



Corporate Report

Clerk's Files

Originator's
Files OZ 06/004 W3

DATE: May 6, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: May 26, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning Application
To permit a range of Business Employment uses and Greenbelt
Part of Lot 9, Concession 2, N.D.S.
West side of Tomken Road, south of Eglinton Avenue East
Owner: 6181732 Canada Inc. (Alumi-Bunk Corporation)
Applicant: John D. Rogers and Associates
Bill 20

Public Meeting **Ward 3**

RECOMMENDATION: That the Report dated April 22, 2008, from the Commissioner of Planning and Building regarding the application to change the Zoning of By-law 2007-0225 from "D" (Development) to "E2-Exception" (Employment) and "G2" (Greenbelt) to permit a range of employment uses, in addition to providing a greenbelt buffer under file OZ 06/004 W3, 6181732 Canada Inc. (Alumi-Bunk Corporation), Part of Lot 9, Concession 2, N.D.S., be received for information.

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

Initially, the rezoning application was submitted to permit a truck assembly and accessory sales, leasing and repair facility for Alumi-

Initially, the rezoning application was submitted to permit a truck assembly and accessory sales, leasing and repair facility for Alumi-Bunk Corporation. This is no longer being proposed for the site. However, the owner would like to continue with the request for the rezoning to update the zoning of the property to "E2-Exception" (Employment) and "G2" (Greenbelt) consistent with the Official Plan designation for the subject lands.

The application has been delayed in order to allow the applicant to undertake some restoration work to rectify the damage to the City owned woodlot as a result of unauthorized grading and stockpiling of materials on site.

COMMENTS:

The details of the proposal are as follows:

Development Proposal	
Application submitted:	March 6, 2006
Application revised:	March 28, 2008
Existing Gross Floor Area:	Land is vacant
Parking Required:	Any future proposal will be subject to the appropriate parking standard
Supporting Documents:	Scoped Environmental Study, Remediation Plan, Noise Feasibility Study, Planning Justification Report

Site Characteristics	
Frontage:	32.10 m (105.31 ft.)
Depth:	283 m (928.47 ft.)
Net Lot Area:	3.74 ha (9.24 ac.)
Existing Use:	Vacant

Additional information is provided in Appendices I-1 to I-9.

Neighbourhood Context

The subject property is located on the west side of Tomken Road south of Eglinton Avenue East. The site is irregular in shape with frontage on Tomken Road. A portion of the rear yard abuts a City-owned woodlot (P-353) which is classified as a "Natural Site" in the "Natural Areas Survey".

The area is in transition. There are a number of older dwellings along Tomken Road to the south of the subject lands and on the east side of Tomken Road. There has been some redevelopment on the east and west sides of Tomken Road, south of Eglinton Avenue East which includes a few stand alone restaurants, a hotel on the east side and a convenience plaza on the west side. There are currently two rezoning applications proposed on the east side of Tomken, one for a "multi-unit" industrial complex on the far east side of Sisbro Court and the other for a 434 m² (1,423.88 ft.) three unit industrial plaza to include a take-out restaurant on the south side of Sisbro Court just west of the cul-de-sac.

The surrounding land uses are described as follows:

- North: Abutting the subject lands driveway to the north on Tomken Road, is a multi-unit industrial plaza. On the North side of Eglinton Avenue East are industrial buildings.
- East: Free standing restaurants including a Tim Hortons.
- South: Vacant lands to the southwest and day care use in a residential home to the southeast. Philip Pocock Secondary School is located approximately 85 m (278.87 ft.) to the southeast of the property.
- West: City owned woodlot and Highway 403.

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

"Business Employment" which permits industrial uses including; manufacturing; accessory sales and service; hotels/motels; financial institutions; all types of restaurants; commercial schools; offices; and entertainment facilities; motor vehicle commercial

uses; transportation facilities; trucking terminals; waste processing or transfer stations and composting facilities.

The application is in conformity with the land use designation and no official plan amendments are proposed.

Airport Noise Policies

The site is located within an above 25 NEF/NEP Noise Contours which would require the applicant to undertake a noise study by a qualified acoustical consultant in accordance with Provincial Government policy to the satisfaction of the City prior to developments of sensitive land uses such as public and private schools, day care facilities, and places of religious assembly.

Existing Zoning

"D" (Development), which permits a building or structure legally existing on the date of the passing of the By-law and the existing legal use of such buildings or structures.

Proposed Zoning By-law Amendment

"E2-Exception" (Employment) to permit employment uses, offices, business activities, limited commercial, financial institutions, motor vehicle services, excluding body repair, and hospitality uses. The applicant has requested the following uses be excluded:

- Broadcasting/Communication Facility;
- Waste Processing Station;
- Waste Transfer Station;
- Composting Facility;
- Animal Care Establishment;
- Gas Bar;
- Adult Video Store;
- Adult Entertainment Establishment;
- Animal Boarding Establishment;
- Body-Rub Establishment;
- Card Lock Fuel Dispensing Facility;

- Funeral Establishment;
- Accessory Day Care.

"G2" (Greenbelt) to protect the natural heritage feature.

COMMUNITY ISSUES

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

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:

Greenbelt

Prior to the submission of the application the owner had undertaken grading and site works which resulted in encroachment and damage to the City owned woodlot. The owner has agreed to gratuitously dedicate a 4.5 m (14.76 ft.) wide greenbelt block adjacent to the City-owned woodlot. In addition, and to support the long term health of the adjacent woodlot, a Landscape area having a minimum width of 4.5 m (14.76 ft.) is required by the Zoning By-law to be located adjacent to the City woodlot, and shall be appropriately zoned.

Road Pattern

The municipal road network illustrated within this development proposal shown in Appendices I-6 and I-7, represents a change to the current Council approved road network for this area (By-Law 0134-2002) passed by Council on March 27, 2002. (Appendix I-8) The road pattern was established through a Rezoning Application under file OZ 00/008 W3 for the lands to the south of the subject lands. The proposed change in the road pattern was contemplated to accommodate for the proposed development shown on the original concept plan. (Appendix I-7).

The north/south road and the access point on Tomken Road adheres to the Council approved road network and the City has access to the City owned woodlot. The revised road pattern provides for a larger development block as it no longer bisects the property. Transportation and Works Department has no concerns with the proposed change in road pattern at this time.

Comments on the road pattern will be finalized prior to the preparation of the Supplementary Report.

Air Quality

Due to the fact that the subject lands are in such close proximity to a day care to the south and a Montessori school to the north, the Transportation and Works Department has commented that, depending on the proposed use, the applicant may be required to submit an Air Quality report. The Air Quality report shall address the potential impact of dust, odour, particulate matters and any other air quality issue that could adversely affect these surrounding sensitive land uses.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to the proposed road pattern, proposed access to the woodlot, and remediation plan for the proposed "G" zone that will require the applicant to enter into appropriate agreements with the City. Since there is no proposed development at this time, the City will require that the applicant enter into the appropriate agreements with respect to submitting an Air Quality Report at the site plan stage.

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 agencies and City departments' comments have been received and after the public meeting has been held and all issues

have been 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 - Aerial Photograph
- Appendix I-3 - Excerpt of Northeast District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 – Agency Comments
- Appendix I-6 –Original Context Map
- Appendix I-7 – Revised Concept Plan
- Appendix I-8 – Council Approved Road Pattern
- Appendix I-9 – General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Nicole Pettenuzzo, Development Planner

Site History

- April 13, 1987 – Council adopted a road pattern to be used as a guideline in evaluating applications in the Eglinton Avenue East and Tomken Road area.
- March 27, 2002 – Zoning By-law (0134/02) came into effect for the lands to the south to zone the lands M1-2594. As part of the rezoning application under file OZ 00/008 W3, a municipal road pattern was established for the lands on the west side of Tomken Road and south of Eglinton Avenue.
- May 5, 2003 – The Region of Peel approved Mississauga Plan Policies for the Northeast District, designating the subject lands as "Business Employment".
- June 20, 2007 – Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed the provisions of the new By-law apply. The subject lands are zoned "D" (Development).



LEGEND:

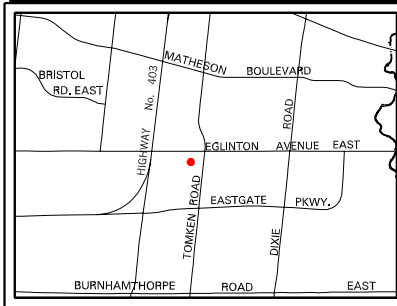


SUBJECT LANDS

NOTE: DATE OF AERIAL PHOTO 2007



SUBJECT: JOHN D. ROGERS and ASSOCIATES INC.



FILE NO:	OZ 06004 W3
DWG. NO:	06004R
SCALE:	NTS
PDC DATE:	2008 05 26
DRAWN BY:	N.H.K.P.










APPENDIX 1-2

MISSISSAUGA
Planning and Building

*Produced by
T&W, Geomatics*

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




LAND USE DESIGNATIONS

-  General Commercial
-  Motor Vehicle Commercial
-  Business Employment
-  Industrial
-  Open Space
-  Private Open Space
-  Greenbelt
-  Utility
-  Parkway Belt West

TRANSPORTATION LEGEND

-  Provincial Highway and Interchange
-  Arterial
-  Possible future Arterial (conceptual)
-  Major Collector
-  Minor Collector
-  Local Road
-  Transitway
-  Transitway Station
-  Major Transit Corridor

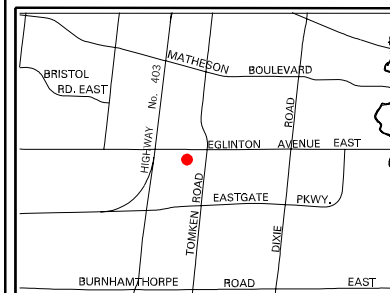
LAND USE LEGEND

-  LBPIA Operating Area Boundary – See Aircraft Noise Policies
- Note: In Northeast, this includes all lands north of Eglinton/Dixie/Matheson indicated on map 1 of 2
- CP – City Park
- C – Community Park
- Cem – Cemetery
-  – 1996 NEP /2000 NEF Composite Noise Contours
-  Planning District

 **SUBJECT LANDS**



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FILE NO:
OZ 06004 W3

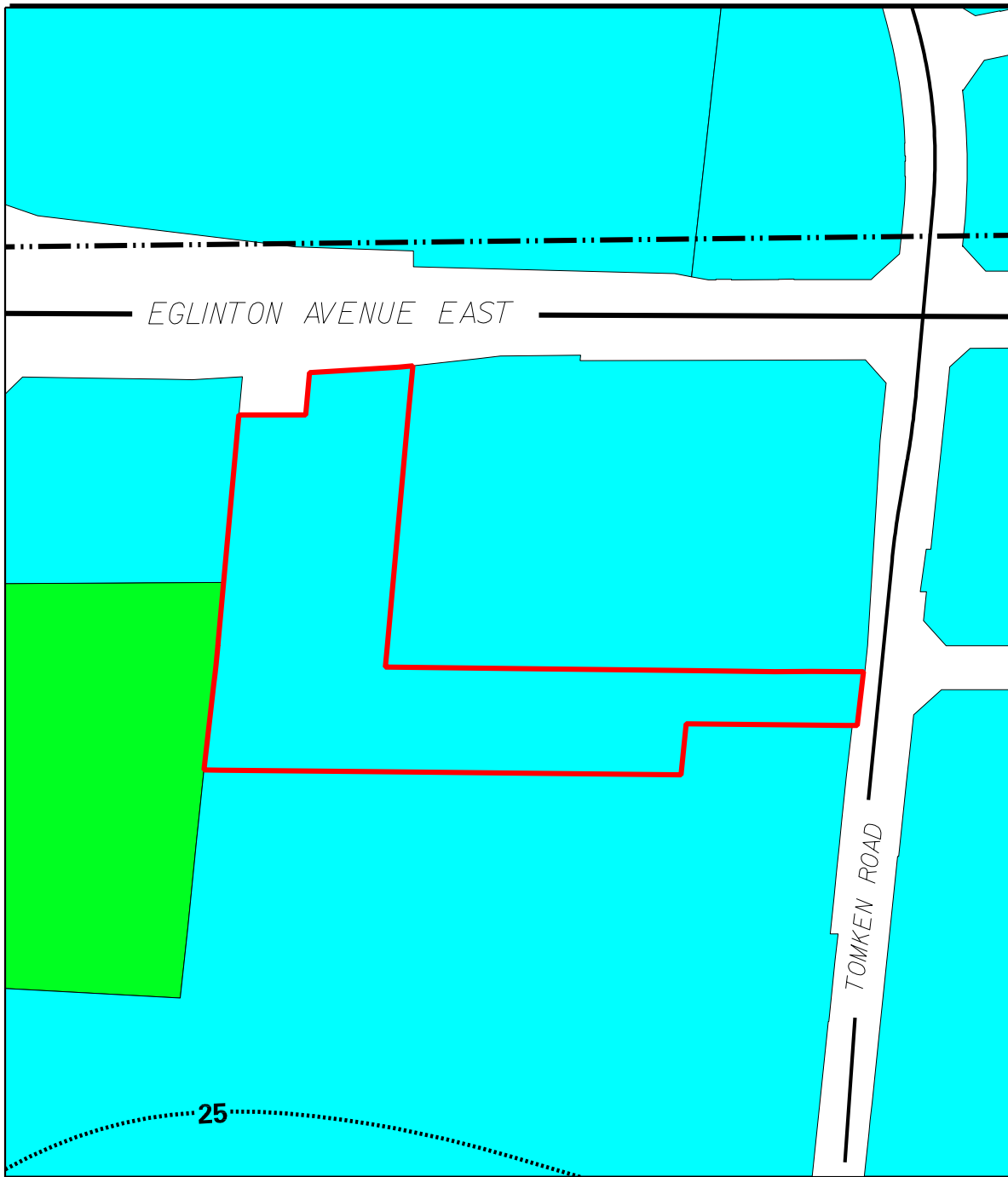
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06004L

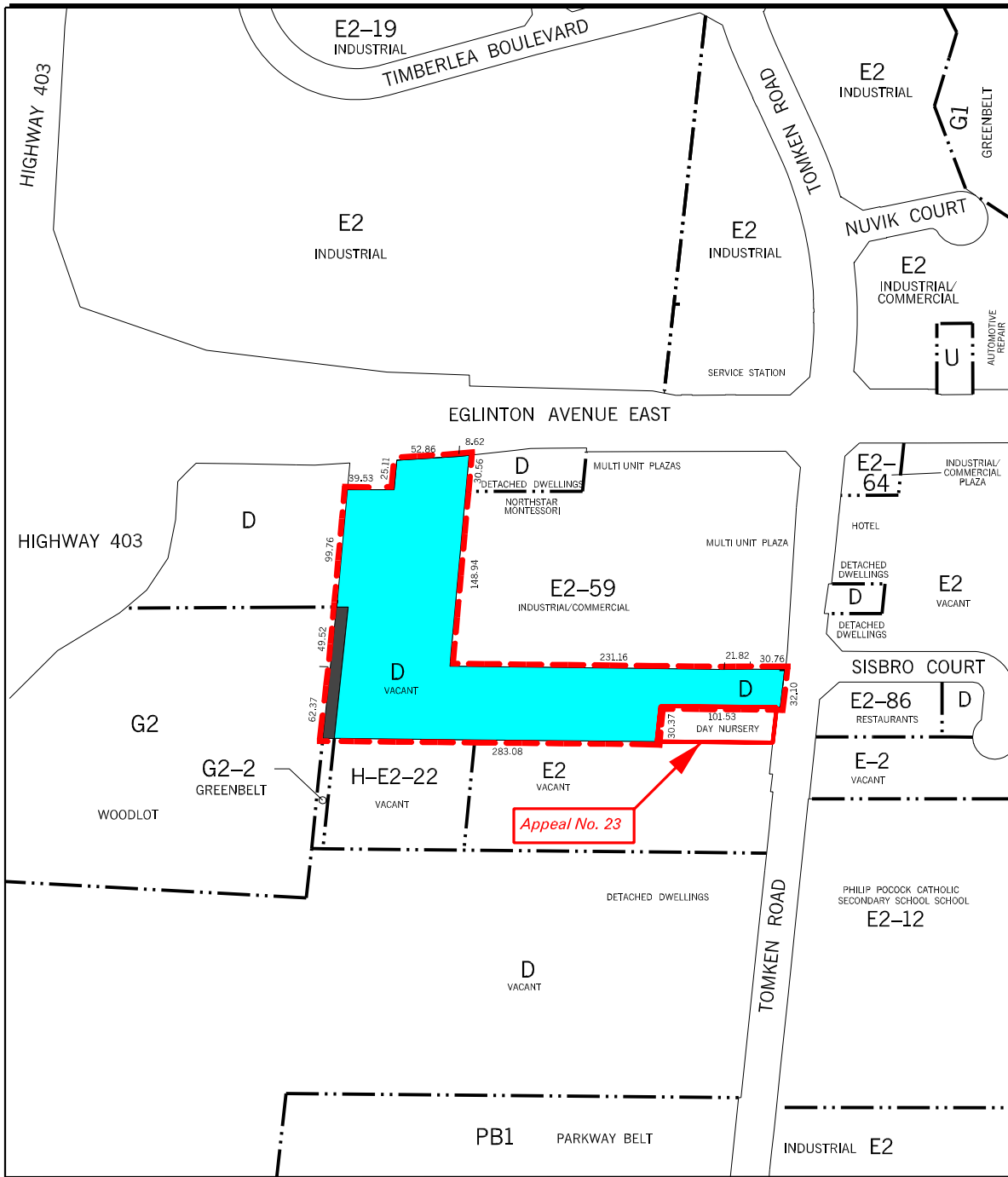
SCALE:
NTS

PDC DATE:
2008 05 26

DRAWN BY:
N.H.K.P.

APPENDIX 1-3

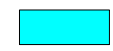




LEGEND:



SUBJECT LANDS



PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "E2-EXCEPTION" (EMPLOYMENT) TO PERMIT A RANGE OF BUSINESS EMPLOYMENT USES AND GREENBELT.

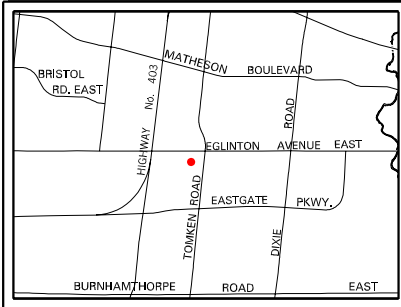


PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G2" (GREENBELT).

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



SUBJECT: JOHN D. ROGERS and ASSOCIATES INC.



FILE NO:
OZ 06004 W3

DWG. NO:
06004R

SCALE:
1: 5000

PDC DATE:
2008 05 26

DRAWN BY:
N.H.K.P.

APPENDIX I-4

MISSISSAUGA
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Alumi-Bunk Corporation

File:OZ 06/004 W3

Agency Comments

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

Agency / Comment Date	Comment
Ministry of Transportation (December 13, 2006)	<p>In general, future development of the rezoned lands, including new buildings, proposed accesses, roads, sewers, etc., will require Ministry review and approval. Ministry permits are required for all structures above and below ground, located within 396 m (1,299.21 ft.) from the Highway 403 and Eglinton Avenue intersection.</p> <p>During the site plan approval process for the above noted site, Alumi-Bunk Corporation will be required to submit to the Ministry of Transportation for their review and approval a full scale (1:500) site plan and a site servicing and grading plan.</p>
City Community Services Department – Planning, Development and Business Services Division (March 13, 2008)	<p>In comments dated March 13, 2008, this Department indicated that prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws.</p> <p>Prior to the submission of the subject application, the owner conducted grading and site works which resulted in the encroachment of fill and damage to the City-owned woodlot (P-353), located adjacent to the subject property. As compensation, the owner has agreed to gratuitously dedicate a 4.5 m (14.8 ft.) wide greenbelt block adjacent to the City-owned woodlot. In addition, and to support the long term health of the adjacent woodlot, a natural buffer area having a minimum width of 4.5 m(14.76 ft.) is required to be located adjacent to the City woodlot, and shall be appropriately zoned.</p> <p>Access to the City-owned woodlot is being provided by way of a 12 m (39.37 ft.) wide access route to be dedicated to the City, having a connection to a public road.</p> <p>Should the subject application be approved, securities for hoarding, fencing and clean-up works will be required."</p>
City Transportation and Works Department (March 13, 2008)	Comments updated April 16, 2008 state that the applicant is to provide a detailed engineering drawing depicting the functional alignment of all proposed municipal rights-of-way

Alumi-Bunk Corporation

File:OZ 06/004 W3

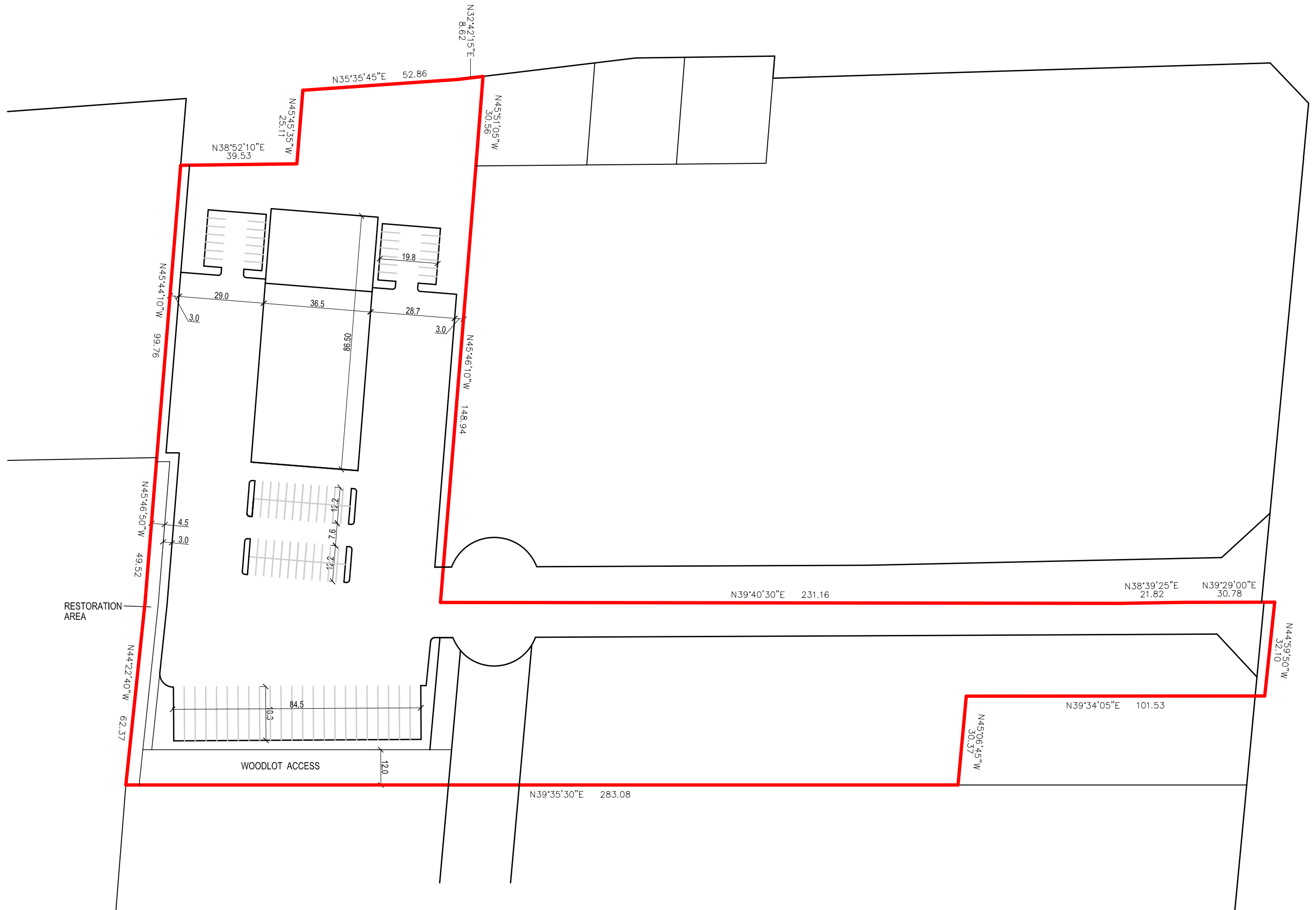
Agency / Comment Date	Comment
	<p>and major services.</p> <p>It was further noted that the municipal road network illustrated within this development proposal represents a change to the current Council Approved Road Network for this area (By Law 0134-2002) passed by Council on March 27, 2002.</p> <p>Comments on the above will be finalized prior to the preparation of the Supplementary Report.</p>
Region of Peel	<p>Regional staff have reviewed this Zoning By-law Amendment Application and are pleased to advise that we have no objection and require no conditions of approval.</p> <p>The subject land is not located within the vicinity of a landfill.</p> <p>Municipal water services consist of a 300 mm diameter watermain on Future Right of Way.</p> <p>Municipal sanitary services consist of a 250 mm diameter sanitary sewer on Future Right of Way.</p> <p>Please be advised that external easements and construction may be required at the applicant's expense for both water and sanitary sewer site services.</p> <p>On-site waste collection will be required through a private waste hauler.</p>
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 Development Services Fire Protection – Community Services Bell Canada Enersource Hydro Mississauga</p>

Alumi-Bunk Corporation**File:OZ 06/004 W3**

Agency / Comment Date	Comment
	Enbridge Pipelines Inc.
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <p>Hydro One Networks Inc. Mississauga Transit Enbridge Gas Distribution Inc. Sun-Canadian Pipe Line Company Ltd. Trans-Northern Pipelines Inc. Imperial Oil Products & Chemical Division (ESSO) Canada Post</p>

EGLINTON AVENUE EAST

TOMKEN ROAD

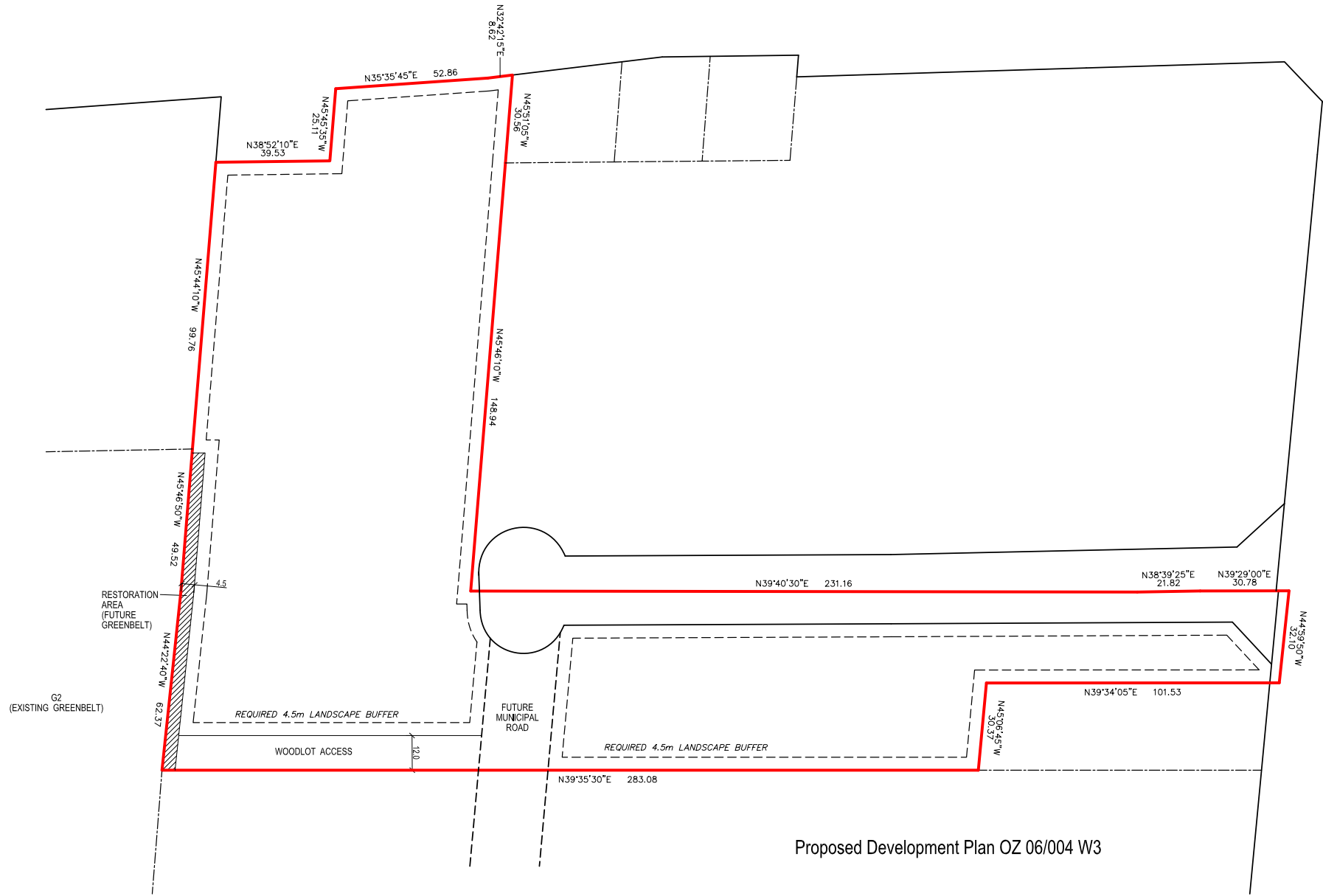


RESTORATION AREA

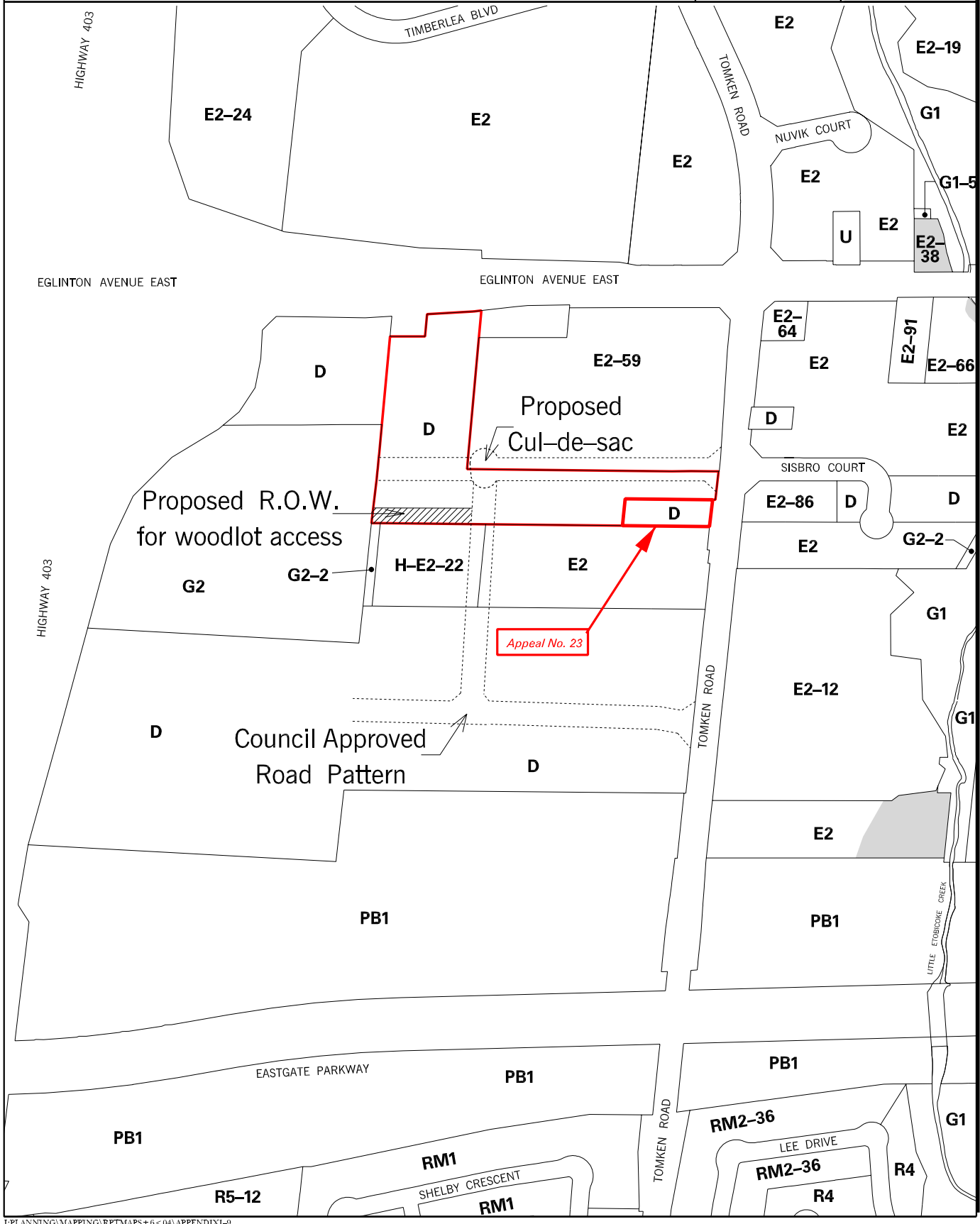
WOODLOT ACCESS

EGLINTON AVENUE EAST

TOMKEN ROAD



Proposed Development Plan OZ 06/004 W3

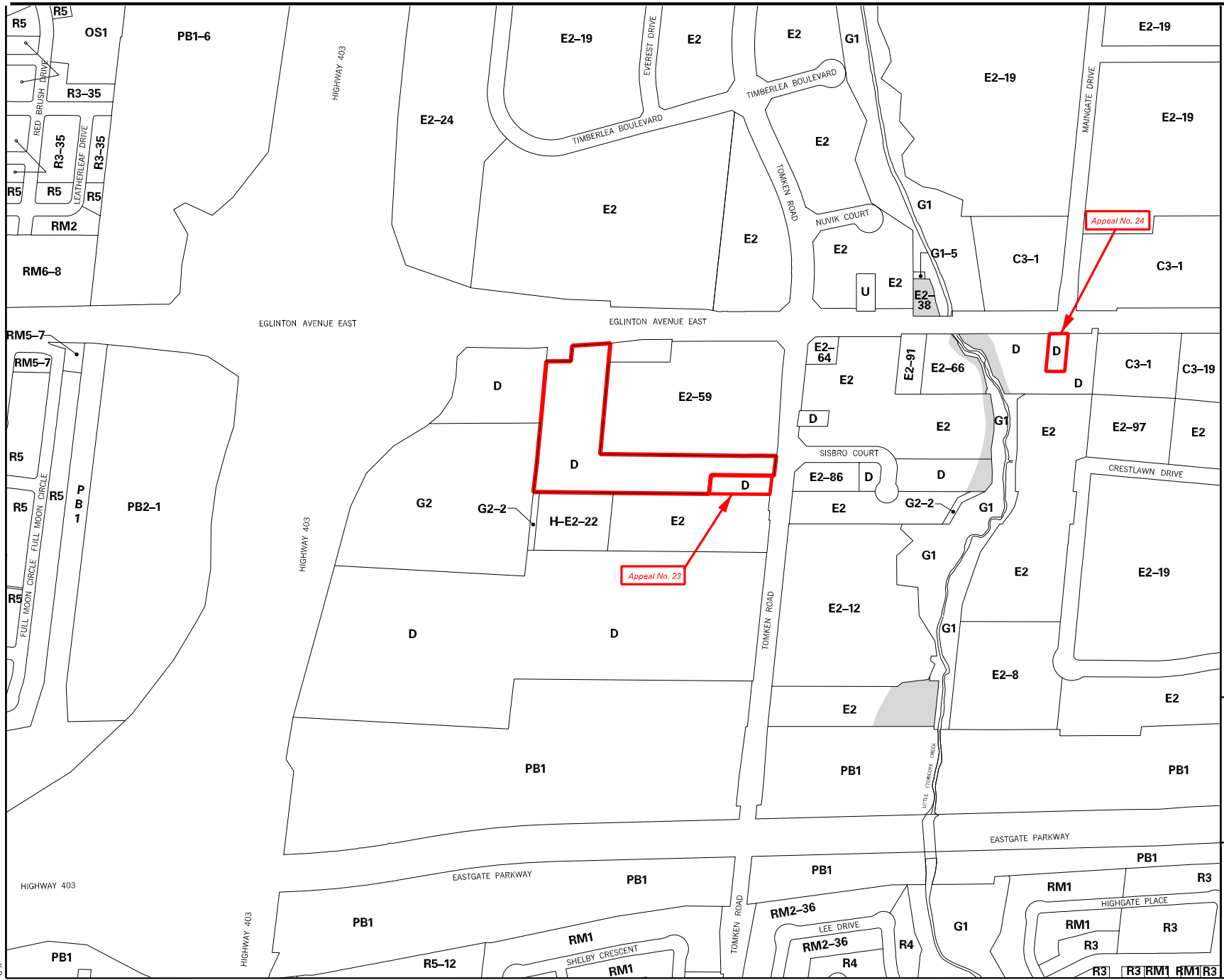


Proposed R.O.W.
for woodlot access

Proposed
Cul-de-sac

Appeal No. 23

Council Approved
Road Pattern



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