

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-01-17	File(s): A572.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/23/2025 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred to submit the required documentation.

Application Details

The applicant requests the Committee to approve a minor variance for a parking reduction proposing 109 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 139 parking spaces in this instance.

Background

Property Address: 5127 -5171 Tomken Rd

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2 - Employment

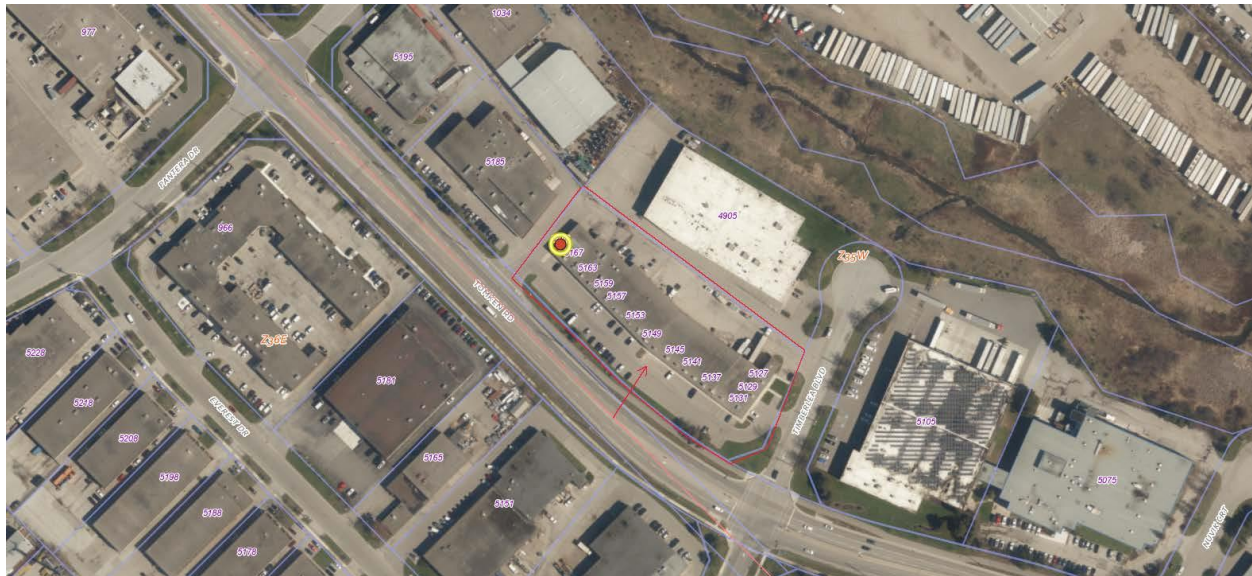
Other Applications: None

Site and Area Context

The subject property is located on the north-east corner of the Tomken Road and Timberlea Boulevard intersection in the Northeast Employment Character Area. It is a corner lot containing a single storey multi-tenant industrial building with an associated surface parking lot. Limited

landscaping and vegetative elements are present throughout the subject property. The surrounding area is exclusively employment, consisting of single storey industrial buildings on varied sized lots.

The applicant is proposing a change of use, requiring a variance for a parking deficiency.



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:

The proposed variances requests a reduction in the total number of 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 upon 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 'A' 572/24, Units 16-18 5127-5171 Tomken Road, the applicant is requesting to approve a minor variance to allow:

- 109 parking spaces on the subject property whereas By-law 0225-2007, as amended, requires a minimum of 139 parking spaces in this instance.

A change in land use is proposed from the current warehouse/office facility to recreation/school/recreation facilities.

Zoning has confirmed that in the absence of a development application, they are unable to confirm the accuracy of the information provided or determine whether additional variance(s) may be required. Should Zoning deem the variance as correct through a proper review of document submissions, the application is proposing a 21% parking deficiency on-site.

The applicant submitted a Parking Justification Report (PJR) prepared by Tunio Developments Inc. in support of the application. Tunio Developments Inc. had not correspondence with the City's Municipal Parking staff to obtain approval on surveying parameters.

The submitted report noted that a survey was carried out at the subject property 5127-5171 Tomken Road on the following days:

- Friday, October 18, 2024 from:
 - 11 a.m. – 1 p.m.
 - 2 p.m. – 4 p.m.
 - 5 p.m. – 7 p.m.
- Saturday, October 19, 2024 from:
 - 11 a.m. – 1 p.m.
 - 2 p.m. – 4p.m.
 - 5 p.m. – 7 p.m.

The report notes that a total of 109 stalls are available for the plaza although it notes that 139 parking spaces could be available should demand for parking increase.

Staff are seeking clarifications and revisions to concerning matters that have not been addressed within the report:

1. The City's Parking Terms of Reference (ToR) stipulates that surveying should occur two to three days per week for two consecutive weeks and observations made every half-hour during business hours. In order for enough data to be collected for staff to compile a sound planning recommendation, a minimum of 4-days surveying is required; the report notes only 2-days were surveyed.
2. It is unclear what the current parking demands truly are for the site in its entirety; staff require data for all uses on the surveyed site to determine the number of occupied spaces overall during the hours of operation of the new uses proposed. This data will validate whether there were any restrictions or

limitations on-site and if at any point there is 100% parking space utilization at the plaza.

3. It is unclear what the intervals were for the parking survey that was collected.
4. Illegally parked vehicles were not addressed within the report; staff are seeking to understand whether there were any observed illegally parked vehicles i.e. cars parking where there is not a proper vehicle parking spot, or in fire routes? Etc.
5. Appendix does not include the raw data of the surveying counts for staff to analyze and review.
6. The consultant also had not tabulated the surveying results to include number of cars in each interval time related to the total occupied GFA to determine the observed demand ratio per 100m² GFA.
7. It is unclear in what circumstances 139 parking spaces (an additional 30-parking spaces) could be provided on the subject site: would the truck turning radii be affected? Would accessible parking spaces be taken away? Would any fire routes be impacted? Would the circulation of the site change? Etc.
8. The report alluded to parking spaces being available for employees in the back of the building; it is unclear whether these spaces are designated specifically for employees only? More details are required about these parking spaces.
9. ITE Parking Generation 5th Edition Manual is not appropriate justification to use; primary information should be appropriate surveying within Mississauga.

An undersupply of spaces may compromise access and circulation and create overspill problems for adjacent uses. There is no available on-street parking, nor public parking around 5127-5171 Tomken Road. Staff have concerns with the submitted supporting documents and without having all the adequate information, as stipulated above, staff are unable to make a sound planning recommendation at this time. It is important for the supply of parking to be provided adequately on-site according with the use's demands.

Staff recommend the application be deferred, pending the resubmission of a satisfactory Parking Utilization Study (PUS).

- Please refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal resubmission.
 - The consultant should confirm the survey methodology with staff prior to conducting parking surveys. Detailed requirements are found in the above hyperlink, under the City's Parking Terms of Reference.

Planning staff echo Municipal Parking staff's comments and therefore recommend that the application be deferred to allow the applicant to submit the requested information.

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

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

We have no comments or objections to the application.

Comments Prepared by: Petrele Francois, Junior Planner