

City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A550.22
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a temporary minor variance to allow a Motor Vehicle Body Repair Facility on the property whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Body Repair Facility on the property in this instance.

Background

Property Address: 2960 Argentia Rd

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E1-3, U-7

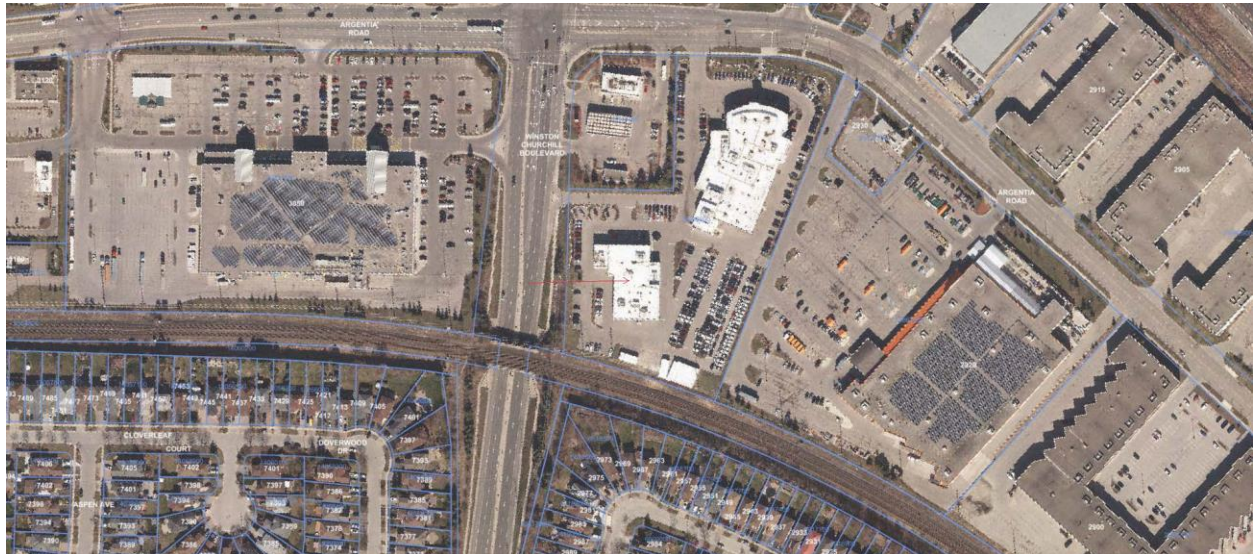
Other Applications: None

Site and Area Context

The subject property is located south-east of the Argentia Road and Winston Churchill Boulevard intersection in the Meadowvale Business Park and has frontage on both streets. It currently contains two commercial buildings and an associated parking lot. Vegetative elements are generally limited to along property lines, consistent with properties in the surrounding area.

The surrounding area context includes a mix of commercial, employment and residential uses with varying lot sizes and built forms.

The applicant is proposing a Motor Vehicle Body Repair Facility requiring a variance for the use.



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 Meadowvale Business Park Corporate Centre and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). While the general official plan policies permit motor vehicle body repair facilities within the Business Employment designation, staff note that the Corporate Centre policies specifically prohibit motor vehicle body repair facilities within Corporate Centres. Furthermore the subject property also forms part of Exempt Site 2 in the Meadowvale Business Park Corporate Centre policies, which prohibits motor vehicle commercial uses on the subject property. Given the above, Planning staff are of the opinion that the general intent and purpose of the official plan are not maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is seeking to permit a Motor Vehicle Body Repair Facility where the zoning by-law does not permit the use in this instance. The subject property is zoned E1-3. No Motor Vehicle Service uses are permitted within an E1 zone by the by-law, and the existing sales use on the property is only permitted through the E1-3 exception zone as restricted motor vehicle sales uses are generally limited to Commercial zones. Motor Vehicle Body Repair Facility uses are only permitted in E3 zones due to the intensity and noxiousness of the use. Planning staff are of the opinion that it does not maintain the general intent and purpose of the by-law to introduce a new category of use to the subject property through a minor variance.

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

Given the above, Planning staff are of the opinion that the application is neither minor in nature nor appropriate development of the subject property. Staff therefore recommend that the application be refused.

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' 550/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy application is required. In the absence of a Zoning Certificate of Occupancy application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Amy Campbell, Planner-in-Training

Appendix 3 - Metrolinx

Metrolinx is in receipt of the minor variance applications for 2960 Argentia Rd to facilitate the allowance of a motor vehicle body repair facility (TD collision claim centre) as a permitted use. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters, adjacent to Canadian Pacific (CP) Railway's Galt Subdivision which carries Metrolinx's Milton GO Train service.
- As CP Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CP Rail is circulated the application for review.
- While not required, given the proximity of the rail corridor to the proposed office use, Metrolinx recommends that the Proponent obtain a Noise and Vibration Impact Study, prepared by a qualified consultant. The proponent shall submit the study for review and satisfaction of Metrolinx. The proponent may obtain Metrolinx's most up to date rail forecast by submitting a request to raildatarequests@metrolinx.com.
- The Proponent shall provide confirmation to Metrolinx, that following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor

- **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the land which is the subject hereof. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway 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 dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.
- The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent's information. The Proponent may contact Leah.ChishimbaSimwanza@Metrolinx.com with questions and to initiate the registration process. Registration of the easement will be required prior to clearance of site plan approval. (It should be noted that the registration process can take up to 6 weeks).

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner