



Corporate Report

Clerk's Files

Originator's
Files OZ 04/017 W9

DATE: December 13, 2005

TO: Chair and Members of Planning and Development Committee
Meeting Date: January 9, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Rezoning Application**
To permit the outdoor storage of recreation vehicles, boats and trailers as additional permitted uses and to reduce the parking standard for a self-storage facility
2480 Argentia Road
South Side of Derry Road West, west side of Argentia Road
Owner: 1128143 Ontario Ltd. (Safe Self Storage)
Applicant: Glen Wellings, Wellings Planning Consultants Inc. Bill 20

Supplementary Report **Ward 9**

RECOMMENDATION: That the Report dated December 13, 2005, from the Commissioner of Planning and Building recommending refusal of the application under File OZ 04/017 W9, 1128143 Ontario Ltd. (Safe Self Storage), 2480 Argentia Road, South side of Derry Road West, west side of Argentia Road, be adopted in accordance with the following:

1. That the application to amend the "M1-1196" (Industrial) Zoning to permit the outdoor storage of recreation vehicles, boats and trailers as additional permitted uses and to reduce the parking standard for a self-storage facility, not be approved.

2. That City Council direct Legal Services and representatives from the appropriate City Departments to attend the Ontario Municipal Board and any related prehearing conferences and to retain expert witnesses, if necessary, to support the recommendation contained in the report dated December 13, 2005 from the Commissioner of Planning and Building, should the decision of Council respecting File OZ 04/017 W9, 1128143 Ontario Ltd. (Safe Self Storage), 2480 Argentia Road, be appealed.

BACKGROUND:

A public meeting was held by the Planning and Development Committee on April 4, 2005, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information. Council adopted the recommendation of the Planning and Development Committee as outlined in Appendix S-2.

COMMENTS:**COMMUNITY ISSUES**

At the Public Meeting, representatives from Glen Ellen Properties Inc. (2476 Argentia Road, with lands to the east of the subject lands) attended to express their concerns with the application. Representatives of the Planning and Building Department subsequently met with Glen Ellen Properties Inc. and the applicant, with the aim of exploring possible solutions that may be acceptable to all stakeholders. A consensus respecting the provision and possible appropriate form of outdoor storage on the subject lands was not achieved.

PLANNING COMMENTS

The application was evaluated with consideration for the applicant's planning justification submissions, submissions from other Departments, agencies and stakeholders, the policies of Mississauga Plan and other applicable official documents.

Mississauga Plan – Business Employment Policies

Self storage facilities are considered a warehousing use, and are permitted under the Business Employment designation of Mississauga Plan. Outdoor storage is permitted, within certain parameters. Section 3.3.2.1 of the Business Employment Policies of Mississauga Plan requires that activities occur primarily within enclosed buildings. See the “Outdoor Storage Policies and Zoning Provisions” section below.

An application to amend the Official Plan was not submitted in conjunction with this rezoning application. The applicant’s planning justification report takes the position that the proposed use conforms with the Official Plan.

Meadowvale Business Park District – Development Concept and Urban Design Guidelines

The Development Concept and Urban Design Policies of the Meadowvale Business Park District provide the contextual basis and objectives for the District.

This is an Employment District which contains primarily employment uses as well as some commercial activities related to employment activities. It is intended that it will continue to develop primarily for corporate head offices, manufacturing, research and development, and accessory commercial uses. The Design policies for the district state the intent of achieving a high quality business image and providing for showcase enterprises at highly visible locations. These guidelines are intended to firmly establish a prestige image for the area.

Accessory Use Policies

Mississauga Plan permits accessory uses in Business Employment areas. These uses will generally be limited to a maximum of 20% of the Gross Floor Area (GFA). In this instance, the proposed outdoor storage area represents approximately 56% of the GFA of the developed site.

Mississauga Plan also requires that all accessory uses be clearly subordinate and directly related to the functioning of the permitted use.

Notwithstanding whether the outdoor storage of recreation vehicles is subordinate and directly related to an enclosed self-storage facility, the application significantly exceeds the 20% maximum prescribed by Mississauga Plan.

Outdoor Storage Policies and Zoning Provisions

The Business Employment Policies of Mississauga Plan permit outdoor storage and display areas related to permitted industrial uses. Outdoor storage and display areas should not be visible from City boundaries, major roads, parks, greenbelt or residential lands. Appropriate setbacks, screening, buffering and consideration for the street-edge will be required to lessen the visual impact of the facility.

Outdoor storage is permitted under the existing "M1-1196" (Industrial) zoning under the following conditions:

- The operation is dependent on the storage of new material and/or equipment;
- The area of outdoor storage shall not exceed 5% of the lot area or 10% of the floor area of the building, whichever is the lesser;
- The outdoor storage area shall not be situated closer to any street line than any portion of the main building or structure.

The application proposes an area for outdoor storage that represents approximately 24% of the lot area and 56% of the floor area of the developed site. Albeit a key lot with limited frontage on Argentinia Road, the area of outdoor storage is located in a front yard.

The application does not sufficiently address or otherwise propose measures to mitigate against the impact of the proposed increased size and siting of the outdoor storage.

Committee of Adjustment Approvals and the Ontario Municipal Board

In May 1996, the outdoor storage of recreation vehicles, boats and trailers at this location was initially authorized on a temporary basis by the Committee of Adjustment under application A 247-96. This approval was renewed on April 10, 2003 (File A 496-01), and a separate minor variance for a reduction in parking was approved on October 3, 2003 (File A 781-03). The 2003 variance applications were appealed to the Ontario Municipal Board by Glen Ellen Properties Inc., the owners of the vacant lands located to the east of the self-storage facility. The Board issued Decision 0753, dated April 14, 2004, which did not authorize the variances.

While the Board's Decision is grounded in a section of the Planning Act that does not serve as an applicable test with respect to this rezoning application, the Board's decision provides commentary concerning the land use planning merit of the application as it is fundamentally similar to that heard by the Board.

Evidence was presented that convinced the Board that the outdoor storage was not desirable for the appropriate development and use of the property, and that permission for the outdoor storage use would have an adverse impact upon the adjacent property. The Board accepted that Glen Ellen Properties Inc.'s ability to market and construct an office building on its adjacent site would be compromised by the approval of the outdoor storage in its present form on the subject lands.

In its decision the Board acknowledged that the outdoor storage use may have been minor and desirable when authorized originally, however it was satisfied that the Meadowvale Business Park and the immediate area had grown and developed into a prestige business park, and that the continuation of the outdoor storage will interfere with the planned function of the area.

Adverse Impact

The City's Economic Development Office commented that in their experience and understanding of the real estate market, potential

office tenants give serious consideration to the surrounding land use context in evaluating site location, and that the introduction of permanent outdoor storage on the subject lands may have an adverse impact on securing tenancy for 2476 Argentia Road, which otherwise would provide a good opportunity for office commercial development for the lands. The City's Economic Development Office, however, does not object to this application from an economic development perspective.

This opinion is consistent with evidence accepted by the Ontario Municipal Board that Class A office tenants consider image and prestige in selecting a location and will not want to be next to an outdoor self storage facility, a condition that was characterized as a "huge negative".

The Urban Design Policies of Mississauga Plan, particularly those described under Section 3.15.2, seek to establish site design that is compatible with the surrounding context and the intended character of the area.

Glen Ellen Properties Inc. has obtained zoning approval and filed a site plan application (SP 01/051 W9, February 2001) to construct a six storey office building on their lands. Glen Ellen Properties Inc. submits that their ability to market an office building at this location is adversely impacted by the appearance of the outdoor storage area on the subject lands.

It does not represent good planning to permit an outdoor storage area that exceeds the maximum restrictions prescribed under the zoning by-law and that compromises development on adjacent lands that is consistent with the development concept for the area.

Community Need

Letters were received from lessees of the outdoor storage area, and the applicant has presented the view that storage facilities that accommodate recreational vehicles, boats and trailers represent a community need as this type of storage is restricted in residential zones under the City's zoning by-law.

Section 37A of Zoning By-law 5500 permits the outdoor storage or parking of one trailer and/or one boat in any residential zone under certain conditions, including,

- the trailer or boat may not exceed 7 m (23 ft.) in length, excluding hitch or tongue;
- such parking shall be permitted in a side yard to the rear of the front wall of the building, but not less than 1.2 m (3.94 ft.) from the side property line;
- such parking shall be permitted in a rear yard;
- a trailer or boat that does not exceed 7 m (23 ft.) in length, excluding hitch or tongue, may be parked anywhere on a residential lot for a temporary period not exceeding 72 hours in any one calendar month.

For multiple residential properties, the outdoor storage or parking of recreational vehicles is permitted, and regulated through the site plan approval process. Some infill condominium redevelopment sites have not provided parking spaces for the storage of recreational vehicles. The Planning and Building Department's practice is to include warning clauses in these condominium declarations advising purchasers that such storage would not be available on-site.

Facilities to accommodate the storage of recreational vehicles for the general public are permitted on lands zoned "M2" (Industrial) within the City, and the area of associated outdoor storage is not restricted under this zone. The Planning and Building Department's 2004 data indicates that there is approximately 4103.6 ha (10,140 acres) of "M2" (Industrial) lands within the City of Mississauga, and estimates that approximately 229.6 ha (567.3 acres) of this land is vacant.

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 "E2-1" (Business Employment). This proposed zone is consistent with the permitted uses and regulations contained within the existing "M1-1196" (Industrial) zone, except the provision requiring business, professional and administrative offices accessory to the principle manufacturing or industrial undertaking, has been removed.

The proposed Draft Zoning By-law limits outdoor storage to 5% of the lot area or 10% of the floor area of the building, whichever is the lesser. This approach is consistent with the regulations contained within the existing "M1-1196" zone, except that the provision requiring operations to be dependent on the storage of new material and/or equipment is removed.

CONCLUSION:

The proposed rezoning is not acceptable from a planning standpoint and should not be approved for the following reasons:

1. The amount of outdoor storage proposed is excessive and is not consistent with the policies of Mississauga Plan.
2. The proposal to permit the outdoor storage of recreation vehicles, boats and trailers as additional permitted uses is not consistent with the development concept for the area, as articulated in Mississauga Plan.
3. The proposal to permit the outdoor storage of recreation vehicles, boats and trailers as additional permitted uses is not compatible with the surrounding land uses and may negatively impact the development potential of surrounding lands.

ATTACHMENTS:

Appendix S-1 – Information Report
Appendix S-2 – Recommendation PDC 0035-2005

Edward R. Sajecki
Commissioner of Planning and Building



Corporate Report

Clerk's Files

 Originator's
Files OZ 04/017 W9

DATE: March 15, 2005 **PDC APR 4 2005**

TO: Planning and Development Committee
Meeting Date: April 4, 2005

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning Application
To permit the outdoor storage of recreational vehicles, boats and trailers as additional permitted uses and to reduce the required parking standard
2480 Argentia Road
South side of Derry Road west, west side of Argentia Road
Owner: 1128143 Ontario Ltd. (Safe Self Storage)
Applicant: Glen Wellings, MHBC Planning Limited
Bill 20

Public Meeting **Ward 9**

ORIGIN: A rezoning application to permit the outdoor storage of recreational vehicles, boats and trailers as additional permitted uses for the subject lands and to reduce the required parking from 109 parking spaces to 56 parking spaces.

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

BACKGROUND: A self-storage facility with outside storage for recreational vehicles, boats and trailers currently occupies the site. The outdoor storage use was approved on a temporary basis by the Committee of Adjustment in 1996. A subsequent application to renew this

approval was refused by the Ontario Municipal Board upon appeal by the adjacent property owner. See Exhibit I-1 of this report for additional history.

Additional maps and information is provided in Exhibits I-1 to I-5.

Development Proposal	
Application submitted:	June 8, 2004
Existing Gross Floor Area:	9 866.4 m ² (106,205 sq. ft.) five storage buildings and one office
Lot Coverage:	35.4 %
Landscaped Area:	11.3 %
Area proposed for the outdoor storage of recreational vehicles, boats and trailers:	0.67 ha (1.65 ac.) 24.2% of lot area
Parking Required:	109 spaces
Parking Provided:	56 spaces

Site Characteristics	
Frontage:	28.45 m (93.34 ft.) on Argentinia Road
Depth:	287.3 m (942.59 ft.) irregular
Gross Lot Area:	2.774 ha (6.85 ac.)
Existing Use:	A self-storage facility with outside storage for recreational vehicles, boats and trailers. The current outside storage is not permitted under the zoning by-law.

Neighbourhood Context

The subject property is located in the Meadowvale Business Park Planning District, which contains employment uses as well as some commercial uses related to employment activities.

The site is a key-lot with approximately 28.45 m (93.34 ft.) of frontage on Argentia Road. There is a 0.2 ha (0.49 acre) natural area in City ownership abutting the northeast portion of the site, and a larger natural area north of Derry Road West. The St. Lawrence and Hudson railway abuts the site at its western boundary.

The adjacent property to the northeast (2476 Argentia Road) is currently developed as a two-storey office and commercial building. On February 15, 2001, an application for Site Plan Approval was submitted to develop the property for a six-storey, 9 619.2 m² (103,544 sq. ft.) office building. This file remains open with the Planning and Building Department.

The boundary of the Meadowvale residential district is located approximately 400 m (0.25 miles) to the west, on the western side of Millcreek Drive.

The surrounding land uses are described as follows:

North: office and industrial development

East: hotels, vacant land and Highway 401

South: office and industrial development

West: across the St. Lawrence and Hudson railway, multi-tenant industrial and commercial development

**Current Mississauga Plan Designation and Policies
for Meadowvale Business Park
(May 5, 2003)**

"Business Employment" which among other uses, permits industrial, manufacturing, processing, fabricating, research and development, sales and service, warehousing, distributing and wholesaling, offices and uses accessory to those permitted. Self-storage facilities are a permitted use under the Business Employment land use designation.

Outdoor storage and display areas related to a permitted industrial uses, except for those lands adjacent to Provincial Highway 401, is permitted.

The application will be evaluated with consideration for the Business Employment Policies, which among other matters require:

- activities are to occur primarily within enclosed buildings;
- accessory uses will generally be limited to a maximum 20% of the total Gross Floor Area;
- accessory uses should be clearly subordinate to and directly related to the functioning of the permitted use;
- outdoor storage and display areas should not be visible from City boundaries, major roads, parks, greenbelt or residential lands. Appropriate setbacks, screening, buffering and consideration of the street-edge will be required to lessen the visual impact of the facility.

The Urban Design Policies of Mississauga Plan, including those contained in the Meadowvale Business Park District Policies, will be considered in the evaluation of the application. Among other items, the Urban Design Policies for the Meadowvale Business Park District state that:

- in order to firmly establish the prestige image of the area, special attention will be given to site planning, building design and landscaping along arterial and major collector roads, at major intersections and at other highly visible locations.

Existing Zoning

"M1-1196" (Industrial), which permits a range of employment uses, including storage warehouses.

Where the nature of any operations permitted in an "M1" zone is dependent on storage of new material and equipment in the open, such accessory use is permitted provided that the area used for such purposes does not exceed 5% of the lot area, or 10% of the floor area of the building, whichever is the lesser; and the storage of goods shall not be situated closer to any street line than any portion of the main building or structure.

Business, professional or administrative offices and office buildings are not permitted unless accessory to the principal manufacturing or industrial undertaking, including storage warehouses and research establishments.

Application for Zoning By-law Amendment

"**M1 - Special Section**" (**Industrial**), to permit the outdoor storage of recreational vehicles, boats and trailers in addition to the permitted uses under the current zoning, and to reduce the required parking for the subject site from 109 parking spaces to 56 parking spaces.

COMMENTS:

COMMUNITY ISSUES

No community meetings were held.

The Planning and Building Department has received ten letters from users of the self-storage facility. These letters support the application, and indicate that there are few facilities in Mississauga that accommodate the storage of recreational vehicles. Some of these letters note the restrictions and/or inability to store recreational vehicles in residential zones, contributing to the demand for this type of facility.

The Planning and Building Department has received letters and has met with the owner and representatives of the adjacent lands to the northeast (2476 Argentia Road, Glen Ellen Properties Inc.). This party submits that the application does not meet the general intent and purpose of the Official Plan, and will have an adverse impact on the development potential of its property as an office building.

DEVELOPMENT ISSUES

Agency comments are summarized in Exhibit I-5. Based on the comments received and the applicable Mississauga Plan polices the following matters will have to be addressed:

- the appropriateness of the outdoor storage use, with consideration to the policies of the Official Plan;

- whether the request to amend the parking requirement is appropriate.

CONCLUSION:

Most agency and City department comments have been received and after the public meeting has been held, the Planning and Building Department will be in a position to make a recommendation regarding this application.

RECOMMENDATION:

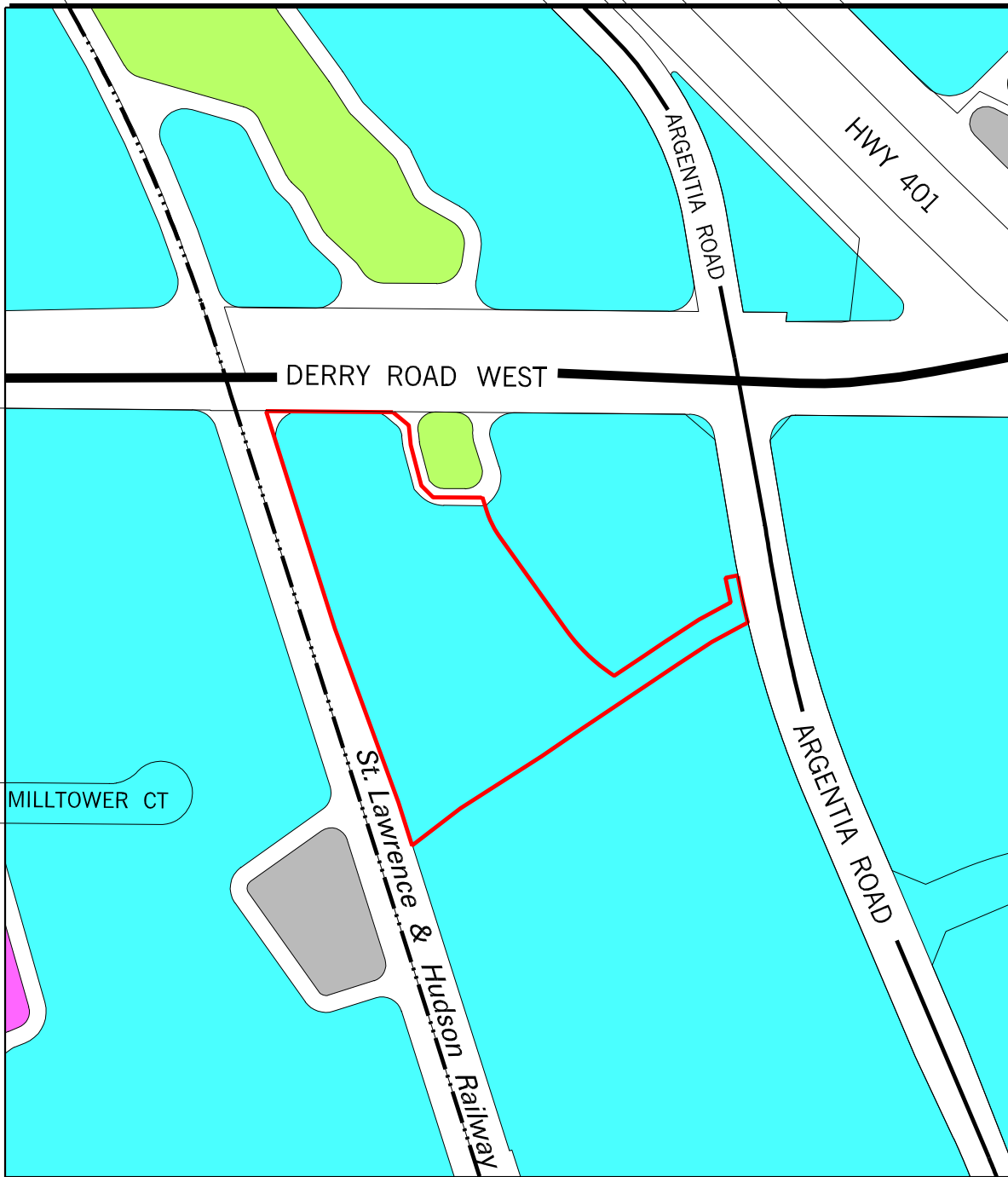
That the Report dated March 15, 2005, from the Commissioner of Planning and Building regarding the application to change the Zoning from "M1-1196" (Industrial) to "M1-Special Site" (Industrial with outdoor storage) under file OZ 04/017 W9, 1128143 Ontario Ltd. (Safe Self Storage), 2480 Argentia Road, be received for information.

Edward R. Sajecki
Commissioner of Planning and Building

History

- December 3, 1987 – The Committee of Adjustment approves Application A-651/87, granting a minor variance to permit a self-storage facility with caretakers' apartment and a reduction in required parking from 109 to 56 spaces, subject to site plan approval and that no outdoor storage be permitted on the site.
- May 23, 1996 – The Committee of Adjustment approves Application A-247/96, granting a minor variance to permit the rental of outdoor storage space for recreational vehicles, boats and trailers. The approval was personal to the applicant for a five-year period, subject to site plan approval having regard to appropriate screening and landscaping around the perimeter of the site.
- August 16, 2001 – The Committee of Adjustment approves Application A-459/01, granting an additional five-year continuation of A-247/96, permitting the rental of outdoor storage space for recreational vehicles, boats and trailers.
- December 2002 – The adjacent land-owner (2476 Argentia Road, Glen Ellen Properties Inc.) commenced a Divisional Court application requesting that the Committee of Adjustment's decision respecting Application A-459/01 be set aside on the grounds that they did not receive proper notice and accordingly could not attend the hearing to express objections. A Court Order was granted on December 20, 2002 requiring that Application A-459/01 be re-opened.
- April 10, 2003 – The Committee of Adjustment re-opened Application A-459/01, and granted a two-year continuation of A-247/96, permitting the rental of outdoor storage space for recreational vehicles, boats and trailers, subject to the landscaping provided under the approved Site Plan continuing to be provided.
- May 5, 2003 – The Region of Peel approves the Meadowvale Business Park District Policies and Land Use Map of Mississauga Plan, save and except those matters under appeal to the Ontario Municipal Board.
- October 30, 2003 – The Committee of Adjustment approves Application A-781/03, granting a minor variance to permit a reduction in required parking from 109 to 56 spaces, subject to the property continuing to operate in accordance with the approved Site Plan.
- April 14, 2004 – The Ontario Municipal Board issues Decision 0753, which indicated that the appeals to Applications A-459/01 and A-781/03 would be allowed and the variances not authorized. The Board's Order is withheld for 60 days to allow the applicant to make arrangements to terminate rental agreements and clear the site of outdoor storage.
- June 8, 2004 – 1128143 Ontario Ltd. (Safe Self Storage) files the subject application for rezoning.

**PART OF MEADOWVALE BUSINESS PARK DISTRICT LAND USE MAP
MEADOWVALE BUSINESS PARK POLICIES OF MISSISSAUGA PLAN**

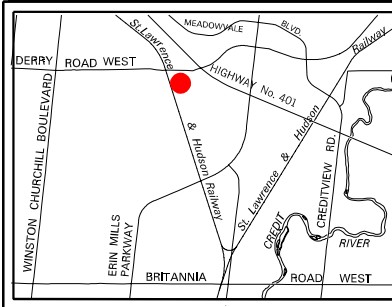


- LAND USE DESIGNATIONS**
- General Commercial
 - Motor Vehicle Commercial
 - Business Employment
 - Industrial
 - Open Space
 - Greenbelt
 - Parkway Belt West
 - Utility
 - Node Boundary
- TRANSPORTATION LEGEND**
- Provincial Highway and Interchange
 - Arterial
 - Major Collector
 - Minor Collector
 - Local Road
 - Existing Commuter Rail
 - GO Transit Station
 - Future Commuter Rail Station
- LAND USE LEGEND**
- CP - City Park
 - C - Community Park
 - Existing Stormwater Management Facility
 - 1996 NEP/2000 NEF Composite
 - Noise Contours
 - Planning District

SUBJECT LANDS



SUBJECT:
1128143 ONTARIO LIMITED



FILE NO:
OZ 04017 W9

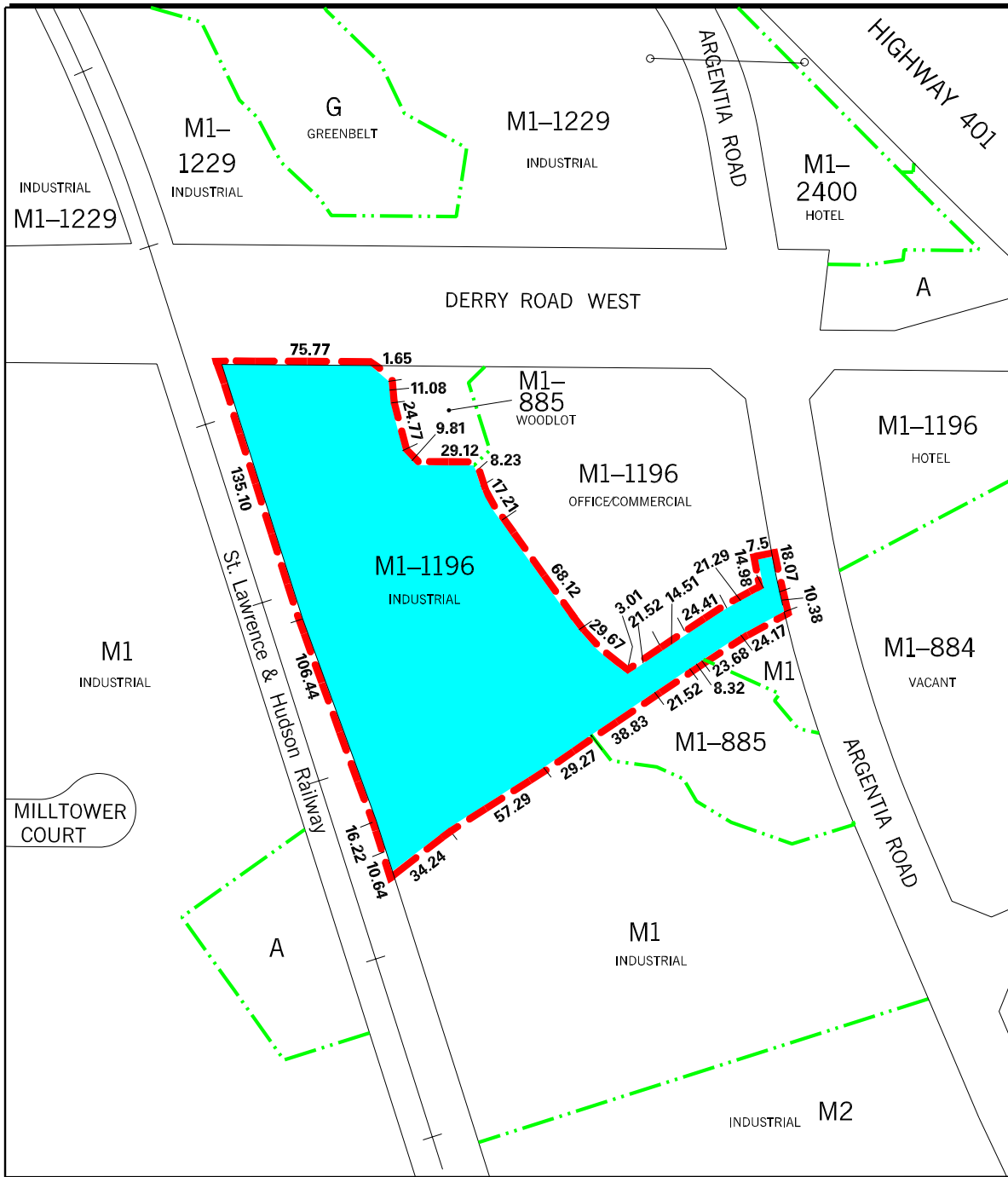
DWG. NO:
04017R

SCALE:
1:3000


PDC DATE:
2005 03 21

DRAWN BY:
K. PROKOP

EXHIBIT 1-2

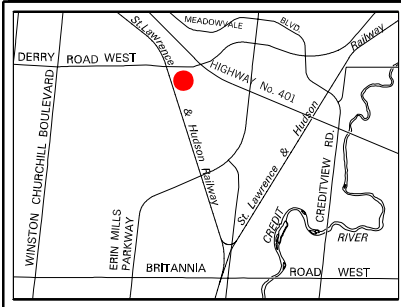


LEGEND:

 PROPOSED REZONING FROM 'M1-1196' (INDUSTRIAL) TO 'M1-SPECIAL SECTION' (INDUSTRIAL WITH OUTDOOR STORAGE) TO PERMIT THE OUTDOOR STORAGE OF RECREATIONAL VEHICLES, BOATS AND TRAILERS AS ADDITIONAL PERMITTED USES AND TO REDUCE THE REQUIRED PARKING FROM 109 PARKING SPACES TO 56 PARKING SPACES.

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

SUBJECT:
1128143 ONTARIO LIMITED



FILE NO:
OZ 04017 W9

DWG. NO:
04017R

SCALE:
1:3000


PDC DATE:
2005 03 21

DRAWN BY:
K. PROKOP


EXHIBIT I-3



LEGEND:

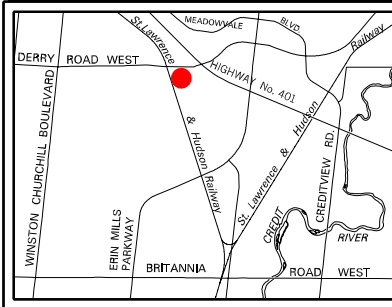
 **SUBJECT LANDS**

NOTE: DATE OF AERIAL PHOTO: 2004 04



SUBJECT:

1128143 ONTARIO LIMITED



FILE NO:
OZ 04017 W9

DWG. NO:
04017A

SCALE:
1:3000

PDC DATE:
2005 03 21

DRAWN BY:
K. PROKOP

Agency Comments

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

Agency Comment date	Comment
City Economic Development Office July 23, 2004 and February 15, 2005	No objection to the application, however it is noted that the adjacent property at 2476 Argentia Road provides a good opportunity for office commercial development. Potential office tenants give serious consideration to the surrounding land use context in evaluating site location, and that the introduction of permanent outside storage on the subject lands may have an adverse impact on securing tenancy for 2476 Argentia Road.
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to the application provided that all technical matters are addressed in a satisfactory manner:</p> <p>City Community Services Department – Fire and Emergency Services Division City Community Services Department – Planning and Administration Division City Transportation and Works Department Enbridge Gas Distribution Inc. Bell Canada Enersource Hydro Mississauga</p> <p>The following City Departments and external agencies were circulated the application but provided no comments:</p> <p>Hydro One Networks Inc. Mississauga Transit GO Transit CN Rail Enbridge Pipelines Inc.</p>

APPENDIX S-2

Recommendation PDC-0035-2005

- PDC-0035-2005
1. That the Report dated March 15, 2005, from the Commissioner of Planning and Building regarding the application to change the Zoning from 'M1-1196' (Industrial) to 'M1-Special Site' (Industrial with outdoor storage) under file OZ 04/017 W9, 1128143 Ontario Ltd. (Safe Self Storage), 2480 Argentia Road, be received for information.
 2. That the letter dated March 21, 2005 from Canvas & Home Service in support of the above development application, be received.
 3. That the 'Brief of Documents' of Glen Ellen Properties submitted by the WeirFoulds LLP, Solicitors for Glen Ellen Properties providing a chronology of the Glen Ellen site at 2476 Argentia Road and background of Glen Ellen's appeal to the OMB with respect to Committee of Adjustment decisions on the Safe Self Storage site, be received.

OZ 04/017 W9