



## Report Committee of Adjustment

**Filing Date:** September 20, 2024

**Hearing Date:** January 28, 2025

**File:** A-2024-0375

**Owner/  
Applicant:** **Pepsico ULC  
Maria Okulich CIMA**

**Address:** **12 Clipper Court**

**Ward:** Ward 3

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0375 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 the owner pay any outstanding TRCA fees as noted in their letter dated January 17, 2025;
  3. That the applicant provide confirmation that the landowner has entered into an agreement with MTO and that the associated permit fees have been paid; and
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Industrial Special Section 2681 (M1 – 2681)', according to By-law 270-2004, as amended.

### Requested Variance:

The applicant is requesting the following variance:

1. To provide a landscaped open space abutting Highway Number 410 a width of 7.55 metres, whereas landscaped open space shall be provided and maintained abutting Highway Number 410 with a minimum width of 12 metres.

### **Current Situation:**

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Mixed Use' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Industrial' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). The requested variance is not considered to have significant impacts within the context of the Official Plan policies 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 variance is requested to provide a landscaped open space abutting Highway Number 410 a width of 7.55 metres, whereas landscaped open space shall be provided and maintained abutting Highway Number 410 with a minimum width of 12 metres. The requested variance is to allow the implementation of EV charging stations to be located within the landscaped open space abutting Highway number 410. The intent of this By-law is to ensure the adequate landscaped open space is maintained to ensure a functional buffer between the highway and adjacent properties. This buffer serves multiple purposes, including enhancing the aesthetic quality of the area, reducing noise and air pollution from the highway, and providing a natural transition between the roadway and developed properties. Works and development occurring within the buffer area require permits from the MTO.

Staff are satisfied with the proposed site conditions and location of the EV charging stations despite the reduced setback. The purpose of the Zoning By-law is maintained, which is further supported with the anticipated agreement between MTO and the applicant. The applicant will be required to provide confirmation that the landowner has entered into an agreement with MTO, and the associated permit fees have been paid as part of the Site Plan Application process. Subject to the conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Despite the requested reduction in the required landscaped open space abutting Highway 410, Staff are satisfied that with the current proposal and anticipate the applicant will be entering into an agreement supported by MTO. Conditions of approval have also been included noting that the applicant shall provide confirmation of the signed agreement between the two parties, and payment relating to the associated permit fees has been paid prior to site plan approval being granted. Subject to the recommended conditions of approval, the variance is appropriate for the development of the land.

### 4. Minor in Nature

The requested variance relating to the reduction of landscaped open space abutting Highway Number 410 is of the opinion of Staff minor in nature. Staff have reviewed preliminary correspondence stipulating an anticipated agreement to be signed between the applicant and MTO approving the reduction of the required landscaping. With the confirmation of an anticipated agreement, Staff are of the opinion with support from the Ministry of Transportation (MTO) that the application is minor in nature.

Respectfully Submitted,

Emily Mailling, Planning Technician

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### Site Visit Photos

