



Corporate Report

Clerk's Files

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Files OZ 07/013 W2

PDC OCT 05 2009

DATE: September 15, 2009

TO: Chair and Members of Planning and Development Committee
Meeting Date: October 5, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment and Rezoning Applications**
To permit the redevelopment of the lands, including an 8 storey
retirement dwelling, convenience restaurant and
two commercial buildings
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.
Bill 51

Supplementary Report **Ward 2**

RECOMMENDATION: 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.
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. Alternatively, if the matters outlined within the Section 37 – Public Benefits Section of this report are addressed to the satisfaction of the City through other development and servicing agreements, as appropriate, the requirement for a Section 37 agreement shall be waived.
 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.

REPORT SUMMARY:

This report responds to questions and comments raised by area residents at Planning and Development Committee last September, the Community meeting and at subsequent Focus Group meetings. An evaluation of the subject applications is provided in the context of the relevant Mississauga Plan policies, the comments from various City Departments, agencies and the public as well as in the context of the applicant's planning rationale.

The Planning and Building Department concluded that the applications can be supported subject to necessary modifications to the proposed Official Plan and Zoning By-law Amendments and

site layout. The modifications to the applications are required in order to appropriately address the intent, goals, objectives and policies of Mississauga Plan and good planning principles. The report also outlines technical information that is required from the applicant should the applications be approved. The following is a list of key modifications being recommended by the Planning and Building Department for the proposed development:

- The proposed retirement dwelling is to be relocated a maximum of 3.0 m (9.8 ft.) from the front property line;
- The proposed building height of 8 storeys for the retirement dwelling is supported subject to a minimum 2 storey and maximum 3 storey street wall condition with any additional building height over 3 storeys to be set back a minimum of 6.0 m (19.7 ft.) from the street wall;
- All required resident parking for the retirement dwelling is to be provided below grade;
- The proposed urban square is to be relocated to the east side of the existing signalized driveway access;
- The loading and service bay for the proposed HomeSense store is to be fully enclosed and/or reoriented to address potential impacts associated with noise and odour from delivery trucks;
- The proposed McDonald's convenience restaurant is supported subject to it being moved further west on the site to frame the east edge of the urban square;
- The proposed 1 storey commercial building adjacent to the urban square is to be increased to 2 storeys in height and set back further from the front property line to frame the north edge of the urban square;
- The easterly most driveway access is to be relocated adjacent to the east property line;
- An internal road connection is required between the signalized driveway access and the relocated east driveway access;
- A reduced parking standard of 3.0 spaces per 100 m² (1,076.4 sq. ft.) is recommended for small scale retail uses less than 278.7 m² (3,000 sq. ft.);
- A Section 37 – Public Benefits agreement is to be entered into or other satisfactory arrangements agreed to with the landowners to ensure appropriate compensation for the

increased height and density being sought under these applications. The public benefits shall include the construction of on street lay-by parking, boulevard and streetscape improvement works, the creation of a publicly accessible urban square, public access and mutual access agreements being put in place for internal roadways and to accommodate improvements to the existing pedestrian access from Feely Court.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on September 15, 2008, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information.

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0068-2008 which was subsequently adopted by Council and is attached as Appendix S-2.

An OMB prehearing conference was held on September 18, 2008. A second prehearing conference was adjourned twice and ultimately held on April 1, 2009. A third prehearing conference was held on July 13, 2009. A telephone conference call has been scheduled for October 13, 2009 at which time a finalized procedural order and issues list are to be presented to the OMB. In addition, the City and the applicant have agreed to OMB led mediation, which has been scheduled for November 2 and 5, 2009. The Board will also consider the subject Official Plan Amendment and Rezoning applications and associated Site Plan application under file SP 08/098 W2 during a nine (9) day hearing commencing on December 1, 2009.

Subsequent to the public meeting, the applications have been amended based on a revised submission received in May 2009, as follows:

- the height of the proposed retirement dwelling has been increased from 7 to 8 storeys;
- the number of proposed units within the retirement dwelling has been reduced from 156 to 144;

- the abutting property to the east, namely 1829 Lakeshore Road West, owned by McDonald's Restaurants of Canada Limited, has been formally incorporated as part of the applications;
- the applicant's concept plan has been revised with respect to the placement of buildings on site, and includes a new freestanding McDonald's convenience restaurant at the east end of the site adjacent to Lakeshore Road West (see Appendix S-4); and,
- the second storey of the proposed commercial building (Building 'C') along Lakeshore Road West has been eliminated.

The applications were further modified on August 28, 2009 to make minor refinements to the concept plan, including reductions to the building setback from Lakeshore Road West for the proposed one storey commercial building (Building 'C') and the new McDonald's convenience restaurant. In addition, modifications were made to the requested zoning standards to properly reflect their current proposal which is depicted on the Revised Concept Plan attached as Appendix S-4.

Applications for consent to sever the lands in support of the most recent revisions were considered and refused by the Committee of Adjustment at its meeting held on September 10, 2009.

COMMENTS:

See Appendix S-1 - Information Report prepared by the Planning and Building Department.

COMMUNITY ISSUES

As outlined in the Information Report, a Community meeting was held by Ward 2 Councillor, Patricia Mullin on February 21, 2008 and a Focus Group subsequently established. To date five meetings have been held, with the most recent held on June 18, 2009. The Ward Councillor has arranged for a further Focus Group meeting to be held on September 23, 2009. Any additional comments arising from this meeting will be addressed in an Addendum Report, as necessary.

The following is a summary of issues raised by the Community at scheduled meetings and correspondence received to date together with corresponding responses.

Comment

The westerly access location appears to be too close to the rail spur line to be safe and should be eliminated.

Response

Discussion regarding the proposed westerly driveway is included in the updated comments from the Transportation and Works Department.

Comment

Is the proposed development consistent with and support the findings of the Clarkson Village Study?

Response

Although the Clarkson Village Study has not yet been finalized or endorsed by Council, the principles espoused by the public through the process were released in a Phase 1 Report earlier this year. The proposed development does not fully address the principles outlined in the Phase 1 Report, particularly in regard to the desired street wall condition along Lakeshore Road West, the location and configuration of publicly accessible urban square proposed on site and interconnection options. Discussion regarding recommended modifications by Planning staff to address these matters is included in the Planning Comments section of this report.

Comment

Will the long term interface issues of noise, odour and lighting impacts on the northerly abutting homes be addressed with the redevelopment of these lands?

Response

The proposed development eliminates the service lane condition that has historically been the source of numerous complaints. In addition, garbage is proposed to be stored internal to all buildings. As such, odour is not expected to be a problem.

The loading and service bay for the proposed HomeSense building is located 4.5 m (14.8 ft.) from the north property line. This facility should be fully enclosed and/or reoriented to address potential impacts associated with noise and odour from delivery trucks.

All lighting is required to be directed onto the site and designed in a manner and height so as not to impact on abutting lands.

Comment

The proposed landscape setbacks do not appear to be adequate to preserve existing trees and to accommodate additional landscape plantings.

Response

Detailed landscape and tree preservation plans were provided with the most recent submission of materials. A detailed review of these materials has not yet been completed. Based upon a preliminary review, there appears to be adequate space for landscaping and tree preservation, although some conflicts between plans have not been resolved to sufficiently address this comment. It should also be noted that significant tree removal is expected along the Lakeshore Road West frontage to accommodate reduced building setbacks and streetscape improvements that are consistent with the planned mainstreet commercial character.

Comment

Why hasn't the McDonald's restaurant been included in the redevelopment plans?

Response

The revised concept plan as depicted on Appendix S-4 now includes the abutting property to the east, owned by McDonald's Restaurants of Canada Limited and a new convenience restaurant is proposed on this portion of the lands as shown on Appendix S-4.

The following additional comments were raised and have been addressed in the Planning Comments section of this report:

- An integrated and clearly defined internal road network is important to accommodate the current needs and provide long term flexibility regarding further redevelopment of portions of the lands and to accommodate interconnections with abutting lands to the east.
- Is there adequate on-site parking proposed to support the development?
- The publicly accessible urban square should be located on the east side of the signalized access, given it is in a more central location on the site and to ensure greater opportunities for active uses on two sides.
- The buildings should be located at or near the street edge to accommodate a village aesthetic and comfortable street wall enclosure.
- The proposed development should be designed in a more integrated and comprehensive fashion where the retirement dwelling is incorporated into the development from an aesthetic and functional perspective, locating the main vehicle and pedestrian entrances on the east side of the building and/or on Lakeshore Road West.
- Residential intensification of this kind should be supported on this site and elsewhere in Clarkson Village.
- The commercial components of the proposed development should be developed with the theories of intensification in mind, more efficiently utilizing the ground area with smaller building, footprints, structured parking and increased building heights; and,
- Is the proposed retirement dwelling of an appropriate height, scale and character for this location within Clarkson Village?

In addition, questions were asked about construction phasing and completion timeframes to which the applicant indicated that a phasing plan for redevelopment had not been finalized and the phasing of development would impact the length of construction.

UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

Transportation and Works Department

In comments updated September 15, 2009, Transportation and Works (T & W) state that notwithstanding the findings of the Traffic Impact Study, this Department maintains the position that the proposed westerly access should be eliminated or restricted to inbound movements only. This Department also noted a preference to have the proposed easterly access relocated to its current location further to the east.

Previous requests for a revised Environmental Site Screening Questionnaire and Declaration (ESSQD) form and a Reliance Letter in support of the submitted Phase I Environmental Site Assessment (ESA) prior to the preparation of the Supplementary Report have not been addressed by the applicant.

In the event that these applications are approved by Council, the above-noted items must be addressed by the applicant to the satisfaction of T & W. The applicant will be required to provide functional design details for the revised mid-block and easterly points of access and any proposed revisions to the mid-block access point may require the existing traffic signals to be modified. Subject to the review and approval of any proposed access works, any/all associated costs to modify the existing signals will be borne by the applicant. The applicant will also be required to provide an updated Noise Report or Addendum Letter, an updated Functional Servicing Report.

In addition, the applicant will be required to enter into a Servicing Agreement for Municipal Works Only with the City for the design and construction of the lay-by parking proposed along Lakeshore Road West, any necessary relocation of services and utilities

within the boulevard, and any other necessary municipal works required in support of the development including asphalt overlays and access modifications.

PLANNING COMMENTS

Official Plan

The proposal requires an amendment to the Mississauga Plan Policies for the Clarkson-Lorne Park District from "Mainstreet Commercial" to "Mainstreet Commercial – Special Site". The Special Site policies sought by the applicant are required to accommodate the proposed 8 storey retirement dwelling and the proposed convenience restaurant. As outlined in the Information Report, Section 5.3.2 of Mississauga Plan provides criteria for evaluating site specific Official Plan Amendments. The applicable criteria are addressed below along with a discussion of how the proposed amendment addresses the intent of the criteria.

Proposed 8 storey Retirement Dwelling

As currently configured, the proposed 8 storey retirement dwelling would negatively impact the achievement of the overall intent and policies of Mississauga Plan, in particular the Clarkson Village Mainstreet Commercial Character Area policies of the Clarkson-Lorne Park District, which encourage two to three (2-3) storeys, zero street lot line, mixed use development. The intent of these policies is to create and maintain a mainstreet character in regard to building height, massing, street wall enclosure and pedestrian environment. The height and form of the proposed retirement dwelling should, therefore, be cognizant of the intent of the existing policy framework and accommodate an appropriate street edge condition. To this end, the Special Site policies should be modified to require a maximum street wall height of 3 storeys with any building height in excess of 3 storeys setback at least 6.0 m (19.7 ft.) from the Lakeshore Road West street wall (façade). In considering what the appropriate maximum height of the retirement dwelling should be, Planning staff concluded that additional height beyond the prescribed 3 storeys, can be

accommodated on site, if appropriately configured and located, without negative impact on character or from a sun shadow and overlook perspective. The ultimate building height above the third storey should be driven by the existing built form context, overall built form hierarchy established in Mississauga Plan and the density and building height transition already established within Clarkson Village.

The Clarkson GO Train Station is located on the west side of Southdown Road, just north of Lakeshore Road West. The highest and most dense buildings in Clarkson Village are located immediately adjacent to the station and generally transition downward away from the station towards the subject lands. There are building heights of 21 storeys immediately adjacent to the GO station stepping down to 8 storeys adjacent to the subject lands, on the opposite side of the CN Rail overpass. Any additional height accommodated on these lands should, therefore, continue the existing trend and recognize the transitional character into the Village Character area. To this end, a maximum building height of 6 storeys would address all aspects of character and transition.

The subject lands, however, also benefit from being the largest land holding in the Village in regard to lot area, width and depth and as such warrant considerations above and beyond the existing policy framework and character considerations. Based upon an analysis of shadow studies, overlook and existing context, 8 storeys can be accommodated on site without unacceptable negative impacts, subject to appropriate built form transitions and treatments at the Lakeshore Road West frontage and to the rear, where the site abuts detached dwellings. Any intensification in height and density on the subject lands should also be tied to the provision of underground parking in order to ensure a more efficient use of the site, as further discussed in the Zoning Section of this report. As such, the Special Site policies should be modified to require that all required resident parking for the proposed retirement dwelling be provided underground.

As increased height and density are being proposed by the applicant, this development qualifies for a Section 37 public

benefits consideration. The Planning and Building Department recommend that consideration of any additional building height in excess of 3 storeys be supported on the basis of a possible Section 37 Public Benefits agreement between the landowners and the City as part of the development approval process. Additional discussion regarding this matter is set out in the Section 37 – Public Benefits section of this report.

Proposed Convenience Restaurant

The Mainstreet Commercial policies in Mississauga Plan state that "...commercial uses with drive-through facilities...will not be permitted." and that "These uses which exist in areas designated Mainstreet Commercial at the time this Plan is approved (2004 March 29) will be permitted until such time as they cease operation."

The proposed convenience restaurant would replace the existing McDonald's convenience restaurant, which is a legally permitted use as of the above-noted date. The redevelopment of the McDonald's may not be considered a discontinuation of the drive-through use and as such the intent of the applicable Mainstreet Commercial and Clarkson Village Commercial Character Area policies would have to be maintained with the reconstruction. These policies would be upheld only if the drive-through facilities can be appropriately screened from Lakeshore Road West and accommodated without adversely impacting the layout and function of the remainder of the site.

The Planning and Building Department has concerns with the proposed location of the convenience restaurant and the associated driveway access immediately adjacent to it and the lack of a continuous street wall. To improve site circulation, decrease visibility from the street, improve site access and address requirements for a continuous mainstreet commercial street wall, it is recommended that support for the proposed convenience restaurant be predicated upon it being moved further west on the site with the driveway access relocated adjacent to the east

property boundary. Additional discussion regarding site layout changes is included in the Zoning Section of this report.

Subject to the above recommended modifications by the Planning and Building Department, no adverse impacts are expected as a result of this redevelopment and it will not preclude the redevelopment of any of the surrounding properties in accordance with their planned function. The proposal as modified is suitable for these lands and is compatible with the surrounding land uses. Further, the height and form of the proposed retirement dwelling as modified is appropriate given the site's location on Lakeshore Road West, the large size of the property and its context within the Clarkson Village Mainstreet Character Area. In addition, the existing infrastructure and community services are adequate to support the proposed redevelopment, as modified. As such, the proposed redevelopment will achieve the overall intent, goals and objectives of the Official Plan.

The subject amendment, as modified, therefore, appropriately addresses the criteria for consideration of a site specific Official Plan Amendment.

Zoning

The proposed "C4-Exception" (Mainstreet Commercial) zone is appropriate to accommodate the proposed development subject to the modifications outlined below and the incorporation of the proposed requirements identified in Appendix S-7. An exception schedule is also proposed to govern the location of: all buildable areas and applicable building setbacks, the publicly accessible urban square, landscaped buffer areas, driveway accesses, amongst other site layout details.

Parking

The applicant has provided a revised parking justification report which satisfactorily justifies the proposed parking rate of 0.4 spaces per retirement dwelling unit, whereas 0.5 spaces per unit is required in the Zoning By-law. Through the review of these

applications, the Planning and Building Department has been encouraging the use of underground parking, in particular for the proposed retirement dwelling. The applicant is in part justifying the retirement dwelling on the grounds of residential intensification. Such a justification cannot be made by considering increased height and density without considering the efficient use of land. The proposed development does not use land as efficiently as it could. By locating the required resident parking for the retirement dwelling underground, additional space becomes available to allow further commercial floor area, a more appropriate configuration and arrangement of buildings and amenities on site, including landscaped buffer areas. Moving the required resident parking for the retirement dwelling below grade would also allow the proposed 1 storey retail commercial building at the street edge (Building 'C') to add a second storey for office uses generating an additional 27 parking spaces at a rate of 3.2 spaces per 100 m² (1,076.4 sq. ft.). Accordingly, the Planning and Building Department recommends that the required resident parking for the retirement dwelling be provided underground.

In addition, the Planning and Building Department is prepared to support a reduced parking standard of 3.0 spaces per 100 m² (1,076.4 sq. ft.) for small scale retail uses that occupy a space no greater than 278.7 m² (3,000 sq. ft.) to further address the efficient use of parking. Through the Clarkson Village Study process, staff have evaluated this lower parking standard and are satisfied that small scale retail operations located within a true mainstreet environment generate lower demands for parking due in part to the higher level of pedestrian activity.

It may be possible to justify further parking reductions for certain uses affected by the proposed provisions. It should be noted that the site's location near public transit, the Clarkson GO Transit Station and within a 'mainstreet' environment provides a number of necessary criteria to consider a reduction in parking. However, the specific uses and amount of a reduction beyond that described above would need to be considered carefully in the appropriate context.

Restaurant Separation Distance from Residential Zones

The applicant is proposing to delete the Zoning By-law regulations pertaining to minimum separation distances required from Residential Zones for a variety of uses including restaurant uses. The intent behind this exclusion is to allow for the continuation of all types of restaurants on site notwithstanding that residential uses abut the site to the north and are also proposed on the subject lands. The proposed development is laid out in such a fashion that all of the commercial buildings, which could accommodate restaurants, would be located close to Lakeshore Road West as far from the detached dwellings to the north as possible. In addition, through the site plan approval process, internal garbage storage areas would be required for any restaurants proposing to locate on site and as such, impacts on existing residential homes are expected to be negligible. Since the other listed uses are not permitted as of right within the "C4" (Mainstreet Commercial) zone, staff recommend that only restaurants, convenience restaurants and take-out restaurants need be excluded from the minimum 60 m (196.8 ft.) separation distance from residential zones.

Minimum Building Height

The applicant proposes to exclude the Zoning By-law regulation requiring a minimum 2 storey building height within the "C4" (Mainstreet Commercial) zone as the HomeSense store (Building 'B'), the retail commercial building at the street edge (Building 'C') and the McDonald's convenience restaurant are all proposed with a minimum 1 storey building height. The intent of these provisions, as generally discussed in the Official Plan section of this report is to ensure a 'mainstreet' street edge condition, with active uses and a comfortable street enclosure.

The proposed HomeSense building to the rear of the site is located away from the street edge and close to the north property line, abutting detached residences. Staff, therefore, has no objection to the elimination of the minimum 2 storey building height requirement for this building.

Conversely, the McDonald's restaurant and Building 'C' located along the Lakeshore Road West frontage should not be excluded from the minimum 2 storey building height requirement in order to ensure the desired 'mainstreet' street edge condition. Building 'C' should be encouraged to add a second storey for office uses. Although McDonald's restaurant would not lend itself to being a mixed use building, the required street wall height should be accommodated through a minimum building height requirement of 7.5 m (24.6 ft.), a height similar to most two storey mixed use buildings.

Maximum Building Height

As outlined in the Official Plan section, the applicant is proposing that the retirement dwelling be permitted with a maximum building height of 8 storeys. While shadow and overlook impacts can be mitigated at that height, the character of Clarkson Village will be negatively impacted by the building height and form currently proposed. Accordingly, the retirement dwelling should have a 3 storey street wall or podium condition, stepping back the higher floors a minimum of 6.0 m (19.7 ft.) from the street wall. To the rear, the building should be terraced generally along a 45 degree angular plan similar to the zone regulations within the RA (Residential Apartment) zone of Zoning By-law 0225-2007.

With respect to the proposed HomeSense store (Building 'B'), given its proximity to residential to the rear, it is recommended that maximum building heights be required in accordance with the elevation drawing heights shown on Appendix S-5 Page 3, being 10.7 m (35 ft.) at the building front, 8.5 m (27.8 ft.) in the middle section and 6.4 m (21 ft.) at the rear of the building.

The proposed exception schedule should, therefore, be modified to address the minimum and maximum building height requirements.

Floor Space Index

Although the applicant has not identified or requested zone requirements pertaining to Floor Space Index (FSI), based on the

residential and non residential gross floor areas proposed, it is recommended that the implementing Zoning By-law include a maximum residential FSI and a maximum combined residential and non residential FSI. It is noted that the applicant has requested that the zone requirements apply across all lands with the proposed "C4-Exception" (Mainstreet Commercial) zone category and not as per the proposed lines of severance. As a result, the maximum FSI for proposed retirement dwelling will be approximately 0.56 and the maximum combined residential and non residential FSI will be 0.77.

Site Layout

In addition to those matters outlined in the Official Plan section, there are a number of concerns with the current site layout depicted on the Revised Concept Plan attached as Appendix S-4. The proposed redevelopment does not create a strong and appropriate street edge condition for the buildings along the Lakeshore Road West frontage, and as such, should be reconfigured and arranged on site as follows:

- The retirement dwelling should be moved forward on the site to 0 m (0 ft.) to 3.0 m (9.8 ft.) from the front property line. The retirement dwelling should be further modified to ensure that there is a primary resident entrance directly on Lakeshore Road West, in addition to ensuring that commercial uses 'wrap' around the corner and continue along the Lakeshore Road West façade, where it is not interrupted by the residential entrance.
- The publicly accessible urban square should be moved to the east side of the existing signalized driveway access in a more centralized location on site. The urban square should be constructed and maintained by the landowner, however, be subject to public use easements and contain appropriate zone regulations to protect these lands from future redevelopment.
- The proposed retail commercial building (Building 'C') should be moved back from the Lakeshore Road West frontage to the

depth of the square and include main front doors onto the square.

- The proposed McDonald's convenience restaurant should be moved west on the site to frame the east side of the square and its shape along with the configuration of the proposed drive-through modified.

In addition to relocating the easterly driveway access to the east property line, the layout should be modified to ensure an internal road connection between the central signalized driveway access and the east driveway access. All internal roads and the three driveway accesses should be subject to easements in favour of all ownership interests in the development as well as public use/shared access agreements which would be pursued through the site plan approval process. Parking use easements will also be required to ensure that the required parking for individual components of the development is available for use of by those components. Additional comments in this regard are provided in the following section of the report.

As noted previously in the Community Issues section of the report, the loading and service bay for the proposed HomeSense store (Building 'B') should be modified to be fully enclosed and/or reoriented on site to address potential impacts associated with noise and odour from delivery trucks.

Although the commercial components of the proposed development are being accommodated through surface parking at this time, the modified site layout, as recommended by staff, is designed to accommodate intensification in the future as Clarkson Village evolves over time. Through the further redevelopment of portions of this site, parking for any intensified uses would be required to be accommodated either below grade or through structured parking. This would result in the site being ultimately used more efficiently with increased building coverage and less surface parking areas.

Public Benefits – Section 37

Section 37 of the *Planning Act* permits municipalities to pass zoning by-laws to authorize increases in height and/or density beyond what is otherwise permitted in return for the provision of such facilities, services and matters (public benefits) as are set out in the by-law authorizing the increase. The *Planning Act* provides that Section 37 powers may be used only where there are official plan provisions in effect relating to the authorization of increases in height and density of development. The public benefits may be secured in an agreement that may be registered on title. Section 37 powers are fundamentally different from the power granted to municipalities to collect development charges. While development charges are essentially a tax which must be paid whether an increase in density or height has been granted or not, Section 37 allows the municipality and the developer to share in the value added to the site through the granting by the municipality of increased height and/or density.

Although the development as proposed by the applicant does not include a Section 37 component, this matter must be discussed in the evaluation and in seeking direction from Council prior to presenting evidence at upcoming OMB proceedings.

Section 5.3.3.2 – Bonus Zoning of Mississauga Plan, enables Mississauga to utilize Section 37 powers. Similarly to the provisions of the *Planning Act*, Mississauga Plan indicates that, "City Council may pass by-laws permitting increases in height and/or density for development permitted by this Plan and/or comprehensive Zoning By-law to enable the City to secure specific amenities that benefit the City." Further it states that "In all cases, the increased height and/or density will be based upon site specific review. In reviewing the proposed increase in height and/or density, City Council will ensure that: the proposed development is compatible with the scale and character of the surrounding area and has little impact on neighbouring uses; there are adequate engineering services and community services; the transportation system can accommodate the increase in density; a traffic study will generally be required; the site is suitable in terms of size and

shape, to accommodate the necessary on site functions, parking, landscaping, and recreational facilities; a special study is required from the applicant which establishes an equitable relationship between the benefit to the owner of the value of the density increase that may be permitted and the value of the facility, service, or matter to the public."

The development as currently proposed does not pass all of the qualifying tests mandated in Mississauga Plan, as outlined in the planning analysis detailed previously. The Planning and Building Department modifications, when applied to the proposed development would meet the qualifying tests mandated by the *Planning Act* and Mississauga Plan, and as such, a Section 37 contribution should be considered.

As the City is without a formal application or evaluation report in support of a Section 37 application, specific conclusions about the value of the contributions are not possible. Recognition of some form of intensification is permitted under existing Official Plan policies and pursuit of a Section 37 contribution is therefore appropriate.

Staff discussions regarding this matter concluded that there is a nexus between the form and degree of intensification contemplated and the need for services to facilitate pedestrian connections, site interconnectivity, public on-street parking, streetscape improvements and a public gathering space.

Specifically, Clarkson Village lacks an appropriate and usable public gathering space that is essential to creating a viable mainstreet environment. The subject lands are the single largest land holding within the 'core' of the Village. These lands can reasonably be seen to serve a central function that would benefit from some form of gathering space accessible to the public, which would reasonably be accommodated in the form of a privately owned and publicly accessible urban square.

The applicant is presently proposing to construct lay-by on-street parking along the Lakeshore Road West right-of-way as part of the

development. These parking spaces would not only serve the tenants of the development, but the broader community. As such, the proposed on-street parking will serve a public benefit and should be addressed through a Section 37 agreement.

The construction of any on-street parking and site development will disrupt the boulevard space immediately adjacent to the subject lands. Existing works in the boulevard, including the wooden landscape planter boxes, are at or near the end of their usable lifespan and are in need of remedial work. In addition, the landscape works along the Lakeshore Road West frontage appear to straddle the front property line and as such will be disrupted by the proposed development. Further, the type of development proposed warrants a re-thinking of the streetscape condition abutting the subject lands. Namely, the mainstreet commercial condition with zero setbacks and active pedestrian realm would conflict with the existing treatment in that the existing planter boxes are raised from ground level and screen the existing parking area from view. To achieve the desired landscape treatment along the Lakeshore Road West frontage, the grade differential should be minimized and any structures which hamper access and sightlines removed. The ultimate streetscape design and works must be coordinated to address such matters and existing services while harmonizing and replacing hard surface areas adjacent to the sidewalk, street furniture and pedestrian scale lighting, as necessary, within the immediate vicinity of the subject lands.

There is presently a public walkway and easement which facilitates pedestrian movements from Feely Court to the north onto the subject lands and to Lakeshore Road West. Through the redevelopment of these lands, the pedestrian connection from the north property line to the Lakeshore Road West sidewalk should be improved and enhanced from a safety and usability perspective.

These matters, as well as public use easements over the site's driveway accesses and internal roads and streetscape works should be addressed through a Section 37 – Public Benefits agreement. However, should the applicant be prepared to make appropriate provisions for these works under various agreements with the City,

a Section 37 agreement may not be necessary. Should the applicant not agree to such matters and revisions necessary to accommodate these matters or through the OMB process rescind any one or all of the public benefits, a Section 37 agreement will be pursued to address those matters which can reasonably be accommodated based upon the value of the proposed increase in height and/or density.

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: In accordance with subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Council is given authority to determine if further public notice is required. The proposed revisions and recommended staff modifications to the application which comprise changes to specific requested zone standards, as well as a number of site layout, building redeployment and building height changes, are deemed minor. Therefore, it is recommended that no further public meeting need be held regarding the proposed changes.

The proposed Official Plan Amendment and Rezoning applications as modified are acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposed Official Plan Amendment and Rezoning with recommended modifications meet the overall intent, goals, objectives and policies of Mississauga Plan.
2. The "Mainstreet Commercial - Special Site" provisions and "C4-Exception" zoning standards, as modified, are appropriate to accommodate the proposed redevelopment and will not adversely impact or destabilize the surrounding land uses.
3. The proposed redevelopment with staff modifications is compatible with the existing surrounding land uses and will enhance the character of the area.

4. Outstanding technical and site layout issues and revisions necessary to accommodate such matters can be addressed by a Section 37 – Public Benefits agreement through the OMB process or alternatively should the applicant be prepared to address these matters through the required Development/ Servicing Agreements and concept plan changes, a Section 37 agreement may not be necessary.

ATTACHMENTS:

Appendix S-1 - Information Report
Appendix S-2 - Recommendation PDC-0068-2008
Appendix S-3 - Excerpt of Existing Land Use Map
Appendix S-4 - Revised Concept Plan
Appendix S-5 - Revised Elevations
Appendix S-6 - Proposed Renderings – McDonald's
Appendix S-7 - Proposed C4 – Exception Zone Requirements

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: John Hardcastle, Development Planner



Corporate Report

Clerk's Files

Appendix S-1

Originator's

Files OZ 07/013 W2

PDC SEP 15 2008

DATE: August 26, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 15, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit a 7 storey, 156 unit retirement dwelling and a
convenience restaurant
1829 and 1865 Lakeshore Road West
North side of Lakeshore Road West, west of Clarkson Road
Owner: RioCan (Clarkson) Inc. and McDonald's Restaurants
of Canada Inc.
Applicant: Glen Schnarr and Associates Inc.
Bill 51

Public Meeting **Ward 2**

RECOMMENDATION: That the Report dated August 26, 2008, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Mainstreet Commercial" to "Mainstreet Commercial - Special Site" and to change the Zoning from "C4" (Mainstreet Commercial) to "C4 - Exception" (Mainstreet Commercial), of By-law 0225-2007 to permit a 7 storey, 156 unit retirement dwelling and a convenience restaurant under file OZ 07/013 W2, RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Inc., 1829 and 1865 Lakeshore Road West, be received for information.

BACKGROUND:

The above-noted applications have been circulated for technical comments and community meetings have been held.

In a letter dated May 6, 2008, the proposed Official Plan Amendment application was appealed to the Ontario Municipal Board (OMB) by RioCan (Clarkson) Inc. In a subsequent letter dated May 30, 2008, the proposed Zoning By-law Amendment application was also appealed to the OMB. The OMB has since scheduled a prehearing conference for September 18, 2008.

The description of the subject lands outlined in this report references both 1829 and 1865 Lakeshore Road West. It is noted, however, that the applicant has not provided a letter of authorization from McDonald's Restaurants of Canada Inc., who are the owners of 1829 Lakeshore Road West, and therefore does not represent the interests of this land owner. Although the initial applications submitted did not include 1829 Lakeshore Road West, a revised draft zoning by-law amendment recently submitted by the applicant includes the McDonald's property. The draft by-law proposes that the existing convenience restaurant be recognized as a permitted use with a reduced parking standard.

The purpose of this report is to provide preliminary information on the applications and to seek comments from the community. Due to pending OMB proceedings, the applications must continue through the prescribed review process, despite several matters such as the landowner's authorization noted above, and other details outlined later in the report which have not been satisfactorily addressed.

COMMENTS:

The subject lands comprise two abutting parcels of land under separate ownership, namely 1865 Lakeshore Road West, owned by RioCan (Clarkson) Inc. and 1829 Lakeshore Road West, owned by McDonald's Restaurants of Canada Inc..

On the RioCan lands, it is proposed that all buildings be removed and replaced with a 7 storey, 156 unit retirement dwelling with ground level commercial on the westerly most portion of this site, and two buildings on the easterly portion of the site, namely a new HomeSense store to the rear and a multiple tenancy commercial building along the frontage of the site with a surface parking lot

between the two buildings (see Appendix I-5 - Concept Plan). The applicant has advised that the retirement dwelling will ultimately be severed from the remainder of the RioCan lands and held under a separate ownership. The ground level commercial space below the retirement dwelling is to remain in RioCan ownership.

On the McDonald's lands, the existing convenience restaurant is proposed to be retained without any modifications.

Details of the proposal on both sites are as follows:

Development Proposal	
Applications submitted:	July 10, 2007 (submitted) August 17, 2007 (deemed complete)
Height:	7 storeys (Retirement Dwelling) 1 storey (HomeSense Building) 2 storeys with false second storey (Commercial Building) 1 storey (Existing McDonald's Restaurant)
Lot Coverage:	43% (Retirement Dwelling on westerly portion of 1865 Lakeshore Road West) 29% (Retirement Dwelling on entirety of 1865 Lakeshore Road West) 8% (Existing McDonald's Restaurant – 1829 Lakeshore Road West)
Residential Floor Space Index:	1.54 (Retirement Dwelling on westerly portion of 1865 Lakeshore Road West) 0.7 (Retirement Dwelling on entirety of 1865 Lakeshore Road West)
Total Floor Space Index:	0.9 (All Proposed Buildings – 1865 Lakeshore Road West)
Landscaped Area:	22% (Retirement Dwelling on westerly portion of 1865 Lakeshore Road West)

Development Proposal	
	13% (Retirement Dwelling on entirety of 1865 Lakeshore Road West) 19% (Existing McDonald's Restaurant – 1829 Lakeshore Road West)
Net Density:	198 units/ha (80 units/ac.) – Retirement Dwelling on westerly portion of 1865 Lakeshore Road West 83 units/ha (33.6 units/ac.) – Retirement Dwelling on entirety of 1865 Lakeshore Road West
Gross Floor Area:	12 169 m ² (130, 990 sq. ft.) - Retirement Dwelling 1 542 m ² (16,600 sq. ft.) – Ground Level Commercial Retirement Dwelling 2 508 m ² (27,000 sq. ft.) - HomeSense Building 608 m ² (6,545 sq. ft.) - Free Standing Commercial 390 m ² (4,200 sq. ft.) - Existing McDonald's Restaurant 17 217 m ² (185,328 sq. ft.) - Total
Number of units:	156 Retirement Dwelling Units
Anticipated Population:	180 persons (based upon applicant's forecasts)
Parking Required:	Retirement Dwelling: 78 spaces @ 0.5 spaces per unit Retail Commercial 186 spaces @ 4.0 spaces per 100 m ² (1,076.4 sq. ft.) GFA Existing McDonald's Restaurant 62 spaces @ 16 spaces per 100 m ² (1,076.4 sq. ft.) GFA Total: 326 spaces

Development Proposal	
Parking Provided:	<p>Retirement Dwelling: 62 @ 0.4 spaces per unit</p> <p>Retail Commercial 186 spaces @ 4.0 spaces per 100 m² (1,076.4 sq. ft.) GFA</p> <p>Existing McDonald's Restaurant 21 spaces @ 5.4 spaces per 100 m² (1,076.4 sq. ft.) GFA</p> <p>Total: 269 spaces (actual proposed on site - 285 spaces)</p>
Supporting Documents:	<p>Concept Plan and Elevation Drawings</p> <p>Planning Justification Report</p> <p>Urban Design Report</p> <p>Phase 1 Environmental Site Assessment</p> <p>Record of Site Condition</p> <p>Parking and Traffic Study</p> <p>Preliminary Arborist Report</p> <p>Shadow Study</p> <p>Environmental Noise Feasibility Study</p>

Site Characteristics	
Frontage:	197.8 m (649 ft.)
Depth:	124 m (407 ft.)
Net Lot Area:	<p>West portion of 1865 Lakeshore Road West - 0.79 ha (1.95 ac.)</p> <p>Remainder of 1865 Lakeshore Road West - 1.1 ha (2.71 ac.)</p> <p>1829 Lakeshore Road West - 0.54 ha (1.33 ac.)</p> <p>Total: 2.43 ha (6.00 ac.)</p>
Existing Use:	<p>1865 Lakeshore Road West - Strip plaza, including HomeSense store</p> <p>1829 Lakeshore Rd. W. - McDonald's restaurant with drive through</p>

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

Neighbourhood Context

The subject properties are located on the north side of Lakeshore Road West, west of Clarkson Road and are part of a mainstreet commercial area which runs along Lakeshore Road West through Clarkson Village. A strip plaza containing a HomeSense store is situated on the west portion of the lands and is currently served by two access driveways onto Lakeshore Road West, the easterly most being at a signalized intersection. A McDonald's drive through restaurant is located at the rear of the easterly most site with its own independent access driveway onto Lakeshore Road West. Although separate parcels, these properties function for the most part as one property.

The surrounding land uses are described as follows:

- North: Detached dwellings
- East: Clarkson Motel, beyond which is a mix of Mainstreet Commercial uses fronting Lakeshore Road West
- South: Chartwell Baptist Church and Mainstreet Commercial uses, beyond Lakeshore Road West
- West: Vacant lands approved for an 8 storey seniors building, beyond the rail spur line

Current Mississauga Plan Designation and Policies for Clarkson-Lorne Park Planning District (May 5, 2003)

"Mainstreet Commercial" which permits establishments for the sale of goods and services, recreation, entertainment and accommodation to the general public. Residential, community and office uses will also be permitted. Compatible development is encouraged which recognizes the scale and enhances the character of Mainstreet Commercial areas. Infilling is the preferred form of pedestrian-oriented street-related commercial development, including the combination of commercial and residential uses.

Commercial uses with drive-through facilities will not be permitted. These uses which exist in areas designated Mainstreet

Commercial at the time Mississauga Plan is approved (2004 March 29) will be permitted until such time as they cease operation.

The subject lands are located within the Clarkson Village Node. Section 3.13.3 - Nodes, generally indicates that these areas are intended to act as the focus of activity for the surrounding community, benefiting from good accessibility, visibility and relatively high level of existing and potential transit service. A high quality, compact and urban built form will be encouraged to reduce the impact of extensive parking areas, enhance pedestrian circulation, complement adjacent land uses, and distinguish the significance of nodes from surrounding areas.

The subject lands are also located within the Clarkson Village Mainstreet Commercial Area where development is encouraged which is 2 to 3 storeys in height, which promotes the use of on-street and rear yard parking solutions and the development of symbolic gateways to define entry to and exit from Clarkson Village.

Based on the existing information, the applications are not in conformity with the Mississauga Plan policies for the Clarkson-Lorne Park District and changes are proposed to accommodate the height of the proposed retirement residence and to recognize the existing McDonald's restaurant.

There are other policies in the Official Plan which are also applicable in the review of these applications including, but not limited to:

Urban Design Policies for the Clarkson Lorne Park District

Section 4.7.3.1 – Community Identity and Focus

- a. Developments should be compatible with and enhance the character of Clarkson-Lorne Park as a diverse established community by integrating with the surrounding area.
- b. Development should be designed to reflect and enhance the Clarkson Village Mainstreet Commercial area and streetscape.

- c. The Clarkson Node, will be the focus of activity for the District, combining residential uses, cultural activities, shopping, dining, commerce and recreation.

Urban Design Policies in Mississauga Plan

Section 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.

Section 3.18.3.7 - A distinct character for each community will be created or enhanced through the road pattern, building massing and height, streetscape elements, preservation and incorporation of heritage buildings and prominent placement of institutions and open spaces.

Section 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.

Section 3.18.5.3 - On abutting lands, the interconnection and integration of vehicular access is encouraged to facilitate safe and efficient traffic movement to and from the public road network. In this regard, the following will be encouraged:

- a. reduce the number of access points to and from arterial and major collector roads;
- b. facilitate traffic to signalized locations;
- c. provide continuity of the streetscape and minimize visual clutter.

Section 3.18.5.10 - Building and site designs will locate and design parking, loading and storage areas to minimize their presence from the street.

Section 3.18.5.15 - Major roads and their streetscapes should create spaces which are integral parts of the adjacent communities thus serving to link communities rather than creating barriers between them.

Rail Policies in Mississauga Plan

Section 3.14.9.2 - Rail Noise, Safety, and Vibration is applicable to the proposed development. This section indicates that where residential and other land uses sensitive to noise are proposed in proximity to rail lines, it may be necessary to mitigate noise impacts. There are specific policies outlining the requirements for mitigating the impacts appropriately.

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

"Mainstreet Commercial – Special Site" to accommodate the building height proposed for the 7 storey retirement dwelling. The applicant has failed to acknowledge the existing McDonald's restaurant as a convenience restaurant, which is not permitted within the "Mainstreet Commercial" land use designation. The proposed draft zoning by-law is requesting that a convenience restaurant use be permitted and, therefore, based on the existing information, the proposed zoning by-law is in conflict with the "Mainstreet Commercial" policies of Mississauga Plan and the draft official plan amendment provided in support of this development proposal. The applicant has been requested to clarify

this situation, but as of the date of finalization of this report has failed to respond to this request.

Existing Zoning

"C4" (Mainstreet Commercial), which permits a wide range and mix of service commercial, office, entertainment/recreation and residential uses. The "C4" zone regulations include a minimum height of the lesser of 2 storeys or 10.7 m (35.1 ft.) for a sloped roof and 9.0 m (29.5 ft.) for a flat roof, and a maximum height of the lesser of 3 storeys or 16.0 m (52.5 ft.) for a sloped roof and 12.5 m (41.0 ft.) for a flat roof.

Proposed Zoning By-law Amendment

"C4 - Exception" (Mainstreet Commercial), to permit a 7 storey retirement dwelling building with ground level commercial uses and a convenience restaurant.

As part of the rezoning, the applicant is proposing that the following standards be applied:

	Required Zoning By-law Standard	Proposed Standard
Maximum Retirement Dwelling Units	N/A	156
Maximum Gross Floor Area - Total	N/A	18 400 m ² (198,062 sq. ft.)
Maximum Gross Floor Area – Residential	N/A	12 200 m ² 131,324 sq. ft.)
Setbacks (As shown on Appendix I-5 – Concept Plan)		
Minimum Front Yard Setback	0.0 m (0.0 ft.)	No change
Maximum Front Yard Setback	3.0 m (9.8 ft.)	53.7 m (176.2 ft.) - Existing McDonald's restaurant

	Required Zoning By-law Standard	Proposed Standard
Minimum Rear Yard Setback	4.5 m (14.8 ft.)	No change
Minimum Side Yard Setback	0.0 m (0.0 ft.)	13.7 m (45 ft.) (east) 22.0 m (72 ft.) (west)

COMMUNITY ISSUES

A community meeting was held by the Ward 2 Councillor, Patricia Mullin on February 21, 2008. Subsequent to this, a Focus Group was established and to date three (3) meetings have been held on April 29, 2008, May 7, 2008 and May 20, 2008 respectively. A further Focus Group meeting has been scheduled for September 8 2008. A summary of the issues raised at this meeting will be outlined in an Addendum Report.

The following is a summary of issues raised by the Community through scheduled meetings and correspondence received to date:

- The westerly access location appears to be too close to the rail spur line to be safe and should be eliminated.
- Is the proposed development consistent with and support the findings of the Clarkson Village Visioning Study?
- Is there adequate on-site parking proposed to support the development?
- Will the long term interface issues of noise, odour and lighting impacts on the northerly abutting homes be addressed with the redevelopment of these lands?
- The proposed landscape setbacks do not appear to be adequate to preserve existing trees and to permit additional landscape materials to be planted.

- Is the proposed retirement dwelling of a height, scale and character which is appropriate for this location within Clarkson Village?
- The commercial components of the proposed development should be developed with the theories of intensification in mind, more efficiently utilizing the ground area with smaller building footprints, structured parking and increased building heights.
- Residential intensification of this kind should be supported on this site and elsewhere in Clarkson Village.
- The proposed development should be designed in a more integrated fashion where the retirement dwelling is incorporated into the development from an aesthetic and functional perspective.
- Why hasn't the McDonald's restaurant been included in the redevelopment plans?

The above noted issues will be addressed in the Supplementary Report upon the receipt and review of all outstanding matters.

In addition, questions were asked about construction phasing and completion timeframes to which the applicant indicated that a phasing plan for redevelopment had not been finalized and the phasing of development would impact the length of construction.

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.

Impacts Associated with Height and Massing

Planning staff have expressed concerns about the deployment of building height on site and massing proposed for the retirement dwelling and how the proposed development relates to the

surrounding context. The applicant has been requested to reduce and/or redeploy the residential building height on site and demonstrate how the proposed development will not detract from the existing established character of the area and fulfill the planned function of the area for Mainstreet Commercial purposes.

Clarkson Village Visioning Study

The Planning and Building Department has initiated a review of the Mississauga Plan Policies for the Clarkson-Lorne Park District as they pertain to a defined area around Clarkson Village and Lakeshore Road West. The purpose of the review is to update the existing land use policies/designation in the District and to ensure a current and relevant vision for the District, to reflect changes in local circumstances and to be consistent with recent Provincial planning initiatives. This review has included consultation with City departments and agencies as well as local community stakeholder groups.

Notwithstanding the ongoing review, the subject applications will be evaluated on their own merits but also with regard to relevant work that will have been undertaken on the study at the time of the Supplementary Report for these applications.

Parking

The provided draft zoning by-law proposes a reduction in the applicable parking standard for the retirement dwelling and for the existing McDonald's convenience restaurant. The applicant has provided a parking justification report to support the proposed reduction in the required standard for the retirement dwelling which meets our review requirements and will be commented on in the subsequent Supplementary Report.

The proposed reduction in the parking standard for the existing convenience restaurant has not been supported by a justification report. Also, as noted previously, the applicant has not provided any authorization to act on behalf of McDonald's Restaurants of Canada Inc., the owners and operators of the restaurant for which the parking standard reduction is proposed.

The parking scenario proposed would allow the applicant to maintain the 4.0 spaces per 100 m² (1,076.4 sq. ft.) parking standard applicable to most uses in the "C4", Mainstreet Commercial zone without providing the required parking spaces on the same site. Instead, parking spaces would be provided on the McDonald's lands. Without a justification report prepared by a qualified consultant, it cannot be determined if all of the parking spaces provided at 1829 Lakeshore Road West are necessary to accommodate the existing restaurant, and therefore be available for the patrons of the proposed commercial establishments. Furthermore, the applicant has not provided any details on mutual use easements for parking and access which would be necessary to support such a parking scenario.

The applicant has been requested to provide clarification on the parking situation and to address these concerns. At the time that this report was finalized, the applicant had not responded to this request.

Site Design and Interface with Adjacent Lands

A number of issues related to site design need to be addressed, including the following:

- appropriate location and size for a plaza or public gathering space;
- orientation of buildings relative to the plaza or public gathering space;
- reduced reliance and prominence of surface parking;
- the provision of appropriate quantities of parking;
- design, function and number of vehicular driveways - specifically the elimination of the westerly most driveway access;

- relationship of built form to the sidewalk - ensure street relationship and not orientation of building to the internal parking area;
- deployment of height on site and transition in built form from abutting properties.

Site Access

The applicant is proposing a vehicular access at the westerly most part of the site to service only the proposed retirement dwelling. Although this access is proposed for only right-in and right-out vehicle movements, the City's Transportation and Works Department has identified safety concerns, specifically in regard to sight lines and conflicts with pedestrians and vehicles when entering the road from the site.

The applicant has been requested to address these matters, but at the time of finalization of this report they have not been addressed.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to site access, mutual parking and access arrangements, streetscape and utility requirements, which will require the applicant to enter into appropriate agreements with the City. The applicant will also be required to obtain site plan approval for the proposed development.

FINANCIAL IMPACT:

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

CONCLUSION:

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 Clarkson-Lorne Park 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: John Hardcastle, Development Planner

**RioCan (Clarkson) Inc. and
McDonald's Restaurants of Canada Inc.**

File: OZ 07/013 W2

Site History

- 1984 – Subject lands were zoned for a strip mall, including a food supermarket and a free-standing convenience restaurant. The former Zoning By-law required that a food supermarket exist on-site in order to allow for the other permitted commercial uses.
- May 5, 2003 – The Region of Peel approved the Mississauga Plan Policies for the Clarkson-Lorne Park District, designating the subject lands “Mainstreet Commercial” Modifications were adopted through Official Plan Amendment 25 which were subsequently approved by the OMB on September 10, 2007, with the exception of individual sites that are the subject of active appeals.
- August 2003 – Modifications to the portion of the plaza previously occupied by a Dominion grocery store were approved to permit both a HomeSense and Sportmart store. A minor variance was required and granted by the Committee of Adjustment to exclude the former Zoning By-law provisions requiring a food supermarket on-site.
- May 2006 – Approval was issued for the McDonald's convenience restaurant to relocate its garbage storage enclosure away from the north property line to address residents' complaints pertaining to noise, odour and vermin.
- January 2007 – Preliminary consultation undertaken with applicant regarding the redevelopment of the western portion of the existing plaza for a retirement dwelling. No other modifications to the eastern portion of the RioCan lands or inclusion of the McDonald's lands were contemplated by the applicant at that time.
- June 20, 2007 – By-law 0225-2007 came into force (September 2007 OMB decision), changing the zone category applicable to the RioCan and McDonald's lands to "C4", Mainstreet Commercial, as it remains today.

**RioCan (Clarkson) Inc. and
McDonald's Restaurants of Canada Inc.**

File: OZ 07/013 W2

- July 10, 2007 – Official Plan Amendment and Rezoning applications received to redevelop the western portion of the site for a retirement dwelling. Submission did not include a draft zoning by-law nor was it clear from the supporting materials the extent of the lands which were subject to the applications. Although the former "DC", District Commercial zoning for these lands under By-law 5500, as amended, required that the lands be developed in a comprehensive fashion and any partial redevelopment required the rezoning of the entire parcel to ensure that zoning on the remaining portions would continue to be functional, the implementation of By-law 0225-2007 was imminent and therefore any concerns about the remaining lands under the former Zoning By-law were no longer applicable.
- May 6, 2008 - Proposed Official Plan Amendment application was appealed to the Ontario Municipal Board (OMB) by RioCan (Clarkson) Inc.
- May 30, 2008 - Proposed Zoning By-law Amendment application appealed to the OMB by RioCan (Clarkson) Inc.
- July 30, 2008 – A revised draft zoning by-law was received by the Planning and Building Department indicating that a change in zoning was proposed for both the RioCan and McDonald's land holdings. However, the original draft Official Plan Amendment pertaining only to the RioCan land holdings remains the amendment of record.



LEGEND:

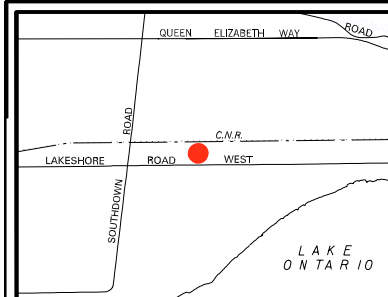


SUBJECT LANDS

DATE OF AERIAL PHOTO: JULY 2008



**SUBJECT: RIOCAN (CLARKSON) INC AND
MCDONALD'S RESTAURANTS OF CANADA INC.**

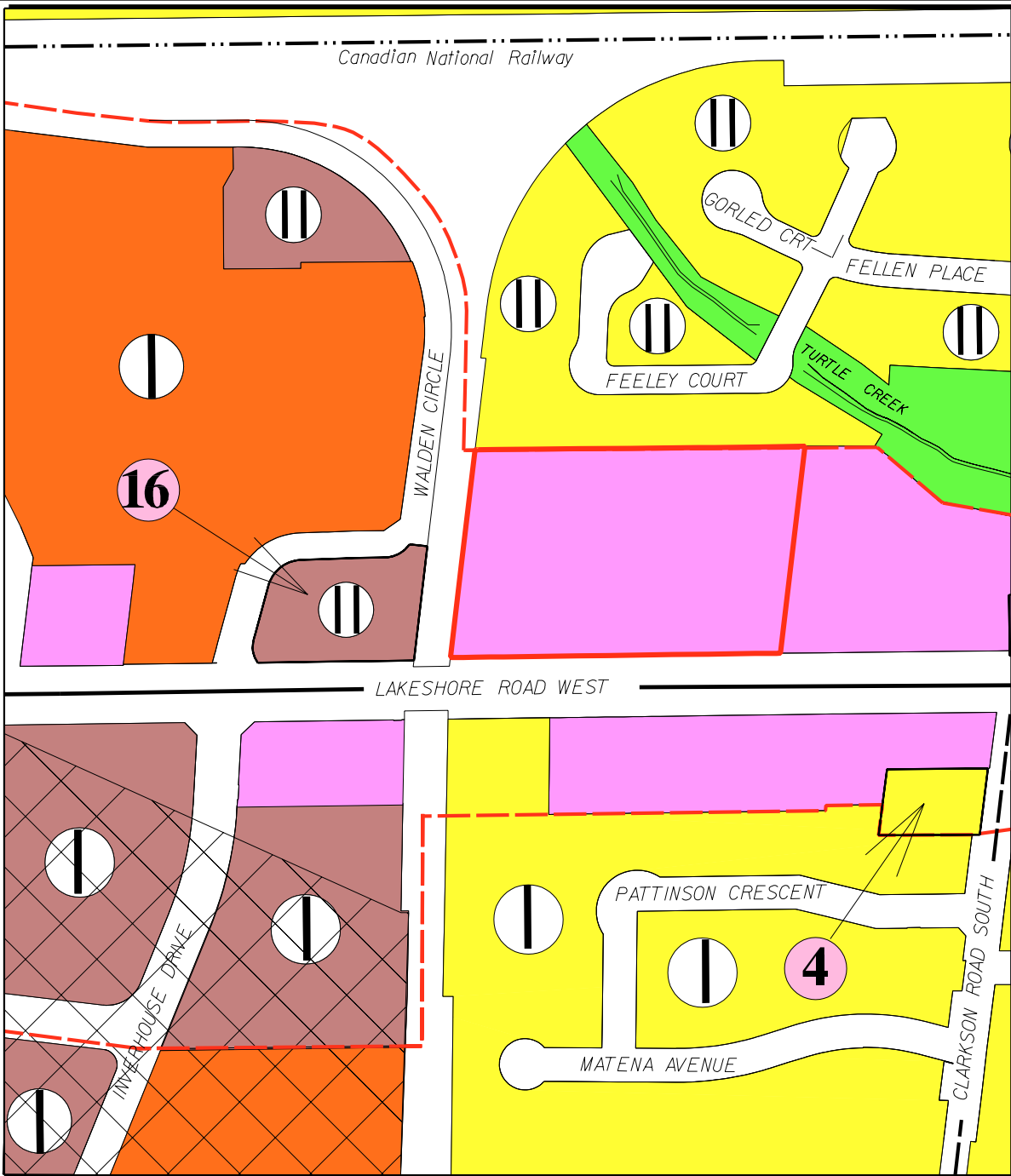


FILE NO:
OZ 07013 W2
DWG. NO:
07013R
SCALE:
NTS
PDC DATE:
2008 09 15
DRAWN BY:
R.DICOSOLA

APPENDIX 1-2

MISSISSAUGA
Planning and Building

*Produced by
T&W, Geomatics*



**PART OF CLARKSON-LORNE PARK DISTRICT LAND USE MAP
CLARKSON-LORNE PARK DISTRICT POLICIES OF MISSISSAUGA PLAN**

LAND USE DESIGNATIONS

- Residential- Low Density I
- Residential- Low Density II
- Residential- Medium Density I
- Residential- High Density I
- Residential- High Density II
- Mainstreet Commercial
- General Commercial
- Convenience Commercial
- Motor Vehicle Commercial
- Office
- Business Employment
- Public Open Space
- Private Open Space
- Greenbelt
- Utility

TRANSPORTATION LEGEND

- Provincial Highway and Interchange
- Arterial
- Major Collector
- Major Collector (Scenic Route)
- Minor Collector
- Local Road
- Existing Commuter Rail
- GO Transit Station

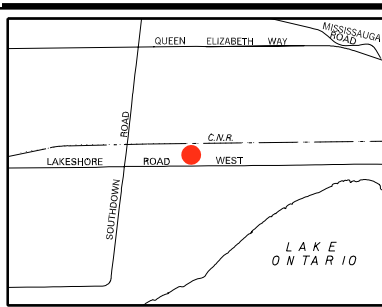
LAND USE LEGEND

- Regulatory Floodplain
- Node Boundary
- Cemetery
- Existing Stormwater Management Facility
- Planning District
- Special Site Areas (See Special Site Policies)

SUBJECT LANDS



**SUBJECT: RIOCAN (CLARKSON) INC AND
MCDONALD'S RESTAURANTS OF CANADA INC.**



FILE NO:
OZ 07013 W2

DWG. NO:
07013L

SCALE:
1:5000

PDC DATE:
2008 09 15

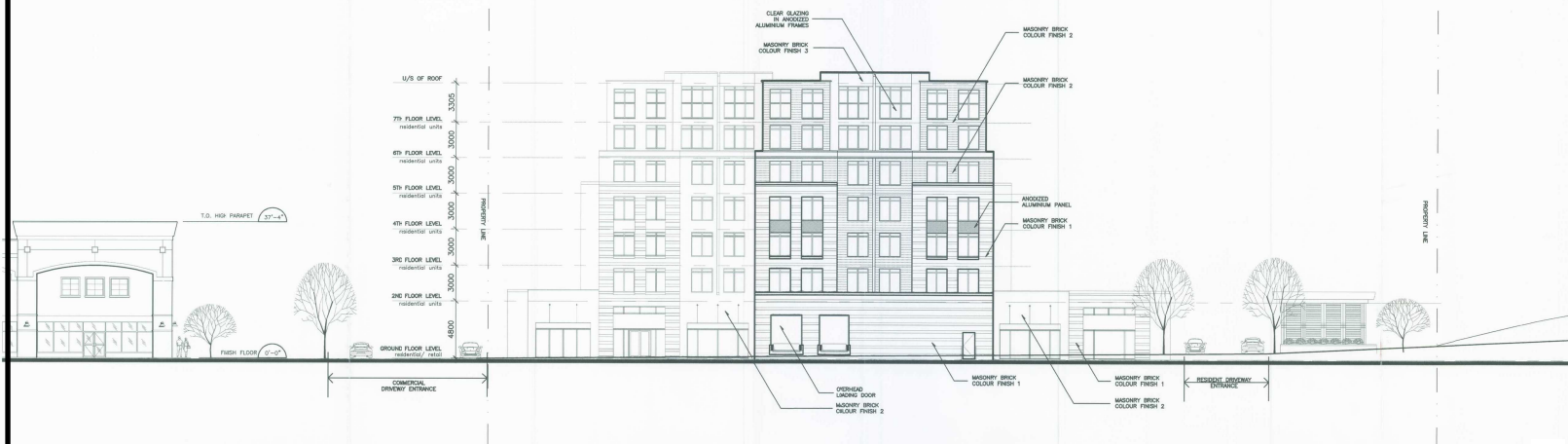
DRAWN BY:
R.DICOSOLA

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX I-3

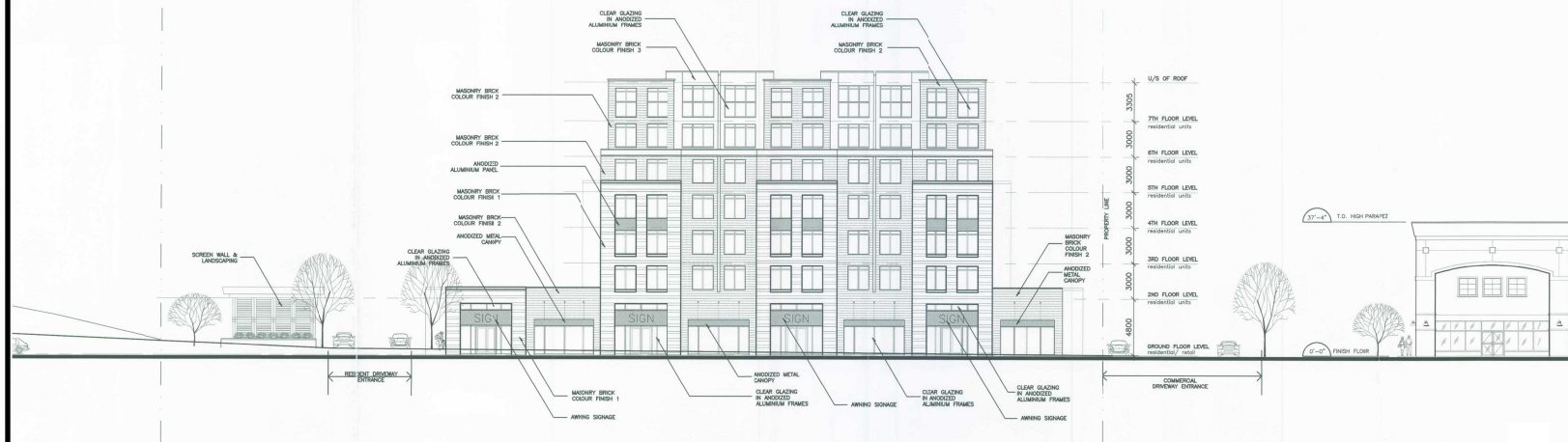




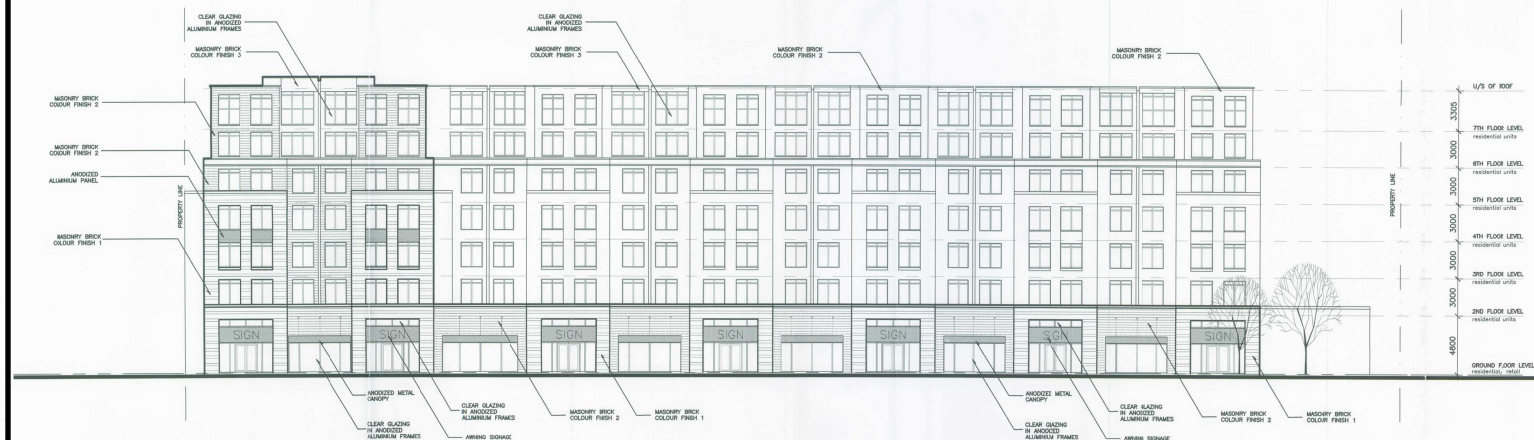
1 NORTH ELEVATION
A302 SCALE: 1:200



2 WEST ELEVATION
A302 SCALE: 1:200



1 SOUTH ELEVATION (LAKESHORE ROAD) A301 SCALE: 1:200



2 EAST ELEVATION A301 SCALE: 1:200

**RioCan (Clarkson) Inc. and
McDonald's Restaurants of Canada Inc.**

File: OZ 07/013 W2

Agency Comments

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

Agency / Comment Date	Comment
Dufferin-Peel Catholic District School Board and the Peel District School Board (July 30, 2008)	Both school boards have reviewed the applications and have no comments at this time as no students are anticipated to be generated from a retirement dwelling. However, should an alternative form of residential development be proposed, additional comments may be forthcoming from both school boards.
Credit Valley Conservation (July 30, 2008)	Although CVC staff note no concerns with the proposed development and no objection to its approval at this time, they recommend that Low Impact Development (LID) Best Management Practices (BMPs) be employed, where feasible, to assist in addressing Storm Water Management needs related to the proposed new development. This issue may be addressed as part of the site plan approval process associated with the proposed new development.
City Community Services Department – Planning, Development and Business Services Division (July 30, 2008)	Should these applications be approved, prior to the issuance of building permits, cash-in-lieu of parkland 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.
City Community Services Department – Fire and Emergency Services Division (July 30, 2008)	The subject applications have been reviewed from an emergency response perspective and have no concerns. Emergency response times to the site and water supply available are acceptable.
City Transportation and Works Department (August 5, 2008)	A supporting Traffic Impact Study is currently under review and comments on this study will be finalized prior to the preparation of a Supplementary Report. Notwithstanding, the proposed westerly access to Lakeshore Road West is to be eliminated from the concept plan due to sight line constraints created by the existing CN rail structure.

**RioCan (Clarkson) Inc. and
McDonald's Restaurants of Canada Inc.**

File: OZ 07/013 W2

Agency / Comment Date	Comment
	<p>Prior to the preparation of a Supplementary Report, the applicant has been requested to provide a revised Environmental Site Screening Questionnaire and Declaration (ESSQD) form and a Reliance Letter in support of the submitted Phase I Environmental Site Assessment (ESA).</p> <p>Further comments will be provided pending the receipt and review of the above items.</p>
<p>Trans-Northern Pipelines Inc. (July 30, 2008)</p>	<p>This agency confirmed that a petroleum products transmission pipeline crosses the southwest corner of the subject lands within an existing easement.</p> <p>They have no objections to the proposed changes in land use and zoning, however note that the existing development is located some 16 m (52.5 ft.) from the existing pipeline right-of-way. The associated construction activities would be significant and require consideration under the Pipeline Crossing Regulations of the <i>National Energy Board Act</i>.</p> <p>A new permit would be necessary to accommodate any construction activities within the existing right-of-way as presently depicted on the supporting drawings. Further, a new structure is shown within the existing pipeline right-of-way. It is noted that no new structures will be permitted.</p>
<p>Other City Departments and External Agencies</p>	<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> <p>Region of Peel Rogers Cable Enersource - Hydro Mississauga Enbridge Gas Distributions Bell Canada Canada Post Credit Valley Hospital Mississauga Economic Development Office Hydro One Networks</p>

**RioCan (Clarkson) Inc. and
McDonald's Restaurants of Canada Inc.**

File: OZ 07/013 W2

Agency / Comment Date	Comment
	<p>The following external agencies were circulated the applications but provided no comments:</p> <p>French District Catholic School Board Conseil Scolaire de District Catholique Centre-Sud Conseil Scolaire de District Centre-Sud-Ouest GO Transit CN Rail The Trillium Health Centre</p>

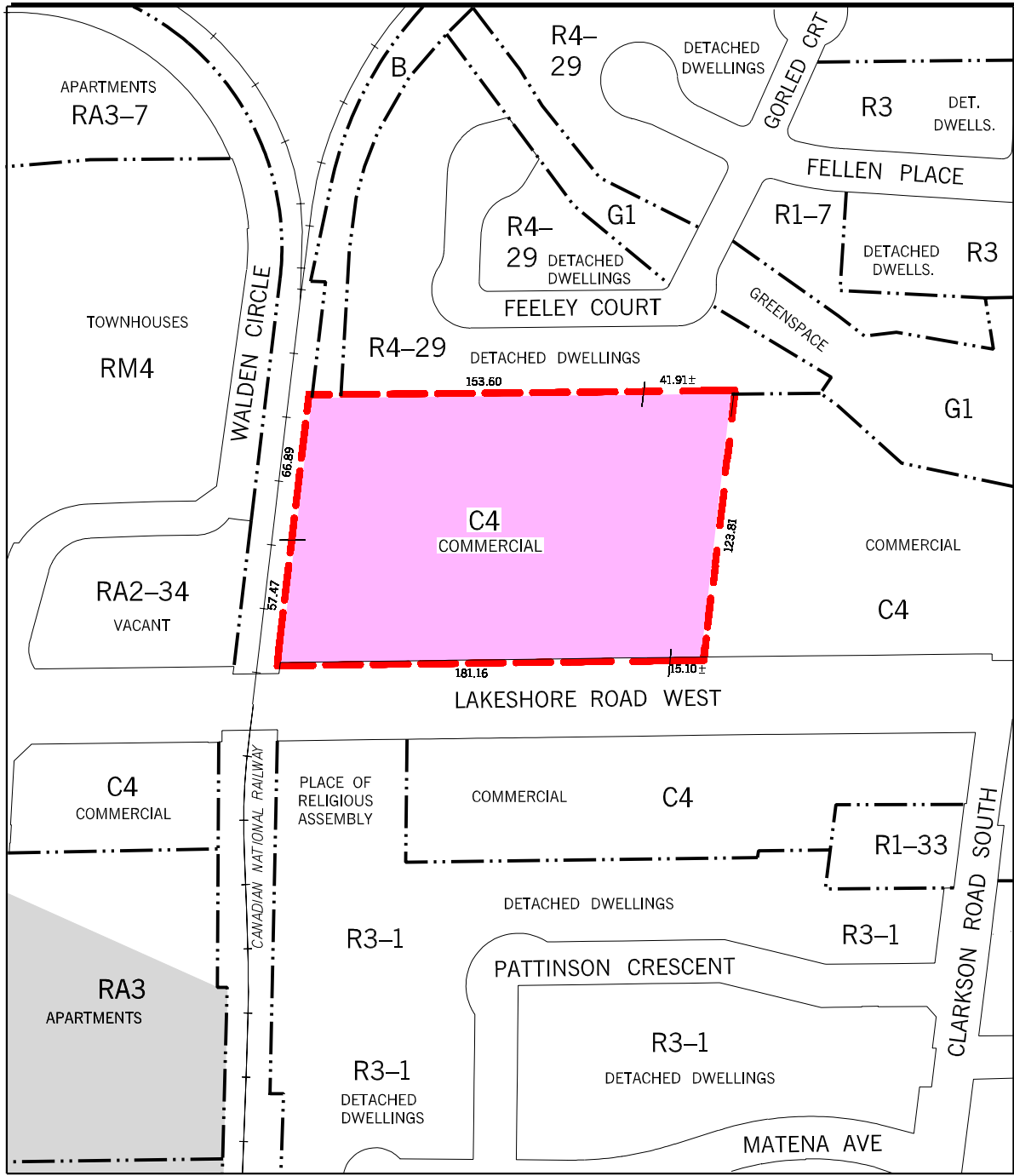
**RioCan (Clarkson) Inc. and McDonald's Restaurants
of Canada Limited**

File: OZ 07/013 W2


Recommendation PDC-0068-2008

PDC-0068-2008


"That the Report dated August 26, 2008, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Mainstreet Commercial" to "Mainstreet Commercial - Special Site" and to change the Zoning from "C4" (Mainstreet Commercial) to "C4-Exception" (Mainstreet Commercial) of By-law 0225-2007 to permit a 7 storey, 156 unit retirement dwelling and a convenience restaurant under file OZ 07/013 W2, RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Inc., 1829 and 1865 Lakeshore Road West, be received for information."



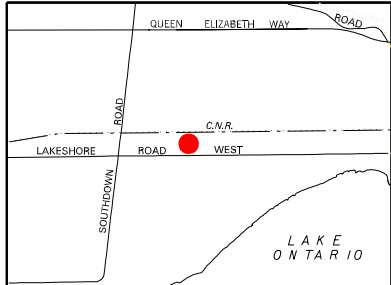
LEGEND:

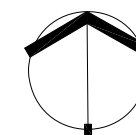
 PROPOSED OFFICIAL PLAN AMENDMENT FROM "MAINSTREET COMMERCIAL" TO "MAINSTREET COMMERCIAL-SPECIAL SITE" AND PROPOSED REZONING FROM "C4" (MAINSTREET COMMERCIAL) TO "C4-EXCEPTION" (MAINSTREET COMMERCIAL) TO PERMIT THE REDEVELOPMENT OF THE LANDS, INCLUDING AN 8-STOREY RETIREMENT DWELLING, CONVENIENCE RESTAURANT AND TWO COMMERCIAL BUILDINGS.

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



SUBJECT: **RIOCAN (CLARKSON) INC AND MCDONALD'S RESTAURANTS OF CANADA LIMITED**

	FILE NO: OZ 07/013 W2	APPENDIX S-3
	DWG. NO: 07013R	
	SCALE: 1:2500	
	PDC DATE: 2009 10 05	
	DRAWN BY: D. GREEN	



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Proposed Retirement & Commercial Development

LAKESHORE ROAD WEST - CLARKSON VILLAGE, MISSISSAUGA



Building Elevations

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06A173
DATE: Sep 01, 2009 - 11:02am



Proposed Retirement & Commercial Development

LAKESHORE ROAD WEST - CLARKSON VILLAGE, MISSISSAUGA

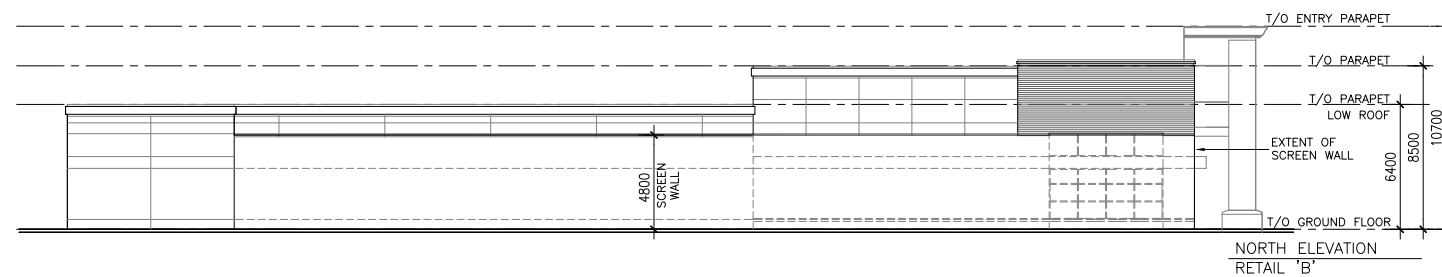
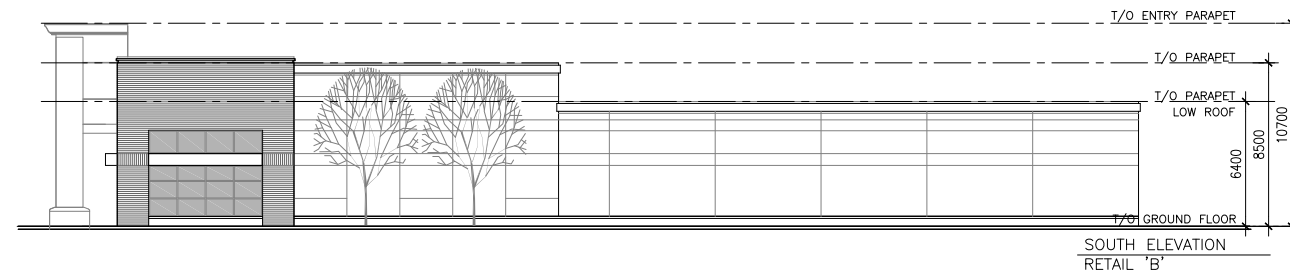
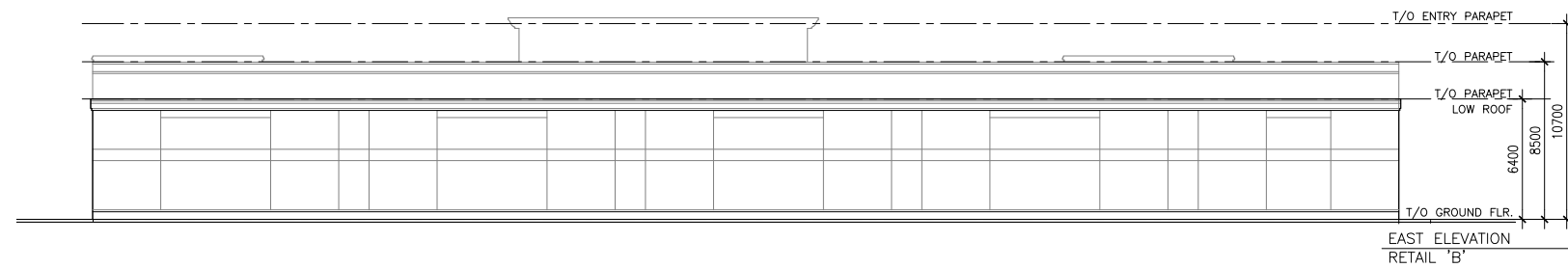
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Building Elevations

06A173 -
DATE: Sep 01, 2009 - 11:01am



Proposed Retirement & Commercial Development

LAKESHORE ROAD WEST - CLARKSON VILLAGE, MISSISSAUGA

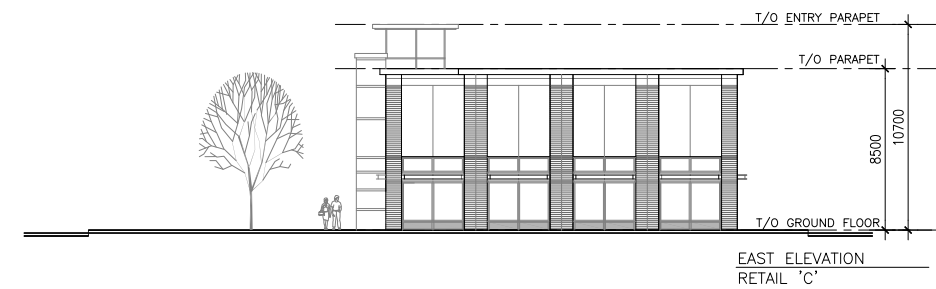
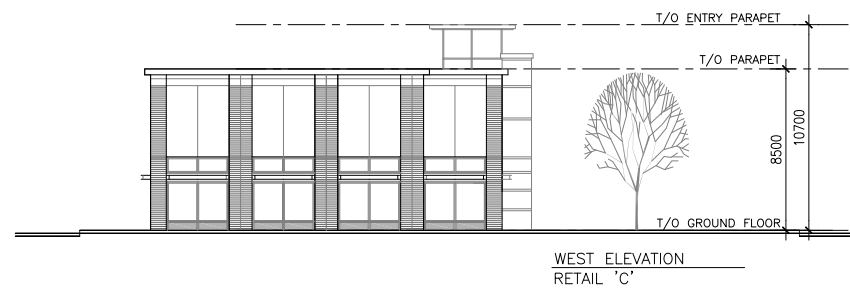
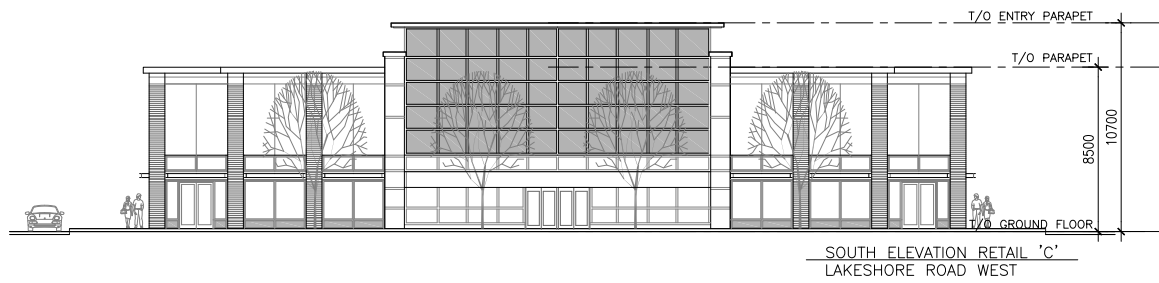


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Building Elevations

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DATE: Sep 01, 2009 - 10:56am



Proposed Retirement & Commercial Development

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Building Elevations

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DATE: Sep 01, 2009 - 11:00am



Proposed Retirement & Commercial Development

LAKESHORE ROAD WEST - CLARKSON VILLAGE, MISSISSAUGA

Perspective

**RioCan (Clarkson) Inc. and McDonald's Restaurants
of Canada Limited**

File: OZ 07/013 W2

Proposed C4-Exception Zone Requirements

- Zone requirements shall apply across all lands with the proposed "C4-Exception" (Mainstreet Commercial) zone category and not as per the proposed lines of severance.
- Restaurants, convenience restaurants and take-out restaurants shall be excluded from the minimum 60 m (196.8 ft.) separation distance from residential zones.
- Maximum number of retirement dwelling units: 144.
- Maximum gross floor area – residential of 13 400 m² (144,241 sq. ft.). and maximum gross floor area – non residential of 5 000 m² (53,821 sq. ft.).
- Maximum combined gross floor area – residential and non residential of 18 400 m² (198,062 sq. ft.).
- Maximum residential Floor Space Index of 0.56 and maximum combined residential and non residential Floor Space Index of 0.77.
- Minimum 0.4 parking spaces per retirement dwelling unit.
- All required resident parking for the retirement dwelling shall be provided within an underground parking structure.
- Small scale retail uses less than 278.7 m² (3,000 sq. ft.), including personal service establishment, animal care establishment and retail store shall require parking at a rate of 3.0 parking spaces per 100 m² (1,076.4 sq. ft.) and shall be exempt from loading space requirements.
- Maximum 500 m² (5,382 sq. ft.) gross floor area – non-residential for a convenience restaurant.
- Maximum building height of 8 storeys for a retirement dwelling subject to a minimum 2 storey and maximum 3 storey street wall condition with any additional building height over 3 storeys to be set back a minimum of 6.0 m (19.7 ft.) from the street wall.
- Minimum building height of 7.5 m (24.6 ft.) or 2 storeys for a convenience restaurant.
- Minimum building height of 1 storey for the HomeSense store with maximum building heights of 10.7 m (35 ft.) at the building front, 8.5 m (27.8 ft.) in the middle section and 6.4 m (21 ft.) at the rear of the building, in accordance with the elevation drawing heights shown on Appendix S-5 Page 3 of this report.
- Implementing Zoning By-law shall include an exception schedule to govern the location of: all buildable areas and applicable building setbacks, the publicly accessible urban square, landscaped buffer areas, driveway accesses, amongst other site layout details.