



Corporate Report

Clerk's Files

Originator's
Files BL.09-COM W10

DATE: May 20, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 9, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning Application
To delete the 60 m (196.8 ft.) minimum separation distance
requirement for restaurants from the lot line of a Residential
Zone
3945 Doug Leavens Boulevard
Northeast corner of Doug Leavens Boulevard and Ninth Line
Owner: Second Terragar Holdings Ltd.
Applicant: Deanlee Management Inc.
Bill 51

Public Meeting **Ward 10**

RECOMMENDATION: That the Report dated May 20, 2008, from the Commissioner of Planning and Building regarding the application to change the Zoning from "C1" (Convenience Commercial) to "C1-Exception" (Convenience Commercial) in By-law 0225-2007, to delete the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone, previously permitted under By-law 5500 under file BL.09-COM W10, 3945 Doug Leavens Boulevard be received for information.

BACKGROUND:

On February 27, 2008, City Council adopted Resolution 0045-2008 directing staff to prepare an amending by-law to remove the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone for lands located at 3945 Doug Leavens Boulevard (see Appendix I-1).

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

COMMENTS:

Details of the proposal are as follows:

Existing Zoning

"C1" (**Convenience Commercial**), which permits a range of commercial uses including retail, service and office uses with a minimum 60 m (196.8 ft.) separation distance requirement for restaurants from the lot line of a Residential Zone.

Proposed Zoning By-law Amendment

"C1 - Exception" (**Convenience Commercial**), to permit the same range of commercial uses including retail, service and office uses, but delete the 60 m (196.8 ft.) requirement for restaurants from the lot line of a Residential Zone as previously permitted under By-law 5500.

The applicant was granted relief from the minimum separation distance requirement, through rezoning application OZ 43/94 W9 that was approved by Council on May 10, 1995. When the new Zoning By-law 0225-2007 was passed by Council, the relief from the requirement was not carried forward.

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

CONCLUSION:

After the public meeting has been held, the Planning and Building Department will be in a position to make a recommendation regarding this application.

ATTACHMENTS:

Appendix I-1 - Council Resolution 0045-2008

Appendix I-2 - Site History

Appendix I-3 - Aerial Photograph

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

Appendix I-5 - Excerpt of Existing Land Use Map

Appendix I-6 - General Context Map

original signed by

Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Marianne Cassin, Manager Zoning By-law Review



RESOLUTION NO: 0045-2008 Page 1 of 2

102
5/2/08

Date: February 27, 2008

File: J.M. Fadden

Moved by: J.M. Fadden

Seconded by: Lachie Mahoney

WHEREAS pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, on June 20, 2007, Council adopted By-law 0225-2007, being a new Mississauga Zoning By-law for all of the City of Mississauga;

AND WHEREAS upon the coming into force and effect of the Mississauga Zoning By-law or any portion thereof, the previous Zoning By-laws: By-law 5500, as amended, (Town of Mississauga Zoning By-law) or any portion thereof; By-law 1227, as amended, (Town of Port Credit Zoning By-law) or any portion thereof; By-law 65-30, as amended, (Town of Streetsville Zoning By-law) or any portion thereof; and By-law 1965-136, as amended, (Town of Oakville Zoning By-law covering lands in the City of Mississauga) or any portion thereof, were repealed;

AND WHEREAS a property located at 3945 Doug Leavens Boulevard, northeast corner of Doug Leavens Boulevard and Ninth Line, was previously zoned DC-1936 in Zoning By-law 5500, which exempted the requirement of a 60 m (196.8 ft.) minimum separation distance of a restaurant use from the lot line of a residential zone;

AND WHEREAS the new Zoning By-law 0225-2007 reinstated the 60 m (196.8 ft.) minimum separation distance of a restaurant use from the lot line of a residential zone;



RESOLUTION NO: 0045-2008 Page _____ of _____

Date: February 27, 2008

File: _____

Moved by: [Signature]

Seconded by: [Signature]

AND WHEREAS Council adopted Resolution 0136-2007, which included, "That any landowner with a prior approval may request Council to authorize an Exception Zone that would recognize a prior approval, as long as the request is received within one (1) year of passing of the new Zoning By-law";

NOW THEREFORE LET IT BE RESOLVED THAT City Council direct representatives of the Planning and Building Department to prepare an amending by-law to By-law 0225-2007 to remove the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a residential zone for lands known as 3945 Doug Leavens Boulevard, northeast corner of Doug Leavens Boulevard and Ninth Line, to be brought forward to a public meeting of Planning and Development Committee and subsequent consideration by Council, all in accordance with the requirements of the Planning Act, as amended.

[Signature]
Mayor

Site History

- May 24, 1995 - City Council passed By-law 210-95 to amend By-law 5500 to permit a range of commercial uses and delete the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone;
- June 20, 2007 - Mississauga 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 "C1" (Convenience Commercial) and permit a range of commercial uses with a 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone.



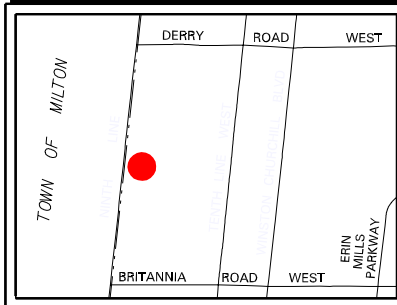
LEGEND:

 **SUBJECT LANDS**

DATE OF AERIAL PHOTO: 03 2007

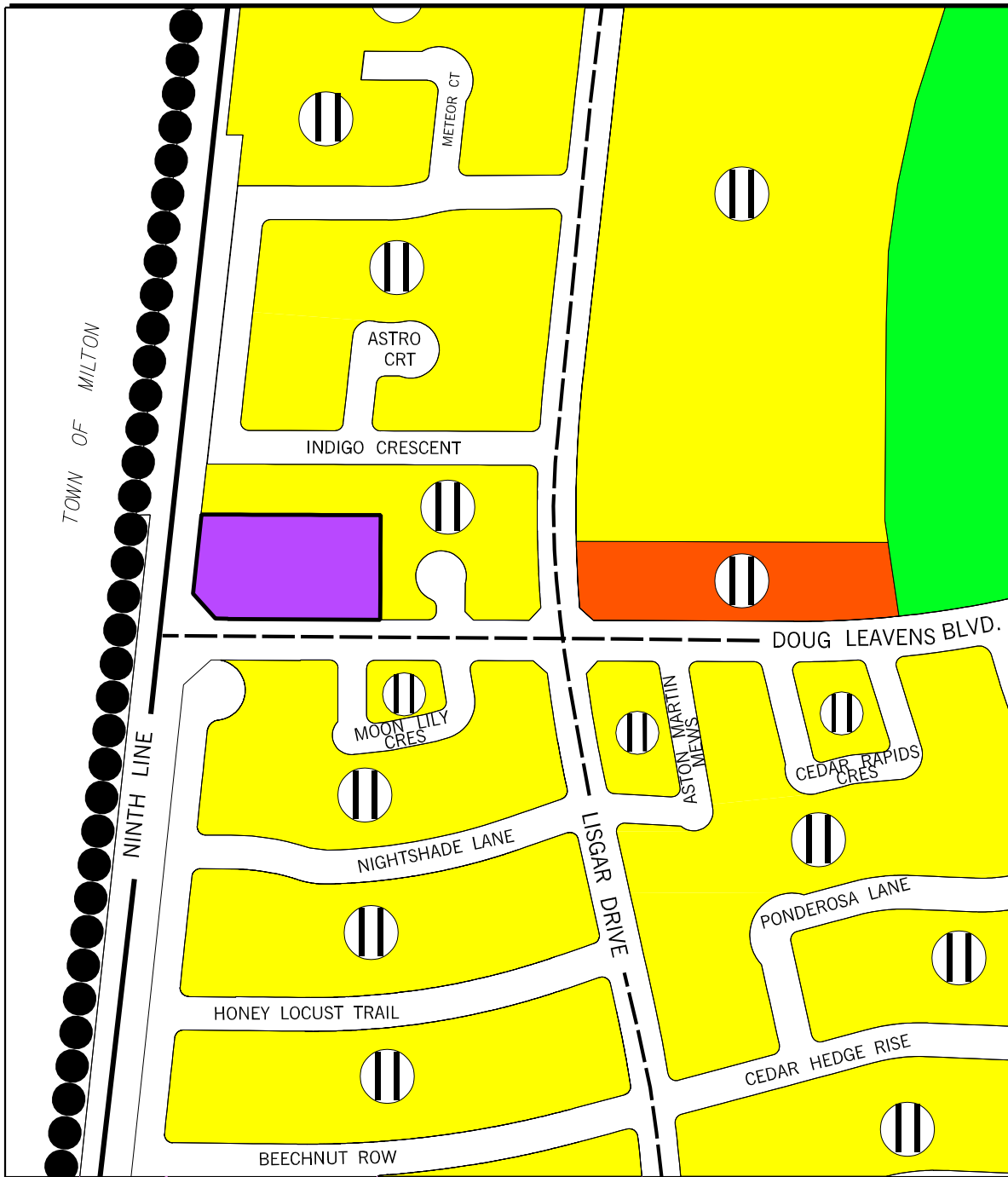


SUBJECT:
DEANLEE MANAGEMENT INC.



FILE NO: BL.09.COM DLB
DWG. NO: BL09COM DLB.DGN
SCALE: 1:2500
PDC DATE: 2008 06 09
DRAWN BY: K. PROKOP

APPENDIX 1-3



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

LAND USE DESIGNATIONS

- Residential - Low Density I
- Residential - Low Density II
- Residential - Medium Density I
- Residential - Medium Density II
- General Commercial
- Convenience Commercial
- Motor Vehicle Commercial
- Public Open Space
- Greenbelt
- Utility

TRANSPORTATION LEGEND

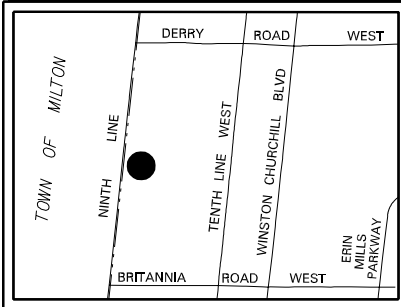
- Provincial Highway and Interchange
- Arterial
- Major Collector
- Minor Collector
- Local Road
- Existing Commuter Rail
- Future Commuter Rail Station

LAND USE LEGEND

- Cem - Cemetery
- Existing Stormwater Management Facility
- Planning District
- Special Site Areas (See Special Site Policies)

SUBJECT LANDS

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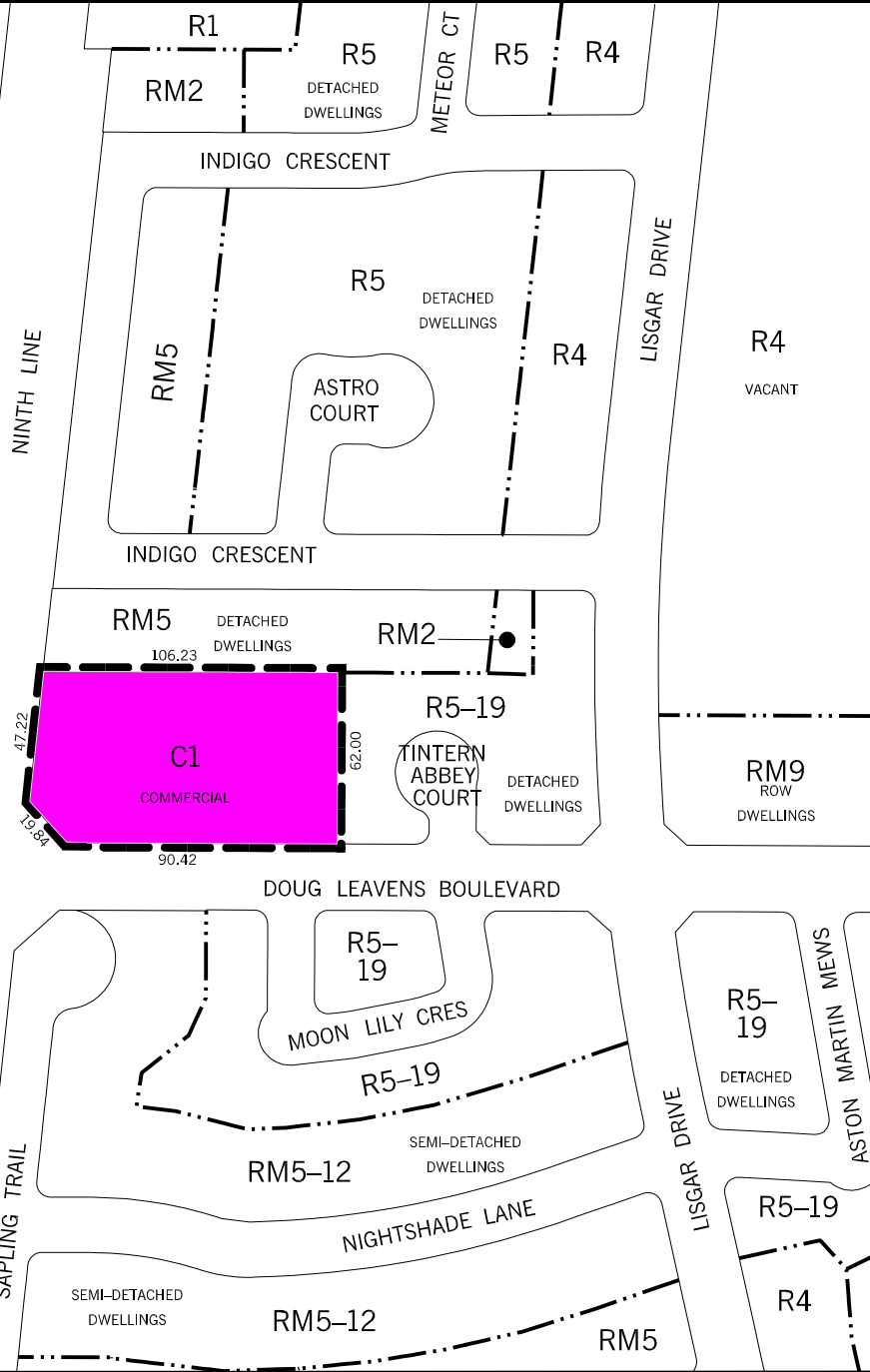
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SCALE:
NTS

PDC DATE:
2008 06 09

DRAWN BY:
K. PROKOP

TOWN OF MILTON



LEGEND:



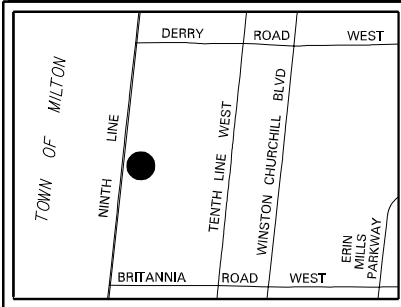
PROPOSED REZONING FROM 'C1' TO 'C1-EXCEPTION' TO PERMIT AN EXEMPTION FROM THE MINIMUM 60m SETBACK FROM A RESTAURANT TO A RESIDENTIAL ZONE PREVIOUSLY PERMITTED UNDER BY-LAW 5500.

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



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APPENDIX I-5

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

TOWN OF MILTON

