

**Filing Date:** December 16, 2020

**Hearing Date:** January 26, 2021

**File:** A-2020-0159

**Owner/  
Applicant:** **TAKOL CMCC RUTHERFORD GP INC**

**Address:** **286 RUTHERFORD ROAD SOUTH**

**Ward:** 3

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2020-0159 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the requirement for parking for any combination of uses permitted in the "M2" zone, and any uses permitted by way of Minor Variance shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 334 parking spaces;
3. That the owner finalize site plan approval under City File SPA-2020-0120, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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**Background:**

Existing Zoning:

The property is zoned "Industrial (M2)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To provide 183 parking spaces on site whereas the by-law requires a minimum of 334 parking spaces.

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The subject property is designated “Industrial” in the Official Plan and “General Employment 2” in the 410 and Steeles Secondary Plan (Area 5). The requested variance is not considered to have significant implications within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned “Industrial (M2)” according to By-law 270-2004, as amended. The property is currently undergoing a conversion to condominium tenure, and an associated Site Plan Application. The requested variance is intended to recognize the existing condition of the site given that no physical changes are proposed.

The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the industrial/commercial units on the site. The applicant has submitted a Parking Justification Study which has been reviewed by Transportation Planning staff which demonstrated that the existing 183 parking spaces on site will be sufficient for the uses operating from each unit. Further, the subject property is currently subject to a Site Plan Application (SPA-2020-0120) whereby Traffic staff have had opportunity to review and approve the parking configuration for the site.

Staff recommend a condition of approval that the requirement for parking for any combination of uses permitted in the “M2” zone, and any uses permitted by way of Minor Variance shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 334 parking spaces. This condition is intended to ensure that should the parking demand increase for the property based on a new or different use outside of what was presented within the scope of the Parking Study and this application, a new variance will be required.

Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject property contains an existing industrial building that is currently undergoing a conversion to condominium tenure, and an associated Site Plan Application. The tenants of the building are proposed to include most of those that are existing, plus two

additional large truck repair facilities.

Through the Parking Analysis that was submitted in support of the application, it has been demonstrated that the existing parking on site, consisting of 183 parking spaces, will be sufficient to support the uses considered within the scope of this application. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2020-0120, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. This condition will ensure the site plan is finalized and any required improvements will be implemented.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance, to permit 183 parking spaces on site whereas the by-law requires a minimum of 334 parking spaces, is reflective of the existing condition of the site that has been configured in this way since its construction. It has been demonstrated through a submitted Parking Study that the existing parking on site will be sufficient to serve the uses contemplated within this application. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I