



MINUTES

PLANNING & DEVELOPMENT COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, OCTOBER 5, 2009

**AFTERNOON SESSION – CANCELLED
EVENING SESSION – 7:00 P.M.**

COUNCIL CHAMBER, 2ND FLOOR - CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

<http://www.mississauga.ca>

Members Present:

- Councillor Carmen Corbasson (Ward 1)
- Councillor Pat Mullin (Ward 2)
- Councillor Maja Prentice (Ward 3)
- Councillor Frank Dale (Ward 4) (Chair)
- Councillor Eve Adams (Ward 5)
- Councillor Carolyn Parrish (Ward 6)
- Councillor Nando Iannicca (Ward 7)
- Councillor Katie Mahoney (Ward 8)
- Councillor Pat Saito (Ward 9)
- Councillor George Carlson (Ward 11)

Members Absent:

- Councillor Sue McFadden (Ward 10)
- Mayor Hazel McCallion

Contact: Jessica Reid, Legislative Coordinator, Office of the City Clerk
905-615-3200 ext. 5423 / Fax 905-615-4181
E-Mail: jessica.reid@mississauga.ca

STAFF PRESENT:

Ms. H. A. MacDonald, Director, Business Services
Mr. R. Poitras, Manager, Development Team South
Ms. D. Rusnov, Manager, Development Team West
Mr. R. Hughes, Planner, Development & Design
Ms. K. Collins, Planner, Development & Design
Mr. J. Hardcastle, Planner, Development & Design
Ms. K. Dedman, Manager of Development Engineering T&W
Mr. D. Marcucci, Manager, Planning & Heritage Community Services
Mr. M. Minkowski, Legal Counsel, Litigation
Ms. J. Reid, Legislative Coordinator, Office of the City Clerk
Ms. S. Smith, Legislative Coordinator, Office of the City Clerk

PLANNING & DEVELOPMENT COMMITTEE – OCTOBER 5, 2009

CALL TO ORDER – 7:04 P.M.

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST - Nil

MATTERS CONSIDERED

AFTERNOON SESSION – CANCELLED

EVENING SESSION – 7:00 P.M.

1. **Sign By-law 0054-2002, as amended - Sign Variance Applications**

Anna Prokop, General Manager for 1151 Dundas Street West Paula Dale Limited, addressed Committee with respect to Sign Variance Application 09-04464 and advised that she also submitted a letter through the Clerk's office. They purchased the property five years ago and have been working on revitalizing the plaza. Ms. Prokop showed proposed designs for a number of signs and explained that there were previously two sign bands which were removed as part of the exterior plaza's revitalization project. They required both sign bands to accommodate the number of tenants of the plaza. Ms. Prokop showed some of the other signs installed on the plaza.

Councillor Carolyn Parrish indicated that she was not consulted with this application and is concerned about the plaza. Councillor Parrish moved a verbal motion to refer to this Sign Variance Application 09-04464 to the local ward Councillor for further review with the applicant. This motion was voted on and carried.

Councillor Maja Prentice supported referral to the local ward Councillor. She added that there are similar issues in other wards with this type of plaza.

PDC-0082-2009

That the Report dated September 15, 2009 from the Commissioner of Planning and Building regarding Sign By-law 0054-2002, as amended, and the requested four (4) Sign Variance Applications described in Appendices 1 to 4 to the Report, be adopted in accordance with the following:

1. *That the following Sign Variances be granted:*
 - (a) *Sign Variance Application 09-03783*
Ward 5
Metro Distribution Centre

- 6175 Edwards Boulevards*
To permit the following:
- (i) One (1) proposed fascia sign (sign #C) located on a building elevation that does not contain the main entrance to the building or face a street.*
 - (b) Sign Variance Application 09-05230*
Ward 5
Bell Canada
6895 Invader Crescent
To permit the following:
 - (i) One (1) illuminated fascia sign located on the top floor level of a building with a sign area of 1.48 sq m (15.96 sq ft).*
 - (c) Sign Variance Application 09-04577*
Ward 6
Origin Evergreen Mississauga
820 Scollard Crt.
To permit the following:
 - (i) One (1) banner sign located on the south elevation of the building until November 30, 2009.*
2. *That the following Sign Variance be referred to the Ward 6 Councillor for review with the applicant:*
- (a) Sign Variance Application 09-04464*
Ward 6
TD Canada Trust
1151 Dundas Street West
To permit the following:
 - (i) One (1) fascia sign not located on the unit occupied by the business.*
3. *That correspondence from Paula Dale Limited dated October 2, 2009 with respect to sign variance application 09-04464 be received.*

Amended (Councillor Carolyn Parrish)
BL.03.SIG (2009)

2. PUBLIC MEETING - Rezoning Application, 2211 Sherobee Road, northeast corner of Hurontario Street and Sherobee Road, Owner: 945324 Ontario Inc., Applicant: John D. Rogers & Associates Inc., OZ 09/005 Ward 7, **Bill 51**

Councillor Frank Dale called this public meeting to order at approximately 7:13 p.m. and read the recommendation.

The local Ward Councillor, Nando Iannicca commented that he did receive verbal comments from residents and the Mayor received written comments with respect to this matter to which staff responded. He added that relative to what is permitted in this area with the intensification study, new Queen Elizabeth Way interchange, the future Bus Rapid Transit line, this would be the smallest building on the block being a retirement

home with an assisted living component, the development has some merit but will be discussed further.

In response to a Committee member's inquiry, staff advised that due to a portion of the Regulatory Floodplain existing on the property, a Functional Drainage and Servicing Report was submitted. Staff will be reviewing the report in detail and if it is determined that there is surcharging within the system, then they would request that storage be contained on-site. Staff will include their comments in the Supplementary Report.

PDC-0083-2009

1. *That the Report dated September 15, 2009, from the Commissioner of Planning and Building regarding the application to change the Zoning By-law from "RA5-4" (Apartment Dwellings) to "RA5-Exception" (Apartment Dwellings), to permit a nine (9) storey, 134 unit retirement dwelling in addition to the existing apartment building under file OZ 09/005 W7, 945324 Ontario Inc., 2211 Sherobee Road, be received for information.*
2. *That correspondence from Ruth Ann Zaien dated September 28, 2009 with respect to file OZ 09/005 W7 be received.*

This public meeting closed at approximately 7:17 p.m.

Amended (Councillor Nando Iannicca)
OZ 09/005 W7

3. SUPPLEMENTARY REPORT – Rezoning Application, 1325 Eglinton Avenue East and 5120-5130 Dixie Road, northwest quadrant of Eglinton Avenue East and Dixie Road, Owner: Dixie Eglinton Construction Ltd., Applicant: Kentridge Johnston Limited, OZ 07/004 Ward 5, **Bill 51**

Councillor Eve Adams advised that this application has been before Committee in the past and a number of safety concerns were raised by Region of Peel Police for this night club. City staff reviewed detailed security provisions from the owner, which has basically every square foot of this club under surveillance. The owner has made numerous attempts to provide a safe atmosphere and the number of disturbance calls is not disproportionate to other similar facilities. While Councillor Adams still has some concerns, she was advised that this is not a land use matter and moved a verbal motion to approve the recommendation. This motion was voted upon and carried.

PDC-0084-2009

That the Report dated September 15, 2009, from the Commissioner of Planning and Building recommending approval of the application under File OZ 07/004 W5, Dixie Eglinton Construction Ltd., 1325 Eglinton Avenue East and 5120-5130 Dixie Road, northwest quadrant of Eglinton Avenue East and Dixie Road, be adopted in accordance with the following:

1. *That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not*

- require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the Planning Act, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.*
2. *That the application to change the Zoning from "C3-46" (General Commercial) to "C3-Exception" (General Commercial) in accordance with the proposed zoning standards identified in Appendix S-5 of the report, be approved subject to the following conditions:*
- (a) *Prior to the adoption of an implementing zoning by-law, a site plan be approved which addresses matters relating to parking lot changes, signage and landscape improvements;*
- (b) *That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.*
3. *That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.*

Approved (Councillor Eve Adams)
OZ 07/004 W5

4. SUPPLEMENTARY REPORT – Official Plan Amendment and Rezoning Applications, 1829 and 1865 Lakeshore Road West, north side of Lakeshore Road West, west of Clarkson Road North, Owner: RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Limited, Applicant: Glen Schnarr and Associates Inc., OZ 07/013 Ward 2, Bill 51

John Hardcastle, Development Planner described the context of the lands which is located on the north side of Lakeshore Road West, east of Southdown Road and the CN Rail overpass. They are presently developed for a multiple tenant commercial plaza and convenience restaurant. To the north of the subject lands are detached dwellings fronting onto Feeley Court, to the east is Clarkson Motel beyond which is a variety of retail and commercial uses, to the south beyond Lakeshore Road West is the Chartwell Baptist Church and mixed use commercial buildings, to the west the CN Railway overpass, beyond which is vacant land with a proposed 8 storey dwelling unit. Mr. Hardcastle displayed contextual photos from Lakeshore Road West in easterly and westerly directions. He explained the two applications: the Official Plan Amendment application to amend Mississauga Plan from "Mainstreet Commercial" to "Mainstreet Commercial - Special Site" to permit an 8 storey retirement dwelling and a convenience restaurant; the Rezoning application to change the zoning from "C4" (Mainstreet Commercial) to "C4-Exception" (Mainstreet Commercial) to permit an 8 storey, 144 unit retirement dwelling and a convenience restaurant, in addition restrictions are proposed to the Gross Floor Area and numerous setbacks; building landscape and building deployment matters are outlined within an exception schedule.

Mr. Hardcastle advised this development is currently under appeal. A telephone prehearing is scheduled for October 13, 2009 at which time it is anticipated that a procedural order will be put in place as well as the issues list scoped. Ontario Municipal

Board ("OMB") held mediation has been scheduled for early November, although the staff report indicated November 2 and 5, 2009, the Board has recently indicated that mediation is likely to be held on November 2 and 4, 2009. A 9 day OMB hearing is scheduled to commence on December 1, 2009.

Mr. Hardcastle explained the extensive public process which goes beyond the requirements of the *Planning Act*; including a community meeting and six focus group meetings held to date, the most recent meeting was held on September 23, 2009.

Subsequently, Mr. Hardcastle reviewed the revised Concept Plan for the proposed retirement and commercial development using an overhead. Starting at the west side moving along Lakeshore Road West: a westerly access from Lakeshore Road West (proposed three moves access); an 8 storey retirement dwelling with at grade retail; an urban square to the front of that building and a small projection along Lakeshore Road West; a signalized access central to the site from Lakeshore Road West (existing to be retained with minor modifications to the alignment); surface parking throughout the site for the retirement dwelling, retail and McDonalds; immediately east of the central signalized access, a 1 storey retail building (proposed multiple tenant); then the most easterly access from Lakeshore Road West; then the McDonalds restaurant at the eastern property line. The north east corner of the site is proposed to be developed for HomeSense (proposed enlargement of the existing building) with loading facilities proposed along the north property line.

Mr. Hardcastle also reviewed the east and west elevations for the proposed retirement development using an overhead. He displayed the building perspective concept for the McDonalds structure and advised that elevations were not available at the time of the report.

Mr. Hardcastle explained the staff recommendation, noting the following modifications and conditions:

1. The retirement dwelling relocated closer to the street edge and the small projection component eliminated from the concept plan. The retail building should be moved back on the site, to accommodate the urban square being moved from the west side to the east side of the signalized intersection and should frame the north side of the square, and the retail building should have its primary access off of the square. The McDonalds structure should be moved to frame the east side of the urban square, the easterly most access should be eliminated and relocated along the east property line. The HomeSense structure should be reoriented on the site. Connection from the centralized signaled intersection to the newly relocated easterly most access to ensure there is clear, definitive internal site circulation.
2. Maintain a 2 to 3 storey zero setback street wall with building step backs. The retirement dwelling should have a 3 storey front façade stepping back approximately 6 meters to accommodate the additional height above the 3 storeys. The retail building should be 2 storeys with mixed use of retail at grade and office

- or other uses above. The McDonalds built form should be 7.5 meters in height and maintain the 2 storey height.
3. Locate required parking for the retirement dwelling underground, for greater flexibility for the layout of the site and allowing various requirements to be met on the surface.
 4. Implementing zoning provisions to protect the urban square and protecting it in its location;
 5. Implement reduced parking standards for small scale uses;
 6. Section 37 is appropriate as the applicant is proposing to increase the height and density above what is envisioned by the Official Plan and the Zoning By-law. The agreement should include public use of the urban square by means of public easements; public use of internal driveways by means of public use easements and entering into shared access agreements to accommodate the interconnection of these lands with adjacent lands upon their ultimate redevelopment; construction of lay-by parking along Lakeshore Road West; streetscape improvements to replace existing landscape treatment, hardscaping, unifying street furniture; walkway improvements - efforts should be made to formalize and strengthen the existing walkway from Feeley Court, through to Lakeshore Road and ensure appropriate interconnections within the subject property where appropriate.

Mr. Hardcastle advised that for the reasons articulated within the staff report and subject to the proposed modifications that have been outlined, the application should be approved and staff should be directed to carry forward with its position at the Ontario Municipal Board.

Glen Broll of Glen Schnarr and Associates Inc. addressed Committee and advised that his clients are happy with staff recommendation for approval, although there are a number of conditions. He commented that huge progress has been made with this development. He explained that this development has been appealed to the OMB and his clients would entertain mediation and they hope to come to a mediated settlement.

Local Ward Councillor, Pat Mullin commented on the opposition to the higher density on this site and felt that there has been major movement on that issue. She advised that she and the Mayor met with RioCan (Clarkson) Inc. last week and will meet with HomeSense. She felt that the outstanding issues can be addressed, but it will take both sides coming back to the table to revisit this site. She expressed gratitude toward Mr. Broll and his clients for their cooperation.

The following residents were in the audience and spoke to the matter:

Boyd Upper

Bruno Rinaldo

Pat Melhuish, Clarkson Village BIA

Boyd Upper, resident of the Lorne Park area, explained that he is participating in the visioning Mississauga committee and attended all of the focus groups with respect to this development. He felt that there are ways and means of improving the nodes within the

City, this site is currently unattractive and he would like the village character preserved. He felt that the recommendations from staff were sound and consistent with the proposals and will improve Mississauga and that it is imperative, that this development proceeds along that basis. Mr. Upper expressed concern for the shape and location of the public square, and supported the staff recommendation that the roadway between the public square and McDonalds be removed. Additionally, Mr. Upper expressed support for the other revisions which staff suggested and felt that they are significant for maintaining the Village street and will have less impact on the residents of Feeley Court.

Councillor Carmen Corbasson commented on the public square and reflected upon the success of this in a development in Port Credit. She noted that it will be imperative to the success of the public square to implement staff's suggestions for relocation away from the internal streets on three sides of the public square.

Bruno Rinaldo, resident of Feeley Court and member of the focus group speaking for the residents, addressed Committee. He expressed support for the staff recommendations and felt that they reflect the extensive meetings held with the public, the developer and the City. Mr. Rinaldo agreed with the proposed retirement dwelling height provided that all of the recommendations put forward by staff are implemented. With respect to the HomeSense building, Mr. Rinaldo advised that the staff recommendations are significant to the residents of Feeley Court and requested the following: the relocation of the loading area to the east side; a setback from the north of the site; the lighted signs are not visible to the north residents; and the entrance is angled. Mr. Rinaldo also requested that the HomeSense building not be used as a restaurant in the future, without the consent of the residents of Feeley Court. With respect to the McDonalds building, he requested that it is relocated to accommodate garbage disposal etc. to the east of the building, and a maximum 2 storey building. He also requested that parking for the site be located underground allowing a land buffer between the site and the residents of Feeley Court and permitting existing trees to be retained and more to be planted on the buffer and throughout the site. Mr. Bruno requested that lighting for the site be installed to minimize light pollution to Feeley Court residents. Mr. Rinaldo also requested a proper entrance from Feeley Court to the development. Lastly, he felt that the residents have compromised a great deal with respect to the height of the retirement dwelling.

Pat Melhuish, Chair of Clarkson Village BIA, advised that she is a member of the focus group vision of Clarkson. She commented that time is of the essence for this development and the more stores we can offer, the more residents we will attract.

Councillor Mullin felt that the OMB should not be deciding the fate of Clarkson Village; it should be reflected in the Clarkson village study and the work that has been done by the community and City planners. She commented that this development will set the tone for the future of the village. She felt that the issues identified through a number of public meetings, focus groups and the Clarkson Village Study, have been reflected in staff's report. There remains a concern with respect to the height of the retirement dwelling. However, we have come a long way in supporting the height based on the recommendations, suggestions and conditions attached to the staff report. She noted that

the individuals that sat on the focus group also participated in the Clarkson Village study and looked at both documents when they participated in the various discussions about this development. Councillor Mullin commented that underground parking is essential and it will provide additional parking for HomeSense customers which was a concern. She felt that bringing the retirement dwelling to the face of the sidewalk is important to set the character of the street. The public square has been a main goal in the Clarkson Village study and noted the success of the Fram public square and noted that RioCan has agreed to have it located in the centre of this development. She felt that addressing the issues of the HomeSense building is achievable.

Councillor Mullin moved the staff recommendation with modification by adding recommendation 3. (c) with respect to the maximum gross floor area of the HomeSense building and its reconfiguration, and by deleting within recommendation 4, the alternative to waive the Public Benefits agreement. This motion was voted upon and carried. Councillor Mullin moved a verbal motion for receipt of the correspondence. This motion was voted upon and carried.

Councillor Maja Prentice commented that she is familiar with this site which she felt is in need of redevelopment. She congratulated the work done with this development commenting that there is promise for this property and that this is a better plan for this property. She hoped that the developer will come forward with this development and that it is not decided by the OMB. She added that the City is facing some developments that have been decided by the OMB and do not work. There is no one more familiar with the property than the residents, City staff and the Councillor.

PDC-0085-2009

That the Report dated September 15, 2009, from the Commissioner of Planning and Building recommending approval of the modified applications under File OZ 07/013 W2, RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Limited, 1829 and 1865 Lakeshore Road West, north side of Lakeshore Road West, west of Clarkson Road North, be adopted in accordance with the following:

- 1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the Planning Act, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.*
- 2. That the application to amend Mississauga Plan from "Mainstreet Commercial" to "Mainstreet Commercial - Special Site" to permit an 8 storey retirement dwelling and a convenience restaurant, be approved in accordance with the modifications outlined in the Official Plan Section of this report.*
- 3. That the application to change the Zoning from "C4" (Mainstreet Commercial) to "C4-Exception" (Mainstreet Commercial) to permit an 8 storey, 144 unit retirement dwelling and a convenience restaurant be approved in accordance with the modified zoning standards recommended by Planning staff outlined in the Zoning Section of this report; the Proposed C4 – Exception Zone*

Requirements included in Appendix S-7 of this report and subject to the following conditions:

- (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;*
 - (b) That the following matters be addressed to the satisfaction of the Transportation and Works Department:*
 - Submission of revised storm drainage and noise reports;*
 - Submission of a revised Environmental Site Screen Questionnaire and Declaration (ESSQD);*
 - Submission of a reliance letter in support of the Phase 1 Environmental Site Assessment Report;*
 - Submission of a completed Record of Site Condition;*
 - Submission of functional design details for the proposed modifications to site access locations; and,*
 - Execution of a satisfactory Servicing Agreement for Municipal Works for all works proposed within the municipal boulevard.*
 - (c) That the maximum gross floor area of the proposed HomeSense building not exceed that of the existing building at 2 276 m² (24,501 sq. ft.) and be reoriented or reconfigured such that a fully enclosed loading and servicing bay is located along the east or west side of the building, away from the residential to the north, with the vehicular entrance door facing south.*
- 4. That in accordance with the provisions of Section 37 of the Planning Act, an agreement between RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Limited and the City shall be executed in the event that applications for Official Plan Amendment and Rezoning are approved accommodating building heights in excess of 3 storeys. This agreement shall be consistent with the recommendations contained within this report.*
 - 5. That City Council direct Legal Services and representatives from the appropriate City Departments to attend any Ontario Municipal Board proceedings which may take place in connection with these applications in support of the recommendations outlined in the report dated September 15, 2009.*
 - 6. That City Council provide the Planning and Building Department with the authority to instruct Legal Services staff on any modifications deemed necessary, where required, through the Ontario Municipal Board hearing process.*
 - 7. That correspondence from John Pegram dated September 24, 2009 and from Margaret Grant dated October 5, 2009 with respect to file OZ 07/013 W2 be received.*

Amended (Councillor Pat Mullin)
OZ 07/013 W2

ADJOURNMENT - 7:58 P.M.