



Corporate Report

Clerk's Files

Originator's
Files OZ 09/008 W5

PDC NOV 16 2009

DATE: October 27, 2009

TO: Chair and Members of Planning and Development Committee
Meeting Date: November 16, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit a 5-storey hotel and a 1-storey multi-tenant
industrial building
1150 and 1200 Derry Road East
South side of Derry Road East, east of Tomken Road
Owner: 1759787 Ontario Inc. (By Offer to Sell Agreement)
Applicant: Greg Dell and Associates
Bill 51

Public Meeting **Ward 5**

RECOMMENDATION: That the Report dated October 27, 2009, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Private Open Space" to "Business Employment" and to change the Zoning from "OS3" (Cemetery) to "E2" (Employment), to permit a 5-storey hotel and a 1-storey multi-tenant industrial building under file OZ 09/008 W5, 1759787 Ontario Inc. (By Offer to Sell Agreement), 1150 and 1200 Derry Road East, south side of Derry Road East, east of Tomken Road, be received for information.

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:

The subject property once formed part of Assumption Cemetery, a large cemetery owned by the Catholic Archdiocese of Toronto located at the southeast corner of Derry Road East and Tomken Road. Set aside as part of a future extension of the developed portion of the cemetery to the west, the lands were viewed as surplus and severed off in 2007 (see Appendix I-1). Development proposed for the lands include a hotel and multi-tenant industrial building, with access provided to Derry Road East. The Archdiocese will continue to retain a 10 m (33 ft.) easement through the property for access and servicing purposes for lands to the south. Details of the proposal are as follows:

Development Proposal	
Applications Submitted:	Submitted: May 29, 2009 Deemed Complete: June 26, 2009
Proposed Gross Floor Area (based on preliminary site plan):	Hotel: 9 520 m ² (102,476 sq. ft.) Industrial Building: 5 030 m ² (54,144 sq. ft.) Total: 14 602 m ² (157,180 sq. ft.)
Height:	Hotel: five storeys Industrial Building: one storey
Lot Coverage:	Approximately 30%
Landscaped Area:	Approximately 24%
Parking Required:	Hotel: 196 spaces Industrial Building: 81 spaces Total: 277
Parking Provided:	Total 284 spaces
Supporting Documents:	Planning Rationale Report Functional Servicing Report Traffic Impact Study Phase I Environmental Site Assessment

Site Characteristics	
Frontage:	329 m (1,079 ft.) on Derry Road East
Depth:	72 m (236 ft.)
Lot Area:	2.23 ha (5.51 ac.)
Existing Use:	It is a vacant parcel that once formed part of Assumption Cemetery.

Additional information is provided in Appendices I-1 to I-8.

Green Development Initiatives

The applicant has indicated that a number of green development initiatives will be incorporated into the development, including the use of paving materials that permit recharging of the water table with storm water, water-conserving plumbing fixtures and energy efficient lighting.

Neighbourhood Context

The surrounding area is composed of a mixture of single and multiple tenant industrial buildings, that also contain a range of associated commercial uses. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: Mixture of single and multi-tenant industrial buildings, including the Red Rose Convention Centre, and a service station
- East: Industrial buildings
- South: Assumption Cemetery - future expansion of cemetery property
- West: To the immediate west is a small unregulated water course, with the developed portion of Assumption Cemetery beyond

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

"Private Open Space" which permits generally non-intensive outdoor uses, such as private cemeteries, conservation, nursery gardening, golf courses, agriculture and recreation.

The applications are not in conformity with the land use designation. There are other policies in the Official Plan which also are applicable in the review of these applications including:

Urban Design Policies

Section 3.18 of Mississauga Plan provides policies which speak to appropriate built form and scale, streetscape and context, and compatibility with the surrounding built form.

Aircraft Noise Policies

The subject lands are located within the Lester B. Pearson International Airport Operating Area, and affected by an NEP/NEF of between 35 and 40. Section 3.11.2 speaks to the submission of noise studies for hotels and office areas associated with industrial uses. See Greater Toronto Airports Authority comments in Appendix I-7 for additional information.

Criteria for Site Specific Official Plan Amendments

Section 5.3.2 of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;

- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

Proposed Official Plan Designation and Policies

"Business Employment" which permits an integrated mix of business activities that operate mainly within enclosed buildings.

Existing Zoning

"OS3" (Cemetery) which permits a cemetery.

Proposed Zoning By-law Amendment

"E2" (Employment) which would permit a range of uses including overnight accommodation, banquet hall, conference centre, convention centre and industrial buildings.

COMMUNITY ISSUES

No community meetings were held and no written comments were received by the Planning and Building Department.

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:

- Submission of a revised Functional Servicing Report, to the satisfaction of the City and Region;
- Submission of a Stormwater Management Report and Erosion and Sediment Control Plans, to the satisfaction of the Toronto Region Conservation Authority;
- Submission of a revised Site Grading and Servicing Plan, to the satisfaction of the City;

- Submission of a Phase II Environmental Site Assessment, to the satisfaction of the City;
- Submission of documentation confirming that private servicing and access easements for the cemetery lands to the south have been registered on title, to the satisfaction of the City and Region;
- Provision of an adequate landscape buffer between the subject development and the cemetery lands to the west and south;
- Confirmation of the impact of noise on the subject development, and any mitigation measures required.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to site servicing and storm water management, which will require the applicant to enter into appropriate agreements with the City.

Site Plan Application

A site plan application under file SP 09/068 W5 has been submitted for the lands. The file is currently under review, pending the outcome of the associated Official Plan Amendment and rezoning applications. Through the site plan process, the Region of Peel will require both road widenings where applicable, and a 0.3 m (1.0 ft.) reserve along Derry Road East, except for approved access locations. Also, the Region of Peel will require that the entrance be signalized where it intersects with Maxwell Road.

The site plan submitted in support of the application indicates a patio on the north face of the proposed hotel adjacent to Derry Road East. This would not be permitted under the proposed "E2" zoning.

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:

Once all agency and City department comments have been received and after the public meeting has been held, 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 Northeast 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 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Rob Hughes, Development Planner

Site History

- May 5, 2003 – The Northeast District Policies were approved, which designated the subject lands as "Private Open Space".
- 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 that apply to the subject lands, the provisions of the new By-law apply. The subject lands are zoned "OS3" (Cemetery).
- November 16, 2007 – An application to create a new lot for employment/commercial purposes was submitted to the Committee of Adjustment under file "B" 120/07. The application was approved on December 20, 2007 and the certificate was issued on November 7, 2008.
- May 22, 2009 – The subject Official Plan Amendment, Rezoning and Site Plan applications were submitted to the City under files OZ 09/008 W5 and SP 09/068 W5. The site plan application is currently under review, pending the outcome of the associated Official Plan Amendment and rezoning applications.



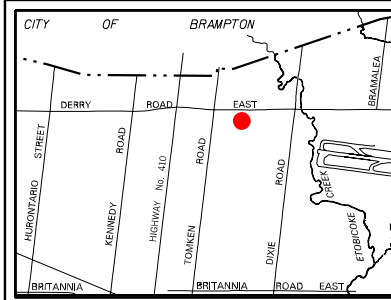
LEGEND:

 **SUBJECT LANDS**

DATE OF AERIAL PHOTO: 0308



**SUBJECT: 1759787 ONTARIO INC.
(BY OFFER TO SELL AGREEMENT)**



FILE NO:
OZ 09008 W5

DWG. NO:
09008A

SCALE:
1:3500

PDC DATE:
2009 11 16

DRAWN BY:
K. PROKOP










APPENDIX I-2

MISSISSAUGA
Planning and Building











Produced by
T&W, Geomatics

**PART OF NORTHEAST DISTRICT LAND USE MAP
NORTHEAST DISTRICT POLICIES OF MISSISSAUGA PLAN**






LAND USE DESIGNATIONS

-  General Commercial
-  Business Employment
-  Industrial
-  Public Open Space
-  Private Open Space
-  Greenbelt
-  Parkway Belt West
-  Airport
-  Utility

TRANSPORTATION LEGEND

-  Provincial Highway and Interchange
-  Arterial
-  Future Arterial
-  Major Collector
-  Future Major Collector (conceptual)
-  Minor Collector
-  Local Road
-  Bus Rapid Transit Corridor
-  Bus Rapid Transit Station
-  Major Transit Corridor

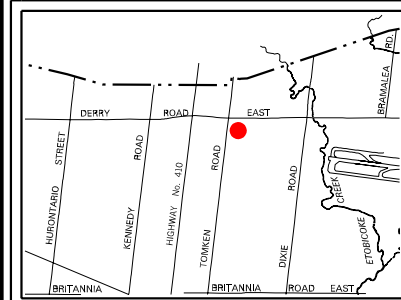
LAND USE LEGEND

-  LBPIA Operating Area Boundary – See Aircraft Noise Policies
- Note: In Northeast, this includes all lands north of Eglinton Drive/Matthewson indicated on map 1 of 2.
-  Cem – Cemetery
-  - 1996 NEP /2000 NEF Composite Noise Contours
-  Planning District
-  Special Site Areas (See Special Site Policies)

 **SUBJECT LANDS**



**SUBJECT: 1759787 ONTARIO INC.
(BY OFFER TO SELL AGREEMENT)**



FILE NO:
OZ 09008 W5

DWG. NO:
09008R

SCALE:
1:5000

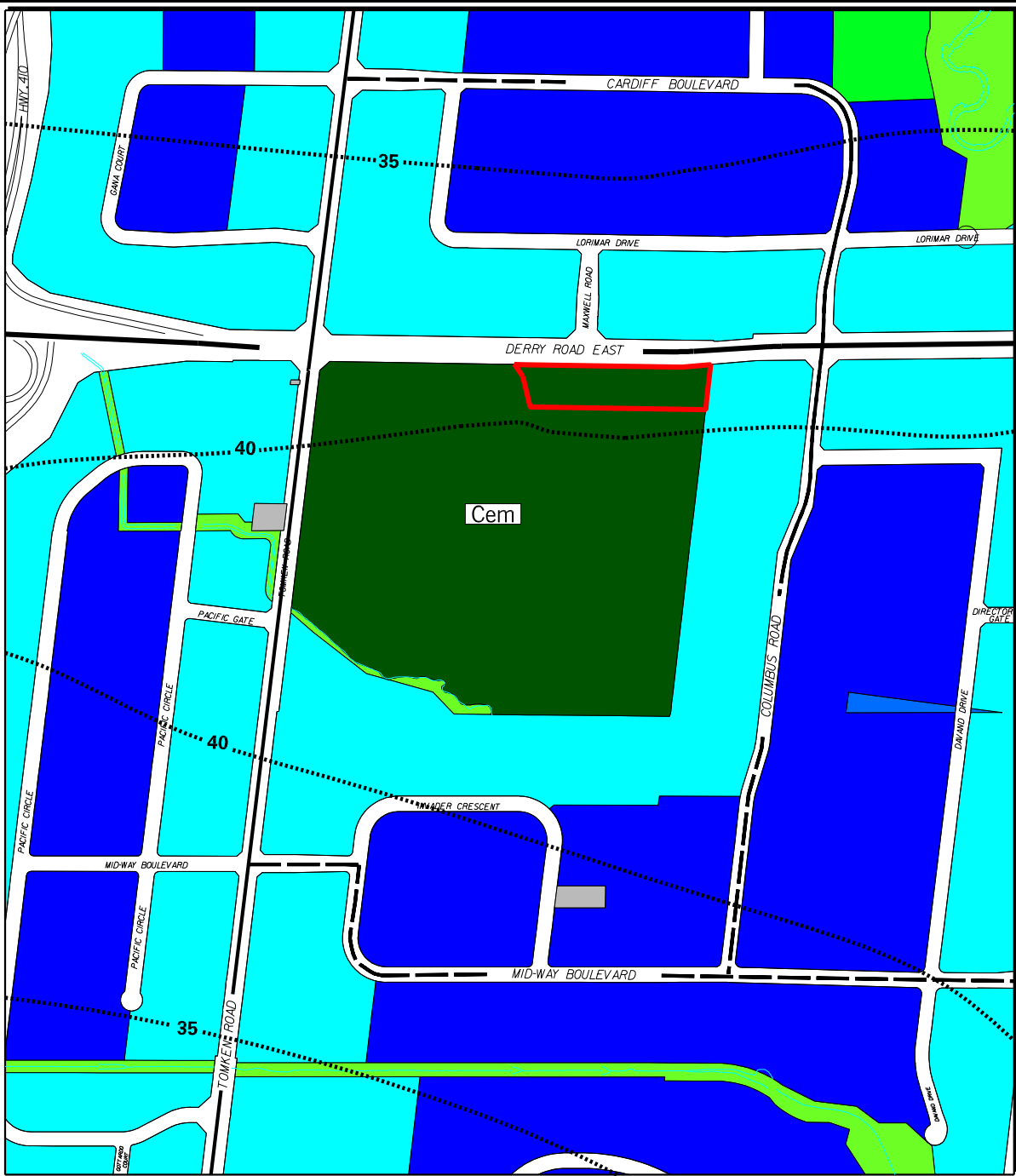
PDC DATE:
2009 11 16

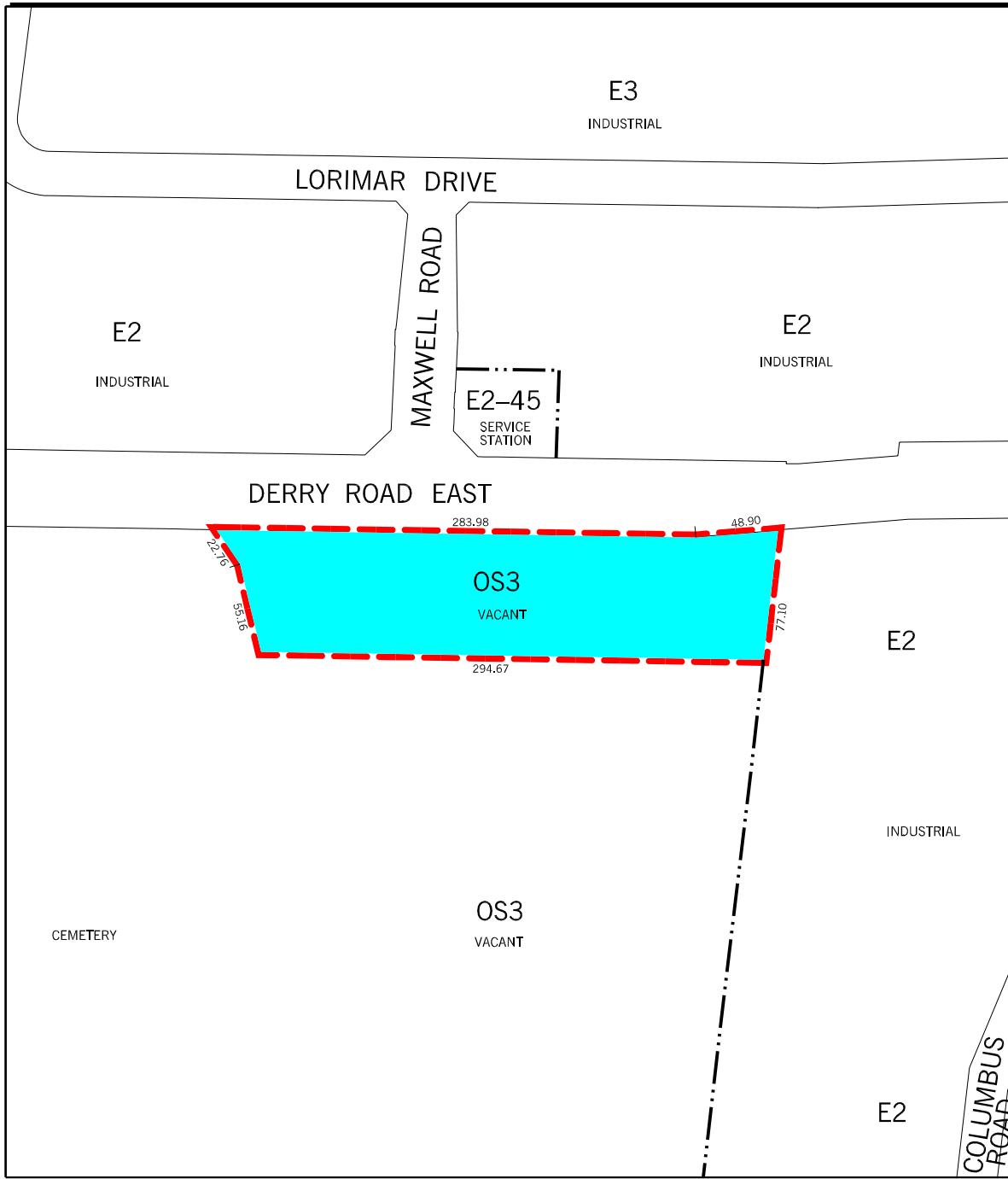
DRAWN BY:
K. PROKOP

APPENDIX I-3

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics





LEGEND:

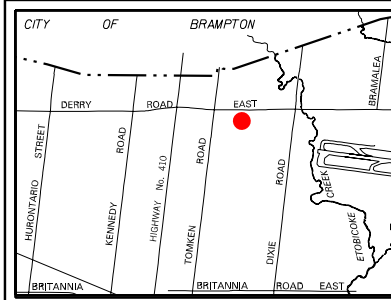


PROPOSED OFFICIAL PLAN AMENDMENT FROM 'PRIVATE OPEN SPACE' TO 'BUSINESS EMPLOYMENT' AND PROPOSED REZONING FROM 'OS3' (CEMETERY) TO 'E2' (EMPLOYMENT) TO PERMIT A 5-STOREY HOTEL AND A 1-STOREY MULTI-TENANT INDUSTRIAL BUILDING.

NOTE: EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.



SUBJECT: 1759787 ONTARIO INC. (BY OFFER TO SELL AGREEMENT)



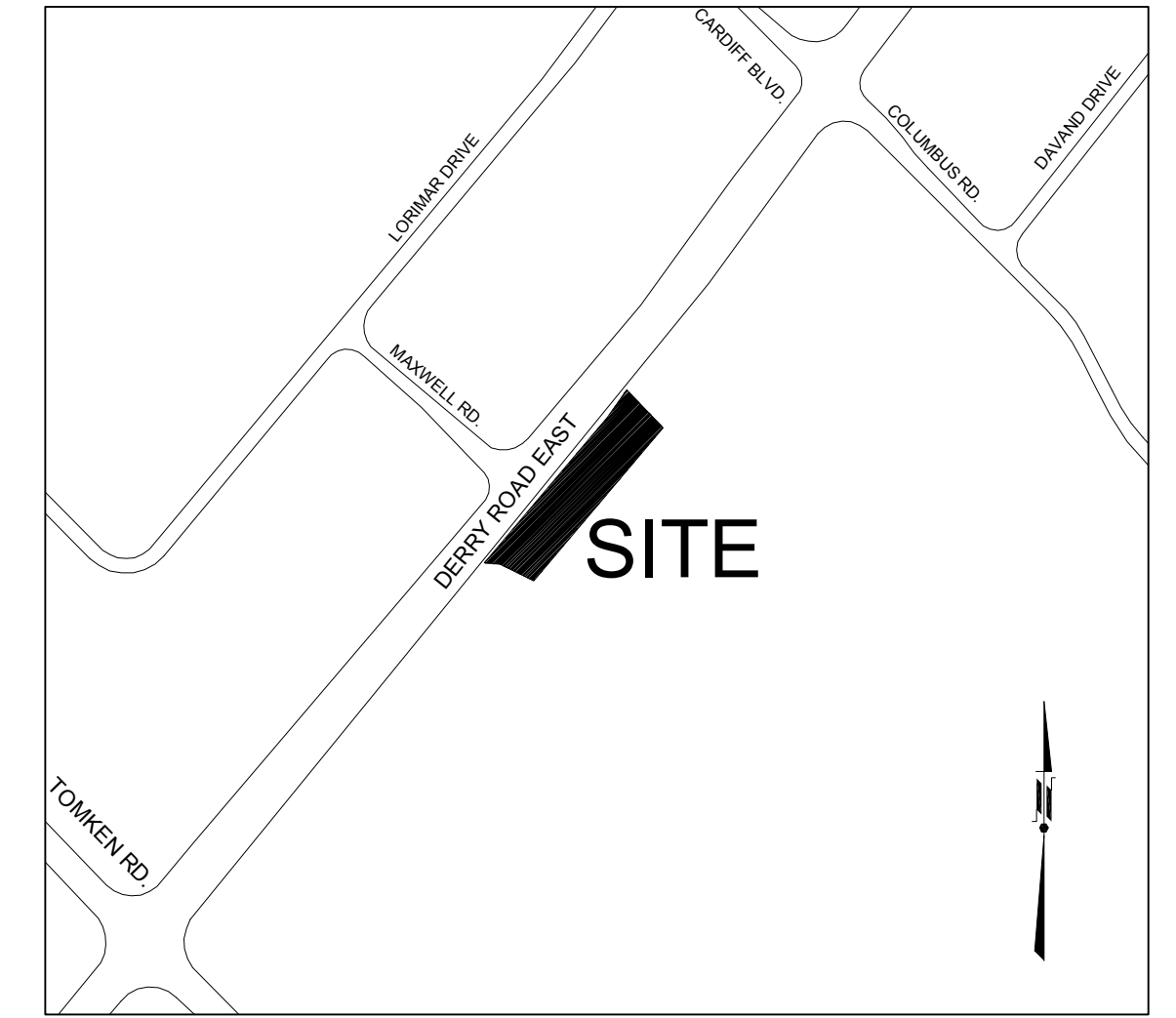
FILE NO:
OZ 09008 W5
DWG. NO:
09008R
SCALE:
1:3500
PDC DATE:
2009 11 16
DRAWN BY:
K. PROKOP

APPENDIX 1-4

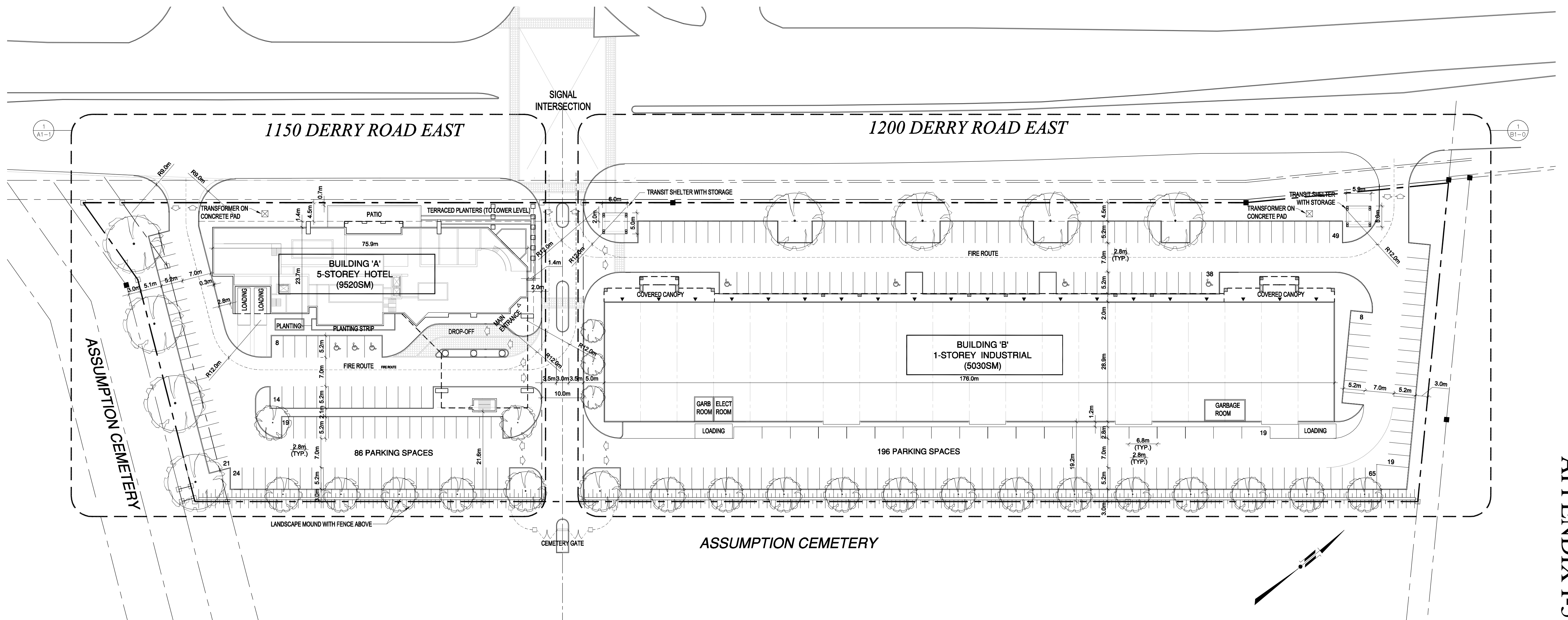
MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

CONCEPT PLAN



2 KEY PLAN
SCALE: NTS



1 SITE PLAN
SCALE: 1:250 M

BUILDING 'A' ELEVATIONS

- LEGEND**
- ① ASPHALT SHINGLES (COLOUR BLACK)
 - ② EIFS (COLOUR YELLOW/CREAM)
 - ③ EIFS MOULDING (COLOUR BLACK)
 - ④ EIFS (COLOUR FOREST GREEN)
 - ⑤ EIFS (COLOUR MEDIUM GREY)
 - ⑥ EIFS (COLOUR WARM GREY)
 - ⑦ BRICK SILU/BANDING (COLOUR RED)
 - ⑧ STONE VENEER (COLOUR WARM GREY, FINISH SMOOTH)
 - ⑨ PRECAST CONCRETE (WARM GREY)
 - ⑩ CLEAR GLAZING IN BLACK ALUM. FRAMES
 - ⑪ PREFINISHED METAL FASCIA AND FLASHING (COLOUR BLACK)
 - ⑫ PREFINISHED METAL FASCIA AND FLASHING (COLOUR WARM GREY)
 - ⑬ SIGN LETTERS
 - ⑭ PREFIN. ALUM. EAVESTROUGH (COLOUR BLACK)
 - ⑮ PREFIN. ALUM. LOUVRES/ SCREEN (COLOUR BLACK)
 - ⑯ AWNING WITH SIGN OVER (COLOUR FOREST GREEN)
 - ⑰ STONE VENEER (COLOUR MEDIUM GREY, FINISH SMOOTH)
 - ⑱ BRICK VENEER (COLOUR SALMON)
 - ⑲ SEASONAL CANOPY OVER PATIO
 - ⑳ TIMBER FRAMING
 - ㉑ MASONRY PIER
- RTU = ROOF TOP UNIT
 RD = ROOF DRAIN
 SC = ROOF SCUPPER
 FG = FIXED GLAZING
 SG = SPANDREL GLAZING
 WL = WALL LIGHT
 CL = CEILING LIGHT
 O = OPERABLE WINDOW

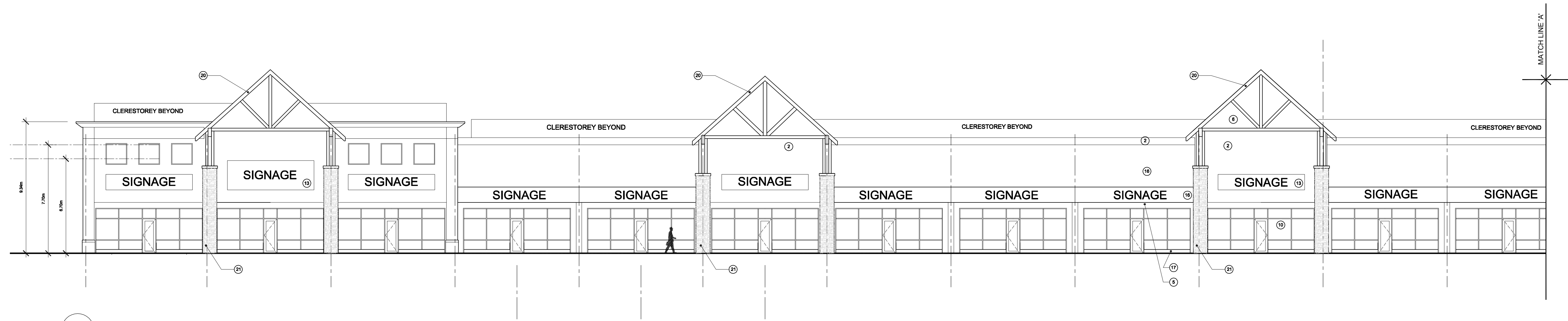


2 EAST ELEVATION
 SCALE 1:150



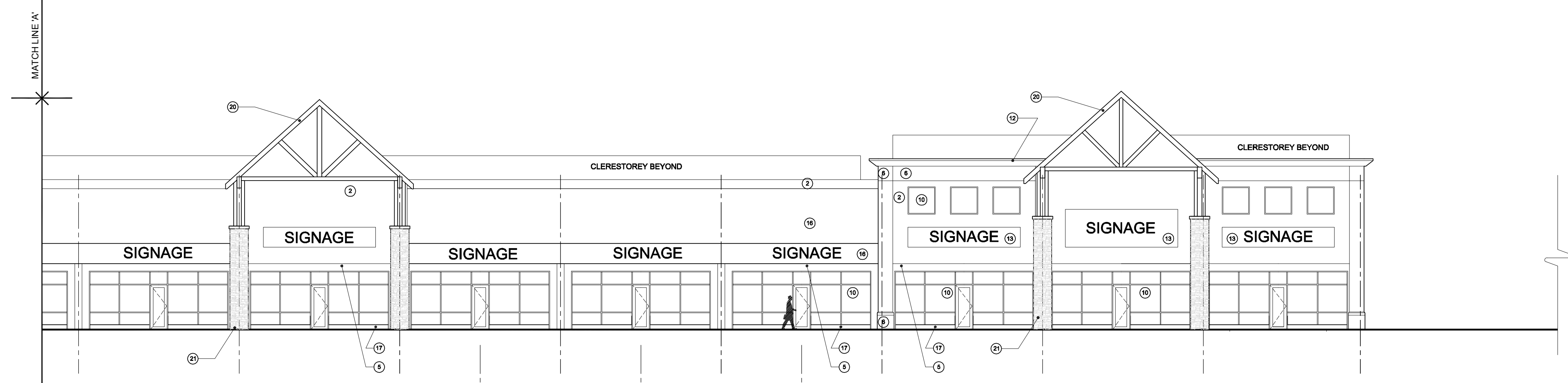
1 NORTH ELEVATION
 SCALE 1:150

BUILDING 'B' ELEVATIONS

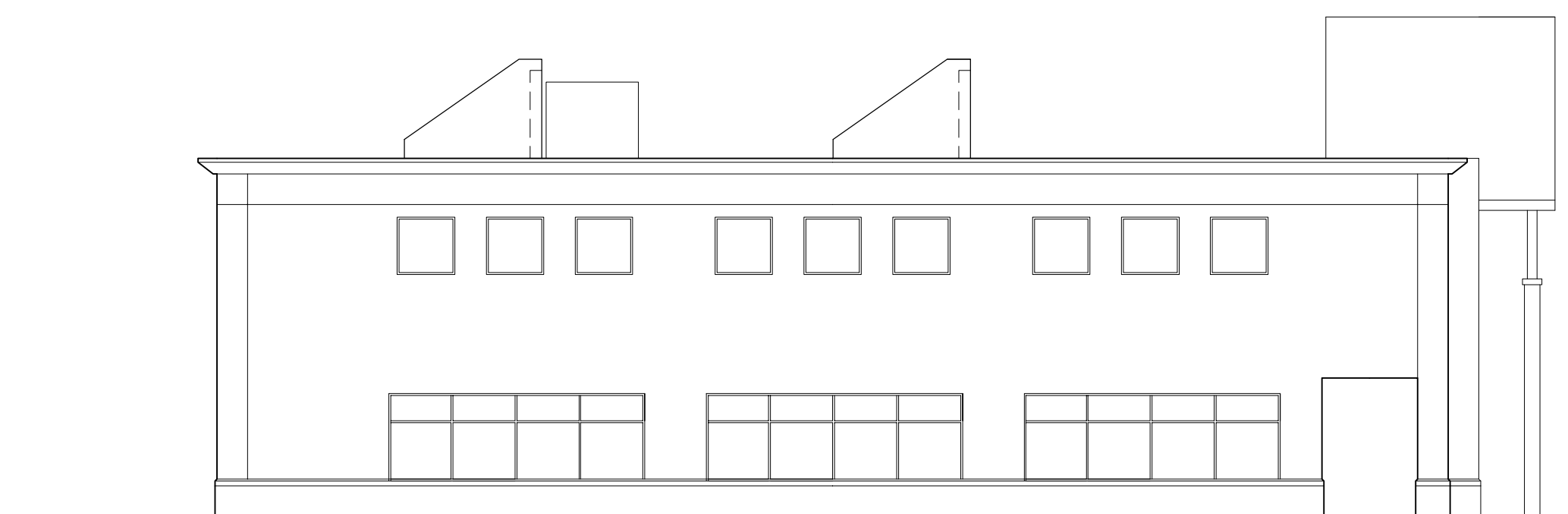


3 PARTIAL NORTH ELEVATION
SCALE 1:150

LEGEND	
1	ASHPALT SHINGLES (COLOUR BLACK)
2	EIFS (COLOUR YELLOW/CREAM)
3	EIFS MOULDING (COLOUR BLACK)
4	EIFS (COLOUR FOREST GREEN)
5	EIFS (COLOUR MEDIUM GREY)
6	EIFS (COLOUR WARM GREY)
7	BRICK SILL/BANDING (COLOUR RED)
8	STONE VENEER (COLOUR WARM GREY, FINISH SMOOTH)
9	PRECAST CONCRETE (WARM GREY)
10	CLEAR GLAZING IN BLACK ALUM. FRAMES
11	PREFINISHED METAL FASCIA AND FLASHING (COLOUR BLACK)
12	PREFINISHED METAL FASCIA AND FLASHING (COLOUR WARM GREY)
13	SIGN LETTERS
14	PREFN. ALUM. SAVESTROUGH (COLOUR BLACK)
15	PREFN. ALUM. LOUVRES/ SCREEN (COLOUR BLACK)
16	AWNING WITH SIGN OVER (COLOUR FOREST GREEN)
17	STONE VENEER (COLOUR MEDIUM GREY, FINISH SMOOTH)
18	BRICK VENEER (COLOUR SALMON)
19	SEASONAL CANOPY OVER PATIO
20	TIMBER FRAMING
21	MASONRY PIER
RTU = ROOF TOP UNIT RD = ROOF DRAIN SC = ROOF SCUPPER FG = FIXED GLAZING SG = SPANDREL GLAZING WL = WALL LIGHT CL = CEILING LIGHT O = OPERABLE WINDOW	



2 PARTIAL NORTH ELEVATION
SCALE 1:150



1 EAST ELEVATION
SCALE 1:150

1759787 Ontario Inc. (By Offer to Sell Agreement)

File: OZ 09/008 W5

Agency Comments

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

Agency / Comment Date	Comment
<p>Greater Toronto Airports Authority (July 9, 2009)</p>	<p>According to the Airport Zoning Regulations for Toronto's Lester B. Pearson International Airport, development elevations over the proposed buildings are affected by the following obstacle zoning restrictions: the Outer Surface and the Transitional Surface. The maximum allowable development elevation under the greatest restriction (Transitional Surface for Runway 05) ranges from approximately 205 m (673 ft.) Above Sea Level (ASL) at the southwestern corner of the property to approximately 219.46 m (720 ft.) ASL at the northeastern corner. The subject property is also affected by electronic zoning restrictions and the following aeronautical facility: namely the Localizer for Runway 05 (future designation 05L). Based on the information previously provided by the proponent: Finished Floor Elevation of 179.20 m (588 ft.) ASL; top elevation of hotel 205.35 m (674 ft.) ASL; top elevation of warehouse of 191.0 m (627 ft.) ASL; as well as information provided by the City on MW Hall Corporation Drawing Numbers A3-0 and B3-0, the proposed five-storey hotel and one-storey warehouse building would be within the allowable height limits associated with the Regulations.</p> <p>The proposed buildings are located within the 35-40 NEF/NEP of the composite contour map for Toronto Pearson International Airport and within the Airport Operating Area (AOA). Noise contours depicting the Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) are produced to encourage compatible land use planning in the vicinity of airports. Acoustic design features should be incorporated in the building components to the satisfaction of the City of Mississauga.</p>

1759787 Ontario Inc. (By Offer to Sell Agreement)

File: OZ 09/008 W5

Agency / Comment Date	Comment
Region of Peel (September 2009)	<p>An existing 300 mm (1.2 in.) diameter watermain is located on Columbus Road. An existing 750 mm (3 in.) diameter watermain is located on the north side of Derry Road East, however, this watermain is a major distribution feedermain and as per Region of Peel watermain design criteria standard 6.1 service connections are not permitted. An existing 250 mm (1 in.) diameter sanitary sewer is located on Columbus Road. External construction will be required at the applicant's expense for water and sanitary services.</p> <p>The Functional Servicing Report has been reviewed, and shall be revised in accordance with the written technical comments provided. The proposal to connect to the sanitary sewer on Columbus Road through the 5 m (16.4 ft.) easement is satisfactory; however, the size of the connection shall be revised to a 250 mm (1 in.) diameter sanitary sewer main. Connection to the watermain on Columbus Road through the 5 m (16.4 ft.) easement will not be permitted. The size of the easement is not sufficient for additional mains according to Peel Design standard 2.8 in our Watermain Design Criteria. Connection to the 750 mm (3 in.) diameter watermain on Derry Road will not be permitted also as this does not function as a local distribution main. We advise that a private water servicing easement through the Cemetery Lands be investigated. The applicant is required to submit a revised Functional Servicing Report to reflect the comments above and also include a Sanitary Sewer Design sheet (Standard drawing 2-5-1), sanitary sewer flows and domestic water demand and fire flows.</p> <p>The subject land is not within the vicinity of a landfill site. On-site waste collection will be required through a private waste hauler.</p>

1759787 Ontario Inc. (By Offer to Sell Agreement)

File: OZ 09/008 W5

Agency / Comment Date	Comment
	<p>The Traffic Impact Study has been received and comments will be provided once the review is complete. Any proposed accesses will be reviewed in conjunction with the Traffic Impact Study.</p> <p>Through the site plan application, the Region will require the gratuitous dedication of lands to meet the Official Plan requirement of 22.5 m (73.8 ft.) from the centreline of the right of way of Regional Road No.5 (Derry Road East), and the gratuitous dedication of a 0.3 m (1 ft.) Reserve along the frontage of Regional Road No. 5 (Derry Road East) behind the property except at the approved access location.</p>
Toronto and Region Conservation Authority (September 9, 2009)	<p>The subject properties are located outside of TRCA's Regulated Area of the Etobicoke Creek Watershed. In accordance with Ontario Regulation 166/06, a permit is not required from TRCA prior to any works taking place on site.</p> <p>Based on our review of the adjacent cemetery expansion, the watercourse north of Derry Road East was modified through the development of the industrial subdivision north of the site. As a result, the feature south of Derry Road East, which traverses the subject property and divides the existing cemetery from the cemetery expansion and the subject properties, is no longer a functioning watercourse or a wetland. However, the feature retains a habitat function for the migration of birds in the vicinity. Through the cemetery expansion, the existing feature's width was decreased and the existing vegetation removed. A significant restoration tree planting plan for the feature was included as part of the cemetery expansion.</p> <p>A stormwater management report has not been submitted. Provide a stormwater management report for TRCA's review and approval, in accordance with the guidelines provided in the technical comments.</p>

1759787 Ontario Inc. (By Offer to Sell Agreement)

File: OZ 09/008 W5

Agency / Comment Date	Comment
	<p>Submit separate Erosion and Sediment Control drawings for the subject site.</p> <p>As part of the stormwater management scheme, TRCA's minimum requirement with respect to water balance for this and all sites within our jurisdiction is for on-site retention of runoff for a 5 mm (0.2 in.) storm.</p> <p>Final recommendations are premature at this time until the above noted comments are addressed to the satisfaction of TRCA staff.</p>
<p>City Community Services Department – Planning, Development and Business Services Division (July 29, 2009)</p>	<p>In the event that the application is approved, the Community Services Department – Planning and Heritage note the following conditions.</p> <p>This Department notes that prior to the issuance of building permits for each lot or block, 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 the City's Policies and By-laws.</p>
<p>City Community Services Department – Fire and Emergency Services Division (September 2009)</p>	<p>Fire has reviewed the rezoning application from an emergency response perspective and has no concerns. Emergency response time to the site and water supply available are acceptable.</p>
<p>City Transportation and Works Department (August 28, 2009)</p>	<p>The applicant is to provide a revised Site Grading and Servicing Plan which accurately depicts all details with respect to the storm outfall to the west and the proposed connection to the existing storm sewer to the east. The applicant is also required to provide legal documentation confirming that private servicing and access easements have been registered on title.</p> <p>In addition, prior to the preparation of a Supplementary Report, the applicant has been requested to submit a Phase II Environmental Site Assessment in order to eliminate the possibility of contamination of the subject lands.</p>

1759787 Ontario Inc. (By Offer to Sell Agreement)

File: OZ 09/008 W5

Agency / Comment Date	Comment
	<p>It was further noted that the traffic and transportation matters pertaining to Derry Road East shall be dealt with through the Region of Peel as this road is under their jurisdiction.</p> <p>Further comments will be provided pending the receipt and review of the above items.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> - Bell Canada - Canada Post - Development Services, City of Mississauga - Enbridge Gas Distribution Inc. - Enersource Hydro Mississauga
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> - Economic Development Office, City of Mississauga - Realty Services, City of Mississauga - Rogers Cable

