

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): A221.21
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 3:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow an automotive dealership proposing:

1. A motor vehicle sales, leasing and/or rental facility – restricted use, whereas By-law 0225-2007, as amended, does not permit motor vehicle sales, leasing, and/or rental facility – restricted use in this instance;
2. 36 parking spaces (outdoor) whereas By-law 0225-2007, as amended, requires a minimum of 68 parking spaces in this instance;
3. 83.3% of outdoor parking to be tandem parking whereas By-law 0225-2007, as amended, permits a maximum of 50.0% of outdoor parking to be tandem parking in this instance.

Amendments

Based on review of the information currently available in this application, we advise that the variances should be amended as follows:

2. 36 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 69 parking spaces in this instance;
3. 83.3% of provided parking to be tandem parking whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance.

Background

Property Address: 1074 Westport Crescent

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3 - Employment

Other Applications: Certificate of Occupancy 21-4751

Site and Area Context

The subject property is located at the south-east corner of the Tomken Rd and Meyerside Dr intersection. The subject property is an internal parcel, with a lot area of +/- 3,518.18m² and a lot frontage of +/- 32.77.0m. The subject property currently houses a one-storey building and possesses minimal vegetation and landscape elements on the periphery of the lot. From a land-use perspective, the immediate neighbourhood is a mixture of employment uses including a Kombat Arts Training Academy, restaurants and a premier recycling centre. The properties within the immediate area possess lot frontages of +/-30.0m with minimal vegetation and landscape elements located along the periphery of each parcel.

The applicant is requesting a variance to allow the existing motor vehicle repair facility – restricted where it is not permitted. The applicant is also requesting a reduction in parking and tandem 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 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 site is located within the Northeast Employment Area Character Area, and is designated Industrial by the Mississauga Official Plan (MOP). Section 11.2.12 (Industrial) indicates that this designations permits a motor vehicle rental facility; however does not permit the sales and leasing of restricted motor vehicles. As such the proposed does not meet the purpose and general intent of the Official Plan.

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

In accordance with the Zoning By-law 0225-2007, the subject property is zoned E3 (Industrial). Table 8.2.1 (E1 to E3 Permitted Uses and Zone Regulations) specifies, the proposed motor vehicle sales, leasing, and/or rental facility – restricted is not a permitted use on the subject

lands, and is generally only permitted within the C3 (General Commercial) zone. The intent of the Zoning By-law, in this case, in differentiating between permitted uses of two zoning classifications is to separate the commercially intense operations, such as motor vehicle sales, from non-compatible, inappropriate, and/or conflicting land uses, such as those falling within the E3 (Employment) zone.

As the proposed parking reduction is larger than 10%, a Parking Justification Study is required. A Cover Letter prepared by Kristie Oughtred, W.E. Oughtred & Associates Inc., dated April 15, 2021, was submitted in support of the application. The Cover Letter, dated April 15, 2021, explains that the applicant has been operating a motor vehicle sales and service centre in Mississauga for many years and intend to expand their business with a second location at 1074 Westport Crescent. Parking at the front of the building will be used by customers who book appointments to view the showroom or pick up/drop off their vehicle for service. The tandem parking at the back of the property would be used by staff and vehicles that do not need to be immediately accessed. It is also noted that there is space inside the building for 20 additional parking spaces.

City Planning Strategies (CPS) Staff point out that it is not appropriate to account for indoor parking spaces as part of the total parking provided onsite and it is concerning to propose the majority of required parking spaces as tandem parking, especially for customer parking.

Satisfactory justification was not submitted with the application. A motor vehicle sales and repair facility is an essential service that is open during the COVID-19 pandemic, therefore CPS staff recommend that the applicant submit a satisfactory Parking Utilization Study (PUS).

As the appropriate Parking Justification studies have yet to be submitted, Planning Staff cannot determine whether the requested variance truly represents the orderly development of the lands, or whether the resulting effects are in fact minor in nature.

While further information pertaining to Variances #2 and #3 remain, all of which are required in determining to what extent the application meets the criteria established by Section 45 of the *Planning Act*, Planning Staff note the ultimate proposed use is not permitted by the Zoning By-law.

To this end, the Planning and Building Department recommends that the Applicant's proposal be refused.

Conclusion

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

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

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are photos depicting the subject property and note that the existing parking layout in the front of the property differs from that depicted on the proposed Site Plan Drawing submitted. In this regard we are assuming that the variance requested will reflect the submitted drawings.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file 21-4751. Based on review of the information currently available in this application, we advise that the variances should be amended as follows:

2. 36 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 69 parking spaces in this instance;
3. 83.3% of provided parking to be tandem parking whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance.

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: Richard Thompson, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner