

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): B2.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

Consolidated Recommendation

The City has no objection to the requested severance application.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the purpose of a lot addition and easements. The parcel of land has a frontage of approximately 32.96m (108.14ft) and an area of approximately 2,865.56sq.m (30,844.63sq.ft). The parcel will be added to the property immediately to the east known as 3600 - 3606 Hurontario Street.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 0 Enfield Place

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: H-CC2(2) - City Centre

Other Applications: H-OZ 13

SP 14/020**Site and Area Context**

The subject property is situated within the Downtown Core Character Area, south-west of Mathews Gate and Hurontario St intersection. From a land-use perspective, the immediate neighbourhood is comprised primarily of multi-storey residential apartment buildings; with minimal to moderate vegetation and landscape elements located on the periphery of each property.

The subject site is an exterior property with a lot area of +/- 2,865.56m² and a lot frontage of +/- 32.96m. The applicant is proposing to create an additional lot and easements.

**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 2014 (PPS 2014) 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:

As there has been no change with the previously approved consent application. Staff comments remains the same. The above-noted consent application has been brought before Committee seven times, through Applications:

- 'B' 53/19
- 'B' 36 & 37/18;
- 'B' 26 & 27/17;
- 'B' 19 & 20/16;
- 'B' 6 & 7/15;
- 'B' 65 & 66/13; and,
- 'B' 86 & 87/12.

Planning Staff note that the current requested consent applications are identical to the above-listed applications which have previously been approved multiple times by the Committee. The conditions have not been fulfilled and the consents lapsed in each of the previous instances (Schedule 1). This Department has no objection to the Applicant's request.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the application be approved.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request which is identical to the seven previous Consent Applications which have lapsed, Reference 'B' 53 & 54/19, 'B' 36 & 37/18, 'B' 26 & 27/17, 'B' 19 and 20/16 'B' 6 and 7/15, 'B' 65 and 66/13 and 'B' 86 and 87/12. These applications will permit a land exchange to occur between Armdale Estates Inc. and The Conservatory Group which will create new parcels to be developed for future high density residential and commercial purposes along with the establishment of access and maintenance easements. The land exchange will facilitate a more orderly development and will also permit vehicular access for both parcels to be from Enfield Place and Matthews Gate rather than Hurontario Street. Acknowledging that the proposed Light Rail Transit (LRT) system is to be constructed along the Hurontario-Main corridor, access for the subject properties will not be permitted onto Hurontario Street. The vehicular access for the Armdale Estates Inc. lands (southerly parcel) will be from Enfield Place via an existing driveway which will also be shared with the existing condominium development to the west. The Conservatory lands (northerly parcel) will have their primary access from Matthews Gate with the service vehicle access being from the mutual right-of-way easement with access onto Enfield Place.

We note that associated files with this property are city files HOZ 13/006, SP 14/020 and SP 09/027. The "H-CC2 Holding Category" zoning designation on the subject lands prevents development of the subject lands until such time that the owner/applicant has satisfied a number of site specific conditions/requirements of development such as the delivery of an executed Development Agreement which includes Municipal Infrastructure Schedules in a form satisfactory to the Corporation of the City of Mississauga specifically addressing the construction of any required municipal works in support of the development, land dedications, applicable securities, etc. In order to remove the holding category designation an application will have to be made to the City for the removal of the "H" Holding Symbol.

In view of the above, and should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to Final Consent

1. Full Scale Site Plan Depicting Easements

A full scale Site Plan is to be submitted for our review/approval which would clearly indicate the proposed severance lines and location of any proposed access and maintenance easements to be established. Access geometrics, driveways and access areas including loading areas and ramps to underground parking should be shown in order that we can properly evaluate the proposed access and maintenance easement locations.

2. Required Easements

Upon review of Item A1 and the confirmation of any required access and maintenance easements, the applicant/owner will be required to provide a letter prepared by a Solicitor which would specifically describe any new private easements to be established. It should also be noted 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.

3. Road Widening Requirements

Satisfactory arrangement will have to be made to dedicate gratuitously to the City of Mississauga any lands required across the frontages which are necessary to achieve the ultimate right-of-way widths. We note that a right-of-way widening towards the ultimate 50.0 metre right-of-way for Hurontario Street and a 26 metre right-of-way for Mathews Gate as identified in the Official Plan will be required.

In view of the above we are advising that any particulars with regards to land dedications will have to be to the satisfaction of the City's Ontario Land Surveyor and our Traffic Planning Section.

4. Environmental Site Assessment (ESA) for Road Widening

As a road widening across the frontages of these properties is being requested, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that

appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Valeriya Danylova, P.Eng, Environmental Technologist at 905 615-3200 ext. 5930 or valeriya.danylova@mississauga.ca should you require further information.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca

B. GENERAL INFORMATION

1. Development Agreement Including Schedules for Municipal Infrastructure to address the Relocation of Existing Storm Sewer

We note that the ultimate storm sewer outlet for the subject lands is the existing 1800mm storm sewer which is currently located on a municipal easement to the west and south of these lands. In order to accommodate any future development on the subject lands the relocation of the municipal storm sewer will be required and the owner/applicant will be required to enter into a Development Agreement which includes Municipal Infrastructure Schedules to complete the works. Acknowledging that there is currently a "HCC2 Holding Category" zoning designation on the subject lands, and that any future development of the subject lands will require Site Plan Approval, the requirement for a Development Agreement will not be a condition to be satisfied under this Consent and will be addressed in any future development application for the subject lands.

2. Site Plan Approval

Any 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. will be addressed.

3. Hurontario-Main Light Rail Transit System Project

We note that the Hurontario-Main Light Rail Transit System Project started construction in 2020. This project will impact right-of-way requirements, property accesses, allowed turning movements and will result in the permanent removal of a general-purpose traffic lane in each direction for many segments of the corridor. Further information is available at www.hurontario-main.ca.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Planner in Training, Zoning Examination

Appendix 4 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 21st, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-338/20.

Consent Applications: B-1/21, B-2/21.

Minor Variance Applications: A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner

Schedule 1



COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'B' - 53 / 19

"B" 53/19

Ward 7

Decision of the Mississauga Committee of Adjustment under Section 53 of The Planning Act R.S.O. 1990, C.P.13, as amended.

Application by TOUCHSTONE CONSTRUCTION INC. for the property located at 0 ENFIELD PLACE. Date of Hearing on Thursday September 5, 2019

Date Decision Signed by the Committee September 12, 2019 The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application. The subject application was heard at approximately 1:43p.m. APPLICATION DETAILS

The applicant requests the approval of the Committee to sever a parcel of land for the purpose of a lot addition and easements. The parcel of land has a frontage of approximately 32.96m (108.14ft) and an area of approximately 2,895.58sq.m (31,167.80sq.ft). The parcel will be added to the property immediately to the east known as 3600 - 3606 Hurontario Street.

J. Lethbridge, agent, attended and presented evidence and comment in support of the application. COMMENTS

The Secretary ? Treasurer noted the comments received from:

? City of Mississauga, Planning and Building Department (dated August 26, 2019)

? City of Mississauga, Transportation and Works Department (dated August 23, 2019)

? Region of Peel (dated August 16, 2019)

? Bell Canada, Right-of-Way (dated July 31, 2019) CORRESPONDENCE & DISCUSSION

No resident comments were received as a result of the public circulation of this application.

The Applicant agreed with the conditions requested by city and agency staff. DECISION

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the conditions of Appendix A being fulfilled.

Accordingly, the Committee resolves to authorize and grant the request. MOVED BY:

D. George SECONDED BY: J. Kwast CARRIED

The Decision of the Committee is:

APPLICATION APPROVED ON CONDITIONS AS STATED IN APPENDIX A:

To sever a parcel of land for the purpose of a lot addition and easements. The parcel of land has a frontage of approximately 32.96m and an area of approximately 2,895.58sq.m. The parcel will be added to the property immediately to the east known as 3600 - 3606 Hurontario Street.

Committee Decision dated at the City of Mississauga on September 12, 2019

?S. PATRIZIO?

S. PATRIZIO (CHAIR) ?D. GEORGE?

D. GEORGE

?W. SHAHRUKH?

W. SHAHRUKH ABSENT

D. KENNEDY ABSENT

J. PAGE ?J. KWAST?

J. KWAST

D. COOK?

D. COOK

I certify this is copy of the decision of the Committee?s decision given on September 12, 2019

?S. KENNEY? For a signed copy of this document

SEAN KENNEY - SECRETARY-TREASURER please call 905-615-3200 ext. 2408

or email Committee.Adjustment@mississauga.ca

A copy of Section 53 of the Planning Act, as amended, is attached. Date of Mailing: September 16, 2019

This decision is subject to appeal to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a written notification, giving reasons for the appeal, accompanied with the prescribed fee on or before October 6, 2019.

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before September 16, 2020.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE

ISSUANCE" attached.

Appendix A ? Conditions of Provisional Consent

Appendix B ? City and Agency comments that relate to items on Appendix A

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.

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.

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 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 23, 2019.

Lot Addition

Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

The severed portion shall merge into common ownership with the lands municipally know as 3600 ? 3606 Hurontario Street for file B53/19, and 0 Enfield Place for file B54/19. If required the applicant may have to submit a letter form a lawyer describing how the two properties will be merged.

City of Mississauga Memorandum

TO: S. Kenney, Secretary Treasurer Committee of Adjustment

FROM: D. Martin Transportation and Works

DATE: August 23, 2019

Re: Applicant: Touchtone Construction Ltd and 1077022 Ontario Inc. and Armdale Estates Inc.

Date of Hearing: September 5, 2019

Our File: 'B' 53 and 54/19 Ward 7 (Z-22)

This Department has no objections to the applicant's request which is identical to the six previous Consent Applications which have lapsed, Reference `B? 36 & 37/18, `B? 26 & 27/17, `B? 19 and 20/16 `B? 6 and 7/15, `B? 65 and 66/13 and `B? 86 and 87/12. These applications will permit a land exchange to occur between Armdale Estates Inc. and The Conservatory Group which will create new parcels to be developed for

future high density residential and commercial purposes along with the establishment of access and maintenance easements. The land exchange will facilitate a more orderly development and will also permit vehicular access for both parcels to be from Enfield Place and Matthews Gate rather than Hurontario Street. Acknowledging

that the proposed Light Rail Transit (LRT) system is to be constructed along the Hurontario-Main corridor, access for the subject properties will not be permitted onto Hurontario Street. The vehicular access for the Armdale Estates Inc. lands (southerly parcel) will be from Enfield Place via an existing driveway which will also be shared with the existing condominium development to the west. The Conservatory lands (northerly parcel) will have their primary access from Matthews Gate with the service vehicle access being from the mutual right- of-way easement with access onto Enfield Place.

It should also be acknowledged that there is currently a "H-CC2 Holding Category" zoning designation on the subject lands. The "Holding Category" zoning designation prevents development of the subject lands until such time that the owner/applicant has satisfied a number of site specific conditions/requirements of development such as the delivery of an executed Development Agreement which includes Municipal Infrastructure Schedules in a form satisfactory to the Corporation of the City of Mississauga specifically addressing the construction of any required municipal works in support of the development, land dedications, applicable securities, etc. In order to remove the holding category designation an application will have to be made to the City for the removal of the "H" Holding Symbol.

In view of the above, and should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

Items Required Prior to Final Consent

Full Scale Site Plan Depicting Easements

A full scale Site Plan is to be submitted for our review/approval which would clearly indicate the proposed severance lines and location of any proposed access and maintenance easements to be established. Access geometrics, driveways and access areas including loading areas and ramps to underground parking should be shown in order that we can properly evaluate the proposed access and maintenance easement locations.

Required Easements

Upon review of Item A1 and the confirmation of any required access and maintenance easements, the applicant/owner will be required to provide a letter prepared by a Solicitor which would specifically describe any new private easements to be established. It should also be noted 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.

Road Widening Requirements

Satisfactory arrangement will have to be made to dedicate gratuitously to the City of Mississauga any lands required across the frontages of these properties which are necessary to achieve the ultimate right-of-way widths. In view of the above we are advising that any particulars with regards to land dedications will have to be to the satisfaction of the City's Ontario Land Surveyor and our Traffic Planning Section.

Environmental Site Assessment (ESA) for Road Widening

As a road widening across the frontages of these properties is being requested, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Valeriya Danylova, P.Eng, Environmental Technologist at 905 615-3200 ext. 5930 or valeriya.danylova@mississauga.ca should you require further information.

GENERAL INFORMATION

Development Agreement Including Schedules for Municipal Infrastructure to address the Relocation of Existing Storm Sewer

We note that the ultimate storm sewer outlet for the subject lands is the existing 1800mm storm sewer which is currently located on a municipal easement to the west and south of these lands. In order to accommodate any future development on the subject lands the relocation of the municipal storm sewer will be required and the owner/applicant will be required to enter into a Development Agreement which includes Municipal Infrastructure Schedules to complete the works. Acknowledging that there is currently a "HCC2 Holding Category" zoning designation on the subject lands, and that any future development of the subject lands will require Site Plan Approval, the requirement for a Development Agreement will not be a condition to be satisfied under this Consent and will be addressed in any future development application for the subject lands.

Site Plan Approval

Any 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. will be addressed.

D. Martin

Supervisor, Development Engineering South 905-615-3200, ext. 5833

c: jlethbridge@bellnet.ca

Committee Decision dated at the City of Mississauga on September 12, 2019

S. PATRIZIO (CHAIR)

D. GEORGE ABSENT

W. SHAHRUKH

D. KENNEDY ABSENT

J. PAGE

J. KWAST

D. COOK

I certify the Committee Members who concurred with the decision signed this on September 12, 2019

SEAN KENNEY - SECRETARY-TREASURER

Appendix A ? Conditions of Provisional Consent

Appendix B ? City and Agency comments that relate to items on Appendix A

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 November 18, 2020.