

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A331.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The City recommends temporary approval of variances #1 and 2 and refusal of Variance #3. 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 personal service establishment proposing:

1. 97 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 107 parking spaces in this instance;
2. 3 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 5 parking spaces in this instance; and
3. To allow the main front entrance to face the rear parking lot whereas By-law 0225-2007, as amended, does not allow the main front entrance to face the rear parking lot in this instance.

Amendments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 21-4768. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. 97 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 135 parking spaces in this instance;
2. 3 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 5 accessible parking spaces in this instance; and
3. To allow the main front entrance to face the rear parking lot whereas By-law 0225-2007, as amended, does not allow the main front entrance (non-residential) to face the rear parking lot in this instance.

Recommended Conditions and Terms

CPS staff recommends the variance be granted for a temporary period of one (1) year. 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 any parking deficiencies identified in the above PUS through an off-site parking arrangement.

Background

Property Address: 1692 Lakeshore Road West

Mississauga Official Plan

Character Area: Clarkson Village Community Node

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-65 - Commercial

Other Applications: ZON – 67366 and SPA - 77912

Site and Area Context

The subject site is located within the Clarkson Village Community Node and Historic Village Precinct, located on the southwest quadrant of Lakeshore Road West and Meadow Wood Road. The subject site contains multiple commercial buildings with a mix of commercial uses, and minimal vegetation in the form of street trees facing Lakeshore Road West. The broader area consists of commercial uses including restaurants, institutional uses and low density residential with minimal vegetation. Immediately abutting the subject site to the south is the Peel Montessori School with single detached dwellings south of the school.

The application proposes a personal services establishment 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 of the four tests to this minor variance request are as follows:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP) which permits personal service establishments. The subject property is also within the Historic Village Precinct of the Clarkson Village Community Node. MOP Policy 14.2.1.12 states that new development will encourage a pedestrian oriented streetscape and a walkable community. The applicant has requested a main front entrance to face the rear parking lot (Variance #3). A main entrance facing a rear parking lot does not encourage a pedestrian oriented streetscape or a walkable community. Furthermore, having a main front entrance face from the rear parking lot would encourage and favour automobile use.

The applicant is also proposing 97 parking spaces where a minimum of 135 parking spaces is required (Variance #1) and 3 accessible parking spaces where a minimum of 5 parking spaces is required (Variance #2). Planning Staff have no concerns with Variance #2 however, since Variance #1 proposes a deficiency of over 10%, City Planning Strategies (CPS) has provided additional comments:

The applicant is proposing a reduction of 38 spaces, or 28% from the zoning by-law. No Parking Utilization Study has been submitted for this application. Generally, City staff require a Parking Utilization Study (PUS) for any proposed parking deficiency over 10%, as per the City's Parking Studies Terms of Reference. However, CPS staff acknowledge that the Covid-19 pandemic has affected parking demand, and conducting a survey at this time would not capture the typical demand.

Therefore, CPS staff recommends the variance be granted for a temporary period of one (1) year. 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 any 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).

As such, Planning staff echo CPS staff's comments and recommends temporary approval of variances #1 and 2 and refusal of Variance #3.

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos showing the existing building and parking areas.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 21-4768. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. 97 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 135 parking spaces in this instance;
2. 3 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 5 accessible parking spaces in this instance; and
3. To allow the main front entrance to face the rear parking lot whereas By-law 0225-2007, as amended, does not allow the main front entrance (non-residential) to face the rear parking lot in this instance.

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