

Local Planning Appeal Tribunal

Tribunal d'appel de l'aménagement local



ISSUE DATE: November 17, 2020

CASE NO.:

PL171206

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 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	CGIV Developments Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of City of Mississauga to make a decision
Existing Zoning:	C3 (General Commercial)
Proposed Zoning:	RA5-Exception (Apartment Dwellings)
Purpose:	To permit a 40 storey apartment building including ground level retail commercial uses
Property Address/Description:	3480 Hurontario Street
Municipality:	City of Mississauga
Municipality File No.:	OZ 17/005
OMB Case No.:	PL171206
OMB File No.:	PL171206
OMB Case Name:	CGIV Developments Inc. v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	CGIV Developments Inc.
Subject:	Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Existing Designation:	Mixed Use
Proposed Designated:	Residential High Density – Special Site
Purpose:	To permit a 40 storey apartment building including ground level retail commercial uses
Property Address/Description:	3480 Hurontario Street
Municipality:	City of Mississauga
Approval Authority File No.:	OPA 17/005
OMB Case No.:	PL171206
OMB File No.:	PL180062

BEFORE:

STEVEN COOKE
MEMBER

)
)
)

Monday, the 16th

day of November, 2020

T.F. NG
MEMBER

THIS MATTER having come on for public hearing and after the hearing, the Tribunal in its Decision issued April 27, 2020 allowed the Official Plan Amendment and Zoning By-law Amendment in part, and having withheld its Order pending confirmation from the City Solicitor that the Applicant has met the requirements, agreed to between the parties, to the satisfaction of the Region and the City;

AND THE TRIBUNAL having been advised by the City Solicitor that the Applicant has met the requirements, agreed to between the parties, to the satisfaction of the Region and the City;

THE TRIBUNAL ORDERS that the Official Plan attached as Schedule A and Zoning By-law attached as Schedule B are approved.



BECKY FONG
REGISTRAR

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE A

Amendment No. 108

to

Mississauga Official Plan

The following text and Map "A" attached constitute Amendment No. 108.

PURPOSE

The purpose of this Amendment is to change the land use designation from Mixed Use to Residential High Density and to add a Special Site to the Downtown Fairview Character Area.

LOCATION

The lands affected by this Amendment are located at the northwest corner of Central Parkway West and Hurontario Street. The subject lands are located in the Downtown Fairview Character Area, as identified in Mississauga Official Plan.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Local Planning Appeal Tribunal.

The subject lands are designated Mixed Use which permits a variety of retail, service and other uses.

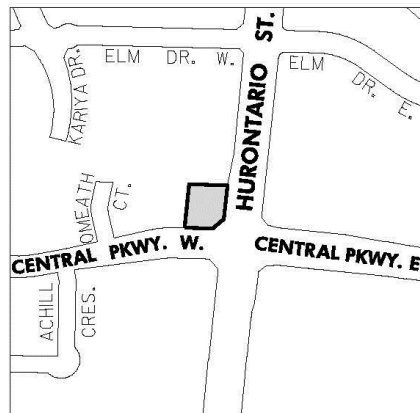
The official plan amendment is required to redesignate the subject lands to Residential High Density and to add a Special Site to permit a maximum building height of 36 storeys.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal is compatible in built form and scale to the surrounding development within the Downtown Fairview Character Area.
2. The proposal adds to the range of housing types available in the City of Mississauga.
3. The application provides for intensification of an underutilized site on Hurontario Street, which is identified as an Intensification Corridor in Mississauga Official Plan.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 12.3, Downtown Fairview Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 3 on Map 12-3, Downtown Fairview Character Area in accordance with the Special Site Policies.
2. Section 12.3.2, Special Site Policies, Downtown Fairview Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

12.3.2.3 Site 3

12.3.2.3.1 The lands identified as Special Site 3 are located at the northwest corner of Central Parkway West and Hurontario Street.

12.3.2.3.2 Notwithstanding the policies of this Plan, an apartment dwelling with a maximum height of 36 storeys will be permitted.

3. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Mixed Use to Residential High Density, as shown on Map "A" of this Amendment.

IMPLEMENTATION

Upon receipt of the Local Planning Appeal Tribunal's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

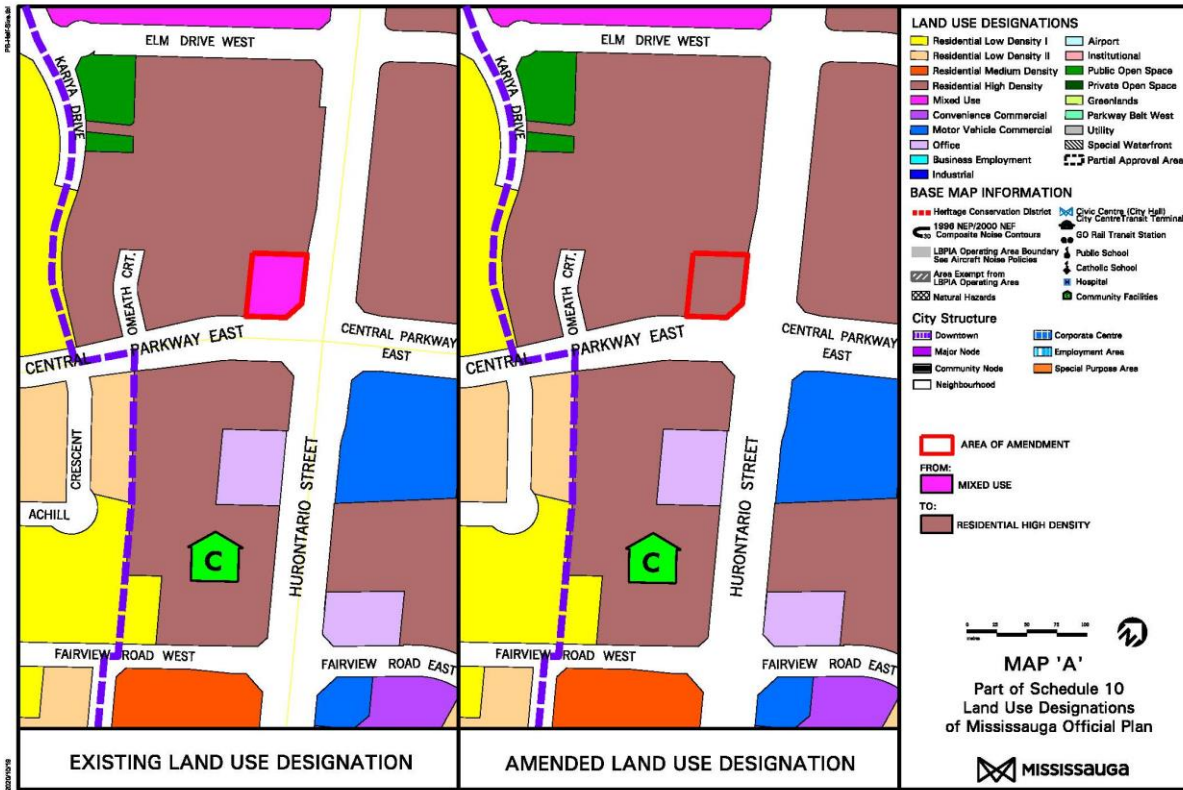
The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan November 22, 2019.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.



\\cadd\Projects\Archived\Project\2017\Report\Map\17582 02 17_005 WY_RPT\Vector\17005 - MCPA10_apped-boundary_adjusted.apr

SCHEDULE B

LOCAL PLANNING APPEAL TRIBUNAL

LPAT Case No. PL171206

ORDER DATED _____

LPAT File No. PL171206

CGIV Developments Inc.

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.15.6.54	Exception: RA5-54	Map # 22	By-law:
In a RA5-54 zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
4.15.6.54.1	(1) Retail Store (2) Restaurant (3) Take-out Restaurant (4) Personal Service Establishment (5) Financial Institution (6) Office		
Regulations			
4.15.6.54.2	The provisions of Lines 1.0 and 3.0 contained in Table 2.1.2.1.1, Subsection 2.1.14, Articles 3.1.4.1, 3.1.4.2, 3.1.4.3, 4.1.15.1 and 4.1.15.3 and the regulations of Lines 5.0, 6.0, 8.0, 9.0, 10.0, 11.1, 11.2 and 15.0 contained in Table 4.15.1 of this By-law shall not apply		
4.15.6.54.3	The uses contained in Sentence 4.15.6.54.1 of this Exception shall only be located within a building, structure or part thereof used for an apartment, long-term care building, retirement building or any other combination thereof		
4.15.6.54.4	The uses contained in Sentence 4.15.6.54.1 of this Exception shall not be permitted above the third storey		
4.15.6.54.5	Minimum gross floor area - non-residential that shall be located within the first storey		400 m ²

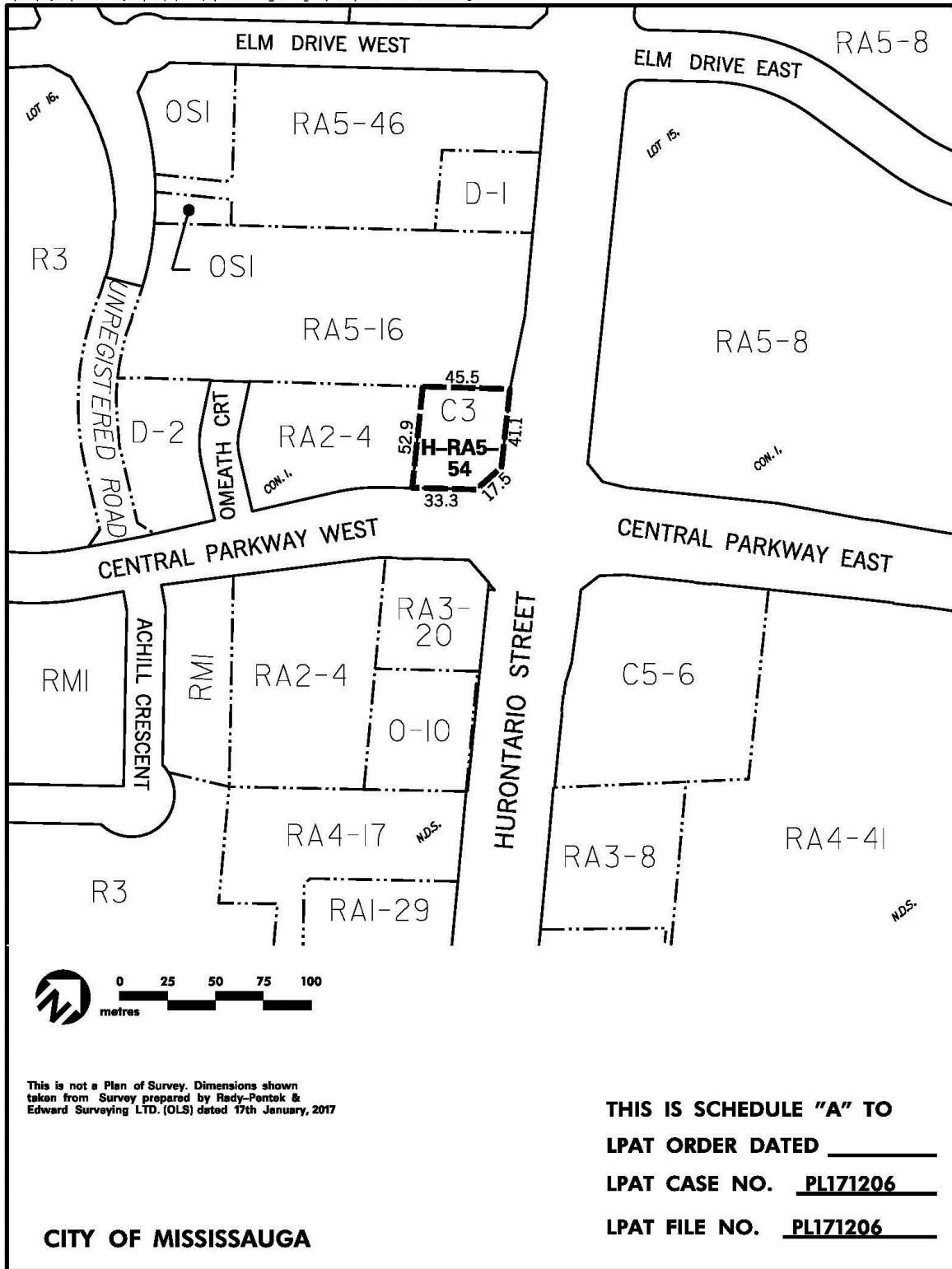
4.15.6.54	Exception: RA5-54	Map # 22	By-law:
4.15.6.54.6	The lot line abutting Hurontario Street shall be deemed to be the front lot line		
4.15.6.54.7	Maximum front yard		3.0 m
4.15.6.54.8	Maximum exterior side yard		3.0 m
4.15.6.54.9	Notwithstanding Sentences 4.15.6.54.7 and 4.15.6.54.8 of this Exception, minimum front and exterior side yards for that portion of the building or structure with a height greater than 14.5 m and 3 storeys		6.0 m
4.15.6.54.10	Minimum interior side and rear yards for that portion of the building or structure with a height less than or equal to 15.5 m and 3 storeys		5.0 m
4.15.6.54.11	Minimum interior side yard for that portion of the building or structure with a height greater than 15.5 m and 3 storeys		12.9 m
4.15.6.54.12	Minimum rear yard for that portion of the building or structure with a height greater than 14.9 m and 3 storeys		15.0 m
4.15.6.54.13	Maximum tower floor plate above 15.5 m and 3 storeys in height		750 m ²
4.15.6.54.14	Minimum height of a building or structure located between 0.0 m and 6.0 m from the front lot line		14.5 m and 3 storeys
4.15.6.54.15	Minimum height of a building or structure located between 0.0 m and 6.0 m from the exterior side lot line		10.5 m and 2 storeys
4.15.6.54.16	Maximum height		115.1 m and 36 storeys
4.15.6.54.17	Notwithstanding any other provisions of this By-law, the calculation of height for apartment, long-term care and retirement buildings , shall be exclusive of mechanical or architectural appurtenances, located on the roof of a dwelling provided that the maximum height of the top of such elements is no higher than 8.5 m above the height limit otherwise applicable		
4.15.6.54.18	Maximum projection of a balcony located above the third storey measured from the outermost face or faces of the building from which the balcony projects		2.0 m
4.15.6.54.19	Minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to any lot line		0.0 m

4.15.6.54	Exception: RA5-54	Map # 22	By-law:
4.15.6.54.20	Minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to an interior side or rear lot line	2.7 m	
4.15.6.54.21	Minimum number of resident parking spaces per one-bedroom dwelling unit	0.9	
4.15.6.54.22	Minimum number of resident parking spaces per two-bedroom dwelling unit	1.0	
4.15.6.54.23	Minimum number of resident parking spaces per three-bedroom dwelling unit	1.3	
4.15.6.54.24	Minimum number of visitor parking spaces per apartment dwelling unit	0.15	
4.15.6.54.25	Minimum number of parking spaces per 100 m ² of gross floor area-non-residential for uses contained in Clauses 4.15.6.54.1(1) to 4.15.6.54.1(4) of this Exception	4.3	
4.15.6.54.26	For the visitor component, a shared parking arrangement may be used for the calculation of required visitor/non-residential parking in accordance with the following: the greater of 0.15 visitor spaces per unit or Parking required for all non-residential uses contained in Sentence 4.15.6.54.1 of this Exception		
4.15.6.54.27	Minimum contiguous gross floor area - non-residential for bicycle parking	228 m ²	
4.15.6.54.28	Minimum depth of a landscaped buffer along interior side yard and rear lot lines	3.0	
4.15.6.54.29	Minimum contiguous amenity area to be provided outside	1.35 m ² per dwelling unit	

4.15.6.54	Exception: RA5-54	Map # 22	By-law:
4.15.6.54.30	Minimum amenity area to be provided inside		2.0 m ² per dwelling unit
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA5-54 by further amendment to Map 22 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none">(1) delivery of an executed Development Agreement in a form and on terms satisfactory to the City of Mississauga ("City") and the Region of Peel ("Region");(2) the submission of a revised traffic impact study including a functional plan for the Central Parkway West access including, but not limited to the extension of the Central Parkway median at Hurontario Street past the driveway and pavement marking, to the satisfaction of the City;(3) satisfactory arrangement for the right-in, right-out access on to Central Parkway West, to the satisfaction of the City;(4) the submission of a revised functional servicing report to the satisfaction of the City and the Region;(5) confirmation that a Record of Site Condition has been posted to the Environmental Site Registry and the submission of all supporting environmental reports to the satisfaction of the City;(6) delivery of an executed agreement for community benefits pursuant to section 37 of the <i>Planning Act</i>, as amended, in a form and on terms satisfactory to the City.			

2. Map Number 22 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "C3 " to "H-RA5-54", the zoning of Part of Lot 16, Concession 1, North of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA5-54" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "H-RA5-54" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 108 is in full force and effect.

I:\cadd\Projects\Archived Projects\2017\ReportMaps\176652 OZ 17_005 W7_RPT\Vector\17005 - LPAT Schedule A.dgn



LPAT ORDER DATED _____

LPAT Case No. PL171206

LPAT File No. PL17206

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to permit a 36 storey apartment building with a minimum of 400 m² of commercial floor space on the first storey.

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "C3" (General Commercial) to "H-RA5-54" (Apartments - Exception - with a Holding Provision).

"C3" permits various non-residential uses.

Upon removal of the "H" provision, the "RA5-54" zone will permit an apartment with accessory uses including retail store, office, financial institution, restaurant, take-out restaurant and personal service establishment, with specific regulations for yards, setbacks, parking and height.

Location of Lands Affected

Northwest corner of Central Parkway West and Hurontario Street, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

<http://teamsites.mississauga.ca/sites/18/bylaws/oz 17 005 w7.amendment to lpat order 2020 april 27.aljmcc.docx>