Clerk's Files



Corporate Report

Originator's Files OZ 10/012 W6

PDC FEB 13 2012

DATE:	January 24, 2012
TO:	Chair and Members of Planning and Development Committee Meeting Date: February 13, 2012
FROM:	Edward R. Sajecki Commissioner of Planning and Building
SUBJECT:	Information Report Official Plan Amendment and Rezoning Applications To permit six (6) retail commercial buildings, including a Lowe's Home Improvement store. 5350 Mavis Road Southwest corner of Mavis Road and Bristol Road West Owner: Embee Properties Limited Applicant: Lethbridge & Lawson Inc. Bill 51
	Public Meeting Ward 6
RECOMMENDATION:	That the Report dated January 24, 2012, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Residential - Medium Density I" and "General Retail Commercial" to "General Retail Commercial" and to change the Zoning from "R3-29" (Detached Dwellings), "R5-38" (Detached Dwellings), "RM2-42" (Semi-Detached Dwellings) and "C2-11" (Neighbourhood Commercial) to "C2-Exception" (Neighbourhood Commercial), to permit six (6) retail commercial buildings, including a Lowe's Home Improvement store under file OZ 10/012 W6, Embee Properties Limited, 5350 Mavis Road,

BACKGROUND: The above-noted 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:

Development	Proposal
Applications	
submitted:	September 24, 2010
Deemed	
complete:	September 29, 2010
Number of	6
Buildings:	
Height:	One storey
	2
Gross Floor	$16,866.5 \text{ m}^2$ (181,550 sq. ft.) Total
Area:	
	Bldg A (Lowe's) $- 13,226 \text{ m}^2 (142,369 \text{ sq. ft.})$
	Bldg B – 600 m^2 (6,458 sq. ft.)
	Bldg C $- 740 \text{ m}^2$ (7,965 sq. ft.)
	Bldg D – 600 m^2 (6,458 sq. ft.)
	Bldg E – 600 m^2 (6,458 sq. ft.)
	Bldg F – 1,100 m ² (11,840 sq. ft.)
Lot Coverage:	25.8% excluding the Garden Centre
Floor Space	0.26
Index:	
Landscaped	
Area:	19.8%
Parking	865 spaces (incl. 17 handicap spaces)
Required:	
Parking	662 spaces (incl. 18 handicap spaces)
Provided:	(689 spaces when seasonal sales space not in
	operation)
Loading	3 spaces - proposed Building A (Lowe's)
Required:	0 spaces – proposed Buildings B-F
Loading	3 spaces - proposed Building A (Lowe's)
Provided:	0 spaces - proposed Buildings B-F

Development Proposal		
Supporting		
Documents:	Plan of Survey	
	Site Plan and Context Plan	
	Building Elevations	
	Planning Justification	
	Tree Preservation Plan	
	Functional Servicing Summary	
	Green Site and Building Initiatives	
	Noise Control Feasibility Study	
	Traffic Impact and Parking Study	
	Phase I Environmental Site Assessment	
	Draft Official Plan Amendment	
	Draft Zoning By-law	

Site Characteristics		
Frontages:	254.7 m (835.6 ft.) on Mavis Road	
	228.6 m (750 ft.) on Bristol Road	
	279.8 m (918 ft.) on Heatherleigh Avenue	
Lot Area:	6.57 ha (16.23 ac.)	
Net Lot Area:	6.54 ha (16.16 ac.) (after road widening)	
Existing Use:	Vacant	

Green Development Initiatives

The applicant has identified that the following green development initiatives will be incorporated into the development:

- reducing the amount of impervious paved area for parking by reducing the parking rates to an amount appropriate to meet the needs of the development; and,
- incorporation of a white roof membrane (cool roof) to reduce the urban heat island effect.

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

Neighbourhood Context

The subject property is currently vacant and is located within a predominantly residential area. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: Bristol Road, and north of Bristol Road are single detached dwellings.East: Mayis Road and east of Mayis Road is a commercial
- East: Mavis Road, and east of Mavis Road is a commercial plaza, semi-detached dwellings and street townhouse dwellings.
- South: Street townhouse dwellings and single detached dwellings. Southwest of the subject site is Heatherleigh Community Park.
- West: The future Heatherleigh Avenue, and further west the Paradise Homes subdivision which is currently under construction, consisting of detached and semi-detached dwellings.

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

"**Residential - Medium Density I**" which permits detached, semidetached, townhouse dwellings or any combination of these dwelling units including all forms of horizontal buildings, within a density range of 30-57 units per net residential hectare (12-23 units per net residential acre).

"General Retail Commercial" which permits establishments for the sale of goods and services, recreation, entertainment and accommodation to the general public, located primarily on major roads. Residential, community and office uses, and motor vehicle sales and rental facilities will also be permitted. Residential uses must be combined with retail commercial uses. Retail commercial uses need not be combined with residential uses. Motor Vehicle Commercial uses, motor vehicle body repair, motor vehicle wrecking, and self storage facilities are not permitted. Development of General Retail Commercial uses will be encouraged through infilling to consolidate the potential of these areas and to restrict their linear extension into stable, non-commercial areas.

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The applications are not in conformity with the "Residential -Medium Density I" land use designation along the western portion of the site, and are therefore seeking to amend the designation of the entire site to "General Retail Commercial – Special Site (East Credit District)".

There are other policies in the Official Plan which also are applicable in the review of these applications. The Supplementary Report will provide a complete evaluation of the proposal in relation to the Official Plan and specifically the policies outlined 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 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.

Mississauga Official Plan (2011)

Mississauga Official Plan (2011) was adopted by City Council on September 29, 2010 and partially approved by the Region on September 22, 2011. Mississauga Official Plan (2011) has been appealed in its entirety and, as such, the existing Mississauga Plan (2003) remains in effect. The applications were originally submitted under the previous Official Plan which is the current plan in effect, but regard should be given to the new Mississauga Official Plan. The applicant is aware of the status of the City's new Mississauga Official Plan which designates the subject lands as "Residential Medium Density" and "Mixed Use – Special Site 10 (East Credit Neighbourhood)".

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"**Residential Medium Density**" permits townhouse dwellings and all forms of horizontal multiple dwellings.

"Mixed Use" permits a variety of uses including retail store, personal service establishment, restaurant, entertainment, recreation and sports facilities, financial institutions, secondary office, motor vehicle rental, overnight accommodation, funeral establishment, conference centre, and residential uses, provided they are combined on the same lot or same building with another permitted use. Notwithstanding the "Mixed Use" designation, "Special Site 10 (East Credit Neighbourhood)" permits a service station, gas bar, car wash, and garden centre.

Mavis Road is designated as a **Corridor**, and is subject to a minimum building height of two storeys. The maximum building height is 4 storeys for **Neighbourhoods**.

An amendment to the Mississauga Official Plan (2011) will be required to designate the entire lands "Mixed Use – Special Site 10, as amended (East Credit Neighbourhood)" in order to implement the proposal.

Some of the policies in Mississauga Official Plan (2011) which are applicable in the review of these applications are outlined in Appendix I-8, which will be used to evaluate the applications in the Supplementary Report.

Proposed Official Plan Designation and Policies

"General Retail Commercial – Special Site (East Credit District)", which permits the uses outlined previously and add a Special Site to the East Credit District Policies of Mississauga Plan to also permit a service station, gas bar, car wash, and garden centre for the subject lands.

Existing Zoning

"R3-29" (Detached Dwellings) and "R5-38" (Detached Dwellings), which permits detached dwellings with exceptions to lot areas, frontages, interior side yards and setbacks to front garage faces.

"RM2-42" (Semi-Detached Dwellings) which permits semidetached dwellings with exceptions to lot areas and frontages.

"C2-11" (Neighbourhood Commercial) which permits retail, service, office and entertainment/recreation uses as well as a beverage/food preparation establishment, motor vehicle service station, gas bar, motor vehicle wash facility - restricted (which may include a convenience retail and service kiosk), drug store (which may include an accessory drive-through window), garden centre, outdoor patio accessory to a restaurant, and a convenience restaurant or take-out restaurant. However, motor vehicle service stations, gas bars, motor vehicle wash facility – restricted, restaurants and outdoor patios are not permitted within 60 m (196.9 ft.) of a residential zone.

Proposed Zoning By-law Amendment

"C2-Exception" (Neighbourhood Commercial), for the entire subject property to allow for retail commercial uses with a maximum gross floor area (non-residential) of 17,000 m² (182,986 sq. ft). Please see Appendix I-9 for a summary of the zoning amendments proposed.

COMMUNITY ISSUES

No community meetings were held, however, written comments were received by the Planning and Building Department. The issues raised by the community relate to the amount of cars and delivery trucks generated by the proposal, impacting pedestrian safety and noise disturbance to adjacent residences. The concern will be reviewed and a response will be provided in the Supplementary Report.

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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:

- appropriateness of the proposed applications;
- resolution of design details and zoning standards, specifically how the proposal addresses the public streets of Mavis Road, Bristol Road West and Heatherleigh Avenue so as to animate the public realm and avoid blank walls;
- resolution of noise impacts and provision of appropriate mitigation measures;
- provision of additional technical details to the satisfaction of the Transportation and Works Department regarding various studies and materials, including a functional drawing for the required modification of the Mavis Road accesses to the development.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to noise, loading, road improvements and other engineering and servicing matters which will require the applicant to enter into appropriate agreements with the City.

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

CONCLUSION: Most agency and City department comments have been received and after the public meeting has been held 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 East Credit 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: Official Plan Policies
Appendix I-9: Proposed Zoning Standards
Appendix I-10: General Context Map

Edward R. Sajecki Commissioner of Planning and Building

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Prepared By: Jonathan Famme, Development Planner

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Embee Properties Ltd.

File OZ 10/012 W6

Site History

- April 26, 2000 Gateshead Enterprises Limited submitted a formal request to Council to change the Official Plan designation from "Residential Medium Density I" to "Retail Service Commercial Neighbourhood Commercial". At this same meeting Council amended the draft East Credit District Draft Policies Amendment 23 to change the designation of the lands to "Neighbourhood Commercial" through Resolution 0114-2000.
- May 5, 2003 East Credit District Policies of Mississauga Plan approved by the Region of Peel subject to appeals, which designated the subject lands "General Commercial". The Commercial Policies of Mississauga Plan were appealed to the Ontario Municipal Board, therefore the commercial policies of City Plan still applied.
- February 11, 2004 By-law 0252-2004 was enacted and passed by Council, pursuant to applications under files OZ 96/010 W6 and T-M86095 W6, Gateshead Enterprises Limited for lands located on the south side of Bristol Road West, east of Terry Fox Way, to change the zoning under By-law 5500 from "A" (Agricultural) to "R3-1807" (Detached Dwellings), "R5-2402" (Detached Dwellings), "RM2-2401" (Semi-Detached Dwellings), and "O1" (Open Space);
- March 4, 2004 The Commercial Policies of Mississauga Plan came into full force and effect, designating the lands "General Commercial".
- January 18, 2006 By-law 0006-2006 was enacted and passed by Council to amend By-law 5500, pursuant to Ontario Municipal Board Order No 3206 of December 7, 2005, with respect to the application under file OZ 00/026 W6, Gateshead Enterprises Limited for lands located at the southwest corner of Bristol Road West and Mavis Road to change the Zoning from "A" (Agricultural) to "DC-2732" (Commercial);
- 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 "R3-29" (Detached Dwellings), "R5-38" (Detached Dwellings), "RM2-42" (Semi-Detached Dwellings) and "C2-11" (Neighbourhood Commercial);

Embee Properties Ltd.

- March 8, 2011 Approval of amended Draft Plan of Subdivision and Conditions for T-M86095 W6 Phase 2 (Paradise Homes lands south of Bristol Road West, east of Terry Fox Way up to and including the Heatherleigh Avenue extension), and Amended Draft Plan Conditions for Phase 1 (western portion of the subject lands, east of Heatherleigh Avenue);
- July 5, 2011 Phase 2 of Subdivision T-M86095 W6 was registered under M-1844, by Paradise Homes for the lands south of Bristol Road West, east of Terry Fox Way up to and including the Heatherleigh Avenue extension. The western portion of the subject lands (east of Heatherleigh Avenue) remain draft plan approved under the existing Phase 1 Draft Plan Approval under file T-M86095 W6 approved October 26, 1998, for 8 detached dwellings and 98 semi-detached dwellings, with updated Conditions dated March 8, 2011.



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APPENDIX I-5



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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	Formal comments and specific conditions will be provided
(October 29, 2010)	through the site plan application (SP 10/148 W6).
City Community Services Department – Planning, Development and Business Services Division/Park Planning Section (November 28, 2011) City Transportation and Works Department (December 15, 2011)	 Prior to by-law enactment, a cash contribution for street tree 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 Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws. The Site, Utility, Grading & Drainage Plans, in addition to a Stormwater Management Report, Noise Control Feasibility Study, and a Traffic Impact & Parking Study, are currently under review. Notwithstanding the findings of these reports and drawings, additional technical details have been requested from the applicant's consultant, including a functional drawing for the required modification of the Mavis Road accesses to the development.
Bell Canada (October 13, 2010)	 Further detailed comments/conditions will be provided prior to the Supplementary Meeting, pending receipt and review of the foregoing. A detailed review of the Official Plan Amendment and Zoning By-Law Amendment applications has been completed and an easement may be required to service the subject property, depending on a review of a detailed site plan application. Through the site plan processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.

File: OZ 10/012 W6

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Agency / Comment Date	Comment
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:
	City Community Services Department – Culture Division
	City Community Services Department – Fire and Emergency
	Services Division
	City Economic Development Office
	Canada Post Corporation
	Greater Toronto Airport Authority
	Enersource Hydro Mississauga
	Rogers Cable
	Enbridge Gas Distribution Inc.
	The following City Departments and external agencies were
	circulated the applications but provided no comments:
	City Realty Services
	Hydro One Networks Inc.
	Air Transport Association of Canada

File: OZ 10/012 W6

Official Plan Policies

Current Mississauga Plan

3.17.7.1

Consideration will be given to reducing parking requirements for new development as a means of encouraging the greater use of transit, cycling and walking, subject to the following:

- a. access to transit;
- b. level of transit service;
- c. traffic generation;
- d. impact on the surrounding area.

3.17.7.4

Appropriate landscaping, buffering, and design considerations should be taken into account to ensure compatibility of parking areas with surrounding land uses.

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.

3.18.2.6

Building, landscaping and site design will minimize the effects of noise, unattractive views, other negative impacts and will buffer adjacent land uses.

3.18.2.8

Where employment and commercial uses are adjacent to noise sensitive uses, adequate acoustic protection and buffering, preferable at the source of the noise must be provided to ensure compatibility and acceptable noise levels.

3.18.5.2

Buildings should address the street with main entrances facing the street, with strong pedestrian connections and landscape treatments that connect buildings to the street.

3.18.5.10

Building and site designs will locate and design parking, loading and storage areas to minimize their presence from the street.

3.18.5.13

Loading, service and garbage storage areas should not be exposed to the street or to adjacent outdoor amenity areas. Adverse effects on adjacent properties should be minimized by the location and orientation of functions and by adequate buffering through spatial separation, berming and landscape buffering.

3.18.12.1

The design of the physical environment should apply Crime Prevention Through Environmental Design (CPTED) concepts and principles with the objective of promoting safe living and working environments.

3.18.12.3

Buildings, landscaping and site designs, will be designed to enhance personal safety on-site and on adjacent streets.

Mississauga Official Plan (2011)

11.2.6.2

Lands designated Mixed Use will be encouraged to contain a mixture of permitted uses.

11.2.6.3

Mixed Use development will be encouraged through infilling to consolidate the potential of these areas and to restrict their linear extension into stable, non-commercial areas.

5.3.5.6

Development will be sensitive to the existing and planned context and will include appropriate transitions in use, built form, density and scale.

9.2.2.7

Development on Corridors will be encouraged to:

- a. assemble small land parcels to create efficient development parcels;
- b. face the street, except where predominant development patterns dictate otherwise;
- c. not locate parking between the building and the street;
- d. site buildings to frame the street and where non-residential uses are proposed to create a continuous street wall;
- e. provide entrances and transparent windows facing the street for non-residential uses;
- f. support transit and active transportation modes;

- g. consolidate access points and encourage shared parking, service areas and driveway entrances; and,
- h. provide concept plans that show how the site can be developed with surrounding lands.

9.5.1.12

Noise will be mitigated through appropriate built form and site design. Mitigation techniques such as fencing and berms will be discouraged.

9.5.2.2

Developments will be sited and massed to contribute to a safe and comfortable environment for pedestrians by:

- a. providing walkways that are connected to the public sidewalk, are well lit, attractive and safe;
- b. fronting walkways and sidewalks with doors and windows and having visible active uses inside;
- c. avoiding blank walls facing pedestrian areas; and
- d. providing opportunities for weather protection, including awnings and trees.

9.5.4.2

An attractive and comfortable public realm will be created through the use of landscaping, the screening of unattractive views, protection from the elements, as well as the buffering of parking, loading and storage areas.

9.5.4.6

Outdoor storage should not be located adjacent to, or visible from city boundaries, the public realm or residential lands by the use of appropriate setbacks, screening, landscaping and buffering.

9.5.6.1

Site layout, buildings and landscaping will be designed to promote natural surveillance and personal safety.

9.5.6.2

Active building frontages should be designed to face public spaces including entries and windows to ensure natural surveillance opportunities.

File: OZ 10/012 W6

Proposed Zoning Standards

Neighbourhood Commercial

	C2 Zone	Proposed C2-Exception	C2-11 Zone (existing zoning - east portion of site)
Permitted Use	 retail store; personal service; restaurants; office; medical office; veterinary and animal care; funeral parlour; commercial school; recreational; 	 retail store; personal service; restaurants; office; medical office; veterinary and animal care; funeral parlour; commercial school; recreational; 	 retail store; personal service; restaurants; office; medical office; veterinary and animal care; funeral parlour; commercial school; recreational;
	 entertainment; private club; university/college. 	- entertainment; - private club; - university/college.	 entertainment; private club; university/college.
		 beverage/food preparation; motor vehicle service station; gas bar; motor vehicle was facility – restricted; drug store; garden centre; outdoor patio accessory to a restaurant; outdoor display and sales; outdoor storage. 	 beverage/food preparation; motor vehicle service station; gas bar; motor vehicle wash facility – restricted; drug store; garden centre; outdoor patio accessory to a restaurant.
Min. Front Yard	4.5 m (14.8 ft.)	1.0 m (3.2 ft.)	4.5 m (14.8 ft.)
Min. Exterior Side Yard	4.5 m (14.8 ft.)	4.5 m (14.8 ft.) to Mavis Road 18.0 m (59 ft.) to Heatherleigh Avenue	4.5 m (14.8 ft.)
Min. Interior Side Yard abutting Residential	6.0 m (19.7 ft.)	n/a	6.0 m (19.7 ft.)
Min. Rear Yard abutting Residential	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)
Max. Gross Floor Area – Non- Residential	12,000 m ² (129,167 sq. ft.)	17,000 m ² (182,986 sq. ft.)	12,000 m ² (129,167 sq. ft.)

Max. Gross Floor Area of a		$13,227 m^2$	
Retail Store Greater than 1,200		(142,374 sq .ft.)	
m ² (12,917 sq. ft.)			
Max. Height	4 storeys	4 storeys	4 storeys
Min. Depth of Landscaped Buffer	4.5 m (14.8 ft.)	1.0 m (3.2 ft.) to Bristol Road West	4.5 m (14.8 ft.) - outdoor patio permitted within landscaped buffer
		4.5 m (14.8 ft.) to Mavis Road	
		7.5 m (24.6 ft.) to Heatherleigh Ave.	
		6.0 m (19.7 ft.) abutting the residential lands	
		- outdoor patio permitted within landscaped buffer	
Min. Setback of motor vehicle service station, gas bar, motor vehicle wash facility and outdoor patio to a Residential Zone	n/a	60.0 m (197 ft.)	60.0 m (197 ft.)
Number of Loading Spaces for a food store greater than 2,300 m2 (24,757 sq. ft.)			2
Number of Loading Spaces for all other uses			0
Number of Loading Spaces for a retail store greater than 1,200 m2 (12,917 sq. ft.)		2	
Number of Loading Spaces for all other uses		0	
Parking Requirement	5.4 spaces per 100 m ² (328 sq. ft.) of Gross Floor Area – Non-Residential	4.1 spaces per 100 m ² (328 sq. ft.) of Gross Floor Area – Non-Residential	5.4 spaces per 100 m ² (328 sq. ft.) of Gross Floor Area – Non-Residential

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