

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** October 03, 2018

**CASE NO(S):** PL160562

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Appellant: Astra Capital Properties Incorporated  
Subject: Proposed Official Plan Amendment No. OPA 40  
Municipality: City of Mississauga  
OMB Case No.: PL160562  
OMB File No.: PL160562  
OMB Case Name: Astra Capital Properties Incorporated v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Astra Capital Properties Incorporated  
Subject: By-law No. 0097-2016  
Municipality: City of Mississauga  
OMB Case No.: PL160562  
OMB File No.: PL160563

**Heard:** August 31, 2018 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Astra Capital Properties Incorporated Anna Toumanians

City of Mississauga Michal Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON  
AUGUST 31, 2018 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This proceeding involves site-specific Official Plan and Zoning By-law amendment appeals brought by Astra Capital Properties Incorporated (“Appellant”) regarding City of Mississauga (“City”) Official Plan Amendment No. 40 (“OPA No. 40”) and Zoning By-law No. 0097-2016 (“Zoning By-law”). The appeals relate to the property located at 2213 North Sheridan Way (“subject property”).

[2] OPA No. 40 updates the Sheridan Park Corporate Centre Character Area Policies (“Character Area Policies”) in s. 15.5 of the City’s Official Plan to reflect the Sheridan Park Corporate Centre Draft Land Use Master Plan. These changes are to allow for a range of office-related uses to provide opportunities for redevelopment of underutilized lands and to assist the City in meeting employment land objectives. The area is envisioned as a campus-type setting with land uses focused on scientific and engineering research and development, education and training facilities, engineering services, offices, hotels and accessory commercial uses.

[3] The Parties have proposed a settlement of the appeals.

[4] The Sheridan Park Association, which acts for several business and scientific interests in the Sheridan Park Corporate Centre, is a participant in the proceedings. It supports the proposed settlement.

[5] On August 31, 2018, the Local Planning Appeal Tribunal (“Tribunal”) convened a settlement hearing at which it heard land-use planning evidence in support of the proposed settlement and granted the appeal in part.

## **EVIDENCE, SUBMISSIONS AND FINDINGS**

[6] Andrew Walker was qualified and provided land-use planning opinion evidence on behalf of the Appellant. Mr. Walker described the subject property and the existing uses at the site. He stated that these include manufacturing, motor vehicle wholesaling, warehousing and distribution uses.

[7] Mr. Walker presented the proposed amendments to OPA No. 40 and the Zoning By-law (Exhibit 6), noting that they constitute exemptions to permit existing uses at the subject property to continue. The proposed amendment to OPA No. 40 would provide an exemption for the subject property, permitting manufacturing, warehousing, distributing and wholesaling within enclosed buildings, and limited outdoor prototype testing areas accessory to an existing permitted use (provided that the areas are screened from public view).

[8] The proposed amendment to the Zoning By-law would modify the permitted uses at the subject property to reflect the existing permitted uses.

[9] Mr. Walker stated that the subject property is located in a settlement area under the Provincial Policy Statement, 2014 (“PPS”). He said the proposed amendments contribute to providing a range of employment opportunities, reflect an efficient use of land and infrastructure, and encourage compact, mixed-use development. He opined that they are consistent with the PPS.

[10] Mr. Walker stated that the subject property is designated “Built Up Area” under the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”) He said the proposed amendments contribute to a diversity of employment choices in an employment area, make efficient use of land and infrastructure, and will assist in meeting overall forecasted employment growth targets. He opined that the proposed amendments conform with the Growth Plan.

[11] Mr. Walker also stated that proposed amendments conform with the Region of Peel Official Plan (“Region’s Official Plan”). He stated that subject property is located within areas designated as “Urban System” and “Built-Up Area” under the Plan. He stated that the proposed amendments encourage population and employment growth based on appropriate land uses, maintain the vision of the Character Area Policies, efficiently use land, services and infrastructure, and contribute to a mix of employment opportunities. He opined that the proposed amendments conform with the Region’s Official Plan.

[12] Mr. Walker also stated that the proposed amendments conform with the policies of the City’s Official Plan. He opined that the proposed amendments recognize the continued use of the existing permitted uses and the long-term vision of the Character Area Policies.

[13] He also stated that the proposed amendments have regard to provincial interests as required under s. 2 of the *Planning Act*, including the orderly development of safe communities and the provision of employment opportunities. He opined that the proposed amendments represent good planning.

[14] Based on Mr. Walker’s uncontradicted opinion evidence, the Tribunal found that the proposed amendments to OPA No. 40 and the Zoning By-law are consistent with the PPS, and conform with the Growth Plan, the Region’s Official Plan and the City’s Official Plan. At the settlement hearing, the Tribunal approved the amendments to OPA No. 40 and the Zoning By-law. The Tribunal allowed the appeal in part and modified OPA No. 40 and the Zoning By-law in accordance with Exhibit 6.

## **ORDER**

[15] The Tribunal orders that:

- a. the official plan amendment appeal is granted in part, and the proposed amendments to Official Plan Amendment No. 40 to the City

of Mississauga Official Plan is approved in the form attached as Attachment 1 to this Decision;

- b. the zoning by-law appeal is granted in part, and the proposed amendment to Zoning By-law No. 0097-2016 is approved in the form attached as Attachment 2 to this Decision.

*“Hugh S. Wilkins”*

HUGH S. WILKINS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

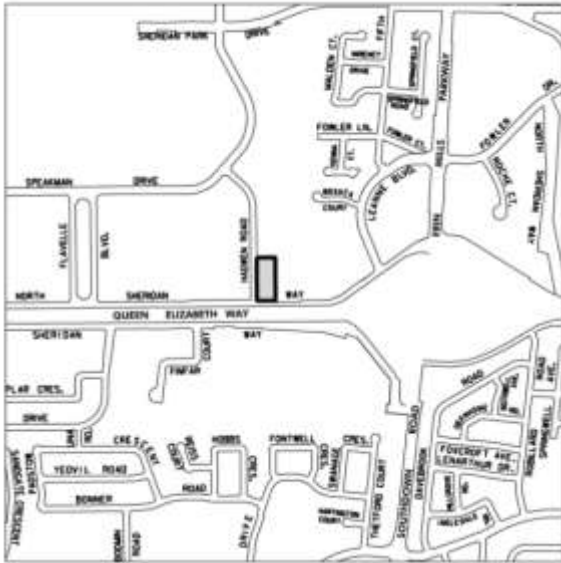
**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# ATTACHMENT 1

## 15.5.7 Exempt Site Policies

### 15.5.7.2 Site 2



15.5.7.2.1 The lands identified as Exempt Site 2 are located at the northeast corner of North Sheridan Way and Hadwen Road and are municipally known as 2213 North Sheridan Way.

15.5.7.2.2 Notwithstanding the policies of this Plan, the following additional uses will be permitted:

- a. manufacturing, warehousing, distributing and wholesaling within enclosed buildings; and
- b. limited outdoor prototype testing areas accessory to an existing permitted use provided they are screened from public view.

## ATTACHMENT 2

8.2.3.6	Exception: E2-6	Map # 18	By-law: 0097-2016/LPAT Order [INSERT DATE]
<p>In an E2-6 zone the applicable regulations shall be as specified for an E2 zone except that the following <b>uses/regulations</b> shall apply:</p>			
<p><b>Permitted Uses</b></p>			
8.2.3.6.1	<p>Lands zoned E2-6 shall only be used for the following:</p> <ol style="list-style-type: none"> <li>(1) <b>Science and Technology Facility</b></li> <li>(2) <b>Education and Training Facility</b></li> <li>(3) <b>Broadcasting/Communication Facility</b></li> <li>(4) <b>Office</b></li> <li>(5) <b>Pilot Plant</b></li> <li>(6) <b>Prototype Production Facility</b></li> <li>(7) University/College</li> <li>(8) <b>Manufacturing, warehousing, distribution and wholesaling facility</b> legally existing on the date of the passing of this By-law</li> </ol>		
8.2.3.6.2	<p>A <b>banquet hall/conference centre/convention centre</b>, fitness centre, <b>financial institution, restaurant, take-out restaurant, day care</b> and manufacturing provided that such <b>uses</b> are located within, and form an integral part of, the <b>building</b> used for one or more of the <b>uses</b> in Sentence 8.2.3.6.1 of this Exception</p>		
<p><b>Regulations</b></p>			
8.2.3.6.4	Minimum <b>lot area</b>		0.8 ha
8.2.3.6.5	Minimum <b>lot frontage</b>		60.0 m
8.2.3.6.6	Maximum <b>floor space index - non-residential</b> for all <b>uses</b>		0.6
8.2.3.6.7	Maximum <b>floor space index - non-residential</b> for <b>office</b>		0.4
8.2.3.6.8	Maximum percentage <b>gross floor area - non-residential</b> of a <b>building</b> for any <b>uses</b> listed in Sentence 8.2.3.6.3 of this Exception		15%
8.2.3.6.8	Minimum <b>front yard</b>		12.5 m
8.2.3.6.9	Minimum <b>exterior side yard</b>		12.5 m
8.2.3.6.10	Minimum depth of a <b>landscaped buffer</b> measured from any <b>lot line</b>		4.5 m
8.2.3.6.11	Maximum <b>lot coverage</b>		40%
8.2.3.6.12	Minimum of 50% of the <b>front yard</b> shall be <b>landscaped area</b>		