

# City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A180.24
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the condition. 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 to permit the operation of a banquet hall facility within Units 55, 56, 57 and 58 of the building on the subject property providing for a total of 248 on-site parking spaces and 200 off-site parking spaces provided on the lands municipally known as 3041-3099 Universal Drive, whereas By-law 0225-2007, as amended, requires a minimum of 408 parking spaces on the subject property in this instance.

## Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff request the below condition:

1. The applicant shall provide an Off-site Parking Agreement to the satisfaction of the City for the approval period of Minor Variance File A180.24.

## Background

**Property Address:** 3045 Southcreek Road, Units 55, 56, 57 and 58

## Mississauga Official Plan

Character Area: Dixie Employment Area  
Designation: Business Employment; Greenlands

## Zoning By-law 0225-2007

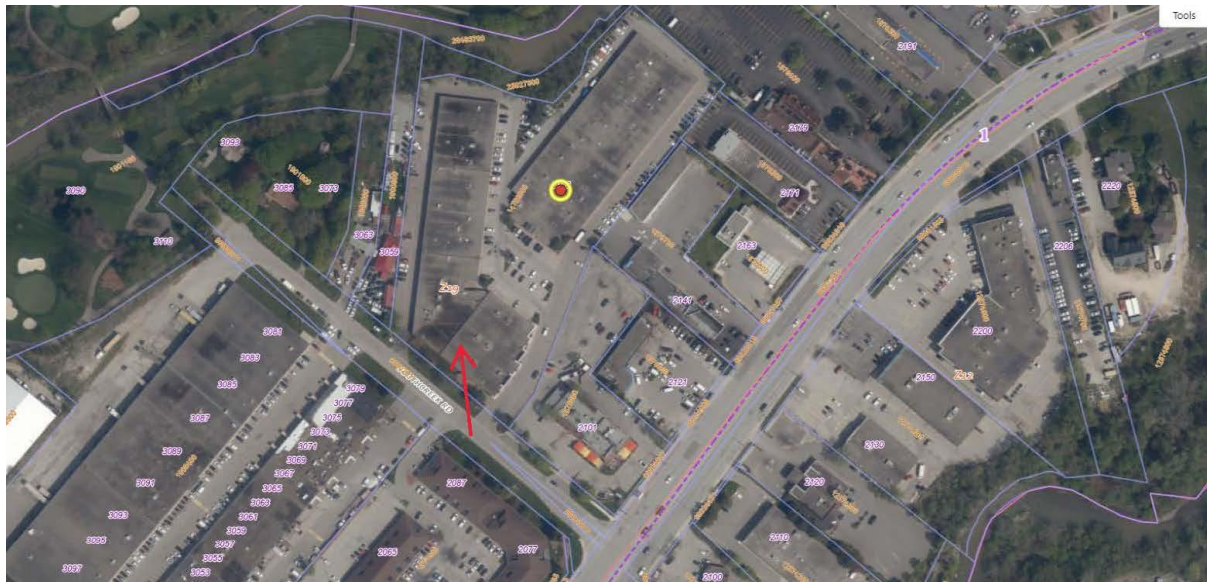
**Zoning:** E2-132- Employment

**Other Applications:** None

### Site and Area Context

The subject property is a multi-tenant commercial plaza located northeast of the Dundas Street East and Southcreek Road intersection. The plaza consists of a number of commercial uses, including a banquet hall, which is the subject of the application. The immediate neighbourhood consists of a mixture of commercial and employment uses. Minimal vegetation exists in the form of urban street trees.

The applicant is proposing a continued use of the banquet hall and have requested a variance for reduced parking.



## 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 located in the Dixie Employment Area (West) Character Area and is designated Business Employment and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations.

Staff note that similar minor variance applications were approved by the Committee of Adjustment subject to conditions, temporarily for a period of 5 years. The previous applications are A163.17, A464.12, A348.7, A383.3 and A18.2.

The previous application A163.17 was approved for a temporary period of 5 years to expire on July 31, 2022 subject to the following conditions:

2. The applicant shall provide a parking attendant at least 45 minutes prior to any functions to direct patrons to parking spaces located wholly with the subject property or the off-site location at 3041-3099 Universal Drive.
3. The hours of operation of the banquet hall shall be restricted to 5.00pm onwards Monday to Friday and all days Saturdays, Sundays and holidays.
4. The applicant shall maintain the Off-site Parking Agreement in good standing for the 5 year temporary approval of Minor Variance File A163.17.

The current application is requesting an extension of the previous approvals, requesting a reduction in the number of parking spaces. 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 have reviewed the variance request and provide the following comments:

Per the materials provided by the applicant, the subject site currently operates as a Banquet Hall with reduced parking spaces on a temporary basis with previous approval from the Committee. The subject site is located within E2-132 Zoning Area, Parking Precinct 3.

Per Section 3.1.2.2 of Mississauga Zoning By-law, Banquet Hall uses located in Parking Precinct 3 require a minimum of 10.8 parking spaces per 100 square meters of non-residential GFA. Staff were not able to locate any information pertaining to the non-residential Gross Floor Area (GFA) of the subject property from materials submitted by the applicant, therefore staff are unable to determine the precise parking requirements for the subject property. Based on the applicant's request, 408 parking spaces are required whereas 248 on-site parking spaces can be accommodated, which generates a parking deficiency of 160 spaces or 39.2%.

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

Staff note that the applicant also proposed 200 off-site parking spaces to be utilized for the business at a neighboring site, a satisfactory Off-Site Parking Agreement is required for parking spaces located outside of the subject site as stipulated by the Parking Study Terms of Reference. However, the applicant did not provide a parking agreement for review.

The use of the City's Off-Site Parking Agreement template allows the City to be a signatory to the agreement and ensures that the dedicated parking is available, good neighbor relations between adjacent property owners are maintained, ensures the public's interests are accounted for, and confirms the agreement remains in place for the requested duration.

In addition, the applicant did not provide an alternative PUS as justification for the proposed parking deficiency. The applicant should refer to the City's Parking Study Terms of Reference for parking justification requirements to be included with a formal submission. The applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed in the absence of a zoning review.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Off-Site Parking Agreement or a satisfactory Parking Utilization Study (PUS).

Notwithstanding the above comments, Planning staff recognize that the current application requests an extension of the previous approvals in principle. Staff also note that the site has been operating in this manor for the past 20+ years without any on-site complaints. Therefore, staff have no concerns with the application, subject to a satisfactory off-site parking agreement.

Comments Prepared by: Shivani Chopra, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

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







Comments Prepared by: Tony Iacobucci

## **Appendix 2 – Zoning Comments**

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit 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.

Comments Prepared by: Minan Song, Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

### **Park Planning**

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not To Be Named (P-491) \*(NE of Dundas St E and Southcreek Rd), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

- a) Ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

In addition, Community Services provides the following notes:

1. If future construction is required, access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

#### **Appendix 4 – TRCA**

**Re: Minor Variance Application – A180.24**  
**3045 Southcreek Road, Units 55, 56, 57 and 58 (Level 1),**  
**Dixie Employment Area, near Dundas Street East and the Etobiocke Creek. City of**  
**Mississauga, Region of Peel**  
**Owner: 2009372 Ontario Inc.**  
**Agent: Keyser Mason Ball, LLP c/o Garathi Khanna**

This letter acknowledges receipt of the subject minor variance application, received on April 8, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application

and the circulated materials listed in Appendix A to this letter in accordance with the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. With respect to Planning Act matters, conservation authorities have a role to 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.

In addition, TRCA staff have also reviewed this application in accordance with Ontario Regulation 41/24. Where development activity is proposed, within a regulated area, a permit is required to ensure that it conforms to the applicable tests for implementation of the regulation.

The subject property is located entirely within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located entirely within the Etobicoke Creek Special Policy Area and the Regulatory Flood Plain associated with a tributary of the Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 41/24 is required from this Authority prior to any development and/or site alteration taking place on the property.

**Etobicoke Creek and Dundas Special Policy Area (SPA):**

Please note that the subject property is located within the provincially approved Etobicoke Creek and Dundas Special Policy Area (SPA), which is within the broader Etobicoke Creek Watershed. The main tributary of the Etobicoke Creek borders the SPA to the north, east and south, with Universal Drive as the western boundary.

The SPA is an area within a community that has historically existed in the floodplain and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry (MNRF) and Municipal Affairs and Housing (MMAH) are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province and are outlined within the City of Mississauga Official Plan.

**Background**

On April 12, 2017, TRCA staff requested deferral of the minor application A163/17 for the purpose of parking on site. Based on the plans submitted as part of this application, it was determined that new openings (i.e. a window and door) had been created on the existing banquet hall facility. A TRCA permit pursuant to Ontario Regulation 166/06 was not obtained or submitted for the works to ensure that the new openings are designed in accordance with SPA floodproofing policies (or a feasible alternative) as outlined in Section 17.4.4.1.1 (Site 1 – Employment Areas – Dixie) of the City's Official Plan.

On August 8, 2017, TRCA staff provided final comments on the minor variance application A 163/17 which noted that even though the requested variances have been approved by the City of Mississauga, TRCA staff still has concerns regarding the vulnerability of the banquet hall (with existing flood risks) during a future flood event.

**Purpose of the Application**



TRCA staff understand that the purpose of Minor Variance Application is to permit the operation of a banquet hall facility within Units 55, 56, 57 and 58 of the building on the subject property providing for a total of 248 on-site parking spaces and 200 off-site parking spaces provided on the lands municipally known as 3041-3099 Universal Drive, whereas By-law 0225-2007, as amended, requires a minimum of 408 parking spaces on the subject property in this instance.

TRCA staff understand there are no new structures or expansion of the building footprint being proposed as part of this application. Instead, it is our understanding that the requested variances are required to facilitate the continued operation of a banquet facility for another 5 years.

### **Application Specific Comments**

We strongly recommend that the applicant work with TRCA staff to find a reasonable and feasible flood protection and emergency management solutions to mitigate existing flood risk and protect the property owner's long-term investment. For instance, TRCA is open to alternative flood management solutions to improve upon the current situation. In general, this would include creating an Emergency Management Plan (EMP), which will be designed to produce a full evacuation procedure to prevent occupants from being trapped in the building once flood waters reach the site. TRCA staff believe that through the implementation of an EMP, the banquet hall facility will be better managed in the event of a flood, thus reducing risk to both property and life. Should the property owner have interest in producing the above noted EMP, they are advised to contact the undersigned so that additional details (including floodplain information) can be provided.

### **Recommendation**

TRCA's staff have **no objection** to support the approval of Minor Variance Application assigned City File No. A180.24 at 3045 Southcreek Road, Units 55, 56, 57 and 58 (Level 1)

Given the location of the subject property within the Regional Storm floodplain and Etobicoke Creek SPA, a TRCA permit pursuant to Ontario Regulation 41/24 will be required prior to any future works on the subject property. Please note that a fee will be required as part of any future permit application, in accordance with [TRCA's development permitting services fee schedule](#). Additional permitting information can be found on the TRCA website: <https://trca.ca/planning-permits/apply-for-a-permit/>

### **Fee**

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,250.00 received on March 28, 2024.

We thank you for the opportunity to comment. We trust these comments are of assistance. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I

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## Appendix 5 – Region of Peel

### **Minor Variance Application: A-24-180M / 3045 Southcreek Road, Units 55, 56, 57 & 58**

Planning: Petrele Francois (905) 791-7800 x3356

#### **Comments:**

- The subject land is located in the regulated area of the CA. We rely on the environmental expertise of the CA 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 City staff consider comments from the CA and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CA.

Comments Prepared by: Petrele Francois, Junior Planner