

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 4, 2019

FROM: Planning Services Department

DATE: October 23, 2019

SUBJECT: Holding Provision Removal, 1187 Burnhamthorpe Road East,
Z.1209.09, By-law 2019-094

LOCATION: 1187 Burnhamthorpe Road East

WARD: 6

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RECOMMENDATION:

1. That the application (File No.: Z.1209.09) submitted by the Ontario Zoroastrian Community Foundation to remove the “H25” holding provision from the lands known as 1187 Burnhamthorpe Road East, be approved.
2. That By-law 2019-094, a by-law to remove the “H25” holding 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 “H25” holding provision was incorporated into the Zoning By-law by site specific By-law 2018-122 at the request of Conservation Halton, the Region of Halton, and the Town of Oakville.
- The purpose of the “H25” holding provision was to ensure that environmental, stormwater and archaeological matters were addressed to the satisfaction of the respective agencies, and an easement over a portion of the Natural Heritage System lands were conveyed to the Town prior to building permit issuance.
- Conservation Halton advised in an email sent August 12, 2019 that their comments have been addressed, and have no objection to removal of the holding provision.
- The Region of Halton advised in a letter sent August 13, 2019 that they have no objection of the removal of the holding provision.
- All conditions relating to the removal of the “H25” holding provision have been satisfied.

- The owner has filed a site plan application (SP1209.001/02) which is currently in circulation.

BACKGROUND:

On October 1, 2018, Council approved By-law 2018-122 to permit the construction of a new place of worship. By-law 2018-122 established a new special provision (SP64) and a new holding provision (H25) in Zoning By-law 2009-189. The purpose of the holding provision was to allow for future development to proceed in accordance with applicable planning policy, specifically ensuring the applicant updated the Environmental Implementation Report - Functional Servicing Study, provided both an Environmental Site Assessment and an Archaeological Assessment, and provided an easement in favour of the Town for the protection of a portion of the NHS.

An application for Site Plan Approval (SP.1209.001/02) was received by the Town on April 15, 2019. The applicant will be eligible for a building permit at such time as "H25" is removed from Zoning By-law 2009-189 and the site plan has been finalized.

COMMENT/OPTIONS:

The Town's 2009-189 Zoning By-law provides that the holding provision may be removed when the following conditions have been satisfied:

- a) That the Environmental Implementation Report – Functional Servicing Study be approved to address all existing and potential future hazard/regulatory issues and include the appropriate fisheries setback to refine a conservative Natural Heritage System limit to the satisfaction of Conservation Halton.*
- b) That the Environmental Implementation Report – Functional Servicing Study be approved to demonstrate that all stormwater management criteria can be met to the satisfaction of Conservation Halton and the Director of Development Engineering.*
- c) The applicant shall provide an easement in favour of the Town of Oakville over the Natural Heritage System area on the subject lands as delineated by the final approved Environmental Implementation Report – Functional Servicing Study.*
- d) The applicant shall receive approval of an Environmental Site Assessment in compliance with Ontario Regulation 153/04 to the satisfaction of the Regional Municipality of Halton.*
- e) The applicant shall receive clearance for any required Archaeological Assessments for the subject lands to the satisfaction of the Ministry of Tourism, Culture and Sport.*

In an email received August 12, 2019, Conservation Halton cleared Condition (a) and Condition (b), confirming that they have no objection to removal of the holding provision.

In a letter received August 13, 2019, The Region of Halton confirmed that both the submitted Phase One Environmental Site Assessment and Archaeological Assessments are acceptable, thus clearing Conditions (d) and (e). The Region has no objection to removal of the holding provision.

In an email received September 30, 2019, Development Engineering confirmed that Condition (b) has been met to their satisfaction, and that they are satisfied with the limits of the easement over the Natural Heritage Lands as delineated on the approved EIR-FSS.

The easement has since been transferred to the Town, thus clearing Condition (c) and in summation, representing the clearance of all conditions required under the "H25" holding provision.

CONCLUSION:

The requirements for the removal of the "H25" holding provision have now been satisfied. Staff recommends that Council approve the subject application and pass By-law 2019-094 to remove the holding provision from 1187 Burnhamthorpe Road East.

CONSIDERATIONS:

(A) PUBLIC

Notice of Intention to remove the "H25" holding provision was provided in accordance with Section 36(4) and Section 8 of Regulation 544/06 of the *Planning Act*.

(B) FINANCIAL

None associated with this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Conservation Halton and the Region of Halton have no objection to the removal of the "H25" 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

A review of sustainability objectives of the North Oakville East Secondary Plan was undertaken as part of the review of the Zoning By-law Amendment application that applied the “H25” holding provision.

APPENDICES:

Appendix A – Location Map and Air Photo

Prepared by:
Kelly Livingstone
Planner, Current Planning
East District

Recommended by:
Heinz Hecht, MCIP, RPP
Manager, Current Planning
East District

Submitted by:
Mark H. Simeoni, MCIP, RPP
Director, Planning Services