

City of Mississauga

Corporate Report



<p>Date: August 14, 2020</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's file: OZ 14/001 W3</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: September 8, 2020</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 3)

Official plan amendment and rezoning applications to permit a 6 storey apartment building with ground floor commercial uses

971 Burnhamthorpe Road East, northeast corner of Burnhamthorpe Road East and Tomken Road

Owner: Reza Tahmasebi

File: OZ 14/001 W3

Recommendation

1. That notwithstanding Corporate Policy 07-08-01 - Zoning Application Approval, regarding the expiration of Council's decision for approval, the sunset clause for approval of the applications under File OZ 14/001 W3 be reinstated and extended for a period of six months from September 16, 2020 to March 6, 2021 and that further, extensions may be granted by the Commissioner of Planning and Building at his discretion.
2. That notwithstanding Council's approval of the applications under File OZ 14/001 W3, Reza Tahmasebi, to amend Mississauga Official Plan to **Mixed Use Special Site** and to change the zoning to **C4-Exception** (Mixed Use), in accordance with the provisions outlined in Appendix 4, subject to the conditions referenced in the staff report dated June 7, 2016 from the Commissioner of Planning and Building.
3. That notwithstanding Planning Protocol that a new application not be required and that only one report and public meeting with notice be required to reinstate and extend Council's previous approval.

Report Highlights

- Applications to permit a terraced three to six storey apartment building with 52 residential

units and commercial uses on the ground floor were approved by Council on July 6, 2016

- In accordance with Corporate Policy 07-08-01, the decision of Council expired January 6, 2018
- The applicant has requested that the expiry date be reinstated and extended in order for them to complete the necessary implementing agreements
- Staff are satisfied that the request is appropriate and that the development is acceptable from a planning standpoint and recommend that the expiry date be reinstated and extended

Background

Official plan amendment and rezoning applications were made on February 6, 2014, to permit the development of a three to six storey apartment building with ground floor commercial uses. The applications were revised resulting in a positive Recommendation Report from staff for approval of Planning and Development Committee (PDC) on June 27, 2016. The report was approved by PDC and subsequently approved by Council on July 6, 2016. One of the approved recommendations was a sunset clause indicating that "the decision of council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision." The applicant has experienced delays in their development plans and has not entered into the required agreements that would result in an official plan amendment and a zoning by-law being passed. Notwithstanding Corporate Policy 07-08-01, a request has been made to reinstate and extend their previous approval until March 6, 2021. This will allow the applicant six months to fulfill outstanding requirements to be met in order for Council to consider and pass an amending by-law.

Comments

The development proposal remains the same as approved by Council in 2016. Staff have considered the reinstatement of the Council's approval date in the context of the current policy regime, specifically with respect to the *Provincial Policy Statement* (PPS), the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan), the Region of Peel Official Plan and Mississauga Official Plan.

Policy Framework

Although the PPS and Growth Plan have been updated since the approval of these applications, the relevant policies in Mississauga Official Plan remain consistent with the PPS and the Growth Plan.

Section 1.1.3.3 of the PPS states that "planning authorities shall identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment" and Section

1.1.3.4 of the PPS states that "appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety."

The PPS is implemented through the City's official plan policies. Specifically as it relates to this proposal, Section 5.3.5.2 of Mississauga Official Plan (MOP) (Downtown) states that residential intensification within Neighbourhoods will generally occur through infilling and the development of existing commercial sites as mixed use areas. Section 5.3.5.3 further states that where higher density uses are proposed, they should be located on a site identified by a local area review, along Corridors or in conjunction with existing apartment sites or commercial centres.

This site represents modest intensification on a former motor vehicle commercial site that is located on Burnhamthorpe Road East, which is a Corridor. The applications are consistent with these policies.

Section 2.2.2.4 b) in the Growth Plan directs municipalities to "identify the appropriate type and scale of development in strategic growth areas." It states that intensification areas will be planned and designed to "achieve an appropriate transition of built form to adjacent areas". The PPS and Growth Plan indicate that development must be governed by appropriate standards including density and scale.

Section 9.2.2 Non-Intensification Areas of MOP states that Non-Intensification Areas will have lower densities and that development in Neighbourhoods will be required to be context sensitive and respect the existing or planned character and scale of development. Where increases in density are considered in Neighbourhoods, they will be directed to Corridors and appropriate transitions to adjoining areas that respect variations in scale, massing and land uses will be required.

This proposed development respects the policies of MOP by locating the building on the Burnhamthorpe Road East, which is identified as a Corridor and provides an appropriate transition in building scale to the surrounding lower density neighbourhood.

The subject property is located within the Urban System within the Region of Peel. The General Objectives in Section 5.3.1 and General Policies in Section 5.3.2 direct development and redevelopment to the Urban System to achieve an urban structure form and densities which is pedestrian oriented, transit supportive and context appropriate. Section 5.1 of MOP encourages compact mixed-use development in appropriate locations providing opportunities to live and work in Mississauga. Section 5.3.5.5, states that intensification in Neighbourhoods may be considered where the proposed development enhances the existing or planned development and is consistent with the policies of MOP. These policies are in conformity with the Region of Peel Official Plan.

Zoning

The zoning standards included in the approved C4-Exception zoning as noted in the Recommendation Report dated June 7, 2016 by the Commissioner of Planning and Building, remain appropriate and are consistent with the Mixed Use – Special Site official plan designation approved by Council for the site.

Planning Analysis

The applications have been reviewed in the context of current policies and are considered appropriate. The previously approved building represents an appropriate infill development on the Burnhamthorpe Road Corridor. The development enhances the existing development in the area by providing an alternative housing form and choice for residents. The inclusion of ground floor commercial space provides shopping opportunities for residents of the building and the surrounding neighbourhood.

While the official plan specifies a maximum height of four storeys in a Neighbourhood, it allows for consideration of additional height where it can be demonstrated that an appropriate transition in height can be achieved that respects the surrounding context. The building form with its multiple planes and upper storeys step back above the third and fourth storeys creates a gradual transition in scale toward the 1.5 and 2 storey residential dwellings on the adjoining properties. The building setbacks on the north and east property lines combined with the step backs of the upper floors result in upper storeys that contained within a 45 degree angular plane relative to the property lines of adjacent low density dwellings.

Staff recommend that the approval of the applications be upheld and that the expiry date for the approvals be reinstated and extended from September 16, 2020 until March 16, 2021.

Corporate Policy Variance

The Corporate Policy indicates that the decision of council for approval of the rezoning application will be considered null and void, and a new development application will be required unless a zoning by-law is passed within 18 months of the Council decision. The purpose of this policy is to ensure that the zoning by-law is kept as current as possible by having the by-laws which implement Council decisions with regard to rezoning applications passed as quickly as possible. Extensions can be granted by Commissioner of Planning and Building if Council continues to support the application and it can be demonstrated that the applicant is proceeding with reasonable diligence. Regarding the request to vary the corporate policy respecting zoning approvals, the applicant has indicated that he has had difficulties securing suitable investment partners for the project due to changing residential real estate market conditions since obtaining approval in principle for his applications. Further, the applicant did not understand the implications of letting the approval lapse after 18 months. While this request is for reinstatement of the expiry date and not an extension, the applicant had been actively trying to secure investment partners for the project, but inadvertently let the expiry date lapse without requesting an extension.

In terms of concerns with this request setting a precedent for future proposals, each request would have to be considered on its own merit from a planning and corporate policy variance standpoint. As well, most new applications are now approved with "H" holding provisions that need to be addressed prior to the implementing zoning coming into effect, which eliminates concerns with the expiry of a zoning approval for most new applications.

As noted in the Planning Analysis section of this report, staff has determined that the applications remain appropriate for the development of the lands; are consistent and conform to the current policy framework; and represent a modest infill proposal that provides a sensitive transition to the adjacent low density residential neighbourhood. It is also appropriate to grant a variance to the Corporate Policy in this instance and reinstate and extend the expiry date for the fulfillment of the required conditions until March 2021 to provide the applicant a limited timeframe to meet their obligations.

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

In summary, the proposed development for a terraced three to six storey, mixed use building is compatible with the surrounding land uses based on site layout, transition and building design and is sensitive to the existing and planned character of the neighbourhood. The proposed official plan amendment and rezoning remain acceptable from a planning standpoint and the variance to the Corporate Policy regarding the expiration of approval should be granted.

Attachments

Appendix 1: Recommendation Report – June 7, 2016



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building
Prepared by: Marianne Cassin, Manager, Development Central