

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 10, 2018

FROM: Planning Services Department

DATE: November 19, 2018

SUBJECT: "H" Holding Provision Removal - EMGO (North Oakville 1) Ltd.,
404072 Ontario Ltd. (Petgor Phase 2) and Sixth Line Corp. -
Z.1315.05 and Z.1314.06 - By-law 2018-154 and By-law 2018-155

LOCATION: Part of Lots 13, 14, & 15, Concession 1, NDS

WARD: 7

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RECOMMENDATION:

1. That the applications (File No.: Z.1315.03 and Z.1314.06) submitted by Korsiak Urban Planning, to remove the Holding "H8" and "H9" Provisions from the lands known as Part of Lots 13, 14 and 15, Concession 1, NDS (24T-12011/1314 and 24T-12012/1315), be approved.
2. That By-law 2018-154, a By-law to remove the Holding "H8" Provision from Zoning By-law 2009-189 as amended, be passed.
3. That By-law 2018-155, a By-law to remove the Holding "H9" Provision from Zoning By-law 2009-189 as amended, be passed.

KEY FACTS:

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

- The Holding "H8" Provision was incorporated into the Zoning By-law at the request of the Region of Halton and the Town of Oakville.
- The Holding "H9" Provision was incorporated into the Zoning By-law at the request of the Town of Oakville.
- The purpose of the Holding "H8" Provision is to ensure that prior to development occurring on the subject site, sufficient municipal water and wastewater services are available to accommodate the development.
- The "H9" provision requires the Director of Planning to be satisfied that the subject lands may be development in accordance with the NOESP policies (Sec. 7.9.2 c)). The purpose of the Holding "H9" Provision is to ensure that prior to development occurring on the subject site, employment lands are

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available for development within the Phase 2 area of the North Oakville East Secondary Plan.

- The conditions related to the removal of the Holding "H8" and "H9" Provisions have now been satisfied and staff are recommending that the Holding Provision be removed from the applicable blocks.

BACKGROUND:

Proposal

The Holding "H9" Provision affects two draft approved plans of subdivision known as EMGO (North Oakville 1) Ltd., and 404072 Ontario Ltd. (Mattamy Petgor 2) and a Registered Plan of Subdivision known as Sixth Line Corp. In 2014, Council approved the respective Zoning By-law Amendment application for Petgor Phase 2. In 2017, EMGO was approved by the Ontario Municipal Board. The Zoning By-laws for each of the developments included site specific zoning regulations and a various Holding Provisions. One of the Holding Provisions, "H8", is tied to servicing while the "H9" is tied to phasing of development within North Oakville. The effect of the approval would allow the lands to be developed in accordance with the plan of subdivision, once the subdivisions are registered and the Holding "H" Provision conditions have been satisfied.

Location

The subject lands are located east of Sixth Line and south of Burnhamthorpe Road East and comprised of three properties which are within a registered plan of subdivision or an approved draft plan of subdivision (Figure 1).

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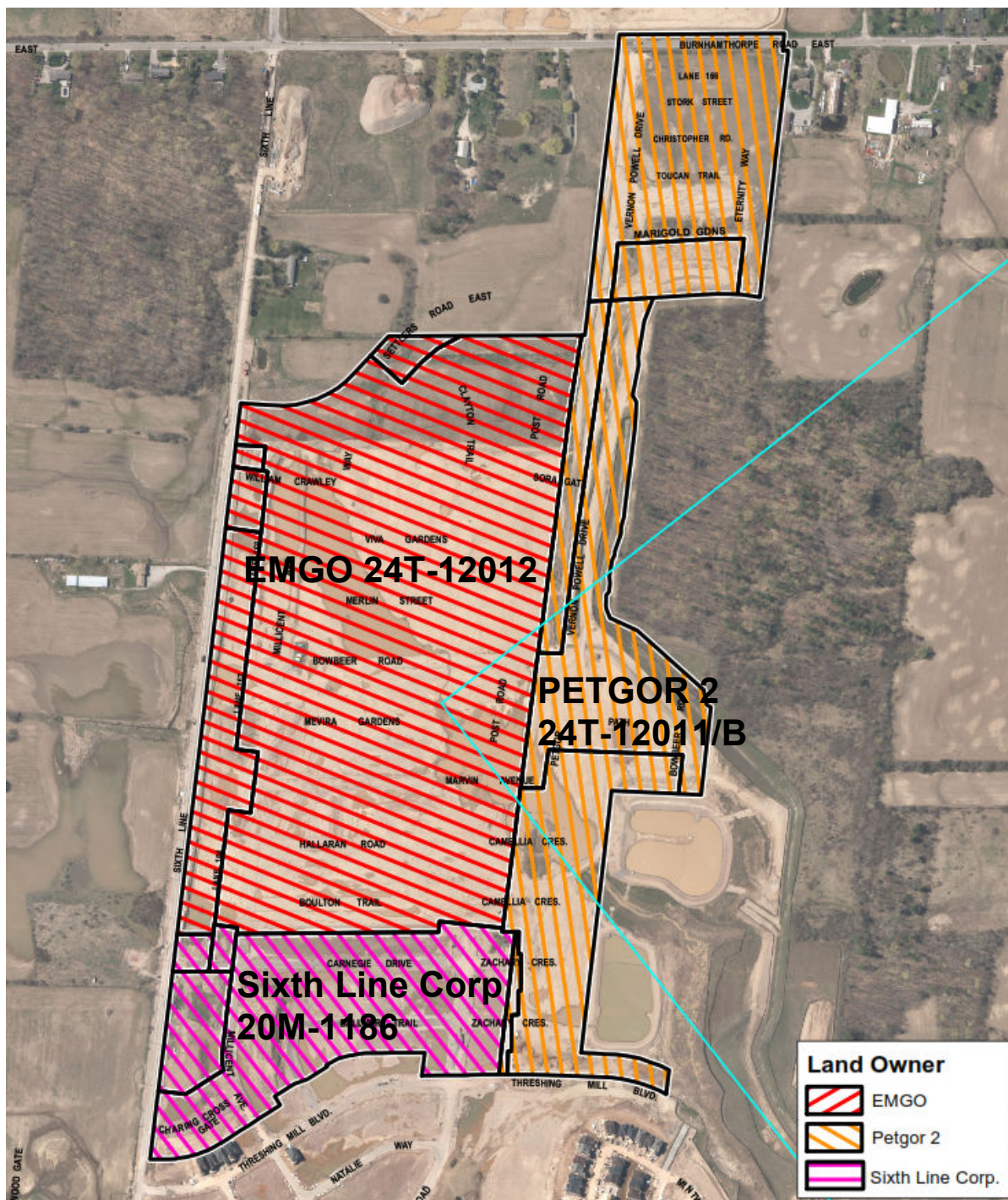


Figure 1: Location of Subject Lands

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COMMENT/OPTIONS:

The application submitted by Korsiak Urban Planning on behalf of EMGO, Petgor 2, and Sixth Line Corp., is to remove the Holding "H9" Provision in its entirety over the subject lands, and remove the "H8" Provision from only portions of the subject lands to allow development to proceed in accordance with the subdivision, once registered. Zoning By-law 2009-189 states that the Holding "H" Provision may be removed when the conditions have been satisfied.

By-law 2018-154 – Removal of "H8"

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 condition shall be first be completed to the satisfaction of the Town of Oakville:

"a) That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville."

Only certain blocks will have the Holding "H8" provision removed from the EMGO lands as there is not sufficient allocation for the entirety of both developments (Figure 2). On this basis, some parcels along Sixth Line and at the north west corner of the subdivision within the EMGO lands will not have the "H8" removed at this time, and a further application would be required. The Region of Halton has advised that there is sufficient water and wastewater capacity to accommodate all of Petgor 2 and portions of EMGO as provided in Figure 2 below.

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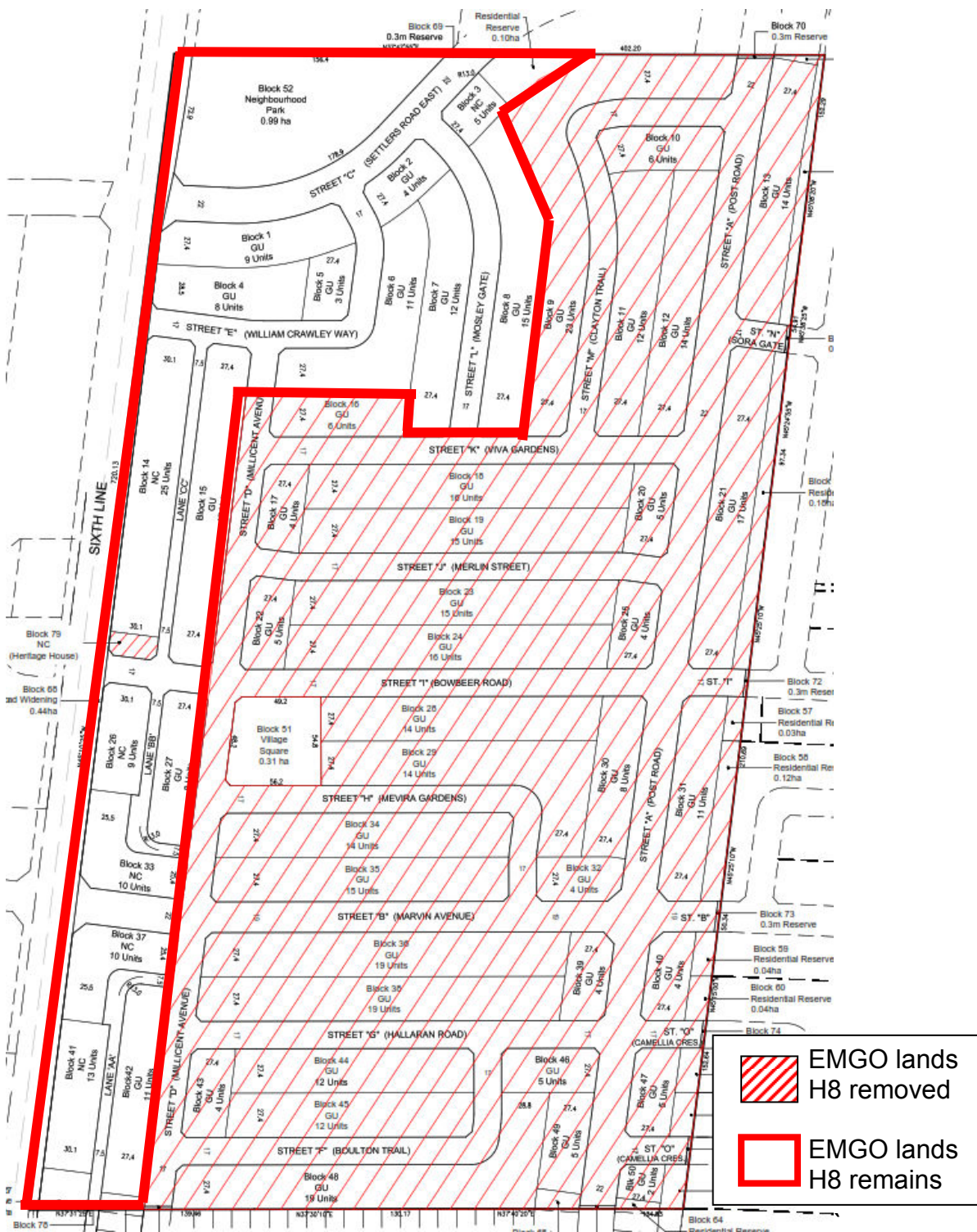


Figure 2: Extent of H8 Removal for EMGO lands

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By-law 2018-154 – Removal of "H9"

The "H9" Provision affects the entirety of the EMGO and Petgor 2 Lands, as well as the Sixth Line Corp lands as shown in Figure 1 above. 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 condition shall be first be completed to the satisfaction of the Town of Oakville:

"a) The Director of Planning is satisfied the lands may be developed in accordance with the phasing policies (Section 7.9.2(c)) of the North Oakville Secondary Plan, as amended."

OPA 321 amended the phasing policies within the NOESP and was adopted by Council and subsequently approved by the Region of Halton in September 2018. However, there were two policy specific appeals filed by third-parties, which are not yet resolved. The policy specific appeals do not affect the phasing policies amended by OPA 321, and the Region of Halton have indicated that the remaining portions of OPA 321 are in full force and effect.

Further, progress has been made with respect to a subdivision to the north of the subject lands known as StarOak, which contain the majority of employment lands needed to satisfy the phasing policies. The developer of StarOak has entered into the applicable agreements with the Region to provide servicing and road infrastructure, and has secured appropriate stormwater management facilities for the site.

On this basis, staff are of the opinion that the phasing policies have been satisfied and the Holding "H9" Provision can be removed for the subject lands.

By-laws 2018-154 and 2018-155 are located under the 'By-law' section of this agenda.

CONCLUSION:

Staff is satisfied that the requirements for the removal of both the Holding "H8" and "H9" Provision as it applies to the applicable blocks and subject lands as shown in Figures 1 and 2 have now been satisfied as noted above. Staff recommends that Council approve the subject application and pass By-law 2018-154 and By-law 2018-155.

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CONSIDERATIONS:

(A) PUBLIC

Notification of the intention to pass an amending By-law to remove the Holding "H8" and "H9" Provision has been provided to all property owners subject to the holding provision pursuant to Section 36(4) of the *Planning Act*.

(B) FINANCIAL

Additional securities are to be provided through the Subdivision Agreements applicable to the subject lands.

(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:

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Recommended by:

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