

# City of Mississauga Department Comments

Date Finalized: 2022-06-15	File(s): A365.19 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-23 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 relief from parking requirements for Units 1, 2 and 3 on the subject property proposing:

1. A total of 22 parking spaces to be provided on site and 24 parking spaces to be provided off-site on Hydro lands at 0 Mattawa Ave and 772 South Sheridan Way; whereas By-law 0225-2007, as amended, requires a minimum of 47 parking spaces for all uses to be provided on site;
2. To permit aisles to be partially located on the adjacent properties (0 Mattawa Avenue & Hydro) for accessing parking spaces on the subject property; whereas By-law 0225-2007, as amended, requires all aisles to be provided on site;
3. An aisle width of 4.33m (approx. 14.21ft) for accessing parking spaces located at the front of the building; whereas By-law 0225-2007, as amended, requires a minimum aisle of 7.00m (approx. 22.97ft) and an aisle of 2.45m (approx. 8.04ft) on site for accessing parking spaces located at the rear of the building in this instance; and,
4. To permit a Motor Vehicle Body Repair Facility & Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted within Unit 3 of the subject property; whereas By-law 0225-2007, as amended, does not permit such uses within the E2-131 – Employment exception zone in this instance.

## Background

**Property Address:** 1796 Mattawa Ave

### Mississauga Official Plan

Character Area: Dixie Employment Area  
Designation: Business Employment

**Zoning By-law 0225-2007****Zoning: E2-131 - Employment****Other Applications: Certificates of Occupancy and a Building Permit under files C18-4256, C21-7116, C21-7117 & BP3 ALT 19-4802.****Site and Area Context**

The subject property is located within the Dixie Employment Area, located southwest of the Dundas Street East and Wharton Way intersection. The subject property contains a 1-storey industrial condominium building that includes a mix of employment and commercial uses. There is no significant vegetation found on site. The broader area consists of commercial, employment, open space/greenlands and low-density residential uses with no or minimal vegetation in the front yards.

The application proposes a Motor Vehicle Body Repair Facility & Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted within Unit 3 of the subject property, requiring variances related to 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 request are as follows:

The subject property is located in the Dixie Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of uses, including commercial, entertainment, industrial and motor vehicle uses; however, it does not permit motor vehicle sales. Staff are therefore of the opinion that the application does not maintain the general intent and purpose of the MOP.

Variance #1 pertains to reduced parking. Municipal Parking staff provide comments on parking reductions. Their comments are as follows.

The applicant has not submitted parking justification in support of the application. Deanlee Management Inc. (the applicant's agent) conversed with Municipal Parking staff in the winter of 2022. At the time, staff were unable to confirm the parking requirement for the proposal due to a lack of information.

The applicant is proposing to utilize the Hydro One Corridor (north of the subject property) to permit a portion of the property for an off-site aisle to provide 24 additional parking spaces for 1796 Mattawa Avenue. The applicant is also proposing to utilize the City of Mississauga's G1-G2 zoned lands (east of the subject property, also known as 0 Mattawa Avenue) for an off-site aisle and turning radii for the parking spaces at the rear of the building.

Staff contacted the applicant's agent on Friday, June 3<sup>rd</sup> for additional information as the site plan that was submitted was unclear. Staff received a revised site plan and determined that the proposal will generate a parking deficiency of 53% (25 parking spaces) on-site. Staff note that 22 parking spaces will continue to be provided on 1796 Mattawa Avenue.

Staff note discrepancies in the submitted documents. The site plan states that 46 parking spaces are required on-site, meanwhile, both Municipal Parking and Zoning staff confirmed that 47 parking spaces are required on-site. Additionally, the existing 22 parking spaces combined with the proposed 24 parking spaces do not meet the parking space requirement for the site (46 parking spaces are proposed on-site versus 47 being required).

An Off-Site Shared Parking Agreement with the Hydro One Corridor and City's open space lands has not yet been executed.

Staff recommend deferral of the application. There are discrepancies between the site plan and the cover letter where the application identified the required sum of parking spaces inaccurately. Staff request that the agent revise these accordingly to represent the actual sums. Staff advise that a satisfactory Parking Utilization Study is also required to be submitted. The consultant should confirm the survey methodology with staff prior to conducting parking surveys. Details can also be found in the City's Parking Terms of Reference. An executed agreement for off-site parking at the Hydro One Corridor and the G1-G2 City zoned lands should be submitted to the satisfaction of the Municipal Parking, Transportation & Works Department.

Variance #4 proposes to permit a Motor Vehicle Body Repair Facility & Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted use within Unit 3 of 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 E2 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. Staff are of the opinion that the variance requested does not represent appropriate development of the subject lands. Furthermore, the variance cannot be considered minor in nature and will likely have undue impacts on abutting properties.

Planning staff echo municipal parking staff's concerns. Furthermore, according to Transportation and Works staff, the applicant still requires a license agreement for 0 Mattawa Avenue. Planning staff are also unable to support Variance #4 as it does not meet the general intent and purpose of the zoning by-law or official plan. The proposed use does not represent appropriate development of the subject lands and cannot be considered minor. Due to these concerns, staff is of the opinion that consideration of this application is premature and that the proposed use is inappropriate. As such, staff recommends that the application be refused.

Comments prepared by: Connor Di Pietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This minor variance cannot move forward until such time that the License Agreement as asked for through Minor Variance A-288/22 has been further processed. We have been advised by the City's Realty Services Section that the applicant has requested a License Agreement but the request has not been fully reviewed by all internal staff and the City has not taken a position on the request.

In view of the above, we would request that this Minor Variance application be deferred until such time that it is determined that the City would permit the encroachment in the City lands by way of a Licence Agreement.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing Certificates of Occupancy and a Building Permit under files C18-4256, C21-7116, C21-7117 & BP3 ALT 19-4802. 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: Brian Bonner, Supervisor

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are City owned lands, identified as Etobicoke Valley (P-238) and within Significant Natural Area, zoned G1 and G2 that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological

- functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement will be required.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

#### **Appendix 4 – Metrolinx Comments**

Metrolinx is in receipt of the minor variance application for 1796 Mattawa Avenue to permit relief from parking requirements and to permit a motor body repair facility & motor vehicle sales, leasing and/or rental facility. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of CP Rail's Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The Proponent is advised that the development lands, 1796 Mattawa Avenue, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator