



Corporate Report

Clerk's Files

Originator's
Files OZ 07/010 W8

DATE: September 11, 2007

TO: Chair and Members of Planning and Development Committee
Meeting Date: October 1, 2007

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit a convenience commercial centre
2185 Erin Mills Parkway
Northeast corner of Erin Mills Parkway and Fowler Drive
Owner: Bowood Properties (2006) Inc. by Agreement of
Purchase and Sale
Applicant: Freeman Planning Solutions Inc.
Bill 51

Public Meeting **Ward 8**

RECOMMENDATION: That the Report dated September 11, 2007, from the Commissioner of Planning and Building regarding the application to amend the Official Plan from "Motor Vehicle Commercial" to "Convenience Commercial" and to change the Zoning from "C5-3" (Motor Vehicle Commercial) to "C1-Exception" (Convenience Commercial) to permit convenience commercial uses under file OZ 07/010 W8, Bowood Properties by Agreement of Purchase and Sale, 2185 Erin Mills Parkway, be received for information.

BACKGROUND: The above-noted applications for a one storey plaza have been circulated for technical comments. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

COMMENTS:

The applicant has not provided information identifying potential tenants at this time. Details of the proposal are as follows:

| Development Proposal | |
|-----------------------------|---|
| Applications submitted: | May 16, 2007 |
| Height: | One storey |
| Lot Coverage: | 31.43 % |
| Landscaped Area: | 25.5 % |
| Gross Floor Area: | 718.5 m ² (7,734.1 sq.ft.) |
| Parking Required: | 31 |
| Parking Provided: | 36 |
| Supporting Documents: | Planning Justification Report Excavation Documentation Program Due Diligence Investigation - Former Petro Canada Property |

| Site Characteristics | |
|-----------------------------|--|
| Frontage: | 33.8 m (110.9 ft.) on Erin Mills Pkwy. 34.9 m (114.5 ft.) on Fowler Drive |
| Depth: | 48.7 m (159.8 ft.) |
| Net Lot Area: | 0.23 ha. (0.65 ac.) |
| Existing Use: | Vacant |

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

Neighbourhood Context

The subject property is located at the northeast corner of Erin Mills Parkway and Fowler Drive just north of the Queen Elizabeth Way in a mixed use node. The lands are in private ownership and do not form part of the Sheridan Mall property. Although vacant, the lands were previously used for a service station and gas bar. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

| | |
|------------|--|
| North: | Sheridan Mall and Tim Hortons restaurant |
| Southeast: | High density residential apartments |
| South: | Gas bar |
| Southwest: | Gas bar |
| West: | Detached dwellings |

Current Mississauga Plan Designation and Policies for the Sheridan District (May 4, 2003)

"Motor Vehicle Commercial" which permits gas bars, service stations, car washes, motor vehicle repairs, accessory convenience commercial uses and drive-through facilities. The applications are not in conformity with the land use designation.

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

Sheridan Node

The subject lands are within the Sheridan Node, as shown on the Sheridan District Land Use Map. The development concept for the Sheridan District encourages additional commercial, entertainment and community uses to be concentrated within the node and on the Sheridan Mall property. New buildings should have a street presence on Erin Mills Parkway.

Urban Design

High quality urban design, landscaping and pedestrian amenity are required within nodes. The policies promote built form oriented to the street with minimal building setbacks to provide for street related activity. Retail uses are encouraged along street frontages with direct access to the public sidewalk. Blank walls should be avoided facing principal street frontages and intersections. Landscaping and planting will be designed to enhance pedestrian realm and accent building entrances.

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.

Proposed Official Plan Designation and Policies

The applicant has requested a **“Convenience Commercial”** designation which permits a range of convenience uses in a development not to exceed 2000 m² (21,528.5 sq. ft.) gross floor area.

The more appropriate land use designation for the site is **“General Commercial”** given the site’s location in a major road and the surrounding built general commercial development.

Existing Zoning

"C5-3" (Motor Vehicle Commercial), which permits a gas bar, motor vehicle service station and motor vehicle repair facility.

Proposed Zoning By-law Amendment

The applicant has requested **“C1-Exception (Convenience Commercial)”**, to permit a range of retail and service commercial restaurant and office uses as outlined below:

- retail store
- restaurant
- take-out restaurant

- veterinary clinic
- animal care establishment
- personal service establishment
- financial institution
- repair establishment
- beverage/food preparation establishment
- medical office
- office
- private club

The more appropriate zone for the site is **“C3”(General Commercial)** which is in keeping with the proposed general commercial land use designation.

The applicant has requested that the minimum separation distance between restaurant and restaurant uses not apply. A convenience restaurant with a drive-through window is not proposed for the subject lands.

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

| | Required Zoning By-law Standard | Proposed Standard |
|--|--|------------------------------|
| Loading | 1 | 0 |
| Minimum Building Setback to Erin Mills Parkway and sightline triangle | 4.5 m (14.8 ft.) | 1.9 m (6.2 ft.) |
| Minimum Building Setback to Fowler Drive | 4.5 m (14.8 ft.) | 3.0 m (9.8 ft.) |
| Landscape Buffer to a streetline | 4.5 m (14.8 ft.) | 1.9 m (6.23 ft.) |

COMMUNITY ISSUES

No community meetings were held. The following comments were received by the Planning and Building Department.

Comment

Concern that the site and sign illumination of the commercial development could emit light into the rear yards of the homes on the west side of Erin Mills Parkway.

Response

An associated site plan application (File SP 07/129 W8) has been submitted and is illustrated in Appendix I-5. A standard site plan condition requires site lighting to be contained on the subject lands and not to infringe on adjacent properties. A pylon sign is not included on the site plan but fascia signs are illustrated on the elevation drawings as illustrated in Appendix I-6. All signs for the commercial proposal will be subject to the provisions of the Sign By-law, as amended, and will be reviewed through a separate application to the Building Division.

Comment

The adjacent commercial property owner raised the following concerns:

- proposal does not meet the intent of the Official Plan policies which directs retail commercial to the existing shopping mall;
- site is too small and the proposal is over-built;
- access is problematic from the street and through the mall;
- overflow parking will occur on the mall property;
- tenants currently in the mall may relocate to the new plaza;
- title for the right-of-access over the mall property is unclear and is open to challenge;
- comprehensive reviews of the Official Plan and new Zoning By-law did not recommend changes;
- owner intends to appeal to the Ontario Municipal Board.

Response

Planning and Building Department staff have arranged a meeting with the adjacent property owner's representative to discuss their concerns. Any outstanding issues that remain unresolved will be addressed in the Supplementary Report.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7. Based on the comments received and the applicable Mississauga Plan policies the following matter will have to be addressed:

Proposed Mississauga Plan Designation and Zoning

At the Development Application Review Committee (DARC) meeting held on August 16, 2006, planning staff indicated that the redesignation of the lands to General Commercial and zoning amendment to “C3” (General Commercial) would be preferred. This approach would be consistent with the abutting commercial lands, Sheridan Mall. The appropriateness of the applicant’s request will be addressed in the Supplementary Report.

Reduced Building and Landscape Setbacks

The applicant has requested reduced building and landscape setbacks along the frontage of Erin Mills Parkway and Fowler Drive. While Mississauga Plan policy generally supports orienting buildings to the street, the Planning and Building Department indicated in the pre-application meeting that a 4.5 m (14.8 ft.) landscape setback was required, exclusive of any restrictions or easements. It is the City’s practice to ensure sufficient area is provided for landscaping to ensure an attractive streetscape.

The application filed did not accommodate the standard landscape setback. The applicant’s planning rationale for not meeting this standard was based on the existing width of the boulevard along Erin Mills Parkway. This boulevard, under the jurisdiction of the Region of Peel, was wide enough to accommodate sufficient landscaping. The applicant has initiated an encroachment agreement with the Region of Peel to permit landscape works on the Region’s ultimate right-of-way after dedication of a road widening. Updated comments for the Region of Peel have indicated that the applicant should not rely on the Region’s lands to fulfill the City’s standard landscape buffer requirements. The Region has not approved the requested landscaping on their lands at this time.

To further consider the request for a reduced setback along Erin Mills Parkway, all approvals required by the Region of Peel to landscape a portion of the Regional right-of-way are to be finalized prior to the preparation of the Supplementary Report. The Planning and Building Department will further review the request for a reduced building and landscape setback once the Regional approvals have been granted. Additional comments will be provided on this matter in the Supplementary Report.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to issues, 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:

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 Sheridan 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

Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Michael Crechiolo, Development Planner

Bowood Properties (2006) Inc.

File: OZ 07/010 W8

Site History

- Up to 1969 - Lands used for agricultural purposes
- 1969 - Service station and gas bar constructed
- 2000 - City Plan designates the subject lands “Automotive Service Commercial”
- 2003 - Mississauga Plan designates the subject lands “Motor Vehicle Commercial”
- 2003 - Service station and gas bar demolished
- 2005 - Site remediation takes place including removal of underground tanks



LEGEND:



SUBJECT LANDS

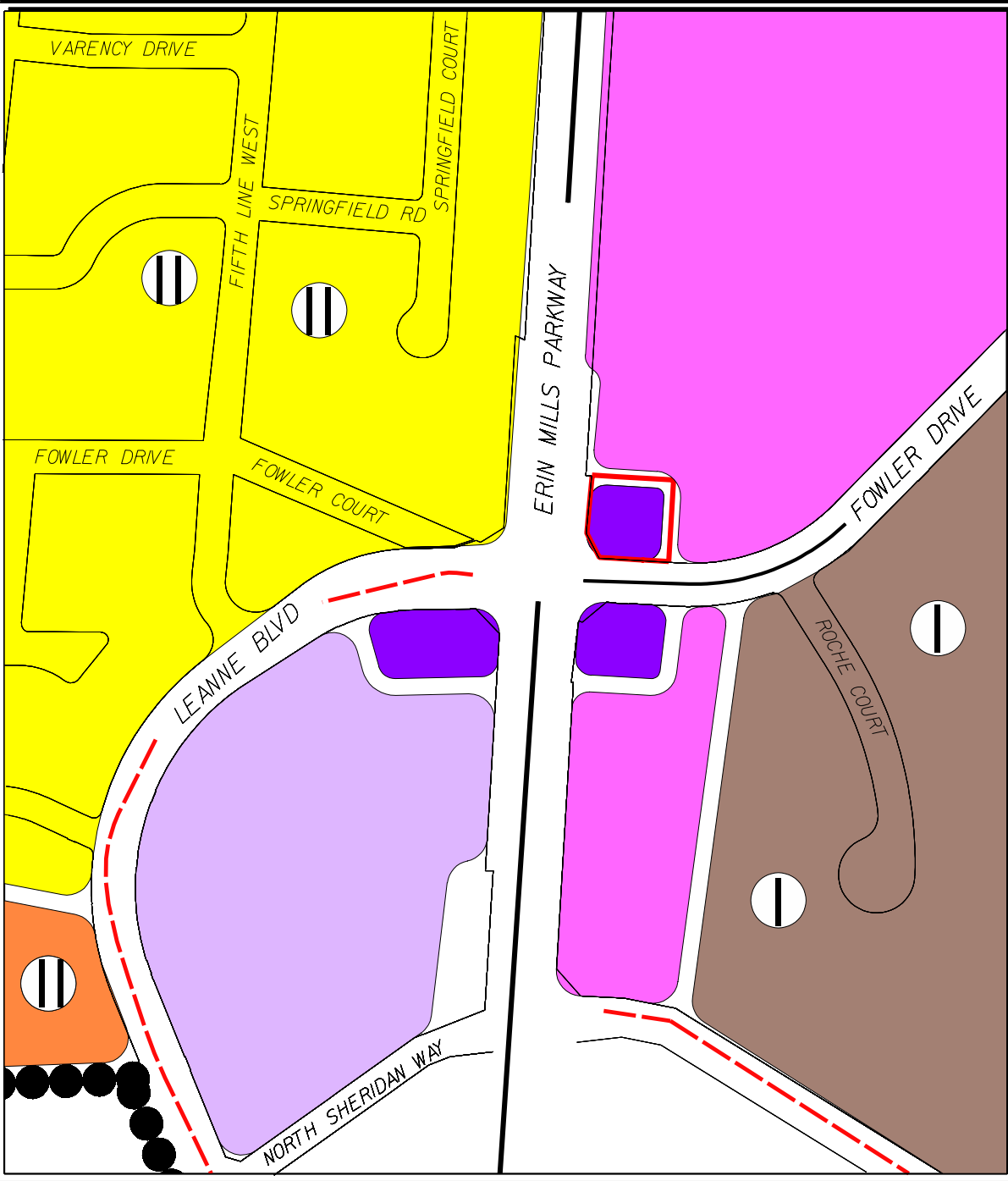
DATE OF AERIAL PHOTO: 2007



SUBJECT: BOXWOOD PROPERTIES (2006) INC.

| | |
|--|---------------------------------|
| | FILE NO: OZ 07/010 W8 |
| | DWG. NO: 07010A |
| | SCALE: NTS |
| | PDC DATE: 2007 10 01 |
| | DRAWN BY: R.DICOSOLA |

APPENDIX I-2



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

LAND USE DESIGNATIONS

- Residential – Low Density I
- Residential – Low Density II
- Residential – Medium Density I
- Residential – Medium Density II
- Residential – High Density I
- Residential – High Density II
- General Commercial
- Convenience Commercial
- Motor Vehicle Commercial
- Office
- Business Employment
- Open Space
- Greenbelt
- Private Open Space
- Utility

TRANSPORTATION LEGEND

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

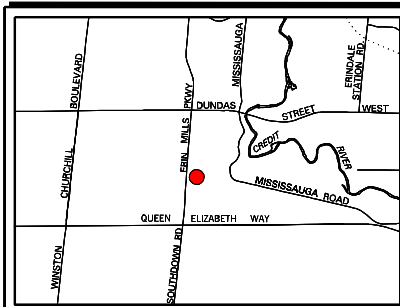
LAND USE LEGEND

- Node Boundary
- Community Park
- Golf Course
- Existing Stormwater Management Facility
- Planning District

SUBJECT LANDS



SUBJECT:
BOXWOOD PROPERTIES (2006) INC.



FILE NO:
OZ 07010 W8

DWG. NO:
07010L

SCALE:
1:5000

PDC DATE:
2007 10 01

DRAWN BY:
R.DICOSOLA

APPENDIX I-3

BY-LAW 0225-2007

LEGEND:



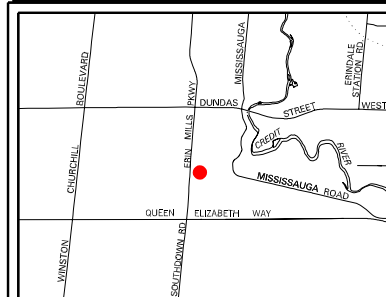
PROPOSED OFFICIAL PLAN AMENDMENT FROM "MOTOR VEHICLE COMMERCIAL" TO "CONVENIENCE COMMERCIAL" AND TO CHANGE THE ZONING "C5-3" (MOTOR VEHICLE COMMERCIAL) TO "C1-EXCEPTION" (CONVENIENCE COMMERCIAL) TO PERMIT CONVENIENCE COMMERCIAL USES.

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



SUBJECT:

BOXWOOD PROPERTIES (2006) INC.



FILE NO:
OZ 07/010 W8

DWG. NO:
07010R

SCALE:
1:2500

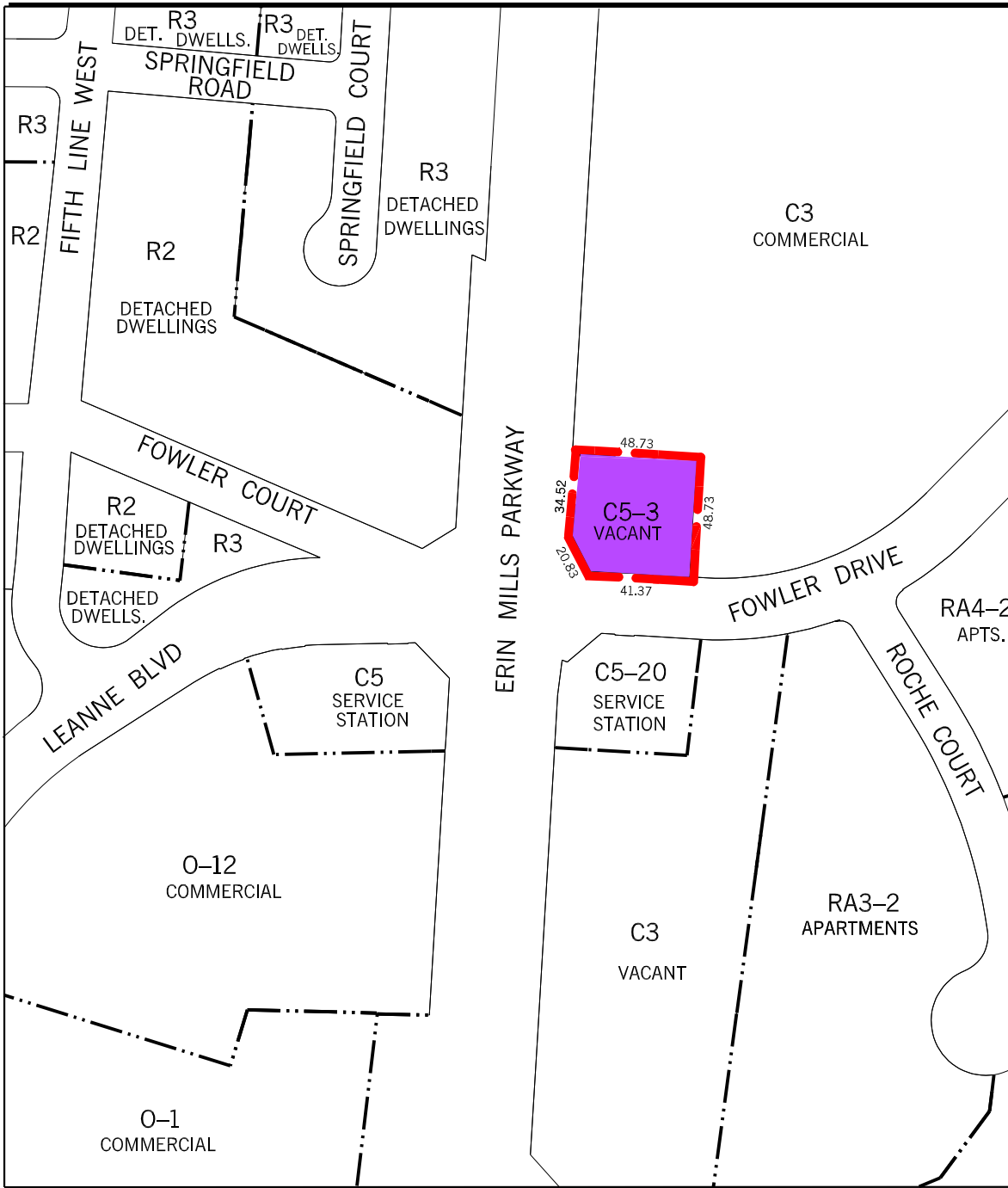
PDC DATE:
2007 10 01


DRAWN BY:
R.DICOSOLA

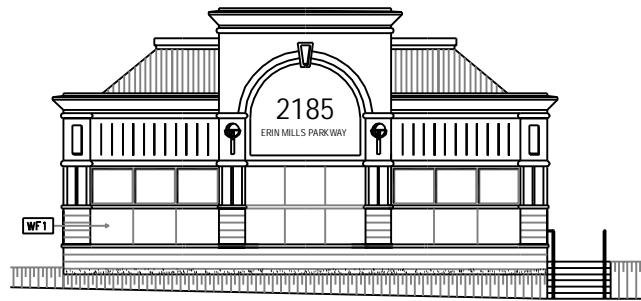
APPENDIX 1-4

MISSISSAUGA
Planning and Building

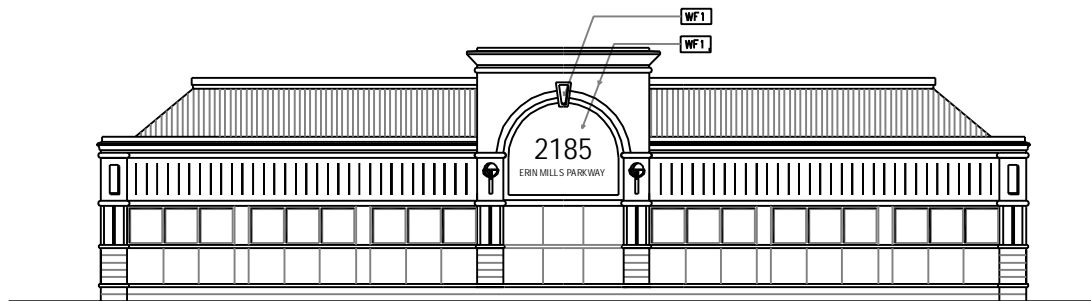
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T&W, Geomatics



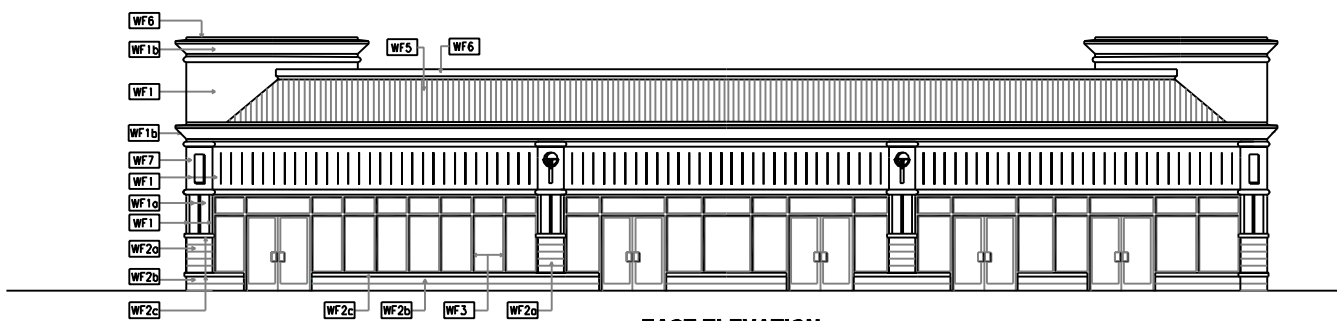
NOTE: PARTS A1 TO A5 SHOWN THUSLY  SHALL BE LANDSCAPED IN CONJUNCTION WITH A PROPOSED ENCROACHMENT AGREEMENT WITH THE REGIONAL MUNICIPALITY OF PEEL.



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

Bowood Properties (2006) Inc.**File: OZ 07/010 W8****Agency Comments**

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

| Agency / Comment Date | Comment |
|---|---|
| Region of Peel (June 29, 2007) | <p>Satisfactory environmental reports have been submitted. The existing Erin Mills Parkway access is to be closed. A detailed engineering submission is required for all access works to be completed within the Region's right-of-way. All costs associated with the access works shall be solely at the expense of the applicant. Prior to final site plan approval, road widening is to be provided to the Region.</p> <p>An encroachment agreement and landscape plan approval is required for works within the Region's right-of-way. Regional Planning staff would not support the inclusion of the landscaped area on the Region's right-of-way towards meeting the City's typical 4.5 m (14.8 ft.) landscape setback requirement. Private on-site waste collection will be required.</p> |
| City Transportation and Works Department (August 17, 2007) | <p>Prior to the Supplementary Report proceeding to Council, the applicant is to provide this department with a Phase 1 Environmental Site Assessment (ESA), including a letter of reliance from the applicant's environmental consultant allowing the City to rely on the findings of the Phase 1 ESA report. In addition, ground water sampling and a letter of reliance will be required for the Due Diligence Investigation report dated August 23, 2005.</p> <p>The applicant will be required to provide legal documentation confirming the mutual right-of-way with the lands to the north. Site specific details are being addressed through the processing of the associated site plan application SP 07/129 W8. Access and servicing to Erin Mills Parkway shall be determined to the satisfaction of the Region of Peel, as this road is under their jurisdiction. Further detailed comments will be provided prior to the Supplementary meeting pending review of the above.</p> |

Bowood Properties (2006) Inc.**File: OZ 07/010 W8**

| | |
|---|---|
| City Community Services Department – Fire and Emergency Services Division (August 14, 2007) | Fire has reviewed the Rezoning /OPA application from an emergency response perspective and has no concerns. Emergency response time to the site and water supply available are acceptable. |
| City Community Services Department – Planning, Development and Business Services Division (June 7, 2007) | Should this application be approved, prior to enactment of the implementing zoning by-law, a cash contribution for street tree planting is required. Further, prior to the issuance of a building permit, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (RSO, 1990, c.P. 13, as amended) and in accordance with the City's Policies and By-laws. |
| Other 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: <ul style="list-style-type: none"> • Bell Canada • Enersource Hydro Mississauga • Canada Post |
| | The following City Departments and external agencies were circulated the applications but provided no comments: <ul style="list-style-type: none"> • Enbridge Pipelines Inc. • Hydro One Networks |

