

City of Mississauga Department Comments

Date Finalized: 2023-11-29	File(s): B57.23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-12-07 1:00:00 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 meets the requirements of Section 50(3) of the Planning Act.

Application Details

The applicant requests the Consent of the Committee to allow the creation of an easement. The easement lands have a width of approximately 2.01m (approx. 6.59ft) and an area of approximately 1291sq m (approx. 13,896.21sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 25 Capston Drive

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Business Employment, Office

Zoning By-law 0225-2007

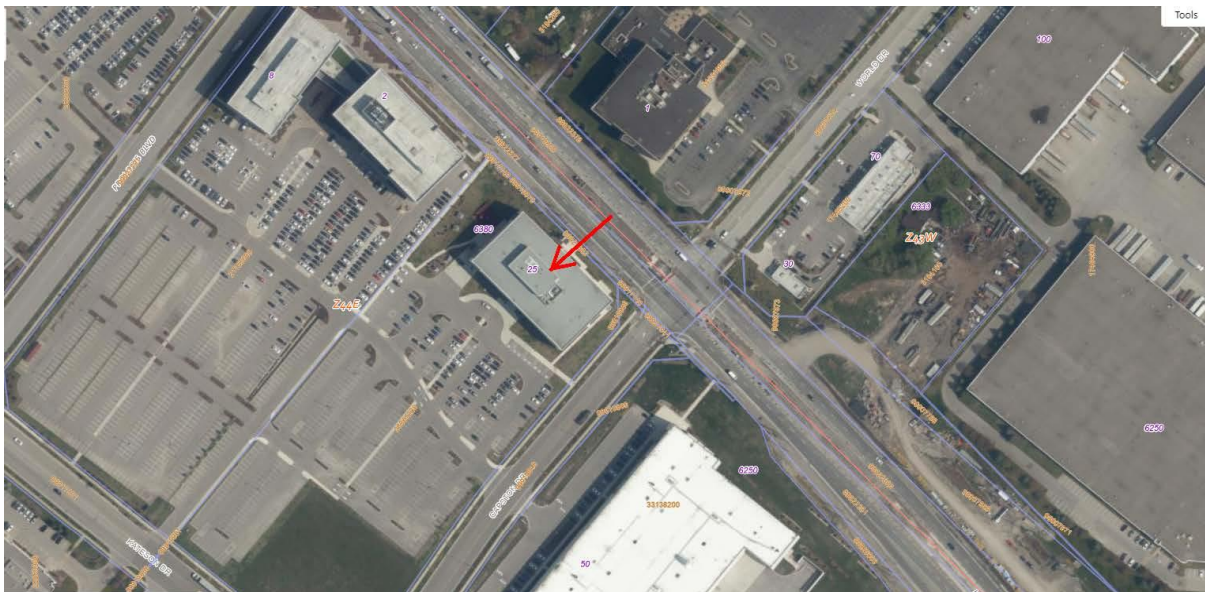
Zoning: E1-2- Employment, O3-8- Office

Other Applications: None

Site and Area Context

The subject property is located north of the Highway 401 and Hurontario Street interchange. Currently, it consists of the entirety of the block bounded by Hurontario Street, Prologis Boulevard, Kateson Drive and Capston Drive. One office building currently exists on the subject property, along with associated surface parking lots. Landscaping and vegetative elements are generally limited to street frontages. The surrounding area context includes a mix of office, employment and commercial uses with varying built forms and lot sizes.

The applicant is proposing a private access easement on the property to permit both vehicular and pedestrian access between 25 Capston Drive and 2 and 8 Prologis Boulevard.



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.

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 a new easement to accommodate vehicular and pedestrian access across 25 Capstone Drive and 2 and 8 Prologis Boulevard. When the subject lands were being developed, a public access easement for both vehicular and pedestrian access were secured by the City, as there was uncertainty of how the adjoining lands were going to be developed. Additionally, the public easements were secured to break up the large industrial and commercial blocks to increase permeability and connectivity to the future development of the Hurontario Light Rail Transit. The original easement agreements state that upon the registration of reciprocal private easements, the City would release the existing public easements on the subject property.

Through a detailed review, staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concern of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request where intent of this application is to create private reciprocal easements over the existing public vehicular and pedestrian access easements, which currently exist on the properties. Information submitted in the October 2, 2023 letter from Zelinka Priamo Ltd., Land Use Planners indicates that these applications have been submitted on behalf of HOOPP Realty Inc. (2 & 8 Prologis Blvd.) and The Children's Aid Society of the Region of Peel (25 Capston Drive, CAS lands).

As indicated in the submitted information, HOOPP and CAS have agreed to grant the other reciprocal easements, which are to replace the existing public easements, which are set forth in the existing instrument numbers PR3478670, PR3478672, PR3032495 and PR3032496.

The intent of consent application 'B' 56/23 would be to create an approximate 9.2m wide vehicular roadway and pedestrian easement in favour of the CAS lands. In addition, there would be an approximate 1.0M wide easement in favour of the CAS lands for pedestrian sidewalk improvements.

The intent of consent application 'B' 57/23 would be to create an approximate 9.2m wide vehicular roadway and pedestrian easement in favour of the HOOPP Lands. In addition, there would be an approximate 2.0M wide easement in favour of the HOOPP lands for pedestrian sidewalk improvements.

In addition to the above, we also noting for information purposes that a Draft Reciprocal Easement Agreement has been submitted with these consent applications.

Should Committee see merit in the applicant's request we are providing the following condition/requirement to be imposed as conditions of approval:

- A. Items Required Prior to the Issuance of Final Consent
 - 1. Solicitor Letter Addressing Required Easement(s)

As indicated above the applicant has already provided the required information required to assist in the review of any proposed easements. In addition to the submitted material, the applicant/owner will be required to provide a Solicitor's letter, which would specifically describe any new private easement(s) to be established, ensuring that these new easement(s) do not conflict with the existing public access easements. 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.

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. will be addressed.

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.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

2 and 8 Prologis Blvd & 25 Capston Drive - B56.23 & B57.23

Metrolinx is in receipt of the minor variance applications for 2 and 8 Prologis Blvd and 25 Capston Drive to allow the creation of access easements for vehicular roadway and pedestrian sidewalk improvements between the two adjacent properties. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 60m of the proposed Hurontario LRT.

Construction Coordination

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.
 - Should construction of the Hurontario LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel

We have no comments or objections.

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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 29, 2023.
5. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 24, 2023.