

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A41.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## 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 private school on the subject property proposing 73 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 77 parking spaces in this instance.

## Background

**Property Address:** 3930 Nashua Drive

### Mississauga Official Plan

Character Area: Northeast Employment Area (East)  
Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2 - Employment

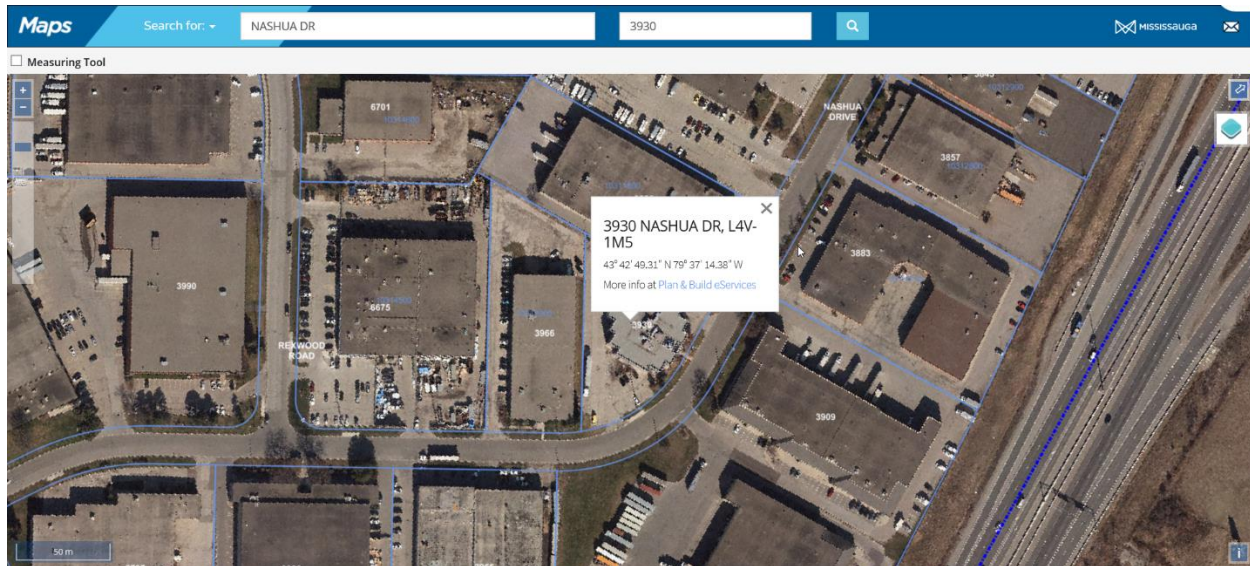
**Other Applications:** None

### Site and Area Context

The subject property is an office building located north-east of the Goreway Dr. and Nashua Dr. intersection. The subject property is an interior parcel with a lot area of +/- 4,451.70m<sup>2</sup> and a lot

frontage of +/- 97.00m. From a land-use perspective, the immediate neighbourhood is comprised of employment uses; specifically large office buildings and restaurants with minimal vegetation and landscaping kept to the periphery of the lot line. Generally, properties in the area possess lot frontages of +/- 70.0m

The applicant has proposed a private school with reduced parking, requiring variances for the ancillary use where it is not permitted and the proposed number of parking spaces.



## 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 site is located within the Northeast Employment (East) Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.1 (Uses Permitted in all Designations) community infrastructure, which includes a private school is permitted within the designation. Section 6.10.2.4 (Aircraft Noise) however prohibits sensitive land uses from operating within the Airport Operating Area. The MOP considers the proposed school to be a sensitive land use and is not permitted.

As per Zoning By-law 0225-2007, the subject property is zoned E2 (Employment) which does not permit a private school use. The intent of the Zoning by-law is to ensure that sensitive land uses are not established within zones that would impact the operation of permitted uses. Furthermore, the zoning by-law prohibits the operation of schools in the Airport Operating area to ensure sensitive land uses are not located in an area of high aircraft noise. Staff are of the opinion that allowing such a use in the employment area would impact the existing and future employment uses permitted in the zone.

In the supplementary information provided by the applicant dated December 15<sup>th</sup>, 2020, Airport Development and Technical Services Staff indicates that the proposal is similar to another site located at 6850 Goreway Drive and would be satisfied if the same conditions were imposed. A copy of the conditions have been attached to this report for reference (Schedule 1). The Airport Authority is not opposed to the application provided the same conditions applied to the 6850 Goreway Drive application are applied here.

In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed. Staff also note that variance #1 pertaining to a reduction in parking is premature in nature as the proposed use is not permitted. As Planning Staff do not support the private school use staff recommend that the variance for parking be refused as well.

Based on the preceding information the requested variances do not maintain the general intent and purpose of the Official Plan and Zoning Bylaw. They are not minor in nature, nor are they desirable for the appropriate development of the property.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the application should be refused.

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

## Appendices

### Appendix 1 – Transportation and Works Comments

As the proposed land use is changing from a less sensitive (office) to a more sensitive use (private school), in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a complete Record of Site Condition (RSC), including all supporting documents to the Transportation and Works Department for review.

The RSC must be posted to the Ministry of the Environment, Conservation and Parks Environmental Site Registry (ESR).









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 variance(s) or determine whether additional variance(s) 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, Zoning Examiner

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

### **Minor Variance Application: A-41/21**

Development Planning: Diana Guida (905) 791-7800 x8243

Regional staff advise that A-41/21 does not conform to the general intent and purpose of the Region of Peel (ROP) Official Plan specifically with respect to Section 5.9 - The Transportation System in Peel and Section 5.6 - Employment Areas.

#### Section 5.9 - The Transportation System

The subject land is located within the Toronto – Lester B. Pearson International Airport Operating Area (AOA) 30 to 35 Noise Exposure Forecast (NEF) Contour. Policy 5.9.6.2.4 of the Region of Peel Official Plan prohibits development, redevelopment and infill for new residential and sensitive land uses, specifically hospitals, nursing homes, day care facilities and public and private schools in the Toronto Pearson International Airport Operating Area. The ROP provides an exemption to this general provision under Policy 5.9.6 that recognizes approved land uses and other considerations.

#### Section 5.6 - Employment Areas

The proposed minor variance to permit a private school is inconsistent with the Regional Official Plan Policy 5.6.2.7 regarding employment lands. Policy 5.6.2.7 seeks to protect and support existing and future employment areas in the vicinity of the Toronto Pearson International Airport, major highway interchanges and rail yards for manufacturing, warehousing and associated retail, office and ancillary facilities where appropriate. The introduction of a sensitive land use into an employment area may affect the operations or viability of existing and permitted employment uses on adjacent lands further undermining employment uses in the area.

Accordingly, Regional staff recommend that the Committee of Adjustment refuse the minor variance application in its current state.

Should the Committee of Adjustment proceed with approval of the application, Regional staff request that the Committee and city staff consider comments from the Greater Toronto Airport Authority (GTAA) and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

**Appendix 7 – Ministry of Transportation of Ontario**

For the above address, the change to the parking lot, the MTO has no concerns. No MTO Building Permit is required.

Comments Prepared by: Corey Caple, Corridor Management Officer

**Schedule 1****COMMITTEE OF ADJUSTMENT DECISION**

**City of Mississauga  
'A' - 209 / 15**

"A" 209/15  
Ward 5

**COMMITTEE OF ADJUSTMENT**

IN THE MATTER OF SECTION 45(1) OR (2)

of The Planning Act R.S.O. 1990, c.P.13, as amended

and -

IN THE MATTER OF ZONING BY-LAW 0225-2007

as amended

and -

IN THE MATTER OF AN APPLICATION BY KANCO-6850 GOREWAY LTD

on Thursday April 30, 2015

Kanco-6850 Goreway Ltd is the owner of Part of Block E, Registered Plan 919, located and known as 6850 Goreway Drive, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a private school use within a portion of the existing building; whereas By-law 0225-2007, as amended, makes no provisions for a private school use on the subject property in this instance.

Mr. B. Horosko, a representative of the authorized agent, attended and presented the application to permit alterations to the existing building on the subject property to accommodate the operation of a private school use. Mr. Horosko advised the Committee that the subject property was surrounded by a series of recreational parks and sports field uses. He explained that the property would primarily be operated by a racquetball facility and that sufficient space would be available on the property to include an ancillary private school use. Mr. Horosko indicated that the proposed private school was currently operating within Toronto and wished to relocate to Mississauga to service the surrounding community which they had



identified as a community lacking in such services and programs. He stated that the racquetball facility would offer recreational instruction and the private school would offer academic instruction in a symbiotic operation.

Mr. Horosko advised the Committee that he had reviewed the application against the "Four Tests" as prescribed by the Planning Act as was satisfied that the application satisfied these tests. He indicated that the Mississauga Official Plan designed the subject property for business employment purposes which permitted commercial schools. Mr. Horosko explained that the Zoning By-law also allowed commercial schools to operate on the subject property if they provided instructions in non-academic subjects such as sports. He indicated that it would be appropriate and desirable to allow for classrooms to be added to the existing building to allow for academic subjects to be also taught on the subject property in addition to sports instruction. It was Mr. Horosko's opinion that the proposed additional use was an appropriate ancillary use to the permitted commercial school uses and was desirable for the community.

Mr. Horosko advised the Committee that the subject property was located within the Toronto Pearson International Airport Operating Area which contained specific regulations and restrictions for operating sensitive land uses such as school within this area. He explained that an acoustical engineering report had been prepared that studied the noise effects that a private school being located within this defined area would experience and confirmed that the building would be altered with noise mitigation measures to sufficiently to address any noise concerns. He indicated that Greater Toronto Airports Authority had reviewed the application and indicated a series of conditions that should be implemented on any approval to address any long term noise impacts. Mr. Horosko confirmed that his client accepted any such conditions and suggested that the altered dwelling would contain all the necessary features required to mitigate noise on the private school.

Mr. Horosko advised the Committee that a portion of the subject property was partially located within a floodplain. He explained that the building was located a sufficient distance away from the floodplain line and would be enhanced with flood prevention measures. He confirmed that his client would work with Toronto and Region Conservation staff to address any of their concerns through the permit process.

Mr. Horosko noted that the subject property abutted a city owned parking lot that partially encroached onto his client's land. He explained that this parking lot was used for the adjacent recreational lands and confirmed that he had been in discussions with Community Services "Parks Planning staff to arrange for a mutually beneficial resolution.

Ms. G. Bush, a representative of the proposed private school, attended and suggested that the proposed location was appropriate as it was located adjacent to parkland and other recreational uses and would provide enhanced programs for a neighbourhood that was underserved. She noted she had been in discussion with Mayor Crombie and Councillor Parrish who supported the application. Ms. Bush confirmed that the private school would offer classes to students from kindergarten to the 12th grade and would have a variety of academic and non-academic programs. She anticipated the school to accommodate approximately 270 students.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (April 29, 2015):

## ?1.0 RECOMMENDATION

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

## 2.0 BACKGROUND

## Mississauga Official Plan

Character Area: Northeast Employment Area Designation: Business Employment Discussion:

We note that the subject property is located in the 'Airport Operating Area' of Mississauga Official Plan. Section 6.9.2.4 of the Official Plan states that,

6.9.2.4 New development and redevelopment or infilling for hospitals, nursing homes, daycare facilities and public and private schools within the Airport Operating Area will not be permitted as a principal or accessory use.

The intent of the Official Plan policy that restricts schools in the Airport Operating Area is to ensure that sensitive land uses are not located in areas with high levels of aircraft noise.

### Zoning By-law 0225-2007

Zoning: "E2", Employment Discussion:

We advise that the intent of the Zoning By-law regarding permitted uses in Employment zones is to ensure that sensitive land uses are not established which could impact the operation of permitted employment uses. In this instance, the subject property is located in an area with other Employment zones, and the establishment of the proposed Private School may inhibit the operation of existing and future employment uses in the area. There are many areas in the City in which a Private School use is permitted, including residential, commercial, open space and institutional zones. We recommend that the applicant consider relocating the Private School to a permitted zone.

Further, we advise that the intent of the Zoning By-law regarding restrictions on private schools within the Airport Operating Area is to ensure that sensitive land uses are not located in areas with high levels of aircraft noise.

### 3.0 OTHER APPLICATIONS

0 Certificate of Occupancy File: Required - No application received

### 4.0 COMMENTS

We note that a Certificate of Occupancy is required and in the absence of a Certificate of Occupancy application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required. We recommend that the applicant submit a Certificate of Occupancy application in order to ensure that all required variances have been accurately identified. We further advise that it appears the proposed Private School would be located within the Airport Operating Area identified in the Zoning By-law, therefore requiring an additional variance.

Based on the preceding information, the requested variance does not maintain the general intent and purpose of the Official Plan or the Zoning By-law. It is not minor in nature, nor is it desirable for the appropriate development of the property. ?

The City of Mississauga Transportation and Works Department commented as follows (April 23, 2015):

?Information submitted with this application indicates that the applicant is requesting a minor variance

to permit the operation of a private school use within a portion of the existing building. Acknowledging that the proposed land use is changing from a less sensitive (commercial) to a more sensitive use (school), in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a complete Record of Site Condition (RSC; revised December 2009), including all supporting documents to the Transportation and Works Department. The RSC must also be posted to the Environmental Site Registry.

As a Record of Site Condition is required to be filed for this site in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a Phase I Environmental Site Assessment (ESA) to the Transportation and Works Department. The Phase I ESA Report must include a clause, or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report. The report must be sealed, signed and dated by a Qualified Person as defined by Ontario Regulation 153/04 as amended.

The applicant has also indicated that the multi-use facility will be owned by a private club which will also operate the club and recreational establishment and this should be clarified. The RSC is required for community use with youth focus (e.g. indoor sports field or gymnasium).

In view of the above, and should Committee see merit in the applicant's request we would request that condition of approval be that a letter be received from the Transportation and Works Department indicating that satisfactory arrangements have been made with our Environmental Engineering Section with regards to our requirements pertaining to providing a complete Record of Site Condition (RSC) and also a Phase I environmental Site Assessment (ESA).?

The City of Mississauga Community Services Department, Park Planning Section commented as follows (April 29, 2015):

?The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application. We note that the applicants' justification letter makes reference to the subject sites' proximity to City-owned Wildwood Park as a benefit to permitting the proposed uses within the building. The park is heavily used during peak hours, and undergoes an intensive maintenance regime during daytime hours to allow the park to be in healthy condition for the public. The proponent should not rely on the use of Wildwood Park to implement any proposed programming. Should the proponent wish to use the park for any programming, they will require all necessary permits to do so.

Should the Minor Variance application be approved, this Department wishes to impose the following condition:

1. The applicant shall enter into an appropriate agreement with the City to permit a portion of their parking area to encroach into Wildwood Park in exchange for the City's public use of the encroachment lands. If an agreement is not entered into, the parking spaces within Wildwood Park are to be removed and reinstated and appropriate fencing is to be installed to the satisfaction of the Community Services Department.?

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (April 28, 2015):

?Minor variance application A-209/15 does not conform to the general intent and purpose of the Regional Official Plan specifically with respect to Section 5.9 ? The Transportation System in Peel and Section 5.6 ? Employment Areas. The subject land is located within the Airport Operating Area 30 to 35 Noise Exposure Forecast (NEF) Contours. Policy 5.9.6.2.4 of the Region of Peel Official Plan prohibits development, redevelopment and infill for new residential and sensitive land uses, specifically hospitals, nursing homes, day care facilities and public and private schools in the Lester B. Pearson International Airport Operating Area. ROP Policy 5.9.6.2.6 enables local municipalities to define specific exceptions to this general provision provided that these exceptions are not located within the 35 NEF Contour. Mississauga's Official Plan, Policy 6.9.2.2 allows for limited residential expansion, but not for other types of sensitive land uses.

Furthermore, the proposed minor variance application for a private school is inconsistent with the Regional Official Plan Policy 5.6.2.7 regarding employment lands. Policy 5.6.2.7 seeks to protect and support existing and future employment areas in the vicinity of the Toronto Pearson International Airport, major highway interchanges and rail yards for manufacturing, warehousing and associated retail, office and ancillary facilities where appropriate. The introduction of a sensitive land use into an employment area may affect the operations or viability of existing and permitted employment uses on adjacent lands further undermining employment uses in the area. Accordingly Regional staff recommend that the Committee of Adjustment refuse the application as submitted.

Please also note the Region relies on the environmental expertise of the Toronto and Region Conservation Authority (TRCA) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the TRCA and incorporate any of their conditions of approval appropriately.

This property is within the vicinity of Hawker Siddeley landfill site. It is an inactive, private landfill located south of Derry, between Airport and Goreway. It has been cleaned to M.O.E. standards. No further information is available.?

Toronto and Region Conservation commented as follows (April 29, 2015):



?This letter will acknowledge receipt of the above noted application (received on April 22, 2015). Toronto and Region Conservation Authority (TRCA) staff has reviewed the application and the supporting materials and provide the following comments as part of TRCA's commenting role under the Planning Act; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses (as amended); and our Memorandum of Understanding (MOU) with the Region of Peel, wherein we provide technical environmental advice.

#### Purpose of the Application

It is our understanding that the purpose of this application is to request the following variances:

1. To permit the establishment of a private school use within a portion of the existing building, whereas the proposed development is not a permitted use in the City of Mississauga Zoning Bylaw 0225-2007;

We understand the requested variances are required to permit the change of use in the existing building to private school (elementary and secondary - Junior Kindergarten to Grade 12) with auxiliary uses such as after-hours programming, summer camps, and dance/music studios.

#### Recommendation

As currently submitted, TRCA staff recommends deferral of the above noted application in order to provide an opportunity to arrange a meeting between City and TRCA staff and the applicant to discuss the proposed development as it pertains to the Regulatory Floodplain. There may be opportunities to remediate the flooding conditions on-site, but further discussion and analysis is needed. Should the Committee not grant a deferral of the application at the April 30, 2015 meeting, TRCA staff recommends denial of the application at this time. Please note, the applicant must submit the variance application fee of \$525.00 payable to Toronto and Region Conservation Authority.

#### Applicable TRCA Policies and Regulation

A portion of the subject lands are regulated by the TRCA under Ontario Regulation 166/06 for the associated floodplain and valley system of the Mimico Creek watershed, and are subject to the policies within TRCA's Living City Policies (LCP) for Planning and Development in the Watersheds of the TRCA. Based on our review, it appears the proposed development (which includes change of use) associated with this application is located within the regulated portion of the subject site. A TRCA permit will be required prior to any works commencing within the Regulated Area of the Mimico Creek Watershed.

#### Application Specific Comments

The PPS provides direction on all planning applications. According to subsection 3(5) and (6) of the Planning Act, all decisions made by a municipality and comments provided by the TRCA shall be consistent with the PPS. Through our MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Natural Resources & Forestry (MNRF), the

responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to the Conservation Authorities. In this delegated role, the TRCA is responsible for representing the Provincial interest on natural hazard matters where the Province is not involved. As part of our delegated role, the TRCA develops, implements and manages floodplain mapping and modeling within our jurisdiction. Mimico Creek traverses a portion of the adjacent properties to the south and west. Based on the engineered floodplain mapping and modeling for the site, a portion of the existing building falls within the Regulatory Floodplain. Typically, new development (including a change of use) is prohibited within the Regulatory Floodplain.

As such, TRCA staff cannot recommend approval of the above noted applications until opportunities are explored and feasible solutions are identified to remediate the flooding conditions on-site. We strongly recommend that the applicant contact the undersigned to arrange a meeting with City and TRCA staff to discuss the above noted applications, the proposed development and the necessary studies to determine the feasibility of the proposed development.

#### Conclusion

We thank you for the opportunity to review the subject applications and provide our comments as per our commenting and regulatory role. Further, we trust these comments are of assistance. TRCA will continue to work closely with the City of Mississauga, the applicant and their consultants to ensure that TRCA's expectations for meeting the above noted comments are met. We look forward to meeting with Town staff and the applicant in the near future.?

The Greater Toronto Airports Authority commented as follows (April 29, 2015):

?We have reviewed the request to authorize a minor variance to permit the operation of a private school on the subject property, and offer the following comments:

The subject property is located within the Toronto Pearson International Airport Operating Area and within the 30-35 NEF/NEP of the composite contour map for Toronto Pearson. Noise contours are produced to encourage compatible land use planning in the vicinity of airports. The Airport Operating Area (AOA) establishes the boundary of areas that are subject to high levels of aircraft noise. The official plans of both City of Mississauga and Region of Peel have incorporated aircraft noise policies to define restrictions on sensitive land use development within the AOA, aimed at minimizing community annoyance and protecting the operational integrity of the Airport. Sensitive land uses include residences, day care centres, public and private schools and health care facilities. This definition of sensitive land uses is consistent with the Provincial Policy Statement (Ministry of Municipal Affairs and Housing) and is more broadly addressed in TP1247 ? Land Use in the Vicinity of Airports (Transport Canada).

Accordingly, the Greater Toronto Airports Authority (GTAA) discourages the development of sensitive land uses within the AOA.

If authorization of a minor variance is granted by the Committee of Adjustment the GTAA requests, as a condition of approval, the completion of a noise impact study from a qualified noise engineer certifying

that the design drawings submitted for the proposed educational facilities are in compliance with all applicable Ministry of the Environment (MOE) noise guidelines (Publication NPC-300). In addition, the GTAA requests an acoustical certification from a qualified noise engineer that the building for the school is in compliance with all applicable MOE noise guidelines and the noise study referred to above. Furthermore, the GTAA requires warning clauses in student enrollment contracts and a warning sign on the property.

Should the City of Mississauga's Committee of Adjustment proceed with the authorization of a minor variance to permit the operation of a private school on the subject property, it should only do so once it has been established that the conditions stated in the previous paragraph will be met (as the result of a detailed noise analysis being undertaken and acoustic design features being incorporated into the building components).?

A memorandum was received from Mayor Crombie expressing her support for the subject application.

A memorandum was received from Ward Councillor Parrish expressing her support for the subject application.

A letter was received from B. Horosko, the Solicitor for the proposed operator of the private school indicating his review of the report provided by The Greater Toronto Airports Authority. Attached was an acoustical report outlining various technical observances of the proposal.

Mr. H. Lynch, a Planner for the Planning and Building Department, attended and advised the Committee that a Certificate of Occupancy application had not been filed by the applicant and he expressed his concern that additional variances may be required.

No other persons expressed any interest in the application.

Mr. Horosko confirmed that a record of site condition would be provided to the Transportation and Works Department for their review and they his client would be willing to accept any conditions of approval from staff as noted in their report.

Mr. Horosko suggested that in response to the concerns raised by Planning staff that that the proposed private school would be compatible with the surrounding lands that were within the E2 ? Employment lands. Mr. Horosko noted that the surrounding area contained recreational and office uses and it was Mr. Horosko's opinion that the proposed private school would not impede the ability of the surrounding land uses to operate.

Mr. Horosko requested for the application to be amended to include reference to the private school being operated within the Toronto Pearson International Airport Operating Area as prohibited by the Zoning By-law. He confirmed the amended application was correct and that he would like for the Committee to proceed with evaluating the merits of the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Horosko and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee was satisfied that the building would be altered in a manner that would sufficiently address any concerns with noise associated with being located within the Toronto Pearson International Airport Operating Area. They referred to the acoustical report provided by Mr. Horosko as being supportive of such an assertion. The Committee noted that the outdoor recreational component of the private school would not be impacted by noise and referred to the adjacent municipally owned recreational lands as an indication that outdoor activity was not detrimentally impacted by any noise associated with the airport.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance. The Committee indicated that the Official Plan intended to prevent incompatible land uses from being located adjacent to each other to prevent health and safety concerns as well as impede employment activity among other things. The Committee observed that the surrounding area contained various office and recreational uses and suggested that the proposed private school was a compatible land use and would not be negatively impacted or cause such impact on the surrounding area.

The Committee is of the opinion that the amended request is minor in nature in this instance. Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a private school use within a portion of the existing building being located within the Toronto Pearson International Airport Operating Area; whereas By-law 0225-2007, as amended, makes no provisions for a private school use on the subject property and does not permit such a use within the Toronto Pearson International Airport Operating Area in this instance.

This decision is subject to the following conditions:

A letter shall be received from the Greater Toronto Airports Authority indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 29,

2015.

A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 23, 2015.

MOVED BY:

J. Robinson SECONDED BY: D. George CARRIED Application Approved, as amended, on conditions as stated. Dated at the City of Mississauga on May 7, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE MAY 27, 2015.

Date of mailing is May 11, 2015.

S. PATRIZIO (CHAIR)  
D. GEORGE

J. ROBINSON  
D. KENNEDY

J. PAGE D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 7, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached. NOTES:

A Development Charge may be payable prior to the issuance of a Building Permit.

Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.