

City of Mississauga Department Comments

Date Finalized: 2022-01-05	File(s): A233.21 Ward 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a reduction of Retail Activation Frontage Use requirements proposing:

1. A retail activation frontage of 65% on Burnhamthorpe Road West, City Centre Drive and The Exchange, whereas By-law 0225-2007 Schedule CC2(2), as amended, requires a retail activation frontage of 75% on Burnhamthorpe Road West, City Centre Drive and The Exchange in this instance;
2. A phased development of the subject lands allowing zoning regulations to be complied with based on temporary phase lines and the portion of the building to which the retail activation frontage is required based on the phased development as it relates to retail activation units and build-to-areas; whereas By-law 0225-2007, as amended, requires regulations apply to the external limits and all street frontages to which a building abuts on the overall property in this instance;
3. No minimum depth for units contributing to Retail Activation use whereas By-law 0225-2007, as amended, requires a minimum depth of 10.0 metres for a retail activation use in this instance (Policy 7.1.4A.2.2);
4. No minimum height for units contributing to a Retail Activation Use; whereas By-law 0225-2007, as amended, requires a minimum height for a Retail Activation Use of 4.5 metres in this instance (Policy 7.1.4A.2.3);
5. A pedestrian accesses for uses permitted above and below the first storey to have a width greater than 6.5 metres; whereas By-law 0225-2007, as amended, permits a maximum width of pedestrian accesses of 6.5 metres in this instance (Policy 7.1.4A.3.1); and,
6. Remove requirements for units above the first storey and above/below the first storey of a building with an 'A' Street Frontage to be provided through a main front entrance facing the 'A' Street Frontage; whereas By-law 0225-2007, as amended, requires access from a main front

entrance from an 'A' Street Frontage to access first and second storey units in this instance (Policy/Table 7.2.1 – 4A.4 and 4A.5).

Background

Property Address: 151 City Centre Drive

Mississauga Official Plan

Character Area: Downtown Core

Designation: Downtown Mixed Use

Zoning By-law 0225-2007

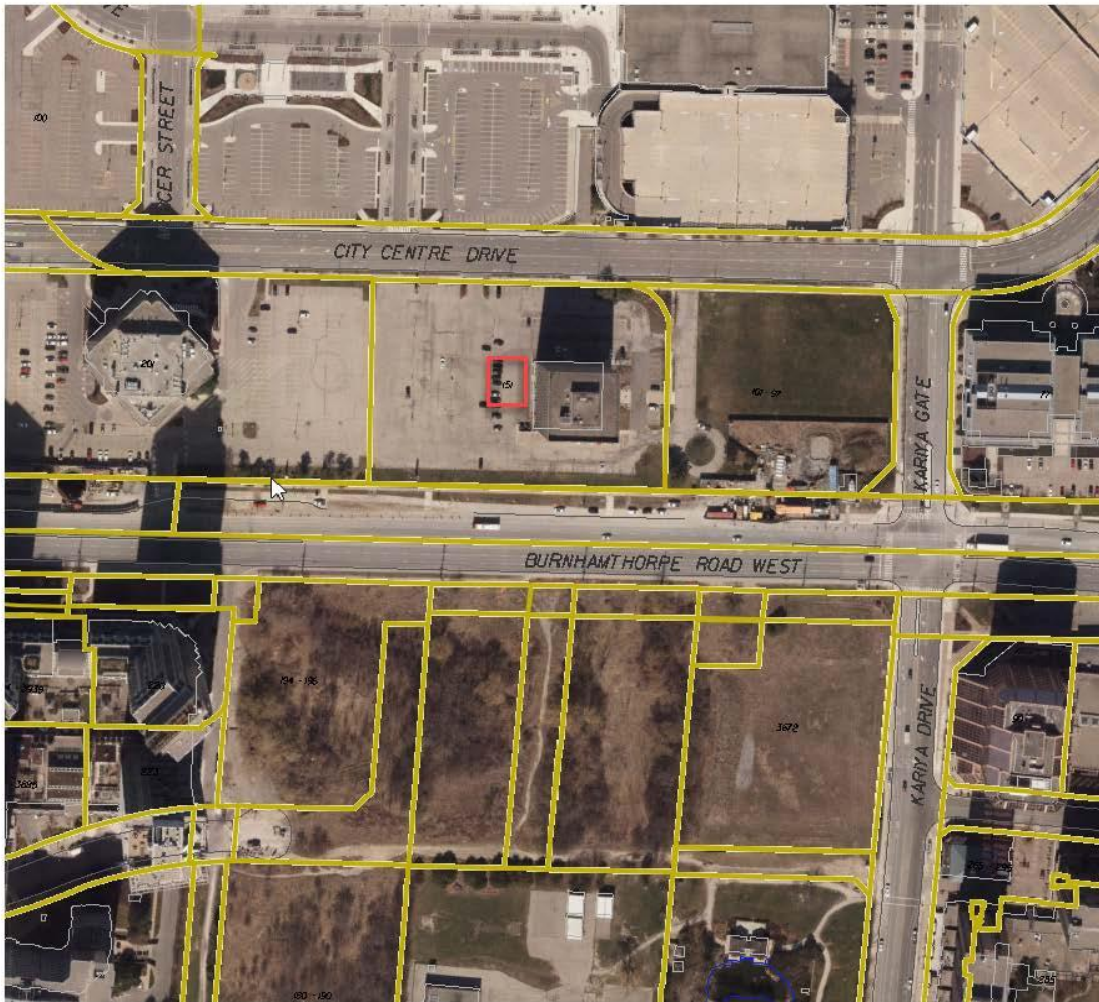
Zoning: H-CC2(2) - Holding & City Centre

Other Applications: H-OZ 19-003, SP 19-56, SP 20-113, SP 21-159, C 19-5597, BP 3ALT 19-516, BP 20-3988

Site and Area Context

The subject lands are located north-west of the Burnhamthorpe Road West and Hurontario Street intersection. The subject lands possess a lot frontage of +/-120m (393.7ft) and a lot area of +/- 13,120m² (141,223ft²). The immediate neighbourhood is comprised primarily of multi-storey office and condominium structures, however Planning staff note commercial uses, in the form of the Square One Shopping Centre, are located in close proximity as well. The subject lands are located within The Exchange District, which is intended to be the main street district and heart of the Downtown Core. Properties along the south side of City Centre Drive possess varied lot frontages, ranging from +/- 20m (66ft) to +/- 55m (180ft).

The applicant is proposing a mixed use phased development requiring variances for retail activation frontage, retail units, and phasing.



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 designated Downtown Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP) which permits a wide range of land uses and activities including apartment, overnight accommodation, and accessory commercial uses including retail stores, personal service establishments, restaurants, and financial institutions. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The Downtown Core Local Area Plan further sets out goals of a walkable community with a range of uses and pedestrian friendly built forms. The property is within “The Exchange District”, which is envisioned to be an active, lively, pedestrian oriented urban place that connects Square One with Burnhamthorpe Road West. Staff are satisfied that the application, as proposed, meets these goals and maintains the general intent and purpose of the Official Plan.

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

Variance 1, 3, 4, 5 & 6 relate to the retail activation and the building’s relationship to the public realm. The intent of the Retail Activation Frontage Use requirements is to encourage retail development and to create a “Mainstreet” environment. Furthermore staff note that, through the submitted cover letter, the applicant has requested an additional variance relating to the building’s first three storeys projecting beyond or behind the first floor streetwall. The intent of this provision is to ensure an appropriate podium is provided on taller buildings. Staff note that the proposed design has been extensively reviewed through other applications, find the designs satisfactory, and are of the opinion that the requested variances do not fundamentally change the intended design or functionality of the site.

Variance 2 is requested in order to facilitate a phased development of the subject property. Staff note that the variance would only be required until the full build out of the site is complete, at which point the site would comply with its approved form under the Site Plan Approval applications. Staff are of the opinion that the request is appropriate given the scale of the proposed development and does not impact the overall planned use of the site.

Given the above staff are of the opinion that the variances maintain the general intent and purpose of the Zoning By-law.

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

Planning staff are of the opinion that the variances, both cumulatively and individually, are minor in nature and represent appropriate development of the subject lands. The proposal creates an attractive streetscape and built form which meets the goals of the Downtown Core Local Area Plan by creating an active and vibrant development containing a true mix of uses as contemplated for The Exchange District.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Approval Applications SP 19-56 and SP20-113 to facilitate the construction of four, integrated mixed use buildings. The Holding Category file for these lands is H-OZ 19-003.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing Site Plan Approval application and Building Permit applications under file(s) BP 20-3988, SP 19-56, and SP 20-113 respectively. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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 Palerma