

City of Mississauga Department Comments

Date Finalized: 2022-09-14	File(s): A413.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-09-22 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing: to permit truck parking in an E2 Zone whereas By-law 0225-2007, as amended, does not permit truck parking in an E2 Zone in this instance.

Amendments

Based on review of the information currently available in this permit application, the variance should be amended as follows:

To permit a Transportation Facility (truck parking) in an E2 Zone, whereas By-law 0225-2007, as amended, does not permit a Transportation Facility (truck parking) in an E2 Zone, in this instance

Background

Property Address: 591 Secretariat Crt

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 - Employment

Other Applications: C22-2116

Site and Area Context

The subject property is located on the north-east of the Derry Road East and Kennedy Road intersection. It has a lot frontage of +/- 34.47m (113.09ft), a lot area of +/- 3,911.51m² (42,103ft²), and is currently vacant. There are no landscaping or vegetative elements present on the subject property. The surrounding area context consists primarily of industrial uses on lots of varying sizes as well as highway infrastructure. The northern property line abuts the municipal border with the City of Brampton.

The applicant is proposing to permit truck parking on the subject property requiring a variance for the use.



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 Gateway 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, including transportation facilities and trucking terminals. Staff are satisfied that the variance maintains the general intent and purpose of the official plan.

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

The applicant is proposing to permit truck parking on the subject property, which in the opinion of staff aligns with the Transportation Facility use as defined by the zoning by-law. The subject property is zoned E2 (Employment) in Zoning By-law 0225-2007, and when the zoning by-law came into effect Transportation Facilities were permitted only in the E2 and E3 zones. In 2014 Council passed by-law 0190-2014 which had the effect of removing Transportation Facilities as a permitted use from the E2 zone, limiting the use to E3 zoned properties only. Given the City's active decision to remove the proposed use from the permissions of the E2 zone staff are of the opinion that the request does not meet the general intent and purpose of the zoning by-law.

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

Planning staff have concerns regarding the potential impacts of the proposed use on abutting properties given its intentional removal from the property's zone. Staff are of the opinion that the reintroduction of a use removed from the zone does not represent an appropriate use of the subject lands and is not minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that truck parking (tractor trailers) is being proposed on the subject property. Acknowledging that with the exception of a Drawing which only provides the property limits, the proposed access at the centre of the property which incidentally conflicts with the existing fire hydrant, and numerous tractor trailer parking spaces, no other pertinent details have been provided. No information has been provided with regards to any proposed asphalt (hard surface) or if a gravel parking area is being proposed.

We have a number of access related concerns with the proposal, this department would require turning movement diagrams to depict the internal site circulation. As a result of the above, an internal turn around facility may be required to ensure that any vehicle can adequately ingress and egress in the forward motion. Driveway access must maintain minimum of 1.5m setback from any above ground features such as utilities and trees. There is an existing fire hydrant in the area of the proposed access and adequate setbacks must be provided, or alternatively re-locate the hydrant. Any proposal must also provide a sufficient clear throat length within the driveway access to ensure that the roadway and internal driveway can operate efficiently and this must be in accordance with the TAC Manual.

Drainage is also a significant concern, no information has been provided to evaluate the proposed development impact on the municipal drainage system (storm sewers) and any mitigation requirements for the quality and quantity impacts of storm water runoff which will be generated from the site. Mitigation measures may include improvements to the existing storm water servicing infrastructure and/or on-site storm water management controls. In addition, should a gravel lot be proposed, there are significant concerns with mud tracking onto Secretariat Court at times of heavy rainfall.

It's our understanding that this site drains to an existing city pond (pond 5101) which provides quantity and quality control for an imperviousness of up to 75%. In terms of Stormwater Management Requirements the following requirements would be applicable to this property:

- * Quantity Control is provided at a City pond facility downstream of the site, should the site exceed this level, additional controls would be required and to be put in place to ensure that flows do not exceed the site discharge at 75% imperviousness;
- * Quality Control is provided at a City pond down stream of the site, if the site exceeds an imperviousness of 75%, pre-treatment must be in place;
- * Retain the 5mm water balance using a Low Impact Development (LID) feature, first 5mm must be retained by way of infiltration, reuse or evapotranspiration. If those are not feasible then filtration may be considered;
- * The site appears to be in a TRCA Regulated Area and Conservation Authority approval will be required;
- * We note that the full document used for Storm Drainage Design Requirements is available at: <http://www7.mississauga.ca/Departments/Marketing/documents/tw/FINAL-Section-8-Storm-Drainage-Design-Requirements-Jan2020.pdf>.

In view of the above, this department cannot support the request as submitted.







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 22-2116. Based on review of the information currently available in this permit application, the variance should be amended as follows:

To permit a Transportation Facility (truck parking) in an E2 Zone, whereas By-law 0225-2007, as amended, does not permit a Transportation Facility (truck parking) in an E2 Zone, in this instance

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 August 10, 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 A4132.22 to allow truck parking use, whereas truck parking is not permitted in E2 Zone.

It is our understanding that the existing subject property is unpaved.

Ontario Regulation 166/06

The subject property is located within TRCA’s Regulated Area of the Etobicoke Creek Watershed. 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 the above, TRCA staff have no concerns regarding the change of use for truck parking at the subject property and the required variances, as submitted.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objections** to the approval of Minor Variance Application A413.22 subject to the following condition:

1. That a TRCA permit under Ontario Regulation 166/06 is obtained for any proposed development on the subject site within the Regulated area; and
2. That the proposed development conforms with TRCA’s Stormwater Management Criteria.

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 **\$610.00** (Variance Residential – Minor). Thank you for your prompt payment of this fee received on August 22, 2022.

We trust these comments are of assistance. Should you have any questions, please contact me at + 1 (437) 880-2368 or at Marina.Janakovic@trca.ca.

Comments Prepared by: Marina Janakovic, Planner 1