

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** May 22, 2019

**CASE NO(S):** PL171219

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	3355 The Collegeway G.P. Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	Mixed Use
Proposed Designated:	Residential Medium Density, Mixed uses and Convenience Commercial
Purpose:	To permit to permit 336 stacked townhouse units (horizontal multiple dwellings) within eleven (11) blocks with access from Colonial Drive as well as a two-story convenience commercial building with access from Ridgeway Drive
Property Address/Description:	3355 The Collegeway
Municipality:	City of Mississauga
Approval Authority File No.:	OZ 16/005 & OPA
OMB Case No.:	PL171219
OMB File No.:	PL171219
OMB Case Name:	3355 The Collegeway G.P. Inc. v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	3355 The Collegeway G.P. Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make a decision
Existing Zoning:	C2-Neighbourhood Commercial
Proposed Zoning:	Site Specific (To be determined)

Purpose: To permit 336 stacked townhouse units (horizontal multiple dwellings) within eleven (11) blocks with access from Colonial Drive as well as a two-storey convenience commercial building with access from Ridgeway Drive

Property Address/Description: 3355 The Collegeway  
 Municipality: City of Mississauga  
 Municipality File No.: OZ 16/005  
 OMB Case No.: PL171219  
 OMB File No.: PL171220

**Heard:** April 26, 2019 in Mississauga, Ontario

### **APPEARANCES:**

#### **Parties**

#### **Counsel**

3355 The Collegeway G.P. Inc.

Adam Brown  
Naomi Mares

City of Mississauga

Paul DeMelo

### **DECISION DELIVERED BY R. ROSSI AND ORDER OF THE TRIBUNAL**

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#### **INTRODUCTION**

[1] This is a hearing of the appeals of 3355 The Collegeway G.P. Inc. (“Appellant”) of the failure of the City of Mississauga (“City”) to make decisions on the Appellant’s applications to amend the City’s Official Plan and the Zoning By-law to permit the redevelopment of a property at 3355 The Collegeway (“site”). The Regional Municipality of Peel has withdrawn from these matters and is no longer a Party.

[2] The proposal before the Tribunal is to revise the Official Plan and to amend Zoning By-law No. 0225-2007, as amended, to permit 340 back-to back, stacked townhouses within 12, four-storey residential blocks on a private condominium road as well as 24 stacked townhouses within a four-storey mixed use building on a 2.66-hectare site bounded by Ridgeway Drive, The Collegeway and Colonial Drive. At this hearing, the Appellant advised the Tribunal that it was withdrawing its proposed amendment to the Official Plan as the instrument and the proposal comply with all of the

in-force Official Plan policies, which the City's counsel Mr. DeMelo confirmed on the record. Therefore, the Tribunal considered only the proposed Zoning By-law Amendment ("ZBA"), which is marked as Exhibit 7 and attached to this Order.

[3] The proposed ZBA amends the zoning of the property in Appendix A from C2 to C4-XX, which will permit "Horizontal Multiple Dwellings" in addition to commercial uses. C4-XX will set a minimum gross floor area ("GFA") of roughly 2,475 square metres for non-residential uses and it establishes a maximum floor space index ("FSI") of 1.6.

[4] The consultative process between the City and the Appellant was comprehensive and included public meetings to ensure area residents' concerns were brought forward. Central to these were their concerns that the community was losing a 1990s-style outdoor strip mall/plaza and in particular, a local food convenience store that was operating in this plaza. The Tribunal noted that the Appellant has expressed a willingness to consider the possibility of having a similar convenience-type store located in the commercial portion of the project as development proceeds. The Tribunal noted that this new development will bring several hundreds of new homes to this area whose residents might also add to the local demand for a convenience store. In any event, the area residents' concern was raised and the Tribunal notes the Appellant's willingness to consider this once tenants begin to occupy the future commercial building area fronting onto Ridgeway Drive.

[5] The Appellant presented the Tribunal with a lengthy list of revisions it has made to its proposal, which derive from the City's comments and residents' concerns. The Tribunal reviewed these carefully (Exhibit 2). The Tribunal notes that, despite City Council not supporting the proposed intensification of the site, City staff supports the proposed development. The Tribunal finds that the Appellant responded substantively to the City's concerns to ensure the development was respectful of the City's planning policies and that it responds well to the community and area context.

[6] The Tribunal was informed that there were no traffic or parking issues to be adjudicated.

[7] Contextually, the residential built form in the area comprises various heights and uses. There are employment uses to the west, low density residential uses on the opposite side of Colonial Drive to the east, with higher-density stacked townhomes and apartment uses to the north and south. The site is well-served by commercial uses along the area's major arterial roads, which has had the effect of making the current, now-dated plaza redundant and providing an opportunity to redevelop this large property for a density and use that are similar to, albeit also exceeding, densities that exist in the surrounding area.

[8] The site is designated Mixed Use in the City's Official Plan and the site is located within a "Neighbourhood" in the Erin Mills area of the Official Plan. The site is zoned "C2 Neighbourhood Commercial", which does not reflect either the existing or planned uses as set out in the in-force Official Plan. The Plan policies promote higher order residential uses such as townhomes, stacked townhomes and apartments. Policy 11.2.6.2 encourages a mix of residential and commercial uses on the same site. These mixed uses are "encouraged"; however, the policies do not mandate this mix.

[9] Planner Lindsay Dale-Harris was qualified to provide professional land use planning evidence in support of the application. Planner Edward Davidson was qualified to provide professional land use planning evidence in opposition to the application.

[10] Mrs. Dale-Harris' evidence outline provides the specific details of the proposal, and notes the provision of a well-laid out series of residential townhouse blocks with pedestrian connectivity throughout the site. There are many personal amenity spaces provided, from roof terraces and balconies to ground-level patios. The plan includes two common amenity areas and landscape strips to the north and around the perimeter where applicable as well as around the commercial/retail component of the site.

[11] Mrs. Dale-Harris reviewed all of the applicable planning instruments and noted that all of the relevant policies of the Provincial Policy Statement 2014 ("PPS") were achieved through the proposed instrument and this development proposal. She noted in particular how the PPS encourages "efficient development patterns that optimize use of land, resources and public investment in infrastructure and public service facilities." She

opined that this proposal meets the PPS objective of healthy, livable and safe communities that are sustained by the promotion of an efficient development pattern. She also noted that the existing infrastructure can support the development.

[12] The Tribunal is persuaded that the townhouses are compatible with the adjacent residential uses, thus providing an expanded range of smaller, less-expensive home ownership units in the area, which, other than the examples of affordable housing to the north and south of the site, are characterized by single-family homes on rather large lots.

[13] The existing plaza is now nearly three decades old and area residents have been using the site's large parking area to park their and their visitors' vehicles when required. Most of the previous commercial units left the plaza some time ago, with only six commercial units remaining at the time of the application in 2016. Assessed in the context of contemporary standards, Mrs. Dale-Harris opined that this free-standing, three-decades old plaza does not represent an efficient use of the land nor take into account the requirement for housing to meet the needs of the growing population in this urban area in a region that desires urban intensification. The Tribunal finds that the policies of the PPS are met through the instrument and the proposed development, most notably policy 1.1.3.3 that direct identification and promotion of opportunities for intensification and policy 1.1.3.4 regarding the promotion of standards that facilitate intensification. Other relevant policies achieved include Policy 1.4 Housing (1.4.3) b) to d); and the Transportation System and Land Use Pattern Policies (1.6.7 and 1.6.7.4). In this context, the Tribunal preferred the only comprehensive analysis of the PPS policies provided at the hearing and finds persuasive Mrs. Dale-Harris' opinion that the draft ZBA is consistent with, and has full regard for the policies of PPS 2014, which will promote the efficient use of the existing and planned infrastructure and will provide for a form of ground-oriented housing that will enhance the supply of more affordable family housing in this area of the City.

[14] Given the Tribunal's review of the Growth Plan for the Greater Golden Horseshoe policies and noting the importance of the requirement to provide a range and mix of housing (1.2.1 Guiding Principles), the Tribunal finds persuasive this planner's

opinion that the proposed development as provided for in the draft ZBA will conform to this Plan, as well as conform to the Regional Municipality of Peel Official Plan, which places emphasis on intensification within the Urban System, particularly in areas where there is available infrastructure and under-utilized lands such as here.

[15] The Tribunal finds the proposal to optimize the use of an under-utilized site, taking note of the Official Plan policies that speak to intensity on under-utilized commercial properties. Mrs. Dale-Harris added that as proposed, this represents transit-supportive density and she referenced both the City's bus route and a Town of Oakville bus route to the GO Transit station, which serve the area.

[16] What is more, Mrs. Dale-Harris offered what was the most comprehensive review of the Official Plan policies at this hearing and specifically, how the proposed instrument and the development it facilitates represent good planning. She provided planning-supported reasons for her opinion that the instrument and the proposed development conform with the policies of the City's Official Plan, summarily, referencing Chapter 5 – Direct Growth of the Official Plan (and in particular 5.1 and the 5.3 constituent policies), the Complete Communities policies to which the proposed development responds substantively, like providing a “Housing mix [that] can accommodate people with diverse housing preferences and socioeconomic characteristics (Policy 7.1.6) and virtually all of the applicable 7.2 policies that speak to housing “Opportunities” for a range of choices, a variety of affordable dwelling types and that address provincial and regional housing requirements (7.2.2 and 7.2.5)”.

[17] She also addressed the intensification issue through Policy 9.1.3 for “infill and redevelopment within Neighbourhoods” as well as Policy 9.2.2 Non-intensification Areas and how development should proceed in the context of this section of the Official Plan. This planner also covered fully the policies related to Public Realm and referenced Policy 9.5.4 regarding “Relationship to the Public Realm” and how the various components of the development, such as enhancing the public streets, parking servicing and loading and the provision of underground parking respond favorably to the City's policy direction. Finally, she reviewed the Mixed Use Designation policies in

11.2.6 and demonstrated (page 13 of her Evidence Outline) how sub-policies 1 through 6 were achieved.

[18] Mr. Davidson's review was far less comprehensive in this regard and accordingly, the only comprehensive planning policy review of the proposed development was provided by the Appellant's planner. For these reasons, based on the best evidence before it, the Tribunal places more weight on the latter's evidence that addressed the relevant policies and showed how both the draft ZBA and its corresponding development design conform with the Official Plan policies. The Tribunal is satisfied that the design achieves the respective urban design policies related to compatibility, enhancement of the streetscape, building height and transition, and the provision of highly-desirable amenities to enhance residential living on the subject site.

[19] The Tribunal considered whether development as proposed is too dense. Mr. Davidson was concerned that the density as proposed is approximately three times greater than the existing residential development surrounding the large site. He opined that Neighbourhoods should have the least density, and the density requested through this proposal is "purely driven by the built form on this site." Mrs. Dale-Harris countered this by opinion that the proposed density is in fact in keeping with the adjacent areas.

[20] The Tribunal is not persuaded that the site is over developed or too dense. It is clear that City staff hold the same view given their support for both the instrument and the development and the density as proposed. The Appellant revised their proposal based on, and in response to, the informed recommendations of planning staff to the Appellant's team. The resulting proposal uses the placement of buildings effectively to maximize usage of the site while creating public spaces, pedestrian walkways and exclusive-use amenity areas while removing virtually all of the parking below-grade to achieve a less-dense feel of the community, supported by various landscaping details both on the boundaries and internally to enhance the living spaces. Further, only one of these blocks just barely exceeds the height requirement; otherwise, the proposed four-storey townhouses are reflective of and will contribute to the local housing stock in an acceptable residential built form.

[21] The proposed back to back and stacked townhomes and mixed use building comprise a FSI of 1.6. Taking into account the Official Plan policies that speak to intensification within Neighbourhoods and Non-Intensification areas, and the need for development to be sensitive to the existing and planned context, the proposed FSI of 1.6 is greater than what exists, but the Tribunal finds that it does not represent a significant departure from the existing high and medium density development in the immediate and surrounding area. Mr. Davidson's references to FSI in his evidence to the Tribunal confirm this fact. Therefore, the Tribunal finds that the proposed instrument and designation generally meet applicable built form policies.

[22] The Tribunal also finds persuasive the opinion of Mrs. Dale-Harris in the context of her planning rationale, that this higher density does not de-stabilize the existing neighbourhood density for the reasons given and on the basis of the Official Plan policies cited earlier.

[23] The panel also read carefully the City staff Recommendation Report from June 1, 2018 as exhibited and notes that, not only did staff take into account residents' concerns, but this report provides findings that are consistent with the Appellant's planner.

[24] The panel also finds persuasive Mrs. Dale-Harris' response to Mr. DeMelo that, while the site is not located on an intensification corridor nor identified by the City as needing increased densities to accommodate projected densities in the Growth Plan, this is nevertheless the type of mixed use commercial block where such intensification can and should occur. Moreover, she opined that the density proposed is not a "significant" density once considered about the "fit" of the infill development. Her references to how the site has been planned and laid out lend credence to her opinions. The Tribunal finds that the density is not excessive in the local context, and definitely appropriate from a planning perspective for the subject site itself. The proposed development is not too dense for the reasons given.

[25] Mr. Davidson in fact told the Tribunal that he has "no problem" with the intensification of the site and he noted the Appellant's commitment to types of



commercial uses that would respond to local residents' and businesses' "demand and need".

[26] From a design perspective, Mr. Davidson expressed his concern that the proposed townhouse blocks along The Collegeway side of the site would have their side walls facing onto the street, whereas he urged that the main doors should be fronting onto The Collegeway just as the doors of the existing homes on the south side of the street front onto the street. He opined that the main door element should face the street "to be consistent" and that parking be placed underground.

[27] The Tribunal finds this to be a curious observation from Mr. Davidson, given that the Appellant's visual evidence shows plainly that front doors of the proposed townhouses do in fact face onto The Collegeway, and the parking will be located underground. There is nothing inappropriate from a design perspective in this regard, and nothing inconsistent with what currently exists in the immediate area. This was in fact confirmed for Mr. Davidson during Mr. Brown's questioning of this witness.

[28] Consequently, the Tribunal is not persuaded that the proposed development of the townhouses as envisioned do not conform to the Official Plan policies regarding building faces and frontages (from the Chapter 9 "Build a Desirable Urban Form" section of the Official Plan). Noting Section 9.2.1.17, "Principal streets should have continuous building frontages that provide continuity of built form from one property to the next with minimal gaps between buildings." To emphasize, while Mr. Davidson suggested the Appellant is proposing to build end units, the Appellant has designed the end units of these townhouse blocks in a manner that actually fronts onto The Collegeway. The Tribunal assigns little weight to this witness's observation.

[29] In contrast, the Tribunal finds that responsive property interface with the public realm has been achieved through this proposal. Equally, the Appellant has achieved the objectives found in the following sections of the Official Plan: Section 9.2.1.24 whereby "Development will face the street;" Section 9.2.1.25 wherein "Buildings should have active façades characterized by features such as lobbies, entrances and display windows. Blank building walls will not be permitted facing principal street frontages and

intersections” whereas the proposed townhouses will have windows and risers to the first floor; and Section 9.2.1.28 through which “Built form will relate to and be integrated with the street line, with minimal building setbacks where spatial enclosure and street related activity is desired.”

[30] The Tribunal had regard for the City’s Urban Design Guidelines for Back to Back and Stacked Townhouses (May 2018) and although not in force at the time of the Appellant’s submission of the application, the Appellant’s planner had regard for them just as planning staff did in the review of the application and in the preparation of the Recommendation Report to City Council.

[31] Further, Mr. Davidson had expressed concerns with the proposal that the townhouse blocks abutting Colonial Drive did not have their front doors facing onto that street. Mr. Brown was quick to inform both the witness and the Tribunal that in fact, the placement of the front doors to the interior was a direct response to the preference of City’s planning staff, who had emphasized that they did not want front doors of these townhouse blocks facing Colonial Drive given the east-side condition and proximity of single-family homes, which already front onto that street.

[32] The Tribunal finds that the Appellant’s proposal is, and has been entirely responsive to the consultation process and to the City staff detailed review of the proposal. The Tribunal further finds that the proposed zoning and proposed commercial GFA as well as the proposed residential density meet generally the applicable built form policies.

[33] The Tribunal also reviewed the proposed ZBA and noted its various standards and permissions in the context of what exists currently. The Tribunal is unconcerned with the details of this instrument. Further, City staff recommended that the C4 Main Street Commercial, with exceptions, be achieved, and the instrument provides a modification (“C4-XX”) to permit the Horizontal Multiple Dwellings along with permitted commercial uses. A minimum non-residential GFA has been proposed and permission of FSI of 1.6. The increased height from 12.5 metres to 16.5 metres is required to reflect the townhouse development as proposed, but no impacts of towering buildings let alone

overlook or any other hint of incompatibility are created by permitting a slightly higher flat roof design on the site. The Tribunal notes that the Appellant's planner was able to support these components of the draft ZBA.

[34] As for Mr. Davidson's concerns about the proposed townhouse setbacks, and his opinion that they were not set back far enough, Mr. Brown showed how this witness had supported lesser setbacks for a similar development in the City of Toronto on Wallace Avenue. Accordingly, Exhibit 11 was presented to the Tribunal, emphasizing Mr. Davidson's support for a highly-similar type of development that he opines he cannot support in this case.

[35] This exhibit is an earlier OMB decision regarding a plan to redesignate land in the City of Toronto that permitted, among other things, the construction of stacked townhouses. In that case, Mr. Davidson opined that the proposal to build townhouses was "a form compatible with adjacent uses" and was "a more appropriate use of the lands consistent with the scale and character of the surrounding neighbourhood..." Mr. Davidson opined that the proposal was "consistent with the residential intensification policies and the housing policies" of the City of Toronto's Official Plan. What is noteworthy is not the difference between the City and the City of Toronto per se, which the Tribunal recognizes, but the visual examples that Mr. Brown presented in Exhibit 11 to establish how Mr. Davidson was able to support a remarkably similar type of development with reduced setbacks, to what is before him in this case. Set in the context of Mrs. Dale-Harris' more comprehensive planning evidence (pages 7-17 of her Evidence Outline, Exhibit 6), the Tribunal finds that the design aspects of the development, supported by the draft ZBA's standards, can be supported.

[36] Mr. Davidson suggested that only the western portion of the site that will house the commercial uses should receive C4 zoning and recommended RM9 zoning be applied to the balance of the Property. Mr. Davidson told the Tribunal that this is not an area of Main Street Commercial development such as what one might see in Streetsville and Port Credit. The Tribunal cannot assign weight to this alternate suggestion. This is an exceptionally comprehensive proposal that has gone through a number of revisions over a lengthy period of time to arrive at an instrument and form of

development that were heavily scrutinized by planning staff as the Tribunal heard. The revisions detailed in Exhibit 2 result from a consultative process involving these Parties. The apportioning of the site and application of varied zoning as Mr. Davidson proposed at this hearing not only does not reflect what currently exists on site, but it fails to recognize what planning staff were able to recommend to City Council in their Recommendation Report. It also fails to consider what is proposed to be built and the particular circumstances of the site.

[37] The Tribunal finds that this recommendation is unsupportable, particularly the Tribunal cannot unilaterally set aside the proposed and modified C4 zoning for a proposal—one that results from intensive work and consultation with the City’s planning staff, with residents and by the engagement of professionals and planning experts on both sides—with no persuasive planning evidence before it to rationalize this suggestion other than commercial development should be placed along Ridgeway Drive, which in fact the proposed zoning will do.

[38] By extension, it was planning staff who proposed the uniform zoning of the site, taking into account the commercial needs of both local and area residents. Accordingly, the Tribunal finds that the zoning standard as contemplated (with accompanying standards) as identified in Exhibit 7, subject to finalization, are appropriate to accommodate the requested uses.

[39] The Tribunal carefully considered all of the planning evidence, and it notes that the City’s planner was unable to identify any adverse planning issue let alone lead evidence to support such an opinion.

[40] The Tribunal prefers the evidence of the Appellant’s planner to the City’s planning consultant as more persuasive; as relying on supportable policies that were unchallenged by the City’s witness; and which demonstrated persuasively how all of the requisite upper-tier and municipal policies were met through the proposed ZBA and the development as contemplated.

[41] The Tribunal is also cognizant of City planning staff’s support for this development as contemplated through this zoning instrument. The Tribunal also notes

that neither the draft ZBA nor the proposed development place any strain on infrastructure or other constraints on the surrounding community. What is more, there are no identifiable incompatibility issues or overlook issues created by this proposal, which the draft ZBA intends to facilitate.

[42] The Tribunal notes that the peer review indicated that a minimum of 2,322.6 square metres, or approximately 25,000 square feet of commercial floor space is required to serve the existing community and the proposed development. The Appellant in fact exceeds this requirement, and the Tribunal notes that the configuration of commercial space on the ground and second floors of the mixed use building fronting onto Ridgeway Drive is acceptable to City planning staff. What is proposed in that building is entirely consistent with the Mixed Use designation while maintaining a desired balance between commercial and residential uses on this large site.

[43] Care must be taken when proffering evidence that municipal guidelines are somehow to be accorded the same weight as policy. They are not, and while they assist in understanding a municipality's preferred approach to design and planning within its boundaries, the onus is on the reader to have regard for these, but not to apply them so restrictively as to thwart a particular development. In the broadest sense, the Tribunal finds persuasive the submission of Mr. Brown that his client could not possibly meet all of the guidelines "to a tee", but the Appellant did have regard for the guidelines in the development of the proposal in concert with City staff, and it succeeded in achieving many of these to the extent that planning staff also saw sufficient merit in the instrument and the proposal to recommend to Council its support for the instrument and the development.

[44] The Tribunal finds there has been appropriate regard for the applicable municipal guidelines. The Tribunal notes that strict adherence to planning-type guidelines is not required. Rather, they are to be read in concert with the Official Plan's in-force policies, which the Appellant has done, and the Tribunal finds that this proposal follows the guidelines generally and satisfactorily.

[45] The Tribunal has carefully considered the site plan and built form as proposed. The Tribunal is persuaded that the proposed plan as configured is a direct response to the issues raised by City planning staff over a lengthy and sustained process that has resulted in this draft ZBA and the proposed form of development as how best to offer a more intense proposal that responds meaningfully to the City's policies and development and growth objectives. The Tribunal finds that these are achieved through the ZBA. Short of breaking up the site into smaller development proposals as staff noted a general concern for future development, the proposed location of townhouse blocks on this site takes place where feasible. City staff warns against overly repetitive development generally, but planning staff nevertheless supports the proposed ZBA and the form of development as envisioned herein. The Tribunal is persuaded by Mrs. Dale-Harris' professional evidence and opinion that the draft ZBA is consistent with the PPS, conforms to the Growth Plan and the Regional Official Plan, and conforms to the overall intent of the City's Official Plan in terms of optimizing land use in terms of density and units, providing what the Tribunal determines to be an appropriate balance of commercial and residential uses while expanding the range of housing in this area of the City.

[46] The Tribunal cannot give weight to the opinion that bonus zoning is appropriate, particularly at this very late juncture. The proposed instrument and the final form of the Appellant's plan should not be encumbered by a s. 37 agreement given a process that has lasted more than three years and where sustained communications and dialogue and most importantly, review and peer review, have been part of the process. The mere statement that the Tribunal's approval of the instrument should also include a requirement to execute a s. 37 agreement to the City's satisfaction is a matter that should have been planned for well before the commencement of this hearing, and dealt with then. Considering all of the evidence, The Tribunal will not require that the Appellant be required to undertake a s. 37 agreement in the particular circumstances of this case.

[47] The Tribunal finds that the policies of the Official Plan are achieved through this ZBA and the form of development as proposed. These are generally consistent with the

overall intent, goals and objectives of the Official Plan and, as planning staff opined, this proposal will not destabilize the surrounding residential neighbourhood given the existing densities and built form within the immediate context.

[48] The proposed built form is compatible with the surrounding land uses, the existing character and of the area and it integrates into the surrounding properties. Summarily, both the draft ZBA and the proposed development are supportable in the planning context and represent good planning.

### **ORDER**

[49] For all these reasons, the Tribunal allows the appeal and approves the proposed ZBA found in Exhibit 7 as Attachment 1. The Tribunal withholds its Order pending receipt of the final form of the draft ZBA with the understanding that the City and the Appellant will review and finalize this instrument within one month of the issuance of this decision.

*“R. Rossi”*

R. ROSSI  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

### **Local Planning Appeal Tribunal**

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# ATTACHMENT 1

A By-law to amend By-law 0225-2007, as amended.

WHEREAS pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Council may amend a Zoning By-law;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. By-law 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

6.2.5.XX	Exception: C4-XX	Map # 59	By-law:
In a C4-XX zone the permitted uses and applicable regulations shall be as specified for a C4 Zone except that the following uses/regulations shall apply:			
<b>Additional Permitted Uses</b>			
6.2.5.XX.1	<b>Commercial Uses, Horizontal Multiple Dwellings</b>		
<b>Regulations</b>			
6.2.5.XX.2	Line 3 contained in Table 2.1.2.1.1; Line 10.0 of Table 3.1.2.1; Line 41.2 of Table 3.1.2.2; Line 4.0 of Table 3.1.4.3; and Lines 11.0 and 11.1 of table 6.2.1 shall not apply		
6.2.5.XX.3	Commercial Uses shall be provided within the first two storeys of Area 'A' as identified on Schedule C4-XX of this Exception		
6.2.5.XX.4	<b>Minimum gross floor area – non-residential</b>	2,475 m <sup>2</sup> (26,641 ft <sup>2</sup> )	
6.2.5.XX.5	<b>Maximum floor space index</b>	1.6	
6.2.5.XX.6	Maximum dwelling height	Flat Roof – 16.5 m (54.1 ft.)	
6.2.5.XX.7	Minimum front yard setback to a residential building	3.0 m (9.84 ft.)	
6.2.5.XX.8	Maximum porch encroachment into required front and side yard setback	3.6 m (11.8 ft.)	
6.2.5.XX.9	Maximum porch projection attached to a side wall into required front and side yard setback	1.6 m (5.2 ft.)	
6.2.5.XX.10	Parking space requirement per dwelling	1.2 for all unit types	
6.2.5.XX.11	Parking spaces to be shared for commercial and visitor	73 shared parking spaces	
6.2.5.XX.12	Parking spaces for residential	511	
6.2.5.XX.13	Minimum number of loading spaces	1	
6.2.5.XX.14	Minimum width of a sidewalk	1.5 m (4.92 ft.)	
6.2.5.XX.15	Minimum width of an internal road	6.5 m (21.3 ft.)	
6.2.5.XX.16	Minimum amenity area	2,416 m <sup>2</sup> (26,005 ft <sup>2</sup> )	
6.2.5.XX.17	Minimum contiguous amenity area	1,230 m <sup>2</sup> (13,239.6 ft <sup>2</sup> )	
6.2.5.XX.18	A <b>structure</b> required to accommodate mechanical, electric power transmission, telecommunications and		



6.2.5.XX	Exception: C4-XX	Map # 59	By-law:
In a C4-XX zone the permitted uses and applicable regulations shall be as specified for a C4 Zone except that the following uses/regulations shall apply:			
	other cabled service, measuring less than 20.0 m <sup>2</sup> shall be permitted outside the buildable area identified on Schedule C4-XX of this Exception		
6.2.5.XX.19	All site development plans shall comply with Schedule C4-XX of this Exception		

- Map Number 59 of Schedule "B" to By-law 0225-2007, as amended, being the City of Mississauga Zoning By-law, is amended by changing thereon from "C2" to C4-XX" PROVIDED HOWEVER THAT the "C4-XX" zoning shall only apply to the lands which are shown on the attached Schedule "A" outlined in the heaviest broken line with the "C4-XX" zoning indicated thereon.

APPENDIX "A" TO BY-LAW NO. \_\_\_\_\_

Explanation of the Purpose and Effect of the By-law

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "C2" to "C4-XX".

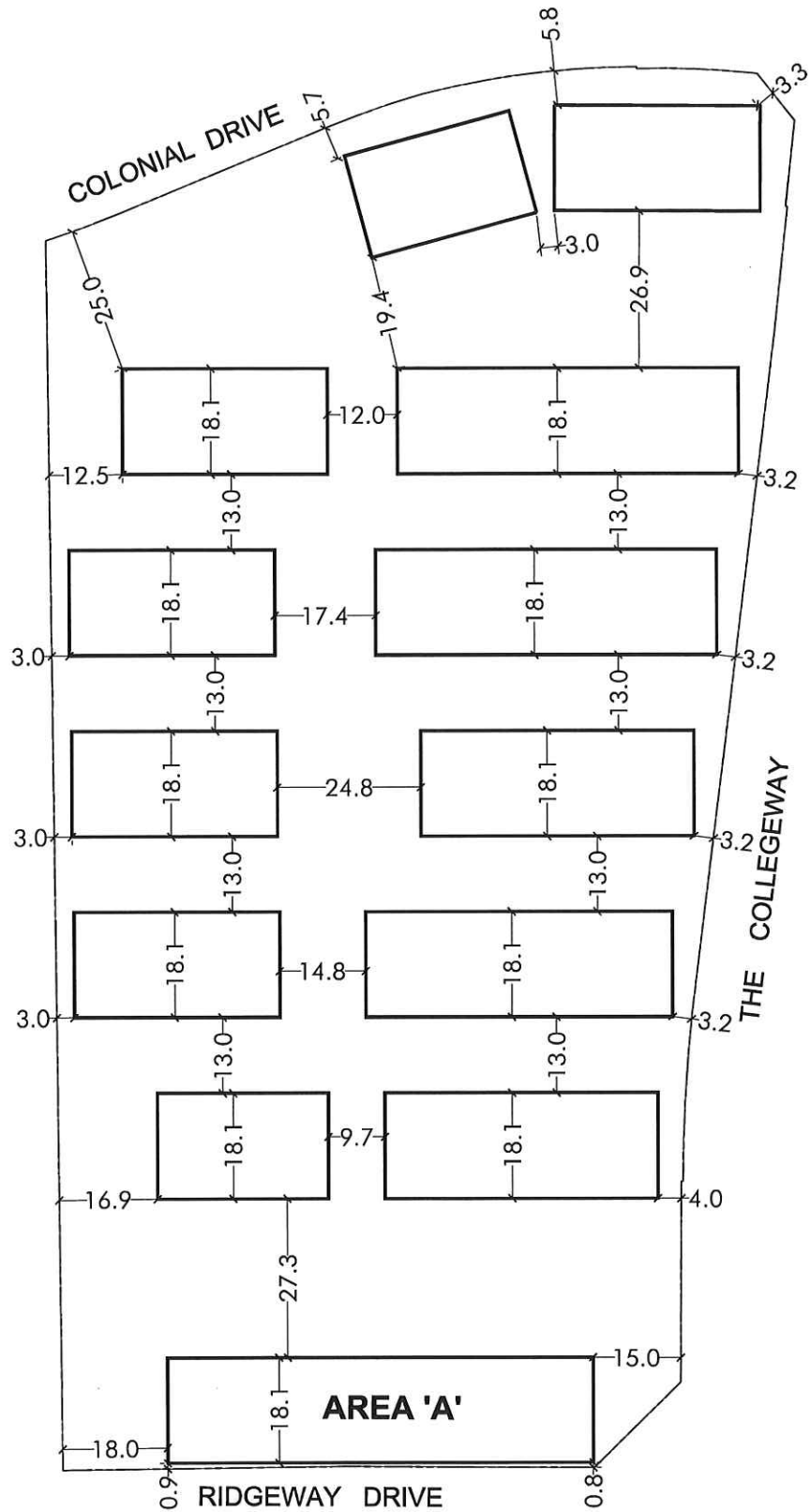
"C4-XX" permits Horizontal Multiple Dwellings in addition to commercial uses.

"C4-XX" sets a minimum gross floor area of 2,475 square metres for non-residential uses and establishes a maximum Floor Space Index of 1.6.

Location of Lands Affected

North side of The Collegeway, between Ridgeway Drive and Colonial Drive, as shown on the attached Map designated as Schedule "A".

Further information regarding this By-law may be obtained from XXXXXXXXXX of the City Planning and Building Staff at (906) 615-3200 x XXXX.



All dimensions in metres.

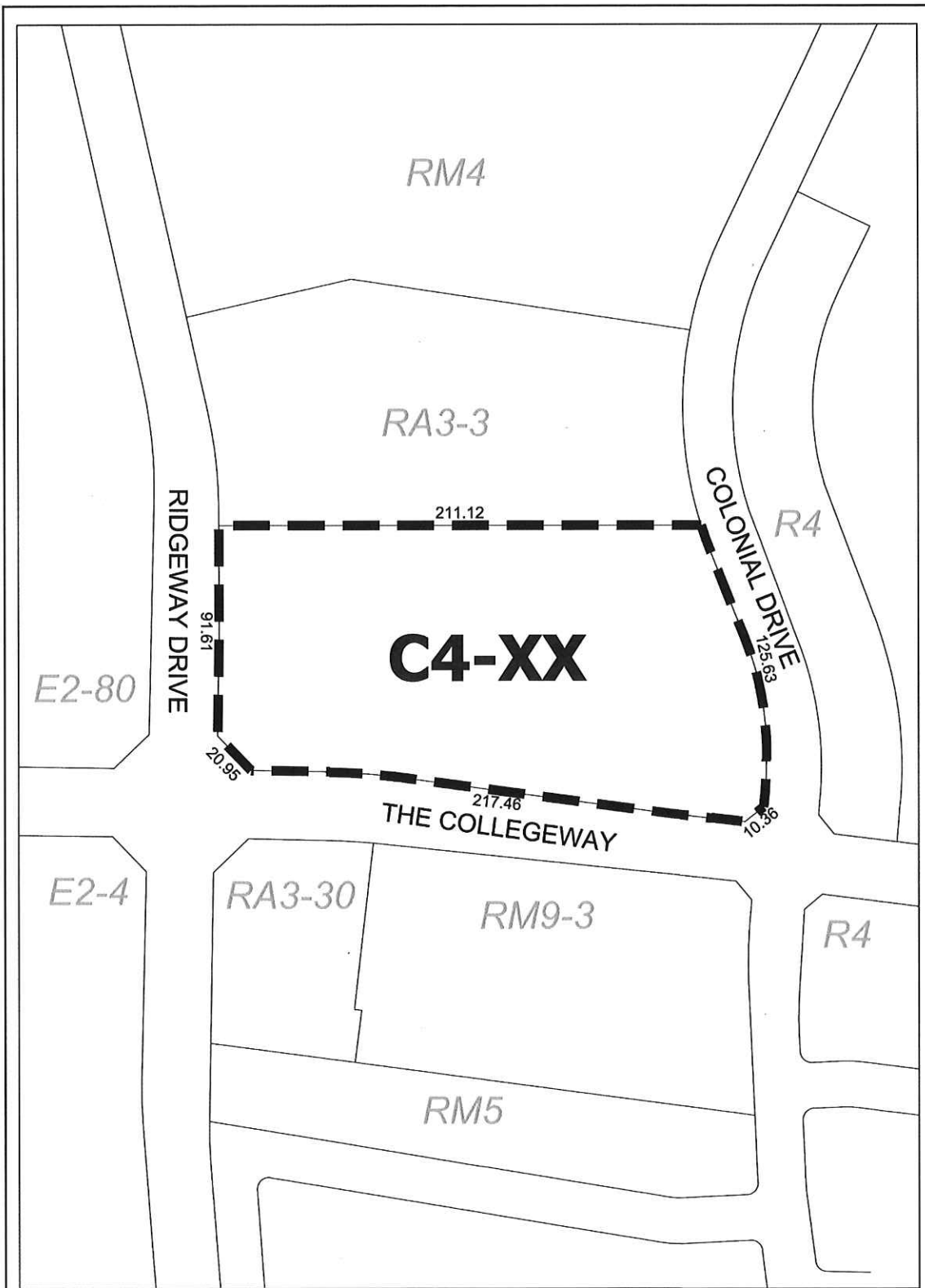
Not to Scale

### SCHEDULE C4-XX



Buildable Areas

THIS IS SCHEDULE "A" TO  
 BY-LAW \_\_\_\_\_  
 PASSED BY COUNCIL



BLOCK 1, PLAN 43M-695  
CITY OF MISSISSAUGA

THIS IS SCHEDULE "B" TO  
BY-LAW \_\_\_\_\_  
PASSED BY COUNCIL

\_\_\_\_\_