

Filing Date: June 03, 2021

Hearing Date: July 13, 2021

File: A-2020-0130

Owner/Applicant: 1942411 Ontario Inc.

Address: 2009 Steeles Avenue West and 7920 Mississauga Road,
Brampton

Ward: 6

Contact: Nasir Mahmood, Development Planner

Recommendations:

That application A-2021-0130 is supportable subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and,
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Zoning By-law 261-2020 was passed by Council on December 09, 2020 to rezone the subject lands from 'Agricultural (A)' and 'Floodplain (F)' zones to 'Office Commercial Section-3542 (OC-3542)', 'Floodplain (F)', and 'Agricultural (A)' zones to facilitate the development of the property for two seven storey hotels, a one storey banquet hall, and a ten storey office (with retail at grade) building (City file no. T05W15.004). The Zoning By-law included a provision for the office building to have a minimum gross floor area of 8,500 square metres. Currently, site plan application SPA-2021-0065 is under review with the City for the approval of the detailed design for the proposed development.

The applicant has submitted a Minor Variance application to seek relief of certain provisions of the Zoning By-law to permit a reduced required minimum lot width, reduced required minimum gross floor area for the office building, and an updated site

specific parking standard for office use in accordance with the currently applicable City wide modernized parking standard. While the variances related to lot width and gross floor area for the office building are technical in nature, the one relating to the parking standard has been necessitated by the need to bring the site specific parking standard into conformity with the City wide modernized parking standard adopted by Council. None of the proposed variances has been caused by any alteration to the built form or a change to the site or building layout approved through the Zoning By-law amendment application.

Existing Zoning:

The property is zoned 'Office Commercial Section 3542 (OC-3542)', 'Floodplain (F)' and 'Agricultural (A)' *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit a minimum lot width of 15 metres along Mississauga Road whereas the by-law requires a minimum width of 45 metres;
2. To permit a minimum gross floor area of 6,250 square metres for Building C (office) whereas the by-law requires an office building with a minimum gross floor area of 8,500 square metres;
3. To permit an office parking rate of 1 space per 30 square metres of gross commercial floor area or portion thereof whereas the by-law requires 1 parking space for each 25 square metres of gross commercial floor area or portion thereof for offices, except an office of a health care practitioner, or uses permitted in Section 3542.1 (e).

Current Situation:

1. **Maintains the General Intent and Purpose of the Official Plan**

The property is designated "Office", "Industrial", and "Open Space" in Schedule A General Land Use Designations of the Official Plan. It is designated "Employment" and "Open Space" in Schedule 1 City Concept of the Official Plan. The intended hotel, banquet hall and office uses are amongst the permitted uses in the "Office" and "Industrial" designations. The requested variances have no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

2. **Maintains the General Intent and Purpose of the Zoning By-law**

The first variance that the applicant is requesting is to permit a minimum lot width of 15 metres along Mississauga Road whereas the by-law requires a minimum lot width of 45 metres. The property has a total frontage of 192 metres along Mississauga Road, most

of which is located within floodplain. Therefore, in accordance with the provisions of the Zoning By-law 270-2004 (6.14 Floodplain Zone), except for the 15 metres frontage located at the access along Mississauga Road, the rest of the frontage cannot be counted towards the minimum required lot width. The intent of the Zoning By-law in prescribing a certain minimum lot width clear of the floodplain is to ensure safe ingress/egress to/from the property in view of the floodplain. In the current case, the matter was reviewed by the City's Traffic and Environmental Planning staff, and the CVC staff, and it was determined that the proposed reduced lot width would pose no hazard to human safety, and would provide adequate ingress/egress to/from the site. Therefore, the general intent and purpose of the Zoning By-law is maintained.

The second variance that the applicant has proposed is to permit a minimum gross commercial floor area of 6,250 square metres for the office building whereas the by-law requires an office building to have a minimum gross commercial floor area of 8,500 square metres. It is noticeable that while the proposed office building is still intended to have an overall gross floor area of 8,500 square metres (with no reduction to the gross floor area), the net floor area excluding the allowable deductible area occupied by the elevators, stairwell, and mechanical/electrical, will be 6,250 square metres which (as per Zoning By-law 270-2004 definition of the Gross Commercial Floor Area) is technically the gross commercial floor area for the office building. On account of an oversight, the allowable deductions for the elevators, stairwell, electrical, and mechanical were not deducted while calculating the required minimum gross commercial floor area of 8,500 square metres. With the allowable deductions, the minimum gross commercial floor area requirements should have been set at 6,250 square metres, as requested in the variance. The intent of the Zoning By-law in prescribing a certain minimum amount of gross commercial floor area for the office building is to ensure that a certain minimum amount of office space is made available to attain the job creation potential of the site. With the proposed reduced gross commercial floor area (with no reduction to the actual office space) to accommodate the intent of the Zoning By-law's definition of the Gross Commercial Floor Area, the general intent and purpose of the Zoning By-law will be maintained.

The third variance that the applicant is proposing is to permit an office parking rate of 1 space per 30 square metres of gross commercial floor area or portion thereof whereas the by-law requires 1 parking space for each 25 square metres of gross commercial floor area or portion thereof for offices, except an office of a health care practitioner, or uses permitted in Section 3542.1 (e). The intent of the Zoning By-law in prescribing a certain parking standard for the office use is to make sure that adequate number of parking spaces are available to serve the needs of the office use, and street parking is discouraged. In the current case, while no parking reduction is being proposed, the intent of the variance is to make the site specific parking standard conform to the newly adopted modernized City wide parking standard which requires fewer parking spaces per square metre of office space. The proposed variance is of technical nature, and the general intent and purpose of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The purpose of the requested variances is to fulfill the need to meet the Zoning By-law's floodplain zone requirements for the minimum lot width and its definition of the minimum gross commercial floor area, and the need to update the site-specific parking standard in accordance with the currently applicable City wide modernized parking standards. No alteration to the built form or change to the site or layout are contemplated. The public ingress/egress to/from the site will not be impacted, the job creation potential of the office space will be maintained, and adequate amount of parking for the office use will be provided. The proposed variances are considered desirable for the appropriate development of land.

4. Minor in Nature

The proposed variances which are all essentially of a technical nature, do not propose the relaxation of any zoning standards, and have no adverse impact on the site or the surrounding development. Therefore, the requested variances are considered minor in nature.

Respectfully Submitted,



Nasir Mahmood MCIP, RPP
Development Planner
Planning and Development Services