

City of Mississauga Department Comments

Date Finalized: 2024-03-13	File(s): A455.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-03-21 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 Zoning Certificate of Occupancy under file C 23-8791. Based on review of the information currently available in this permit application, Zoning staff advise the following:

1. Variance 2 is no longer necessary, as Zoning By-law 0225-2007 has been amended removing Restaurants, Takeout Restaurants, and Convenience Restaurants from Table 2.1.2.1.1.
2. An additional variance must be added:
 - To provide 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 accessible parking space 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: Zoning Certificate of Occupancy under file 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:

Staff note this application was deferred on December 14, 2023 to provide the necessary information requested by Municipal Parking staff.

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 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. Zoning staff note Variance #2 is not required and have identified an additional variance pertaining 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 240m² (2583.34 ft²). 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 (2368.06 square feet) 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 square meters (2906.26 square feet). 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. This variance was deferred at the December 14, 2023 hearing due to the lack of parking justification materials. The Committee demanded that, at the very least, a Parking Justification Letter be provided in order to consider approving the variance.

The applicant submitted a Parking Justification Letter (PJL) dated January 18, 2024, completed by Harper Dell & Associates. The letter offers a brief overview of the site context and the current zoning by-law requirements, previous survey results for similar types of business in proximity of the subject property, as well as rationales for not applying payment-in-lieu for the proposed parking deficiency. It is worth noting that municipal parking facilities in the Port Credit area are extremely limited and already highly utilized. Given the facts that no parking spaces will be available for customers on-site, the subject site's proximity to residential areas located immediately in the back of the building, and the official plan's provision to discourage parking in residential neighborhoods for non-residential purposes, staff advise that the requested variance may have extensive impacts on the surrounding areas.

Zoning staff have advised that the requested variance is correct.

Given the above, Municipal Parking staff recommend the application be deferred.

Given the above Planning 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, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

This Department has supplied pictures attached to our previous comment for the December 14th, 2023 hearing date.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy under file C 23-8791. Based on review of the information currently available in this permit application, the variances must be adjusted.

3. Variance 2 is no longer necessary, as Zoning By-law 0225-2007 has been amended removing Restaurants, Takeout Restaurants, and Convenience Restaurants from Table 2.1.2.1.1.
4. An additional variance must be added:
 - a. To provide 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 accessible parking space 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

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner