

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-17	File(s): A86.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-25 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred in order to allow the applicant an opportunity to submit a satisfactory parking utilization study.

Application Details

The applicant requests the Committee to approve a minor variance to allow a drive-thru restaurant proposing 47 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 57 parking spaces in this instance.

Recommended Conditions and Terms

The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to grading and drainage.

Background

Property Address: 930 Derry Road East

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

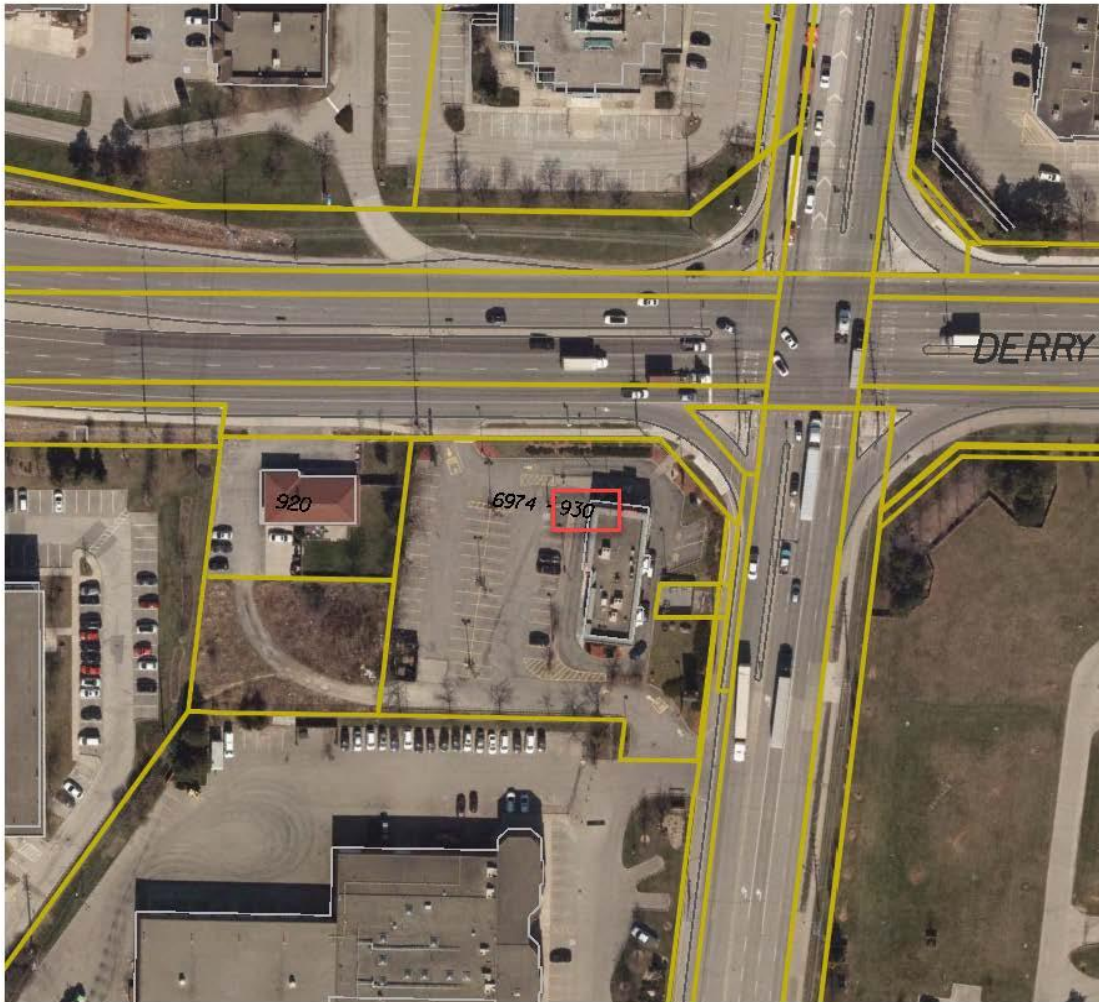
Zoning: E2 - Employment

Other Applications: None

Site and Area Context

The subject property is an industrial building located south-east of the Derry Rd E and Tomken Rd intersection. The subject property is an exterior parcel with a lot area of +/- 4,500.0m² and a lot frontage of +/- 42.0m possessing minimal vegetation and landscape elements along the lot line. From a land-use perspective, the immediate neighbourhood is exclusively employment uses including, a hardware store, an accounting firm and personnel services. Properties within the immediate vicinity possess lot frontages of +/- 70.00m with minimal vegetation and landscaping kept to the periphery of each parcel.

The applicant has proposed a drive-thru restaurant that requires variances for reduced parking spaces.



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 are as follows:

The site is located within the Northeast Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (Business Employment), a restaurant is identified as a permitted use. The Applicant's proposal of a convenience restaurant and drive-thru meets the purpose and general intent of the Official Plan.

As per Zoning By-law 0225-2007, the subject property is zoned E2 (Employment). The parking provisions identified in Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses) regulate the required parking rates for various uses permitted on this site. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. The applicant is seeking to provide a total of 47 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 57 spaces in this instance.

A Letter of Justification dated January 5, 2021, prepared by IBI Group, was submitted in support of the requested parking variance. City Planning Strategies Staff contacted the agent, Ashley Minns from IBI Group, via email on March 2, 2021, seeking clarification on identified discrepancies between the requested variance and the total number of provided and required parking spaces contained in the justification. Agent, Ashley Minns, clarified that the requested variance is not accurate and should be amended to a proposed 49 parking spaces, whereas, a minimum of 57 parking spaces are required. This equates to a 14% deficiency onsite.

Staff advised the agent that the submitted letter is not satisfactory justification and that a Parking Utilization Study (PUS) is required for the variance.

Planning Staff echo City Planning Strategies Staff comments and recommend the application be deferred, pending the submission of a satisfactory Parking Utilization Study (PUS).

Conclusion

The Planning and Building department recommends that the application be deferred in order to allow the applicant an opportunity to submit a satisfactory parking utilization study.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have no objections to the proposed modifications to the existing drive-thru.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

As per the Region of Peel Public Works Stormwater Design Criteria and Procedural Manual, the Region of Peel shall require the use of Low Impact Development (LID) approaches where no site-specific soil, groundwater, infrastructure or policy constraints exist.

- Stormwater Management techniques shall be implemented to the satisfaction of the Region of Peel, the local Conservation Authority and all concerned departments and agencies (4.0)
- Post development flows must be equal to pre-development flows (4.3)
- The Region of Peel Shall require stormwater quantity control to reduce stormwater peak flow run off from developing sites. Post development flows shall not adversely affect the performance of downstream Region of Peel infrastructure, negatively impact adjacent properties and exacerbate or increase the downstream flood or erosion risk (4.3)
- Where possible, flows from outside the Regional Road allowance are to be directed to the local municipality's storm sewer system (5.1)
- No grading will be permitted within any Region of Peel ROW to support adjacent developments (5.1)

The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to grading and drainage.

Comments Prepared by: Diana Guida, Junior Planner