



# Corporate Report

Clerk's Files

Originator's  
Files OZ 05/025 W1

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**DATE:** November 14, 2006

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

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Rezoning Application**  
**To permit a medical therapy office**  
**1484 Hurontario Street**  
**Northwest corner of Hurontario Street and Indian Valley Trail**  
**Owner: Natalia Zimochod**  
**Applicant: Greg Dell and Associates**  
**Bill 20**

**Supplementary Report** **Ward 1**

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**RECOMMENDATION:** That the Report dated November 14, 2006, from the Commissioner of Planning and Building recommending refusal of the application under File OZ 05/025 W1, Natalia Zimochod, 1484 Hurontario Street, northwest corner of Hurontario Street and Indian Valley Trail, be adopted in accordance with the following:

1. That the application to change the Zoning from "R2-2061" (Residential Detached) to "R2-Special Section" (Office) to permit a medical therapy office be refused.
2. That City Council direct Legal Services and representatives from appropriate City Departments to attend any Ontario Municipal Board proceedings which may take place in connection with this application in support of the

recommendations outlined in the report dated November 14, 2006.

**BACKGROUND:**

A public meeting was held by the Planning and Development Committee on September 5, 2006, at which time a Planning and Building Information Report (Appendix S-1) was presented and received for information.

At the Public Meeting, the Planning and Development Committee passed Recommendation PDC-0078-2006 which was subsequently adopted by Council and is attached as Appendix S-2.

In August 2006, the applicant referred the subject application to the Ontario Municipal Board (OMB). A Prehearing Conference has been scheduled for January 16, 2007 to identify parties and participants in the hearing, to identify issues related to the application and hearing and to deal with other administrative issues.

**COMMENTS:**

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

**COMMUNITY ISSUES**

A community meeting was held on June 27, 2006 by the Ward 1 Councillor, Carmen Corbasson. The statutory public meeting was held on September 5, 2006. At both meetings, several area residents were in attendance; a number of which spoke to the application, expressing concerns. Staff are also in receipt of several emails outlining concerns with the application. At the public meeting, the applicant gave a brief presentation and then indicated that his client's legal counsel had advised him to not answer any questions or make additional comments because the application has been appealed to the OMB. The applicant then left the meeting and did not participate further. Notwithstanding the applicant's departure, the Committee heard the comments of all interested parties wishing to speak to the application. The following is an overview of the issues raised by area residents.

**Comment**

Residents have concerns relating to parking and whether the proposed parking area will adequately serve the needs of the business operation.

**Response**

Should the subject application and associated site plan application be approved, the applicant is proposing to construct a parking area with 14 parking spaces. As outlined in the Planning Comments section, the exact use of the property cannot be accurately determined based on the information provided, therefore, the number of required parking spaces cannot be accurately calculated at this time. What staff is able to confirm is the applicant is proposing parking at a rate of 6.5 spaces per 100.00 m<sup>2</sup> (1,076.42 sq. ft.) gross floor area, which is the rate required for a medical office. Based on the gross floor area provided by the applicant, and the above-noted rate, the number of parking spaces required would be 12 parking spaces.

**Comment**

Residents are concerned that the proposed on-site parking will have a negative impact on the abutting properties and that it should be limited to only the front and side yards in accordance with the "Special Site 2" policies. They feel that the owner is trying to "shoe horn" this use on the subject property and the property is too small to accommodate the use and associated required parking.

**Response**

As outlined in the Planning Comments section, the proposed concept plan does not conform to the "Special Site 2" policies and, therefore, the proposed rezoning cannot be supported.

**Comment**

The outdoor storage of waste immediately adjacent to the abutting neighbour's window on Indian Valley Trail is not appropriate or desirable.

**Response**

Should the Rezoning application be approved, as a condition of approval and through the associated site plan application, the applicant will be required to demonstrate how or where waste disposal will be dealt with so as not to interfere with neighbouring properties and to ensure that the disposal area is not unsightly.

**Comment**

Area residents allege that the business has continued to operate illegally even after the owner was charged, plead guilty and paid the required fine. Further, they assert that the owner does not reside at the subject property and has no respect for the neighbours or the character of the area. This is reflected by the lack of property maintenance and landscaped areas.

**Response**

Despite the past circumstances associated with the site, Planning staff must evaluate the specific Rezoning application as presented and are not in a position to comment on the owner's alleged disregard for the law or their future intentions. Should the Rezoning application be approved, through the associated site plan application, staff would require appropriate landscaping along the Hurontario Street and Indian Valley Trail frontages of the site, as well as surrounding any parking areas in order to provide appropriate screening.

**Comment**

The cumulative effects of all existing businesses along this stretch of Hurontario Street need to be taken into consideration when evaluating this application.

**Response**

The Planning and Building Department is undertaking a review of the "Special Site 2" policies in the Mineola Planning District. While staff had regard for the study and its recommendations in evaluating the proposal, since the subject application was submitted prior to the study, it must be evaluated on its own merits.

**Comment**

Area residents contend that the proposed use is a commercial use rather than an office use. The business was previously located on Dunwin Drive, which is an employment area. Therefore, they feel that this use would be more appropriately located in a commercial or employment area.

**Response**

The proposed business operation was previously located at 2155 Dunwin Drive, in the Western Business Park District on lands designated "Business Employment" and zoned "M1-289" (Industrial).

**Comment**

If the subject operation is a medical use, then it would be more appropriately located in a medical building where there is adequate parking and better ways to deal with waste management and storage.

**Response**

Planning and Building Department staff cannot prevent an owner or applicant from submitting an application to rezone lands for a particular purpose and are responsible for processing and evaluating any applications received by the City.

**Comment**

Several alterations have been made to the existing building without the benefit of appropriate building permits. It has been asserted that the gross floor area of the building has been increased and further, that the building is unsafe due to these renovations and, therefore, should be demolished.

**Response**

Should the application be approved, prior to the issuance of any building permits, the City's Building Division must be satisfied that any works undertaken to date are in accordance with the Ontario Building Code. In addition, the existing gross floor area of the building will be verified through building inspections.

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

Comments dated July 21, 2006 and updated October 23, 2006 state that this Department is in receipt of a Traffic Impact Study dated April 2006, prepared by Trans-Plan Inc., and is in general agreement with the report. The traffic associated with the proposed development will have a minimal impact on the unsignalized intersection of Hurontario Street/Pinewood Trail/Indian Valley Trail. Further, the relocation of the Hurontario Street access and its reconfiguration to allow right-in right-out movements only will provide increased safety for motorists entering and exiting this property.

In the event this application is approved by Council, the owner is to provide a Phase 1 Environmental Site Assessment (ESA) to the satisfaction of this Department, including a letter of reliance from the applicant's Environmental Consultant allowing the City to rely on the findings of the Phase 1 ESA report. The owner will also be required to dedicate gratuitously to the City an intersection radius rounding at the corner of Hurontario Street and Indian Valley Trail.

## **PLANNING COMMENTS**

### **Official Plan**

The proposed Rezoning application has been evaluated in the context of the relevant policies in Mississauga Plan and in comments received from various City Departments and agencies and the public. For the reasons outlined below, the proposed Rezoning application is not in conformity with the Mississauga Plan Policies for the Mineola District.

### **Mineola District – Special Site 2**

The subject property is located in the Mineola District, along a stretch of Hurontario Street known as "Special Site 2". The "Special Site 2" policies (Section 4.24.7.3) make allowances for offices to be located here subject to certain criteria being met.

Section 4.24.7.3 (a) states that offices will be permitted in addition to residential uses. Mississauga Plan further defines "Office" as business, professional or administrative offices. Prior to the preparation of the Information Report, the applicant and the owner provided written and verbal descriptions of the proposed business operation. Based on the information provided by the applicant and the owner at the time, it was determined that the use did not require an Official Plan Amendment. However, based on additional research conducted by staff, including a complete review of the owner's website for this business, it is not clear if the proposed "medical therapy office" can be considered a "business, professional or administrative office".

The website identifies the business as being "the ultimate medical spa" and some of the treatments and services offered in the "Sanctuary" appear to be personal service commercial uses, rather than professional or medical treatments. Some of the treatments outlined on the website are clearly regulated by Colleges recognized by the *Regulated Health Professions Act*. The portions of the business operation which include treatments that Registered Massage Therapists and Registered Physiotherapists are permitted to administer, would conform to the Official Plan. Staff have requested additional clarification from the applicant with respect to the use and all of the treatments provided, however, the applicant has indicated that they are not willing to provide any additional information or clarification. In the absence of this information, it is unclear as to whether all the proposed uses are "office" in nature. Consequently, the requested change in zoning cannot be supported.

Section 4.24.7.3 (b) of Mississauga Plan states that "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 limited impact on the low density residential character of the area which results in limited impact on the function of Hurontario Street". As the use cannot be accurately determined at this time, the potential extent of impact that it may have on and its compatibility with the surrounding low density residential character cannot be properly evaluated. Based on information provided by residents, the business as it is currently operating today is impacting the surrounding residents with respect to parking on Indian Valley Trail and the inappropriate on-site storage of waste, particularly medical waste.

Section 4.24.7.3 (c) states that "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 providing the intent of the policies is maintained". Staff continue to have concerns with respect to the proposed site layout as the



submitted concept plan does not conform to the "Special Site 2" policies. Due to the existing location of the building, parking is proposed in the rear yard in this instance. However, parking in the rear yard is only considered in extenuating circumstances and the intent of the "Special Site 2" policies must be maintained if parking is to be located in the rear yard. Subsequent to the Information Report, the applicant submitted a revised concept plan (dated August 17, 2006) in an effort to address staff concerns related to the parking area being proposed in the rear yard. However, no noticeable changes were made to the site layout. The concept plan submitted subsequent to the Information Report has not been revised and does not address staff concerns. The parking area as currently proposed will have an impact on the surrounding residential properties due to its proximity to the adjacent properties and the minimal area left to provide an adequate buffer between the two uses and, therefore, does not meet the intent of the policies.

Section 4.24.7.3 (d) states that "to minimize the amount of hard surface area, on-site parking areas should have an efficient vehicular circulation and layout which is suitably screened, preferably with vegetation". The original concept plan submitted with this application showed two small parking areas, one in the northerly side yard accessed from Hurontario Street and the other west of the existing building in the rear yard accessed from Indian Valley Trail (for staff parking only). In between the two parking areas was open green space in the rear yard. Upon completion of the Traffic Impact Study in April 2006, the applicant revised the site layout, creating one large parking area which wraps around the existing building and is accessed from both Hurontario Street and Indian Valley Trail. The landscape area proposed around the parking area and abutting the adjacent residential properties is minimal and does not allow for the parking area to be adequately screened with vegetation. The proposed large parking area does not conform with the "Special Site 2" policies.

In conclusion, based on the concept plan provided, the proposed business operation does not conform with the "Special Site 2" policies for the Mineola District. Further, based on the information available, it is not clear whether the proposed "medical therapy

office" conforms with the Official Plan. Therefore, the requested rezoning cannot be supported as it has not been demonstrated that the site layout can conform to Mississauga Plan and the proposed business operation can be considered a business, professional or administrative office. An application to amend the Official Plan is therefore required and would need to be considered through a subsequent public process. To date, the applicant has indicated that they are unwilling to submit an application to amend the Official Plan, as it is their opinion that the proposal conforms with the current policies.

### ***Regulated Health Professions Act***

In addition to evaluating the application in the context of the relevant policies in Mississauga Plan and in comments received from various City Departments and agencies and the public, staff have considered the application in terms of the status of the regulation of the proposed use.

In Ontario, the *Regulated Health Professions Act* sets out certain requirements that individuals must meet in order to provide medical treatment. Under the Act, there are several Colleges that regulate different types of health professionals, i.e. College of Physicians and Surgeons of Ontario, College of Physiotherapists of Ontario, College of Massage Therapists of Ontario, etc. To be considered a "Health Professional" in Ontario, an individual must be registered with a College that governs their profession. The owner's website for this business operation identifies Natalia Zimochod as being the "head physiatrist". However, information provided by both the applicant and Ms. Zimochod indicates that Natalia Zimochod is not registered as a Regulated Health Professional in Ontario.

Further, the *Regulated Health Professions Act* also identifies "Controlled Acts" and outlines that no one can perform a controlled act in the course of providing health care services to an individual unless the law that applies to their own profession clearly allows them to do so. Based on the information provided by the applicant and the owner, along with the information

provided on the website, it is not clear if "Controlled Acts" are being performed at the subject site and whether or not the persons performing the acts are permitted to do so.

### ***Drugless Practitioners Act***

The applicant has indicated in the submitted Planning Rationale Report that "naturopathic therapies" are offered at this location. In Ontario, Naturopathic Doctors are considered to be "Drugless Practitioners" and are currently regulated by the Board of Directors of Drugless Therapy – Naturopathy (BDDT-N). In order to practice Naturopathic Medicine in Ontario, Naturopathic Doctors must be registered with the BDDT-N. Based on the information provided, it does not appear that any staff members at this location are registered with the BDDT-N and, therefore, it may not be appropriate that "naturopathic therapies" are being offered at this location.

Staff provide the information relating to the *Regulated Health Professions Act* and the *Drugless Practitioners Act* as part of its concern about the lack of certainty or clarification with respect to the intended uses of the property.

### **Zoning**

As noted in the Planning Comments section of this report, the proposed change in land use cannot be supported based on the information provided.

### **Proposed Draft Zoning By-law**

The zoning for the subject lands under the new draft zoning by-law released in January 2005 is proposed to be "R2-4" (Detached Dwellings). This proposed zone is consistent with the permitted uses and regulations contained within the existing "R2-2061" (Residential Detached) zone. Should this application be approved, a new "R2-Exception" (Office) zone would be required to reflect the site specific provisions sought through this application.

**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:** The proposed Rezoning is not acceptable from a planning standpoint and should be refused for the following reasons:

1. The proposal is not in conformity with the Mississauga Plan Policies for the Mineola District, particularly Special Site 2 (Section 4.24.7.3).
2. The proposed use cannot be accurately determined or defined based on the information provided and, therefore, compatibility with surrounding land uses cannot be evaluated.

**ATTACHMENTS:** Appendix S-1 - Information Report  
Appendix S-2 - Recommendation PDC-0078-2006

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Stacey Laughlin, Development Planner*



# Corporate Report

Clerk's Files

**APPENDIX S-1**

Originator's

Files OZ 05/025 W1

**PDC SEP 05 2006**

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**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:** **Information Report**  
**Rezoning Application**  
**To permit a medical therapy office**  
**1484 Hurontario Street**  
**Northwest corner of Hurontario Street and Indian Valley Trail**  
**Owner: Natalia Zimochod**  
**Applicant: Greg Dell and Associates**  
**Bill 20**

**Public Meeting** **Ward 1**

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**RECOMMENDATION:** That the Report dated August 15, 2006, from the Commissioner of Planning and Building regarding the application to change the Zoning from "R2-2061" (Residential Detached) to "R2-Special Section" (Office) to permit a medical therapy office under file OZ 05/025 W1, Natalia Zimochod, 1484 Hurontario Street, be received for information.

**BACKGROUND:** A Rezoning application has been filed to allow a medical therapy office within the existing detached dwelling in accordance with the conceptual site plan attached as Appendix I-6. A "medical therapy office" is not a recognized term in the City's Zoning By-law. The applicant has indicated that this "medical therapy office", which is operating illegally, provides treatments that are not conventional and not generally available at hospitals or medical clinics. The

applicant has also advised that many, but not all, of their clients are referred to this medical therapy office by their physicians. The types of treatments provided include: physiotherapy; bodywork therapies including massage, acupressure and deep tissue manipulation; energy therapies including shockwave, ultrasound, laser, infrared, therapulse, electro-acupuncture; light therapies; hydro therapies; and, naturopathic therapies.

There have been several discussions between staff and the applicant regarding the proposal and whether it requires an Official Plan Amendment. In order to conform to the Official Plan, the use must be a business, professional or administrative office. The applicant has indicated that all persons administering treatments at the medical therapy office are registered or licensed. The City recognizes that persons providing medical treatments are Medical Doctors, Regulated Health Professionals (as defined by the *Regulated Health Professionals Act*) or Drugless Practitioners (as defined by the *Drugless Practitioners Act*) and registered accordingly to provide treatments in the Province of Ontario.

The applicant has provided the registration/ license numbers of three persons administering treatments. Staff has confirmed the registration numbers of a physiotherapist and a massage therapist. The third number provided was for a licensed aroma therapist. Aroma therapists are not considered to be a Medical Doctor, Regulated Health Professional or a Drugless Practitioner and, therefore, are not licensed to provide medical treatments within the Province of Ontario. Further, the owner, Natalia Zimochod, is not licensed or registered to provide medical treatments in the Province of Ontario, however, in the applicant's Planning Justification Report it indicates that Ms. Zimochod prescribes treatment and plays a consulting role. Further, in a meeting with Ms. Zimochod on May 8, 2006, she indicated that she does administer some treatments.

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:

<b>Development Proposal</b>	
Application submitted:	May 16, 2005 (deemed complete for circulation on November 9, 2005)
Height:	Two (2) storeys
Lot Coverage:	9.18 %
Landscaped Area:	36.5 %
Existing/Proposed Gross Floor Area:	181.33 m <sup>2</sup> (1,951.88 sq. ft.)
Parking Required:	Parking for a medical office is required at a rate of 6.5 spaces per 100.00 m <sup>2</sup> (1,076.42 sq. ft.) of gross floor area (gfa). Based on this standard, a total of 12 parking spaces, including 1 parking space for disabled persons are required.
Parking Provided:	14 spaces
Supporting Documents:	Planning Justification Report and Traffic Impact Study

<b>Site Characteristics</b>	
Frontage:	40.57 m (133.10 ft.) - Hurontario Street
Depth:	39.28 m (128.87 ft.) - Indian Valley Trail
Gross/Net Lot Area:	0.15 ha (0.37 ac.)
Existing Use:	Detached dwelling used as a medical therapy office.

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

**Neighbourhood Context**

The subject property is located in the Mineola District at the northwest corner of Hurontario Street and Indian Valley Trail. An office known as “West End Physiotherapy” is currently operating at this location without appropriate approvals. Appendix I-1 sets out the history of the site including information regarding charges laid by the City’s Enforcement Division.

Over the last twenty years, many of the existing detached dwellings fronting onto this portion of Hurontario Street have been converted to business, professional and administrative 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 Indian Valley Trail is a narrow, local collector road which maintains a rural cross-section with no sidewalks and open ditches and culverts for drainage.

While no further changes to the existing dwelling are proposed, the applicant's proposal contemplates two driveways to accommodate vehicular access to the site as well as the introduction of parking areas in the side and rear yards.

The surrounding land uses are described as follows:

North: Detached dwellings

East: Detached dwelling proposed to be converted to a wellness centre through Official Plan Amendment and Rezoning applications under file OZ 05/036 W1 (Dupal Holdings Inc.)

South: Multiple tenancy office building

West: Detached dwellings

**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 residential acre). The site is also subject to "Special Site 2" policies which permit offices in addition to residential uses subject to certain criteria being met. The criteria include:

- ensuring the building maintains a residential appearance which is consistent with the form, design and scale of the surrounding residential area;



- the use must be of a nature and intensity that will have a limited impact on the low density residential character of the area and which results in limited impact on the function of Hurontario Street;
- locating parking exclusively within the front and side yards with a minimal loss of vegetation. However, where such locations result in conflict with City policies, consideration may be given to other locations provided the intent of the policies is maintained;
- to minimize the amount of hard surface area, on-site parking areas should have efficient vehicular circulation and a layout which is suitably screened, preferably with vegetation; and,
- the maximum gross floor area for new or modified buildings should not exceed 420 m<sup>2</sup> (4,520 sq. ft.), the maximum lot coverage should not exceed 25% and the maximum building height should not exceed two storeys.

With respect to land use, the proposed medical therapy office is considered to be a “business, professional or administrative office”. The proposal is in conformity with Mississauga Plan even though not all persons administering treatments are registered with the Province. Therefore, the applicant is not proposing an Official Plan Amendment.

With respect to the proposed layout of the site, a portion of the parking area is being proposed in the rear yard immediately abutting residential properties with minimal opportunity to provide vegetative screening. The applicant has been requested to modify the site layout to conform to the Special Site 2 policies and minimize impact on the abutting residential properties. At the time of the writing of this report, a revised concept plan had not yet been received.

There are other policies in the Official Plan which also are applicable in the review of this application including:

### **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 Mineola District policies 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 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.

### **Existing Zoning**

**"R2-2061" (Residential Detached)**, which permits detached dwellings on lots with a minimum lot frontage of 22.5 m (73.81 ft.) and a minimum lot area of 810 m<sup>2</sup> (8,719.05 sq. ft.) for a corner lot.

### **Proposed Zoning By-law Amendment**

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

**"R2-Special Section" (Office)**, to permit a medical therapy office to a maximum gfa of 182.00 m<sup>2</sup> (1,959.09 sq. ft.).

### **Draft Mississauga Zoning By-law**

A new draft Zoning By-law is being finalized. The proposed Zoning for this property is "R2-4" (Residential Infill).

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. A recommendation will be included in the Supplementary Report to address the new Mississauga Zoning By-law.

### **COMMUNITY ISSUES**

A community meeting was held by Ward 1 Councillor, Carmen Corbasson on June 27, 2006.

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

- Currently visitors to the site are parking along Indian Valley Trail on front yards and blocking driveways. Will the proposed parking adequately serve the needs of the business operation?
- The proposed parking area is located immediately adjacent to residential uses which may have a negative impact on those properties. The existing building should be demolished and relocated to the rear of the property to allow for the parking to be accommodated in the front and side yards as the policies require.
- Waste is currently being stored on-site in a large bin immediately adjacent to the abutting neighbour's window. How will waste and more particularly, medical waste, be dealt with through this application to ensure that the storage location does not have a negative impact on surrounding properties?
- How can we trust the owner as they have been operating illegally for approximately one and a half years and continue to operate after being charged, pleading guilty and paying a fine?

- The owner is not a resident of the immediate area and, therefore, has no respect for the neighbours or the character of the area. This is reflected by the poor property maintenance and lack of greenery.
- The proposed use is a commercial use and, therefore, should be located in a commercial plaza. The subject property immediately abuts three residential properties. This application is proposing to “drop” a commercial use in the middle of residential properties.
- The cumulative effects of all the existing businesses along this stretch of Hurontario Street need to be taken into consideration when evaluating this application.

Issues related to compatibility, the adequacy and location of parking areas and the provision of on-site waste storage will be addressed in a future Supplementary Report and through the associated Site Plan application under file SP 04/174 W1, which has been appealed by the applicant to the Ontario Municipal Board (OMB).

### **Special Site 2 Policy Review**

Planning staff have been directed through Council resolution to undertake a review of the "Special Site 2" policies in the Mineola Planning District. The purpose of the review is to examine the existing land use policies applicable to this area, the appropriateness of specific office and non-residential uses and their associated development standards. This review will assist in evaluating the cumulative effects of the existing non-residential uses along this stretch of Hurontario Street. An initial stakeholder meeting to obtain input from the community and property owners on the study was held on August 1, 2006.

### **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:

### **Traffic Analysis**

A Traffic Impact Study has been submitted by the applicant which recommends an access on both Hurontario Street and Indian Valley Trail. This study is currently under review. The applicant is to select an access plan which addresses all of the relevant policy and site plan concerns to the satisfaction of both the Planning and Building Department and the Transportation and Works Departments.

### **Clarification of Uses**

The applicant is to submit additional information and clarification with respect to the uses and services provided. The aroma therapist is not considered to be a Drugless Practitioner or a Regulated Health Professional and, therefore, additional clarification is required with respect to what types of treatments the aroma therapist administers.

Further, the applicant is to provide clarification and more details with respect to what types of treatments are provided by the Registered Physiotherapist and the Registered Massage Therapist. The treatments that are provided by each of the Regulated Health Professionals should correspond to the list of services/treatments provided by the applicant through this application.

### **Site Design and Compatibility with Adjacent Uses**

Should the proposed land use be resolved, the applicant will be required to submit a revised site plan which meets the intent of the "Special Site 2" policies for the Mineola District. To accomplish this, the site plan should be revised to reduce the extensive amount of hard surface area proposed in the rear yard immediately adjacent to the surrounding residential properties. A larger buffer area should also be provided so that vegetative screening can be provided between the parking in the rear and side yards and the adjacent neighbours in an effort to minimize any impact that the medical therapy office and associated parking may have on the

surrounding residents. The site plan is also to identify where waste storage, including medical waste, will be accommodated on-site.

## **OTHER INFORMATION**

### **Development Requirements**

In conjunction with the proposed development, there are certain other engineering and conservation 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 resolved, the Planning and Building Department will be in a position to make a recommendation regarding this application.

**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

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Stacey Laughlin, Development Planner*

### Site History

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

April 30, 2004 – Application for Site Plan approval to convert the existing detached dwelling to a medical therapy office providing additional parking areas was submitted under file SP 04/174 W1;

July 2004 – Ontario Building Code Offences committed by property owner (undertaking works without a permit);

October 15, 2004 – Minor Variance application submitted under file ‘A’ 498/04 to permit a portion of the dwelling to be used by the resident practitioner for a physiotherapy and wellness clinic being located within 800 m (2, 624.67 ft.) of an existing medical office in a residential zone;

December 16, 2004 – Committee of Adjustment refused the above referenced minor variance application;

January 6, 2005 – Applicant appealed the Committee of Adjustment decision regarding ‘A’ 498/04 to the Ontario Municipal Board (OMB);

January 31, 2005 – Applicant appealed the Site Plan application under file SP 04/174 W1 to the OMB on the basis that the City failed to make a decision on the application;

April 27, 2005 – Zoning by-law Offence committed by property owner (use not permitted);

June 2, 2005 – Applicant withdrew the appeal to the OMB of the decision for the minor variance application under file ‘A’ 498/04. The appeal of the Site Plan was not withdrawn;

June 23, 2005 – Property owner pleaded “not guilty” to the Ontario Building Code offences and the Zoning By-law offences with the trial date set for January 12, 2006;

January 12, 2006 – Trial was adjourned until property owner returned from out of the country;

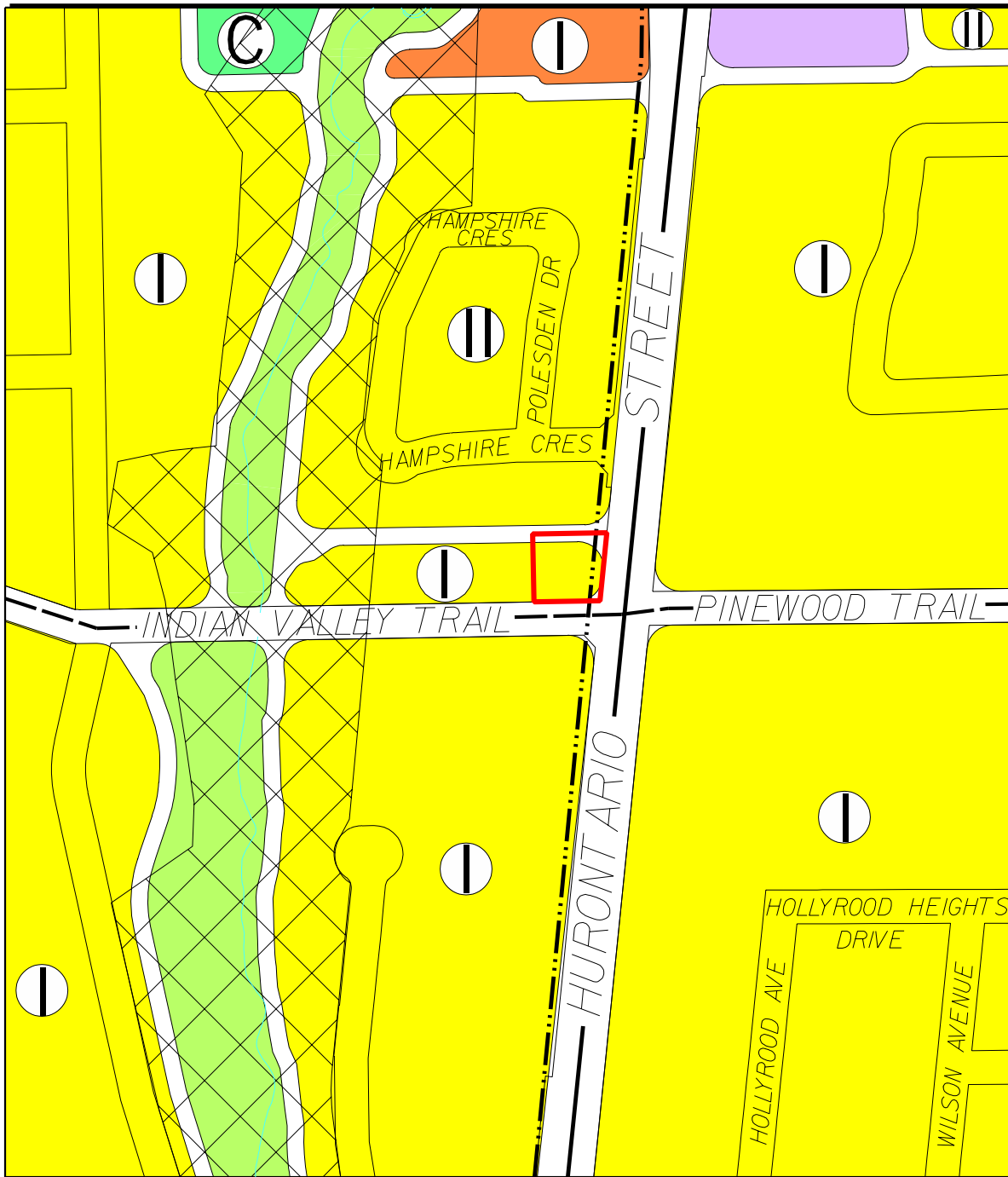
February 9, 2006 – Property owner entered guilty plea and a fine was paid for both the Ontario Building Code offences and the Zoning By-law offence;

**Natalia Zimochod****File: OZ 05/025 W1**

June 12, 2006 – In considering the Supplementary Report from the Commissioner of Planning and Building on Dupal Holdings Inc. under file OZ 05/036 W1, , Planning and Development Committee (PDC) recommended that the applications be deferred to allow staff to undertake a review of the Special Site 2 Policies of the Mineola District and that the terms of reference for such review be brought to the next PDC (June 26, 2006);










June 26, 2006 – Planning and Development Committee considered a report from the Commissioner of Planning and Building entitled”: Terms of Reference Review of Special Site 2 Policies Mineola Planning District which was subsequently adopted by Council on July 5, 2006 under Recommendation PDC-0067-2006.














**PART OF MINEOLA DISTRICT LAND USE MAP  
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

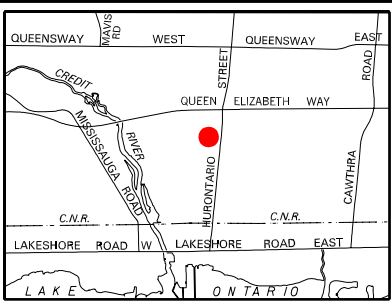
**LAND USE LEGEND**

-  Regulatory Floodplain
-  Community Park
-  Planning District

 **SUBJECT LANDS**



**SUBJECT: NATALIA ZIMOCHOD**



**FILE NO:**  
OZ 05025 W1

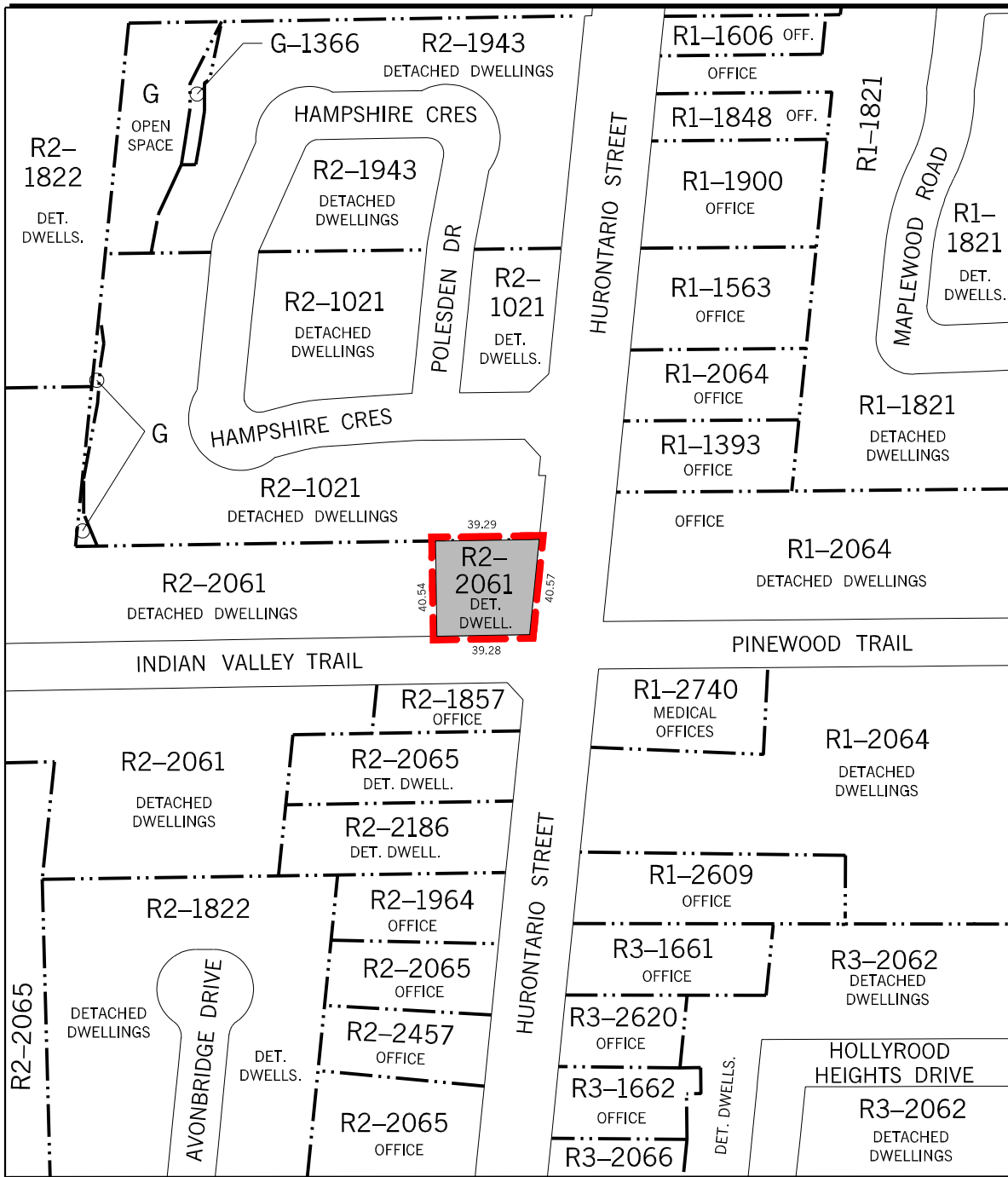
**DWG. NO:**  
05025LM

**SCALE:**  
NTS

**PDC DATE:**  
2006 09 05

**DRAWN BY:**  
W. FINLAY

**APPENDIX I-2**



**LEGEND:**



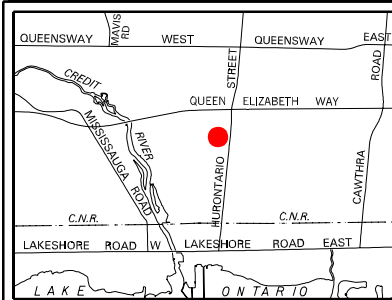
PROPOSED REZONING FROM  
 "R2-2061" (RESIDENTIAL DETACHED)  
 TO "R2-SPECIAL SECTION" (OFFICE)  
 TO PERMIT A MEDICAL THERAPY OFFICE.

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



**SUBJECT:**

**NATALIA ZIMOCHOD**



**FILE NO:**  
 OZ 05025 W1

**DWG. NO:**  
 05025R

**SCALE:**  
 1:2500

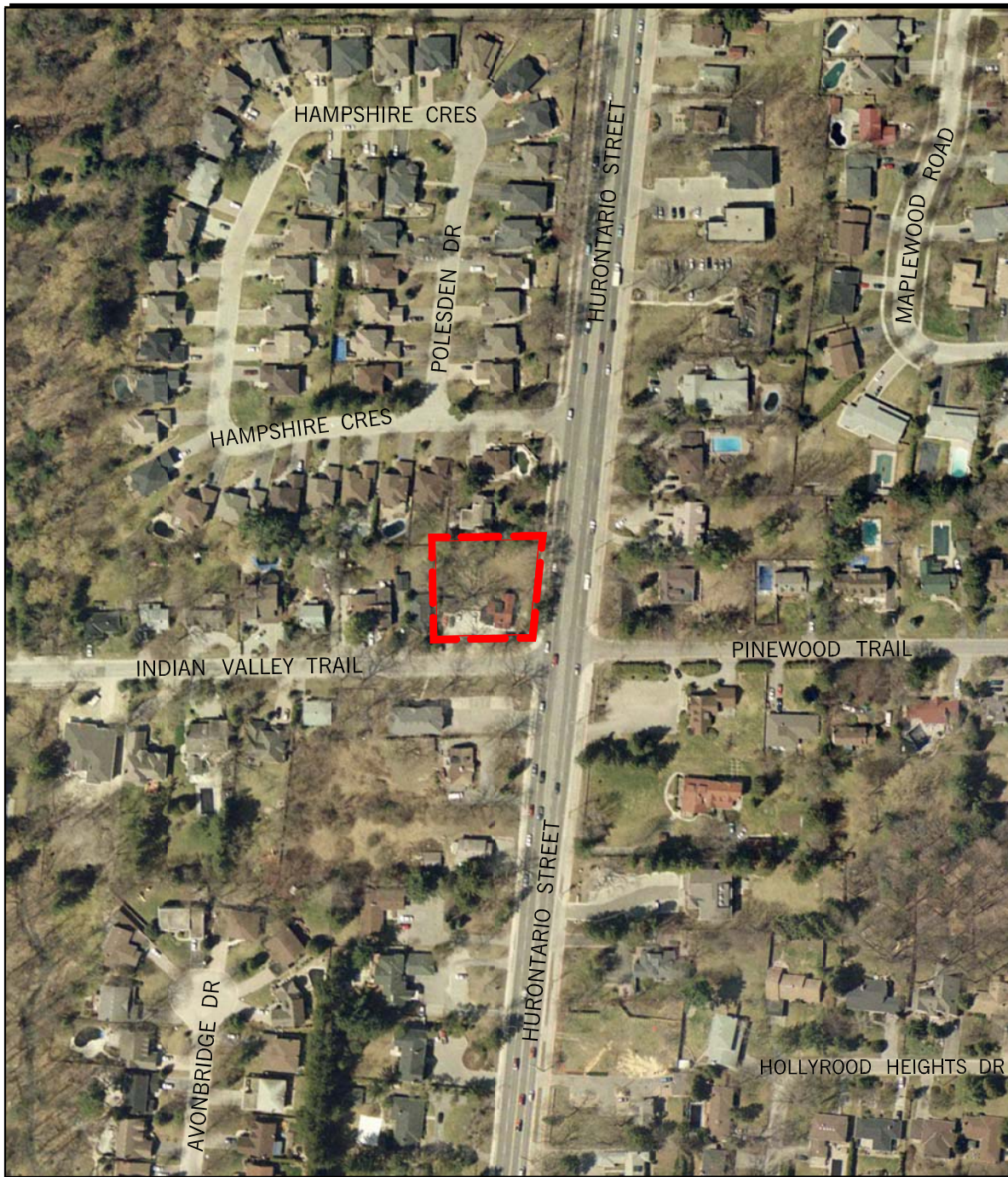
**PDC DATE:**  
 2006 09 05

**DRAWN BY:**  
 W. FINLAY

**MISSISSAUGA**  
 Planning and Building

Produced by  
 T&W, Geomatics

APPENDIX 1-3



**LEGEND:**



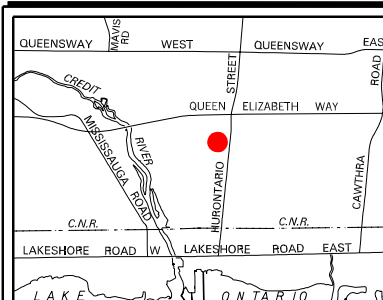
**SUBJECT LANDS**

**DATE OF AERIAL PHOTO: MARCH 2005**



**SUBJECT:**

**NATALIA ZIMOCHOD**



**FILE NO:**

**OZ 05025 W1**

**DWG. NO:**

**V805025A**

**SCALE:**

**1:2500**

**PDC DATE:**

**2006 09 05**

**DRAWN BY:**

**W. FINLAY**

**MISSISSAUGA**  
Planning and Building

*Produced by*  
**T&W, Geomatics**

**APPENDIX 1-4**

Natalia Zimochod

File: OZ 05/025 W1

### Agency Comments

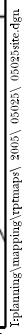
The following is a summary of comments from agencies and departments regarding the application.

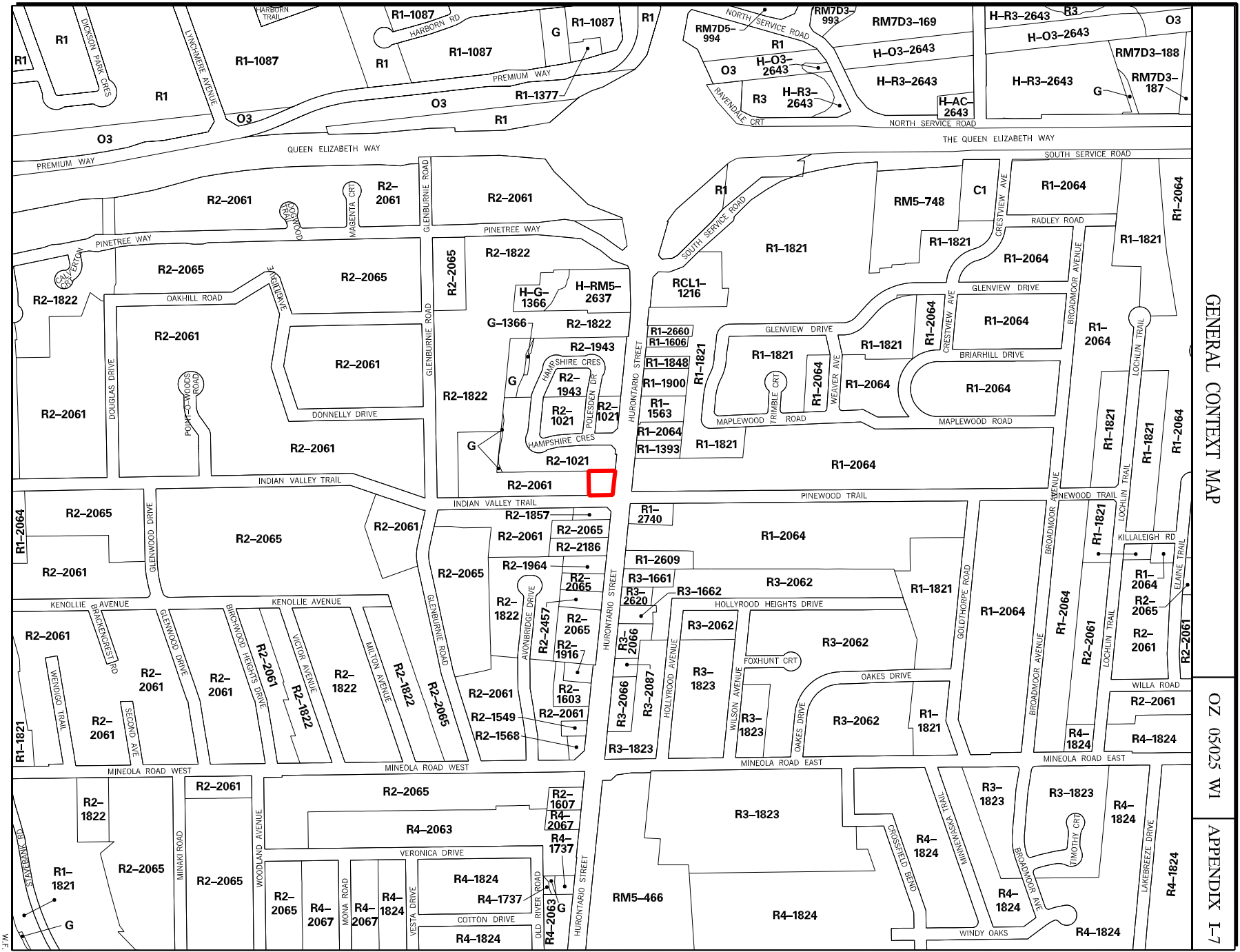
Agency / Comment Date	Comment
Region of Peel (July 25, 2006)	The Region does not object to this rezoning application and does not require any conditions of approval. The proposed medical therapy office will utilize existing site services and on-site waste collection will be required through a private waste hauler.
City Community Services Department – Planning, Development and Business Services Division (July 24, 2006)	This Department indicated that prior to by-law enactment, payment will be required for street tree removal and replacement tree planting.
City Community Services Department – Fire and Emergency Services Division (July 28, 2006)	This Department indicated that it has reviewed the rezoning application from an emergency response perspective and have no concerns; emergency response time to the site and water supply available are acceptable.
City Transportation and Works Department (July 21, 2006)	<p>This Department is in receipt of a Traffic Impact Study dated April 2006, prepared by Trans-Plan Inc. which is currently under review. Prior to the Supplementary Report proceeding to Council, the applicant is to provide, to the satisfaction of this Department, a Phase 1 Environmental Site Assessment (ESA), including a letter of reliance from the applicant's Environmental Consultant allowing the City to rely on the findings of the Phase 1 ESA report.</p> <p>Further detailed comments/conditions will be provided prior to the Supplementary Meeting pending the review of the foregoing.</p>

**Natalia Zimochod****File: OZ 05/025 W1**

<b>Agency / Comment Date</b>	<b>Comment</b>
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 Corporation</p>
	<p>The following City Department was circulated the application but provided no comments:</p> <p>Realty Services</p>







**Natalia Zimochod**

**File: OZ 05/025 W1**

**Recommendation PDC-0078-2006**

- PDC-0078-2006
1. That the Report dated August 15, 2006, from the Commissioner of Planning and Building regarding the application to change the Zoning from "R2-2061" (Residential Detached) to "R2-Special Section" (Office) to permit a medical therapy office under file OZ 05/025 W1, Natalia Zimochod, 1484 Hurontario Street, be received for information.
  2. That the e-mail dated August 31, 2006 from John B. Keyser, resident, with respect to concerns relating to the above development application at 1484 Hurontario Street and its impact on the Mineola District Policies of the Mississauga Plan, be received.

The above Recommendation was adopted by Council at its meeting of September 13, 2006.