

City of Mississauga Department Comments

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| Date Finalized: 2023-03-22 | File(s): A31.23 |
| To: Committee of Adjustment | Ward: 5 |
| From: Committee of Adjustment Coordinator | Meeting date:2023-03-30 1:00:00 PM |

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a temporary 5 year change of use proposing to permit a Vehicle Sales/Truck Storage use in an O2 Zone whereas By-law 0225-2007, as amended, does not permit a Vehicle Sales/Truck Storage use in an O2 Zone in this instance.

Background

Property Address: 7114 Hurontario St

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: O2 - Office

Other Applications: BP 9ALT 23-6086

Site and Area Context

The subject property is located on the south-west corner of Hurontario Street and Kingsway Drive. It is currently vacant and has a lot area of +/- 4,372.68m² (47,067ft²). Limited vegetative elements are present on the subject property, located along the property lines. The surrounding

context contains a mix of office and employment uses, as well as vacant lands, with varying built forms on lots of varying sizes.

The applicant is proposing a vehicle sales and truck storage use 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 Gateway Corporate Centre Character Area and is designated Office in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits offices as well as uses accessory thereto. Within the Gateway Corporate Centre, post-secondary educational facilities are also permitted. The property forms part of Special Site 1 within the Gateway Corporate Centre Character Area policies, which set out development and design guidelines to encourage an appropriate and higher density built form that frames the street and improves the pedestrian environment.

The applicant has proposed a Vehicle Sales/Truck Storage use, which staff note is not defined in the zoning by-law. Staff note that the following defined uses may apply to the subject property, depending on the specifics of the vehicles that are intended to be sold/stored:

- Motor Vehicle Sales, Leasing and/or Rental Facility – Commercial Motor Vehicles (if the vehicles are over 3,000kg)
- Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted
- Transportation Facility (if the vehicles are over 3,000kg)
- Outdoor Storage

Staff note that none of the above uses are permitted in the O2 zone and, with the exception of Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted (which is only permitted in Commercial zones), are only permitted in Employment zones. Furthermore, per Chapter 11 of the MOP, motor vehicle sales are only permitted in the Mixed Use designation, Transportation Facilities only in Business Employment and Industrial designations, and Outdoor Storage only in the Industrial designation. Section 15.1 of the MOP, relating to Corporate Centres, does not permit the Industrial designation in a Corporate Centre and specifically removes Transportation Facilities from the list of permitted uses on lands designated Business Employment. Given that the applicant has indicated that sales would occur off-site, staff note that these policies expressly prohibit the main intended use of the subject property.

Planning staff are of the opinion that the MOP has clear policies to discourage this type of use along this stretch of Hurontario Street. The proposal is not appropriate for a site designated Office in the MOP or along the Hurontario Street intensification corridor and therefore does not maintain the general intent or purpose of the official plan. Furthermore Planning staff are of the opinion that the intent and purpose of the zoning by-law are not maintained by permitting uses not contemplated by the zone category and in accordance with an entirely different zoning framework. Staff find that the application is not minor in nature and does not represent appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are a number of photos depicting the subject property. From the enclosed photos it is evident that a significant concern associated with the proposed temporary use would be the mud tracking generated by this use which impacts the municipal roadway.

No information has been provided with regards to any mitigation measures to avoid the mud-tracking such as a proposed asphalt area which would typically be constructed at the entrance to the site to help alleviate any mud tracking onto the municipal roadway. Drainage on such a large site also creates some concerns with respect to how it would be self-contained and collected.

Without the above noted concerns being addressed, in particular grading and drainage information it is difficult to adequately evaluate the request. Any impacts on the municipal drainage system (storm sewers) and any mitigation requirements for the quality and quantity impacts of storm water runoff which is generated by the site may also have to be reviewed.

We also note that information submitted with the application indicates that the temporary use being requested would be no longer than 5 years, should Committee see merit in the request we question if approval should be for a lesser period of time in order to monitor the use.













Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 23-6086. 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.

Zoning staff advise that temporary contraventions of the Zoning By-Law may be addressed as a condition of approval. The identification of the non-compliance with the Zoning By-Law is not a matter that can be identified on a temporary basis through a review of the associated building permit.

Please note that comments reflect those provided through the above permit application submitted on 03/02/2023 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: Jeanine Benitez, Zoning Examiner

Appendix 3- Region of Peel

We have no comments or objections to this application.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4- Metrolinx

7114 Hurontario St

Metrolinx is in receipt of the minor variance application for 7114 Hurontario St to allow a temporary 5 year change of use to allow a vehicle sales/truck storage use on the site.

- Metrolinx's Technical Advisor (TA) has reviewed the above site plan application and have limited comments based on the site plan provided.
- At the current time of this application, TA does not have any significant concerns or comments. However, the developer should coordinate the following with Mobilinx:
 - The proposed landscaping and boulevard elements. The developer should note that Mobilinx will be reinstating the existing access to the site along Hurontario Street as per the project agreement. The developer will be responsible for closing the existing access based on the site plan drawing.
 - The developer should be advised that there is a temporary easement required for grading existing on the subject property.

Construction Coordination Comment

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts:
 - Should construction of the Hurontario LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Comments Prepared by: Farah Faroque, Intern