

Originator's

Files OZ 06/014 W4

DATE: October 14, 2008

TO: Chair and Members of Planning and Development Committee

Meeting Date: November 3, 2008

FROM: Edward R. Sajecki

Commissioner of Planning and Building

SUBJECT: Information Report

Official Plan Amendment and Rezoning Applications To permit Neighbourhood Commercial Uses in a

One (1) Storey Building 3100 Cawthra Road

Southwest corner of Cawthra Road and Silver Creek Boulevard

Owner: Febau (Canada) Limited Applicant: David Brown Associates

Bill 20

Public Meeting Ward 4

RECOMMENDATION: That the Report dated October 14, 2008, from the Commissioner of

Planning and Building regarding the applications to amend the Official Plan from "Motor Vehicle Commercial" to "General Commercial" and to change the zoning from "C5-3" (Motor Vehicle Commercial) to "C2 - Exception" (Neighbourhood Commercial) to permit neighbourhood commercial uses in a proposed one (1) storey building under file OZ 06/014 W4, Febau

(Canada) Limited, 3100 Cawthra Road, be received for

information.

BACKGROUND: An Official Plan Amendment and Rezoning application have been

filed to permit commercial uses in a proposed one (1) storey building. The purpose of this report is to provide preliminary information on the above-noted application and to seek comments from the community.

COMMENTS:

Details of the proposal are as follows:

Development Proposal		
Application	July 7, 2006	
submitted:		
Gross Floor	944 m ² (10,161 sq. ft.)	
Area:		
Height:	1 storey	
Lot Coverage:	27.66%	
Floor Space	0.2766	
Index:		
Landscaped	32.69%	
Area:		
Parking	41 spaces (estimated)	
Required:	Retail Centre - less than 2 000 m ²	
	(21,528.5 sq.ft.)	
	(4.3 per 100 m ² (1,076.4 sq.ft.) GFA -	
	non-residential)	
Parking	50 spaces	
Provided:		
Supporting	Planning Justification Report	
Documents:	Phase I and Phase II Environmental Site	
	Assessment	
	Site Clean-up Report	

Site Characteristics	
Frontage:	46.34 m (152 ft.) Cawthra Road
Depth:	58.82 m (193 ft.)
Gross Lot Area:	0.3413 ha (0.84 ac.)
Existing Use:	Vacant
	(previously automobile service station)

Green Development Initiatives

There have been no green development initiatives identified by the applicant at this time.

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

Neighbourhood Context

The subject property is located at the southwest corner of Cawthra Road and Silver Creek Boulevard. The subject lands were previously occupied by an automobile service station until 2001, at which time the building was demolished and the site was decommissioned and remediated. The site is currently vacant and all previous access points have been blocked off with concrete barricades.

Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North: Semi-detached dwellings are located on the north side of Silver Creek Boulevard.

East: Detached dwellings, a small apartment, cemetery and place of religious assembly are located on the east side of Cawthra Road.

South: A commercial plaza immediately abuts the property, with a high rise apartment and the Dundas Street ramp located further south.

West: Cherry Hill House and a commercial plaza, with townhouse dwellings and a park located further west.

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

"Motor Vehicle Commercial" which permits only:

- gas bars and service stations;
- car washes;
- establishments for minor motor vehicle repairs; and,
- commercial uses of a convenience nature, including an accessory take-out restaurant which may include a drivethrough facility in conjunction with other motor vehicle commercial uses

The proposal is not in conformity with the "Motor Vehicle Commercial" land use designation and as a result, the application is seeking an amendment to a "General Commercial" designation.

There are urban design and environmental policies which also apply in the review of these applications. A list of these policies has been included in Appendix I-8.

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

An amendment is proposed to redesignate the subject property "General Commercial" to permit a neighbourhood commercial development that will also match the designation of the adjacent commercial plaza.

Existing Zoning

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

Proposed Zoning By-law Amendment

The applicant has requested that the lands be rezoned to "C2 - Exception" (Neighbourhood Commercial) to permit uses as typically permitted in a Neighbourhood Commercial Zone (see Appendix I-9).

The applicant has not requested relief from the Zoning By-law provision requiring a 60.0 m (197 ft.) separation distance between a restaurant and a Residential Zone.

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

	Required Zoning	Proposed Standard
	By-law Standard	
Loading Space	1 space	0 spaces
Minimum Front	4.5 m (14.76 ft.)	7.5 m (24.60 ft.)
Yard		
Minimum Exterior	4.5 m (14.76 ft.)	7.5 m (24.60 ft.)
Side Yard		

All other zoning requirements will be in accordance with the standards for the "C2" (Neighbourhood Commercial) zone.

COMMUNITY ISSUES

A community meeting was held by Ward 4, Councillor Frank Dale on September 18, 2008. The following is a summary of the issues raised by the community:

Comment

Residents were concerned by the condition of the existing retail plaza which abuts and surrounds the subject site (south and west), under the same ownership. Cleanliness, litter, garbage, vacant stores and a general state of disrepair were clear concerns of area residents.

Response

The City's Enforcement Division inspect sites upon receipt of complaints to ensure compliance with the Property Standards By-law. Sites that do not meet the Property Standards By-law are issued an order to comply. If deficiencies are not corrected, there is an option to pursue resolution through the courts.

Councillor Dale requested that the owners clean up the existing retail plaza on the abutting lands.

Comment

Residents suggested that a well-kept food/grocery store would be welcomed by the community.

Response

The proposed C2 - Exception Zone would permit a food/grocery store on the subject lands. The C2 zone on the abutting retail plaza already permits a food/grocery store.

The applicant advised that they would like to attract a grocery store but the current market conditions are not amenable.

Comment

Residents inquired about the proposed garbage and loading facilities on the site.

Response

The applicant stated that the nature of the commercial uses locating within the proposed building would not require a dedicated loading space. They have requested that the loading space requirement be deleted as part of their Rezoning application.

The building elevations submitted to the City are conceptual only. Upon review of a site plan application, design issues such as upgraded elevations along public streets and screening of garbage and/or loading areas will be reviewed.

Comment

Concerns were raised regarding traffic congestion and safety at the intersection of Cawthra Road and Silver Creek Boulevard.

Response

Cawthra Road is a Regional Road. Although the Region of Peel had not requested a Traffic Study for this proposal, staff contacted the Region following this meeting to advise them about the residents' traffic concerns along Cawthra Road. The Region has now requested a Traffic Study.

It should be noted that no direct vehicular access points will be permitted for the subject lands. Therefore, access will be provided through the existing access points to Silver Creek Boulevard or Lolita Gardens on the adjacent lands.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7. Based on the comments received the following matters will have to be addressed:

- A view corridor is to be provided from Cawthra Road to the heritage designated property at 680 Silver Creek Boulevard (Cherry Hill House).
- A shared access with the adjacent lands is required as no direct vehicular access is to be permitted to Silver Creek Boulevard or Cawthra Road. A 0.3 m (1ft.) reserve will be required along Silver Creek Boulevard.
- The Region of Peel requires a road widening dedication along Cawthra Road and a daylight triangle at the intersection of Cawthra Road and Silver Creek Boulevard. A 0.3 m (1 ft.) reserve will be required along the Cawthra Road frontage and the daylight triangle.
- The identification of any sustainable green technology to be used in the proposed development.

• The submission of a Site Plan application prior to development.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to land dedications, servicing connections and environmental suitability of the site, which will require the applicant to enter into appropriate agreements with the City.

FINANCIAL IMPACT: Develor

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 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 Mississauga Valleys 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 - Relevant Mississauga Plan Policies

Appendix I-9 - C2 - Exception (Neighbourhood Commercial) Permitted Uses Appendix I-10 - General Context Map

original signed by

Edward R. Sajecki Commissioner of Planning and Building

Prepared By: Jonathan Famme, Development Planner

Febau (Canada) Limited

Site History

- 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. Since the appeals to Mississauga Plan do not pertain to this site, Mississauga Plan governs the subject lands, designating them "Motor Vehicle Commercial" within the Mississauga Valleys District.
- June 20, 2007 Zoning By-law 0225-2007 came into force and effect except for those sites which have been appealed. As no appeals have been filed for the subject property, the provisions of the new By-law apply. The subject lands are zoned "C5-3" (Motor Vehicle Commercial).



LEGEND:



SUBJECT LANDS

DATE OF AERIAL PHOTO: APRIL 2008

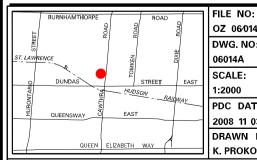


APPENDIX

<u>I-2</u>

SUBJECT:

FEBAU (CANADA) LIMITED



OZ 06/014 W4 DWG. NO: 06014A

SCALE: 1:2000

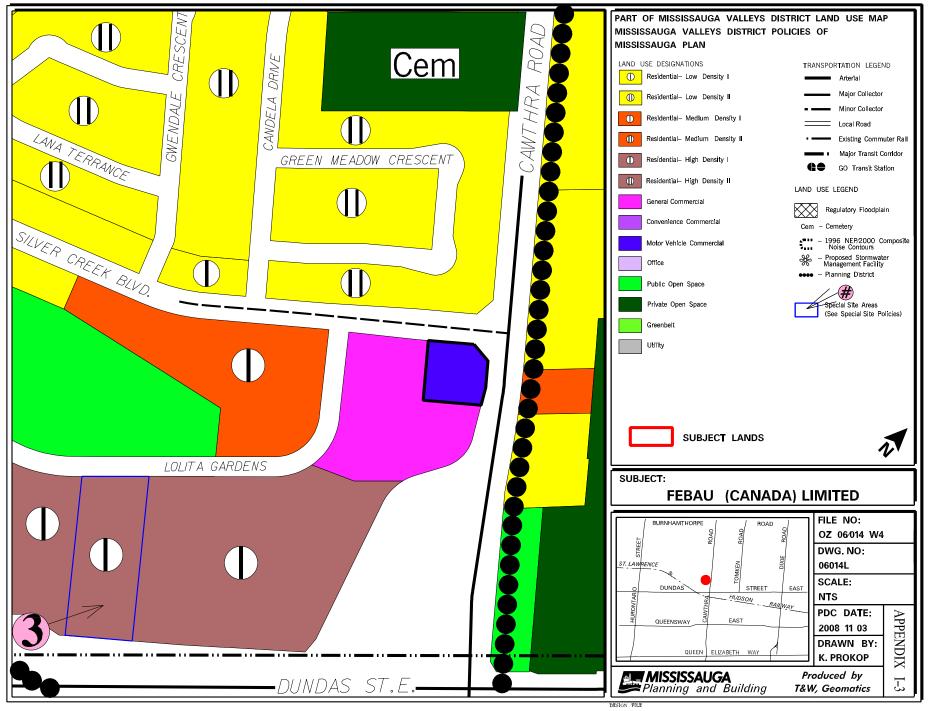
PDC DATE: 2008 11 03

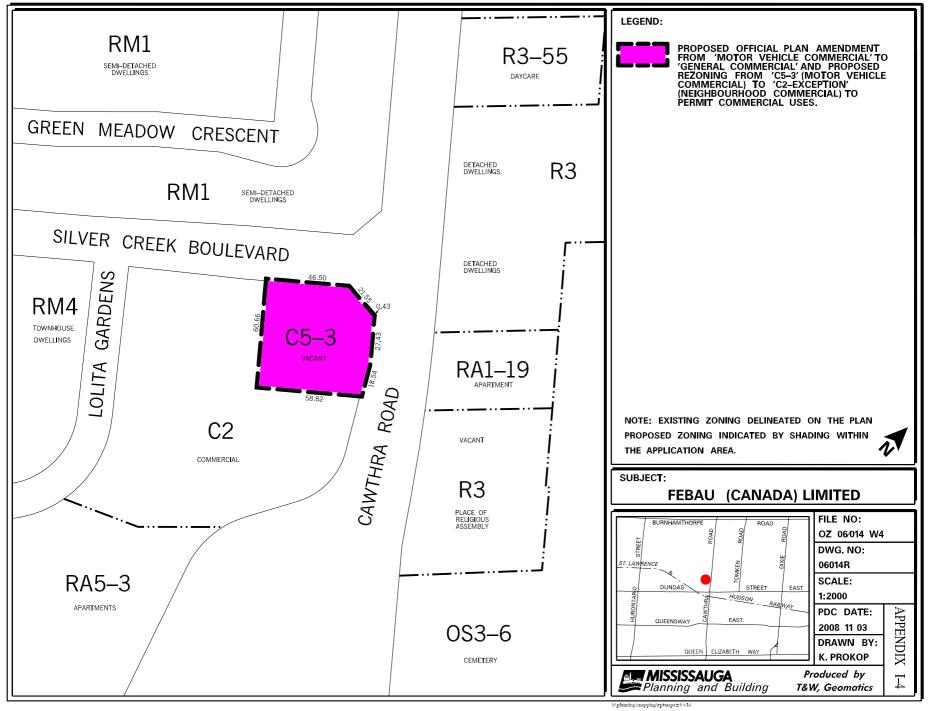
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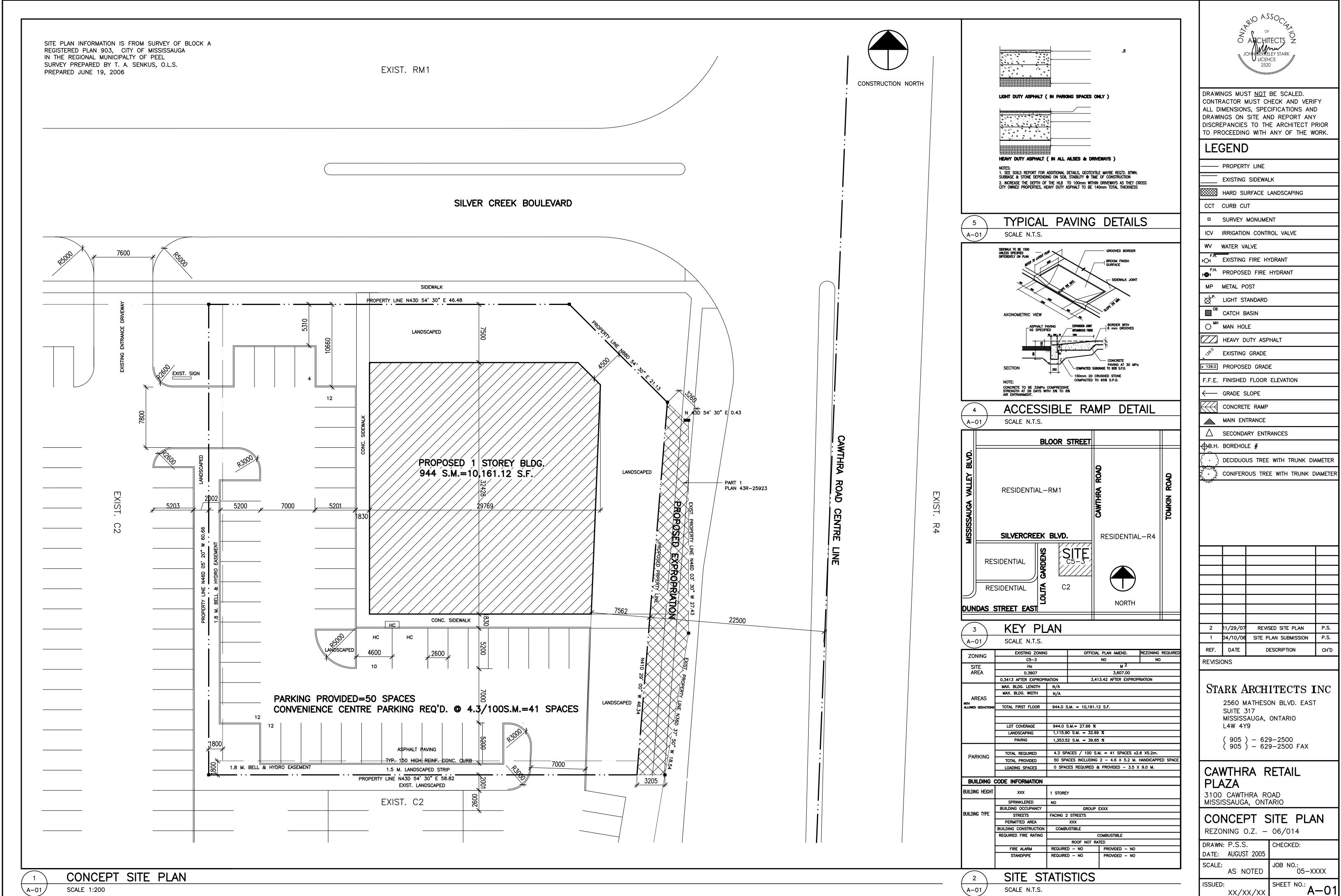
MISSISSAUGA
Planning and Building

Produced by T&W, Geomatics

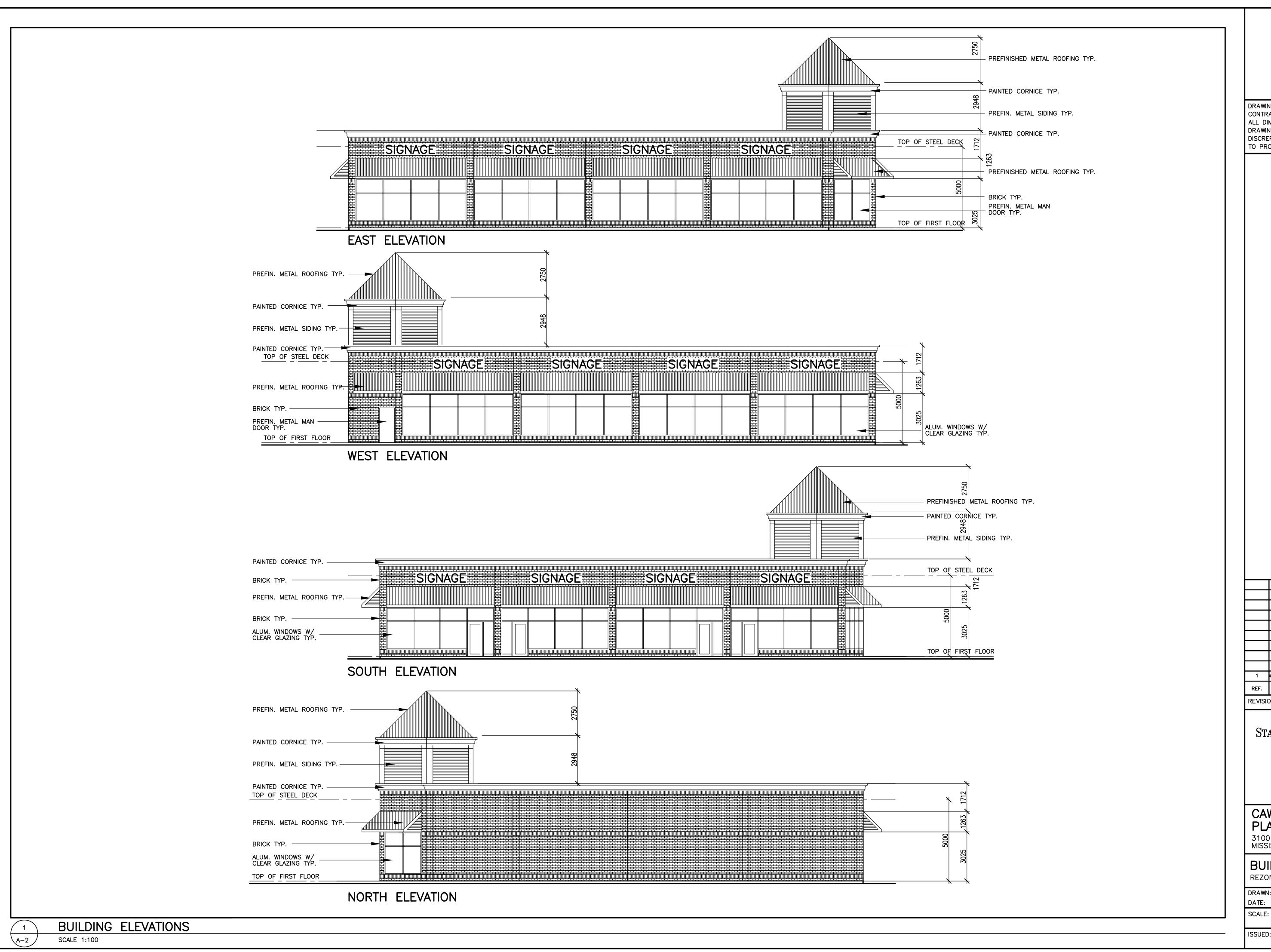
K. PROKOP







APPENDIX I-5





DRAWINGS MUST <u>NOT</u> BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS, SPECIFICATIONS AND DRAWINGS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH ANY OF THE WORK.

1 kx/xx/08 REF. DATE DESCRIPTION

REVISIONS

STARK ARCHITECTS INC

2560 MATHESON BLVD. EAST SUITE 317 MISSISSAUGA, ONTARIO L4W 4Y9

(905) - 629-2500 (905) - 629-2500 FAX

CAWTHRA RETAIL PLAZA

3100 CAWTHRA ROAD MISSISSAUGA, ONTARIO

BUILDING ELEVATIONS

REZONING O.Z. - 06/014

APPENDIX

DRAWN: P.S.S. DATE: AUG. 2005	CHECKED:	Ž
SCALE: 1:100	JOB NO.: 05-XXXX	X
ISSUED: XX/XX/XX	SHEET NO.: A-2	I-6

Febau (Canada) Limited

File: OZ 06/014 W4 Agency Comments

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

Agency / Comment Date	Comment
Region of Peel (August 11, 2006, updated February 15, 2008 and September 26, 2008)	Municipal water services consist of a 350 mm (13.77 in.) diameter watermain on Cawthra Road. According to our records, there is a 400 mm (15.75 in.) diameter watermain on Silver Creek Boulevard; however, this record is not noted as As-Constructed. Municipal sanitary services consisting of a 300 mm (11.81 in.) diameter sanitary sewer on Cawthra Road.
	If the application is approved, prior to final site plan approval, the Region of Peel will require the gratuitous dedication of lands to meet the Regional Official Plan requirement of 36/45 m (118/148 ft.) at the intersection) on Regional Road #17, Cawthra Road, 22.5 m (74 ft.) from the centreline of roadway to a point of 150 m (492 ft.) away from the intersection.
	If the application is approved, prior to final site plan approval the Region of Peel will require a 15 x 15 m (50 ft. x 50 ft.) daylight triangle at the intersection of Cawthra Road and Silver Creek Road.
	If the application is approved prior to final site plan approval, the Region of Peel will require a 0.3 m (1 ft.) reserve behind the property line of the subject land along the frontage of Regional Road #17, Cawthra Road and the daylight triangle.
	Please be advised that access onto Regional Road #17, Cawthra Road will not be permitted. Furthermore, the existing access along Cawthra Road must be closed and reinstated with curb and gutter as per the Region's current standards.
	Landscaping, signs, fences or other encroachments will not be permitted within the Region of Peel's Right-of-Way limits.
	The applicant is advised that a detailed engineering submission will be required for our review and comments. The

Febau (Canada) Limited

Agency Comments

Agency / Comment Date	Comment
City Community Services Department - Planning, Development and Business Services Division (January 21, 2008, updated September 22, 2008)	engineering submission must be designed, stamped and signed by a licensed Ontario Professional Engineer. The engineering submission must include the existing, removals, new construction and grading, typical sections drawing of the road work on Cawthra Road. The applicant is required to submit a detailed Traffic Impact Study (TIS) for review and approval from the Region of Peel. Terms of Reference must be submitted for our review prior to study commencement. The subject property is adjacent to a heritage designated property at 680 Silver Creek Boulevard known locally as the Cherry Hill House. Any development next to a heritage designated property must be compatible in its scale, massing and materials. It is also important to maintain a view corridor from Cawthra Road through to the heritage structure known as the Cherry Hill House. Prior to the preparation of the Supplementary Report, the applicant is to submit a revised plan which indicates the adjacent heritage property and the relationship between the subject lands; proposed development; and extant structures on the heritage property. Should this application be approved, prior to By-law enactment, a cash contribution for street tree planting and trail signage will be required. Further, 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 <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended) and in
City Transportation and	accordance with City's Policies and By-laws. Prior to the Supplementary Report proceeding to Council, the
Works Department (February 4, 2008, updated September 30, 2008)	applicant is to provide soil and ground water testing of the lands and a Record of Site Condition. In addition, a letter of reliance is required from the applicant's Environmental Consultant allowing the City to rely on the findings of the Phase 1 and Phase 2 Environmental Site Assessments (ESA) and Site Clean-Up Report.

Febau (Canada) Limited

Agency Comments

Agency / Comment Date	Comment
	The applicant will also be required to submit the necessary
	documentation to address any restrictions that may pertain to
	the existing easements affecting the west and south limits of
	the subject property.
	Further detailed comments/conditions will be provided prior to
	the Supplementary Meeting pending the review of the
	foregoing.
City Mississauga Transit	The site is serviced by Mississauga Transit Route 8 on
(February 4, 2008)	Cawthra Road, and Routes 1, 1C, and 201 on Dundas Street
	East.
	The applicant is to ensure that convenient and accessible
	pedestrian linkages are provided between the site, the existing
	sidewalk network and Mississauga Transit service.
Other City Departments and	The following City Departments and external agencies offered
External Agencies	no objection to these applications provided that all technical
	matters are addressed in a satisfactory manner: Economic
	Development, Bell Canada, Rogers Cable, Canada Post and
	Enersource Hydro Mississauga.
	The following City Departments and external agencies were
	circulated on the applications but provided no comments:
	Realty Services, Fire Prevention, and Enbridge Gas
	Distribution Inc.
	Distribution inc.

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Relevant Mississauga Plan Policies

Environmental Policies (Section 3.15)

- 3.15.4.2 a. Mississauga will endeavour to ensure that developing or re-developing site do ot represent a hazard to human or ecosystem health by:
 - Development approval or approval of amendments to this Plan by the City for known or
 potentially contaminated sites will be deferred until the proponent of development
 undertakes a study assessing the potential for contamination in accordance with the
 Provincial Government guidelines and addresses all concerns of the City;
 - if the study indicates potential for soil or groundwater contamination, a remedial action plan in accordance with Provincial Government guidelines for the clean-up of contaminated sites will be required. Recommendations contained within the clean-up plan will be implemented by way of conditions to development approval.

Urban Design Policies (Section 3.18)

- 3.18.2.3 Heritage resources should be conserved and incorporated into community design and new development in a manner that enhances the heritage resources and makes them focal points for the community.
- 3.18.2.4 Building and site design will be compatible with site conditions, the surrounding context, features and surrounding landscape and the intended character of the area.
- 3.18.5.3 On abutting lands, the interconnection and integration of vehicular access is encouraged to facilitate safe and efficient traffic movement to and from the public road network. In this regard, the following will be encouraged:
 - a. reduce the number of access points to and from arterial and major collector roads;
 - b. facilitate traffic to signalized locations;
 - c. provide continuity of the streetscape and minimize visual clutter.
- 3.18.5.10 Building and site designs will locate and design parking, loading and storage areas to minimize their presence from the street.

Febau (Canada) Limited

"C2-Exception" (Neighbourhood Commercial)

Permitted Uses:

- retail store;
- restaurant;
- convenience restaurant;
- take-out restaurant;
- veterinary clinic;
- animal care establishment;
- funeral establishment;
- personal service establishment;
- commercial school;
- financial institution;
- repair establishment;
- beverage/food preparation establishment;
- medical office;
- office;
- recreational establishment;
- entertainment establishment;
- private club; and,
- university/college.

