

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): B30/23 B31/23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-08-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent or associated minor variance applications. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

B30/23

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot and an easement. The parcel of land has a frontage of approximately 62.29m (approx. 204.36ft) and an area of approximately 10,592.00sq m (114011.34sq ft).

A293/23

The applicant requests a minor variance for the severed lands of B30/23 proposing:

1. A parking space aisle width of 6.23m (approx. 20.44ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance; and,
2. 0 loading spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 loading space in this instance.

B31/23

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot and an easement. The parcel of land has a frontage of approximately 58.64m (approx. 192.39ft) and an area of approximately 10,519.00sq m (113225.57sq ft).

A294/23

The applicant requests a minor variance for the retained lands of B31/23 proposing:

1. A parking space aisle width of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance.

Amendments

Based on review of the information currently available for this application, we advise that the following variance concerning File A294/23 should be amended as follows:

1. A parking space aisle width of 5.45m (approx. 17.88ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A293/23 & A294/23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A293/23 & A294/23 shall lapse if the consent application under file B30/23 B31/23 is not finalized within the time prescribed by legislation.

Background

Property Address: 5600 and 5705 Cancross Court

Mississauga Official Plan

Character Area: Gateway Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2- Employment

Other Applications: PREAPP 23-5530

Site and Area Context

The subject property is located south-west of the Matheson Boulevard West and Hurontario Street intersection. It currently contains two existing two-storey office buildings with associated surface parking and vacant employment lands that currently functions as additional surface parking area. Each of the existing buildings located on the subject lands as well as the vacant parking area will be on separate lots as per the proposed consent application. Limited landscaping and vegetative elements are present on the subject property. The surrounding area contains various office complexes to the north, a two-storey office building occupied by the Canadian Red Cross and Cooksville Creek to the west and Britannia Farm to the south and

east. Portions of the lands located at 5600 Cancross Court are included in the Credit Valley Conservation Authority regulated area.

The applicant is proposing to sever the existing properties into 3 lots requiring variances for parking space aisle width and loading spaces.



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.

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*.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The applicant is proposing to sever the existing properties, creating a total of three new lots.

The subject property is located in the Gateway Employment Area (West) and is designated Business Employment. The designation permits a variety of employment and industrial uses. Staff are satisfied that the proposed lots are appropriate to facilitate uses envisioned in the official plan.

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 and new future building(s) 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, mitigates the conservation of natural resources and flood control 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.

In addition to the proposed consent application, the applicant is requesting minor variances to legalize the existing conditions for both the severed and retained parcels which contain the existing two-storey office buildings. Conveyed Lot No 2 being 5705 Cancross Court, requires variances for parking space aisle width and loading spaces. The retained lot being 5600 Cancross Court, requires a variance for parking space aisle width. No variances are proposed for Conveyed lot No 1, being 5600 Cancross Court, which contains the vacant surface parking lot.

Both properties request a reduced aisle width on the subject property. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls and allow for circulation within the subject property. As this is an existing condition for both sites and accommodated appropriate site circulation, staff feel that the reduced drive aisle width is minor in nature and appropriate site circulation can be maintained. Staff are satisfied the parking aisle width variance maintains the general intent and purpose of the by-law.

Variance 2 requests zero loading spaces on the subject property. The intent of this regulation is to ensure there is adequate space reserved for the temporary parking of a commercial motor vehicle while loading or unloading. The requested variance represents an existing condition which reflects the long established operation of the existing building. Staff are of the opinion the loading space variance maintains the general intent and purpose of the zoning by-law.

Given the above, planning staff are therefore satisfied that the minor variance application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with these Consent applications indicates that the intent is to sever the Subject Lands into three (3) lots and as a result each of the buildings located at 5600 and 5705 Cancross Court will be on separate lots. A future development is then proposed on the currently vacant portion of 5600 Cancross Court. The applicant has indicated that each proposed lot will have an independent vehicular and pedestrian access and in this regard no mutual right-of-way easements will be required.

The applicant has provided a draft 43R-Plan and an existing Survey Plan prepared by Speight, Van Nostrand & Gibson Limited Ontario Land Surveyors which has been helpful in our review of these applications. Typically we require an Underground Servicing Plan to determine the location of any underground services to determine any easement requirements. A Subservice Utility Engineering Study Plan prepared by Urban X (Rev date 22/12/12) has been provided which depicts the location of all underground services which we have reviewed and find acceptable.

Having reviewed the submitted draft 43R-Plan, existing Survey Plan and the Subservice Utility Engineering Study Plan we note that private easements will be required, specifically on the described Conveyed Lot No 1 being 5600 Cancross Court (Parts 1,2 &3 on Draft 43R-Plan) and on Conveyed Lot No 2 being 5705 Cancross Court (Parts 7 & 8 on Draft 43R-Plan). The Transportation and Works Department will only be reviewing any storm sewer required easements.

A solicitor letter dated June 20, 2023 prepared by Aird Berlis LLP has been submitted with these applications. We note that we are satisfied with Appendix “A” attached to the solicitor letter which provides the proposed draft blanket easement language.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee’s consideration:

A. Items Required Prior to the Issuance of Final Consent

1. 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 any new municipal addresses required for the subject lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

B. General Information

1. Site Plan Approval

Any re-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. can be addressed.

2. Storm Sewer Outlet

The applicant is advised that the storm sewer outlet for the subject lands is the existing 600mm diameter storm sewer on Cancross Court. It should also be noted that review and approval from the Credit Valley Conservation Authority (CVC) will be required as the severed and retained parcels are within their regulated area.

3. Registered Plan of Subdivision 43M-832

It should be noted that the subject lands are located within Registered Plan of Subdivision 43M-832 and are subject to any requirements of 43M-832.

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the subject lands will be addressed under Consent Applications 'B' 30 & 31.23.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a zoning pre-application under permit application under file PREAPP 23-5530. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

< 1.A parking space aisle width of 5.45m (approx. 17.88ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance. >

Furthermore, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Zoning comments include: Insufficient number accessible spaces, accessible space dimensions, and request for a more detailed site schedule.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Please note that prior to land division zoning clearance being issued the severed and retained lands must 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. Information on how to obtain a land division clearance letter can be found [here](#).

Comments Prepared by: RAMSEN HEDOO, ZONING SUPERVISOR

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 Hawthorne Valley Trail (P-296), 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 wishes to impose the following conditions:

1. The applicant shall provide a cash contribution of \$1,932.27 for the planting of three (3) street tree on Cancross Court. 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. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. 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.

5. 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

Appendix 4 – Region of Peel

Minor Variance and Consent Applications: A-23-293M, A-23-294M, B-23-030M, B-23-031M – 5600 & 5705 Cancross Court

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.

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.

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Area (CVC). While there is no development, redevelopment, or change in land use being proposed at this time, please be advised that the Region relies 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. For any future proposals, the Region will request that City staff consider comments from the CVC and incorporate their requirements appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 5- Bell

***Subject: Consent Application - Severance
5600 and 5705 Cancross Court
CofA File: B30.23 B31.23 Bell File: 905-23-274***

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 from Cancross Ct to the Canadian Red Cross Office and feeding into 5600 Cancross Ct. 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.



The blue lines are our fiber cable/duct, the orange is our copper cable, the green is a manhole, and the yellow is a copper pedestal.

Comments Prepared by: Carrie Gordon, Right of Way Associate

Appendix 6- CVC

Re: City File No. B30/23, A293/23, B31/23 & A294/23

CVC File No. B 23/030-031 & A 23/293-294

KS 5600 & 5705 Cancross Inc.

5600 & 5705 Cancross Court

Part of Lot 4, Concession 1 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 CVC mapping and information available, the subject property at 5600 Cancross Court is regulated by CVC due to the valley slope and floodplain associated with Cooksville Creek. As such, the property is subject to CVC's Ontario Regulation 160/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. 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 applications pertaining to the subject site:

1. Application B30/23 - The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 62.29m (approx. 204.36ft) and an area of approximately 10,592.00sq m (114011.34sq ft).

2. Application A293/23 - The applicant requests the approval of Committee for a minor variance for the severed lands of B30/23 proposing: a. A parking space aisle width of 6.23m (approx. 20.44ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance; and,

b. 0 loading spaces whereas By-law 0225-2007, as amended, requires a minimum of 1 loading space in this instance.

3. Application B31/23 - The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 58.64m (approx. 192.39ft) and an area of approximately 10,519.00sq m (113225.57sq ft)

4. Application A294/23 - The applicant requests the approval of Committee for a minor variance for the retained lands of B31/23 proposing: a. A parking space aisle width of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance.

COMMENTS:**B30/23 & A293/23**

The proposed severance for B30/23 (5705 Cancross Court; Conveyed Lot No. 2), and associated minor variance (A 293/23), is outside the CVC Regulated Area. As such, we have no comments or concerns regarding those applications.

B31/23 & A294/23

CVC staff attended a site visit and staked the top of bank on this property on July 27, 2023. Based on our assessment of available information, the proposed severance B31/23 (5600 Cancross Court; Conveyed Lot No. 1) appears to be encroaching into the estimated long term stable slope line and top of bank associated with Cooksville Creek. It is typically our expectation that the hazard lands be off-lot and remain on the retained parcel, and not be fragmented. In order to achieve this, a portion of the existing parking along the Cooksville Creek corridor would likely have to stay with the retained lot and the retained lot would form an 'L' configuration. However, based on our discussions with City staff, it is our understanding that a lot in an 'L' configuration is not generally desired by the City and would not be supported in this instance.

Based on our review of information available, and an estimated long term stable slope line, there appears to be sufficient area available outside of the conservative hazard limits for future development on the proposed severed lot.

It is also our understanding that the City has a greenlands overlay over a portion of the proposed lot adjacent to Cooksville Creek, which requires approval of the City and Conservation Authority, including any necessary studies, prior to any proposed development.

Should future development be proposed on the proposed lot to be severed or lot to be retained, we would strongly recommend early pre-consultation with CVC staff to confirm study requirements and feasibility of a proposal. CVC policy directs any proposed development outside of the natural hazards with appropriate setbacks. CVC staff will review any future proposals in light of this and note that a permit from CVC will be required for any development proposed within the Regulated Area.

Conclusion:

On this basis, CVC staff have **no objection** to the approval of the requested severance and associated minor variance 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. As noted above, early pre-consultation is recommended to confirm requirements and feasibility of any future development proposals. 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 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. ("A" 293-294/23)
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 August 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 August 16, 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 August 11, 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 July 19, 2023.