

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 7, 2014

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**FROM:** Planning Services Department

PD-053-14

**DATE:** June 13, 2014

**SUBJECT:** Proposed Removal of Holding "H" Provision  
1371975 Ontario Inc., 3113 Upper Middle Road West  
File No.: Z.1432.08, By-law 2014-083

**LOCATION:** 3113 Upper Middle Road West

**WARD:** 4

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#### RECOMMENDATION:

1. That the application (File No.: Z.1432.08) submitted by 1371975 Ontario Inc. to remove the Holding "H" Provision from the lands known as 3113 Upper Middle Road West, be approved; and
2. That By-law 2014-083, a by-law to remove the Holding "H" Provision from By-law 1983-64, as amended, and from By-law 2014-014, as amended, be passed.

#### KEY FACTS:

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

- The purpose of the Holding Provision is to ensure that sufficient services or provisions for servicing the site have been made to the satisfaction of Halton Region and the Town.
- All conditions relating to the removal of the Holding Provision have now been satisfied and staff are recommending that the Holding Provision be removed from both Zoning By-laws.

#### BACKGROUND:

The Holding Provision was incorporated into the Zoning By-laws at the request of the Region of Halton.

The proposed development is the subject of a conditionally approved Draft Plan of Subdivision, a conditionally approved Draft Plan of Common Element Condominium

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and a Site Plan application. The applicant is presently addressing the conditions of draft approval and has made a resubmission related to the site plan application.

Prior to conditional site plan approval, the Holding Provision must be removed from both Zoning By-laws, hence the submission of the current application.

#### Proposal

The effect of the approval would allow the land to be developed in accordance with the zoning by-law.

#### Location

The site is located on the north side of Upper Middle Road West, west of Colonel William Parkway. The land is rectangular in shape and has an area of 0.48 hectares with an approximate frontage of 45 m along Upper Middle Road West.

#### **COMMENT/OPTIONS:**

The Town has received an application from 1371975 Ontario Inc. to remove the Holding Provision from both Zoning By-laws to allow the subject lands to be developed for 20 townhouse units on a condominium roadway.

By-law 2012-026 indicates that the Holding Provision H46 may be removed when the following conditions have been satisfied:

*“The “H” symbol shall, upon application by the landowner, be removed by way of an amending zoning by-law, from all or part of the lands, when Halton’s Commissioner of Legislative and Planning Services or his or her designate has confirmed that:*

- i. Servicing has been extended along Upper Middle Road to service the subject lands and/or provisions are in place regarding the extension of municipal services for the lands.”*

Similarly, in By-law 2014-014, the Holding Provision H20 states:

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

- i. That sufficient water and wastewater are available to the satisfaction of the Regional Municipality of Halton and Town of Oakville.”*

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Halton Region staff, in a letter dated June 13, 2014, has advised that they have no objection to the removal of the Holding Provision.

**CONCLUSION:**

Staff is satisfied that the requirements for the removal of the Holding "H" Provision have now been satisfied as noted above. Further, staff recommends that Council approve the subject application and pass By-law 2014-083, which would have the effect of removing the Holding "H" Provision from the subject lands.

**CONSIDERATIONS:**

**(A) PUBLIC**

Notification has been provided pursuant to subsection 36(4) of the Planning Act which requires the municipality to provide notification of an intention to pass an amending By-law to remove the Holding Provision.

**(B) FINANCIAL**

None arising from this report.

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

The Region of Halton has no objection to the removal of the Holding Provision.

**(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.

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