



Corporate Report

Clerk's Files

Originator's
Files H-OZ 05/002 W7

DATE: June 6, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 26, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Removal of the "H" Holding Symbol
from Zoning By-law 5500, as amended
3515 and 3525 Kariya Drive
West side of Hurontario Street, south of Elm Drive West
Owner: Amacon Development (Hurontario) Corp.
Applicant: Amacon Development (Hurontario) Corp.
Bill 20**

Public Meeting **Ward 7**

- RECOMMENDATION:**
1. That the Report dated June 6, 2006, from the Commissioner of Planning and Building, recommending the removal of the "H" Holding Symbol from By-law 5500, for the lands located on the west side of Hurontario Street, south of Elm Street West, 3515 and 3525 Kariya Drive, under File H-OZ 05/002 W7, Amacon Development (Hurontario) Corp., be adopted.
 2. That the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage subject to the following:
 - a) the execution of a Development Agreement between the City and the applicant;
 - b) the execution of a Servicing Agreement for Municipal Works Only between the City, the Region and the

- applicant for the extension of Kariya Drive and installation of all related municipal services;
- c) receipt from the applicant of written authorization for the City to exercise the option to purchase from The Peel District School Board Parts 2, 6, 7 and 8 on 43R-29874 required for the extension of Kariya Drive in accordance with the terms of the Option, Access and Road Construction Agreement between the applicant, the City and The Peel District School Board; and,
 - d) receipt of written consent from The Peel District School Board for the applicant to commence and undertake the extension of Kariya Drive on the school board lands prior to closing of the option to purchase.
3. That upon receipt of the written authorization from the applicant referred to in Paragraph 2 (c) above, City staff be directed to exercise the option to purchase and cash all securities posted by the applicant for the payment of the purchase price and closing costs under the Option, Access and Road Construction Agreement for the purchase of Parts 2, 6, 7 and 8 on 43R-29874 from The Peel District School Board for the southerly extension of Kariya Drive.

BACKGROUND:

Request Received: June 29, 2005
Agent: D. Hunwicks, Amacon Development Corp.

The development of the subject lands for apartment buildings was originally approved in September 2002. On November 9, 2005, Council enacted By-law 0428-2005, which altered the "H-RM7D5-2607" zone applying to the lands to increase the permitted Floor Space Index, building heights and number of units. This by-law was subsequently appealed to the Ontario Municipal Board (OMB) by Square One Developments Corporation. The appeal was resolved to the satisfaction of all parties through an OMB telephone conference conducted on April 11, 2006.

Phase One of the project, a 33 storey apartment building municipally known as 3504 Hurontario Street, is currently under

construction. The Holding Symbol for Phase One was lifted on August 11, 2004.

Upon fulfilling all technical and financial matters pertaining to the removal of the subject "H" Holding Symbol to the satisfaction of the City, Amacon Development (Huronario) Corp. will be able to construct two additional apartment buildings immediately to the west of the existing building. Known municipally as 3515 and 3525 Kariya Drive, Phase Two and Three are proposed to be 32 storeys in height containing 276 units, and 31 storeys in height with 283 units, respectively. Kariya Drive will be extended south of its existing terminus along the western edge of the subject lands. Details regarding the Kariya Drive extension are further described below.

Appendix 1 identifies the lands to which the by-law applies and the underlying zoning.

As part of this approval, Council required that the "H" Holding Symbol be applied to the zone until the following is completed:

- (i) arrangements are made for adequate storm drainage, services and access arrangements;
- (ii) the applicant provides the executed Development and Servicing Agreements to the satisfaction of the City for the construction of municipal works required in support of the development;
- (iii) arrangements with respect to the dedication and construction of the future extension of Kariya Drive from Elm Drive West to the site; and,
- (iv) arrangements with respect to a security from the applicant for land acquisition and construction of a future extension of Kariya Drive from Elm Drive West to the site, prior to the lifting of a "H" Holding Symbol for the first building.

In December of 2004, the City, The Peel District School Board and the applicant entered into an Option, Access and Road Construction Agreement (Option Agreement) providing the City

with a two (2) year option to purchase from The Peel District School Board the lands required to accommodate the extension of Kariya Drive south from Elm Street to the proposed driveway access on the applicant's lands. The option to purchase may only be exercised by the City with the consent of the applicant. The purchase price is to be paid by the applicant and has been secured by a letter of credit posted at the time of execution of the Option Agreement.

The applicant is now prepared to proceed with the option to purchase and undertake the construction of the Kariya Drive extension in accordance with an executed Servicing Agreement, in order to facilitate the required second vehicular access to and from Kariya Drive to accommodate traffic flows from Phases Two and Three of the subject development.

The Option Agreement also included obligations on the part of the applicant to secure and undertake on the School Board's lands all work necessary to realign and relocate the easterly parking lot area to accommodate the southerly extension of Kariya Drive. The required site plan application for the parking lot realignment has been submitted by the applicant and reviewed by the City's Planning and Building and Transportation and Works Departments in consultation with the School Board under file SP 05/205 W7. Final site plan approval is anticipated to be issued pending completion by the applicant of on-site hoarding and tree protection.

The terms of the Option Agreement provide for the closing of the land transfer within ten (10) business days following completion of the parking lot realignment works and permanent relocation of parking spaces from the area through which Kariya Drive is to be extended. The applicant proposes to sequence and coordinate the realignment works with the construction of Kariya Drive so that all such works are completed within approximately the same time frame. The proposed sequencing/coordination of such works is currently under review by both the Transportation and Works Department and the School Board.

The Servicing Agreement (Municipal Works Only) will contain the required obligations on the part of the applicant to complete the

Kariya Drive extension, related municipal services and intersection improvements, including the posting of all required securities.

Prior to works proceeding for the construction of Kariya Drive in advance of the closing of the land transfer under the Option Agreement, a letter of consent is required from the Peel District School Board authorizing the applicant to proceed with the construction of Kariya Drive, and for the City/Region to enter onto the School Board lands in the event it is necessary to enforce their respective securities for the completion of Kariya Drive.

The applicant has been required to include the Peel District School Board along with the City and the Region as additional insured parties on all insurance policies required under the Servicing Agreement.

COMMENTS:

Section 36 of the *Planning Act* provides the legislative framework for the removal of the “H” Holding Symbol and allows municipalities to amend a by-law to remove the “H” Holding Symbol. Section 36 does not require a formal public meeting, however, notice of Council's intention to pass the amending by-law must be given to all land owners within 120 metres (400 ft.) to which the proposed amending by-law would apply. Notice will be given to all affected land owners by pre-paid first class mail.

The site development plan under file SP 05/326 W7 for the second building is considered acceptable for the purposes of removing the “H” Holding Symbol from the “RM7D5-2607” zoning. Comments from the Community Services and Transportation and Works Departments are included in Appendix 2.

The removal of the “H” Holding Symbol is subject to the applicant satisfying the conditions outlined in the recommendations, which conditions relate firstly to on-site development issues addressed under the Development Agreement and the remainder with respect to the acquisition and construction of the Kariya Drive extension.

CONCLUSION:

The conditions to remove the “H” Holding Symbol are currently in the process of being satisfied by the applicant. The required Development Agreement and Servicing Agreement must be executed by City Council and authorization from the applicant to exercise the option and consent to enter from The Peel District School Board must be received prior to the “H” Holding Symbol being removed, in order to place into effect the necessary arrangements for the construction of the Kariya Drive extension and the purchase from the Peel District School Board of the required lands.

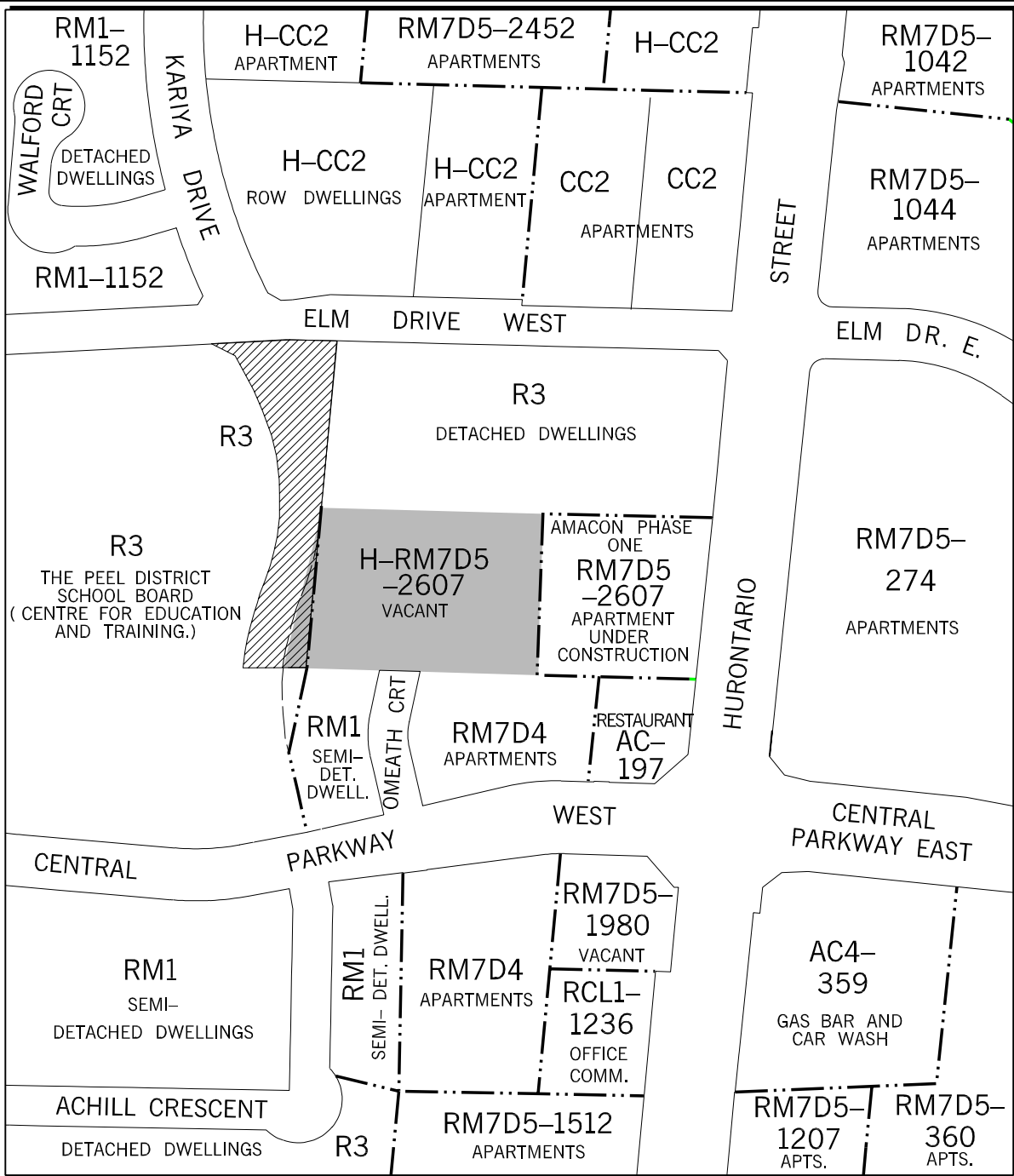
The Community Services, Transportation and Works and Planning and Building Departments anticipate that all Development Agreement and servicing related matters will be finalized and in place by the July 5, 2006 Council Meeting, in order to proceed with the lifting of the “H” Holding Symbol. Accordingly, staff have no objection, at this time, in proceeding with the removal of the “H” Holding Symbol for the subject lands. In this regard, arrangements will be made to provide City Council with a verbal update if such arrangements have not been made to the satisfaction of the City by July 5, 2006.

ATTACHMENTS:


Appendix 1 - Location Plan
Appendix 2 - Department Comments
Appendix 3 - General Context Map


Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Rob Hughes, Development Planner



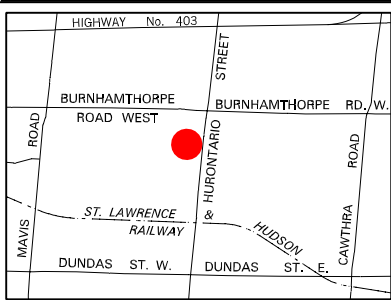
LEGEND:

 **LANDS AFFECTED BY REMOVAL OF THE "H" HOLDING PROVISION.**

 **ASSOCIATED LANDS TO BE PURCHASED BY THE CITY FROM THE PEEL DISTRICT SCHOOL BOARD UNDER THE OPTION TO PURCHASE AGREEMENT.**

NOTE: EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.

SUBJECT: AMACON DEVELOPMENTS (HURONTARIO) CORP.



FILE NO:
H-OZ 05002 W6

DWG. NO:
05002R

SCALE:
1:3000

PDC DATE:
2006 06 26

DRAWN BY:
N.DUSZCZYSZYN

MISSISSAUGA
Planning and Building

Produced by
T&W, LIS

APPENDIX I-1

Department Comments

The following is a summary of comments from departments regarding the application.

Agency / Comment Date	Comment
City Transportation and Works Department (May 17, 2006)	The applicant is in the process of completing the Development Agreement and the Servicing Agreement for Municipal Works Only required in support of the removal of the ‘H’ Holding Symbol from the Zoning By-law. It is anticipated that these agreements will be in their final form by the July 7th, 2006 Council Meeting.
City Community Services Department – Planning and Administration Division (April 28, 2006)	The developer is in the process of finalizing a Development Agreement and a Servicing Agreement for Municipal Works Only which are satisfactory with this Department. Prior to the issuance of building permits for each phase of development on the lands, cash-in-lieu of park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended), and in accordance with City Policies and By-laws. An appropriate condition with respect to the cash-in-lieu requirement is included in the Development Agreement.

