

City of Mississauga Department Comments

Date Finalized: 2022-11-30	File(s): A574.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-12-08 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 approval of the Committee to temporarily permit parking spaces required for a lights festival to be located on adjacent lots after 5pm until July 31, 2026, whereas By-law 0225-2007, as amended, requires parking spaces be located on the same lot for which the parking spaces are required.

Recommended Terms and Conditions

The City's Shared Parking Agreement applies to the subject property, and the applicant is required to execute an agreement for off-site parking, to the satisfaction of the Municipal Parking, Transportation & Works Department.

Background

Property Address: 7140 Hurontario St

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: D- Development, G1 - Greenlands

The subject property is located in the Gateway Corporate Centre and is designated Business Employment and Office in Schedule 10 of the Mississauga Official Plan.

The requested variance proposes off-site parking. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. 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. Municipal Parking staff have reviewed the variance request and provide the following comments:

This application is associated with the Illumi by Cavalia lights festival, which is currently in seasonal operation from September 14, 2022 until January 8, 2023. Off-site parking is currently advertised as available for use on the website. No variance from the City to permit off-site parking has been approved to-date.

Committee of Adjustment application A 341/21 was heard on July 22, 2021 to allow a seasonal lights festival and that “those sections of the by-law related to parking spaces, parking areas ... be varied”. While the Committee permitted the varying of parking requirements on the subject site, the provision of off-site parking arrangements was not a component of the decision.

The applicant provided a drawing indicating that 920 parking spaces are to be provided at two Region of Peel parking lots at 7120 Hurontario Street (Peel Public Health), and at 7150 Derrycrest Road (La Capitale Financial Group/Unica Insurance). Additionally, angled on-street parking is shown to be provided on Derrycrest Drive.

Municipal Parking staff advise that private parking agreements between the applicant and the off-site parking lot owners have been signed, however these are not on the City’s required template. Municipal Parking staff also note that no detailed parking information regarding anticipated demands (employees and patrons), days/hours of use, peak periods etc. has been provided by the applicant. However, as the proposed use is outside of regular business hours, Municipal Parking staff are satisfied that there is a surplus of parking spaces at the chosen sites given the size of the facilities.

Municipal Parking staff provided a template for the required Off-Site Parking Agreement to the Applicant’s Agent on November 16th, 2022. The use of the City’s Off-Site Parking Agreement template allows the City to ensure that the dedicated parking is available, maintains good neighbour relations between adjacent property owners, ensures the public’s interests are accounted for, and confirms the agreement remains in place for the requested duration. Should the agreement be terminated prior to the duration as requested, it is the applicant’s due diligence to then resolve the variance/parking deficiency, therefore keeping the applicant accountable to the City’s parking standards.

Regarding the use of angled on-street parking per the submitted drawings, Traffic Services and Road Safety staff advised that they would not support angle parking on this roadway given the current lane alignment. The only way this would be possible would be a) through permanent changes to the pavement markings to designate the parking spaces and reconfigure the travel lanes, or b) through a temporary road closure and permit process that allows the applicant to

occupy the space temporarily. Traffic Services and Road Safety staff do not feel either option is necessary as (parallel) parking is permitted on both sides of Derrycrest Drive in the curb lane for up to five hours. Municipal Parking staff concur. Traffic Services and Road Safety staff also note that if there is a desire to pursue either of the above two alternatives, there would be costs associated and this would be the responsibility of the applicant.

As the applicant is seeking a minor variance until July 31, 2026, staff have determined that it is appropriate to support the requested minor variance to temporarily permit an off-site parking arrangement conditional on the agreement being on the City's Off-Site Parking License Agreement and executed to the satisfaction of the City of Mississauga Municipal Parking and Legal departments:

1. The City's Shared Parking Agreement applies to the subject property, and the applicant is required to execute an agreement for off-site parking, to the satisfaction of the Municipal Parking, Transportation & Works Department.

Note: A template for an Off-Site Parking Agreement was provided to the applicant, and is also available through the City's Municipal Parking section. The Applicant shall correspond with staff through the Parkingstudy.Review@mississauga.ca e-mail to fulfill this condition and submit an Off-Site Parking Agreement to the satisfaction of the City of Mississauga Municipal Parking and Legal departments.

Planning staff are in agreement with the comments from Municipal Parking have no objections to the application, subject to the condition.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to temporarily permit parking spaces required for a lights festival (ILLUMI PRODUCTIONS INC) to be located on the adjacent lots after 5pm until July 31, 2026. We also note that a Licence Agreement between the Regional Municipality of Peel and ILLUMI Productions Inc, and an Agreement to Licence Parking Spaces entered into with La Capitale Immobiliere MFQ Inc has also been submitted with the request.

It should be noted that no on-street parking is being requested on Derrycrest Drive through this request, however the Site Plan submitted with the application depicts angled parking within the municipal roadway. Note that any arrangement/approval for any angled parking with the municipal right-of-way would have to be reviewed/approved by our Traffic Services & Road Safety Section.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy application, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 3 – Region of Peel

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in a floodplain and the regulated area of the Credit Valley Conservation (CVC) Authority. We rely on the environmental expertise of the CVC Authority for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment.
- We therefore request that the City of Mississauga Committee of Adjustment and staff consider comments from the CVC Authority and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC Authority.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4 – Credit Valley Conservation

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

Site Characteristics:

The subject property is regulated for flood and erosion hazards associated with a tributary of Fletcher's Creek, as well as wetland located on site. Other natural heritage features of CVC interest on and adjacent to the property include the Region of Peel Core Greenlands, City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS (CRWNHS).

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal:

It is our understanding that the applicant requests the Committee to approve a minor variance to temporarily permit parking spaces required for a lights festival to be located on adjacent lots after 5pm until July 31, 2026, whereas By-law 0225-2007, as amended, requires parking spaces be located on the same lot for which the parking spaces are required.

Comments:

Based on our review of the information, CVC staff have **no concerns** with the requested variance. CVC staff are reviewing and have provided comment on the Site Plan application (SP 19/146) for the proposed development. Any outstanding items will be addressed through the Site Plan application. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Planner

Appendix 5 - Metrolinx

Metrolinx is in receipt of the minor variance application for 7140 Hurontario St to temporarily permit parking spaces to be located on adjacent lots after 5PM until July 31st. Metrolinx's comments on the subject application are noted below:

- At this stage Metrolinx doesn't have any major comments but any work within Metrolinx ROW or within 60 m of the Hu LRT will require approval and coordination with Mobilinx.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review