

City of Mississauga Department Comments

Date Finalized: 2023-07-07	REVISED	File(s): B10.23 Ward: 8
To: Committee of Adjustment		
From: Committee of Adjustment Coordinator		Meeting date:2023-07-13 3:30:00 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 51(24) of the Planning Act.

Application Details

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 312.00m (approx. 1023.62ft) and an area of approximately 3.933 hectares (approx. 9.719 acres).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 0 Ninth Line and 3005 Ninth Line

Mississauga Official Plan

Character Area: Western Business Park Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

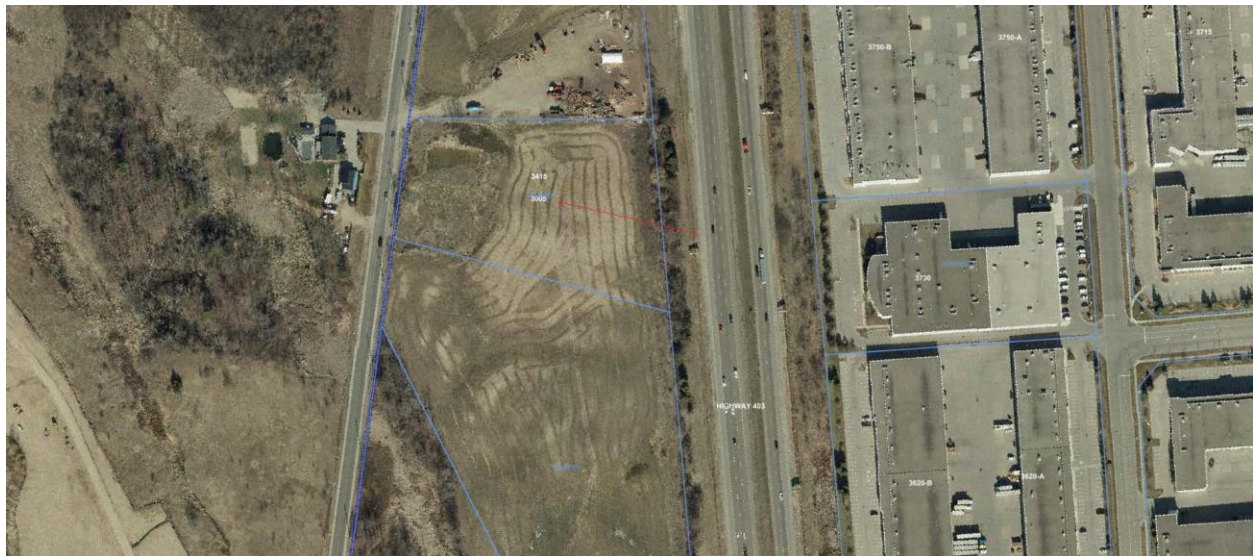
Zoning: E2-93 - Employment

Other Applications: OZ 20/16

Site and Area Context

The subject property is located on the east side of Ninth Line, south of the Burnhamthorpe Road West intersection. It abuts Highway 403 to the east and the Town of Oakville to the west. Currently the lands are vacant with no landscaping or notable vegetative elements. This portion of Ninth Line contains predominantly vacant land, with the exception of some commercial uses, a school and a cemetery. The lands east of Highway 403 contain an industrial complex comprised of industrial and commercial uses.

The applicant is proposing to sever a parcel of land from the existing property.



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 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.

Staff comments concerning the applications are as follows:

The Committee of Adjustment deferred the above noted application on May 19th to address outstanding matters relating to site servicing through the active rezoning application.

Staff note that the proposal has not changed since the original submission.

Since the last hearing, a letter and revised phasing plan was submitted through the rezoning process, which states that the proposed private sewage system has been designed in accordance with Ministry of the Environment, Conservation & Parks (MECP) guidelines and requirements. On July 4th, 2023, the applicant's agent provided the Committee of Adjustment office with a copy of the above noted letter and revised phasing plan.

Staff reviewed the letter and revised phasing plan with the Planner reviewing the associated rezoning application. Based on this review, staff have determined that the minor variance application form was filled out incorrectly. Staff note that the description of the subject land on the application form is incorrect and did not clearly provide the frontages and areas of either the severed or the retained parcels. Furthermore, the values contained on the drawings submitted do not match the values contained in the application form. Therefore staff was unable to review the correct severance scheme when the application was originally submitted.

The owner of the subject property owns three seemingly separate, adjacent properties (addressed 0 and 3005 Ninth Line). These properties carry their own Property Identification Numbers (PINs) and legal descriptions. Furthermore, these properties appear separately on iMaps. Staff note that the cover letter provided does not clearly explain the purpose of the application, however, staff have learned through discussions with the agent, that the owner is looking to transfer one of the lots and is of the opinion that the lots have merged based on common ownership. Therefore, the purpose of this application is to reinstate the lot line separating the "Severed lands" and "Retained lands" shown on page 1 of the drawing package.

Planning staff have no immediate concerns with the proposed severance, as the proposal is looking to reinstate a once existing lot line. However, staff recommend that part 1 of the application form be revised, and that the applicant provide a revised drawing indicating the proposed severed and retained lands. The frontages and areas of these lands should also be provided on the drawing, and must match the values contained within the application form.

Through a detailed review of the application, 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.

As such, staff are satisfied that the proposal meets the criteria set out under Section 51(24). Furthermore, the applications conforms to the official plan.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

For Committee's information, the subject property is situated on the east side of Ninth Line within the City of Mississauga's most westerly boundary. The boulevard frontage of the subject property is Ninth Line and is under Halton Region & Town of Oakville jurisdiction. All matters pertaining to site access, sanitary, storm or water services will be under their review/approval.

The applicant has filed a Rezoning Application with the City for the subject parcel under File OZ-20/016 where they have proposed a place of religious assembly as phase 1 and a secondary building as part of phase two of the development when servicing is available. Internal storm drainage retention matters for the interim and overall development of the site will be addressed through the Rezoning application.

With respect to the current vacant lands, this department has no comments or conditions with respect to the transfer of the subject vacant parcel as development related matters can be addressed through the current Rezoning Application and any future Site Plan Application or Building Permit application.

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: 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 \$19,966.79 for the planting thirty-one (31) street trees on Ninth Line. 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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

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- Conservation Halton

CH was circulated on the deferred consent application for 0 Ninth Line and 3005 Ninth Line - B10.23, and as the proposal has not changed we have no additional comments.

Comments Prepared by: Colleen Bain, Environmental Planner

Appendix 6- Hydro One

We are in receipt of your Application for Consent, B10.23. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

Comments Prepared by: Dennis De Rango Specialized Services Team Lead, Real Estate

Appendix 7- Region of Peel

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 8- Enbridge

RE: 3005 9 Line

Your File #: B10.23

Our Reference #: ENB_R230606-001ON_MississaugaNinthRoad

Thank you for sending Enbridge notice of this project.

We request that this response package is provided in full to the landowner / applicant as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

Description of Application

We understand that this application is to sever a parcel of land for the creation of a new lot with the intended purpose of building a place of religious assembly and private community services containing offices.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**, the proposed severed lot is located within 200 of Enbridge pipeline infrastructure.

Assessment

Based on a review of the project materials provided, the proposed severed lot and its purposes are proposing any new crossings or ground disturbance within the prescribed area (30 meters from pipeline infrastructure). Therefore, **Enbridge has expressed no objections to this project as proposed.**

Although Enbridge has expressed no objections to the proposed severed lot at this time, the pipeline is located within 200 meters of Enbridge pipeline infrastructure and therefore, all the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all future development.

Requirements

1) **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking

place.

2) **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.

3) **Written Consent from Enbridge is required for ground disturbance within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area"**. For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

4) **Written Consent from Enbridge is required for all above and below ground crossings of the pipeline**. For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

The written authorization request must include:

a. Drawings with cross sections of the proposed roads and verification of the depth of cover from both sides of the road.

b. Drawings should include any new utilities that will cross the right-of-way.

5) **Road Crossings**: Where future development such as a roadway or a parking area is proposed over the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.

6) **Subdivision lot lines should not divide the pipeline right-of-way**. Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see **Attachment 02** for details.

7) **Development setbacks** from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.

8) **Landscaping** shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines. Please see **Attachment 02** for details.

9) **Pathways** shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements. Please see **Attachment 02** for details.

10) **Fencing** should be installed along the identified open space easement. Please see **Attachment 02** for details

11) **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

12) **Notifications of additional development for Class monitoring**: As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional

development being proposed within the Pipeline Assessment Area indicated in

Attachment 01 | Approximate Location of Pipeline Infrastructure.

The above requirements are those identified as relevant based on the application materials provided. Additional detail on these requirements and other general development requirements are included in **Attachment 02 | Enbridge Development Requirements**. For additional resources on safe development in proximity of Enbridge's pipeline network please view Enbridge's Public Awareness Brochures or visit the Land Use Planning and Development website.

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to notifications@Enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Comments Prepared by: Damage Prevention Program

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, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 5, 2023.

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5. 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 July 5, 2023.