

City of Mississauga Department Comments

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| Date Finalized: 2023-07-19 | File(s): A250.23 Ward: 1 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2023-07-27 1:00:00 PM |

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow parking proposing 154 parking spaces whereas By-law 0225-2007, as amended requires a minimum of 161 parking spaces in this instance.

Background

Property Address: 960-966 Dundas Street E

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-65 - Commercial

Other Applications: Certificate of Occupancy 23-5433

Site and Area Context

The subject property is located south-west of the Dundas Street East and Tomken Road intersection in the Dixie Employment Area. It currently contains two single storey commercial buildings with frontage onto Dundas Street East. The property has an area of +/-0.91 hectares (2.24 acres). The surrounding area context is predominantly commercial and industrial.

Residential units are present in the Applewood Neighbourhood Character Area, across Dundas Street East.

The applicant is proposing a bubble tea shop use in Unit 4 requiring a variance for 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 Dixie Employment Area Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of commercial uses, including restaurants.

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:

Per the materials provided by the applicant, the subject property is comprised of two one-storey commercial buildings with multiple units. The applicant proposes a land use change in unit 4, from a "Service Establishment" to a "Take-out

Restaurant”, with a Gross Floor Area (GFA) of 125 m². The subject property is located within Parking Precinct 3.

Per Section 3.1.1.2 of Mississauga zoning by-law, a “Take-out Restaurant” requires 4 parking spaces per 100 m² non-residential GFA. As a result, the required number of parking spaces for this unit would be 5 spaces. Per the Parking Allocation Report provided by Zoning staff, based on the different land uses of each unit, the required number of parking spaces for the rest of the units within the subject property is 156. As such, 161 parking spaces are required whereas 154 parking spaces can be accommodated. The proposed parking deficiency is 7 parking spaces, or 4.3%.

Since the parking deficiency rate is less than 10%, a Letter of Justification is acceptable as per the City’s Parking Terms of Reference provision. The applicant provided a Parking Letter of Justification dated May 26, 2023, completed by MHBC. The business owner provided details about the operation of the business upon request by Staff, and explained that the nature of the business is a take-out restaurant, therefore the number of employees and customers would be kept to a lesser level, and its impact on parking would be insignificant. It is staff’s opinion that the parking variance is minor in nature.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed parking reduction to permit a total of 154 parking spaces on the subject property whereas By-law 0225-2007, as amended, requires 161 parking spaces, in this instance.

Planning staff are in agreement with the comments from Municipal Parking staff and are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing parking areas. We have no concern to the applicant's request.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy application under file 23-5433. Based on review of the information currently available in this application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Metrolinx

960-966 Dundas Street E

Metrolinx is in receipt of the minor variance application for 960-966 Dundas Street E to facilitate reduced parking. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- As the requested variance has no implication on Metrolinx property (i.e. Milton Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-23-250M - 960-966 Dundas Street East

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

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- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner