

City of Mississauga Department Comments

Date Finalized: 2024-03-13	File(s): B25.24
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2024-03-21 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 for the creation of an easement.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 202 and 204 Burnhamthorpe Road East

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Residential High Density & Greenlands

Zoning By-law 0225-2007

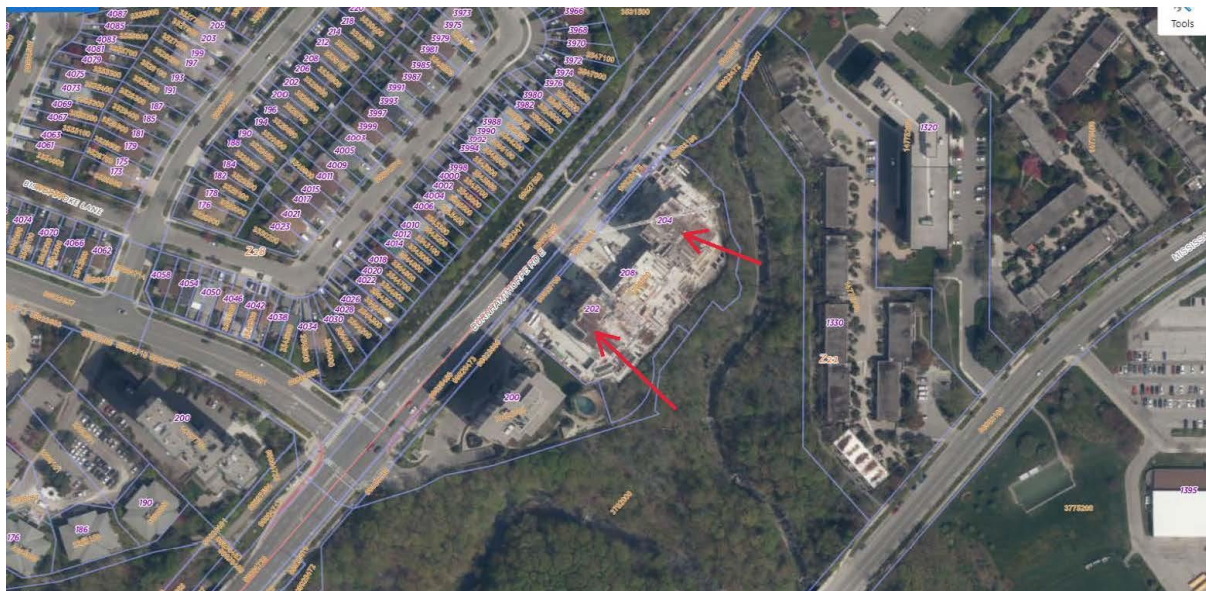
Zoning: RA4-12- Residential, G2-4(15) and G1- Greenlands

Other Applications: None

Site and Area Context

The subject property is located on the south side of Burnhamthorpe Road East, west of Robert Speck Parkway in the Mississauga Valley Neighbourhood Character Area. Currently, the site is under construction with a condominium development. It has an approximate lot area of +/- 0.93ha (2.3ac). The surrounding area is predominantly residential, consisting of semi-detached, townhouse and apartment dwellings. Additionally, the Cooksville Creek Trail abuts the property to the south.

The applicant has applied for consent of the Committee to create an easement to facilitate the relocation of an existing private sanitary servicing easement.



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 application for consent are as follows:

The applicant is proposing to create a new easement to facilitate the relocation of an existing private sanitary servicing easement. Planning staff rely on comments from Transportation and Works for applications pertaining to servicing easements and note they did not raise any concerns with the application. Additionally, the Credit Valley Conservation Authority has no objections to the application.

Planning staff are of the opinion that the consent application for a new servicing easement will ensure adequate utility services. 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: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application, specifically the March 24, 2023 letter from Kaneff Group indicates that the intent of this application is to relocate an existing private sanitary sewer easement.

There is currently a private sanitary sewer easement on the subject lands (202 & 204 Burnhamthorpe Road East) which is in favour of the abutting lands to the west (Peel Condominium Corporation 613). This existing sanitary pipe currently extends across the subject lands (identified as Part 16 on Plan 43R-23935). The Kaneff Group letter submitted indicates that the existing easement is in a location that does not allow for the efficient construction and layout of the proposed underground garage.

The current proposal would facilitate the registration of a new stratified sanitary servicing easement identified as Parts 1 to 7, inclusive on Plan 43R-40205. It is indicated that the stratified servicing easement would allow PCC 613 to access the subject property through the underground parking level 3 to provide direct access for the purpose of maintenance and repair.

It should also be noted that a solicitor letter dated 2 years ago prepared by Robson Carpenter LLP (dated March 22, 2022) has been provided indicating that Peel Condominium Corporation 613 does not object to the relocation of the sanitary easement as set out on Reference Plan 43R-40205.

The applicant has provided various details describing the proposal, however we note that the dates on the letters provided are not recent (March 24, 2023 letter by Kaneff Group and the Robson Carpenter LLP letter dated March 22, 2022), and we are assuming that the information provided in these letters is up to date.

Acknowledging that matters pertaining to sanitary sewer servicing is under the jurisdiction of the Region of Peel, we would request that an updated Servicing Plan be circulated to this department and we would also require confirmation from the Region indicating that they are satisfied with the proposal.

In view of the above, and should Committee see merit in the applicant's request, we provide the following comments for the Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. **Sanitary Sewer Servicing Plan:** The applicant is to provide this department with an updated Sanitary Sewer Servicing Plan depicting the proposed sanitary sewer

relocation which would be located in parking level 3 of the subject lands (202 & 204 Burnhamthorpe Road East).

2. Confirmation from Region of Peel: Written confirmation is to be received from the Region of Peel confirming that they are satisfied with the proposal to relocate the existing sanitary sewer easement from the current location of Part 16, Plan 43R-23935 to the area described as Parts 1 to 7 on Plan 43R-40205.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering

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 – Region of Peel

Consent: B-24-025M / 202 & 204 Burnhamthorpe Rd E

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, standards, and specifications.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals may be required prior to the local municipality issuing additional building permits. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca

Conditions:

Development Engineering: Bogdan Ardeleanu (905)-791-7800 x7880

- A servicing application shall be submitted, reviewed, and approved by Servicing Connections prior to registration of the easement.

- 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 the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.
- 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 (ROP 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 City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix 4 – CVC Comments

Re: City File No. B25.24

CVC File No. B 24/025

Kaneff Homes Compass Creek Inc.

202 and 204 Burnhamthorpe Road East

Part of Lot 14, Concession 1

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, the subject property is adjacent to Cooksville Creek and the associated floodplain and valley slope. As such, a portion of 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 a consent for the creation of a private sanitary servicing easement over Parts 1 to 7 on Plan 43R-40205.

COMMENTS:

CVC has reviewed and commented on this site through a previous Site Plan application (SP 14/138), and associated CVC permits. It is our understanding that the proposal is for a private sanitary servicing easement adjacent to Burnhamthorpe Road East to facilitate maintenance of a current sanitary pipe servicing the adjacent property (referenced as PCC 613). No new development is proposed as part of this application.

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

CVC staff have issued a permit for development in the Regulated Area to facilitate construction of two residential towers, associated access roads, parking areas, pool, amenity space, landscaping, and grading (FF 22/257). Should any changes be proposed to the approved plans as a result of this application, the owners should contact CVC to confirm any requirements.

Please note that CVC has not received payment of the review fee for this application. 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 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 March 13, 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 March 12, 2024.