



Corporate Report

Clerk's Files

Originator's
Files OZ 08/004 W11

DATE: June 3, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 23, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning Application
To permit 74 Common Element Condominium
Townhouse Dwellings
7090 Benjamin Court (Block 105, Plan 43M-1758)
East side of McLaughlin Road, north of Derry Road West
Owner: Cabot Trail Estates Ltd.
Applicant: PMG Planning Consultants
Bill 51

Public Meeting **Ward 11**

RECOMMENDATION: That the Report dated June 3, 2008, from the Commissioner of Planning and Building regarding the application to change the Zoning of By-law 0225-2007 from "H-RM4-40" (Townhouse Dwellings) to "RM6-Exception" (Townhouse Dwellings on a CEC-Private Road), to permit 74 common element condominium townhouse dwellings under file OZ 08/004 W11, Cabot Trail Estates Ltd., 7090 Benjamin Court, be received for information.

BACKGROUND: A rezoning application has been filed to permit 74 townhouse units on a common element condominium private road. The existing zoning permits the same number of townhouse units currently proposed, but they would have to be of a standard condominium tenure.

The application has been circulated for technical comments. A concurrent site plan application under File SP 08/068 W11 has also been submitted to the City for review. A copy of the proposed site plan is found in Appendix I-5. The proposed property lines for each Parcel of Tied Land (POTL) and common element area are shown in the draft reference plan (Appendix I-6). Building elevations have also been provided by the applicant (see Appendix I-7).

The purpose of this report is to provide preliminary information on the application and to seek comments from the community.

COMMENTS:

Details of the proposal are as follows:

Development Proposal	
Application Deemed complete:	April 22, 2008
Height:	3 storeys
Lot Coverage:	31%
Landscaped Area:	39%
Net Density:	42.1 units/ha 17.0 units/acre
Number of units:	74
Anticipated Population:	220 * *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 Required:	167 (2.0 per unit + 0.25 visitor spaces per unit)
Parking Provided:	171
Supporting Documents:	Planning Justification Report Draft Zoning By-law Environmental Noise Report

Site Characteristics	
Frontage:	86.6 m (284.1 ft.) along McLaughlin Road
Depth:	180.0 m (590.5 ft.)
Net Lot Area:	1.76 ha (4.34 ac.)
Existing Use:	vacant

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

Neighbourhood Context

The subject property is located within a new low density residential subdivision that is currently under construction. It is also adjacent to commercial uses that are centered around the Derry Road East/McLaughlin Road intersection. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North: detached dwellings (under construction);
East: detached dwellings and a stormwater management pond (under construction);
South: vacant (recently approved for retail commercial plaza);
West: across McLaughlin Road, detached dwellings, semi-detached dwellings, and commercial uses.

Current Mississauga Plan Designation and Policies for the Meadowvale Village District (May 5, 2003)

"Residential – Medium Density I" which permits townhouse development at a density of 25-50 units per net residential hectare (10-20 units per net residential acre) . The application is in conformity with the land use designation and no official plan amendments are proposed.

There are other policies in the Official Plan which also are applicable in the review of this application including:

Urban Design Policies (Section 3.18)

The urban design policies of Mississauga Plan require that building, landscaping and site design are compatible with site conditions and will create appropriate visual and functional relationships between individual buildings, groups of buildings and open spaces. These elements are also to minimize the effects of noise, unattractive views, other negative impacts and will buffer adjacent land uses.

Aircraft Noise Policies (Section 3.11.2)

Most of the subject property is located within the Except Area of the Toronto Pearson International Airport Operating Area, within the 30-35 NEF/NEP noise contour. Residential development is permitted within this area. Although a portion of the lands at the southeast corner are within the 35-40 NEF/NEP noise contour, precise mapping of this contour line confirms that all of the proposed residential townhouse parcels are outside of it. Consequently, the Greater Toronto Airports Authority (GTAA) has no concerns with the proposed residential development (see Appendix I-8).

Existing Zoning

"H-RM4-40" (Townhouse Dwellings), which permits standard condominium townhouses and outlines modified building setbacks. The "H" Holding Symbol requires the following four technical items to be addressed prior to the removal of the "H" Holding Symbol:

1. the stormwater management facility (Part 1, Reference Plan 43R-25114) and storm sewer outlet to Fletcher's Creek shall be constructed and operable to the satisfaction of the City Transportation and Works Department and Credit Valley Conservation;
2. the completion of services (including storm sewers) and registration of Draft Plan of Subdivision T-M95022 W5, Ben-Ted Construction Limited;
3. delivery of an executed Development Agreement in a form satisfactory to The Corporation of the City of Mississauga;

4. satisfactory arrangements being made with the City Transportation and Works Department for establishing a 0.3 m (1 ft.) reserve across the Saint Barbara Boulevard frontage of the site.

Proposed Zoning By-law Amendment

"RM6-Exception" (Townhouse Dwellings on a CEC-Private Road), to permit townhouse dwellings on a common element condominium private road. The applicant also proposes to remove the "H" Holding Symbol.

As part of the rezoning, the applicant is proposing that the following alternative standards be applied:

	Required Zoning By-law Standard (RM6 Zone)	Proposed Standard (RM6-Exception Zone)
Subsection 2.1.14 relating to setbacks from major road centerlines	15.0 m (49.2 ft.) + required yard/setback	This section not apply (same as existing "H-RM4-40" zone)
Minimum setback to McLaughlin Road	None specified	6.0 m (19.7 ft.) (same as existing "H-RM4-40" zone)
Minimum exterior side yard for Unit 29	3.3 m (10.8 ft.)	2.7 m (8.8 ft.)
Maximum building height for Blocks 1, 2, 3 and 4	10.7 m (35.1 ft.)	11.3 m (37.1 ft.)
Minimum setback to all lands zoned "R10" and "C3-45"	Not specified	7.5 m (24.6 ft.) (same as existing "H-RM4-40" zone)

COMMUNITY ISSUES

Although no community meetings were held, one written comment was received by the Planning and Building Department. A nearby landowner expressed concern about the amount of traffic and the

associated traffic noise that would be generated by the proposed development. These issues will be addressed in a future Supplementary Report.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-8 and school accommodation information is contained in Appendix I-9. Based on the comments received and the applicable Mississauga Plan policies the following matters will have to be addressed.

Location of Private Amenity Area

As depicted in the site plan (Appendix I-5), the private amenity area is located at the southwest corner of the property. When the commercial plaza to the south was being designed by Cabot Trail Estates Ltd., a 2.6 m (8.5 ft.) high berm with a 2.5 m (8.2 ft.) noise attenuation wall was proposed in order to meet Ministry of Environment guidelines for noise impacts on residential homes. The private amenity area is adjacent to this noise control feature and abuts the side and rear yards of the proposed townhouses. There is a concern that this location may not be appropriate given its proximity and orientation towards the berm, McLaughlin Road and future loading facilities for the approved commercial plaza to the south. This location also prevents views into the amenity area from townhouse units, as only fenced backyards surround it on two sides

Rear Yard Decks

The building elevations provided by the applicant need to clearly indicate whether rear yard decks are proposed. Second floor rear yard decks for the townhouses beside the north property line would create an overlook condition into the rear yards of the detached dwellings currently under construction.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering matters with respect to boulevard improvements/reinstatement, sidewalk and/or utility relocations and road improvements 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: All agency and City department comments have been received and after the public meeting has been held, the Planning and Building Department will be in a position to make a recommendation regarding this application.

ATTACHMENTS:

- Appendix I-1 - Site History
- Appendix I-2 - Aerial Photograph
- Appendix I-3 - Excerpt of Meadowvale District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 – Site Plan
- Appendix I-6 – Draft Reference Plan
- Appendix I-7 – Building Elevations
- Appendix I-8 - Agency Comments
- Appendix I-9 - School Accommodation
- Appendix I-10 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Ben Phillips, Development Planner

Cabot Trail Estates Ltd.

File: OZ 08/004 W11

Site History

- August 17, 1994 – Council approved Resolution 237-94 to process the proposal by Clergy Properties and other property owners in the area expeditiously; and residential development within the Meadowvale Village Secondary Plan district be permitted on lands up to the 35 NEF noise contour.
- January 10, 1996 – The Ontario Municipal Board (OMB) approved the Meadowvale Village Secondary Plan which designated the subject lands "Residential – Low Density II".
- November 10, 1998 – The OMB approved the conditions of Draft Plan of Subdivision T-M95022 W5 (Ben-Ted Construction Ltd.) and the associated implementing zoning by-law under file OZ-034/95 W5, which includes the subject lands.
- May 5, 2003 – The Region of Peel approved the Mississauga Plan Policies for the Meadowvale Village District which designated the subject lands as "Residential – Medium Density I".
- May 31, 2004 – The OMB approved amendments to Draft Plan of Subdivision T-M95022 W5
- June 20, 2007 – Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed the provisions of the new By-law apply. The subject lands are zoned "H-RM4-40" (Townhouse Dwellings).
- October 1, 2007 – Draft Plan of Subdivision T-M95022 W5 was registered as Plan 43M-1758. The subject lands are described as Block 105 of this registered plan of subdivision.



LEGEND:



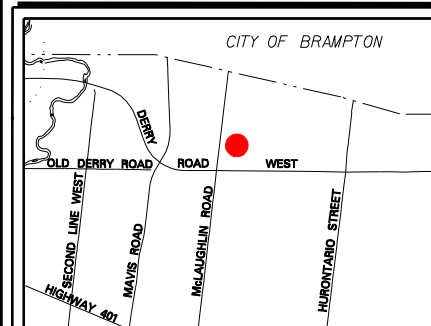
SUBJECT LANDS

DATE OF AERIAL PHOTO: SPRING 2007



SUBJECT:

CABOT TRAIL ESTATES LTD.



FILE NO:
OZ 08004 W11

DWG. NO:
08004A

SCALE:
NTS

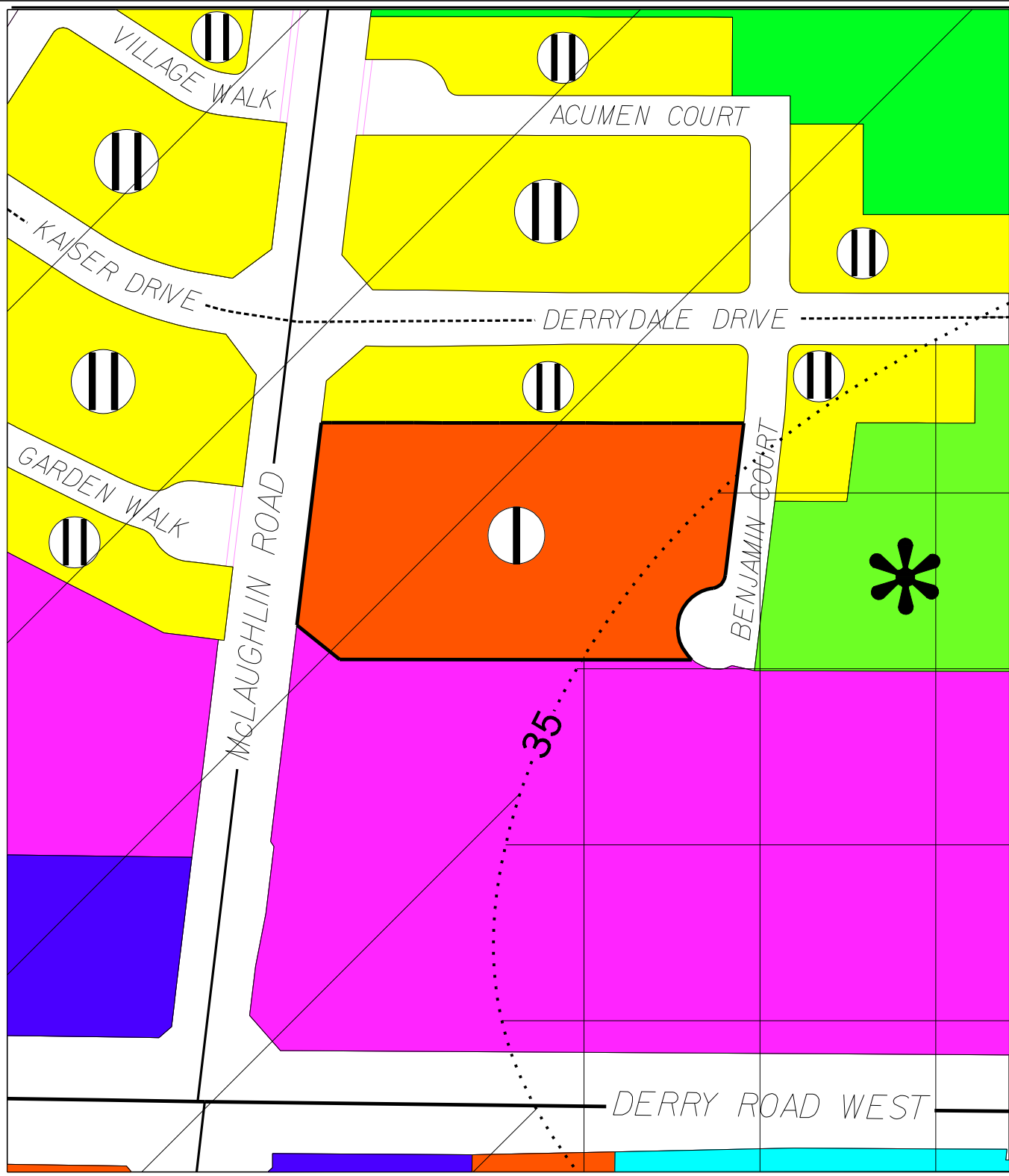
PDC DATE:
2008/06/23

DRAWN BY:
B MISTAK

APPENDIX I-2

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics



**PART OF MEADOWVALE VILLAGE DISTRICT LAND USE MAP
MEADOWVALE VILLAGE DISTRICT POLICIES OF MISSISSAUGA
PLAN**

LAND USE DESIGNATIONS

- Residential – Low Density I
- Residential – Low Density II
- Residential – Medium Density I
- General Commercial
- Convenience Commercial
- Motor Vehicle Commercial
- Business Employment
- Public Open Space
- Greenbelt
- Parkway Belt West
- Utility

TRANSPORTATION LEGEND

- Provincial Highway and Interchange
- Arterial
- Major Collector
- Minor Collector
- Local Road
- Major Transit Corridor

LAND USE LEGEND

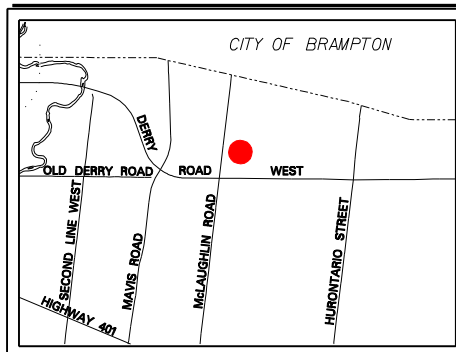
- Heritage Conservation District
- LBPIA Operating Area Boundary (See Aircraft Noise Policies) (Note: In Meadowvale Village this includes all lands to the East.)
- Lands Exempt From LBPIA Operating Area
- Lands experiencing noise levels of greater than 35 NEF
- Proposed Stormwater Management Facility
- Existing Stormwater Management Facility
- 1996 NEP2000 NEF Composite Noise Contours
- Planning District

SUBJECT LANDS



SUBJECT:

CABOT TRAIL ESTATES LTD.



FILE NO:

OZ 08004 W11

DWG. NO:

08004L

SCALE:

NTS

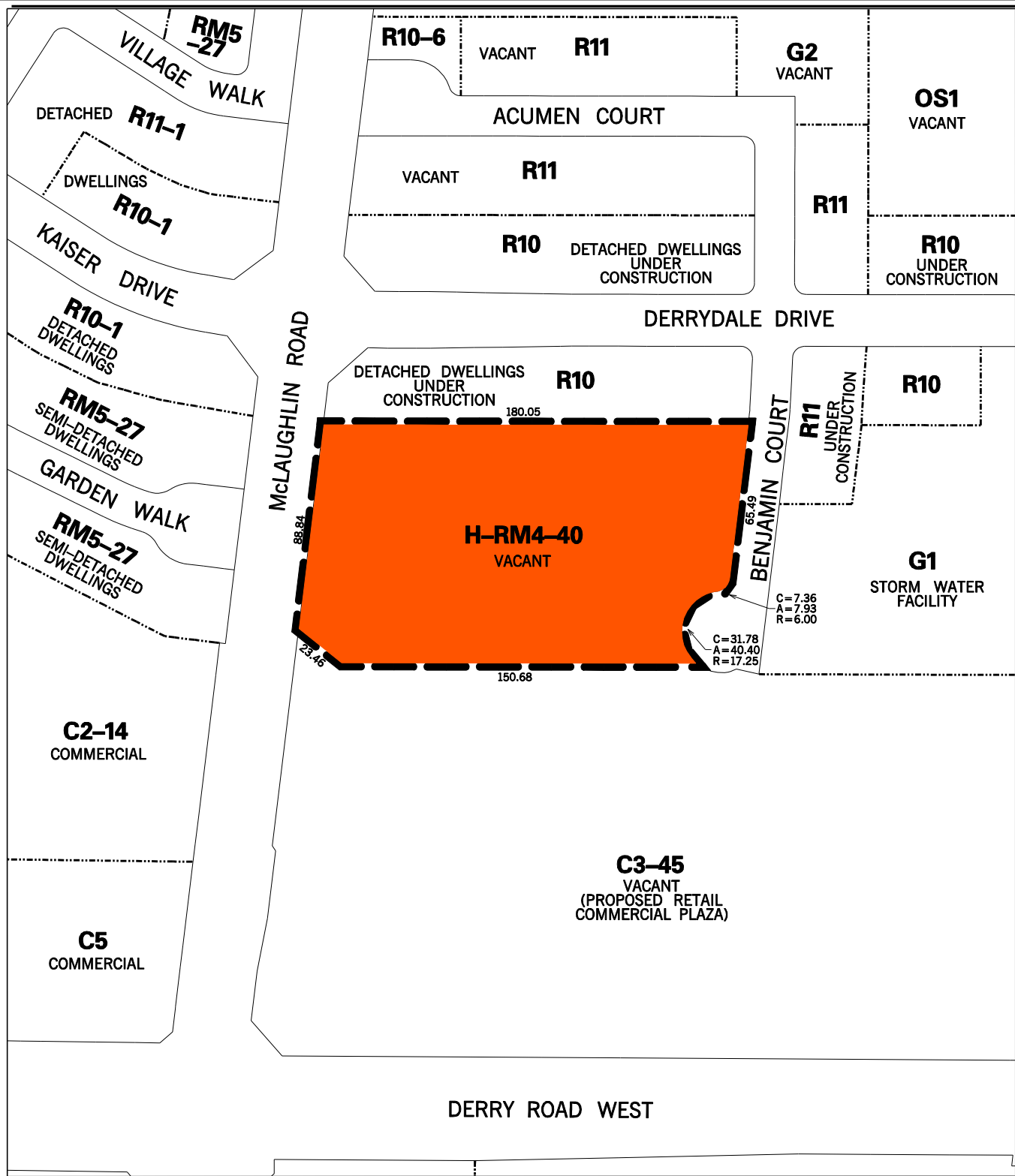
PDC DATE:

20080623

DRAWN BY:

B MISTAK

APPENDIX I-3



BY-LAW 0225-2007

LEGEND:

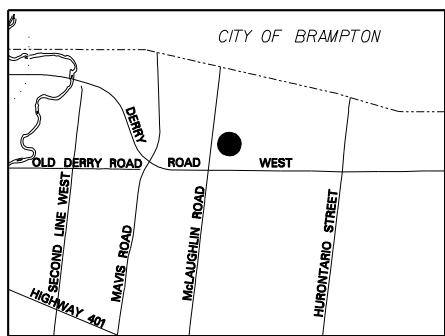
 **PROPOSED REZONING FROM "H-RM4-40" (TOWNHOUSE DWELLINGS) TO "RM6-EXCEPTION" (TOWNHOUSE DWELLINGS ON A COMMON ELEMENT CONDOMINIUM PRIVATE ROAD) TO PERMIT 74 COMMON ELEMENT CONDOMINIUM TOWNHOUSES.**

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

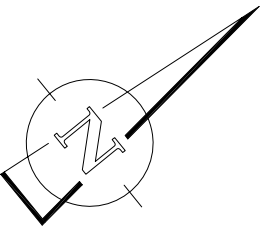


SUBJECT:

CABOT TRAIL ESTATES LTD.



FILE NO: OZ 08004 W11	
DWG. NO: 08004R	
SCALE: 1:2500	
PDC DATE: 20080623	APPENDIX I-4
DRAWN BY: B MISTAK	



FUTURE RESIDENTIAL

McLAUGHLIN ROAD

BENJAMIN COURT

PRIVATE ROAD

PARKETTE

PRIVATE ROAD

FUTURE COMMERCIAL

PLAN OF SURVEY OF
BLOCK 105
PLAN 43M-1758
CITY OF MISSISSAUGA
REGIONAL MUNICIPALITY OF PEEL

SCALE 1:300
10m 5m 0 10m 20m 30 metres
RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND
THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE ____ DAY OF _____, 2007

DATE _____, 2007

T. SINGH
ONTARIO LAND SURVEYOR

NOTES

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT SET
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- D.I.C. DENOTES DWELLING UNDER CONSTRUCTION
- PL DENOTES PLAN 43M-1758
- P DENOTES PORCH

BEARINGS HEREON ARE GRID AND ARE REFERRED TO THE
SOUTHWEST LIMIT OF BENJAMIN COURT AS SHOWN ON
PLAN 43M-1758 HAVING A BEARING OF N44°04'50"W.

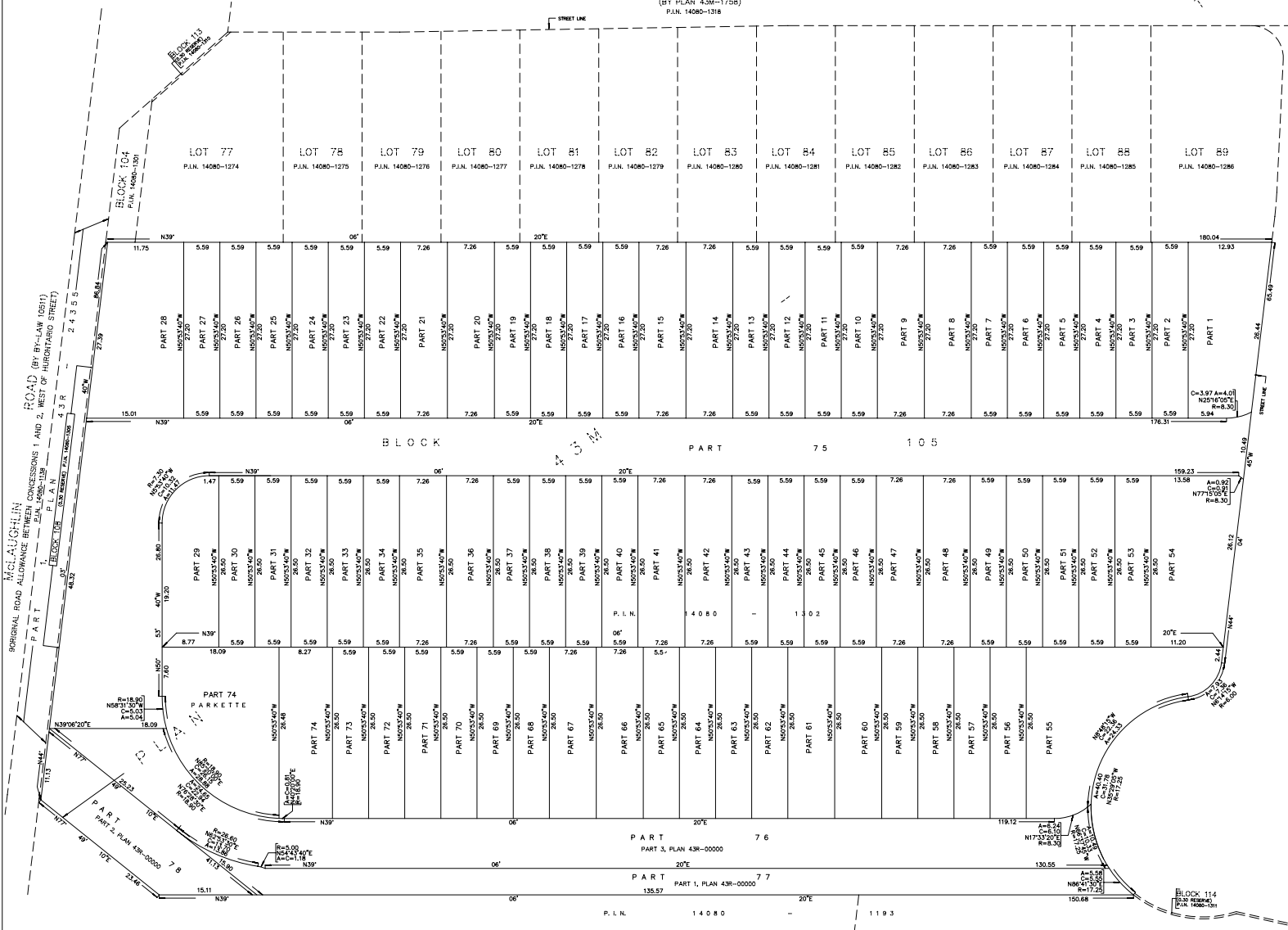
I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT.
DATE _____, 2007
T. SINGH O.L.S.

PLAN 43R-

RECEIVED AND DEPOSITED
DATE _____, 2007

ASSISTANT DEPUTY LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF PEEL (No.43)

SCHEDULE			
PART	ALL OF BLOCK	PLAN	ALL OF P.I.N.
1 TO 78 (BOTH INCLUSIVE)	105	43M-1758	14080-1302



REMAINDER OF PART 1, PLAN 43R - 18379
PART OF LOT 11, CONCESSION 1, WEST OF HURONTARIO STREET
PART 1, PLAN 43R - 00000
PART 2, PLAN 43R - 25114

rpe RADY-PENTEK & EDWARD SURVEYING LTD.
ONTARIO LAND SURVEYORS
643 Christie Road, Suite 2
Woodbridge, Ontario L4L 5A3
Tel: (416) 635-5000 Fax: (416) 635-5001
Tel: (905) 264-0881 Fax: (905) 264-2099
Website: www.r-pe.ca
DRAWN: V.K. CHECKED: T.S.
CAD FILE No. 07-281R01-PLC-A JOB No. 07-281



FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

BLOCK 6

Cabot Trail Estates Ltd.

File:OZ 08/004 W11

Agency Comments

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

Agency / Comment Date	Comment
<p>Greater Toronto Airports Authority (May 13, 2008, updated on May 14, 2008)</p>	<p>Noise Impacts:</p> <p>The subject property is located within the Exempt Area of the Toronto Pearson International Airport Operating Area and within both the 30-35 and 35-40 NEF/NEP of the composite noise contour map for Toronto Pearson Airport. Residential development is permitted within the Exempt Area according to the City's Aircraft Noise Policy, as reflected in Section 3.11.2.1.4 of Mississauga Plan, provided that the application was filed prior to February 1, 1997 or the lands were designated Residential prior to February 1, 1997, the site is below the 35 NEF/NEP composite noise contour and appropriate conditions relating to aircraft noise are included in the approval. Provided that the proposed development meets all of the above conditions, and that all of the residential units are located below the 35 NEF/NEP composite noise contour, the GTAA would not object to the proposed development.</p> <p>Residential development on the subject lands is covered by an Aircraft Noise Warning Agreement with Ben-Ted Construction Ltd., under Subdivision Plan T-95022 W5, which was registered on title on October 14, 1998 as Instrument LT1876038. The Aircraft Noise Warning Agreement stipulates that as a condition of subdivision approval, the Developer must enter into a registerable Development Agreement which contains, among other things, construction conditions and warning clauses for residential development.</p> <p>Based on the Draft Plan of Subdivision approved by the OMB May 31, 2004 and provided to the Greater Toronto Airports Authority (GTAA) by the City via e-mail on May 13, 2008, the GTAA has no objection to the residential development proposed for 7090 Benjamin Court.</p> <p>Airport Zoning Regulations (Height Restrictions):</p> <p>According to the Airport Zoning Regulations for Toronto Pearson International Airport, development elevations on the</p>

Cabot Trail Estates Ltd.

File:OZ 08/004 W11

Agency / Comment Date	Comment
	<p>property are affected by the Approach Surface for Runway 05 (future designation 05L) and the Approach Surface for proposed Runway 05R. The maximum allowable development elevation under the greater restriction (Approach Surface for proposed Runway 05R) ranges from approximately 283 metres Above Sea Level (A.S.L.) along the eastern boundary of the property (Benjamin Court) to approximately 287 metres (942 ft.) A.S.L. along the western boundary (McLaughlin Road).</p> <p>Based on the information provided, the height of the 74 proposed Common Element Condominium Townhouse units, to be located at 7090 Benjamin Court in Mississauga, would be within the allowable height limits associated with the Regulations.</p>
Region of Peel (May 21, 2008)	The Region of Peel has no objection to the approval of this Zoning By-law amendment application to change the zoning of the subject lands from "H-RM4-40" to "RM6-Exception".
Dufferin-Peel Catholic District School Board and the Peel District School Board (May 15, 2008 and May 16, 2008)	<p>In comments dated May 15, 2008 and May 16, 2008, respectively, the Peel District School Board and the Dufferin-Peel Catholic District School Board responded that they are satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for this development application.</p> <p>However, if approved, the Peel District School Board requires that warning clauses and a requirement for placement of notice signs at the entrances to the subdivision with respect to temporary school accommodation and transportation arrangements be included in the Servicing and/or Development Agreement prior to the final approval of an implementing zoning by-law.</p>
City Community Services Department – Planning, Development and Business Services Division (May 20, 2008)	It was indicated that all Community Services Department requirements for the rezoning application (including parkland dedication requirements) have been satisfied through subdivision application T-M95022 W5 and therefore there are no concerns with the proposal as submitted.

Cabot Trail Estates Ltd.

File:OZ 08/004 W11

Agency / Comment Date	Comment
City Community Services Department – Fire and Emergency Services (May 22, 2008)	The Fire and Emergency Services Division has reviewed the rezoning application from an emergency response perspective and has no concerns; emergency response time to the site and water supply available are acceptable.
City Transportation and Works Department (May 29, 2008)	<p>Comments dated May 29, 2008 indicate that a Noise Report dated February 4, 2008 has been received and is currently under review. Detailed comments/conditions will be provided prior the supplementary meeting pending the review of the foregoing.</p> <p>Prior to a Supplementary Report proceeding to Council, the applicant will be required to revise the site plan and draft reference plan to depict the required acoustical buffer block. In addition the owner is to submit a fully completed Environmental Site Screening Questionnaire and Declaration (ESSQD).</p> <p>To date all conditions required for lifting of the 'H' for the current "H-RM4-40" zoning for the subject lands have been satisfied, subject to the provision of a development agreement for this application.</p> <p>Further detailed comments/conditions will be provided prior the supplementary meeting pending the review of the revised material.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <p>Canada Post Bell Canada Enbridge Gas Distribution Inc.</p>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Corporate Services Department – Realty Services Division French District Catholic School Board Conseil Scolaire de District Catholique Centre-Sud Conseil Scolaire de District Centre-Sud-Ouest Rogers Cable Enbridge Pipelines Inc.</p>

Cabot Trail Estates Ltd.

File: OZ 08/004 W11

School Accommodation

The Peel District School Board	The Dufferin-Peel Catholic District School Board
<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 19 Kindergarten to Grade 5 8 Grade 6 to Grade 8 8 Grade 9 to Grade 12/OAC School Accommodation: <ul style="list-style-type: none"> Derry West Village P.S. <ul style="list-style-type: none"> Enrolment: 479 Capacity: 639 Portables: 0 David Leeder M.S. <ul style="list-style-type: none"> Enrolment: 792 Capacity: 868 Portables: 0 Mississauga S.S. <ul style="list-style-type: none"> Enrolment: 1,050 Capacity: 1,551 Portables: 0 	<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 8 Junior Kindergarten to Grade 8 6 Grade 9 to Grade 12/OAC School Accommodation: <ul style="list-style-type: none"> St. Veronica Elementary <ul style="list-style-type: none"> Enrolment: 485 Capacity: 584 Portables: 0 St. Marcellinus Secondary <ul style="list-style-type: none"> Enrolment: 1,181 Capacity: 1,521 Portables: 0

