

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): A377.20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

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 in Unit 248 of the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 2155 Leanne Boulevard - Unit 248

Mississauga Official Plan

Character Area: Sheridan Community Node
Designation: Office

Zoning By-law 0225-2007

Zoning: O-12 (Office)

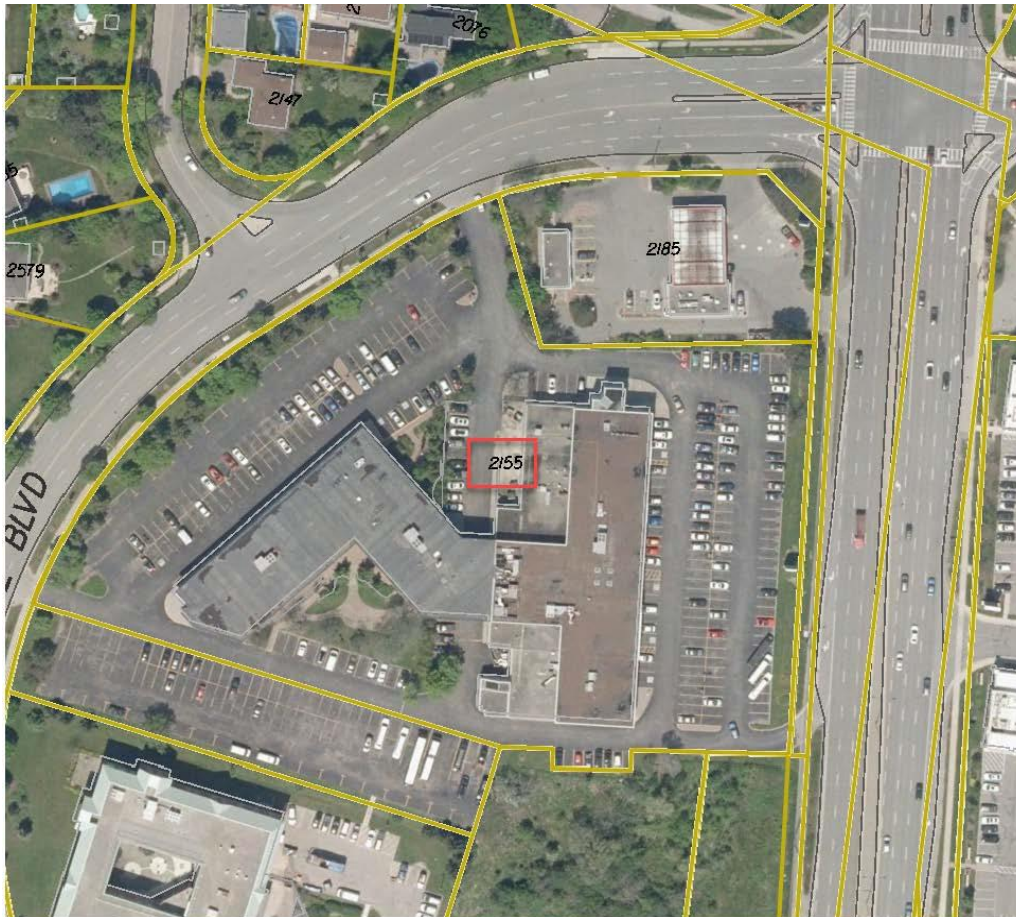
Other Applications

Occupancy Permit: 20-1055

Site and Area Context

The subject property is located within the Sheridan Community Node Character Area, northwest of North Sheridan Way and Erin Mills Parkway. The area consists of a mix of residential and commercial uses. Immediately south of the subject property is a long term care facility and overnight accommodation use. The subject property contains a two storey building comprising of a mix of office and commercial uses. The commercial uses mostly front onto Erin Mills Parkway while office type uses are primarily located in the rear.

The applicant is proposing a personal service establishment use 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 property is designated Office in Schedule 10 of the Mississauga Official Plan (MOP) which permits major office, secondary office and accessory uses. A personal service establishment use is only permitted in the Mixed Use and Convenience Commercial designations. The Office designation is meant to limit commercial uses that would be more suited for mixed use areas that are directed towards a retail based environment, such as commercial plazas. It should be noted that while the existing plaza contains a number of commercial uses, a personal service establishment is not envisioned in the Office designation. As such, staff is of the opinion that the general intent and purpose of the official plan is not maintained.

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

The subject property is zoned O-12 (Office) and does not permit a personal service establishment. The zoning by-law limits "Personal Service Establishments" to commercial zones. The intent of the by-law is to limit the commercial uses permitted on this site to those that are more suitable for commercial plazas which contain a more diverse mixture of uses including retail based uses. While the subject property contains commercial uses, these uses are limited to only one building which fronts onto Erin Mills Parkway. The building located in the rear of the property contains office type uses. Through discussions with the applicant's agent, the proposed personal service establishment is a skin care clinic which operates by appointment only. Based on the information provided, 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?

The subject property is located within a Community Node, surrounded by a mix of uses. The proposed use is a skin care clinic that would operate similar to an office use requiring an appointment for service, thereby limiting the overall impact of the proposed personal service establishment, resulting from foot traffic and unscheduled appointments. While the proposed use can be used to serve the surrounding area, the proposed use is not supported by the zoning by-law and official plan. As such, the proposed use 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' 377/20.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning certificate application under file 20-1055. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Marco Palermo

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 25th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-290/20, DEF-A-354/20, DEF-A-377/20.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Ministry of Transportation of Ontario

The above property-project is within the MTO PCA, previous comments stand for this property-project.

Comments Prepared by: Corey Caple, Corridor Management Officer