



Corporate Report

Clerk's Files

Originator's
Files H-OZ 06/007 W7

DATE: June 5, 2007

TO: Planning and Development Committee
Meeting Date: June 25, 2007

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Removal of the "H" Holding Symbol
from Zoning By-law 5500, as amended
223 Webb Drive
North side of Webb Drive,
East of Duke of York Boulevard
Solstice Two Limited (ONYX Building)
Bill 20**

Meeting

Ward 7

-
- RECOMMENDATION:**
1. That the Report dated June 5, 2007, from the Commissioner of Planning and Building recommending the removal of the "H" Holding Symbol from By-law 5500, for the lands located at 223 Webb Drive, on the north side of Webb Drive, east of Duke of York Boulevard, be adopted.
 2. That the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage subject to an executed Development Agreement.

ORIGIN: Request Received: November 15, 2006
Agent: N. Reis,
Davies Smith Developments Inc.

BACKGROUND:

On January 17, 2001, City Council enacted and passed By-law 0005-2001, known as the City Centre Zoning By-law, which proposed an “H-CC2” zoning on the subject lands.

By-law 0005-2001 was appealed to the Ontario Municipal Board (OMB) and has been the subject of six Pre-Hearing Conferences before the OMB. The OMB approved Zoning By-law 0005-2001 on all of the unappealed lands including the subject lands, within the City Centre Planning District, pursuant to an OMB Order dated June 3, 2002.

A portion of the subject lands abutting the east property line was formerly part of the Palgrave Road right-of-way, which has been closed and acquired by Solstice Two Limited. The same lands were zoned “H-RCL3-2589”, pursuant to an order of the Ontario Municipal Board (OMB), dated May 21, 2002.

The subject lands are zoned “H-CC2” and “H-RCL3-2589”, which permits a wide range of land uses and activities such as business, professional, administrative office, retail and service commercial uses, civic/cultural uses, parking facilities and all forms of high density residential development. Upon fulfilling all technical and financial matters pertaining to the removal of the “H” Holding Symbol to the satisfaction of the City, Solstice Two Limited will be proceeding with the construction of a 34-storey, 347 unit apartment building, with a residential gross floor area of 28 712 m² (309,063 sq. ft.).

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 was completed:

- (i) delivery of an executed Servicing Agreement and/or Development Agreement in a form satisfactory to The Corporation of the City of Mississauga, addressing and agreeing to the installation or placement of all required municipal works, including municipal walkways, the provision of land dedication for future public road widening, and transit rights-of-

way and easements, including the provision of parkland, the provisions of required securities, and related provisions provided that the Servicing and Development Agreements will not require the gratuitous dedication of land for new public roads, including realignment of roads, where not otherwise permitted under the *Planning Act* or impose an obligation upon a landowner to construct or pay for the construction of a new road.

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 m (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 on June 7, 2007.

The site development plan under file SP 06/256 W7 is considered acceptable for the purposes of removing the “H” Holding Symbol.

Comments from the Community Services and Transportation and Works Departments are included in Appendix 2.

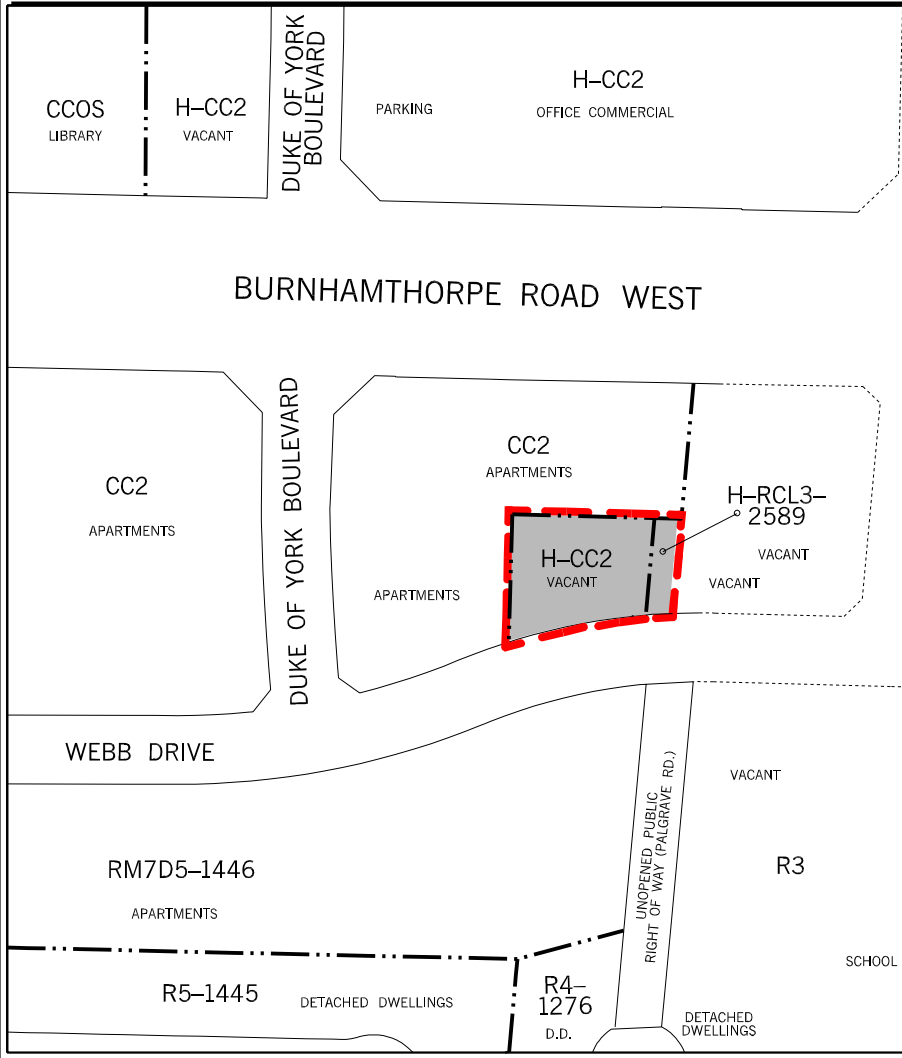
CONCLUSION:

The conditions to remove the “H” Holding Symbol are currently in the process of being finalized. The required Development Agreement must be executed by City Council, prior to the “H” Holding Symbol being removed.

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 4, 2007 Council Meeting, in order to proceed with the lifting of the “H” Holding Symbol; and 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 4, 2007.

ATTACHMENTS: Appendix 1 - Existing Land Use Map
 Appendix 2 - Department Comments

Edward R. Sajecki
Commissioner of Planning and Building



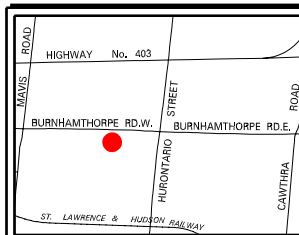
LEGEND:



LANDS AFFECTED BY THE REQUEST FOR THE REMOVAL OF THE 'H' HOLDING SYMBOL.



SUBJECT:
SOLSTICE TWO LIMITED (ONYX)



FILE NO:
H-OZ 06007 W7

DWG. NO:
HOZ06007R

SCALE:
1:2500

PDC DATE:
2007 06 25

DRAWN BY:
N. HANNA

APPENDIX 1

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

Department Comments
H-OZ 06/007 W7

The following is a summary of comments regarding the application.

Agency / Comment Date	Comment
City Transportation and Works Department (May 17, 2007)	<p>The applicant is in the process of preparing a Development Agreement for the subject lands which will include various conditions of development, including warning clauses, financial contributions, together with a cost estimate and a letter of credit representing 100% of the owner's total cost for the modified "City Centre" boulevard landscaping works and street furniture proposed along Webb Drive.</p> <p>The Development Agreement must be finalized prior to the passage of the by-law lifting the "H" Holding Symbol.</p>
City Community Services Department – Planning, Development and Business Services Division (May 16, 2007)	<p>The developer is in the process of preparing a Development Agreement with the City for, among other matters, modified City Centre boulevard streetscape works along Webb Drive.</p> <p>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 will be included in the Development Agreement.</p> <p>The Development Agreement must be finalized prior to the passage of the by-law lifting the "H" Holding Symbol.</p>