

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2021-04-21 | File(s): B27.21 Ward: 2 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2021-04-29 1:00 PM |

Consolidated Recommendation

The City has no objections to the requested consent application.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot and an easement. The parcel of land has a frontage of approximately 67.37m (221.03ft) and an area of approximately 7373.90sq.m (24192.59sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 2085 North Sheridan Way

Mississauga Official Plan

Character Area: Sheridan Community Node
Designation: Office

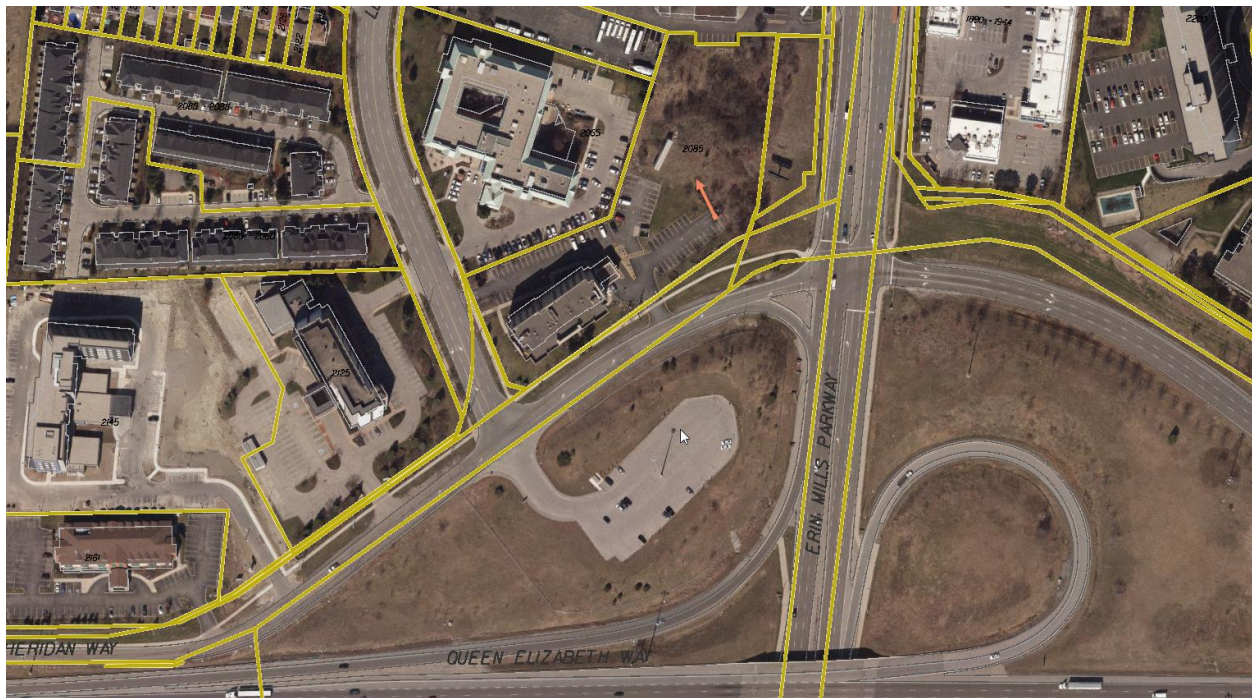
Zoning By-law 0225-2007

Zoning: O-1 - Office

Site and Area Context

The subject property is located within the Sheridan Community Node Character Area, northwest of Erin Mills Parkway and the Queen Elizabeth Way (QEW). The subject property currently contains a five storey hotel fronting onto North Sheridan Way with mature vegetation on the northern portion of the site. South of the property is the QEW and a carpool lot, and to the north are commercial and residential uses; including a long term care residence. Parcels of land in the vicinity of the property vary both in lot area and frontage.

The applicant proposes to sever the existing parcel and required easements in order to access the severed lot.



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 Growth Plan for the Greater Golden Horseshoe promotes economic development by making more efficient use of existing employment areas and underutilized employment lands which can result in an increase in employment densities. The proposal to create a new lot is consistent with the policies outlined in the Growth Plan.

Staff comments concerning the application are as follows:

The subject application was previously approved twice by the Committee of Adjustment on February 8th, 2018 under file B 12/18 and November 21st, 2019 under file B 73/19. Since the previous approval, the proposed severed and retained lands remain the same with the necessary easements. As such, previous staff comments remain applicable and are within *Appendix 7* of this report.

Conclusion

The Planning and Building Department has no objections to the requested consent application.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request to sever a parcel of land to create a new lot along with pedestrian and vehicular access easements. We note that the subject lands were previously before the Committee under Files 'B' 12/18 and B 73/19; however, not all conditions of approval were fulfilled and the consent applications lapsed.

Should Committee see merit in the applicant's current request, we are providing the following conditions/requirements to be imposed as conditions of approval, as they were not fulfilled under the previous applications:

A. Items Required Prior to the Issuance of Final Consent

1. Existing Easements

The applicant is to supply the necessary documentation/plans showing all of the existing easements on both the severed and residual lands along with a schedule indicating the purpose of the easement and to whom it is in favor of.

The severed land does not have frontage onto North Sheridan Way, Leanne Boulevard or Erin Mills Parkway. Should there be no existing easements for access, a private pedestrian and vehicular access easement in favour of the severed land will be required over the private driveway of the retained land to the North Sheridan Way and Leanne Boulevard accesses.

2. Required Easement(s) and Draft 'R' Plan

Upon the review of items A1 above, and the confirmation of the required easement(s), the applicant/owner will be required to provide a Draft 'R' Plan and a 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.

3. Road Widening on North Sheridan Way

The applicant is to gratuitously dedicate to the City of Mississauga a road allowance widening towards the ultimate 20.0 m right-of-way for North Sheridan Way as identified in the City's Official Plan. The dimensions related to right-of-way width and required widening are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Lahini Senthil-kumaran from our Traffic Section at 905 615-3200 ext. 5798.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@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.

2. Servicing

All costs incurred in providing any service laterals 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. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to 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.

4. Existing 0.3m Reserve on North Sheridan Way

The applicant is advised that there is an existing 0.3m reserve across the entrance on North Sheridan Way. The applicant is to make appropriate arrangements with MTO for lifting this reserve.

Comments Prepared by: John Salvino, 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 above noted consent application and advises as follows:

1. Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan Control Process.
2. 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

Consent Application: B-27/21

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

Please note that the Ministry of Transportation, Ontario (MTO) has jurisdiction within 800 metres from their ramp terminals, which this property falls under. Therefore, the Region of Peel will request that the MTO acquire the following lands and provide the Region of Peel with a copy of the transfer documents to confirm the land dedications to the MTO;

The Region requires the gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 1 (Erin Mills Parkway), which has a right-of-way of 45 metres, 22.5 metres from the centreline of the road allowance. Additional property over and above the Official Plan required within 245 metres of intersections to protect for the provision of but not limited to: utilities, sidewalks, multiuse pathways and transit bay/shelters, is 50.5 metres (25.25 metres from the centreline of the road allowance) for a single left-turn lane configuration;

The Region requires the gratuitous dedication of a 0.3m reserve behind the property line along Regional Road 1 (Erin Mills Parkway);
The Region requires that provisions be put in place by way of easements for interconnectivity between the two lots for access onto North Sheridan Way or Leanne Boulevard. No new accesses to Regional Road 1 (Erin Mills Parkway) will be permitted;

A draft reference plan will be required for our review comment prior to being deposited.

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 and access configuration.

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.

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.

Appendix 7 – Development and Design – Previous planning staff comments

The subject property is located northwest of Erin Mills Parkway and the Queen Elizabeth Way (WEQ) and is within the Sheridan Community Node Character Area. The subject property currently contains a five storey hotel fronting onto North Sheridan Way with mature vegetation on the northern portion of the site fronting Erin Mills Parkway. To the south of the property is the QEW and a carpool lot, and to the north there are commercial and residential uses including a long term care residence. Parcels of land in the vicinity of the property vary both in lot area and

frontage. The applicant proposes to sever the existing parcel and create easements in order to access the severed lot.

The severed lot proposes to have a lot frontage of approximately 67.37 m and lot area of approximately 7,373.90 m². The retained lot will have a lot frontage of 56.98 m with a lot area of approximately 6,039.51 m². The creation of the easement will be used for vehicular and pedestrian access.

The Growth Plan for the Greater Golden Horseshoe promotes economic development by making more efficient use of existing employment areas and underutilized employment lands which can increase employment densities as a result. The proposal to create a new lot is consistent with the policies outlined in the Growth Plan.

The subject site is designated "Office" in Schedule 10 of the Mississauga Official Plan (MOP) which permits major office, secondary office and accessory uses. Community Nodes are to provide for a mix of population and employment uses and provide access to a multitude of uses that are required for daily living. Pursuant to Section 9.1 (Introduction), appropriate infill within intensification areas will help to revitalize existing communities by replacing aged buildings, developing vacant or underutilized lots and by adding to the variety of building forms. The proposed application promotes efficient development of the land and creates a parcel that is compatible with the surrounding area.

Based on the preceding information, staff is of the opinion that the consent application maintains Section 51(24) of the *Planning Act* more specifically that it conforms to the official plan and is suitable for the purposes for which it is to be subdivided.

The Planning and Building Department has no objections to the requested consent application.

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 21, 2021.
5. 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 April 21, 2021.