



Report Committee of Adjustment

Filing Date: July 27, 2021
Hearing Date: August 24, 2021
File: A-2021-0171
**Owner/
Applicant:** TAKOL STEELTON INC.
Address: 2074, 2080, & 2084 Steeles Avenue East
Ward: WARD 7
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0171 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 Notice of Decision;
 2. That the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 499 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
 3. That the owner finalize draft plan of condominium and site plan approval under City File DPC-2021-0001 and SPA-2021-0044, 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:

The lands are the subject of a recently submitted condominium conversion application (DPC-2021-0001) to create 65 standard condominium units and a Site Plan Approval application (SPA-2021-

0044). Through the review of the applications, it was identified that two existing businesses are not permitted uses and the number of parking spaces provided on site is insufficient. Furthermore, a conveyance of land is required along Steeles Avenue resulting in a reduced width to the open landscaped strip along the lot line abutting Steeles Avenue East. The applicant is requesting variances to permit one proposed use and two existing uses.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit offices of accredited or licensed professionals whereas the by-law does not permit the use;
2. To permit an existing fitness centre whereas the by-law does not permit the use;
3. To permit an existing motor vehicle rental establishment whereas the by-law does not permit the use;
4. To permit a 448 parking spaces whereas the by-law requires 499 parking spaces;
5. To permit a 2.4m (7.87 ft.) wide open landscaped strip along the lot line abutting Steeles Avenue East whereas the by-law requires a minimum of 3.0m (9.84 ft.) wide open space landscaped strip along a lot line abutting a street.

Current Situation:

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

The property is designated 'Business Corridor' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). Section 4.4.1 of the Official Plans speaks to the intent of the Business Corridor designation and cites the permission of a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. It is recognized that employment areas typically accommodate a certain range of ancillary uses without negatively impacting the viability of employment lands or employment operations.

Furthermore, Section 2.2.1 Highway 410 and Steeles Secondary Plan (Area 5) speaks to the permitted uses of lands designated 'General Employment 2'. A broad range of industrial uses shall be permitted including but not limited to: distribution centres, motor vehicle repair and body shops, waste processing and transfer station, public utility installations, public uses and works, warehousing and storage of goods, manufacturing, processing, repairing and servicing operations, but excluding motor vehicle, body shops; and, outdoor storage areas, only as accessory to an industrial use.

The proposal to allow a proposed office of accredited or licensed professionals and permit an existing fitness centre and motor vehicle rental establishment can be considered to provide to the needs of the surrounding employment population. The operations of the existing and proposed uses are not expected to negatively impact the viability of employment lands or employment operations on-site or off-site. Subject to the recommended conditions of approval, the requested variances maintains the general intent and purpose of the Official Plan

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

The property is zoned 'Industrial Two (M2)', according to By-law 270-2004, as amended. The designation permits a variety of industrial uses such as: the manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials including a motor vehicle repair shop and a motor vehicle body shop, non-obnoxious industrial uses, a printing establishment, a warehouse, a parking lot, a freight classification yard, among others. The Industrial designation also permits a number of non-industrial uses such as: a radio or television broadcasting and transmission establishment, a building supplies sales establishment, a recreational facility or structure, a community club, an animal hospital, and a place of worship. Further accessory uses are permitted including: an associated educational use, an associated office, a retail outlet operated in connection with a particular purpose permitted provided that the total gross commercial floor area of the retail outlet is not more than 15% of the total gross industrial floor area of the particular industrial use.

Variance 1 is requested to permit offices of accredited or licensed professionals whereas the by-law does not permit the use. Variance 2 is requested to permit an existing fitness centre whereas the by-law does not permit the use. Variance 3 is requested to permit an existing motor vehicle rental establishment whereas the by-law does not permit the use. The intent of the by-law in prescribing the permitted uses on an industrial property is to ensure that the uses are consistent with the industrial character of the property.

The applicant proposes to add offices of accredited or licensed professionals to facilitate the establishment of a future business on the site. The use is not expressly prohibited in the M2 zone as office uses are only permitted as an accessory use. Permitting the office use would broaden the office designation to include professional offices which utilize similar performance standards as an accessory office. The proposed office of accredited or licensed professionals use can be considered to be complementary to the existing permitted uses on site. Adding the use is not anticipated to deter from the predominant industrial character of the property or impact the functioning of the site and thus, is considered to maintain the general intent and purpose of the Zoning By-law.

There are currently two existing businesses on site for which their uses are not permitted under the M2 zone. The existing fitness centre (gym) has been in operation since 2018. Similarities between the activities and patterns of their clientele of a fitness centre can be draw among some of the permitted non-industrial uses such as a recreational facility or a community club. The fitness centre is not anticipated to deter from the predominant industrial character of the property or impact the functioning of the site and thus, is considered to maintain the general intent and purpose of the Zoning By-law.

The existing motor vehicle rental establishment (Enterprise Rent-a-Car) has operated from the site since 2006. The gross floor area of the motor vehicle rental establishment accounts for 214.6 sq. m or

approximately 1.16% of the total gross industrial floor area on the property. Therefore, the area and the 9 parking spaces that are occupied by the use is considered minor relative to the remainder of the property. The use is may be seen as supportive and complementary to permitted uses on site. The nature and size of the existing motor vehicle rental establishment (Enterprise Rent-a-Car) is not anticipated to deter from the predominant industrial character of the property or impact the functioning of the site and thus, is considered to maintain the general intent and purpose of the Zoning By-law

Variance 4 is requested to permit a 448 parking spaces whereas the by-law requires 499 parking spaces. The intent of regulating minimum parking requirements is to ensure that the site can accommodate the parking demand generated by the permitted uses on the property.

The proposed reduction represents a 51 parking space reduction or approximately 10% of the overall parking requirement for the site. A parking study was submitted in support of the requested parking reduction. Traffic services staff have reviewed the request and have no objections to the parking reduction as it is not anticipated to negatively impact the function of the site. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit a 2.4m (7.87 ft.) wide open landscaped strip along the lot line abutting Steeles Avenue East whereas the by-law requires a minimum of 3.0m (9.84 ft.) wide open space landscaped strip along a lot line abutting a street. The intent of the by-law in requiring a minimum width of landscaped open space is to ensure that there is sufficient separation between uses on the property, adjacent properties, and streets.

A conveyance of land is required along Steeles Avenue resulting in a 0.6m (1.97 ft.) reduction to the width of the open landscaped strip along the lot line abutting Steeles Avenue East. The reduced landscape strip along the lot line abutting Steeles Avenue East is not anticipated to cause negative visual impacts with respect to the separation of the uses on the property from the street. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The lands are the subject of a recently submitted condominium conversion application (DPC-2021-0001) to create 65 standard condominium units and a Site Plan Approval application (SPA-2021-0044). The applicant is requesting variances to permit existing and proposed uses along with reduction the parking requirement and landscaped strip buffer.

The proposed office of accredited or licensed professional use is considered to be desirable in the physical context of the property as its impact is not anticipated to affect the functioning of the site and is relatively compatible with existing uses. The fitness centre has been established on the site for a number of years without any apparent negative impacts to the functioning of the site. The motor vehicle rental establishment is considered to be compatible and desirable in the physical context of the property and from the point of view of its potential impacts. Variances 1, 2, and 3 are considered desirable for the appropriate development of the land.

A 51 parking space reduction is requested as part of the fourth variance for the site. This accounts for approximately 10% of the overall parking requirement for the site. Traffic services staff have reviewed a submitted parking study in support of the variances and have deemed it acceptable. The reduction in the amount of available parking spaces is not anticipated to generate negative impacts on-site or off-site. A condition of approval is recommended that the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 499 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement. Subject to the recommended condition of approval the variance is considered desirable for the appropriate development of the land.

A conveyance of land is required along Steeles Avenue resulting in a 0.6m (1.97 ft.) reduction to the width of the open landscaped strip along the lot line abutting Steeles Avenue East. The request to permit a 2.4m (7.87 ft.) wide open landscaped strip along the lot line abutting Steeles Avenue East is considered desirable for the appropriate development of the land.

4. Minor in Nature

The impacts of the proposed and existing uses on site and not anticipated to be greater than those other uses already permitted. The uses are generally similar and the gross floor area that they occupy is minor relative to the remainder of the industrial uses on site. No adverse impacts resulting from the requested variances are anticipated. A condition of approval is recommended that the owner finalize draft plan of condominium and site plan approval under City Files DPC-2021-0001 and SPA-2021-0044, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended condition of approval, variances 1, 2, 3, 4, and 5 are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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