



Corporate Report

Clerk's Files

Originator's
Files H-OZ 08/002 W2

DATE: November 11, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: December 1, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Removal of the "H" Holding Symbol
from Zoning By-law 0225-2007
943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 &
2030 Lakeshore Road West and 0, 2003, 2012, 2015, 2021 &
2028-2038 Lushes Avenue
South side of Lakeshore Road West and east of Southdown
Road
Owner: Gemini Urban Design Corp.
Applicant: Jim Levac, Korsiak & Company Ltd.
Bill 51** **Ward 2**

RECOMMENDATION: That the Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the Removal of the "H" Holding Symbol application, under file H-OZ 08/002 W2, Gemini Urban Design Corp., 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West, and 0, 2003, 2012, 2015, 2021 & 2028-2038 Lushes Avenue be adopted and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage.

BACKGROUND: On August 6, 2008, City Council enacted and passed By-law 0281-2008 which zoned the subject lands "H-RM5-49" (Street Townhouse Dwellings with Holding Provision), "H-RM6-10" (Townhouse Dwelling on a CEC – Private Road with Holding Provision), "G1" (Greenbelt) and "B" (Buffer). Upon fulfilling all

technical and financial matters pertaining to the removal of the "H" Holding Symbol, Gemini Urban Design Corp. will be proceeding with the construction of 70 townhouse dwellings and 2 detached dwellings all under common element condominium tenure and 10 freehold street townhouse dwellings.

The "H" Holding Symbol is to remain in effect until the following is completed:

1. Delivery of executed Servicing and Development 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 of all lands zoned "G1" (Greenbelt) and "B"(Buffer) to the City of Mississauga;
5. Gratuitous transfer and dedication to the City of Mississauga of a right-of-way widening on Southdown Road and a 7.5 m (24.6 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 internal 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;
 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.

Appendices 1 and 2 identify the lands to which the by-law applies and the underlying zoning.

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. A formal public meeting is not required; 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 November 13, 2008.

The site development plan under file SP 08/027 W2 for the subject lands is considered acceptable for the purposes of removing the "H" Holding Symbol from the "H-RM6-10" (Residential Townhouse Dwellings on a CEC – Private Road with Holding Provision) and "H-RM5-49" (Residential Street Townhouse Dwellings with Holding Provision) zoning.

Comments have been received from Credit Valley Conservation advising that all conditions have been resolved to their satisfaction. The applicant is in the process of satisfying the conditions for the Transportation and Works and Community Services Departments. Although the Servicing Agreement has been executed to fulfill most of the outstanding conditions, conveyance of easements, land dedications and an Amending Development Agreement must be finalized prior to the enactment of the implementing Zoning By-law.

Comments from the Transportation and Works, Community Services Departments and Credit Valley Conservation are included in Appendix 3.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: The conditions to remove the "H" Holding Symbol are currently in the process of being finalized.

The Community Services, Transportation and Works and Planning and Building Departments anticipate that all required matters will be finalized and in place by the December 10, 2008 Council Meeting in order to proceed with the lifting of the "H" Holding Symbol. 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 December 1, 2008.


ATTACHMENTS: Appendix 1 – Aerial Photograph
 Appendix 2 – Existing Land Use Map
 Appendix 3 – Agency Comments

Edward R. Sajecki
Commissioner of Planning and Building


Prepared By: Nicole Pettenuzzo, Development Planner




LEGEND:

 SUBJECT LANDS

DATE OF AERIAL PHOTO: APRIL 2008



SUBJECT:
GEMINI URBAN DESIGN CORPORATION

	FILE NO: H-OZ 08002 W2	APPENDIX 1
	DWG. NO: 08002A	
	SCALE: NTS	
	PDC DATE: 2008 12 01	
DRAWN BY: R.DICOSOLA		

BY-LAW 0225-2007

LEGEND:



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



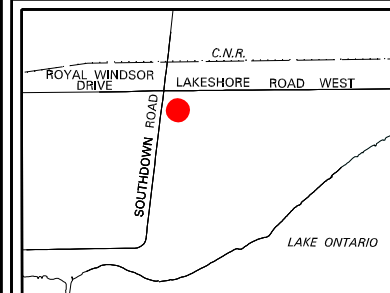
GREENBELT OVERLAY

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



SUBJECT:

GEMINI URBAN DESIGN CORPORATION



FILE NO:
H-OZ 08002 W2

DWG. NO:

08002R

SCALE:

1:3000

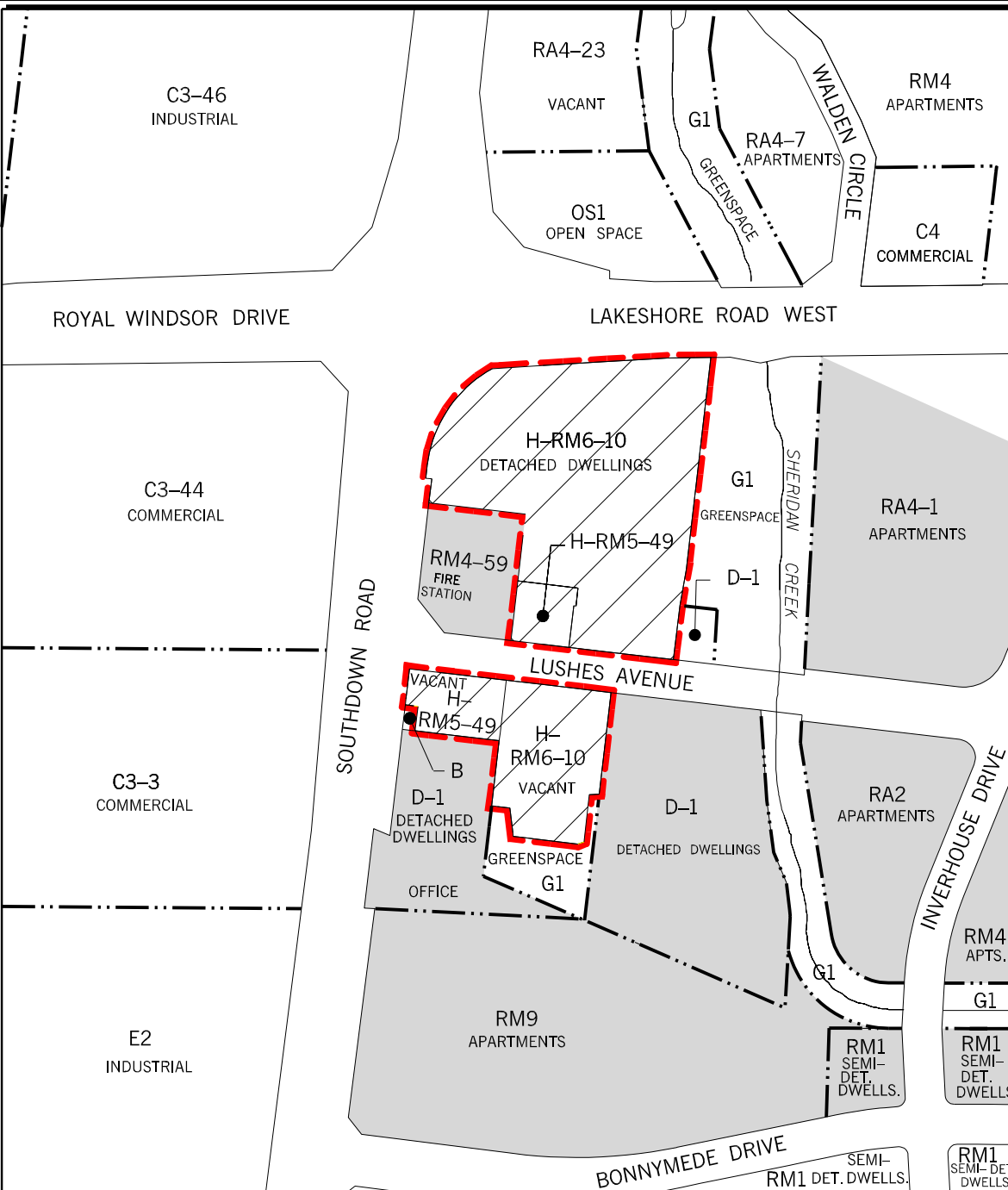
PDC DATE:

2008 12 01

DRAWN BY:

R.DICOSOLA

APPENDIX 2



Gemini Urban Design Corp.

File: H-OZ 08/002 W2

Agency Comments

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

Agency / Comment Date	Comment
Transportation and Works Department (October 9, 2008)	<p>The applicant is in the process of preparing an Amending Agreement to the Development Agreements previously executed for OZ 06/015 W2 and OZ 06/020 W2. The applicant is also in process of completing all outstanding legal and transfer documents for the conveyance of a public easement to the City of Mississauga for vehicular and pedestrian usage. These items must be finalized prior to the passage of the By-law lifting the "H" Holding Symbol.</p> <p>All other Departmental requirements for lifting the "H" Holding Symbol, including the execution of the Servicing Agreement for Municipal Works Only, the transfer of all land dedications, the submission of securities and the submission of a satisfactory Final Clean-Up Report and Record of Site Condition (RSC) have been completed by the applicant.</p>
Community Services Department (October 21, 2008)	<p>The applicant is in the process of completing all outstanding legal and transfer documents for the conveyance of an easement to the City for greenbelt access purposes. This access easement must be finalized prior to enactment of the implementing zoning by-law.</p> <p>As of October 21, 2008, the greenbelt lands have not yet been transferred to the City for conservation purposes. This condition must also be fulfilled prior to enactment of the implementing zoning by-law. All other Departmental requirements for lifting the "H" Holding Symbol have been satisfied, including the submission of securities.</p>
Credit Valley Conservation (CVC) (October 19, 2008)	<p>CVC conditions for the removal of the "H" Holding Symbol have been satisfied. CVC permits have been issued for berm works within the Greenbelt, the pedestrian bridge crossing of Sheridan Creek and the reconstruction of Lushes Avenue. An additional CVC permit will be required prior to the issuance of a building permit for the proposed townhouses.</p>