

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-18	File(s): A356/20 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-26

Consolidated Recommendation

The proposed application does not meet one of the four tests outlined in Section 45(1) of the Planning Act. As such, staff recommends that the application be refused. The Planning and Building Department also recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance proposing:

1. A library handling facility and accessory office use whereas By-law 0225-2007, as amended, does not permit a library handling facility and accessory office use in this instance; and
2. A library handling facility with accessory office use providing a minimum of 1.6 parking spaces per 100sq.m of GFA (gross floor area) Non-Residential whereas By-law 0225-2007, as amended, requires a minimum of 5.4 parking spaces per 100sq.m GFA (gross floor area) non-residential in this instance.

Background

Property Address: 3351 Kings Masting Crescent
Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

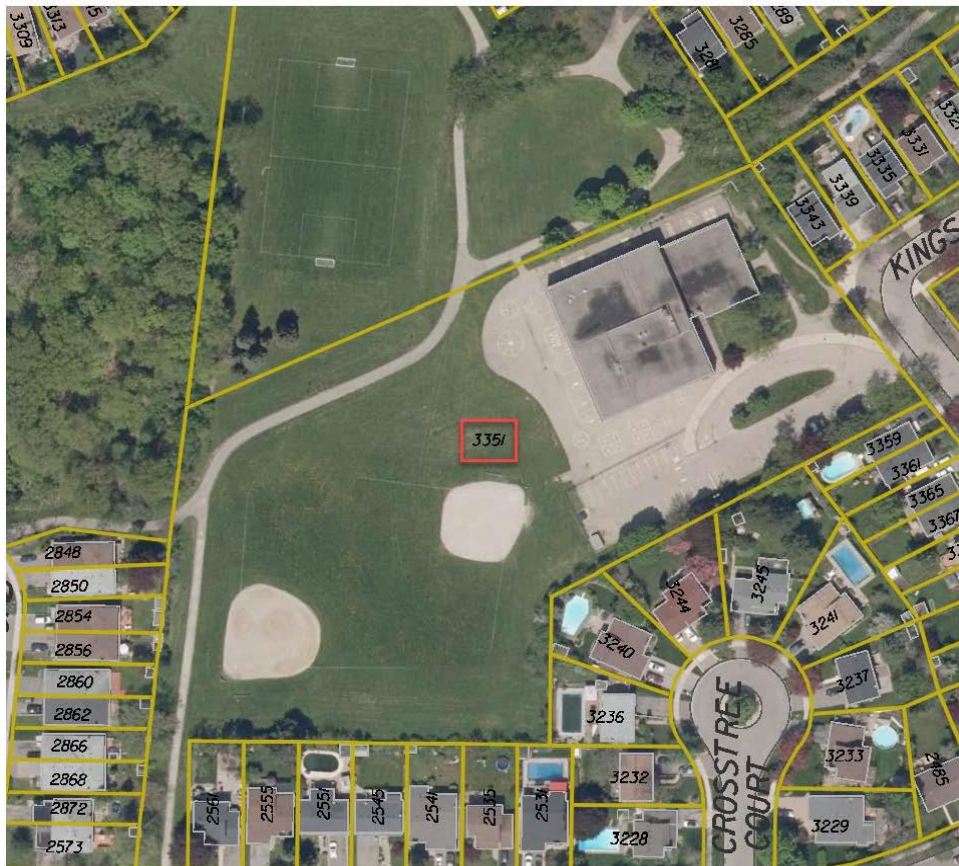
Zoning: R3 (Residential)

Other Applications

Certificate of Occupancy: 20-3000

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southeast of Winston Churchill Boulevard and The Collegeway. The immediate area is entirely residential, consisting of one and two storey detached dwelling with mature vegetation. The subject property contains a vacant school building which is proposed to be used to facilitate the Central Library's Material Handling Department and house the Central Library offices temporarily while the Central Library is renovated. As the site will be used for the receipt, storage, processing and distribution of library materials as well as library administrative functions, a variance is required to permit a library handling facility (warehouse) with a parking rate of 1.6 parking spaces per 100 m² of gross floor area – non-residential.



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:

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

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. Additionally, Section 11.2.1 (Uses Permitted in all Designations) permits community infrastructure which includes buildings and structures that support the quality of life for people and their communities. The primary use has been defined as a library handling facility (warehouse) and will function to receive, store, process and distribute library materials to libraries throughout the City. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The zoning by-law only permits warehouse/distribution type facilities in the Employment (E1-E3) zones. The intent of the zoning by-law is to separate more industrial/employment type uses from residential zones. In this instance, the use is undefined but operates in a similar manner to a warehouse use due to the processing, storage and distribution of library materials. If the site was open to the public, it would be considered a library which is a permitted use in a residential zone. Furthermore, the site does not operate as a traditional warehouse/distribution type facility with a limited number of cubed vans entering and leaving the site a few times per day which does not pose a significant traffic impact to the community. However, due to a technicality with the proposed use not being permitted, staff cannot support the variance request.

Regarding variance #2, the City Planning Strategies Division reviews variances related to parking. A justification letter was submitted by the applicant, dated November 6th, 2020 which stated that there may be up to 40 staff on-site at any one time. In addition, three City—owned cubed vans will be used to make deliveries from the site. The City Planning Strategies has reviewed the information submitted by the applicant and their comment is as follows.

Staff have received a site plan dated Oct. 20, 2020 with a parking layout showing 42 spaces currently provided on site. Given the total occupied GFA of 1,658m², this equates to an average on-site parking supply of 2.5 spaces/100m² of occupied GFA.

In addition, it was stated by the applicant that:

- Approximately 20% (1 in 5) library staff will be using public transit to get to the site.
- There will be no operations during the evenings or weekends, and the site is not open to the public.
- The site will only operate on a temporary, 2-3 year basis until the Central Library is renovated.

Given the rationale provided above, it is staff's professional opinion that the current on-site parking situation will be sufficient for the proposed use, which maintains the general intent and purpose of the zoning by-law.

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

The proposed use will be to temporarily house the Central Library administrative operations, including the receiving, storing, processing and distribution of library materials and office operations which serve the overall library system while the Central Library is renovated. The site will not operate as a traditional warehouse/distribution facility and does not have the same impact regarding traffic and the types of vehicles entering the property. As such, the proposed variance will not have unacceptable adverse impacts to the residential neighbourhood. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The proposed application does not meet one of the four tests outlined in Section 45(1) of the Planning Act. As such, staff recommends that the application be refused. The Planning and Building Department also recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 356/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a certificate of occupancy permit application under file 20-3000. Based on review of the information currently available for this building permit, the variances requested are required and correct.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 7 – TC Energy

TC Energy has 1 pipeline crossing the property which is not in service. Based on your email and the drawings provided it appears no activity is proposed within 30m of the pipeline centreline, which would require notification to TC Energy.

Please advise the applicant of the following:

Written consent from TC Energy must be obtained in Canada before any of the following:

- Constructing or installing a facility across, on, along or under a TC Energy pipeline right-of-way
- Conducting ground disturbance (excavation or digging) on or within the prescribed area (30 metres from the centerline of a pipeline)
- Driving a vehicle, mobile equipment or machinery across a TC Energy pipeline right-of-way outside the travelled portion of a highway or public road
- Using any explosives within 300 metres TC Energy's right-of-way
- Use of the prescribed area for storage purposes

To obtain written consent:

- Make a locate request either online (ClickBeforeYouDig.com) or by calling your local One-Call Centre.
 - The One-Call Centre will notify owners of buried utilities in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you avoid damaging them. Often written consent for minor activities can be obtained directly from a regional TC Energy representative through a locate request.

- Apply for written consent using TC Energy's [online application form](#) or call [1-877-872-5177](tel:1-877-872-5177).

If you have any questions let me know.

Comments Prepared by: Darlene Quilty, Planning Co-ordinator