

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A28/20 & A29/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act. Should Committee see merit in this proposal, Planning Staff requests that the identified condition be imposed.

## Application Details

### **‘A’ 28/20**

The property owner of 140 Capital Court, zoned E2 – Employment, has applied for a Minor variance under Section 45 of the Planning Act. The Applicant requests the Committee to permit a Church, proposing 59 parking spaces on site (including 4 accessible spaces); whereas, By-law 0225-2007, as amended, requires a minimum of 112 parking spaces on site, and 5 accessible spaces, in this instance.

### **‘A’ 29/20**

The property owner of 150 Capital Court, zoned E2 – Employment, has applied for a Minor variance under Section 45 of the Planning Act. The Applicant requests the Committee to permit a manufacturing facility, proposing 10 parking spaces on site; whereas, By-law 0225-2007, as amended, requires a minimum of 37 parking spaces on site, in this instance.

## Amendments

### **‘A’ 28/20**

After comprehensive discussions with the Zoning Department, City Planning Strategies Staff requests that the variance for the above-noted application be amended as follows, permitting:

- A place of religious assembly proposing a total of 112 parking spaces (59 parking spaces on site (including 4 accessible spaces) and 53 parking spaces off-site at 150 Capital Court); whereas, By-law 0225-2007, as amended, requires a minimum of 112 parking spaces on site and 5 accessible spaces, in this instance.

**‘A’ 29/20**

After comprehensive discussions with the Zoning Department, City Planning Strategies Staff requests that the variance for the above-noted application be amended as follows, permitting:

- A manufacturing facility proposing 53 parking spaces to be utilized by the place of religious assembly located at 140 Capital Court and providing 0 parking spaces for the existing manufacturing facility on site; whereas By-law 0225-2007, as amended, requires a minimum of 37 parking spaces on site, in this instance.

**Recommended Conditions and Terms**

- A temporary period of 6 months to allow the Applicant time to provide a suitable parking agreement to the satisfaction of City Planning Strategies.

City Planning Strategies notes, the parking agreements submitted in support of the above applications have expired; have not been signed by the owners of 140 Capital Court and/or 150 Capital Court; and, do not indicate the correct number of off-site parking to be shared.

City Planning Strategies Staff have requested an updated agreement, in this regard; however, such documents nevertheless remain outstanding.

Planning Staff note, provided that the correct information is supplied within the specified timeframe, and is to the satisfaction of City Planning Strategies Staff, the requested relief for both applications (‘A’ 28/20 and ‘A’ 29/20) will continue for a period of time as identified within the aforementioned parking agreement.

**Background**

**Property Address:** 140 Capital Court (‘A’ 28/20)  
150 Capital Court (‘A’ 29/20)

**Mississauga Official Plan**

**Character Area:** Gateway Employment Area  
**Designation:** Business Employment

**Zoning By-law 0225-2007****Zoning:** E2 (Employment)**Other Applications:**

Building Permit: 12-199 ('A' 28/20)

**Site and Area Context**

The subject properties associated with applications 'A' 28/20 and 'A' 29/20 are located south-east of the Derry Road East and Hurontario Street intersection, and currently house a two-storey, manufacturing structure (150 Capital Court), and a single-storey place of worship (140 Capital Court). The neighbourhood context is exclusively industrial, with a multitude of employment uses within the immediate area. The properties along this portion of Capital Court are situated upon large parcels, with lot frontages ranging from +/- 35m to +/- 75m.

Previously, Minor Variance application 'A' 154/14 was approved on May 22<sup>nd</sup>, 2014, which allowed for a temporary reduction of parking



## 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*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject site was granted previous approval by the Committee to permit the continued operation of a place of religious assembly, providing a combination of 60 on-site parking spaces, and 47 parking off-site spaces (150 Capital Court), through Minor Variance application 'A' 157/14.

However, as a result of minor construction to the aforementioned place of religious assembly, the Applicant is now required to amend this previous approval.

To facilitate the newly identified parking requirements, the Applicant is seeking an off-site parking arrangement for 53 parking spaces with the owner of 150 Capital Court. A reciprocal parking arrangement is proposed and 59 parking spaces may be utilized by the manufacturing facility located at 140 Capital Court.

City Planning Strategies Staff have no concerns with the off-site parking arrangement as proposed by the applicant since the off-site parking will be utilized during hours when the other business is not in operation. However, a satisfactory parking agreement is required to be provided the Applicant and submitted to the City.

Through a detailed review, Staff is of the opinion that the application, as amended, is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

## Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the *Planning Act*. Should Committee see merit in this proposal, Planning Staff requests that the noted condition be imposed.

Comments Prepared by: Roberto Vertolli, 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' 28 & 29/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 12-1999. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. 59 parking spaces on site; whereas, By-law 0225-2007, as amended, requires a total of 112 are required, in this instance; and,
2. 4 Accessible parking spaces on site; whereas, By-law 0225-2007, as amended, requires a total of 5 Accessible parking spaces on site, in this instance.

Comments Prepared by: Marco Palerma, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-362/19, DEF-A-028/20, DEF-A-029/20

**Minor Variance Applications:** A-132/20, A-133/20, A-134/20, A-143/20, A-144/20, A-145/20, A-148/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner