

# City of Mississauga Department Comments

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| Date Finalized: 2023-10-25                | File(s): A402.23                      |
| To: Committee of Adjustment               | Ward: 5                               |
| From: Committee of Adjustment Coordinator | Meeting date:2023-11-02<br>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 a change of use proposing an indoor Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted in an E3 Zone whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted in an E3 Zone in this instance.

## Background

**Property Address:** 1116 Mid-Way Boulevard, Units 7 & 8

### Mississauga Official Plan

Character Area: Northeast Employment Area (West)  
Designation: Industrial

### Zoning By-law 0225-2007

**Zoning:** E3- Employment

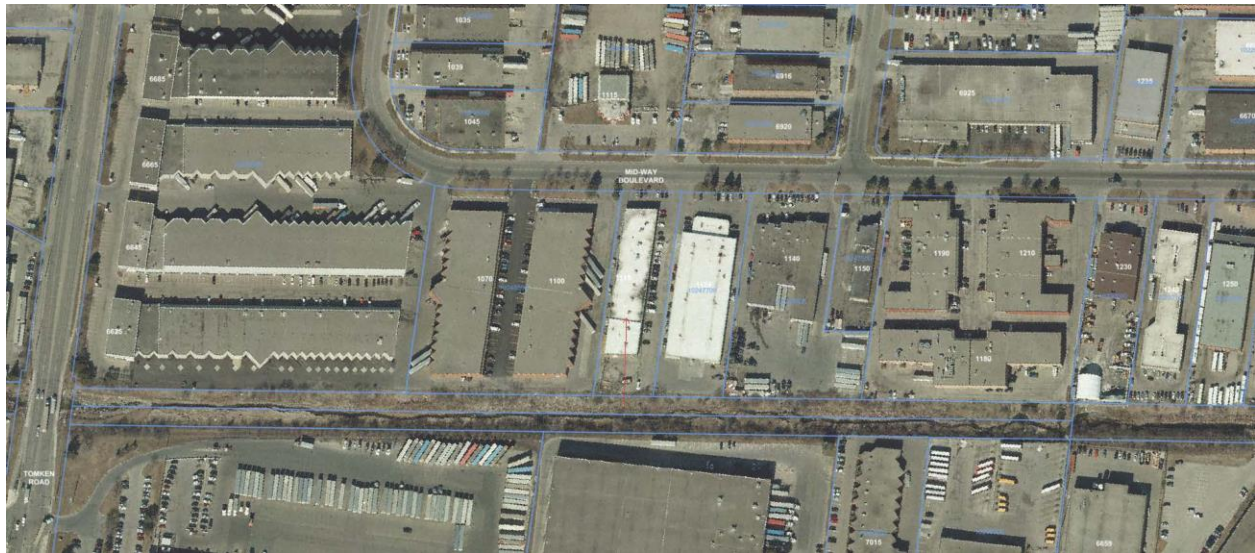
**Other Applications:** C 17-6999

### Site and Area Context

The subject property is located south-east of the Derry Road East and Highway 410 interchange in the Northeast Employment Area. It currently contains a one-storey industrial building and has a lot frontage of +/- 40.21m (131.92ft) and a lot area of 0.54ha (1.33ac). There is minimal

vegetation and landscaping on the subject property, which is characteristic of the larger area. The surrounding context includes one and two storey industrial and office buildings.

The applicant is requesting to permit a motor vehicle sales, leasing, and/or rental facility – restricted use on the subject property 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 Northeast Employment Area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of uses, including motor vehicle body repair, wash, and rental facilities, however motor vehicle sales are not permitted under this designation. Staff note that the only designation that permits motor vehicle sales is the Mixed Use designation. While staff appreciate that some motor vehicle uses are permitted in the Industrial designation, the sales use was clearly excluded from the list and therefore Staff are of the opinion that the proposal 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?**

The variance requests to permit a motor vehicle sales, leasing and/or rental facility – restricted use on the subject property. The subject property is zoned E3, which permits the repair and leasing of vehicles as well as the sale of commercial motor vehicles, however it does not permit the sale of non-commercial motor vehicles. Staff note that the sale and leasing of non-commercial motor vehicles is not permitted under any base Employment zone in the City. The use requested is limited solely to the C3 zone. The intent and purpose of the zoning by-law is to only 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 are therefore of the opinion that the proposal does 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?**

The proposed use does not represent appropriate development of the lands as the requested use was intentionally prohibited from Employment Zones. Staff are therefore of the opinion that the proposal is not minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees 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 Certificate of Occupancy permit application under file 17-6999.

Based on review of the information currently available for this building permit, the variance, as requested is correct.

We advise that more information is required to determine whether additional variance(s) will be required.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Supervisor.

## **Appendix 3 – Parks, Forestry & Environment**

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Not To Be Named (P-249) \*(Between 410 and Dixie North of Ordan Rd), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1.

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...;

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

1. Access from the adjacent park/greenlands is not permitted.
2. Operations from the adjacent park/greelands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – Region of Peel**

##### **Minor Variance: A-23-402M / 1116 Mid-Way Boulevard**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

##### **Comments:**

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP). The subject site is also located within a Provincially Significant Employment Zone, identified on Figure 12 of the ROP. However, this application proposing the introduction of additional commercial uses will not be supported as it is not in keeping with the general intent.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner