

# City of Mississauga Department Comments

Date Finalized: 2021-12-08	File(s): A535.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-16 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant proposing:

1. A separation distance of 11.86m (approx. 38.91ft) 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; and,
2. 40 on-site parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 48 on-site parking spaces in this instance.

## Amendments

1. To permit a takeout restaurant within 60m of a residential zone; whereas By-law 0225-2007, requires a minimum 60m separation distance between a takeout restaurant and a residential zone in this instance.

## Background

**Property Address:** 7058 Airport Road

### Mississauga Official Plan

Character Area: Malton Neighbourhood

Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C3 - Commercial

**Other Applications:** C 21-7204

### Site and Area Context

The subject property is located on the north-west corner of Airport Road and Hull Street in the Malton neighbourhood. It contains a two storey multi-unit commercial plaza with no vegetation or landscaping elements. The surrounding area context includes a variety of land uses including other commercial strip plazas, residential uses, open space, and CN rail tracks. A large retaining wall separates the property from Airport Road due to a grade change for the CN underpass.

The applicant is proposing a take-out restaurant on the property requiring variances for setback to a Residential zone and 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 located in the Malton Neighbourhood 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 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 towards Airport Road. Furthermore the proposal does not include a drive through or patio which may cause additional noise or exhaust pollution. Several other restaurants or food related businesses also exist in the plaza. 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 that this request raises no concerns of a planning nature.

Variance 2 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:

A Parking Utilization Study has not been submitted, despite the proposed parking deficiency being at 17%. Staff have concerns with the requested variance in the absence of a parking justification study. Staff recommend deferral of this application.

Given the comments of CPS staff and the lack of justification for the reduced parking, Planning staff are also unable to support variance 2 at this time and agree with the recommendation for deferral.

Comments Prepared by: Alexander Davies, 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' 535/21.

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 C 21-7204. Based on review of the information currently available in this permit application, we advise that the following variance should be amended as follows:

1. To permit a takeout restaurant within 60m of a residential zone; whereas By-law 0225-2007, requires a minimum 60m separation distance between a takeout restaurant and a residential zone in this instance.

In addition, more information is required in order to verify variance 2.

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