

City of Mississauga Department Comments

Date Finalized: 2023-08-30	File(s): A282.23 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-07 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Transportation Facility on the subject lands whereas By-law 0225-2007, as amended, does not permit a Transportation Facility on D (Development) zoned lands in this instance.

Background

Property Address: 7568 Ninth Line

Mississauga Official Plan

Character Area: Ninth Line Neighbourhood
Designation: Business Employment, Greenlands, Parkway Belt West

Zoning By-law 0225-2007

Zoning: D- Development, PB1- Parkway Belt and G1- Geenlands

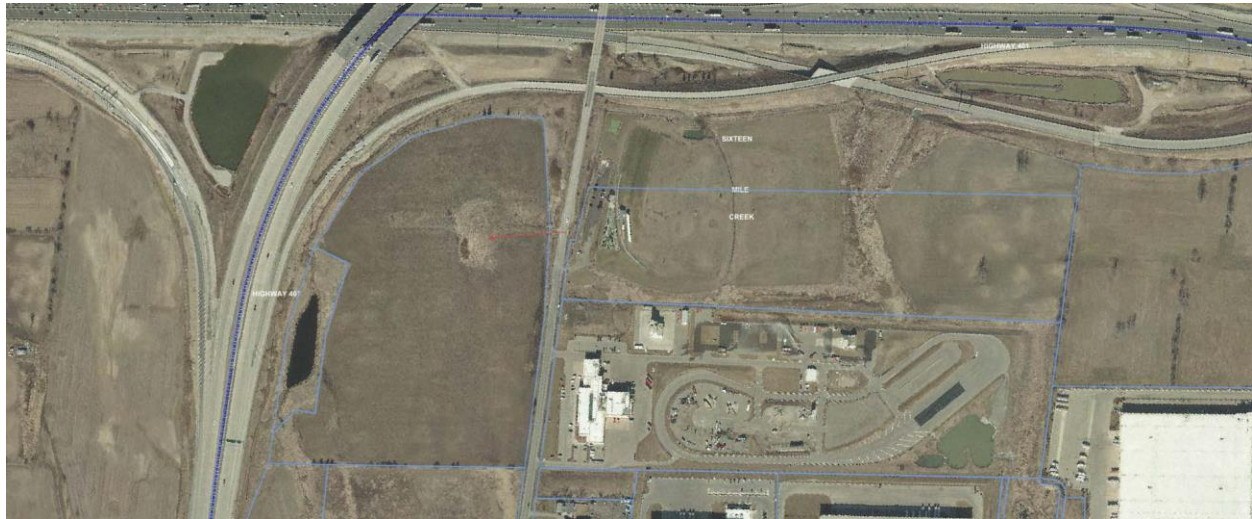
Other Applications: None

Site and Area Context

The subject property is a vacant parcel of land located north-west of the Ninth Line and Argentia Road intersection. The lands are to the south-east side of Ninth Line and are predominantly warehouse facilities. The land to the east are City owned, and is occupied by the Gary W. Morden Centre, an emergency services training facility for the Mississauga Fire Department. To

the west and the north of the subject lands are Highway 401 and 407. The lands to the south are utilized by Peel Regional Police as a canine training facility.

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 Ninth Line Neighbourhood Character Area and are designated Business Employment, Parkway Belt West and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP).

The proposed use is located predominantly on lands designated Business Employment. The Business Employment designation permits commercial parking facilities, transportation facilities, trucking terminals and warehousing. The proposed transportation facility is specifically for outdoor storage on the subject property. Outdoor storage is only permitted as a use on lands designated Industrial. There are no lands designated Industrial in the vicinity of the subject property. Section 16.20.4.1 notes that notwithstanding the Business Employment designation on the subject property, outdoor storage will not be permitted on lands adjacent to the Highway 407.

Section 16.20.2.6 of the MOP notes that once the 407 transitway alignment is finalized, unused Parkway Belt West lands in the Ninth Line Neighbourhood will be redesignated Business

Employment. Section 16.20.3 of the MOP identifies the Ninth Line Neighbourhood Character Area to be subdivided into precincts in order to reflect differences in their planned function and character. The property forms part of Precinct 1, the North Employment Area, which will form an extension of the employment area east of Ninth Line, north of the CP railway. Section 16.20.3.1.2 of the MOP in the North Employment Area policies notes there should be a strong streetscape with parking located at the rear of the property. The parking of commercial motor vehicles on the subject property as proposed will directly abut the property's frontage on Ninth Line, which is not consistent with policy noted above.

Section 19.11.2 of the MOP, implemented by Mississauga Official Plan Amendment (MOPA) 126, allows for minor changes to be made on lands zoned "D" (Development). The proposed amendments will allow the addition of temporary uses without jeopardizing the future vision for the neighbourhood. It further states the lands can be considered for a minor variance if the proposed use meets all of the following criteria:

- a. where a new use is proposed, the proposed use is temporary/seasonal;
- b. the proposed use is compatible with the planned function and character of the Character Area, and will not have an adverse effect on the surrounding properties;
- c. any proposed building additions and/or alterations are limited in scope; and
- d. the site is not on lands designated Greenlands and/or any proposed development will not impact any environmental feature that has been identified on the lands by the City or Conservation Authority.

Planning staff are of the opinion that the proposed use is not compatible with the planned function and character of the character area, and will have adverse effects on the surrounding properties due to the intensity of the use. Further, the MOP has clear policies to discourage this type of use in this area. The proposal is not appropriate for a site designated Business Employment in the Ninth Line Neighbourhood Character Area and therefore does not maintain the general intent or purpose of the official plan.

The properties are split zoned between Development, Parkway Belt West and Greenlands zones. The proposal is predominantly on lands zoned Development, which permits only the existing uses on the subject property on the date of the passing of the by-law. The intent of the Development zone is to allow existing land uses to continue until such a time as the property goes through a development application to facilitate an appropriate redevelopment of the property. 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.

Given the above, staff have concerns regarding the potential impacts of the proposed use on abutting properties. Staff find that the application is not minor in nature and does not represent appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the applicant is requesting a minor variance to allow for a Transportation Facility on the subject lands. As indicated in the June 14, 2023 letter from Glen Schnarr & Associates Inc. submitted with the application, Pacific Paving Ltd will be entering into an agreement with the City of Mississauga to lease approximately 10 acres of unutilized land owned by the City for the purpose of a Transportation Facility.

From our site inspection of this property and as indicated in the request, the parcel of land in question is currently undeveloped and will unquestionably require a number of site specific development requirements to be addressed such as grading and drainage and access related requirements. We would have no objections to the request provided that there are some assurances that through the consultations with city staff and the Agreement proposed between Pacific Paving Ltd and the Corporation of the City of Mississauga that any site specific Transportation and Works Department conditions/requirements pertaining to grading/drainage, access, mudtraking etc. will adequately be addressed.

We are providing some additional comments to advise the applicant of some of the potential requirements/conditions which may be applicable to this proposal. The subject lands are within a tributary of the Sixteen Mile Creek which is regulated by the Conservation Halton, it's our understanding that there have been current discussions with Conservation Halton and a permit may be required. In addition the review and approval of a Stormwater Management Plan by the MTO may also be required given the proximity to the provincial highways. A resource available to the applicant is the Ninth Line Lands Scoped Watershed Study (SWS). Should this request proceed a drainage proposal identifying the outlet(s) and capacity, site servicing and grading plan(s) and an ESC Permit Application will also be required, along with a Stormwater Management Brief or Memo outlining the Stormwater Management Plan.

With regards to any access related probable requirements/conditions we note that turning movement diagrams to depict the internal site circulation and for ingress and egress through the access points to ensure all vehicles are entering and exiting in a forward motion will be required. Any proposal must provide a sufficient clear throat length with the driveway access and be in accordance with the TAC Manual. An Access Modification Permit will be required and the applicant is advised that all costs incurred for any access modifications or utility relocations will be at cost to the owner.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

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 minor variance application and advises as follows:

The subject lands are owned by the City of Mississauga, Not Yet Named (P-425)
*(Bussel House) and zoned D – Development.

Should the application be approved, Community Services provides the following note(s):

1. A License Agreement will be required between the City of Mississauga and the proponent to allow a Transportation Facility through which all City requirements will be reviewed for approval.

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 – Conservation Halton

Re: Minor Variance Application

File Number: A282.23

7568 Ninth Line, Mississauga

Applicant: Glenn Schnarr & Associates Inc.: The Corporation of the City of Mississauga

Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under Ontario Regulation 162/06 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)).

As part of this application, staff reviewed the “Development Concept Plan” dated June 7, 2023, prepared by Glenn Schnarr & Associates Inc.

Proposal

The property owner of 7568 Ninth Line, zoned D- Development, PB1- Parkway Belt and G1- Greenlands, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a Transportation Facility on the subject lands whereas By-law 0225-2007, as amended, does not permit a Transportation Facility on D (Development) zoned lands in this instance.

Background

The subject lands are located within the Ninth Line Lands Scoped Subwatershed Study (SWS) area. To support planning and development in this area, the Scoped SWS characterizes existing conditions in the study area, provides an impact assessment and management strategy, and establishes an implementation and monitoring plan. It also outlines future study requirements and directs that Comprehensive Environmental Impacts and Integration Studies (CEIISs) are required as the next step for development applications in the study area.

Ontario Regulation 162/06

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is traversed by a tributary of Sixteen Mile Creek and contains the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15 metres from the greater of the limit of the flooding and erosion hazards for this particular site. Permission is required from CH prior to undertaking any development within CH’s regulated area and applications for development are reviewed under CH’s Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document (last amended, November 26, 2020)

(<https://conservationhalton.ca/policies-and-guidelines>).

Based on review of the drawings included with this application, the proposed parking lot is located outside of the regulated area associated with the floodplain. Furthermore, based on CH staff site observations on August 18, 2023, CH staff confirm the wetland features identified in the Scoped SWS (Features 1A/1B) are not regulated by CH, pursuant to Ontario Regulation 162/06.

While a permit from CH is not required at this time based on the location of the proposed development, staff advise that a CH Permit will be required if plans are modified such that

development (e.g., grading, stormwater infrastructure, outlets, etc.) is within CH's regulated area.

Provincial Delegated Authority under Ontario Regulation 686/21

As the proposed parking lot will be located outside of the flooding and erosion hazards and safe access and egress is available, CH has no concerns regarding consistency with PPS Policies 3.1.1-3.1.7. However, a stormwater management (SWM) strategy should be provided in support of the proposed development to ensure the resulting runoff does not create new or aggravate existing hazards downstream. The SWM strategy should generally follow the direction of the Scoped SWS. CH staff defers to the City of Mississauga to confirm the required studies in support of this development, and the appropriate format for the stormwater strategy (e.g., CEIS, Functional Servicing Study, Stormwater Management Report, etc.).

Recommendation

Considering the above, CH has **no objection** to the variance requested, subject to the following conditions:

1. That permission from Conservation Halton be obtained for any development proposed within the area regulated pursuant to Ontario Regulation 162/06; and,
2. That the associated Minor Variance Review fee (Intermediate – Staking, Visual Assessment or One Technical Review – \$688.00, as per the current years fee schedule) be submitted to CH.

We defer to City staff to determine whether the SWM strategy should be incorporated as a condition of the variance, or be deferred to future application review (e.g., Site Plan).

Should there be any changes to the proposal, please keep CH apprised.

Comments Prepared by: Ola Panczyk, Senior Environmental Planner

Appendix 5- Region of Peel

Minor Variance: A-23-282M / 7568 Ninth Line

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located 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.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that

development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

- We recognize that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP) and within a Provincially Significant Employment Zone. However, the proposed increase in gross floor area for medical office uses presents a small percentage increase above the existing permissions and can be considered minor, compatible with the existing land use patterns, and will not significantly impact employment opportunities in the area.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner