

# City of Mississauga Department Comments

Date Finalized: 2023-05-16 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B6.23 B7.23 B8.23 Ward: 3
	Meeting date:2023-05-25 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the proposed consent applications.

## Application Details

B6/23

The applicant requests the Consent 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 96.53m (approx. 316.70ft) and an area of approximately 10,721sq m (115,399.88sq ft).

B7/23

The applicant requests the Consent 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 133.19m (approx. 436.98ft) and an area of approximately 12,730sq m (137,024.58sq ft).

B8/23

The applicant requests the Consent 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 62.76m (approx. 205.91ft) and an area of approximately 5,759sq m (61,989.36sq ft).

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 1150, 1170 Eglinton Ave E and 1147 Crestlawn Rd

## Mississauga Official Plan

**Character Area:** Northeast Employment Area

Designation: Business Employment, Mixed Use

### Zoning By-law 0225-2007

Zoning: D -Development, E2-97- Employment, C3-1-Commercial

Other Applications: None

### Site and Area Context

The subject property is located on the south side of Eglinton Avenue East, east of the Maingate Drive intersection. The property has frontage onto both Eglinton Avenue East and Crestlawn Drive and contains 3 multi-tenant commercial/industrial buildings with associated surface parking. Limited landscaping and vegetative elements are present on the subject property, located exclusively along the two frontages. The surrounding area context contains a mix of commercial and industrial uses in low rise built forms on lots of varying sizes.

The applicant is proposing to sever the existing property into 4 lots.



## Comments

### Planning

### Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) 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 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.

Staff comments concerning the applications for consent are as follows:

The applicant is proposing to sever the existing property to create a total of 4 lots, with 2 fronting onto Eglinton Avenue East and 2 fronting onto Crestlawn Drive.

The subject property is located in the Northeast Employment Area and is designated both Business Employment and Mixed Use. The Business Employment designation covers the rear half of the property abutting Crestlawn Drive, while the Mixed Use designation covers the front half of the property abutting Eglinton Avenue East. The existing buildings are appropriate to handle the permitted uses envisioned under these designations.

Staff are satisfied that the application is consistent with the official plan as the severed lots and retained lands will provide for adequately sized lots for the existing buildings as well as a potential future new building on the vacant proposed lot. No minor variances are required for lot sizes or frontages. Staff are satisfied that the proposal will not negatively impact the area's lot fabric. Furthermore staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. 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 where the intent is to create a new lots. For Consent Applications 'B' 6 & 7/23 which are the properties fronting onto Eglinton Avenue East we note that both the existing buildings share the two existing access locations onto Eglinton Avenue East and this will require reciprocal ingress/egress access easements. Upon the receipt and review of an underground servicing plan depicting the location of any underground services to the existing buildings, including the lands subject to 'B' 7/23 fronting onto Crestlawn Road, servicing easements may also be required.

In view of the above and 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. Servicing Plan

A Servicing Plan is to be submitted for our review/approval which would clearly identify the location of any existing underground services to all the existing industrial buildings located on the lands subject to this application. Upon the review of the Servicing Plan and should it be determined that shared service easement(s) will be required, the location and width of any required easements can be addressed.

The Servicing Plan should also contain information with regards to the storm sewer outlet for the residual lands of Application 'B' 7/23 (easterly new lot on Crestlawn Road) in order to confirm that an additional storm sewer easement will not be required.

##### 2. Draft 43R-Plan Requirement

Upon the determination of any required easements a Draft 43R-Plan is to be submitted for our review/approval in order that the location and width of any required servicing and access right-of-way easements can be identified on the 43R-Plan.

##### 3. Required Easement(s)

Upon the review of Item's A1 and A2, and the confirmation of the required easement(s), the applicant/owner will be required to provide 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.

4. Road Widening Requirements

Satisfactory arrangement will have to be made to dedicate gratuitously to the City of Mississauga a right of way widening towards the ultimate 45 metre right of way for Eglinton Avenue East as identified in the Official Plan.

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. Viorel Mares at 905-615-3200 at Ext 5815.

5. Environmental Site Assessment (ESA) for Road Widening

As a road widening across the frontage of this property 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.

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 address for the new parcel fronting onto Crestlawn Road. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto:susie.tasca@mississauga.ca).

**B. General Information****1. Site Plan Approval**

Any re-development of the subject lands will be subject to the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. can be addressed.

**2. Access**

We advise the applicant that any costs incurred in providing any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. The driveway accesses shall maintain a 1.5M setback from aboveground features such as utilities and trees.

The applicant should also note that for any access modifications they will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

In addition the applicant is advised that vehicular access to Eglinton Avenue East may be minimized and the City may require a closure of one or both Eglinton Avenue East site accesses as part of a future planning application.

Comments Prepared by: Tony Iacobucci, 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: Brooke Herczeg, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and wishes to impose the following condition(s):

1. The applicant shall provide a cash contribution of \$12,881.80 for the planting of twenty (20) street trees. Ten street trees on Eglinton Avenue East, and ten street trees on Crestlawn Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. 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 payment 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 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

### Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine the archaeological concerns related to the application. A letter from the Ministry of Citizenship and Multiculturalism confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

### Appendix 5- Region of Peel

**Consent Applications: B-23-006M, B-23-007M & B-23-008M – 1150, 1170 Eglinton Avenue East & 1147 Crestlawn Road**

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

**Comments:**

- 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.

Comments Prepared by: Patrycia Menko, Junior Planner

**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 May 16, 2023.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 16, 2023.

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6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 16, 2023.
  7. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 15, 2023.