

City of Mississauga
Corporate Report



<p>Date: February 11, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: CD.21-MAV</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: March 7, 2022</p>

Subject

INFORMATION REPORT (WARD 7) – Mavis Road and Burnhamthorpe Road Block Review

Recommendation

1. That the report titled “Mavis Road and Burnhamthorpe Road Block Review” dated February 11, 2022, from the Commissioner of Planning and Building, be received for information.
2. That staff give consideration to allowing greater flexibility for expansions to existing industrial buildings on the subject lands as part of the ongoing Official Plan Review process, consistent with the preliminary planning recommendations of this Report.

Executive Summary

- Historically, the Mavis East Block contained a mix of industrial and commercial uses while the eastern portion of the block contained limited residential permissions
- Between 1981 and 1996, a shift in the long-term land use vision of the site began with removal of the industrial component of the designation
- Conversely, the Mavis West Block has maintained its industrial and commercial land use designations going back to at least 1980
- A key part of the current land use vision for the Mavis East Block is that it function as a buffer and transition between the Business Employment/Industrial character of the Mavis West Block and the City's Downtown
- Staff recommend that the Mavis East Block not be redesignated or rezoned to permit industrial uses, but instead that consideration be given to allowing greater flexibility for expansions to existing industrial buildings as part of the ongoing Official Plan Review

Background and Overview

This focus of this report is on lands bounded by Burnhamthorpe Road on the north, Mavis Road on the west, Central Parkway West on the south and Grand Park Drive on the east. This area, referred to as the Mavis East Block, has been identified by Council for a land use planning review subsequent to recent development applications and related appeals to the Ontario Land Tribunal (OLT). The longstanding industrial operations within this area has made change challenging, particularly as the City has developed around it. The existing zoning regulations restrict industrial expansions, which has caused concern among some of the businesses as well as Council. In the context of recent decisions rendered by the Committee of Adjustment, Council and the OLT, Council has asked for staff to prepare a report outlining the historical planning context within the Block and also for the lands on the west side of Mavis Road (Mavis West Block). Council also directed that this report include a preliminary recommendation on the appropriateness of reintroducing industrial land use permissions to the Mavis East Block. Appendix 1 contains the details of the Resolution 0210-2021, which was adopted on November 24th, 2021.

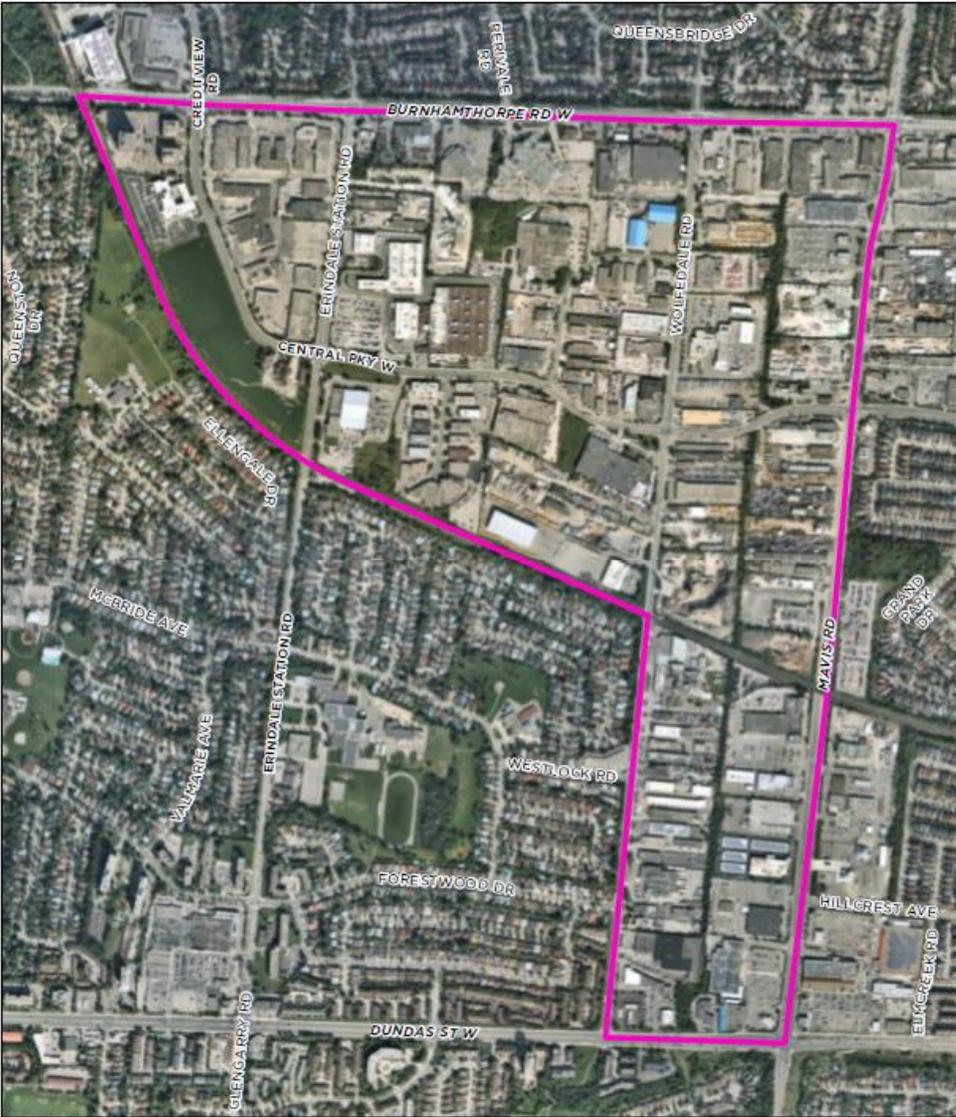
The following key points summarize what follows in this report:

- While the Mavis East Block has contained a mix of industrial and commercial uses for decades, planning policy started to shift away from industrial permissions during the 1980s to set the foundation for an appropriate interface with growing residential uses to the east
- The Mavis East Block Mixed Use policies provide an effective land use transition and separation between the sensitive residential land uses to the east and the protected employment uses to the west
- The current land use framework represents good planning and is consistent with provincial and City policies
- A city-initiated reversion to previous industrial zoning permissions could be interpreted as a municipal determination that there are no compatibility issues, which is not the case
- The Mavis East Block has never been identified as a protected Employment Area by the Province, Region or City, while the Mavis West Block has
- Mavis Road provides a logical boundary between the two Blocks
- Mississauga can achieve its 2051 Regional job forecast without the Mavis East Block lands, particularly given the 670.5 hectares (1,656.7 acres) of vacant and underutilized lands in the City
- Although the Tribunal approved the RioTrin residential development applications, it recognized land use compatibility as an ongoing concern in this area and ordered the City to make Official Plan changes to reduce potential future conflicts on the plaza lands
- The NYE Manufacturing minor variance applications are an example of the evolving operational needs of businesses in the area that should be considered when comprehensively re-evaluating local land use policy
- While staff recommend that the Mavis East Block not be redesignated or rezoned to permit industrial uses, consideration should be given to allowing greater flexibility for expansions to existing industrial buildings

Below is an overview of the land use planning context and relevant changes that have occurred within the two blocks of land.

Land Use Planning Context

Official Plan and Zoning Changes – Mavis West Block



MAVIS WEST BLOCK

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North arrow symbol

Scale bar: 0 140 280 420 560 700 m

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Figure 1: Aerial View – Mavis West Block

The land use planning vision for the lands on the west side of Mavis has remained consistent for over 40 years. Since 1980, these lands have maintained industrial and commercial land use designations and permissions, reflecting the businesses operating there. Furthermore, the introduction of Zoning By-law 0225-2007 did not significantly alter the zoning permissions for the block. The Mavis West Block continues to permit a variety commercial and industrial uses. Detailed background information is outlined in Appendix 2, including site information, employment data, site photos, applicable provincial and Region of Peel policies and guidelines, along with historic and existing municipal land use regulations.

Official Plan and Zoning Changes – Mavis East Block



MAVIS EAST BLOCK

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Figure 2: Aerial View – Mavis East Block

In 1981, the western portion of the Mavis East block contained a mix of industrial and commercial businesses and land use permissions while the eastern portion of the block contained residential Official Plan permissions. Between 1981 and 1996, a shift in the long-term land use vision of the site began. With removal of the Industrial component of the land use designation, the Official Plan started to emphasize a mixed commercial and residential vision for the lands. In 2003, the Mixed Commercial I & II designations were incorporated into a single General Retail Commercial designation. This designation included site-specific permissions for high density residential development oriented towards the interior eastern boundary of the site.

Presently, Mississauga Official Plan (MOP) designates most of the lands Mixed Use. The north-west quadrant is designated Motor Vehicle Commercial. Section 16.11.2.1.2 states that notwithstanding the provisions of the Mixed Use designation, the following additional policies will apply:

- The redevelopment of the lands fronting Mavis Road should recognize industries on the west side of Mavis Road. Redevelopment of the lands fronting the east side of Mavis Road will be of a mixed commercial/residential nature and any permitted high density residential development will be located internally on the site and have an easterly orientation.

While no new residential development is to be within the 300 m (984 ft.) influence area of the chemical plant located within these lands (Section 16.11.1), Special Site Policy 16.11.2.1 permits Residential High Density development along the east boundary of the block. The Special Site policies outline specific direction on how the lands are to develop now and in the future as a mix of uses gradually replace industrial operations.

As part of the City's new comprehensive Zoning By-law, the zoning of the subject lands was changed in 2007. The new zoning replaced industrial zones with zones that only permit uses legally existing on the date of passing of By-law 0225-2007. Minor alternations and additions to existing buildings were permitted.

Additional background information is outlined in Appendix 3, including site information, employment data, site photos, applicable provincial and Region of Peel policies and historic and existing municipal land use regulations.

RioTrin Development Applications - 3900-3980 Grand Park Drive – Mavis East Block

On August 17, 2015, RioTrin Properties (Burnhamthorpe) Inc. submitted complete Official Plan and Zoning By-law Amendment applications to the City on a portion of the retail plaza located at the northeast quadrant of the Mavis East Block. On March 18, 2019, a Recommendation Report was presented to the Planning and Development Committee, with staff recommending approval of the applications for a proposed 25-storey mixed use building with retail commercial uses at grade. On March 27, 2019, Council passed a resolution refusing the application. On May 1, 2019, an appeal with the Local Planning Administrative Tribunal (LPAT) was filed on behalf of the applicant, appealing Council's decision to refuse the application.

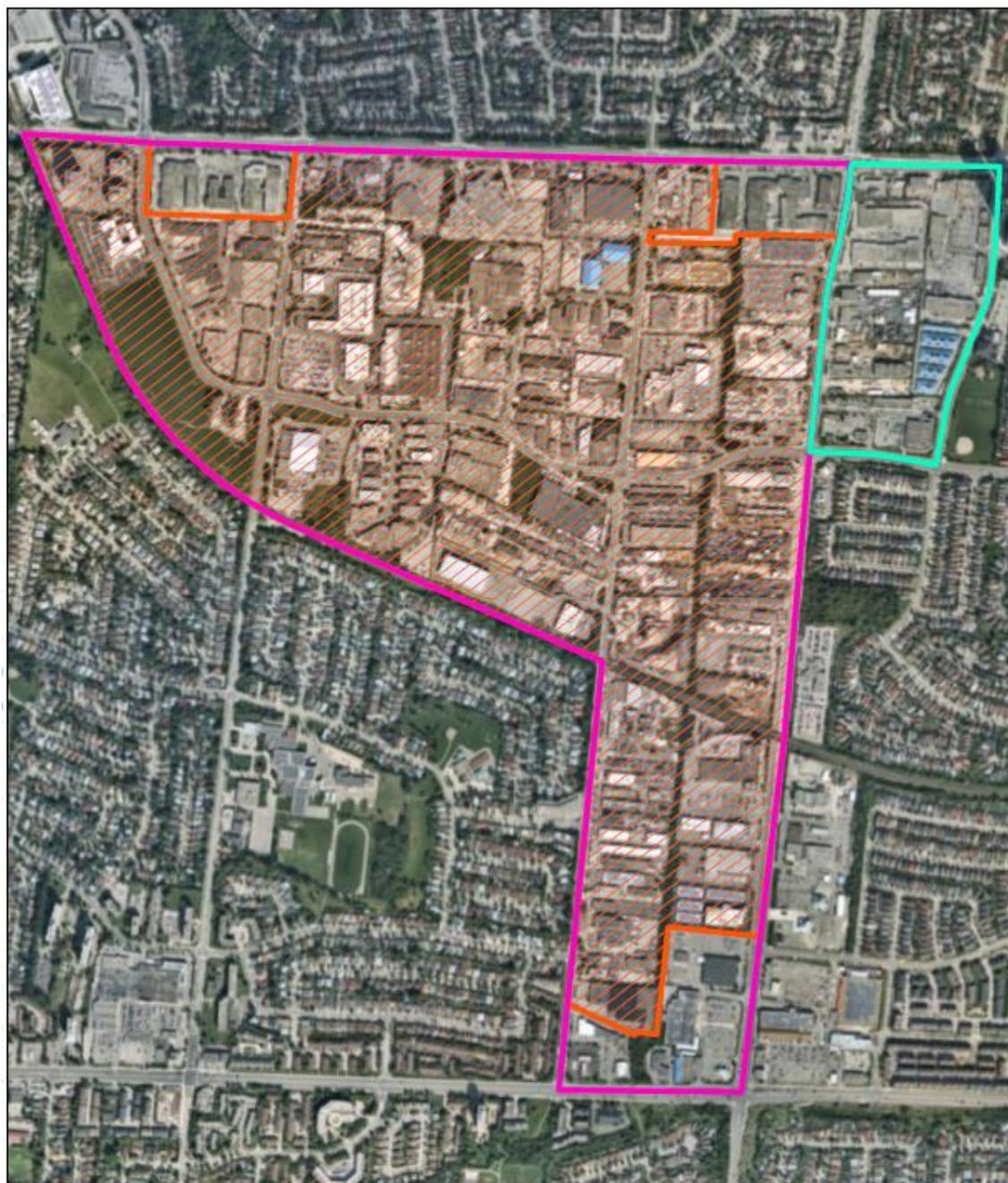
On April 30, 2021, the Tribunal allowed the appeal and approved the applications. In its written decision, the Tribunal noted that the primary issue of the appeal was the proximity of the proposed development to the existing Fielding site and whether the approval would give rise to land use conflicts that would not be compatible with the existing industrial use. The Tribunal concluded that based on the technical study and the subsequent peer review, the proposal represents an orderly development of a safe and healthy community. The Tribunal was also satisfied that the proposed development conforms with the provisions in the Growth Plan which demonstrates, among other matters, that adverse effects on sensitive land uses will be avoided, and that based on expert evidence, the Tribunal was of the opinion that public health and safety was demonstrably dealt with.

Furthermore, the Tribunal also ordered:

- that the City amend the Official Plan to remove the residential permissions for the remainder of the plaza lands to minimize further potential conflicts
- that an "H" Holding symbol be placed on the proposed development until such time as outstanding technical requirements are met and a suitable Section 37 Agreement has been agreed upon

PSEZs and Region of Peel Employment Retention Policies – Mavis East and West Blocks

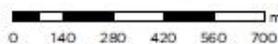
In May 2019, the Province made changes to the Growth Plan for the Greater Golden Horseshoe, 2017, which included the introduction of Provincially Significant Employment Zones (PSEZ). PSEZs are intended to identify key employment areas, protect them over the long term for employment uses, and act as an economic development tool. This includes nearly all of the Mavis-Erindale Employment Area (Mavis West Block), located beside the Mavis East Block.



MAVIS EAST AND WEST BLOCK

-  PSEZ
-  Mavis West
-  Mavis East

This is not a plan of survey




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Figure 3: Aerial View – Mavis West Block and Mavis East Block

As part of the Region of Peel's Official Plan Review process, the Region has created a draft schedule of all employment areas located across Peel that incorporate the PSEZs and lower-tier municipal Employment Areas. The figure below highlights the Mavis-Erindale Employment Area, nearly all of which is a PSEZ, in proximity to both the subject lands and the provincially recognized Urban Growth Centre (Downtown Mississauga). The Region's draft policies protect these lands exclusively for employment uses and require lower-tier municipalities, including Mississauga, to do the same in their official plans.

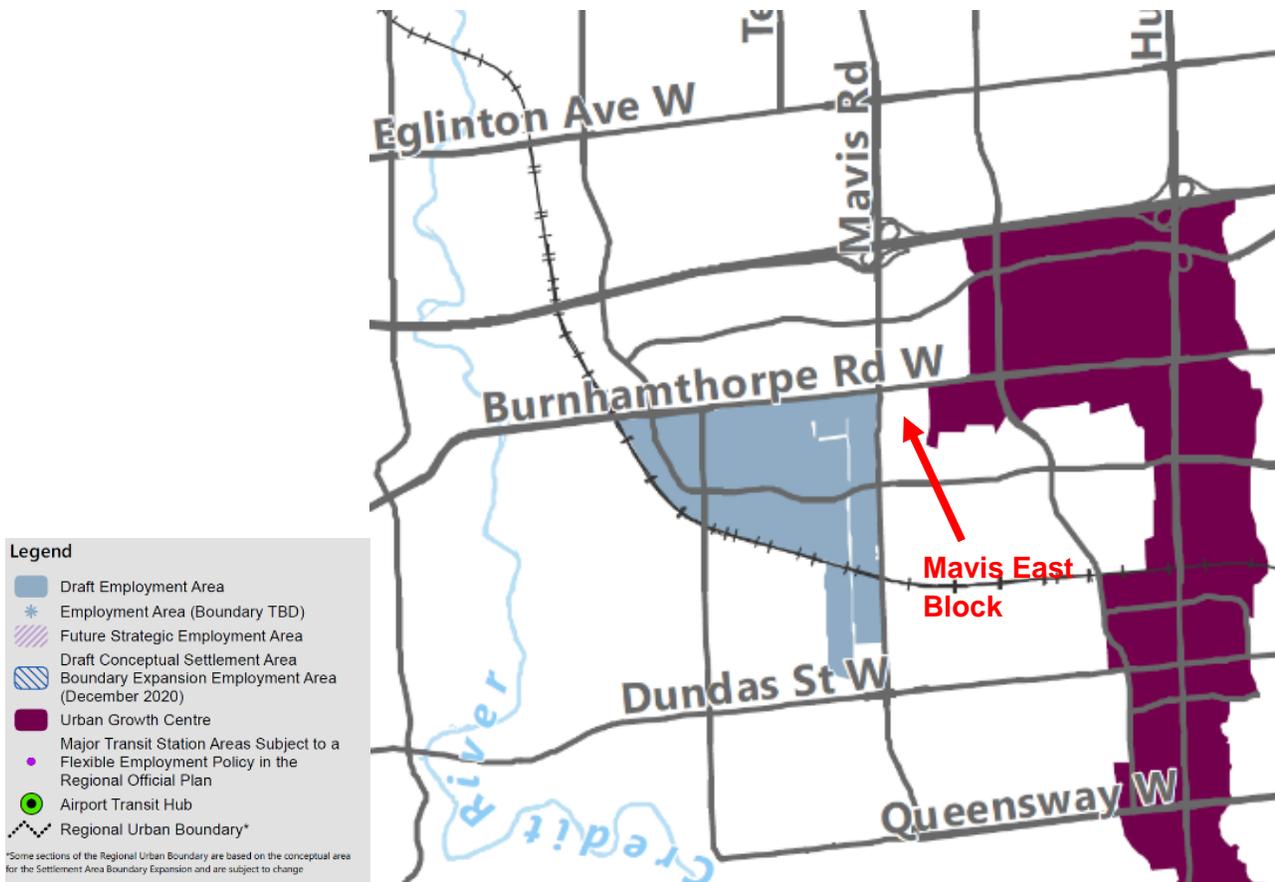


Figure 4: Region of Peel Employment Lands (Draft) Map

Committee of Adjustment – NYE Manufacturing – 3585 Mavis Road (October 29, 2020) – Mavis East Block

The Committee hearing took place on October 29th, 2020. The complete rationale is outlined in a City Planning and Building Department report dated October 21st 2020 (see Appendix 4). In summary, staff indicated that the proposed 692.90 m² (7,458 sq. ft.) two storey addition does not constitute minor construction. It would represent a 58% increase in the existing gross floor area of 1,193 m² (12,845 sq. ft.). In contrast to developing the lands in accordance with the planned

vision of the Official Plan, staff determined that the applicant's proposal would further ingrain an industrial land use in this area and serve to potentially preclude the future redevelopment of these lands, as envisioned by the Official Plan, and specifically the Special Site 1 provisions of the Fairview Neighbourhood Character Area.

Staff recommended refusal of the application. The Committee of Adjustment refused the application, which the applicant appealed to the OLT. Council directed staff to support the Committee's position at the OLT.

Committee of Adjustment – NYE Manufacturing – 3585 Mavis Road (December 2, 2021) – Mavis East Block

While the previous appeal was being held in abeyance, the applicant for 3585 Mavis Road submitted a new application to the Committee of Adjustment for a proposed larger addition on the same lands. The Committee hearing took place on December 2nd, 2021. The complete planning rationale is outlined in a City Planning and Building Department report dated November 24th 2021 (see Appendix 4). In summary, staff indicated that the proposed 1,389 m² (14,946 sq. ft.) addition did not constitute minor construction. The addition would include a 66.7 m² (718 sq.ft.) two storey addition, and a 141.3 m² (1,521 sq.ft.) second floor addition at the front of the existing building to be used as office space and an 1,113.8 m² (11,989 sq.ft.) addition to the rear of the existing building to be used as shop space. It would represent a 116% increase in the existing gross floor area of 1,193 m² (12,845 sq. ft.).

Similar to the previous planning rationale, it was the opinion of staff that the proposed increase in gross floor area could not be classified as a minor addition as contemplated by the Official Plan and Zoning By-law. Staff continued to maintain that the applicant's proposal would further ingrain an industrial land use in this area and serve to potentially preclude the future redevelopment of these lands, as envisioned by the Official Plan.

Staff recommended refusal of the application, but the Committee of Adjustment members approved the application. Staff directed Legal Services to file an appeal to the OLT of the Committee's decision. However, on February 2, 2022, Council directed Legal Services to withdraw the OLT appeal.

Planning Comments

Transitions & Buffers

It is good planning practise to ensure an effective transition is provided between areas which have significantly different development densities, scales, and uses. The Mavis East Block provides this transition between the Mavis-Erindale Employment Area (Mavis West Block) and the City's Downtown.

This is established in Provincial planning policy:

- Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas (PPS 1.3.2.3)
- Municipalities will plan for all employment areas within settlement areas by providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility (Growth Plan 2.2.5.7.c)

It is also referenced in Mississauga's Official Plan policy:

- Mississauga will protect life and property from natural and human made hazards, and ensure land use compatibility (MOP 6.1.1.c and MOP 6.1.1.e)
- Sensitive land uses may be considered in proximity to major facilities such as the Airport, transportation corridors, wastewater treatment plants, waste sites, industries and aggregate activities only where effective control is provided through appropriate site and building design, buffers and/or separation distances to prevent adverse effects from these facilities (MOP 6.1.9)
- Development will be sensitive to the existing and planned context and will include appropriate transitions in use, built form, density and scale (MOP 5.3.5.6)
- Development will minimize land use conflicts between industrial uses and sensitive land uses (MOP 10.3.3)

On a City Structure scale, an appropriate transition is achieved via Mavis East Block's Mixed Use designation. The Mixed Use designation contains commercial permissions; commercial uses are generally compatible next to business employment/industrial uses as well as next to residential uses. Therefore, commercial uses act as an appropriate buffer and transition, bridging the gap between residential uses to the east and business employment/industrial uses to the west. In addition, Mavis Road provides a logical east boundary for the Mavis-Erindale Employment Area.

On a Block scale, existing industrial and manufacturing uses on the western portion of Mavis East Block (such as NYE Manufacturing, GFL, Fielding Chemicals) are buffered from the Downtown Core and high density residential uses (such as M City Condominiums) via commercial uses on the eastern portion of the Mavis East Block. It is the intent of the Official Plan that over time, industrial operations will cease and the lands (Mavis East Block) will be developed in accordance with the Mixed Use designation. Failure to maintain a buffer and transition in land use policy would not be consistent with the intent of Provincial, Regional and MOP policy.

Separation of Incompatible Uses and Discouraging Further Entrenchment

The City has a responsibility to ensure incompatible uses are adequately separated to maintain the health and safety of residents and businesses. Minimum Separation Distance and Area of Influence policies are another tool to achieve appropriate separation distances. As the adjacent

Downtown Core continues its significant development, it is particularly important that long-term land use compatibility is satisfactorily addressed. A city-initiated reversion to previous industrial zoning permissions at this location could be interpreted as a municipal determination that there are no compatibility issues with adjacent sensitive land uses. This is not the case. RioTrin's recent development applications to permit a 25-storey condominium had to address provincially and municipally guided compatibility tests via technical studies related to noise, vibration, air quality, dust, and odour impacts to ensure that there would be no adverse effects from one of the nearby industrial operations (Fielding Chemical Technologies Inc.). While they were able to achieve this as part of their site-specific development applications, LPAT recognized that land use compatibility is an ongoing concern in this area and ordered the City to make Official Plan changes to reduce potential future conflicts on the plaza lands adjacent to the RioTrin site. These changes will be made as part of the ongoing Official Plan Review process.

In order to minimize compatibility concerns and protect the safety of Mississauga residents, it is appropriate that industrial uses not be allowed to locate or significantly expand existing operations next to sensitive land uses. This is consistent with the historic planning approach to the Mavis East Block over the past several decades and the long-term vision for this community as established by Council.

Mississauga's Employment Lands

Mississauga will reach its 2051 employment forecast of 90,000 additional jobs as established by the Region by protecting existing employment lands from conversion to non-employment uses and encouraging their intensified use. It is important to note that the City has 670.5 hectares (1,656.8 acres) of employment land considered vacant and underutilized. Table 1 in Appendix 3 contains further details. Given the Mavis East Block's relatively small size, a conversion from a Mixed Use designation to a Business Employment or Industrial designation would have a negligible impact on the City's or Region's employment growth targets. Staff are not contemplating the expansion of Employment Areas.

PSEZ Protection

While Mississauga already identifies and protects Employment Areas in its Official Plan, PSEZs give an additional provincial planning policy layer of protection for lands which contribute a significant number of jobs and economic activity. It recognizes the provincial significance and priority of larger contiguous areas as appropriate only for employment uses and seeks to prevent changes to non-employment land uses. Despite the presence of industrial and manufacturing activities within the Mavis East Block, this level of prioritized long-term protection and significance does not apply to the subject lands from a provincial, Regional and City land use planning perspective. Consequently, non-employment uses can be considered here. In contrast, these protections apply to the West Mavis Block, which has been identified as an area exclusively for employment uses since Mississauga's first Official Plan over 40 years ago.

Preliminary Planning Recommendation

In order to maintain consistency with the intent of Provincial, Regional and MOP policy, staff are recommending that the Mavis East Block not be redesignated or rezoned to permit industrial uses. Instead, consideration should be given to allowing some greater flexibility for expansions to existing industrial buildings as part of the ongoing Official Plan Review.

The Mavis East Block hosts 84 businesses representing approximately 1,000 jobs. Most of the jobs are in retail (26%), followed by accommodation/food services (19%), manufacturing (13%) and construction (13%). This shows that while retail type uses predominate, there remains a significant base of industrial/manufacturing jobs. However, current Official Plan provisions and zoning regulations only allow for minimal expansions of existing industrial buildings and structures.

Staff recognize the need for industrial operations to have flexibility to allow their operations to survive and preserve the well paying industrial jobs these businesses offer. It may be appropriate to expand, in a measured way, this flexibility. Specifically, staff recommend that increased and better-defined provisions for minor expansions be examined as part of the Official Plan Review process and subsequent zoning implementation. It may be appropriate to consider incorporating a general percentage increase in building size permissions into the Official Plan rather than use of the undefined word "minor" currently in effect. For example, this could be in the range of 20% (same as the maximum "accessory use" gross floor area permissions in MOP), depending on further study and any community input.

As part of the Official Plan Review, this consideration will be comprehensive and include integration of LPAT's RioTrin written Order to remove residential land use permissions from the remainder of the existing retail plaza abutting Burnhamthorpe Road to minimize further potential land use conflicts.

Engagement and Consultation

No community engagement was undertaken as part of this review.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

This report seeks to outline the history, planning context, relevant official plan land use policies, zoning by-law provisions, and other applicable policies and guidelines related to the Mavis East Block and Mavis West Block. It is also meant to provide context as to why the land use planning vision for Mavis East Block and Mavis West block diverged after once being contiguously zoned to permit industrial uses.

Currently, the Mavis East Block acts as a buffer and transition between the Business Employment/Industrial character of the Mavis West Block and Mississauga's dense, walkable, and transit-oriented downtown. Staff recommend that the Mavis East Block should not be redesignated or rezoned to permit industrial uses in order maintain consistency with the intent of Provincial, Regional and MOP policy. This policy framework speaks to the importance of ensuring land use compatibility, minimizing land use conflicts between industrial uses and sensitive land uses and ensuring that Employment Areas with industrial or manufacturing uses include an appropriate transition to adjacent non-employment areas. However, staff recommend that further consideration be given to allowing greater flexibility for expansions to existing industrial buildings on the Mavis East Block lands than what is currently permitted in the Official Plan and Zoning By-law. It is appropriate to examine increased and better-defined provisions for minor expansions as part of the Official Plan Review and subsequent zoning implementation.

Attachments

Appendix 1: Council Resolution 0210-2021

Appendix 2: Background Planning Information – Mavis West Block

Appendix 3: Background Planning Information – Mavis East Block

Appendix 4: Committee of Adjustment Applications – 3585 Mavis Road (NYE Manufacturing)



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