

City of Mississauga Department Comments

Date Finalized: 2022-09-07	File(s): A79.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-09-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to allow existing parking conditions with:

1. A minimum landscape buffer of 2.9m (approx. 9.5ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) in this instance;
2. A minimum parking aisle width of 4.9m (approx. 16.1ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.0m (approx. 23.0ft) in this instance;
3. Access to and from parking and loading spaces to be provided by driveways and aisles that are partially on-site and partially off-site, whereas By-law 0225-2007, as amended, requires access to and from parking and loading spaces to be provided by unobstructed on-site driveways or driveways and aisles in this instance; and,
4. 81 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 85 parking spaces in this instance.

Recommended Conditions and Terms

The TRCA has requested the following condition be imposed:

1. The applicant shall make payment of the application fee of \$1,155 to the TRCA.

Background

Property Address: 2880, 2884 & 2896 Slough Street

Mississauga Official Plan

Character Area: Northeast Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-38 - Employment

Other Applications: CDM-M 20-4

Site and Area Context

The subject property is located on the south side of Slough Street, west of the Slough Street and Airport Road intersection. It has a lot area of +/- 1.04ha (2.57ac) and currently contains 3 multi-tenant industrial buildings. There are no landscape elements present on the subject property, and vegetation is limited to the front property line. The surrounding area context is generally industrial, consisting of 1 and 2-storey buildings on lots of various sizes. Commercial and residential uses are also present in the area, with commercial uses along Airport Road and residential uses along the east side of Airport Road.

The applicant is proposing to convert the property to an industrial condominium requiring variances for the landscape buffer, parking aisle width and location, 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:

The subject property is located in the Northeast Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of employment uses.

Variances 1-3 represent existing conditions on the subject property. The subject property has functioned appropriately despite these deficiencies and the necessary easements are in place to allow the continued operation of the site. Furthermore staff note that the deficiencies regarding drive aisles and landscaped buffers are only at select locations throughout the site and do not represent conditions across the site as a whole. Staff therefore have no objections to variances 1-3.

Variance 4 requests a reduction in parking. The intent of the Zoning By-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the Official Plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

A 'Parking Justification Letter' and 'Parking Justification' were submitted by Weston Consulting, dated December 20, 2021.

The Letter explains that a reduction in parking is required for the subject lands from 85 spaces to 81 spaces (a deficit of 4.7%) due to registered easements on site. For legal reasons, it has been determined that a reduction of parking on site would be most appropriate to address this matter as these easements need to be avoided.

Zoning has commented that a Condominium Conversion application under file CDM-M 20-4 is currently being processed. The parking variance has not yet been verified by Zoning against the provisions of amended, Zoning By-law 0117-2022.

Staff recommend deferral of this application. Zoning By-law 0225-2007 stipulates that a commercial school requires 5.0 parking spaces per 100 m² GFA – non residential. Zoning has deemed a rate of 3.2 parking spaces as acceptable for the commercial school should the GFA be less than 10% of the entire building GFA. The applicant shall verify with staff that the reported GFA numbers/proposed types of uses are correct site-wide. The applicant must clearly identify the GFA for each use.

Given the outstanding information necessary to confirm the required number of parking spaces for the site, staff recommend that the application be deferred until such a time as the parking requirements are confirmed in order to fully evaluate the parking reduction request.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for this property are being addressed through the Condominium Conversion Application currently being processed, CDM 20-04.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Condominium Conversion application under file CDM-M 20-4. 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: Brandon Eidner, Zoning Examiner

Appendix 3 – TRCA

This letter acknowledges receipt of the above noted application circulated by the City of Mississauga. The materials were received by Toronto and Region Conservation Authority (TRCA) on January 25, 2022. TRCA staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of Peel, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Application

The purpose of Minor Variance Application A 79/22 is to allow existing parking conditions with:

1. A minimum landscape buffer of 2.9m (approx. 9.5ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) in this instance;

2. A minimum parking aisle width of 4.9m (approx. 16.1ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.0m (approx. 23.0ft) in this instance;
1. Access to and from parking and loading spaces to be provided by driveways and aisles that are partially on-site and partially off-site, whereas By-law 0225-2007, as amended, requires access to and from parking and loading spaces to be provided by unobstructed on-site driveways or driveways and aisles in this instance; and,
2. 81 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 85 parking spaces in this instance.

It is our understanding that the requested variances are required to facilitate the condominium conversion of the existing industrial, commercial and office building from rental to condominium ownership (File No. 21 CDM-M 20 4).

Ontario Regulation 166/06

The subject property is located within TRCA's Regulated Area of the Mimico Creek Watershed. Specifically, the subject land is located downstream of a flood spill area of the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the property.

Application Specific Comments

Based on our preliminary 2D modeling results, it appears that a portion of the subject property, including the existing buildings, is affected by the Regulatory Flood spill and is subject to flooding. The Regional Water Surface Elevation at the subject property is 171.56 masl.

Based on our review, it appears that the requested variances are required to address a parking deficiency, and that no new construction is proposed at this time. Given the nature of the Condominium style use fragmenting ownership, to offset this increased risk public safety and property damage, an Emergency Management Plan (EMP) must be developed in the event of a flood scenario. The EMP can be reviewed as part of the Condominium Conversion Application.

Please advise the applicant and the assigned City Planner to circulate the condominium conversion application to TRCA staff for review. Additionally, should any development be proposed due to the require EMP's flood mitigation measures, a TRCA permit will be required.

Should the applicant disagree with TRCA's Regulatory Flood Plain preliminary analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result for of TRCA's flood modelling.

Recommendation

On the basis of that the proposed minor variance application does not contemplate development at this time, as well as an EMP will be prepared to TRCA's staff satisfaction, staff support conditional approval of Minor Variance Application A 79/22, subject to the following condition:

1. The applicant submits a \$1,155 to this office.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$1,155 (Variance Industrial/Commercial/Subdivision/Institutional– Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible. Should you have any questions, please contact me at 416-661-6600 extension 5657 or at Lina.alhabash@trca.ca.

Comments Prepared by: Lina Alhabash, Planner I