

City of Mississauga
Corporate Report



<p>Date: November 6, 2024</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: OZ 20/011 W11</p>
	<p>Meeting date: November 25, 2024</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 11)

Rezoning application to permit ten, three storey, back to back townhomes

86 Thomas Street, west of Joymar Drive and north of Thomas Street

Owner: Forgione Investments

File: OZ 20/011 W11

Recommendation

1. That City Council endorse the rezoning application for the lands at 86 Thomas Street and direct Legal Services, representatives from the appropriate City Departments and any necessary consultants to participate in the Ontario Land Tribunal (OLT) proceeding in support of the rezoning application; and
2. That the City Solicitor, or their designate, be authorized to prepare final zoning by-law amendment for approval by the OLT, incorporating the holding provision conditions provided in Appendix 2.

Executive Summary

- A rezoning application has been submitted to permit ten, three storey, back to back townhomes at 86 Thomas Street
- The rezoning application has been appealed to Ontario Land Tribunal (OLT) by the applicant for non-decision. A case management conference was held on September 16, 2024 and a second CMC has been scheduled for December 13, 2024
- The applicant has revised the proposal to address issues raised by the public and by staff, including:
 - Reducing the proposed building height from four storeys to three storeys
 - Revising the proposed access configuration and waste management plan
 - Providing a more substantial landscape buffer along the westerly lot line

- Scaling down the south entrance patio structures fronting Thomas Street
- Replacing the north entrance patios with soft landscaping
- Staff are satisfied with the changes, find the proposal to be acceptable from a planning standpoint and recommend that the application be approved
- Any approval by the OLT should be subject to a "H" Holding provision to address outstanding technical requirements
- Staff require direction from Council to attend the OLT proceeding.

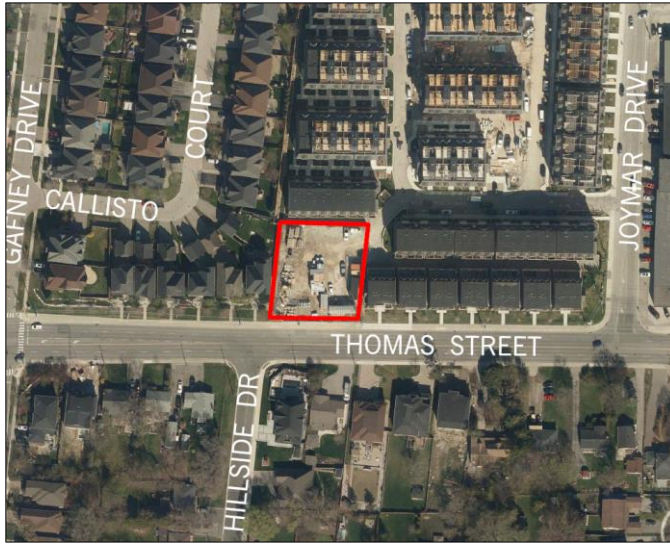
Background

A public meeting was held by the Planning and Development Committee (PDC) on January 11, 2021, at which time an Information Report (Item 4.6 <https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=796afab7-3337-4a27-b57f-d9e118f5a2d0&lang=English&Agenda=Agenda&Item=13&Tab=attachments>) was received for information. Resolution PDC-0007-2021 was then adopted by Council on January 20, 2021.

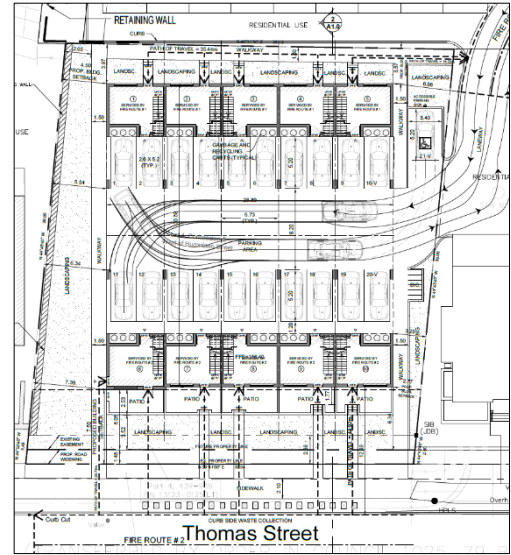
1. That the report dated December 18, 2020, from the Commissioner of Planning and Building regarding the application by Forgione Investments to permit ten three storey back to back townhomes, under File OZ 20/011 W11, 86 Thomas Street, be received for information.

The applicant made several resubmissions between 2020 to 2024. There were several design and technical matters that needed to be resolved to address feasibility and compatibility concerns before staff could make a recommendation. The applicant took significantly more than the average amount of time to resolve outstanding issues. Given the amount of time since the public meeting, full notification was provided on October 31, 2024.

On June 28, 2024, the owner appealed the City's non-decision on the application to the OLT. A Case Management Conference (CMC) was held on September 16, 2024 and a second CMC has been scheduled for December 13, 2024. The purpose of this report is to make a recommendation to the PDC on the application and to seek direction with respect to the appeal.



Aerial Image of 86 Thomas Street (April 2024)



Applicant's Concept Plan of the Proposal

Comments

REVISED DEVELOPMENT PROPOSAL

The applicant has made modifications to the proposed concept plan since the first submission as shown in the Information Report dated December 18, 2020, including:

- The reduction of the proposed building height from four storeys to three storeys, measured from average grade
- The removal of vehicular access from Thomas Street and providing access along the east property line through the adjacent townhouse development (Dunpar) that connects with Joymar Drive
- Adjustments to the proposed landscaped buffers and building setbacks, especially in the westerly setback area where a more substantial landscaped space and pedestrian pathway has replaced the driveway onto Thomas Street as previously proposed
- South entrance patio structures fronting Thomas Street have been scaled down to improve the street-facing façade and to ensure compatibility with existing semi-detached dwellings and townhomes to the east
- The replacement of north entrance patios with soft landscaping to improve the pedestrian area in the rear yards and interface with the adjacent development to the north
- A revised waste management plan that provides for curbside pickup along Thomas Street, in keeping with the approved waste pick up serving the semi-detached and townhouse developments immediately to the east.

COMMUNITY ENGAGEMENT

Notice signs were placed on the subject lands advising of the proposed zoning change. All property owners within 120 m (393 ft.) were notified of the application on December 17, 2020. One written submission was received by the Planning and Building Department. Supporting

studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on January 11, 2021. One member of the public made a deputation 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 Provincial Planning Statement (PPS) 2024 was released on August 20, 2024, and came into effect on October 20, 2024, replacing the Provincial Policy Statement 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as amended in 2020. The PPS 2024 marks a significant shift in Ontario's land use planning by consolidating the two frameworks into a single, province-wide document. The update aims to streamline policies and place greater responsibility on municipalities to manage growth locally, with a focus on intensification, housing development, and transit-supportive communities. The new PPS provides direction on land use planning by ensuring that municipal decisions align with provincial interests such as promoting efficient land use, encouraging diverse housing options, and supporting sustainable development by coordinating land use with existing and planned public infrastructure.

A detailed Planning Analysis is found in Appendix 2. The rezoning application is consistent with the Provincial Planning Statement and conforms to the Region of Peel Official Plan and Mississauga Official Plan. A zoning by-law amendment is required to change the zoning from **D** (Development) to **H-RM10-Exception** (Back to Back Townhouses - Exception) to permit this development proposal. The zoning requires an "H" Holding Provision that can be removed once a number of technical conditions have been fulfilled and are deemed satisfactory by City staff.

The application has been found to be acceptable based upon the following:

- The subject property is designated **Residential Medium Density** which permits all forms of townhouse dwellings including back to back townhomes. An official plan amendment is not required
- The proposal is sensitive to and compatible with the surrounding area and represents appropriate growth within a neighbourhood on a site that fronts onto a Major Collector road and is located within 800 m (2,625 ft.) of the Streetsville GO Station
- The proposed building, site design and setbacks are adequate to ensure appropriate transition in height and built form to the adjacent properties and provides a desirable street edge on Thomas Street that is compatible with neighbouring developments

- The proposal adds to the range of housing in the Streetsville Neighbourhood Character Area and makes more efficient use of the subject property, aligning with the goals and objectives of the Provincial Planning Statement, the Region of Peel Official Plan, and the Mississauga Official Plan.

Strategic Plan

The application is consistent with the Connect pillar of the Strategic Plan by contributing to a diversity of housing types to residents supporting 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.

While the matter has been appealed for non-decision, staff are supportive of the revised application. Should Council decide against endorsing the approval of the rezoning application, the City would need to incur costs of retaining external legal counsel and witnesses to support the refusal.

Conclusion

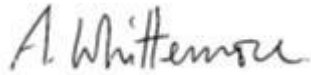
The proposed rezoning is acceptable from a planning standpoint and should be approved. The proposed land use and building type are permitted by the Mississauga Official Plan. An official plan amendment is not required to facilitate the proposal. The proposed built form is compatible with the surrounding properties and planned context of the area. The proposal directs growth to an appropriate location in a neighbourhood, adds to the range of housing in the Streetsville Neighbourhood Character Area and makes more efficient use of the subject property.

Any approval by the OLT should include a list of conditions for the "H" Holding provision that can be removed once the conditions have been resolved to the satisfaction of the City.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Jason De Luca, Development Planner