

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): B5.22 A48.22 A49.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 3:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot and easements on the subject property. The parcel has a frontage of approximately 107.523m (approx. 352.766ft) and an area of approximately 20,206sq.m (approx. 217,495.57sq.ft).

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B5/22, proposing:

1. A landscape buffer of 3.0m (approx. 9.8ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.76ft) in this instance; and,
2. To permit a parking lot as a standalone use in an E1-19 Zone (Employment) whereas By-law 0225-2007, as amended, does not permit a parking lot as a standalone use in an E1-19 Zone (Employment) in this instance.

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B5/22, proposing a parking lot as a standalone use in an E1-19 Zone (Employment) whereas By-law 0225-2007, as amended, does not permit a parking lot as a standalone use in an E1-19 Zone (Employment) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A48/22 & A49/22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A48/22 & A49/22 shall lapse if the consent application under file B5.22 A48.22 A49.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 5040 & 5060 Spectrum Way

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 on the west side of Spectrum Way, north of the Eglinton Avenue East intersection. Currently it contains a 5-storey office building and associated parking lot. There is significant mature vegetation to the rear of the property, abutting the Etobicoke Creek. The surrounding area context includes a mix of parkland, office, commercial and industrial buildings of various sizes and heights.

The applicant is proposing to sever the existing property into 2 lots, requiring variances for a landscape buffer and standalone parking use.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

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 applications for consent and the four tests to the minor variance request are as follows:

The subject property is located in the Airport Corporate Centre Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of employment uses, including major office. 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 application is consistent with the Official Plan as proposed lots are appropriately sized and are suitable for the proposed use.

Variance 1 on the retained lands requests a reduced landscape buffer. The intent of this portion of the by-law is to ensure that an appropriate buffer exists along all lot lines. Staff note that the reduced landscape buffer is measured to a pinch point due to a parking spot abutting the front lot line. The reduced landscape buffer is nominal in nature and poses no significant impact. The site maintains the required landscape buffer throughout the majority of the sites perimeter.

The remaining variances request a parking lot as a stand alone use on both the severed and retained lands. Staff note that this will be an interim situation as part of the parking lot for the existing building sits on the proposed severed lands. The applicant is proposing an office building

on the severed lands which represents appropriate development of the lands. The variance permits the few spaces that fall on the severed portion of the property to remain until the proposed office is constructed.

Given the above, staff are of the opinion that the application conforms to Section 51(24) and meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request where intent of this application is to create a new lot for future development. Acknowledging that the residual parcel is occupied by an existing building, there are some shared services including a shared drive aisle and roundabout between the properties which would require private easements. It is also our understanding that the limits of the existing underground parking garage associated with the existing building will be contained entirely within the limits of the retained lot.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Servicing Plan Requirement

A below ground Servicing Plan is to be submitted for our review/approval which would identify the location of any existing underground services located on this property. Upon the review of the Servicing Plan we can determine the location of any existing underground services located on the severed lands which service the existing building on the residual lands and advise if any private servicing easements will be required.

2. Required Easement(s)

Upon the review of Item's A1 and the confirmation of any 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 any 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.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca

B. General Information**1. Site Plan Approval**

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.

2. Existing Easements

We note that there are a number of existing easements currently existing on the property which may have an impact on any future development of 5040 Spectrum Way (severed parcel). It should be acknowledged that the applicant/owner would be responsible for any costs incurred with regards to the relocation of any easement and the infrastructure located within the easement.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition;

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brandon Eidner, Zoning Examiner

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. ("A" 48-49/21)
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 2022-01-19.