

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): B58.20 B59.20 B60.20 B61.20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-21

## Consolidated Recommendation

The City recommends that the applications be deferred.

## Application Details

### B58/20

The applicant requests the approval of the Committee to sever a parcel of land for the purpose of a lot addition. The parcel has a frontage of approximately 16.61m (54.49ft) and an area of approximately 305.30sq.m (3286.22sq.ft).

### B59/20

The applicant requests the approval of the Committee to sever a parcel of land for the purpose of a lot addition. The parcel has a frontage of approximately 20m (65.62ft) and an area of approximately 420.40sq.m (4525.15sq.ft).

### B60/20

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 8.35m (27.39ft) and an area of approximately 305.00sq.m (3282.99sq.ft).

### B61/20

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 9.12m (29.92ft) and an area of approximately 418.10sq.m (4500.39sq.ft).

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

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## Background

**Property Address:** 2476-2482 Confederation Parkway

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3 (Residential)

### Other Applications

Rezoning Application: 19-07

### Site and Area Context

The subject lands are located within the Cooksville Neighbourhood West Character Area, south of Confederation Parkway and Dundas Street West. The immediate neighbourhood consists of one and two storey detached dwellings and high-rise apartment buildings. Further north of the lands are commercial uses fronting onto Dundas Street West. The subject property contains a one storey detached dwelling with mature vegetation.

The lands are currently subject to a Zoning Amendment application under file 19-07 for the purposes of rezoning the lands to RM2 (Residential) to permit semi-detached dwellings. The Information Report was received at Planning and Development Committee (PDC) on October 7<sup>th</sup>, 2019 and was passed, notwithstanding that the recommendation report and applicable by-laws proceed directly at Council. The application is scheduled to go to Council on February 3<sup>rd</sup>, 2021.



## 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

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intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications are as follows:

The subject lands are currently zoned R3 and only permits detached dwellings. The rezoning application is scheduled to be heard at Council on February 3<sup>rd</sup>, 2021 for a decision. The subject applications should proceed at the Committee of Adjustment after Council has made a decision on the application and the 20 day appeal period has passed. As such, the proposed applications are premature and staff would recommend that the applications be deferred until Council has made a decision on the rezoning application and the appeal period has passed.

## Conclusion

The Planning and Building Department recommends that the applications be deferred.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

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## Appendices

### Appendix 1 – Transportation and Works Comments

Information submitted with these applications indicate that the intent is to create four new lots which would allow the development of two semi-detached dwellings. Under a previous Consent Application, File ‘B’ 60 & 61/18 it was proposed that the two semi-detached dwellings would front onto Confederation Parkway as opposed to the current request which proposes frontages onto Dunbar Road.

We also note that the city is currently processing a Rezoning Application, reference OZ 19/07 for the purposes of rezoning the lands to RM2 (Residential) to permit semi-detached dwellings which is scheduled to go to Council on February 3<sup>rd</sup>, 2021. These applications are **premature** pending Council’s consideration and approval of the requested land use.

Acknowledging that a number of development requirements such as a Development Agreement, road widening(s), servicing and grading plan review, acoustical requirements, etc. are being addressed through the Rezoning application, we note that when this application is addressed by the Committee, issuance of departments final consent will not be granted until satisfactory arrangements have been made with all outstanding development requirements identified in the Rezoning application.

In view of the above, and should Committee see merit in the subject applications and proceed with the application at the scheduled hearing date, we are providing the following comments for Committee’s consideration:

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

##### **1. Overall Grading and Drainage Plan**

The applicant’s consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

We acknowledge that under the Rezoning Review a functional Grading Plan (DWG 1, prepared by Wood) has been provided, however an updated Grading Plan reflecting any additional pertinent details such as the 2.2M acoustical fence abutting Confederation Parkway, storm storage tanks located in the front yards, dimensions and bearing of all property lines, etc. will have to be depicted.

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## **2. Rezoning OZ 19/07 Finalized**

The city is currently processing a Rezoning Application, reference OZ 19/07 for the purposes of rezoning the lands to RM2 (Residential) to permit semi-detached dwellings which is scheduled to go to Council on February 3<sup>rd</sup>, 2021. Acknowledging that a number of development requirements such as a Development Agreement, road widening's, servicing and grading plan review, acoustical requirements, etc. are being addressed through the Rezoning, we note that issuance of final consent will not be issued until such time that satisfactory arrangements have been made with regards to satisfying all outstanding development requirements identified in the Rezoning application and a zoning by-law has been enacted to allow the subject land use for semi-detached dwellings.

## **3. Road Widening and Daylight Rounding Dedication**

The owner will be required to dedicate gratuitously to the City of Mississauga a road widening across the Confederation Parkway frontage towards the ultimate right-of way width of 26 meters. A 5.0m daylight rounding at the south-west corner of Confederation Parkway and Dunbar Road will also have to be dedicated gratuitously to the city.

Any particulars with regards to land dedication for the widening have to be to the satisfaction of the City of Mississauga's Ontario Land Surveyor and our Traffic Section.

## **4. Environmental Site Assessment (ESA) for Road Widening and Daylight Rounding Dedication**

In regards to Condition A.2 & A.3., the applicant will be required to deed gratuitously to the City a road widening and daylight rounding. Therefore, 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 which may include the requirement to enter into a Development Agreement.

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](mailto:valeriya.danylova@mississauga.ca) should you require further information.

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

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 documents required for items pertaining a road widening. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

**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)

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

**B. GENERAL INFORMATION**

**1. Lot Grading and Drainage**

We advise the applicant that issuance of any building permits for the new dwelling 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 are also noting that should any utilities need to be relocated, or municipal curbs need to be modified, all costs incurred will also be to the owner.

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#### 4. Storm Sewer Outlet

The storm outlet for 2/3 of the site is the existing 375mm diameter storm sewer on Confederation Parkway, 1/3 of the site is to drain into the existing 300mm diameter storm sewer on Dunbar Road.

In order to minimize the impact to existing drainage systems, it will be necessary to implement on-site storm water management techniques into the design and construction of the site works and services as necessary, to limit the 10 year post development storm water discharge to the 2 year pre-development levels.

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 variances or determine whether additional variances 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 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the consent application and advises as follows:

In addition, Community Services notes the following:

- Comments and conditions are being addressed through the active Development Application (OZ 19/07) under review by the Park Planning Section.
- 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.



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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

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

Development Engineering: Camila Marczuk (905) 791-7800 x 8230

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

Comments Prepared by: Diana Guida, Junior Planner

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## 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 13, 2020.