



# Corporate Report

Clerk's Files

Originator's  
Files OZ 06/024 W7

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**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 gas bar, convenience retail store and accessory**  
**restaurant with patio**  
**3680 Hurontario Street**  
**Southwest corner of Burnhamthorpe Road West**  
**and Hurontario Street**  
**Owner: Erdan Construction Company Limited (leased to**  
**Petro-Canada)**  
**Applicant: Greg Dell, Greg Dell and Associates**  
**Bill 20**

**Public Meeting** **Ward 7**

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**RECOMMENDATION:** That the Report dated September 11, 2007, from the Commissioner of Planning and Building regarding the application to amend the Official Plan from "Mixed Use – Special Site 4" to "Mixed Use – Special Site 4, as amended" and to change the Zoning from "H-CC2-3" (Mixed Use) to "CC2-Special Section" (Mixed Use) to permit a gas bar, convenience retail store and accessory restaurant with a patio under file OZ 06/024 W7, Erdan Construction Company Limited, 3680 Hurontario Street, be received for information.

**BACKGROUND:**

Official Plan Amendment and Rezoning applications have been filed for the subject lands to permit a gas bar, convenience retail store and accessory restaurant with a patio. Petro-Canada is proposing to demolish their existing motor vehicle service garage and gas pumps and to redevelop the site for the proposed uses. The building is proposed to be a new format 'Neighbours' branded store, offering prepared convenience foods such as coffee, sandwiches and bagels, as well as a limited range of grocery items. A new canopy and gas pumps are also proposed. An associated site plan application under file SP 06/244 W7 has been submitted to the City. The site plan and elevation drawings are included in Appendices I-5 and I-6, respectively.

The applications 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:**

Details of the proposal are as follows:

<b>Development Proposal</b>	
Applications submitted:	November 28, 2006 (Deemed complete March 20, 2007)
Existing Gross Floor Area:	358.67 m <sup>2</sup> (3,861 sq. ft.)
Height:	one storey
Lot Coverage:	7.4 %
Floor Space Index:	0.07
Landscaped Area:	14.8 %
Gross Floor Area:	258.83 m <sup>2</sup> (2,786 sq. ft.)
Parking Required:	14 spaces (calculated at a rate of 5.4 spaces per 100 m <sup>2</sup> [1,076 sq. ft.] of gross leasable area)
Parking Provided:	13 spaces

<b>Development Proposal</b>	
Supporting Documents:	<ul style="list-style-type: none"><li>• Planning Justification Report and Addendum dated November 14, 2006 and January 10, 2007 (Beacon Planning Services)</li><li>• Urban Design Study dated March 16, 2007 (Stephen Popovich Associates Inc.)</li><li>• Phase I Environmental Site Assessment dated February 16, 2007 (Jacques Whitford Consultants)</li></ul>

<b>Site Characteristics</b>	
Frontage:	48.62 m (159 ft.) – Hurontario Street 56.64 m (186 ft.) – Burnhamthorpe Road West
Depth:	62.63 m (205 ft.) from Hurontario Street
Gross Lot Area:	0.3473 ha (0.85 ac.)
Net Lot Area:	To be determined
Existing Use:	Motor vehicle service station with associated gas pumps

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

### **Neighbourhood Context**

The subject property is located at the southwest corner of Burnhamthorpe Road West and Hurontario Street, the City Centre District's most prominent intersection. This area contains a mix of high density residential, office, retail and service commercial uses and is currently experiencing significant infill development. Since 1970, a motor vehicle service station with associated gas pumps has operated on the subject property. Further information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: Surface and structured parking, office, retail and service commercial uses (Square One Shopping Centre). To the northeast, the development of 5 apartment buildings by Fernbrook Homes (2 existing, 1 under construction and 2 proposed, including the “Marilyn Monroe” tower)
- East: Residential apartment buildings
- South: Hotel (Novotel), office and residential apartment buildings
- West: Offices, retail and service commercial uses

**Current Mississauga Plan Designation and Policies for City Centre District (May 5, 2003)**

**"Mixed Use – Special Site 4"** which permits the following:

- all forms of high density residential development;
- offices;
- civic/cultural facilities;
- community and recreational facilities;
- hotel and conference facilities;
- restaurants;
- entertainment facilities;
- commercial uses, except:
  - those with a drive through facility;
  - motor vehicle sales;
  - motor vehicle commercial uses;
  - motor vehicle body repair uses;
  - motor vehicle wrecking;
  - truck washes.

Commercial uses, including restaurants, will be limited to a maximum of 20% of the total gross floor area (GFA).

The Special Site 4 provisions are intended to recognize the existing land use. Notwithstanding the “Mixed Use” designation, the provisions permit a motor vehicle service station on the subject lands.

The applications are not in conformity with the land use designation, as the proposed uses are inconsistent with the “Mixed Use” permissions. Removal of the existing service station while proposing other motor vehicle commercial uses on the property is not permitted within Special Site 4 provisions of the District Plan.

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

#### General Urban Design Policies (Section 3.15)

Relevant general urban design policies contained in Mississauga Plan include the following:

- the most prominent, most intensive and highest built form should be encouraged in the City Centre District;
- special attention should be given to major intersections to create a sense of enclosure and identity, as well as heightened architectural interest. Enclosure means having built form along the street edge to a height appropriate to the context of the intersection;
- high quality prestigious development should be located at points of entry to provide distinctive gateways for communities.

#### City Centre Development and Design Policies (Sections 4.6.2 and 4.6.3)

A range of development and design objectives for lands within the City Centre District apply to the subject site, including:

- promotion of the highest standard of urban design in both the public and private realm;
- recognize entries into special areas by encouraging gateway treatments such as taller, more prominent buildings located close to the street, distinctive landscape and streetscape treatments, distinctive character areas and skyline elements;
- built form as the most dominant visual element on the public street;

- encourage street-related development, with particular attention to pedestrian access and amenities.

#### Character Areas (Section 4.6.3.3)

The subject lands are located within the Burnhamthorpe Road Corridor and Hurontario Street Corridor Character Areas, which outline the design vision for these major streets. Relevant policies include the following:

- buildings that will project a high profile, distinctive and prestigious image;
- urban development at main intersections, with buildings located close to the streetline;
- visually interesting and active building walls;
- higher buildings close to Hurontario Street;
- a quality, pedestrian scaled street. This is to be achieved through a defined building base and street edge condition;
- pedestrian linkages to public sidewalks and intersections;
- principal entry doors oriented to the street;
- dramatic and extensive landscaping.

#### Residential Intensification (Section 3.2.4)

The subject property is located within the City's Urban Growth Centre, which is to be the focus of intensification. Relevant policies include the following:

- minimum gross density of 200 residents and jobs combined per hectare;
- minimum building height of 3 storeys is required on lands designated "Mixed Use". Where the right-of-way width exceeds 20 m (66 ft.), a greater building height may be required to achieve appropriate street enclosure.

#### Criteria for Site Specific Official Plan Amendments (Section 5.3.2)

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.

The Ontario Municipal Board approved Official Plan Amendment 25 with the exception of site specific appeals. The appeals do not impact the current applications for the subject property.

### **Proposed Official Plan Designation and Policies**

**“Mixed Use – Special Site 4, as amended”** to permit a gas bar, convenience retail store and accessory restaurant with a patio in addition to other uses permitted under the “Mixed Use” designation.

### **Existing Zoning**

**"H-CC2-3" (Mixed Use)**, is a Holding Zone under By-law 0225-2007 which permits all lawfully existing uses on the day this By-law comes into force. Upon removal of the “H” symbol, the “CC2-3” zone permits the following:

- offices, including medical offices;
- apartment dwellings;
- long-term care and retirement dwellings;
- overnight accommodation;
- banquet halls;
- conference centres;
- convention centres;
- university/colleges and commercial schools;
- hospitals;
- active and passive recreational uses;
- centre for the performing arts;

- parking lots and parking structures;
- motor vehicle service station;
- the following uses accessory to offices, apartment dwellings, long-term care/retirement dwellings, overnight accommodation, banquet halls/conference centres/convention centres, and centres for the performing arts:
  - financial institutions;
  - personal service establishments;
  - repair establishments;
  - recreational establishments;
  - restaurants and take-out restaurants, which may include outdoor patios;
  - retail store;
  - entertainment establishment;
  - motor vehicle rental facility.

### **Proposed Zoning By-law Amendment**

The applicant has requested that the lands be rezoned to the following:

**"CC2-Special Section" (Mixed Use)**, to permit a gas bar, convenience retail store and accessory restaurant with a patio. As part of the rezoning, the applicant is proposing that development standards consistent with the submitted site plan be incorporated into the zoning by-law. These standards are summarized below:

	<b>Required Zoning By-law Standard (By-law 0225-2007)</b>	<b>Proposed Standard</b>
Parking	5.4 spaces per 100 m <sup>2</sup> (1,076 sq. ft.) of gross leasable area (14 spaces)	13 spaces (applicant has advised that site plan will be revised to depict 14 spaces)
Loading	1	1



	<b>Required Zoning By-law Standard (By-law 5500)</b>	<b>Proposed Standard</b>
Min. Landscaped Open Space	n/a	14.8 %
Minimum Front Yard Setback	0.0 m – 7.6 m (25 ft.) build-to area abutting Hurontario Street	4.5 m (15 ft.) abutting Hurontario Street
Minimum Rear Yard Setback	n/a	44.7 m (147 ft.)
Minimum Side Yard Setback	0.0 m – 7.6 m (25 ft.) build-to area abutting Burnhamthorpe Road West	12.3 m (40 ft.) abutting existing Burnhamthorpe Road West right-of-way
Convenience Retail Store standards	<ul style="list-style-type: none"> <li>• max. size - 300 m<sup>2</sup> (3,229 sq. ft.) GFA</li> <li>• max. size of take-out restaurant – greater of 30 m<sup>2</sup> (323 sq. ft.) or 10% of GFA</li> <li>• no seating and no patio (see “Convenience Retail and Service Kiosk” definition)</li> </ul>	<ul style="list-style-type: none"> <li>• max. size – 259 m<sup>2</sup> (2,788 sq. ft.) GFA</li> <li>• max. size of restaurant – approx. 45 m<sup>2</sup> (484 sq. ft.)</li> <li>• permit interior seating and outdoor patio</li> </ul>

## 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. Based on the comments received and the applicable Mississauga Plan policies the following matters will have to be addressed prior to the Supplementary Report:

- **Appropriateness of the proposed uses.** Staff have concerns related to the appropriateness of the proposed uses given the context of the area and the relevant Mississauga Plan policies. Staff have met with the applicants on a couple of occasions to outline the concerns with the proposed use. The City's vision for the City Centre and more specifically the Hurontario Street and Burnhamthorpe Road intersection has been described to the applicant. In addition, City staff have suggested that they would work with the applicant to find other more appropriate sites within City Centre for their proposed use. The applicant has advised that they are not interested in other sites and feel their proposal is valid. The applicant's Planning Justification Report is to be revised to address the criteria for site specific Official Plan Amendments under Section 5.3.2 of Mississauga Plan to demonstrate the appropriateness of the proposal;
- **Building and site design issues.** The applicant has not adequately demonstrated how the proposal achieves the urban design principles outlined in Mississauga Plan, particularly those related to securing high profile, distinctive and prestigious buildings at important intersections;
- **Road widening.** As depicted in Appendix I-5, the required Burnhamthorpe Road West road widening will have a significant impact on the proposal. This widening will facilitate the continuation of the Burnhamthorpe Enhanced Boulevard along the south side of Burnhamthorpe Road West, from Confederation Parkway to the Cooksville Creek east of Hurontario Street. The viability of the proposed redevelopment and any potential redesign must be evaluated in light of both the required road widening and required sight triangle;
- **Additional technical studies.** A Noise Report and a Phase II Environmental Site Assessment are required to be submitted to the City for review.

## **OTHER INFORMATION**

### **Development Requirements**

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to boulevard improvements/reinstatement, sidewalk and/or utility relocations and road improvements 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 the applications.

**ATTACHMENTS:**

- Appendix I-1 - Site History
- Appendix I-2 - Aerial Photograph
- Appendix I-3 - Excerpt of City Centre District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map  
(By-law 0225-2007)
- Appendix I-5 - Concept Plan
- Appendix I-6 - Elevations
- Appendix I-7 - Agency Comments
- Appendix I-8 – General Context Map (By-Law 0225-2007)

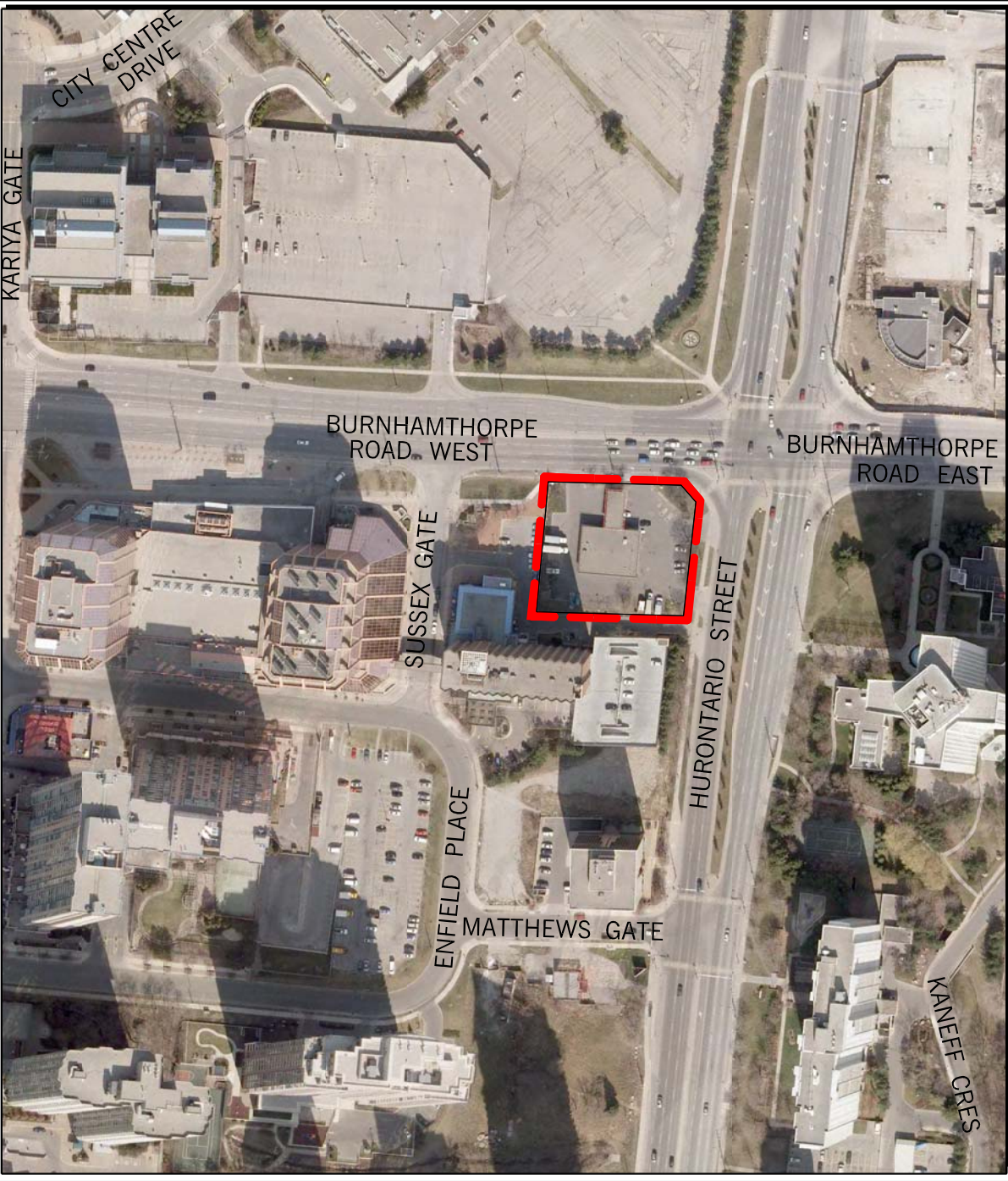
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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Ben Phillips, Development Planner*

**Erdan Construction Company Limited****File: OZ 06/024 W7****Site History**

- 1966 – Property acquired by Erdan Construction Company Limited;
- 1968 – 20 year lease secured by British American Oil Company Limited;
- 1970 – Four bay service station operated by British American Oil Company Limited opened;
- 1978 – Head lease transferred to Gulf Petroleum;
- 1988 – Head lease transferred to Petro-Canada and renewed for a further 20 year term;
- October 28, 1988 – Official Plan Amendment and Zoning By-law Amendment applications submitted under file OZ 106/88E to permit an office building with retail uses at grade on the subject lands;
- January 24, 1990 – A site plan application under file SP 15/90(E) submitted for a 9 storey office building with grade related retail on the subject lands. A gross floor area of 10 338 m<sup>2</sup> (111,281 sq. ft.) is proposed with three levels of on-site underground parking, yielding 260 parking spaces. The plan incorporates the widening of Burnhamthorpe Road West and an associated sight triangle, for a net site area of 0.274 ha (0.677 ac.);
- December 21, 1993 – Official Plan Amendment, Zoning By-law Amendment and Site Plan Applications for the 9 storey office building closed due to inactivity;
- February 14, 2001 – City Centre District Policies and District Land Use Map of City Plan are approved by the City, designating the subject lands “Mixed Use – Special Site 1”;
- May 5, 2003 – City Centre District Policies and District Land Use Map approved by the Region of Peel, designating the subject lands “Mixed Use – Special Site 4”;
- 2005 – Lease renewed by Petro-Canada for a further 20 year term.



**LEGEND:**



**SUBJECT LANDS**

**DATE OF AERIAL PHOTO: 2007**



**SUBJECT:**  
**ERDAN CONSTRUCTION COMPANY LIMITED**  
**(PETRO-CANADA STATION)**



**FILE NO:**  
**OZ 06024 W7**

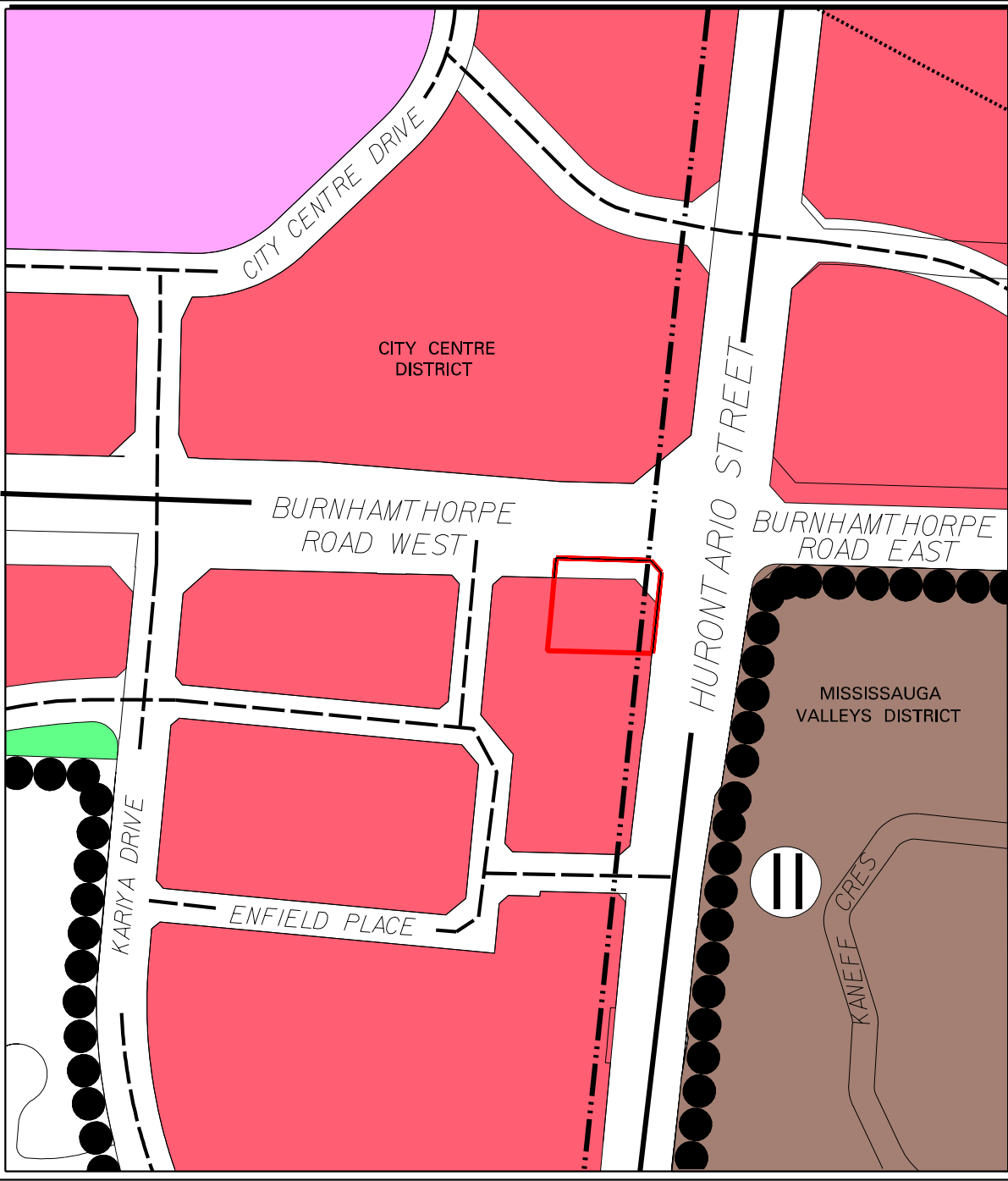
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**DRAWN BY:**  
**R.DICOSOLA**

**APPENDIX I-2**














**PART OF CITY CENTRE DISTRICT LAND USE MAP  
CITY CENTRE DISTRICT POLICIES OF MISSISSAUGA PLAN**

**LAND USE DESIGNATIONS**

-  Mixed Use
-  Retail Core Commercial
-  Open Space
-  Greenbelt
-  Parkway Belt West
-  Residential- High Density II

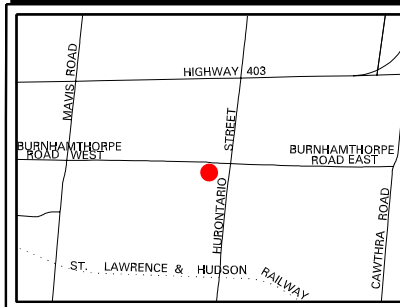
**TRANSPORTATION LEGEND**

-  Provincial Highway and Interchange
-  Arterial
-  Major Collector
-  Minor Collector
-  Local Road
-  Transitway Station
-  Transitway
-  Major Transit Corridor
-  Proposed Grade Separation
-  1996 NEP / 2000 NEF Composite Noise Contours
-  Planning District

 **SUBJECT LANDS**



**SUBJECT:**  
**ERDAN CONSTRUCTION COMPANY LIMITED  
(PETRO-CANADA STATION)**



**FILE NO:**  
**OZ 06024 W7**

**DWG. NO:**  
**06024L**

**SCALE:**  
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**PDC DATE:**  
**2007 10 01**

**DRAWN BY:**  
**R.DICOSOLA**

**APPENDIX I-3**

LEGEND:



PROPOSED OFFICIAL PLAN AMENDMENT FROM "MIXED USE-SPECIAL SITE 4" TO "MIXED USE-SPECIAL SITE 4, AS AMENDED" AND PROPOSED REZONING FROM "H-C2-3" TO "C2-SPECIAL SECTION" TO PERMIT A GAS BAR, CONVENIENCE RETAIL STORE AND ACCESSORY RESTAURANT WITH A PATIO.

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



SUBJECT:

ERDAN CONSTRUCTION COMPANY LIMITED  
(PETRO-CANADA STATION)



FILE NO:  
OZ 06024 W7

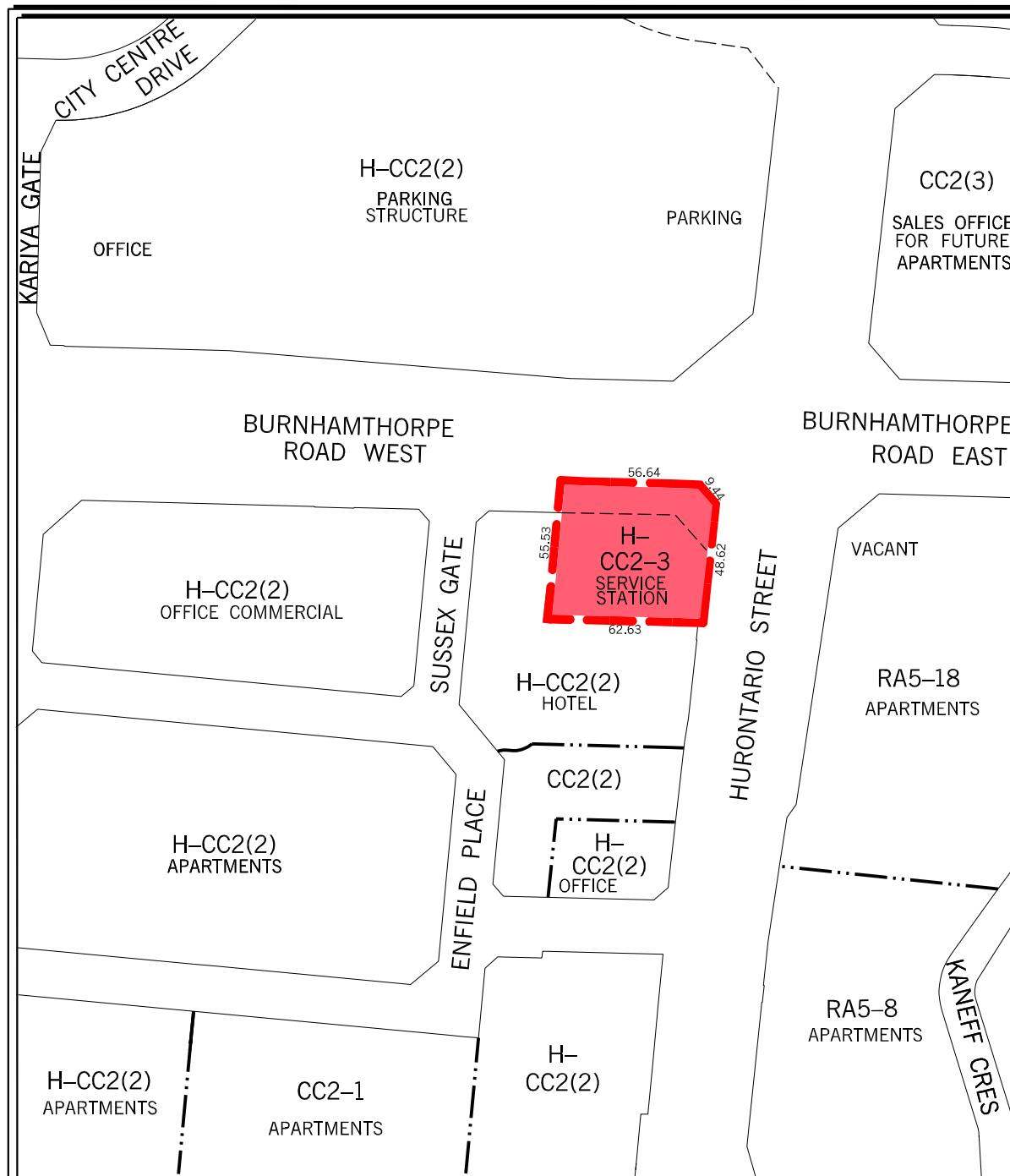
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R.DICOSOLA

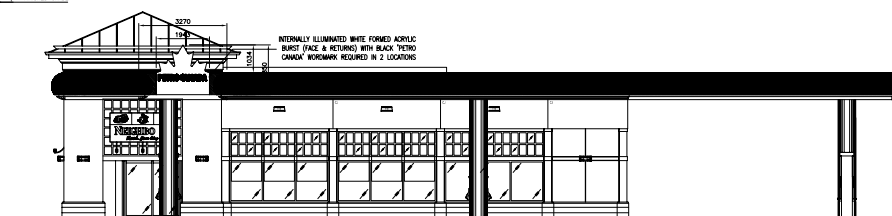
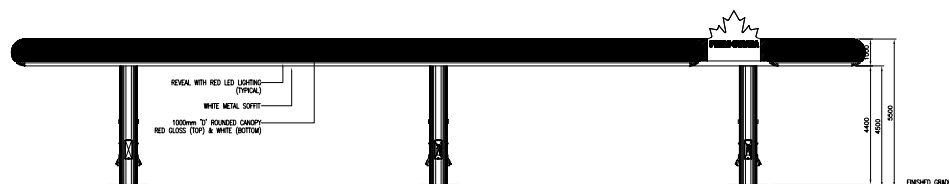
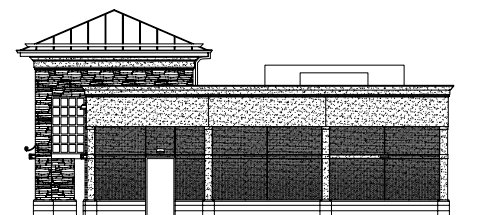
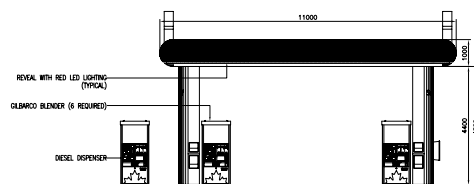
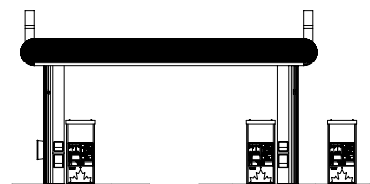
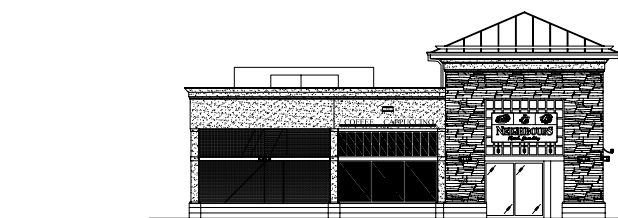
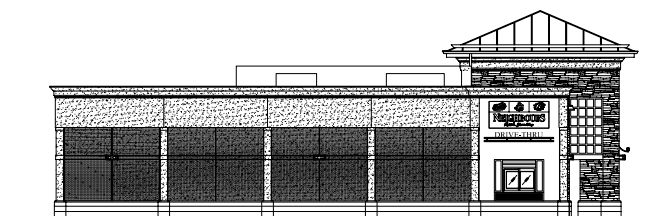
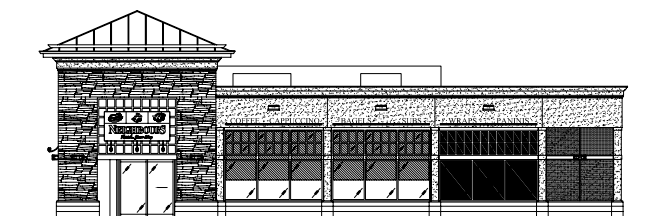
APPENDIX 1-4











**Erdan Construction Company Limited****File: OZ 06/024 W7****Agency Comments**

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

<b>Agency / Comment Date</b>	<b>Comment</b>
Region of Peel (April 16, 2007)	<p>The Region of Peel indicated that it has no objection to this application to amend the Zoning By-law and Official Plan. An amendment to the Regional Official Plan is not required.</p> <p>The applicant is advised that it may be possible to utilize existing municipal water and sanitary sewer site services. An existing 300mm (12 inch) diameter watermain is located on Hurontario Street. An existing 525mm (21 inch) diameter sanitary sewer is located west of the subject property, from Burnhamthorpe Road West.</p> <p>The subject land is not located within the vicinity of a landfill site.</p> <p>The applicant is advised that existing waste collection services can be utilized.</p>
City Community Services Department – Planning, Development and Business Services Division (August 22, 2007)	<p>This Department indicated that the applicant will be required to enter into the appropriate agreements for the provision of upgraded boulevard streetscape works along Burnhamthorpe Road West and Hurontario Street, in accordance with the requirements for City Centre.</p> <p>If approved, and 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.</p>
City Community Services Department – Fire and Emergency Services Division (August 23, 2007)	<p>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.</p>
City Transportation and Works Department (August 24, 2007)	<p>The applicant is to submit a Noise Report and a Phase II Environmental Site Assessment (ESA) for review. It was further indicated that the proposed site plan is to be revised to illustrate the required road widening along Burnhamthorpe Road West (37.5 m from centreline - approximately 15 m</p>

**Erdan Construction Company Limited****File: OZ 06/024 W7**

Agency / Comment Date	Comment
	<p>wide) and the revised 15 m x 15 m (49 ft. x 49 ft.) sight triangle on the northeast corner of the subject site.</p> <p>Comments on the above will be finalized prior to the preparation of a Supplementary Report.</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> <p>City Economic Development Office  Enersource Hydro Mississauga  Rogers Cable  Canada Post  Enbridge Gas</p>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Corporate Services Department – Realty Services Division</p>

