



Corporate Report

Clerk's Files

Originator's
Files OZ 07/018 W2

DATE: October 14, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: November 3, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Official Plan Amendment and Rezoning Applications
To permit day care and office uses in a
proposed two storey building
1261 Southdown Road
East side of Southdown Road, south of Truscott Drive
Owner: Nasir Hamid Choudhry and Yasmin Nasir Choudhry
Applicant: Glen Schnarr and Associates Inc.
Bill 51

Public Meeting **Ward 2**

RECOMMENDATION: That the Report dated October 14, 2008, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan from "Residential Low Density II" to "Residential Low Density II - Special Site" and to change the Zoning from "R3-1" (Detached Dwelling) to "R3 - Exception" (Detached Dwelling, Day Care and Office) in By-law 0225-2007, to permit day care and office uses in a proposed two storey building under file OZ 07/018 W2, Nasir Hamid Choudhry and Yasmin Nasir Choudhry, 1261 Southdown Road, be received for information.

BACKGROUND:

The above-noted applications have been circulated for technical comments and a community meeting was held on September 16, 2008.

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

COMMENTS:

The applicant is proposing a two storey building which would contain a day care facility on the ground floor and offices on the second floor. The applicant is also requesting permission to allow the building to be used entirely for one of those uses should the other prove to not be viable.

Details of the proposal are as follows:

Development Proposal	
Applications submitted:	September 21, 2007 (submitted) October 31, 2007 (deemed complete) September 26, 2008 (application revised)
Gross Floor Area:	318.50 m ² (3,428.42 sq. ft.)
Height:	Two (2) storeys
Lot Coverage:	16 %
Landscaped Area:	45%
Parking Required:	3.2 spaces/100.00 m ² (1,076.42 sq. ft.) GFA for office use or 5 spaces based on the current concept plan; 2.5 spaces/100.00 m ² (1,076.42 sq. ft.) GFA for day care use or 4 spaces based on the current concept plan; (Total requirement of 9 parking spaces, including 1 parking space for persons with disabilities. Should the building be used for only office uses, a total of 10 parking spaces would be required)
Parking Provided:	10 spaces including 1 parking space for persons with disabilities
Supporting	Planning Justification Report

Development Proposal	
Documents:	Tree Preservation Plan Noise Report Traffic Impact Study Stormwater Drainage Report

Site Characteristics	
Frontage:	27.19 m (89.21 ft.) on Southdown Road
Depth:	45.72 m (150.00 ft.)
Net Lot Area:	0.09 ha (0.22 ac.)
Existing Use:	Day care use in a converted two (2) storey dwelling.

Green Development Initiatives

There have been no green development initiatives identified at this time.

Additional information is provided in Appendices I-1 to I-8.

Neighbourhood Context

The subject property is located in the Clarkson Lorne Park District on the east side of Southdown Road and south of Truscott Drive. A day care known as "Southdown Tot Town Day Care" is currently operating at this location within the existing building. The property is relatively flat and contains a small number of large trees which are proposed to be removed. The property abuts a hydro corridor on the south side which contains an underground pipeline. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

North: Townhouse dwellings and detached dwelling
East: Detached dwellings
South: Hydro corridor
West: Across Southdown Road are semi-detached dwellings and townhouse dwellings

Current Mississauga Plan Designation and Policies for the Clarkson-Lorne Park District (May 5, 2003)

"Residential Low Density II" which permits detached dwellings, east of Southdown Road, at a maximum density of 15 units per net residential hectare (6 units per net residential acre). The applications are not in conformity with the land use designation as office uses are not permitted. Day care facilities are included as Community Uses in Mississauga Plan and are permitted in all land use designations, except Greenbelt and areas affected by aircraft noise.

There are other policies in the Official Plan which also are applicable in the review of these applications including:

Urban Design Policies

Section 4.7.3.1 - Community Identity and Focus

- a. Developments should be compatible with and enhance the character of Clarkson-Lorne Park as a diverse established community by integrating with the surrounding area.

Natural Gas and Oil Pipelines Policies in Mississauga Plan

Section 3.14.3.2 - Natural Gas and Oil Pipelines is applicable to the proposed development. This section indicates that setbacks of a residence, place of work, or public assembly to an oil or gas easement or associated structure, and an appropriate building design, will be determined based on the type of pipeline, stress level of the pipeline and shall take into consideration the *Guidelines for Development in the Vicinity of Oil and Gas Pipeline Facilities* prepared by the Technical Standards Safety Authority.

Criteria for Site Specific Official Plan Amendments

Section 5.3.2 of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;
- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

Proposed Official Plan Designation and Policies

"Residential Low Density II - Special Site" to permit offices, excluding medical and real estate offices, in addition to the uses permitted.

Existing Zoning

"R3-1" (Detached Dwelling), which permits detached dwellings. A day care is permitted only in the zones included in Table 2.1.9.4, which includes R3 zones, and on properties having frontage on a street identified on Schedule 2.1.9.2 (1) or (2) - Street Location Criteria for Private Schools and Day Cares. Southdown Road is identified on Schedule 2.1.9.2 (2). In addition, Table 2.1.9.4 requires a minimum setback of a parking area to a Residential Zone, and a minimum setback of a parking area to an abutting lot in a Residential Zone of 4.5 m (14.7 ft.).

Proposed Zoning By-law Amendment

"R3-Exception" (Detached Dwelling, Day Care and Office), to permit office uses, excluding medical and real estate offices, in addition to the uses permitted, having a maximum gross floor area of 320.0 m² (3,444.5 sq. ft.).

As part of the rezoning, the applicant is proposing that the following standards be applied:

	Required Zoning By-law Standard	Proposed Standard
Parking	2.5 spaces/100.00 m ² (1,076.42 sq. ft.) GFA for day cares 3.2 spaces/100.00 m ² (1,076.42 sq. ft.) GFA for offices	No change No change
Minimum setback of a day care parking area to an abutting lot in a Residential Zone	4.5 m (14.76 ft.)	3.5 m (11.48 ft.)
Maximum Height – Highest Ridge (Sloped Roof)	9.5 m (31.17 ft.)	No change
Minimum Front Yard Setback	7.5 m (24.61 ft.)	No change
Minimum Rear Yard Setback	7.5 m (24.61 ft.)	No change
Minimum Side Yard Setback	1.8 m (5.91 ft.) + 0.61 m (2.00 ft.) for each additional storey or portion thereof above one (1) storey	No change

COMMUNITY ISSUES

A community meeting was held by Ward 2, Councillor Patricia Mullin on September 16, 2008. The following is a summary of the issues raised:

Comment

Concerns were raised about the building elevations submitted with the proposal and the need for the building to better fit into the character of the neighbourhood.

Response

After consulting with Planning staff, the applicant has submitted revised building elevations (see Appendix I-6).

Comment

Concerns were raised by an area resident on Ambridge Court regarding the removal of trees on the property as they act as a noise buffer to her property. Additional concerns were raised about the lack of landscape features illustrated on the conceptual site plan.

Response

The applicant is in the process of consulting with Planning staff to determine which existing trees can be preserved in addition to identifying opportunities for new plantings. The applicant will be required to submit a site plan application in accordance with city requirements which includes the submission of a landscape plan for the proposed development. The applicant indicated that a preliminary landscape plan will be presented at the Planning and Development Committee meeting.

Comment

An inquiry was made as what type of tenants would occupy the office component of the building and what types of hours of operation could be expected.

Response

The applicant stated that a tenant for the office component of the building had not been confirmed, however, the use would be a professional office. If the applications are approved, the amending by-law will prohibit medical and real estate office uses. While office uses typically have hours of operation between 8:30 a.m. and 5:00 p.m., the City does not have the authority to regulate hours of operation.

Comment

Concerns were raised regarding the parking area being at the front of the lot rather than at the rear, as well as the building not being brought up to the street edge.

Response

In order to accommodate the vehicular movements associated with drop-off and pick-up periods for the proposed daycare, a circular driveway is being proposed. The circular driveway would facilitate the one way flow of vehicular movement. Given that the lot becomes increasingly narrow towards the rear, it would be unfeasible to locate the parking area and driveway behind the building. In addition, the rear of the lot, which abuts residential rear yards, is better suited to accommodate a children's play area than it is a parking area. It should be noted that this area of Southdown Road does not have a defined street wall, as such, a recessed building would not affect the existing streetscape.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7. Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

- The identification of any sustainable green technology to be used in the proposed development.
- A revised stormwater drainage report will be required in order to address any potential conflicts relating to connections with the existing storm sewer along Southdown Road.

OTHER INFORMATION**Development Requirements**

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to noise, fencing, stormwater management techniques and storm sewer

connections which will require the applicant to enter into appropriate agreements with the City. In addition, the applicant is required to obtain site plan approval for the proposed development.

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 these applications.

ATTACHMENTS:

- Appendix I-1 - Site History
- Appendix I-2 - Aerial Photograph
- Appendix I-3 - Excerpt of Clarkson-Lorne Park District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 - Concept Plan
- Appendix I-6 - Elevations
- Appendix I-7 - Agency Comments
- Appendix I-8 - General Context Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: David Breveglieri, Development Planner

**Nasir Hamid Choudhry and
Yasmin Nasir Choudhry**

File: OZ 07/018 W2

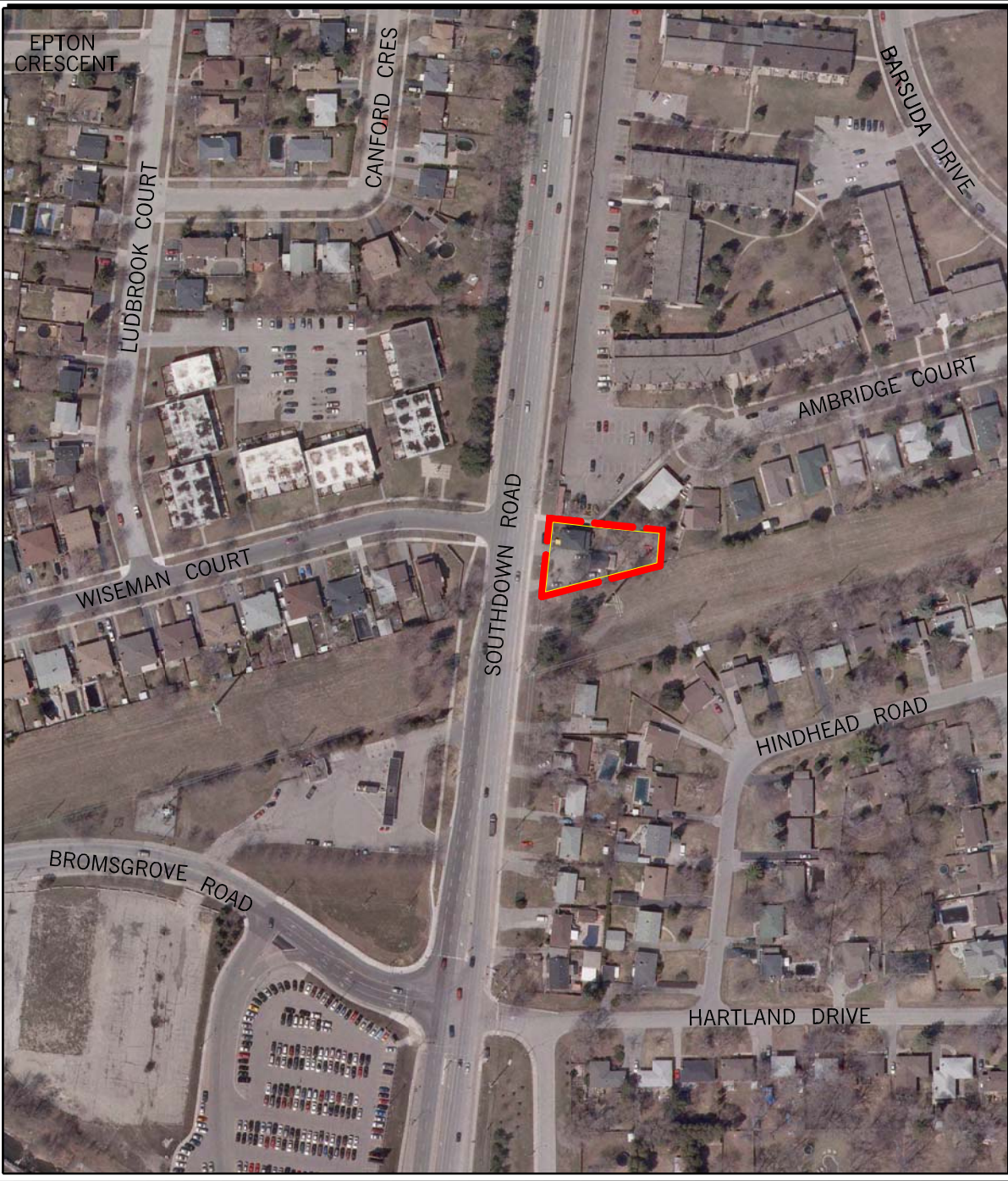
Site History

- September 20, 1979 - A minor variance was granted under file 'A' 382/79 to permit the existing dwelling to be used for office uses for a temporary period of two years.
- February 4, 1982 - A minor variance was granted under file 'A' 039/82 to continue to permit the dwelling to be used for office uses for a temporary period of two years subject to the applicant applying for a rezoning application.
- March 21, 1984 – An application was submitted under file OZ 021/84 W2 to re-designate the property to Commercial and to rezone the property to permit office uses. The application was subsequently abandoned and formally cancelled in September 1996.
- March 29, 1984 - A minor variance was granted under file 'A' 171/84 to continue to permit the dwelling to be used for office uses for a temporary period of two years.
- December 5, 1985 - A minor variance was granted under file 'A' 633/85 to permit a day care facility for a temporary period of three years subject to the applicant submitting an application for Site Plan approval.
- January 28, 1986 - A Site Plan application was submitted under file SP 035/86 W2 to convert the existing dwelling into a day care facility. The application was approved on March 26, 1986.
- October 12, 1989 - A minor variance was granted under file 'A' 638/89 to continue to permit the day care facility and to permit off-site parking on the abutting Hydro lands subject to the approval of an amended Site Plan. The minor variance was granted for a temporary period of three years.
- May 16 1990 – A revised Site Plan was submitted under file SP 035/86 (R1-90) W2 illustrating a revised parking configuration for the day care facility. The application was approved on March 4, 1992.
- November 21, 1991 – A minor variance was granted under file 'A' 583/91 to continue to permit the day care facility with a reconfigured parking layout and no off-site parking subject to the approval of an amended Site Plan. The variance was granted for a temporary period of five years.

**Nasir Hamid Choudhry and
Yasmin Nasir Choudhry**

File: OZ 07/018 W2

- December 5, 1996 - A minor variance was granted under file 'A' 579/96 to continue to permit the day care facility for a temporary period of five years.
- November 15, 2001 - A minor variance was granted under file 'A' 776/01 to continue to permit the day car facility for a temporary period of five years.
- May 5, 2003 – The Region of Peel approved the Mississauga Plan Policies for the Clarkson-Lorne Park District, designating the subject lands "Residential Low Density II".
- February 8, 2007 - A minor variance was granted under file 'A' 062/07 to continue to permit the day care facility for a temporary period of five years.
- 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 "R3-1" (Detached Dwelling).



LEGEND:



SUBJECT LANDS

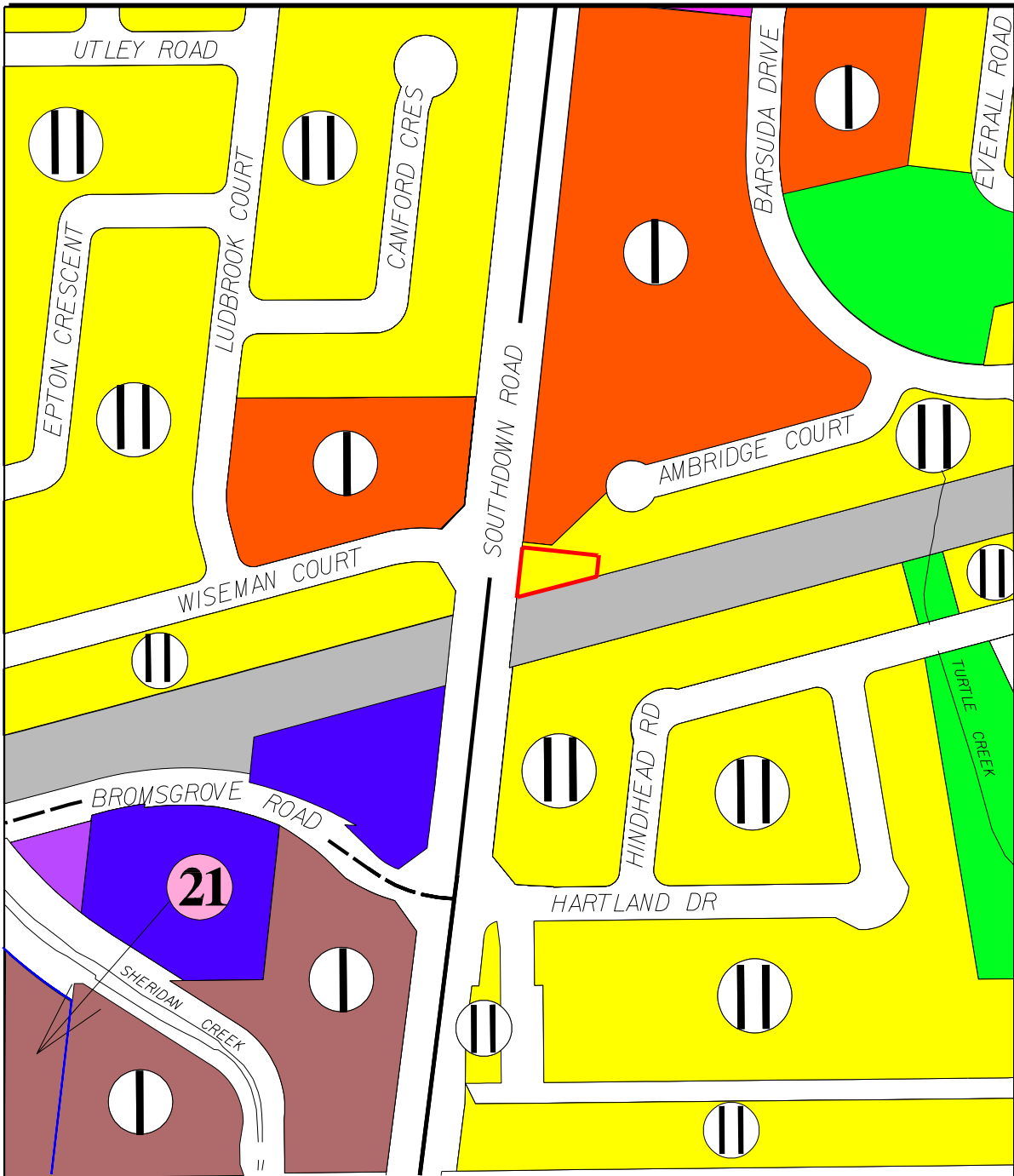
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SUBJECT: NASIR HAMID CHOUDHRY &
YASMIN NASIR CHOUDHRY

	FILE NO:	OZ 07/018 W2
	DWG. NO:	07018A
	SCALE:	NTS
	PDC DATE:	2008 11 03
	DRAWN BY:	R.DICOSOLA

APPENDIX I-2



PART OF CLARKSON-LORNE PARK DISTRICT LAND USE MAP CLARKSON-LORNE PARK DISTRICT POLICIES OF MISSISSAUGA PLAN

- LAND USE DESIGNATIONS**

 - Residential- Low Density I
 - Residential- Low Density II
 - Residential- Medium Density I
 - Residential- High Density I
 - Residential- High Density II
 - Mainstreet Commercial
 - General Commercial
 - Convenience Commercial
 - Motor Vehicle Commercial
 - Office
 - Business Employment
 - Public Open Space
 - Private Open Space
 - Greenbelt
 - Utility
- TRANSPORTATION LEGEND**

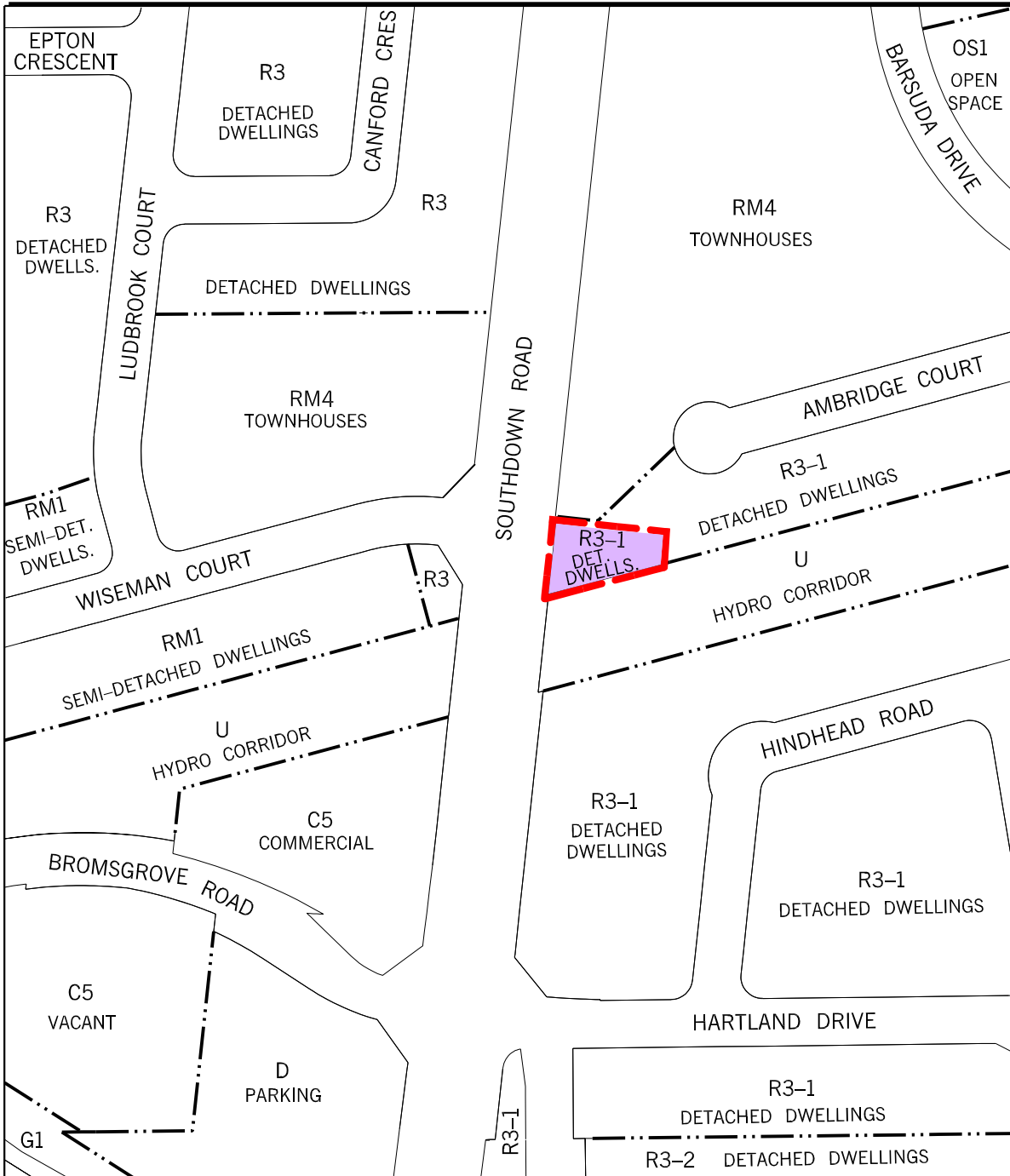
 - Provincial Highway and Interchange
 - Arterial
 - Major Collector
 - Major Collector (Scenic Route)
 - Minor Collector
 - Local Road
 - Existing Commuter Rail
 - GO Transit Station
- LAND USE LEGEND**

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

SUBJECT LANDS

SUBJECT: **NASIR HAMID CHOUDHRY & YASMIN NASIR CHOUDHRY**

	FILE NO: OZ 07/018 W2	APPENDIX 1-3
	DWG. NO: 07018L	
	SCALE: 1:5000	
	PDC DATE: 2008 11 03	
DRAWN BY: R.DICOSOLA		



BY-LAW 0225-2007

LEGEND:



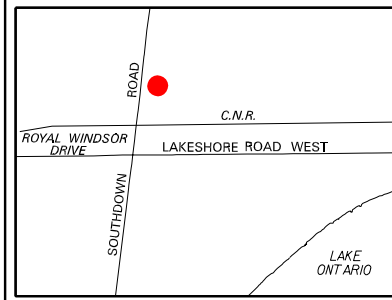
PROPOSED REZONING FROM "R3-1" (DETACHED DWELLING) TO "R3-EXCEPTION" (DETACHED DWELLING, DAY CARE AND OFFICE) TO PERMIT DAY CARE AND OFFICE USES, EXCLUDING MEDICAL AND REAL ESTATE OFFICES.

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



SUBJECT:

**NASIR HAMID CHOUDHRY &
YASMIN NASIR CHOUDHRY**



FILE NO:
OZ 07018 W2

DWG. NO:
07018R

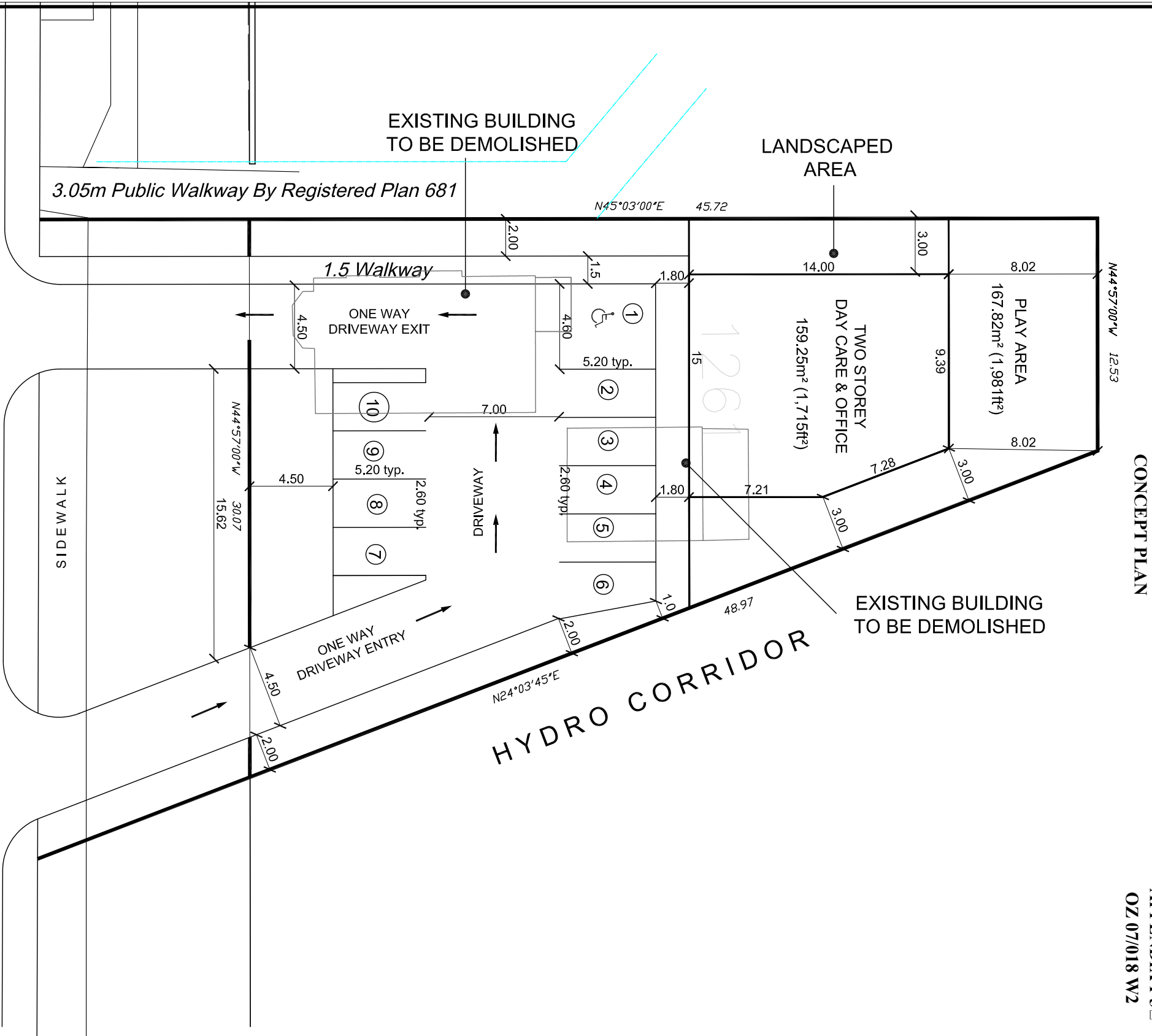
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PDC DATE:
2008 11 03

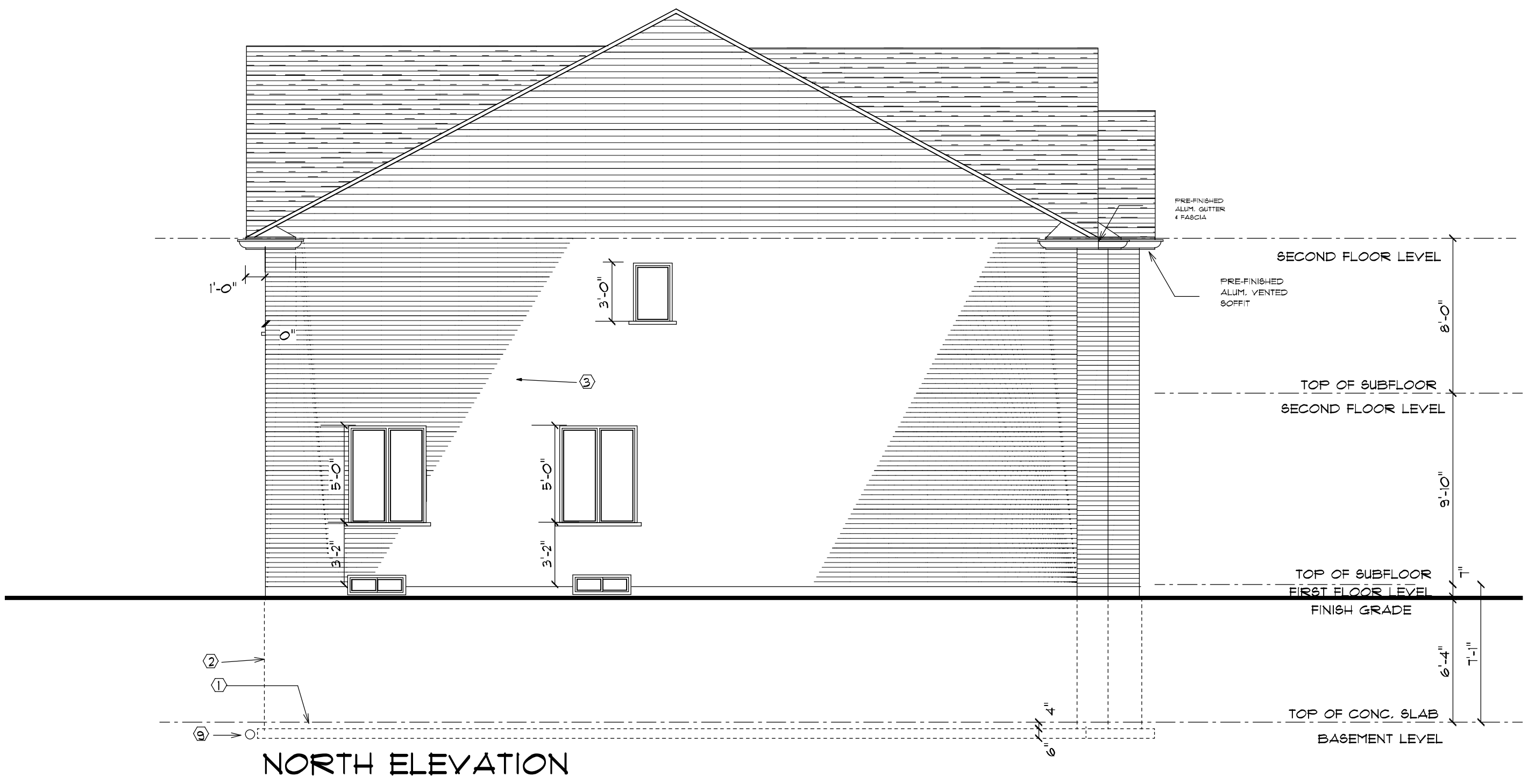
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R.DICOSOLA

APPENDIX I-4

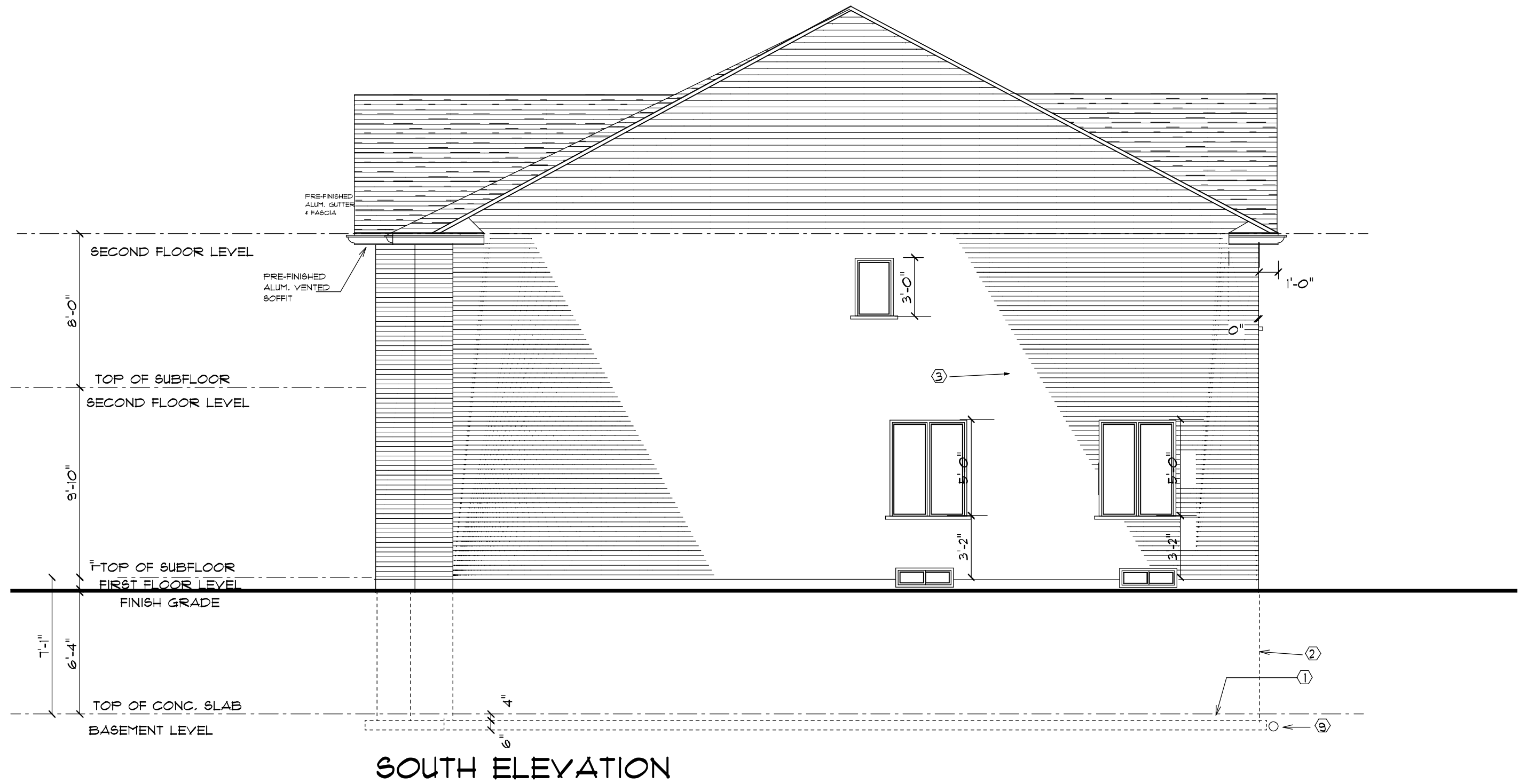
SOUTHDOWN ROAD



ELEVATIONS









WEST ELEV.

**Nasir Hamid Choudhry and
Yasmin Nasir Choudhry**

File: OZ 07/018 W2

Agency Comments

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

Agency / Comment Date	Comment
Region of Peel (November 20, 2008)	<p>The Region indicated that they have no objection to the approval of these applications.</p> <p>The following general comments are provided for information purposes:</p> <ul style="list-style-type: none"> - An existing 400 mm (16 in.) diameter watermain is located on Southdown Road. An existing 375 mm (15 in.) diameter sanitary sewer is located on Wiseman Court adjacent to the subject lands. There are no sanitary sewer mains located on Southdown Road. - The applicant will be required to submit two (2) sets of site servicing drawings to the Region's Connections Division for review. - The subject land is not located within the vicinity of a landfill site. - The applicant is advised that on-site waste collection will be required through a private waste hauler.
Credit Valley Conservation (August 19, 2008)	CVC has no concerns with the subject applications and no objection to their approval at this time.
City Community Services Department – Planning, Development and Business Services Division (August 19, 2008)	<p>Prior to the enactment of the implementing Zoning By-law, payment will be required for street tree planting on Southdown Road.</p> <p>Further, 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 <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's Policies and By-laws.</p>

**Nasir Hamid Choudhry and
Yasmin Nasir Choudhry**

File: OZ 07/018 W2

Agency / Comment Date	Comment
City Transportation and Works Department (July 10, 2008)	A Noise Report, dated September 14, 2007 and updated Traffic Impact Study dated March 4, 2008 have been received and are currently under review. The Stormwater Drainage Report dated September 4, 2007 is to be updated to confirm additional details with respect to the proposed storm sewer connection. Further comments/conditions will be provided prior to the Supplementary meeting pending the review of the foregoing.
Trans-Northern Pipeline (August 19, 2008)	<p>This agency indicated that it does not appear the proposed two storey building with day care and offices will interact with the pipeline right-of-way or the 30.0 m (98.4 ft.) safety zone identified in s. 112 of the <i>National Energy Board Act</i>, and on that basis has no objection to the proposal.</p> <p>Should construction involve use of the Hydro One corridor for access, or for storage of materials within the safety zone, Trans-Northern's field services office should be contacted prior to commencement of the work. This will allow the locations of pipelines to be marked by an inspector and safe work practices to be discussed with the builder, as necessary.</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> <ul style="list-style-type: none"> - Enersource Hydro Mississauga - Peel District School Board - Dufferin-Peel Catholic School Board - Enbridge Gas Distribution Inc. - Mississauga Transit - Hydro One Networks Inc. - Ministry of Transportation
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> - Community Services – Fire Prevention - Economic Development Office - Canada Post Corporation

