

City of Mississauga Department Comments

Date Finalized: 2021-09-28 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B41.21 A254.21 A255.21 Ward: 2
	Meeting date:2021-10-07 3:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land (B41/21) for the creation of a new lot. 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 A254/21) proposing:

1. 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires 1 accessible parking space 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 4.50m (approx. 14.76ft) 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 4.50m (approx. 14.76ft) 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 4.50m (approx. 14.76ft) in this instance; and,
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.

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

1. 184 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 329 parking spaces in this instance;
2. 4 accessible parking spaces whereas By-law 0225-2007, as amended, requires 9 accessible parking spaces in this instance;

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3. A landscape buffer along Royal Windsor Drive of 0.91m (approx. 2.99ft) 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;
4. An aisle width of 5.23m (approx. 17.16ft) for loading spaces adjacent to the lot line shared with 2670 Royal Windsor Drive whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.96ft) for all loading spaces in this instance; and,
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.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- Staff recommend appropriate easements for fire routes and access be provided as a condition of the severance
- Based on the survey results and staff's conservative analysis, staff can support the requested variance to provide a total of 184 parking spaces whereas a minimum of 329 parking spaces are required for all uses in this instance, subject to the following condition:
 - The Adult Entertainment Establishment use shall be limited to a maximum of 1,340 m² of GFA

Background

Property Address: 2630, 2650 & 2666 Royal Windsor Drive and 2670 & 2680 Royal Windsor Drive

Mississauga Official Plan

Character Area: Southdown Employment Area
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3-1 - Employment

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 two (2) lots requiring variances for parking, side yards, access, landscape buffers, drive aisles, and loading spaces.



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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 application are as follows:

The applicant previously requested approval of two consent applications and three associated minor variance applications, which would result in the creation of three new properties. Planning staff was only supportive of one of the consent applications and its associated variances (files: B41/21, A254.21), as City Planning Strategies (CPS) staff expressed concerns with the proposed parking deficiencies in file A253/20. The applicant provided no justification for onsite parking demand and it was unclear how much parking was required for the Adult Entertainment Establishment (AEE). In discussions with the applicant's agent, Planning and CPS staff recommended that the applicant withdraw applications B40/21 and A253/21. Subsequently, the applications were deferred by the Committee at a hearing held on July 15th, 2021.

The applicant has revised the proposal and withdrawn applications B40/21 and A253/21. Planning staff advise that drawings provided by the applicant match the variances requested and Zoning staff has verbally confirmed that the requested variances are correct. Furthermore, comments in Appendix 2 are based on outdated drawings submitted through a preliminary zoning application.

The variances requested above are of no concern to Planning staff. As mentioned in Planning staff's report dated July 8th, 2021, there is no proposed development or change in the use or operation proposed. Planning staff do however note that the conveyed lot 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 to be provided as a condition of the severance.

City Planning Strategies (CPS) staff have reviewed the submission package in greater detail and have provided the following comments:

With respect to Committee of Adjustment application 'A' 255/21, 2630, 2650 & 2666

Royal Windsor Drive and 2670 & 2680 Royal Windsor Drive, the applicant is requesting to allow existing uses on the Retained Lands providing a total of 184 parking spaces onsite whereas By-law 0225-2007, as amended, requires a minimum of 329 parking spaces in this instance. This is a reduction of 145 spaces which equates to a 56% deficiency onsite.

The applicant is seeking to sever one parcel from the Retained Lands to create a total of two lots. The Retained Lands has two multi-tenant buildings, with a mix of the following main uses: Warehousing/Distribution Facilities and Manufacturing Facilities, Office and an Adult Entertainment Establishment (AEE).

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The applicant's agent, Aird & Berlis LLP, prepared a Parking Utilization Study (PUS), dated September 20, 2021, in support of the revised minor variance application 'A' 255/21.

There is no proposed development or change on the subject property associated with the consent application and the uses and operations will remain as they currently exist.

The PUS carried out an onsite survey for the Retained Lands. The PUS explained that of the total 184 parking spaces onsite, 25 parking spaces are used exclusively by the truck terminal located at 2650 Royal Windsor Drive at the rear of the subject property. The remaining 159 spaces are shared amongst the tenants of 2630 and 2666 Royal Windsor Drive.

The PUS explained that the AEE's compatibility with the other uses on the Retained Lands is supported by their respective operating hours being offset from each other. The tenants have already been sharing the 159 parking spaces onsite and there have been no issues.

The existing manufacturing and warehousing uses, have sufficient parking onsite at a rate of 1.6 spaces per 100 m² of GFA. However, the parking variance is triggered by insufficient parking for the AEE located in Unit 11 – 2630 Royal Windsor Drive, with a requirement of 16.3 spaces per 100 m² of GFA.

Staff advised the applicant's agent on the survey methodology. The PUS carried out an onsite survey at 30 minute intervals on:

- Thursday, Sept. 16, 2021 between 12-3pm and 7-9pm
- Friday, Sept. 17, 2021 between 12-3pm and 7-9pm
- Saturday, Sept. 18, 2021 between 6-10pm

The observed peak demand occurred multiple times in the afternoon on Thursday, Sept. 16, 2021, with a total of 48 parking spaces and 14 spaces exclusively for the truck terminal.

Staff Analysis

To account for COVID-19 impacts on business operations, staff evaluated the survey results, reviewed Ontario's Roadmap to Reopen under Stage 3 and applied a conservative analysis to adjust the parking demand onsite in this specific instance. It is assumed that the AEE and other uses are operating at approximately 50% capacity.

As a result, staff doubled the observed peak demand onsite ($48 \times 2 + 14 = 110$ spaces). Under staff's conservative analysis, the overall peak demand is 110 parking spaces for all uses onsite inclusive of the truck terminal, which equates to a 60% utilization and leaves a buffer of 74 parking spaces available. The 184 spaces onsite can sufficiently accommodate a peak demand of 110 spaces.

- Note: Staff are not doubling the observed demand for the truck terminal as this operates differently than the rest of the site and parking demand has not changed significantly for truck drivers accessing a terminal for pick-up/drop-off

Overall, staff generally agree that the mix of existing uses on the Retained Lands are compatible from a parking demand perspective with offset peak times between the AEE use and

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other uses onsite. Staff's analysis considers COVID-19 impacts and concludes that even in a conservative scenario, the parking utilization is only 60%, with a buffer of 74 available parking spaces onsite.

Staff advise that the submitted parking survey and results are specific to the current uses and circumstances onsite under revised application 'A' 255/21 and a new Parking Utilization Study (PUS) will be required for any future parking reductions on the newly created lot (the Retained Lands).

Based on the survey results and staff's conservative analysis, staff can support the requested variance to provide a total of 184 parking spaces whereas a minimum of 329 parking spaces are required for all uses in this instance, subject to the following condition:

- The Adult Entertainment Establishment use shall be limited to a maximum of 1,340 m² of GFA

Based on the preceding information, Planning Staff is of the opinion that application B41/21 conforms to Section 51(24) of the Planning Act and more specifically that the application maintains the intent and purpose of the zoning by-law. The variances requested above are of no concern to Planning staff. As mentioned in Planning staff's report dated July 8th, 2021, there is no proposed development or change in the use or operation proposed.

As staff is supportive of consent application B41/21, minor variance applications A254/21 and A255/21 should also be approved.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

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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

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

B. General Information

1. Site Plan Approval

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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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 41/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

A 255/21 (Application 21-5263)

Missing

variance:

Insufficient angled parking space length. A minimum 5.2m length is required for the shorter side whereas, less than 5.2m is provided.

Note: Dimension of shorter side not provided.

A 254/21 (Application 21-5262)

Cannot verify accuracy of variances requested as there are outstanding comments which have not been addressed. More information needed.

Comments Prepared by: Ramsen

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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.
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 2021-09.28.