

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): B72.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 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 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: 1156 Dundas St E

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Mixed Use

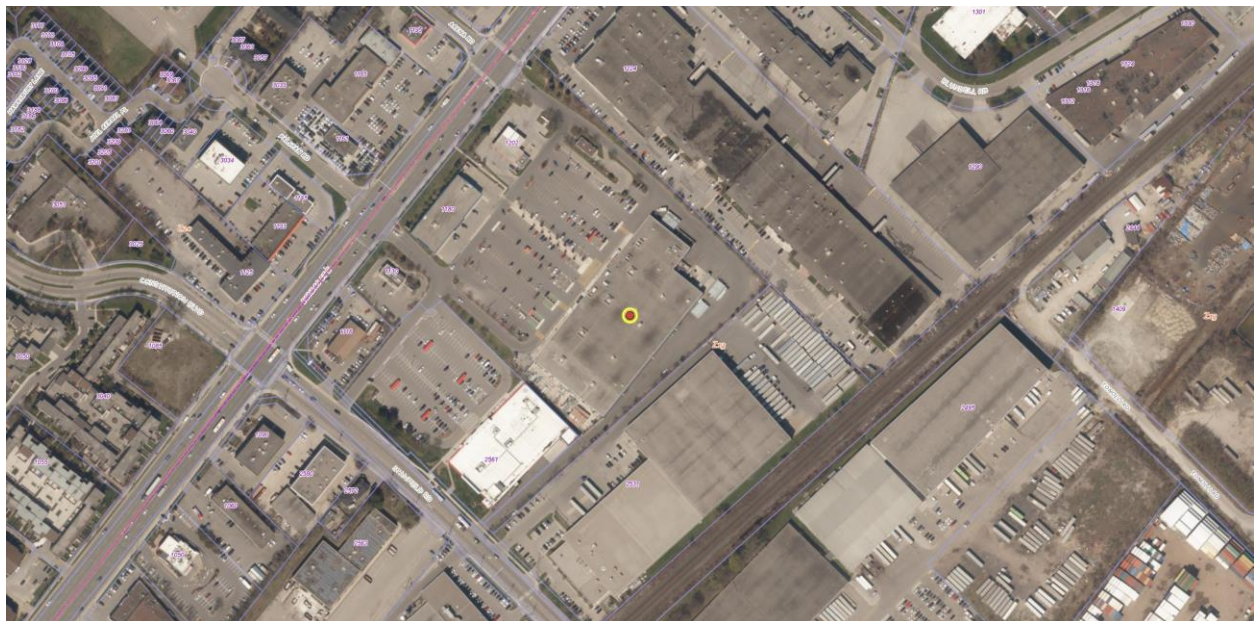
Zoning By-law 0225-2007

Zoning: C3-66 - Commercial

Site and Area Context

The subject property is located southwest of the Dundas Street East and Dixie Road intersection. The subject property is in use by A&W Restaurant. Other uses on the subject property consist of commercial – retail uses. Limited vegetative elements are located along the property lines only. The surrounding area context includes a range of uses and built forms that include commercial and residential uses.

The applicant is seeking to permit a lease for a period of greater than 21 years requiring the consent of the Committee of Adjustment.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2024 (PPS 2024) promotes efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

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.

Staff comments concerning the application are as follows:

The applicant is proposing a lease greater than 21 years for a unit on the subject property. The Planning Act requires that leases of 21 years or greater receive consent from the municipality. Staff note that the proposed use conforms to both the official plan and zoning by-law. 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: Shivani Chopra, 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 for the existing A & W restaurant. In this regard, this department has no objections or requirements for this application.

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.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Crystal Abainza, Zoning Examiner

Appendix 3 – Region of Peel Comments

Application for Consent: B-24-072M / 1156 Dundas Street East

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800 x6019

Comments:

- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply as per the documents registered on title.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4 - Conservation Authority Comments

This letter will acknowledge receipt of the City's circulation of the above noted Consent Application received by Toronto and Region Conservation Authority (TRCA) on November 13, 2024. A list of materials reviewed by TRCA is included in Appendix "A".

TRCA staff have reviewed the application in accordance with the Conservation Authorities Act (CA Act) and its associated regulations, which require TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. Whether acting on behalf of the Ministry of Natural Resources (MNR) or as a public body under the Planning Act, Conservation Authorities (CAs) must help ensure that decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Planning Statement (PPS) and conform to any natural hazard policies in a Provincial Plan.

In addition, TRCA staff have also reviewed these applications in accordance with TRCA's permitting responsibilities under Section 28.1 of the CA Act. Where development activities are proposed within a TRCA Regulated Area (i.e., river or valley, wetlands, hazardous lands, etc.), a permit is required from TRCA. TRCA must ensure that where a proposal is within an area regulated by TRCA, that the proposal conforms with the appropriate policies of Section 8 of

TRCA's Living City Policies (LCP), which evaluate a proposal's ability to meet the tests of the CA Act and regulation.

Purpose of the Application

TRCA staff understand that the purpose of the Consent Application is to:

- Permit a lease greater than 21 years only.

TRCA staff understand that four buildings exist on site (A&W Restaurant, Canadian Tire Store and Gas Bar, and Mark's Work Warehouse). The portion of the lands subject to the long-term lease are illustrated as "Severed Lands/Lands Subject to Consent to Lease" (inclusive of all buildings) on the Consent Sketch. The severed lot has a depth of approximately 48.61m, an area of approximately 0.23 ha, and frontage of approximately 42.96m. The balance of the subject lands containing the area pertaining to the Canadian Tire Store, Canadian Tire Gas Bar and Car Wash, and Mark's Work Warehouse are referred to as "Retained Lands" on the Consent Sketch. The retained lot has a depth of approximately 252.5m, an area of approximately 4.46ha, and a frontage of approximately 182.39m.

It is our understanding that the requested variances are required to facilitate the long-term lease of the A&W Restaurant for A&W Restaurants Canada Inc. Also, TRCA staff understand that there is no change to the use or any site alteration or proposed development on the subject lands.

CA Act and O. Reg. 41/24

The entire subject lands are within the Regulatory Floodplain of the Etobicoke Creek Watershed and are subject to O. Reg. 41/24 and the CA Act. Based on our review of the proposed development associated, the proposed development is located within the regulation portion of the subject lands. However, a TRCA permit is not required.

Recommendation

As currently submitted, TRCA staff are of the opinion that the Consent Application assigned City File No. **B72.24** is consistent with Provincial policy. Specifically, Section 5 (Natural Hazards) of the PPS. Additionally, it is staff's position that these applications are in conformity with TRCA's LCP policies. As such, TRCA has **no objection** to the approval of the application subject to the following conditions:

1. That the applicant provides the required \$1,590.00 planning review fee.

Fee

The applicant is responsible for the payment of the \$1,590.00 Variance – Minor review fee. Please contact the undersigned to process this payment.

We thank you for the opportunity to comment. We trust these comments are of assistance. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I

Appendix 5 – Metrolinx Comments

Metrolinx is in receipt of the Consent application for 1156 Dundas St E to permit a lease greater than 21 years as circulated on November 13, 2024, and to be heard at Public Hearing on December 12, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service. The subject property is also adjacent to the proposed Dundas Bus Rapid Transit (Dundas BRT) alignment.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

DUNDAS BRT – ADVISORY COMMENTS

- It is advised to coordinate with the City and Metrolinx should there be any works that may impact the proposed ROW of the Dundas BRT.
- The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>

Should you have any questions or concerns, please contact Farah.Faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst

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.