

# City of Mississauga Department Comments

Date Finalized: 2022-06-08	File(s): A221.21
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-06-16 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

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: C21-4751

### 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 +/- 3,518.18m<sup>2</sup> (37,869ft<sup>2</sup>) 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 permit the existing motor vehicle sales, leasing and/or rental 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. As Planning staff do not find the use to maintain the general intent and purpose of the official plan and the proposed parking variance is a direct result of the proposed use, 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 only permit motor vehicle retail uses in Commercial zones 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.

Variance 2 requests a reduction in parking. The intent of the zoning by-law 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 revised Parking Study, prepared by Harper Dell & Associates Inc., dated March 4<sup>th</sup>, 2022, in support of the submitted application.

The submitted Parking Study carried out an onsite survey at 30 minute intervals twice over two consecutive weeks. On the following dates the survey was conducted during the first study completion in the summer of 2021:

- 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 100m<sup>2</sup> of non-residential GFA. Based on the above submitted justification and the staff site visits, staff recommended that the application be deferred pending the resolution of onsite parking issues and the submission of a satisfactory Parking Utilization Study.

This subsequent submission includes the following survey dates:

- Tuesday, February 15<sup>th</sup> from 8:30am to 6:30pm
- Wednesday, February 16<sup>th</sup> from 8:30am to 6:30pm
- Thursday, February 17<sup>th</sup> from 8:30am to 6:30pm
- Tuesday, February 22<sup>nd</sup> from 8:30am to 6:30pm
- Wednesday, February 23<sup>rd</sup> from 8:30am to 6:30pm
- Thursday, February 24<sup>th</sup> from 8:30am to 6:30pm

This revised Parking Study reported an observed peak on Tuesday, February 15, 2022 at 1:00pm with a peak demand of 19 parking spaces, which equates to a parking demand rate of 1.19 spaces per 100m<sup>2</sup> of non-residential GFA.

Staff conducted a site visit on Friday, May 20, 2022 and observed no cars parked illegally in the front, and on both sides. In the back of the building, cars were parked in tandem. It is staff's understanding that T&W staff conducted a site visit on Wednesday, May 25, 2022, and observed that two of the tandem parking spaces in the back of the property were used for storage of car tires. T&W staff also observed cars parked on the road in front of the building with an overall count of 30 parking spaces occupied on-site. The on-site observations are reflective of the surveys conducted in 2021 and more recently in winter 2022. The on-site conditions demonstrate that the demand can be sufficiently accommodated onsite. On the other hand, Staff have concerns that the majority of onsite spaces are tandem parking spaces especially when Zoning has confirmed that tandem parking spaces in this instance are not permitted. Staff would like to better understand the operations of the tandem parking spaces should the proposed use of an automotive dealership; a motor vehicle sales, leasing and/or rental facility – restricted use, be permitted on-site.

Based on the submitted justification and the staff site visits, Staff can support the amended variance as per confirmation from zoning.

While Municipal Parking staff are supportive of the parking variance, Planning staff are not supportive of the use and share concerns that a large portion of the proposed parking is tandem parking, which requires a variance and may limit the functionality of a large portion of the available parking. Staff are therefore 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 have undue impacts on abutting properties.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Attached for Committee's information are some recent photos of the subject property.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

Comments provided for the January 13, 2022 meeting remain applicable.

Previous Comment:

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



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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