

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-07-08  To: Committee of Adjustment  From: Committee of Adjustment Coordinator	File(s): B40.21 B41.21 A253.21 A254.21 A255.21  Ward: 2
	Meeting date:2021-07-15 1:00 PM

## Consolidated Recommendation

The City recommends that the consent for Conveyed Lot #2 and associated minor variances (files: B41/21, A254.21) be approved. However, that the consent for Conveyed Lot #1 and the Retained Lot and associated minor variances (files B40/21, A253/21, A255/21) be refused.

## Application Details

The applicant requests the approval of the Committee to sever a parcel of land (B40/21) for the creation of a new lot. The parcel of land has a frontage of approximately 63.37m (207.91ft) and an area of approximately 3,060sq.m (32,937.57sq.ft).

The applicant requests the approval of the Committee to sever a parcel of land (B41/21) for the creation of a new lot (totaling 3 lots). The parcel of land has a frontage of approximately 35.38m (116.08ft) and an area of approximately 2,937sq.m (31,613.60sq.ft).

A minor variance is requested for the Severed lands (file A253/21) proposing:

1. 34 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 218 parking spaces in this instance;
2. Parking spaces to be provided off-site whereas By-law 0225-2007, as amended, requires all parking spaces to be provided on-site in this instance;
3. 1 accessible parking space whereas By-law 0225-2007, as amended, requires 7 accessible parking spaces in this instance;
4. A landscape buffer along Royal Windsor Drive of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a landscape buffer along Royal Windsor Drive of 3.00m (approx. 9.84ft) in this instance;

5. A rear yard of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft) in this instance.

A minor variance is requested for the Severed lands (file A254/21) proposing:

1. 0 accessible parking space whereas By-law 0225-2007, as amended, requires 1 accessible parking spaces in this instance;
2. A landscape buffer along Royal Windsor Drive of 1.35m (approx. 4.43ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer along Royal Windsor Drive of 3.00m (approx. 9.84ft) in this instance;
3. An interior side yard (easterly) of 4.31m (approx. 14.14ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 7.50m (approx. 24.60ft) in this instance;
4. An interior side yard (westerly) of 4.26m (approx. 13.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 7.50m (approx. 24.60ft) in this instance;
5. Access to be provided off-site by driveways and aisles, whereas By-law 0225-2007, as amended, requires access to be provided by unobstructed on-site driveways or driveways and aisles in this instance; and
6. A drive aisle width of 4.72m (approx. 15.49ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance.

A minor variance is requested for the Retained lands (file A255/21) proposing:

1. 3 accessible parking space whereas By-law 0225-2007, as amended, requires 5 accessible parking spaces in this instance;
2. A landscape buffer along Royal Windsor Drive of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer along Royal Windsor Drive of 4.50m (approx. 14.76ft) in this instance;
3. An interior side yard (easterly) of 2.29m (approx. 7.51ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.76m (approx. 15.62ft) in this instance;
4. A drive aisle width of 5.23m (approx. 17.16ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance;
5. Loading space dimensions of 3.5m x 6.0m (11.48ft x 19.68ft) whereas By-law 0225-2007, as amended, requires loading spaces dimensions to be a minimum of 3.5m x 9.0m (approx. 9.84ft x 29.52ft) in this instance; and
6. Access to and from parking spaces to be provided by unobstructed on-site and off-site drive aisles whereas By-law 0225-2007, as amended, requires access to and from parking spaces to be provided by unobstructed on-site drive aisles in this instance.

## Amendments

Staff received a letter dated June 18, 2021 from the Applicant's agent providing the following amendments to the minor variance applications:

Severed lands (file A253/21):

- Remove Variance No. 2
- Variance No. 4 should be amended as follows: A landscape buffer along Royal Windsor Drive of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a landscape buffer along Royal Windsor Drive of 4.5m (approx. 14.76ft) in this instance;

Severed lands (file A254/21):

- Variance 2 should be amended as follows: A landscape buffer along Royal Windsor Drive of 1.35m (approx. 4.43ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer along Royal Windsor Drive of 4.5 (approx. 14.76ft) in this instance;
- Variance No. 3 should be amended as follows: An interior side yard (easterly) of 4.31m (approx. 14.14ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.50m (approx. 14.76ft) in this instance;
- Variance No. 4 should be amended as follows: An interior side yard (westerly) of 4.26m (approx. 13.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.50m (approx. 14.76ft) in this instance; and,
- Remove Variance No. 6

Retained lands (file A255/21):

- Variance No. 3 should be amended as follows: An interior side yard of 0.0m (0.0ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.76m (approx. 15.62ft) in this instance;
- Variance No. 4 should be amended as follows: An aisle width of 5.23m (approx. 17.15ft) for 5 loading spaces; whereas, by-law 0225-2007, as amended, requires a minimum 7m (approx. 22.96ft) aisle width for all loading spaces in this instance.
- Variance No. 6 should be removed.

**Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- Should Committee of Adjustment see merit in the application:
  - Staff recommend supporting the requested variance on a temporary basis for up to one (1) year, subject to the following condition:
    - Following the expiration of the temporary one (1) year approval, the applicant is required to provide a satisfactory Parking Utilization Study (PUS) to address the parking deficiency
  - Staff recommend appropriate easements for fire routes and access be provided as a condition of the severance

## Background

**Property Address: 2630 - 2666 Royal Windsor Drive & 2670 - 2680 Royal Windsor Drive**

**Mississauga Official Plan**

Character Area: Southdown Employment Area  
Designation: Industrial

**Zoning By-law 0225-2007**

**Zoning: E3-1 - Employment**

**Other Applications: None**

**Site and Area Context**

The subject property is a plaza located south-east of the Winston Churchill Boulevard and Royal Windsor Drive intersection that contains 4 buildings with employment uses. The subject property is an interior parcel possessing minimal vegetation and landscape elements along the front lot line. The buildings and site configuration reflect the industrial employment character of the broader surrounding area. Properties within the immediate vicinity possess minimal vegetation and landscaping kept to the periphery of each parcel.

The applicant is proposing to sever the existing parcel of land into three 3 lots requiring variances for parking, rear yard, side yard, landscape buffer, drive aisle, and loading spaces.



## Comments

### Planning

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

#### Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The Subject Property is located in the Southdown Employment Character area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP). The industrial land use designation supports a broad range of non-residential uses including Warehousing/Distribution Facilities and Manufacturing Facilities, Office and an Adult Entertainment Establishment (AEE), all of which are represented in the existing industrial plaza.

The applicant is seeking to sever two parcels from the existing lot, creating a total of 3 new lots, including the retained parcel. The applicant seeks to sever the property in order to:

- 1) allow for mortgage financing of the Retained Lands by placing Conveyed Lot #1, the AEE, on a separate lot
- 2) restore the previously existing lot pattern by creating a separate lot (Conveyed Lot #2)

Planning Staff have no objections to consent or variance applications B41/21 and A254/21 associated with regards to Conveyed Lot #2, as there is no proposed development or change in use or operation proposed. Planning Staff do however note that Conveyed Lot #2 does not have direct access to Royal Windsor Drive. In order to maintain the Subject Property's functionality

without interruption, Staff would request appropriate easements for fire routes and access be provided as a condition of the severance

With respect to application A253/21 (Conveyed Lot #1), the applicant is requesting to allow an adult entertainment establishment proposing a total of 34 parking spaces onsite whereas By-law 0225-2007, as amended, requires a minimum of 218 parking spaces in this instance. This is a reduction of 184 spaces which equates to an 84% deficiency.

The applicant's agent, Aird & Berlis LLP, prepared a Cover Letter, dated May 5, 2021, a Parking Justification Letter, dated May 5, 2021, and submitted a draft shared parking agreement in support of the submitted application. On June 25, 2021, the applicant provided a copy of the draft shared parking agreement via email to staff for consideration.

The Cover Letter explains how the newly created lots will function with proposed servicing easements, a shared parking agreement and an access agreement. The Parking Justification Letter, dated May 5, 2021, breaks down the required parking for each newly created lot and explains the compatibility of uses onsite. The subject property mostly has manufacturing and industrial uses, which operate generally Monday to Friday during standard business hours, whereas the AEE is typically the busiest during the evenings and weekends. The Letter explains that the subject property has already been sharing 178 parking spaces – which excludes 25 spaces at the rear of the subject property, for the exclusive use by the trucking terminal onsite.

City Planning Strategies (CPS) staff have reviewed the submission package in greater detail and have concerns. According to CPS Staff, the shared parking agreement is premature given there is no justification for the onsite parking demand and it remains unclear how much parking is needed for the AEE. The AEE, (Conveyed Lot #1) would have 34 spaces onsite, which need to be deducted from the 178 shared spaces. This leaves a remaining total of 144 parking spaces to be potential shared with the AEE. As such, it is CPS Staff's opinion that the onsite deficiency is so great that the shared parking agreement does not sufficiently justify a deficiency of 184 spaces, as per the Zoning By-law requirement. In the absence of a Parking Utilization Study, CPS staff do not have satisfactory justification to support the requested variance. Staff routinely rely on a Parking Utilization Study to justify parking reductions.

CPS Staff recommend that the application be deferred pending the submission of a satisfactory Parking Utilization Study. However, should the Committee of Adjustment see merit in the application, staff recommend supporting the requested variance on a temporary basis for up to one (1) year, subject to the following condition:

1. Following the expiration of the temporary one (1) year approval, the applicant is required to provide a satisfactory Parking Utilization Study (PUS) to address the parking deficiency

With respect to applications B40/21, A253/21, A255/2 (Conveyed Lot #1 and Retained Lands), Planning Staff echo CPS Staff's concerns with granting the consent to create a permanent lot with a deficiency of 184 parking spaces. With regards to the other variances contained in applications A253/21 and A255/2, based on the understanding that there is no proposed development or change in use or operation proposed, Staff has no concerns.

Based on the preceding information, Planning Staff is of the opinion that application B40/21 does not conform to Section 51(24) of the Planning Act and more specifically that the application does not maintain the intent and purpose of the zoning by-law. As staff is not supportive of consent application B40/21, minor variance applications A253/21 and A255/21 should also be refused.

## Conclusion

The Planning and Building Department recommends that the consent for Conveyed Lot #2 and associated minor variances (files: B41/21, A254.21) be approved. However, that the consent for Conveyed Lot #1 and the Retained Lot and associated minor variances (files B40/21, A253/21, A255/21) be refused.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

It is our understanding that the intent of this Consent Application is to create 2 new lots with existing buildings fronting onto Royal Windsor Drive and no additional physical changes to the site. It is also understood that blanket access and servicing easements will be provided for grading and site servicing site vehicle and pedestrian circulation. This department has had several meetings prior to the application proceeding to the Committee to understand the nature of the easements and ensure that they were appropriate for the proposal.

Should Committee see merit in the applicant's request we are providing the following condition/requirement to be imposed as conditions of approval:

#### A. Items Required Prior to the Issuance of Final Consent

1. Draft Reference Plan and Schedule of required Easement(s)

The applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto:susie.tasca@mississauga.ca)

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

#### B. General Information

1. Site Plan Approval



Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

A minor variance is requested for the Severed lands (file A253/21) proposing:

(PREAPP 21-5264)

1. 34 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 218 parking spaces in this instance;

Correct

2. Parking spaces to be provided off-site whereas By-law 0225-2007, as amended, requires all parking spaces to be provided on-site in this instance;

Amend: Not needed if variance for total parking discrepancy is granted. If committee decides to proceed with off-site parking, they should specify the number of parking spaces provided off-site.

Have not received any information in zoning application indicating number of spaces to be provided off-site. For instance, if 184 spaces are provided off-site where will they provided ? Spaces used from another site must be surplus spaces (i.e. not required) otherwise that would cause a deficiency elsewhere. Also, applicant may require agreements to finalize off-site parking (e.g. restriction on title, etc.)

3. 1 accessible parking space whereas By-law 0225-2007, as amended, requires 7 accessible parking spaces in this instance;

Correct

4. A landscape buffer along Royal Windsor Drive of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a landscape buffer along Royal Windsor Drive of 3.00m (approx. 9.84ft) in this instance;

Not required. However, applicant may choose to legalize exiting conditions.

5. A rear yard of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft) in this instance.

Correct.

A minor variance is requested for the Severed lands (file A254/21) proposing:

(PREAPP 21-5262)

1. 0 accessible parking space whereas By-law 0225-2007, as amended, requires 1 accessible parking spaces in this instance;

Correct

2. A landscape buffer along Royal Windsor Drive of 1.35m (approx. 4.43ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer along Royal Windsor Drive of 3.00m (approx. 9.84ft) in this instance;

Not required. However, applicant may choose to legalize exiting conditions.

3. An interior side yard (easterly) of 4.31m (approx. 14.14ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 7.50m (approx. 24.60ft) in this instance;

Amend – Requires a minimum interior side yard of 4.5m instead of 7.5m

4. An interior side yard (westerly) of 4.26m (approx. 13.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 7.50m (approx. 24.60ft) in this instance;

Amend – Requires a minimum interior side yard of 4.5m instead of 7.5m

5. Access to be provided off-site by driveways and aisles, whereas By-law 0225-2007, as amended, requires access to be provided by unobstructed on-site driveways or driveways and aisles in this instance; and

Correct

6. A drive aisle width of 4.72m (approx. 15.49ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance.

Not Required. The minimum width of a driveway shall be 2.6 m.

Amend site stats to indicate 22 parking spaces are provided.

A minor variance is requested for the Retained lands (file A255/21) proposing:

(PREAPP 21-5263)

1. 3 accessible parking space whereas By-law 0225-2007, as amended, requires 5 accessible parking spaces in this instance;

Correct.

2. A landscape buffer along Royal Windsor Drive of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer along Royal Windsor Drive of 4.50m (approx. 14.76ft) in this instance;

Not required. However, applicant may choose to legalize existing conditions.

3. An interior side yard (easterly) of 2.29m (approx. 7.51ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.76m (approx. 15.62ft) in this instance;

Amend – An interior side yard of 0m provided. Not 2.29m.

4. A drive aisle width of 5.23m (approx. 17.16ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance;

Amend – “drive aisle” to “aisle”

5. Loading space dimensions of 3.5m x 6.0m (11.48ft x 19.68ft) whereas By-law 0225-2007, as amended, requires loading spaces dimensions to be a minimum of 3.5m x 9.0m (approx. 9.84ft x 29.52ft) in this instance; and

Correct

6. Access to and from parking spaces to be provided by unobstructed on-site and off-site drive aisles whereas By-law 0225-2007, as amended, requires access to and from parking spaces to be provided by unobstructed on-site drive aisles in this instance.

- Not required. The minimum width of a driveway shall be 2.6 m.

- Additional variance for insufficient aisle width for 5 loading spaces.

An aisle width of 5.23m (approx.. 17.15ft) for 5 loading spaces; whereas, by-law 0225-2007, as amended, requires a minimum 7m (approx.. 22.96ft) aisle width for all loading spaces.

Comments Prepared by: Ramsen Hedoo

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.

Should the application be approved, Community Services wishes to impose the following condition:

1. The applicant shall provide a cash contribution of \$1,821.36 for planting of three (3) street trees on Royal Windsor Drive. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

## Appendix 5 – Region of Peel Comments

### Consent Applications: B-40/21 & B-41/21

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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

**Condition:** Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments Prepared by: Diana Guida, Junior Planner

**Appendix A – Conditions of Provisional Consent**

**SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding (A253-255.21).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (July 8, 2021).
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (July 8, 2021).
6. A letter shall be received from the Region of Peel, Development Engineering, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (July 8, 2021).