



Report Committee of Adjustment

Filing Date: February 16, 2024

Hearing Date: May 21, 2024

File: B-2024-0006 & A-2024-0136

**Owner/
Applicant:** **FCA Canada Inc.
Arcadis Professional Services (Canada) Inc.**

Address: **2000 Williams Parkway West**

Ward: WARD 8

Contact: Aferdita Dzaferovska, Assistant Development Planner

Purpose:

The purpose of the application is to request a consent to sever a parcel of land currently having a total area of approximately 98.65 hectares (243.77). The proposed severed lot has a frontage of approximately 683 metres, a depth of approximately 184 metres, and an area of approximately 129,700 square metres. It is proposed that 2 lots be established from the existing lot for the future industrial development of two warehouse buildings.

Recommendations:

That application **B-2024-0006** is supportable, subject to the following conditions being imposed:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;
3. That a site plan application be approved, and the works included on it are implemented, for the reconfiguration of the parking area to remove it from the severed lands, to the satisfaction of the Director of Development Services;

4. Separate water, sanitary and storm services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services; and
5. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

That application **A-2024-0136** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that generally shown on the sketch attached to the Notice of Decision;
2. That the existing berm on the severed lands remain and shall not be removed until a Site Plan application is approved or an associated Substantially Complete Memorandum is issued for the redevelopment of the lands for new buildings to the satisfaction of the Director of Development Services. Further technical studies may be necessary once a specific use is confirmed;
3. That any use of the severed lands be limited to those that comply with the D-Series guidelines for land use compatibility including minimum separation distance requirements;
4. That access to Williams Parkway and North Park Drive from the severed lands may be restricted to either right-in only, right-out only or right-in/right-out only and shall be determined through the Site Plan approval process;
5. That truck access from the severed lands shall not be permitted on Torbram Road;
6. That the Owner provide a Stage 1 Archaeological Assessment(s) for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Citizenship and Multiculturalism. No grading, filling, or any form of soil disturbances shall take place on the subject property prior to the acceptance of the Archaeological Assessment(s) by the City and the Ministry of Citizenship and Multiculturalism indicating that all archaeological resource concerns have met licensing and resource conservation requirements; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Consent application (B-2024-0006) and concurrent Minor Variance applications (A-2024-0136) have been submitted to facilitate the severance of the subject property. The proposed severed lot has a frontage of approximately 683 metres, a depth of approximately 184 metres, and an area of approximately 129,700 square metres. The scope of the submitted applications is to facilitate the

creation of one (1) additional lot (severed lot), from the existing lot for the future industrial development of two warehouses. In relation to this application, the surrounding land uses include low density residential, industrial, commercial, and institutional uses.

- **Official Plan:** The subject property is designated 'Industrial' in the Official Plan;
- **Brampton Plan:** The subject property is designated as 'Employment' in the council adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated 'General Employment 1' in the Airport Intermodal Secondary Plan (Area 4); and
- **Zoning By-law:** The subject property is split zoned 'Industrial 2 Special Section 305 (M2-305)', 'Industrial 2 Schedule C Section 305 (M2-305)', 'Industrial 4 Section 307 (M4-307)', 'Floodplain (F)' according to By-Law 270-2004, as amended.

Consent Application:

Consent application (B-2024-0006) and concurrent Minor Variance application (A-2024-0136) have been submitted to facilitate the severance of the subject property. The retained parcel is approximately 85 hectares (210 acres) and currently operates as an assembly plant and consists of industrial uses with outdoor car storage. The portion proposed to be severed is approximately 13 hectares (32 acres) and is situated at the west end of the site. At the time of the severance, the applicant has conceptualized two new industrial warehouse buildings proposed for the severed land, with access from Torbram Road, Williams Parkway, and North Park Road. It is noted that no development activity on the Severed parcel is being proposed at this time, and it is understood that future development will be subject to planning and development approvals with the City of Brampton. Until such time that a future development application is made, no changes to the existing uses or site are proposed.

The subject lands are designated as 'Industrial' in the Official Plan and 'General Employment 1' in the Airport Intermodal Secondary Plan (Area 4). As per Zoning By-law 270-2004, the site is zoned as Industrial Two (M2) Special Section 305. The associated Minor Variance application seeks to amend existing site-specific zoning provisions related to setbacks and landscape buffer widths. The Consent to Sever Application alone does not require any variances to facilitate the splitting of 32-acres of vacant land from the existing manufacturing plant.

Conditions of approval are recommended to ensure that Site Plan approval matters be addressed prior to the finalization of the severance. Additional conditions are recommended to the approval of the Consent application to ensure that Engineering, Building, Heritage, and Region of Peel matters are addressed.

Staff have undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report) and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Requested Variances:

A-2024-0316 –Severed Parcel

The applicant is requesting the following variance(s) associated with the proposed severed parcel application under consent application B-2024-0006:

1. To permit a 9.0 metre street line setback from Torbram Road, whereas the by-law requires a minimum setback of 255 metres from Torbram Road
2. To permit a landscape buffer having a minimum width of 9.0 metres of continuous, uninterrupted planting strip along Torbram Road, whereas the By-law requires a landscape buffer having a minimum width of 75 metres along Torbram Road as a continuous, uninterrupted bermed strip with a continuous uniformed height of not less than 3.0 metres.
3. To permit a landscape buffer having a minimum width of 60 metres along North Park Drive for a minimum distance of not more or less than 145 metres east of Torbram Road, whereas the By-law requires a landscape buffer having a minimum width of 60.0 metres along North Park Drive for a minimum distance of not less than 150.0 metres, and not more than 240.0 metres east of Torbram Road, and 15.0 metres for the remaining distance.

1. Maintains the General Intent and Purpose of the Official Plan

The subject lands are designated as 'Industrial' in the Official Plan and 'General Employment 1' in the Airport Intermodal Secondary Plan (Area 4). The 'Industrial' Official Plan designation permits industrial land uses including manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses. As per section 4.4.2.22 appropriate massing and conceptual design of buildings, a high quality of landscape treatment which reflects the needs of both the site users and passersby, and satisfactory access for vehicles is encouraged.

The subject lands are further designated 'General Employment 1' in the Airport Intermodal Secondary Plan (Area 4). The designation is intended to provide for the continuing operation and appropriate expansion of viable industrial uses in the area. The Secondary Plan specifies that Industrial uses permitted by the General Employment 1 designation shall accommodate a broad range of uses including warehousing and storage of goods, manufacturing, processing, repairing and servicing operations, outdoor storage areas (only as accessory to an industrial use and which shall be screened from public view), ancillary uses directly associated with the principal industrial use, and a residential unit (only for the use of a caretaker or person employed in the maintenance of land, buildings, or equipment).

The new Council Adopted Brampton Plan designates the property as 'Employment'. This designation allows for a wide range of industrial uses, located in areas where they are unlikely to cause negative impacts on adjacent lands. Employment areas cover areas where a large number of people who live in Brampton, or commute from the surrounding region, work. The goal of these areas is to create

productive and desirable places to attract and retain investment. Employment areas will prioritize the accommodation of employment opportunities.

Variances are requested to permit reductions to street line setbacks along Torbram Road, landscape buffer widths along Torbram Road and North Park Drive. The variances are based on the conceptual design depicting a warehouse-style development consisting of two buildings, with loading facilities situated at the rear facing east and vehicle parking located along Torbram Road. This concept presents a possible development scenario that could be explored after the removal of the current berm and setback requirements.

Within the context of the Official Plan, Secondary Plan, and Brampton Plan Policies, Industrial uses are recognized as permitted. The proposed variances will enable the ongoing utilization of these lands for industrial purposes, adjacent to existing infrastructure and services capable of accommodating such activities in a designated industrial area. Staff are of the opinion that the proposed development maintains sufficient landscaping where necessary to buffer nearby residential units from the effects of noise and appearance that the existing industrial site may trigger given the location of the proposed and conceptual buildings. The requested variances are therefore considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The subject property is split zoned 'Industrial 2 Special Section 305 (M2-305)', 'Industrial 2 Schedule C Section 305 (M2-305)', 'Industrial 4 Section 307 (M4-307)', 'Floodplain (F)' according to By-Law 270-2004, as amended. The portion of the property that is the subject to this application is zoned (M2-305) and the site-specific development standards relate mainly to setback requirements to provide buffer and mitigation measures from surrounding areas and the existing manufacturing plant on the subject site.

As previously noted, the variances are requested to reduce setbacks and buffer widths along Torbram Road and North Park Drive, based on a warehouse-style development design with loading facilities at the rear and employee parking at the front of the building along Torbram Road. Details surrounding this proposed development will be explored at a later stage in the process should the Committee approve the variances facilitating the removal of the current berm and reductions to the setback requirements.

Variance 1 is requested to permit a 9.0 metre street line setback from Torbram Road, whereas the by-law requires a minimum setback of 255 metres from Torbram Road. The general intent of the By-law in requiring a minimum street line setback to an industrial area is to ensure that the site operations do not negatively impact adjacent properties. In this case, the site-specific zoning provisions were implemented to ensure that there would be significant separation between the assembly plant and associated car storage to mitigate noise and air quality impacts to the residential uses to the west from the existing.

The requested variance relates to the portion of land separating the proposed parking area and the property line located along Torbram Road. This reduction is the result of the conceptual design of the two warehouses which is intended to front on and parallel to Torbram Road. Although the variance represents a 216 metres (708.661 ft.) reduction from what the By-law requires, the proposed 9.0 m

setback fronting Torbram Road would permit sufficient space for double-row of planting for trees. The remaining space will be capable of accommodating vegetation, creating a visual screen for any future buildings.

Variance 2 is requested to permit a landscape buffer having a minimum width of 9.0 metres of continuous, uninterrupted planting strip along Torbram Road, whereas the By-law requires a landscape buffer having a minimum width of 75 metres along Torbram Road as a continuous, uninterrupted bermed strip with a continuous uniformed height of not less than 3.0 metres. The intent of the by-law is to ensure a substantial and visually significant landscape buffer along Torbram Road. The provision specifies a minimum width of 75 meters, which must include a bermed strip with a continuous height of at least 3.0 meters. This requirement aims to create a barrier or transition zone between the road and adjacent properties or developments. It serves various purposes such as noise reduction, visual screening, enhancing aesthetic appeal, and providing separation between the existing manufacturing plant and residential neighbourhood.

Variance 3 is requested to permit a landscape buffer having a minimum width of 60 metres along North Park Drive for a minimum distance of not more or less than 145 metres east of Torbram Road, whereas the By-law requires a landscape buffer having a minimum width of 60.0 metres along the North Park Drive for a minimum distance of not less than 150.0 metres, and not more than 240.0 metres east of Torbram Road, and 15.0 metres for the remaining distance. The intent of the by-law is to ensure a substantial and visually significant landscape buffer along North Park Drive with varying widths based on specific distances from Torbram Road. It serves various purposes such as noise reduction, visual screening, enhancing aesthetic appeal, and providing separation between the existing manufacturing plant and the residential neighbourhood.

The effect of the variances will remove portions of and alter the length of the existing berm fronting Torbram Road and along North Park Drive. To maintain the intent of the Zoning By-law and the functional aspects of the associated bermed landscaped buffer, the applicant proposes that the future buildings will serve the same purpose as the berm. The mitigation measures currently in place with the berm and landscaping will largely be replicated by any future development of the Severed parcel by limiting noise and visual impacts of the heavier industrial uses within the manufacturing plant. Staff are of the opinion that the proposed reductions are not anticipated to negatively impact the visual appearance of the property given that a landscape buffer will continue to be provided in a manner similar to the standards applicable to other industrial buildings located on the east side of Torbram, south of Williams Parkway. Combined with a future development, the proposed landscape buffers will remain a sufficient size to mitigate the impact of the existing manufacturing plant. In order to support this claim, the applicant has prepared a Noise and Air Quality Memorandum which argues that the manufacturing plant's sound levels to the west of Torbram Road will likely be reduced as the warehouse buildings will provide some shielding. Furthermore, any future development of the lands will require the submission of additional technical studies representative of the actual uses of the warehouses.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to facilitate the development of future industrial buildings on the severed lands by reducing and eliminating certain provisions of the by-law requiring the existing berm and landscaping. A preliminary conceptual site plan was developed to illustrate the feasibility of development. Further details regarding this proposed development will be considered in a later stage of the process, contingent upon the Committee's approval of the variances that would allow for the relaxation of the Zoning By-law requirements for the berm and landscaped area.

The zoning requirements that are being requested to be modified were put in place to provide a buffer between sensitive land uses by way of a berm and landscaped open space. Should buildings be constructed in place of the berm, the buildings will effectively have similar results of screening and mitigating negative impacts from the heavy industrial uses of the manufacturing plant onto adjacent residential properties. In order to ensure that the existing berm is not prematurely altered in a manner that removes its mitigating effects, a condition of approval is recommended that the existing berm on the severed lands remain and shall not be removed until a Site Plan application is approved or an associated Substantially Complete Memorandum is issued for the redevelopment of the lands for new buildings to the satisfaction of the Director of Development Services. Through a future Site Plan approval application, the applicant will be required to submit additional detailed studies related to the proposed noise and air quality conditions.

Furthermore, the Site Plan approval application process will review and assess how the new landscaping and vegetation will be implemented in a manner that provides visual screening along Torbram Road. At that stage, the applicant will be responsible for providing compensation for the removal of vegetative features on the property.

In consultation with the City's Environmental Engineering staff, a condition of approval is recommended that any use of the severed lands be limited to those that comply with the D-Series guidelines for land use compatibility including minimum separation distance requirements. The D Series Guidelines aims to safeguard designated employment areas and major facilities from incompatible uses and encroachment, while also preventing potential impacts on sensitive land uses and avoiding adverse effects on major facilities or expanding sensitive land uses. The effect of the condition will ensure that any future industrial use on the subject property is reviewed in accordance with the provincial guidelines given the proximity of the site to the residential neighbourhood west of Torbram Road.

Through the review of the subject Consent and Minor Variance applications, City Traffic Planning staff highlight that heavy vehicle restrictions are in effect on Torbram Road, Williams Parkway west of Torbram Road, and North Park Drive west of Torbram Road. While a final development concept for the proposed industrial warehouse buildings has not yet been prepared, conditions of approval are recommended that access to Williams Parkway and North Park Drive from the severed lands may be restricted to either right-in only, right-out only or right-in/right-out only and shall be determined through the site plan approval process. Additionally, a condition of approval is recommended that no truck access from the severed lands shall be permitted on Torbram Road. These conditions will ensure that functionality and vehicular movement on and off site are conducted in a satisfactory manner.

Heritage staff noted that the subject lands are within 300 meters of known archaeological sites, present/past water sources or a known cultural heritage resource, most notably the Harrison United Church Cemetery. As such the subject lands are considered to exhibit high archaeological potential. A condition of approval is recommended that the owner provide a Stage 1 Archaeological Assessment(s)

for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Citizenship and Multiculturalism. No grading, filling, or any form of soil disturbances shall take place on the subject property prior to the acceptance of the Archaeological Assessment(s) by the City and the Ministry of Citizenship and Multiculturalism indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

With conditions to address the above comments, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 contemplates a reduction in the minimum street line setback from Torbram Road. Variances 2 and 3 contemplate reduced landscaping strips along Torbram Road and North Park Drive to facilitate the development of two warehouse buildings on the severed lands. While the variances may seem significant in numbers, the new buildings will effectively achieve similar results as the existing berm in mitigating negative impacts from the manufacturing plant's heavy industrial activities on nearby residential properties. The buildings will provide shielding and screening from the manufacturing plant while replacing the berm ensuring that impacts are mitigated for the residential properties to the west of Torbram Road.

The variances will support the creation of future industrial buildings and mitigate potential negative impacts through conditions such as maintaining the existing berm until a Site Plan is approved and complying with D-Series guidelines for land use compatibility. The conceptual proposed development, though in its early stages, conforms to both the Official Plan and Secondary Plan designations and aligns with the permissible uses outlined in the Industrial zoning for the property. Subject to the recommended conditions of approval, the requested variances are minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

SCHEDULE "A"**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24)**
OF THE PLANNING ACT

CRITERIA TO BE CONSIDERED	ANALYSIS
<i>a) The effect of development of the proposed subdivision on matters of provincial interest:</i>	The proposed severance has no effect on matters of provincial interest.
<i>b) Whether the proposal is premature or in the public interest</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
<i>c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
<i>d) The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed severance is suitable for the industrial purposes for which it is to be subdivided.
<i>e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance does not present any concern with regard to the adequacy of the roadwork network. Conditions of approval are recommended within the associated Minor Variance application (A-2024-0136) ensuring matters related to site access are addressed at the Site Plan approval stage.
<i>f) The dimensions and shapes of the proposed lots;</i>	The proposed lots are appropriate in size and shape for their purpose. Minor Variance application A-2024-0136 is requested to permit reductions to landscape buffers and setbacks. The size and shapes of both the severed and retained lots are consistent with the Zoning By-law and industrial character of the area.

<i>g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	The proposed severance presents no concerns with regard to restrictions on the lands included in the lands to be subdivided.
<i>h) The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.
<i>i) The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services. A condition is provided that Separate water and sanitary services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services.
<i>j) The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites
<i>k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes. Conditions of approval have been included to ensure that arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.
<i>l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance has no impact on matters of energy conservation.
<i>m) The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	The proposed Industrial buildings on the severed lot will be subject to the Site Plan Control review and approval process. A condition of approval is recommended that a site plan application be approved, and the works included on it are implemented, for the reconfiguration of the parking area to remove it from the severed lands, to the satisfaction of the Director of Development Services.

Appendix A- Site Visit Photos

