

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 3, 2016

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**FROM:** Planning Services Department

16-582

**DATE:** September 12, 2016

**SUBJECT:** Recommendation Report, Draft Plan of Condominium,  
Mattamy (DUC) Ltd., 3006 - 3052 Creekshore Common  
File No. 24CDM-16005/1318

**LOCATION:** Creekshore Common

**WARD:** 5

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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-16005/1318) submitted by Mattamy (DUC) Ltd., prepared by Rady-Pentek and Edwards Surveying Ltd., dated May 27, 2016 (Sheets 1 and 2), subject to the conditions contained in Appendix 'A' of the staff report dated September 12, 2016, from Planning Services; and
2. That notice of Council's decision reflect that the comments from the public have been appropriately addressed as described in staff report 16-582.

#### KEY FACTS:

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

- A Draft Plan of Condominium (Standard) application has been submitted to create a condominium for a development containing 88 residential units.
- 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 buildings are currently under construction.
- The development received final site plan approval (S.P. 1318.002/01) in May 2016.
- No circulated internal department or external agencies raised concerns with the application.
- Staff recommend that the Director of Planning give approval to the Draft Plan of Condominium subject to the conditions outlined in Appendix 'A'

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## BACKGROUND:

### Proposal

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 consisting of 88 residential units (62 in a four storey building and 26 townhouses). Upon registration of the condominium, the condominium corporation will be created and will be responsible for the management of the development.

Draft plan approval and registration of the plan is the last step in the planning process and will allow for the formal transfer of the individual units to the purchasers.



Figure 1: Draft Plan of Condominium excerpt

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## COMMENT/OPTIONS:

### Location

The development, being 1.2 hectares in size, is located on the north side of Dundas Street West midway between Towne Boulevard and Harmon Gate. The property is municipally known as 3006 – 3052 Creekshore Common.

### Surrounding Land Uses

The land uses are as follows:

- To the West and east: stormwater management features (a creek and pond respectively).
- To the north: residential (3 storey townhouses); and,
- To the south: Dundas Street West and residential

## POLICY FRAMEWORK

### Provincial Policy Statement

The Provincial Policy Statement is intended to promote a policy led system, which recognises 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.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

The subject application is consistent with the new PPS.

### Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. Development applications are being reviewed in accordance with the approved policies of ROPA 38.

The lands are designated "Urban Area" according to the Region's 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

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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 range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

#### Official Plan

The proposed development conforms to the Official Plan designation of *Dundas Urban Core Area* within the North Oakville East Secondary Plan. The designation permits medium and high density residential forms to a maximum height of 8 storeys.

#### Zoning By-law (North Oakville)

The subject property is zoned Dundas Urban Core – Special Provision 26.

The existing zoning regulations were established through a site specific zoning amendment to allow for the development.

As a condition of approval, staff are requesting the applicant to confirm that the "as built" development complies with the Zoning By-law.

### **PLANNING ANALYSIS:**

The purpose of the proposed Plan of Condominium is to legally create the individual condominium units to allow for the transfer of the ownership to the purchasers. The proposal was the subject of a detailed site plan process which reviewed a number of technical issues including stormwater management, grading/drainage, vehicle movements, landscaping and Regional servicing requirements.

Final site plan approval was granted in May, 2016. The buildings are presently under construction.

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.

The Draft Plan of Condominium application was circulated to internal departments and external agencies for comments and no concerns were raised.

Staff recommends draft approval of the application of the condominium as the following requirements have been satisfied:

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1. A full circulation has been undertaken and there are no outstanding financial, legal or planning issues to be resolved.
2. The proposal has been designed to comply with the Official Plan (NOESP) and Zoning By-law (By-law 2009-189). Final site plan approval was granted in May 2016.
3. Public participation occurred through the associated Zoning Amendment and further, through the site plan approval processes.
4. Building permits have been issued in accordance with the approved Site Plan, however, the Building Department as of the date of this report has not granted full or partial occupancy for the structures.
5. 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 guarantee the completion of the required site works.

## CONCLUSION

The approval and registration of the Draft Plan of Condominium will permit the transfer of ownership of the units to the individual purchasers. The Planning Services Department undertook a complete circulation of the application to ensure that all technical and financial matters had been addressed. No issues were raised by the circulated agencies and, as such, it is recommended that the proposed Draft Plan of Condominium be approved subject to conditions outlined in this report.

## CONSIDERATIONS:

### (A) PUBLIC

Public participation occurred through the associated Draft Plan of Subdivision/ Zoning Amendment process and further, through the site plan approval process.

### (B) FINANCIAL

A condition has been included to ensure that the property taxes are paid to date prior to final registration.

### (C) IMPACT ON OTHER DEPARTMENTS & USERS

None of the circulated departments/agencies raised any issues with respect to the proposal. Any relevant conditions have been included within Appendix "A".

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**(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 North Oakville.

**APPENDICES:**

Appendix A - Draft Plan of Condominium Conditions

Prepared by:

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Recommended by:

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Submitted by:

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Director, Planning Services