



# Corporate Report

Clerk's Files

Originator's  
Files FA.31 09/002W2

**PDC JUN 14 2010**

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**DATE:** May 25, 2010

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: June 14, 2010

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Payment-in-Lieu of Off-Street Parking (PIL) Application**  
**1744 Lakeshore Road West**  
**South side of Lakeshore Road West,**  
**East of Clarkson Road South**  
**Owner: Caldin Enterprises Inc.**  
**Applicant: W.E. Oughtred and Associates Inc.**

**Bill 51**

**Ward 2**

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**RECOMMENDATION:** That the Report dated May 25, 2010 from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under file FA.31 09/002 W2, Caldin Enterprises Inc., 1744 Lakeshore Road West, south side of Lakeshore Road West, east of Clarkson Road South, be adopted in accordance with the following for "Lump Sum" agreements:

1. That the sum of \$47,277.00 be approved as the amount for the payment in lieu of eleven (11) 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 PIL agreement with Caldin Enterprises Inc. for a proposed expansion to the existing restaurant.
3. That the execution of the PIL agreement and payment must be finalized within 90 days of 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 eleven (11) on-site parking spaces for an expansion to the restaurant known as "Clarkson Pump and Patio". Since the construction of the plaza, the restaurant has received a series of minor variances for the continued use of a patio at the rear of the building subject to conditions relating to hours of operations and fencing. On June 19, 2009 a meeting was held between Ward 2 Councillor Pat Mullin, the restaurant owner, City staff, and neighboring residents to discuss this application and issues that relate to the operation of the restaurant. It was indicated that noise continues to be generated on the patio past 11:00 p.m. and that noise was also being generated by sources in the parking lot. A variety of measures to mitigate noise was also discussed, including more stringent enforcement of patio hours, a retractable canopy, and the relocation of smoking customers to the front of the building.

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 restaurant is located within a commercial plaza on the south side of Lakeshore Road West, one lot east of Clarkson Road South, on lands designated and zoned "Mainstreet Retail Commercial" which permits a mix of residential, commercial, and office uses.

The plaza in which the subject restaurant is located contains a mix of office and retail uses, a day care, and a "Pizza Nova" take-out restaurant which recently began operating. A PIL application has been submitted by the same owner under file FA.31 09/003 W2 requesting payment in lieu of providing four (4) parking spaces for the take-out restaurant, however, the application has not yet been scheduled for a Planning and Development Committee meeting. The take-out restaurant is currently operating without the benefit of a Zoning Certificate. Compliance and Licensing Enforcement is aware of the restaurant's operation.

The properties surrounding the subject site consist of a variety of uses including a one storey financial institution on the east side and a two storey building containing a retail store on the ground floor and offices on the second floor on the west side. Directly across Lakeshore Road West is an Esso gas station and Clarkson Road North. On the south side, the subject site abuts a veterinarian clinic and the rear yard of a residential property.

### **PIL Request**

The applicant is proposing to expand the existing restaurant by occupying the adjoining 71.6 m<sup>2</sup> (770.7 sq. ft.) unit which is currently being used as a hair salon and by constructing a 13.4 m<sup>2</sup> (144.2 sq. ft.) addition to the west side of the building and a 3.2 m<sup>2</sup> (34.4 sq. ft.) vestibule at the front entrance. The expansion and additions would add 88.2 m<sup>2</sup> (949.6 sq. ft.) of floor area bringing the total restaurant size to 332.6 m<sup>2</sup> (3,580.5 sq. ft.) The difference between the parking required for the hair salon and the proposed restaurant expansion would be 8.6 spaces, while the parking space requirement generated by the additions would be 2.7 parking spaces, for a total requirement of 11 additional spaces.

The applicant submitted a parking justification study as well as a minor variance application in November 2009 under file 'A' 463/09 W2 to permit the site to operate with 1 parking space for persons with disabilities; whereas 3 spaces would be required and to permit the restaurant to operate within 60 m (197 ft.) from a residential zone. The parking justification study concluded that the restaurant was operating at capacity which warranted the required parking standard of 16 spaces/100 m<sup>2</sup> (1,076 sq. ft.) contained within the Zoning By-law. As such, the applicant did not seek a reduction in parking and the 11 additional spaces represent the full amount required under the By-law.

### **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.**

The north side of Lakeshore Road West, east of Clarkson Road North accommodates 10 lay-by parking spaces while Clarkson Road North accommodates 4 lay-by parking spaces. Additionally, a municipal parking lot containing 110 parking spaces is located on Clarkson Road North, behind the retail commercial uses fronting onto Lakeshore Road West. A Parking Study submitted with the PIL application indicates that the municipal parking lot does not exceed 90% occupancy during its peak demand in the early afternoon. Additionally, the peak parking demand for the subject restaurant occurs from 6:00 p.m. to 8:30 p.m. at which time the occupancy of the parking lot reaches a maximum of 73%.

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

The site does not provide any 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 majority of the gross floor area attributed to the restaurant expansion will occupy the abutting unit. The addition of 13.4 m<sup>2</sup> (144.2 sq. ft.) to the west side of the building is intended to be used for uadditional washroom area, while the 3.2 m<sup>2</sup> (34.4 sq. ft.) addition at the front of the restaurant represents a re-alignment of the front entrance. Neither addition will alter the way in which the site functions.

The proposed restaurant expansion maintains the intent of the Clarkson-Lorne Park 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 the owner/occupant of the subject lands. The agreement stipulates the following:

- payment-in-lieu of off-street parking is provided for eleven (11) parking spaces;
- a total payment of \$47,277.00 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 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 PIL application should be supported for the following reasons:

- there is municipal and lay-by parking opportunities in the immediate vicinity to offset the on-site shortfall of parking spaces;
- there are no opportunities to create additional parking on the subject site;
- there are no significant changes proposed to the appearance or functionality of the site;
- the proposed shortfall of eleven (11) on-site parking spaces is not expected to adversely impact the local area.

As of May 11, 2010, the balance of the Payment-in-Lieu of Off-Street Parking account for Clarkson Village was \$207,480.53 and with the incorporation of the monies from this payment in lieu application, the account will have a total of \$254,757.53.

**ATTACHMENTS:**

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

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: David Breveglieri, Development Planner*

### Site History

- January, 1984 - Committee of Adjustment granted a minor variance under file 'A' 014/84 W2 to permit the construction of a plaza with a restaurant within 60 m (197 ft.) of a residential zone, and to reduce parking to 42 spaces; whereas 56 parking spaces are required. A variance was granted to permit outdoor dining for a temporary period of two years;
- April, 1984 - Site Plan approval granted under file SP 83/175 W2 to permit the construction of a 929 m<sup>2</sup> (10,000 sq. ft.) plaza;
- February, 1985 - Committee of Adjustment granted a minor variance under file 'A' 045/85 W2 to permit the expansion of the restaurant from 137 m<sup>2</sup> (1,475 sq. ft.) to 202 m<sup>2</sup> (2,174 sq. ft.) subject to the applicant providing payment in lieu of four (4) parking spaces;
- March, 1986 - Committee of Adjustment granted a minor variance under file 'A' 136/86 W1 to permit the continuation of the minor variance granted in January 1984 for a temporary period of two years;
- April, 1988 - Committee of Adjustment granted a minor variance under file 'A' 127/88 W2 to permit the continued use of the outdoor dining area having an area of 76 m<sup>2</sup> (818 sq. ft.) and a seating capacity of 40 persons for a temporary period of two years;
- April, 1993 - Committee of Adjustment granted a minor variance under file 'A' 181/93 W2 to permit the continued use of the outdoor patio of the for a temporary period of one year subject to there being no music after 11:00 p.m.;
- April, 1994 - Committee of Adjustment granted a minor variance under file 'A' 221/94 W2 to permit the continuation of the minor variance granted in April 1993 for a temporary period of three years;
- September, 1994 - Committee of Adjustment granted a minor variance under file 'A' 553/94 W2 to permit the continued use of the outdoor patio for a temporary period of three years subject to a maximum seating capacity of 60 persons and no music after 11:00 p.m.;



**Caldin Enterprises Inc.****File: FA.31 09/002 W2**

- May, 1997 - Committee of Adjustment granted a minor variance under file 'A' 485/97 W2 to permit the continued use of the outdoor patio for a temporary period of five years subject to a maximum seating capacity of 40 persons and no music after 11:00 p.m.;
- May, 2002 - Committee of Adjustment granted a minor variance under file 'A' 299/02 W2 to permit the continuation of the minor variance granted in May 1997 for a temporary period of five years;
- March, 2004 - Committee of Adjustment granted a minor variance under file 'A' 111/04 W2 to permit the continued use and expansion of the outdoor patio having an area of 186 m<sup>2</sup> (2,002 sq. ft.) and a seating capacity of 88 persons for a temporary period of three years subject to there being no music after 11:00 p.m., the patio being closed at 11:00 p.m., a fence being installed around the patio, deciduous trees being planted at the rear of the patio, and lighting being soft in nature and being directed into the patio;
- November, 2007 - Committee of Adjustment granted a minor variance under file 'A' 273/07 W2 to permit the continued use of the outdoor patio for a temporary period of three years subject to there being no music after 10:30 p.m., the patio being closed at 10:30 p.m., a fence being installed around the patio, and lighting being soft in nature and being directed into the patio;
- January, 2008, - Site Plan approval granted under file SPR 04/073 W2 to permit expansion of the outdoor patio;
- November, 2009 - Committee of Adjustment granted a minor variance under file 'A' 330/09 W2 to permit the establishment of a "Pizza Nova" take-out restaurant within 60 m (197 ft.) of a residential zone and permitting 1 parking space for persons with disabilities subject to payment in lieu of four parking spaces;
- December, 2009 - Committee of Adjustment granted a minor variance under file 'A' 463/09 W2 to permit an 88 m<sup>2</sup> (949 sq. ft.) expansion to the restaurant within 60 m (197 ft.) of a residential zone and permitting one parking space for persons with disabilities.

**Caldin Enterprises Inc.**

**File: FA.31 09/002 W2**

#### **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:**

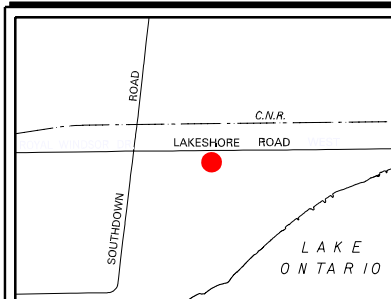


**SITE LOCATION**  
**1744 LAKESHORE ROAD WEST**

DATE OF AERIAL PHOTOGRAPH: SPRING 2009



**SUBJECT:** **CALDIN ENTERPRISES INC.**



**FILE NO:**  
**FA.31 09002 W2**

**DWG. NO:**  
**FA3109002A**

**SCALE:**  
**1:2500**

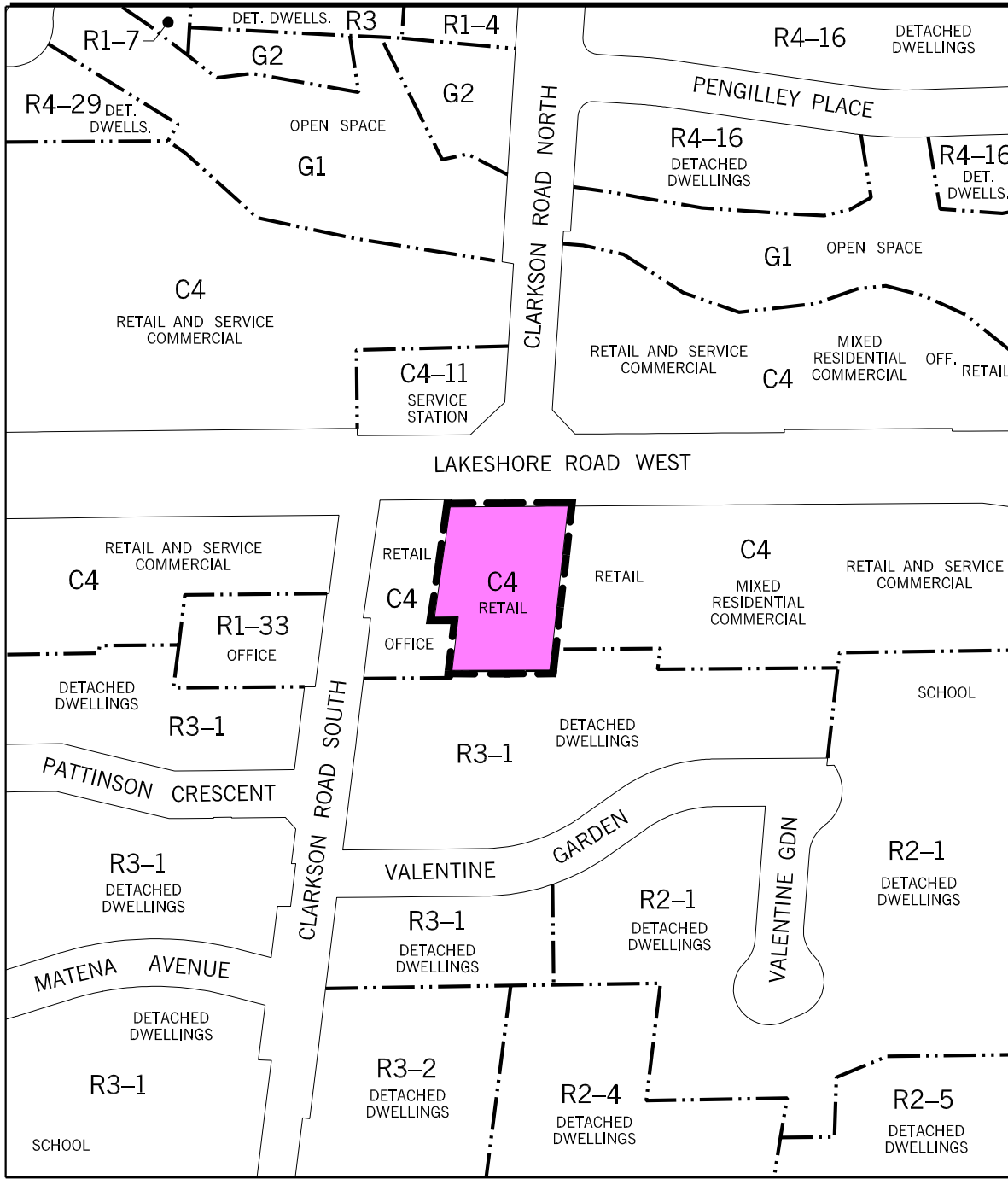
**PDC DATE:**  
**2010 06 14**

**DRAWN BY:**  
**W. FINLAY**

**MISSISSAUGA**  
*Planning and Building*

*Produced by*  
**T&W, Geomatics**

**APPENDIX 2**



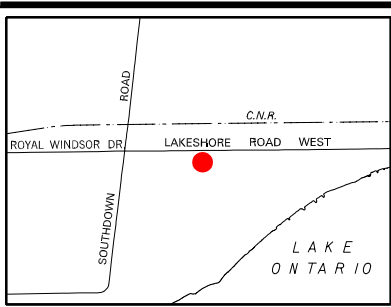
**LEGEND:**

 **SITE LOCATION**  
1744 LAKESHORE ROAD WEST

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



**SUBJECT: CALDIN ENTERPRISES INC.**

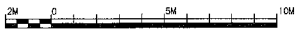
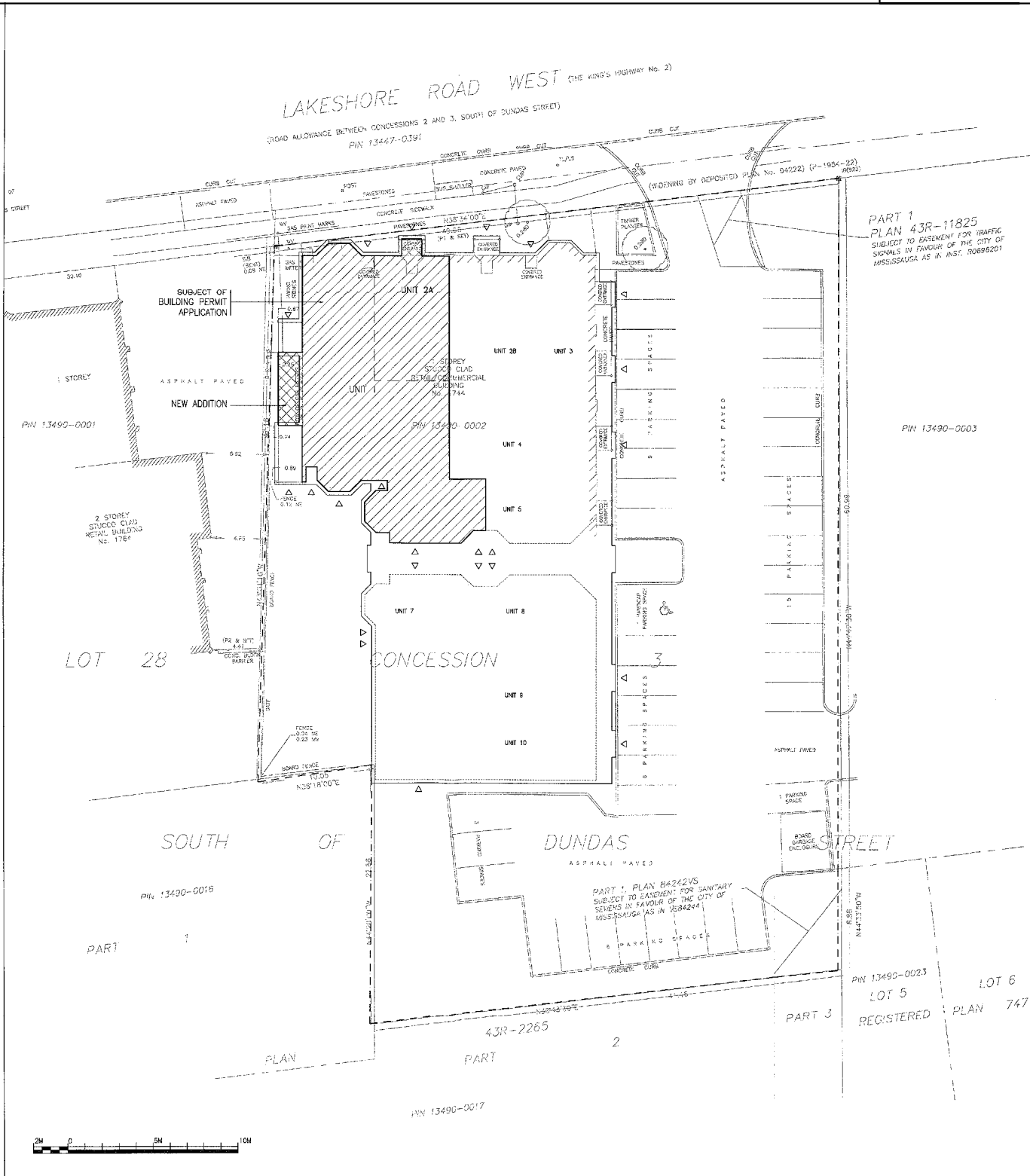


<b>FILE NO:</b>	FA.31 09002 W2
<b>DWG. NO:</b>	FA3109002R
<b>SCALE:</b>	1:2500
<b>PDC DATE:</b>	2010 06 14
<b>DRAWN BY:</b>	W. FINLAY

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APPENDIX 3



SITE PLAN  
SCALE: 1:200 METRIC