

Clerk's Files

Originator's Files OPA/OZ 04/038 W6

DATE:	December 12, 2006
TO:	Chair and Members of Planning and Development Committee Meeting Date: January 8, 2007
FROM:	Edward R. Sajecki Commissioner of Planning and Building
SUBJECT:	Official Plan Amendment and Rezoning Application To permit 20 Street Townhouses 1549-1579 Eglinton Avenue West (Barbertown Road extension), North side of Eglinton Avenue West, west of Creditview Road Owner: Moldenhauer Developments Applicant: Planning & Engineering Initiatives Ltd. (PEIL) Bill 20 Supplementary Report Ward 6
RECOMMENDATION:	<ul> <li>That the Report dated December 12, 2006, from the Commissioner of Planning and Building recommending approval of the applications under File OPA/OZ 04/038 W6, Moldenhauer Developments, 1549-1579 Eglinton Avenue West, north side of Eglinton Avenue West (Barbertown Road) west of Creditview Road, be adopted in accordance with the following:</li> <li>1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the <i>Planning Act</i>, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.</li> </ul>

 That the application to amend Mississauga Plan from "Residential – Low Density I" and "Greenbelt" to "Residential – Medium Density I" and "Greenbelt" to permit 20 street townhouses and additional greenbelt lands, be approved.

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- 3. That the application to change the Zoning from "R4-2074" (Residential Detached Section 2074), "A" (Agricultural), "G" (Greenbelt), "G-1908" (Greenbelt Section 1908), and "G-2149" (Greenbelt Section 2149) to "RM5 Special Section" (Residential Townhouse Special Section) and "G Special Section" (Greenbelt Special Section) to permit 20 street townhouses and additional greenbelt lands, be approved subject to the following conditions:
  - (a) That the implementing zoning by-law include the development standards identified in Appendix S-3b;
  - (b) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
  - (c) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards not apply to the subject lands;
  - (d) That CPD Recommendation 121-91, as approved by Council Resolution 160-91, that a minimum of three car spaces per dwelling, including those in a garage be required on-site and a minimum of 0.25 on-street visitor parking spaces per dwelling be required for dwellings on lots less than 12 m (39.4 ft.) of frontage for the subject development, not apply to the subject lands.
- 4. That an agreement of purchase and sale be entered into with the City of Mississauga for 1549 Eglinton Avenue West, prior to the passing of an Official Plan Amendment and Zoning By-law Amendment.

	<ul> <li>5. In the event that the new Mississauga Zoning By-law is passed by City Council and comes into force and effect, the new Mississauga Zoning By-law be amended from "R4-14" (Residential Detached Dwelling – Section 14), "R1 (Residential Detached Dwelling), and "G2" (Greenbelt) to "RM5 – Special Section" (Street Townhouse – Special Section), and "G2" (Greenbelt) subject to conditions contained in recommendation 3.</li> </ul>	
	6. 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.	
BACKGROUND:	A public meeting was held by the Planning and Development Committee on August 2, 2005, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information, and a petition was presented by area residents disapproving of the proposal. A subsequent community meeting was held by Councillor Carlson on October 4, 2005. A summary of the community issues are included within the Comments section below.	
	At the public meeting, the Planning and Development Committee passed Recommendation PDC-0084-2005 which was subsequently adopted by Council and is attached as Appendix S-2.	
	The applicant has since made modifications to the proposal, which are attached as Appendix S-3a and S-3b and are summarized below:	
	<ul> <li>22 townhouse units, reduced by two units to 20 units;</li> <li>4 blocks of townhouses reduced to 3 blocks;</li> <li>double car garages added for ten (10) units to accommodate additional parking, whereas previously all units were single car garages;</li> <li>increase in valley buffer lands (greenbelt) and increase in rear yard depth to provide a minimum of 7.5 m (25 ft.) setback, resulting in front yard setbacks being reduced from 6.5 m (19.85 ft.) to 3.5 m (11.48 ft.).</li> </ul>	

An application has been submitted for site plan approval under file SP 06/221 W6 (Appendix S-4 and S-5).

### COMMENTS: COMMUNITY ISSUES

The issues and concerns that were raised were with respect to the following:

### Comment

The proposal for townhouses is not appropriate adjacent to single detached homes.

### Response

The appropriateness of the proposal and land use compatibility are discussed within the Planning Comments section of this report on page 9.

#### Comment

The proposal will increase traffic and cause congestion at the intersection of Barbertown Road and Eglinton Avenue West.

#### Response

See discussion in Traffic and Parking section on page 6.

### Comment

The proposal will lead to overflow parking problems in the surrounding area, as there is a parking prohibition on both sides of Barbertown Road.

### Response

See discussion in Traffic and Parking section on page 6.

#### Comment

There was not adequate notification to area residents of the City's intention to sell 1549 Eglinton Avenue West to Moldenhauer Developments.

#### Response

General Committee considered a request for purchase of 1549 Eglinton Avenue West by Moldenhauer Developments on December 10, 2003. As a development proposal of adjacent lands would consolidate remnant parcels in the area and allow for a unified residential development, authority was given to complete a direct sale to Moldenhauer Developments at market value. The procedure for declaring City land surplus is outlined in By-law 1-95. The provisions of the by-law were followed and the City lands were declared surplus at an open session of Council on December 17, 2003. Prior to the passing of an Official Plan Amendment and Zoning By-law Amendment, an agreement of purchase and sale must be entered into with the City of Mississauga for 1549 Eglinton Avenue West.

#### Comment

What are the housing types permitted under the low density designation?

#### Response

Within the East Credit District of Mississauga Plan, detached and semi-detached dwellings are permitted to a density of 17 units per net residential hectare (6.88 units per net residential acre) under "Residential Low Density I", while detached, semi-detached, and other types of freehold dwellings including street townhouses at a density of 18-30 units per net residential hectare (7.2 – 12.1 units per net residential acre) are permitted under the "Residential Low Density II" designation.

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#### **DEVELOPMENT ISSUES**

#### **Traffic and Parking**

The applicant submitted a supporting Traffic Impact Study prepared by Dillon Consulting Ltd., dated July 2006 which demonstrated that the current road network/transportation infrastructure can satisfactorily accommodate the traffic generated by the proposed development. The City's Transportation and Works Department has reviewed the supporting Traffic Impact Study and concur that the traffic generated by the development proposal can be accommodated by the existing road network.

Community Planning and Development Committee (CPD) Recommendation 121-91, as approved by Council Resolution 160-91 requires that a minimum of 3.25 parking spaces (3 spaces per unit, plus 1 visitor space for every 4 units is required on the street) be provided for new developments of street townhouses, semi-detached dwellings, and detached dwellings on lots under 12.0 m (40 ft.) frontage.

The subject site has significant lot depth constraints as a result of the Credit River Valley and associated buffer lands required at the rear of the property. As a result of discussions with City staff and the Credit Valley Conservation Authority the limits of development have been defined which provide for a valley buffer area and a 7.5 m (24.6 ft.) rear yard setback. The result is a limited depth of the front yard to accommodate parking.

The applicant has sought to mitigate parking shortages through a redesign of the plan to eliminate 2 townhouse units, and provide 10 units with double car garages. The proposed 20 unit townhouse development contains the following parking supply (as shown in Appendix S-4):

- 10 units 4+ parking spaces (Units 1-6, and 11-14);
- 8 units 3 parking spaces (Units 7-9, and 16-20);
- 2 units 2 parking spaces (Units 10 and 15); and,
- 0 on-street visitor parking spaces, as a result of the parking prohibition along Barbertown Road.

Council Resolution 160-91 would require one additional parking space for units 10 and 15, and a total of 5 on-street visitor parking spaces. As a result, the applicant is seeking Council's exemption from the resolution.

The Traffic Impact Study examined vehicle ownership in both the immediate area, and the City as a whole. The average vehicle ownership for townhouses was 1.54 per household within Ward 6, and 1.50 for the City of Mississauga as a whole. Within Ward 6, 98% of households in townhouses own 2 vehicles or fewer, while 2% own 3 vehicles. Across the City, 94% of households in townhouses own 2 vehicles, and 1% own more than 3 vehicles. Therefore, the proposal would meet, and in most cases exceed, the vehicle ownership demand for households in townhouses.

With respect to on-street visitor parking spaces, parking prohibitions were implemented for both sides of Barbertown Road as a result of resident concerns relating to on-street parking associated with fishing and activities at the private park. Most units have sufficient parking on driveways to accommodate visitor parking.

The property's location along Eglinton Avenue West, provides for easy access to public transit for both residents and visitors.

Therefore, as a result of the above, and the lot depth constraints on the subject site through the provision of greenbelt lands, it is recommended that Council exempt the proposal from CPD Recommendation 121-91, as approved by Council Resolution 160-91.

### UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

#### **Community Services Department**

Comments updated October 26, 2006 indicate that the applicant has submitted a satisfactory archaeological assessment, and has met licensing and resource conservation requirements. In addition to this Department's comments provided in the Information Report, prior to by-law enactment, a Restoration and Rehabilitation Plan must be submitted to the City and Credit Valley Conservation for review and approval. This plan will encompass all dedicated lands, and will include only native, non-invasive plant species which are common to the valley. As the hazard lands and buffer will be deeded gratuitously to the City, rehabilitated with plantings and zoned accordingly, an Environmental Impact Statement (EIS) will not be required.

#### **Transportation and Works Department**

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Comments updated November 21, 2006, state that the applicant has provided a satisfactory Functional Servicing Report which demonstrates that adequate storm sewer servicing is available for the proposed development with the construction of additional infrastructure. Furthermore, a satisfactory Phase I Environmental Site Assessment (ESA) has been submitted which confirms the suitability of the lands for the proposed development.

Should this application be approved by Council, the applicant will be required to enter into a Servicing Agreement for Municipal Works Only for the construction of the required storm sewer works within the municipal right-of-way. The applicant will also be required to dedicate to the City all lands below the established top of bank, regional flood line or slope hazard line, whichever is greater. In addition, securities will be required to guarantee the satisfactory installation of air conditioning units.

#### **Credit Valley Conservation**

Comments updated October 10, 2006 indicate that the revised plan dated September 2006 showing a rear yard hazard setback varying from 5 m (16.4 ft.) to 2 m (6.6 ft.) is satisfactory. Outstanding matters to be addressed prior to enactment of the zoning by-law include:

- a) the dedication of both the hazard lands and the buffer lands to the City of Mississauga for conservation purposes;
- b) the placement of these lands within a suitably restrictive Greenbelt zoning category; and,

c) the provision of a satisfactory restoration/rehabilitation plan for the entire dedicated area that includes only native, noninvasive plant species that are common to the valley.

#### **School Accommodation**

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In updated comments dated November 17, 2006 and November 27, 2006, the Peel District School Board and the Dufferin-Peel Catholic District School Board respectively responded that they remain 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 this development application. Updated school accommodation statistics are provided within Appendix S-6.

### PLANNING COMMENTS

#### **Provincial Policy Statement**

On March 1, 2005, a new Provincial Policy Statement came into effect. This document contains provisions that provide direction from a Provincial perspective. The City of Mississauga is a "Settlement Area", as defined by the Provincial Policy Statement.

Land use patterns within Settlement Areas are to be based upon densities and a mix of land uses which efficiently use land and resources ... (Section 1.1.3.2a).

Planning authorities are to identify and promote opportunities for intensification and redevelopment where it can be accommodated, taking into account existing building stock and suitability of existing or planned infrastructure and services to accommodate projected needs (Section 1.1.3.3).

Appropriate development standards should be promoted that facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety (Section 1.1.3.4).

Densities for new housing are to be promoted which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed (Section 1.4.3d).

The subject application proposes intensification along a major transportation corridor (Eglinton Avenue West) that would be compatible with the surrounding built environment, make efficient use of infrastructure, and provide accessibility to public transit. As a result, the proposal is in keeping with the policies of the Provincial Policy Statement.

### **Official Plan**

The residential policies of Mississauga Plan state that:

- Residential lands will be developed to achieve a compact, orderly urban form, generally characterized by lower densities in the interior of communities and higher densities along major roads and near concentrations of commercial, community, and transportation facilities (Section 3.2.3.1);
- High quality innovative residential design will be promoted in a form that reinforces and enhances the local community character, respects its context and creates a quality living environment. Innovative housing types and zoning standards will be encouraged (Section 3.2.3.2); and,
- Residential intensification, in the form of more compact development and higher densities in appropriate development areas, is encouraged subject to adequate engineering and community services, compatibility with surrounding land uses, and development proposals addressing the scale and character of the existing residential area, and regard for natural vegetation, lot frontages and areas, height, coverage, mass, setbacks, privacy, and overview (Section 3.2.3.8).

The site is located along Eglinton Avenue West at a signalized intersection with Inverness Boulevard. A mix of medium and high

density residential, and commercially designated lands line the north and south sides of Eglinton Avenue West, east of the St. Lawrence and Hudson Railway towards Mavis Road. While immediately across Eglinton Avenue West are single detached dwellings, they have rear yards and fencing that, coupled with the expanse of the Eglinton Avenue West right-of-way, are considerably buffered and removed from the townhouses. There are no overlook conditions on adjacent residences, as the side yard of one townhouse unit will abut both the adjacent dwelling to the east, and the daycare and millworker houses to the west.

The goals and objectives of Mississauga Plan state that:

- Mississauga will develop a compact and orderly urban form (Section 2.2.1.1);
- achieve an urban form which will support a high level of transit usage (Section 2.2.2.6);
- provide flexibility in land use and building form to address development (Section 2.2.2.7);
- ensure that the housing mix can accommodate persons with diverse social and economic characteristics, needs, and desires (Section 2.4.1.1); and,
- encourage compatible residential intensification (Section 2.4.2.4).

With respect to the natural area along the north of the property which is proposed to be designated Greenbelt, Mississauga Plan states the following:

 Areas designated Greenbelt are deemed not suitable for urban development. Where a development proposal includes Greenbelt lands which are required for purposes such as lands required for conservation; lands required solely for drainage; lands susceptible to flooding; steep valley slopes; and lands below the top-of-bank; such lands will be conveyed to the City or other public agency. Development adjacent to Greenbelt lands will be subject to the delineation of the natural features, buffers and setbacks by the City in consultation with the appropriate Conservation Authority (Section 3.8.4.3.1). There is a natural area forming part of the Credit River Valley system to the north of the site, and approximately 0.32 hectares (0.78 acres) of land is to be removed from the subject property and dedicated to the City as greenbelt to form part of this system.

The proposed amendment of from "Residential – Low Density I" and "Greenbelt" to "Residential – Medium Density I" and "Greenbelt" to permit 20 street townhouses and additional greenbelt lands meets the goals and objectives of Mississauga Plan. Residential intensification is provided that is compatible with existing land uses, provides for higher density along a major arterial road (Eglinton Avenue West) and at a signalized intersection, where existing infrastructure and services such as transit, can be efficiently utilized. It is recommended that the Official Plan Amendment be approved.

### Zoning

The proposed "RM5 – Special Section" (Residential Townhouse -Special Section) and "G – Special Section" (Greenbelt – Special Section) to permit 20 street townhouses and additional greenbelt lands, is appropriate and will be compatible with surrounding lands for the reasons noted in the Planning Comments section of this report. The implementing Zoning By-law shall include the development standards identified in Appendix S-3b.

#### **Proposed Draft Zoning By-law**

The zoning for the subject lands under the new draft zoning by-law released in January 2005 is proposed to be "R4-14" (Residential Detached Dwelling – Section 14), "R1 (Residential Detached Dwelling), and "G2" (Greenbelt). In the event that the new Mississauga Zoning By-law is passed by City Council and comes into force and effect, it is recommended that the new Mississauga Zoning By-law be amended to "RM5 – Special Section" (Street Townhouse – Special Section), and "G2" (Greenbelt), to permit the proposed development.

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:	In accordance with subsection 34(17) of the <i>Planning Act</i> , R.S.O. 1990, c.P. 13, as amended, Council is given authority to determine if further public notice is required. Since the request by the applicant is to reduce the number of townhouse units from 22 to 20 units, it is recommended that no further public meeting need be held regarding the proposed changes.
	The proposed Official Plan Amendment and rezoning are acceptable from a planning standpoint and should be approved for the following reasons:
	1. The proposal is in conformity with the policies of the Provincial Policy Statement.
	2. The proposed official plan and zoning by-law amendment meet the overall intent, goals, objectives and policies of Mississauga Plan.
	3. The proposed redesignation and zoning are appropriate for the property and will not adversely impact or destabilize the surrounding land uses.
	4. An appropriate level and scale of intensification is provided at a suitable location to make efficient use of services and provide access to public transit.
	5. The proposal is providing for the enhancement of the greenbelt system through the addition of lands and rehabilitation with naturalized plantings.
ATTACHMENTS:	Appendix S-1 – Information Report Appendix S-2 – Recommendation PDC-0084-2005 Appendix S-3a – Updated Details of the Proposal Appendix S-3b – Proposed Zoning By-law Standards

Appendix S-4 – Proposed Site Plan Appendix S-5 – Proposed Elevations Appendix S-6 – Updated School Accommodation Statistics

Edward R. Sajecki Commissioner of Planning and Building

Prepared By: Jonathan Famme, Development Planner

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**APPENDIX S-1** 



Clerk's Files

Originator's Files OPA/OZ 04/038 W6

# PDC AUG 02 2005

DATE:	July 12, 2005
то:	Chair and Members of Planning and Development Committee Meeting Date: August 2, 2005
FROM:	Edward R. Sajecki Commissioner of Planning and Building
SUBJECT:	Information Report Official Plan Amendment and Rezoning Applications To permit 22 Street Townhouses 1549-1579 Eglinton Avenue West North side of Eglinton Avenue West (Barbertown Road extension), west of Creditview Road Owner: Moldenhauer Developments Applicant: Planning & Engineering Initiatives Ltd. (PEIL) Bill 20
	Public Meeting Ward 6
<b>RECOMMENDATION:</b>	That the Report dated July 12, 2005, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Residential – Low Density I" and "Greenbelt" to "Residential – Medium Density I" and "Greenbelt" and to change the Zoning from "R4-2074" (Residential Detached), "A" (Agricultural), "G" (Greenbelt), "G-1908" (Greenbelt) and "G-

BACKGROUND:	<b>CKGROUND:</b> Official Plan Amendment and Rezoning applications have filed to permit 22 street townhouse units and public green		
	City Owned Lan	ds	
	applications inclu- lands consist of a	fficial Plan Amendment and Rezoning de lands owned by the City (Exhibit I-2). These single residential parcel with an area of 4 ha (0.6 ac.) and is municipally known as 1549 West.	
	Moldenhauer Ov	vned Lands	
	located to the wes lands consist of fo	nds associated with the applicant's proposal are t of the City owned lands (Exhibit I-2). These our (4) residential parcels with a combined area of 7 ha (1.4 ac.) and are municipally known as on Avenue West.	
		is report is to provide preliminary information on pplications and to seek comments from the	
COMMENTS:	Details of the prop	posal are as follows:	
	Development Pr	Development Proposal	
	Application submitted:	December 13, 2004	
	Height:	2 storeys	
	Floor Space Index:	Each unit: 0.37 – 1.21 Average: 0.85	
	Gross Density:	27 units/ha	
		11 units/acre	
	Net Density:	46 units/ha	
	(excluding Greenbelt)	18 units/acre	

Gross Floor

Area:

Each unit: 150.24 – 184.91 m<sup>2</sup> (1,617.22

- 1,990.42 sq. ft.)

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Number of	22
units:	
Anticipated	65.8
Population:	*Average household sizes for all units
	(by type) for the year 2011 (city average)
	based on the 2003 Growth Forecasts for
	the City of Mississauga.
Parking	Resident: 66
Required:	Visitor: 6
	Total: 72
Parking	Resident : 52
Provided:	Total: 52
Supporting	Noise Impact Study, Functional
Documents:	Servicing Report, Preliminary Grading
	Plan, Archaeological Study,
	Environmental Slope Stability Study

Site Characteristics	
Frontage:	302 m (991 ft.)
Depth (min.):	36.7 m(120.4 ft.)
Gross Lot Area:	0.81 ha (2 ac.)
Net Lot Area:	0.48 ha (1.19 ac.)
(excluding	
Greenbelt	
lands)	
Existing Uses:	1549 Eglinton Ave. W.: Shed
	1557 Eglinton Ave. W.: Shed
	1563 Eglinton Ave. W.: Detached
	dwelling and detached garage
	1571 Eglinton Ave. W.: Detached
	dwelling and detached garage
	1579 Eglinton Ave. W.: Detached
	dwelling and 4 sheds

Additional information is provided on Appendices I-1 to I-8.

### **Neighbourhood Context**

The subject lands are an assembly of five (5) residential detached lots, one of which is City owned. The subject lands are located on the north side of Eglinton Avenue West, between Mississauga Road and Creditview Road. Although each of these lots are identified with an Eglinton Avenue West address, access to the properties is provided from the Barbertown Road extension, which runs parallel (and adjacent to) Eglinton Avenue West. Each lot accommodates either a house and/or garage and/or shed. There are several trees and the lands back onto a greenbelt area, which is associated with the Credit River watershed.

Information regarding the history of the site is found in Appendix I-5.

The surrounding land uses are described as follows:

- North: Greenbelt and open space (park under private ownership).
- East: Detached dwellings fronting onto Barbertown Road.
- South: Across Eglinton Avenue West are detached dwellings located within the Credit Pointe neighbourhood.
- West: Daycare facility, millworker houses (listed on the Heritage Inventory) detached dwellings and the Credit River watershed.

### Current Mississauga Plan Designation and Policies for the East Credit District (May 5, 2003)

The subject lands are designated "Residential – Low Density I" and "Greenbelt".

"Residential - Low Density I" permits detached and semi-detached dwellings to a density of 17 units per net residential hectare (6.88 units per net residential acre).

"Greenbelt" permits flood and erosion management and conservation and other uses which complement the principal conservation function. Also, linear, open space systems consisting primarily of multi-use recreational trails may be established, subject to certain requirements. The applications are not in conformity with the land use designation since the applicant is proposing a built form and density which is currently not permitted.

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

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In order for the proposed development to proceed, an amendment to the Official Plan is required as the 22 townhouses are not permitted in the "Residential – Low Density I" designation.

The proposed "Residential – Medium Density I" designation permits detached, semi-detached, townhouse dwellings or any combination of these dwelling units including all forms of horizontal buildings within a density range of 30-57 units per net residential hectare (12-23 units per net residential acre). The proposed density is 46 units per net residential hectare (18 units per net residential acre).

### **Existing Zoning**

"A" (Agricultural) which permits agricultural uses, a one-family detached dwelling and a golf course, among other uses.

"R4-2074" (Residential Detached) which permits detached dwellings on lots with minimum frontages of 13.5 m (44.3 ft.).

"G" (Greenbelt) which permits a public park and conservation uses, buildings or structures for agricultural purposes and a onefamily detached dwelling.

"G-1908" (Greenbelt) does not permit any buildings or structures and is defined as a "natural regeneration area" to allow succession of ground and forest cover.

"G-2149" (Greenbelt) does not permit any buildings or structures and is defined as a "natural regeneration area" to allow succession of ground and forest cover. However, buildings that existed on or before December 13, 1995, are permitted.

### Draft Mississauga Zoning By-law

The zoning for the subject lands in the Draft Mississauga Zoning By-law is proposed as the following:

"D-1" (Development) which permits detached dwellings and accessory buildings and structures legally existing on the date of the passing of this By-law.

"R4-14" (Residential Detached) which permits detached dwellings on lots with a minimum frontage of 12 m (40 ft.) and minimum front yard of 4.5 m (15 ft.).

"G1" (Greenbelt) provides for natural hazards such as flood control, stormwater and erosion management.

"G2" (Greenbelt) provides for natural features such as natural protection areas, heritage natural features and areas of conservation.

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

The applicant has requested that the lands be rezoned to "RM5 – Special Section" (Residential Townhouse) and "G – Special Section".

The "RM5" zone permits street townhouses and as part of the rezoning, the applicant is proposing that the following standards be applied:

	Required Zoning By-law Standard	Proposed Standard
Minimum Frontage	6.85 m (22.5 ft.)	6.0 m (20 ft.)
Minimum Lot Area	$205 \text{ m}^2(2,207 \text{ ft}^2)$	$138.5 \text{ m}^2 (1,491 \text{ ft}^2)$
Per Dwelling Unit		
Front Yard	4.5 m (15 ft.)	6.0 m (20 ft.)
Rear Yard	7.5 m (25 ft.)	7.5 m (25 ft.)
Maximum F.S.I.	0.75	1.21
Parking	44 <sup>(1)</sup>	52
	72 <sup>(2)</sup>	

- <sup>(1)</sup> Zoning By-law 5500 states that for each dwelling unit a minimum of two (2) vehicle parking spaces shall be provided (22 units require 44 spaces).
- <sup>(2)</sup> In accordance with Council Resolution #121-91, all townhouse units fronting onto a municipal right-of-way must provide parking at a rate of 3.25 spaces per unit (22 units require 72 spaces).

The applicant is also proposing that the remainder of the lands be consolidated under one G – Special Section (Greenbelt) zone.

### **COMMUNITY ISSUES**

No community meetings were held and no written comments were received by the Planning and Building Department.

### **DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix I-6 and school accommodation information is contained in Appendix I-7. Based on the comments received the following matters will have to be addressed:

- Identification of the limits of development including all dedications, buffer blocks, tree preservation zones and the location, dimensions and types of any easements. In particular, the applicant will need to work with the City and Credit Valley Conservation to ensure that the natural areas (i.e. below top of bank, hazard lands and development setback) are appropriately protected and the limits of development are identified on the concept plan;
- If the application is approved, prior to the passing of an Official Plan and Zoning By-law Amendment, an agreement of purchase and sale must be entered into with the City of Mississauga for 1549 Eglinton Avenue West;

- Submission of the following: a geotechnical report to confirm the slope hazard; an updated functional servicing report detailing the capacity of the existing storm sewers; a Phase I and II Environmental Site Assessment (ESA) as there is evidence of old vehicles, abandoned sheds and debris that has been dumped over the top of bank; and, an archaeological evaluation;
- Decommissioning of the well.

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### **OTHER INFORMATION**

### **Development Requirements**

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to traffic impact, tree preservation, noise attenuation, environmental assessment, gratuitous valleyland dedication and archaeological assessment, which will require the applicant to enter into appropriate agreements with the City.

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

ATTACHMENTS:	Appendix I-1 – Excerpt of District Land Use Map
	Appendix I-2 – Excerpt of Existing Land Use Map
	Appendix I-3 – Aerial Photograph
	Appendix I-4 – Development Concept
	Appendix I-5 – Site History
	Appendix I-6 – Agency Comments

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Appendix I-7 – School Accommodation Appendix I-8 – General Context Map

Edward R. Sajecki Commissioner of Planning and Building

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### **APPENDIX S-1**

Appendix I-5

### **Moldenhauer Developments**

## File: OZ 04/038 W6

# Site History

- December 8, 1983 Committee of Adjustment approved a minor variance for 1571 Eglinton Avenue West to permit a garage having a minimum side yard setback of 2.02 m (6.6 ft.) whereas 7.5 m (25 ft.) was required in an agricultural zone.
- July 16, 1984 The Ministry of Municipal Affairs approved the East Credit Secondary Plan, which designated the subject lands as Low Density Residential and Greenbelt.
- April 13, 1992 1549 Eglinton Avenue West was expropriated by the City in preparation for the reconstruction of Eglinton Avenue West between Mississauga Road and Creditview Road. The final reconstruction of Eglinton Avenue West utilized only a portion of this property and the remainder has been left in City ownership.
- November 25, 1992 Council passed By-law 050095, which rezoned 1571 Eglinton Avenue West from A to R4-2074 and G-2149 to permit a detached residential dwelling and greenbelt uses.
- July 8, 1997 The Ministry of Municipal Affairs and Housing approved City Plan, which designated the subject lands within the East Credit District as Residential Low Density I and Greenbelt.
- May 5, 2003 Mississauga Plan, with the exception of certain policies that were appealed to the Ontario Municipal Board (OMB), came into full force and effect. Since the appeals to Mississauga Plan do not pertain to this site, Mississauga Plan governs the subject lands.

# **Moldenhauer Developments**

# File: OZ 04/038 W6

# **Agency Comments**

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

Agency / Comment Date	Comment
Region of Peel	The proposal is adjacent to the Credit River and identified
(February 26, 2005)	within the Mississauga Natural Area Survey. As a result, the
	City of Mississauga is to work with the Credit Valley
	Conservation (CVC) to ensure that this natural area is appropriately protected and the limits of development
	identified.
	There is a 150 mm (6 in.) diameter water main on Barbertown
	Road and external easements and construction will be required
	at the applicant's expense. There is also a 250 mm (10 in.)
	diameter sanitary sewer on Barbertown Road. The capacity of the sanitary sewer is to be confirmed by the applicant at the
	site plan stage.
Dufferin-Peel Catholic	The Dufferin-Peel Catholic District School Board indicated
District School Board and the Peel District School	that it is satisfied with the current provision of educational facilities for the catchment area and, as such, the school
Board	accommodation condition as required by City of Mississauga
(January 18, 2005 and	Council Resolution 152-98 pertaining to satisfactory
January 13, 2005,	arrangements regarding the adequate provision and distribution
respectively)	of educational facilities need not be applied for this
	development application.
	The Peel District School Board indicated that this development
	will not have a significant impact on the public schools in this
	area; therefore the Board has no objection to the further
	processing of the proposed Official Plan Amendment and
	Rezoning application.
	In addition, if approved, the Peel District School Board and the
	Dufferin-Peel Catholic District School Board also require signs and warning clauses pertaining to bussing and temporary

# Moldenhauer Developments

# File: OZ 04/038 W6

Agency / Comment Date	Comment
	facilities to be included in any servicing and/or development agreements.
Credit Valley Conservation (February 25, 2005)	<ul> <li>The subject lands are located adjacent to the Credit River Valley slope and construction on a valley slope is not supported. Setbacks from the top of slope for new construction or lot grading will be required.</li> <li>A 5 m (16.4 ft) development setback, in addition to the approved stable slope line, will be required to be placed into public ownership and given an appropriate greenbelt zone.</li> <li>The property is also partially located within the Fill Regulated Area of the Credit River. In this regard, a permit for fill placement/grading will be required prior to issuance of a building permit.</li> </ul>
	In principle staff has no objection to the proposed official plan and zoning by-law amendment. However, the stable slope line must be finalized and the development setback applied accordingly.
City Community Services Department – Planning and Administration Division	In the event of application approval, the following conditions are to be met:
(Heritage) (March 9, 2005)	The subject property has a high potential for archaeological resources due to its proximity to the Credit River, the ridge line above the flood plain, and association with historic activity in the area. The proponent shall carry out an archaeological assessment of the subject properties and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject properties prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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# Moldenhauer Developments

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# File: OZ 04/038 W6

Comment All lands within the slope stability area, or lands deemed as
All failes within the slope stability area, of failes deened as hazardous, whichever is greater, shall be deeded gratuitously to the City and shall be appropriately zoned. As well, lands determined to be in the development setback area, are to be deeded gratuitously to the City. These lands will be planted with native/non-invasive species. Clean-up works in the greenbelt will be completed to this department's satisfaction prior to by-law enactment. Securities regarding the clean up will also be required.
The site has been identified as a Natural Area (CRR5). An EIS is normally required for development applications in and adjacent to Natural Areas. An EIS will not be required if the lands within the development setback, as well as the hazard lands, are deeded gratuitously to the City, rehabilitated/planted and zoned accordingly.
The approval of the Tree Permit application and cash-in-lieu for park or other public recreational purposes will be required prior to the issuance of building permits.
The City of Mississauga is currently the registered owner of 1549 Eglinton Avenue West and has yet to enter into an Agreement of Purchase and Sale for this property. Also, the City will be retaining a 2 m (6.56 ft.) right-of-way, running the length of 1549 Eglinton Avenue West, to gain access to the rear Greenbelt lands.
Prior to the preparation of a Supplementary Report, the applicant will be required to update and resubmit the supporting Functional Servicing Report. In addition, a Phase I Environmental Site Assessment (ESA) has been requested to be submitted in support of the proposed development. Comments on the above reports will be finalized prior to the preparation of a Supplementary Report.

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# Moldenhauer Developments

# File: OZ 04/038 W6

Agency / Comment Date	Comment		
Bell Right Of Way Control Centre (February 9, 2005)	An easement may be required to service the subject property and any future development applications (i.e. site plans) be re- circulated.		
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:		
	<ul> <li>Fire Prevention</li> <li>Enbridge Gas Distribution Inc</li> <li>Credit Valley Hospital</li> <li>Greater Toronto Airport Authority (GTAA)</li> <li>Conseil Scolaire De District Catholique Centre-Sud</li> <li>Enersource</li> </ul>		
	The following City Departments and external agencies were circulated the applications but provided no comments:		
	<ul><li>Hydro One Networks</li><li>Canada Post</li><li>Rogers Cable</li></ul>		

# **APPENDIX S-1**

Appendix I-7

# **Moldenhauer Developments**

# File: OZ 04/038 W6

# **School Accommodation**

The Peel District School Board	The Dufferin-Peel Catholic District School Board		
• Student Yield:	• Student Yield:		
<ul> <li>4 Kindergarten to Grade 6</li> <li>1 Grade 7 to Grade 8</li> <li>3 Grade 9 to Grade 12/OAC</li> </ul>	<ul> <li>5 Junior Kindergarten to Grade 8</li> <li>2 Grade 9 to Grade 12/OAC</li> </ul>		
School Accommodation:	School Accommodation:		
Russell Langmaid P.S.	St. Dunstan		
Enrolment:143Capacity:253Portables:0	Enrolment:483Capacity:600.5Portables:0		
Dolphin Sr.	St. Joseph S.S.		
Enrolment:579Capacity:538Portables:7	Enrolment:1,855Capacity:1,269Portables:24		
Streetsville S.S.			
Enrolment:1,628Capacity:1,008Portables:22			
* Note: Capacity reflects the Ministry of Education rated capacity, not the Board rated capacity, resulting in the requirement of portables.			



DESIGN FILE

**Appendix S-2** 

#### **Moldenhauer Developments**

### File: OPA/OZ 04/038 W6

#### **Recommendation PDC-0084-2005**

- PDC-0084-2005 1. That the Report dated July 12, 2005, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from 'Residential - Low Density I' and 'Greenbelt' to 'Residential - Medium Density I' and 'Greenbelt' and to change the Zoning from 'R4-2074'(Residential Detached), 'A'(Agricultural), 'G' (Greenbelt), 'G-1908'(Greenbelt) and 'G-2149'(Greenbelt) to 'RM5 - Special Section' (Residential Townhouse) and 'G - Special Section' (Greenbelt) under file OPA/OZ 04/038 W6, Moldenhauer Developments, 1549-1579 Eglinton Avenue West, be received for information.
  - 2. That the petition presented by Shahida Arshad with respect to the Official Plan Amendment and Rezoning application for 1549 - 1579 Eglinton Avenue West, be received and referred to the Planning and Building Department.

# **Moldenhauer Developments**

# File OPA/OZ 04/038 W6

# **Updated Details of the Proposal**

Site Characteristics			
Frontage:	154 m (506 ft.)		
Depth (min.):	36.7 m (120.4 ft.)		
Gross Lot Area:	0.81 ha (2 ac.)		
Net Lot Area:	0.42 ha (1.04 ac.)		
(excluding			
Greenbelt			
lands)			

Development Proposal				
Height:	3 storeys			
Floor Space	Each unit: 0.75 – 1.44			
Index:	Average: 1.13			
Gross Density:	24.69 units/ha			
	10 units/acre			
Net Density:	47.62 units/ha			
(excluding	19.23 units/acre			
Greenbelt)				
Gross Floor	Each unit: $194.6 - 294.9 \text{ m}^2 (2,094.6 - $			
Area:	3,174.3 sq. ft.)			
Number of	20			
units:				
Anticipated	59.24			
Population:	*Average household sizes for all units			
	(by type) for the year 2011 (city average)			
	based on the 2005 Growth Forecasts for			
	the City of Mississauga.			
Parking	Resident: 60 (min. 3 per unit)			
Required:	Visitor: 5			
	Total: 65			
Parking	Resident : 68 (min. 2 per unit)			
Provided:	Visitor: 0			
	Total: 68			

# Appendix S-3b

# **Moldenhauer Developments**

# File OPA/OZ 04/038 W6

# **Proposed Zoning Standards**

	<b>Required Zoning</b>	Proposed Standard
	<b>By-law Standard</b>	
Minimum Frontage	6.85 m (22.5 ft.)	6.0 m (20 ft.)
Minimum Lot Area	$205 \text{ m}^2 (2,207 \text{ ft}^2)$	$156 \text{ m}^2 (1,679 \text{ ft}^2)$
Per Dwelling Unit		
Front Yard	4.5 m (15 ft.)	3.5 m (11.48 ft.), with a
		porch permitted to
		encroach 1.5 m (4.9 ft)
Rear Yard	7.5 m (25 ft.)	7.5 m (25 ft.)
Side Yard	1.5 m (5 ft.)	1.3 m (4 ft.)
Maximum F.S.I.	0.75	1.44
Parking	3.25 per unit	2 per unit





# **Updated School Accommodation**

The Peel District School Board		The Dufferin-Peel Catholic District School Board			
• Student Yield:		•	• Student Yield:		
1 Grade	garten to Grade 6 7 to Grade 8 9 to Grade 12/OAC		5 1	Junior Kindergarten to Grade 8 Grade 9 to Grade 12/OAC	
School Accommodation:		•	School Accommodation:		
Russell Langmaid P.S.			St. Dunstan		
Enrolment: Capacity: Portables:	119 233 0		Enrolment: Capacity: Portables:	446 538 0	
Dolphin Sr.			St. Joseph S	.S.	
Enrolment: Capacity: Portables:	569 609 9		Enrolment: Capacity: Portables:	1923 1268 24	
Streetsville S.S.					
Enrolment: Capacity: Portables:	1,067 1,008 6				
* Note: Capacity reflects the Ministry of Education rated capacity, not the Board rated capacity, resulting in the requirement of portables.					