

Filing Date: December 15, 2022

Hearing Date: January 24, 2023

File: B-2022-0028

**Owner/
Applicant:** UMBRIA DEVELOPERS INC.

Address: 12 Henderson Avenue

Ward: WARD 3

Contact: Simran Sandhu, Assistant Development Planner

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 3.07 hectares (7.58 acres); together with easements for storm water services, storm water management pond, watermain and fire hydrant in favour of the retained lands and an easement for access in favour of the severed lands. The proposed severed lot has a frontage of approximately 13 metres (42.65 feet), a depth of approximately 90 metres (295.27 feet) and an area of approximately 1.74 hectares (4.30 acres). The effect of the application is to create a new lot for future residential purposes (One 13-Storey Residential Apartment Building).

Recommendations:

That application B-2022-0022 is supportable, subject to the following conditions being imposed:

1. 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;
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 consent certificate the Owner agrees to make arrangements to the satisfaction of the Commissioner of Public Works and Engineering to register a private servicing easement over the severed lands in favour of the retained lands;
4. Prior to the issuance of the consent certificate the proposed changes to the storm sewer system in order to comply with the Ontario Building Code shall be reviewed, approved and constructed to the satisfaction of the Director of Environmental and Development Engineering;

5. The Owner shall submit a draft reference plan illustrating the private easements for review and approval by the City prior to depositing;
 6. The Owner shall make arrangements to the satisfaction of the City Division and the Commissioner of Public Works and Engineering to convey a private access easement in favour of the severed lands over the retained lands;
 7. The cul-de-sac shall be incorporated with the deposited reference plan;
 8. That the owner finalize site plan approval under City File SPA-2022-0007 and execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 9. 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.
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Background:

- **Official Plan:** The subject property is designated 'Central Area' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Medium High/High Density Residential' in the Downtown Brampton Secondary Plan (Area 7); and
- **Zoning By-law:** The subject property is zoned 'Residential Apartment A (R4A-2997)' and 'Open Space (OS)' according to By-Law 270-2004, as amended.

Current Situation:

The owner is seeking approval to sever the parcel of land to create two individual lots from the existing lot. The applicant is also requesting to establish shared access, servicing and stormwater management easements. The proposed severed and retained lands maintain all Zoning By-law requirements for lot size and dimensions.

The lands are currently subject to a Site Plan Application processed under City File number SPA-2021-0047 for the development of 148 condominium stacked townhouse dwellings with underground parking required for Phase 1 of the two phased development proposal. Phase 1 are the retained lands and Phase 2 is the severed lands. The Site Plan Application was approved for Phase 1 under a conditional permit and site work was initiated in 2021.

Phase 2 of the development is currently subject to a Site Plan Application processed under City File number SPA-2022-0007 for the development of a 13-storey condominium apartment building with 293 dwelling units and underground parking.

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



**Report
Committee of Adjustment**

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 'Simran Sandhu', enclosed within a hand-drawn oval.

Simran Sandhu, Assistant Development Planner

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, access and sanitary easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance, access and sanitary easements are 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, access and sanitary easements do 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 severance, access and sanitary easements are 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 severance, access and sanitary easements do 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 and maintains all minimum Zoning By-law requirements.
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 subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance, access and sanitary easements present 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 access and sanitary easements 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>	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, access and sanitary easements have 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 and matters of Site Plan Control under the Planning Act.