

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-14 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A328/20 Ward: 11
	Meeting date: 2020-10-22

Consolidated Recommendation

The City has no objection to the variance, as requested, permitting a day care use on the subject property; however, should the Applicant wish to precede with the Zoning Department's amendment, permitting an outdoor play area on the subject lands, the application should be deferred to have the proposal reviewed through the appropriate Site Plan Approval process.

Application Details

The Applicant requests the Committee to approve a minor variance to allow a day care use on the subject property; whereas, By-law 0225-2007, as amended, does not permit such a use, in this instance.

Amendments

The Building Department is currently processing an Occupancy Permit application under file 20-2485. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Notwithstanding the above, it was apparent that the following additional variance(s) may be required:

2. To permit an outdoor play area; whereas, By-law 0225-2007, as amended, does not permit outdoor uses in this zone, in this instance.

Background

Property Address: 6517 Mississauga Road

Mississauga Official Plan

Character Area: Meadowvale Business Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-1 (Employment)

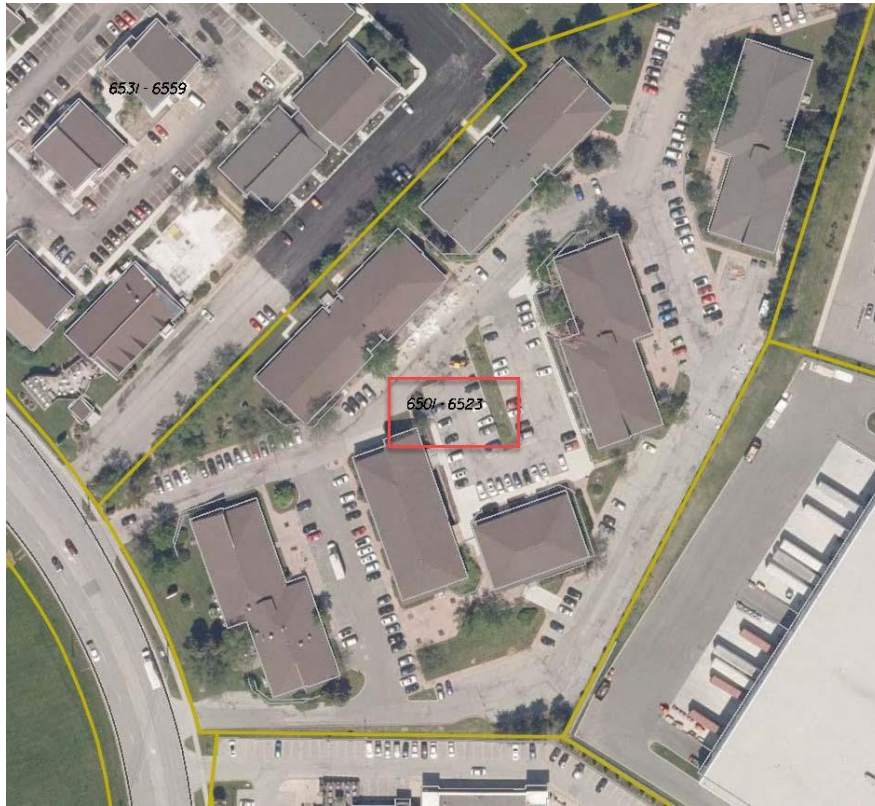
Other Applications:

Occupancy Permit: 20-2485

Site and Area Context

The subject property is located south-east of the Argentia Road and Mississauga Road intersection, and currently houses several one-storey, multi-tenant office buildings, all with shared surface parking. Contextually, the surrounding neighbourhood is comprised predominately of employment and industrial land-uses.

Planning Staff note, an associative minor variance application for a neighbouring structure on this property was brought before Committee as part of the July 11th, 2019 agenda (Application 'A' 265/19), proposing a similar use. This application received full support from Staff, and subsequent approval from Committee.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Meadowvale Business Park Corporate Centre Character Area, and designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.1(a) (Uses Permitted in all Designations), a daycare / day program is a permitted use within this designation. The Applicant's proposal meets the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

As per Zoning By-law 0225-2007, the subject property is zoned E2-1 (Employment). In accordance with Table 8.1.2.1.3 (Uses to be Located within a Building), a daycare use is

permitted as-of-right within this zone, provided such a use represents less than 20% of the total gross floor area of an office building.

Planning Staff note, due to the one-storey nature of the existing building, the Zoning Department has taken the stance that the structure in-question cannot be considered an “office building”, from their perspective.

Pursuant to Section 1.2 (Definitions), an office building is defined as a structure used for the practice of a profession, business, or public administration. Planning Staff note, despite the identified absence of multiple storeys typically associated with a traditional office building from a zoning perspective; the subject lands house several businesses and service establishments across the site as a whole that fall within the above definition. As such, Planning Staff are of the opinion that, while the individual structure may not constitute an “office building” from a technical standpoint, the site displays a distinct office-nature as a result of both the aforementioned business / services provided, as well as the distinct absence of industrial land-uses.

It is the opinion of Planning Staff that the proposed day-care use will not fundamentally change the existing nature of the subject property and that the variance, as requested, can be viewed as maintaining the purpose and general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Considering the preceding information, the Planning and Building Department is of the opinion that, based on the surrounding area and the current uses on the subject property, the proposed daycare is appropriate and does not create a situation of conflicting land uses. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Outdoor Play Area

Planning Staff note, the Applicant has provided updated drawings through their Occupancy Permit Application (20-2485), which seemingly identify an outdoor play, and which do not correspond to the submitted Minor Variance application. As this is not a permitted use, the Zoning Department has amended the Minor Variance application accordingly. Planning Staff note the inclusion of an outdoor play area significantly changes this proposal and necessitates further planning review, specifically in the form of Site Plan Approval.

Should the Applicant wish to proceed with the outdoor play area, this application should be deferred to allow the Urban Design and Development Planning teams the opportunity to review the appropriateness of this proposal.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and

Building Department has no objection to the variance, as requested; however, should the Applicant wish to proceed with the Zoning Department's amendment to permit an outdoor play area, the application should be deferred to have the proposal reviewed through the appropriate Site Plan Approval process.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 328/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing an Occupancy Permit application under file 20-2485. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Notwithstanding the above, it was apparent that the following additional variance(s) may be required:

2. To permit an outdoor play area; whereas, By-law 0225-2007, as amended, does not permit outdoor uses in this zone, in this instance.

Comments Prepared by: Kevin Barry, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the October 22nd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-316/20, A-318/20, A-319/20, A-320/20, A-321/20, A-322/20, A-323/20, A-324/20, A-325/20, A-328/20, A-356/20.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 8243 or by email at diana.guida@peelregion.ca.

Comments Prepared by: Diana Guida, Junior Planner