



Corporate Report

Clerk's Files

Originator's
Files BL.09-COM W3

DATE: November 11, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: December 1, 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
4100-4120 Dixie Road
West side of Dixie Road, south of Rathburn Road East
Owner: Rockwest Property Inc.
Applicant: Stephen Bernatt
Bill 51

Public Meeting

Ward 3

RECOMMENDATION: That the Report dated November 11, 2008 from the Commissioner of Planning and Building regarding the application to change the zoning from "C1-2", (Convenience Commercial - Exception) to "C1-2" amended (Convenience Commercial - Exception, amended) 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 W3, Rockwest Property Inc., 4100 - 4120 Dixie Road, be received for information.

BACKGROUND: On May 21, 2008, City Council adopted Resolution 0130-2008 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 4100-4120 Dixie Road (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

"C1-2" (Convenience Commercial - Exception), which permits a range of 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

"C1-2" amended (Convenience Commercial - Exception, amended), to permit the same range of 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 00/53 W3 that was approved by Council on May 22, 2002. 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 0130-2008

Appendix I-2 - Site History

Appendix I-3 - Aerial Photograph

Appendix I-4 - Excerpt of Rathwood 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: 0130-2008

Page 1 of 1

May 21, 2008

Date:

BL.09.Zoning

File:

Moved by:

Seconded by:

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 4100-4120 Dixie Road, Rockwest Property Inc., west side of Dixie Road, south of Rathburn Road East, was previously zoned DC-1626 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;

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 4100-4120 Dixie Road, Rockwest Property Inc., west side of Dixie Road, south of Rathburn Road East, 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.

Called

 Mayor

Site History

- May 22, 2002 - City Council passed By-law 0254-2002 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 - 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 "C1-2" (Convenience Commercial - Exception) and permit a range of 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.).



LEGEND:

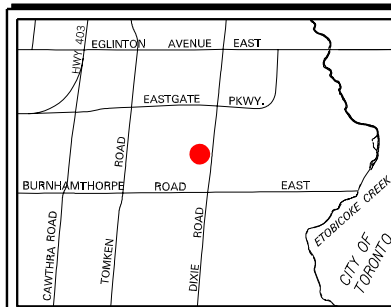


SUBJECT LANDS



SUBJECT:

ROCKWEST PROPERTIES INC.



FILE NO:
BL.09-COM.ROCK

DWG. NO:
BL09COM.ROCK.A

SCALE:
1:2000

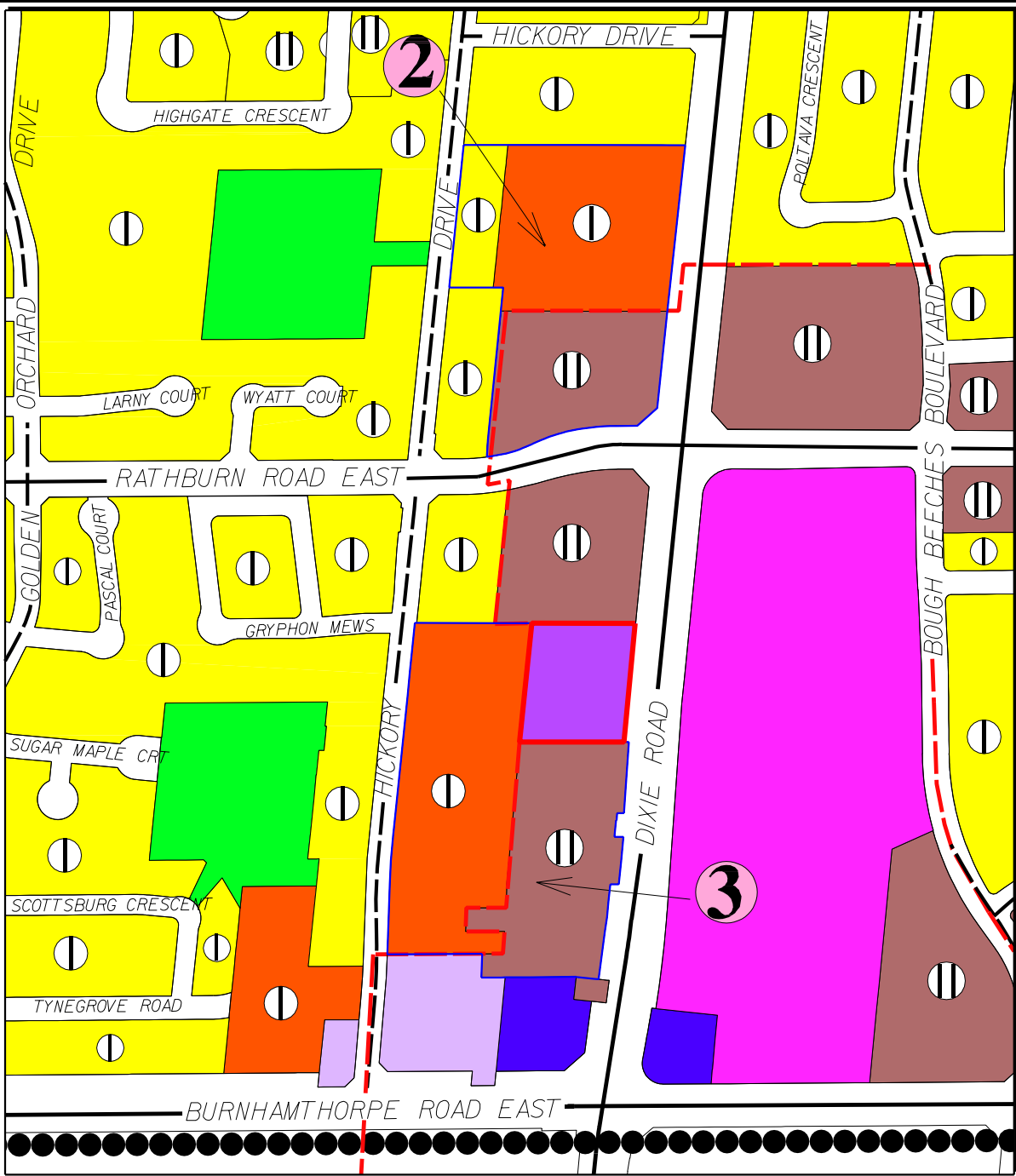
PDC DATE:
2008 12 01

DRAWN BY:
K.PROKOP

MISSISSAUGA
Planning and Building

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APPENDIX I-3



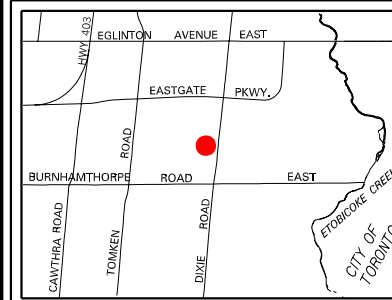
**PART OF RATHWOOD DISTRICT LAND USE MAP
RATHWOOD DISTRICT POLICIES OF MISSISSAUGA PLAN**

- LAND USE DESIGNATIONS**
- Residential - Low Density I
 - Residential - Low Density II
 - Residential - Medium Density I
 - Residential - High Density I
 - Residential - High Density II
 - General Commercial
 - Convenience Commercial
 - Motor Vehicle Commercial
 - Office
 - Public Open Space
 - Greenbelt
 - Parkway Belt West
 - Utility
- TRANSPORTATION LEGEND**
- Provincial Highway and Interchange
 - Arterial
 - Major Collector
 - Minor Collector
 - Local Road
 - Bus Rapid Transit Corridor
 - Bus Rapid Transit Station
 - Major Transit Corridor
- LAND USE LEGEND**
- Regulatory Floodplain
 - Node Boundary
 - 1996 NEP/2000 NEF Composite Noise Contours
 - Planning District
 - Special Site Areas (See Special Site Policies)

SUBJECT LANDS



SUBJECT:
ROCKWEST PROPERTIES INC.



FILE NO:
BL.09-COM.ROCK

DWG. NO:
BL09COM.ROCK

SCALE:
N.T.S.

PDC DATE:
2008 12 01

DRAWN BY:
K.PROKOP


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APPENDIX I-4

BY-LAW 0225-2007

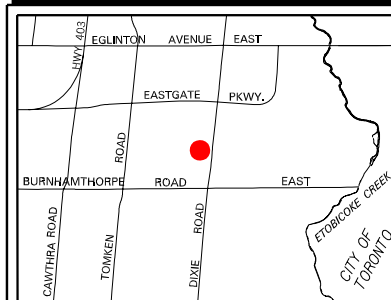
LEGEND:

 FROM 'C1-2(CONVENIENCE COMMERCIAL-EXCEPTION) TO 'C1-2(CONVENIENCE COMMERCIAL-EXCEPTION, AMENDED) TO PERMIT AN EXEMPTION FROM THE MINIMUM 60m SETBACK FROM A RESTAURANT TO A RESIDENTIAL ZONE PREVIOUSLY PERMITTED UNDER BY-LAW 5500.



SUBJECT:

ROCKWEST PROPERTY INC.



FILE NO:

BL.09-COM.ROCK

DWG. NO:

BL09COM.ROCK

SCALE:

1:2000

PDC DATE:

2008 12 01

DRAWN BY:

K.PROKOP

APPENDIX I-5

MISSISSAUGA
Planning and Building

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RATHBURN ROAD EAST

R3

RM2-2

HICKORY DRIVE

R4

DETACHED DWELLINGS

RA4-5

APARTMENTS

88.01

C1-2

COMMERCIAL

101.23

101.07

DIXIE ROAD

C3-56

COMMERCIAL

88.42

RA1-28

APARTMENTS

D-1

DETACHED DWELLINGS

R3

DETACHED DWELLINGS

RA4

DETACHED DWELLINGS

