

# City of Mississauga Department Comments

<p>Date Finalized: 2023-07-12</p> <p>To: Committee of Adjustment</p> <p>From: Committee of Adjustment Coordinator</p>	<p>File(s): B20.23 B21.23 B22.23 B23.23 B24.23 B25.23 B26.23 Ward: 11</p>
	<p>Meeting date:2023-07-20 1:00:00 PM</p>

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

B20/23

The applicant requests the approval of Committee to create an easement for water service over Part 1, Plan 43R-39074 in favour of Lots 2, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.

B21/23

The applicant requests the approval of Committee to create an easement for water service over Part 2, Plan 43R-39074 in favour of Lots 1, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.

B22/23

The applicant requests the approval of Committee to create an easement for water service over Part 3, Plan 43R-39074 in favour of Lots 1, 2, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.

B23/23

The applicant requests the approval of Committee to create an easement water service over Part 4, Plan 43R-39074 in favour of Lots 1, 2, 3, 5, 6, and 7 and Block 10, Plan 43M-2072.

B24/23

The applicant requests the approval of Committee to create an easement for water service over Part 5, Plan 43R-39074 in favour of Lots 1, 2, 3, 4, 6, and 7 and Block 10, Plan 43M-2072.

B25/23

The applicant requests the approval of Committee to create an easement for water service over Part 6, Plan 43R-39074 in favour of Lots 1, 2, 3, 4, 5, and 7 and Block 10, Plan 43M-2072.

B26/23

The applicant requests the approval of Committee to create an easement for sanitary service over Part 7, and an easement for water service over Part 9, Plan 43R-39074 in favour of Lots 1 to 6 and Block 10, Plan 43M-2072.

**Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent

**Background**

**Property Address:** 513, 519, 525, 531, 537, 543 Ferncrest Way and 6680 McLaughlin Road

**Mississauga Official Plan**

Character Area: Meadowvale Village NHD  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

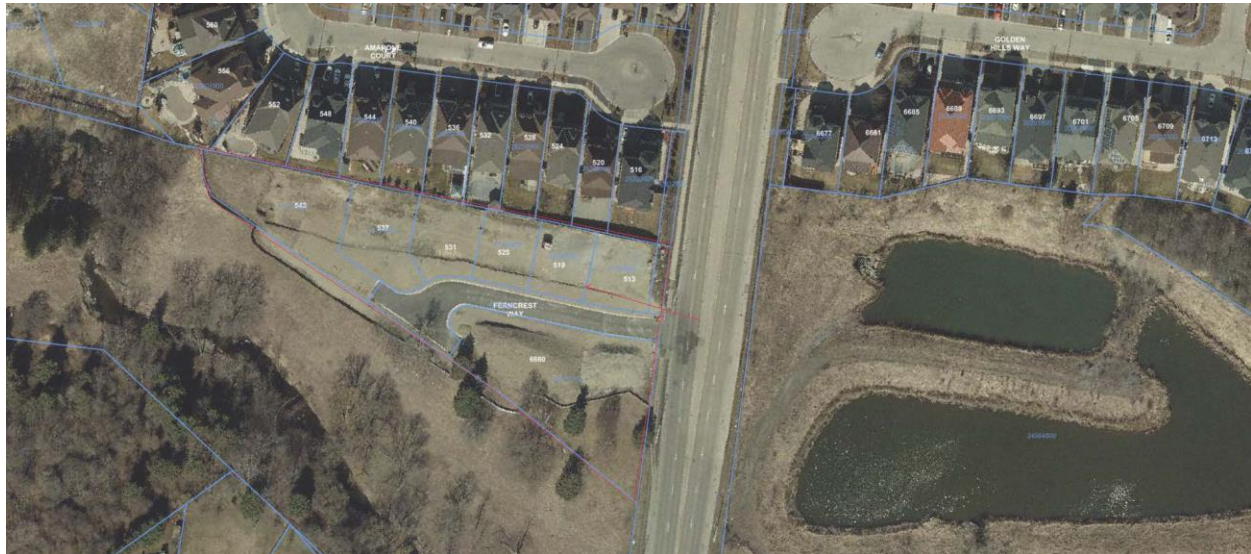
**Zoning:** R16-2 - Residential

**Other Applications:** None

**Site and Area Context**

The subject property is located south-west of the McLaughlin Road and Rothschild Trail intersection in the Meadowvale Village neighbourhood. The property currently has 6 vacant lots abutting McLaughlin Road. The surrounding area context is predominantly residential, consisting of detached dwellings on similarly sized lots. The property is in close vicinity of publically and privately owned open spaces to the south and east. Limited landscaping and vegetative elements are present on the subject property.

The applicant has applied for the consent of the Committee to create multiple easements for water and sanitary services.



## 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 for consent and the four tests to the minor variance request are as follows:

The applicant is proposing to create a number of easements for water and sanitary services. Planning staff rely on Transportation and Works' and the Region of Peel's comments for applications pertaining to easements, and note that they did not raise any concerns with the application. However, in an email dated July 4, 2023 to the Transportation and Works staff, the

applicant noted that they intend to defer the application in order to amend the application to add more consent applications to accurately reflect the draft R-plan. Planning staff agree that a revised application with the necessary amendments be submitted and recommend deferral to allow the applicant to submit a satisfactory revised application.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to create a number of easements for water and sanitary services. We note that the applicant has advised us that some amendments will be required to the submitted applications and will be requesting a deferral at the July 20<sup>th</sup> hearing. We have no objection to the deferral and also have no concerns with the request for private sanitary and watermain easements. Any comments from the Region of Peel should be considered by the Committee as those services are under the Region's jurisdiction.

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 no objections to the above noted consent application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Fletcher's Flats (P-428), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, all of Community Services' comments and/or requirements are being addressed through SP 18-38.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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 – 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- CVC**

**Re: City File No. B20.23, B21.23, B22.23, B23.23, B24.23, B25.23 & B26.23**

**CVC File No. B 23/020-026**

**Fuad Mashal**

**513, 519, 525, 531, 537, 543 Ferncrest Way and 6680 McLaughlin Road**

**Part of Lot 9, Concession 2 WHS**

**City of Mississauga**

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

1. 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)*;
2. 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;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

**CVC REGULATED AREA:**

Based on our mapping, a portion of the property is regulated due to the adjacent slope valley and floodplain associated with Fletcher's Creek. As such, the property is regulated by CVC and 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 has applied for the following consent applications pertaining to the subject site:

1. Application B20/23 - The applicant requests the approval of Committee to create an easement for water service over Part 1, Plan 43R-39074 in favour of Lots 2, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.
2. Application B21/23 - The applicant requests the approval of Committee to create an easement for water service over Part 2, Plan 43R-39074 in favour of Lots 1, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072. 2
3. Application B22/23 - The applicant requests the approval of Committee to create an easement for water service over Part 3, Plan 43R-39074 in favour of Lots 1, 2, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.
4. Application B23/23 - The applicant requests the approval of Committee to create an easement water service over Part 4, Plan 43R-39074 in favour of Lots 1, 2, 3, 5, 6, and 7 and Block 10, Plan 43M-2072.

5. Application B24/23 - The applicant requests the approval of Committee to create an easement for water service over Part 5, Plan 43R-39074 in favour of Lots 1, 2, 3, 4, 6, and 7 and Block 10, Plan 43M-2072.

6. Application B25/23 - The applicant requests the approval of Committee to create an easement for water service over Part 6, Plan 43R-39074 in favour of Lots 1, 2, 3, 4, 5, and 7 and Block 10, Plan 43M-2072.

7. Application B26/23 - The applicant requests the approval of Committee to create an easement for sanitary service over Part 7, and an easement for water service over Part 9, Plan 43R-39074 in favour of Lots 1 to 6 and Block 10, Plan 43M-2072.

#### **COMMENTS:**

CVC has reviewed and commented on this site through previous applications, including Draft Plan of Subdivision (T-M06005), Zoning By-law Amendment (OZ 06/021), and Site Plan application (SP 18 38 W11). It is our understanding that these consent applications are to establish easements for water and sanitary servicing for the residential lots, consistent with the previously reviewed plans.

Based on the above, CVC staff have **no objection** to the approval of the applications by the Committee at this time.

The owner and their agent are to note that a CVC permit will be required prior to any development proposed within the Regulated Area.

Please note that CVC has not received payment of the review fee for these consent applications. The applicant should forward this directly to CVC at the earliest convenience.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x 325).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

#### **Appendix 6- Region of Peel**

##### **Consent: B-23-020M – B-23-024M - 513-537 Ferncrest Way**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

##### **Comments:**

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.



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.

**Consent B-23-025M – 543 Ferncrest Way**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

**Comments:**

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within a Core Area of the Greenlands System in Peel as identified under policy 2.14.5 of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of policy 2.14.15, which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or Town will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval policy 2.14.17.

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.

**B-23-026M - 6680 McLaughlin Road**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

**Comments:**

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within a Core Area of the Greenlands System in Peel as identified under policy 2.14.5 of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of

policy 2.14.15, which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or Town will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval policy 2.14. 17.

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: Ayooluwa Ayoola, 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, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 12, 2023.

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5. 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 July 7, 2023.
6. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the “Review Fee”, and their comments dated July 7, 2023.