

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A345.23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance proposing:

1. To permit the portion of the subject property zoned E2 - Employment to be developed in accordance with the E3 - Industrial zone regulations whereas By-law 0225-2007, as amended, requires that when a lot is divided into more than one zone, each portion of the lot shall comply with the applicable provisions of the zone in which it is situated in this instance; and
2. 314 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 332 parking spaces in this instance.

Background

Property Address: 0 Slate Drive

Mississauga Official Plan

Character Area: Gateway Employment Area (East)
Designation: Business Employment, Industrial & Greenlands

Zoning By-law 0225-2007

Zoning: E3- Employment

Other Applications: SP 22-45

Site and Area Context

The subject property is located on the east side of Kennedy Road, north of Courtney Park Drive East. It is currently vacant with the exception of a stormwater channel traversing the centre of the parcel in an east-west direction. Vegetative elements are present on the subject property due to its derelict state. The surrounding area consists of one and two-storey industrial buildings with limited vegetation and significant hardscaping.

The applicant is proposing a new warehouse facility requiring variances for the subject property to be developed as one zone and a parking deficiency.



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 designated Business Employment, Industrial and Greenlands on Schedule 10 of the Mississauga Official Plan (MOP). While the majority of the site is evenly split as Business Employment and Industrial, there is a small portion at the rear of the subject property that is designated Greenlands. The Business Employment and Industrial designation both permit manufacturing, warehouse, distribution and wholesaling facilities.

The subject property is zoned E2 (Employment) and E3 (Industrial) with a small portion at the rear of the site zoned G1 (Greenlands). Both employment zones permit industrial related uses, including a manufacturing, warehouse, distribution and wholesaling facility.

Staff note variance 1 is technical in nature. The purpose of the variance is to permit the portion of the subject property zoned E2 to be developed in accordance with the E3 zone regulations. This would allow a consistent E3 zone to cover the entire proposed development. The approach to apply for a minor variance concerning the subject property being developed as one contiguous zone was advised by planning staff reviewing the Site Plan application (SP 22-45). They suggested the minor variance process because the base zones that apply to the developable portions (E2, E3 zones) of the property allow for what the applicant is proposing, and a rezoning could not be justified. Further, the development of the subject lands is in keeping with the surrounding context, as the subject lands the surrounding context are designated and zoned for employment related uses. Staff have discussed the variance with the Planner reviewing the associated Site Plan application and have no concerns with the variance.

Variance 2 proposes 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 variance request and note as follows

With respect to Committee of Adjustment application 'A' 345.23, 0 Slate Drive, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A total of 314 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 332 parking spaces in this instance.

Per materials provided by the Applicant, the proposal contemplates developing the vacant property with two one-storey industrial buildings, the Gross Floor Area (GFA) of Building One is 14,808 m² and the GFA of Building Two is 28,775 m². The subject site is located within E3 zoning area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, the minimum parking requirements for Warehouse/Distribution Facility are 1.1 spaces per m² GFA - non-residential up to 6,975 m² and 0.6 spaces per 100 m² GFA for non-residential areas over 6,975 m². Therefore, the minimum required number of parking spaces for Building One would be 124 and 208 for Building Two, which comes to a total of 332 spaces. The Applicant proposes 312 parking spaces on site. As such, 332 parking spaces are required whereas 312 parking spaces can be accommodated. The proposed parking deficiency is 20 parking spaces, or 6%.

As the parking deficiency is less than 10%, a Letter of Justification based on the nature of the operation and its land use circumstances may be acceptable. The Applicant provided a Letter of Justification, dated August 29, 2023, completed by Sajecki Planning. The letter reviewed relevant planning policies and contexts for the subject site. Further communication with the Applicant confirmed proposed operational details of expected tenants. Based on the information provided, it is Staff's opinion that the requested variance is minor in nature.

Given the above, Municipal Parking staff can support the proposed parking reduction to permit a total of 314 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 332 parking spaces in this instance

Please note that the above comments are based on the details submitted along with the applications and are subject to change should Zoning identify any additional variances or any changes to the variances with regards to the above applications.

Given the above, staff are therefore of the opinion that the proposed variances maintain the general intent and purpose of the official plan and zoning by-law, represent appropriate development of the lands and are minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SP 22-45 W5. 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 site plan application submitted on 05/18/2023 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-23-345M / 0 Slate Dr

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4- TRCA

Re: Minor Variance Application and City File No. A345.23

0 Slate Drive

City of Mississauga, Region of Peel

Owner: Slate Drive Holdings Inc.

Agent: Sajecki Planning Inc. c/o Morgan Dundas

This letter acknowledges receipt of the subject application, received on August 16, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the *Conservation Authorities Act*, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the *Planning Act*, ensure that decisions under the *Planning Act* are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the *Conservation Authorities Act* and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the *Planning Act*, such as those services previously provided under plan review Memorandum of

Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. **A345.23** is to:

1. To permit the portion of the subject property zoned E2 - Employment to be developed in accordance with the E3 - Industrial zone regulations whereas By-law 0225-2007, as amended, requires that when a lot is divided into more than one zone, each portion of the lot shall comply with the applicable provisions of the zone in which it is situated in this instance; and
2. 314 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 332 parking spaces in this instance.

It is our understanding that the requested variances are required to facilitate the development of two one-storey industrial buildings with a total gross floor area of 43,583 m² (469,123.50 sq.ft.). The total proposed GFA of Building 1 at 560 Slate Drive is 14,808 m² (159,392 ft²). The total proposed GFA for Building 2 at 600 Slate Drive is 28,775 m² (309,732 ft²). The Site is currently vacant. It should be noted that no built portion of the proposal will be constructed in the Greenlands designation other than the redirected stormwater channel.

As part of the proposal and associated SPA application (SP 22-45 W5), the existing stormwater channel will be redirected to traverse down the west portion of the site. This would enhance the existing stormwater channel and relocate the channel so that it is not in the centre of the site.

Recommendation

TRCA's staff have no objection to supporting the approval of Minor Variance Application assigned City File No. **A345.23**.

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property. As such, TRCA should be contacted prior to start of any future works.

Site Context

Ontario Regulation 166/06: Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject property contains a Regulated conveyance channel associated with a tributary of the Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to the proposed development, site alteration or other development taking place on the property. Based on our review, the proposed development will be located within TRCA's regulated portion of the site.

Application Background

All outstanding comments were addressed as part of the most recent resubmission that was made on August 23, 2023 under TRCA file no. CFN 66421.13 or, city file no. SP 22-45 W5.

Application Specific Comments

Please advise the applicant to submit a TRCA permit application for the proposed two one-storey industrial buildings (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses – Ontario Regulation 166/06) and the associated review fee of \$11,355 (Works on Projects on Subdivision Lands, Commercial, Industrial and Institutional Properties, Recreation and Other Projects – Standard).

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,250.00 received on August 9, 2023.

Comments Prepared by: Marina Janakovic, Planner I