

Date Finalized: 2022-02-23 To: Committee of Adjustment	File(s): B8.22 Ward 9
From: Committee of Adjustment Coordinator	Meeting date:2022-03-03 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## 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 56.08m (approx. 183.99ft) and an area of approximately 16.19ha (approx. 40.00 acres).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 7564 Tenth Line West

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** D-8 - Development

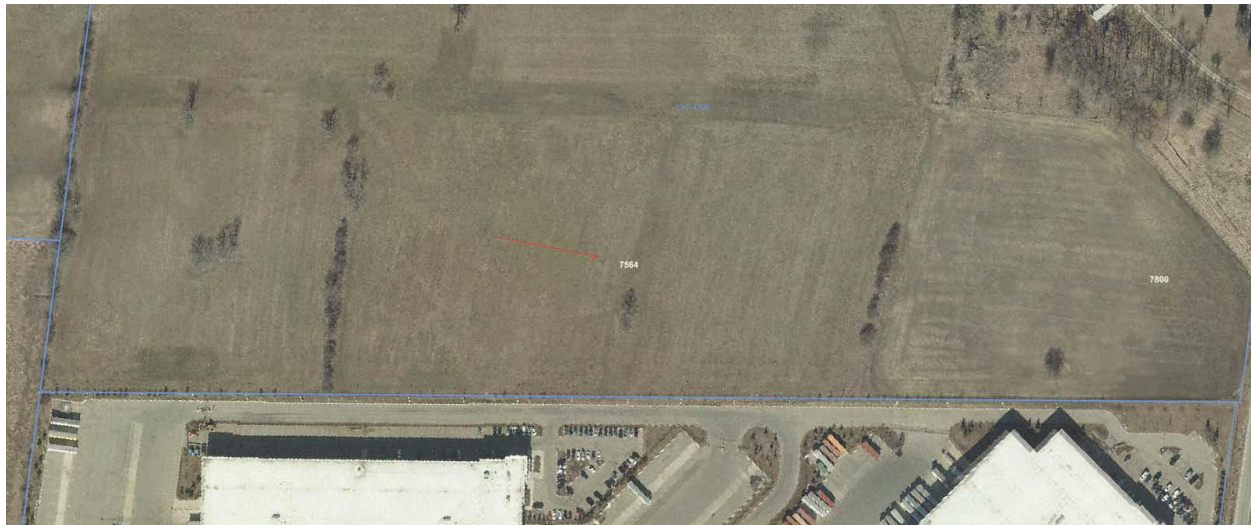
**Other Applications:** HPA 21-17

### Site and Area Context

The subject property is located on the west side of Tenth Line West at its northern terminus south of Highway 401. Currently it contains the historic Hustler Farm with associated accessory buildings. There is significant mature vegetation on the north-east portion of the property,

surrounding the main house and accessory structures. The surrounding area context includes a mix of vacant lands, transportation and utility corridors, and employment uses.

The applicant is proposing to sever the existing property into 2 lots, with the heritage farm to be retained on one parcel and employment uses to be developed on the other.



## 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 identified in local legislation.

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.

Staff comments concerning the application for consent are as follows:

The subject property is located in the Meadowvale Business Park Corporate Centre Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of employment uses, as proposed by the applicant for the severed lands. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The subject property is designated as a heritage property known as Sylvan Oaks and the Hustler Farm. Heritage staff have reviewed and approved a proposal to alter the boundaries of the designated area. Planning staff therefore have no concerns from a heritage perspective.

Staff are satisfied that the application is consistent with the Official Plan as the proposed severed and retained lots are appropriately sized and are suitable for the proposed use. Furthermore staff have no concerns surrounding the criteria as set out in Section 51(24) of the Planning Act as the site is able to be appropriately serviced and is suitable for the planned use. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

# Appendices

## Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request to create a new lot. We understand that the intent of this application is that the severed portion will be sold off to a developer for future development and the residual lands to be retained by the existing owners.

Prior to this application being submitted there was some consultation with the City of Mississauga's Heritage Department, Planning Department and the Transportation and Works Department. With regards to our storm drainage concerns/requirements the applicant's consultant provided this department with a report prepared by Schaeffers Consulting Engineers dated November 11, 2021 with regards to the verification of existing servicing connections and particulars related to infrastructure storm servicing. This report/analysis was based on information which was available from the Storm Drainage Plan by MMM Group (2009), drawings and a Stormwater Management Report by AECOM (2012), the North 16 District 'Scoped' Subwatershed Study by Philips Engineering (2004) and a Master Servicing Study by Sernas Associates (2008).

It was indicated in the Schaeffers Report that for the severed lands the storm sewer outlet was the existing 825mm at the southwest corner of the site. With regards to the retained lands they will drain to the Tenth Line roadside ditch system. It was also taken into consideration that as the residual portion is a heritage property and no immediate development is being anticipated.

# City of Mississauga Department Comments

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

## **A. Items Required Prior to Final Consent**

### **1. Road Widening Requirements**

Satisfactory arrangement will have to be made to dedicate gratuitously to the City of Mississauga an approximate 2.0metre widening towards the ultimate 24 metre right of way for Tenth Line across the entire severed and residual parcels.

In view of the above, we are advising that any particulars with regards to land dedications will have to be to the satisfaction of the City's Ontario Land Surveyor and our Traffic Planning Section. The dimensions are to be verified by the City of Mississauga's O.L.S., Mr. Al (Alnashir) Jeraj at 905-615-3200 at Ext 5789.

### **2. Environmental Site Assessment (ESA) for Road Widening**

As a road widening across the frontages of these properties is being requested, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 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 Jessica Yong, Environmental Coordinator at 905 615-3200 ext. 3174 or [Jessica.Yong@mississauga.ca](mailto:Jessica.Yong@mississauga.ca) should you require further information.

## **B. GENERAL INFORMATION**

### **1. Site Plan Approval**

Any future 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 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: 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.

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

- Tree preservation hoarding and securities may be required as part of the site plan control process.
- Payment for street tree fees and charges may be required as part of the site plan control process.
- 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

# City of Mississauga Department Comments

## **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 2022-02-23.