

City of Mississauga Department Comments

Date Finalized: 2022-01-05	File(s): A221.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 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 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
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3 - Employment

Other Applications: C 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 (37,869ft²) and a lot frontage of +/- 32.77m (107.51ft). 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. The properties within the immediate area possess appropriately sized lots 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 subject property is located in the Northeast Employment Character Area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP). Section 11.2.12 (Industrial) permits a variety of uses, including motor vehicle uses, however it does not permit motor vehicle sales. Section 8.4 of the Official Plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. City staff have concerns regarding the submitted justification and the proposed reduction. Staff are therefore of the opinion that the application 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 a variance to allow a motor vehicle sales, leasing, and/or rental facility use on the subject property. 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 note that vehicle sales and rentals are permitted within the E3 zone, however it is limited to commercial vehicles and not regular cars. This is due to the commercial vehicles more appropriately serving surrounding businesses and the intensity of the use when selling, renting, and repairing those types of commercial motor vehicles. The intent and purpose of the Zoning By-law is not maintained by permitting uses not contemplated by the zone category and in accordance with an entirely different zoning framework.

The intent of the Zoning By-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Municipal Parking staff have reviewed the application and note as follows:

The applicant submitted a Parking Study, prepared by Harper Dell & Associates, dated October 26, 2021, in support of the submitted application.

The submitted Parking Study carried out an onsite survey at 30 minute intervals over two consecutive weeks on:

- Tuesday, August 31, 2021 from 8:30am to 6:30pm
- Thursday, September 2, 2021 from 8:30am to 6:30pm
- Friday, September 3, 2021 from 8:30am to 6:30pm
- Tuesday, September 7, 2021 from 8:30am to 6:30pm
- Thursday, September 9, 2021 from 8:30am to 6:30pm

The Parking Study reported an observed peak on Tuesday, September 2, 2021 at 1:00pm with a peak demand of 29 parking spaces, which equates to a parking demand rate of 1.82 spaces per 100m² of non-residential GFA.

Staff conducted a site visit on Tuesday, December 14, 2021 and observed that the onsite conditions do not reflect the results of the Parking Study. Staff observed at least 10 cars parked illegally and in tandem in the front and both sides of the building. More cars were parked towards the back of the building, however the access and views were obstructed and staff could not identify the exact number of additional cars parked in tandem. The onsite conditions demonstrate that the demand is much greater than the supply and, therefore, the requested parking variance is not justified. Furthermore, staff have concerns that the majority of onsite spaces are tandem parking spaces. Staff recommend the applicant address the onsite parking overflow, remove illegally parked cars in the fire route and submit a satisfactory Parking Utilization Study that accurately reflects the onsite conditions.

Given the above, staff are of the opinion that the variances do not maintain the general intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the variances requested do not represent appropriate development of the subject lands. Furthermore the variances cannot be considered minor in nature and will likely have undue impacts on abutting properties.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are 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 permit under file C 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