

City of Mississauga Department Comments

Date Finalized: 2023-10-25	File(s): A400.23 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-02 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 a restaurant proposing:

1. A separation distance between the restaurant and a Residential Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a Residential Zone of 60.00m (approx. 196.9ft) in this instance; and,
2. 33 parking spaces whereas By-law 0225-2007, as amended, requires 39 parking spaces in this instance.

Amendments

The Building Department is processing Certificate of Occupancy application C 23-7780. Based on review of the information available in this application, we advise that following amendments are required:

The applicant requests the Committee to approve a minor variance to permit a take-out restaurant within Unit 3 of the building on the subject property proposing:

a take-out restaurant to be located within 60m to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 60m measured in a straight line from the nearest part of the buildings or structure or portion of the building or structure containing the use, to the closest lot line of a Residential Zone in this instance.

The following variance is also required:

A total of 1 Type A accessible parking space for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 2 accessible parking spaces (1 Type A and 1

Type B each with an individual or a single shared 1.5m accessibility aisle) for all uses on site in this instance.

Background

Property Address: 3955 Erin Centre Blvd, Unit 3

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1-14- Commercial

Other Applications: C 23-7780

Site and Area Context

The subject property is a commercial plaza located on the north-east corner of Erin Centre Boulevard and Ninth Line. The property has an area of +/- 2,861.63m² (30,802.32ft²). The subject lands are surrounded by residential development to the north, south, and east. The lands to the west are currently undeveloped. A row of vegetation exists behind the plaza, buffering it from the row of townhomes immediately adjacent to the rear. Current uses in the commercial plaza include personal service establishments and medical offices, among others.

The applicant is proposing a restaurant in unit 3 of the plaza requiring a variance for a deficient setback to a residential zone and parking deficiencies.



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 in the Churchill Meadows Neighbourhood Character Area and is designated Convenience Commercial by the Mississauga Official Plan (MOP). The Convenience Commercial designation permits a range of commercial uses, including a restaurant use. As such, the proposal meets the general intent and purpose of the Official Plan.

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 drive-through use or a large seating area within the restaurant. The drawings do not show a proposed patio space, further limiting impacts on 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 concerns of a planning nature.

Variance 2 proposes a reduction in the total number of parking spaces. 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:

With respect to Committee of Adjustment application 'A' 400.23, 3955 Erin Centre Boulevard, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A total of 33 parking spaces whereas By-law 0225-2007, as amended, requires 39 parking spaces in this instance.

Per the materials provided by the Applicant, the subject property is currently occupied by seven tenants that operate a variety of land uses, including Retail, Service Establishment, Take-out Restaurant, Medical Office, and Commercial School. The total non-residential Gross Floor Area (GFA) of the property is 765.7 square meters. The requested variance is triggered by the replacement of one of the Medical Offices with a Take-out Restaurant in Unit 3. The subject site is located within C1-14 Zoning Area, Parking Precinct 4.

The Applicant provided a Parking Allocation Report obtained from Zoning that confirms all the existing land uses, minimum parking requirement for the subject site, and an existing supply of parking spaces. Per information provided by the report, the required parking spaces for the subject property are 39, and 33 spaces are currently provided. As such, 33 parking spaces are required whereas 39 parking spaces can be accommodated. The proposed parking deficiency is 6 parking spaces, or 15.4%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant submitted a Parking Justification Study dated September 25, 2023, prepared by Harper Dell & Associates. Parking surveys were undertaken from 10 a.m. to 8 p.m. for three days in August 2023. The results of survey indicate that the peak parking demand was observed on a Wednesday at 12:30 p.m., with a total of 15 occupied parking spaces on site, which represents a utilization rate of 45% and a demand ratio of 1.96 spaces per 100 square meters of non-residential GFA. Compared to the aggregated parking ratio at 4.81 spaces per 100 square meters of non-residential GFA as stipulated by the zoning by-law, the observed peak ratio suggests a lower parking demand for the subject site. Considering the parking survey results, the location of the subject property, and the surrounding traffic conditions, staff find that the requested variance is minor in nature and therefore it would be appropriate to support the application.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff can support the proposed 33 parking spaces whereas By-law 0225-2007, as amended, requires 39 parking spaces in this instance.

Furthermore zoning staff note an additional variance is required for a reduction in accessible parking spots. The proposal provides one Type A accessible parking space whereas two accessible parking spaces (one Type A and one Type B parking space) are required. The intent of the accessible parking regulation is to accommodate individuals who require larger spaces for accessibility purposes. One parking space is being provided for a take-out restaurant, which customers will only be picking up, thereby limiting the time required in the parking space. Furthermore, one accessible parking space is an existing condition on the subject property. Staff are therefore of the opinion that the one accessible parking space is sufficient for the use.

Planning staff 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: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference is a photo depicting the subject property.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Certificate of Occupancy application C 23-7780. Based on review of the information available in this application, we advise that following amendments are required:

The applicant requests the Committee to approve a minor variance to permit a take-out restaurant within Unit 3 of the building on the subject property proposing:

a take-out restaurant to be located within 60m to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 60m measured in a straight line

from the nearest part of the buildings or structure or portion of the building or structure containing the use, to the closest lot line of a Residential Zone in this instance.

The following variance is also required:

A total of 1 Type A accessible parking space for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 2 accessible parking spaces (1 Type A and 1 Type B each with an individual or a single shared 1.5m accessibility aisle) for all uses on site in this instance.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner