

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A399/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

## Consolidated Recommendation

The City has no objections to variances #1-4, 6 and 7, however, recommend that variance #5 be refused. The applicant may choose to defer the application to submit updated drawings through the occupancy permit process to verify the accuracy of the requested variances.

## Application Details

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

1. A landscape buffer of 2.0m (approx. 6.6ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.76ft) in this instance;
2. 36 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 85 parking spaces in this instance;
3. 1 angled accessible parking spaces (Type A) whereas By-law 0225-2007, as amended, requires a minimum of 3 accessible parking spaces (2 Type A and 1 Type B) in this instance;
4. 30% of Unit 2 to be used for accessory retail whereas By-law 0225-2007, as amended, permits a maximum of 20% of a unit to be used for accessory retail in this instance;
5. 57% of Unit 3 to be used for accessory retail whereas By-law 0225-2007, as amended, permits a maximum of 20% of a unit to be used for accessory retail in this instance;
6. An aisle width on the north side of 4.2m (approx. 13.8ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 23.0ft) in this instance; and
7. An aisle width on the south side of 4.8m (approx. 15.7ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 23.0ft) in this instance.

## Background

**Property Address:** 2350 Cawthra Road

**Mississauga Official Plan**

Character Area: Dixie Employment Area  
Designation: Business Employment

**Zoning By-law 0225-2007**

**Zoning:** E2-131 (Employment)

**Other Applications**

Occupancy Permits: 19-6864, 19-6867, 19-6892

**Site and Area Context**

The subject property is located within the Dixie Employment Character Area, northwest of Queensway East and Cawthra Road. The area north of Queensway East contains a mix of commercial, employment and industrial type uses while the area south of Queensway East consists of detached residential dwellings. The subject property contains warehouse uses with accessory retail uses.

The application proposes to legalize existing conditions with deficient parking, reduced aisle widths and an increase in accessory retail sales.



## 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 Business Employment in Schedule 10 of the Mississauga Official Plan (MOP) which permits manufacturing, wholesaling and warehouse uses, amongst

others. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed variances seek to legalize existing conditions that are in-keeping with the context of the surrounding area. The variances do not negatively impact the day to day operations of the site and do not pose significant impacts to the surrounding area. However, Sections 11.2.11.4 and 11.2.11.5 of the Business Employment designation policies state that, accessory uses will generally be limited to 20% of the total gross floor area and be clearly subordinate to the permitted primary use. As variance #5 proposes the majority of the gross floor area associated with the unit to be used as accessory retail sales, the principle use of the unit would be retail sales and not warehousing. Staff is of the opinion that variance #5 does not maintain the general intent and purpose of the official plan.

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

Variance #2 proposes 36 parking spaces whereas 85 parking spaces are required. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations for its intended use. The Parking Utilization Study (Trans-Plan, October 2020) submitted by the applicant concluded that the 36 parking spaces proposed in the application are suitable to accommodate the peak parking demands of the subject site. Given the results of the parking study and the additional parking spaces being proposed, staff can support the requested parking variance. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #4 and 5 proposes an increase in the amount of gross floor area attributed to retail sales. The zoning by-law permits a maximum 20% of the gross floor area to be used for accessory retail sales. The applicant is proposing 30% of the gross floor area for unit 2 and 57% of unit 3 for accessory retail use. The intent of the by-law to limit the amount of space dedicated to accessory retail sales is to ensure that the primary employment uses assume the majority of the building rather than have these areas transition to a retail environment which may lead to traffic concerns in employment areas. In this instance, the increased area for retail sales in unit 2 still remains accessory to the primary use and does not fundamentally alter the primary use of the unit. Staff cannot support the requested variance for unit 3 as a majority of the unit would be comprised of retail space that would then become the primary use of the unit where the intent is that the retail use is to be accessory to the primary use. As such, staff is of the opinion that variance #4 maintains the general intent and purpose of the zoning by-law.

The remaining variances relate to existing conditions that represent common characteristics of the surrounding area. The deficient aisle widths act as a one way access where vehicles can enter the site on one side of the building and exit on the other. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

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

The proposed variances relate to existing on-site conditions that do not negatively impact the day to day operations of the site or surrounding area. The site will remain self-sufficient by providing the necessary parking required for the overall function of the site and will not negatively impact adjacent properties. The site contains three units, two of which have an existing retail component. The proposed increase of retail space in unit 2 is a minor increase from what is currently permitted and does not impact the primary use of the unit. Regarding variance #5, the official plan and zoning by-law allow for a maximum of 20% of the total gross floor area to be used for accessory uses. The proposal would have a majority of unit 3 occupied with a retail use which would then become the primary use of the unit, which is not in-keeping with the intent of the policies. As such, staff is of the opinion that variance #5 does not represent orderly development of the lands and is not minor in nature.

**Conclusion**

The Planning and Building Department has no objections to variances #1-4, 6 and 7, however, recommend that variance #5 be refused. The applicant may choose to defer the application to submit updated drawings through the occupancy permit process to verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.







Comments Prepared by: David Martin, Supervisor Development Engineering

## **Appendix 2 – Zoning Comments**

The Planning and Building Department is currently processing Zoning certificate of occupancy permit applications under files 19-6864, 19-6867, 19-6892. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Comments Prepared by: Marco Palermo, Zoning Examiner

## **Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the December 10<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Application:** DEF-A-301/20

**Minor Variance Applications:** A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

## **Appendix 7 - Ministry of Transportation of Ontario**

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer