

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A19.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

Consolidated Recommendation

The City has no objection to the variance(s), as amended. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition and parking on the subject property proposing:

1. A setback of 3.1m (approx. 10.17ft) to the building whereas By-law 0225-2007, as amended, requires a minimum setback of 4.50m (approx. 14.76ft) in this instance;
2. A landscaped buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 4.50m (approx. 14.76ft) in this instance;
3. 231 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 387 parking spaces in this instance; and
4. Parking as a single use whereas By-law 0225-2007, as amended, requires parking as a secondary use in this instance.

Amendments

Variance #4 should be amended as;

Variance #4

- A parking area within lands zoned OS2 as a stand alone use whereas By-law 0225-2007, as amended, requires parking as a secondary use in this instance.

and the following variances should be added:

Additional Variance #5

- Proposing eight (8) Accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of ten (10) Accessible parking spaces in this instance.

Additional Variance #6

- Proposing a walkway within the landscape buffer not in compliance with the definition for landscape buffer whereas By-law 0225-2007, as amended, requires a walkway to be in compliance with the definition of Landscape Buffer in this instance.

Background

Property Address: 1500 Gulleden Drive

Mississauga Official Plan

Character Area: Rathwood-Applewood Community Node Character Area
Designation: Public Open Space

Zoning By-law 0225-2007

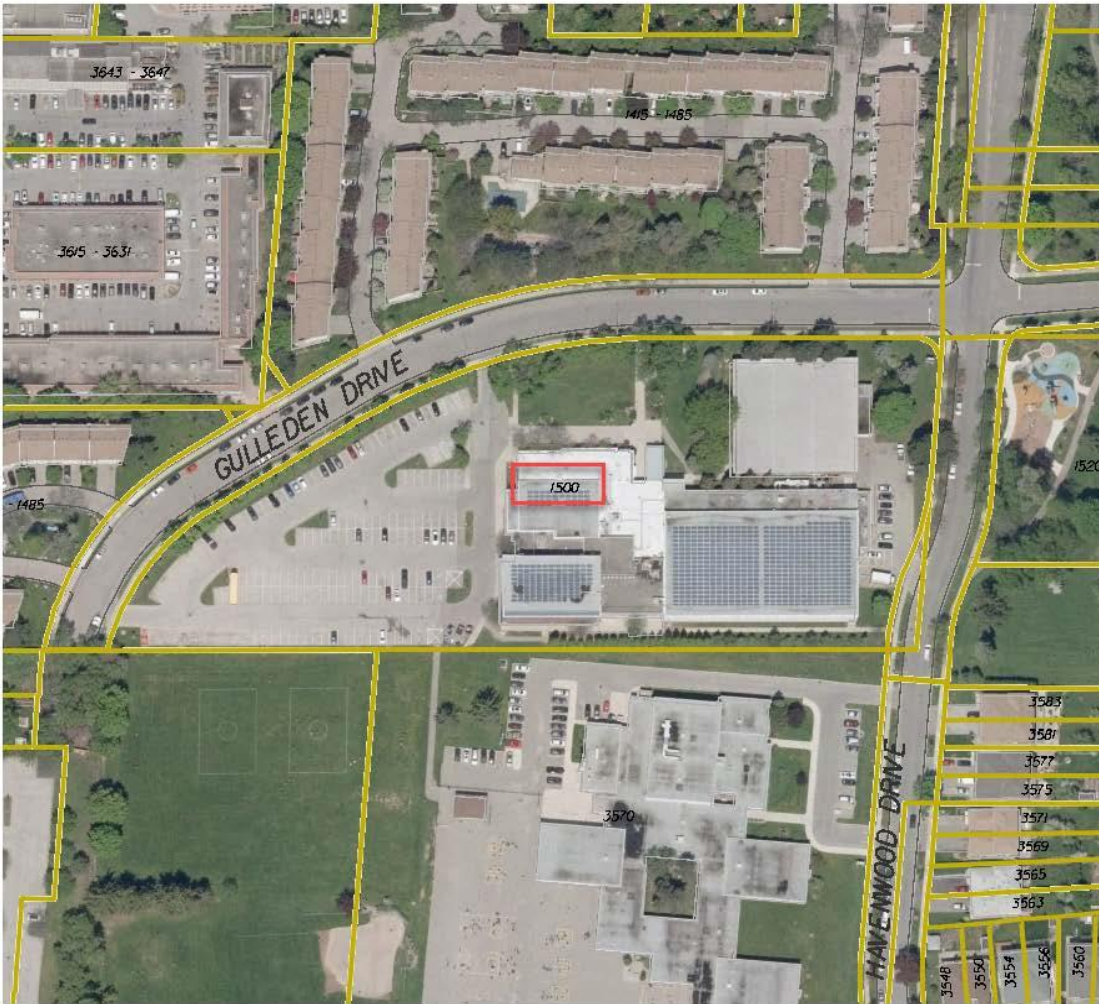
Zoning: OS2 - Open Space

Other Applications: SP 20-88 W3

Site and Area Context

The subject property is located in the south-east corner of the Burnhamthorpe Rd E and Dixie Rd intersection. From a land-use perspective, the neighbourhood surrounding the community centre is a mixture of commercial uses, low density residential, a school and open space.

The subject property is an exterior parcel, with a lot area of +/- 21,271.18m² and a lot frontage of +/- 406.00m. The applicant is proposing a reduced landscape buffer, a reduction in parking spaces and parking as a primary use where parking is only permitted as a secondary use.



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 site is located within the Rathwood-Applewood Community Node Character Area, and is designated Public Open Space by the Mississauga Official Plan (MOP). Pursuant to Section, 11.2.4.2 (Public Open Space) a recreational facility is permitted.

As per Section 7 (Community Infrastructure), community infrastructure is a vital part of complete communities. This infrastructure provides opportunities for passive and active recreation, entertainment and social interaction that contributes to the quality of life and well-being of residents. The Applicant's proposal of a community centre meets the purpose and general intent of the Official Plan.

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

Variance #1 as requested, pertains to a minimum setback:

The intent of this portion of the by-law is to ensure that an appropriate setback exists between the principle structure on the property and the lot line. The requested setback of 3.1m, whereas 4.50m is required, provides an appropriate setback from the principle structure and the lot line. Furthermore the reduction is nominal in nature and will not pose a significant negative impact. Variance 1 as requested, meets the requirements of Section 45(1) of the Planning Act.

Variance #2 as requested, pertains to a landscape buffer regulation:

The intent of this portion of the by-law is to ensure that an appropriate buffer abutting all lot lines exists. Planning Staff note the requested variance is only for a small portion of the landscaped area located at the north-west corner of the proposed addition. The east-west path that directly joins the south entry walkway tapers to a 0.0m buffer. This is nominal in nature and poses an insignificant impact. The site maintains the required landscape buffer along the remaining perimeter of the property. Variance 2 as requested, meets the general intent and purpose of the zoning bylaw.

Variance #3 as requested, pertains to parking spaces:

The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

As per Zoning By-law 0225-2007, a minimum of 387 parking spaces is required; whereas, the applicant is providing 231 parking spaces.

As per the Traffic and Parking Study, prepared by BA Group, dated November 2020, the proposed 231 parking spaces are suitable to adequately accommodate the peak parking demands of the subject site. Given the intended use, operating times, available on-street parking, proxy site counts at other community centres as well as the number of available high-frequency MiWay bus transit routes, the proposed variance is appropriate in this instance. Planning Staff note that City Planning Strategies Staff have determined the proposal can be supported, and that the total 231 parking spaces provided on site will be sufficient for the expanded community centre. As such, Variance 3 as requested, maintains the general intent and purpose of the zoning bylaw.

Variance #4 as requested, pertains to parking as a single use:

The intent of this portion of the by-law is to ensure that the permissible use is appropriate for the subject property. Planning Staff echo Zoning's comments and advise that variance #4 should be amended to the following;

- A parking area within lands zoned OS2 as a stand alone use whereas By-law 0225-2007, as amended, requires parking as a secondary use in this instance.

Planning Staff note the proposed use is in line with the City's overall plans for the park. The parking lot is intended to be an accessory use to the Community Centre and Gulleden Park. The addition of the parking lot does not change the principle function of the site. Planning staff are of the opinion that variance 4 as amended for 52 parking spaces is minor in nature, and in line with the general intent and purpose of the zoning bylaw.

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

While the Applicant is required to seek relief from multiple portions of the By-law, when viewed either individually or collectively, these are nominal in nature, and do not pose significant negative impacts. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition and parking are being addressed through the Site Plan Application process, File SP-20-88.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

1. The Building Department is currently processing a site plan approval application under file SP 20-88 W3. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. Correct to remain
2. Correct to remain
3. Correct to remain
4. A parking area within lands zoned OS2 as a stand alone use whereas By-law 0225-2007, as amended, requires parking as a secondary use in this instance.

and add the following variances

5. Proposing eight (8) Accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of ten (10) Accessible parking spaces in this instance.
6. Proposing a walkway within the landscape buffer not in compliance with the definition for landscape buffer whereas By-law 0225-2007, as amended, requires a walkway to be in compliance with the definition of Landscape Buffer in this instance.

Our comments are based on the plans received by Zoning staff as of DECEMBER 2020 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Marco Palerma, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 21st, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-338/20.

Consent Applications: B-1/21, B-2/21.

Minor Variance Applications: A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner