



Corporate Report

Clerk's Files

Originator's
Files BL.09-COM W6

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

Supplementary Report **Ward 6**

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 W6, Paula Dale Ltd., 1151 Dundas Street West, northwest corner of Dundas Street West and Erindale Station Road, be adopted in accordance with the following:

1. That the application to change the Zoning from "C3" (General Commercial) to "C3-Exception" (General 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 January 12, 2009, 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-0009-2009 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

No community meetings were held and no written comments were received by the Planning and Building Department.

PLANNING COMMENTS

The 60 m (196.8 ft.) minimum separation distance requirement for restaurants from the lot line of a Residential Zone 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. 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 November 12, 2008, Council adopted Resolution 0277-2008 directing staff to prepare an amending by-law and schedule a public meeting to consider the amendment.

Zoning

The proposed "C3-Exception" (General Commercial - Exception) zone category is appropriate to accommodate the deletion of the 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 the subject site predates the inclusion of the provision in the previous Zoning By-law 5500 and is in accordance with Resolution 0277-2008.

ATTACHMENTS:

Appendix S-1 - Information Report

Appendix S-2 - Recommendation PDC-0009-2009

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 W6**PDC** JAN 12 2009

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**

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

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:

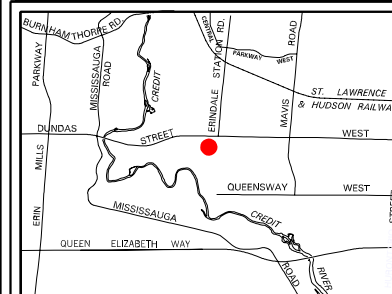


DATE OF AERIAL PHOTO: 03 2008



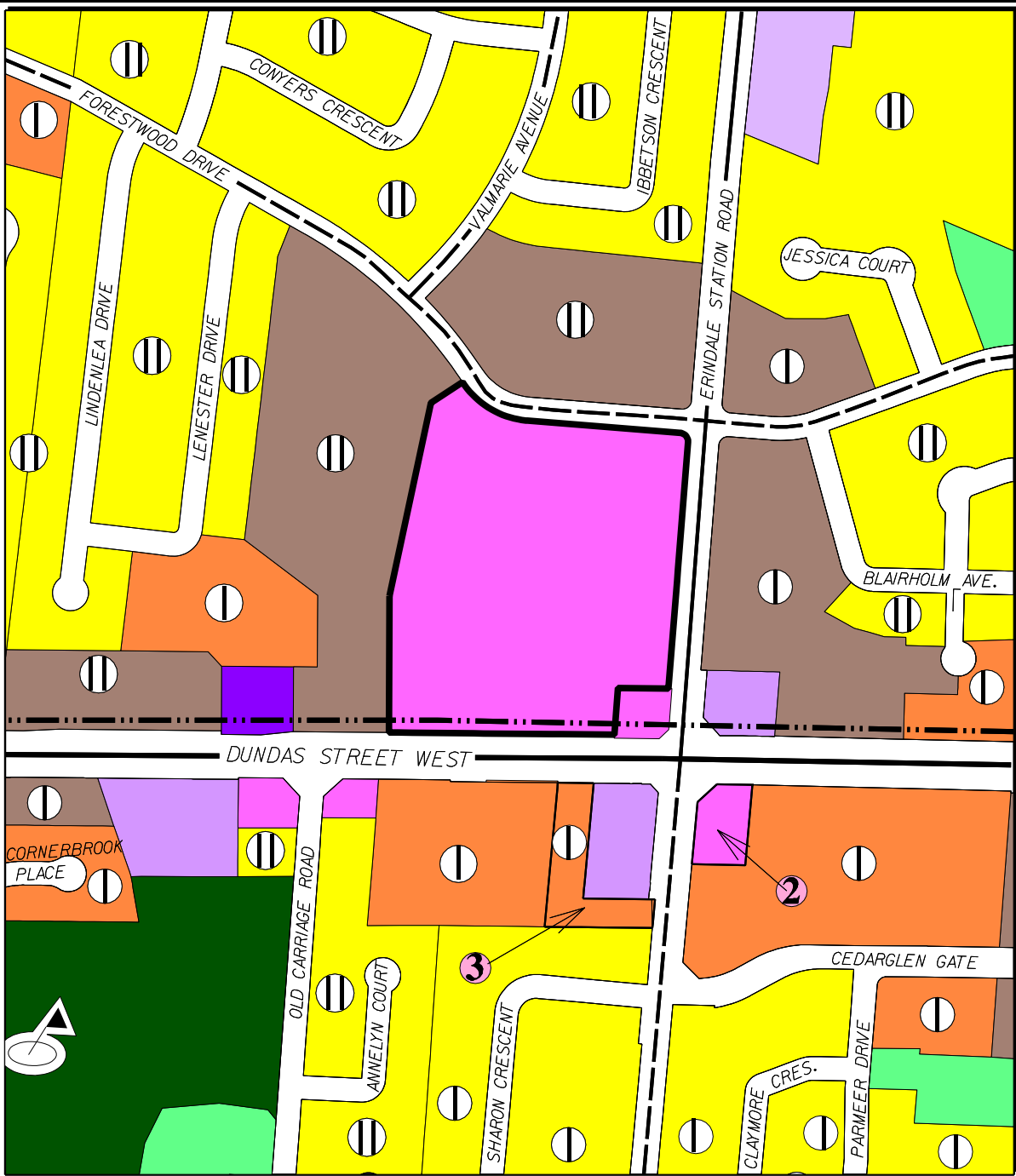
SUBJECT:

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



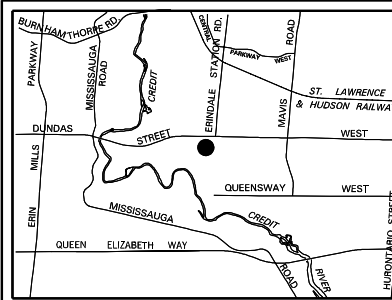
**PART OF ERINDALE DISTRICT LAND USE MAP
ERINDALE DISTRICT POLICIES OF MISSISSAUGA PLAN**

- | | |
|--------------------------------|------------------------------------|
| LAND USE DESIGNATIONS | TRANSPORTATION LEGEND |
| 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.1

SCALE:
1:5000

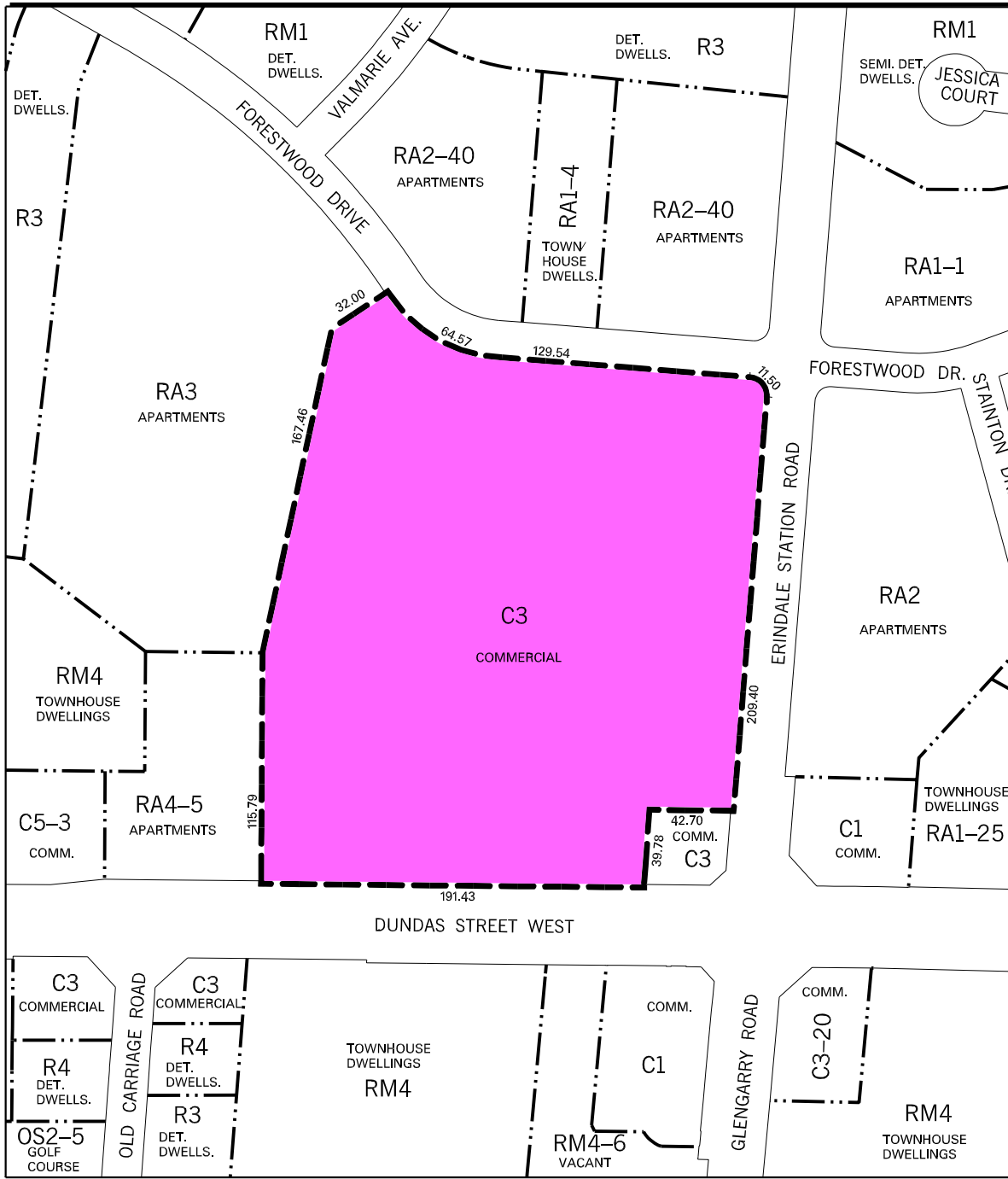
PDC DATE:
2008 12 01

DRAWN BY:
K. PROKOP

APPENDIX 1-4


MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics



BY-LAW 0225-2007

LEGEND:

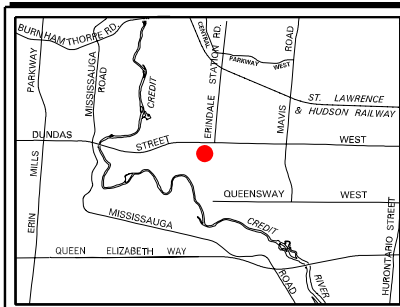
 PROPOSED REZONING FROM 'C3' (GENERAL COMMERCIAL) TO 'C3-EXCEPTION' (GENERAL COMMERCIAL) TO PERMIT AN EXEMPTION FROM THE MINIMUM 60m SETBACK FROM A RESTAURANT TO A RESIDENTIAL ZONE PREVIOUSLY PERMITTED UNDER BY-LAW 5500.

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



SUBJECT:

PAULA DALE LTD.



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

Paula Dale Ltd.
1151 Dundas Street West

File: BL.09-COM W6

Recommendation PDC-0009-2009

PDC-0009-2009

"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."