

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): B37.20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-15 1:00 PM

Consolidated Recommendation

The City has no objections to the requested consent application. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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 41.33m (135.60ft) and an area of approximately 1.19ha (2.94ac).

A minor variance is requested for the Retained Lands (A117/21) to allow the existing building to remain proposing:

1. 96 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 132 parking spaces in this instance; and
2. 3 accessible parking spaces having a minimum width of 3.6m (approx. 11.8ft) whereas By-law 0225-2007, as amended, requires a minimum of 5 accessible parking spaces, 3 of which require a minimum width of 3.4m (approx. 11.2ft)(Type A) with a 1.5m (approx. 4.9ft) access aisle and 2 of which require a minimum width of 2.4m (approx. 7.9ft)(Type B) with a 1.5m (approx. 4.9ft) access aisle in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A117/21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A117/21 shall lapse if the consent application under file B37.20 is not finalized within the time prescribed by legislation.

Background

Property Address: 6515 Kitimat Road

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-1 - Employment

**Other Applications: SP 84-147
SPR 4-440**

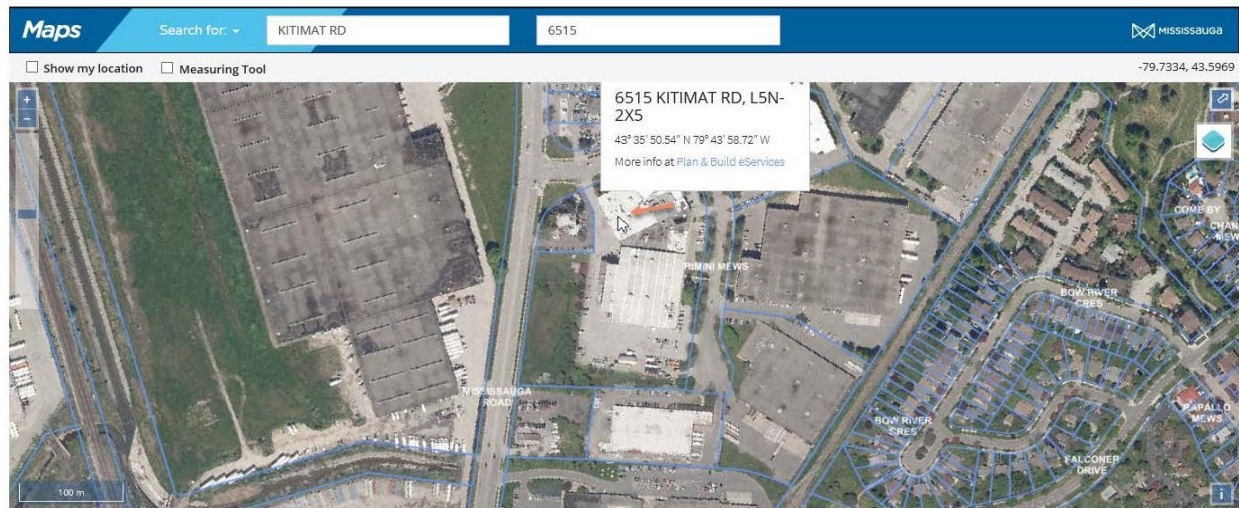
Site and Area Context

The subject lands are an interior property located south-east of the Mississauga Rd and Kitimat Rd intersection, and currently houses a two-storey office building.

The immediate neighbourhood is predominately industrial in nature; with warehousing and industrial-office uses located both south and east of the subject lands. Planning staff further note that residential uses, mainly in the form of semi-detached dwellings, are present to the east; however, their lot configuration and orientation, coupled with the intervening rail line, results in their presence not directly influencing the area context.

The properties along this portion of Kitimat Road are situated upon large parcels, with lot frontages ranging from +/- 55m to +/- 215m.

The subject lands possess a lot frontage of 92.33m, and a lot area of 18,900.0m².



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 both these provincial policies.

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 132.6m and a lot area of 6,758.3m². The retained lands will have a lot frontage of 104.2m and a lot area of 23,957.4m².

No changes of use or additional construction has been proposed for either parcels. The existing E2-1 uses on the retained lands will remain in operation.

The site is located within the Meadowvale Business Park Corporate Centre Character Area, and is designated Business Employment 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 built-form and remain in scale with the surrounding area.

As per Zoning By-law 0225-2007, the subject property is zoned E2-1 (Employment). In accordance with Table 8.2.1(3.0) (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 132.6m (severed) and 104.2m (retained). This zone does not require a minimum lot area. The proposed lots are appropriately sized for the context of the neighbourhood, are consistent with zoning regulations.

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 and retained lots exceed Zoning By-law provisions and are suitable for the purposes for which they are to be subdivided, thus maintaining the character of the area.

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

Variance # 1 as requested pertains to parking spaces:

As per Zoning By-law 0225-2007, the subject property is zoned E2-1 (Employment). Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), regulate the required parking rates for various uses permitted on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. The applicant has proposed a total of 96 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 132 parking spaces onsite. This is a reduction of 36 parking spaces or a 27% deficiency.

A Parking Utilization Study (PUS) prepared by NexTrans Consulting Engineers, dated, February 9, 2021, was submitted in support of the application. NexTrans Consulting Engineers carried out an onsite survey of the existing single-occupancy manufacturing facility with a total GFA of 12,100.6 m². The PUS, dated, February 9, 2021, states that the subject property currently provides a total of 162 parking spaces onsite. Based on the information submitted, the proposal is to sever the eastern and southern limits of the existing property, while the retained lands will keep the existing building with a total of 96 spaces onsite.

The PUS explained that business operations related to the manufacturing facility have not been directly impacted by the pandemic, operating with 30 employees on a typical work day.

City Planning Strategies (CPS) Staff calculated the total required parking should be 131 spaces (instead of 132 spaces) and recommend that variance #1 be amended to provide:

- 96 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 131 parking spaces in this instance

Based on the submitted information and survey results, Planning Staff echo CPS Staff comments and support the parking variance as amended to provide a total of 96 parking spaces, whereas, a minimum of 131 parking spaces are required.

Variance #2 pertains to accessible parking spaces:

The intent of this portion of the bylaw is to accommodate people with disabilities and/or mobility issues who hold accessible parking permits. Planning Staff have evaluated the proposed accessible parking spaces against the same parking rate noted above. Staff have concluded that the proposed 3 spaces is in-line with the overall parking rate available on site. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The variances for parking reductions result in both the orderly development of the lands, and whose impacts will be minor in nature. Further, the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department has no objections to the requested application. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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

Appendices

Appendix 1 – Transportation and Works Comments

The intent of this Consent Application is to create a new lot which will have frontage onto Mississauga Road. It should be acknowledged that there is currently a 0.3M Reserve identified as Part 2, Plan 43R-14816 across the Mississauga Road Frontage. Acknowledging that the severed parcel is being severed from a parcel which contains an existing building, we note that there may be some shared services between the properties which would require private servicing easements, or alternatively the services could be relocated.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Functional Servicing Proposal/Drainage Study

We request that the applicant submit a Functional Servicing Proposal/Drainage Study prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the subject property, in particular to determine the storm sewer outlet for the severed lands.

Upon the review of the Functional Servicing Proposal it will also be determined if any servicing easements will have to be established in order to support this severance proposal.

2. Grading and Drainage Plan

The applicant's consulting Engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the Grading and Drainage Plan to this department for review/approval.

We note from our site inspection that there are some existing catch basins on the residual lands which may be accommodating some drainage from the severed parcel. The Grading and Drainage Plan is to address how all drainage from the severed parcel will be self-contained and collected.

3. Servicing Plan & Utility Box/Hydro Transformer/Generator Information

A Servicing Plan is to be submitted for our review/approval which would identify the location of any existing underground services located on this property. Upon the review of the Servicing

Plan we can determine the location of any existing underground services located on the severed lands which service the existing building on the residual lands.

From our site inspection we note that there is a large utility/hydro/transformer/generator at the northeast limits of the proposed severed lot. Acknowledging the significant size and location of this utility, additional information must be provided to indicate the purpose of the utility, which properties the utility is servicing and also the location of any underground wires/cables in order that any easements could be established (if required).

4. Required Easement(s)

Upon the review of Item's A1 & A3 and the confirmation of any required easement(s), the applicant/owner will be required to provide a 43R-Plan and letter/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 with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

5. Environmental Site Screening Questionnaire and Declaration (ESSQD)

The Transportation and Works Department reviews development applications for potential contamination to ensure that contaminated sites are identified and appropriately addressed by the proponent of development. Accordingly, this Department requires studies to be submitted that assess the potential for contamination, in accordance with Provincial regulations and standards, as well as City policies, prior to development proceeding.

A completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form, signed by the Owner and a Commissioner of Oaths, must be submitted to the Transportation and Works Department for review. If the ESSQD form indicates a potential for contamination, a Phase I Environmental Site Assessment will be required. The report must be signed by a Qualified Person as defined in Ontario Regulation 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Valeriya Danylova, P.Eng., Environmental Technologist at 905 615-3200 ext. 5930 or valeriya.danylova@mississauga.ca should you require further information.

6. 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

7. Lifting of 0.3m Reserve on Mississauga Road

The applicant will be required to make the appropriate arrangements for the lifting the existing 0.30 meter reserve identified as Part 2, Plan 43R-14186 across the Mississauga Road frontage. A copy of the application form can be found online as follows:
<http://www7.mississauga.ca/documents/tw/pdfs/Application%20to%20Lift%201%20foot%20reserve.pdf>. Confirmation of these arrangements will need to be forwarded to this Department.

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. Site Plan Approval

Any re-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.

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 reviewed the consent application and advises as follows:

- 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 5 – Region of Peel Comments

Comments for Informational Purposes

Deferred Consent Application: DEF-B-37/20

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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. Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. Site Servicing approvals are required prior to the local municipality issuing building permit.

For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@peelregion.ca

We have no comments or objections to the following applications:
Minor Variance Applications: A-117/21

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Subsequent to review of the severance at 6515 KITIMAT RD, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed 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 April 7, 2021.

