

# City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A361.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a daycare use on the subject property proposing:

1. A stand alone day care use within the Lester B. Pearson International Airport Operating Area whereas By-law 0225-2007, as amended, only permits an accessory day care use within the Lester B. Pearson International Airport Operating Area in this instance;
2. A portion of the use to be outdoors whereas By-law 0225-2007, as amended, requires all uses in E1 Zones to be located wholly within a building, structure or part thereof in this instance.

## Background

**Property Address:** 5015-5027 Spectrum Way & 5030-5050 Satellite Drive

### Mississauga Official Plan

Character Area: **Airport Corporate Centre**  
Designation: **Business Employment**

### Zoning By-law 0225-2007

**Zoning:** **E1-27-Employment**

**Other Applications:** None

### Site and Area Context

The subject site is located within the Airport Corporate Centre Character Area, northeast of Dixie Road and Eglinton Avenue East intersection. The subject site is approximately 8.22ha (20.31ac) in size and contains commercial and office employment uses in commercial/employment buildings of varying forms and heights. The surrounding area contains employment uses.

The applicant proposes a day care use on the subject property requiring variances to permit a day care use in the Lester B. Pearson Airport Operating Area and a portion of the use to be located outdoors.



## 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 of the four tests to this minor variance request are as follows:

Staff note the stand-alone day care use was approved for the subject property by the Committee of Adjustment on March 21<sup>st</sup>, 2024. While pursuing a Zoning Certificate of Occupancy and Independent Zoning Review for the subject property, zoning staff identified a discrepancy with the previous decision and noted additional variances were required.

The site is located within the Airport Corporate Centre Character Area and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.1

(Uses Permitted in all Designations) community infrastructure, which includes a day care, the proposed use is permitted within lands designated Business Employment.

Variance 1 requests a stand-alone day care use to be located within the Lester B. Pearson Airport Operating Area. Section 6.10.2.4 (Aircraft Noise) prohibits sensitive land uses from operating within the Airport Operating Area, however, permits day care facilities accessory to an employment use on lands located below the 35-noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour. Staff note that the applicant submitted a Noise Impact Study to assess the noise levels for the proposed outdoor play areas and indoor facility which concluded that the location is within acceptable noise exposure range for the proposed use (25-30NEF contour).

As per Zoning By-law 0225-2007, the subject property is zoned E1-27 (Employment), which permits an accessory day care use limited to an area of 600 m<sup>2</sup> (6458.35 ft<sup>2</sup>). The applicant is proposing a stand-alone day care use with an area of 580.45 m<sup>2</sup> (6248 ft<sup>2</sup>). Staff note that the proposed use is within the maximum permissible area regulations for an accessory day care use and that the variance is purely technical in nature by permitting it as a stand-alone use. Staff are satisfied that the proposed standalone day care use is consistent with the permitted uses on the subject lands and that the location is within an acceptable noise exposure range.

Variance 2 requests a portion of the use to be located outdoors. Staff note the proposed OLAs are internal to the site and would not be visible from either Eglinton Avenue or Satellite Drive. The applicant has noted the outdoor component of the day care use will provide recreation opportunities for children under the care of the operator and is a typical function of the day care use. Staff also note the noise guidelines of Ontario's Ministry of the Environment, Conservation and Parks (MECP) recommend outdoor living areas (OLA) should not exceed 55dBA due to road traffic noise. The results of the Noise Study submitted by the applicant indicate that the proposed south OLA directly exposed to road traffic will exceed 55dBA during the daytime by 2dBA. Transportation and Works staff have reviewed the Noise Study and note no concerns. Staff are satisfied that the portion of the day care use located outdoors through the proposed OLAs will have limited impacts to abutting units, no impacts to the streetscape or surrounding area and will not negatively impact the functionality of the site for employment uses.

Planning staff are therefore of the opinion that the proposal 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

This Department has no objections to the applicant's request.





Comments Prepared by: Tony Iacobucci, Development Engineering

## Appendix 2 – Zoning Comments

The Building Division is processing Certificate of Occupancy (C 24-1571) and an Independent Zoning Review (IZR SP 23-10343) applications. Based on the review of the information available in this application, the requested variance no. 1 is correct. However, we also advise that following amendment is required for variance no. 2:

2. An outdoor playground, which is a portion of the day care use, is to be outdoors whereas By-law 0225-2007, as amended, requires all uses in E1 Zones to be located wholly within a building, structure or part thereof in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Jeanine Benitez, Zoning Examiner



### Appendix 3 – Parks, Forestry & Environment

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

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

### Appendix 4 – Region of Peel

#### Minor Variance Application: A-24-361M / 5015-5027 Spectrum Way & 5030-5050 Satellite Drive

Planning: Petrele Francois (905) 791-7800 x3356

#### Comments:

- We acknowledge that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP), within a Provincially Significant Employment Zone (F-12) and the Spectrum MTSA - which is required to be planned to achieve a minimum density of 160 persons and jobs per hectare, as per Table 5 of the RPOP. Regional staff encourage the applicant to work with the City to address the appropriate mix of land uses, land use compatibility with nearby employment lands, and appropriate consideration to municipally initiated studies and recommendations that support the requirements of the policies found in s.5.6.19 as well as s.5.8 of the RPOP.

Comments Prepared by: Petrele Francois, Junior Planner