



Corporate Report

Clerk's Files

Originator's
Files OZ 05/036 W1

DATE: June 1, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 12, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment and Rezoning Applications**
To permit a wellness centre
1489 Hurontario Street
Northeast corner of Hurontario Street and Pinewood Trail
Owner: Dupal Holdings Inc.
Applicant: Glen Broll, Glen Schnarr and Associates Inc.
Bill 20

Supplementary Report **Ward 1**

RECOMMENDATION: That the Report dated June 1, 2006, from the Commissioner of Planning and Building recommending approval of the applications under File OZ 05/036 W1, Dupal Holdings Inc., 1489 Hurontario Street, be adopted in accordance with the following:

1. That the application to amend Mississauga Plan from "Residential Low Density I - Special Site 2" to "Residential Low Density I - Special Site 2 as amended" to permit a wellness centre, be approved subject to the following:
 - (a) that a new subsection (h) be added to Special Site Policy 2 of the Mineola District Policies of Mississauga Plan to permit a wellness centre at 1489 Hurontario Street with a maximum gross floor area of 236 m² (2,540 sq. ft.).

2. 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 amendments is hereby waived.
3. That the application to change the Zoning from "R1-2064" (Residential Detached) to "R1- Special Section" (Office/ Commercial) to permit a wellness centre, in addition to the currently permitted residential uses, be approved in accordance with the zoning standards outlined in Appendix S-5 to this report.
4. In the event that the new Mississauga Zoning By-law is passed by City Council and comes into force and effect, the new Mississauga Zoning By-law be amended from "R1-2" (Residential Infill) to "R1-Exception" (Office/Commercial) subject to conditions contained in recommendation 3.
5. That the applicant agree to satisfy all the requirements of the City and any other agency concerned with the development.
6. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.
7. That the Commissioner of Planning and Building be directed to conduct a review of the Special Site 2 policies of the Mineola District which examines, among other things, the appropriateness of specific office and non-residential uses and their associated development standards and report back to the Planning and Building Committee on the results of the evaluation.
8. That a Working Committee comprised of City staff, members of the Credit Reserve Association, and Hurontario Street property owners, be established to provide assistance and feedback on the review.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on February 27, 2006, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information. Recommendation PDC-0024-2006, which was subsequently adopted by Council, is attached as Appendix S-2.

On April 28, 2006, in response to comments and issues raised at the public meeting and by City staff, the applicant submitted the following:

- a Tree Inventory and Preservation Plan dated March 2006 prepared by a Certified Arborist with Baker Turner Inc.;
- a revised concept plan (Appendix S-3) depicting a reduction in the proposed number of parking spaces from 19 to 13 with through traffic between the two vehicular access points prohibited;
- additional details pertaining to the operation of the proposed wellness centre.

COMMENTS:

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

COMMUNITY ISSUES

As identified in the Information Report (Appendix S-1), a community meeting was held by the Ward 1 Councillor, Carmen Corbasson on November 30, 2005 and the statutory public meeting was held at the PDC meeting on February 27, 2006. At both meetings, several area residents were in attendance; a number of which spoke to the applications, expressing concerns. In addition, several e-mails and letters of both support and concern were received by Planning staff. Outlined below is a summary of issues together with corresponding responses.

Comment

There is insufficient parking to accommodate the proposed use.

Response

The applicant is now proposing 13 spaces to accommodate staff and patrons of the proposed wellness centre. This amount represents a rate of 5.4 spaces per 100 m² (1,076 sq. ft.), which is consistent with the required rate of parking for undefined, non-residential uses, as well as personal service uses in the Zoning By-law. Based on the number of staff and forecasted site-generated parking demand, the applicant's traffic consultant (Tedesco Engineering) has indicated that the proposed 13 parking spaces would be more than adequate to accommodate the parking demands of staff and patrons for the proposed wellness centre. City staff concur with these findings.

Comment

The proposed use will generate traffic problems for the abutting residential area to the east and the intersection of Hurontario Street and Pinewood Trail, particularly in light of the recently approved medical centre at 1471 Hurontario Street.

Response

A medical clinic, located immediately to the south of the proposed wellness centre, was previously approved by the Ontario Municipal Board with a full moves access and an additional access driveway for staff parking along Pinewood Trail. The proposed access arrangement and traffic generated by the wellness centre are not expected to exacerbate the operation of the intersection nor impact the surrounding residential community.

The Pinewood Trail access for the wellness centre is proposed to be a maximum width of 6.0 m (19.7 ft.). The introduction of a physical barrier, such as low decorative fence with a gate, to the west of the staff parking area will prevent vehicles from cutting through the property. Since the parking area along Pinewood Trail is proposed to be for the exclusive use of staff, the site-generated traffic along Pinewood Trail will be limited to employees only. The applicant's traffic consultant has indicated that based on the operation of the wellness centre, which is by appointment only and typically 1 to 2 hours in duration, no more than 5 persons are

expected to be receiving treatment at peak times. The proposed full moves driveway along Hurontario Street along with a left turn lane will, therefore, accommodate the majority of the site-generated traffic.

Comment

How many trees will be removed to accommodate the proposed development?

Response

The previous concept plan did not accurately depict the trees on the property. The revised Tree Inventory and Preservation Plan prepared by a Certified Arborist provides an assessment of the private and city trees in March 2006. Based on this plan, a total of 3 private trees are proposed to be removed to accommodate the paved parking area in the front yard.

As a result of a site inspection by City staff in May of 2006 when the trees are in foliage, it was determined that several of the trees on private property are crowded and in poor condition, giving the impression that the landscaping has not been well maintained. There are several trees on the city boulevard along Pinewood Trail. However, after further examination, many of these trees were found to be in decline. Some damage was caused by improper construction practices on site.

Following further discussions with the applicant, City staff recommended a parking layout that allows for as much landscaping around the site's perimeter adjacent to Hurontario Street and Pinewood Trail as possible in order to restore the appearance of a residential front yard. In order to accomplish this, some trees will need to be removed. Given the health and condition of the remaining trees, their condition should be monitored through the site plan process. Additional trees may need to be removed at that time. Replacement planting in the perimeter landscape areas will be required to screen the parking from the street. Appropriate species will be chosen that suit the urban growing conditions and complement the architecture of the

house. This new planting will improve the vegetation quality and in turn, the residential character of the intersection.

Comment

What are the proposed hours of operation and can they be restricted?

Response

The anticipated hours of operation are Tuesday to Friday between 9:00 a.m. and 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The wellness centre is proposed to be closed on Sunday and Monday. It is not possible for the City to regulate the hours of operation through the Zoning By-law.

Comment

How many persons will be working at the premises?

Response

The applicant has indicated that, at most, there would be 5 "practitioner" staff and one administrative staff person working at the premises.

Comment

The deck on the second floor creates an overlook problem for the residential neighbours to the east who have an outdoor swimming pool in their rear yard.

Response

The existing second storey open deck with a glass guardrail was approved through previous renovations to the building as a residential use. The applicant has indicated that the deck will be modified to be screened from the street and neighbours.

Additional landscaping will also be introduced in the rear yard, which is more than 22.5 m (73 ft.) in depth, to provide greater privacy for the neighbours to the east. These modifications will

address the overlook issue and will be secured through the site plan process.

Given the relatively passive and therapeutic activities associated with the proposal, there are no other concerns with the use of the existing second storey deck in conjunction with the wellness centre.

Comment

The proposed use is essentially a commercial use which will set a precedent for other similar development proposals along this portion of Hurontario Street.

Response

This appears to be the greatest concern among the residents. A detailed response to this issue is provided in the Planning Comments section of this report.

Comment

Several residents questioned whether the owner could be trusted since he made modifications to the building on the basis of approvals for a detached dwelling while he intended to proceed with a commercial use on the property.

Response

Despite the unfortunate past circumstances associated with the site, Planning staff must evaluate the specific Official Plan and Rezoning applications as presented and are not in a position to comment on the owner's intentions. According to City records, the owner has rectified previous outstanding building violations. There are outstanding issues associated with tree preservation and site works for previous development on the site for which the City is still holding securities. The owner has agreed to address these matters once a decision has been made on the current proposal.

Comment

Could an Interim Control By-law be enacted for the Special Site 2 policy area while a study is being conducted of land use policies and zoning for the area?

Response

The purpose of an Interim Control By-law is to allow a municipality breathing space to rethink its land use policies by suspending any development that may conflict with any new policy. It must be used appropriately and must be able to withstand legal challenge. In this particular situation, it is not uses that are currently permitted by the zoning by-law that are a concern, but rather new development which may proceed through applications for a rezoning and official plan amendment. In this regard City Council makes decisions on those applications on a site by site basis.

Mississauga Plan and the Special Site 2 policies for the Mineola District, for the most part, have achieved their desired effect and in this regard, an entire rethink of the policies is not warranted. While the final decision to introduce an Interim Control By-law ultimately rests with City Council, it not recommended by staff. A more reasonable approach is to review the appropriateness of specific office and non-residential uses and their associated development standards. This should be done in consultation with the various stakeholders in an expeditious manner.

**UPDATED AGENCY AND CITY DEPARTMENT
COMMENTS****City Transportation and Works Department**

Comments updated on May 12, 2006 indicate that this Department is in receipt of an amended Traffic Impact Study dated May 10, 2006, prepared by Tedesco Engineering. This Department is in general agreement with the revised report which proposes two physically separated parking areas with all commercial access and parking provided from Hurontario Street and only staff parking accessible from Pinewood Trail, thereby minimizing the impact to

Pinewood Trail and the intersection of Hurontario Street at Pinewood Trail. The site specific details will be addressed through the processing of the associated site plan application.

In the event these applications are approved by Council, the applicant will be required to pay a cash contribution to the City toward 50% of the cost of the future upgrading across the Pinewood Trail frontage of the lands.

PLANNING COMMENTS

The proposed Official Plan amendment and rezoning applications have been evaluated in the context of the relevant policies in Mississauga Plan, the comments received from various City departments and agencies and the public as well as the applicant's planning rationale in support of the proposed development which is attached as Appendix S-4.

Official Plan

Mississauga Plan contains policies which allow Council to consider site specific Official Plan amendments if certain matters are satisfactorily demonstrated by the proponent. Each criterion is summarized below along with a discussion of how the proposed applications address the intent of the criteria.

Integrity of Mississauga Plan Policies

- no adverse impact on achieving the overall intent, goals and objectives of Mississauga Plan.

The proposed wellness centre is similar to a day spa and technically could be classified as a commercial use. However, the proposed use will include a registered massage therapist which would be permitted under the current office policies. In addition, the applicant is not proposing any retail sales on the premises. The applicant is proposing to introduce a site specific definition in the Zoning By-law for a wellness centre, which would limit the proposed uses to massage therapy, including registered massage therapy, osteopathy, naturopathy, hair and scalp treatments, prosthetic wigs, aesthetic skin and body treatments, aromatherapy

and re-hydration treatments on the site. Other personal services uses such as body rub parlours and tattoo establishments would specifically be prohibited. The maximum gross floor area is also proposed to be restricted to just over half of that permitted for office uses.

The Special Site 2 policies in the Mineola District provide for the conversion of residential properties to office uses provided they meet certain criteria. Retail commercial uses are not permitted along this portion of Hurontario Street on the basis that they would not serve as an appropriate transitional use to the surrounding residential community which continues to maintain many non-urban qualities such as detached dwellings on large lots with mature trees and a rural road cross-section with open ditches and no sidewalks on Pinewood Trail and Indian Valley Trail.

The proposed wellness centre at this intersection location poses less impact to the surrounding residential community than a new office development built in compliance with all aspects of the Special Site 2 policies of the Mineola District. In this regard, the proposed use causes no adverse impact on achieving the overall general intent, goals and objectives of Mississauga Plan which are to provide a suitable transitional use which is of a low intensity.

Integrity of Designation and Viability of Adjacent Lands

- no adverse impact on the development or functioning of the remaining lands which have the same designation, or neighbouring lands.

The proposed wellness centre is compatible with the many existing (or approved) professional offices and therapeutic services provided along this portion of Hurontario Street which include dental offices, medical clinics, massage therapy, chiropractic offices as well as a plastic surgery clinic. In this regard, the proposal will not have an adverse impact on the development or functioning of the remaining lands which have the same designation.

Over the past twenty years many properties along the Hurontario Street corridor have been converted from residential use to offices

with a residential character. For the most part, the conversions have resulted in acceptable development which meets the fundamental intent of the Special Site 2 policies. However in more recent years it has become clear that some office uses (medical offices) which have a higher parking standard pose greater challenges from an intensity of use and site plan perspective.

A wellness centre, which is similar to a day spa, had not been contemplated when the Special Site 2 policies were written. Nevertheless, in this particular instance and location, it represents a reasonable transitional use in this corridor.

A similar application for non-office uses within the Special Site 2 area would have to be evaluated on its own site-specific merits. As such, approval of the proposed wellness centre does not automatically set a precedent for similar applications throughout the Special Site 2 area. However, given the strong concerns about precedent raised by the community as well as the recent establishment of more intense office development in the area, it is recommended that the Special Site 2 policies be re-examined in order to fine-tune the redevelopment criteria in the Official Plan and further clarify the role of this corridor as a low intensity transition zone.

Adequate Infrastructure

- the adequacy of infrastructure and community services to support the proposed application.

The Region of Peel has indicated that there are adequate services to accommodate the proposed development. The City's Transportation and Works Department has confirmed that they are satisfied and in agreement with the revised Traffic Impact Study submitted in support of the applications demonstrates that the proposed access arrangement and traffic will minimize the impact to Pinewood Trail and the intersection of Hurontario Street and Pinewood Trail.

Suitability and Compatibility

- the suitability of the lands for the proposed use and compatibility with the existing and future uses of surrounding lands.

The subject lands are suitable for the proposed use since the gross floor area will be limited to 236 m² (2,540 sq. ft.) and the proposed use is a low intensive use from a parking and traffic perspective. The building will continue to maintain a residential character and provide for a substantial rear yard buffer to the neighbour to the east. Overlook concerns associated with the use of the second storey deck will be mitigated with modified screening of the deck and the provision of additional landscaping in the rear yard.

Provision of Satisfactory Planning Justification Report

- a planning rationale with reference to Mississauga Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation is provided.

A Planning Justification Report (August 2005 and updated on April 28, 2006) prepared by Glen Schnarr & Associates Inc. was submitted in support of the proposed applications and is summarized in Appendix S-4. The report satisfactorily examines the policies of Mississauga Plan and compares the proposed use with the existing land use designation and policies. The study indicates that the subject property and existing building is no longer the most desirable for use as a single family home. It also states that certain office uses permitted under the current Official Plan policies would have a greater impact at this location. The applicant concludes that the proposed development represents good planning and City staff concur with this view.

Recent Land Use Review of Mississauga Plan

- no requirement for a comprehensive review of land use designations or a five year review.

A comprehensive review of the City's Official Plan land use designations is not warranted at this time, as the review that resulted in Mississauga Plan was completed in 2003.

As mentioned earlier, staff suggest undertaking a scoped review of the specific office and non-residential uses and associated development standards in the Special Site 2 area of the Mineola District.

Zoning

The proposed "R1-Special Section" (Office/Commercial) zone is appropriate to accommodate the applicant's proposal to allow, in addition to the currently permitted residential uses, a wellness centre. The implementing zoning by-law will include a site specific definition of a "wellness centre" to clarify and limit the services provided on the site, as well as restrict the maximum gross floor area, lot coverage, building height and impose a parking standard consistent with the City's current parking requirements for unidentified, non-residential uses and personal service uses (see Appendix S-5). The implementing zoning by-law will also include a Schedule "I" to ensure that the building and ingress/egress locations, landscape and tree preservation areas, location and number of on-site parking spaces and required yards are in accordance with the revised concept plan shown on Appendix S-3.

Site Plan

The revised concept plan (Appendix S-3) prepared by Glen Schnarr and Associates, revised May 16, 2006, indicates a physical barrier between parking spaces 10 & 11 and 3 & 4. The purpose of this barrier is to prevent through traffic. Upon close examination of the site plan, there is insufficient room for any type of planter to be used as a barrier. A more appropriate solution would be to provide a fence/gate that would also screen the parking from the street. This solution would also condense the parking layout and allow for a 6.0 m (19.7 ft.) wide access from Pinewood Trail. Two trees (one of which is dead) will need to be removed in the city boulevard to accommodate the access.

Transportation and Works Department staff have indicated that a 5.0 m (16.4 ft.) radius rounding at the corner of Hurontario Street and Pinewood Trail will be required prior to site plan approval. This requirement will ensure that sight lines are maintained at this intersection.

All other matters related to tree preservation, landscaping and mitigation of the overlook condition, associated with the second storey deck, will be appropriately addressed through the site plan approval process.

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 to the application which primarily comprise site layout changes as shown on Appendix S-3, including a reduction in the number of on-site parking spaces provided, 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 are acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal to permit a wellness centre, in addition to the currently permitted residential uses, within the existing detached dwelling is compatible with the surrounding land uses based on the Special Site 2 criteria as contained in the Mineola District Policies of Mississauga Plan.
2. The proposed wellness centre, while similar to commercial type uses, is of a nature and intensity that makes it a more suitable transitional use along this corridor than some office uses currently permitted under Mississauga Plan.

3. The proposed development satisfactorily addresses the Site Specific Criteria for Official Plan Amendments.
4. The new use of the existing building will continue to meet the goals and objectives of Mississauga Plan by allowing a use with a residential appearance into a transitional corridor while maintaining the proper scale, amount and location of parking and intensity of use.
5. The proposed Official Plan provisions and zoning standards are appropriate to accommodate the proposal based on the compatibility of the proposed uses with the surrounding area, the proposed layout of the parking and landscape areas and the conclusions of the Traffic Impact Study submitted in support of the applications.
6. A re-examination of some of the Special Site 2 provisions will ensure that concerns about inappropriate future development can be more adequately addressed.

ATTACHMENTS:

Appendix S-1 - Information Report
Appendix S-2 - Recommendation PDC-0024-2006
Appendix S-3 - Revised Concept Plan
Appendix S-4 - Applicant's Planning Rationale
Appendix S-5 - Recommended "R1-Special Section" Standards

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Paulina Mikicich, Development Planner



Corporate Report

Clerk's Files

 Originator's
Files OZ 05/036 W1

PDC FEBRUARY 27, 2006

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**
Official Plan Amendment and Rezoning Applications
To permit a wellness centre
1489 Hurontario Street
Northeast corner of Hurontario Street and Pinewood Trail
Owner: Dupal Holdings Inc.
Applicant: Glen Broll, Glen Schnarr and Associates Inc.
Bill 20

Public Meeting **Ward 1**

RECOMMENDATION: That the Report dated February 7, 2006, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Residential Low Density I - Special Site 2" to "Residential Low Density I - Special Site 2 as amended" and to change the Zoning from "R1-2064" (Residential Detached) to "R1-Special Section" (Office/Commercial) to permit a wellness centre under file OZ 05/036 W1, Dupal Holdings Inc., 1489 Hurontario Street, be received for information.

BACKGROUND: Official Plan Amendment and Rezoning applications have been filed to allow, in addition to the currently permitted residential uses, a wellness centre within the existing detached dwelling on the property in accordance with the conceptual site plan attached as

Appendix I-6. A "wellness centre" is not a recognized term in either the City's Official Plan or Zoning By-law. The applicant has indicated that a wellness centre is a building or structure or part thereof "where the healing of a person's mind, body or spirit may be performed". The specific wellness services to be provided at the premises include massage therapy, osteopathy, naturopathy, hair and scalp treatments, prosthetic wigs, skin and body treatments such as facials, aromatherapy, and re-hydration treatments.

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

COMMENTS:

Details of the proposal are as follows:

Development Proposal	
Applications submitted:	September 6, 2005 October 6, 2006 (Considered complete for the purposes of circulation of the applications)
Height:	one storey + basement
Lot Coverage:	10% (approximately)
Landscaped Area:	40% (approximately)
Existing/Proposed Gross Floor Area:	236 m ² (2,540.4 sq. ft.)
Parking Required:	No current parking standard exists for a wellness centre. The applicant is proposing a standard of 5.4 spaces per 100 m ² of gross floor area. This is the same standard applicable to personal service uses or other "non-residential" uses. Based on this standard, a total of 13 parking spaces, including 1 parking space for disabled persons are required.
Parking Provided:	19 parking spaces, including 1 parking space for disabled persons.
Supporting Documents:	Traffic Impact Study and Planning Justification Report

Site Characteristics	
Frontage:	27.44 m (90.02 ft.) - Hurontario Street
Depth:	61.8 m - 64.8 m (varies) (202.8 ft. - 212.6 ft.)
Gross Lot Area:	0.17 ha (0.42 ac.)
Existing Use:	Detached dwelling

Additional information is provided in Appendices I-1 to I-7.

Neighbourhood Context

The subject property is located in the Mineola District at the northeast corner of Hurontario Street and Pinewood Trail. The site presently contains a detached dwelling which has been recently renovated and modified on the basis of permits and approvals for a use as a private residence. The current development proposal includes two driveways to accommodate vehicular access to the site as well as the introduction of a parking areas in the front and side yards. The applicant is proposing that client parking be provided in the front yard while only staff parking be accessible from Pinewood Trail. The two parking areas are proposed to be separated in order not permit through traffic.

Several private trees highlighted in black on the concept plan are also proposed to be removed (see Appendix I-6). No changes to the existing building are proposed.

Over the last twenty years, many of the existing detached dwellings fronting onto this portion of Hurontario Street have been converted to business, administrative and professional office uses. Despite the conversion to office uses, the properties along Hurontario Street have continued to maintain a residential character. Immediately to the east and west of Hurontario Street are large properties with detached dwellings. Most of these lots contain mature trees and vegetation. Hurontario Street constitutes a major north-south arterial road in the City while Pinewood Trail abutting the southern side yard is a narrow, local collector road which maintains a rural cross-section with no sidewalks and open ditches and culverts for drainage.

The surrounding land uses are as follows:

- North: Detached dwelling used as resident chiropractic office
- East: Detached dwellings
- South: Detached dwelling approved by Ontario Municipal Board for a medical clinic use
- West: Proposed rezoning application under file OZ 05/025 W1 to convert the existing detached dwelling to a medical therapy office

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

"Residential Low Density I" which permits detached dwellings to a maximum of 10 units per net residential hectare (4 units per net acre). The site is also subject to Special Site 2 policies as follows:

Notwithstanding the provisions of the Residential Low Density I designation, the following additional policies will apply:

- a. offices will be permitted in addition to residential uses;
- b. the building, including amenities and signage, whether new or modified, will have a residential appearance which is consistent with the form, design, and scale of the surrounding residential area, and the use must be of a nature and intensity that will have a limited impact on the low density residential character of the area which results in limited impact on the function of Hurontario Street;
- c. all required office related parking will be accommodated at grade, exclusively within the front and side yards with a minimal loss of vegetation. However, where such locations result in conflict with City policies, including these District Policies, consideration may be given to other locations provided the intent of the policies is maintained;
- d. to minimize the amount of hard surface area, on-site parking areas should have efficient vehicular circulation and layout which is suitably screened, preferably with vegetation;

- e. new buildings or modified buildings will not exceed 420 m² (4,520 sq. ft.) gross floor area and the maximum lot coverage will not exceed 25% and the maximum building height will not exceed two storeys.

The subject applications are not in conformity with the Mississauga Plan policies for the Mineola District and propose to change the applicable land use designation and zoning to permit a wellness centre.

Other policies in the Official Plan which are also applicable in the review of these applications include:

Development Concept for Hurontario Street Corridor

Section 4.24.2 of Mississauga Plan indicates that the conversion of the Hurontario Street frontage residential properties to office or mixed residential and office uses will continue to be subject to the policies to maintain the residential character of the street, and enhance the streetscape, recognizing its role as a major corridor and gateway to Port Credit. Future commercial development is intended to be concentrated in existing commercial areas.

Urban Design Policies for Streetscapes in the Mineola District

Section 4.24.3.2 of the Mississauga Plan policies for the Mineola District state that on lands adjacent to Hurontario Street, the existing mature vegetation, well landscaped appearance and general setbacks will be maintained to reflect area character. As Hurontario Street is a gateway to the District, as well as Port Credit, consideration should be given to: additional tree planting, a sodded boulevard, a bicycle route and a right-of-way design that is sympathetic to the character of the area. In addition, open ditch road cross-sections should be maintained as they contribute to the character of the area.

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.

The applicant has provided a Planning Justification Report which discusses how, in their opinion, the proposed development addresses this criteria. Staff are in the process of reviewing this report. Detailed comments will be provided by City staff upon receipt of a draft zoning by-law and revised site plan submission from the applicant which is required prior to the preparation of the Supplementary Report on these applications.

Proposed Official Plan Designation and Policies

The applicant is proposing to change the Official Plan for the Mineola District Special Site 2 policies by adding a new paragraph (h) to permit a wellness centre at 1489 Hurontario Street to a maximum gross floor area of 236 m² (2,540 sq. ft.).

Existing Zoning

"R1-2064 " (Residential Detached), which permits detached dwellings on lots with a minimum lot frontage of 30 m (98.4 ft.) and a minimum lot area of 750 m² (8,073 sq. ft.).

Proposed Zoning By-law Amendment

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

"R1-Special Section" (Office - Commercial), to permit in addition to the uses permitted under the "R1-2064" zoning, a wellness centre up to a maximum GFA of 236 m² (2,540 sq. 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 "R1-2" (Residential Infill). This proposed zone is consistent with the permitted uses and regulations contained within the existing "R1-2064" (Residential Detached) zone. Should these applications be approved, a new "R1-Exception" (Office/Commercial) zone would be required to reflect the site specific provisions sought through these applications.

COMMUNITY ISSUES

A community meeting was held by Ward 1 Councillor Carmen Corbasson on November 30, 2005. Several residents were in attendance at the meeting.

The following is a summary of issues raised by the Community:

- How many trees will be removed to accommodate the proposed development?
- What are the proposed hours of operation and can they be restricted?
- How many staff persons will be working at the premises?
- Will the proposed parking adequately serve the needs of the proposed development?
- The proposed use is essentially a commercial use which opens the door for other similar development proposals along this portion of Hurontario Street.
- How can we trust the applicant since he made modifications to the building on the basis of approvals for a detached dwelling while he intended to proceed with a commercial use on the property?
- The proposed development constitutes overdevelopment of the subject property.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-5. Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed prior to the preparation of the Supplementary Report.

Parking Justification and Traffic Analysis

The applicant is required to demonstrate that the proposed parking standard of 5.4 spaces per 100 m² (1,076.4 sq. ft.) is adequate to accommodate the proposed development. The applicant is also required to select an access plan which addresses all of the other relevant policy and site plan concerns to the satisfaction of both the Planning and Building Department and Transportation and Works Departments.

Tree Preservation

The applicant is required to provide an accurate tree preservation plan for both private and City-owned trees prepared by a certified arborist for the review and approval of the City's Development and Design Division and Urban Forestry staff.

Development and Design and Urban Forestry staff are currently withholding securities because of impact to tree preservation zones associated with previous construction activity on the site for works under Site Plan application files SPI 03/356 W1 and SPR 04/420 W1.

In the event that more than 5 private trees are proposed to be removed to accommodate the proposed development, a Tree Permit will be required from the City. A cash contribution for the replacement of street trees will be required if any City trees are proposed to be removed.

Site Design and Compatibility with Adjacent Uses

Prior to the preparation of the Supplementary Report, the applicant is also required to submit a revised site plan which accurately depicts the existing and proposed conditions of the site. It should

be noted that the proposed site plan does not meet the intent of the Urban Design Guidelines for Streetscapes. The proposed 19 parking spaces constitute an excessive amount of hard surface on this property. Proposed on-site landscape areas in the front and side yard are significantly inadequate.

The applicant is also required to submit detailed floor plans and elevation drawings which identify all how the internal spaces within the building are proposed to be used. In addition the applicant will be required to provide further detailed information about the proposed operation of this facility along with a draft zoning by-law which specifies what uses constitutes a "wellness centre" for the purposes of these site specific applications and which includes the relevant proposed site development standards. The definition of a "wellness centre" noted above is vague and inappropriate for the purposes of inclusion into a Zoning By-law.

OTHER INFORMATION

Development Requirements

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

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, 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 - Excerpt of Mineola District Land Use Map
Appendix I-3 - Excerpt of Existing Land Use Map

Appendix I-4 - Aerial Photograph
Appendix I-5 - Agency Comments
Appendix I-6 - Concept Plan
Appendix I-7 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Dupal Holdings Inc.

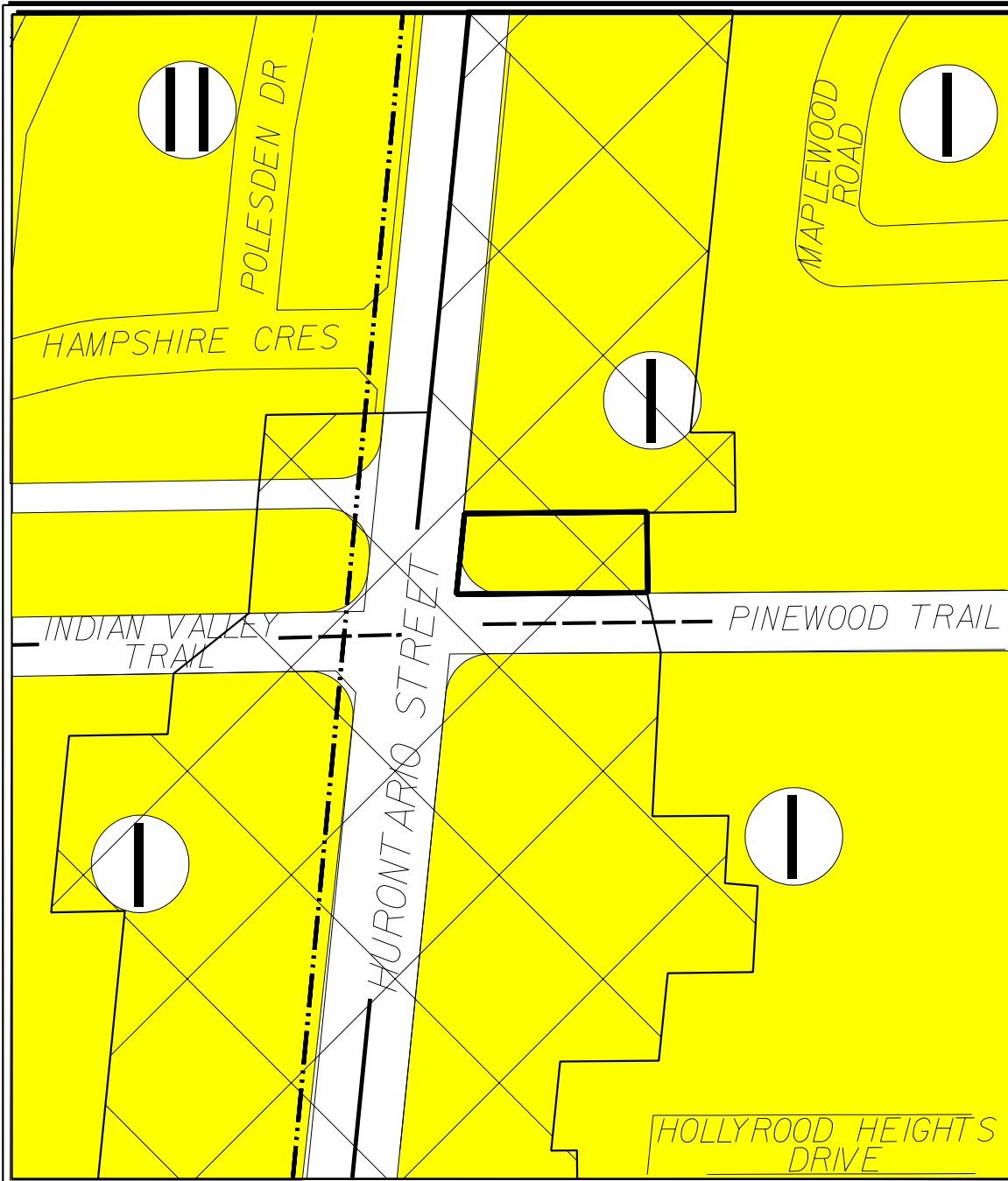
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Site History

May 5, 2003 - Region of Peel approved the Mineola District Policies of Mississauga Plan which continue to designate the subject lands "Residential Low Density I - Special Site 2";










April 1, 2004 - Site plan application under file SPI 03/356 W1 approved for a one storey and roof deck addition to the detached dwelling;

February 17, 2005 – Revised site plan application under file SPR 04/420 W1 approved for a basement walkout.












PART OF MINEOLA DISTRICT LAND USE MAPS MINEOLA DISTRICT POLICIES OF MISSISSAUGA PLAN

LAND USE DESIGNATIONS


-  Residential – Low Density I
-  Residential – Low Density II
-  Residential – Medium Density I
-  Convenience Commercial
-  Motor Vehicle Commercial
-  Office
-  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
-  Major Transit Corridor

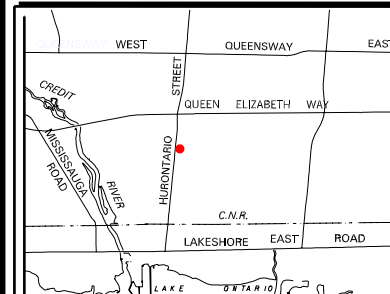
LAND USE LEGEND

-  Special Site 2
-  C – Community Park
-  Planning District

-  Subject Lands

SUBJECT:

DUPAL HOLDINGS INC.



FILE NO:
OZ 05036 W1

DWG. NO:
05036R

SCALE:
1: 2000

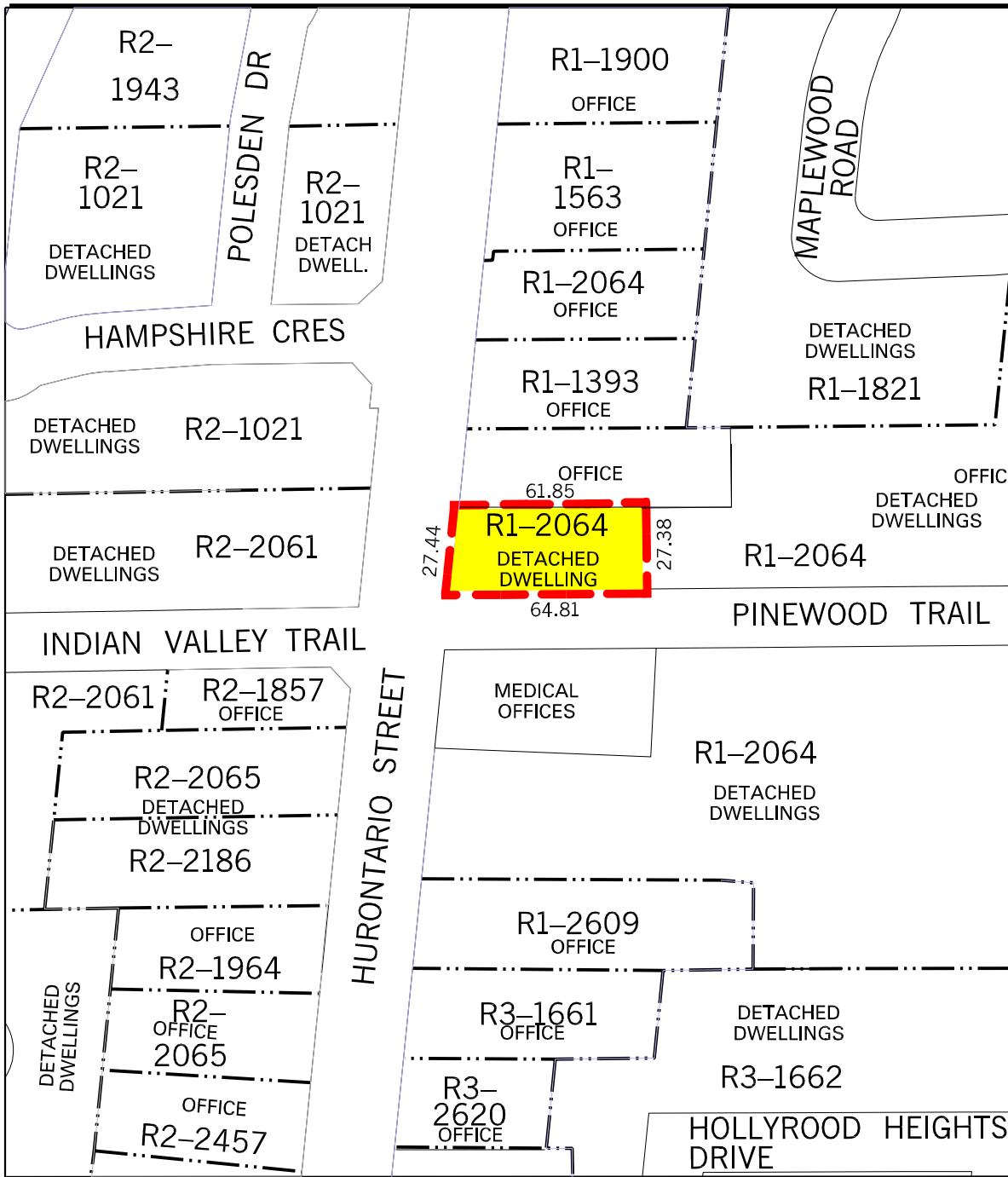
PDC DATE:
2006 02 27

DRAWN BY:
D. GREEN

APPENDIX 1-2

MISSISSAUGA
Planning and Building

Produced by
Geomatics



LEGEND:



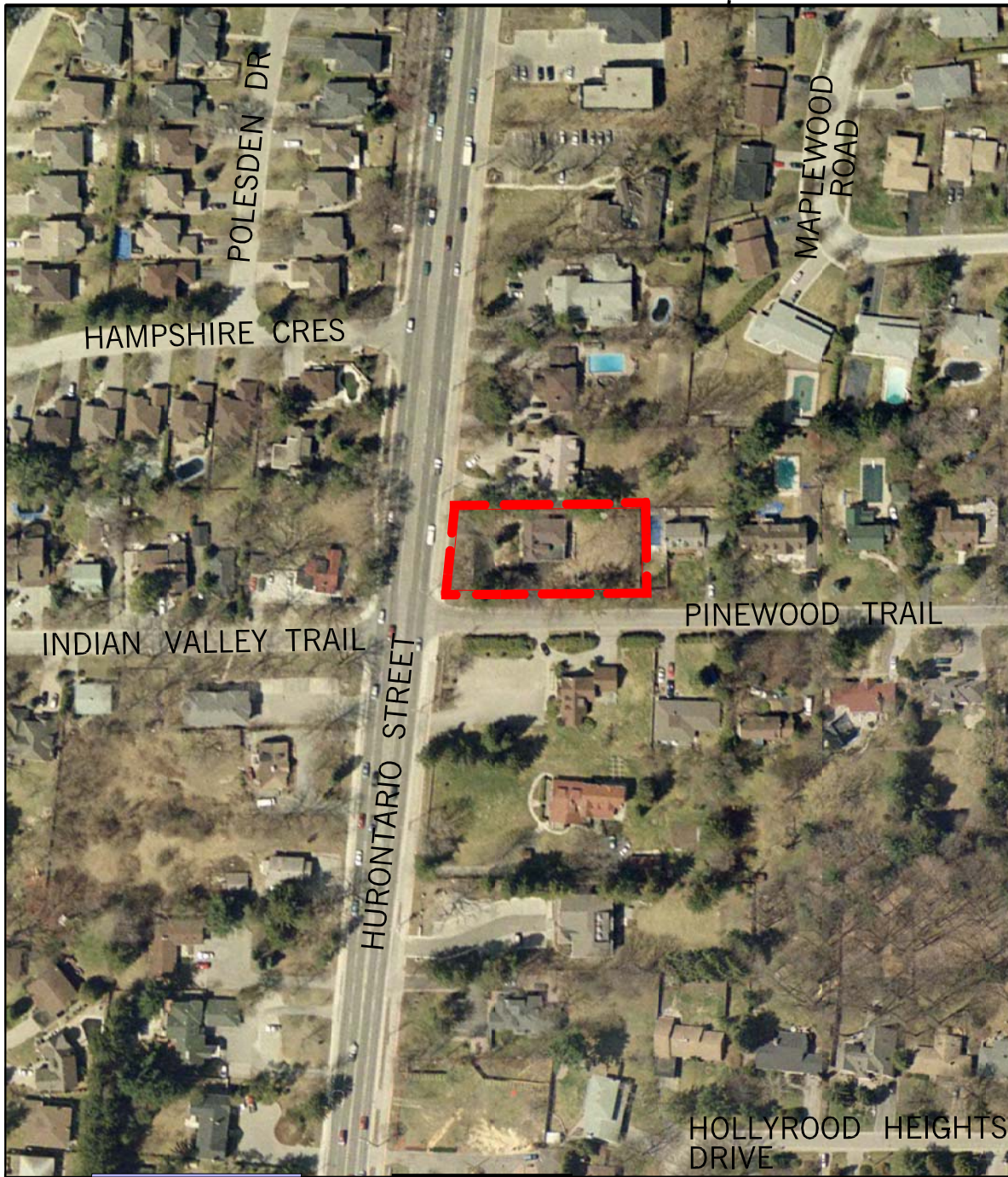
PROPOSED OFFICIAL PLAN AMENDMENT
FROM "RESIDENTIAL LOW DENSITY 1
- SPECIAL SITE 2" TO "RESIDENTIAL
- LOW DENSITY 1- SPECIAL SITE 2
AS AMENDED" AND REZONING FROM
"R1-2064" (RESIDENTIAL DETACHED) TO
"R1-SPECIAL SECTION" (OFFICE COMMERCIAL)
TO PERMIT A WELLNESS CENTRE
WITH A MAXIMUM GFA OF 236m² (2,540sq. ft)

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



SUBJECT: **DUPAL HOLDINGS INC.**

	FILE NO:	OZ 05036 W1
	DWG. NO:	05036R
	SCALE:	1: 2000
	PDC DATE:	2006 02 27
	DRAWN BY:	D. GREEN



LEGEND:



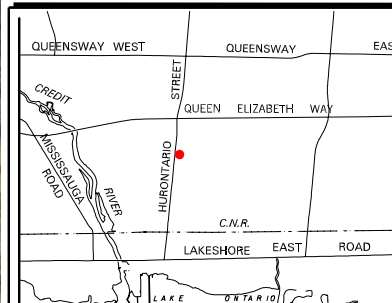
SUBJECT LANDS

NOTE: AERIAL PHOTO TAKEN APRIL 2005



SUBJECT:

DUPAL HOLDINGS INC.



FILE NO:
OZ 05036 W1

DWG. NO:
05036A

SCALE:
1: 2000

PDC DATE:
2006 02 27

DRAWN BY:
D. GREEN

MISSISSAUGA
Planning and Building

Produced by
Geomatics

APPENDIX I-4

Dupal Holdings Inc.

File: OZ 05/036 W1

Agency Comments

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

Agency / Comment Date	Comment
Region of Peel (November 23, 2005)	<p>Municipal services in the vicinity of the site include a 450 mm (18 inch) diameter watermain on Hurontario Street and a 150mm (6 inch) diameter watermain on Pinewood Trail. There is also a 250 mm (10 inch) diameter sanitary sewer on Hurontario Street.</p> <p>On-site waste collection will be required through a private waste hauler. The proposed development is not within the vicinity of a landfill.</p> <p>The subject applications do not raise any concerns from a Regional land use planning perspective and a Regional Official Plan amendment is not required. This agency has no objections to the proposed Rezoning and Official Plan Amendment applications.</p>
City Community Services Department – Planning and Administration Division (December 5, 2005 and January 19, 2006)	<p>Planning and Administration Division:</p> <p>There are no concerns with the subject applications.</p> <p>Urban Forestry:</p> <p>Prior to by-law enactment, a cash contribution for replacement street tree planting may be required.</p>
City Transportation and Works Department (January 24, 2005)	<p>This department is in receipt of a Traffic Impact Study dated July 2005, prepared by Tedesco Engineering which is currently under review. The submitted Traffic Impact Study recommended an access and parking scheme that minimizes access and parking from Pinewood Trail and encourages the majority of the operations to access the site from Hurontario Street utilizing a separate parking area. This recommended access scheme has not been adequately addressed through the submitted development concept plan. Prior to the supplementary meeting, the applicant is to provide a site development concept that addresses an access and parking configuration to the satisfaction of this department in conjunction with the Planning and Building Department.</p>

Dupal Holdings Inc.**File: OZ 05/036 W1**

Agency / Comment Date	Comment
	Further detailed comments/conditions will be provided prior to the Supplementary Meeting pending the review of the foregoing.
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <p>Economic Development Office Enersource Hydro Mississauga Canada Post</p>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Realty Services Community Services - Fire and Emergency Services Division Mississauga Transit</p>

APPENDIX I-6



APPENDIX I-7



Dupal Holdings Inc.

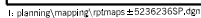
File: OZ 05/036 W1

Recommendation PDC-0024-2006

PDC-0024-2006

- "1. That the report dated February 7, 2006, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Residential Low Density I – Special Site 2" to "Residential Low Density I – Special Site 2 as amended" and to change the Zoning from "R1-2064" (Residential Detached) to "R1-Special Section" (Office/Commercial) to permit a wellness centre under file OZ 05/036 W1, Dupal Holdings Inc., 1489 Hurontario Street, be received for information.
2. That the letter dated January 30, 2006 from John Keyser, Keyser Mason Ball, with respect to the above application, be received.
3. That the e-mails from Michael Ennis, Andrew Barham, David Howes, Ted Gerson, Louise Sanders, Michelle MacDonald, and Wanda & Floris Van Wassenaer, objecting to the above application, be received."

APPENDIX S-3



Dupal Holdings Inc.

File: OZ 05/036 W1

Applicant's Planning Rationale

1. The proposed Official Plan Amendment is acceptable from a planning standpoint for the following reasons;

1. The proposal supports the approved Region of Peel Official Plan policies for the "Urban System" which includes the following:

- 5.3.1.3.1 To establish healthy urban communities that contain living, working and recreational opportunities, which respect the natural environment, resources and the characteristics of existing communities.
 - 5.3.1.3.2 To achieve intensified and compact form and mix of land uses in appropriate areas that efficiently use land, services, infrastructure and public finances while taking into account the characteristics of existing communities and services.
 - 5.3.1.3.3 To achieve an urban structure, form and densities which are pedestrian-friendly and transit supportive.

The proposed Wellness Centre will utilize existing infrastructure and services, and will create an appropriate urban form on the subject lands. The proposed development will contribute to the overall pedestrian- friendly and transit supportive urban development in the surrounding community.

2. The proposal meets all of the “tests” of the Special Site 2 area contained in the Mineola District Policies of Mississauga Plan. No exterior changes are proposed to the existing building which will retain its residential character. It will maintain an appropriate form, design and scale with the surrounding buildings.

The proposed Wellness Centre is proposed to be a maximum of 236 m² (2,540 sq. ft.) which is well below the permitted 420 m² (4,521 sq. ft.) for an office building. The existing lot coverage is approximately 10% which is also well below the permitted 25%. The existing building is also less than two stories in height and all of the proposed parking will be located in the front and exterior side yards. The proposed number of parking spaces has been reduced and reconfigured to provide greater opportunities for landscaping and screening of parking areas.

Dupal Holdings Inc.

File: OZ 05/036 W1

The Wellness Centre is of a nature and intensity that will have a limited impact on the surrounding character of the area and on Hurontario Street. A Traffic Impact Analysis prepared by Tedesco Engineering reviewed the intensity of the site through an evaluation of forecasted peak demand against the parking demand generated for this site which confirmed that the site and road network was acceptable to accommodate the proposed development. The installation of a physical barrier between the client and staff parking areas will ensure that there is limited access to the Pinewood Trail.

3. While the proposed use is not currently permitted nor contemplated under the Official Plan for the Special Site 2 area, it nevertheless represents an appropriate use in this transitional corridor and is compatible with the surrounding character and land uses.
4. The proposed use addresses the criteria for Site Specific Official Plan amendments in the following ways. The proposed Wellness Centre is a better use than a residential use in this location. It is also more appropriate than an office building at 420 m² (4,521 sq. ft.) which would have greater potential for generating more traffic in the neighbourhood.

The new use of the existing building will continue to meet the goals and objectives of Mississauga Plan by allowing a use with a residential appearance into a transitional corridor while maintaining the proper scale, amount and location of parking and intensity of use. The Wellness Centre will be compatible with the surrounding land uses and there is adequate capacity in the existing infrastructure to accommodate the use.

Dupal Holdings Inc.

File: OZ 05/036 W1

Recommended "R1-Special Section" (Office/Commercial) Zone Standards:

- (a) the maximum permitted Gross Floor Area – non residential shall be 236 m² (2,540 sq. ft.);
- (b) the use of any part of the building located below the established grade shall be restricted to any use accessory to a wellness centre, but shall not be used for the primary provision of uses associated with a wellness centre;
- (c) a "wellness centre" shall generally be defined as a building where massage therapy, including registered massage therapy, osteopathy, naturopathy, hair care, prosthetic wigs, aesthetic skin and body treatments, aromatherapy and re-hydration treatments are provided and shall not include the retail sale of goods, nor a body rub establishment or a tattoo parlour;
- (d) the maximum permitted building height shall be the lesser of two storeys or 10.7 m (35.1 ft.) from established grade to the peak of a sloped roof;
- (e) parking for the wellness centre shall be provided at a rate of 5.4 spaces per 100 m² (1,076 sq. ft.) GFA;
- (f) the maximum permitted lot coverage shall be 10% of the lot area;
- (g) the placement of the building, ingress/egress location, landscape and tree preservation areas, location and number of on-site parking spaces and required yards shall be in accordance with a Schedule "I" to the implementing zoning by-law based on the Revised Concept Plan attached as Appendix S-3.