

Filing Date: August 31, 2020
Hearing Date: September 29, 2020
File: A-2020-0078 & B-2020-0016
**Owner/
Applicant:** 7724934 CANADA INC – Daniel Orellana
Address: 370 Main Street North
Ward: 1
Contact: Daniel Watchorn, Planner I, Development

Recommendations:

That application A-2020-0078 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; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

AND that application B-2020-0016 is supportable, subject to the following conditions being imposed:

1. That the owner shall convey, at the Owner's expense, a public access easement to the City for the driveway area, sidewalk and landscaping to the satisfaction of the Commissioner of Planning, Building and Economic Development.
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

3. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.
4. That prior to the issuance of the Certificate of the Secretary-Treasurer, the owner shall be required to enter into a Consent Agreement for the severed and retained lands which Consent Agreement shall be registered on title to the lands subject to the application in priority to all other encumbrances, all to the satisfaction of the Commissioner of Planning, Building, and Economic Development Services and the City Solicitor. The Consent Agreement shall generally include provisions including, but not limited to, the following:
 - a. Upon the redevelopment of the retained lands reaching a stage that the City deems to be satisfactory, the owner of the severed lands shall, immediately at the request of the City, alter the area as shown on a Registered R-plan as approved by the City of Brampton, to the satisfaction of the City of Brampton. The alterations may consist of a redesign/redevelopment of the surface treatment of the severed lands to improve the local transportation and open space network.
 - b. The potential alteration shall in no manner unduly restrict public access to the building and parking area on the severed lands.
 - c. The works shall be completed within 12 months of the date of the request of the City, or within an extended period of time as approved by the Commissioner of Planning, Building and Economic Development.
 - d. In the event that the owners of the Severed Lands fail to complete the alteration works within the stated timeframe, the City may complete the works itself and charge an additional 15% administration fee to the owners. If the owners of the Severed Lands fail to pay the city its costs for completing the alteration works within a reasonable time as determined by the City, it will become a debt due to the City and may be collected from the owners in any manner permitted by law, including being added to the tax roll for the owners of the Severed Lands and recovered in the same manner and with the same penalties as municipal taxes on real property.

Background:

This site is also subject to planning applications OZS-2020-0003 and SPA-2020-0053. These applications are all in support of the development of a 5 Storey Self-Storage building on the portion of the existing Kingspoint Plaza which directly fronts onto Vodden Street East. The portion of the property which contains the Self-Storage building is proposed to be severed from the balance of the property, as depicted in B-2020-0016.

The Official Plan Amendment and Zoning By-law Amendment (OZS-2020-0003) were adopted by Council at the September 16, 2020 Council meeting and are in their statutory appeal periods. SPA-2020-0053 is an ongoing site plan approval process.

Existing Zoning:

The property is zoned "Commercial Three – Special Section 3235 (C3-3525)" and "Commercial Three – Special Section 3171 (C3-3171)", according to By-law 270-2004, as amended.

Minor Variance Request:

Requested Variance:

The applicant is requesting the following variances:

1. To reduce the minimum required parking rate to 1 space per 23m² of gross commercial floor area, whereas the by-law requires 1 space per 19m² of commercial Gross Floor Area.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated as 'Residential' in the Official Plan, and 'District Retail' in the Brampton Flowertown Secondary Plan (SPA 6). Within the context of the Official Plan and Secondary Plan, the requested variance has no significant impacts. As a result, the requested variance maintains the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The intent of the By-law in regulating the minimum number of parking spots is to ensure that an adequate number of parking spaces is provided on-site to accommodate all of the potential parking demand. This, in turn, supports the harmonious functioning of the surrounding transportation network. In this case, HDR inc has provided a parking study to determine the actual parking demand on-site. The parking study supports the reduction of required parking to 1 space per 23m² of commercial Gross Floor Area. City Transportation staff have reviewed the parking study and have determined it to be acceptable. As a result, an adequate parking supply will continue to be provided. Subject to the recommended conditions being imposed, the intent of the By-law is maintained.

3. Desirable for the Appropriate Development of the Land

HDR inc has demonstrated that the required reduction in parking for the balance of the Kingspoint Plaza will not have adverse effects on the local transportation network, and the parking rate of 1 space per 23m² is adequate to meet demand. By reducing the

required parking rate, a significant portion of the site will become available for redevelopment/intensification. The intensification of uses in this area will make more efficient use of existing infrastructure, will improve the neighbourhood design and will lead to a more complete community. As such, this variance is desirable for the appropriate development of the land.

4. Minor in Nature

The proposed reduction in required parking will not adversely impact the local transportation network or parking supply. An adequate supply of parking on-site will be maintained in order to serve the potential users of the Kingspoint Plaza. The proposed variances are simply bringing the number of parking spaces provided on-site more in line with the actual parking demand. As a result, the requested variances are minor in nature.

Consent Request:

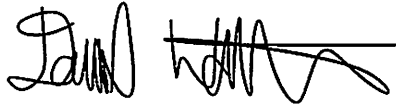
The purpose of the application is to request the consent of the Committee of Adjustment to sever a parcel of land with an area of approximately 6.79 hectares (16.56 acres). The effect of the application is to create a new lot having a frontage of approximately 45.9 metres (150.59 feet) onto Vodden Street East, a depth of approximately 131.6 metres (431.76 feet), and an area of approximately 0.61 hectares (1.52 acres). The severed lands are proposed to have a new, Commercial Self-Storage Facility use, developed. The retained portion of the land is proposed to remain as a District Retail centre.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'District Retail' in the Brampton Flowerdown Secondary Plan(Area 6); and
- **Zoning By-law:** The subject property is zoned "Commercial Three – Special Section 3235 (C3-3525)" and "Commercial Three – Special Section 3171 (C3-3171)", according to By-Law 270-2004, as amended.

Conclusion:

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 is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Dan Watchorn', with a horizontal line drawn through the middle of the signature.

Daniel Watchorn , Planner I, Development

SCHEDULE "A"

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

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	There are no concerns about the suitability of the land for the purposes of the severance.
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>	The proposed severance does not present any concern with regard to the adequacy of the roadway network. Conditions are recommended to ensure that the severed lands can continue to function harmoniously into the future under different potential redevelopment circumstances.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed severance is appropriate in size and shape for its purpose
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>	No concerns are noted with regard to restrictions on the lands included in the lands to be severed.

h)	<i>The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources. Floodplain issue mitigation was managed through the approval of OZS-2020-0003.
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 severance presents 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>	There are no concerns related to conveyances for public purposes.
l)	<i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance has no impact on matters of energy conservation.
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>	There are no concerns related to the design of the proposal in relation to the proposed severance. The ongoing site plan application (SPA-2020-0053) will ensure that appropriate design treatments are implemented for the proposed Commercial Self-Storage Facility.