

# City of Mississauga Department Comments

Date Finalized: 2022-10-12	File(s): A150.22 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-10-20 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

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

1. A separation distance of 6.17m (approx. 20.25ft) from a residential zone whereas By-law 0225-2007, as amended, requires a separation distance of 60.0m (approx. 196.85ft) from a take out restaurant to a residential zone in this instance;
2. A landscape buffer along the west lot line of 2.35m (approx. 7.71ft) whereas By-law 0225-2007, as amended, requires a landscape buffer along the west lot line of 4.50m (approx. 14.76ft) in this instance;
3. A landscape buffer along the north lot line of 1.80m (approx. 5.91ft) whereas By-law 0225-2007, as amended, requires a landscape buffer along the north lot line of 4.50m (approx. 14.76ft) in this instance;
4. A landscape buffer along the east lot line of 0.00m whereas By-law 0225-2007, as amended, requires a landscape buffer along the east lot line of 4.50m (approx. 14.76ft) in this instance; and,
5. 7 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 9 parking spaces for a convenience store with a take out restaurant 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 +/- 2,356.14m<sup>2</sup> (25,361ft<sup>2</sup>) 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 separation distance to residential, parking, landscape buffers 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 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.

Variance 1 requests a reduction in the separation distance from the proposed restaurant to a residentially zoned property. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where they are not, a 60m buffer is imposed. The applicant is not proposing a patio or a large seating area within the restaurant. Furthermore, while the restaurant is located near the property line, the adjacent residential building is well set back from the property line and provides additional buffer space for residents. Based on a detailed review of the proposal and the nature of the restaurant proposed, staff are of the opinion that impacts to the residential zone will be negligible.

Variances 2 through 4 request reductions in landscaped buffers across the property. The intent of this portion of the by-law is to ensure that an appropriate buffer exists along all lot lines. Staff are satisfied that appropriate landscaped buffers are maintained around the property, and note that the 0 metre landscaped buffer is due to a road widening along Cliff Road. Appropriate landscaping will be maintained within the municipal boulevard in that location.

Variance 5 proposes a reduction in parking. 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:

Staff provided comments in regards to the application for the May 5, 2022 Committee of Adjustment Hearing. A Parking Study and Site Plan were submitted in support of the application. The application was initially deferred because the peak parking demand at the proxy site was higher than the proposed parking rate for the subject site. Staff advised the Applicant to undertake another parking utilization survey of a different comparable site to provide justification for the requested parking rate. Further, the Applicant was advised to consider reducing the GFA of the proposed structure to reduce the required number of parking spaces.

The requested parking reduction is to construct a motor vehicle service station with a convenience retail and service kiosk of 186.00 m<sup>2</sup>, including a 30 m<sup>2</sup> food service provider with drive thru, and 6 gas pump bays. This is a reduction of 36.56 m<sup>2</sup> from the initially proposed 222.56 m<sup>2</sup>.

Per the existing zoning by-law, the subject site is located within Parking Precinct 4 and the required parking rate for a motor vehicle service station with convenience retail and service kiosk is 5.0 parking spaces per 100 m<sup>2</sup> GFA. Based on a GFA of 186.00 m<sup>2</sup> per the updated Site Plan dated June 29, 2022, 9

parking spaces are required. The Applicant proposes a total of 7 parking spaces, which is equal to 3.98 parking spaces per 100 m<sup>2</sup> GFA, and is 2 parking spaces or 20% deficient.

The Applicant submitted an updated Parking Study dated May 26, 2022, completed by nEngineering Inc. The updated Parking Study undertook 5 days of surveying at the following proxy site:

- Shell, 1715 Bloor Street, Mississauga, ON:
  - May 5, 6, and 7, 2022: 7:00am – 7:00pm
  - May 12 and 13, 2022: 7:00am – 7:00pm

The proxy site consists of a 176 m<sup>2</sup> GFA convenience store with a Tim Hortons partner service kiosk and drive-thru, as well as 8 gas pump bays. Thirteen (13) parking spaces are available at the proxy site.

The Parking Study reported a peak parking demand of 10 vehicles (7 vehicles in legal parking spaces, 3 vehicles parked illegally curbside). The peak parking demand at the proxy site was 7 plus 3 parking spaces which equates to a demand rate of 5.68 parking spaces per 100 m<sup>2</sup> of GFA, which occurred once during the peak afternoon period on Thursday May 12 of the survey. Taking that into consideration, Municipal Parking staff advised the Applicant that it would be appropriate to calculate the 95th percentile data from the proxy survey in this instance.

The proposed parking rate of 3.98 parking spaces per 100 m<sup>2</sup> is supported by the 95th percentile data from the proxy survey. Based on the proposed parking rate 7 parking spaces are proposed.

Given the above, Municipal Parking staff can support the proposed parking reduction to allow a total of 7 parking spaces on the subject property whereas Zoning By-law 0225-2007, as amended, requires a minimum of 9 parking spaces in this instance.

Planning staff are in agreement with the comments provided by Municipal Parking and have no objection to the proposed reduction.

Given the above, Planning staff are satisfied that the application maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

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.

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