



Corporate Report

Clerk's Files

Originator's
Files H-OZ 09/002 W4

PDC OCT 19 2009

DATE: September 29, 2009

TO: Chair and Members of Planning and Development Committee
Meeting Date: October 19, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Removal of the "H" Holding Symbol
from Zoning By-law 0225-2007, as amended
2 City Centre Drive
Part of Block 16, Registered Plan 43M-1010
Southwest corner of Rathburn Road West and
City Centre Drive
Owner/Applicant: OMERS Realty Management Corporation /
OPGI Management GP Inc.**

Bill 51

Ward 4

RECOMMENDATION: That the Report dated September 29, 2009, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding symbol application, under file H-OZ 09/002 W4, OMERS Realty Management Corporation/OPGI Management GP Inc., 2 City Centre Drive, Part of Block 16, Registered Plan 43M-1010 be adopted, and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage.

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-CC1" zoning on the subject lands.

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

The City's new Zoning By-law (By-law 0225-2007) was approved by Council on June 20, 2007, which zoned the lands "H-CC1".

Upon removal of the "H" holding symbol the by-law will allow for a wide variety and mix of uses including apartment dwellings, offices, restaurants, retail and service commercial uses, entertainment establishments, hotels, conference centres, and parking, subject to the development standards contained within the "CC1" zone. In this regard, OMERS Realty Management Corporation/OPGI Management GP Inc. has requested the removal of the "H" holding symbol from the subject lands to permit the development of a Crate & Barrel retail store comprising approximately 2,241 m² (24,128 sq.ft.).

An Information Status Report outlining the details of the proposal is also scheduled for Planning and Development Committee on October 19, 2009, and is to proceed to Council on October 28, 2009 along with this report. Appendix 1 shows an aerial view of the subject lands, while Appendix 2 shows the existing land use and the underlying zoning.

The By-law requires that the "H" holding symbol remain in effect until the following is completed:

1. 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 widenings, and transit right-of-way and easements, including the provision of parkland, the provisions of required securities, and related provisions provided that the Servicing and Development agreement 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. 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 was given to all affected land owners by pre-paid first class mail.

The site development plan under file SP 09/070 W4 is considered acceptable for the purposes of removing the "H" Holding Symbol from the "H-CC1" zoning of the subject lands.

The Development Agreement is currently being prepared which includes details for the future provision of City Centre streetscape works for the abutting frontages along Rathburn Road West and City Centre Drive. Securities for boulevard treatment, streetscape works, and street furniture will be required as part of the Development Agreement. The Development Agreement must be finalized prior to the passage of the by-law to remove the "H" Holding Symbol.

FINANCIAL IMPACT: Not applicable.

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 applicant is attempting to have the Development Agreement completed for inclusion on the October 28, 2009 Council Meeting agenda in order to proceed with the By-law to lift the "H" Holding Symbol. 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 October 28, 2009, and then

the Development Agreement and By-law will be scheduled to a subsequent meeting upon completion.

ATTACHMENTS:

Appendix 1 – Aerial Photograph

Appendix 2 – Excerpt of Existing Land Use Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Jonathan Famme, Development Planner



CENTRE VIEW DRIVE

HIGHWAY 403

RATHBURN ROAD WEST

SQUARE ONE DRIVE

CITY CENTRE DRIVE

LEGEND:



SUBJECT LANDS

DATE OF AERIAL PHOTO: 03 2009



**SUBJECT: OMERS REALTY
MANAGEMENT CORPORATION**



FILE NO:
HOZ 09002 W4

DWG. NO:
H09002A

SCALE:
1:3000

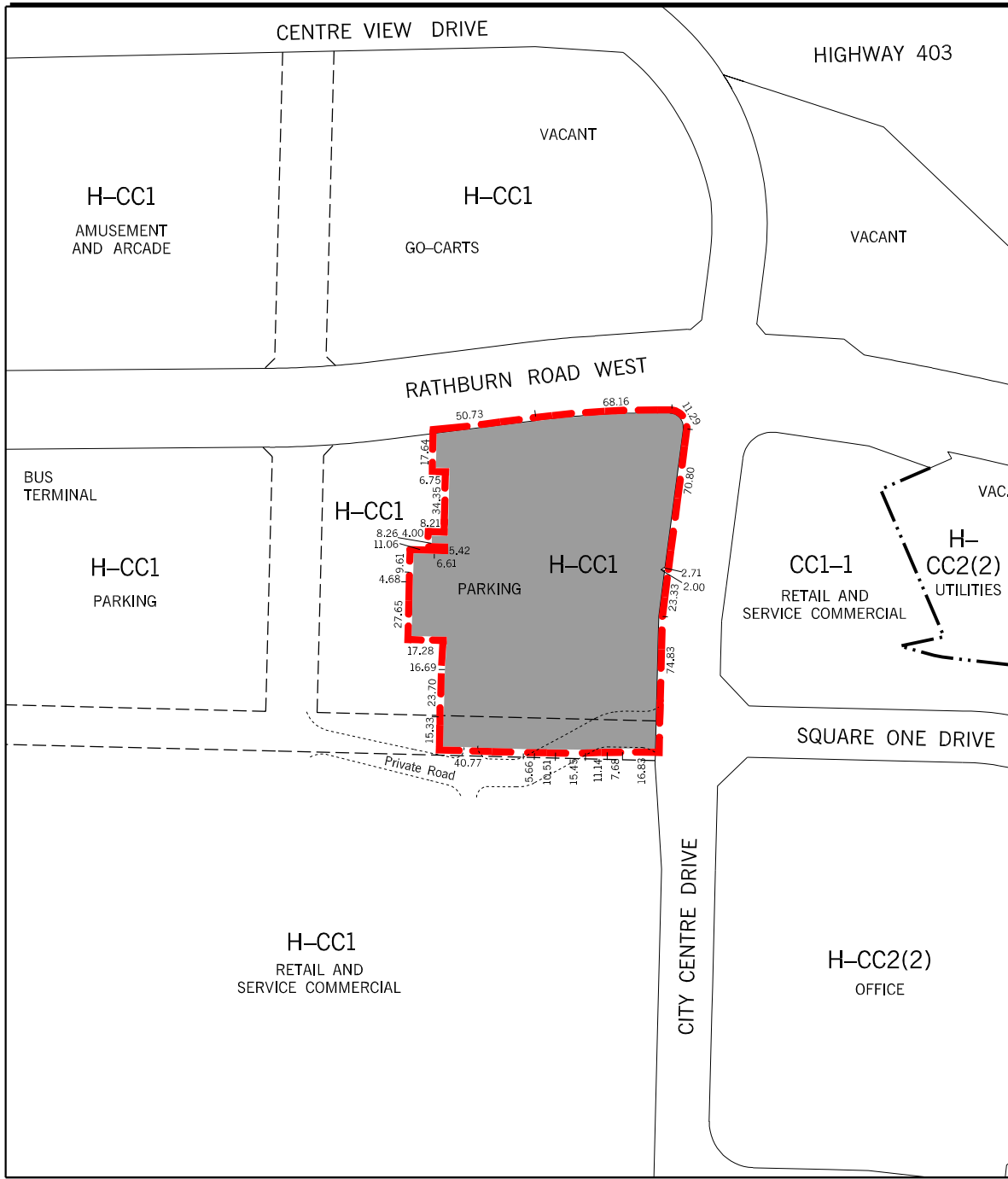
PDC DATE:
2009 10 19

DRAWN BY:
K. PROKOP

APPENDIX 1

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics



LEGEND:

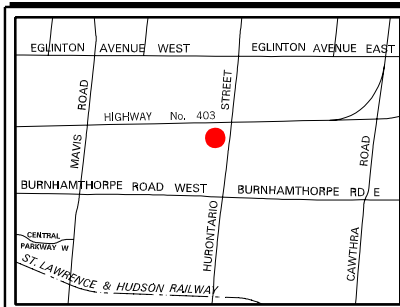


LANDS AFFECTED BY THE REMOVAL OF THE "H" HOLDING PROVISION.

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



SUBJECT: OMERS REALTY MANAGEMENT CORPORATION



FILE NO:
HOZ 09002 W4

DWG. NO:
H09002R

SCALE:
1:3000

PDC DATE:
2009 10 19

DRAWN BY:
W. FINLAY

APPENDIX 2

MISSISSAUGA
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