

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A184.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

## Consolidated Recommendation

The City has no objection to the variance, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow changes of use on the subject property proposing 691 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 712 parking spaces in this instance.

## Background

**Property Address:** 2960 & 2980 Drew Road

### Mississauga Official Plan

Character Area: **North East Employment Area**  
Designation: Business Employment

### Zoning By-law 0225-2007

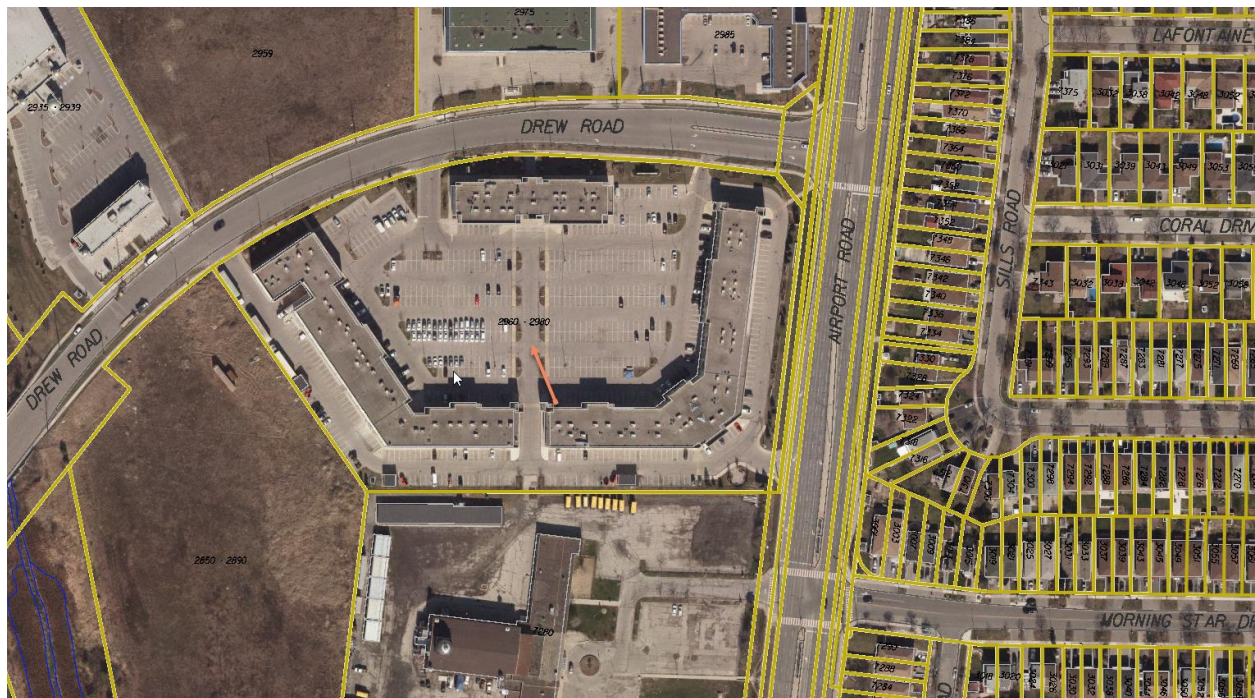
**Zoning:** E2-138 & E2-38 - Employment

**Other Applications:** C20-2190  
C20-2381  
C20-3932  
C20-3934  
C20-2468  
BP 20-2472

**BP 19-9566****Site and Area Context**

The subject property is a two-storey commercial building located west of the Airport Rd and Morning Star Dr intersection. The subject property is an exterior parcel with a lot area of +/- 38,900.0m<sup>2</sup> and a lot frontage of +/- 280.0m, possessing minimal vegetation and landscape elements along the lot line. From a land-use perspective, the immediate neighbourhood is composed of a mix of uses, including a middle school, restaurants and personnel services. Properties within the immediate vicinity possess lot frontages of +/- 70.00m with minimal vegetation and landscaping kept to the periphery of each parcel.

The applicant has proposed a change in use at 2960 Drew Rd. units #156 and #130 from warehouse to office use and at 2980 Drew Rd. units #132, #135, #136 from warehouse to retail use and #125 from office to retail use, requiring a variance for reduced parking spaces.

**Comments****Planning**

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is located within the North East Employment Area Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). With reference to Section 11.2.11 (Business Employment), Secondary Office use is permitted within this designation. With reference to 17.7.2 (Special Site Policies), the subject property lies within Site 1 of the Special Site Policies, permitting retail stores and personal service establishments. As such, the proposed office and retail uses maintain the intent and purpose of the MOP.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

As per Zoning By-law 0225-2007, the subject property is zoned E2-138 (Employment) which permits a retail store less than or equal to 600m<sup>2</sup> in gross floor area. Parking provisions identified in Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), regulate the required parking rates for the various uses permitted on this site. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. The applicant is proposing multiple changes of use with only 691 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 712 parking spaces for all uses on site in this instance.

Staff note that a parking justification study by Nextrans, dated February 4, 2021 has been submitted in support of this application. Five units in the same commercial plaza (Great Punjab Business Centre) are proposing changes of use requiring additional parking spaces. The proposed variance represents a 21 space, or 3%, deficiency from the by-law. As the proposed variance is under a 10% reduction from the zoning by-law, a formal parking study is not required in this instance. The proposed units and changes of use are summarized in the table below.

Unit #	GFA (m2)	Existing Use	Existing Parking Requirement (spaces)	Proposed Use	New Parking Requirement (spaces)	Number of Additional Spaces required
125	104.27	Office	4	Retail	6	+2
130	117.05	Warehouse	1	Office	4	+3
132	117.05	Warehouse	1	Retail	6	+5
135-136	214.5	Warehouse	2	Retail	12	+10
156	295.12	Warehouse	3	Office	9	+6
Grand Total						+26

Should the Committee see merit in the application, staff would support the requested parking reduction for the following reasons:

- Despite not being required, parking study data was submitted by Nextrans. Parking surveys were conducted on-site prior to demand being affected by the Covid-19 Pandemic. Study dates were October 11, 13, 18, and 19, 2018.
- The peak parking demand was found to occur on Oct. 11, with 502 spaces being occupied. Given the parking supply of 691 spaces, this means that 189 spaces were available at this time.
- The proposed change in use for all five units will increase the parking space requirement by a total 26 spaces from what is currently existing. As peak demand was found to be 502 spaces, staff can add the new required spaces to estimate a new peak demand of 528 spaces.

Given the supply of 691 spaces, this would leave 163 parking spaces available during peak demand.

Given the above justification, planning staff can support the proposed variance.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Based on the proceeding information the parking demands can easily be met on site. As such Staff are of the opinion that the variance requested is minor in nature and results in the orderly development of the lands.

## **Conclusion**

The Planning and Building Department has no objection to the variance, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 184/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is in receipt of several incomplete Certificate of Occupancy applications for the subject property. Additional information for each application has been requested so that a consolidated parking calculation can be performed to verify the requested variance. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

The Region of Peel has an Environmental Compliance Approval (9582-B9TRLW) for the Regional Municipality of Peel Stormwater Management System. Therefore, it is the Region's mandate that no additional flows are permitted and no new connections are made to Regional Roads.

Development flows are to be directed to the Local Municipality's storm sewer system or watercourses, to the satisfaction of the Region of Peel, the local Conservation Authority and all concerned departments and agencies. Alternatively, flows can be mitigated using Low Impact Development Technologies. Developers are required to demonstrate how this will be achieved through a Stormwater Management Report.

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 6- Conservation Authority Comments

This letter acknowledges receipt of the above noted application circulated by the City of Mississauga. The materials were received by Toronto and Region Conservation Authority (TRCA) on April 21, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards

encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of Peel, wherein we provide technical environmental advice related to provincial plans.

### **Purpose of the Application**

It is our understanding that the purpose of Minor Variance Application A 184/21 is to allow changes of use on the subject property proposing 691 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 712 parking spaces in this instance.

It is our understanding that the requested variance is required to facilitate a change of use in units 156, 130, 132, 135 and 125 in the existing building at the subject property.

### **Ontario Regulation 166/06**

The subject property is potentially located within TRCA's Regulated Area of the Mimico Creek Watershed, as it is located downstream from a spill area of the Regional Storm Floodplain associated with the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the property.

### **Application-Specific Comments**

Based on our review, it appears that the subject property is located adjacent to a spill area of the Regional Flood Plain located to the north of the property. TRCA staff have not yet determined the limits of flooding and as such, cannot yet determine whether the subject property is subject to flooding.

It appears that requested variance is required in order to facilitate a change of use in units 156, 130, 132, 135 and 125, however, no new development is being proposed at this time. As such, TRCA staff have no concerns with the requested variance, as submitted.

TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

### **Recommendation**

Based on the comments noted below, TRCA staff have **no objection** to the approval of Minor Variance Application A 184/21.

We trust these comments are of assistance. Should you have any questions, please contact me at 416-661-6600 extension 5657 or at [Lina.alhabash@trca.ca](mailto:Lina.alhabash@trca.ca).

Comments Prepared by: Lina Alhabash, Planner I