

# City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A389.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

## Consolidated Recommendation

The City 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 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 a smoothie bar proposing a separation distance between the smoothie bar and a Residential Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (approx. 196.9ft) in this instance.

### Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the variance should be amended as follows:

A restaurant use within 60m of a residential zone whereas By-law 0225-2007, as amended, does not permit a restaurant within 60m of a residential zone in this instance;

## Background

**Property Address:** 219 Queen Street South

### Mississauga Official Plan

Character Area: Streetsville Community Node  
Designation: Mixed Use

## Zoning By-law 0225-2007

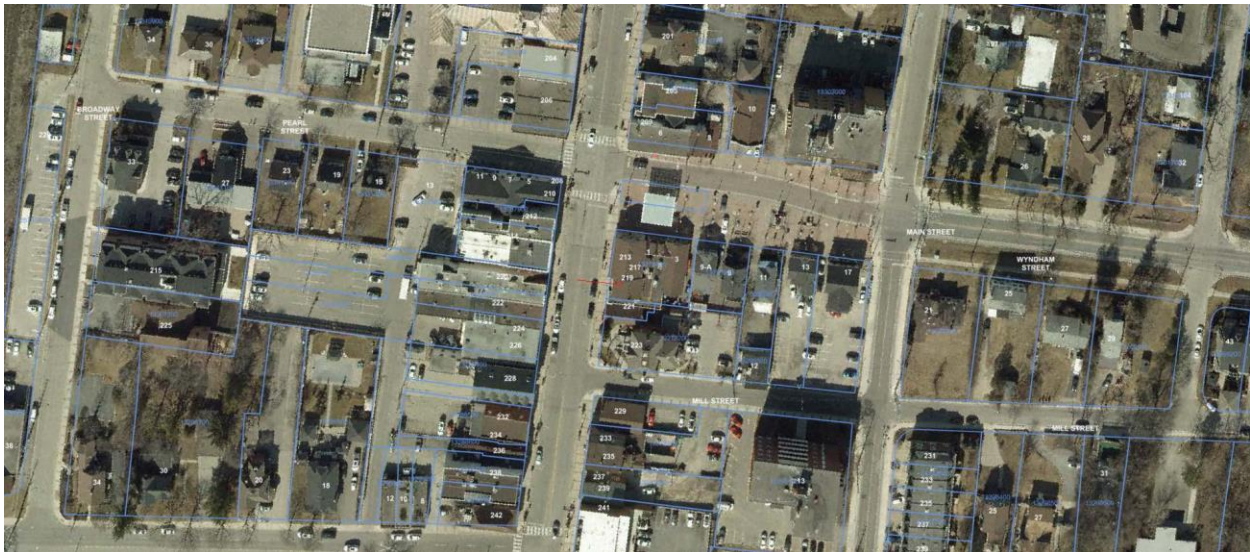
**Zoning: C4- Commercial**

**Other Applications: C 22-4531**

## Site and Area Context

The subject property is located on the east side of Queen Street South, south of the Pearl Street and Queen Street South intersection. The site currently contains a one-storey commercial building with no vegetation or landscape elements present. The subject property is an interior parcel. Contextually, the surrounding neighbourhood consists of a mix of residential, commercial, retail and restaurant uses.

The applicant is proposing a restaurant at the subject property 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 site is located within the Streetsville Community Node Character Area, and is currently designated Mixed Use by the Mississauga Official Plan (MOP). Section 11.2.6 (Mixed Use) of the MOP permits a restaurant within the designation. The Applicant's proposal of a restaurant meets the purpose and general intent of the official plan.

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 or patio, thereby limiting any potential impacts on the adjacent residential properties.. 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 concern of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 22-4531. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Candice Williams, Zoning Examiner

### **Appendix 3- Metrolinx**

#### **219 Queen St S - A389.23**

Metrolinx is in receipt of the Minor Variance application for 219 Queen St S to allow a smoothie bar proposing a separation distance between the smoothie bar and a Residential Zone of less than the minimum 60m required. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.

#### **Advisory Comments:**

- 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.

Comments Prepared by: Farah Faroque, Project Analyst

### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner