



## LEW ASSOCIATES LIMITED

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# PLANNING JUSTIFICATION REPORT

APPLICATION TO AMEND THE ZONING BY-LAW



ALI RAFAQAT  
PART OF LOTS 7 AND 8, CONC. 2, NDS  
1108 EGLINTON AVENUE EAST  
CITY OF MISSISSAUGA

MAY, 2017

## **1.0 INTRODUCTION**

Lew Associates Limited is the planning consultant representing the owner of 1108 Eglinton Avenue East, in the City of Mississauga, to facilitate the approval of an application to amend the Zoning By-Law.

The subject property is registered to Ali Rafaqat who also operates an auto repair garage located at 1137 Fewster Drive. It is the owner's intention to redevelop the subject property for retail / commercial uses, including a used car sales outlet.

This report provides the planning justification in support of the proposed application to amend Zoning By-Law 0225-2007 and forms part of the complete application.

## **2.0 SITE DESCRIPTION AND NEIGHBOURHOOD CONTEXT**

The subject property forms part of the City's Northeast Business Employment Character Area. It is legally described as being Part of Lots 7 and 8, Concession 2, North of Dundas Street and is municipally known as 1108 Eglinton Avenue East. Specifically, it is located on the south side of Eglinton Avenue East, directly opposite Maingate Drive (Figure 1 - Aerial View of Subject Property).

The rectangular parcel contains roughly 1,856m<sup>2</sup> in area. It has approximately 30.51m of frontage onto Eglinton Avenue East and a lot depth of 61.12m. The site is currently occupied by a vacant single storey detached dwelling, along with a free standing garage located at the rear of the property. The site's topography is relatively flat and devoid of any water course or significant vegetation.

The general neighbourhood is developed for retail / commercial purposes and reflects the City's vision for a planned business employment district (Figure 8 - Context Plan). Specific existing land uses of the area surrounding the subject property are as follows:

### **East**

The abutting lands to the east side of the subject property are zoned "Development D" and are occupied by a detached dwelling which has been converted for office use. Lands further east are zoned "Commercial C3-1" and are developed for a mixture of retail / commercial uses.

### **West**

The westerly adjacent property is zoned "Commercial C3-64". Similar to the subject property, this vacant lot was previously zoned "Development D". Rezoning application, under File No. OZ 10.002 W3 was recently approved for the adjacent property, to permit general retail / commercial uses. Development of this lot is subject to the approval of Site Plan Application SP11/166 W3. Lands further west are zoned "Development D" and are undeveloped.

### **North**

Lands along the north side of Eglinton Avenue East are zoned "Commercial C3-1" and are occupied by a variety of retail / commercial uses.

### **South**

Vacant lands immediately south of the subject property are zoned "Development D". Properties further south are zoned "Employment E2" and are developed for industrial uses.

## **3.0 PROPOSED APPLICATION AND DEVELOPMENT**

The subject property is zoned "Development D" by the City's Zoning By-Law No. 0225-2007. The proposed application is to amend the existing "Development D" zone to a "Commercial C3 – Exception" zone to permit retail / commercial uses, including a used car sales outlet. The owner presently operates an auto repair garage within the general neighbourhood. Upon approval of the proposed development, it is the owner's intention to occupy part of the proposed building for the sale of used cars that have been restored at his garage.

The subject property is designated "Mixed Use" by Mississauga's Official Plan. Lands under this designation are encouraged to contain a mixture of retail / commercial uses such as, retail stores, offices, restaurants, including motor vehicle sales. In this regard, the uses permitted under the proposed "Commercial C-3" zone would conform to the applicable Official Plan policies. Therefore, an amendment to the Official Plan is not necessary.

A conceptual site development plan showing a two storey, 426m<sup>2</sup> building is submitted to demonstrate the site's development potential (Figure 2 - Conceptual Site Plan, Figure 3 - Conceptual Elevation Plan). Ultimately, the owner would occupy part of the ground floor for his used car sales operation and lease the balance for retail / commercial purposes. The upper level would be leased as office space.

(3)

The conceptual site plan demonstrates an efficient site layout with the proposed building located towards the front of the property and parking provided within the side and rear yards. Sufficient landscaping is provided to enhance the streetscape and to ensure compatibility with adjacent development. It is generally acknowledged that detailed review of the specific site configuration and building design will be deferred to the formal site plan approval stage.

The subject property is serviced by a full movement, signalized access onto the Eglinton Avenue East / Maingate Drive intersection. This access is currently shared with the abutting property to the east. A similar mutual access will be granted in favour of westerly abutting property. We acknowledged that the proximity of the abutting properties to this intersection would prohibit direct accesses onto Eglinton Avenue East. We have no objection to the provision of the mutual accesses to facilitate orderly traffic circulation. However, it is evident that size and location of the mutual accesses would negatively affect the proposed development. In this regard, we would request the City's consideration to allow setback and parking "Exemptions" to the proposed "Commercial C-3" zoning regulations in order to restore the subject property's development potential. The exact extent of the "Exemptions" will be determined during the processing of this application.

#### **4.0 SUPPORTIVE DOCUMENT**

The proposed development application was considered by the City's Development Application Review Committee (DARC), on August 24, 2016. Through this review process, City Staff outlined preliminary concerns and comments and also identified studies and reports required to support the proposed development. The requested studies include a Tree Survey and Inventory and Tree Preservation Plan, a Functional Site Servicing/Stormwater Management Report, an Acoustical Feasibility Study, a Phase 1 Environmental Site Assessment (Ph1 ESA) and an Archaeological Assessment.

##### **4.1 Tree Survey & Inventory and Tree Preservation Plan**

The necessity for a Tree Survey & Inventory and Tree Preservation Plan was questioned during the DARC meeting. The subject property is completely paved with gravel and lime stone and does not contain any trees or vegetation. There are also no existing trees located within the municipal boulevard in front of the property. Therefore, it is our opinion that a Tree Survey & Inventory and Tree Preservation Plan should not be required to support the proposed rezoning application (Figure 1- Aerial View of Subject Property, Figure 4- Front View of Subject Property).

## **4.2 Functional Servicing Report**

The engineering firm of C. F. Crozier and Associates Inc. has completed the required Functional Servicing Report to support the proposed development.

The subject property is presently connected to municipal water and sanitary services. The Functional Servicing Report confirmed the availability of existing municipal infrastructure as follows:

- A 450mm sanitary sewer along Eglinton Avenue East.
- A 300mm watermain (local watermain) along Eglinton Avenue East.
- A 600mm watermain (local transmission feedermain) along Eglinton Avenue East.
- A storm outfall to Little Etobicoke Creek located within the westerly abutting property.

The Functional Servicing Report concluded that the existing water and sanitary municipal infrastructure are available and have sufficient capacity to service the proposed development. In regards to stormwater, the subject property's post development drainage will be collected at the southerly limits of the site and conveyed via an internal storm sewer system to be connected to an existing storm outfall to Little Etobicoke Creek (Figure 5 - Site Servicing Plan). This outfall was recently constructed within the westerly abutting property (1094 Eglinton Avenue East). A tentative agreement has been reached with the adjacent owner, for the acquisition of an easement to accommodate the stormwater connection to the outfall to Little Etobicoke Creek

## **4.3 Acoustical Feasibility Study**

The DARC requested an Acoustical Feasibility Study to identify all potential noise sources impacting the proposed development and recommend attenuating noise control measures for the proposed building and outdoor living areas.

The proposed application is to rezone the subject property's existing "Development D" zone to a "Commercial C-3" zone to permit retail / commercial uses. These commercial uses conform to the site's "Mixed Use" Official Plan designation. This designation prohibits the development of detached and semi-detached dwellings. Residential uses are permitted if combined with other permitted uses on the same lot or building. The proposed development will not contain any residential uses or overnight accommodation facilities. Furthermore, the subject property is not

in close proximity to a major noise source. Therefore, an Acoustical Feasibility Study would not be necessary.

#### **4.4 Phase 1 Environmental Site Assessment**

The Transportation and Works Department requested a Phase 1 Environmental Site Assessment (Ph1 ESA) based on staff's interpretation of aerial images that fill material has been placed on the site. The owner is adamant that the site has not been filled but, was paved with compacted gravel and lime stone after some on-site sewer work.

Notwithstanding the foregoing, a Ph1 ESA was completed by TRY Environmental Services Inc. This assessment did not reveal any significant environmental concerns that would impact or restrict the current use or redevelopment of the subject property.

#### **4.5 Archaeological Assessment**

The City's Heritage Planner felt that the subject property has archaeological potential due to its close proximity to Little Etobicoke Creek and requested the preparation of an Archaeological Assessment. The required assessment undertaken by Archeoworks Inc. concluded that no archaeological resources were encountered. The subject property is considered free of archaeological concern. No further archaeological investigation is recommended.

### **5.0 POLICY CONTEXT**

#### **5.1 Region of Peel Official Plan**

The Region of Peel Official Plan contains broad planning and land use policies to guide growth and development in the Region. The Regional Official Plan's Schedule D - Regional Structure, designates the majority of the City of Mississauga, including the subject property, as being part of the Region's Urban System (Figure 6 - Region Of Peel Official Plan - Schedule D). The general Urban System policies are outlined in Section 5.3 of the regional plan and includes goals and objectives to achieve intensified, efficient and sustainable use of land and encourages development that would recognize the integrity and physical characteristics of existing communities. It is our opinion that the proposed development conforms to the general policies of the Region of Peel Official Plan.

## **5.2 City of Mississauga Official Plan**

The subject property is located within the City's Northeast Business Employment Character Area. It is designated "Mixed Use" under Schedule 10 of the Mississauga Official Plan (Figure 7 - Mississauga Official Plan - Schedule 10). This designation envisions a planning district to accommodate a mix of general commercial and retail uses such as conference centre, entertainment, recreation and sports facility, financial institution, office, restaurant, retail store including motor vehicle rental and sales. Residential use is permitted if it is combined on the same lot or building with another permitted use. Detached and semi-detached dwellings are specifically prohibited under the "Mixed Use" designation.

The proposed development is for a combination of retail and commercial uses envisioned under the "Mixed Use" designation. The primary use is a used car sales outlet. The proposed development will not contain a residential component. It is a typical infill development and would be consistent and compatible with the existing development of the surrounding neighbourhood. The proposed development therefore, conforms to the applicable policies of the Mississauga Official Plan.

## **6.0 ZONING BY-LAW NO. 0225-2007**

The subject property is presently zoned "Development D" under the City's Zoning By-Law No. 0225-2007. The provisions of this zone only permit uses that legally existed at the date of the enactment of the By-Law. The subject property was occupied by an existing detached dwelling when the By-Law was passed on June 20<sup>th</sup>, 2007. Upon the enactment of the General Zoning By-Law, the previous owner appealed the imposition of the "Development D" zone to the Ontario Municipal Board (Appeal No. 24). The appeal was subsequently withdrawn on November 10<sup>th</sup>, 2008.

The "Development D" zone recognizes vacant properties and existing outmoded land uses and is not intended to prohibit development or redevelopment. The primary objective of this zoning category is to ensure that the ultimate land use would comply with the City's prevailing development standards. Effectively, properties that are zoned "Development D" must be rezoned to an appropriate category that conforms to the applicable land use policies and development criteria of the Official Plan.

The proposed "Commercial C-3" zone is identical to the existing zoning of the majority of the neighbouring lands (Figure 8 - Context Plan). The uses permitted by the "Commercial C-3"

zone also conform to the uses envisioned under the Official Plan's "Mixed Use" designation.

## **7.0 GREEN DEVELOPMENT STANDARDS**

The Development Application Review Committee imposed that the proposed development incorporates green site and building features in accordance with the Green Development Standards, adopted by the City on July 7<sup>th</sup>, 2010. The project architect is familiar with these criteria and is confident that the site works, building design and construction methods will be in keeping with the green initiatives, as well as the Leadership in Energy and Environmental Design for New Construction guidelines. Prior to site plan approval and the issuance of a building permit, the proposed development will incorporate the Stage One Green Development Standards to the satisfaction of the City.

## **8.0 SUMMARY AND CONCLUSION**

The proposed application represents a typical infill redevelopment and is deemed a desirable use for the following reasons:

- The proposed development conforms to the general policies of the Region of Peel Official Plan under the "Urban System" designation.
- The proposed development for retail / commercial uses conforms to the policies of the City of Mississauga Official Plan for lands designated "Mixed Use".
- Sanitary, stormwater and water services are readily available and have sufficient capacity to accommodate the proposed development. The proposed use of the subject property for retail / commercial purposes, will not negatively impact the area's existing municipal infrastructure.
- The proposed development complies with the general intent of Zoning By-Law No. 0225-2007 which requires lands that are zoned "Development D" to be rezoned to reflect the City's current development standards.
- The proposed "Commercial C-3" zone is identical to the existing zoning of the majority of the surrounding commercial lands. The proposed infill development recognizes and is compatible with the integrity and physical characteristics of the existing neighbourhood.
- The proposed site and building designs will incorporate the guidelines of the Green Development Standards and Leadership in Energy and Environmental Design.



(8)

In consideration of the foregoing, it is concluded that the proposed infill development represents good planning and is a desirable use for the subject property and therefore, warrants the support of City Staff and the approval of City Council.

Respectfully submitted

**Lew Associates Limited**



Keith Lew, BES, MCIP, RPP

**Attachments:**

- Figure 1 - Aerial View of Subject Property
- Figure 2 - Conceptual Site Plan
- Figure 3 - Conceptual Elevation Plans
- Figure 4 - Front View of Subject Property
- Figure 5 - Site Servicing Plan
- Figure 6 - Region of Peel Official Plan - Schedule D
- Figure 7 - Mississauga Official Plan - Schedule 10
- Figure 8 - Context Plan

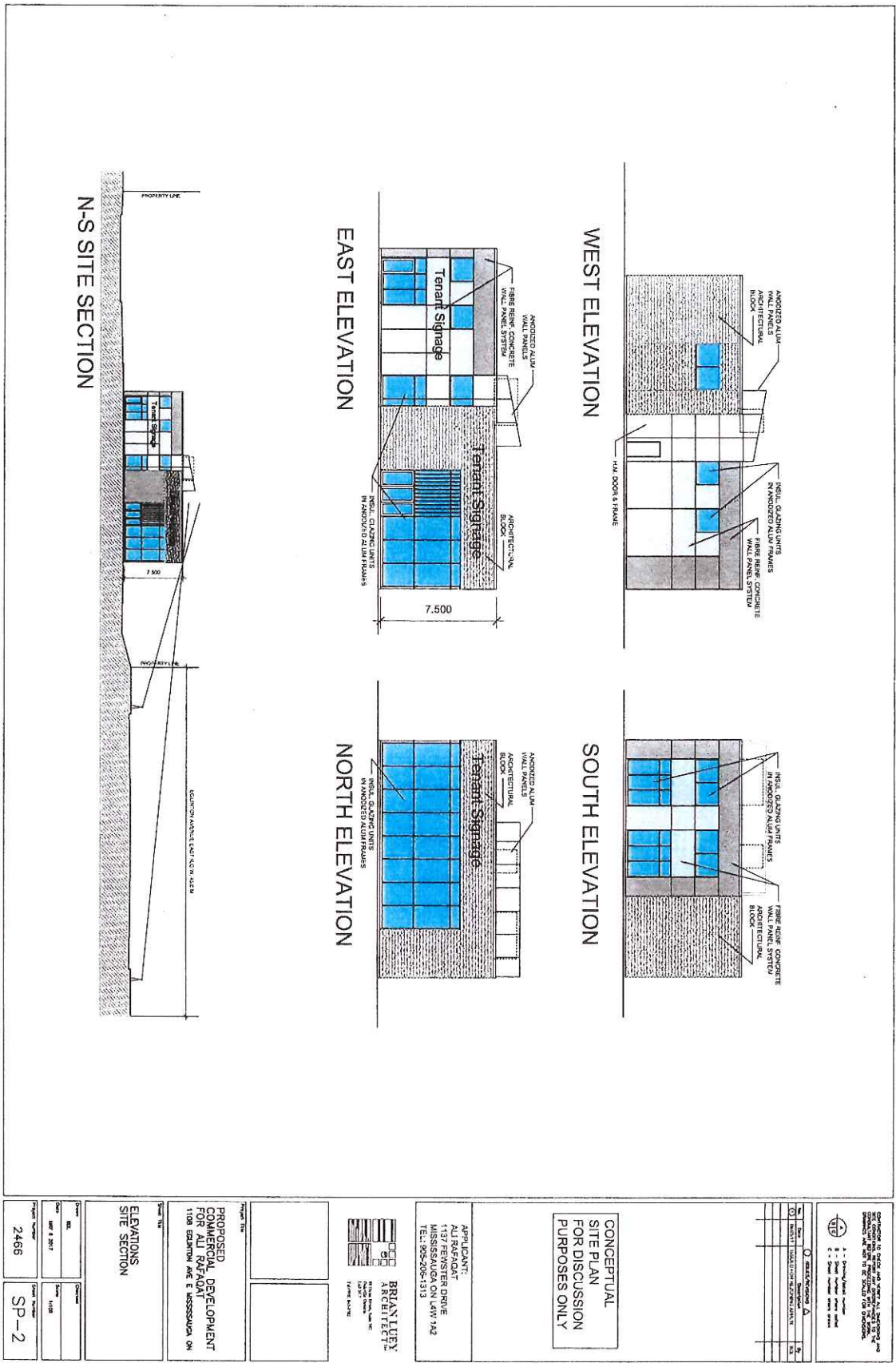




FIGURE 1

AERIAL VIEW OF SUBJECT PROPERTY





1. - Proposed/Under Review  
 2. - Final/As-Built  
 3. - Final/As-Built

NO.	DATE	DESCRIPTION	BY	CHKD.
1	08/11/2011	CONCEPTUAL ELEVATIONS	AS	AS

CONCEPTUAL  
 SITE PLAN  
 FOR DISCUSSION  
 PURPOSES ONLY

APPLICANT:  
 ALI RAFAQAT  
 11741 REVEREND DRIVE  
 LAWNDALE, CA 90243  
 TEL: 909-208-1313

**BRUNNEN**  
 CONSULTANTS  
 11741 REVEREND DRIVE  
 LAWNDALE, CA 90243  
 TEL: 909-208-1313

PROJECT TITLE:  
 PROPOSED  
 COMMERCIAL DEVELOPMENT  
 FOR ALI RAFAQAT  
 11741 REVEREND DRIVE  
 LAWNDALE, CA 90243

ELEVATIONS  
SITE SECTION

NO.	DATE	DESCRIPTION	BY	CHKD.
1	08/11/2011	ELEVATIONS	AS	AS

Project Number: 2466  
 Sheet: SP-2

FIGURE 3

CONCEPTUAL ELEVATION PLAN



**FIGURE 4**

**FRONT VIEW OF SUBJECT PROPERTY  
(LOOKING SOUTH ON EGLINTON AVENUE EAST)**

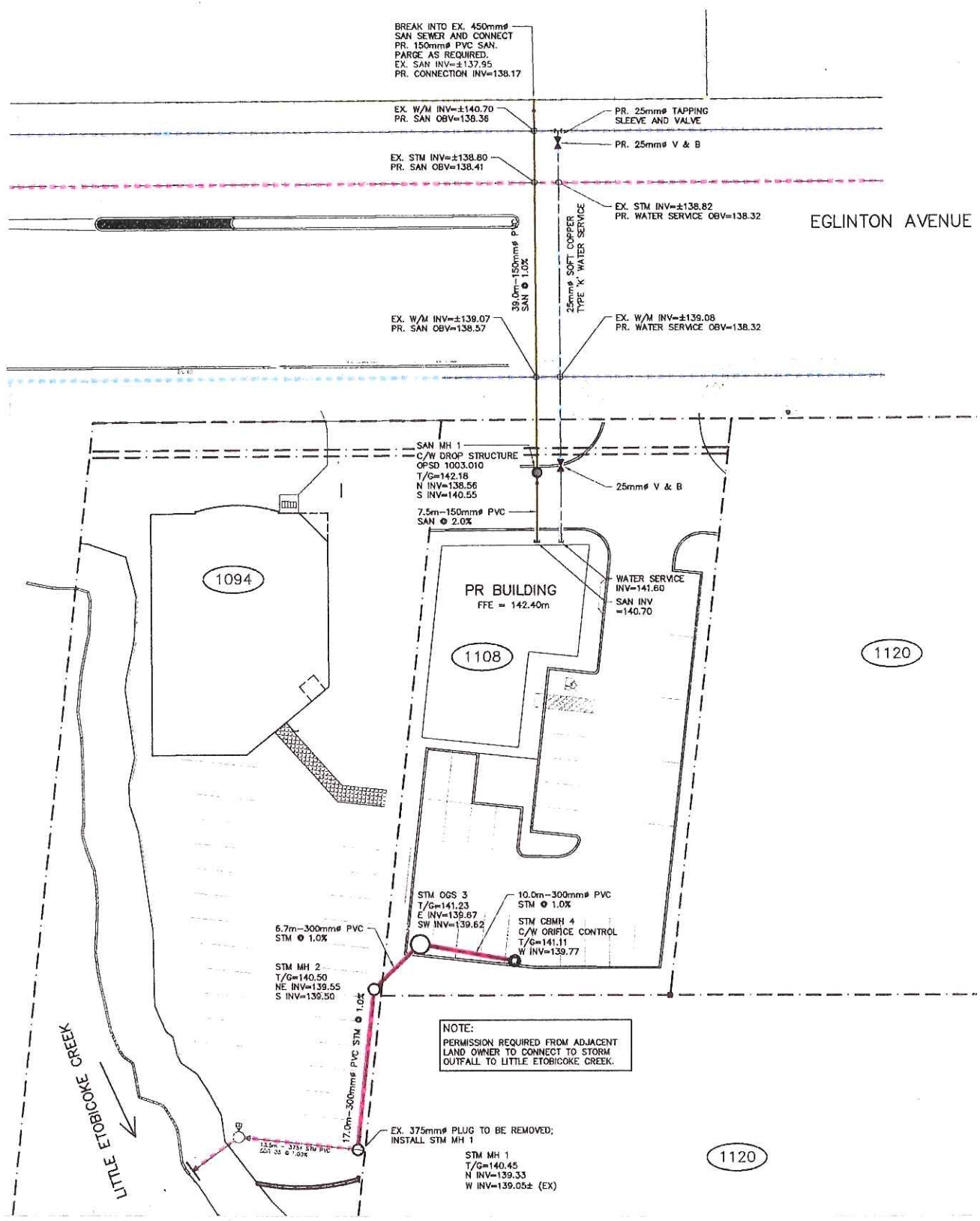


FIGURE 5

SITE SERVICING PLAN

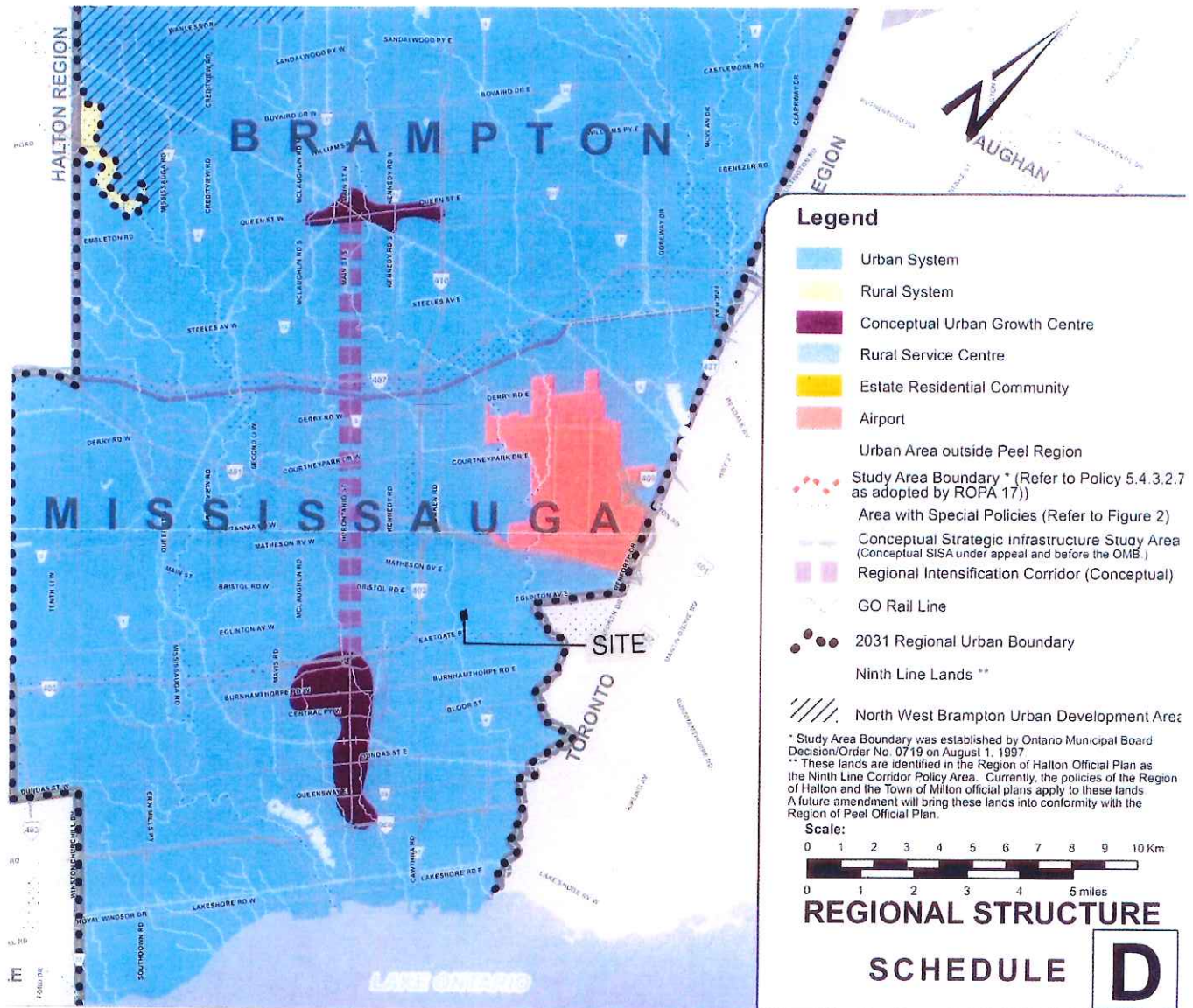
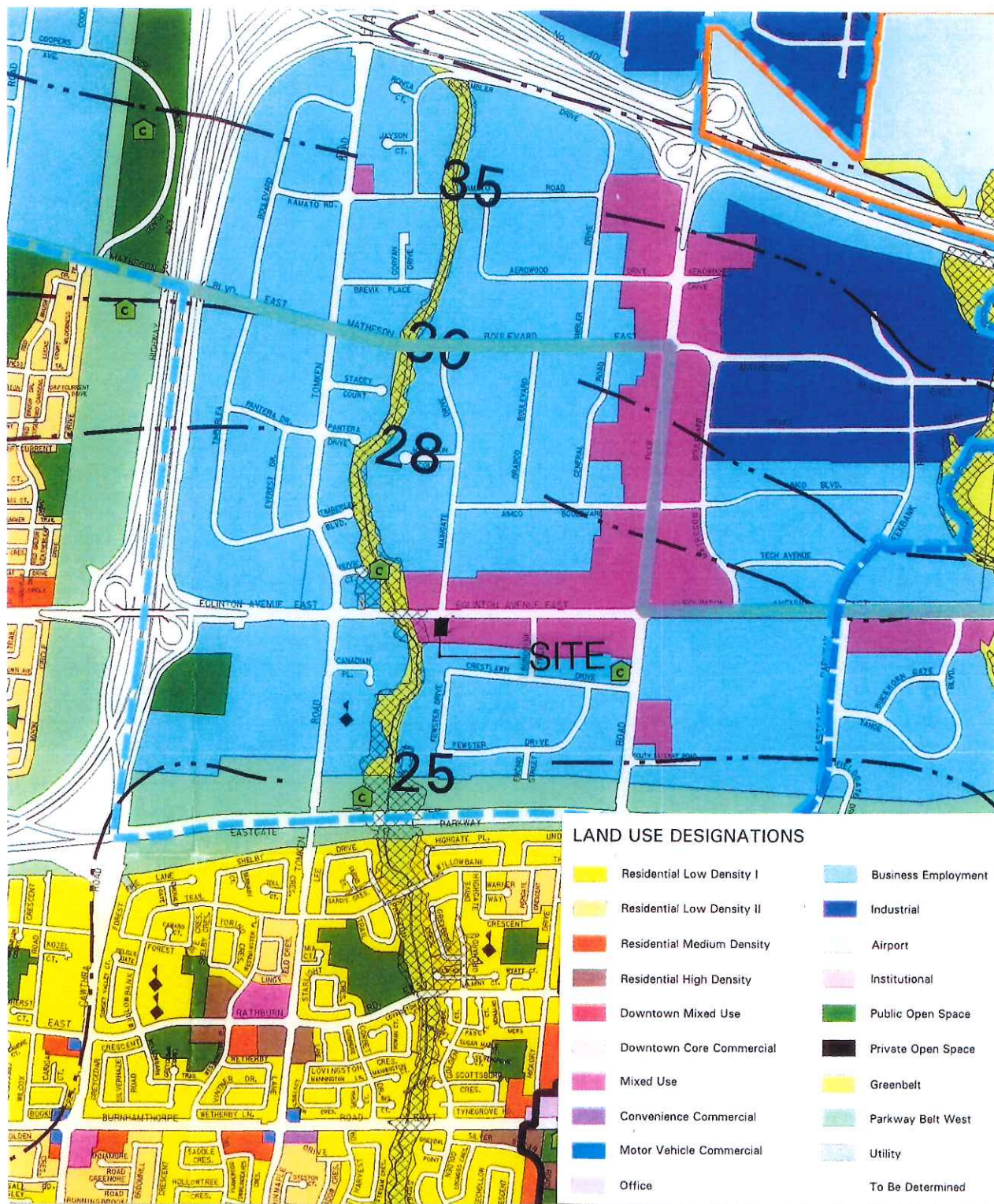


FIGURE 6 REGION OF PEEL OFFICIAL PLAN—SCHEDULE D  
 URBAN STRUCTURE





**FIGURE 7 MISSISSAUGA OFFICIAL PLAN—SCHEDULE 10 LAND USE DESIGNATIONS**

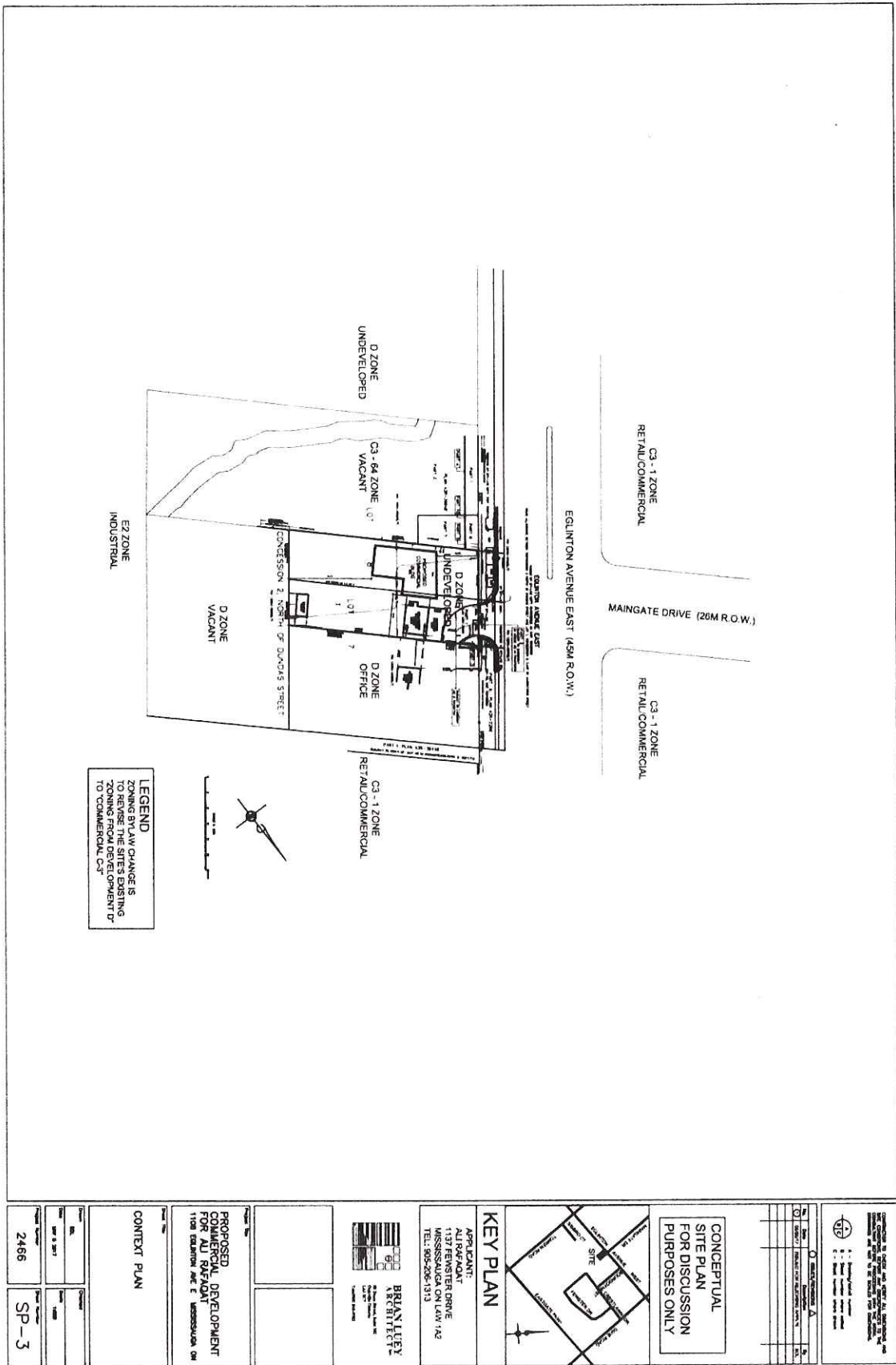


FIGURE 8

CONTEXT PLAN