



# Corporate Report

Clerk's Files

Originator's  
Files OZ 07/004 W5

**PDC** OCT 05 2009

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**DATE:** September 15, 2009

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: October 5, 2009

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

**SUBJECT:** **Rezoning Application**  
**To permit off site parking arrangements and other zoning standards**  
**1325 Eglinton Avenue East and 5120-5130 Dixie Road**  
**Northwest quadrant of Eglinton Avenue East and Dixie Road**  
**Owner: Dixie Eglinton Construction Ltd.**  
**Applicant: Kentridge Johnston Limited**  
**Bill 51**

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**Supplementary Report**

**Ward 5**

**RECOMMENDATION:** That the Report dated September 15, 2009, from the Commissioner of Planning and Building recommending approval of the application under File OZ 07/004 W5, Dixie Eglinton Construction Ltd., 1325 Eglinton Avenue East and 5120-5130 Dixie Road, northwest quadrant of Eglinton Avenue East and Dixie Road, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes to the application have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.

2. That the application to change the Zoning from "C3-46" (General Commercial) to "C3-Exception" (General Commercial) in accordance with the proposed zoning standards identified in Appendix S-5 of the report, be approved subject to the following conditions:
  - (a) Prior to the adoption of an implementing zoning by-law, a site plan be approved which addresses matters relating to parking lot changes, signage and landscape improvements;
  - (b) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
3. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

**BACKGROUND:**

A public meeting was held by the Planning and Development Committee on June 25, 2007, 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-0048-2007 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 at the public meeting regarding overflow parking on 1250-1300 Eglinton Avenue East, which is located directly across the street from the subject lands. In the past, there have been problems with vandalism and litter on these lands when

the overflow parking occurs, in particular on Friday and Saturday evenings.

### **Response**

The purpose of the application is to ensure that sufficient parking is provided on the lands to accommodate all uses, including the night club. A recommendation for approval of the application requires the approval of a site plan application, which will necessitate the striping of all parking stalls to the rear of both buildings to create better efficiencies, and the installation of signage to advise patrons of all parking locations (see the Zoning section below for details).

### **Comment**

Questions were raised at the public meeting by the Ward Councillor regarding the status of the night club's licensing violations.

### **Response**

In the past, the night club has violated Provincial alcohol regulations. Resolution of this issue, before the Alcohol and Gaming Commission of Ontario, is being held in abeyance pending Council's consideration of the subject development application. The owners of the Night Club have been charged twice to date for operating without benefit of the required Business License. One conviction has been registered and one charge is still before the Court. Should the development application be approved, Business License issuance could be considered.

## **UPDATED AGENCY AND CITY DEPARTMENT COMMENTS**

### **Transportation and Works Department**

It was indicated that should this application be approved by Council, the applicant will be required to provide the appropriate legal documentation confirming that mutual rights-of-

way/servicing easements exist on title in perpetuity between the subject lands and the adjacent lands to the north.

## **PLANNING COMMENTS**

### **Official Plan**

As noted in Appendix S-1, the subject lands are designated as "General Commercial". The application is in conformity with the land use designation and no official plan amendments are proposed.

### **Zoning**

The subject application was originally submitted under the provisions of the former consolidated Zoning By-law 5500. On June 20, 2007, City Council enacted By-law 0225-2007, a new comprehensive Zoning By-law for the City. As a result of the Ontario Municipal Board decision issued on September 10, 2007, the By-law is now in force except for site specific appeals, and the provisions of the old By-law no longer apply. The subject lands are not impacted by the appeals.

Within the new By-law, the lands are zoned "C3-46" (General Commercial) which permits a range of uses, including a night club subject to restrictions (see Appendices S-1 and S-4). The following zoning relief has been requested:

- The incorporation of a parking standard that would apply to all uses permitted on the two parcels. The applicant was originally proposing that a "Percent of Peak Period" parking table be incorporated into the zoning, as reported in Appendix S-1. Through review of the application, it is recommended that a parking standard of 5.4 spaces per 100 m<sup>2</sup> (1,076 sq. ft.) apply for all uses, with maximum gross floor area restrictions for night clubs, all types of restaurants and banquet halls as described below;

- Recognition of the size of the present night club (1 840 m<sup>2</sup> or 19,805 sq. ft.), which is above the 1 115 m<sup>2</sup> (12,000 sq. ft.) maximum size permitted in the By-law.

The principle use of the lands addressed as 1325 Eglinton Avenue East is a night club known as Body English (formerly known as Club 108). Although not the only high generator of parking on the lands, this use has become the focus of the application from a parking perspective, given its size and operational characteristics. In support of the parking shortfall, the applicant retained BA Consulting Group Ltd. which undertook an extensive parking analysis of the two properties. They concluded that the site will function from a parking perspective, subject to the incorporation of appropriate parking tables and revised standards within the zoning by-law, and amendments being made to the lands that allow for the parking rates as stipulated within the tables.

Through review of the application and parking utilization study by staff, it was concluded that a parking standard of 5.4 spaces per 100 m<sup>2</sup> (1,076 sq. ft.) is appropriate for the two sites along with maximum gross floor area restrictions for night clubs, all types of restaurants and banquet halls. In support of the above, a site plan has been provided which demonstrates that the parking can be accommodated (see Appendix S-3, Proposed Parking Plan). This plan provides for a total of 841 parking spaces for both parcels, which is enough to accommodate permitted uses on the lands, subject to the use restrictions noted below. The implementing by-law will need to incorporate minor aisle and parking stall exceptions for certain existing parking spaces at the front of 1325 Eglinton Avenue, abutting laneway areas, as identified on Appendix S-3.

The two parcels together will meet the required parking for the existing uses on the property, including those that are parking intensive such as night clubs, restaurants and banquet halls. If these uses expand in size, however, a parking shortfall could occur. It is therefore recommended that the following maximum floor areas be established for the two sites:

|             |                                       |
|-------------|---------------------------------------|
| Night Clubs | 1 840 m <sup>2</sup> (19,805 sq. ft.) |
|-------------|---------------------------------------|

|                          |                                       |
|--------------------------|---------------------------------------|
| All forms of Restaurants | 3 540 m <sup>2</sup> (38,104 sq. ft.) |
| Banquet Halls            | 1 200 m <sup>2</sup> (12,916 sq. ft.) |

The proposed GFA maximums reflect the existing occupied GFA for the sited uses. No caps are proposed for other uses permitted on the lands. As tenants change, parking will be reviewed through the submission of occupancy permits to ensure compliance with By-law requirements. Provisions will be placed within the implementing zoning by-law which will state that for zoning purposes, the two properties will be treated as one.

The application to allow the night club to exceed the maximum size requirement can be supported in this location for the following reasons:

- It is located in a mixed commercial and industrial area, well away from residential and community use areas;
- The property is in close proximity to major roads and freeway connections, in conjunction with transit routes;
- The site offers good visibility from the street, in addition to a range of on-site parking options.

The size of the night club, however, will, in essence, prohibit any additional night clubs on the subject lands, given the recommendation to impose a new maximum gross floor area of 1 840 m<sup>2</sup> (19,805 sq. ft.).

In order to ensure that the parking on the lands functions properly with no overflow onto neighbouring properties, all parking will be shared between the two parcels of land. The main entrance to the Body English night club, the highest generator of parking on the lands, fronts onto Eglinton Avenue East, while the majority of the parking is located to the rear. Planning staff have met with the applicant and made suggestions on how to better improve the site from a parking perspective, which includes the following:

- Restriping of the stalls to ensure an orderly and efficient parking area, and to ensure enough spaces can be provided on the lands as per the recommendation of the consultant;

- The installation of directional/way finding signage to notify and direct patrons to the rear of the building to seek additional parking.

These matters will be dealt with through the submission of a site plan application. The applicant will also be requested to provide improvements to the lands from a landscape perspective, in particular along Eglinton Avenue East and Dixie Road. To ensure that the two parcels of land work together, one zone category will be applied to both properties, in conjunction with warning clauses placed on title that will advise of the parking arrangements and restrictions on uses.

Proposed zoning changes are summarized in Appendix S-5. Should Council see merit in the application, it is recommended that the following matters be resolved prior to the passing of the implementing zoning by-law:

- The approval of a site plan application that will address the following: landscape enhancement to the properties as described above; installation of directional signage; and the implementation of any recommendations on parking space and aisle locations, including striping, as shown on Appendix S-3;
- The clearance of Region of Peel requirements regarding legal easements for the lands, if required, to the satisfaction of the City and the Region of Peel;
- The execution of a Development Agreement that provides for the incorporation of warning clauses in purchase and sale agreements, advising any future owners of the parking and zoning arrangements that apply.

### **Peel Region Police**

In correspondence received by the City, Peel Regional Police expressed concern over the operation of the Body English (Club 108).

Planning staff have contacted the Peel Regional Police. In further correspondence dated August 31, 2009, Peel Regional Police have noted that the occupancy is 1440 patrons inside and 250 on the patio. The Club has made significant progress in their security plan and have hired additional security staff, providing them with appropriate equipment as well as installing a state of the art video surveillance system. Additional checks on incidents reported at this location do not show a disproportionate number of calls for service for a premises of this nature. However, the Peel Regional Police have noted that a total occupancy limit of 1400–1700 people in this location creates some concern from a police enforcement perspective regarding illicit activity and public safety. With this many vehicles and pedestrians in a parking lot the vehicular traffic, parking and flow of vehicles and pedestrians does raise issues for public safety.

The subject application addresses land use matters only, in accordance with the *Planning Act*. Through the review of the site plan application, parking, vehicular movements and pedestrian safety will be reviewed in order to make site improvements. Other matters of concern can be addressed through City licensing by-laws, and regulations of Federal and Provincial laws and statutes, including the Alcohol and Gaming Commission of Ontario. Police staff have been advised of the subject meeting.

### **Green Initiatives**

There are no green initiatives associated with the subject application.

### **FINANCIAL IMPACT:**

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

### **CONCLUSION:**

In accordance with subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Council is given authority to determine if further public notice is required. The request by the applicant is to modify the parking and zoning standards proposed. It is



recommended that no further public meeting need be held regarding the proposed changes.

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

1. The proposal for implementation of zoning standards that speak to shared parking arrangements and a standard of 5.4 spaces per 100 m<sup>2</sup> (1,076 sq. ft.), and floor area caps for certain parking intensive uses is appropriate, and is compatible with the surrounding land uses, based on the detailed parking study submitted in support of the application.
2. The proposed "C3-Exception" (General Commercial) zoning standards contained in the staff report are appropriate to accommodate the parking requests made.
3. There will be upgrades to the site to ensure the shared parking arrangement functions properly, which will be addressed through the approval of a site plan application, prior to the passing of the implementing Zoning By-law.

**ATTACHMENTS:**

Appendix S-1 - Information Report

Appendix S-2 - Recommendation PDC-0048-2007

Appendix S-3 - Proposed Parking Plan

Appendix S-4 - Land Use and Zoning Plan

Appendix S-5 - Proposed Zoning By-law Amendment Changes

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Edward R. Sajecki

Commissioner of Planning and Building

*Prepared By: Rob Hughes, Development Planner*



# Corporate Report

Clerk's Files

**Appendix S-1**

Originator's  
Files OZ 07/004 W5

**PDC** JUN 25 2007

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**DATE:** June 5, 2007

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: June 25, 2007

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

**SUBJECT:** **Information Report**  
**Rezoning Application**  
**To permit an off site shared parking arrangement for Club 108**  
**1325 Eglinton Avenue East and 5120-5130 Dixie Road**  
**Northwest quadrant of Dixie Road and Eglinton Avenue East**  
**Owner: Dixie Eglinton Construction Ltd.**  
**Applicant: Kentridge Johnston Limited**  
**Bill 51**

**Public Meeting** **Ward 5**

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**RECOMMENDATION:** That the Report dated June 5, 2007, from the Commissioner of Planning and Building regarding the application to amend the "MC-1435" (Mixed Industrial and Commercial) and "MC-1614" (Mixed Industrial and Commercial) zoning to permit a shared parking arrangement for Club 108 under file OZ 07/004 W5, Dixie Eglinton Construction Ltd., 1325 Eglinton Avenue East and 5120-5130 Dixie Road, be received for information.

**BACKGROUND:** The above-noted application has been circulated for technical comments. The purpose of this report is to provide preliminary information on the application and to seek comments from the community.

**COMMENTS:**

The subject lands are divided into two parcels, known municipally as 1325 Eglinton Avenue East (Eglinton Lands) and 5120-5130 Dixie Road (Dixie Lands) (see Appendix I-4). Multi-unit industrial buildings were constructed on both properties in 1986. The application has been filed on behalf of Club 108 (known as Body English Nite Club), which occupies Units 1 through 6 (1,839 m<sup>2</sup> or 19,795 sq. ft.) on the Eglinton Lands.

A night club/commercial entertainment centre has been operating on the Eglinton Lands since 1988, under a variety of names, and has received a number of variances to operate with a reduced parking standard. The most recent application to the Committee of Adjustment was refused, with the decision being upheld by the Ontario Municipal Board, partly on the basis that the matter is more appropriately dealt with through a Zoning By-law Amendment application (see Appendix I-1).

The purpose of the application is to permit a portion of the required parking for the Eglinton Lands to be provided off site on the abutting Dixie Lands to the north, and to amend the parking tables that form part of the zoning for both properties to reflect the new parking arrangement as proposed. No additional built form is proposed for the lands as part of the subject application, nor is an expansion to the commercial entertainment centre being proposed. Additional details of the proposal are as follows:

| <b>Development Proposal</b>                                    |  |
|--|--|
| Complete Application submitted:                                | March 19, 2007   |
| Existing Gross Floor Area -<br>Eglinton Lands:<br>Dixie Lands: | 7,799 m <sup>2</sup> (83,948 sq. ft.)<br>7,263 m <sup>2</sup> (78,178 sq. ft.) |
| Height -<br>Eglinton Lands:<br>Dixie Lands:                    | 2 storeys<br>1 storey  |
| Parking Required -<br>Eglinton Lands:                          | 486 parking spaces   |

| <b>Development Proposal</b> |   |
|-----------------------------|---|
| Dixie Lands:                | 552 parking spaces  |
| Total Parking:              | 1,038 parking spaces  |
| Parking Provided -          |   |
| Eglinton Lands:             | 343 delineated parking spaces                                   |
| Dixie Lands:                | 428 parking spaces  |
| Total Parking:              | 771 parking spaces  |
| Supporting Documents:       | Parking Analysis completed by BA Consulting dated February 2007 |

| <b>Site Characteristics</b> |                    |
|-----------------------------|--------------------|
| Frontage:                   |                    |
| Eglinton Lands:             | 125 m (410 ft.)    |
| Dixie Lands:                | 139 m (456 ft.)    |
| Depth:                      |                    |
| Eglinton Lands:             | 151 m (495 ft.)    |
| Dixie Lands:                | 210 m (689 ft.)    |
| Net Lot Area:               |                    |
| Eglinton Lands:             | 1.88 ha (4.65 ac.) |
| Dixie Lands:                | 2.87 ha (7.09 ac.) |

Additional information is provided in Appendices I-1 to I-8.

### **Neighbourhood Context**

The subject properties are located in a fully developed mixed industrial and commercial area. In addition to Club 108, other uses on the Eglinton Lands include offices, a banquet hall and two restaurants. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: Industrial (Aimco Industries Ltd.)
- East: Esso and Canadian Tire gas bars with associated retail uses, vacant zoned industrial land
- South: Multi-tenant industrial and commercial uses (Bank of Nova Scotia)
- West: Multi-tenant industrial buildings

### **Current Mississauga Plan Designation and Policies for the Northeast District (May 5, 2003)**

**"General Commercial"** which permits a range of establishments for the sale of goods and services, and also includes recreation, entertainment and accommodation to the general public. In addition, business employment uses are permitted in this area.

The application is in conformity with the land use designation and no official plan amendments are proposed. However, through the processing of the application, Official Plan policies respecting commercial land uses and urban design policies that speak to parking, access, safety and pedestrian movements would need to be considered.

### **Existing Zoning**

**Eglinton Lands: "MC-1614" (Mixed Industrial and Commercial)**, which permits a range of industrial, office and commercial uses, including a Commercial Entertainment Centre which is defined as a building or structure providing live entertainment and where food is offered for sale to the public, but not prepared within the building or structure, and excludes a dining room, restaurant, dining lounge, or club where full course meals are served, and adult entertainment parlour. A night club is not a permitted use.

Historically, through the approval of the associated minor variance applications, Club 108 has been referred to as a night club, notwithstanding that nightclubs are not permitted. Club 108 is permitted as it was considered to be a Commercial Entertainment Centre. Through this application, it will need to be confirmed whether or not the business continues to meet the definition of "Commercial Entertainment Centre".

**Dixie Lands: "MC-1435" (Mixed Industrial and Commercial)**, which permits a range of industrial, office and commercial uses, but not a Commercial Entertainment Centre.

## **Parking Standards**

In a number of mixed use areas of the City, the Zoning By-law provides opportunities for a shared parking arrangement, based on a mathematical formula, which takes into account that each of the permitted uses generates more parking at certain times of the day. While this formula allows for a shared parking arrangement amongst the various businesses, it also stipulates that there must be a minimum number of spaces provided based on the busiest time of day, known as “Percent of Peak Period”. Both the “MC-1614” and “MC-1435” Zone categories make use of Percent of Peak Period tables to calculate required parking.

## **Zoning Regulations Specific to Night Clubs**

In 1992, Council increased the parking standard for night clubs from 15 spaces per 100 m<sup>2</sup> (1,076 sq. ft.) to 25.2 spaces per 100 m<sup>2</sup> (1,076 sq. ft.). In addition, Council in 1999 and 2000 adopted provisions specific to the operation of a night club as follows: a maximum gross floor area of 1,115 m<sup>2</sup> (12,000 sq. ft.); an 800 m (2,625 ft.) distance separation from residentially zoned lands; an 800 m (2,625 ft.) distance separation between night clubs; and must front onto a major road.

As Club 108 is viewed as a Commercial Entertainment Centre, the above does not apply. The parking standard for a Commercial Entertainment Centre is 15 spaces per 100 m<sup>2</sup> (1,076 sq. ft.).

## **Proposed Zoning By-law Amendment**

The applicant has requested that the provisions of the above two zone categories be modified to accomplish the following:

1. To permit a portion of the required parking for the Eglinton Lands, principally associated with the Commercial Entertainment Centre, to be provided off site on the abutting Dixie Lands to the north (see Appendix I-5);
2. To amend the Percent of Peak Period tables that form part of the zoning for both properties to reflect the new parking arrangement as proposed, by adding a Late Evening column.

Details on the revised tables are included in Appendix I-7.

### **Draft Mississauga Zoning By-law**

A report on the new draft Zoning By-law was received at the Planning and Development Committee on April 30, 2007. A further addendum report was adopted by Council on May 23, 2007, with the exception of the Harris Farm. The implementing by-law is anticipated to be passed by Council on June 20, 2007.

The draft Zoning for both properties is "C3-46" (Commercial) which permits a range of commercial and industrial uses, including a night club, which must be located a minimum of 800 m (8,611 ft.) from a residential zone, and have a maximum floor area of 1,115 m<sup>2</sup> (12,000 sq. ft.). The timing of the site specific Zoning By-law to permit the proposed development may be affected by the passage of the new Mississauga Zoning By-law and potential appeals. A recommendation will be included in the supplementary report to address the new Mississauga Zoning By-law.

### **Business Licensing By-law Status**

The City's Business Licensing By-law requires that a license be issued for the operation of a Night Club, as defined within the By-law. An application has been filed with the City but refused on the basis of the decisions made by the Committee of Adjustment and Ontario Municipal Board respecting the use. This decision has been appealed by the applicant to the City's Licensing Appeal Committee. A hearing date has not been set.

### **COMMUNITY ISSUES**

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

### **DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix I-6. Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

- review and comment on the parking study submitted in support of the subject application;
- registration of easements to reflect any parking arrangement;
- clarification as to whether or not Club 108 continues to be defined as a Commercial Entertainment Centre, or if it should be considered a night club.

## **OTHER INFORMATION**

### **Development Requirements**

In conjunction with the proposed rezoning, there are certain other matters which may require the applicant to enter into appropriate agreements with the City.

**FINANCIAL IMPACT:** Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

**CONCLUSION:** Most agency and City department comments have been received and 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 - Site History
- Appendix I-2 - Aerial Photograph
- Appendix I-3 - Excerpt of Northeast District Land Use Map
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 - Shared Parking Plan
- Appendix I-6 - Agency Comments
- Appendix I-7 - Proposed Zoning Provisions
- Appendix I-8 - General Context Map

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Rob Hughes, Development Planner*



**Dixie Eglinton Construction Ltd.**

**File: OZ 07/004 W5**

### **Site History**

#### **1325 Eglinton Avenue East**

- July 28, 1986 - A Site plan application, under file SP 023/86, was approved to permit the construction of a multi-tenant industrial building.
- October 26, 1987 - Council adopted implementing By-law 0818-87, under file OZ-022/87 W5, which rezoned the lands from "M1" (Industrial) and "M2" (Industrial) to "MC-1614" (Mixed Industrial and Commercial).
- April 21, 1988 - The Committee of Adjustment refused a minor variance application, under file A-130/88, to permit an existing night club (Entex Entertainment Centre) to remain, providing no parking by virtue of its off peak hours of operation.
- May 19, 1988 - The Committee of Adjustment approved a minor variance application, under file A-207/88, for a two year period to permit an existing night club (Entex Entertainment Centre) to remain, providing no parking by virtue of its off peak hours of operation, subject to conditions respecting hours of operation, security, signage, and a suitable barrier along the westerly limit.
- July 19, 1990 - The Committee of Adjustment approved a minor variance application, under file A-349/90, for the night club parking as previously approved on May 19, 1988, for a five year period.
- November 22, 1990 - The Committee of Adjustment approved a minor variance application, under file A-547/90, to permit an automotive accessory installation business.
- July 22, 1993 - The Committee of Adjustment approved a minor variance application, under file A-295/93, for the night club parking as previously approved on July 19, 1990, for a new owner (The Mix Nightclub Limited) for a one year period.
- July 21, 1994 - The Committee of Adjustment approved a minor variance application, under file A-441/94, for the night club parking as previously approved on July 22, 1993, specific to Club 107 for a five year period.
- March 20, 1995 - The Committee of Adjustment approved a minor variance application, under file A-118/95, to permit a food vending cart, for a three year period.

**Dixie Eglinton Construction Ltd.****File: OZ 07/004 W5**

- June 26, 1995 - The Committee of Adjustment approved a minor variance application, under file A-324/95, to permit a food vending cart, as approved on March 20, 1995, but under a new owner, for a three year period.
- September 24, 1998 - The Committee of Adjustment approved a minor variance application, under file A-631/98, for the night club parking as previously approved on July 21, 1994, specific to 1197801 Ontario Inc. for a seven year period.
- November 15, 2001 - The Committee of Adjustment refused a minor variance application, under file A-772/01, to permit the establishment of an outdoor patio ancillary to the existing night club known as Club 107. The matter was appealed to the Ontario Municipal Board which allowed the appeal in a decision dated December 13, 2002.
- July 18, 2002 - The Committee of Adjustment refused a minor variance application, under file A-512/02, to permit a hot dog vending cart. The matter was appealed to the Ontario Municipal Board but subsequently withdrawn through minutes of settlement addressed before the Board in a decision dated December 31, 2002.
- September 8, 2003 - A Site Plan application, under file SP 01/371 W5, was approved for the development of a side yard outdoor patio, as approved by the Ontario Municipal Board on December 13, 2002.
- September 22, 2005 - The Committee of Adjustment refused a minor variance application, under file A-289/05, to permit the continued operation of a Night Club use (Club 107 and Club 108) on the subject property, providing no additional parking by virtue of an off-peak use arrangement, as previously approved by the Committee on September 24, 1998. The matter was appealed to the Ontario Municipal Board which upheld the Committee's ruling in a decision dated July 11, 2006, stating that the matter is more appropriately dealt with through the submission of a rezoning application supported by a parking utilization study.

**5120-5130 Dixie Road**

- April 4, 1985 - A Site plan application, under file SP-240/84 W5 was approved to permit the construction of a multi-tenant industrial building.
- April 14, 1986 - Council adopted implementing By-law 0326-86, under file OZ-028/85 W5, which rezoned the lands to "MC-1435" (Mixed Industrial and Commercial).

**Dixie Eglinton Construction Ltd.****File: OZ 07/004 W5**

- A number of minor variances have been approved for the lands as follows:
  - November 6, 1986 (A-710/86) to permit a convenience variety store
  - November 2, 1986 (A-663/89) to permit a convenience variety store
  - November 1, 1990 (A-514/90) to permit a specialty food store
  - February 28, 1991 (A-94/91) to permit a delicatessen
  - December 23, 1991 (A-665/91) to permit restaurant/night club for five years
  - February 20, 1992 (A-117/92) to permit the expansion of a restaurant
  - April 9, 1992 (A-231/92) to permit a billiard hall and snack bar
  - June 25, 1992 (A-456/92) to permit an arcade
  - January 21, 1993 (A-22/93) to permit tool and equipment rental business
  - December 2, 1993 (A-621/93) to permit a convenience variety store
  - February 8, 1996 (A-43/96) to permit a martial arts club
  - August 15, 1996 (A-390/96) to permit accessory retail for baked goods
  - April 3, 1997 (A-335/97) to permit a night club for three years
  - March 6, 1997 (A-336/97) to permit a billiard hall and snack bar
  - June 19, 1997 (A-559/97) to permit a night club for three years
  - June 4, 1998 (A-227/98) to permit a billiard hall and snack bar
  - June 18, 1998 (A-489/98) to permit a convenience variety store
  - October 1, 1998 (A-655/98) to permit a dance studio
  - February 4, 1999 (A-47/99) to permit a night club for one year
  - February 10, 2000 (A-62/00) to permit an accessory lounge for dance studio
  - May 4, 2000 (A-249/00) to permit a night club for five years
  - August 16, 2001 (A-483/01) to permit a convenience store
  - September 27, 2001 (A-679/01) to permit accessory retail for baked goods
  - May 9, 2002 (A-263/02) to permit a mezzanine structure
  - June 6, 2002 (A-336/02) to permit a night club for three years
  - November 11, 2003 (A-819/03) to permit a dance studio
  - September 16, 2004 (A-408/04) to permit a restaurant (convenience and take-out)
  - February 16, 2006 (A-50/06) to permit a dance studio
  - November 2, 2006 (A-478/06) to permit a commercial school
  - November 23, 2006 (A-497/06) to permit a convenience store
  - December 7, 2006 (A-528/06) to permit a restaurant

#### **Night Club General**

- January 13, 1992 - Council adopted implementing By-law 0008-1992 which, among other things, increased the parking standard for night clubs from 15 spaces per 100 m<sup>2</sup> (1,076 sq. ft.) to 25.2 spaces per 100 m<sup>2</sup> (1,076 sq. ft.)

**Dixie Eglinton Construction Ltd.**

**File: OZ 07/004 W5**

- March 31, 1999 - Council adopted implementing By-laws 0142-1999, 0143-1999 and 0144-1999 which restricted the gross floor area of night clubs to 1,115 m<sup>2</sup> (12,000 sq. ft.) and required an 800 m (2,625 ft.) distance separation from residentially zoned lands. Additional restrictions were added through the adoption of By-law 0440-2000 on September 13, 2000 which required that night clubs be separated from other night clubs at least 800 m (2,625 ft.), front onto a major road, and be permitted within industrial zones.



**LEGEND:**

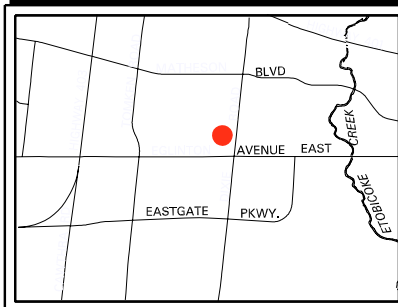
 **SUBJECT LANDS**

**DATE OF AERIAL PHOTO: 2006**



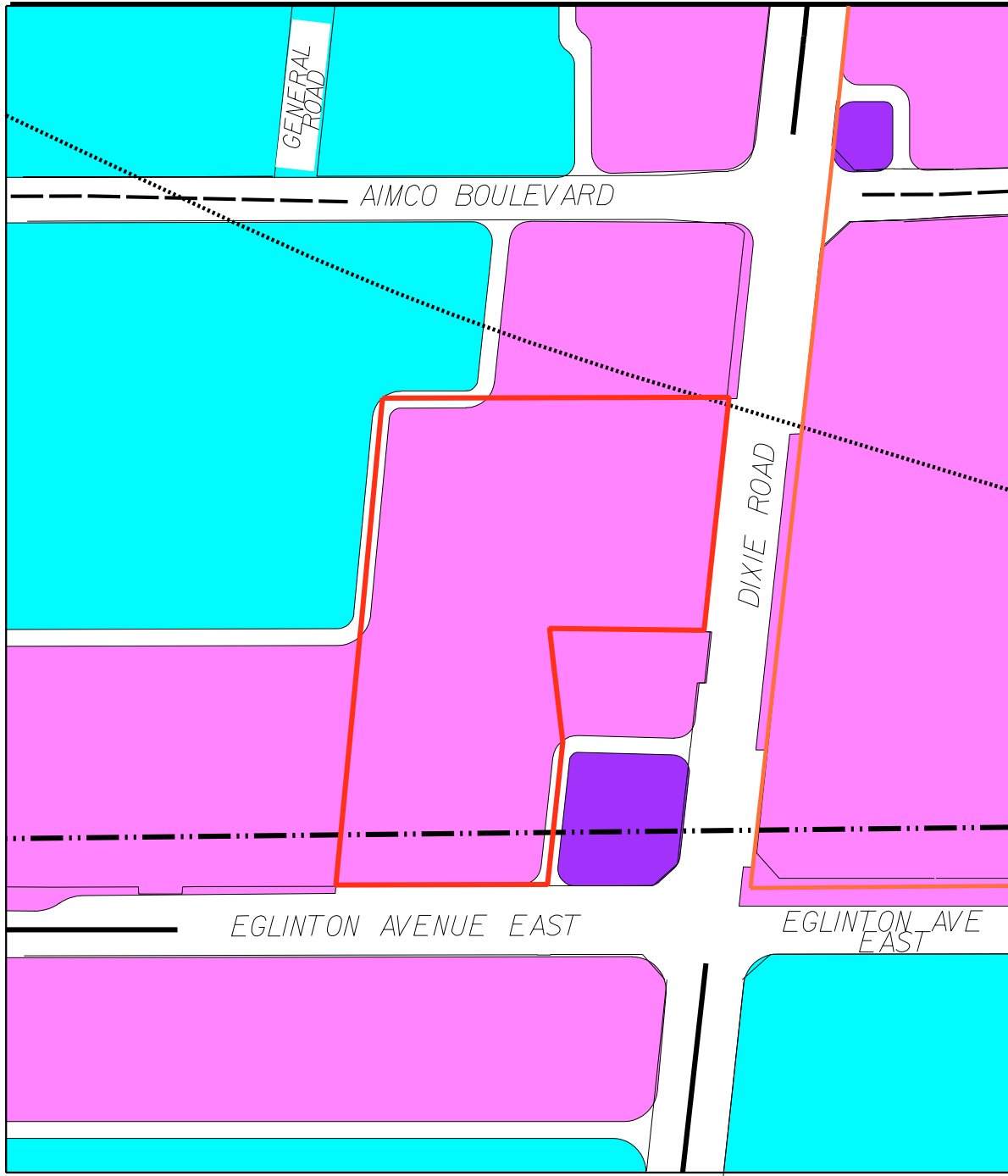
**SUBJECT:**

**DIXIE EGLINTON CONSTRUCTION LTD.**



|                  |                     |
|------------------|---------------------|
| <b>FILE NO:</b>  | <b>OZ 07/004 W5</b> |
| <b>DWG. NO:</b>  | <b>070004A</b>      |
| <b>SCALE:</b>    | <b>NTS</b>          |
| <b>PDC DATE:</b> | <b>2007 06 25</b>   |
| <b>DRAWN BY:</b> | <b>R.DICOSOLA</b>   |

**APPENDIX 1-2**



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

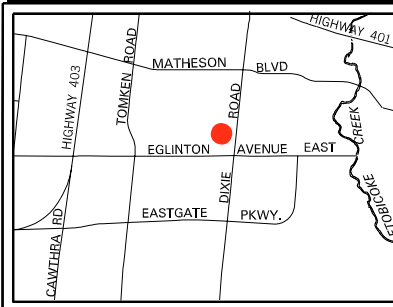
- LAND USE DESIGNATIONS**
- General Commercial
  - Motor Vehicle Commercial
  - Business Employment
  - Industrial
  - Open Space
  - Private Open Space
  - Greenbelt
  - Utility
  - Parkway Belt West
- TRANSPORTATION LEGEND**
- Provincial Highway and Interchange
  - Arterial
  - Possible future Arterial (conceptual)
  - Major Collector
  - Minor Collector
  - Local Road
  - Transitway
  - Transitway Station
  - Major Transit Corridor

- LAND USE LEGEND**
- LBPIA Operating Area Boundary – See Aircraft Noise Policies
  - Note: In Northeast, this includes all lands north of Eglinton/Dixie/Matheson indicated on map 1 of 2
  - CP – City Park
  - C – Community Park
  - Cem – Cemetery
  - 1996 NEP /2000 NEF Composite Noise Contours
  - Planning District

**SUBJECT LANDS**



**SUBJECT: DIXIE EGLINTON CONSTRUCTION LTD.**



**FILE NO:**  
OZ 07004 W5

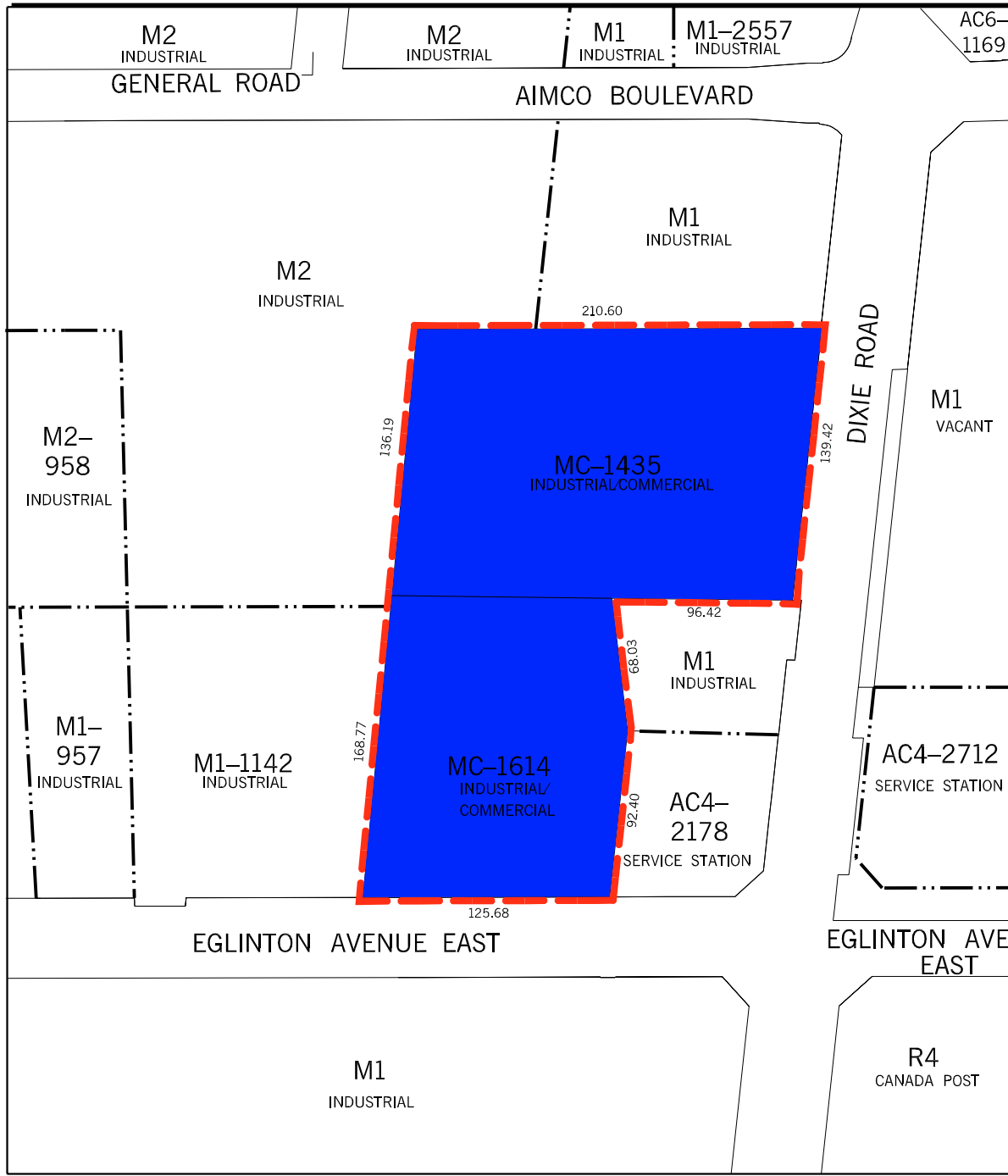
**DWG. NO:**  
07004L

**SCALE:**  
1:5000

**PDC DATE:**  
2007 06 25

**DRAWN BY:**  
R.DICOSOLA

**APPENDIX I-3**



**LEGEND:**



PROPOSED REZONING APPLICATION TO AMEND THE "MC-1435" (MIXED INDUSTRIAL AND COMMERCIAL) AND "MC-1614" (MIXED INDUSTRIAL AND COMMERCIAL) ZONING APPLYING TO THE LANDS TO PERMIT A SHARED PARKING ARRANGEMENT.

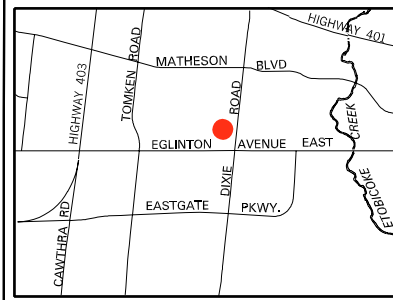
SHOULD THE NEW ZONING BY-LAW BE PASSED BY COUNCIL, THE APPLICATION WILL NEED TO BE CHANGED TO AMEND THE PROVISIONS OF THE PROPOSED "C3-46" (GENERAL COMMERCIAL) ZONE.

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



**SUBJECT:**

**DIXIE EGLINTON CONSTRUCTION LTD.**



**FILE NO:**  
OZ 07004 W5

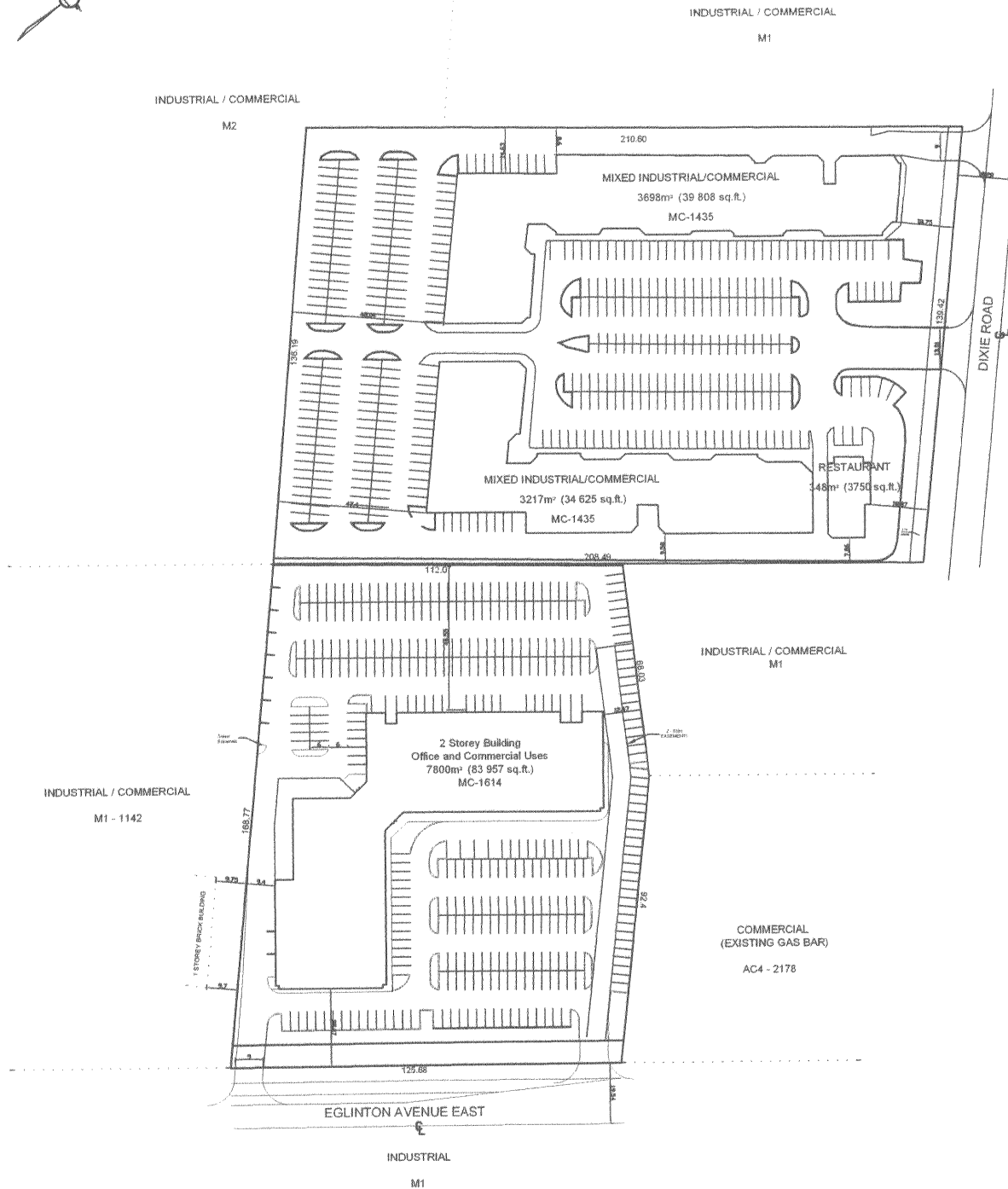
**DWG. NO:**  
07004R

**SCALE:**  
1:3000

**PDC DATE:**  
2007 06 25

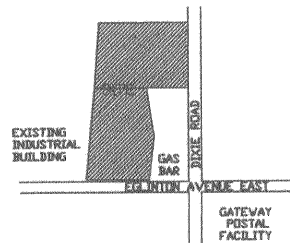
**DRAWN BY:**  
R.DICOSOLA

**APPENDIX 1-4**



**SITE PLAN  
PARKING LAYOUT**  
5120 - 5130 DIXIE RD. &  
1325 EGLINTON AVE.

**KEY MAP**



**KENTRIDGE LIMITED**  
**PLANNING CONSULTANTS**  
185 CARLTON STREET 416-323-1444  
TORONTO ONTARIO M5A 2K7FAX 416-323-0388

| DATE          | PROJECT | SCALE    |
|---------------|---------|----------|
| Oct. 12, 2006 | 02P28   | 1 : 2000 |



**Dixie Eglinton Construction Ltd.****File: OZ 07/004 W5****Agency Comments**

The following is a summary of comments from agencies and departments regarding the application.

| <b>Agency / Comment Date</b>   | <b>Comment</b>  |
|--|---|
| Region of Peel<br>(May 15, 2007)   | As no additional buildings are proposed, municipal water and sanitary sewer site services and waste service comments are not applicable to this application. Prior to approval, the applicant is required to submit to Regional staff Legal Easements for the proposed shared parking between the two properties. This is to be illustrated on a Draft Reference Plan and submitted for Regional review and comment. All costs associated with establishing the easements are to be 100% paid by the applicant. |
| City Community Services<br>Department –<br>Planning, Development and<br>Business Services Division<br>(April 11, 2007) | This Department has no concerns or conditions regarding the subject application.  |
| City Community Services<br>Department – Fire and<br>Emergency Services<br>Division<br>(May 15, 2007)                   | This Department has reviewed the rezoning application from an emergency response perspective and has no concerns.   |
| City Transportation and<br>Works Department<br>(May 3, 2007)   | This Department indicated that as no physical changes are proposed to the site, we have no concerns at this time. Access and servicing to Dixie Road shall be determined to the satisfaction of the Region of Peel as this road is under their jurisdiction. Further comments will be provided prior to the Supplementary Report proceeding to City Council.  |
| Other City Departments and<br>External Agencies  | <p>The following City Departments and external agencies offered no objection to this application provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> <li>- Canada Post</li> <li>- City Development Services.</li> <li>- City Economic Development Office</li> <li>- Greater Toronto Airports Authority</li> </ul>  |

**Dixie Eglinton Construction Ltd.****File: OZ 07/004 W5**

| Agency / Comment Date | Comment  |
|-----------------------|--|
|                       | <p>The following City Departments and external agencies were circulated the application but provided no comments:</p> <ul style="list-style-type: none"><li>- Bell Canada</li><li>- Enbridge Gas Distribution Inc.</li><li>- Enersource Hydro Mississauga</li><li>- Hydro One Networks Inc.</li><li>- Realty Services</li><li>- Rogers Cable</li></ul> |

Dixie Eglinton Construction Ltd.

File: OZ 07/004 W5

**Proposed Zoning Provisions****1325 Eglinton Avenue East****"MC-1614" (Mixed Industrial and Commercial)****Existing Charts**

| <b>PERCENT OF PEAK PERIOD (Weekday)</b>  |                |             |                  |                |
|--|----------------|-------------|------------------|----------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> |
| Industrial/Office  | 100            | 90          | 95               | 10             |
| Retail   | 80             | 65          | 100              | 100            |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, take-out<br>restaurants and<br>banquet halls) | 20             | 100         | 30               | 100            |
| Commercial<br>Entertainment<br>Centre  | 0              | 100         | 100              | 100            |
| <b>TOTAL</b>   |                |             |                  |                |

| <b>PERCENT OF PEAK PERIOD (Saturday)</b>   |                |             |                  |                |
|--|----------------|-------------|------------------|----------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> |
| Industrial/Office  | 10             | 10          | 10               | 10             |
| Retail   | 80             | 100         | 100              | 30             |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, take-out<br>restaurants and<br>banquet halls) | 20             | 100         | 50               | 100            |
| Commercial<br>Entertainment<br>Centre  | 0              | 100         | 100              | 100            |
| <b>TOTAL</b>   |                |             |                  |                |

Dixie Eglinton Construction Ltd.

File: OZ 07/004 W5

1325 Eglinton Avenue East  
 "MC-1614" (Mixed Industrial and Commercial)  
 Proposed Charts

| <b>PERCENT OF PEAK PERIOD (Weekday)</b>  |                |             |                  |                |                     |
|--|----------------|-------------|------------------|----------------|---------------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> | <b>Late Evening</b> |
| Industrial/Office  | 100            | 90          | 95               | 10             | 5                   |
| Retail   | 80             | 65          | 100              | 100            | 10                  |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, take-out<br>restaurants and<br>banquet halls) | 20             | 100         | 100              | 100            | 10                  |
| Commercial<br>Entertainment<br>Centre  | 0              | 0           | 0                | 25             | 100                 |
| <b>TOTAL</b>   |                |             |                  |                |                     |

| <b>PERCENT OF PEAK PERIOD (Saturday)</b>   |                |             |                  |                |                     |
|--|----------------|-------------|------------------|----------------|---------------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> | <b>Late Evening</b> |
| Industrial/Office  | 10             | 10          | 10               | 10             | 0                   |
| Retail   | 80             | 100         | 100              | 30             | 0                   |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, take-out<br>restaurants and<br>banquet halls) | 20             | 100         | 50               | 100            | 10                  |
| Commercial<br>Entertainment<br>Centre  | 0              | 0           | 0                | 25             | 100                 |
| <b>TOTAL</b>   |                |             |                  |                |                     |

Dixie Eglinton Construction Ltd.

File: OZ 07/004 W5

**5120-5130 Dixie Road**  
**"MC-1435" (Mixed Industrial and Commercial)**  
**Existing Charts**

| <b>PERCENT OF PEAK PERIOD (Weekday)</b>  |                |             |                  |                |
|--|----------------|-------------|------------------|----------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> |
| Industrial/Office  | 100            | 90          | 95               | 10             |
| Retail   | 80             | 65          | 100              | 100            |
| Medical Office   | 100            | 60          | 95               | 20             |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, and take-<br>out restaurants) | 20             | 100         | 30               | 100            |
| <b>TOTAL</b>   |                |             |                  |                |

| <b>PERCENT OF PEAK PERIOD (Saturday)</b>   |                |             |                  |                |
|--|----------------|-------------|------------------|----------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> |
| Industrial/Office  | 10             | 10          | 10               | 10             |
| Retail   | 80             | 100         | 100              | 30             |
| Medical Office   | 100            | 60          | 95               | 20             |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, and take-<br>out restaurants) | 20             | 100         | 50               | 100            |
| <b>TOTAL</b>   |                |             |                  |                |

Dixie Eglinton Construction Ltd.

File: OZ 07/004 W5

**5120-5130 Dixie Road**  
**"MC-1435" (Mixed Industrial and Commercial)**  
**Proposed Charts**

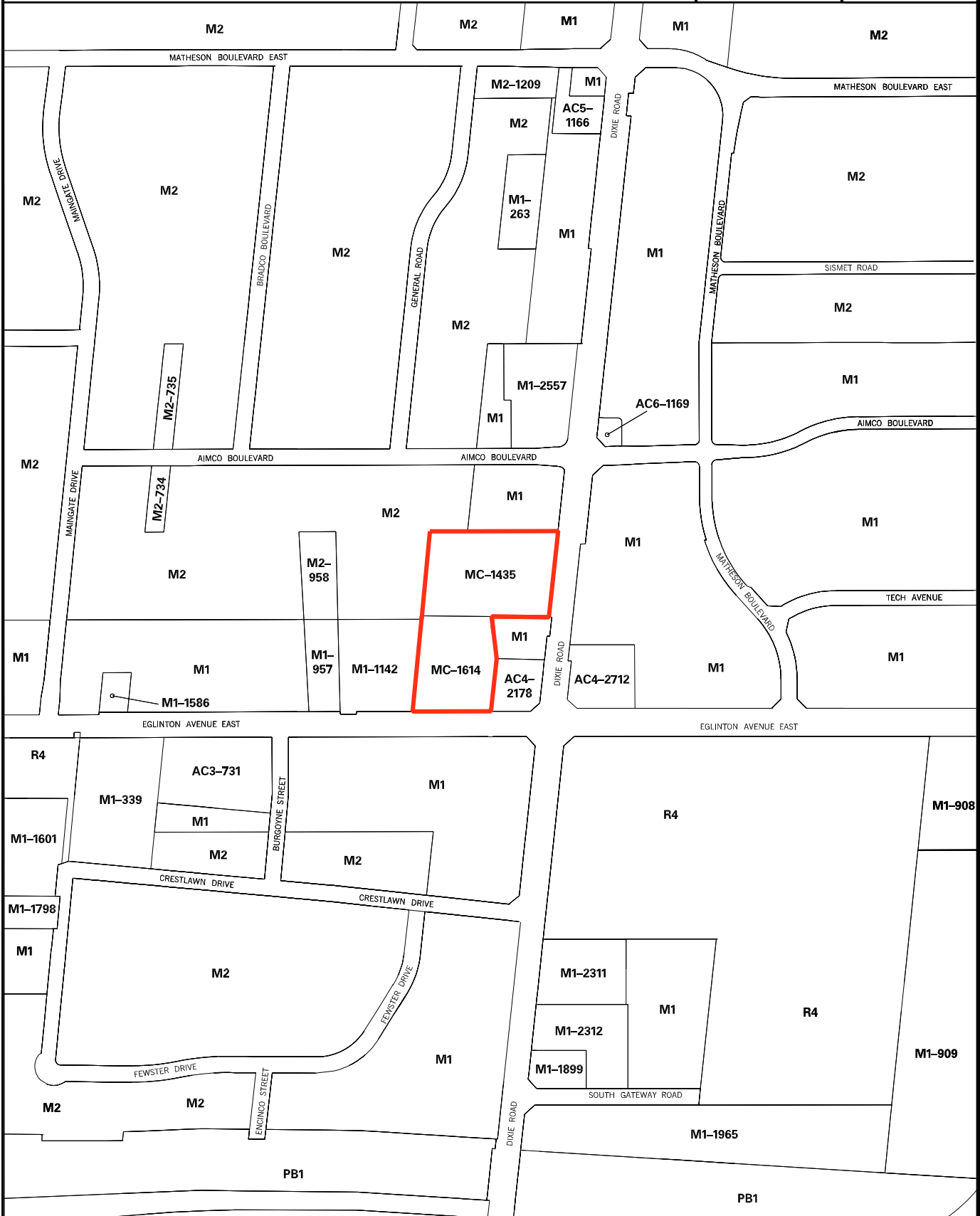
| <b>PERCENT OF PEAK PERIOD (Weekday)</b>  |                |             |                  |                |                     |
|--|----------------|-------------|------------------|----------------|---------------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> | <b>Late Evening</b> |
| Industrial/Office  | 100            | 90          | 95               | 10             | 5                   |
| Retail   | 80             | 65          | 100              | 100            | 10                  |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, and take-<br>out restaurants) | 20             | 100         | 30               | 100            | 10                  |
| Medical Offices  | 100            | 60          | 95               | 20             | 0                   |
| <b>TOTAL</b>   |                |             |                  |                |                     |

| <b>PERCENT OF PEAK PERIOD (Saturday)</b>   |                |             |                  |                |                     |
|--|----------------|-------------|------------------|----------------|---------------------|
| <b>Land Use</b>  | <b>Morning</b> | <b>Noon</b> | <b>Afternoon</b> | <b>Evening</b> | <b>Late Evening</b> |
| Industrial/Office  | 10             | 10          | 10               | 10             | 0                   |
| Retail   | 80             | 100         | 100              | 30             | 0                   |
| Restaurants<br>(includes restaurants,<br>convenience<br>restaurants, and take-<br>out restaurants) | 20             | 100         | 50               | 100            | 10                  |
| Medical Offices  | 100            | 60          | 95               | 20             | 0                   |
| <b>TOTAL</b>   |                |             |                  |                |                     |

# GENERAL CONTEXT MAP

OZ 07/004 W5

APPENDIX I-8



**Dixie Eglinton Construction Ltd.**

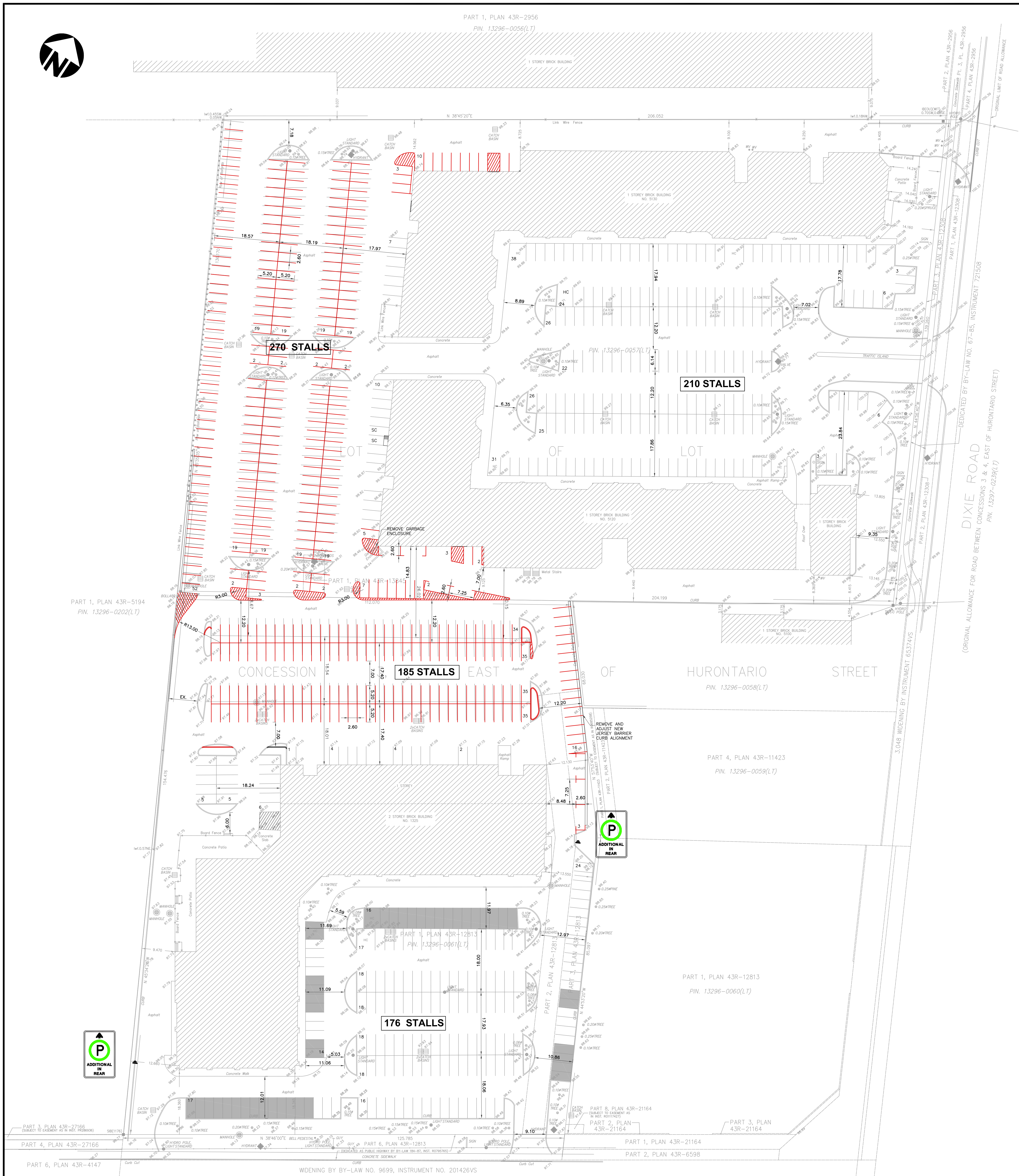
**File: OZ 07/004 W5**

**Recommendation PDC-0048-2007**

PDC-0048-2007

- "1. That the Report dated June 5, 2007, from the Commissioner of Planning and Building regarding the application to amend the "MC-1435" (Mixed Industrial and Commercial) and "MC-1614" (Mixed Industrial and Commercial) zoning to permit a shared parking arrangement for Club 108 under file OZ 07/004 W5, Dixie Eglinton Construction Ltd., 1325 Eglinton Avenue East, and 5120-5130 Dixie Road, be received for information.
2. That the e-mail dated June 22, 2007, from the Deputy Chief of Police, expressing concerns with the operation of Body English (Club 108), be received."





| <u>LOCATION</u>        | <u>REGULATORY</u> | <u>SMALL CAR</u> | <u>TOTAL</u> |
|------------------------|-------------------|------------------|--------------|
| EXISTING PARKING AREAS | 343               | 43*              | 386          |
| MODIFIED PARKING AREAS | 453               | <u>2</u>         | <u>455</u>   |
| TOTAL                  | 796               | 45               | 841          |

\* AISLE WIDTHS IN EXISTING PARKING AREAS DO NOT MEET CURRENT BYLAW DIMENSIONS.

PART 2:  
1. FENCE LOCATIONS ARE SHOWN ON THIS PLAN.  
2. THERE ARE NO REGISTERED EASEMENTS OR RIGHTS OF WAY.

DONALD E. ROBERTS LTD., ONTARIO LAND SURVEYORS  
111 RAILSIDE ROAD, SUITE 304, TORONTO, ONTARIO, M3A 1B2, (416) 755-5320

|         |             |           |
|---------|-------------|-----------|
| DRAWN   | J.H.        | REF. NO.  |
| CHECKED | D.E.R.      |           |
| DATE    | May 8, 2009 | 85-1591-4 |

|            |   |           |             |
|------------|---|-----------|-------------|
|            |   |           |             |
|            |   |           |             |
| 3          | PARKING STATISTICS & SMALL CAR IDENTIFICATION | VAC       | JULY 15/09  |
| 2          | NORTH LOT PARKING RE-CONFIGURATION            | VAC       | JULY 06/09  |
| 1          | ISSUED FOR REVIEW AND APPROVAL                | VAC       | MAY 14/09   |
| <b>No.</b> | <b>Description</b>                            | <b>By</b> | <b>Date</b> |

BA Consulting Group Ltd.  
45 St. Clair Avenue West, Suite 300  
Toronto, Ontario, M4V 1K9  
416.961.7110(tele) 416.961.9807(fax)  
[www.bagroup.com](http://www.bagroup.com)  
[bagroup@bagroup.com](mailto:bagroup@bagroup.com)

**BA GROUP**  
*Transportation  
Consultants*

Project

**CLUB 108**  
**1325 EGLINTON AVE. EAST and**  
**5120-5130 DIXIE RD.**  
**CITY OF MISSISSAUGA**

Dwg. Title

**RECOMMENDED PARKING LAYOUT  
PLAN**

|      |              |
|------|--------------|
| Date | MAY 13, 2009 |
|------|--------------|

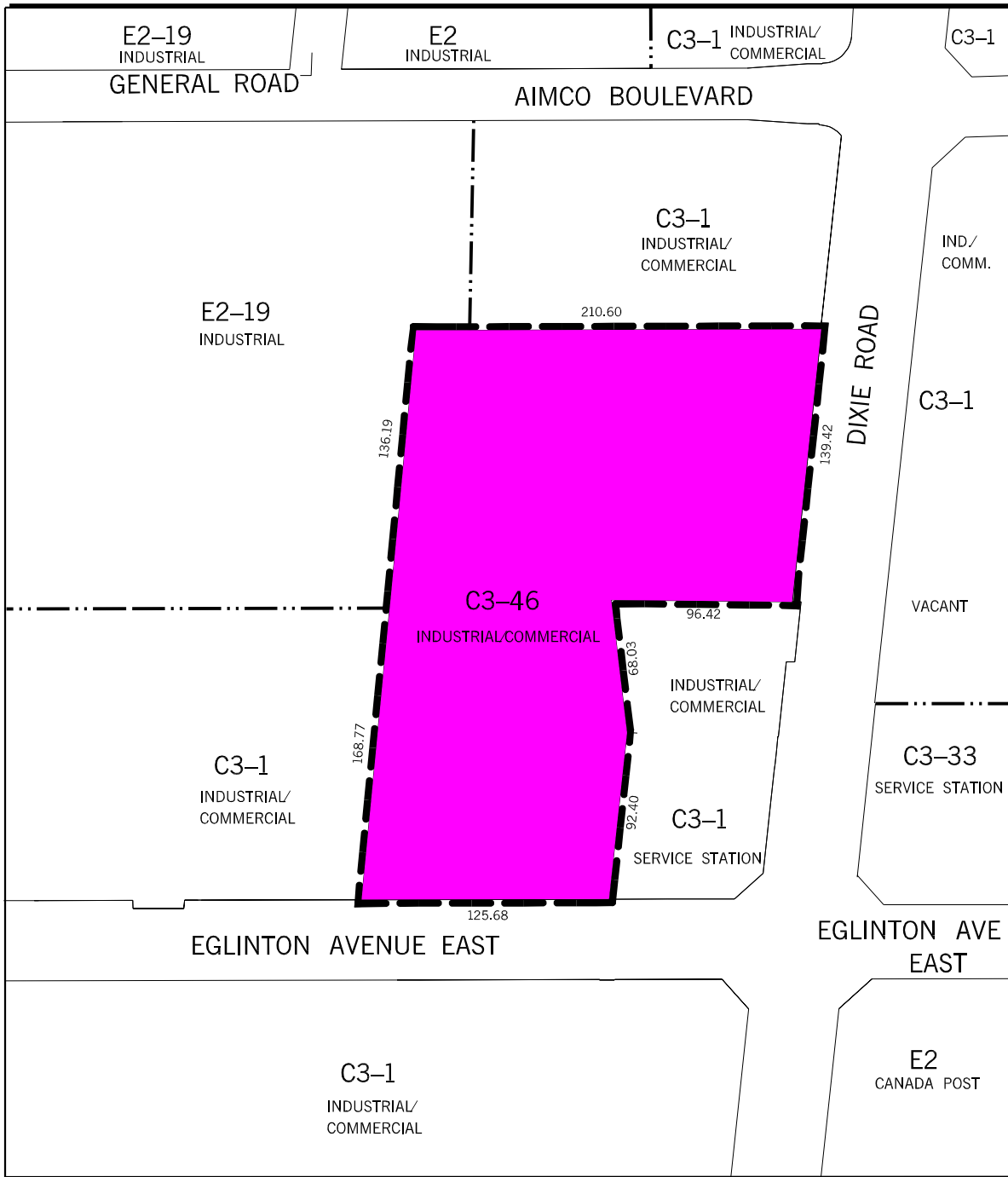
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1:500




|          |            |                                   |                                 |
|----------|------------|-----------------------------------|---------------------------------|
| Drawn    | <b>VAC</b> | Project No.<br><br><b>7130-01</b> | Drawing No.<br><br><b>PK-03</b> |
| Designed | <b>VAC</b> |                                   |                                 |






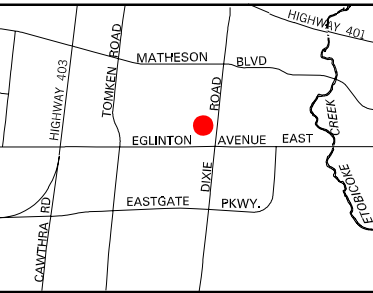

**LEGEND:**

 PROPOSED REZONING FROM "C3-46" (GENERAL COMMERCIAL) TO "C3-EXCEPTION" (GENERAL COMMERCIAL) TO PERMIT OFF SITE PARKING ARRANGEMENTS AND OTHER ZONING STANDARDS.

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



**SUBJECT:**  
**DIXIE EGLINTON CONSTRUCTION LTD.**

|  |                                 |
|--|---------------------------------|
|                                       | <b>FILE NO:</b><br>OZ 07/004 W5 |
|  | <b>DWG. NO:</b><br>07004R       |
|  | <b>SCALE:</b><br>1:3000         |
|  | <b>PDC DATE:</b><br>2009 10 05  |
|  | <b>DRAWN BY:</b><br>K. PROKOP   |
|  <b>Produced by</b><br>T&W, Geomatics |                                 |
| <b>APPENDIX S-4</b>  |                                 |

**Proposed Zoning By-law Amendment Changes**

1. From a zoning perspective, treatment of all lands (1325 Eglinton Avenue East and 5120-5130 Dixie Road) as one parcel.
2. Parking standard of 5.4 spaces per 100 m<sup>2</sup> (1,076 sq. ft.), to apply to all uses permitted on the lands.
3. Minor aisle and parking stall exceptions for existing spaces.
4. Maximum size of a night club permitted on the lands of 1 840 m<sup>2</sup> (19,805 sq. ft.).
5. Maximum floor area of all night clubs permitted on the lands of 1 840 m<sup>2</sup> (19,805 sq. ft.).
6. Maximum floor area of all forms of restaurants permitted on the lands of 3 540 m<sup>2</sup> (38,104 sq. ft.).
7. Maximum floor area of all banquet halls permitted on the lands of 1 200 m<sup>2</sup> (12,916 sq. ft.)