

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 28, 2016

FROM: Planning Services Department

PD-16-260

DATE: November 7, 2016

SUBJECT: **Proposed Removal of Holding "H" Provision**
Garden Drive Townes Inc./Fernbrook Homes
113-131 Garden Dr., 114-136 Maurice Dr., 210 Rebecca St.
File No. Z.1617.41, By-law 2016-027

LOCATION: 113-131 Garden Drive, 114-136 Maurice Drive, 210 Rebecca Street

WARD: 2

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RECOMMENDATION:

1. That the application (File No.: Z.1617.41) submitted by Garden Drive Townes Inc./Fernbrook Homes, to remove the Holding "H" Provision from the lands generally located at 113-131 Garden Drive, 114-136 Maurice Drive and 210 Rebecca Street, be approved; and
2. That By-law 2016-027, a By-law to remove the Holding "H" Provision from Zoning By-law 2014-014 and 1984-63, as amended, be passed.

KEY FACTS:

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

- The Holding "H" Provision was incorporated into the Zoning By-law at the request of the Region of Halton and the Town of Oakville.
- The purpose of the Holding "H" Provision is to ensure that prior to development occurring on the subject site, adequate municipal water and wastewater capacity was available to accommodate the development, that updates to the traffic and functional servicing report have been provided, a servicing agreement with the Region had been entered into, and the lands have been consolidated to avoid piecemeal development.
- All conditions relating to the removal of the Holding "H" Provision have now been satisfied.

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BACKGROUND:

Proposal

In September 2007, Council approved Zoning By-law 2007-198 subject to a Holding "H" Provision. The effect of the approvals would allow the lands to be developed for multiple attached dwellings once the Holding "H" Provision conditions have been satisfied. The Holding "H" Provision was incorporated into the Zoning By-law at the request of the Region of Halton and the Town. From a Regional perspective the purpose of the Holding "H" Provision is to:

- ensure that adequate municipal water and wastewater capacity is available to accommodate the development;
- any servicing agreements have been entered into; and
- an updated functional servicing report is provided.

From a Town perspective the purpose of the Holding "H" Provision is to:

- ensure that lands within the block were consolidated for development purposes;
- a satisfactory traffic study had been finalized;
- a block plan had been approved; and,
- any legal access for adjacent developments had been secured.

Location

The lands affected by the Holding "H" Provision are generally located south of Rebecca Street, east of Garden Drive and west of Maurice Drive and are known municipally as 113-131 Garden Drive, 114-136 Maurice Drive and 210 Rebecca Street.

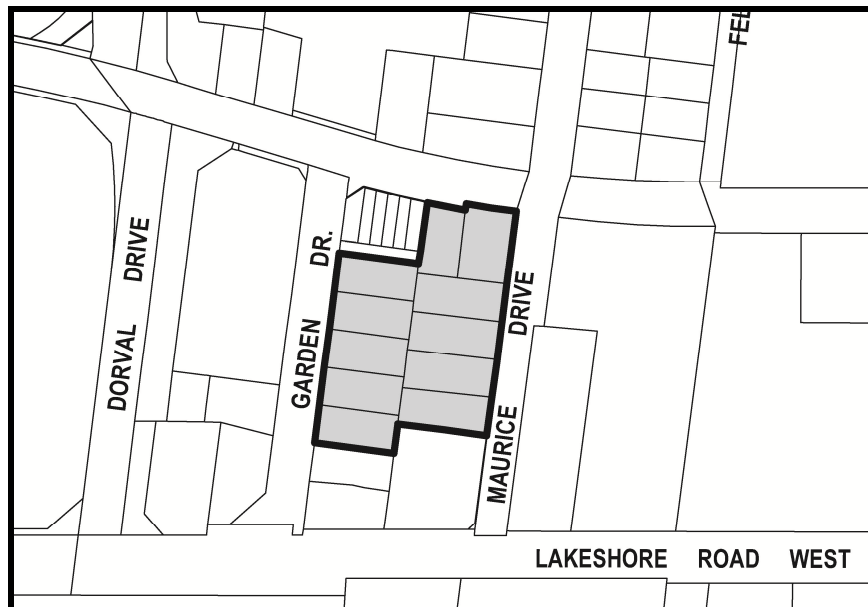


Figure 1: Location

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Area Concept Plan

Figure 2 illustrates the three applications currently being processed on the lands subject to the Holding "H" Provision.

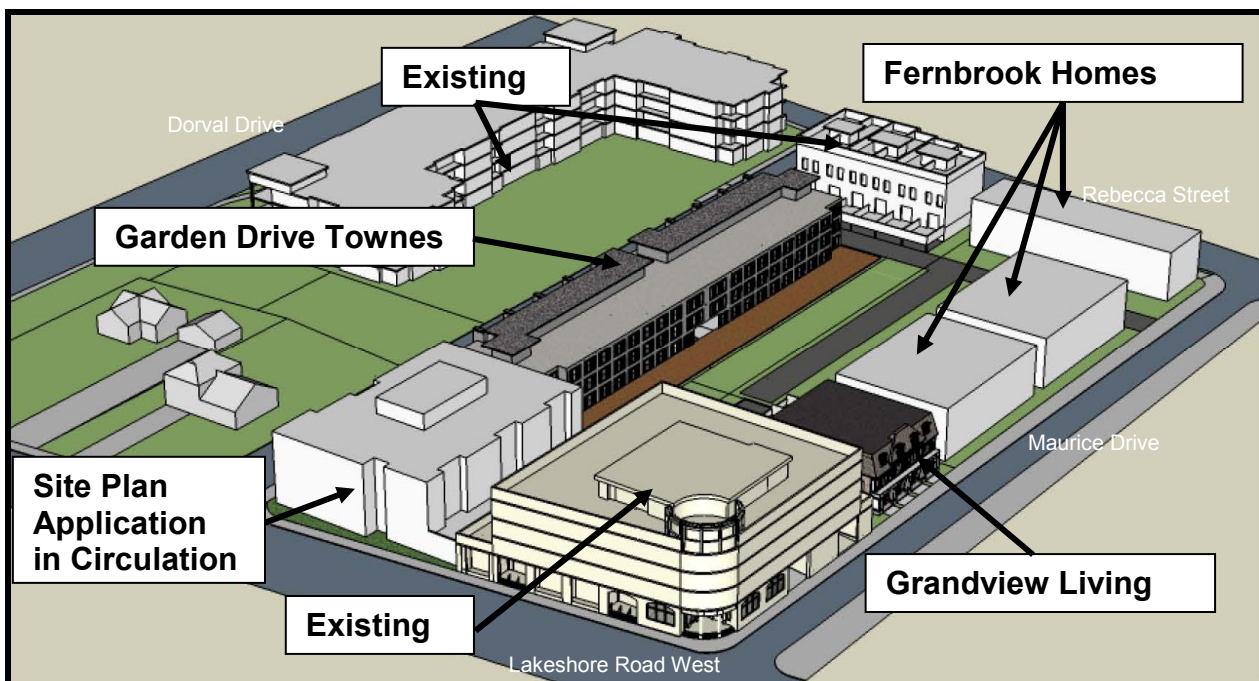


Figure 2: Area Concept Plan

Site Plan – Garden Drive Townes

In September 2014, an application for site plan approval (S.P.1617.054/01) was submitted by Garden Drive Townes Inc., for the lands fronting onto Garden Drive (113-131 Garden Drive). This site plan application is to permit the construction of 18 three-storey multiple attached dwellings (Figure 3). Conditional site plan approval was granted on November 3, 2015.

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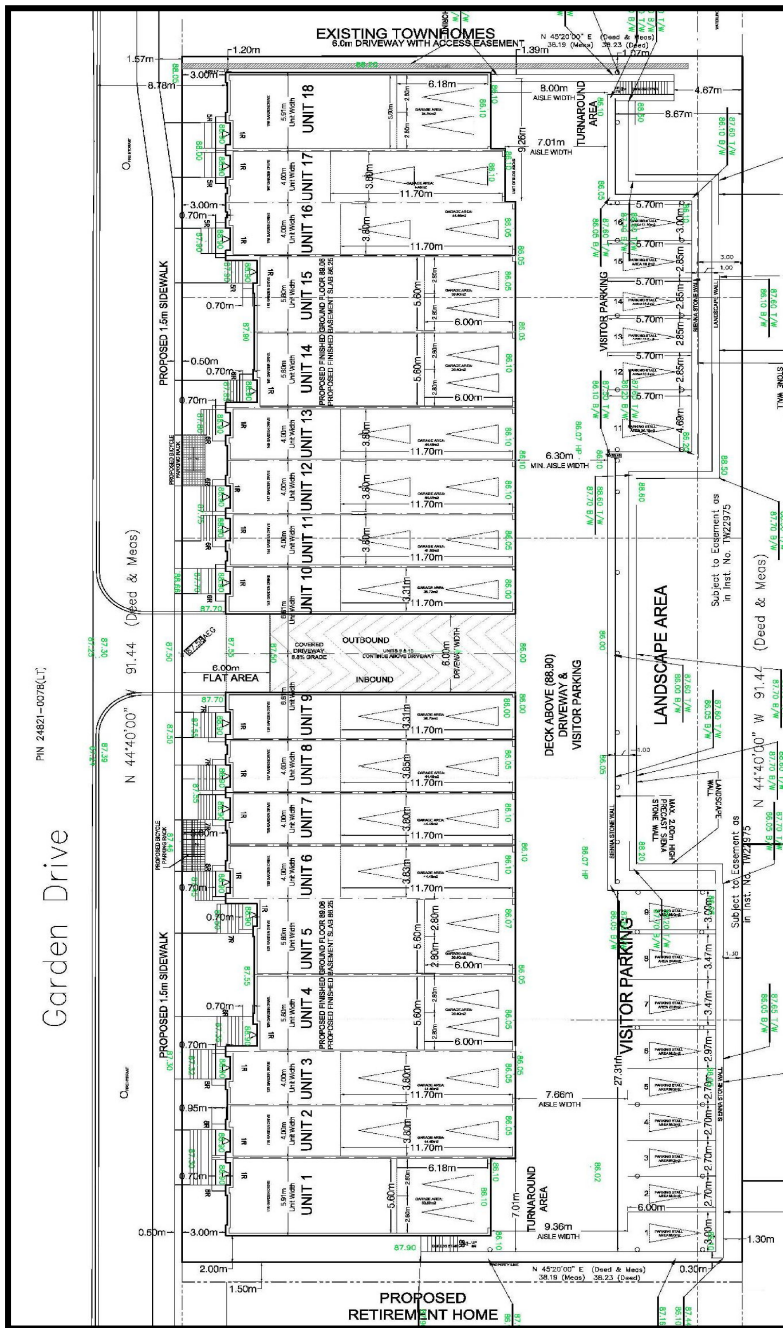


Figure 3: Garden Drive Site Plan

Site Plan – Fernbrook Homes

In November 2014, an application for site plan approval (S.P.1617.055/01) was submitted by Fernbrook Homes for the lands fronting onto Maurice Drive and

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Rebecca Street (118-136 Maurice Drive and 210 Rebecca Street). This site plan application is to permit the construction of 16 three-storey multiple attached Dwellings (Figure 4). Conditional site plan approval was granted on January 12, 2016.

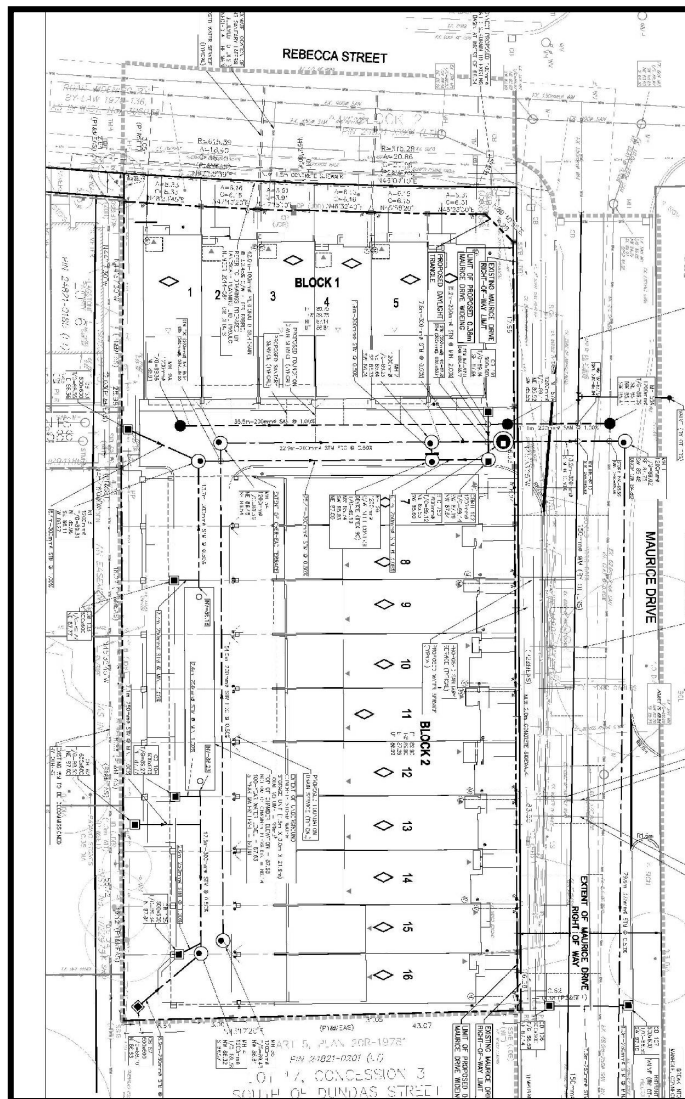


Figure 4: Maurice Drive and Rebecca Street Site Plan

Both site plan applications are under review and the removal of the Holding "H" Provision from the zoning by-law will be required prior to final site plan approval.

Upon the removal of the Holding "H" Provision from the Zoning By-law the lands may be developed in accordance with the proposed site plans.

In November 2013, an application for an amendment to the Official Plan and Zoning By-law (Z.1617.42) was submitted by Grandview Living Inc. for the lands fronting onto Maurice Drive (114 Maurice Drive) to permit the construction of 4 multiple attached dwellings (Figure 5).

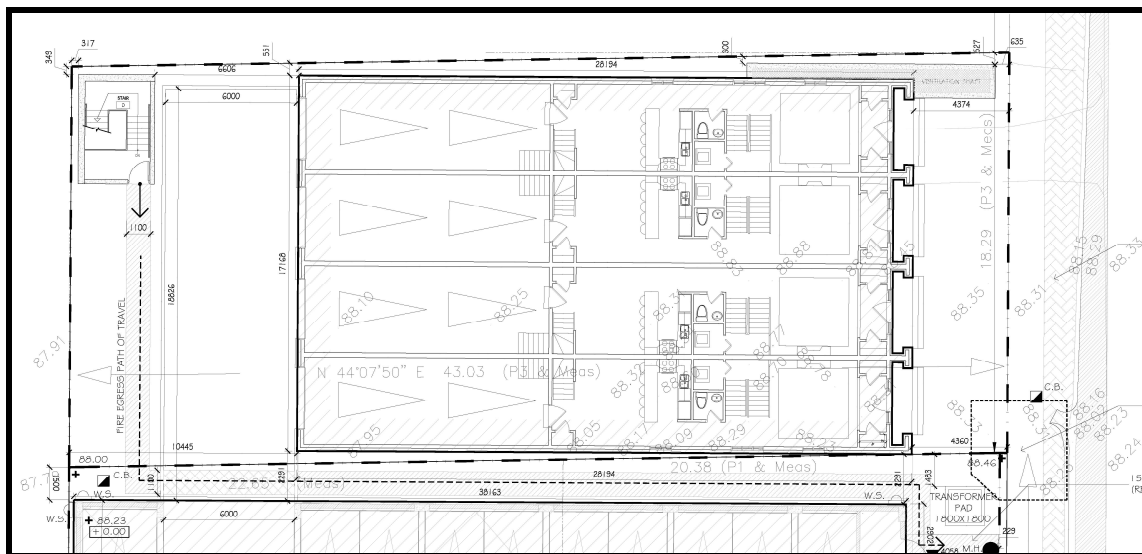


Figure 5: Grandview Living Concept Plan

This application is in circulation. A site plan application for these lands will also be required once a decision has been made regarding the proposed Official Plan Amendment and Zoning By-law Amendment.

The removal of the Holding “H” Provision from these lands will not have any impacts on the planning merits of the development applications. The Holding “H” Provision addresses servicing issues and block consolidation, not the land use on the site. If the Holding “H” Provision is removed the land can be developed in accordance with the existing zoning until such time that a Zoning By-law Amendment is approved for something other than what is permitted.

COMMENT/OPTIONS:

The Town received an application from Ruth Victor and Associates on behalf of Garden Drive Townes Inc/Fernbrook Homes for lands municipally known as 113-131 Garden Drive, 114-136 Maurice Drive and 210 Rebecca Street. The application submitted is to remove the Holding “H” Provision from the Zoning By-law to allow the subject lands to be developed for residential purposes. Zoning By-law 2014-014

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and 1984-63 provide that the Holding "H" Provision may be removed when the following conditions have been satisfied:

Removal of Holding "H" Provision

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 subject to this provision (hereinafter referred to a "development block") when the following conditions have been satisfied:

- "1. Halton Region's Commissioner of Planning and Public Works, or his or her designate, is satisfied that:*
- (i) water and wastewater infrastructure is available to service the lands; and*
 - (ii) updates to the Functional Servicing Report or a detailed design submission have been provided; and*
 - (iii) the Owner has entered into any necessary servicing agreement(s) with Halton Region."*

The Region of Halton has advised that the applicant has made satisfactory arrangements with Halton Region to construct the water and wastewater infrastructure pursuant to designs approved by the Region. The Region of Halton is satisfied that the Holding "H" Provision is no longer required as all servicing concerns have now been addressed to their satisfaction.

- "2. The Town of Oakville is satisfied:*
- (i) the consolidation of land ownership within the development block has occurred in conformity with the Official Plan of the Town of Oakville;*
 - (ii) for each development block within the area bounded by Dorval Drive, Lakeshore Road West, Maurice Drive and Rebecca Street (the "area"), a block plan has been submitted illustrating such matters as the proposed location of dwellings, access and roads or laneways, on site parking and amenity areas and traffic circulation patterns and future connections with the adjacent development block;*
 - (iii) a Traffic Impact Study has been approved by the Town reviewing the effect of the proposed development on the functioning of the transportation network. Any such improvements associated with each development block must be secured prior to or coincident with the development of the lands; and*
 - (iv) legal access for adjacent development blocks over any laneways forming part of the development has been secured."*

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The subject lands have been assembled for development purposes and can now be developed in the manner anticipated by the Official Plan. Site Plan applications have been submitted for the majority of the lands and it was through that process that the site layout was reviewed and approved. A Traffic Impact Study was submitted and has been approved. Legal access (easement) to 114 Maurice Drive was secured through the phase 1 condominium approval for 205 Lakeshore Road.

CONCLUSION:

Staff is satisfied that the requirements for the removal of the Holding "H" Provision as it applies to 113-131 Garden Drive, 114-136 Maurice Drive and 210 Rebecca Street have now been satisfied as noted above. Staff recommends that Council approve the subject application and pass By-law 2016-027 which would have the effect of removing the Holding "H" Provision from the subject lands.

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 provision pursuant to Section 36(4) of the *Planning Act*.

(B) FINANCIAL

Securities will be posted as a condition of site plan approval for each parcel within the development block.

(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.

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APPENDICES:

Appendix "A" – Region of Halton Comments

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