



Corporate Report

Clerk's Files

Originator's
Files FA.31 08/004 W1

DATE: April 14, 2009

TO: Chair and Members of Planning and Development Committee
Meeting Date: May 4, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Payment-in-Lieu of Off-Street Parking (PIL) Application**
167 Lakeshore Road West
Southeast corner of Lakeshore Road West and
Mississauga Road South
Owner: 1559427 Ontario Inc.
Lessee: SPC Sports Performance Centres (Mississauga) Ltd.
Applicant: David Brown Associates

Bill 51

Ward 1

RECOMMENDATION: That the Report dated April 14, 2009 from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under file FA.31 08/004 W1, SPC Sports Performance Centres (Mississauga) Ltd., 167 Lakeshore Road West, southeast corner of Lakeshore Road West and Mississauga Road South, be adopted in accordance with the following for "Lump Sum" agreements:

1. That the sum of \$17,232.00 be approved as the amount for the payment-in-lieu of two (2) off-street parking spaces and that the owner/occupant enter into an agreement with the City of Mississauga for 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 PIL agreement with 1559427 Ontario Inc.

and SPC Sports Performance Centres (Mississauga) Ltd. for a sports medicine clinic.

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 two (2) on-site parking spaces. The purpose of this report is to provide comments and recommendations with respect to the application.

COMMENTS:

Background information including details of the application is provided in Appendices 1 through 4.

Neighbourhood Context

The subject site is located on the southeast corner of Lakeshore Road West and Mississauga Road South on lands designated and zoned "Mainstreet Commercial" which permit a mix of residential, commercial, and office uses. The sports medicine clinic occupies the east half of the building, municipally known as 67 Lakeshore Road West. The west half of the building has a municipal address of 169 Lakeshore Road West and is occupied by a restaurant known as 'Natty's Bar and Grill'. The building is situated along Lakeshore Road West with the associated parking area located at the rear and accessible from Mississauga Road South. It is noted that the Sports Medicine Clinic is currently in operation without the benefit of a Zoning Certificate. Approval of this PIL application is required in order meet the applicable Zoning requirements and obtain a Zoning Certificate.

The properties surrounding the subject site consist of a variety of uses including a health spa on the abutting property to the south and Clarke Memorial Hall and a fire hall on the abutting properties to the east. On the west side of Mississauga Road South there

exists an Imperial Oil gas bar as well as a large undeveloped parcel of land also owned by Imperial Oil. On the north side of Lakeshore Road West, directly across from the subject site, there exists a retail store, a fitness gym and a 19-storey apartment building with a variety of street related commercial uses on the ground floor.

PIL Request

The Lessee, SPC Sports Performance Centres (Mississauga) Ltd., is proposing to operate a sports medicine clinic in the east half of the existing building, municipally known as 167 Lakeshore Road West. No changes are being proposed to the building.

As per the parking standards contained within the Zoning By-law, a sports medicine clinic is required to provide 6.5 parking spaces per 100 m² (1,076.43 sq. ft.) of gross floor area (GFA), resulting in a total requirement of nineteen (19) parking spaces for the proposed clinic. When combined with the nineteen (19) parking spaces required for the existing restaurant, the total requirement for both uses is thirty-eight (38) parking spaces. The site contains twenty-six (26) parking spaces.

In November of 2008, subsequent to submitting a Parking Utilization Study, the applicant received a minor variance to permit a reduction in the total number of required parking spaces from thirty eight (38) to twenty-eight (28). The applicant was also granted a reduction in the number of required parking spaces for persons with disabilities from two (2) to one (1). The variance was made conditional upon the applicant receiving approval for payment-in-lieu of two (2) off-street parking spaces and upon a maximum of five (5) staff being present on site at any time.

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 twenty-six (26) parking spaces provided on-site, Mississauga Road South accommodates on-street parking starting from the subject site southward to J.C. Saddington Park. The north side of Lakeshore Road West can accommodate approximately ten (10) on-street parking spaces between Mississauga Road North and John Street North, and the east side of Mississauga Road North can accommodate four (4) on-street parking spaces. In addition, a municipal parking lot is located approximately 75 m (246 ft.) from the subject site, at the northeast corner of Lakeshore Road West and Wesley Avenue, which contains 15 parking spaces.

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

The physical configuration of this site, including the size and layout of the parking area has remained static for many years and forms part of the Historical Village of Port Credit. The site layout does not provide the opportunity to reconfigure the parking area in order to accommodate additional parking spaces.

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

The proposed use is permitted within both Mississauga Plan and the Zoning By-law. The applicant has not proposed any increase to the gross floor area of the building. The sports medicine clinic will occupy approximately 297 m² (3,197 sq. ft.) of space on the east side of the existing building. No changes are being proposed to the existing parking area.

The proposed use achieves the intent of the Port Credit District policies of Mississauga Plan.

Based on the foregoing, the proposed development is considered desirable and does not constitute an 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 both the owner and occupant of the subject lands. The agreement stipulates the following:

- payment-in-lieu of off-street parking is provided for two (2) parking spaces;
- a total payment of \$17, 232 is required;
- payment has been made in one lump sum.

FINANCIAL IMPACT:

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

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 Port Credit 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 PIL application should be supported for the following reasons:

- there is on-street and public parking opportunities in the immediate vicinity to offset the on-site shortfall of parking spaces;
- there are no feasible opportunities to create additional parking on the subject property; and,
- the proposed shortfall of two (2) on-site parking space is not expected to adversely impact the local area.

As of March 20, 2009, the balance of the Payment-in-Lieu of Off-Street Parking account for Port Credit or Clarkson Village was \$1,175,946.22 and with the incorporation of the monies from this payment-in-lieu application, the account will have a total of \$1,193,178.22.

ATTACHMENTS:

Appendix 1 - Site and Policy Histories
Appendix 2 - Aerial Photograph
Appendix 3 - Excerpt of Existing Zoning
Appendix 4 - Survey Plan

Edward R. Sajecki
Commissioner of Planning and Building

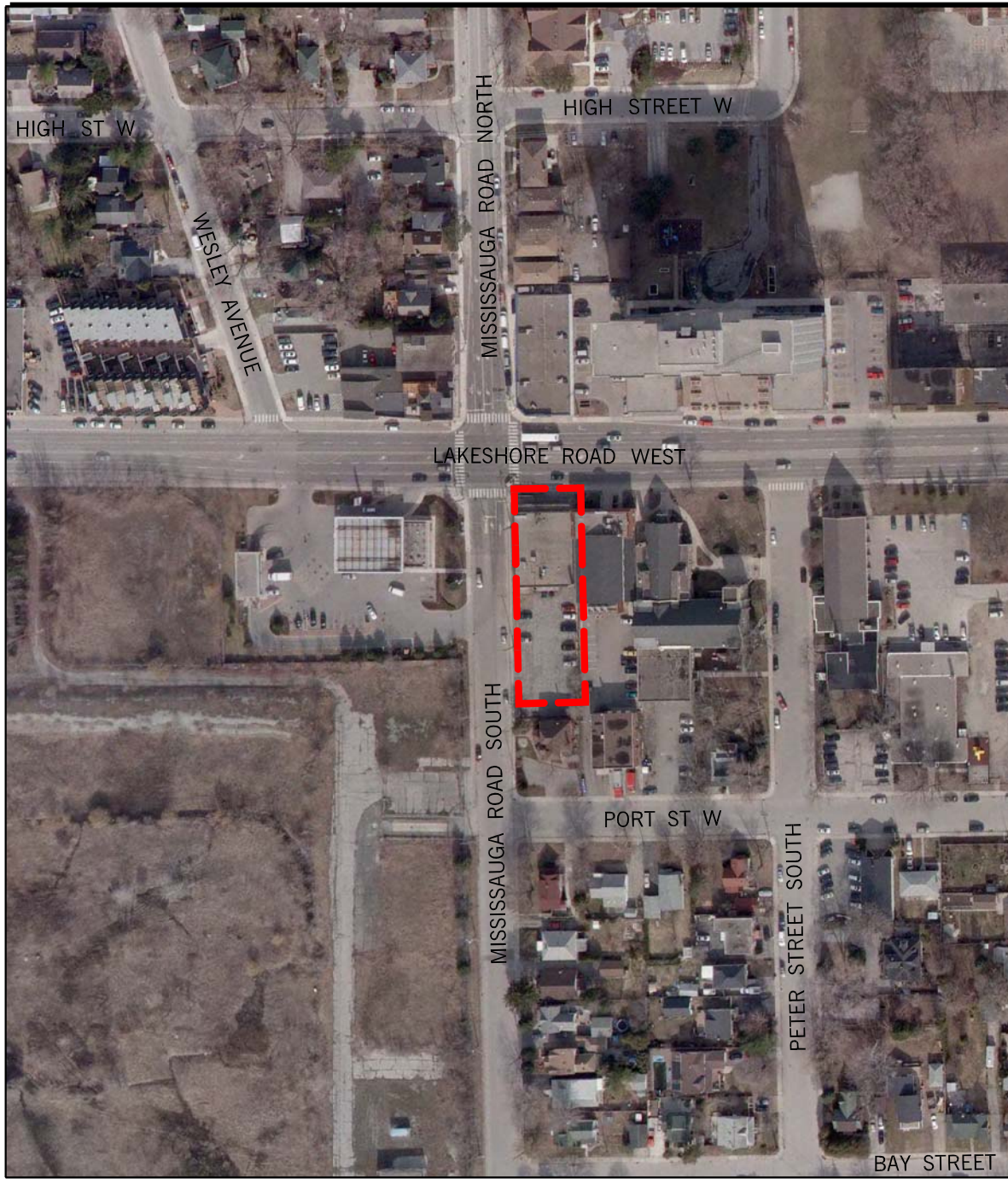
Prepared By: David Breveglieri, Development Planner

Site History

- March, 1976 – Committee of Adjustment granted a minor variance under file ‘A’ 044/76 W1 to permit the residential dwelling on the property to remain as a caretaker's residence incidental to the existing restaurant;
- July, 1998 - Committee of Adjustment granted a temporary minor variance under file ‘A’ 526/98 W1 to permit an outdoor patio accessory to the existing restaurant use;
- October, 2000 - Committee of Adjustment granted a temporary minor variance under file ‘A’ 557/00 W1 to continue to permit an outdoor patio accessory to the existing restaurant use;
- April, 2002 - Committee of Adjustment granted consent to sever the residential property at the south end of the lot from the commercial building fronting on Lakeshore Road West under file ‘B’ 037/02 W1;
- March, 2006 - Committee of Adjustment granted a minor variance under file ‘A’ 444/05 W1 to permit a sports medicine clinic providing nine (9) parking spaces whereas the Zoning By-law requires a minimum of nineteen (19). The variance was made conditional upon the applicant providing payment for 2 off-street parking spaces and upon a maximum of five (5) staff being present on site at any time;
- August, 2006 - Committee of Adjustment granted a temporary minor variance under file ‘A’ 322/06 W1 to continue to permit an outdoor patio accessory to the existing restaurant use;
- December, 2008 - Committee of Adjustment granted a minor variance under file ‘A’ 419/08 W1 to permit a sports medicine clinic providing nine (9) parking spaces including one (1) parking space for persons with disabilities whereas the Zoning By-law requires a minimum of nineteen (19) parking spaces including two (2) for persons with disabilities. The variance was made conditional upon the applicant providing payment for 2 off-street parking spaces and a maximum of five (5) staff being present on site at any time.

Policy History

- 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.



LEGEND:

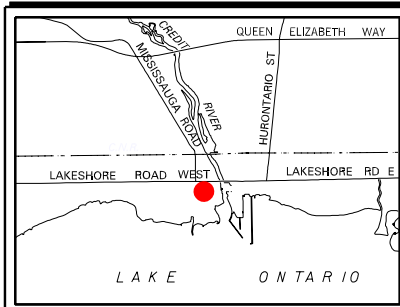


SUBJECT LANDS

DATE OF AERIAL PHOTO: APRIL 2008



SUBJECT: 1559427 ONTARIO INC.

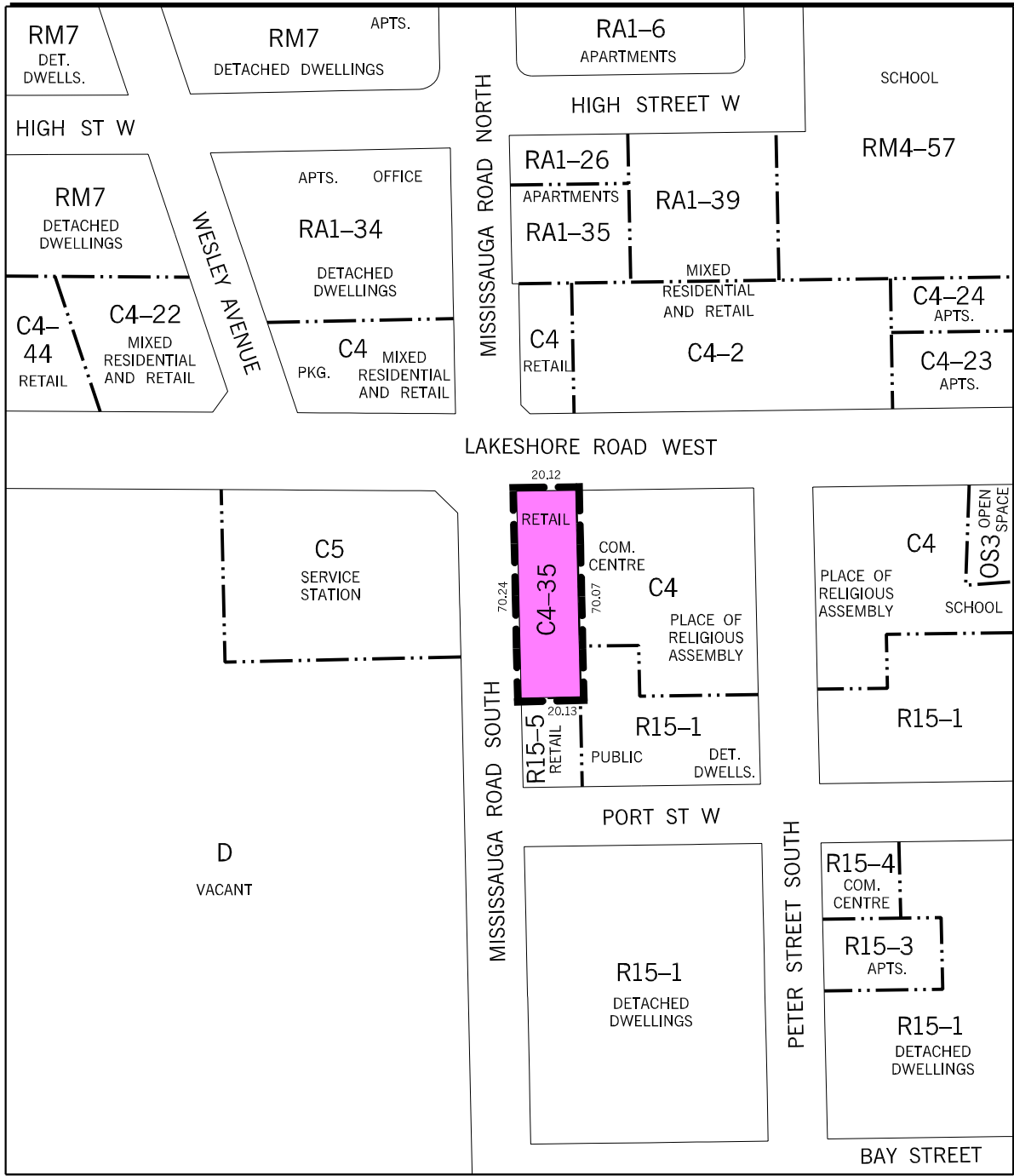


FILE NO:	FA.31 08004 W1
DWG. NO:	V8FA3108004A
SCALE:	1:2000
PDC DATE:	2009 05 04
DRAWN BY:	W. FINLAY

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX 2



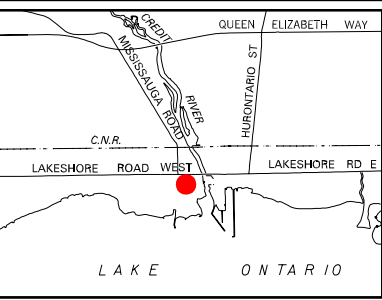
LEGEND:

 **SUBJECT LANDS**

NOTE: EXISTING ZONING DELINEATED ON THE PLAN
 PROPOSED ZONING INDICATED BY SHADING WITHIN
 THE APPLICATION AREA.



SUBJECT: 1559427 ONTARIO INC.

	FILE NO:	FA.31 08004 W1	APPENDIX 3
	DWG. NO:	FA3108004R	
	SCALE:	1:2000	
	PDC DATE:	2009 05 04	
	DRAWN BY:	W. FINLAY	

