



Corporate Report

Clerk's Files

Originator's
Files BL.09-COM W7

DATE: December 9, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: January 12, 2009

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 and to permit a maximum of 22% of the gross
floor area for accessory retail uses
3050 Confederation Parkway
West side of Confederation Parkway,
north of Dundas Street West
Owner: Ole Miss Place Inc.
Applicant: Stephen Bernatt
Bill 51

Public Meeting **Ward 7**

RECOMMENDATION: That the Report dated December 9, 2008 from the Commissioner of Planning and Building regarding the application to change the Zoning from "O" (Office) to "O-Exception" (Office - Exception) 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 and to permit a maximum of 22% of the gross floor area for accessory retail uses, previously permitted under By-law 5500, under file BL.09-COM W7, 3050 Confederation Parkway, Ole Miss Place Inc., be received for information.

BACKGROUND:

On November 12, 2008, City Council adopted Resolution 0276-2008 directing staff to prepare an amending by-law for consideration at a public meeting, in accordance with the *Planning Act*, to remove the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone and to permit a maximum of 22% of the gross floor area for accessory retail uses for lands located at 3050 Confederation Parkway (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

"O" (**Office**), which permits a range of commercial uses including office, medical office and accessory uses up to a maximum of 20% of the total gross floor area non-residential, 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

"O-Exception" (**Office - Exception**), to permit the same range of commercial uses including office, medical office and accessory retail uses up to a maximum of 22% of the total gross floor non-residential, 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 and a maximum of 22% of accessory retail uses, through rezoning application OZ 38/87 (E) that was approved by Council on April 25, 1988. When the new Zoning By-law 0225-2007 was passed by Council, the relief from the requirement and the additional accessory retail uses were 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 0276-2008
Appendix I-2 - Site History
Appendix I-3 - Aerial Photograph
Appendix I-4 - Excerpt of Cooksville 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

(4)
NTRESOLUTION NO: 0276-2008 Page 1 of 1Date: November 12, 2008File: BL.09.ComMoved by: Nand D.Seconded by: Katie 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 3050 Confederation Parkway, west side of Confederation Parkway, north of Dundas Street West, Ole Miss Place Inc., was previously zoned RCL1-1679 (Restricted Commercial) 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 permitted a maximum of 22% accessory retail uses;

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 removed the maximum 22% accessory retail uses;

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 and reinstate the maximum 22% accessory retail uses, for lands known as 3050 Confederation Parkway, west side of Confederation Parkway, north of Dundas Street West, Ole Miss Place Inc., 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.

Carried
Mayor

Site History

- August 14, 1981 - City Council passed By-law 485-81 to amend By-law 5500 to permit a range of business, professional or administrative offices, governmental offices, and ancillary retail commercial uses and apartments;
- April 25, 1988 - City Council passed By-law 236-88 to amend By-law 5500 to permit business, professional and administrative offices, accessory retail uses up to a maximum of 22% of the total gross floor area 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 "O" (Office) and permit office and medical offices with a range of accessory commercial uses and a 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone.

LEGEND:



NOTE: DATE OF AERIAL PHOTO 03 2008

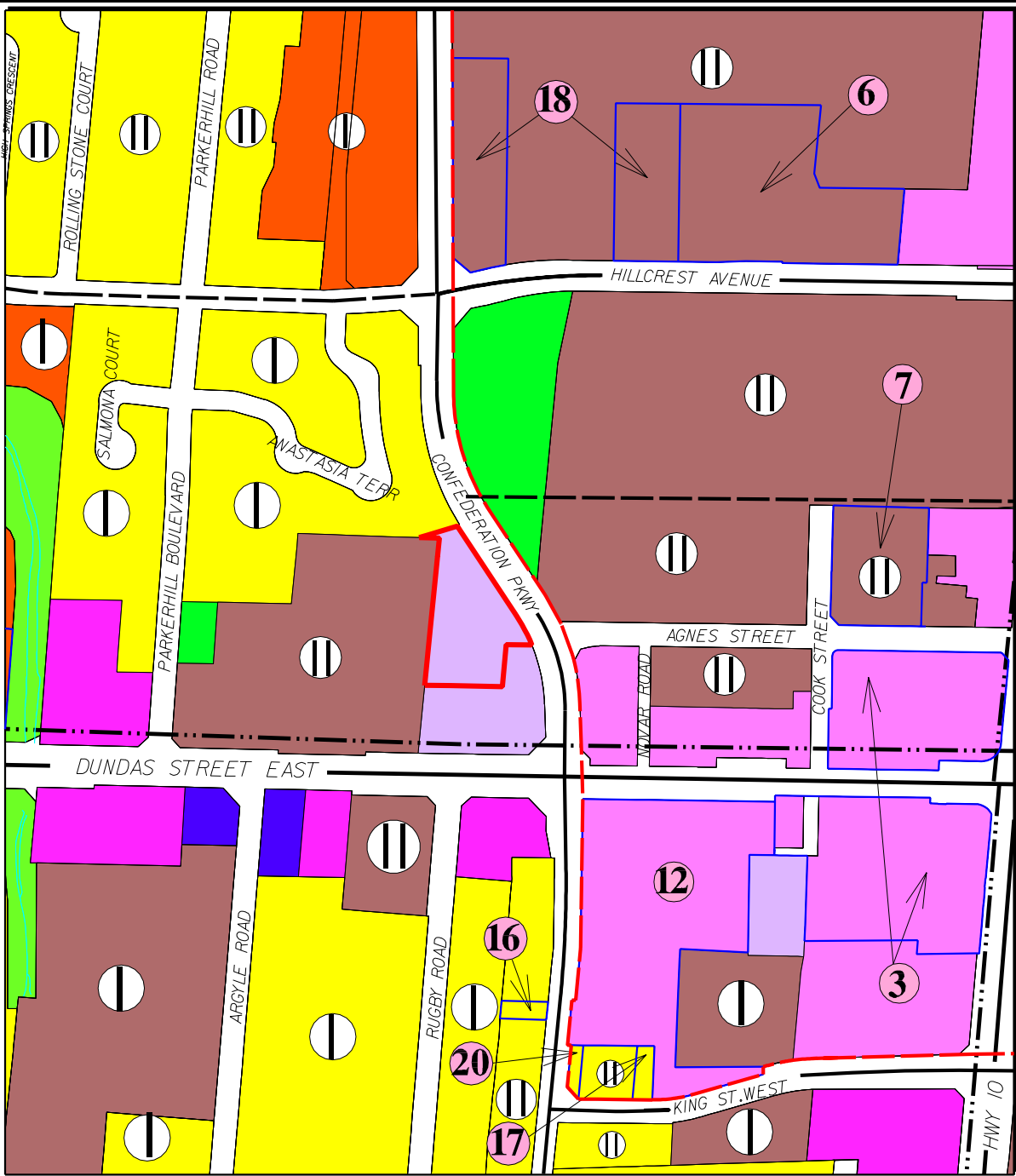


SUBJECT:

OLE MISS PLACE INC.



FILE NO:
BL.09-COM.OLE
DWG. NO:
BL.09-COM.OLE.A
SCALE:
1:2500
PDC DATE:
2008 12 01
DRAWN BY:
K. PROKOP



PART OF COOKVILLE DISTRICT LAND USE MAP
COOKVILLE DISTRICT POLICIES OF MISSISSAUGA PLAN

LAND USE DESIGNATIONS

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

TRANSPORTATION

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

LEGEND

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

SUBJECT LANDS

SUBJECT:
OLE MISS PLACE INC.

FILE NO:
BL.09-COM.OLE

DWG. NO:
BL.09-COM.OLE.L

SCALE:
1:2500

PDC DATE:
2008 11 17

DRAWN BY:
K. PROKOP

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX I-4

DESIGN FILE

BY-LAW 0225-2007

LEGEND:



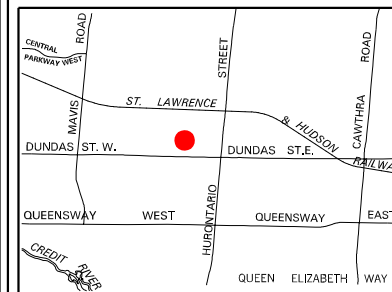
PROPOSED REZONING FROM 'O' (OFFICE) TO 'O-EXCEPTION' (OFFICE) TO PERMIT AN EXEMPTION FROM THE MINIMUM 60m SETBACK FROM A RESTAURANT TO A RESIDENTIAL ZONE AND TO PERMIT A MAXIMUM OF 22% OF THE GROSS FLOOR AREA FOR ACCESSORY RETAIL USES PREVIOUSLY PERMITTED UNDER BY-LAW 5500.

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



SUBJECT:

OLE MISS PLACE INC.



FILE NO:

BL.09-COM.OLE

DWG. NO:

BL.09-COM.OLE.R

SCALE:

1:2500

PDC DATE:

2008 12 01

DRAWN BY:

K. PROKOP

APPENDIX I-5

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