

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 20, 2017

FROM: Planning Services Department

DATE: February 27, 2017

SUBJECT: **Proposed Removal of Holding "H" Provision**
54 Shepherd Road Inc. (Neilas)
58 & 62 Shepherd Road (formerly 54 & 60 Shepherd Road)
File No. Z.1616.52, By-law 2017-015

LOCATION: 58 and 62 Shepherd Road

WARD: 2

Page 1

RECOMMENDATION:

1. That the application (File No.: Z.1616.52) submitted by 54 Shepherd Road Inc. (Neilas), to remove the Holding "H" Provision from the lands located at 58 and 62 Shepherd Road (formerly 54 and 60 Shepherd Road), be approved; and
2. That By-law 2017-015, a by-law to remove the Holding "H" 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 at the request of the Region of Halton and the Town of Oakville.
- The purpose of the Holding "H" Provision is to ensure that prior to development occurring on the subject site, adequate municipal water and wastewater capacity was available to accommodate the development, a Section 37 Agreement was registered on title and that a Ministry of Environment acknowledged Record of Site Condition was submitted to the satisfaction of the Region of Halton.
- All conditions relating to the removal of the Holding "H" Provision have now been satisfied and staff are recommending that the Holding Provision be removed.

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BACKGROUND:

Proposal

In October 2011, Council approved the Zoning By-law Amendment application which also included site specific zoning regulations and a Holding Provision tied to a Section 37 Agreement, a Record of Site Condition and servicing. The effect of the approvals would allow the lands to be developed for two 10-storey residential buildings containing a total of 192 residential units and nine live work units, once the Holding "H" Provision conditions have been satisfied. The Holding "H" Provision was incorporated into the Zoning By-law at the request of the Region of Halton and the Town.

A site plan application (S.P.1616.0630/01) was submitted in August 2014, and received conditional approval from the Site Plan Committee in June 2016. One of the conditions for final approval of the site plan requires the removal of the Holding Provision. Once the Holding Provision is removed the Region of Halton and the Zoning Department can issue their final clearances and final site plan approval can be granted.

Location

The subject lands are located at 58 and 62 Shepherd Road (Figure 1) and is generally rectangular in shape and has approximately 86 m of frontage onto Shepherd Road, and a site area of 0.56 ha.

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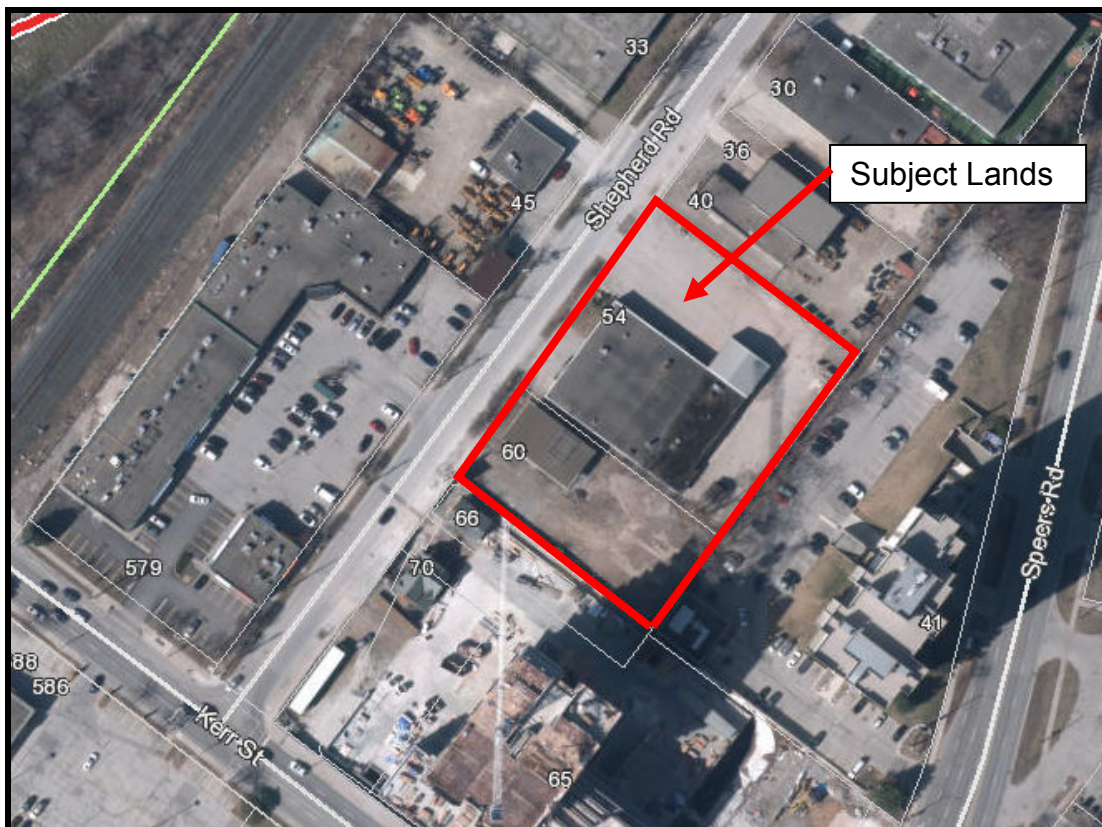


Figure 1: Location of Subject Lands

COMMENT/OPTIONS:

The application submitted is to remove the Holding "H" Provision from the Zoning By-law to allow the subject lands to be developed for residential purposes. Zoning By-law 2014-014 states that the Holding "H" Provision may be removed when the following conditions have been satisfied:

Removal of Holding "H" Provision

The "H" symbol shall, upon application by the landowner, be removed by Council passing a By-law under Section 36 of the *Planning Act*. The following conditions shall be first be completed to the satisfaction of the Town of Oakville:

- "a) That sufficient water and wastewater capacity is available for development to proceed and/or an implementation plan has been put in place to address any pumping station upgrades and improvements required to accommodate additional flows in the Shepherd Road Pumping Station drainage area.*
- b) Registration on title of a Section 37 Agreement per the Planning Act.*

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- c) *A Ministry of Environment acknowledged Record of Site Condition, certified by a Qualified Person as defined in Ontario Regulation 153/04, is provided to the satisfaction of the Regional Municipality of Halton."*

The Region of Halton has advised that there is sufficient water and wastewater capacity to accommodate the development and an acknowledged Record of Site Condition was received.

In terms of the Section 37 Agreement, the bonusing policies of the Livable Oakville Plan allow for heights to increase from eight to 10 storeys in exchange for public benefits. The Section 37 Agreement requires the owner to provide a financial contribution to be used for transit improvements for area route transit and streetscape improvements being implemented by the Kerr Village BIA.

A Section 37 Agreement was executed on May 4, 2016 and registered on title by the Town's Legal Department.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the Holding "H" Provision as it applies to the subject lands have now been satisfied as noted above. Staff recommends that Council approve the subject application and pass By-law 2017-015.

CONSIDERATIONS:

(A) PUBLIC

Notification of the intention to pass an amending By-law to remove the Holding "H" Provision has been provided to all property owners subject to the holding provision pursuant to Section 36(4) of the *Planning Act*.

(B) FINANCIAL

Securities will be posted as a condition of final site plan approval.

(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

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(E) COMMUNITY SUSTAINABILITY

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

APPENDICES:

Appendix "A" – Region of Halton Comments

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