

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-05	File(s): A159.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-13 1:00 PM

Consolidated Recommendation

The City has no objection to the variances as requested.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory restaurant proposing:

1. A gross floor area of an accessory take-out restaurant of 69.00sq.m (approx. 741.71sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of an accessory take-out restaurant of 30.00sq.m (approx. 322.92sq.ft) in this instance; and
2. 6 indoor seats whereas By-law 0225-2007, as amended, does not permit indoor seating in this instance.

Background

Property Address: 5835 Airport Road

Mississauga Official Plan

Character Area: Northeast Employment Area East
Designation: Business Employment

Zoning By-law 0225-2007

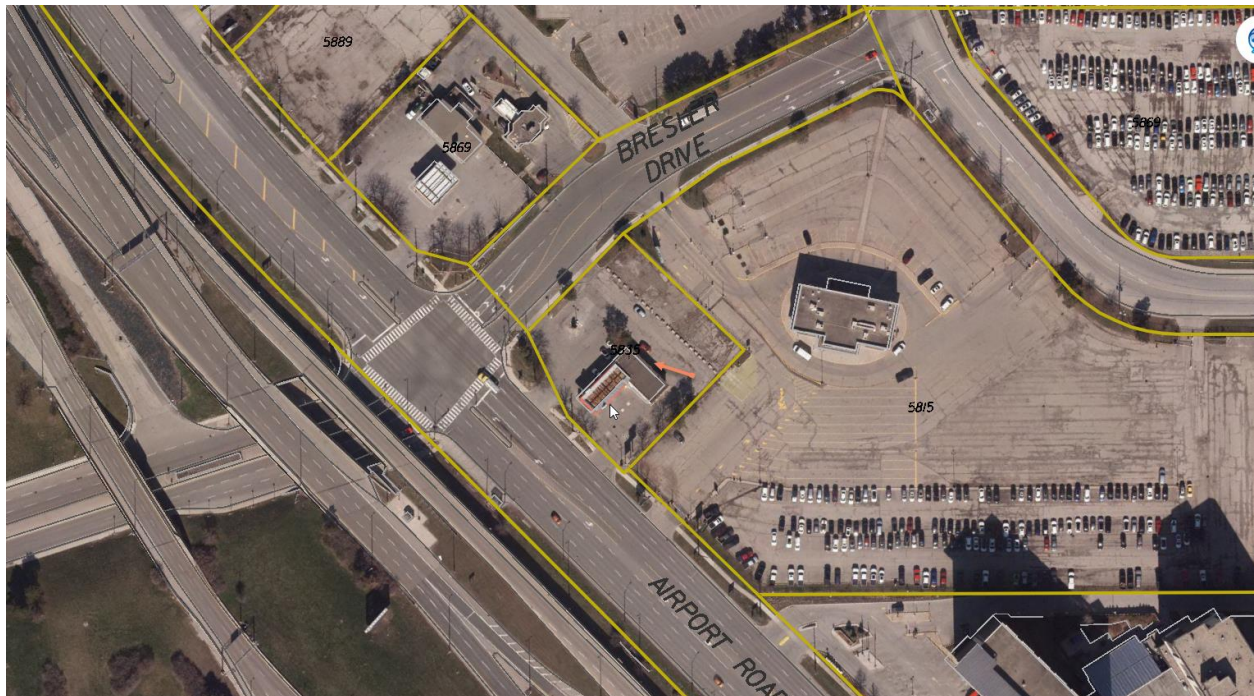
Zoning: E2-38 - Employment

Other Applications: SP 20-2 W5

Site and Area Context

The subject property is a gas station located upon the north-east corner of the Airport Rd. and Jetliner Rd. intersection. The subject property is an exterior parcel, with a lot area of +/- 3,051.60m² and a lot frontage of +/- 43.37m that possess minimal vegetation and landscape elements at the periphery of the lot. From a land-use perspective, the immediate neighbourhood along this portion of Airport Road is a mixture of employment and commercial uses including, a gas station, Tim Hortons, and a Park'N Fly parking lot.

The applicant has proposed an accessory take-out restaurant requiring variances for the size of the restaurant and number of seats.



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 of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Northeast Employment Area Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Section 11.2.11 (Business Employment), permits motor vehicle commercial uses in this designation as well as accessory uses. The Applicant's proposal of an accessory take-out restaurant meets the purpose and general intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The intent of this portion of the by-law is to allow for a variety of business operations in appropriate locations throughout the City. As per Zoning By-law 0225-2007, the subject property is zoned E2-38 (Employment). In accordance with Table 8.2.1 (E1 to E3 Permitted Uses and Zone Regulations), the proposed convenience retail and service kiosk accessory to a gas bar is permitted under the by-law. To be considered an accessory use the proposed take-out restaurant must be smaller than the parent use and not exceed a gross floor area of 30m². Although the proposed 69.00m² is considerably larger than what is permitted under the by-law it remains about a third of the maximum size permitted for a convenience retail and service kiosk. Additionally, the purpose of permitting an accessory take-out restaurant as part of a convenience retail and service kiosk use, is to provide an additional commercial service to the public. While proposed seating is excluded from the definition of accessory convenience retail and service kiosk, the proposal 6 seats would be inline with the definition of a take-out restaurant and can be supported by Staff. Variances #1 and #2 generally maintain the intent and purpose of the by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed is approximately a third of the parent use and is therefore accessory, as such the proposed accessory take-out restaurant with 6 seats is minor in nature resulting in the orderly development of the lands.

Conclusion

The Planning and Building Department has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the subject property will be addressed through the Site Plan Approval (SP 20-02) and Building Permit process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file SP 20 – 2 W5. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Marco Palmera

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Appendix 5 – Region of Peel Comments

Minor Variance Application: A-159/21

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. Please be advised of the following:

- 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); and
- No grading will be permitted within any Region of Peel ROW to support adjacent developments (5.1).

Comments Prepared by: Diana Guida, Junior Planner