

City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A150.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 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 the construction of a Gas Bar with a Convenience Store and Drive-Thru Food Partner proposing:

1. An interior side yard setback of 5.30m (approx. 17.4ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 6.00m (approx. 19.7ft) in this instance;
2. A separation distance between the Take-out Restaurant and the Residential Zone of 5.3m (approx. 17.4ft) whereas By-law 0225-2007, as amended, requires a minimum separation distance between a Take-out Restaurant and a Residential Zone of 60.0m (approx. 196.9ft) in this instance;
3. To provide a total of 7 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 12 parking spaces in this instance;
4. A landscape buffer of 1.0m (approx. 3.3ft) adjacent to the south-west lot line whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) in this instance;
5. A landscape buffer of 1.8m (approx. 5.9ft) adjacent to the north-west lot line whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) in this instance;
6. A landscape buffer of 1.3m (approx. 4.3ft) adjacent to the north-east lot line whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) in this instance; and,
7. A minimum aisle width of 6.0m (approx. 19.7ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 23.0ft) in this instance.

Background

Property Address: 329 North Service Rd

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Motor Vehicle Commercial

Zoning By-law 0225-2007

Zoning: C5-3 - Commercial

Other Applications: SP 21-69

Site and Area Context

The subject property is on the north-west corner of the North Service Road and Cliff Road intersection. It has a lot area of +/- 2,356.14m² (25,361ft²) and currently contains a motor vehicle repair facility. No landscaping or vegetative elements are present on the subject property. The surrounding area context includes a mix of residential and commercial uses with varying built forms.

The applicant is proposing to construct a gas bar with accessory retail and take-out requiring variances for setbacks, separation distance to residential, parking, landscape buffers, and aisle width.



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 Cooksville Neighbourhood Character Area. It is designated Motor Vehicle Commercial in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits gas bars with accessory retail and take-out restaurants.

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. Municipal Parking staff have reviewed the variance request and note as follows:

The proposal is to construct a motor vehicle service station with convenience retail and service kiosk of 222.56 m², including a 30 m² food service provider with drive thru, and 6 gas pump bays.

A Parking Justification Study prepared by nEngineering Inc., dated February 28, 2022, was provided in support of the application. Per the submitted site plan, issued January 28, 2022, the Applicant is proposing a total of 7 parking spaces which is 3.15 parking spaces per 100 m² of GFA. The proposed parking for the subject site is 5 spaces deficient, or 42%.

The Parking Study undertook 5 days of surveying at the following proxy site:

- Esso, 4011 Dixie Road, Mississauga, ON:
 - February 17, 18, and 19, 2022: 8:00am – 7:00pm
 - February 25 and 26, 2022: 8:00am – 7:00pm

The proxy site consists of a 149.76 m² convenience store with a Tim Hortons partner service kiosk and drive-thru, as well as 8 gas pump bays. Twelve (12) parking spaces are available at the proxy site.

The Parking Study reported a parking demand of 10 vehicles (8 vehicles in legal parking spaces, 2 vehicles parked illegally curbside). The peak parking demand at the proxy site was 8 plus 2 parking spaces which equates to a demand rate of 6.68 parking spaces per 100 m² of GFA, which occurred twice during the morning period on two separate days of the survey.

The peak parking demand at the proxy site is higher than the proposed parking rate for the subject site.

Given the observed peak parking demand, staff reviewed the provided survey data and determined that the observed parking demand of vehicles was greater

than the proposed parking demand rate for the subject site 62% of the survey period. Staff note the proxy site has the appropriate mix of uses that are comparable to the subject site, however based on the survey data, the high-traffic location at the intersection of Dixie Road and Burnhamthorpe Road East and adjacent to the Rockwood Mall is not sufficiently comparable to the subject site.

Staff advise that the Applicant may choose to undertake further parking utilization surveys of other comparable sites to provide justification for the requested parking rate, at their discretion.

Given the above, Staff require the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS). Staff can support the Zoning by-law rate of 5.4 parking spaces per 100 m² of GFA, which is 12 parking spaces in this instance.

Planning staff are in agreement with the comments provided by Municipal Parking and recommend that the application be deferred in order to allow the applicant to submit a revised Parking Utilization Study or redesign the site to include all of the required parking.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed Gas Bar with Convenience Store and Drive-Thru will be addressed through Site Plan Application, File SP-21/069.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file SP 21-69. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Furthermore, the Established Grade has not been identified on the elevation drawings and as such, Zoning is not able to confirm total height and any compliance or required variances. In addition, the take-out window location and stacking lane dimensions have not been sufficiently provided.

Our comments are based on the plans received by Zoning staff on 10/25/2021 for the above captioned site plan 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 site plan approval 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: Adam McCormack, Zoning Examiner