

ISSUE DATE:

May 05, 2010



PL070625

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Winton Equities Inc.
Subject: By-law No. 0225-2007
Municipality: City of Mississauga
O.M.B. Case No.: PL070625
O.M.B. File No.: R070128

APPEARANCES:

Parties

City of Mississauga
Winton Equities Inc.

Counsel

M. Minkowski
G. S. Swinkin

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER
ON APRIL 27, 2010 AND ORDER OF THE BOARD**

This is a continuation of the phased hearing of site-specific appeals against a decision of the Council of the City of Mississauga ("City") to approve Amendment No. 25 to the City Official Plan ("OPA 25") and the City's enactment of By-law 0225-2007 ("By-law") intended to create a comprehensive Zoning By-law in full conformity with the City of Mississauga Official Plan ("OP").

This is a settlement hearing of the appeal by Winton Equities Inc. ("Winton") against By-law 0225-2007 relating to its property located at the southwest corner of Creditview Road and Eglinton Avenue. This appeal was previously adjourned on consent of the Parties.

G. W. Broll, on behalf of Winton, provided expert land use planning evidence and opinion in support of an amendment to the By-law to recognize the previous high density residential permission for the property. He was not contradicted and no other evidence was proffered.

Subsequent to the appeal by Wintor, Amendment No. 94 to the OP ("OPA 94") has been approved by the City and not appealed. OPA 94 establishes the appropriate density for the property intended to be developed for family and senior citizen affordable housing by the Region of Peel. The proposed By-law amendment would be in full conformity with the applicable in-force OPA 94.

The land use planner for Wintor confirmed the proposed amendment as being consistent with the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe, Region of Peel Official Plan, OP and OPA 94. It was his opinion that the amendment represents the application of good planning.

The Board adopts and relies upon the evidence and opinion of the land use planner that was not contradicted and finds no reason to interfere with the settlement reached. The Board finds that the amendment proposed is in the overall public interest of the community.

In conclusion, the appeal by Wintor is allowed, in part, and By-law 0225-2007 is amended in the manner as set out in Attachment "1." In all other respects, the appeal is dismissed.

The Board commends the efforts of the Parties in resolving this dispute.

The Board so Orders.

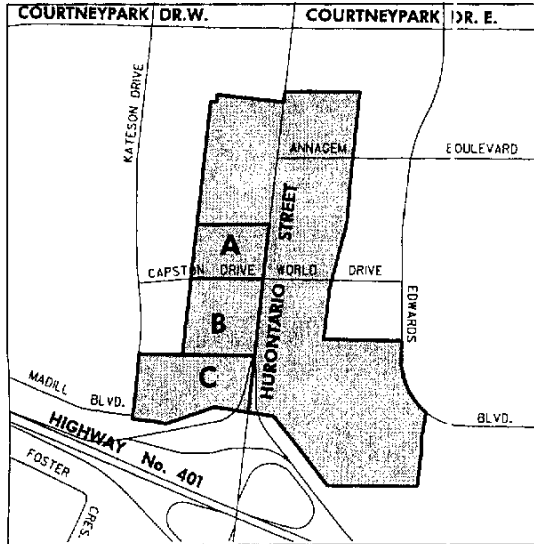
"D. R. Granger"

D. R. GRANGER
VICE-CHAIR

ATTACHMENT "1"

1. Existing Section 4.15.6.5, Site 4, Special Site Policies, is deleted and replaced with the following:

4.15.6.5 Site 4



The lands identified as Special Site 4, also known as the District Gateway, are located on both sides of Hurontario Street, north of Provincial Highway 401.

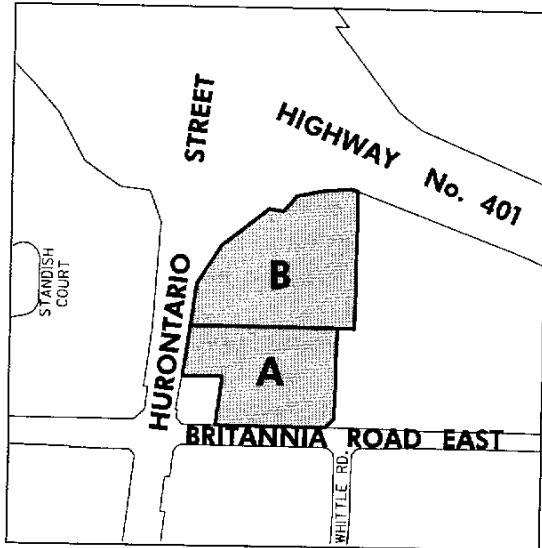
Notwithstanding the Business Employment designation on these lands, the following additional policies will apply:

- a. the District Gateway should provide the principal entry feature into the abutting Business Employment areas from Provincial Highway 401 and areas to the south. Development in this area should promote a quality image for this business community and reinforce its upscale image as a corporate address and destination. Opportunities for secondary landmark buildings should be promoted in order to highlight the entry point and provide orientation points. Built form should provide for a transition in scale from the broad expanses of Provincial Highway 401 to the more contained urban corridor appropriate to Hurontario Street;
- b. regard will be given to the design guidelines as outlined in the urban design manual entitled Upper Hurontario Corridor – a Design Mandate for Excellence during the processing of development applications.
- c. for the lands identified as 4A, Section 4.15.3.2(e), Hurontario Street Corridor Development Policies shall not apply and is replaced with the following:
 - the building(s) be designed with a pedestrian street entrance facing Hurontario Street; and
 - a visual and functional pedestrian link be incorporated between such building entrance and the public sidewalk to encourage transit usage.

- d. for the lands identified as 4B and 4C, Sections 4.15.3.2(e),(f)and (l), Hurontario Street Corridor Development Policies shall not apply and are replaced with the following:
- an access aisle between the building(s) and Hurontario Street, will be permitted;
 - a generous landscape buffer be incorporated along the Hurontario Street frontage to screen vehicle parking areas;
 - for lands identified as 4B;
 - one row of parking between the building(s) and Hurontario Street for all permitted uses except office will be permitted;
 - one row of parking between the building(s) and Hurontario Street for all permitted uses except office will be permitted;
 - the building(s) be located close to the Hurontario Street frontage on lands identified as 4B;
 - the building(s) be designed with a pedestrian street entrance facing Hurontario Street on lands identified as 4B; and
 - a visual and functional pedestrian link be incorporated between such building entrance and the public sidewalk to encourage transit usage on lands identified as 4B.

2. Existing Section 4.15.6.13, Site 12, Special Site Policies, is deleted and replaced with the following:

4.15.6.13 Site 12

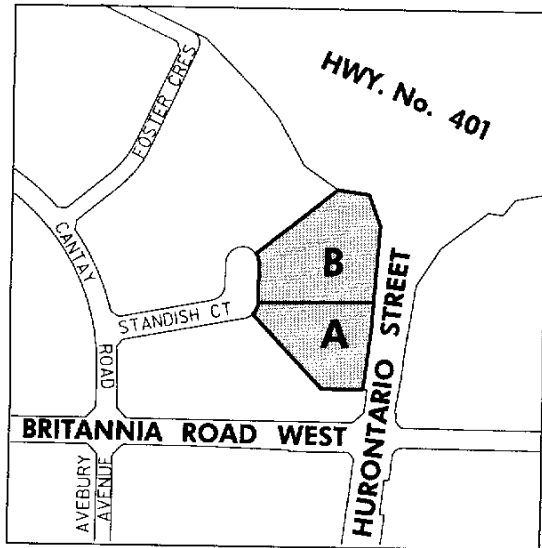


The lands identified as Special Site 12 are located on the east side of Hurontario Street, south of Provincial Highway 401.

- a. for the lands identified as 12A, Section 4.15.3.2(e), Hurontario Street Corridor Development Policies shall not apply and is replaced with the following:
 - the building(s) be designed with a pedestrian street entrance facing Hurontario Street; and
 - a visual and functional pedestrian link be incorporated between such building entrance and the public sidewalk to encourage transit usage.
- b. For the lands identified as 12B, Section 4.15.3.2(e),(f)and(l), Hurontario Street Corridor Development Policies shall not apply and are replaced with the following:
 - two rows of parking between the buildings(s) and Hurontario Street, will be permitted;
 - an access aisle between the building(s) and Hurontario Street, will be permitted;
 - a generous landscape buffer be incorporated along the Hurontario Street frontage to screen vehicle parking areas.

3. Existing Section 4.15.6 Special Site Policies is amended by adding the following Section 4.15.6.14, Special Site 13.

4.15.6.14 Site 13



The lands identified as Special Site 13 are located on the west side of Hurontario Street, south of Provincial Highway 401.

- a. for the lands identified as 13A, Section 4.15.3.2(e), Hurontario Street Corridor Development Policies shall not apply and is replaced with the following:
- the building(s) be designed with a pedestrian street entrance facing Hurontario Street; and
 - a visual and functional pedestrian link be incorporated between such building entrance and the public sidewalk to encourage transit usage.
- b. For the lands identified as 13B, Section 4.15.3.2(e),(f) and (l), Hurontario Street Corridor Development Policies shall not apply and are replaced with the following:
- an access aisle between the building(s) and Hurontario Street, will be permitted;
 - a generous landscape buffer be incorporated along the Hurontario Street frontage to screen vehicle parking areas.

4. Existing Section 4.15.6 Special Site Policies is amended by adding the following Section 4.15.6.15, Special Site 14.

4.15.6.15 Site 14

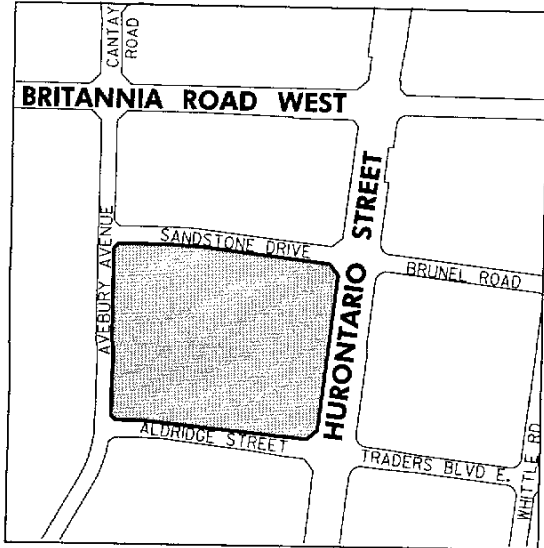


The lands identified as Special Site 14 are located at the northwest corner of Sandstone Drive and Hurontario Street.

- a. Section 4.15.3.2(e), Hurontario Street Corridor Development Policies shall not apply and is replaced with the following:
- the building(s) be designed with a pedestrian street entrance facing Hurontario Street; and
 - a visual and functional pedestrian link be incorporated between such building entrance and the public sidewalk to encourage transit usage.

5. Existing Section 4.15.6 Special Site Policies is amended by adding the following Section 4.15.6.16, Special Site 15.

4.15.6.16 Site 15



The lands identified as Special Site 15 are located at the southwest corner of Sandstone Drive and Hurontario Street.

- a. Section 4.15.3.2(e), Hurontario Street Corridor Development Policies shall not apply and is replaced with the following:
- the building(s) be designed with a pedestrian street entrance facing Hurontario Street; and
 - a visual and functional pedestrian link be incorporated between such building entrance and the public sidewalk to encourage transit usage.
- b. Section 4.15.3.2(f) and (l), Hurontario Street Corridor Development Policies shall not apply if the existing building is expanded.