

Filing Date: September 19, 2023

Hearing Date: October 24, 2023

File: B-2023-0021, B-2023-0025 & A-2023-0226

**Owner/
Applicant:** **DI POCE MANAGEMENT LIMITED**

Address: **100 Exchange Drive, 175 Sun Pac Boulevard, and 0 Exchange Drive**

Ward: WARD 8

Contact: Rajvi Patel, Planner I

Proposal:

B-2023-0021 (100 Exchange Drive)

The purpose of the application is to request the consent of the Committee of Adjustment to the grant access to the proposed industrial warehouse on 0 Exchange Drive. To grant an easement over 100 Exchange Drive in favour of 0 Exchange Drive in order to provide access. To grant an access easement over 100 Exchange Drive in favour of 175 Sun Pac Blvd.

B-2023-0025 (175 Sun Pac Boulevard)

The purpose of the application is to request the consent of the Committee of Adjustment to the grant access to the proposed industrial warehouse on 0 Exchange Drive. To grant an access easement in favour of 0 and 100 Exchange Drive.

Recommendations:

That application **B-2023-0021** 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. 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. As a condition of severance, the Owner shall provide confirmation of the registration of a mutual access easement over Part 2 in favour of 175 Sun Pac Boulevard (142090317) and 0 Exchange Drive (142090318) is registered on title. The mutual access easement will be in perpetuity and to the satisfaction of the City Solicitor and the City's Commissioner of Public Works & Engineering. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings arising or

which may arise as a result of such arrangements. In this regard, the Owner shall submit the following to the Traffic Planning group for approval and copy the Legal Services Division:

- a. A draft reference plan;
- b. A draft reference plan overlaid onto the proposed site plan, showing only the subject site, depicting separate parts where the land is to be conveyed;
- c. A memorandum to the Traffic Planning group setting out the parts on the draft reference plan that are to be conveyed and copied to the Legal Services Division;
- d. Upon approval of the Draft Reference Plan by the City's Traffic Planning group, arrange for the Surveyor to have the Draft Reference Plan deposited at the Land Registry Office of Peel;
- e. Deposited copies are to be provided to the Traffic Planning group and the Legal Services Division.

That application **B-2023-0025** 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. 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. As a condition of severance, the Owner shall provide confirmation of the registration of a mutual access easement over Part 1 in favour of 100 Exchange Drive (PIN: 142090303, PIN: 142090304) and 0 Exchange Drive (142090318) is registered on title. The mutual access easement will be in perpetuity and to the satisfaction of the City Solicitor and the City's Commissioner of Public Works & Engineering. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings arising or which may arise as a result of such arrangements. In this regard, the Owner shall submit the following to the Traffic Planning group for approval and copy the Legal Services Division:
 - a. A draft reference plan;
 - b. A draft reference plan overlaid onto the proposed site plan, showing only the subject site, depicting separate parts where the land is to be conveyed;
 - c. A memorandum to the Traffic Planning group setting out the parts on the draft reference plan that are to be conveyed and copied to the Legal Services Division;
 - d. Upon approval of the Draft Reference Plan by the City's Traffic Planning group, arrange for the Surveyor to have the Draft Reference Plan deposited at the Land Registry Office of Peel;

- e. Deposited copies are to be provided to the Traffic Planning group and the Legal Services Division.

That application **A-2023-0226** 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 Notice of Decision;
2. That a site plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Consent applications (B-2023-0021 and B-2023-0025) and concurrent Minor Variance application (A-2023-0226) have been submitted to provide access to 0 Exchange Drive. The applicant is proposing an industrial building on the subject site and access easements are required over 175 Exchange Drive and 100 Exchange Drive as well as variances to facilitate the development. A Pre-Consultation was held in June 2022 for the subject site under City file PRE-2022-0070.

- **Official Plan:** The subject property is designated 'Business Corridor' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Mixed Employment Commercial' in the Airport Intermodal Secondary Plan (Area 4); and
- **Zoning By-law:** The subject property is zoned 'Service Commercial (SC-1638)' according to By-Law 270-2004, as amended.

Current Situation:

The consent applications are required to facilitate the development of the site at 0 Exchange Drive for a proposed industrial warehouse building.

The consent application for 100 Exchange Drive (B-2023-0021) is to create an easement for shared driveway access purposes in favour of the lands to the west and north (0 Exchange Drive and 175 Sun Pac Boulevard). The consent application for 175 Sun Pac Boulevard (B-2023-0025) is to create an easement for shared driveway access purposes in favour of the lands to the south (0 Exchange Drive and 100 Exchange Drive).

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.

Requested Variances:

The applicant is requesting the following variance(s) in conjunction with the proposed access easement under Consent Applications B-2023-0021 and B-2023-0025:

1. To permit a lot coverage of 58%, whereas the By-law permits a maximum lot coverage of 38%;
2. To permit a floor space index of 0.58, whereas the By-law permits a maximum floor space index of 0.45;
3. To permit a 0.0 metre parking aisle width leading to a parking space, whereas the By-law requires a minimum 6.6 metre parking aisle width leading to a parking space;
4. To permit a 0.0 metre aisle width for ingress and egress to and from a loading space, whereas the By-law requires an unobstructed aisle of not less than 6 metres in width for ingress and egress to and from a street or lane to a loading space;
5. To permit an exterior side yard setback of 2.5 metres to a hydro transformer, whereas the By-law requires a minimum exterior side yard setback of 5.0 metres;
6. To permit an office, whereas the By-law does not permit the use.

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

The subject lands are designated 'Business Corridor' in the Official Plan and 'Mixed Employment Commercial' in the Airport Intermodal Secondary Plan (Area 4).

The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. Section 4.4.1 provides that a number of uses shall be prohibited on lands designated Business Corridor including auto-body paint and repair, automobile repair, etc. Furthermore, Section 4.4.1.5 (viii) of the Official Plan states that "at the development review or Secondary Plan stage, the planning of Business Corridor designations shall satisfactorily address the following matters: (viii) The siting, massing and landscaping of development that will contribute to a unified and cohesive street edge".

Additionally, the subject lands are identified within the 'Lester B. Pearson International Airport (LBPIA) Operating Area' as per Schedule A of the Official Plan. Section 4.4.1 of the Official Plan states that the development, infill and redevelopment for supportive housing facilities and certain noise sensitive public and institutional uses such as day care centres, schools, nursing homes and hospitals will not be permitted within the LBPIA Operating Area.

The subject lands are further designated 'Mixed Employment Commercial' in the Airport Intermodal Secondary Plan which permits non-obnoxious industrial uses, activities that combine industrial and commercial purposes, and specialized or space-extensive commercial purposes. The permitted uses

listed in the Mixed Employment Commercial land use designation include manufacturing, processing, assembling, packaging, repairing, fabricating, warehousing and storage within wholly enclosed buildings, retail warehousing, etc.

The applicant is proposing an industrial building on the subject lands consisting of office uses (592.27 sq. m (6,375.35 sq. ft.) and warehousing uses (3,194.63 sq. m (34,387.84 sq. ft) for a total gross floor area of 3,786.90 sq. m (40,763.19 sq. ft.). The requested variances relating to the lot coverage, floor space index, parking aisle width, side yard setback and office use are requested to facilitate the overall development of the site. Staff do not anticipate that the increased size of the building and office use will create issues regarding compatibility or hazards with the surrounding area. Subject to the recommended conditions of approval, the proposed variance maintains the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Service Commercial,' Special Section 1638 (SC-1638), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a lot coverage of 58%, whereas the By-law permits a maximum lot coverage of 38%. The general intent of the by-law in regulating maximum lot coverage is to ensure that the size of the building is appropriate to the size of the property and does not detract from the functioning of the property.

Variance 2 is requested to permit a floor space index of 0.58, whereas the By-law permits a maximum floor space index of 0.45. The floor space index is calculated by dividing the gross floor area of all floors in a building between the exterior walls by the area of the lot. The intent of regulating the floor space index is to control the intensity of the development.

The applicant is requesting a 20% increase to the lot coverage and a 0.13 increase to the floor space index from what the Zoning By-law permits. Although the variances are requested for the increased lot coverage and FSI, all building setbacks and the balance of the development comply with the by-law. The proposed configuration of the building is considered to be appropriately sized and positioned on the property. As such, the property can accommodate a larger building footprint which results in an increased lot coverage and density beyond the permitted zoning requirements. The increases to the lot coverage and density are not considered to be an overdevelopment of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a 0.0 metre parking aisle width leading to a parking space, whereas the By-law requires a minimum 6.6 metre parking aisle width leading to a parking space. Variance 4 is requested to permit a 0.0 metre aisle width for ingress and egress to and from a loading space, whereas the By-law requires an unobstructed aisle of not less than 6 metres in width for ingress and egress to and from a street or lane to a loading space. The intent of the by-law in regulating the minimum required drive aisle is to ensure that there is sufficient space to maneuver a vehicle.

Although the variance relates to a 6.6 m reduction in drive aisle width, the variances relate to consent applications B-2023-0021 and B-2023-0025 requesting consent for access easements. The consent would result in a shared driveway between 0 Exchange Drive (subject lands), 100 Exchange Drive and 175 Sun Pac Boulevard. As per the provided in the draft reference plan, a 7.40 m drive aisle width is provided on Part 1 and 13.23 m drive aisle is provided on Part 2, the proposed reduction in drive aisle width is not anticipated to negatively impact vehicle maneuverability for that area of the site. At this time, staff do not have any concerns relating to the reduction in drive aisle width. Subject to the recommended conditions of approval, Variances 3 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an exterior side yard setback of 2.5 metres to a hydro transformer, whereas the By-law requires a minimum exterior side yard setback of 5.0 metres. The intent of the by-law in requiring a minimum exterior side yard setback to a hydro transformer is to ensure that adequate separation exists between buildings or structures or adjacent properties.

In this case, the hydro transformer is proposed to be located 2.5 metres from the exterior property line abutting Sun Pac Boulevard. In this case, structures such as a hydro transformer are subject to the same building setback requirements. The location of the proposed hydro transformer is not anticipated to negatively impact the functionality of the site or generate adverse visual impacts off-site as it will be screened by landscaping which will be further addressed in the site plan stage. Variance 5 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 6 is requested to permit an office, whereas the By-law does not permit the use. The intent of the by-law in regulating permitted uses on a property is to ensure compatibility with other uses permitted on site.

The warehousing use is listed as a permitted use within the SC-1638 Zone, however, the parent 'Service Commercial (SC)' Zone permits office use and accessory uses associated with the permitted uses listed in Section 23.1.1 of the Zoning By-law. The proposed variance to permit the office use is not expected to negatively impact the use of the lands as the parent SC zone permits office use. As the proposed use is listed as a permitted use in the applicable special section policy, it is not anticipated that an office use will impact the compatibility of other uses on site and alter the character of the surrounding area. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit an increase to the lot coverage and density. Given the size and configuration of the proposed building, the subject lands can accommodate a larger building footprint without contributing to an overdevelopment of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variances 3 and 4 are requested to facilitate a reduced drive aisle width. The proposed reduction in the drive aisle width is not anticipated to negatively impact vehicle maneuverability as an access easement is proposed between 0 Exchange Drive, 100 Exchange Drive and 175 Sun Pac Boulevard.

Subject to the recommended conditions of approval, Variances 3 and 4 are considered to be desirable for the appropriate development of the land.

Variance 5 is requested to permit a reduced exterior side yard setback to a hydro transformer. The location of the proposed hydro transformer is not anticipated to negatively impact the functionality of the site or generate adverse visual impacts off-site as it will be screened by landscaping which will be further addressed in the site plan stage. Variance 5 is considered to be desirable for the appropriate development of the land.

Variance 6 is requested to permit an office use. The subject property is located in a predominantly industrial area where abutting properties (100 Exchange Drive and 175 Sun Pac Boulevard) have received office use permissions through minor variance approvals (A05-025, A07-131, and A07-160). As set out in the Official Plan, Airport Intermodal Secondary Plan, and the parent SC Zone, the lands are intended to be used for industrial purposes including a warehouse use and office use. Therefore, the requested variances are not anticipated to significantly alter the character of the area and the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variances to facilitate the construction of an industrial warehouse on the property are considered to be minor in nature as the warehousing use will continue to maintain the character of the surrounding industrial character and employment function of the property. The proposed warehouse use and office use are permitted by the Official Plan, Airport Intermodal Secondary Plan, and the parent SC Zone. Additionally, through adequate buffering and setbacks, the proposed use and size of the industrial warehouse building are not anticipated to generate negative impacts on-site or off-site. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, 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 consents to create access easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed consents to create access 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 consents to create access 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 proposed consents to create access 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 consents to create access easements do not present any concern with regard to the adequacy of the roadwork network. Vehicular access configurations will be reviewed and approved through the site plan application review process.
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed. The shape and dimension of the existing lots are 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 consents to create access 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 consents to create access 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>	No conveyance of lands are required.
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 consents to create access 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>	The proposed consents have no impact on matters of Site Plan Control under the Planning Act.