



OAKVILLE

## REPORT

### Commissioners Delegated Authority Meeting

Meeting Date: October 31, 2024

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**FROM:** Planning and Development Department

**DATE:** October 23, 2024

**SUBJECT:** Recommendation Report – Removal of “H49” Holding Provision, 3060 and 3068 Trafalgar Road, File No.: Z.1313.10, By-law 2024-142

**LOCATION:** 3060 and 3068 Trafalgar Road

**WARD:** Ward 7

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#### RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: Z.1313.10) submitted by 3064 Trafalgar Limited (Distrikt), to remove the “H49” Holding Provision from 3060 and 3068 Trafalgar Road be approved; and,
2. That By-law 2024-142, a by-law to remove the “H49” Holding Provision on 3060 and 3068 Trafalgar Road, 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.1313.09) on the subject lands was approved by the Town Council on April 12, 2021, to permit the development of the subject land, which is currently subject to a Site Plan application (SP.1313.006/01).
- The “H49” Holding Provision was established on the subject lands at the request of the Town, Conservation Halton and the Region of Halton.
- The “H49” 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 the conditions listed in Section 9.3.49 of the Zoning By-law 2009-189 have been completed to the satisfaction of the Town, Conservation Halton and the Region of Halton.

- The subject land is municipally known as 3060 and 3068 Trafalgar Road and is subject to a Site Plan application (SP.1313.006/01) to permit the future development of two 30-storey, 722-unit residential condominium buildings with underground parking. Concurrently, an Official Plan Amendment application (OPA 1313.11) to add three storeys to each tower resulting in 60 more units and 113 more parking spaces is under review.
- The subject application was received on June 7, 2022, with a subsequent resubmission on May 29, 2024, which included the required documentation as justification that the conditions for removal of the “H49” are completed.
- Conservation Halton confirmed that they have no objections to the application and that the applicant has satisfied their conditions to remove the “H49” Holding Provision from the subject lands.
- The Region of Halton confirmed that they have no objections to the application and that the applicant has satisfied their conditions to remove the “H49” Holding Provision from the subject lands.
- Staff recommend that By-law 2024-142 be passed, which would have the effect of removing “H49” from 3060 and 3068 Trafalgar Road.

### **BACKGROUND:**

On April 12, 2021, Town Council approved By-law 2021-032, which established the “H49” Holding Provision as a supplementary component of the Zoning By-law Amendment application Z.1313.09.

The “H49” Holding Provision was incorporated into the Zoning By-law at the request of the Town, Conservation Halton and the Region of Halton. The purpose of the “H49” is to limit development on the subject lands to legally existing uses, buildings and structures on the subject lands, until such time that the conditions listed in Section 9.3.49 of the Zoning By-law 2009-189 have been satisfied. The Applicant will be eligible to proceed with further development approvals once the “H49” is removed from the subject land.

### **Proposal**

The applicant is requesting to remove the “H49” Holding Provision from the subject lands, to allow for the development of two 30-storey, 722-unit residential condominium buildings with underground parking. The proposed buildings are subject to a Site Plan application (SP.1313.006/01), which is currently under review.

### **Location & Site Description**

The subject land is located on the west side of Trafalgar Road, north of Dundas Street East and south of Wheat Boom Drive, as seen in Figure 1:

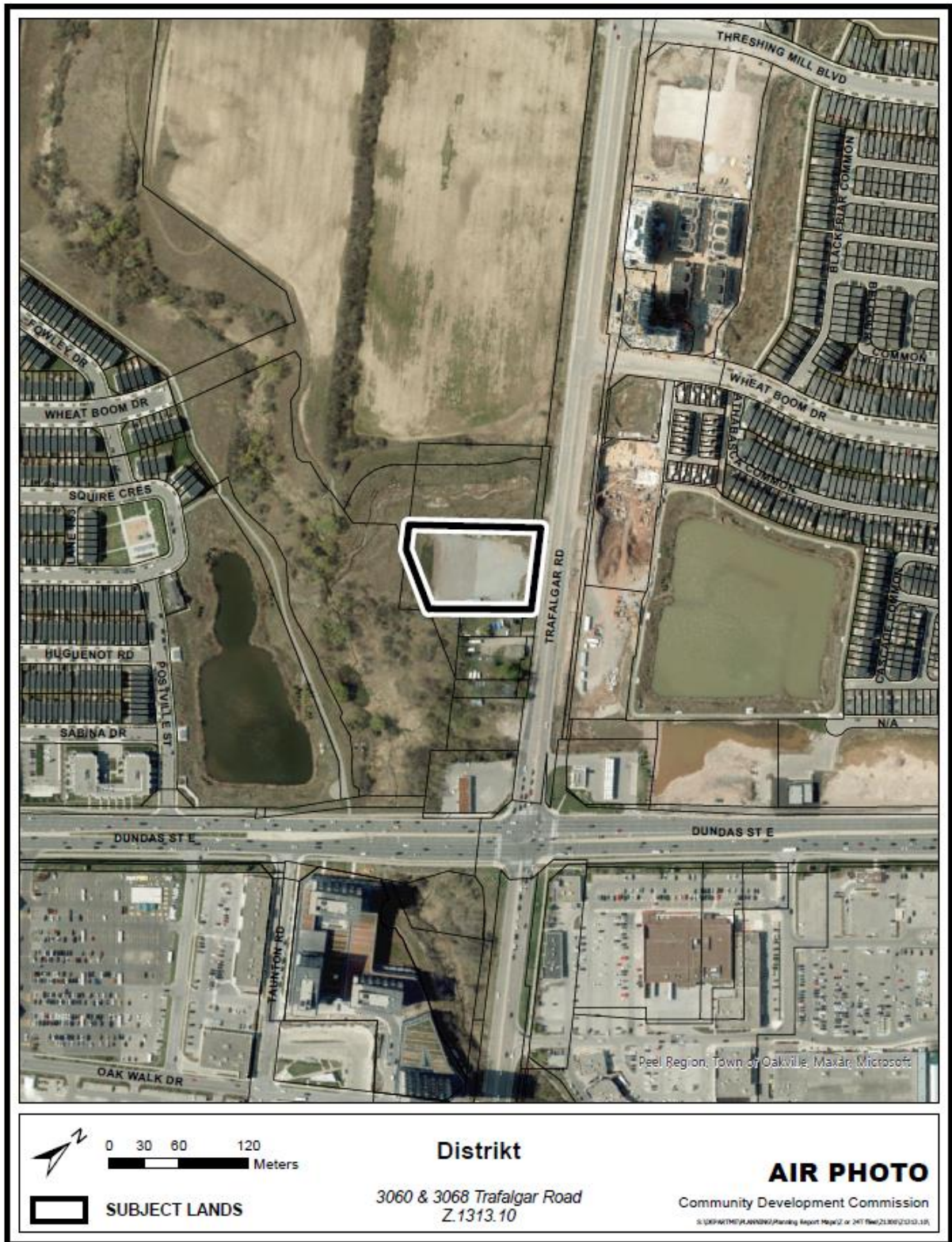


Figure 1: Air Photo Map

**TECHNICAL & PUBLIC COMMENTS:**

The subject land was part of an extensive public consultation process through the development application review for the Zoning By-law amendment (Z.1313.09). Currently, there is a Site Plan application (SP.1313.006/01) that is under review, which requires removal of the “H49” Holding Provision. Also, an Official Plan amendment application (OPA 1313.11) is currently under review to add three storeys to each tower resulting in 60 more units and 113 more parking spaces.

The purpose of the “H49” Holding Provision is to prevent development of the lands until such time that various technical components of the proposed development have been addressed, such as servicing, land conveyances, stormwater management and site access.

The Town received an application from 3064 Trafalgar Limited (Distrikt) to remove the “H49” 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 9.3.49, indicates that the “H” symbol may be removed when the following conditions have been satisfied:

<b>H49</b>	<b>3064 Trafalgar Road</b> (Part of Lot 13, Conc. 1, N.D.S)	Parent Zone: TUC
Map 12(5)		(2021-032)
<b>9.3.49.1 Only Permitted Uses Prior to Removal of the “H”</b>		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, buildings and structures existing on the lot.	
<b>9.3.49.2 Zone Regulations Prior to Removal of the “H”</b>		
The “H” symbol shall, upon application by the landowner, be removed by Town Council 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 <i>Town of Oakville</i> :		
a)	That water and wastewater Servicing Allocation, including the issuance of the Public Works Commissioner Notice, has been secured for the subject lands to the satisfaction of the Region of Halton and the Town of Oakville.	
b)	That the Owner has submitted, to the satisfaction of the Region of Halton, an updated Addendum to the Functional Servicing Study prior to engineering drawing submission to include water modelling of the development that addresses watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment.	

c)	That the external watermain and sanitary sewer extensions on Trafalgar Road that are required to service the property have been constructed and are operational or that alternative provisions have been made by the Owner for the design and construction of the watermain and sanitary sewer extensions to the satisfaction of the Region of Halton.
d)	That the Owner shall update the Environmental Implementation Report / Functional Servicing Study (EIR/FSS) dated October 2020, to reflect all comments from the Town of Oakville, Region of Halton and Conservation Halton, dated January 14, 2021, November 20, 2020 and December 17, 2020 respectively.
e)	That the Owner dedicate to the Town the Natural Heritage System lands, depicted on Schedule ‘A’ to this by-law as “NHS”, free of charge and with clear title (free and clear of encumbrances) and any necessary easements in a condition satisfactory to the Town. A Certificate of Title shall be provided, in a form satisfactory to the Town.
f)	That the Owner shall dedicate all lands required for the Trafalgar Road widening to be conveyed to the Region of Halton, free of charge and with clear title (free and clear of encumbrances) and any necessary easements. A Certificate of Title shall be provided, in a form satisfactory to the Region or other authority.
g)	That the Owner provide the design of a passive low impact development feature in the Linkage Preserve Area to the satisfaction and final approval of Conservation Halton and the Town of Oakville.
h)	That the Owner secure an easement from the Town of Oakville over the Linkage Preserve Area of the Natural Heritage System Lands, depicted on Schedule ‘A’ to this by-law as “NHS”, to allow for grading, access, construction and operation of low impact development features and the required maintenance.
i)	<p>It is confirmed that flood free access has been provided to the subject lands through one of the following approaches:</p> <p>A) The installation of the culvert south of the Dundas Street and Trafalgar Road intersection be completed. Confirmation regarding the removal of the floodplain from the frontage of the subject lands such that suitable flood free access is available shall be provided to the satisfaction of the Region of Halton, Town of Oakville and Conservation Halton.</p> <p>OR,</p>

	<p>B) That, in the event the culvert has not been installed south of the Dundas Street and Trafalgar Road intersection, suitable flood free access to the subject lands shall be provided to the satisfaction of the Region of Halton, Town of Oakville, and Conservation Halton. This access will be confirmed by the applicant entering into a Regional Servicing Agreement, to be registered on title, in conjunction with submitting a Site Plan Application to the Town of Oakville. Further, payment of all necessary securities is required to the satisfaction of the Region of Halton.</p>
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On December 22, 2022, Conservation Halton Staff advised that they have no objection to the removal of the “H49” Holding Provision as it relates to conditions d), g) and i).

On April 25, 2024, Town Legal Staff confirmed receipt of the land dedications required to satisfy conditions e) and f). It should be noted that Condition h) will be satisfied by way of a Parks Permit.

On October 2, 2024, Region of Halton Staff advised that they have no objection to the removal of the “H49” Holding Provision as it relates to conditions a), b), c), d) and f).

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice of intention to pass an amending by-law which would remove the “H49” 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**

Conservation Halton and Halton Region have no objections to the removal of the “H49” Holding Provision as requested.

**(D) COUNCIL STRATEGIC PRIORITIES**

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

**(E) CLIMATE CHANGE/ACTION**

The proposal complies with the sustainability objectives of Climate Change Adaptation Initiative.

**CONCLUSION:**

Staff is satisfied that the requirements for the removal of the Holding Provision “H49” as it applies to subject land, have been sufficiently addressed to conclude that the conditions have been “completed to the satisfaction of the Town of Oakville”, noting that Conservation Halton and the Region of Halton have no objection to the Holding Removal. It should be noted that removal of the “H49 from the subject land relates to the in-effect development rights for two 30-storey residential condominium buildings consisting of 722-unit with underground parking. The Official Plan Amendment application (OPA 1313.11) under review will determine the applicable servicing related requirements and justification in order to add three storeys to each tower resulting in 60 more units and 113 more parking spaces, if approved by Town Council.

Staff recommends that application Z.1313.10 be approved and By-law 2024-142 be passed, which will have the effect of removing the “H49” from the subject land.

By-law 2024-142 is attached as Appendix “A”.

**APPENDICES:**

Appendix “A” – By-law 2024-142

Prepared by:

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Recommended by:

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Submitted by:

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