

REPORT

Planning and Development Council

Meeting Date: September 26, 2023

FROM: Planning Services Department

DATE: August 29, 2023

SUBJECT: Recommendation Report – Removal of “H8” Holding Provision, 3010 Ernest Appelbe Boulevard, File No.: ZH 9/23, By-law 2023-103

LOCATION: 3010 Ernest Appelbe Boulevard

WARD: Ward 7

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RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: ZH 9/23) submitted by Green Ginger Developments Inc. & Clear-Day Investments Limited, to remove the H8 Holding Provision from 3008 William Cutmore Boulevard be approved; and,
2. That By-law 2023-103, a by-law to remove the H8 Holding Provision from 3010 Ernest Appelbe 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 to amend the Zoning By-law (Z.1313.06) on the subject lands was approved by the Town Council on December 2, 2013, to permit the development of the subject lands concurrently with a Draft Plan of Subdivision (24T-12001/1313).
- The “H8” Holding Provision was established on the Dundas Urban Core block at the request of the Town and Region of Halton.
- The “H8” Holding Provision relates to the future development and use of land covered in the Zoning By-law 2009-189. The purpose of the Holding Provision is to restrict the use of the land to legally existing uses, buildings and structures on the subject lands, until such time as Condition a) of

Section 9.3.8.2 of the Zoning By-law 2009-189 has been completed to the satisfaction of the Town and Region of Halton.

- The subject lands are municipally known as 3010 Ernest Appelbe Boulevard and is subject to a Site Plan application (SP.1314.003/01) to permit the future development of an eight-storey, 225 unit condominium building with underground parking.
- The subject application was received on July 4, 2023, which included the required documentation as justification that the Condition for Removal of the “H8” was completed.
- The Region of Halton confirmed that they have no objections to the application and that the applicant has satisfied their Condition to remove the “H8” Holding Provision from the subject lands.
- Staff recommend that By-law 2023-103 be passed, which would have the effect of removing “H8” from 3010 Ernest Appelbe Boulevard.

BACKGROUND:

On December 2, 2013, Town Council approved By-law 2013-113, which established the “H8” Holding Provision as a supplementary component of the Zoning By-law Amendment application Z.1313.06.

The “H8” Holding Provision was incorporated into the Zoning By-law at the request of the Town and Region of Halton. The purpose of the “H8” is to limit development on the subject lands to legally existing uses, buildings and structures on the subject lands, until such time that the following condition has been satisfied:

- a) that sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville.

The Applicant will be eligible to proceed with further development approvals once the “H8” is removed from Zoning By-law 2009-189.

Proposal

The applicant is requesting to remove the “H8” Holding Provision from the subject lands, to allow for the development of an eight-storey, 225 unit residential condominium building with underground parking. The proposed residential building is subject to a Site Plan application (SP.1314.003/01), which is currently under review.

Location & Site Description

The subject land is located at the northwest corner of Dundas Street East and Ernest Appelbe Boulevard, as seen in Figure 1:



Figure 1: Air Photo Map

TECHNICAL & PUBLIC COMMENTS:

The subject lands were part of an extensive public consultation process through the development application review for the Zoning By-law Amendment (Z.1313.06) and Draft Plan of Subdivision (24T-12001/1313).

The purpose of the “H8” Holding Provision is to prevent development of the lands until such time that adequate servicing is available for the proposed development.

The Town received an application from Green Ginger Developments Inc. & Clear-Day Investments Limited to remove the “H8” Holding Provision from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189, Section 9, Holding Provision, Table 9.3.8, indicates that the “H” symbol may be removed when the following condition has been satisfied:

H8	Green Ginger Development Inc. (Part pf Lots 13 & 14, Concession 1 N.D.S.)	Parent Zone: DUC
Map 12(5)		(2013-113)
9.3.8.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following uses:		
a)	Existing <i>uses, buildings and structures.</i>	
9.3.8.2 Conditions for Removal the “H”		
The “H” symbol shall, upon application by the landowner, be removed by Council passing a By-law under Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville.	

On August 1, 2023, the Region of Halton advised that the applicant has provided appropriate documentation and confirmation that sufficient water and wastewater services are available for the proposed development and have no objection to the removal of the “H8” Holding Provision as it relates to Condition a).

CONSIDERATIONS:

(A) PUBLIC

Notice of intention to pass an amending by-law which would remove the “H8” Holding Provision has been provided to the landowner and adjacent landowners of the subject lands pursuant to Section 36(4) of the *Planning Act*.

There were not any submissions received from the public with respect to this application at the time of writing this report.

(B) FINANCIAL

None.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Halton Region has no objections to the removal of the “H8” 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.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the “H8” Holding Provision, as it applies to the subject lands, have been sufficiently addressed to conclude that the condition has been “completed to the satisfaction of the Town of Oakville”. The Region of Halton has no objection to the Holding Removal.

Staff recommends that Council approve application ZH 9/23 and pass By-law 2023-103 to remove the “H8” from the subject lands. By-law 2023-103 is attached as Appendix “A”.

APPENDICES:

Appendix “A” – By-law 2023-103

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