



**NOTICE OF PASSING OF
AN OFFICIAL PLAN AMENDMENT AND A ZONING BY-LAW**

DATE OF NOTICE	April 11, 2024	
OPA NUMBER	OPA 171 (By-law 0053-2024)	
ZONING BY-LAW NUMBER	0054-2024	
DATE PASSED BY COUNCIL	April 03, 2024	
LAST DATE TO FILE APPEAL	May 01, 2024	
FILE NUMBER	OZ 14-001	Ward 3
APPLICANT	Weston Consulting	
PROPERTY LOCATION	Northeast corner of Burnhamthorpe Road East and Tomken Road. The subject lands are located in the Rathwood Neighbourhood Character Area, as identified in Mississauga Official Plan	

TAKE NOTICE that on April 03, 2024 the Council of the Corporation of the City of Mississauga passed the above noted Official Plan Amendment OPA 171 and Zoning By-law, under Section 17 or 21 of the Planning Act, R.S.O., 1990, c.P.13, as amended. Council has considered the written and oral submissions from the public on this matter.

THE PURPOSE AND EFFECT of the Official Plan Amendment is to change the land use designation of the subject lands from Motor Vehicle Commercial to Residential High Density.

The purpose of the Zoning By-law is to permit a six storey apartment building. This by-law amends the zoning of the property outlined on the attached Schedule "A" from C5-3 (Motor Vehicle Commercial – Exception) to "H-RA2-66 (Apartments – Exception with a Holding Provision). A description of the lands to which the By-law applies and/or a key map showing the location of the lands to which the By-law applies are attached.

The Zoning By-law shall not come into force until Mississauga Official Plan Amendment Number 171 is in full force and effect.

The proposed official plan amendment is exempt from approval by the Regional Municipality of Peel. The decision of Council is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

IF YOU WISH TO APPEAL to the Ontario Land Tribunal, a copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/>. An appeal may be filed in person, by email: city.clerk@mississauga.ca, by registered mail or courier addressed to the Clerk of the City of Mississauga, Attention: Diana Rusnov, 300 City Centre Drive, 2nd Floor, Mississauga, Ontario L5B 3C1 no later than **May 01, 2024** **An appeal received by email will be accepted once the appeal fees are received.**

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the official plan amendment and/or by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the City of Mississauga Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

The Notice of Appeal must:

- 1) set out reasons for the appeal;
- 2) be accompanied by the fee prescribed under the *Ontario Land Tribunal Act* in the amount of \$1,100.00 per application, payable by certified cheque or money order to the Minister of Finance. A copy of the Ontario Land Tribunal Fee Schedule may be found at <https://olt.gov.on.ca/appeals-process/fee-chart/>
- 3) be accompanied by a fee in the amount of \$319.30 per application, payable to the City of Mississauga.

MORE INFORMATION: A copy of the Official Plan Amendment and Zoning By-law in their entirety can be found at www.mississauga.ca/portal/cityhall/publicnotices or from Jaspreet Sidhu of the City of Mississauga, Planning and Building Department at (905) 615-3200 X 5061

Sacha Smith,
Manager/Deputy Clerk
Secretariat and Access & Privacy
300 City Centre Drive, Mississauga ON L5B 3C1



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0054-2024

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law which includes a holding provision;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

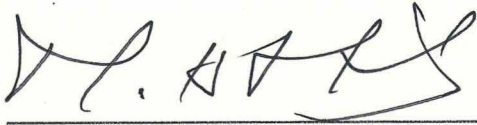
4.15.3.66	Exception: RA2-66	Map # 27	By-law:
In a RA2-66 zone the permitted uses and applicable regulations shall be as specified for a RA2 zone except that the following uses/regulations shall apply:			
Regulations			
4.15.3.66.1	Maximum floor space index - apartment zone	1.8	
4.15.3.66.2	Maximum height	20.0 m and 6 storeys	
4.15.3.66.3	Notwithstanding any other provisions of this By-law, the calculation of height for apartment, long-term care and retirement buildings , shall be exclusive of an enclosed rooftop amenity area , mechanical penthouse or architectural appurtenances such as mechanical equipment, elevator machine rooms, telecommunication equipment and enclosures, parapets , turrets, cupolas and elevator and stair enclosures, located on the roof of a dwelling provided that the maximum height of such elements is no higher than 4.8 m above the height limit otherwise applicable		
4.15.3.66.4	The lot line abutting Burnhamthorpe Road East shall be deemed to be the front lot line		
4.15.3.66.5	Minimum front yard on the first storey	2.0 m	
4.15.3.66.6	Minimum front yard for that portion of the dwelling with a height greater than the first storey	0.0 m	
4.15.3.66.7	Minimum exterior side yard	4.5 m	
4.15.3.66.8	Minimum interior side yard	7.5 m	
4.15.3.66.9	Minimum setback to a sight triangle	0.9 m	

4.15.3.66	Exception: RA2-66	Map # 27	By-law:
4.15.3.66.10	Maximum encroachment of a balcony located above the first storey , sunroom, window, chimney , pilaster, cornice, balustrade or roof eaves into a required yard		0.0 m
4.15.3.66.11	Notwithstanding Sentence 4.15.3.66.10 of this Exception, maximum encroachment of a balcony located above the first storey into a required interior side yard		1.5 m
4.15.3.66.12	Maximum projection of a balcony located above the first storey measured from the outermost face or faces of the building from which the balcony projects		0.0 m
4.15.3.66.13	Notwithstanding Sentence 4.15.3.66.12 of this Exception, maximum projection of a balcony located above the first storey measured from the outermost face or faces of the building from which the balcony projects		2.3 m
4.15.3.66.14	Minimum depth of a landscaped buffer abutting a front lot line		2.0 m
4.15.3.66.15	Minimum depth of a landscaped buffer abutting an exterior side lot line		3.0 m
4.15.3.66.16	Minimum depth of a landscaped buffer abutting an interior side lot line		2.8 m
4.15.3.66.17	Minimum amenity area		4.4 m ² per dwelling unit
4.15.3.66.18	Minimum percentage of total required amenity area to be provided in one contiguous area		39%
Holding Provision			
The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA2-66 by further amendment to Map 27 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements: (1) delivery of an executed Development Agreement in a form and on terms satisfactory to The Corporation of the City of Mississauga ("City"); (2) delivery of a filed Record of Site Condition (RSC) with the Ministry of Environment, Conservation and Parks, together with updated Environmental Site Assessment (ESA) reports including Letters of Reliance to the satisfaction of City's Transportation and Works Department; (3) delivery of a signed letter by a qualified professional regarding the suitability of fill materials and decommissioning of above ground storage tanks, oil-water separator and wells to the satisfaction of City's Transportation and Works Department; (4) submission of an updated Functional Servicing Report (FSR), a revised Grading Plan, dedication of a sight triangle at the northeast corner of Burnhamthorpe Road East, and a road widening dedication along Burnhamthorpe Road East be provided to the satisfaction of City's Transportation and Works Department; (5) delivery of a Waste Management Plan satisfactory to the City.			

2. Map Number 27 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "C5-3" to "H-RA2-66", the zoning of Part of Lot 8, Concession 2, North of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA2-66" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "H-RA2-66" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 171 is in full force and effect.

ENACTED and PASSED this 3rd day of April, 2024.

Approved by Legal Services City Solicitor City of Mississauga
MEM
Michal E. Minkowski
Date: March 25, 2024
File: OZ 14/001 W3

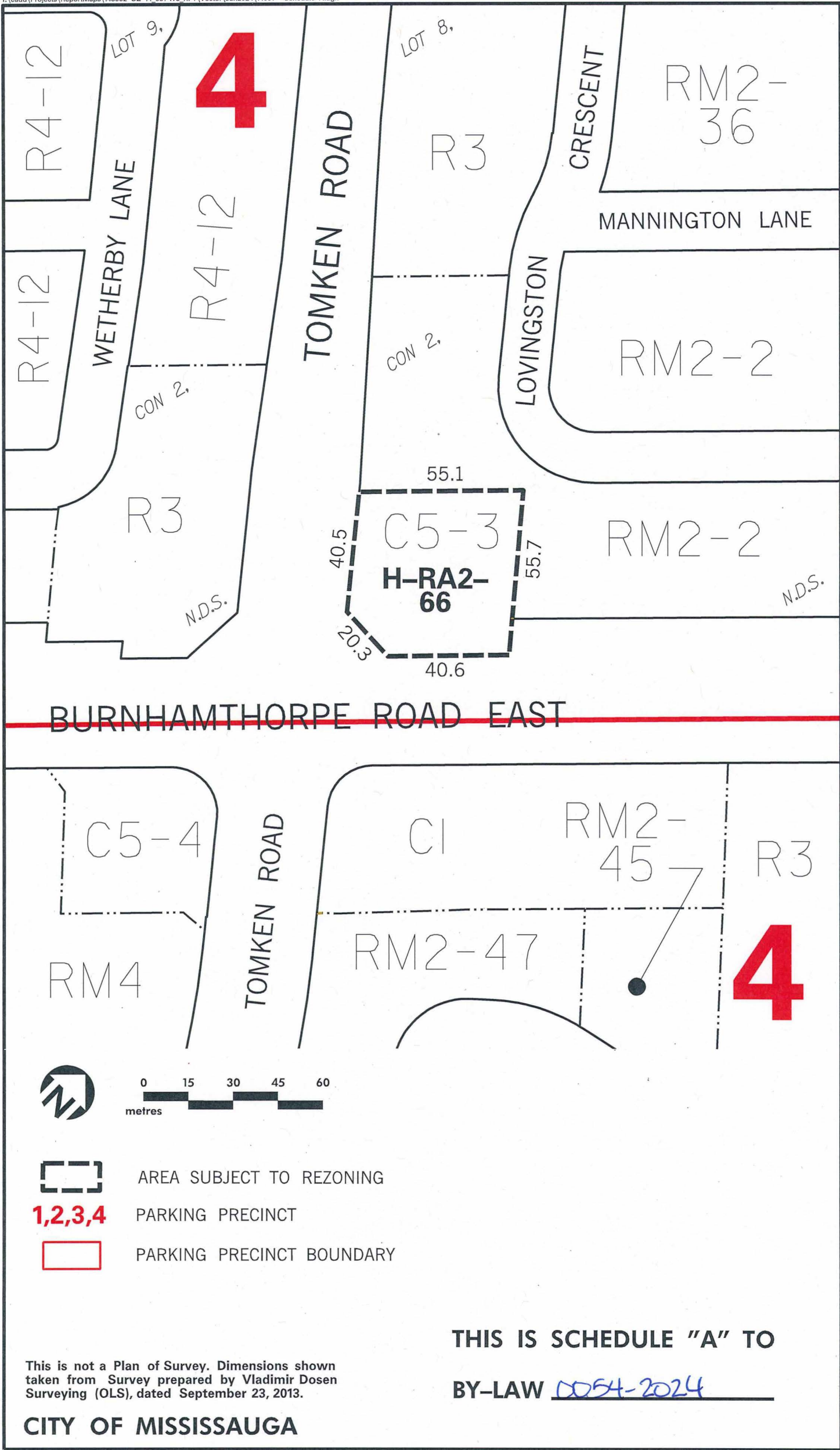


MAYOR

ACTING



CLERK



APPENDIX "A" TO BY-LAW NUMBER 0054-2024

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to permit a six storey apartment building.

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "C5-3" (Motor Vehicle Commercial - Exception) to "H-RA2-66" (Apartments - Exception with a Holding Provision).

"C5-3" permits a gas bar, motor vehicle service station and, motor vehicle repair facility - restricted.

Upon removal of the H provision, the "RA2-66" will permit a six storey apartment building with a maximum height of 20.0 m and floor space index of 1.8. Additional changes to regulations include reduced yard setbacks, amenity areas, balcony projections, landscaped buffers and increased mechanical area height.

Location of Lands Affected

Northeast corner of Burnhamthorpe Road East and Tomken Road, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

Further information regarding this By-law may be obtained from Jaspreet Sidhu of the City Planning and Building Department at 905-615-3200 ext. 5061.

[http://teamsites.mississauga.ca/sites/18/Bylaws/OZ 14 001 W3.by-law.js.jmcc.docx](http://teamsites.mississauga.ca/sites/18/Bylaws/OZ%2014%2001%20W3.by-law.js.jmcc.docx)



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0023-2024

A by-law to Adopt Mississauga Official Plan Amendment No. 171

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel, ("Region" or "Regional"), an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 171, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

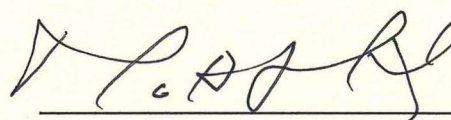
AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding a land use designation change from Motor Vehicle Commercial to Residential High Density within the Rathwood Neighbourhood Character Area;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. The document attached hereto, constituting Amendment No. 171 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 3rd day of April, 2024.

Approved by Legal Services City Solicitor City of Mississauga
MEM
Michal E. Minkowski
Date: March 20, 2024
File: OZ 14/001 W3



ACTING MAYOR



CLERK

Amendment No. 171

to

Mississauga Official Plan

By-law No. 0053-2024

A by-law to Adopt Mississauga Official Plan Amendment No. 171

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

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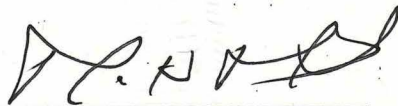
AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 171, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

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NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. The document attached hereto, constituting Amendment No. 171 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 3rd day of April, 2024.

Signed 

ACTING

MAYOR

Signed 

CLERK

Amendment No. 171
to
Mississauga Official Plan

The following text and Map "A" attached constitute Amendment No. 171.

Also attached but not constituting part of the Amendment are Appendices I and II.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated December 20, 2023, pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to change the land use designation of the subject lands from Motor Vehicle Commercial to Residential High Density.

LOCATION

The lands affected by this Amendment are located on the northeast corner of Burnhamthorpe Road East and Tomken Road. The subject lands are located in the Rathwood Neighbourhood Character Area, as identified in Mississauga Official Plan.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

The subject lands are designated Motor Vehicle Commercial which permits gas bar, motor vehicle repair, motor vehicle service station, motor vehicle wash, and retail stores and take-out restaurants permitted accessory to Motor Vehicle Commercial uses.

An Official Plan Amendment is required to change the land use designation of the subject lands from Motor Vehicle Commercial to Residential High Density to permit a six storey apartment dwelling.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal represents an appropriate form of development that enhances an underutilized motor vehicle commercial site in an existing neighbourhood.
2. The proposal introduces a gentle form of intensification and has been designed to be compatible with and sensitive to the surrounding area.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Motor Vehicle Commercial to Residential High Density as shown on Map "A" of this Amendment.

IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

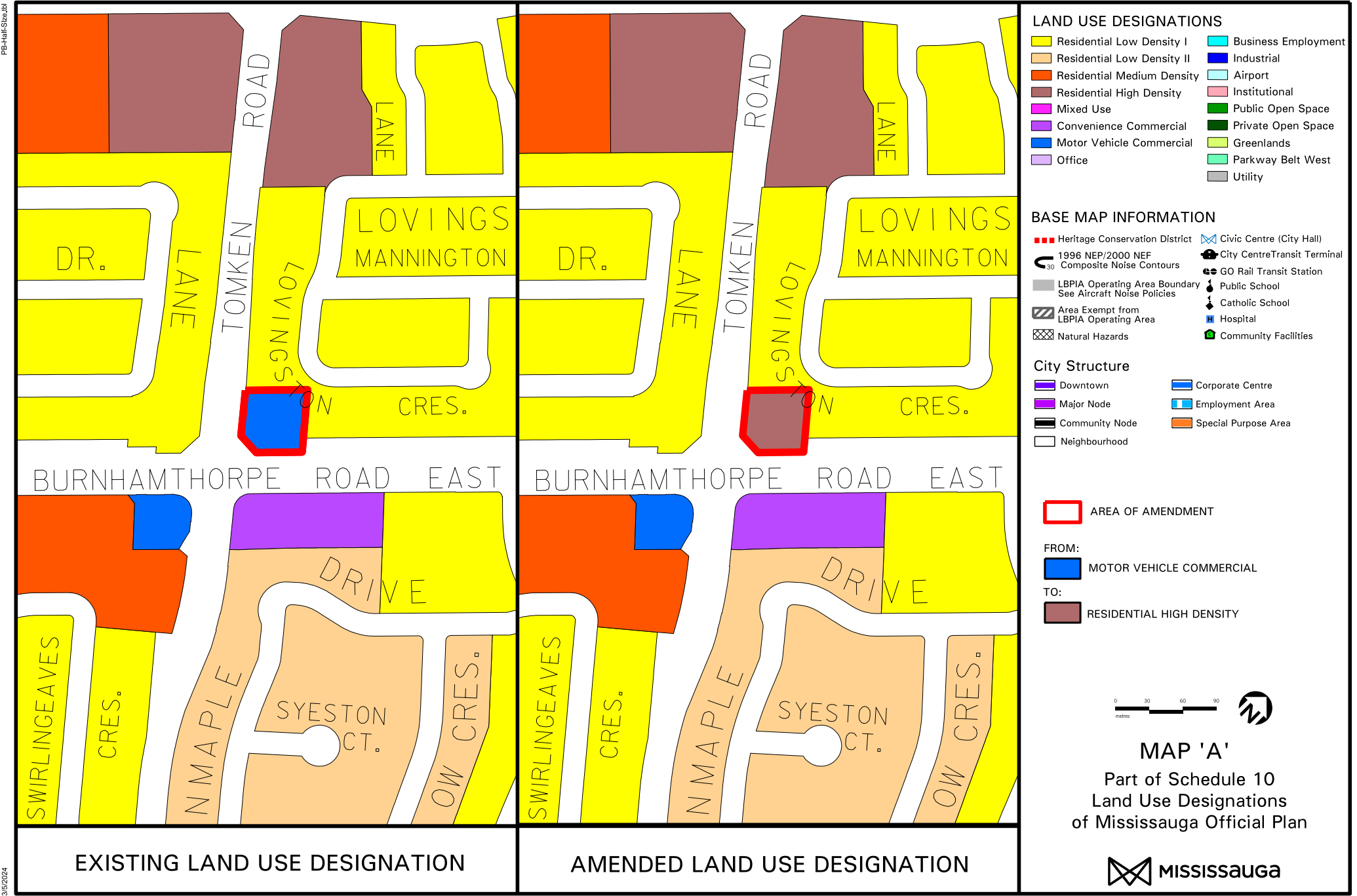
The lands will be rezoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated July 27, 2023.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.



APPENDIX I

PUBLIC MEETINGS

All property owners within a radius of 120 m of the subject lands were invited to attend Public Meetings of the Planning and Development Committee held on March 3, 2015, June 27, 2016 and September 8, 2020 in connection with this proposed Amendment.

Comments from the public were generally directed towards the height of the apartment dwelling, increased traffic and the access from Tomken Road, flooding concerns, pressure to local infrastructure and services, and if sufficient amenity could be provided. These concerns have been addressed in the Planning and Building Department report dated December 20, 2023 attached to this Amendment at Appendix II.

City of Mississauga Corporate Report



Date: December 20, 2023 To: Chair and Members of Planning and Development Committee From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Originator's file: OZ 14/001 W3
	Meeting date: January 8, 2024

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 3)

Official Plan Amendment and Rezoning applications to permit a 6 storey apartment building with ground floor commercial uses

971 Burnhamthorpe Road East, northeast corner of Burnhamthorpe Road East and Tomken Road

Owner: Reza Tahmasebi

File: OZ 14/001 W3

Pre-Bill 109

Recommendation

1. That Council approved resolution PDC-0059-2016 for 971 Burnhamthorpe Road East, under File OZ 14/001 W3, be reinstated.
2. That notwithstanding Council's approval of the applications to amend the Official Plan and Zoning By-law for 971 Burnhamthorpe Road East, under File OZ 14/001 W3, in accordance with the provisions contained in the staff report dated June 7, 2016 from the Commissioner of Planning and Building, that Council direct the Planning and Building Department to apply an "H" holding provision to the proposed **C4-Exception** (Mainstreet Commercial) zoning applicable to the subject lands.
3. That the "H" holding provision be removed from the **H-C4-Exception** (Mainstreet Commercial) zoning applicable to the subject lands, by further amendment upon confirmation from applicable agencies and City Departments that matters as outlined in the staff report dated December 20, 2023, from the Commissioner of Planning and Building have been satisfactorily addressed.

4. That City Council direct the applicant to satisfy all requirements of the City and any other external agency concerned with the development.

Executive Summary

- Applications to permit a six storey apartment building with 52 residential units and commercial uses on the ground floor were approved by Council on July 6, 2016 and again on September 16, 2020.
- The implementing official plan amendment and zoning by-law amendment were not passed within 18 months of either Council's decisions.
- The landowner has requested that an "H" holding provision be applied to the property to address any outstanding conditions of approval, which staff support.
- The prospective purchaser of the property has requested to amend the applications by eliminating the non-residential components from the development, which is not supported by staff.

Background

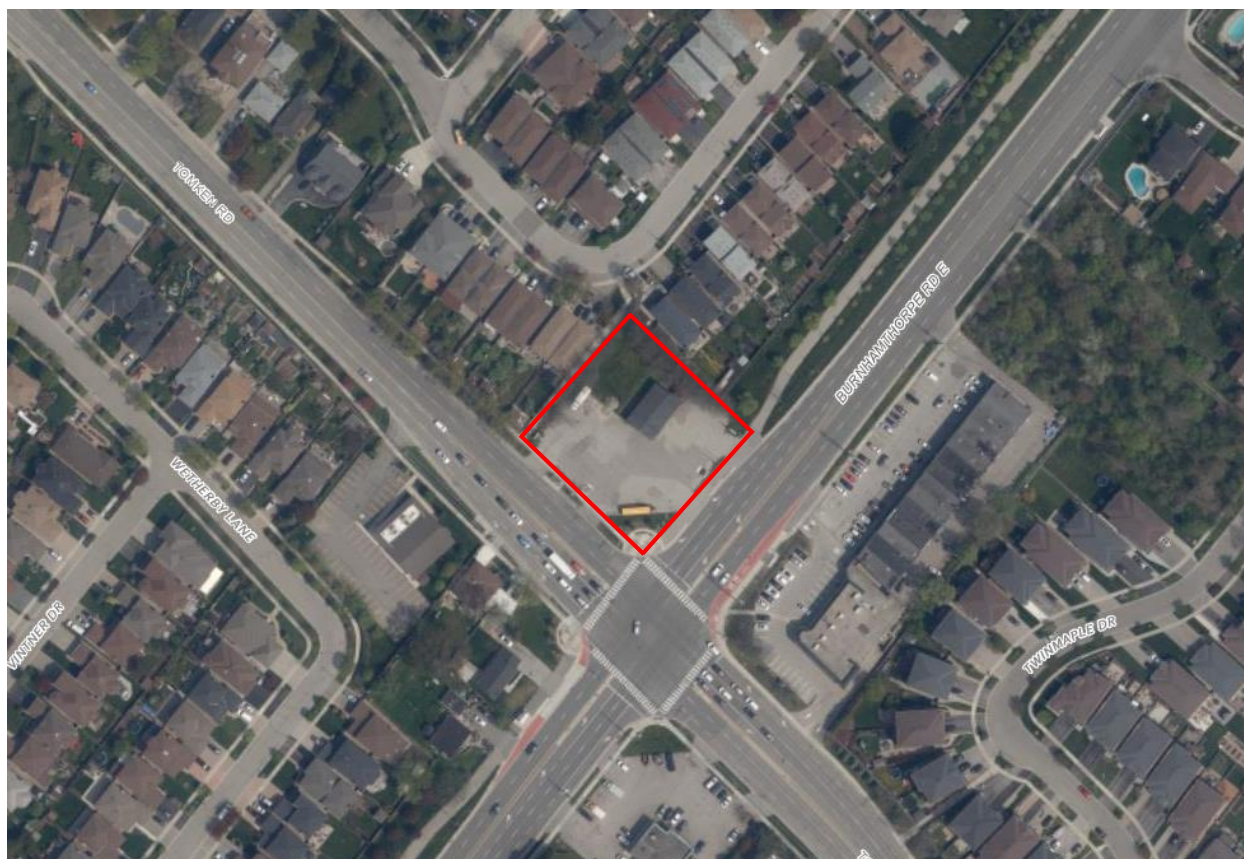
On June 27, 2016 a Recommendation Report

(https://www7.mississauga.ca/documents/committees/pdc/2016/06_27_2016_PDC_Minutes_Evening_session.pdf) was brought forward for consideration to the Planning and Development Committee (see Appendix 1). Recommendation PDC-0059-2016 was then adopted by Council on July 06, 2016. The applications were to change the land use designation from **Motor Vehicle Commercial** to **Mixed Use – Special Site** in the Official Plan and to change the zoning from **C5-3** (Motor Vehicle Commercial) to **C4-Exception** (Mainstreet Commercial) to permit a terraced three to six storey, mixed use building with commercial units on the ground floor. The applicant was not able to clear the outstanding conditions necessary for the passage of the implementing Official Plan Amendment and Zoning By-law.

A second public meeting was then held by the Planning and Development Committee on September 8, 2020 at which time a Supplementary Recommendation Report

(<https://pub-mississauga.escribemeetings.com/filestream.ashx?DocumentId=4282>) was brought forward for consideration (see Appendix 2). Recommendation PDC-0031-2020 which was then adopted by Council on September 16, 2020. Once again, the applicant was not able to clear the outstanding conditions necessary for the passage of implementing Official Plan Amendment and Zoning By-law.

Serena Homes has recently entered into an offer of purchase and sale with the current owner and have expressed their desire to advance the previous approvals, with amendments.



Aerial Image of 971 Burnhamthorpe Road East

Comments

Planning and Building staff continue to support the proposed 6 storey apartment building with ground floor commercial uses on the subject property. Although the extensions to the sunset clause has lapsed, the owner remains committed to having the project proceed and having the implementing official plan amendment and zoning by-law approved.

PLANNING ANALYSIS AND ZONING

The 2016 Recommendation Report contained in Appendix 1 and the Supplementary Recommendation Report contained in Appendix 2 include extensive analysis of the appropriateness of the proposed development relative to the applicable policy framework at the time those reports were written.

Despite updates to the Provincial Policy Statement (PPS) and Growth Plan since the approval of these applications, Mississauga Official Plan remains generally consistent with the current PPS and conforms to the Growth Plan and Region of Peel Official Plan. The proposed development respects the policies of Mississauga Official Plan, in that it represents intensification of an underutilized site, is located on a Corridor with existing transit service and contributes to the provision of housing within a Neighbourhood that benefits from existing community services and infrastructure.

The proposed **C4-Exception** (Mainstreet Commercial) zone standards noted in the Recommendation Report dated June 7, 2016, remain appropriate and are consistent with the **Mixed Use – Special Site** Official Plan designation approved by Council for the site.

Staff recommend that the approval of the official plan amendment and rezoning applications be upheld.

‘H’ HOLDING PROVISION

Since 2016, planning staff more commonly approve development applications with “H” holding provisions to capture outstanding conditions. Applying the “H” holding provision to the zoning allows the landowner to secure the land use permissions for the proposed development but does not allow them to obtain site plan approval or a building permit until such time that the “H” conditions have been satisfied and an amending by-law is enacted. This is beneficial to the landowner as it allows them to secure project financing while they resolve the outstanding “H” conditions. It is also beneficial to the City as the implementing by-law can be enacted shortly after Council approval of the applications rather than waiting until outstanding conditions are satisfied and risk exceeding the 18 month sunset clause.

Given the owner’s challenges in securing investment partners and more recently, difficulties in selling the property as a result of current real estate market conditions, the owner has been unable to satisfy the outstanding conditions, preventing the approval of the implementing official plan amendment and zoning by-law amendment documents. As such, staff are recommending that an “H” holding provisions be placed on the implementing zoning by-law. This will implement Council’s approval of the proposed official plan amendment and zoning by-law. Outstanding conditions will then need to be resolved prior to the Commissioner of Planning and Building authorizing a by-law to remove the “H” holding provision from the subject lands.

The “H” Holding Provision to be applied to the zoning would be lifted upon satisfaction of the following requirements:

- Receipt of an executed Development Agreement to the satisfaction of the City
- Completed Record of Site condition to the satisfaction of the Transportation and Works Department
- Forestry Streetscape fees paid to the satisfaction of the Forestry Department

- Updated engineering plans, reports and supporting documents to be provided to the satisfaction of Transportation and Works Department
- Updated Phase I Environmental Site Assessment to the satisfaction of Transportation and Works Department
- Completed Waste Management Plan to the satisfaction of the Region of Peel
- Updated Functional Servicing Report to the satisfaction of the Region of Peel

In addition to requiring an “H” holding provision removal application, a site plan application will also be required for the proposed development.

Bonus Zoning

As indicated in the 2016 Recommendation Report, the approval was subject to Corporate Policy and Procedure 07-03-01 - Bonus Zoning, which directed staff to secure Section 37 community benefits in exchange for increased building height and density. However, since the implementing by-law was never passed and the City's Community Benefits Charge (CBC) has come into effect, a Section 37 contribution can no longer be pursued and the development will, therefore, be subject to the CBC.

As the subject proposal is more than five storeys and contains 10 or more residential units in total, the CBC will be applicable and will be payable at the time of first building permit.

PROPOSED AMENDMENTS TO ORIGINAL APPROVALS

Serena Homes, the prospective purchaser, has advised staff of their desire to eliminate the non-residential floor area on the ground floor and to construct a six storey residential only building (Appendix 3).

Staff does not support the request to eliminate non-residential floor area as it would deviate from Council's previous approvals, which intended to facilitate a mixed-use development. The approval of the proposal was grounded in the appropriateness of a mixed-use building that intensified an underutilized motor vehicle commercial property on Burnhamthorpe Road East, a designated Corridor in Mississauga Official Plan. Altering the proposal to be exclusively residential would conflict with the intent of the **Mixed Use** designation and contravene Official Plan policies.

COMMUNITY ENGAGEMENT

A community meeting was held by Ward 3 Councillor, Chris Fonseca, on November 25, 2014. Notice signs were placed on the subject lands advising of the proposed official plan and zoning change. All property owners within 120 m (393 ft.) were notified of the applications.

Since the community meeting, three public meetings have been held for the proposed development on March 3, 2015, August 14, 2020 and January 8, 2024. All property owners within 120 m (393 ft.) were notified of these meetings.

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

In summary, Council's 2016 approval should be upheld, as the proposal represents an appropriate form of development that enhances an underutilized motor vehicle commercial site in an existing Neighbourhood. Planning staff's recommendation to apply an "H" holding provision enables the existing and/or new landowner to secure the necessary land use permissions while addressing outstanding technical conditions. This approach is in keeping with Planning and Building's current procedures and will allow the landowner to implement Council's approvals in the Zoning By-law to facilitate the sale of the property.

Attachments

- Appendix 1: Recommendation Report dated June 7, 2016
(Includes Information Report dated March 3, 2015)
- Appendix 2: Supplementary Recommendation Report dated August 14, 2020
- Appendix 3: Conceptual Site Plan – Residential only building



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

Prepared by: Jaspreet Sidhu, Development Planner

City of Mississauga

Corporate Report



Date: June 7, 2016

To: Chair and Members of Planning and Development Committee

From: Edward R. Sajecki, Commissioner of Planning and Building

Originator's file:
OZ 14/001 W3

Meeting date:
2016/06/27

Subject

RECOMMENDATION REPORT (WARD 3)

Applications to permit a terraced three to six storey mixed use building with 52 residential units and commercial uses on the ground floor

971 Burnhamthorpe Road East

Northeast corner of Burnhamthorpe Road East and Tomken Road

Owner: Reza Tahmesbi

File: OZ 14/001 W3

Recommendation

That the report dated June 7 2016, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 14/001 W3, Reza Tahmesbi, 971 Burnhamthorpe Road East, northeast corner of Burnhamthorpe Road East and Tomken Road, be adopted in accordance with the following:

1. That the application to amend Mississauga Official Plan from **Motor Vehicle Commercial** to **Mixed Use – Special Site** to permit a terraced three to six storey, mixed use building with commercial units on the ground floor be approved.
2. That the application to change the zoning from **C5-3 (Motor Vehicle Commercial)** to **C4-Exception (Mainstreet Commercial)** to permit a terraced three to six storey, mixed use building with 52 residential units and ground floor commercial units in accordance with the proposed revised zoning standards described in Appendix 4 of this report, be approved subject to the following conditions:
 - a) That the applicant agree to satisfy all the requirements of the City and any other external 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.

3. In the event these applications are approved by Council, that staff be directed to hold discussions with the applicant to secure community benefits, in accordance with Section 37 of the *Planning Act* and the Corporate Policy and Procedure on Bonus Zoning, and to return to Council with a Section 37 report outlining the recommended community benefits upon conclusion of the discussions.
4. 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.

Report Highlights

- Comments were received from the public regarding traffic, height and density, impact on the surrounding neighbourhood and servicing;
- Staff are satisfied with the changes to the proposal and find it to be acceptable from a planning standpoint, and recommend that the applications be approved.

Background

A public meeting was held by the Planning and Development Committee on March 3, 2015, at which time an Information Report (Appendix 1) was received for information. Recommendation PDC-0018-2015 was then adopted by Council on April 1, 2015.

That the Report dated March 3, 2015 from the Commissioner of Planning and Building regarding the applications by Reza Tahmesbi to permit a six storey, mixed use building with 56 residential units and commercial uses on the ground floor under File OZ 14/001 W3, at 971 Burnhamthorpe Road East, be received for information.

Given the amount of time since the public meeting, full notification was provided in accordance with the *Planning Act*.

Comments

REVISED DEVELOPMENT PROPOSAL

The applicant has made modifications to the proposed concept plan including:

- Decreasing the number of apartment units from 56 to 52
- Decreasing the total gross floor area and slightly increasing the gross commercial floor area
- Reconfiguring the outdoor amenity space and adding a communal outdoor terrace
- Redesigning the building and site plan to reduce shadow impacts

COMMUNITY COMMENTS

The community comments below were identified by residents through written correspondence, at a community meeting held by Ward 3 Councillor Chris Fonseca on November 24, 2014 and at the public meeting held by the Planning and Development Committee on March 3, 2015. The applicant has made revisions to the proposal to address issues raised at the Public Meeting, including reconfiguring the building layout and amenity space and reducing the unit count.

Comment

The proposed height, scale and density does not fit in with the character of the area, especially with the detached and semi-detached houses to the north and east. The shadowing and overlook from the building will impact the surrounding houses.

Response

The development provides an appropriate transition in built form to the surrounding low rise residential area to the north and east of the site. The setbacks and stepbacks allow for adequate separation, minimize overlook and allow for light penetration. The landscape buffer along the north and east property lines will support the growth of new and existing trees to screen the building. A sun/shadow study was submitted which shows no significant impacts on the adjacent properties.

This concern is further addressed in the Planning Comments section of this report.

Comment

The site is adjacent to a low density residential neighbourhood so the level of intensification is inappropriate.

Response

This concern is addressed in the Planning Comments section of this report.

Comment

If approved, the project will create a precedent for development at major intersections along Burnhamthorpe Road East.

Response

Similar development on vacant corners or motor vehicle commercial sites would require planning applications and would involve a public process. Each development application is reviewed on its own merits, which include demonstrating compatibility with the area context, conforming with official plan policies, providing supporting technical information and illustrating principles of good planning and design. The Mississauga Official Plan policies envision the redevelopment of underutilized commercial sites along corridors such as Burnhamthorpe Road to mixed use sites.

Comment

The additional population will add pressure to local infrastructure and services.

Response

Studies and reports evaluating the impact of the development on local infrastructure and services have been submitted in support of the applications and have been found to be acceptable. A further review of capacity for a larger area within Ward 3 was recently undertaken by the Region and the City in support of another development application in the area. The study found that the roads, water, sewer and parks infrastructure are adequate to accommodate additional future population.

Comment

The development may cause additional flooding on the site and surrounding lands.

Response

Transportation and Works Department staff have no objection to the proposed development based on the revised Functional Servicing Report (FSR) and as per the City's requirements, there will be no increase in flows to the existing storm infrastructure as a result of the proposed development. During the processing of the site plan application, staff will identify additional storm water management techniques through the site drainage and landscape design.

Comment

The added traffic and parking demand will not be acceptable and the entrance to the site will cause delays and safety concerns on Tomken Road.

Response

Transportation and Works Department staff reviewed the Traffic Impact Study submitted with the applications and found it to be acceptable. As the project is small in scale, it will not result in a large volume of traffic. In response to concerns, Transportation and Works Department staff undertook a further review of site and traffic conditions in September 2015 and confirmed that the completed traffic counts are acceptable and the proposed full-moves access on Tomken Road should operate safely. To improve the inbound and outbound left turning movements for the subject development, road improvements will be incorporated, including line painting and the shifting of a curb on the west side of Tomken Road.

As part of the development, Bus Stop 1576 is proposed to be relocated to the southeast corner of Burnhamthorpe Road East and Tomken Road to improve transit operations and passenger connectivity. This will also ensure that there are no sight line concerns with transit vehicles since they will not stop near the site access.

The proposed parking meets the City's zoning by-law requirements and all parking spaces are proposed to be underground. Bike parking spaces are also provided in keeping with the City's

requirements. Uses that require a high amount of parking such as medical offices will not be permitted.

Comment

The proposed amenity areas on-site are not sufficient.

Response

An outdoor amenity area is provided on the east side of the building and a communal outdoor terrace on the top floor, as well as indoor amenity space. Staff are satisfied with the proposed provision of amenity space, and details of the spaces will be reviewed as part of the site plan approval process. The Burnhamthorpe Trail is located at the front of the site. Residents will have direct access to this multi-use, paved trail which runs from the eastern boundary of the City to Erin Mills Parkway and connects with other trails and bike routes. The land dedication along Burnhamthorpe Road East will provide enhanced streetscaping that residents can access as an additional amenity. The streetscape will consist of sodded areas, site furnishings and plantings. An existing seating area which is part of the Burnhamthorpe Trail system is located at the corner of Burnhamthorpe Road East and Tomken Road. It will be connected directly to the building by a walkway that leads through the newly enhanced landscaping and will provide a pedestrian link from the building to the corner traffic lights.

Comment

The area does not need more commercial uses.

Response

Mississauga Official Plan states that retail uses will be encouraged to develop in combination with residential and office uses. In order to create a complete community, the City encourages compact, mixed use development. The property is an existing motor vehicle commercial site. The official plan discourages intensification proposals that result in a significant loss of commercial floor space.

UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

Region of Peel

Comments updated April 11, 2016 state that adequate capacity has been confirmed for water and waste water services for the proposed development. Should the applications be approved, a revised Functional Servicing Report is required to correct minor technical details. Waste removal details will be reviewed as part of site plan approval.

City Community Services Department

Comments updated April 19, 2016, state that future residents of the development will receive park service at Allison's Park (P-230), which is located approximately 700 m (2,296 ft.) from the site and contains a play site and a senior unlit soccer field.

Prior to by-law enactment, cash contributions for street tree planting will be required for Tomken Road and upgraded streetscape on Burnhamthorpe Road East will be secured through a Servicing Agreement for Municipal Works. Furthermore, prior to the issuance of building permits for each lot or block, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the *Planning Act* and in accordance with the City's Policies and By-laws.

City Transportation and Works Department

Comments updated February 18, 2016, state that in the event these applications are approved by Council and prior to enactment of the Zoning By-law, the applicant will be required to:

- Enter into a Servicing Agreement for Municipal Works for the construction of the required municipal works, land dedications (11.28 m (37 ft.)) towards the completion of the Burnhamthorpe Road East right of way) and easements
- Enter into a Development Agreement
- Submit a final clean-up report and submission of a complete Record of Site Condition (RSC) to meet the Ministry of Environment and Climate Change standards to ensure any contaminants from current and previous uses have been addressed
- Provide updated Grading, Servicing and Site Context Plans
- Confirm the intended tenure of the commercial component

Site specific details are to be addressed through the Site Plan review and approval process.

PLANNING COMMENTS

Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe

The *Provincial Policy Statement* (PPS) contains the Province's policies concerning land use planning for Ontario. All planning decisions are required to be consistent with these policies. The PPS encourages intensification of land within urban areas, promotes efficient use of infrastructure and public facilities, and encourages mixed use developments and the support of public transit.

The *Provincial Growth Plan for the Greater Golden Horseshoe* (Growth Plan) directs municipalities to "identify the appropriate type and scale of development in intensification areas". It states that intensification areas will be planned and designed to "achieve an appropriate transition of built form to adjacent areas". The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale. These policies are implemented through Mississauga's Official Plan.

The proposed development adequately takes into account the existing context and provides an appropriate transition of built form to adjacent areas as referenced in the Official Plan section below.

Strategic Plan

The proposal supports two of the Pillars in the Strategic Plan. It addresses the "Connect" Pillar by contributing to a walkable, mixed-use neighbourhood and enhancing the pedestrian environment around the corner and around the site. It also addresses the "Move" Pillar as it results by directing growth along a Corridor that is served by transit routes and the Multi-Use Trail.

Official Plan

The proposal requires an amendment to the Mississauga Official Plan policies for the Rathwood Neighbourhood Character Area from **Motor Vehicle Commercial** to **Mixed Use – Special Site**.

Provincial legislation under the *Planning Act* and the City's official plan allow for site-specific changes in Mississauga Official Plan and the City's Zoning By-law if a proposal meets the test of good planning. This recognizes the fact that appropriate development can include proposals that are outside of the planned land use and built form vision for each property as outlined in the City's planning regulations. After a rigorous review process, this project has been found to represent appropriate redevelopment and therefore the planning permissions for the lands should be changed.

As outlined in the Information Report, Section 19.5.1 of Mississauga Official Plan provides the following criteria for evaluating site specific Official Plan Amendments:

- ***Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands?***
- ***Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?***
- ***Are there adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application?***
- ***Has a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation been provided by the applicant?***

Planning staff have evaluated the criteria against this proposed development. The approval of the applications will not adversely impact the overall goals and objectives of Mississauga Official Plan and is appropriate for the development of the area.

Directing Growth

The proposal meets the intent of the "Direct Growth" policies of the official plan. The subject property is located within the Rathwood Neighbourhood Character Area. In the City Structure policies of the official plan, Neighbourhoods are not identified as the focus for intensification but

the plan allows for modest additional growth and intensification where the proposal is compatible and enhances the surrounding development. The proposed development is an appropriately scaled development that enhances the surrounding context, gradually transitions towards the existing low density neighbourhood and is compatible with existing development.

The policies for non-intensification areas such as Neighbourhoods direct that residential intensification will generally occur through infilling and the development of existing commercial sites as mixed use areas. Where higher density uses are proposed, they should be located along Corridors such as Burnhamthorpe Road. The proposal represents appropriate mixed-use intensification on an existing, underutilized motor vehicle commercial property and would allow for site remediation of a former gas station site. This development would be the first residential intensification project on this section of Burnhamthorpe Road East. Should applications be received for the other corners at this intersection, each would be evaluated on its own merits and would be dependent on site size and relationship to existing surrounding development. The sites located at the other corners of the intersection of Burnhamthorpe Road East and Tomken Road are smaller than the subject site and would not accommodate the same size of building.

While this is a mid-rise intensification project, it provides an opportunity for completing the community by introducing a different form and tenure of housing to those wishing to relocate to, or to remain in the neighbourhood. As well, the ground floor commercial space, not only serves the surrounding local community, but also provides relief along the Burnhamthorpe Trail that traverses this corridor. Providing development at key intersections creates interest and breaks up the monotony of reverse lot frontages, which characterizes the majority of the Burnhamthorpe Road Corridor east of Cawthra Road. In addition, it sets a standard for a built form that respects the surrounding low density neighbourhood by focusing height at the corner of an arterial road and a major collector road and stepping down to the adjacent low rise dwellings.

The Rathwood Neighbourhood includes various housing types such as apartment buildings up to seven storeys along Rathburn Road to the north. Across the City, in Neighbourhoods outside of Nodes and the Downtown, the Floor Space Index (FSI) of apartment sites ranges from 0.05 to 5.26. The proposed FSI of 1.78 fits within this range.

Compatibility with the Neighbourhood

While the project addresses the official plan policies, the fundamental question in evaluating the proposal is "does the proposed building fit in with the community or will it have an adverse impact on the surrounding homes?". While the width of Burnhamthorpe Road can easily accommodate more height, staff analyzed in detail the north and easterly sides of the proposed building adjacent to the existing homes. The official plan specifies a maximum height of four storeys in Neighbourhoods but states that proposals for heights more than four storeys will be considered where it can be demonstrated that an appropriate transition in heights that respects the surrounding context will be achieved.

The building form with its multiple planes and upper storeys that begin to step back above the third and fourth storeys creates a gradual transition in scale toward the 1.5 and 2 storey residential dwellings on the adjoining properties. The building setbacks relative to the north and east property lines combined with the step backs of the upper floors, result in upper storeys that are contained within a 45 degree angular plane relative to the property lines of adjacent low density dwellings. This results in a smaller floor area on the upper storeys: preliminary floor plans show 14 units on the second and third floors, 12 units on the fourth floor, eight units on the fifth floor and four units on the top floor. This building configuration minimizes overlook and maximizes sun exposure to the adjacent low density residential dwellings. The terraced building form and the distance separation it achieves relative to the adjacent homes, meets the performance standards required to achieve an appropriate transition in built form to low rise residential areas. The different heights and step backs are shown and dimensioned on a diagram in Appendix 2, Page 2.

In response to resident concerns, the proposal has been updated to include additional outdoor amenity area and fewer units. City staff also requested that a pedestrian level wind study be completed to ensure that there are no adverse impacts on the surrounding properties, public walkway and sidewalks. Additional traffic analysis was completed and the bus stop will be relocated to the south side of Burnhamthorpe Road East to avoid potential sight line concerns with vehicles entering the development from Tomken Road. As well, the building stepbacks were reconfigured to ensure there would no significant shadow impacts on the adjacent homes.

Building and Site Design

The composition of exterior finishes includes a warm coloured brick that is compatible with the surrounding homes, but is broken up by a combination of glass and white horizontal and vertical surfaces. This, combined with the stepped upper floors introduces some movement to the built form, and lightens the building mass.

The building location and setbacks allow for a 4.5 m (14.8 ft.) wide landscape buffer along the west property line, the north property line and the northern half of the east property line. The landscape buffers along the north and east property lines are unencumbered by the underground parking structure and will therefore have sufficient soil depth to support the growth of new trees to maturity and the preservation of existing trees. The continuous tree canopy will provide some visual relief and create a greater perception of privacy for the adjacent homes. The tree canopy and soft landscaping also provide a buffer for the public walkway next to the north property line. 3D images of the building from various perspectives (including from homes to the north and east of the property) are shown on Appendix 3, Page 8.

Infrastructure

As noted in the comments regarding servicing, an analysis of capacity for the area along Burnhamthorpe Road East indicates that there is sufficient capacity to accommodate the proposal. The development supports the efficient use of infrastructure and is well served by an arterial and a major collector road and transit. The site is served by Burnhamthorpe Routes 26

and 76, which provide access to the Islington subway station and Route 51 along Tomken Road which runs north to connect to the Mississauga Transitway, which is approximately one kilometre (0.62 miles) north of the site.

Summary

The proposed terraced building provides a sensitive transition to surrounding homes and the studies and drawings have been reviewed to ensure that overlook conditions, shadow and wind impacts meet City requirements. The applicant has provided a planning justification report, and staff concur with the conclusion that the applications represent good planning.

The details of the proposed Official Plan Amendment are found in the Information Report (Appendix 1).

Zoning

The proposed **C4-Exception** (Mainstreet Commercial) zone is appropriate to accommodate the requested residential and commercial uses. Appendix 4 contains a summary of the proposed site specific zoning provisions. An exception schedule will specify the locations of the building as well as the maximum heights and minimum setbacks for each floor of the building.

Bonus Zoning

Council adopted Corporate Policy and Procedure 07-03-01 – Bonus Zoning on September 26, 2012. In accordance with Section 37 of the *Planning Act* and policies contained in the Official Plan, this policy enables the City to secure community benefits when increases in permitted height and/or density are deemed to be good planning by Council through the approval of a development application.

Should these applications be approved by Council, the recommendations contained in this report request Council to direct staff to hold discussions with the applicant to secure community benefits and to return to Council with a Section 37 report outlining the recommended community benefits.

Site Plan

Prior to development of the lands, the applicant will be required to obtain site plan approval. No site plan application has been submitted to date for the proposed development.

While the applicant has worked with City departments to address many site plan related issues through the review of the concept plan, further revisions will be needed to address matters such as servicing, amenity space details, noise reduction, stormwater management and architectural details.

Financial Impact

Development charges will be payable in keeping with the requirements of the Development Charges By-law of the City. Also, the financial requirements of any other commenting agency must be met.

Conclusion

The proposed Official Plan Amendment and Rezoning are acceptable from a planning standpoint and should be approved once all conditions have been met, for the following reasons:

1. The proposal for a terraced three to six storey, mixed use building is compatible with the surrounding land uses based on site layout, transition and building design.
2. The proposal is in keeping with the character of the Rathwood Neighbourhood Character
3. Area and the goals and objectives of Mississauga Official Plan. The proposed official plan provisions and zoning standards are appropriate to accommodate the requested uses.

Attachments

Appendix 1: Information Report

Appendix 2: Revised Concept Plan and Concept Plan Showing Heights

Appendix 3: Revised Elevations and Exterior Views

Appendix 4: Revised Zoning Standards



Edward R. Sajecki
Commissioner of Planning and Building

Prepared by: Aiden Stanley, Development Planner

Planning and Development Committee

2016/06/07

12

Originators files: OZ 14/001 W3



Corporate Report

Clerk's Files

6.1

Originator's

Files OZ 14/001 W3

DATE: March 3, 2015

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 23, 2015

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: Applications to permit a 6 storey, mixed use building with 56
residential units and commercial uses on the ground floor
971 Burnhamthorpe Road East
Owner: Reza Tahmesbi

Public Meeting/Information Report

Ward 3

RECOMMENDATION: That the Report dated March 3, 2015 from the Commissioner of Planning and Building regarding the applications by Reza Tahmesbi to permit a 6 storey, mixed use building with 56 residential units and commercial uses on the ground floor under File OZ 14/001 W3, at 971 Burnhamthorpe Road East, be received for information.

**REPORT
HIGHLIGHTS:**

- This report has been prepared for the public meeting of March 23, 2015 to hear from the community;
- The project does not conform with the Motor Vehicle Commercial land use designation and requires an official plan amendment and a rezoning;
- Community concerns identified to date relate to traffic, height and density, impact on the surrounding neighbourhood; and servicing;

- Prior to the next report, matters to be addressed include the review of the site and building layout to ensure compatibility with the surrounding neighbourhood and the resolution of technical requirements.

BACKGROUND:

The applications have been circulated for technical comments and a community meeting has been held. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

COMMENTS:**THE PROPERTY AND THE NEIGHBOURHOOD**

Size and Use	
Frontages:	40.61 m (133.23 ft.) – Burnhamthorpe Road East
	40.57 m (133.10 ft.) – Tomken Road
Depth	± 55 m (180.45 ft.)
Gross Lot Area:	0.30 ha (0.74 ac.)
Existing Uses:	Motor vehicle repair shop

The property is located adjacent to a residential area at the intersection of Tomken Road and Burnhamthorpe Road East. Around the intersection, there is a mix of strip retail plazas, a church and car repair uses. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North: Detached and semi-detached homes

East: Detached and semi-detached homes

South: 1 storey commercial plaza

West: Applewood Heights Gospel Hall, and detached homes

DETAILS OF THE PROJECT

The building is proposed to be a 6 storey mixed use building with commercial uses on the ground floor and 5 storeys of condominium apartments above.

The office and retail units would have entrances facing onto the widened portion of Burnhamthorpe Road East. Their fronts will be set back to provide an overhang to shelter the sidewalk. All parking will be below ground.

The building varies in height from 6 storeys in the middle of the site to 3 storeys along Burnhamthorpe Road East and next to the residential areas to the north and east.

Development Proposal		
Applications submitted:	Received: February 6, 2014 Deemed complete: March 7, 2014	
Developer/Owner:	Reza Tahmesbi	
Applicant:	Andrew Ferancik - Walker, Nott, Dragicevic Associates Limited	
Number of units:	56 residential units and commercial uses on the ground floor	
Height:	6 storeys	
Net Lot Coverage:	45.63%	
Floor Space Index:	2.12	
Net Landscaped Area:	28.32%	
Gross Floor Area:	5,139.2 m ² (55,317.9 sq. ft.)	
Anticipated Population:	140* *Average household sizes for all units (by type) for the year 2011 (city average) based on the 2013 Growth Forecasts for the City of Mississauga.	
Parking Spaces:	Required	Proposed
resident spaces	73	73
visitor	11	11
commercial	17	17
total	101	101
bicycle spaces	46	46
Green Initiatives	- All occupant bicycle parking will be in a secure and weather protected area; - Ventilation grates will be	

Development Proposal	
	designed to reduce bird nesting and mortality.

Additional information is provided in Appendices I-1 to I-11.

LAND USE CONTROLS

The lands are within the Rathwood Neighbourhood Character Area and are designated **Motor Vehicle Commercial**. The applicant has requested that the land be redesignated from **Motor Vehicle Commercial** to **Mixed Use – Special Site**.

A rezoning is proposed from **C5-3 (Motor Vehicle Commercial - Exception)** to **C4-Exception (Mainstreet Commercial)**.

Detailed information regarding the Official Plan and Zoning is in Appendix I-9.

BONUS ZONING

Section 37 of the *Planning Act* and policies in the Official Plan allow the City to seek community benefits when increases in permitted height and/or density are found to be good planning by Council. If these applications are approved, staff will report back to the Planning and Development Committee on the provision of community benefits as a condition of approval.

WHAT DID THE COMMUNITY SAY?

A community meeting was held by Ward 3 Councillor Chris Fonseca on November 25, 2014.

Issues raised by the community are summarized below. They will be addressed along with issues raised at the public meeting in the Recommendation Report, which will come at a later date.

- The proposed height, scale and density does not fit in with the character of the area, especially with the detached and semi-detached houses to the north and east;
- The shadowing and overlook from the building will impact the surrounding houses;
- The additional population will add pressure to local infrastructure and services;
- The development may cause additional flooding on the site and surrounding lands;
- This site is adjacent to a low density residential neighbourhood, so the level of intensification is inappropriate;
- The added traffic and parking demand will not be acceptable;
- The proposed single entrance to the site will cause delays and safety concerns on Tomken Road;
- The amenity areas on-site are not sufficient;
- The area does not need more commercial uses.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7 and school information is contained in Appendix I-8. Based on the comments received and the applicable Mississauga Official Plan policies, the following will have to be addressed:

- Are the policies and principles of Mississauga Official Plan maintained by this project?
- Is the proposal compatible with the character of the area given the project's height, massing, density, uses, landscaping, building configuration and technical requirements?
- Has an appropriate building transition been provided between the existing neighbourhood and the proposal?
- Are the proposed design details and zoning standards appropriate?
- Have all other technical requirements and studies related to the project been submitted and found to be acceptable?

OTHER INFORMATION

A number of studies and reports have been submitted by the applicant in support of the applications. The list is below and the studies are available for review.

- Planning Justification Report
- Functional Servicing and Stormwater Management Report
- Traffic Impact Study and Travel Demand Management Plan
- Record of Site Condition
- Phase I and II Environmental Site Assessment
- Sun/Shadow Study
- Noise Feasibility Study
- Vegetation Management and Landscape Plan
- Arborist Report
- Grading and Servicing Plans
- Concept Plan and Elevations
- Green Initiatives Letter
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment

Development Requirements

There are certain other engineering matters including: servicing, noise reduction, construction, stormwater management, site condition and streetscape that will require the applicant to enter into agreements with the City. The development will also require the submission and review of a draft plan of condominium and an application for site plan approval. The applicant will be required to dedicate a portion of the site along Burnhamthorpe Road East to the City for the Burnhamthorpe Multi-Use Trail.

FINANCIAL IMPACT:

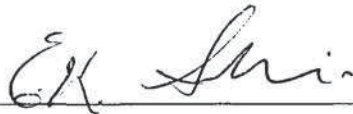
Development charges will be payable as required by the Development Charges By-law of the City. Also, the financial requirements of any other official commenting agency must be met.

CONCLUSION:

Most agency and City department comments have been received. The Planning and Building Department will make a recommendation on this project after the public meeting has been held and all the issues are resolved.

ATTACHMENTS:

Appendix I-1: Site History
Appendix I-2: Aerial Photograph
Appendix I-3: Excerpt of Mississauga Official Plan
Appendix I-4: Existing Land Use and Proposed Zoning Map
Appendix I-5: Concept Plan
Appendix I-6: Elevations and Exterior View
Appendix I-7: Agency Comments
Appendix I-8: School Accommodation
Appendix I-9: Summary of Existing and proposed Mississauga
Official Plan policies
Appendix I-10: Summary of Proposed Zoning
Provisions
Appendix I-11: General Context Map



Edward R. Sajecki

Commissioner of Planning and Building

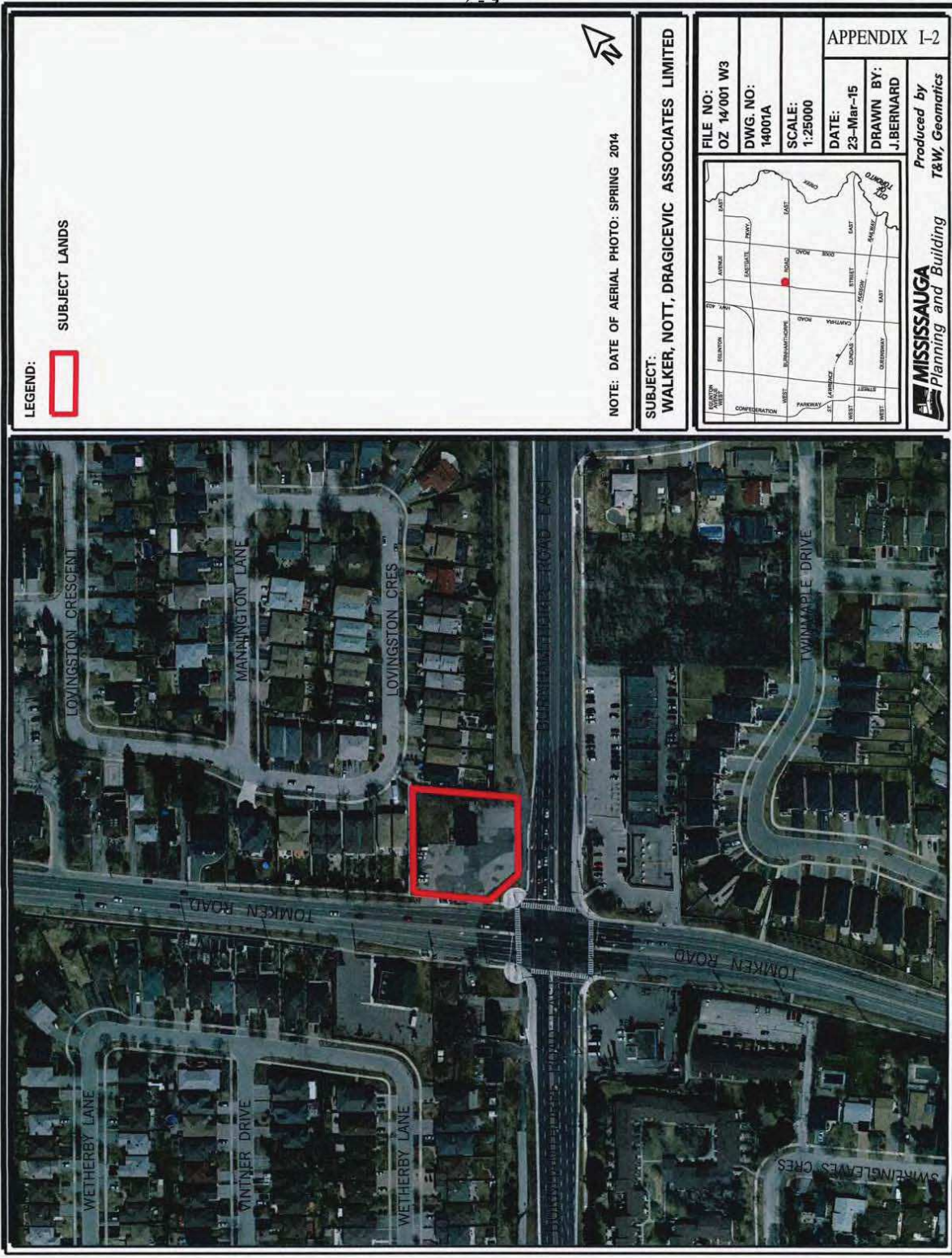
Prepared By: Aiden Stanley, Development Planner

Reza Tahmesbi

File: OZ 14/001 W3

Site History

- May 7, 1981 – The Committee of Adjustment (File 'A' 81/198) approved the construction of a 4 bay service station and canopy with reduced setbacks.
- November 18, 1982 – The Committee of Adjustment (File 'A' 82/357) approved a temporary minor variance to permit the retail sales of motor vehicles until December 31, 1983.
- May 31, 1984 – The Committee of Adjustment (File 'A' 84/243) approved a temporary minor variance to permit the retail sales of motor vehicles until December 31, 1985.
- May 5, 2003 – The Region of Peel approved Mississauga Plan policies for the Rathwood District which designated the subject lands "Motor Vehicle Commercial".
- March 4, 2012 – The Committee of Adjustment (File 'A' 183/12) approved a temporary minor variance to permit the retail sales of motor vehicles accessory to the existing motor vehicle service station until June 30, 2017.
- November 14, 2012 – Mississauga Official Plan came into force except for those site/policies which have been appealed. The subject lands are designated "Motor Vehicle Commercial" in the Rathwood Neighbourhood Character Area.



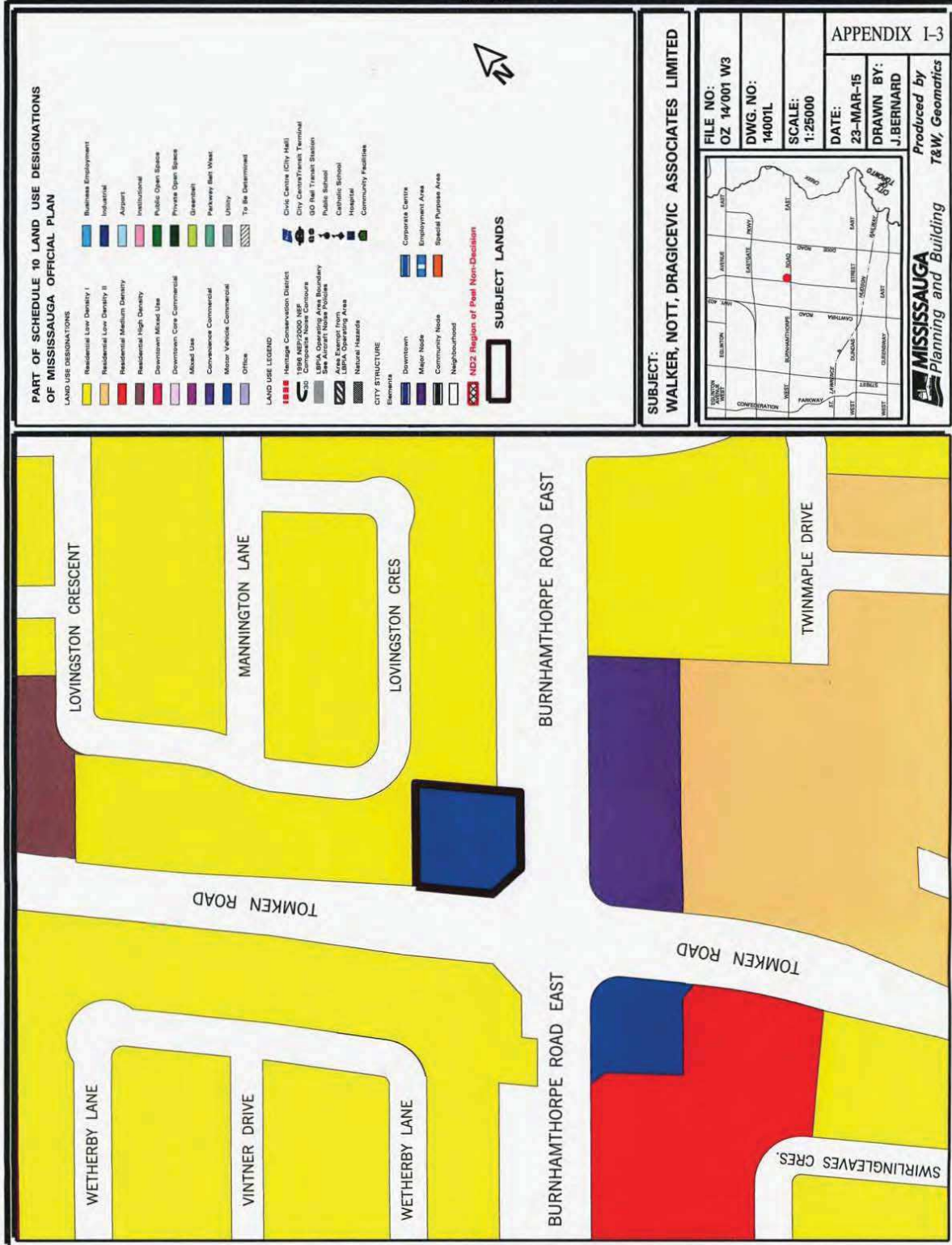
LEGEND:
 SUBJECT LANDS

NOTE: DATE OF AERIAL PHOTO: SPRING 2014

SUBJECT:
WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED

FILE NO: OZ 14/001 W3		APPENDIX I-2	
DWG. NO: 14001A		DATE: 23-Mar-15	
SCALE: 1:25000		DRAWN BY: J. BERNARD	
		Produced by MISSISSAUGA Planning and Building	
		T&W, Geomatics	

Source: Geomatics report maps, 153005, OZ 14, 001, 14/001, 14/001, 14/001, 14/001





PROPOSED OFFICIAL PLAN AMMENDMENT FROM "MOTOR VEHICLE COMMERCIAL" TO "MIXED USE - SPECIAL SITE" AND PROPOSED REZONING FROM "C5-3" (MOTOR VEHICLE COMMERCIAL - EXCEPTION) TO "C4 - EXCEPTION" (MAINSTREET COMMERCIAL) TO PERMIT A 6 STOREY MIXED USE BUILDING WITH 56 RESIDENTIAL UNITS AND COMMERCIAL UNITS ON THE GROUND FLOOR.

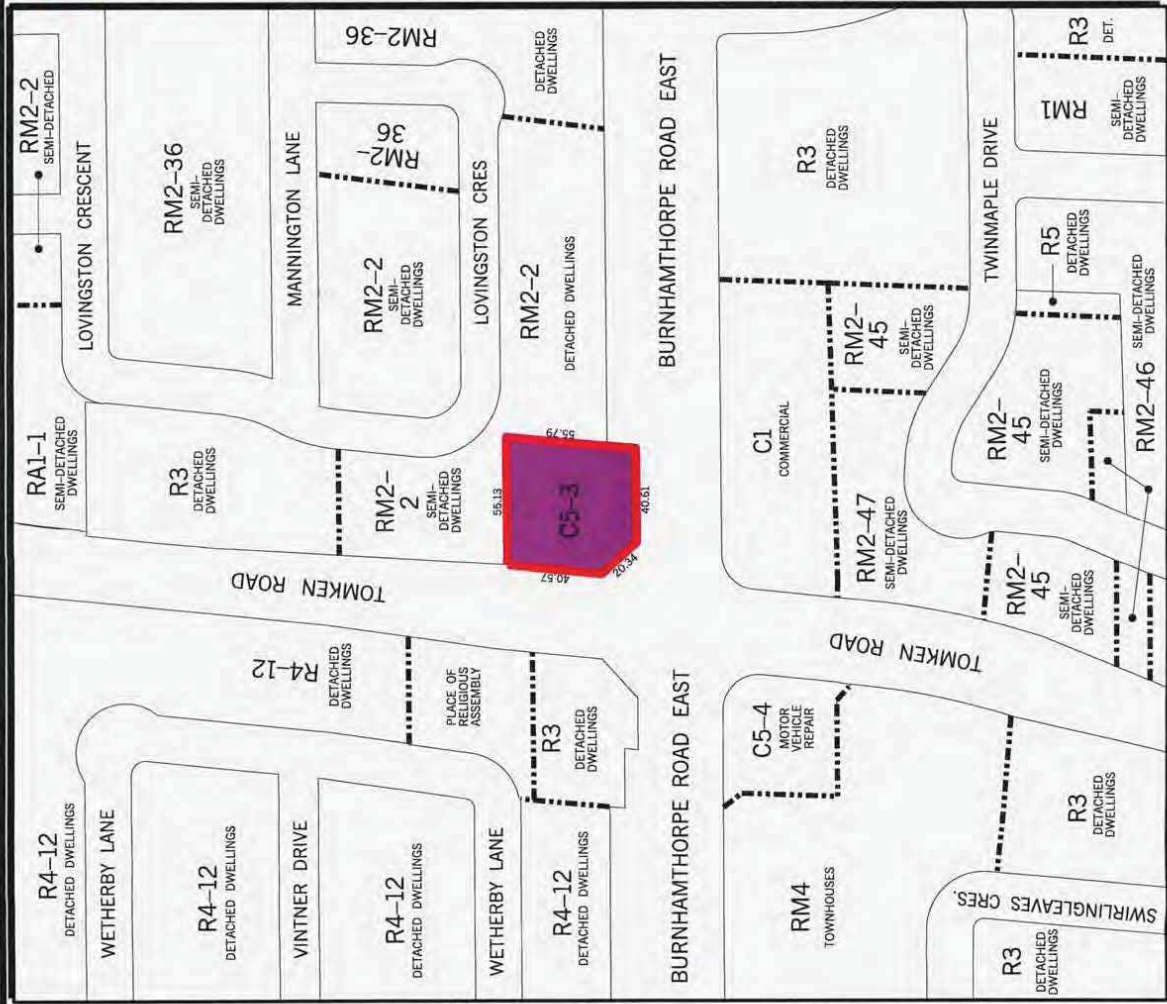
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DATE:	23-MAR-15	DRAWN BY:	J. BERNARD
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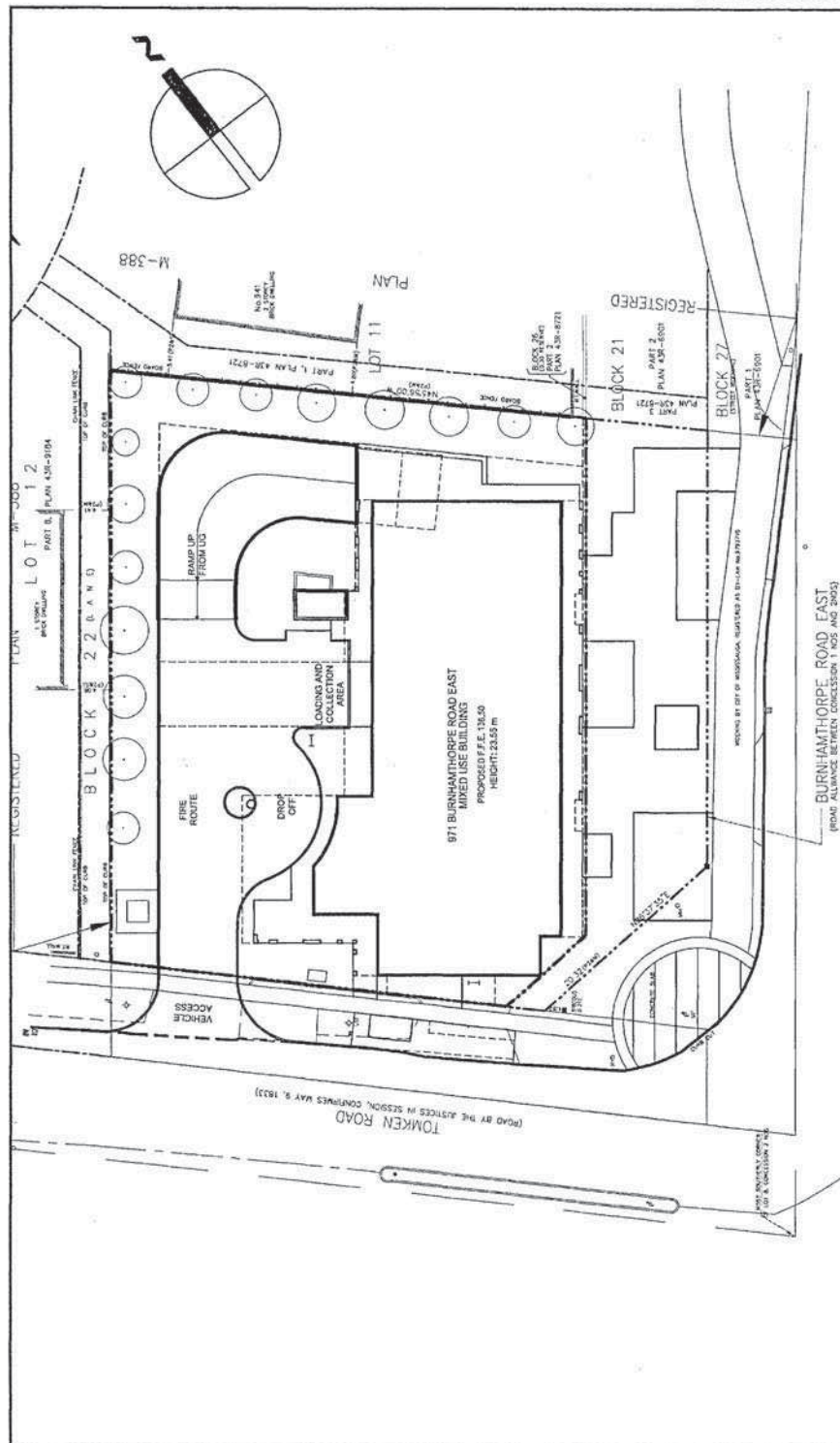
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T&W, Geomatics

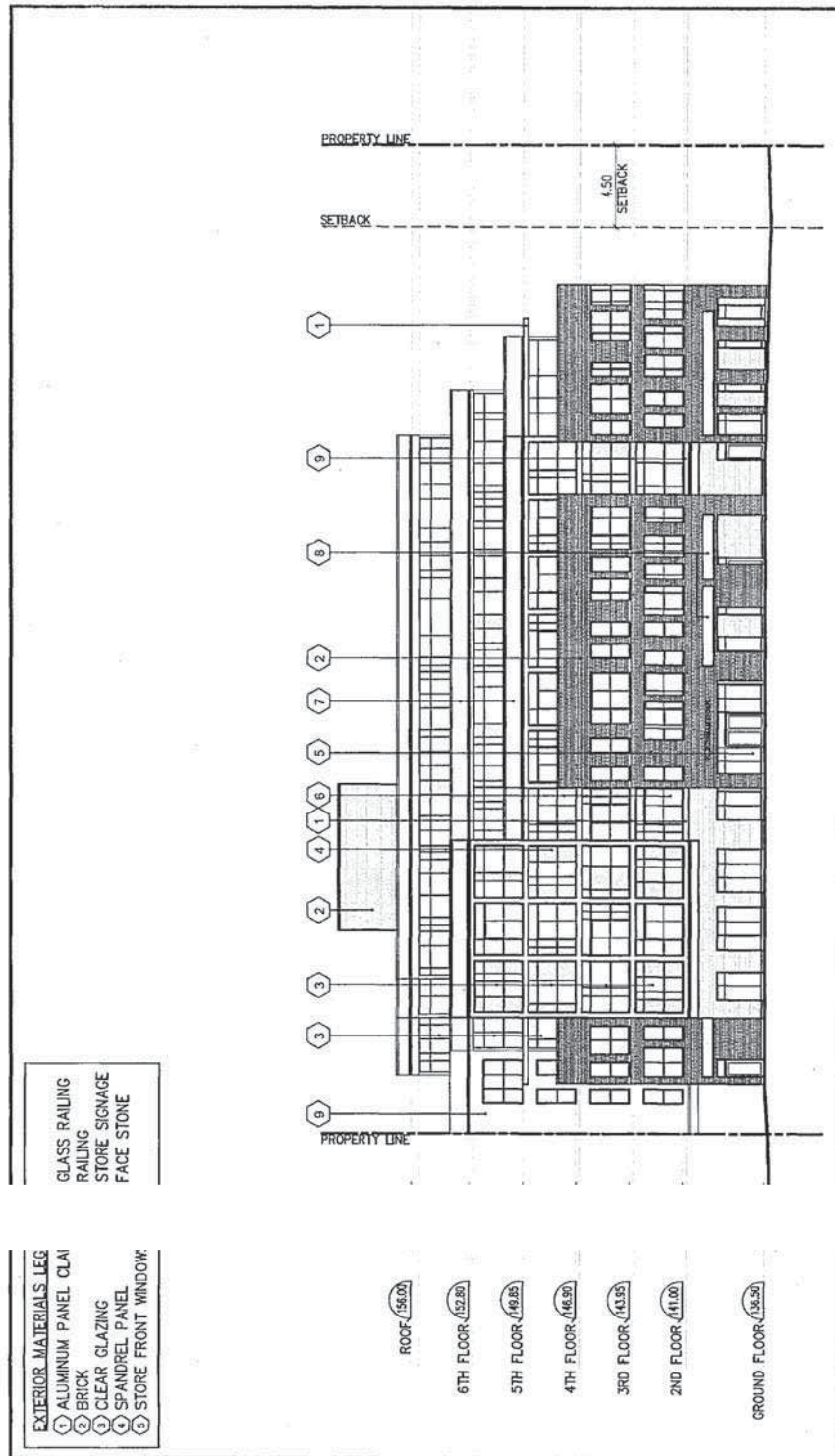
MISSISSAUGA
Planning and Building

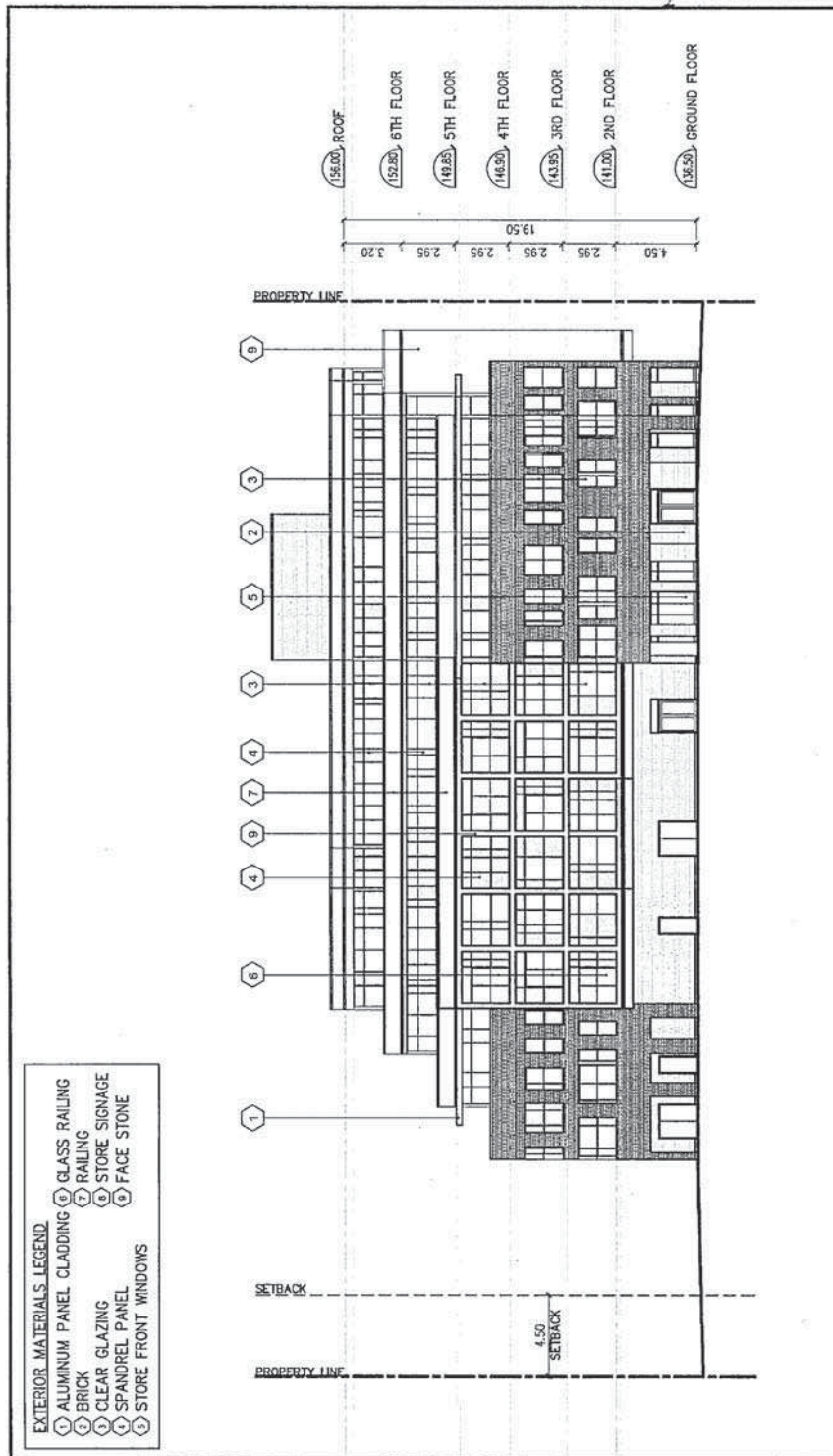
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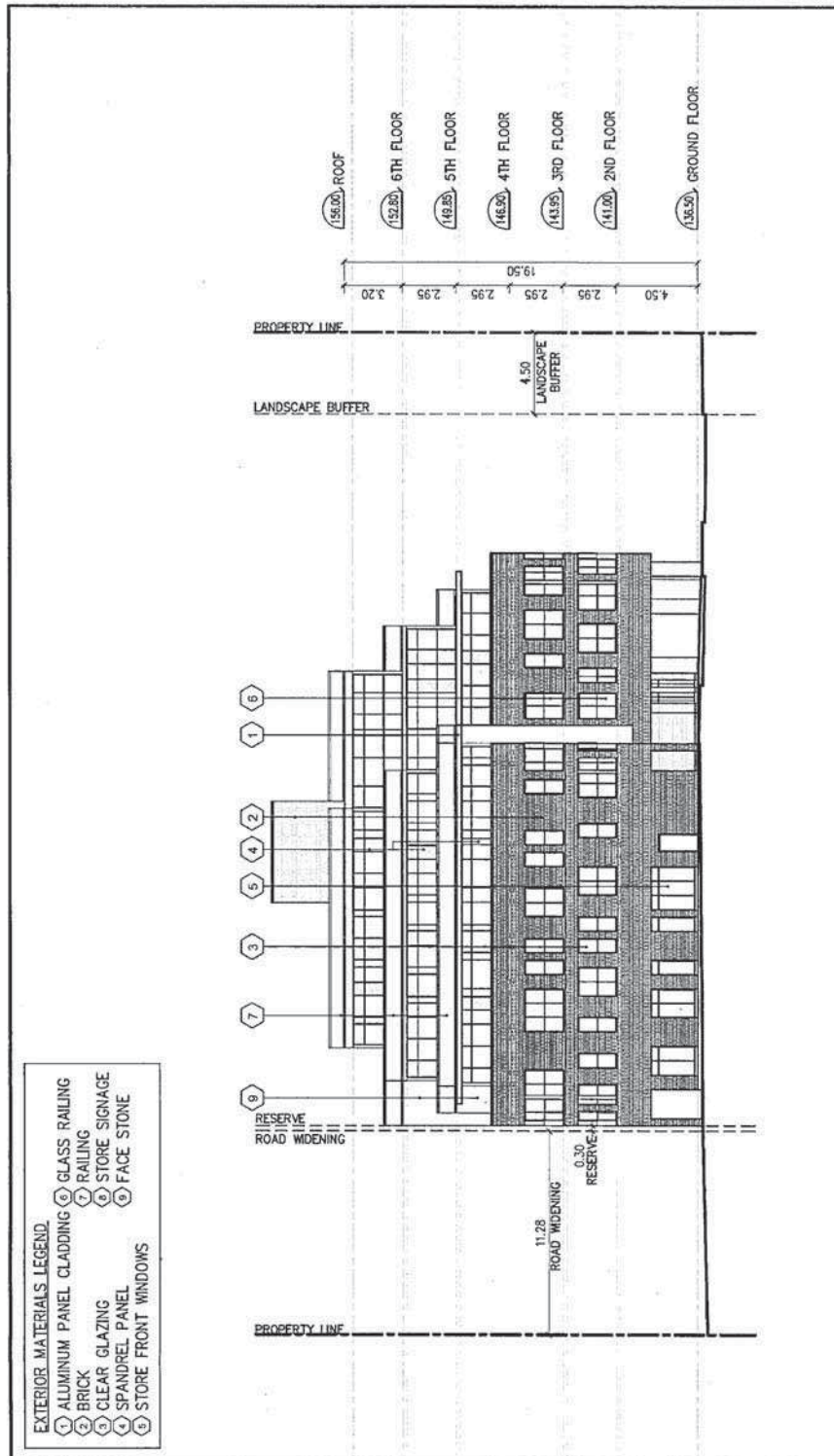


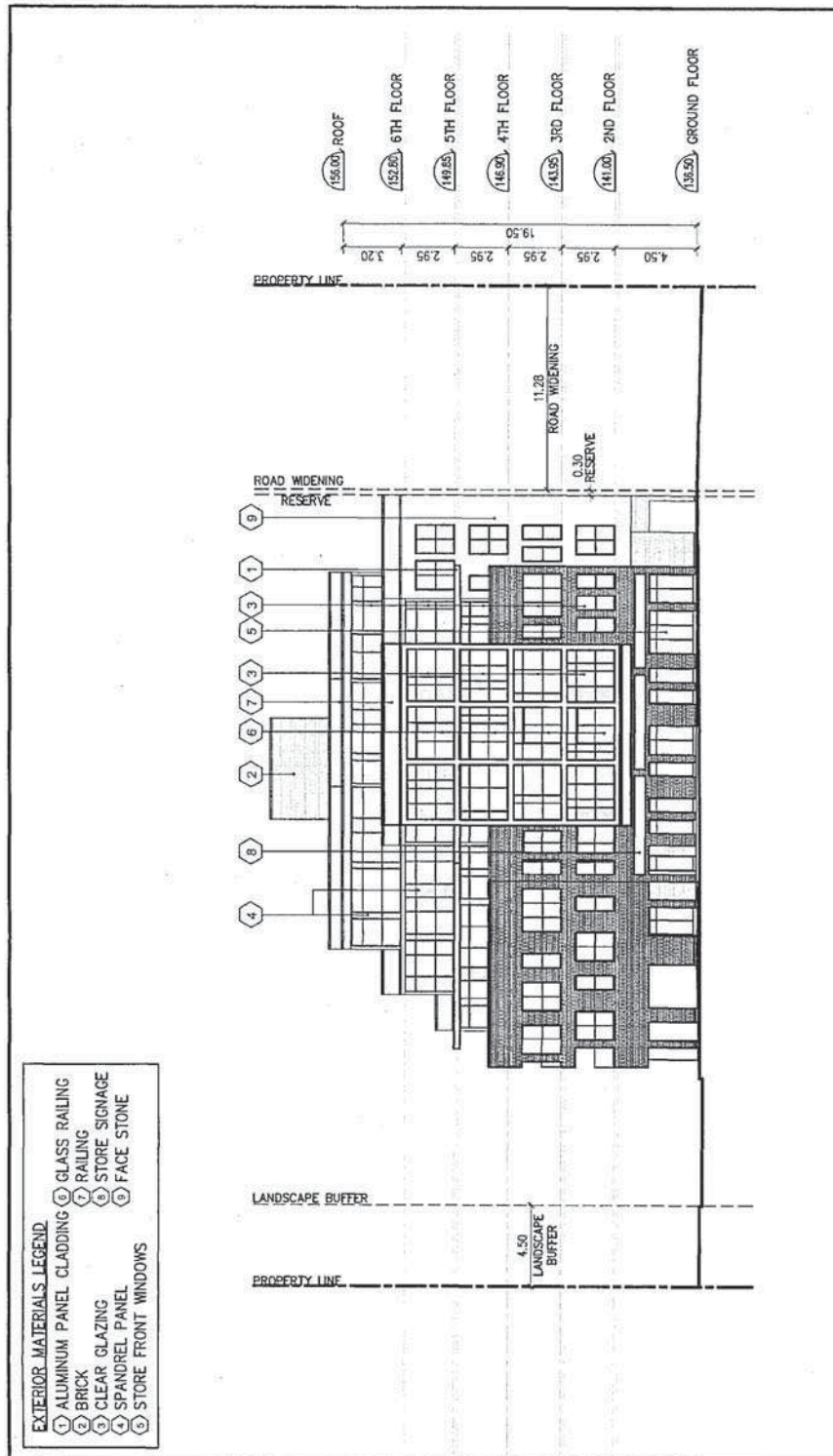
APPENDIX I-5 CONCEPT PLAN













Reza Tahmesbi

File: OZ 14/001 W3

Agency Comments

The following is a summary of comments from agencies and departments regarding the applications.

Agency / Comment Date	Comment
Region of Peel (March 4, 2014)	An existing 300 mm (11.8 in.) diameter water main is located on Tomken Road, a 250 mm (9.8 in.) diameter water main is located on Burnhamthorpe Road within an easement on the east side of the subject property and a 400 mm (15.7) diameter water main is located on Burnhamthorpe Road. There are also major transmission water mains on Tomken and Burnhamthorpe Roads to which connections will not be allowed. Prior to the Recommendation Report, the applicant must submit a satisfactory Functional Servicing Study and multi-use demand table to determine the adequacy of the existing services for the proposed development. Private Servicing Easements may be required. This will be determined once the site servicing proposal is reviewed. The proposed development will receive front-end garbage and recycling collection for residential waste, provided that the applicant satisfies Regional requirements. A private hauler will be required for business waste.
Dufferin-Peel Catholic (May 1, 2014) District School Board and Peel District School Board (April 27, 2014)	Both School Boards responded that they are satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for these development applications. If approved, both School Boards require that warning clauses with respect to temporary school accommodation and transportation arrangements be included in Development and Servicing Agreements and all Agreements of Purchase and Sale.

Reza Tahmesbi

File: OZ 14/001 W3

Agency / Comment Date	Comment
City Community Services Department – Parks and Forestry Division/Park Planning Section (April 30, 2014, Updated February 11, 2015)	This Department notes that future residents of the proposal will receive park service at Allison's Park (P-230), which is located approximately 700 m (2,296.6 ft.) from the site and contains a play site and a senior soccer field. Prior to by-law enactment cash contributions for street tree planting will be required. Furthermore, prior to the issuance of building permits for each lot or block, cash-in-lieu for park or other public recreational purposes is required pursuant to the <i>Planning Act</i> and in accordance with City's Policies and By-laws.
City Community Services Department – Fire and Emergency Services Division (May 22, 2015)	Fire has reviewed the OPA/rezoning application from an emergency response perspective and has no concerns; emergency response time to the site and available water supply are acceptable.
City Transportation and Works Department (February 10, 2015)	This department confirmed receipt of Site and Engineering Plans, a Functional Servicing Report, Noise Report and a Traffic Impact Study submitted in support of the mixed use development proposal. Preliminary comments and conditions have been prepared and provided to the applicant requesting additional information and modifications to the functional site design. Development matters currently under review and consideration by the department include: • traffic implications, • boulevard restoration, streetscape design and site access relocation, • grading and storm drainage implications, • compliance with City/MOECC acoustic guidelines, • environmental compliance and a complete record of site condition. The above aspects will be addressed in detail prior to the Recommendation Report.
Other City Departments and External Agencies	The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner: Trillium Health Partners City of Mississauga Economic Development Department Bell Canada

Reza Tahmesbi

File: OZ 14/001 W3

Agency / Comment Date	Comment
	Canada Post Greater Toronto Airport Authority
	The following City Departments and external agencies were circulated the applications but provided no comments: City of Mississauga Realty Services Department Rogers Cable Trans-Northern Pipelines Consiel Scolaire de District Catholique Centre-Sud Conseil Scolaire Viamonde

Reza Tahmesbi

File: OZ 14/001 W3

School Accommodation

The Peel District School Board	The Dufferin-Peel Catholic District School Board
- Student Yield: 7 Kindergarten to Grade 6 3 Grade 7 to Grade 8 3 Grade 9 to Grade 12 - School Accommodation: - Silverthorn P.S. - Enrolment: 246 - Capacity: 337 - Portables: 0 - Tomken Road Middle P.S. - Enrolment: 882 - Capacity: 961 - Portables: 0 - Applewood Heights S.S. - Enrolment: 929 - Capacity: 961 - Portables: 0	- Student Yield: 4 Junior Kindergarten to Grade 8 2 Grade 9 to Grade 12 - School Accommodation: - St. Basil - Enrolment: 266 - Capacity: 256 - Portables: 0 - Philip Pocock - Enrolment: 1235 - Capacity: 1257 - Portables: 5

Reza Tahmesbi

File: OZ 14/001 W3

Existing Official Plan Provisions

"Motor Vehicle Commercial" which permits the following uses: gas bar, motor vehicle repair, motor vehicle service station and motor vehicle wash. Retail stores and take-out restaurants which may include a drive-through facility are permitted accessory to Motor Vehicle Commercial uses.

The lands are located within the Rathwood Neighbourhood Character Area. For lands within a Neighbourhood, a maximum building height of four storeys applies.

Proposed Official Plan Amendment Provisions

The lands are proposed to be designated **"Mixed Use – Special Site"**.

The Mixed Use designation permits residential and retail uses as well as the following other uses: commercial parking facility, conference center, recreation facility, financial institution, funeral establishment, motor vehicle rental, overnight accommodation, personal service establishment, post-secondary educational facility, restaurant, and secondary office.

Notwithstanding the provisions of the Mixed Use designation, the following additional policy is proposed to apply: a maximum building height of six storeys is permitted.

Reza Tahmesbi

File: OZ 14/001 W3

Relevant Mississauga Official Plan Policies

	Specific Policies	General Intent
Section 5 – Direct Growth	Section 5.3.5 Section 5.4	Neighbourhoods should be regarded as stable residential areas where the existing character is to be preserved. Residential intensifications within Neighbourhoods should generally occur through infilling and development of existing commercial sites as mixed use areas. Where higher density uses are proposed, they should be located along Corridors or in conjunction with existing apartment sites or commercial sites. Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to the surrounding development. Development on Corridors should be compact, mixed use and transit friendly and appropriate to the context of the surrounding Neighbourhood.
Section 7 – Complete Communities	Section 7.2	The provision of housing should maximize the use of community infrastructure and engineering services, while meeting the housing needs and preferences of Mississauga residents. A range of housing types, tenure and price is to be provided.

Reza Tahmesbi

File: OZ 14/001 W3

	Specific Policies	General Intent
Section 9 -- Build a Desirable Urban Form	Section 9.0 Section 9.1 Section 9.3 Section 9.4 Section 9.5	Appropriate infill in both Intensification Areas and Non-Intensification Areas will help to revitalize existing communities by replacing aged buildings, developing vacant or underutilized lots and by adding to the variety of building forms and tenures. It is important that infill "fits" within the existing urban context and minimizes undue impacts on adjacent properties. Redevelopment projects include a range of scales, from small residential developments to large scale projects, such as the redevelopment of strip malls. Infill and redevelopment within Neighbourhoods will respect the existing and planned character, provide appropriate transition to the surrounding context and minimize undue impacts on adjacent properties. Development at intersections and on major streets should be of a highly attractive urban quality. Development on Corridors will be encouraged to not locate parking between the building and the street, to design buildings that frame the street, to support transit and active transportation modes and consolidate access points.
	Specific Policies	General Intent
Section 16 - Neighbourhoods	Section 16.1	A maximum building height of four storeys will apply to Neighbourhoods. Proposals for heights of more than four storeys will be considered where it can be demonstrated that the transition in heights respects the surrounding context, the proposal enhances the existing or planned development and the City Structure hierarchy is maintained.

Reza Tahmesbi

File: OZ 14/001 W3

	Specific Policies	General Intent
Section 19 - Implementation	Section 19.5.1	This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows: • the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands; • the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands; • there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application; • a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation has been provided by the applicant.

Reza Tahmesbi

File: OZ 14/001 W3

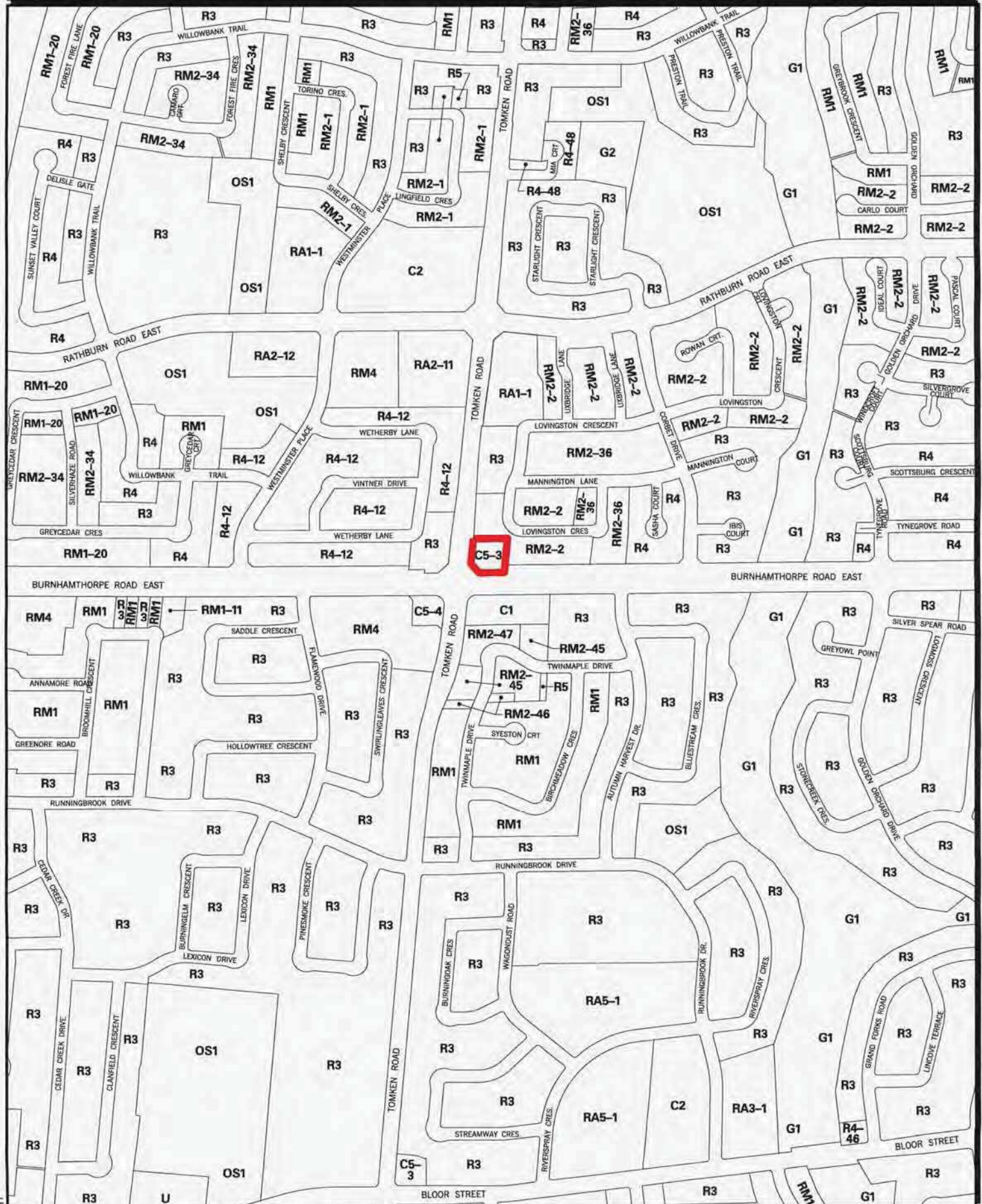
Summary of Existing Zoning By-law Provisions

"C5-3" (Motor Vehicle Commercial – Exception), which permits gas bars, service stations, car wash facilities and motor vehicle repair facilities.

Proposed Zoning Standards

	"C4 (Mainstreet Commercial)" Zoning By-law Standards	Proposed "C4-Exception" (Mainstreet Commercial) Zoning By-law Standards
Permitted uses	Retail, service, entertainment, office and residential uses	A dwelling unit located above the first storey, apartment dwelling and retail stores only.
Maximum height – flat roof	12.5 m (41.0 ft.) and 3 storeys	19.5 m (64.0 ft.) and 6 storeys
Maximum number of apartment dwellings units	n/a	56
Combined maximum total gross floor area – apartment dwelling and gross floor area – non residential	n/a	5150 m ² (55,436 sq. ft.)
Maximum total gross floor area – non residential	No maximum	430 m ² (4,629 sq. ft.)
Maximum total gross floor area – apartment dwelling	No maximum	4720 m ² (50,807 sq. ft.)
Combined minimum amenity area – indoor and outdoor	n/a	310 m ² (3,337.0 sq. ft.)
Minimum number of bicycle parking spaces	n/a	45
Maximum projection of a balcony or terrace located above the first storey measured from the outermost face or faces of the building from which the balcony or terrace projects	n/a	2.5 m (8.2 sq. ft.)
Maximum height of a mechanical floor area may project above the 6 th storey	n/a	5 m (16.4 sq. ft.)

Exception Schedule	n/a	The permitted uses and applicable regulations shall be as specified for a C4 zone except that all site development plans shall comply with the exception schedule which will reflect the concept plan shown in Appendix I-5.
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EXTERIOR MATERIALS LEGEND

① ALUMINUM PANEL CLADDING	⑥ GLASS RAILING	⑪ 1.2M HIGH DECORATIVE METAL FENCE	⑮ LOW CLEARANCE SIGN UNDER BUILDING ABOVE
② BRICK	⑦ PANEL CLAD RAILING		
③ CLEAR GLAZING	⑧ BUILDING SIGNAGE	⑫ DARK GREY CONCRETE BANDING	
④ SPANDREL PANEL	⑨ 1.8M HIGH PRIVACY FENCE	⑬ METAL RAILING ADJACENT RAMP	
⑤ STORE FRONT GLAZING	⑩ CANOPY	⑭ MECHANICAL PENTHOUSE	



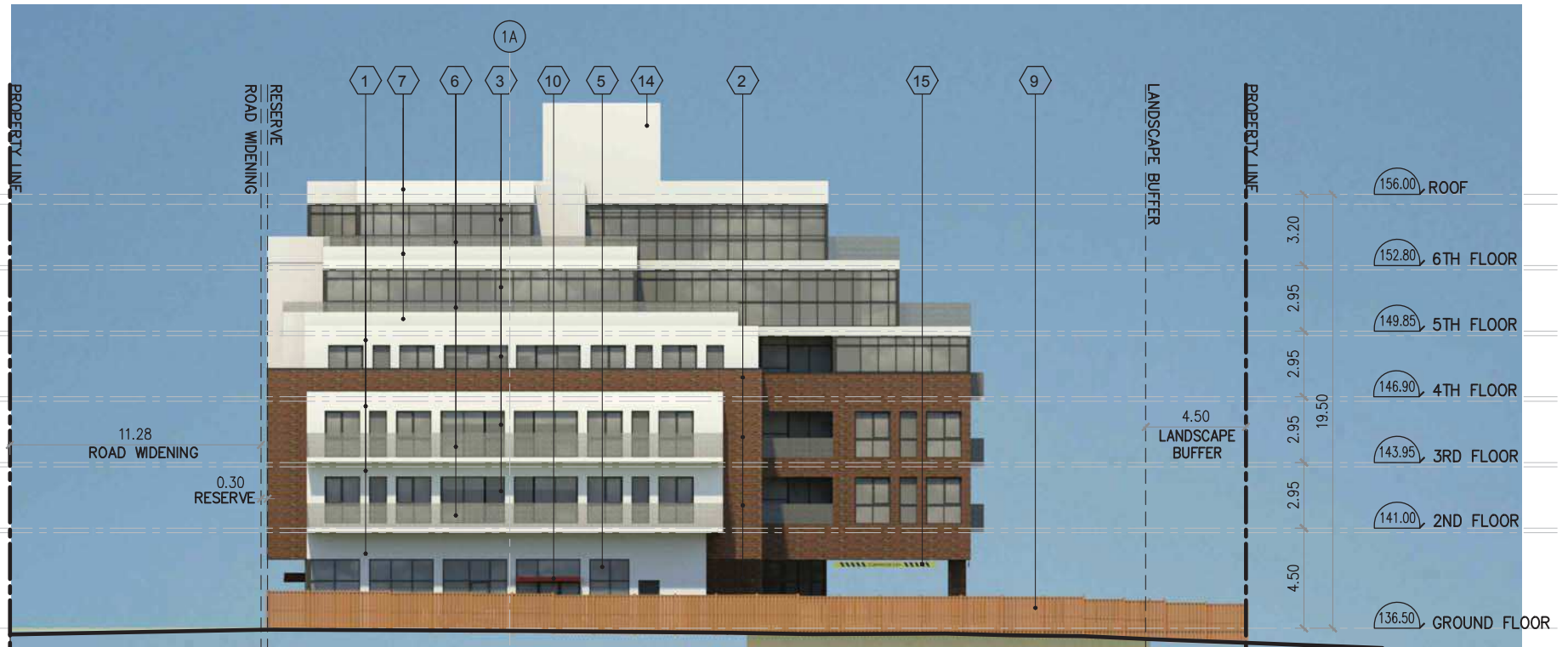
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| ② BRICK | ⑦ PANEL CLAD RAILING | | |
| ③ CLEAR GLAZING | ⑧ BUILDING SIGNAGE | ⑫ DARK GREY CONCRETE BANDING | |
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| ⑤ STORE FRONT GLAZING | ⑩ CANOPY | ⑭ MECHANICAL PENTHOUSE | |



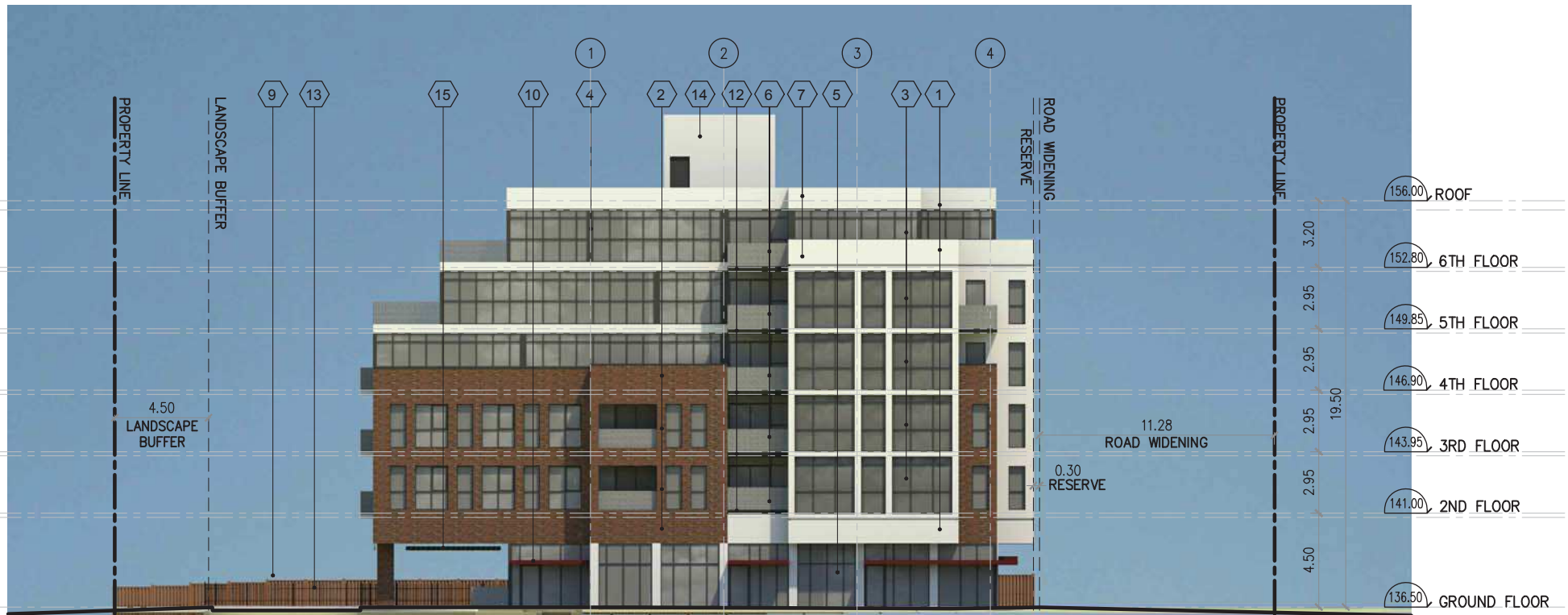
EXTERIOR MATERIALS LEGEND

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|---------------------------|---------------------------|-------------------------------------|--|
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| 2 BRICK | 7 PANEL CLAD RAILING | | |
| 3 CLEAR GLAZING | 8 BUILDING SIGNAGE | 12 DARK GREY CONCRETE BANDING | |
| 4 SPANDREL PANEL | 9 1.8M HIGH PRIVACY FENCE | 13 METAL RAILING ADJACENT RAMP | |
| 5 STORE FRONT GLAZING | 10 CANOPY | 14 MECHANICAL PENTHOUSE | |



EXTERIOR MATERIALS LEGEND

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|---------------------------|---------------------------|------------------------------------|---|
| ① ALUMINUM PANEL CLADDING | ⑥ GLASS RAILING | ⑪ 1.2M HIGH DECORATIVE METAL FENCE | ⑮ LOW CLEARANCE SIGN UNDER BUILDING ABOVE |
| ② BRICK | ⑦ PANEL CLAD RAILING | | |
| ③ CLEAR GLAZING | ⑧ BUILDING SIGNAGE | ⑫ DARK GREY CONCRETE BANDING | |
| ④ SPANDREL PANEL | ⑨ 1.8M HIGH PRIVACY FENCE | ⑬ METAL RAILING ADJACENT RAMP | |
| ⑤ STORE FRONT GLAZING | ⑩ CANOPY | ⑭ MECHANICAL PENTHOUSE | |





1 PERSPECTIVE 1
A401 NTS



2 PERSPECTIVE 2
A401 NTS



3 PERSPECTIVE 3
A401 NTS



4 PERSPECTIVE 4
A401 NTS



5 PERSPECTIVE 5
A401 NTS

ADDITIONAL IMAGES KEY PLAN



City of Mississauga

Corporate Report



Date: August 14, 2020 To: Chair and Members of Planning and Development Committee	Originator's file: OZ 14/001 W3
From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Meeting date: September 8, 2020

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 3)

Official plan amendment and rezoning applications to permit a 6 storey apartment building with ground floor commercial uses

971 Burnhamthorpe Road East, northeast corner of Burnhamthorpe Road East and Tomken Road

Owner: Reza Tahmasebi

File: OZ 14/001 W3

Recommendation

1. That notwithstanding Corporate Policy 07-08-01 - Zoning Application Approval, regarding the expiration of Council's decision for approval, the sunset clause for approval of the applications under File OZ 14/001 W3 be reinstated and extended for a period of six months from September 16, 2020 to March 6, 2021 and that further, extensions may be granted by the Commissioner of Planning and Building at his discretion.
2. That notwithstanding Council's approval of the applications under File OZ 14/001 W3, Reza Tahmasebi, to amend Mississauga Official Plan to **Mixed Use Special Site** and to change the zoning to **C4-Exception** (Mixed Use), in accordance with the provisions outlined in Appendix 4, subject to the conditions referenced in the staff report dated June 7, 2016 from the Commissioner of Planning and Building.
3. That notwithstanding Planning Protocol that a new application not be required and that only one report and public meeting with notice be required to reinstate and extend Council's previous approval.

Report Highlights

- Applications to permit a terraced three to six storey apartment building with 52 residential

units and commercial uses on the ground floor were approved by Council on July 6, 2016

- In accordance with Corporate Policy 07-08-01, the decision of Council expired January 6, 2018
- The applicant has requested that the expiry date be reinstated and extended in order for them to complete the necessary implementing agreements
- Staff are satisfied that the request is appropriate and that the development is acceptable from a planning standpoint and recommend that the expiry date be reinstated and extended

Background

Official plan amendment and rezoning applications were made on February 6, 2014, to permit the development of a three to six storey apartment building with ground floor commercial uses. The applications were revised resulting in a positive Recommendation Report from staff for approval of Planning and Development Committee (PDC) on June 27, 2016. The report was approved by PDC and subsequently approved by Council on July 6, 2016. One of the approved recommendations was a sunset clause indicating 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." The applicant has experienced delays in their development plans and has not entered into the required agreements that would result in an official plan amendment and a zoning by-law being passed. Notwithstanding Corporate Policy 07-08-01, a request has been made to reinstate and extend their previous approval until March 6, 2021. This will allow the applicant six months to fulfill outstanding requirements to be met in order for Council to consider and pass an amending by-law.

Comments

The development proposal remains the same as approved by Council in 2016. Staff have considered the reinstatement of the Council's approval date in the context of the current policy regime, specifically with respect to the *Provincial Policy Statement* (PPS), the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan), the Region of Peel Official Plan and Mississauga Official Plan.

Policy Framework

Although the PPS and Growth Plan have been updated since the approval of these applications, the relevant policies in Mississauga Official Plan remain consistent with the PPS and the Growth Plan.

Section 1.1.3.3 of the PPS states that "planning authorities shall identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment" and Section

1.1.3.4 of the PPS states that "appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety."

The PPS is implemented through the City's official plan policies. Specifically as it relates to this proposal, Section 5.3.5.2 of Mississauga Official Plan (MOP) (Downtown) states that residential intensification within Neighbourhoods will generally occur through infilling and the development of existing commercial sites as mixed use areas. Section 5.3.5.3 further states that where higher density uses are proposed, they should be located on a site identified by a local area review, along Corridors or in conjunction with existing apartment sites or commercial centres.

This site represents modest intensification on a former motor vehicle commercial site that is located on Burnhamthorpe Road East, which is a Corridor. The applications are consistent with these policies.

Section 2.2.2.4 b) in the Growth Plan directs municipalities to "identify the appropriate type and scale of development in strategic growth areas." It states that intensification areas will be planned and designed to "achieve an appropriate transition of built form to adjacent areas". The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale.

Section 9.2.2 Non-Intensification Areas of MOP states that Non-Intensification Areas will have lower densities and that development in Neighbourhoods will be required to be context sensitive and respect the existing or planned character and scale of development. Where increases in density are considered in Neighbourhoods, they will be directed to Corridors and appropriate transitions to adjoining areas that respect variations in scale, massing and land uses will be required.

This proposed development respects the policies of MOP by locating the building on the Burnhamthorpe Road East, which is identified as a Corridor and provides an appropriate transition in building scale to the surrounding lower density neighbourhood.

The subject property is located within the Urban System within the Region of Peel. The General Objectives in Section 5.3.1 and General Policies in Section 5.3.2 direct development and redevelopment to the Urban System to achieve an urban structure form and densities which is pedestrian oriented, transit supportive and context appropriate. Section 5.1 of MOP encourages compact mixed-use development in appropriate locations providing opportunities to live and work in Mississauga. Section 5.3.5.5, states that intensification in Neighbourhoods may be considered where the proposed development enhances the existing or planned development and is consistent with the policies of MOP. These policies are in conformity with the Region of Peel Official Plan.

Zoning

The zoning standards included in the approved C4-Exception zoning as noted in the Recommendation Report dated June 7, 2016 by the Commissioner of Planning and Building, remain appropriate and are consistent with the Mixed Use – Special Site official plan designation approved by Council for the site.

Planning Analysis

The applications have been reviewed in the context of current policies and are considered appropriate. The previously approved building represents an appropriate infill development on the Burnhamthorpe Road Corridor. The development enhances the existing development in the area by providing an alternative housing form and choice for residents. The inclusion of ground floor commercial space provides shopping opportunities for residents of the building and the surrounding neighbourhood.

While the official plan specifies a maximum height of four storeys in a Neighbourhood, it allows for consideration of additional height where it can be demonstrated that an appropriate transition in height can be achieved that respects the surrounding context. The building form with its multiple planes and upper storeys step back above the third and fourth storeys creates a gradual transition in scale toward the 1.5 and 2 storey residential dwellings on the adjoining properties. The building setbacks on the north and east property lines combined with the step backs of the upper floors result in upper storeys that contained within a 45 degree angular plane relative to the property lines of adjacent low density dwellings.

Staff recommend that the approval of the applications be upheld and that the expiry date for the approvals be reinstated and extended from September 16, 2020 until March 16, 2021.

Corporate Policy Variance

The Corporate Policy indicates that the decision of council for approval of the rezoning application will be considered null and void, and a new development application will be required unless a zoning by-law is passed within 18 months of the Council decision. The purpose of this policy is to ensure that the zoning by-law is kept as current as possible by having the by-laws which implement Council decisions with regard to rezoning applications passed as quickly as possible. Extensions can be granted by Commissioner of Planning and Building if Council continues to support the application and it can be demonstrated that the applicant is proceeding with reasonable diligence. Regarding the request to vary the corporate policy respecting zoning approvals, the applicant has indicated that he has had difficulties securing suitable investment partners for the project due to changing residential real estate market conditions since obtaining approval in principle for his applications. Further, the applicant did not understand the implications of letting the approval lapse after 18 months. While this request is for reinstatement of the expiry date and not an extension, the applicant had been actively trying to secure investment partners for the project, but inadvertently let the expiry date lapse without requesting an extension.

In terms of concerns with this request setting a precedent for future proposals, each request would have to be considered on its own merit from a planning and corporate policy variance standpoint. As well, most new applications are now approved with "H" holding provisions that need to be addressed prior to the implementing zoning coming into effect, which eliminates concerns with the expiry of a zoning approval for most new applications.

As noted in the Planning Analysis section of this report, staff has determined that the applications remain appropriate for the development of the lands; are consistent and conform to the current policy framework; and represent a modest infill proposal that provides a sensitive transition to the adjacent low density residential neighbourhood. It is also appropriate to grant a variance to the Corporate Policy in this instance and reinstate and extend the expiry date for the fulfillment of the required conditions until March 2021 to provide the applicant a limited timeframe to meet their obligations.

Strategic Plan

The applications are consistent with the Connect Pillar of the Strategic Plan by contributing a choice of housing type to residents that supports the principle of building complete communities to accommodate growth.

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

In summary, the proposed development for a terraced three to six storey, mixed use building is compatible with the surrounding land uses based on site layout, transition and building design and is sensitive to the existing and planned character of the neighbourhood. The proposed official plan amendment and rezoning remain acceptable from a planning standpoint and the variance to the Corporate Policy regarding the expiration of approval should be granted.

Attachments

Appendix 1: Recommendation Report – June 7, 2016



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building
Prepared by: Marianne Cassin, Manager, Development Central

