

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-19	File(s): B10.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

Consolidated Recommendation

The City has no objection to the application as requested.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage in excess of approximately 390.36m (1280.71ft) and an area in excess of approximately 15.43ac (672130.80sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 6967 Maritz Drive

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: E2-106,107 - Employment

Other Applications: DARC 20-105

Site and Area Context

The subject property is located south-west of the Derry Rd and Hurontario St. intersection. The subject site is an exterior parcel with a lot area of +/- 108,415.28m² and a lot frontage of +/- 266.49.0m that is currently vacant and possesses little vegetation. From a land-use perspective, the surrounding area consists primarily of employment uses including; manufacturing supplies and food, a business centre, and restaurants within close proximity of the Derrydale Golf Course. Vegetation is present throughout and along the periphery of these parcels.

The applicant proposes to sever the subject property for the purpose of creating future employment uses.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the application are as follows:

The severed lands will have a lot frontage of 390.36m and a lot area of 62,442.995m². The retained lands will have a lot frontage of 266.49m and a lot area of 45,972.28m².

Section 5 of MOP promotes development with appropriate urban form and site design, directing that such development is compatible with the surrounding context and the landscape of the character area. To this end, the proposed lots are of a comparable built-form and remain in scale and character with the surrounding development.

As per Zoning By-law 0225-2007, the subject property is zoned E2-106, 107 (Employment). In accordance with Table 8.2.1 (E1 to E3 Permitted Uses and Zone Regulations), this zone requires a minimum lot frontage of 30.0m; whereas, the Applicant is proposing lots with frontages of 390.36.0m and 266.49m, in this instance. This zone does not require a minimum lot area. The proposed lots are appropriately sized for the context of the neighbourhood and represent the appropriate development of the lands.

Conclusion

Staff is of the opinion that the proposed application has due regard for Section 51(24) of the *Planning Act*, specifically that it conforms to the official plan. The dimensions of the proposed lots exceed Zoning By-law provisions and are suitable for the purposes for which they are to be subdivided and are consistent with the character of the area.

Based upon the preceding information, the Planning and Building Department has no objections to the requested consent applications.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1- Transportation & Works Dept. Comments

This department has no objections to the applicant's request to create a new lot. As Committee is aware there has been a number of other Consent Applications from Derry Ten Limited which were approved to the south where Public Pedestrian and Vehicular Access Easements and Servicing Easements were requested and to date established. In this regard a condition of this Consent Application will also be to establish similar Public Pedestrian and Vehicular Access Easements and Servicing Easements.

These lands are located within an area identified as the Gateway Corporate Centre and proposed to be rezoned to O2 (Major Office) Zone through the City-initiated Gateway Corporate Centre Zoning By-law Amendment. The lands are also subject to the Special Site 4 Policies of the Gateway Corporate Centre which seek to establish continuity in the urban fabric along the connecting corridors. In view of the above and prior to any development occurring on the subject lands, the City is pursuing the requirements of establishing an internal road network to improve the overall vehicular and pedestrian connectivity in the area.

The subject lands are also part of and identified as Block 1, Plan of Subdivision 43M-1447. Through the Plan of Subdivision Process Maritz Drive (to the west) and Longside Drive (to the south) were constructed along with the necessary municipal services to service the subject lands (Block 1). In this regard the subject lands are also subject to any conditions/requirements identified within Plan of Subdivision 43M-1447. Acknowledging that Block 1, 43M-1447 is being severed with a new configuration, a Drainage/Servicing Proposal will be required to address any required servicing easements.

In light of the existing Special Policies of the Gateway Corporate Centre, the applicant/owner should also be aware that any development application submitted such as this current Consent Application will have to address some of the requirements pertaining to the Special Site Policies of the Gateway Corporate Centre. **In this regard and as a condition of approval for this Consent Application the Transportation and Works Department will require a Conceptual Site Plan to specifically address traffic circulation concerns to ensure compliance with any of the Special Site Policies of the Gateway Corporate Centre requirements.** This requirement is seeking to increase the number of road intersections and overall connectivity within these lands by creating a finer grain road network and this requirement will necessitate the establishment of the public access easements.

In view of the above, and should Committee see merit in the applicant's request we are providing the following conditions/requirements as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Conceptual Site Plan Addressing Requirement for Vehicular and Pedestrian Public Access Easements

Acknowledging that the subject lands are located within an area identified as the Gateway Corporate Centre and subject to the Special Site 4 Policies of the Gateway Corporate Center which seeks to establish a continuity in the urban fabric along the connecting corridors, prior to any development occurring within the lands the City must pursue the requirement for establishing an internal road network to improve the overall vehicular and pedestrian connectivity in the area. The City is seeking to increase the number of road intersections and the overall connectivity within these lands by creating a finer grain road network. To achieve this finer grain road network we request that a condition of this Consent Application be that the appropriate public access easements be established between the severed and residual lands.

In view of the above we are requesting that satisfactory arrangements be made with our Legal Department and Traffic Planning Section with regards to the establishment of any Public Pedestrian and Vehicular Access Easements. To address this requirement the applicant is to submit a full scale Conceptual Site Plan/Survey Plan for review/approval by our Traffic Planning Section which would precisely indicate the location and width of the required Public Pedestrian and Vehicular Access Easements including any required sight triangles/rounding's.

2. Satisfactory Arrangements to Be Made With Traffic Planning Section Regarding Details of Public Pedestrian and Vehicular Access Easements

As indicated in Item A1 a Conceptual Site Plan/Survey Plan is to be submitted to our Traffic Planning Section for review/approval which addresses the City's requirement for a Public Pedestrian and Vehicular Access Easements. The requested Public Easements are to be a total of 9.4M in width consisting of a 7.0M wide road (7.4M curb to curb) and a 2.0m sidewalk. The public easements are also to include sight triangles/rounding's at all intersections and aligned with the Public Easements on the lands to the south of Longside Drive.

Upon the Traffic Planning Section being satisfied with the details of the Public Pedestrian and Vehicular Access Easements (which will be identified in the Conceptual Site Plan/Survey Plan), then satisfactory arrangements will have to be made with our Legal Department to have the Public Easements registered. It should also be noted that through any future development applications such as the Site Plan Approval Process any other applicable particulars pertaining to the construction of any required Public Laneways such as providing securities, satisfying any legal arrangements or providing additional parcels to facilitate any turning movements within the lands may be requested.

3. 0.3m Reserve Requirement for Maritz Drive and Longside Drive

The applicant will be required to make the appropriate arrangements to provide a 0.3m Reserve along the Maritz Drive and Longside Drive frontages.

Should additional clarification or information be required with regard to the 0.3m Reserve, please contact Lahini Senthil-Kumaran at 905 615-3200 ext. 5798 or lahini.senthil-kumaran@mississauga.ca.

4. Satisfactory Arrangements to Be Made With Traffic Planning Section Regarding Transportation Impact Study

Satisfactory arrangements are to be made with our Traffic Planning Section for the review/approval of a Transportation Impact Study which would be representative of the proposed land use. The study is to include a Transportation Demand Management component. The traffic consultant should provide a terms of reference to the City's Traffic Section for review and receive confirmation prior to commencing the study.

Should additional clarification or information be required with regard to the Traffic Impact Study, please contact Lahini Senthil-Kumaran at 905 615-3200 ext. 5798 or lahini.senthil-kumaran@mississauga.ca.

5. Drainage Proposal/Servicing Plan

A Drainage Proposal/Servicing Plan is to be prepared by a Consulting Engineer for this department's review/approval to confirm the storm sewer outlet and capacity for the subject lands.

We note that as depicted on the Engineering Drawings reviewed/approved through the 43M-1447 Plan of Subdivision, storm sewer outlet for the subject lands (Block 1, 43M-1447) is the storm sewer located on both Maritz Drive (1350mm to 2400mm) and Longside Drive (600mm to 900mm).

Should additional information be required with regards to the Drainage Proposal/Servicing Plan, the applicant can contact the storm reviewer, (Nathan.mcfadden@mississauga.ca).

6. Municipal Storm Sewer Easement Requirement

Upon the review of the Drainage Proposal/Servicing Plan requested in item A 5, and upon the confirmation that the storm sewer outlet for **any portion** of the Retained lands (easterly 11.36 ac parcel) is required to outlet to the 1350 to 2400mm storm sewer located on Maritz Drive, then a Municipal Storm Sewer Easement will have to be established over the Severed Lands.

It should be noted that the requirement to establish a Municipal Storm Sewer Easement is similar to that requested in the previous Derry/Ten Consent applications processed on both the parcels south of Longside Drive and the parcels south of Skyway Drive.

7. Engineering Submission & Development Agreement with Infrastructure Schedules for Municipal Storm Sewer Infrastructure Works Required over Severed Parcel

Upon the review of Item A5 and A 6, and once confirmed that the storm outlet for any portion of the Retained Lands is required to outlet to the 1350 to 2400mm storm sewer located on Maritz Drive, then Municipal Infrastructure works will be required.

In this regard the applicant/owner will be required to submit an Engineering submission for the proposed works and will be required to enter into a Development Agreement with Infrastructure Schedules to secure the construction of any municipal storm sewer upgrades to accommodate the storm drainage from the subject site, in this particular instance the proposed retained lands.

8. Engineering Submission & Development Agreement with Infrastructure Schedules for Possible Municipal Storm Sewer Infrastructure Works on Maritz Drive and Longside Drive

Upon the review of Item A5 and in the event that there is a requirement to upgrade municipal storm sewer infrastructure on Maritz Drive or Longside Drive, the applicant/owner may be required to submit an Engineering submission for the proposed works and will be required to enter into a Development Agreement with Infrastructure Schedules to secure the construction of any municipal storm sewer upgrades to accommodate the storm drainage from the subject site.

9. Required Easements

Upon the review of Item A5 and the confirmation of any required **private easements**, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor to this department which would specifically describe the new private easements to be established through this Consent Application. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

10. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of legal documents. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

11. Environmental Site Screening Questionnaire

An Environmental Site Screening Questionnaire and Declaration (ESSQD) must be filled out for the property, signed and dated by the owner, and witnessed by a commissioner of oaths and submitted to the Transportation and Works Department for review.

12. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615 3200 ext. 5129 or tony.iacobucci@mississauga.ca .

B. General Information

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for these lands will require the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any additional service laterals to this property will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

We advise the applicant that all costs incurred in providing any access modifications to the subject lands would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for the subject lands is various sections of the storm sewer on Maritz Drive (1350mm to 2400mm) and Longside Drive (600mm to 900mm). It should be noted that as the retained and severed parcels are greater than 1 ha, an ESC Permit will be required prior to any land disturbing activities.

5. ESC Permit

It should be noted that as the retained and severed parcels are greater than 1 ha, an ESC Permit will be required prior to any land disturbing activities.

6. Site Plan Approval

Any development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

7. Hurontario Street LRT

The owner is advised that Infrastructure Ontario and Metrolinx have awarded a contract for the Hurontario LRT. The design work will begin immediately with construction to follow. The anticipated completion date of the Hurontario LRT is scheduled for late 2021. The owner is advised to contact the Hurontario LRT Office as there may be impacts to this proposed development.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition;

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the consent application and advises as follows:

In addition, Community Services notes the following:

- Comments and conditions will be addressed through future Development Applications for the subject property.
- Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documenting, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Heritage, Sport, Tourism, and Culture Industries confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Letters to this effect from said Ministry corresponding to each archaeological assessment report and activity are required to be submitted to the Culture Division for review. The above should be a condition of approval.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel Comments

Consent Application: B-10/21

Traffic Development: Catherine Barnes (905) 791-7800 x7569

Region of Peel Traffic Development staff have reviewed the above noted consent application, and offer the following comments:

- No access is supported off of Regional Road 5 (Derry Road). Any access for the severed or retained lands must be obtained from the surrounding Municipal Roadways;
- The Region requires the gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 5 (Derry Road), which has a right-of-way of 50.5 metres, 25.25 metres from the centreline of the road allowance;
- The Region requires the gratuitous dedication of a 0.3m reserve behind the property line along Regional Road 5 (Derry Road);
- The Region requires the gratuitous dedication of a 15X15 metre daylight triangle at the intersection of Derry Road and Maritz Drive, from the reinstated property line;
- The applicant is to dedicate these lands to the Region, free and clear of all encumbrances. All costs associated with the transfer, including preparation of the necessary reference plan are the responsibility of the applicant. The applicant must provide the Region with the necessary title documents and a draft reference plan for review and approval prior to deposit.

Should the committee see merit in this consent application, we request the following be included in the conditions of approval:

Condition: Satisfactory arrangement shall be made between the owner and the Region regarding land dedication.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

If you have any questions regarding this response, please do not hesitate to contact me.

Comments Prepared by: Carrie Gordon, External Liaison

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 19, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 19, 2021.
6. A letter shall be received from the Region of Peel, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 19, 2021.