

City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A150.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 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 permit a temporary transportation facility use with Employment (E3) zone standards for a period of 18 months, whereas By-law 0225-2007, as amended, does not permit a transportation facility in an Office(O2) zoning use in this instance.

Background

Property Address: 85 Derry Road E

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: O2-Commercial

Other Applications: None

Site and Area Context

The subject property is located on the north side of Derry Road East, east of the Hurontario Street intersection. No buildings are present on the property which has a lot area of +/- 1.65ha (4.09ac). No landscaping or vegetative elements are present on the subject property. 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 transportation facility 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 5 within the Gateway Corporate Centre Character Area policies, which set out development and design guidelines to encourage an appropriate built form that addresses the street and improves the pedestrian environment.

Staff note that the proposed use is not permitted in the O2 zone and is only permitted in Employment zones. Furthermore, per Chapter 11 of the MOP, Transportation Facilities are only permitted in Business Employment and Industrial designations. 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.

Planning staff are of the opinion that the MOP has clear policies to discourage this type of use in this area. The proposal is not appropriate for a site designated Office in the MOP or within proximity to 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 Committee's easy reference are a number of photos which depict the subject property.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy 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

Minor Variance Application: A-23-150M – 85 Derry Road East Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- The Region of Peel has a Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA # 009-S701), for the Regional Municipality of Peel Stormwater Management System. Therefore, it is the Region's mandate that no additional flows are permitted, and no new connections are made to Regional roads.
- Development flows are to be directed to the Local Municipality's storm sewer system or watercourses, to the satisfaction of the Region of Peel, the local Conservation Authority and all concerned departments and agencies. Alternatively, flows can be mitigated using Low Impact Development Technologies. Developers are required to demonstrate how this will be achieved through a Stormwater Management Report.
- As per the Region's Public Works Stormwater Design Criteria and Procedural Manual:
 - Region of Peel IDF curves shall be used for the peak flow analysis;
 - Post development peak flow for each storm (from 2 year to 100 year) shall be equal to or less than pre-development;
 - For orifice diameters of 100mm or greater, an orifice tube shall be used;
 - Quantity Control shall be designed to control the 24-h Chicago or 24-h SCS Type II distribution.
- In accordance with the Region's CLI ECA and provincial standards, control of the runoff from 90th percentile storm event (28mm) shall be achieved for quality control.
- For erosion control, 5mm retention at full build out is required and runoff is to be detained from a 25mm storm event over 24 to 48 hours.
- No grading will be permitted within any Region of Peel right-of-ways to support adjacent developments.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4- Metrolinx**85 Derry Road E**

At this stage Metrolinx does not have any major comments but any works within the Metrolinx ROW or within 60 m of the Hurontario LRT will require approval and coordination with Metrolinx.

Comments Prepared by: Farah Faroque, Intern