

City of Mississauga

Corporate Report



Date: May 21, 2021

To: Chair and Members of Planning and Development Committee

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Originator's file:
H-OZ 19/007 W2

Meeting date:
June 14, 2021

Subject

REMOVAL OF THE "H" HOLDING PROVISION FROM ZONING BY-LAW 0225-2007. REPORT (WARD 2)

Application to remove the "H" holding provision to permit a 176 unit four storey stacked and back to back townhouse development and two, three storey, commercial blocks 1101 – 1125 Clarkson Road North, east of Clarkson Road North, north of Lakeshore Road West

Owner: Clarkson Road Holdings Inc.

File: H-OZ 19/007 W2

Recommendation

That the report dated May 21, 2021, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding provision application, under File H-OZ 19/007 W2, Clarkson Road Holdings Inc., 1101-1125 Clarkson Road North, be adopted and that the Planning and Building Department be authorized to prepare the by-law for Council's passage.

Background

On March 20, 2017, Planning and Development Committee refused a rezoning application, under file OZ 15/003 W2, at 1101 – 1125 Clarkson Road North, to permit a 136 unit four storey stacked and back to back townhouse development and two, three storey, commercial blocks.

On March 8, 2018, the Local Planning Appeals Tribunal (LPAT) issued a decision that approved Minutes of Settlement between the City and the applicant. The decision included the implementation of a site specific Zoning By-law exception schedule that included Holding Provisions.

An application to lift the Holding Provision for the subject property was received by the Planning and Building Department on June 6, 2019 and circulated June 19, 2019.

The Committee of Adjustment approved a minor variance application on August 18, 2020 to increase the maximum number of units on site from 136 to 176. The increase in the number of units was made possible by reconfiguring the unit types. The saleable gross floor area remained the same.

Upon removal of the Holding Provisions, the by-law will allow for the development of a 176 unit four storey stacked and back to back townhouse development within four blocks and two three storey commercial blocks.

The "H" holding provision is to remain in effect until the following is completed:

1. Execution of a development agreement
2. Satisfactory grading and servicing plans
3. Submission of phase 2 environmental site assessment, remedial action plan and letters of reliance
4. Arrangements with the Region of Peel with respect to water and waste water services
5. Arrangement with the Region of Peel with respect to waste collection
6. Submission of an updated functional servicing report
7. Submission of an updated traffic impact study
8. The provision of securities for the northerly access and southerly access to Clarkson Road North
9. The provision of securities to guarantee installation of air conditioning units and measures in accordance with the noise report
10. Satisfactory arrangements be made with Metrolinx regarding rail-oriented safety

Comments

Section 36 of the *Planning Act* provides the legislative framework for the removal of the "H" holding provision and allows municipalities to amend a by-law to remove the "H" holding provision. 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.

Each of the conditions for removing the "H" holding provision has been fulfilled as follows:

- The development agreement has been finalized and will guide the redevelopment of the property. The agreement contains security provisions for a number of items including the access arrangement onto Clarkson Road and noise mitigation measures.
- The Transportation and Works Department has indicated that they are satisfied with the updated information related to the grading and servicing plans. The Transportation and Works Department has reviewed the updated traffic impact study, functional servicing report and environmental information and has indicated satisfaction with the material submitted.

- The Region of Peel has confirmed that they have finalized arrangements with the applicant for water and waste water services based on their review of the updated functional servicing report. The Region of Peel has also indicated that the waste collection method is acceptable and will be further refined through the site plan process.
- Metrolinx has confirmed that they are satisfied with arrangements made with the applicant regarding rail oriented safety measures dealing with the crash safety wall located on the northerly limit of the property.

Financial Impact

All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

Conclusion

The conditions to remove the "H" holding provision have now been satisfied. The "H" holding provision can be removed once the Development Agreement has been executed.

Attachments

Appendix 1: Aerial Photograph

Appendix 2: Existing Zoning and General Context Map



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

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