

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-06	File(s): A412.20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-14 12:00:00 AM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a personal service establishment on the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 70 World Drive

Mississauga Official Plan

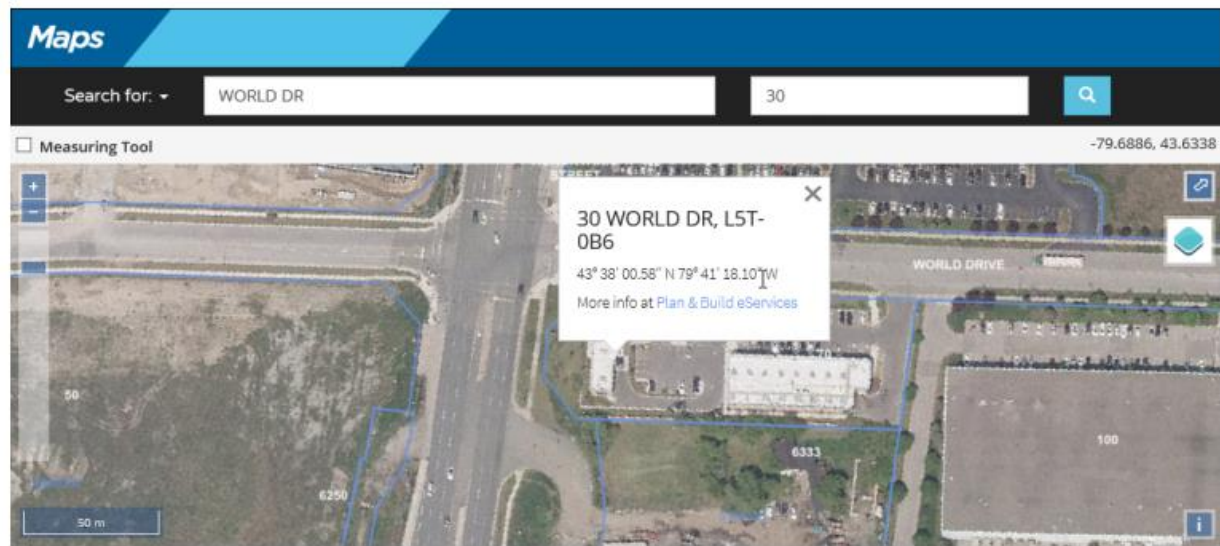
Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: E1-1 - Employment

Site and Area Context

The subject site is located within the Gateway Corporate Centre Character Area, north of Highway 401 on Hurontario Street. The surrounding area contains a mix of office, manufacturing and commercial uses. The subject site contains two buildings consisting of a mix of commercial uses. The applicant is proposing to introduce a personal service establishment whereas it is not permitted.



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 lands are designated Office in Schedule 10 of the Mississauga Official Plan (MOP). The official plan only permits office, secondary office, and accessory uses. The general intent of Corporate Centres is to develop a mix of employment uses with a focus on office uses. The application proposes a use that is not permitted within the official plan and was not contemplated within the Gateway Corporate Centre. As such, the application does not respect the designated land use and 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?

The subject lands are zoned E1-1 which permits office, medical office, and limited business, commercial, and hospitality uses. The E1-1 exception zone permits additional restaurant, take-

out restaurant, and convenience restaurant uses. A personal service establishment is not a permitted use in any employment zone. Through a City initiated by-law amendment (0121-2020) which was approved by Council, the Gateway Corporate Centre Character Area was rezoned to allow a mix of employment and office uses within this prominent area of the Hurontario Street. The subject site was amended to O3-1 (Office), however, it is currently under appeal. It should be noted that a personal service establishment would also not be permitted as a primary use in the O3-1 zone either. The application proposes a use that is not contemplated within the current and amended zoning category. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

This portion of Hurontario Street is located within the Gateway Corporate Centre Character Area which is envisioned to be a prominent feature of the City of Mississauga consisting of office development. The application proposes a use that was never contemplated on the subject site and is not in-keeping with the overall vision of the official plan and zoning by-law. Staff is of the opinion that the application does not represent orderly development of the lands and is not minor in nature.

Conclusion

The Planning and Building Department recommends that the application be refused.

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' 412/20.

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

Regional Planning staff have reviewed the applications listed on the January 14th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-395/20, A-408/20, A-410/20, A-411/20, A-412/20, A-417/20, A-418/20, A-2/21, A-4/21, A-6/21.

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