

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-28	File(s): A350/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-05

Consolidated Recommendation

The City recommends that the application be deferred to submit a parking justification letter and accompanying surveying results.

Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant and car wash on the subject property proposing:

1. A southerly interior side yard of 1.5m (approx. 4.9ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.5m (approx. 14.8ft) in this instance;
2. A rear yard of 2.3m (approx. 7.5ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 4.5m (approx. 14.8ft) in this instance;
3. An easterly landscape buffer of 3.0m (approx. 9.8ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) in this instance;
4. 13 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 16 parking spaces in this instance;
5. 8 stacking lane spaces for the car wash whereas By-law 0225-2007, as amended, requires a minimum of 10 stacking lane spaces in this instance; and
6. A lot frontage of 51.9m (approx. 170.3ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 70.0m (approx. 229.7ft) in this instance.

Background

Property Address: 820 Dundas Street East

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

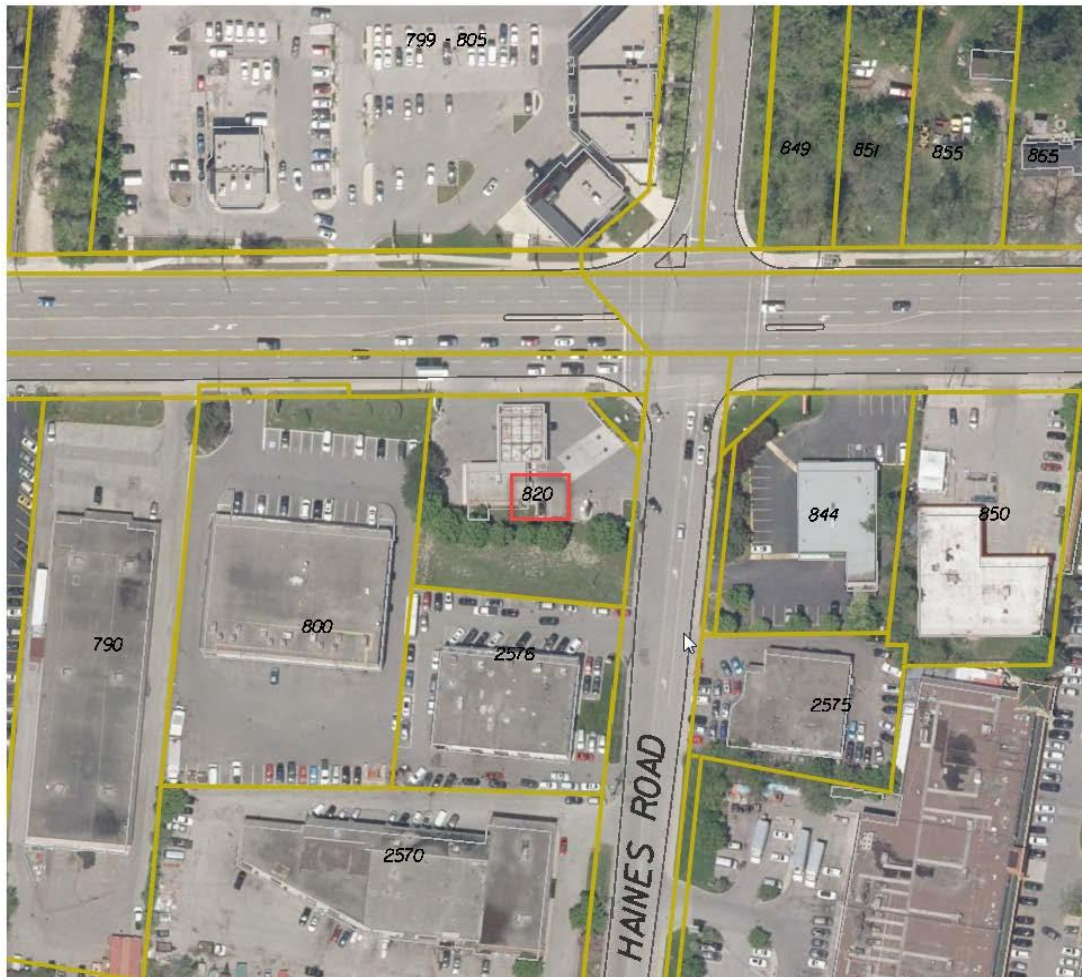
Zoning: C3-65 (Commercial)

Other Applications

Site Plan Application: 19-149

Site and Area Context

The subject site is located within the Dixie Employment Character Area, in the southwest quadrant of Dundas Street East and Haines Road. The immediate area predominantly consists of a variety of commercial uses fronting onto Dundas Street East, while more industrial type and manufacturing uses are located south of the subject site. The subject site contains an existing gas station. There is an active site plan application which proposes an accessory takeout restaurant and car wash facility. As such, variances are required for deficient side/rear yard setbacks, landscape buffer, parking and stacking spaces and lot frontage.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). As per Section 17.1.4.1, Business Employment and Motor Vehicle Commercial uses are also permitted within the Dixie Employment Character Area which includes motor vehicle wash facility, gas bar and accessory take-out restaurants. The site will operate in a similar fashion to other gas stations in Mississauga that include a wash facility and accessory take-out restaurant

within C-stores. The proposed variances are not out of context and are compatible with the existing landscaping within the surrounding area. As such, staff is of the opinion that the application maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1 and 2 propose a deficient rear and southerly side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. In this instance, the rear yard setback is measured to the addition of the take-out restaurant which is not completely parallel to the property line and is measured to the narrowest point. At the widest point, the building maintains a setback of 3.38 m, providing a greater setback. Between the building and the lot line is a vegetation buffer while the abutting property contains a parking area adjacent to the building that serves the abutting commercial plaza, which minimizes the impact of the structure. The deficient southerly side yard setback is due to the location of the wash facility as there are site constraints which limit its location. The abutting property to the south contains a motor vehicle repair shop in which the area abutting the wash facility is used for vehicular parking which minimizes the potential massing impacts. The maximum height of the wash facility is approximately 4.50 m and does not continue throughout the entire southerly side yard, thereby mitigating the massing impact of the structure. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a landscape buffer of 3 m along the easterly lot line whereas a landscape buffer of 4.50 m is required. The intent of the zoning by-law is to ensure that there is a sufficient amount of soft landscaping which provides a visual buffer to the street. In this instance, the existing site contains little soft landscaping around the property lines and due to site constraints, the location of the wash facility and drive aisle cannot be moved further away from this landscape buffer. Based on discussions with the Landscape Architect and Urban Designer, the proposed variance is sufficient in providing an appropriate visual buffer to street and is not out of context with the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The intent in quantifying the required number of parking spaces is to ensure that each unit is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 16 parking spaces are required; whereas, the applicant is providing 13. The City Planning Strategies Division contacted the applicant's agent via email on October 13, 2020, to advise that they are required to submit parking justification in support of the application. Staff required that the subject site, which is an existing gas station and convenience store, be surveyed on two busy days and recommended surveying all day on a Friday and a Saturday to capture peak demand. The requested information in support of the applicant is pending. Without the parking justification and surveying results, staff recommends that the application be deferred until the required information is submitted.

Variances #5 and 6 propose a deficient stacking lane and reduced lot frontage. The lot frontage represents an existing condition that has existed prior to the enactment of Zoning By-law 0225-2007. The deficient stacking lane is a minor deviation from the zoning by-law and will not cause any significant adverse impact to the daily function of the site. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The deficient setbacks measured to the take-out restaurant and wash facility do not pose significant massing impacts due to the locations of which they are located and the uses of abutting properties. Furthermore, there is some vegetation which helps to the screen the take-out restaurant from the neighbouring property. The wash facility does not continue throughout the entire length of the southerly side yard, minimizing the overall massing impact.

Conclusion

The Planning and Building Department recommends that the application be deferred to submit a parking justification letter and accompanying surveying results.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed property are being addressed through the Site Plan Application process, File SPM-19/149.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 19-149. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

The variances requested are not consistent with comments provided through the last review cycle for the site plan. Parking numbers differ, landscape buffer numbers differ etc. If changes have been made through the minor variance process they must be uploaded to site plan application as well.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Consent Applications: B-54/20, B-55/20

Minor Variance Applications: A-312/20, A-338/20, A-340/20, A-341/20, A-342/20, A-344/20, A-345/20, A-348/20, A-349/20, A-350/20, A-352/20

Comments Prepared by: Diana Guida, Junior Planner