

City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A36.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 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 use accessory to a grocery store proposing a food court accessory to the existing retail store whereas the By-law 0225-2007, as amended, does not permit this in this instance.

Amendments

The Building Department advises the following amendment is required for the requested variance:

- 1) To permit a food court accessory to a retail store on the subject property; whereas By-law 0225-2007, as amended does not permit a food court accessory to a retail store in this instance.

Background

Property Address: 1000 Burnhamthorpe Rd W

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1- Commercial

Other Applications: BP 3ALT 23-10024

Site and Area Context

The subject property is located east of Erindale Station Road on the south side of Burnhamthorpe Road West within the Mavis-Erindale Employment Area. The subject property contains a two-storey retail store containing office, retail and service commercial uses. There is limited vegetation and landscaping elements on the property. The immediate area consists of a mix of commercial, employment and residential uses.

The applicant is requesting a variance for a food court accessory to a retail store.



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 sole requested variance is to permit a food court accessory to the existing retail store.

The subject property is located in the Mavis-Erindale Employment Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of 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 11.2.6.2 states the planned function of lands designated 'Mixed Use' is to provide a variety of retail, service and other uses to support the surrounding residents and businesses.

Food courts are defined as a communal seating area for more than one take-out restaurant in an enclosed pedestrian mall. As per the associated building permit on file (BP 3ALT 23-10024), the food court will be located in a newly proposed retail area, directly abutting and connected to Yuan Hang, the anchor grocery store in this multi-tenant plaza. The proposed retail area is comprised of 16 units, in which a number of take-out restaurants are slated to occupy, as confirmed from the agent on file.

In conversations with zoning staff, planning staff note the primary use of the subject property is retail store (grocery store) with the proposed variance being an accessory food court of more than six seats, which is not permitted. The food court is not located within the grocery store but is connected internally to the anchor tenant. Section 6.1.51 of the zoning by-law states where the principal use of a retail store is the sale of food, seating shall be permitted inside the premises for the consumption of food prepared on the premises provided that the seating is limited to a maximum of six seats, and they are accessory to the retail sale of food products. Staff note the food court will be located inside the premises of the new retail area, which will function to serve the take-out restaurants with a total of 30 seats.

Planning staff are satisfied that the food court will positively compliment the take-out restaurants and other retail and service establishment businesses intended to be located within this retail area on the subject property. While food courts function as an accessory use to the take-out restaurants permitted in the C3-1 zone, the food court accessory use is not permitted in the zone. Staff note that the proposal would represent the same intensity of use as a restaurant, which is permitted as a primary use in C3-1 zones. The proposed food court will have no impacts to the streetscape or surrounding context. Staff are therefore of the opinion that the general intent and purpose of the official plan and zoning by-law are maintained, and the application constitutes orderly development of the subject property and is minor in 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: Joe Alava, T&W Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 3ALT 23-10024. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

- 2) To permit a food court accessory to a retail store on the subject property; whereas By-law 0225-2007, as amended does not permit a food court accessory to a retail store 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: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner