

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 3, 2016

FROM: Planning Services Department

16-466

DATE: September 12, 2016

SUBJECT: Recommendation Report, Draft Plan of Condominium,
Willowbay Investments Inc., 2370 and 2388 Khalsa Gate,
2375 and 2393 Bronte Road, File No. 24CDM-15003/1431

LOCATION: 2370 and 2388 Khalsa Gate, 2375 and 2393 Bronte Road

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-15003/1431) submitted by Willowbay Investments Inc., prepared by KRCMAR, dated August 5, 2015 (Sheets 1 to 4), subject to the conditions contained in Appendix 'A' of 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 16-466.

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 containing 122 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 (SP.:1431.018/01) on March 29, 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 a total of 122 residential units. This is the first phase of a two phase development. 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.

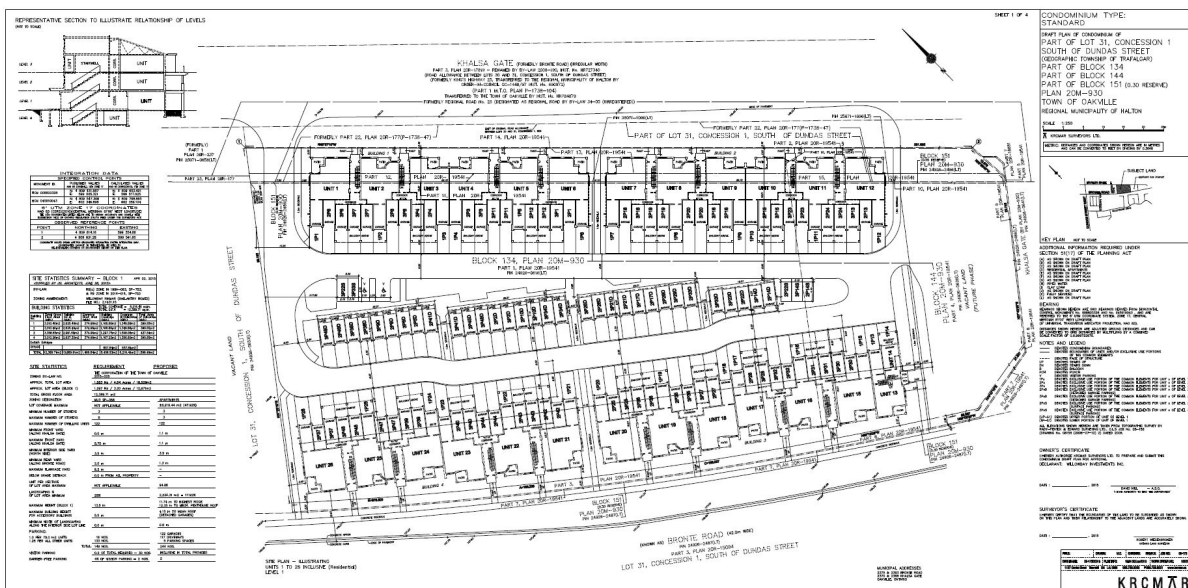


Figure 1: Draft Plan of Condominium

COMMENT/OPTIONS:

Location

The subject development phase, being 1.3 hectares in size, is located on the west side of Khalsa Gate, south of Pine Glen Road. The property is municipally known as 2370 and 2388 Khalsa Gate and 2375 and 2393 Bronte Road.

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Surrounding Land Uses

The surrounding land uses are as follows:

West: Bronte Road and residential.

North: residential

East: Khalsa Gate 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 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.

A Regional condition related to noise warning clauses has been included in Appendix A.

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Livable Oakville Plan

Schedule N, Palermo Village Land Use Plan designates the development site as *Urban Centre*.

The proposed development conforms to the Livable Oakville designation of *Urban Centre*.

Zoning By-law

The site is zoned to MU3 SP 358. The development complies with these zones.

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

Final site plan approval was granted on March 29, 2016. 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 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.

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

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 and Zoning By-law (By-law 2014-014). Final site plan approval was granted on March 29, 2016.
3. Public participation occurred through the associated Zoning Amendment and further, through the site plan approval processes.

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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 Zoning Amendment and further, through the site plan approval processes.

(B) FINANCIAL

Securities and other financial requirements associated with this development were satisfied as conditions of the site plan agreement. A 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. 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

Prepared by:

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Current Planning West District

Recommended by:

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Manager, Current Planning - West

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Submitted by:

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Director, Planning Services