

# City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A326.22
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the conditions. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a temporary outdoor entertainment establishment proposing:

1. Relief from the Entertainment Establishment definition to permit the proposed outdoor drive-in even space use with no buildings or structures; whereas By-law 0225-2007, as amended, defines an Entertainment Establishment as a building, structure or part thereof, designed and equipped to be used for the provision of entertainment or amusement without the necessity of active participation by user and may include, a movie theatre, playhouse, dinner theatre, stadium or auditorium in this instance;
2. Relief from row 4.1 of Table 7.2.1 proposing outdoor food trucks, screens, platforms/tents, installations, attendee parking with no buildings or structures; whereas By-law 0225-2007, as amended, permits that each building, structure and/or use shall comply with all regulations and build-to areas as shown on the Schedules and Exception Schedules contained in Part 7 (Schedule CC1) in this instance; and,
3. A parking rate of 3.8 spaces per 100sq.m of the Square One Shopping Centre for the proposed temporary outdoor event spaces; whereas By-law 0050-2007, as amended, requires a minimum parking rate of 10.0 spaces per 100sq.m gross floor area – non residential in this instance.

## Recommended Conditions and Terms

1. A maximum of two events on any two of the seven parking lots can occur at any given time;
2. The temporary variance will be in effect until December 31, 2025;
3. The outdoor event space will be located within the parking area of the block on which it is located, and not encroach into the landscaping or sidewalk along the street frontage; and

4. No parking spaces will be required for the temporary outdoor event space use, but any parking space within the temporary outdoor event space cannot be required parking space and the owner must maintain sufficient parking for all uses within the Downtown Core, according to the requirements of By-law 099-2020.

## Background

**Property Address:** 100 City Centre Dr

### Mississauga Official Plan

Character Area: Downtown Core

Designation: Downtown Core Mixed Use, Open Space

### Zoning By-law 0225-2007

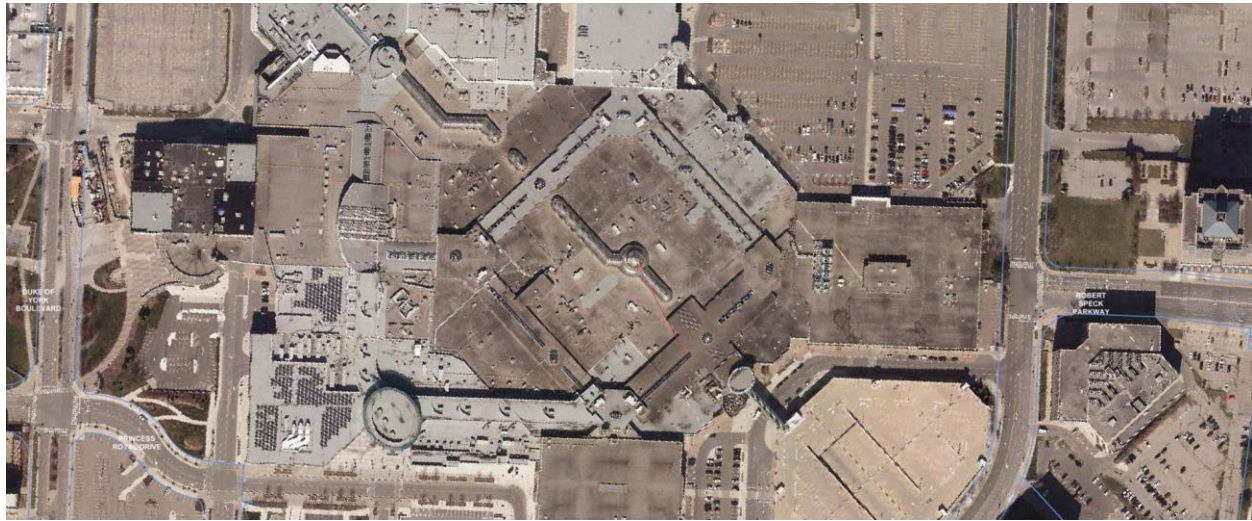
**Zoning:** H-CCOS-1; CC1; H-CC1 - Commercial

**Other Applications:** BP 22-2335

### Site and Area Context

The subject property is located north-west of the Hurontario Street and Burnhamthorpe Road West intersection in the downtown core. It contains Square One Shopping Centre and associated parking lots. Limited landscaping and vegetative elements are present on the subject property. The surrounding area consists of a mix of built forms and lot sizes containing commercial, office, and residential uses.

The applicant is proposing to utilize existing parking areas for outdoor events requiring variances for the use and parking.



## 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:

Variances 1 and 2 relate to the lack of buildings or structures for the proposed uses. The zoning by-law does not contemplate drive-in entertainment facilities and further requires all permitted uses to be wholly located within a building or structure in this instance. Staff note that an entertainment facility within a building or structure is permitted as of right within the CC1 zone. Recognizing that the proposed use operates in a similar fashion to an indoor entertainment establishment staff are satisfied that the application is appropriate in this instance. Furthermore the proposed locations of the drive-in areas are suitably setback from any nearby residential zones, limiting any potential noise impacts.

Variance 3 requests a reduction in parking. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

Per the materials provided, the Applicant proposes to enable the use of seven of the Square One Shopping Centre parking lots (Blocks 2.1, 2.2, 2.3, 2.4, 3, 4, and

5) for temporary outdoor events in the area generally bounded by Rathburn Road West, City Centre Drive and Duke of York Boulevard. The Applicant is seeking permission to locate the temporary event space on any of these seven parking lots to ensure flexibility in the configuration and size of temporary events. The most likely locations are the northwest parking lot west of the City Centre Transit Terminal, the parking lot immediately west of the Food District or the southwest parking lot across from City Hall and the 201 City Centre Drive office building. A maximum of two events on any two of the seven parking lots would occur at any given time to ensure sufficient parking for the shopping centre and the temporary outdoor events. No events would include new permanent structures of any kind and would preserve the potential for future redevelopment.

Zoning By-law 099-2020 establishes a parking rate of 3.8 spaces per 100 m<sup>2</sup> at the Shopping Centre which would apply to entertainment uses within the Shopping Centre. A variance is being sought for a parking rate of 3.8 spaces per 100 m<sup>2</sup> for the proposed temporary outdoor event spaces. The variance for the parking rate is required to align the parking requirements of the proposed temporary outdoor entertainment establishment uses with the current parking requirement for entertainment establishments within the Shopping Centre.

Minor variances were previously approved in 2020 (A-343/20) for temporary outdoor entertainment uses on two parking lots for a duration of 2 years. The variance permitted the temporary uses to occur as long as they only occupied parking spaces that were surplus to the zoning by-law requirements for the permanent buildings. The number of surplus spaces available across the Square One Properties was confirmed to be 1777 spaces.

Given the above, Municipal Parking Staff can support the requested temporary minor variance to allow a parking rate of 3.8 spaces per 100 m<sup>2</sup> of the Square One Shopping Centre for the proposed temporary outdoor event spaces subject to the conditions.

Planning staff are in agreement with the comments from Municipal Parking staff and have no objections to the requested parking variance.

It is the opinion of Planning staff that the proposal maintains the general intent and purpose of both the official plan and zoning by-law. The proposed variances are minor in nature and represent appropriate development and use of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Based on the information submitted with the application, we have no objections to the request to allow the temporary outdoor entertainment establishment.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 22-2335. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

< Subject building permit application has not yet received zoning review. Compliance or variances, if any, not yet determined.>

Our comments are based on the plans received by Zoning staff on 22-2335 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Alana Zheng, Zoning Examiner