

# City of Mississauga

# Corporate Report



Date: April 16, 2021

To: Chair and Members of Planning and Development Committee

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

Originator's file:  
OZ 20/002 W1

Meeting date:  
May 10, 2021

## Subject

### RECOMMENDATION REPORT (WARD 1)

**Official Plan Amendment and Rezoning applications to permit four townhouses that are four storeys in height**

**2207 Dixie Road, northeast corner of Dixie Road and Venta Avenue**

**Owner: 2726984 Ontario Ltd. (c/o Fountain Hill Construction and Consulting)**

**File: OZ 20/002 W1**

## Recommendation

1. That notwithstanding that subsequent to the public meeting, changes to the applications have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, any further notice regarding the proposed amendment is hereby waived.
2. That the applications under File 20/002 W1, 2726984 Ontario Ltd. (c/o Fountain Hill Construction and Consulting), 2207 Dixie Road to amend Mississauga Official Plan to **Residential Medium Density** and change the zoning to **RM4-Exceptions** (Townhouses-Exception) to permit four townhouses that are four storeys in height, be approved subject to the conditions referenced in the staff report dated April 16, 2021, from the Commissioner of Planning and Building.
3. That the "H" holding symbol is to be removed from the **H-RM4-Exception** (Townhouses-Exception) zoning applicable to the subject lands, by further amendment upon confirmation from applicable agencies and City Departments that matters as outlined in the report dated April 16, 2021, from the Commissioner of Planning and Building have been satisfactorily addressed.

4. Notwithstanding subsection 45.1.3 of the *Planning Act*, subsequent to approval of the development application, the applicant can apply for a minor variance application, provided that the height and FSI shall not increase.
5. That City Council direct Legal Services, representatives from the appropriate City Departments and any necessary consultants to attend the Local Planning Appeal Tribunal (LPAT) hearing on the subject applications under File OZ 20/002 W1, 2726984 Ontario Ltd. (c/o Fountain Hill Construction and Consulting).
6. That City Council provide the Planning and Building Department with the authority to instruct Legal Services on modifications to the position deemed necessary during or before the Local Planning Appeal Tribunal hearing process, if any.
7. That the City Solicitor, be authorized to execute Minutes of Settlement with 2726984 Ontario Ltd., if required, and that the Commissioner of Planning and Building and the City Clerk be authorized to execute any other documents which may be necessary to implement the proposed development.

## Executive Summary

- The applications are to amend the official plan and change the zoning by-law to allow four, four storey townhomes
- The official plan amendment and rezoning applications have been appealed to Local Planning Appeal Tribunal (LPAT) by the applicant as a decision was not made within the statutory timeframe. A case management conference has been scheduled for June 25, 2021 followed by a five day hearing to commence on September 27, 2021
- The applicant has made minor revisions to the proposal to address issues raised at the Public Meeting and by staff, including improving the transition to the adjacent detached home by moving the proposed townhomes and adding a second visitor parking space
- Staff require direction from Council to attend any LPAT proceedings which may take place in connection with the applications and which support the recommendations outlined in this report
- 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 November 9, 2020, at which time an Information Report was received for information. The report can be accessed at the following link:

<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=6175>

Recommendation PDC-0041-2020 was then adopted by Council on November 25, 2020.

PDC-0041-2020

1. That the report dated October 16, 2020, from the Commissioner of Planning and Building regarding the applications by 272694 Ontario Ltd. (c/o Fountain Hill Construction and Consulting) to permit 4 four-storey townhomes, under File OZ 20/002 W1, 2207 Dixie Road, be received for information.
2. That five oral submissions be received.

On September 15, 2020, the owner appealed the applications to LPAT due to a non-decision by Council. A LPAT case management conference (CMC) was held on February 24, 2021 and a second CMC is scheduled for June 25, 2021. A five day LPAT hearing is scheduled, to start on September 27, 2021. The purpose of this report is to make a recommendation to Planning and Development Committee on the application and to seek direction with respect to the appeal.

## Comments

### REVISED DEVELOPMENT PROPOSAL

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

- The minimum front yard setback from Dixie Road has been reduced from 6.0 m (19.7 ft.) to 4.0 m (13.1 ft.)
- The minimum lot setback from the rear wall of the townhome to a lot line has been increased from 6.6 m (21.7 ft.) to 9.0 m (29.5 ft.)
- A second visitor parking space has been proposed
- Visitor parking spaces have been relocated from the Venta Avenue frontage to run parallel with the rear property line
- The minimum width of units has decreased from 4.5 m (14.8 ft.) to 4.4 m (14.4 ft.)

### COMMUNITY ENGAGEMENT

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 on February 27, 2020. A virtual community meeting was held by Ward 1 Councillor Dasko on October 21, 2020. Approximately 60 people attended the meeting and 54 written submissions were received. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on November 9, 2020. Five members of the public made oral deputations and two members of the public made written submissions regarding the

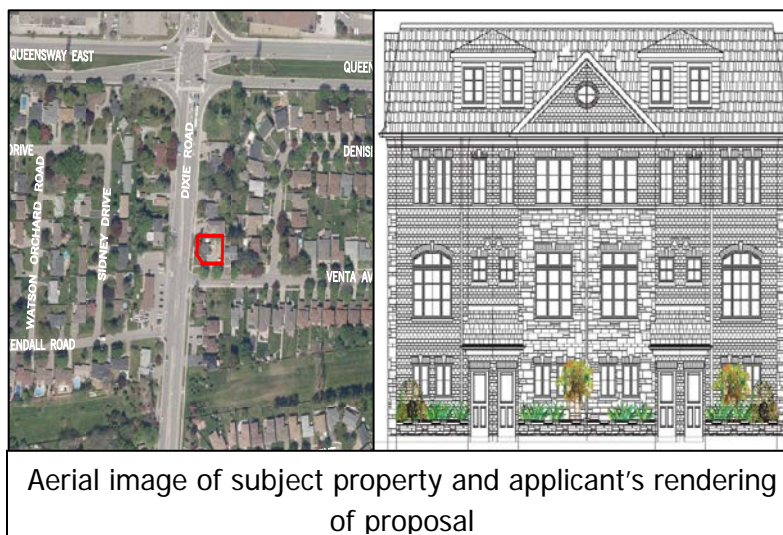
applications. Responses to the issues raised at the public meeting and from correspondence received can be found in Appendix 2.

### PLANNING ANALYSIS SUMMARY

The *Planning Act* allows any property owner within the Province of Ontario the ability to make a development application to their respective municipality in order to accommodate a particular development proposal on their site. Upon the submission of mandated technical information, the municipality is obligated under the *Planning Act* to process and consider the application within the rules set out in the Act.

The Province identifies through its *Provincial Policy Statement* matters that are of provincial interest, which require the development of efficient land use patterns and sustainability in urban areas that already exist. The Province has also set out the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan), which is designed to promote economic growth, increase housing supply and build communities that are affordable and safe, among other items. The Growth Plan requires municipalities to manage growth within already existing built up areas to take advantage of existing services to achieve this mandate. In order to meet required housing supply projections, the *Planning Act* instructs municipalities to make planning decisions that are consistent with the *Provincial Policy Statement* and the Growth Plan.

A detailed Planning Analysis is found in Appendix 2. The applications are consistent with the *Provincial Policy Statement* and conforms to the *Growth Plan for the Greater Golden Horseshoe*, the policies of the Region of Peel Official Plan and Mississauga Official Plan (MOP). An official plan amendment is required to change the designation from **Residential Low Density I** to **Residential Medium Density**. A zoning by-law amendment is also required to change the zoning for the site from **R3-75** (Detached Dwellings – Exception) to **RM4-Exception** (Townhouses – Exception). The zoning requires an "H" Holding Symbol that can be removed once a number of issues associated with technical plans, studies, reports and agreements have been resolved.



Aerial image of subject property and applicant's rendering of proposal

The proposed official plan amendment and rezoning applications to permit four, four storey townhome units has been found acceptable. The applicant has addressed the criteria for a site specific applications as set out in MOP. Although the applicant is increasing the height and number of units, staff can support the official plan amendment and rezoning for the following reasons:

- The proposed development is consistent with the direction in Mississauga Official Plan and the Lakeview Local Area Plan which allows for sensitive intensification and directs higher density uses along corridors (i.e. Dixie Road);
- The Dixie Road corridor has a different character than the adjacent subdivision (e.g. wider street, greater variety in built form) which provides the opportunity to accommodate the proposed townhomes without concern that it will be used as a precedent for lot splitting or inappropriate redevelopment within the internal neighbourhood;
- The proposed development represents a modest increase in height (from three storeys to four storeys) and density (townhomes represent a ground related residential built form similar to detached, semi-detached and duplexes which are permitted in the current official plan designation);
- The built form is compatible with surrounding land uses as there are no unacceptable adverse impacts (e.g. shadow impacts are acceptable), and,
- The proposed development will help provide a range of residential built forms in the neighbourhood.

Concern has been raised about the precedent setting nature of the proposal. Development applications are judged on their own merits and site specific context. In addition, the proposed development is located on the Dixie Road corridor which represents the edge of the Sherway West neighbourhood. The location and character of Dixie Road differentiates itself from most lands within the adjacent established low density subdivisions. MOP policies provide additional flexibility in accommodating height and density in neighbourhoods where the sites are located along corridors. Approval of the proposed development does not support lot splitting and/or four storey townhomes throughout the adjacent low density subdivision as the character and applicable MOP policies are different.

## 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 represents a small increase in height and density. The site is located along a major arterial road corridor which has a different character than the internal Sherway West subdivisions and will not set an unacceptable precedent. The proposed official plan amendment and rezoning are acceptable from a planning standpoint and should be approved, subject to the conditions identified in this report.

## Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Paul Stewart, Development Planner