

City of Mississauga Department Comments

Date Finalized: 2023-11-22	File(s): A31.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-11-30 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a temporary 5 year change of use proposing:

1. To permit a Motor Vehicle Sales, Leasing and/or Rental Facility whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales, Leasing and/or Rental Facility in this instance;
2. To permit no building on the subject site whereas By-law 0225-2007, as amended, requires uses in Office zones to be wholly within a building, structure, or part thereof in this instance;
3. A rear yard setback of 0m whereas By-law 0225-2007, as amended, requires a rear yard setback of 4.5m (approx. 14.76ft) in this instance; and,
4. A parking area comprised of gravel whereas By-law 0225-2007, as amended, requires all parking areas, driveways and loading areas to be comprised of a stable surface such as asphalt, concrete, pervious materials or other hard surfaced materials in this instance.

Background

Property Address: 7114 Hurontario St

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: O2 - Office

Other Applications: Certificate of Occupancy application C 23-5750

Site and Area Context

The subject property is located on the south-west corner of Hurontario Street and Kingsway Drive. The lot is currently vacant and has a lot area of +/- 4,372.68m² (+/-47,067ft²). Limited vegetative elements are present on the subject property, located along the property lines. The surrounding context contains a mix of office and employment uses, as well as vacant lands, with varying built forms on lots of varying sizes.

The applicant is proposing a motor vehicle sales, leasing and/or rental facility use requiring variances to support a temporary change of 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 are as follows:

The subject application was previously before the Committee at the March 30, 2023 and July 20, 2023 hearing. Planning staff recommended refusal both the times as the application did not maintain the general intent or purpose of the zoning by-law, it was not minor in nature, nor did it represent the desirable development of the subject property. Staff continue to note that the

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Mississauga Official Plan has clear policies to discourage the proposed motor vehicle sales, leasing and/or rental facility use along this stretch of Hurontario Street. Further, there is no change in the application since the last hearing and therefore Planning staff maintain the position of the comments dated March 30, 20223 and July 20, 2023 recommending refusal.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

In our initial comments submitted for the March 30, 2023 Hearing we had identified concerns pertaining to any mud tracking which would be generated by the proposed use, which would impact our municipal roadway.

Our comments submitted for the July 20, 2023 Hearing indicated that a Letter from Batory Planning (dated May 3, 2023) had been provided which mentioned the mitigation measures proposed to help alleviate our mud-tracking concerns. In the letter, it indicated that the parking lot is proposed to be gravel and to be fenced in on all sides for security purposes. In addition, the entrance is proposed to be paved within the municipal boulevard and a gravel mud-mat to the City's standards would be provided to prevent any mud tracking onto Kingsway Road.

The May 3, 2023 letter also refers to the Mississauga Standard # 2970.010 Stone Pad Construction Entrance Detail, which this department provided the applicant, which is to be installed. It should also be noted that this measure has been implemented in Metrolinx's construction staging area immediately south of the subject site.

We had also noted in our previous comments that on July 5, 2023 the Planning Department circulated a development application for 7114 Hurontario Street under file PAM 21-112. The PAM application is proposing a 9 storey hotel for the subject lands.

Acknowledging the recent submission of a development application on the subject lands, the temporary mitigation measures being proposed which will help alleviate some of our concerns pertaining to mud-tracking. Should the Committee see merit in the request, we would recommend that a mechanism be in place such as a condition of approval to ensure that the applicant complies with the paving of the municipal boulevard at the entrance to the site and the installation of a gravel mud-mat in accordance with the Mississauga Construction Entrance Detail Standard # 2970.010.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing a Certificate of Occupancy application C 23-5750. Based on review of the information available in this application, we advise that the following variances, as requested, are correct:

2. To permit no building on the subject site whereas By-law 0225-2007, as amended, requires uses in Office zones to be wholly within a building, structure, or part thereof in this instance;
3. A rear yard setback of 0m whereas By-law 0225-2007, as amended, requires a rear yard setback of 4.5m (approx. 14.76ft) in this instance; and,
4. A parking area comprised of gravel whereas By-law 0225-2007, as amended, requires all parking areas, driveways and loading areas to be comprised of a stable surface such as asphalt, concrete, pervious materials or other hard surfaced materials in this instance.

We also 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 application submitted on 05/04/2023. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 3- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4- Metrolinx

7114 Hurontario St - Deferred - A31.23

Metrolinx is in receipt of the minor variance application for 7114 Hurontario St to allow a temporary 5-year change of use to allow a vehicle sales/truck storage use on the site.

- The subject property is located within 60m of the proposed Hazel McCallion LRT (Hurontario LRT) review zone.

- Please note that Metrolinx has engaged in the review of the comprehensive application for the future commercial development of the subject site, currently in the Pre-Application review phase. Any comments previously provided by Metrolinx on the comprehensive application are still applicable at this time.
- Metrolinx has previously provided comments on this minor variance application for the July 20, 2023, hearing. At this time, we re-iterate those comments below:
- Metrolinx's Technical Advisor (TA) has previously reviewed the above site plan application and have limited comments based on the site plan provided.
- At the current time of this minor variance application, TA does not have any significant concerns or comments. However, the developer should coordinate the following with Mobilinx:
 - The proposed landscaping and boulevard elements. The developer should note that Mobilinx will be reinstating the existing access to the site along Hurontario Street as per the project agreement. The developer will be responsible for closing the existing access based on the site plan drawing.
 - The developer should be advised that there is a temporary easement required for grading existing on the subject property.

Construction Coordination Comment

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts:
 - Should construction of the Hurontario LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Comments Prepared by: Farah Faroque, Project Analyst