

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 8, 2021

FROM: Planning Services Department

DATE: February 23, 2021

SUBJECT: Holding Provision Removal - Fernbrook Homes (Mayfair Butler) Ltd., 103 Dundas Street West - Z.1316.09H, By-law 2021-001

LOCATION: 103 Dundas Street West

WARD: 7

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RECOMMENDATION:

1. That the application (File No.: Z.1316.09H) submitted by Weston Consulting, on behalf of Fernbrook Homes (Mayfair Butler) Ltd. to remove the Holding Provision "H23" from the lands known as 103 Dundas Street West, be approved.
2. That By-law 2021-001, a By-law to remove the Holding "H23" Provision from Zoning By-law 2014-014, as amended, from the lands known as 103 Dundas Street West, 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 related to the lands north of Dundas Street West by By-law 2018-118 by the Town of Oakville.
- The purpose of the holding provision is to ensure that servicing allocation, servicing of the site and a mutual access easement from Dundas Street West with the abutting easterly property have been addressed.
- Region of Halton has no objection to the removal of the Holding "H23" Provision.
- Additionally, the various town matters are being addressed through the ongoing site plan process (File No.: SP 1316.004/02) and associated site plan agreement.

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BACKGROUND:

The Holding provision 'H23' was incorporated into the North Oakville Zoning By-law with the approval of By-law 2018-118; a zoning by-law amendment related to the proposed eight storey residential building.

The purpose of the holding provision is to ensure that servicing allocation, servicing of the site and a mutual access easement with the easterly abutting property owned by Mattamy have been addressed.

Final site plan approval is contingent on the removal of the holding provision and Regional issuance of a regional service permit as their final clearance.

Proposal

The applicant is requesting to remove the Holding "H23" Provision on the subject site.

Location

The subject lands are known as 103 Dundas Street West and are located on the north side of Dundas Street West, midway between Sixth Line and Preserve Drive.

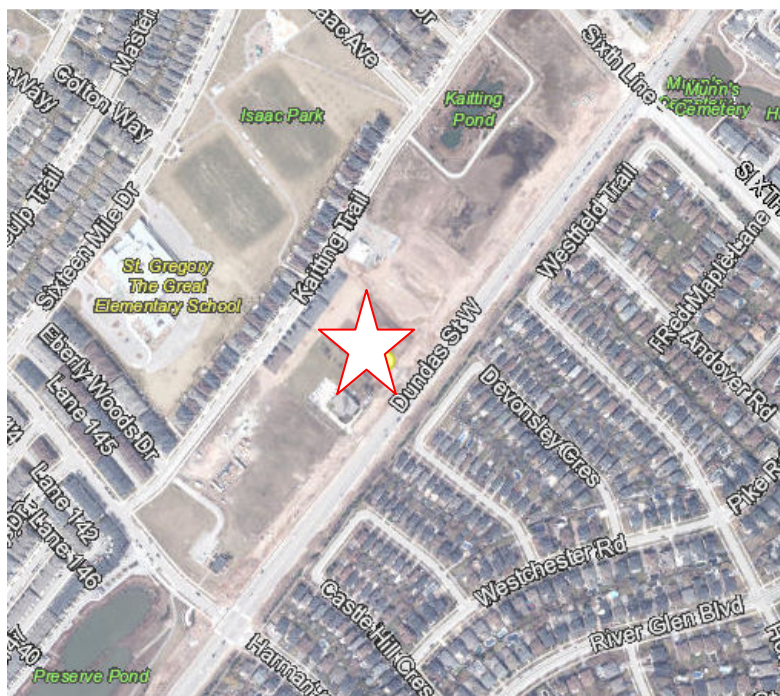


Figure 1: Location of Subject Land highlighted by star

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COMMENT/OPTIONS:

The application submitted is to remove the Holding “H23” Provision from the Zoning By-law to allow the construction of an eight storey residential building.

Removal of Holding “H” Provision

The “H23” symbol shall, upon application by the landowner, be removed by way of an amending Zoning By-law, when the following conditions has been satisfied:

The “H” symbol shall, upon application by the landowner, be removed by Town Council 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:

- a) That Servicing Allocation has been secured for the subject lands and the proposed development through Halton Region; and that Halton Region provides correspondence indicating that sufficient water and wastewater servicing allocation has been secured to support the development.*
- b) That adequate municipal servicing, including the addition of lands fronting onto Kaitting Trail being merged with the subject lands, has been secured for the subject lands, to the satisfaction of the Region of Halton.*
- c) That the Owner has secured a mutual access easement over the neighbouring parcel, being the lands legally know as Block 7 on Plan 20M-1199, to facilitate the required shared access with these lands, to the satisfaction of the Region of Halton and Town of Oakville*

Halton Region has no objection to the removal of the holding provision (see Appendix A). The applicant has obtained servicing allocation from the 2020 program. Servicing of the site will come from Kaitting Trail and is identified within the plans associated with the ongoing site plan process. The mutual access easement has been registered on title and is reflected as Instrument HR1673188.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the Holding Provision ‘H23’ as it applies to the subject lands (103 Dundas Street West) have been satisfied. Staff recommends that Council approve the subject application and pass By-law 2021-001 within the by-law section of this agenda.

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CONSIDERATIONS:

(A) PUBLIC

Notification of the intention to pass an amending By-law to remove the Holding "H23" Provision has been provided pursuant to Section 36(4) of the *Planning Act*.

(B) FINANCIAL

Securities have been posted by the applicant as part of the registration of the site plan agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Region of Halton has no objection to the removal of the Holding Provision as requested. Upon removal of the holding provision Halton Region will provide their clearance on the site plan for final site plan approval purposes.

(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 – Halton Region clearance letter

Appendix B - By-law 2021-001

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