

City of Mississauga
Corporate Report



<p>Date: 2018/11/20</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: CD.21-INT</p>
<p>From: Andrew Whittlemore, M.U.R.P., Commissioner of Planning and Building</p>	<p>Meeting date: 2018-12-10</p>

Subject

RECOMMENDATION REPORT (Wards 1, 3 & 6)

Amendments to Zoning By-law 0225-2007, as amended, RE: Interim Control By-law 0012-2017, as amended

File: CD.21-INT

Recommendation

That the amendments to Zoning By-law 0225-2007, as amended, proposed in this report, dated November 20, 2018 from the Commissioner of Planning and Building, be approved.

Report Highlights

- Interim Control By-law 0012-2017, as amended, expires on February 5, 2019
- Twelve uses are identified as incompatible with the proposed vision for the Dundas Corridor
- Two oral and two written submissions were received regarding the proposed zoning by-law amendments
- The proposed zoning by-law amendments to prohibit 12 uses on the lands subject to the interim control by-law is consistent with and conforms to provincial, regional and City policy, and represents good planning

Background

Interim Control By-law 0012-2017, as amended (ICBL), enacted by City Council on February 5, 2017, and expires on February 5, 2019. The ICBL placed a 'freeze' on applications for a specified list of industrial uses in the Dixie Employment Area and certain lands in the Mavis-Erindale Employment Area. A land use compatibility assessment was undertaken to assess the

listed ICBL uses and recommended that the Zoning By-law be amended to restrict the following 12 uses which were considered incompatible with the proposed vision for the Dundas Corridor:

- asbestos products manufacturing
- cement manufacturing
- composting facility
- gypsum or limestone processing and by-product manufacturing
- oil-based paints, oil-based coatings, solvent-based adhesives and resin, and natural or synthetic rubber manufacturing
- petroleum and coal refining and by-product manufacturing
- phosphate or sulphur products and manufacturing
- smelting or foundry operations
- solvent manufacturing
- tannery
- tar and asphalt manufacturing
- motor vehicle wrecking yard¹

On June 11, 2018, a public meeting of the Planning and Development Committee (PDC) was held to consider proposed amendments to the Zoning By-law. The public meeting report is attached as Appendix 1. Two oral submissions were made and two written submissions were received regarding the proposed amendments.

Comments

The two oral submissions from Philip Stewart, Pound & Stewart and David Tang, Miller Thomson LLP, representing Mother Parkers Coffee and Tea, supported the recommendations (see Appendix 2). The written comments are attached as Appendix 3. A summary of the written submissions and the staff response are provided below.

Comment dated June 7, 2018 from Philip Stewart, Pound & Stewart Planning Consultants

Concerned that mapping in the PDC Information Report dated April 6, 2018, excludes a property located at 510 Hensall Circle. Report mapping should align with Figures in the Dundas Connects Master Plan that include the entirety of the subject property within the Cawthra Focus Area.

Response:

The PDC report map was intended for information purposes only. Mapping in the final version of the Dundas Connects Master Plan was updated to include the subject property.

No change to the proposed zoning by-law amendment is recommended.

Comment dated April 30 and June 11, 2018 from Richard Domes GWD Gagnon Walker Domes Professional Planners

¹ Proposed new prohibited use, not currently on ICBL prohibited uses list

Recommendations resulting from the Dundas Connects Master Plan and the ICBL study, which call for the prohibition of certain as-of-right employment permissions, do not represent good planning as they fail to align with matters of provincial interest and fail to conform to (or not conflict with) the Provincial, Regional and City Plans.

Concerns include:

- negative impact on client's existing operations, immediate and future expansion plans, and any future potential redevelopment
- land use incompatibility
- employment land and use protection
- employment use displacement

Response:

The Dundas Connects Master Plan (DCMP) is a Council approved vision for the Dundas Street corridor that balances Provincial and Regional policies and plans that direct municipalities to intensify and plan for transit supportive development and to protect employment land uses.

In support of the higher order transit envisioned for the Dundas Street corridor, increased densities and a mix of uses including office, retail and residential, are proposed for some lands subject to the ICBL. Other lands within the study area are to remain protected for employment uses. The ICBL study was undertaken to address the issue of compatibility and proposed that employment uses incompatible with residential and other sensitive land uses be restricted.

The proposed zoning changes would not allow for new incompatible employment uses to establish, however, existing businesses on the proposed prohibited use list can remain in place. The onus of mitigation would be on the proposed new or expanding use (e.g. a new residential use in proximity to an existing business; an addition to an existing prohibited use.)

Only two businesses that are on the prohibited list have been identified as currently operating in the ICBL area. These businesses will continue to be permitted to operate and have not expressed concern with the proposed by-law changes. Should a residential or other sensitive land use be proposed in the influence area of one of these existing businesses, the onus of mitigation would be on the proposed use and it would not be permitted unless the impacts of the employment use could be satisfactorily mitigated.

No change to the proposed zoning by-law amendment is recommended.

Land Use Policies and Regulations

The proposed zoning is consistent with the *Provincial Policy Statement*, *Growth Plan for the Golden Horseshoe*, *Region of Peel Official Plan*, and *Mississauga Official Plan*. The *Greenbelt Plan* and *Parkway Belt West Plan* policies do not apply. Additional information and details are found in Appendix 4.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

The proposed zoning by-law amendments prohibit 12 uses in the Dixie Employment Area and certain lands in the Mavis-Erindale Employment Area that would not be compatible with the DCMP vision. The proposed amendments to the zoning by-law should be approved.

Attachments

Appendix 1: Public Meeting Report to PDC dated May 18, 2018

Appendix 2: June 11, 2018, PDC Minutes, Item 4.6, record of two oral submissions

Appendix 3: Written submissions

Appendix 4: Consistency and Conformity Analysis



Andrew Whittlemore, M.U.R.P., Commissioner of Planning and Building

Prepared by: Sharleen Bayovo, Planner, MCIP, RPP

City of Mississauga
Corporate Report



<p>Date: 2018/05/18</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: CD.21-INT</p>
<p>From: Andrew Whitemore, M.U.R.P., Commissioner of Planning and Building</p>	<p>Meeting date: 2018/06/11</p>

Subject

PUBLIC MEETING (Wards 1, 3 & 6)

Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended

File: CD.21-INT

Recommendation

1. That the submissions made at the public meeting held on June 11, 2018, to consider the report titled "Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended", dated April 6, 2018, from the Commissioner of Planning and Building, be received
2. That staff report back to Planning and Development Committee on the submissions made with respect to the report titled "Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended", dated April 6, 2018, from the Commissioner of Planning and Building

Background

On May 9, 2018, City Council approved recommendation PDC-0031-2018, which reads:

"That a public meeting be held to consider proposed amendments to Zoning By-law 0225-2007, as amended, as recommended in this report".

The report is attached as Appendix 1.

Comments

The purpose of the public meeting is to receive comments on the proposed approach to amend Zoning By-law 0225-2007 (Zoning By-law), as amended, to prohibit the following 12 identified high impact uses in the Interim Control By-law (ICBL) area:

- asbestos products manufacturing
- cement manufacturing¹
- composting facility
- gypsum or limestone processing and by-product manufacturing
- oil-based paints, oil-based coatings, solvent-based adhesives and resin, and natural or synthetic rubber manufacturing
- petroleum and coal refining and by-product manufacturing
- phosphate or sulphur products and manufacturing
- smelting or foundry operations
- solvent manufacturing
- tannery
- tar and asphalt manufacturing
- motor vehicle wrecking yard

These uses are considered incompatible with the proposed vision for the Dundas Corridor as an intensified mixed use area, including residential and other sensitive land uses, in conjunction with higher order transit.

It is proposed that the Zoning By-law be amended to restrict the expansion of existing high impact uses and to prohibit new high impact uses from establishing on lands subject to Interim Control By-law 0012-2017, as amended.

Following the public meeting, a report on comments will be prepared for consideration by Planning and Development Committee, which will address comments received from the public and, where appropriate, recommend changes to the proposed approach to amend the Zoning By-law.

Financial Impact

There are no financial implications at this time.

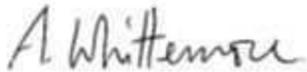
¹ Appendix 5 of the report titled "Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended", dated April 6, 2018, as well as the staff presentation at the April 30, 2018, Planning and Development Committee meeting, incorrectly listed "concrete batching plant" as a proposed prohibited use, following "cement manufacturing"

Conclusion

Following the statutory public meeting, a report will be prepared for consideration by the Planning and Development Committee to address comments received from the public and other stakeholders.

Attachments

Appendix 1: Corporate Report dated April 6, 2018: Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended



Andrew Whitemore, M.U.R.P., Commissioner of Planning and Building

Prepared by: Sharleen Bayovo, Planner

City of Mississauga
Corporate Report



<p>Date: 2018/04/06</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: CD.21-INT</p>
<p>From: Andrew Whittlemore, Commissioner of Planning and Building</p>	<p>Meeting date: 2018/04/30</p>

Subject

INFORMATION REPORT (Wards 1, 3 and 6)

Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended

File: CD.21-INT

Recommendation

1. That the report titled "Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended" dated April 6, 2018, from the Commissioner of Planning and Building, be received
2. That the Dundas Connects Study consider the proposed approach outlined in this report for its implementation phase
3. That a public meeting be held to consider proposed amendments to Zoning By-law 0225-2007, as amended, as outlined in this report
4. That Interim Control By-law 0012-2017, as amended, be amended to include only those uses identified in this report as being incompatible with residential and other sensitive land uses
5. That a city-wide review of Employment zoned properties that are in close proximity to residential areas be conducted, to prohibit uses identified in this report as being incompatible with residential and other sensitive land uses

Report Highlights

- An Interim Control By-law (ICBL) was passed on February 8, 2017 and subsequently extended for one year to allow time to conduct a study to assess if certain uses permitted within the Dixie and Mavis-Erindale Employment Character Areas were compatible with

the emerging vision for the Dundas Corridor as an intensified mixed use area with higher order transit

- The ICBL Study analyzed land use, market and environmental matters and concluded that while most of the existing businesses and uses permitted in the zoning by-law had no impact or impacts that could be appropriately mitigated to allow for non-employment uses (i.e. residential and other sensitive land uses), there are some uses that are not compatible
- The ICBL Study identified 12 employment uses that should be prohibited from establishing or expanding. There are two existing businesses on lands subject to the ICBL that potentially would be affected by this proposal
- The ICBL should be amended to remove uses not identified by the ICBL Study to have a high impact rating and that could be compatible with the emerging vision for the Dundas Corridor
- A city-wide review of Employment zoned properties in close proximity to residential areas should be undertaken to prohibit uses identified in the ICBL Study as incompatible with residential and other sensitive land uses

Background

On February 8, 2017 City Council enacted Interim Control By-law (ICBL) 0012-2017 to prohibit a specified list of industrial uses in the Dixie Employment Area Character Area (Employment Area¹) and certain lands in the Mavis-Erindale Employment Area (Appendix 1). On January 24, 2018 Council amended the by-law to extend the ICBL effective date for one year (Appendix 2). The one year extension continues to prohibit the original specified list of manufacturing uses in the study area. The ICBL has been appealed to the Ontario Municipal Board, now the Local Planning Appeal Tribunal, by five property owners in the Dixie Employment Area.

The ICBL was enacted to allow staff to assess if certain industrial land uses were compatible with the emerging vision for the Dundas Corridor. The draft Dundas Corridor Master Plan² (Dundas Connects Study) is proposing higher density uses including residential and other sensitive land uses in conjunction with higher order transit.

The consulting firm SvN was retained to assess land use compatibility. In addition, Hemson Consulting and Dillon Consulting were retained as sub-consultants to undertake market and environmental analyses. The completed study, "Dixie and Mavis-Erindale Employment Land

¹ Mississauga Official Plan City Structure divides the City into Character Areas. For the purpose of this report, the Dixie and Mavis-Erindale Employment Area Character Areas will be called Employment Areas

² The study background for the Dundas Corridor Master Plan can be found at: www.dundasconnects.ca

Use Study” (ICBL Study), is available on-line³. The findings and recommended approach are presented in this report.

The ICBL Study was undertaken to assess land use compatibility between the proposed non-employment uses (i.e. residential and other sensitive land uses) for Dundas Corridor and employment uses, with a focus on industrial uses. The study helped to understand the types of existing employment uses in the Dixie and Mavis-Erindale Employment Areas and their compatibility with non-employment uses. The ICBL Study also reviewed if any of the uses listed in the ICBL should be limited or prohibited, thus preventing identified uses from expanding or newly establishing in the future.

Comments

Planning for a new residential mixed use community in a transitioning employment area located next to a stable industrial area, requires attention to the compatibility of uses as this transition evolves. Dundas Corridor, which has been identified as a priority for residential intensification, is planning for mixed use communities in areas along the corridor that interface with employment areas. While the Dundas Connects project studied and offers a new vision for Dundas Street, supported by higher order transit, as the street changes it is important to mitigate any potential conflicts between new residential and existing employment uses, particularly industrial uses.

The Dixie and Mavis-Erindale Employment Areas are older, stable employment nodes that are undergoing a slow but steady shift away from manufacturing and industrial activities to service sector activities. The transition to new uses will be a gradual process that will take decades to realize.⁴ Redevelopment that introduces non-industrial uses along the Dundas Corridor will need to be mindful of the existing neighbouring industrial land use context.

To better understand the risk profile of existing industrial businesses in the Dixie and Mavis-Erindale⁵ Employment Areas as well as that of potential new uses listed in the ICBL, the ICBL Study undertook a comprehensive risk assessment based on air quality, noise, vibration, and odour impacts, and categorized uses as having no impact, or low, medium or high impacts (see Appendix 3). The analysis included reviews of environmental regulations and guidelines and municipal best practices.

³ www.dundasconnects.ca – Resources Tab

⁴ ICBL Study, Section 3.0 Market Analysis

⁵ The risk assessment study area encompasses the entire Mavis-Erindale Employment Area, going beyond the area identified in the ICBL

Generally, low and medium impacts can be mitigated to allow for compatibility between employment and industrial land uses and sensitive land uses⁶. Typically, mitigating for high impact uses can be prohibitive from a technical and cost perspective.

The impact rating of businesses in the study area was based on review of available data. Notwithstanding, the determination of impact from these businesses will ultimately be made by the Ministry of Environment and Climate Change (MOECC) through its review processes.

Study Findings and Proposed Approach

Below are the risk assessment conclusions for existing and future businesses/uses, followed by a proposed approach for addressing existing and future, low, medium and high risk uses. The approach is divided into three areas of applicability, dependant on the location of the use in the ICBL Study area:

- Areas where non-employment uses are proposed (Conversion Areas⁷)
- Areas that are to remain employment (Non-Conversion Areas)
- Entire ICBL study area (Conversion and Non-Conversion Areas)

See Appendix 4 maps for areas proposed for conversion and non-conversion areas.

Existing and New Businesses/Uses

The vast majority of existing businesses in the Dixie and Mavis-Erindale Employment Areas⁸ have no impact, or low or medium impacts that can be mitigated to allow for non-employment uses along the Dundas Corridor. Three businesses were identified with a high impact rating⁹, but only one of these is within the ICBL area.

Existing businesses and their current operations within the ICBL area may continue as-of-right and will not be subject to any immediate restrictions. The proposed approach for expansion to existing uses and new uses of low, medium and high impact is outlined below:

⁶ For residential and other sensitive land uses, subject to land use compatibility assessment and recommended mitigation; for industrial land uses, subject to MOECC approvals and mitigation requirements

⁷ Conversion Areas are based on the proposed land use recommendations in the Dundas Connects Study: see ICBL Study, Section 2.3.3 Dundas Connects Study, pages 54-56

⁸ Total of 2271 businesses were assessed: 1699 in Dixie Employment Area and 572 in Mavis-Erindale Employment Area

⁹ The high impact classification is based on a combination of information sources, including, the North American Industry Classification System (NAICS) code business description of activities/operations, the scale of the operation, publicly available information (e.g. provincial environmental approvals, annual emission reports), relevant regulations and guidelines, and the consultant's industry knowledge

Conversion Areas

The proposed approach for the conversion areas that is to be addressed at a later date as part of the implementation of the Dundas Connects Study is:

- Recognize existing low and medium impact industrial uses, but prohibit new such uses
- Require land use compatibility assessments and mitigation for new residential and other sensitive land uses

Non-Conversion Areas

- Existing low and medium impact industrial uses will be permitted as-of-right. Expansions will be subject to MOECC approvals and must mitigate, if required, for compatibility with residential and other sensitive land uses
- Permit new low and medium impact industrial uses as-of-right. Uses will be subject to MOECC approvals and must mitigate, if required, for compatibility with residential and other sensitive land uses

Entire ICBL Study Area (Conversion and Non-Conversion Areas)

- The onus of mitigation, if required, rests with the new or expanding use. New mixed-uses and residential uses would be required to address environmental impacts associated with existing and proposed businesses. New or expanding low and medium impact businesses would be required to meet Ministry of Environment and Climate Change (MOECC) requirements, and mitigate impacts on non-employment uses accordingly¹⁰

High Impact Businesses/Uses

The risk assessment concludes that the following uses are high impact and inappropriate next to sensitive land uses, and should therefore be prohibited in the ICBL area¹¹:

- asbestos products manufacturing
- cement manufacturing
- composting facility
- gypsum or limestone processing and by-product manufacturing
- oil-based paints, oil-based coatings, solvent-based adhesives and resin, and natural or synthetic rubber manufacturing
- petroleum and coal refining and by-product manufacturing

¹⁰ Employment uses must comply with MOECC requirements. Based on the type of facility and operations, a facility may be required to complete site-specific assessments for air quality impact, noise impact, vibration impact and/or odour impact. The studies are provided to the MOECC for review and issuance of an Environmental Compliance Approval

¹¹ The proposed prohibited use list does not include all the uses presently restricted in the ICBL (see Appendix 5)

- phosphate or sulphur products and manufacturing
- smelting or foundry operations
- solvent manufacturing
- tannery
- tar and asphalt manufacturing
- motor vehicle wrecking yard¹²

There are some uses permitted in Zoning By-law 0225-2007 (Zoning By-law) that were identified as high impact where mitigation to allow for residential uses is not expected to be achievable.¹³ For these uses the ICBL Study recommends restricting the expansion of existing businesses and prohibiting new businesses from establishing.

There may be existing businesses in the ICBL area that have one or more of the identified prohibited uses as a primary or secondary component of their business operations. Existing uses would be permitted to continue; however, should they wish to expand, the onus would be on the business to demonstrate to the City that their use, including any secondary use, does not fall within the prohibited use list.

The proposed approach for new and existing high impact businesses is:

- Amend the Zoning By-law to prohibit new high impact uses within the lands subject to the ICBL as identified in Appendix 1
- Recognize in the Zoning By-law existing high impact uses within the lands subject to the ICBL and prohibit expansions. Applications for expansion may be permitted if they are minor and do not exacerbate impacts on residential and other sensitive land uses

Employment Land Conversion

The Dundas Connects Study recommends the conversion of employment land to permit non-employment uses along the Dundas Corridor in both the Dixie and Mavis-Erindale Employment Areas, shown as the “proposed conversion area” in Appendix 4. The findings of the ICBL Study support these conversions.

In the Dixie Employment Area, the proposed conversion area applies mainly to lands currently designated Mixed Use, with a majority of the Business Employment designated lands remaining unchanged. In the Mavis-Erindale Employment Area, no existing Business Employment designated lands are proposed for conversion.

¹² Proposed new prohibited use, not currently on ICBL prohibited uses list

¹³ All high impact uses that are identified as “manufacturing” currently fall under Zoning By-law definition “Manufacturing Facility”.

Although employment land conversion is supported, it must be in recognition of the continuing adjacent employment land use context. New non-employment uses would be required to address environmental impacts of employment uses and mitigate accordingly.

Recommendations

1. That the Dundas Connects Study consider the proposed approach outlined in this report for its implementation phase
2. That a public meeting be held to consider proposed amendments to the Zoning By-law, as outlined in this report
3. That based on the results of the ICBL Study, the ICBL prohibited use list be amended to remove uses not identified as high impact, so as not to impact the operation of such businesses for the remainder of the ICBL effective time period¹⁴ (see Appendix 5)
4. That a city-wide review of Employment zoned properties that are in close proximity to residential areas be conducted, to prohibit uses identified in this report as being incompatible with residential and other sensitive land uses. Properties identified as high impact in the Mavis-Erindale Employment Area but are located outside of the ICBL study area would be part of this review

Financial Impact

There are no financial implications resulting from the adoption of this report.

Conclusion

The ICBL Study identified that there were 12 uses permitted in the Zoning By-law that would not be compatible with the emerging vision for the Dundas Corridor as an intensified mixed use area with higher order transit. It is recommended that the Zoning By-law be amended to prohibit these uses from establishing or expanding on lands subject to the ICBL. Further, it is recommended that a city-wide review of Employment zoned properties in close proximity to residential areas should be undertaken to prohibit uses identified in the ICBL Study as incompatible with residential and other sensitive land uses.

The ICBL Study also contains a proposed approach for areas in the Dundas Corridor where land use permissions are proposed to be amended to allow for residential and other sensitive land uses. The approach will be addressed as part of the implementation of the Dundas Connects Master Plan.

¹⁴ Upon amending ICBL 0012-2017 to remove uses from the list of Uses Not Permitted, the ICBL remains in effect until February 8, 2019, per By-law 0002-2018

The ICBL should be amended to remove uses not identified by the ICBL Study as being acceptable with the emerging vision for the Dundas Corridor.

Attachments

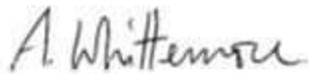
Appendix 1: Interim Control By-law 0012-2017

Appendix 2: Interim Control By-law 0002-2018

Appendix 3: Impact Rating Criteria for Existing Businesses within the Dixie and Mavis-Erindale Employment Areas

Appendix 4: MAPS: Non-conversion and Proposed Conversion Areas (Dixie and Mavis-Erindale Employment Areas)

Appendix 5: Proposed Prohibited Uses in ICBL area and Uses to be Removed from ICBL list



Andrew Whitemore, Commissioner of Planning and Building

Prepared by: Sharleen Bayovo, Planner, City Planning Strategies



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0012-2017

An Interim Control By-law

under section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

WHEREAS authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law, for a period of time which shall not exceed one year from the date of passage of the By-law,

AND WHEREAS the Council of The Corporation of the City of Mississauga has directed by resolution that a study be undertaken to examine land use policies and zoning provisions for certain lands surrounding the Dundas Street Intensification Area and Higher Order Transit Corridor;

AND WHEREAS the Council of The Corporation of the City of Mississauga has directed by resolution that an interim control by-law be enacted for a period of one year for certain lands within the Dixie Employment Area and Mavis-Erindale Employment Area Character Areas, pursuant to Section 38 of the *Planning Act*;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

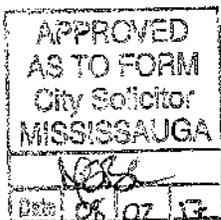
1. Lands within the Dixie Employment Area Character Area as shown on Schedule "A" to this By-law, and lands within the Mavis-Erindale Employment Area Character Area as shown on Schedule "B" to this By-law, shall not be used for any use listed on Schedule "C" to this By-law, except where such uses were legally existing on the date of passing of this By-law.
2. In addition to paragraph 1 of this By-law, the enlargement or replacement of uses listed on Schedule "C" to this By-law which were legally existing on the date of the passing of this By-law shall not be permitted.

3. This By-law expires one year from date of its enactment and passage by Council.

ENACTED and PASSED this 8 day of February 2017.

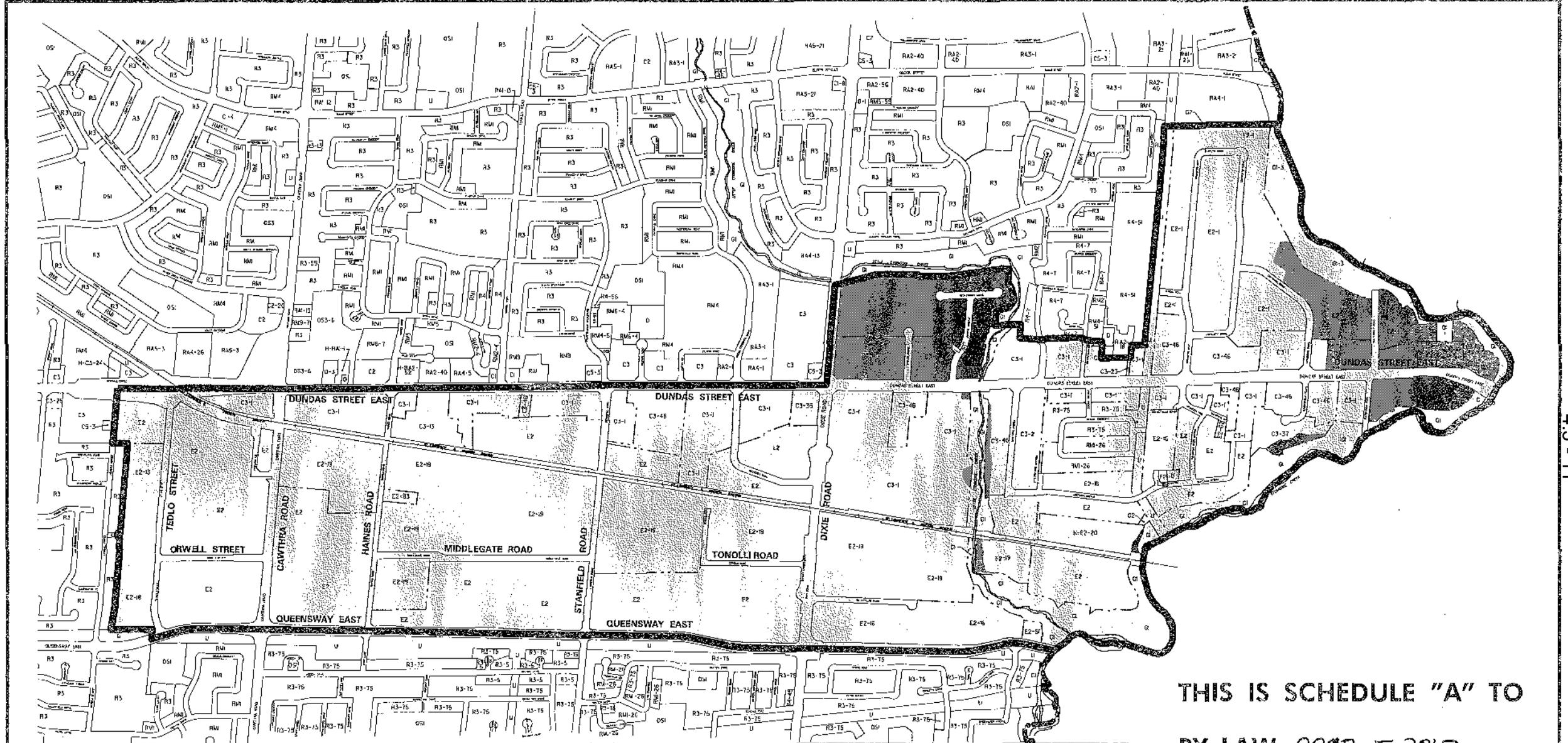
Bonnie Crombie

MAYOR

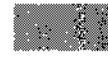


Crystal Green

CLERK



4.3 - 11

 GREENLANDS OVERLAY

 LANDS SUBJECT TO INTERIM CONTROL BY-LAW



0 150 300 450 600
metres

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO
BY-LAW 0000-2017

PASSED BY COUNCIL ON
Feb 8, 2017



This is not a Plan of Survey.



GREENLANDS OVERLAY



LANDS SUBJECT TO INTERIM CONTROL BY-LAW

THIS IS SCHEDULE "B" TO

BY-LAW 0012-2017

PASSED BY COUNCIL ON

Feb 8, 2017

CITY OF MISSISSAUGA

Uses Not Permitted under this By-law

- abattoir or rendering of animals and animal by-products
- ammunition, firearms or fireworks manufacturing
- asbestos products manufacturing
- battery manufacturing
- beverage distillation and manufacturing
- cement manufacturing or concrete batching plant
- chemical manufacturing and processing
- composting facility
- dry cleaning plant
- explosives manufacturing and storage
- fish products manufacturing, oil extraction from fish and animal matter
- gypsum or limestone processing and by-product manufacturing
- hazardous materials processing or manufacturing
- industrial gas manufacturing
- manufacturing and storage of fertilizers or pesticides
- medicinal product manufacturing
- milling operations
- oil-based paints, oil-based coatings, adhesives, resin, and natural or synthetic rubber manufacturing
- outdoor storage
- petroleum and coal refining and by-product manufacturing
- phosphate or sulphur products manufacturing
- plastics manufacturing
- science and technology facility related to any prohibited use
- smelting or foundry operations
- solvent manufacturing
- sugar refinery
- tannery
- tar and asphalt manufacturing
- textile manufacturing and processing
- truck terminal
- waste processing station
- waste transfer station
- wood treating and preservative facility

THIS IS SCHEDULE "C" TO

BY-LAW 0012-2017

PASSED BY COUNCIL ON

Feb 8, 2017

APPENDIX "A" TO BY-LAW NUMBER 0012-2017

Explanation of the Purpose and Effect of the By-law

This By-law restricts the use of certain lands within the Dixie Employment Area and Mavis-Erindale Employment Area Character Areas for a period of one year, pending the completion of a review of Mississauga Official Plan policies and zoning regulations for lands in the Dundas Intensification Area and Higher Order Transit Corridor.

This By-law does not prevent the continuation of any use as it legally existed on the date of the passing of this By-law, but the expansion or replacement of a restricted use is not permitted.

Location of Lands Affected

Lands within the Dixie Employment Area and Mavis-Erindale Employment Area Character Areas as shown on the attached maps designated as Schedules "A" and "B".

Further information regarding this By-law may be obtained from Gaspare Annibale of the City Planning and Building Department at 905-615-3200 ext. 3127.

http://teamsites.mississauga.ca/sites/18/Bylaws/CBDixie_MavisErindale.ga.doc



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER ~~0002-2018~~ 2018

A by-law to amend Interim Control By-law 0012-2017, being an Interim Control By-law under section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

WHEREAS the Council of the Corporation of the City of Mississauga ("Council") passed Interim Control By-law 0012-2017 ("By-law 0012-2017") respecting all lands within the Dixie Employment Area Character Area and those lands in the Mavis-Erindale Employment Area Character Area south of the Canadian Pacific Railway on February 8, 2017, in accordance with section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS Council directed by resolution that a study be undertaken to examine land use policies and zoning provisions for certain lands surrounding the Dundas Street Intensification Area and Higher Order Transit Corridor;

AND WHEREAS the study to examine future uses in these Employment Areas is ongoing;

AND WHEREAS Council considers it to be appropriate to extend the time period during which By-law 0012-2017 will be in effect, pursuant to subsection 38(2) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to complete the study and assess any recommendations which may arise therefrom with respect to land use policies and zoning provisions for the subject lands;

AND WHEREAS an interim control by-law, in accordance with section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, can be extended provided the total period of time it is in effect does not exceed two years from the date of its passing;

NOW THEREFORE the Council of the Corporation of the City of Mississauga
ENACTS as follows:

1. By-law 0012-2017, being a City of Mississauga Interim Control By-law, is hereby amended by adding the following section:

4. . The period of time during which this By-law is in effect is extended from the original expiry date of February 8, 2018 to February 8, 2019.

ENACTED and PASSED this 24 day of January 2018.

APPROVED AS TO FORM City Solicitor MISSISSAUGA		
MEM		
Date	2018	01 15

Bonnie Crombie
MAYOR

W. J. Brown
CLERK

APPENDIX "A" TO BY-LAW NO. 0062-2018

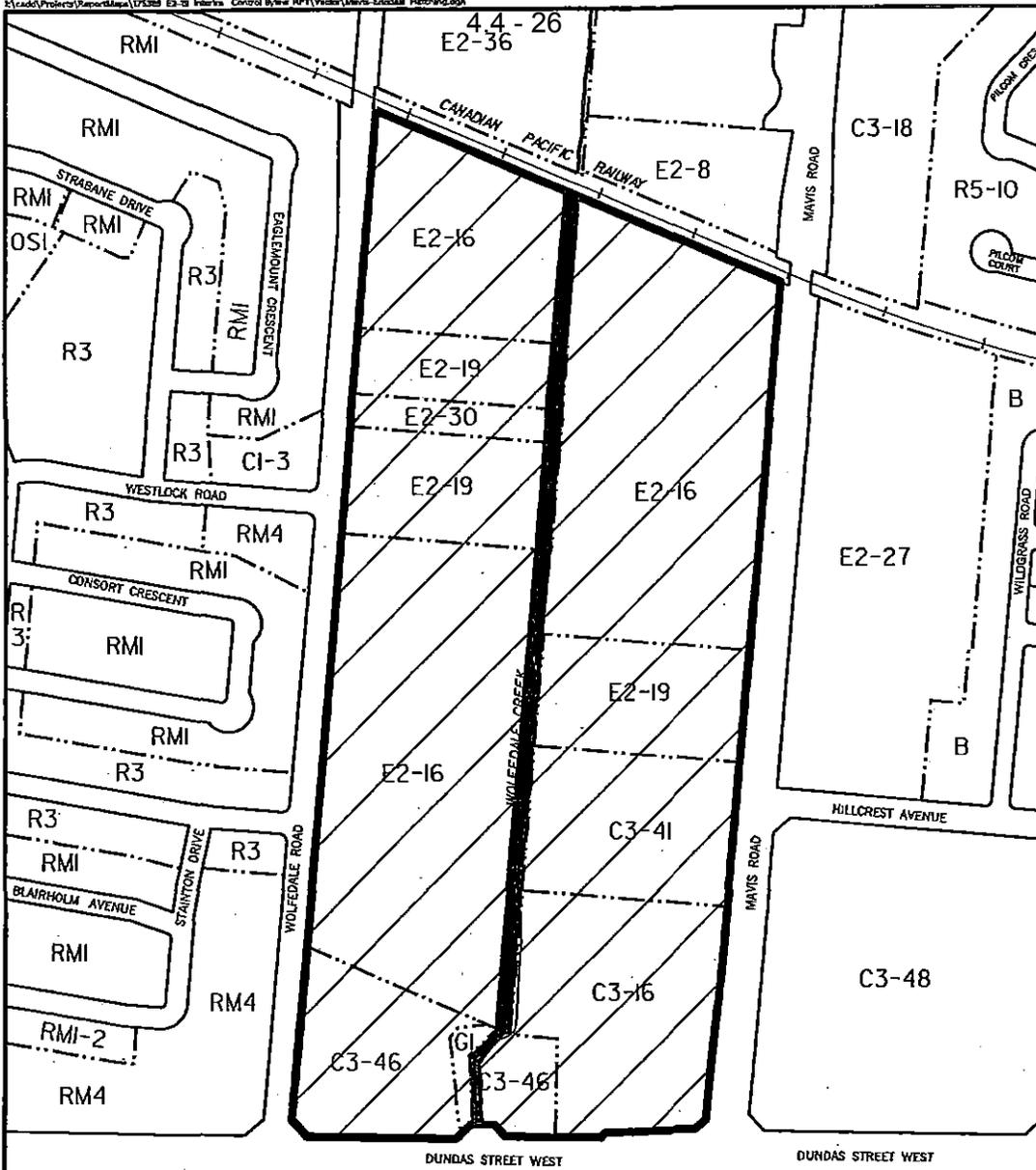
Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to amend the Interim Control By-law for the Dixie Employment Area and Mavis-Erindale Employment Area Character Areas to restrict the use of lands, buildings and structures for an additional one year period.

Location of Lands Affected

Lands within the Dixie Employment Area and Mavis-Erindale Employment Area Character Areas as shown on the attached maps designated as Appendices "B" and "C".

Further information regarding this By-law may be obtained from Gaspare Annibale of the City of Mississauga Planning and Building Department at 905-615-3200 ext. 3127.



This is not a Plan of Survey.



GREENLANDS OVERLAY



LANDS SUBJECT TO INTERIM CONTROL BY-LAW

**THIS IS APPENDIX "C" TO
BY-LAW 0002-2018**

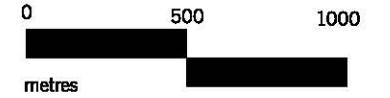
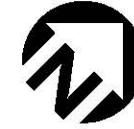
PASSED BY COUNCIL ON

January 24, 2018

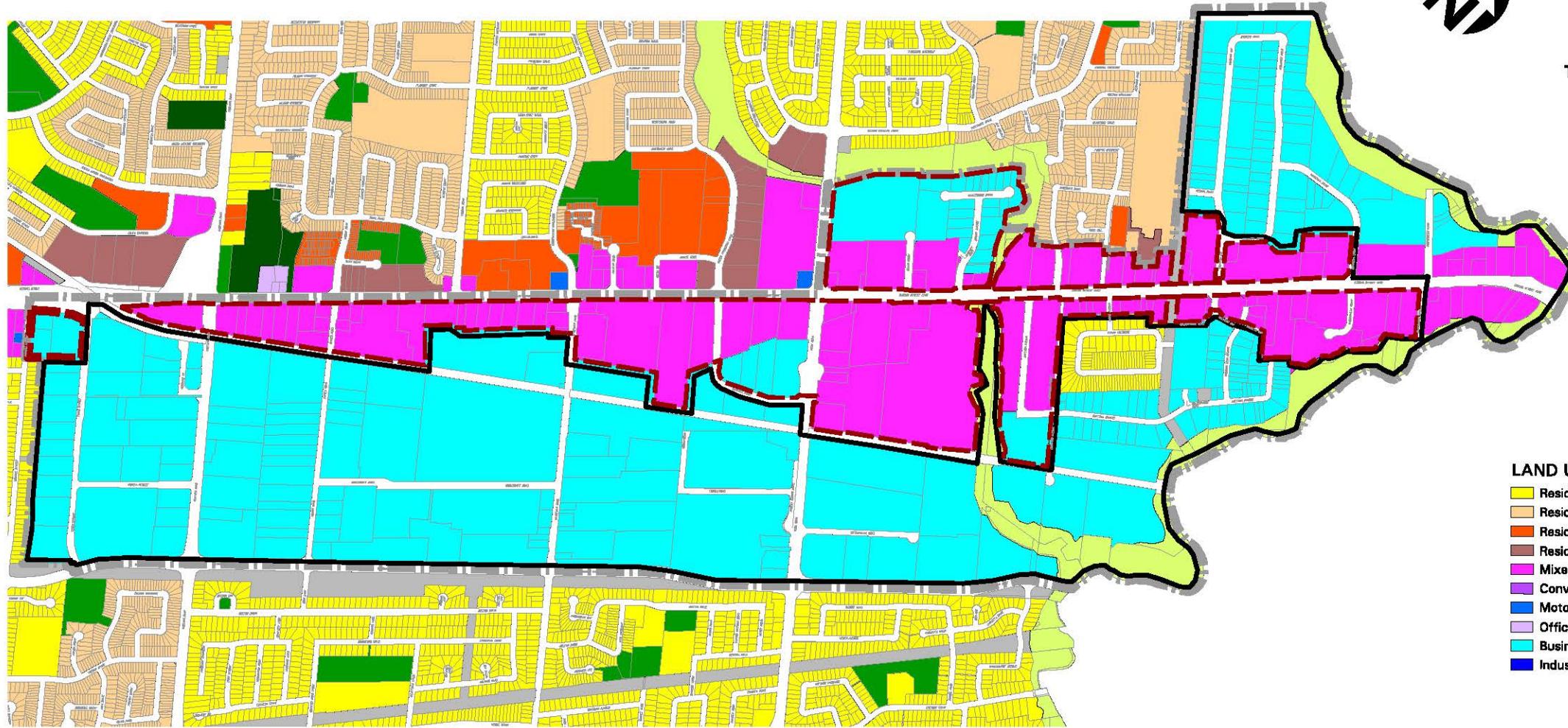
CITY OF MISSISSAUGA

Impact Rating Criteria for Existing Businesses within the Dixie and Mavis-Erindale Employment Areas

Emissions	Rating Criteria				Information Source
	Not Applicable (NA)	Low (L)	Medium (M)	High (H)	



This is not a Plan of Survey.



LAND USE DESIGNATIONS

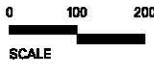
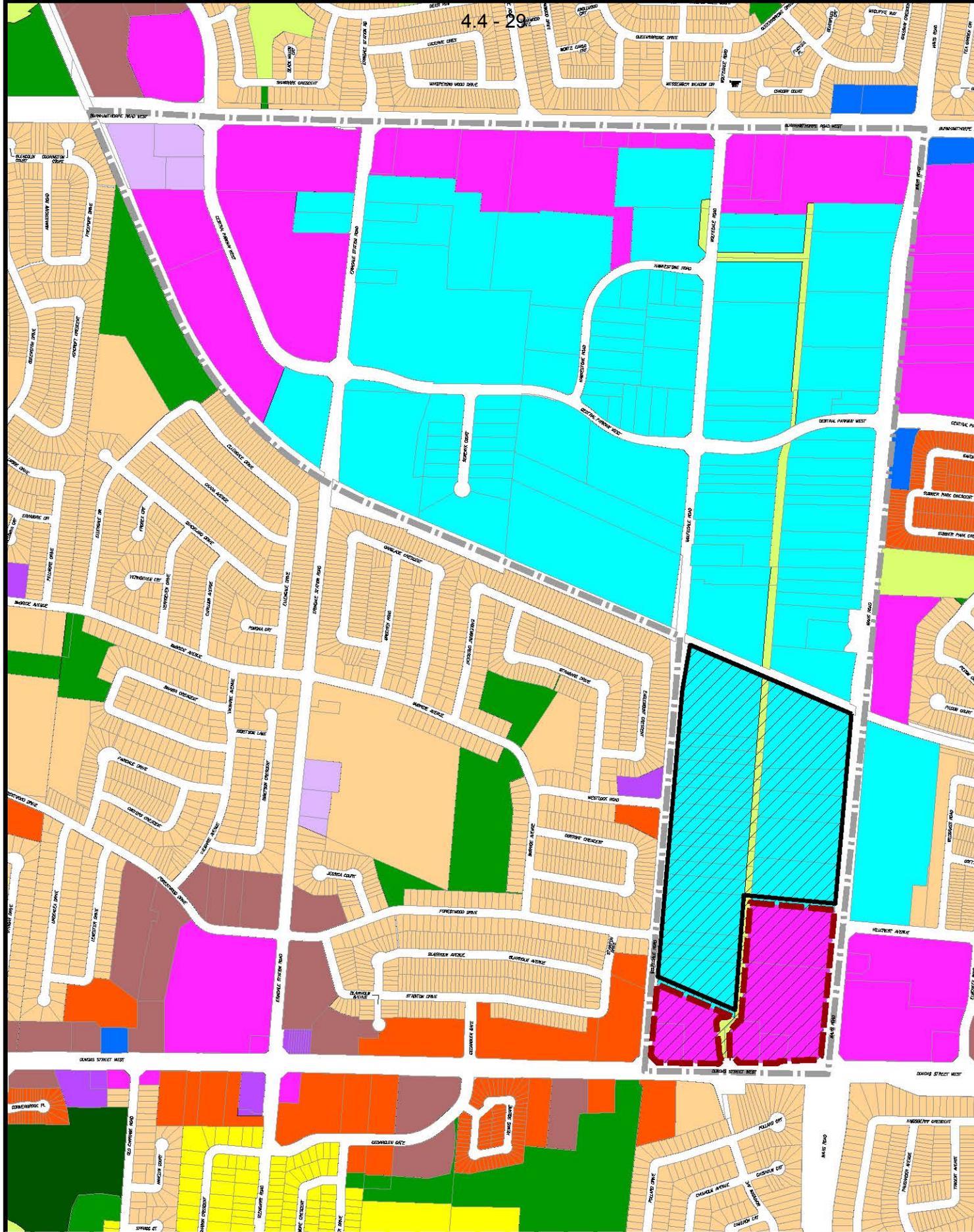
Residential Low Density I	Airport
Residential Low Density II	Institutional
Residential Medium Density	Public Open Space
Residential High Density	Private Open Space
Mixed Use	Greenlands
Convenience Commercial	Parkway Belt West
Motor Vehicle Commercial	Utility
Office	Special Waterfront
Business Employment	Partial Approval Area
Industrial	

- INTERIM CONTROL BY-LAW (ICBL) STUDY AREA AND AREA SUBJECT TO ICBL
- PROPOSED CONVERSION AREA - LANDS TO PERMIT NON-EMPLOYMENT USES
- NON-CONVERSION AREA - LANDS TO BE RETAINED FOR EMPLOYMENT USES ONLY

NON-CONVERSION AND PROPOSED CONVERSION AREAS - DIXIE EMPLOYMENT AREA

CITY OF MISSISSAUGA

4.4 - 29



INTERIM CONTROL BY-LAW STUDY AREA



AREA SUBJECT TO INTERIM CONTROL BY-LAW



PROPOSED CONVERSION AREA - LANDS TO PERMIT NON-EMPLOYMENT USES



NON-CONVERSION AREA - LANDS TO BE RETAINED FOR EMPLOYMENT USES ONLY

LAND USE DESIGNATIONS

- Residential Low Density I
- Residential Low Density II
- Residential Medium Density
- Residential High Density
- Mixed Use
- Convenience Commercial
- Motor Vehicle Commercial
- Office
- Business Employment
- Industrial
- Airport
- Institutional
- Public Open Space
- Private Open Space
- Greenlands
- Parkway Belt West
- Utility
- Special Waterfront
- Partial Approval Area

This is not a Plan of Survey.

CITY OF MISSISSAUGA

NON-CONVERSION AND PROPOSED CONVERSION AREAS - MAVIS-ERINDALE EMPLOYMENT AREA

Proposed Prohibited Uses in Interim Control By-law (ICBL) area:

- asbestos products manufacturing
- cement manufacturing or concrete batching plant
- composting facility
- gypsum or limestone processing and by-product manufacturing
- oil-based paints, oil-based coatings, adhesives, resin, and natural or synthetic rubber manufacturing
- petroleum and coal refining and by-product manufacturing
- phosphate or sulphur products manufacturing
- smelting or foundry operations
- solvent manufacturing
- tannery
- tar and asphalt manufacturing
- *motor vehicle wrecking yard*¹

Uses to be removed from ICBL 0012-2017 Prohibited Use List:

- abattoir or rendering of animals and animal by-products
- ammunition, firearms or fireworks manufacturing
- battery manufacturing
- beverage distillation and manufacturing
- chemical manufacturing and processing
- dry cleaning plant
- explosives manufacturing and storage
- fish products manufacturing, oil extraction from fish and animal matter
- hazardous materials processing or manufacturing *
- industrial gas manufacturing
- manufacturing and storage of fertilizers or pesticides
- medicinal product manufacturing
- milling operations
- outdoor storage *
- plastics manufacturing
- science and technology facility related to any prohibited use *
- sugar refinery
- textile manufacturing and processing
- truck terminal
- waste processing station
- waste transfer station
- wood treating and preservative facility

¹ Proposed new prohibited use, not currently on ICBL prohibited uses list

*These categories are quite broad and as such no qualitative or quantitative assessment of environmental impacts can be undertaken (Source: Dixie and Mavis-Erindale Employment Land Use Study, page 136)

Planning and Development Committee	2018/06/11	6
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Councillor R. Starr	X			
Councillor N. Iannicca	X			
Councillor M. Mahoney	X			
Councillor P. Saito			X	
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (10-2(Absent)-0)

4.6. **PUBLIC MEETING INFORMATION REPORT (WARDS 1, 3 & 6)**

Land Use Compatibility Assessment Results and Proposed Approach RE: Interim Control By-law 0012-2017, as amended - File: CD.21-INT

The following addressed the Committee citing support for the recommendations:

1. Phil Stewart, Pound and Sterling, respecting 510 Hensall Circle;
2. David Tang, Miller Thomson LLP, representing Mother Parkers Coffee and Tea.

Councillor Starr moved the following motion, which was voted on and carried:

RECOMMENDATION

PDC-0039-2018

1. That the submissions made at the public meeting held on June 11, 2018, to consider the report titled "Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended" dated April 6, 2018, from the Commissioner of Planning and Building, be received.
2. That staff report back to Planning and Development Committee on the submissions made with respect to the report titled "Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended" dated April 6, 2018, from the Commissioner of Planning and Building.
3. That two oral submissions be received.
File: CD.21-INT

RECEIVED (Councillor R. Starr)

RECORDED VOTE	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	X			
Councillor D. Cook	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			

Councillor R. Starr				X
Councillor N. Iannicca	X			
Councillor M. Mahoney	X			
Councillor P. Saito			X	
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (10-1(Absent)-1(Abstain))

4.3

REMOVAL OF THE "H" HOLDING SYMBOL FROM ZONING BY-LAW 0225-2007 (WARD 5)

Application to remove the "H" Holding Symbol to permit a warehouse and distribution centre with accessory two storey office, 6775 Maritz Drive

Owner: Blum Canada Limited

File: H-OZ 17/003 W5 □ Bill 139

Councillor Parrish moved the following motion, which was voted on and carried:

RECOMMENDATION

PDC-0040-2018

That the report dated May 18, 2018, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding symbol application, under File H-OZ 17/003 W5, Blum Canada Limited, 6775 Maritz Drive, be adopted and that the Planning and Building Department be authorized to prepare the by-law for Council's passage.

File: H-OZ 17/003 W5

APPROVED (Councillor C. Parrish)

RECORDED VOTE	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	X			
Councillor D. Cook	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor R. Starr	X			
Councillor N. Iannicca	X			
Councillor M. Mahoney	X			
Councillor P. Saito			X	
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (11-1(Absent)-0)

June 7, 2018

BY EMAIL & DELIVERED

City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Attn: Chairman G. Carlson, Madame Mayor B. Crombie & Members of Committee

**Re: Item 4.6 – ‘Land Use Compatibility Assessment Results and Recommendations RE:
Interim Control By-law 0012-2017, as amended’ (PDC June 11, 2018)
510 Hensall Circle – Cooksville Steel Ltd.
City of Mississauga
Our File No. 1812**

We are the Planners of Record writing on behalf of Hensall Landholdings c/o Cooksville Steel Ltd., the registered owner of 510 Hensall Circle (herein referred to as the ‘property’), with respect to the above item. This property is 2.4 ha. (6.0 acres) in land area and is completely located within the boundary of the ‘Cawthra Focus Area’ as set out in the ‘Dundas Connects Master Plan’.

We are commenting with respect to the ‘Land Use Compatibility Assessment Results and Recommendations Re: Interim Control By-law 0012-2017, as amended’ as it relates to the final ‘Dundas Connects Master Plan’ (dated May 24, 2018) in terms of this property.

Please note City Staff have revised the following Figures in the ‘Dundas Connects Master Plan’ to include all of the property per our April 30, 2018 letter submission to PDC:

- **Figure 5-10** *Cawthra Focus Area Proposed Uses Overlayed on Mississauga Official Plan Schedule 10 (2017 Consolidation)* has been revised to include all of the 510 Hensall Circle property as ‘*Employment Area Mixed Use*’.
- **Figure 5-11** *Cawthra Focus Area Framework Plan* has been revised to include all of the 510 Hensall Circle property as ‘*Potential Redevelopment (Conceptual)*’ with ‘*Office Priority*’.
- **Figure 5-31** *Built Form Concept Plan* has been revised to include all the 510 Hensall Circle property as ‘*Minimum 3 Storeys, Maximum 12 Storeys*’.

POUND & STEWART ASSOCIATES LIMITED

205 BELSIZE DRIVE, SUITE 101, TORONTO, ONTARIO, CANADA M4S 1M3 • 416 482 9797
305 RENFREW DRIVE, SUITE 101, MARKHAM, ONTARIO, CANADA L3R 9S7 • 905 305 9797
1 800 250 9056 • WWW.CITYPLAN.COM • INFO@CITYPLAN.COM

1



Given the timing of these recent modifications to the 'Dundas Connects Master Plan', the above captioned 'ICBL' documents have not, as of yet, been revised to reflect these modifications. As shown on our attached Figure 1, regarding Appendix 4 of the ICBL Corporate Report, approximately 70% of the 510 Hensall Circle property is identified as "Proposed Conversion Area – Lands to Permit Non-Employment Uses". This leaves approximately 30% of the property excluded and identified as "Non-Conversion Area – Lands to be Retained for Employment Uses Only".

The entire 510 Hensall Circle property should be identified as "Proposed Conversion Area – Lands to Permit Non-Employment Uses" as it is a registered parcel of land and should be treated in a complete manner in terms of land use. Being designated as "Proposed Conversion Area – Lands to Permit Non-Employment Uses" is important as the ICBL is a regulatory development control document, supporting the 'Dundas Connects Master Plan'. This designation will provide for cohesiveness in terms of future land use. More specifically, Figure 1, as attached, highlights our requested modification, showing a close-up of the existing ICBL Report Appendix 4, focusing on the 510 Hensall Circle property, and our recommended modification to Appendix 4.

Recommendation

We recommend a relatively minor modification to Appendix 4 of the ICBL, which in our opinion will align the ICBL designation of the 510 Hensall Circle property in terms of the 'Dundas Connects Master Plan'.

Thank-you of the opportunity to provide our submission.

Yours truly,
Pound & Stewart Associates Limited



Philip Stewart, MCIP, RPP

la/

1812ltr_Mississauga.PDC.Item4.6.Jun.11.18

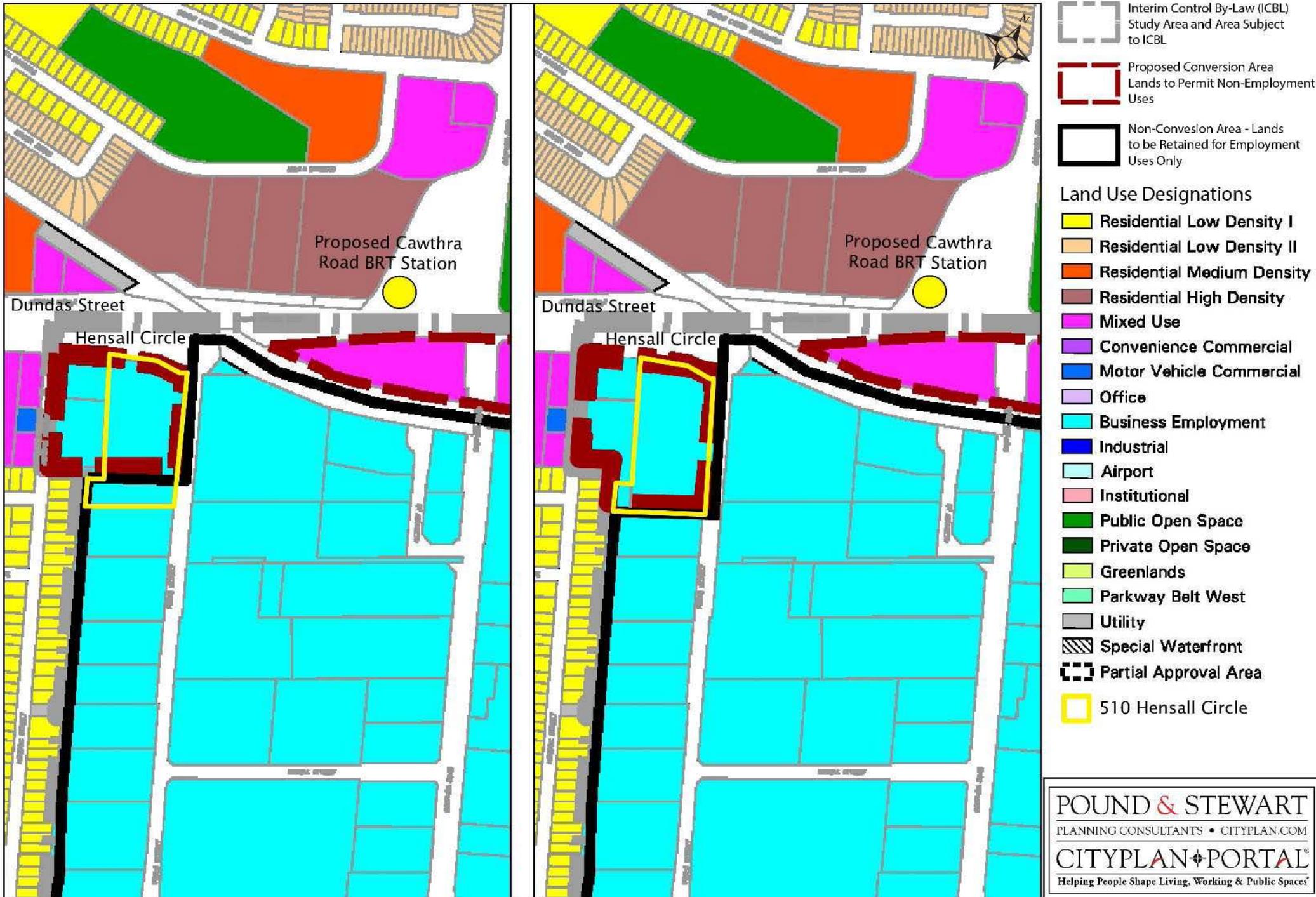
Attachments: As noted herein

- cc. Ms. M. Alikhan, Legislative Coordinator, City of Mississauga
- cc. Ms. D. Rusnov, City Clerk, City of Mississauga
- cc. Mr. A. Whittemore, Commissioner of Planning & Building, City of Mississauga
- cc. Ms. S. Bayovo, Planner, City of Mississauga
- cc. Client

POUND & STEWART ASSOCIATES LIMITED



FIGURE 1





Principals

Michael Gagnon
Lena Gagnon
Andrew Walker
Richard Domes

June 11, 2018

**The Corporation of the City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1**

Attention: Chair and Members of Planning and Development Committee

-AND-

Andrew Whittemore, Commissioner of Planning and Building

Re: FORMAL PUBLIC INPUT - O.T.P Properties Limited, RHenderson Inc. and 1409795 Ontario Inc. (955 Middlegate Road, 2493 Haines Road, 2485 Haines Road and 2520 Haines Road, City of Mississauga)

PUBLIC MEETING INFORMATION REPORT □ Land Use Compatibility Assessment Results and Recommendations Re: Interim Control By-law 0012-2017 (City File CD.21-INT) □ Item 4.6

-AND-

RECOMMENDATION REPORT - DUNDAS CONNECTS MASTER PLAN (City File CD.04-DUN) □ Item 4.8

Dear Councillors and Mr. Whittemore:

Gagnon Walker Domes Ltd. (GWD) represents O.T.P properties Limited (OTP), RHenderson Inc. (Henderson) and 1409795 Ontario Inc., respectively the owners of the properties municipally known as 955 Middlegate Road and 2493 Haines Road, 2485 Haines Road, and 2520 Haines Road (collectively the Properties).

The Properties are located within the Dixie Employment Area, are within the limits of the lands subject to Interim Control By-law 0012-2017 (ICBL) and are part of the City of Mississauga's Dixie and Mavis-Erindale Employment Lands Use Study (ICBL Study). The Properties are also within the Dundas Street corridor that has been studied as part of the Dundas Connects Master Plan.

Further to the correspondence previously provided to the City of Mississauga on behalf of our clients on April 30, 2018 (attached), this letter reiterates our clients concerns with the ICBL Study and Dundas Connects Master Plan as they affect the Properties.

GAGNON WALKER DOMES LTD.

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3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556
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In our opinion the City Staff's recommendations resulting from the Dundas Connects Master Plan Study and ICBL Study, which call for the prohibition of certain as-of-right employment permissions on the Properties, do not align with matters of provincial interest and do not conform to the Provincial Plans or Region of Peel and City of Mississauga Official Plans. On this basis, the City Planning and Development Committee and Council should **refuse** the Staff Recommendation to consider any future proposed amendments to the City of Mississauga Official Plan and Zoning By-law..

The reasons for our client's concerns include, but are not limited to, the following:

Recommendations Fail to Align with Matters of Provincial Interest as it Fails to Conform with Provincial Policy Statements and Provincial Plans

The Ontario Planning Act, R.S.O. 1990, c. P.13, states that "a decision of the council of a municipality...in respect of the exercise of any authority that affects a planning matter, (a) shall be consistent with the policy statements...; and (b) shall conform with the provincial plans..., or shall not conflict with them, as the case may be" (S.3(5)).

It is therefore a requirement of good planning to have regard to matters of provincial interest, and, amongst other things, this includes the consideration of the creation/maintenance of healthy communities and the adequate provision of current and future employment opportunities.

Both the PPS and the Growth Plan heavily emphasize economic development and employment retention as significant planning objectives. For example, the PPS states that planning authorities shall "promote economic development and competitiveness," and "plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs"(Policies 1.3.1 and 1.3.2.1).

Similarly, the Growth Plan states that it is "critical that we understand the importance of regionally significant employment areas"(Section 2.1), and that economic development and competitiveness in the Greater Golden Horseshoe will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- c) planning to better connect areas with high employment densities to transit; and
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment (Section 2.2.5).

The introduction of sensitive land uses within proximity of the Properties and the recommended removal of as-of-right employment uses on lands that are proposed to remain designated and zoned for employment within Dixie Employment Area, south of



the rail corridor, does not conform with either the Provincial Policy Statement or the Growth Plan, as it would negatively impact our client's existing operations, their immediate and future expansion plans, and any future potential redevelopment of the Properties for the range of employment permissions that have been availed to them since their respective ownership. In our opinion this would result in a negative impact to a significant Employment Area and serve to inhibit economic development within the City.

Recommendations Fail to Conform to the Region of Peel and City of Mississauga Official Plans

Region of Peel Official Plan

Pursuant to the Region of Peel Official Plan, the Region's Employment Areas are key centres of activity that are important for the Region to maintain a healthy economy. The Region's Employment Areas are planned to accommodate a range of employment uses such as manufacturing, warehousing, offices and associated ancillary facilities (Section 5.6).

It is the objective of the Region of Peel to:

- provide sufficient lands in Employment Areas in the Region of Peel to support a vibrant sustainable economy, to further the economic development goals of the area municipalities and to contribute to complete communities (Section 5.6.1.1);
- attract and retain a range of employment types in the Region of Peel (Section 5.6.1.4); and
- plan for, protect and preserve Employment Areas for employment uses (Section 5.6.1.6).

Further to these objectives the Region of Peel Official Plan outlines a policy framework that serves to protect and maintain the function and long term viability of Employment Areas including, but not limited to, the following:

- require that area municipalities include a range of employment designations in their Official Plans for Employment Areas to achieve the employment forecasts and to accommodate a variety of employment uses in accordance with the locational and market requirements of these uses (Policy 5.6.2.2); and
- protect and support Employment Areas for employment uses (Policy 5.6.2.6).

City of Mississauga Official Plan

The Properties are designated 'Business Employment' in the City of Mississauga's Official Plan, which permits a variety of commercial and industrial uses. Similar to the Regional Official Plan, the City of Mississauga Official Plan directs that employment lands are to be protected to ensure an adequate supply of lands suitable for a diversity of employment uses.



The City's Official Plan professes that Mississauga is an economically strong city where people and businesses thrive and that the City's economic success is based on its ability to attract and retain a diversity of business operations. The Urban System supports the business community by promoting office and employment uses within Intensification Areas, while preserving lands for a variety of activities and extensive employment functions (Section 10.1).

City of Mississauga Official Plan policy identifies and protects lands for a diversity of employment uses to meet current and future needs. These policies include but are not limited to:

- providing an adequate supply of lands for a variety of appropriate employment uses that will be maintained to accommodate the City's growth forecasts (Policy 10.1.3);
- protecting lands within Employment Areas for industrial uses (Policy 10.3.2);
- minimizing land use conflicts between industrial uses and sensitive land uses (Policy 10.3.3);
- supporting the continued operation of existing industrial uses and discourage employment uses and sensitive land uses in the vicinity of existing industrial land uses that would:
 - require industrial uses to significantly modify their operations;
 - cause industrial uses to be in non-compliance with pertinent standards; and
 - inhibit the development of designated industrial lands for the purposes permitted by the Official Plan (Policy 10.3.4).

Conversion of Employment Lands

The City of Mississauga and Region of Peel Official Plans include policies regarding the conversion of Employment Areas. The conversion of lands located within Employment Areas to permit non-employment uses is prohibited unless considered through a municipal comprehensive review, which shall demonstrate that:

- there is a need for the conversion;
- the City and Region will meet their employment forecasts;
- the conversion will not adversely affect the overall viability of the Employment Area and achievement of the intensification target, density targets and other policies of the Official Plans;
- there is existing or planned infrastructure to accommodate the proposed conversion;
- the lands are not required over the long term for employment purposes; and
- cross jurisdictional issues have been considered.



Consideration shall also be provided for:

- alternative locations for displaced employment uses;
- land use options that result in a similar or greater number of employment opportunities;
- compatibility with surrounding land uses;
- infrastructure capacity, needs and costs; and
- municipal benefits to be realized through land conversion.

The proposed restrictions on existing employment lands and removal of current as-of-right permissions on the Properties does not conform to the Regional or City Official Plans as they relate to the protection of Employment Areas and the fostering of a diverse employment base; which shall include industrial employment uses. The proposed conversion of employment lands within the Dixie Employment Area, north of the rail corridor, does not appropriately consider how the conversion of lands may adversely affect the overall viability of the Dixie Employment Area, future land use incompatibility related to the Properties, nor does it suitably consider alternative locations for the displaced employment uses that are proposed to be removed from the as-of-right zoning of the Properties.

Closing Remarks

The potential mixed use intensification areas proposed through the Dundas Connects Master Plan are located directly adjacent to existing employment uses within the Dixie and Mavis-Erindale Employment Areas. The ICBL Study acknowledges that in order to ensure land use compatibility, efforts must be made to avoid, mitigate or minimize potential negative impacts, while maintaining the stability of existing employment uses. However, it is also acknowledged by the ICBL Study that the introduction of residential uses and the conversion of lands to non-employment uses have the potential to create incompatibility with existing employment uses that are not proposed for conversion.

The Dixie Employment Area is recognized as one of the oldest Employment Areas in the City and like other Employment Areas is considered a "stable" area pursuant to the City's Official Plan that should be protected from incompatible development. According to the Market Analysis conducted as part of the ICBL Study the Dixie Employment Area has maintained steady growth and remains a viable Employment Area.

While the Dundas Connects Master Plan and ICBL Study includes policy recommendations that would require compatibility assessments to determine how future residential proposals may be mitigated to assess land use compatibility matters, the primary mechanism recommended through the Dundas Connects Master Plan and ICBL Study to deal with adjacency issues is the prohibition of a series of as-of-right industrial permissions; as outlined in the ICBL. This approach unfairly places the primary and immediate onus on existing landowners and businesses in the Employment Area, which have existed as part of the community for many years.



Our clients are in opposition to any policy direction recommended through the ICBL Study or Dundas Connects Master Plan that would prohibit the use, or restrict the operation and/or expansion, of any permitted industrial employment use permitted as-of-right within the E2-19 and E2-83 Zones as they apply to the Properties.

While it is acknowledged by the City Staff and its consultant that the primary employment function of the lands within the ICBL boundary located south of the rail corridor be preserved, the prohibition of existing as-of-right uses and the restrictions on the expansion of existing permitted uses will have the effect of undermining the function and viability of the employment lands south of the rail corridor.

It is our opinion that the recommendations of the ICBL and vision of the Dundas Connects Master Plan do not represent good planning as they fails to align with matters of Provincial interest and fail to conform to (or not conflict with) Provincial, Regional and City plans.

Pursuant to the Staff Recommendations contained within the Pubic Meeting Information Report in connection with the ICBL Study all submissions made from the public shall be received and that Staff are to report back to Planning and Development Committee at a future meeting. We ask that this submission, as well as the submission made on behalf of our clients on April 30, 2018, be received and considered prior to Staff reporting back to Planning and Development Committee.

We reserve the right to provide additional comments on the Dundas Connects Master Plan and ICBL Study. We also ask to be informed of any and all future public correspondence and meetings in relation thereto.

Regards,

**Richard Domes
Principal Planner**

C.C: M. Flynn-Guglietti, McMillan LLP
M. Gagnon, Gagnon Walker Domes Ltd.
O.T.P properties Limited
RHenderson Inc.
1409795 Ontario Inc.



Principals

Michael Gagnon
Lena Gagnon
Andrew Walker
Richard Domes

April 30, 2018

**The Corporation of the City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1**

Delivered by Email

Attention: Chair and Members of Planning and Development Committee

-AND-

Andrew Whittemore, Commissioner of Planning and Building

Re: FORMAL PUBLIC INPUT - O.T.P Properties Limited, RHenderson Inc. and 1409795 Ontario Inc. (955 Middlegate Road, 2493 Haines Road, 2485 Haines Road and 2520 Haines Road, City of Mississauga)

**INFORMATION REPORT □ Land Use Compatibility Assessment Results and Recommendations Re: Interim Control By-law 0012-2017 (City File CD.21-INT)
DUNDAS CONNECTS MASTER PLAN (City File CD.04-DUN)**

Dear Chair and Members of Planning and Development Committee and Mr. Whittemore:

Gagnon Walker Domes Ltd. (□GWD□) represents O.T.P properties Limited (□OTP□), RHenderson Inc. (□Henderson□) and 1409795 Ontario Inc., respectively the owners of the properties municipally known as 955 Middlegate Road and 2493 Haines Road, 2485 Haines Road, and 2520 Haines Road, in the City of Mississauga (collectively the □Properties□).

The Properties are generally located south of the Canadian Pacific Railway, north of Middlegate Road, east of Cawthra Road and west of Stanfield Road (see attached location map). The Properties are located within the Dixie Employment Area, are within the limits of the lands subject to Interim Control By-law 0012-2017 (□ICBL□) and are part of lands within the City of Mississauga's Dixie and Mavis-Erindale Employment Lands Use Study (□ICBL Study□).

Please accept this correspondence as part of the public record in connection with the above noted matters which highlights our clients' general concerns with the Dundas

GAGNON WALKER DOMES LTD.

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Connects Master Plan and the very recently released ICBL Study, particularly as they impact the Properties.

Background

Official Plan and Zoning By-law

As noted above, the Properties are located within the Dixie Employment Area. The Properties are also designated 'Business Employment' in the City of Mississauga's Official Plan and zoned 'Business Employment Exception 19' (E2-19) and 'Business Employment Exception 83' (E2-83) in the City of Mississauga Zoning By-law 0225-2007. A range of industrial uses are permitted as-of-right.

ICBL

On February 8, 2017 City Council approved the ICBL which has the effect of prohibiting the enlargement, replacement or new development of over thirty (30) employment uses that are currently permitted within the Official Plan's Business Employment designation and Zoning By-law. The ICBL was passed by Council to allow the City and its consultants to undertake a study to examine land use policies and zoning provisions for land use compatibility between existing employment uses in the Dixie and Mavis-Erindale Employment Areas and the emerging vision for the Dundas Street corridor as contemplated through the Dundas Connects Master Plan Study. The ICBL was extended for a further period of one year on January 24, 2018. Our clients are appellants to the ICBL.

Dundas Connects Master Plan

The Dundas Connects Master Plan is the culmination of a multi-phase process initiated by the City of Mississauga in 2016. The recently released final Dundas Connects Master Plan provides recommendations for the implementation of rapid transit, land use change and intensification, as well as streetscape modifications along the Dundas Street corridor (including within the Dixie Employment Area).

The recommendations of the Dundas Connects Master Plan include the conversion of employment lands and introduction of sensitive land uses (i.e. mixed use, residential) within those portions of the Dixie Employment Area located along Dundas Street as well as in identified □Focus Areas□

The Dundas Connects Master Plan also serves as the second phase of the City's Municipal Comprehensive Review process for its Employment Lands Review.

ICBL Study

The ICBL Study has been undertaken by the City of Mississauga to assess the land use compatibility between existing employment uses in the Dixie and Mavis-Erindale Employment Areas and inform the potential introduction of residential and other sensitive land uses along, and/or within direct proximity to Dundas Street. The ICBL



Study is intended to be utilized as a tool to consider proposed amendments the City's Zoning By-law to restrict certain employment use permissions within the Dixie and Mavis-Erindale Employment Areas.

Dundas Connects Master Plan Study

The Dundas Connects Master Plan seeks to create a more intensive, transit supportive corridor that will accommodate future growth projections and a mix of land uses along Dundas Street and within identified Focus Area nodes.

Cawthra Focus Area

The Properties are located within direct proximity of the Cawthra Focus Area and the Dundas Street corridor.

Figure 5-11 (Cawthra Focus Area Framework Plan) and 5-31 (Built Form Concept Plan) of the Dundas Connects Master Plan identifies lands located south of Dundas Street bound by the Canadian Pacific Railway to the west and south and Haines Road to the east as being considered for "Potential Redevelopment" up to a maximum of twelve (12) storeys for the purposes of "Mixed Use Frontages" and "Retail Priority Frontages" which may include the inclusion of residential and other sensitive land uses.

- *Our clients are in opposition to any policy direction recommended through the Dundas Connects Master Plan that would introduce residential land uses (or any other sensitive land use) which could have the effect of restricting the operation and/or expansion of any industrial employment use permitted as-of-right within the E2-19 and E2-83 Zones as they apply to the Properties.*

ICBL Study

The Dixie and Mavis-Erindale Employment Land Use Study has been undertaken to address potential impacts resulting from recommended policy changes to Mixed Use Areas along the length of Dundas Street, as well as the recommended conversion of employment lands to permit non-employment uses (i.e. residential uses), which have emerged through the Dundas Connects Study.

The City of Mississauga's purpose in completing the ICBL Study was to undertake a planning, market and environmental review and analysis of all lands located within the Dixie and Mavis-Erindale Employment Areas, with a particular focus on those lands located within the boundaries of ICBL. Based on these findings, the ICBL Study established a set of policy recommendations, which in the opinion of Planning Staff, optimizes land use compatibility between employment uses and adjacent residential and other sensitive uses.

Land Use Compatibility

The potential mixed use intensification areas proposed through the Dundas Connects Master Plan are located directly adjacent to existing employment uses within the Dixie



and Mavis-Erindale Employment Areas. The ICBL Study acknowledges that in order to ensure land use compatibility, efforts must be made to avoid, mitigate or minimize potential negative impacts, while maintaining the stability of existing employment uses. However, it is also acknowledged by the ICBL Study that the introduction of residential uses and the conversion of lands to non-employment uses have the potential to create incompatibility with existing employment uses that are not proposed for conversion.

The Dixie Employment Area is recognized as one of the oldest Employment Areas in the City and like other Employment Areas is considered a "stable" area pursuant to the City's Official Plan that should be protected from incompatible development. According to the Market Analysis conducted as part of the ICBL Study, the Dixie Employment Area has maintained steady growth and remains a viable Employment Area.

While the Dundas Connects Master Plan and ICBL Study includes policy recommendations that would require compatibility assessments to determine how future residential proposals may be mitigated to assess land use compatibility matters, the primary mechanism recommended through the Dundas Connects Master Plan and ICBL Study to deal with adjacency issues is the prohibition of a series of as-of-right industrial permissions; as outlined in the ICBL. This approach unfairly places the sole and immediate onus on existing landowners and businesses in the Employment Area, which have existed as part of the community for many years.

- *Our clients are in opposition to any policy direction recommended through the ICBL that would prohibit the use, or restrict the operation and/or expansion, of any industrial employment use permitted as-of-right within the E2-19 and E2-83 Zones as they apply to the Properties.*

Environmental Effects Analysis

The ICBL Study indicates that a qualitative review of potential air quality, noise, vibration, and odour impacts from the existing businesses within the entire Dixie and Mavis-Erindale Employment Areas on the existing and potential future sensitive land uses within the Dundas Connects Master Plan was undertaken. The purpose of the review was to determine whether any uses that are currently proposed to be prohibited (ICBL list of uses) or permitted (existing employment uses) pose potential compatibility concerns for future sensitive land uses in the area.

The Environmental Effects Analysis consisted of a high level qualitative review of businesses within the Employment Areas and the list of prohibited uses under the ICBL. The analysis was completed based on theoretical expected environmental impacts associated with typical operations and the potential to mitigate those impacts. It is not clear what assumptions were made by the City's consultant as they relate to the Properties, surrounding sensitive receptors, or any potential mitigation measures assessed as a means for the City to determine the identified incompatibility of those prohibited and restricted uses.

- *Please provide the consultant's full environmental effects analysis for our review and further comment prior to any future Public Meeting.*

**Information Report □ Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017**

The Information Report entitled □ Land Use Compatibility Assessment Results and Recommendations RE: Interim Control By-law 0012-2017, as amended □ includes a series of Staff Recommendations pursuant to the direction of the ICBL Study. The Staff Report Recommendations include the immediate consideration of the ICBL Study in the implementation stage of the Dundas Connects Master Plan Study (Recommendation 2) and that the ICBL be further amended to include those additional uses that have been identified in the ICBL Study as being incompatible with the sensitive land uses envisioned in the Dundas Connects Master Plan (Recommendation 4).

It is further recommended in the Information Report that a public meeting be held to consider proposed amendments to the City's Zoning By-law 0225-2007 to implement the conclusions of the ICBL Study and generally outlined in the Information Report (Recommendation 3).

- *It is our opinion that it would be premature for Planning and Development Committee /Council to consider the Staff Recommendations beyond the receipt of the Information Report (Recommendation 1). Insufficient time has been provided to effected landowners and business owners to adequately review and comment on the results of the recently released ICBL Study. There has been no public engagement from the City or its consultants to date with respect to the purpose, analysis or proposed recommendations of the ICBL Study.*

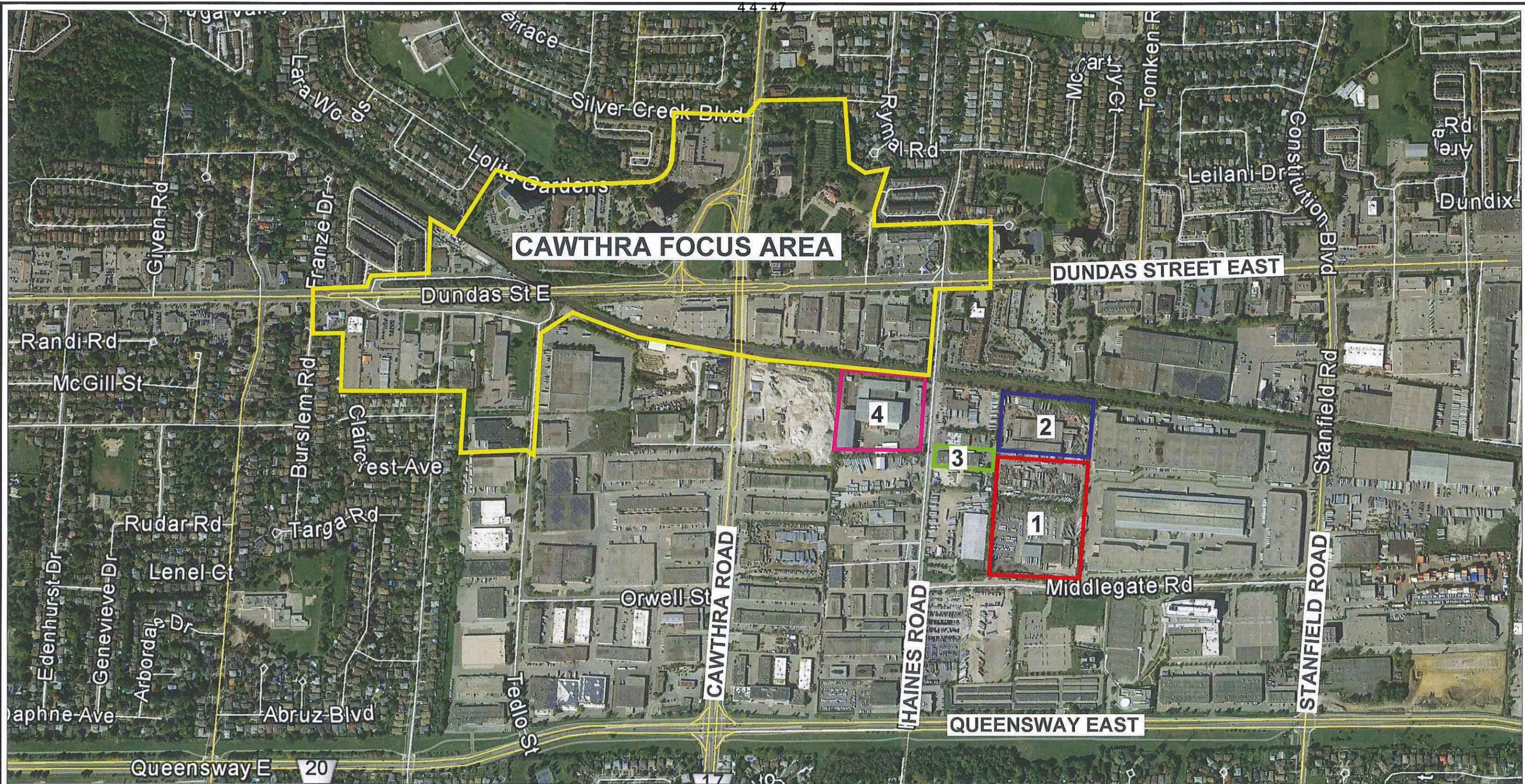
It is our client's request that Planning and Development Committee/ Council refuse Staff Recommendations 2-5 to allow for public consultation.

We reserve the right to provide additional comments on the Dundas Connects Master Plan and ICBL Study. We also ask to be informed of any and all future public correspondence and meetings.

Regards,

Richard Domes
Principal Planner

C.C: M. Flynn-Guglietti, McMillan LLP
M. Gagnon, Gagnon Walker Domes Ltd.
O.T.P properties Limited
RHenderson Inc.
1409795 Ontario Inc.



LOCATION MAP

LEGEND

Property Id	Owner	Address
1	O.T.P Properties Ltd.	955 Middlegate Road
2	O.T.P Properties Ltd.	2493 Haines Road
3	1409795 Ontario Inc.	2485 Haines Road
4	RHenderson Inc.	2520 Haines Road

P.N.: 17.2320

Date: April 30, 2018

Scale: N.T.S

Revised:

Drawn By: D.S.

File No.: PN 2320_ Aerial_Images



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Consistency and Conformity Analysis

The below provincial policy and regional and City official plan policy highlights provide the basis for the consistency and conformity analysis.

Provincial Policy Statement 2014	Growth Plan for the Greater Golden Horseshoe 2017	Region of Peel Official Plan	Mississauga Official Plan
Development Form			
Encourages compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities Requires that land use patterns be based on densities and a mix of uses that are transit supportive	Supports compact, mixed use development that is transit supportive This form of development also addresses policy related to efficient infrastructure planning, energy conservation, air quality improvement, and climate change adaptation	Supports compact, mixed use to establish healthy complete urban communities and to achieve an urban structure, form and densities which are pedestrian-friendly and transit-supportive	Supports compact, mixed use development that is transit supportive Population and employment growth will be encouraged in areas with existing and proposed service and infrastructure capacity, particularly transit and community infrastructure
Employment			
Requires the protection of employment areas for current and future uses	Requires a municipal comprehensive review (MCR) for conversion of lands within employment areas	High density employment uses such as major office and appropriate major institutional development is encouraged to locate in proximity to major transit station areas with existing or planned higher order transit service Protect and support employment areas for employment uses, as defined and designated in area municipal official plans, and requirement for a MCR for conversion of employment lands	Requires the protection of lands within Employment Areas for industrial uses Development will minimize land use conflicts between industrial uses and sensitive land uses Within Employment Areas, Mississauga will support the continued operation of existing industrial uses and discourage employment uses and sensitive land uses in the vicinity of existing industrial land uses that would: a. require industrial uses to significantly modify their operations; b. cause industrial uses to be in non-compliance with pertinent standards; and c. inhibit the development of designated industrial lands for the purposes permitted by MOP

Consistency and Conformity Analysis

Provincial, regional and municipal policies support the Dundas Connects Master Plan (DCMP) vision for compact, mixed use development that is transit supportive.

In support of the DCMP vision, it is proposed that incompatible uses be restricted on the lands subject to Interim Control By-law 0012-2017, as amended (ICBL). New prohibited uses could not establish. Existing businesses on the proposed prohibited use list can remain in place, with restriction only on their expansion.

Through the implementation of the DCMP, existing businesses would be protected. New residential and other sensitive land uses would be required to undertake land use compatibility assessments and to mitigate impacts. The proposed DCMP implementation approach protects existing industrial businesses while balancing other objectives of provincial policy to direct growth to create complete communities in a transit-supportive environment.

Policy for conversion of lands within employment areas to non-employment uses does not apply to the proposed Zoning By-law amendment recommendations since no employment land use conversion is proposed.

The proposed zoning by-law amendment to prohibit 12 uses on the lands subject to the ICBL is consistent with and conforms to provincial, regional and City policy and represents good planning.

