

# Report Committee of Adjustment

Filing Date: February 16<sup>th</sup>, 2024 Hearing Date: March 19<sup>th</sup>, 2024

**File:** A-2024-0035

Owner/

Applicant: 2644083 ONTARIO LIMITED

Address: 18 Corporation Drive

Ward: WARD 8

Contact: Paul Brioux, Assistant Development Planner

#### Recommendations:

That application A-2024-0035 is supportable, subject to the following conditions being imposed:

- 1. That the extent of the variance be limited to units shown on the sketch attached to the Notice of Decision;
- 2. That the take out restaurant permission be limited to Unit 2.
- 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

#### **Background:**

A Temporary Use Zoning By-law amendment approved the operation of a takeout restaurant for a 3 year period which expired on January 27<sup>th</sup>, 2024. Specific provisions and limitations were outlined, stipulating that the maximum allowable gross commercial floor area and the combined gross commercial floor area for a dinning room restaurant and a temporary take out restaurant. Throughout this temporary timeframe, the take out restaurant served the local community including the adjacent secondary school.

#### **Existing Zoning:**

The property is zoned 'Industrial Three - Special Section 363 (M3A-363)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a take out restaurant, whereas the By-law does not permit the use.

#### **Current Situation:**

#### 1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Industrial' in the Official Plan, further designated 'Prestige Employment' in the Airport Intermodal Secondary Plan (Area 4) and designated 'Employment' in the council adopted Official Plan.

Restaurant uses are outlined in the Official Plan through section 4.4.2.5 (d), which state that 'one restaurant is permitted per industrial mall' with more specific restrictions outlined in the Secondary Plan and Zoning By-law. Similarly, as per Schedule 4 in the Airport Intermodal Secondary Plan it is stated that one restaurant per industrial mall is permitted with no additional restrictions.

The vision as per the council adopted new Official Plan include the encouragement of a variety of protected and reserved uses within the employment designation. These include, but aren't limited to manufacturing, warehousing, logistics, and associated commercial, retail (Policy 2.2.8.3). Permitting both commercial and retail within these spaces further contributes to provision of a variety of uses which look to address changing demand of employment sites.

Within the employment designation small scale restaurants are permitted as long as these uses do not hinder the planned function of the Employment designation as a whole (Policy 2.2.8.6). The general intent of these lands are transitioning from general industrial, to a more flexible employment which looks incorporate a wider range of uses to serve changing needs of the community.

The requested variances to permit a take out restaurant will continue to provide the local community with accessible food options while preserving the general intent of the Official Plan. Given the long-term vision of the site in the council adopted official plan, with no anticipated negative impacts on the planned function of the site through the employment designation, the requested variance is considered to maintain the general intent and purpose of the Official Plan.

## 2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a take out restaurant whereas the Zoning By-law does not permit the use. The intent of the Zoning By-law in not permitting a take out restaurant use is to ensure that industrial activities remain the primary focus of the site and to maintain compatibility with other permitted uses. In 2021 a temporary use zoning by-law amendment was approved on site permitting the take out restaurant use provided that the primary industrial function of the site remains unchanged. The presence of the restaurant does not impact the site's ability to function primarily as an industrial space, nor does it undermine its long-term viability for such use. Additionally, the current conditions align with the broader vision for the site, which seeks to incorporate diverse uses while preserving employment

opportunities. Following consultation with internal and regional staff, it is determined that the variance supports the overall intent and objectives of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

The requested variance to permit a take out restaurant is considered to be desirable and appropriate for the development of the land. It is expected that the variance will not adversely affect the site's capacity to function primarily for its industrial purpose. Furthermore, it is anticipated that the variance will not hinder the site's ability to align with long-term visions for the area. Given these considerations and the ability for the site to continue to meet the needs of the local population, subject to the conditions of approval, the variance is considered appropriate for the development of the land.

#### 4. Minor in Nature

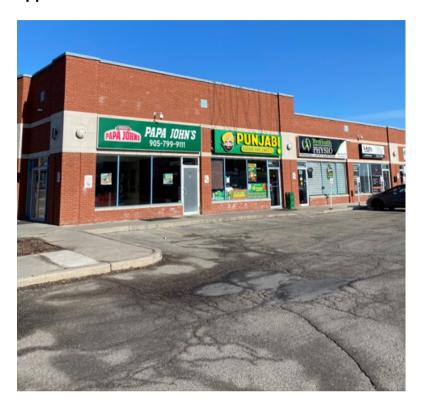
The requested variance to permit a take out restaurant is broadly consistent with the general intent and purpose of the Official Plan, Secondary Plan and Zoning By-law. The use, which has operated since 2021 through a Temporary Use Zoning By-law Amendment, is considered to not have negative impacts on the site or surrounding sites and meets long term vision for the area. Given the recommendations of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

# Appendix A:



# Appendix B:

