

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-10-30	File(s): B65.24 A489.24 A490.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/7/2024 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent and associated minor variance applications.

Application Details

B65/24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot and the creation of easements. The parcel of land has a frontage of approximately 12.00m (approx. 39.37ft) and an area of approximately 11534.00sq. m (approx. 124151.98sq ft).

A489/24

The applicant requests the Committee to approve a minor variance for the severed lands of B65/24 proposing:

1. A lot frontage of 12.00m (approx. 39.37ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance;
2. An interior side yard setback of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A rear yard setback of 6.50m (approx. 21.33ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,
4. 139 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 171 parking spaces in this instance.

A490/24

The applicant requests the Committee to approve a minor variance for the retained lands of B65/24 proposing an interior side yard setback of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (approx. 24.61ft) in this instance.

Recommended Conditions and/or Terms of Consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A489.24 & A490.24 must be finalized.

Recommended Conditions and/or Terms of Minor Variance

- Variance(s) approved under file(s) A489.24 & A490.24 shall lapse if the consent application under file B65.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 6865 Northwest Dr, 6815, 6795, & 6775 Airport Rd

Mississauga Official Plan

Character Area: Northeast Employment Area (East)
Designation: Business Employment

Zoning By-law 0225-2007

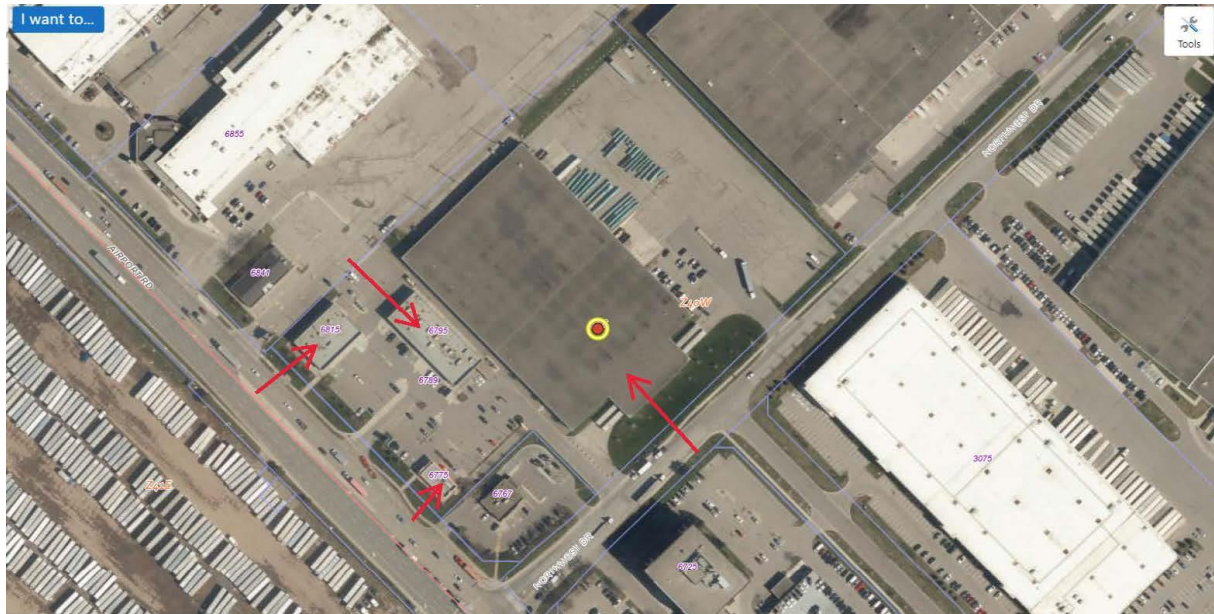
Zoning: E2-38 -Employment

Other Applications: PREAPP 24-2720

Site and Area Context

The subject property is located north-east of the Airport Road and Northwest Drive intersection in the Northeast Employment Character Area (East). It is an interior lot containing three one-storey multi-tenant commercial retail buildings and a one-storey warehouse building. The three one-storey multi-tenant commercial retail buildings will be located on the severed parcel (western portion), whereas the one-storey warehouse building will be located on the retained parcel (eastern portion), as per the proposed consent application. Limited landscaping and vegetative elements are present on the subject property. The surrounding area consists of industrial, retail and office uses on varied lot sizes.

The applicant is proposing to sever the existing property into two lots requiring variances for lot frontage, parking deficiency and rear and side yard setbacks.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2024 (PPS 2024) promotes efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Staff comments concerning the application are as follows:

The applicant is proposing to sever the existing property, creating a total of two new lots. Staff note there is no additional development proposed on the subject property, as the consent and minor variance application pertain to existing conditions on the site.

The subject property is located in the Northeast Employment Area (West) and is designated Business Employment. This designation permits a variety of employment and industrial uses. Staff are satisfied that the proposed lots are appropriate to facilitate the use envisioned in the official plan.

Staff are satisfied that the application is consistent with the official plan, as the severed lot and retained lands will provide adequately sized lots for the existing buildings. No minor variances are required for lot area. Staff are satisfied that the proposal will not negatively impact the area's lot fabric. Furthermore, staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act, as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

In addition to the proposed consent application, the applicant is requesting minor variances for to legalize the existing conditions for both the severed and retained parcels. The severed lands, municipally known as 6815, 6795 and 6775 Airport Road, require variances for reduced lot frontage, rear and side yard setbacks as well as a parking deficiency. The retained lands, municipally known as 6865 Northwest Drive, requires a variance for reduced side yard setback.

Variance 1 for the severed lands pertains to a reduced lot frontage. The intent of the lot frontage provision is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Planning staff note this variance is technical in nature, as the subject property is a key-shaped lot, and the frontage is measured at the shared access point, located from Northwest Drive, for both subject parcels. Staff note the severed lands incur a total frontage of approximately +/- 133.39m (437.63ft) along Airport Road with an additional access point to the site. Staff further note there is no minor variance proposed for lot area. Staff are satisfied that the lot fits appropriately into the character of the surrounding area and are complementary to the existing lot fabric.

Variances 2 and 3 for the severed lands request reduced rear and side yard setbacks. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between primary structures on adjoining properties, appropriate drainage patterns can be maintained and that access to the rear and side yard ultimately remains unencumbered. Staff are satisfied that the proposed rear and side yard reductions will not negatively impact the abutting property or the current drainage patterns. Staff note the reduced side yard setback is triggered due to the new property line proposed by the consent application, while the proposed rear yard setback is an existing condition that is being legalized through the minor variance application. Furthermore, staff note similar setbacks are prevalent with other buildings in the immediate area.

Variance 4 for the severed lands proposed a reduction in the required 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 on its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'B' 65/24, 'A' 489/24, and 'A' 490/24, 6865 Northwest Drive and 6815, 6795, and 6775 Airport Road, the Applicant is

requesting the Committee to approve a minor variance for the severed lands of 'B' 65/24 proposing:

1. 139 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 171 parking spaces in this instance.

Per the submitted site plan, issued August 22, 2024, the Applicant has 139 existing parking spaces on-site. A variety of convenience restaurant uses presently operate within the three multi-tenant commercial buildings.

A Parking Utilization Study (PUS), prepared by BA Group, dated June 24, 2024, was submitted in support of the application. The purpose of the PUS is to provide justification to reduce the required Precinct 3 convenience restaurant parking rate from 9.0 parking spaces per 100 m² GFA – non-residential to 6.97 parking spaces per 100 m², in this instance. Per the submitted materials, 139 parking spaces are proposed, whereas 171 parking spaces are required. This is a 32-parking space or 19% deficiency.

BA Group undertook 6 days of parking surveys of the subject site in April 2024. Total occupied GFA at the time was 1,553 m² out of an available 1,993 m² GFA. The observed peak demand of occupied GFA was 6.12 parking spaces per 100 m² GFA, or 95 parking spaces. Municipal Parking staff applied the applicable zoning by-law parking rate of 9.0 parking spaces per 100 m² GFA to the 440 m² GFA of unoccupied space, resulting in an additional 40 parking spaces. The overall parking need in this instance is 135 parking spaces, whereas 139 parking spaces are available.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed parking reduction to permit a total of 139 parking spaces whereas By-law 0225-2007, as amended, requires a total of 171 parking spaces in this instance.

Planning staff echo Municipal Parking staff's comments and are of the opinion that the proposed parking deficiency is appropriate for the subject property.

Variance 1 for the retained lands requests a reduced side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the primary structures on adjoining properties and appropriate drainage patterns can be maintained. Staff note the reduced side yard setback is triggered due to the new property line proposed by the consent application. Staff are of the opinion that the proposed side yard reduction will not negatively impact the abutting property and maintains an adequate buffer between primary structures.

Given the above, Planning staff are therefore satisfied 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 where the intent is to create a new lot and register storm service and shared access easements. As indicated in the information submitted the owner wishes to sever the industrial warehouse portion of the site (6865 Northwest Drive) from the restaurant retail portion (6815,6795 and 6775 Airport Road), register appropriate easements and maintain a secondary access off Northwest Drive to be shared between the properties.

The Severance Plan submitted (Site Plan DWG A100) prepared for Triovest depicts the location of the proposed storm and shared access easements which we find are in an acceptable location. An existing Survey Plan prepared by J.D. Barnes Ontario Land Surveyors has also been provided which has been helpful in our review of this application and we anticipate a 43R-Plan will be provided.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Solicitor Letter Addressing Required Easement(s)

In addition to the submitted material, the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe all new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site-specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. can be addressed.

Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

The Building Division is processing Preliminary Zoning Review application PREAPP 24-2720. Based on the review of the information available in this application, the requested variances are correct.

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: Alana Zheng, Supervisor Zoning Examination

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks & Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Appendix 4 – Region of Peel Comments

Applications: B-24-065M, A-24-489M, A-24-490M / 6865 Northwest Dr., 6815, 6795 & 6775 Airport Road

Transportation Development: Harsh Bansal (harsh.bansal@peelregion.ca) | (905) 791-7800

Comments:

- The Region requests the gratuitous dedication of lands along Regional Road 7 Airport Road (right of way of 50.5m), 25.25m from the centerline of the road allowance and within 245m of an intersection to protect for the provision of but not limited to: utilities, sidewalks, multiuse pathways, and transit bay/shelters.
- The Region will require the gratuitous dedication of a 0.3m reserve along the frontage of Airport Road behind the property line, lifted over any approved access.
- The applicant shall gratuitously dedicate these lands to the Region, free and clear of all encumbrances, and shall provide the Region with the necessary title documents and reference plan(s) to confirm the Region's right-of-way. All costs associated with land transfer are the responsibility of the applicant.
- The Region will review the access configuration in terms of auxiliary right turn lane, auxiliary right turn lane may be required to be updated.

Conditions:

- Satisfactory arrangements shall be made between the owner and the Region regarding land dedication and access configuration.

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)|(905) 791-7800 x3602

Comments:

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

Conditions:

Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 489-490/24)
4. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 23, 2024.

NOTE:

Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.