

City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A67.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to permit 386 parking spaces whereas By-law 0225-2007, as amended, requires 467 parking spaces in this instance.

Background

Property Address: 2305 Stanfield Road Unit 66

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2

Other Applications:

Site and Area Context

The subject property is located within the Dixie Employment Character Area, west of Queensway East and Dixie Road. The surrounding area north of Queensway East is comprised of a mix of commercial, employment and industrial type uses. The subject property contains a

similar mix of uses found in the broader area, which include both commercial and employment uses. The area south of Queensway East consists of detached residential dwellings.

The applicant is proposing a medical office unit on the subject property requiring a variance for 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 Business Employment in Schedule 10 of the Mississauga Official Plan (MOP) which permits warehousing and secondary office uses. A secondary office use means a business, professional or administrative offices having an area less than 10,000 m² (107,639 ft²) or accommodating less than 500 jobs.

The applicant is seeking to permit a medical office on the subject property with a total of 386 on-site parking spaces where a minimum of 467 parking spaces are required in this instance.

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 alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

In the absence of a Building Permit, Zoning staff is unable to confirm the accuracy of the information provided, nor determine whether additional variance(s) may be required. As such, a zoning review of the applicant's proposal has not been completed.

Should the requested variance be accurate, the site is deficient by 81 parking spaces, which equates to a 17% parking deficiency. Based on the City's parking Terms of Reference (TofR) a satisfactory Parking Utilization Study (PUS) is required to be submitted alongside the application submission.

Municipal Parking staff have been in correspondence with the owner of the unit as well as their consultant in regards to this application. On March 8th, 2023, staff reminded the owner of Unit 66 of the following obligation which is made available to unit holders prior to purchasing a unit within the site:

1.8 Approval Authority Requirements

As of January 28, 2019 the Condo Declaration of 1185 - 1235 Queensway East; 2305 Stanfield Road was established with the following conditions being imposed by the approval authority:

- a) Owners and tenants of Units are advised that there can be no change in use of a Unit, without the Unit Owner/tenant obtaining a zoning certificate of occupancy and a building permit, if required.
- b) Owners and tenants of Units are advised that although a use of a Unit may be permitted in the underlying zoning of the Property, a specific use of a Unit may not be permitted where sufficient on-site parking cannot be provided in accordance with the minimum zoning by-law requirements.
- c) Owners and tenants of Units are advised that there cannot be an increase in the gross floor area of the Unit unless sufficient parking is provided and the Unit Owner/tenant has obtained a building permit and/or zoning certificate.

A subsequent correspondence occurred with the applicant's consultant on March 20th, 2023. Staff responded to the consultant's request for approval of PUS parameters. As the deadline for submissions in support of applications to be heard at this hearing was March 13th, 2023, staff advised that a satisfactory PUS could not be submitted and reviewed for this scheduled hearing date.

The consultant was also advised that a PUS dated November 2021, which was submitted in support of a previous application at the property, was not acceptable as it did not meet the requirements of the City's TofR and was conducted during COVID restrictions. As such, the PUS is not reflective of current parking demands at the site.

To-date, the consultant has cooperated with the abovementioned feedback, as currently, staff are working alongside the consultant to approve appropriate surveying parameters as well as a proxy site for a subsequent Committee of Adjustment application submission; to be reviewed by staff for the next available hearing date.

Staff recommend the application be deferred, pending the submission of a satisfactory Parking Justification Study (PUS). Staff advise that a satisfactory Parking Utilization Study is required to be submitted. Please refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission. The consultant should confirm the survey methodology with staff prior to conducting parking surveys.

Additionally, Zoning is unable to confirm the accuracy of the requested variance(s) nor determine whether additional variance(s) may be required. The applicant is advised that a Building Permit is required to be submitted in order for a complete zoning review to be conducted.

Planning staff echo comments from Municipal Parking staff and recommend that the application be deferred pending the submission of a satisfactory Parking Utilization Study. Furthermore, staff recommend that the applicant submit a building permit to allow Zoning staff to confirm the accuracy of the requested variance.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A 'A' 67/23.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner