

Filing Date: February 2, 2021

Hearing Date: March 9, 2021

File: A-2021-0008

**Owner/
Applicant:** CANADIAN PROPERTY HOLDING (ONTARIO) INC.

Address: 55 MOUNTAINASH ROAD

Ward: 10

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0008 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be generally limited to that shown on the sketch attached to the Notice of Decision;
2. That the outdoor garden centre use shall only be permitted in conjunction with a permitted supermarket use and shall only be permitted between April 15 and July 15 on a yearly basis;
3. That the applicant shall obtain any required building permits prior to the erection of the temporary garden centre each year, to the satisfaction of the Chief Building Official;
4. That the applicant shall submit a site plan drawing showing the general proposed configuration of the outdoor garden centre to the satisfaction of the Director of Development Services; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned "Commercial Three (C3-747)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an outdoor garden centre to operate between April 15 and July 15 annually, whereas the by-law does not permit the proposed use;
2. To permit 772 parking spaces resulting in a parking deficiency of 63 spaces for the overall site (associated with the garden centre) whereas the by-law requires a minimum of 835 parking spaces for the overall site.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated "Residential" in the Official Plan and "District Retail" in the Springdale Secondary Plan (Area 2). The Residential designation permits a certain scale of commercial development, subject to refinement through the secondary plan.

The District Retail designation permits the shopping centre that has been developed on the property. Variance 2 proposes a temporary parking reduction on the site in association with the yearly establishment of the outdoor garden centre.

Variance 1 is to permit a temporary outdoor garden centre for a portion of the year which is considered to compliment and be accessory to the overall retail purpose of the development. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

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

The property is zoned "Commercial Three (C3-747)" according to By-law 270-2004, as amended.

Variance 1 is to permit an outdoor garden centre to operate between April 15 and July 15 annually, whereas the by-law does not permit the proposed use. The intent of the by-law in prescribing the permitted uses for a property is to ensure that the uses on a property can function appropriately together and can be appropriately regulated by the provisions of the zone category. In the case of the subject property, the proposed garden centre will be operated in conjunction with the existing supermarket on the property. The proposed temporary, seasonal garden centre use is considered to be complimentary and ancillary to the permitted supermarket use. A condition of approval is recommended that the outdoor garden centre use shall only be permitted in conjunction with a permitted supermarket use and shall only be permitted between April 15 and July 15 on a yearly basis. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit 772 parking spaces resulting in a parking deficiency of 63 spaces for the overall site (associated with the garden centre) whereas the by-law requires a minimum of 835 parking spaces for the overall site. 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 commercial units on the site. The proposed reduction in parking spaces represents less than 10% of a reduction in parking provided on the site, and is only proposed to be in this deficient state for a portion of the year. For these reasons, the proposed parking reduction is not anticipated to negatively impact the overall parking on the property. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the establishment of a temporary outdoor garden centre on a yearly and seasonal basis. While the garden centre is in operation, the property will experience a deficiency in parking of 63 spaces which is less than 10% of the overall parking requirement of the site.

The outdoor garden centre has operated on a recurring basis without issue for a number of years by way of temporary variance, demonstrating that the site is not negatively impacted by the seasonal operation of the garden centre. The applicant has consistently obtained required building permits prior to erection of the garden centre and a condition of approval is recommended that they continue to do so.

The applicant is now proposing to seek a permanent, seasonal permission for the outdoor garden centre which will allow the operation to be established each year in the same location. A condition of approval is recommended that the applicant shall submit a site plan drawing showing the general proposed configuration of the outdoor garden centre to the satisfaction of the Director of Development Services. This condition is intended to provide the City with an up to date record of the garden centre layout.

It is not anticipated that the subject variances will negatively impact the overall commercial retail function of the property, and a condition of approval is recommended that the outdoor garden centre use shall only be permitted in conjunction with a permitted supermarket use and shall only be permitted between April 15 and July 15 on a yearly basis. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is to permit an outdoor garden centre to operate between April 15 and July 15 annually, whereas the by-law does not permit the proposed use. The proposed use will operate on a seasonal basis and is not anticipated to negatively impact the overall commercial retail function of the plaza. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 is to permit a reduction in required parking spaces by 63 out of the required 835 that are required for the entire site. This proposed reduction is less than 10% of the overall requirement for parking for the site and is not anticipated to negatively impact the provision of parking on the site, notably given that this deficiency will only exist on a seasonal basis. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I