

City of Mississauga
Corporate Report



<p>Date: November 22, 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 22-17 W7</p>
	<p>Meeting date: December 11, 2023</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (WARD 7)

Official Plan Amendment and Rezoning applications to permit a 29 storey apartment building

65-79 Agnes Street, northwest corner of Agnes Street and Cook Street

Owner: 65 Agnes Inc.

Files: OZ/OPA 22-17 W7

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, under File OZ/OPA 22-17 W7, in their current form, for the lands at 65-79 Agnes Street 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 29 storey apartment building at 65-79 Agnes Street
- The official plan amendment and rezoning applications have been appealed to the Ontario Land Tribunal (OLT) by the applicant for non-decision within the prescribed timelines required by Provincial legislation. A case management conference occurred on

November 7, 2023 and a second case management conference is scheduled for January 11, 2024

- Planning staff support amendments to Mississauga Official Plan and Zoning By-law 0225-2007 to accommodate greater residential intensification on the property as it is intensification within the built-up area, in proximity to planned transit, and will increase the housing supply for the Cooksville Character Area and the City as a whole. Should the applicant revise the proposal to address the following outstanding concerns, which are detailed in Appendix 2, staff could be in position to support the application.
 - Provide the necessary technical studies and drawings (e.g. Streetscape Feasibility Study, Traffic Impact Study, Wind Study, Functional Servicing Report, Sun Shadow Study) to confirm the feasibility of the development proposal
 - Update the proposal to reflect the required sight triangle at the corner of Agnes Street and Cook Street and make the necessary modifications to the built form (including the underground parking structure) as a result of the new property limits
 - Redesign or remove the exposed aboveground parking structure
 - Reduce the height of the podium to reflect the requirements of "B" Streets in Downtown Cooksville
 - Reconfigure the ground floor plan to better address Agnes Street
 - Revise the proposed zoning by-law regulations to better align with the base zone requirements
- 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 January 16, 2023, at which time an Information Report

(<https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=d343ce6c-e3c7-427f-9827-191c7e81aa28&Agenda=PostAgenda&lang=English>) was received for information.

Recommendation PDC-0001-2023 was then adopted by Council on January 18, 2023.

1. That the report dated December 23, 2022, from the Commissioner of Planning and Building regarding the applications by 65 Agnes Inc. to permit a 29 storey rental apartment, under File OZ/OPA 22-17 W7, 65-79 Agnes Street, be received for information.

2. That one oral submission be received.

On July 24, 2023, the owner appealed the applications to OLT due to non-decision within the prescribed timelines required by Provincial legislation and a case management conference occurred on November 7, 2023. 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. A second case management conference has been scheduled for January 11, 2024, and a nine day OLT hearing has been scheduled for June 17 - 28, 2024.

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



Aerial Image of 65-79 Agnes Street



Applicant's rendering of the proposed 29 storey apartment

Comments

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 October 3, 2022. A community meeting was held by Ward 7 Councillor Dipika Damerla on April 27, 2022. One person attended the meeting. Two 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 January 16, 2023. 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.

A detailed Planning Analysis is found in Appendix 2. The applications seek to redevelop the site for a tall building, which supports general intensification policies and transit investment. As a result, the applications are consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe*, and Region of Peel Official Plan. However, the technical materials submitted in support of the application are missing the necessary information to confirm the feasibility of the proposal. Additionally, the applicant has not justified how the current proposal conforms to MOP policies relating to built form, nor have they provided appropriate justification for the proposed site specific zone standards being requested. For these reasons, the proposal not supported by City staff in its 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

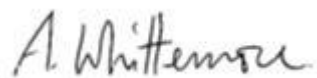
Staff have reviewed the Planning Justification Report and other technical information submitted with the applications and conclude that the development, as proposed, is not acceptable from a planning standpoint and should not be approved.

Should these applications be approved by OLT, staff will recommend that an “H” holding provision be applied to the lands to ensure all technical information is provided and that 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 Council in order to receive direction on how to proceed with respect to the OLT hearing.

Attachments

Appendix 1: Information Report

Appendix 2: Detailed Planning Analysis



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

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