

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-06	File(s): A8.21 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-14

## Consolidated Recommendation

The City has objections to the requested variance, subject to a temporary approval. The applicant may choose to defer the application to verify the accuracy of the requested variance.

## Application Details

The applicants request the Committee to approve a minor variance to allow all permitted uses within C1-C4 zones on the subject property whereas By-law 0050-2013, as amended, does not permit such uses in this instance.

### Recommended Conditions and Terms

Staff recommends the following condition be added to the application:

- The application be approved on a temporary period

## Background

**Property Address:** 189 Rathburn Rd W

### Mississauga Official Plan

Character Area: Downtown Core  
Designation: Office

### Zoning By-law 0225-2007

**Zoning:** H-CCO - City Centre

## Site and Area Context

The subject property is located within the Downtown Core Character Area, on the northwest quadrant of Rathburn Road West and Station Gate Road. The surrounding area contains a mix of uses, such as commercial and institutional. Square One Shopping Centre is located south of the subject property. The subject property contains existing restaurant uses and vacant buildings that have been used as temporary entertainment establishments.

Through a City initiated Zoning By-law Amendment, the subject property was rezoned to H-CCO (Downtown Core - Office). The previous zoning category was H-CC1 (City Centre – Retail Core Commercial) which permitted C1-C4 (Commercial) uses. The newly adopted zoning classification does not permit C1-C4 uses as primary uses such as retail, restaurants, entertainment/recreational establishments, among other uses. The applicant is requesting that C1-C4 uses be permitted to operate on the subject property.



## 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 are as follows:

The subject lands are designated Office in Schedule 10 of the Mississauga Official Plan (MOP). The official plan only permits office, secondary office, and accessory uses only. The Downtown Local Area Plan also permits a hospital and post-secondary facilities. The zoning by-law permits similar uses to the official plan as well as some accessory uses that are permitted within the C1-C4 zones. The proposed variance would be temporary and any new uses would be required to operate within legally existing buildings and structures. Alterations can be made to the existing buildings and structures as long as it does not result in an increase in gross floor area – non-residential or the addition of required parking to support the uses. As such, new buildings and structures are not be permitted on the lands. The proposed variance maintains the existing vibrant context of the surrounding area and does not preclude the overall vision of the site from being developed in the future.

Based on the preceding information, the proposed variance conforms to Section 45 (1) of the Planning Act. Staff has no objections to the requested variance, subject to a temporary approval.

## Conclusion

The Planning and Building Department has no objections to the requested variance, subject to a temporary approval. The applicant may choose to defer the application to verify the accuracy of the requested variance.

Comments Prepared by: Lucas Petricca, 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 Technologist

### Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Planner in Training, Zoning Examination

### Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

According to the Region of Peel's Water Design Criteria 2.1, Commercial Areas require a minimum watermain mainline diameter of 300mm for servicing. Please be advised that to adequately service the proposed uses, the 150mm watermain on Station Gate may be required to be upgraded to a 300mm watermain at the time of development.

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 7 – Ministry of Transportation of Ontario

RE: Committee of Adjustment Agenda for 14 January 2021---4358 Shelby Cres., 70 World Dr., 99 Rathburn rd. W., & 189 Rathburn rd. W.,

The above properties-projects are within the MTO PCA. MTO review and approval with a MTO Building Permits will be required.

Comments Prepared by: Corey Caple, Corridor Management Officer