

City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A560.22
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 1:00:00 PM

Consolidated Recommendation

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a restaurant with a separation distance of 6m (approx. 19.68ft) between the restaurant and the residential zone, whereas by-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.9ft) between a restaurant and residential zone in this instance.

Background

Property Address: 4665 Central Parkway East

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1-Commercial

Other Applications: None

Site and Area Context

The subject property is located on the east side of Central Parkway East, south of the Eglinton Avenue East intersection. It currently contains a multi-tenant commercial plaza building and an associated parking lot. Landscaping and vegetative elements are located nearly exclusively along the property lines. The surrounding area context includes a mix of residential and commercial uses in a variety of built forms on lots of varying sizes.

The applicant is requesting to permit a restaurant within the plaza requiring a variance for separation distance to a residential zone.



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 Hurontario Neighbourhood Character Area and is designated Convenience Commercial in Schedule 10 of the Mississauga Official Plan (MOP). The Convenience Commercial designation permits a variety of uses including restaurants.

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 drive-through use, outdoor patio, or a large seating area within the restaurant, thereby limiting any potential impacts on the adjacent residential properties. Furthermore staff

note that the plaza already contains restaurant uses in other units. 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. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that the application raises no concerns of a planning nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 560/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy application is required. In the absence of a Zoning Certificate of Occupancy application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Amy Campbell, Planner-in-Training

Appendix 3- Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner