



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 9, 2020

FROM: Planning Services Department

DATE: February 26, 2020

SUBJECT: Removal of Holding "H" Provision, Mattamy (Joshua Creek) Limited - 1429 Dundas Street East (Bressa) - (Lots 128-141 - 24T-12004/1307), File No.: Z.1307.05, By-law 2020-019

LOCATION: 1429 Dundas Street East - (Lots 128-141 - 24T-12004/1307)

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RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: Z.1307.05) submitted by Mattamy (Joshua Creek) Limited, to remove the Holding Provision "H28" from a portion of the lands within 24T-12004/1307 located at 1429 Dundas Street East (Lots 128-141 – 24T-12004/1307), be approved.
2. That By-law 2020-019, a by-law to remove a portion of the 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:

- 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.
- The applicant has submitted an application to remove the Holding Provision "H28" from a portion of the Zoning By-law.
- 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 November 6, 2019, the applicant and the Region amended their 2013 Allocation Agreement to provide for allocation allowing the Holding Provision to be removed for a portion to 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.

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- Staff recommend that By-law 2020-019 be passed, which would have the effect of removing "H28" from Lots 128-141 on plan 24T-12004/1307.

BACKGROUND:

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.

On December 11, 2019, 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 128-141 on Draft Plan of Subdivision 24T-12007/1307.

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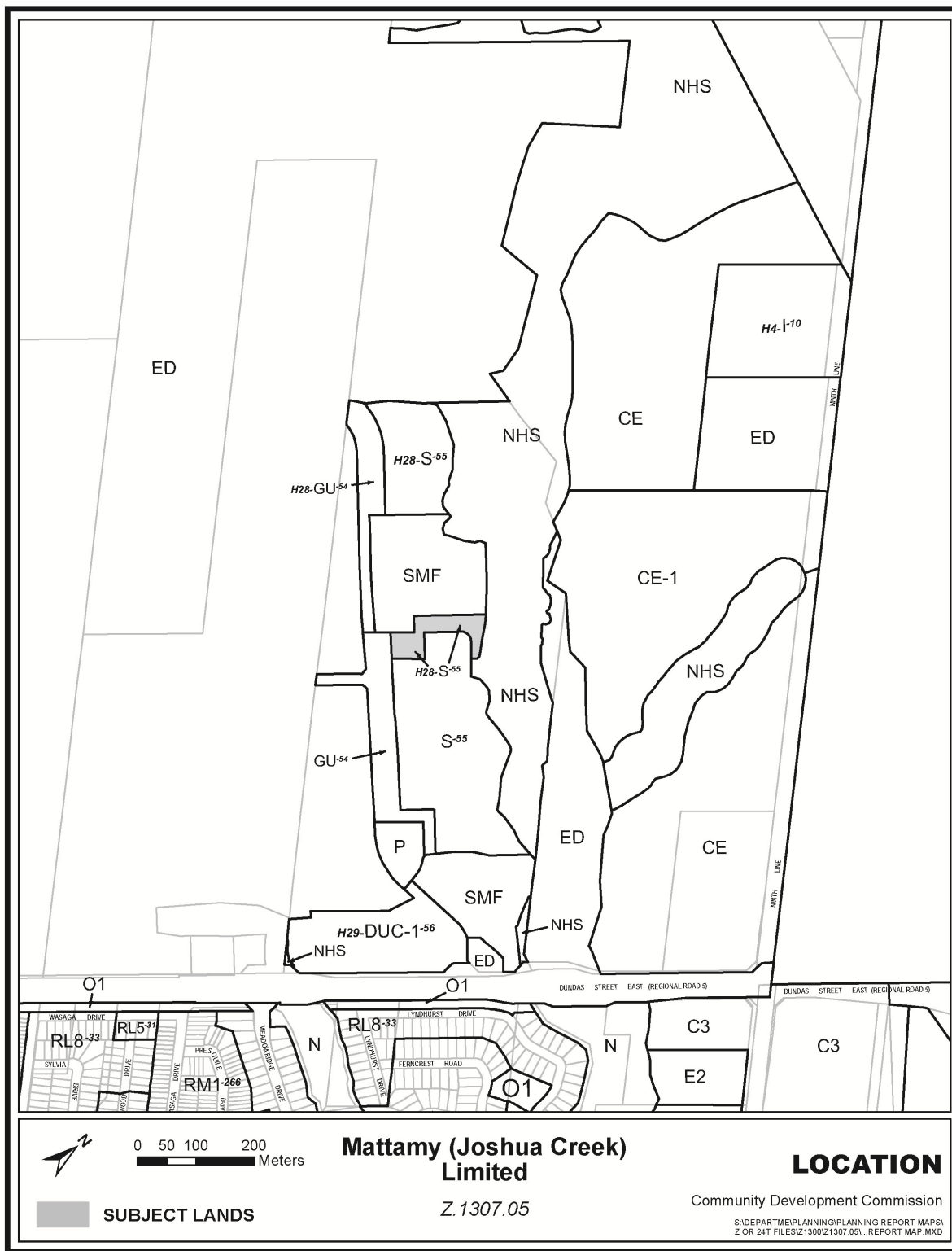


Figure 1: Location Map

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COMMENT/OPTIONS:

The Town received an application from Mattamy (Joshua Creek) Limited to remove a portion 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, buildings and structures existing on the lot	
9.3.28.2 Conditions for Removal of the "H"		
The "H" symbol shall, upon application by the landowner, be removed by Town Council 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.	

Holding Provision "H28" covers a larger land holding than what is currently applied for. The applicant has proposed to only remove the holding provision from a portion of the lands covered by "H28". Additional applications will be required to remove the balance of the holding provision at the appropriate time.

Halton Region confirmed that on November 9, 2019, an amending allocation agreement was executed between the applicant and the Region which secured additional SDE's that correspond to the Holding Provision removal request. As such, water and wastewater Servicing Allocation has been secured for those lands identified as part of this application and have no objections with removing those lands from Holding Provision "H28". On this basis Holding Provision "H28" has been satisfied and can be removed from a portion of the lands identified in the original By-law 2018-036.

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CONCLUSION:

Staff is satisfied that the requirements for the removal of the holding provision as it applies to Lots 128-141 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 2020-019 which would have the effect of removing holding provision "H28" from a portion of Draft Plan of Subdivision 24T-12004/1307.

By-law 2020-019 is attached as Appendix "A".

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.

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APPENDICES:

Appendix "A" – By-law 2020-019

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