

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A178.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-17 1:00 PM

Consolidated Recommendation

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

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.

Background

Property Address: 930 Derry Road East

Zoning By-law 0225-2007

Zoning: E2 - Employment

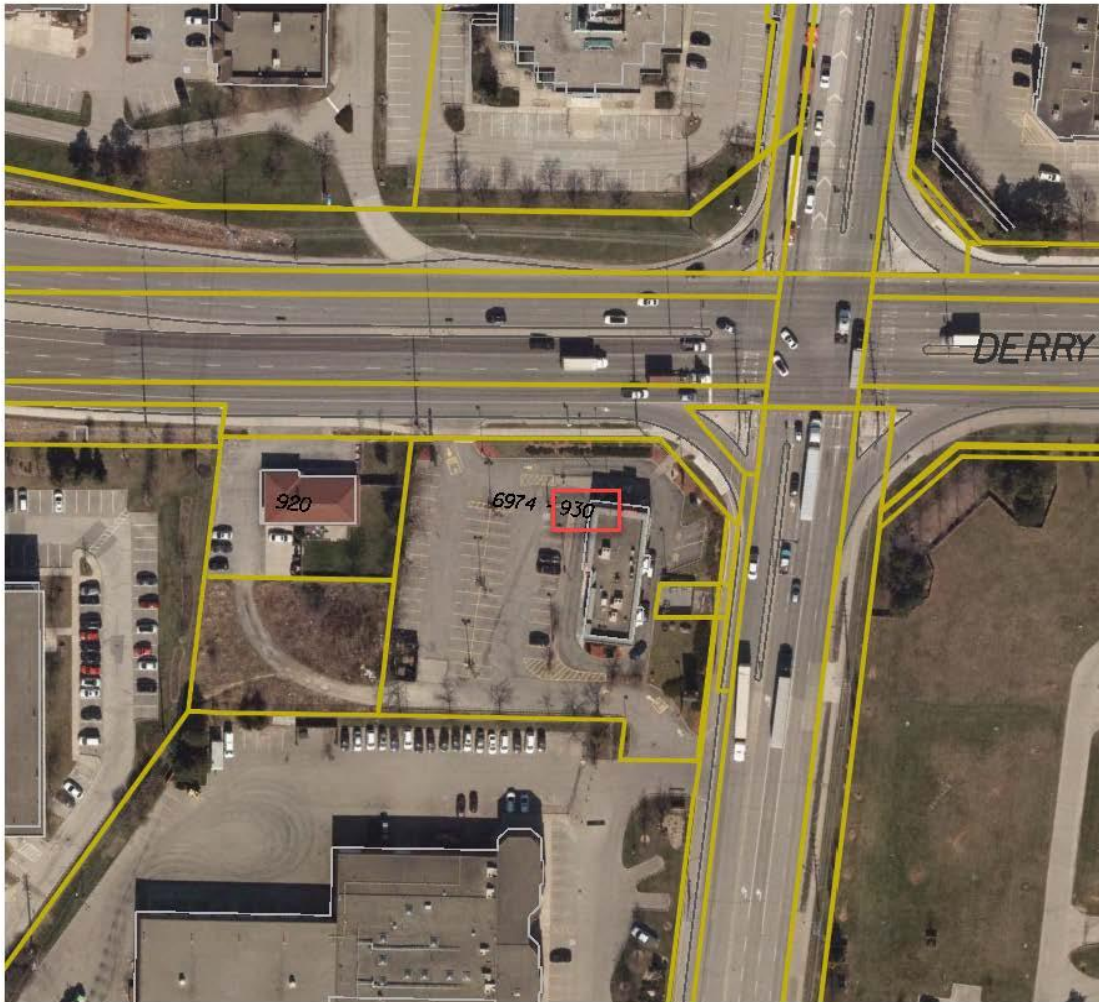
Other Applications: None

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.

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The applicant has proposed a drive-thru restaurant requiring 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.

Staff previously recommended that the application be deferred in order to submit an onsite parking survey and provided guidance on how to carry out the parking survey.

A Parking Occupancy Study prepared by IBI Group, dated April 14, 2021, was submitted in support of the application. The applicant is proposing to expand the existing drive-thru-lane into a double stacked lane, in order to improve customer traffic and respond to increasing popularity of mobile food ordering, carry out and ordering in advance for pick up. The expanded drive-thru reduces the total number of the existing parking spaces, thereby requiring the applicant to seek a reduction in required parking. No changes are proposed to the existing building GFA – it will remain the same.

The Parking Occupancy Study, dated April 14, 2021, portrays a shifting of customer behaviour away from traditional time-intensive "order inside sales" and more towards a digital technology that allows for the ordering of meals in advance for pick up or food delivery. The drive thru expansion is to accommodate an increase the number of customers who perceive the drive thru ordering process to be quicker, more efficient and a more appealing option.

The Parking Occupancy Study, dated April 14, 2021 carried out an onsite parking survey at 30 minute intervals on:

- Thursday, March 25, 2021 from 7:00 am to 7:00pm
- Friday, March 26, 2021 from 7:00 am to 7:00pm
- Saturday, March 27, 2021 from 7:00 am to 7:00pm
- Thursday April 8, 2021 from 7:00 am to 7:00pm
- Friday, April 9, 2021 from 7:00 am to 7:00pm

The Parking Occupancy Study reported an observed peak demand on Thursday April 8, 2021 at 12:00pm of 23 parking spaces, which equates to a demand ratio of 6.47 spaces per 100 m² (23 / 355.18 GFA x 100 m² = 6.47). The utilization rate is approximately half of the parking lot capacity, indicating there is ample buffer onsite to accommodate any potential increase in parking demand. Staff are generally agreeable with the submitted information for the expanded drive thru as it will

help manage the on site parking demand by encouraging short-term high-turnover use of parking spaces as a result of the increased popularity of food ordering apps and the shifting food sales model. Therefor, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 86/21.

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: Daniel Grdasic, Planning Associate

Appendix 5 – Region of Peel Comments

Deferred Minor Variance Application: DEF-A-86/21

Traffic Development: Catherine Barnes (905) 791-7800 x7569

We have no objection to this application; however, it is recommended to install a RA-1 Stop Sign facing outbound traffic at the access off of Derry Road, on the developer's side of the property.

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