



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date July 6, 2022 **Report No.** 2022-471

To Chair and Members
City of Brantford Committee of Adjustment

From Michelle LeDressay
Policy Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

2.0 Topic

APPLICATION NO.	B15/2022
AGENT	Spears + Associates Inc. c/o Catherine A. Spears
APPLICANT/OWNER	290-300 King George Road GP Inc. 290-300 King George Road LP
LOCATION	300 King George Road

3.0 Recommendation

- A. THAT application B15/2022 to create a long term lease for a portion of the lands municipally known as 300 King George Road, BE APPROVED, subject to the conditions attached in **Appendix A**.
- B. THAT the reason(s) for approval are as follows: Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The

Application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

- C. THAT pursuant to Section 53(17)-(18.2) of the *Planning Act*, R.S.O. 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2022-471.”

4.0 Purpose and Description of Application

A consent application for a long-term lease has been received for a portion of the lands municipally addressed as 300 King George Road, the site of the Brantford Commons. The long term lease is proposed for the Walmart building in order to establish a lease that is longer than 21 years, as per Section 50(3) of the *Planning Act*. Previous to this application being made, the owner and the tenant have been operating with leases less than 21 years. The current lease does not account for the addition completed in 2010. The building is existing and no new development is being proposed at this time; the consent is simply for the tenure of the building.

Lands subject to long term lease:	
Width	+/- 148m
Depth	+/- 106m
Area	15,618.8m ²

The portion of the property where the lease is proposed to be established is located within the property at 300 King George Road. The depth of the building is irregular, therefore Staff has calculated an average depth measurement which has been provided in the table above. The consent application will not create a land-locked parcel, as the consent application is only for the tenure of the building, and does not separate it from the remainder of 300 King George Road. A location map and a conceptual site plan illustrating the proposed long-term lease are attached as **Appendices B and C**.

5.0 Site Features

The subject building is located on the east side of King George Road, south of Powerline Road and west of Francis Street. Directly adjacent to the south of the subject building is a cinema. West of the subject building, are additional commercial uses including a restaurant.

An aerial photo, and site photographs are attached as **Appendices D and E**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all appropriate departments and agencies. No adverse comments or objections were received from the commenting agencies. Detailed comments from Development Engineering Staff and Transportation Staff are attached as **Appendix F and G**.

6.2 Public Response

Notice of public hearing was issued by personal mail (90 notices) and by posting 4 signs on-site. Attached as **Appendix H** is a plan illustrating the notification area. Planning Staff have not received any written or verbal submissions at the time of writing this Report.

6.3 Grand River Notification

Notice of the public meeting was issued to representatives of the Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

The *Planning Act* permits long-term leases to be established as per Section 50(3) of the *Planning Act*, which requires the lease be created through consent should it be longer than 21 years. The *Planning Act* also sets the standard to which provincial interests and provincial and local policies and goals are implemented. Section 51(24) of the *Planning Act* lists criteria that Staff must have regard for when considering a consent application approved under Section 53 of the Act, for approval. Planning Staff have given regard to Section 51 (24) of the *Planning Act* and are satisfied that the application is desirable and compatible with the

surrounding area and will not result in adverse impacts on surrounding properties. Planning Staff are also of the opinion that the subject consent application is consistent with Section 51 (24) of the *Planning Act*.

The subject consent application has been reviewed with respect to the policies contained in the Provincial Policy Statement (PPS). The PPS is issued under the authority of Section 3 of the Planning Act, which requires that planning decisions “shall be consistent with” policy statements issued under the Act.

Planning Staff are of the opinion that this application is consistent with the policies in the PPS. The subject consent application has been reviewed with respect to the policies contained in the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Section 1.2.1 of the Growth Plan outlines the principle that provide the basis for guiding decision in the Greater Golden Horseshoe on how land is developed, resources are managed and protected and public capital is invested. The proposed long term lease is consistent with these policies. Planning Staff are of the opinion that the proposed long term lease meets the policies of the Growth Plan.

Application B15/2022 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (2020) (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario’s long term prosperity, environmental health and social well-being depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the proposed consent application is consistent with the direction set out in the PPS and conforms to the Growth Plan.

7.2 City of Brantford Official Plan (Envisioning our City: 2051)

The subject lands are designated in the City’s Official Plan as “Major Commercial Centre” in Schedule 3 (**Appendix I**). The “Major Commercial Centre” designation permits retail such as department stores, grocery stores, and restaurants.

Section 9.3(i) of the Official Plan states that applications for “*consents may be permitted for the creation of long-term leases in accordance with the provisions of the Planning Act.*”

The consent application is for the creation of a long-term lease and no new lot is being created. The long-term lease allows for consistent ownership within a commercial development.

Planning Staff are of the opinion that the proposed consent application conforms to the policies of the Official Plan and the intent of the Official Plan is maintained.

7.3 City of Brantford Zoning By-law 160-90

The Site is zoned “District Centre Commercial (C11-1) under Zoning By-law 160-90 (**Appendix J**). The proposed long-term lease does not impact the zoning of the existing use in any way and is simply to establish the tenure of the building. The site is subject to a holding provision, however, no new development is being proposed and Staff recommends that the consent application be supported. The existing building which is subject to the long-term lease conforms to all other provisions of the Zoning By-law.

7.4 Planning Analysis and Conclusion

A site inspection was completed on June 21, 2022. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. The consent application represents good land use planning that will correct an existing situation. The proposed consent for a long term lease is in conformity with the Official Plan and meets the consent policies of Section 9.3(i) Should a landowner wish to establish a lease for over 21 years, they are required to go through the consent process, as per Section 50(3) of the *Planning Act*. A long term lease is commonplace in commercial developments such as the Brantford Commons, and is an appropriate tenure model for the existing commercial building. The building subject to the long-term lease will continue to be accessed through the drive aisles and accesses that serve the remainder of 300 King George Road.

Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The proposal is consistent with the applicable

planning policy framework in the PPS, and conforms to the Growth Plan, and Official Plan.

Planning Staff recommend that application No. B15/2022 be approved, subject to the attached conditions attached as **Appendix A** to Report 2022-471.



Prepared by:
Michelle LeDressay, MSc
Policy Planner
Prepared on June 29, 2022



Reviewed By:
Joe Muto, MCIP, RPP
Manager of Development Planning

Appendix A – Conditions of Consent

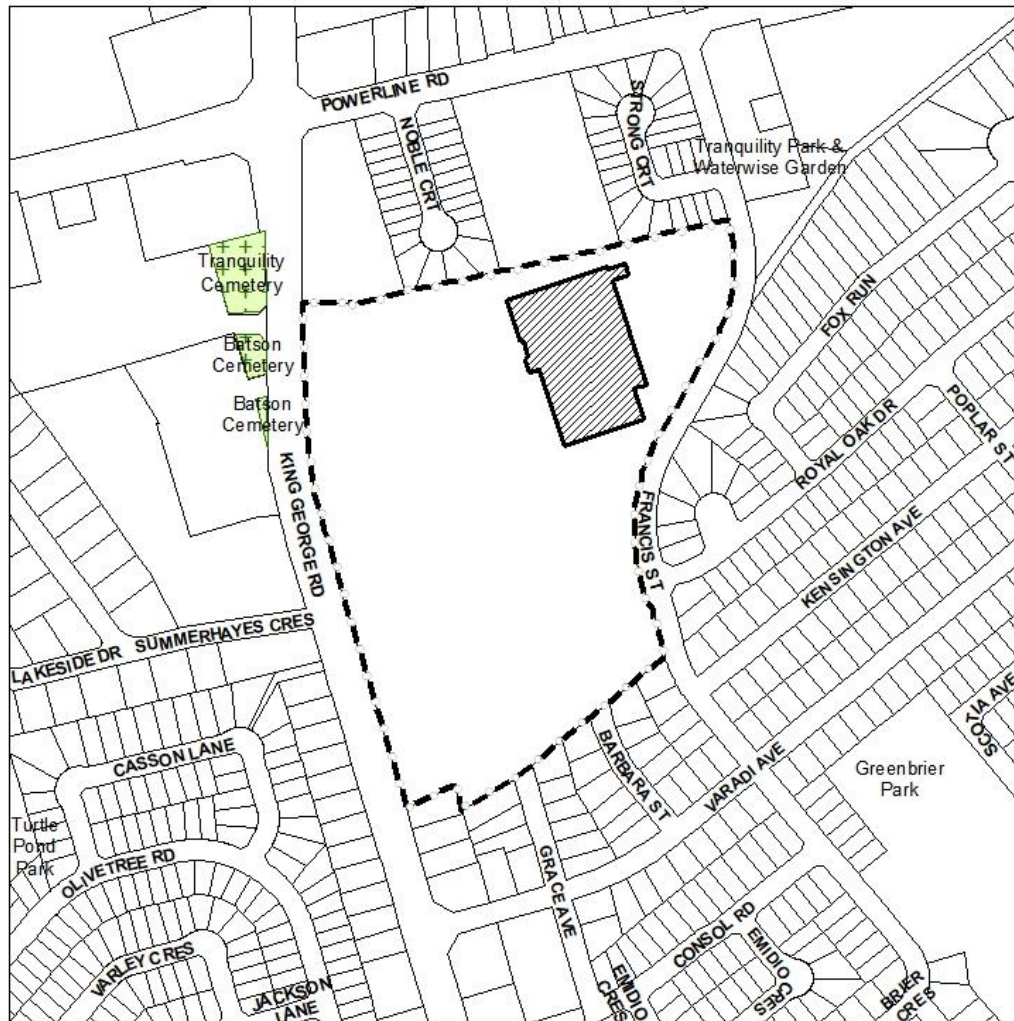
Subject to the following conditions:

1. ☒ Receipt of a registered reference plan showing the lands subject to the long term lease;
2. ☒ Receipt of confirmation that all taxes are paid up to date;
3. ☒ Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer Lease for review (Upon registration a final copy of the registered lease shall be provided to the City);
4. ☒ That the above conditions be fulfilled and the Certificate of Consent be issued on or before July 6, 2024 after which time the consent will lapse.

Appendix B – Location Map

LOCATION MAP

Application: B15/2022
300 King George Road

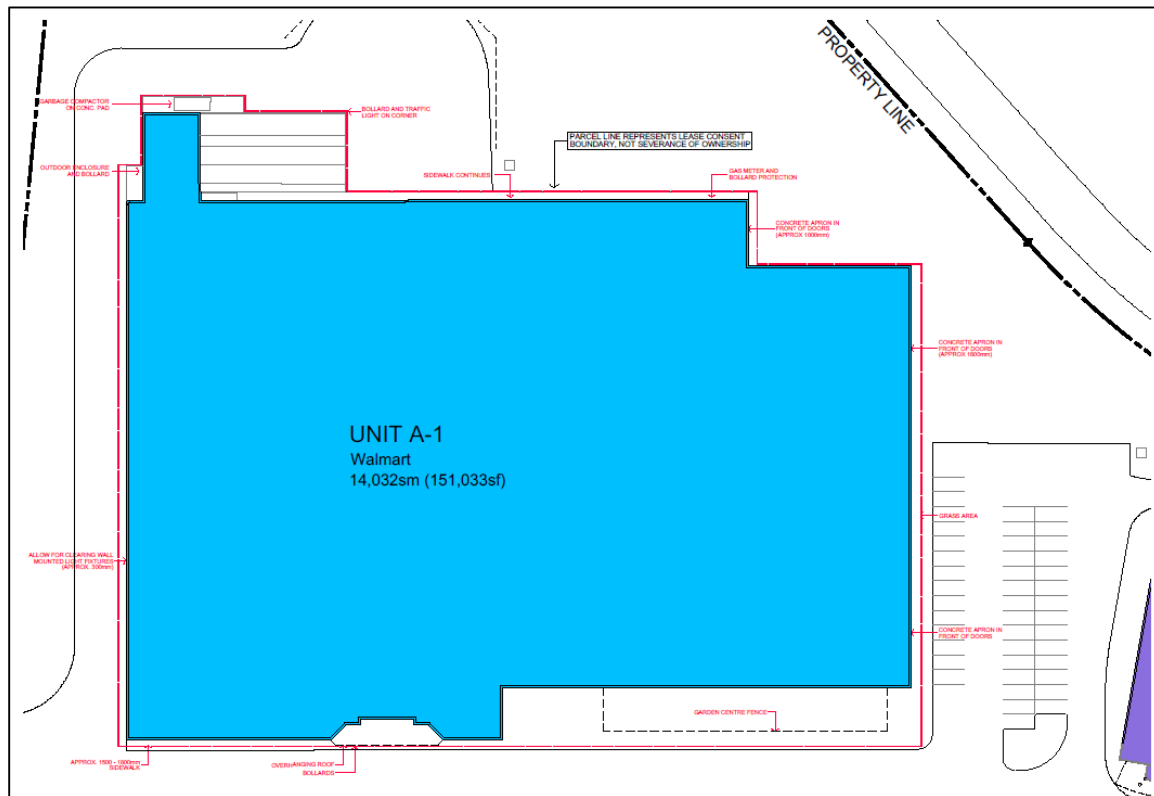


Legend

- Subject Property
- Location of the Long Term Lease Property



Appendix C – Conceptual Site Plan





Appendix D – Aerial Photo

AERIAL PHOTO

Application: B15/2022
300 King George Road



Legend

-  Subject Property
-  Location of the Long Term Lease Property

Aerial Photo from spring 2021



Appendix E – Site Photographs





Appendix F – Development Engineering Comments



June 15th, 2022

Environmental Services

Attention: Michelle LeDressay, Planner

RE: B15-2022— 300 King Geroge Rd— Consent Applications

I reviewed the subject noted applications and associated documents—as prepared by Spears + Associates—on behalf of Environmental Services and have no objections to the consent applications.

Sincerely,

Andrew Drinkwater
Environmental Services Technologist
Adrinkwater@brantford.ca

Appendix G – Transportation Comments



Date: June, 2022
From: Sivana Younan, Transportation Reviewer – Planning & Development Engineering
RE: B15/2022- 300 King George Road

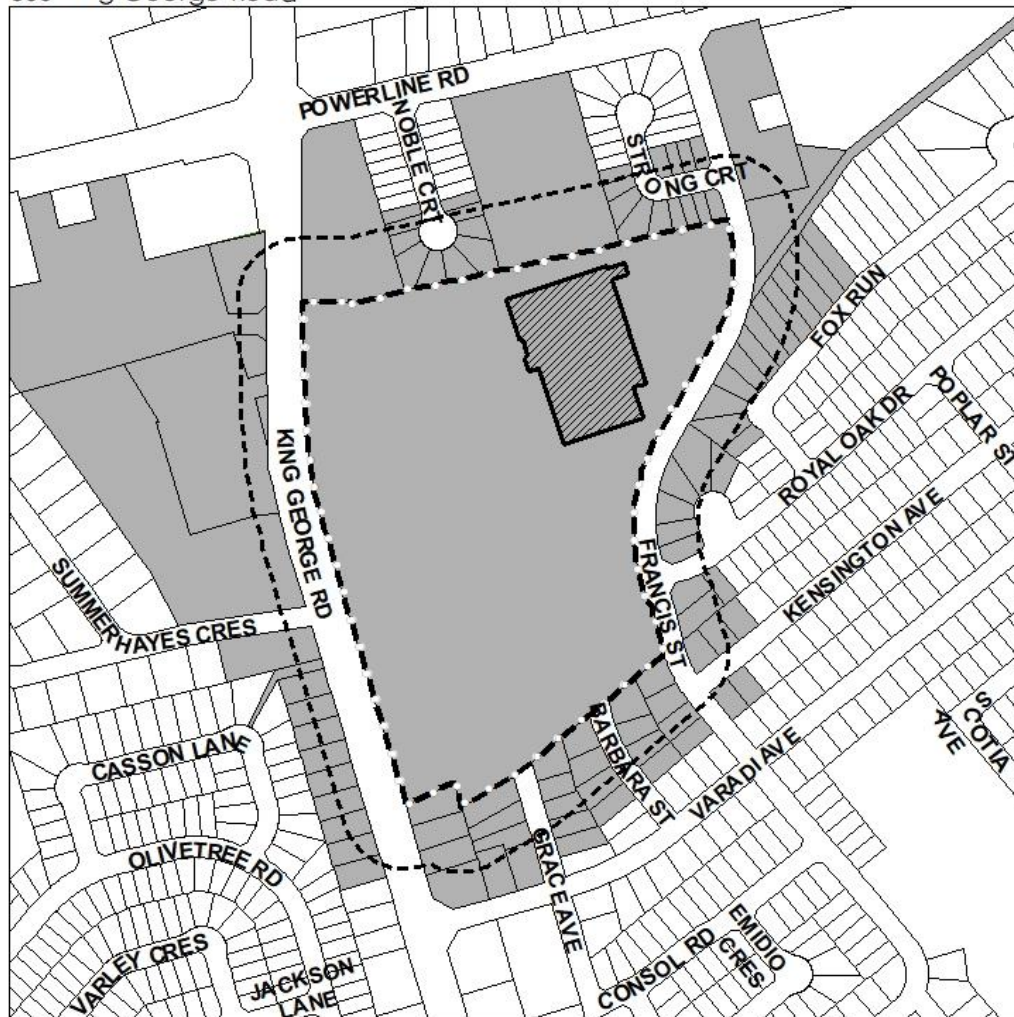
A. Transportation Comments

1. No further comments.

Appendix H – Notification Area Map

AREA OF PUBLIC NOTIFICATION

Application: B15/2022
300 King George Road



Legend

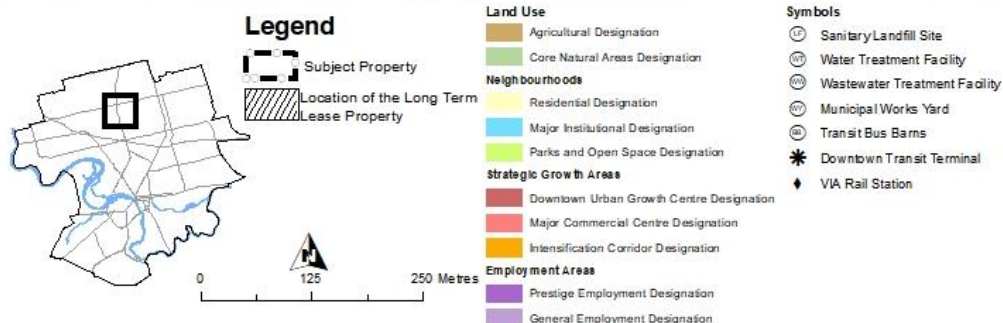
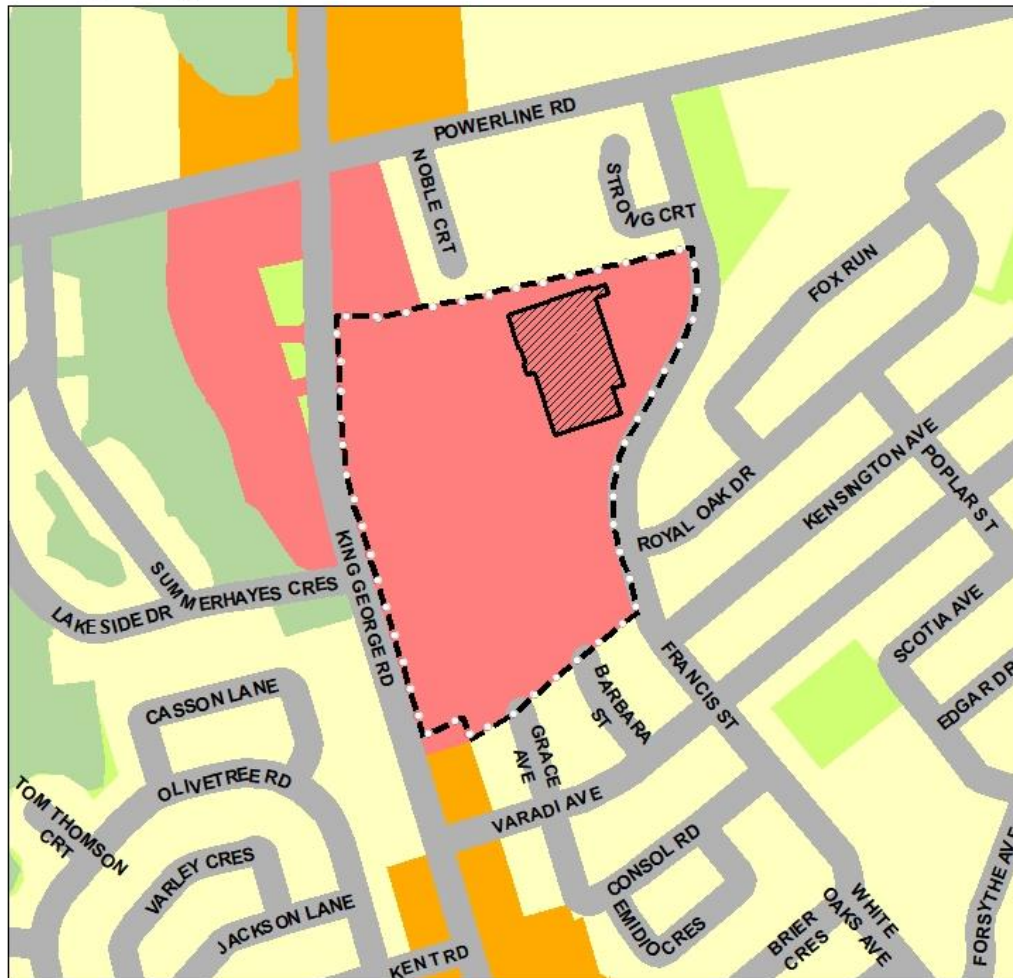
- Subject Property
- Location of the Long Term Lease Property
- Notified Properties
- 60 m Buffer from Subject Land



Appendix I – Official Plan

OFFICIAL PLAN EXCERPT MAP

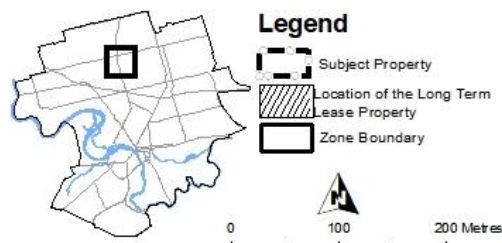
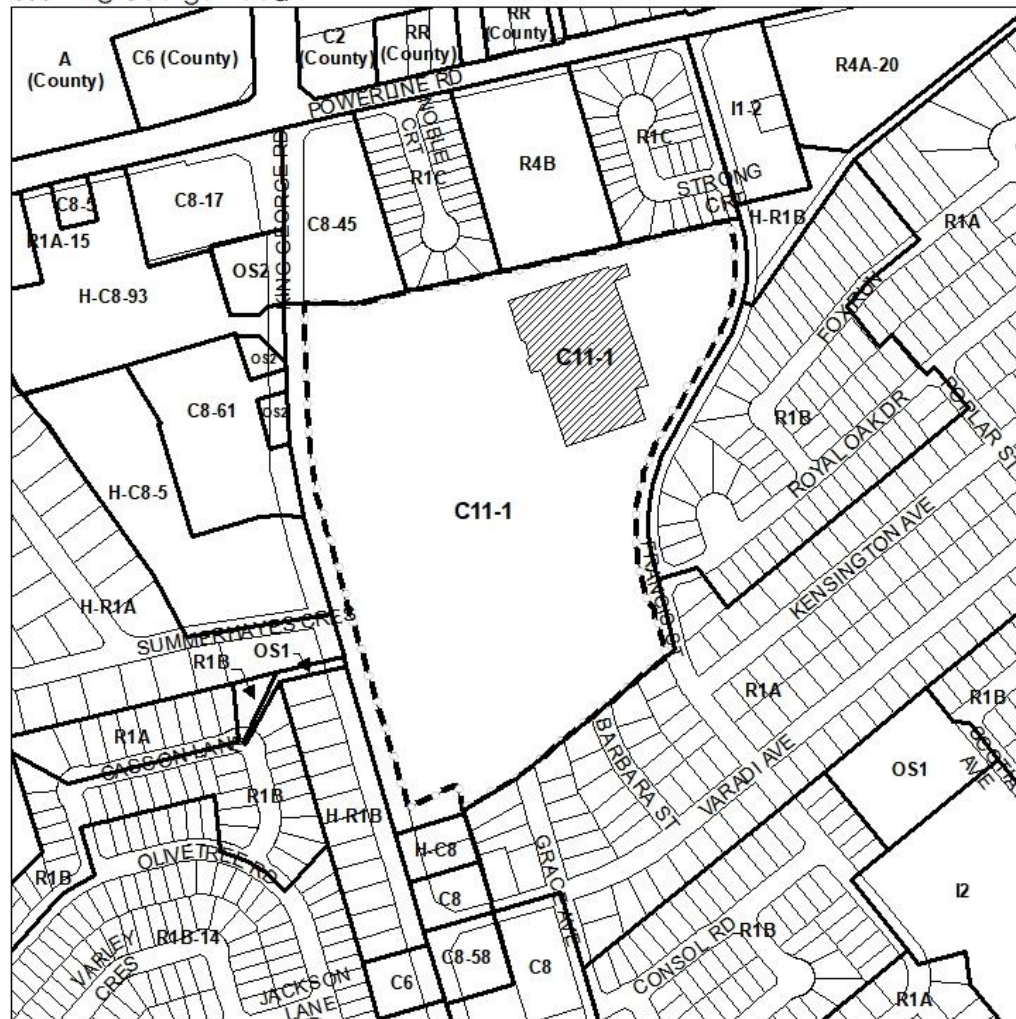
Application: B15/2022
300 King George Road



Appendix J - Zoning

ZONING

Application: B15/2022
300 King George Road



ZONING (Bylaw 160-90) and County of Brant(61-16)

R1A	Residential Type 1A (18 metre)
R1B	Residential Type 1B (15 metre)
R1C	Residential Type 1C (12 metre)
R4A	Residential Medium Density Type A
R4B	Residential Medium Density Type B
I2	Institutional School
C6	Automobile Service Commercial
C8	General Commercial
C11	District Centre Commercial
OS2	Open Space Cemetery
A (County)	Agricultural
RR (County)	Rural Residential
C2 (County)	General Commercial
C6 (County)	Automotive Commercial
H	Holding Provision
-#	Exception Number