

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A132/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-14

Consolidated Recommendation

The City has no objection to the variances, as requested; however, the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the expansion of the drive-through on the subject property, proposing:

1. 37 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 45 parking spaces, in this instance; and,
2. A double drive-through; whereas, By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 6767 Airport Road

Mississauga Official Plan

Character Area: Northeast Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-38 (Employment)

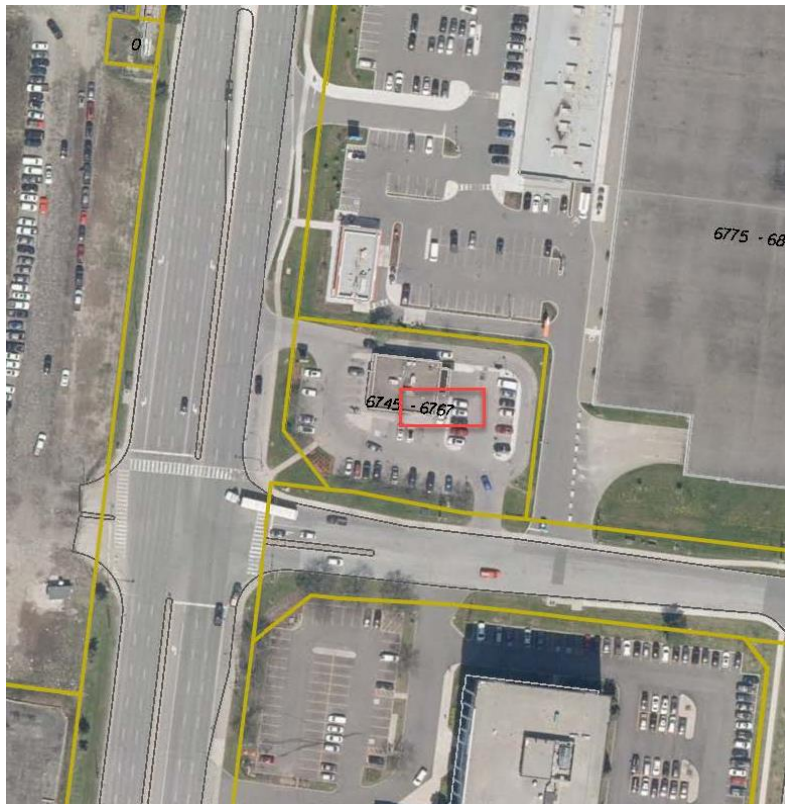
Other Applications:

Building Permit: 20-130

Site and Area Context

The subject property is located south-east of the Airport Road and Derry Road East intersection and currently houses a single-storey restaurant structure (Tim Horton's). From a land-use perspective, the immediate neighbourhood is predominately commercial in nature, with the adjacent property representing a multi-pad, multi-tenant commercial plaza. Planning Staff note, the subject lands provide a minor transitional area between the office-industrial / warehouse-industrial lands and the residential neighbourhoods located further north.

As it pertains to this application, Planning Staff note the presence of an existing drive-through on the subject lands, as well as also within the immediate contextual area, with the contiguous property to the north also possessing such a feature.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance application are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Northeast Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11(s) (Business Employment), this designation shall permit restaurant services. Of note, Section 11.2.11.6 of MOP also contemplates drive-through facilities on this site. This application meets the purpose and general intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 (Parking)

In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), this zone regulates the required number of parking spaces for various uses upon the subject lands. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 45 parking spaces are required; whereas, the Applicant is providing 37.

As per City Planning Strategies Staff's review of this application, the inherent operational nature of the existing restaurant (in-and-out) serves to generate more drive-through traffic than visitor parking; with the proposed reduction not adversely impacting the site's ability to adequately provide the necessary parking accommodations. Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Variance 2 (Drive-Through)

As per Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs), the subject lands are located within a specific area that limits the utilization and creation of drive-through facilities. Pursuant to Section 2.1.29.2, a drive-through facility in legal existence as of the date of the passing of the Zoning By-law is permitted to enlarge/alter its associative parking area; driveway; and/or stacking lanes, provided that such modifications are not in contravention to any of the Zoning By-law regulations.

Due to the configuration of the double drive-through, the site surrenders 8 parking spaces as a result of the proposed redesign; thereby, requiring relief for reduced parking (Variance 1), and, consequently, no longer remains in conformity with Section 2.1.29.2 (Variance 2).

The intent in restricting drive-throughs within intensification areas is ultimately to ensure that such locations are not disproportionality developed, or configured in such a manner that the highest and best use cannot be realized, due to the "wasted" space associated with the combination of required parking; queuing lanes; and/or, associative signage of such features.

The site is subject to site plan control, with the above proposal being circulated to both the Urban Design and Landscape Architectural teams and subsequently receiving favourable comments in this regard. Further, a double drive-through is permitted as-of-right, with Variance 2 required solely as a result of a supported parking reduction. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Despite the requested relief, the subject property has ample room to accommodate suitable parking and maintains adequate internal traffic circulation. The proposed double drive-through is permitted as-of-right; and, ultimately, represents a more efficient utilization of the site, as opposed to an intensification of a non-conforming use. The variances, as requested, result in both the orderly development of the lands, and whose impacts are minor in nature

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested; however, the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, 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 expansion of the drive-through will be addressed through the Building Permit process.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-130. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-362/19, DEF-A-028/20, DEF-A-029/20

Minor Variance Applications: A-132/20, A-133/20, A-134/20, A-143/20, A-144/20, A-145/20, A-148/20

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner