



# Corporate Report

Clerk's Files

Originator's  
Files BL.09-COM W6

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**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**  
**1151 Dundas Street West**  
**Northwest corner of Dundas Street West**  
**and Erindale Station Road**  
**Owner: Paula Dale Ltd.**  
**Applicant: Stephen Bernatt**  
**Bill 51**

**Public Meeting** **Ward 6**

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**RECOMMENDATION:** That the Report dated December 9, 2008 from the Commissioner of Planning and Building regarding the application to change the Zoning from "C3" (General Commercial) to "C3-Exception" (General Commercial - 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, previously permitted under By-law 5500, under file BL.09-COM W6, 1151 Dundas Street West, Paula Dale Ltd., be received for information.

**BACKGROUND:**

On November 12, 2008, City Council adopted Resolution 0277-2008 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 for lands located at 1151 Dundas Street West (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**

"C3" (**General Commercial**), which permits a range of retail commercial, personal service, office, medical office, hospitality and entertainment/recreation 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**

"C3-Exception" (**General Commercial - Exception**), to permit the same range of retail commercial, personal service, office, medical office, hospitality and entertainment/recreation 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 minimum separation distance requirement was not applicable to the subject site, since the mall predates the inclusion of the provision in By-law 5500. 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 0277-2008

Appendix I-2 - Site History

Appendix I-3 - Aerial Photograph

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

Appendix I-5 - Excerpt of Existing Land Use Map

Appendix I-6 - General Context Map

*Original signed by*

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Edward R. Sajecki

Commissioner of Planning and Building

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



RESOLUTION NO: 0277-2008 Page 1 of 1 CP

Date: November 12, 2008

File: BL.09.Com

Moved by: Parish

Seconded by: George Costin

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 1151 Dundas Street West, northwest corner of Dundas Street West and Erindale Station Road, Paula Dale Ltd., was previously zoned DC (District 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 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 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 1151 Dundas Street West, northwest corner of Dundas Street West and Erindale Station Road, Paula Dale Ltd., 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

- January 23, 1961 - Council of the Corporation of the Township of Toronto passed By-law 3333 to amend By-law 2813 to permit a range of commercial uses;
- August 18, 1983 - City Council passed By-law 433-83 to amend By-law 5500 requiring that "No restaurant, convenience restaurant or take-out restaurant shall be located closer than 60 m, measured in a straight line, from the nearest part of the restaurant building to the lot line of a residential zone";
- January 9, 1984 - City Council passed By-law 28-84 to amend By-law 5500 to provide that this amendment "shall not apply to lands which were zoned "DC" at the time this section came into effect";
- 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 "C3" (General Commercial) and permit a range of retail commercial, personal service, office, medical office, hospitality and entertainment/recreation uses, with a minimum 60 m (196.8 ft.) separation distance requirement for restaurants from the lot line of a Residential Zone.



**LEGEND:**

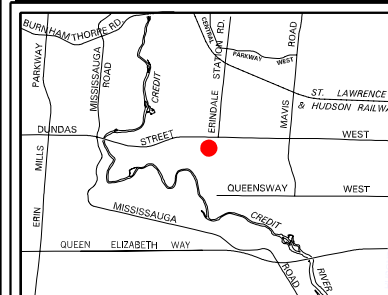


DATE OF AERIAL PHOTO: 03 2008



**SUBJECT:**

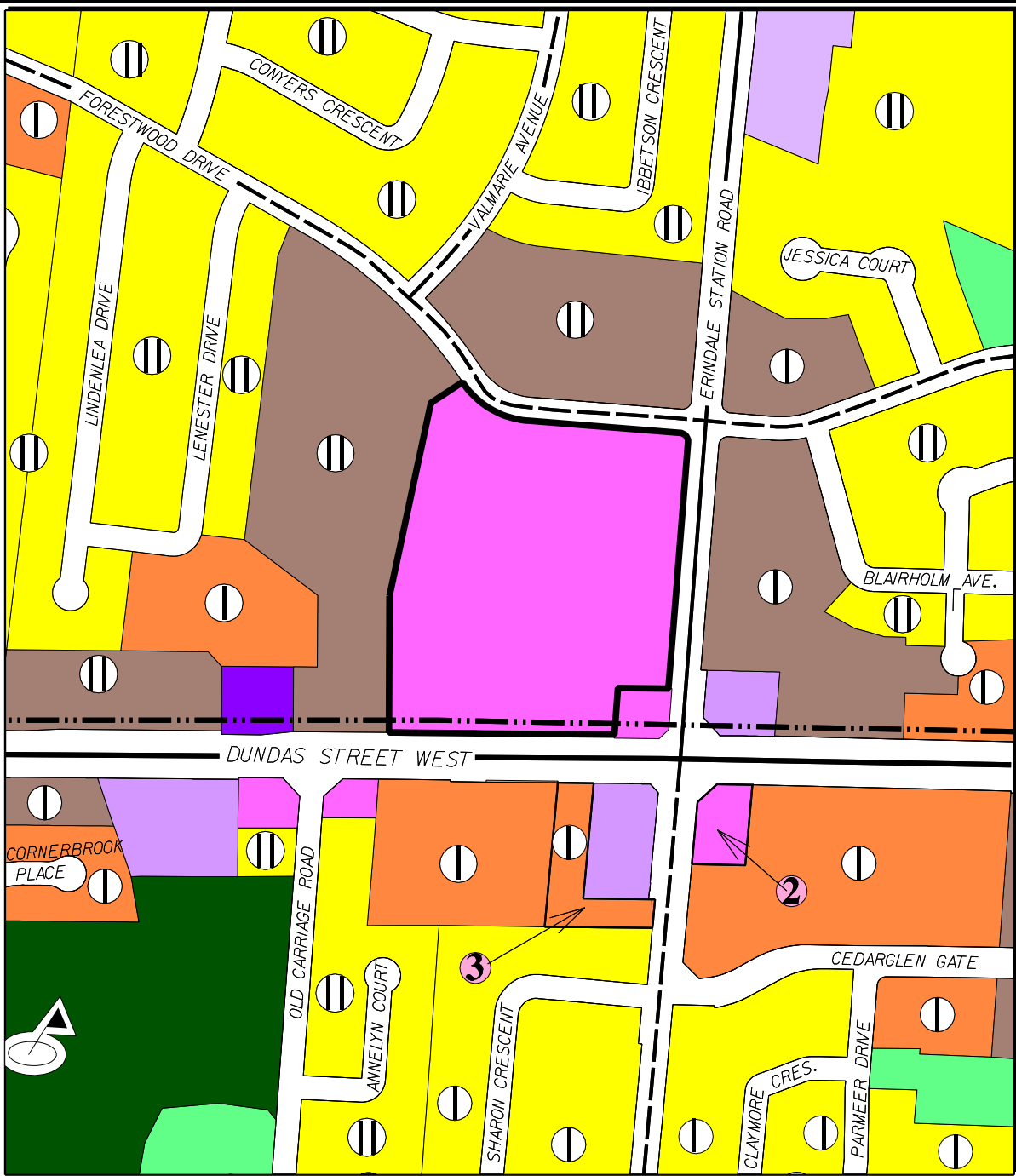
**PAULA DALE LTD.**



FILE NO:  
BL.09-COM.PDALE  
DWG. NO:  
BL.09-COM.PDALE.A  
SCALE:  
1:3000  
PDC DATE:  
2008 12 01  
DRAWN BY:  
K. PROKOP

APPENDIX I-3





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

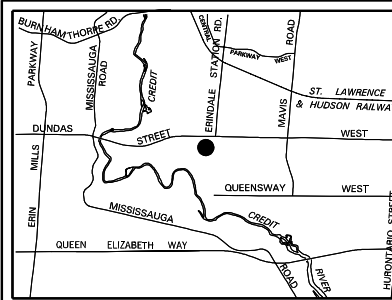
- |                                |                                    |
|--------------------------------|------------------------------------|
| <b>LAND USE DESIGNATIONS</b>   | <b>TRANSPORTATION LEGEND</b>       |
| Residential - Low Density I    | Provincial Highway and Interchange |
| Residential - Low Density II   | Arterial                           |
| Residential - Medium Density I | Major Collector                    |
| Residential - High Density I   | Major Collector (Scenic Route)     |
| Residential - High Density II  | Minor Collector                    |
| Mainstreet Commercial          | Minor Collector (Scenic Route)     |
| General Commercial             | Local Road                         |
| Convenience Commercial         | Existing Commuter Rail             |
| Motor Vehicle Commercial       | GO Transit Station                 |
| Office                         | Major Transit Corridor             |
| Public Open Space              |                                    |
| Greenbelt                      |                                    |
| Private Open Space             |                                    |
| Parkway Belt West              |                                    |
| Utility                        |                                    |

- LAND USE LEGEND**
- Golf Course
  - Planning District
  - Special Site Areas (See Special Site Policies)

**SUBJECT LANDS**



**SUBJECT:**  
**PAULA DALE LTD.**



**FILE NO:**  
BL.09-COM.PDALE

**DWG. NO:**  
B.L09-COM.PDALE.I

**SCALE:**  
1:5000

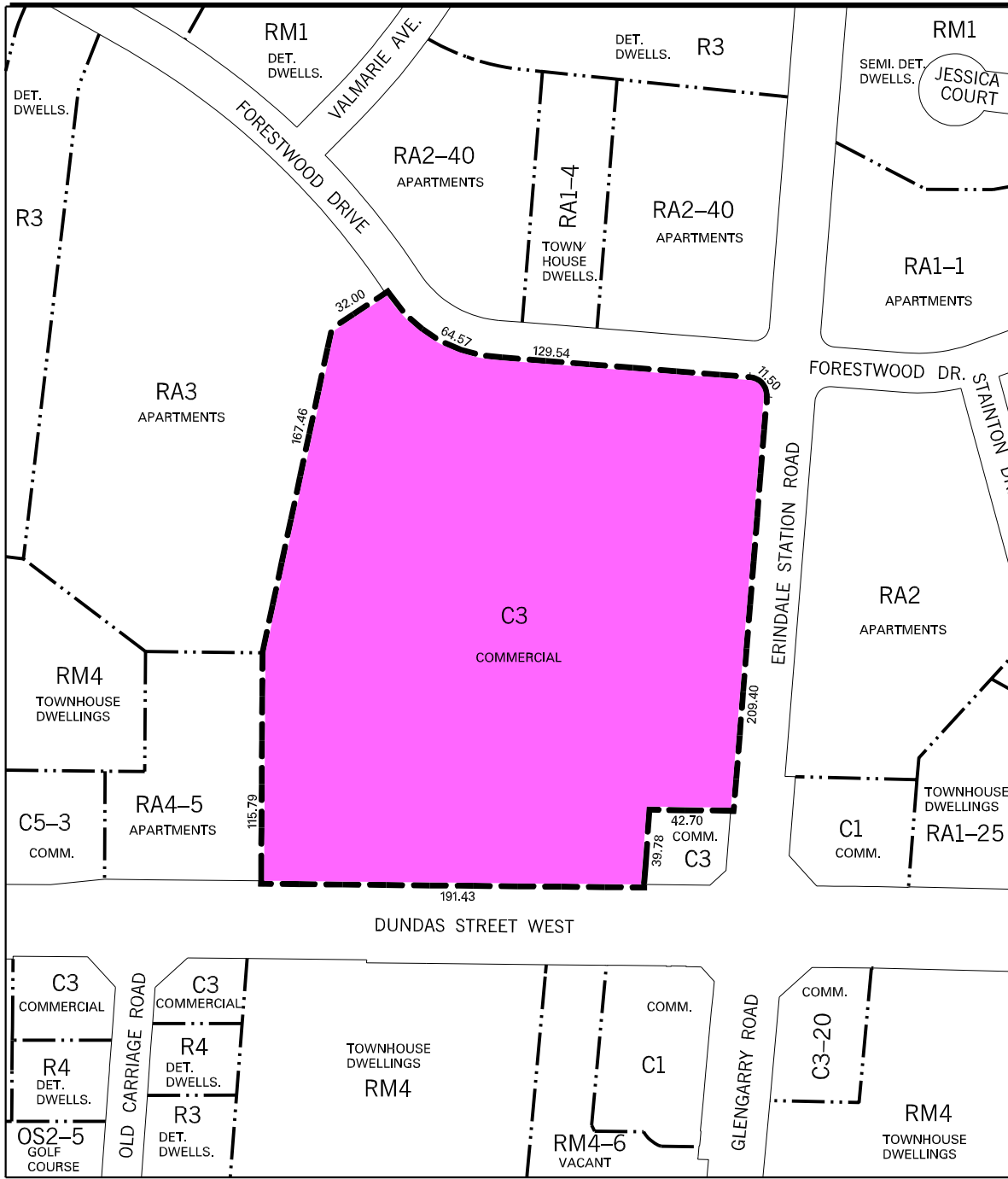
**PDC DATE:**  
2008 12 01

**DRAWN BY:**  
K. PROKOP

APPENDIX I-4


**MISSISSAUGA**  
Planning and Building

Produced by  
T&W, Geomatics



**BY-LAW 0225-2007**

**LEGEND:**

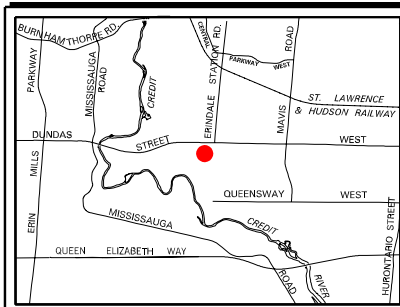
 PROPOSED REZONING FROM 'C3' (GENERAL COMMERCIAL) TO 'C3-EXCEPTION' (GENERAL COMMERCIAL) TO PERMIT AN EXEMPTION FROM THE MINIMUM 60m SETBACK FROM A RESTAURANT TO A RESIDENTIAL ZONE PREVIOUSLY PERMITTED UNDER BY-LAW 5500.

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



**SUBJECT:**

**PAULA DALE LTD.**



|                               |              |
|-------------------------------|--------------|
| FILE NO:<br>BL.09-COM.PDALE   |              |
| DWG. NO:<br>BL.09-COM.PDALE.R |              |
| SCALE:<br>1:3000              |              |
| PDC DATE:<br>2008 12 01       | APPENDIX I-5 |
| DRAWN BY:<br>K. PROKOP        |              |

 **MISSISSAUGA**  
Planning and Building

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