

Filing Date: October 11, 2024

Hearing Date: March 25, 2025

File: B-2024-0017

**Owner/
Applicant:** 2689336 Ontario Inc
KING CONSULTANTS LNC. C/O GURSEWAK SINGH

Address: 10 Cadetta Road and 10514 Coleraine Drive

Ward: WARD 10

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Proposal:

The purpose of the application to create a mutual access easement over 10 Cadetta Road in favour of 10514 Coleraine Drive.

Recommendations:

That application B-2024-0017 be refused.

Background:

- **Official Plan:** The subject property is designated 'Industrial', 'Open Space' and 'Residential' in the Official Plan;
- **Council Adopted Brampton Plan (2023):** the subject property is designated as 'Employment Areas' on Schedule 1A – City Structure and 'Employment' Schedule 2 – Designations
- **Secondary Plan:** The subject property is designated 'Employment (Logistic / Warehouse / Transportation)', Valleyland, Residential and Special Policy Area 6 within in the Highway 427 Secondary Plan (Area 47-1); and
- **Zoning By-law:** The subject property is zoned 'Agricultural' according to By-Law 270-2004, as amended.

Current Situation:

Revised consent application B-2024-0017 proposes a mutual access easement over 10 Cadetta Road in favor of 10514 Coleraine Drive. According to the applicant's revised cover letter and justification, the easement is intended to prevent the future landlocking of 10541 Coleraine Drive due to the construction

of Regional Road A2, the realignment of Coleraine Drive, and the City's efforts to realign Rainbow Creek.

Staff note that the initial application submitted to the City sought the Committee's consent to sever 10541 Coleraine Drive, with the intent of merging the severed parcel with the adjacent property at 12 Cadetta Road. This proposed severance and lot addition would support the development of future Regional Road A2, the realignment of Coleraine Drive, and the collaborative efforts of the City and TRCA to realign Rainbow Creek.

Upon reviewing the initial submission materials, staff identified the need for additional information regarding the proposed future development before providing a recommendation to the Committee of Adjustment. The initial lot addition proposal raised concerns for the City's Legal staff, as the submitted application indicated that the severed parcel may not merge with 12 Cadetta Road as intended. This is because 12 Cadetta Road is a whole lot (Lot 5) on a registered plan of subdivision (M343), which may prevent automatic title consolidation.

The City's Environmental Planning and Environmental Engineering departments reviewed the initial application and concluded that the proposed severance and lot addition would be premature. They advised that it does not align with the Master Environmental Servicing Plan (MESP) for the Rainbow Creek redevelopment. These preliminary comments were shared with the applicant on November 6, 2024, at which time the applicant informed staff that an alternative proposal was being considered. During the preparation of the staff report for the November 2024 Committee of Adjustment meeting, the applicant provided a revised severance sketch, proposing a Mutual Access Easement from 12 Cadetta Road in favor of 10514 Coleraine Drive.

Following the CoA meeting, the applicant engaged in further discussions with surrounding landowners on Cadetta Road and subsequently provided staff with a revised proposal. The updated proposal contemplates a mutual access easement over 10 Cadetta Road in favor of 10514 Coleraine Drive. The effect of this easement is to facilitate vehicular access to 10514 Coleraine Drive through 10 Cadetta Road. Planning staff are also aware of ongoing enforcement actions related to property standards, Zoning By-law violations, and Site Plan Control By-law 86-96. The existing on-site conditions are not in compliance with the Zoning By-law and the overarching policy objectives for the area.

City Planning staff have reviewed the proposed mutual access easement in consultation with various internal and external agencies and have identified concerns with the submitted application. Based on a review of the subject lands and the surrounding planning context, the lands play a critical role in the development of Regional Road A2, the East-West Arterial Road, and the realignment of Rainbow Creek. Additionally, Planning staff are aware of ongoing enforcement action related to the unauthorized Truck and Trailer use currently operating on-site, which is not a permitted use. Planning staff are also aware of ongoing enforcement actions related to property standards, Zoning By-law violations, and contravention of Site Plan Control By-law 86-96.

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 requesting a mutual access easement over 10 Cadetta in favour

of 10514 Coleraine Drive is not considered to represent proper and orderly planning and is unable to be supported from a land use perspective.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

SCHEDULE "A"

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

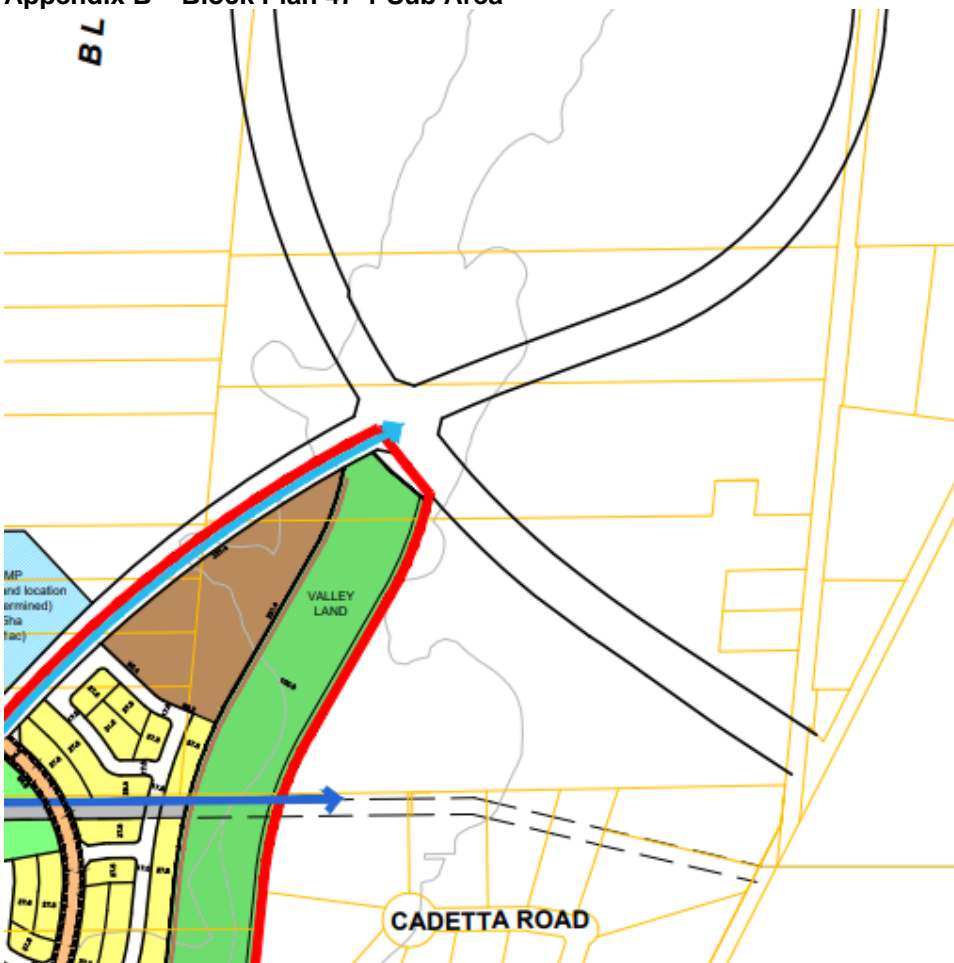
CRITERIA TO BE CONSIDERED	ANALYSIS
<p>a) <i>The effect of development of the proposed subdivision on matters of provincial interest:</i></p>	<p>The proposed easement has implications for matters of provincial interest.</p> <p>The subject property is currently being used for the outdoor storage of trucks, trailers, and chassis, as well as for truck and trailer repair operations. These existing uses are not permitted under the City's By-laws and are therefore in contravention of municipal regulations.</p> <p>Planning staff are also aware of ongoing enforcement actions related to property standards, Zoning By-law violations, and Site Plan Control By-law 86-96.</p>
<p>b) <i>Whether the proposal is premature or in the public interest;</i></p>	<p>The proposed mutual access easement is premature and inconsistent with the public interest. As previously noted, staff are aware that the site is currently operating as a Truck and Trailer facility in contravention of the Zoning By-law. A review of the submitted plans and the applicant's justification has raised concerns regarding the appropriateness of the proposed easement. Staff have determined that a Zoning By-law Amendment application and a Site Plan application are required to properly assess the dimensions and feasibility of the proposed mutual access easement.</p> <p>Additionally, the City's Environmental Planning staff have advised that the application is premature, as it presents challenges to the implementation of the realignment and enhancement of Rainbow Creek. These concerns are outlined in the Addendum Report by Savanta (May 2019) to the Master Environmental Servicing Plan (MESP): Highway 427 Industrial Secondary Plan Area (Area 47) by Aquafor Beech</p>

	<p>Ltd. (May 2016), as well as the associated Design Brief: Rainbow Creek Realignment Enhancement Segment 1 by Candevcon Limited (January 2023). The applicant must demonstrate that the proposed mutual access easement and its future use will not negatively impact the realignment and enhancement of Rainbow Creek, as outlined in these approved documents.</p>
<p>c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i></p>	<p>The proposed mutual access easement raises concerns regarding conformity with the Official Plan and adjacent plans of subdivision.</p> <p>The subject lands are designated as 'Industrial', 'Open Space' and 'Residential' in the Official Plan (2006) and Employment Areas' on Schedule 1A – City Structure and 'Employment' Schedule 2 – Designations in Brampton Plan 2023. The 'Industrial' designation permits a range of industrial, manufacturing, distribution, warehousing, and limited office uses. The property is designated 'Logistics/Warehouse/Transportation', 'Office Node', 'Special Policy Area 6', 'Medium Density Residential', 'Valleyland' 'Storm Water Management Pond' and intended to have a Major Collector Road intersect the parcel as shown on Schedule SP47(a) - Highway 427 Industrial Secondary Plan. The existing use is not permitted under the 'Office Node' designation.</p> <p>The proposal is anticipated to facilitate the on-going use of a non-compliant Truck and Trailer operation which is not consistent with the policies of the Highway 427 Industrial Secondary Plan.</p> <p>Furthermore, staff have concerns that the proposed mutual access easement can generate increased volumes of traffic on to Cadetta Road, which is located on a registered plan of subdivision (M343). Further studies (Traffic Impact Study) would be required to determine if the mutual access easement is supportable and appropriate.</p>
<p>d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i></p>	<p>The proposed easement is intended to facilitate mutual access between 10 Cadetta Road and 10514 Coleraine Drive. However, staff have concerns</p>

	regarding its appropriateness, as 10514 Coleraine Drive is currently zoned <i>Agricultural</i> but operating in a manner that does not comply with Zoning, making the request for a mutual access easement potentially inconsistent with the zoning regulations for the subject lands.
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>	Staff have concerns that the development of the lands is not consistent with the larger future road network including A2 Regional Road, and the East-West road identified in the Block Plan 47-1 sub area. The easement may facilitate and enable the existing illegal use occurring on the subject lands.
f) <i>The dimensions and shapes of the proposed lots;</i>	There are no new lots proposed as part of the Consent application.
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>	There are restrictions on the subject lands being contemplated for the mutual access easement as they are designated 'Valleyland/ Watercourse Corridor' where development is generally prohibited, unless it has been demonstrated that there will be no negative impact on the significant natural features and their ecological functions.
h) <i>The conservation of natural resources and flood control;</i>	As provided in the TRCA's comment letter, 10 Cadetta Rd and 10514 Coleraine Drive are located within regulatory floodplain. Through aerial imagery, it appears the landowner has undertaken works to the property on 10514 Coleraine Drive within proximity to the Rainbow Creek (Appendix C), as such staff have concern that the proposed mutual access easement may facilitate or expand the unauthorized works within the floodplain.
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 present 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>	A Consent application may be used to facilitate the gratuitous conveyance of lands to the City and Region as required through conditions. However, additional information is required to determine the extent of the lands to be conveyed.
l) <i>The extent to which the plan's design optimizes the available supply, means</i>	The proposed easement has no impact on matters of energy conservation.

<p><i>of supplying, efficient use and conservation of energy</i></p>	
<p>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>	<p>The applicant/owner have not undertaken a Site Plan Application or provided sufficient studies to determine if design of the proposed mutual access easement is suitable for the subject lands.</p>

Appendix B – Block Plan 47-1 Sub Area



Appendix C – Aerial Imagery of Site Conditions (2019-2024)



Spring 2019



Fall 2020



Fall 2021



Spring 2022



Fall 2022



Spring 2023

*Fall 2023**Spring 2024***Appendix D – TRCA Regulated Areas**