

Date Finalized: 2024-07-10 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A310.24 Ward: 2
	Meeting date:2024-07-18 1:00:00 PM

## Consolidated Recommendation

The City has no objection to Variance #3 and recommend Variance #1 be refused. Further, the City recommends Variance #2 is no longer required. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use and parking proposing :

1. A Motor Vehicle Sales use in Unit 7 of 2630 Royal Windsor Drive whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales use in this instance;
2. 264 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 271 parking spaces in this instance;
3. A landscape buffer width of 1.10m (approx. 3.61ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (approx. 14.76ft) in this instance.

### Amendments

While Planning staff are not in a position to provide a Zoning review, staff advise that Variance #2 is not required due to a previous approval for reduced parking under file A255.21.

## Background

**Property Address:** 2630, 2650 & 2666 Royal Windsor Drive, Unit 7

### Mississauga Official Plan

Character Area: Southdown Employment Area  
Designation: Industrial

## Zoning By-law 0225-2007

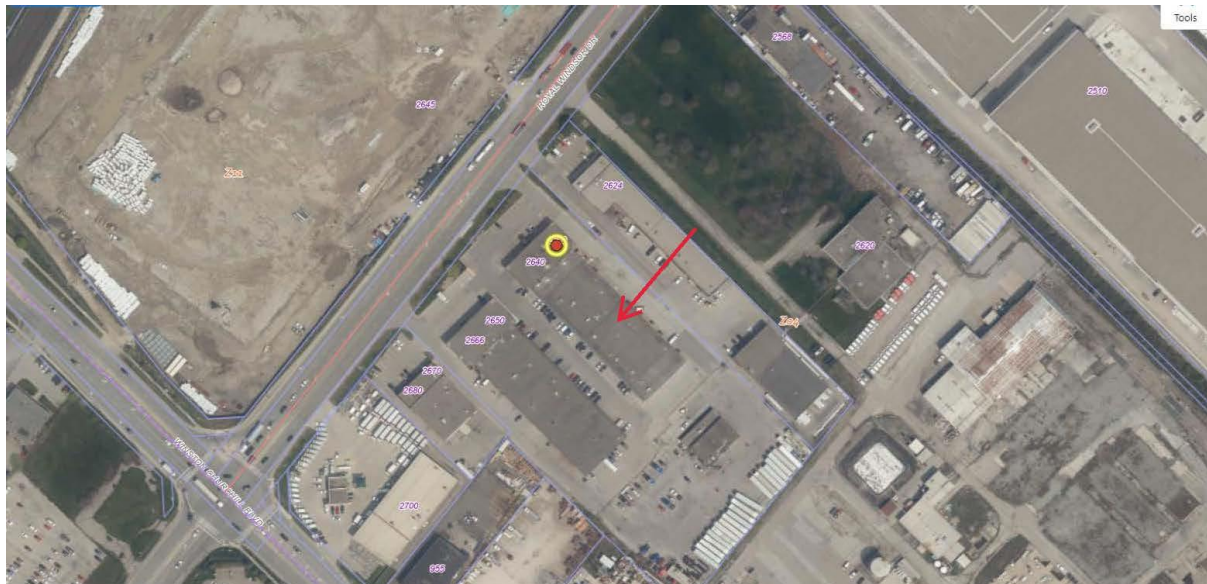
**Zoning:** E3-1 - Employment

**Other Applications:** Certificate of Occupancy C 23-9120 (October 27, 2023) and Condominium Conversion 21CDM-M 23-8 W2 (June 13, 2023).

## Site and Area Context

The subject unit is located within a plaza located south-east of the Winston Churchill Boulevard and Royal Windsor Drive intersection. The property contains 3 two-storey buildings with employment uses. The subject property is an interior parcel possessing minimal vegetation and landscape elements along the front lot line. The existing buildings and site configuration reflect the industrial employment character of the broader surrounding area. Properties within the immediate vicinity possess minimal vegetation and landscaping which is kept to the periphery of each parcel. The surrounding use is primarily industrial. There are auto sales uses present in the greater vicinity of the area, to the west of Winston Churchill Boulevard.

The applicant is proposing a Motor Vehicle Sales use in Unit 7 of the subject property requesting variances for the use, reduced landscape buffer and 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 of the four tests to this minor variance request are as follows:

Variance #2 pertains to reduced parking spaces. Staff note that the subject property was previously before the Committee of Adjustment under file A255.21 on October 7, 2021, wherein a minor variance was approved for a reduced parking of 184 spaces whereas 329 are required. Through discussion with Zoning staff, Planning staff are satisfied that Variance #2 is no longer required as the number of proposed parking spaces are within the previously approved parking numbers.

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject site is designated "Industrial" in Schedule 10 of the Mississauga Official Plan which limits motor vehicle uses on the property to motor vehicle repair facility, motor vehicle commercial and motor vehicle rental facility. The official plan only allows motor vehicle sales in a 'Mixed Use' designation. The intent of the official plan is to permit motor vehicle retail uses in commercial zones with other retail uses and to not create a precedence in establishing retail car dealerships in other designations as of right. Therefore, staff are of the opinion that variance #1 does not maintain the general intent and purpose of the official plan.

Variance #3 represents an existing condition and staff are satisfied that it meets 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 motor vehicle sales use. The subject site is zoned 'E3-1' (Industrial). The variance proposes to permit a restricted motor vehicle sales use in a zone where it is not permitted. The intent and purpose of the zoning by-law is to permit motor vehicle retail uses in Commercial zones with other retail uses and not in employment zones as of right. The use requested is limited solely to the C3 zone. Staff note that vehicle sales and rentals are permitted within the E3 zone, however it is limited to commercial vehicles and not regular vehicles. While staff recognize the purpose of use and its limited functioning and operation wholly within the unit, the zoning by-law does not permit the requested use in the 'E3-1' zone.

Staff are cognizant of the proposed use primarily operating as a sales office without inventory, limiting its impact on surrounding properties and uses. However, with the City's decision to only permit the use in the C3 zone, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained.

Variance #3 pertains to a reduction in the landscape buffer width. Staff acknowledge that the reduction was caused due to conveyance of land to the City during the severance application process. The reduced landscape buffer represents an existing condition and is measured to a

pinch-point. Additionally, a similar variance for reduced landscape buffer width of 0.91m (approx. 2.99ft) was previously approved under file A255.21. Staff are satisfied that variance #3 meets the 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 Variance #3 is technical in nature and represents an existing condition. Staff are satisfied that it is minor in nature. However, staff are of the opinion that Variance #1 is not desirable nor minor in nature and recommend it be refused.

Comments Prepared by: Shivani Chopra, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are photos of the existing building and parking lot.

Comments Prepared by: John Salvino, Development Engineering Technologist







## Appendix 2 – Zoning Comments

The Building Department is processing Certificate of Occupancy C 23-9120 (October 27, 2023) and Condominium Conversion 21CDM-M 23-8 W2 (June 13, 2023). Based on our review of the information available in these applications, more information is required to verify the requested variance(s) accuracy or determine whether additional variance(s) will be required. The zoning reviews for each application are stale-dated.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the abovementioned application. To receive updated comments, the applicant must submit any changes and/or updates to information and/or drawings separately through the above application.

Comments Prepared by: Brian Bonner, Supervisor

### Appendix 3 – Region of Peel

#### Minor Variance: A-24-310M / 2630, 2650 & 2666 Royal Windsor Drive, Unit 7

Planning: Petrele Francois (905) 791-7800 x3356

#### Comments:

- We acknowledge that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP), within a Provincially Significant Employment Zone (F-12). Regional staff encourage the applicant to work with the City to address the appropriate mix of land uses, land use compatibility with nearby employment lands, and appropriate consideration to municipally initiated studies and recommendations that support the requirements of Policy s.5.8 of the RPOP.

Comments Prepared by: Petrele Francois, Junior Planner

### Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 2630, 2650 & 2666 Royal Windsor Drive to allow a change of use and parking proposing:

1. A Motor Vehicle Sales use in Unit 7 of 2630 Royal Windsor Drive whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales use in this instance
2. Reduced parking of 264 parking spaces
3. Reduced landscape buffer width of 1.10m

All as circulated on June 16th, 2024, and to be heard at Public Hearing on July 18th, 2024, at 1:00 PM.

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

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

#### GO/HEAVY-RAIL – ADVISORY COMMENTS

- As the requested variances have minimal impact on Metrolinx property (i.e., Oakville Subdivision), Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
  - **Warning:** The Applicant is advised that the subject land is 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 subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact [farah.faroque@metrolinx.com](mailto:farah.faroque@metrolinx.com).

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