

# City of Mississauga Department Comments

Date Finalized: 2024-03-01	File(s): B4.24 and B5.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-07 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the applications, as requested, meet the requirements of Sections 45(1) and 51(24) of the Planning Act.

## Application Details

### B4/24

The applicant requests the Consent of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel of land has an area of approximately 0.13acres (526.09sq m).

### B5/24

The applicant requests the Consent of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel of land has a frontage of approximately 4.05m (approx. 13.29ft) and an area of approximately 0.02acres (80.94sq m).

### A12/24

The applicant requests the Committee to approve a minor variance to allow a change of use proposing to permit a Retirement Building/ Long Term Care Facility use on the subject site whereas By-law 0225-2007, as amended, does not permit a Retirement Building/ Long Term Care Facility use on the subject site in this instance.

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A12/24 must be finalized

## Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A12.24 shall lapse if the consent application under files B4.24 and B5.24 are not finalized within the time prescribed by legislation.

## Background

**Property Address:** 1829 and 1865 Lakeshore Road West

### Mississauga Official Plan

**Character Area:** Clarkson Village Community Node  
**Designation:** Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-63-Commercial and C4-67- Commercial

**Other Applications:** none

### Site and Area Context

The subject properties are located within the Clarkson-Village Community Node Character Area, northwest of Lakeshore Road West and Clarkson Road North. The surrounding area consists of a mix of restaurant, commercial and office uses fronting onto Lakeshore Road West. The neighbouring property to the west is located at 1865 Lakeshore Road West contains an existing mixed use plaza that ranges in height from one to two stories. The subject property located at 1829 Lakeshore Road West contains a one-storey building containing a restaurant use.

The applicants are proposing reciprocal lot addition applications to realign the current property line that divides to two parcels for the redevelopment of 1865 Lakeshore Road West. Furthermore, the applicant is seeking to permit a Retirement Building/ Long Term Care Facility use at 1865 Lakeshore Road West.



## 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 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The subject properties are designated Mixed Use on Schedule 10 of the Mississauga Official Plan (MOP). The applicant is proposing reciprocal lot addition applications that realign the current property line separating the two parcels. With the realignment of the property, the applicant wants to redevelop the property with a retirement home and is seeking a variance to permit a Retirement Building/Long Term Care Facility use on the property (1865 Lakeshore Road West).

The shared lot line separating 1865 and 1829 Lakeshore Road West is slanted. The applicant's proposal will realign the current property line by making the lot line perpendicular to Lakeshore Road West. Realigning the property line will assist in future redevelopment of the property addressed as 1865 Lakeshore Road West. Staff have no concerns with the proposed consent applications. The applicant's proposal to straighten the lot line represents good planning as the proposed lot shapes are more appropriate and desirable than the existing form and future development. No development or change in operation is being proposed at this time.

Variance #1 is required to permit a new Retirement Building/ Long Term Care Facility use on the property located at 1865 Lakeshore Road West. Staff note the base C4 zone permits only an apartment use. Planning staff are of the opinion that the proposed use would mirror the built form of an apartment use. Since the built form of the proposed use is similar to that of an apartment, the only differing factor between the apartment and retirement building/long term care facility use is that of the user and additional services. Staff are of the opinion that the proposed use will not significantly impact the apartment built form permitted as of right. Therefore staff have no concerns regarding this additional use.

The parcels of land provide appropriate lot frontage and site access. Furthermore, the parcels are large enough to efficiently accommodate the future development of the subject lands with respect to both the permitted uses and additional use being sought. . Lastly the severances do not result in any lot frontage or lot area deficiencies.

Through a detailed review, Staff are of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

A12.24

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 4/24.

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

This Department has no objections to both applicant's requests to sever small portions of their own lands to attach to the others respectively, both known as 1829 and 1865 Lakeshore Road West.

In view of the above, we would recommend that the owners of both parcels review their records and be satisfied that any underground services to either the severed or transferred lands are located such that the services are confined within the limits of their own property. Should it be determined that there are any services which will conflict with the new property limits, the owner would have the option of abandoning that service(s) and arranging for the construction of a new service(s) in the proper location, or alternatively protect it by means of a private easement. Additionally, the applicants are advised to ensure that any reciprocal easements/agreements are in place for the pedestrian/vehicular ingress and egress between the two properties.

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

### Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

Comments Prepared by: Minan Song, Planner in Training

### Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted consent application and advises as follows:

1. Given the property is subject to site plan control, all of Community Services' comments and/or requirements are being deferred and will be addressed at site plan approval.

2. 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 Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

#### **Appendix 4 – Metrolinx**

##### **1829 and 1865 Lakeshore Road West - B4.24, B5.24, A12.24**

Metrolinx is in receipt of the Consent and Minor Variance application for 1829 and 1865 Lakeshore Road West to facilitate a severance for the purpose of a land swap between the two adjacent properties (owned by RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Limited) to adjust the lot lines in support of a future retirement/long term care facility development on the retained lands (1865 Lakeshore Rd W). Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

##### **Advisory Comments:**

- As the severances identified are only to minorly adjust the lot lines, for ownership purposes, and the subject application is not proposing any new development at this time, Metrolinx has no objections to the specified variances/consents should the committee grant approval.
- Please continue to circulate Metrolinx as a stakeholder on the comprehensive application as we will have further requirements as the development progresses.
- The following items will be required prior to Site Plan approval for the proposed long term care development at 1865 Lakeshore Rd W:
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is

included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
  
- The property is subject to a Noise and Vibration Impact Study, prepared by a qualified consultant. The proponent shall submit the study for review and satisfaction of Metrolinx. The proponent may obtain Metrolinx's most up to date rail forecast by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com).

Comments Prepared by: Farah Faroque, Project Analyst

## **Appendix 5- Trans-Northern Pipeline**

**RE: File/application No.: B4.24, B5.24 & A12.24**

**Proposed Development location: 1829 and 1865 Lakeshore Drive West, Mississauga**

**Notice type:: Notice of Public Hearing**

Dear Committee,

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with Notice of Public Hearing for the proposed lot severance for the purpose of a lot addition and for approval for a minor variance to allow for land use change to permit a Retirement Building/Long Term Care Facility. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60

foot right of way (ROW) on the southwest side of the proposed development relating to 1829 and 1865 Lakeshore Drive West, Mississauga

Please note the following in relation to the proposed lot severance, land use change and Retirement Building/ Long Term Car Facility:

- Permanent structures (including paving) are not allowed within the ROW and are requested to be setback 10 m from the ROW
- Access is requested to remain outside of the ROW as an approval would be required from TNPI for any crossings over the ROW (both permanent and temporary for construction purposes)
- Trees are not allowed within the ROW and are requested to be setback 10 m from the ROW. ROW area is best suited for light landscaping (pending approval)
- TNPI requests the site development plan, for further review with TNPI pipeline, ROW and setbacks marked for any activities within 30 m of the pipeline

Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*
- **• Prohibition — vehicles and mobile equipment**

*It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless*

- (a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- o (b) the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Additionally, should the applicant propose to cross the pipeline or right-of-way with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Michelle Gruszecki, Property and Right-of-Way Administrator via email at : mgruszecki@tnpi.ca



As always, Trans-Northern Pipeline Inc. appreciates being circulated development applications, including Land Use changes, Lot severances.

Comments Prepared by: Michelle Gruszecki, Property and Right of Way Administrator

### **Appendix 6 - Region of Peel**

#### **Minor Variance/Consent: A-24-012M, B-24-004M, B-24-005M / 1829 and 1865 Lakeshore Road West**

Development Engineering: Brian Melnyk (905)-791-7800 x3602

#### **Comments:**

- 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.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Ayooluwa Ayoola, Planner

**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. ("A" /23)
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 \_\_\_\_\_, 2023.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated \_\_\_\_\_, 2023.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated \_\_\_\_\_, 2023.
7. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated \_\_\_\_\_, 2023.
8. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated \_\_\_\_\_, 2023.

9. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated \_\_\_\_\_, 2023.