



Corporate Report

Clerk's Files

Originator's
Files OZ 00/014 W5

DATE: August 15, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 5, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Rezoning Application**
To permit industrial uses, including a truck driving school,
truck car wash and truck repair centre
7351 Bramalea Road
East side of Bramalea Road, north of Drew Road
Owner: Malkit Dhaliwal (New Way Trucking)
Applicant: Malkit Dhaliwal
Bill 20

Supplementary Report **Ward 5**

RECOMMENDATION: That the Report dated August 15, 2006, from the Commissioner of Planning and Building recommending approval of the application under File OZ 00/014 W5, Malkit Dhaliwal (New Way Trucking), 7351 Bramalea Road, east side of Bramalea Road, north of Drew Road, 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 change the Zoning from "A" (Agricultural) to "M1-Special Section" (Industrial) and "G" (Greenbelt) to permit business employment uses in accordance with the proposed zoning standards described in the subject Supplementary Report, be approved subject to the applicant agreeing to satisfy all the requirements of the City and any other official agency concerned with the development.
3. 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 "D" (Development) to "E2" (Employment) and "G1" (Greenbelt) subject to conditions contained in Recommendation No. 2.
4. 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.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on March 18, 2002, at which time a Planning and Building Department Information Report was presented and received for information.

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0032-2002 which was subsequently adopted by Council and is attached as Appendix S-1. The time delays in bringing forward a Supplementary Report were a result of the applicant resolving conditions of the Toronto Region Conservation Authority, Region of Peel and the Transportation and Works Department, as further described in the Updated Agency and City Department Comments section below.

In a letter dated April 4, 2006, the applicant amended their application to confirm that the required 5.0 m (16.4 ft.) vegetated buffer strip will be zoned "G" (Greenbelt) in conjunction with the adjoining valley lands.

COMMENTS:

See Appendix S-2 - Information Report prepared by the Planning and Building Department.

On May 5, 2003, Mississauga Plan, with the exception of certain policies that were appealed to the Ontario Municipal Board (OMB), came into full force and effect. City Plan, the official plan under which this application was originally submitted, has now been repealed except in cases where Mississauga Plan has been appealed. Since the appeals to Mississauga Plan do not pertain to this site, Mississauga Plan governs and the applicant has consented to converting the application to an application under Mississauga Plan.

COMMUNITY ISSUES

The following comments were expressed at the Public Meeting:

Comment

The proposed uses are not appropriate for the subject lands, given the proximity of the creek, and incompatibility with surrounding businesses.

Response

Comments respecting the appropriateness of the application are addressed within the Planning Comments section of the report.

UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

Toronto Region Conservation Authority (TRCA)

In comments dated July 25, 2005, the Authority confirmed that all unauthorized fill material has been removed from the valley corridor and that the valley corridor has been stabilized, restored and planted in accordance with the TRCA permit issued for the works. The Authority further confirmed on March 23, 2006, that documentation has been received which accurately identifies the valley land and associated 5.0 m (16.4 ft.) buffer strip to be dedicated to the City of Mississauga.

Region of Peel

In comments dated April 7, 2006, the Region advised that all their requirements have been addressed to their satisfaction. The requirements spoke to sanitary servicing and the associated sanitary sewer easement located in the valley, and consideration for the valley lands and required buffer strip.

**City Community Services Department - Planning,
Development and Business Services Division**

In comments dated July 26, 2006, this Department advised that the applicant has prepared a draft reference plan which identifies the lands located below the top of bank, along with a 5.0 m (16.4 ft.) wide buffer/preservation area, to be gratuitously dedicated to the City. Should the subject application be approved, the above-noted lands to be dedicated are to be zoned "G" Greenbelt, and monies and/or letters of credit are required for street tree planting, hoarding and greenbelt protection. Furthermore, the applicant shall carry out an archaeological assessment of the subject property.

City Transportation and Works Department

In comments dated June 28, 2006, this Department noted that the unauthorized fill material has been removed from the East Branch of the Etobicoke Creek valley corridor, within the lands comprising this application; and that the valley corridor has been stabilized, restored and planted in accordance with the requirements of the TRCA. Previous comments concerning slope stability have been satisfied based on reports from the applicant's geotechnical consultants and correspondence with the TRCA.

In the event this application is approved by Council, the applicant will be required to dedicate the valley lands, including the 5 m (16.4 ft.) structural setback/vegetative buffer, gratuitously to the City and enter into a servicing agreement with the City for the construction of a storm sewer outlet to the Etobicoke Creek. The applicant will also be required to dedicate gratuitously to the City the required widening on the east side of Bramalea Road and make satisfactory arrangements with the Transportation and Works

Department for the physical widening of Bramalea Road to accommodate a centre left turning lane in support of access to the proposed development.

PLANNING COMMENTS

Official Plan

Within the Mississauga Plan policies for the Northeast District, the subject lands are designated "Business Employment" which permits an integrated mix of business activities that operate mainly within enclosed buildings. Such uses include manufacturing and warehousing, offices, all types of restaurants and motor vehicle commercial uses. A portion of the lands are also designated "Greenbelt" where lands are set aside for flood erosion management and conservation purposes. The proposal is in conformity with the Mississauga Plan policies for the Northeast District.

Zoning

The applicant is proposing zone categories "M2-Special Section" (Industrial) and "G" (Greenbelt). Staff recommend that an "M1-Special Section" (Industrial) zone category be used as this is more consistent with the approach taken for lands fronting major roads in the area. The applicant is in agreement with this revision. The subject application is in conformity with the Mississauga Plan policies for the Northeast District which permits the uses requested. In addition, the uses proposed are consistent with those permitted in the surrounding business community.

The concept plan as identified in Appendix S-1, I-6 has been modified to the satisfaction of staff to appropriately identify the required buffer strip, all easements and restrictions including the existing sanitary sewer in the valley lands. It is recommended that the proposed "M1-Special Section" zone permits and/or requires the following:

- All uses allowed for under the "M1" (Industrial) zone with the exception of body rub parlours, adult entertainment parlours

and adult video stores. This zone category permits a commercial school as requested;

- That the following additional uses be permitted: truck and car wash; truck repair and inspection garage; truck weigh scales;
- A landscape area having a minimum depth of 4.5 m (14.7 ft.) be provided abutting Bramalea Road.

The proposed "G" (Greenbelt) zone is appropriate for the valley lands. A 5.0 m (16.4 ft.) buffer strip of table land adjacent to the valley land, requested by the TRCA, will be zoned "G-Special Section" (Greenbelt) on Appendix S-1, I-4.

The lands are subject to site plan control and matters such as appropriate access, built form, cladding materials and landscaping will be reviewed.

Proposed Draft Zoning By-law

A new draft Zoning By-law is being finalized. The proposed zoning for this property is "D" (Development). The timing of the site specific Zoning By-law to permit the proposed development may be affected by the passage of the new Mississauga Zoning By-law and potential appeals. Should this application be approved, an "E2" (Employment) zone would apply to the tableland portion and "G1" (Greenbelt) for the buffer strip and valley land portion of the subject lands. A recommendation to this effect has been included.

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 request is to reflect the 5.0 m (16.4 ft.) buffer strip as required by the TRCA. It is recommended that no further public meeting need be held regarding the proposed change.

The proposed rezoning is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal is in conformity with the provisions of the Mississauga Plan policies for the Northeast District which permits the uses requested.
2. The uses proposed are compatible with the surrounding land uses.
3. The proposed "M2-Special Section" (Industrial) and "G" (Greenbelt) zoning are appropriate to accommodate the requested uses.

ATTACHMENTS:

Appendix S-1 - Recommendation PDC-0032-2002

Appendix S-2 - Information Report

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Rob Hughes, Development Planner

Malkit Dhaliwal (New Way Trucking)

File: OZ 00/014 W5

Recommendation PDC-0032-2002

PDC-0032-2002

1. That the Report dated February 26, 2002, from the Commissioner of Planning and Building regarding the application to change the Zoning from "A" to "M2-Special Section", "G" and "G-Special Section", under file OZ 00/014 W5, Malkit Dhaliwal (New Way Trucking), 7351 Bramalea Road, east side of Bramalea Road, north of Drew Road, be received for information.
2. That letter dated March 4, 2002 from Everlast Construction, 5710 Timberlea Boulevard, Suite 105, Mississauga, ON L4W 4W1, expressing opposition to the above development application, be received.



Corporate Report

Received by
Clerk's Dept.

Clerk's Files

PDC MARCH 18 2002

Originator's
Files

OZ 00/014 W5

PDC

MAR 18 2002

DATE: February 26, 2002

TO: Chairman and Members of the Planning and Development Committee

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: **Rezoning Application**
To permit industrial and certain commercial uses, including a truck driving school, truck wash and truck repair centre.
7351 Bramalea Road
East side of Bramalea Road, north of Drew Road
Malkit Dhaliwal (New Way Trucking)
Bill 20

PUBLIC MEETING - March 18, 2002

Ward 5

ORIGIN:

Application Received:	March 9, 2000
Application Complete:	November 23, 2001
Application Revised:	February 6, 2002
Agent:	Mr. G. Ravi Suthan SPNR Consultants Inc.

BACKGROUND:

The proposal is to permit the industrial and commercial uses permitted under the "M2" zone category, and in addition to these uses, a truck driving school, truck wash and truck repair centre. Both the truck wash and repair centre will be open to the public, and are not for the sole use of the truck driving school vehicles. A "G" zone has been requested for all of the East Branch of the Etobicoke Creek valleylands located below the top-of-bank line, to be dedicated to the City of Mississauga, and a "G-2441" zone is proposed for a natural protection area immediately adjacent to the top-of-bank.

It should be noted that the applicant has been using the subject lands for a truck driving school and truck storage, and has been fined for various by-law infractions. The intent of the subject application is to rezone the site to a zoning category that is appropriate for the existing and proposed uses.

Background information is provided in Exhibits I-1 to I-6.

The application is in conformity with the City Plan Policies for the Northeast District.

History

- November 28, 1989 - An application was submitted under file OZ 122/89E to rezone the subject site from "A" to "M1" to permit industrial uses. The file was closed in 1996 due to inactivity.
- July 8, 1997 - Northeast District Policies of City Plan were approved by the Ministry of Municipal Affairs and Housing, which designated the subject lands "Business Employment".

COMMENTS:

AGENCY AND CITY DEPARTMENT COMMENTS

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

Greater Toronto Airports Authority (GTAA)

In comments dated December 14, 2001, this agency indicated that development elevations on the subject property are affected by the Outer Surface, the Transitional Surface for Runway 15R and the Localizer for Runway 15R. The maximum allowable development under the greater restriction ranges from 215 m (705.4 ft.) Above Sea Level (A.S.L.) at the eastern boundary of the property to 219.46 m (720.0 ft.) A.S.L. at the western boundary at Bramalea Road.

The GTAA has no concerns with the proposed uses for the subject site, but would oppose any future development of

sensitive land uses, including a residential dwelling or nursery school, which are permitted under the "G" and "M2" zoning categories.

Region of Peel

In comments dated December 11, 2001, and January 16, 2002, this agency indicated that an application for a Sewer Discharge Review must be completed before comments will be provided by the Water and Wastewater Treatment Division of the Public Works Department.

This agency has also indicated that there is a sanitary sewer easement along the northern part of the property, listed as Expropriation Plan 170892 VS. The lands subject to the easement must be kept clear of trees, building structures or obstruction, nor shall it be paved with hard concrete surface. No fill may be removed or deposited in the easement.

In addition, there is a 550 mm (21.7 inches) sanitary sewer on Bramalea Road, north of the subject lands. If service is required, off-site construction will be required at the owners expense.

Toronto and Region Conservation Authority

In comments dated July 18, 2001, and updated on January 29, 2002, the Toronto and Region Conservation Authority (TRCA) indicated that concerns about the long-term stable top-of-bank on this site remain, and that slope stabilization works must be undertaken and an updated geotechnical report completed prior to the stable of top-of-bank being staked and surveyed. A permit must be obtained from the TRCA prior to the initiation of slope stabilization works.

In addition, a 5 m (16.4 ft.) structural setback from the stable top-of-bank is to be incorporated in the implementing zoning by-law to protect the valleylands.

Issues such as detailed engineering and landscape restoration plans will be addressed at the site plan approval stage.

**City Community Services Department
- Planning and Administration Division**

In comments dated January 14, 2002, this Department indicated that prior to the issuance of building permits, cash- in-lieu of parkland is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P.13, as amended) and in accordance with the City's Parkland Dedication and Cash-in-lieu of Parkland Policy, revised and effective December 13, 1995. All lands below the established top of bank are to be gratuitously dedicated to the City and zoned "G" Greenbelt. Furthermore, a 5 m (16.4 ft.) buffer/preservation area from the top of bank is to be established and zoned an appropriate special greenbelt zone. Monies and/or letters of credit will be required for street tree planting, hoarding and greenbelt protection. The applicant shall carry out an archaeological assessment of the subject property.

City Transportation and Works Department

In comments dated January 14, 2002, the Transportation and Works Department indicated that the applicant is required to submit a completed Environmental Site Screening Questionnaire and Declaration (ESSQD) and Phase I Environmental Site Assessment (ESA) report prior to the Supplementary Meeting. Additional comments will be provided upon review of this material.

In addition, should the application be approved by Council, the applicant will be required to make satisfactory arrangements with the Transportation and Works Department for the provision for a centre left hand turn lane on Bramalea Road across the frontage of the site, gratuitous dedication of required widenings and lands below the staked top of bank to the City of Mississauga, and to enter into a Servicing Agreement for Municipal Works only for the construction of the storm sewer outlet.

COMMUNITY ISSUES

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

OTHER INFORMATION

Planning Issues

City Plan policies restrict development adjacent to Valleys and Watercourse Corridors. If approved, all lands below the top-of-bank will be zoned "G" to prohibit development in the valleylands of the East Branch of the Etobicoke Creek, and will be dedicated to the City of Mississauga. To provide a natural protection area for the sensitive valleylands, a 5 m (16.4 ft.) "G-2441" zone is proposed for the lands in private ownership adjacent to the "G" zone and the top-of-bank, as requested by the TRCA and Community Services.

Due to the highly disturbed state of the subject lands and the lands located below the top-of-bank, an Environmental Impact Study will not be required. However, as noted in the comments provided by the TRCA, any lands dedicated to the City should be restored and appropriately planted to the satisfaction of the City and the TRCA.

A revised concept plan for the development of the site was submitted to the Planning and Building Department on February 6, 2002 (see Exhibit I-6). Prior to the Supplementary Report, the concept plan must be revised to identify all easements on this site, and any restrictions must be forwarded to the Planning and Building Department.

Prior to the Supplementary Report, the applicant is to submit documentation to the satisfaction of the City, addressing how the existing septic system can be upgraded to accommodate the proposed industrial uses or whether the landowners will connect to the existing sanitary sewer located north of the site on Bramalea Road.

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to road widenings, lane construction, storm and sanitary sewer services, slope stabilization and greenbelt dedication which will require the applicant to enter into appropriate agreements with the City.

Financial Considerations

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.

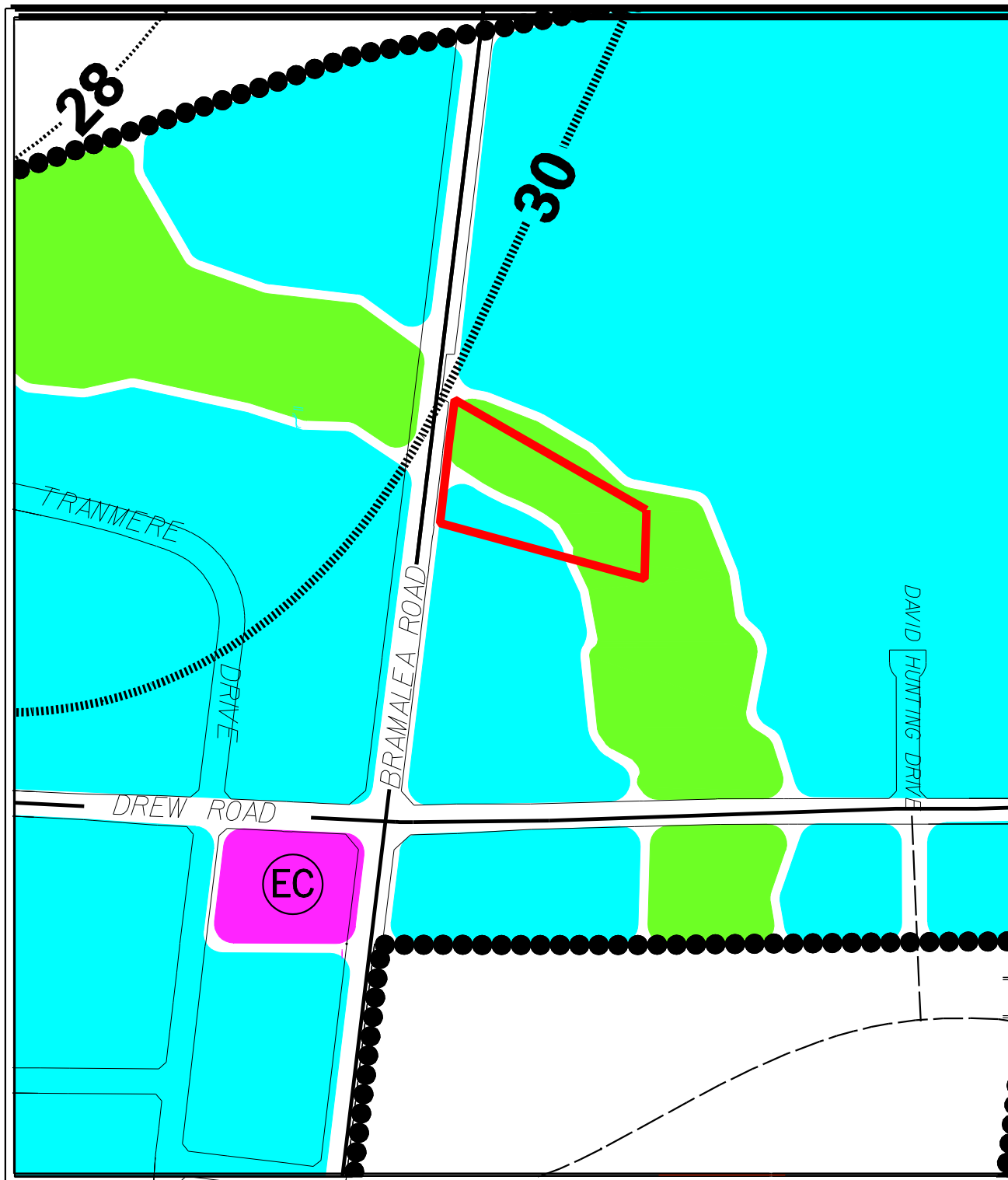
RECOMMENDATION:

That the Report dated February 26, 2002, from the Commissioner of Planning and Building regarding the application to change the Zoning from "A" to "M2-Special Section", "G" and "G-Special Section" under file OZ 00/014 W5, Malkit Dhaliwal (New Way Trucking), 7351 Bramalea Road, east side of Bramalea Road, north of Drew Road, be received for information.

Thomas S. Mokrzycki
Commissioner of Planning and Building

Development Proposal	Site Characteristics	Surrounding Land Use
<ul style="list-style-type: none"> Gross Floor Area: 1 619 m² (17,427 sq. ft.) Height: 2 storeys Lot Coverage: 5.8% Landscaped Area: 5.7% Parking: Required: 22 (office space) + 13 (truck wash and repair area) = 35 Provided: 28 cars, 5 trucks 	<ul style="list-style-type: none"> Frontage: 128.18 m (420.54 ft) Depth: 228 m (748 ft.) Gross Lot Area: 2.099 ha (5.187 ac) Net Lot Area: 0.715 ha (1.767 ac) Existing Use: single detached dwelling (used as an office for truck driving school/truck storage businesses) remainder of lot used for truck parking/storage 	<ul style="list-style-type: none"> North: East Branch of the Etobicoke Creek and industrial uses (zoned "G" and "M1-1073") East: East Branch of the Etobicoke Creek (zoned "G") South: industrial uses (zoned "M1-1861", "M1-1523" and "M1") West: Bramalea Road, East Branch of the Etobicoke Creek (zoned "G") and industrial uses (zoned "M1-806")

Official Plan Details	Zoning Details
<ul style="list-style-type: none"> City Plan Policies for Northeast District "Business Employment" which permits general industrial uses, uses which are accessory to the to the main industrial use, outdoor storage and display areas, office uses, community uses, entertainment, recreation and sports facilities, transportation facilities, waste processing, broadcasting and communication rights-of-way, hotels, motels and conference centres and financial institutions. No Arterial, Employment or Automotive Service Commercial uses are permitted. "Greenbelt" in which lands are reserved principally for flood and erosion management and conservation purposes. The construction of buildings or structures will generally not be permitted except those which are intended for flood and erosion management, or are otherwise required by the City. The application is in conformity with the City Plan policies for the Northeast District. 	<ul style="list-style-type: none"> Existing Zoning: "A" which permits buildings for agricultural purposes, a detached dwelling, a public or private golf course, a physician, dentist or drugless practitioner, a park, playground, recreational area or community centre, a place of religious assembly or educational purpose or day nursery. Application for Zoning By-law Amendment: "M2-Special Section" to permit industrial and certain commercial uses, including a truck driving school, truck wash and truck repair centre. "G" for conservation purposes for the valleylands of the East Branch of the Etobicoke Creek. "G-Special Section" to create a 5 m (16 ft.) natural protection/buffer area adjacent to the greenbelt zone.






PART OF NORTHEAST DISTRICT POLICY LAND USE MAP **NORTHEAST DISTRICT POLICIES OF CITY PLAN**









LAND USE DESIGNATIONS

- Business Employment
- Retail and Service Commercial
- Automotive Service Commercial
- Open Space
- Greenbelt

LAND USE LEGEND

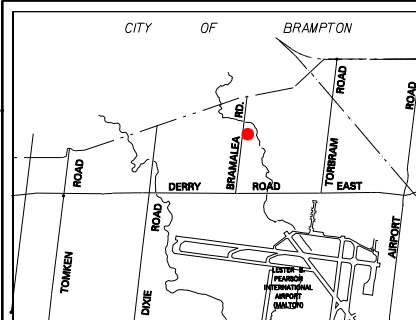
- EC - Employment Commercial
- AC - Arterial Commercial
- AR - Arena
- F - Firehall
- CP - City Park
- C - Community Park
-  Place of Religious Assembly
-  - 1996 NEP /2000 NEF Composite Noise Contours
-  Planning District

TRANSPORTATION LEGEND

-  Highway and Interchange
-  Arterial
-  Possible future Arterial (conceptual)
-  Major Collector
-  Minor Collector
-  Local Road
-  Existing Commuter Rail
-  GO Transit Station



SUBJECT:
MALKIT DHALIWAL (NEW WAY TRUCKING)



FILE NO:
OZ 00014 W5

DWG. NO:
00014L

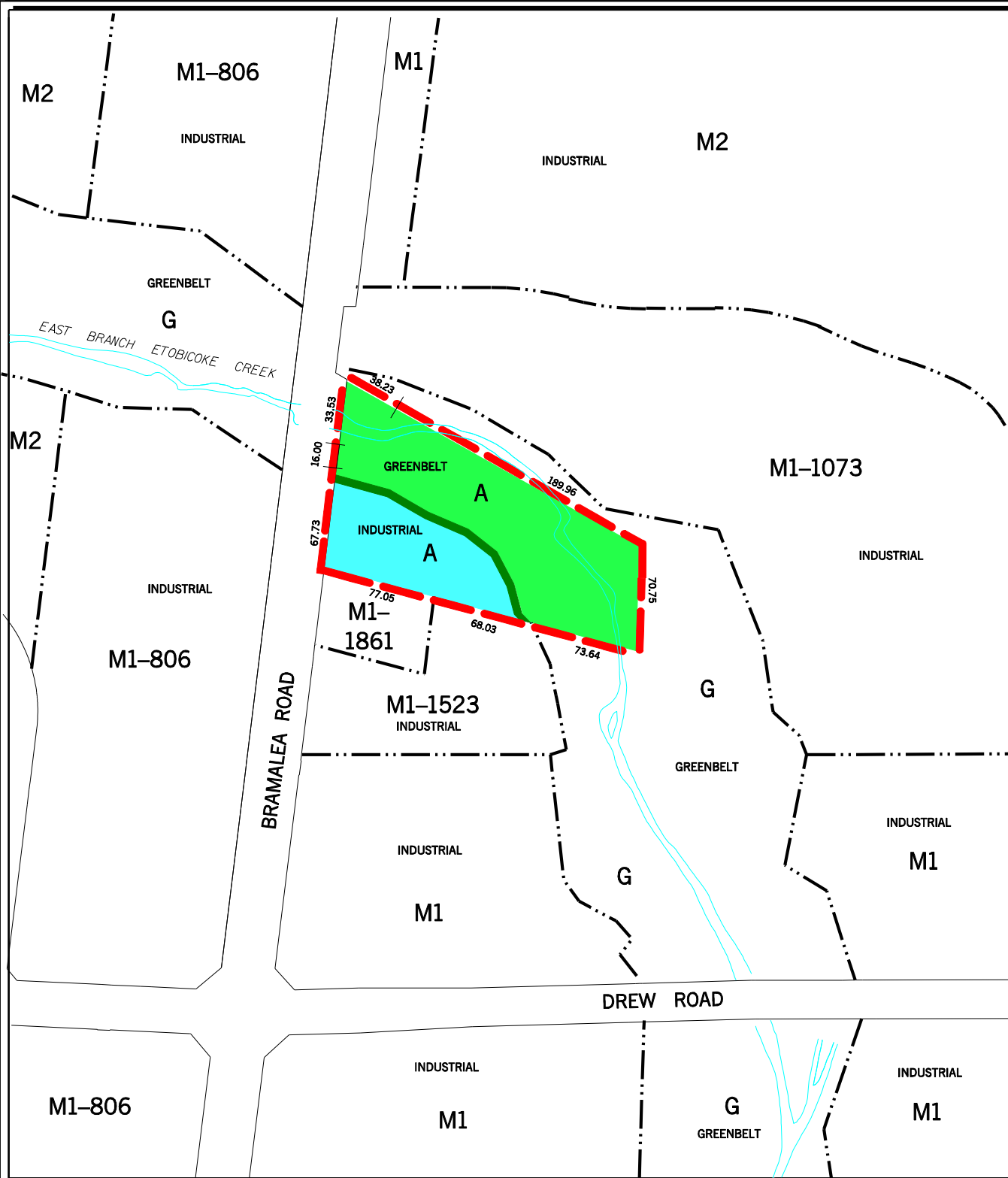
SCALE:
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DATE:
2002 02 26

DRAWN BY:
D. GREEN

EXHIBIT I-3

 **MISSISSAUGA**
Planning and Building



LEGEND:



PROPOSED REZONING FROM "A" TO "M2-SPECIAL SECTION"
 (to permit industrial uses, including a truck driving school, truck wash and truck repair centre).



PROPOSED REZONING FROM "A" TO "G-SPECIAL SECTION"
 (to allow a 5m (16 ft.) setback for natural protection area.)



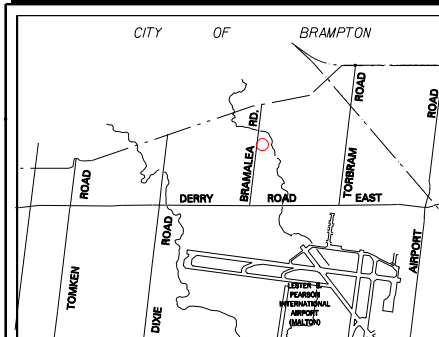
PROPOSED REZONING FROM "A" TO "G" (to preserve greenbelt lands)

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



SUBJECT:

MALKIT DHALIWAL (NEW WAY TRUCKING)



FILE NO:
OZ 00014 W5

DWG. NO:
00014R

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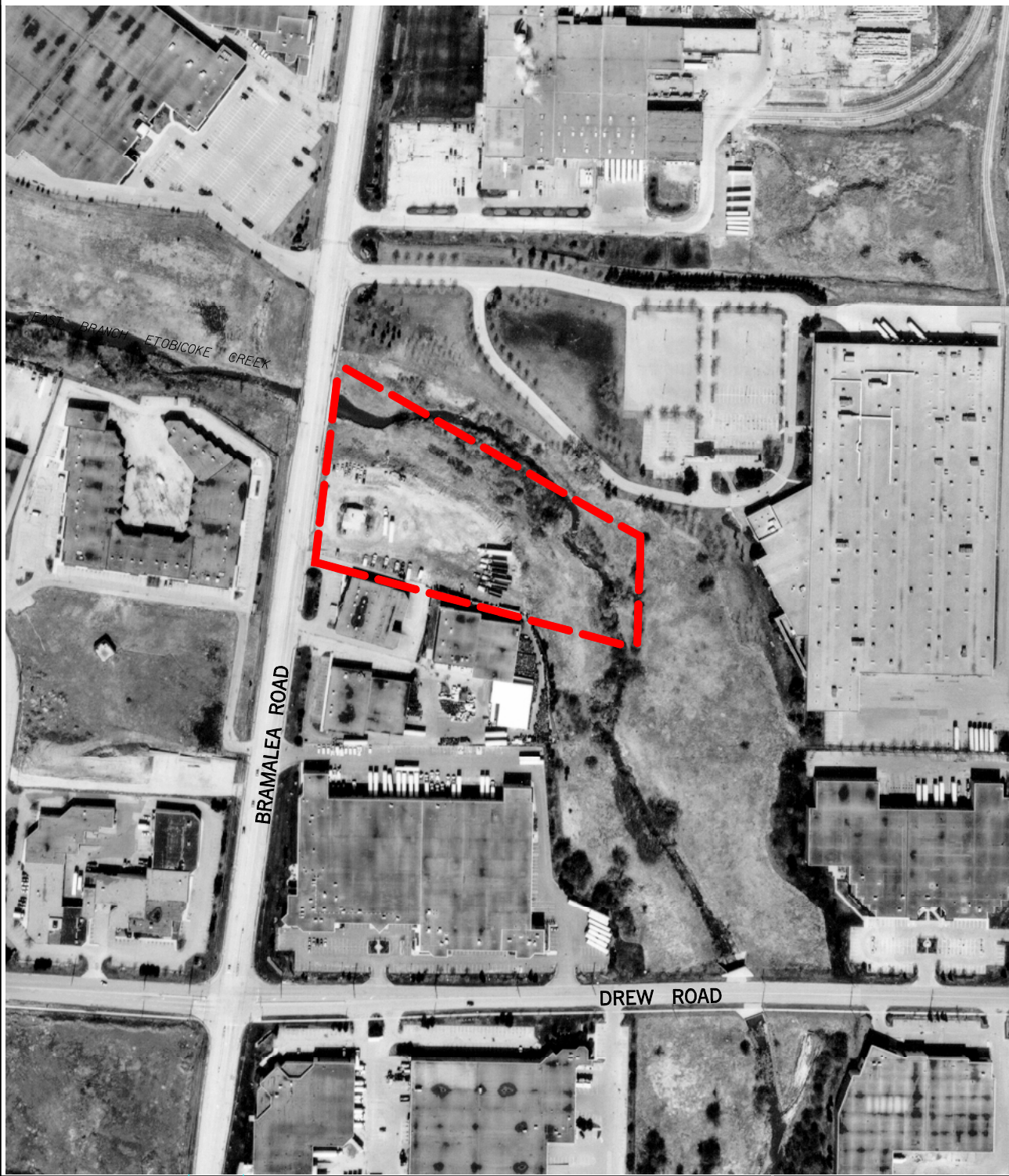
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D. GREEN

EXHIBIT 1-4



MISSISSAUGA
 Planning and Building



LEGEND:

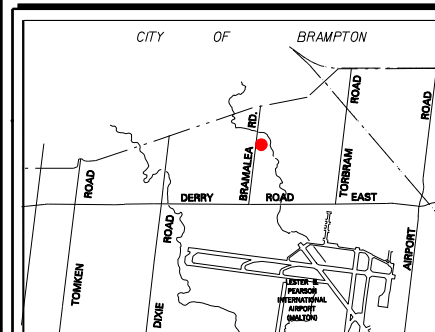


SUBJECT LANDS

NOTE: AERIAL TAKEN APRIL, 2001



SUBJECT:
MALKIT DHALIWAL (NEW WAY TRUCKING)



FILE NO:

OZ 00014 W5

DWG. NO:

00014A

SCALE:

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DATE:

2002 02 26

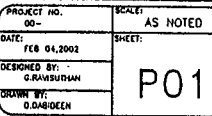
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EXHIBIT I-5



MISSISSAUGA
Planning and Building



BUILDING STATISTICS:	
FIRST FLOOR(TRUCK REPAIR)	1219.35 Sq.m
SECOND FLOOR(OFFICE SPACE)	400.00 Sq.m
GROSS FLOOR AREA	1619.35 Sq.m
PROPOSED LANDSCAPE AREA:	1200.50 Sq.m
PARKING PROVIDED:	26 PARKING
TRUCK PARKING PROVIDED:	4 PARKING

CITY OF BRAMPTON

