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Date March 7, 2024 **Report No.** 2024-145
To Chair and Members
City of Brantford Committee of Adjustment
From Dora Pripon
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding
Application for Consent

2.0 Topic

APPLICATION NO. B10/2024
AGENT Arcadis c/o Odete Gomes
APPLICANT Longhorn Distributors c/o Scott Biddle
OWNER Granite Property Nominee Inc.
LOCATION 107 Sinclair Boulevard

3.0 Recommendation

- A. THAT Consent application B10-2024 requesting to sever a parcel of land from the subject property municipally addressed as 107 Sinclair Boulevard, having a lot area of 5.72 ha and a retained parcel of land having a lot area of 12.76 ha, BE APPROVED subject to the Conditions of Consent, attached to Report 2024-145 as **Appendix A**;

B. THAT the reason(s) for approval of B10-2024 are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the proposed consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties.

4.0 Purpose and Description of Application

A Consent application for the property municipally described as 107 Sinclair Boulevard has been received. The dimensions of both the severed and retained lots are shown in **Table 1 – Lot Dimensions** as well as **Figure 1 – Severance Sketch**. The purpose of this application is to facilitate the construction of an office headquarters for Longhorn Distributors featuring 2 three-storey office buildings, each with a gross floor area (GFA) of 5,580 square meters and associated parking for 428 vehicles as shown in **Figure 2 – Concept Site Plan** and **Figure 3 - Rendering**.

Table 1 - Lot Dimensions

	Required (Current M2 Zone)	Required (Proposed M3 Zone)*	Retained Lot	Severed Lot	Complies?
Lot Area	0.2 ha	0.4 ha	12.76 ha	5.72 ha	Complies**
Lot Width	30 m	45 m	114.81 m	79.35 m	Complies**

*Subject to Zoning By-law Amendment application PZ-20-23 being approved.

**Both the current and proposed zoning provisions are complied with.

Figure 1 - Severance Sketch

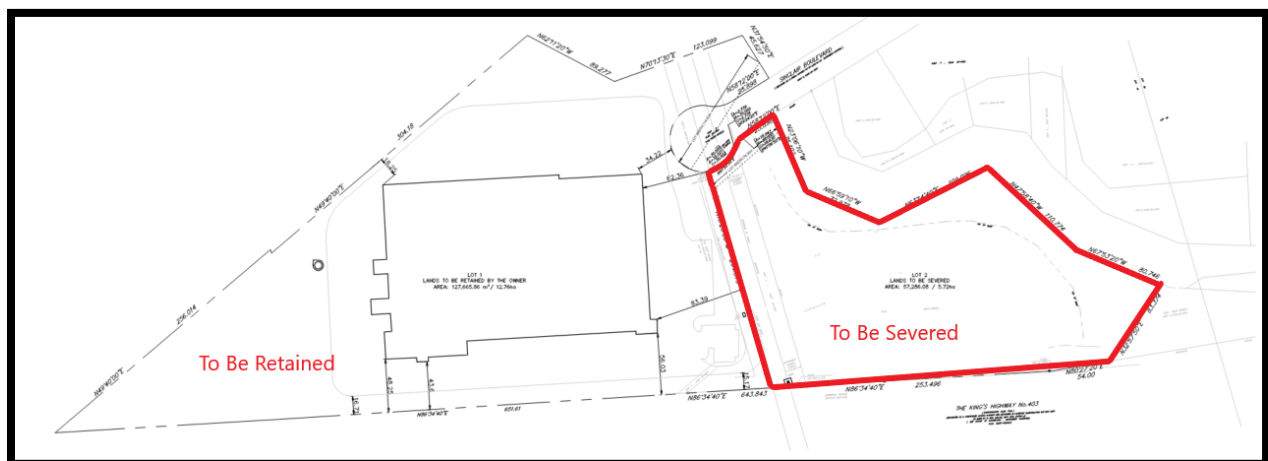


Figure 2 – Concept Site Plan

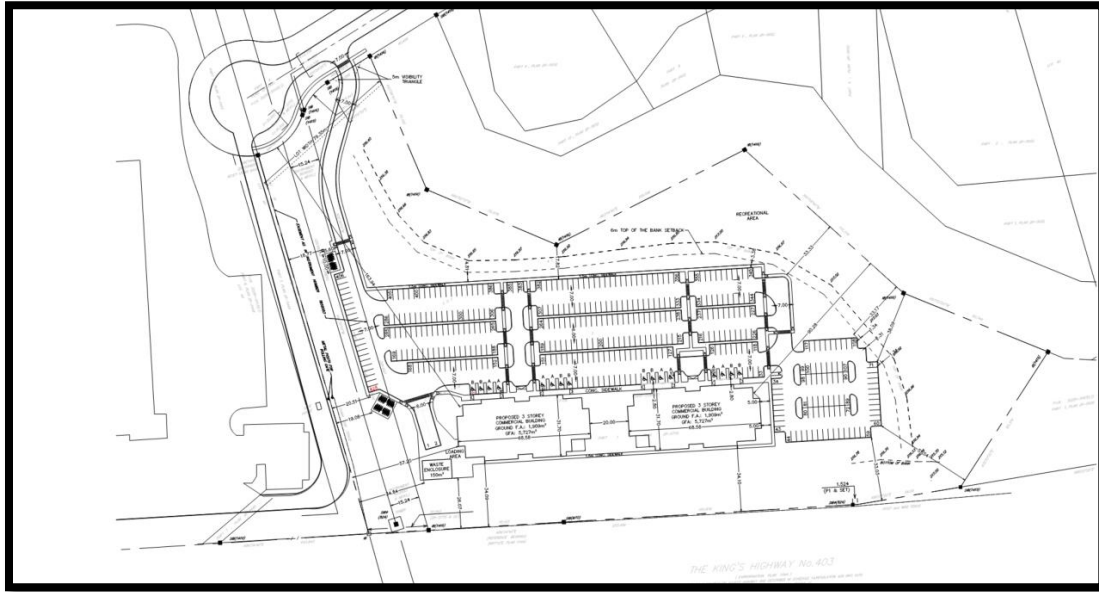


Figure 3 – Rendering



5.0 Site Features

The subject lands are located south of the Sinclair Boulevard cul-de-sac and north of Highway 403. The parcel to be severed is currently vacant and the parcel to be retained is occupied by an industrial bakery facility. The severed lands are generally flat and are bordered by a tributary of Fairchild Creek under City ownership to the north and east. An existing Hydro Corridor easement

bisects the severed and retained lands. The following is a description of the land use surrounding the subject lands.

North	Industrial facilities (Charles Jones Industrial Limited & Coony Transportation)
South	Provincial Highway 403 and Industrial facilities
East	Industrial facilities and commercial buildings
West	Industrial facilities

Figure 4 - View of subject lands from Sinclair Boulevard looking southeast



6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all applicable departments and agencies on January 26, 2023. Several departments provided conditions, as shown

in **Appendix A – Conditions of Consent**. The notable comments are summarized below, and no objections were received.

The subject lands falls within the Ministry of Transportation (MTO) Permit Control Area (PCA). As such MTO noted in their comments that a permit is required before any demolition, grading, construction or alteration to the site commences. However, this is not applicable to the consent application and will be addressed in the subsequent Site Plan Control phase which is required for the proposed development on the subject lands.

The subject lands are also bisected by a Hydro One Networks Inc. (HONI) high voltage transmission corridor (the “transmission corridor”). HONI noted they no objection in principle to the proposed severance, provided HONI’s easement rights are protected and maintained. These easement rights are already on title and legally protected, and this will also be verified at the subsequent Site Plan Control phase.

6.2 Public Comment

A Notice of Public Hearing was issued by personal mail (19 notices) on February 16, 2024 to property owners within 60 metres of the subject lands pursuant to the *Planning Act*. No public comments were received at the time of writing this Report.

7.0 Planning Staff Comments and Conclusion

7.1 Background

The subject lands are designated “Prestige Employment” and “Core Natural Areas” in the Official Plan and zoned “General Industrial Zone (M2)” in Zoning By-law 160-90, as shown in **Appendix B** and **Appendix C**, respectively.

In addition to the above noted consent application, an application for a Zoning By-law Amendment (PZ-20-23) and Official Plan Amendment (OP-05-23) applications have also been received by the City for the subject lands. These applications are integral to the subject consent application and are scheduled to be heard at the March 7, 2024 Planning Committee. Further background information regarding these applications is provided below.

The applicant is seeking an Official Plan Amendment to modify the existing “Core Natural Areas” designation on the site to facilitate the proposed office development which is not currently a permitted use. This will require a re-designation of a portion of the subject lands to “Employment Areas” in Schedule 1 – Growth Management of the Official Plan, and “Prestige Employment Designation” in Schedule 3 - Land Use Plan of the City of Brantford Official Plan.

Additionally, the Zoning By-law Amendment has been requested to change the subject lands from General Industrial’ (M2) to Industrial Commercial (M3). The purpose of this application is to facilitate the construction of two 3-storey buildings for employment uses along with associated parking.

It is noted that a previous consent application (B20-2021) for the subject lands was submitted on August 5, 2021, by the former landowner (Aspire Bakeries), who sought a severance through the City of Brantford Committee of Adjustment. During the pre-consultation phase, the subject lands were designated as General Industrial Area in the City of Brantford Official Plan in effect at the time, permitting a broad range of industrial uses. However, on August 5, 2021, the day the application was submitted, the new Official Plan came into effect for the City of Brantford, re-designating 107 Sinclair Boulevard as Core Natural Area due to its proximity to the Fairchild Creek tributary. The application was then paused and the lands were subsequently sold.

7.2 Consent Application

The *Planning Act* sets the standard to which provincial and local interests, policies, and goals are implemented. Section 51(24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application, as summarized in the table below.

Table 2 - Criteria for Considering a Consent Application

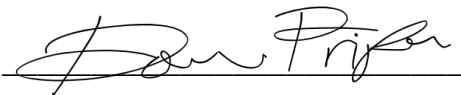
Criteria for Considering a Consent Application	Discussion
1. That the application conforms to the Official	Section 5.6.1 of the Official Plan outlines development policies for land designated “Core Natural Areas” which includes:

Criteria for Considering a Consent Application	Discussion
Plan	<p><i>g) Wherever possible and practical, areas designated Core Natural Areas shall generally not form part of any new lots to be created for the purposes of development.</i></p> <p>As mentioned above, Staff are concurrently processing an application to amend the Official Plan for the subject lands. The application (OP-05-23) seeks to re-designate a portion of the lands from “Core Natural Areas” to “Prestige Employment.” The lands were previously designated “Core Natural Areas” due to their proximity to the Fairchild Creek tributary. Accordingly, as part of the submission material for OP-05-23, an Environmental Impact Study was provided. This study analyzed the environmental features on and in close proximity to the subject lands and outlined necessary mitigation measures to protect these features. The mitigation measures include engineering the design of the stormwater facility, erosion and sediment control measures, management of construction practices, and a 6 m buffer to the top of bank from the adjacent watercourse. These measures will be implemented through a combination of Official Plan policies, zoning regulations and requirements of a future Site Plan Control application.</p> <p>If approved, the proposed “Prestige Employment” designation would bring the consent application into conformity with the Official Plan. Therefore, Staff’s recommendation to approve the consent application for the subject lands is conditional on OP-05-23 being approved and in full force and effect, as listed in Appendix A – Conditions of Consent.</p> <p>Section 9.3 (g – i) of the Official Plan outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes:</p> <p><i>g) A Consent to sever land shall only be considered where a Plan of Subdivision is deemed to be unnecessary and where the application conforms to the policies of the Official Plan,</i></p> <p><i>h) The maximum number of new lots approved by the City on one property through Consent shall be three (3), where appropriate.</i></p> <p>The proposed severance application satisfies the general intent of the Official Plan regarding the division of land through a consent application.</p>
2. The dimensions and shapes of the proposed lot	<p>The dimensions and lot area of the retained and severed lot satisfy the provisions in the M2 zone, which the subject lands are zoned as well as the provisions in the M3 which the subject lands are proposed to be re-zoned to through the concurrent Zoning By-law Amendment application (PZ-20-23).</p>
3. The adequacy of utilities and municipal services	<p>The retained parcel and severed lots will have frontage on a municipal roadway and have access to municipal services and utilities. It is noted that a condition of approval of this consent application is that a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, be submitted to the satisfaction of the Manager of Development Engineering or</p>

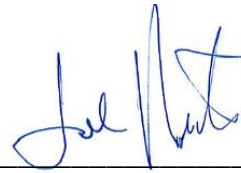
Criteria for Considering a Consent Application	Discussion
	his/her designate, as listed in Appendix A – Conditions of Consent.

7.3 Conclusion

A site inspection was completed on February 20, 2024. Upon completion of this visit and review of all applicable policies, Staff is supportive of the requested severance regarding file B10/2024 subject to the conditions in **Appendix A**. The supported severance would facilitate the expansion of an existing business and thus, add more employment opportunities to the city which is in keeping with the vision of the Official Plan and provisions in the Zoning By-law. For the reasons discussed above, the consent applications satisfy Section 51(24) of the *Planning Act*, and Staff recommends approval.



Prepared by: Dora Pripon
Planner, Development Planning
Prepared on: February 29, 2024



Reviewed by Joe Muto, RPP, MCIP
Manager of Development Planning

Appendix A – Conditions of Consent

1. Receipt and confirmation that concurrent Official Plan Amendment application OP-05-23 and Zoning By-law Amendment application PZ-20-23 for the subject lands receives final and binding approval and is in full force and effect.
2. Receipt of a registered Reference Plan showing the severed and retained parcels, and access easements.
3. Receipt of payment for cash-in-lieu of parkland (*amount to be determined in accordance with City of Brantford By-law 139-2022*).
4. Receipt of confirmation that all taxes are paid up to date.
5. Receipt of confirmation that the applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (*Upon registration a final copy of the Transfer deed shall be provided to the City*).
6. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited Reference Plan showing the severed and retained parcels of land has been received.
7. Receipt of a Stage 1 Archaeological Assessment, together with associated Ministry letter, be submitted, to the satisfaction of MCFN DOCA and the Manager of Long Range Planning and his/her designate. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation.
8. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Wastewater Allocation Request Form has been submitted and approved.
9. The Owner/Applicant shall provide a Servicing Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate. The Servicing Plan shall indicate that the severed and retained parcels have been independently serviced with a sanitary and storm sewer connection to a legal outlet for each parcel of land (severed and retained) and that these services do not cross the proposed severance line(s) and are connected directly to City infrastructure.
10. The Owner/Applicant shall be responsible, financial and otherwise, to provide sanitary sewer connections to each parcel of land (severed and retained) to ensure each parcel has been independently serviced to the satisfaction of the Manager of Development Engineering or his/her designate.
11. The Owner/Applicant shall provide a Grading and Drainage Plan prepared by a qualified Engineer licensed in the Province of Ontario, to the satisfaction of the Manager of Development Engineering or his/her designate.

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12. Receipt of confirmation that the Development Engineering Department requirements have been met.
 13. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **March 7, 2026**, after which time the consent will lapse.

Appendix B – Official Plan

OFFICIAL PLAN EXCERPT MAP

Application: B10/2024
 107 Sinclair Boulevard



Legend

0 140 280 Metres

Land Use

- Agricultural Designation
- Core Natural Areas Designation

Neighbourhoods

- Residential Designation
- Major Institutional Designation
- Parks and Open Space Designation

Strategic Growth Areas

- Downtown Urban Growth Centre Designation
- Major Commercial Centre Designation
- Intensification Corridor Designation

Employment Areas

- Prestige Employment Designation
- General Employment Designation

Symbols

- Sanitary Landfill Site
- Water Treatment Facility
- Wastewater Treatment Facility
- Municipal Works Yard
- Transit Bus Barns
- Downtown Transit Terminal
- VIA Rail Station

Appendix C – Zoning By-law 160-90

ZONING

Application: B10/2024
107 Sinclair Boulevard



Legend
Subject Land
Zone Boundary



0 180 360 Metres

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

- C8 General Commercial
- M2 GENERAL INDUSTRIAL
- M3 BUSINESS PARK INDUSTRIAL ZONE
- H Holding Provision
- # Exception Number