

Filing Date: April 14, 2021

Hearing Date: May 11, 2021

File: A-2021-0089

**Owner/
Applicant:** PANGREEN LIMITED PARTNERSHIP, 9404635 CANADA INC., HIGHWAY 50 &
7 EQUITIES INC., GREYCAN 7 PROPERTIES LIMITED PARTNERSHIP AND
GREYCAN 7 PROPERTIES GP INC.

Address: 4629 QUEEN STREET EAST

Ward: 8

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0089 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
 2. That the owner finalize site plan approval under City File SP19-045.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That the applicant submits \$520 remaining balance of the review fees to TRCA as outlined in their letter dated May 5, 2021;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The Minor Variance application is related to Site Plan Application (SP19-045.000) which is nearing completion. The application is to develop two (2) industrial warehousing buildings on the subject property. Three variances have been identified during the Site Plan review and are required in order to finalize the Site Plan approval.

Existing Zoning:

The property is zoned 'Service Commercial - Section 2094 (SC – 2094)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit a building height of less than 3 storeys for that portion of the building located within 80 metres of Regional Road 107 and Highway 50, whereas the By-law requires a minimum building height of 3 storeys for a building located within 80 metres of Regional Road 107 and Highway 50;
2. To permit outside storage of transportation trailers within 47 metres of Highway 50, whereas the By-law requires a minimum setback of 200 metres from Highway 50 and Regional Road 107 for outside storage;
3. To permit a minimum 3.5 metres of landscaped open space along the lot line abutting Highway 50, except at approved access locations, whereas the By-law requires a minimum 6 metres of landscaped open space abutting Highway 50, except at approved access locations.

Current Situation:

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

The property is designated 'Business Corridor', 'Office', and 'Open Space' in the Official Plan. The subject property is located within the Bram East Secondary Plan (Area 41) and is both designated 'Office Node and Mixed Commercial/Industrial' and is subject to a Special Policy Area 12 (Office Node and Mixed Commercial/Industrial).

Policy 3.2.11 (d, ii.) of Special Policy Area 12 requires that *“a multiple storey building (minimum 3 storey building height) is to be located at the Regional Road 107 (Queen Street) and Regional Road 50 (Highway 50) corner of the site”*. The height of the proposed building is designed to appear three storeys and the façade is approximately 12.19 metres (40 ft.) in height. The design of the building's façade is considered to fulfil the intent of the Urban Design principles outlined in Special Policy Area 12 and maintains the general intent of the Official Plan.

Variance 2 is required to permit outside storage of transportation trailers within 47 metres of Highway 50, whereas the By-law requires a minimum setback of 200 metres from Highway 50 and Regional Road 107 for outside storage. Policy 3.2.11 (b) of Special Policy Area 12 states *“The land use permissions of both the Office Node and Mixed Commercial/Industrial designation shall apply to the entire lands of the Special Policy Area 12 subject to industrial uses requiring large outdoor storage areas, motor vehicle sales establishment, garden centres, automotive related uses, and stand alone*

retail uses with a gross floor area of less than 930 square metres not being prominently visible from Regional Road 107 (Queen Street)”. The proposed location of the outdoor storage and staging area for trailers is situated between the two industrial buildings and will not be visible from Regional Road 107. Variance 2 conforms to the Secondary Plan and the policies outlined as part of Special Policy Area 12.

The requested variances are not considered to have significant implications within the context of the Official Plan.

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

Variance 1 is requested to permit a building height of less than 3 storeys for that portion of the building located within 80 metres of Regional Road 107 and Highway 50, whereas the By-law requires a minimum building height of 3 storeys for a building located within 80 metres of Regional Road 107 and Highway 50. The measured height of the proposed building is 2 storeys however, the façade is approximately 12.19 metres (40 ft.) in height and is designed to appear three storeys. Given the industrial nature of the use of the building, the majority of the future warehouse is one storey in height except for the office space situated in the northern portion of the building. Further, the applicant states that the building is designed to accommodate a third storey office and mezzanine addition should it be required in the future. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is required to permit outside storage of transportation trailers within 47 metres of Highway 50, whereas the By-law requires a minimum setback of 200 metres from Highway 50 and Regional Road 107 for outside storage. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. Outdoor storage is a permitted use on the property but the By-law requires it to be setback from Regional Road 107. The portion of the property that is to be used as outdoor storage is situated between the two proposed industrial warehousing buildings and will not be visible from Regional Road 107. The eastern portion of the outdoor storage will be visible from Highway 50. However, a 2.5 metres high fence with screening is proposed to surround the property, reducing visibility to the portion dedicated to outdoor storage. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 3 is required to permit a minimum 3.5 metres of landscaped open space along the lot line abutting Highway 50, except at approved access locations, whereas the By-law requires a minimum 6 metres of landscaped open space abutting Highway 50, except at approved access locations. The intent of the by-law in requiring a minimum open space landscape strip along property lines, except at approved access locations, is to aid in creating a positive visual impact for the property, and avoiding creating a sea of concrete. The variance represents a 2.5 metres decrease from what the By-law requires. Through the Site Plan review process, staff will explore opportunities to increase the size of the buffer width. Further, the applicant will be required to provide additional landscaping treatments and planting in places to the extent feasible. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The request to allow for a reduction in building height, the location of the outdoor storage, and the reduced landscaped open space will facilitate the development of two industrial warehousing buildings on the subject property which are currently subject of an ongoing Site Plan review. The proposed height of the building is effectively three storeys in its design and maintains the intent of the policy. The outdoor storage will be situated away from Regional Road 107 which will not diminish the aesthetic qualities of the property as seen from the road. While a reduction of the landscaped open space along the lot line abutting Highway 50 will result in a loss of open space, the Site Plan review ensures that landscaping treatments and planting will be provided on site. The requested variances are desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions, the request to allow a building height of less than 3 storeys, the proximity of outside storage of transportation trailers in relation to Highway 50 and Regional Road 107, and the reduced landscaped open space along the lot line abutting Highway 50, is not considered to create any adverse impact. The requested variances are minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I