



Report Committee of Adjustment

Filing Date: May 16, 2024
Hearing Date: June 18, 2024

File: A-2024-0171

**Owner/
Applicant:** Pala Holdings Limited, Orlando Corporation
Wyatt Rehkopf, Development Manager (Orlando Corporation)

Address: 9445 Airport Road

Ward: 8

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0171 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That Variance 1 be increased and approved to permit a front yard setback of 24.196 metres (21.345) to overhang whereas the by-law permits a front yard setback of 25 metres;
 3. That Variance 6 be increased and approved to permit a landscape buffer along Airport Road of 13.14 metres whereas the by-law permits a 15 metres landscape buffer along Airport Road;
 4. That Variance 7 be increased and approved to permit a landscape buffer along Williams Parkway of 9.02 metres whereas the by-law permits a 15 metres landscape buffer along Williams Parkway;
 5. That the owner finalize site plan approval under City File SPA-2024-0003, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is proposing a new development on the site which is associated with City Files SPA-2023-0046 and SPA-2024-0003. The applicant has received initial submission comments from the City and has submitted this Minor Variance Application to address the zoning deficiencies for the proposed development.

The applicant submitted a revised Site Plan (Appendix A) to City Staff on June 5th which would revise variances 1, 5, and 6 to the following:

1. To permit a front yard setback of 24.196 metres (21.345) to overhang whereas the by-law permits 25 metres;

The aforementioned revised setback of 21.345 is a setback to the overhang is a 3.65m reduction to what the by-law permits. this reduction represents a 2.851m reduction to the original requested variances. Staff have no concerns in relation to the revised variance as it is a minor decrease to the previous proposal and will be further reviewed as part of the Site Plan Application.

5. To permit a landscape buffer along Airport Road of 13.14 metres whereas 15 metres is required; and

The aforementioned revised landscape buffer along Airport is a 2.14m reduction to the landscape buffer from what the by-law permits. The reduction represents a 1.63m reduction to the original requested variance. Planning staff have no concerns in relation to the revised variance as it is a minor decrease to the previous proposal and a Landscape Plan will be submitted and reviewed in support of the Site Plan Application.

6. To permit a landscaped buffer along Williams Parkway of 9.02 metres whereas 15 metres is required.

The aforementioned revised landscape buffer along Airport is a 5.98m reduction to the landscape buffer from what the by-law permits. The reduction represents a 0.45m reduction to the original requested variance. Planning staff have no concerns in relation to the revised variance as it is a minor decrease to the previous proposal and a Landscape Plan will be submitted and reviewed in support of the Site Plan Application

As the revised site plan was provided after the circulation of the public notices, this change would require re-notification under the Planning Act. It is at Committee's discretion to provide a decision if the revised variances be considered as part of the existing application, or if the application is determined to be deferred to the next available hearing date.

Existing Zoning:

The property is zoned 'Industrial Four – Special Section 1512 (M4-1512)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 24.29 metres, whereas the by-law permits 25 metres;
 - Note: The applicant has provided staff with a revised site plan drawing (Appendix A) depicting a revised front yard setback. Zoning staff have reviewed the revised drawing and have advised the above variance will need to be revised to the following: *To permit a front yard setback of 24.196 metres (21.345) to overhang whereas the by-law permits 25 metres;*
2. To permit a minimum side yard setback of 25.46 metres, whereas the by-law permits a side yard setback of 30 metres;
3. To permit a rear yard setback of 11.82 metres, whereas 20 metres is required;
4. To permit outdoor storage (truck parking) on the east side of the site, whereas outdoor storage is not permitted;
5. To permit 350 parking spaces, whereas 883 spaces are required;
6. To permit a landscape buffer along Airport Road of 14.77 metres, whereas 15 metres is required; and
 - Note: The applicant has provided staff with a revised site plan drawing (Appendix A) depicting a revised landscape buffer along Airport Road. Zoning staff have reviewed the revised drawing and have advised the above variance will need to be revised to the following: *To permit a landscape buffer along Airport Road of 13.14 metres whereas the by-law permits a landscape buffer of 15 metres.*
7. To permit a landscaped buffer along Williams Parkway of 9.47 metres, whereas 15 metres is required.
 - Note: The applicant has provided staff with a revised site plan drawing (Appendix A) depicting a revised landscape buffer along Williams Parkway. Zoning staff have reviewed the revised drawing and have advised the above variance will need to be revised to the following: *To permit a landscape buffer along Williams Parkway of 9.02 metres whereas 15 metres is required.*

Current Situation:

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.

The intent of the 'Industrial' designation is to provide for the development of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. Corporate head offices and high-performance industrial uses such as research and development facilities. Furthermore section 4.4.2.1 provides that within the Industrial designation, areas intended for open storage and truck trailer parking shall be identified in the relevant Secondary Plan.

The 'General Employment 1' designation permits outdoor storage areas, only as accessory to an industrial use, and which shall be screened from public view (Section 1.1.1a.v). A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2024-0003, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services prior to the establishment of the use to ensure that the outdoor storage contemplated by Variance 4 is screened from view. Subject to the recommended conditions of approval, Variance 4 is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies.

Additionally, the subject lands are recognized to be located within a Provincially Significant Employment Zone (PSEZ). PSEZ's are identified by the Province for the purposes of long-term planning for job creation and economic development. As per the Council approved City of Brampton Official Plan, the subject lands are designated 'Employment Areas' (Schedule 1A) and 'Employment' (Schedule 2) in the City of Brampton Official Plan. The general intent of Employment Areas is to provide for a diverse range of high-quality jobs and services to foster innovation.

Variances 1, 2,3,5,6 and 7 are not considered to have significant impacts within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

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

The property is zoned 'Industrial Four – Special Section 1512 (M4-1512)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a front yard setback of 24.196 metres (21.345) to overhang whereas the by-law permits 25 metres; Variance 2 is requested to permit a minimum side yard setback of 25.46 metres, whereas the by-law permits a side yard setback of 30 metres; and Variance 3 is requested to permit a rear yard setback of 11.82 metres, whereas 20 metres is required. The intent of the by-law in regulating setbacks is to ensure that appropriate site circulation, availability of amenity space, privacy, visual impact, and sufficient building separation is maintained between lot lines. These specific development standards were determined in 2005 as part of By-law 225-2005 when the lands were zoned for the previous development.

The proposal consists of one stand-alone industrial building which contemplates a 0.80 reduction to the required front yard setback, a 5.46m reduction to the minimum interior side yard setback, and a 8.18m reduction to the rear yard setback. The requested variances are required to mitigate potential vehicle circulation and parking impacts on the bounding roads. Furthermore, as Airport Road is a Regional Road, and Williams Parkway is a City Road, the applicant was required to provide a gratuitous dedication along the right-of-way through the associated Site Plan review. The requested variances are not anticipated to negatively impact the mixed-use industrial and commercial characteristic of the area. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered to maintain the general intent and purpose of the zoning by-law.

Variance 4 is requested to permit outdoor storage (truck parking) on the east side of the site, whereas outdoor storage is not permitted. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property.

The parent 'Industrial Four (M4)' Zone permits a parking lot and accessory uses associated with the permitted uses listed in Section 34.1 of the Zoning By-law. The proposed variance to permit the warehouse use is not expected to negatively impact the use of the lands as the parent M1A zone permits warehouse use. Additionally, the outdoor storage of trucks and trailers will be accessory to the warehousing use. The outdoor storage of trucks and trailers will be located at the rear of the property and the east side of the property, effectively screening it from view, minimizing aesthetic impacts on the property and streetscape. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit 350 parking spaces, whereas 883 parking spaces are required. The intent of the by-law in regulating the minimum parking requirements for industrial properties is ensure that sufficient parking is provided for all of the industrial/commercial units on the site.

In regards to this application, the parking calculation is generated by the site specific section 1512. The proposed development supplies 350 spaces which generates parking supply deficit of 530 spaces. The applicant has provided a Transportation Impact Study which was prepared by C.F. Crozier & Associates Inc dated April 2024 which supports the parking shortfall. City staff reviewed the parking study and found it to be satisfactory. The study analyzed other proxy sites in the Greater Toronto Area and determined that the proposed development provides a surplus of 180 parking spaces. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 6 is requested to permit a landscape buffer along Airport Road of 13.14 metres whereas the by-law permits a landscape buffer of 15 metres. Variance 7 is requested to permit a landscape buffer along Williams Parkway of 9.02 metres whereas 15 metres is required. The intent in requiring a minimum landscape buffer along property lines, except at approved access locations, is to aid in creating a positive visual impact for the property with planting of vegetation, and avoiding creating a sea of concrete.

The proposal contemplates reductions of 1.86m along Airport Rad and 5.98m along Williams Parkway. Given the context of the proposed development, the reduced landscape widths apply to a limited locations. Landscape plans have been submitted in support of the related Site Plan Application ensuring that adequate landscaping is provided on the lands to contribute to an aesthetically pleasing streetscape. Subject to the recommended conditions, variances 6 and 7 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 a proposed industrial building on the subject lands. The building setbacks, outside storage (truck parking), parking reduction, and landscape buffer variances are not anticipated to jeopardize the intent, character or functionality of the site or surrounding area. Should the variances be approved, the development will be subject to further detailed and technical review through the associated Site Plan approval, and a condition of approval is recommended that the that the owner finalize Site Plan Approval under City File: SPA-2024-0003 and post any required financial securities and insurance to the satisfaction of the Director of Development

Services.

4. Minor in Nature

The variances are requested to allow the orderly development of the lands for an industrial building. The proposed variances are not anticipated to negatively impact the daily function and operation of the subject property or adjacent properties. The variances are not anticipated to generate significant adverse impacts on-site or off-site or limit the functionality of the site. Through the review of the Traffic Impact Study submitted by C.F. Crozier & Associates, City Traffic Staff find that sufficient parking will be provided for both staff and visitors for the industrial development. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner