



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 07, 2020

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**FROM:** Planning Services Department

**DATE:** December 2, 2020

**SUBJECT:** Recommendation Report, Draft Plan of Condominium, Mattamy (DUC) Limited and Petgor DUC (Bower Condo A), 24CDM-20002/1315

**LOCATION:** Part of Lots 14 and 15, Conc. 1, NDS; Part of Block 122 on Plan 20M-1173

**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 (Phased) (24CDM-20002/1315) submitted by Mattamy (DUC) Limited, prepared by R-PE Surveying Ltd., dated February 12, 2020, subject to the conditions contained in Appendix 'A' of the Planning Services report dated December 2, 2020.

### KEY FACTS:

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

- A draft plan of condominium application that is a phased standard condominium has been submitted to create condominium tenure for an existing development containing 262 units in total (233 apartment dwellings as part of Phase 1, and 29 rear lane townhouse units as part of Phase 2) on private condominium roads.
- A portion of the underground garage in Phase 1 will be located under the Phase 2 lands creating a temporary strata separation of ownership until the Phase 2 lands are registered and become part of the condominium.
- Condominium tenure would allow for the transfer of individual units to the future owners.
- The development received final site plan approval (SP.1314.001/01) on September 13, 2018.
- No circulated internal or external agencies raised concerns with the applications.
- Staff recommends approval to the draft plan of phased strata condominium subject to the conditions outlined in Appendix 'A'.

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**BACKGROUND:**

The applicant seeks approval for a plan of condominium that is a phased standard condominium to establish condominium tenure for 262 units in total (233 apartment dwellings as part of Phase 1, and 29 rear lane townhouse units as part of Phase 2) on private condominium roads. The entire underground garage will be registered as part of Phase 1 to accommodate potential construction buildout. It is anticipated that the Phase 2 construction of the townhouses will not be completed at the same time as Phase 1. A portion of the underground garage in Phase 1 will be located under the Phase 2 lands. This will create a temporary strata separation of ownership where the condominium extends underneath a parcel of land retained by the owner. Once the Phase 2 lands are registered and become part of the condominium, the property lines between the phases would be removed and there would no longer be a strata separation of ownership.

The context plan is shown below as Figure 1. A total of 363 residential parking spaces (inclusive of visitor parking) have been provided. The majority of the parking to accommodate the apartment units is located in the underground garage, while visitor parking is located around the central amenity space.

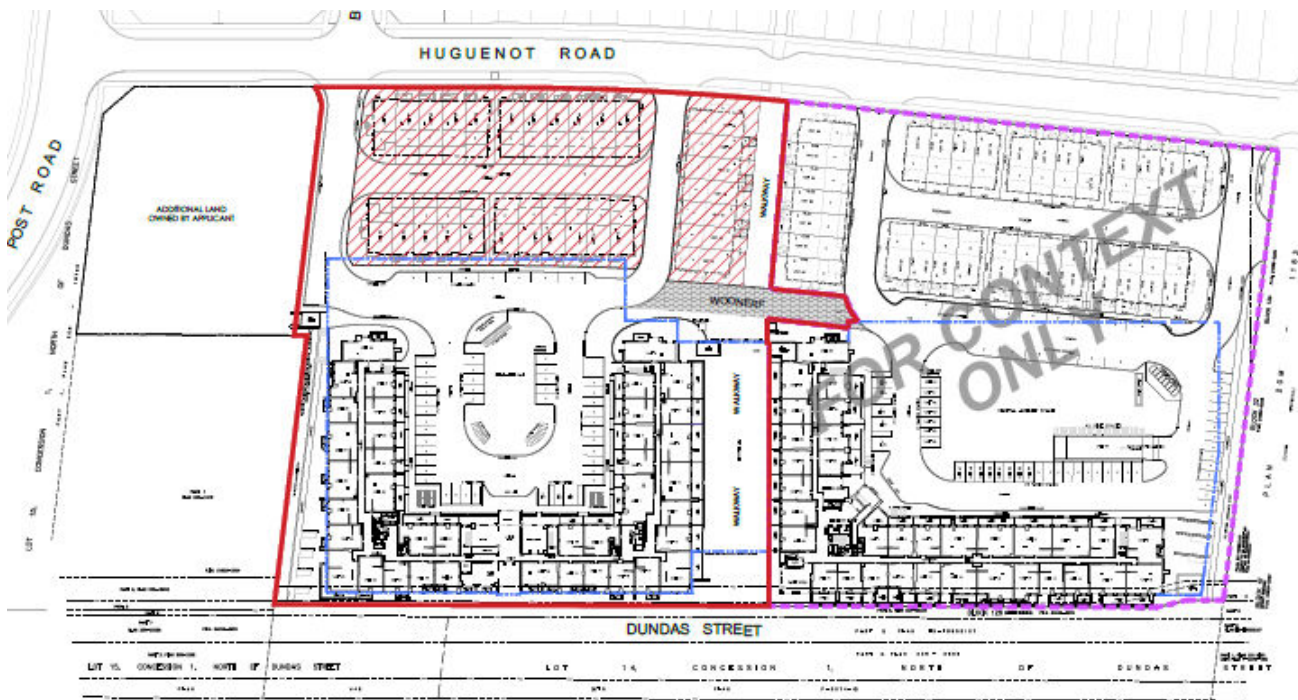


Figure 1: Context Plan for Phase 1 and 2 (parcel outlined in red)

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The lands shown above, to the east of the subject lands, have been constructed and registered as a separate condo corporation. Parking within the underground garage will be via the underground parking garage ramp constructed as part of the condo on the east block. To facilitate this arrangement, the applicant identified the underground parking garage ramp as Unit 55 and a knock out panel within the underground garage as Unit 405 in the recently registered condo plans. The intent is that the underground parking garage ramp will be co-owned by the subject condo as well as the future condo to the west. The ownership of Unit 405 will be transferred to the subject land's condo corporation upon registration.

The draft plan is shown as Figure 2 below. Upon final approval of the plan of phased strata condominium, the condominium corporation will be responsible for the management of the development.

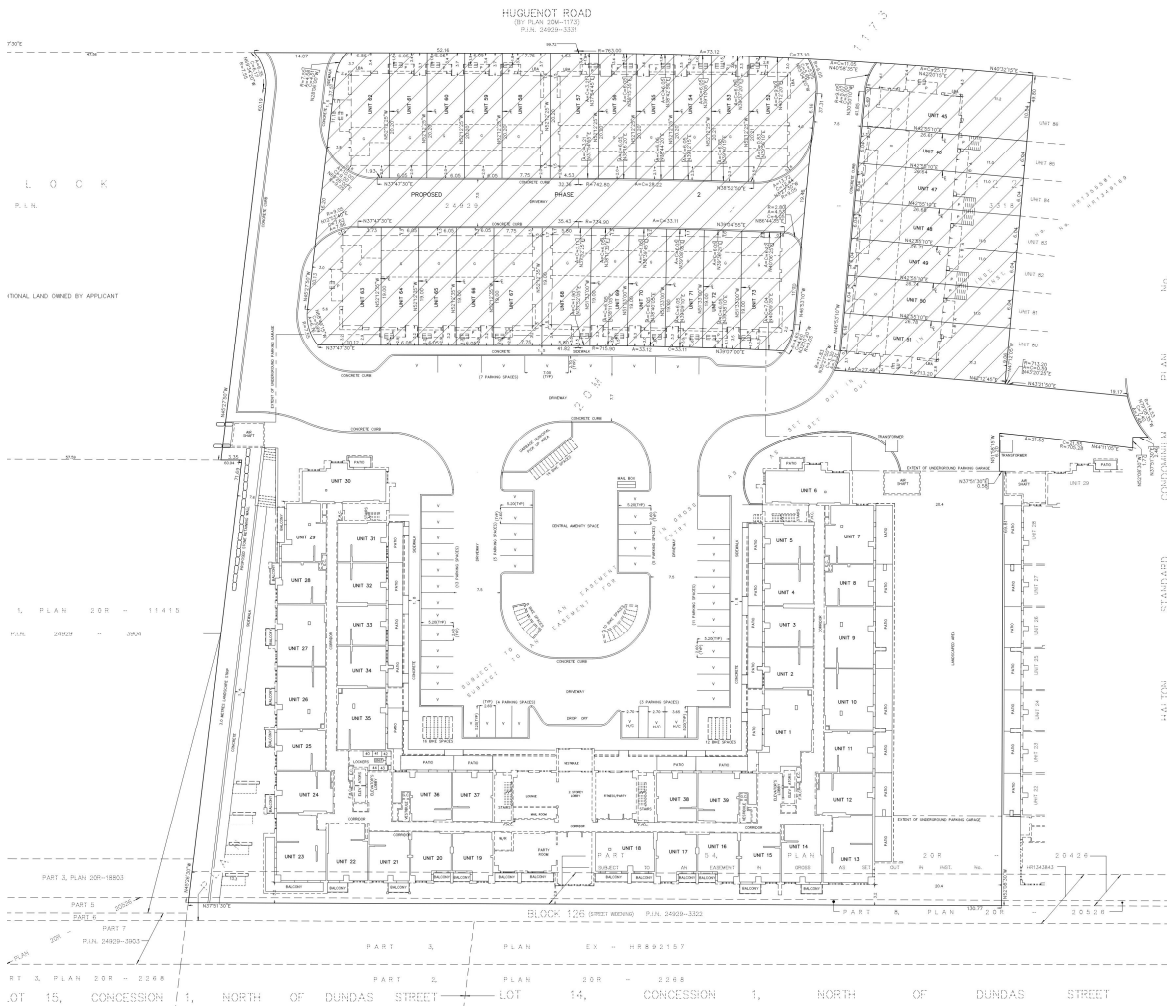


Figure 2: Draft Plan of Condominium

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Submission materials are posted on the town's website:

<https://www.oakville.ca/business/36462.html>

### Location and Site Description

The subject land area is 1.725 hectares and fronts onto Dundas Street East with vehicular access from Huguenot Road.



Figure 3: Air Photo

### Surrounding Land Uses

The surrounding land uses are as follows:

North: Residential – Petgor Phase 1A  
East: Residential – Petgor Bower B Registered Condo Corporation  
South: Dundas Street East and Halton Regional Police Station  
West: Vacant - Future Dundas Urban Core lands

### **POLICY FRAMEWORK**

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

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)

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- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189

2020 Provincial Policy Statement:

The Provincial Policy Statement (2020) ('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.

Staff is of the opinion that the proposed draft plan of condominium is consistent with the 2020 Provincial Policy Statement as it adds to the range of residential uses, provides for compact development that makes use of existing municipal infrastructure, including Oakville Transit routes and the Uptown Core Transit Terminal which is approximately an eight-minute walk from the subject lands.

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

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#### 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.

#### North Oakville East Secondary Plan

The subject lands are designated Dundas Urban Core (DUC) on Figure NOE2, Land Use Plan in the NOESP. The zoning by-law for the subject lands permits mixed use and stand-alone residential buildings along Dundas Street as well as townhouses. The application provides an appropriate transition of height and use from Dundas Street to the lower density residential areas in terms of land use, height and density in a manner consistent with NOESP and the approved site plan application.

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Figure 4: Excerpt from the North Oakville East Secondary Plan

Zoning By-law 2009-189

The subject lands are zoned Dundas Urban Core SP26 and Neighbourhood Centre SP7 as shown on Figure 5 below. The development has been constructed in accordance with the Zoning By-law.

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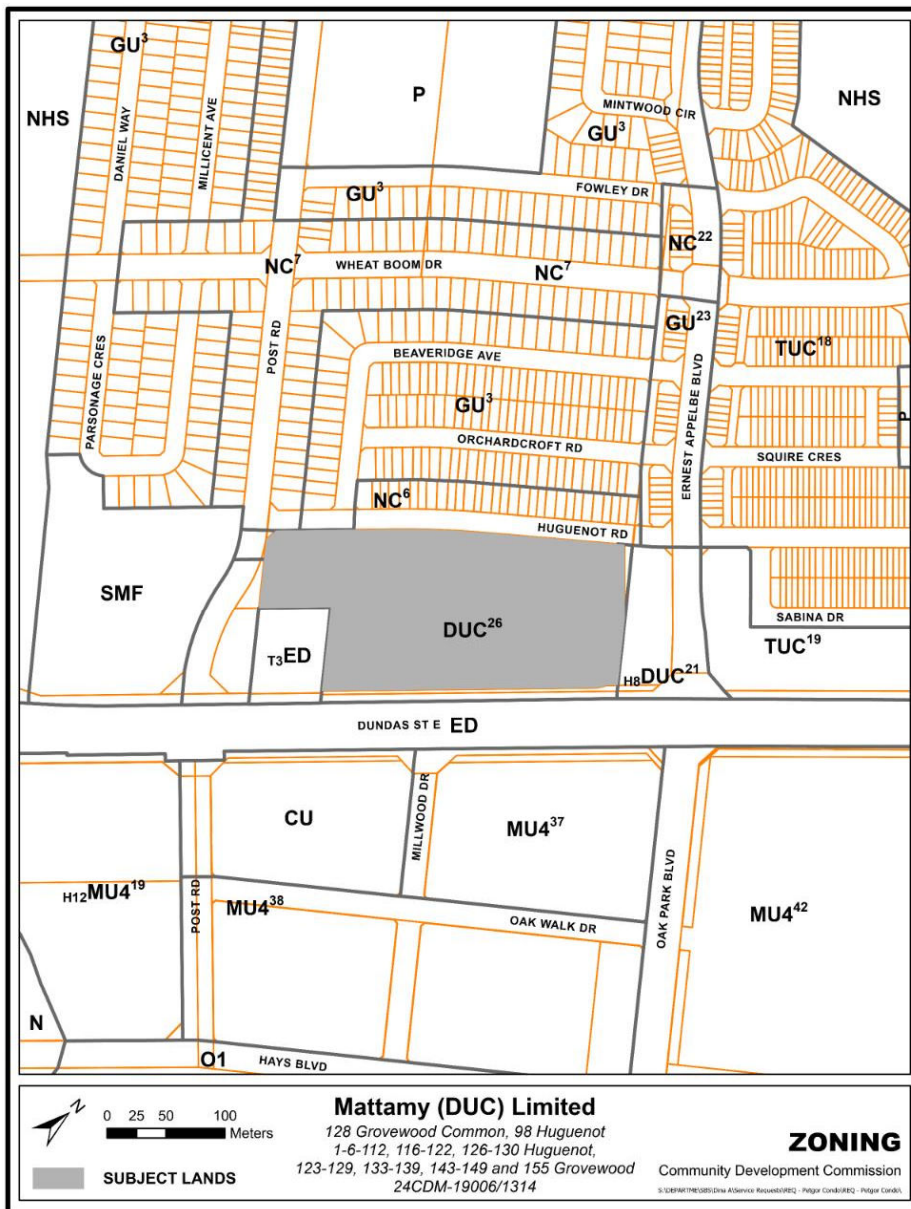


Figure 5: Excerpt from the North Oakville Zoning By-law

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 condominium is to create condominium tenure for 233 apartment units and 29 rear lane townhouses on private condominium roads.

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;
- Vehicular access;
- visitor parking spaces – provided around central amenity area
- Conformity with the North Oakville East Secondary Plan; and
- Compliance with the Zoning By-law.

The proposed condominium includes visitor parking at grade, residential parking below ground, and a central amenity area. The plan is consistent with the plans approved as part of the September 13, 2018 site plan approval (SP. 1314.001/01).

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. The obligations of the developer as it relates to the future shared ownership of the parking ramp and the transfer of ownership of the knock out panel to the condo corporation to the west have been addressed through the draft plan conditions included in Appendix 'A'. 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.

## 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

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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 North Oakville East Secondary 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 opportunities were provided through the subdivision, zoning and site plan approval processes. No comments were received from the public.

**(B) FINANCIAL**

Financial requirements specific to construction, such as the payment of development charges and parkland requirements, have been satisfied. A standard condition has been included to ensure that the property taxes are paid to date.

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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 North Oakville East Secondary Plan.

**APPENDICES:**

Appendix A - Draft Plan of Condominium Conditions for 24CDM-20002/1315

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