

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 8, 2021

FROM: Planning Services Department

DATE: February 23, 2021

SUBJECT: Removal of Holding "H" Provision Mattamy (Joshua Creek) Limited (Bressa) - 1429 Dundas Street East - (Lots 142-195 and Blocks 212 and 213 - 24T-12004/1307) File No.: Z.1307.08, By-law 2021- 003

LOCATION: 1429 Dundas Street East - (Lots 142-195, Blocks 212 and 213 - 24T-12004/1307)

WARD: 6

Page 1

RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: Z.1307.08) submitted by Mattamy (Joshua Creek) Limited, to remove the Holding Provision "H28" from the lands within 24T-12004/1307 located at 1429 Dundas Street East (Lots 142-195 and Blocks 212 and 213 – 24T-12004/1307), be approved.
2. That By-law 2021-003, a by-law to remove Holding Provision "H28" from Zoning By-law 2009-189, as amended be passed.

KEY FACTS:

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

- Holding provision "H28" was established on a portion of the lands at the request of the Region of Halton to ensure that sufficient water and wastewater servicing allocation has been secured.
- On March 31, 2020, the applicant and the Region executed the 2020 Allocation Agreement to provide for allocation allowing the Holding Provision to be removed for the balance of the lands currently subject to Holding Provision "H28".
- The Region of Halton has confirmed that they have no objection to the application as the applicant has satisfied the condition to remove the Holding Provision.
- Staff recommend that By-law 2021-003 be passed, which would have the effect of removing "H28" from Lots 142-195 and Blocks 212 and 213 on Plan 24T-12004/1307.

From: Planning Services Department

Date: February 23, 2021

Subject: **Removal of Holding "H" Provision Mattamy (Joshua Creek) Limited (Bressa) - 1429 Dundas Street East - (Lots 142-195 and Blocks 212 and 213 - 24T-12004/1307) File No.: Z.1307.08, By-law 2021- 003**

Page 2

BACKGROUND:

A Zoning By-law Amendment and Draft Plan of Subdivision applications were approved by the Local Planning Appeal Tribunal (LPAT) on February 7, 2019, which had the effect of rezoning the subject lands for residential uses, stormwater management, parks and natural heritage system subject to a Holding "H" Provision on portions of the development.

Holding provision "H28" was incorporated into the Zoning By-law at the request of the Region of Halton. The purpose of the Holding "H" Provision was to ensure that sufficient water and wastewater servicing allocation has been secured prior to building permit issuance.

In March 2020, Council approved By-law 2020-019 which removed "H28" from a portion of the Zoning By-law.

On October 19, 2020, the Town received an application from Mattamy (Joshua Creek) Limited, to remove the Holding "H" Provision from a portion of the Zoning By-law to allow for the land to be developed in accordance with the approved plans.

Location

The subject lands are generally located north of Dundas Street East and west of Ninth Line. The larger land holding is known municipally as 1429 Dundas Street East (Figure 1).

The lands affected by the Holding "H" Provision removal are identified as Lots 142-195 and Blocks 212 and 213 on Draft Plan of Subdivision 24T-12004/1307.

From: Planning Services Department
Date: February 23, 2021
Subject: **Removal of Holding "H" Provision Mattamy (Joshua Creek) Limited (Bressa) - 1429 Dundas Street East - (Lots 142-195 and Blocks 212 and 213 - 24T-12004/1307) File No.: Z.1307.08, By-law 2021- 003**

**Mattamy (Joshua Creek)
Limited
Z.1307.08**

LOCATION
Community Development Commission

S:\CDP\WOTHE\SBS\Joan Savitt\Service Requests\REQ 1014 - Mattamy H Removal Map

Figure 1: Location Map

From: Planning Services Department

Date: February 23, 2021

Subject: Removal of Holding "H" Provision Mattamy (Joshua Creek) Limited (Bressa) - 1429 Dundas Street East - (Lots 142-195 and Blocks 212 and 213 - 24T-12004/1307) File No.: Z.1307.08, By-law 2021- 003

COMMENT/OPTIONS:

The purpose of the Holding "H" Provision is to prevent building permit issuance until such time that adequate servicing infrastructure is in place.

The Town received an application from Mattamy (Joshua Creek) Limited to remove the balance of Holding Provision "H28" from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189, Section 9, Holding Provision "H28" indicates that the holding provision may be removed when the following condition has been satisfied:

H28	Bressa Developments Limited. Part of Lots 7 and 8, Concession 1, NDS	Parent Zone: GU, S
Map 12(6)		(2018-036)
9.3.28.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following uses:		
a)	Legal uses, <i>buildings</i> and <i>structures</i> existing on the <i>lot</i>	
9.3.28.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> 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 Town of Oakville:		
a)	That water and wastewater 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.	

Originally Holding Provision "H28" covered a larger land holding than what is currently applied for. In March 2020, Council approved By-law 2020-019 which removed "H28" from a portion of the Zoning By-law.

The applicant is currently proposing to remove the holding provision from the balance of the lands covered by "H28".

Halton Region confirmed on January 22, 2021 (Appendix "A"), that an allocation agreement was entered into between the applicant and the Region on July 8, 2020. The Region has advised that the applicants have provided appropriate documentation and confirmation that the requested lots and blocks have sufficient allocation and

From: Planning Services Department

Date: February 23, 2021

Subject: **Removal of Holding "H" Provision Mattamy (Joshua Creek) Limited (Bressa) - 1429 Dundas Street East - (Lots 142-195 and Blocks 212 and 213 - 24T-12004/1307) File No.: Z.1307.08, By-law 2021- 003**

Page 5

have no objections with removing those lands from Holding Provision "H28" identified in the original By-law 2018-036.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the holding provision as it applies to Lots 142-195 and Blocks 212 and 213 on Draft Plan of Subdivision 24T-12004/1307 have been satisfied as noted above. Staff recommend approval of the Removal of the Holding Provision application and pass By-law 2021-003 which would have the effect of removing holding provision "H28" from Draft Plan of Subdivision 24T-12004/1307.

By-law 2021-003 is attached as Appendix "B".

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 "H" Provision pursuant to Section 36(4) of the *Planning Act*.

(B) FINANCIAL

The owner has entered into a subdivision agreement with the town to address all financial matters associated with the construction of the subdivision.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Halton Region and Conservation Halton have no objections 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 the Livable Oakville Plan.

From: Planning Services Department

Date: February 23, 2021

Subject: **Removal of Holding "H" Provision Mattamy (Joshua Creek) Limited (Bressa) - 1429 Dundas Street East - (Lots 142-195 and Blocks 212 and 213 - 24T-12004/1307) File No.: Z.1307.08, By-law 2021- 003**

Page 6

APPENDICES:

Appendix "A" – Halton Region clearance letter

Appendix "B" – By-law 2021-003

Prepared by:

Leigh Musson, MCIP, RPP
Senior Planner, Current Planning
East District

Recommended by:

Heinz Hecht, MCIP, RPP
Manager, Current Planning
East District

Submitted by:

Gabe Charles, MCIP, RPP
Acting-Director, Planning Services