

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B16.21 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

## 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 of approximately 115m (377ft) and an area of approximately 1.05ha (2.59ac).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 4130 Parkside Village Drive

### Mississauga Official Plan

Character Area: Downtown Core  
Designation: Downtown Mixed Use

### Zoning By-law 0225-2007

**Zoning:** CC4-1 - City Centre

**Other Applications:** SP 18-149  
A377/19  
04-001

## Site and Area Context

The subject property is currently vacant and located north-west of the Burnhamthorpe Road West and Confederation Parkway intersection. The subject site is an exterior parcel with a lot area of +/- 19,006.00m<sup>2</sup> and a lot frontage of +/- 266.49m possessing little to no vegetation. From a land-use perspective, the surrounding area consists of a mix of uses including; residential towers, employment and commercial businesses. Minimal vegetation is present throughout the area and is located along the periphery of these parcels.

The applicant proposes to sever the subject property to create a mixed-use residential building consisting of a podium and two residential towers of 50 and 38 storeys.



## 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 of land, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The severed lands will have a lot frontage of 115.0m and a lot area of 10,509.0m<sup>2</sup> while the retained lands will have a lot frontage of 107.92m and a lot area of 8,497.0m<sup>2</sup>.

The site is located within the Downtown Core, and is designated Downtown Mixed Use by the Mississauga Official Plan (MOP). 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 to the established lot fabric, remaining in scale and character with the surrounding area.

As per Zoning By-law 0225-2007, the subject property is zoned CC4-1 (City Centre). In accordance with Table 7.2.1 (CC1-CC4 and CCOS Permitted Uses and Zone Regulations), this zone does not require a minimum lot frontage or 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 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.

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

## Appendices

### Appendix 1 – Transportation and Works Comments

Information submitted with this Consent application indicates that the intent is to create a new lot and if required establish any easement(s). Private easements may have to be established to ensure functionality between the severed and residual lands to facilitate any pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services), construction requirements, etc.

The city is currently processing a Site Plan Application for the retained parcel, reference SP 18-149 for the construction of two residential towers, to date approval has not been issued for this Site Plan Application. There was a Subdivision Agreement under T-04001 PH3 which has been registered and there is currently a lifting of the 'H' Application ('H'OZ 19 001) for the removal of the 'H' Holding Zone Category on this property. For the severed lands the city has recently reviewed a DARC application, reference DARC 20-232.

It should be acknowledged that a condition of SP 18-149 requires that an interconnection through the drive aisles to facilitate a Public Pedestrian and Vehicular Access Easement in favor of the City of Mississauga is required. The Public Easement is to provide an interconnection between Parkside Village Drive and the future Square One Drive. The width of the easement is to be consistent with the condo road abutting the sidewalk.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

#### A. **Items Required Prior to the Issuance of Final Consent**

##### 1. Site Plans/Servicing Plans/43R-Plans

Prior to the issuance of final consent the applicant/owner will be required to provide a Site Plan, Servicing Plan and 43R-Plan for our review. The requested information will be reviewed to determine if any private easements would be required between the severed and residual lands.

##### 2. Required Easement

Upon the review of Item A1 and the confirmation of any required easements, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. 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.

### 3. 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 and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto: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](mailto:tony.iacobucci@mississauga.ca).

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: Marco Palermo

## **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:

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- Comments and conditions are being addressed through a future Site Plan Control Application and will be reviewed by the Park Planning Section.

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](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner

### **Appendix 5 – Region of Peel Comments**

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

**Condition:** Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

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.

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 March 31, 2021.
5. A letter shall be received from the Region of Peel, Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.