

ISSUE DATE:

May 14, 2010



PL100047

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Pinnacle International (Ontario) Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Mississauga to redesignate land at Part Lot 1, Conc. 1, West of Hurontario Street from "Residential – High Density II" to "Residential – High Density II – Special Section" to permit high density residential uses. Approval Authority File No. LA 10.PIN (OPA XXXX w5)
OMB File No. PL100047

Pinnacle International (Ontario) Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 0225-2007 of the City of Mississauga to rezone lands located on the northwest corner of Hurontario Street and Eglinton Avenue West from D (Development) to RA5 – 41 (Apartments) to permit high density residential uses
OMB File No. PL100048

APPEARANCES:

Parties

Counsel

Pinnacle International (Ontario) Limited

Patrick Devine

The Elia Corporation

Jeffrey Davies

City of Mississauga

Michal Minkowski

**MEMORANDUM OF ORAL DECISION FROM A PRE-HEARING
CONFERENCE HELD ON MAY 11, 2010 DELIVERED BY R. ROSSI**

The Parties advised the Board that they have reached a settlement in this case. City Counsel Michal Minkowski advised the Board that City Council have ultimately accepted the staff recommendation in support of the Pinnacle proposal. On consent, the Board added The Elia Corporation as a Party to these proceedings.

Planner Robert Hughes provided settlement details and his planning opinion. These are site-specific planning instruments covering a portion of Pinnacle's lands that will facilitate the Phase One development in the form of two residential apartment buildings. The use that the Applicant seeks is in keeping with what the Official Plan permits. The Applicant would like to see an increase in the FSI up to 2.9. From a

zoning perspective, the lands are zoned D Development, which suggests that future development will take place on these lands. City transportation staff had no objection to the application as they determined that the proposed density and development for Phase One only can be accommodated by the existing road network. For the remainder, or Phase Two development, staff has concerns; for example, the intersection of Eglinton and Hurontario that will have to be addressed in the future. However, a series of reports establishes that the existing situation can accommodate the proposed Phase One development. In response to the City's request for sufficient green space, the Applicant has agreed to provide a portion of parkland to the west of the subject lands, comprising .26 of a hectare, as part of the Phase One development.

Mr. Hughes opined that the proposed Official Plan and Zoning by-law Amendments conform to and are consistent with the Provincial Policy Statement and the Growth Plan; they are in compliance with Region of Peel Official Plan; and they are in keeping with the general goals and objectives of the City's Official Plan. The proposal represents good planning and is appropriate for the area.

Having considered the uncontradicted planning evidence, the Board hereby allows the appeals and amends the Official Plan with OPA 109 (Exhibit 1 Tab 6 on file) and amends the Zoning By-law by rezoning the subject lands from D (Development) to RA5-41 (Apartments) as contained in Exhibit 1 Tab 7 (on file).

On consent, the Board will withhold its Order for up to four (4) months until the relevant and required servicing and development agreements between the City and the Appellant have been executed. The Board notes that an extension of the time is permissible and the Parties may speak to the Board should a time extension be required.

"R. Rossi"

R. ROSSI
MEMBER