

City of Mississauga Department Comments

Date Finalized: 2023-07-06	File(s): B27.23
To: Committee of Adjustment	Ward: 8
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 95.60m (approx. 313.65ft) and an area of approximately 24,861sq m (approx. 267601.58sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 3058 and 3070 Winston Churchill Blvd

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C3-14 - Commercial

Other Applications: SPI-22 164

Site and Area Context

The subject site is located in the Western Business Park Employment Character Area, on the west side of Winston Churchill Boulevard between Dundas Street West to the south and Laird Road to the north. The immediate area contains a mix of commercial, greenlands, utility and residential uses.

The subject site has a frontage of approximately 123m (403.54ft) and an overall size of 4.03 hectares (9.96 acres) and is currently occupied by several buildings, including a 3-storey senior's residence, a single-detached dwelling, various outbuildings, landscaped areas, orchards, garden plots, surface parking areas and driveway, and an historic cemetery. Due to the presence of the cemetery, which is considered a historical landscape, the subject site is listed on the City's heritage register as per Section 27 of the Ontario Heritage Act.

The applicant is proposing to sever a parcel of land for the creation of a new lot to permit the construction of a new Long-Term Care Home.



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 application is as follows:

The applicant is proposing to sever a parcel of land for the creation of a new lot.

Staff identified concerns with the applicant's original proposal, as it would create a land-locked parcel. Although access easements were proposed by the applicant, the zoning by-law does not permit a lot without frontage on a street. Therefore, staff could not support the proposal as it would not comply with the zoning by-law.

As such, the applicant submitted a revised proposal to the Committee office on July 5th, 2023. The proposal was revised to create a new severance scheme that ensures that both the severed and retained lands have frontage on Winston Churchill Boulevard. The previous landlocked parcel is now proposed as a flag shaped lot.

Staff note that the proposal to sever the lands will facilitate the development of a new long term care home as contemplated in the Ministerial Zoning Order (MZO). On March 1, 2023, City Council adopted the resolution to support the MZO which is currently with the Minister of Municipal Affairs and Housing for signing.

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 revised proposal meets the criteria set out under Section 51(24). Specifically, that the revised proposal has regard to matters of provincial interest, is not premature and is in the public's interest, conforms to the official plan, is suitable for the land for the purposes of which it is subdivided and has regard for the dimensions and shape of the proposed lots.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have reviewed the information submitted with this application. We advise that the City is currently reviewing a Site Plan application File SP-22/164 where specific items dealing with public right of way dedications for an east/west road and also a north south road as per the Dundas Connects Master Plan are being contemplated.

The Owner is advised that Dundas Street is a major east-west arterial road in Mississauga and is identified in the City's Official Plan as an intensification corridor. The City of Mississauga has completed a master plan study of Dundas Street through the Dundas Connects project. This study explores ways to incorporate higher order transit on Dundas Street and investigate opportunities for associated transit-orientated development. The Owner is also advised to review project details as there will be impacts to this site, such as future right-of-way widening and restricted access. Project details can be found at: <https://www.mississauga.ca/projects-and-strategies/city-projects/dundas-connects/>

City of Mississauga Official Plan Amendment 141 and Dundas Connects Master Plan identifies the following future road network: An east-west road connecting Winston Churchill Boulevard to Ridgeway Drive is proposed along the southerly property limit of 3058 Winston Churchill Boulevard (Street A); A north-south road connecting Dundas Street West and the proposed Street A (Street B) along the westerly property limit of 3033 Dundas Street West.

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 the Issuance of Final Consent

1. Development Agreement for Warning Clauses and Notice Provisions

The applicant/owner will be required to enter into a Development Agreement for Warning Clauses and Notice Provisions with the City which is to be registered against title and is to address the following item:

- a. City of Mississauga Official Plan Amendment 141 and Dundas Connects Master Plan identifies the following future road network: An east-west road connecting Winston Churchill Boulevard to Ridgeway Drive is proposed along the southerly property limit of 3058 Winston Churchill Boulevard (Street A); A north-south road connecting Dundas Street West and the proposed Street A (Street B) along the westerly property limit of 3033 Dundas Street West. Through any future redevelopment of the subject site, the City would look to achieve the intent of City of Mississauga Official Plan Amendment 141 and Dundas Connects Master Plan.

2. Draft Reference Plan Required

The proposed lot in the rear of 3058 Winston Churchill Blvd. will have no frontage onto a Municipal right of way. Easements in favour of 3070 Winston Churchill Blvd. will be required for both vehicular and pedestrian access. A draft reference plan is to be submitted for our review/approval which would clearly show the location of the shared access easements/rights-of-ways.

3. Required Easement(s) Letter

The applicant/owner is to provide a letter prepared by their Solicitor which describes the new private easement(s) to be established for all access purposes. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

4. 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 accessing onto Winston Churchill Boulevard. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca.

5. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement and/or road right of way dedication. The fee amounts payable will be in accordance with the current fees and charges bylaw.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca.

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading

compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

The applicant will be required to apply for Access Modification Permits prior to Building Permit Issuance.

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveways), 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

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 advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard on Winston Churchill Blvd.:

- Triumph Elm (7 cm DBH) – Good Condition – \$644.00
- London Plane (7 cm DBH) – Good Condition – \$644.00
- London Plane (7 cm DBH) – Good Condition – \$644.00
- Honey Locust (37 DBH) – Good Condition - \$2,100.00
- Honey Locust (39 DBH) – Good Condition - \$2,400.00
- Honey Locust (26 DBH) – Good Condition - \$1,100.00
- Honey Locust (39 DBH) – Good Condition - \$2,400.00
- Honey Locust (20 DBH) – Good Condition - \$700.00
- Honey Locust (31 DBH) – Good Condition - \$1,600.00
- Honey Locust (40 DBH) – Good Condition - \$2,500.00
- Honey Locust (37 DBH) – Good Condition - \$2,100.00
- Honey Locust (34 DBH) – Good Condition - \$1,800.00
- Honey Locust (40 DBH) – Good Condition - \$2,500.00
- Honey Locust (60 DBH) – Good Condition - \$5,400.00
- Honey Locust (41 DBH) – Good Condition - \$2,600.00

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of \$29,132.00 for the preservation of the municipal trees.

In addition, Community Services notes the following:

1. The applicant shall provide framed tree hoarding at the dripline of the above noted trees prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
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 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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Heritage

Heritage Planning is providing their comments on this application as part of site plan.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5- Bell

***Subject: Consent Application - Severance
3058 and 3070 Winston Churchill Blvd
CofA File: B27.23 Bell File: 905-23-233***

Subsequent to review of the Severance Application by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing buried facilities, supply service to the properties and to maintain service in the area. According to our records, Bell Canada has buried cable that runs perpendicularly from Winston Churchill Blvd into the property. We request the easement be the full length of the facilities, as shown as an approximation on the attached sketch.

Bell Canada would like to confirm that a blanket easement over the lands or a specific easement measured 3.0m wide (1.5m on either side of the buried plant), and to a minimum of 1.0m past any pedestal installation as can be accommodated, would satisfy our needs. Concerning the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.



Comments Prepared by: Carrie Gordon, Right of Way Associate

Appendix 6- Region of Peel

Consent: B-23-027M – 3058 and 3070 Winston Churchill Blvd

Development Engineering: Iwona Frandsen (905) 791-7800 x7920

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.

City Department and Agency Comments	File:B27.23	2023/07/06	10
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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 July 6, 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 July 6, 2023.
6. 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 June 30, 2023.
7. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 14, 2023.