

City of Mississauga Department Comments

Date Finalized: 2024-01-24	File(s): A63.24
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2024-02-01 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to permit the existing 95.00sq m (approx. 1022.57sq ft) cafeteria, accessory to the existing Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted, to remain and provide service to both the staff and/or customers of the Motor Vehicle Sales, Leasing and/or Rental Facility-Restricted; whereas By-law 0225-2007, as amended, only permits a cafeteria accessory to a Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted where it provides service to the staff of the facility only in this instance.

Background

Property Address: 2950 Argentia Road

Mississauga Official Plan

Character Area: Meadowvale Business Park CC
Designation: Business Employment

Zoning By-law 0225-2007

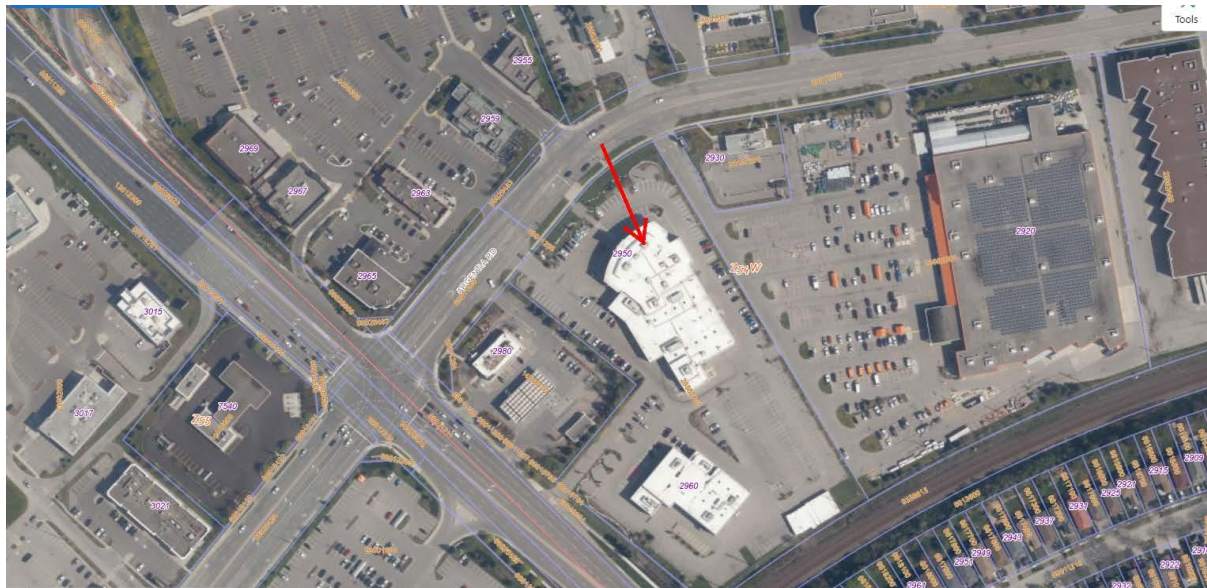
Zoning: U-7- Utility, E-1-3- Employment

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. The developed site consists of 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 requesting a variance for a cafeteria accessory to a motor vehicle sales



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 Meadowvale Business Park Corporate Centre and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

While staff are not in a position to interpret the zoning by-law, staff note the term 'cafeteria' is not defined in the zoning by-law. Staff note an internal space of approximately 95m² (1,022.57ft²) within the motor vehicle dealership has been dedicated and used as a small cafeteria area for the exclusive use for dealership employees and customers since 2007.

Planning staff note the primary use of the subject property is a 'motor vehicle sales, leasing and/or rental facility – restricted', with the proposed variance being an accessory cafeteria area, which is not permitted. Staff are satisfied that the cafeteria area will positively complement the motor vehicle sales, lease and/or rental facility – restricted. Staff note that restaurants and take-out restaurants are permitted as accessory uses in E1 zones within office and medical office buildings. It is staff's opinion that the proposal represents the same or reduced intensity of use as a take-out restaurant in an office or medical office building. The proposed cafeteria area will have no impacts to the streetscape or surrounding context, and will have no direct external access to the facility or signage advertising the tenant.

Given the above Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Furthermore the request raises no concerns of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit 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: Minan Song, Planner in Training

Appendix 3 – Metrolinx**2950 Argentia Road - A63.24**

Metrolinx is in receipt of the Minor Variance application for 2950 Argentia Rd to allow an existing accessory cafeteria within an existing Motor Vehicle Sales, Leasing and/or Rental Facility.

Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- As the requested variance has minimal implication on Metrolinx property (i.e., Milton Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.
- Please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application for this site. Any comments/requirements previously made by Metrolinx are still applicable.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner