

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): B86.24 A615.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2/13/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

B86.24

The applicant requests the consent of the Committee to sever a parcel of land to create a new lot. The parcel of land has a frontage of approximately 38.74m (127.10ft) and an area of approximately 1656.20sq.m (17,827.19sq.ft).

A615.24

The applicant requests the Committee to approve a minor variance to allow the creation of a new lot, being the severed lands of application B86/24, proposing a lot frontage of 38.74m (approx. 127.10ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 48.00m (approx. 157.48ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) 'A615.24' must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) 'A615.24' shall lapse if the consent application under file 'B86.24' is not finalized within the time prescribed by legislation.

Background

Property Address: 5145 Dixie Rd

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Mixed Use

Zoning By-law 0225-2007

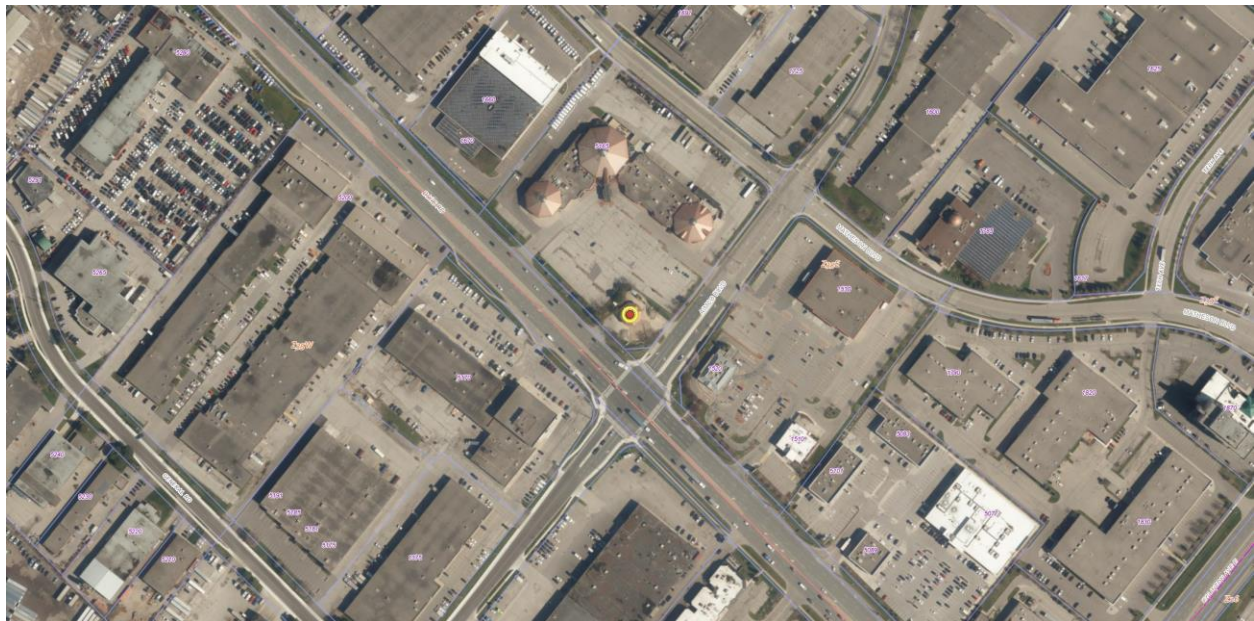
Zoning: C3-1 - Commercial

Other Applications: None

Site and Area Context

The subject property is located on the north-east corner of the Dixie Road and Aimco Boulevard intersection in the Northeast Employment Character Area. It currently contains a multi-tenant commercial plaza with an associated parking lot. Vegetative elements are limited to location abutting property lines, characteristic of the surrounding area. The surrounding context contains a mix of commercial and employment uses in low rise buildings.

The applicant is proposing to sever the existing property into 2 lots requiring a variance for lot frontage.



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.

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*.

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

Staff note a consent application mirroring the same proposed lot lines as this proposal was brought before the Committee of the Adjustment and was approved on November 17th, 2022. Staff note the consent lapsed, as the applicant was unable to clear the conditions of consent within the time prescribed by legislation. Additionally, a minor variance application was brought before the Committee of Adjustment on March 23rd, 2023, for reduced lot frontage and side yard setbacks. The minor variance application was approved, however zoning staff determined the lot frontage variance was not required. The same lot frontage variance is also being considered for this proposal.

The subject property is located in the Northeast Employment Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use designation permits a variety of commercial and employment uses. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

Staff are satisfied that the application is consistent with the official plan as the severed and retained lands will provide adequately sized lots and are appropriate to facilitate the use(s) envisioned in the official plan. Furthermore, staff have no concerns with the severance regarding the criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

In addition to the consent application, the applicant has submitted a minor variance application, under file A615.24, requesting a reduction to the lot frontage for the severed parcel. The intent of the lot frontage provision in the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Planning staff are satisfied that the lot fits appropriately into the character of the surrounding area and are complementary to the existing lot fabric. However, as noted above, staff note a variance for lot frontage may not be required and direct the applicant to contact zoning for further clarification.

Given the above, Planning staff are therefore satisfied that the proposal maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Planning staff also note a preliminary application meeting (PAM 24-179) occurred with Development Planning staff on October 24th, 2024, to construct a 14-storey hotel on the subject property. The plans submitted for PAM 24-179 depicted a prospective hotel and parking area straddling across the proposed northern boundary line dividing the proposed severed and retained parcels as per the scope of the consent application. Planning staff note they would not support a proposal where the orientation of a structure or building straddles a newly created lot line devised through a separate consent process.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to create a new lot. Under the previous severance application for this site (file 'B' 63-22) this department provided a comment requesting that confirmation be received that no easements would be required as there was an existing service station, and we needed to confirm the location of any underground services. We note that the service station has been removed and the property is currently vacant.

It should be acknowledged that the city recently processed application PAM 24-179 for this property which proposed a 14-story hotel. The property limits shown on the Site Plan for the proposed hotel do not align with the property limits proposed under this severance application and we questioned the PAM 24-179 request. It should be noted that this department would not be in support of any structures (i.e. hotel) straddling different property lines.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent:

1. Road Widening on Matheson Boulevard and Sight Triangle Requirements

Satisfactory arrangement will have to be made for the gratuitous dedication to the City of Mississauga for a right of way widening towards the ultimate 26 metre right-of-way of Matheson Boulevard as identified in the Official Plan.

In addition, a 10 metre Sight Triangle at the north-west corner of Aimco Boulevard and Matheson Boulevard will be required.

The applicant's surveyor is to prepare and submit a draft reference plan to this department for review and approval. We are advising that any particulars with regards to land dedications will have to be to the satisfaction of our traffic section, Trans.Projects@mississauga.ca and also verified by the City's Ontario Land Surveyor which can be contacted at viorel.mares@mississauga.ca

2. Environmental Site Assessment (ESA) for Road Widening

As a road widening across the frontage of Matheson Boulevard is being requested, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

3. Mutual Access Easement with Residual Lands (5165 Dixie Road)

The applicant/owner will be required to establish a Mutual Access Easement between 5145 (severed lands) and 5165 (residual lands) Dixie Road. We are advising that any particulars with regards to this Mutual Access Easement will have to be to the satisfaction of our traffic section. It is advisable that the applicant contact our traffic section at Trans.Projects@mississauga.ca with regards to any of the pertinent details such as the exact location and width of this Mutual Access Easement.

4. Solicitor Letter and 43R-Plan Addressing Required Easement(s)

The applicant/owner will be required to provide a 43R-Plan and letter prepared by the applicant's Solicitor which would specifically describe the new private Mutual Access Easement to be established through this application.

It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new easement(s) can be identified and be incorporated into the Certificate of Secretary-Treasurer.

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site-specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. can be addressed.





Comments Prepared by: Tony Iacobucci, Development Engineering

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

- The Region requests the gratuitous dedication of lands along Regional Road 4 (Dixie Road) that has a right of way of 50.5 metres:
 - 25.25 metres from the centreline of the road allowance within 245 metres of an intersection to protect for the provision of but not limited to: utilities, sidewalks, multiuse paths and transit bays/shelters.
- The Region will require the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Dixie Road and Amico Boulevard.
- The Region will require the gratuitous dedication of a 0.3 metre reserve along the frontage Regional Road 4 (Dixie Road) behind the property line and daylight triangle, except at any approved access point.
- The applicant shall gratuitously dedicate these lands to the Region, free and clear of all encumbrances, and shall provide the Region with the necessary title documents and reference plan(s) to confirm the Region's right-of-way. All costs associated with land transfer are the responsibility of the applicant.
- The Region is in support of the continued use of the restricted right-in/right-out access to the retained lands.
- The Region is not in support of the access to Dixie Road from the severed lot. Access will only be supported from Amico Boulevard. The Region requests that the applicant establish provisions to be put in place by way of easements for interconnectivity between the retained and severed properties.

Condition:

- Satisfactory arrangement shall be made between the owner and the Region regarding land dedication and access configuration.

Comments Prepared by: Petrele Francois, Junior 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" 615/24)
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 February 6, 2025.
5. 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 February 6, 2025.

NOTE:

Subsection 50(3) and/or 50(5) of the Planning Act shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.