

City of Mississauga Department Comments

Date Finalized: 2023-09-06 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B34.23 A320.23 A321.23 Ward: 5
	Meeting date:2023-09-14 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B34/23

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 150.5m (approx. 493.8ft) and an area of approximately 0.33ha (0.82ac).

A320/23

The applicant requests a minor variance for the retained lands of application B5/23 proposing:

1. 21 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 27 parking spaces in this instance;
2. A landscape buffer to a street line of 2.5m (approx. 8.2ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer to a street line of 4.5m (approx. 14.8ft) in this instance;
3. A landscape buffer to a lot line abutting a Commercial zone of 0.0m (0.0ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer to a lot line abutting a Commercial zone of 3.0m (approx. 14.8ft) in this instance; and
4. A landscape buffer to a lot line abutting a Commercial zone of 1.33m (4.36ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer to a lot line abutting a Commercial zone of 3.0m (approx. 14.8ft) in this instance.

A321/23

The applicant requests a minor variance for the severed lands of application B5/23 proposing:

1. A landscape buffer to a street line of 2.5m (approx. 8.2ft) whereas By-law 0225-2007, as

amended, requires a minimum landscape buffer to a street line of 4.5m (approx. 14.8ft) in this instance; and

2. A landscape buffer to a lot line abutting a Commercial zone of 0.0m (0.0ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer to a lot line abutting a Commercial zone of 3.0m (approx. 14.8ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A320/23 & A321/23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A320/23 & A321/23 shall lapse if the consent application under file B34.23 A320.23 A321.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 5265 & 5291 General Rd

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-19 - Employment

Other Applications: PREAPP 22-4854

Site and Area Context

The subject property is located south-west of the Dixie Road and Matheson Boulevard East intersection. It currently contains two existing industrial buildings with associated surface parking. Each of the existing buildings located on the subject lands will be on separate lots as per the proposed consent application. Limited landscaping and vegetative elements are present on the subject property. The surrounding area contains multi-tenant commercial spaces, a motor vehicle sales and leasing facility and warehouse and distribution facilities.

The applicant is proposing to sever the existing property into two lots, requiring variances for a parking deficiency and reduced landscaped buffers.



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 applicant is proposing to sever the existing property, creating a total of two new lots.

The subject property is located in the Northeast Employment Area (West) and is designated Business Employment. The designation permits a variety of employment and industrial uses. Staff are satisfied that the proposed lots are appropriate to facilitate uses envisioned in the official plan.

Staff are satisfied that the application is consistent with the official plan, as the severed and retained lands will provide for adequately sized lots for the existing buildings. No minor variances are required for lot size or frontages. Staff are satisfied that the proposal will not negatively impact the area's lot fabric. 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 a minor variance for a reduction in the required 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 providing 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' 320.23, 5265 General Road, the applicant requests a minor variance for the retained lands of application B34.23 and proposing:

A total of 21 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 27 parking spaces in this instance.

Per the materials provided by the Applicant, the variance is triggered by the proposal to sever the Subject Lands at 5265 General Road. The Site Plan provided by the Applicant indicates that there is an existing warehouse with a Gross Floor Area (GFA) of 2,455.72m² and an attached existing office with a GFA of 249.8m² on the subject property. The subject site is located within E2 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, the parking requirement for Warehouse/ Distribution Facility use is 1.1 spaces per 100 m² GFA - non-residential up to 6,975 m²; and the parking requirement for Office use in Parking Precinct 4 is 3.0 spaces per 100 m² GFA - non-residential. Therefore, the parking requirement for the subject property would be 27 spaces for Warehouse/ Distribution Facility use and 7 parking spaces for Office use, which comes to 34 parking spaces in total. As there is a discrepancy between proposed and required number of parking spaces, Staff request further verification for both land uses to be completed for a more accurate assessment. The Applicant proposes a total of 21 parking spaces. As such, 34 parking spaces are

preliminarily required whereas 21 parking spaces can be accommodated. The preliminary parking deficiency is 13 parking spaces, or 38%.

The Applicant provided a correspondence letter dated July 10, 2023, prepared by Glen Schnarr & Associates Inc. The letter explained that no additional spaces could be utilized to accommodate extra parking spaces on the subject site. However, the materials provided by the Applicant are not satisfactory. Staff require information regarding the existing and proposed parking demand at the subject site, including operating hours, designated or shared parking, parking observations and utilization, etc. to be included in the application.

Since the parking deficiency rate exceeds 10%, a Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision. The Applicant should refer to the [Terms of Reference](#) for parking justification requirements to be included with a formal submission. The Applicant should confirm the survey methodology with Staff prior to conducting parking surveys.

Staff request further verification of the required parking spaces for the subject property to be confirmed.

Given the above, Staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Planning staff echo Municipal Parking staff's comments and are therefore unable to support the proposed consent at this time. Planning staff therefore recommend that the application be deferred until the requested information can be submitted to and reviewed by Municipal Parking.

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'34/23.

This Department has no objections to the applicant's request where intent of this application is to create a new lot. Acknowledging that the residual and severed parcels are occupied by existing buildings, there may be some shared underground services between the properties which may require private easements. We do note that the applicant has provided drawings reflecting existing easements which will not be impacted by this consent application.

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

A. Items Required Prior to the Issuance of Final Consent

1. Servicing Plan Requirement

A Below Ground Servicing Plan is to be submitted for our review/approval which would identify the location of any existing underground services located on these properties. Upon the review of the Below Ground Servicing Plan we can determine the location of any existing underground services located on the subject lands and advise if any private servicing easements will be required.

2. Required Easement(s)

Upon the review of Item's A1 and should any easement(s) be required, 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.

2. Existing Easements

We note that there are a number of existing easements currently existing on the property which may have an impact on any future re-development of the subject lands.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-4854. 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: Alana Zheng, Planner Zoning Examination

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. If future construction is required, 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 – Region of Peel

Consent and Minor Variance Applications: B-23-034M, A-23-320M, A-23-321M – 5265 and 5291 General RdDevelopment 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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

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.

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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" 320-321/23)
 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 1, 2023.