

City of Mississauga Department Comments

Date Finalized: 2024-03-01	File(s): B18.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-07 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, 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 208.75m (approx. 684.88ft) and an area of approximately 78,277sq m (842,566.62sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 551 Avonhead Road

Mississauga Official Plan

Character Area: Southdown Employment Area

Designation: Industrial

Zoning By-law 0225-2007

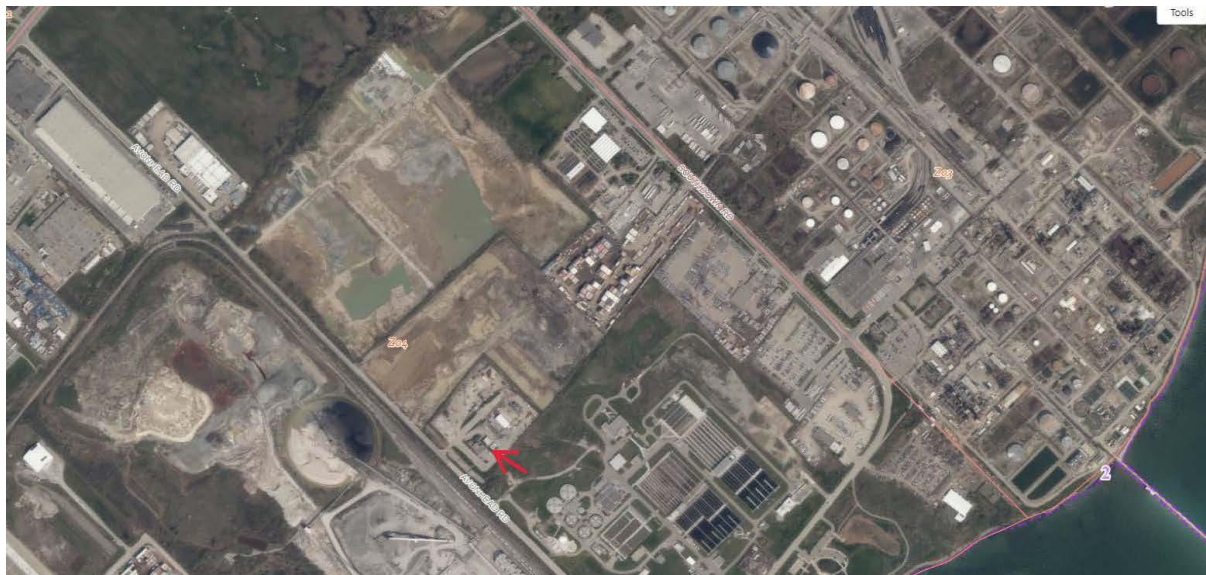
Zoning: E3-2- Employment

Other Applications: Zoning By-law Amendment OZ 21/007 and Site Plan Application SP 22 83

Site and Area Context

The subject property is located within the Southdown Employment Area, southwest of the Lakeshore Road West and Southdown Road intersection. The subject property is currently under construction and contains little vegetation. The immediate area consists of a mix of employment, utility and green space uses.

The applicant is proposing to sever a parcel of land for the purpose of creating 2 new one-storey industrial buildings. The applicant is also proposing easements to ensure the functional operation of the buildings.



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 for consent are as follows:

The subject property is designated Industrial on Schedule 10 of the Mississauga Official Plan (MOP). The applicant is proposing to sever a parcel of land for the purpose constructing 1 one-storey industrial building on each of the severed and retained lots. The applicant is also proposing easements, as outlined in the cover letter and labelled on the drawings, to ensure the functional operation of the buildings.

The existing parcel has a frontage of 384.26m (1260.7ft) and area of 15.06 ha (1,621,044ft²). The severance would result in the severed parcel having a frontage of 175.51m (575.82ft) and area of 72287m² (778,090.79ft²) with the retained parcel having a frontage of 208.75m (2246.97ft) and area of 78277m² (842,566.62 ft²). Planning staff have discussed the proposal with the Planner reviewing the current zoning by-law amendment and site plan applications. The Planner have no concerns with the proposed consent. The parcels of land will provide appropriate lot frontage and site access. Furthermore, the proposal parcels are large enough to accommodate the future development of the parcel with respect to the designated land use. Furthermore, the severance land does not result in any lot frontage or lot area deficiencies.

Through a detailed review, Staff are 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.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to sever the parcel of land and establish the required private easements for shared access between the proposed subject properties. The City has reviewed the now approved Site Plan Application (SP 22/083) for 2 industrial buildings. Reciprocal right-of-way shared access easements will be required and necessary to ensure for proper site ingress and egress to both properties.

It should be noted that all proposed servicing for the 2 new buildings must be within their own respective proposed parcels. Otherwise, easements will be required for them as well.

In view of the above we have no objections to the applicant's request and are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Draft Reference Plan Required

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.

2. Required Easement(s)

The applicant/owner is to provide a letter prepared by their Solicitor which describes the new private easement(s) to be established for 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.

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

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

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 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted consent application and advises as follows:

1. Given the property is subject to site plan control and an active development application, all of Community Services' comments and/or requirements are being addressed through SP 22 83.
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, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

Consent: B-24-018M / 551 Avonhead Road

Development Engineering: Camila Marczuk (905)-791-7800 x8230

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.

Conditions:

- 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.
- Confirmation that the City of Mississauga will permit shared servicing is required.

Comments Prepared by: Ayooluwa Ayoola, 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" /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 _____, 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 _____, 2023.
6. 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 _____, 2023.
7. 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 _____, 2023.
8. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated _____, 2023.
9. 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 _____, 2023.