

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A366.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The Planning & Building Department has no objections to the application, subject to a temporary approval.

Application Details

The applicant requests the Committee to approve a minor variance to allow 205 parking spaces to be used off site whereas By-law 0225-2007, as amended, does not parking to be provided off site in this instance.

Amendments

While Planning Staff are not in a position to interpret the By-law, Staff note that the variance should be amended as follows:

The applicant is requiring a variance to permit 1,236 parking spaces to be provided on-site with 205 parking spaces being subleased to IPC (Islamic Centre Propagation) whereas; by-law 225-2007 would require all 1,236 parking spaces to be used for Paramount Fine Foods Centre (PFFC) uses.

Recommended Conditions and Terms

A temporary approval for a period of 1 year.

Background

Property Address: 5500 Rose Cherry Place

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Public Open Space

Zoning By-law 0225-2007

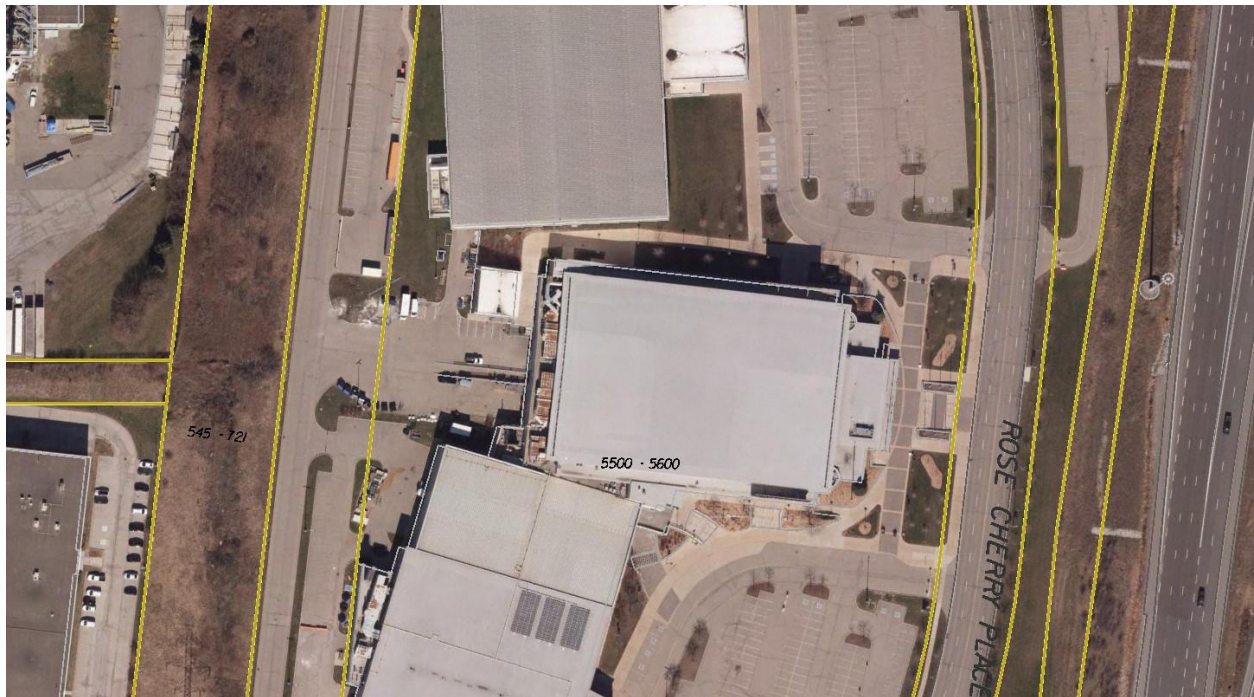
Zoning: OS2-6 - Open Space

Other Applications: None

Site and Area Context

The subject property is located north-east of the Kennedy Road and Matheson Boulevard East intersection and contains the Paramount Fine Foods Centre. There is some vegetation on the property, however the vast majority of the property consists of the building itself as well as the paved parking lot. The surrounding area contains multiple uses, including industrial uses to the west, Highway 403 to the east, Highway 401 to the north, and residential and recreational uses to the south.

The applicant is proposing a shared parking agreement with an adjacent property and requires a variance for parking.



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 Gateway Employment Area and is designated Public Open Space in Schedule 10 of the Mississauga Official Plan. Policy 8.4.2 of the Official Plan states that Mississauga will encourage the shared use of parking and allow off-site parking, where appropriate. Staff are satisfied the proposal maintains the general intent and purpose of the Official Plan.

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

The intent of parking regulations are to ensure that each property can provide the necessary parking required for each use on site. The applicant has indicated that the arrangement has been ongoing for several years prior to this application and has been successful at ensuring sufficient parking for the uses. CPS Staff have reviewed the application and note as follows:

With respect to Committee of Adjustment application A-366/21, 5500 Rose Cherry Place, *"The applicant is requiring a variance to permit 1,236 parking spaces to be provided on-site with 205 parking spaces being subleased to IPC whereas; by-law 225-2007 would require all 1,236 parking spaces to be used for PFFC uses."*

*Please note that the variance has been revised as per staff email sent March 15, 2021 by Janeth Haub (and confirmed by Zoning).

As per Zoning staff email dated February 19, 2021 (Domenic Tudino), the PFFC is required by the zoning by-law to have 1,236 parking spaces, which is what is provided. The PFFC is proposing to lease 205 parking spaces to the neighbouring Islamic centre. This represents an on-site reduction of 16.6% from the zoning by-law. No Parking Utilization Study has been submitted for this application.

Generally, City staff require a Parking Utilization Study (PUS) for any proposed parking deficiency over 10%, as per the City's [Parking Studies Terms of Reference](#). However, staff acknowledge that the Covid-19 pandemic has affected parking demand, and conducting a survey at this time would not capture the typical demand.

Therefore, staff recommends the variance be granted for a temporary period of one (1) year. At which time, should conditions have returned to normal from Covid-19, a full Parking

Utilization Study will be required as per the City's Parking Studies Terms of Reference. At that time, the applicant must address any parking deficiencies identified in the above PUS.

Planning Staff are in agreement with the comments provided by CPS Staff and are therefore satisfied that the proposal maintains the general intent and purpose of the Zoning By-law at this time.

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

Staff are satisfied that the application is minor in nature and represents appropriate development and use of the lands. The shared parking arrangement has the potential to reduce stress on street parking in the area and more effectively utilize existing parking resources. Planning Staff are in agreement with CPS Staff that a temporary approval should be granted in order for a Parking Utilization Study to be conducted in the future to ensure that the proposal does not negatively impact the parking situation at the Paramount Fine Foods Centre and negate the potential benefits of the arrangement.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos depicting the lands subject to the Licencing Agreement.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner