

City of Mississauga Department Comments

Date Finalized: 2023-12-07	File(s): A455.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-12-14 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow a restaurant proposing:

1. 3 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 16 parking spaces in this instance; and,
2. A restaurant within 60.00m of a Residential Zone whereas By-law 0225-2007, as amended, requires a restaurant to be located greater than 60.00m from a Residential Zone in this instance.

Amendments

The Building Department is currently processing a permit under file C 23-8791. Based on review of the information currently available in this permit application, the variances, as requested are correct except that; an additional variance is required as the subject lands are not supplying a Type Accessible Space. The following variance must be added:

3. That zero accessible parking spaces be provided whereas By-law 0225-2007, as amended, requires a minimum of 1 parking spaces in this instance.

Background

Property Address: 265 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4- Commercial

Other Applications: C 23-8791

Site and Area Context

The subject property is located in the Port Credit Neighbourhood (East) Character Area, southeast of the Hurontario Street and Lakeshore Road East intersection. The immediate area consists of a variety of commercial uses contained in plazas fronting onto Lakeshore Road East. Minimal vegetation exists in the form of urban street trees.

The application proposes a restaurant requiring variances for reduced parking and minimum 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 are as follows:

The subject property is located in the Port Credit Neighbourhood (East) Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use designation permits a variety of uses, including restaurant uses. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context and the landscape of the character area. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations.

Variance #1 requests a reduction in parking spaces. Variance #3 as identified by Zoning staff pertains to accessible 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. Municipal Parking staff have reviewed the variance request and provide the following comments:

Per the materials provided by the applicant, the proposed new use of the subject property is a Restaurant with a Gross Floor Area (GFA) of 240 sq mt (2583.34 sq ft). The variance is triggered by the change of use. The subject property is located within C4 Zoning Area, Parking Precinct 3.

Per Section 3.1.1.2 of Mississauga Zoning By-law, restaurant uses with a GFA over 220 square meters located in Parking Precinct 3 require a minimum of 9 parking spaces per 100 square meters of non-residential GFA. Furthermore, Section 3.1.2.3 stipulates that off-street parking spaces for non-residential uses in C4 zones shall be provided in accordance with Precinct 1 requirements. Based on additional information received from Zoning staff, the subject property has a GFA of 270 sq mt (2906.26 sq ft). Therefore, the total minimum required number of parking spaces for the subject property would be 16. The applicant proposes a total of 3 parking spaces in the back of the building. As such, 16 parking spaces are required whereas only 3 parking spaces can be accommodated, which generates a parking deficiency of 13 spaces or 81%.

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 did not provide a PUS as justification for the proposed parking deficiency. The applicant should refer to the City's Parking [Terms of Reference](#) for parking justification requirements to be included with a formal submission. The applicant should confirm the survey methodology with staff prior to conducting parking surveys. Zoning staff have advised that the requested variance is correct.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

The City of Mississauga requires a Parking Utilization Study (PUS) be submitted in support of an application where a reduction of parking exceeds 10% of what the By-law requires.

Variance #2 pertains to a separation distance to a residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot; a 60.0m (196.9ft) buffer is created. The adjacent residential neighbourhood is located directly south of the subject property. Staff note there are a number of restaurants located along Lakeshore Road East, and more specifically in the immediate area. Therefore, the proposed use is compatible with the existing uses and fits within the character of the neighbourhood. Staff note that a large alleyway is located behind the subject property which provides a buffer from the subject property to the adjacent residential uses. Furthermore, the applicant is not proposing an outdoor patio or drive-through, and only the rear portion of the unit faces the residential zone, therefore it will not pose any negative impacts to the adjacent residential zone.

Given the above Planning staff are satisfied that variance #2 meets the four tests of a minor variance, however staff recommend that the application be deferred in order to allow the applicant an opportunity to submit the information requested by Municipal Parking staff.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the property parking at rear.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a permit under file C 23-8791. Based on review of the information currently available in this permit application, the variances, as requested are correct except that; an additional variance is required as the subject lands are not supplying a Type Accessible Space. The following variance must be added:

That zero accessible parking spaces be provided whereas By-law 0225-2007, as amended, requires a minimum of 1 parking spaces in this instance.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner