



# Corporate Report

Clerk's Files

Originator's

Files BL.09-COM W3

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**DATE:** March 10, 2009

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: March 30, 2009

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **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**

**Supplementary Report** **Ward 3**

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**RECOMMENDATION:** That the Report dated March 10, 2009 from the Commissioner of Planning and Building recommending approval of the application under File BL.09-COM W3, Rockwest Property Inc., 4100-4120 Dixie Road, west side of Dixie Road, south of Rathburn Road East, be adopted in accordance with the following:

That the application to change the Zoning from "C1-2" (Convenience Commercial - Exception) to "C1-Exception" (Convenience Commercial - Exception) to delete the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone as previously permitted under By-law 5500, in accordance with the proposed zoning standards described in the Information Report, be approved.

**BACKGROUND:**

A public meeting was held by the Planning and Development Committee on December 1, 2008, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information.

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0086-2008 which was subsequently adopted by Council and is attached as Appendix S-2.

**COMMENTS:**

See Appendix S-1 - Information Report prepared by the Planning and Building Department.

**COMMUNITY ISSUES****Comment**

A concern was raised about rodents originating from the plaza onto properties on Hickory Drive, abutting the property on the west.

**Response**

The Enforcement Division has advised that they have had no issues related to rodents on the subject lands. The owner has further advised that they have a contract with a company that inspects and monitors the property on a monthly basis to make sure that garbage is not stored anywhere on the site except the secure garbage areas and a garbage compactor is located on-site to contain and compact the garbage.

**PLANNING COMMENTS**

The relief from the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone had been approved through a rezoning of the subject lands under By-law 5500. These provisions were not carried forward to the new Zoning By-law 0225-2007. The owner of the subject lands requested a resolution to authorize an Exception Zone in the new Zoning By-law to recognize a prior approval, in accordance with Resolution 0136-2007 adopted by Council on June 20, 2007, to deal with transitional issues related to the new Zoning By-law. On May 21, 2008, City Council adopted Resolution 0130-2008

directing staff to prepare an amending by-law and schedule a public meeting to consider the amendment.

### **Zoning**

At the public meeting, the proposed zoning category was "C1-2", amended (Convenience Commercial - Exception, amended). Since there are other sites zoned "C1-2" (Convenience Commercial - Exception), it is appropriate to apply a new "C1-Exception" (Convenience Commercial - Exception) zone to this site. The proposed "C1-Exception" (Convenience Commercial - Exception) zone category is appropriate to accommodate the deletion of the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone.

### **CONCLUSION:**

The proposed rezoning is acceptable from a planning standpoint and should be approved for the following reason:

1. The proposed deletion of the 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone is appropriate given that this provision was granted through a rezoning process under the previous Zoning By-law 5500 and is in accordance with Resolution 0130-2008.

### **ATTACHMENTS:**

Appendix S-1 - Information Report

Appendix S-2 - Recommendation PDC-0086-2008

*original signed by*

Edward R. Sajecki

Commissioner of Planning and Building

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



# Corporate Report

Clerk's Files

 Originator's  
Files BL.09-COM W3

**PDC** DEC 01 2008

**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.).





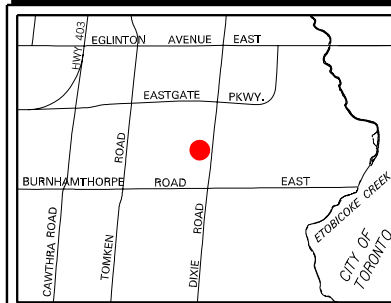
LEGEND:

 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

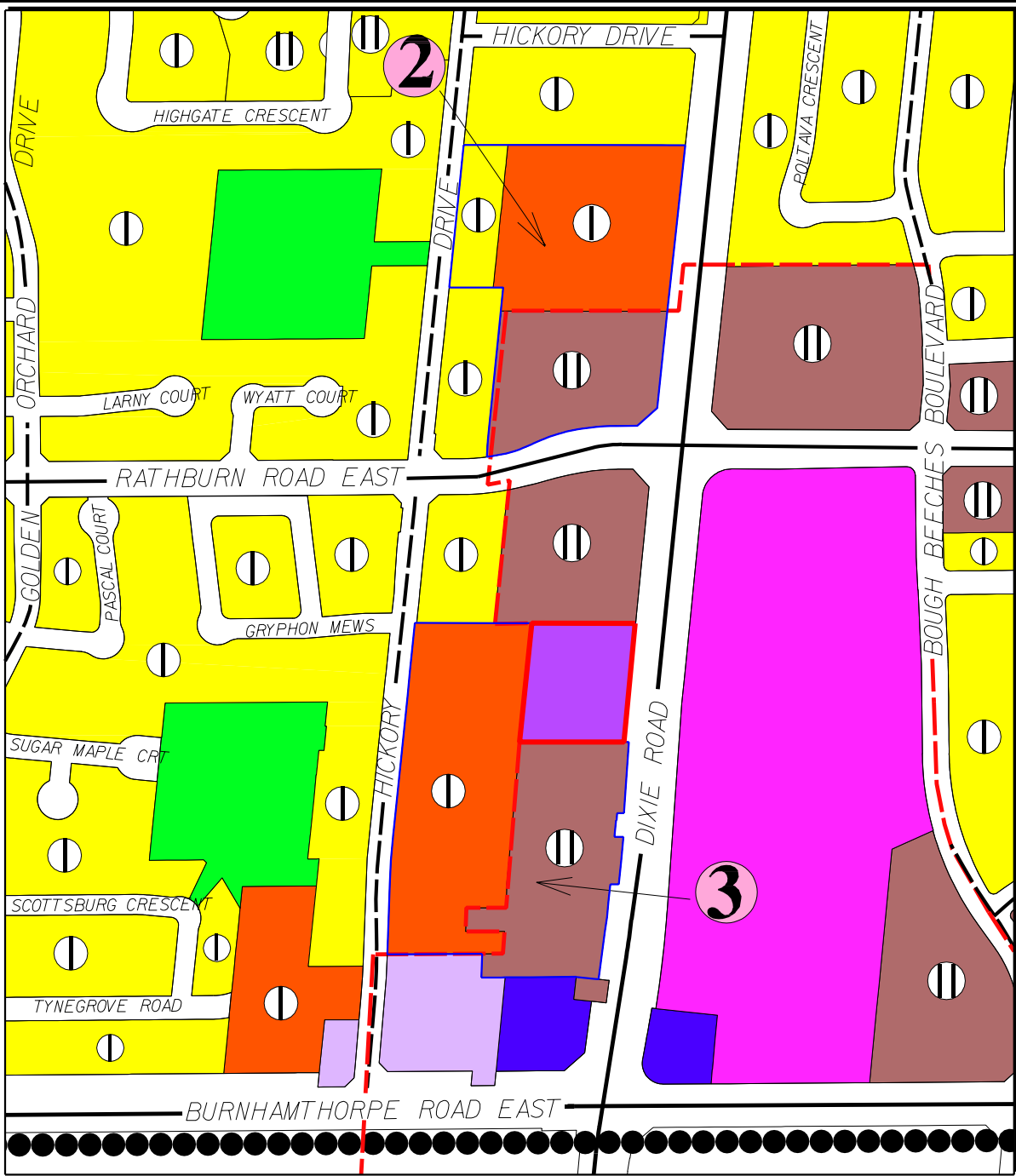
DRAWN BY:

K.PROKOP

 **MISSISSAUGA**  
Planning and Building

Produced by  
**T&W, Geomatics**

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

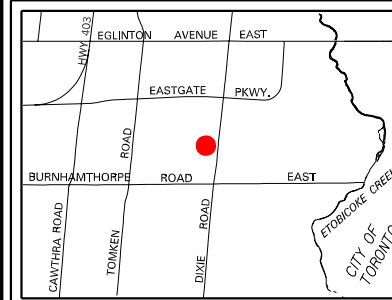
**LAND USE LEGEND**

  - 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**

**MISSISSAUGA**  
Planning and Building

Produced by  
**T&W, Geomatics**

**APPENDIX I-4**

# BY-LAW 0225-2007

## LEGEND:

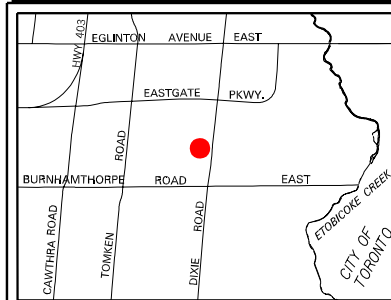


FROM 'C1-2(CONVENIENCE COMMERCIAL-EXCEPTION) TO 'C1-2(CONVENIENCE COMMERCIAL-EXCEPTION, AMENDED) TO PERMIT AN EXEMPTION FROM THE MINIMUM 60m SETBACK FROM A RESTAURANT TO A RESIDENTIAL ZONE PREVIOUSLY PERMITTED UNDER BY-LAW 5500.



## SUBJECT:

**ROCKWEST PROPERTY INC.**

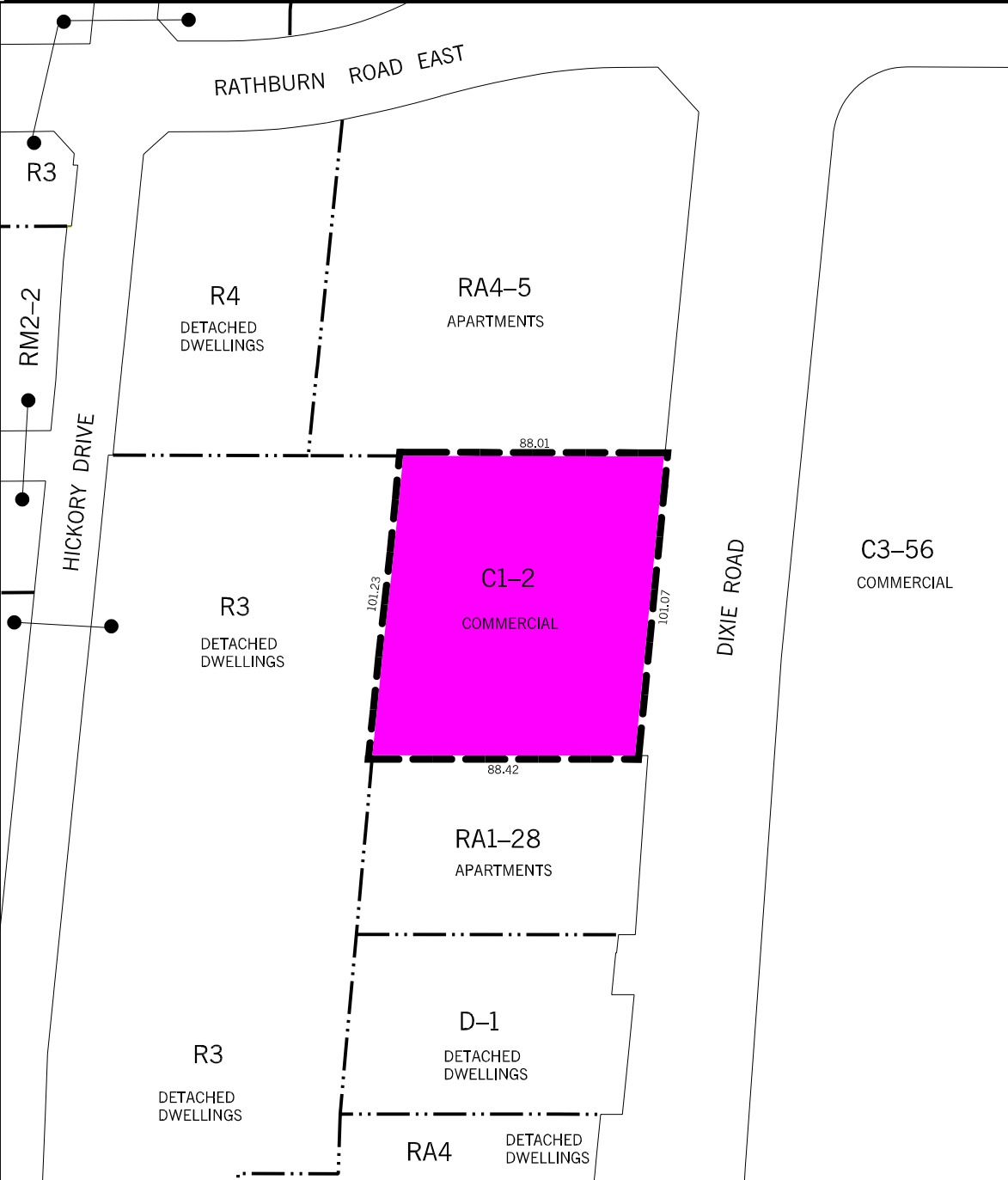


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DWG. NO:  
BL09COM.ROCK  
SCALE:  
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PDC DATE:  
2008 12 01  
DRAWN BY:  
K.PROKOP

APPENDIX I-5

**MISSISSAUGA**  
Planning and Building

Produced by  
T&W, Geomatics







Rockwest Property Inc.  
4100-4120-Dixie Road

**File: BL.09-COM W3**

**Recommendation PDC-0086-2008**

PDC-0086-2008

"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."