

City of Mississauga Department Comments

Date Finalized: 2023-04-05	File(s): A32.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-04-13 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a temporary minor variance to use the existing building as a corporate office, retail store and warehouse proposing:

1. A front yard landscape buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum front yard landscaped buffer of 3.00m (approx. 9.84ft) in this instance;
2. An east interior side yard landscaped buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum east interior side yard landscaped buffer of 1.50m (approx. 4.92ft) in this instance;
3. A rear yard landscape buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum rear yard landscaped buffer of 3.00m (approx. 9.84ft) in this instance;
4. A drive aisle width of 3.6m (approx. 11.81ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 5.50m (approx. 18.04ft) in this instance;
5. 5 parking spaces for the 964.60sq m (approx. 10382.87sq ft) office space whereas By-law 0225-2007, as amended requires a minimum of 27 parking spaces in this instance;
6. 19 parking spaces for the 1096.53sq m (approx. 11802.95sq ft) retail space whereas By-law 0225-2007, as amended requires a minimum of 44 parking spaces in this instance;
7. 1 parking space for the 2091.83sq m (approx. 22516.27sq ft) warehouse space whereas By-law 0225-2007, as amended requires a minimum of 23 parking spaces in this instance;
8. 2 accessible parking spaces whereas By-law 0225-2007, as amended requires 4 accessible parking spaces in this instance;
9. An outdoor garbage enclosure located 0.1m (approx. 0.33ft) from the east interior side yard whereas By-law 0225-2007, as amended requires the garbage enclosure to be located outside of the required landscape buffer of 1.50m (approx. 4.92ft) in this instance;
10. An outdoor garbage enclosure located 1.87m (approx. 6.14ft) from the rear yard lot line whereas By-law 0225-2007, as amended requires the garbage enclosure to be located outside of the required landscape buffer of 1.50m (approx. 4.92ft) in this instance; and,

11. 1 loading space whereas By-law 0225-2007, as amended requires 2 loading spaces in this instance.

Background

Property Address: 1024 Dundas St E

Mississauga Official Plan

Character Area: **Dixie** Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-65 - Commercial

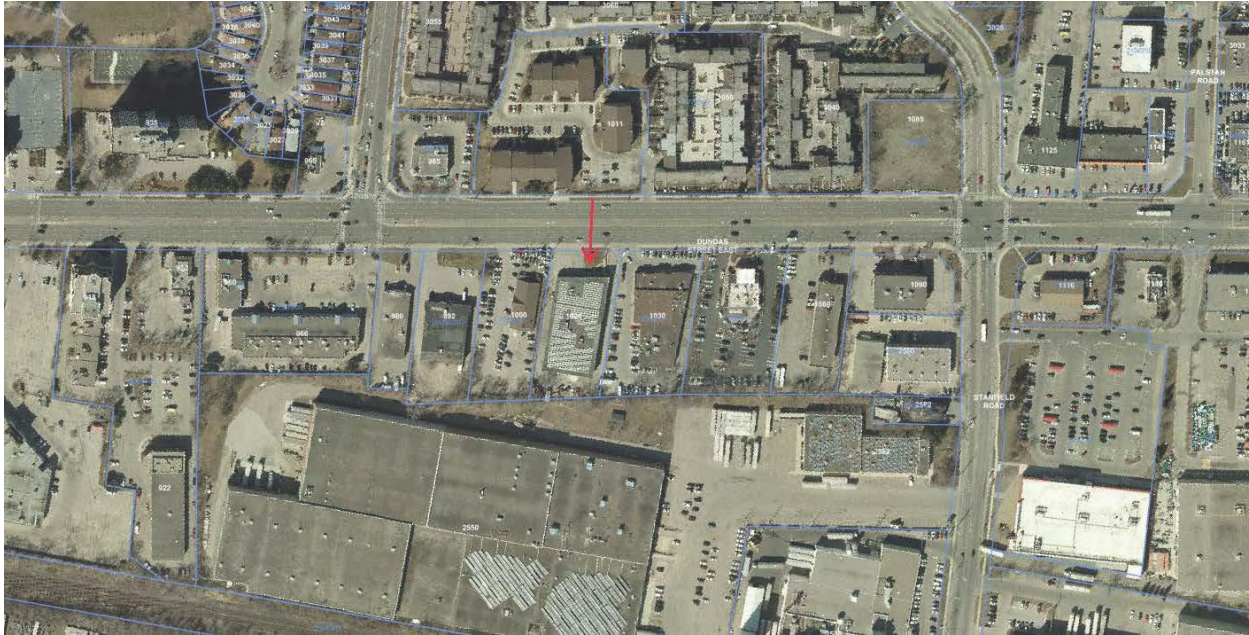
Other Applications: OPA and ZBA 22-18, BP3ALT 22-893

Site and Area Context

The subject property is located within the Dixie Employment Area, southeast of the Tomken Road and Dundas Street East intersection. The immediate neighbourhood contains a mix of commercial (including retail), office and residential uses. The subject property contains a one-storey building with commercial, retail and warehouse uses.

The application proposes a temporary office, retail store and warehouse uses requiring variances related to landscaped buffers, reduced parking, and a drive aisle width and garbage enclosure.

A site-specific official plan and zoning by-law Amendment application (OPA and ZBA 22-18) is currently being processed for the subject property. The proposal includes 4, 16 and 20-storey mixed use buildings containing at grade commercial uses and 543 purpose-built rental apartment units. The subject of the minor variance application is to temporarily permit the existing building to be used for the applicant's corporate office, and for the temporary occupation of a retail store and basement warehouse. Staff note that the applicant has appealed the official Plan and zoning by-law amendment applications to the Ontario Land Tribunal. A Case Management Conference is scheduled for May 8th, 2023 at 10:00am.



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 Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The applicant is requesting temporary approval of variances to legalize existing site conditions and parking reconfigurations.

With respect to variances #1,2 and 3, Planning staff are not typically supportive of 0m landscaped buffers, however, the 0m landscape buffers are existing and the subject property is subject to active development applications (OPA/ZBA 22-18). Planning staff anticipate improved landscape buffers through the redevelopment of the subject property.

Planning staff has no immediate concerns with variances #4 and 8 with respect to parking reconfigurations. The subject property does not currently contain accessible parking spaces; two existing parking spaces are to be reconfigured to meet accessible parking space dimension requirements. The intent of the minimum drive aisle width requirement is to ensure there is adequate space for vehicle passageway within a parking area. Transportation and Works staff have no concerns with both variances. Furthermore, the applicant's proposal is temporary and Planning staff is of the opinion that variances #4 and 8 will improve the existing site's condition.

The applicant is also seeking approval of a minor variance to permit reduced parking for office, retail and warehouse uses (variances #5, 6 and 7). The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and/or alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 32/23, 1024 Dundas St E., the applicant requests the Committee to approve a temporary minor variance to use the existing building as a corporate office, retail store, and warehouse proposing:

- 5 parking spaces for the 964.60m² (10382.87 ft²) office space whereas By-law 0225-2007, as amended requires a minimum of 27 parking spaces in this instance;
- 19 parking spaces for the 1096.53m² (approx. 11802.95 ft²) retail space whereas By-law 0225-2007, as amended requires a minimum of 44 parking spaces in this instance;
- 1 parking space for the 2091.83m² (approx. 22516.27ft²) warehouse space whereas By-law 0225-2007, as amended requires a minimum of 23 parking spaces in this instance.

The proposal is requesting a 73% parking reduction; however, satisfactory parking justification was not submitted in order to demonstrate that the rate of parking deficiency would not compromise access and circulation onsite or create spillover problems for adjacent properties.

Additionally, the Building Department is currently processing building permit application BP3ALT 22-893. Based on review of the information available in that application, Zoning staff advises that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variances will be required.

As such, Municipal Parking staff recommend that the application be deferred, pending the submission of a satisfactory Parking Utilization Study (PUS). The applicant should refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission. Furthermore, the applicant's consultant should confirm the survey methodology with staff prior to conducting parking surveys. Details can also be found under the City's Parking Terms of Reference.

Planning staff echo Municipal Parking staff's request for information and a satisfactory Parking Utilization Study (PUS). Planning staff have also reviewed variances #9 and 10 with Zoning staff and are of the opinion that the wording is incorrect. As such, Planning staff recommend that the application be deferred to allow the applicant an opportunity to confirm the accuracy of these variances with Zoning staff and to submit the requested information noted above.

With respect to variance #11, Planning staff have no immediate concerns with the applicant's request.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no concerns with the applicant's Minor Variance proposal. We advise that the owners of 1024 Dundas Street East have applied for a Rezoning application for the property under File OZ/OPA-22/018.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP-893. 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.

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: Brooke Herczeg, Zoning Examiner

Appendix 3- Region of Peel

We have no comments or objections.

Comments Prepared by: Patricia Menko, Junior Planner

Appendix 4- Metrolinx

1024 Dundas St E

Metrolinx is in receipt of the minor variance application for 1024 Dundas St E to facilitate a temporary use of the existing building on site for the purpose of a corporate office, in Unit 1, a retail store, in Unit 2, and a warehouse, in the basement. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.

- The proponent is advised the following:

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.

- The subject property is located adjacent to the future Dundas Bus Rapid Transit (“BRT”) alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a Notice to Proceed with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>.
- Please note that Metrolinx is a stakeholder for the comprehensive application and has provided comments on the OPA/ZBA application. Please continue to circulate Metrolinx as the application progresses.

Comments Prepared by: Farah Faroque, Intern