

# City of Mississauga Department Comments

Date Finalized: 2022-11-03	<b>REVISED</b>	File(s): B54.22 Ward: 2
To: Committee of Adjustment		
From: Committee of Adjustment Coordinator		Meeting date:2022-11-03 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, as requested, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel has a frontage of approximately 139.34m (457ft). The new parcel will be added to the property immediately to the east known as 2450 Royal Windsor Drive (Nestle Canada Inc).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 2510 & 2520 Royal Windsor Drive

### Mississauga Official Plan

Character Area: Southdown Employment Area  
Designation: Industrial

### Zoning By-law 0225-2007

**Zoning:** E3-1-Commercial

**Other Applications:** none

### Site and Area Context

The subject property is located within the Southdown Employment Area, east of the Royal Windsor Drive and Winston Churchill Boulevard intersection. The subject property abuts a Canadian National Railway (CNR) right-of-way to the south and contains minimal vegetation. The immediate area consists of a mix of commercial and industrial uses.

The applicant is proposing to sever a parcel of land for the purpose of a lot addition.



## Comments

### Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

The subject property is designated Industrial on Schedule 10 of the Mississauga Official Plan (MOP). The applicant is proposing to sever a parcel of land for the purpose of a lot addition. The parcel is land-locked and has an area of 120.12m<sup>2</sup> (1291.67ft<sup>2</sup>). The new parcel would be added to the property immediately to the east, known as 2450 Royal Windsor Drive. We understand that the intent of this application is to allow the lands known as 2450 Royal Windsor Drive to have access to the existing rail line at the south end of the property. Planning staff have no concerns with the proposed consent. There is no proposed development, change in use or operation being proposed. The parcel of land to be severed will not be landlocked, as it would join 2450 Royal Windsor Drive that has access and frontage on Royal Windsor Drive. Furthermore, the conveyance of land does not cause any lot area deficiency for the retained lands. Through a detailed review of the application, staff is of the opinion that the application is

City Department and Agency Comments	File:B54.22	2022/10/26	3
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appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request to attach the severed lands to the property immediately to the east known as 2450 Royal Windsor Drive. We understand that the intent of this application is to allow the lands known as 2450 Royal Windsor Drive to have access to the existing rail line at the south end of the property.

We would recommend that the owner of the subject lands review their records and be satisfied that any underground services to either the severed or retained lands are located such that the services are confined within the limits of their own property. Should it be determined that there are any services which will conflict with the new property limits, the owner would have the option of abandoning that service(s) and arranging for the construction of a new service(s) in the proper location, or alternatively protect it by means of a private easement.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, 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: Amy Campbell, Planner-in-Training

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. The applicant shall provide a cash contribution of \$8129.29 for the planting of thirteen (13) street trees on Royal Windsor Drive. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Tree preservation hoarding and securities may be required as part of the site plan control process.
2. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Nicholas Rocchetti regarding the Covid-19 interim payment process.
3. 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 Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4- CVC**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the Planning Act - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

#### **Site Characteristics:**

The subject property is regulated for Avonhead Creek and its associated flood and erosion hazards; the property is also located within the Credit River Watershed Natural Heritage System (CRWNHS). It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the

above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

**Ontario Regulation 160/06:**

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

**Proposal:**

It is our understanding that the applicant requests the approval of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel has a frontage of approximately 139.34m (457ft). The new parcel will be added to the property immediately to the east known as 2450 Royal Windsor Drive (Nestle Canada Inc.).

**Comments:**

It is our understanding that the proposal is for a severance to convey a parcel of land to the adjacent property (lot line adjustment), and no new lots are being created. Both 2510/2520 Royal Windsor Drive and 2450 Royal Windsor Drive contain portions of the natural hazards. The proposed lot line adjustment will not impact access or necessitate a new access crossing the natural hazards for either property, and does not appear to impact the existing building envelopes for either property. Further, it is our understanding that no new development is currently being proposed with these applications. As such, CVC staff have **no objection** to the requested severance by the Committee at this time.

The applicant is advised that any future development, including but not limited to grading, proposed within the Regulated Area will require a CVC permit and will need to demonstrate compliance with CVC policies. If future development is proposed, we recommend early consultation with CVC to confirm any requirements.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Planner

**Appendix 5- Region of Peel**

Development Planning: Patrycia Menko (905) 791-7800 x3114

**Comment:** Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Regional Planning Staff, therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

We have no comments or objections.

Comments Prepared by:      Patrycia Menko, Junior Planner

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**Appendix A – CONDITIONS OF PROVISIONAL CONSENT**

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, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 26, 2022.