

City of Mississauga Department Comments

Date Finalized: 2022-11-30	File(s): A623.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-12-08 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the application being approved for a temporary period of 3 years.

Application Details

The applicant requests the Committee to authorize a minor variance to continue to permit a motor vehicle repair facility within a Development and Greenland 1 Zone, as previously approved pursuant to Committee of Adjustment Files A437/10 and A139/15; whereas By-law 0225-2007, as amended, does not permit a motor vehicle repair facility on the subject property in this instance.

Background

Property Address: 65 Tannery St

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Residential Medium Density, Greenlands

Zoning By-law 0225-2007

Zoning: D - Development, G1 - Greenland

Other Applications: OZ/OPA 19-11

Site and Area Context

The subject property is located on the south-east corner of Tannery Street and Joymar Drive in Streetsville. It currently contains a single storey vehicle repair garage with an associated surface parking lot. No vegetative or landscaping elements are present on the subject property, which backs onto Mullet Creek. The surrounding area context includes industrial uses to the east and south, residential uses to the north and south-west, and a school to the west.

The applicant is proposing to continue the existing motor vehicle repair facility use on the 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:

The subject property is located in the Streetsville Community Node. The majority of the property is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan, while a small portion at the rear of the property is designated Greenlands. The property falls within the Special Site 2 area within the Streetsville Community Node policies, however the Special Site 6

policies relate to any major development of the property and do not apply to the subject application.

The subject property is zoned D – Development, which only permits uses legally existing on the date of the passing of the by-law. Staff note that an active rezoning application exists for the subject property, however it will still be some time before a development in line with the official plan policies can begin. The subject property was zoned industrial prior to Zoning By-law 0225-2007, and the subject property has maintained an industrial/employment character since that time. The applicant is requesting to continue the existing use as approved under Committee of Adjustment file A139/15, whose decision expired in April 2020. Staff have no objections to permitting the existing use to continue on the subject property, subject to a temporary approval to ensure the eventual redevelopment of the subject property in line with official plan policies.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy application is required. In the absence of a Zoning Certificate of Occupancy application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Amy Campbell, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Jim Graham Park (P-252) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Access from the adjacent City owned lands is not permitted.
2. If future construction is required, access from the adjacent City owned lands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in a floodplain and the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC Authority for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment.
- We therefore request that the City of Mississauga Committee of Adjustment and staff consider comments from the CVC Authority and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC Authority.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4- Metrolinx

Metrolinx is in receipt of the minor variance application for 65 Tannery St to continue to allow a motor vehicle repair facility within the Development and Greenland 1 Zone. Metrolinx's comments on the subject application are noted below:

- The subject property is located in proximity of 300 meters to Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

Appendix 5 – Credit Valley Conservation

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 (2020)*;
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:

The subject property is partially within the floodplain and valley slope of Mullett Creek and is therefore within its associated Regulated Area. On this basis, the property is subject to the Authority's Development, Interference with Wetlands, and Alteration to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development (e.g. new structures, additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion) and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

CVC staff attended the property in 2009 and can confirm that a steep valley slope is present. To maintain the stability of the steep slope, the existing vegetation adjacent to the slope is not to be disturbed and the parking of vehicles should not occur within 10 metres of the top of bank of the valley slope.

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:

The minor variance application is to permit the operation of a motor vehicle repair facility on the subject property.

Background:

The proposed motor vehicle facility will be within the existing building and does not propose new exterior construction within the floodplain. Therefore, a CVC permit will not be required in this instance. Please note that any future additions, new buildings, site grading or the placement of fill will require CVC review and approval.

Comments:

CVC staff have determined that we have **no comments** related to the proposed minor variance and **no objection** to the approval of this application by the Committee at this time. 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. 268) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner