



Corporate Report

Clerk's Files

Originator's

Files OZ 06/015 W2

OZ 06/020 W2

DATE: June 3, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 23, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment and Rezoning Applications**
To permit 78 townhouse dwellings and 2 detached dwellings all
under common element condominium tenure and 10 freehold
street townhouse dwellings with an "H" Holding symbol
943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 &
2030 Lakeshore Road West & 0, 2003, 2012, 2015, 2021 & 2028
-2038 Lushes Avenue
South side of Lakeshore Road West, east of Southdown Road
Owner: Gemini Urban Design Corp.
Applicant: Jim Levac, Korsiak & Company Ltd.
Bill 20

Addendum Supplementary Report **Ward 2**

RECOMMENDATION: That the Report dated June 3, 2008, from the Commissioner of Planning and Building recommending that an "H" Holding symbol be added to the previous approval of the applications under Files OZ 06/015 W2 and OZ 06/020 W2, Gemini Urban Design Corp., 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West, 0, 2003, 2012, 2015, 2021 & 2028 - 2038 Lushes Avenue, south side of Lakeshore Road West, east of Southdown Road, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes to the applications have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That Council Resolution 0311-2007 be rescinded and replaced with the following:
 - i) That the applications to amend Mississauga Plan from "Residential Medium Density I" and "Greenbelt" to "Residential Medium Density I – Special Site" and "Greenbelt" to permit street townhouse dwellings, townhouse dwellings and detached dwellings and to recognize floodplain lands, be approved subject to the following condition:
 - (a) A maximum of two detached dwellings shall be permitted on lands designated "Residential Medium Density I – Special Site".
 - ii) That the Zoning of the subject lands be changed from "D-1" (Development) and "G1" (Greenbelt) to "H-RM6-Exception" (Townhouse Dwellings on a CEC – Private Road with Holding Symbol), "H-RM5-Exception" (Street Townhouse Dwellings with Holding Symbol) and "G1" (Greenbelt) and "B" (Buffer) to permit 78 townhouse dwellings and 2 detached dwellings all under common element condominium tenure, 10 freehold street townhouse dwellings and to recognize floodplain lands, be approved in accordance with the zoning standards outlined in Appendix S-3 attached to the Report dated November 19, 2007 from the Commissioner of Planning and Building on the subject applications and subject to the following conditions:

- (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
 - (b) Prior to the passing of an implementing zoning by-law for residential development, the City of Mississauga shall be advised by the Dufferin-Peel Catholic District School Board that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Board for the subject development;
 - (c) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Peel District School Board not apply to the subject lands;
 - (d) That CPD Recommendation 121-91, as approved by Council Resolution 160-91 pertaining to the requirement of 3.25 parking spaces per dwelling unit for all dwellings on lots with frontage less than 12.0 m (39.4 ft.) shall not apply, and that a parking requirement of two parking spaces shall apply for the units fronting on Lushes Avenue.
- iii) That notwithstanding Council Recommendation PDC-0036-2007, which requires that the landowner enter into a Memorandum of Agreement with the City with respect to the construction of a pedestrian bridge across Sheridan Creek, that the details relating to the construction of the pedestrian bridge be dealt with by way of a Servicing Agreement.

- iv) That the City contribute toward the cost of construction of the pedestrian bridge across Sheridan Creek by including appropriate funding in the 2009 budget.
- v) That the "H" Holding symbol is to be removed from the "H-RM5-49" (Street Townhouse Dwellings with Holding Symbol) and "H-RM6-10" (Townhouse Dwellings on a CEC – Private Road with Holding Symbol) zone categories applicable to the subject lands, by further amendment, upon confirmation from the applicable agencies and City Departments that matters as outlined in Appendix A-2 of the Report dated June 3, 2008, from the Commissioner of Planning and Building, have been satisfactorily addressed.
- vi) That the decision of Council for approval of the rezoning applications be considered null and void, and new development applications be required unless a zoning by-law is passed within 18 months of the Council decision.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on May 14, 2007, at which time a Planning and Building Department Information Report on the subject applications was presented and received for information. On December 12, 2007, City Council considered a Supplementary Report and adopted the staff recommendation that the applications be approved (see Council Resolution 0311-2007 attached as Appendix A-1).

The recommendations outlined in the above noted Council Resolution include a number of conditions that are to be satisfied prior to the passing of an implementing Zoning By-law. Many of the conditions are being dealt with through the Servicing Agreement, however are taking some time. Consequently, the applicant is now requesting to implement an "H" Holding Symbol in accordance with Section 36 of the *Planning Act* until such time as the outstanding matters are satisfactorily addressed. More specifically, the applicant is requesting that the proposed

"RM5-49" (Street Townhouse Dwellings) and "RM6-10" (Townhouse Dwellings on a CEC – Private Road) zone categories be subject to an "H" Holding symbol.

COMMENTS:

Section 5.3.3.1 of Mississauga Plan permits the enactment of an "H" Holding Symbol to implement the policies of Mississauga Plan for staging of development and specific requirements.

The addition of a proposed "H" Holding symbol is a technical amendment to the applications which does not change the requirements that must be satisfied prior to the proposed zoning coming into force, rather, it deals with timing of when those requirements must be satisfied. The "H" Holding symbol has been requested in this instance because the required Development and Servicing Agreements are complex and will take a significant amount of time to complete. In implementing an "H" Holding Symbol, the owner and applicant gain certainty that the proposed zoning is in place in principle which assists in financing the project. It also allows for the costly technical issues to be dealt with after the zoning is in place in principle and the appeal period has passed.

The detailed conditions/requirements that must be satisfied prior to the "H" Holding symbol being removed from the subject lands are attached as Appendix A-2.

FINANCIAL IMPACT:

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION:

The applicant's request to implement an "H" Holding symbol has been reviewed by the Planning and Building Department in consultation with the Transportation and Works and Community Services Departments, as well as Credit Valley Conservation and it has been determined to be appropriate from a land use planning perspective.

In accordance with subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Council is given authority to determine if further public notice is required. Since the request by the applicant is to propose an "H" Holding symbol in connection with the subject development proposals, it is recommended that no further public meeting be held regarding the proposed changes.

ATTACHMENTS:

Appendix A-1 – Council Resolution 0311-2007

Appendix A-2 – Conditions to be Satisfied for Removal of the "H"
Holding Symbol

Appendix A-3 – Aerial Photograph

Appendix A-4 – Proposed Zoning Categories

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Stacey Laughlin, Development Planner

Gemini Urban Design Corp.

**File: OZ 06/015 W2
OZ 06/020 W2**

Council Resolution 0311-2007

That the Report dated November 19, 2007, from the Commissioner of Planning and Building recommending approval of the applications under Files OZ 06/015 W2 and OZ 06/020 W2, Gemini Urban Design Corp., 943 Southdown Road, O, 2003, 2004, 2012, 2015 & 2021 Lushes Avenue, and O, 1998, 2004 & 2008-2030 Lakeshore Road West, be adopted in accordance with the following:

1. That the applications to amend Mississauga Plan from "Residential Medium Density I" and "Greenbelt" to "Residential Medium Density I - Special Site" and "Greenbelt" to permit street townhouse dwellings, townhouse dwellings and detached dwellings and to recognize floodplain lands, be approved subject to the following condition:
 - (a) A maximum of two detached dwellings shall be permitted on lands designated "Residential Medium Density I – Special Site".

2. That the applications to change the Zoning from "D-1" (Development) and "G1" (Greenbelt) to "RM6-Exception" (Townhouse Dwellings on a CEC - Private Road), "RM5-Exception" (Street Townhouse Dwellings), "G1" (Greenbelt) and "B" (Buffer) to permit 78 townhouse dwellings and 2 detached dwellings all under common element condominium tenure, 10 freehold street townhouse dwellings and to recognize floodplain and buffer lands, be approved in accordance with the zoning standards outlined in Appendix S-3 attached to this report and subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
 - (b) Prior to the passing of an implementing zoning by-law for residential development, the City of Mississauga shall be advised by the Dufferin-Peel Catholic District School Board that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Board for the subject development;
 - (c) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Peel District School Board not apply to the subject lands;
 - (d) That CPD Recommendation 121-91, as approved by Council Resolution 160-91 pertaining to the requirement of 3.25 parking spaces per dwelling unit for all dwellings on lots with frontage less than 12.0 m (39.4 ft.) shall not apply, and that a parking requirement of two parking spaces shall apply for the units fronting on Lushes Avenue.

Gemini Urban Design Corp.

**File: OZ 06/015 W2
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3. That prior to the passing of an implementing zoning by-law, satisfactory arrangements be made between the City and the landowner with respect to the construction of a pedestrian bridge connecting Lushes Avenue on the east of Sheridan Creek to Lushes Avenue on the west side of Sheridan Creek.
4. That notwithstanding Council Recommendation PDC-0036-2007, which requires that the landowner enter into a Memorandum of Agreement with the City with respect to the construction of a pedestrian bridge across Sheridan Creek, that the details relating to the construction of the pedestrian bridge be dealt with by way of a Servicing Agreement.
5. That the City contribute toward the cost of construction of the pedestrian bridge across Sheridan Creek in accordance with the current cost estimate by including appropriate funding in the 2009 budget.
6. That prior to the passing of an implementing zoning by-law, satisfactory arrangements be made between the City, Credit Valley Conservation and the landowner with respect to the completion of channel modifications to Sheridan Creek and regrading and restoration of the City-owned lands adjacent to the creek in order to reconnect Sheridan Creek with its floodplain.
7. That prior to the passing of an implementing zoning by-law, a portion of the City-owned lands adjacent to Sheridan Creek shall be acquired by the landowner to ensure the orderly development of the land.
8. That the decision of Council for approval of the rezoning applications be considered null and void, and new development applications be required unless a zoning by-law is passed within 18 months of the Council decision.

Gemini Urban Design Corp.

**File: OZ 06/015 W2
OZ 06/020 W2**

Conditions to be Satisfied for Removal of the "H" Holding Symbol

The holding symbol "H" is to be removed from the whole or any part of the lands zoned "H-RM5-49" and "H-RM6-10" by further amendment to Map 03 of Schedule B contained in Part 13 of this By-law, upon satisfaction of the following requirements:

- (1) delivery of executed Development and Servicing Agreements in a form satisfactory to the Corporation of the City of Mississauga (City of Mississauga) and the Credit Valley Conservation Authority (Credit Valley Conservation), including, but not limited to, the implementation of all requirements and warning clauses outlined in any required technical studies or reports; erection of fencing and hoarding; greenbelt clean-up, rehabilitation and restoration and any other required municipal works and services in support of the proposed development and any applicable securities, fees and cash contributions;
- (2) submission of functional servicing, stormwater management and geotechnical reports, erosion and sediment control plan and tree inventory satisfactory to the City of Mississauga and Credit Valley Conservation;
- (3) submission of a Final Clean-up Report and a complete Record of Site Condition (RSC; revised October 2004) for any and all properties that require remediation to the satisfaction of the City's Transportation and Works Department;
- (4) gratuitous transfer and dedication to the City of Mississauga of all lands zoned "G1" (Greenbelt) and "B" (Buffer);
- (5) gratuitous transfer and dedication to the City of Mississauga of Southdown Road right-of-way widening and a 7.50 m (24.60 ft.) sight triangle on the southeast corner of Southdown Road and Lushes Avenue;
- (6) conveyance of an easement to the City of Mississauga over the proposed common element condominium road to provide vehicular and personnel access to the dedicated greenbelt lands;
- (7) conveyance of a public easement over the proposed internal common element condominium road for vehicular and pedestrian usage to the satisfaction of the City of Mississauga;
- (8) submission of finalized detailed design drawings, cost estimates and securities for the pedestrian bridge across Sheridan Creek to the satisfaction of the City of Mississauga and Credit Valley Conservation;

Gemini Urban Design Corp.

**File: OZ 06/015 W2
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Conditions to be Satisfied for Removal of the "H" Holding Symbol


- (9) submission of finalized detailed design drawings, staging plan and securities for the berm alteration/Sheridan Creek channel modification works to the satisfaction of the City of Mississauga and Credit Valley Conservation;
- (10) submission of a Bank Rehabilitation Plan and securities to the satisfaction of the City of Mississauga and Credit Valley Conservation for implementation of the Bank Rehabilitation Plan in accordance with the required Servicing and/or Development Agreement;
- (11) cash contribution in an amount satisfactory to the City of Mississauga towards street tree plantings;
- (12) cash contribution in an amount satisfactory to the City of Mississauga towards trail signage;
- (13) submission of securities in an amount satisfactory to the City's Transportation and Works Department to guarantee the installation of air conditioning units and special acoustical building measures.



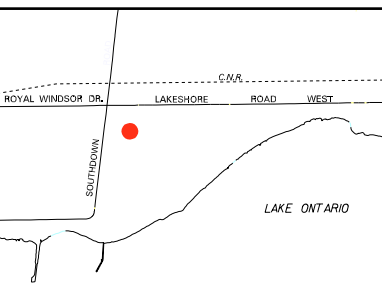
LEGEND:

 **SUBJECT LANDS**

DATE OF AERIAL PHOTO: 2007



SUBJECT:
GEMINI URBAN DESIGN CORP.

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|---|---|---------------------|
|  | FILE NO: OZ 06015 W2 OZ 06020 W2 | APPENDIX A-3 |
| | DWG. NO: 06015A | |
| | SCALE: NTS | |
| | PDC DATE: 2008 06 23 | |
| | DRAWN BY: R.DICOSOLA | |

