

City of Mississauga Department Comments

Date Finalized: 2022-05-11	File(s): A233.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-19 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow a medical office with:

1. A gross floor area of 218sq.m (approx. 2,347sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 126sq.m (approx. 1,356ft) in this instance; and,
2. A total of 82 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 88 parking spaces in this instance.

Amendments

We advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a medical office use with a combined gross floor area of 197.99sq.m (approx. 2,131sq.ft) for all medical office uses on site whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 126sq.m (approx. 1,356ft) for all medical office uses on site, in this instance.

Furthermore, we advise that variance # 2 is not required.

Background

Property Address: Unit 108 - 268-280 Derry Rd W

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-7 - Employment

Other Applications: C 21-9391

Site and Area Context

The subject property is located on the south side of Derry Road West, east of the Saint Barbara Boulevard intersection. It currently contains two two-storey, multi-tenant commercial and office buildings with an associated parking lot. Limited landscaping and vegetative elements are present on the subject property, generally located along the property lines. The surrounding area context includes a mix of green space and vacant land, as well as industrial, commercial, and residential uses.

The applicant is proposing additional medical office above the permitted GFA cap requiring variances for GFA for medical office uses and 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 Meadowvale Village Neighbourhood Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of employment uses, including offices. Staff are satisfied that the variances maintain the general intent and purpose of the official plan.

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

The sole required variance proposes an increase to the gross floor area cap for medical office uses on the subject property. The subject property has gross floor area caps for multiple uses, including restaurants and retail/service establishments. The gross floor area limits identified in the by-law are based off of the availability of parking on the subject property. Increases to gross floor area beyond those captured in the by-law for any one particular use may result in future parking deficiencies on the subject property.

Currently there are seven vacant units on the subject property. The parking variance is not required in this instance, as noted by Zoning staff, as parking allocation remains available due to the unoccupied units. The proposed increase in medical office gross floor area, with its higher parking rate, may therefore impact the ability of future units to occupy the commercial space without the need for a parking study and variance.

At the April 26, 2022 Planning and Development Committee meeting the committee received a recommendation report for reduced parking requirements city wide. The Committee accepted the report, however it has not yet been approved by Council. Staff have undertaken an analysis of the subject property and note that, under the new parking rates and assuming no further increases to gross floor area caps are permitted, the parking requirements should not exceed the parking spaces currently provided on site. When using the parking rates currently in effect, with the same scenario and assumptions, the increase in medical office GFA will create a 5 parking space deficiency.

Further to the above, Municipal Parking staff have reviewed the application and provide the below comments for consideration:

Per the site-specific zoning exception E2-7, the following permitted uses have a GFA cap:

- a maximum of 126 m² GFA of medical office;
- a maximum of 360 m² GFA of retail store and/or personal service establishment; and
- a maximum of 70 m² GFA for a restaurant and/or take-out restaurant.

The parking rates for these GFA capped uses are higher than the 3.2 parking spaces/100 m² GFA assigned to the remaining GFA.

Staff advise that although there is parking availability for the existing mix of tenants, staff should be cautious about potentially creating a parking deficiency by reallocating parking spaces from future tenants to existing tenants. The GFA caps for more intensive parking uses are intended to manage the parking supply of the site and ensure that there is adequate parking availability for all tenants. Per the site Parking Allocation Report provided April 29, 2022 by Zoning staff, it is noted that seven (7) units are presently vacant.

In this instance, the subject medical office is accommodated through a buffer in the parking rates. Should further medical office or restaurant uses request parking variances staff will need to re-evaluate at that time.

Staff advise that future applicants seeking parking variances at this site may be required to undertake a Parking Utilization Study (PUS) to provide satisfactory justification.

Given the incoming parking rates that have been thoroughly reviewed by City staff and the on site conditions, staff are satisfied that the requested variance maintains the general intent and purpose of the zoning by-law in this instance.

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

Planning staff are of the opinion that the proposed increase in gross floor area beyond the zoning cap is minor in nature. Furthermore it represents appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 233/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 21-9391. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a medical office use with a combined gross floor area of 197.99sq.m (approx. 2,131sq.ft) for all medical office uses on site whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 126sq.m (approx. 1,356ft) for all medical office uses on site, in this instance.

Furthermore, we advise that variance # 2 is not 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment Comments

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Derry West Greenbelt (P-433) and within Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological

- functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Hoarding and park protection secured through the associated Zoning Amendment Application (OZ 13 19) & Site Plan Control Application (SP 15 80).
2. Construction access from the adjacent park/greenlands is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – CVC Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process; and
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is adjacent to Fletcher's Creek and is traversed by the associated floodplain and valley slope. Additionally, the property falls within the Region of Peel Core Greenlands and is located within the Credit River Watershed Natural Heritage System. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical,

hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow a medical office with:

1. A gross floor area of 218sq.m (approx. 2,347sq.ft) whereas By-Law 0225-2007, as amended, permits a maximum gross floor area of 126sq.m (approx. 1,356sq.ft) in this instance; and,
2. A total of 82 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 88 parking spaces in this instance

COMMENTS:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 350) should you have any further questions or concerns.

Comments Prepared By: Derry Wallis, Technician, Planning, Planning & Development Services

Appendix 5 – Region of Peel Comments

Comments: The Region of Peel has an Environmental Compliance Approval (9582-B9TRLW) for the Regional Municipality of Peel Stormwater Management System. Therefore, it is the Region's mandate that no additional flows are permitted and no new connections are made to Regional Roads.

Development flows are to be directed to the Local Municipality's storm sewer system or watercourses, to the satisfaction of the Region of Peel, the local Conservation Authority and all

concerned departments and agencies. Alternatively, flows can be mitigated using Low Impact Development Technologies. Developers are required to demonstrate how this will be achieved through a Stormwater Management Report.

No grading will be permitted within any Region of Peel ROW to support adjacent developments.

Comments Prepared By: Camila Marczuk, Development Engineering

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared By: Joseph Filice, Junior Planner