



Corporate Report

Clerk's Files

Originator's
Files H-OZ 10/002 W7

PDC JUN 14 2010

DATE: May 4, 2010

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 14, 2010

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Removal of the "H" Holding Symbol
from Zoning By-law 0225-2007, as amended
Lot 3, Registered Plan C-24 and Part of Lot 1, Range 3, Credit
Indian Reserve
North and South sides of Harborn Road, west of
Hurontario Street
Owner: Berkley Homes (Gordon Woods II) Inc.**

Bill 51 **Ward 7**

RECOMMENDATION: That the Report dated May 4, 2010, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding symbol application, under file H-OZ 10/002 W7, Berkley Homes (Gordon Woods II) Inc., Lot 3, Registered Plan C-24 and Part of Lot 1, Range 3, Credit Indian Reserve be adopted, and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage.

BACKGROUND: On December 10, 2008, Council considered an Addendum and Supplementary Report and adopted the staff recommendation that the applications be approved for one (1) detached dwelling and six (6) street townhouses under file OZ 06/030 W7, and four (4) detached dwellings and seven (7) street townhouses under file OZ 06/031 W7.

The recommendations for approval included a number of conditions to be satisfied prior to the passing of the Official Plan Amendment and implementing Zoning By-law. On September 18, 2009, the applicant submitted a formal request to amend the applications to implement an "H" Holding Provision in accordance with Section 36 of the *Planning Act*. More specifically, the applicant requested that the proposed "R5-45" (Detached Dwelling), "RM5-51" (Street Townhouse Dwelling), and "RM5-52" (Street Townhouse Dwelling) zone categories be subject to an "H" Holding provision in order to allow the owner to secure project financing, and defer satisfying the outstanding conditions until they are prepared to lift the "H" Holding Provision.

On December 9, 2009 Council adopted the staff recommendations in the Addendum Reports for approval of the amendment to introduce an "H" Holding provision to the zoning of the subject lands. The By-law (By-law 0389-2009), which establishes the conditions for the removal of the "H" Holding provision, was subsequently adopted at the same meeting of Council on December 9, 2009.

The conditions/requirements that must be satisfied prior to the "H" Holding Symbol being removed from the subject lands, deal with matters such as finalization of Development and Servicing agreements, cash contributions, securities and an updated noise study.

Appendix 1 shows an aerial view of the subject lands, while Appendix 2 shows the existing land use 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 landowners within 120 m (400 ft.) to which the proposed amending by-law would apply. Notice was given to all affected landowners by pre-paid first class mail.

The conditions for removing the "H" holding provision have been largely fulfilled, as Berkley have acquired the municipal lands along Premium Way (March 1, 2010), cash contributions have been received, securities provided, an acknowledgement agreement prepared, and an updated concept plan and Noise Study have been submitted to the satisfaction of staff.

Once the Development Agreement, Servicing Agreement and Acknowledgement Agreement are approved, the by-law can be enacted to remove the "H" Holding provision from the subject lands.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: Most of the conditions to remove the "H" Holding Symbol have been fulfilled. The required Development Agreement, Servicing Agreement and Acknowledgement Agreement will be executed by City Council prior to the By-law to remove the "H" Holding Symbol being approved.

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



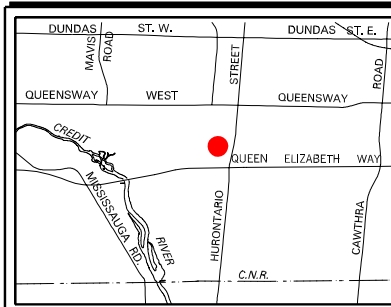
LEGEND:

 **SUBJECT LANDS**

DATE OR AERIAL PHOTO: 03 2009



**SUBJECT: BERKLEY HOMES
(GORDON WOODS II) INC.**



FILE NO:
HOZ 10/002 W7

DWG. NO:
H10002A

SCALE:
1:2000

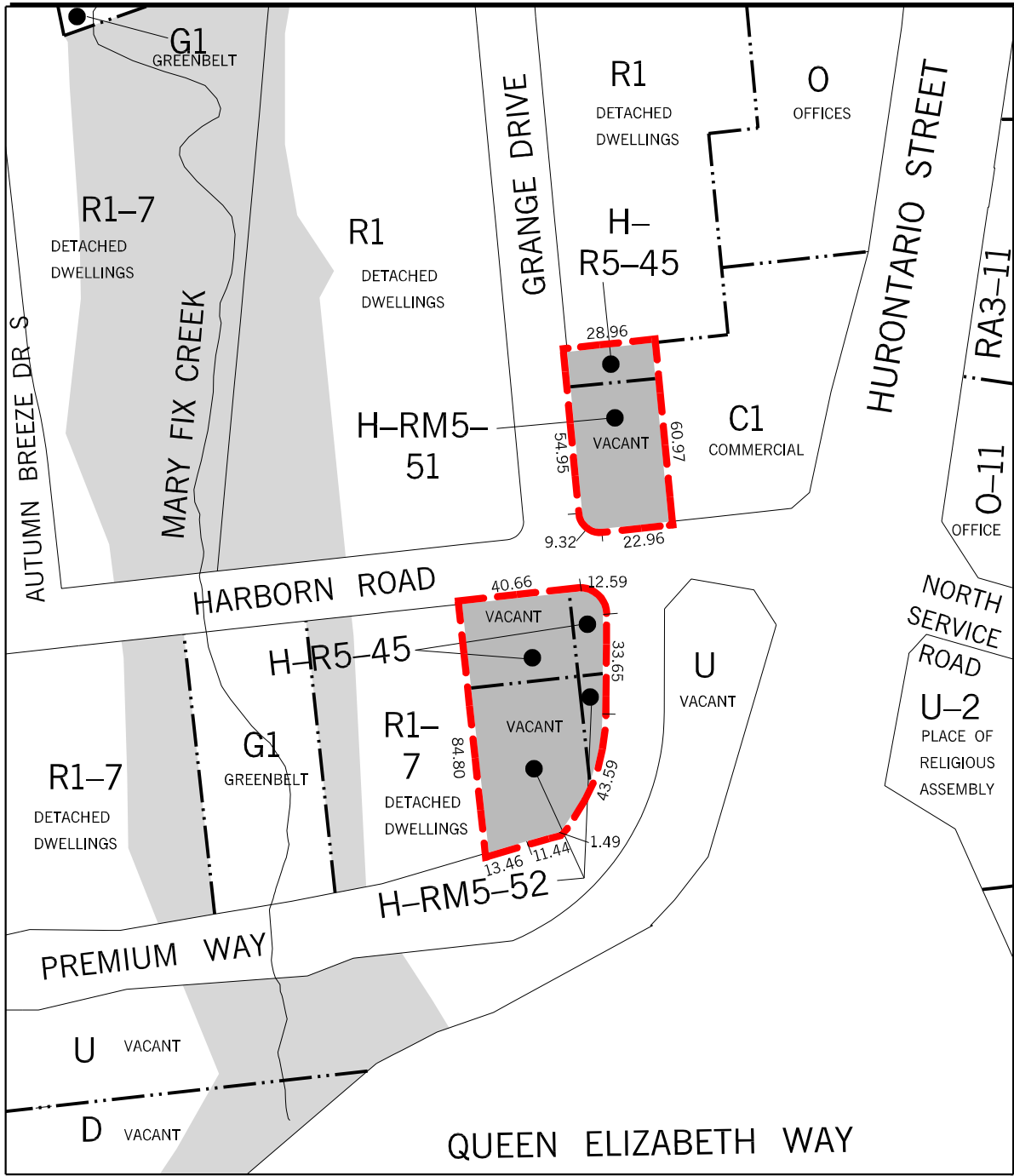
COUNCIL DATE:
2010 06 23

DRAWN BY:
K. PROKOP


APPENDIX 2

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T&W, Geomatics



LEGEND:

 PROPOSED REMOVAL OF THE 'H' HOLDING PROVISION FROM 'H-R5-45', 'H-RM5-51' AND 'H-RM5-52'.

RA3-11
OFFICE

O-11
OFFICE

U-2
PLACE OF RELIGIOUS ASSEMBLY

U
VACANT

G1
GREENBELT

R1
DETACHED DWELLINGS

R1-7
DETACHED DWELLINGS

H-R5-45

H-RM5-51

H-RM5-52

C1
COMMERCIAL

GRANGE DRIVE

HURONTARIO STREET

HARBORN ROAD

PREMIUM WAY

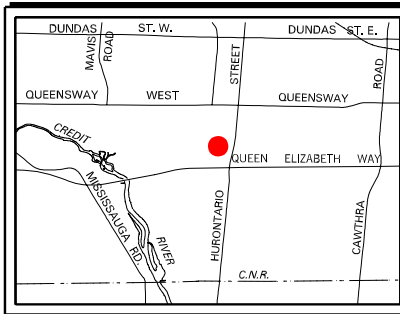
QUEEN ELIZABETH WAY

AUTUMN BREEZE DR S

MARY FIX CREEK

2

SUBJECT: BERKLEY HOMES (GORDON WOODS II) INC.



FILE NO:
HOZ 10/002 W7

DWG. NO:
H10002R

SCALE:
1:2000

COUNCIL DATE:
2010 06 23

DRAWN BY:
K. PROKOP

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APPENDIX 3