Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

ISSUE DATE: March 13, 2017 **CASE NO(S).:** PL111148
PL141198

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Derry-Ten Limited
Appellant:	Orlando Corporation
Appellant:	Latifa Qureshi
Subject:	Proposed Official Plan Amendment No. P13-MOP 08.0
Municipality:	City of Mississauga
OMB Case No.:	PL111148
OMB File No.:	PL111148
OMB Case Name:	Konialian v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Derry-Ten Limited
Appellant:	Orlando Corporation
Subject:	Proposed Official Plan Amendment No. 25
Municipality:	City of Mississauga
OMB Case No.:	PL141198
OMB File No.:	PL141198
OMB Case Name:	Derry-Ten Limited v. Mississauga (City)

Heard: February 27, 2017 in Mississauga, Ontario

APPEARANCES:

Parties	**Counsel**
City of Mississauga ("City")	M. Minkowski

Orlando Corporation (“Orlando”) L. Longo

MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON FEBRUARY 27, 2017 AND ORDER OF THE BOARD

INTRODUCTION

[1] The Orlando appeals before the Board arise out of the new Official Plan of the City (“MOP”) and Official Plan Amendment No. 25 (“OPA 25”)

[2] The Board held a Pre-hearing Conference in June of 2016, during which the appeals of Orlando were scoped, a Procedural Order with Issues List finalized, and a hearing set for five days commencing February 27, 2017. The (scoped) Issues List identified certain appeals by Orlando as being withdrawn, and the MOP and OPA 25 appeals consolidated.

BACKGROUND AND CONTEXT

[3] Orlando owns certain properties generally in the vicinity of Huronontario Street and the 401 Provincial Highway (“Orlando Lands”).

[4] Huronontario Street is planned to be a higher order transit corridor extending from Port Credit to Brampton. The anticipated cost is $1.4 billion, and construction is to commence in 2018.

[5] Huronontario Street is designated as an intensification corridor.

[6] The Orlando Lands are designated as Corporate Centre within the Gateway East and Gateway West character areas.

[7] The scoping of the Orlando appeals in 2016 resulted in the Orlando appeals being reduced to only the Orlando Lands.

SETTLEMENT

[8] In the lead up to the hearing, the parties, after the preparation and exchange of witness statements and reply witness statements, were able to resolve the outstanding issues.

[9] A report was taken to City Council for instructions with regard to the proposed settlement, and City Council passed a resolution (Exhibit 17) consenting to the settlement.

[10] Minutes of Settlement ("MOS") were finalized between the parties (Exhibit 16).

[11] The MOS provide for: appeals against both the policies of the MOP and OPA 25 to be withdrawn, a modification to Schedule 10, and modifications to Special and Exempt Site Policies that all relate to the Orlando Lands.

SETTLEMENT HEARING

[12] In support of the settlement, the Board heard the uncontested expert land use planning evidence of Karen Crouse of the City's Planning Department.

[13] In Ms. Crouse's evidence, she provided an overview of the plans for the Huronontario Light Rail Transit, the Regional Official Plan ("ROP") designation of Huronontario Street as an intensification corridor, the MOP, OPA 25 and these appeals.

[14] She then took the Board through each portion of the MOS with regard to the withdrawal of appeals against policies of the MOP, the withdrawal of appeals against OPA 25, the site specific modifications that relate to the Orlando Lands, and the modest redesignation of a portion of the Orlando Lands from a Business Employment designation to an Office designation.

[15] Having reviewed the details of the settlement, she then testified that the Orlando Lands were within a transit corridor, were within an intensification corridor, were transit supportive, and would result in a high density office development. Unlike other intensification corridors, due to the proximity to the airport, there were no residential land uses planned.

[16] With regard to the Provincial Policy Statement ("PPS"), the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), the ROP, the City's MOP, and OPA 25, she opined that the settlement provisions were consistent with the PPS, conformed to the Growth Plan, the ROP, and the MOP and constituted good planning. She recommended to the Board that the settlement be approved by the Board.

DECISION

[17] Having heard the evidence of Ms. Crouse and the submissions of counsel, the Board approved the settlement.

[18] Based on the uncontroverted expert evidence of Ms. Crouse, and having considered the resolution of City Council, the Board finds that the proposed settlement as set out in Exhibit 21 (appended hereto as Attachment 1) for the Orlando Lands which are within the Huronontario Street intensification corridor, have appropriate regard for the matters of Provincial Interest as set out in s. 2 of the *Planning Act*, are consistent with the PPS, conform to the Growth Plan, the ROP, and the MOP, and represent good planning.

[19] Thus the Board will allow the appeal in part, will modify OPA 25 as set out in Exhibit 21, with the additional notation that the balance of the appeal to Schedule 10 is withdrawn, to be inserted after the text on page one of Exhibit 21 with regard to the modification of Schedule 10.

[20] The Board would also acknowledge the efforts of counsel and the parties to resolve this matter in a constructive fashion. The Board is confident that the parties will appreciate a mutually acceptable resolution that has avoided a lengthy and costly contested hearing.

[21] Attachment 1 forms part of this decision.

[22] This is the Order of the Board.

"Blair S. Taylor"

BLAIR S. TAYLOR
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

ATTACHMENT 1

The appeals to the following policies are to be withdrawn:

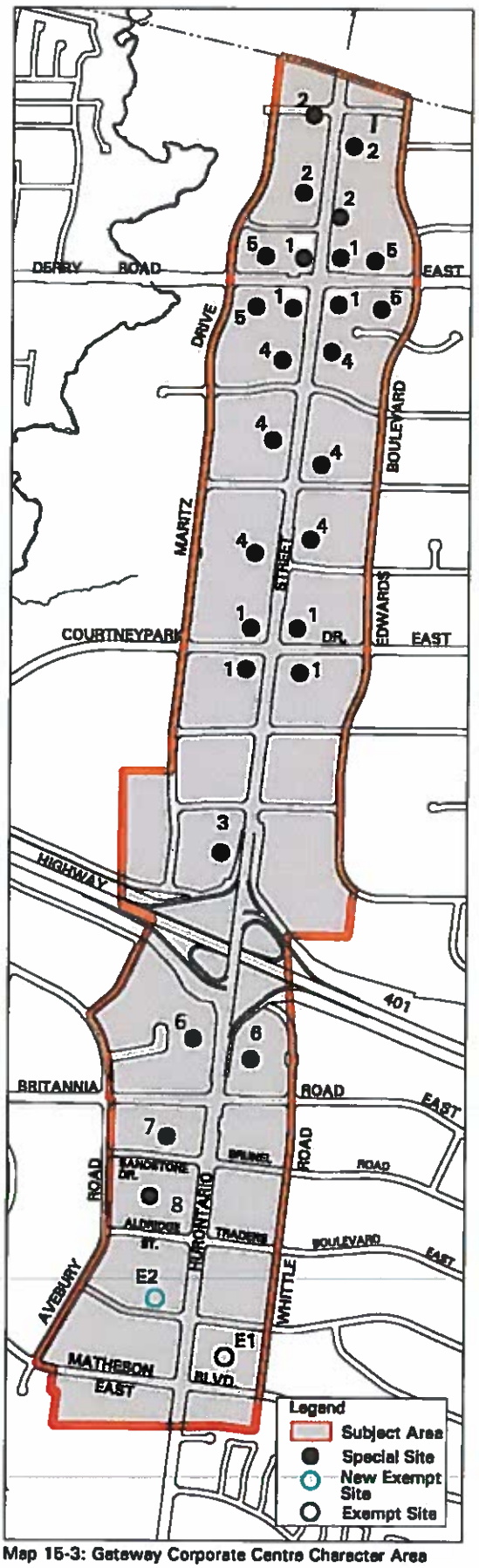
9.3.1.5
15.1.1.2
15.1.1.4
15.3.1.2
15.3.2.1
15.3.2.2
15.3.2.3
15.3.2.4
15.3.2.5
15.3.3.1.2
15.3.3.2.2
15.3.3.4.2
15.3.3.5.2
15.3.4.1.2

Modifications to Schedule 10: Land Use Designation:

Redesignate lands between Sandstone Drive and Milverton Drive, east of Avebury Street from "Business Employment" to "Office".

Modifications to Special and Exempt Site Policies:

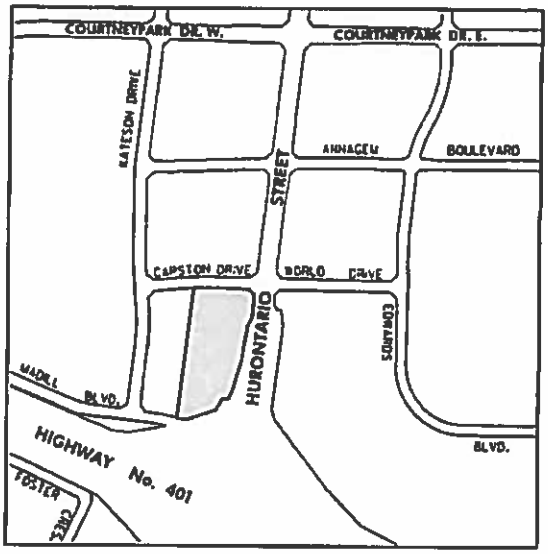
- Special Site 3 - delete and replace
- Special Site 6 and Special Site 7 - deleted and replace with a new combined Special Site 6
- Special Site 8 - deleted and replace, site to be renumbered as Special Site 7
- Special Site 9 – site to be renumbered as Special Site 8
- Exempt Site 2 – create a new exempt site



Map 15-3: Gateway Corporate Centre Character Area

Special Sites

15.3.3.3 Site 3



15.3.3.3.1 The lands identified as Special Site 3, are located on the west side of Hurontario Street, north of Provincial Highway 401.

15.3.3.3.2 Nothwithstanding the Office policies of this Plan, the following additional uses will be permitted:

a. commercial school (except a truck driving school);

b. manufacturing;

c. research and development; and

d. warehousing and distribution.

15.3.3.3.3 Notwithstanding the policies of this Plan, the following additional policies will apply:

a. this site should provide one of the principal north entry features into the Gateway Corporate Centre. Development should promote a quality image and reinforce an 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;

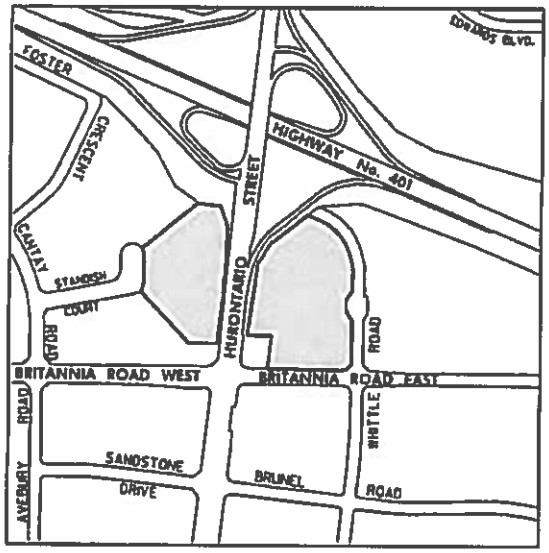
b. regard will be given to the applicable design guidelines during the processing of development applications;

c. building elements in combination with a generous landscape buffer will be incorporated into the site design to screen parking and loading areas from the views on Hurontario Street;

d. where buildings are used for manufacturing, warehousing and distributing uses, the following will apply:

- an access aisle between the building and Hurontario Street, will be permitted;
- buildings will have a minimum height of 11.5 metres and the appearance of a two storey building;
- buildings will have upgraded elevations with particular attention to detail, scale and treatment given their prominent location on Hurontario Street;
- where an office component is proposed it will be located adjacent to Hurontario Street;
- a visual and functional pedestrian connection will be incorporated between building entrances and the public sidewalk to encourage pedestrian activity and transit usage;
- at the southwest corner of Hurontario Street and Capston Drive, exposed parking areas will be setback a minimum of 25 metres from the Hurontario Street frontage and will be appropriately screened by landscaping and architectural elements (e.g. arcades, trellises).

15.3.3.6 Site 6



15.3.3.6.1 The lands identified as Special Site 6 are located on the east and west sides of Hurontario Street, south of Provincial Highway 401.

15.3.3.6.2 Nothwithstanding the policies of this Plan, the following additional policies will apply:

a. buildings will be setback a maximum of 14 metres;

b. buildings will have a minimum building frontage of 39 metres facing Hurontario Street;

c. a visual and functional pedestrian connection will be incorporated between building entrances and the public sidewalk to encourage pedestrian activity and transit usage;

d. architectural elements and landscape features (e.g. arcades, trellises) will be incorporated to achieve a prominent street edge condition where the minimum streetwall that would otherwise be required will not be achieved in the short term, and may include principal pedestrian street entrances facing Hurontario Street; and

e. architectural elements will not be subject to any minimum height requirements.

15.3.3.7 Site 7

15.3.3.7.1 The lands identified as Special Site 7 are located at the northwest corner of Sandstone Drive and Hurontario Street.

15.3.3.7.2 Notwithstanding the policies of this Plan, the following additional policies will apply:

a. buildings will have a minimum building frontage of 39 metres facing Hurontario Street;

b. a visual and functional pedestrian connection will be incorporated between building entrances and the public sidewalk to encourage pedestrian activity and transit usage;

c. architectural elements and landscape features (e.g. arcades, trellises) will be incorporated to achieve a prominent street edge condition where the minimum streetwall that would otherwise be required will not be achieved in the short term, and may include principal pedestrian street entrances facing Hurontario Street; and

d. architectural elements will not be subject to any minimum height requirements.

15.3.3.8 Site 8

15.3.3.8.1 The lands identified as Special Site 8 are located at the southwest corner of Sandstone Drive and Hurontario Street.

15.3.3.8.2 Notwithstanding the policies of this Plan, the following will apply to new development:

a. buildings will have a minimum building frontage of 39 metres facing Hurontario Street;

b. a visual and functional pedestrian connection will be incorporated between building entrances and the public sidewalk to encourage pedestrian activity and transit usage;

c. architectural elements and landscape features (e.g. arcades, trellises) will be incorporated to achieve a prominent street edge condition where the minimum streetwall that would otherwise be required will not be achieved in the short term, and may include principal pedestrian street entrances facing Hurontario Street; and

d. architectural elements will not be subject to any minimum height requirements.

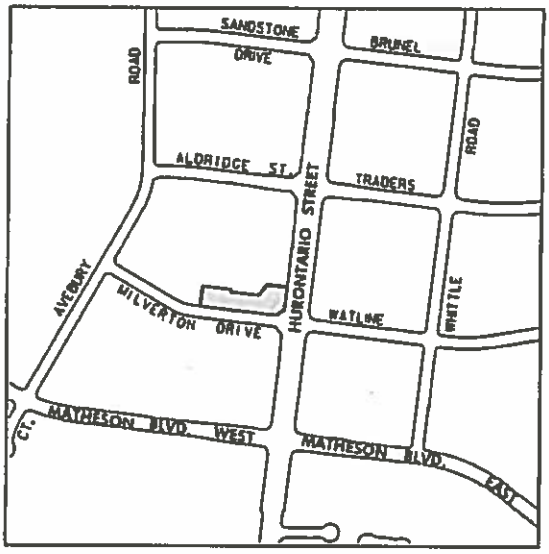
15.3.3.8.3 Notwithstanding the policies of this Plan, the following additional policies will apply where the existing building is extended:

a. the building extension will not have greater setbacks than the existing building;

b. a maximum of four rows of parking and associated aisles will be permitted between the building extension and Hurontario Street.

Exempt Site

15.3.4.2 Site 2



15.3.4.2.1 The lands identified as Exempt Site 2 are located on the west side of Hurontario Street, north of Milverton Drive.

15.3.4.2.2 Notwithstanding the policies of this Plan, the following additional uses, excluding drive-through facilities, will be permitted in the existing building:

a. banquet hall;

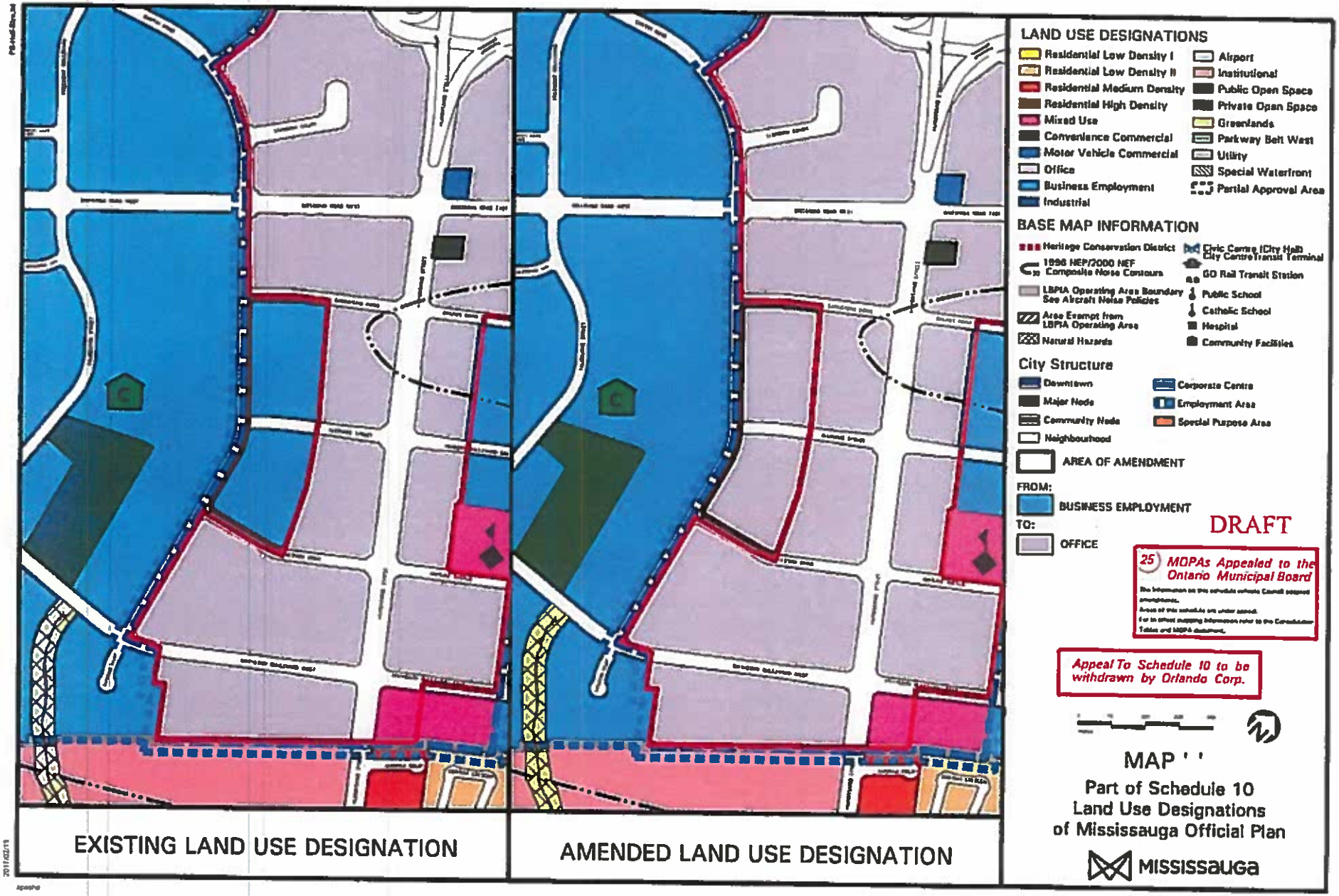
b. daycare;

c. entertainment, recreation and sports facility;

d. financial institution;

e. research and development; and

f. restaurant.



MAP ' '

Part of Schedule 10
Land Use Designations
of Mississauga Official Plan

MISSISSAUGA