



Corporate Report

Clerk's Files

Originator's
Files OZ 03/025 W5

DATE: August 15, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 5, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment and Rezoning Applications**
To permit industrial, retail and service commercial uses such as
department stores and retail in a big box format
Block 1, Plan 43M-1447 and Part of Lots 9 and 10,
Concession 1, W.H.S.
Southwest quadrant of Hurontario Street and Derry Road West
Derry-Ten Limited
Bill 20

Supplementary Report **Ward 5**

RECOMMENDATION: That the Report dated August 15, 2006, from the Commissioner of Planning and Building recommending refusal of the Official Plan Amendment and Rezoning applications under File OZ 03/025 W5, Derry-Ten Limited, Block 1, Plan 43M-1447 and Part of Lots 9 and 10, Concession 1, W.H.S., southwest quadrant of Derry Road West and Hurontario Street, be adopted in accordance with the following:

1. That the applications to amend the Official Plan policies for the "Tertiary Office Centre" and "Business Employment" designations of the City Plan Policies for the Gateway District to add a Special Site to each of these policies to permit an expanded range of retail and service commercial uses and, to change the Zoning from "RCL1-2432" (Restricted Commercial) and "A" (Agricultural) to "DC-Special Section" (District Commercial) and

"RCL1-Special Section" (Restricted Commercial), under file OZ 03/025 W5, Derry-Ten Limited, Block 1, Plan 43M-1447 and Part of Lots 9 and 10, Concession 1, W.H.S., southwest quadrant of Hurontario Street and Derry Road West, be refused;

2. That City Council direct Legal Services and representatives from the appropriate City Departments to attend the Ontario Municipal Board hearing and any related pre-hearing conferences and to retain an expert witness, if necessary, to oppose Official Plan Amendment and Rezoning applications by Derry-Ten Limited.

BACKGROUND:

A public meeting was held by the Planning and Development Committee (PDC) on February 16, 2004, at which time a Planning and Building Department Information Report was presented and received for information (see Appendix S-1).

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0015-2004 which was subsequently adopted by Council and is attached as Appendix S-2.

At the Public Meeting, the following issues were raised:

1. The Planning and Development Committee requested clarification of the policies that pertain to the site.

Staff undertook The Upper Hurontario Corridor Study which was approved by Council on August 2, 2006;

2. A representative of the land owner whose lands are surrounded by Site Three (as identified on Appendix S-1, Exhibit I-5) questioned how access would be accommodated to their lands if development were to proceed. The individual was advised that as a condition of development for Site Three, the applicant would be required to provide access through Site Three to an intersection that provided full turning movements and that a mid-block right in/right out access could also be considered.

This issue is addressed in the updated Comments section of this report (S-3, Page 1).

In a letter dated April 28, 2004, the applicant indicated that they are willing to phase the development of the lands to ensure that proposed office and industrial elements of the plan will be built while the retail components proceed, as follows:

- The first element of the proposed development to be constructed would be the Wal-Mart retail store having a floor area of approximately 12 077 m² (130,000 sq. ft.);
- For every 0.1 m² (1.0 sq. ft.) of retail floor space constructed, excluding the Wal-Mart and an associated expansion, “at least one half square foot of office plus one half square foot of office or employment or service commercial space must be constructed”;
- The above provisions could be incorporated into site specific Official Plan Amendment and zoning by-law documents as well as agreements with the City in regard to these provisions.

On June 1, 2004, the applicant requested that staff take no further steps in processing the application.

On July 21, 2006, the Ontario Municipal Board (OMB), in conducting hearings respecting appeals to Mississauga Plan by the applicant regarding the subject lands, issued a Memorandum of Oral Decision directing the City to provide a Supplementary Report by September 2006 respecting the applications. The Board also set a pre-hearing conference date for October 5 and October 6, 2006 to deal with the outstanding Mississauga Plan appeals.

COMMENTS:

The applications are located within the “Upper Hurontario Corridor”, a gateway to Mississauga. Hurontario Street is envisioned to be characterized by a distinctive building form, landscaping and street elements to identify the City entry and to reinforce a quality image. This area is also envisioned to be a major employment area with a combination of prestige office and business employment uses. The applications propose a significant change to the City’s vision.

Due to the complexities and details associated with the current applications, attached as Appendix S-3 is a comprehensive review

of the updated comments from the agencies, a status of initiatives that have bearing on the applications and a thorough discussion of the planning rationale for the recommendation to refuse the applications.

In summary, the reasons are as follows:

1. The subject proposal does not contribute toward the achievement of the overall intent, goals and objectives and policies of both City Plan and Mississauga Plan;
2. The introduction of retail commercial uses at the expense of office commercial and business employment uses may preclude the City from achieving its vision for the area as identified in the planning goals and objectives for the entire Upper Hurontario Corridor and the Gateway District employment area;
3. The proposal would result in the creation of a new commercial power centre, and therefore contribute to the dispersion of retail uses beyond those commercial centres which have already been designated in the Gateway District and elsewhere in the City;
4. The recommendations of the Upper Hurontario Street Corridor Study conclude that the current land use and urban design vision for the lands should be retained;
5. The proposal is not in keeping with current Provincial Policy Statement documents. The applications introduce a significant amount of retail space that is not intended to serve the needs of area employees and residents.
6. The subject applications introduce a significant amount of retail space that is not intended to serve the needs of employees and residents in the general area, and is beyond what could be accommodated as an accessory use;
7. The introduction of the proposed retail commercial uses will result in the displacement of lands that are more favourably developed for office and industrial purposes;

8. The proposed redesignation would erode the viability of the remaining vacant employment lands along the Upper Hurontario Corridor, and set a precedent for the conversion of other office and business employment lands within both the Gateway and other Employment Districts in the City;
9. Studies conducted for the City conclude that, given the predicted land constraints in employment land areas, it is especially important for the City to maintain its competitive position to maintain a growing employment base by protecting vacant employment lands;
10. The proposal to phase in office and business employment uses in conjunction with the retail uses does not address the concerns identified within the staff report respecting the introduction of a significant retail component to a planned Business Employment community.

Growth Plan for the Greater Golden Horseshoe.

On June 16, 2006, the Growth Plan for the Greater Golden Horseshoe came into effect. Although the application was submitted prior to this policy regime, the Province through the Growth Plan, is requiring municipalities to preserve employment areas for current and future uses and that conversion of lands within employment areas only be permitted through a comprehensive Official Plan review and meeting certain performance criteria including that the conversion not adversely affect the overall viability of the employment area.

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: The office, employment and service commercial uses the applicant is proposing are in general conformity with the current "Tertiary Office Centre" and "Business Employment" designations. The aspects of the proposed Official Plan Amendment and rezoning

applications pertaining to additional retail uses beyond those contemplated by existing City Plan policies are not acceptable from a planning standpoint and should be refused for the following reasons:

- the proposal would contribute to the dispersion of retail uses beyond designated commercial centres;
- the proposal will result in the loss of lands that are more favourably developed for office and industrial purposes;
- the proposal would reduce the viability of nearby vacant employment lands and set a precedent for the conversion of other office and business employment lands;
- the applications do not contribute toward the achievement of the overall intent, goals and objectives and policies of both City Plan and Mississauga Plan.

ATTACHMENTS:

Appendix S-1 - Information Report

Appendix S-2 - Recommendation PDC-0015-2004

Appendix S-3 - Technical Analysis of Derry-Ten Limited
Development Applications

Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Rob Hughes, Development Planner



Corporate Report

Received by
Clerk's Dept.

Clerk's Files

PDC FEBRUARY 16 2004

Originator's
Files

FDC

FEB 16 2004

OZ 03/025 W5

DATE: January 27, 2004

TO: Chairman and Members of the Planning and Development Committee

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

SUBJECT: **Official Plan Amendment and Rezoning Applications
To permit industrial, retail and service commercial uses
Block 1, Plan 43M-1447 and Part of Lots 9 and 10,
Concession 1, W.H.S.
Southwest quadrant of Hurontario Street and
Derry Road West
Derry-Ten Limited
Bill 20**

PUBLIC MEETING - February 16, 2004

Ward 5

ORIGIN:

Application Received:	July 15, 2003
Application Complete:	August 12, 2003
Agent:	Ornella Richichi, First Professional Management Inc.

BACKGROUND: Official Plan Amendment and Rezoning applications have been submitted for the following (see Exhibits I-2 and I-5 for details on site locations and amendment details as referenced below):

1. To amend the "Tertiary Office Centre" and "Business Employment" designations of the City Plan Policies for the Gateway District by adding a Special Site to each of these policies applying only to Sites One and Two, to permit an expanded range of retail and service commercial uses;

Section" (District Commercial) to permit a broad range of office, retail and service commercial uses including a warehouse membership club and having a maximum floor area of 49,050 m² (527,987 sq. ft.);

3. To change the zoning applying to Site Two from "A" (Agricultural) to "DC-Special Section" (District Commercial) to permit a broad range of office, retail and service commercial uses and having a maximum floor area of 25,592 m² (275,479 sq. ft.);
4. To change the zoning applying to Site Three from "A" (Agricultural) to "RCL1-Special Section" (Restricted Commercial) to permit a range of office, limited commercial and industrial uses.

Background information is provided in Exhibits I-1 to I-9.

On 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. City Plan has now been repealed except in respect to those portions where the comparable provisions to Mississauga Plan are under appeal. The subject lands are designated "Business Employment" under Mississauga Plan. However, because of an appeal to Mississauga Plan which pertains to these policies, including an appeal lodged by McCarthy Tetrault representing the applicant on the subject lands, the "Tertiary Office Centre" and "Business Employment" policies of City Plan currently apply to this site.

The applications are not in conformity with the "Tertiary Office Centre" and "Business Employment" designations of the City Plan Policies for the Gateway District because the designation does not allow for the broad range of retail and service commercial uses as proposed, specifically the more substantive retail uses proposed including the discount department store and warehouse membership club are not contemplated by the "Business Employment" policies and therefore an amendment to the Official Plan is required. The proposed amendment does not propose a redesignation of the property, but rather adds Special Site policies permitting certain additional retail commercial uses to the list of permitted uses within the existing designation in the

Official Plan. These additional uses are proposed to be located on the western portions of Sites One and Two.

The applications also are not in conformity with the "Business Employment" designation of the Mississauga Plan Policies for the Gateway District because the designation does not allow for the broad range of retail and service commercial uses as proposed.

History

- August 1, 2000 - The City of Mississauga partially approved the City Plan Policies for the Gateway District which designated the subject lands "Tertiary Office Centre" and "Business Employment".

Given the lengthy history of the subject lands, the balance of this information is contained in Exhibit I-7.

COMMENTS:

AGENCY AND CITY DEPARTMENT COMMENTS

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

Region of Peel

In comments dated November 10, 2003, this agency indicated that the subject applications do not raise any concerns from a Regional land use planning perspective. A 400 mm (16 in.) diameter watermain is available on Derry Road West and, currently, there is no available sanitary sewer. Accordingly, a Functional Servicing Study is requested to address how the lands are to be adequately serviced. External easements and construction will be required at the applicant's expense. On-site waste collection will be required through a private waste hauler.

If approved, the Region "will require land in excess of the Region's Official Plan in order to accommodate proposed road widenings along Derry Road as a result of intersection improvements being proposed at the intersection of Derry Road and Hurontario" Street. Currently, the Region is undertaking an

Environmental Assessment for the intersection of Hurontario Street and Derry Road which is scheduled to be completed for the summer of 2004. A preliminary assessment of the traffic improvements include three eastbound lanes, three westbound lanes, dual left turn lanes and a single right turn lane on Derry Road in front of this property. The key constraint west of Hurontario Street is the cemetery located on the north side of Derry Road which would preclude any land acquisition on the north side which means the Region may need additional land from this property owner. The Environmental Assessment will determine which is more feasible.

Additional comments will be provided once comments have been finalized on the Traffic Impact Study and the impending Functional Servicing Study. Accordingly, "the Region will reserve its position on the rezoning until such time as the Region has reviewed the Studies and are satisfied that the impact this proposal will have on servicing infrastructure and roads will not be compromised."

Credit Valley Conservation (CVC)

In comments dated December 23, 2003, this agency indicated that the subject lands do not contain any natural features of interest and that they have no objection to the proposal. Stormwater management review will be conducted on behalf of CVC by the Transportation and Works Department.

Greater Toronto Airports Authority

In comments dated October 10, 2003, this agency indicated that the property is subject to Airport Zoning Restrictions and that development elevations on the subject lands are affected by the Approach Surfaces of Runway 05 and proposed Runway 05R. The maximum allowable development elevation under these restrictions ranges from approximately 260 m (853 ft.) along the eastern boundary of the lands adjacent to Hurontario Street, to approximately 267 m (876 ft.) along the western boundary of the lands, above sea level.

**City Community Services Department
- Planning and Administration Division**

In comments dated October 31, 2003, this Department indicated that prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the *Planning Act* (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's Policies and By-laws.

Other items including archaeological investigations and payment for street tree planting have been previously addressed through the approval of files OZ 98/043 W5 and T-M98009 (registered as Plan 43M-1447).

**City Community Services Department
- Fire and Emergency Services Division**

In comments dated November 25, 2003, this Division indicated that "this area is not located close to an existing fire station. At the present time, the expected average response time to emergencies in this area will be 5.0 minutes based on normal traffic and weather conditions. This indicates a greater than average response time to this area relative to the average response time for the City in total. This pattern will continue until Fire Station 120 becomes operational which is projected to take place in 2006". Flow test data from the existing water supply system indicates the potential for an adequate supply of water for fire protection purposes.

City Transportation and Works Department

In comments dated December 22, 2003, this Department indicated that a Traffic Impact Study has been received and is currently under review. Notwithstanding, this Department indicated that prior to the preparation of a Supplementary Report, the concept plan is to be revised to accurately illustrate the surrounding existing and future municipal rights-of-way. The concept plan is to be revised to also illustrate conceptual vehicular interconnections to accommodate access for the external lands fronting Hurontario Street within Site 3. This Department also noted that the applicant is to submit a Drainage Report for review which outlines how the subject lands (specifically Site 3) will accommodate both the interim and

ultimate drainage of the external lands fronting onto Hurontario Street. Additional comments will be provided pending the receipt and review of the items noted above.

Should these applications be approved by Council, this Department noted that the applicant will be required to enter into a Servicing Agreement for Municipal Works Only with the City of Mississauga for the gratuitous dedication and construction of the future extension of Ambassador Drive including the appropriate municipal services. The applicant will also be required to enter into a Future Mutual Access Agreement with the City to satisfaction of Legal Services and the Transportation and Works Departments. Furthermore, this Department noted that the applicant will be required to provide detailed drawings, a cost estimate, a Letter of Undertaking and securities for the design and construction of the proposed right-in/right-out accesses to Hurontario Street.

City Manager's Office - Economic Development Office

In comments dated October 31, 2002, and amended on January 14, 2004, this Department indicated the following: "Given that the development proposal will remain "employment lands", we wish to advise that we have no negative comments to offer you from an economic development perspective. As such, we have no objection to your continued processing of the applications, subject to all other City requirements. However, we do offer the following observations for your consideration.

The lands are located at a major intersection of the City, as well as along the City's principal major north-south collector and transit corridor. These two site location characteristics lend themselves to the potential establishment of an enhanced business image by offering good accessibility, visibility and a high level of existing and potential transit usage. The Economic Development Office is of the opinion that these lands provide a good opportunity for a concentration of high quality development; a development consisting primarily of business employment and office commercial uses with limited retail commercial uses, as envisioned by the current Gateway District Policies of City Plan."

Other Departments/Agencies

The following Departments/Agencies indicated no objection to the applications provided that all technical matters are addressed in a satisfactory manner:

- Bell Canada
- Canada Post
- Community Services Department - Material Management and Administrative Division, Realty Services
- Enbridge Consumers Gas
- Enersource Hydro Mississauga

The following Departments/Agencies were circulated the applications but provided no comments:

- City of Brampton
- Enbridge Pipeline Inc.
- Hydro One Networks
- Ministry of Transportation
- Rogers Cable

COMMUNITY ISSUES

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

OTHER INFORMATION**Development Requirements**

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to servicing, drainage, access and road dedication, which will require the applicant to enter into appropriate agreements with the City.

Financial Considerations

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 these applications.

RECOMMENDATION:

That the Report dated January 27, 2004, from the Commissioner of Planning and Building regarding the applications to amend the the "Tertiary Office Centre" and "Business Employment" designations of the City Plan Policies for the Gateway District by adding a Special Site to each of these policies to permit an expanded range of retail and service commercial uses and to change the Zoning from "RCL1-2432" (Restricted Commercial) and "A" (Agricultural) to "DC-Special Section" (District Commercial) and "RCL1-Special Section" (Restricted Commercial), under file OZ 03/025 W5, Derry-Ten Limited, Block 1, Plan 43M-1447 and Part of Lots 9 and 10, Concession 1, W.H.S., southwest quadrant of Hurontario Street and Derry Road West, be received for information.

Edward R. Sajecki
Commissioner of Planning and Building

Development Proposal	Site Characteristics	Surrounding Land Use
<p>The applicant proposes to develop the lands for office, retail, service commercial and industrial uses as follows, based upon a concept plan submitted to the City in support of the subject applications (see Exhibit I-8):</p> <p>Site 1: Northerly parcel bounded by Derry Road West to the north, Hurontario Street to the east, Longside Boulevard to the south and Maritz Drive to the west:</p> <ul style="list-style-type: none"> • Floor Area: Warehouse Membership Club Retail (GLA): 12,049 m² (129,695 sq. ft.) Other Retail (GLA): 8,779 m² (94,500 sq. ft.) Offices (GFA): 25,287 m² (272,200 sq. ft.) Service Commercial (GLA): 2,935 m² (31,590 sq. ft.) Site 1 Total: 49,050 m² (527,985 sq. ft.) • Height: Range from one to six storeys • Lot Coverage: 26.7 % • Floor Space Index: 0.45 • Parking: Provided: 1,566 spaces <p>Site 2: Centre parcel bounded by Longside Boulevard to the north, Hurontario Street to the east, Skyway Boulevard to the south and Maritz Drive to the west:</p> <ul style="list-style-type: none"> • Gross Floor Area: Wal-Mart (GLA): 15,085 m² (162,378 sq. ft.) Other Retail (GLA): 6,075 m² (65,392 sq. ft.) 	<ul style="list-style-type: none"> • Frontage: <ul style="list-style-type: none"> Site 1: <ul style="list-style-type: none"> 221.28 m (726 ft.) on Derry Road West 298.08 m (978 ft.) on Longside Boulevard 375.58 m (1,232 ft.) on Maritz Drive 277.05 m (909 ft.) on Hurontario Street Site 2: <ul style="list-style-type: none"> 303.83 (997 ft.) on Longside Boulevard 287.82 (944 ft.) on Skyway Boulevard 271.49 (890 ft.) on Maritz Drive 301.37 (989 ft.) on Hurontario Street Site 3: <ul style="list-style-type: none"> 287.47 (943 ft.) on Skyway Boulevard 279.88 (918 ft.) on the future Ambassador Drive road allowance 237.0 m (778 ft.) on Maritz Drive 204.07 m (670 ft.) on Hurontario Street • Gross Lot Area: 28.30 ha (70.01 acres) • Net Lot Area: 27.53 ha (68.01 acres) <ul style="list-style-type: none"> Site 1: 10.87 ha (26.85 acres) Site 2: 9.74 ha (24.07 acres) Site 3: 6.92 ha (17.09 acres) • Existing Use: All lands are currently vacant 	<ul style="list-style-type: none"> • North: Across Derry Road West, a cemetery, the Mississauga Convention Centre, and Derrydale Golf Course; <ul style="list-style-type: none"> A Petro Canada gas bar is located at the southwest corner of Derry Road West and Hurontario Street. These lands do not form part of the subject applications; • East: Across Hurontario Street, a variety of office, industrial, service commercial, automotive commercial including a gas bar, a restaurant campus, a hotel and some vacant lands; • South: Vacant lands, Hansa Haus restaurant and the German Heritage Museum; • West: Across Maritz Drive, Fletcher Creek valley lands, office uses, vacant lands and the warehouse/distribution centre for Wal-Mart Canada (SCM).

Development Proposal	Site Characteristics	Surrounding Land Use
<p>Service Commercial (GLA): 4,431 m² (47,696 sq. ft.) Site 2 Total: 25,592 m² (275,479 sq. ft.)</p> <ul style="list-style-type: none"> • Height: One storey • Lot Coverage: 26.3% • Floor Space Index: 0.26 • Parking: Provided: 1,405 spaces <p>Site 3: Southerly parcel bounded by Skyway Boulevard to the north, Hurontario Street to the east, the future Ambassador Drive road allowance to the south and Maritz Drive to the west:</p> <ul style="list-style-type: none"> • Gross Floor Area: Industrial (GFA): 31,088 m² (334,648 sq. ft.) • Height: One storey • Lot Coverage: 44.9% • Floor Space Index: 0.45 • Parking: Provided: 347 spaces <p>Total Statistics Combined for Sites 1, 2 and 3:</p> <ul style="list-style-type: none"> • Gross Floor Area: Retail: 41,988 m² (451,970 sq. ft.) Service Commercial: 7,366 m² (79,290 sq. ft.) Offices: 25,287 m² (272,200 sq. ft.) Industrial: 31,088 m² (334,648 sq. ft.) Total Floor Area: 105,730 m² (1,138,108 sq. ft.) • Lot Coverage: 31.1% • Floor Space Index: 0.38 • Parking: Provided: 3,318 spaces 		

Official Plan Details	Zoning Details
<ul style="list-style-type: none"> City Plan Policies for the Gateway District (August 1, 2000) <p>Since the "Business Employment" policies of Mississauga Plan are under appeal to the OMB, the relevant City Plan Policies currently apply.</p> <p>"Tertiary Office Centre" which permits the following:</p> <ul style="list-style-type: none"> Predominantly business, professional and administrative offices to a maximum Floor Space Index (FSI) of 1.0; Industrial uses within enclosed buildings; Uses which complement and support office uses including hotels and motels, all types of restaurants, conference centres, accessory retail, business and professional service uses; Accessory retail and personal service uses, including restaurants are limited to a maximum of 20% of the total GFA. In addition, there are specific design policies for development of free-standing restaurants on Hurontario Street. <p>"Business Employment" which permits the following:</p> <ul style="list-style-type: none"> Industrial uses including sales and service, research and development, manufacturing, assembling, processing, fabricating, warehousing, distributing and wholesaling; Uses accessory to industrial uses, including office and retail; Business, professional and administrative offices to a maximum FSI of 0.5; Other uses including entertainment, community uses, transportation facilities, hotels, motels and conference centres, financial institutions, all types of restaurants, and banquet halls; No arterial commercial, employment commercial or automotive commercial uses are permitted; 	<ul style="list-style-type: none"> Existing Zoning: <p>"A" (Agricultural) which permits a building or structure for agricultural use; detached dwelling; a public or private golf course; a physician, dentist or drugless practitioner; a park, playground, recreational area or a community centre; a place of religious assembly or educational purpose; a public or private hospital; or a cemetery, mausoleum, columbarium or crematorium;</p> <p>"RCL1-2432" which permits business, professional and administrative offices up to 0.5 times the lot area, with accessory retail and service commercial uses to a maximum of 10% of the gross floor area; manufacturing or industrial undertakings conducted wholly within an enclosed building or structure; hotels and motels; public hall; banquet hall; all types of restaurants with accessory patios; entertainment, recreation and sports facilities; financial institutions; office and computer supplies and equipment sales; and places of religious assembly.</p> <p>Site 1: "DC-Special Section" (District Commercial), including all permitted uses, in accordance with the following:</p> <ul style="list-style-type: none"> Application for <ul style="list-style-type: none"> That the following additional uses shall also be permitted: rental equipment outlet; automotive retail store which may include an accessory repair garage; garden centre; retail warehouse including accessory outdoor sales and display; warehouse membership club; and, uses accessory to any permitted use, including an outdoor patio area accessory to a restaurant; Deletion of a food supermarket as a permitted use;

Official Plan Details	Zoning Details
<ul style="list-style-type: none"> City Plan Policies for the Gateway District (cont'd) Activities are to occur primarily within enclosed buildings while all accessory uses should be clearly subordinate to and directly related to the functioning of the main uses. In addition, there are specific design policies for development of free-standing restaurants on Hurontario Street. <p>Notwithstanding the above, the lands are also subject to a series of Special Site policies which contain additional restrictions and general principles of urban design, advising that regard will be given to the design guidelines as outlined in the Urban Design Manual entitled <i>Upper Hurontario Corridor - A Design Manual for Excellence</i> during the processing of development applications. Other restrictions include the following (see Exhibit I-9 for Special Site locations):</p> <ul style="list-style-type: none"> Special Site 3: permits accessory retail and service commercial uses to a maximum of 30% of the total office GFA; and no vehicle sales and/or service uses, new gas bars, automobile service stations and car washes; Special Site 6: permits accessory retail and service commercial uses to a maximum of 20% of the total office GFA; and no vehicle sales and/or service uses, new gas bars, automobile service stations and car washes; Special Site 7: Permits no vehicle sales and/or service uses, new gas bars, automobile service stations and car washes. The applications are not in conformity with the City Plan Policies for the Gateway District. 	<ul style="list-style-type: none"> Application for Zoning By-law Amendment (cont'd): That the provisions of Section 21 respecting setbacks from street lines, Section 84 respecting restrictions on shopping centres on a lot of 0.8 ha (1.9 acres) or more, and Section 87 respecting general standards for shopping centre development including various setbacks not apply; That definitions for "warehouse membership club", "commercial retail units" and "mixed use development" be included; That the GFA of all office buildings plus the GLA of all retail and service commercial buildings not exceed 49,050 m² (527,987 sq. ft.); That the GLA of all buildings used for commercial retail units, including a warehouse membership club, not exceed 20,828 m² (224,198 sq. ft.). Notwithstanding, the GLA of commercial retail units of less than 418 m² (4,499 sq. ft.) shall not exceed 600 m² (6,458 sq. ft.); All commercial retail units larger than 418 m² (4,499 sq. ft.) shall be located no closer than 100 m (328 ft.) to Hurontario Street; Parking shall be provided per 100 m² (328 sq. ft.) GLA as follows: offices at 3.2 spaces, warehouse membership club at 4.42, and all other permitted uses at 5.4, in conjunction with shared parking arrangements for a mixed use development be calculated in accordance with percent of peak period tables as identified in the zoning application. <p>Site 2: "DC-Special Section" (District Commercial), including all permitted uses, in accordance with the following:</p> <ul style="list-style-type: none"> That the following additional uses shall also be permitted: rental equipment outlet; automotive

Official Plan Details	Zoning Details
<ul style="list-style-type: none"> Mississauga Plan Policies for the Gateway District "Business Employment" which permits an integrated mix of business activities that operate mainly within enclosed buildings and includes industrial and office uses, subject to the additional restrictions as provided within Special Sites 2, 5 and 6 which outlines additional policies respecting permitted uses and urban design principles. The applications are not in conformity with the Mississauga Plan Policies for the Gateway District. The applicant proposes to amend the "Tertiary Office Centre" and "Business Employment" designations of the City Plan Policies for the Gateway District by adding a Special Site to each of these policies, applying only to Sites One and Two, in accordance with the following policies: <ul style="list-style-type: none"> Lands are intended for a comprehensive mixed-use development consisting of office, retail and service commercial uses; Development shall be integrated in terms of shared access, circulation and parking, and consistent site plan and urban design concepts for building locations, landscaping, and other appropriate features; That a maximum gross floor area of 41,988 m² (451,970 sq. ft.) of retail commercial floor space be permitted subject to the following: <ol style="list-style-type: none"> additional uses to include department store, warehouse membership club along with other retail and retail warehouse uses of a predominantly large format; no supermarket be permitted; Application for Amendment to the City Plan Policies for the Gateway District: 	<ul style="list-style-type: none"> Application for Zoning By-law Amendment (cont'd): retail store which may include an accessory repair garage; garden centre; retail warehouse including accessory outdoor sales and display; and, uses accessory to any permitted use, including an outdoor patio area accessory to a restaurant; Deletion of a food supermarket as a permitted use; That the provisions of Section 21 respecting setbacks from street lines, Section 84 respecting restrictions on shopping centres on a lot of 0.8 ha (1.9 acres) or more, and Section 87 respecting general standards for shopping centre development including various setbacks not apply; That a definition for "commercial retail units" be included as identified in the zoning application; That the GLA for all buildings not exceed 25,592 m² (275,479 sq. ft.). Notwithstanding, the GLA of commercial retail units of less than 418 m² (4,499 sq. ft.) shall not exceed 1,500 m² (16,146 sq. ft.); All commercial retail units larger than 418 m² (4,499 sq. ft.) shall be located no closer than 100 m (328 ft.) to Hurontario Street. Site 3: "RCL1-Special Section" (Restricted Commercial) in accordance with the following: <ul style="list-style-type: none"> That the provisions of clause 108(3)(c) permitting residential uses, clause 108(4) prescribing standards for development of residential uses, and clause 108(5)(c) prescribing density and open space provisions not apply; That all uses identified under the "M1" (Industrial) zone as prescribed in subsection 110(1) be permitted, with the exception of outdoor storage.










Official Plan Details	Zoning Details
<ul style="list-style-type: none"> Application for Amendment to the City Plan Policies for the Gateway District (cont'd) <p>c) that the layout of buildings and features near the intersection of Hurontario Street and Derry Road East take into account and make provision for the potential land assembly or co-operative development of the existing gas bar property at this intersection.</p> <p>If the applications are approved and the appeals against City Plan are resolved, the Mississauga Plan Policies for the Gateway District also will have to be amended.</p> <ul style="list-style-type: none"> No changes are proposed to the "Business Employment" designation that applies to Site 3. 	


K: .. \PDC\OZ03025.jr.th.wpd\14\so

PART OF GATEWAY DISTRICT LAND USE MAP: GATEWAY DISTRICT POLICIES OF CITY PLAN.







SUBJECT LANDS

LAND USE DESIGNATIONS








-  Business Employment
-  Secondary Office Centre
-  Tertiary Office Centre
-  Retail and Service Commercial
-  Automotive Service Commercial
-  Open Space
-  Greenbelt
-  Parkway Belt West
-  Utility

 LBPIA Operating Area – See Aircraft Noise Policies
Note: In Gateway, all lands are within the LBPIA Operating Area

LAND USE LEGEND

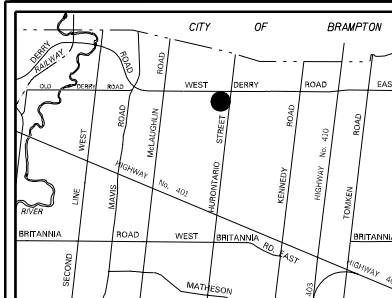
- EC – Employment Commercial
- SPC – Special Purpose Commercial
- CP – City Park
- Cem – Cemetery
-  Existing Stormwater Management Facilities
-  Proposed Stormwater Management Facilities
-  Place of Religious Assembly
-  Firehall
-  1996 NEP/2000 NEF Composite Noise Contours
-  Planning District

TRANSPORTATION LEGEND

-  Highway and Interchange
-  Arterial
-  Major Collector
-  Major Collector (Scenic Route)
-  Minor Collector
-  Local Road
-  Major Transf. Corridor



SUBJECT: FIRST PROFESSIONAL SHOPPING CENTRES



FILE NO:
OZ 03025 W5

DWG. NO:
03025L

SCALE:
1:7000

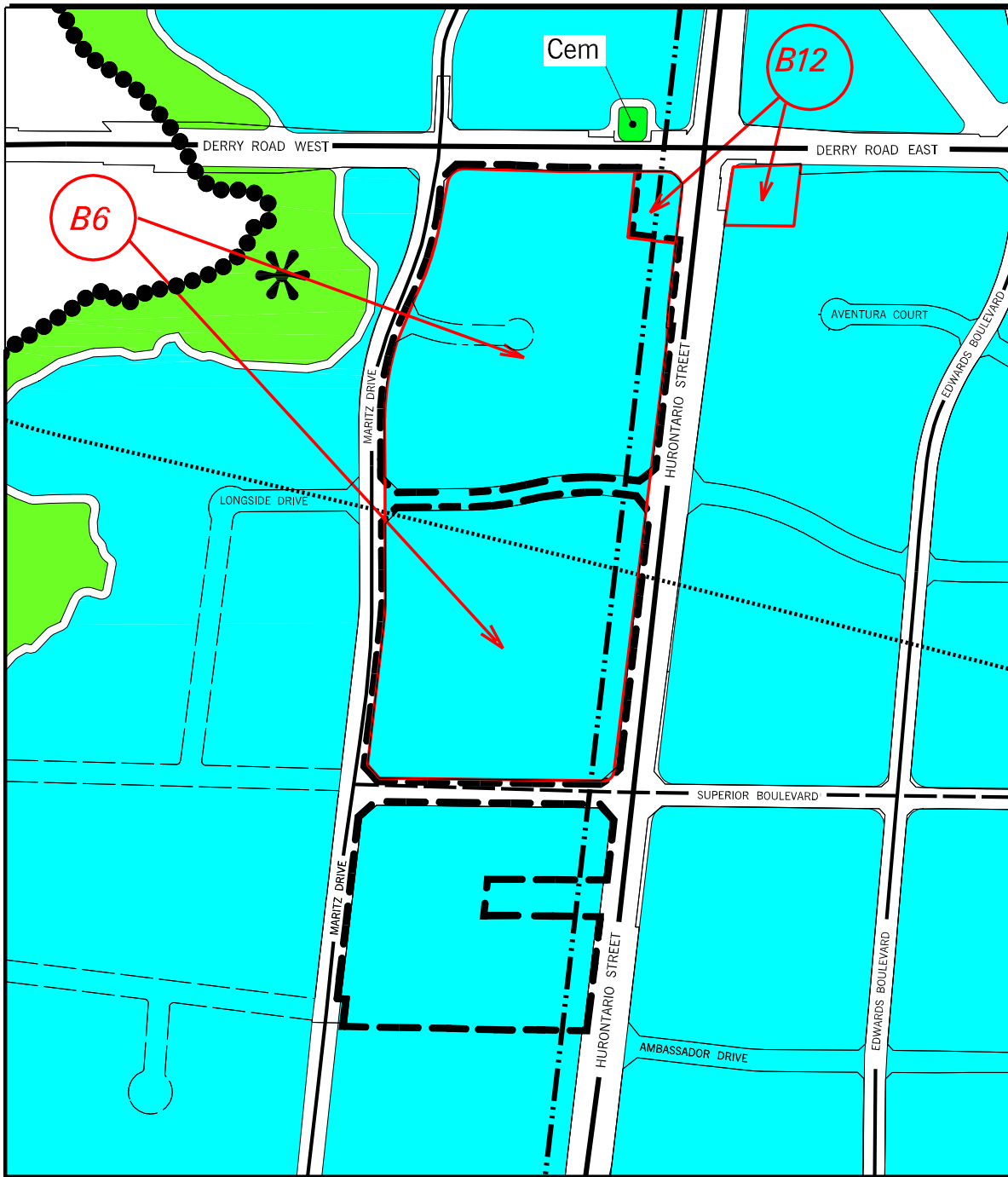
DATE:
2004 01 27

DRAWN BY:
V. GELEY

EXHIBIT
1-3



MISSISSAUGA
Planning and Building



PART OF GATEWAY DISTRICT LAND USE MAP: GATEWAY DISTRICT POLICIES OF MISSISSAUGA PLAN.

SUBJECT LANDS

LAND USE DESIGNATIONS

- General Commercial
- Motor Vehicle Commercial
- Business Employment
- Open Space
- Greenbelt
- Parkway Belt West
- Utility

TRANSPORTATION LEGEND

- Provincial Highway and Interchange
- Arterial
- Major Collector
- Major Collector (Scenic Route)
- Minor Collector
- Local Road
- Major Transit Corridor

LAND USE LEGEND

- Regulatory Floodplain
- LBPIA Operating Area Boundary - See Aircraft Noise Policies
Note: In Gateway, all lands are within the LBPIA Operating Area
- Node Boundary
- CP - City Park
- Cem - Cemetery
- Existing Stormwater Management Facility
- Proposed Stormwater Management Facility
- 1996 NEP/2000 NEF Composite Noise Contours
- Planning District

Note:
The 1996 Noise Exposure Projection (NEP/2000 Noise Exposure Forecast (NEF) Composite Noise Contours are shown for information purposes only and are not part of the District Land Use Map. These contours will change from time to time as new information becomes available.
For accurate reference the composite NEP/NET map produced by Transport Canada at a scale of 1:50,000 should be consulted.

NOTE:
ANY PART OF THE ROAD NETWORK SHOWN OUTSIDE THE CITY BOUNDARIES IS SHOWN FOR INFORMATION PURPOSES ONLY.

B6 Appealed to the Ontario Municipal Board

SUBJECT: FIRST PROFESSIONAL SHOPPING CENTRES

FILE NO:
OZ 03025 W5

DWG. NO:
03025mp

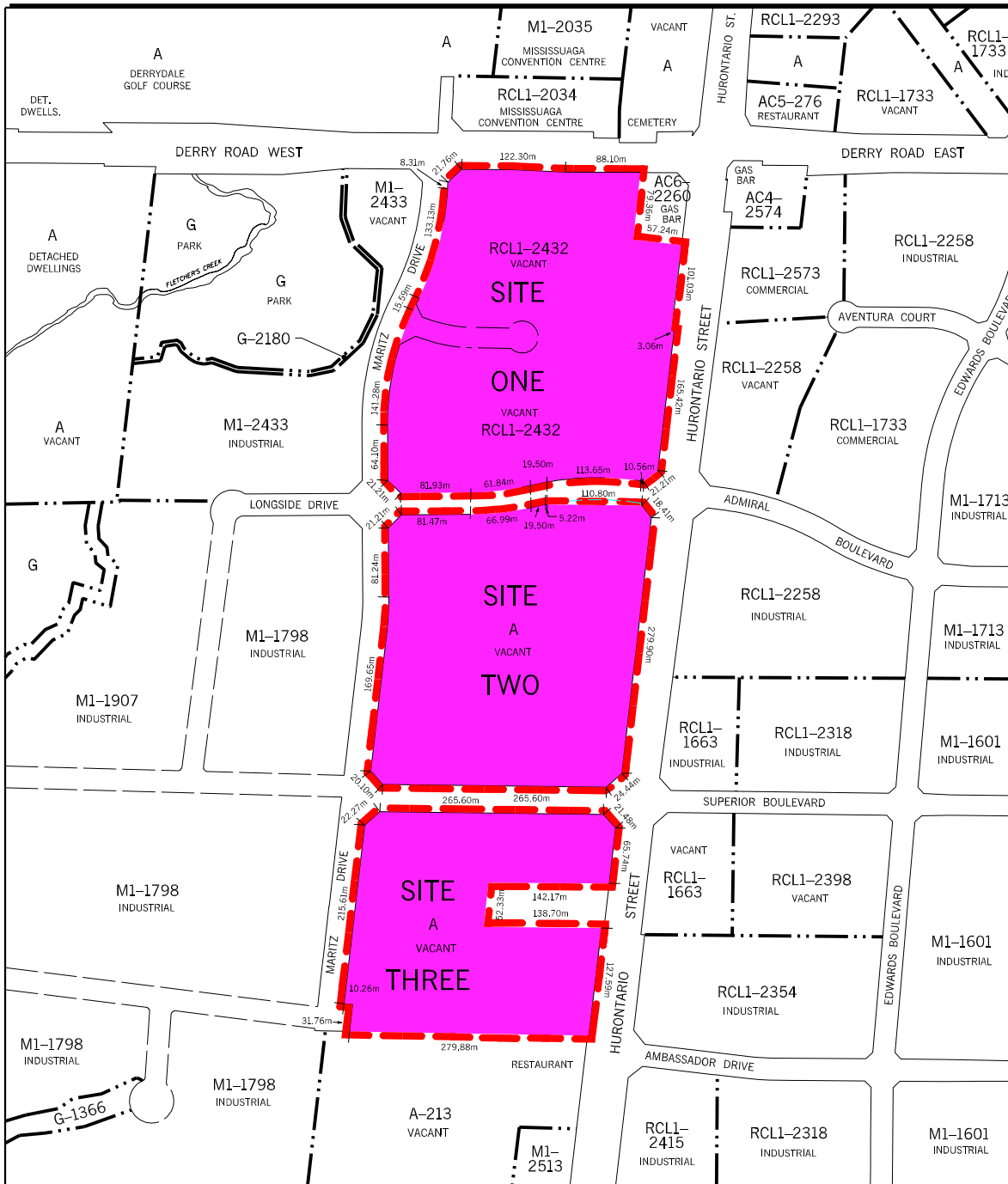
SCALE:
1:7000

DATE:
2004 01 27

DRAWN BY:
V. GELEY

MISSISSAUGA
Planning and Building

EXHIBIT 1-4



LEGEND:

The SUBJECT LANDS are currently designated within the CITY PLAN POLICIES for the GATEWAY DISTRICT as "TERTIARY OFFICE CENTRE" which permits the predominant use of the lands for business, professional and administrative offices, and "Business Employment" which permits industrial uses including manufacturing and warehousing, distributing and wholesaling. The applicant is proposing to modify both of these designations by adding a SPECIAL SITE to each of these policies, applying only to SITES ONE and TWO to permit an expanded range of retail and service commercial uses;

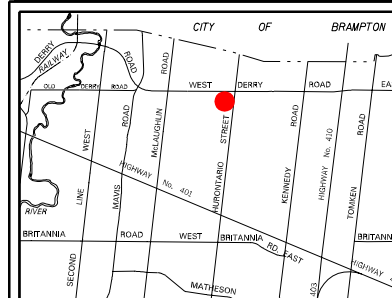
The SUBJECT LANDS are currently zoned "A" (Agricultural) which permits agricultural uses and "RCL1-2432" which permits business, professional and administrative offices up to 0.5 times the lot area. The applicant is proposing to rezone the lands in the following manner:

- To change the zoning applying to SITE ONE from "RCL1-2432" (RESTRICTED COMMERCIAL) to "DC-SPECIAL SECTION" (DISTRICT COMMERCIAL) to permit a broad range of office, retail and service commercial uses, including a warehouse membership club, and having a maximum floor area of 49,050 m² (527,987 sq. ft.);
- To change the zoning applying to Site Two from "A" (AGRICULTURAL) to "DC-SPECIAL SECTION" (DISTRICT COMMERCIAL) to permit a broad range of office, retail and service commercial uses and having a maximum floor area of 25,592 m² (275,479 sq. ft.)
- To change the zoning applying to Site Three from "A" (AGRICULTURAL) to "RCL1-SPECIAL SECTION" (RESTRICTED COMMERCIAL) to permit a range of office, limited commercial and industrial uses.

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



SUBJECT: FIRST PROFESSIONAL SHOPPING CENTRES



FILE NO:
OZ 03/025 W5

DWG. NO:
03025R

SCALE:
1:7000

DATE:
2004 01 27

DRAWN BY:
V. GELEY

EXHIBIT I-5

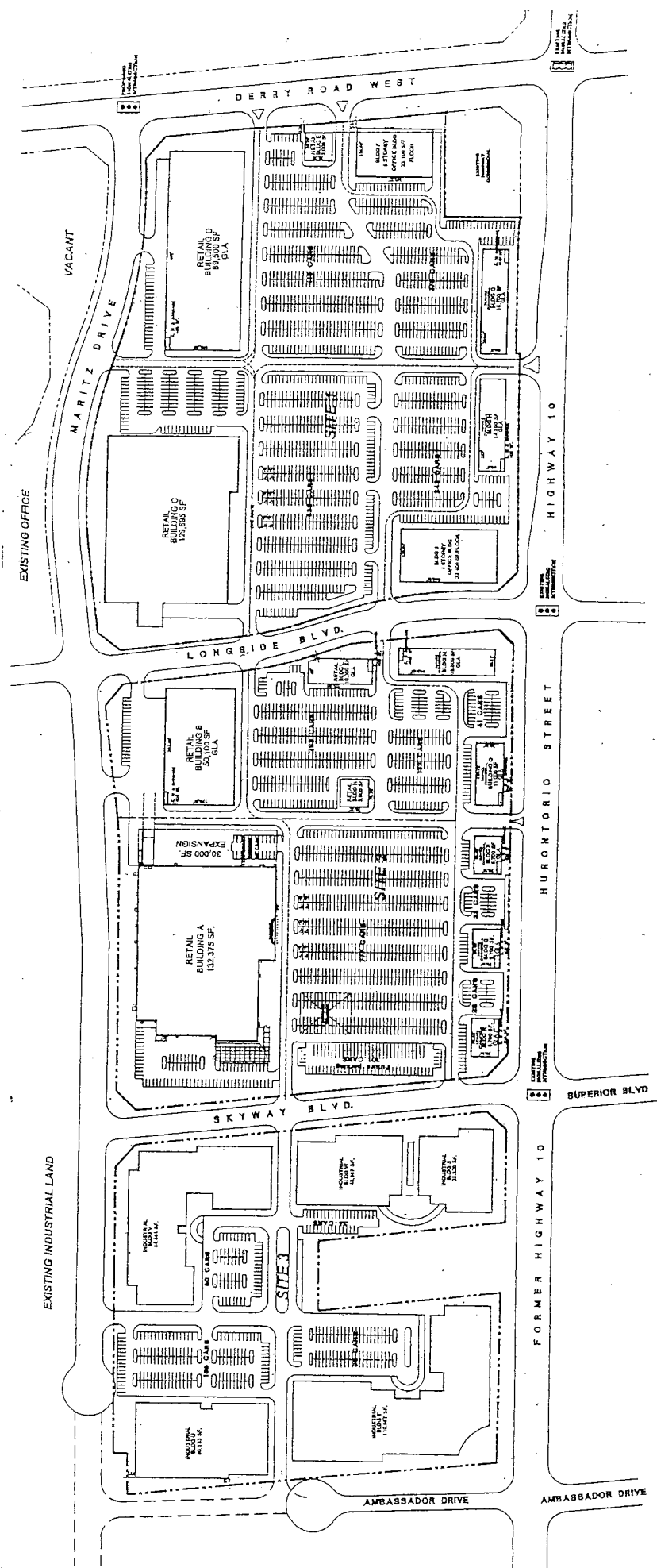
MISSISSAUGA
Planning and Building

Development Application History Derry-Ten Limited

- November 12, 1990 - Council recommended approval of a Rezoning Application under file OZ-125/88 W5, Manhattan Corporate Park Limited, to rezone a portion of the subject lands (Sites 2 and 3) from "A" (Agricultural) to "M1-Special Section" (Industrial) and "RCL1-Special Section" (Restricted Commercial), along with other lands to the west of the subject lands. A rezoning by-law resulting from the above recommendation was never adopted for the subject lands, although one was adopted for lands to the west under By-law 331-91 on July 15, 1991;
- January 2, 1992 - The Region of Peel draft approved a Plan of Subdivision under file T-M88075 W5, subject to conditions, which incorporated Sites 2 and 3;
- June 11, 1991 - The Region of Peel draft approved a revised Plan of Subdivision under file T-M88075 W5, subject to conditions, which continued to incorporate Sites 2 and 3;
- January 19, 2000 - Council recommended approval of a Rezoning Application and a Draft Plan of Subdivision Application under files OZ 98/043 W5 and T-M98009 W5, 1296421 Ontario Limited, to rezone a portion of the subject lands (Site 1 along with other lands to the west) from "A" (Agricultural) and "R4" (Residential) to "RCL1-2432" (Restricted Commercial) to permit business, professional and administrative offices with a maximum gross floor area of 0.5 times the lot area, limited industrial and commercial uses, and site specific development standards. A Zoning By-law to this effect was adopted by Council the same day as By-law 0033-2000;
- August 1, 2000 - The City of Mississauga partially approved the City Plan Policies for the Gateway District which designated the subject lands "Tertiary Office Centre" and "Business Employment";
- June 15, 2001 - Applications for Official Plan Amendment and Rezoning were filed by Derry-Ten Limited under file OZ 01/028 /W5 for a portion of the subject lands (Sites 1 and 2 only) to redesignate the lands from "Tertiary Office Centre" and "Business Employment" to "Retail and Service Commercial - Special Purpose Commercial" and to rezone the lands from "A" (Agricultural) and "RCL1-2432" (Restricted Commercial) to "DC-Special Section" (District Commercial) to permit the following: a maximum gross floor area of 53,900 m² (580,195 sq. ft.) consisting of retail commercial uses, including a 14,995 m² (161,410 sq. ft.) Wal-Mart department store, a 10,500 m² (113,000 sq. ft.) home improvement centre, and service commercial uses (e.g. all types of restaurants, financial institutions etc.), but not including a food store use.

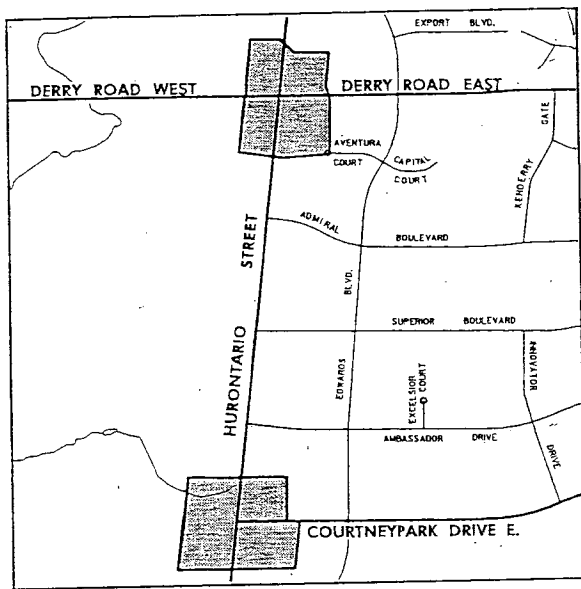
The applications were appealed to the Ontario Municipal Board (OMB) by the applicant's solicitor on October 25, 2001. On April 29, 2002, Council adopted a recommendation that the applications be refused for reasons as outlined in the Planning and Building Department's Supplementary Report. The applications under file OZ 01/028 W5 were formally requested to be closed by the applicant in a letter dated May 7, 2002, and the OMB appeals respecting the matter were withdrawn by the applicant's solicitor;

- June 16, 2000 - The City draft approved a Plan of Subdivision under file T-M98009 W5, subject to conditions, which incorporated Site 1. The plan was registered as Plan 43M-1447 on February 12, 2001;
- May 1, 2003 - Solicitors for the subject lands, McCarthy Tetrault, filed an appeal with the OMB respecting the land use designations applying to the lands as adopted within Mississauga Plan. The appeal requested that the following Sections of the plan be deferred pending consideration of a revised proposal, which is now the subject of these applications, by Council: Section 3.3.1, Business Employment; Sections 3.5.2.4 and 3.5.2.5, Commercial Policies; and, Section 5.3.2, Criteria for Site Specific Official Plan Amendments.

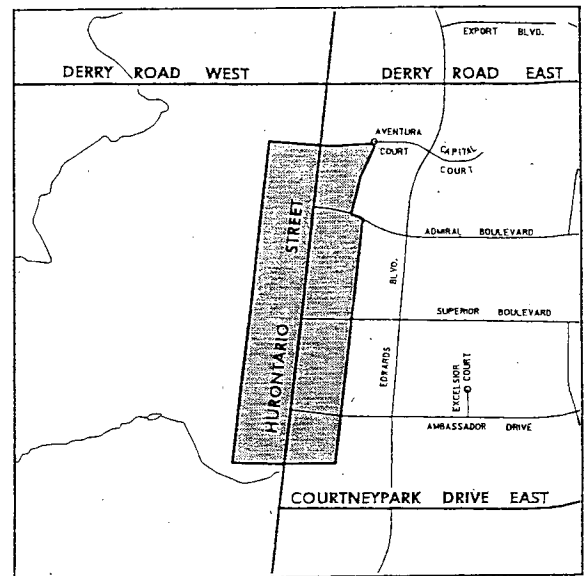


Special Site Locations for the City Plan Policies for the Gateway District

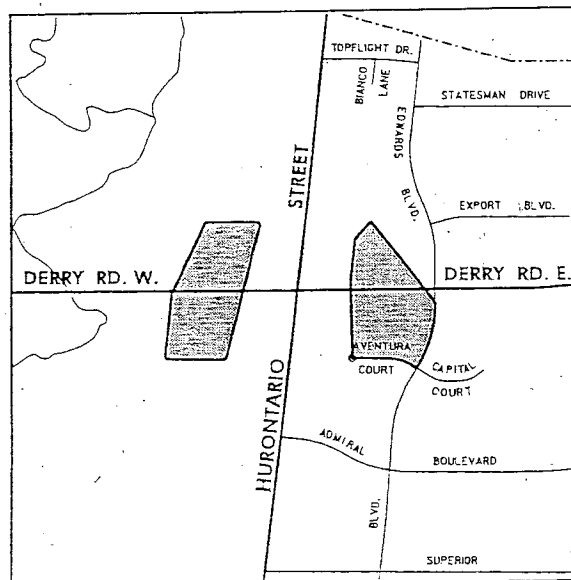
6.16.6.4 Site 3



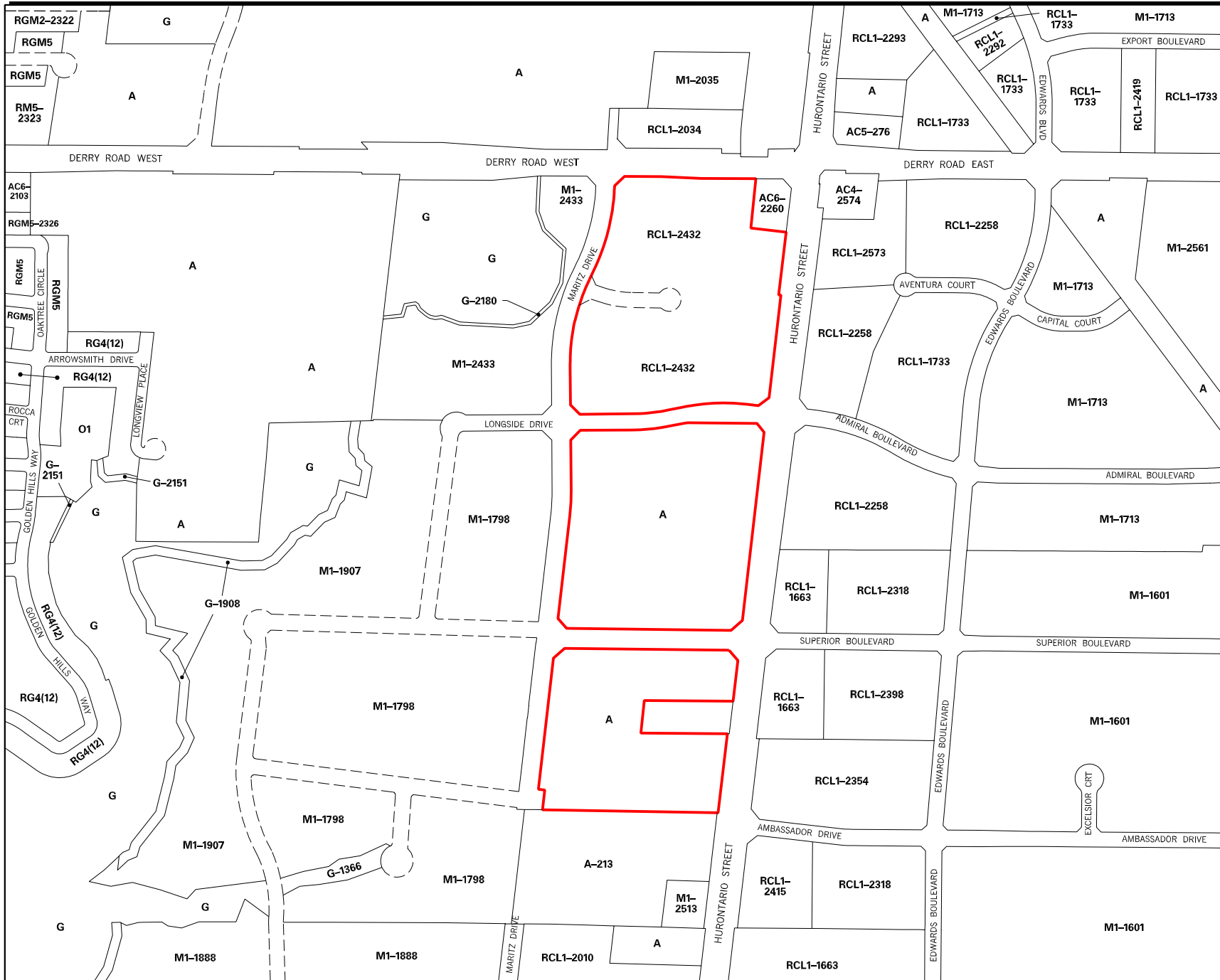
6.16.6.7 Site 6



6.16.6.8 Site 7



OZ 03/025 W5



Derry-Ten Limited

File: OZ 03/025 W5

Recommendation PDC-0015-2004

PDC-0015-2004

1. That the Report dated January 27, 2004, from the Commissioner of Planning and Building regarding the applications to amend the “Tertiary Office Centre” and “Business Employment” designations of the City Plan Policies for the Gateway District by adding a Special Site to each of these polices to permit an expanded range of retail and service commercial uses and to change the Zoning from “RCL1-2432” (Restricted Commercial) and “A” (Agricultural) to “DC-Special Section (District Commercial) and “RCL1-Special Section” (Restricted Commercial), under file OZ 03/025 W5, Derry-Ten Limited, Block 1, Plan 43M-1447 and Part of Lots 9 and 10, Concession 1, W.H.S., southwest quadrant of Hurontario Street and Derry Road West, be received for information.
2. That an In-Camera briefing be held on the Official Plan policies cited by Mr. Dennis Wood, Wood Bull, Barristers & Solicitors, Legal Counsel for Derry-Ten Limited, in his presentation as they relate to the above development, as well as the Commercial Policies of Mississauga Plan which have been appealed to the OMB.

Derry-Ten Limited

File: OZ 03/025 W5

Technical Analysis of Derry-Ten Limited Development Applications

SECTION 1: UPDATED CITY DEPARTMENT COMMENTS

City Transportation and Works Department

Comments dated May 17, 2004, and updated on July 25, 2006, state that the Department is satisfied with the Traffic Impact Study submitted in support of these development applications which concludes that the proposed traffic volumes generated can be accommodated by the existing transportation infrastructure and the planned improvements. However, as of the writing of this report, a Storm Drainage Report and revisions to the concept plan which accurately illustrate the surrounding existing and future municipal rights-of-way, and conceptual vehicular interconnections previously requested by this Department prior to the preparation of the Supplementary Report, have not been addressed by the applicant.

In the event that these applications are approved by Council, the Storm Drainage Report and revised concept plan details must be addressed by the applicant to the satisfaction of the Transportation and Works Department. In addition, the applicant will be required to enter into a Servicing Agreement for Municipal Works Only with the City of Mississauga for the gratuitous dedication and construction of the future extension of Ambassador Drive including the appropriate municipal services. The applicant will also be required to enter into a Future Mutual Access Agreement with the City and make satisfactory arrangements with the Transportation and Works Department for the design and construction of the proposed right-in/right-out accesses to Hurontario Street.

SECTION 2: PLANNING COMMENTS

The Planning and Building Department has evaluated the subject applications having regard for the planning rationale provided by the applicant, comments received from City departments, agencies, members of the public, and the relevant planning framework including the policies of City Plan. Notwithstanding that applicable policies of Mississauga Plan remain under appeal to the OMB by the applicant, regard has been given to this Policy framework as it was adopted by City Council on May 5, 2003, which establishes a vision for the future growth and development of the City.

Derry-Ten Limited

File: OZ 03/025 W5

Introduction

The subject applications were preceded by those that were considered by both the Planning and Development Committee and Council under file OZ 03/025 W5 in 2001 (see Appendix S-1, I-7 for details). The primary differences between the two are as follows:

- The subject lands have been expanded to include lands located south of Superior Drive, known as Site Three on Appendix S-1, I-5, which are proposed to be developed exclusively for employment uses;
- Rather than a redesignation of the lands for retail and service commercial uses only, the application proposes an amendment to the Business Employment policies of City Plan to permit an expanded range of retail and service commercial uses ;
- The introduction of an office component, proposed to be constructed entirely on Site One.

City Plan Goals and Objectives

In the evaluation of the subject applications, a number of substantive policy issues emerge with respect to City structure and land use. The following sets out the relevant policy context respecting the City's goals and objectives and land use policies as identified within City Plan including the Gateway Planning District and the Upper Hurontario Corridor. These establish the vision for the development of the subject lands and establish the general direction for future planning initiatives.

City Plan contains a series of broad goals and objectives which provides the conceptual basis for the land use policies and designations in the Plan. These objectives guide land use and provide a vision and statement of purpose. The following goals and objectives are relevant to development in general:

- | | |
|---------|---|
| 2.3.1.1 | Mississauga will develop a compact and orderly urban form characterized by centres, corridors, and local communities. |
| 2.4.1.1 | Mississauga will encourage a range of employment opportunities reflective of the skills of the resident labour force. |
| 2.4.2.1 | It will be the objective "to increase office employment". |

These broad objectives are further detailed with respect to specific land use. "Office Commercial" goals and objectives include the following:

Derry-Ten Limited

File: OZ 03/025 W5

- 5.2.7.2 It will be the objective to "encourage the concentration of office development at locations which are afforded good accessibility, visibility and a relatively high level of existing and potential transit service.
- 5.2.7.3 It will be the objective to "encourage limited retail commercial and hotel uses in Secondary and Tertiary Office Centres to support the primary office uses and facilitate the creation of concentrated and cohesive development".

"Business Employment" goals and objectives are as follows:

- 5.2.5.1 It will be the objective to "facilitate the operation and, where appropriate, expansion of existing industries permitted by this plan".
- 5.2.5.2 It will be the objective to "provide for a wide range of business activities including industrial, office and limited accessory retail uses".

"Retail and Service Commercial" goals and objectives include the following:

- 5.2.4.1 It will be the objective to "provide a limited range of retail goods and services to meet the needs of the employees".
- 5.2.5.2 It will be the objective to "encourage a limited number of small, comprehensively designed, convenience retail centres at designated locations internal to the Business Employment and Industrial areas to conveniently serve the needs of local businesses and employees".
- 5.2.4.4 It will be the objective to "discourage the dispersion of retail uses beyond designated retail and service commercial centres".

City Plan Tertiary Office Centre and Business Employment Land Use Policies

The goals and objectives of City Plan are achieved through the land use designations and associated policies. Within the City Plan policies for the Gateway District, approximately one-sixth of the subject lands (5 ha or 12.5 acres) are designated as "Tertiary Office Centre", located at the southwest corner of the Derry Road and Hurontario Street intersection. Areas with this designation are intended for focused and compact concentration of office development. Section 5.4.2.1.a states that "the predominant use of such lands will be for business, professional and

Derry-Ten Limited

File: OZ 03/025 W5

administrative offices" to a maximum Floor Space index (FSI) of 1.0. Section 5.4.2.1 further states that "to complement and support the functioning of Secondary and Tertiary Office Centres, hotels and motels, all types of restaurants, conference centres, accessory retail, business and personal service uses, community uses, and recreation facilities will also be permitted". Accessory retail and personal service uses including restaurants are limited to a maximum of 20 percent of the total Gross Floor Area (GFA).

The balance of the subject lands are designated "Business Employment" which permits an integrated mix of business activities that operate mainly within enclosed buildings. A wide range of uses are permitted that include: industrial undertakings; manufacturing; warehousing; research and development; accessory uses; offices to a maximum FSI of 0.5; community uses; entertainment; hotels and motels; financial institutions; and restaurants (see Appendix S-1, I-2 for greater details).

City Plan Policies for the Gateway District

Intermediate Office Centre and Prestige Industrial uses have been permitted on the subject lands by the City's Official (Primary) Plan since 1987. At no time did policies permit large retail stores. Commercial uses were restricted to those that directly serve the District. City Plan, which came into effect on July 8, 1997, affirmed these designations and established the Gateway District as one of the City's largest employment areas, second only to the Northeast District which surrounds Lester B. Pearson International Airport. The City Plan Policies for the Gateway District were approved on August 1, 2000, and represent the culmination of a District review process that was initiated in 1996 with the release of a draft plan. The district policies provide additional policies, where required, to further strengthen or enhance the City-wide policies and address any unique or special requirements of the district. No comments regarding the subject lands or the "Tertiary Office Centre" and "Business Employment" designations that apply were received during the public review process.

Section 6.16.2 states that the Gateway District Policies are intended to "encourage primarily business employment development, accommodate a mix of industrial, office and retail commercial uses, as well as specific commercial development in certain areas along Hurontario Street". The specific forms of commercial development which are encouraged include offices, hotels and related retail uses along both sides of Hurontario Street.

Section 6.16.2.1 sets out development objectives for the Gateway District which are as follows:

- to develop a major employment area in the north-central part of the City;

Derry-Ten Limited

File: OZ 03/025 W5

- to create an enhanced business image in keeping with the area's excellent visibility and accessibility;
- concentration of retail commercial development in Special Purpose Commercial and Employment Commercial areas.

In keeping with these objectives in respect to employment flexibility, the "Tertiary Office Centre" designation for the Gateway District also permits, in addition to the primary office uses, all industrial uses within enclosed buildings.

In addition to those areas of the City designated for retail commercial uses, large scale destination shopping centres are located at the intersections of Mavis Road and Britannia Road West (commonly known as the Heartland Town Centre) and at Hurontario Street and Matheson Boulevard East (Highland Farms). "Employment Commercial" locations have been identified to serve the retail needs and services of employees in the employment areas. These centres permit only convenience commercial establishments, business and personal services, recreational facilities, and all types of restaurants. Generally, they do not exceed a floor area of 1,300 m² (14,000 sq. ft.). Within Mississauga Plan, the "Employment Commercial" uses have been included in the "Business Employment" designation as accessory uses.

To prevent the spread of retail development and to preserve the integrity of the employment lands over the long term, the Gateway District Policies limit the range of retail commercial uses permitted. Specifically, the policies applying to Gateway are more restrictive than the general "Business Employment" designation by prohibiting arterial commercial, employment commercial and automotive commercial uses. In addition, retail commercial uses are not permitted within the "Tertiary Office Centre" designation unless they are provided as accessory to the primary use only. For example, this may include a newsstand or stationary shop on the ground floor of a multi-storey office building to serve tenants of the building.

Section 5.7.1.3 of City Plan provides the basis for the drafting of retail strategies which determine the potential for additional retail and service commercial uses within District Plans. This section also states that applications for retail and service commercial facilities that are not designated as "Retail and Service Commercial", and are not identified in the retail strategy, will be reviewed within the context of the retail strategy for that geographic area. The retail strategies have not been updated by the City. Therefore, the subject applications will not be evaluated within the context of a retail strategy.

Derry-Ten Limited

File: OZ 03/025 W5

Mississauga Plan Policies for the Gateway District

Within the Gateway District Policies of Mississauga Plan, the subject lands are designated "Business Employment" which permits a range of business activities including industrial uses and offices, with a limited amount of accessory retail and other uses (see Appendix S-1, I-2 for greater detail). Mississauga Plan contains goals and objectives, special site areas specific to the Gateway District, commercial policies and implementation measures specific to business employment development. While many of these policies have been appealed to the Ontario Municipal Board by the applicant, relevant portions are discussed in greater detail further in the report.

Upper Hurontario Corridor

In the broader context of Mississauga, Hurontario Street is significant as the principle main street and axis of the City. Although varied in character, the street is envisioned as becoming a distinctive civic boulevard incorporating a higher standard of urban design. The northerly portion of Hurontario Street is a gateway into the City from the City of Brampton and Highway 407. Within the Gateway District Policies of City Plan, Hurontario Street is known as the Upper Hurontario Corridor. A review of the policies was undertaken by staff which resulted in a study known as the Upper Hurontario Street Corridor Study and Council reconfirmed its commitment to the vision on August 2, 2006, as discussed further in the report.

To ensure the above noted objectives are achieved, additional policies which are unique and specific to the corridor apply and are identified within the Special Site provisions of the Gateway District Policies. The Special Site policies contain land use restrictions and general principles of urban design. The policies state that regard will be given to design guidelines outlined in the Urban Design Manual entitled *Upper Hurontario Corridor - A Design Manual for Excellence* during the processing of development applications. This manual was endorsed by Council on April 26, 2000. The locations and details of these Special Site Policies are identified within Appendix S-2, I-2 and I-9.

In general, the above policies and associated design guidelines recommend a concentration of built form at the primary nodal intersections, combined with appropriate landscape and design measures. Certain uses, in particular automotive commercial, are restricted. Other guidelines speak to site access, building setbacks, pedestrian connections and signage.

Derry-Ten Limited

File: OZ 03/025 W5

PART 3: PLANNING ANALYSIS

The Planning and Building Department does not support the subject applications to amend the land use designations to permit additional retail uses beyond those contemplated by existing Official Plan policies, for the reasons detailed below.

Land Use

The applications are not in conformity with the existing "Tertiary Office Centre" and "Business Employment" designations of the City Plan Policies for the Gateway District as the designations do not allow for the broad range of retail and service commercial uses proposed, in particular the more substantive retail uses which include the discount department store and warehouse membership club.

As previously noted, the subject applications have taken a different approach from the previous applications filed on the lands, as well as now introducing both office and industrial components. The office, industrial and the service commercial aspects of the applications are in general conformity with the current designations applying to the subject lands. However, the proposal for a significant amount of retail space that is not intended to serve the needs of employees and residents in the general area, and is beyond what could be accommodated as an accessory use, would not uphold the integrity of the corridor and cannot be supported.

Retail In Employment Districts

Both City Plan and Mississauga Plan recognize that limited retail and service commercial uses are necessary in employment districts, including the Gateway District. These uses are to complement and support employment activities, thereby being of a limited and accessory nature only. The subject applications to permit 41 988 m² (451,970 sq. ft.) of retail floor area is contrary to the City's vision for the provision of only limited retail uses in this "Business Employment" area. The proposed size and scale of the development does not complement, but rather dominates the other permitted uses for the lands. In addition, the development proposal presents a range and scale of retail uses which is well beyond the needs of local businesses and employees and, as acknowledged by the applicant, beyond the limits of the City of Mississauga. Essentially, approval of this proposal would result in the creation of a new commercial power centre, which would directly contribute to the dispersion of retail uses beyond those retail centres which have already been designated in the Gateway District and elsewhere in the City.

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Section 5.7.1.2 of City Plan states that "Mississauga will ensure that there are sufficient retail facilities to meet the shopping demands of the residents of Mississauga. Additional retail space may be provided to serve the demands of the wider market". Given the existence of other sections of the plan which speak to the dispersion of retail uses beyond designated areas, the above clause is not intended to provide support for the redesignation of viable employment lands for retail commercial uses or to support new commercial centres. This policy is intended to permit additional retail space serving the wider regional market, where appropriate, at existing retail centres only.

Sections 3.5.2.4 and 3.5.2.5 of Mississauga Plan respectively indicate the following: "Commercial development will be directed to designated commercial centres" and that "The dispersion of retail uses beyond designated commercial areas will be discouraged". While these policies have been appealed to the OMB and thus can not be considered in evaluation of the subject applications, they do provide for Council's intent in this respect, further suggesting that the proposed retail uses are better accommodated away from designated employment areas.

Impact on Planned Function for the Upper Hurontario Corridor

The proposed retail commercial uses will result in the displacement of employment lands that have been specifically designated to attract office and industrial users in keeping with the Official Plan policies. The subject lands are appropriate for the continued development of business employment uses only. The site's location at the intersection of two major arterial roads offers quick access to Highways 401, 403, 407 and 410, and provides excellent site accessibility and visibility. These highways provide direct links to business opportunities throughout the Greater Toronto Area, all points in Ontario and border connections with the United States. In addition, the lands are within close proximity to Lester B. Pearson International Airport, a major economic generator, and are located along the Major Transit Corridor of Hurontario Street, allowing for accessibility to the local Mississauga labour force.

The Gateway District is now developing as a cohesive employment area. Within the Upper Hurontario Corridor, the subject lands are contiguous with surrounding existing and anticipated employment lands, some of which have only recently been developed including the Supply Chain Management warehouse/distribution centre to the immediate east and various service commercial uses to the west opposite Hurontario Street. Other industrial development is either under construction or anticipated to occur along the Corridor in the near future in the following locations:

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- Courtneypark Drive east of Hurontario Street by ProLogis Development Services Incorporated (formally Shipp-Higgins) where approximately 91 746 m² (987,578 sq. ft.) has recently been constructed and 75 762 m² (815,522 sq. ft.) is proposed;
- Hurontario Street and Highway 401 by Orlando Corporation where 33.7 ha (83.3 ac.) were zoned in 2004 to permit business employment uses;
- the northwest quadrant of Hurontario Street and Derry Road East where GWL Realty Advisors Inc. rezoned 13.5 ha (33.5 ac.) of land in 2005 for employment uses, and where a seven storey office building for Kingsway Financial is currently under construction;
- Hurontario Street at Courtneypark Drive where Pauls Properties is proposing a phased multi-unit 14 749 m² (158,762 sq. ft.) office development while Rock Developments has commenced construction of a six storey, 5 806 m² (62,497 sq. ft.) office building;
- Hurontario Street just south of Britannia Road East where Orlando Corporation is currently constructing a 17 738 m² (190,936 sq. ft.) office building.

Interest and investment in business employment development is evident within the Corridor and immediate vicinity, underscoring the need to retain the vacant land base to accommodate future development and to also allow for the expansion of existing office commercial and business employment uses. As cited above, there is currently under construction approximately 136 354 m² (1,467,750 sq. ft.) with an additional 90 511 m² (974,284 sq. ft.) of floor area being processed through active site plan development applications. The introduction of retail commercial uses at the expense of office commercial and business employment uses may preclude the City from achieving its vision for the area as identified in the planning goals and objectives for the entire Upper Hurontario Corridor and the Gateway District employment area.

Any approvals on the lands for a broader range of commercial uses is likely to generate requests from other landowners in similar situations to convert their lands. Businesses tend to operate in clusters. If these requests were to be viewed favourably, the planned business employment function of the Corridor will be significantly eroded, resulting in a major land use shift as the character of the area changes. This has occurred in other locations in the City, most recently at Winston Churchill Boulevard and Highway 401. To date, staff have met with several parties owning land within the Corridor who are enquiring about the opportunity of broadening the range of retail commercial uses permitted and are carefully observing the approach taken on the subject applications.

Anticipated Need for Employment Lands

The goals and objectives of City Plan can only be realized if the availability of employment lands are maintained and utilized as intended. In November 2003, a report was prepared by

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Hemson Consulting Ltd. entitled *Growth in a Maturing Community*. The purpose of the report was to provide an update to the 1998 forecasts prepared for the City based on recent demographic and economic trends and results of the 2001 Canadian Census. The report states that the City has a large employment base of 400,000 jobs in 2003, second in the Greater Toronto Area (GTA), with a diverse employment base with specific concentrations in manufacturing, trade, transportation and warehousing sectors. In addition, the City continues to be a net importer of labour, resulting in the second highest activity rate in the GTA. Conclusions of the report are as follows:

- While Mississauga has been one of the three major players in the GTA employment market and has accounted for a large share of employment land building activity and land absorption in the GTA, the City will play a diminishing role as its supply of greenfield development land becomes constrained;
- Currently, 85% of the City's employment lands are developed, which will rise to 90% by 2008;
- While in the short term economic growth will be slower, it is anticipated that in the long term there will be a period of sustained growth;
- A significant share of future employment growth, made up of industrial and office uses, is forecast to be on employment lands. Most of the growth more recently has been accommodated in existing office and industrial building space, as much of this space remained vacant or under-utilized up until recently;
- The office sector in the GTA has been struggling for more than a decade. Forecasts anticipate that the office market will recover in conjunction with the medium and long term economic growth projected for the GTA;
- The City contains the largest amount of office space outside of the City of Toronto, accounting for about 18% of total employment. As office uses are viewed as being highly desirable, there is a large supply of designated sites in conjunction with a competitive market amongst GTA communities. The City has managed to attract the majority of new office development outside of Toronto, most of this locating within employment districts. The office market has a strong preference for greenfield sites rather than redevelopment sites;
- Over the forecast period to 2031, the majority of the City's growth in employment is projected to be in the office sector, the majority of which will occur in the first ten year period;
- Industrial related employment is expected to grow rapidly during this decade as remaining supplies of employment land are absorbed, then decline after 2016.

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The report states that, given the predicted land constraints in employment land areas as greenfield sites disappear, it is especially important for the City to maintain its competitive edge position in the market to maintain a growing employment base. The current inventory of vacant employment land is estimated to be 1,198 ha (2,961 ac.) as of January 1, 2006. As the supply of land becomes more constrained, the rate of absorption will slow as choice declines. Even with this reduced supply, the inventory of vacant employment lands is likely to be largely depleted in ten years, as noted above. Mississauga's share of the GTA employment land market has already started to decline.

It is anticipated that future office and employment growth will be concentrated mostly in the Gateway and Northeast Districts as the supply of vacant land is highly concentrated in these areas. There is approximately 236 ha (583 ac.) of vacant employment land in the Gateway District, which is a decrease from 331 ha (819 ac.) in January 2005 and 423 ha (1,045 ac.) in September 2003. Accordingly, the Gateway District represents the greatest potential for future office and industrial development in the City. As land supply is the major determining factor in the employment forecast for the City, it remains imperative that the City protect what remaining employment lands are left and require retail uses to concentrate in existing and designated commercial centres.

Another consideration in the analysis of vacant employment lands is parcel size. Studies undertaken by the municipality in the past have found that there are no longer abundant contiguous industrial parcels of land greater than 10 ha (25 ac.) or more throughout the City. The City's inventory of vacant employment land confirms industrial lands are predominantly composed of smaller parcels of land, generally less than 5 ha (12.4 ac.) in size. As the supply of reasonably sized industrial parcels of land are exhausted, the City will lose its ability to attract major industrial enterprises as the selection of prime development sites decrease. In addition, existing businesses requiring large facilities and larger sites would be forced to locate outside of the City. Prime examples of larger employment sites that have recently attracted significant developments include the adjacent Supply Chain Management warehouse distribution facility, Bell Mobility, and the TD Canada Trust office complex. The subject lands represent an important component of the City's vacant land portfolio and are key in maintaining the City's competitive edge in attracting new development, and thus should not be reduced in scale by the introduction of retail uses.

Criteria for Site Specific Official Plan Amendments

The pressure to redesignate employment lands for other purposes, in particular for residential and commercial uses, has been a concern for both staff and members of Council for some time.

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Council, in June 1997, endorsed a report entitled *Policy Options for the Retention of Employment Lands* which provided an approach to retaining employment lands, subject to the preparation of criteria to be used to assess redesignation proposals. The recommended approach was to retain, for employment uses, lands currently identified as such in City Plan except in special site-specific circumstances. In those instances where a redesignation is contemplated, the onus is on the applicant to demonstrate that the redesignation is better than the existing and how the proposed designation will contribute to the City's vision as established in the Official Plan. These basic requirements were ultimately incorporated into the Implementation section of Mississauga Plan as "Criteria for Site Specific Official Plan Amendments" which were subsequently appealed to the Ontario Municipal Board (OMB). This appeal was resolved. Section 5.3.2 is in force and effect. However, the OMB approved this policy after the applications were submitted and therefore they cannot be applied.

It should be noted that the OMB has recognized and applied these guidelines in two other situations. In the Fitzwood Investments Limited decision respecting the proposed redesignation of industrial lands to a mix of residential and commercial designations (decision issued March 10, 1999), the Board concluded the following: "...the main consideration is one of maintaining a healthy, even generous supply of employment lands to serve the goals of the City of Mississauga as a net importer of employment... The City has formulated policies in a way that encourages the accommodation " (of) " employment uses and has produced guidelines which provide for a redesignation to other uses only if certain tests are met. This is the appropriate approach and when the tests are applied, the application does not succeed.... It will remove well-suited employment lands which satisfies a need.... Furthermore, the proposed use is not better than the present designation".

The clearest direction on the treatment to be accorded to the conversion policies is found in the recently released OMB decision on the Jannock appeals to City Plan. In that case, both the original and above noted Mississauga Plan conversion policies were submitted before the Board in the course of the hearing. In this instance, the OMB concluded the following: "Based on the evidence presented the Board finds that the City's Conversion Guidelines do not constitute a valid independent planning tool that has been endorsed or relied upon consistently by City Council in the past. Therefore the Board will not recognize the City's Conversion Guidelines as a City adopted guideline. However, the Board notes that the criteria set out in the City staff's Conversion Guidelines reflect appropriate, valid criteria that should be taken into account and applied when a proper, thorough evaluation and assessment of the planning merits of an application seeking to convert a long standing Official Plan designation is undertaken.

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The Board must consider the matters set out in the tests stated above because they reflect proper planning principles. These tests reflect the matters that are usually considered by the Board when dealing with a proposed conversion of a properly established official plan designation".

In reviewing the subject application, it has been demonstrated that the subject lands are suitable for development in accordance with the "Tertiary Office Centre" and "Business Employment" designations that apply given its locational prominence to major highways and the airport, visibility, and excellent accessibility. The redesignation of the lands to introduce a significant retail commercial component will compromise the opportunity of the City to attract prime industrial and office opportunities in an increasingly competitive market, highlighted by the fact that the City's availability of greenfield industrial land is projected to decrease to a point of approaching full development in the not too distant future.

While the applicant has suggested that the redesignation of the lands may result in an increase in employment, higher taxes and a quicker build-out of the site over the present scenario, the lands remain highly suitable and viable for the purposes of their current designations. Only limited locations exist within the City that offer the characteristics that the subject lands embody whereas the introduction of the retail commercial uses proposed for the lands could take place in a number of locations throughout the City on either vacant or under utilized sites. The proposed redesignation would erode the viability of the remaining vacant employment lands along the Upper Hurontario corridor, and set a precedent for the conversion of other office and business employment lands within both the Gateway and other Employment Districts in Mississauga.

Upper Hurontario Street Corridor Study

Staff undertook a study which resulted in a document entitled "Upper Hurontario Street Corridor - Review of Land Uses and Urban Design Guidelines" which was released in July 2005. This document analyzed in detail matters respecting the long term use and vision of lands in the corridor, applicable design guidelines including appropriateness of free-standing commercial buildings in the context of the existing and planned built environment, and a review of current Official Plan policies that affect the area.

This document concluded that the current long term land use and design vision for the corridor is valid and should be retained, which will be achieved over time. It was also concluded that free-standing commercial buildings such as restaurants and banks do not conform with the long term vision and should be prohibited. A public meeting respecting the above recommendations was conducted on October 17, 2005, with a written report on the submissions received presented to the Planning and Development Committee on May 29, 2006. A further report followed on

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August 2, 2006, to report back on Committee questions. At this meeting, Council endorsed the recommendations and directed staff to bring forward an implementing by-law to amend the Official Plan to incorporate the changes.

As it pertains to the subject lands, the findings of the Corridor study confirm that business employment uses continue to be appropriate, and that commercial uses, in particular free-standing restaurants and banks, are not desirable along Hurontario Street. An implementing Official Plan Amendment document reflecting the above recommendations is scheduled for September 13, 2006.

Provincial Policy Statement

On March 1, 2005, a new Provincial Policy Statement came into effect, a document which provides policy direction on matters of provincial interest related to land use planning and development. While this document applies only to applications, matters or proceedings commenced on or after this date, it contains some very relevant provisions that provide direction from a Provincial perspective. Section 1.3 of the document states that Planning authorities shall promote economic development and competitiveness by:

- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- planning for, protecting and preserving employment areas for current and future uses.

As it is the overall objective of the municipality to maintain business employment centres, provide for a wide range of business opportunities, and to discourage the dispersion of retail uses beyond designated retail and service commercial centres, the subject proposal does not contribute toward the achievement of the overall intent, goals and objectives and policies of City Plan. Neither are the subject applications in keeping with the Provincial Policy objectives as referenced above.

The Provincial Policy Statement from 1997 in force and effect at the time the applications were filed had limited relevancy.

Growth Plan for the Greater Golden Horseshoe, 2006

On June 16, 2006, the Growth Plan for the Greater Golden Horseshoe came into effect. This document provides the framework for implementing the Provincial Government's vision for

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managing growth in the Greater Golden Horseshoe area, to the year 2031. The Plan provides policies that speak to protecting an adequate supply of employment lands. As the subject applications were filed prior to the approval of the Growth Plan, its policies do not directly apply.