

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): B13.24
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent application.

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 72.75m (approx. 238.68ft) and an area of approximately 9166sq m (98662.00sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 325 Burnhamthorpe Road West

Mississauga Official Plan

Character Area: **Downtown Core**
Designation: **Downtown Mixed Use**

Zoning By-law 0225-2007

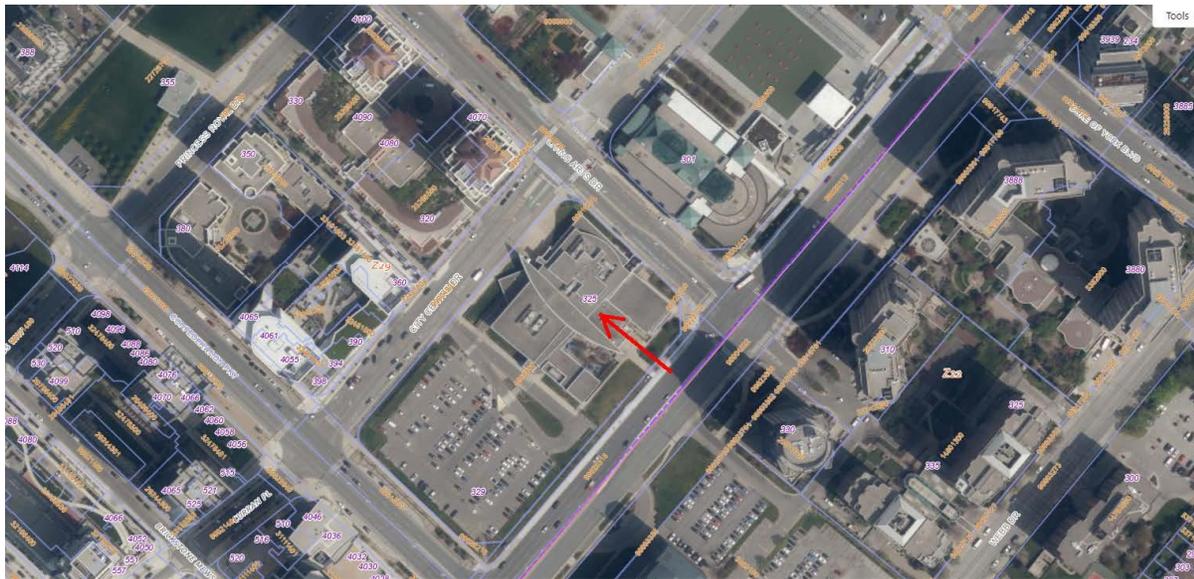
Zoning: H-CC2(1)

Other Applications: SP 22-139

Site and Area Context

The subject property is located at the north-east corner of the Burnhamthorpe Road West and Confederation Parkway intersection. It currently contains the Mississauga YMCA, a three-storey recreation centre on a lot with an area of 1.82ha (4.51ac). The immediate neighbourhood is comprised primarily of multi-storey mixed use buildings, however Planning staff note the presence of stand-alone commercial uses, such as Square One Shopping Centre.

The applicant is proposing to sever the existing property into two lots.



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 to sever the property into two lots. The retained lands on the west side of the subject property will have a lot area of 0.91ha (2.24ac). The severed lands on the east side of the subject property will have a lot area of approximately 0.92ha (2.27ac).

The subject property is located in the Downtown Core Character Area and is designated Downtown Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP).

Staff note the consent application originally came to the Committee of Adjustment on January 25th, 2023. Staff recommended a deferral of the consent application as there were initial concerns with the proposed severance and its impact on the future operation of the site. Planning staff amended the recommendation on the Committee floor to no objection, as the applicant provided sufficient information to suffice the City's Development Planning team's concerns. This was based on the minutes of settlement from the Ontario Land Tribunal (OLT) Case No. OLT-22-004373. The OLT settlement set out the location and size of the parkland space along with the width and location of the pedestrian mews. As the Committee members were voting to approve the consent application, the applicant requested to remove conditions 2 and 3 from the Transportation and Works Department's items required prior to the issuance of final consent. Condition 2 required a site servicing and grading plan and condition 3 required a concept plan illustrating the pedestrian mews. The Committee members were not comfortable with removing the conditions without consulting Transportation and Work's staff, and the application was deferred to do so.

Since the January 25th Committee of Adjustment meeting, the applicant engaged in numerous discussions with Planning and Transportation and Work's staff. The applicant provided the necessary materials and correspondence to suffice Transportation and Work's requirements to remove the requested conditions. Development Planning staff are currently reviewing a site plan application on the subject property and have indicated no additional concerns.

Staff are satisfied that the proposed lots are appropriate to facilitate the uses envisioned in the official plan and are adequately sized. Furthermore, staff are satisfied that the proposal will not negatively impact the area's lot fabric. Staff have no concerns with the severance regarding the criteria set out in Section 51(24) of the Planning Act, as it appropriately serviced 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.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Further to our comments provided for the January 25, 2024 Hearing we have had further discussions with the applicant and as a result are amending our previously submitted comments. We are satisfied that our concerns pertaining to a Site Servicing/Grading and Concept Plan illustrating the location of the Pedestrian Mews have been satisfied with regards to the intent of this application. Our condition requesting a Solicitor Letter to address the establishment of any private easements has also been removed as the applicant has confirmed that no private easements are being requested through this application.

Information submitted with this application indicates that the intent is to sever the subject lands currently occupied by the Mississauga YMCA Facility into two parcels in order to facilitate the flexibility in future ownership/sale and phasing of this property. This consent application will be a technical component of the overall proposed development which will consist of a two-phase, mixed-use development which proposes 5 residential high-rise towers, ground floor retail uses and 4 levels of underground parking.

The first phase proposed on the western half of the subject lands (replacing the existing surface parking lot) will consist of three towers (55, 58 and 68 storeys in height). The second phase on the eastern portion (Mississauga YMCA Facility building) will consist of two 45-storey towers together with a 0.24 hectare stratified public park. **It should also be noted that a 14 meter Pedestrian Mews is proposed which will connect Burnhamthorpe Road West and City Centre Drive located approximately midblock on the subject lands.**

RGF (Mississauga) Developments Inc, owner of the lands has obtained the approval of an Official Plan Amendment application (File No. OPA 21-21 W4) which permits the replacement of a planned road with the Pedestrian Mews. The Ontario Land Tribunal under Case No: OLT-22-004373 issued its Order on September 12, 2023 which approved the replacement of a planned local road with a pedestrian easement (Mews) bisecting the subject property which will separate the two halves of the development. **The proposed Pedestrian Mews is proposed to be constructed in the second phase of the development and will be publicly accessible and be subject to an easement agreement registered on Title.**

It should also be acknowledged that the City is currently reviewing a Site Plan Application, File SP 22-139 for the subject lands which depict the proposed five residential towers with retail at grade. Through the Site Plan Application, any Transportation and Works Department site specific conditions/requirements will be addressed.

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. Removal of “H” Holding Symbol

Any re-development will require an application to Remove the “H” Holding Symbol from the Zoning. One of the conditions of the “H” removal is entering into a Development Agreement and provision of any easements and dedications, along with the designing and securing for the construction of upgraded streetscapes along each frontage.

2. 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.

For further information regarding the above noted comments, please contact Tony Iacobucci

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.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment Comments

The Parks and Culture Planning Section of the Community Services Department has reviewed the consent application and note these lands are subject to OLT Decision (OLT-22-004373) for file OPA 21-21.

Furthermore, the site is also subject to SP 22-139. Staff recommend deferral of proposed consent application until a revised site plan is submitted to the City reflecting the OLT decision.

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 at Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

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.

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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.
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 Mar 28, 2024.