

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 28, 2016

FROM: Planning Services Department

PD 16-606

DATE: November 7, 2016

SUBJECT: **Public Meeting and Recommendation Report, Peppergate Developments Inc., 2420 Baronwood Drive, File No.: Z.1430.28 - By-law 2016-112**

LOCATION: 2420 Baronwood Drive

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RECOMMENDATION:

1. That the Zoning By-law Amendment by Peppergate Developments Inc. (File Z.1430.28) be approved;
2. That comments from the public be received and that notice of Council's decision reflect that the comments from the public have been appropriately addressed; and
3. That By-law 2016-112 be passed.

KEY FACTS:

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

- The development consists of a 166 unit stacked townhouse development inclusive of eight units fronting Khalsa Gate built to accommodate limited commercial uses.
- Council approved a zoning by-law amendment on October 22, 2012 to permit the development.
- Conditional site plan approval (SP.1430.040/01) was granted on November 12, 2013 and draft plan of condominium approval (24CDM-14006/1430) was granted on March 9, 2015.
- The owner intends to register the condominium in two phases.
- A zoning by-law amendment is required to recognize the development as one lot for zoning purposes to allow for the plan of condominium to be registered in two phases.

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- The zoning by-law amendment will allow for establishment of condominium tenure for the development in two phases and allow for the transfer of individual units to the future owners.

BACKGROUND

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed zoning by-law amendment to recognize the development as one lot for zoning purposes to allow for the plan of condominium to be registered in two phases.

In November 2011, the applicant submitted a Zoning By-law Amendment application (Z.1430.28) to permit the development of a 147 unit stacked townhouse development. In discussion with staff, and in response to input received, the application was subsequently revised to 166 stacked townhouse units in seven blocks as a result of agreeing to acquire a portion of the surplus right-of-way along Khalsa Gate and decreasing dwelling unit size.

As part of the zoning by-law amendment application, design considerations such as pedestrian access to Khalsa Gate, opportunity for commercial uses at grade along Khalsa Gate, and incorporation of a surplus road allowance along Khalsa Gate to support the implementation of the Old Bronte Road/Khalsa Gate Streetscape Plan were provided for. On October 22, 2012, Council approved the Zoning By-law amendment application.

A site plan application was subsequently submitted on April 15, 2013. The northerly extension of Baronwood Drive was secured for through a subdivision agreement (24T-08005) and the street townhouses on the east side of the extended Baronwood Drive were not part of the site plan application (pursuant to By-law 2005-062, site plan approval not required). The site plan application addressed site development matters such as; built form and site layout; landscaping and urban design; grading and stormwater management; related financial obligations; and, was conditionally approved by the Site Plan Committee on November 12, 2013.

Draft plan of condominium approval (24CDM-14006/1430) was granted on March 9, 2015 for the subject 166 stacked townhouse development inclusive of 255 parking spaces (of which 42 are visitor parking spaces), private road, elevator, landscaping and pedestrian walkways, as provided in Figure 1.

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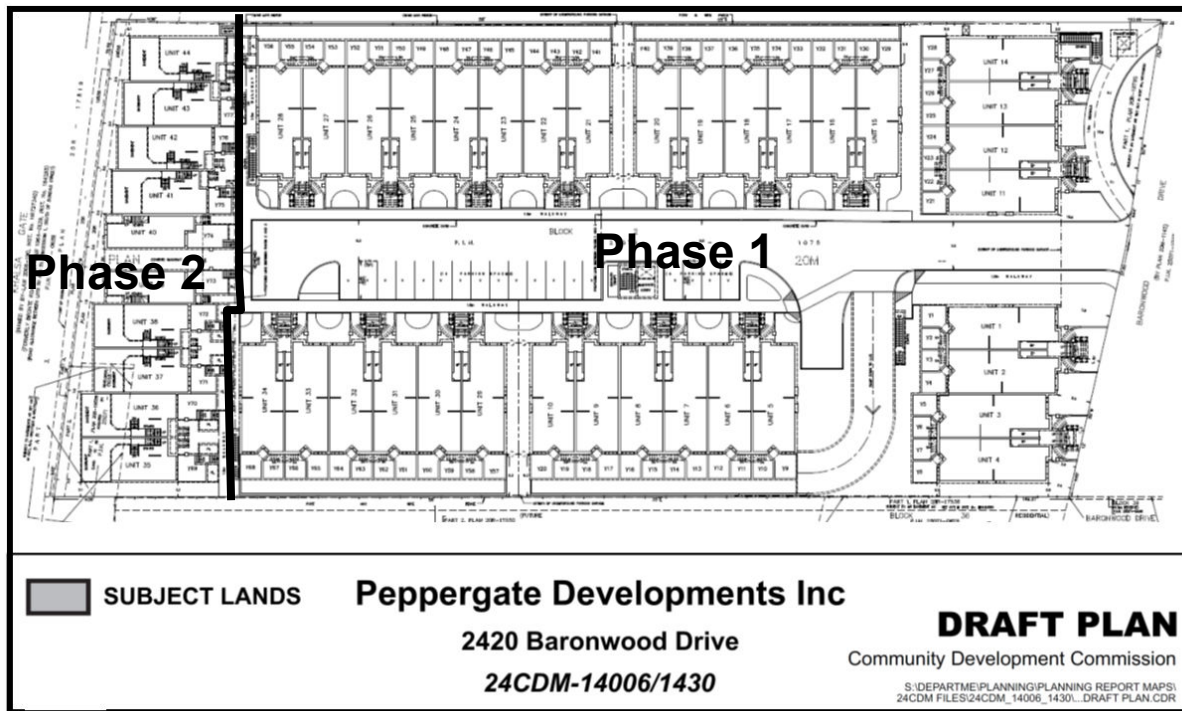


Figure 1: Draft Plan of Condominium

The owner has advised that they intend to register the condominium in two phases. When phase 1 of the condominium is registered, it will create a new 'lot', as defined by Zoning By-law 2014-014, and phase 2 will no longer comply with the Zoning By-law. As such, a zoning by-law amendment is required to allow for registration of the condominium in two phases by recognizing the development as one lot for zoning purposes. The zoning by-law amendment will allow for establishment of condominium tenure for the development in two phases and allow for the transfer of individual units to the future owners.

Location

The property is located on the east side of Khalsa Gate, south of Pine Glen Road within Palermo Village and municipally known as 2420 Baronwood Drive (Figure 2).

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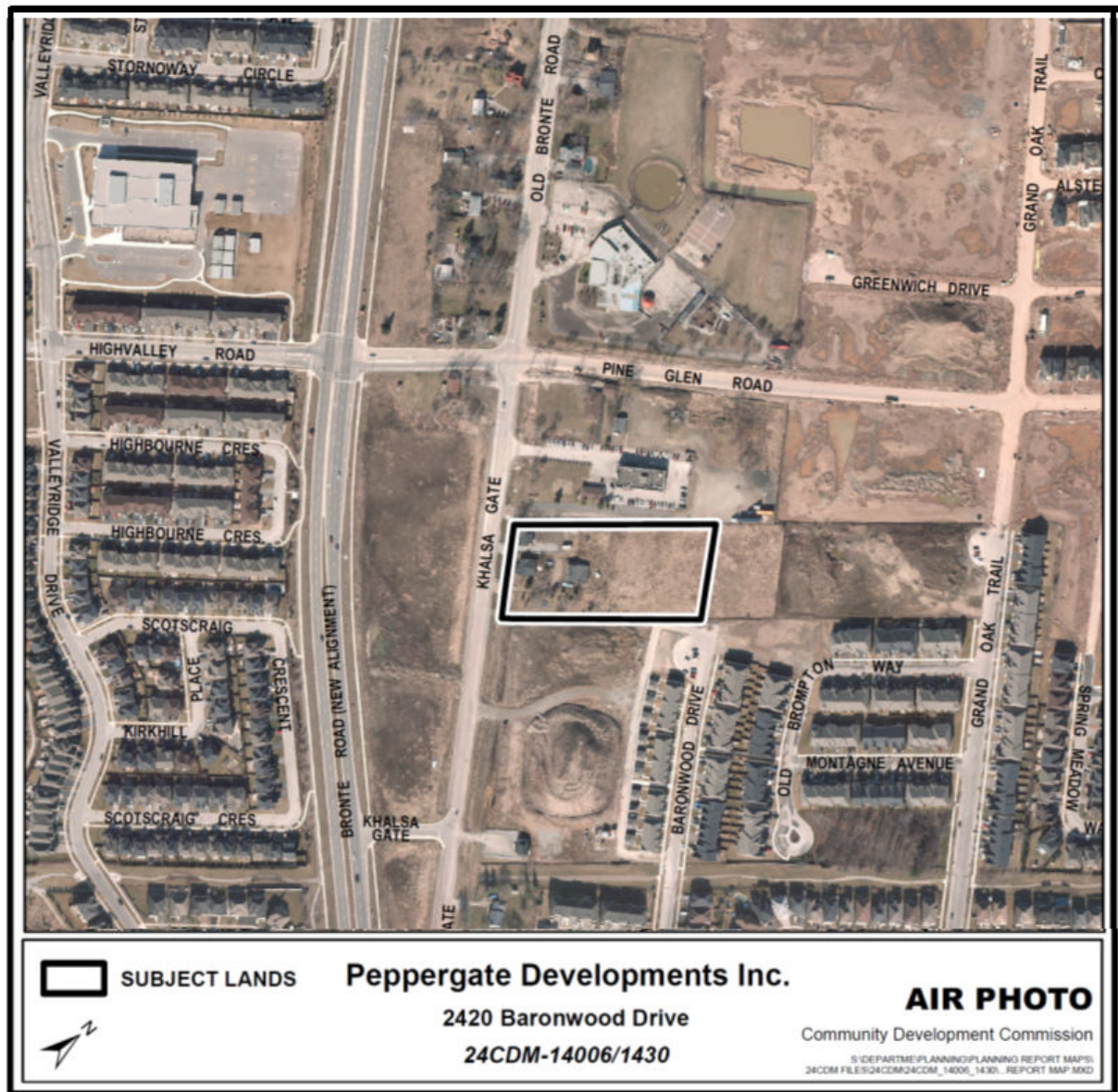


Figure 2: Air Photo

Site Description

The lands subject to this application are approximately 1.06 ha in size with 70.4 m of frontage on Khalsa Gate and 71.5 m of frontage on Baronwood Drive. Phase 1 of the 166 stacked townhouse development is substantially built and partially occupied, and phase 2 is currently under construction.

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Surrounding Land Uses

The surrounding land uses are as follows:

South: Townhouses and approved apartment buildings

West: Khalsa Gate then townhouse and approved and proposed apartment and mixed use development

North: Place of worship then Pine Glen Road.

East: Townhouses

POLICY FRAMEWORK

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 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 Urban Centre on Schedule N, Palermo Village Land Use Schedule in the Livable Oakville Plan.

Pursuant to Section 4.1 of the Livable Oakville Plan, the subject lands are located within Palermo Village, which is one of the Town's primary growth areas.

Section 22.5.1 of the Livable Oakville Plan provides that stacked townhouses are permitted within the Urban Centre designation with a minimum density of 100 units per site hectare and height between two and eight (10 for corner sites) storeys.

The Palermo Village growth area policies of Part E, Section 22 are applicable and provide the planning goal to *"be a transit-supportive, pedestrian-oriented mixed use community."*

Zoning By-law

The subject lands are zoned H24-RM3 SP:273. An amendment to SP: 273 is proposed to recognize the development as one lot for zoning purposes to allow for the plan of condominium to be registered in two phases.

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PLANNING ANALYSIS:

Planning matters considered

The development has been subject to a detailed development planning process, with public participation and Council approval, where conformance with the Livable Oakville and Streetscape Plan policies were provided, zoning performance standards to implement the aforementioned policies enacted, and more detailed site plan technical matters fully addressed. An amendment to SP: 273 is proposed to recognize the development as one lot for zoning purposes to allow for the plan of condominium to be registered in two phases and transfer of individual units to the future owners.

More specifically, draft plan of subdivision 24T-04002/1430 was approved by Council on December 8, 2008 which created the subject land parcel and where other matters such as the extension of Baronwood Drive were secured for. Subsequently, Zoning By-law Amendment (Z.1430.28) was approved by Council on October 22, 2012 which established site-specific zoning standards and site-specific design guidelines to be implemented through the requisite site plan application. Conditional site plan approval was granted on November 12, 2013 (SP. 1430.040/01) where the following matters were addressed:

- Built form and site layout;
- Landscaping and urban design;
- Grading and stormwater management;
- Site servicing including the extension of Baronwood Drive;
- Cash-in-lieu of streetscape improvements;
- Conformity with Livable Oakville and compliance with the Zoning By-law;
- Financial obligations; and,
- Purchase of the surplus right-of-way along Khalsa Gate.

The Old Bronte Road / Khalsa Gate Streetscape Plan will be implemented, in part, though cash-in-lieu contribution of streetscape improvements, required as a condition of site plan approval, and through the built form.

Matters raised by the Public

No comments have been received from the public regarding the proposed zoning by-law amendment. If additional public input is received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council's planning decisions.

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Should additional comments be received, staff would recommend that the following be added to the Council resolution in satisfaction of the new requirements introduced through *Bill 73, The Smart Growth for Our Communities Act*.

‘That notice of Council’s decision reflect that the comments from the public have been appropriately addressed as described in staff report PD-16-606’

CONCLUSION

The Planning Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is satisfied that the application conforms to the overall policy direction of the Livable Oakville Plan and other relevant policy documents, and recommends approval of the application, as the following requirements have been satisfied:

- The development has been subject to a detailed development planning process, with public participation and Council approval, where conformance with the Livable Oakville and Streetscape Plan policies were provided, zoning performance standards to implement the aforementioned policies enacted, and more detailed site plan technical matters fully addressed.
- An amendment to SP: 273 is proposed to recognize the development as one lot for zoning purposes to allow for the plan of condominium to be registered in two phases and transfer of individual units to the future owners.
- Registration of the plan of 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.

Staff recommends approval of the zoning by-law amendment as the proposal is consistent with the Livable Oakville Plan, represents good planning and is in the public interest.

CONSIDERATIONS:

(A) PUBLIC

Public participation related to these lands occurred through planning process for the Plan of Subdivision, Zoning Amendment, minor variances and site plan approval. Notice of this meeting has been provided to landowners within 120 m of the subject lands, in accordance with the *Planning Act*.

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(B) FINANCIAL

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

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None of the circulated departments/agencies raised any issues with respect to the proposal.

(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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