

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



**ISSUE DATE:** October 20, 2014

**CASE NO.:** PL120278

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

**Applicant and Appellant:** Shaitel International  
**Subject:** Application to amend Zoning By-law No.225-2007- neglect of the City of Mississauga to make a decision  
**Existing Zoning:** "D" Development  
**Proposed Zoning:** "E2" Exception (Employment)  
**Property Address/Description:** 290 Derry Road West  
**Municipality:** City of Mississauga  
**Municipal File No.:** OZ-OPA 08 0L3  
**OMB Case No.:** PL120278  
**OMB File No.:** PL120278

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

**Referred by:** Shaitel International Inc.  
**Subject:** Site Plan  
**Property Address/Description:** 290 Derry Road West  
**Municipality:** City of Mississauga  
**OMB Case No.:** PL120278  
**OMB File No.:** PL120174

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

**Applicant and Appellant:** Shaitel International Inc.  
**Subject:** Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment  
**Existing Designation:** Business Employment – Special Site 4  
**Proposed Designation:** "Business Employment ~ Special Site 11"  
**Purpose:** To permit permit a six storey hotel and a free standing accessory commercial building  
**Property Address/Description:** 290 Derry Road West  
**Municipality:** City of Mississauga  
**Approval Authority File No.:** OZ-OPA 08 0L3  
**OMB Case No.:** PL120278  
**OMB File No.:** PL121179

BEFORE:

R. ROSSI )  
 MEMBER ) Monday, the 20th  
 )  
 ) day of October, 2014

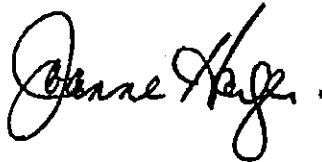
**THIS MATTER** having come on for public hearing, and the Board having issued its Decision on June 27, 2013, and withheld its Final Order subject to the filing of the executed servicing and development agreements;

**THE BOARD ORDERS** that Zoning By-law 0225-2007 of the City of Mississauga is amended in the manner set out in Schedule "A".

**THE BOARD FURTHER ORDERS** that the Official Plan for the City of Mississauga is amended as set out in Schedule "B" to this Order.

The City is hereby authorized to assign the appropriate numbers to these documents for record-keeping purposes.

This is the Order of the Board.



SECRETARY

**Ontario Municipal Board**

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

SCHEDULE "A" TO  
 ONTARIO MUNICIPAL BOARD  
 ORDER DATED \_\_\_\_\_

OMB File No. PL120278  
 OMB Case No. PL120278  
 (Shailtel International 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:

8.2.3.123	Exception: E2-123	Map # 44E	By-law:
In an E2-123 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
<b>Permitted Uses</b>			
8.2.3.123.1	Lands zoned E2-123 shall only be used for the following:		
	(1)	<b>Overnight Accommodation</b>	
	(2)	<b>Banquet Hall/ Conference Centre/ Convention Centre</b>	
	(3)	<b>Restaurant</b>	
	(4)	<b>Outdoor patio accessory to a restaurant or overnight accommodation</b>	
<b>Regulations</b>			
8.2.3.123.2	The provisions contained in Subsection 2.1.14 and 2.1.17 shall not apply		
8.2.3.123.3	Minimum rear yard to lands zoned G2-1		0.0 m
8.2.3.123.4	Maximum gross floor area - non-residential used for banquet hall/ conference centre/ convention centre, and meeting rooms, conference rooms, recreational facilities, dining and lounge area and other commercial facilities accessory to an overnight accommodation		1 080 m <sup>2</sup>
8.2.3.123.5	Maximum number of guest rooms		125
8.2.3.123.6	Maximum gross floor area - restaurant		474 m <sup>2</sup>
8.2.3.123.7	Maximum height - overnight accommodation		6 storeys

8.2.3.123.8	Minimum landscaped area	25%
8.2.3.123.9	Minimum number of parking spaces per 100 m <sup>2</sup> GFA - Restaurant	9.5
8.2.3.123.10	An accessible pedestrian ramp is permitted within the landscaped buffer along Derry Road West	
8.2.3.123.11	All site development plans shall comply with Schedule E2-123 of this Exception	

2. Map Number 44E 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 "D" to "E2-123", "G1", "G2" and "G2-1", the zoning of Part of Lot 10, Concession 1, West of Hurontario Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "E2-123", "G1", "G2" and "G2-1" 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 "E2-123", "G1", "G2" and "G2-1" zoning indicated thereon.
  
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 10 is in full force and effect.

**Insert Schedule "A"**

**Insert Exception Schedule**

## APPENDIX "A" TO SCHEDULE "A" OF

OMB ORDER DATED \_\_\_\_\_

OMB File No. PL120278

OMB Case No. PL120278

### Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to permit a six-storey hotel and a conference centre and a one-storey stand-alone restaurant.

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "D" (Development) to "E2-123" (Employment – Exception), "G1" (Greenbelt – Natural Hazards), "G2" (Greenbelt – Natural Features), and "G2-1" (Greenbelt – Natural Features – Exception).

"D" permits a building or structure legally existing on the date of passing of this By-law and the existing legal use of such building or structure. The property is vacant.

"E2-123" permits overnight accommodation to a maximum of six storeys, banquet hall/conference centre and restaurants.

"G1" permits flood control, stormwater management, erosion management and natural heritage features and areas conservation. These lands will be gratuitously dedicated to the City.

"G2" permits natural protection area, natural heritage features and areas conservation. These lands will be gratuitously dedicated to the City.

"G2-1" permits a 5 m (16.4 ft.) minimum natural protection area within the property as a buffer to the valley lands.

### Location of Lands Affected

South side of Derry Road West, east of McLaughlin Road, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

C3-45

SAINT BARBARA BOULEVARD

E2-95

D

DERRY ROAD WEST

LOT 10.

92.34

114.84

E2-123

G2-1

CON. I.

212.68

G2

45.49

D-4

28.82

G1

17.90

W.H.S.

D

G1

13.05

W.H.S.

FLETCHERS CREEK

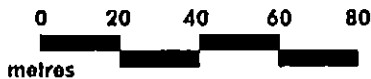
G1

D-4

RIO

LONGVIEW PL

ARROWSMITH DR.



GREENBELT OVERLAY

This is not a Plan of Survey. Dimensions are derived from available office records.

CITY OF MISSISSAUGA

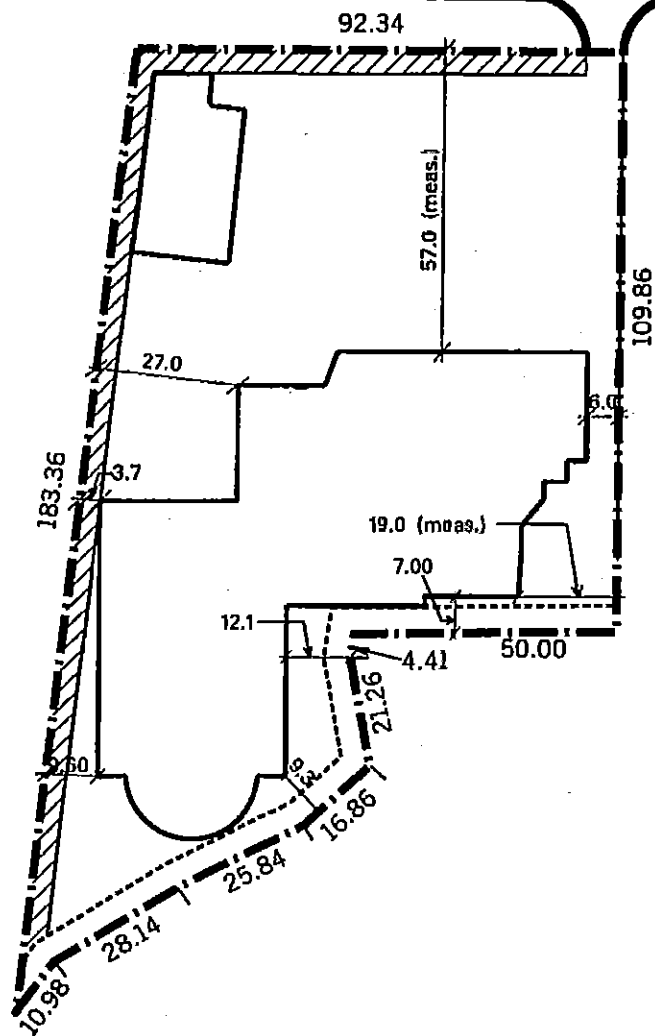
THIS IS SCHEDULE "A" TO SCHEDULE "A" OF O.M.B.

ORDER DATED \_\_\_\_\_

O.M.B. FILE NO. PL120278

O.M.B. CASE NO. PL120278

# DERRY ROAD WEST



Note:  
All measurements are in metres  
and are minimum setbacks,  
unless otherwise noted.

----- 5.0m NATURAL PROTECTION  
AREA (G2-1)

□ BUILDABLE AREA

▨ 4.5m LANDSCAPED BUFFER

**THIS IS SCHEDULE "E2-123"  
AS ATTACHED TO  
SCHEDULE "A" OF O.M.B.**

ORDER DATED \_\_\_\_\_

O.M.B. FILE NO. PL120278

O.M.B. CASE NO. PL120278



Schedule B

Amendment No. 10

to

Mississauga Official Plan

for the

City of Mississauga Planning Area

Amendment No. 10  
to  
Mississauga Official Plan  
for the  
City of Mississauga Planning Area

The following text and maps designated Map "A", Map "B", Map "C", and Map "D" attached hereto constitutes Amendment No. 10.

Also attached hereto but not constituting part of the Amendment are Appendices I and II.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated May 13, 2013, pertaining to this Amendment.

## PURPOSE

The purpose of this Amendment is to amend the Business Employment designation for the site to permit a six-storey hotel and a one-storey restaurant, and to redesignate a portion of the site from Business Employment to Greenbelt.

## LOCATION

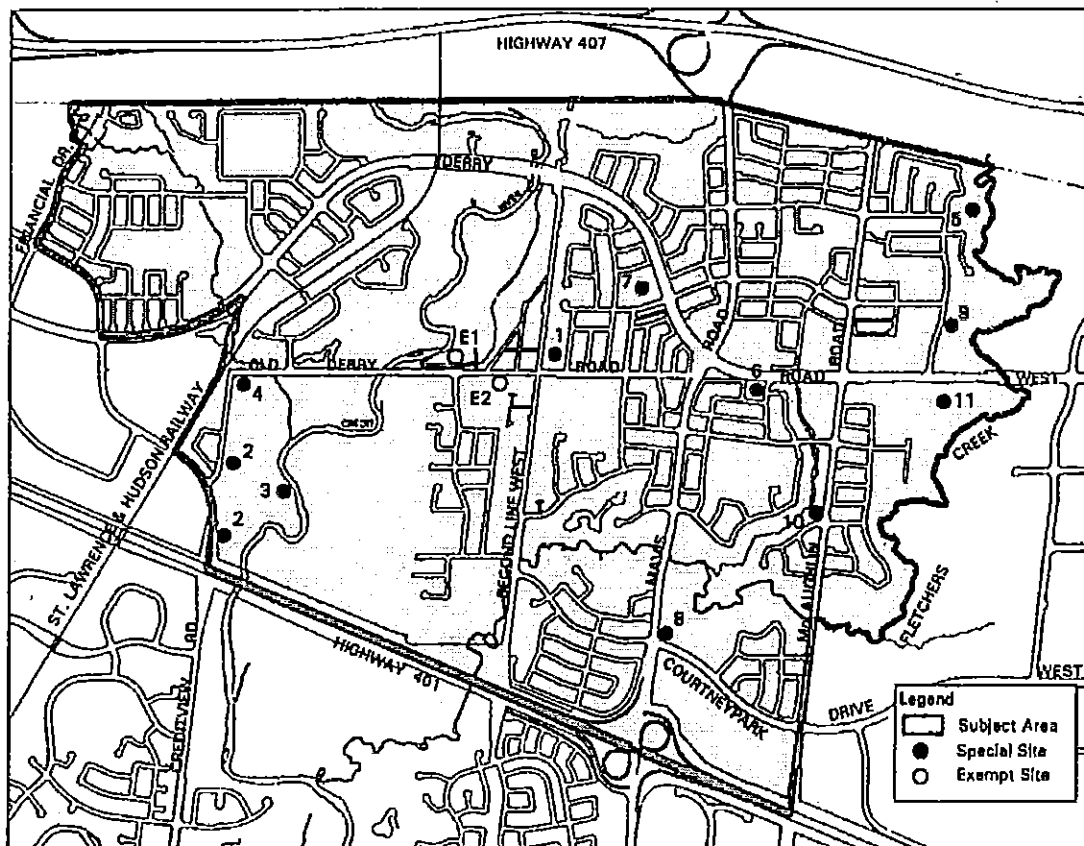
The lands affected by this Amendment are located on the south side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek. The subject lands are located in the Meadowvale Village Neighbourhood Character Area.

## BASIS

The proposed amendment has been approved by the Ontario Municipal Board.

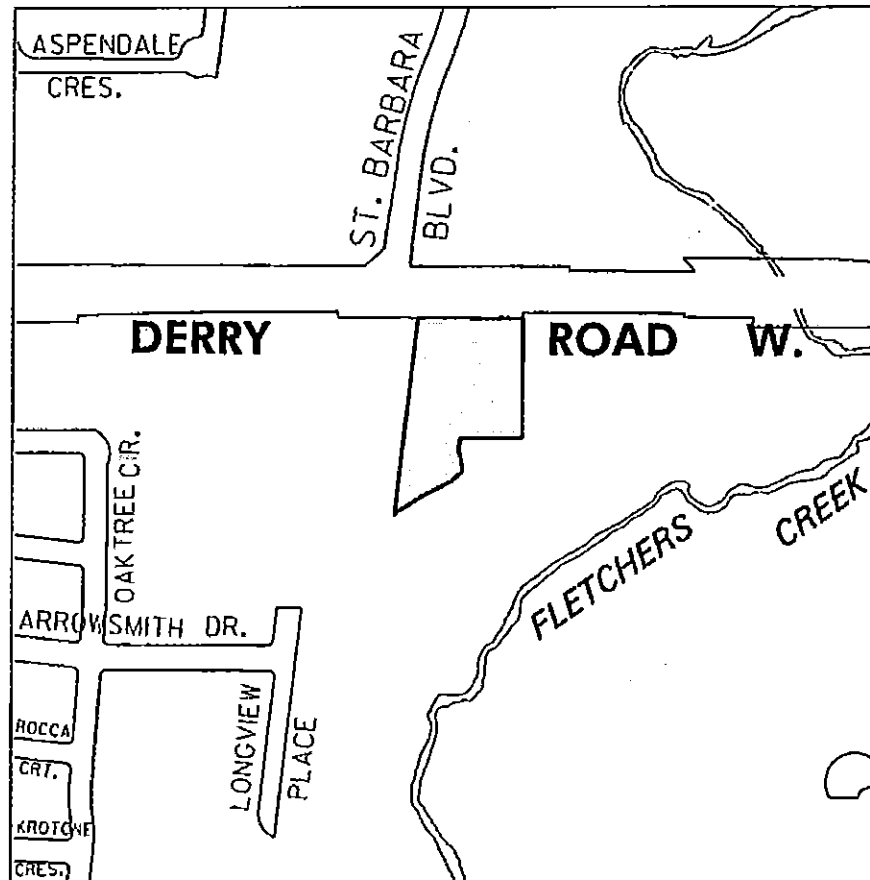
## DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.17 Meadowvale Village of Mississauga Official Plan, is hereby amended by modifying Map 16-17: Meadowvale Village Neighbourhood Character Area to identify the area subject to the Special Site 11 policies.



2. Section 16.17.4, Meadowvale Village Neighbourhood Character Area Special Site Policies of Mississauga Official Plan, is hereby amended by adding the following:

16.17.4.11 Site 11



16.17.4.11.1 The lands identified as Special Site 11 are located on the south side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek.

16.17.4.11.2 Notwithstanding the provisions of the Business Employment designation, overnight accommodation to a maximum of six storeys and a one-storey restaurant will be permitted.

3. Schedule 1, Urban System of Mississauga Official Plan is hereby amended to identify a portion of the subject lands as Green System from Neighbourhood, as shown on Map "A" of this Amendment.
4. Schedule 1a, Urban System - Green System of Mississauga Official Plan is hereby amended by adding the lands redesignated to Greenbelt to the Urban System - Green System, as shown on Map "B" of this Amendment.
5. Schedule 4, Parks and Open Spaces of Mississauga Official Plan is hereby amended by adding the greenbelt lands to the Parks and Open Spaces, and the

lands dedicated to the City will form part of the Derry West Greenbelt, as shown on Map "C" of this Amendment.

6. Schedule 10, Land Use Designations of Mississauga Official Plan is hereby amended by changing the land use designation for a portion of the subject lands from "Business Employment" to "Greenbelt", as shown on Map "D" of this Amendment.

#### IMPLEMENTATION

Upon receipt of the Ontario Municipal Board's Final Order, Mississauga Official Plan will be amended in accordance with the Order, which will then form part of Mississauga Official Plan. The lands will be rezoned as part of the same Board Order.

#### INTERPRETATION

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

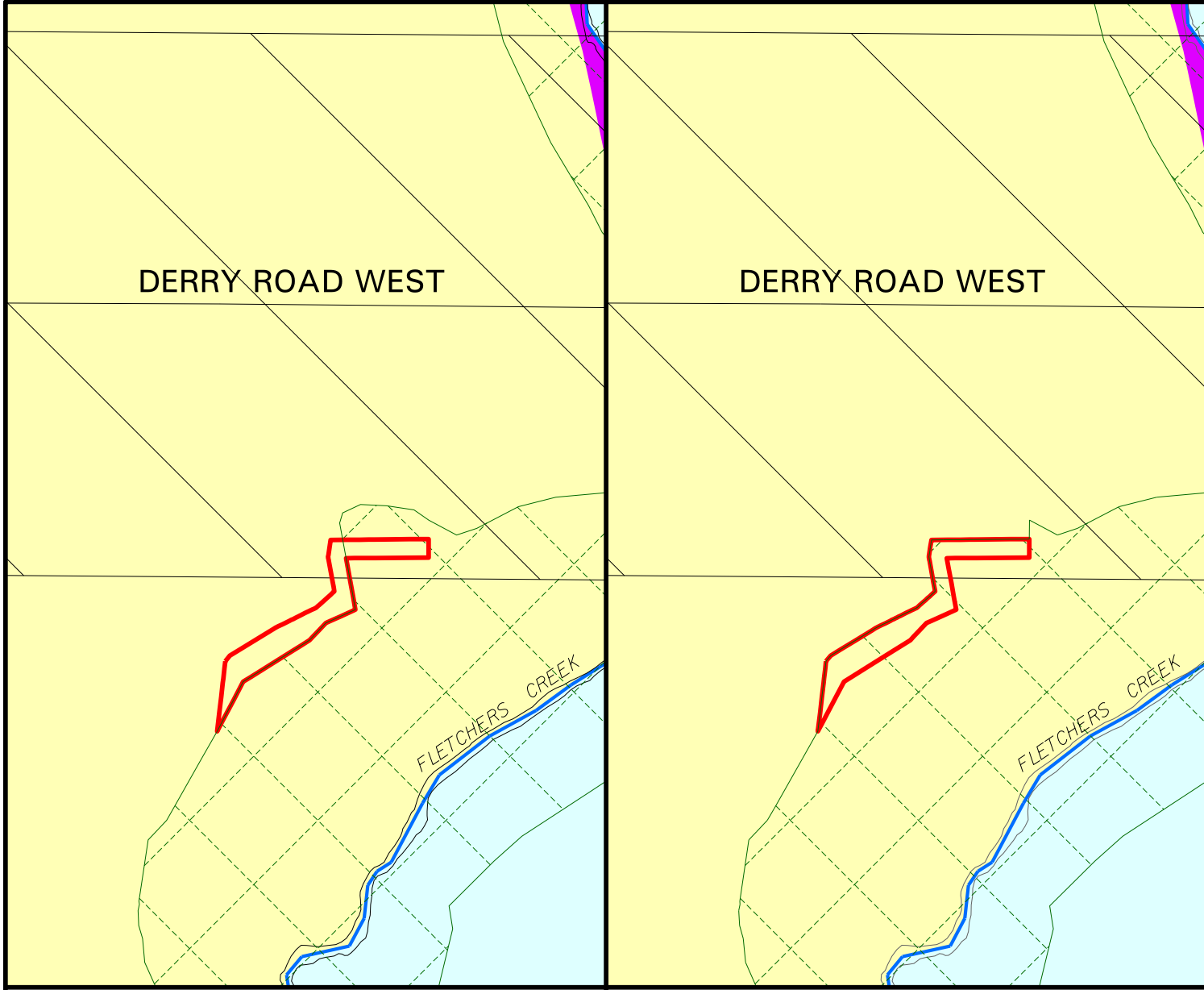
This Amendment supplements the intent and policies of Mississauga Official Plan.

APPENDIX I

PUBLIC MEETING


All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on April 14, 2009 in connection with this proposed Amendment.

The Planning and Building Information Report was received for information and directed to be brought to a future Council meeting. Correspondence was received From High Tech Pet Products Inc. dated April 14, 2009 indicating that the property owner has no objection to the proposed development as long as the proposed development does not object to their dog boarding facility next door at 320 Derry Road West.



### LEGEND


#### GREEN SYSTEM

 Green System


#### CITY STRUCTURE


 Downtown


 Major Node

 Community Node

 Neighbourhood


 Corporate Centre

 Employment Area

 Special Purpose Area

#### CORRIDORS

 Corridor

 Intensification Corridor

 AREA OF AMENDMENT

#### Note:

Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.

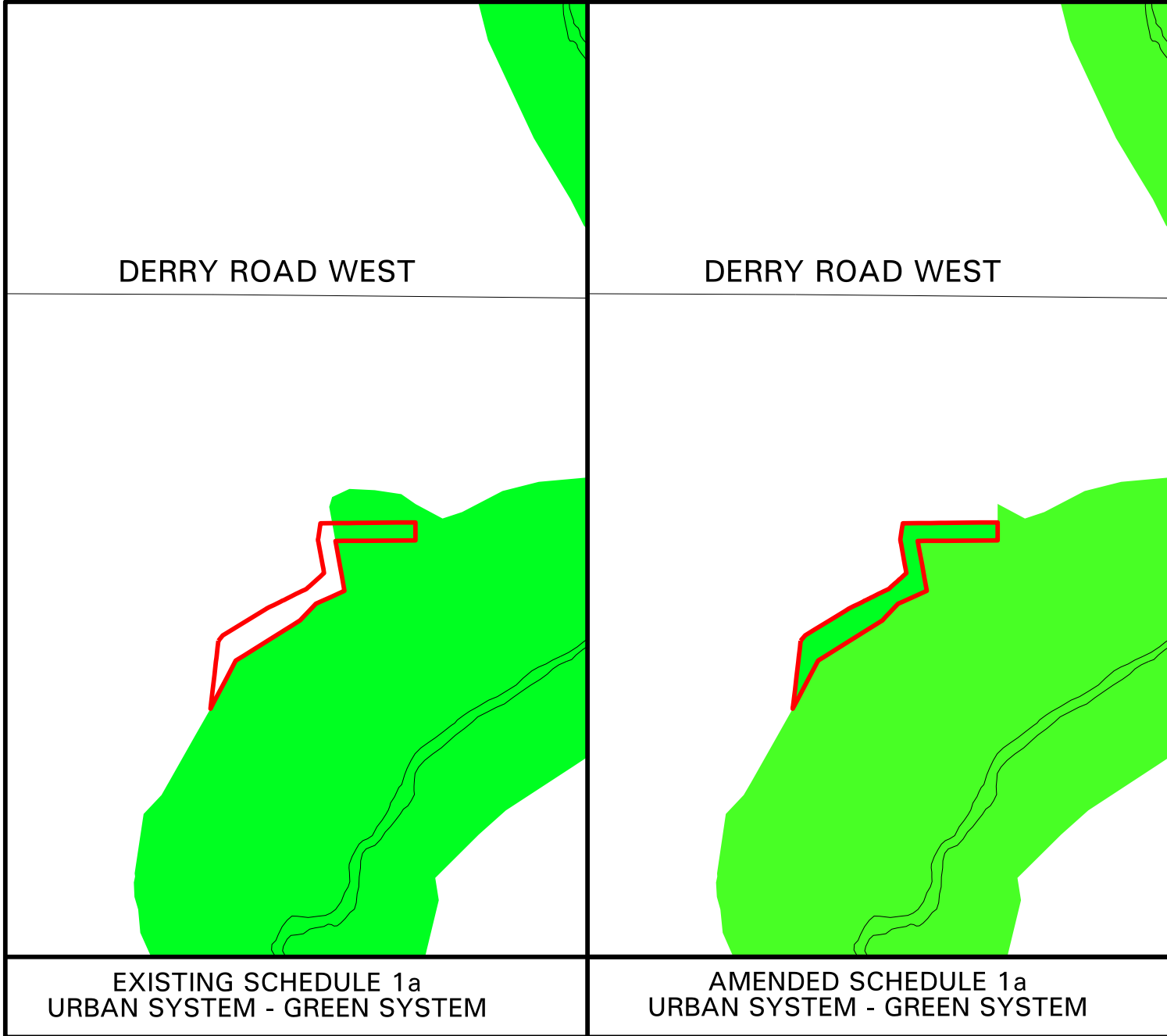


### MAP A

Part of  
Schedule 1-Urban System  
of Mississauga Official Plan

EXISTING SCHEDULE 1 - URBAN SYSTEM

AMENDED SCHEDULE 1 - URBAN SYSTEM



 AREA OF AMENDMENT

Note:  
Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.

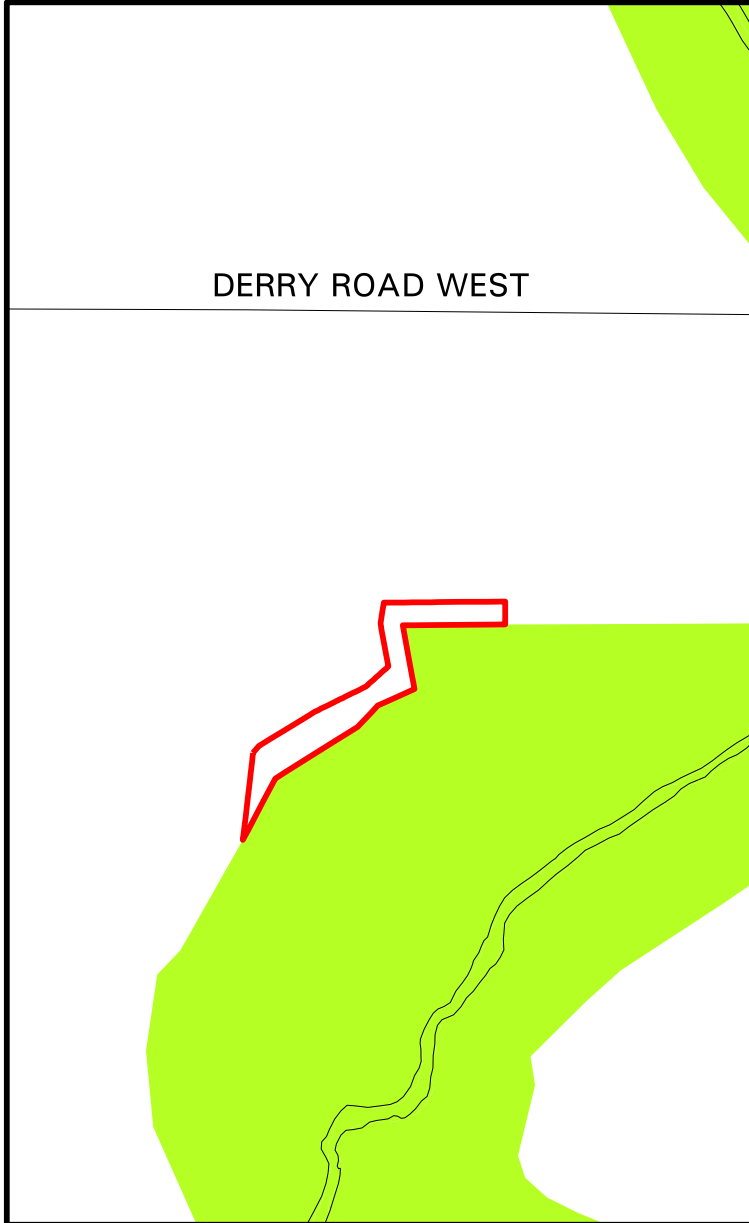


**MAP B**

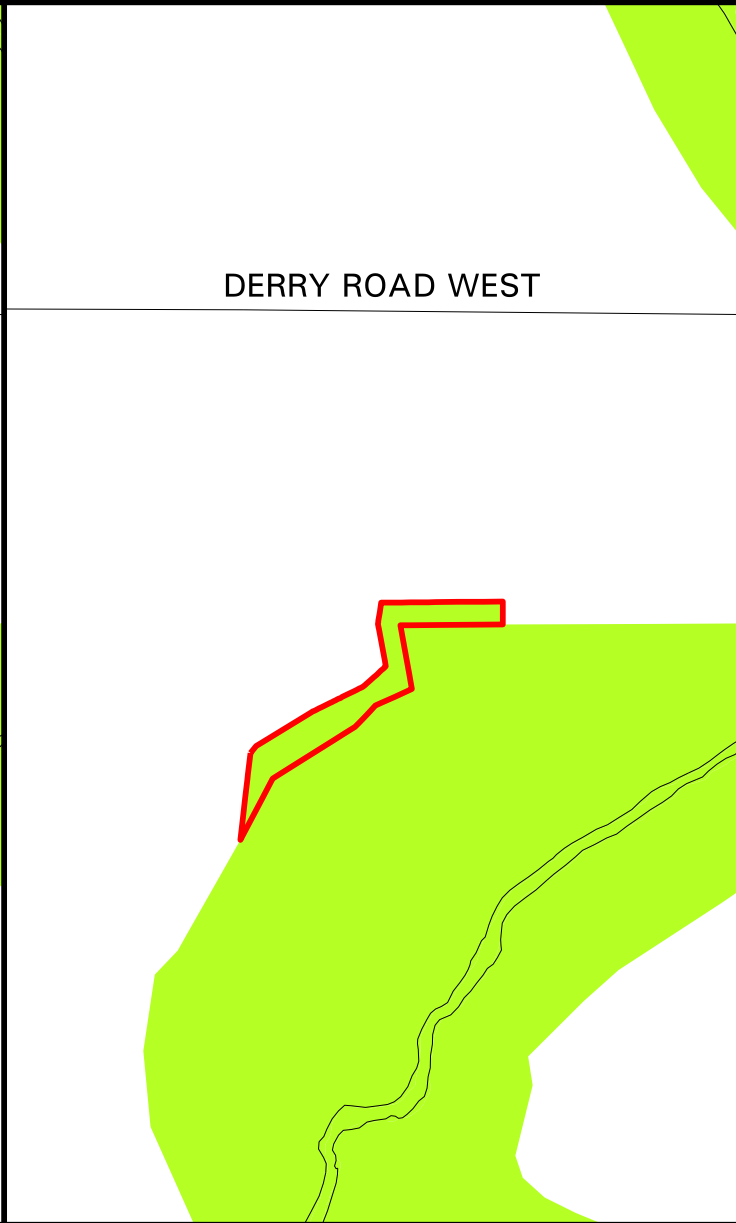
Part of Schedule 1a  
Urban System - Green System  
of Mississauga Official Plan

City of Mississauga










EXISTING SCHEDULE 4 PARKS AND OPEN SPACES



AMENDED SCHEDULE 4 PARKS AND OPEN SPACES

### LEGEND

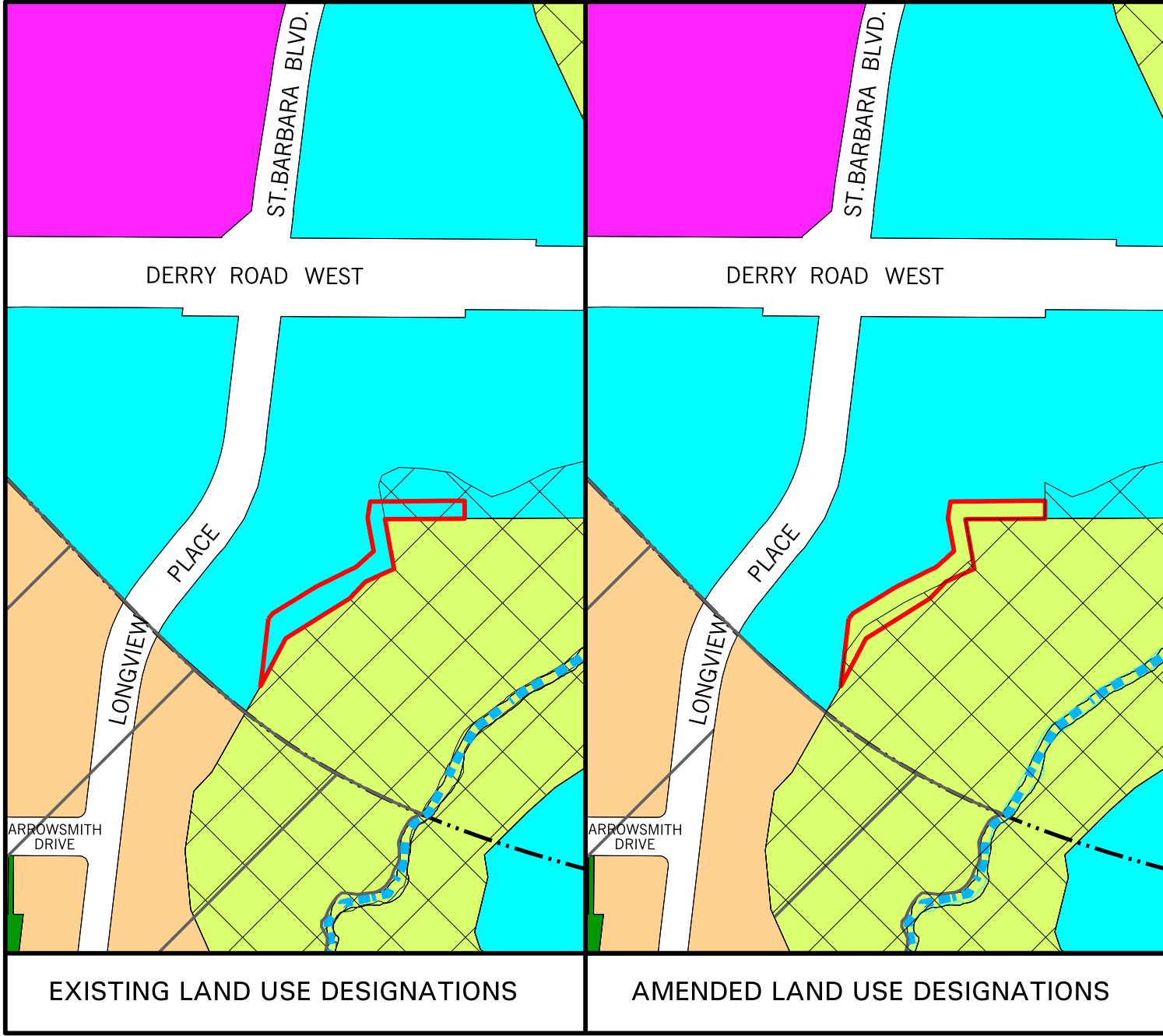
-  Public and Private Open Spaces
-  Parkway Belt West
-  Educational Facilities
-  Utilities
-  AREA OF AMENDMENT

Notes:

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The Public and Private Open Spaces identified on this Schedule include lands designated Public Open Space, Private Open Space and Greenbelt as shown on Schedule 10.



**MAP C**  
**Part of Schedule 4**  
**Parks and Open Spaces**  
**of Mississauga Official Plan**

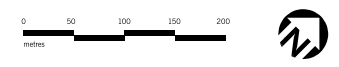


- LAND USE DESIGNATIONS**
- Residential Low Density I
  - Residential Low Density II
  - Residential Medium Density
  - Residential High Density
  - Downtown Mixed Use
  - Downtown Core Commercial
  - Mixed Use
  - Convenience Commercial
  - Motor Vehicle Commercial
  - Office
  - Business Employment
  - Industrial
  - Airport
  - Institutional
  - Public Open Space
  - Private Open Space
  - Greenbelt
  - Parkway Belt West
  - Utility
  - To Be Determined

- LAND USE LEGEND**
- Heritage Conservation District
  - 1996 NEP/2000 NEF Composite Noise Contours
  - LBPIA Operating Area Boundary See Aircraft Noise Policies
  - Area Exempt from LBPIA Operating Area
  - Natural Hazards
  - Civic Centre (City Hall)
  - City Centre Transit Terminal
  - GO Rail Transit Station
  - Public School
  - Catholic School
  - Hospital
  - Community Facilities

- CITY STRUCTURE Elements**
- Downtown
  - Major Node
  - Community Node
  - Neighbourhood
  - ND2 Region of Peel Non-Decision
  - Corporate Centre
  - Employment Area
  - Special Purpose Area

- AREA OF AMENDMENT NO. 10**
- FROM: BUSINESS EMPLOYMENT
- TO: GREENBELT



**MAP D**

Part of Schedule 10  
Land Use Designations  
of Mississauga Official Plan

City of Mississauga

ISSUE DATE:

June 27, 2013



PL120278

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

Shaitel International Inc. 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 neglect to enact a proposed amendment to Zoning By-law 225-2007 of the City of Mississauga to rezone lands respecting 290 Derry Road West from "D" Development to "E2" Exception (Employment) to permit a hotel and accessory commercial uses  
OMB File No.: PL120278

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	Shaitel International Inc.
Subject:	Site Plan
Property	290 Derry Rd W
Address/Description:	Part of Lot 10, Concession 1 WHS
Municipality:	City of Mississauga
OMB Case No.:	PL120278
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Shaitel International Inc. 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 neglect to enact a proposed amendment to the Official Plan for the City of Mississauga to redesignate land at 290 Derry Road West from "Business Employment – Special Site 4" to – "Business Employment ~ Special Site 11" to permit a six storey hotel and a free standing accessory commercial building  
Approval Authority File No. OZ-OPA 08 13  
OMB File No.: PL121179

**APPEARANCES:**

**Parties**

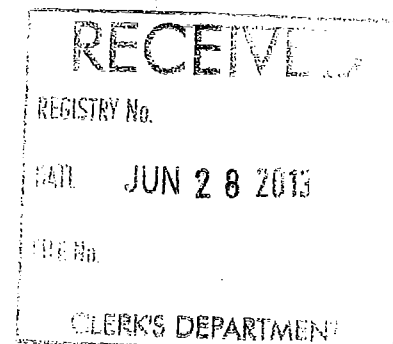
Shaitel International Inc.

City of Mississauga

**Counsel**

C. Piersanti

K. Yerxa



**DECISION DELIVERED BY R. ROSSI AND ORDER OF THE BOARD**

[1] This is a fifth pre-hearing conference via teleconference call into a matter relating to an appeal by Shaitel International Inc. ("Appellant") against the failure of the City of Mississauga ("City") to make a decision regarding an application for an official plan amendment ("OPA"), a zoning by-law amendment ("ZBLA") and site plan approval in order to permit the development of a hotel and associated commercial uses on a property at 290 Derry Road West in Mississauga.

[2] Today, the Board was asked to hear settlement details related to the Appellant's matters with the City. City planner Stephanie Segreti, provided a written affidavit (on file) and she participated on the call.

[3] In April 2013, the Appellant presented to the City a complete resubmission package, including a revised site plan, associated drawings and a revised Traffic Impact Study in response to City staff and agencies comments. Ms. Segreti noted that there has been no public opposition to these applications.

[4] The City staff report recommends that the OPA and ZBLA be approved subject to the Appellant first completing servicing and development agreements that address various technical and site issues. Ms. Segreti's affidavit provides to the Board her expert opinion that the proposed development and the proposed planning instruments respond well to the policies of the 2003 Mississauga Plan ("Plan") (the Plan in effect when the original application was in effect), in particular how the application addresses the intent of the Plan's criteria for evaluating site-specific OPAs.

[5] She opines that the proposed "E2-Exception" (Employment – Exception) zone category is appropriate to accommodate the proposed six-storey hotel and conference centre and one-storey freestanding restaurant building.

[6] Ms. Segreti's summary opinion is that the proposed OPA and ZBLA are acceptable and constitute good planning; are consistent with the Provincial Policy Statement; and conform with the Region's Official Plan. The proposed "Business Employment" and "Greenbelt" designations address satisfactorily the limits of development; the proposed hotel and conference centre is appropriate given its location on a corridor and its distance from existing residential development; the proposed one-storey restaurant building will appear like a two-storey building and is an appropriate accessory building on the site, subject to further design modifications; the subject property is suitable for the proposed development and no adverse impacts are expected for adjacent lands; and the proposed zoning redesignation zones are appropriate to accommodate the proposed development and to address the environmental constraints of the site.

[7] Kelly Yerxa, counsel for the City, advised the Board that City Council adopted the report and recommendations the day before today's hearing. Given the details as provided, the Board issues the following order.

[8] The parties' counsel asked the Board to allow the appeals, approve the amendments but withhold its order until the servicing and development agreements have been executed. The timing of this might extend to late November. The Board asked the parties to contact it as soon as the final documents are ready for the Board to issue its final order.

## **ORDER**

[9] Having considered the professional evidence and expert opinion of the City planner in support of these matters and the settlement, the Board orders that the Appellant's appeals are allowed with respect to the Official Plan Amendment and Zoning By-law Amendment, which the Board approves. The Board will withhold its order, however, until the City confirms that the aforementioned servicing and

development agreements have been executed to the City's satisfaction and the final documents have been sent to the Board..

"R. Rossi"

R. ROSSI  
MEMBER

ISSUE DATE:

May 29, 2013



Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

PL120278

Shaitel International Inc. 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 neglect to enact a proposed amendment to Zoning By-law 225-2007 of the City of Mississauga to rezone lands respecting 290 Derry Road West from "D" Development to "E2" Exception (Employment) to permit a hotel and accessory commercial uses

OMB File No. PL120278

IN THE MATTER OF subsection 41(12) of the Planning Act, R.S.O. 1990, c. P.13, as amended

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Approval Authority File No. OZ-OPA 08 L3  
OMB File No.: PL120278

**APPEARANCES:**

**Parties**

Shaitel International Inc.

City of Mississauga

**Counsel**

C. Piersanti

K. Yerxa

RECEIVED

REGISTRY No.

DATE MAY 31 2013

FILE No.

CLERK'S DEPARTMENT

**DECISION DELIVERED BY R. ROSSI AND ORDER OF THE BOARD**

[1] This is a fourth pre-hearing conference into a matter relating to an appeal by Shaitel International Inc. ("Appellant") against the failure of the City of Mississauga

("City") to make a decision regarding an application for a zoning by-law amendment and site plan approval in order to permit the development of a hotel and associated commercial uses on a property at 290 Derry Road in Mississauga.

[2] At this final pre-hearing conference, the Board heard that the April 2013 date for a full hearing was cancelled because City Council had not yet taken a position on this matter; however, Kelly Yerxa, counsel for the City, expressed confidence that staff and council would support a proposed settlement of this application "within a matter of weeks". Today, the Board agreed to set a teleconference call ("TCC") to hear details of an anticipated settlement between the parties.

#### **ORDER**

[3] The Board orders that the next and final pre-hearing conference will take place by means of a TCC on **Thursday, June 6, 2013 at 9:30 a.m.**

The individuals shall call **(416)-212-8012** or Toll Free **1(866)-633-0848** on the assigned date at the correct time. When prompted, enter the **code 1006967#** and you will be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time.

If you have any questions, please contact the Case Coordinator, Nazma Ramjaun at 416-326-6796.

[2] No further notice will be given. This Member will preside over the next hearing event.

"R. Rossi"

R. ROSSI  
MEMBER



ISSUE DATE:  
**January 23, 2013**



Ontario

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

PL120278

JAN 24 2013

Shaitel International Inc. has appealed to the Ontario Municipal Board under subsection 34(1-1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 225-2007 of the City of Mississauga to rezone lands respecting 290 Derry Road West from "D" Development to "E2" Exception (Employment) to permit a hotel and accessory commercial uses  
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**APPEARANCES:**

**Parties**

**Counsel**

City of Mississauga

K. Yerxa

Shaitel International Inc.

C. Piersanti

**DECISION DELIVERED BY C. CONTI AND ORDER OF THE BOARD**

[1] This is the third pre-hearing conference, in this instance held by Telephone Conference Call ("TCC"), for an appeal by Shaitel International Inc. ("Appellant") against the failure of the City of Mississauga to make a decision regarding an application for a

Zoning By-law Amendment and site plan approval to permit the development of a hotel and associated commercial uses on a property at 290 Derry Road, Mississauga.

[2] Christian Piersanti informed the Board that significant progress has been made in resolving issues since the last TCC. He indicated that the parties may be moving toward a settlement.

[3] Kelly Yerxa concurred with Mr. Piersanti's submissions but indicated that there is still a substantial amount of work to be done. She indicated that there are no remaining planning issues regarding the principal of development. However, there still may be site plan issues that require adjudication.

[4] Both parties agreed that the second week of the hearing can be released. The first week of the hearing should be retained to either hear the settlement or to resolve outstanding issues regarding the site plan. The parties agreed to advise the Board if less than a full week of hearing time is required.

[5] The parties requested that the appeals be consolidated with the appeal of an Official Plan Amendment for the same lands, Board file No.: PL121179. The member was not in possession of this file at the time of the TCC, but indicated that consolidation could take place at the time of the hearing.

[6] After hearing the submissions, the Board determined that the dates of second week of the hearing should be released. The hearing is now scheduled for one week to commence on **April 15, 2013 at 10 a.m. at**

**Mississauga City Hall  
300 City Centre Drive  
Mississauga ON**

[7] The parties indicated that no further pre-hearing conferences are required.

[8] The member is not seized, but will continue case management of this appeal subject to the requirements of the Board's hearing calendar.

[9] No further notice is required.

"C. Conti"

C. CONTI  
MEMBER

# Memorandum



---

## ***FOR IMMEDIATE ATTENTION AND ACTION***

**TO:** Ed Sajecki, Commissioner of Planning & Building

**FROM:** Diana Rusnov - Office of the City Clerk

**DATE:** October 12, 2012

**RE:** Appeal Pursuant to Section 17 (40) of the *Planning Act*, R.S.O. 1990, c. P.13,  
Council's failure to make a decision on application for official plan amendment within 180 days  
290 Derry Road West, south of Derry Road West, east of McLaughlin Road.  
Our File: OZ 08/013 – Ward 11

---

Attached please find a copy of a letter of appeal dated October 9, 2012 (received October 10, 2012) from Piersanti & Company, representing Shailtel International Inc., with respect to Council's failure to make a decision on an Official Plan Amendment application for 290 Derry Road West, south of Derry Road West, east of McLaughlin Road.

Please cross-reference with previous appeals for related rezoning and site plan applications.

Thank you for your co-operation

Diana Rusnov, Deputy Clerk  
Legislative Services  
Corporate Services Department  
905-615-3200 X 5421

:mj

Att.

cc: Mary E. Bench, City Solicitor  
Kelly Yerxa, Deputy City Solicitor  
Councillor George Carlson, Ward 11  
Stephanie Segreti, Planning and Building

# PIERSANTI & COMPANY

PROFESSIONAL CORPORATION  
LAWYERS  
NOTARIES & TRADEMARK AGENTS

CHRISTIAN R. PIERSANTI, J.D., LL.M. LOUIS E. RAFFAGHELLO, LL.B., LL.M. ANNALISA PRESSACO, B.A., LL.B.  
PHONE: (905) 738-2176 FAX: (905) 738-5182

In Reply Refer to File Number: CP116995

October 9, 2012

City of Mississauga  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

Attention: Clerk

Dear Sir or Madam:

**Re: Appeal of Official Plan Amendment Application No. OZ/OPA 08 13**  
**Municipality: City of Mississauga**  
**Owner: Shailtel International Inc. -**  
**Lands: 290 Derry Rd. W., Mississauga**

We act as lawyers for the owner. Enclosed herewith is:

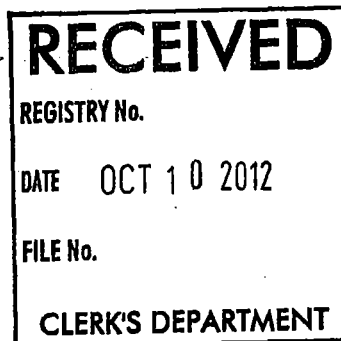
1. Copy of application for official plan amendment;
2. Cheque for \$125.00 payable to Minister Finance;
3. copy of any plans, drawings, agreements;
4. copy of planning report;
5. copy of articles of incorporation.

Yours very truly

**PIERSANTI & COMPANY**  
PROFESSIONAL CORPORATION

Per:

Christian R. Piersanti



**Environment and Land Tribunals  
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500  
Toronto ON M5G 1E5

Telephone: (416) 212-6349  
Toll Free: 1-866-448-2248  
Fax: (416) 326-5370  
Website: [www.elfo.gov.on.ca](http://www.elfo.gov.on.ca)

**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

Commission des affaires municipales  
de l'Ontario

655 rue Bay, suite 1500  
Toronto ON M5G 1E5

Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Télécopieur: (416) 326-5370  
Site Web: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)



Ontario

**Instructions for preparing and submitting the Appellant Form (A1)**

- **Complete one form for each type of appeal you are filing.**
- **Please print clearly.**
- **A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.**
- **The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.**
- **If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.**
- **Do not send cash.**
- **Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.**
- **Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable.**
- **The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.**
- **The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.**



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
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 FAX: (416) 326-5370  
 www.elto.gov.on.ca

**APPELLANT FORM (A1)  
 PLANNING ACT**

**SUBMIT COMPLETED FORM  
 TO MUNICIPALITY/APPROVAL AUTHORITY**

*Date Stamp - Appeal Received by Municipality*

*Receipt Number (OMB Office Use Only)*

**Part 1: Appeal Type (Please check only one box)**

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input checked="" type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

**Part 2: Location Information**

Address and/or Legal Description of property subject to the appeal: 290 Derry Rd. W., Mississauga, being Part of Lot 10, Concession 1 WHS, being Part 1, Reference Plan 43R-27818, Being PIN 13214-0749 (LT) Registry office No. 43

Municipality- Mississauga

Upper tier: Regional Municipality of Peel

**Part 3: Appellant Information**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Shailtel International Inc.  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: shailtelint@gmail.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-565-5958 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 488 Edgeley Blvd., 2 Concord  
Street Address Apt/Suite/Unit# City/Town  
Ontario Province Country (if not Canada) L4K 4G4  
Postal Code 9  
Signature of Appellant: *Rajesh Kumar* Date: ~~February~~ *Oct 9*, 2012

(Signature not required if the appeal is submitted by a law office.)

**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

**Part 4: Representative Information (if applicable)**

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Christian Last Name: Piersanti

Company Name: Piersanti & Company Professional Corporation

Professional Title: Barristers & Solicitors

E-mail Address: Christian@PiersantiCo.ca  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

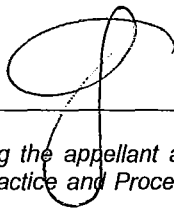
Daytime Telephone #: 905-738-2176 Alternate Telephone #: \_\_\_\_\_

Fax # 905-738-5182

Mailing Address: 445 Edgeley Blvd. 10 Concord  
Street Address Apt/Suite/Unit# City/Town  
Ontario Province Country (if not Canada) L4K 4G1  
Postal Code



Signature of Appellant: \_\_\_\_\_



Oct. 9  
Date: February, 2012

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

**Part 5: Language and Accessibility**

Please choose preferred language:  English  French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

**Part 6: Appeal Specific Information**

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)  
OZ/OPA 08 13- An application to permit a hotel, conference centre and free-standing restaurant

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). \*\*If more space is required, please continue in Part 9 or attach a separate page.

(Please print)  
1. The failure of the approving authority to make a decision on the application or adopt the requested the amendment within 180 days after the day the request is received contrary to Section 22(7) and (7.02) of the Planning Act; and  
2. the failure of the City of Mississauga, Credit Valley Conservation Authority and other approval authorities to adhere to the Official Plan, Zoning By-Law, laws, regulations and policies.

**THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.**

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: \_\_\_\_\_  
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:  
\*\*If more space is required, please continue in Part 9 or attach a separate page.

\_\_\_\_\_



**Part 10: Required Fee**

Total Fee Submitted: \$ 150.00

Payment Method:  Certified cheque  Money Order  Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**

## **GREENBELT (Preamble)**

The subject property borders a natural valley corridor containing Fletcher's Creek. In the mid-1980s, in support of a consent application to create the subject property by severing it from a larger parcel centered on the valley corridor, the top-of-bank was delineated by City and CVC staff. That delineation, shown as a surveyed line on Reference Plan 43R-27818, now constitutes the rear boundary of the subject property.

The foregoing surveyed line was also used by City staff in the formulation of the Meadowvale Village District Land Use Plan; it forms the boundary between the Greenbelt designation of the valley corridor and the Business Employment designation of the subject property.

Accordingly, the applicant understands that, in terms of the original top-of-bank delineation and the land-use schedule of the Official Plan that reflects the original top-of-bank delineation, the subject property:

- consists entirely of table land;
- is entirely designated Business Employment.

Notwithstanding the foregoing, Mississauga Plan states that lands designated Greenbelt are generally associated with natural hazards and are defined on a site-by-site basis by various parameters, including the stable slope line. The latter was determined by Soil Engineers Ltd. in a Geotechnical Investigation Assessment for Bank Stability Study dated January 4, 2008.

Therefore, the applicant accepts:

- that the Greenbelt designation extends to the greater (i.e. more restrictive) of the original top-of-bank and the stable slope line;
- City requirement for gratuitous dedication of Greenbelt lands (i.e. lands below the stable slope line);
- imposition of a 5-metre buffer adjacent the foregoing Greenbelt delineation;
- a request by the City that the Greenbelt area (as defined above) be zoned G1 and the associated 5-metre buffer be zoned G2.

The applicant does not accept:

- the second top-of-bank survey conducted by City and CVC staff on February 24, 2011;
- imposition of a 5-metre buffer adjacent the second top-of-bank;
- dedication to the City of non-Greenbelt lands, including:
  - 5-metre buffer zone;
  - Natural Areas.

Along the western valley perimeter, the second top-of-bank survey (June 5, 2007) and the Natural Area survey (February 24, 2011) are situated below the stable slope line and are superseded by that line. Along the eastern valley perimeter, the second top-of-bank survey appears to delineate the limit of vegetation rather than the break in slope. Table lands beyond the 5-metre buffer, identified by the foregoing surveys as components of the Natural Area system of Fletcher's Creek corridor, will remain undeveloped.

Collectively, Greenbelt and Buffer table lands long the rear of the property plus the two Natural Areas incorporate all significant vegetation and habitat associated with the valley corridor. No additional lands need to be reserved for preservation of natural features. In that regard, the applicant is prepared to naturalize Greenbelt, Buffer, and Natural Area lands at the rear of his property in an effort to promote restoration of natural character and enhance ecological functions.

## **PLANNING APPLICATION STATUS REPORT (OZ/OPA 08 13)**

The rezoning application was submitted initially on October 24, 2008. A revised submission was circulated by the City on October 11, 2011.

City and CVC review of the application has become unnecessarily complicated and protracted. Certain City and CVC requirements are unreasonable and without any statutory basis. Some of those requirements are summarized below.

NOTE: Issues concerning this application include, but are not necessarily limited to, the following 11 paragraphs.

1. The applicant is requested to provide an overall development concept for adjacent lands to the west, detailing the manner by which interconnecting access to the adjacent lands ultimately will be achieved. (item 2, page 8 of ASR)

Response:

Despite repeated attempts to contact the owner of the adjacent property, that owner has been uncooperative and has refused to discuss the matter with the applicant or his agents. Accordingly, that requirement will be difficult to fulfill. Nonetheless, a future access will be shown on the site development plan.

2. The storm drainage system must be designed and located to accommodate flows generated by future development of lands to the east. (item 2, page 8 of ASR)  
Further, the storm outlet is to be located at the eastern side of the property. (item 2, page 8 and item 2, page 11 of ASR)

Response:

The applicant is prepared to accommodate the existing storm runoff from adjacent lands. However, the proposed outfall within the western swale is preferred by the engineer and will be retained by the applicant.

3. The applicant is requested to provide, along the entire eastern boundary of the site, an easement in favour of the City to provide access to the valley for maintenance purposes. (item 2, page 8 of ASR)

Response:

Since an up-scale hotel and conference centre is proposed, the maintenance access will be a detracting, undesirable feature and is not a reasonable proposition for the appropriate and desired development of the site.

4. All lands below the established top-of-bank or slope hazard line (stable slope line), whichever is greater, shall be deeded gratuitously to the City and zoned Greenbelt. (item 9, page 13 of ASR)

Response:

The applicant agrees, provided that "established top-of-bank" refers to the original delineation by City and CVC staff on the basis of which the rear boundary of the subject property was created. (See Greenbelt Preamble, above.)

5. All Greenbelt lands and associated Buffer shall be deeded gratuitously to the City. (item 2, page 17 of ASR)

Response:

The applicant agrees that hazard lands below the established stable slope line constitute Greenbelt lands and will be dedicated to the City for conservation purposes. The Buffer strip does not represent the Greenbelt designation (comprises neither hazard lands nor, for the most part, Natural Area) and, although zoned G2 to restrict development, will remain part of the development site.

6. "The subject property contains three wetland areas that would be impacted by the proposed development." ((item 3, page 20, ASR)

Response:

The applicant acknowledges that a small wetland feature on the adjacent property to the west may intrude a slight distance into the subject property but is not aware of any other wetlands. The proposed southerly extension of Santa Barbara Boulevard will destroy the entire wetland on the adjoining property, thereby rendering futile any attempts to preserve a small portion of the wetland on the subject property.

7. Regarding items 8 to 13 on page 22, item 14 on page 23, and item 35 on page 27 of the ASR, the applicant accepts the 5-metre development setback limits stipulated by CVC (see item 9, page 22) and agrees that the Greenbelt and Buffer areas need to be defined definitively. The applicant is prepared to dedicate Greenbelt lands but not the Buffer zone or Natural Areas, although those lands will be managed as a protected, naturalized element of the property.

8. Regarding items 28 and 32 on page 26 of the ASR, the applicant intends to match grades at the 5-metre buffer and, after development is completed, to naturalize and maintain the natural integrity of the buffer strip as an ecological component of overall site management and maintenance.
9. Regarding item 37 on page 27 of the ASR, the applicant is reluctant to bear the costs and delays of an ecological study for a small pocket of impeded drainage that:
  - upon closer scrutiny, probably will not merit classification as a *bona fide* "wetland";
  - is almost entirely on the neighbouring property;
  - will undoubtedly be eradicated by planned extension of Saint Barbara Avenue.
10. Regarding items 38 and 39 on page 28 of the ASR, the applicant agrees to:
  - provide an open swale for outflow of the wetland;
  - prepare an appropriate grading plan for the western limit of the subject property that will recognize and conform to the planned extension of Santa Barbara Boulevard.
11. Regarding items 41 and 42 on page 28 of the ASR, the applicant agrees to prepare a Landscape and Buffer Restoration Plan for the lands within the subject property adjacent Fletcher's Creek valley. The Plan may include the storm sewer outlet but not the wetland referenced in paragraph 9 above.

Despite this appeal, the applicant will continue to work with City and CVC staff in an effort to resolve as many of the foregoing issues as possible, prior to a hearing by the Ontario Municipal Board. Further, the applicant is amenable to mediation by the Board and, possibly, presentation of a mutually acceptable settlement to the Board.

APPENDIX I

PUBLIC MEETING

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on April 14, 2009 in connection with this proposed Amendment.

The Planning and Building Information Report was received for information and directed to be brought to a future Council meeting. Correspondence was received From High Tech Pet Products Inc. dated April 14, 2009 indicating that the property owner has no objection to the proposed development as long as the proposed development does not object to their dog boarding facility next door at 320 Derry Road West.





# Corporate Report

Clerk's Files

R-1

 Originator's  
Files OZ 08/013 W11
**DATE:**

May 13, 2013

COUNCIL AGENDA June 5, 2013
--------------------------------

**TO:**
 Mayor and Members of Council  
 Meeting Date: June 5, 2013
**FROM:**
 Edward R. Sajecki  
 Commissioner of Planning and Building
**SUBJECT:**

**Official Plan Amendment, Rezoning and Site Plan Applications  
 To permit a six storey hotel and conference centre and  
 a one storey freestanding restaurant building  
 290 Derry Road West  
 South side of Derry Road West, east of McLaughlin Road and  
 west of Fletcher's Creek  
 Owner: Shailtel International Inc.  
 Applicant: Greg Dell & Associates  
 Bill 51**

Supplementary Report

Ward 11

**RECOMMENDATION:**

That the Report dated May 13, 2013, from the Commissioner of Planning and Building recommending approval of the applications under file OZ 08/013 W11, Shailtel International Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting changes to the applications have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any

further notice regarding the proposed amendment is hereby waived.

2. That the application to amend Mississauga Plan from "Business Employment – Special Site 4" to "Business Employment – Special Site" and "Greenbelt" to permit a six storey hotel and conference centre and a one storey freestanding restaurant building, be approved;
3. That the application to amend Mississauga Official Plan from "Business Employment" to "Business Employment – Special Site" and "Greenbelt" to permit a six storey hotel and conference centre and a one storey freestanding restaurant building, be approved;
4. That the application to change the zoning from "D" (Development) to "E2-Exception" (Employment - Exception), "G1" (Greenbelt – Natural Hazards), "G2" (Greenbelt – Natural Features) and "G2-1" (Greenbelt – Natural Features Exception) to permit a six (6) storey hotel and conference centre and a one (1) storey freestanding restaurant building, in accordance with the zone provisions discussed in this report, be approved subject to the following condition:
  - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
5. That Council direct Legal Services, representatives from the appropriate City Departments and necessary consultants, to attend the Ontario Municipal Board (OMB) proceedings in connection with the application and in support of the recommendations outlined in the report dated May 13, 2013.
6. That City Council provide the Planning and Building Department with the authority to instruct Legal Services staff on any modifications deemed necessary, where required, through the Ontario Municipal Board hearing process.

**REPORT  
HIGHLIGHTS:**

- Shailtel International Inc. appealed the rezoning and site plan applications to the OMB on February 27, 2012 and the official plan amendment on October 10, 2012;
- Ministry of Natural Resources approval was required (because an Endangered Species was recorded in Fletcher's Creek). MNR approval was issued on January 2, 2013;
- The Planning and Building Department is in support of the proposed land uses;
- Outstanding issues include grading, location of easements and written confirmation, placement and design of the restaurant building, and Development and Servicing Agreements must be executed prior to the Board issuing its final order;
- Staff are seeking direction from Council to attend the OMB proceedings in support of the recommendations outlined in this report.

**BACKGROUND:**

For the purpose of this report, an overnight accommodation use as referenced in the City's Official Plan and Zoning By-law is referred to as a "hotel".

The previous owner, 1706201 Ontario Inc., filed Official Plan Amendment, Rezoning and Site Plan applications on September 12, 2008 for a six storey hotel along Derry Road West and a one storey commercial building at the rear of the site. A public meeting was held by the Planning and Development Committee on April 14, 2009, at which time a Planning and Building Department Information Report (Appendix S-1) was presented. At the public meeting, the Planning and Development Committee passed Recommendation PDC-0040-2009 which was subsequently adopted by Council and is attached as Appendix S-2.

Subsequent to the public meeting and upon complete review of the applications, Credit Valley Conservation (CVC) requested that the applicant contact the Ministry of Natural Resources (MNR) to ensure the proposal does not impact any potential regulated habitat within the abutting Fletcher's Creek to the south. Upon further

enquiry by CVC to MNR in 2010, it was confirmed by MNR that there was a species at risk (Redside Dace) recorded in the surrounding area. Redside Dace is a member of the minnow family and is an endangered species protected under the *Endangered Species Act*, 2007. This resulted in the applicant being required to submit: additional information, an Environmental Constraints Analysis, and a Meanderbelt Assessment Study for MNR to determine the extent of the regulated Redside Dace habitat and the development limits.

On August 11, 2011 the Planning and Building Department received a letter from the new property owner, Shailtel International Inc., amending the applications to permit a six storey hotel and conference centre with a three level parking structure at the rear of the property, and a one-storey freestanding restaurant building along Derry Road West.

On February 27, 2012, Shailtel International Inc. appealed the rezoning and site plan applications to the Ontario Municipal Board (OMB) due to failure by Council to make a decision within 120 days, pursuant to subsection 34(11) of the *Planning Act* and within 30 days, pursuant to subsection 41(12) of the *Planning Act*. The official plan amendment application was subsequently appealed on October 10, 2012.

Between July 2012 and December 2012, the applicant provided the required information and studies to MNR. On January 2, 2013, the MNR issued their letter of advice indicating that the proposed development will not adversely affect Redside Dace or its habitat provided the prescribed conditions are implemented.

Three OMB teleconference prehearings have been held to date, at which no members of the public participated.

A complete resubmission package including a revised site plan, associated drawings and revised Traffic Impact Study was received on April 2, 2013 in response to comments provided by City staff and agencies. The three level parking structure has been revised in the resubmission to have two parking levels along with

R-1(d)

underground parking within the hotel and conference centre building. The May 21, 2013 OMB hearing has been deferred until June 6<sup>th</sup>, 2013 to allow staff to obtain a Council position on the matter. While the Planning and Building Department has no objections to the proposed land uses, some technical and design related concerns remain outstanding and are discussed in this report.

**COMMENTS:**

See Appendix S-1 - Information Report prepared by the Planning and Building Department.

**COMMUNITY ISSUES**

No community meetings were held for the subject applications. The adjacent landowner at 320 Derry Road West provided oral and written submissions at the Public Meeting on April 14, 2009, indicating that he has no objections to the proposed development as long as the subject landowners do not object to his dog boarding facility next door.

**UPDATED AGENCY AND CITY DEPARTMENT COMMENTS**

**Greater Toronto Airports Authority (GTAA)**

In comments dated May 6, 2013, the GTAA indicated no objection to the proposed height of the six-storey hotel as it does not pose an issue for the Airport Zoning Regulations.

**Region of Peel**

In comments dated May 9, 2013, the Region indicated support for the current proposed temporary configuration of left in, right in / right out access to Derry Road West located at the easterly property limit. This access will be restricted to right in/right out movements at the sole cost of the developer when Longview Place is extended. Detailed comments will be provided at the site plan stage.

The Region also advised that because the scope of this project has changed since the original application submission in 2008, a revised Functional Servicing Report has been requested at the site plan stage to assess the proposed water and sewer servicing for the development. At that time, the Region of Peel may require land dedications for Derry Road West.

#### **Credit Valley Conservation (CVC)**

In comments dated May 7, 2013, CVC expressed no objection to the most recent submission as it adequately addresses their issues related to the official plan amendment and rezoning applications (i.e. identification of hazard lands and natural features, appropriate zoning/designation of features, dedication of features, adequate SWM/grading concepts etc.). Detailed stormwater management, grading, erosion, sediment control and landscape restoration planting are to be reviewed through the servicing agreement.

#### **City Community Services Department – Park Planning**

In comments dated May 9, 2013, the Community Services Department requested that access to the Derry West Greenbelt (P-433) for City maintenance purposes is to be ensured through gratuitous conveyance of an easement by the owner to the City. In addition, hazard lands will be gratuitously dedicated for greenbelt purposes and street tree contributions will be required on behalf of the Region of Peel for plantings along Derry Road West.

In review of the latest resubmission, the applicant has addressed a number of Community Services comments but a few more details are required prior to approval, including:

- a revised grading plan showing additional grading information within the 5.0 m (16.40 ft.) G2 (Greenbelt – Natural Features) block;
- a restoration planting plan with detailed cost estimate breakdown to show the proposed plantings for the 5.0 m (16.40 ft.) G2 (Greenbelt – Natural Features) block; and

- plans clearly delineating the proposed access driveway through the turning circle to the gate, with a description of the material to be used.

Comments will be updated once the revised plans are received and reviewed.

### **City Transportation and Works Department**

In comments dated May 7, 2013, the Transportation and Works Department confirmed receipt of a revised Master Site Plan, Site Details & Development Data, Site Grading and Servicing Plans in response to previous comments. The applicant has addressed a number of the Department's previous comments/concerns, however upon review of the revised drawings the following technical details will be required to complete the functional design:

- grading and cross-sectional details of the access and storm outlet to the valley lands including revision to the limits of the storm drainage easements and maintenance access easement;
- additional buffering is required between the proposed access/maintenance road and the adjacent east property for road maintenance and snow storage;
- revised plans that show the limits of required easements to the satisfaction of this department, following which, the applicant is to make satisfactory arrangements with the adjacent owner to the east and provide written confirmation.
- relocation of the retaining wall along the west limit of the site to the property line or a proposal for filling and re-grading of the ponding condition east and west of the westerly property line in cooperation of the adjacent landowner; to eliminate the need for a retaining wall.

The comments/conditions will be updated upon the receipt and review of revised plans incorporating the foregoing details.

## PLANNING COMMENTS

### Official Plan

The Official Plan Amendment application was submitted when Mississauga Plan (2003) was in effect. The proposal requires an amendment to the Mississauga Plan policies for the Meadowvale Village District to amend the "Business Employment – Special Site 4" designation and to designate lands "Greenbelt", in order to delineate not only the lands appropriate for development, but also the hazard lands being dedicated gratuitously to the City and the required 5.0 m (16.40 ft.) buffer block. The existing Special Site 4 policies require modifications to include only the lands being designated "Business Employment" and to permit a six storey hotel. As outlined in the Information Report, Section 5.3.2 of Mississauga Plan contains criteria for evaluating site specific Official Plan amendments. The criteria is outlined below followed by a discussion of how the proposed application addresses the intent of each criteria.

***"The proposal will not adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands."***

The site is located within a developing business employment area along Derry Road West, on the eastern edge of a residential community and within close proximity to the Mississauga Convention Centre and the existing Gateway Employment Area to the east.

To the south of the subject property is Fletcher's Creek and associated floodplain lands designated "Greenbelt" which are owned by the City. Through the submission of detailed studies and a satisfactory review by the Ministry of Natural Resources, Credit Valley Conservation and the City, the limits of development were identified. The hazard lands are appropriately proposed to be designated Greenbelt and will be dedicated gratuitously to the City. An additional 5.0 m (16.40 ft.) buffer will be provided from the



new southerly property line to ensure the long-term protection of the hazard lands, and is appropriately proposed to be designated "Greenbelt". No development is permitted within the private greenbelt buffer. The proposed "Greenbelt" designation and land dedications satisfactorily address the environmental constraints of the site.

Staff have previously expressed urban design concerns with the freestanding restaurant building along Derry Road West. The latest concept plan has not satisfied the urban design comments provided by staff. Altering the elevations may require the building footprint to be re-oriented, which would impact the implementing Zoning By-law for the subject lands. It is preferable to deal with the urban design issues up front to ensure appropriate placement of the building, including the waste storage and loading areas, and to ensure that an active façade with transparent windows and main front entrance is provided along Derry Road West.

The proposed six storey height for the hotel and conference centre building does not pose any impacts on the Airport operations.

***"The land is suitable for the proposed uses, and compatible with existing and future uses of the surrounding lands."***

The intention of limiting the permitted uses under the Meadowvale Village District Business Employment policies in Mississauga Plan was to ensure compatibility with adjacent residential lands. As the lands abutting the subject property are designated "Business Employment" (to the east and west) and "Greenbelt" (to the south) there is no compatibility issue with the proposed hotel and conference centre.

***"There are adequate infrastructure and community services to support the proposed development."***

Based on comments received from the applicable City departments and agencies, the existing infrastructure and proposed interconnecting access between the property to the east and the

property to the west to the future Longview Place extension are adequate to support the proposed development.

### **Mississauga Official Plan (2012)**

Mississauga Official Plan (2012) was adopted by City Council on September 29, 2010 and partially approved by the Region of Peel on September 22, 2011. The Plan was appealed in its entirety; however, on November 14, 2012 the Ontario Municipal Board issued a Notice of Decision approving Mississauga Official Plan, as modified, save and except for certain appeals which affect the subject applications.

The "Business Employment" policies are currently under appeal in Mississauga Official Plan ("MOP"), therefore, once the appeal is scoped by other parties, the proposed amendment will need to be incorporated into MOP through the Ontario Municipal Board.

The subject property is located within the Meadowvale Village Neighbourhood Character Area and continues to be designated "Business Employment" in MOP. There are no special site provisions for the subject property. The general Business Employment land use policies in MOP permit a hotel; however, the Meadowvale Village Neighbourhood Business Employment policies do not. A conference centre and a restaurant are permitted uses. A new special site is appropriate to permit:

- a six storey hotel and conference centre; and
- a one storey restaurant building having the appearance of a two storey building.

### **Proposed Rezoning**

The proposed "E2-Exception" (Employment - Exception) zone category is appropriate to accommodate the proposed six (6) storey hotel and conference centre, and one (1) storey freestanding restaurant building. Revisions to the "E2" zone standards include:

- That outdoor patios accessory to the restaurant, and hotel and conference centre be permitted;

R-1(j)

- That no rear yard setback be provided to a "G2-1" (Greenbelt – Natural Features Exception) zone;
- That the parking rate for the free-standing restaurant be reduced to 9.7 spaces per 100 m<sup>2</sup> (1,076 sq. ft.) of gross floor area-restaurant;
- That the maximum gross floor area - restaurant permitted on site shall be 474 m<sup>2</sup> (5,102 sq. ft.).
- That the maximum gross floor area - non-residential used for the hotel and conference centre public use areas permitted on site shall be 1 093 m<sup>2</sup> (11,765 sq. ft.) and the maximum number of hotel rooms shall be 125.

The applicant requested a reduction in the amount of parking required for the proposed freestanding restaurant based on the hotel and restaurant being complementary uses and having the potential for shared parking. Staff find the rate of 9.7 spaces per 100 m<sup>2</sup> (1,076 sq. ft.) gross floor area-restaurant to be acceptable subject to a maximum gross floor area – restaurant of 474 m<sup>2</sup> (5,102 sq. ft.). Parking for the hotel and conference centre will be provided in accordance with the Zoning By-law requirements.

The proposed "G1" (Greenbelt – Natural Hazards) and "G2" (Greenbelt – Natural Features) zones are appropriate for the hazard lands, which will be dedicated gratuitously to the City. The proposed "G2-1" (Greenbelt – Natural Features Exception) zone appropriately reflects the required 5 m (16.40 ft.) buffer block. As the "G2-1" lands will provide an additional buffer for the "G1" lands, a 0 m (0 ft.) rear yard setback to the "G2-1" zone will not have an adverse impact on the hazard lands.

### Site Plan

The applicant will be required to obtain Site Plan approval for the proposed development. Further minor revisions may be needed to the site plan to address technical matters.

### **Green Development Initiatives**

The applicant has identified that the following green development initiatives will be incorporated into the development:

- bioswales/filtration swales;
- pervious stable surfacing (permeable pavers); and
- stormwater storage/filtration systems

Details are to be provided as part of the Site Plan application.

### **Development and Servicing Agreements**

A Development Agreement and Servicing Agreement will need to be executed between the City and the owner to the satisfaction of the City Solicitor prior to the Board issuing its final order.

### **FINANCIAL IMPACT:**

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

### **CONCLUSION:**

The proposed official plan amendment and rezoning are acceptable from a planning standpoint and should be approved for the following reasons:

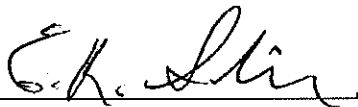
1. The proposed "Business Employment" and "Greenbelt" designations satisfactorily address the limits of development;
2. The proposed six storey hotel and conference centre is appropriate given its location on a corridor and its distance from existing residential development;
3. The proposed one storey restaurant building will appear like a two storey building and is an appropriate accessory building on the site, subject to further design modifications;
4. The subject property is suitable for the proposed development and no adverse impacts are expected for adjacent lands;

R-1(C1)

5. The proposed "E2-Exception" (Employment - Exception), "G1" (Greenbelt – Natural Hazards), "G2" (Greenbelt – Natural Features) and "G2-1" (Greenbelt – Natural Features Exception) zones are appropriate to accommodate the proposed development and to address the environmental constraints of the site.

**ATTACHMENTS:**

- Appendix S-1: Information Report
- Appendix S-2: Recommendation PDC-0040-2009
- Appendix S-3: Current Concept Plan
- Appendix S-4: Current Front Elevation (hotel/conference centre)
- Appendix S-5: Current Front Elevation (restaurant)
- Appendix S-6: Revised Land Use Map



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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Stephanie Segreti, Development Planner*

R-1(m)

APR 14 2009



# Corporate Report



Originator's Files OZ 08/013 W11

**DATE:** March 24, 2009

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: April 14, 2009

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** Information Report  
Official Plan Amendment and Rezoning Applications  
To permit a hotel and accessory commercial uses  
290 Derry Road West  
South side of Derry Road West, east of McLaughlin Road  
Owner: 1706201 Ontario Inc.  
Applicant: Greg Dell and Associates  
Bill 51

Public Meeting Ward 11

**RECOMMENDATION:** That the Report dated March 24, 2009, from the Commissioner of Planning and Building regarding the applications to amend the current "Business Employment - Special Site 4" Official Plan provisions applying to the lands, and to change the Zoning from "D" (Development) to "E2-Exception" (Employment), to permit a hotel and accessory commercial uses, under file OZ 08/013 W11, 1706201 Ontario Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road, be received for information.

**BACKGROUND:** The above-noted applications have been circulated for technical comments. A community meeting has not been held. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

2-1(n)

COMMENTS:

The applications have been filed to allow for the construction of a six storey hotel facing Derry Road West, and a one storey, free standing accessory commercial building to the rear. Details of the proposal are as follows:

Development Proposal	
Applications submitted:	September 12, 2008, deemed to be complete on October 7, 2008
Proposed Gross Floor Area:	Hotel - 7,481 m <sup>2</sup> (80,527 sq. ft.) Commercial Building - 1,038 m <sup>2</sup> (11,173 sq. ft.) Total - 8,519 m <sup>2</sup> (91,698 sq. ft.)
Height:	Hotel - six storeys Commercial Building - one storey
Lot Coverage:	15.36%
Landscaped Area:	39.25% (includes greenbelt lands associated with Fletcher's Creek)
Parking Required:	188 spaces
Parking Provided:	191 spaces
Supporting Documents:	Preliminary site plan and site servicing/grading plans Soil investigation report Functional storm report Phase one environmental report Geotechnical report Archaeological report Planning rationale report

Site Characteristics	
Frontage:	92.33 m (302.8 ft.), along Derry Road West
Depth:	Irregular
Net Lot Area:	1.49 ha (3.68 ac.)
Existing Use:	The lands are currently vacant.

Additional information is provided in Appendices I-1 to I-8.

### Green Development Initiatives

There have been no green development initiatives identified by the applicant at this time.

### Neighbourhood Context

The subject property is located within a developing business employment area, on the edge of a recently constructed residential community to the west which includes a range of housing types (detached and semi-detached homes and townhouses), parks and commercial space. At one time, the lands formed part of a larger parcel that extended to the south, owned by St. Ilija Macedonian Church. The majority of these lands are now owned by the City, with certain portions (including the subject lands) retained by the church and sold for development purposes.

Land uses on the property and for much of the surrounding area are restricted by the Greater Toronto Airports Authority given overhead aircraft noise, and exclude residential and other sensitive uses. The parcel slopes back from the road to the south, and may incorporate a portion of the Fletcher's Creek floodplain. The lands are presently vacant. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: A law office and rural lands with detached dwellings designated for employment purposes, and a commercial plaza under construction;
- East: Rural lands with detached dwellings designated for employment purposes;
- South: Fletcher's Creek and associated floodplain lands (under the ownership of the City);
- West: Rural lands with detached dwellings designated for employment purposes, detached and semi-detached dwellings beyond the future southward extension of Saint Barbara Boulevard.



**Current Mississauga Plan Designation and Policies for the Meadowvale Village District (May 5, 2003)**

"Business Employment - Special Site 4" which permits an integrated mix of business activities that operate mainly within enclosed buildings. The Meadowvale Village District Policies limit the range of employment uses permitted from that of the general "Business Employment" provisions contained within the Official Plan, and do not include the proposed hotel and accessory retail commercial uses requested. Hence, the applications are not in conformity with the current land use designation.

The Special Site 4 provisions apply to the subject lands, which permit as an additional use, a Place of Religious Assembly and related passive recreational uses. These provisions are a hold over from when the subject parcel formed part of the lands to the south as noted above, to which the special site provisions also apply.

There are other policies in the Official Plan which also are applicable in the review of these applications including:

**Urban Design Policies:**

Section 3.18 of Mississauga Plan provides for policies which speak to appropriate built form and scale, streetscape and context, and compatibility with the surrounding built form. Given the location of the site on a major road, and its prominence at the eastern entrance to the Meadowvale Village area, site and building design will be important.

**Environmental Policies:**

As noted above, Fletcher's Creek flows to the rear of the subject lands on property owned by the City, and is designated in the Official Plan as "Greenbelt". A portion of the floodplain may exist on the property. Fletcher's Creek is identified on Schedule 3, Environmental Areas of Mississauga Plan as a Natural Area, and is located within the regulatory storm floodplain, Section 3.15.3.2, which contains policies in this regard, states that any development is subject to the Natural Hazard policies which generally prohibit development on lands subject to flooding. If, through the

R-1(q)

submission of detailed studies and a satisfactory review by the Conservation Authority and City, certain lands are determined to not be within the floodplain, development can proceed in accordance with policies for Natural Hazards and the underlying land use designation.

#### Aircraft Noise Policies:

The subject lands are located within the Lester B. Pearson International Airport Operating Area. Policies within Section 3.11.2. indicate that, subject to certain other provisions, new development for residential and other sensitive land uses (i.e. hospitals, nursing homes, daycares, and schools) will not be permitted. For hotels affected by an NEP/NEF of 30 or greater (includes the subject lands), it is recommended that a noise study be completed prior to development approval, to determine appropriate acoustical design criteria. See Greater Toronto Airports Authority comments in Appendix I-7 for additional information.

#### Criteria for Site Specific Official Plan Amendments

Section 5.3.2. of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;
- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

#### Proposed Official Plan Designation and Policies

The applicant is proposing to amend the current "Business Employment - Special Site 4" designation applying to the lands to

R-1(L)

also permit hotels, motels and conference centres, and to permit accessory commercial uses not exceeding 1 038 m<sup>2</sup> (11,173 sq. ft.).

**Existing Zoning**

"D" (Development), which permits a building or structure legally existing on the date of the passing of By-law 0225-2007, and the existing legal use of such building or structure. The erection of new buildings or structures and the enlargement or replacement of existing buildings and structures shall not be permitted.

**Proposed Zoning By-law Amendment**

"E2-Exception" (Employment), to permit the following uses for the lands:

- overnight accommodation;
- banquet/conference/convention centre;
- restaurant;
- medical office;
- financial institution;
- accessory retail commercial and personal service establishment uses to the above, to a maximum of 1 038 m<sup>2</sup> (11,173 sq. ft.).

The applicant has also requested that parking be setback a minimum of 3.5 m (11.5 ft.) from any greenbelt area, as opposed to the 5.0 m (16.4 ft.) required by the by-law.

**COMMUNITY ISSUES**

No community meetings were held and no written comments were received by the Planning and Building Department.

**DEVELOPMENT ISSUES**

Agency comments are summarized in Appendix I-7. There is a long narrow parcel of land designated "Business Employment" located immediately to the west. The dimensions of the parcel are unknown as the alignment of Saint Barbara Boulevard has not been

confirmed. Further, the applicant has shown grading works on this property which may not be acceptable. Although the applicant's conceptual site plan shows a potential future connection between the two properties, additional work will need to be undertaken to demonstrate how this remnant parcel can be dealt with in the future.

Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

- Delineation of the limits of development, and determination of the appropriate locations for parking areas and retaining walls, and their setbacks from any greenbelt areas, to the satisfaction of the Credit Valley Conservation. If it is determined that greenbelt lands form part of the subject property, the applications may need to be amended to reflect their zoning and designation as a greenbelt area;
- A review of the orientation of the buildings on the lands, and their relationship with all street frontages, both from an urban design and safety perspective;
- Location of vehicular access and servicing connections, having regard for future road connections in the immediate vicinity. This may require the applicant to enter into agreements with adjoining landowners;
- Submission of a Stage 2 Archaeological Assessment;
- Submission of a Traffic Impact Study, to the satisfaction of the Region of Peel, and the dedication of any required road widenings;
- The identification of any sustainable green technology to be used in the proposed development.

#### OTHER INFORMATION

##### Development Requirements

In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to roads and grading, which will require the applicant to enter into appropriate agreements with the City.

2-1(+)

File: OZ 08/013 W11  
March 24, 2009

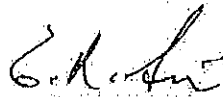
Planning and Development Committee - 8 -

**FINANCIAL IMPACT:** Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

**CONCLUSION:** When all agency and City department comments have been received and after the public meeting has been held, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

**ATTACHMENTS:**

- Appendix I-1 - Site History
- Appendix I-2 - Excerpt of Meadowvale Village District Land Use Map
- Appendix I-3 - Aerial Photograph
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 - Concept Plan
- Appendix I-6 - Building Elevations
- Appendix I-7 - Agency Comments
- Appendix I-8 - General Context Map



Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Rob Hughes, Development Planner*

1706201-Ontario Inc.

File: OZ 08/013 W11

### Site History

- 2003 - Lands to the south of the subject property were acquired by the City from the St. Ilija Macedonian Church, which resulted in the subject lands becoming a separate parcel. Being predominantly outside of the floodplain, the subject lands were retained by the church and sold to other parties for development.
- May 5, 2003 - The Region of Peel approved the Mississauga Plan Policies for the Meadowvale Village District, designating the subject lands as "Business Employment - Special Site 4".
- June 20, 2007 - Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed the provisions of the new By-law apply. The subject lands are zoned "D" (Development).



**PART OF MEADOWVALE VILLAGE DISTRICT LAND USE MAP  
MEADOWVALE VILLAGE POLICIES OF MISSISSAUGA PLAN**

- LAND USE DESIGNATIONS**
- Residential - Low Density I
  - Residential - Low Density II
  - Residential - Medium Density I
  - Residential - Medium Density II
  - General Commercial
  - Community Commercial
  - Medium Density Commercial
  - Business Employment
  - Public Open Space
  - Cemetery
  - Railway Right-of-Way
  - Utility
- LAND USE LEGEND**
- Heritage Conservation District
  - Urban Operating Area Boundary - See adjacent Urban Outline Plans to determine where the boundary is located in the plan
  - Land Use Exempt from LUPA Operating Area
  - Land use application rules apply at this location
  - Proposed Designated Development Property
  - Existing Designated Development Property
  - 25% MINIMUM NET COMPOSITE AREA
  - Future Planning District
- TRANSPORTATION LEGEND**
- Transitway
  - Major Collector
  - Local Road
  - Major Transit Corridor
  - Special Site Access
  - Case Specific Site Pedestrian

**SUBJECT:**  
**1706201 ONTARIO INC.**

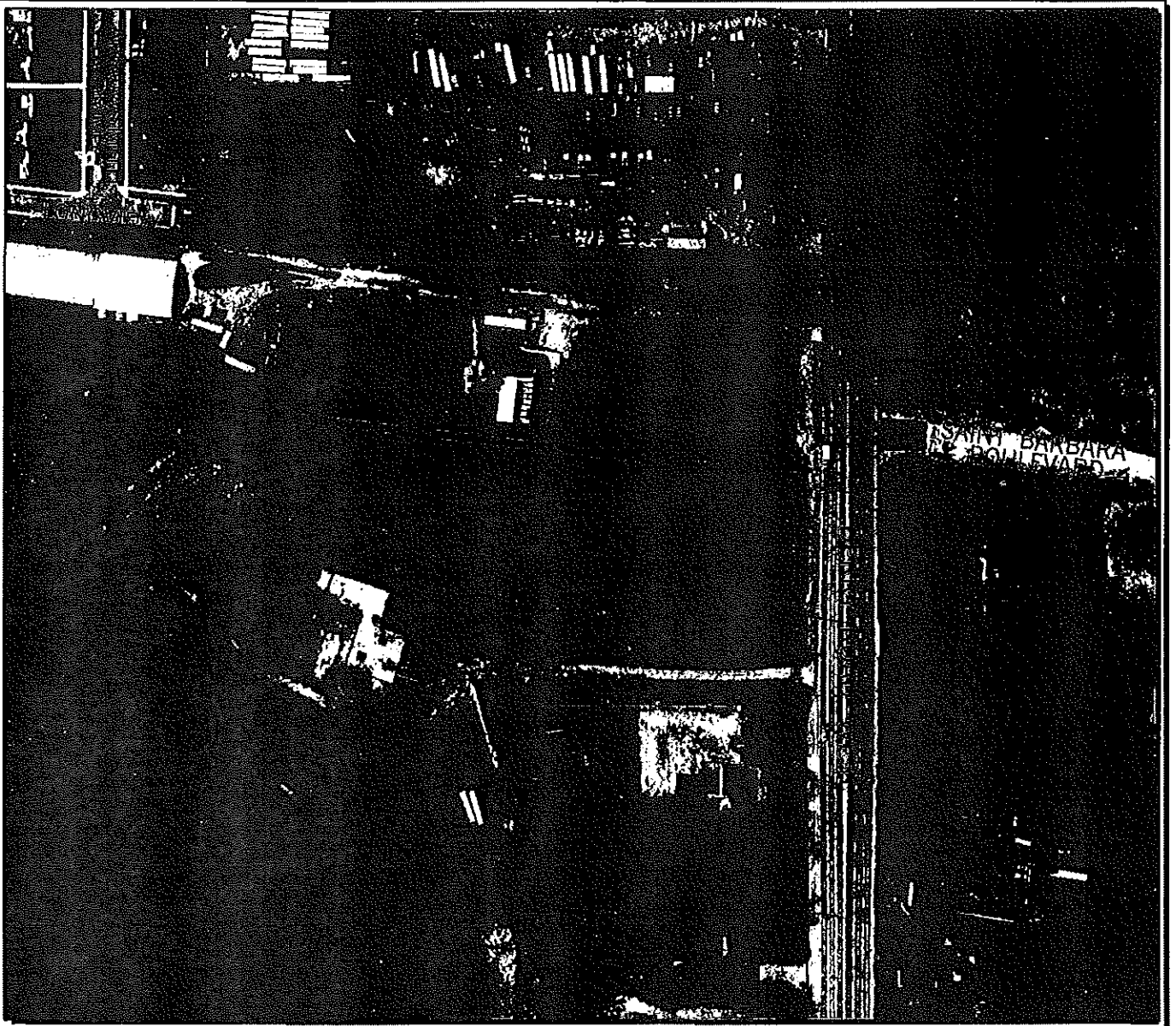
**SUBJECT LANDS**

**NOTE:**  
ANY PART OF THE ROAD NETWORK SHOWN OUTSIDE THE CITY BOUNDARIES IS SHOWN FOR INFORMATION PURPOSES ONLY.

**MISSISSAUGA Planning and Building TRW, Geomatics**

**FILE NO.:** 02 08013 WTI  
**DWG. NO.:** 08013L  
**SCALE:** N.T.S.  
**PDC DATE:** 2009 04 14  
**DRAWN BY:** K. PROKOP

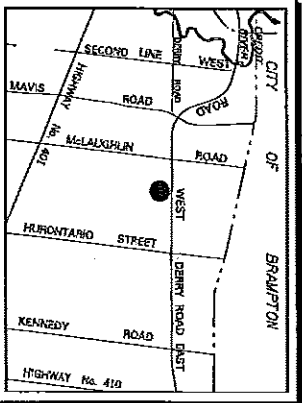
**APPENDIX 1-2**



LEGEND:  
 SUBJECT LANDS

DATE OF AERIAL PHOTO: 03 2008

SUBJECT:  
**7706201 ONTARIO INC.**



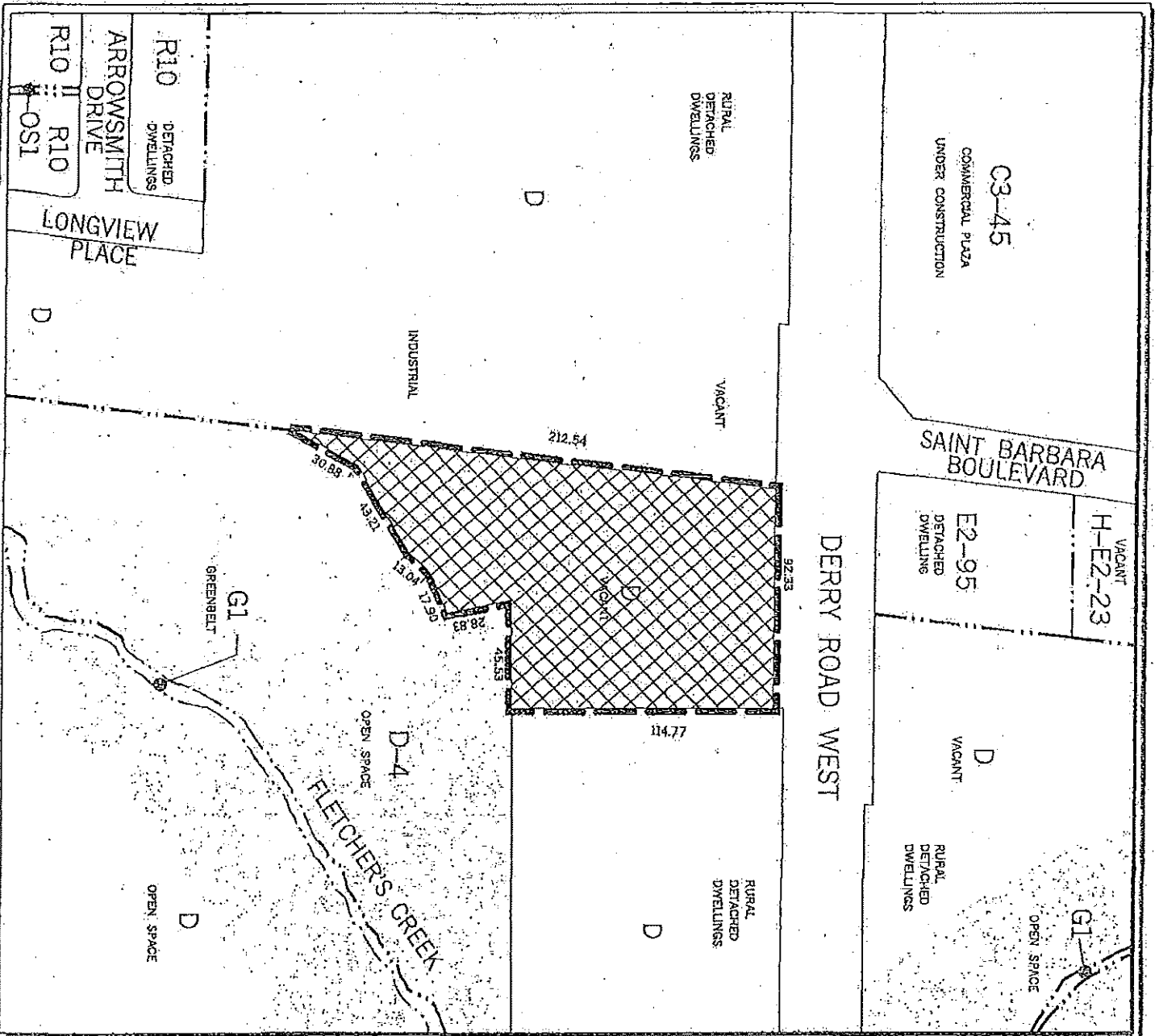
**MISSISSAUGA**  
 Planning and Building  
 Produced by  
 T&W Geomatics

FILE NO: 02 08013 WH1  
 DWG. NO: 08013A  
 SCALE: 1:2500  
 PDC DATE: 2009 04 14  
 DRAWN BY: K. PROKOP


APPENDIX I-3

2-1(w)





**LEGEND:**

 PROPOSED OFFICIAL PLAN AMENDMENT TO AMEND THE CURRENT "BUSINESS EMPLOYMENT-SPECIAL SITE 4" PROVISIONS APPLYING TO THE LANDS AND PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "E2-EXCEPTION" (EMPLOYMENT) TO PERMIT A HOTEL AND ACCESSORY COMMERCIAL USES.

GREENBELT OVERLAY

NOTE: EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.

SUBJECT:

1706201 ONTARIO INC.

FILE NO:	OZ 08013 W11
DWG. NO:	08018
SCALE:	1:2500
PDC DATE:	2009 04 14
DRAWN BY:	K. PROKOP
PRODUCED BY:	TEW, Geomatics

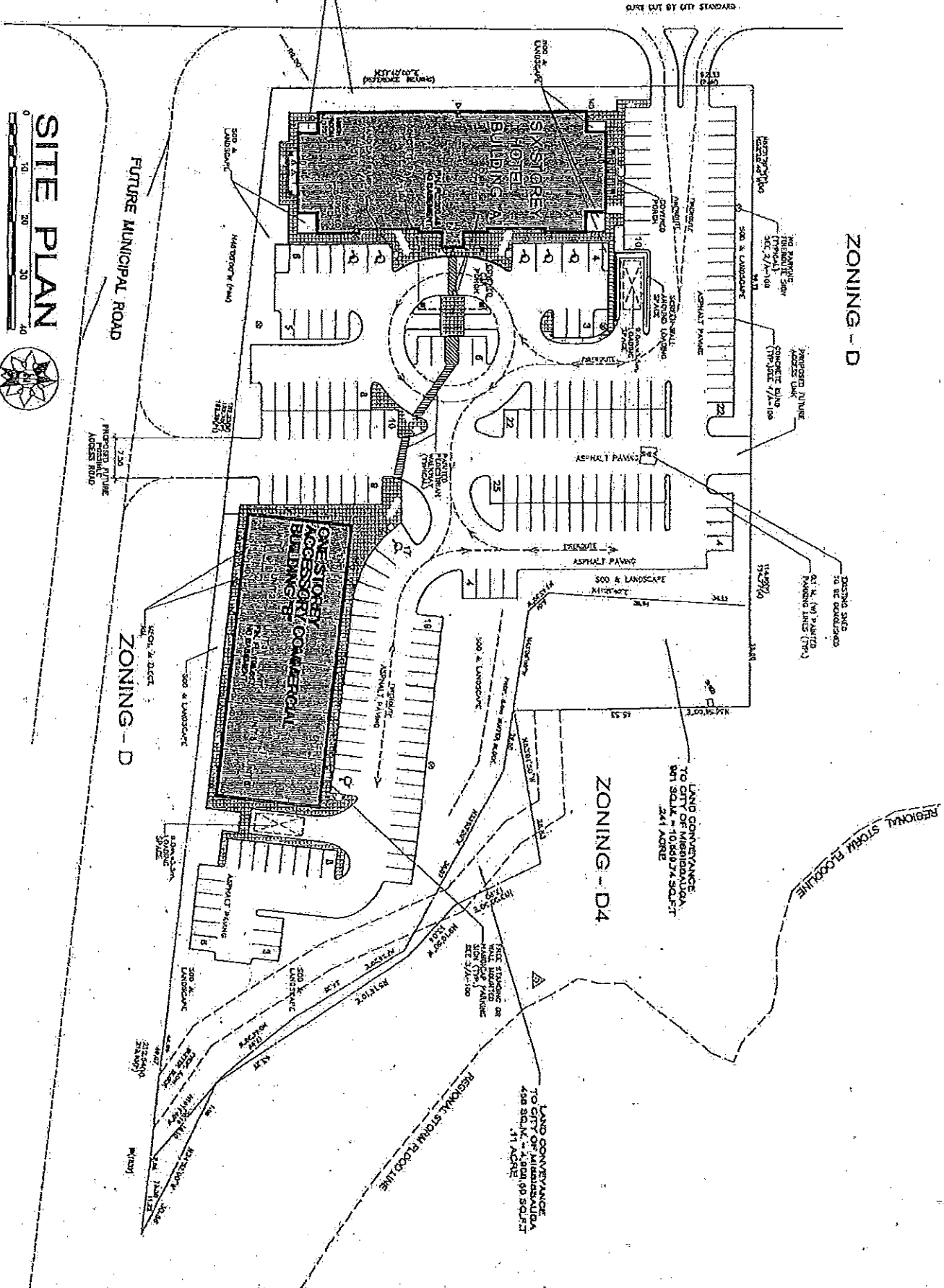
MISSISSAUGA Planning and Building

BRADEN TYLE

R-1(x)

R-1(4)

# DERRY ROAD WEST



SITE PLAN



FUTURE MUNICIPAL ROAD

PROPOSED FUTURE ACCESS ROAD

ZONING-D

ZONING-D4

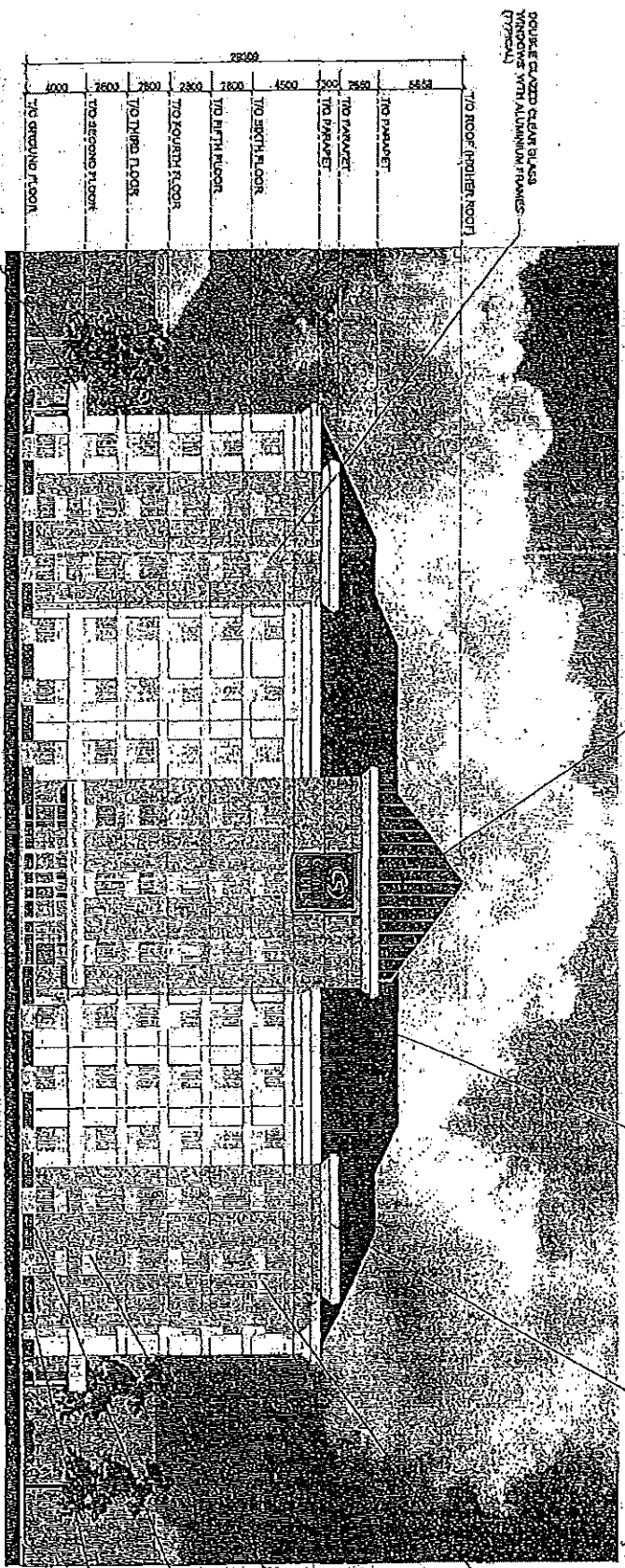
ZONING-D

REGIONAL STORM FLOODLINE

LAND CONVEYANCE TO CITY OF MISSISSAUGA 498 SQ.M. - 4,984 SQ. FEET 11 ACRES

LAND CONVEYANCE TO CITY OF MISSISSAUGA 871 SQ.M. - 10,569.74 SQ. FEET 24.1 ACRES

PROPOSED SIX STOREY HOTEL & ONE STOREY COMMERCIAL / RETAIL  
 DEVELOPMENT FOR  
 1706201 ONTARIO INC.  
 290 DERRY ROAD WEST  
 CITY OF MISSISSAUGA



REAR ELEVATION

(FACING DERRY ROAD WEST)

HOTEL

FINISHED METAL ROOF TO MATCH CORNER BUTTER TO MATCH IN ROOF STRUCTURE (TYPICAL)

TO MATCH PARAPET TO MATCH CORNER BUTTER TO MATCH IN ROOF STRUCTURE (TYPICAL)

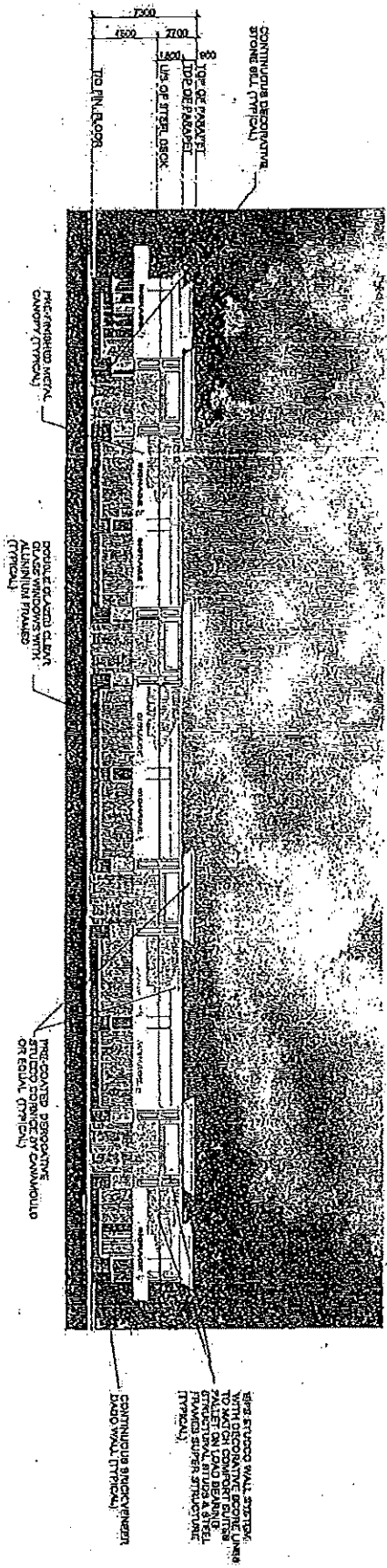
SHI-COATED DEPRESSIVE STONE ON CORNER BUTTER TO MATCH IN ROOF STRUCTURE (TYPICAL)

SIB STUCCO WALL SYSTEM WITH DEPRESSIVE STONE FINISH TO MATCH CORNER BUTTER TO MATCH IN ROOF STRUCTURE (TYPICAL)

FINISHED METAL ROOF TO MATCH CORNER BUTTER TO MATCH IN ROOF STRUCTURE (TYPICAL)

CONTINUOUS DEPRESSIVE STONE WALL TO MATCH CORNER BUTTER TO MATCH IN ROOF STRUCTURE (TYPICAL)

PROPOSED SIX STOREY HOTEL & ONE STOREY COMMERCIAL / RETAIL  
 DEVELOPMENT FOR  
 1706201 ONTARIO INC.  
 280 DERRY ROAD WEST  
 CITY OF MISSISSAUGA



FRONT ELEVATION (FACING PARKING LOT) COMMERCIAL/RETAIL

R-1(a)(a)

1706201 Ontario Inc.

File: OZ 08/013 W11.

Agency Comments

The following is a summary of comments from agencies and departments regarding the applications.

Agency / Comment Date	Comment
<p>Greater Toronto Airports Authority (October 24, 2008)</p>	<p>According to the Airport Zoning Regulations for Toronto's Lester B. Pearson International Airport, development elevations on the subject property are affected by the Approach Surface for Runway 05 (future designation 05L) and the Approach Surface for proposed Runway 05R. The maximum allowable development elevation under the greater restriction (Approach Surface for proposed Runway 05R) ranges from approximately 277 m (908 ft.) Above Sea Level (A.S.L.) along the eastern boundary of the property to approximately 279 m (915 ft.) A.S.L. at the westernmost boundary. To calculate the maximum allowable height available for a structure on a property, the Finished Floor Elevation (FFE) of the structure would have to be subtracted from the maximum allowable development elevation stated for the property; in this case, the Approach Surface restriction for Runway 05R. When more detailed plans become available, please forward them to us for review.</p> <p>The subject property lies within the 35-40 NEF/NEP of the composite contour map for Toronto Pearson International Airport and within the Airport Operating Area (AOA). Noise contours depicting the Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) are produced to encourage compatible land use planning in the vicinity of airports. Acoustic design features should be incorporated in the building components to the satisfaction of the City of Mississauga.</p>
<p>Region of Peel (November 24, 2008)</p>	<p>The subject land is located adjacent to the Fletcher's Creek. The Regional Official Plan (ROP) designates the Fletcher's Creek as a Core Area of the Greenlands System in Peel, under Policy 2.3.2.6. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the</p>

R-1(c)(c)

1706201 Ontario Inc.

File: OZ/08/013 W11.

Agency / Comment Date	Comment
	<p>environmental expertise of CVC staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional staff therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Please be advised that Regional Planning staff is unable to support final approval of these applications until all environmental concerns have been addressed to the satisfaction of CVC.</p> <p>An existing 400 mm (16 in.) diameter watermain and an existing 300 mm diameter sanitary sewer are located on Derry Road West. The applicant is advised that storm water drainage will not be permitted onto Derry Road West. Staff have no objections to the proposed water and sewer servicing of the development. Detailed comments will be provided at the engineering stage. The subject lands are not located within the vicinity of a landfill site. The applicant is advised that on-site waste collection will be required through a private waste hauler.</p> <p>The Region will require a Traffic Impact Study which will address all accesses and possible road improvements to Derry Road West (Regional Road No.5). The proposed access onto Derry Road West (Regional Road No.5) will be restricted to right in/right out only. In addition, the Region's standard practice is to ensure all accesses are equipped with proper auxiliary lanes. Derry Road West (Regional Road No.5) has a right-of-way designation of 45 m (147 ft.). At the site plan stage the Region of Peel will require the gratuitous dedication of land to meet the Official Plan requirement of 22.5 m (74 ft.) from the centre line of Derry Road West. The Region will require a 15 m (49 ft.) x 15 m (49 ft.) daylight triangle at the northwest corner of the property to provide for the future roadway, and a 0.3 m (1 ft.) reserve along the frontage of Derry Road West behind the property line and the daylight triangle.</p>

1706201 Ontario Inc.

File: OZ 08/013 W11.

Agency / Comment Date	Comment
	<p>The proposal indicates that the access will be joint through the lands to the west. If this is the case, a legal easement between the two will be required for access and shall be registered on title. Furthermore, the access that exists for the property to the west will be under review as it will be used for something other than the approved use. In addition, the proposal will create access conflicts for the property to the east and south as this access will be blocked.</p>
<p>Credit Valley Conservation (CVC) (February 19, 2009)</p>	<p>The proposal is currently being reviewed by technical staff. Based on this agency's preliminary review, the following concerns have been identified and are to be addressed prior to the preparation of the Supplementary Report:</p> <ul style="list-style-type: none"><li>• Review of the applicant's proposal to grade and construct retaining walls within 5.0 m (16.4 ft.) of the top of bank setback;</li><li>• Review of grading proposal on adjacent properties and within blocks which may be dedicated to the City as additions to the greenbelt;</li><li>• Understanding the height and potential impacts, including maintenance, of retaining works (approximately 3.0 m (9.8 ft. high) adjacent to valley, in addition to potential slope stability concerns due to extensive placement of fill;</li><li>• Consideration of the potential erosion impact from a proposed storm outlet on the valley and on the adjacent property owner;</li><li>• Submission of additional information on the presence of shallow groundwater on-site;</li><li>• Confirmation of the limits of development, and all hazard lands which may be dedicated to the municipality.</li></ul> <p>Additional and updated comments will be provided following technical review. Please note that a CVC permit will be required prior to any site works being initiated.</p>

1706201 Ontario Inc.

File: OZ.08/013 W11.

Agency / Comment Date	Comment
<p>City Community Services Department – Planning, Development and Business Services Division (March 2, 2009)</p>	<p>This Department notes that due to the site's proximity to Fletcher's Creek, and in accordance with the Stage 1 Archaeological Assessment recommendations, prior to the preparation of the Supplementary Report, the proponent shall carry out a Stage 2 Archaeological Assessment of the subject property. No grading or other soil disturbance shall take place on the subject property prior to the City and the Ministry of Culture having confirmed that all archaeological resource concerns have met licensing and resource conservation requirements.</p> <p>Should these applications be approved, and prior to the enactment of the implementing zoning by-law, hoarding will be required along City greenbelt lands. Further, in order to ensure protection and preservation of the City greenbelt lands, securities for any required restoration works, fencing, hoarding, and clean-up works will also be required.</p> <p>Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws.</p>
<p>City Community Services Department – Fire and Emergency Services Division (February 6, 2009)</p>	<p>Fire has reviewed the applications from an emergency response perspective and has no concerns; emergency response time to the site and water supply available are acceptable. The site is to be developed in conformance with the OBC and By-law 1036-81 with respect to fire access and fire protection.</p>
<p>City Transportation and Works Department (March 6, 2009)</p>	<p>This Department stated that prior to the Supplementary Public Meeting, the applicant is required to provide an overall development concept which illustrates how vehicular access will be provided for the area. The applicant will also be required to provide an updated Functional Servicing Report which investigates locating the proposed storm outlet on the east side of the property to minimize the disturbance to the existing slope area. A maintenance access to the valley lands is</p>



1706201 Ontario Inc.

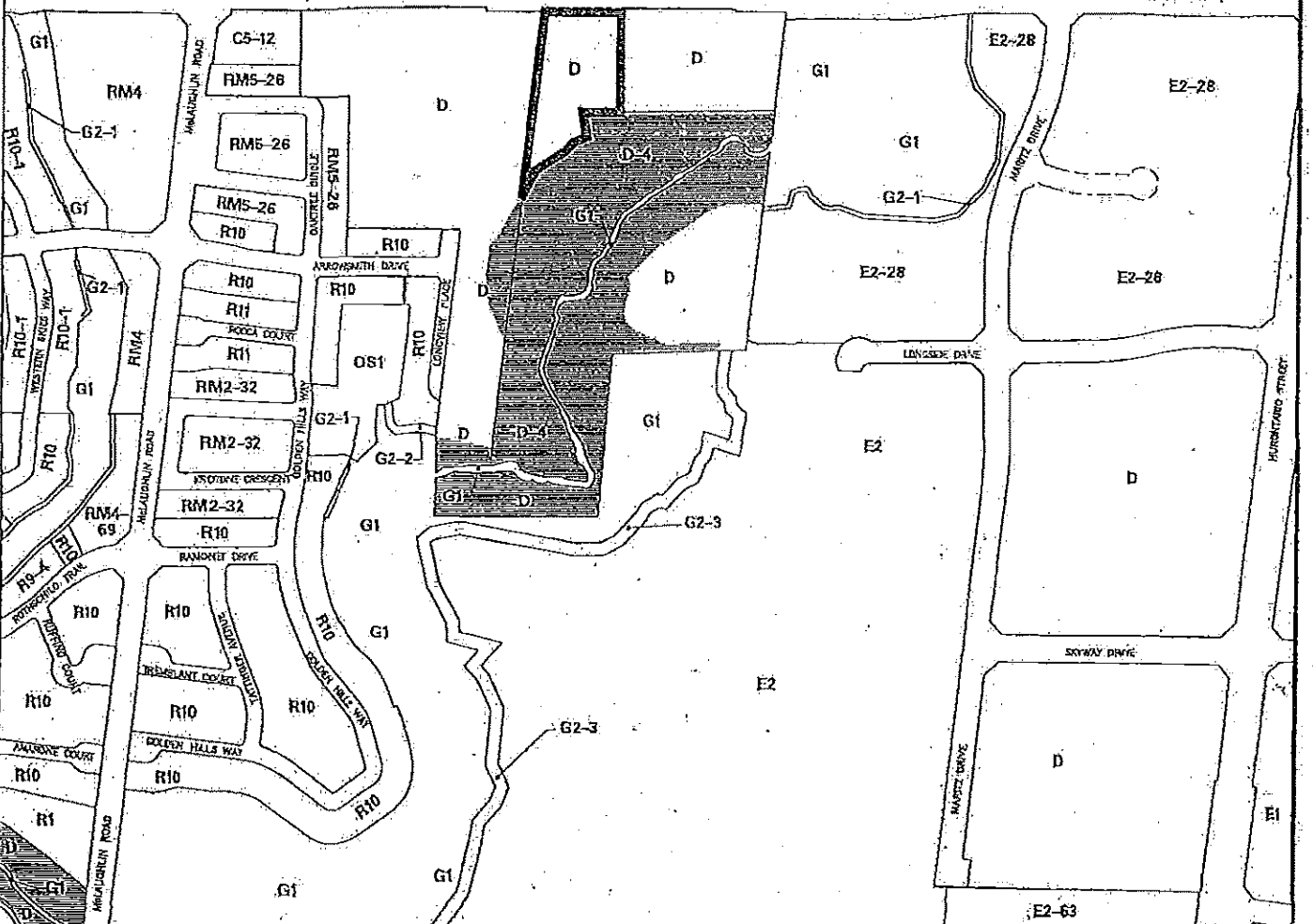
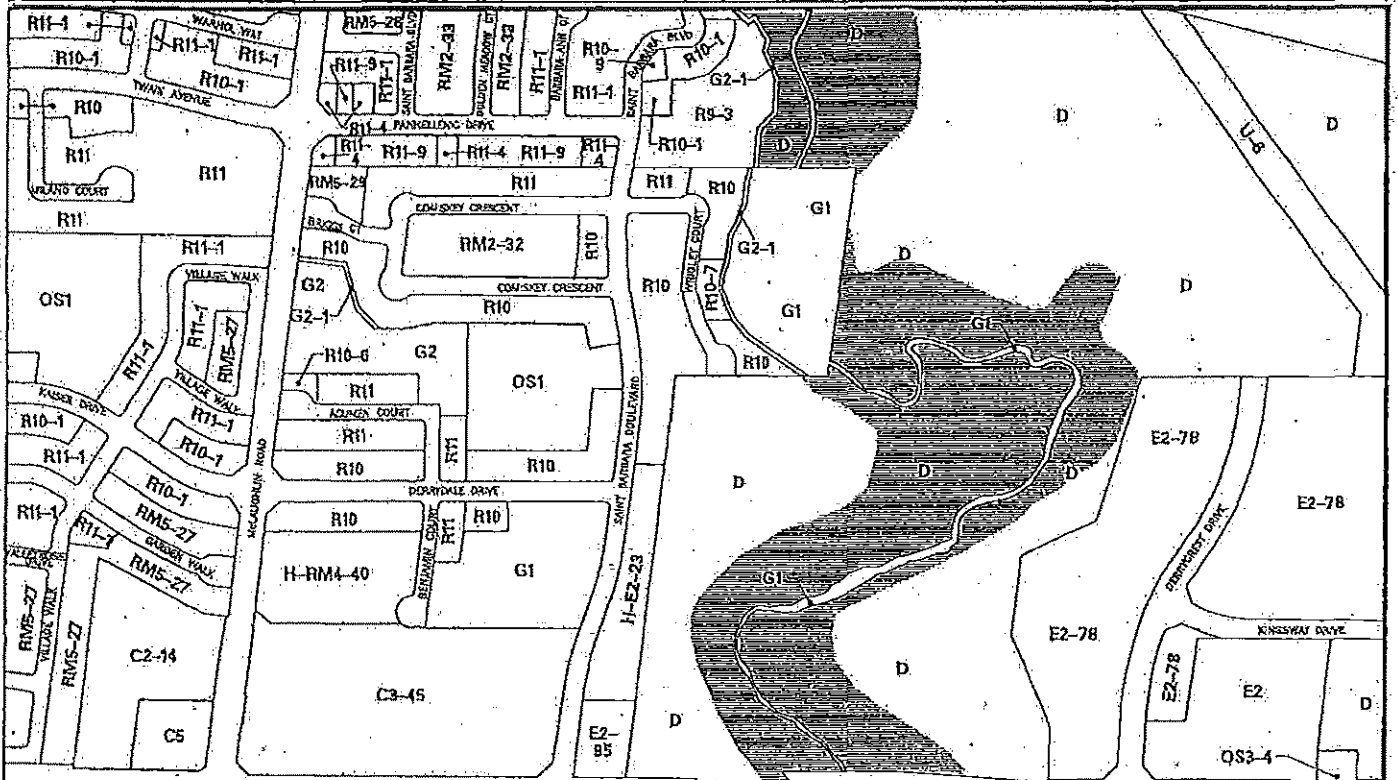
File: OZ 08/013 W11.

Agency / Comment Date	Comment
	<p>also requested to be incorporated into the site design.</p> <p>Written confirmation that the long-term stable top-of-bank, hazard line and/or any required development setbacks have been established to the satisfaction of the local conservation authority will also be required. As the current proposal contemplates grading onto the external lands to the immediate west, the applicant is to provide written confirmation that satisfactory arrangements have been made with the adjacent landowner.</p> <p>Furthermore, a copy of the Traffic Impact Study requested by the Region of Peel is to be submitted to this Department for review. Comments on the above items will be finalized prior to the preparation of the Supplementary Report.</p>
<p>Other City Departments and External Agencies</p>	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> <li>- City Economic Development Department</li> <li>- Enersource Hydro Mississauga</li> </ul>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> <li>- City Realty Services Department</li> <li>- Hydro One Networks</li> <li>- Rogers Cable</li> <li>- Canada Post Corporation</li> <li>- Enbridge Gas Distribution</li> <li>- Enbridge Pipelines Inc.</li> <li>- Union Gas Limited Pipelines</li> </ul>

12-1(c)(g)

GENERAL CONTEXT MAP - BY-LAW 0225-2007

OZ 08013 WH1 APPENDIX I-8



21 PLANNING MAPS INC. (2008) 08/11/08 12:48

Appendix S-2

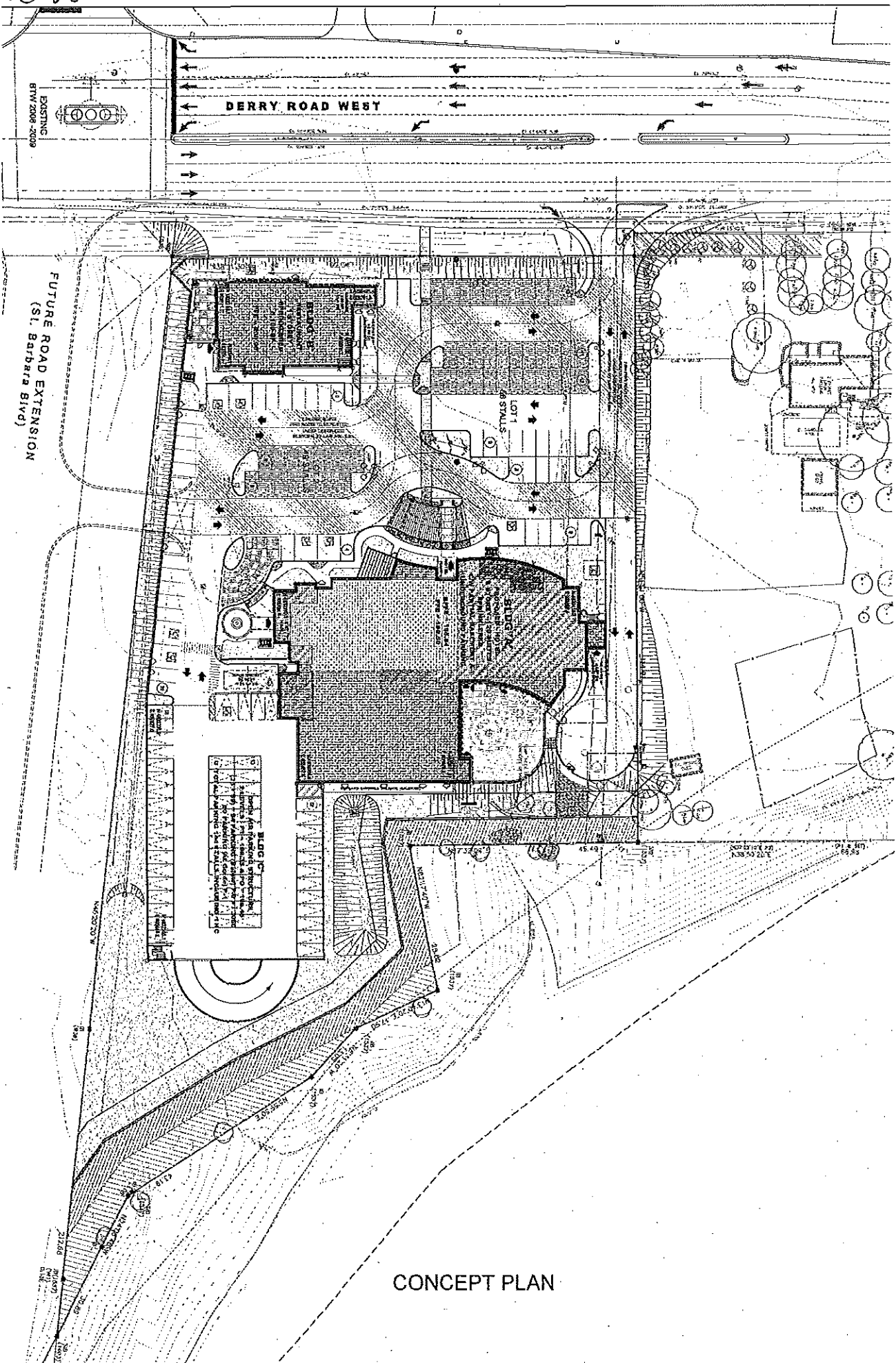
Shailtel International Inc.

File: OZ 08/013 W11

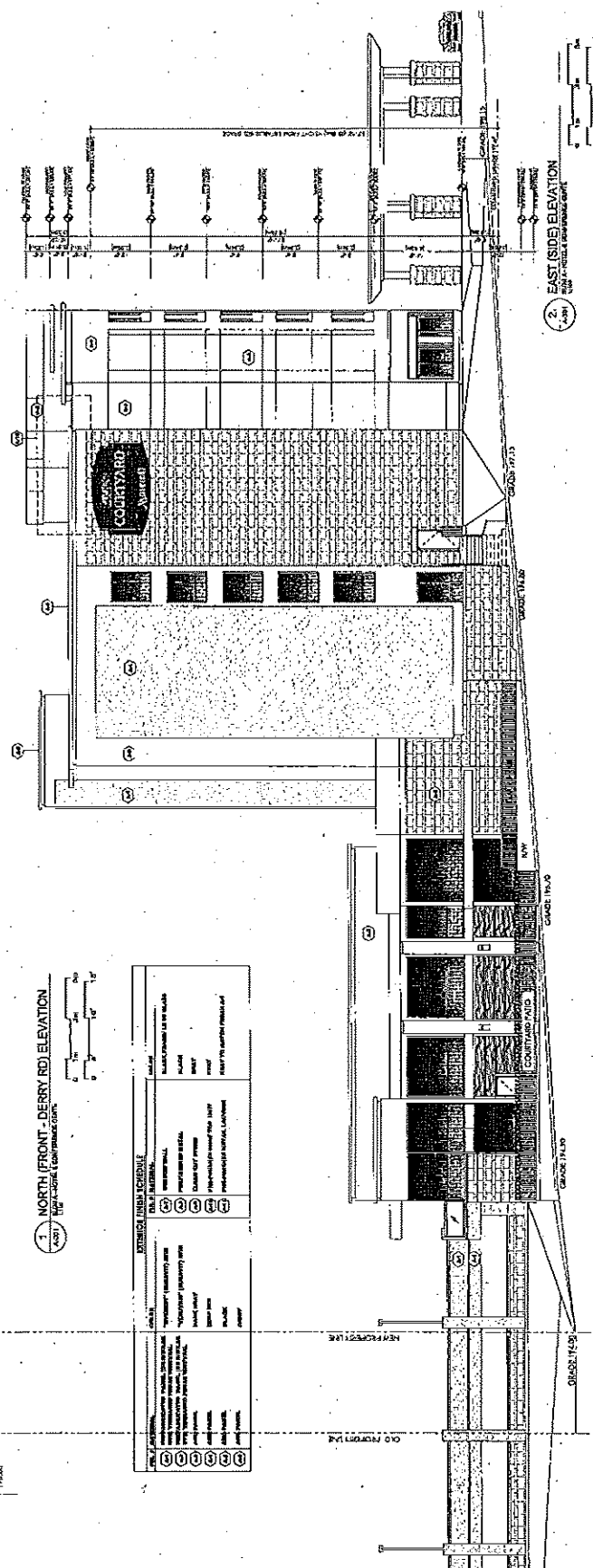
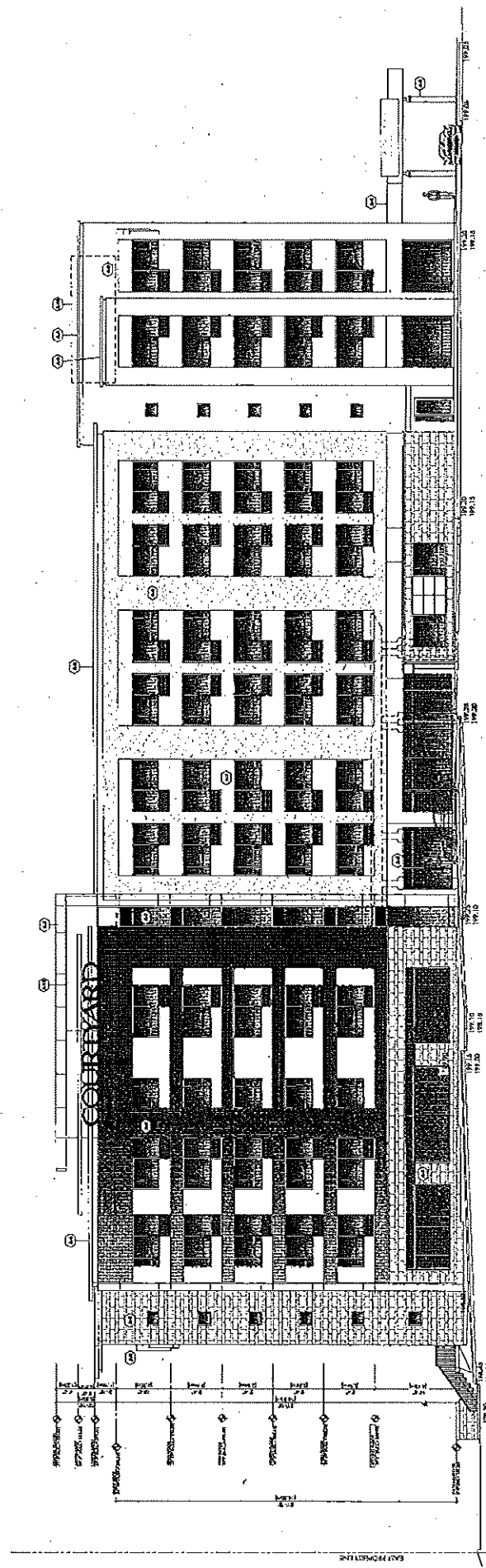
Recommendation PDC-0040-2009

PDC-0040-2009

1. That the Report dated March 24, 2009, from the Commissioner of Planning and Building regarding the applications to amend the current "Business Employment - Special Site 4" Official Plan provisions applying to the lands, and to change the Zoning from "D" (Development) to "E2-Exception" (Employment), to permit a hotel and accessory commercial uses, under file OZ 08/013 W11, 1706201 Ontario Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road, be received for information, and notwithstanding planning protocol, that the Supplementary Report be brought directly to a future Council meeting.
2. That the correspondence from High Tech Pet Products Inc. dated April 14, 2009 regarding the applications under file OZ 08/013 W11 be received.



CONCEPT PLAN



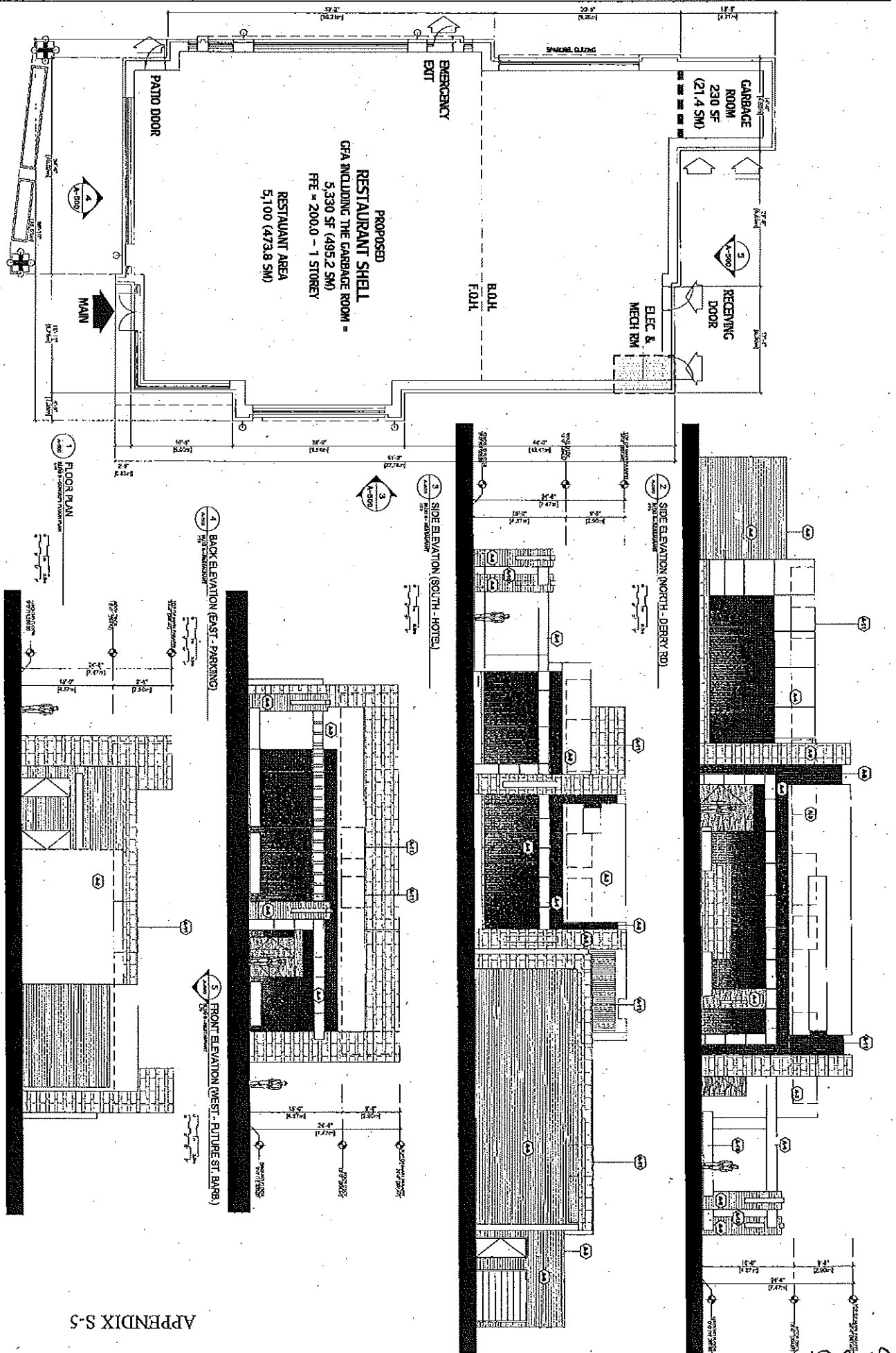
1 NORTH (FRONT - DERRY RD) ELEVATION  
ASD / MGA-CORNER LIGHTING INC.



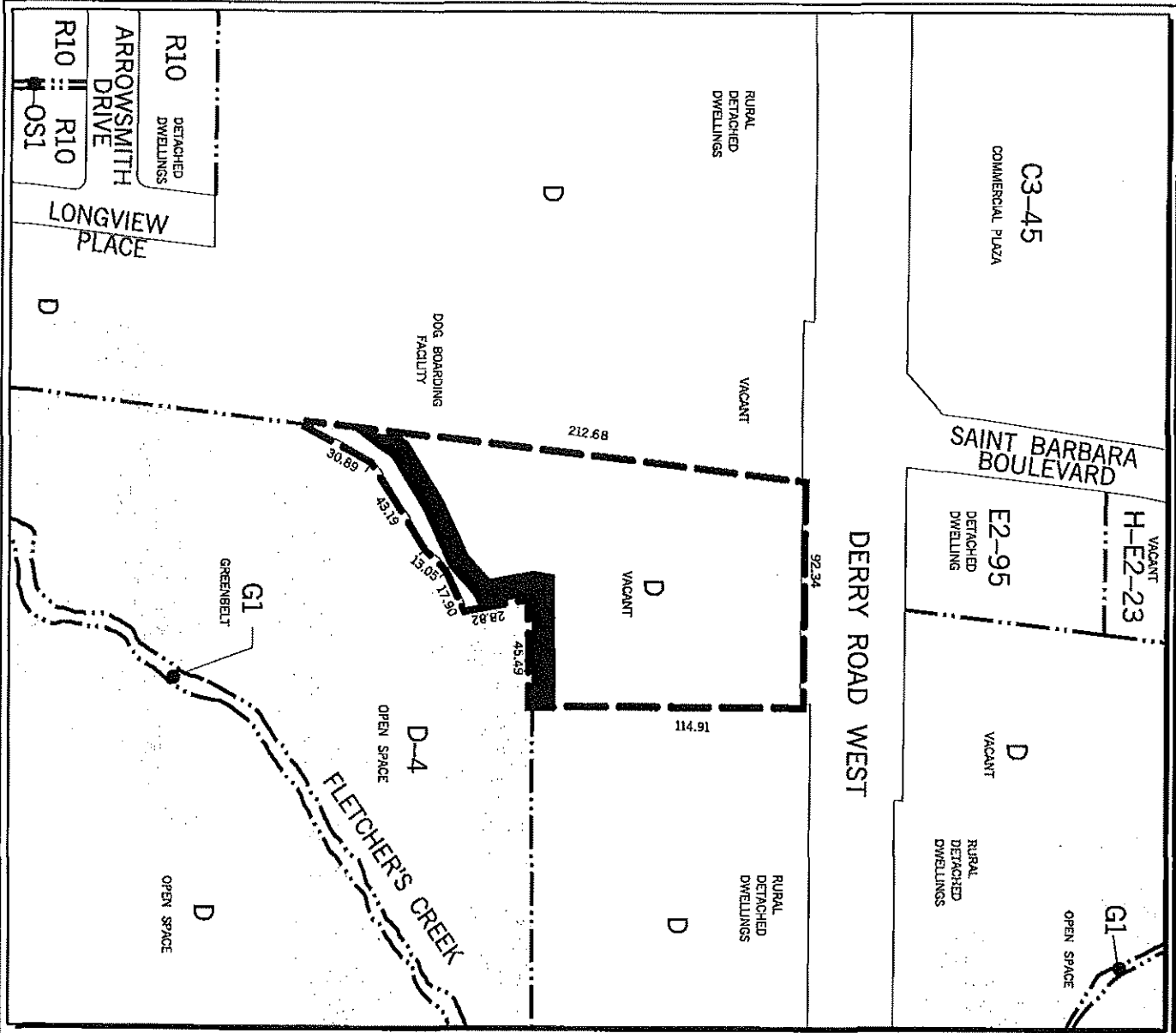
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3	BRICK
4	BRICK
5	BRICK
6	BRICK
7	BRICK
8	BRICK
9	BRICK
10	BRICK
11	BRICK
12	BRICK

2 EAST (SIDE) ELEVATION  
ASD / MGA-CORNER LIGHTING INC.





R-1 (K) (K)



**LEGEND:**

PROPOSED OFFICIAL PLAN AMENDMENT FROM "BUSINESS EMPLOYMENT-SPECIAL SITE 4" AND "GREENBELT".

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "E2-EXCEPTION" (EMPLOYMENT) TO PERMIT A SIX STOREY HOTEL AND CONFERENCE CENTRE AND A ONE STOREY FREESTANDING RESTAURANT BUILDING.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G2" (GREENBELT-NATURAL FEATURES EXCEPTION) TO PERMIT A NATURAL PROTECTION AREA BUFFER OF 5m.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G1" (GREENBELT-NATURAL FEATURES) TO PERMIT A NATURAL PROTECTION AREA.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G1" (GREENBELT-NATURAL FEATURES) TO PERMIT A NATURAL PROTECTION AREA.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G1" (GREENBELT-NATURAL FEATURES) TO PERMIT A NATURAL PROTECTION AREA.

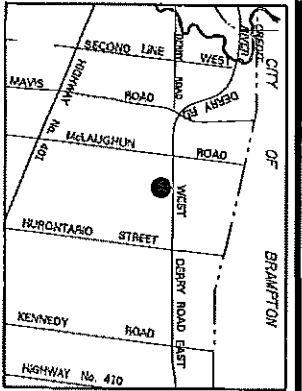
**NOTES:** THE "BUSINESS EMPLOYMENT" POLICIES UNDER MISSISSAUGA OFFICIAL PLAN ARE CURRENTLY UNDER CITY-WIDE APPEAL.

EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.

THIS IS NOT A PLAN OF SURVEY.

**SUBJECT:**

**SHAILTEL INTERNATIONAL INC.**



FILE NO:	OZ 08013 W11
DWG. NO.:	08013R
SCALE:	1:2500
COUNCIL DATE:	2013 06 05
DRAWN BY:	K. PROKOP

**MISSISSAUGA**  
 Planning and Building  
 Produced by  
 T&W Geomatics

APPENDIX S-6

2-1(1)(1)