

City of Mississauga  
**Corporate Report**



<p>Date: February 28, 2024</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's files:  OZ 21-13 W7 and  OPA 24-1 W7</p>
	<p>Meeting date:  March 18, 2024</p>

## Subject

### **PUBLIC MEETING RECOMMENDATION REPORT (WARD 7)**

**Official Plan Amendment and Rezoning applications to permit 9 detached homes on a common element condominium (CEC) road**

**904 Mississauga Heights Drive, south of Queensway West, east of Glengarry Road**

**Owner: Maria and Mario Polla**

**Files: OZ 21-13 W7 and OPA 24-1 W7**

**Pre-Bill 109 and Bill 109**

## Recommendation

1. That the application to amend Mississauga Official Plan to modify the boundaries of the **Residential Low Density I** and **Greenlands** designations and to amend the Erindale Neighbourhood Special Site 2 policies for 904 Mississauga Heights Drive, under file OPA 24-1 W7, is not acceptable in its current form and should not be approved.
2. That City Council direct Legal Services, appropriate City staff and any necessary consultants to attend the Ontario Land Tribunal (OLT) hearing in opposition to the Official Plan Amendment and Rezoning applications in their current form, for the lands at 904 Mississauga Heights Drive and for Legal Services to bring a report to Council should there be a potential for settlement.
3. That City Council authorize the Planning and Building Department to instruct Legal Services on requesting mediation or to otherwise enter into settlement discussions during or before the Ontario Land Tribunal hearing process.

## Executive Summary

- Official plan amendment and rezoning applications have been submitted to permit 9 detached homes on a common element condominium (CEC) road at 904 Mississauga Heights Drive
- The rezoning application has been appealed to Ontario Land Tribunal (OLT) by the applicant for non-decision. A case management conference is scheduled for March 28, 2024
- The applicant has made revisions to the proposal since the Public Meeting, including:
  - Amended the road configuration to provide a shared common element condominium road with the abutting redevelopment at 900 Mississauga Heights Drive
  - Increased the number of proposed lots (POTLs) from 5 to 9
  - Adjusted the limits of the lands designated **Greenlands**
  - Amended zone standards/exceptions
- The revisions to the proposal triggered the requirement for an official plan amendment application (OPA 24-1 W7), which staff are recommending refusal of and which will likely be formally appealed by the applicant and consolidated with the existing OLT appeal for the rezoning application on the property
- Planning staff support amendments to allow for some intensification of the property as it would more efficiently utilize a large detached dwelling property and create additional residential lots (POTLs) to support more housing
- Approval of the development applications in their current form is premature due to the fact that the boundaries of the residential and greenlands zones cannot be defined until additional information is provided to determine the limits of development
- The following issues remain outstanding:
  - Delineation of the developable area of the property to the satisfaction of the City and Credit Valley Conservation (CVC), based upon satisfactory studies used to determine the appropriate limits of the natural heritage features on site including restoration and/or enhancement, setbacks and buffers
  - Layout and configuration of the individual development lots (POTLs) upon confirming the extent of the developable area, which will establish the boundaries of the residential and greenlands zones, and allow for any required zone exceptions to be determined in order to accommodate the proposed development
  - Design of the CEC road to municipal standards and to satisfy Region of Peel waste collection requirements

- Resolution of outstanding technical issues through updated studies (environmental, traffic, servicing and noise)
- Execution of a Development Agreement to cover various servicing requirements, land dedications, easements, and the provision of a shared CEC road with the adjacent development at 900 Mississauga Heights Drive (OZ/OPA 22-1 W7)
- Should the applications be approved by the OLT, an "H" Holding Provision will be required to be added to the zoning which shall not be lifted until the outstanding studies and technical issues are appropriately resolved
- Staff require direction from Council to attend any OLT proceedings which may take place, including direction to mediate or otherwise resolve or narrow the outstanding issues, in connection with the applications and in support of the recommendations outlined in this report.

## Background

A public meeting was held by the Planning and Development Committee on April 19, 2022, at which time an Information Report (Item 5.3 - <https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=e950f3a0-c977-426e-8bc7e9df8f9be9e&lang=English&Agenda=Agenda&Item=9&Tab=attachments> ) was received for information. Recommendation PDC-0035-2022 was then adopted by Council on May 4, 2022.

1. That the report dated March 25, 2022, from the Commissioner of Planning and Building regarding the application by Maria Polla to permit 5 detached homes on a common element condominium (CEC) road, under File OZ 21-13 W7, 904 Mississauga Heights Drive, be received for information.
2. That 9 oral submissions be received.

The landowners of 900 and 904 Mississauga Heights Drive consolidated their consultants and prepared combined studies and materials for their July 2023 resubmission, while keeping the applications distinct from each other, despite the shared CEC road.

On December 7, 2023, the owners appealed the rezoning application to OLT for non-decision within the 90 day prescribed Planning Act timeline and a pre-hearing date is scheduled for March 28, 2024. 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.

Since appealing the rezoning application to the OLT, the applicant has submitted an official plan amendment application due to the revised proposal not conforming with the applicable official

plan policies. The official plan amendment was deemed complete on December 22, 2023 and assigned file number OPA 24-1 W7.

There were some technical matters that needed to be resolved before the Planning and Building Department could make a recommendation on the applications. Given the amount of time since the public meeting, and the changes to the applications, full notification was provided.



Aerial Image of 904 Mississauga Heights Drive

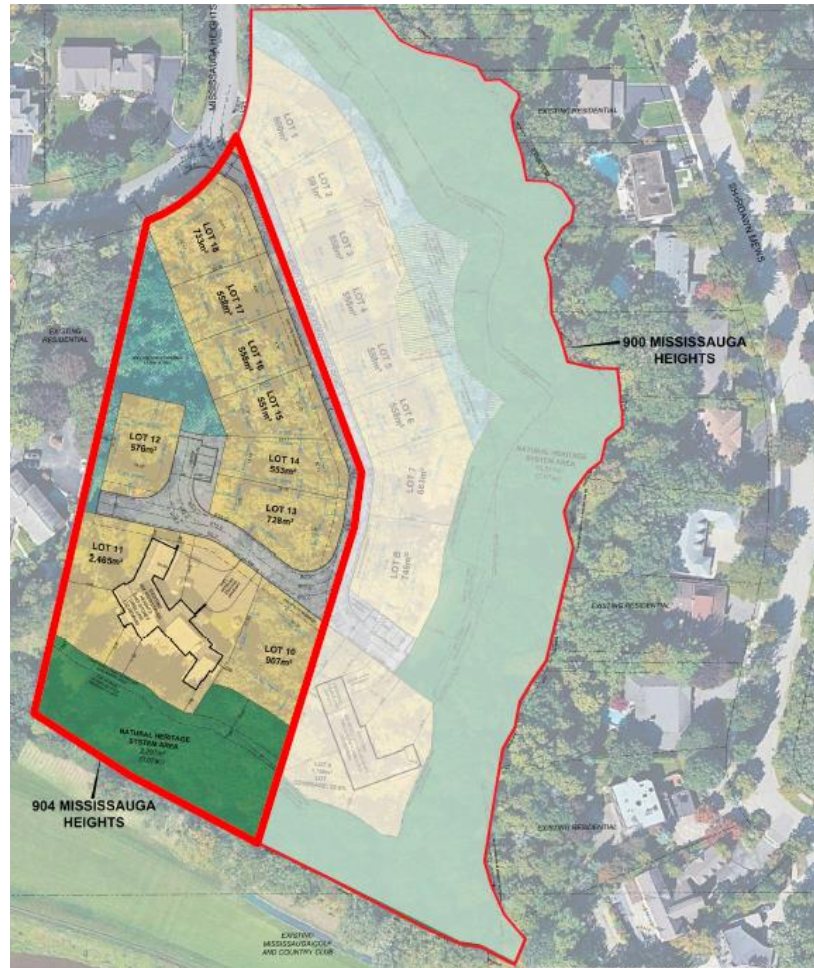
## Comments

### REVISED DEVELOPMENT PROPOSAL

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

- Amended the road configuration to share a common element condominium road with the abutting proposal at 900 Mississauga Heights Drive
- Increased the number of detached dwelling lots (POTLs) from 5 to 9
- Adjusted the limits of the lands designated **Greenlands**
- Submitted an Official Plan Amendment
- Amended zone standards/exceptions for lot area, lot frontage, setbacks, and the tree preservation area.

The revisions to the proposed development triggered the requirement for an official plan amendment application. Specially, the official plan amendment is required to modify the limits of the **Residential Low Density I** and **Greenlands** designations and to amend the Special Site 2 policies of the Erindale Neighbourhood Character Area as they relate to the subject property. Through this report, staff are recommending refusal of the rezoning application and the official plan amendment, which will be formally appealed by the applicant and consolidated with the existing rezoning OLT appeal for the property.



Revised Concept Plan for 904 Mississauga Heights Drive

## 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 rezoning application on November 8, 2021 and of the official plan amendment on January 8, 2024. A community meeting was held by Ward 7 Councillor, Dipika Damerla, on February 1, 2022. Supporting

studies were posted on the City's website at

<http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on April 19, 2022. Nine members of the public made deputations regarding the application. 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*, 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 proposal for limited intensification in the form of detached dwellings is consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan which support general intensification, provision of housing and efficient use of infrastructure. However, these policy documents also seek to protect natural features and the environment, and the appropriateness of the natural area limits and protections for these features and functions have not been sufficiently addressed. An official plan amendment is required to modify the current boundaries of the **Residential Low Density I** and **Greenlands** designations and to amend the Erindale Neighbourhood Special Site 2 policies as they relate to the subject lands.

The limits of the natural heritage system, to be protected through the Greenlands designation, along with appropriate setbacks and buffers must first be established prior to determining the ultimate design, of the development.

The Region of Peel and the City have outstanding comments on the design of the common element condominium (CEC) road regarding waste collection and compliance to municipal standards, respectively. Additionally, there are a number of issues that have not been adequately addressed and require additional information to be submitted by the applicant, including, but not

limited to, the submission of satisfactory technical studies including: Environmental Impact Study, Functional Servicing Report and Traffic Operations Assessment, Phase 2 Environmental Site Assessment and Noise Study.

An "H" Holding Provision will be required to be added to the zoning should the applications be approved to ensure that the outstanding studies and technical issues are appropriately resolved.

## 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

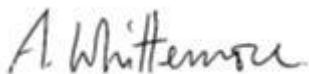
In summary, while sensitive intensification in the form of detached dwellings is appropriate, the development applications, as currently proposed, are not acceptable from a planning standpoint and should not be approved. The applicant has not provided sufficient information and/or justification to support the proposed limits of development, which is critical to establishing the boundaries of the residential and greenlands zones and determining the appropriate zone standards to accommodate the development. Additional information and modifications are required to the satisfaction of the City departments and agencies to resolve outstanding issues including the protection and enhancement of natural heritage features, servicing, road design, environmental impacts and noise mitigation.

Should these applications be approved by the OLT, staff will recommend that an "H" holding provision be applied to the lands to ensure all technical information is provided and that appropriate agreements be completed by the applicant. Should the required justification and technical information be received and found acceptable prior to the OLT hearing, staff will bring a supplementary recommendation report to Council in order to receive direction on how to proceed with respect to the OLT hearing.

## Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Jonathan Famme, Development Planner