



Corporate Report

Clerk's Files

Originator's
Files OZ 02/002 W3

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: **Proposed Amendments to By-law 0225-2007**
1355 Silver Spear Road
West side of Dixie Road, south of Burnhamthorpe Road East
Owner: CAP REIT Apartments Incorporated
Applicant: Northgrave Architects
Bill 20

Addendum Report **Ward 3**

RECOMMENDATION: That the Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the amendments to By-law 0225-2007 under File OZ 02/002 W3, CAP REIT Apartments Incorporated, 1355 Silver Spear Road, west side of Dixie Road, south of Burnhamthorpe Road East, be adopted in accordance with the following:

1. That the application to change the Zoning from "RA4-42" (Apartment Dwellings) to "H-RA4-Exception" (Apartment Dwellings) to permit one additional apartment building on the subject lands be approved subject to the following condition:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
2. That the decision of Council for approval of the rezoning application be considered null and void, and a new

development application be required unless a zoning by-law is passed within 18 months of the Council decision.

BACKGROUND:

On January 8, 2007, the Planning and Development Committee considered a Supplementary Report for the proposed rezoning of the subject lands to permit the construction of an additional apartment building, in addition to the one currently in existence. The recommendation for approval was subsequently adopted by Council on January 17, 2007 (see Appendix S-1). Since that time, the applicant has been in the process of resolving outstanding conditions, and is now in a position of having an implementing zoning by-law appear before Council.

On June 20, 2007, City Council passed By-law 0225-2007, a new comprehensive Zoning By-law for the City. As a result of the Ontario Municipal Board decision issued on September 10, 2007, the By-law is now in force except for site specific appeals to certain portions of the document. The subject lands are not impacted by the appeals, however, they were not rezoned under the new by-law as all conditions related to the subject file had yet to be resolved.

Full notice was given to the public regarding the applications to the former comprehensive Zoning By-law (By-law 5500), in advance of the January 8, 2007 Public Meeting. In addition, the Supplementary Report recommendation included a clause which spoke to the adoption of the new By-law, and the applicable zoning categories that would apply (see Appendix S-1, page 2, point No. 3). Notwithstanding, it was determined that a new notice and public hearing is required, specifically advising of the proposed changes under By-law 0225-2007.

COMMENTS:

The purpose of this report is to inform the public and the Planning and Development Committee that this application is no longer being considered under By-law 5500, and will be subject to By-law 0225-2007. The revised proposal is to change the Zoning from "RA4-42" (Apartment Dwellings) to "H-RA4-Exception" (Apartment Dwellings), to permit one additional apartment building on the subject lands. The notification process is an administrative matter, as there has been no change to the previous

proposal for the development of the lands for apartment uses. The new zoning is proposed to contain a Holding Symbol which will be lifted upon the submission of a satisfactory site plan application, submission of an updated traffic study, and confirmation regarding the viability of the proposed access point onto Dixie Road.

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: This report provides the public and members of the Planning and Development Committee an opportunity to provide comments on the revised amendments to the proposal, under By-law 0225-2007, in accordance with the regulations of the *Planning Act*.

ATTACHMENTS: Appendix S-1 - Recommendation PDC-0009-2007
Appendix S-2 - Official Plan Map
Appendix S-3 - Zoning Map
Appendix S-4 - Aerial Map
Appendix S-5 - Development Concept Plan

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Rob Hughes, Development Planner

CAP REIT Apartments Incorporated

File: OZ 00/014 W5

Recommendation PDC-0009-2007

PDC-0009-2007 That the Report dated December 12, 2006, from the Commissioner of Planning and Building recommending approval of the application under File OZ 02/002 W3, CAP REIT Apartments Incorporated, 1355 Silver Spear Road, west side of Dixie Road, south of Burnhamthorpe Road East, be adopted in accordance with the following:

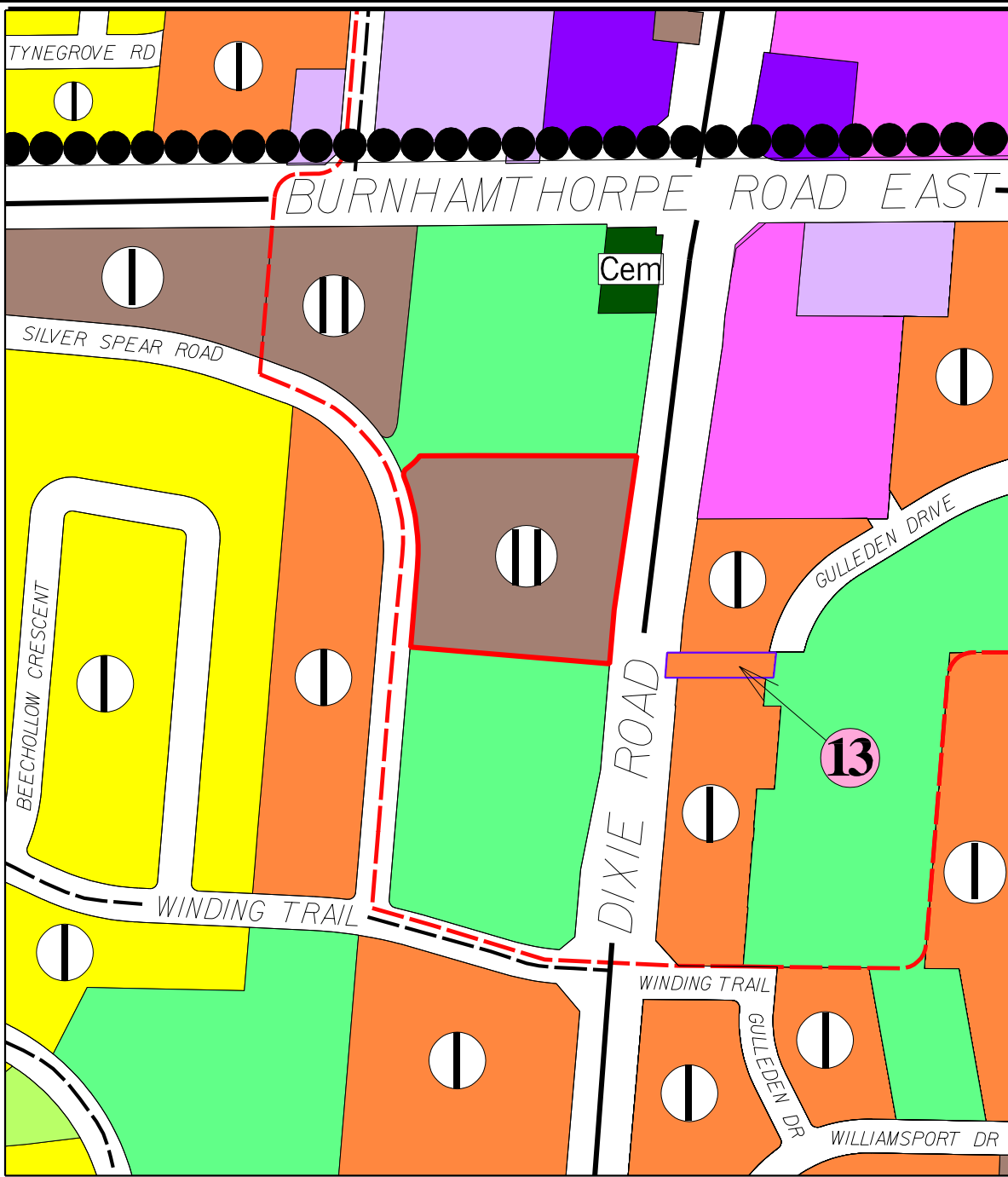
1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the Planning Act, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That the application to change the Zoning from "RM7D4-242" (Multiple Residential) to "H-RM7D5-Special Section" (Multiple Residential), to permit an additional apartment building on the lands in accordance with the proposed zoning standards described in the report, be approved subject to the following conditions:
 - (a) That the implementing zoning by-law incorporate a Holding Symbol which can be lifted upon the condition of the following:
 - (i) the submission of a satisfactory Site Plan, addressing matters respecting the massing and conceptual design of the proposed building and its relationship with the existing building, streets and exterior areas;
 - (ii) the submission of an updated traffic study, addressing vehicular access to the lands and impact on neighbouring streets;
 - (iii) confirmation of the viability of the proposed right in/right out access point onto Dixie Road.
 - (b) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.

CAP REIT Apartments Incorporated

File: OZ 00/014 W5

Recommendation PDC-0009-2007 – Cont'd.

- (c) Prior to the passing of an implementing zoning by-law for residential development, the City of Mississauga shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for the subject development.
- 3. In the event that the new Mississauga Zoning By-law is passed by City Council and comes into force and effect, the new Mississauga Zoning By-law be amended from "RA4-42" (Apartment Dwellings) to "H-RA4-Exception" (Apartment Dwellings) subject to conditions contained in Recommendation No. 2.
- 4. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.



PART OF APPLEWOOD DISTRICT LAND USE MAP **APPLEWOOD DISTRICT POLICIES OF MISSISSAUGA PLAN**

LAND USE DESIGNATIONS

- Residential – Low Density I
- Residential – Low Density II
- Residential – Medium Density I
- Residential – Medium Density II
- Residential – High Density I
- Residential – High Density II
- General Commercial
- Convenience Commercial
- Motor Vehicle Commercial
- Office
- Public Open Space
- Private Open Space
- Greenbelt
- Utility

TRANSPORTATION LEGEND

- Arterial
- Major Collector
- Minor Collector
- Local Road
- Major Transit Corridor

LAND USE LEGEND

- Node Boundary
- Cem – Cemetery
- 1996 NEP/2000 NEF Composite Noise Contours
- Planning District
- Special Site Areas (See Special Site Policies)

Note:

The 1996 Noise Exposure Projection (NEP/2000 Noise Exposure Forecast (NEF) Composite Noise Contours are shown for information purposes only and are not part of the District Land Use Map. These contours will change from time to time as new information becomes available.

For accurate reference the composite NEP/NEF map produced by Transport Canada at a scale of 1:50 000 should be consulted.

SUBJECT LANDS

SUBJECT: CAP REIT APARTMENTS INCORPORATED

FILE NO:
OZ 02002 W3

DWG. NO:
0502002LM

SCALE:
N.T.S.

PDC DATE:
2008 12 01

DRAWN BY:
W. FINLAY

BURNHAMTHORPE ROAD EAST

RA2-40
APARTMENTS

RA2-4
APARTMENTS

BURNHAMTHORPE
LIBRARY

OS3-4
CEMETERY

C2-8
COM.

O
OFFICE

C2-17
COMMERCIAL

C2
COMMERCIAL

TOWNHOUSES
RM4

GULLEDEN DR

R4-57 VAC.
RM4-36

RM2-48

PLACE OF
RELIGIOUS
ASSEMBLY

RM4-58

OS2
GULLEDEN
PARK

WINDING TRAIL RM4

RA4-42
APARTMENTS

OS1

R3
DETACHED
DWELLINGS

R3

RM4
TOWNHOUSES

R3

SILVER SPEAR ROAD

OS1
DIXIE WOODS
PARK

DIXIE ROAD

WINDING TRAIL

R3
DET.
DWELLS.

OS1
KENNEDY
PARK

RM4
TOWNHOUSES

BY-LAW 0225-2007

LEGEND:

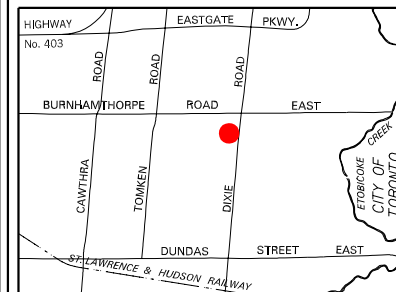


PROPOSED REZONING FROM
"RA4-42" (APARTMENT DWELLINGS) TO
"H-RA4-EXCEPTION" (APARTMENT DWELLINGS)
TO PERMIT ADDITIONAL APARTMENT
BUILDING DEVELOPMENT ON THE
SUBJECT LANDS.

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



SUBJECT: CAP REIT APARTMENTS INCORPORATED



FILE NO:
OZ 02002 W3
DWG. NO:
0502002R
SCALE:
1:2500
PDC DATE:
2008 12 01
DRAWN BY:
W. FINLAY

APPENDIX S-3

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics



BURNHAMTHORPE ROAD EAST

BEECHOLLOW CRESCENT

SILVER SPEAR ROAD

WINDING TRAIL


DIXIE ROAD

GULLELEN DR

WINDING TRAIL

BY-LAW 0225-2007

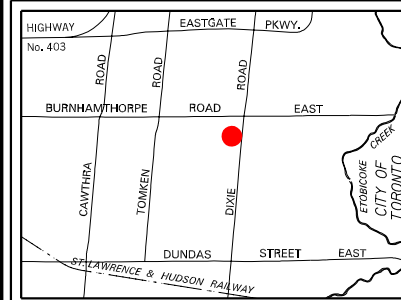
LEGEND:

 SUBJECT LANDS

DATE OF AERIAL PHOTO: APRIL 2008



SUBJECT: CAP REIT APARTMENTS INCORPORATED



FILE NO:
OZ 02002 W3
DWG. NO:
V80502002A
SCALE:
1:2500
PDC DATE:
2008 02 01
DRAWN BY:
W. FINLAY

APPENDIX S-4

 **MISSISSAUGA**
Planning and Building

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SILVER SPEAR RD.

DIXIE RD

PARK