

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A542.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the conditions. The applicant may wish to defer the application to verify the accuracy of the requested variance.

Application Details

The applicants request the Committee to approve a minor variance to allow all permitted uses within C1-C4 zones on the subject property whereas By-law 0050-2013, as amended, does not permit such uses in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the application, staff recommend the following conditions to be added to the application:

1. The application be approved for a temporary period.
2. No residential uses shall be permitted on the subject property.

Background

Property Address: 99 Rathburn Rd W

Mississauga Official Plan

Character Area: Downtown Core
Designation: Office

Zoning By-law 0225-2007

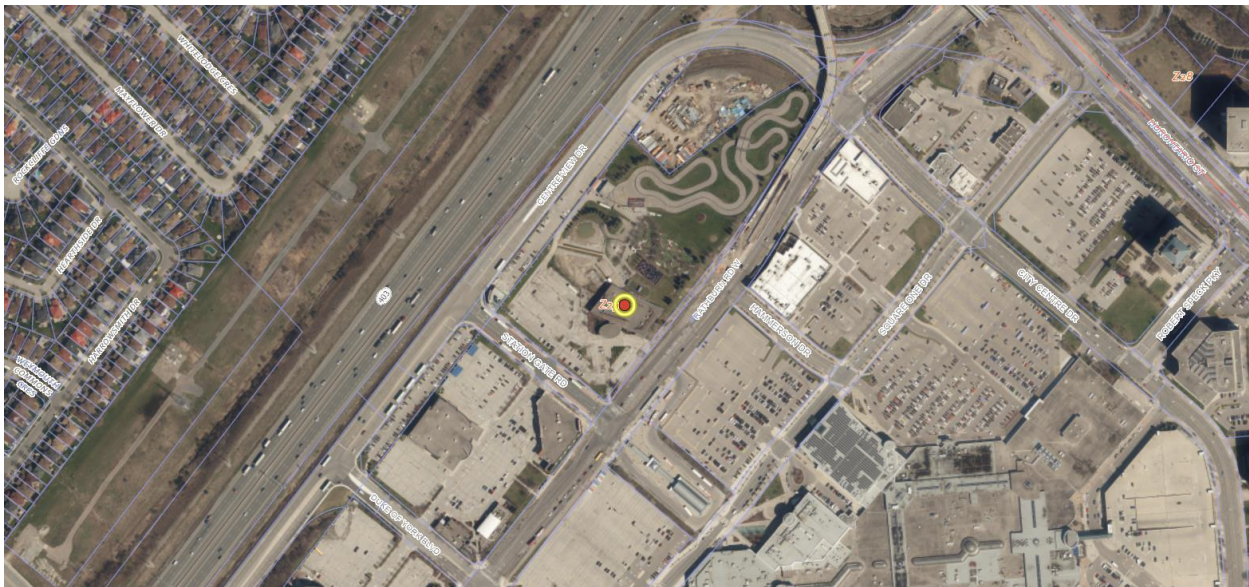
Zoning: H-CCO - Commercial

Other Applications: None

Site and Area Context

The subject property is located within the Downtown Core Character Area, in the northeast quadrant of Rathburn Road West and Station Gate Road. The surrounding area contains a mix of uses, including commercial and institutional. Square One Shopping Centre is located south of the subject property. The subject property contains a commercial use, previously known as 'Playdium'.

Through a City initiated zoning by-law amendment, the subject property was rezoned to H-CCO (Downtown Core - Office). The previous zoning category was H-CC1 (City Centre – Retail Core Commercial) which permitted C1-C4 (Commercial) uses. The newly adopted zoning classification does not permit C1-C4 uses as primary uses such as retail, restaurants, entertainment/recreational establishments, among other uses. The applicant is requesting that C1-C4 uses be temporarily permitted to operate on the subject property.



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:

On January 14th, 2021, a minor variance application (A7.21) to permit the same variances noted above was approved by the Committee of Adjustment for a temporary period of 4 years. The applicant is seeking an extension of the previous approvals. There are no proposed changes to the existing site conditions and/or operations.

The subject lands are designated Office in Schedule 10 of the Mississauga Official Plan (MOP). The Office designation in the official plan only permits office, secondary office, and accessory uses. The Downtown Local Area Plan also permits a hospital and post-secondary facilities. The zoning by-law permits similar uses to the official plan as well as some accessory uses that are permitted within the C1-C4 zones. The proposed variance would be temporary and any new uses would be required to operate within the legally existing buildings and structures. Alterations can be made to the existing buildings and structures as long as it does not result in an increase in gross floor area – non-residential or the addition of required parking to support the uses. As such, new buildings and structures are not be permitted on the lands. Staff note the C4 zone permits residential uses such as an apartment and a dwelling unit to be located above the first storey of a commercial building. Staff are supportive of the commercial, service, office, hospitality and entertainment/recreation uses that are permitted in the C1-C4 zones on a temporary basis, however would not support any proposed residential uses on the subject property. The proposed variance maintains the existing vibrant context of the surrounding area and does not preclude the overall vision of the site from being developed in the future.

Planning staff note the variance is technical in nature and are satisfied that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and contributes to orderly development on 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 to allow the previously permitted uses on a temporary basis for the existing buildings at 99 Rathbun Road West, also referred to the Square One Lands (Blocks 15,16 & 17).





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Crystal Abainza, Zoning Examiner

Appendix 3 – Region of Peel Comments

Minor Variance Application: A-24-542M / 99 Rathburn Road W

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800
x6019

Comments:

- Any changes to the underground servicing will require review by Region of Peel Servicing Connections. Region of Peel site servicing connection approvals are required prior to the local municipality issuing building permit.
- According to the Region of Peel's Water Design Criteria 2.1, commercial areas require a minimum watermain mainline diameter of 300mm for servicing. Please be advised that to adequately service the proposed uses, the 150mm watermain on Station Gate may be required to be upgraded to a 300mm watermain at the time of development.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 99 Rathburn Rd W to allow all the interim temporary uses as permitted uses for a 5-year period, within C1-C4 zones on the subject property whereas By-law 0050-2013, as amended, does not permit such uses in this instance. This is to enable the Developer to utilize the existing buildings/use in the interim prior to the planned redevelopment of the site.

All as circulated on November 13, 2024, and to be heard at Public Hearing on December 12, 2024, at 1:00 PM.

Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent to Metrolinx lands retained for the proposed Hazel McCallion LRT (HMLRT) (formerly Hurontario LRT).
- The subject property is located adjacent to the Mississauga- Square One GO Bus Terminal Station.

GO BUS & LRT– ADVISORY COMMENTS

- Be advised Metrolinx is a stakeholder that has previously provided comments on the comprehensive development application. Any previous comments/requirements from Metrolinx and/or our Technical Advisor are still applicable.
- We understand no changes to the existing buildings are proposed at this time.

- As the variances are technical in nature to extend the existing uses on a temporary basis and no new development is contemplated at this time, Metrolinx has no major concerns with the specified variances should the Committee grant approval.
- Please continue to engage Metrolinx as the development progresses.

Should you have any questions or concerns, please contact Farah.Faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – MTO Comments

Re: Committee of Adjustment – 12 December 2024 @ 1:00 PM

1. **99 Rathburn Rd W** – Minor Variance
2. **189, 199, 209, 219 Rathburn Rd W** – Minor Variance

The subject sites described above appear to be located within the MTO Permit Control Area for Highway 403, as a result, the applicant(s) should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works.

Information regarding the application process, forms and the policy can be found at the link: <https://www.ontario.ca/page/highway-corridor-management>

Comments Prepared by: Nicole Hajjar, Corridor Management Officer