

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A361.21 Ward 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The City 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant (Unit 4A & 4B) within 60m (approx. 196.85ft) 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.

Background

Property Address: 377 Burnhamthorpe Road East

Mississauga Official Plan

Character Area: Rathwood Neighbourhood

Designation: Mixed Use

Zoning By-law 0225-2007

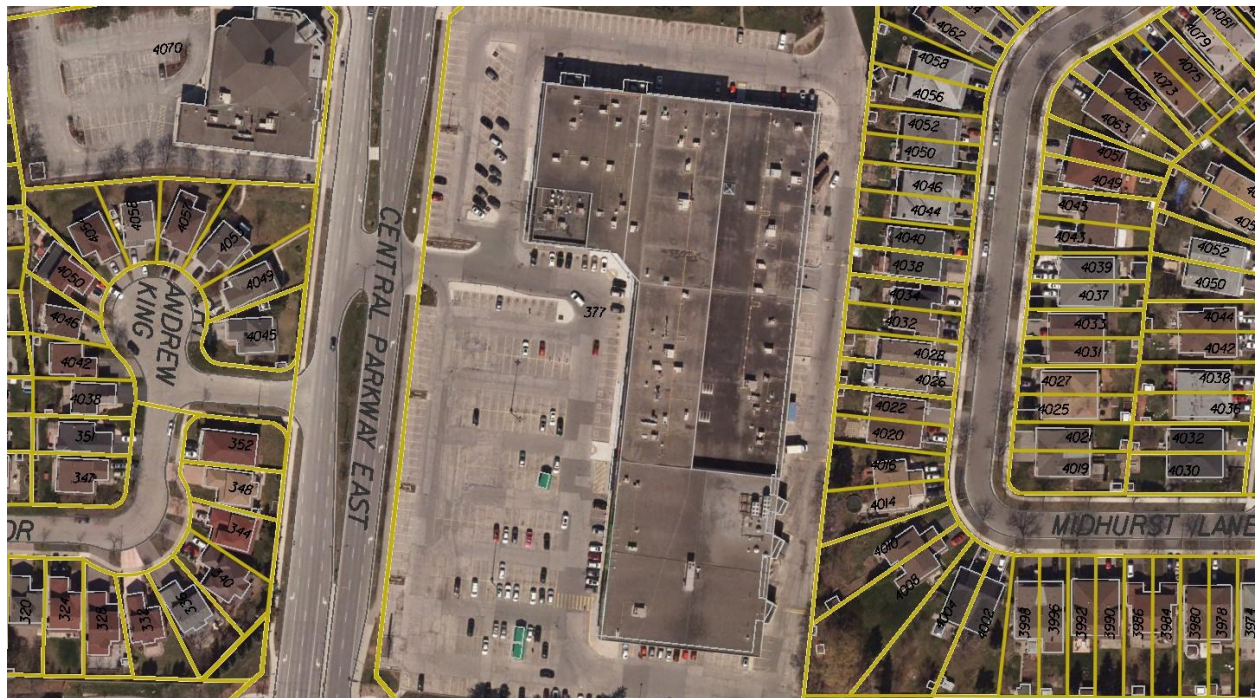
Zoning: C2 - Commercial

Other Applications: BP 3ALT 21-6458

Site and Area Context

The subject property is the Central Parkway Mall, located on the north-east corner of Burnhamthorpe Road East and Central Parkway. The mall is two storeys in height and is

surrounded by Burnhamthorpe Road East to the south, Central Parkway to the west, Meadows Boulevard to the north and detached dwellings to the east. There is a variety of residential built forms in the surrounding area, including detached dwellings, townhouses and high-rise residential. The mall building and parking lot represent the vast majority of the site, with vegetation existing only along the property's three street lines.



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 site is located in the Rathwood Neighbourhood Character Area and is designated Mixed Use by the Mississauga Official Plan (MOP). The Mixed Use designation permits a range of commercial uses, including a restaurant use. As such, the proposal meets the general intent and purpose of the Official Plan.

The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where they are not, a 60m buffer is imposed. Based on a detailed review of the proposal staff note that the location of the unit faces away from the adjacent

residential properties and into the mall's parking lot. Staff are of the opinion that impacts to the residential zone will be negligible, that the application is appropriate to be handled through the minor variance process, and that the application raises no concerns of a planning nature.

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 361/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C21-6803. 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: Ramsen Hedoo, Zoning Examiner