

**Recommendation Report**  
**Community Comments and Response Matrix**  
**Motor Vehicle Commercial Land Use Study –**  
**Mississauga Road South of the Canadian Pacific Railway**

Comments from the Community Meetings and Public Meeting, as well as the written submissions, were generally directed towards the introduction of the gas bar use and its impacts, regard for the Mississauga Road Scenic Route policies, traffic impacts on Mississauga Road, and view of the property from Melody Drive. Below is a summary and response to the specific comments heard.

<b>COMMENT</b>	<b>RESPONSE</b>
<p>The 1985 agreement between City Council and community residents which resulted in the prohibition of gasoline sales on the subject property was not carried forward into the current zoning and has resulted in a gas station being established on the property.</p>	<p>The document notes is not an agreement, rather a letter from the community residents to the local Councillor, Ted Southorn, expressing their desire to prohibit the sale of gasoline on the subject property. This document has no legal standing.</p> <p>Zoning By-laws are changed regularly, either through site specific requests submitted by a land owner or City initiated amendments. Zoning By-law 0225-2007 is the City's first consolidated Zoning By-law, which came into effect after a long and arduous process of consolidating four separate Zoning By-laws that previously regulated the various parts of the City of Mississauga. Zoning By-law 0225-2007 specifically consolidated six <b>AC</b> (Automobile Commercial) zones and their permitted uses, into a singular <b>C5</b> (Motor Vehicle Commercial) zone, with various exception zones to acknowledge specific site characteristics and regulations. For example, the <b>C5-3</b> (Motor Vehicle Commercial – Exception) zone specifically prohibits a motor vehicle wash facility – restricted, as a result of its size and the noise generated by a car wash. At the time, City staff did not contemplate prohibiting a gas bar on the subject property because the impacts of a gas bar are similar to those of a motor vehicle repair facility – restricted and gas bars are not uncommon uses in residential neighbourhoods.</p>

<b>COMMENT</b>	<b>RESPONSE</b>
The existing gas station is too close to residential properties.	Zoning By-laws are intended to establish specific parameters and regulations to ensure land use compatibility between sensitive land uses (e.g. residential uses) and those uses that create undesirable impacts. Zoning By-law 0225-2007 does not contain minimum separation distances between residential zones and gas bars. There are numerous examples throughout the City of Mississauga where gas bars immediately abut residential properties, whereas in this instance, the gas bar is separated from residential uses by public roads.
The view from Melody Drive is undesirable and property maintenance is a concern. Can a fence and/or planting be required along the Melody Drive frontage?	Councillor Carlson is in the process of investigating opportunities to have a privacy fence installed and trees planted within the boulevard on Melody Drive, adjacent to 5235 Mississauga Road to screen views into the subject lands.
Can vehicular access to Melody Drive be prevented?	In order for an access to be provided to Melody Drive an Access Modification Permit would be required from the City's Transportation and Works Department. Given the proximity of this driveway to both Mississauga Road and Symphony Court, it is unlikely that a driveway would be approved in this area.
The gas station use is inconsistent with the Mississauga Road Scenic Route objectives and policies. Were the Mississauga Road Scenic Route policies ignored or changed to suit the proposal?	The Mississauga Road Scenic Route policies recognize the unique non-residential use of the lands between the CP Railway and Melody Drive, including the subject lands. Although the policies envision the lands to develop with the highest design and architectural quality, while incorporating the character and architectural language found in the commercial conversions of residential buildings in Streetsville's historic mainstreet commercial core, a Site Plan application would be required for the City to implement these objectives. Staff are recommending restrictions be placed on the site specific Zoning for the property that would have the effect of limiting any development on the property to that which currently exists. This would ensure that the relatively small building footprint and generous setbacks that are consistent with the Mississauga Road Scenic Route are preserved.
The City approved a Site Plan Approval Express (SPAX) application (SPAX 20/026 W11) in February 2020. Could the City have not demanded a suitable Site Plan before	Site plan control is a tool under section 41 of the <i>Planning Act</i> that allows a local municipality to control certain aspects on and around a site proposed for development, such as: <ul style="list-style-type: none"> <li>• Pedestrian and vehicular access</li> <li>• Lighting</li> </ul>

<b>COMMENT</b>	<b>RESPONSE</b>
<p>allowing a business to commence operations?</p>	<ul style="list-style-type: none"> <li>• Waste facilities</li> <li>• Landscaping</li> <li>• Drainage</li> <li>• Exterior design</li> </ul> <p>Site plan control does not regulate matters covered by zoning by-laws (e.g. land use) or the Ontario Building Code (OBC), nor can it be used to regulate interior design. A SPAX application is a simplified Site Plan application that is reflective of the minor nature of a proposed development. The area Planning Manager determines the type of Site Plan application based on the information provided by the applicant.</p> <p>SPAX 20/26 W11 proposed an extension to the existing canopy on the front of the existing building. The information submitted by the owner's consultant specifically indicated that no change to the use of the building or the property was proposed. Based on this information, it was determined that a SPAX was the appropriate application type and the Site Plan that was provided was adequate for staff to complete their review of the minor proposal.</p>
<p>It is unbelievable that City staff was not aware of the intentions of the property owner to construct a gas station on the property. How did the City not know about the Technical Standards and Safety Authority (TSSA) approvals?</p>	<p>As stated above, all of the information provided by the owner's consultants indicated that no change in use was being proposed and the drawings provided were not reflective of what one would expect for a gas station use (i.e. no gas pumps or tanks were shown and no convenience commercial floorplan was provided).</p> <p>The TSSA does not approve land use, rather it administers and enforces technical standards in Ontario. It creates and enforces public safety rules in various areas, including fuel storage and handling. The TSSA is not required to notify local municipalities of the approvals that they grant pertaining to the storage and handling of fuel.</p>
<p>Does the City's Cultural Heritage project permit such a development?</p>	<p>The City's Cultural Heritage Landscape project does govern land use, as this is regulated through the Zoning By-law. The Cultural Heritage Landscape project recommends a series of strategies to identify the Mississauga Road Scenic Route as a Significant Cultural Heritage Landscape and to incorporate policies into the City's new Official Plan related to the identified heritage attributes.</p>

<b>COMMENT</b>	<b>RESPONSE</b>
<p>Was the future Metrolinx grade separation (underpass) at Mississauga Road and CPR taken into consideration?</p>	<p>The gas bar use occupies the existing building, with minor modifications, and utilizes the existing driveway accesses to Mississauga Road. The potential future grade separation is not expected to impact the gas bar any more than the motor vehicle repair facility that already occupied the property. Furthermore, the timing and design of a future grade separation are unknown and consequently, any impacts from a grade separation are unknown.</p>
<p>Was Credit Valley Conservation Authority approached?</p>	<p>The lands at 5235 Mississauga Road is not captured with the Credit Valley Conservation Authority's regulated area and, therefore, are not subject to their regulations.</p>
<p>Have the serious traffic issues addressed prior to the proposed LA Auto development been ignored? Residents had requested Traffic Study numerous times.</p>	<p>A gas bar and motor vehicle repair facility are permitted uses under Zoning By-law 0225-2007. Traffic Impact Studies are typically required when an application is received to permit a new land use that is not currently contemplated in the zoning for a property.</p>
<p>Will approval of current proposal not set a precedent for proposed development of the 13 acre vacant land at 5265 Mississauga Road, the Gateway to Streetsville?</p>	<p>The property at 5267 Mississauga Road is a large vacant parcel that surrounds the subject property to the north and east. This parcel has been subject to official plan amendment, rezoning and draft plan of subdivision applications (OZ/OPA 11/019 W11 and 21T-M 11/006 W11) over the past several years. These applications, which proposed ten lots on Melody Drive to accommodate detached homes and three, 1 storey, retail, service commercial and office buildings on the remainder of the property, were refused by City Council. The applicant appealed Council's decision to the Ontario Municipal Board (OMB), who ultimately approved a modified version of the proposal. The OMB's final order has been withheld pending receipt of a revised zoning by-law that implements the Board's direction.</p> <p>The development of these lands will reinforce the policies to recognize the transitional character of this portion of Mississauga Road. The gas bar and motor vehicle repair facility are compatible with the non-residential uses proposed at 5267 Mississauga Road.</p>
<p>Will the staff suggest the removal of the fuel tanks?</p>	<p>No, the gas bar use was legally established in accordance with Zoning By-law 0225-2007 and, therefore, the City does not have the ability to have the use removed from the property.</p>

<b>COMMENT</b>	<b>RESPONSE</b>
How are health and safety concerns being addressed (e.g. underground fuel storage tanks in neighbourhoods, fumes from pumping gas, number of entrances/exits, etc.)?	As stated above, Zoning By-law 0225-2007 does not contain minimum separation distances between residential zones and gas bars. There are numerous examples throughout the City of Mississauga where gas bars immediately abut residential properties. In this instance, the gas bar is separated from residential uses by public roads. The number of entrances and exits to the property was an existing condition.
There is a sign on the property advertising the sale of used vehicles.	This has been brought to the attention of Compliance and Licensing. The owner has been instructed to remove all advertisements for vehicle sales and advised that automobile sales are prohibited on the property.