



Corporate Report

Clerk's Files

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Files FA.31 09/003W2

PDC JAN 31 2011

DATE: January 11, 2011

TO: Chair and Members of Planning and Development Committee
Meeting Date: January 31, 2011

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: Action Planning Consultants

Bill 51

Ward 2

RECOMMENDATION: That the Report dated January 11, 2011 from the Commissioner of Planning and Building recommending approval of the Payment-in-Lieu of Off-Street Parking (PIL) application under file FA.31 09/003 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 \$14,008.00 be approved as the amount for the payment in lieu of four (4) 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 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 four (4) on-site parking spaces for the establishment of a take-out restaurant known as "Pizza Nova" within an existing unit in the plaza. It should be noted that the take-out restaurant has been operating for a number of months without the benefit of a Certificate of Occupancy. Compliance and Licensing Enforcement is aware of the operation.

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 to 4.

Neighbourhood Context

The subject take-out 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 take-out restaurant is located contains a mix of office and retail uses, a day care, and a restaurant known as "Clarkson Pump and Patio", which recently underwent an expansion into an adjoining unit in the plaza.

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 seeking to permit a 139.35 m² (1,500.00 sq. ft.) take-out restaurant within an existing unit in the plaza. The applicant submitted a parking justification study as well as a minor variance application in November 2009 under file 'A' 330/09 W2 to permit the establishment of the take-out restaurant within unit #4 of the plaza allowing 1 parking space for persons with disabilities; whereas 2 spaces would be required and to permit the restaurant to operate within 60 m (197 ft.) from a residential zone. Analysis of the parking justification study determined that the parking requirement for the take-out restaurant would exceed the parking provided on site by four (4) parking spaces. A variance was also requested to allow the plaza to continue operating recognizing the 42 parking spaces available on site, the four (4) parking spaces paid through PIL for the original expansion of the "Clarkson Pump and Patio" restaurant in 1985 and the four (4) PIL parking spaces required for the subject take-out restaurant. The variance was granted conditional upon the applicant paying for four (4) parking spaces through the PIL program.

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 undertaken for the municipal parking lot indicates that the lot does not exceed 90% occupancy during its peak demand in the early afternoon. It was indicated that a minimum of 70% of the business generated by the take-out restaurant is through deliveries in the evening which do not generate a significant parking demand. A recent parking study submitted for the expansion of the "Clarkson Pump and Patio" restaurant noted that the peak parking demand occurs from 6:00 p.m. to 8:30 p.m. at which time the occupancy of the municipal 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 Mississauga Official Plan (new Official Plan) as well as the Zoning By-law. The gross floor area attributed to the take-out restaurant will be contained within the existing plaza and no additions are proposed. The establishment of the take-out restaurant will not alter the way in which the site functions.

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 four (4) parking spaces;
- a total payment of \$14,008.00 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 four (4) on-site parking spaces is not expected to adversely impact the local area.

As of November 17, 2010, the balance of the Payment-in-Lieu of Off-Street Parking account for Clarkson Village was \$261,070.34 and with the incorporation of the monies from this payment in lieu application, the account will have a total of \$275,078.34.

ATTACHMENTS:

Appendix 1 - Site and Policy Histories

Appendix 2 - Aerial Photograph

Appendix 3 - Excerpt of Existing Zoning Map

Appendix 4 - Concept Plan

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 m² (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 ‘Clarkson Pump and Patio’ from 137 m² (1,475 sq. ft.) to 202 m² (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 uses approved in January 1984 for a temporary period of two years;
- 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 with a total of 50 parking spaces (42 parking spaces on site, 4 parking spaces previously paid through the payment-in-lieu of parking (PIL) program and 4 parking spaces to be paid through the payment-in-lieu of parking (PIL) program); one (1) parking space for persons with disabilities on site; and to be within 60 m (197 ft.) of a residential zone;
- June 23, 2010 – Council approved a PIL application for eleven (11) parking spaces for the expansion of the ‘Clarkson Pump and Patio’ restaurant within the subject plaza under file FA.31.09/002 W2.

Caldin Enterprises Inc.

File: FA.31 09/003 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:



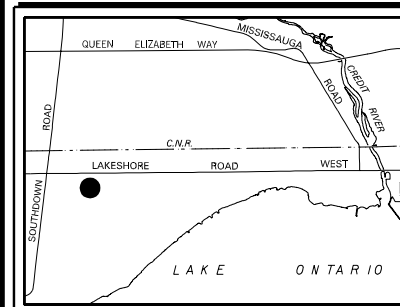
SUBJECT LANDS

DATE OF AERIAL PHOTO: 03 2010



SUBJECT:

CALDIN ENTERPRISES INC.



FILE NO:
FA.31 09003 W2

DWG. NO:
09003A

SCALE:
1:2000

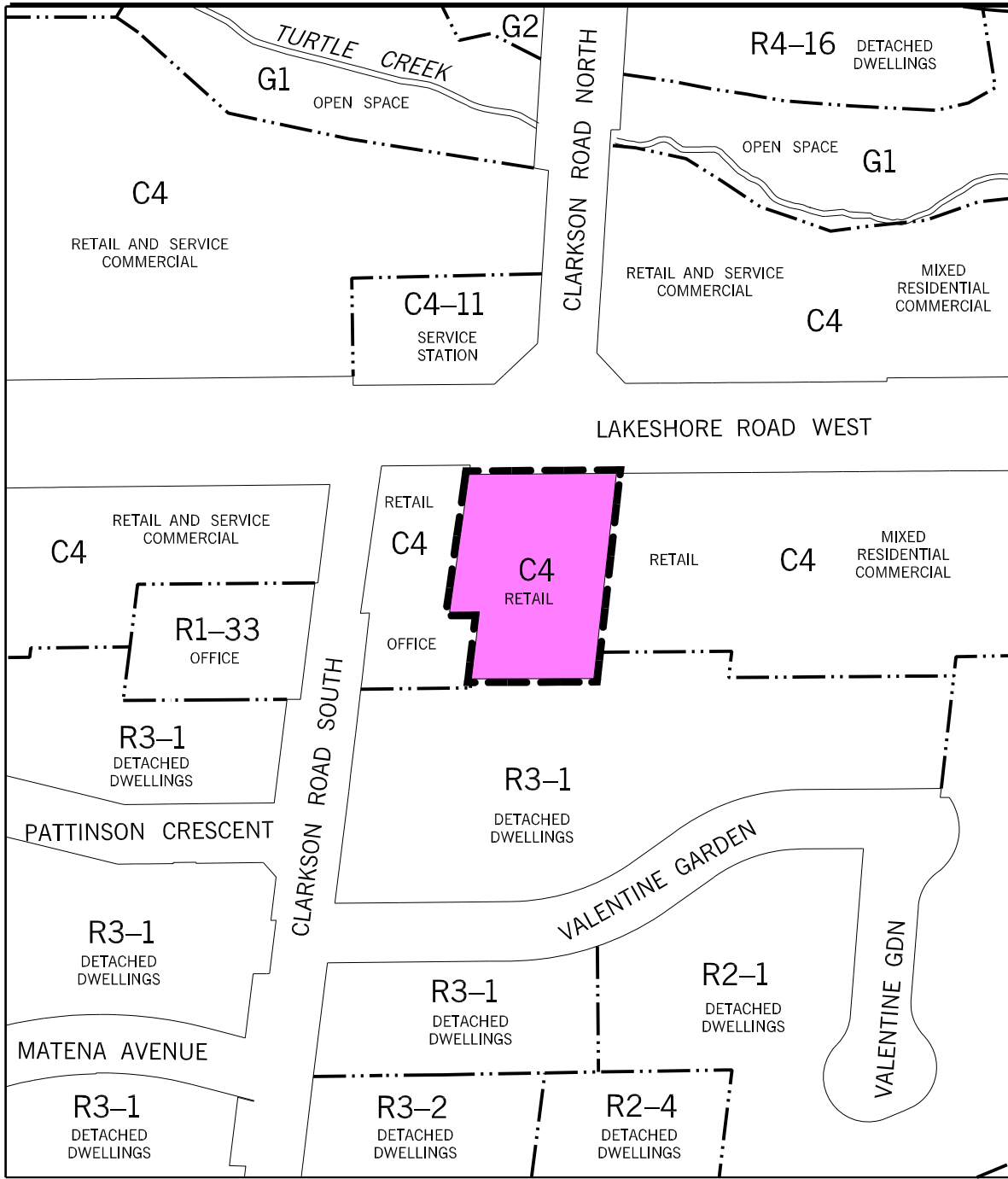
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DRAWN BY:
K. PROKOP

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APPENDIX 2



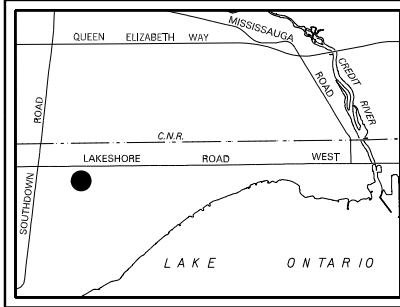
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SUBJECT LANDS



SUBJECT:
CALDIN ENTERPRISES INC.



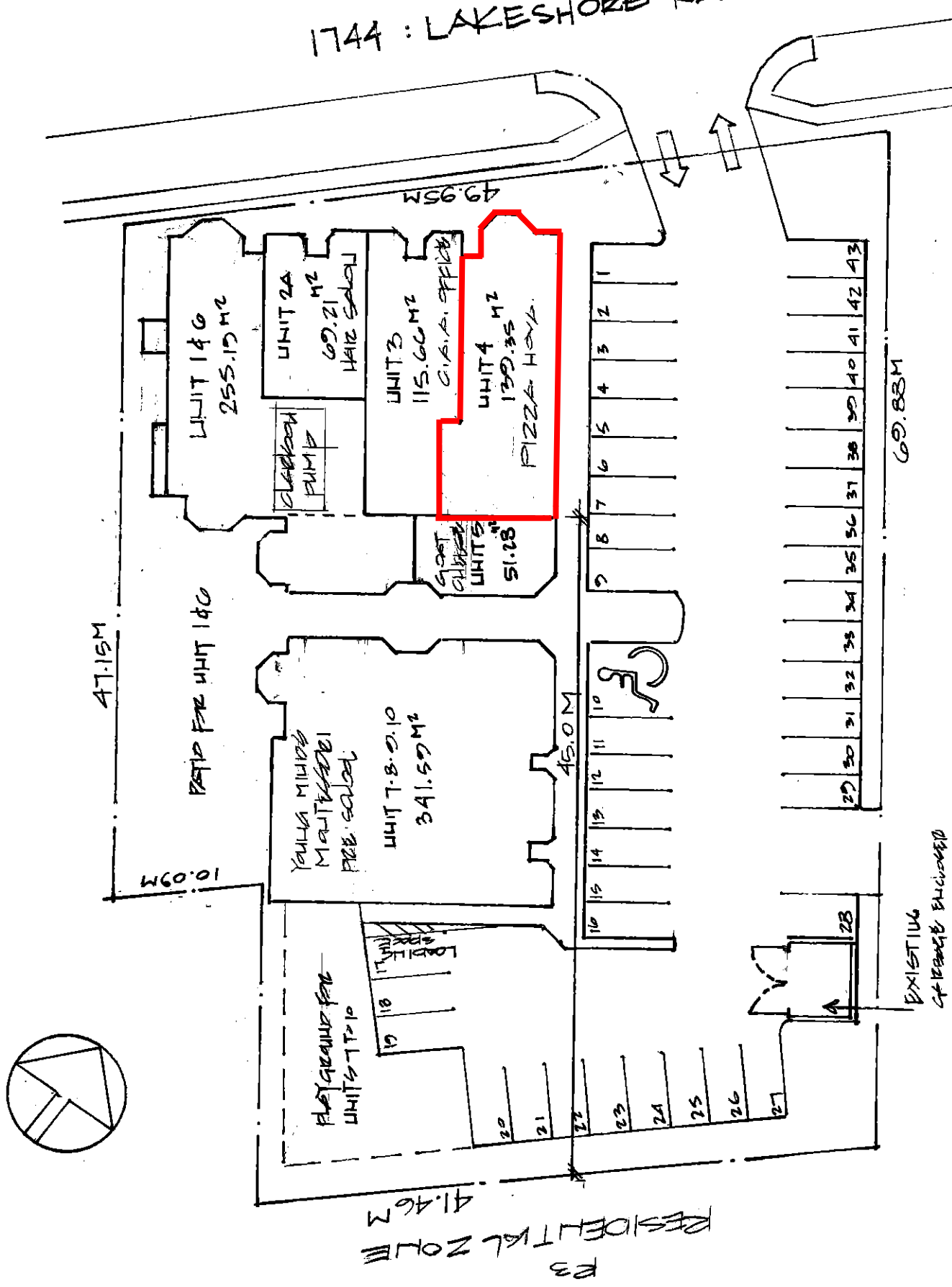
FILE NO:	FA.31 09003 W2
DWG. NO:	09003R
SCALE:	1:2000
PDC DATE:	2011 01 31
DRAWN BY:	K. PROKOP

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APPENDIX 3

1744 : LAKESHORE RD. WEST



SITE & KEY PLAN OF
PART OF LOT 28 CONVESSION SPS