

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-43/24

Location: 2162 Gordon Street

Hearing Date: July 10, 2025 (Deferred from August 8, 2024)

Owner: Foundation for the Support of International Medical Training (Canada)/Hall's Pond Co-Operative Development Corporation (Purchaser)

Agent: Dana Anderson, MHBC Planning

Official Plan Designation: Significant Natural Areas and Natural Area, Clair-Maltby High Density Residential, Clair Maltby Mixed Office/Commercial and Low Density Greenfield Residential

Zoning Designation: Urban Reserve 1 (UR.1) Zone

Request:

The applicant proposes to sever a parcel of land with frontage along Gordon Street of 127.4 metres, a depth of 1,022.6 metres, and an area of 158,496 square metres (15.85 hectares).

The retained parcel will have frontage along Gordon Street of 256 metres, a depth of 1,025.5 metres, and an area of 263,173 square metres (26.32 hectares)

By-Law Requirements:

The property is located in the Urban Reserve 1 (UR.1) Zone, according to Zoning By-law (2023)-20790, as amended.

Staff Recommendation

Refusal

Comments

Planning Services

The subject lands are located in the Clair Maltby Secondary Plan (CMSP), which was approved through Official Plan Amendment No. 79 (OPA 79) by City Council on May 16, 2022. OPA 79 was subsequently appealed to the Ontario Land Tribunal (OLT) and, on February 16, 2024, an amended version of OPA 79 was presented to the OLT as a result of a settlement of appeals. The CMSP was approved by the OLT on March 6, 2024. As shown on Schedule B of the CMSP, the proposed severed lands

("the severed lands") are designated Low Density Greenfield Residential, Medium Density Residential, Clair-Maltby High Density Residential, Clair-Maltby Mixed Office/Commercial, and Significant Natural Areas and Natural Areas. The proposed retained lands ("the retained lands") are designated Clair-Maltby Mixed Office/Commercial, Significant Natural Areas and Natural Areas, Open Space and Park, and Low-Density Greenfield Residential. The majority of the proposed retained lands are also identified as a Designated Cultural Heritage Landscape on Schedule B of the CMSP.

Prior to the approval of OPA 79, the subject lands were designated as "Reserve Lands" in the Official Plan where only existing uses were permitted. "Development" is defined in the Official Plan as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act. All development applications within the CMSP are subject to Planning Act requirements and must be evaluated against the in-force and effect policies of the Secondary Plan and Official Plan subject to final approval by City Council or Committee of Adjustment.

The applicant has indicated that the Consent is required now to facilitate the sale of the proposed severed lands so the purchasers and sellers can pursue their respective, separate objectives on each of the severed and retained lands. The applicant has indicated that the application does not propose any site alteration, new access, construction, or changes to land uses. A private land sale does not determine appropriateness of a Consent application and staff are required to review and evaluate a severance application under the Planning Act and Official Plan policies. Further, the landowner can authorize the applicant to proceed with required studies for future Planning Act applications on the subject lands in advance of the sale of the lands.

Identification of the proposed severed lands throughout the CMSP process as a defined parcel does not pre-approve the land severance. The Schedules of the Secondary Plan do not define parcels or land ownership and there are no site-specific policies in the Secondary Plan that would allow the proposed severance of this parcel in advance of the CMSP policies being satisfied.

Development in Clair-Maltby is subject to the Phasing and Financing policies of the Secondary Plan (Section 11.3.9.4). Development (which includes the creation of a new lot, as defined in the Official Plan) is to be implemented in general accordance with the Phasing plans in the Master Environmental Servicing Plan (MESP). The subject lands are located within Phase 2 and Phase 4 according to the MESP, and there are a number of infrastructure projects that will have to be completed before development can proceed including a future EA for Gordon Street. Policy 11.3.9.4. states that individual developments in the Secondary Plan area shall generally not be approved until the subject landowner has become a party to a larger cost sharing agreement, to make sure that costs for infrastructure are distributed fairly and equitably. Without these infrastructure projects advancing, let alone completed, the ultimate layout and limits of the land are unknown and could cause future constraints to development.

The front and rear portions of the subject lands are designated as "Significant Natural Areas and Natural Areas" and are therefore subject to the Natural Heritage System policies of the Official Plan. The severance is proposed through the NHS in the front and rear portions of the lands. Policy 4.1.3.1 of the Official Plan states development shall not be permitted within the Significant Natural Areas including their established or minimum buffers. The proposed severance does not conform to the NHS policies of the Official Plan, nor have the necessary studies to confirm the boundaries of the NHS been completed, such as an Environmental Impact Study.

The subject lands are zoned "Urban Reserve 1" (UR.1), according to Zoning By-law (2023)-20790, as amended. The purpose of this zone is to protect the natural heritage features and limit development until such time as further studies are completed. The CMSP establishes land use designations for the Secondary Plan area; however, zoning of the lands is to be completed through site-specific Zoning By-law Amendment applications. For this reason, the lands remain zoned UR.1.

Policy 10.9.1 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject application:

i. That all of the criteria for plans of subdivision are given due consideration.

Staff have reviewed subdivision criteria outlined in Section 51(24) of the Planning Act and do not believe this criterion has been met. The Consent does not conform with the phasing policies of the Secondary Plan and proposes development within the Natural Heritage System. The dimensions and shape of the proposed lot can not be confirmed in advance of detailed studies including an Environmental Impact Study and development can not be located within the NHS.

ii. That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.

Staff consider the Consent application premature at this time. Future Draft Plan of Subdivision and Zoning By-law Amendment applications are required for the ultimate and orderly development of the lands.

iii. That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.

The proposed severed lands are subject to future Planning Act applications including a Draft Plan of Subdivision and Zoning By-law Amendment. Through those site-specific applications, detailed studies including an Environmental Impact Study will be required that will help define the limits of development. A future draft plan will determine the location and width of roads which could be restricted if a new parcel was created in advance of the draft plan process. Approving a Consent in advance of knowing the ultimate layout of the lands and limits of the Natural Heritage System could restrict and hinder ultimate development of the lands.

iv. That the application can be supported if it is reasonable and in the best interest of the community.

The application is considered premature at this time in advance of further studies completed through formal Draft Plan of Subdivision and Zoning By-law Amendment applications. Advancing the sale of the proposed severed lands is not a compelling reason to support the Consent, and is not in the best interest of the community. It is representative of the corporate interest.

Staff have reviewed criteria outlined in Section 51(24) of the Planning Act and are not satisfied that the criterion has been met for the reasons stated above. The Consent application is considered premature and does not conform with the policies of the Official Plan and Clair Maltby Secondary Plan. Staff recommend refusal of the application.

Engineering Services

Engineering has no comments with regard to the requested consent application, as proposed. Any future development engineering items will be addressed through other development applications. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject lands are zoned Urban Reserve 1 (UR.1) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended with permitted uses of conservation uses and Legally existing uses, buildings and structures. Lands zoned Urban Reserve 1 are subject to some form of development constraint and/or may require further study. The purpose of this zone is to protect the natural heritage features and limit development until such time as further study is completed.

The applicant is proposing to sever the land for the purpose of a land sale. Building Services supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

The GRCA has confirmed that their comments dated July 31, 2024 are still applicable. See attached original correspondence from the GRCA.

Comments from the Public

None

Contact Information

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