

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-20	File(s): A150.23
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/27/2025 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 allow a mobile business office proposing:

1. A FSI of 0.03 whereas By-law 0225-2007, as amended, requires a minimum FSI of 0.50 in this instance;
2. A 1 storey building height whereas By-law 0225-2007, as amended, requires a minimum 3 storeys building height in this instance;
3. A setback of a first storey streetwall to street of 93.92m (approx. 308.15ft) whereas By-law 0225-2007, as amended, permits a maximum setback of a first storey streetwall to street of 5.00m (approx. 16.41ft) in this instance;
4. A length of a first storey streetwall of a building that may be set back beyond 5.0m from a street of 0.00% whereas By-law 0225-2007, as amended, permits a maximum length of a first storey streetwall of a building that may be set back of 25.00% in this instance;
5. A length of a front lot line, front lot line - corner lot, or exterior side yard of 0.00% whereas By-law 0225-2007, as amended, requires a minimum length of a front lot line, front lot line - corner lot, or exterior side yard of 50.00% in this instance; and
6. An area of the first storey streetwall of a building facing a street that shall contain glazing of 0.00% whereas By-law 0225-2007, as amended, requires a minimum area of the first storey streetwall of a building facing a street of 50.00% in this instance.

Background

Property Address: 85 Derry Road E

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: O2 - Office

Other Applications: C 24-4060

Site and Area Context

The subject property is located on the north side of Derry Road East, east of the Hurontario Street and Derry Road East intersection in the Gateway Corporate Centre Character Area. It is a vacant interior lot that has a lot area of +/- 1.65ha (4.09ac). No landscaping or vegetative elements are present on the subject property. The surrounding context contains a mix of office and employment uses, as well as vacant lands, with varying built forms on lots of varying sizes. Staff also note a Hydro One Networks Inc. utility corridor directly abutting the property to the east.

The Mississauga Official Plan (MOP) identifies Corporate Centres as areas to be developed with a mix of employment uses, focusing on office development and uses with high employment densities. Hurontario Street is identified as an Intensification Corridor in the Mississauga Official Plan (MOP). These road corridors are identified as having potential for higher density mixed use and office development consistent with planned transit service levels. The MOP policies promote high a quality urban design and built form, while reinforcing an enhanced image of Hurontario Street as the main north-south corridor through the City as well as associated Major Transit Station Areas. The MOP defines Major Transit Station Areas (MTSA) as 'the area including and around any existing or planned higher order transit station. Station areas generally are defined as the area within an approximate 500 m radius of a transit station, measured from the station building, representing about a 10 minute walk.' Planning staff note the subject property is within a 500m radius of the planned transit station at the Hurontario Street and Derry Road East intersection for the Hurontario Light Rail Transit's Hazel McCallion Line.

The MOP Hurontario Street Corridor Development Policies highlighted below define the principles for physical form and character of Hurontario Street and MTSA:

15.3.1.2.b Encourage a high standard of public and private realm streetscape design that is coordinated and comprehensive, particularly at Major Transit Station Areas, which includes street furniture, public art, building forecourts, open space, transit shelters, bicycle parking, tree planting, and the sensitive placement of utilities with consideration for the public and private realm;

15.3.1.2.r Create a sense of prominence at the intersection of Hurontario Street and Major Transit Station Areas, by integrating features such as: tall, more distinctive buildings located close to the street, unique landscape and streetscape treatment, transit amenities, elevated and distinguishing rooflines;

In addition, the subject property forms part of Special Site 5, which reinforces the development and design policies and characteristics noted above. These policies encourage an appropriate built form that frames the street and establishes an improved pedestrian environment. The policies also recognize the property as part of the urban corridor of Derry Road East/Derry Road West.

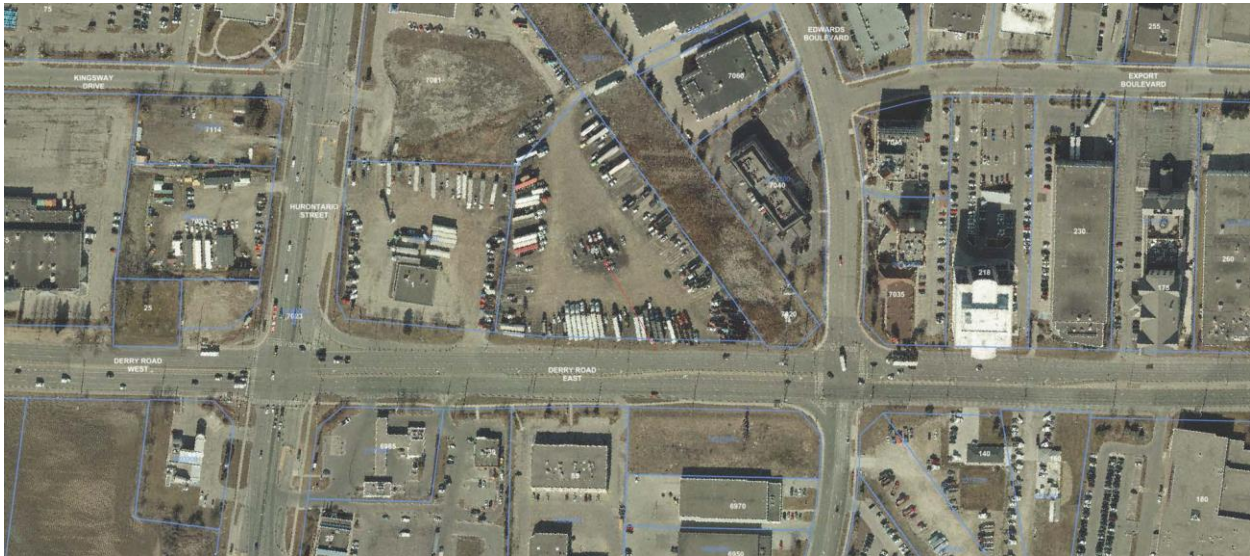
The Special Site 5 policies, highlighted below, define the principles for physical form and character along the urban corridor of Derry Road East/Derry Road West:

15.3.3.5.2.a From an urban design perspective, development along the connecting corridors should establish a continuity of the urban fabric along the street and a defined “edge” and “frame” for the street volume. The urban corridor of Derry Road East/Derry Road West should provide the common denominator of built form character linking the special features outlined above within a strong overall theme. Buildings along the urban corridor should have a consistent setback, height and building street frontage;

15.3.3.5.2.b The following general principles should apply to the urban corridor of Derry Road East/Derry Road West:

- broader streetline setback range on development with substantial landscape area;
- substantial building coverage oriented to streetline;
- active building frontages oriented to the public street by use of pedestrian entrances and fenestration to make the building activities an integral part of the street;
- encourage consolidation of vehicular entrances;
- "background" architecture to create a unified street frame; and
- signage limited in scale and integrated with architecture (detailed guidelines have regard for Hurontario Streetscape Guidelines - south of Highway 401); and c. regard will be given to the design guidelines

The applicant is proposing a mobile trailer business office requiring variances for minimum floor space index and height, maximum setback to a first storey streetwall, minimum length of the front lot line to be occupied by a first storey streetwall and minimum glazing area of the first storey streetwall.



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:

Planning staff note the application was deferred by the applicant at the June 1st, 2023, Committee of Adjustment hearing. At that time, the applicant proposed a transportation facility use, however the use was not evaluated by Zoning staff through the Zoning Certificate of Occupancy process. While the application as deferred, Planning staff recommended refusal of the use application.

Staff note a previous Site Plan application (SP 14-179) to construct a banquet hall and motel has been open since 2014, however there has been limited to no activity regarding the file over the last 5 years.

In terms of the current application before the Committee of Adjustment, Planning staff note the applicant will be submitting a deferral letter explaining the request for a deferral and the need to modify the application to identify the use and applicable variances. While Zoning staff have accurately identified the use as a Motor Vehicle Rental Facility – Commercial Motor Vehicle based on the Zoning Certificate of Occupancy application, staff note the applicant did not propose a use variance, which is required for the subject property based on the use identified by Zoning staff. Through correspondence with Zoning staff, they have also confirmed that the mobile trailer that exists on site that is referenced as a ‘mobile office’ in the application and on the drawings submitted, does not meet the definition of a structure or office, as per the zoning

by-law. This means the mobile trailer cannot be considered as an office, which is a primary use that is permitted in an Office zone.

While Planning staff recognize the application should be deferred to include the use variance, staff would not be supportive of the Motor Vehicle Rental Facility – Commercial Motor Vehicle use and are recommending refusal to the corresponding variances presented in this proposal.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Gateway Corporate Centre Character Area and is designated Office in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits offices as well as uses accessory thereto. Within the MOP's Corporate Centre and specific Gateway Corporate Centre Character Area policies, post-secondary educational facilities, overnight accommodation and conference centres may be permitted. The property forms part of Special Site 5 within the Gateway Corporate Centre Character Area policies, which set out development and design guidelines to encourage an appropriate built form that addresses the street and improves the pedestrian environment. Section 15.1.1.1 of the MOP clearly states that Corporate Centres are to be developed with a mix of employment uses focusing on office development and uses with high employment densities. In addition, related development policies expect built form within the MTSA to properly frame the street and be conducive to facilitating a corridor that is envisioned to be pedestrian oriented and urban with incoming higher order transit. The current standing of the property, or the Motor Vehicle Rental Facility – Commercial Motor Vehicle use confirmed by Zoning staff, does not contribute to the vision or objective of the Gateway Corporate Centre and Intensification Corridors and does not contain a high employment density required by the policies.

Given the above, the general intent and purpose of the official plan are not maintained in this instance.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 and 2 pertain to the footprint and height of the mobile trailer on site. Development along the MTSA's are encouraged to provide a safe and convenient pedestrian environment promoting walkability and retail activation as well as an integrated public and private realm. The requested variances reflect a built form that is not in line with the vision of the Gateway Corporate Centre policies. Planning staff are of the opinion that there are clear built form by-law regulations that have been developed in accordance with the Gateway Corporate Centre Character Area. These regulations have been implemented to support office development and uses with high employment densities, while discouraging applications such as this proposal, along this stretch of the urban corridor of Derry Road. As such, the proposal is not appropriate for a site zoned Office.

Variance 3 requests increased setbacks from the first storey streetwall. The intent of the setback regulation is to ensure a general consistency in built form from one site to the next. This ensures a consistent and defined street edge close to the street, creating an active boulevard and sidewalk as the main linkage between developments, transit stops and other amenities. Staff further note that MOP policies indicate parking areas are to be located to the rear and/or side of buildings instead of between the front of the building and streetscape. The zoning by-law implements a number of the design standards contained in the MOP vision by way of

regulations. The proposal indicates parking of commercial motor vehicles is to be located along the front lot line. The parking area contributes to the increased setback to the first storey streetwall which is not consistent with the intent of the zoning by-law regulations and does not contribute to an improved pedestrian environment. The intent of the Gateway Corporate Centre regulations is to establish a consistent street wall close to the street and create an active public realm. Staff are of the opinion the variances do not meet the intent of the zoning by-law, specifically the regulations associated for the urban corridor of Derry Road.

Variances 4, 5 and 6 request reduced ratios of the front lot line to be occupied by a first storey streetwall and first storey streetwall glazing. The intent of the minimum frontline percentage and glazing requirements is to avoid blank walls along the MTSA urban corridor within the Gateway Corporate Centre, and to promote a pedestrian-oriented environment. The site is located within an MTSA with access to rapid transit, and the City's vision for this area is to transition towards a more pedestrian and transit-supportive built form and use. Staff further note the Gateway Corporate Centre requires new development along the urban corridor of Derry Road to define and frame the street, forming an integrated link between the building and public realm. Staff are of the opinion that the proposed variances do not enhance the public realm and in fact take away from this intent. There is an increased opportunity to provide glazing and an increased first storey streetwall to support the City's vision of an active streetscape within the MTSA.

Given the above, the proposal does not meet the intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the variances, both cumulatively and individually, are not minor in nature and do not contribute to orderly development as it facilitates a proposal that is undesirable with respect to the ultimate vision for the site and Gateway Corporate Centre Character Area. Additionally, comments from Zoning note additional information is required to confirm the accuracy of the variances proposed and that additional variances may be required.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property. We note that access to this property is currently through a parcel of land identified as Block 54, Plan 43M-957 which is located between 7090 (Block 12) and 7060 (Block 13) Edwards Boulevard. Block 54 also contains a 10M Easement where storm and sanitary sewers exist for the purpose of future re-development of the lands to the west of the Hydro One Lands corridor. The access then continues through Hydro One Lands and then into the subject property identified as Block 52, Registered Plan 43M-957.

The subject lands are identified as 85 Derry Road East, however, there is no physical access from Derry Road East. As depicted in the submitted photos any access from Derry Road East is restricted by the large concrete blocks. In addition, there is an existing 0.3M reserve (Block 59, Plan 43M-957) across the Derry Road frontage. Should any future access be required to Derry Road East the Region of Peel will address any requirements as this roadway is under their jurisdiction.

Acknowledging the unique access arrangement for this property we have provided a brief background, most of which was put in place through the 43M-957 Plan of Subdivision Process.













Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Certificate of Occupancy application C 24-4060. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note, a building permit will be required to review the proposed building, only the use is reviewed during the certificate of occupancy application, The proposed use MOTOR VEHICLE RENTAL FACILITY - COMMERCIAL MOTOR VEHICLE is not a permitted use in Zone O2.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Maria Fernandez, Zoning Examiner

Appendix 3 – Metrolinx

- The subject property is located within the Municipal Consent and Roadway Coordination review zone of Metrolinx's Hurontario LRT.

HuLRT – ADVISORY COMMENTS

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.
- Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review