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**Date** March 4, 2021 **Report No.** 2021-179

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Brynne O'Neill  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

## 2.0 Topic

<b>APPLICATION NO.</b>	B06/2021
<b>AGENT</b>	GSP Group Inc.
<b>APPLICANT/OWNER</b>	Brantford Power Inc.
<b>LOCATION</b>	150 Savannah Oaks Drive

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## 3.0 Recommendation

- A. THAT Application B06/2021 to sever 11.1 hectares of land from 150 Savannah Oaks Drive, and retain a parcel of land having a lot area of 6 hectares BE APPROVED, subject to the conditions attached in **Appendix A** of Report No. 2021-179; and,
- 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

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By-law, specifically Section 18.9 (Official Plan) respecting the creation of lots within the City of Brantford conforms with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the 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. 2021-179.”*

#### 4.0 Purpose and Description of Application

A consent application has been received for the lands municipally addressed as 150 Savannah Oaks Drive. A location map and survey sketch are attached as **Appendices B and C**. The applicant proposes to sever 11.1 hectares of land on the east side of the property which currently contains a large pond. The existing office building, which is used by Brantford Power Inc., will remain on the retained parcel which has a proposed area of 6 hectares.

The subject lands are designated Business Park Industrial Area in the Official Plan and zoned Business Park Industrial – Exception 5 (M3-5) in Zoning By-law 160-90.

The subject property was recently subject to consent for boundary adjustment application B37/2019, which transferred 3,208m<sup>2</sup> of land from 150 Savannah Oaks Drive and merged them with 29 Tall Grass Crescent. This consent was finalized April 17, 2020. The subject property was also subject to Zoning By-law Amendment PZ-06-19 which was approved in January 2020 (By-law 11-2020). A Holding Provision was removed from the subject lands in May 2020 (By-law 71-2020).

#### 5.0 Site Features

The subject lands are located at the west end of the City, within the Northwest Industrial Park. Highway 403 is adjacent to the north and the subject lands are located at the end of the cul-de-sac on Tallgrass Court, extending along the north side of Savannah Oaks Drive. The subject lands at 150 Savannah Oaks Drive were developed with a large industrial office building, associated parking lot, and a pond towards the eastern edge of the property. There is currently a lit

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trail that goes from the existing office building down to the pond. An aerial photo and photographs of the subject lands are attached as **Appendices D and E**.

## **6.0 Input from Other Sources**

### **6.1 Technical Comments**

This application was circulated to all applicable departments and agencies and no objections were received. The Engineering Department has requested information regarding rain runoff from the existing building, and the removal of the lighting on the severed parcel. Both have been included as conditions. Detailed comments from the Building and Engineering Departments are attached as **Appendices F and G**.

### **6.2 Public Response**

Notice of public hearing was issued by personal mail (8 notices) and by posting a sign on-site. A plan illustrating the notification area is attached as **Appendix H**. No objections were received upon the writing of 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. No responses were received.

## **7.0 Planning Staff Comments and Conclusion**

### **7.1 Provincial Policy Context**

Application B06/2021 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (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 depend 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 for

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boundary adjustment is consistent with the direction set out in the PPS and conforms to the Growth Plan.

## **7.2 City of Brantford Official Plan**

The subject lands are designated “Business Park Industrial Area” on Schedule 1-1 of the City’s Official Plan. An extract from Schedule 1-1, Land Use Plan of the City’s Official Plan is attached as **Appendix I**. This designation permits an extensive range of industrial, and related commercial uses. Planning Staff are of the opinion that the consent application conforms with the policies of the Official Plan.

## **7.3 City of Brantford Zoning By-law 160-90**

The subject lands are zoned Business Park Industrial (M3-5) Special Exception 5 Zone (see **Appendix J**). This zone permits a variety of industrial uses. Special Exception 5 permits other uses in addition to the uses permitted in the M3 zone, and provides specific zone regulations. Any new use proposed on the severed parcel will have to comply with these regulations. Planning Staff are of the opinion that the consent application is in compliance with the Zoning By-law.

## **7.4 Planning Analysis**

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented. Part VI of the *Planning Act* (Sections 50-57) regulates the subdivision of land, and Section 53 addresses consents specifically. Subsection 53 (12) refers back to Subsection 51 (24) which lists the criteria that the Committee of Adjustment must have regard for when considering a consent application for approval. These criteria include if the plan conforms to the Official Plan, the dimensions and shapes of the proposed lots and the adequacy of utilities and municipal services. Section 18.9.2 of the Official Plan also lists criteria for consent applications, including if the severance is for the purpose of infilling, if no extension or improvement of municipal services are required and if the lot will have frontage on a public road. The proposed severance is consistent with the criteria of Section 51(24).

The creation of a new lot along 150 Savannah Oaks Drive complies with local and provincial policies and regulations. The severance allows for increased opportunity for industrial uses on an underutilized parcel. The pond which exists on the severed parcel is not regulated by the GRCA,

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and does not serve any purpose for stormwater management. The light fixtures that light the trail from the office building down to the pond will be removed as a condition of severance. There is still adequate space on the severed parcel to develop the property for an industrial use pursuant to the M3-5 Zone provisions. In order to develop the severed lands, a future Site Plan Control application will be required.

## 7.5 Conclusion

A site inspection was completed on February 10, 2021. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive of the application. The proposal is consistent with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan.

Planning Staff recommend that application B06/2021 be approved, subject to the attached conditions in **Appendix A** of this Report.



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Prepared by: Brynne O'Neill, MCIP, RPP  
Development Planner  
Prepared on: February 25, 2021



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

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**Appendix A – Conditions of Consent – B06/2021**

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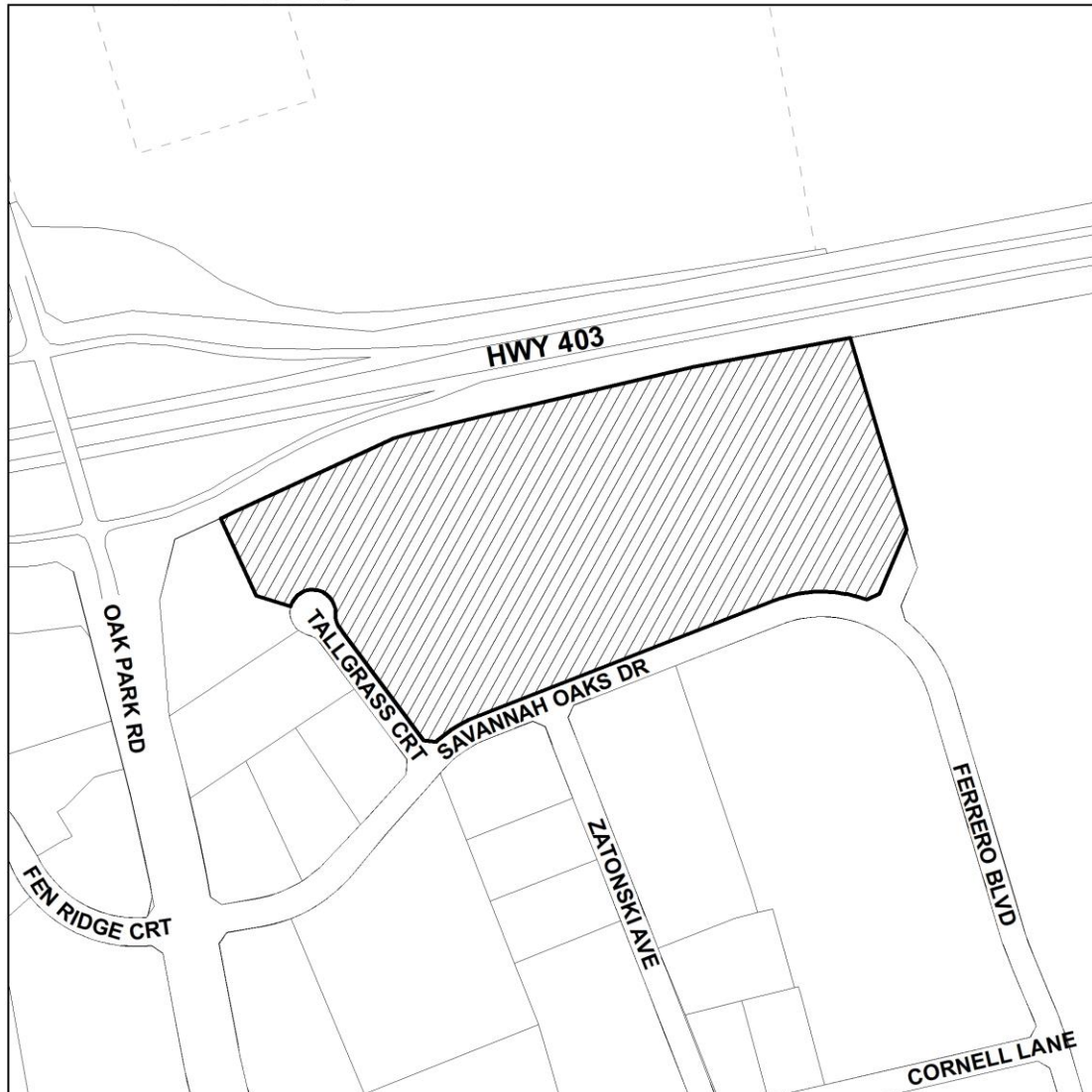
Subject to the following conditions:

1. ☒ Receipt of a registered reference plan showing the severed and retained parcels;
2. ☒ Receipt of payment for cash-in-lieu of parkland. (Payment for cash-in-lieu of parkland is to be based on an opinion of value for the lands in accordance with City of Brantford By-law 50-2018)
3. ☒ Receipt of confirmation that all taxes are paid up to date;
4. ☒ 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*);
5. ☒ 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.
6. ☒ Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
7. ☒ That the Owner/Applicant shall confirm that there is no direct roof drainage from the existing structure(s) within the retained parcels discharging to the severed parcels. Where drainage crosses the proposed severance limits appropriate easements shall be registered on title.
8. ☒ Receipt of confirmation that the Owner/Applicant has completed the removal of the trail and lights leading from the retained parcel across to the severed parcel, to the satisfaction of the Manager of Development Engineering or his/her designate.
9. ☒ That the above conditions be fulfilled and the Certificate of Official be issued on or before March 4, 2022, after which time the consent will lapse.

Appendix B – Location Map

## LOCATION MAP

Application: B06-2021  
150 Savannah Oaks Drive



### Legend

 SUBJECT LANDS



**SEVERANCE SKETCH**  
150 Savannah Oaks Drive, Brantford

**RETAINED LANDS**  
Total Area: 6.0ha. (14.8ac.)

**SEVERED LANDS**  
Total Area: 11.1ha. (27.4ac.)  
Developable Area: ±4.18ha. (10.3ac.)

**Legend:**  
Approximate Developable Area (Yellow)  
Severed Lands (Red outline)  
Retained Lands (Green outline)

**Map Labels:**  
Highway 403  
Savannah Oaks Drive  
Talgrass Court  
Retained Lands: 6.0ha  
Severed Lands: 11.1ha  
Approximate Developable Area: ±4.18ha. (10.3ac.)

**Scale:** 0 10 20 30 40 50 60 70 80 90 100 Meters

**NOTE:** This sketch has been prepared for general planning purposes only. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.

**Scale:** 1:2000 | Dec. 7th, 2020 | Project No. 18046 | Drawn By: SL




Appendix D – Aerial Photograph

## AERIAL PHOTO

Application: B06-2021  
150 Savannah Oaks Drive



### Legend

 Subject Land

Aerial Photo from Spring 2017



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**Appendix E – Site Photographs**



**Figure 1: Severed Parcel**



**Figure 2: Retained Parcel**

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**Appendix F – Building Department Comments**

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**BUILDING  
DEPARTMENT**

**PRELIMINARY REPORT TO PLANNING**

<input type="checkbox"/> MINOR VARIANCE	<input checked="" type="checkbox"/> SEVERANCE
<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/> SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N° ..... B06/2021

**SITE:**                      **150 Savannah Oaks Dr.**

**APPLICANT:**

**COMMENTS:**

BYLAW: 160-90              ZONE: H-M3-5.C

- Based on the information provided, this proposal severance, the retained parcel appears to comply with the development regulations for the noted zone.
- Any proposed construction on the retained or severed parcel will require that a building permit be applied for and approved through this department. A condition of the approval shall be to comply with the Zoning By-law for both the severed and retained parcels.
- Development charges may be applicable to any new development.

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Marta Schultz  
Senior Plan Examiner

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12/15/20  
Date

**Appendix G – Engineering Comments**



**CITY OF BRANTFORD  
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
<b>FILE NO.:</b>		B6/2021	
<b>DATE DUE TO PLANNING</b>		February 5, 2021	
<b>APPLICANT / OWNER</b>		Brantford Power Inc.	
<b>AGENT</b>		GSP Group	
<b>ADDRESS</b>		159 Savannah Oaks Drive	
<b>TRANSPORTATION</b>			

➤ No comments on this application.

Jacob McDonald, C.E.T.  
Transportation Technologist

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**CITY OF BRANTFORD  
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
<b>FILE NO.:</b>		B6/2021	
<b>DATE DUE TO PLANNING</b>		February 5, 2021	
<b>APPLICANT / OWNER</b>		Brantford Power Inc.	
<b>AGENT</b>		GSP Group	
<b>ADDRESS</b>		159 Savannah Oaks Drive	
<b>ENVIRONMENTAL SERVICES</b>			

I reviewed the consent application and associated Site Plan—as prepared by GSP Group and MTE Engineering—on behalf of Environmental Services and have no objections regarding the proposed severance.

Jennifer Elliott, LET, C.E.T.  
Senior Project Manager, Environmental Services



**CITY OF BRANTFORD**  
**ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input type="checkbox"/>	MINOR VARIANCE
<input checked="" type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		B6/2021	
DATE DUE TO PLANNING		February 5, 2021	
APPLICANT / OWNER		Brantford Power Inc.	
AGENT		GSP Group	
ADDRESS		159 Savannah Oaks Drive	
<b>DEVELOPMENT ENGINEERING</b>			

**Conditions**

- 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.
- 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.
- Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that a Municipal Numbering Assignment Request Form to assign a municipal address number to the severed and/or retained parcel(s) has been submitted.
- That the Owner/Applicant shall confirm that there is no direct roof drainage from the existing structure(s) within the retained parcels discharging to the severed parcels. Where drainage crosses the proposed severance limits appropriate easements shall be registered on title.
- Receipt of confirmation that the Owner/Applicant has completed the removal of the trail and lights leading from the retained parcel across to the severed parcel, to the satisfaction of the Manager of Development Engineering or his/her designate.


**General Information**

- Site Plan Control will be required for any proposed new development.
- A Site Alteration Permit will be required for any changes/modifications made to the site as defined by the Site Alteration By-Law 28-2011.
- A Driveway Permit will be required for any new proposed driveways.
- A Road Excavation Permit will be required for any proposed excavation within the municipally owned road.
- A Road Occupancy Permit will be required for any proposed work within the municipally owned road.
- A Sanitary Lateral Connection Permit will be required for any proposed sanitary service connections.

Tyler Wright, C.E.T.  
Development Engineering Reviewer

\*ADDITIONAL COMMENTS MAY BE ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED \*

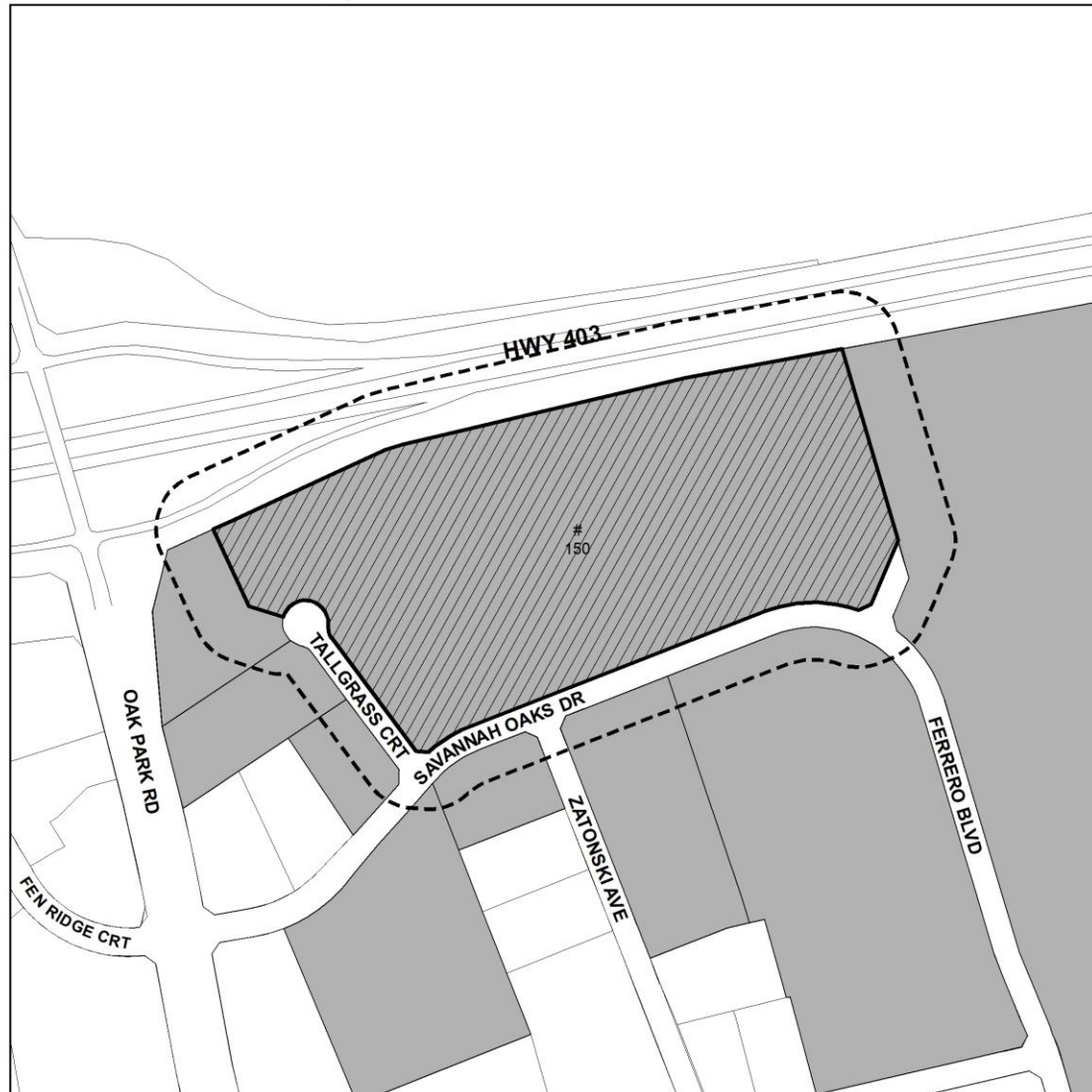
February 17, 2021  
DATE

  
Gary Peever, P.Eng.,  
Manager, Development Engineering

Appendix H – Area of Notification

## AREA OF PUBLIC NOTIFICATION

Application: B06-2021  
150 Savannah Oaks Drive



### Legend

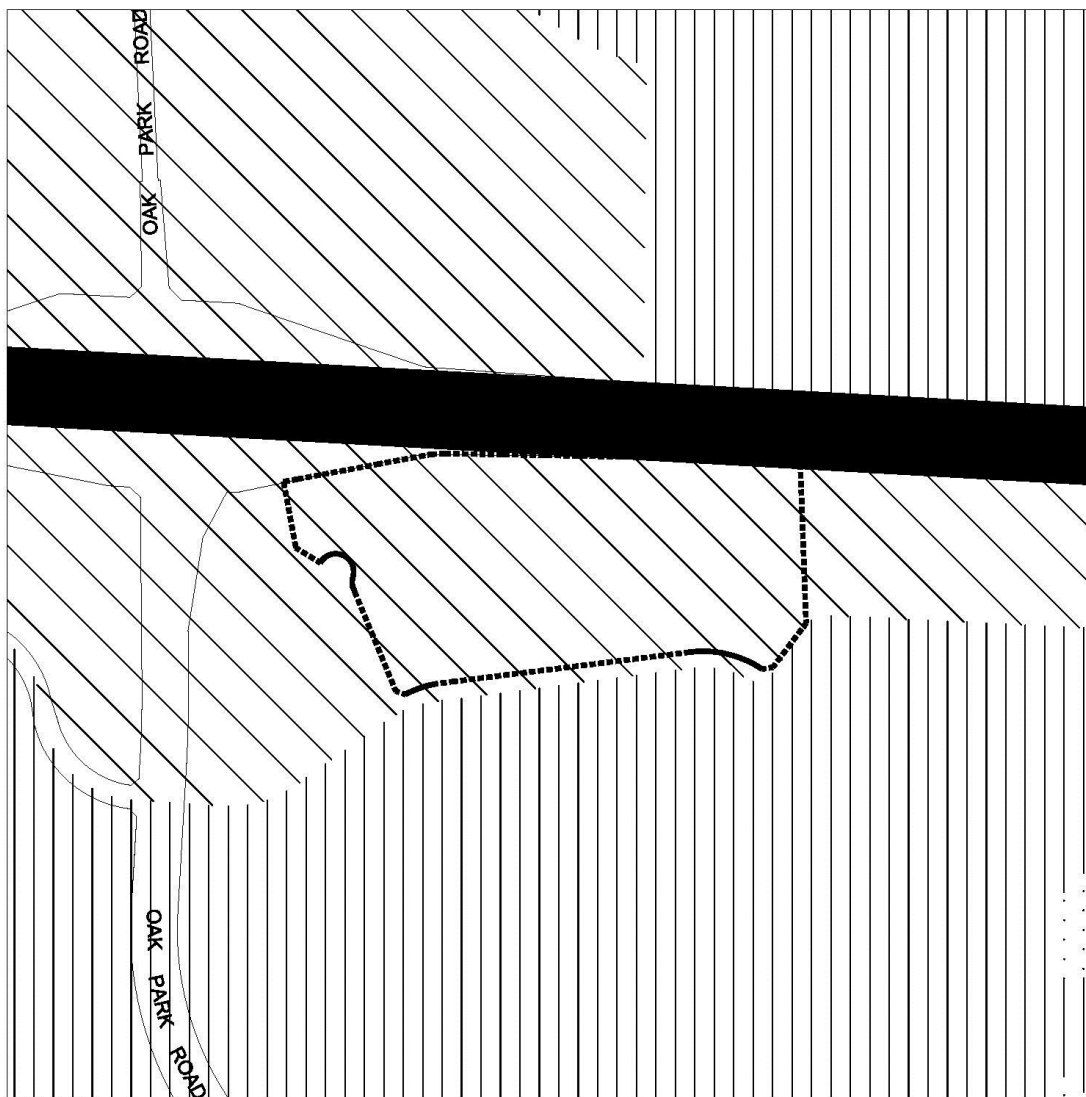
-  Subject Lands
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix I – Official Plan Map

# OFFICIAL PLAN

Application: B06-2021  
150 Savannah Oaks Drive



## LEGEND

SUBJECT LAND

- LOW DENSITY RESIDENTIAL AREA
- MEDIUM DENSITY RESIDENTIAL AREA
- HIGH DENSITY RESIDENTIAL AREA
- GENERAL INDUSTRIAL AREA
- MIXED INDUSTRIAL COMMERCIAL AREA
- BUSINESS PARK AREA
- MAJOR INSTITUTIONAL
- MAJOR OPEN SPACE

- CORE COMMERCIAL AREA
- COMMUNITY CENTRE COMMERCIAL AREA
- GENERAL COMMERCIAL AREA
- MIXED COMMERCIAL RESIDENTIAL AREA
- DISTRICT CENTRE COMMERCIAL AREA
- NEIGHBOURHOOD CENTRE COMMERCIAL AREA
- HIGHWAY COMMERCIAL AREA
- NEW FORMAT COMMERCIAL AREA

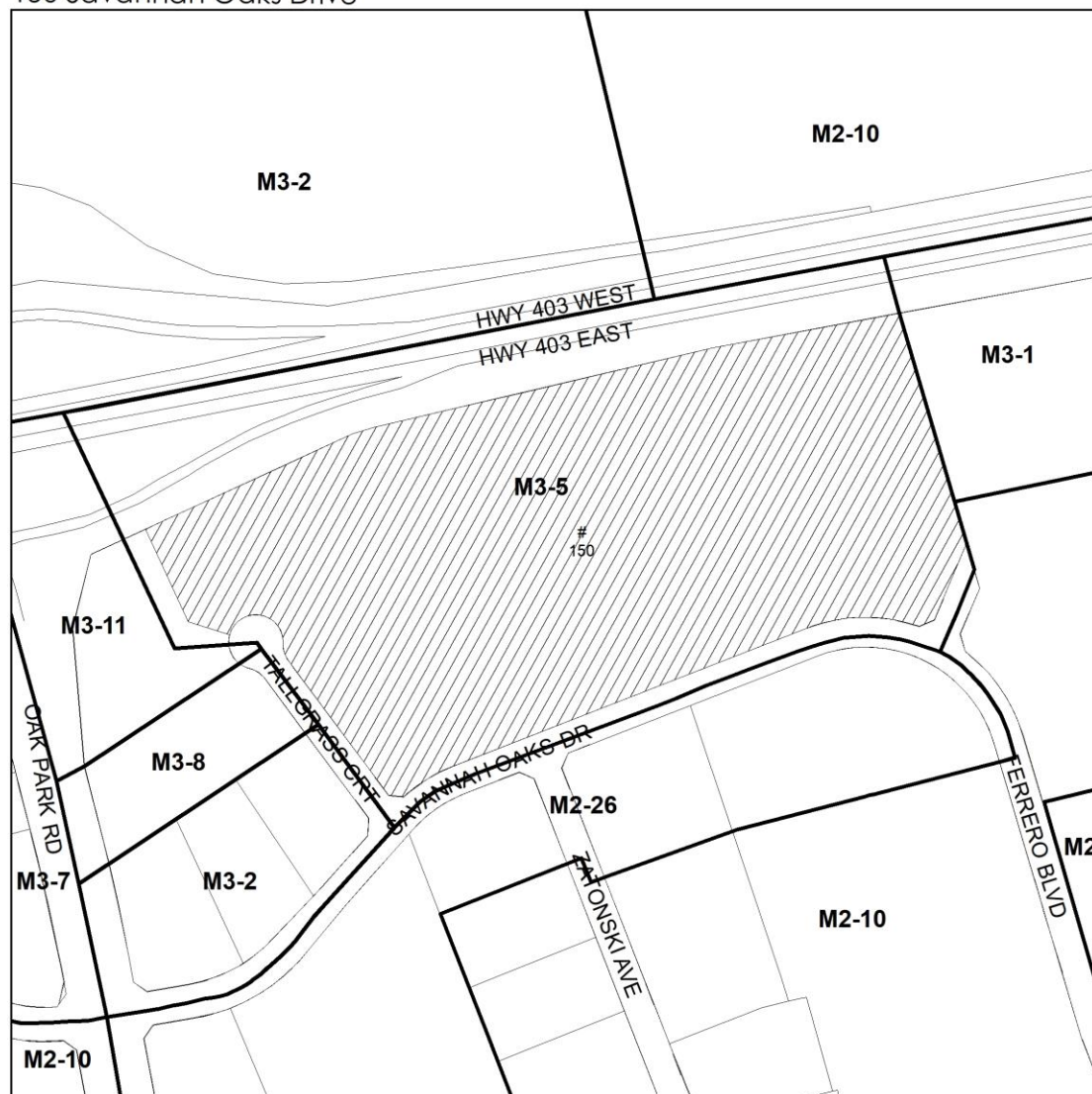
- CEMETERY
- ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- SPECIALIZED PARK and OPEN SPACE
- COMMUNITY PARK and OPEN SPACE
- NEIGHBOURHOOD PARK and OPEN SPACE



Appendix J – Zoning Map

## ZONING

Application: B06-2021  
150 Savannah Oaks Drive



### Legend

-  Subject Land
-  Zone Boundary

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

- M2 General Industrial
- M3 Business Park Industrial Zone
- # Exception Number



0 150 300 Metres