



Corporate Report

Clerk's Files

Originator's
Files OZ02/052 W4

DATE: December 9, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: January 12, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **City Initiated Removal of the "H" Holding Symbol
From Zoning By-law 225-2007
3634 and 3638 Cawthra Road
West side of Cawthra Road,
south of Burnhamthorpe Road East
Aly Elsharkaway**

Ward 4

RECOMMENDATION: That the Report dated December 9, 2008, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding symbol, under file OZ 02/052 W4, Aly Elsharkaway, 3634 and 3638 Cawthra Road be adopted and that the Planning and Building Department bring forward the necessary by-law for Council's passage.

BACKGROUND: This report deals with a City initiated removal of the "H" holding symbol from the lands municipally known as 3634 and 3638 Cawthra Road stemming from an approval rendered by the Ontario Municipal Board (OMB). See Appendices 1 to 4 for site location and Official Plan and Zoning information.

On October 25, 2005, Council adopted Planning and Development Committee's recommendation to refuse the Official Plan Amendment and Rezoning applications to permit a double triplex consisting of a maximum of six (6) units.

The owner appealed Council's decision to the Ontario Municipal Board (OMB). In the Order issued on November 6, 2006, the OMB concluded that a double triplex is not acceptable, and allowed a double duplex having a maximum of four (4) units. This approval was conditional upon the applicant agreeing to certain improvements related to the front yard and internal building changes intended to reduce the impact of the use on the surrounding area and improve tenant facilities. The final Order was withheld to allow the parties to finalize the associated Official Plan amendment and zoning by-law and provide time for the applicant to finalize the required site plan approval under SP 04/132 W4. All matters were resolved and on May 15, 2008, the OMB issued the final Order of Aerdapproval.

The subject lands are currently zoned "H-RM1-22" (Semi-Detached Dwellings-Exception) which permits only a semi-detached dwelling while the "H" holding symbol remains in effect. The exception zone permits a double duplex dwelling as an additional use subject to specific zoning standards, however the double duplex dwelling would only be permitted upon the removal of the "H" holding symbol. The holding symbol was to remain in effect until final approval was issued by the OMB. Given that the Board order has been issued, it is now appropriate to remove the "H" holding symbol.

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. Notice of Council's intention to pass the amending by-law, however, 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.

The condition for the removal of the "H" holding symbol has been satisfied.

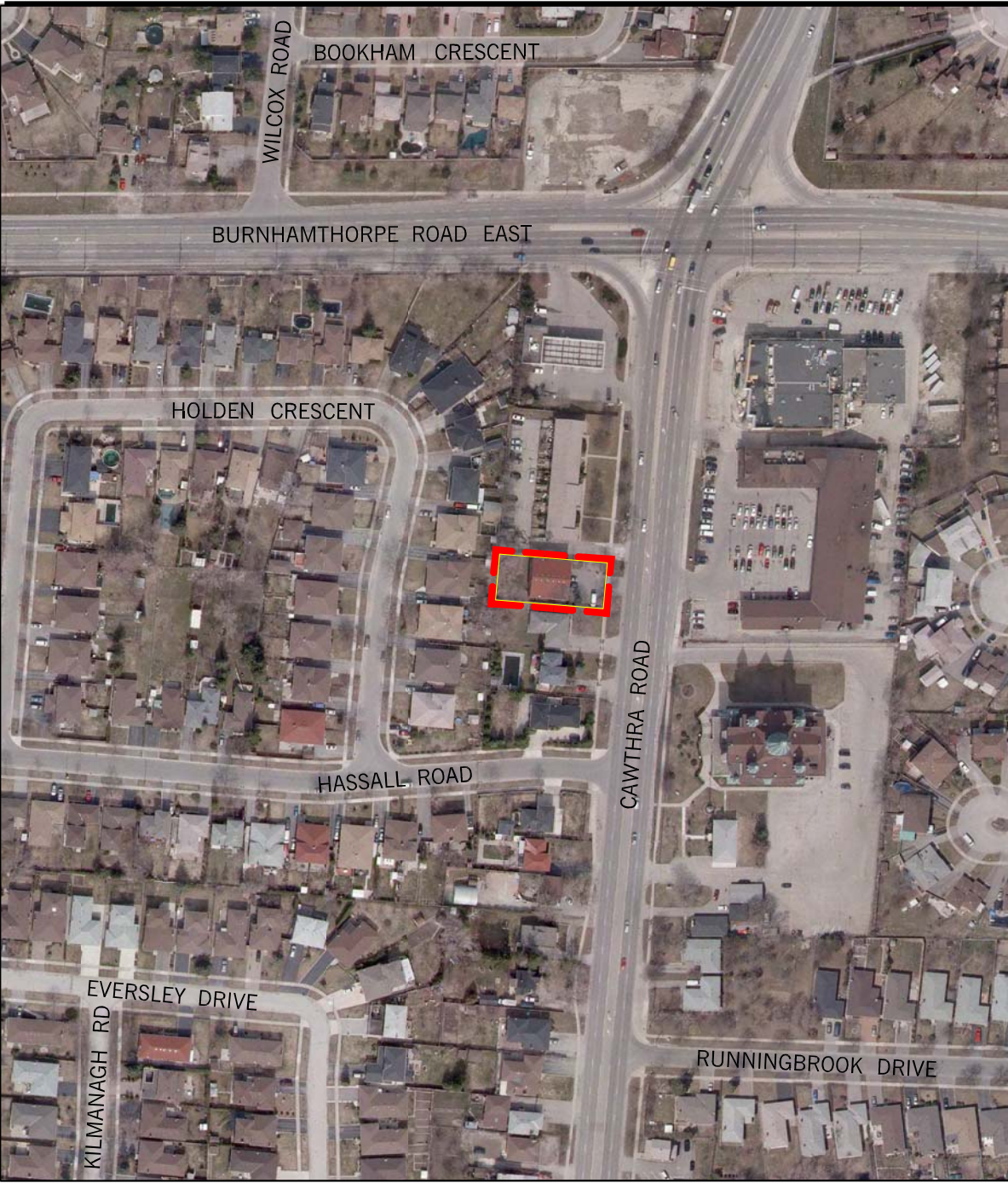
FINANCIAL IMPACT: Not applicable.

CONCLUSION: The technical requirement for the removal of the holding symbol has been addressed and the "H" holding symbol can be lifted.

ATTACHMENTS: Appendix 1 - Aerial Photograph
Appendix 2 - Excerpt of Official Plan Map
Appendix 3 - Excerpt of Existing Land Use Map
Appendix 4 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Haig Yeghouchian, Development Planner



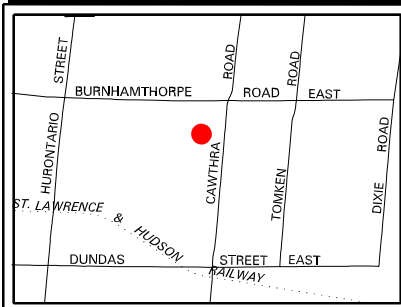
LEGEND:

 SUBJECT LANDS

DATE OF AERIAL PHOTO: APRIL 2008



SUBJECT: REMOVAL OF HOLDING SYMBOL



FILE NO:	H-OZ 02052 W4
DWG. NO:	HO0252A
SCALE:	NTS
PDC DATE:	2009 01 12
DRAWN BY:	R.DICOSOLA

APPENDIX 1

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

**PART OF MISSISSAUGA VALLEYS DISTRICT LAND USE MAP
MISSISSAUGA VALLEYS 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

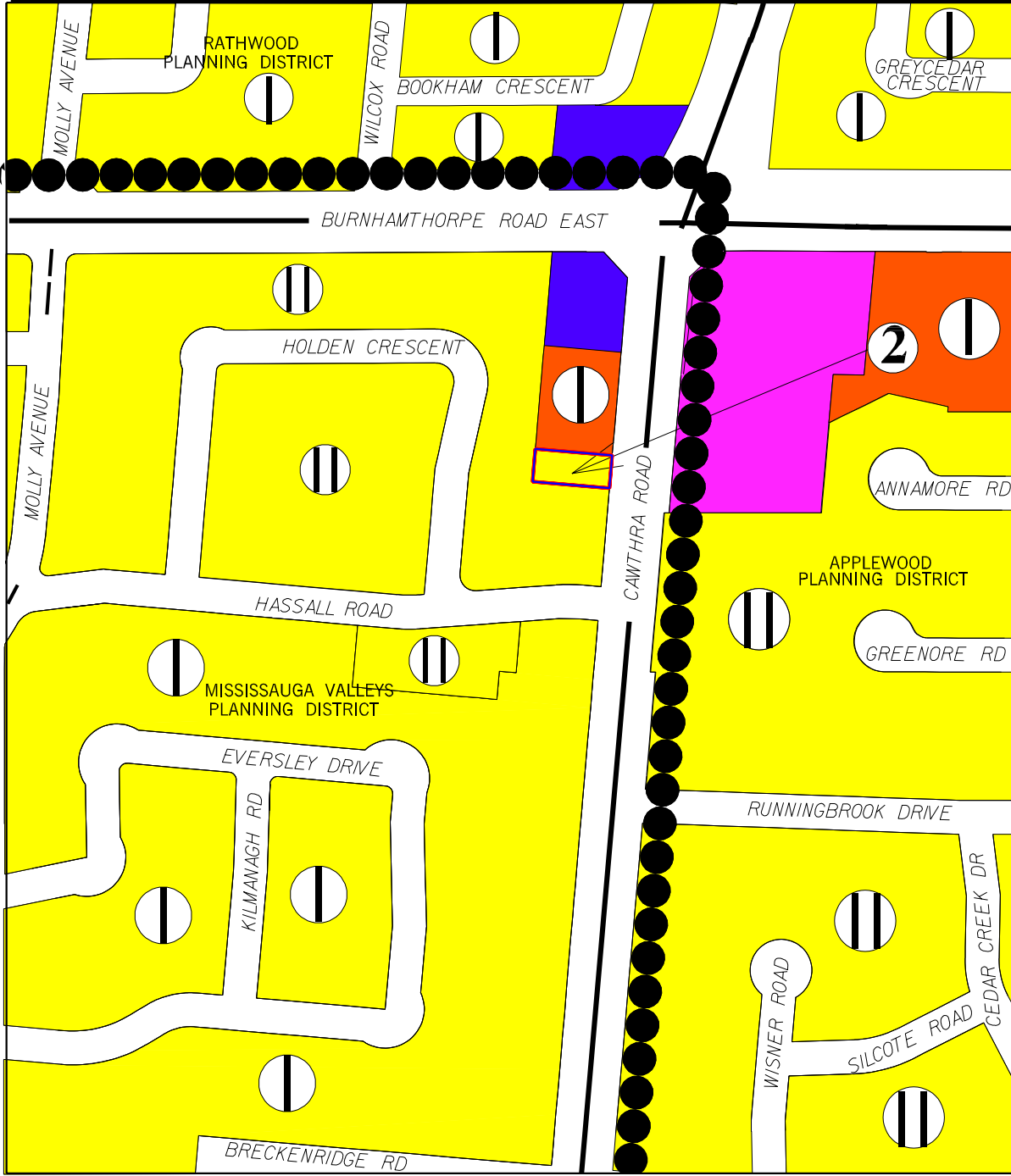
TRANSPORTATION LEGEND

- Arterial
- Major Collector
- Minor Collector
- Local Road
- Existing Commuter Rail
- Major Transit Corridor
- GO Transit Station

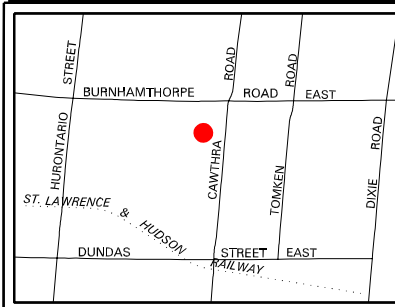
LAND USE LEGEND

- Regulatory Floodplain
- Community Park
- 1996 NEP/2000 Composite Noise Contours
- Proposed Stormwater Management Facility
- Planning District
- Special Site Areas (See Special Site Policies)

SUBJECT LANDS



SUBJECT:
REMOVAL OF HOLDING SYMBOL



FILE NO:
H-OZ 02052 W4

DWG. NO:
HO0252L

SCALE:
1:5000

PDC DATE:
2009 01 12

DRAWN BY:
R.DICOSOLA

BY-LAW 0225-2007

LEGEND:



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

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



SUBJECT:

REMOVAL OF HOLDING SYMBOL



FILE NO:

H-OZ 02052 W4

DWG. NO:

HO0252R

SCALE:

1:2500

PDC DATE:

2009 01 12

DRAWN BY:

R.DICOSOLA

APPENDIX 3

