



# Corporate Report

Clerk's Files

Originator's  
Files OZ 05/022 W7

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**DATE:** May 9, 2006

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: May 29, 2006

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Information Report**  
**Official Plan Amendment and Rezoning**  
**To permit a dental office as a temporary use prior to**  
**redevelopment of the lands for two detached dwellings**  
**255 Queensway West**  
**North side of Queensway West, west of Confederation Parkway**  
**Owner: R. Benitez, C. Benitez and M. Parra**  
**Applicant: M. Architecture Inc.**  
**Bill 20**

**Public Meeting** **Ward 7**

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**RECOMMENDATION:** That the Report dated May 9, 2006, from the Commissioner of Planning and Building, regarding the application to amend the Official Plan to add a new "Special Site Policy" in the Cooksville District Policies of Mississauga Plan to permit a dental office as a temporary use for a period of up to 10 years prior to the redevelopment of the lands for two detached dwellings and to change the Zoning from "R2" (Residential) to a "R4-Special Section" (Residential) to permit a dental office as a temporary use and to permit two future detached dwellings under file OZ 05/022 W7, R. Benitez, C. Benitez and M. Parra, 255 Queensway West, be received for information.

**BACKGROUND:**

Official Plan Amendment and Rezoning applications have been filed to permit a non-resident, dental office in an existing detached dwelling with a maximum of three dental examination rooms and all vehicular access restricted to Queensway West. After consultation with the Planning and Building Department, the applications were revised on March 29, 2006 to request the dental office as a temporary use prior to the redevelopment of the lands for residential purposes.

The purpose of this report is to provide preliminary information on the above-noted applications and to seek comments from the community.

**COMMENTS:**

Details of the proposal are as follows:

<b>Development Proposal</b>	
Applications submitted:	May 19, 2005
Applications revised:	March 29, 2006
Existing Gross Floor Area:	201.3 m <sup>2</sup> (2,166.8 sq. ft.) incl. basement 115.4 m <sup>2</sup> (1,242.2 sq. ft.) main floor
Height:	One storey
Lot Coverage:	9.3 %
Landscape Area:	34.7 %
Parking Required:	8 based on the main floor used as a dental office. Applicant has indicated the basement is used exclusively for storage.
Parking Provided:	10
Supporting Documents:	Planning Rationale Report prepared by Marshall Macklin Monaghan, May 2005

<b>Site Characteristics</b>	
Frontage:	26.5 m (86.9 ft.) on Queensway West
Depth:	48.8 m (160 ft.)
Lot Area:	0.13 ha (0.32 ac.)
Existing Use:	Non-resident Dental Office in contravention of the Zoning By-law

Additional information is provided in Appendices I-1 to I-10.

### **Neighbourhood Context**

The subject property is flanked by Queensway West to the south and Antigua Road to the north in the Cooksville Planning District. This area is characterized by low rise, detached dwellings located north and south of Queensway West. Trillium Health Centre and a range of medical and professional offices are located east of the property along Queensway West. The surrounding lands to the west and north were approved for residential detached uses in 1971. At that time, four properties fronting onto Queensway West were not included in the original residential subdivision. A neighbourhood context map has been attached as Appendix I-1. The surrounding land uses are described as follows:

North: Detached dwellings  
East: Non-resident medical office  
South: Utility corridor and detached dwellings  
West: Detached dwellings

Prior to conversion of the dwelling to a non-resident dental office in 2003, the subject property was used exclusively as a residence. An application to permit the non-resident dental office was refused by the Committee of Adjustment in August 2004. The applicant was advised at the Development Application Review Committee meeting in December 2004 that the Planning and Building Department had concerns with the establishment of a permanent dental office on the subject lands since this use could impact the long term objective of redeveloping these lands and surrounding properties for residential purposes in accordance with Mississauga Plan.

The abutting property to the west (247 Queensway West) was converted to a non-resident dental office in 1985 in conformity with the policies of the Official Plan at that time. In 2000, a non-resident medical office was established. The Committee of Adjustment has approved minor variance applications to permit the medical office on a temporary basis since 1985. An application to the Committee of Adjustment to further extend this temporary use was considered on April 27, 2006.

Further to the east are lands known as the Heck property. In 2005, a significant portion of the Heck property north of Antigua Road and south of Paisley Boulevard West was approved for townhouses, detached dwellings and reconfigured parkland. The remaining Heck lands front onto Queensway West and are currently used for a residence and administrative office for the landscaping business. These remaining lands are also anticipated to be redeveloped for residential purposes and would permit the planned extension of Antigua Road.

Additional information regarding the history of the site is found in Appendix I-2.

**Current Mississauga Plan Designation and Policies for the Cooksville District (March 29, 2004)**

"**Residential Low Density II**" which permits detached, semi-detached, street townhouses and duplex dwellings within a net density range of 18-50 units per net residential hectare. Accessory offices for physicians, dentists and drugless practitioners in their principal private residence are permitted. The applications are not in conformity with the land use designation since the dental office would comprise the entire dwelling and would not be the principal private residence of the dentist operating the practice.

There are other policies in the Official Plan which also are applicable in the review of these applications including:

Section 5.3 which contains criteria for evaluating development applications. Specifically, the proposed Official Plan amendment should not adversely impact or destabilize the overall intent, goals and objectives of the Official Plan or potential development of neighbouring lands. The proposed use must also be compatible with surrounding residential land uses.

Subsection 5.3.3.3 provides an opportunity for Council to pass By-laws to authorize the temporary use of an existing building until redevelopment occurs in accordance with the Official Plan designation. Council may grant an extension to permit the use to continue for a period of up to three years.

### **Proposed Official Plan Designation and Policies**

The applicant is proposing to add a new Special Site Policy in the Cooksville District Policies of Mississauga Plan to permit a non-resident dental office as a temporary use. Notwithstanding the Temporary Use provisions of the Official Plan, the site-specific amendment would permit a temporary use that does not conform to the temporary use provisions of the Official Plan or the Residential Low Density II designation. The proposed amendment would also permit Council to extend the temporary approval for periods of three years each for a total period of up to ten years. Site-specific regulations would limit the temporary use to the existing dwelling and permit a maximum of three dental examination rooms. Vehicular access for the dental office would be restricted to Queensway West. Future redevelopment for residential purposes would require vehicular access to Antigua Road. Details of the proposed Official Plan Amendment are attached as Appendix I-3.

### **Existing Zoning**

**"R2" (Residential)**, which permits detached residential dwellings. In addition, this zone makes allowance for a dentist to establish a professional practice in a residential dwelling provided that, among other requirements, the dwelling is the practitioner's principal private residence and is 800 metres (2,625 ft.) from any other medical office in a residential zone, a maximum of one practitioner and one employee are permitted and that a maximum gross floor area of 100 m<sup>2</sup> (1,076.41 sq. ft.) may be used for the professional practice.

### **Proposed Zoning By-law Amendment**

**"R4 – Special Section" (Residential)**, to permit the redevelopment of the lands for two detached residential dwellings with a minimum lot frontage of 13 m (42.65 ft.). In addition, a Temporary Use provision will be included to permit a non-resident, dental office.

In accordance with the *Planning Act*, a temporary use may only be initially permitted for a period of three years. Council may pass additional by-laws to extend the temporary use for additional

periods of up to three years each. The temporary use is proposed to be limited to the existing structure with a maximum of three dental examination rooms. Ten parking spaces would be required for the dental office. The proposed Zoning By-law provisions have been attached as Appendix I-4.

### **Draft Mississauga Zoning By-law**

Arrangements are being made to finalize the new Mississauga Zoning By-law, which will result in the renaming of existing zone categories within the Cooksville Planning District and zone categories proposed for the subject lands.

In this particular instance, the proposed “R4 – Special Section” (Residential) is being renamed “R4 – Exception” (Residential).

The timing of the site specific Zoning By-law to permit the proposed development is such that it may be affected by the passage of the new Mississauga Zoning By-law and potential appeals. A provision will be included in the supplementary report to address the new Mississauga Zoning By-law.

### **COMMUNITY ISSUES**

No community meetings were held for these applications. One written comment was received by the Planning and Building Department. The following is a summary of issues raised:

#### **Comment**

A resident noted that the dental office should be compatible with the surrounding uses and suggested restrictions be placed on the height, massing and hours of operation of the dental office. The resident noted that additional landscaping was anticipated but has not been installed to date. The resident also noted concerns with garbage between the fence and the municipal boulevard.

**Response**

The proposed amendments would restrict the dental office as a temporary use within the existing building. A solid wood fence surrounds the property providing a buffer to the residences on Antigua Road. Additional landscaping for the property would be required through the site plan approval process. The owner is responsible for property maintenance and the City of Mississauga is responsible for maintaining the municipal boulevard.

The applicant indicates that the hours of operation are 10 a.m. to 8 p.m. on weekdays and 10 a.m. to 5 p.m. on Saturdays. It should be noted that the City does not regulate office hours.

**Comment**

Access from Antigua Drive to the dental office would be a concern. The resident also requested clarification on the future extension of Antigua Drive through the Heck property.

**Response**

The proposed amendments would restrict the vehicular access to the dental office from Queensway West. No vehicular access is proposed to Antigua Road. When the subject lands and those to the east are redeveloped for residential purposes, it is expected that Antigua Road would be extended. Any future residential dwellings would be required to have vehicular access to Antigua Road and no access would be permitted on Queensway West.

**DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix I-5. A formal site plan submission will be required to demonstrate the site can meet the minimum parking requirements and landscape setbacks.

**OTHER INFORMATION****Development Requirements**

In conjunction with the proposed development, there are certain other engineering matters with respect to storm drainage and

decommissioning of former septic tank and well which may require the applicant to enter into appropriate agreements with the City.

A building permit application will also be required to ensure that all applicable standards have been met for the conversion of the residence into a dental office.

**FINANCIAL IMPACT:** Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City, as well as financial requirements of any other official agency concerned with the development of the lands.

**CONCLUSION:** All agency and City department comments have been received and after the public meeting has been held and all issues are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

**ATTACHMENTS:**

Appendix I-1 - Neighbourhood Context  
Appendix I-2 - Site History  
Appendix I-3 - Proposed Official Plan Amendment  
Appendix I-4 - Proposed Zoning By-law Amendment  
Appendix I-5 – City Department and Agency Comments  
Appendix I-6 - Excerpt of Cooksville District Land Use Map  
Appendix I-7 - Excerpt of Existing Land Use Map  
Appendix I-8 - Aerial Photograph  
Appendix I-9 - Concept Plan  
Appendix I-10 - General Context Map

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Edward R. Sajecki  
Commissioner of Planning and Building



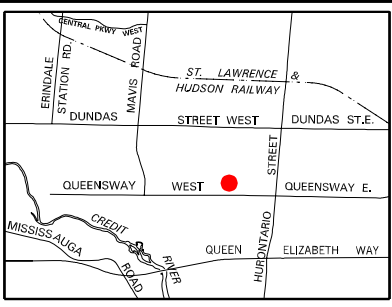


**NEIGHBOURHOOD CONTEXT  
LEGEND:**

 **SUBJECT LANDS**



**SUBJECT: BENITEZ**



**FILE NO:**  
OZ 05022 W7

**DWG. NO:**  
05022R

**SCALE:**  
1:2000

**PDC DATE:**  
2006 05 29

**DRAWN BY:**  
K. PROKOP

APPENDIX I-1

**MISSISSAUGA**  
Planning and Building

Produced by  
T&W, Geomatics

**R. Benitez, C. Benitez and M. Parra**

**File: OZ 05/022 W7**

### **Site History**

- May 5, 2003 – Mississauga Plan, with the exception of certain policies that were appealed to the Ontario Municipal Board, came into full force and effect and designated the subject property as Residential – Low Density II.
- 2003 – Residence converted to a non-resident dental office without City approvals.
- August 12, 2004 – Committee of Adjustment refuses application ‘A’- 352/04 to permit the non-resident dental office.
- December 8, 2004 – Applicant attends a Development Application Review Committee where staff expressed concerns with the proposal for a permanent dental office use.
- May 5, 2005 – Official Plan Amendment and Rezoning applications submitted to permit the non-resident dental office.
- March 29, 2006 - Official Plan Amendment and Rezoning applications revised to permit the non-resident dental office as a temporary use and to rezone the lands to permit two detached dwellings.

**R. Benitez, C. Benitez and M. Parra**

**File: OZ 05/022 W7**

## **Proposed Official Plan Amendment**

### Cooksville District Policies of Mississauga Plan

#### Special Site Policy

##### 4.8.7.15 Site 15

The lands identified as Special Site 15 are located north of Queensway West, west of Confederation Parkway and south of Antigua Road.

Notwithstanding the provisions of Section 5.3.3.3, Temporary Use By-law, the following additional policy shall apply:

- a. City Council may pass a By-law to authorize the temporary use land for a purpose that is otherwise prohibited by the Plan or the Zoning By-law, as permitted by the provisions of the *Planning Act*.
- b. A temporary use may be permitted by a Temporary Use By-law to allow the use of the available building until redevelopment of the land for a use permitted by this Plan is warranted by future market conditions.
- c. The following conditions will apply to all uses permitted by the Temporary Use By-law:
  - i. Council may by by-law authorize the temporary use for a period of three years from the day of the passing of the by-law;
  - ii. Council may by by-law grant further periods of not more than three years each during which the temporary use is authorized;
  - iii. The temporary use should not continue for more than a total of 10 years from the day of the passing of the by-law;
  - iv. The temporary use shall not be considered a legal, non-conforming use of the property or building;
  - v. No new buildings or expansion of the existing building shall be permitted;
  - vi. The temporary use shall be limited to a dental office within the existing building with all vehicular access directed to the Queensway West;
  - vii. The future use of the land is for Residential Low Density II purposes in accordance with the Plan;
  - viii. All residential vehicular access shall be directed to Antigua Road.

**R. Benitez, C. Benitez and M. Parra**

**File: OZ 05/022 W7**

### **Proposed Zoning By-law Amendment**

#### R4-Special Section

In a R4-Special Section zone the permitted uses and applicable regulations shall be as specified for a R4 zone except that the following uses/regulations shall apply:

- Minimum lot frontage of 13 m (42.65 ft.) for detached dwellings.

The lands within the R4-Special Section Zone may also be used for a “Temporary Use” subject to the following provisions:

- The “Temporary Use” is limited to a dental office with a maximum of three dental examination rooms;
- The “Temporary Use” is restricted to the existing building;
- The “Temporary Use” shall be in effect for a period of three years from the day of the passing of the by-law;
- Council may by by-law grant further periods of not more than three years each during which the “Temporary Use” is authorized;
- The “Temporary Use” should not continue for more than a total of 10 years from the day of the passing of the initial by-law;
- 10 parking spaces shall be provided for the dental office;
- All vehicular access for the dental office shall be directed to Queensway West;
- Site Plan Approval for the dental office is required.

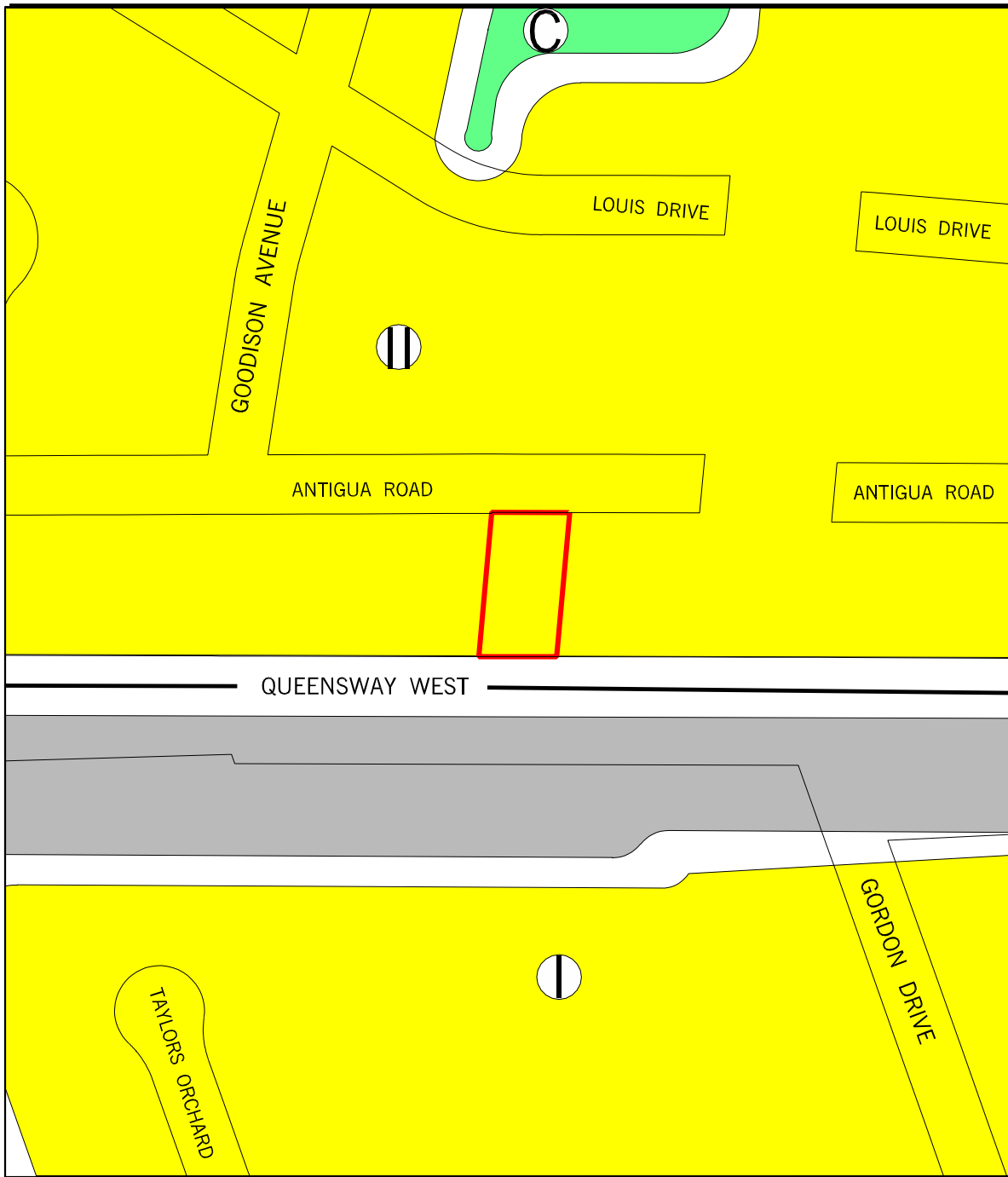
R. Benitez, C. Benitez and M. Parra

File: OZ 05/022 W7

### City Department and Agency Comments

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

Agency / Comment Date	Comment
City Community Services Department – Planning and Administration Division (April 12, 2006 and June 9, 2005)	Prior to by-law enactment, cash contributions for trail signage on Queensway West will be required.
City Transportation and Works Department (July 11, 2005)	Prior to the Supplementary Report proceeding to Council, the applicant is to submit a Storm Drainage Report to support the development. Additional comments/conditions will be provided pending the review of the foregoing.
Other City Departments and External Agencies	The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:  Region of Peel City Economic Development Office Bell Canada Enersource Hydro Mississauga Canada Post Corporation
	The following City Departments and external agencies were circulated the applications but provided no comments:  City Community Services Department – Fire and Emergency Services Division Hydro One Networks Mississauga Transit City Realty Services Enbridge Gas Distribution



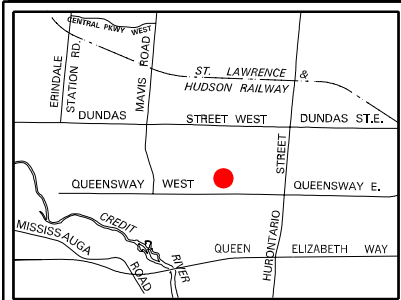
**PART OF COOKSVILLE DISTRICT LAND USE MAP  
COOKSVILLE DISTRICT POLICIES OF MISSISSAUGA PLAN**

- |  |                                 |                        |   |
|--|---------------------------------|------------------------|---|
|  | Residential – Low Density I     |                        | Provincial Highway and Interchange      |
|  | Residential – Low Density II    |                        | Arterial                                |
|  | Residential – Medium Density I  |                        | Major Collector                         |
|  | Residential – Medium Density II |                        | Minor Collector                         |
|  | Residential – High Density I    |                        | Minor Collector (Scenic Route)          |
|  | Residential – High Density II   |                        | Local Road                              |
|  | Mainstreet Commercial           |                        | Existing Commuter Rail                  |
|  | General Commercial              |                        | GO Transit Station                      |
|  | Convenience Commercial          |                        | Major Transit Corridor                  |
|  | Motor Vehicle Commercial        | <b>LAND USE LEGEND</b> |   |
|  | Office                          |                        | Regulatory Floodplain                   |
|  | Business Employment             |                        | Node Boundary                           |
|  | Institutional                   |                        | Community Park                          |
|  | Open Space                      |                        | Hospital                                |
|  | Private Open Space              |                        | Cemetery                                |
|  | Greenbelt                       |                        | Existing Stormwater Management Facility |
|  | Utility                         |                        | Planning District                       |

**SUBJECT LANDS**



**SUBJECT: BENITEZ**



**FILE NO:**  
OZ 05022 W7

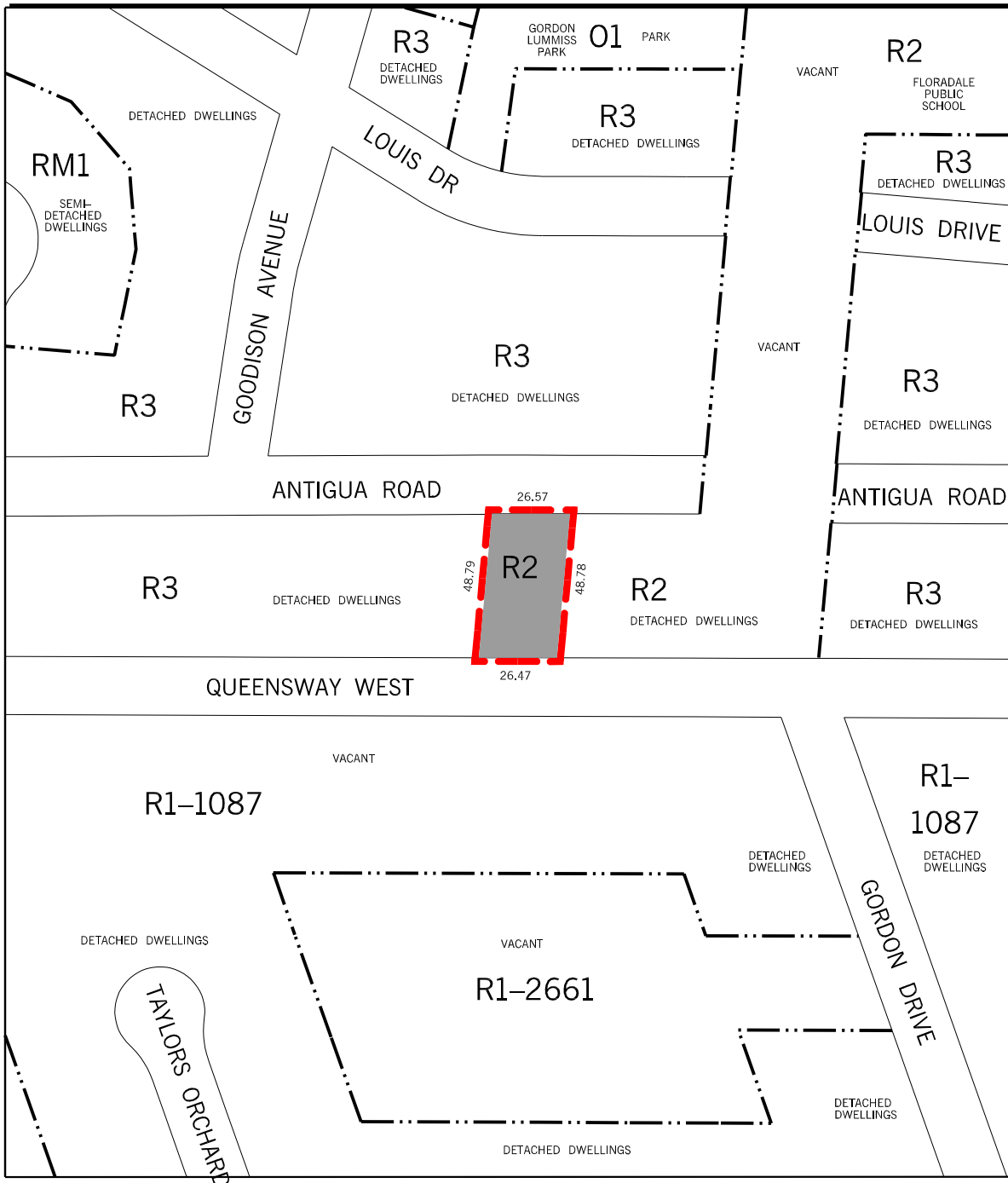
**DWG. NO:**  
05022L

**SCALE:**  
1:2000

**PDC DATE:**  
2006 05 29

**DRAWN BY:**  
K. PROKOP

APPENDIX I-6



**LEGEND:**

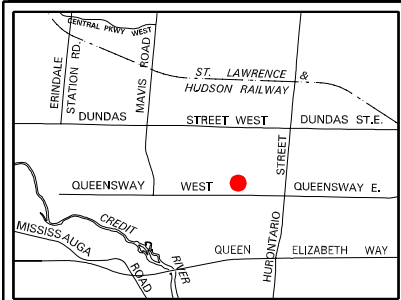


PROPOSED OFFICIAL PLAN AMENDMENT TO ADD A NEW 'SPECIAL SITE POLICY' IN THE COOKSVILLE DISTRICT POLICIES OF MISSISSAUGA PLAN TO PERMIT A DENTAL OFFICE AS A TEMPORARY USE FOR A PERIOD OF UP TO 10 YEARS AND PROPOSED REZONING FROM 'R2' TO 'R4-SPECIAL SECTION' TO PERMIT A DENTAL OFFICE AS A TEMPORARY USE PRIOR TO REDEVELOPMENT OF LANDS FOR TWO DETACHED DWELLINGS.

**NOTE:** EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.

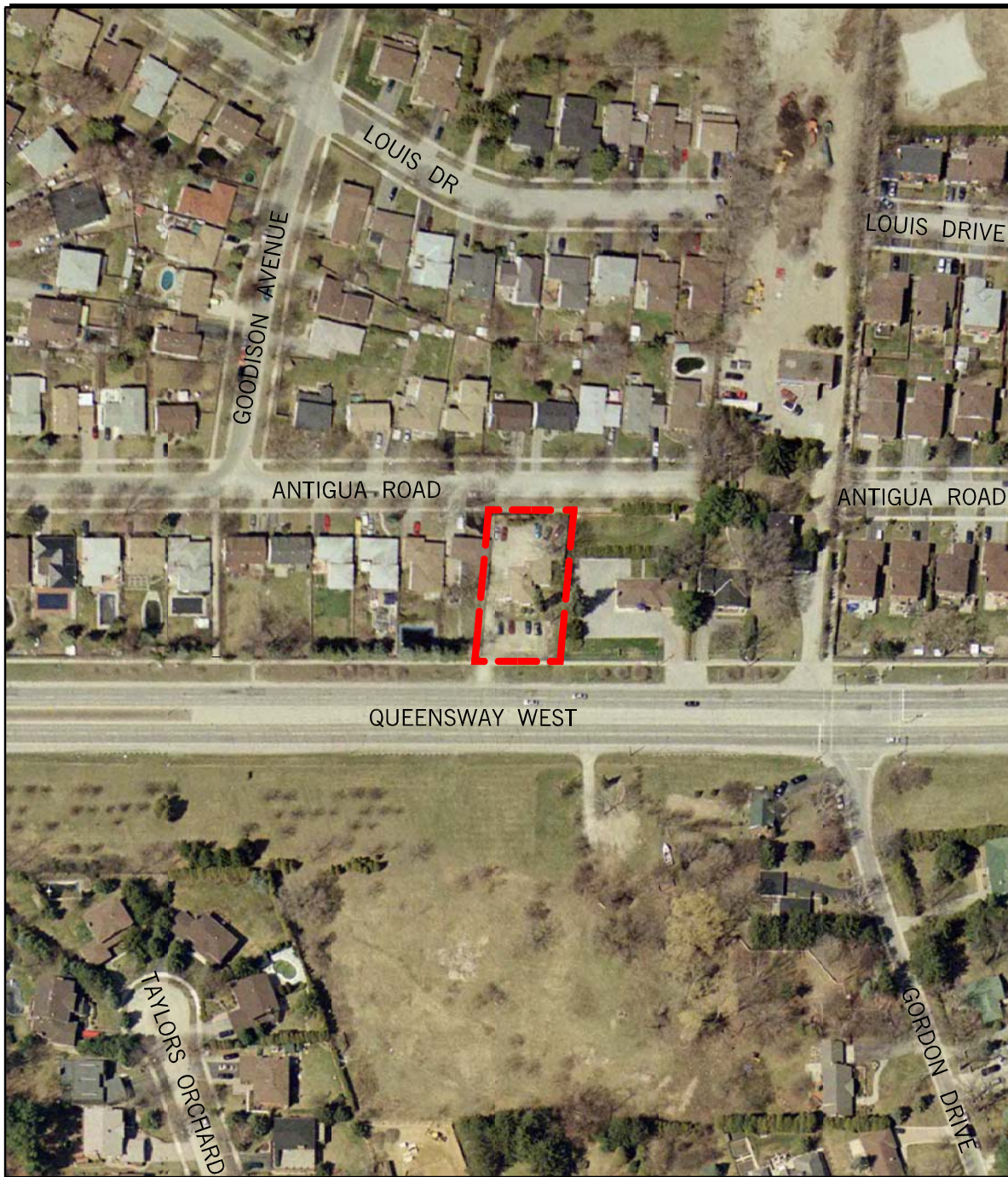


**SUBJECT: BENITEZ**



FILE NO:  
OZ 05022 W7  
DWG. NO:  
05022R  
SCALE:  
1:2000  
PDC DATE:  
2006 05 29  
DRAWN BY:  
K. PROKOP

APPENDIX I-7



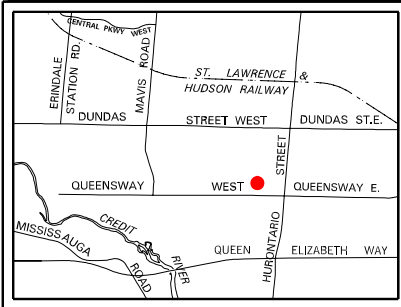
**LEGEND:**

 **SUBJECT LANDS**

DATE OF AERIAL PHOTO: 2005 03



**SUBJECT: BENITEZ**



FILE NO:  
OZ 05022 W7

DWG. NO:  
05022A

SCALE:  
1:2000

PDC DATE:  
2006 05 29

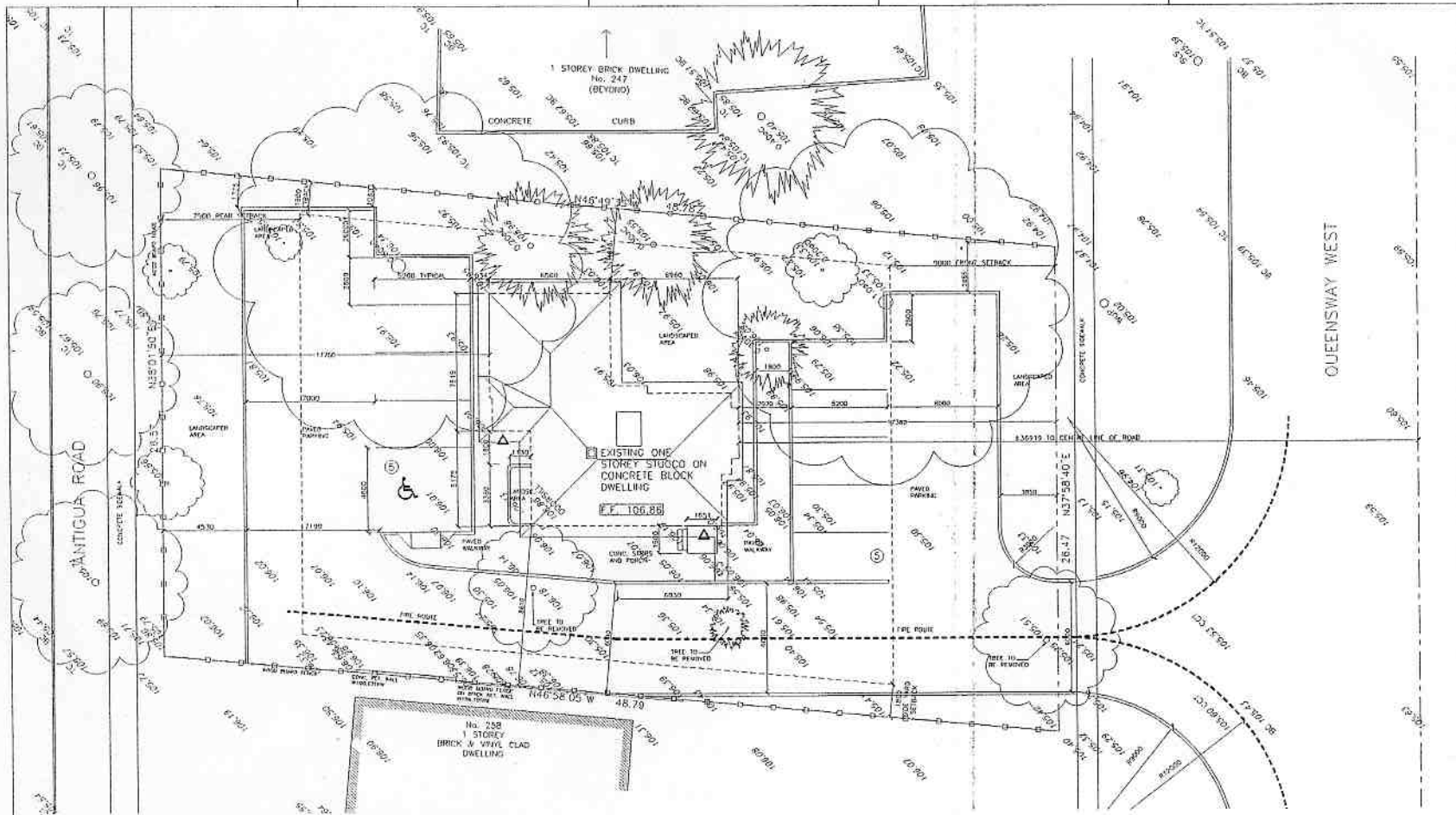
DRAWN BY:  
K. PROKOP

APPENDIX I-8

**MISSISSAUGA**  
Planning and Building

Produced by  
T&W, Geomatics





THE CITY OF MISSISSAUGA REQUIRES THAT ALL WORKING DRAWINGS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DESIGN DEPARTMENT AS PART OF AN APPLICATION FOR THE ISSUANCE OF A BUILDING PERMIT SHALL BE CAPTIONED BY THE ARCHITECT OR ENGINEER AS BEING IN CONFORMITY WITH THE USE OF DEVELOPMENT PLANS AS APPROVED BY THE CITY OF MISSISSAUGA.

ALL EXISTING UTILITIES SHALL BE DIRECTED AWAY FROM THE SITE AND SHALL NOT BE SPANNED UPON THE ADJACENT PROPERTIES.

CONTRIBUTING 150MM HIGH GARDEN TYPE FOUNDED CONCRETE FINISHING WILL BE PROVIDED AT THE PROPERTY LINES AND LANDSCAPED AREAS THROUGHOUT THE SITE.

GARDENS WILL BE SET WITHIN 2M MANHOLE SLOPE AT THE PROPERTY LINES AND WITHIN THE SITE.

PLANNING OF GARDENS IS REQUIRED FOR THE PROPOSED LANDSCAPED AREA TO BE SUBMITTED AS PART OF THE APPLICATION FOR THE PERMIT. THE GARDENS SHALL BE INSTALLED AT THE APPLICANT'S EXPENSE IN ACCORDANCE WITH THE DEFINITION OF GARDENS OF FIGURE 1 TO SCHEDULE 1 OF PLAN 11M.14.3.

CONTRIBUTOR SHALL PROVIDE FINISHING CONCRETE CURBS AND LANDSCAPED AREAS THROUGHOUT THE SITE.

THE ARCHITECTURE DESIGNER OF ANY RETAINING WALL OVER 1.5M IN HEIGHT OR ANY EXISTING WALL LATER THAN APPROVED LINE IS TO BE SHOWN ON THE SITE GRADING PLAN FOR THE PROJECT AND IS TO BE APPROVED BY THE DESIGN ENGINEER FOR THE PROJECT.

ALL TREES SHOWN ARE EXISTING.

THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT TREE PROTECTION HOUGHES IS MAINTAINED THROUGHOUT ALL PHASES OF DEMOLITION AND CONSTRUCTION IN THE LOCATION AND CONDITION AS APPROVED BY THE PLANNING AND DESIGN DEPARTMENT. NO MATERIALS, DEBRIS, WASTE, ETC. SHALL BE STOCKPILED WITHIN THE AREA OF PROTECTED HOUGHES TO OBSTRUCT THE HOUGHES. OFFICERS APPROVED ON THE STORAGE OF MATERIALS WITHIN THE HOUGHES WILL BE OBLIGED FOR THE PRESERVATION LETTER OF CREDIT TO BE HELD FOR TWO (2) YEARS FOLLOWING COMPLETION OF ALL SITE WORK.

OWNER SIGNATURE:

PLAN OF SURVEY OF LOT 11, RANGE 2 SOUTH OF GARDEN STREET, PARCELS 2 AND 3, CITY OF MISSISSAUGA, REGIONAL MUNICIPALITY OF Y.M.L.

PROPERTY OWNER:  
ROSANNA A. BENITEZ, ROSANNA A. PARVA, ROSANNA A. PARVA  
MISSISSAUGA ON  
L3N 2S8  
905 298 9445

AGENT ON BEHALF OF OWNER:  
MIRA CONTRACTING INC. - Stephen Mira, or Ghada Saeed  
OR MELLEN P.R.  
TORONTO, ON  
416-463-2327

OWNER SIGNATURE:  
CLIENT SIGNATURE: REGORDELE LOWENSTEIN

GROSS FLOOR AREAS	
BASEMENT	81.8 m <sup>2</sup>
GROUND FLOOR	118.9 m <sup>2</sup>
TOTAL GFA PROPOSED	200.7 m <sup>2</sup>
TOTAL GFA PERMITTED	190.0 m <sup>2</sup>
FOR PROFESSIONAL PRACTICE	

SITE STATISTICS	
FOOTPRINT	119.4 m <sup>2</sup>
LOT AREA	1296.7 m <sup>2</sup>

COVERAGE	
PROPOSED	8.3% 118.8 m <sup>2</sup>
PERMITTED	30.8% 386.6 m <sup>2</sup>
LANDSCAPED AREA	26.7% 339.7 m <sup>2</sup>
PAVED WALKWAY	4.2% 52.5 m <sup>2</sup>

PARKING	
REQUIRED PARKING @ 1:1000 GFA	10
PROPOSED PARKING INCLUDING SITE BANKING AREA	11

LEGEND	
⊕ LANDSCAPED PARKING	⊕ EXISTING GROUND ELEVATION
⊖ PARKING CURB	▣ ASPHALT PAVEMENT
⊖ EXISTENCE / CUT	▣ LANDSCAPED AREA
⊖ FIRE HYDRANT	⊖ FIRE POINT

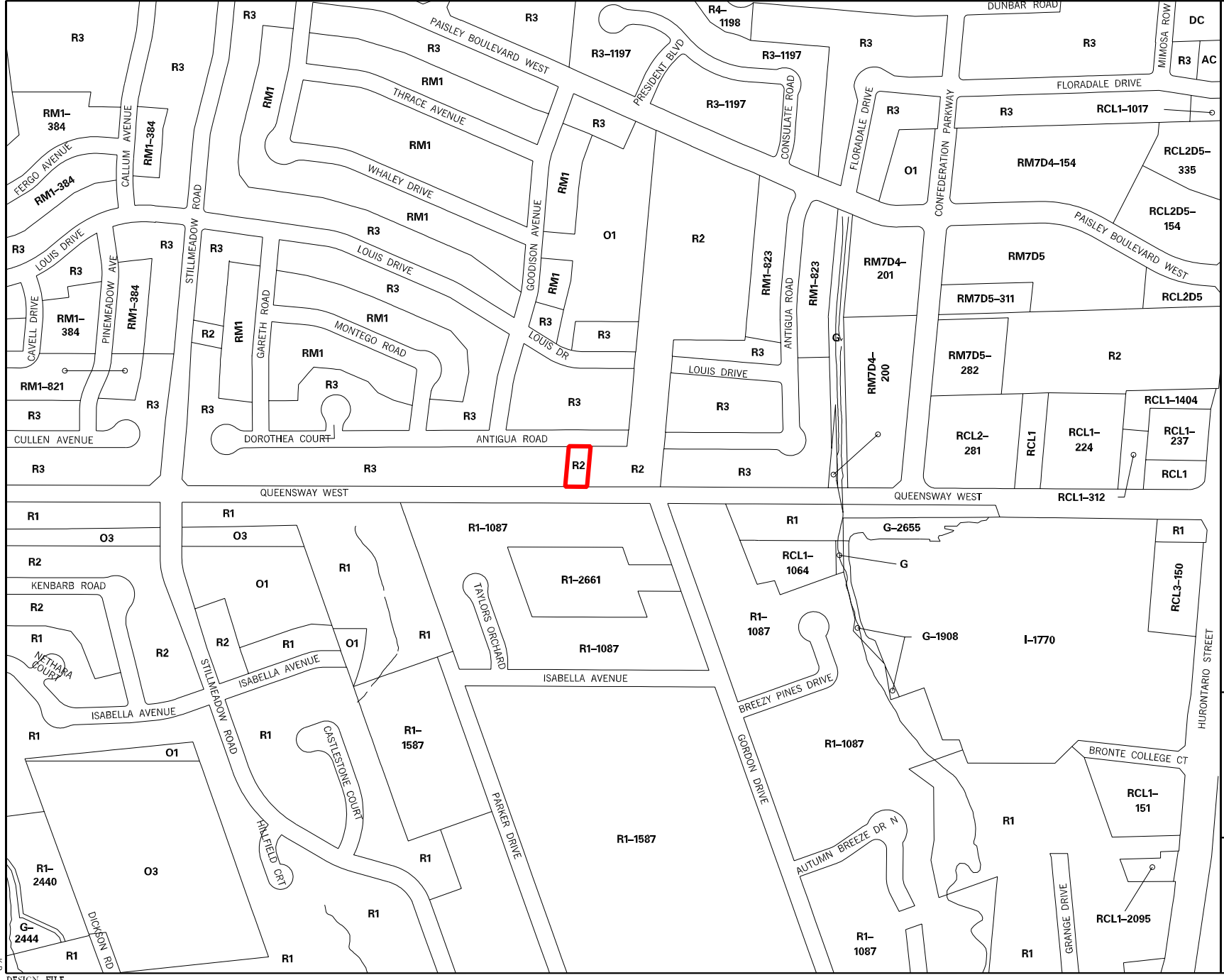
**BENITEZ DENTAL CLINIC**  
255 QUEENSWAY WEST, MISS. ON.

PROPOSED SITE PLAN

DATE: 04/11/2011  
SCALE: 1:100  
DRAWN BY: M.A.  
CHECKED BY: M.A.  
DATE: 04/11/2011

ONTOARIO ASSOCIATION OF ARCHITECTS  
REGISTERED ARCHITECT  
MARCH 2011

A1.01



GENERAL CONTEXT MAP

OZ 05022 W7

APPENDIX I-10