

REPORT

Planning and Development Council

Meeting Date: December 7, 2021

FROM: Planning Services Department

DATE: November 30, 2021

SUBJECT: Removal of Holding “H” Provision, 1415 Dundas Street East and 3006 William Cutmore Boulevard (a portion of Block 146 – 20M-1229), File No.: Z.1308.04, By-law 2021-134

LOCATION: 1415 Dundas Street East and 3006 William Cutmore Boulevard

WARD: Ward 6

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RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: Z.1308.04) submitted by Mattamy (Joshua Creek) Limited to remove the “H29” Holding Provision from a portion of Block 146, 20M-1229 municipally known as 1415 Dundas Street East and 3006 William Cutmore Boulevard, be approved; and,
2. That By-law 2021-134, a by-law to remove the “H29” Holding Provision on a portion of Block 146, 20M-1229 municipally known as 1415 Dundas Street East and 3006 William Cutmore Boulevard, from Zoning By-law 2009-189, as amended, be passed.

KEY FACTS:

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

- An application for a draft plan of subdivision and Zoning By-law amendment on the subject lands was approved by the Local Planning Appeals Tribunal (LPAT) on February 7, 2019.
- Holding Provision “H29” was established on the Dundas Urban Core block at the request of the Town of Oakville, Conservation Halton and the Region of Halton.
- The purpose of the Holding Provision is to restrict the use of the land to legal uses, buildings and structures existing on the lot, until such time as conditions a) to c) of Section 9.3.29.2 of the Zoning By-law 2009-189 have been completed to the satisfaction of the Town of Oakville, Conservation Halton and the Region of Halton.

- The subject lands located at 1415 Dundas Street East and 3006 William Cutmore Boulevard are subject to a Site Plan application (SP.1307.002/02) to permit the construction of two 12-storey mixed use buildings containing a total of 329 residential units and a total of 1,937 square metres of retail space.
- The application was received on August 9, 2021, which included the required documentation as justification that the Conditions for Removal of the “H29” have been completed.
- The Region of Halton and Conservation Halton confirmed that they have no objections to the application and that the applicant has satisfied their conditions to remove the “H29” Holding Provision from a portion of the subject lands.
- The Section 37 Agreement was registered on November 5, 2021.
- Staff recommends that By-law 2021-134 be passed, which would have the effect of removing “H29” from a portion of Block 146, 20M-1229.

BACKGROUND:

A Zoning By-law Amendment and Draft Plan of Subdivision applications were approved by the Local Planning Appeal Tribunal (LPAT) on February 7, 2019, which had the effect of rezoning the larger subdivision for residential uses, stormwater management, parks and natural heritage system subject to a Holding “H” Provision on portions of the development.

Holding Provision “H29” was incorporated onto the Dundas Urban Core block at the request of the Town of Oakville, Region of Halton and Conservation Halton. The purpose of the “H29” is to limit development on the subject lands to legal uses, buildings and structures existing on the lot, until such time that the following conditions were satisfied:

- a) sufficient water and wastewater servicing allocation has been secured;
- b) the JC-31 realignments works were completed or when the block is no longer within Conservation Halton's regulated area; and,
- c) a Section 37 agreement is registered on the lands to allow for additional height.

The applicant will be eligible for building permits at such time as “H29” is removed from Zoning By-law 2009-189 and final Site Plan approval is received.

Proposal

The applicant is requesting to remove the “H29” Holding Provision on a portion of the subject site to be developed for two 12-storey mixed use buildings containing a total of 329 residential units and a total of 1,937 m² of retail space.

Location & Site Description

The subject lands are approximately 2.89 hectares in size and are located on the north-west intersection of Dundas Street East and William Cutmore Boulevard as, seen in Figure 1.

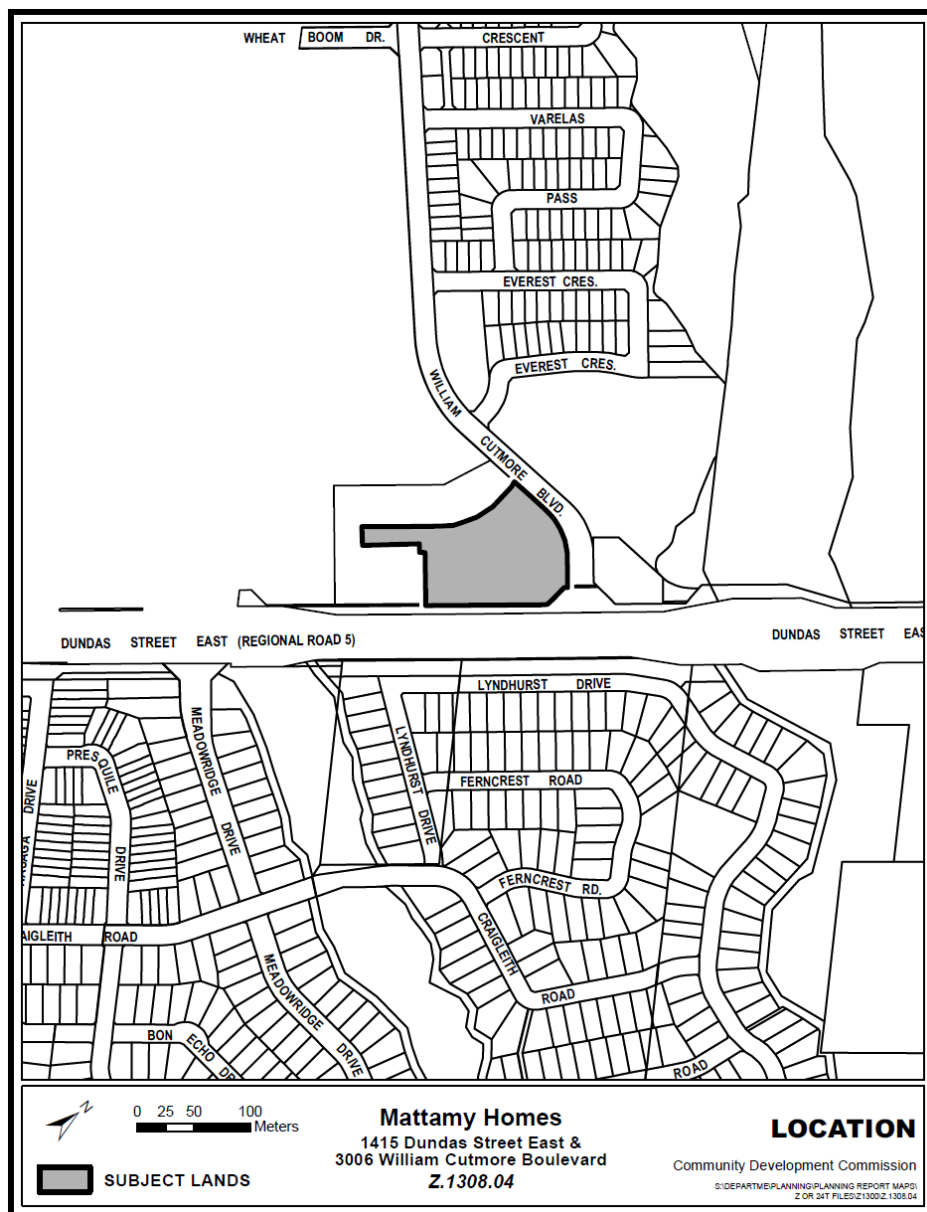


Figure 1: Location Map

TECHNICAL & PUBLIC COMMENTS:

The subject lands were the subject of extensive public consultation processes as part of the development application review. On February 7, 2019, the Local Planning Appeal Tribunal approved By-law 2018-036, which established the “H29” Holding Provision as a supplementary component of Zoning By-law Amendment Z.1307.03.

The Town received an application from Mattamy (Joshua Creek) Limited to remove a portion of the “H29” Holding Provision from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189, Section 9, “H29” Holding Provision indicates that the holding provision may be removed when the following conditions have been satisfied:

H29	Bressa Developments Limited.	Parent Zone: DUC-1
Map 12(6)	Part of Lots 7 and 8, Concession 1, NDS	(2018-036)
9.3.29.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following uses:		
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i> .	
9.3.29.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	That water and wastewater Servicing Allocation has been secured for the subject lands and the proposed development through Halton Region; and that Halton Region provides correspondence indicating that sufficient water and wastewater servicing allocation has been secured to support the development.	
b)	That the JC-31 realignment works are completed and written confirmation is received from Conservation Halton confirming that the Dundas Urban Core (Block 200) is no longer within Conservation Halton’s regulated area, which includes the flooding hazard under the Regional Storm Event and its associated 7.5 metre allowance or the draft plan of subdivision is redlined in accordance with the final limits of the Natural Heritage System.	
c)	The registration on title of a Section 37 Agreement per the <u>Planning Act</u> , where applicable.	

Based on the letter issued November 19, 2021, the Region of Halton has no objections with the application as the proposed development has received servicing allocation. On October 26, 2021, Conservation Halton (CH) confirmed that Block 146 contains neither the flooding hazard of JC-31 nor its associated regulated area,

and that Block 146 is not regulated by CH. As such, condition b) of “H29” has been satisfied for Block 146, and CH has no objection to the removal of the Holding Provision, as it relates to Phase 1. Lastly, a Section 37 agreement was prepared, executed and registered on November 5, 2021 for the previously approved increase in building height.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the “H29” Holding Provision have been sufficiently addressed to conclude that the conditions have been “completed to the satisfaction of the Town of Oakville” to allow the removal of the “H29” from the subject lands. It should be noted that only a portion of the “H29” is being removed from the subject lands and that future applications will be required for the balance of the block.

Staff recommends that Council approve the subject application and pass By-law 2021-134 to remove the Holding Provision from a portion of Block 146, 20M-1229 municipally known as 1415 Dundas Street East and 3006 William Cutmore Boulevard. By-law 2021-134 is attached as Appendix “A”.

CONSIDERATIONS:

(A) PUBLIC

Notification of intention to remove the “H29” Holding Provision has been provided to the land owner and adjacent land owners of the subject lands pursuant to Section 36(4) of the *Planning Act*.

(B) FINANCIAL

The Owner has entered into a Section 37 agreement with the Town to permit the increased height.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Halton Region and Conservation Halton have no objections to the removal of the “H29” Holding Provision as requested.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development generally complies with the sustainability objectives of Livable Oakville.

APPENDICES:

Appendix A – By-law 2021-134

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