

City of Mississauga Department Comments

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| Date Finalized: 2024-02-22 | File(s): B14.24 A73.24 A74.24 |
| To: Committee of Adjustment | Ward: 5 |
| From: Committee of Adjustment Coordinator | Meeting date:2024-02-29 3:30:00 PM |

Consolidated Recommendation

The City recommends the application be deferred to submit the required materials.

Application Details

B14/24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot and the creation of an easement. The parcel of land has a frontage of approximately 67.35m (approx. 220.96ft) and an area of approximately 7,396sq m (79,609.88sq ft).

A73/24

The applicant requests a minor variance for the severed lands of B14/24 proposing:

1. An aisle width of 4.74m (approx. 15.55ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance;
2. A setback from a parking area to a G1 Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
3. A landscape buffer (front yard) of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 3.00m (approx. 9.84ft) in this instance;
4. A landscape buffer (rear yard) of 0m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance;
5. An exterior side yard setback of 3.45m (approx. 11.31ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 7.50m (approx. 24.61ft) in this instance; and,
6. A total of 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a total of 2 accessible parking spaces in this instance.

A74/24

The applicant requests a minor variance for the retained lands of B14/24 proposing:

1. 45 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 48 parking spaces in this instance;
2. A drive aisle width of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended,

requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance;

3. A setback of a parking area to a G1 Zone of 2.36m (approx. 7.74ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;

4. A landscape buffer (front yard) of 2.67m (approx. 8.76ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 3.00m (approx. 9.84ft) in this instance;

5. A landscape buffer (rear yard) of 2.36m (approx. 7.74ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance;

6. An interior side yard setback of 6.50m (approx. 21.33ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.18m (approx. 23.56ft) in this instance; and,

7. A total of 0 accessible parking spaces whereas By-law 0225-2007, as amended, requires a total of 2 accessible parking spaces in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A73.24 & A74.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A73.24 & A74.24 shall lapse if the consent application under file B14.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 6010-6030 Ambler Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

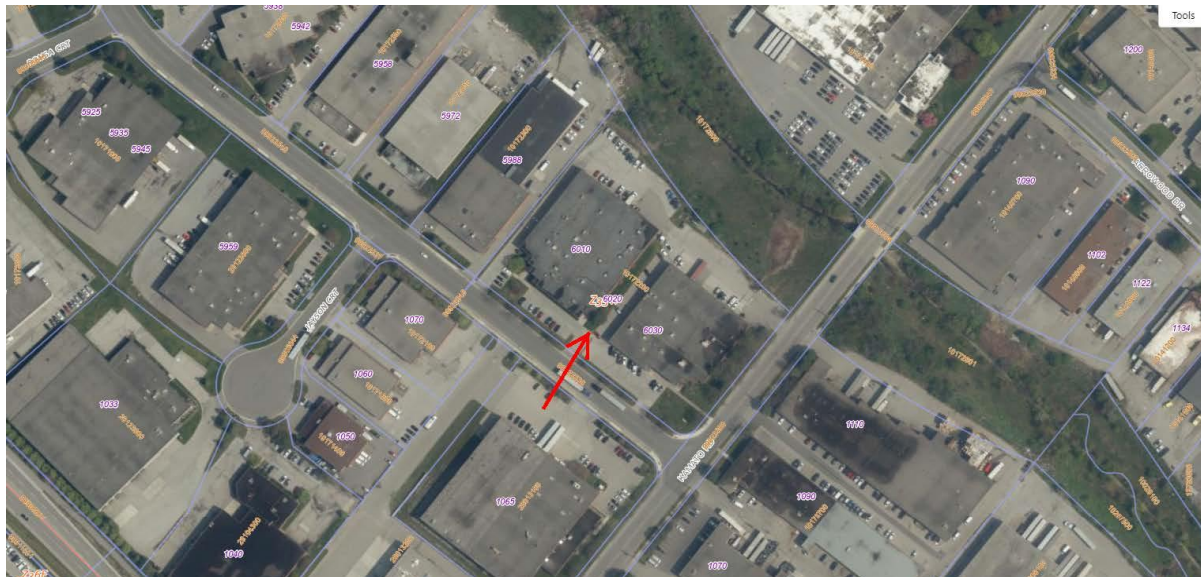
Zoning: E2- Employment

Other Applications: C 23-9911 & PREAPP 23-7224

Site and Area Context

The subject property is located north-east of the Tomken Road and Kamato Road intersection. It currently contains two existing one-storey multi-unit industrial buildings with associated surface parking and various loading areas. Each of the existing buildings located on the subject lands 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 consists of various sizes of industrial buildings.

The applicant is proposing to sever the existing properties into 2 lots requiring variances for setbacks to a greenlands zone, drive aisle width, landscape buffers, side yard setbacks and parking deficiencies.



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 sever the existing properties, creating a total of two lots.

The subject property is located in the Northeast Employment Area (West) and is designated Business Employment. This designation permits a variety of employment and industrial uses.

Variance 1 for the retained lands proposes a reduction in the required parking spaces. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based on its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application A74.24, 6010-6030 Ambler Drive, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A total of 45 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 48 parking spaces in this instance.

Per the materials provided by the Applicant, the subject site is currently being used as a Manufacturing Facility with a Gross Floor Area (GFA) of 3,341 square meters. The requested variance is triggered by the consent application, where the applicant requests reduced parking spaces on the retained lot. The subject property is located within E2 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Manufacturing Facility uses with a GFA between 2,325 and 9,300 square meters located in Parking Precinct 4 require a minimum of 1.6 spaces per 100 square meters of non-residential GFA up to 2,325 square meters; and 1.1 spaces per 100 square meters of non-residential GFA between 2,325 and 9,300 square meters. Therefore, with a proposed GFA of 3,341 square meters, a minimum of 48 parking spaces are required. The Applicant proposes a total of 45 parking spaces. As such, 48 parking spaces are required whereas 45 parking spaces can be accommodated, which generates a parking deficiency of 3 spaces or 6.25%.

As the proposed parking deficiency falls below 10%, a satisfactory Parking Justification Letter (PJL) is required as per the City's Parking Terms of Reference provision.

The Applicant did not provide a PJJ as justification for the proposed parking deficiency. The Applicant should refer to the City's Parking [Terms of Reference](#) for parking justification requirements to be included with a formal submission.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Justification Letter (PJJ).

Additionally, staff have concerns with no accessible parking spaces being provided on the subject properties. Through correspondence with the applicant, staff note the applicant is to revise their application to reflect one accessible parking space for both sites. While staff are supportive of the accessible parking space on both sites, staff have not been provided with revised drawings confirming the accessible parking location. Furthermore, staff have concerns whether a greater overall parking deficiency will result on the retained lands due to the addition of the accessible parking spaces.

Staff are generally supportive of the consent and remaining minor variances in principle, as they represent existing conditions and there are no proposed changes to the built form. However in order for the consent application to be approved, the minor variances sought must also be approved.

Planning staff echo Municipal Parking staff's comments and recommend the application be deferred until the requested information can be submitted and reviewed by both Municipal Parking and Planning staff.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 14/24.

Information submitted with this Consent application indicates that the intent is to place each existing building on its own lot and establish any required easements. The "Retained Lands" will be the 6010-6020 Ambler Drive lands and the "Severed Lands" will be the 6030 Ambler Drive lands.

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 this application. Typically, we require an Underground Servicing Plan to determine the location of any underground services in order to confirm any easement requirements. A Subservice Utility Engineering Study Plan prepared by Urban X (Rev date 23/12/20) 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, Subservice Utility Engineering Study Plan and Solicitor Letter from Aird Berlis dated December 21, 2023; we note that private easements will be required. Acknowledging that the Transportation and Works Department will only be reviewing any storm sewer and mutual right-of-way easements, the solicitor letter has identified hydro, gas and telecommunication services easements.

From our site inspection and from aerial photographs we note that an additional right-of-way easement may be required between the properties as there is an existing interconnecting access at the rear of the properties. At this time, we are unsure if this access is to be removed or alternatively if an access easement is to be established.

A small portion of the southerly access for 6010-6020 Ambler Drive (Retained Lands) is located slightly encroaching into the limits of 6030 Ambler Drive (Severed Lands) which may also require an easement or alternatively a revision to the proposed severance line.

The submitted Aird Berlis Solicitor Letter did include an Appendix 1, which was titled "Draft Easement Language" in the event that Blanket Easements are being established over the entire lands, then the solicitor letter should indicate same.

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. Solicitor Letter Addressing Required Easement(s)

The applicant's Solicitor has provided background material required to assist in the review of any required/proposed easements, however, some additional information has been requested. In addition to the submitted material, the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor, which would specifically describe all new private easement(s) to be established. 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. can be addressed.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy and Preliminary Zoning Application under permit under files C 23-9911 and PREAPP 23-7224. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application 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: Tage Crooks Zoning Examiner

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:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not to Be Named (P-246) *(East of Tomken Rd Between Ambler Dr and Eastgate Pkwy), 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. If future construction is required, 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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

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 – TRCA

**Re: Consent Application and two Minor Variance Applications – B14.24; A73.24; A74.24
6010-6030 Ambler Drive
City of Mississauga, Region of Peel**

Owner: KS Park Portfolio No. 1 Inc.

Agent: Maggie Bassani c/o Aird Berlis LLP

This letter acknowledges receipt of the subject application, received on January 29, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

Consent B14.24

TRCA staff understand that the purpose of Consent Application assigned City File No. B14.24 is to sever a parcel of land for the creation of a new lot and the creation of an easement. The parcel of land has a frontage of approximately 67.35m (approx. 220.96ft) and an area of approximately 7,396 sq.m. (79,609.88sq.ft).

The enclosed Subsurface Utility and Servicing Study has been prepared to identify existing services and utilities on the Subject Lands. A reciprocal easement is proposed between the Retained Lot and the Conveyed Lot for the purpose of hydro, gas and telecommunication services.

TRCA staff understand there are two single storey industrial buildings on the existing (lot area of approximately 1.53 hectares/3.77 acres) property of which one structure is being used for manufacturing and one structure is being used for wholesale. It is our understanding that the requested consent is required to facilitate the minor variances for 6010-6020 Ambler Drive – Retained Lot and the minor variance for 6030 Ambler Drive – The Conveyed Lot to place each existing single storey industrial building on its own lot.

Minor Variance A73/24 (6030 Ambler Drive)

TRCA staff understand that the purpose of Minor Variance Application assigned City File No. A73/24 (6030 Ambler Drive – the severed/conveyed lands of B14/24) is to:

1. An aisle width of 4.74m (approx. 15.55ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance;
2. A setback from a parking area to a G1 Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
3. A landscape buffer (front yard) of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 3.00m (approx. 9.84ft) in this instance;
4. A landscape buffer (rear yard) of 0m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance; and,
5. An exterior side yard setback of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 7.50m (approx. 24.61ft) in this instance.

TRCA staff understand there is an existing Wholesale Facility that will remain and that there is no development being proposed at this time. The conveyed lot is situated at the northwest corner of Kamato Road and Ambler Drive with respective frontages of 82.60 metres and 67.35 metres providing for a lot area of 7,396 square metres. The gross floor area of the existing building is 2,754 square metres. A total of 81 parking spaces and 2 loading spaces is provided. Access is provided by two driveways—one off of Kamato Road and one off of Ambler Drive.

Minor Variance A74/24 (6010-6020 Ambler Drive)

TRCA staff understand that the purpose of Minor Variance Application assigned City File No. A74/24 (6010-6020 Ambler Drive – retained lands of B14/24) is to:

1. 45 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 48 parking spaces in this instance;
2. A drive aisle width of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance;
3. A setback of a parking area to a G1 Zone of 2.36m (approx. 7.74ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
4. A landscape buffer (front yard) of 2.67m (approx. 8.76ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 3.00m (approx. 9.84ft) in this instance;
5. A landscape buffer (rear yard) of 2.36m (approx. 7.74ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance; and,

6. An interior side yard setback of 6.50m (approx. 21.33ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.18m (approx. 23.56ft) in this instance.

TRCA staff understand there is an existing Manufacturing Facility that will remain and that there is no development being proposed at this time. The Retained Lot is situated on Ambler Drive with an approximate frontage of 71.04 metres and lot area of 7,872 square metres. The non-residential gross floor area of the existing building is 3,341 square metres. A total of 45 parking spaces and 4 loading spaces are provided. Access is provided by two driveways off of Ambler Drive.

Ontario Regulation 166/06:

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is partially located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located adjacent to the Regulatory Flood Plain associated with a tributary of the Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to the proposed development, site alteration or other development taking place on the Regulated Areas on the property.

Based on our review, the existing parking located within the rear yard landscape buffers are within 15m from the Regulatory flood plain. As such, any future site alteration or proposed development within 15m from the rear property line will require a TRCA permit.

Application Specific Comments

TRCA staff understand that the accompanying minor variance applications seek to legalize the existing condition of an existing Wholesale Facility and an existing Manufacturing Facility that will remain and that there is no development being proposed at this time. As such, TRCA staff have no concerns with the submitted consent and minor variance applications.

Recommendation

TRCA's staff have **no objection** to the above noted Consent and Minor Variance Applications – B14.24; A73.24; A74.24

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,590.00 received on January 15, 2024.

We thank you for the opportunity to review the Consent and Minor Variance Applications and provide our comments. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I

Appendix 5- Region of Peel

Minor Variance and Consent: A-24-073M, A-24-074M & B-24-014M / 6010-6030 Ambler Dr Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>

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.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is 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. The boundaries and/or development limitations of the Core Area must be shown on a future site plan.

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. ("A" 73-74/24)
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 February 22, 2024.
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 February 20, 2024.