



Corporate Report

Clerk's Files

Originator's
Files OZ 07/011 W11

DATE: August 28, 2007

TO: Chair and Members of Planning and Development Committee
Meeting Date: September 17, 2007

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit a Temporary Outdoor Storage of Refrigeration
Trailers in addition to uses currently permitted
46 William Street
West side of William Street south of James Street
Owner: City of Mississauga
Applicant: Quickchill Draught Refrigeration (Joe Ponzo)
Bill 51

Public Meeting **Ward 11**

RECOMMENDATION: That the Report dated August 28, 2007, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Residential Medium Density II" to "Residential Medium Density II - Special Site" and to change the Zoning By-law 65-30 from "M1" (Industrial) to "M1- Special Section" (Industrial) or from "D" (Development) to "D-Exception" (Development) in By-law 0225-2007, to permit the outdoor storage of refrigeration trailers on a temporary basis, in addition to uses currently permitted, under file OZ 07/011W11, Quickchill Draught Refrigeration (Joe Ponzo), 46 William Street, be received for information.

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

On August 1, 2001, the Ontario Municipal Board (OMB) rendered a Decision under Order No. 1245 approving outdoor storage of refrigeration trailers on the subject lands in connection with a hearing related to a Committee of Adjustment application under File 'A' 162/01. At that time, the OMB approval was subject to the following conditions:

- i) the subject lands must be leased and occupied by the applicant;
- ii) maintenance of refrigeration trailers is not carried out on site;
- iii) the refrigeration trailers shall not exceed a maximum height and length of 2.4 m (7.8 ft.) and 5.2 m (17.0 ft.) respectively, and no more than three trucks and ten refrigeration trailers shall be stored on the property;
- iv) the refrigeration trailers shall not be operated on site; and
- v) the refrigeration trailers are to be located in the south east corner of the property.

The existing lease between the applicant and the City for the subject lands has expired.

On April 25, 2007, Council approved General Committee's recommendation GC-0273-2007 (see Appendix I-1) authorizing Mr. Joe Ponzo of Quickchill Draught Refrigeration to submit applications to amend the Official Plan and Zoning By-law for the subject lands to permit outdoor storage of refrigeration trailers on a temporary basis, in addition to the uses currently permitted. The Planning and Building Department received the applications on June 20, 2007.

The City owned lands municipally known as 46 William Street are comprised of Parts 1 to 6 inclusive, Plan 43R-20224. The subject lands include Parts 1 to 5 inclusive and do not include Part 6 which is used by the St. Lawrence and Hudson Railway.

COMMENTS:

Site characteristics are as follows:

Site Characteristics	
Frontage:	35.9 m (117.8 ft.)
Depth:	33.4 m (109.6 ft.) at the south lot line 26.4 m (86.6 ft.) at the north lot line
Net Lot Area:	0.11 ha (0.27 ac.)
Existing Use:	Outdoor Storage of Refrigeration Trailers

Additional information is provided in Appendices I-2 to I-7.

Neighbourhood Context

The subject property is located in a mixed residential, commercial and industrial area. Information regarding the history of the site is found in Appendix I-2.

The surrounding land uses are described as follows:

North: Motor vehicle repair garage.

East: Detached dwelling on the south side of Henry Street and industrial on the north side of Henry Street.

South: Detached dwellings

West: St. Lawrence and Hudson Railway; and
Dolphin Senior Public School west of the Railway

Current Mississauga Plan Designation and Policies for Streetsville Planning District (November 2, 2006)

"Residential Medium Density II" which permits all forms of horizontal multiple dwellings at a density of 42 to 57 units per net residential hectare (17 to 23 units per net residential acre) and low rise apartments at a Floor Space Index of 0.3 to 1.0. The policies also require that building height should generally not exceed four storeys.

The "Residential Medium Density II" designation does not permit outdoor storage of refrigeration trailers and therefore the use is not in conformity with the Official Plan. Section 5.3.3.3 of

Mississauga Plan states that a temporary use must conform with the Official Plan and it may be permitted by a temporary use by-law. Section 5.3.3.3c provides certain criteria that would apply to uses permitted by a Temporary Use By-law. Generally, these include the following:

- (i) it must be compatible with adjacent land uses, otherwise measures to mitigate any adverse impacts must be applied;
- (ii) it should not have any adverse impacts on traffic or transportation facilities in the area and sufficient parking on the site must be provided;
- (iii) it must not jeopardize the eventual planned land use; and
- (iv) it may be extended by subsequent by-laws but should generally not continue for more than 3 years.

Proposed Official Plan Designation and Policies

"Residential Medium Density II - Special Site" to permit outdoor storage of refrigeration trailers on a temporary basis, in addition to the uses currently permitted.

Existing Zoning (By-law 65-30)

"M1" (Light Industrial) which permits manufacturing or warehousing and other industrial uses provided that there is no open storage of goods or materials.

Proposed Zoning By-law Amendment

"M1 - Special Section" (Light Industrial) to permit the outdoor storage of refrigeration trailers for a temporary period not exceeding three years and subject to a minimum setback of 3.0 m (9.8 ft.) from all lot lines.

By-law 0225-2007 (Under Appeal)

"D" (Development) which permits existing buildings, structures and uses legally existing on the date the By-law was passed.

The timing of the site specific Zoning By-law to permit the proposed temporary use may be affected by the timing of the resolutions of the appeals to By-law 0225-2007. A recommendation will be included in the supplementary report to address this matter.

COMMUNITY ISSUES

On July 27, 2007, the Planning and Building Department received a letter from the adjacent residents to the south advising that they would have no concerns with the applications if the previous conditions as set out by the OMB continue to apply to the site.

DEVELOPMENT ISSUES

Agency comments have been summarized in this report. There are no buildings or structures proposed and the temporary outdoor storage of trailers does not constitute development.

OTHER INFORMATION**Development Requirements**

While there are no development requirements associated with the proposed use, the applicant will be required to enter into a license agreement with the City.

FINANCIAL IMPACT: Development charges do not apply. Any other financial requirements will have to be met to the City's satisfaction.

CONCLUSION: All agency and City department comments have been received and after the public meeting has been held and all outstanding matters are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

ATTACHMENTS: Appendix I-1 - Recommendation GC-0273-2007

Appendix I-2 - Site History

Appendix I-3 - Aerial Photograph

Appendix I-4 - Excerpt of Streetsville District Land Use Map

Appendix I-5a - Excerpt of Existing Land Use Map

(By-law 65-30)

Appendix I-5b - Excerpt of Existing Land Use Map

(By-law 0225-2007)

Appendix I-6 - Agency Comments

Appendix I-7a - General Context Map (By-law 65-30)

Appendix I-7b - General Context Map (By-law 0225-2007)

Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Haig Yeghouchian, Development Planner

Recommendation GC-0273-2007

- GC-0273-2007
1. That Mr. Joe Ponzo, President of Quickchill Draught Refrigeration, or his designate, be authorized to make application for amendments to the Official Plan and Zoning By-law to allow for the outdoor storage of refrigeration trailers on a temporary basis at 46 William Street.
 2. That, in the event Mr. Ponzo has not submitted complete applications within 60 days, that he be notified by the City to vacate the property following a reasonable notice period.

PO.13.WIL

Site History

- July 8, 1997 - The Streetsville District Policies of City Plan designated the subject lands as "Mixed Commercial/Industrial" which permitted various commercial and industrial uses.
- June 4, 1998 - A minor variance application under File 'A' 419/98 requesting outdoor storage of refrigeration trailers was approved for a temporary period of three (3) years by the Committee of Adjustment, subject to conditions.
- June 10, 1998 – The City of Mississauga entered into a license agreement with the applicant on the subject lands with a termination date on June 10, 2001.
- April 5, 2001 - A minor variance application was submitted by the applicant under File 'A' 162/01 requesting the continuation of the temporary outdoor storage of refrigeration trailers in addition to requesting the storage of snow plow blades and the storage of vehicles as new uses on the subject lands. The Committee of Adjustment denied the application which was subsequently appealed to the Ontario Municipal Board (OMB) by the applicant.
- August 1, 2001 - The OMB granted a minor variance to permit the requested outdoor storage of refrigeration trailers for a temporary period of five (5) years subject to conditions.
- September 1, 2001 - The City of Mississauga entered into a new license agreement with the tenant with a termination date on August 31, 2006. The provisions of this new agreement allowed for a renewal of an additional five (5) period subject to a further minor variance approval.
- November 2, 2006 - The Streetsville District Policies of Mississauga Plan designated the subject lands as "Residential Medium Density II".
- April 25, 2007 - Council adopted Resolution GC-0273-2007 attached as Appendix I-1.
- June 20, 2007 - Council passed Zoning By-law 0225-2007 which is under appeal.



LEGEND:

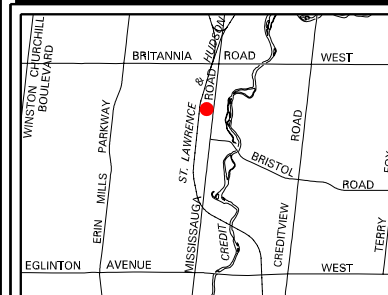


SUBJECT LANDS

DATE OF AERIAL PHOTO: SPRING 2007



SUBJECT: QUICKCHILL DRAUGHT REFRIGERATION (JOE PONZO)

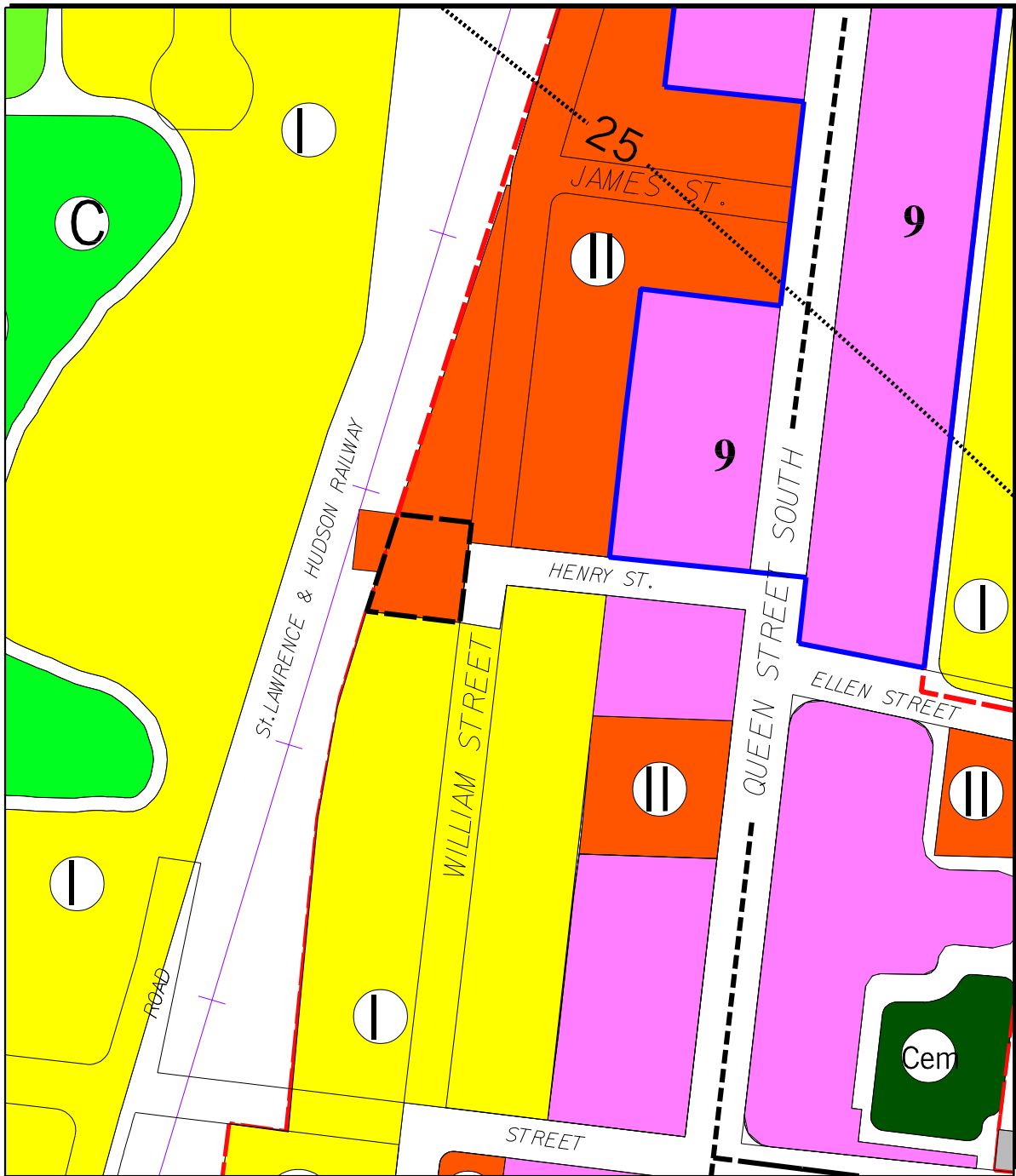


FILE NO:	OZ 07011 W11
DWG. NO:	07011A
SCALE:	1:2000
PDC DATE:	2007 09 17
DRAWN BY:	K. PROKOP

APPENDIX I-3

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics



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

- LAND USE DESIGNATIONS

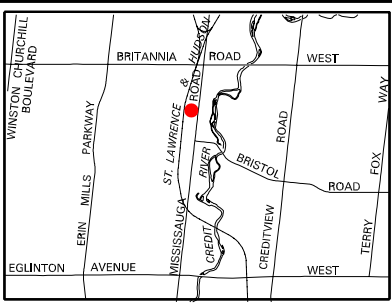
 - Residential – Low Density I
 - Residential – Low Density II
 - Residential – Med. Density I
 - Residential – Med. Density II
 - Residential – High Density I
 - Mainstreet Commercial
 - Convenience Commercial
 - Motor Vehicle Commercial
 - Business Employment
 - Public Open Space
 - Private Open Space
 - 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

- LAND USE LEGEND
- LBPIA Operating Area Boundary– See Aircraft Noise Policies
 - Node Boundary
 - Community Park
 - Cemetery
 - 1996 NEP /2000 NEF Composite Noise Contours
 - Planning District
 - # Special Sites Areas (See Special Site Policies)
- SUBJECT LANDS



SUBJECT: QUICKCHILL DRAUGHT REFRIGERATION (JOE PONZO)



FILE NO:
OZ 07/011 W11

DWG. NO:
07011R

SCALE:
NTS

PDC DATE:
2007 09 17

DRAWN BY:
K. PROKOP

APPENDIX 14

BY-LAW 65-30

LEGEND:

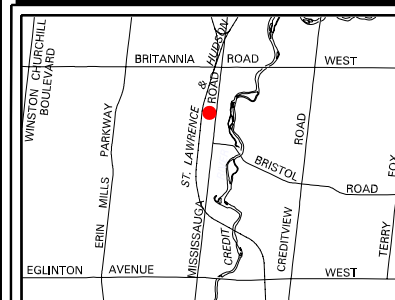
[Shaded Area] PROPOSED OFFICIAL PLAN AMENDMENT FROM 'RESIDENTIAL MEDIUM DENSITY II' TO 'RESIDENTIAL MEDIUM DENSITY II-SPECIAL SITE' AND PROPOSED REZONING FROM 'M1' (LIGHT INDUSTRIAL) TO 'M1-SPECIAL SECTION' (LIGHT INDUSTRIAL) TO PERMIT OUTDOOR STORAGE OF REFRIGERATION TRAILERS ON A TEMPORARY BASIS, IN ADDITION TO THE USES CURRENTLY PERMITTED.

NOTE: THE NEW ZONING BY-LAW (BY-LAW 0225-2007) WAS PASSED BY COUNCIL ON JUNE 20, 2007 AND IS UNDER APPEAL. SHOULD BY-LAW 0225-2007 COME INTO FORCE, THE ABOVE NOTED APPLICATION WOULD NEED TO BE CHANGED IN ACCORDANCE WITH APPENDIX I-5b AS ATTACHED.

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



SUBJECT: QUICKCHILL DRAUGHT REFRIGERATION (JOE PONZO)



FILE NO:

OZ 07/011 W11

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07011R

SCALE:

1:2000

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2007 09 17

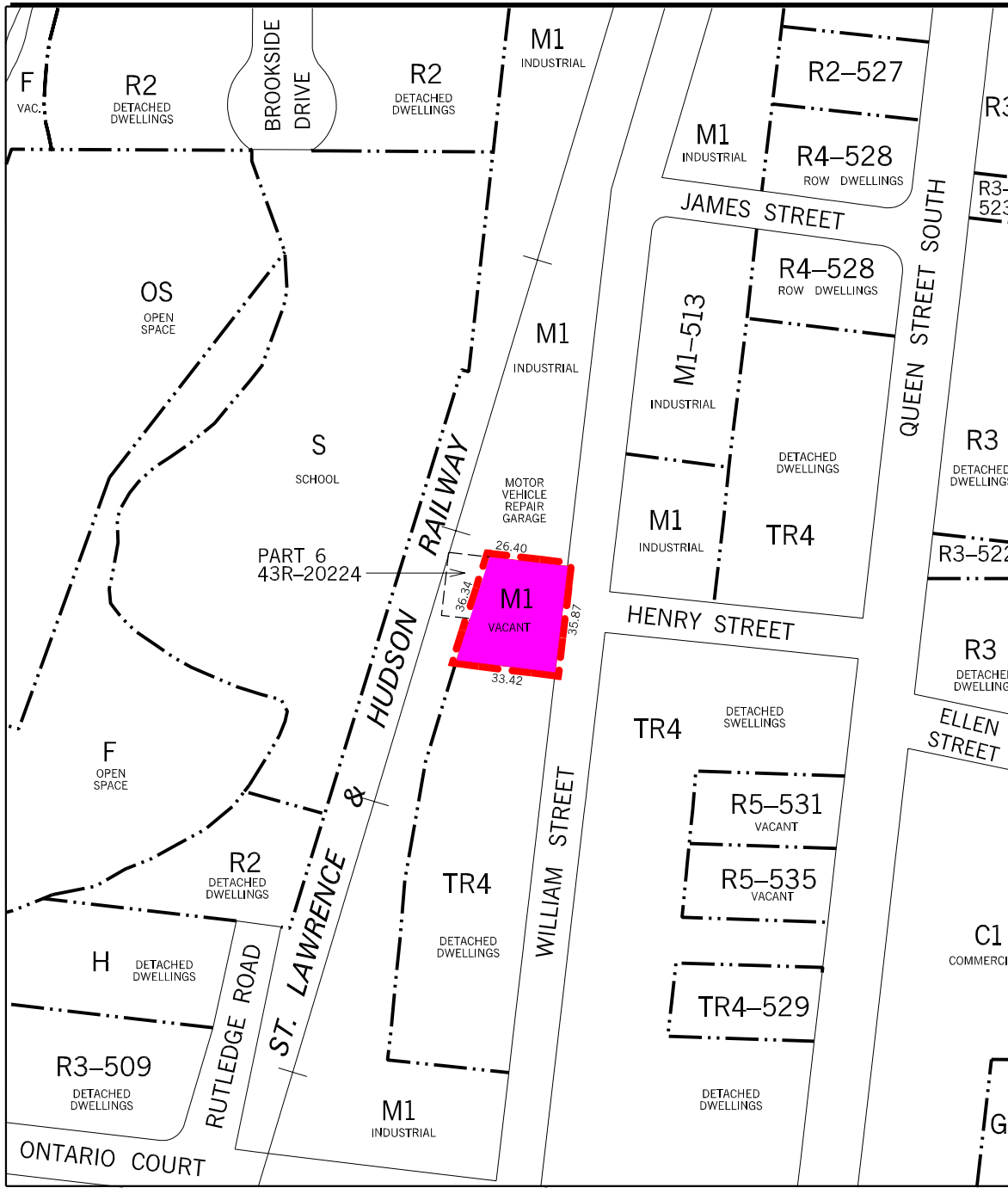
DRAWN BY:

K. PROKOP

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APPENDIX I-5a



**BY-LAW 0225-2007
(UNDER APPEAL)**

LEGEND:

[Red Shaded Area] PROPOSED OFFICIAL PLAN AMENDMENT FROM 'RESIDENTIAL MEDIUM DENSITY II' TO 'RESIDENTIAL MEDIUM DENSITY II-SPECIAL SITE' AND PROPOSED REZONING FROM 'D' (DEVELOPMENT) TO 'D-EXCEPTION' (DEVELOPMENT) TO PERMIT OUTDOOR STORAGE OF REFRIGERATION TRAILERS ON A TEMPORARY BASIS, IN ADDITION TO THE USES CURRENTLY PERMITTED.

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



**SUBJECT: QUICKCHILL DRAUGHT
REFRIGERATION (JOE PONZO)**



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APPENDIX I-5b

Agency Comments

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

Agency / Comment Date	Comment
City Transportation and Works Department (August 15, 2007)	<p>It is this Department's understanding that the applicant is not proposing any physical changes to the site. Furthermore, the applicant has confirmed that the on-site operation will be limited to outdoor storage of refrigeration trailers only and therefore will not have a negative impact from an acoustical perspective.</p> <p>Prior to the Supplementary Report proceeding to Council, a Phase 1 Environmental Site Assessment (ESA) including a letter of reliance will be required from an Environmental Consultant in order to allow the City to rely on the findings of the Phase 1 ESA report.</p> <p>Further comments will be provided prior to the Supplementary Meeting.</p>
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>Canadian Pacific Railways Region of Peel City Community Services Department – Planning, Development and Business Services Division City Corporate Services – Facilities and Property Management Division - Realty Services</p>



