

City of Mississauga Department Comments

Date Finalized: 2023-11-15	File(s): A446.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow an industrial warehouse proposing:

1. 125 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 208 parking spaces in this instance;
2. A front yard setback of 7.50m (approx. 24.61ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 30.00m (approx. 98.43ft) in this instance;
3. 5 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 accessible parking spaces in this instance; and,
4. A centerline setback of 25.00m (approx. 82.02ft) whereas By-law 0225-2007, as amended, requires a minimum centerline setback of 47.50m (approx. 155.84ft) in this instance.

Background

Property Address: 758, 780 and 788 Southdown Road

Mississauga Official Plan

Character Area: Southdown Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-15- Employment

Other Applications: BP 9NEW-23/7012, PAM 23-90, IZR SP 23-9383**Site and Area Context**

The subject property is located within the Southdown Employment Character Area, on the northwest of the Southdown Road and Orr Road intersection. The immediate area contains a mix of open space, business employment and low-density residential uses. Minimal vegetation exists along the front lot line of the subject property.

The applicant requires variances to facilitate the construction of an industrial warehouse.

**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 are as follows:

The subject property is designated Business Employment on Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of uses, including warehousing.

Variances #2 and 4 pertain to front and centreline setbacks. Staff note that the proposed setbacks are consistent with setbacks found to buildings located on adjacent properties.

Variances #1 and 3 request a reduction in parking. 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 upon its intended use. Municipal Parking staff has reviewed the variance request and provide the following comments:

With respect to Committee of Adjustment application 'A' 446.23, 758, 780 and 788 Southdown Road, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A total of 125 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 208 parking spaces in this instance.

Per the materials provided by the Applicant, a single structure that will be used as a Manufacturing Facility (Multiple-Occupancy Mixed Use Building) is being proposed. The proposed development consists of 8 units and a Gross Floor Area (GFA) of 13,025 square meters. The subject site is located within E2-15 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Manufacturing Facility uses with multiple occupancies located in Parking Precinct 4 require a minimum of 1.6 parking spaces per 100 square meters of non-residential GFA. Therefore, with a proposed GFA of 13,025 square meters, the total minimum required number of parking spaces for the subject property would be 208. The Applicant proposes a total of 125 parking spaces. As such, 208 parking spaces are required whereas 125 parking spaces can be accommodated, which generates a parking deficiency of 83 spaces or 39.9%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant submitted a Transportation Impact Study dated September 15, 2023, prepared by Dillon Consulting Limited. Parking surveys were undertaken from 7 a.m. to 5 p.m. for three days in January and February 2023. The proxy site selected for the survey was based on two buildings with similar types of use and GFA at 2370 and 2340 Meadowvale Boulevard. The results of survey indicate that the peak parking demand was observed on a Tuesday at 3:30 p.m., with a total of 66 occupied parking spaces on site, which represents a utilization rate of 30% and a demand ratio of 0.36 spaces per 100 square meters of non-residential GFA. Compared to the parking ratio at 1.6 spaces per 100 square meters of non-residential GFA as stipulated by the Zoning By-law, the observed peak ratio suggests a lower parking demand for a comparable development.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed 125 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 208 parking spaces in this instance.

Planning staff echo Municipal Parking staff's comments. Through a detailed review of the application, staff is of the opinion that the revised application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed building are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/7012.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

BP RECEIVED, CORRECT VARIANCE

The Building Department is currently processing a building permit application under file IZR SP 23-9383. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 10/06/23 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack: Zoning

Appendix 3 – Region of Peel

Minor Variance: A-23-446M / 758, 780, & 788 Southdown Road

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located within a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14. 17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4- Enbridge

RE: Minor Variance application for 758, 780, and 788 Southdown Rd

Your File #: A446.23

Our Reference #: ENB_R231026-004ON

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquids Pipeline network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We request that this response package is provided in full to the landowner / applicant as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

Description of Application

We understand that this application is a Notice of Public Hearing for a Minor Variance application for 758, 780, 788 Southdown Road, to allow for an industrial warehouse proposing 125 parking spaces; a front yard setback of 7.5m; 5 accessible parking spaces, and a centerline setback of 25m.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed Minor Variance application is within the Pipeline Assessment Area and Prescribed Area of Enbridge pipeline infrastructure.

Assessment & Requirements

Based on a review of the project materials provided the proposed Minor Variance is not likely to have any impacts on Enbridge's nearby liquid pipeline infrastructure, therefore, **Enbridge has expressed no objections to this project as proposed.**

Although Enbridge has expressed no objections to the proposed Minor Variance application at this time, the pipeline is located within both the Pipeline Assessment Area and the Prescribed Area therefore, all the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all future development.

Requirements

1) **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place.

2) **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.

3) **Written Consent from Enbridge is required for ground disturbance within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area"**. For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

4) **Written Consent from Enbridge is required for all above and below ground crossings of the pipeline**. For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

The written authorization request must include:

a. Drawings with cross sections of the proposed roads and verification of the depth of cover from both sides of the road.

b. Drawings should include any new utilities that will cross the right-of-way.

5) **Road Crossings:** Where future development such as a roadway or a parking area is proposed within the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development.

The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.

6) **Subdivision lot lines should not divide the pipeline right-of-way**. Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see **Attachment 02** for details.

7) **Development setbacks** from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.

8) **Landscaping** shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines. Please see **Attachment 02**

for details.

9) **Pathways** shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements. Please see **Attachment 02** for details.

10) **Fencing** should be installed along the identified open space easement. Please see **Attachment 02** for details

11) **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

12) **Notifications of additional development for Class monitoring:** As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**. The pipeline assessment area GIS data can be provided to the municipality upon request to notifications@enbridge.com.

The above requirements are those identified as relevant based on the application materials provided. Additional detail on these requirements and other general development requirements are included in **Attachment 02 | Enbridge Development Requirements**. For additional resources on safe development in proximity of Enbridge's pipeline network please view Enbridge's Public Awareness Brochures or visit the Land Use Planning and Development website.

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to notifications@Enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Comments Prepared by: Zane Davey, Community Planner