

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-13	File(s): A26.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/20/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow a dual lane drive-thru to the existing restaurant proposing a depth of landscaped buffer of 3.14m (approx. 10.30ft) whereas By-law 0225-2007, as amended, requires a minimum depth of landscaped buffer of 4.50m (approx. 14.76ft) in this instance.

Background

Property Address: 3025 Clayhill Rd

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)
Designation: Mixed Use

Zoning By-law 0225-2007

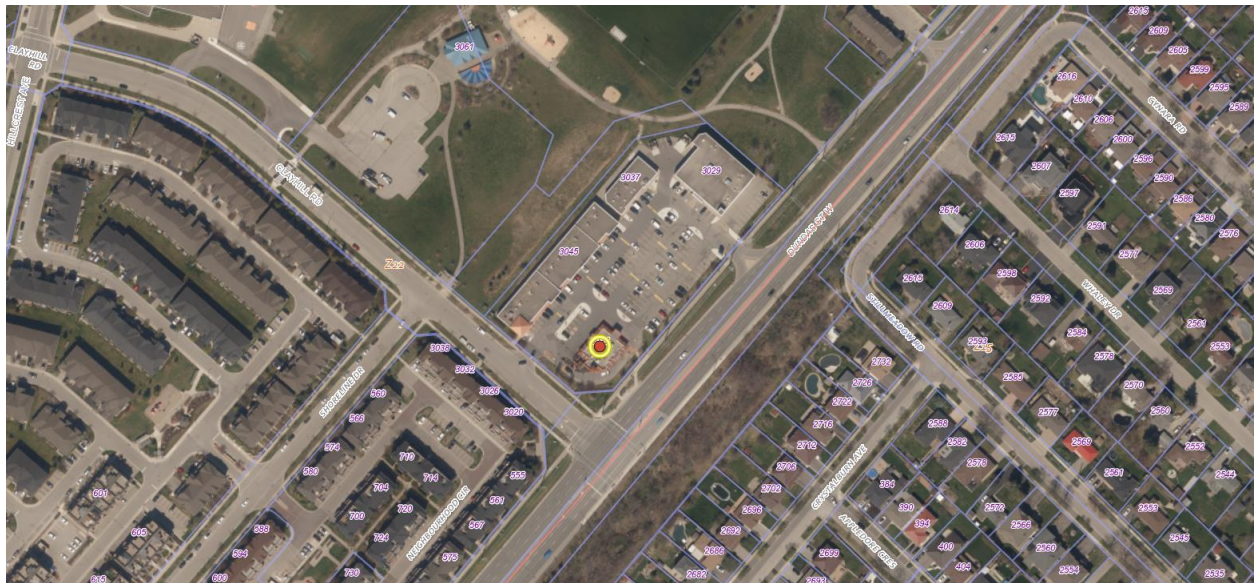
Zoning: C2-Commercial

Other Applications: None

Site and Area Context

The subject property is located on the north-east corner of the Dundas Street West and Clayhill Road intersection in the Cooksville Neighbourhood (West) Character Area. It is a corner lot that contains four (4) single storey buildings which facilitates a multi-tenant commercial plaza. Limited landscaping is present on the subject property while vegetative elements are located along the Dundas Street West and Clayhill Road frontages in the form of street trees. The surrounding area context is diverse, as it contains residential uses in the form of detached, semi-detached and townhouse dwellings, as well as various multi-tenant commercial plazas along Dundas Street west in the greater area context.

The applicant is proposing to expand the existing single lane drive-through to a dual lane drive-through requesting a variance for reduced landscaped buffer.



Comments

Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is located in the Cooksville Neighbourhood (West) Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such

development is compatible with existing site conditions, the surrounding context and the landscape of the character area. Staff are of the opinion the proposal maintains the general intent and purpose of the official plan.

The sole variance requested pertains to a reduced landscaped buffer along the Clayhill Road frontage. The intent of this portion of the by-law is to ensure an appropriate buffer exists abutting all lot lines and that the drive-through component of the take-out restaurant use is separate from the municipal right-of-way. Staff are satisfied that the request for a reduced landscaped buffer is negligible and the proposal provides an appropriate landscaped area providing for adequate separation between the lot line and drive-through stacking area. Staff note the presence of an existing landscape boulevard on the municipal right-of-way along the Clayhill Road frontage. Staff are of the opinion the reduction of the landscaped buffer will not have a notable impact on the streetscape.

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

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's ease of reference are photos depicting the area where the dual lane drive-thru will be replacing the existing single lane drive-thru.



Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

We note that a Site Plan Approval application and/or a Building Permit are required. In the absence of either of these applications we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Brickyard Park (P-416), zoned OS2 – Open Space – City Park.

Should the application be approved, the Parks and Culture Planning Section provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

City Department and Agency Comments	File:A26.25	2025/03/13	7
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1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

- The subject property is adjacent to the Metrolinx proposed Dundas BRT alignment.

DUNDAS BRT – ADVISORY COMMENTS

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- 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 jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review