

City of Mississauga Department Comments

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| Date Finalized: 2022-01-19 To: Committee of Adjustment From: Committee of Adjustment Coordinator | File(s): A47.22 Ward 5 |
| | Meeting date:2022-01-27 3:00:00 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 a Furniture Retail store proposing:

1. To permit a furniture retail store in an E2 Zone (Employment) whereas By-law 0225-2007, as amended, does not permit a furniture retail use in an E2 Zone (Employment) in this instance;
2. To permit 36 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 191 parking spaces in this instance; and,
3. To permit one (1) existing accessible parking space whereas By-law 0225-2007, as amended, requires a minimum of 7 accessible parking spaces in this instance.

Background

Property Address: 2555 Derry Road East

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-38 - Employment

Other Applications: None

Site and Area Context

The subject property is located on the north side of Derry Road East, east of the Torbram Road intersection. It currently contains a single storey industrial building and associated parking lot. There is no notable vegetation or landscaping on the subject property. The surrounding area context consists generally of single storey, multi-tenant industrial buildings to the north and west and airport lands to the east and south.

The applicant is proposing a furniture retail store 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:

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 industrial, office, and employment uses. Retail uses are not permitted under this designation.

Variance 1 requests a retail use where it is not permitted. While some commercial uses are permitted in Employment zones, such as restaurants and financial institutions, retail uses are not permitted in Employment zones. Planning staff are of the opinion that 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.

Section 8.4 of the Official Plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations.

Variances 2 requests a reduction in parking spaces. 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. CPS staff have reviewed the variance requested and note as follows:

The applicant submitted a Parking Justification Study, prepared by NexTrans Consulting Engineers, dated November 26, 2021, in support of the submitted application.

The Parking Justification Study explains that the existing building has a furniture retail store and a truck rental facility with a total gross floor area (GFA) of 3,806.7 m². The existing building and GFA will remain unchanged. Only the parking for the retail store of 3,345.7 m² of GFA was considered, as the truck rental parking and employee parking is gated and not accessible to customers.

The Parking Justification Study carried out an onsite survey at 30 minute intervals on:

- Friday, October 29, 2021 from 10:00am to 8:00pm
- Saturday, October 30, 2021 from 10:00am to 6:00pm
- Sunday, October 31, 2021 from 12:00pm to 5:00pm
- Friday, November 5, 2021 from 10:00am to 8:00pm
- Saturday, November 6, 2021 from 10:00am to 6:00pm
- Sunday, November 7, 2021 from 12:00pm to 5:00pm

The observed peak parking demand was 30 spaces, which equates to a demand rate of 0.90 spaces per 100m² of GFA.

Staff have concerns with the submitted Parking Justification Study because the truck rental use onsite was not captured in the survey and the data does not account for all uses and parking spaces onsite. Staff also identified discrepancies between the submitted information and point out that required and provided number of parking spaces onsite are only an estimate.

Planning staff are in agreement with the comments from CPS staff and are unable to support the parking variance at this time. As staff are unable to support the requested parking variance, staff are also unable to support the request for a reduction in accessible parking spaces at this time.

Given the above, staff are of the opinion that the application fails to maintain the general intent and purpose of both the Official Plan and Zoning By-law. Staff therefore recommend that the application be refused. However, should Committee see merit in the use variance, staff would

recommend that the application be deferred pending the submission of an updated parking study.

Comments Prepared by: Alexander Davies, 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' 47/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner