

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 11, 2019

FROM: Planning Services Department

DATE: January 21, 2019

SUBJECT: "H" Holding Provision Removal - 231755 Ontario Inc., 70 Old Mill Road - Z.1614.71- By-law 2019-018

LOCATION: 70 Old Mill Road

WARD: 3

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RECOMMENDATION:

1. That the application (File No.: Z.1614.71) submitted by Ruth Victor & Associates Inc., to remove the Holding "H3" Provision from the lands known as 70 Old Mill Road, be approved.
2. That By-law 2019-018, a by-law to remove the Holding "H3" Provision 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 Holding "H" Provision was incorporated into the Zoning By-law by By-law 2013-106 at the request of the Region of Halton and the Town of Oakville.
- The purpose of the Holding "H3" Provision is to ensure that a Record of Site Condition has been acknowledged by the Ministry of the Environment prior to building permit issuance.
- The Region of Halton has advised that the condition related to the removal of the Holding "H3" Provision has now been satisfied and therefore, staff are recommend removal of the Holding Provision.

BACKGROUND:

- In October 2013, Council approved a Zoning By-law Amendment (By-law 2013-106) to permit a 9-storey 29-unit residential apartment building.
- The "H3" Holding Provision was incorporated into the site specific Zoning By-law to ensure that a Record of Site Condition was acknowledged by the Ministry of the Environment.

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- A site plan application was conditionally approved on September 12, 2017. The applicant is currently fulfilling conditions, which includes the removal of the Holding provision.

Proposal

The applicant is requesting to remove the Holding "H3" Provision on the subject site. The Region of Halton has advised that the Record of Site Condition has been acknowledged by Ministry of the Environment.

Location

The subject lands are known as 70 Old Mill Road, and are located at the corner of Old Mill Road and Cornwall Road.



Figure 1: Location of Subject Lands

COMMENT/OPTIONS:

The application submitted is to remove the Holding "H3" Provision from the Zoning By-law to allow the construction of a 9-storey 29-unit apartment building. Zoning By-law 2014-014 states that the Holding "H3" Provision may be removed when the following condition has been satisfied:

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Removal of Holding "H" Provision

The "H" symbol shall, upon application by the landowner, be removed by way of an amending Zoning By-law, when the following condition has been satisfied:

"Halton Region's Commissioner, Legislative & Planning Services, or his or her designate, is satisfied that a Record of Site Condition (RSC), acknowledged by the Ministry of Environment (MOE), has been submitted to ensure that all environmental concerns have been satisfied."

Other Planning Act Processes:

The applicant has also submitted a site plan application which was conditionally approved on September 12, 2017. The removal of the Holding Provision is required prior to receiving final approval of the site plan.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the Holding "H3" Provision as it applies to the subject lands (70 Old Mill Road) have now been satisfied. Staff recommends that Council approve the subject application and pass By-law 2019-018.

CONSIDERATIONS:

(A) PUBLIC

Section 36(4) and section 8 of regulation 544/06 of the *Planning Act* stipulates that Notice of intention to pass an amending By-law to remove a Holding "H" Provision be given to "every owner of land in the area where the subject lands are located". For condominiums, notice may be given to the condominium corporation instead of the individual owners. Although the extent of the relevant "area" is not defined, the town typically provides notice to owners of property within 120 m of the subject site including individual owners of condominium units. Other municipalities provide a range of notice, including some that only provide notice to the owner.

In preparing the notice of this application, staff encountered a technical error which prevented staff from generating the list of unit holders of the adjacent condominiums at 40, 50 and 60 Old Mill Road being the properties adjacent to this development. This issue is currently being investigated by IS&S. In order to ensure that adequate notice was issued pursuant to Section 36(4) of the *Planning Act*, notice has been given to the condominium corporations. A manual identification of occupants at 40, 50 and 60 Old Mill Road has also been completed. The individuals on this list,

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together with individuals on the interested parties list collected at the time of the original Zoning By-law Amendment in 2013, as well as a list of agencies have been notified of the intention to pass the proposed holding removal by-law.

On this basis, it is staff's opinion that adequate notice has been issued to the Public.

(B) FINANCIAL

Securities will be posted by the applicant as a condition of final site plan approval for 70 Old Mill Road.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Region of Halton has no objection to the removal of the Holding Provision as requested.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

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

APPENDICES:

Appendix "A" – Region of Halton Comments

Prepared by:
Kate Cockburn, MCIP, RPP
Planner, Current Planning
East District

Recommended by:
Heinz Hecht, MCIP, RPP
Manager, Current Planning
East District

Submitted by:
Mark H. Simeoni, MCIP, RPP
Director, Planning Services