



# Corporate Report

Clerk's Files

Originator's  
Files 'B' 055/06 W5

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**DATE:** February 13, 2007

**TO:** Planning and Development Committee  
Meeting Date: March 5, 2007

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Appeal to the Ontario Municipal Board  
Committee of Adjustment Decision  
C of A 'B' 055/06 W5  
Summit Eglinton Inc.  
5081 Hurontario Street  
East side of Hurontario Street,  
north of Eglinton Avenue East**

**Ward 5**

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**RECOMMENDATION:** That the appeal filed by Legal Services by letter be continued and that Legal Services, together with other appropriate City staff attend the Ontario Municipal Board hearing in support of the appeal of the decision of the Committee of Adjustment under file 'B' 055/06, Summit Eglinton Inc., granted on November 9, 2006, regarding the property at 5081 Hurontario Street.

**BACKGROUND:** On April 24, 2006, the Committee of Adjustment received a severance application, 'B' 055/06 W5 to permit the conveyance of a parcel of land having a frontage of approximately 122.48 m (401.84 ft.) and an area of approximately 1.44 ha (3.57 ac.) to create a new lot with frontage on Hurontario Street. The application was approved on November 9, 2006. A "place holder" appeal was submitted on December 5, 2006 by Legal Services. An OMB hearing date has been set for March 29, 2007. The purpose of this report is to seek direction on this matter.

Background information is provided in Appendix 1.

**COMMENTS:**

The subject property is part of a parcel of land located north of Eglinton Avenue East on the east side of Hurontario Street. The parcel is approximately 4.82 ha (11.91 ac.).

Surrounding land uses are as follows:

- East: Long Term Care Facility
- West: Across Hurontario Street, vacant and an Esso Gas Station
- North: Vacant adjacent to Hurontario Street, Residential - Semi-detached dwellings
- South: Existing plaza fronting on Hurontario Street and vacant lands to the east of the plaza, with exception of a farm house

Applications were submitted on March 17, 2005 to amend the Official Plan from "Residential High Density II" to "General Commercial" and "Residential Low Density II" and rezone the lands from "A" (Agricultural) to "DC Special Section" (District Commercial) and "RM2 Special Section" (Residential Multiple Family). An application to subdivide the land for a 1.39 ha (3.43 ac.) commercial block and 2.52 ha (6.22 ac.) for 136 semi-detached units was submitted on February 28, 2006 under file T-06/001 W5. These applications are requesting that the lands be redesignated and rezoned to permit a commercial plaza on the land adjacent to Hurontario Street while the remaining land be developed for semi-detached dwellings. To date, no community or public meetings have been held to obtain comments from area residents.

The agent indicated that the new lot would be 1.44 ha (3.5 ac.) in size and will front onto Hurontario Street. The easterly limit of the "severed" land will align with the easterly limit of the adjacent commercial zones of the abutting lands fronting onto Hurontario Street. He further advised that both the severed and retained lands will have new owners and each authorized owner will process their own applications for Official Plan and Zoning By-law Amendments. He suggested that the proposed land use and the

road patterns would be more appropriately dealt with by the new owners.

The Planning and Building Department recommended that the severance be refused on the basis that it is premature and would be more appropriately dealt with through the Official Plan Amendment, Rezoning and Subdivision applications currently in process.

### **Official Plan**

The subject property is designated "Residential High Density II" Special Site 7 in the Hurontario District in Mississauga Plan which permits apartment buildings at a Floor Space Index of 1.9-2.9. The proposed uses for the severed and retained lands are not permitted in Mississauga Plan.

Special Site 7 policies of the Hurontario District require a concept plan to address among other matters, compatibility of building form and scale with existing and proposed surrounding land uses and acceptable ingress and egress arrangements for Hurontario Street, Eglinton Avenue East and Thornwood Drive.

The subject lands are located within a Node. Mississauga Plan has specific policies addressing, among other matters, that within Nodes, "a high quality, compact and urban built form will be encouraged to reduce the impact of extensive parking areas, enhance pedestrian circulation, complement adjacent uses, and distinguish the significance of the Nodes from surrounding areas". There are a number of principles in the Node policies relating to how the design and layout of the buildings and site should integrate with street frontages. The policies are also specific to pedestrian and cycling convenience and safety being a priority in the design and development of Nodes and abutting areas.

Hurontario Street and Eglinton Avenue East are identified as Major Transit Corridors on Schedule 4, Road and Transit Long Term Concept in Mississauga Plan. Policies for "Residential High Density" and those for City Centre and Nodes support high density development located in proximity to major transit corridors and nodes.

Given that the land use proposed is not consistent with the land use designation; the proposed road pattern has not been resolved; and, there is not an acceptable concept plan, it is clear that the severance does not address the policies in Mississauga Plan. Severing the lands at this time will make it more difficult to implement the Official Plan policies as the ownership and land parcels will be fragmented.

### **Interim Residential Policies**

On September 27, 2006, City Council endorsed Official Plan Amendment (OPA) 58. This amendment added interim residential policies to Mississauga Plan. These policies protect stable neighbourhoods from inappropriate intensification and directs intensification to the Urban Growth Centre which runs south from Matheson Boulevard East to the Queen Elizabeth Way (QEW) along both sides of Hurontario Street and includes all of City Centre and the Node in which the subject property is located. Although the application was submitted prior to the adoption of OPA 58, Council has indicated its commitment to see the subject lands develop in accordance with the existing land use designation.

The City is also investigating the feasibility of providing Higher Order Transit along Hurontario Street. Part of ensuring the viability of Higher Order Transit is to ensure there are appropriate densities to support it.

### **Provincial Policy Statement**

As of March 1, 2005, a new Provincial Policy Statement took effect which sets the broad policy direction for planning decisions province-wide and lays the groundwork for other Government initiatives including the Greenbelt Plan, Places to Grow Plan and the Transportation Strategy. The Policies state that "new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities". The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient

land use planning system. The approval of the severance does not support improved land use planning and is not an efficient use of land, infrastructure and public service facilities.

### **Growth Plan for the Greater Golden Horseshoe**

In June 2006, the Province released the *Growth Plan for the Greater Golden Horseshoe* (The Growth Plan). The Growth Plan provides direction on transportation, infrastructure planning, land use planning, urban form and housing to manage growth in the Golden Horseshoe Region to 2031. The Growth Plan, among other things, identifies Mississauga City Centre as being an urban growth centre and encourages transit supportive densities and the efficient use of land and infrastructure while discouraging sprawl. Although, the *Growth Plan* came into effect after the application was received, it reconfirms Mississauga's Official Plan policies.

### **Zoning By-law**

The subject property is zoned "A" (Agricultural). Under this zone category any person may use land and erect or use a building or structure for agricultural purposes. The standards for development under this zone include a minimum lot area of 10 ha (24.7 ac.) and a minimum lot width of 150 m (492.12 ft.). By allowing the severance, the remaining parcels do not comply with the Zoning By-law. The uses contemplated for both the severed and retained lands are not permitted under the current zoning.

### **Criteria for Consents**

An application for consent must meet the criteria set out under Section 51 (24) of the *Planning Act*. The proposed severance does not meet the criteria in a number of ways. Firstly, the severance is premature and not in the public interest. In order to deal with development for this parcel, a comprehensive review for the subject lands and the relationship with the surrounding lands is required. Also, the urban design issues need to be addressed and the required road pattern should be established prior to division of land. The potential road pattern is essential to the layout and design of public and private space and will influence the way in

which the subject lands are developed. The buildings should address both Hurontario Street as well as the proposed public internal road.

Another criteria for evaluating the proposal is whether or not the plan conforms to the Official Plan. As discussed in the section dealing with the Official Plan, the proposed uses do not conform with the land use designation. In addition, through the process of Committee of Adjustment, policies set out in Mississauga Plan have not been addressed, such as an acceptable concept plan including the required road pattern and node policies, among other matters, dealing with urban design issues. These issues were not addressed and as a result the severance does not conform to the policies set out in Mississauga Plan.

Another criteria under the *Planning Act* is the suitability of the land for the purposes in which it is to be subdivided. In the Committee of Adjustment application, the applicant indicated that the retained lands are intended to be developed for semi-detached dwellings and the use for the severed lands was "to be determined". Alternatively, if the applicant intends to develop the lands as "High Density Residential II" it would have to be determined that the size of the severed parcel is suitable for such a use including the required on-site parking. This has not been demonstrated through a concept plan. Therefore, the severance does not meet this requirement.

Notwithstanding the recommendation from the Planning and Building Department that the application be refused, the Committee of Adjustment considered the submissions put forward and was 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* resolved to grant provisional consent subject to conditions being fulfilled.

### **Development Issues**

Through the circulation of the development applications, there were issues identified that would substantially influence the land

pattern of the development. In addition to the need for a concept plan illustrating how a public road would connect from Hurontario Street to Thornwood Drive, it is necessary to show the placement of buildings and how they address the street and also how the proposed road pattern will affect the lotting pattern for the remaining parcel.

Another issue is how the development will address Urban Design policies within a Node. The site should not be developed as two separate lots, but instead, some continuity should be established from Hurontario Street frontage to the Thornwood Drive frontage. The proposed development should include an appropriate transition between the existing residential development to the north and east of the site and the commercial plaza to the southwest of the subject property. All of the uses should be linked by built form and a system of landscaped amenity spaces and roadways into one cohesive development. There should be a visible pedestrian link integrated with the landscaping and amenity areas, between the two portions of the site to facilitate access to public transit on Hurontario Street.

### **OMB Appeal**

The Committee of Adjustment's decision to approve the severance, subject to conditions, was to be final and binding on December 10, 2006. It is the opinion of this Department that the Committee's decision should be appealed by City Council to the Ontario Municipal Board (OMB). On December 5, 2006, Legal Services submitted a Notice of Appeal to the OMB and filed a "place holder" appeal prior to the appeal period expiring pending further instruction from Council.

### **CONCLUSION:**

The Planning and Building Department is recommending that the Committee of Adjustment decision be appealed for the following reasons:

1. The proposed severance would significantly limit the future development of the subject lands and surrounding lands;

2. The applicant has not demonstrated an appropriate road pattern for the subject lands;
3. The proposed uses for the severed and retained lands are not permitted through current policies in Mississauga Plan;
4. The uses contemplated for both the severed and retained lands are not permitted under the current zoning. Further, a minimum lot width of 150 m (492 ft.) and a minimum lot area of 10 ha (24.7 ac) is required. A variance application was not filed with the severance application, therefore, the severed and retained lands do not comply with the provisions of the Zoning By-law;
5. The severance is premature and should be more appropriately dealt with through the Official Plan Amendment, Rezoning and Subdivision applications which are currently being processed by the City.

**ATTACHMENTS:**

Appendix 1 – Committee of Adjustment Decision 'B' 055/06  
Appendix 2 – Land Use Map  
Appendix 3 – Zoning Map  
Appendix 4 – Aerial Photograph  
Appendix 5 – General Context Map  
Appendix 6 – Consent Application Plan

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Nicole Pettenuzzo, Development Planner*





## COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'B' - 55 / 06

APPEALED  
DEC. 6, 2006

File: "B" 55/06  
WARD 5

### COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF AN APPLICATION BY

Summit Eglinton Inc.  
on Thursday  
November 9, 2006

Summit Eglinton Inc. is the owner of Part of Lot 1, Concession 1 E.H.S., located and known as 5081 Hurontario Street, zoned A, Agricultural. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 122.48 m (401.84 ft.) and an area of approximately 1.4432 ha (3.566 acres). The effect of the application is to create a new lot with frontage on Hurontario Street.

On June 8, 2006, Mr. A. Adamson, of Adamson Lawson Surbray, Associates Limited, authorized agent, attended and requested that the application be deferred to the next consent meeting date. He indicated that he has been requested by City staff to prepare a concept plan depicting the street connection from Hurontario Street to Thornwood Drive.

The Committee received comments and recommendations from the following agencies:

The City of Mississauga, Planning and Building Department (June 5, 2006),  
The City of Mississauga, Transportation and Works Department (June 2, 2006),  
The Region of Peel, Public Works Department, Engineering and Infrastructure Division (June 5, 2006),

A letter, dated June 7, 2006, was received from Alfonso Gallucci of Zone Properties Inc., the owner of the adjacent lands to the south, indicating that there are outstanding issues to be resolved with respect to a proposed concept plan. He requests the deferral of the application.

The Committee granted the request and deferred the application to July 6, 2006, at 1:30 p.m.

On July 6, 2006, Mr. A. Adamson agent, attended and requested that the application be further deferred. He indicated that the adjacent land owner to the south has not been available to review the concept plan depicting the connector road from Hurontario Street to Thornwood Drive.

The Committee received comments and recommendations from the following agencies:

The City of Mississauga, Planning and Building Department (July 6, 2006),  
The City of Mississauga, Transportation and Works Department (June 29, 2006),

The Committee granted the request and deferred the application to September 7, 2006.

On September 7, 2006, Mr. J. Lethbridge, of Adamson Lawson Surbray Associates Limited, attended and requested that the application be further deferred for further talks with the adjacent land owners with respect to the concept plan depicting the connector road from Hurontario Street to Thornwood Drive.

The City of Mississauga, Planning and Building Department (September 1, 2006),

The Committee granted the request and deferred the application to November 2, 2006 or earlier, if ready to proceed.

On November 9, 2006, Committee member, Mr. R. Charlton declared a possible pecuniary interest in the application as the applicant is a client of his. Mr. Charlton left the meeting room and did not participate in the proceedings in any manner.

Mr. J. Lethbridge, of Adamson Lawson Surbray Associates Limited, attended and presented the application. He indicated that the new lot has an area of approximately 3.5 acres and will front onto Hurontario Street. He indicated that each separate parcel will have a new owner and each owner will process their own applications for the Official Plan and Zoning by-law amendments. The proposed land use and the road patterns will be more appropriately dealt with by the new owners.

Mr. Lethbridge reviewed the site plan for the Committee. He noted that the easterly limit of the "severed" land will coincide with the easterly limit of the adjacent Commercial zones of the abutting lands fronting on Hurontario Street. He noted that any access road on the "retained" land can be determined independently of the severance.

The Committee reviewed the information submitted with the application.

The Committee reviewed the comments and recommendations received at the previous meetings and the comments and recommendations from the following agencies:

The City of Mississauga, Planning and Building Department (November 6, 2006),  
The City of Mississauga, Transportation and Works Department (November 3, 2006),

A letter dated November 8, 2006 was received from A. Gallucci of Zoneville Properties Inc. stating he is still in discussion with the City Departments regarding the best land usage and road patterns for his property and requested a further deferral of the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the request be approved.

Mr. Lethbridge consented to the imposition of the proposed conditions.

No other persons expressed any interest in the application.

The Committee noted that it appeared that all the matters normally addressed for a subdivision plan were noted in the Transportation and Works Department comments referred to in proposed Condition 3. The concerns of the Mr. Gallucci of Zoneville Properties Inc. and the Planning and Building Department can be addressed through the fulfilment of this condition.

The Committee, after considering the submissions put forward by Mr. Adamson and Mr. Lethbridge, the comments received and the recommended conditions and having reviewed site plan, 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 following conditions being fulfilled:

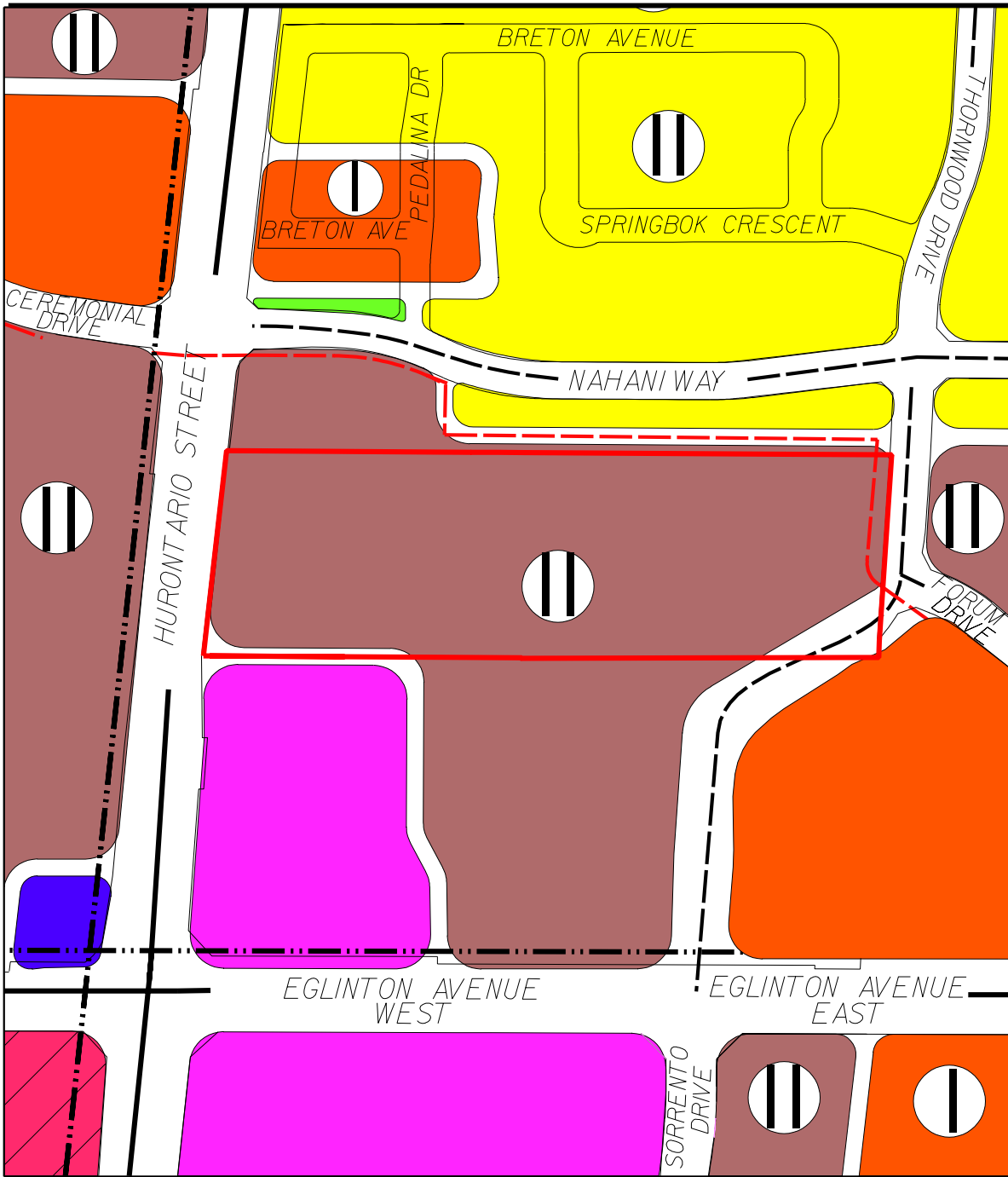
1. The Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act, R.S.O. 1990, c.P.13, as amended, shall be issued and the Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Certificate.
2. Approval of the draft reference 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.
3. 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 3, 2006.
4. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s), 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 for which the easement is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s), are necessary.
5. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" land and "retained" land comply with the provisions of the Zoning By-law with respect to, among other things, lot frontage and lot area, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
6. A letter shall be received from the Region of Peel, Public Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 5, 2006.

Application Approved on conditions as stated.

Dated at the city of Mississauga on November 16, 2006.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD 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 DECEMBER 10, 2006.

Date of mailing is November 20, 2006.



# **PART OF HURONTARIO DISTRICT LAND USE MAP HURONTARIO DISTRICT POLICIES OF MISSISSAUGA PLAN**

- LAND USE DESIGNATIONS**

  - Residential – Low Density I
  - Residential – Low Density II
  - Residential – Medium Density I
  - Residential – Medium Density II
  - Residential – High Density I
  - Residential – High Density II
  - General Commercial
  - Convenience Commercial
  - Motor Vehicle Commercial
  - Mixed Residential High Density II and Office
  - Institutional
  - Open Space
  - Private Open Space
  - Greenbelt
  - Parkway Belt West
  - Utility
- TRANSPORTATION LEGEND**

  - Provincial Highway and Interchange
  - Arterial
  - Major Collector
  - Major Collector (Scenic Route)
  - Minor Collector
  - Local Road
  - Transitway
  - Transitway Stations
  - Major Transit Corridor
  - Proposed Grade Separation
- LAND USE LEGEND**

  - Regulatory Floodplain
  - Node Boundary
  - Community Park
  - 1996 NEP /2000 NEF Composite
  - Noise Contours
  - Golf Course
  - Planning District

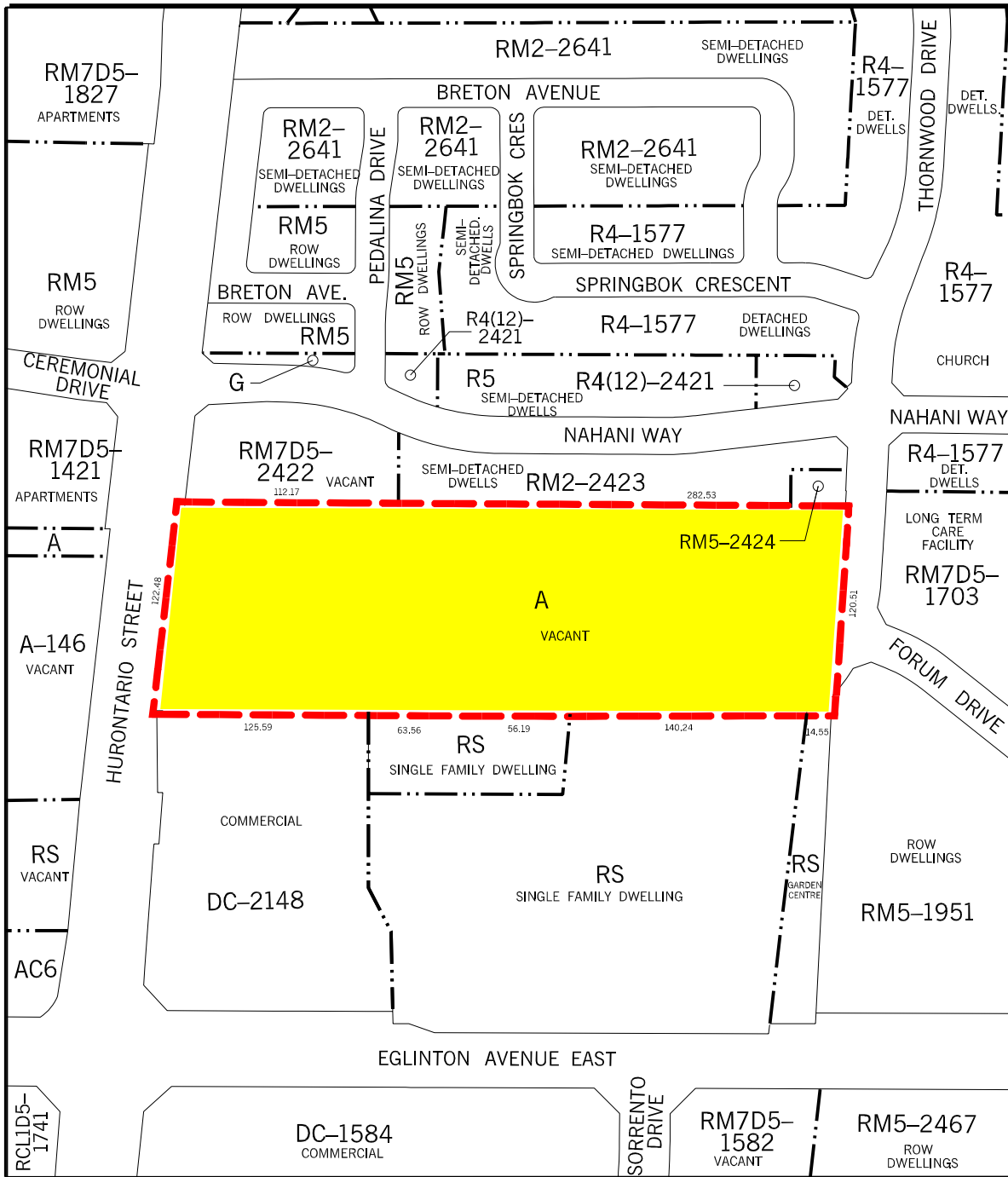
**Note:**  
The 1996 Noise Exposure Projection (NEP)/2000 Noise Exposure Forecast (NEF) Composite Noise Contours are shown for information purposes only and are not part of the District Land Use Map. These contours will change from time to time as new information becomes available.  
For accurate reference the composite NEP/NEF map produced by Transport Canada at a scale of 1:50 000 should be consulted.

**SUBJECT LANDS**



**SUBJECT: SUMMIT EGLINTON INC.**

	<b>FILE NO:</b> 'B' 055/06 W5	<p><b>APPENDIX 2</b></p>
	<b>DWG. NO:</b> 06055L	
	<b>SCALE:</b> NTS	
	<b>PDC DATE:</b> 2007 02 05	
	<b>DRAWN BY:</b> R.DICOSOLA	
<p><b>MISSISSAUGA</b> Planning and Building</p>		<p>Produced by T&amp;W, Geomatics</p>



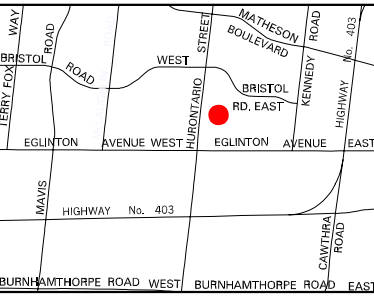
**LEGEND:**

**SUBJECT LANDS**



**SUBJECT:**

**SUMMIT EGLINTON INC.**



**FILE NO:**  
**'B' 055/06 W5**

**DWG. NO:**  
**06055R**

**SCALE:**  
**1:3500**

**PDC DATE:**  
**2007 02 05**

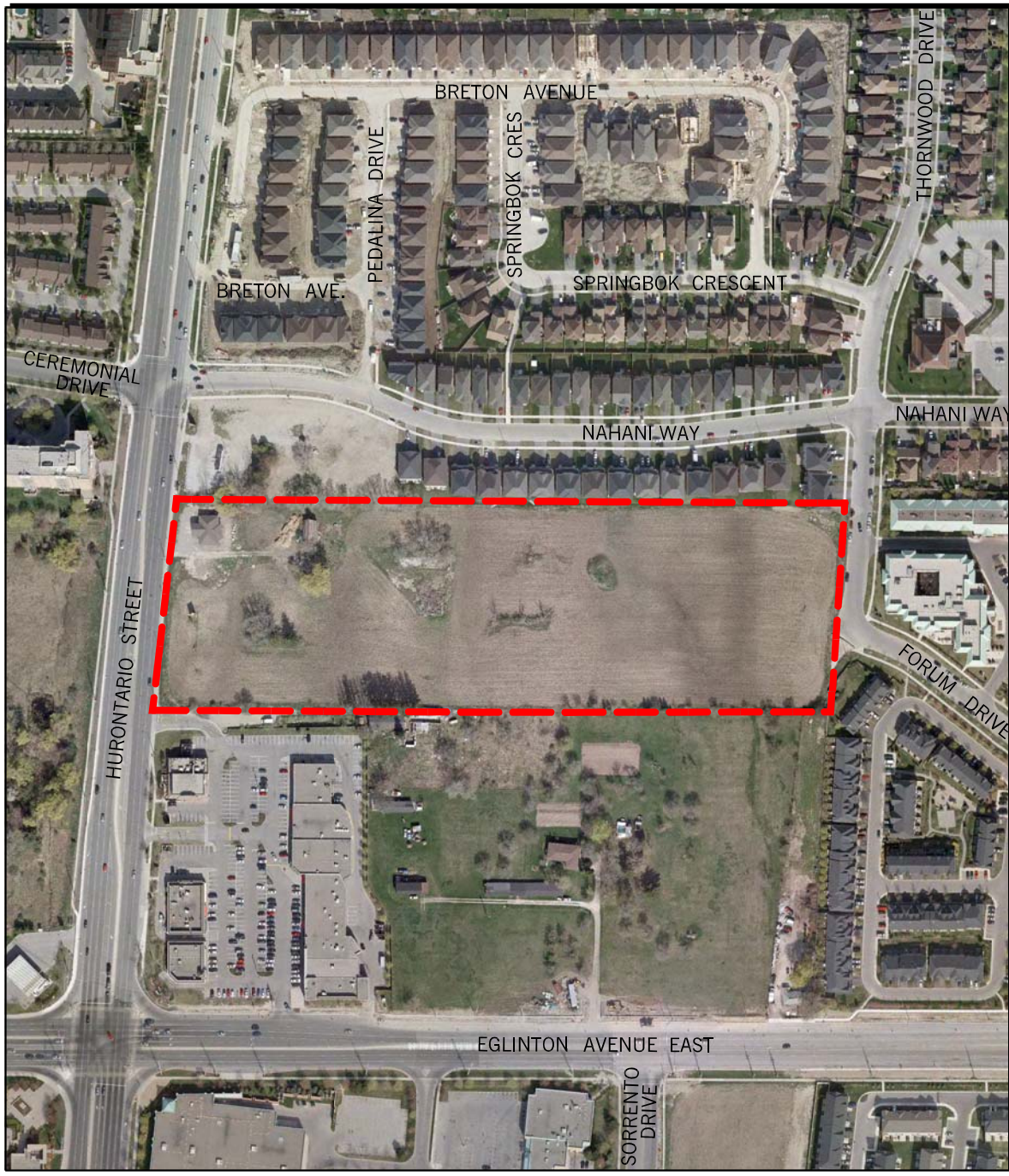
**DRAWN BY:**  
**K. PROKOP**

**MISSISSAUGA**  
Planning and Building

*Produced by*  
**T&W, Geomatics**

**APPENDIX 3**





LEGEND:

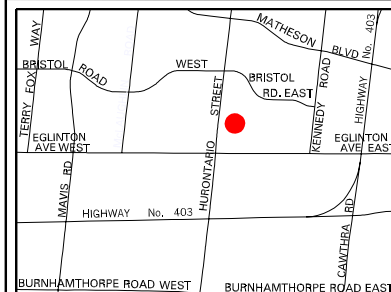


SUBJECT LANDS



SUBJECT:

**SUMMIT EGLINTON INC.**



FILE NO:

'B' 055/06 W5

DWG. NO:

06055A

SCALE:

1:3500

PDC DATE:

2007 02 05

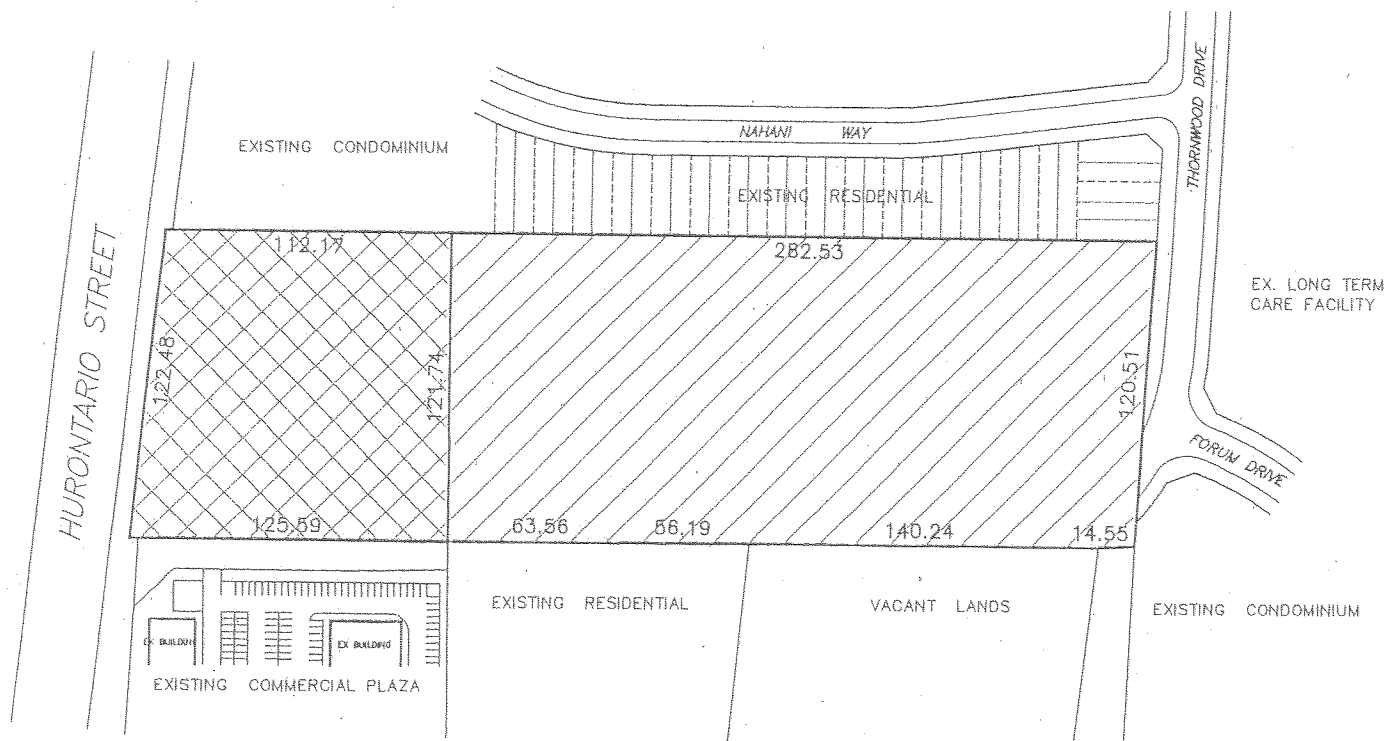
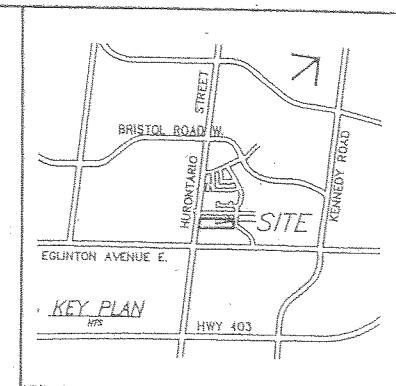
DRAWN BY:

K. PROKOP

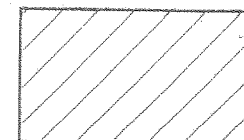
## APPENDIX 5



PLAN OF SURVEY OF  
 PART OF LOT 1  
 CONCESSION 1 EAST OF HURONTARIO STREET  
 CITY OF MISSISSAUGA  
 REGIONAL MUNICIPALITY OF PEEL  
 (FORMERLY GEOGRAPHIC TOWNSHIP OF TORONTO, COUNTY OF PEEL)



LAND SEVERED



LAND RETAINED

REGIONAL MUNICIPALITY OF PEEL  
CITY OF MISSISSAUGA

SUMMIT EGLINTON INC.

CONSENT  
APPLICATION PLANAdamson Lawson Surbray  
Associates Limited

Telephone (905)829-8818 Fax (905)829-4884

Scale: 1:3000

05-07-LD