



Corporate Report

Clerk's Files

Originator's
Files OZ 07/005 W4
T-M07002 W4

DATE: September 9, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 29, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning and Draft Plan of Subdivision Applications
To permit detached dwellings
Part of Lot 10, Plan A-24
East of Wilcox Road, north of Rathburn Road East
Owner: Dan-Con Developments Ltd.
Applicant: Larkin and Associates
Bill 51

Public Meeting **Ward 4**

RECOMMENDATION: That the Report dated September 9, 2008, from the Commissioner of Planning and Building regarding the application to change the Zoning from "R3" (Detached Dwellings) to "R4 - Exception" (Detached Dwellings) and a Draft Plan of Subdivision under files OZ 07/005 W4 and T-M07002 W4 respectively, to permit five (5) detached dwellings, Dan-Con Developments Ltd., Part of Lot 10, Plan A-24, be received for information.

BACKGROUND: The proposal is an infill residential development. The applicant intends to extend Kozel Court to the south to permit five (5) detached dwellings.

The applications have been circulated for technical comments and community meetings have been held. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

COMMENTS:

Details of the proposal are as follows:

Development Proposal	
Applications submitted:	March 8, 2007
Applications complete:	May 8, 2007
Number of Units:	5 detached dwellings
Net Density:	17.8 units/ha (7.2 units/acre) with the temporary cul-de-sac
Net Density:	16.8 units/ha (6.8 units/acre) with the permanent cul-de-sac
Anticipated Population:*	17 persons *Average household sizes for units for the year 2011 (city average) based on the 2005 Growth Forecasts for the City of Mississauga.
Supporting Documents:	Planning Justification Report Noise Feasibility Study Functional Servicing Report Tree Inventory Report

Site Characteristics	
Frontage:	16.2 m (53.1 ft.) on Kozel Court
Depth:	73.13 m (239.92 ft.)
Gross Lot Area:	0.37 ha (0.91 ac.)
Existing Use:	Vacant

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

Neighbourhood Context

The subject property is located in the Rathwood District which is a residential district within the block bounded by Cawthra Road, Wilcox Road, Meadows Boulevard and Rathburn Road East. This block is occupied by detached dwellings mostly on deep lots (average depth - 90 m (295 ft.). As outlined in Appendix I-1, since 1998, development approvals have been granted which have resulted in the creation of Kozel Court and allowed the rear of existing lots to be developed for detached dwellings. The subject land is the remnant parcel from those prior approvals. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North: Detached dwellings and a vacant residential lot

East: Detached dwellings

South: Detached dwellings

West: Detached dwellings

Current Mississauga Plan Designation and Policies for Rathwood District (May 5, 2003)

"**Residential Low Density I**" which permits detached, semi-detached, and duplex dwellings to a maximum density of 17 units per net residential hectare (6.9 units per net residential acre). The subject lands are also part of Special Site 1 in the Rathwood District Policies which applies to lands bounded by Meadows Boulevard, Rathburn Road East, Cawthra Road and Wilcox Road, and contains specific policies to guide the redevelopment of this area. The Special Site policies are set out in Appendix I-8.

The applications are in conformity with the land use designation and no official plan amendment is being proposed.

Existing Zoning

"**R3 (Detached Dwellings)**", which permits detached dwellings on lots with minimum frontages of 15.0 m (49.2 ft.) and minimum areas of 550 m² (5,020 sq. ft.).

Proposed Zoning By-law Amendment

"R4 - Exception" (Detached Dwellings), to permit detached dwellings on lots with minimum frontages of 12.0 m (49.2 ft.) and minimum areas of 464 m² (4,994.6 sq. ft.).

As part of the rezoning, the applicant is proposing to reduce the minimum front yard of the dwellings from 6.0 m (19.7 ft.) to 4.2 m (13.8 ft.). This variance is required because of the proposed temporary cul-de-sac location. All other "R4" (Detached Dwellings) zone provisions will be maintained.

COMMUNITY ISSUES

A community meeting was held by Ward 4, Councillor Frank Dale on June 25, 2008. A follow-up meeting was held on July 4, 2008, in order to respond to engineering related questions. The following provides a summary of the discussions:

Comment

Some of the area residents expressed an interest in developing the rear portion of their property. They wanted to know why the applicant is not proposing a straight road that could be extended in the future to intersect with Rathburn Road East or if the proposed cul-de-sac could be extended further to the south. They also wanted to be assured that the subject applications will not prevent the future development of their lands and that the City is taking safeguards to protect their interest.

Response

Staff and the applicant's consultant explained that there are engineering constraints associated with grading, a retaining wall, a servicing easement and split drainage that would make a straight road connection to Rathburn Road East difficult and expensive to achieve. A straight road would also require the support of all landowners that would be affected and necessitate the applicant to amend the subject applications. The residents were also informed that it would be difficult to extend the proposed cul-de-sac further

south because of grading concerns, servicing constraints and the need for an easement through a neighbouring resident's property in order to connect to the existing facilities on Wilcox Road.

The residents were advised that the proposed cul-de-sac will not preclude future development of their property and that the applicant's draft plan of subdivision shows how their lands to the east and south could be developed in the future. They were also assured that if the applications are approved, the developer will be required to enter into development and servicing agreements and the City will hold securities to safeguard the interests of the proposed and future developments in the area.

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 and the applicable Mississauga Plan policies, the following matters will have to be addressed:

- environmental site assessment to ensure that the site is suitable for residential development;
- updated functional servicing report that includes provisions related to the temporary cul-de-sac, driveway locations and a proposed retaining wall; and
- the identification of any sustainable green technology to be used in the proposed development.

OTHER INFORMATION

Development Requirements

The documents listed in the comments section of this report submitted with the applications have been reviewed, comments have been provided to the applicant and additional information has been requested. Prior to the finalization of the Supplementary Report, all outstanding comments will have to be addressed.

In conjunction with the proposed development, there are certain other engineering matters which will require the applicant to enter into the appropriate agreements with the City, the details of which will be dealt with during the processing of the plan of subdivision under file T-M07002 W4, if the applications are approved.

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 outstanding concerns are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

ATTACHMENTS:

Appendix I-1 - Site History
Appendix I-2 - Aerial Photograph
Appendix I-3 - Excerpt of Rathwood District Land Use Map
Appendix I-4 - Excerpt of Existing Land Use Map
Appendix I-5 - Draft Plan of Subdivision
Appendix I-6 - Agency Comments
Appendix I-7 - School Accommodation
Appendix I-8 - Relevant Mississauga Plan Policies
Appendix I-9 - Sample Elevations
Appendix I-10 - General Context Map

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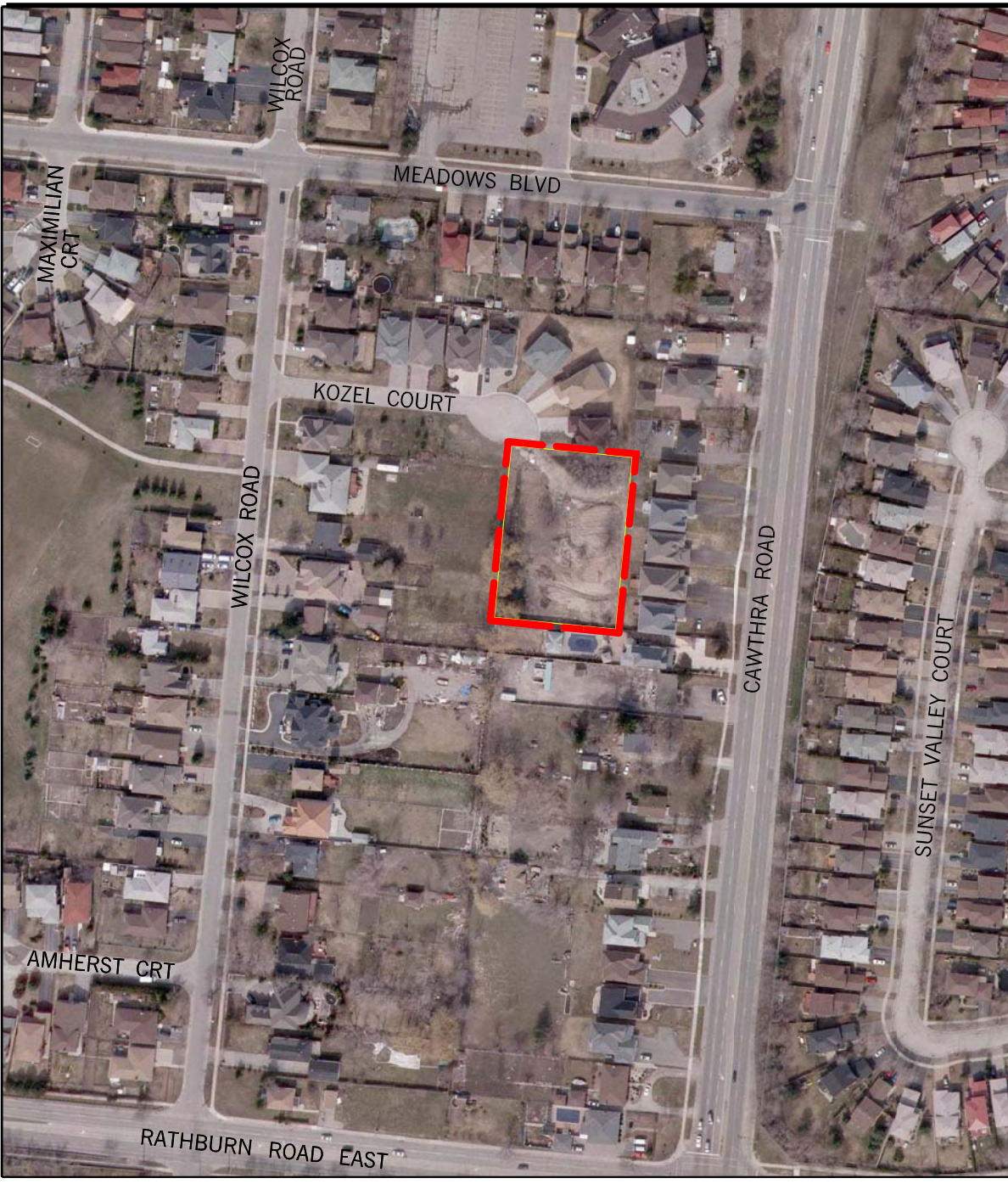
Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Haig Yeghouchian, Development Planner

Dan-Con Developments Ltd.**File: OZ05007 W4
T-M07002 W4****Site History**

- June 18, 1998 - The Ontario Municipal Board approved rezoning and draft plan of subdivision applications under files OZ 94/28 W4 and T-M94010 W4, respectively, to permit an infill subdivision on Kozel Court to accommodate six (6) detached dwellings.
- October 29, 2002 - City Council approved Draft Plan of Subdivision application under file T-M01005 W4 subject to conditions, to permit an infill subdivision to accommodate five (5) detached lots (three (3) on Kozel Court and two (2) on Cawthra Road.).
- May 5, 2003 - The Region of Peel approved Mississauga Plan Policies for the Rathwood District which came into full force and effect except for matters under appeal to the Ontario Municipal Board. The appeals were unrelated to the subject lands, therefore, the new policies in Mississauga Plan apply.
- January 19, 2006 - The Committee of Adjustment approved a consent application under file 'B' 006/06 to sever the subject lands from land with frontage on Cawthra Road. The lands fronting on Cawthra Road were further divided through land division under files 'B' 001/06 to 'B' 005/06 to create five (5) detached dwelling lots. The remaining severed lands (subject lands) were to be developed through a subdivision application with a frontage on Kozel Court. The Committee of Adjustment also approved a minor variance application under file 'A' 018/06 and permitted the severed lands to have a 0.0 m (0.0 ft.) lot frontage.
- 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 R3 (Detached Dwellings).



LEGEND:



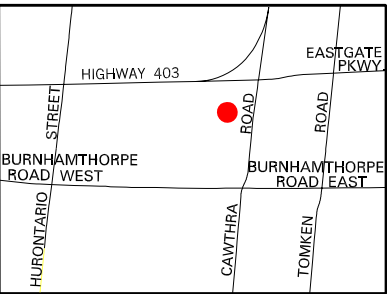
SUBJECT LANDS

DATE OF AERIAL PHOTO: JULY 2008



SUBJECT:

DAN-CON DEVELOPMENTS LTD



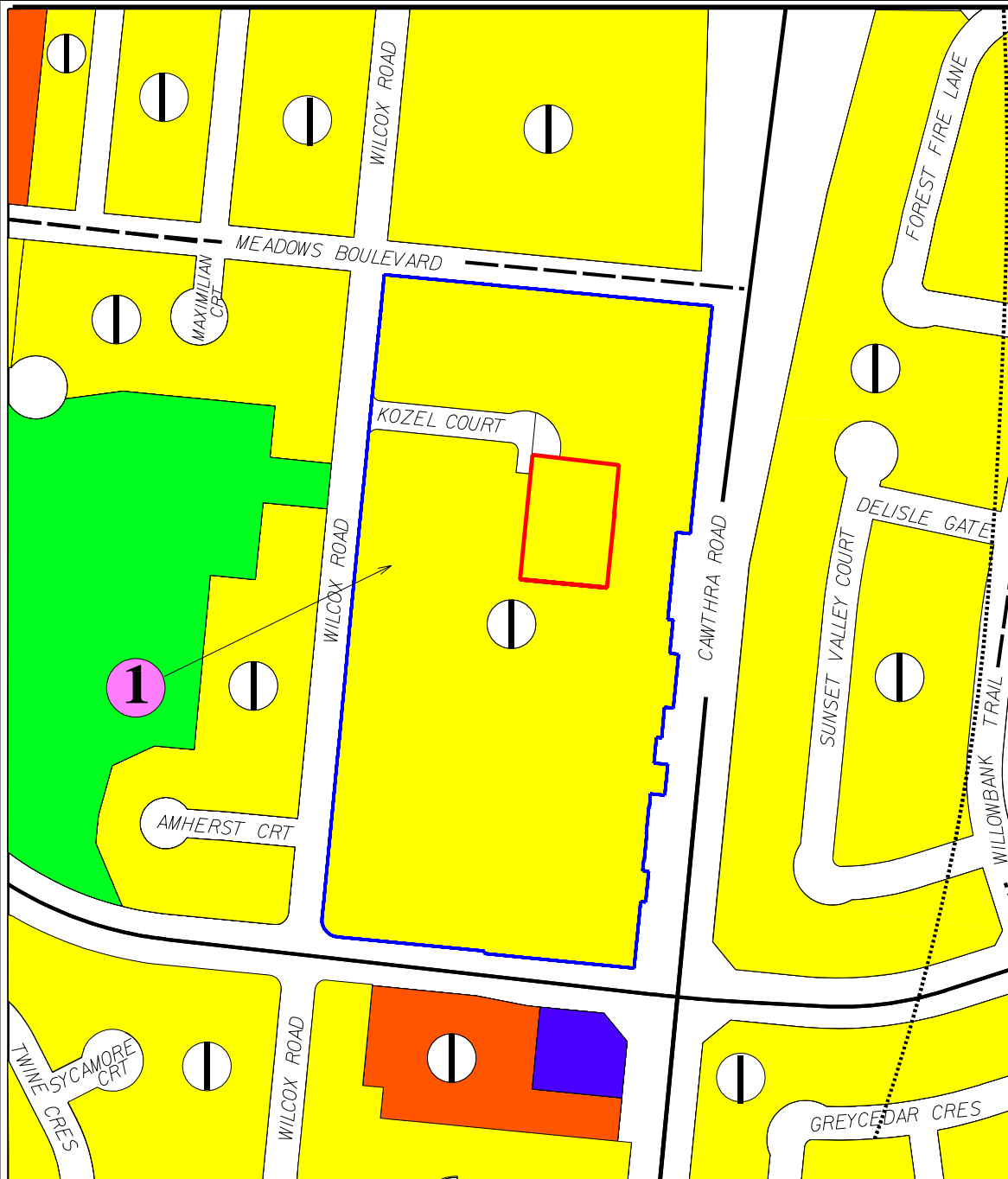
FILE NO:
OZ 07005 W4
T-M07002 W4

DWG. NO:
07005A

SCALE:
NTS

PDC DATE:
2008 09 29

DRAWN BY:
R.DICOSOLA



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

LAND USE DESIGNATIONS

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

TRANSPORTATION LEGEND

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

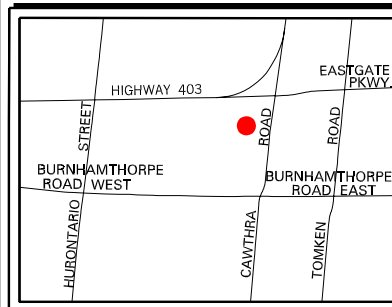
LAND USE LEGEND

- Regulatory Floodplain
- Node Boundary
- 1996 NEP/2000 NEF Composite Noise Contours
- Planning District
- Special Site Areas (See Special Site Policies)

SUBJECT LANDS



SUBJECT:
DAN-CON DEVELOPMENTS LTD.



FILE NO:
OZ 07/005 W4
T-M07002 W4

DWG. NO:
07005L

SCALE:
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PDC DATE:
2008 09 29

DRAWN BY:
R.DICOSOLA

MISSISSAUGA
 Planning and Building

Produced by
T&W, Geomatics

APPENDIX 1-3

LEGEND:



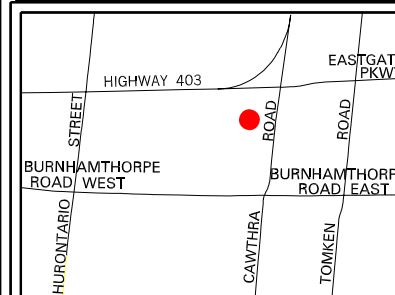
PROPOSED REZONING FROM "R3" (DETACHED DWELLINGS) TO "R4-EXCEPTION" (DETACHED DWELLINGS) TO PERMIT DETACHED DWELLINGS ON LOTS WITH MINIMUM FRONTAGES OF 12 M (39.4 FT) AND MINIMUM AREAS OF 464 SQ. M (4,994.6 SQ. FT).

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



SUBJECT:

DAN - CON DEVELOPMENTS LTD



FILE NO:
OZ 07005 W4
T-M07002 W4

DWG. NO:

07005R

SCALE:

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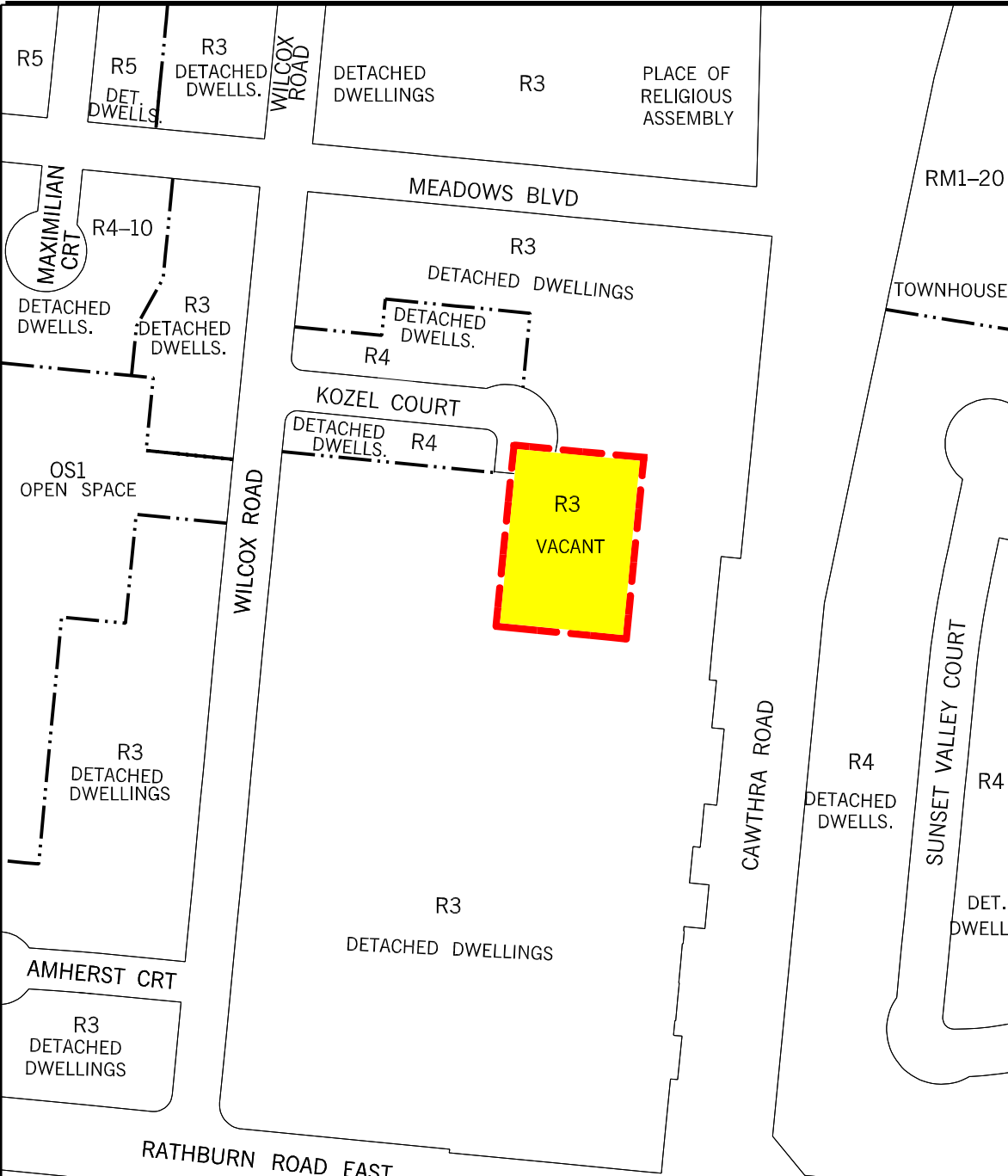
PDC DATE:

2008 09 29

DRAWN BY:

R.DICOSOLA

APPENDIX 1-4



APPENDIX I-5
OZ 07/005 W4
T-M07002 W4

AL

EXISTING LOT PATTERN

EX. RESIDENTIAL

LIMIT OF SUBMISSION

Retaining Wall
(temporary)

RESIDENTIAL

Potential Lot Pattern

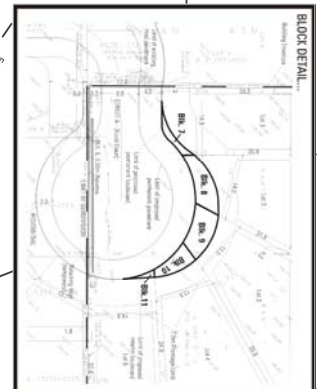
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POTENTIAL LOT PATTERN

RESIDENTIAL

LIMIT OF SUBDIVISION

BLOCK DETAIL.



Dan-Con Developments Ltd.**File:OZ 07/005 W4****T-M07002 W4****Agency Comments**

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

Agency / Comment Date	Comment
Region of Peel (June 18, 2007) (July 24, 2008)	<p>Municipal sanitary sewer facilities consist of a 250 mm (9.8 in.) diameter sewer on Kozel Court. Municipal water facilities consist of a 150 mm (6 in.) diameter watermain on Kozel Court.</p> <p>The Region of Peel has no objection to the approval of these applications and has indicated that the proposal is consistent with the intensification policies of the Provincial Policy Statement (2005) and the Region of Peel Official Plan.</p>
Greater Toronto Airport Authority (May 17, 2007) (August 22, 2008)	The subject property lies within the 25-28 NEF/NEP of the composite contour map for Toronto Pearson International Airport. According to the Airport Zoning Regulations, the proposed development elevations on the property are not affected by any airport restrictions.
Dufferin-Peel Catholic District School Board (June 8, 2007) (August 12, 2008) Peel District School Board (June 14, 2007) (August 11, 2008)	<p>The Boards have indicated 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.</p> <p>The Boards have also requested that warning clauses with respect to temporary school accommodation and transportation arrangements be included in any servicing and/or development agreements.</p>
City Community Services Department - Planning, Development and Business Services Division (May 17, 2007) (July 18, 2008)	This Department has indicated that Meadow Glen Park is located approximately 160 m (525 ft.) from the subject lands. This park contains a playground, two (2) baseball diamonds, a soccer field and a pathway system. Should these applications be approved, a cash contribution for street tree planting will be required prior to the registration of the subdivision.

Dan-Con Developments Ltd.

File:OZ 07/005 W4

T-M07002 W4

Agency / Comment Date	Comment
	Prior to the issuance of building permits, cash-in-lieu of parkland for park or other public recreational purposes is required pursuant to section 42 of the <i>Planning Act</i> and in accordance with the City's policies and by-laws.
City Community Services Department - Recreation and Parks/Forestry Operation Division (August 19, 2008)	This Division has advised that they have reviewed the applicant's Arborist Report and they are satisfied with the findings and recommendations of the Report with respect to tree removal.
City Transportation and Works Department (June 15, 2007) (August 14, 2008)	<p>This Department has advised that a Noise Feasibility Study has been received, which concludes that with the use of appropriate attenuation measures and warning clauses the proposed development can be adequately attenuated from the surrounding noise sources in accordance with the Ministry of Environment guidelines.</p> <p>Prior to a Supplementary Report, the applicant will be required to revise the draft plan and grading plan to depict additional information. The Functional Servicing Report is to be updated to confirm additional details and a Phase 1 Environmental Site Assessment must be submitted for review. Updated comments or conditions will be provided during the finalization of the Supplementary Report upon reviewing the foregoing.</p> <p>In the event that these applications are approved by Council, the owner will be required to make satisfactory arrangements with the City and the Region for the dedication and construction of roads and municipal services required in support of this development.</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>City Community Services Department - Fire and Emergency Services Division City Corporate Services Department - Facilities and Property Management/Realty Division Enersource Hydro Mississauga</p>

Dan-Con Developments Ltd.**File:OZ 07/005 W4
T-M07002 W4**

Agency / Comment Date	Comment
	Canada Post Corporation Enbridge Gas Distribution Inc. Enbridge Pipelines Inc. Hydro One Bell Canada Rogers Cable
	The following City Departments and external agencies were circulated the applications but provided no comments: French District Catholic School Board Conseil Scolaire de District Catholique Centre - Sud Conseil Scolaire de District Catholique Centre - Sud Ouest Sun-Canadian Pipe Line Company Ltd. Trans-Northern Pipelines Inc. Praxair Canada Inc. Sarnia Products Pipe Line (Imperial Oil)

Dan-Con Developments Ltd.**File: OZ 07/005 W4****T-M07002 W4****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"> 1 Kindergarten to Grade 5 1 Grade 6 to Grade 8 1 Grade 9 to Grade 12 School Accommodation: <ul style="list-style-type: none"> Briarwood Public School <ul style="list-style-type: none"> Enrolment: 525 Capacity: 549 Portables: 0 The Valleys Senior <ul style="list-style-type: none"> Enrolment: 570 Capacity: 550 Portables: 0 TL Kennedy Secondary School <ul style="list-style-type: none"> Enrolment: 842 Capacity: 1242 Portables: 0 	<ul style="list-style-type: none"> Student Yield: <ul style="list-style-type: none"> 1 Junior Kindergarten to Grade 8 1 Grade 9 to Grade 12 School Accommodation: <ul style="list-style-type: none"> St. Charles Garnier <ul style="list-style-type: none"> Enrolment: 279 Capacity: 210 Portables: 8 John Cabot Secondary School <ul style="list-style-type: none"> Enrolment: 979 Capacity: 933 Portables: 0

Dan-Con Developments Ltd.

File: OZ 07/005 W4
T-M07002 W4**Relevant Rathwood District Policies of Mississauga Plan****Special Site Policies - Site 1**

The lands identified as Special Site 1 are located west of Cawthra Road and north of Rathburn Road East.

Notwithstanding the provisions of the Residential Low Density I designation of this Plan, the following additional policies will apply:

- a. a concept plan for all or part of this site may be required and will address, among other matters, the following:
 - 1. Compatibility of building form and scale with existing surrounding land uses;
 - 2. Convenient pedestrian access through this site to nearby transit service on Rathburn Road East, Cawthra Road and the future Mississauga **Bus Rapid Transit (BRT)** facility; (MPA-25);
 - 3. The potential to access all lands designated Residential Low Density I from Rathburn Road East;
 - 4. Traffic generated will not adversely affect the transportation system;
 - 5. Acceptable ingress and egress, off-street parking, landscaping and buffering;
 - 6. Preservation of mature trees and other significant natural features;
- b. the concept plan will be required to address, to the satisfaction of the City of Mississauga and the Region of Peel, matters relating to transportation and access onto Cawthra Road;
- c. Mississauga will permit the severance of the rear portions of lots fronting on Wilcox Road to encourage the assembly and comprehensive **redevelopment** of all Residential Low Density I lands in Special Site 1;
- d. individual frontages on the east side of Wilcox Road will be developed in keeping with lot frontages on the west side of Wilcox Road;
- e. the **redevelopment** of all lands designated Residential Low Density I will minimize access points to Cawthra Road to preserve the integrity of Cawthra Road as a major arterial roadway;
- f. access to individual properties on the north side of Rathburn Road East will be discouraged.



Sample Elevations



