

City of Mississauga
Corporate Report



<p>Date: October 28, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: OZ/OPA 22-5 W1</p>
	<p>Meeting date: November 21, 2022</p>

Subject

RECOMMENDATION REPORT (WARD 1)

Official Plan Amendment and Rezoning applications to permit an 11 storey condominium apartment building containing 42 units and commercial uses at grade

128 Lakeshore Road East, northwest corner of Lakeshore Road East and Ann Street

Owner: 128 Lakeshore Road East LP

File: OZ/OPA 22-5 W1

Recommendation

1. That City Council direct Legal Services, representatives from the appropriate City Departments and any necessary consultants to attend the Ontario Land Tribunal hearing on the subject applications under File OZ/OPA 22-5 W1, 128 Lakeshore Road East LP, 128 Lakeshore Road East to permit an 11 storey condominium apartment building containing 42 units and commercial uses at grade in support of the recommendations outlined in the report dated October 28, 2022 from the Commissioner of Planning and Building, that concludes that the proposed official plan amendment and rezoning are not acceptable from a planning standpoint and should not be approved.
2. That City Council provide the Planning and Building Department with the authority to instruct Legal Services on modifications to the position deemed necessary during or before the Ontario Land Tribunal hearing process, however if there is a potential for settlement then a report shall be brought back to Council by Legal Services.

Executive Summary

- The applications are to amend the policies of the official plan and change the zoning by-law to allow an 11 storey condominium apartment building containing 42 units and commercial uses at grade

- The official plan amendment and rezoning applications have been appealed to Ontario Land Tribunal (OLT) by the applicant for non-decision
- Staff require direction from Council to attend the OLT proceedings for the applications in support of the recommendations outlined in this report
- The planning applications have not been deemed to be acceptable and should be refused. The Mainstreet Node Precinct is not an area of the Port Credit Community Node that is intended to accommodate tall buildings, and the small nature of the site is inadequate to meet the applicable development standards for this building type

Background

A public meeting was held by the Planning and Development Committee on June 20, 2022, at which time an Information Report (<https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=674550a0-b257-4b44-9ac9-9ba7670d319f&Agenda=Agenda&lang=English>) was received for information. Recommendation PDC-0059-2022 was then adopted by Council on July 6, 2022.

1. That the report dated May 27, 2022, from the Commissioner of Planning and Building regarding the applications by 128 Lakeshore Road East LP to permit an 11 storey condominium apartment building containing 42 units and commercial uses at grade, under File OZ/OPA 22-5 W1, 128 Lakeshore Road East, be received for information.
2. That two (2) oral submissions be received.



Aerial Image of 128 Lakeshore Road East



Applicant's rendering of the proposed 11 storey building

On June 29, 2022, the owner appealed the applications to OLT due to non-decision by City Council. The purpose of this report is to make a recommendation to Planning and Development Committee on the applications and to seek direction with respect to the appeal.

Comments

COMMUNITY ENGAGEMENT

A notice sign was placed on the subject lands advising of the proposed official plan and zoning change. All property owners within 120 m (393 ft.) were notified of the applications on March 4, 2022. A community meeting was held by Ward 1 Councillor, Stephen Dasko, on March 29, 2022. 64 people attended the meeting and multiple written submissions were received. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on June 20, 2022. Two members of the public made deputations regarding the applications. Responses to the issues raised at the public meeting and from correspondence received can be found in Appendix 2.

PLANNING ANALYSIS SUMMARY

The *Planning Act* allows any property owner within the Province of Ontario the ability to make a development application to their respective municipality in order to accommodate a particular development proposal on their site. Upon the submission of mandated technical information, the municipality is obligated under the *Planning Act* to process and consider the application within the rules set out in the Act.

The applications propose an 11 storey condominium apartment building containing 42 units and commercial uses at grade. An official plan amendment is required to amend the height schedule of the Port Credit Local Area Plan to permit 11 storeys, whereas the maximum permitted height is three storeys. A zoning by-law amendment is required to change the zoning from **C4** (Mainstreet Commercial) to **C4-Exception** (Mainstreet Commercial – Exception) to permit site-specific development standards including a maximum height of 11 storeys, reduced building setbacks and reduced parking standards.

The Province identifies through its *Provincial Policy Statement* matters that are of provincial interest, which require the development of efficient land use patterns and sustainability in urban areas that already exist. The Province has also set out the *Growth Plan for the Greater Golden Horseshoe*, which is designed to promote economic growth, increase housing supply and build communities that are affordable and safe, among other items. The Growth Plan requires municipalities to manage growth within already existing built up areas to take advantage of existing services to achieve this mandate and, in particular, to set and reach density targets within Major Transit Station Areas (MTSA). In order to meet required housing supply projections, the *Planning Act* instructs municipalities to make planning decisions that are consistent with the *Provincial Policy Statement* and the Growth Plan.

The property is located within the Port Credit MTSA. The Community Node is projected to exceed the Region of Peel's increased minimum density target for the MTSA as infill development continues to occur in accordance with the existing Local Area Plan permissions

within the Central Residential, Harbour Mixed Use and Riverside Precincts of the Community Node. The applications, which propose a built form, height and density not anticipated along the Mainstreet Node Precinct are therefore, not required to meet the applicable minimum density target.

In addition to the minimum density targets set forth for a MTSA, the *Provincial Policy Statement* and the Growth Plan state that municipalities should prepare development standards for MTSA's. The Growth Plan also requires municipalities to ensure that intensification in strategic growth areas such as a MTSA, is executed through an appropriate type and scale of development with transition to existing context. The Local Area Plan, inclusive of the Port Credit Built Form Guide, contains a height schedule and other development standards to ensure infill development respects the existing building stock and character of the various precincts.

The Local Area Plan's height schedule sets forth maximum heights for properties within the various precincts of the Community Node. Objectives of the height schedule include directing the greatest height and density in close proximity to the Port Credit GO station and Hurontario LRT stop. It also ensures building heights transition appropriately towards the Credit River and mainstreet area providing for a mainstreet village environment along Lakeshore Road East. The height schedule accommodates taller buildings (and higher densities) within the Central Residential, Harbour Mixed Use and Riverside Precincts. New development in the Mainstreet Node Precinct is limited to a maximum height of three storeys to reinforce the intended mainstreet environment of Lakeshore Road East.

In addition to the issue of the property's location within the Mainstreet Node Precinct where taller buildings are not anticipated, the property is also too small to accommodate a tall building. As a result of the property's restrictive dimensions, the proposed tall building does not meet key development standards as set forth in the Built Form Guide including setbacks to property lines, separation distances and an appropriate transition to Lakeshore Road East. Potential issues with operational elements of the proposed development including servicing and vehicular queuing also require further analysis as a result of the limited size of the site. Approval of the proposed building, which does not conform to the Local Area Plan or adhere to the Built Form Guide, would serve as a precedent for future applications within the Mainstreet Node Precinct and the broader Community Node and have adverse effects on the mainstreet village environment of Lakeshore Road East.

A detailed Planning Analysis is found in Appendix 2.

Financial Impact

All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

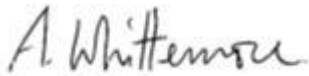
Conclusion

The proposed official plan amendment and rezoning applications are not acceptable from a planning standpoint and should not be approved.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Michael Franzolini, MCIP, RPP, Development Planner