



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: January 17, 2022

FROM: Planning Services Department

DATE: January 4, 2022

SUBJECT: Removal of “H17” Holding Provision, Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS, File No.: Z.1314.09, By-law 2022-004

LOCATION: Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS

WARD: Ward 7 Page 1

RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: Z.1314.09) submitted by 404072 Ontario Limited to remove the “H17” Holding Provision from Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS, be approved.
2. That By-law 2022-004, a by-law to remove the Holding Provision on Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS, from Zoning By-law 2009-189, as amended, be passed.

KEY FACTS:

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

- Applications for a Draft Plan of Subdivision (24T-12011B/1314) and Zoning By-law Amendment (Z.1314.06B) were approved on the subject lands by Town Council on November 28, 2016. The subdivision was designed and reviewed concurrently with the abutting Star Oak and EMGO developments and the “H17” Holding Provision was established on the subject lands through By-law 2016-120 at the request of the Town of Oakville.
- There were no written or oral submissions received from the public with respect to these matters.
- The “H17” was put in place in order to phase the development and prevent the construction of dwelling units while still allowing a logical sequence of mutually-supportive draft plan approvals, a sufficient amount of employment lands, pre-servicing agreements, subdivision agreements and plan registrations to provide the water, wastewater and stormwater management

servicing needed to facilitate coordinated development in Neighbourhoods 8 and 9.

- The purpose of the “H17” Holding Provision is to restrict the use of the land to specific buildings types, until such time as the timeline in condition a) of Section 9.3.15.3 of the Zoning By-law 2009-189 has passed, to the satisfaction of the Town of Oakville.
- The applicant has initiated the development process, which requires the lifting of the H17 from the subject lands. A future Draft Plan of Subdivision application will be processed on the subject lands in order to permit the development of 32 lane-based townhouses on a public lane.
- The application was received on November 29, 2021, which included the required documentation as justification that the timeline as part of the Conditions for Removal of the “H17” will pass on January 14, 2022.
- Town Staff have no objections to the application, noting that the three years since the date of registration of the underlying draft plan of subdivision will be passed prior to the meeting of the Planning and Development Council on January 17, 2022.
- Staff recommends that By-law 2022-004 be passed, which would have the effect of removing “H17” from Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS.

BACKGROUND:

Applications for a Draft Plan of Subdivision (24T-12011B/1314) and Zoning By-law Amendment (Z.1314.06B) were approved on the subject lands by Town Council on November 28, 2016, which had the effect of rezoning the larger subdivision for residential uses, stormwater management, parks and natural heritage system, subject to a “H17” Holding Provision on the subject lands (Block 2 of By-law 2016-120) at the time.

The “H17” Holding Provision was incorporated onto the Neighbourhood Centre Area block at the request of the Town of Oakville. The purpose of the “H17” is to restrict the use of the land to specific buildings types, until such time that the following conditions were satisfied:

- a) A minimum of three years has passed since the date of registration of the underlying draft plan of subdivision.

The applicant will be eligible to submit a Draft Plan of Subdivision application at such time as “H17” is removed from Zoning By-law 2009-189. This would facilitate the development of 32 lane-based townhouses on a public lane that would be consistent and in keeping with the built form, housing type and character of the surrounding neighbourhood.

Proposal

The applicant is requesting to remove the "H17" Holding Provision on the subject lands in order to be developed with 32 lane-based townhouses on a public lane, through a future Draft Plan of Subdivision application.

Location & Site Description

The subject lands are approximately 0.51 hectares (1.26 acres) in size and are located on the north of Settlers Road East and bound by Vernon Powell Drive, Marigold Gardens and Eternity Way, 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 November 28, 2016, Town Council approved By-law 2016-120, which established the “H17” Holding Provision as a supplementary component of Zoning By-law Amendment Z.1314.06B.

The Town received an application from 404072 Ontario Limited (Mattamy) to remove the “H17” Holding Provision from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189, Section 9, “H17” Holding Provision indicates that the holding provision may be removed when the following condition has been satisfied:

H17	404072 Ontario Ltd.	Parent Zone: NC
Map 12(5)	(Mattamy Development Corp.) (Part of Lots 14 and 15, Concession 1, NDS)	(2016-120)
9.3.15.1 Only Permitted Building Types Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following building types:		
a)	Mixed use building	
b)	Apartment	
c)	Parking garage, built as part of an apartment or mixed use building on the same lot	
d)	Stacked townhouse dwelling	
9.3.15.3 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 Planning Act. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	A minimum of three years has passed since the date of registration of the underlying draft plan of subdivision which includes the entirety of the lands subject to this Holding Provision.	

CONCLUSION:

Staff are satisfied that the timeline for the removal of the “H17” Holding Provision has passed to conclude that the condition has been “completed to the satisfaction of the Town of Oakville” to allow the removal of the “H17” from the subject lands. It should be noted that a future Draft Plan of Subdivision application will be submitted in order to facilitate the development of 32 lane-based townhouses on a public lane on the subject lands. The proposed townhouses would continue the subdivision build out and be in keeping with the existing housing types in the immediate area,

noting that OPA 321 is in effect and live-work units have been obtained through a nearby activity node at Post Road and Settlers Road East.

Staff recommends that Council approve the subject application and pass By-law 2022-004 to remove the “H17” Holding Provision from Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS. By-law 2022-004 is attached as Appendix “A”.

CONSIDERATIONS:

(A) PUBLIC

Notification of intention to remove the “H17” 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

None.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Halton Region has no objections to the removal of the “H17” 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 2022-004

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