



Corporate Report

Clerk's Files

Originator's
Files OZ 04/023 W7

DATE: February 7, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: February 27, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning Application
To permit a motor vehicle dealership and accessory uses, and
retail and service commercial uses
1186 Dundas Street West
Southwest corner of Dundas Street West and Old Carriage
Road
Owner: I Lease Inc.
Applicant: David Brown Associates
Bill 20

Public Meeting **Ward 7**

RECOMMENDATION: That the Report dated February 7, 2006, from the Commissioner of Planning and Building regarding the application to change the Zoning from "AC" (Automobile Commercial) to "DC – Special Section" (District Commercial) to permit a motor vehicle dealership and accessory uses, and retail and service commercial uses under file OZ 04/023 W7, I Lease Inc., 1186 Dundas Street West, be received for information.

BACKGROUND: A rezoning application has been filed to permit a motor vehicle dealership and accessory uses, including motor vehicle leasing, car wash and automobile repairs in an enclosed building with no

outside storage of parts or materials. The requested “DC – Special Section” (District Commercial) zone is described in Appendix I-1.

The purpose of this report is to provide preliminary information on the above-noted application and to seek comments from the community.

COMMENTS:

Details of the proposal are as follows:

Development Proposal	
Application submitted:	December 16, 2004
Height:	2 storeys
Lot Coverage:	20.29 %
Landscaped Area:	16.59 %
Gross Floor Area:	550.35 m ² (5,924.11 sq. ft.)
Parking Required:	30
Parking Provided:	32 which includes 18 parking spaces provided within the landscape area.
Supporting Documents:	Environmental Assessment and Remediation, Phase II Environmental Assessment and Peer Review of Environmental Reports Noise Impact Feasibility Study

Site Characteristics	
Frontage:	67.76 m(222.31 ft.) on Dundas St W and 42.71 m (140.12 ft.) on Old Carriage Rd
Depth:	42.71 m(140.12 ft.)
Gross Lot Area:	0.208 ha (0.514 ac.)
Existing Use:	Automobile sales and leasing establishment using a temporary trailer for office purposes

Additional information is provided in Appendices I-2 to I-9.

Neighbourhood Context

The subject property is located at the southwest corner of Dundas Street West and Old Carriage Road. Commercial uses are located to the west, north and east. Multiple residential dwellings are located along Dundas Street West adjacent to these small scale commercial uses. Detached low rise residential homes are located to the south of the subject lands. The Credit Valley Golf and Country Club is also located southwest of the subject property.

The surrounding land uses are described as follows:

- North: Apartments, gas bar and Westdale Mall
- East: Vacant commercial building (former Kentucky Fried Chicken take-out restaurant), townhouses along Dundas Street West and detached homes along Old Carriage Road
- South: Detached homes and Credit Valley Golf and Country Club
- West: Commercial uses

The used car sales and leasing business is not a permitted use in the "AC" (Arterial Commercial) Zone. This business has been operating since August 2002 utilizing a temporary trailer as an office. Following the issuance of an Order to Comply from By-law Enforcement, a site plan and an application to the Committee of Adjustment were submitted. The minor variance application to permit the retail sales of automobiles was refused by the Committee of Adjustment in May 2003. The subject rezoning application was submitted in June 2004. Information regarding the history of the site is found in Appendix I-2.

Current Mississauga Plan Designation and Policies for Erindale District (March 2004)

"**General Commercial**" which permits establishments for the sales of goods and services, recreation and entertainment to the general public. Community, office uses and motor vehicle uses are also permitted. Development of General Commercial uses will be encouraged through infilling to consolidate the potential of these areas and to restrict their linear extension into stable, non-commercial areas. Motor vehicle commercial uses are permitted

subject to demonstrating compatibility with surrounding land uses, especially residential.

The Erindale District policies note that this is a fully developed area consisting of mature and stable neighbourhoods and commercial sites. The focus of the District Policies is to protect the quality of the existing neighbourhoods and to promote existing commercial facilities which serve the needs of the local area. The district policies encourage redevelopment, infilling and intensification in a manner that is both functionally and visually compatible with the existing character of the area. Revitalization of existing commercial facilities is also supported.

Evaluation of Development Applications

While the application is in general conformity with the General Commercial land use designation, there are other policies in the Official Plan which are applicable in its evaluation. Mississauga Plan sets out specific criteria in Section 5.3.1.3 which requires the suitability of the property to be demonstrated in terms of its size and shape to accommodate the necessary on-site functions, parking and landscaping. Compatibility with adjacent residential uses must also be demonstrated.

Existing Zoning

"AC" (**Automobile Commercial**), which permits an automobile service station and which may also include a convenience retail and service kiosk.

Proposed Zoning By-law Amendment

The applicant has requested that the lands be rezoned to the following:

"DC – **Special Section**" (**District Commercial**), to permit a motor vehicle dealership and accessory uses including motor vehicle leasing. A car wash and automobile repair garage in an enclosed building with no outside storage of parts or materials has also been requested. Additional retail commercial uses have also been requested and are described in Appendix I-1.

The applicant has requested that the separation distance of 60m (196.9 ft) from the nearest restaurant to the lot line of a residential building not be applied. The applicant has also requested that the automobile display and parking area be permitted in lieu of the required 4.5m (14.8 ft.) landscape setback along the Dundas Street West and Old Carriage Road frontages as specified in the City's Site Plan Manual.

The concept plan attached as Appendix I-6 would require a reduction in the minimum lot depth from 48m (157.4 ft) to 42m (137.8 ft) and a reduction in the minimum rear yard setback from 10.5 m (34.4 ft) to 3.6m (11.8 ft).

Draft Mississauga Zoning By-law

The zoning for the subject lands under the new draft zoning by-law released in January 2005 is proposed to be "C3" (General Commercial). The proposed "C3" zone applies separation distances on restaurant, propane storage and amusement arcade uses when located adjacent to residential properties. The proposed "C3" zone is similar to the permitted uses and regulations contained within the existing "DC" (District Commercial) zone. Should this application be approved, a new "C3-Exception" (General Commercial) zone would be required to reflect the site specific provisions sought through this application.

The proposal does not comply with the proposed "C3" (General Commercial) Zone because of the request to eliminate the minimum landscaped buffer of 4.5m (14.8 ft). The proposed "C3" Zone does not permit restaurant, convenience restaurant and take-out restaurant uses within 60m (196.9 ft.) of a residential zone. The proposed "C3" Zone parking standards for motor vehicle sales requires parking to be provided for the building based on the gross floor area. Additional parking may be provided for vehicle display and storage. Based on the concept plan provided without the required landscape buffer, only 6 parking spaces would be available for vehicle display and storage.

COMMUNITY ISSUES

A community meeting was not held and written comments have not been received by the Planning and Building Department, however, telephone calls from area residents identified the following concerns:

- The use was not established legally;
- Vehicles parked up to the sidewalk are blocking sight lines;
- Used car lot creates an undesirable image of the Dundas Street West corridor and provides an undesirable entrance feature at Old Carriage Road to the residential neighbourhood and Golf and Country Club;
- Overhead lights are left on in the evening and spill into the neighbouring properties.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-8. Based on the comments received and the Planning and Building Department's review of the applicable Mississauga Plan policies, the following matters will have to be explored further with the applicant and satisfactorily addressed:

- Range of permitted uses and associated land use compatibility concerns adjacent to an established residential use.
- Proposed repair garage location and its setback adjacent to an established detached residential use.
- Required noise mitigation from a repair garage located adjacent to an established residential use.
- Landscape and buffering requirements for the adjacent residential and commercial properties.
- Request for a vehicle display area in lieu of the requested landscape setback along Dundas Street West and Old Carriage Road.
- Appropriate streetscape treatment for this entrance into an established residential neighbourhood.

- Protection of municipal street trees and measures necessary to prohibit parking on the municipal boulevard.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, an updated and satisfactory Noise Report must be submitted and the applicant will be required to enter into appropriate agreements with the City to implement the report's recommendations. The requirements for submission of a Record of Site Conditions and a Reliance letter for the Phase 2 Environmental Site Assessment are outstanding. The applicant is to provide written confirmation from a Geotechnical Engineer that the fill has been appropriately compacted. Detailed design construction drawings and a cost estimate for works to accommodate turning restrictions along Dundas Street West are required.

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:

All 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 this application.

ATTACHMENTS:

- Appendix I-1 – Requested Permitted Uses and Standards
- Appendix I-2 - Site History
- Appendix I-3 - Excerpt of Erindale District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 - Aerial Photograph
- Appendix I-6 - Concept Plan
- Appendix I-7 - Elevations
- Appendix I-8 - Agency Comments
- Appendix I-9 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Rezoning

File: OZ 04/023 W7

REQUESTED PERMITTED USES AND STANDARDS

Permitted Uses

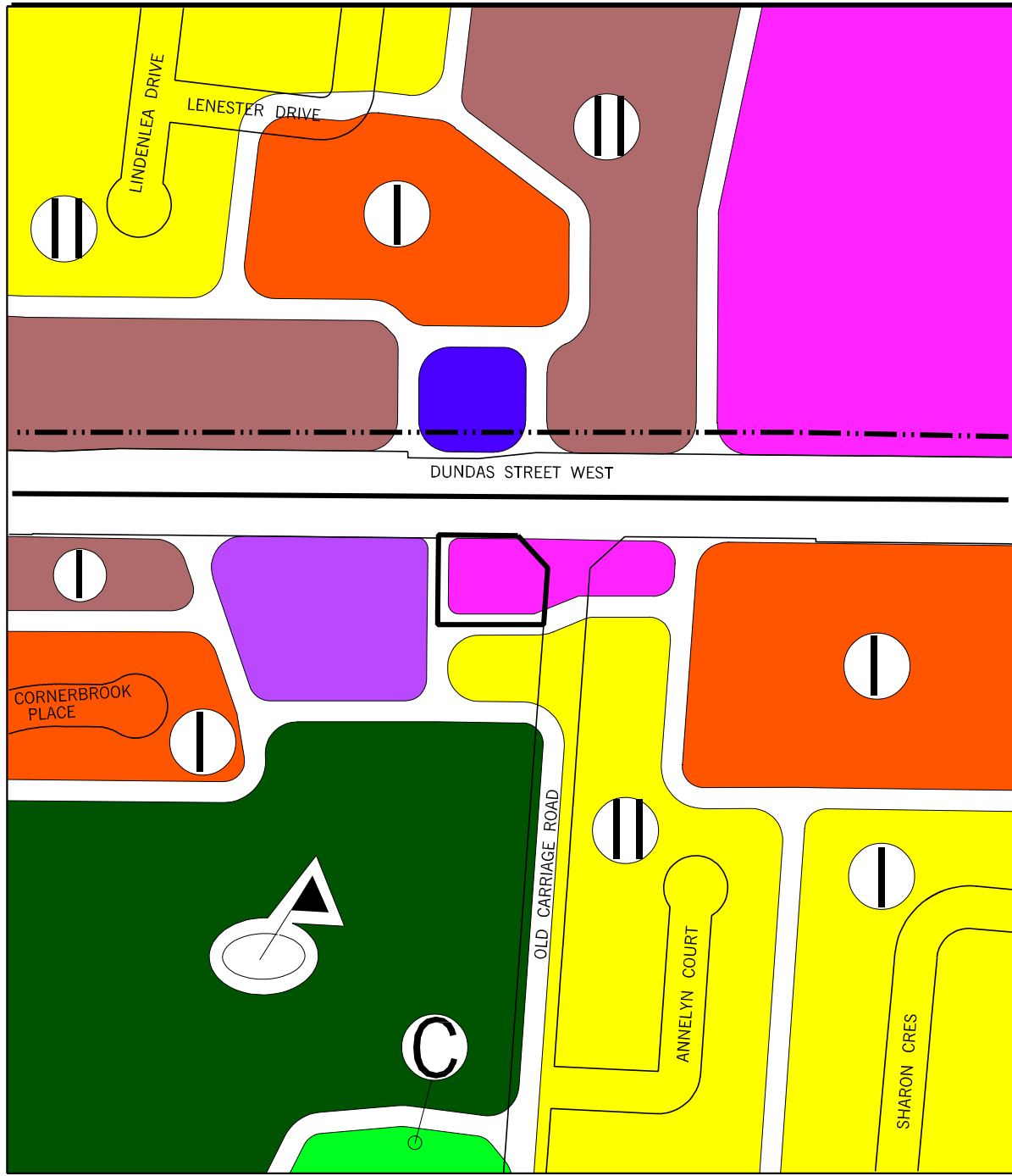
- motor vehicle dealership and accessory uses including motor vehicle leasing, car wash and automobile repairs in an enclosed building with no outside storage of parts or materials;
- art or antique shop;
- bakery goods shop;
- bank, financial institution or money lending agency;
- barber shop or beauty parlour;
- business, professional or administrative office;
- clothes or furniture cleaning agency or pressing establishment;
- commercial school;
- dressmaking or tailoring establishment;
- diaper supply service;
- drugstore;
- food store;
- laundromat;
- library;
- newspaper office, but not a newspaper printing establishment;
- pharmaceutical agency or dispensing druggist;
- recreation establishment, which shall include but not be limited to premises used for billiards, bowling, curling, dancing, pool, roller and ice skating, theatre, but shall not include an amusement arcade in a convenience centre;
- restaurant;
- shoe repair shop;
- shop in which goods are sold at retail;
- upholstering and furniture repairing in connection with a retail store;
- shop in which household pets are sold at retail;
- take-out restaurant;
- convenience store;
- video store;
- tanning salon;
- convenience restaurant.

Site Development Standards

- Notwithstanding Section 58 and 68(3) of By-law 5500, the minimum lot depth shall be 42m (137.8 ft) and the minimum rear yard setback shall be 3.6 m (11.8 ft).
- Notwithstanding Section 59A of By-law 5500, the 60m (196.9 ft) separation distance between a restaurant, convenience restaurant or take-out restaurant and a residential property shall not apply.
- That a vehicle display and storage area be permitted along Old Carriage Road and Dundas Street West in lieu of a landscaped area with a minimum depth of 4.5m (14.8 ft).

Rezoning**File: OZ 04/023 W7****Site History**

- 1960-1998 - The subject property was used as a service station. The subject property was vacant after the closure. The building was demolished and site remediated by removing underground storage tanks and contaminated soil;
- March 1983 – Erindale/Cooksville District Plan designates the subject lands as Highway Commercial;
- November 1999 – Erindale District policies of City Plan designates the subject lands as Automotive Service Commercial;
- August 2002 – Used car lot and sales trailer established on subject property in contravention to the Zoning By-law;
- August 2, 2002 – City By-law enforcement investigates complaint from neighbourhood association and issues a contravention notice and order to comply;
- October 7, 2002 – Site Plan Application SP 04/212 W7 submitted;
- November 21, 2002 – Committee of Adjustment defers the variance application “A” 926/02 to allow time for the applicant to submit the required Official Plan and Rezoning applications;
- March 11, 2003 – Official Plan Amendment and Rezoning applications submitted under file OZ 03/006 W7;
- March 19, 2003 – Letter from Commissioner of Planning and Building to the applicant indicating that the Department would not support the proposed applications due to lack of conformity with City Plan’s policies;
- May 22, 2003 - Committee of Adjustment refuses variance application “A” 926/02;
- September 15, 2003 – Applicant withdraws Official Plan Amendment and Rezoning application OZ 03/006 W7;
- March 2004 – Erindale District Policies of Mississauga Plan designates the subject lands as General Commercial;
- June 30, 2004 – Rezoning application OZ 04/023 W7 submitted but was not complete to permit circulation;
- December 16, 2004 – Complete Rezoning application circulated;
- February 2, 2005 – Site Plan application SP 04/212 W7 was cancelled due to inconsistency with rezoning request;
- February 21, 2005 – Meeting with applicant to discuss concerns with the application;
- October 31, 2005 – Applicant response to staff concerns and submission of new site plan application SP 05/325 W7;
- November 21, 2005 – Updated staff comments provided to applicant on Rezoning and Site Plan applications; and,
- January 10, 2006 – Updated concept plan submitted for the Information Report.



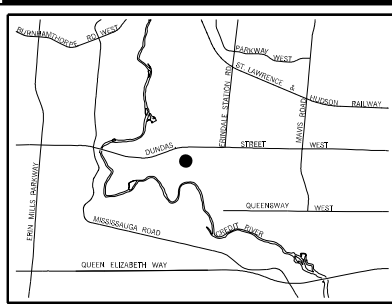
**PART OF ERINDALE DISTRICT LAND USE MAP
ERINDALE DISTRICT POLICIES OF MISSISSAUGA PLAN**

- | | |
|--------------------------------|------------------------------------|
| LAND USE DESIGNATIONS | TRANSPORTATION LEGEND |
| Residential - Low Density I | Provincial Highway and Interchange |
| Residential - Low Density II | Arterial |
| Residential - Medium Density I | Major Collector |
| Residential - High Density I | Major Collector (Scenic Route) |
| Residential - High Density II | Minor Collector |
| Mainstreet Commercial | Minor Collector (Scenic Route) |
| General Commercial | Local Road |
| Convenience Commercial | Existing Commuter Rail |
| Motor Vehicle Commercial | GO Transit Station |
| Office | Major Transit Corridor |
| Open Space | |
| Greenbelt | |
| Private Open Space | |
| Parkway Belt West | |
| Utility | |
-
- LAND USE LEGEND**
- CP - City Park
 - C - Community Park
 - Golf Course
 - - Planning District

SUBJECT LANDS



SUBJECT:
I LEASE INC



FILE NO:
OZ 04023 W7

DWG. NO:
04023L

SCALE:
NTS

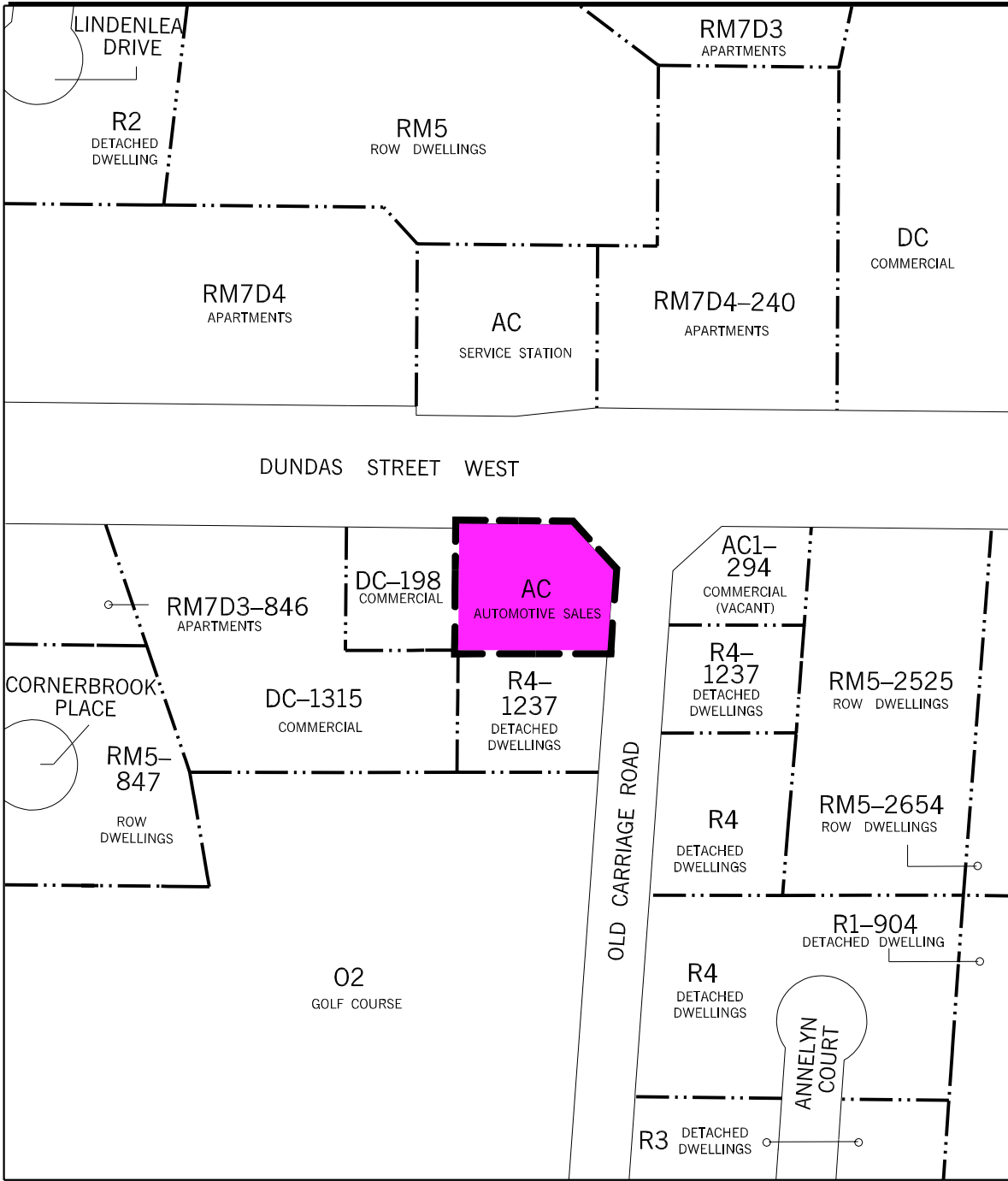
PDC DATE:
2006 02 27

DRAWN BY:
N.A.

APPENDIX I-3

MISSISSAUGA
Planning and Building

Produced by
T&W, GEOMATICS



LEGEND:

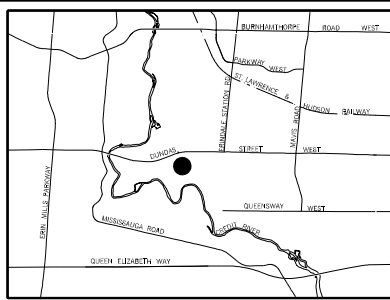


PROPOSED REZONING FROM "AC" TO "DC-SPECIAL SECTION" TO PERMIT A MOTOR VEHICLE DEALERSHIP, ACCESSORY USES AND RETAIL AND SERVICE COMMERCIAL USES.

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



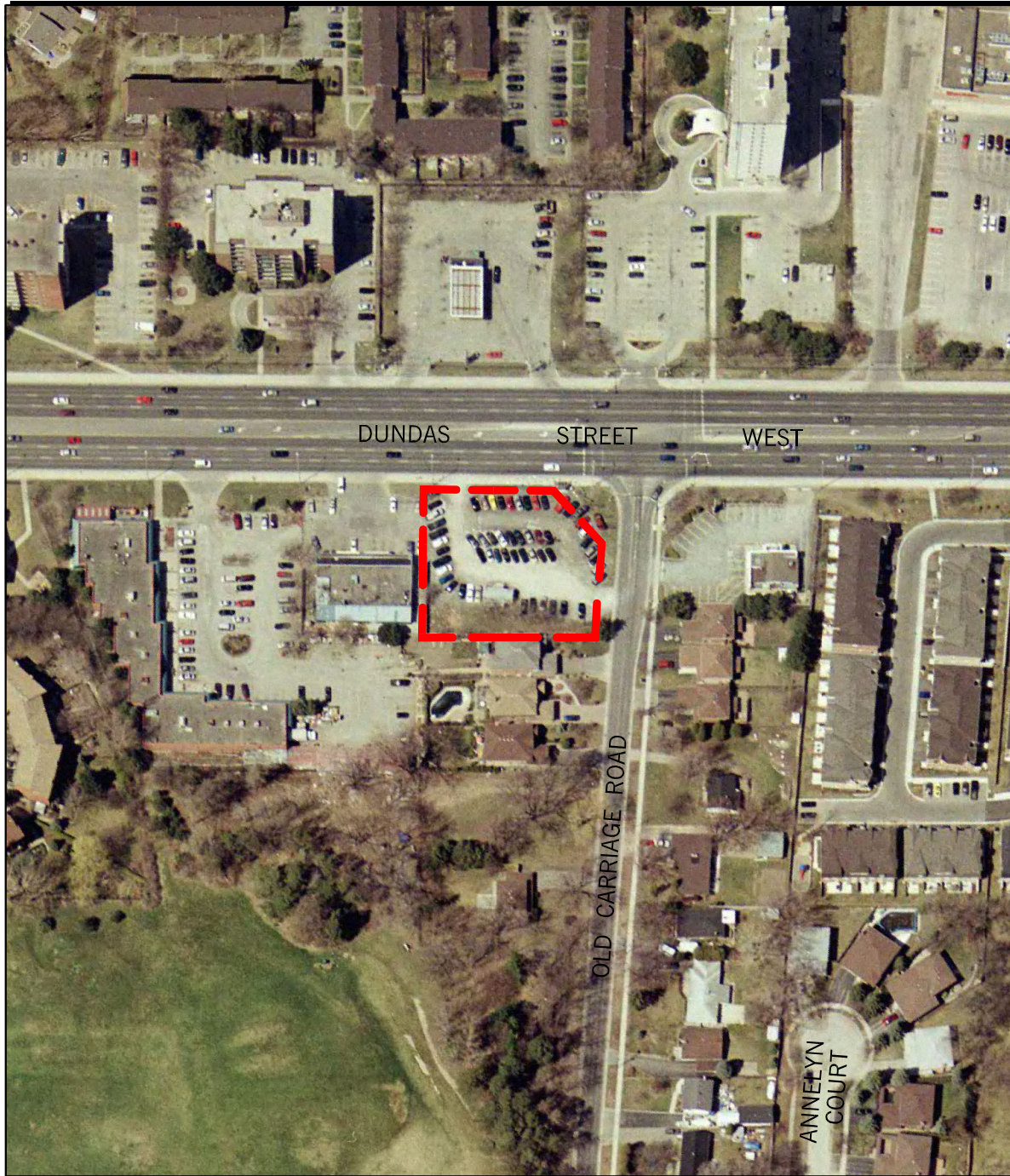
SUBJECT:
I LEASE INC



FILE NO:
 OZ 04023 W7
DWG. NO:
 04023R
SCALE:
 1:2000
PDC DATE:
 2006 02 27
DRAWN BY:
 N.A.

APPENDIX 14

MISSISSAUGA
 Planning and Building
 Produced by
T&W, GEOMATICS



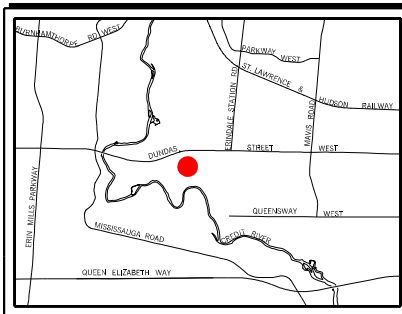
LEGEND:

 **SUBJECT LANDS**
1186 DUNDAS STREET WEST

DATE OF AERIAL PHOTO: 03 2005



SUBJECT:
I LEASE INC

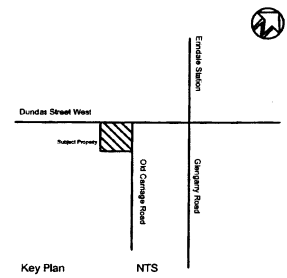
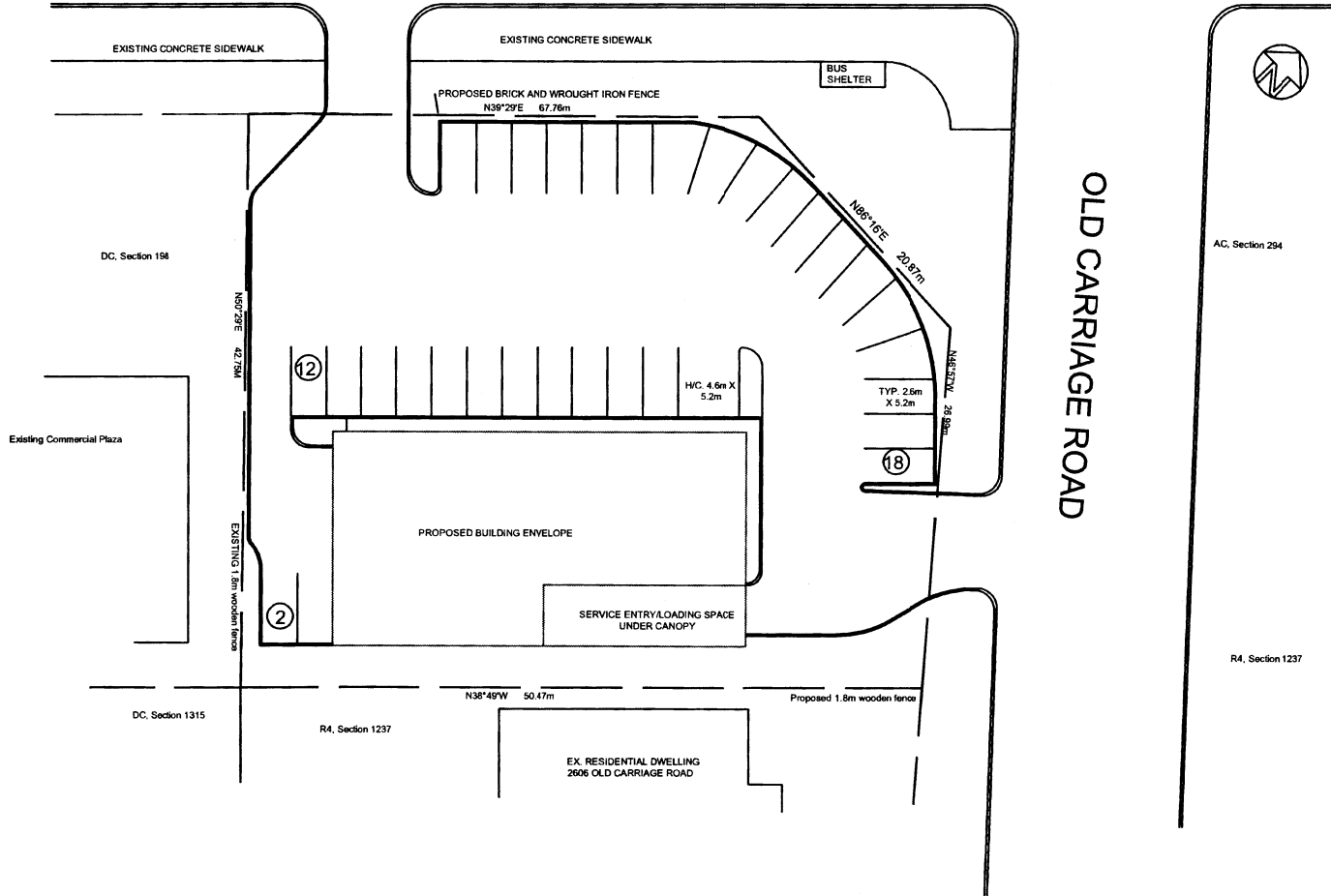


FILE NO: OZ 04023 W7
DWG. NO: 04023R
SCALE: 1: 18,000
PDC DATE: 2006 02 27
DRAWN BY: N.A.

APPENDIX I-5

DUNDAS STREET WEST

SIGNALIZED INTERSECTION



SITE STATISTICS

Municipal Address: 1186 Dundas Street West
 Legal Description: Part of Lot 7, Range 1, SDS
 Zoning: AC, Automobile Commercial
 Lot Area: 2080.37 m²
 Lot Coverage:
 Proposed: 20.29%
 Permitted: max. 624.0 m² (30%)
 Gross Floor Area:
 Proposed: 550.35m²
 Permitted: n/a
 Parking Spaces:
 Proposed: 32 spaces
 Required: 30 spaces
 Loading Spaces Required: 1 space
 Loading Spaces Provided: 1 space
 Handicap Parking Spaces Required: 1 space
 Handicapped Parking Spaces Provided: 1 space

Municipal Address:
1186 Dundas Street West

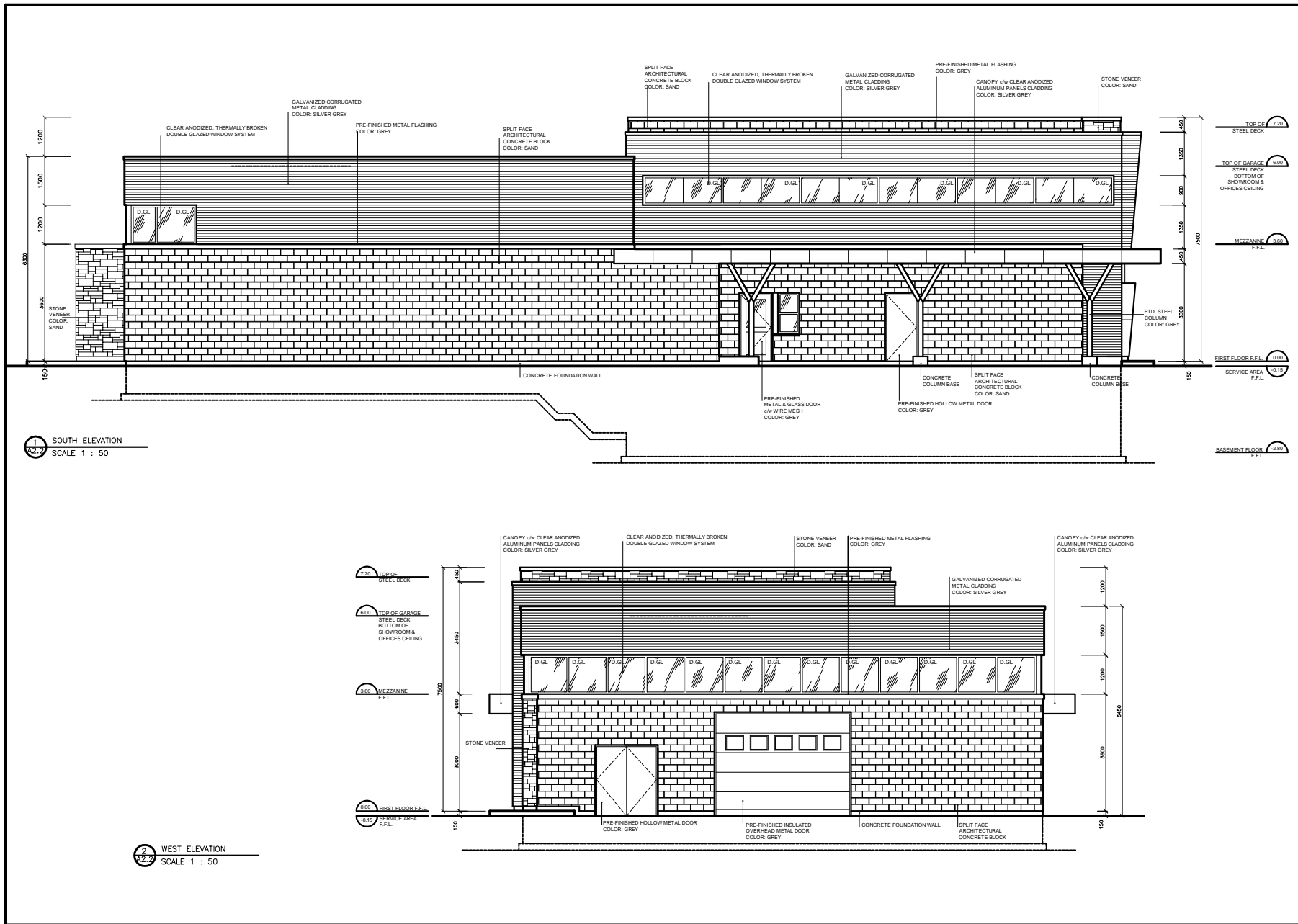
Legal Description:
 Part of Lot 7, Range 1, SDS
 City of Mississauga

Plan Prepared by:
 David Brown Associates
 1900 Dundas Street West, Suite 245
 Mississauga, ON L5K 1P9
 P: 905-403-0100 F: 905-822-9349

Property Owner:
 I Lease Inc.
 2599 Argyle Road
 Mississauga, ON L5B 1V4
 P: 905-848-3333

Date: December, 2004
 Scale: 1: 500

Drawing:
Context Map



I Lease Inc.

File: OZ 04/023 W7

Agency Comments

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

Agency / Comment Date	Comment
City By-law Enforcement (December 20, 2005)	By-law enforcement was made aware of the illegal operation through a complaint on August 2, 2002. A contravention notice was sent to the owner on August 7, 2002 and an order to comply on August 20, 2002. There have been court appearances on September 23, 2004; November 18, 2004; June 9, 2005; June 23, 2005 and January 19, 2006.
City Community Services Department – Planning and Administration Division (November 11, 2005)	Hoarding for boulevard trees and associated securities will be required prior to by-law enactment. Further, prior to the issuance of a building permit, cash-in-lieu for park or other recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws.
City Transportation and Works Department (November 7, 2005)	Prior to the preparation of a Supplementary Report, the applicant is to submit an updated Noise Report for the development proposal. Additional comments will be provided pending the receipt and review of the updated report.
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to the application provided that all technical matters are addressed in a satisfactory manner:</p> <p>City Community Services Department – Fire and Emergency Services Division; City Economic Development Office; Bell Canada; Canada Post Corporation</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Region of Peel; Mississauga Transit; Enbridge Gas Distribution.</p>

