

City of Mississauga
Corporate Report



<p>Date: July 15, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: CD.21.INT W11</p>
	<p>Meeting date: August 8, 2022</p>

Subject

RECOMMENDATION REPORT (WARD 11)

Motor Vehicle Commercial Land Use Study

Mississauga Road, south of the Canadian Pacific Railway

File: CD.21. INT W11

Recommendation

1. That the proposed amendments to Mississauga Zoning By-law 0225-2007, to remove permissions for a take-out restaurant and associated drive-through facilities and to restrict development to what is legally existing on the property at 5235 Mississauga Road, as detailed in the Corporate Report dated July 15, 2022, titled "Recommendation Report (Wards 11) – Motor Vehicle Commercial Land Use Study" from the Commissioner of Planning and Building, be approved.
2. That the implementing Zoning By-law be brought forward to a future City Council meeting.

Executive Summary

- An information report was received at a public meeting on June 20, 2022
- The subject lands and existing buildings comply with the **C5** zone regulations that apply and, in most cases, exceed the by-law minimums
- The introduction of a take-out restaurant and drive-through facility on the property could have undesirable impacts on the property, surrounding road network and abutting residential land uses
- Staff recommend amendments to the zoning by-law that would have the effect of restricting further development on the property and removing any permissions for a take-out restaurant and drive-through facility

Background

A public meeting was held by the Planning and Development Committee on June 20, 2022, at which time an Information Report was received. Recommendation PDC-0057-2022 was then adopted by Council on July 6, 2022:

That the report dated May 27, 2022, from the Commissioner of Planning and Building regarding Motor Vehicle Commercial Land Use Study – Mississauga Road, south of the Canadian Pacific Railway, under File CD.21.INT W11 be received for information.

The Information Report can be accessed at the following link: (<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=27962>) and in Appendix 1.

COMMUNITY ENGAGEMENT

All property owners within 120 m (393 ft.) of the study area (being those lands subject to Interim Control By-law 0221-2021) were notified of the passing of Interim Control By-law 0221-2021 on November 8, 2021. A virtual community meeting was held by Ward 11 Councillor, George Carlson, on November 30, 2021 and approximately eight residents were in attendance. A second virtual community meeting was held on June 7, 2022 and six people attended the meeting.

The public meeting was held on June 20, 2022. Nobody from the public made a deputation regarding the study.

Six written submissions, from 2 parties, were received regarding the study. Responses to the issues raised at the community meeting and from correspondence received can be found in Appendix 2.

Comments

PLANNING ANALYSIS

Refer to the Information Report in Appendix 1 for a summary of the applicable planning policies, regulations and guidelines which were used in the following planning analysis.

MISSISSAUGA OFFICIAL PLAN (MOP)

The subject lands are located within the Central Erin Mills Neighbourhood Character Area and are designated **Motor Vehicle Commercial**, which permits a gas bar; motor vehicle repair; motor vehicle service station; and, motor vehicle wash. Retail stores and take-out restaurants which may include a drive-through are permitted accessory to motor vehicle commercial uses. Additionally, the subject lands are part of the designated Mississauga Road Scenic Route, which applies to those lands that front, flank and/or abut Mississauga Road, between the CP Railway and Lakeshore Road West.

The Central Erin Mills Neighbourhood Character Area section of MOP does not include any specific policies pertaining to the subject lands, nor does it include any specific policies pertaining to motor vehicle commercial uses.

The general land use designation policies of MOP specifically encourage motor vehicle commercial uses be located at intersections, except where such locations are important or sensitive in terms of city image, area character, streetscape or significant natural features (Section 11.2.10.3). The subject lands do not serve an important function in terms of the city's image, nor do they contain any significant natural features. In terms of area character and streetscape, the lands are located on the Mississauga Road Scenic Route. MOP includes specific policies that apply to lands along the Mississauga Road Scenic Route that are intended to preserve its historic streetscape character and appearance. These policies are predominantly geared towards residential land uses which are to consist of detached homes on large lots, with generous building setbacks, upgraded building elevations and preservation of existing vegetation and landscape features (Section 9.3.3.11). The lands at the northerly terminus of the Scenic Route, between the CP Railway and Melody Drive (including the subject lands) are subject to their own specific set of policies in Section 9.3.3.12 of MOP. The existing and planned non-residential use of these lands highlights their uniqueness along the Scenic Route and the transition that they provide between the residential uses south of Melody Drive and Streetsville's historic mainstreet north of the CP Railway. These lands are to be developed with the highest design and architectural quality and will incorporate the scale, massing, patterns, proportions, materials, character and architectural language found in the commercial conversions of residential buildings in Streetsville's historic mainstreet commercial core. Sufficient landscaping and setbacks are to also be provided along Mississauga Road. These policies are reflective of the transitional nature of this property, relative to the remainder of the Mississauga Scenic Route; whereby, the policies seek to incorporate architectural qualities of commercial buildings in Streetsville's historic core, while also providing the generous setbacks and landscaping of the low density residential uses south of Melody Drive.

While the City's vision for these lands is to redevelop in a manner that echoes the character of Streetsville's historic commercial core, this can only be imposed through the processing of a development application, specifically a site plan application. Since the new gas bar use occupies the existing building and only proposed minor changes, the City did not have the ability to require a full site plan application for the subject lands. With this said, the existing gas bar with accessory convenience kiosk and motor vehicle repair facility are arguably consistent in scale and massing to the historic mainstreet commercial core in that it is not an excessively large building with significant building height. Furthermore, the building occupies only a small portion of the property, maintaining the generous front and exterior side yard setbacks, which is consistent with the Mississauga Road Scenic Route policies.

No changes are proposed to MOP policies as they relate to the subject lands.

Zoning By-law 0225-2007

The **C5-3** (Motor Vehicle Commercial - Exception) zone permits a gas bar, motor vehicle service station, and motor vehicle repair facility – restricted. Both the gas bar and motor vehicle service station uses allow for a convenience retail and service kiosk as an accessory use thereto. The definition of a convenience retail and service kiosk further allows for an accessory take-out restaurant with or without an associated drive-through facility.

As shown in the following table, the site and existing building and structures are compliant with the in effect **C5** zone regulations that apply to the property, with the exception of the minimum landscaped buffer along a small portion of the north lot line, in the area of the existing driveway. All of the minimum setbacks are exceeded, in some cases, four to five times the minimum requirements. The landscaped buffers, specifically along the Mississauga Road frontage and the exterior side lot line abutting Melody Drive, are considerably greater than the minimum zoning by-law requirements.

Zone Regulations	C5 Zone Regulations	Existing Conditions
Minimum Lot Frontage – Corner Lot	48.0 m (157.5 ft.)	51.8 m (169.9 ft.)
Minimum setback from a lot-line to a fuel pump	6.0 m (19.7 ft.)	18.8 m (61.7 ft.)
Minimum Front Yard	4.5 m (14.8 ft.)	23.6 m (77.4 ft.)
Minimum Exterior Side Yard	4.5 m (14.8 ft.)	18.8 m (61.7 ft.)
Minimum Interior Side Yard (for any zone that is not a residential zone)	4.5 m (14.8 ft.)	11.5 m (37.7 ft.)
Minimum Rear Yard (for any zone that is not a residential zone)	4.5 m (14.8 ft.)	15.3 m (50.2 ft.)
Maximum Height	6.0 m (19.7 ft.) and 2 storeys	1 storey (height in metres unavailable)
Minimum depth of a landscaped buffer measured from a lot line that is a street line	4.5 m (14.8 ft.)	10.7 m (35.1 ft.) Along Melody Drive 18.0 m (59.1 ft.) Along Mississauga Road
Minimum depth of a landscaped buffer measured from any other lot line	4.5 m (14.8 ft.)	0.0 m (0.0 ft.)* *This is a legal non-complying condition, for which there is no landscape buffer along the north lot line in proximity to the driveway entrance.

In recognition of the impacts certain land uses may have on residential uses, the City's Zoning By-law establishes minimum separation distances between these uses and residential zones. None of the uses permitted in the **C5-3** zone are subject to a minimum separation distance from a residential use. This implies that all of the uses permitted in a **C5-3** zone do not cause unacceptable impacts on residential land uses. It should be noted that a take-out restaurant does require a minimum separation distance of 60.0 m (196.9 ft.) from a residential use. In the case of the subject lands, this minimum separation distance would not apply because the take-out restaurant use is only permitted as an accessory use to a permitted motor vehicle commercial use and is not permitted as a standalone use.

Proposed amendments to the Zoning By-law are summarized in the subsequent section.

City of Mississauga Cultural Heritage Landscape Project

The recommendations of the City's Cultural Heritage Landscape (C.H.L.) Project do not impact staff's recommendations for the subject lands. Although the project does acknowledge the importance of the Mississauga Road Scenic Route and concludes that it is a Significant C.H.L., it does not speak to land use, rather it recommends that policies be incorporated into the City's new Official Plan related to identified heritage attributes throughout the landscape.

Summary

Historically, the intended use of these lands has always been some form of automotive related use; with the site zoning consistently including permissions for motor vehicle commercial uses since Zoning By-law 5500 came into effect in 1966. The size and configuration of the lands are such that motor vehicle commercial uses can be adequately accommodated, except for those which require significant vehicle stacking, such as a motor vehicle wash facility, which is not a permitted use on the property.

Staff is of the opinion that all of the motor vehicle commercial uses that are permitted in the **C5-3** zone are comparable in terms of the intensity of their use, hours of operation and type of user. Therefore, the establishment of any of these uses on the site would have negligible impacts on the property and surrounding area. Of greater concern, would be the introduction of a take-out restaurant with or without a drive-through facility, which could have a significant impact on the subject lands, surrounding road network and abutting residential land uses. A take-out restaurant could significantly increase the frequency of visits to the site as a user may simply attend the site for the take-out restaurant and not for one of the existing motor vehicle commercial uses. This increase in customer visits would impact the amount of traffic entering and exiting the site, site circulation, pedestrian safety and the amount of parking required to accommodate the additional use. An associated drive-through facility could further exacerbate these concerns and add the need to accommodate a stacking lane for vehicles. Furthermore, the introduction of a drive-through facility may also create unacceptable noise impacts from order boards.

Recognizing the impacts of drive-through facilities, and in particular, the design and location of drive-through lanes and their impact on traffic circulation (both within a development site and in the public right-of-way), the Planning and Building Department undertook a study in 2001, which included a survey of drive-through facilities throughout the City. A corporate report from the Planning and Building Department dated December 18, 2001 summarized the design issues with drive-throughs, including:

- Additional traffic movements created on the site with often circuitous and intersecting traffic conditions
- Increased slowing and/or stopping of vehicles, resulting in congestion and traffic back-ups which can impact road traffic
- Additional site area required to accommodate vehicle stacking
- Pedestrian convenience and safety can be compromised
- Possible impacts on safe and efficient parking layouts and integration of the site with the public boulevard

The study also noted the detrimental impacts on corner sites in particular, where on-site vehicular congestion backing onto the public right-of-way can affect traffic movements at the abutting intersection.

In order to ensure that the relatively small building footprint and generous building setbacks that are characteristic of the Mississauga Road Scenic Route are preserved, staff are also recommending that restrictions be implemented to limit any further development on the property.

Based on the foregoing, staff maintain their initial position:

1. The gas bar and motor vehicle repair facility that currently occupy the property were legally established in accordance with the City's Zoning By-law, prior to the passing of the Interim Control By-law.
2. Site Plan approval was not required nor could it be required under the provisions of the *Planning Act*, with respect to the new pavement or curbs.
3. Staff recommend that the Zoning By-law be amended as it relates to the subject lands, to remove any land use permissions for a take-out restaurant and drive-through facility and to restrict any further development on the property either through the construction of new buildings or structures or enlargements to existing buildings or structures.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

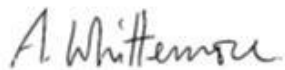
Conclusion

In summary, the proposed amendments to the Zoning By-law will restrict the use of the subject lands to motor vehicle commercial uses that are comparable in terms of their impacts on the subject lands and surrounding area. The recommendation to remove any land use permissions for a take-out restaurant and drive-through facility, as well as restricting any further development on the property would minimize unacceptable impacts from these uses. The proposed amendments to Zoning By-law 0225-2007 represents good planning and should be approved.

Attachments

Appendix 1: Information Report

Appendix 2: Community Comments and Response Matrix



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

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