

City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A95.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application, subject to the condition. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. 115 parking spaces whereas By-law 0225-2007, as amended requires a minimum of 152 parking spaces in this instance;
2. 30 off site parking spaces whereas By-law 0225-2007, as amended does not permit off site parking in this instance;
3. 30 tandem parking spaces whereas By-law 0225-2007, as amended does not permit tandem parking in this instance; and,
4. 4 accessible parking spaces whereas By-law 0225-2007, as amended requires a minimum of 6 accessible parking spaces in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff request the below condition:

1. The applicant shall provide an Off-site Parking Agreement to the satisfaction of the City for the approval period of Minor Variance File A95.24.

Background

Property Address: 2360 Lucknow Drive

Mississauga Official Plan

Character Area: Northeast Employment Area

Designation: **Business Employment**

Zoning By-law 0225-2007

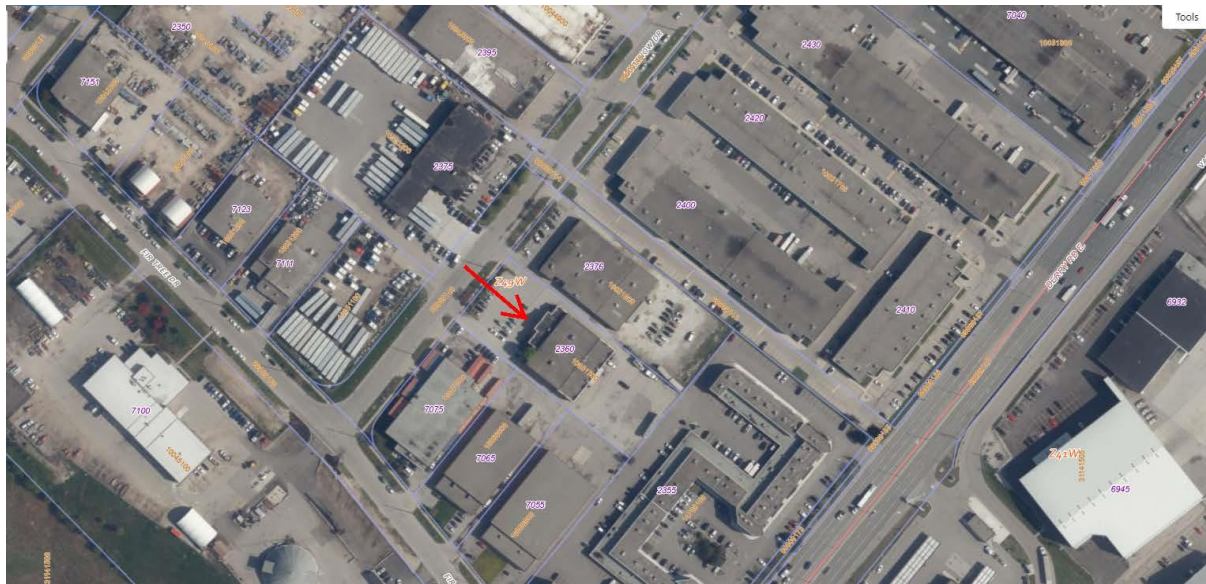
Zoning: **E2- Employment**

Other Applications: None

Site and Area Context

The subject property is located north-west of the Derry Road East and Torbram Road intersection. It currently contains a one-storey banquet hall with an associated surface parking lot. Limited landscaping and vegetative elements are present along the frontage of the subject property. The surrounding area consists of various sizes of industrial buildings.

The applicant is requesting variances pertaining to parking deficiencies, off-site parking and tandem parking.



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 subject property is located in the Northeast Employment Character Area and is designated Business Employment in the Mississauga Official Plan (MOP).

Staff note that similar minor variance applications were approved by the Committee of Adjustment subject to conditions, for a temporary period of one year, as per application A093.16. The applicant reapplied for the same minor variance application, which was approved for a temporary period of five years, subject to no conditions, as per application A365.18. The decision for A365.18 expired on December 31st, 2023.

The proposal was deferred at the February 29th, 2024 Committee of Adjustment application to submit a parking utilization study and draft an Off-Site Parking Agreement using the standard template provided by the City.

The current application is requesting an extension of the previous approvals, requesting a reduction in the number of parking spaces and the location of parking on the subject property and the abutting property. 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' 95.24, 2360 Lucknow Drive, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

115 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 152 parking spaces in this instance.

Per the materials provided by the applicant, the subject property currently functions as a Banquet Hall with a Gross Floor Area (GFA) of 1406.51 square meters. The variances are triggered by the applicant's request to renew the previous temporary approval of an off-site parking agreement. The subject property is located within E2 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Banquet Hall uses located in Parking Precinct 4 require a minimum of 10.8 spaces per 100 square meters of non-residential GFA. Therefore, with a proposed GFA of 1406.51 square meters, a minimum of 152 parking spaces are required. The applicant proposes a total of 115 parking spaces on-site and 30 spaces off-site. As such, 152 parking spaces are required whereas 115 parking spaces can be accommodated, which generates a parking deficiency of 37 spaces or 24%.

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. A deferral was previously recommended for the application due to the lack of PUS on February 29, 2024.

The applicant has subsequently submitted a Parking Utilization Study dated June 11, 2024, prepared by Harper Dell & Associates. A three-day survey at the subject site was undertaken in March 2024. Out of the three events being surveyed, two were on a smaller scale at 50% and 65% capacity, while the one that took place on Saturday, March 30th was a full-capacity event, which also happened to fall on the Easter holiday weekend.

The results of the survey indicate that the peak parking demand at the subject site was observed on Saturday, March 30th, at 9 p.m. at the full-capacity event. During the time, a total of 51 occupied parking spaces were observed on site, which represents a peak utilization rate of 44% and a peak demand ratio of 3.63 spaces per 100 square meters. The findings appear to be lower than the minimum parking requirement of 10.8 spaces per 100 square meters for a Banquet Hall use as stipulated by the Zoning By-law. Staff find that the results of the PUS are supportive of the requested parking reduction. Nonetheless, it is important to note that the parking demand observed during the surveyed events may not necessarily reflect the actual parking demand for different types of events held at the site, as the nature of the event significantly influences parking demands.

Given the above, Municipal Parking staff can support 115 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 152 parking spaces in this instance.

Staff note the current application requests an extension of the previous approvals in principle. As per Municipal Parking staff, the applicant provided a Commercial Lease Agreement with the neighboring property at 2376 Lucknow Drive, which states that an additional 30 parking spaces can be accommodated. However, the agreement was not drafted using the standard Off-site Parking Agreement template provided by the City. The use of the City's Off-Site Parking Agreement template allows the City to be a signatory to the agreement and ensures that the dedicated parking is available, good neighbor relations between adjacent property owners are maintained, ensures the public's interests are accounted for, and confirms the agreement remains in place for the requested duration. Given the above, staff have no concerns with the application, subject to a satisfactory off-site parking agreement.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are a number of recent photos depicting the subject property. With regards to Variance #2 we note that it may be difficult for visitors to identify/locate the proposed 30 off-site parking spaces as they are currently not delineated and located on the abutting property. Perhaps some signage should be installed to identify the off-site parking.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing a Preliminary Zoning Review application PREAPP 16-981. Based on review of the information available in this application, we advise that comments are no longer relevant and changes to the By-law have taken place.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.

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2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner