

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A446.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to permit a nutritional supplement store in a separate building and as an accessory to a fitness centre located within the same commercial development whereas By-law 0225-2007, as amended, requires that accessory retail sales be located within the same building as a permitted use and must only offer products that are produced on site.

Background

Property Address: 90 Annagem Blvd

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E1-15 - Employment

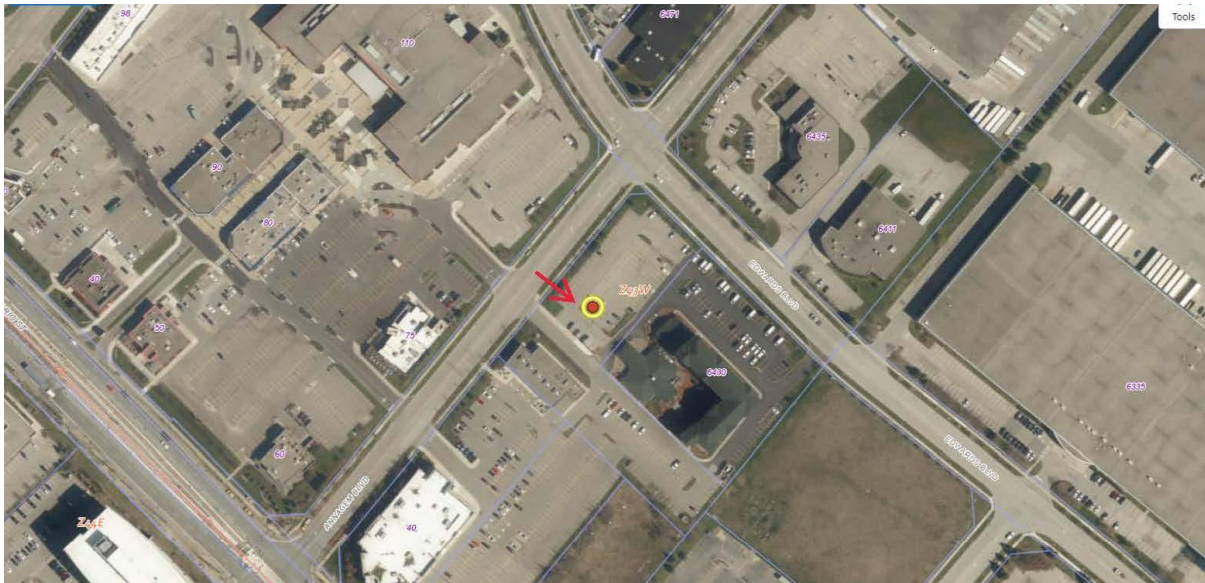
Other Applications: None

Site and Area Context

The subject property is located along the south side of Annagem Boulevard, east of the Hurontario Street and Annagem Boulevard intersection in the Gateway Corporate Centre

Character Area. It contains a one-storey multi-tenant building, along with associate surface parking lots. Landscaping and vegetative elements are generally limited to the Annagem street frontage. The surrounding area context includes a mix of office, employment and commercial uses with varying built forms and lot sizes.

The applicant is proposing to permit uses accessory to a permitted use on the subject property requiring a variance for the location outside of the same unit as the principal use permitted and offering products that are not produced on site.



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:

In 2010, the City of Mississauga rezoned this portion of the Hurontario Street Corridor (BL 0121-2020) from a variety of site-specific E1 and E2 employment zones to various O2 and O3 office zones to encourage more office employment along the corridor. This resulted in a zone change for the portion of the site containing the fitness centre from the E1-15 zone to the O3-4 zone while the subject property remained within the E1-15 zone.

The subject property is located in the Gateway Corporate Centre Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation does not permit retail stores but permits accessory uses. Understanding that this

retail use is in a separate building and requires its own independent zoning certificate of occupancy permit, it will be considered as a stand-alone principal use on the site.

Staff note there is no proposed buildings or construction in the proposal. As per Section 8.1.3.1 of the zoning by-law, accessory retail sales or display are permitted in Employment zones only if those products are manufactured within a manufacturing facility, wholesaled within a wholesaling facility or distributed from a warehouse/distribution facility. Additionally, the accessory retail sales area must be located within the same unit as the principal permitted use. Staff note the proposed accessory retail sales products are not manufactured on site, and are not located within the same unit as the principal permitted use.

Given the preceding information, staff are of the opinion the intent and purpose of the official plan and zoning by-law are not maintained by permitting a use not contemplated by the zone category, and that the four tests of a minor variance are not met in this instance.

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

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.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 90 Annagem Blvd to permit a nutritional supplement store in a separate building and as an accessory to a fitness centre located within the same commercial development whereas By-law 0225-2007, as amended, requires that accessory retail sales be located within the same building as a permitted use and must only offer products that are produced on site. All as circulated on September 27, 2024, and to be heard at Public Hearing on October 24, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

LRT – ADVISORY COMMENTS

- The subject property is located within the Municipal Consent and Roadway Coordination review zone of Metrolinx's Hazel McCallion LRT (formerly Hurontario LRT).
- At this stage Metrolinx doesn't have any major comments but any work within Metrolinx ROW or within 60 m of the Hazel McCallion LRT will require approval and coordination with Metrolinx through circulation by the City of Mississauga.

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner