



OAKVILLE

REPORT

Commissioners Delegated Authority Meeting

Meeting Date: March 19, 2024

FROM: Planning Services Department

DATE: March 8, 2024

SUBJECT: Removal of Holding Provision – Argo (Joshua Creek) Developments Ltd., File No.: ZH 2/24, By-law 2024-044

LOCATION: Part of Lot 8, Concession 1, North of Dundas Street

WARD: Ward 6

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RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: ZH 2/24) submitted by Argo (Joshua Creek) Developments Ltd., to remove the “H50” holding symbol from the lands known as Part of Lot 8, Concession 1, North of Dundas Street within Phase 2 of the Draft Plan of Subdivision (24T-20002/1308) be approved; and,
2. That By-law 2024-044, a by-law to remove the “H50” holding symbol on Part of Lot 8, Concession 1, North of Dundas Street, 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 was received on January 26, 2024, requesting the removal of Holding Provision “H50” from lands within Phase 2 of Draft Plan of Subdivision 24T-20002/1308.
- The site was subject to previous Zoning By-law Amendment (Z.1308.03) and Draft Plan of Subdivision (24T-20002/1308) applications that were approved by Council on June 7, 2021.
- Holding Provision “H50” was established on the subject lands and other lands within the subdivision at the request of the Region of Halton. The purpose of the Holding Provision, as it relates to these lands, is to restrict the use of the land for legal uses, buildings and structures existing on the

lot, until Conditions a) and b) of Section 9.3.50.2 of the Zoning By-law 2009-189 have been completed to the satisfaction of the Town of Oakville and the Region of Halton.

- Halton Region confirmed that they have no objection to the application and confirmed that the applicant has satisfied their condition to remove Holding Provision “H50” from the subject lands.
- Staff recommend that By-law 2024-044 be passed, which would remove “H50” from the site.

BACKGROUND:

Proposal

The applicant requests to remove Holding Provision “H50” on the subject lands as shown in Figure 1 below.

The “H50” Holding Provision was incorporated into the Zoning By-law at the request of the Town and the Region of Halton. The purpose of the “H50” is to limit development on the subject lands to legal uses, buildings and structures existing on the land, until such time that the following conditions are satisfied:

- a) that sufficient water and wastewater servicing allocation has been secured to support the development; and
- b) that a Section 37 Agreement is registered on title, where applicable.

The applicant will be eligible to proceed with building permit issuance once “H50” is removed from Zoning By-law 2009-189.

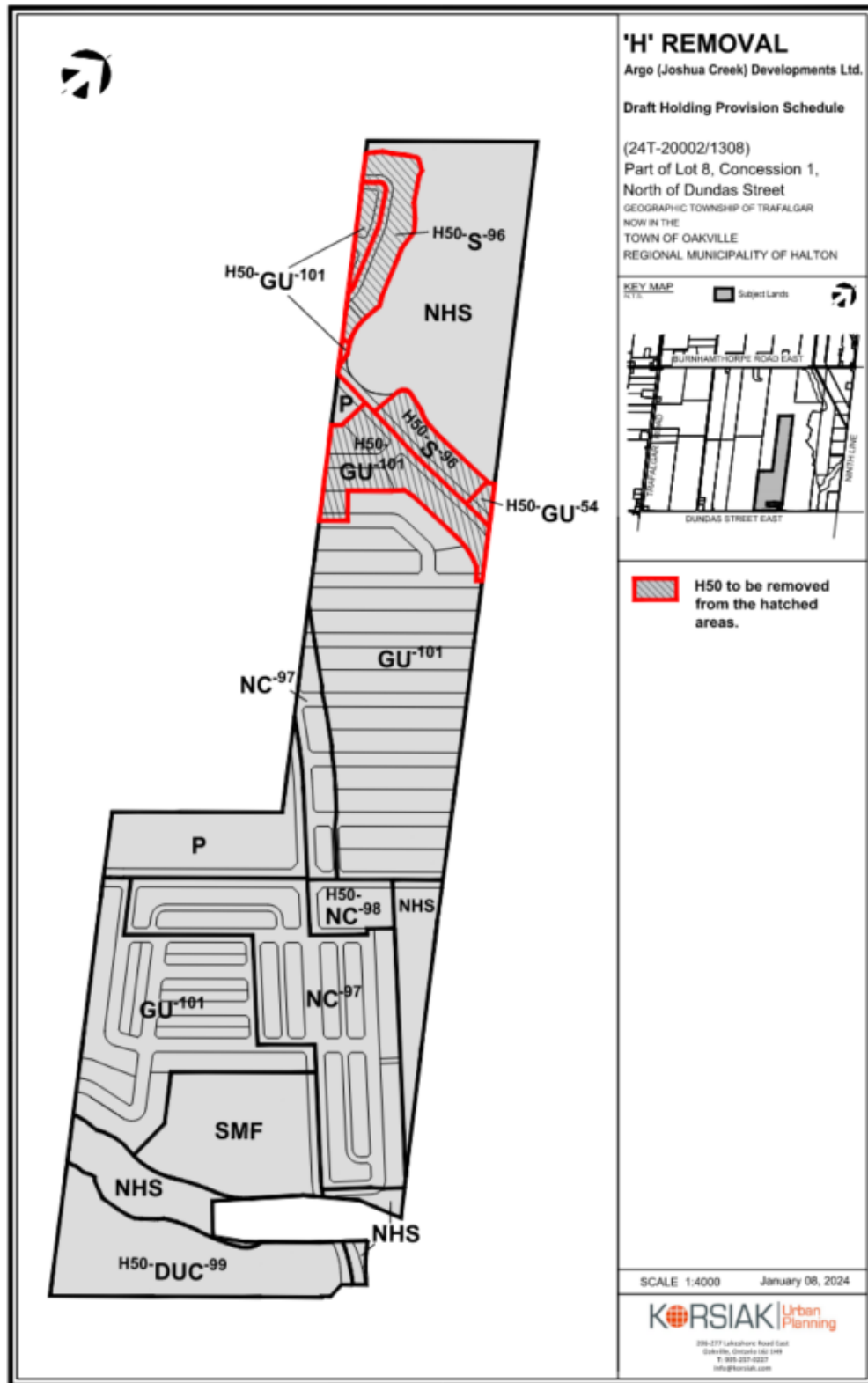


Figure 1: Lands subject to the removal of Holding Provision “H50”

It is noted the Holding Provision “H50” will remain on the lands zoned H50 – NC subject to Special Provision 98 and the lands zoned H50 - DUC subject to Special Provision 99.

Location & Site Description

The subject lands are located northwest of the intersection of William Cutmore Boulevard and Lynx Gardens within Phase 2 of the Argo (Joshua Creek) Draft Plan of Subdivision 24T-20002/1308 (Figure 2).

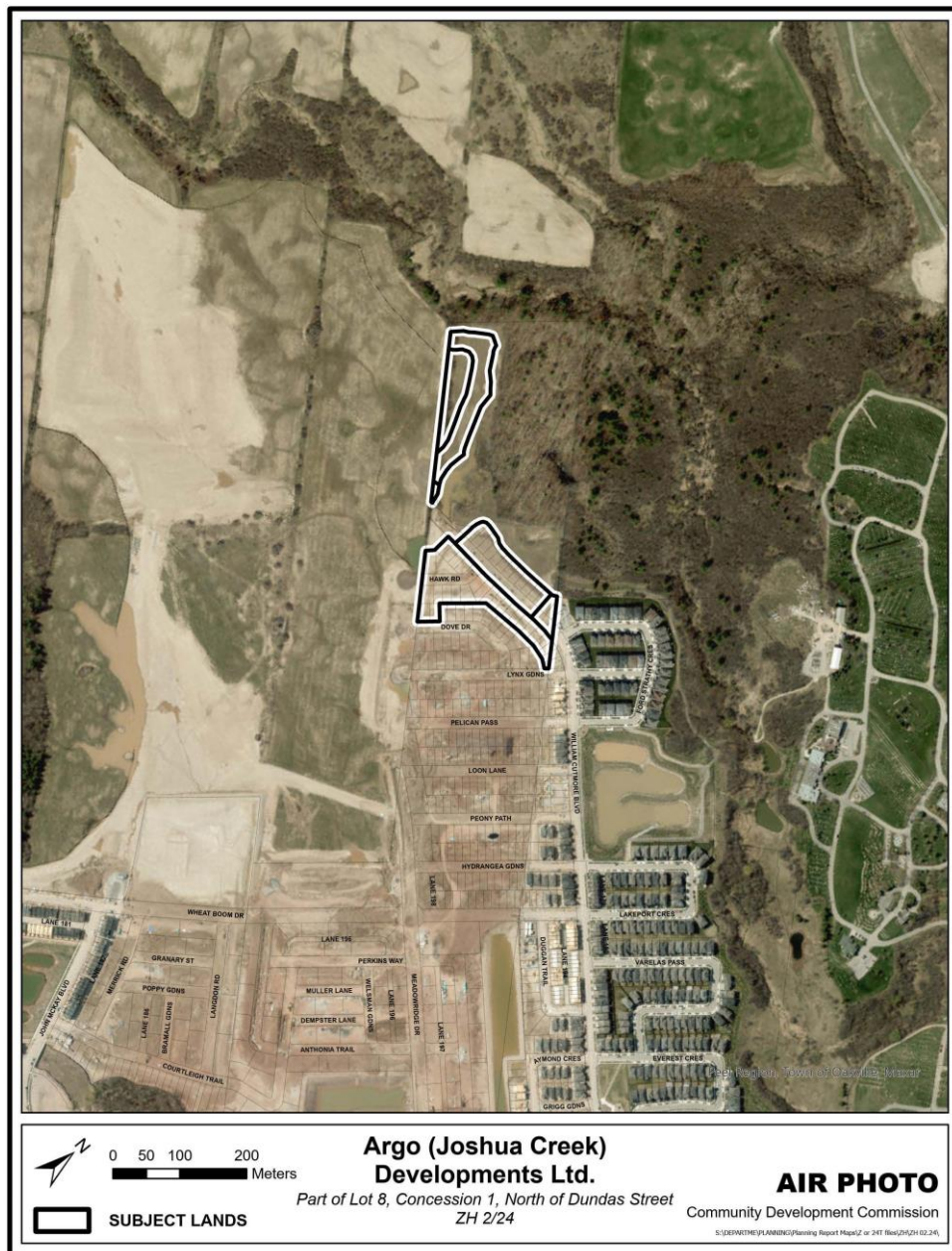


Figure 2: Air Photo Map

Holding Provision “H50”

The purpose of the holding provision on the subject lands is to ensure that sufficient Servicing Allocation for water and wastewater services has been secured under the Region of Halton Allocation Program for the development of Phase 2 of the Argo (Joshua Creek) Draft Plan of Subdivision.

The Town received an application from Argo (Joshua Creek) Developments Ltd. to remove the “H50” holding symbol from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189, Section 9, Holding Provision, Table 9.3.50, indicates that the “H” symbol may be removed with the following conditions have been satisfied:

| | | |
|---|--|--------------------------------|
| H50 | Argo (Joshua Creek) Developments Ltd. (Part of Lot 8, Concession 1, N.D.S) | Parent Zone: DUC, GU, S, NC |
| Map 12(6) | | 2021-040 |
| 9.3.50.1 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 <i>uses</i> : | | |
| a) | Legal <i>uses, buildings and structures</i> existing on the lot | |
| 9.3.50.2 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 and the Region of Halton: | | |
| a) | <ul style="list-style-type: none"> • Secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program; • Sign the applicable Allocation Agreement or any required Amending Agreements; • Made all required payments; and, • Confirm receipt of a Region of Halton Public Works Commissioner’s Notice (PWCN). | |
| b) | The registration on title of a Section 37 Agreement per the <u>Planning Act</u> , for Dundas Urban Core Block 283, where applicable. | |

COMMENTS:

The subject lands are zoned H50-S⁹⁶, H50-GU¹⁰¹, and H50-GU⁵⁴. The subject lands consist of 48 detached dwelling lots and various residential reserve blocks, to be developed in conjunction with abutting lands.

The Region of Halton confirmed on March 1, 2024, that all remaining single detached equivalents (SDEs) of servicing allocation have been released for the subject lands through the 2020 Allocation program. The Region has advised that there is sufficient water and wastewater servicing to accommodate the proposed development and they have no objections to the removal of the Hold Provision as it relates to Condition a).

Section 9.3.50.2 specifies that the registration of a Section 37 Agreement is only required for the Dundas Urban Core (DUC) Block 283, which is not the subject of the current application. Staff notes that “H50” will remain on the DUC block as such, staff have no objection to the removal of the Holding Provision as it relates to Condition b).

CONCLUSION:

Staff is satisfied that the requirements for the removal of the Holding Provision “H50” as it applies to subject lands, have been sufficiently addressed to conclude that the Conditions have been “completed to the satisfaction of the Town of Oakville” and the Region of Halton have no objection to the Holding Removal

Staff recommends that application ZH 2/24 be approved and By-law 2024-044 be passed which would have the effect of removing the “H50” from the subject lands.

By-law 2024-044 is attached as Appendix “A”.

CONSIDERATIONS:

(A) PUBLIC

Notice of intention to pass an amending by-law which would remove the “H50” holding symbol has been provided to the land owner and adjacent land owners of the subject lands pursuant to Section 36(4) of the *Planning Act*. There were no written submissions received from the public with respect to this application.

(B) FINANCIAL

There are no financial matters related to this application.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Region of Halton has no objections to the removal of the “H50” Holding Provision.

(D) COUNCIL’S STRATEGIC PRIORITIES:

This report addresses Council’s strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

(E) CLIMATE CHANGE/ACTION

A review of the sustainability objectives for the North Oakville East Secondary Plan was undertaken as part of the review of the Zoning By-law Amendment application that applied the “H50” holding provision.

APPENDICES:

Appendix A – By-law 2024-044

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