

# City of Mississauga Department Comments

Date Finalized: 2021-09-15	File(s): A389.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-23 1:00:00 PM

## Consolidated Recommendation

The City recommends that variance 1 be refused. In regards to variance 2, Planning staff recommend the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow vehicle sales proposing:

1. A motor vehicle sales, leasing and/or rental facility - restricted whereas By-law 0225-2007, as amended, does not permit motor vehicle sales, leasing and/or rental facility - restricted in this instance; and
2. 29 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 36 parking spaces in this instance.

## Background

**Property Address:** 7070 Pacific Circle

### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Industrial

### Zoning By-law 0225-2007

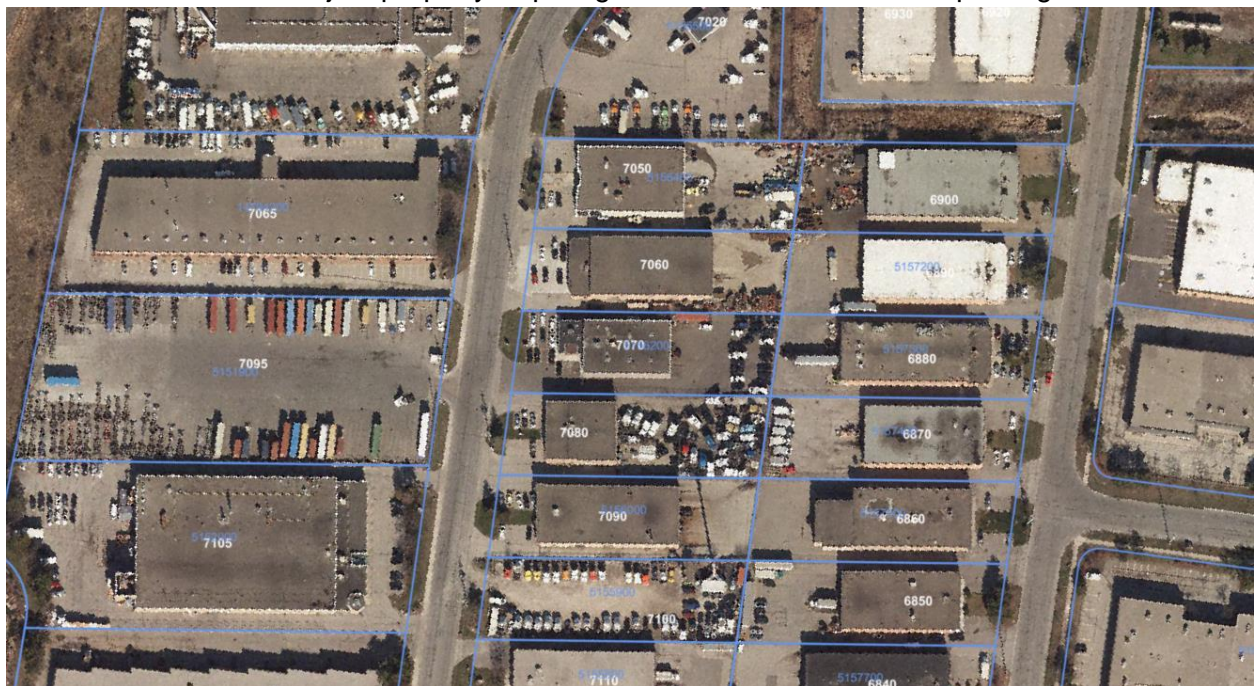
**Zoning:** E3 - Employment

**Other Applications:** C 21-5898

## Site and Area Context

The subject property is located south-east of the Derry Road East and Highway 410 interchange in the Northeast Employment Area. It currently contains a one storey industrial building and has a lot frontage of +/- 30.4m (99.74ft) and a lot area of 2884.57m<sup>2</sup> (31,049.25ft<sup>2</sup>). There is minimal vegetation and landscaping on the subject property, which is characteristic of the larger area. The surrounding context includes one and two storey industrial and office buildings.

The applicant is requesting to permit a motor vehicle sales, leasing and/or rental facility – restricted use on the subject property requiring variances for the use and parking.



## 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 located in the Northeast Employment Area and is designated Industrial in Schedule 10 of the Mississauga Official plan (MOP). This designation permits a variety of uses, including motor vehicle body repair, wash, and rental facilities, however motor vehicle

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sales are not permitted under this designation. Staff note that the only designation that permits motor vehicle sales is the Mixed Use designation. While Staff appreciate that some motor vehicle uses are permitted in the Industrial designation, the sales use was clearly excluded from the list and therefore Staff are of the opinion that variance 1 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?**

Variance 1 requests to permit a motor vehicle sales, leasing and/or rental facility – restricted use on the subject property. The subject property is zoned E3, which permits the repair and leasing of vehicles as well as the sale of commercial motor vehicles, however it does not permit the sale of non-commercial motor vehicles. Staff note that the sale and leasing of non-commercial motor vehicles is not permitted under any base Employment zone in the City. The use requested is limited solely to the C3 zone. The intent and purpose of the zoning by-law is to permit motor vehicle retail uses in a commercial zone with other retail uses and to not create precedence in establishing retail car dealerships in employment zones as of right. Staff are therefore of the opinion that variance 1 does not maintain the general intent and purpose of the Zoning By-law.

Variance 2 requests a reduction in parking. CPS Staff have reviewed the application and note as follows:

Variance 2 represents a parking deficiency of 7 spaces or 19%.

Staff reviewed the details provided in this application and note that the subject property has a previous minor variance for a parking reduction through application 'A' 80/16. That application sought to permit a motor vehicle repair facility – restricted within the warehouse portion of the existing building with a total of 29 parking spaces whereas 36 parking spaces are required. Application 'A' 80/16 also proposed a taxi dispatch office facility with accessory motor vehicle repair facility – restricted. The applicant explained that the building will be utilized to service Blue and White Taxi vehicles and not as a repair garage for other companies, therefore taxi vehicles will attend the property only when repairs are required.

The applicant did not provide any justification for the proposed parking reduction and staff recommended that the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

However, Committee of Adjustment saw merit and approved application 'A' 80/16, as amended.

To date, staff have not received a PUS to justify a parking reduction onsite.

Given that the requested parking variance through 'A' 389/21 is a similar use with the same parking rate requirement (4.3 spaces per 100m<sup>2</sup> of GFA) as the previously approved application, staff have no further comments.

In regards to variance 2, Planning Staff recommend the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

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

Staff are satisfied that variance 2 raises no Planning concerns and is appropriate to be handled through the minor variance process. The requested additional use, however, does not represent appropriate development of the lands as the requested use was intentionally prohibited from Employment zones. Staff are therefore also of the opinion that variance 1 is not minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are some photos depicting the subject property.







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 C21-5898. 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