

City of Mississauga
Corporate Report



<p>Date: August 25, 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 22-9 W11</p>
	<p>Meeting date: September 18, 2023</p>

Subject

RECOMMENDATION REPORT (WARD 11)

Official Plan Amendment and Rezoning applications to permit a nine storey condominium apartment building containing 444 units and ground floor commercial space

21-51 Queen Street North, east side of Queen Street North, north of Britannia Road West,

Owner: Miss B JL Corp.

File: OZ/OPA 22-9 W11

Pre-Bill 109

Recommendation

1. That City Council direct Legal Services, appropriate City staff and any necessary consultants to attend the Ontario Land Tribunal (OLT) hearing in opposition to the Official Plan Amendment and Rezoning applications in their current form, for the lands at 21-51 Queen Street North to permit a 9 storey condominium apartment building containing 444 units with ground floor commercial space, 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 nine storey condominium apartment building containing 444 units and ground floor commercial space at 21-51 Queen Street North.

- 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 March 15, 2023 and another case management conference is scheduled for October 10, 2023.
- The applicant made a resubmission on June 19, 2023 of architectural drawings only and on July 24, 2023 of some technical studies. The plans submitted demonstrated revisions to the proposal including:
 - changes to the type and number of units;
 - increased Floor Space Index (FSI);
 - increased residential and commercial Gross Floor Area (GFA);
 - a decrease in the number of parking spaces and underground parking levels;
 - changes to the amount of amenity area provided (interior and exterior); and
 - the introduction of a circular drop-off area along the north property line.
- Planning staff support an increase in permissions to accommodate intensification on the property given the location within the Streetsville Neighbourhood and to support the City's growth targets. In this case, approval of the development applications is premature pending the resolution of outstanding issues, including:
 - Modifications that address various design and site layout issues
 - Confirmation that the following studies and reports address staff comments and demonstrate feasibility of the proposed development: Functional Servicing and Stormwater Management Report, Transportation Impact Study, Parking Utilization Study, Noise and Vibration Report, Phase 2 Environmental Site Assessment, Sun Shadow Study, and Pedestrian Level Wind Study.
- Once feasibility is established, any approval by the OLT should be subject to an "H" holding provision to address any further outstanding technical requirements.
- Staff require direction from Council to attend any OLT proceedings, 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 December 5, 2022, at which time an Information Report (Item 6.2 [Planning and Development Committee – December 5, 2022 \(escribemeetings.com\)](#)) was received for information. Recommendation PDC-0092-2022 was then adopted by Council on December 7, 2022.

1. That the report dated November 11, 2022, from the Commissioner of Planning and Building regarding the applications by Miss BJL Corp. to permit a 9 storey condominium apartment building containing 390 units and ground floor commercial space, under File OZ/OPA 22-009 W11, 21-51 Queen Street North, be received for information.

2. That one oral submission be received.

On October 28, 2022, the owner appealed the applications to OLT due to non-decision by City Council. A Case Management Conference (CMC) was held on March 15, 2023 and a second CMC is scheduled for October 10, 2023. 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.



Aerial Image of 21-51 Queen Street North



Applicant's rendering of the proposal

Comments

A resubmission was received from the applicant on June 19, 2023. This submission was not complete and only included architectural drawings of the revised proposal. On July 21, 2023, additional materials were submitted in support of the revised proposal. This submission included some of the requested technical studies and reports.

REVISED DEVELOPMENT PROPOSAL

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

- An increase in the total unit count from 390 to 444 units
- An increase in the Floor Space Index (FS) from 2.88 to 2.92
- An increase in residential Gross Floor Area (GFA) from 26 640 m² (286,750 ft²) to 26 814.5 m² (288,628 ft²)
- An increase in commercial Gross Floor Area (GFA) from 1 197.5 m² (12,890 ft²) to 1 423.6 m² (15,323.5 ft²)
- Adding a circular drop-off area along the north property line to accommodate short-term parking spaces and the residential lobby entrance
- An increase in exterior amenity area from 1 064 m² (11,452 ft²) to 1 098 m² (11,818 ft²) on level 3
- A decrease in interior amenity area from 1 678 m² (18,061 ft²) to 1 479 m² (15,919 ft²)

- A decrease in the number of parking spaces provided from 575 spaces to 358 spaces within two levels of underground parking (previously three levels)

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 applications on May 5, 2022. A community meeting was held by former Ward 11 Councillor, George Carlson, on June 28, 2022. Approximately 50 residents 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 December 5, 2022. No members of the public made deputations regarding the application. Responses to the issues raised 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 applications propose a 9 storey condominium apartment building containing 444 units and ground floor commercial space. The property is located within the Streetsville Neighbourhood Character Area. An official plan amendment is required to change the designation of the subject property from **Mixed Use** to **Residential High Density** and to permit a nine storey apartment building, whereas the maximum permitted height is four storeys. A zoning by-law amendment is required to change the zoning from **C2** (Neighbourhood Commercial) to **RA2-Exception** (Apartments - Exception) to permit site-specific development standards including a maximum height of nine storeys, increased FSI, reduced building setbacks and reduced parking standards.

Staff have reviewed the proposed development and the resubmission materials. While the redevelopment of the property with a mixed use apartment building may be appropriate, the applicant has not provided a comprehensive resubmission to address the outstanding matters. These include, site layout and circulation along the north property line, compliance with fire route and access regulations, and protecting existing easements and restrictions. Additional information and analysis is also required by way of updated studies to assess the feasibility of the proposal. These include sun/shadow impacts and wind mitigation measures on outdoor amenity areas, cross-sections and angular plane details, the proposed parking supply and reduction, servicing and stormwater management considerations, traffic impacts and access concerns, noise impacts and mitigation measures, and environmental compliance. Due to these outstanding matters, Planning staff cannot recommend approval of the applications in their current form.

Financial Impact

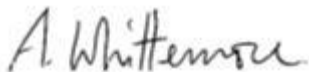
All fees paid by developers are strictly governed by legislation, regulation and City by-laws. Fees are required to be paid prior to application approval, except where otherwise may be prescribed. These include those due to the City of Mississauga as well as any other external agency.

Conclusion

The proposed official plan amendment and rezoning applications 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 and there are various design and technical matters of departments and agencies that have yet to be satisfactorily addressed. 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

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