

City of Mississauga Department Comments

Date Finalized: 2021-09-22	File(s): B52.21 B53.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-30 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 50(3) of the Planning Act.

Application Details

The applicant requests the approval of the Committee for the creation of an easement (B52/21) on the subject property. The easement has an approximate area of 679.02sq.m (7308.91sq.ft).

The applicant requests the approval of the Committee for the creation of an easement (B53/21) on the subject property. The easement has an approximate area of 828.70sq.m (8920.05sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 455 Gibraltar & 6950 Kennedy Road

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-52 - Employment

Other Applications: SP 19-54, SP 20-122

Site and Area Context

The subject properties are located in the Gateway Employment Area, south-west of the Derry Road East and Kennedy Road intersection. 6950 Kennedy Road is a corner parcel, on the north-west corner of Gibraltar Drive and Kennedy Road and 455 Gibraltar Drive is the neighbouring property immediately to the west. The Kennedy property currently contains an under construction 6-storey hotel and the Gibraltar property contains a single storey industrial building. Industrial buildings make up the vast majority of the surrounding context.

The applicant is proposing reciprocal access easements on the property to allow for vehicular traffic on the sites.



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.

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.

Planning Analysis

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

The applicant is proposing a new easement to accommodate vehicular and emergency access across the subject properties. Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that an easement is to be established but only gives the area of the easement, there is no indication as to the purpose and location of the easement (part numbers on a 43R-Plan). We are uncertain as to why the information provided for 'B' 52/21 makes reference to a "43R-Draft Plan" and for 'B' 53/21 reference is made to "Plan 43R-39216".

As Committee is aware this development was the subject of previous Consent Applications, 'B' 9 & 10/20 and 'B' 61/16 where the Transportation and Works Department has spent a great deal of time dealing with these applications. Recently, on July 23, 2021 the Transportation and Works Department provided a clearance memorandum indicating that we were satisfied with Parts 1, 2 and 3 on Plan 43R-39216 being an access easement across 6950 Kennedy Road (Hotel Site) for access onto Kennedy Road.

It should also be noted that City has processed Site Plan Application (SP 16/159) for the 6 storey hotel (6950 Kennedy Road) and Site Plan Application (SP 19/54) for the conversion of the existing warehouse to a banquet hall (455 Gibraltar Drive). The reciprocal right-of-way shared access easements were requirements of the Site Plan Approval Process and necessary to ensure for proper site ingress and egress to both properties.

In view of the above and should Committee see merit in the applicant's request and are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Draft Reference Plan Required

A draft reference plan (or deposited 43R-Plan) is to be submitted for our review/approval which would clearly show the location of any proposed easements.

2. Letter/Schedule Describing Easement(s)

In addition to the requested 43R-Plan, a letter/schedule prepared by the applicant's Solicitor specifically describing any new private easement(s) to be established is to be submitted. Any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

Zoning has no comment related to the proposed easement(s)

Comments Prepared by: A. McCormack

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 2021-09-30 1:00:00 PM.