

City of Mississauga
Corporate Report



<p>Date: March 3, 2023</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: OPA 21-21 W4</p>
	<p>Meeting date: March 27, 2023</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 4)

Official Plan Amendment application to replace a planned local road with a pedestrian walkway and municipal easement to facilitate a two-phase mixed use high rise development consisting of five (5) towers

325 Burnhamthorpe Road West, northeast corner of Burnhamthorpe Road West and Confederation Parkway

Owner: RGF (Mississauga) Developments Inc.

File: OPA 21-21 W4

Pre-Bill 109

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 application under File OPA 21-21 W4, RGF (Mississauga) Developments Inc., 325 Burnhamthorpe Road West to replace a planned local road with a pedestrian walkway and municipal easement to facilitate a two-phase mixed use high rise development consisting of five (5) towers in support of the recommendations outlined in the report dated March 3, 2023 from the Commissioner of Planning and Building, that concludes that the proposed official plan amendment is acceptable from a planning standpoint and should 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 application is to amend the official plan by changing the designation of a planned local road to a pedestrian easement (walkway) to facilitate a two-phase mixed use high rise development consisting of five (5) towers
- The official plan amendment application has been appealed to Ontario Land Tribunal (OLT) by the applicant for lack of decision. A pre-hearing conference was held on February 9, 2023 and a second pre-hearing conference is to follow in May once a City position is available to schedule a hearing and issues list
- It has been concluded that the proposed development is supportable from a planning perspective
- 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 are satisfied with the proposed amendment, find it to be acceptable from a planning standpoint, and recommend that the application be approved.

Background

A public meeting was held by the Planning and Development Committee on May 30, 2022, at which time an Information Report

(Item 6.3 - <https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=670485e0-7120-4e39-8a72-d325d47cca0d&Agenda=Agenda&lang=English&Item=10&Tab=attachments>) was received for information. Recommendation PDC-0049 -2022 was then adopted by Council on June 8, 2022.

1. That the report dated May 6, 2022, from the Commissioner of Planning and Building regarding the application by RGF (Mississauga) Developments Inc. to replace a planned local road with a pedestrian walkway and municipal easement to facilitate the building of a two-phase mixed use high rise development consisting of five (5) towers, under File OPA 21-21 W4, 325 Burnhamthorpe Road West, be received for information.
2. That 1 oral submission be received.

On August 16, 2022, the owner appealed the application to OLT due to failure of Council to render a decision within 120 days. A pre-hearing conference was held February 9, 2023 and a second pre-hearing conference is to occur in May once a City position has been established by Council. The second pre-hearing conference will determine what issues exist, discuss a possible settlement and/or list of witnesses and hearing dates. The purpose of this report is to make a recommendation to Planning and Development Committee (PDC) on the application and to seek direction with respect to the appeal.

There were some technical matters that needed to be resolved before the Planning and Building Department could make a recommendation on the application. Given the amount of time since the public meeting, full notification was provided.



Aerial Image of 325 Burnhamthorpe Road West

Comments

COMMUNITY ENGAGEMENT

Notice signs were placed on the subject lands advising of the proposed official plan change. All property owners within 120 m (393 ft.) were notified of the application on February 17, 2022. A community meeting was held by Ward 4 Councillor, John Kovac, on May 18, 2022. Approximately ten people attended the meeting. Supporting studies were posted on the City's website at <http://www.mississauga.ca/portal/residents/development-applications>.

The public meeting was held on May 30, 2022. One member of the public made a deputation regarding the application. There were six written submissions received. 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.

A detailed Planning Analysis is found in Appendix 2. The application is consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan. An official plan amendment is required to change the designation from "Local Road" to "Pedestrian Easement".

Strategic Plan

The applications are consistent with the Connect pillar of the Strategic Plan by still breaking down the large block to add permeability and putting pedestrians first to create a walkable, compact and connected mixed-use development that continues and links into the pedestrian walkway system and public space network to the north.

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

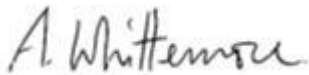
The proposed reclassification of the mid-block local road to a pedestrian walkway with public easement is consistent with the development context to the immediate north and would allow for the continuation of the pedestrian mews open space network that extends from Rathburn Road West in the north all the way south to Burnhamthorpe Road West. The pedestrian walkway will still break up the built form of the block by adding permeability through the lands but with a pedestrian focus. The removal of the local road has been assessed from a traffic perspective and will not have any significant impact on the road network as sufficient access is still provided

to the development and there is no mid-block road network north or south of this block. The proposed official plan amendment is acceptable from a planning standpoint and should be approved.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

Prepared by: Jonathan Famme, Development Planner