

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

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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

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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.

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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

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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.

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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

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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.

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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

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Corporate Report

Clerk's Files

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	<ul style="list-style-type: none"> 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:

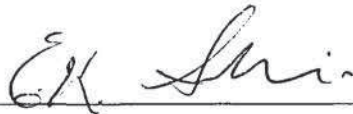
Development charges will be payable as required by the Development Charges By-law of the City. Also, the financial requirements of any other official commenting agency must be met.

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

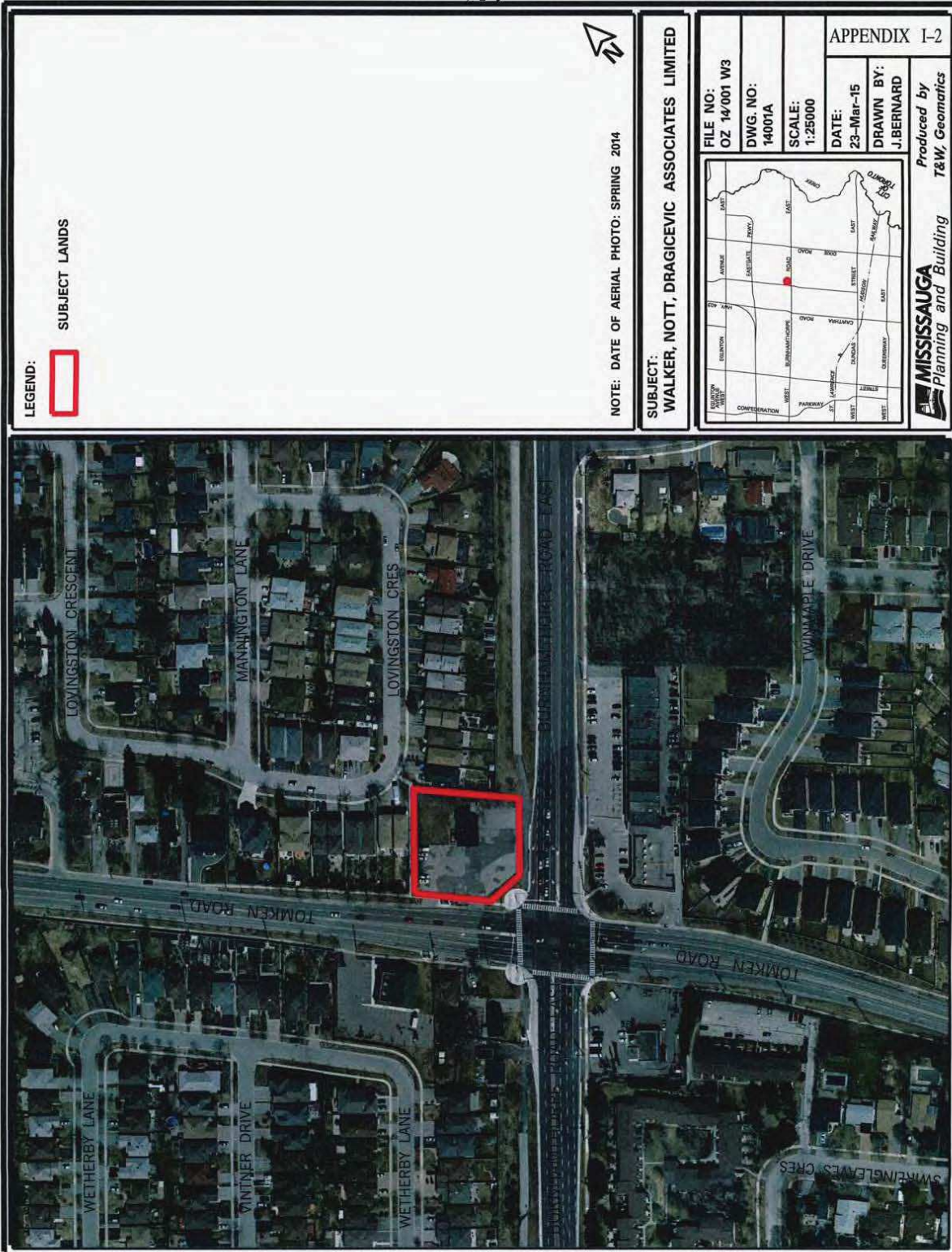
Reza Tahmesbi

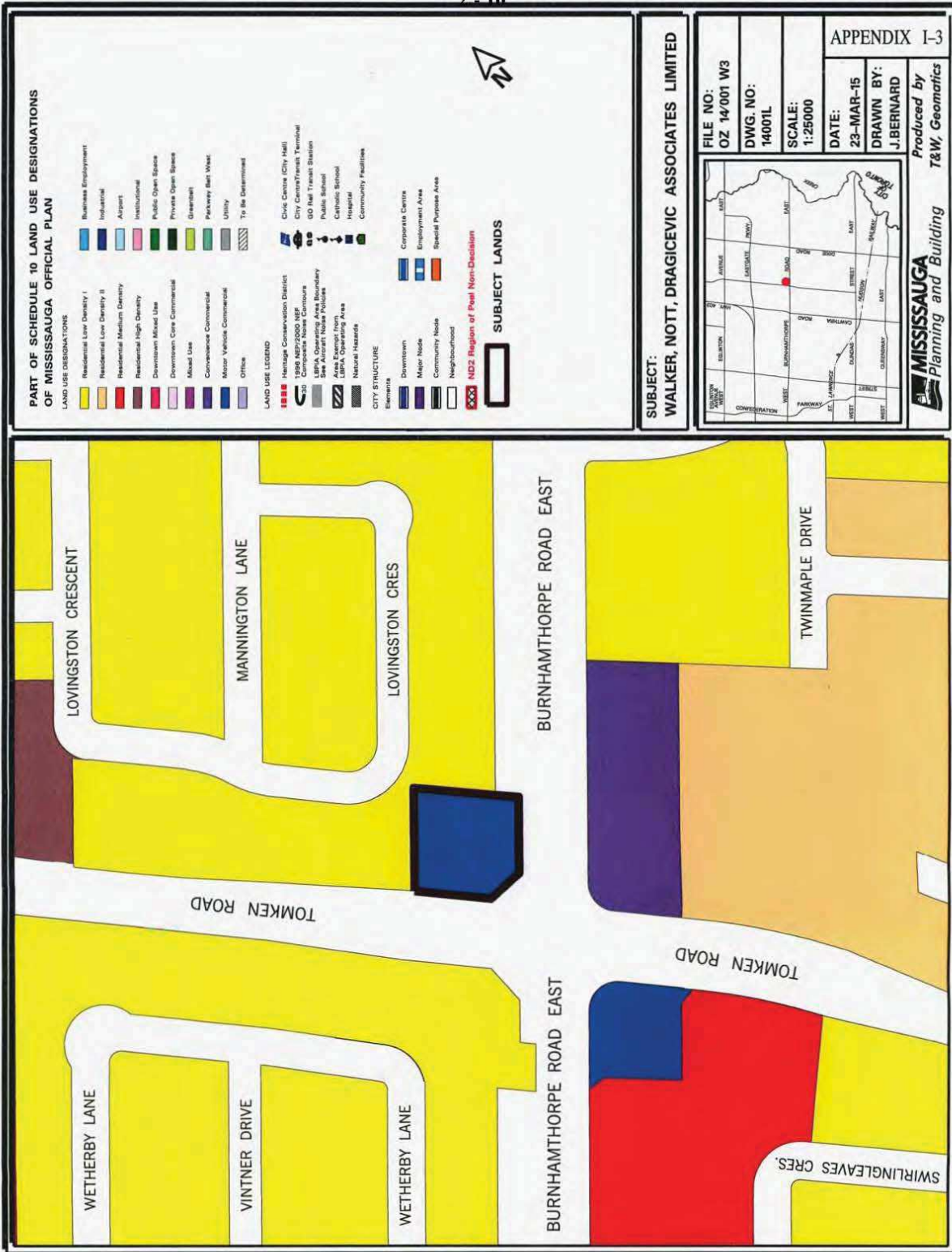
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Site History

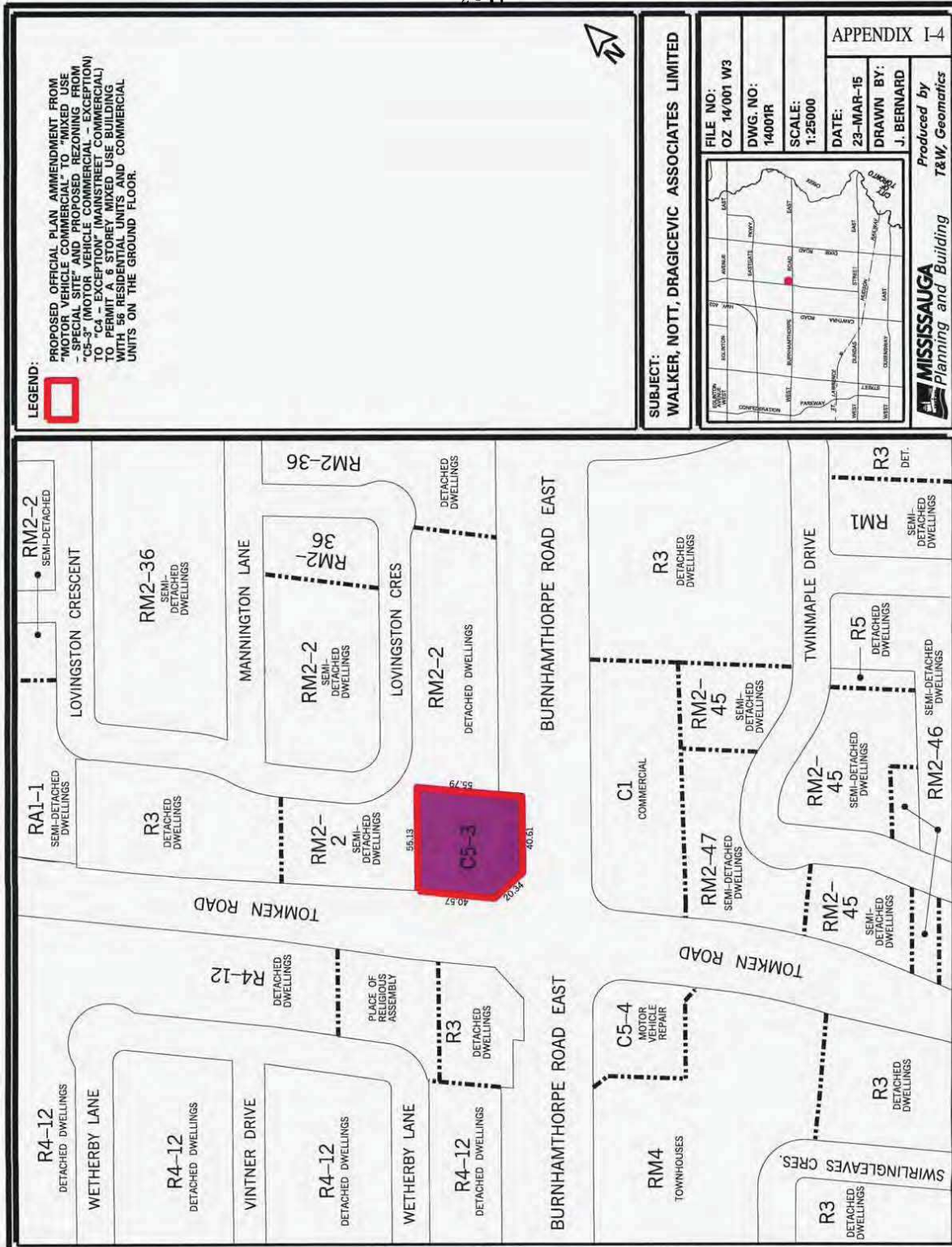
- May 7, 1981 – The Committee of Adjustment (File 'A' 81/198) approved the construction of a 4 bay service station and canopy with reduced setbacks.
- November 18, 1982 – The Committee of Adjustment (File 'A' 82/357) approved a temporary minor variance to permit the retail sales of motor vehicles until 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.

2-9

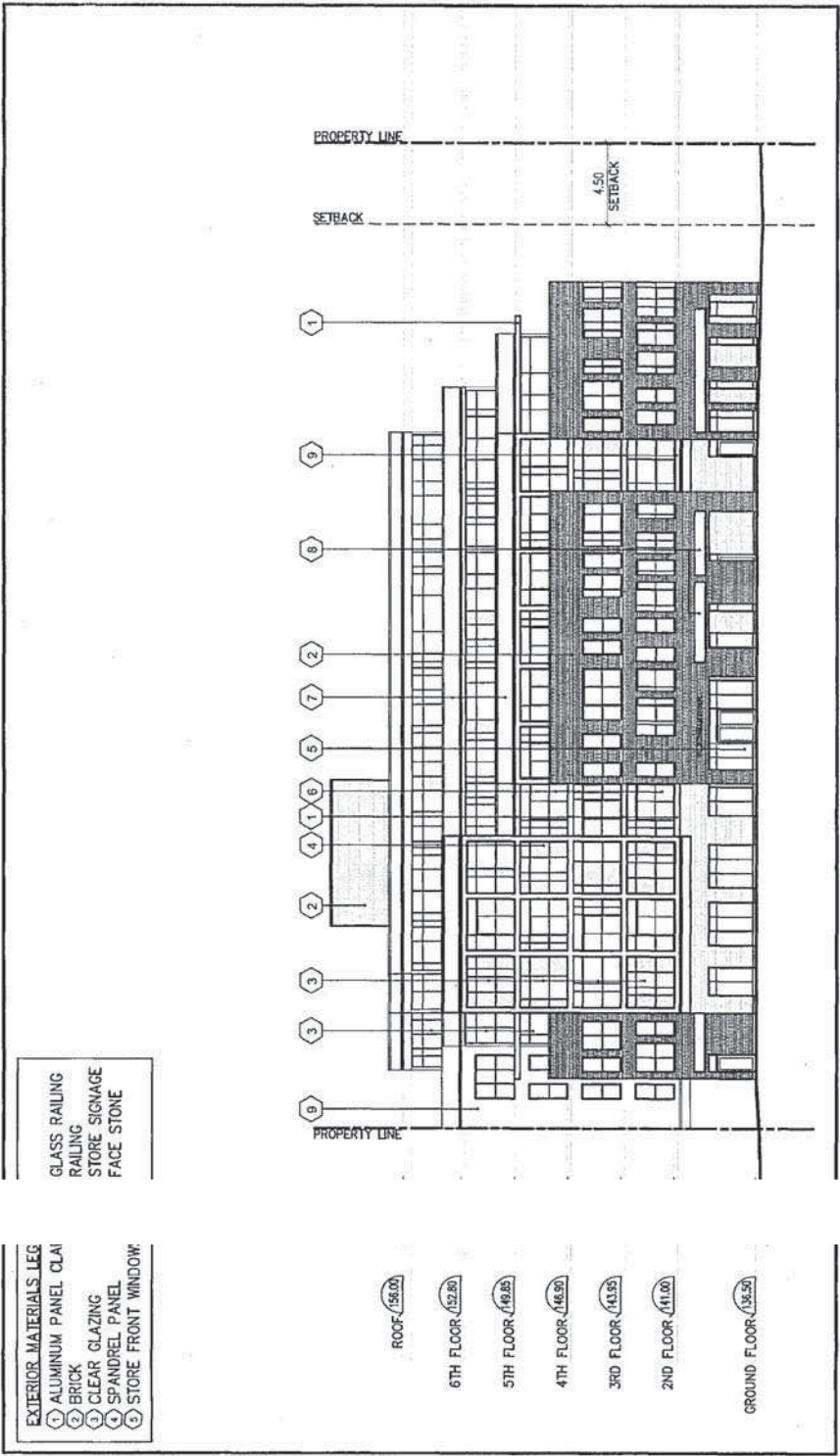




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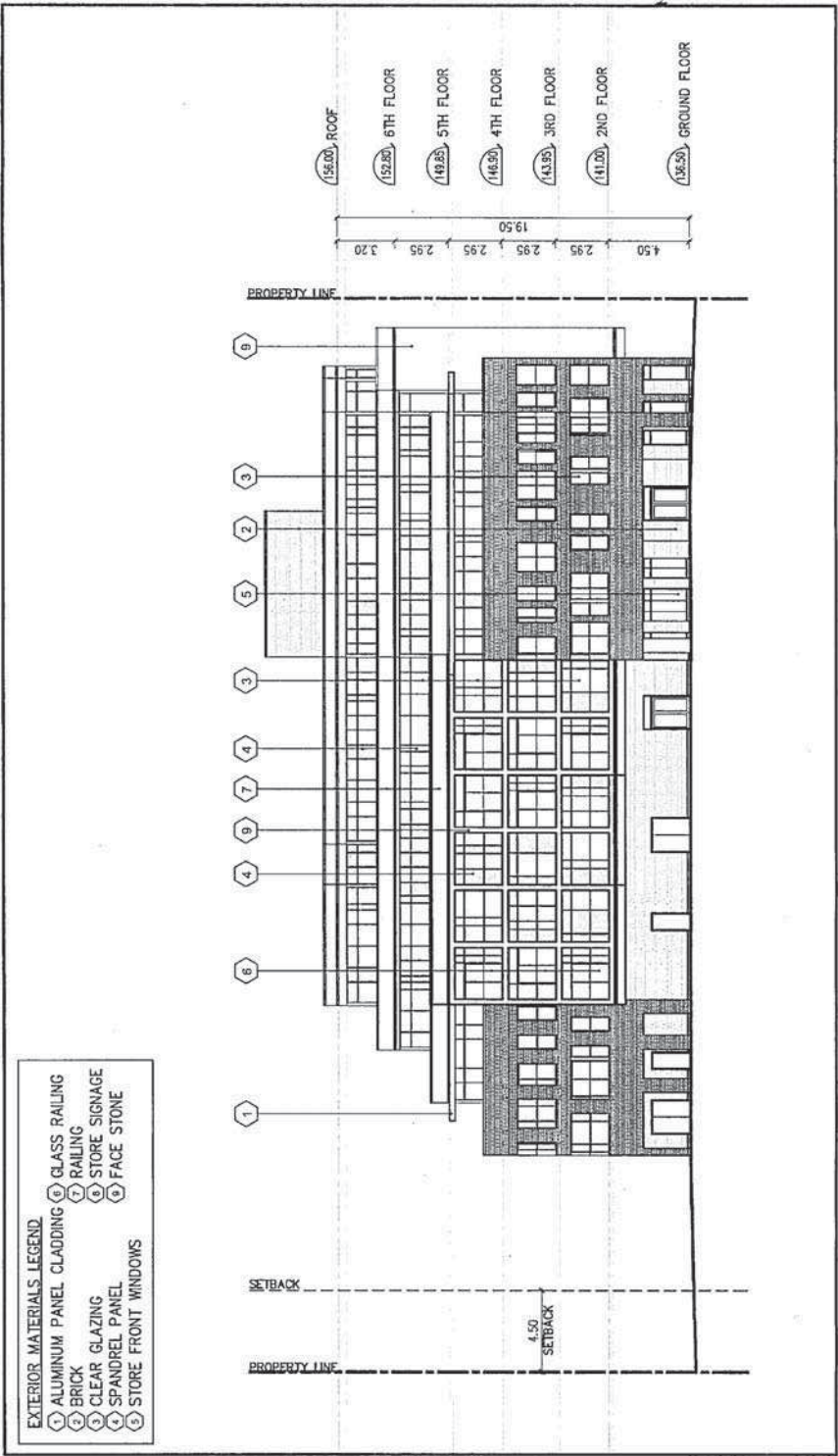


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APPENDIX I-6 ELEVATIONS AND EXTERIOR VIEW PAGE 1

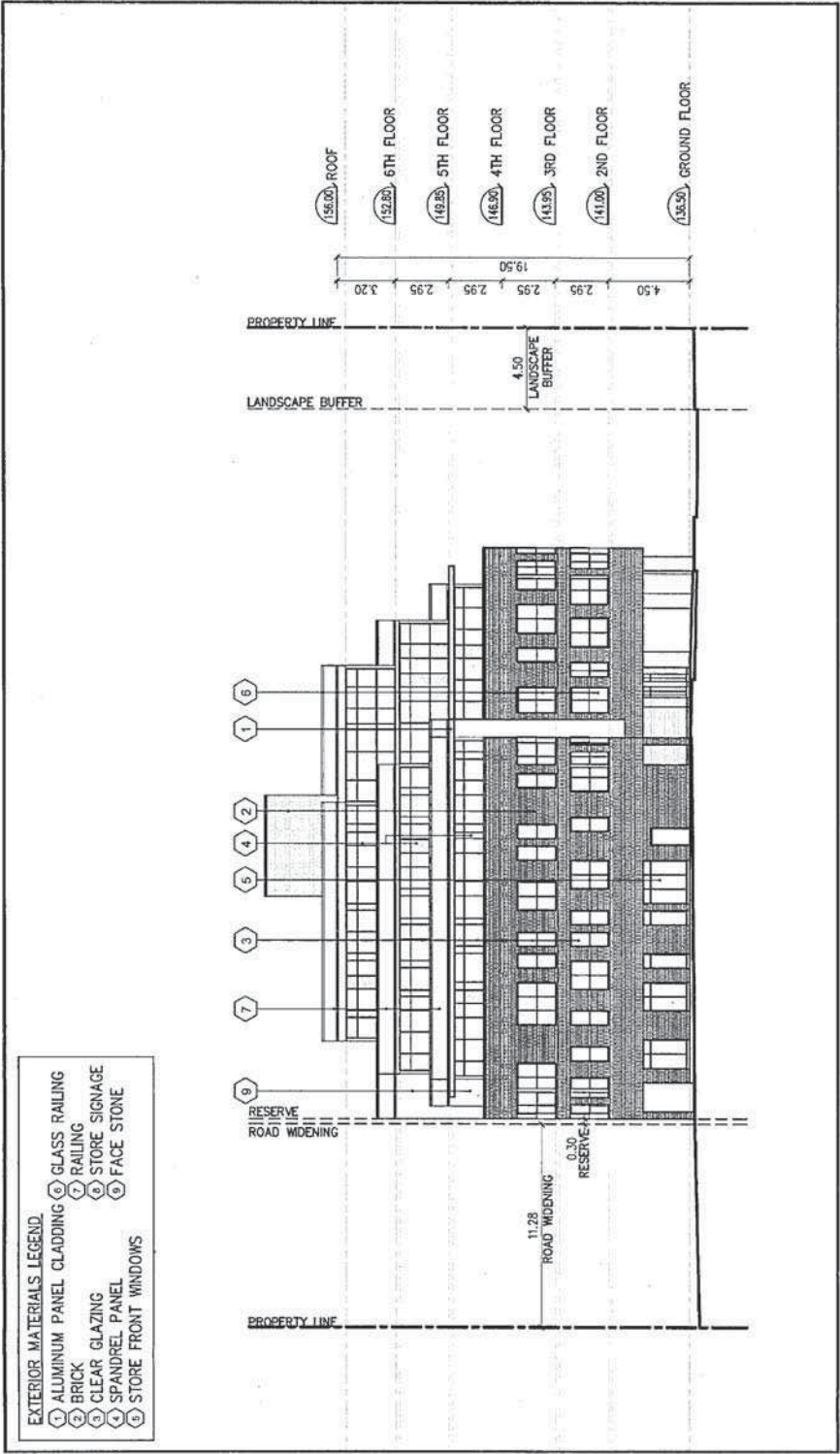


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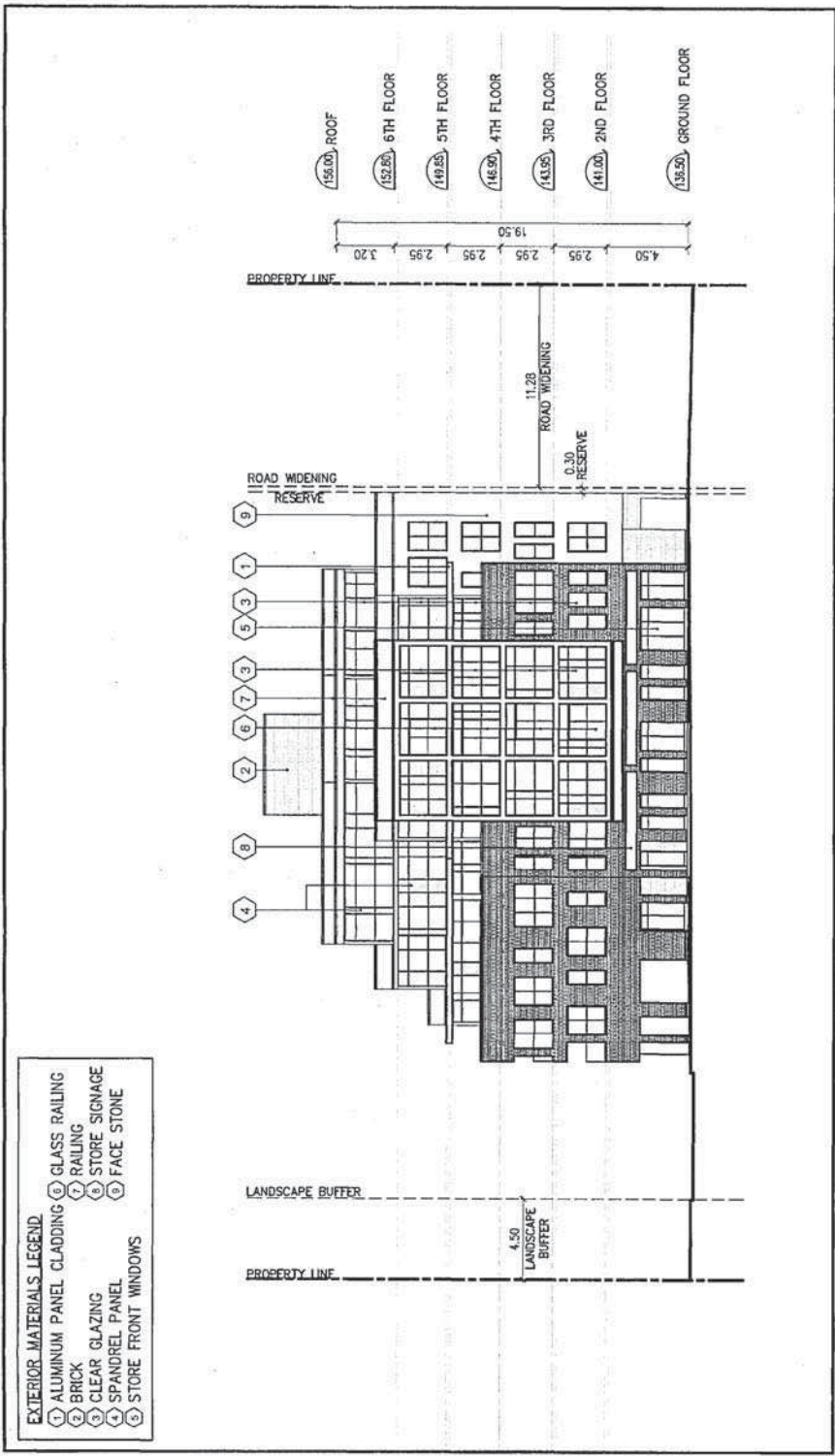
APPENDIX 1-6 ELEVATIONS AND EXTERIOR VIEW PAGE 2



2-15
APPENDIX I-6 ELEVATIONS AND EXTERIOR VIEW PAGE 3



2 - 16
APPENDIX I-6 ELEVATIONS AND EXTERIOR VIEW PAGE 4





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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)	<p>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.</p> <p>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.</p> <p>Private Servicing Easements may be required. This will be determined once the site servicing proposal is reviewed.</p> <p>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.</p>
Dufferin-Peel Catholic (May 1, 2014) District School Board and Peel District School Board (April 27, 2014)	<p>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.</p> <p>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.</p>

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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)	<p>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.</p> <p>Development matters currently under review and consideration by the department include:</p> <ul style="list-style-type: none"> • 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. <p>The above aspects will be addressed in detail prior to the Recommendation Report.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <p>Trillium Health Partners City of Mississauga Economic Development Department Bell Canada</p>

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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

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School Accommodation

The Peel District School Board	The Dufferin-Peel Catholic District School Board
<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 7 Kindergarten to Grade 6 3 Grade 7 to Grade 8 3 Grade 9 to Grade 12 School Accommodation: <ul style="list-style-type: none"> Silverthorn P.S. <ul style="list-style-type: none"> Enrolment: 246 Capacity: 337 Portables: 0 Tomken Road Middle P.S. <ul style="list-style-type: none"> Enrolment: 882 Capacity: 961 Portables: 0 Applewood Heights S.S. <ul style="list-style-type: none"> Enrolment: 929 Capacity: 961 Portables: 0 	<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 4 Junior Kindergarten to Grade 8 2 Grade 9 to Grade 12 School Accommodation: <ul style="list-style-type: none"> St. Basil <ul style="list-style-type: none"> Enrolment: 266 Capacity: 256 Portables: 0 Philip Pocock <ul style="list-style-type: none"> Enrolment: 1235 Capacity: 1257 Portables: 5

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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.

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Relevant Mississauga Official Plan Policies

	Specific Policies	General Intent
Section 5 – Direct Growth	Section 5.3.5 Section 5.4	<p>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.</p> <p>Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to the surrounding development.</p> <p>Development on Corridors should be compact, mixed use and transit friendly and appropriate to the context of the surrounding Neighbourhood.</p>
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.

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	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	<p>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.</p> <p>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.</p> <p>Development at intersections and on major streets should be of a highly attractive urban quality.</p> <p>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.</p>
	Specific Policies	General Intent
Section 16 - Neighbourhoods	Section 16.1	<p>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.</p>

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File: OZ 14/001 W3

	Specific Policies	General Intent
Section 19 - Implementation	Section 19.5.1	<p>This section contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:</p> <ul style="list-style-type: none"> • 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.

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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.)

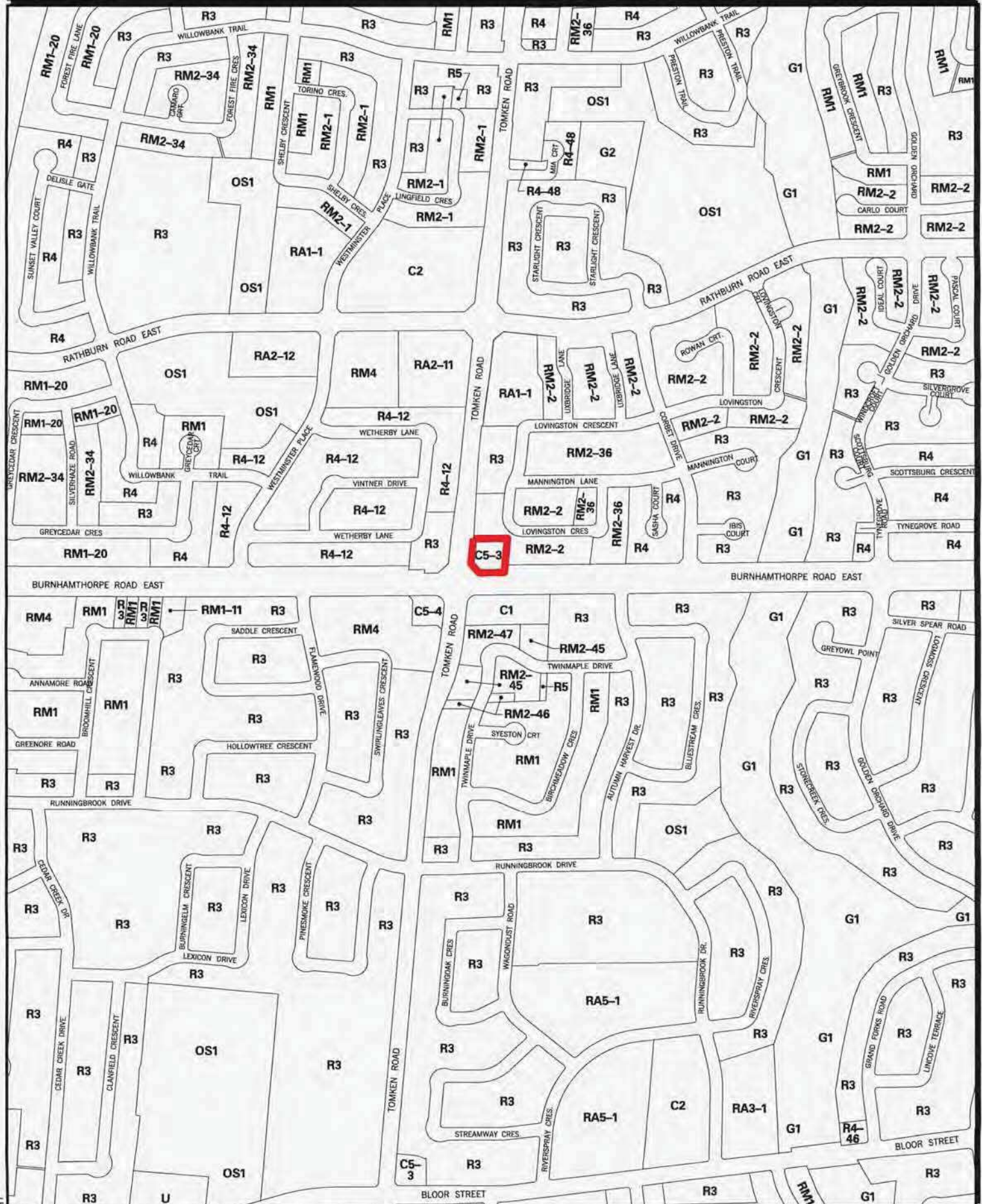
Reza Tahmesbi

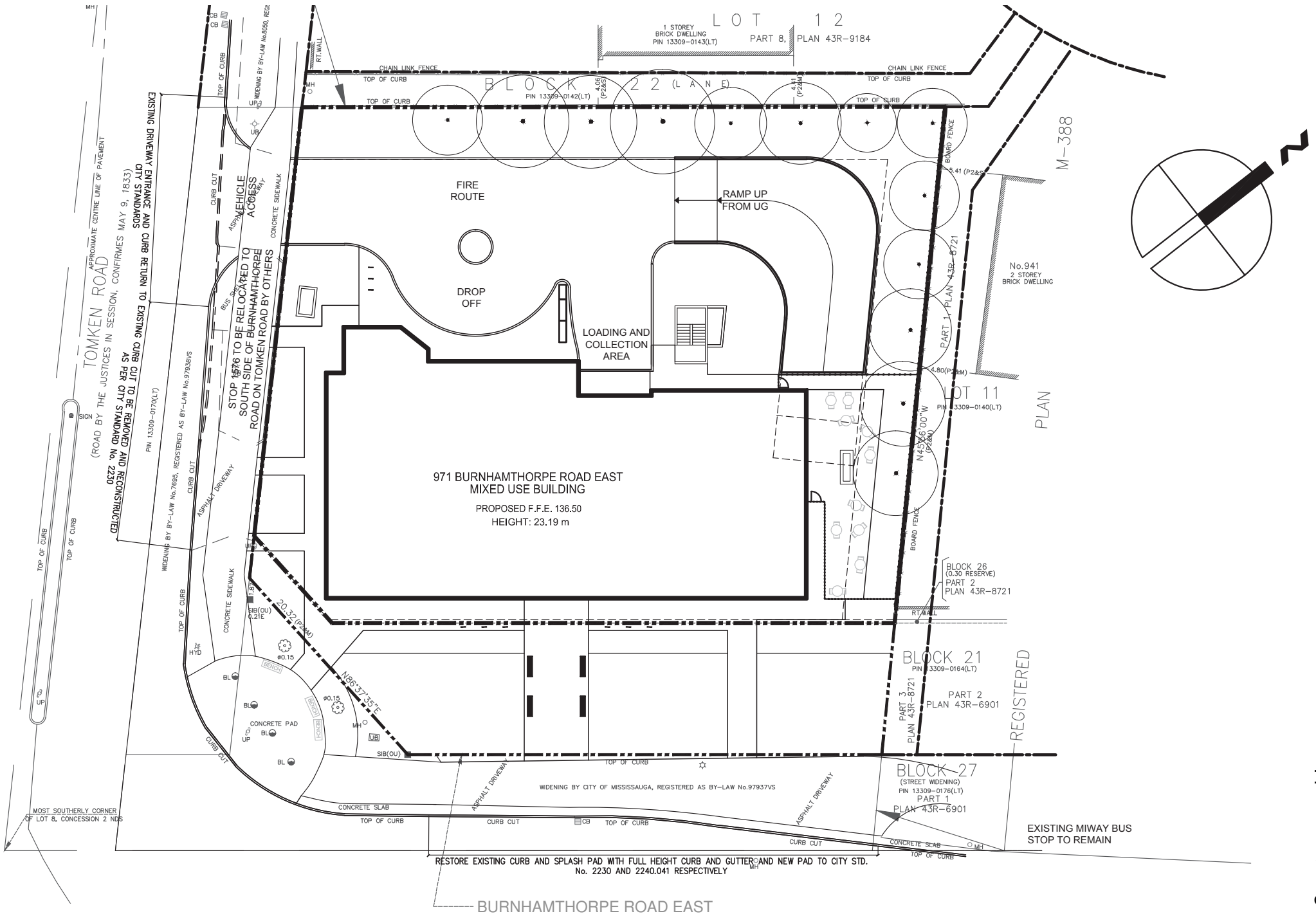
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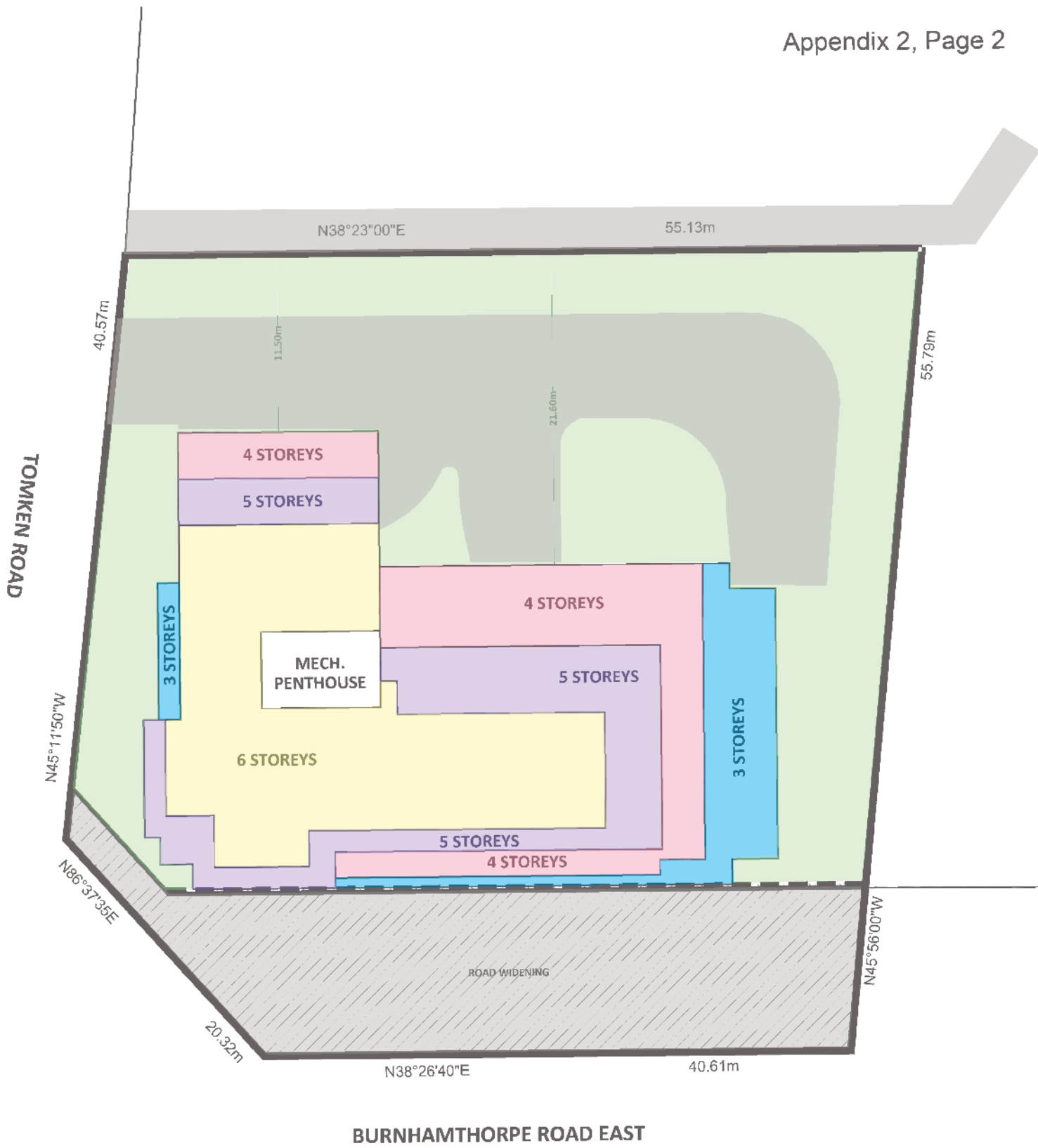
Exception Schedule	n/a	The permitted uses and applicable regulations shall be as specified for a C4 zone except that all site development plans shall comply with the exception schedule which will reflect the concept plan shown in Appendix I-5.
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GENERAL CONTEXT MAP APPENDIX I-11

OZ 14/001 W3







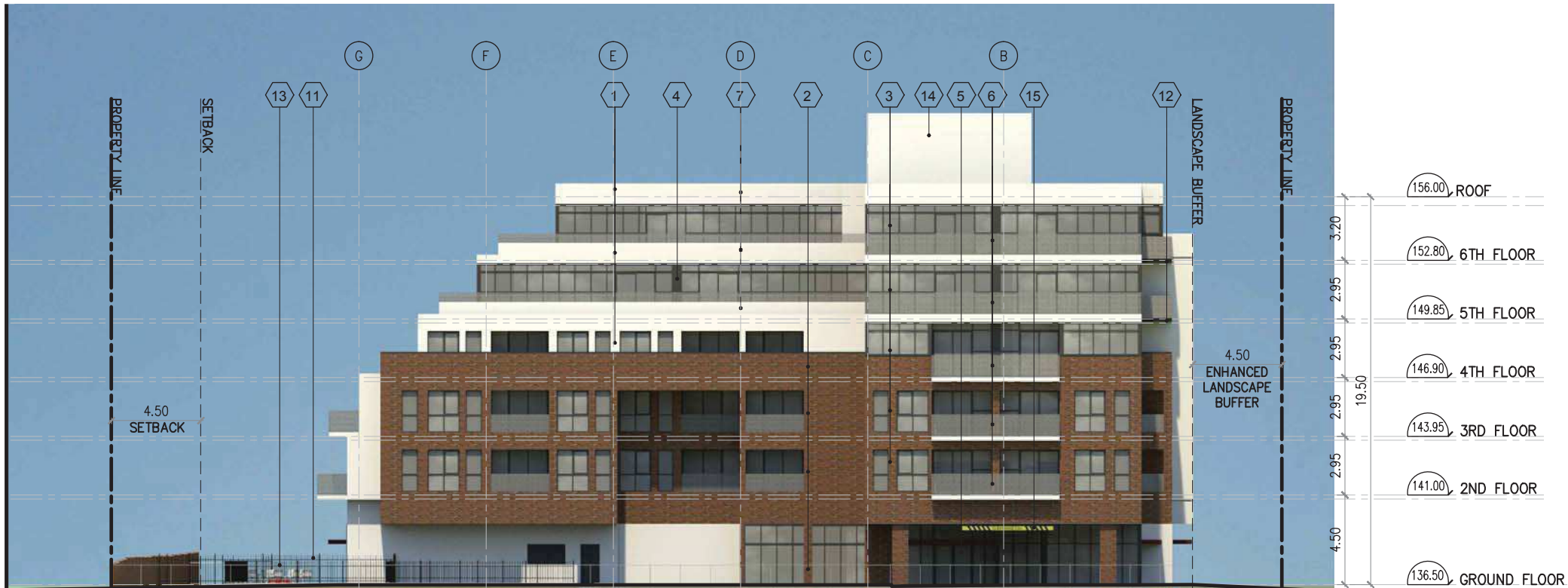
EXTERIOR MATERIALS LEGEND

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	



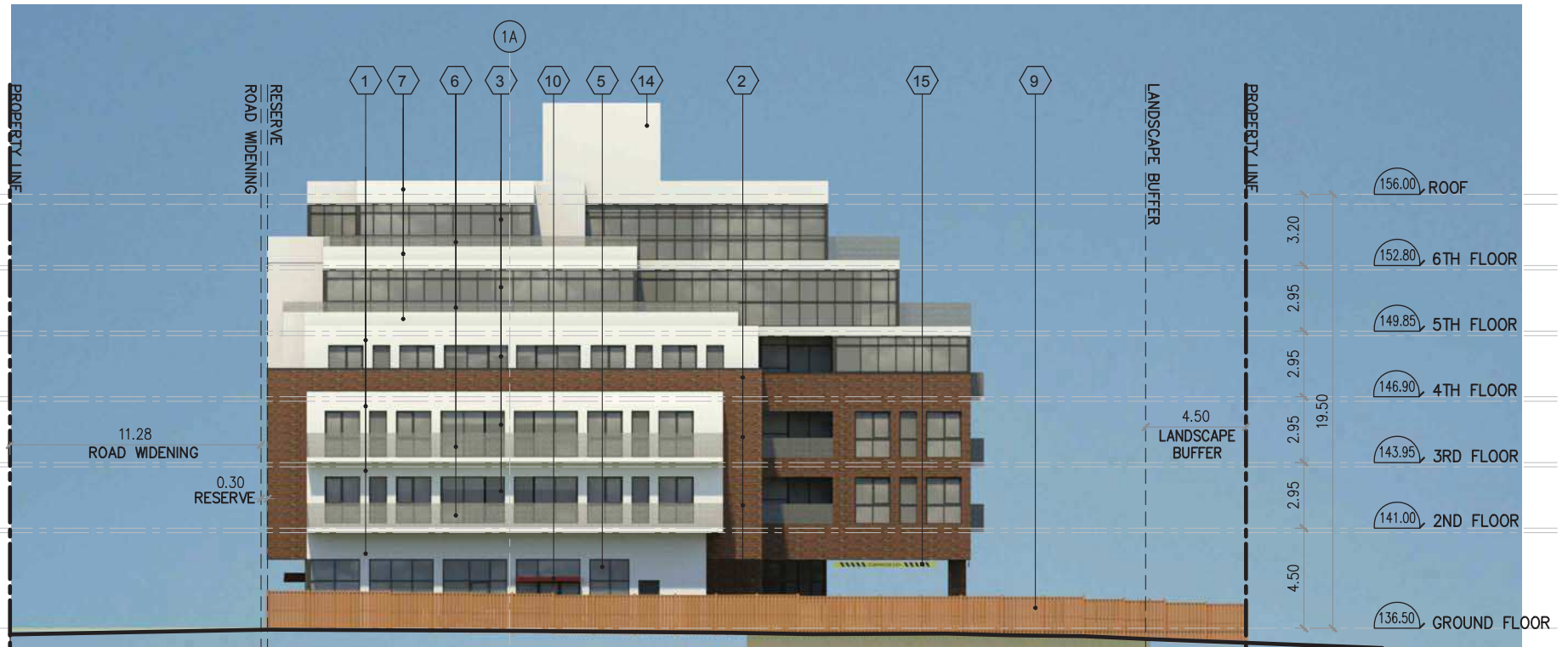
EXTERIOR MATERIALS LEGEND

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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 | |



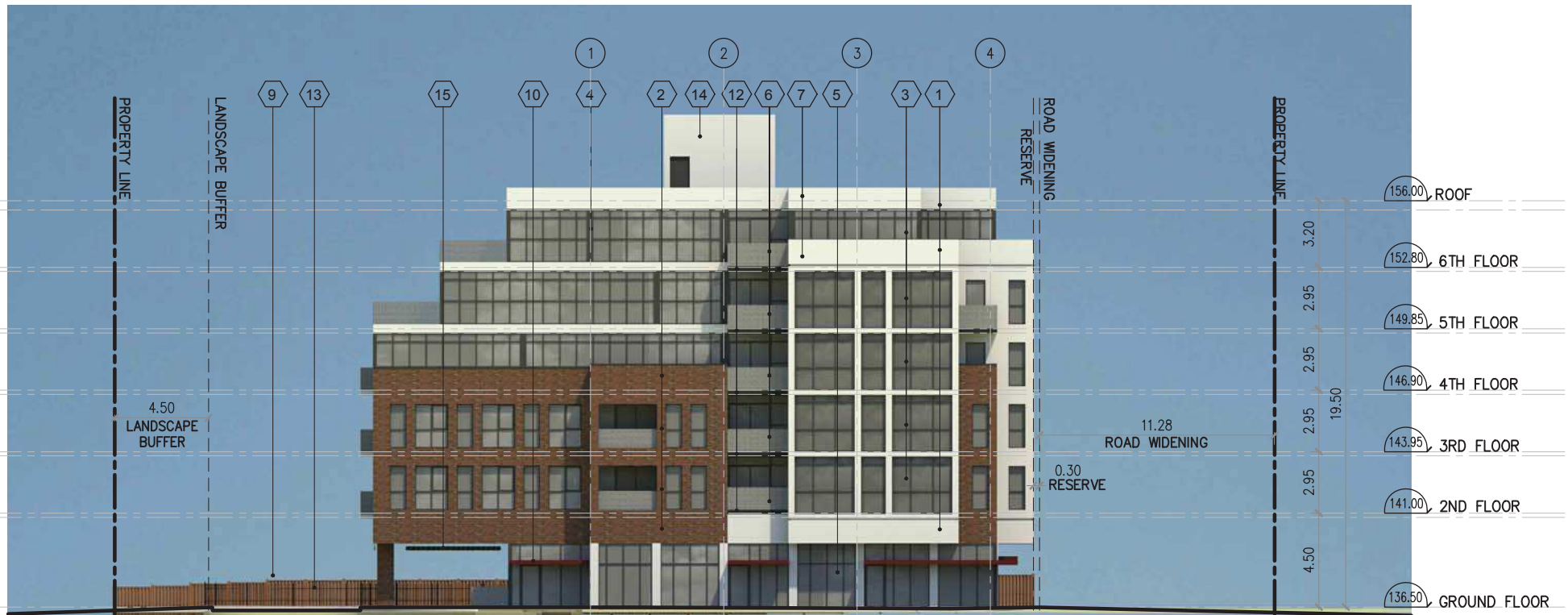
EXTERIOR MATERIALS LEGEND

- | | | | |
|---------------------------|---------------------------|------------------------------------|---|
| 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 | |



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 | |





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



APPENDIX 1

ICON Architects Inc. 4.3.

VIEW FROM SOUTH SIDE OF 945 LOVINGSTON CRESCENT - VIEW 1



APPENDIX 1

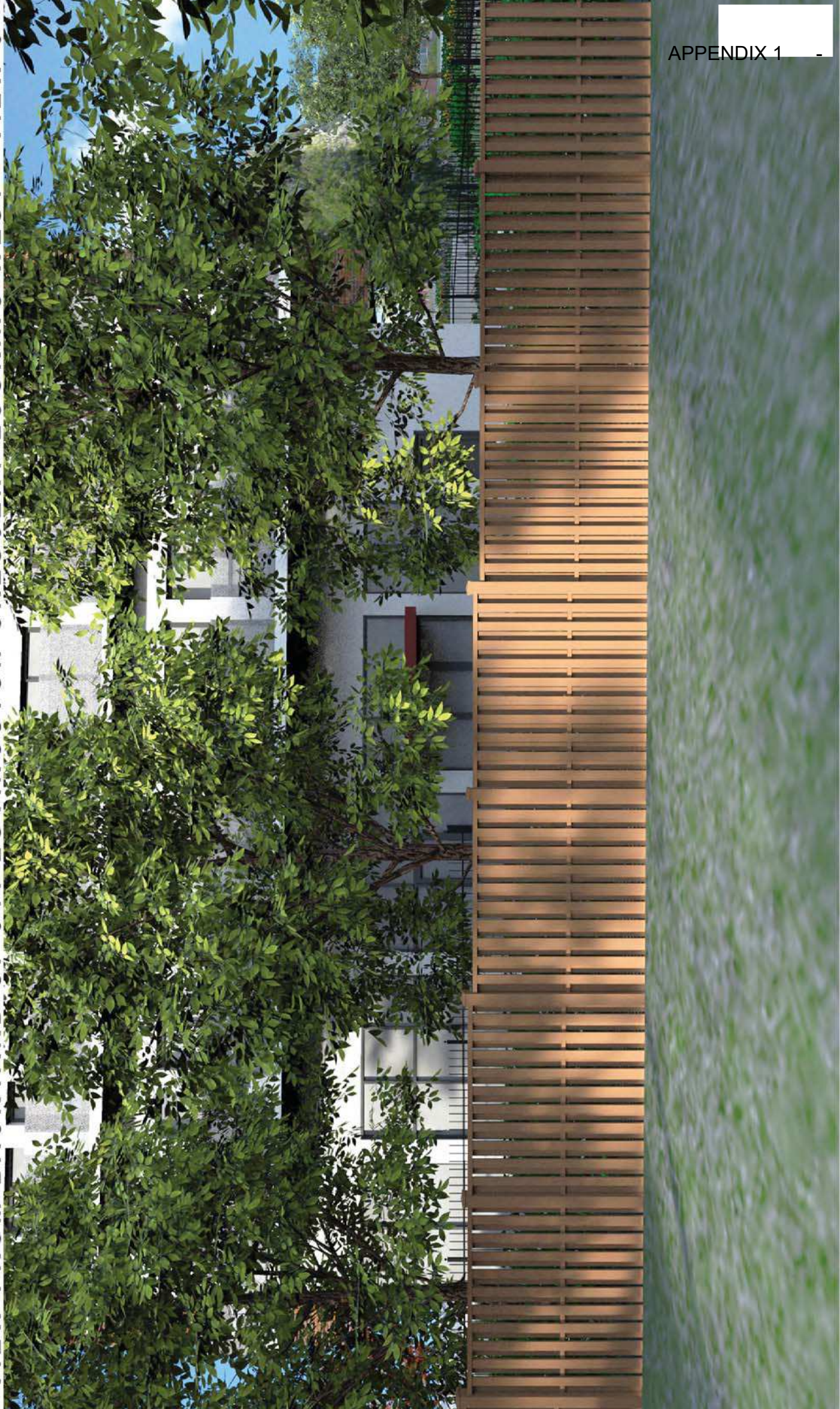
ICON Architects Inc.

4.3.

VIEW FROM WEST SIDE OF 941 LOVINGSTON CRESCENT - VIEW 2



VIEW FROM BACKYARD OF 941 LOVINGSTON CRESCENT LOOKING WEST - VIEW 3



APPENDIX 1

4.3.

ICON Architects Inc.

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	Grade related retail, service and office uses with 5 storeys of residential dwellings.
Maximum height – flat roof	12.5 m (41.0 ft.) and 3 storeys	20 m (65.61 ft.) and 6 storeys
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	455 m ² (4,897.58 sq. ft.)
Maximum total gross floor area – apartment dwelling	No maximum	4720 m ² (50,807 sq. ft.)
Minimum amenity area – outdoor	n/a	155 m ² (1668.4 sq. ft.)
Minimum amenity area – indoor	n/a	84 m ² (904.2 sq. ft.)
Minimum number of bicycle parking spaces	n/a	42
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 ft.)
Maximum height of a mechanical area above the 6 th storey	n/a	5 m (16.4 ft.)
Exception Schedule	n/a	All site development plans shall comply with the exception schedule which reflects the concept plan (Appendix 2).