



Corporate Report

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CD.04.HUR

DATE: November 14, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: December 5, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment 40 -
Upper Hurontario Street Corridor - Review of Land Uses and
Urban Design Guidelines - Report on Comments**

RECOMMENDATION: That the following recommendations of the report titled "Official Plan Amendment 40 - Upper Hurontario Street Corridor - Review of Land Uses and Urban Design Guidelines - Report on Comments" dated November 14, 2006 from the Commissioner of Planning and Building be adopted:

- a) that the proposed policy 4.15.4.1.3 in Section 7 of OPA 40 be amended to read as follows:

"Notwithstanding Section 4.15.4.1, existing single-storey financial institutions, free-standing restaurants and drive-throughs, which are not substantially screened from Hurontario Street by a building, will be permitted as they exist on the day these policies come into effect provided, however, that the reconstruction or alteration of these uses may be permitted if the proposal results in a visual or functional improvement of the site which achieves the intent and policies of the Gateway District Policies."

- b) that the proposed policy 4.15.5.3.b, Site 2, Special Site Policies, in Section 10 of OPA 40 be amended to read as follows:

“The reconstruction or alteration of the existing car wash at the south-east corner of Hurontario Street and Derry Road East may be permitted if the proposal results in a visual or functional improvement of the site which achieves the intent and policies of the Gateway District Policies.”

- c) that the first bullet point in the proposed policy 4.15.3.2 in Section 13 of OPA 40 be amended to read as follows:

- “built-form at the corners of these intersections should have prominence, occupy a majority of the streetline and be a minimum of three (3) storeys. The reconstruction of the service stations at the south-east and south-west corners of Hurontario Street and Derry Road East/West for motor vehicle commercial purposes may be permitted if it results in an improvement of the site by meeting the spirit and intent of this Plan by providing, for example, a building which appears to have the massing, height and built-form of two-storeys.”

BACKGROUND:

City Council, on September 13, 2006, deferred consideration of a by-law to adopt Official Plan Amendment 40 (OPA 40), specifically the Gateway District Policies and Urban Design Policies – Gateway District, Upper Hurontario Street Corridor, until such time as discussions have taken place with representatives of Orlando Corporation.

Pursuant to the above direction, staff met with representatives of Orlando Corporation to discuss their concerns, as outlined in the attached letter (Appendix 1) dated October 20, 2006. As well, staff took this opportunity to have further meetings with representatives of the Canadian Petroleum Products Institute (C.P.P.I.) to review their concerns, as outlined in the attached letter (Appendix 2) dated August 1, 2006.

COMMENTS:**1. Concerns of Orlando Corporation**

Orlando Corporation is concerned about the impact of OPA 40 on their lands located in the north-west and south-east quadrants of Hurontario Street and Highway 401. These lands were rezoned in 2000 and 2004, respectively, to permit industrial and office development and a wide range of accessory commercial uses, including free-standing restaurants of all types.

Orlando Corporation requests that these lands be treated in a manner which maintains the standards and uses that were negotiated and approved as recently as 2004. The zoning by-law for their lands permit parking between the front of the buildings and Hurontario Street, and free-standing restaurants, convenience restaurants and take-out restaurants. OPA 40 will prohibit these free-standing uses.

The request is inconsistent with the purpose of the study and the objectives of its recommendations. While the study acknowledged that the vision for the Upper Hurontario Street Corridor was still valid, it recognized that the past approvals of free-standing single-storey uses did not achieve the land use and design vision. The study, therefore, recommended deleting these uses fronting onto Hurontario Street. It will also establish a precedent for the equitable treatment of other lands in the study area, thereby eroding the achievement of the vision for the Upper Hurontario Street Corridor. Consequently, their request is not supported.

Orlando Corporation is also concerned with the provision of a median along Hurontario Street and access to their lands in the north-west quadrant of Hurontario Street and Highway 401. This is an operational issue and outside the scope of this study and the Gateway District policies. A copy of their letter has been forwarded to the Transportation and Works Department for their attention.

2. Concerns of Canadian Petroleum Products Institute (C.P.P.I.)

Staff met with representatives of C.P.P.I. to further review their outstanding concerns, which are applicable to only the south-east and south-west corners of Hurontario Street and Derry Road East/West. These sites are developed with service stations (including a car wash at the south-east corner) but are designated “Business Employment” to encourage their redevelopment for other business employment uses in accordance with the long-term vision for this area.

During the preparation of the Gateway District Policies, these lands were included in the Special Site 2 Policies to, among other matters, recognize the existing service stations and car wash, and permit their expansion. The concerns of C.P.P.I stem from the fact that, due to their “Business Employment” designation, the service stations will be subject to new proposed policies which they believe are inappropriate for their use.

Their concerns are:

- *the requirement for built-form to provide the massing, height and built-form of a two-storey mezzanine building is not practical or realistic with respect to the reconstruction of the service stations/gas bars or car wash at these sites.*

It is recognized that it may be difficult or impracticable to reconstruct a service station/gas bar or car wash with the built-form of a two-storey building. To provide some flexibility in meeting the spirit and intent of the proposed Gateway District Policy, and address the concerns of C.P.P.I., it is suggested that references to “the massing, height and built-form of a two-storey mezzanine building” be replaced with, “*a building which appears to have the massing, height and built-form of two-storeys*” such that the first bullet point in Section 4.15.5.3. f, Site 2, Special Site Policies, Section 13 of OPA 40 be amended to read as follows:

“built-form at the corners of these intersections should have prominence, occupy a majority of the streetline and be a minimum of three (3) storeys. The reconstruction of the service stations at the south-east and south-west corners of Hurontario Street and Derry Road East/West for motor vehicle commercial purposes may be permitted if it results in an improvement of the site by meeting the spirit and intent of this Plan by providing, for example, *a building which appears to have the massing, height and built-form of two-storeys.*”
~~massing, height and built form of a two (2) storey mezzanine building~~

- *Special Site 2 policy permits the reconstruction or alteration of the existing car wash at the south-east corner of Hurontario Street and Derry Road East if, in the opinion of the City of Mississauga, it results in a visual or functional improvement of the site. C.P.P.I is concerned that reference to “in the opinion of the City Of Mississauga” is too subjective and unclear.*

Staff concur that the reference to “the opinion of the City of Mississauga” is subjective, and suggest that proposed policy 4.15.4.1.3 in Section 7 of OPA 40 and proposed policy 4.15.5.3.b in Section 10 of OPA 40 be revised, respectfully, as follows:

“Notwithstanding Section 4.15.4.1, existing single-storey financial institutions, free-standing restaurants and drive-throughs, which are not substantially screened from Hurontario Street by a building, will be permitted as they exist on the day these policies come into effect provided, however, that the reconstruction or alteration of these uses may be permitted if *the proposal in the opinion of the City of Mississauga, it results in a visual or functional improvement of the site which achieves the intent and policies of the Gateway District Policies.*”

“The reconstruction or alteration of the existing car wash at the south-east corner of Hurontario Street and Derry Road East may be permitted *if the proposal, in the opinion of the City of Mississauga, it results in a visual or functional improvement of the site which achieves the intent and policies of the Gateway District Policies.*”

FINANCIAL IMPACT: Not applicable

CONCLUSION: The long-term land use and urban design vision for the Upper Hurontario Street Corridor remains valid and should be retained. In order to achieve this vision, modifications to the urban design policies for development adjacent to Hurontario Street, policies to prohibit additional free-standing restaurants, financial institutions, and drive-throughs adjacent to Hurontario Street, which are not substantially screened from the street by an existing building, are required.

ATTACHMENTS: APPENDIX 1: Letter dated October 20, 2006 from the Goldberg Group on behalf of Orlando Corporation.
APPENDIX 2: Letter dated August 1, 2006 from Davies Howe Partners on behalf of Canadian Petroleum Products Institute.

Original Signed By:

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Ron Miller, Acting Manager, Long Range Planning

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October 20, 2006

Mr. Ron Miller
Planner, Policy Planning Division
Planning and Building Department
City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1

MICHAEL S. GOLDBERG M.C.P., REP.
mgoldberg@goldberggroup.ca
EXT. 2100

Dear Mr. Miller:

**RE: Upper Hurontario Street Corridor
Review of Land Uses and Urban Design Guidelines
Orlando Draft Plan of Subdivision 21T-88025**

Further to our meeting of October 12, 2006, we would like to summarize our request with regard to the above noted study.

As discussed in our meeting, Orlando Corporation is the owner of vacant and developed lands along the Hurontario Street Corridor both north and south of Highway 401. Some of these lands that are located within the above noted study area can be developed within the context of the proposed Official Plan Amendment that will implement the recommendations of the study. However, we are requesting that the lands located to the north of Highway 401 and west of Hurontario, that received draft plan approval on August 12, 2004 under file number 21T-88025 be treated in a manner which will maintain the standards and uses that currently relate to the site and that were negotiated and approved as recently as 2004. These are recent approvals and a considerable effort was put forward to negotiate these standards and uses and Orlando requests that this be recognized in your recommendations to Council.

We are therefore requesting that the following section be added to the Gateway District Policies as they relate to Site Policy #4:

"4.15.6.5 (c) For those lands subject to Zoning By-law 0335-2004, notwithstanding any other policy of the Gateway District Policies, where a conflict exists between the policies of this subsection and the land use permissions and zoning provisions of Zoning By-law 0335-2004, the provisions of Zoning By-law 0335-2004 shall prevail."

In addition, to allow for the complete and orderly development of the subject lands, the Ministry of Transportation requires that there be a continuous median on Hurontario Street from Highway 401 that extends north to World Drive. This will allow a left hand turn lane, at a full signalized intersection, to be located south of World Drive and permit access to the subject lands for northbound traffic via the subdivision road (Capston Drive). There is currently a break in the

centre median that permits traffic travelling south on Hurontario Street to gain access to a site to the east of the subject lands (6333 Hurontario Street). Access to this easterly site may also be gained via World Drive, and as a result, a continuous median on Hurontario Street will not make 6333 Hurontario Street inaccessible. In addition, providing a continuous median will ensure that any left hand turns by north or southbound traffic will occur via a full signalized intersection, providing an additional safety feature for traffic within the area. We request that resolution of this issue be included in your recommendations, and that, this communication be forwarded to Transportation and Works for its consideration.

Lands on the southeast corner of Highway 401 and Hurontario Street are also owned by Orlando Corporation and are zoned RCL1-2450. For the same reasons stated above, we are requesting that the standards and uses that currently relate to this site also be included as an element of the Gateway District Policies.

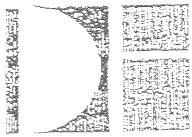
I trust that the above is satisfactory, however if you have any question or require further information, please contact the undersigned at extension 2100 or Carmen Caruso at extension 2104.

Yours truly,
GOLDBERG GROUP



Michael S. Goldberg, M.C.I.P., R.P.P.
Principal

cc. Phil King, Orlando Corporation
Gary Kramer, Orlando Corporation
Leo Longo, Aird Berlis

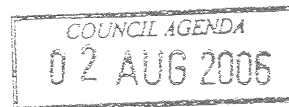


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August 1, 2006

By Facsimile and Mail

Mayor and Members of Council
City of Mississauga
300 City Centre Drive
Mississauga, ON
L5B 3C1

Dear Madam Mayor and Members of Council:

Re: Upper Hurontario Street Corridor -Supplementary Report No. CD.04.HUR.

We are Counsel to the Canadian Petroleum Products Institute, and on its behalf we have reviewed the Supplementary Report and discussed it with our client.

As noted in the Report, we submitted a letter on May 29th 2006, setting out certain concerns and, subsequently, we met with staff for a review of these concerns.

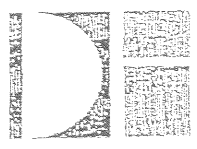
While staff is recommending certain changes that purport to answer problems that we discussed unfortunately, in our opinion and that of our clients, we do not agree with the revisions proposed.

Our concerns are specifically related to two sites at the south east and south west corners of Hurontario Street and Derry Road East/West, which are developed for service stations, including a car wash at the south east corner. It is proposed that these sites remain designated "Business Employment".

The Report notes that our concerns would not exist if the sites were designated "Motor Vehicle Commercial". However this solution is not proposed.

Instead, we propose:

1. That Section 4.15.6.3 (f) be amended to permit the reconstruction of service stations at the affected locations by providing, for example, a built form of "a two storey mezzanine building", whereas the built form of non-service station uses would remain at 3 storeys. In our opinion and that of our clients, this is not



Davies
Howe
Partners

a practical or realistic proposal in so far as the reconstruction of service stations/gas bars or the car wash, in these locations. In the alternative we request (a) that if and when the service stations and/or the car wash are reconstructed that the built form be a minimum of one storey, with other uses subject to the height limitations proposed OR (b) that the sites be designated "Motor Vehicle Commercial".

2. An alternative wording be created to that proposed for Section 4.15.6.3. (b) to replace and delete "in the opinion of the City of Mississauga", as it is not clear whether this is the opinion of staff or of Council and, in any event, permits too subjective a judgement by the City, with no obvious appeal mechanism.
3. That, as our concerns related to the screening of drive-throughs, as articulated in Section 4.15.4.1.1(c) from Hurontario by an existing building are not addressed in the staff report, we reiterate these concerns and request that the existing policy be amended.

We trust that you will consider these comments and respond prior to the adoption of the Study, or of a subsequent amendment to the Official Plan.

Yours truly,

DAVIES HOWE PARTNERS

A handwritten signature in cursive script that reads "John M. Alati".

John M. Alati

Copy: C.P.P.I members