

City of Mississauga Department Comments

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| Date Finalized: 2024-08-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator | File(s): B45.24 A346.24 A347.24 Ward: 5 |
| | Meeting date:2024-08-15 3:30:00 PM |

Consolidated Recommendation

The City has no objections to the consent or associated minor variance applications.

Application Details

B45/24

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 easements. The parcel of land has a frontage of approximately 30.48m (approx. 100ft) and an area of approximately 3253.00sq m (35015.00sq ft).

A346/24

The applicant requests a minor variance for the severed lands of B45/24 proposing:

1. A drive aisle width of 5.95m (approx. 19.52ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance; and,
2. A landscaped buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 3.00m (approx. 9.84ft) in this instance.

A347/24

The applicant requests a minor variance for the retained lands of B45/24 proposing:

1. A drive aisle width of 6.42m (approx. 21.06ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance; and,
2. A landscaped buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 3.00m (approx. 9.84ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A346.24 & A347.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A346.24 & A347.24 shall lapse if the consent application under file B45.24 A346.24 A347.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 5175 and 5185 Timberlea Blvd

Mississauga Official Plan

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

Zoning By-law 0225-2007

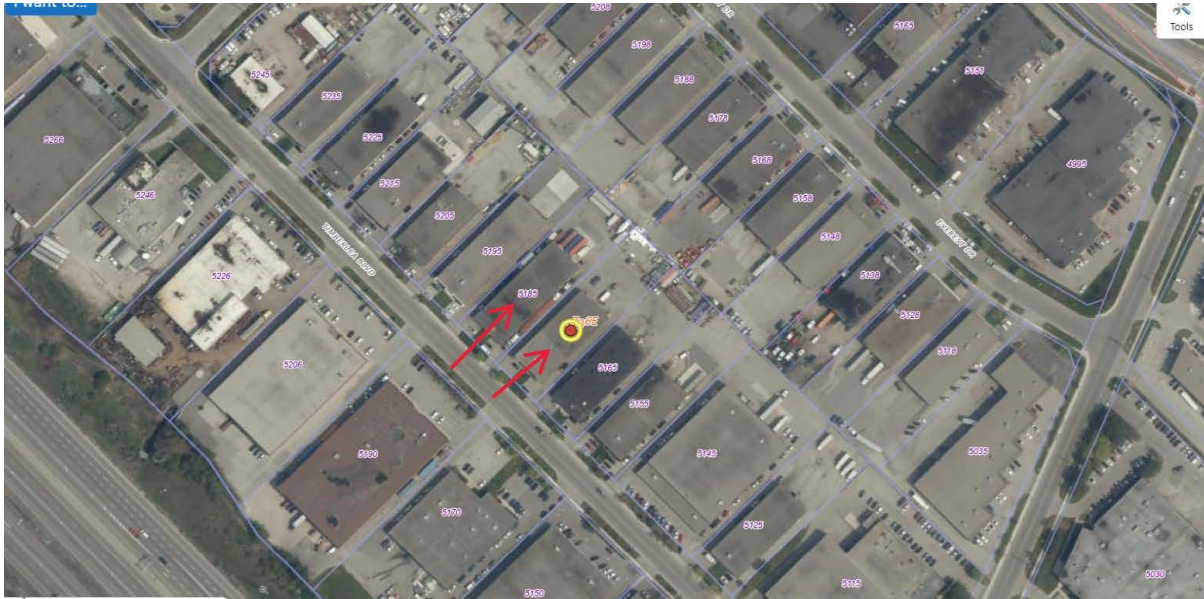
Zoning: E2-19-Employment

Other Applications: None

Site and Area Context

The subject property is located south-west of the Tomken Road and Matheson Boulevard East intersection in the Northeast Employment Area (West). The subject property currently contains two existing one-storey industrial buildings and associated surface parking. 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 frontage of the subject property. The surrounding area consists of various sizes of industrial buildings.

The applicant is proposing to sever the existing properties into two lots requiring variances for landscape buffer size and drive aisle width.



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 subject property is located in the Northeast Employment Area (West) and is designated Business Employment. Staff are satisfied that the proposed lots are appropriate to facilitate the use envisioned in the official plan.

Staff are satisfied that the application is consistent with the official plan as the severed lots and retained lands will provide for adequately sized lots for the existing buildings. No minor variances are required for lot sizes or frontages. Staff are satisfied that the proposal will not negatively impact the area's lot fabric. Furthermore, staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act, as the site is 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.

In addition to the proposed consent application, the applicant is requesting minor variances to legalize the existing conditions for both the severed and retained parcels. The retained lot, municipally known as 5175 Timberlea Boulevard requires variances for a reduced landscape buffer and drive aisle width, whereas the severed lot, 5185 Timberlea Boulevard, requires the same variances.

Variance 1 for both parcels requests a reduced drive aisle width. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls and allow for circulation within the subject property. As this is an existing condition and has been operating adequately, staff feel that the reduced drive aisle width for both parcels is minor in nature and appropriate as the circulation has been maintained historically.

Variance 2 for both parcels requests a reduction of the landscape buffer. The intent of this portion of the by-law is to ensure an appropriate buffer exists abutting all lot lines and that the on-site parking area is separate from the municipal right-of-way. Staff note the presence of an existing landscape boulevard which provides an appropriate landscaped area allows for adequate separation from the parking area. The proposed reduction maintains the existing conditions for both the retained and severed parcels and remains consistent with other properties in the immediate area.

Given the above, Planning staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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 5175 Timberlea Boulevard lands and the “Severed Lands” will be the 5185 Timberlea Boulevard lands.

The applicant has provided 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 24/04/17) has been provided which depicts the location of all underground services which we have reviewed and find acceptable.

Having reviewed the submitted Survey Plan, Subservice Utility Engineering Study Plan and Solicitor Letter from Aird Berlis dated June 26, 2024, we note that a private easement will be required for the purpose of reciprocal access to an existing catch basin located along the proposed property line. It is also indicated that as each lot can be accessed independently off Timberlea Boulevard and there is no need for any vehicular or pedestrian access easements.

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 is required. 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

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, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Parks & Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. 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

Applications: B-24-045M, A-24-346M, A-24-347M / 5175 & 5185 Timberlea Blvd.

Development Engineering: Brian Melnyk (905) 791-7800 x3602

Comments:

- We have no objection with the adjustment of the lots provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. All works associated with the

servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject site is located within a Provincially Significant Employment Zone (F-12). Regional staff encourage the applicant to work with the City to address the appropriate mix of land uses and land use compatibility with appropriate consideration to municipal policies, studies and recommendations.

Comments Prepared by: Petrele Francois, 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" 346-347/24)
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 August 8th, 2023.