

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A187.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow a food retail store (Ice Cream) proposing no parking whereas By-law 0225-2007, as amended, requires a minimum of 1 parking spot in this instance.

Background

Property Address: 208 Queen Street South

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: None

Site and Area Context

The subject property is a commercial 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 +/- 336.09m² and a lot frontage of +/- 11.87m, possessing no vegetation or landscape elements along the lot line.

From a land-use perspective, the immediate neighbourhood consists exclusively of commercial uses including, a restaurant, a hairdresser and spa. Properties within the immediate vicinity possess lot frontages of +/- 9.0m with no vegetation or landscaping.

The applicant has proposed an ice-cream shop that requires a variance 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 Streetsville Community Node Character Area, and is designated Mixed-Use by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.6 (Mixed-Use), a restaurant is permitted within this designation. The Applicant's proposal of an ice-cream shop meets the purpose and general intent of the Official Plan.

As per Zoning By-law 0225-2007, the subject property is zoned C4 (Commercial). 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 proposing to permit a take-out restaurant with 0 parking spaces for the restaurant, whereas By-law 0225-2007, as amended, requires a minimum of 1 parking space in this instance.

Staff note that when applying the Zoning By-law rate of 6.0 spaces/100m² for the proposed take-out restaurant (ice cream parlour), which has a GFA of 29.5m² then 1.8 (rounded up to 2) parking spaces are required. Therefore, the variance should be amended to reflect this.

The proposed ice cream parlour will be in unit 208 of a multi-tenant heritage building. The proposed variance represents a 2 space, or 100% deficiency. As such, staff are recommending one of the following options:

We advise that the City's Payment-In-Lieu (PIL) of parking program applies to the subject property and that the applicant has the following options:

- Apply for a PIL application for consideration for the entire parking deficiency (2 spaces). Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency; or,
- Off-site parking - Option to seek an off-site parking agreement with a nearby landowner with surplus parking; or,
- Provide a satisfactory Parking Utilization Study to justify a reduction in the number of parking spaces for PIL. Given this option potentially requires both a variance and PIL application; the applicant may wish to defer the Committee of Adjustment application.

Staff note that the above comments are based on the details submitted with the application and are subject to change should Zoning identify any additional variances or any changes to the variances with regards to above applications.

Planning Staff echo City Planning strategies comments and recommend that the application be deferred in order to provide the applicant with time to consider the above mentioned options.

Conclusion

The Planning and Building Department recommends that the application be deferred.

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

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 187/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file 20-521. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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 Palerma

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner