

Filing Date: May 17, 2024

Hearing Date: June 18, 2024

File: B-2024-0011

**Owner/
Applicant:** **GREYCAN 9 PROPERTIES INC./ WESTON CONSULTING**

Address: **8470 and 8480 Highway 50**

Ward: WARD 8

Contact: Rajvi Patel, Planner I

Proposal:

The purpose of this application is to request the consent of the Committee of Adjustment of an easement having a width of approximately 24.3 m (79.75 ft), a depth of approximately 106.5m (349.41 ft.), and an area of 952 sq. m (0.24 acres). The effect of the application is to create a vehicular access easement over 8470 and 8480 Highway 50 in favour of 8386 and 8412 Highway 50.

Recommendations:

That application B-2024-0011 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. As a condition of severance, the Owner shall provide confirmation that an access easement between the lands municipally known as 8470 Highway 50 (PIN: 140212273) & 8480 Highway 50 (PIN: 140212275) and the neighbouring properties to the south municipally 8386 Highway 50 (PIN: 140210449 & PIN: 140210446) & 8412 Highway 50 (PIN: 140211515) is registered on title in perpetuity. The mutual access easement will be to the satisfaction of the City's Corporate Services and Public Works & Engineering Department. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings by anyone arising or which may arise as a result of such access arrangements. In this regard, the Owner shall submit to the Traffic Planning group for approval and copy the Legal Services Division:
 - a. A draft reference plan.

- b. A draft reference plan overlaid onto the proposed site plan, showing only the subject site, depicting a separate part(s) where the reserve is to be conveyed.
 - c. A memorandum to the City's Traffic Planning group setting out the part(s) on the draft reference plan that are to be conveyed and copied to the Legal Services Division.
 - d. Upon approval of the Draft Reference Plan by the City's Traffic Planning group, arrange for the Surveyor to have the Draft Reference Plan deposited at the Land Registry Office of Peel.
 - e. Deposited copies are to be provided to the Traffic Planning group and the Legal Services Division.
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Background:

The consent application is related to an ongoing Site Plan Approval application (SPA-2022-0138) that is currently under review. The Site Plan application is submitted to facilitate the future development of a one-storey industrial warehouse building with a total gross floor area of 36,159 sq. m at the lands municipally addressed as 8386 and 8412 Highway 50. This application is submitted to facilitate the related development and create an access easement.

- **Official Plan:** The subject property is designated 'Business Corridor' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Office Node, Mixed Commercial/ Industrial, Special Policy Area 12' in the Bram East Secondary Plan (Area 41); and
- **Zoning By-law:** The subject property is zoned 'Service Commercial, Special Section 2094 (SC-2094)' and 'Industrial Four, Special Section 3709 (M4(H)-3709) according to By-Law 270-2004, as amended.

Current Situation:

The consent application is to create an easement for shared vehicular access purposes over 8470 and 8480 Highway 50 in favour of 8386 and 8412 Highway 50. Staff has 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.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

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

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed access easement has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed access easement is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed access easement does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed access easement is suitable for the purposes for which it is to be subdivided.
e) <i>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>	<p>The proposed access easement does not present any concern with regard to the adequacy of the roadwork network.</p> <p>Vehicular access configurations to the severed and retained parcels will be reviewed and approved through the site plan application review process.</p>
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed. All minimum Zoning By-law requirements are maintained.
g) <i>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>	No concerns are noted with regard to restrictions on the lands.
h) <i>The conservation of natural resources and flood control;</i>	The proposed access easement 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.

j) <i>The adequacy of school sites;</i>	The proposed access easement presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	No conveyance of lands are required.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed access easement has no impact on matters of energy conservation.
m) <i>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>	<p>There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.</p> <p>The future development of the site is subject to an ongoing Site Plan Approval application (City File No. SPA-2022-0138).</p>