

Filing Date: August 25, 2021
Hearing Date: October 26, 2021

File: B-2021-0020

**Owner/
Applicant:** Jindal Developments Ltd.

Address: 1965, 1975, 1985 Cottrelle Boulevard

Ward: WARD 8

Contact: François Hémon-Morneau, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 18,036 square metres (1.8 hectares). The proposed severed lot has a frontage of approximately 122 metres (400 feet), a depth of approximately 90 metres (295.27 feet) and an area of approximately 10,076.40 square metres (1.007 hectares). The effect of the application is to create a new lot. The proposed 'severed' lot is currently occupied by 3 commercial buildings and the proposed 'retained' lot is currently vacant. Residential development comprising a 7 storey building and 2 townhouse blocks is proposed for the 'retained' lot.

Recommendations:

That application B-2021-0020 is supportable, subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. A Secretary-Treasurer's Certificate fee shall be paid in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
 - b. 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.
2. Separate water, sanitary and storm services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services.

3. Prior to the issuance of the severance certificate the applicant shall register the private sanitary and watermain easement as shown in the engineering drawings;
 4. Prior to the issuance of the severance certificate the proposed sanitary and watermain works shall be reviewed, approved and constructed to the satisfaction of the director of Environment and Development Engineering;
 5. The approved R-plan shall be deposited at the land registry office of Peel and provide copies of the deposited R-plan to Traffic and Legal services. The Owner hereby waives and releases the City from any claims, demands, damages, actions, causes of action or suits or other proceedings by the Owner for compensation, injurious affection or other damages, losses and costs arising or which may arise as a result of any change to or in respect of existing access to the Lands including the Easement Lands;
 6. 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.
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Background:

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Neighbourhood Retail' in the Bram East Secondary Plan (Area 41); and
- **Zoning By-law:** The subject property is zoned 'Commercial Two (C2-1851)' according to By-Law 270-2004, as amended.

Current Situation:

The site was the subject of an approved Site Plan application (SPA-2021-0060) to construct an additional commercial retail unit to the existing commercial building. The site is also the subject of a Zoning By-law Amendment application (C08E08.008). On March 24, 2021, the Zoning By-law Amendment was refused by City Council and has since been appealed at the Ontario Land Tribunal "OLT" (PL210289). The related Zoning By-law Amendment application is to permit the development of a stepped, seven (7) storey condominium apartment building with 72 residential units, two (2) townhouse blocks comprised of twelve (12) residential units per block for a total of twenty-four (24) stacked, residential townhouse units.

Notwithstanding the current OLT appeal, the Consent application does not present a conflict with the Zoning By-law Amendment application under OLT appeal and can be considered by the Committee of Adjustment. The merits of the Consent application are subject to an independent assessment based on criteria identified under Section 53(12) & 51(24) of the *Planning Act*.



Report Committee of Adjustment

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,

François Hémon-Morneau

François Hémon-Morneau, Planner I

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 consent to sever has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed consent to sever 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 consent to sever 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>	The consent to sever is suitable for the purposes for which it is to be subdivided.
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 consent to sever does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed lot is appropriate for the intended use.
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.
h) <i>The conservation of natural resources and flood control;</i>	The proposed consent for easement presents no concerns with regard to flood control and the conservation of natural resources.
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 consent 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 consent 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>	The proposed consent has no impact on matters of Site Plan Control under the Planning Act.