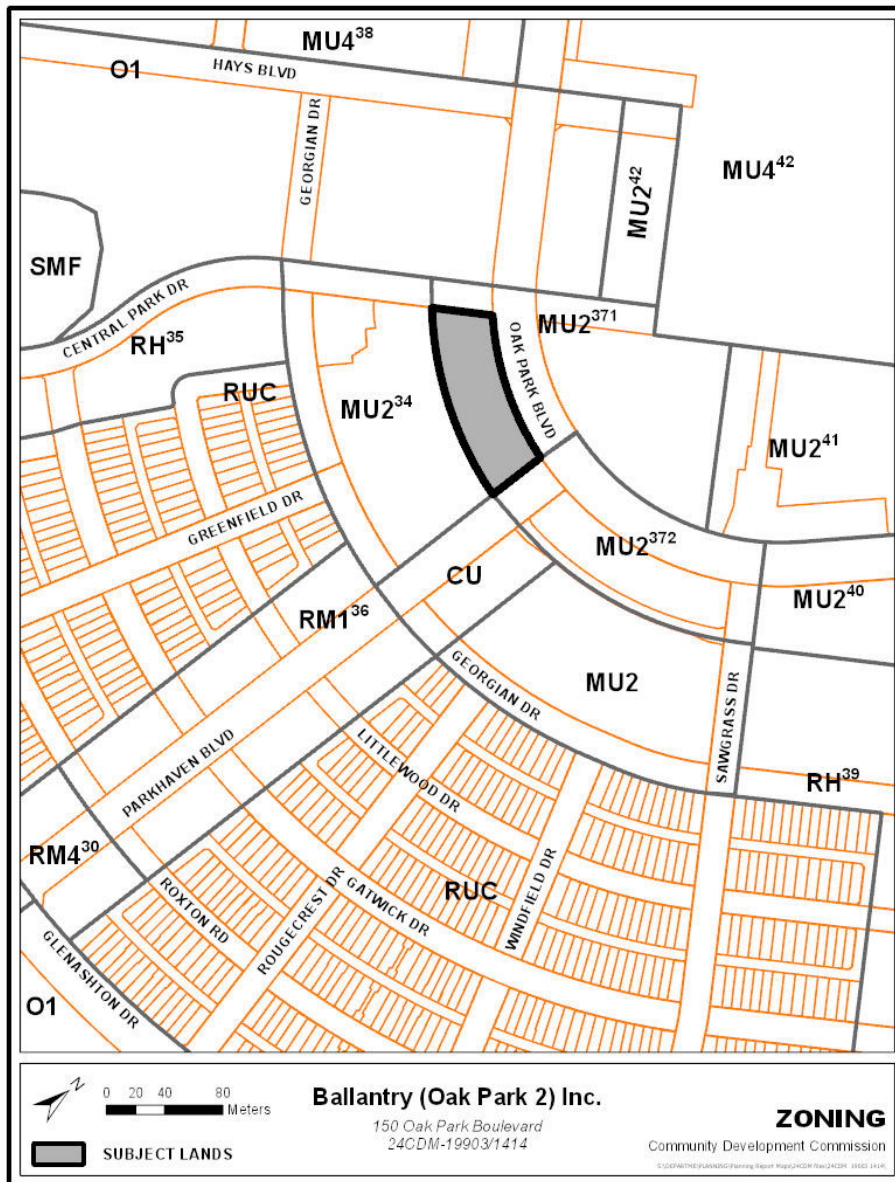


Figure 4: Excerpt from the North Oakville Zoning By-law

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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## PLANNING ANALYSIS

### Technical Review

The purpose of the proposed Plan of Condominium is to legally create the units through a standard condominium plan.

Through the review and approval of the site plan application 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;
- Landscaping and urban design;
- Grading and stormwater management;
- Vehicle access;
- 24 visitor parking spaces – seven of which are provided underground;
- Conformity with the Livable Oakville Plan; and
- Compliance with the Zoning By-law.

The proposed standard condominium includes visitor, commercial and residential parking at grade and below ground and is consistent with the plans approved as part of the August 4, 2017 site plan approval (SP. 1414.029/01).

The Draft Plan of Condominium application was circulated to internal departments and external agencies for comments and there were no issues raised. Draft Plan of Condominium conditions have been included in Appendix A of this report.

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. 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 Livable Oakville Plan.

## 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 Livable Oakville Plan and Zoning By-law 2014.014. The following requirements have been satisfied:



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- The proposed plan of condominium meets the criteria established in Section 51(24) of *the Condominium Act*;
- The proposed development conforms to the Livable Oakville 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 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.
- Opportunities for public participation were provided as part of the previous site plan application processes.
- Approval of the draft plan of condominium is necessary to create each unit as its own legal parcel, 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 through the Site Plan approval process. No comments have been received from the public.

### (B) FINANCIAL

A standard condition has been included to ensure that the property taxes are paid to date.

The condominium development is currently under construction and development charges (DC's) related to the residential and non-residential components of the development were collected in 2018. However, with respect to the commercial area, further Regional DC's may be applicable to any subsequent tenant fit out for a purpose other than non-retail development. Parkland requirements were satisfied through utilization by agreement of the land credit held by Silwell Developments Limited in relation to the Uptown Core. Site plan agreement #1414.029/01 details the required on-site and off-site works which are secured by Letter of Credit held on file.

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**(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 generally complies with the sustainability objectives of the Livable Oakville Plan.

**APPENDICES:**

Appendix A - Draft Plan of Condominium Conditions for 24CDM-19003/1414

Prepared by:

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Submitted by:

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