

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-13	File(s): A341-A344.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-22 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a lights festival proposing:

1. Outdoor, seasonal, festival of lights in general conformity with that will operate yearly on a temporary basis until July 31, 2026. The festival of lights will operate during the evening hours and allow patrons to walk or drive through the festival event and will include accessory thereto, retail sales, restaurant and take-out restaurant; food preparation areas; food trucks; banking machine; maintenance and administration buildings and offices; indoor and outdoor displays with or without lights, live events, entertainment activities, portable restrooms, outside storage, temporary tents and/or stages, parking/security attendant booth and associated parking whereas Zoning By-law 0225-2007, as amended, does not permit this in this instance;
2. Temporary tents, buildings and structures, cargo containers and other equipment and appurtenances ancillary to the proposed festival of lights on the subject properties, and that those section of the by-law related to parking spaces, parking areas, aisle requirements, temporary tents, structures and other appurtenances, setbacks to property and zone lines, provincial highway and lands zoned greenbelt, outdoor storage requirements, floor space index, landscape including landscape buffers and streetwall requirements be varied whereas the applicable provisions of By-law 0225-2007, as amended would apply in this instance; and
3. A structure identified as a signature tree to have a maximum height of 47m and all other buildings/structures to have a maximum height of 20m whereas By-law 0225-2007, as amended does not permit this in this instance.

Amendments

"[Enter amendments to variances]"

Recommended Conditions and Terms

- Development shall be in accordance with an approved Site Plan;
- Approval of a Zoning Certificate of Occupancy shall be required;
- The approval be for a period of 5 years; and
- Approval or clearance from the GTAA and NAV Canada shall be provided to the City.

Background

Property Address: 7140 Hurontario Street, 7230 Hurontario Street, 0 Vicksburgh Drive, & 0 Derrycrest Drive

Mississauga Official Plan

Character Area: Gateway Employment Area, Gateway Corporate Centre
Designation: Business Employment, Office, Greenlands

Zoning By-law 0225-2007

Zoning: G1 - Greenlands, U-1 - Utility, O2 - Open Space, & O2-2 - Open Space, D - Development

Other Applications: PREAPP 21-7179

Site and Area Context

The subject properties are located north-west of the Hurontario Street and Derry Road West intersection near the Brampton border. The properties are significant in size, stretching from Hurontario Street to Fletcher's Creek, and are in both the Gateway Employment Area and Gateway Corporate Centre. The properties are currently vacant and are bordered by office uses to the east and south, Highway 407 to the north, and residential uses to the west across Fletcher's Creek.

The applicant is proposing a festival of lights and requires variances for the use, structures, parking and height.



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:

The subject properties are designated Business Employment, Office and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP) and are split between the Gateway Employment Area and Gateway Corporate Centre. Under these designations a variety of employment, office, and educational uses are permitted. The proposed use is located predominantly on lands designated Business Employment within the Gateway Employment Area, and the proposed use is not included under the list of permitted uses in Section 11.2.11.1. As such the proposal does not meet the general intent and purpose of the official plan.

The properties are split zoned between Development, Greenlands, Utility and Office zones. The proposal is predominantly on lands zoned Development, which permits only the existing uses on the subject property on the date of the passing of the by-law. The intent of this zone is to allow a comprehensive review of the future use of the property through the rezoning process. City staff are currently in the process of bringing forward a report that is scheduled for Planning Committee in September that recommends changes to D zone regulations and policies in the MOP that will enable temporary uses such as this on D zone properties. As these changes are

not yet in force, however, staff are of the opinion that the application does not meet the general intent and purpose of the by-law at this time.

While staff are of the position that the proposal does not meet the 4 tests as set out in the Planning Act, should the Committee see merit in the application, the Planning and Building Department recommends that the following conditions be imposed:

- Development shall be in accordance with an approved Site Plan;
- Approval of a Zoning Certificate of Occupancy shall be required;
- The approval be for a period of 5 years; and
- Approval or clearance from the GTAA and NAV Canada shall be provided to the City.

Conclusion

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department conditions/requirements for the proposed interim development of the subject property will be addressed through any future Site Plan Application and/or Building Permit Application.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

N/A

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the minor variance, and advises as follows:

- The subject lands have areas identified as Significant Natural Area as part of the Natural Areas System Classification and adjacent to City owned lands (P-492 – Not Yet Named). Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation,..., grading, landscaping...;

Given the subject lands has significant existing vegetation and is within the Significant Natural Area classification, Park Planning and Forestry requires the submission of a satisfactory Environmental Impact Statement (EIS) is submitted for review and approval. Park Planning provides the following conditions:

1. Submit for review and approval, an Environmental Impact Statement (EIS) that details the proposed uses, setbacks, appropriate buffers and grading from environmentally sensitive Greenlands to the satisfaction of the Community Services Department, Region of Peel and Credit Valley Conservation Authority. Please contact City Staff to discuss the Terms or Reference.
2. A site visit shall be organized by the applicant to stake the top-of-bank, floodline, long term stable slope, and natural feature to establish limits of gratuitous dedication to the satisfaction of the pertinent Conservation Authority and the City. A Qualified Land Surveyor (OLS) must be present, in addition to staff from the Community Services Department, Transportation and Works Department, and the Credit Valley Conservation Authority

Given the subject lands are subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Greenlands and tree preservation hoarding including securities may be required as part of the site plan control process.
2. Stockpiling, construction access and encroachment of construction materials in the adjacent park/greenlands is not permitted.
3. A satisfactory Grading Plan, Site Servicing Plan, Drainage Plan and Tree Preservation/Inventory Plan will also be required and reviewed as part of the site plan control process.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

N/A

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Appendix 6 – Credit Valley Conservation Comments

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Comments prepared by: Maricris Marinas, Senior Planner