

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A276.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 3:00 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 new restaurant proposing 8 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 29 parking spaces in this instance.

Recommended Conditions and Terms

Should Committee see merit in the Application, Planning Staff would recommend the application be approved on a temporary basis of 2 years. Following the expiration of the temporary two (2) year approval, the applicant is required to provide a satisfactory Parking Utilization Study (PUS) to address the parking deficiency onsite.

Background

Property Address: 56 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

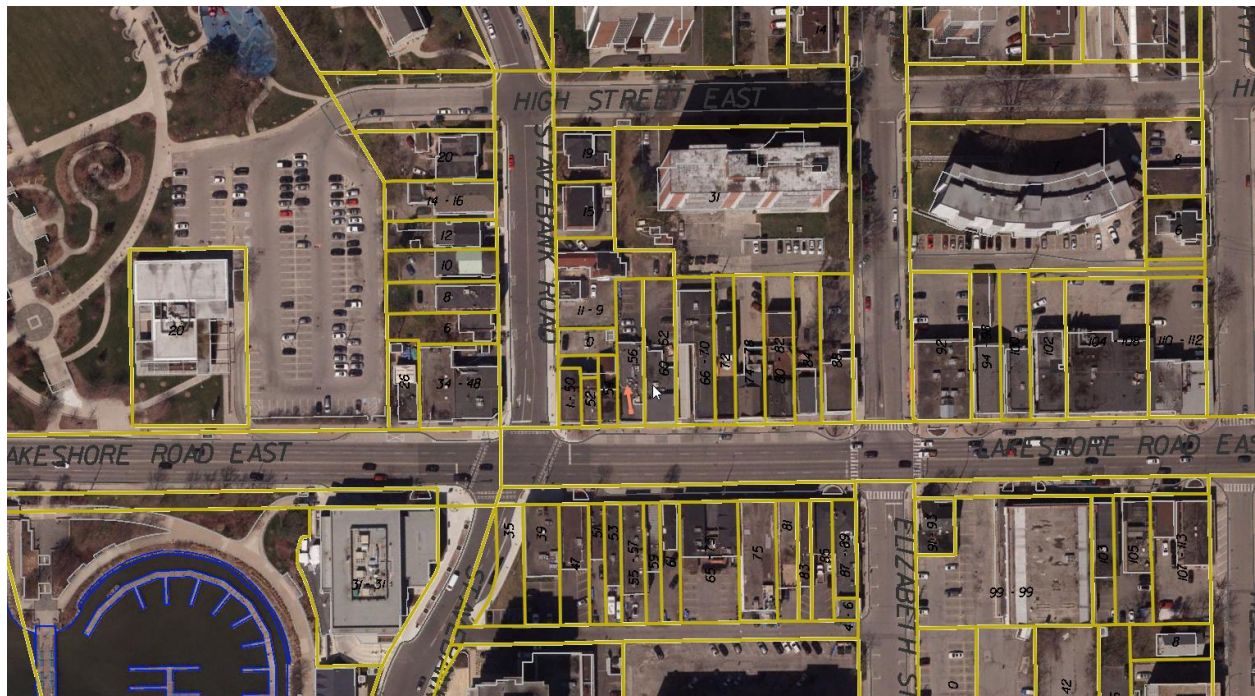
Zoning: C4-66 - Commercial

Other Applications: C20-945 and A-86/20

Site and Area Context

The subject property is located in the Port Credit Community Node Character Area, east of the Stavebank Road and Lakeshore Road East intersection. The immediate area consists of minimal vegetation in the form of urban trees and a variety of commercial uses that front onto Lakeshore Road East.

The subject property contains an existing two storey commercial Building with minimal vegetation elements in the front yard. The application proposes a new restaurant requiring variances related to parking.



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 subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan, which permits a restaurant among other uses. The official plan policies for lands in the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan - Main street Neighbourhood precinct. The Port Credit Local Area Plan encourages related commercial uses and closely spaced storefronts to line the street in order to encourage and foster an active pedestrian street. The proposed variances are consistent with these policies and maintain the existing and planned character of the area. The minor variance application maintains the general intent and purpose of the official plan.

According to City Planning Strategies Staff (CPS), the subject property contains two existing restaurants, a takeout Indian Cuisine restaurant (Unit A) and an Italian restaurant (Unit B). The requested variance is for a new restaurant use in Unit B. Pizzaiolo is operating in its current location as a take-out restaurant, however the indoor seating exceeds the permitted maximum of six seats, and therefore Zoning Staff have identified the use as a restaurant. A sit down restaurant has a greater parking requirement than a take-out restaurant, which will increase the onsite parking deficiency.

CPS Staff have determined that due to the current pandemic, a parking study is not appropriate for a restaurant use at this time, as it may not accurately represent peak parking demand. Furthermore, CPS is of the understanding that the requested variance is not accurate and Zoning Staff has advised the variance should be amended to propose a total of 8 parking spaces onsite whereas, By-law 0225-2007, as amended, requires a minimum of 19 parking spaces onsite for all uses in this instance.

Given the current pandemic circumstances, CPS staff recommend supporting the amended parking variance on a temporary basis for up to two (2) years subject to the following condition:

1. Following the expiration of the temporary two (2) year approval, the applicant is required to provide a satisfactory Parking Utilization Study (PUS) to address the parking deficiency onsite.

CPS Staff advise that the City's Payment-In-Lieu (PIL) of parking program applies to the subject property and that the applicant has the option to apply for a PIL application for consideration of the parking deficiency. Therefore, if a satisfactory Parking Utilization Study is not submitted or there is still a parking deficiency onsite, the applicant may be required to address the parking deficiency through a PIL application and/or a satisfactory shared parking agreement.

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

Enclosed for Committee's easy reference are photos of the existing frontage and rear parking areas of the building.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a certificate of occupancy permit application under file 276-21. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a new restaurant proposing 22 parking spaces for the site whereas By-law 0225-2007, as amended, requires a minimum of 29 parking spaces for the site in this instance

Our comments are based on the plans commented on by Zoning staff on 03/23/2020 for the above captioned certificate of occupancy permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the occupancy permit process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Sandra Morrison, Manager of Zoning

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Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner