

City of Mississauga
Corporate Report



<p>Date: August 11, 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: OZ/OPA 22-23 W1</p>
	<p>Meeting date: September 5, 2023</p>

Subject

RECOMMENDATION REPORT (WARD 1)

Official Plan Amendment and Rezoning applications to permit a 26 storey apartment building containing 352 units

49 South Service Road, north side of South Service Road and east of Hurontario Street

Owner: Edenshaw SSR Developments Ltd.

File: OZ/OPA 22-23 W1

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 in opposition to the Official Plan Amendment and Rezoning applications in their current form for the lands at 49 South Service Road and for Legal Services to bring a report to Council should there be a potential for settlement
2. That City Council authorize the Planning and Building Department to instruct Legal Services on requesting mediation or to otherwise enter into settlement discussions during or before the Ontario Land Tribunal hearing process

Executive Summary

- Official Plan Amendment and Rezoning applications have been submitted to permit a 26 storey apartment building containing 352 units at 49 South Service Road
- 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 has been scheduled for September 8, 2023

- Planning staff support amendments to Mississauga Official Plan and Zoning By-law 0225-2007 to accommodate greater residential intensification on the property given the location within one of the City's strategic growth areas, the proposed development's contribution to the Mineola Major Transit Station Area's (MTSA) density target and the availability of adequate infrastructure to support the proposed development
- Approval of the proposed 26 storey apartment building is premature pending resolution of outstanding issues, including:
 - The proposed development creates unsafe wind conditions on the property and the public realm and the efficacy of mitigation measures has not been demonstrated
 - The proposed development does not meet applicable development requirements including setback requirements of the Ministry of Transportation
 - The proposed development does not provide appropriate amenity area located and designed for the physical comfort and safety for future residents
 - Additional technical information regarding matters including potential impacts on road and intersection operations, access and parking supply is required
- Staff require direction from Council to attend any OLT proceedings which may take place, including direction to mediate or otherwise resolve or narrow the outstanding issues, in connection with the applications and in support of the recommendations outlined in this report

Background

A public meeting was held by the Planning and Development Committee on March 27, 2023, at which time an Information Report (<https://pub-mississauga.escribemeetings.com/filestream.ashx?DocumentId=39014>) was received for information. Recommendation PDC-0018-2023 was then adopted by Council on April 5, 2023.

That the report dated March 3, 2023, from the Commissioner of Planning and Building regarding the applications by Edenshaw SSR Developments Ltd. to permit a 26 storey apartment building containing 352 units, under File OZ/OPA 22-23 W1, 49 South Service Road, be received for information.

On April 28, 2023, the applicant appealed the applications to OLT due to non-decision and a case management conference has been scheduled for September 8, 2023. 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.



Aerial image of 49 South Service Road

Comments

COMMUNITY ENGAGEMENT

Notice signs were placed on the property advising of the proposed official plan and zoning changes. All property owners within 120 m (393 ft.) were notified of the applications on November 29, 2022. A community meeting was held by Ward 1 Councillor, Stephen Dasko, on February 7, 2023. 32 people attended the meeting and three 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 March 27, 2023. 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 property. 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. Consistency with the *Provincial Policy Statement* and conformity to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan has not been demonstrated at this time. The property is located along the Hurontario Street Intensification Corridor and within the delineated boundaries of the Mineola MTSA associated with the Hazel McCallion Light Rail Transit (LRT) where growth is specifically directed. The redevelopment of the property with an apartment building is appropriate subject to the resolution of outstanding issues including the mitigation of adverse wind conditions and an acceptable development layout.

The proposed height and massing of the 26 storey apartment building create new, unsafe wind conditions on the property and within the public realm, and the efficacy of mitigation measures have not been demonstrated. The proposed development does not comply with the Ministry of Transportation's (MTO) development requirements and modifications to the layout of the development are required. Amenity area, designed for physical comfort and safety, should be provided to support the future residents. Additional information and analysis is also required regarding matters including the proposed parking supply, potential impacts on road and signal operations and accesses. Planning staff cannot recommend approval of the applications in their current form.

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 are currently not acceptable and should not be approved. While it is appropriate to amend Mississauga Official Plan and Zoning By-law 0225-2007 to achieve a greater degree of residential intensification on the property, the applications have not demonstrated that the proposed development is compatible with adjacent lands, complies with applicable development standards including the MTO's development requirements, and satisfies the technical requirements of departments and agencies including potential impacts on road and intersection operations. Additional information and modifications are required to the satisfaction of City departments and agencies to resolve outstanding issues.

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