

Filing Date: February 28th, 2023

Hearing Date: March 28th, 2023

File: B-2023-0005

**Owner/
Applicant:** PRIMONT PROPERTIES INC.

Address: 10629 MISSISSAUGA ROAD

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 22893.78 square metres (5.657 acres); together with a shared access easement. The proposed severed lot has a frontage of approximately 124.51 metres (408.50 feet); a depth of approximately 163.59 metres (536.71 feet) and an area of approximately 17,042.32 square metres (4.21 acres). It is proposed that 2 lots be established from the existing lot for future mixed-use development.

Recommendations:

That application B-2023-0005 is supportable, subject to the following conditions being imposed:

1. That the applicant/owner finalizes Site Plan Approval under City File SPA-2022-0225, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. As a condition of severance, the applicant/owner shall provide confirmation of the registration of a mutual access easement between Part 1 and Part 3 (as depicted on the provided sketch) is registered on title. The mutual access easement will be in perpetuity and to the satisfaction of the City Solicitor and the City's Commissioner, Public Works & Engineering. The applicant/owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings arising, or which may arise as a result of such arrangements. In this regard, the applicant/owner shall submit the following to the Traffic Planning group for approval and copy the Legal Services Division:
 - a. A draft reference plan.
 - b. A draft reference plan overlaid onto the proposed site plan, showing only the subject site, depicting a separate part(s) where the pedestrian easement is to be conveyed.

- c. A memorandum to the Traffic Planning group setting out the part(s) on the draft reference plan that are to be conveyed and copied to the Legal Services Division.
 - d. Upon approval of the draft reference plan by the City's Traffic Planning group, arrange for the Surveyor to have the draft reference plan deposited at the Land Registry Office of Peel.
3. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
 4. 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.

Background:

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Motor Vehicle Commercial' and 'Neighbourhood Retail' in the Mount Pleasant Secondary Plan (Area 51a); and
- **Zoning By-law:** The subject property is split zoned 'Commercial Three Special Section 2294 (C3-2294)' and 'Highway Commercial One Special Section 2295 (HC1-2295)' according to By-Law 270-2004, as amended.

Current Situation:

The intent of this application is to formally sever the subject lands, where Part 1 will be retained and will remain within Primont Properties Inc, ownership, and the area identified as Part 3 will form the severed portion, with the ownership unknown at this time. The land identified as Parts 2 & 7 on the Plan will form a shared driveway between Parts 1 & 3 with a surface easement being established in favor of Part 3. This application is associated with an ongoing Official Plan and Zoning By-law Amendment application (OZS-2021-0002) and concurrent Site Plan application (SPA-2022-0225), both are currently under review with City staff (see Appendix A). The development applications seek to permit a proposed mixed-use development comprised of three residential buildings ranging from 12, 27 to 30-storeys in height with commercial uses at the ground floor.

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report) and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed land conveyance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed land conveyance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed land conveyance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed land conveyance is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed land conveyance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed land conveyance presents no concerns with regard to flood control and the conservation of natural resources.

i)	<i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j)	<i>The adequacy of school sites;</i>	The land conveyance presents no concerns with regard to the adequacy of school sites.
k)	<i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l)	<i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed land conveyance has no impact on matters of energy conservation.
m)	<i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.

Appendix A – Associated Development Applicant OZS-2021-0002 and SPA-2022-0225

