

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 4, 2019

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**FROM:** Planning Services Department

**DATE:** October 11, 2019

**SUBJECT:** Holding Provision Removal, ASC (Oakville) Facility Limited Partnership, Z.1327.02 - By-law 2019-080

**LOCATION:** 3000 Hospital Gate

**WARD:** 7

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Page 1

#### RECOMMENDATION:

1. That the application (File No.: Z.1327.02) submitted by ASC (Oakville) Facility Limited Partnership, to remove the Holding Provision “H18” from the lands generally located at 3000 Hospital Gate, be approved.
2. That By-law 2019-080, a by-law to remove the holding provision “H18” from Zoning By-law 2009-189, as amended, be passed.

#### KEY FACTS:

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

- A Zoning By-law Amendment application was approved on June 11<sup>th</sup>, 2018 to permit a nursing home ranging in height from four to six storeys, comprised of 98 ‘assisted living units’ and 84 ‘total care units’, together with other common areas (total of 182 units).
- Holding provision “H18” was incorporated into the Zoning By-law at the request of Halton Region and Conservation Halton.
- The purpose of the holding provision “H” was to ensure that sufficient wastewater services are available, completion of an environmental assessment demonstrating that the lands are suitable for the intended land use and that stormwater management matters are addressed through an updated report.
- Halton Region confirmed that sufficient water and wastewater services will be available and the Environmental Site Assessment is satisfactory and that they have no objections with lifting holding provision “H18”.

From: Planning Services Department

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- Conservation Halton provided confirmation that stormwater matters have been addressed to their satisfaction and that they have no objections with lifting holding provision “H18”.
- All conditions relating to the removal of the “H18” holding provision have been satisfied.

## **BACKGROUND:**

### Proposal

A Zoning By-law Amendment application was approved by Council on June 11<sup>th</sup>, 2018 to permit a nursing home ranging in height from four to six storeys, comprised of 98 ‘assisted living units’ and 84 ‘total care units’, together with other common areas (total of 182 units). The owner also filed a site plan application (SP.1327.001/01), which staff are reviewing. Plans submitted as part of the site plan application are available on the town’s website at the following link:

<https://www.oakville.ca/business/sp-30716.html>

Holding provision “H18” was incorporated into the Zoning By-law at the request of Halton Region and Conservation Halton. The purpose of the holding provision “H” was to ensure that sufficient wastewater services are available, completion of an environmental assessment demonstrating that the lands are suitable for the intended land use and that stormwater management matters are addressed through an updated report.

Removal of holding provision “H18” from the Zoning By-law will allow for advancement of the related site plan application and ultimately for the land to be developed in accordance with the approved plans.

### Location

The subject lands are located on the north side of Dundas Street West, west of Hospital Gate and are known municipally as 3000 Hospital Gate.

From: Planning Services Department  
 Date: October 11, 2019  
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Figure 1: Air Photo

## COMMENT/OPTIONS:

The Town received an application from ASC (Oakville) Facility Limited Partnership, to remove the holding provision “H18” from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189 provides that the holding provision may be removed when the following conditions have been satisfied:

From: Planning Services Department

Date: October 11, 2019

Subject: **Holding Provision Removal, ASC (Oakville) Facility Limited Partnership, Z.1327.02 - By-law 2019-080****9.3.18.2 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 Planning Act. The following condition(s) shall first be completed to the satisfaction of the *Town of Oakville*:

- |    |  |
|----|--|
| a) | Demonstration that wastewater sewer services have been extended to the subject lands and that where appropriate easements have been secured for any wastewater servicing extension(s) to the satisfaction of the Region of Halton.   |
| b) | A Phase 1 Environmental Site Assessment (O.Reg. 153/04 compliant) and any recommended environmental reports, along with a Letter of Reliance extending third party reliance to the Region of Halton, which demonstrate that the lands are free and clear for their intended use to the satisfaction of the Region of Halton. |
| c) | Updated stormwater management report to the satisfaction of the Director of Development Engineering and Conservation Halton.   |

Halton Region advised that the revised Functional Servicing Report was found to be satisfactory and that the executed Regional Servicing Agreement to extend the wastewater sewer has been received together with fees, securities and certificate of insurance.

The Functional Servicing Report identified that a sanitary sewer extension would be required to service the proposed development which would extend from the subject lands, across the full Dundas Street West right-of-way, through a town-owned buffer block and connect to an existing sewer on Whistling Springs Crescent. Halton Region required the owner obtain an easement from the Town through the buffer block for this sanitary sewer.

On May 21<sup>st</sup>, 2019 the Administrative Services Committee considered the requested easement and granted Town staff the authority to convey a permanent sanitary sewer easement to the Region of Halton over the town buffer block. Subsequently the easement has been registered on title, together with payment of fair market value of the easement by the Owner. On this basis, 9.3.18.2 a) of holding provision H18 has been satisfied.

Halton Region reviewed the Phase I Environmental Site Assessment (Landtek Ltd., Feb 2019), and the third party reliance letter submitted with the application, and found both to be satisfactory. On this basis 9.3.18.2 b) of holding provision H18 has been satisfied. A clearance letter has also been provided from Halton Region regarding the same ('Appendix A').

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A Stormwater Management Report was reviewed through the associated site plan application (SP.1327.001/01) which has been updated to the satisfaction of town staff and Conservation Halton. In correspondence dated June 17<sup>th</sup>, 2019, Conservation Halton advised that they have no objections with lifting of holding provision "H18" ('Appendix B')

**CONCLUSION:**

Staff is satisfied that the requirements for the removal of the holding provision "H18" as it applies to 3000 Hospital Gate has been satisfied as noted above. Staff recommends that Council approve the subject application and pass By-law 2019-080 which would have the effect of removing holding provision "H18" from the subject lands.

**CONSIDERATIONS:****(A) PUBLIC**

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

**(B) FINANCIAL**

Not applicable.

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

Conservation Halton and Halton Region 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" – Halton Region Comments

Appendix "B" – Conservation Halton Comments

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From: Planning Services Department

Date: October 11, 2019

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2019-080**

Page 6

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