



OAKVILLE

## REPORT

### Council

**Meeting Date: May 25, 2021**

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**FROM:** Planning Services Department

**DATE:** May 11, 2021

**SUBJECT:** **Holding Provision Removal, 1388 Dundas Street West, Z.1424.10, By-law 2021-083**

**LOCATION:** 1388 Dundas Street West

**WARD:** Ward 4

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#### RECOMMENDATION:

1. That the application (File No.: Z.1424.10) submitted by Matam Holdings Inc. to remove the “H21” holding provision from a portion of the lands known as 1388 Dundas Street West, be approved; and,
2. That By-law 2021-083, a by-law to remove the “H21” holding provision from a portion of the lands municipally known as 1388 Dundas Street West, from Zoning By-law 2014-014, as amended, be passed.

#### KEY FACTS:

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

- The property at 1388 Dundas Street was built as a collection of model homes and sales centre, with model homes to be converted to residential uses at a later date as part of a condominium development.
- The “H21” holding provision relates to the phased development and use of land covered in By-law 2014-014. The purpose of the holding provision is to restrict the use of the site to the sales centre and model homes until such a time as the sales centre/model home centre ceases and approvals necessary to support the residential uses in addition to infrastructure are in place.
- A Phased Draft Plan of Standard Condominium (24CDM-20003/1424) was draft approved on April 5, 2021, replacing the previous Vacant Land Condominium.

- Phase 1 contains four detached dwellings with a private road and visitor parking, while Phase 2 contains the balance of the subject lands.
- Planning Staff are satisfied that the requirements for the condition of the “H21” holding provision have been sufficiently addressed to allow the removal of the “H21” on Phase 1 and the occupancy of Units 1-4.

## **BACKGROUND:**

The previous Vacant Land Condominium would have allowed the developer to register parcels of land as condominium units without the need for buildings. The units would then consist of the land and uses permitted under the in-effect zoning. The common elements would consist of the road, sewers, water systems, etc. It should be noted that the *Condominium Act* prohibits the phasing of a Vacant Land Plan of Condominium, hence the Phased Draft Plan of Standard Condominium application being submitted on September 25, 2020 by Korsiak Urban Planning on behalf of the applicant.

A Phased Draft Plan of Standard Condominium (File No. 24CDM-2003/1424) was draft approved in April of 2021 to create a condominium consisting of four lots containing four detached dwellings with a private road and visitor parking in the first phase. The second phase of the development will contain the remainder of the subject lands, which includes 12 lots for single detached dwellings. Condominium tenure would allow for the registration and transfer of the four existing detached dwellings to the future owners in the first phase, subject to the removal of the “H21” holding provision and the clearance of outstanding conditions.

The “H21” holding provision was incorporated into the previous 2012 approvals of File No. Z.1424.07 related to the Draft Plan of Vacant Land Condominium (File No. 24CDM-07012). The intent of the holding provision is to ensure that the services and infrastructure necessary to support the future residential uses are in place, which has been sufficiently completed to date.

## **Proposal**

The applicant is requesting to remove the “H21” holding provision on a portion of the subject site consisting of the future Units 1-4, condominium road and visitor parking.

## **Location & Site Description**

The subject property is approximately 1.18 hectares in size and is located on the east side of Proudfoot Trail, south of Dundas Street West and north of Scotch Pine Drive.

## **TECHNICAL & PUBLIC COMMENTS:**

The “H21” symbol shall, upon application by the landowner, be removed by way of an amending Zoning By-law, when the following conditions are completed to the satisfaction of the Town:

Registration of an approved plan of *condominium* with the conditions of approval completed or secured through a development agreement to the satisfaction of the *Town of Oakville*.

The site was the subject of extensive public consultation processes as part of the Livable Oakville Plan process and as part of this site’s previous development application processes. Approval was granted for a Zoning By-law Amendment and Draft Plan of Vacant Land Condominium in June 2012. That condominium approval lapsed in August 2017. On June 11, 2018, Council approved a Town-initiated housekeeping Zoning By-law Amendment for the subject lands to re-introduce Zoning regulations and mapping as per the original June 2012 Council approval with the holding provision, but in the context of By-law 2014-014.

## **CONCLUSION:**

Although the condominium has not been registered, Staff are satisfied that the requirements for the removal of the “H21” holding provision have been sufficiently addressed for Units 1-4 to conclude that this requirement has been “completed to the satisfaction of the Town of Oakville” and allow the removal of the “H21” for Phase 1. Based on the Development Agreements that were entered into with the applicant and the Town for Phase 1 in 2012, infrastructure has been installed associated with the model homes which are now proposed to be occupied. Through further review of the Phased Draft Plan of Standard Condominium (File No. 24CDM-2003/1424), the noise related conditions are no longer required for Phase 1 as per the Noise Study prepared by HGC Engineering dated January 26, 2021. Finally, the property lines which would have been created through registration of the previous Vacant Land Condominium are no longer applicable as the Phased Draft Plan of Standard Condominium allows the units to be created with the buildings being constructed and tenured thereafter. Therefore Staff recommend that Council approve the application and pass By-law 2021-083.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notification of intention to remove the “H21” 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**

None.

**(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 2021-083

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