

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-10-21	File(s): B50/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

### 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 application meets the requirements of Section 50(3) of the Planning Act.

### Application Details

The Applicant requests the approval of the Committee to permit a lease greater than 21 years.

#### Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

### Background

**Property Address:** 5889 Airport Road

#### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Business Employment

#### Zoning By-law 0225-2007

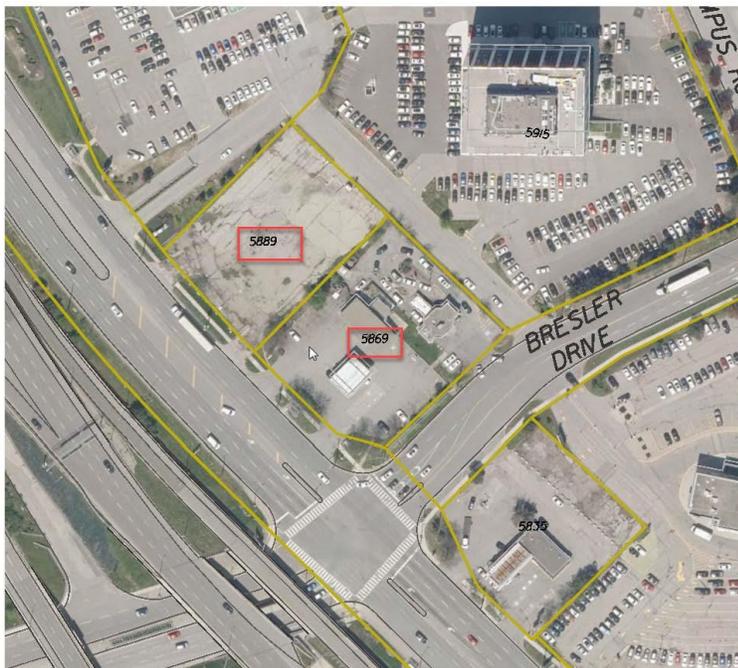
**Zoning:** E2-68 (Employment)

**Other Applications:**

None

### Site and Area Context

The subject properties associated with applications 'B' 49/20 and 'B' 50/20 are contiguous parcels located upon the north-west corner of the Airport Road and Tomken Road intersection. The lands of 5869 Airport Road currently house a single-storey automotive service station; a gas bar; and, an ancillary convenience store. The lands of 5889 Airport Road currently sit vacant. The neighbourhood context is comprised exclusively of office uses; with the predominant building type in the immediate area consisting of multi-storey office structures.



## Comments

### Planning

#### Planning Act

Section 51(24) of the *Planning Act* establishes the criteria for land division within the Province of Ontario. In evaluating such requests, the Committee must to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also any municipal requirements identified in local legislation.

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

### **Planning Analysis**

Staff comments concerning the application are as follows:

Through a detailed review, Staff is 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.

### **Conclusion**

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 50(3) of the Planning Act.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to permit a lease greater than 21 years. In this regard, this department has no objections or requirements for this application.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

This Department has no objection to the consent application provided that the proposed lease extension does not result in any change that would cause a deficiency to any provisions of the Zoning By-law with respect to minimum lot frontage and lot area; setbacks to existing buildings; and parking requirements; or, alternatively that any minor variance is approved, final and binding.

Comments Prepared by: Marco Palermo, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the October 29<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-425/19, DEF-A-201/20, DEF-A-202/20

**Consent Applications:** B-49/20, B-50/20

**Minor Variance Applications:** A-330/20, A-331/20, A-334/20

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 7 – Trans-Northern Pipelines

Thank you for providing Trans-Northern with the Committee of Adjustment agenda for October 29, 2020 which included the proposed request of a permit/lease greater than 21 years, located on the west side of Airport Road. Trans-Northern currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the adjacent property East to the two leased properties relating to 5689 and 5889 Airport Road.

Trans-Northern has no concerns with the lease extension under the current land use designation however would request any changes for development to follow the Development Request review process with TNPI submitting any plans ahead of applications with the City. 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*
  - **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

If there is to be development (not discovered in this review) within the 30 metres prescribed area additional steps will be required. Additionally, should the applicant proposes to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact Trans-Northern 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 Trans-Northern 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 Cliff Lee, Crossing Coordinator via email at : [crossingrequestseast@tnpi.ca](mailto:crossingrequestseast@tnpi.ca).

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

**Appendix A – Conditions of Provisional Consent**

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.