

City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A382.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 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 permit uses in an existing building proposing:

1. A restaurant use approximately 22m (approx. 72 ft) from a residential zone whereas By-law 0225-2007, as amended, does not permit a restaurant use within 60m (approx. 197 ft) from a residential zone in this instance; and,
2. 9 parking spaces whereas By-law 0225-2007, as amended, requires 63 parking spaces in this instance.

Background

Property Address: 230 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Mixed Use

Zoning By-law 0225-2007

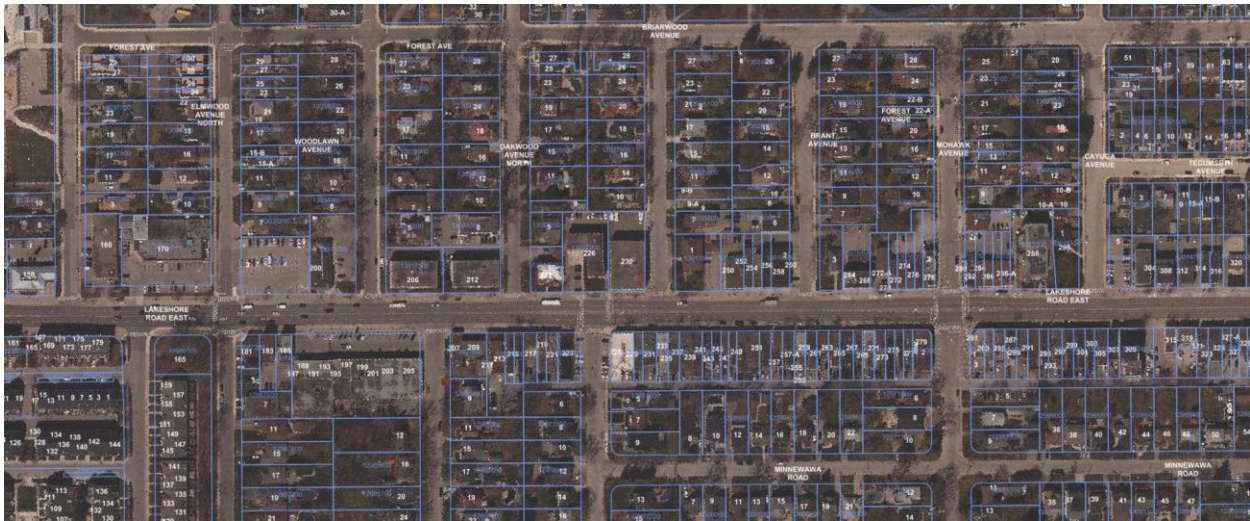
Zoning: C4-66, Commercial

Other Applications: Zoning Certificate of Occupancy application under file C 21-10090.

Site and Area Context

The subject unit is located within the Port Credit Neighbourhood (East), in a three storey building containing a mix of commercial uses, east of the Lakeshore Road East and Hurontario Street intersection. The subject site contains minimal vegetation in the form of street trees along Lakeshore Road east. The broader area consists of a mix of uses including commercial uses (including retail stores), and high and low-density residential uses with minimal vegetation.

The application proposes a restaurant requiring variances for separation distance to a residential zone and reduced 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 designated Mixed Use on Schedule 10 of the Mississauga Official Plan (MOP), which permits restaurants.

The applicant is proposing a Restaurant use within 60m (193.9ft) of a Residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot; a 60.0m (196.9ft) buffer is created. The adjacent residential neighbourhood is located directly north of the property. Multiple commercial uses already exist on the subject property. Staff note the rear of the unit faces the residential zone. Since the applicant is not proposing an outdoor patio and the fact that the proposed use will not face the residential zone, it is unlikely the proposed use will to create any additional

noise disturbances. Staff is of the opinion that the variance is appropriate and raises no concerns of a planning nature.

The applicant is also proposing reduced parking on the subject property. Municipal Parking staff provide comments on requests for reduced parking. Their comments are as follows:

The subject property contains a 3-storey commercial building, located northwest of the intersection of Lakeshore Road East and Briarwood Avenue. The building shares (amongst the tenants) 9 off-street parking spaces. The property contains a mix of uses, including retail, service establishment, office and a commercial school.

A restaurant use is proposed in a 154.4 m² (1661.95ft²) unit. Based on Zoning staff's review of the application, the restaurant's parking rate is calculated at 3.0 spaces per 100 m² (1076ft²) Gross Floor Area (GFA) and requires 5 parking spaces.

The applicant submitted a Parking Utilization Study (PUS), prepared by Trans-Plan Transportation Inc., dated May 18th, 2022 in support of the application. The submitted PUS carried out a proxy site survey at 1457 Main Street West, a Doughbox Pizza location in the City of Hamilton, from open till close, between 11:00am to 10:00pm on the following dates, at 30-minute intervals; as recommended by city staff:

- Thursday, May 5, 2022
- Friday, May 6, 2022
- Saturday, May 7, 2022
- Sunday, May 8, 2022
- Friday, May 13, 2022
- Sunday, May 15, 2022

A proxy site was required to be surveyed due to the parking lot at 230 Lakeshore Road East being blocked by renovation materials. The PUS reported an observed peak on Friday, May 6th, 2022 of 9 parking spaces (this was the peak demand multiple times during the evening), which equates to a staff calculated parking demand rate of 3.19 spaces per 100m² (1076ft²) of non-residential GFA.

The PUS also indicated that the proposed restaurant would "reasonably" have access to at least 1 parking space. Although, the building's parking lot does not have designated parking spaces per business.

The observed parking demand rate is in alignment with the provisions of amended, Zoning By-law 0117-2022; 5 parking spaces are required for the proposed restaurant use. Notwithstanding the demand for other uses within the building, and considering there would be 4 parking spaces remaining for a mix of other uses tenating the building during busy times of the day, Staff are concerned that the existing 9 parking spaces may not be sufficient for all uses on-site.

Staff recommend the application be deferred, pending the submission of either of the following below options:

The applicant must enter into an agreement pursuant to s.45 (9.1) of the Planning Act, with content satisfactory to City staff as indicated below, and in a form satisfactory to the City Solicitor, to secure performance of either of the following conditions, including any associated securities/letters of credit:

1. Updated Parking Utilization Study (PUS) to capture the onsite demand at 230 Lakeshore Road East in efforts to demonstrate that the existing 9 parking spaces onsite would be sufficient for all uses.

OR

2. The City's Payment-in-Lieu (PIL) of parking program applies to the subject property and the applicant has the option to apply for a PIL application for consideration for the entire parking deficiency (for 5 parking spaces, in this instance). Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency.

OR

3. The City's Shared Parking Agreement also applies to the subject property, and the applicant has the option to execute an agreement for off-site parking, to the satisfaction of the Municipal Parking, Transportation & Works Department. Should this option be chosen, the applicant will need to prove and justify that the site chosen for the Shared Parking Agreement, is at a surplus of parking spaces.

Note: A template for an Off-Site Parking Agreement is available through the City's Municipal Parking section. The applicant shall correspond with staff through the Parkingstudy.Review@mississauga.ca e-mail to fulfill this condition and submit an Off-Site Parking Agreement to the satisfaction of the City of Mississauga Municipal Parking and Legal departments.

Additionally, staff note a number of outstanding comments related to the associated Zoning Certificate of Occupancy application need to be addressed with Zoning staff. Staff also advise that Zoning By-law 0117-2022 is now in effect, and the requested variance requires Zoning staff's review and confirmation of accuracy.

Planning staff echo Municipal Parking staff's comments and recommend that the application be deferred to allow the applicant an opportunity to submit one of the options described above, and to meet with Zoning staff to review the requested variances and confirm their accuracy.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos of the building and rear parking area.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 21-10090. Based on review of the information currently available for this building permit, 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.

Our comments are based on the plans received by Zoning staff on 11/16/2021 for the above captioned building permit 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

City of Mississauga Department Comments