



Report Committee of Adjustment

Filing Date: October 20, 2023
Hearing Date: November 14, 2023

File: A-2023-0331

**Owner/
Applicant:** Mayfield Industrial GP inc., Mayfield Industrial LP
Gagnon Walker Domes LTD (Marc De Nardis)

Address: Inspire Boulevard & Dixie Road (0 Inspire Boulevard)

Ward: 9

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2023-0331 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 the lands shall be considered one lot for zoning purposes and that the total commercial gross floor area permitted shall not exceed 49% or 15,340.27 sq. m for the entirety of the development.
3. That a maximum of 3 dining room restaurants be permitted within the buildings located in the lands zoned M1-2262;
4. That the applicant submit a revised traffic study as part of Site Plan Approval (City File SPA-2023-0110);
5. That no drive-thru facilities be permitted on lands all lands zoned Service Commercial – Special Section 2259 (SC-2259) and no drive-thru facilities related to restaurant uses be permitted on the lands zoned Industrial One – Special Section 2262 (M1-2262) bounded by Dixie Road, Inspire Boulevard, Taser Road and Ace Drive;
6. That the owner finalize Site Plan Approval under City File: SPA-2023-0110 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;

7. Council for the Corporation of the City of Brampton shall by by-law designate Blocks # 12, 13, 14, 15, 37, 38 on Plan # 43M1907 (being PINs # 14225-0137, 14225-0138, 14225-0139, 14225-0140, 14225-0162, 14225-0163) as to be deemed no to be part of registered plan of subdivision for the purposes of subsection 50(3) of the Planning Act (“Deeming Bylaw”).
 8. The owner of the Blocks # 12, 13, 14, 15, 37, 38 on Plan # 43M1907 (being PINs # 14225-0137, 14225-0138, 14225-0139, 14225-0140, 14225-0162, 14225-0163) shall provide a written consent to the Corporation of the City of Brampton that the owner consents to the council for the Corporation of the City of Brampton passing the Deeming bylaw.
 9. A solicitor’s undertaking, in a form acceptable to the solicitors for the Corporation of the City of Brampton, shall be received indicating that the subject lands (being PINs 14225-0137, 14225-0138, 14225-0139, 14225-0140, 14225-0162, 14225-0163, and 14225-0011) will “merge” for Planning Act purposes upon the Deeming Bylaw taking effect.
 10. The owner of the lands through an application submitted pursuant to section 46(2) of the Land Titles Act shall convert PIN 14225-0011 from LT Conversion Qualified (LTCQ) to Land Titles Absolute Plus and then shall submit an application to consolidate the PINs 14225-0137, 14225-0138, 14225-0139, 14225-0140, 14225-0162, 14225-0163, and 14225-0011.
 11. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application is related to an existing Pre-Consultation file (PRE-2023-0041) and a Site Plan Approval file (SPA-2023-0110) currently deemed incomplete due to zoning non-compliance. The proposed development consists of six free standing multi-unit industrial/commercial buildings. A total of 92 units are proposed with 502 vehicular parking spaces on site. The buildings are to form a future Standard Plan of Condominium intended to facilitate the sale of units within the buildings to individual parties. Parking and landscape areas will form the common elements. The Minor Variance application contemplates a total of 14 variances to facilitate the proposed development and processing of the related Site Plan application.

The subject lands consist of five (5) parcels on a plan of subdivision with an approximate area of 19.20 acres. The parcels are bound by Inspire Boulevard to the north, Dixie Road to the East, Tasker Road to the south and Ace Drive to the west. As such, the City’s Legal department has provided conditions to facilitate the future merge of the properties for Planning Act purposes.

Existing Zoning:

The northern half of the lands fronting on Inspire Boulevard are zoned ‘Service Commercial – Special Section 2259 (SC-2259)’, the southern half of the lands fronting on Tasker Road are zoned ‘Industrial One – Special Section 2262 according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

Use Variances:

1. That all lands zoned Service Commercial – Special Section 2259 (SC-2259) and Industrial One – Special Section 2262 (M1-2262) bounded by Dixie Road, Inspire Boulevard, Taser Road and Ace Drive, shall be considered one (1) lot for the purposes of this Section;
2. To permit the following commercial uses within a M1-2262 zone on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive:
 - a. A retail establishment
 - b. A take-out restaurant
 - c. A community club
 - d. A health and fitness centre
 - e. A commercial, technical or recreational school
3. To permit the following industrial and non-industrial uses within a SC-2259 zone on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive:
 - a. Manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials within an enclosed building
 - b. A warehouse
 - c. A research and development facility in conjunction with an office
 - d. A convenience store
 - e. A recreational facility or structure
 - f. An animal hospital
4. That Section 2262.2(2) regulating the maximum number of dining room restaurants for lands zoned M1-2262 not apply on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive;
5. That Section 2262.2(1) regulating a warehouse use for lands zoned M1-2262 not apply on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive.

Building Setbacks:

6. To permit a maximum building setback of 24.0 metres, whereas the SC-2259 zone permits a maximum building setback of 6.0 metres from Dixie Road;
7. To permit a maximum building setback of 22.0 metres, whereas the SC-2259 zone permits a maximum building setback of 3.0 metres from Inspire Boulevard;
8. To permit a minimum building setback of 2.70 metres to a building, whereas the M1-2262 zone requires a minimum building setback of 3.0 metres along Ace Drive, whereas the M1-2262 zone requires a minimum building setback of 3.0 metre from Ace Drive;

9. To permit a minimum building setback of 1.0 metres to the mechanical/electrical room of a building from Ace Drive, whereas the M1-2262 zone requires a minimum building setback of 3.0m from Ace Drive (exterior side yard);

Hydro Transformer:

10. To permit a maximum hydro transformer setback of 9.75 metres, whereas the SC-2259 zone permits a maximum hydro transformer setback of 3.0 metres from Inspire Boulevard;

Landscape Open Space:

11. To permit a minimum landscape open space width of 4.20 metres, whereas the M1-2262 zone requires a minimum landscape open space width of 6.0 metres along Dixie Road;
12. To permit a minimum landscape open space width of 1.8 metres, whereas the M1-2262 zone requires a minimum landscape open space width of 3.0 metres along Tasker Road;
13. To permit a minimum landscape open space width of 2.70 metres to a building, whereas the M1-2262 zone requires a minimum landscape open space width of 3.0 metres along Ace Drive;
14. To permit a minimum landscape open space width of 1.0 metres to the mechanical/electrical room of a building, whereas the M1-2262 zone requires a minimum landscape open space width of 3.0 metres along Ace Drive.

Current Situation:

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

The subject lands are designated as 'Industrial' in the Official Plan and 'Prestige Industrial' while the northern half of the site is designated 'Special Policy Area 4' in the Countryside Villages Secondary Plan (Area 48a). The Council approved Brampton Plan designates the property as 'Employment' as per Schedule 2 – Designations.

Variances 1, 2 and 3

As provided in section 4.4.2.1 of the Official Plan, the 'Industrial' designations identified on Schedule "A" of this Plan shall provide for the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses, and may also permit limited service and retail uses, open space, public and institutional use as practical and appropriate. Furthermore "The designation of non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base." (4.4.2).

The 'Prestige Industrial' designation in the Countryside Villages Secondary Plan (Area 48a) provides the following permitted uses as outlined in section 5.2.2.2:

- i. Permitted uses may include research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution, provided that such uses operate within wholly enclosed buildings and are associated with an office use. Outdoor storage of goods and materials is not permitted as a primary use. Public and private open space and stormwater management facilities may also be permitted. No transport terminals shall be permitted in this Secondary Plan.
- ii. In addition, lands within the Prestige Industrial designation shall also permit office uses, hotels, conference/convention centres, business support services, restaurants (within industrial malls and stand alone), ancillary commercial and retail intended to serve the employment area (within industrial malls and stand alone buildings), and accessory retail uses.

The variances are requested to facilitate a full development of the lands consisting of six free standing multi-unit industrial/commercial buildings. The proposed uses are to distribute the existing zoning permissions of the SC and M1 zones across the entirety of the site to allow for a mix of commercial and employment uses which are contemplated within the Official Plan and Secondary Plan policies. Furthermore, the proposed mix of uses are anticipated to serve and complement the adjacent residential and employment uses. In order to ensure that a majority of the uses on site remain employment focused (i.e. industrial based uses), a condition of approval is recommended to limit commercial uses on site. Subject to the conditions of approval Variances 1, 2, and 3 are considered to maintain the general intent and purpose of the Official Plan.

Variance 4

Variance 4 seeks to deregulate the number of restaurants permitted on site. As stated in section 4.4.2.5(d) of the Official Plan, restaurant uses may be permitted on lands designated Industrial in Secondary Plans subject to the following criteria: One restaurant per industrial mall with restrictions on the maximum Gross Leasable Area of the restaurant use to be set out in the respective Secondary Plan and/ or Zoning By-law.

The Countryside Villages Secondary Plan Area 48a, further states that lands within the Prestige Industrial designation shall permit restaurants within industrial malls and as stand-alone businesses. Land use permissions and related performance standards including restrictions limiting stand-alone restaurants and stand-alone ancillary commercial retail will be detailed in implementing zoning by-laws (Section 5.2.2.2 (ii)).

In this instance, section 2262.2(2) of the Zoning By-law states that for the lands zoned M1-2262, (located north and south of the SC2259 zone), a maximum of two dining room restaurants in total shall be permitted. The requested variance to remove section 2262.2(2) on the lands designated as M1-2262, would provide flexibility in providing a larger number dining room restaurants within the proposed development. At the time where the rezoning of the property occurred, the intent of these policies were to maximize the employment function by limiting the number of permitted dining rooms. In light of these provisions, the relaxation of restaurant regulations within industrial malls aligns with the broader planning objectives, while allowing for flexibility in meeting the evolving demands of the

local community. In order to ensure that the intent of the policies promoting employment uses is retained, a condition of approval is recommended to limit the commercial uses on site. The related condition ensure that a majority of the site remains industrial despite the relaxation of the zoning use provisions. Subject to the recommended condition of approval the variance is considered to maintain the general intent and purpose of the Official Plan.

Variance 5

Variance 5 is requested that Section 2262.2(1) regulating a warehouse use for lands zoned M1-2262 not apply on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive. Section 2262.2(1) of the Zoning by-law provides that a warehouse use shall only be permitted in conjunction with an associated office use and that the associated office use shall have a minimum gross floor area of 20% of the total gross floor area of the warehouse.

To ensure conformity with the Provincial Growth Plan and the City's Growth Management objectives, the Countryside Villages Secondary Plan (Chapters 48(a) and 48(b)) shall be planned to achieve a population in the order of 20,000 persons and to accommodate employment in the order of 7,500 jobs, resulting in a density of 54 persons and jobs per hectare. In order to achieve the employment density target and provide some commercial and institutional uses, the secondary plan states that the Zoning By-law provisions shall limit lower density employment uses such as warehousing, logistics and transportation terminals within the Secondary Plan area on lands designated Prestige Industrial located outside the Special Policy Areas east of Highway 410 and on lands designated Office Centre west of Highway 410.

The variance effectively seeks to eliminate the regulation in order to accommodate the unit design of the proposed development which features units comprising of commercial space at the front and warehouse/storage space at the back. Removing this restriction from the lands will provide flexibility and encourage a development that aligns with market demands and business needs, fostering economic growth and investment in the region. It is also intended to support the diversification of land use within the specified zone. By allowing a more flexible approach to warehouse use, the variance contributes to the creation of a development form that can accommodate a variety of commercial and industrial activities within the same unit. The variance is considered to maintain the general intent and purpose of the Official Plan.

Variances 6 to 14

The variances to allow for the reduction in building setbacks, hydro transformer, and landscape open space (variances 6 to 14) have no impact with regard to the policies of the Official Plan. The variances are considered to maintain the general intent and purpose of the Official Plan.

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

The northern half of the lands fronting on Inspire Boulevard are zoned 'Service Commercial – Special Section 2259 (SC-2259)', the southern half of the lands fronting on Tasker Road are zoned 'Industrial One – Special Section 2262 according to By-law 270-2004, as amended.

One Lot for Zoning Purposes (Variance 1)

Variance 1 is requested to consider that all lands zoned Service Commercial – Special Section 2259 (SC-2259) and Industrial One – Special Section 2262 (M1-2262) bounded by Dixie Road, Inspire Boulevard, Taser Road and Ace Drive, shall be considered one (1) lot for the purposes of this Section. The subject property is comprised of four blocks within a plan of subdivision. When the lands were originally zoned, the northern blocks were zoned Service Commercial and the two southern blocks were zoned industrial M1-2262. At the time of the rezoning of the subject lands in 2012, commercial uses were intended to be located along Inspire Boulevard while the industrial uses were intended to be located along Tasker Road. The applicant is submitting a Site Plan Application that contemplates a mixed industrial and commercial development across the entirety of the site. Given that the proposed development will span across all blocks the variance will facilitate cohesive development. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Use Variances (2, 3, 4, 5)

Variance 2:

To permit the following commercial uses within a M1-2262 zone on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive:

- a) A retail establishment
- b) A take-out restaurant
- c) A community club
- d) A health and fitness centre
- e) A commercial, technical or recreational school

Variance 3:

To permit the following industrial and non-industrial uses within a SC-2259 zone on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive:

- a) Manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials within an enclosed building
- b) A warehouse
- c) A research and development facility in conjunction with an office
- d) A convenience store
- e) A recreational facility or structure
- f) An animal hospital

Variance 2 is requested to permit the limited commercial uses within a M1-2262 Zone while Variance 3 is requested to permit the limited industrial and non-industrial uses with an SC-2259 zone on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire

Boulevard, Tasker Road, and Ace Drive. The intent of the by-law in providing the list of permitted uses is to ensure compatibility with other uses permitted on site.

The uses are requested to extend the industrial, non-industrial and commercial uses across the entirety of the subject lands. Variances 2 and 3 are provided so that the development on the parcels will occur in one cohesive development. Staff have reviewed the requested uses provided by the applicant and note that there are no net new uses further proposed from what is already permitted within the M1-2262 and SC-2259 zones. The applicant seeks Variances 2 and 3 to enhance flexibility for prospective tenants regarding the intended uses of units across the subject lands. A condition of approval is recommended that the lands shall be considered one lot for zoning purposes and that the total commercial gross floor area permitted shall not exceed 49% or 15,340.27 sq. m for the entirety of the development. Subject to the recommended condition of approval, Variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 requests that Section 2262.2(2) regulating the maximum number of dining room restaurants for lands zoned M1-2262 not apply on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive.

The current zoning allows for a dining room use on the specified lands but restricts the number of dining rooms to two (2) within the M1-2262 zoning. Considering the comprehensive development plan covering all four blocks, featuring multi-unit mixed industrial and commercial buildings, the request to eliminate the maximum number of dining room restaurants will allow for greater flexibility in meeting the evolving demands of the local community. Moreover, the proposed variance is seen as supportive of the local employment base and the neighboring community. Given the property's surrounding context, it is not anticipated that the requested variance will adversely affect the operations of future units on the lands. A condition of approval is recommended that a maximum of 3 dining room restaurants be permitted within the buildings located in the M1-2262 zoned lands. Subject to the conditions of approval, Variance 4 is considered to maintain the general intent and purpose of the Zoning by-law.

Variance 5 requests that Section 2262.2(1) regulating a warehouse use for lands zoned M1-2262 not apply on the subject lands identified on the sketch attached to the Notice of Decision bounded by Dixie Road, Inspire Boulevard, Tasker Road, and Ace Drive.

The existing site specific zoning "Industrial One – Special Section 2262 (M1-2262) permits a warehouse use. Section 2262.1 states that a warehouse use shall only be permitted in conjunction with an associated office use. The associated office use shall have a minimum gross floor area of 20% of the total gross floor area of the warehouse. Given the extent of the proposed development provided as part of SPA-2023-0110, the proposed variance to permit the warehouse use is not expected to negatively impact the use or employment function of the lands. In this case, the variance is required in order to accommodate the proposed unit design of the development which features mixed industrial/storage space at the back of the unit and commercial space at the front. Subject to the conditions of approval, Variance 5 is considered to maintain the general intent and purpose of the Zoning by-law.

Building Setbacks in SC-2259 and M1-2262 zone Variances (6, 7, 8, 9)

Variance 6 is requested to permit a maximum building setback of 24.0 metres, whereas the SC-2259 zone permits a maximum building setback of 6.0 metres from Dixie Road.

Variance 7 is requested to permit a maximum building setback of 22.0 metres, whereas the SC-2259 zone permits a maximum building setback of 3.0 metres from Inspire Boulevard.

Variance 8 is requested to permit a minimum building setback of 2.70 metres to a building, whereas the M1-2262 zone requires a minimum building setback of 3.0 metres along Ace Drive.

Variance 9 is requested to permit a minimum building setback of 1.0 metres to the mechanical/electrical room of a building from Ace Drive, whereas the M1-2262 zone requires a minimum building setback of 3.0m from Ace Drive (exterior side yard).

In regards to variances 6, 7, 8 and 9 the intent of maximum and minimum building setbacks from a road is to ensure that the building is appropriately and uniformly positioned on the property in a manner that does not limit the functioning of the use on-site. These specific development standards were determined in 2012 when the lands were rezoned in order to accommodate a different type of development.

Aspects of the six (6) proposed buildings contemplates an 18m increase setback to Dixie Road, a 19m increase to Inspire Boulevard, a 0.3m reduction to Ace Drive, and a 2m reduction to the mechanical/electrical room of a building from Ace Drive. The proposed development consists of approximately six (6) free standing multi-unit industrial/commercial buildings comprised of 92 units. Furthermore, the proposed development provides approximately 512 parking spaces. The requested variances are required to mitigate potential vehicle circulation and parking impacts on the bounding roads. Furthermore, as Dixie Road is a Regional Road, the applicant was required to provide a gratuitous dedication along the right-of-way. The requested variances are not anticipated to negatively impact the mixed-use industrial and commercial characteristic of the area. Subject to the recommended conditions of approval, Variances 6, 7, 8 and 9 are considered to maintain the general intent and purpose of the zoning by-law.

Variance 10 (Hydro Transformer Setback)

Variance 10 is requested to permit a maximum hydro transformer setback of 9.75 metres, whereas the SC-2259 zone permits a maximum hydro transformer setback of 3.0 metres from Inspire Boulevard. The intent of the by-law in regulating the setback to a road is to ensure that adequate separation exists between the buildings or structures and public right-of-way.

In this case, the transformer is proposed to be located 9.75m from Inspire Boulevard which approximately 6.75 greater than the by-law permits. Structures such as a hydro transformer are often 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 10 is considered to maintain the general intent and purpose of the Zoning By-law.

Landscape Open Space (Variances 11, 12, 13, 14)

Variance 11 is requested to permit a minimum landscape open space width of 4.20 metres, whereas the M1-2262 zone requires a minimum landscape open space width of 6.0 metres along Dixie Road;

Variance 12 is requested to permit a minimum landscape open space width of 1.8 metres, whereas the M1-2262 zone requires a minimum landscape open space width of 3.0 metres along Tasker Road;

Variance 13 is requested to permit a minimum landscape open space width of 2.70 metres to a building, whereas the M1-2262 zone requires a minimum landscape open space width of 3.0 metres along Ace Drive;

Variance 14 is requested to permit a minimum landscape open space width of 1.0 metres to the mechanical/ electrical room of a building, whereas the M1-2262 zone requires a minimum landscape open space width of 3.0 metres along Ace Drive.

In regards to variances 11, 12, 13 and 14, the intent in requiring a minimum open space landscape width along all property lines, except at approved access locations, is to aid in creating a positive visual impact for the property, and avoiding creating a sea of concrete.

The proposal contemplates reductions of 1.8m along Dixie Road, 1.2m along Tasker Road, 0.3m along Ace Drive, 1.5m to the mechanical/electrical room of a building along Ace Drive to the respect permitted allowances within the Zoning by-law. Given the context of the proposed development, the reduced landscape widths apply to a limited locations. Landscape plans have been submitted in support of the related Site Plan Application ensuring that adequate landscaping is provided on the lands to contribute to an aesthetically pleasing streetscape. Subject to the recommended conditions, variances 11, 12, 13, and 14 are considered to maintain the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to facilitate the development of six (6) mixed-use commercial/industrial buildings with approximately 92 units on the subject lands. The use variances, building setbacks, and landscape open space width variances are not anticipated to jeopardize the intent, character or functionality of the site or surrounding area. Should the variances be approved, the development will be subject to further detailed and technical review through the associated Site Plan approval, and a condition of approval is recommended that the that the owner finalize Site Plan Approval under City File: SPA-2023-0110 and post any required financial securities and insurance to the satisfaction of the Director of Development Services.

Conditions of approval are recommended to limit the overall commercial gross floor area within the development does not exceed 49% and that the maximum number of dining rooms within the industrial zoned portion of the lands be limited to three. The effect of these conditions are to protect the employment function of the site.

Following a review of the application, the Traffic Services department staff provide additional conditions of approval including, that the applicant provide an updated Traffic Study as part of Site Plan Approval which contemplates the commercial uses; furthermore it is recommended that that no drive-thru facilities be permitted on lands all lands zoned Service Commercial – Special Section 2259 (SC-2259) and no drive-thru facilities related to restaurant uses be permitted on the lands zoned Industrial One – Special Section 2262 (M1-2262) bounded by Dixie Road, Inspire Boulevard, Taser Road and Ace Drive.

Subject to the recommended conditions, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to allow the orderly development of the lands for a mixed-use industrial/commercial building. The variances are not anticipated to negatively impact the functionality of the site or adjacent properties. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A – Existing Zoning

