Clerk's Files



Corporate Report

Originator's Files OZ 10/015 W8

PDC SEPT 6 2011

DATE:	August 16, 2011
TO:	Chair and Members of Planning and Development Committee Meeting Date: September 6, 2011
FROM:	Edward R. Sajecki Commissioner of Planning and Building
SUBJECT:	Information Report Official Plan Amendment and Rezoning Applications To permit a five storey, 154 unit condominium apartment building 3170 Erin Mills Parkway South of South Millway, between Erin Mills Parkway and Fifth Line West Owner: Vandyk - Windows on the Green Limited Applicant: Korsiak and Company Limited Bill 51
	Public Meeting Ward 8
RECOMMENDATION:	That the Report dated August 16, 2011, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "General Retail Commercial" to "Residential - High Density I" and to change the Zoning from "C2" (Neighbourhood Commercial) to "RA1-Exception" (Apartment Dwellings), to permit a five storey, 154 unit condominium apartment building under file OZ 10/015 W8, Vandyk - Windows on the Green Limited, 3170 Erin Mills Parkway, south of South Millway, between Erin Mills Parkway and Fifth Line West, be received for information.

BACKGROUND: The above-noted applications have been circulated for technical comments and a community meeting has been held.

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:

Development Pr	oposal
Applications	December 17, 2010 (Received)
submitted:	January 28, 2011 (Deemed complete)
Proposed Gross	15.004 2(171.105
Floor Area:	15 904 m ² (171,195 sq. ft.)
Height:	5 storeys, with a maximum height of
	17.0 m (55.8 ft.)
	Note: the 5 th storey comprises a
	loft/mezzanine level for some of the 4 th
	floor units
Lot Coverage:	36%
Floor Space	1.45
Index:	
Landscaped	54%
Area:	
Net Density:	140.2 units/ha
	56.7 units/acre
Number of	154 units
units:	
Anticipated	377*
Population:	*Average household sizes for all units
	(by type) for the year 2011 (city average)
	based on the 2008 Growth Forecasts for
	the City of Mississauga.
Parking	1.25 spaces per 1-bedroom unit = 77 x
Required:	1.25 = 96 spaces
	1.40 spaces per 2-bedroom unit = 77 x
	1.40 = 108 spaces
	0.20 visitor spaces per unit = 154×0.20
	= 31 spaces
	Total: 235 spaces

Development Proposal	
Parking	237 spaces (all underground, except for 2
Provided:	surface spaces)
Supporting	- Planning Justification Report
Documents:	- Functional Servicing Report
	- Phase I Environmental Site Assessment
	- Phase I Environmental Site Assessment
	Update
	- Phase II Environmental Site
	Assessment
	- Record of Site Condition
	- Environmental Noise Assessment
	- Easement Agreement
	- Traffic Impact Study
	- Parcel Registry Information
	- Tree Inventory/Preservation Plan
	- Shadow Study

Site Characteristics	
Frontage:	117.92 m (386.9 ft.) - Erin Mills
	Parkway
	39.36 m (129.1 ft.) - Fifth Line West
Depth:	Irregular - approx. 150 m (492 ft.)
Gross Lot Area:	1.10 ha (2.71 ac.)
Existing Use:	vacant

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

Neighbourhood Context

The subject property is located within the mature Erin Mills neighbourhood, and is surrounded by a mix of residential, retail commercial, and open space uses. The property had previously been occupied by a free standing restaurant and night club that was demolished several years ago. Portions of the original parking lot still remain. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

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

"General Retail Commercial" refers to retail commercial development located primarily on major roads. Residential uses are permitted only when combined with retail commercial uses. The applications are not in conformity with the land use designation, as retail commercial uses are not proposed as part of the development.

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

Intensification (Section 3.13)

Residential intensification outside of identified intensification areas is to generally occur through the development of vacant or underutilized lands in accordance with the intent of Mississauga Plan. These policies outline the characteristics of compatible residential intensification, which should have regard for elements such as the natural environment, lot frontages and areas, street and block patterns, building height and transition, scale, massing, streetscapes, heritage features and setbacks. Heights in excess of four storeys will only be considered where it can be demonstrated that an appropriate transition in heights that respects the surrounding context will be achieved.

Urban Design Policies (Section 3.18)

The urban design policies of Mississauga Plan require that building, landscaping and site design are compatible with site conditions and will create appropriate visual and functional relationships between individual buildings, groups of buildings and open spaces. These elements are also intended to minimize the effects of noise, unattractive views, and other negative impacts and to buffer adjacent land uses.

Criteria for Site Specific Official Plan Amendments (Section 5.3.2)

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 lands are 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.

New Mississauga Official Plan

Mississauga Official Plan was adopted by City Council on September 29, 2010. Until the new Mississauga Official Plan is approved by the Region of Peel and comes into force, Mississauga Plan continues to be in effect. While the existing Official Plan is the plan of record against which the applications are being reviewed, regard should also be given to the new Mississauga Official Plan. Under the new Mississauga Official Plan, the subject lands are designated "Mixed Use". The current proposal

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does not conform to the "Mixed Use" designation and associated policies contained in the new Mississauga Official Plan.

The timing of the approval of the proposed site specific official plan amendment may be affected by the approval of the new Mississauga Official Plan and any potential appeals. A recommendation will be included in the Supplementary Report to address the status of the new Mississauga Official Plan.

Proposed Official Plan Designation and Policies

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"**Residential - High Density I**", which permits apartment dwellings at a Floor Space Index of 0.8 - 1.4.

Existing Zoning

"C2" (Neighbourhood Commercial), which permits a range of retail, service, office and entertainment/recreation uses as follows: 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.

Proposed Zoning By-law Amendment

"RA1-Exception" (Apartment Dwellings), to permit apartment dwellings in accordance with the proposed zoning standards contained in Appendix I-9.

COMMUNITY ISSUES

A community meeting was held by Ward 8 Councillor Katie Mahoney on February 23, 2011. Several emails have also been submitted by area residents. Comments from the community are summarized below and will be addressed in the Supplementary Report:

- The proposed building is obtrusive, as it does not fit into the low rise character of the neighbourhood;
- Through the zoning by-law, the City should ensure that the building cannot be constructed above what is currently proposed by the applicant;
- Commercial truck traffic and the loading docks associated with Millway Plaza are too close to this residential proposal;
- The impact of additional traffic on the neighbourhood will be significant and is unacceptable. The proposal will also increase vehicle parking on adjacent streets and worsen unauthorized access into the nearby condominium townhouse developments;
- Other uses such as offices, retail commercial or townhouses should be considered for this site by the landowner;
- Construction noise from building this apartment would create unacceptable impacts on adjacent homeowners;
- The public walkway to the south of the property will be obstructed by the proposal.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7 and school accommodation information is contained in Appendix I-8. Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

• the identification of any sustainable green technology to be used in the proposed development;

- questions involving the Noise Study and an addendum that was provided to the City. Additional details are required regarding the noise mitigation measures proposed to protect the outdoor living area adjacent to the Giant Tiger retail store loading area;
- site and building layout issues, including the location and screening of garbage pick-up, the lobby/main entrance configuration, building architecture and massing, proposals for the outdoor amenity area, design of the noise wall, landscaping and fencing;
- the requirement for a revised Functional Servicing Report.

OTHER INFORMATION

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Development Requirements

	In conjunction with the proposed development, there are certain other engineering matters with respect to storm drainage, noise attenuation, boulevard improvements/reinstatement, streetscape and utility requirements which will require the applicant to enter into appropriate agreements with the City. The applicant will also be required to obtain site plan approval for the proposed development.
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 resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

ATTACHMENTS:

Appendix I-1:Site HistoryAppendix I-2:Aerial PhotographAppendix I-3:Excerpt of Erin Mills District Land Use MapAppendix I-4:Excerpt of Existing Land Use MapAppendix I-5:Concept PlanAppendix I-6:ElevationsAppendix I-7:Agency CommentsAppendix I-8:School AccommodationAppendix I-9:Proposed Zoning StandardsAppendix I-10:General Context Map

Edward R. Sajecki Commissioner of Planning and Building

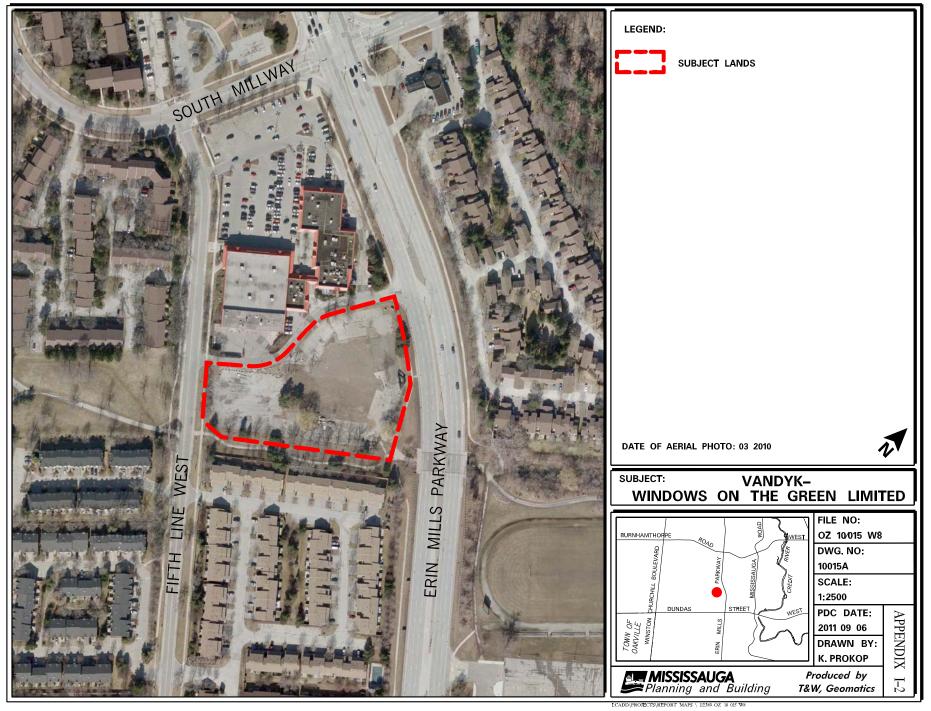
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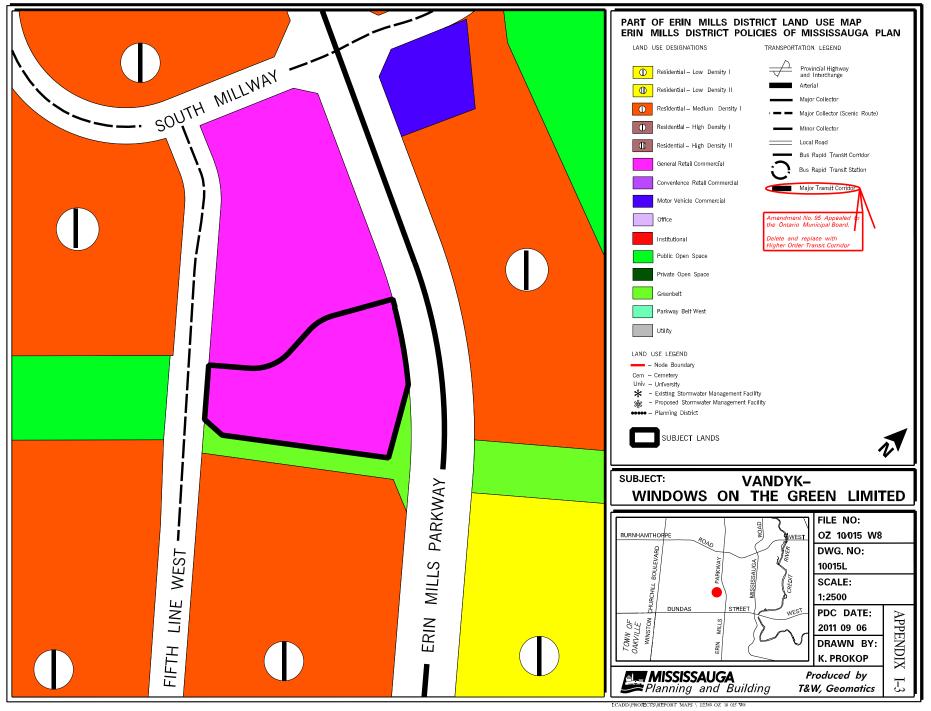
Prepared By: Ben Phillips, Development Planner

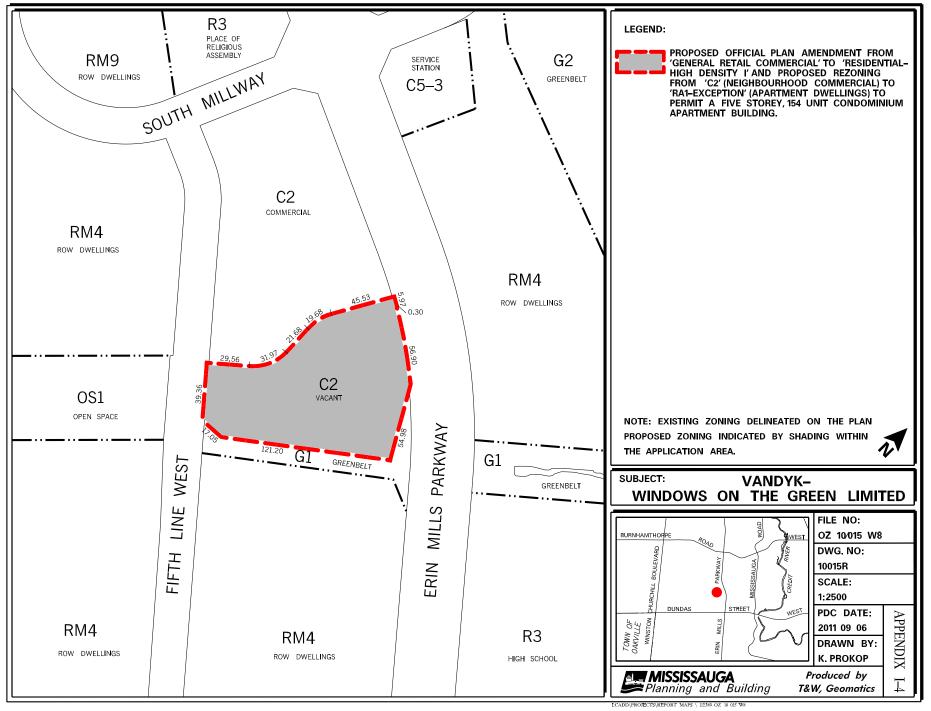
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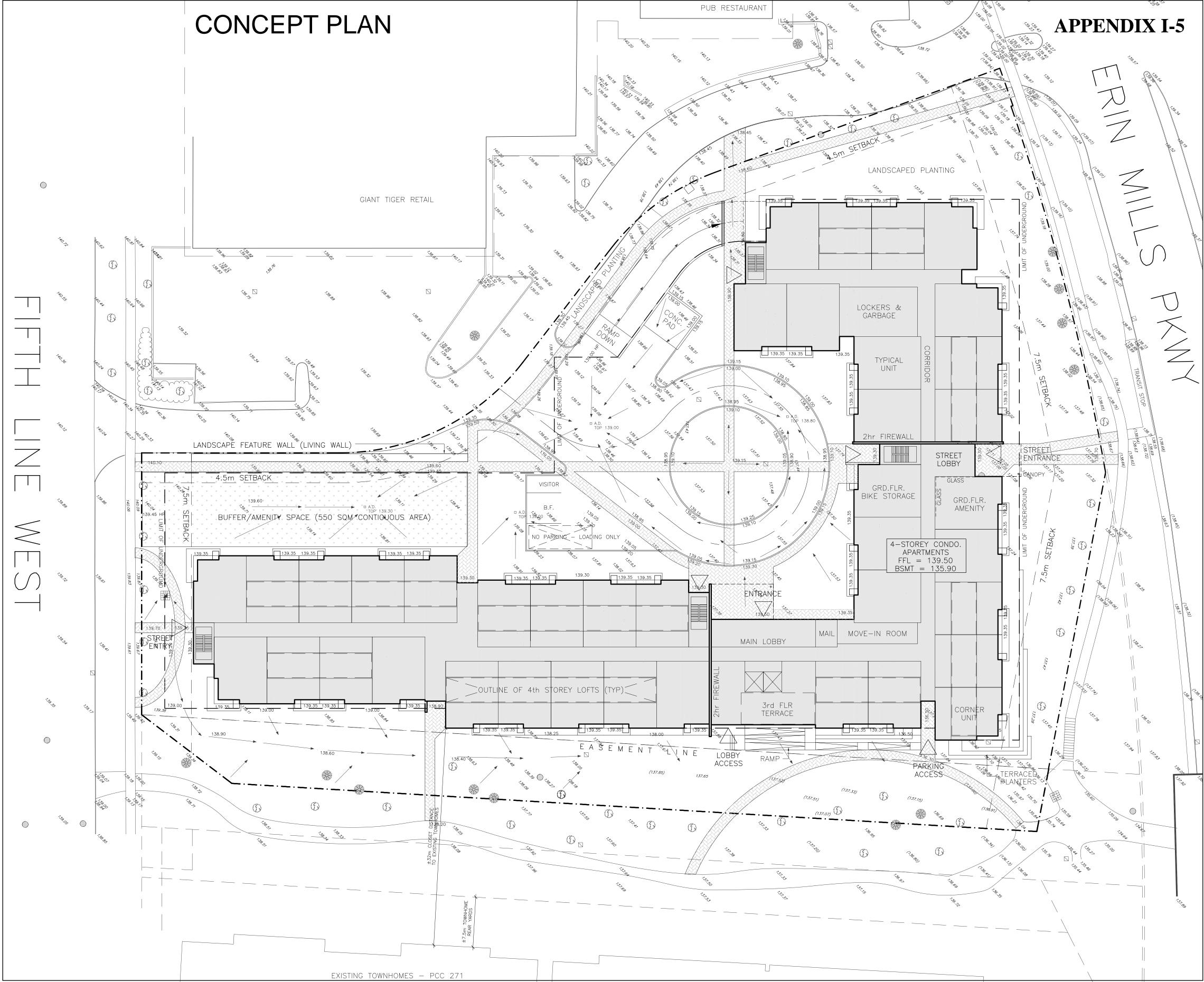
Site History

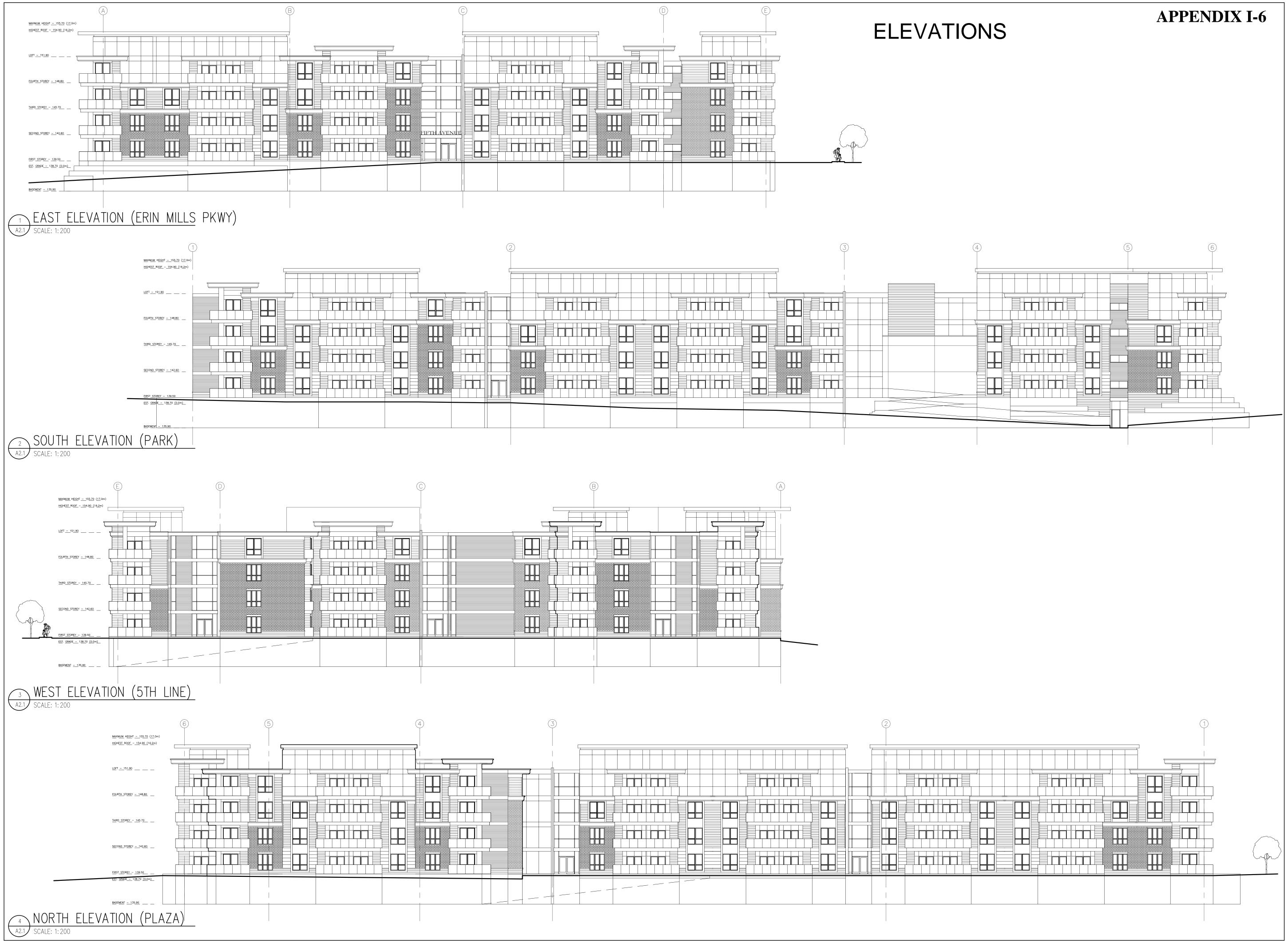
- January 10, 1984 A site plan application under File SP 84/002 W8 to permit a restaurant was submitted to the Planning and Building Department. The application was approved on June 27, 1984.
- February 2, 1984 A minor variance application under File 'A' 17/84 was approved by the Committee of Adjustment to permit the conversion of the existing building to a restaurant use with a reduced number of parking spaces.
- February 21, 1985 A minor variance application under File 'A' 81/85 was approved by the Committee of Adjustment to permit the use of the abutting City owned lands, which were the subject of a land exchange between the owner and the City, for additional parking for the restaurant.
- March 27, 1998 A site plan application under File SP 98/114 W8 was submitted to the Planning and Building Department to permit two free-standing restaurants but was subsequently cancelled on December 3, 1998.
- February 17, 2003 Official plan amendment and rezoning applications under File OZ 03/008 W8 to permit 53 townhouse units were submitted to the Planning and Building Department. The corresponding site plan application, SP 03/123 W8, was submitted on March 24, 2003. All applications were cancelled on January 15, 2005.
- December 22, 2006 Official plan amendment and rezoning applications under File OZ 06/028 W8 for a 277 unit condominium apartment building were submitted to the Planning and Building Department. A site plan application for a temporary sales centre under File SP 06/276 W8 was also submitted at this time. The corresponding site plan application for the apartment building under File SP 07/008 W8 was submitted on January 12, 2007. These applications were cancelled on August 6, 2009.
- June 20, 2007 Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed the provisions of the new By-law apply. The subject lands are zoned "C2" (Neighbourhood Commercial).













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Agency Comments

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

Agency / Comment Date	Comment
Region of Peel (March 29, 2011)	The Environmental Noise Assessment dated December 15, 2010, prepared by Valcoustics Canada Ltd. has been reviewed. Regional staff has confirmed with Valcoustics Canada Ltd. staff that the most updated Annual Average Daily Traffic
	An existing 300 mm (12 in.) diameter water main is located on Erin Mills Parkway and Fifth Line West. There is also a 1 050 mm (40 in.) diameter water main and a 1 500 mm (60 in.) diameter water main on Erin Mills Parkway; however, these mains are not available for connection. There is an existing 250 mm (10 in.) diameter sanitary sewer located on Fifth Line West. The Functional Service Report (FSR) dated December 13, 2010, prepared by Skira & Associates Ltd. has been reviewed and is unacceptable. The proposal is being reviewed for

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Agency / Comment Date	Comment
	sanitary sewer and water capacity and an updated FSR is required.
	Once an acceptable report is received, it will be circulated for review.
	The applicant is required to provide calculations for Fire Flow requirements and Hydrant Flow tests, a completed Region of Peel Sanitary Sewer Design Sheet, an external Sanitary Sewer Drainage Plan and sanitary sewer flow calculations.
	The Storm Water Management Report dated December 13, 2010, prepared by Skira & Associates has been received and will be reviewed at the site servicing stage. Additional storm drainage shall not be conveyed to Erin Mills Parkway. Post development flows must be equal to or less than pre development flows and no grading will be permitted within any Region of Peel right-of-way to support adjacent development, as per Region of Peel Storm Sewer Design Criteria.
	At the site plan stage, the applicant is required to provide the following legal documents: the parcel abstracts, all copies of registered easements affecting the subject land, associated reference plans including 43R-4553 and 43R-462 and the documentations for INST No. 631376 which refers to Part 6 on 43R-462.
	There is an existing sanitary easement running through the subject lands. Regional easements must be protected from any encroachments or obstructions. The owner shall maintain the land for the easements free and clear of any trees, building structures, or hard concrete pavement surfaces. The owner is permitted to utilize the land for no other purpose than lawns, gardens, flower beds, roadways, driveways, and parking areas

Agency / Comment Date	Comment
	and shall not deposit or remove any fill from the easement. For applications where Regional easements are present, landscaping drawings will be required for review.
	In order to utilize any sanitary sewer or water services that are located on an adjacent property will require the creation and registration of private servicing easements prior to site plan approval.
	The subject site is not within the vicinity of a known landfill site.
	A 6 m wide by 6 m long (19.7 ft. x 19.7 ft.), level (+/- 2%) concrete pad is required in the Garbage Pickup area which is to be shown on a revised Site Plan.
	To facilitate adherence to the Region's Waste Collection By-law, the developer will be required to ensure that the recycling collection program is as convenient to each resident in the development as the garbage collection program.
	Recycling is mandatory within all residential buildings and waste collection services may be revoked by failing to comply. The following methods may be used: a) a single garbage chute with an automated mechanical separation system to divert garbage and recyclable materials into separate bins; b) two separate chutes for garbage and recyclable materials.
	At the Site Plan stage, the system to be used in the building is to be identified on the Ground Floor Plan (or floor plan where the waste storage room is to be located). The required number of front-end bins for garbage and recyclable materials are also to be shown on this drawing. The 154 unit building will require 3, 3 cubic yard compacted front-end garbage bins and 4, 3 cubic yard non-compacted front-end recycling bins.

Agency / Comment Date	Comment
	The Traffic Engineering section has reviewed the above noted Traffic Impact Study and has found it to be satisfactory.
	The Region has received supporting documents confirming reciprocal access easements with the property to the north. Should the location of the access change in subsequent submissions, additional easements may be required. Additional property will not be required at this time.
Dufferin-Peel Catholic District School Board (March 21, 2011)	Landscaping, signs, fences, gateway features or any other encroachments will not be permitted within the Region's easements and or right-of-way limits unless appropriate landscaping drawings have been submitted to the Region for review and approval. Upon consideration, if approved, an encroachment agreement and Regional Council approval will be required. In addition, all cost and fees associated therewith shall be the responsibility of the owner; and a sidewalk clause will also be included in the Development Agreement. The School Board has indicated that it is satisfied with the current provision of educational facilities for the catchment area and, as such, the school accommodation condition as required by City of Mississauga Council Resolution 152-98 pertaining to satisfactory arrangements regarding the adequate provision and distribution of educational facilities need not be applied for these development applications.
	In addition, if approved, the School Board requires that the applicant shall agree in the Servicing and/or Development Agreement to include warning clauses with respect to temporary school accommodation and transportation arrangements in all offers of purchase and sale of residential units until the permanent school for the area has been completed.

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Agency / Comment Date	Comment
The Peel District School Board (July 19, 2011)	The School Board has indicated that Brookmede Public School and Erin Mills Senior Public School are currently part of an accommodation review. As such City of Mississauga Council Resolution 152-98, adopted by Council on May 27, 1998, pertaining to the adequate provision of educational facilities will apply. The Board requires that a clause with respect to temporary school accommodation and transportation arrangements be placed in any agreement of purchase and sale entered into with respect to any units within a period of five years from the date of registration of the agreement.
City Community Services Department – Planning, Development and Business Services Division/Park Planning Section (July 20, 2011)	City owned greenbelt lands identified as Glen Erin Trail (P-079) which includes a pathway is adjacent to the subject property. Also, Brookmede Park (P-078) is located approximately 20 m (65.6 ft.) west of the subject property which contains a play site, mini soccer field, two tennis courts and a toboggan hill. Should these applications be approved, fencing, protective hoarding, and associated securities for the adjacent greenbelt lands will be required. Arrangements will be made to secure
	for any clean-up and reinstatement works that may be required within the greenbelt lands. Prior to by-law enactment, a cash contribution for street planting 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 accordance with City's Policies and By-laws.

Agency / Comment Date	Comment
City Community Services Department – Fire and Emergency Services Division (March 22, 2011) City Transportation and Works Department	 Fire has reviewed the OPA/rezoning applications from an emergency response perspective and has no concerns. Emergency response time to the site and water supply available are acceptable. In comments dated August 3, 2011 this department confirmed receipt of an Environmental Noise Assessment and subsequent
(August 3, 2011)	addendum prepared by Valcoustics Canada Ltd. dated December 13, 2010 and May 31, 2011 respectively. Following review, the applicant has been requested to update the report to provide a table showing the mitigated noise levels from all rooftop mechanical sources for the commercial facilities on the north side of the proposed development; and the impact of the stationary noise on the closest residential receptors.
	Additional details have also been requested with respect to the type and location of the proposed noise/living wall proposed to protect the outdoor living area adjacent to the Giant Tiger store loading area. Prior to the Supplementary Meeting, satisfactory arrangements are to be made among the applicant, the City, the Giant Tiger store and owner of the premises occupied by the Giant Tiger store for the implementation of stationary noise mitigation measures (installation of rooftop screens for the mechanical equipment) for the store.
	The site servicing plan prepared by Skira & Associates Ltd. dated September 2010 proposes new storm and sanitary sewers to service the proposed development. The applicant is requested to provide additional design details to ensure that there is no conflict with the proposed services and the proposed underground parking structure or existing underground facilities.

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Agency / Comment Date	Comment		
	Updated comments will be provided for the Supplementary Meeting pending the receipt and review of the applicant's response to the above items.		
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: - Bell Canada - Canada Post - City Development Services - Enbridge Gas Distribution - Enersource Hydro Mississauga		
	The following City Departments and external agencies were circulated the applications but provided no comments: - City Economic Development Office - City Realty Services - Conseil Scolaire de District Catholique Centre-Sud - Conseil Scolaire de District Catholique Centre-Sud-Ouest - Credit Valley Hospital - Rogers Cable - The Trillium Health Centre		

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School Accommodation

The Peel District School Board			The Dufferin-Peel Catholic District School Board		
•	Student Yie	eld:	•	Student Yield:	
	14 7 15	Kindergarten to Grade 5 Grade 6 to Grade 8 Grade 9 to Grade 12/OAC			Kindergarten to Grade 8 9 to Grade 12/OAC
•	School Accommodation:		•	School Accommodation:	
	Brookmede Public School			St. Margaret of Scotland	
	Enrolment: Capacity: Portables:	270 414 0		Enrolment: Capacity: Portables:	427 667 0
	Erin Mills Senior Public School			Loyola Catholic Secondary School	
	Enrolment: Capacity: Portables: Erindale Se Enrolment: Capacity:	522 0 econdary School		Enrolment: Capacity: Portables:	1,232 1,080 6
	Portables:	0			

Proposed	Zoning	Standards
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	Required Zoning By-law	Proposed Standard
	Standard "RA1"	"RA1-Exception"
Maximum Number of Units	n/a	154
Maximum Floor Space Index	0.9	1.45
Maximum Gross Floor Area	n/a	19 000 m ² (204,521 sq. ft.)
Minimum Setbacks to Erin Mills	- 7.5 m (24.6 ft.) (for portion	Setbacks to conform to
Parkway and Fifth Line West	of the building under 13.0 m	buildable area footprint
	[42.6 ft.] in height);	schedule in by-law; minimum
	- 8.5 m (27.9 ft.) (for portion	of 7.5 m (24.6 ft.) to Erin
	of the building above 13.0 m	Mills Parkway and 5.5 m
	[42.6 ft.] in height)	(18 ft.) to Fifth Line West
		sight triangle
Minimum Interior Side Yard	- 4.5 m (14.8 ft.) (for portion	Setbacks to conform to
Setback	of the building under 13.0 m	buildable area footprint
	[42.6 ft.] in height);	schedule in by-law; minimum
	- 6.0 m (19.7 ft.) (for portion	of 5.2 m (17.1 ft.) on the
	of the building above 13.0 m	north side and 9.5 m (31.2 ft.)
	[42.6 ft.] in height)	on the south side
Maximum encroachment of a	1.0 m (3.3 ft.)	1.5 m (4.9 ft.)
balcony located above the first		
storey		
Maximum Height	The lesser of 13.0 m	The lesser of 17.0 m (55.8 ft.)
	(42.7 ft.) or 4 storeys	or 5 storeys

