



Corporate Report

Clerk's Files

Originator's
Files OZ 03/025 W5

DATE: June 5, 2007

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 25, 2007

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit industrial, office, retail and service commercial uses,
including a Wal-Mart Super Centre
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
Owner: Derry-Ten Limited
Applicant: Wood Bull LLP
Bill 20

Public Meeting **Ward 5**

RECOMMENDATION: That the Report dated June 5, 2007, from the Commissioner of Planning and Building regarding the applications to amend the "Business Employment" designation of the City Plan and Mississauga Plan Policies for the Gateway District by adding a Special Site 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) to permit the development of the lands for industrial, office, retail and service commercial uses, 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., be received for information.

BACKGROUND:

Since 2001, the owners of the lands, which extend south from Derry Road West to Ambassador Drive and west from Hurontario Street to Maritz Drive, have been pursuing through various modifications to planning applications and appeals to Mississauga Plan, a proposal for a significant retail presence on the lands, including a Wal-Mart Super Centre, to serve north Mississauga and south Brampton. Appendix I-1 contains further details regarding the history of the site. In May 2007, the applicant submitted additional information in support of the most recently modified proposal, including a revised Planning Justification Study, for the City's consideration. These documents remain under review.

The purpose of this report is to provide preliminary information on the above-noted revised applications and to seek comments from the community.

COMMENTS:

Applications have been filed to permit the development of the lands for a broad range of non-residential land uses, including small office buildings, large format retail stores including a free standing Wal-Mart Super Centre, restaurants fronting Hurontario Street, service commercial uses, a hotel, and industrial uses. The latest concept plan submitted to the City in support of the subject applications is shown in Appendix I-6. Given the size of the land holdings involved (27.5 ha or 68 ac), their description has been divided into three sites. The applicant has further divided up the lands into phases (see Appendix I-5 and I-6). Details of the proposal are as follows:

Site One (Phase 3 and 3A): 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:

Development Proposal	
Proposed Gross Leasable Area:	Retail: 5,029 m ² (54,132 sq. ft.) 10% Wal-Mart Super Centre: 19,700 m ² (212,094 sq. ft.) 38% Office: 25,315 m ² (272,488 sq. ft.) 48%

Development Proposal	
	Restaurant: 2,230 m ² (24,003 sq. ft.) 4% Total: 52,274 m ² (562,673 sq. ft.) 100%
Height:	Retail and Restaurant: 1-2 storeys Office: 6 storeys
Parking Provided:	2,498 spaces, of which 900 are proposed to be underground

Site Characteristics	
Frontage:	221.3 m (726 ft.) on Derry Road West 298.1 m (978 ft.) on Longside Boulevard 375.6 m (1,232 ft.) on Maritz Drive 277.1 m (909 ft.) on Hurontario Street
Net Lot Area:	10.87 ha (26.85 ac.)
Existing Use:	Lands are currently vacant

Site Two (Phase 1 and 1A): 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:

Development Proposal	
Proposed Gross Leasable Area:	Retail: 23,485 m ² (252,790 sq. ft.) 38% Office: 33,767 m ² (363,465 sq. ft.) 55% Restaurant: 3,599 m ² (38,739 sq. ft.) 6% Community Centre: 297 m ² (3,197 sq. ft.) 1% Total: 61,148 m ² (658,192 sq. ft.) 100%
Height:	Retail and Restaurant: 1-2 storeys Office: 2-10 storeys Community Centre: 1 storey
Parking Provided:	2,705 spaces, of which 1,600 are proposed to be underground

Site Characteristics	
Frontage:	303.8 m (997 ft.) on Longside Boulevard 287.8 m (944 ft.) on Skyway Boulevard 271.5 m (890 ft.) on Maritz Drive 301.4 m (989 ft.) on Hurontario Street
Net Lot Area:	9.74 ha (24.06 ac.)
Existing Use:	Lands are currently vacant

Site Three (Phase 2): Southerly parcel bounded by Skyway Boulevard to the north, Hurontario Street to the east, Ambassador Drive road allowance to the south and Maritz Drive to the west:

Development Proposal	
Proposed Gross Leasable Area:	Industrial: 25,455 m ² (273,995 sq. ft.) 63% Office: 5,946 m ² (64,002 sq. ft.) 15% Restaurant: 1,394 m ² (15,005 sq. ft.) 3% Hotel: (220 suites): 7,711 m ² (83,000 sq. ft.) 19% Total: 40,506 m ² (436,003 sq. ft.) 100%
Height:	Industrial: 1 storey Office: 4 storeys Restaurant: 1 storey Hotel: 6 storeys
Parking Provided:	1,019 spaces, of which 450 are proposed to be underground

Site Characteristics	
Frontage:	287.5 m (943 ft.) on Skyway Boulevard 279.9 m (918 ft.) on Ambassador Drive 237.0 m (778 ft.) on Maritz Drive 204.1 m (670 ft.) on Hurontario Street
Net Lot Area:	6.92 ha (17.09 ac.)
Existing Use:	Lands are currently vacant

Total Site: Combined statistics of Sites One, Two and Three:

Development Proposal	
Proposed Gross Leasable Area:	Industrial: 25,455 m ² (273,995 sq. ft.) 17% Office: 65,028 m ² (699,956 sq. ft.) 42% Restaurant: 7,223 m ² (77,758 sq. ft.) 5% Retail: 48,214 m ² (518,971 sq. ft.) 31% Hotel: 7,711 m ² (83,000 sq. ft.) 5% Community Centre: 297 m ² (3,197 sq. ft.) 0.2% Total: 153,928 m ² (1,656,867 sq. ft.)

Development Proposal	
	100%
Parking Provided:	6,222 spaces, of which 2,950 are proposed to be underground

Site Characteristics	
Net Lot Area:	27.5 ha (68.01 acres)
Existing Use:	All lands are currently vacant
Supporting Documents:	<ul style="list-style-type: none">- Parking Assessment Report- Traffic Study- Servicing Review- Employment Statement- Design Statement- Planning Justification

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

Differences from Previous Applications

The following are the principal differences between the subject revised applications, and that most recently reported on before the Planning and Development Committee in September 2006:

- Introduction of office and restaurant uses to Site Three, south of Skyway Boulevard, which was previously set aside for industrial uses only;
- Introduction of a hotel (on Site Three) and a community centre (on Site Two) as part of the development;
- An increase in the amount of office floor space proposed from 25,287 m² (272,187 sq. ft.) to 65,028 m² (699,955 sq. ft.);
- An increase in the amount of retail floor space proposed from 41,988 m² (451,955 sq. ft.) to 48,214 m² (518,971 sq. ft.);
- A decrease in the amount of industrial floor space proposed from 31,088 m² (334,628 sq. ft.) to 25,455 m² (273,995 sq. ft.) with restaurant floor space remaining relatively the same, originally being 7,366 m² (79,287 sq. ft.) and now proposed 7,223 m² (77,748 sq. ft.);

- The applicant suggests that the proposal will have a more urban character with respect to the uses and built form proposed for the Hurontario Street frontages, with buildings reaching 6 storeys directly abutting the street. The focal point is to be defined by the community centre surrounded by a public plaza, with limited parking areas facing the street;
- No further mention is made of a phasing scenario where the amount of office space constructed is tied to the amount of retail space constructed, as originally proposed.

Neighbourhood Context

The subject lands are located within the southwest quadrant of Hurontario Street and Derry Road West, extending south for a total of three blocks to Ambassador Drive. The surrounding community is a rapidly developing business employment area with supporting restaurant, entertainment and automotive uses. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: Across Derry Road West, a cemetery, the Mississauga Convention Centre, the new home of Kingsway Financial, and vacant land currently under application for an office building. A Petro Canada station, located at the immediate southwest corner of Derry Road West and Hurontario Street, does not form part of the subject applications.
- East: Across Hurontario Street, a broad range of office (The Shopping Channel), industrial, service commercial, automotive commercial, restaurant, and hotel uses (Best Western), in addition to some vacant land.
- South: Vacant, Hansa Haus restaurant and the German Heritage Museum property.
- West: Across Maritz Drive, Fletcher's Creek valley lands, office uses, vacant lands, and the SCM warehouse distribution centre.

Official Plan Designation

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, the official plan under which these applications were originally submitted has now been repealed, except in respect to those portions where the comparable provisions to Mississauga Plan are under appeal.

The applicant originally appealed the provisions of Mississauga Plan that apply to the subject lands. In a letter dated May 15, 2007, however, the applicant withdrew their appeal to Mississauga Plan in regard to the "Business Employment" land use designation as identified on the District Land Use Map for the Gateway District. The applicant is maintaining their appeal, as it applies to the subject lands, of Section 3.3.1, Permitted Uses, Business Employment and Section 3.5.2.4 and 3.5.2.5, Commercial Policies.

Accordingly, while the land use designation as noted within Mississauga Plan applies to the subject lands, the permitted uses remain under appeal, as noted above. Accordingly, the permitted uses from City Plan for "Business Employment" lands apply to the subject properties.

City Plan Policies for "Business Employment" Uses in the Gateway District (August 1, 2000)

"Business Employment" which permits industrial uses including sales and service, research and development, manufacturing, assembling, processing, fabricating, warehousing, distributing and wholesaling. Other permitted uses include: offices to a maximum FSI of 0.5, entertainment and community uses, transportation facilities, hotels and motels, conference centres, financial institutions, restaurants and banquet halls. No arterial commercial, employment commercial or automotive commercial uses are permitted.

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 Upper Hurontario Corridor - A Design Manual for Excellence* during the processing of applications. Other restrictions include the following:

Special Site 3 (Derry Road and Hurontario Street intersection): permits accessory retail and service commercial uses to a maximum of 30% of the total GFA, and no additional automotive uses.

Special Site 6 (Hurontario Street south): permits accessory retail and service commercial uses to a maximum of 20% of the total GFA, and no additional automotive uses.

Special Site 7 (Derry Road West): Permits no automotive uses.

The applications are not in conformity with the City Plan Policies for the Gateway District because the designation does not allow for the broad range of retail and service commercial uses proposed.

Mississauga Plan Designation and Policies for Gateway District (March 31, 2003)

"Business Employment" which permits an integrated mix of business activities that operate mainly within enclosed buildings. Offices are permitted, subject to a maximum Floor Space Index (FSI) of 1.0. Additional policies respecting permitted uses and urban design principles are provided within the Special Site 2, 5 and 6 provisions. The applications are not in conformity with the land use designation, which does not allow for the broad range of retail and service commercial uses proposed.

There are other policies in the Official Plan which also are applicable in the review of these applications including:

Urban Design Policies:

The urban design policies of Mississauga Plan require that building and site design shall be undertaken in such a way to minimize the presence of parking, loading, garbage and service areas from the street. Buildings should address the street with principal entrances

and be connected with strong pedestrian linkages. Any development for the lands will be subject to review under this set of criteria, in conjunction with the above referenced Upper Hurontario Corridor design guideline manual, which recommends the following for this location:

- minimum building heights of three storeys at Derry Road East and Hurontario Street;
- street line setback range of 3.0 m (9.8 ft.) to 4.5 m (14.7 ft.);
- minimum 75% of linear frontage occupied by built form within setback range, of which two thirds must be building and one third may be an architectural wall or feature;
- creation of entry forecourts combined with active building fronts;
- distinctive high profile architecture, with appropriate signage;
- landscape areas of 4.5 m (14.7 ft.) along all property lines.

Criteria for Site Specific Official Plan Amendments:

Section 5.3.2 of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- 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.

Upper Hurontario Street Corridor Study

On August 9, 2006, Council endorsed the *Upper Hurontario Street Corridor Study* which analyzed matters respecting the long term use and vision for the northern portion of Hurontario Street. This document concluded that, while the current long term land use and design vision for the corridor is valid, free-standing commercial buildings including restaurants and banks are not appropriate. The

Planning and Development Committee on December 5, 2006 referred the matter back to staff to address questions posed by a landowner within the study boundaries.

Proposed Official Plan Designation and Policies

The applicant is proposing to amend the “Business Employment” designation of the City Plan and Mississauga Plan policies for the Gateway District by adding a Special Site, for Sites One and Two, in accordance with the following:

- 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 48,214 m² (518,971 sq. ft.) of retail commercial floor space be permitted, to include the following uses: department store with a food component, home improvement centre, and other retail uses and retail warehouse uses of a predominantly large format. Retail uses having an individual floor area greater than 1,100 m² (11,840 sq. ft.) will be located on the western half of the lands. No supermarket is permitted;
- That the layout of buildings and features near the intersection of Hurontario Street and Derry Road West take into account and make provision for the potential land assembly or cooperative development of the existing gas bar property at this intersection;
- Buildings along the Hurontario Street frontage are to be located and designed to enhance its image as a gateway to the City.

No amendment is proposed for Site Three as the uses proposed are in accordance with the “Business Employment” designation.

Existing Zoning

Site One: "RCL1-2432" (Restricted Commercial) which permits a range of uses including the following: business, professional and administrative offices up to 0.5 times the lot area, manufacturing or industrial undertakings, hotels and motels, all types of restaurants, financial institutions, entertainment, recreation and sports facilities, and places of religious assembly.

Sites Two and Three: "A" (Agricultural) which permits a range of agricultural uses.

Proposed Zoning By-law Amendment

The applicant is proposing to rezone Sites One and Two as **"DC Special Section" (District Commercial)**, to permit a range of retail and office uses, and Site Three to **"RCL1 - Special Section" (Restricted Commercial)** to permit a range of business employment and office uses, including a hotel and restaurants. The complete listing of uses and other zoning provisions proposed by the applicant are contained in Appendix I-9.

Draft Mississauga Zoning By-law

A report on the new draft Zoning By-law was received at the Planning and Development Committee on April 30, 2007. A further addendum report was adopted by Council on May 23, 2007, with the exception of the Harris Farm. The implementing by-law is anticipated to be passed by Council on June 20, 2007.

The draft Zoning for these properties are "E2-28" (Employment) and "D" (Development). 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 and potential appeals. A recommendation will be included in the supplementary report to address the new Mississauga Zoning By-law.

COMMUNITY ISSUES

No community meetings were held. A letter has been received from the City of Brampton advising that they have no comments at this time, pending review of more detailed information submitted in support of the subject applications. This information has been forwarded to the City of Brampton.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-8. Based on the comments received and the applicable Mississauga Plan policies the following matters will have to be addressed:

- Suitability of proposed land uses in this location;
- Land use compatibility;
- Urban design considerations;
- Traffic concerns as identified by the Transportation and Works Department and the Region of Peel;
- Clarification of what the proposed community centre entails, and whether it is public or private.
- Provision of information regarding proposed development standards with respect to building setbacks, proposed areas for landscaping and location and number of loading areas.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering matters, which will require the applicant to enter into appropriate agreements with the City.

FINANCIAL IMPACT:

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION:

Most 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.

ATTACHMENTS:

Appendix I-1 - Site History
Appendix I-2 - Aerial Photograph
Appendix I-3 - Excerpt of Gateway District Land Use Map for City Plan
Appendix I-4 - Excerpt of Gateway District Land Use Map for Mississauga Plan
Appendix I-5 - Excerpt of Existing Land Use Map
Appendix I-6 - Concept Plan
Appendix I-7 - September 5, 2006 PDC Minutes
Appendix I-8 - Agency Comments
Appendix I-9 - Applicant Detailed Zoning Provisions
Appendix I-10 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Rob Hughes, Development Planner

Site History

- January 19, 2000 - Council adopted an implementing Zoning By-law 0033-200, under file OZ 98/043 W5, which rezoned Site One of the subject lands from “A” (Agricultural) and “R4” (Detached Residential) to “RCL1-2432” (Restricted Commercial).
- 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.
- 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 One and Two) to permit commercial uses (approximate GFA of 53,900 m² (580,195 sq. ft.). The applications were appealed to the Ontario Municipal Board by the applicant on October 25, 2001. The file was closed by the applicant in a letter dated May 7, 2002.
- March 31, 2003 - The Region of Peel partially approved the Mississauga Plan Policies for the Gateway District, designating the subject lands as “Business Employment - Special Site”.
- May 1, 2003 - Solicitors for the subject lands 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 development proposal by Council: Section 3.3.1, Business Employment; Sections 3.5.2.4 and 3.5.2.5, Commercial; and, Section 5.3.2, Criteria for Site Specific Official Plan Amendments.
- July 15, 2003 - Subject Official Plan Amendment and Rezoning applications filed with the City.
- February 16, 2004 - Public Hearing for applications under file OZ 03/025 W5 took place. Subsequent to the meeting on April 28, 2004, the applicant modified their applications to permit the phasing of development on the lands to ensure that office and industrial elements of the plan would be built while the retail component proceeds. On June 1, 2004, the applicant requested staff take no further steps in processing the applications.

Derry-Ten Limited

- July 21, 2006 - The OMB, in conducting hearings respecting appeals to Mississauga Plan by the applicant, issued a Memorandum of Oral Decision directing the City to provide a Supplementary Report by September 2006 regarding the applications.
- September 5, 2006 - A Supplementary Report was tabled before the Planning and Development Committee recommending refusal of the applications. The Committee received the report, in addition to a letter provided by the applicant with regard to a revised development proposal for the lands.
- October 11, 2006 - In a hearing to address Derry-Ten Limited's appeal to the Mississauga Plan Policies applying to the subject lands, the OMB directed Derry-Ten Limited to file revised plans and supporting material in regards to its Official Plan Amendment and Zoning By-law Amendment applications on or before December 18, 2006.
- December 21, 2006 - The above referenced revised plans and supporting material was received by the City, with the exception of a revised Planning Justification Study and draft Official Plan Amendment and Zoning By-law Amendment documents. This material was received on May 15, 2007.
- May 15, 2007 - The applicant withdrew their appeal to City Plan in regard to the Business Employment land use designation as identified on the District Land Use Map for the Gateway District, although they are maintaining their appeal, as it applies to the subject lands, of Section 3.3.1, Permitted Uses, Business Employment and Section 3.5.2.4 and 3.5.2.5, Commercial Policies.



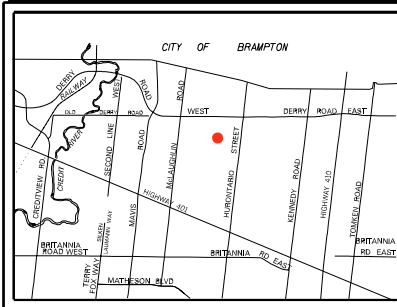
LEGEND:

 **SUBJECT LANDS**

DATE OF AERIAL PHOTO: 2006



SUBJECT: DERRY-TEN LIMITED



FILE NO:
OZ 03025 W5

DWG. NO:
03025A

SCALE:
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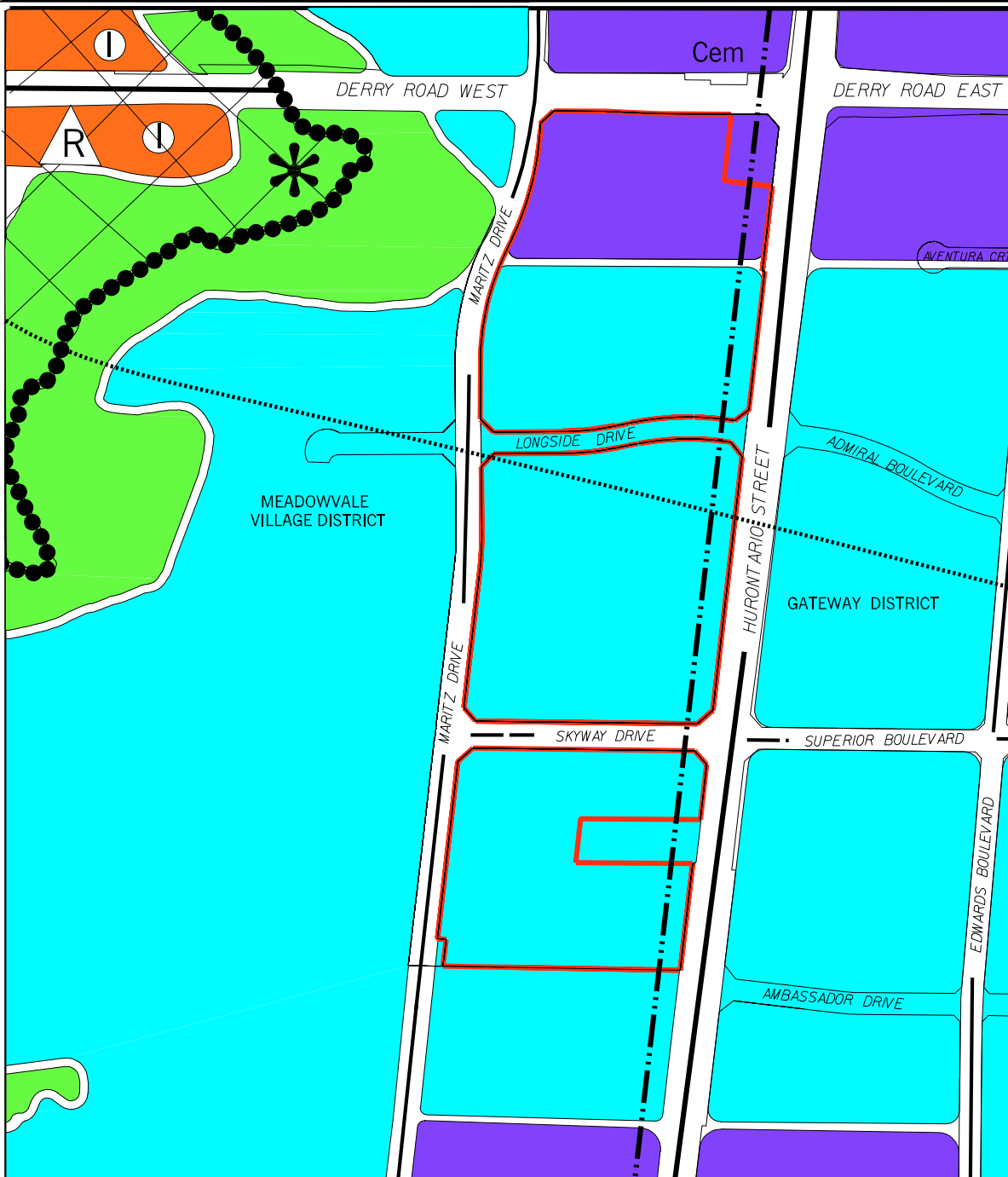
PDC DATE:
2007 06 25

DRAWN BY:
R.DICOSOLA

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX 1-2



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

- LAND USE DESIGNATIONS

 - Residential - Medium Density I
 - 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
- TRANSPORTATION LEGEND

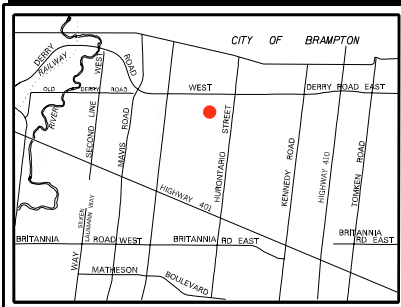
 - Highway and Interchange
 - Arterial
 - Major Collector
 - Major Collector (Scenic Route)
 - Minor Collector
 - Local Road
 - Major Transit Corridor

- 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 NEP2000 NEF Composite Noise Contours
 - Planning District

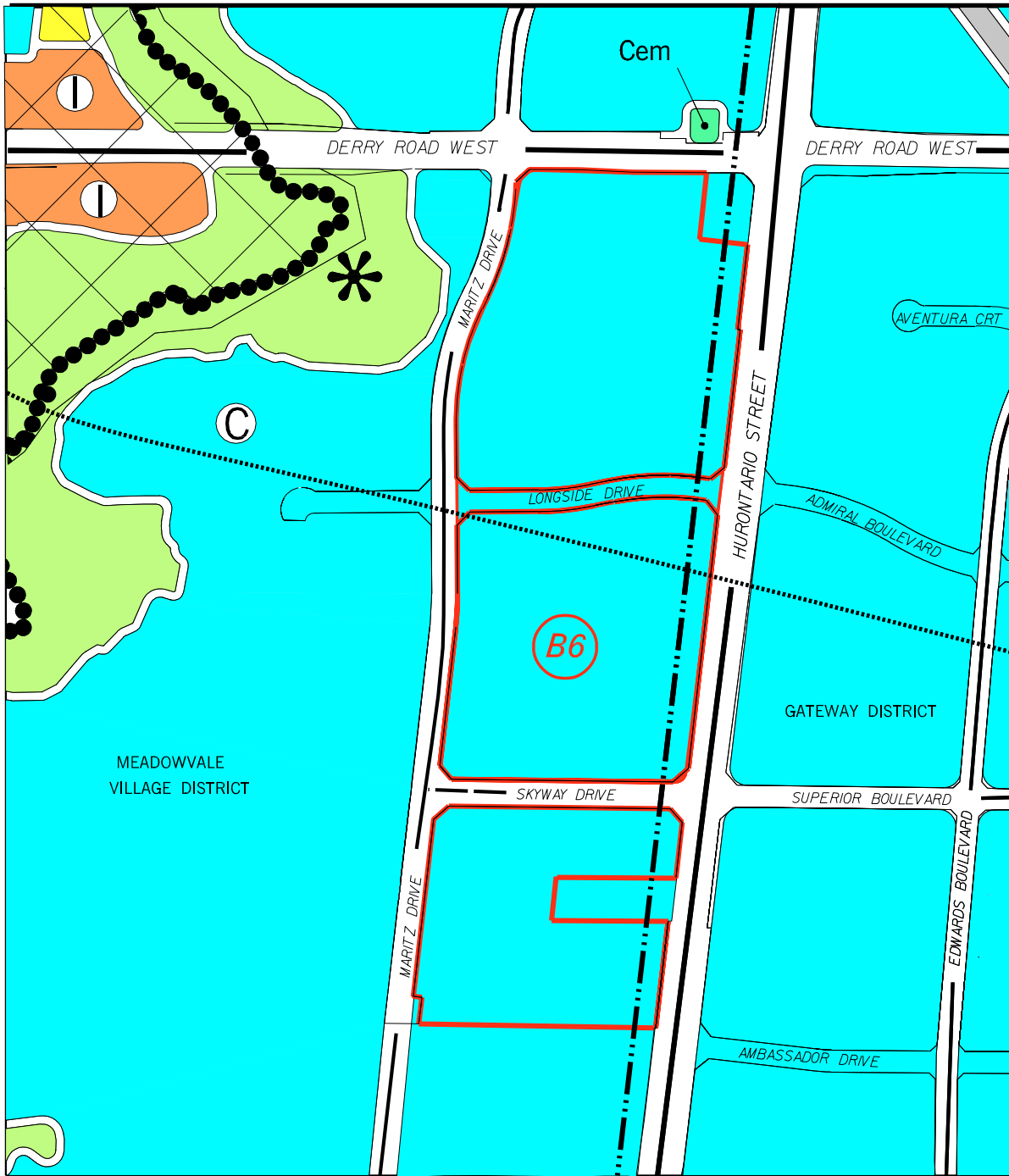
SUBJECT LANDS



SUBJECT: **DERRY-TEN LIMITED**



FILE NO:
OZ 03025 W5
DWG. NO:
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SCALE:
NTS
PDC DATE:
2007 06 25
DRAWN BY:
R.DICOSOLA



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

- LAND USE DESIGNATIONS**

 - Residential – Medium Density I
 - General Commercial
 - Motor Vehicle Commercial
 - Business Employment
 - Open Space
 - Greenbelt
 - Parkway Belt West
 - Utility
- TRANSPORTATION LEGEND**

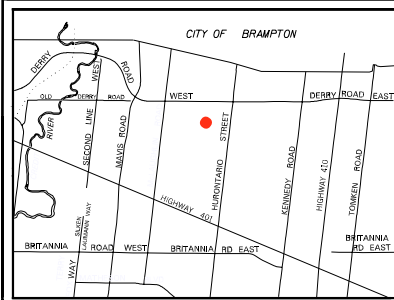
 - Provincial Highway and Interchange
 - Arterial
 - Major Collector
 - Major Collector (Scenic Route)
 - Minor Collector
 - Local Road
 - Major Transit Corridor

- 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

B# *Appealed to the Ontario Municipal Board*

SUBJECT LANDS

SUBJECT: DERRY-TEN LIMITED



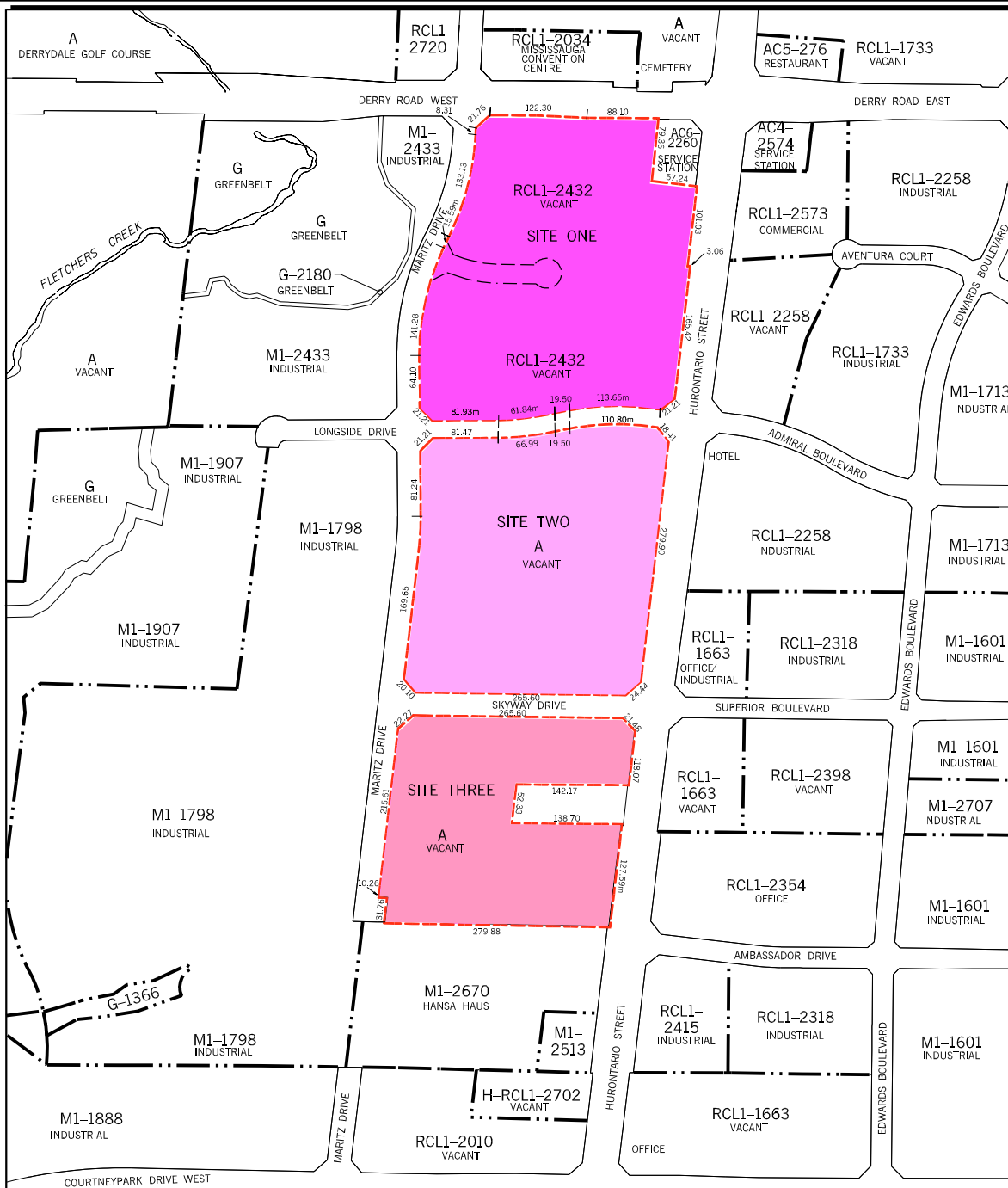
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PDC DATE:
2007 06 25

DRAWN BY:
R.DICOSOLA



LEGEND:



SUBJECT LANDS



PROPOSED OFFICIAL PLAN AMENDMENT TO THE CITY PLAN AND MISSISSAUGA PLAN POLICIES FOR THE GATEWAY DISTRICT BY ADDING A SPECIAL SITE TO PERMIT AN EXPANDED RANGE OF RETAIL AND SERVICE COMMERCIAL USES. PROPOSED REZONING 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.



PROPOSED OFFICIAL PLAN AMENDMENT TO THE CITY PLAN AND MISSISSAUGA PLAN POLICIES FOR THE GATEWAY DISTRICT BY ADDING A SPECIAL SITE TO PERMIT AN EXPANDED RANGE OF RETAIL AND SERVICE COMMERCIAL USES. PROPOSED REZONING 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.



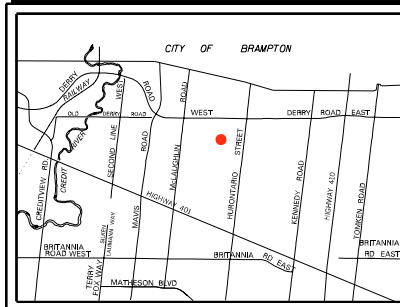
PROPOSED REZONING APPLYING TO SITE THREE FROM "A" (AGRICULTURAL) TO "RCL1-SPECIAL SECTION" (RESTRICTED COMMERCIAL) TO PERMIT A RANGE OF OFFICE, HOTEL, LIMITED COMMERCIAL AND INDUSTRIAL USES.

SHOULD THE NEW ZONING BY-LAW BE PASSED BY COUNCIL, THE APPLICATION WILL NEED TO BE CHANGED TO PROPOSE THAT THE ZONING FOR THE SUBJECT LANDS BE CHANGED FROM "E2-28" (EMPLOYMENT) AND "D" (DEVELOPMENT) TO "C3-SPECIAL SECTION" (GENERAL COMMERCIAL) AND "E2-SPECIAL SECTION" (EMPLOYMENT).



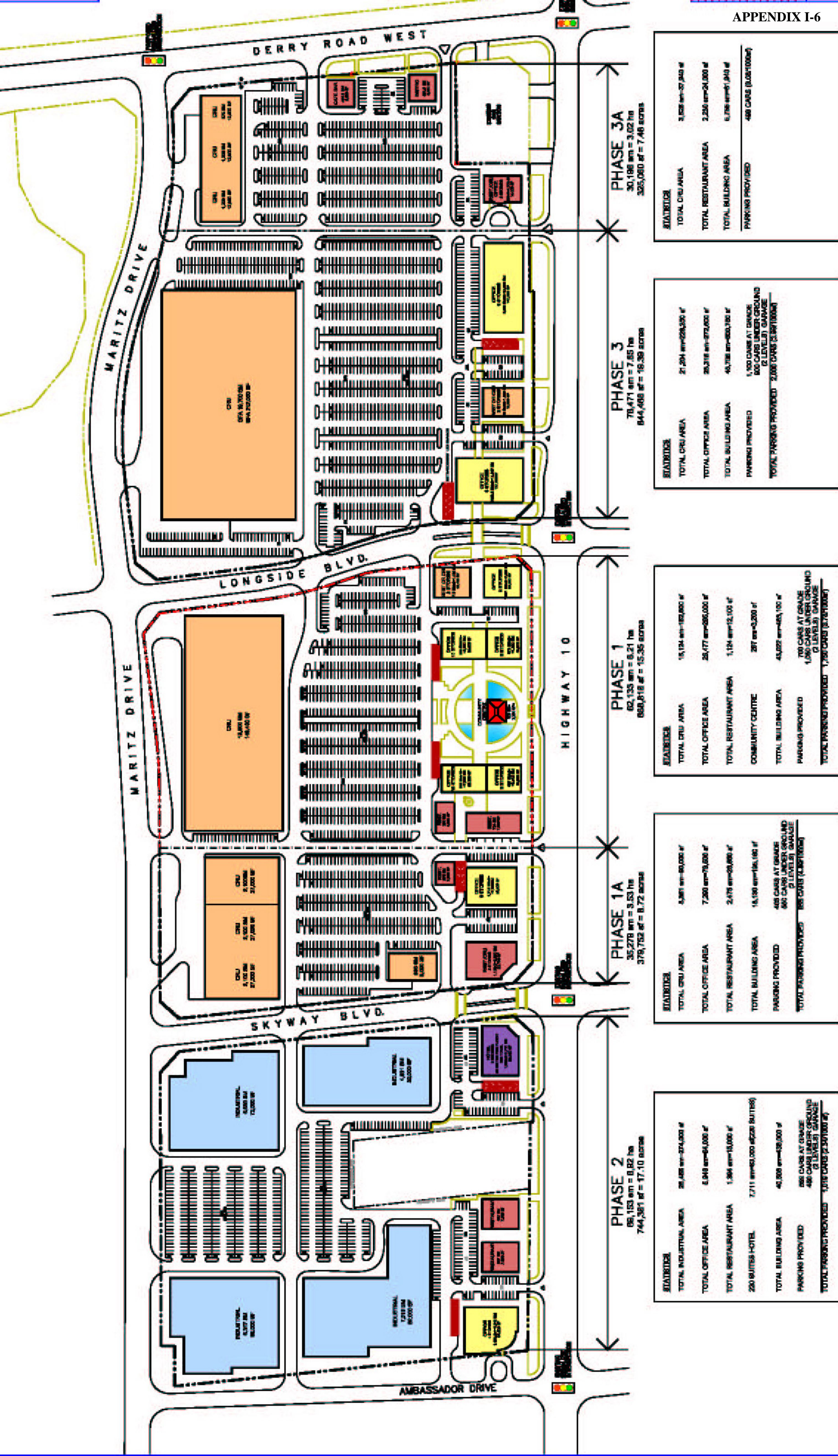
SUBJECT:

DERRY-TEN LIMITED



FILE NO:	OZ 03025 W5
DWG. NO:	03025R
SCALE:	1:7500
PDC DATE:	2007 06 25
DRAWN BY:	R.DICOSOLA

APPENDIX I-5



EXCERPTS FROM SEPT. 5, 2006 PDC

MATTERS CONSIDERED:AFTERNOON SESSION – 1:30 P.M.

1. SUPPLEMENTARY REPORT – 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, OZ 03/025 W5, Ward 5

PLANNING & BUILDING			
RECEIVED			
NOV 08 2006			
Division	Action	Info.	File
Commissioner			
Planning			
Development			
Strat. Plng. & Bus. Services			

Report dated August 15, 2006 from the Commissioner of Planning and Building with respect to an 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, OZ 03/025 W5, Ward 5

RECOMMENDATIONS:

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.

Mayor Hazel McCallion advised that she would like to discuss the above matter in Camera as it was before the Ontario Municipal Board.

Susan Rosales from the Office of Solicitor, Lynn Townsend, stated that Lynn Townsend and her client, Oxford Properties Group and Managers of Square One Shopping Centre, supported the above staff recommendation.

EXCERPTS FROM SEPT. 5, 2006 PDC**- 2 -**

Councillor George Carlson advised that he had been informed by Councillor Eve Adams, Ward Councillor, that in her absence, she wished this matter to be deferred. In this regard, Mayor McCallion advised that there was urgency on dealing with the issue because of OMB time constraints, hence the matter should not be deferred or delayed.

Mayor McCallion stated that she has been advised that Smart Centres who are working on behalf of the Derry –Ten Properties that they intend to withdraw their appeal to the Ontario Municipal Board as it relates to the commercial policies in the Mississauga Plan and will provide the City with a revised development application. Ed Sajecki advised Committee that staff were in receipt of correspondence from Wood Bull, Barristers & Solicitors, with a request to not deal with the above staff recommendation but that their clients intend to file a revised development concept.

With the approval of Committee, Items 2 and 3 were dealt with before Committee went In Camera to discuss the above matter.

When Committee moved out of In Camera, a verbal motion by Councillor Carmen Corbasson to amend the above recommendation by receiving the Report dated August 15, 2006, from the Commissioner of Planning and Building with respect to the Official Plan Amendment and Rezoning applications under File OZ 03/025 W5, Derry-Ten Limited, was voted on and carried. Also, letter dated September 1, 2006 from Wood Bull, Barristers & Solicitors, with regard to a revised development concept for the subject lands, was also received.

AMENDED/RECEIVEDRecommendation PDC-0073-2006 (Councillor Carmen Corbasson)OZ 03/025 W5**SEP. 5, 2006 PDC AS AMENDED/RECEIVED BY COUNCIL, SEP. 13, 2006**

- PDC-0073-2006
1. That the Report dated August 15, 2006, from the Commissioner of Planning and Building with respect to 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 received.
 2. That the letter dated September 1, 2006 from Wood Bull, Barristers & Solicitors, with regard to a revised development concept for the subject lands, be received.

OZ 03/025 W5

Agency Comments

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

Agency / Comment Date	Comment
Greater Toronto Airports Authority (January 17, 2007)	<p>This Agency indicated that the property is subject to Airport Zoning Restrictions and that development elevations on the 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. Acoustic design features should be incorporated in the building design to the satisfaction of the City. Sensitive land uses, including day nurseries and private schools are not permitted.</p>
Region of Peel (March 12, 2007)	<p>This Agency noted that watermains and sanitary sewers currently exist on Maritz Drive, Longside Boulevard and on Skyway Boulevard. The Functional Servicing Report prepared by Counterpoint Engineering Inc. has been reviewed and found to be satisfactory with regards to municipal water and sanitary sewer servicing.</p> <p>In respect to the traffic report, the following has been noted: The right in/out access along Derry Road will be 100% funded by the applicant. However, the Derry Road and Maritz Drive/Mississauga Convention Centre intersection improvements as identified in the 2003 traffic study shall be 80% funded by the applicant. The Region will review the improvement contribution by developer for the Derry Road and Maritz Drive again once a satisfactory traffic study is submitted to the Region. In addition, a functional design and a cost estimate of the road and access works on Derry Road will be required in order to determine the associated cost breakdown. The Region of Peel will require a cash contribution as indicated above for the municipal works on Derry Road. Be advised that actual costs will be charged for all road works at the time of construction.</p>

Agency / Comment Date	Comment
	Prior to approval of these applications, the applicant is required to satisfy the outstanding conditions as noted.
City Community Services Department – Planning, Development and Business Services Division (May 17, 2007)	<p>This Department indicated that the revised development proposal includes a "Community Centre", having a gross floor area of 297 m² (3,200 sq. ft.) and surrounded by public open space, the area of which is not quantified in the supporting material.</p> <p>Additional details regarding the proposed operational arrangement for the "Community Centre" have been requested from the applicant, however, no details have been provided at the time of writing. According to the 2004 <i>Future Directions for Recreation and Parks</i>", there is no requirement for the provision of additional public indoor recreational space within these Employment Lands. Therefore, any community meeting space provided as part of the subject applications would be privately developed and managed.</p> <p>The supporting material provided by the applicant refers to public open space being provided in association with the community facility. If approved and prior to the issuance of building permits, this Department advises that cash-in-lieu for park or other public recreational purposes is required pursuant to the <i>Planning Act</i> and in accordance with City Policies and By-laws.</p> <p>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).</p>
City Community Services Department – Fire and Emergency Services Division (March 13, 2007)	This Department has reviewed the applications from an emergency response perspective and has no concerns. Emergency response time to the site and water supply available are acceptable.
City Transportation and Works Department (March 13, 2007)	<p>This Department indicated that a revised Traffic Impact Study has been received and is currently under review.</p> <p>Notwithstanding the above, the applicant's traffic consultant has been requested to address certain concerns with respect to trip generation and functional design details. In addition, this</p>

Agency / Comment Date	Comment
	<p>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 "Phase 2." This Department also noted that the applicant is to submit a Drainage Plan for review which outlines how the subject lands (specifically "Phase 2") 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.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> - Canada Post - City Development Services - City Economic Development Office - Enbridge Gas Distribution Inc. - Enersource Hydro Mississauga
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> - Bell Canada - City Realty Services - Hydro One Networks Inc. - Ministry of Transportation - Rogers Cable - Union Gas Limited Pipelines

DRAFT

By-Law No. ____
City of Mississauga

A by-law to amend By-law Number 5500, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O., c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

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

1. By-Law Number 5500, as amended, being a City of Mississauga Zoning By-Law (former Town of Mississauga), is amended by adding the following sections:

“yyyy. The lands delineated as "DC -yyyy" on Schedule "B" of this By-Law shall only be used in compliance with the "DC" zone provisions contained in this By-Law, except that:

- (1) the following uses shall also be permitted:

- (a) rental equipment outlet;
- (b) automotive retail store, which may include as accessory thereto an automobile repair garage;
- (c) garden centre;
- (d) retail-warehouse including accessory outdoor sales and display;
- (e) general retail-warehouse;
- (f) department store;
- (g) photo processing;
- (h) community centre, art gallery, public museum; and,

- (i) use accessory to any permitted use, including an outdoor patio area accessory to a restaurant;
- (2) the following use shall not be permitted:
 - (a) food supermarket;
- (3) the provisions of sections 21, 84 and 87 of this By-Law shall not apply;
- (4) for the purposes of this special section, "COMMERCIAL RETAIL UNITS" shall mean units occupied by a single retail tenant, and shall not include units used for restaurants, financial institutions, offices, and service commercial uses, and shall not include ancillary retail uses within a building or structure the primary use of which is for office uses;
- (5) for the purposes of this special section, "SMALL SCALE COMMERCIAL UNITS" shall mean commercial retail units of less than 1,100 m²
- (6) for the purpose of this special section, "NEW FORMAT RETAIL UNITS" shall mean commercial retail units larger than 1,100 m²
- (7) the sum of the gross floor area of all buildings and structures shall not exceed 113,425 m²;
- (8) the gross floor area of all buildings and structures or portions thereof used for commercial retail units shall not exceed 48,214 m²;
- (9) within the gross floor area permitted by subsection (6) of this section, the gross floor area devoted to small scale commercial units shall not exceed 5,239 m², provided however that this restriction shall not apply to commercial retail units operated as a concession within a department store;

(10) New format retail units shall be located no closer than 100 m to the right-of-way of Hurontario Street;

(11) notwithstanding that portion of Schedule "A" to Section 22C identified as "1. PARKING STANDARDS", motor vehicle parking facilities for Community Centre uses shall be provided and maintained on the lands identified as "DC-xxxx" in accordance with the following schedule:

Land Use	Minimum Required Parking Standard
Community Centre	3.2 spaces per 100 m ² GFA

(12) notwithstanding paragraph (b) of subsection (9) of Section 22C, for the purposes of this special section, "MIXED USE DEVELOPMENT" means a combination of any two or more of the uses indicated in the schedule referred to in paragraph (a) of subsection (9) of Section 22C;

(13) notwithstanding that portion of Schedule "A" to Section 22C identified as "1. PARKING STANDARDS" and subsection (9) of this special section, where the use is a mixed use development, parking may be calculated in accordance with the schedule referred to in paragraph (a) of subsection (9) of Section 22C .

2. Adding the following section "zzzz":

zzzz. The lands delineated as "RCL1-zzzz " on Schedule "B" of this By-Law shall only be used in compliance with the "RCL1" zone provisions contained in this By-Law, except that:

- (1) the provisions of clause 108(3)(c), subsection 108(4) and clause 108(5)(c) of this By-Law shall not apply;
- (2) the uses permitted in the M1 zone by subsection 110(1) shall also be permitted, provided however that outdoor storage otherwise permitted in the M1 zone by subsection 110(2) shall not be permitted

- (3) notwithstanding that portion of Schedule "A" to Section 22C identified as "1. PARKING STANDARDS", where the use is a mixed use development, parking may be calculated in accordance with the schedule below:

Proposed Land Use	Percentage of Peak Period (Weekday)			
	Morning	Noon	Afternoon	Evening
Restaurant	20	100	30	100
Office	100	90	95	10
Hotel	70	70	70	100

Proposed Land Use	Percentage of Peak Period (Saturday)			
	Morning	Noon	Afternoon	Evening
Restaurant	20	100	50	100
Office	10	10	10	10
Hotel	70	70	70	100

The initial step in determining the parking for a mixed use development is to calculate the parking requirement for each use contained within the development as if these uses were free-standing uses, in accordance with that portion of Schedule "A" to Section 22C identified as "1. PARKING STANDARDS". The parking requirement for each use is then multiplied by the percent of the peak period for each time period contained in the above scheduled. Each column is totalled for weekdays and Saturdays. The highest figure obtained from all time periods shall become the parking requirement for the mixed use development, and shall be applied to reduce the requirements specified under that portion of Schedule "A" to Section 22C identified as "1. PARKING STANDARDS".

3. Map Number 44E of Schedule "B" to By-Law Number 5500, as amended, is amended by changing thereon:

- a) from "RCL1-2432" and "A" to "DC-yyyy" the zoning of Part of Lots 9 & 10, Concession 1 West of Hurontario Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "DC-yyyy" zoning shall only apply to the lands which are shown on the attached

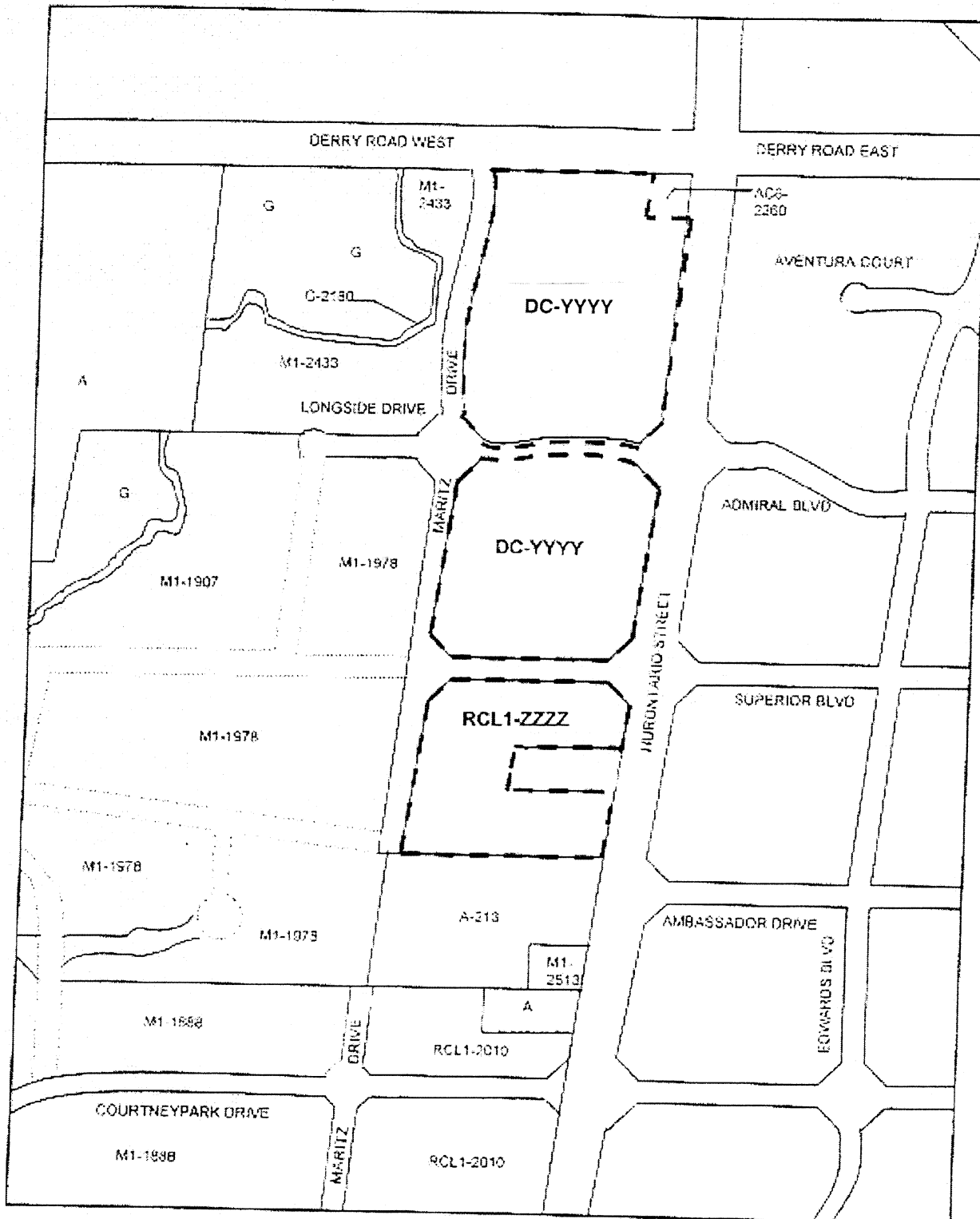
Schedule "A" outlined in the heaviest broken line with the "DC-yyy" zoning indicated thereon;

- b) from "A" to "RCL1-zzzz" the zoning of Part of Lots 9 & 10, Concession 1 West of Hurontario Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "RCL1-zzzz" zoning shall only apply to the lands which are shown on the attached Schedule "A" outlined in the heaviest broken line with the "RCL1-zzzz" zoning indicated thereon.

THIS BY-LAW IS GIVEN ITS FIRST, SECOND AND THIRD READINGS AND FINALLY
PASSED THIS _____ day of _____, 200_

MAYOR

CLERK



PART OF LOTS 9 & 10
CONCESSION 1, W.H.S.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO BY-LAW _____
PASSED BY COUNCIL ON _____

GENERAL CONTEXT MAP

OZ 03/025 W5

APPENDIX I-10

