

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A56.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing:

1. A take-out restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. 31 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 50 parking spaces in this instance.

Amendments

The Building Department is currently processing a certificate of occupancy permit application under file 21-5816 Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. Delete. No longer required. Reduced parking rates. Lot is parking compliant.

Background

Property Address: 245 Queen Street South, Unit 6

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4- Commercial

Other Applications: C 21-5816

Site and Area Context

The subject property is located on the east side of Queen Street South, north of the Thomas Street and the Queen Street South intersection. The site currently contains a three-storey building with a commercial space on the ground floor and residential units on the second and third floor. The subject property is an interior lot with associated surface parking lot with no vegetative or landscaping elements present. Contextually, the surrounding neighbourhood consists of a mix of residential, commercial, retail and restaurant uses.

The applicant is proposing a restaurant use on the ground floor of the subject property requiring a variance for a deficient setback 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 certificate of occupancy permit application under file 21-5816. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. Delete. No longer required. Reduced parking rates. Lot is parking compliant.

Our comments are based on the plans received by Zoning staff on 21-5816 for the above captioned certificate of occupancy permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Supervisor.

Appendix 3 – Metrolinx

A56.24 - 245 Queen Street South Unit 6

Metrolinx is in receipt of the Minor Variance application for 245 Queen St S Unit 6 to allow a change of use to permit a take-out restaurant in Unit 6 of the existing three-storey building. Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

- The Proponent is advised of 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, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner