

City of Mississauga Department Comments

Date Finalized: 2022-11-23	File(s): A616.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-12-01 1:00:00 PM

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 meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to permit a new development proposing:

1. A porch (inclusive of stairs) to project 2.50m (approx. ft) into the exterior side yard whereas By-law 0225-2007, as amended, permits a porch to project a maximum of 1.80m (approx. ft) into the exterior side yard in this instance;
2. A porch (inclusive of stairs) to project 0.50m (approx. ft) into the landscape buffer whereas By-law 0225-2007, as amended, permits a porch to project 0.00m into the landscaped buffer in this instance;
3. A structure to facilitate a planter to encroach 2.00m (approx. ft) into the landscaped buffer whereas By-law 0225-2007, as amended, permits a structure to facilitate a planter to encroach 0.00m into the landscaped buffer in this instance;
4. Architectural elements to project 0.20m (approx. ft) into the exterior side yard along The Brightwater Boulevard whereas By-law 0225-2007, as amended, permits architectural elements to project a maximum of 0.00m into the exterior side yard along The Brightwater Boulevard in this instance; and,
5. A parking rate of 1 parking space per Townhouse Dwelling Unit whereas By-law 0225-2007, as amended, requires a minimum parking rate of 2 parking spaces per Townhouse Dwelling Unit in this instance.

Background

City Department and Agency Comments	File:A616.22	2022/11/23	2
-------------------------------------	--------------	------------	---

Property Address: 55 Covese Dr and 251 Masonry Way

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: High Density Residential

Zoning By-law 0225-2007

Zoning: RA3-36

Other Applications: Site Plan application under file SP 21-21

Site and Area Context

The subject site is located within the Port Credit Neighbourhood (West) Character Area and forms part of the 29 hectare (72 acre) “Brightwater” development, located south-west of the Mississauga Road and Lakeshore Road West intersection. The immediate area consists of a range of residential, commercial and recreational uses. The Local Planning Appeal Tribunal (LPAT) (now Ontario Land Tribunal) through a settlement agreement between the applicant and the City approved official plan and zoning amendments (OZ/OPA 17 12) to permit a variety of uses including townhouses, mid and high-rise condominiums, retail, parkland and institutional uses on the 29 hectare (72-acre) site. A block plan accompanied the official plan and zoning by-law amendments. The subject site is referred to as Block G.

On June 2nd, 2022, the Committee of Adjustment approved minor variance application A265.22 to permit back-to-back townhouses and reduced parking rates on the subject property.

The applicant has submitted a new application (A616.22) proposing projections, encroachments and reduced 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 are as follows:

The subject property is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP), which permits apartment dwellings; uses permitted in the Residential Medium Density designation, accessory to apartment dwellings on the same property; and uses permitted in the Convenience Commercial designation at grade in apartment dwellings, except for commercial parking facilities, gas bars, and drive-through facilities.

Variances #1-4 are required as a result of amendments to the applicant's proposal following discussions with Planning staff in the site plan application review phase. Staff has discussed these variances with the Planner reviewing the associated site plan application and have no planning concerns with these variances. The requested variances will result in an improved streetscape, privacy, and accessibility to the townhouse units.

Variances #5 pertains to reduced parking rates. According to the Planner reviewing the associated site plan application, the applicant's proposal was modified to propose four townhouse units where eight back-to-back townhouses were proposed previously. The applicant's request for parking rate of 1.0 was approved in June for the stacked townhouse use; however, it was not approved for the proposed townhouse use. Variance #5 is required to permit the townhouse use to have the same parking rate as the back-to-back townhouse use.

Municipal Parking staff in Transportation and Works provides comments on parking related matters.

With respect to Committee of Adjustment application 'A' 616/22, 55 Coveside Drive and 251 Masonry Way, the applicant requests the Committee to approve a minor variance to permit townhouses and reduced parking rates proposing:

A parking rate of 1.0 parking space per Townhouse Dwelling Unit; whereas By-law 0225.2007, as amended, requires a minimum rate of 2 parking spaces per Townhouse Dwelling Unit in this instance.

An application for a minor variance for Block G of the Brightwater site was approved in June of 2022. BA Group prepared a report dated April 6, 2022 that accompanied this application. The April 6, 2022 BA Group report provided a rationale for the transportation-related elements of the Minor Variance application; to permit off-site commercial parking supply for Block G, reduced residential apartment parking, a loading space reduction, and to permit the proposed townhouse land use on the block.

A technical modification following the June 2022 approval for the Block G variance, has changed eight of the proposed sixteen townhouse units from back-to-back units to four through townhouse units instead.

Block G is proposed to contain approximately 466m² (5015ft²) of commercial space; 318m² (3423ft²) of retail floor area and approximately 148m² (1593ft²) of restaurant space, along with 146 units within the proposed 9-storey condominium apartment building, 8 back-to-back townhouses, and 4 through townhouses. The proposal includes two levels of below grade parking; which will be a shared underground parking facility.

Based on the City's updated parking provisions, within By-law 0117-2022, the site is 6% deficient in parking spaces, or 13 parking spaces in total. Staff note that the apartment units on site have all been sold, with a surplus of 15 parking spaces. Within the parking justification, the applicant advised if greater demand for parking is experienced for the townhouses on Block G, the surplus of parking could be used to accommodate increased townhouse parking demands.

The TDM provisions for the entirety of this site, as outlined in section 4.3 have remained the same, such as the shuttle bus service to the Port Credit GO station, car-share services, active transportation network and a future transit route within the site, are planned to further support in providing alternative means of transportation connections for the residents in the development.

Staff note that the proposed development will be a part of a master planned community development providing access to various amenities, uses, and facilities located within the community.

Based on the above, staff have considered the information presented and the already approved parking rates at namely Blocks C, G, and H that were approved in 2021 and earlier this year in 2022, as the applicant's primary basis of justification for the review of this application.

Additionally, this variance is technical as the Committee of Adjustment approved minor variance application 'A' 265/22 in June 2022, which should have included townhouse use, alongside the back-to-back townhouse use, in the request for a parking rate of 1.0. As such, Staff can support the following requested variance, a parking rate of 1.0 parking space per Townhouse Dwelling Unit; whereas By-law 0225-2007, as amended, requires a minimum rate of 2 parking spaces per Townhouse Dwelling Unit in this instance.

Planning staff echo Municipal Parking staff's comments. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has had discussions with both our Traffic and Legal Sections regarding the proposed architectural elements encroaching in to the required exterior side yard along Brightwater Boulevard. We cannot support Minor Variance #4 for the encroachment of the architectural element if the proposed encroachment is within the Brightwater Boulevard Municipal right of way and is not fully contained within the applicant site. We have no concerns with the remaining variances requested as part of the application.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SP 21-21. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 08/17/2022 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner