

**Date:** 2021-05-28

**File:** OZS-2020-0031

**Subject: RECOMMENDATION REPORT**  
Application to Amend the Zoning By-law  
(To remove a Holding (H) provision to allow for the development of 250 dwelling units)  
**Nyx Capital Corp. – Nyx Henderson Ltd.**  
12 Henderson Avenue  
Ward: 3

**Contact:** Kelly Henderson, Development Planner, Development Services, 905-874-2619, [Kelly.Henderson@Brampton.ca](mailto:Kelly.Henderson@Brampton.ca); and David VanderBerg, Manager, Development Services, 905-874-2325, [David.VanderBerg@Brampton.ca](mailto:David.VanderBerg@Brampton.ca)

**Report Number:** Planning, Bld & Ec Dev-2021-611

### Recommendations:

1. **THAT** the report titled: **Recommendation Report**, Application to Amend the Zoning By-law, **Nyx Capital – Nyx Henderson Ltd.**, 12 Henderson Ave., Ward 3 (File: OZS-2020-0031 and Planning, Bld & Ec Dev-2021-611), dated May 28<sup>th</sup>, 2021, to the Council Meeting dated June 16<sup>th</sup>, 2021 be received; and,
2. **THAT** a By-law attached hereto as Appendix 3 be passed to amend the Comprehensive Zoning By-law 270-2004, as amended.

### Overview:

- This report forwards an amending Zoning By-law to Council to lift a “Holding” symbol to allow for the development of 250 dwelling units.
- Council passed a Zoning By-law Amendment (file: C01W05.044) on September 30<sup>th</sup>, 2020 to permit the development of the lands at 12 Henderson Avenue for a 13-storey residential building and 7 blocks of stacked back-to-back townhouses. The overall development

**contains 402 dwelling units. This application was approved with a Holding Symbol in order to ensure that traffic concerns were addressed prior to the full development being built. The approval permitted only 152 multi-residential dwelling units to be built until the Holding Symbol is lifted.**

- **The proposal is consistent with the “2019-2022 Term of Council Priorities” by supporting the “A City of Opportunities” theme. The proposal is consistent with the direction of revitalizing existing neighbourhoods, and building complete and sustainable communities to accommodate growth for people and jobs.**

### **Background:**

An application was submitted by Nyx Capital Corp. on behalf of Nyx Henderson Ltd. on November 13<sup>th</sup>, 2020 to remove the Holding Symbol to allow for residential development of the subject lands.

A Holding provision is a mechanism that can be included in a Zoning By-law to allow development to proceed in an area only when specific conditions, such as a completion of a study, have been met to the satisfaction of Council. The Holding provision is removed through an application to amend the Zoning By-law. After the Holding is removed, the lands can be developed for the full extent of the permissions included in the zoning for the property.

A Zoning By-law Amendment approved on September 30, 2020 (C01W05.044) re-zoned the lands to R4A (H) Section – 2997, which permitted multiple residential and apartment dwellings with the maximum number of dwelling units limited to 402. However, a Holding provision was included that limited the number of permitted units to 152 until it was lifted. The Holding Symbol was not to be removed until such a time as a traffic impact assessment was been approved to the satisfaction of the Commissioner of Planning, Building and Economic Development.

The applicant has submitted an updated Traffic Impact Study to the Planning, Building and Economic Development Department.

### **Current Situation:**

#### Proposal:

The applicant has applied to amend the Zoning By-law to lift a Holding provision to allow the lands to be developed for the following purposes, which were approved through the previous Zoning By-law Amendment:

- A 13-storey residential building (approximately 39 metres (128 feet) in height) containing 250 dwelling units;
- Seven stacked, back-to-back townhouse blocks with 152 dwelling units, all 4 storeys (approximately 13 metres in height (43 feet)) with the first level partially below grade;
- A density of approximately 131.8 units per hectare (53.3 units per acre);
- A central amenity space;
- A private stormwater management pond on the southwesterly portion of the site;
- A total of 468 vehicular parking spaces, and;
- Vehicular access from Haggert Avenue South and Sheard Avenue

With the removal of the Holding Symbol the full residential development will be permitted, which proposes:

- A total of 402 residential dwelling units (250 in apartment building, 152 townhouses)

#### Property Description and Surrounding Land Use (Refer to Appendix 2):

The lands have the following characteristics:

- is located at 12 Henderson Avenue;
- has a site area of approximately 3.1 hectares (7.68 acres);
- has a frontage of approximately 160 metres (525 feet) along Sheard Avenue and approximately 70 metres (230 feet) along Haggert Avenue;
- is currently vacant with the historical land use being a factory known as the Gummed Paper Factory;
- includes valleylands associated with Fletcher's Creek on the western part of the site.

The surrounding land uses are described as follows:

- North: Sheard Avenue beyond which is a mix of industrial, low density and supportive housing uses.
- South: The Orangeville Railway Development Corporation (ORDC) railway line, beyond which are high density residential uses.
- East: The ORDC railway line, beyond which are residential and commercial uses.
- West: Fletcher's Creek and associated valleylands.

#### Summary of Recommendations

This report recommends that Council lift the Holding Symbol to allow for the total development of 402 residential units on the subject property, whereas with the Holding Symbol in place only 152 dwelling units are permitted.

## Rationale for Lifting the Holding Provision

Stantec completed a Traffic Impact Study and Justification Memo on behalf of the applicant. It recommended road improvements be made to address the additional traffic from the proposed development. Specifically, it recommended the lengthening of the left turn storage lane at the intersection of Queen Street/McMurphy Avenue to address the impacts of the additional traffic. With this change, traffic in the area will be expected to operate within acceptable parameters.

The study and associated drawings were circulated to the Region of Peel and the City of Brampton's Traffic Services department for review, and both are satisfied with the study and its recommendations. The details of implementation will be addressed through the site plan process.

Therefore, since the Traffic Impact Study is approved and can be implemented through the site plan application process, staff recommends approval of this application to lift the Holding Symbol from the subject property. The removal of the "H" symbol from the existing zoning would allow the applicant to proceed with the full proposed residential development on the subject property.

## Community Engagement

Pursuant to the requirements in the Planning Act, no statutory public meeting is required in association with an application to remove a "Holding" symbol. Notice informing the public of Council's intent to lift the "Holding" symbol was provided in a newspaper advertisement in the Brampton Guardian.

## **Corporate Implications:**

### Financial Implications:

There are no financial implications directly associated with this report. Revenue collected through development application fees are accounted for in the approved operating budget.

### Other Implications:

There are no other corporate implications associated with the application.

## **Term of Council Priorities:**

The application is consistent with the "A City of Opportunities" theme. It supports the building of complete communities to accommodate growth for people and jobs. The proposal satisfies this by:

- efficiently using land and resources;

- directing development to an existing built up area that is within close proximity of existing community services, parks, and schools; and,
- providing opportunity for efficient growth within an existing community.

### Living the Mosaic – 2040 Vision

This report has been prepared in full consideration of the overall vision that the people of Brampton will 'Live the Mosaic'. This report aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres.

### **Conclusion:**

Staff is satisfied that the requirements for the lifting of the Holding provision have been met. Staff recommends that the by-law be adopted to lift the "Holding" (H) Symbol over the subject property.

Authored by:

Reviewed by:

---

Kelly Henderson, MCIP, RPP  
Development Planner, Development  
Services

---

Allan Parsons, MCIP, RPP  
Director, Development Services

Approved by:

Submitted by:

---

Richard Forward, MBA, M.Sc., P. Eng.  
Commissioner  
Planning and Development Services

---

David Barrick  
Chief Administrative Officer  
City of Brampton

### **Attachments:**

- Appendix 1: Concept Plan
- Appendix 2: Location Map
- Appendix 3: Draft Zoning By-law
- Appendix 4: Results of the Application Circulation