

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 3, 2016

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**FROM:** Planning Services Department

16-581

**DATE:** September 12, 2016

**SUBJECT:** Public Meeting and Recommendation Report, Draft Plan of Condominium (Common Element), Stateview Homes (Ivory Oak Estates) Inc., File No. 24CDM-16003/1430

**LOCATION:** 2295/2307 Khalsa Gate

**WARD:** 4

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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-16003/1430) submitted by Stateview Homes (Ivory Oak Estates) Inc., prepared by KRCMAR, dated May 18, 2016, subject to the conditions contained in Appendix 'A' to the staff report dated September 12, 2016, from Planning Services department; and
2. That notice of Council's decision reflect that the comments from the public have been appropriately addressed as described in staff report 16-581.

#### KEY FACTS:

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

- The application for a common elements condominium is necessary to provide shared ownership and maintenance of the internal site servicing and amenity elements associated with the approved 22-unit residential townhouse development.
- The subject block is part of a draft plan of subdivision (24T-14007/1430). It is anticipated that the subdivision will be registered in September 2016.
- It is also anticipated that final site plan approval (File No.: 1430.013/02) will be granted shortly after registration of the subdivision.
- No circulated internal departments or external agencies raised concerns with the application.
- A separate part lot control exemption application to create the individual lots for each townhouse will be considered by Council in the future.

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- Staff recommend that the Director give approval to the draft plan of condominium subject to the conditions outlined in Appendix A.

## **BACKGROUND:**

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting, to provide a full staff review and provide a recommendation on the proposed draft plan of condominium. Given the nature of the proposed draft plan of condominium, and the lack of previous public interest in the development (OPA, ZBA, Draft Plan and Site Plan processes), a combined public meeting and recommendation report has been submitted for this application.

The subject land is a block contained within a plan of subdivision (File 24T-14007/1430) expected to be registered in September 2016. Conditional site plan approval for this residential development was granted on April 12, 2016 (S.P. 1430.013/02). Final site plan approval is anticipated shortly after registration of the subdivision.

A Part Lot Control application will be submitted in the future to allow for the conveyance of the individual townhouse parcels.

## **Proposal**

The applicant is requesting approval of a draft plan of condominium to create a common element condominium (highlighted by arrow below) related to the private road network, landscaping, a community mailbox associated with 22-unit residential townhouse development. Access to the development is from Khalsa Gate.

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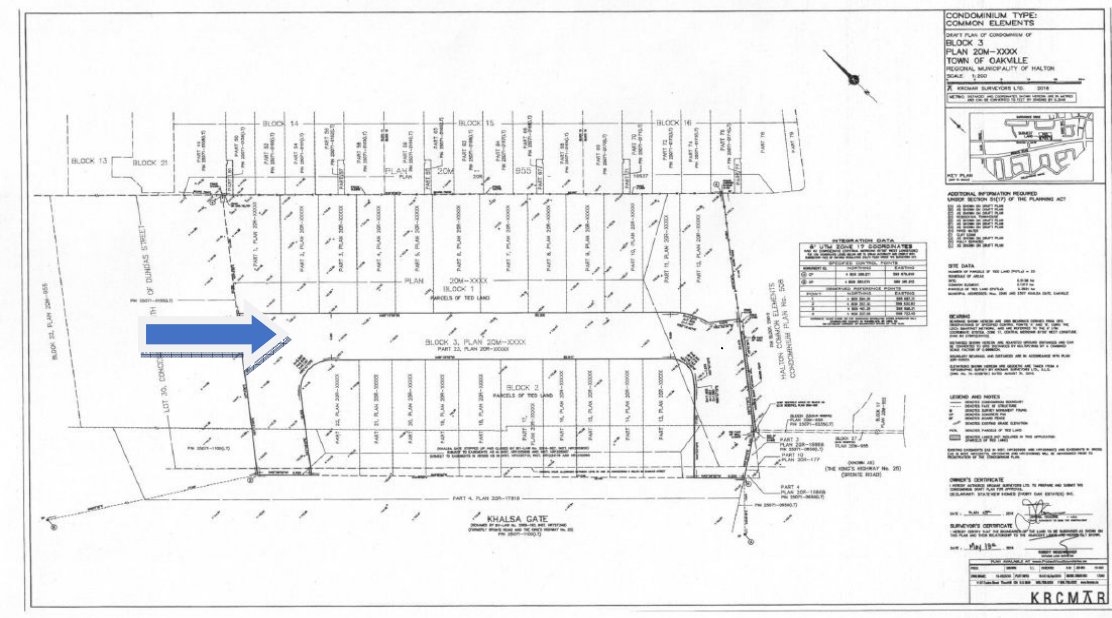


Figure 1: Draft Plan of Common Element Condominium

## COMMENT/OPTIONS:

### Location

The development, being 0.51 hectares in size, is located on the east side of Khalsa Gate at the most southerly end of Khalsa Gate. The property is municipally known as 2295 and 2307 Khalsa Gate.

### Surrounding Land Uses

The surrounding land uses are as follows:

West: Khalsa Gate and Bronte Road  
 North: an existing detached dwelling.  
 East and south: existing 3 storey townhouses.

## 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.

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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. The policies of ROPA 38 to Halton's Official Plan are in force with the exception of site specific and policy specific matters unrelated to this application.

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 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.

Regional staff have no objection to this proposal. Final approval of this condominium is to be after registration of draft plan.

#### Official 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 proposed development conforms to the Official Plan designation of *Medium Density Residential*.

#### Zoning By-law (2014-014)

The subject property is zoned RM1 SP. 363. The proposal complies with this zoning. The existing zoning regulations were established through a site specific zoning amendment to allow for the development.

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The buildings are presently under construction.

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 proposal was the subject of several previous planning processes (OPA, ZBA, Draft Plan of Subdivision) and a detailed site plan process which reviewed a number of technical issues including stormwater management, grading/drainage, vehicle movements, landscaping and Regional servicing requirements.

The financial obligations of the developer as it relates to the construction of the development and streetscape elements were addressed through the conditions of draft plan of subdivision and site plan approval.

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

Pursuant to Section 11.1.5 of the Livable Oakville Plan, a public road is not warranted. The private road has been designed to allow the northerly property to connect to this road in the future.

A full circulation has been undertaken and there are no outstanding financial, legal or planning issues to be resolved.

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 Livable Oakville. There are no zoning compliance issues.

### **CONCLUSION**

Staff is satisfied with the application and recommends approval, subject to the conditions in Appendix A, 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;
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;

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- 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.
- The application for a common elements 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.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice of the meeting regarding this development application was provided though a mailing to all properties within 120 metres of the subject property and on the site sign. No Public Information Meeting was held as public participation on the site's development was already undertaken through the related Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan application processes.

### **(B) FINANCIAL**

None arising from this report.

### **(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".

### **(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:**

Appendix A - Draft Plan of Condominium Conditions

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Current Planning West District

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Director, Planning Services