

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A390.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 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 change of use proposing:

1. A day care use on the subject property whereas By-law 0225-2007, as amended, does not permit a day care use on the subject property in this instance;
2. A commercial kitchen permitted in the subject property whereas By-law 0225-2007, as amended, does not permit a commercial kitchen in the subject property in this instance.

Background

Property Address: 2562 Stanfield Rd

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

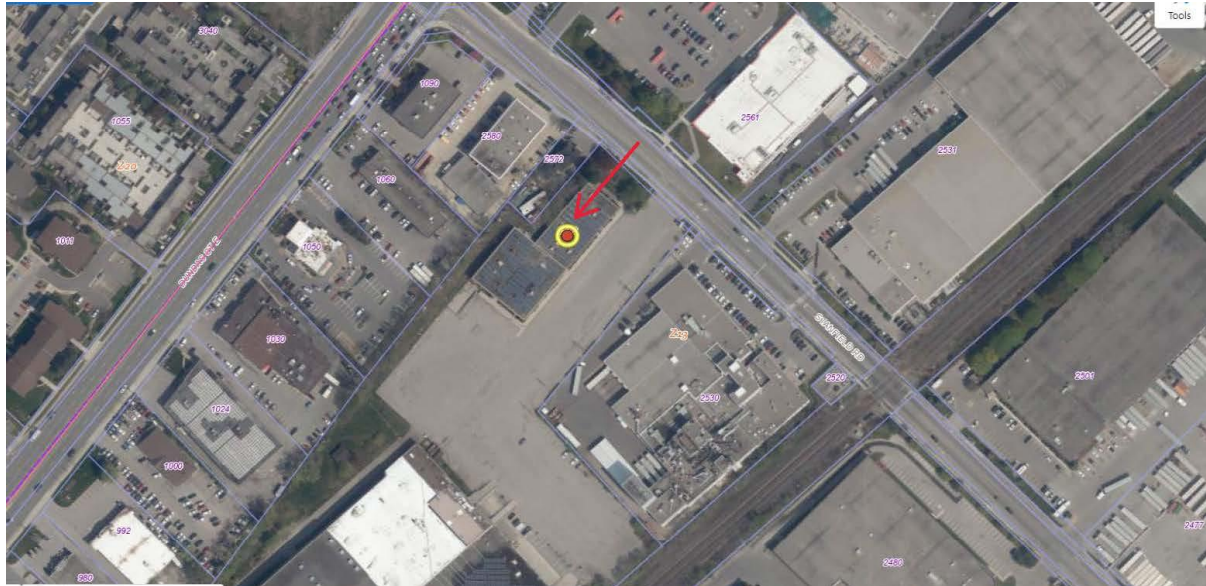
Zoning: E2-131

Other Applications: None

Site and Area Context

The subject property is located in the Dixie Employment Area, southwest of the Dundas Street East and Dixie Road intersection. The immediate area consists of a variety of uses including commercial, employment and industrial. The subject property currently contains a vacant warehouse building with minimal vegetation in the form of urban street trees.

The application is proposing a day care and commercial kitchen requiring variances for the 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 property is located in the Dixie Employment Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of uses. Schedule 11.2.1 of the official plan permits Community Infrastructure in all designations, except for Greenlands and staff note that a daycare is considered Community Infrastructure.

Staff note there are policies in the MOP that are applicable to the subject application and are stated below:

5.1.8 Mississauga will protect employment lands to allow for a diversity of employment uses.

5.3.6.5. Conversion of lands within Employment Areas will only be permitted through a municipal comprehensive review.

7.4.2 The preferred location for community infrastructure will be within the Downtown, Major Nodes, Community Nodes and Corridors. Where appropriate, community infrastructure may also be located within Neighbourhoods and Corporate Centres. Community infrastructure will generally not be located within Employment Areas.

10.3.2 Mississauga will protect lands within Employment Areas for industrial uses.

10.3.3 Development will minimize land use conflicts between industrial uses and sensitive land uses.

10.3.4 Within Employment Areas, Mississauga will support the continued operation of existing industrial uses and discourage employment uses and sensitive land uses in the vicinity of existing industrial land uses that would:

- c. inhibit the development of designated industrial lands for the purposes permitted by this Plan.

Further, the Provincial Policy Statement which has significant regard for employment areas and contains certain policies that are applicable in this instance, including the following:

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

1.3.2.2 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Given the preceding policies, staff are of the opinion that the overall intent of MOP is to preserve and protect Employment Areas and to prevent the location of sensitive land uses in areas where negative impacts will be imposed and to dedicate and preserve lands for higher order industry and employment purposes.

Variances #1 and #2 request a day care and commercial kitchen use in an employment zone. The applicant confirmed that the commercial kitchen use is to support the daycare use. Staff note that through discussions with Zoning staff, it has been identified that a commercial kitchen is not defined in the Zoning by-law. As such, staff are unable to comment on the accuracy of Variance #2.

Section 2.1.9.4 of the Zoning By-law sets out general regulations for daycare uses. The use is allowed in multiple zoning categories; however, employment zones have been specifically excluded from the list of permitted zones. Daycares represent sensitive uses that may undermine the intended use and functionality of the surrounding area and are generally not compatible with industrial uses found in the area. In this instance, the Dixie Employment Area

contains a mixture of employment and heavy industrial uses that could be frustrated when obtaining or renewing Ministry of Environment certifications.

As such, Planning staff are of the opinion that the intent and purpose of the zoning by-law is not maintained by permitting uses not contemplated by the zone category.

Given the above, staff are of the opinion that the application fails to maintain the general intent and purpose of both the official plan and zoning by-law. Staff are of the opinion that the proposal does not represent an appropriate use of the subject lands and is not minor in nature. Staff therefore recommend that the application be refused.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are photos of the outside of the building where the day care is proposed. We have no concerns.

Comments Prepared by: John Salvino, Development Engineering Technologist









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.

We note that a Building Permit is required. In the absence of a Building 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: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or 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.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance Application: A-24-390M / 2562 Stanfield Road

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject site is located within a Provincially Significant Employment Zone (F-12). Regional staff encourage the applicant to work with the City to address the appropriate mix of land uses and land use compatibility.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 2560 Stanfield Road to approve a minor variance to allow a change of use proposing:

- A day care use on the subject property whereas By-law 0225-2007, as amended, does not permit a day care use on the subject property in this instance;
- A kitchen permitted in the subject property whereas By-law 0225-2007, as amended, does not permit a kitchen in the subject property in this instance.

As circulated on August 13th, 2024, and to be heard at Public Hearing on September 12th, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Canadian Pacific (CP) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The subject property is adjacent to the Metrolinx proposed Dundas BRT alignment.

GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com and farah.faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the

vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

- **Warning:** Metrolinx and its assigns and successors in interest has or will have transit infrastructure within 75 metres of the subject land. There may or will be alterations to the transit facilities, including the transit infrastructure and the possibility that Metrolinx or any transit operator entering into an agreement with Metrolinx to use the transit infrastructure or their assigns or successors as aforesaid may expand or alter their operations. Said operations may result in the discharge, emitting, releasing or venting at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind from the transit infrastructure which may affect the environment of the occupants in the vicinity notwithstanding the inclusion of control features in the design of the development and individual lot, blocks, or units.

Comments Prepared by: Jenna Auger, Third Party Project