

# City of Mississauga Department Comments

Date Finalized: 2021-12-01	File(s): A470.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-09 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variance 1. Regarding variance 2, 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 the construction a take-out restaurant proposing:

1. A total of 5 parking spaces whereas By-law 0225-2007, as amended, requires a total of 7 parking spaces in this instance; and
2. A separation distance of 23.98m (approx. 78.67ft) from a take-out restaurant to a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (approx. 196.85ft) from a take-out restaurant to a Residential Zone in this instance.

## Amendments

The applicant requests the Committee to approve a minor variance to allow the operation of a take-out restaurant within the basement and first storey and service establishment within the second storey of the building proposing:

1. A total of 5 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for all uses on site, in this instance; and
2. a take-out restaurant to be within 60m of a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum 60m separation distance between a take-out restaurant and a Residential zone in this instance.

## Background

**Property Address:** 3058 Hurontario Street Unit A

### Mississauga Official Plan

Character Area: Downtown Cooksville

Designation: Mixed Use

### Zoning By-law 0225-2007

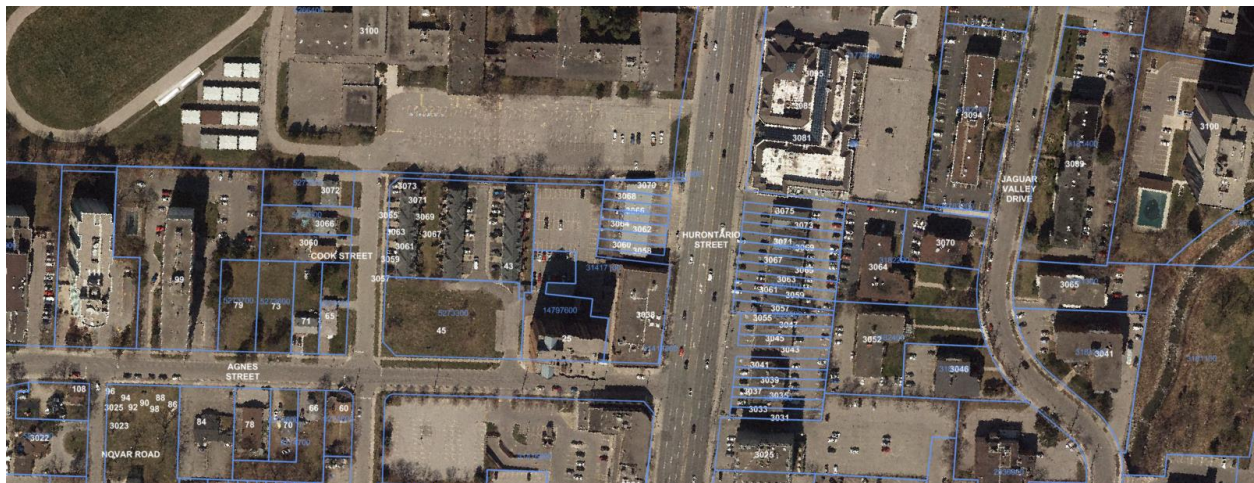
**Zoning:** C4 - Commercial

**Other Applications:** C 21-7157

### Site and Area Context

The subject property is located on the west side of Hurontario Street, north of the intersection with Dundas Street. The property forms part of a 2 storey strip plaza containing no landscaping or vegetation elements. The surrounding area context includes a variety of land uses including various residential built forms, other commercial strip plazas, office buildings, and T.L. Kennedy Secondary School.

The applicant is proposing a restaurant use within unit "A" requiring variances for parking and separation distance to a residential zone.



## 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 located in the Downtown Cooksville Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use designation permits a variety of uses including restaurants.

Variance 1 requests a reduction in parking for the use. The intent of the Zoning By-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the Official Plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. CPS staff have reviewed the variance request and note as follows:

The submitted Parking Letter, prepared by Pavlo Tourko, VArchitect Inc, received November 22, 2021, explains the function of the take-out restaurant, proposed hours of operation and the availability of parking onsite. The Parking Letter explains that the subject site has two units and requires a total of 7 parking spaces (Unit A is a proposed take-out restaurant that requires 4 spaces and Unit B is a proposed personal service establishment that requires 3 spaces). The rest of the commercial plaza has an existing and proposed mix of retail and personal service uses that appear to be compatible. Lastly, the Parking Letter explains there was a fire and explosion in one of the units on February 11, 2018. As a result, the entire commercial plaza from 3058 to 3070 Hurontario Street was demolished and rebuilt. The construction was completed in May of 2021 and now tenants are starting to move into the units. Given the unique circumstance of suffering fire damage and impact to the subject property, the submitted justification is satisfactory.

Staff advise that units 3058 to 3070 in the commercial plaza should be reviewed as one for the purposes of parking with a shared parking lot of approximately 26 spaces in the front of the building for all uses. Staff recommend the plaza be comprehensively reviewed as the parking demand may exceed the supply onsite. Should more uses with high parking requirements move into the units, a parking deficiency may arise and lead to parking issues onsite. The future tenants or prospective unit holders should be made aware of the potential parking deficiency and that the applicant may be required to undertake a satisfactory Parking Utilization Study (PUS) to justify a parking reduction in the future.

Based on the submitted information, staff can support the amended variance to provide a total of 5 parking spaces for all uses onsite whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for all uses onsite, in this instance.

Variance 2 requests a reduced setback to a residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where the restaurant use is not, a 60m buffer is imposed. Based on a detailed review of the proposal staff note that the front entrance of the unit faces away from the adjacent residential properties and into the parking lot. Furthermore the proposal does not include a drive through or patio which may cause additional noise or exhaust pollution. Several restaurants exist in surrounding plazas, and staff note that prior to the reconstruction of the subject strip plaza restaurants were present in units as well. Staff are of the opinion that any impacts to the residential neighbourhood would be negligible and that the request is appropriate to be handled through the minor variance process. Planning staff are of the opinion the request raises no concerns of a planning nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos depicting the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The applicant requests the Committee to approve a minor variance to allow the operation of a take-out restaurant within the basement and first storey and service establishment within the second storey of the building proposing:

1. A total of 5 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for all uses on site, in this instance; and
2. a take-out restaurant to be within 60m of a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum 60m separation distance between a take-out restaurant and a Residential zone 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.

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Comments Prepared by: Brian Bonner - Supervisor