

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 10, 2018

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**FROM:** Planning Services Department

**DATE:** August 20, 2018

**SUBJECT:** Proposed Removal of "H" Holding Provision, Cortel Group/Trafalgar Heights Inc., File No. Z.1413.30-By-law 2018-113

**LOCATION:** 278 Dundas Street East and 2466 Trafalgar Road

**WARD:** 5

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#### RECOMMENDATION:

1. That the application (File No.:Z1413.30) submitted by Cortel Group/Trafalgar Heights Inc., to remove the "H" Holding provision from 278 Dundas Street East and 2466 Trafalgar Road, be approved; and
2. That By-law 2018-113, a by-law to remove the "H" Holding provision from 278 Dundas Street East and 2466 Trafalgar Road, be passed.

#### KEY FACTS:

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

- The "H" Holding provision was incorporated into the Zoning By-law (By-law 2017-124) at the request of the Town of Oakville and the Region of Halton.
- The purpose of the "H" Holding Provision was to ensure that a building permit for the subject lands was not issued until certain conditions were met.
- All conditions related to the removal of the "H" Holding provision have been addressed to the satisfaction of the applicable agencies with the exception of the execution and registration of the agreement required under section 37 of the *Planning Act*.
- It is anticipated that the section 37 agreement will be executed and registered in the next few days. **NOTE: The staff recommendation is conditional upon this taking place prior to the matter being considered by Council. Staff will provide an update at or before the Council meeting.**

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**BACKGROUND:**

The "H" Holding 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 "H" Holding provision was to allow the issuance of the building permit at such time as:

- An update has been completed to the functional servicing report confirming water and sanitary services for the subject lands,
- An update to the Phase 1 Environmental Site Assessment to demonstrate the lands are free and clear for their intended use,
- The submission of a Woodland Restoration and Enhancement Report and Plan to address and implement the require woodlands replacements was to be finalized and approved,
- Registration on title of a Section 37 Agreement, per the *Planning Act*, and
- Lands and funds required for the construction of the extensions of Taunton Road and Oak Walk Drive had been secured by the Town.

Removal of the "H" Holding provision from the Zoning By-law will allow the land to be developed in accordance with the approved zoning and corresponding site plan.

A site plan application was submitted in 2014 to permit the construction of the development, and subsequently revised in 2017 to address the additional height as permitted in the Official Plan Amendment and Zoning By-law Amendment. Prior to final site plan approval, the holding provision must be removed, hence the submission of the current application.

**Proposal**

The purpose of the application is to remove the holding provision from the Zoning By-law as it applies to the subject lands. The removal of the holding provision on the lands identified in Schedule 'A' of By-law 2017-124 would allow the lands to be developed for mixed use high density residential uses, commercial and office uses.

Conditional site plan approval was granted in April 2018 and the owner is actively clearing conditions. The removal of the holding provision is necessary prior to final approval of the site plan application.

**Location**

The subject lands are located at 278 Dundas Street East and 2466 Trafalgar Road, at the southwest corner of Trafalgar Road and Dundas Street East.

**COMMENT/OPTIONS:**

The Town has received an application from the Cortel Group/Trafalgar Heights Inc. to remove the holding provision from the zoning by-law to allow Phase 1 of the development proposal to be constructed for the 25 storey mixed use building.

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Zoning By-law 2017-124 indicates that a holding provision may be removed when each of the conditions identified in have been met, as described above in this staff report.

	Holding Condition	Status of Clearance
1.	The owner has submitted, to the satisfaction of the Regional Municipality of Halton, an update to the Functional Servicing Report establishing there is sufficient capacity for water and/or sanitary sewer to service the subject lands and to discuss any required servicing extensions/requirements to support the proposed development.	A letter from Region dated June 28, 2018, confirming this condition has been met.
2.	The owner has submitted, to the satisfaction of the Region of Halton, an updated Phase 1 Environmental Site Assessment and any recommended environmental reports, along with a Letter of Reliance extending Third party Reliance to the Region of Halton, which demonstrates that the lands are free and clear for their intended use.	A letter from Region dated June 28, 2018, confirming this condition has been met.
3.	The Owner prepares and submits, to the satisfaction of the Region of Halton and Conservation Halton, a Woodland Restoration and Enhancement Report and Plan to address and implement the required woodlands replacements. The Owner further agrees to implement and secure the required plantings, which will include any monitoring requirements.	Conservation Halton (CH), the Region and the Town have provided clearance for this condition. It should be noted that this plan was a condition of approval for the site alteration permit which has now been approved by the Town, Region and CH and the permit has been issued.
4.	Registration on title of a Section 37 Agreement per the <u>Planning Act</u> .	The Section 37 Agreement has been agreed upon and will be executed by the parties and registered prior to this staff report proceeding to the Planning and Development Council on Sept. 10, 2018
5.	Land and funds required for the construction	The Town has cleared the

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	<p>of the extensions of Taunton Road (23.0 metres) and Oak Walk Drive (20.0 metres) have been secured to the satisfaction of the Town of Oakville.</p>	<p>condition after reviewing the latest road plans and cross sections</p> <p>The Town is satisfied that through the Section 37 agreement and the pending site plan agreement, that both land and funds are secured for Taunton Road and Oak Walk Drive.</p>
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The applicant will convey the lands prior to the issuance of the first above grade building permit for the development.

## CONCLUSION:

Town staff is satisfied that the requirements for the removal of the "H16" holding provision have now been satisfied. Subject to the agreement under section 37 of the Planning Act, being executed and registered on or before September 10, 2018, Staff recommends that Council approve the subject application and pass By-law 2018-113, which removes the "H" holding provision from the subject land.

## 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

None associated with this report.

### (C) IMPACT ON OTHER DEPARTMENTS & USERS

The Region of Halton has no objection to the removal of the "H" 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 proposal generally complies with the sustainability goals and objectives of the Livable Oakville Plan.

**APPENDICES:**

Appendix A – Schedule 'A' of Draft By-law 2018-113 showing which lands are included in the removal of the H.

Appendix B – Region of Halton clearance for lifting the 'H' on By-law 2017-124

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