

City of Mississauga Department Comments

Date Finalized: 2021-11-02	File(s): A465.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-11 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that all required variances have been identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a mixed-use condominium development proposing:

1. A separation distance between a restaurant and residential property line of 35.00m (approx. 114.83ft) whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential property line of 60.00m (approx. 196.85ft) in this instance;
2. A landscape buffer of 3.00m (approx. 9.84ft) measured from a lot line that is a street line whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance; and
3. 883 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 945 parking spaces in this instance.

Background

Property Address: 3700 - 3970 Eglinton Avenue West, 4700 Ridgeway Drive, 3465 & 3525 Platinum Drive

Mississauga Official Plan

Character Area: Mixed Use
Designation: Churchill Meadows Employment Area

Zoning By-law 0225-2007

Zoning: C3 - Commercial

Other Applications: Site Plan – SP 18-80 W2 and Previous Consent/MV – A434/18, B21/18, B22/18 and B036/19

Site and Area Context

The subject property is located within the Churchill Meadows Employment Area, south west of the Ninth Line and Eglinton Avenue West intersection. The subject property contains plazas containing a mix of commercial and office uses with little vegetation on the property. The surrounding area contains vacant lands intended for employment and commercial uses.

The application proposes a mixed-use condominium development, requiring variances for landscape buffers, parking and to permit a restaurant uses.



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 are as follows:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits restaurants.

Variance #1 pertains to a restaurant use. The applicant is proposing a restaurant use within 60m (approx. 193.9 ft) of a Residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant use would be compatible with the adjacent land uses and where they are not compatible, a 60.0m (approx. 196.9 ft) buffer is created. The adjacent residential neighbourhood is located north of the property. Eglinton Avenue West separates the entire subject property from the existing residential uses. Furthermore, a significant city boulevard is provided between the residential neighbourhood and Eglinton Avenue West, providing additional buffering between the restaurant use and the residential neighbourhood.

Variance #2 pertains to a landscape buffer. The applicant is proposing a landscape buffer of 3.00m (approx. 9.84ft) measured from a lot line that is a street line where a minimum landscape buffer of 4.50m (approx. 14.76ft) is required. This variance is being requested is due to additional walkway connections being added to the existing walkway around Building J. Staff is satisfied that the proposed buffer is adequate and raises no concerns of a planning nature.

Variance #3 pertains to parking. The applicant is proposing 883 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 945 parking spaces in this instance. City Planning Strategies (CPS) have reviewed this application and provided the following comments:

An additional parking reduction is now being sought to account for a future access connection to be provided for the adjacent Hold Out property, a piece of property that did not become part of the original real estate development. The following minor variance is now being requested through this submission:

- 883 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 945 parking spaces in this instance.

A Parking Justification Letter was originally submitted to support the 2018 parking minor variance application (A-434/18), dated October 22, 2018 by Paradigm Transportation Solutions Ltd. An updated letter was not submitted with this application. The applicant confirmed that the parking spaces have not been unitized and are shared (common element) across the entire site. As such, this variance is being requested on a site basis.

Site Grand Totals	GFA (m2)	Spaces Required	Spaces Proposed (2018)	Spaces Proposed (2021)
Commercial/Retail Centre	15,722.29	849	801	796
Office	2,983.56	96	92	87
Total (Requiring Parking)	18,705.85	945	893	883
<i>Utilities (Excluded)</i>	<i>771.47</i>			
# of Parking Spaces Deficient			52	62
% of Parking Space Deficiency (2018)			5%	7%

A total of 945 parking spaces are required, whereas the applicant is requesting to now provide 883 spaces (62 spaces deficient), including accessible parking.

The proposed development is located within walking distance (1.6km) and biking distance (8km) of multiple residential neighbourhoods. The site is also serviced by multiple transit routes, namely MiWay routes 9 and 35.

Given that the requested variance only represents an approximate 7% reduction in parking rates, and there is multi-modal access to the site, the parking variance can be supported.

Planning staff echo CPS staff's comments and are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposal have been addressed through the previously approved Site Plan Application process SP-18/080.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order for a full zoning review to be completed. Depending on the complexity of the proposal, a minimum of 6-8 weeks will be required to process a pre-zoning review application.

Comments Prepared by: Brandon Eidner, Zoning Examiner