



MINUTES

PLANNING & DEVELOPMENT COMMITTEE
THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, DECEMBER 1, 2008

AFTERNOON SESSION – Cancelled
EVENING SESSION – 7:00 P.M.

COUNCIL CHAMBER, 2ND FLOOR - CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

<http://www.mississauga.ca>

- MEMBERS PRESENT:
- Councillor Pat Mullin (Ward 2)
 - Councillor Maja Prentice (Ward 3) (Chair)
 - Councillor Frank Dale (Ward 4)
 - Councillor Eve Adams (Ward 5)
 - Councillor Carolyn Parrish (Ward 6)
 - Councillor Katie Mahoney (Ward 8)
 - Councillor Pat Saito (Ward 9)
 - Councillor Sue McFadden (Ward 10)
 - Councillor George Carlson (Ward 11)
 - Mayor Hazel McCallion
- MEMBERS ABSENT:
- Councillor Carmen Corbasson (Ward 1)
 - Councillor Nando Iannicca (Ward 7) (other municipal business)

Contact: Debbie Sheffield, Legislative Coordinator, Office of the City Clerk
905-615-3200 ext. 3795 / Fax 905-615-4181
E-Mail: debbie.sheffield@mississauga.ca

STAFF PRESENT: Mr. E. Sajecki, Commissioner of Planning & Building
Ms. M. Ball, Director, Development & Design
Mr. J. Calvert, Director, Policy Planning
Mr. R. Miller, Planner, Policy Planning
Ms. S. Khan, Planner, Policy Planning
Mr. R. Poitras, Manager, Development Team South
Ms. D. Rusnov, Manager, Development Team Central
Ms. L. Pavan, Manager, Development Team North
Ms. L. Christie, Planner, Development & Design
Mr. J. Famme, Planner, Development & Design
Ms. N. Pettenuzzo, Planner, Development & Design
Mr. R. Hughes, Planner, Development & Design
Ms. M. Cassin, Manager, Zoning By-law Review
Ms. A. Dietrich, Manager, Research & Special Projects
Mr. O. Terminesi, Manager, Development Engineering
Mr. G. Smith, Team Leader, Park Assets Planning
Mr. M. Minkowski, Legal Counsel, Litigation
Ms. D. Sheffield, Legislative Coordinator, Office of the City Clerk
Ms. S. Smith, Legislative Coordinator, Office of the City Clerk

INDEX - PLANNING & DEVELOPMENT COMMITTEE – DECEMBER 1, 2008

CALL TO ORDER

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST

MATTERS CONSIDERED

AFTERNOON SESSION – Cancelled

EVENING SESSION – 7:00 P.M.

1. PUBLIC MEETING - Proposed Zoning By-law Amendments – Definitions of Lodging House and Lodging Unit
2. Mississauga Urban Growth Centre Boundary
3. REMOVAL OF THE "H" HOLDING SYMBOL from Zoning By-law 0225-2007 - 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West and 0, 2003, 2012, 2015, 2021 & 2028-2038 Lushes Avenue, South side of Lakeshore Road West and east of Southdown Road, Owner: Gemini Urban Design Corp., Applicant: Jim Levac, Korsiak & Company Ltd., Bill 51, H-OZ 08/002 W2.
4. PUBLIC MEETING – Rezoning Application, 4100-4120 Dixie Road, West side of Dixie Road, south of Rathburn Road East, Owner: Rockwest Property Inc., Applicant: Stephen Bernatt, Bill 51, BL.09-COM W3.
5. ADDENDUM REPORT – 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, OZ 02/002 W3.
6. PUBLIC MEETING – Draft Plan of Subdivision Application, Block 84, Registered Plan 43M-1087, Southeast of Winston Churchill Boulevard and Duncairn Drive, Owner: Peel District School Board, Applicant: Erin Mills Development Corporation, Bill 51, T-M08003 W9.

7. SUPPLEMENTARY REPORT – Official Plan Amendment and Rezoning Applications, Lot 3, Registered Plan C-24, Northeast corner of Harborn Road and Grange Drive, Owner: Berkley Developments, Applicant: Korsiak & Company, Bill 20, OZ 06/030 W7.

8. SUPPLEMENTARY REPORT – Official Plan Amendment and Rezoning Applications, 40 Harborn Road & 29 Premium Way, Southwest corner of Harborn Road and Premium Way, Owner: Berkley Developments, Applicant: Korsiak & Company, Bill 20, OZ 06/031 W7.

ADJOURNMENT

PLANNING & DEVELOPMENT COMMITTEE – DECEMBER 1, 2008**CALL TO ORDER @ 7:00 p.m.****DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST**

Nil

MATTERS CONSIDERED**EVENING SESSION – 7:00 P.M.**

1. Proposed Zoning By-law Amendments – Definitions of Lodging House and Lodging Unit

Report dated November 11, 2008 from the Commissioner of Planning and Building titled “Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit”.

RECOMMENDATION:

That the report titled “Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit” dated November 11, 2008 from the Commissioner of Planning and Building be received for information.

Councillor Maja Prentice called this public meeting to order at approximately 7:00 p.m. and read the above recommendation from the Corporate Report.

Ron Miller, Planner, Policy Planning addressed Committee and explained that this is the statutory public meeting required under the *Planning Act* for the purpose of receiving comments from interested parties. He advised that a recommendation will not be made at this time and the Corporate Report is for receipt only.

Mr. Miller explained that the most expeditious way of dealing with issues, with respect to lodging or student housing, is to prepare a Zoning By-law Amendment providing a definition. He advised that Mississauga Plan does not address lodging houses which are considered housing, and are permitted in Low Density I and II designations subject to the District Policies. Mr. Miller noted that municipalities do not have the authority to define

or regulate the occupancy of dwellings with respect to the relationship of occupants and can only zone with respect to the structure itself. As a result of the definition of a "dwelling unit", the conversion of houses to contain any number of bedrooms is in conformity with the Zoning By-law.

Mr. Miller commented on the purpose of the proposed Zoning By-law Amendments which are to define lodging houses as being distinct from other housing. This will result in rezoning applications for proposed lodging houses to be assessed on a site-by-site basis subject to approval criteria, and will form the necessary basis for the licensing by-law. The proposal is to allow a building to contain four lodging units, he advised, with lodging unit defined as "one or more rooms in a lodging house for the exclusive use of the resident or residents for living accommodation." As noted by Mr. Miller, the proposed definitions will permit owners to rent up to three rooms in their house. He advised that the proposed Zoning By-law Amendments are not retroactive and existing lodging houses will be considered a legal non-conforming use.

Approval of a rezoning application, as explained by Mr. Miller, will be subject to intensification policies in Mississauga Plan requiring development to be compatible with residential areas, proximity to transit facilities, a 120 m (400 ft.) distance separation from another lodging house, a 0.5 parking spaces/unit requirement, approval of site development plan, compliance with zone regulations and the requirement that it be a detached building. The decision, he noted, for the 120 m (400 ft.) distance separation was based on the public notification requirement outlined in the *Planning Act*.

The review of other municipalities that have universities was conducted, and Mr. Miller advised that municipalities recognized their responsibility for planning safe, affordable and regulated off-campus student housing options. He noted the decision of other municipalities to limit the number of bedrooms in a dwelling and to distinguish between lodging houses and other dwellings.

The next steps, as described by Mr. Miller, are to review all comments received, prepare a report back to Planning and Development Committee in early 2009 and adoption of a by-law by Council. He noted that as per the Resolution of City Council, staff will undertake an Affordable Rental Housing Strategy, which has been identified in the City's 2009 budget, to address other issues related to rental housing such as basement apartments and the loss of existing rental housing through redevelopment or conversion.

Councillor Katie Mahoney made reference to Page 6, Item 6, *Proposed Zoning By-law Amendments*, of the Corporate Report. She inquired if proposed lodging houses will be required to undergo a full rezoning process and if other municipalities have also taken this approach. Councillor Mahoney questioned the status of existing lodging houses, particularly in the Sir John's Homestead community.

Ron Miller advised that a proposed lodging house will be subject to a full rezoning process including a public meeting. He stated that some other municipalities permit lodging houses as of right with no public meeting required. Mr. Miller commented that the framework of the licensing by-law will determine if existing lodging houses are required to conform to the by-law and if they will need a rezoning application.

Councillor Mahoney inquired about renting of additional rooms in the event the family is residing in the home. She asked what the distance separation requirement is for group homes. Councillor Mahoney commented that only detached homes can be used for the purpose of lodging houses. As a result, dwellings with 50 or 60 foot lots could be subject to a lodging house every four homes with the proposed 400 ft. separation distance. She felt that a further review of the distance separation is required prior to the final report coming back to Committee. Council's support, as demonstrated in the two Resolutions put forward with respect to this issue, was noted. The potential impact on other communities was emphasized by Councillor Mahoney.

Mr. Miller responded that even if a family is utilizing several bedrooms, three rooms can be rented out before being considered a lodging house. He clarified that the distance separation for a group home is 800 ft. Mr. Miller described the balancing act required to ensure there is not a concentration of lodging houses in any one neighbourhood, and that the by-law is not overly stringent and unable to accommodate the needs of people requiring housing.

Councillor Maja Prentice expressed her concern with respect to on-street parking issues created by homes that can not accommodate additional vehicles. She asked if the proposed 120 m (400 ft.) distance separation and parking ratio were consistent with other municipalities.

In response to Councillor Prentice's inquiry, Mr. Miller indicated that he would review the matter. He acknowledged the need to provide sufficient parking, however, he expressed concern that a requirement for one parking space per unit would instigate owners to pave over their front yards. He commented on efforts to maintain neighbourhoods by reducing the amount of parking required. Mr. Miller noted that tenants of lodging houses may have a lower income, and therefore not own a car.

Councillor Maja Prentice emphasized that the Corporate Report was being considered for information only and for the purpose of receiving input from the community.

Wes Drewniak, resident, addressed Committee and advised that he lives next door to a lodging house. He described the negative impact on his life and the value of his property as a result. Mr. Drewniak noted his decision not to upgrade his home and indicated his

desire to see the lodging houses closed down.

Mark Leonard, resident, addressed Committee and suggested that the definition of lodging houses include semi-detached and townhouse dwellings. He felt that if a dwelling is rented out for enumeration, it should be considered a lodging house regardless of the number of rooms being rented out. Mr. Leonard commented that lodging units should be restricted to bedrooms and other common areas should be excluded from the definition. He stated that the 120 m (400 ft.) distance separation was inadequate and suggested a minimum of 300 m based on the radius of the property and not the frontage. Mr. Leonard stressed the need for an interim control by-law to prevent other properties from being purchased for the purpose of a lodging house.

Mike Minkowski, Legal Counsel advised that an interim control by-law must be applied to an existing and established use, as it is intended to respond to an undesirable situation from an existing zoning by-law. However, he noted, as there is no zoning framework established, there isn't anything currently in place to attach an interim control by-law. Mr. Minkowski explained that once the proposed Zoning By-law Amendments are implemented, this issue will be addressed as a zoning category will exist. The further requirement for a rezoning, he advised, will negate the need for an interim control by-law.

Nick Close, resident, addressed Committee and thanked Councillor Mahoney for her efforts in dealing with this issue. Mr. Close felt that once a home is modified to accommodate additional people for remuneration, it has become a business and is no longer a home. He noted that the owners of lodging houses do minimal maintenance while ensuring maximum occupancy in order to capitalize on revenues. Mr. Close felt strict municipal controls are required to protect susceptible neighbourhoods. He indicated that the proposed Amendments do not include qualitative criteria such as quality of life.

Maria Arts, resident, noted her concern for the proposed 400 ft. separation distance. She was also concerned that businesses are being encouraged to occupy residential areas. She felt that other accommodations exist for university students and single family detached dwellings should not be converted for that purpose.

Michael Arts, resident, questioned the University of Toronto's (UTM's) responsibility with respect to this matter and if there was any recourse for the City.

David and Toni Jeffrey, residents, addressed Committee and described their participation in a past neighbourhood watch program. They felt a sense of security and safety as a result of their involvement and in knowing their neighbours. Mr. and Mrs. Jeffrey stated that with lodging houses and transient students, they are unable to distinguish strangers in the community which takes away from their sense of safety and security.

Alina and Otto Zogala, residents, addressed Committee and advised that their backyard abuts with one of the student housing properties. They requested that the conversion of common element rooms into additional bedrooms be denied. Mr. and Mrs. Zogala felt that fire and building inspections should be conducted semi-annually and that permits be denied until such inspections take place. They made reference to non-conforming legal uses and asked that a retroactive requirement be implemented to ensure that existing lodging houses comply within 30 days, or are subject to being closed down. The proposed separation distance was noted as a concern and they recommended 800 m. Mr. and Mrs. Zogala indicated concern for a house currently up for sale in their community, with the potential of being purchased and converted into a lodging house prior to this issue being resolved. They urged Committee to consider the implementation of an interim control by-law. It was mentioned that Oakville distinguishes between related or unrelated renters in a home. Mr. and Mrs. Zogala requested written notice about upcoming meetings with respect to the Affordable Rental Housing Strategy.

Councillor Katie Mahoney advised residents that everyone who signed the register at this meeting or at the November 5, 2008 community meeting, will be advised of future meetings. She noted that the final report with respect to this matter will be coming back for deliberation to Committee by February 2009 and will hopefully be in time to affect the sale of the house referred to by Mr. and Mrs. Zogala.

Mike Minkowski commented that he was not familiar with Oakville's practices with respect to the relationship issue. He noted the *Planning Act* states that municipalities do not have the authority to pass a by-law that distinguishes between related or unrelated persons with respect to occupancy or use of a building, but perhaps concepts utilized by other municipalities should be reviewed. Councillor Mahoney concurred that a review should be conducted.

Councillor Maja Prentice requested that staff research background information going back 15 – 20 years. She referred to a time when the City was very diligent in maximizing the number of unrelated people residing in a home. Councillor Prentice noted that Provincial legislation would take precedent over municipal by-law.

Robert Alden, resident and member of the Sir John's Homestead Review Committee, addressed the Planning and Development Committee. He thanked Councillor Mahoney for organizing the community meeting held on November 5, 2008 and the establishment of a Review Committee. He mentioned a second meeting held on November 25, 2008 which resulted in a recommendation to develop a residents' association. Mr. Alden described the setting of his community and the proximity of UTM. He noted that two homes have been sold and converted into lodging houses. He advised that a cluster of rental townhomes, intended as low-cost rental housing for families, is undergoing conversion for student housing. The community, Mr. Alden stated, agrees that UTM is

an asset to the City of Mississauga. However, they feel the City has failed its citizens in maintaining the character of the existing neighbourhood. Mr. Alden felt that UTM has an obligation to be a good corporate citizen, but has increased enrolment without providing appropriate accommodation.

The proposed Zoning By-law Amendments were referred to as being flawed, but Mr. Alden was optimistic that the consultative process provides the community with an opportunity to participate in the outcome. Mr. Alden stated that the Amendments fail to achieve a balanced approach and City Council must support the maintenance of the existing character of residential areas, especially those zoned low density. He expressed concern with respect to the separation distance and its ability to provide a sufficient and effective control mechanism. Mr. Alden commented that the scale and character of low density neighbourhoods has not been addressed in the Zoning By-law Amendments. He thought the number of allowable lodging units should be three.

Councillor Pat Mullin asked Mr. Alden if the Review Committee had agreed upon any recommendations with respect to number of allowable lodging units, distance separation etc. Mr. Alden responded that a lot of discussion has taken place and the Review Committee will be in a position to provide constructive feedback in the near future.

Councillor Prentice stated that insurance and doctor's offices are required to be owner-occupied and wondered why that same requirement had not been considered with respect to this matter. She felt it was justified and should be reviewed prior to the supplementary report coming back. Ron Miller stated this could be dealt with through the licensing regime.

Carol Nolan, resident, agreed with all preceding statements and advised that this is the first time in 30 years that parking authorities and police have been called into the community. She stated that residents wanted the "quiet" back into their neighbourhood.

Jacqueline Kuzim, resident advised that she has resided in the area for over 30 years and has enjoyed the peace and tranquility. She noted her displeasure with the changes taking place in the area and advised that she will be submitting a written submission to City Council.

Bill and Jerry Campbell, residents of 25 years, indicated their support for the preceding comments made by other residents. They noted their concern for the conversion of homes into lodging houses and urged Council to help protect their beautiful neighbourhood.

Tom Zakrzewski, resident of 29 years, addressed Committee and advised of his disbelief in having to plead for the preservation of his community. He noted that his home is

located adjacent to the townhomes. Mr. Zakrzewski stated his neighbour has had his detached home for sale for eight months without success. He acknowledged the need for accommodation for the university students, but not at the cost of property values. Mr. Zakrzewski felt the community is prepared to work with the City on a resolution.

Monica Ossowski, resident, advised that she lives next door to an established lodging house property which is the worst location in the neighbourhood. She described her recent experience getting an appraisal on her property, which has undergone numerous upgrades and renovations. Ms. Ossowski was advised by a real estate agent that her property value is well below what it was two years ago. She described the loss of enjoyment of her home due to the existing lodging house. Ms. Ossowski requested that the proposed Amendments be retroactive to existing lodging houses.

Gerry Pancott, resident, addressed Committee to provide comments with respect to parking. He noted evidence of people parking in the neighbourhood and then walking to UTM. He wondered if they were renting parking spots on the driveway of a house. Mr. Pancott advised of a constant flow of cars parked by university students which has caused issues including snow removal.

Sharon McCarthy, resident, stated her concern with respect to the rapid conversion of houses in the area that are turning over a profit, while existing property owners experience a loss in the value of their home. She felt that any plan implemented should address the needs of the entire community.

Councillor Katie Mahoney expressed her support for the community's comments. She addressed the concern regarding existing lodging houses and ensured residents that these dwellings will be required to undergo a rezoning process, will be subject to the licensing regime and will be required to undergo inspection and conformity. Councillor Mahoney was hopeful that a preliminary of the licensing by-law would be available early in 2009. She indicated that the licensing by-law and the proposed Zoning By-law Amendments will provide an effective tool in dealing with this issue. Councillor Mahoney commented that efforts are ongoing with respect to the parking issues and encouraged residents to continue to call Parking Enforcement, especially with the winter approaching. The attendance of the UTM Dean of Student Services at the November 5, 2008 community meeting and his willingness to cooperate with respect to this matter were noted. Councillor Mahoney clarified that UTM cannot accommodate all students on campus and mentioned the Provincial government's mandate for growth at UTM. She indicated pride in having a world-wide renowned university within the City and noted its impact on economic growth. She expressed support for the newly established residents' association and stated that police are working on issues in the community such as vandalism and graffiti. Councillor Mahoney was appreciative of the timeframe in which staff presented the proposed Zoning By-law Amendments. It was noted that all comments received will be considered along

with the supplementary report and recommendation. The City-wide impact with respect to this matter was mentioned. Councillor Mahoney acknowledged the attendance of the Acting Fire Chief at the meeting and advised he is currently dealing with issues related to the two existing lodging houses.

Mayor Hazel McCallion advised of her attendance at the November 5, 2008 community meeting with the Ward Councillor. She was understanding about the concerns of the residents and advised that the City is taking action within the guidelines established by Provincial legislation. The Mayor pointed out City-wide issues with respect to an estimated 35,000 basement apartments, and with a lack of accommodation, she stated the problem may be perpetuated. She noted the recent addition of the Oscar Peterson student accommodation at UTM, but felt there would never be adequate on-campus housing. The Mayor expressed concern with respect to the proposed 400 ft. distance separation and pointed out that an 800 ft. separation exists between night clubs and residential zones. Mayor McCallion felt the separation distance should be dependant on the size of the lots in the area, and this matter should be reviewed in detail. In conclusion, she acknowledged the efforts of the Ward Councillor and was pleased with the establishment of the Review Committee. Mayor McCallion emphasized that every possible effort will be made to move as quickly as possible to protect the neighbourhood.

Councillor Katie Mahoney made a verbal motion to approve the recommendation as outlined in the Corporate Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to the *Proposed Zoning By-law Amendments – Definitions of Lodging House and Lodging Unit*, which was voted on and carried.

A verbal motion also made by Councillor Mahoney to receive the letter dated November 30, 2008 from Douglas Fisher and Kathryn Stewart providing comments with respect to the Proposed Zoning By-law Amendments, and the letter dated November 26, 2008 from John McGlone, President of the Mississauga Oakridge Residents Association in support of the proposed Zoning By-law Amendments, was voted on and carried.

The public meeting closed at approximately 8:30 p.m.

RECEIVED

Recommendation PDC-0083-2008 (Councillor Katie Mahoney)

CD.06.HOU

2. Mississauga Urban Growth Centre Boundary

Report dated November 11, 2008, from the Commissioner of Planning and Building titled “*Mississauga Urban Growth Centre Boundary*”.

RECOMMENDATION:

That the report titled “*Mississauga Urban Growth Centre Boundary*” dated November 11, 2008, from the Commissioner of Planning and Building, be received for information.

John Calvert, Director, Policy Planning referred to a report presented at the Planning and Development Committee on May 12, 2008 titled “*Growth Plan for the Greater Golden Horseshoe – The Built Boundary and the Mississauga Urban Growth Centre*”. He indicated his agreement with the Province in establishing the boundary for the Mississauga Urban Growth Centre.

Councillor Sue McFadden moved a verbal motion to approve the recommendation as outlined in the Corporate Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to the *Mississauga Urban Growth Centre Boundary*, which was voted on and carried.

RECEIVED

Recommendation PDC-0084-2008 (Councillor Sue McFadden)
CD.03.MIS

3. REMOVAL OF THE "H" HOLDING SYMBOL from Zoning By-law 0225-2007 - 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West and 0, 2003, 2012, 2015, 2021 & 2028-2038 Lushes Avenue, South side of Lakeshore Road West and east of Southdown Road, Owner: Gemini Urban Design Corp., Applicant: Jim Levac, Korsiak & Company Ltd., Bill 51, H-OZ 08/002 W2.

Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the Removal of the "H" Holding Symbol application, under file H-OZ 08/002 W2, Gemini Urban Design Corp., 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West, and 0, 2003, 2012, 2015, 2021 & 2028-2038 Lushes Avenue.

RECOMMENDATION:

That the Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the Removal of the "H" Holding Symbol application, under file H-OZ 08/002 W2, Gemini Urban Design Corp., 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West, and 0, 2003, 2012, 2015, 2021 & 2028-2038 Lushes Avenue be adopted and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's

passage.

There were no persons in the audience, outside of the applicant, who showed an interest in the subject matter.

Councillor Pat Mullin stated that a presentation was not required and that the Corporate Report did not need any clarification.

Ed Sajecki, Commissioner of Planning and Building confirmed that previous outstanding matters had been dealt with in a satisfactory manner.

A verbal motion moved by Councillor Mullin to approve the recommendation as outlined in the Corporate Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to the Removal of the "H" Holding Symbol application under file H-OZ 08/002 W2, was voted on and carried.

APPROVED

Recommendation PDC-0085-2008 (Councillor Pat Mullin)

H-OZ 08/002 W2

4. PUBLIC MEETING – Rezoning Application, 4100-4120 Dixie Road, West side of Dixie Road, south of Rathburn Road East, Owner: Rockwest Property Inc., Applicant: Stephen Bernatt, Bill 51, BL.09-COM W3.

Report dated November 11, 2008 from the Commissioner of Planning and Building regarding the application to change the zoning from "C1-2", (Convenience Commercial - Exception) to "C1-2" amended (Convenience Commercial - Exception, amended) in By-law 0225-2007, to delete the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone, previously permitted under By-law 5500, under file BL.09-COM W3, Rockwest Property Inc., 4100 - 4120 Dixie Road.

RECOMMENDATION:

That the Report dated November 11, 2008 from the Commissioner of Planning and Building regarding the application to change the zoning from "C1-2", (Convenience Commercial - Exception) to "C1-2" amended (Convenience Commercial - Exception, amended) in By-law 0225-2007, to delete the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone, previously permitted under By-law 5500, under file BL.09-COM W3, Rockwest Property Inc., 4100 - 4120 Dixie Road, be received for information.

Councillor Maja Prentice called this public meeting to order at approximately 8:35 p.m. and read the recommendation from the Corporate Report. She advised that the purpose of the Corporate Report is to deal with administrative matters related to the new Zoning By-law and that the subject restaurant has been in existence for many years with no changes being proposed.

Robert Rubino, resident, addressed Committee and expressed concern with respect to the distance of the restaurant to existing residential. He described recent issues related to animals and rodents in the area and inquired what the landlord of the restaurant was doing to deal with this problem. Mr. Rubino mentioned that residents in the area are utilizing rat and mouse traps. He mentioned health issues in relation to separation distances between restaurants and residential areas.

Councillor Maja Prentice stated that her understanding of the purpose of the by-law was to deal with smells and noise, not health problems. She reiterated that the restaurant has been in operation for many years and the purpose of the meeting was to bring it into conformity with the new Zoning By-law.

Marianne Cassin, Manager Zoning By-law Review explained that the by-law was originally passed in 2002 to delete the 60 metre separation distance requirement between restaurants and residential properties, which was originally implemented in 1985 specifically to address smells. She was not aware of issues with respect to rodents, but agreed to review the matter prior to the supplementary report being brought back to the Planning and Development Committee.

Councillor Prentice confirmed that staff, in conjunction with the appropriate agencies, will evaluate the rodent situation being reported prior to making a recommendation.

Councillor Carolyn Parrish moved a verbal motion to approve the recommendation as outlined in the Corporate Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to the Rezoning Application under file BL.09-COM W3 for 4100-4120 Dixie Road, which was voted on and carried.

The public meeting closed at approximately 8:40 p.m.

RECEIVED

Recommendation PDC-0086-2008 (Councillor Carolyn Parrish)

BL.09-COM W3

5. ADDENDUM REPORT – 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, OZ 02/002 W3.

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.

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.

There were people in the audience who indicated interest in the subject matter.

Rob Hughes, Planner addressed Committee and described the subject lands located at 1355 Silver Spear Road. He advised that at the January 8, 2007 Planning and Development Committee Meeting, a Supplementary Report was considered for the proposed rezoning of the subject lands, to permit an apartment building in addition to the one that currently exists on the property. Mr. Hughes noted that the recommendation for approval was subsequently adopted by Council.

Mr. Hughes explained that with the passing of the new comprehensive Zoning By-law 0225-2007, it was determined that notice and a new public meeting were required. He noted that the applicant has resolved a number of outstanding conditions related to the application.

Councillor Maja Prentice stated that nothing has changed since the original proposal was presented and that this Corporate Report is meant to deal with administrative matters.

Mr. Hanselman, resident inquired if an entrance on the north side of the property could be considered with a traffic light to allow access to retail on the east side. Mr. Hughes responded that consideration was given with respect to a northern access point, but it wasn't the best alternative due to grading and the existence of mature vegetation that should be maintained. Therefore, he advised, the decision was made to have the entryway onto Dixie Road with a right in, right out access.

Linda Vella, resident inquired about the results of the traffic survey. She indicated her concern with respect to walkability and mentioned that cars are parked on either side of Silver Spear Road due to the existing townhouses and apartment buildings. She asked if parking could be limited to one side of the street.

Mr. Hughes explained that the traffic survey previously conducted was considered acceptable and it was determined that additional vehicles would not have a significant impact. He noted that roads were determined to be adequate and able to handle additional traffic flow. Mr. Hughes explained that one condition for Removal of the "H" was that a traffic study be completed and the results reported back to Council.

Councillor Maja Prentice agreed to investigate the parking situation as described by Ms. Vella. She explained that parking is limited to three hours on Silver Spear Road and indicated she had not received any complaints to date. Councillor Prentice asked Ms. Vella to contact Parking Control and stated that the situation will be monitored.

Councillor Prentice also noted a number of telephone calls received with respect to the lack of maintenance associated with other CAP Reit properties. She indicated that this has been an ongoing problem since the inception of the proposed application and expressed her desire to have these properties monitored.

A verbal motion moved by Councillor Frank Dale to approve the recommendation as outlined in the Corporate Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to the Proposed Amendments to By-law 0225-2007 for 1355 Silver Spear Road under file OZ 02/002 W3 was voted on and carried.

Councillor Eve Adams moved a verbal motion to receive the letter dated November 24, 2008 from Carol Kerr noting her concerns with respect to the proposed development,

which was voted on and carried.

APPROVED

Recommendation PDC-0087-2008 (Councillor Frank Dale and Councillor Eve Adams)
OZ 02/002 W3

6. PUBLIC MEETING – Draft Plan of Subdivision Application, Block 84, Registered Plan 43M-1087, Southeast of Winston Churchill Boulevard and Duncairn Drive, Owner: Peel District School Board, Applicant: Erin Mills Development Corporation, Bill 51, T-M08003 W9.

Report dated November 11, 2008, from the Commissioner of Planning and Building regarding the application for a draft plan of subdivision to permit 46 detached dwelling lots and 2 public roads, under file T-M08003 W9, Peel District School Board, Block 84, Registered Plan 43M-1087.

RECOMMENDATION:

That the Report dated November 11, 2008, from the Commissioner of Planning and Building regarding the application for a draft plan of subdivision to permit 46 detached dwelling lots and 2 public roads, under file T-M08003 W9, Peel District School Board, Block 84, Registered Plan 43M-1087, be received for information.

Councillor Maja Prentice called this public meeting to order at approximately 8:50 p.m. and read the recommendation from the Corporate Report.

There were people in the audience that indicated interest in the subject matter.

Randy Griffin of Erin Mills Development Corporation (EMDC) addressed Committee with respect to the school site in Erin Mills located southeast of Winston Churchill Boulevard and Duncairn Drive. He advised of the Ward meeting held on October 30, 2008. Mr. Griffin discussed the Draft Plan of Subdivision proposal to permit 46 detached dwelling lots. He described the developer's efforts to address ratepayer concerns by reconfiguring the lot pattern for the five lots formerly fronting onto Duncairn Drive. The new layout, he explained, has two lots with 46 foot frontages facing Duncairn Drive and the remaining three lots facing the proposed street with a 46 foot frontage for the corner lot and 40 foot frontages for the two interior lots.

Councillor Pat Saito discussed issues raised at the Ward meeting by residents on Russell View Road with respect to the originally proposed 40 foot lots. She advised that a request was made to the applicant to widen the lots backing onto homes on Russell View

Road, which would result in the loss of one lot in order to accommodate the additional width. Councillor Saito noted the appreciation of residents on Duncairn Drive for the applicant's response and reconfiguration of the lot pattern.

Mr. Griffin commented that from a marketing standpoint, it would not be a good decision to have 45 foot lots in conjunction with 40 foot lots on a cul-de-sac. Councillor Saito disagreed, and stated that cul-de-sacs usually result in some remnant lots of varying sizes. She described her own cul-de-sac where smaller lots and houses exist that are designed to have a similar appearance to the larger homes. Councillor Saito did not feel there would be a negative impact on market values. Mr. Griffin noted the possibility of a rear upgrade to abutting lots.

Councillor Saito discussed the request for privacy fencing for homes along Russell View Road that currently have link fences. She explained that 10 years ago purchasers in the area were charged a premium for backing onto open space, even though the subject property was zoned for residential in the event the school did not proceed. She asked the applicant to review the possibility of privacy fencing prior to a final report and recommendation.

Rafat Chaudhry, resident, addressed the Planning and Development Committee and advised that he is directly affected by the proposed development. He noted four basic issues with respect to the proposal and was surprised that the applicant had ignored these objections.

Mr. Chaudhry discussed that residents in the area are opposed to the City allocating their resources to this development application until such time as the developer becomes the owner of the land. Mr. Chaudhry stated that, as dictated by law and confirmed by City representatives at the community meeting, if the Peel District School Board declares a school site surplus, the land cannot be sold without the knowledge and approval of the area residents. He felt the public should have input into the sale and usage of the subject property. Mr. Chaudhry noted that City representatives have been relaying incorrect information and he referred to the Ward 9 website. He advised he was in possession of a document containing incorrect information with respect to zoning and ownership of the subject lands. A concern was noted with respect to information provided that stated if Council refuses the application, EMDC would have a good chance of approval when appealing to the Ontario Municipal Board.

Mr. Chaudhry acknowledged his appreciation for Mayor McCallion's position in the City. He stated that all of his e-mails with respect to this matter were copied to the Mayor without consideration and deleted before she had seen them. He made reference to Councillor Carolyn Parrish's position as Chairman of the Peel District School Board in 1988 when the agreement to sell the subject property to EMDC was signed, and he was

unable to understand the decision made with respect to the terms and conditions.

Councillor Saito stated that resident concerns were not ignored and she referred to her previous discussion with the applicant. She addressed Mr. Chaudhry's concerns about the purchase agreement between EMDC and the Peel District School Board, and her decision to direct him to the School Board Trustee for clarification on this matter. Councillor Saito commented on her letter dated November 18, 2008 to residents clarifying the legal opinion of the City Solicitor and Planning and Building Department with respect to the ownership of lands, and EMDC's right to make an application. She continued to explain that EMDC purchased the land with a closing date of December 20, 2008 and the purchase agreement was made prior to the application being filed with the City. She noted that EMDC is authorized by the Peel District School Board to proceed as their agent based on the pending purchase and closing date of December 20, 2008. Further, she advised, EMDC will be the owner of the subject property prior to a decision being made by the Planning and Development Committee with respect to the proposed development. Councillor Saito emphasized that the disposal of lands by the Peel District School Board is outside the authority of the City of Mississauga.

Councillor Saito addressed the issues outlined by Mr. Chaudhry with respect to zoning of the subject lands. She stated that information was provided to residents explaining that zoning has been in place on the subject property since 1988 permitting detached dwellings with minimum frontages of 12 m (39.4 ft.), with 16.5 m (54.1 ft.) frontages for corners lots. She noted that lands on the north side of Duncairn Drive are also zoned R4 and that it is quite common in a subdivision to have a range of lot sizes. Councillor Saito explained that some zoning numbers referenced were prior to the comprehensive review of the Zoning By-law, but ultimately the zoning has not changed. As the zoning is already in place, Councillor Saito confirmed that a refusal of the application would result in an approval by the Ontario Municipal Board if appealed.

Marilyn Ball, Director, Development and Design confirmed that the subject lands continue to be zoned for 12 m (39.4 ft.) lot frontages. She felt the resident's confusion with zoning categories resulted due to numerous zone categories that dealt with 39.4 foot lot frontages being consolidated into the R4 category. She stated that for all intent and purpose, outside of a slight modification in some provisions due to the consolidation, i.e. lots areas are slightly less, the same zoning exists as in 1988.

Councillor Carolyn Parrish cautioned Mr. Chaudhry on making accusations and liable comments with respect to both herself and Mayor McCallion. She explained that EMDC sold the subject property to the Peel District School Board at a reduced price to be kept on reserve for the development of a school. The standardized agreement she advised, which was implemented across the Province, indicated that in the event the land was not utilized for a school, the property would be sold back to EMDC ensuring no financial loss to the

developer.

Councillor Maja Prentice clarified that similar agreements were made in other Wards across the City.

Mayor McCallion felt Mr. Chaudhry was not prepared to accept certain conditions with respect to the subject property. She commented that in the past, the School Board was faced with huge green fields to be developed and they had to make a decision as to where school sites should be located. Mayor McCallion clarified that this is not the first school site being returned to a developer. She thought the real issue being raised was the zoning of the lands and she stated the zoning cannot be changed. The existence of ample parkland in the area was noted and Mayor McCallion stated there was no need for the City to purchase parkland. She clarified City Council's obligation to approve an application if it meets the criteria and zoning.

In response to Mr. Chaudhry's statement regarding e-mails being sent, Mayor McCallion acknowledged receipt and indicated her confidence that the matter was being handled by the Ward Councillor. She agreed with Councillor Parrish with respect to Mr. Chaudhry's inappropriate statements about politicians and school board trustees.

Amol Sodhi, resident, addressed Committee with concerns that misinformation with respect to the ownership of the subject property was relayed to residents. He felt a communication should be sent to constituents of the area clarifying the situation. Mr. Sodhi requested that the proposal be made consistent with existing dwellings and ensure the development is compatible with the community.

Councillor Maja Prentice emphasized that the agreement of purchase and sale for the subject property is irrelevant to the matter currently being considered by the Planning and Development Committee.

Councillor Pat Saito read aloud her letter dated August 19, 2008 to residents which advised that EMDC would be resuming ownership of the lands from the School Board. She commented on the community meeting held October 30, 2008 where EMDC was referred to as the owner of the property. She advised that on November 18, 2008 another letter was sent to the community clarifying the issue of ownership and advising of the December 20, 2008 closing date. Councillor Saito apologized to residents for any confusion caused due to unclear wording in her correspondence.

Councillor George Carlson advised residents that they should be focusing on issues related to site plan, fencing etc. He reiterated the fact that the ownership of the land is irrelevant and felt there was a disconnect or derailment on the part of residents in dealing with this application. He advised of his previous post as a School Board Trustee and his

support with respect to the agreement made with EMDC for the purchase of the subject lands.

Councillor Maja Prentice shared her experiences when dealing with infill development and noted the difficulty in obtaining the same type of development on both sides of a street. She advised residents on the benefits of working with the Councillor to resolve issues.

Councillor Pat Saito clarified an issue raised in the petition received by residents with respect to the City purchasing the property and turning it into parkland. She discussed the research conducted by staff to establish the parkland dedication in the area, and the determination that the area currently has double the City standard for parkland. The lack of feasibility for the City to purchase parkland was mentioned with respect to budget constraints. She explained that the school is not being built due to declining enrolment in the local schools which are currently under capacity. Councillor Saito assured that the issues raised by residents will be considered prior to the final report and recommendation.

A motion made verbally by Councillor Pat Saito to approve the recommendation as outlined in the Corporate Report dated November 11, 2008 from the Commissioner of Planning and Building with respect to the Draft Plan of Subdivision Application for Block 84, Registered Plan 43M-1087 under File T-M08003 W9, was voted on and carried.

Another verbal motion was made by Councillor Pat Saito to receive correspondence from Maureen Waite, Mariusz and Jolanta Niewiarowski, Paul and Janet Methot, Ross MacLeod, Peter Lobo, Roy Kuta, and to receive the petition dated September 2008 and 88 form letters with respect to the Draft Plan of Subdivision for Block 84, Registered Plan 43M-1087 under File T-M08003 W9, which was voted on and carried.

RECEIVED

Recommendation PDC-0088-2008 (Councillor Pat Saito)
T-M08003 W9

7. SUPPLEMENTARY REPORT – Official Plan Amendment and Rezoning Applications, Lot 3, Registered Plan C-24, Northeast corner of Harborn Road and Grange Drive, Owner: Berkley Developments, Applicant: Korsiak & Company, Bill 20, OZ 06/030 W7.

Report dated November 11, 2008, from the Commissioner of Planning and Building regarding applications under File OZ 06/030 W7, Berkley Developments, Lot 3, Registered Plan C-24, northeast corner of Harborn Road and Grange Drive.

RECOMMENDATION:

That the Report dated November 26, 2008, from the Commissioner of Planning and Building regarding applications under File OZ 06/030 W7, Berkley Developments, Lot 3, Registered Plan C-24, northeast corner of Harborn Road and Grange Drive, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan from "Residential – Low Density I, Special Site 11" to "Residential – Low Density II, Special Site 11, as amended", be approved.
2. That the application to change the Zoning from "R1-47" (Detached Dwelling) to "R5-Exception" (Detached Dwelling) and "RM5-Exception" (Townhouse Dwelling) to permit one (1) detached dwelling and six (6) street townhouses in accordance with the proposed concept plan and zoning details described in Appendix A-1 and A-2, be approved.

APPROVED

Recommendation PDC-0089-2008 (Mayor Hazel McCallion)

OZ 06/030 W7

It was agreed that Items 7 and 8 on the agenda would be presented and discussed simultaneously. (Please see below for minutes).

8. SUPPLEMENTARY REPORT – Official Plan Amendment and Rezoning Applications, 40 Harborn Road & 29 Premium Way, Southwest corner of Harborn Road and Premium Way, Owner: Berkley Developments, Applicant: Korsiak & Company, Bill 20, OZ 06/031 W7.

Report dated November 11, 2008 from the Commissioner of Planning and Building recommending approval of the applications under File OZ 06/031 W7, Berkley Developments, 40 Harborn Road and 29 Premium Way.

RECOMMENDATION:

That the Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 06/031 W7, Berkley Developments, 40 Harborn Road and 29 Premium Way, southwest corner of Harborn Road and Premium Way, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan from "Residential – Low Density I, Special Site 11" to "Residential – Low Density II, Special Site 11, as amended" to permit four (4) detached dwellings and seven (7) street townhouse dwellings be approved.
2. That the application to change the Zoning from "R1-7" (Detached Dwelling) to "R5-Exception" (Detached Dwelling) and "RM5-Exception" (Street Townhouse) to permit four (4) detached dwellings and seven (7) street townhouse dwellings in accordance with the proposed zoning standards described in Appendix S-7, be approved subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
 - (b) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards not apply to the subject lands.
 - (c) That CPD Recommendation 121-91, as approved by Council Resolution 160-91, pertaining to the requirement of 3.25 parking spaces per dwelling unit for all dwellings on lots less than 12 m (39.4 ft.) of frontage shall not apply, and that a parking requirement of three parking spaces per unit shall apply with no on-street parking requirement.
3. That notwithstanding the zoning provisions within Appendix S-7, additional exceptions be applied to the "RM5-Exception" (Street Townhouse) zone to limit the maximum garage door width of 3.0 m (9.8 ft.) and the maximum driveway width to 3.75 m (12.3 ft.), with the exception of the hammerhead portion of the driveway.
4. That an "H" Holding Provision (H-R5-Exception and H-RM5-Exception) be placed on that portion of the municipally owned Premium Way right-of-way shown as part of this development proposal restricting development until an Agreement of Purchase and Sale is entered into with the City of Mississauga for the acquisition of these lands.
5. 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.

Diana Rusnov, Manager Development Team Central addressed Committee to describe both applications submitted by Berkley Developments under files OZ 06/030 W7 and OZ 06/031 W7. She explained that both supplementary reports are for properties located within the Gordon Woods area – one at the northeast corner of Harborn Road and Grange Drive, and the other at the southwest corner of Harborn Road and Premium Way. Ms. Rusnov displayed several photographs representing different views of the community. She described the proposal for the northerly block as one detached dwelling which arose from addressing community concerns, and six townhouses which were reduced by one unit from the original proposal. Ms. Rusnov explained that the southerly parcel of land was also amended from the original proposal for townhouses along Harborn Road, to four detached dwellings to provide a gateway and transition to seven townhouses along Premium Way.

Ms. Rusnov explained that through the processing of the application, staff have recommended garage door openings be reduced to 3 m along the frontage of Premium Way. She described the proposal for both applications to amend Mississauga Plan from “Residential – Low Density I, Special Site 11” to “Residential – Low Density II, Special Site 11, as amended” and to change the zoning from “R1-47” (Detached Dwelling) to “R5-Exception” (Detached Dwelling) and “RM5-Exception” (Townhouse Dwelling).

Community concerns identified as density, compatibility, traffic, property values, protection of trees, and the privacy of adjacent dwellings were noted. Ms. Rusnov clarified that the subject lands are located within the Urban Growth Centre which encourages intensification. She stated that the proposed development is appropriate in scale, compatible with the surrounding community and provides moderate intensification to address the growth policies.

Ms. Rusnov indicated that the recommendations for both applications are for approval of the proposed developments. She made reference to the Addendum Report for the application under File OZ 06/030 W7 for the northeast corner of Harborn Road and Grange Drive and the alternative recommendation provided.

Adam Brown, the solicitor acting on behalf of the applicant, highlighted some of the events over the last two years with respect to the applications. He noted that the applicant has undergone an intensive consultation process to address issues. Mr. Brown pointed out that the northerly site backs onto the Rabba Plaza and the southerly site onto the Queen Elizabeth Way, with both sites located within the Urban Growth Centre. He discussed the applicant’s original submissions versus the proposals being presented today. Mr. Brown displayed a concept plan with link homes and clarified that his client was in support of either the link homes or townhouse units. He noted that the southerly site is not contentious and asked Committee to adopt the recommendation being

presented, and reiterated that for the northerly site his client was willing to accommodate either link homes or townhouses.

John Sabiston, resident and President of the Gordon Woods Residents' Association addressed Committee. He thanked the Planning and Development Committee for their recommendation in April 2008 to form a Focus Group to work with Berkley Developments. He mentioned that discussions have taken place and noted the Association's desire to have a development that blends in with the existing community of detached homes and generous sites. Mr. Sabiston felt the subject properties were unique in nature and that a typical Gordon Woods home may not be appropriate. He noted support for the link homes with the appearance of detached dwellings. Mr. Sabiston indicated disappointment in the proposal being presented by staff for the northerly site.

Diana Rusnov explained that the link homes proposed were smaller than the townhomes. She indicated that frontages were only 18.17 ft. wide versus the 22-23 ft. wide townhomes. Ms. Rusnov felt the width of the link homes would be precedent setting for single family detached dwellings, especially within Gordon Woods. She stated that the townhomes provide an appropriate transition and conforms to existing zoning.

Councillor Pat Mullin inquired if staff had been in discussions with residents with respect to the proposed development. Diana Rusnov advised that once the Ward Councillor recused himself from the applications, staff were no longer invited to attend resident meetings. Councillor Mullin felt it was unfortunate that staff were not involved in the resident and applicant consultations.

Councillor George Carlson mentioned a similar infill development in his Ward. He felt residents should seek the very best townhouses possible versus dwellings with a detached appearance and substandard size. He felt it was not advantageous to introduce competition within the existing residential and that the community would benefit from an upscale townhouse development.

Councillor Maja Prentice stated that the precedent would be set throughout all Wards in the City and narrow lots could diminish a neighbourhood.

Mr. Sabiston inquired if five link homes could be considered versus six in order to increase the size of each lot.

Mr. Brown commented on the two year process and his understanding about setting a precedent. He did not feel that reducing the number of units to five was an appropriate negotiation at this time and referred back to the options of either link homes or townhomes with one single unit. Mr. Brown felt the townhomes presented a nicer façade and that the single unit proposed set the limit to ensure townhomes do not bleed into the

community. He also noted that by eliminating the gap between units, a better buffer to parking would be provided.

Councillor Pat Mullin indicated her support for staff's position and requested that staff meet with residents prior to the recommendation being adopted by Council. She commended Mr. Sabiston, residents and Mr. Brown on efforts made in reaching a resolution.

Councillor Carolyn Parrish reinforced the suggestion to have staff meet with residents prior to the recommendation being adopted by Council. She felt townhouses would be the better choice with respect to property values and supported staff's recommendations. She referred residents to a development on Glengarry Road as a positive example.

Mayor Hazel McCallion was in agreement with the proposal for townhomes and the suggestion to have staff meet with residents. She was complimentary on the successful advancement of the process regarding the development application.

Jacqueline Gideon, resident and member of the Focus Group thanked Berkley Developments for their negotiations with residents. She also thanked Mr. Sabiston for his efforts in maintaining the character of Gordon Woods. She advised of her initial support for the link homes, but agreed that the townhouses were the better option. Ms. Gideon noted her concern with respect to the preservation of mature trees in the area.

Diana Rusnov clarified that three large oak trees are being retained and noted increased setbacks along Harborn Road. She stated that additional planting will be required through the site plan process and as a result, narrower driveways have been requested.

Councillor Eve Adams acknowledged resident concerns with respect to maintaining property values. She mentioned that the townhomes will provide greater square footage and ultimately result in a higher value. Councillor Adams noted the possibility for existing residents to purchase the proposed townhomes when downsizing. She was complimentary about the architectural renderings provided for the townhouses.

A verbal motion moved by Mayor Hazel McCallion to approve the recommendations as outlined in the Corporate Reports both dated November 11, 2008 from the Commissioner of Planning and Building with respect to the Official Plan Amendment and Rezoning Applications under Files OZ 06/030 W7 and OZ 06/031 W7 for Lot 3, Registered Plan C-24 and for 40 Harborn Road and 29 Premium Way respectively, was voted on and carried.

Staff acknowledged direction to meet with residents prior to the recommendations being adopted by Council.

APPROVED

Recommendation PDC-0090-2008 (Mayor Hazel McCallion)

OZ 06/031 W7

ADJOURNMENT @ 10:30 p.m.

REPORT 17 - 2008

TO: THE MAYOR & MEMBERS OF COUNCIL

The Planning and Development Committee presents its seventeenth report of 2008 and recommends:

PDC-0083-2008

1. That the report titled "Proposed Zoning By-law Amendments - Definitions of Lodging House and Lodging Unit" dated November 11, 2008 from the Commissioner of Planning and Building be received for information.
2. That the letters dated November 30, 2008 from Douglas Fisher and Kathryn Stewart, and November 26, 2008 from John McGlone, President of Mississauga Oakridge Residents Association, with respect to Proposed Zoning By-law Amendments – Definitions of Lodging House and Lodging Unit, be received for information.

CD.06.HOU

PDC-0084-2008

That the report titled "*Mississauga Urban Growth Centre Boundary*" dated November 11, 2008, from the Commissioner of Planning and Building, be received for information.

CD.03.MIS

PDC-0085-2008

That the Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the Removal of the "H" Holding Symbol application, under file H-OZ 08/002 W2, Gemini Urban Design Corp., 943 & 985 Southdown Road, 0, 1998, 2002, 2004, 2008, 2022 & 2030 Lakeshore Road West, and 0, 2003, 2012, 2015, 2021 & 2028-2038 Lushes Avenue be adopted and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage.

H-OZ 08/002 W2

PDC-0086-2008

That the Report dated November 11, 2008 from the Commissioner of Planning and Building regarding the application to change the zoning from "C1-2", (Convenience Commercial - Exception) to "C1-2" amended (Convenience Commercial - Exception, amended) in By-law 0225-2007, to delete the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone, previously permitted under By-law 5500, under file BL.09-COM W3, Rockwest Property Inc., 4100 - 4120 Dixie Road, be received for information.

BL.09-COM W3

PDC-0087-2008

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.
3. That the letter dated November 24, 2008 from Carol Kerr noting her concerns with respect to the Proposed Amendments to By-law 0225-2007 for 1355 Silver Spear Road, be received for information.

OZ 02/002 W3

PDC-0088-2008

1. That the Report dated November 11, 2008, from the Commissioner of Planning and Building regarding the application for a draft plan of subdivision to permit 46 detached dwelling lots and 2 public roads, under file T-M08003 W9, Peel District School Board, Block 84, Registered Plan 43M-1087, be received for information.
2. That the correspondence received from Maureen Waite, Mariusz and Jolanta Niewiarowski, Paul and Janet Methot, Ross MacLeod, Peter Lobo and Roy Kuta noting their concerns with respect to the Draft Plan of Subdivision Application under File T-M08003 W9, be received for information.
3. That the petition dated September 2008 received in opposition to the Draft Plan of Subdivision Application under File T-M08003 W9, be received for information.
4. That 88 form letters received noting concerns with respect to the Draft Plan of Subdivision Application under File T-M08003 W9, be received for information.

T-M08003 W9

PDC-0089-2008

That the Report dated November 26, 2008, from the Commissioner of Planning and Building regarding applications under File OZ 06/030 W7, Berkley Developments, Lot 3, Registered Plan C-24, northeast corner of Harborn Road and Grange Drive, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan from "Residential – Low Density I, Special Site 11" to "Residential – Low Density II, Special Site 11, as amended", be approved.
2. That the application to change the Zoning from "R1-47" (Detached Dwelling) to "R5-Exception" (Detached Dwelling) and "RM5-Exception" (Townhouse Dwelling) to permit one (1) detached dwelling and six (6) street townhouses in accordance with the proposed concept plan and zoning details described in Appendix A-1 and A-2, be approved.

OZ 06/030 W7

PDC-0090-2008

That the Report dated November 11, 2008, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 06/031 W7, Berkley Developments, 40 Harborn Road and 29 Premium Way, southwest corner of Harborn Road and Premium Way, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan from "Residential – Low Density I, Special Site 11" to "Residential – Low Density II, Special Site 11, as amended" to permit four (4) detached dwellings and seven (7) street townhouse dwellings be approved.
2. That the application to change the Zoning from "R1-7" (Detached Dwelling) to "R5-Exception" (Detached Dwelling) and "RM5-Exception" (Street Townhouse) to permit four (4) detached dwellings and seven (7) street townhouse dwellings in accordance with the proposed zoning standards described in Appendix S-7, be approved subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
 - (b) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards not apply to the subject lands.
 - (c) That CPD Recommendation 121-91, as approved by Council Resolution 160-91, pertaining to the requirement of 3.25 parking spaces per dwelling unit for all dwellings on lots less than 12 m (39.4 ft.) of frontage shall not apply, and that a parking requirement of three parking spaces per unit shall apply with no on-street parking requirement.
3. That notwithstanding the zoning provisions within Appendix S-7, additional exceptions be applied to the "RM5-Exception" (Street Townhouse) zone to limit the maximum garage door width of 3.0 m (9.8 ft.) and the maximum driveway width to 3.75 m (12.3 ft.), with the

exception of the hammerhead portion of the driveway.

6. That an "H" Holding Provision (H-R5-Exception and H-RM5-Exception) be placed on that portion of the municipally owned Premium Way right-of-way shown as part of this development proposal restricting development until an Agreement of Purchase and Sale is entered into with the City of Mississauga for the acquisition of these lands.
5. 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.

OZ 06/031 W7