

Memorandum
Planning and Building Department



May 20, 2009

TO: D. Martin
Committee of Adjustment

FROM: C. Rouse
Planning Services Centre

RE: **Committee of Adjustment Agenda for May 21, 2009**

Please find attached comments and recommendations from the Planning and Building Department for the following applications on the May 21, 2009 Committee of Adjustment Agenda:

C of A. 'A' 165/09 – 321 Lakeshore Road West

Ward 1

- Original Signed By -

Chris Rouse
Planning Services Centre
Development and Design Division
Planning and Building Department

c: Members of Council
Members of Committee of Adjustment
A. Wilson-Peebles, Legal Services
B. Leckey, Building Division
T. Lee, Building Division
J. Calvert, Policy Planning Division



May 20, 2009

**FILE: C of A. 'A' 165/09
(Ward 1 – 321 Lakeshore Road West)**

AGENDA: May 21, 2009

New Item

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Plan

Planning District: **Port Credit**
Designation: **Mainstreet Commercial
Special Site # 7**

Zoning By-law 0225-2007

Zoning: **“C4-13”, Mainstreet Commercial**

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/>	<i>OPA/Rezoning</i>	File: OZ 09/002 W1 - In process
<input checked="" type="checkbox"/>	<i>Site Plan</i>	File: SP 08/212 W1 - Satisfactory
<input type="checkbox"/>	<i>Building Permit</i>	File: Required - No application received

4.0 COMMENTS

This Department notes that an additional variance has been identified and is required for 100% length of a streetwall that is setback beyond the maximum front yard; whereas By-law 225-2007, as amended, permits a maximum of 30% length of a streetwall that may be set back beyond the maximum front yard. The application should be amended accordingly. This variance is a result of the front yard setback being calculated from the lot line along Maple Avenue South as the provisions of the Zoning By-law require that in corner lot configurations, the shortest lot line that is a street line be deemed to be the frontage. This Department does not have a concern with this variance.

The remaining variances requested are the same as those requested under file 'A' 105/09 with the exception that the variance for maximum front yard setback has increased from 66.0 m (216.5 ft.) to 70.0 m (229.7 ft.) as a result of a reconfiguration to

the building which now incorporates the loading area at the rear of the building rather than along Pine Avenue South. As mentioned in our comments submitted under file 'A' 105/09, variances #1 and 4 are also necessitated by the fact that the frontage of the property is deemed to be Maple Avenue South. This Department does not have a concern with variances #1 and 4 nor do we have a concern with variance #2.

In the comments submitted under file 'A' 105/09, this Department requested a deferral in order to allow the applicant the opportunity to improve the interface between the proposed building and the street including addressing the issues of loading and the two storey design. Subsequent to the last hearing, the applicant has relocated the loading area away from Pine Avenue South, to the rear of the building where it is more suitably screened from pedestrians, motorists, and the residents of Pine Avenue South.

It should be noted that when the applicant first met with staff in June of 2008, the 'C4', Mainstreet Commercial, zone provisions contained within By-law 0225-2007 required that the minimum height of any new building be 9.0 m (29.5 ft.) or two (2) stories. Additional meetings took place subsequent to that meeting to further discuss the configuration and orientation of the proposed building. A housekeeping by-law amendment was subsequently passed by City Council on September 10, 2008 which revised certain provisions within the Zoning By-law including changing the minimum height requirements of the 'C4' zone to two (2) stories only. The applicant submitted their formal site plan application in late October of 2008.

Since the initial submission the applicant has revised the elevations multiple times in order to have the building take on the appearance of a two (2) storey structure. Subsequent to the last Committee of Adjustment hearing, a community meeting was held on April 30, 2009 in which residents expressed a variety of concerns including traffic, urban design, and the requirement for a two (2) storey building. A further meeting was held with residents and staff separately on May 14, 2009 during which the applicant presented further revised elevations. An additional meeting was held with City staff and the Ward 1 Councillor on May 20, 2009, where the applicant provided a revised site plan which illustrated direct access onto Lakeshore Road West by way of a 'T' ingress/egress configuration with a median on Lakeshore Road West rather than a right-in/right-out as illustrated on the site plan submitted under file 'A' 105/09. The applicant also presented further revised elevations facing onto Lakeshore Avenue West which included clear windows at the second storey level in addition to the windows at the ground level and a revised east elevation facing onto Pine Avenue South which included two-storey visual elements. Staff raised a concern regarding the amount of false (spandrel) windows facing onto Pine Avenue South. The applicant indicated that the inclusion of real windows may be possible along the second storey of that elevation. This Department encourages such a revision and will further address this issue through the processing of the site plan application. Building materials and articulation along the roof line was also shown to be upgraded. The applicant indicated that these elevations would be presented to the Committee in support of the variance for a minimum height of one storey.

While this Department strongly encourages that buildings constructed within Mainstreet Commercial areas meet the by-law requirements for height by having a functional two (2) storeys in order to maintain the character and vibrancy of these areas, we

acknowledge that discussions regarding the subject development were initiated prior to the changes in the by-law regarding minimum height and the fact that the site is located on the western periphery of the Mainstreet Commercial area and is physically separated from the core of the mainstreet area by the vacant lands formerly occupied by Imperial Oil. It should be noted that this Department would prefer to see the development of a functional two (2) storey building, however, we acknowledge the efforts put forth by the applicant in making the proposed building appear as though it is two (2) storeys. While a formal resubmission has not been received by this Department, the elevations presented at the May 20, 2009 meeting represent a satisfactory built form which provides the appropriate scale, massing, and architectural detail associated with a two storey building. In this instance, given the context of the proposal and the site, this Department is satisfied that the proposed building is in keeping with the intended character of the area.

K:\PLAN\DEV\CONT\L\GROUP\WPDATA\COFA\Comments 2009\May\May 21\may.21.jf.c.doc