

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): B6.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-28

## Consolidated Recommendation

The City has no objections to the requested consent application, subject to the condition.

## Application Details

The applicant request the approval of the Committee to sever a parcel of land for the creation of a new lot and land dedications. The parcel of land (new lot) has a frontage of approximately 83.67m (274.51ft) and an area of approximately 56,777 (611,142.54sq.ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The applicant withdraw Draft Plan of Subdivision Approval under file 21TM-15001
- A CVC plan review fee of \$725 is outstanding for this consent application – the applicant is asked to please provide payment directly to CVC.

## Background

**Property Address:** 759 Winston Churchill Boulevard

### Mississauga Official Plan

Character Area: Southdown Employment Area  
Designation: Business Employment, Greenlands, Industrial

### Zoning By-law 0225-2007

**Zoning:** G2 (Greenlands), E2-127, E3-16, H-E3-16 (Employment)

## Other Applications

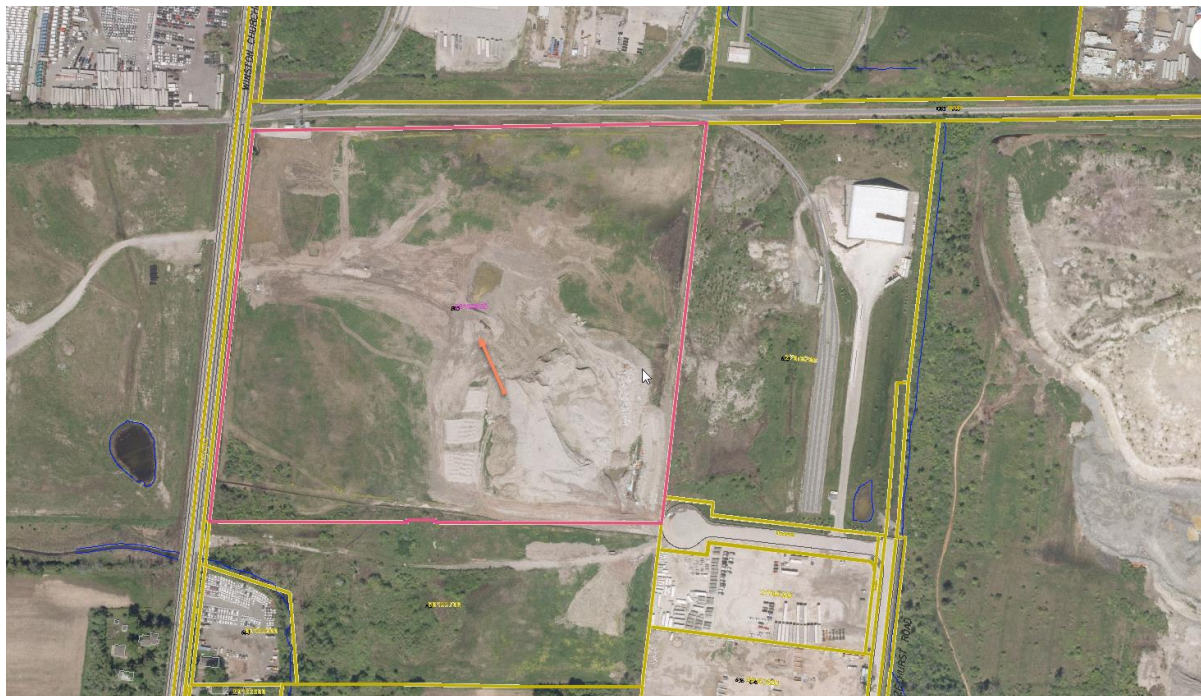
Site Plan Application: 20-105

Draft Plan of Subdivision: 21TM-15001

## Site and Area Context

The subject site is located within the Southdown Employment Character Area, south of Royal Windsor Drive and Winston Churchill Boulevard. The surrounding lands fronting onto Winston Churchill Boulevard are mostly vacant, however, industrial and manufacturing uses are present east and north of the subject site. The subject site is vacant and is partially traversed by Clearview Creek on the south west portion of the site. This area is classified as a Significant Natural Area.

The applicant is proposing to sever the subject site with dedications in favour of the City of Mississauga and Region of Peel.



## 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 Growth Plan for the Greater Golden Horseshoe promotes economic development by making more efficient use of existing employment areas and underutilized employment lands by permitting increased employment densities as a result. The proposal to create a new lot is consistent with the policies outlined in the Growth Plan.

Staff comments concerning the application for consent are as follows:

On July 6<sup>th</sup>, 2016 the subject site received Draft Plan of Subdivision approval at Planning and Development Committee (PDC). The original Draft Plan of Subdivision can be found in *Appendix 7* of this report. As part of the approval, the applicant was required to connect Orr (now known as Hazelhurst Road) Road to Winston Churchill Boulevard and extend the Right of Way along Winston Churchill Boulevard. The subject application includes these dedications to the City of Mississauga and Region of Peel which were part of the original approval.

The application proposes a lot frontage of 83.67 m and lot area of 56,777 m<sup>2</sup> for 'Severed Lot C' while the 'Retained Lot A' proposes a lot frontage of 268.47 m and lot area of 123,254 m<sup>2</sup>.

The subject site is designated Business Employment, Greenlands, and Industrial in Schedule 10 of the Mississauga Official Plan (MOP). The Credit Valley Conservation (CVC) Authority has reviewed the proposal and have no concerns with the proposed severance. As such the Greenlands designation will not be negatively impacted by the severance. As per Schedule 5 (Long Term Road Network) of MOP, the connection of Hazelhurst Road to Winston Churchill Boulevard is required. Section 7 of the Southdown Local Area Plan envisions a mixture of employment uses and improved accessibility in the area as a result of the connection of Hazelhurst Road to Winston Churchill Boulevard.

Furthermore, Section 5.3.6.10 of MOP states that development will be permitted where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan. The Site Plan application proposes three industrial buildings which is consistent with the official plan and Southdown Local Area Plan. The proposed consent application improves accessibility and allows for greater use of the subject site. The proposed severance maintains the existing lot fabric of the surrounding area and does not hinder development of the site that is anticipated in the MOP.

Should Committee see merit in the application, staff recommends the following condition be added to the application:

- The applicant withdraw Draft Plan of Subdivision Approval under file 21TM-15001

Staff is of the opinion that the application has due regard to Section 51(24) of the *Planning Act*, more specifically that the application conforms to the official plan and is suitable for the purposes for which it is to be subdivided.

## Conclusion

The Planning and Building Department has no objections to the requested consent application, subject to the condition.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note for Committee's information that this parcel of land has previously been the subject of a Draft Plan of Subdivision, File number T-15001 where the applicant at that time was proposing multiple lots and secondary road network. Through T-15001, the applicant was required to dedicate/construct that portion of Orr Road to extend westerly through to intersect with Winston Churchill Boulevard. Through a more recent Site Plan application SP-20/105, the current applicant is now proposing two industrial blocks, one each north and south of the Orr Road extension. The dedication and construction of Orr Road and Municipal services is required in order for the Site Plan application to proceed. We also note that the Orr Road immediately to the east of the subject property has been renamed as the extension of Hazelhurst Drive in 2017. Any future reference to Orr Road with this application should reflect Hazelhurst Drive on any subsequent documentation and plans.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for committee's consideration:

#### A. Items Required Prior to the Issuance of Final Consent

##### 1. Consent Agreement

The applicant/owner shall enter into an agreement with the City pursuant to Subsection 51(26) of the Planning Act, to be registered on title, that will require the conveyance of the future public road, having a width of approximately 24 metres including any required 0.3m reserves and sight triangles, from the existing terminus of Hazelhurst Road (formerly Orr Road) through to intersect with Winston Churchill Boulevard. The agreement will provide confirmation that the Owner is required to design, secure and construct the future public road, with details and City-approved plans to be included in the Site Plan Agreement under File SP- 20/105 W2. We note that the existing terminus of Hazelhurst Road (formerly Orr Road) shall also be removed/reinstated as part of the Site Plan Agreement. To finalize the infrastructure schedules of the Site Plan Agreement, a detailed engineering submission process will required to be undertaken for the design and securing the construction of the Hazelhurst Drive extension (formerly Orr Road).

##### 2. Land Dedication for the Extension of Hazelhurst Road and Sight Triangles

The applicant is to gratuitously dedicate to the City of Mississauga a right-of-way having a width of approximately 24 metres and any required 0.3m reserves and required sight triangles towards the extension of a public roadway to be known as 'Hazelhurst Road' to Winston Churchill Boulevard. The proposed right of way lands are to be gratuitously dedicated and shall

be free and clear of any liens or encumbrances. The conveyance will not be a strata conveyance.

The dimensions related to right-of-way width and sight triangles are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Ryan Au from our Traffic Section at 905 615-3200 ext. 3713 or [ryan.au@mississauga.ca](mailto:ryan.au@mississauga.ca).

### 3. Clearview Creek & Hazard Lands Dedication

For the severed lands, the majority of those lands are within the floodplain of Clearview Creek and hazard land. Also, the severed land will have the proposed quality pond for the retained lands. A private easement may be required if it will be under another ownership or is required due to the physical separation due to the road dedication. For the lands south of the proposed Hazelhurst Road (formerly Orr Road) and west of the proposed water quality pond, the applicant will be required to gratuitously dedicate the lands below the top of bank of the Clearview Creek lands, including hazard lands.

For further information regarding the above noted comments, please contact Ghazwan Yousif at (905) 615-3200 ext. 3526 or [ghazwan.yousif@mississauga.ca](mailto:ghazwan.yousif@mississauga.ca)

### 4. Required Easements

Upon the confirmation of any required easement(s), the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that if the private easement pertains to the Transportation and Works Department, then 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. Should no additional easements be required, this condition would be deemed to be satisfied.

### 5. Fee Requirements as Per Fees and Charges By-Law

City Department and Agency Comments	File: B6.21	2021/01/20	7
-------------------------------------	-------------	------------	---

---

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of legal documents. The fee amount payable will be in accordance with the current Fees and Charges Bylaw.

#### 6. 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 new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto:susie.tasca@mississauga.ca)

#### 7. Phase One Environmental Site Assessment

A current Phase One Environmental Site Assessment (ESA) for lands to be dedicated to the City must be submitted to the Transportation and Works Department for review. The report should be prepared in accordance with O. Reg 153/04.

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

If site remediation works are required, the satisfactory completion of site remediation works will be a condition of the approval. Any and all contaminated areas of the site identified in the report must be remediated in accordance with Ministry of the Environment, Conservation and Parks Standards. Upon completion of the remediation, a final clean-up report must be submitted to the Transportation and Works Department for review.

All reports must be prepared in accordance with O. Reg. 153/04 , signed and dated by a Qualified Person (as defined by section 5 and 6 under Ontario Regulation 153/04, as applicable) and be accompanied by a letter signed by the author of the reports or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the reports. The wording of the reliance must meet the City's sole and unfettered satisfaction. The template is provided on the last page of the following document: <https://www.mississauga.ca/wp-content/uploads/2020/08/26144135/Section-5-Environmental-Requirements-1.pdf>

Please note that a Record of Site Condition (RSC) may be required if lands need to be remediated to meet the applicable MECP Standards. For any clarification or questions regarding

City Department and Agency Comments	File: B6.21	2021/01/20	8
-------------------------------------	-------------	------------	---

---

this requirement please contact Valeriya Danylova at x5930 or [valeriya.danylova@mississauga.ca](mailto:valeriya.danylova@mississauga.ca) .

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

## **B. GENERAL INFORMATION**

### **1. Lot Grading and Drainage**

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

### **2. Servicing**

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

### **3. Access**

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

### **4. Region Approval**

Comments with regard to Winston Churchill Boulevard will be provided by the Region of Peel as this road falls under their jurisdiction.

### **5. CVC Approval**

This proposed site is located within the limits of floodplain for Clearview Creek. The applicant is contact CVC for their approval.

### **6. Municipal Storm Sewer Works**



We note that the storm sewer outlet for the subject property is the Clearview Creek. Through the Site Plan Agreement, infrastructure schedules will be required for the Hazelhurst Road (formerly Orr Road) municipal storm sewer and outlet to Clearview Creek. We further note that the Hazelhurst Road (formerly Orr Road) drainage should be separate from the private site drainage and is to be discharged and treated for water quality and quantity separately.

For further information regarding the above noted comments, please contact Ghazwan Yousif at (905) 615-3200 ext. 3526 or [ghazwan.yousif@mississauga.ca](mailto:ghazwan.yousif@mississauga.ca)

Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, etc., or alternatively, that any minor variances is approved, final and binding and/or the demolition of any existing buildings 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: Brian Bonner – Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the consent application, and advises as follows:

1. All established hazard lands below the top-of-bank, long term stable slope, or natural features whichever is greater, including any associated vegetative buffer shall be gratuitously dedicated to the City as Greenlands (G1) for conservation purposes. The lands on the property, zoned G1, are hazardous valleylands that are also classified as a naturally significant area within the City's Natural Heritage System. As per the Section 6.3.24 of the Mississauga Official Plan, 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...;

- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

The subject property is located adjacent to City owned hazard lands. Placing the hazard lands into public ownership will strengthen the connection to Clearview Creek and contribute to the protection and enhancement of the Natural Heritage System.

2. Given the subject lands has significant existing vegetation adjacent to Clearview Creek and falls within the City's Natural Heritage System, Park Planning requires the submission of a satisfactory Environmental Impact Statement (EIS) submitted for review and approval. A terms of reference can be provided for reference upon request.
3. A site visit shall be organized by the applicant to stake the top-of-bank and natural feature to establish limits of gratuitous dedication to the satisfaction of the pertinent Conservation Authority and the City. A Qualified Land Surveyor (OLS) must be present, in addition to staff from the Community Services Department, Transportation and Works Department, and the Credit Valley Conservation Authority
4. Submit a Draft Reference plan identifying the lands to be dedicated to the City.
5. Submit a Site Servicing plan that is to the satisfaction of the Community Services Department.
6. Submit a Grading plan that is to the satisfaction of the Community Services Department.
7. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards, along City Owned lot lines. The fencing is to be located 0.15 metres inside the lands to be dedicated to the City.
8. The applicant shall provide securities for the fencing in the amount of \$11,250.00, securities subject to change upon confirmation of the limits of dedication. The fencing will be erected and maintained to the satisfaction of the Community Services Department - Park Planning Section. Gates will not be permitted in the fence.
9. Prior to Greenlands dedication, the Applicant is to provide written confirmation that the Transportation and Works Department has received and approved Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands (if required). Both sets of documents are to be prepared, signed, dated and sealed by a Professional Engineer.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.

2. Tree preservation hoarding and securities may be required as part of the site plan control process.
3. 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 Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

#### **Appendix 4 – Heritage**

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

#### **Appendix 5 – Region of Peel Comments**

##### **Comments for Conditions of Approval**

##### **Consent Application: B-6/21**

Traffic Development: Catherine Barnes (905) 791-7800 x7569

The Region is in support of this process, however the Region requires a Draft Reference Plan to be submitted that illustrates the following:

- Property dedication of 20.75 metres;
- 0.3 metre reserve behind the property line and daylight triangles, lifted at any access points;
- 15 x 15 metre daylight triangles at the intersection of Winston Churchill Blvd & Orr Road on the North and South side;
- All dimensions to be shown, including centreline of Winston Churchill Blvd.

**Condition:** The Draft Reference Plan must be reviewed by the Region of Peel Traffic and Legal departments before it is deposited.

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

## **Appendix 6- Conservation Authority Comments**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the Planning Act - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. 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 (2014);
4. 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;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

### **SITE CHARACTERISTICS:**

The subject property is regulated for Clearview Creek and its associated floodplain. In addition, the regulated spill from Avonhead Creek traverses the subject property. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

### **ONTARIO REGULATION 160/06:**

The property is 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 applicants request the approval of the Committee to sever a parcel of land for the creation of a new lot and land dedications. The parcel of land (new lot) has a frontage of approximately 83.67m (274.51ft) and an area of approximately 56,777 (611,142.54sq.ft).

**COMMENTS:**

Based on review of the information, it is our understanding that the purpose of this application is to place lands proposed for road development into public ownership - Parcels Retained "A" and Severed "C" will remain under existing ownership, while Severed "A" will be deeded to the City of Mississauga and Severed "B" will be deeded to the Region of Peel.

As such, CVC staff have **no objection** to the approval of the requested severance by the Committee at this time.

The applicant is advised that a CVC permit will be required for any development on the Parcels Retained "A" and Severed "C" as they continue to be located within CVC regulated areas.

Please note that the subject property is currently undergoing a Site Plan application (SP 20/105) through which CVC is providing technical review regarding the hazardous lands and stormwater management approach.

A CVC plan review fee of \$725 is outstanding for this consent application – the applicant is asked to please provide payment directly to CVC.

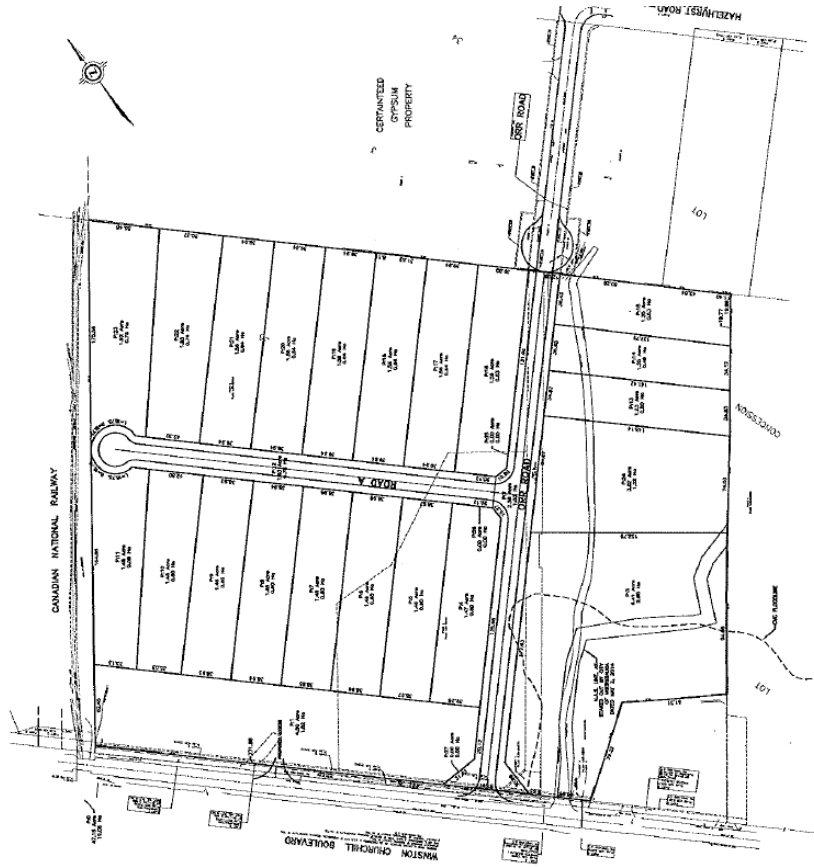
I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at maricris.marin@cv.ca should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Maricris Marinas, Senior Planner

**Appendix 7 – Development and Design Division**

4.4 - 10



**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 January 20, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 20, 2020.
6. A letter shall be received from the Region of Peel, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 20, 2020.