

ISSUE DATE:

May 10, 2010



PL081540

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: UBE Airport Development Ltd.
Subject: Interim Control By-law No. 0332-2008
Municipality: City of Mississauga
OMB Case No.: PL081540
OMB File No.: PL081540

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: UBE Airport Development Ltd.
Subject: OPA 102
Municipality: City of Mississauga
OMB Case No.: PL081540
OMB File No.: PL091081

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

Appellant: UBE Airport Development Ltd.
Subject: Zoning By-law No. 0323-2009
Municipality: City of Mississauga
OMB Case No.: PL081540
OMB File No.: PL091063

APPEARANCES:

Parties

UBE Airport Development Ltd.

City of Mississauga

Counsel

Steven Zakem

Michael Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI
ON MAY 4, 2010 AND ORDER OF THE BOARD**

The Parties advised the Board that they have reached a settlement in this case. City Planner Leslie Pavan reviewed details of the settlement and provided planning evidence in support of it.

The City of Mississauga enacted Interim Control By-law No. 0332-2008 in order to restrict the use of certain lands zoned "E1" within the Airport Corporate District pending completion of the review of the Official Plan policies and Zoning provisions for certain lands surrounding the Renforth Bus Rapid Transit Station in the Airport Corporate District.

The purpose of Zoning By-law No. 0323-2009 is to prohibit manufacturing and warehouse uses, to establish minimum heights of four storeys for buildings and to establish design requirements for front doors facing public streets. The purpose of Official Plan Amendment 102 is to amend the Business Employment policies within the Airport Corporate District to encourage transit supportive development within the area surrounding the Gateway Mobility Hub and the Spectrum and Orbitor bus rapid transit stations.

While a number of appeals were generated, following completion of the City's studies, the above-named Appellant's appeal remained and was scoped to a site-specific appeal against OPA 102 and ZBL No. 0323-2009. The Appellant's primary issue was the four-storey minimum height requirement. Given the large size of the Appellant's site, the Appellant proposed the western portion of the property retain this requirement but the eastern portion could see a phase of development that does not meet the requirement but continue to meet the FSI standard of 0.5. The Parties have agreed that the Appellant must eventually submit a site plan to show how the easterly portion of the site would function through future phase development; how the future buildings will integrate with the overall site; and how over time the site could meet an FSI of 1.0. Details of these requirements were evidenced to the Board in Exhibit 1, the joint document book. Tab 14 provides the comprehensive proposed modification to OPA 102 to which all Parties agree.

As Ms Pavan opined that the proposed settlement maintains the intent and spirit of the Official Plan, and recognizing that the City Planner's professional land use planning evidence was uncontested, the Board allows the appeal against Official Plan Amendment 102 by modifying this planning instrument as per the settlement agreement and as set out in Attachment 1 to this Order. On consent, the Board also dismisses the appeal of Zoning By-law No. 0323-2009.

So Orders the Board.

“R. Rossi”

R. ROSSI
MEMBER

ATTACHMENT "1"

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 4.2.1 Airport Corporate District Policies of Mississauga Plan, planning context (Official Plan) is hereby amended by adding the following paragraphs:

The Mississauga Bus Rapid Transit System (BRT) will be constructed on the north side of Eglinton Avenue and is considered a **Bus Rapid Transit Corridor**. Transit stations are proposed at Spectrum Way, Orbitor Drive and west of Renforth Drive. The Spectrum and Orbitor stations are Bus Rapid Transit Stations and the Renforth Station is identified as a Gateway Mobility Hub in the Regional Transportation Plan.

The lands along the BRT are considered to be within an **Intensification Corridor**.

2. Section 4.2.2 Airport Corporate District Policies, Development Concept is hereby amended by deleting the section and replacing it with the following:

The Airport Corporate District is identified as a Node in recognition of the existing high quality office development and its visibility, access and location. The District will continue as a location primarily for corporate head offices, manufacturing, research and development and accessory commercial.

With the introduction of the Mississauga Bus Rapid Transit along the southern border of the District, the area will continue to evolve as a transit-oriented hub, with a greater mix of uses, high quality public realm including pedestrian-friendly streets and new open spaces. Buildings will define street edges, public spaces and intersections through appropriate building siting. In support of the investment in BRT, new buildings will be higher density and contribute to an attractive pedestrian area. In addition, lands within 800 metres of Renforth Station are identified in the Regional Transportation Plan as a Gateway Mobility Hub. The development and employment density should be substantial in order to support levels of ridership for the BRT.

3. Section 4.2.3.1(a) Airport Corporate District Policies, Urban Design Policies, is hereby deleted and replaced by the following:

- (a) the development to a continuous street frontage through the orientation of buildings parallel to the street, and the placement of significant building mass adjacent to the street edge with transparent facades at-grade will be encouraged;

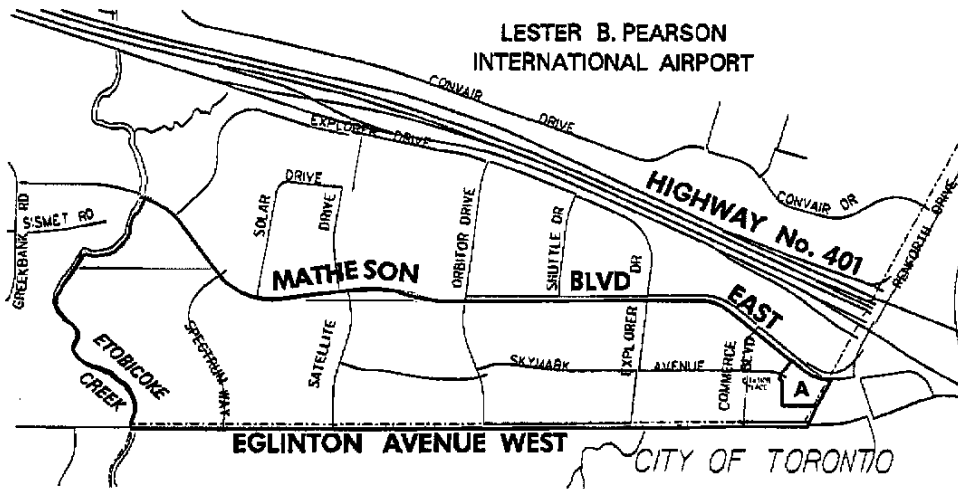
4. Section 4.2.3.1 Airport Corporate District Policies, Urban Design Policies of Mississauga Plan (Official Plan) is hereby amended by adding the following paragraph (b) after paragraph (a) and renumbering the remaining policies thereafter:

- (b) where they are related, multi-storey buildings should be linked together with a podium;
5. Section 4.2.3.1(c) Airport Corporate District Policies, Urban Design Policies is hereby deleted and replaced by the following:
- (c) main building entrances will be clearly articulated and linked to pedestrian walkway systems to provide convenient access for pedestrians to public transit. Active building entrances should be orientated to major street frontages and the BRT.
6. Section 4.2. Airport Corporate District Policies of Mississauga Plan (Official Plan) is hereby amended by adding the following as Section 4.2.6 Special Site Policies:

4.2.6.1 Introduction

There are sites within the District which merit special attention and are subject to the following policies:

"4.2.6.2 Site 1



The lands identified as Special Site 1 are located north of Eglinton Avenue West, south of Matheson Boulevard East, east of the Etobicoke Creek, to Explorer Drive and all lands East of Explorer Drive.

- a. Notwithstanding the provisions of the Business Employment designation, the following uses will not be permitted:
- new industrial uses including manufacturing, assembling, processing, fabricating, repairing, warehousing, distributing and wholesaling, outdoor storage uses;
 - free-standing retail commercial uses and financial institutions.

However, existing industrial uses will be permitted to continue and expand.

b. Notwithstanding the Business Employment designation, the following additional policies will apply:

- buildings will be a minimum of four storeys within 500 m of the limits of Renforth BRT station;
- buildings will be a minimum of two storeys within 500 m of the limits of Spectrum and Orbitor stations;
- development will have a minimum FSI of 0.5. In calculating FSI on large sites with multi-phase development, regard may be had to the size of individual development parcels;
- prior to site plan approval, it will be demonstrated by the proponent that sites have the ability to achieve a minimum FSI of 1.0 over time by demonstrating the capacity of the site to accommodate additional development having regard to parking, servicing, access and landscaping;
- the provision of retail commercial uses with display windows in the at-grade level is encouraged. Buildings closest to the BRT station should have active uses along most of their ground floor frontage facing public streets and/or BRT corridor;
- where it is not feasible to include retail commercial uses, the at grade level should include windows, lobbies and entrances so as to avoid blank walls facing public streets;
- in order to achieve a continuous street wall, it is intended that as development occurs over time, a minimum of 70 percent of any lot frontage along the BRT corridor, Skymark Avenue, Commerce Boulevard and Citation Place, should be occupied with a building or buildings. In the case of lots with multiple street frontages, priority will be given to establishing a continuous street wall along Commerce Boulevard and the BRT corridor.

c. Pedestrian Connections

Development will promote pedestrian movements to and from transit stations through the local streets and publicly accessible private pedestrian connections or private open space areas (plazas). The location, size and character of the publicly accessible connections will be determined during the site plan review process having regard for the following:

- sidewalks will be provided on both sides of all streets and form a connected system of pedestrian access to and from BRT stations.

- streetscape improvements will be coordinated and well designed, including trees, pedestrian-scale lighting, special paving and street furniture on sidewalks, boulevards and important pedestrian and publicly accessible open space areas and walkways;
- parking areas will have appropriate landscape treatments, including trees and lighting, throughout parking lots and along their edges, in order to improve the appearance of the parking areas, to contribute to the visual continuity of the street edge. Parking areas should also incorporate defined pedestrian routes for safe and convenient pedestrian movement to building entrances and other destinations to encourage the safe use of these spaces;
- concentrated landscape treatment will be provided where continuous street planting is not possible due to the location of utilities or other constraints;
- private open space areas will be high quality, usable, and physically and visually linked to streets, park and mid-block pedestrian routes;
- pedestrian easements will be provided through the site plan review for the achievement of a continuous pedestrian promenade adjacent to the BRT corridor.

d. Parking and Servicing

- new developments will demonstrate that they have a Transportation Demand Management (TDM) strategy in place as a condition of site plan approval;
- prestige offices will be encouraged to provide at least one level of below grade parking below the building;
- no parking will be provided between the building and the streetline or BRT corridor on principal building frontages. In cases of lots with multiple street frontages, priority will be given to not allowing parking along the BRT corridor and Commerce Boulevard;
- surface parking should incorporate pedestrian and environmental features including: pathways and plantings to break up large expanses of asphalt, permeable surfaces, storm-water management, clear pathways for enhanced pedestrian access, and defined future development blocks;
- loading and garbage storage areas should be located at the rear of buildings, integrated or screened from primary pedestrian routes and publicly visible areas;

- shared parking and driveways between developments will be encouraged;
- site plans will demonstrate the ability for shared servicing access with adjacent developments;
- new development will provide secure bicycle parking for employees.

4.2.6.1.1 Area 1A

The lands identified as Area 1A are located at the easterly limits of Citation Place, south of Matheson Boulevard East and north of Eglinton Avenue West

Notwithstanding Section 4.2.6.2 b), on the lands known municipally as 2950 Citation Place, the City may consider through a site specific zoning amendment an initial phase consisting of a minimum two storey building on the eastern portion of the property provided:

- a) at least half of the site is reserved for a future phase(s) which consists of one or more building that will each be a minimum four storeys in height;
- b) the future phase(s) is located on the western portion of the property;
- c) the initial phase meets all other provisions of the Official Plan including a minimum FSI of 0.5 on the portion of the property proposed for the initial phase;
- d) a site specific zoning amendment and a site plan application are submitted which delineate the initial phase and the lands reserved for a future phase;
- e) the site plan application includes a plan which illustrates how the site will function through future phased development; how the individual buildings of the initial and future phase(s) will relate and integrate with one another; how the site will meet the design requirements of the Official Plan in subsequent phase(s); and how the site will achieve an FSI of 1.0 over time; and
- f) the site specific zoning amendment places a hold on the western portion of the site subject to a site plan application being submitted for that portion of the site which meets the requirements of the Official Plan and zoning by-law.