Clerk's Files





Originator's Files OZ 06/025 W7

DATE:	April 24, 2007
TO:	Chair and Members of Planning and Development Committee Meeting Date: May 14, 2007
FROM:	Edward R. Sajecki Commissioner of Planning and Building
SUBJECT:	Information Report Official Plan Amendment and Rezoning To permit an office use 2537 Confederation Parkway Northeast corner of Confederation Parkway and King Street West Owner: Ania and Bogdan Szpirak Applicant: R. W. Barker and Associates Bill 20
	Public Meeting Ward 7
RECOMMENDATION:	

An application (File 'A' 059/06 W7) to permit an office use on the residential lands was refused by the Committee of Adjustment in 2006. The owner appealed the refusal to the OMB and a hearing on the application was held in 2006. In 2007, the OMB released its Board Order permitting a temporary office use for a period of two years and permanently approving a number of variances to lot size and setbacks. Additional background information on the site and the OMB hearing is provided in Appendix I-1. The purpose of this report is to provide preliminary information on the abovenoted applications and to seek comments from the community.

COMMENTS: Details of the proposal are as follows:

Development Proposal	
Applications submitted:	December 14, 2006
Existing Gross	72.9 m^2 (784.4 sq. ft.) on main floor.
Floor Area:	The basement is used for storage.
Height:	1 storey
Lot Coverage:	19 %
Landscaped	48 %
Area:	
Parking	3
Required:	
Parking	3
Provided:	
Supporting	Planning Assessment
Documents:	Grading and Servicing Plan

Site Characteristics	
Frontage:	14.02 m (46 ft.) on King Street West
	35.4 m (116 ft.) on Confederation
	Parkway
Net Lot Area:	0.04 ha (0.1 ac.)
Existing Use:	Lawyer's Office

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

Neighbourhood Context

The subject property is located at the northeast corner of Confederation Parkway and King Street West. Several conversions of residences to office and personal service uses have occurred on the west side of Confederation Parkway between King Street West and Dundas Street West. One of these non-residential converted properties has site-specific zoning, three have temporary Committee of Adjustment approvals and five have expired variance approvals. A residence on the north side of King Street West has also been converted to a medical office and has sitespecific zoning. The south side of King Street West and the lands along Confederation Parkway West, south of King Street West, are predominantly residential uses.

The subject property is currently being used as a lawyer's office as permitted by the Ontario Municipal Board. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North:	Vacant lands designated and zoned for high density
	residential and ground floor commercial uses
East:	Detached dwellings
South:	Detached dwellings
West:	Office and personal service uses within converted
	detached dwellings

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

"**Residential Low Density II**" which permits detached, semidetached, street townhouses and duplex dwellings within a net density range of 18-50 units per net residential hectare. The applications to permit an office use are not in conformity with the land use designation. As a result, an official plan amendment is required.

The subject lands are also within the Cooksville Node boundary which promotes mixed land uses. The subject lands are also within the Urban Growth Centre outlined in Mississauga Plan where land use change is anticipated to occur to meet both residential and employment needs. An office use in this location would not be in conflict with the intent of the Cooksville Node and Urban Growth Centre policies.

Criteria for Site Specific Official Plan Amendments

Section 5.3.2 of Mississauga Plan contains criteria which require an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment including the following:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;
- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

Proposed Official Plan Designation and Policies

The applicant has requested a site-specific amendment to the policies of the Cooksville District to permit an office use in addition to the uses permitted by the Residential - Low Density II designation.

Existing Zoning

"R3" (Detached Dwellings), which permits detached dwellings on lots with a minimum frontage of 19.5 m (64 ft.) and a minimum lot area of 720 m² (7,750 ft²).

Proposed Zoning By-law Amendment

"R3-Special Section" (Detached Dwellings), to permit an office use within the existing building and to recognize the existing reduced building setbacks and lot area within the zoning regulations.

The applicant has requested that the variances granted by the Ontario Municipal Board be recognized in the site-specific zoning. The applicant has also requested that an additional 20.1 m² (216.7 ft^2) of basement floor space be permitted for office purposes to allow flexibility for expansion. The parking requirements can be met while accommodating this additional floor space.

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

Residential Zone	Required Zoning	Proposed
	By-law Standard	Standard
Minimum Lot Area	$720 \text{ m}^2 (7,750 \text{ ft}^2)$	$415 \text{ m}^2 (4,467 \text{ ft}^2)^*$
Minimum Lot Frontage	19.5 m (64 ft.)	14 m (45.9 ft.)*
Minimum Front Yard	6.0 m (19.7 ft.)	1.2 m (3.9 ft.)*
Setback		
Minimum Rear Yard	3.0 m (9.8 ft.)	21.0 m (68.9 ft.)
Minimum Interior Side	1.2 m (3.9 ft.)	0.9 m (3 ft.)*
Yard Setback		
Minimum Exterior	6.0 m (19.7 ft.)	1.8 m (5.9 ft.)*
Side Yard Setback		
Centreline Setback	27.5 m (90 ft.)	Not Apply
Streetline Setback	7.5 m (24.6 ft.)	Not Apply*

Residential Use	Required Zoning	Proposed
	By-law Standard	Standard
Encroachments	A porch may encroach into the	Porches and the air conditioning unit to
	front yard.	be permitted within
	5	required front and
		side yards.

* Note: Reductions approved by the Ontario Municipal Board

Office Use	Zoning Standard	Proposed Standard
Maximum Gross	$207.5 \text{ m}^2 (2,234 \text{ ft}^2)$	$93 \text{ m}^2 (1,001.1 \text{ ft}^2)$
Floor Area	based on 0.5 FSI	or 0.22 FSI
Parking Provided	3	3
Landscaped	40%	45%
Open Space		

Draft Mississauga Zoning By-law

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A final report on the new draft Zoning By-law will be dealt with by Planning and Development Committee on April 30, 2007 and, it is anticipated that it will be further considered by Council on May 23, 2007. The draft Zoning for this property is "R3" (Detached Dwellings).

The timing of the site specific Zoning By-law to permit the proposed development may be affected by the passage of the new Mississauga Zoning By-law. A recommendation will be included in the Supplementary Report to address the new Mississauga Zoning By-law.

COMMUNITY ISSUES

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

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7. No concerns have been identified with the proposal from commenting departments and agencies.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other site design and engineering matters with respect to landscaping, site grading and driveway location, which will be

	addressed through the associated Site Plan Approval application File SP 06/250 W7.
FINANCIAL IMPACT:	Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.
CONCLUSION:	All agency and City department comments have been received and after the public meeting has been held and all issues are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.
ATTACHMENTS:	Appendix I-1 - Site History Appendix I-2 - Aerial Photograph Appendix I-3 - Excerpt of Cooksville District Land Use Map Appendix I-4 - Excerpt of Existing Land Use Map Appendix I-5 - Concept Plan Appendix I-6 - Elevations Appendix I-7 - Agency Comments Appendix I-8 - General Context Map

Planning and Development Committee - 7 -

Edward R. Sajecki Commissioner of Planning and Building

Prepared By: Michael Crechiolo, Development Planner

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Site History

- 1940s to 2006 The lands have been used for residential purposes.
- 1972 (approximate) Town of Mississauga acquired the subject property in order to implement significant intersection improvements at King Street West and Confederation Parkway. The Town later sold the subject lands with reduced lot area, frontage and setbacks for residential purposes.
- January 2006 The current owner purchased the lands with the intent of converting the existing detached dwelling to a legal office. An application was submitted to the Committee of Adjustment (File 'A' 059/06 W7) requesting the office use and a number of reductions from the standard lot area, frontage and setback requirements of the "R3" (Detached Dwellings) Zone.
- February 2006 The application was refused by the Committee of Adjustment which recommended that the applicant proceed by way of Official Plan Amendment and Rezoning applications.
- March 2006 The owner appealed the Committee of Adjustment's decision to the Ontario Municipal Board (OMB).
- July 2006 At the OMB Hearing, representatives from the City argued that the office conversion should not be considered a minor variance and that the proposal should be evaluated through formal applications. A revised concept plan was also submitted by the applicant which satisfied staff concerns regarding site access by relocating the driveway. The applicant's request to recognize the reduced lot area, frontage and setbacks was not contested.
- September 2006 The interim OMB decision was released with conditions to be fulfilled by the owner prior to the release of the Final Board Order.
- December 2006 The Owner submitted the subject applications which satisfied the OMB's conditions.
- January 2007 The Board released its order which permits the office as a temporary use for a period of two years while the required Official Plan and Rezoning applications are being considered. In addition, the reduced lot area, frontage and setbacks requested are approved on a permanent basis. In its decision, the Board noted that the proposal was appropriate, given there were several non-residential conversions in the immediate area. The lands are also within the limits of the Cooksville Node identified in Mississauga Plan which permits mixed land use. The Board noted that this was a transitional area and that an office use was appropriate and only a minor increase in daytime traffic was expected.



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H APPENDIX









APPENDIX I-6

Application

Agency Comments

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

Agency	Comment
City Departments and External Agencies	 The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner: Region of Peel City Community Services Department – Planning, Development and Business Services Division. City Community Services Department – Fire and Emergency Services Division City Transportation and Works Department City Economic Development Office Enersource Hydro Mississauga Enbridge Gas Distribution Inc. Canada Post
	 The following City Departments and external agencies were circulated the applications but provided no comments: Hydro One Networks Bell Canada North Cooksville Community Association

