

City of Mississauga Department Comments

Date Finalized: 2023-11-15 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B44.23 A368.23 A369.23 Ward: 5
	Meeting date:2023-11-23 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot and easements. The parcel of land has a frontage of approximately 33.62m (approx. 110.30ft) and an area of approximately 4000sq m (43,055sq ft).

A368/23

The applicant requests the Committee to approve a minor variance on the severed lands of application B44/23 proposing:

1. 16 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 20 parking spaces in this instance;
2. A landscaped buffer of 0m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 4.50m (approx. 14.76ft) in this instance; and
3. A drive aisle width of 6.0m (approx. 19.68ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.0m (approx. 23.0ft) in this instance.

A369/23

The applicant requests the Committee to approve a minor variance on the retained lands of application B44/23 proposing:

1. 42 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 52 parking spaces in this instance;
2. A landscaped buffer of 0m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 4.50m (approx. 14.76ft) in this instance; and
3. A drive aisle width of 6.0m (approx. 19.68ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.0m (approx. 23.0ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A368.23 & A369.23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A368.23 & A369.23 shall lapse if the consent application under file B44.23 A368.23 A369.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 2200 & 2210 Drew Road

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 - Employment

Other Applications: None

Site and Area Context

The subject property is located south-east of the Drew Road and Bramalea Road intersection. It currently contains two existing industrial buildings with associated surface parking. The proposed subdivision of land will leave one of the existing buildings on each of the severed and retained lands. Limited landscaping and vegetative elements are present on the subject property. The surrounding area contains multi-tenant industrial spaces and warehouse and distribution facilities.

The applicant is proposing to sever the existing property into two lots, requiring variances for parking deficiencies, reduced landscape buffers and a reduced drive aisle width.



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 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 the 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 and 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 reduced 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' 368.23, 2210 Drew Road, The applicant requests the Committee to approve a minor variance on the severed lands of application B44.23 proposing:

A total of 16 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 20 parking spaces in this instance.

With respect to Committee of Adjustment application 'A' 369.23, 2200 Drew Road, The applicant requests the Committee to approve a minor variance on the retained lands of application B44.23 proposing:

A total of 42 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 52 parking spaces in this instance.

Per the materials provided by the Applicant, the purpose of this application is to sever the existing parcel into two lots at 2200 and 2210 Drew Road without altering the existing buildings. There is one existing building on the retained lot with a Gross Floor Area (GFA) of 4,487.9 m²; and one building on the severed lot with a GFA of 1,717.6 m². Both buildings are proposed to be used as warehouses. The variances are triggered by the proposed severance as it will result parking deficiency on both lots. The subject properties are located in E2 zoning area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, the parking requirements for Warehouse/ Distribution Facility in Parking Precinct 4 are 1.1 spaces per 100 m² GFA - non- residential up to 6,975 m². As a result, the minimum parking requirement for the building on the retained lot should be 49 spaces; and the minimum parking requirement for the building on the severed lot should be 19 spaces. The Applicant proposes 42 parking spaces for the retained lot and 16 spaces for the severed lot, the proposed parking ratio for each lot would be 0.94

space per 100 m² non-residential GFA and 0.93 space per 100 m² non-residential GFA, respectively. As such, the parking deficiency of the retained parcel is 7 spaces or 14%; the parking deficiency of the severed parcel is 3 spaces or 16%.

As the parking deficiencies of both parcels exceed 10%, a Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant provided an updated Parking Utilization Study (PUS) dated October 18, 2023, completed by BA Group. Parking surveys were conducted for six days over a two-week period at the subject site and three proxy sites in May and June 2023. Based on the survey results, the observed peak parking demand rate at the subject site, which was conducted for the severed lot at 2210 Drew Road, was 0.52 space per 100 m² non-residential GFA, with a peak parking utilization rate of 64%. Surveys were also conducted at three proxy sites for the retained lot at 2200 Drew Road. The proxy sites are located at 2222 Drew Road, 7405 Tranmere Drive, and 7635 Kimbel Street. The land use of all proxy sites are Warehouse/ Distribution Facility or Wholesaling Facility, which is consistent with the proposed land use at the subject site. Based on the survey results, the observed peak parking demand rate was 0.94 at 2222 Drew Road with a peak utilization rate of 74%; 0.36 at 7405 Tranmere Drive with a peak utilization rate of 25%; and 0.36 at 7635 Kimbel Street with a peak utilization rate of 23%. The observed peak parking demand rate of 0.52 at 2210 Drew Road appears to be lower than the proposed rate at 0.82 space per 100 m² GFA; the observed peak parking demand rates at the proxy sites also appear to be lower than or equal to the proposed rate at 0.94 space per 100m² GFA for 2200 Drew Road.

Given the above, Municipal Parking staff can support a total of 16 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 20 parking spaces in this instance for the retained parcel; staff can also support a total of 42 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 52 parking spaces in this instance for the severed parcel.

Variance 2 requests a reduction of the landscape buffer. The intent of this portion of the by-law is to ensure an appropriate buffer exists abutting all lot lines and that the on site parking area is separate from the municipal right of way. Staff note a landscaped area is provided within the City's right-of-way allowing for adequate separation from the parking area. The proposed reduction maintains the existing conditions for both the retained and severed parcels.

Variance 3 requests a reduction of the drive aisle width in the front yards of both the retained and severed parcels. While Planning staff are not in a position to interpret the zoning by-law, staff note the severed parcel maintains a 9.6m (31.49ft) drive aisle width and the retained parcel maintains an 8.8m (28.87ft) drive aisle width. Since both of the front yards for the retained and severed parcels maintain a drive aisle width greater than 7.0m (22.96ft), variance 3 is not required. Staff have contacted the applicant for clarification of the proposed variance. The applicant wishes to include the proposed drive aisle width variance to ensure that any future

improvements along the front apron of the building can be facilitated and won't trigger any future variances.

Given the above, planning staff are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

'A' 368/23 and 'A' 369/23 - We note that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 44.23.

This Department has no objections to the applicant's request to sever a parcel of land for the creation of a new lot and establish an access easement, which would allow for a drive aisle, which would serve both properties.

From the information submitted and our site inspection, we note that both the severed parcel (2210 Drew Road) and the residual parcel (2200 Drew Road) contain existing buildings. In this regard, the applicant/owner should be satisfied that there are no existing underground services, which would require private servicing easements. We have not requested an underground servicing plan to confirm the location of any underground services as the applicant has indicated that this application would re-establish the previously created lots.

In view of the above, and should Committee see merit in the applicant's request, we provide the following comment for the Committee's consideration:

A. Item Required Prior to the Issuance of Final Consent

1. Required Access Easement

The applicant/owner will be required to provide a 43R-Plan and letter / schedule prepared by the applicant's Solicitor which would specifically describe the new private access easement to be established. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

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.

Please note that prior to land division zoning clearance being issued the severed and retained lands must 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. Information on how to obtain a land division clearance letter can be found [here](#).

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has reviewed the above noted consent application and has no objections.

If approved, the Parks and Culture Planning Section of the Community Services Department wishes to impose the following condition(s):

1. The applicant shall provide a cash contribution of \$1288.18 for the planting of one (2) street trees on Drew road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Tree preservation hoarding and securities may be required as part of the site plan control process.
2. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. A submission of Fees and Securities form is required to process the payment. Please contact Nicholas Rocchetti to request the Submission of Fees and Securities form and any other inquiries regarding the payment process.
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 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" 368-369/23)
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 November 15, 2023.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 15, 2023.