

City of Mississauga Department Comments

Date Finalized: 2023-09-06 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B33.23 A311.23 A312.23 Ward: 11
	Meeting date:2023-09-14 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent or associated minor variance applications.

Application Details

B33/23

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 139.72m (approx. 459.40ft) and an area of approximately 28,410.00sq.m (approx. 305,802.69 sq.ft).

A311/23

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B33/23, proposing:

1. 103 parking spaces whereas By-law 0225-2007, as amended, requires 118 parking spaces in this instance; and,
2. 5 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 6 parking spaces in this instance.

A312/23

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B33/23, proposing:

1. 130 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 140 parking spaces in this instance; and,
2. 4 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 6 parking spaces in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A311/23 & A312/23 must be finalized
- "[Enter terms and conditions here]"

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A311/12 & A312/23 shall lapse if the consent application under file B33.23 A311.23 A312.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1965 Meadowvale Blvd

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

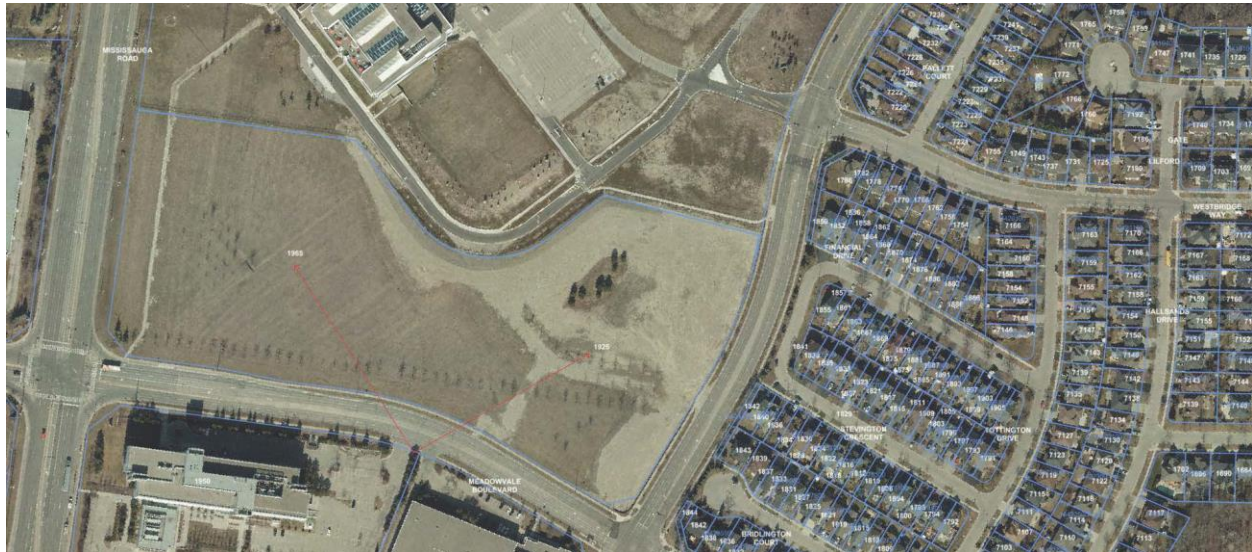
Zoning: E2-1- Employment

Other Applications: None

Site and Area Context

The subject property is located on the north-east corner of the Mississauga Road and Meadowvale Boulevard intersection. It is currently a vacant parcel of land with limited vegetation. The surrounding area context includes a mix of low density residential, including semi-detached and detached dwellings, as well as office and warehouse buildings on lots of varying sizes.

The applicant is proposing to sever the existing property into 2 lots, requiring variances for both an accessible parking and parking deficiency.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The subject property is located in the Meadowvale Business Park Corporate Centre Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of employment uses, including warehouses. Section 9 of the MOP promotes development with appropriate urban form and site

design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The application is consistent with the official plan as proposed lots are appropriately sized and are suitable for the proposed use. Furthermore, staff have no concerns with the severance regarding the criteria set out in Section 51(24) of the Planning Act, as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

In addition to the proposed consent application, the applicant is requesting minor variances for a reduction in the required parking rate and accessible parking rate. 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 provide adequate parking accommodations based on 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 request and note as follows:

With respect to Committee of Adjustment application 'A' 311.23, 1925 Meadowvale Boulevard, the applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B33.23, proposing:

A total of 103 parking spaces whereas By-law 0225-2007, as amended, requires 118 parking spaces in this instance.

With respect to Committee of Adjustment application 'A' 312.23, 1965 Meadowvale Boulevard, the applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B33.23, proposing:

A total of 130 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 140 parking spaces in this instance.

Per the materials provided by the Applicant, the proposal aims to separate the existing lot at 1965 Meadowvale Boulevard into two parcels to construct two buildings that will be used as warehouses, Building A will be on 1965 Meadowvale Boulevard and Building B on 1925 Meadowvale Boulevard. The non-residential Gross Floor Area (GFA) of Building A is 17,332.79 m² and the non-residential GFA of Building B is 13,804.95 m². The subject properties are located within E2-1 zoning area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, the parking requirements for Warehouse/ Distribution Facility are 1.1 spaces per 100 m² GFA - non- residential up to 6,975 m², and 0.6 spaces per 100 m² GFA - non- residential over 6,975 m² GFA. Therefore, the parking requirement for

Building A is 140 parking spaces and for Building B 118 spaces. The Applicant proposes 130 parking spaces for Building A and 118 parking spaces for Building B. As such, the parking deficiency of the severed parcel (Building B) is 15 spaces or 12.7%; the parking deficiency of the retained parcel (Building A) is 10 spaces or 7%.

As the parking deficiency of the severed parcel (Building B) exceeds 10%, a Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision; in addition, a Parking Justification Letter for the retained parcel (Building A) may be acceptable since the parking deficiency is less than 10%.

The Applicant provided a Parking Justification Study, dated February 3, 2023, prepared by UrbanTrans Engineering Solutions Inc. The proxy site location and survey methodology of the parking study were pre-approved by Staff before the survey was conducted. Based on the survey results from the Parking Justification Study and communication with the Applicant, a peak parking demand rate of 0.23 spaces per 100 m² non-residential GFA, and a peak parking utilization percentage of 31% were observed at the selected proxy site. The recorded peak demand rate of 0.23 is less than the parking rate stipulated by zoning regulations for Warehouse Facilities, which is 1.1 spaces per 100 square meters of non-residential gross floor area. UrbanTrans also included several Transportation Demand Management (TDM) strategies and planning frameworks and contexts in support of the requested parking reduction. Additionally, the Applicant explained the nature of proposed business, its expected business hours, and the expected number of employees on site. It is Staff's opinion that the information provided by the Applicant is acceptable and satisfactory for the application.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed 103 parking spaces whereas By-law 0225-2007, as amended, requires 118 parking spaces in this instance for the severed parcel; Staff can also support the proposed 130 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 140 parking spaces in this instance for the retained parcel.

Planning staff echo Municipal Parking staff's comments and are satisfied that variances 1 and 2 proposed for both parcels maintain the general intent and purpose of the zoning by-law.

Given the above, staff are of the opinion that the application conforms to Section 51(24) and meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B'33/23.

This Department has no objections to the applicant's request where intent of this application is to create a new lot. Both the residual and severed parcel contain buildings which are currently under construction. From the submitted information we can confirm that there will be some shared services including a shared access and shared servicing between the properties which will require private easements.

The applicant has provided a Servicing Plan Depicting Potential Shared Facilities (dated February 2023), Site Plan DWG No: A-1.0 which was processed under Site Plan Application SP 21-87 (dated May 19, 2021) prepared by Baldassarra Architects Inc. and a Site Servicing Plan DWG No: C102 prepared by McIntosh Perry with last revision date May 13, 2022. A draft 43R Survey Plan has also been provided prepared by J.D Barnes (dated March 24, 2023).

Should Committee see merit in the applicant's request we are providing the following condition/requirement to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Solicitor Letter Addressing Required Easement(s)

As indicated above the applicant has already provided the background material (Engineering Plans) required to assist in the review of any required/proposed easements. In addition to the submitted material, the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe any new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted consent application and notes:

1. Given that the property is subject to a development application, SP 21-87, all of Community Services' comments and/or requirements are being addressed through the development application.
2. The Community Services Department has secured \$6,600 in tree protection securities for the Municipal trees along Financial Drive through SP 21-87. The applicant shall provide framed tree hoarding at the dripline of the noted trees prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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 – CVC

CVC staff have reviewed the information related to the minor variance application for the above mentioned property and provide the following comments.

The subject property at 1965 Meadowvale Blvd in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 160/06, (the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) or to the policies of CVC at this time. As such, a CVC permit is not required for development on this property and we do not need to review and comment on the proposed Minor Variance application.

If you have any questions regarding the above, please let me know.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine the archaeological concerns related to the application. A letter from the Ministry of Citizenship and Multiculturalism confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 6 – Region of Peel

Consent and Minor Variance Applications: B-23-033M, A-23-311M, A-23-312M – 1965 Meadowvale Blvd

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality

issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 311-312/23)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 6, 2023.
5. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 6, 2023.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 1, 2023.

