



Corporate Report

Clerk's Files

Originator's
Files FA.31 05/002 W2

DATE: February 7, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: February 27, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Payment-in-Lieu of Off-Street Parking (PIL) Application
1715 Lakeshore Road West
North side of Lakeshore Road West, east of Clarkson Road
North
Owner: Michael Morra Investments Co. Ltd.
Applicant: David Brown, David Brown Associates**

RECOMMENDATION: That the Report dated February 7, 2006 from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under file FA. 31 05/002 W2, Michael Morra Investments Co. Ltd., 1715 Lakeshore Road West, north side of Lakeshore Road West, east of Clarkson Road North, be adopted in accordance with the following for "Lump Sum" agreements:

1. That the sum of \$8,785.00 be approved as the amount for the payment-in-lieu of seven (7) off-street parking spaces and that the owner/occupant enter into an agreement with the City of Mississauga for the payment of the full amount owing in a single, lump sum payment.
2. That City Council enact a by-law under Section 40 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to authorize the execution of the Payment-in-Lieu of Off-Street Parking agreement with Michael Morra Investments Co. Ltd.

associated with the conversion of a portion of the basement to a private dining room and accessory office space for the existing restaurant at 1715 Lakeshore Road West.

3. That the execution of the PIL agreement and payment must be finalized within 90 days of the Council approval of the PIL application. If the proposed PIL agreement is not executed by both parties within 90 days of Council approval, and/or the PIL payment is not made within 90 days of Council approval then the approval will lapse and a new PIL application along with the application fee will be required.

BACKGROUND:

An application has been filed requesting payment-in-lieu of providing seven (7) on-site parking spaces. The purpose of this report is to provide City Council with a recommendation with respect to the application.

COMMENTS:

Background information is provided in Appendices 1 to 4 inclusive.

Neighbourhood Context

The subject property is located within a block of commercial properties fronting onto the north side of Lakeshore Road West. The property contains a two storey commercial building (Clarkson Galleria Mall) which contains a number of retail establishments and a restaurant (Michael's Back Door). Free shared parking for these establishments is available at the rear of the buildings and is accessed from a driveway on Clarkson Road North. The City has leased certain lands at the rear of commercial properties between 1699 and 1745 Lakeshore Road West to create the Clarkson Municipal Parking Lot. To the rear of the municipal parking lot, on the subject property but within the Turtle Creek greenbelt corridor, is a detached dwelling used for residential purposes.

Although the parking area is technically "shared", most establishments have an allocated number of parking spaces that are attributed to them for the purposes of Zoning requirements. In the case of the subject property, Zoning staff have confirmed that the most recent expansion to the restaurant was approved in 1986 with

sufficient on site parking. There are no surplus parking spaces available on site to accommodate any additional gross floor area.

Payment-in-lieu Request

The applicant intends to convert retail space in the basement to a private dining room which will have an approximate floor area of 22.48 m² (242 sq. ft.). The balance of the converted area, 19.3 m² (208 sq. ft.), will be used as an accessory office for the restaurant. The combined floor area of 41.8 m² (450 sq. ft.) is assessed at a parking standard of 16.0 spaces/100 m² Gross Floor Area - Restaurant and requires a total of seven (7) additional parking spaces. The applicant is requesting a payment-in-lieu of providing seven (7) parking spaces.

Evaluation Criteria

This application has been evaluated against the following criteria contained in the Corporate Policy and Procedure on Payment-in-Lieu of Off-Street Parking.

1. Whether the existing parking supply in the surrounding area can accommodate on site parking deficiencies.

In addition to the parking spaces provided on-site, there are approximately eight (8) metered parking spaces along the Lakeshore Road West frontage of the subject and adjacent properties. The shared parking arrangement at the rear provides for additional parking at off-peak times which would be adequate to accommodate the private dining room that will be used only in the evenings and has a maximum seating capacity of 15 persons.

The Transportation and Works Department has advised that the shared parking facility east of Clarkson Road North is the primary municipal parking lot in the Clarkson community and while there have been some parking concerns in the area, these have typically occurred during regular business hours. In view of the off-peak evening hours associated with the private dining room space, the PIL application can be supported.

2. What site constraints prevent the provision of the required number of parking spaces?

Approximately one half of the property is located within the greenbelt which does not permit development, including parking, while the balance of the site forms part of a shared parking facility for this commercial block. Therefore, there is no opportunity to create any additional parking on the property.

3. The proposed use of the property, and whether there is any issue as to overdevelopment of the site?

The proposed use is permitted and meets the intent of the Mississauga Plan and Zoning By-law 5500, as amended. The need for additional parking is a result of a change in use from retail space to restaurant and office space, not a result of building expansion. In addition, given the applicant's contention that the private dining room will only be open during the evenings, the conversion of this retail space transfers the associated parking demand from the daytime to the evening, when most retail businesses are closed. Based on the foregoing, this application will not result in overdevelopment of the site.

PIL Agreement

The *Planning Act* provides that a municipality and an owner or occupant of a building may enter into an agreement exempting the owner or occupant from providing or maintaining parking facilities in accordance with the applicable Zoning By-law, provided such agreement provides for the payment of monies for the exemption and sets out the basis for such payment.

The Planning and Building Department and the applicant have prepared and mutually agreed upon the terms and conditions of the PIL approval and related agreement which has been executed by the owner/occupant of the subject lands. The agreement stipulates the following:

- payment-in-lieu of off-street parking is provided for seven(7) parking spaces;

- a total payment of \$8,785.00 is required;
- payment has been made in one lump sum.

FINANCIAL IMPACT:

As of February 6, 2006, the balance of the PIL account for Clarkson Village was \$116, 753.91 and with the addition of the monies from this PIL application, the account will have a balance of \$125,538.91.

CONCLUSION:

Current parking standards represent city-wide averages which were developed to ensure that municipal standards will provide adequate off-street parking for all land uses. Nonetheless, there are areas within the City where it may be physically impossible to comply with the off-street parking requirements without jeopardizing the opportunities to expand uses in response to market demand. Older areas of the City such as Clarkson Village face the further challenge of strengthening their historic commercial centres through the creation of new residential and commercial space in their core areas through intensification and infilling on lots with limited land areas.

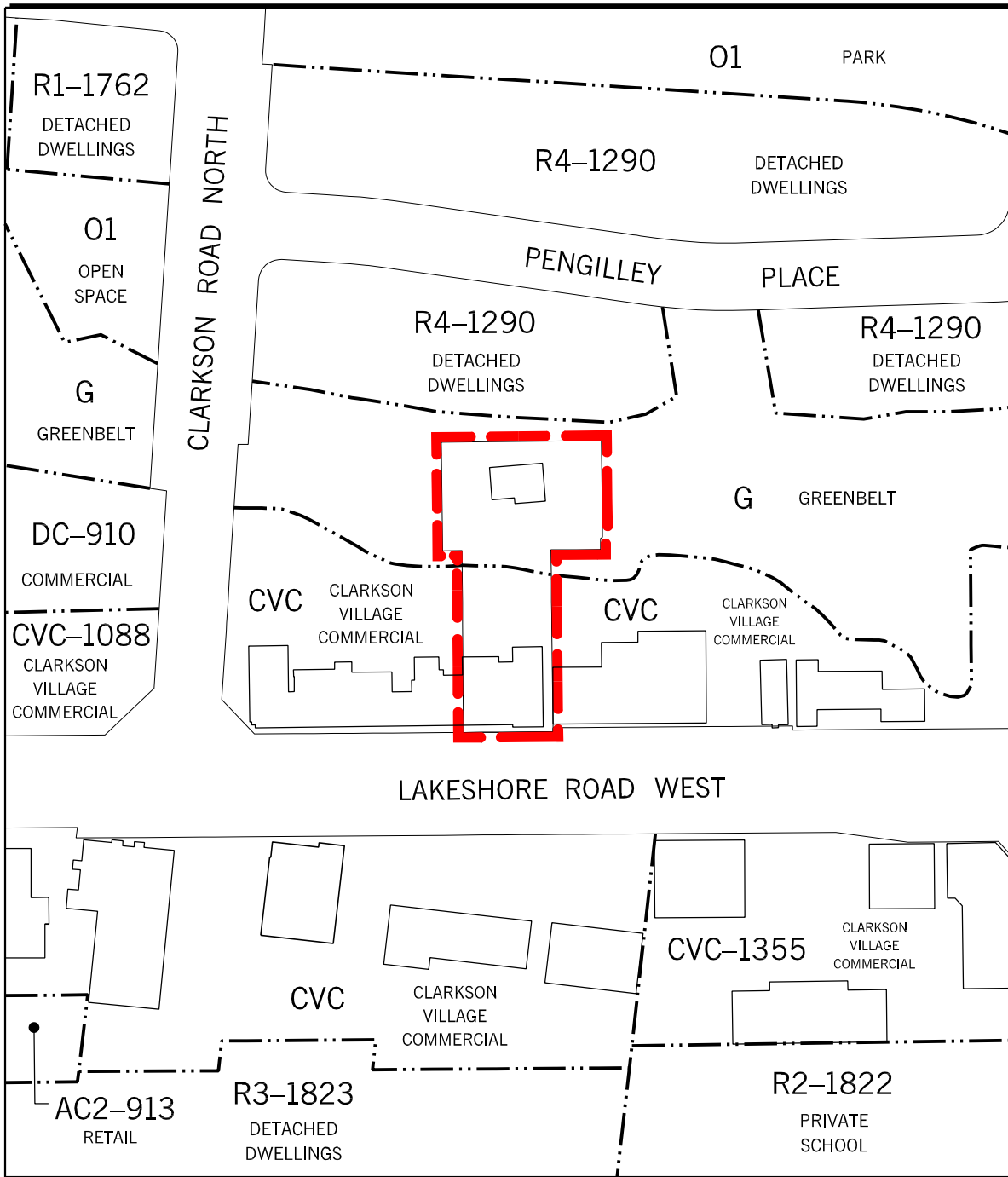
The subject Payment-in-Lieu of Off-Street Parking application should be supported for the following reasons:

- no additional gross floor area will result since the applicant is proposing to convert existing retail space to a private dining room and accessory office space for the restaurant;
- there is ample on-street and public parking opportunities in the immediate vicinity to offset the on-site shortfall of parking spaces;
- there are currently no viable opportunities to create additional parking on the subject property, and;
- the proposed shortfall of seven (7) parking spaces is not expected to adversely impact the local area.

ATTACHMENTS:

- Appendix 1 – Excerpt of Existing Land Use Map
- Appendix 2 – Aerial Photograph
- Appendix 3 – Site History
- Appendix 4 – General Context Map

Edward R. Sajecki
Commissioner of Planning and Building



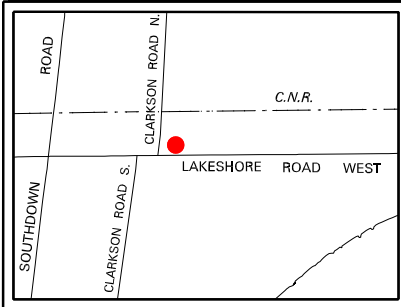
LEGEND:



SUBJECT LANDS



SUBJECT: MICHAEL MORRA INVESTMENTS CO. LTD.



FILE NO:
FA.31 05'002 W2

DWG. NO:
FA3105002R.dgn

SCALE:
1:17,500

PDC DATE:
2006 02 27

DRAWN BY:
N.BISKARIS

APPENDIX 1



Produced by T&W, LIS



CLARKSON ROAD NORTH

PENGILLEY PLACE

LAKESHORE ROAD WEST

LEGEND:

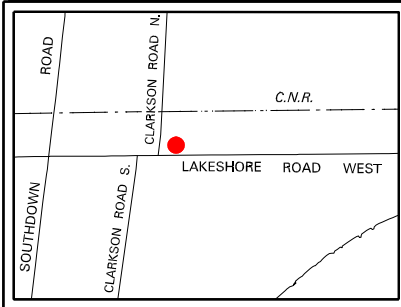


SUBJECT LANDS

DATE OF AERIAL PHOTO: MARCH 2005



SUBJECT: MICHAEL MORRA INVESTMENTS CO. LTD.



FILE NO:
FA.31 05/002 W2

DWG. NO:
FA3105002AV8.dgn

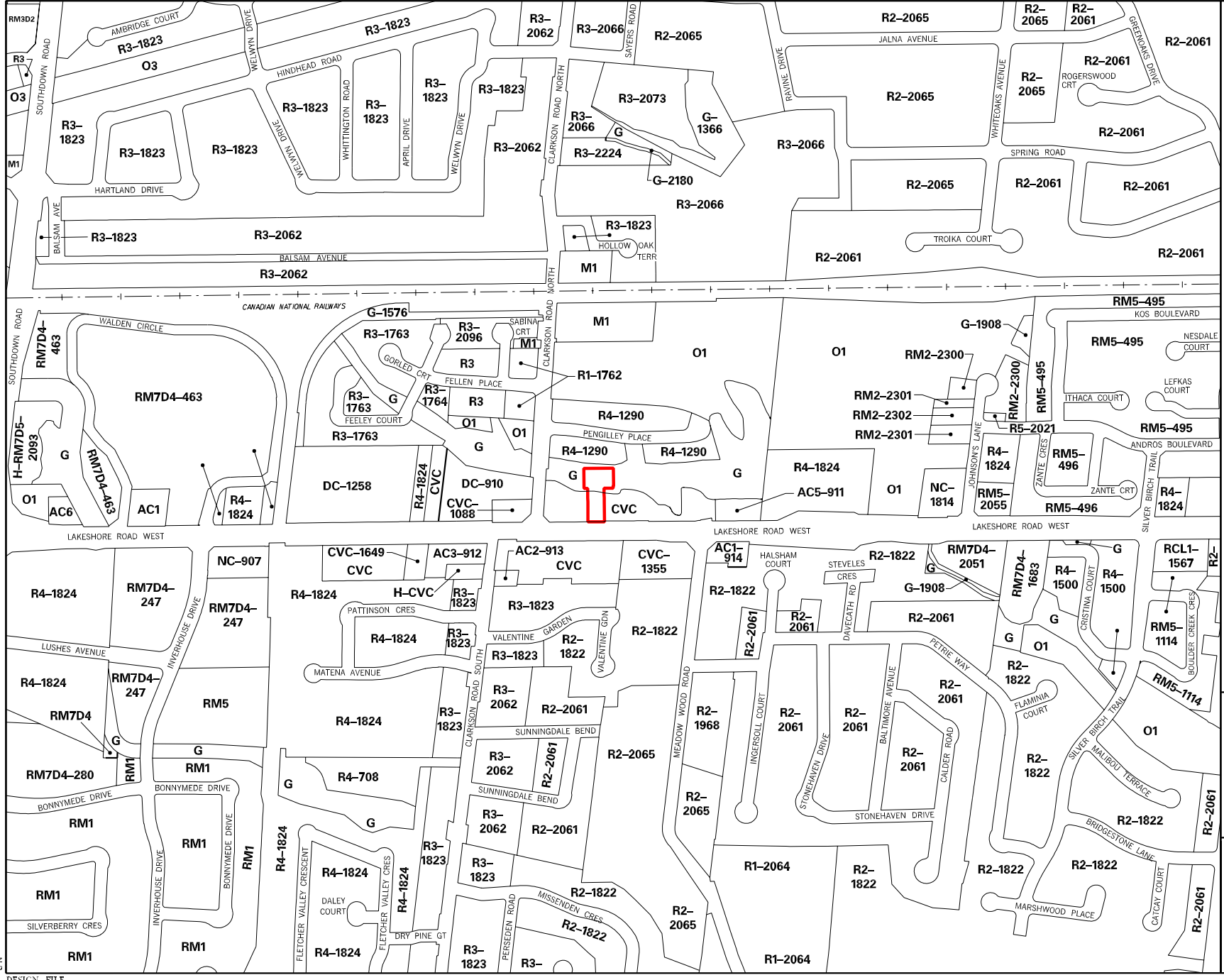
SCALE:
1:17,500

PDC DATE:
2006 02 27

DRAWN BY:
N.BISKARIS

Site History

- July 28, 1977 - Committee of Adjustment approved minor variance application under file 'A' - 216/77 to regularize the existing premises at 1723 and 1721 Lakeshore Road West and allow the construction of a two-storey addition to join the existing commercial buildings on the site to create a pedestrian mall with 12 boutiques and offices;
- September 17, 1981 - Committee of Adjustment refused a minor variance application under file 'A' - 460/81 to allow the use of a portion of the Greenbelt zone at the rear of the subject property to be used for parking in conjunction with a 27.8 m² (300 sq. ft.) restaurant addition to the Clarkson Galleria Mall or alternatively permit the restaurant addition without the provision of 6 required parking spaces;
- August 22, 1985 - Committee of Adjustment approved a minor variance application under file 'A' - 323/85 to modify an existing gravel driveway at the rear of 1715 Lakeshore Road West to accommodate 5 additional parking spots on lands zoned G, Greenbelt in conjunction with a 91.4 m² (983.8 sq. ft.) addition to Michael's Back Door Restaurant;
- September 25, 1986 - Committee of Adjustment approved a minor variance application under file 'A' - 577/86 to permit the utilization of a former bakery shop (48.5 m² / 522.1 sq. ft.) within the building as a piano bar, ancillary to the existing restaurant, without the provision of three required parking spaces;
- March 27, 1997 - Council adopted Recommendation PDC-43-97 approving a revised Payment-in-Lieu of Off-Street Parking Program;
- March 1998 - The firm of McCormick Rankin Corporation prepared the *City of Mississauga Commercial Areas Parking Strategy* to form the basis for the City's ongoing program of capital investment in parking improvement in the historic commercial areas of Clarkson, Cooksville, Port Credit and Streetsville. On September 30, 1998, the *Strategy* was endorsed by Council as a guide to parking-related matters;
- October 25, 2000 - Council adopted Recommendation PDC-0150-2000 which slightly revised the Payment-in-Lieu of Off-Street Parking Program concerning the approval process and the types of uses that are eligible for PIL.



GENERAL CONTEXT MAP

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APPENDIX 4