

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-18	File(s): A348.20 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-26 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Manufacturing Facility and Warehousing/Distribution Facility on the subject property whereas By-law 0225-2007, as amended, does not permit such uses in this instance.

Background

Property Address: 2400 Skymark Avenue

Mississauga Official Plan

Character Area: Airport Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

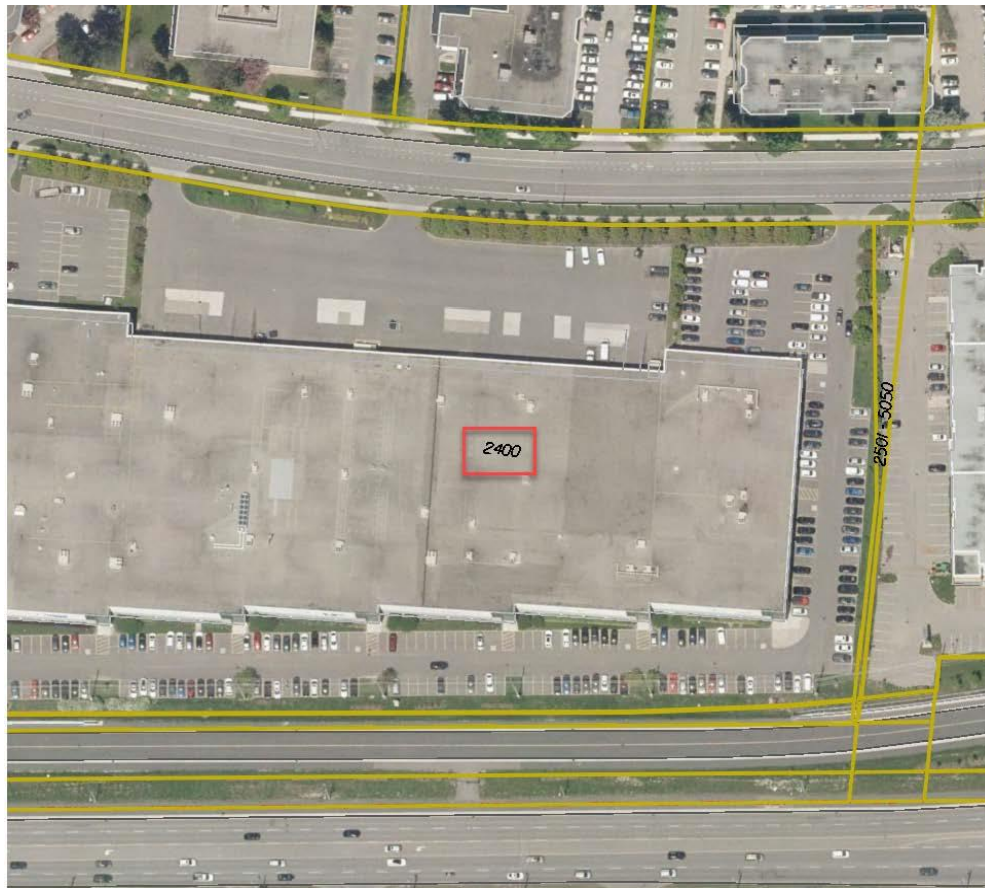
Zoning: E1-19 - Employment

Other Applications: None

Site and Area Context

The subject property is located north-east of the Eglinton Avenue East and Satellite Drive intersection in the Airport Corporate Centre. It has a lot area of +/- 36,500m² and a lot frontage of +/- 250m and currently contains a one storey industrial building. The surrounding context is

comprised of commercial and industrial uses on varying size lots, ranging in heights from one to three storeys. The Mississauga Transitway abuts the property immediately to the south. The area is virtually devoid of vegetation, except for within the municipal boulevard or front landscaped buffer of properties.



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 subject property is located in the Airport Corporate Centre and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The property is also subject to the Special Site 1 policies as set out in the MOP under section 15.2.2.1. Section 15.2.2.1.1.a states that lands identified as Special Site 1 will not permit new industrial uses including manufacturing, warehousing, distributing and wholesaling, outdoor storage and display. The same policy also notes that only existing industrial uses will be permitted to continue and expand. The goal of this policy is to encourage the transition of the area to office and other uses while allowing existing uses to be maintained. The applicant's proposal would permit new industrial uses to occupy the building in direct contravention to policy 15.2.2.1.1a and therefore the proposal does not meet the general intent and purpose of the Official Plan.

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

The subject property is zoned E1-19 in Zoning By-law 0225-2007. While the base E1 zone permits the requested uses in this application, exception 19 goes on to expressly prohibit the uses requested in this application, except for those legally existing on the date of the passing of the By-law. Staff note that while not all properties within the Special Site 1 area share the same zoning, all but 5 properties within Special Site 1 bear zoning designations that do not permit the proposed uses. The City of Mississauga has instituted a clear policy that only the existing industrial uses are permitted to continue on the subject property and surrounding area and that new industrial uses should not be introduced. Staff are of the opinion that a blanket approval that allows these uses to be continuously replaced on an ongoing basis does not meet the general intent of the Zoning By-law.

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

Given the proposal's failure to meet the first two tests of a minor variance and its direct contravention of the Official Plan and Zoning By-law, staff are of the opinion that the application is not minor in nature. While the existing building and tenants represent appropriate uses of the subject property in accordance with the Official Plan and Zoning By-law, the introduction of new tenants for a use that is being phased out by City policy, which would be permitted under the applicant's proposal, would not represent appropriate development of the subject lands.

Conclusion

The Planning & Building Department recommends that the application be refused.

Comments Prepared by: Alexander Davies, 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' 348/20.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pre-Zoning application permit under file 21-6369. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Marco Palermo

Appendix 3 – Parks, Forestry & Environment

N/A

Appendix 4 – Heritage

N/A

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner