

City of Mississauga
Corporate Report



<p>Date: December 23, 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 21-9 W7</p>
	<p>Meeting date: January 16, 2023</p>

Subject

RECOMMENDATION REPORT (WARD 7)

Official Plan Amendment and Rezoning applications to expand the boundary of the Downtown Cooksville Character Area to include the subject lands and to permit three condominium apartment buildings of 32, 20 and 18 storeys in height, with ground floor commercial uses in a 20 storey condominium apartment building

189 Dundas Street West and 3061 Parkerhill Road

Owner: Augend 189 Dundas West Village Properties Ltd.

File: OZ/OPA 21-9 W7

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 21-9 W7, Augend 189 Dundas West Village Properties Ltd., 189 Dundas Street West and 3061 Parkerhill Road, to expand the boundary of the Downtown Cooksville Character Area to include the subject lands and to permit three condominium apartment buildings of 32, 20 and 18 storeys in height, with ground floor commercial uses in the 20 storey condominium apartment building, in support of the recommendations outlined in the report dated December 23, 2022 from the Commissioner of Planning and Building, that concludes that the proposed official plan amendments and rezoning are not acceptable in their current form 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 expand the boundary of the Downtown Cooksville Character Area to include the subject lands and to allow three condominium apartment buildings of 32, 20 and 18 storeys in height, with ground floor commercial uses in a 20 storey condominium apartment building
- The official plan amendment and rezoning applications have been appealed to the Ontario Land Tribunal (OLT) by the applicant for non-decision. A case management conference was held on November 7, 2022 and another one has been scheduled for February 13, 2023
- Staff require direction from Council to attend any OLT proceedings which may take place in connection with the applications and in support of the recommendations outlined in this report
- Staff do not support the addition of these lands to the Downtown Cooksville Character Area
- Staff do not support the applications as submitted, but would support intensification of the site with reduced heights, with the receipt of satisfactory supporting drawings and materials
- Should these applications be approved by the OLT, the Tribunal will be requested to apply an "H" holding symbol to address outstanding technical requirements

Background

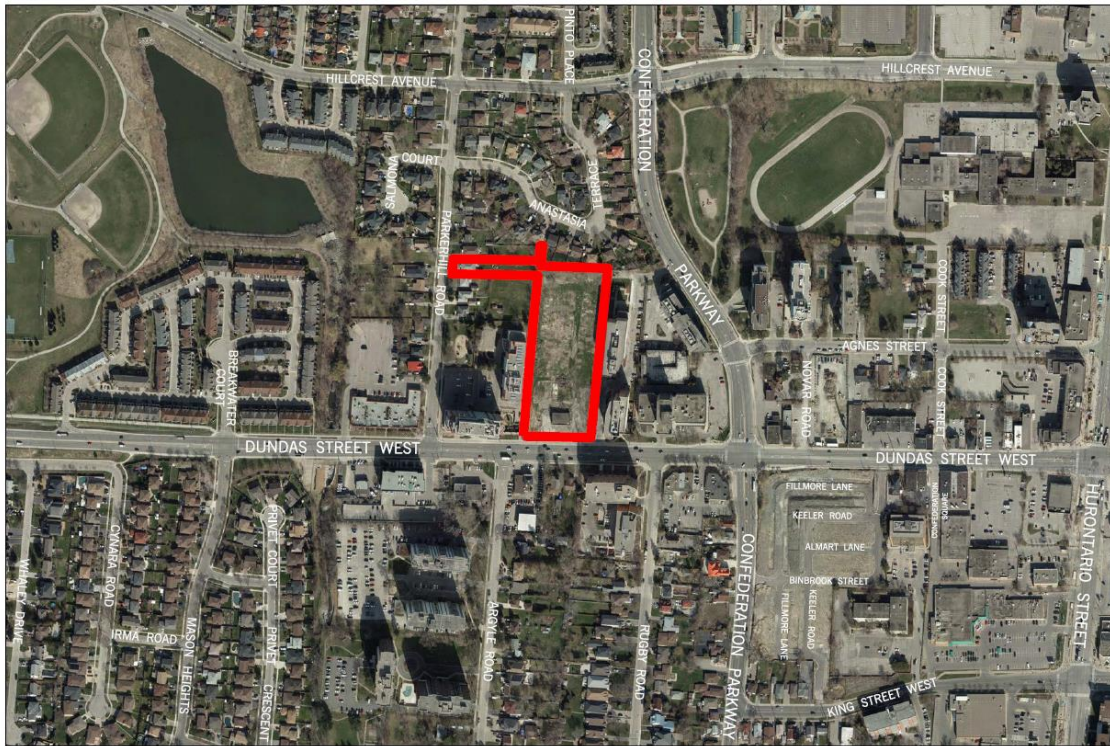
A public meeting was held by the Planning and Development Committee on April 19, 2022, at which time an Information Report was received for information:

<https://pub-mississauga.escibemeetings.com/filestream.ashx?DocumentId=23054>

Recommendation PDC-0034-2022 was then adopted by Council on April 20, 2022

1. That the report dated March 25, 2022, from the Commissioner of Planning and Building regarding the applications by Augend 189 Dundas West Village Properties Ltd., to permit three apartment buildings, 32, 20 and 18 storeys in height, with commercial uses on the ground floor of the 20 storey apartment building under File OZ/OPA 21-9 W7, 189 Dundas Street West, be received for information.

On July 8, 2022, the owner appealed the applications to Ontario Lands Tribunal (OLT) due to non-decision and a case management conference (CMC) was held on November 7, 2022 and a second CMC has been scheduled for February 13, 2023. The applicants made a subsequent submission on December 5, 2022. The purpose of this report is to make a recommendation to Planning and Development Committee on the application and to seek direction with respect to the appeal.



Aerial Image of 189 Dundas Street West and 3061 Parkerhill Road



Rendering of proposed development

Comments

REVISED DEVELOPMENT PROPOSAL

The applicant has made some minor modifications to the proposed concept plan including:

- The owners have acquired additional property at 3061 Parkerhill Road and have relocated a proposed access from Confederation Parkway to Parkerhill Road (the proposed access to Dundas Street West remains)
- The internal driveway has been rerouted away from the proposed piazza
- The amenity area has increased from 5 410.5 m² (58,238 ft²) to 5 448,4 m² (58,646 ft²)
- The non-residential gross floor area has increased from 530.70 m² (5,712.4 ft²) to 576.90 m² (6,210 ft²)
- The number of parking spaces has increased from 814 to 826 (including 4 car share spaces)
- The floor space index has decreased from 4.19 to 3.78 due to the addition of the Parkerhill Road property

COMMUNITY ENGAGEMENT

Notice signs were 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 application on August 20, 2021. A community meeting was held by Ward 7 Councillor, Dipika Damerla on June 2, 2021. Three people attended the meeting. No written submissions have been 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 April 19, 2022. One member of the public made a deputation 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 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. 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.

While the proposed development supports the general direction in Provincial documents to support intensification, the proposal, as currently configured, is not considered consistent with the PPS and does not conform to the Growth Plan as it exceeds what is considered appropriate development for the level of intensification that has been planned for this area of the City.

The site's proximity to Downtown Cooksville Character Area and direct frontage on a higher order transit corridor is supportive of some intensification on the site. The site is also deep and much larger in area than many other parcels in the area, however the proposed heights of 32, 20 and 18 storeys represents a significant departure from the existing and planned context for the area. The proposal is not compatible with surrounding uses given an inappropriate transition, negative shadow impacts and lack of appropriate landscape buffers.

Additionally, there are a number of technical studies and issues that have not yet been adequately addressed (e.g. Traffic Impact Study, Urban Design Brief and Sun/Shadow Study).

A detailed Planning Analysis is found in Appendix 2.

Strategic Plan

The applications are consistent with the Connect pillar of the Strategic Plan by contributing a choice of housing type to residents that supports the principle of building complete communities to accommodate growth.

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

Staff have reviewed the Planning Justification Report and other technical information submitted with the applications and concluded that the proposed development, as presented by these official plan and rezoning applications is not acceptable in its current form and should not be approved.

Should these applications be approved by the OLT, staff will recommend that an "H" holding provision be applied to the lands to ensure that all technical information be provided and that the appropriate agreements be completed by the applicant. Should the required justification and technical information be received and found acceptable prior to the OLT hearing, staff will bring

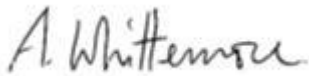
a supplementary recommendation report to Planning and Development Committee in order to receive direction on how to proceed with respect to the OLT hearing.

Further explanation is provided in Appendix 2 to this report.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Andrea Dear, MCIP, RPP, Development Planner