

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A239.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-24 1:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. Should Committee see merit in the Application, Planning Staff would recommend the condition(s) identified below be imposed.

Application Details

The applicant requests the Committee to approve a minor variance to allow a take-restaurant in unit 247A proposing:

1. A take-out restaurant use within 60m of a residential zone whereas By-law 0225-2007, as amended, does not permit a take-out restaurant within 60m of a residential zone in this instance; and
2. 31 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 51 parking spaces in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variance #1 should be amended as follows:

1. A restaurant use within 60m of a residential zone whereas By-law 0225-2007, as amended, does not permit a restaurant within 60m of a residential zone in this instance;

Recommended Conditions and Terms

Should committee see merit in this application, Planning Staff recommend supporting the Restaurant on a **temporary period of two to three (2-3) years**. At which time, should conditions have returned to normal from Covid-19, a full Parking Utilization Study will be required as per the City's Parking Studies Terms of Reference. **At that time, the applicant must address the parking deficiencies identified in the above PUS through an off-site parking arrangement.**

Background

Property Address: 247 Queen Street South

Mississauga Official Plan

Character Area: Streetsville CN

Designation: Mixed Use

Zoning By-law 0225-2007

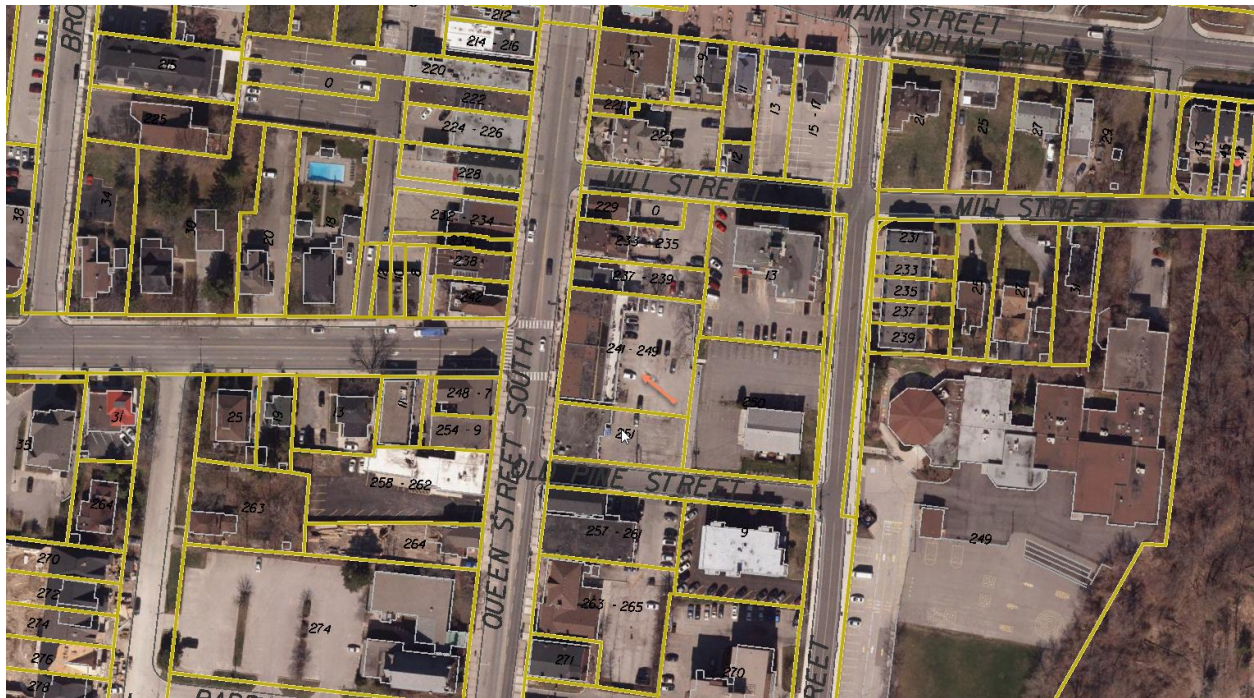
Zoning: C4 - Commercial

Other Applications: None

Site and Area Context

The property is located on the east side of Queen Street South at the Thomas Street and Queen Street South intersection. The site currently contains a 3-storey, mixed use building with no vegetation or landscape elements present. The subject property is an interior parcel, with a lot area of approximately +/-1800m² and a lot frontage of approximately +/-37.82m. Contextually, the surrounding neighbourhood consists of a mix of residential, commercial, retail and restaurant uses. The properties within the immediate area possess lot frontages of +/- 15.39m.

The applicant is proposing a take-restaurant in unit 247A requiring variances for parking and the take-out restaurant.



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 currently designated Mixed Use by the Mississauga Official Plan (MOP). Section 11.2.6 (Mixed Use) of the MOP permits a restaurant within the designation. The Applicant's proposal of a take-out restaurant meets the purpose and general intent of the Official Plan.

The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot, a 60.0m buffer is created. Staff note that a previous Committee of Adjustment application (A-427/10) granted permission for a take-out restaurant on the property. Additionally, several Minor Variance Applications have been granted since 1998 to allow take-out restaurant units in the plaza. Staff are of the opinion that any potential impact to the residential zone are not significant.

No parking study has been submitted in support of this application, however the Parking Allocation Report (PAR) dated June 3, 2021 provided by Zoning staff indicates the total required

parking spaces for the site. The units and uses of this 3-storey, mixed-use building are summarized in the table below:

Unit #	GFA (m2)	Existing Use	Parking Requirement (rate)	Parking Requirement (spaces)
241A	69.99	Restaurant	9.0	6
243	67.40	Medical Office	6.5	4
247	69.95	Medical Office	6.5	4
241	69.95	Take-out Restaurant	6.0	4
247A	69.97	Restaurant	9.0	6
245A	76.41	Take-out Restaurant	6.0	5
2 nd & 3 rd floor	Unknown	Residential Units	1.25/unit	12
Vacant	171.98	Retail (C4 zone)	4.0	7
			Total Required	48

City Planning Strategies (CPS) Staff note the proposed Take-Out Restaurant use already exists in unit 247A and has been accounted for in the above PAR. In addition, CPS staff note that the drawings submitted (Sheets A1.0 and A2.0) with the application show 8 seats for customers, with a note that as many as 30 could be provided. As per Zoning By-law 0225-2007, restaurants with over 6 seats are to be considered Restaurant use, and not Take-out Restaurant use.

As mentioned above, previous Committee of Adjustment application A-427/10 granted permission for a take-out restaurant allowing 31 spaces on site whereas 47 are required. A condition on the decision indicated that the applicant would be required to submit an application for Payment-In-Lieu (PIL) of Parking for one (1) extra space. Two PIL applications were started in 2011, but both were cancelled and never processed.

CPS Staff recommend the variance be granted for a **temporary period of two to three (2-3) years**. At which time, should conditions have returned to normal from Covid-19, a full Parking Utilization Study will be required as per the City's Parking Studies Terms of Reference. **At that time, the applicant must address the parking deficiencies identified in the above PUS through an off-site parking arrangement.**

Note: Off-site parking may be provided through the City of Mississauga Payment-In-Lieu of Parking Program or through a shared off-site parking agreement from a nearby property owner (a template for an Off-Site Parking License Agreement is available through City Planning Strategies Division).

Through a detailed review of the application, 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.

Comments Prepared by: Connor DiPietro, 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' 239/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy under file C 21-4725. 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: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Metrolinx

I understand the property owner has applied for a minor variance in order to permit a take-out restaurant use within 60m of a residential zone, and is proposing 31 parking spaces where 51 parking spaces is required per the Town By-Law. The proposal does not pose a risk to Metrolinx's operations or infrastructure, and as such, I have no objections should the Committee choose to grant the request.

Comments Prepared by: Tony To, Project Manager