



OAKVILLE

REPORT

Commissioner's Delegated Authority (CDA)

Meeting Date: October 3, 2024

FROM: Planning Services Department

DATE: September 19, 2024

SUBJECT: Removal of Holding Provision – Lower Fourth Development Limited and Pendent Developments Ltd., Part Lot 17-19, Concession 1 NDS, File No.: ZH 8/24, By-law 2024-129

LOCATION: Part of Lot 17 - 19, Concession 1 NDS

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RECOMMENDATION:

1. That the application (File No.: ZH 8/24) submitted by Lower Fourth Development Limited and Pendent Developments Ltd. to remove Holding Provision 'H55' from part of lands known as Part of Lots 17 - 19, Concession 1 NDS, be approved.
2. That By-law 2024-129, a By-law to remove Holding Provision 'H55' from Zoning By-law 2009-189, as amended, from part of lands known as part of Lots 17-19, Concession 1 NDS, be passed.

KEY FACTS:

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

- An application was received on July 19, 2024 requesting the removal of Holding Provision H55 from a portion of Lots 17 - 19, Concession 1, NDS to permit the development of the site.
- The site was subject to previous Zoning By-law Amendment and Draft Plan of Subdivision application that was approved by Council on June 27, 2022.
- By-law 2022-059 included holding provision H55 related to the development of the site.
- Halton Region in a letter dated August 9, 2024 have advised they have no objection to the removal of the holding provision.

- Town staff has no objection to the removal of the H55 Holding Provision as the requirements of the holding provision has been satisfactorily addressed.

BACKGROUND:

Proposal

The applicant is requesting to remove the Holding “H55” Provision on the subject lands. See Figure 1 below for areas requested for removal of holding provisions.

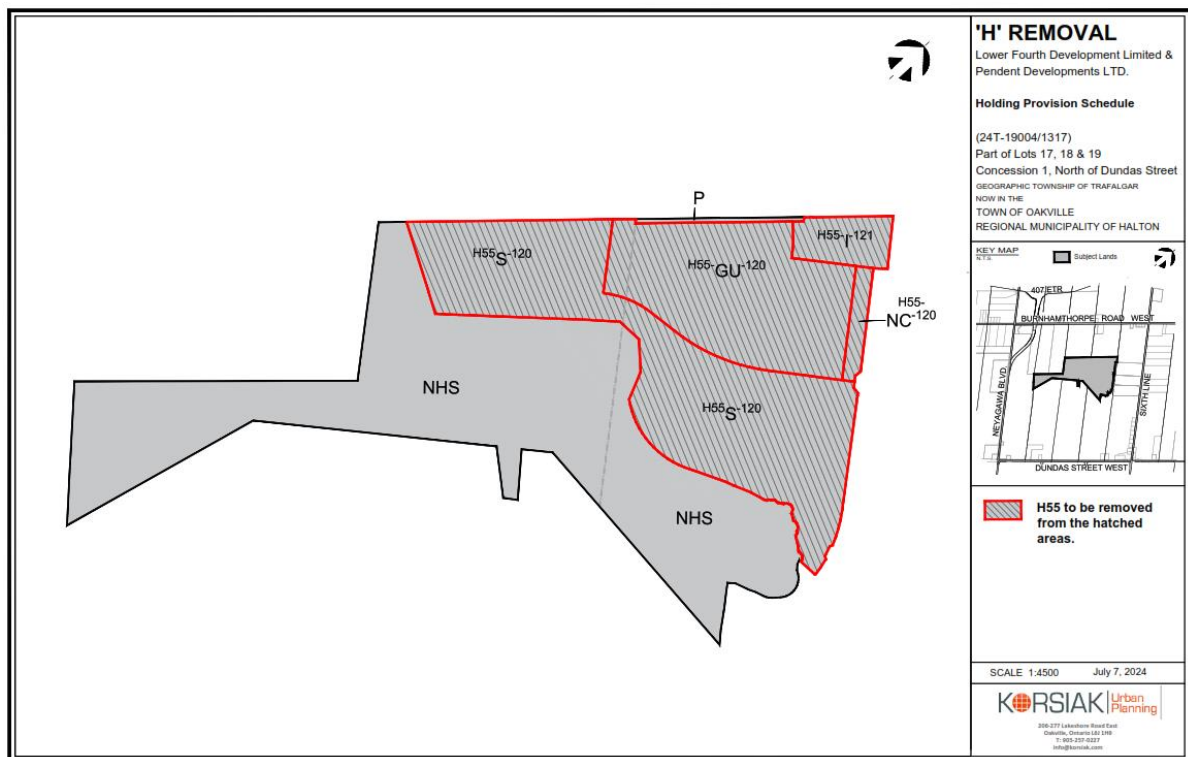


Figure 1 – H55 removal areas

Location

The subject lands are municipally known as Part of Lots 17 – 19, Concession 1 NDS. The east limit of the subject site is the recently constructed Preserve Drive. There is no municipal address.

Purpose of Holding Provision

The purpose of the holding provision is to ensure that various servicing matters related to the development of the subdivision have been addressed.

Removal of Holding 'H55' Conditions

The “H” symbol shall, upon application by the landowner, be removed from all or part of the lands subject to the “H” symbol by the Town 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 and Halton Region:

- a) That the external local watermains and sanitary sewer extensions that are proposed on the lands adjacent to the subject lands and that are required to service this property have been constructed and are operational to the satisfaction of the Region of Halton or that alternative provisions have been made by the Owner for the design and construction of the external watermain and sanitary sewer extensions to the satisfaction of the Region of Halton*

COMMENTS:

Halton Region has reviewed the request for the removal of H55. In a letter dated August 9, 2024, the region had no objection to the proposed removal.

Town staff is satisfied that the requirement for the removal of the Holding Provision 'H55' as it applies to the hatched area in Figure 1 has been satisfied through the development of abutting subdivisions.

CONCLUSION

Staff recommends approval of the subject application and to pass By-law 2024-129.

CONSIDERATIONS:

(A) PUBLIC

Notification of the intention to pass an amending By-law to remove the Holding Provisions has been provided to the landowner and adjacent landowners pursuant to Section 36(4) of the *Planning Act*. There were no comments 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 application was circulated to internal and external departments and agencies for comment and no concerns raised.

(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

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

APPENDICES:

Appendix A - By-law 2024-129

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