

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A147/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The Applicant requests the Committee to approve a minor variance to allow a drive-through on the subject property; whereas, By-law 0225-2007, as amended, does not permit a drive-through, in this instance.

Background

Property Address: 6005, 6015, 6039, 6077, 6099, 6111 & 6133 Erin Mills Parkway

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-99 (Employment)
E2-100 (Employment)

Other Applications:

None

Site and Area Context

The subject property is located north-east of the Britannia Road West and Erin Mills Parkway intersection, and currently houses a singular, multi-tenant commercial plaza. With the exception of the aforementioned existing commercial structure, the remainder of the lands currently sit vacant; however, proposals to incorporate future additional commercial pads for this site have been received by Planning Staff (SP 50/20).

From a land-use perspective, the immediate neighbourhood is comprised primarily of prestige industrial uses running along the northern portion of Britannia Road West; as well as commercial uses, which dominate the eastern side of this portion of Erin Mills Parkway.

Planning Staff do note the extensive presence of residential units to both south and west; however, their lot configuration and orientation, coupled with the intervening municipal right-of-ways (Britannia Road West and Erin Mills Parkway), results in their presence not directly influencing the area context.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

The site is located within Special Site 1 of the Meadowvale Business Park Corporate Centre Character Area, and designated Business Employment by the Mississauga Official Plan (MOP). Special Site 1 enacts developmental polices not applicable to this application.

Further to the above, Schedule 2 (Intensification Areas) of MOP identifies the subject lands as being classified as a Corporate Centre Intensification Area.

Pursuant to Section 11.2.11.7 (Business Employment), new drive-through facilities within Intensification Areas, as proposed by the Applicant, are only permitted through a Zoning By-law Amendment application.

The intent and purpose of the Official Plan is not maintained by permitting uses in a manner which deviates from the process as identified by this policy framework. This application does not meet the general intent or purpose of the Official Plan.

As per Zoning By-law 0225-2007, the subject property is zoned E2-99 (Employment) and E2-100 (Employment).

Pursuant to Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs), the subject lands are located within a specific area that prohibits the creation of new drive-through facilities. The intent of this regulation of the Zoning By-law is to reinforce the upper-level policy framework which procedurally dictates the manner in which such proposals are to be undertaken.

The Applicant's proposal of a drive-through facility on the subject lands, through a Minor Variance application, does not meet the general purpose or intent of the Zoning By-law.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, fails to meet the intent of the Official Plan. To this end, the Planning and Building Department cannot support this application.

Comments Prepared by: Roberto Vertolli, 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 any drive-thru to be constructed on this property will be addressed through the Building Permit and Site Plan Application Process.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

This Department notes that a Building Permit application is required. In the absence of a Building Permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Region of Peel Comments

Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land 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.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

Appendix 4 - Conservation Authority 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 (2014);
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;
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:

Based on our mapping, the subject property is regulated due to floodplain and valley slope associated with Mullett Creek. In addition, the property is located within the Credit River Watershed Natural Heritage System (CRWNHS). 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 drive-through on the subject property whereas By-law 0225-2007, as amended, does not permit a drive-through in this instance.

COMMENTS:

CVC staff have reviewed the minor variance application and have **no concerns** and **no objection** to its approval by the Committee at this time.

Based on the current minor variance proposal, it does not appear that any new structures, additions, or development are being proposed at this time and the variance is to permit a drive-through.

The applicant should note that the subject property is partially within the CVC Regulated Area and a permit from CVC may be required for any future development, including grading, in the CVC Regulated Area.

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. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Planning Technician