



## Report Committee of Adjustment

**Filing Date:** December 20<sup>th</sup>, 2023

**Hearing Date:** January 23<sup>rd</sup>, 2023

**File:** A-2023-0374

**Owner/  
Applicant:** Suncor Energy Inc.  
Glen Schnarr & Associates Inc. (c/o Frank Mazo)

**Address:** 354 Queen Street East

**Ward:** WARD 1

**Contact:** François Hémon-Morneau, Principal Planner/ Supervisor

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### Recommendations:

That application A-2023-0374 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the owner finalize site plan approval under City File SPA-2023-0024 to the satisfaction of the Director of Development Services;
  3. That the drive through use only be permitted in conjunction with the existing gas station.
  4. 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 being submitted to facilitate the development of a drive through facility connected to an existing Petro-Canada gas station. The variance is requested to waive the restrictions in the 'Queen Street Mixed Use Transition' (QMUT) zone, which currently prohibits drive through use. The applicant aims to partially convert the existing building and site to accommodate a restaurant and associated drive through. The original Site Plan application (SP99-010), approved in 2001, initially permitted a gas station with a car wash and a restaurant with a drive-through. While the restaurant drive-through was approved on the Site Plan drawings, it was never constructed by the owner. The owner now seeks to build the drive-through facility generally in accordance with the previous plans, necessitating a minor variance due to subsequent changes in City policies and zoning.

A Site Plan Application (File # SPA-2023-0024) was submitted on March 6th, 2023, to facilitate the completion of the drive-through facility. The proposal includes new concrete curbing, asphalt, menu boards, painted pavement lines, and directional signage. The Site Plan Application is under review and its process allows various City departments to provide feedback on the technical details of the proposal.

Existing Zoning:

The property is zoned 'Queen Street Mixed Use Transition (QMUT)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an associated drive through facility whereas the by-law prohibits a drive through facility associated with any use.

**Current Situation:**

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

The property is designated 'Central Area' in the Official Plan and further designated 'Central Area Mixed Use' in the Queen Street Corridor Secondary Plan (Area 36). In relation to the Council approved Brampton Plan, the subject property is designated 'Mixed Use' as per Schedule 2 – Designations.

Section 4.1 of the Brampton Official Plan addresses the prevailing character of the Central Area, characterized by a mix of retail, highway commercial, and automotive-related uses. The plan recognizes the importance of integrating transitional uses to achieve the envisioned future for the Central Area. Additionally, the policies outlined in Section 9 of the Queen Street Corridor Secondary Plan aim to manage the transition along the corridor, to ensure the ongoing viability of existing uses while facilitating the comprehensive transformation of the corridor into a dynamic, mixed-use center. The transition of this large Corridor is anticipated to be gradual and long-term. Section 9.1.2 of the Secondary Plan outlines relevant policies governing minor expansion of existing low-rise commercial buildings such as the subject property. In particular, the expansions of existing low-rise commercial uses and buildings may be permitted, provided that new or expanding drive-through uses shall not be permitted.

The city prohibits new or expanded drive through facilities in the Central Area Mixed-Use designations to align with the envisioned pedestrian and transit-oriented character outlined in the Official Plan and Secondary Plan policies. The intent of those policies is to discourage forms of development that would preclude the goal of achieving a mixed-use urban form along the Queen Street corridor. These policies speak to adopting a transitional approach that balances the needs of existing businesses while ensuring the long-term vision is not precluded. The original Site Plan application approved in 2001 allowed for a gas station, car wash, and drive-through. Although the property's development excluded the full completion of the restaurant drive through, the historical context of past Site Plan approval always envisioned its construction. Considering this historical precedent and the subsequent policy changes, Planning staff is of the opinion that allowing the drive-through use will not set an unwarranted precedent.

As such, the nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan and Secondary Plan.

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

The requested variance is to permit an associated drive through facility whereas the by-law prohibits a drive through facility associated with any use. The intent of the by-law in regulating permitted uses on a property is to ensure complementary uses to the area and appropriate restriction of non-compatible land uses. In the 'Queen Street Mixed Use Transition (QMUT)' zone, the intent behind this restriction is to discourage new forms of development that would preclude the goal of achieving a mixed-use and vibrant urban form along the Queen Street corridor.

The proposed variance deviates only from the uses regulated by the QMUT zone, while all other zoning provisions are maintained. The site's size, organization, existing building location, and approved design allow for the incorporation of all drive-through elements. Adequate separation distances, setbacks, and on-site queuing spaces are ensured, eliminating the expectation of off-site vehicle backups. The gas station's current automobile-oriented operation minimizes impacts on site ingress and egress along Queen Street East, alleviating concerns about slow traffic movements. Staff anticipate no negative impacts on the site's normal operation due to well-provided space for restaurant queues. Considering the site's large size, staff believe periodic vehicle circulation won't conflict with queuing lanes, mitigating congestion risks and ensuring safety for both vehicular and pedestrian movement.

Allowing the proposed drive-through facility is supported by the historical approval of the original Site Plan application in 2001, which permitted a gas station, car wash, and drive through. While the subsequent property development did not fully realize the restaurant drive through, the historical context of the past Site Plan approval envisioned its construction as depicted in the approved Site Plan drawing (Appendix A). Despite changes in policies since then, Planning staff are of the opinion that permitting the drive through use would not establish an unwarranted precedent, considering the historical precedent and evolving policies and City-initiated changes in Zoning to the property. In this instance, the drive through facility is not anticipated to compromise the area's intended development.

Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to permit a drive through facility for a restaurant in conjunction with the existing Petro-Canada gas station. The proposed use is consistent with the historical approval contemplated in the original Site Plan application. The proposed drive through facility, associated with a gas station and car wash, serves as a complementary use that is considered to enhance the convenience and functionality of the site, providing a service that aligns with the commercial character of the property. While the overarching planning policies and zoning for the site restrict new drive through uses, the intent of those policies are to assist in the transition of the Queen Street Corridor which is anticipated to be gradual and long-term. However, they are also intended to allow existing businesses to continue operations and provide opportunity for certain permitted commercial uses to expand.

The proposed design aligns with the existing built form, preserving the character of the site and area without altering the size or footprint of the current structure. The plan does not expand from the previously approved drive through and there are no anticipated negative impacts to site circulation and neighboring properties.

Conditions of approval are recommended that the owner finalize site plan approval under City File SPA-2023-0024 to the satisfaction of the Director of Development Services, and the drive through use only be permitted in conjunction with the existing gas station. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variance is intended to permit a drive through facility. Planning staff consider the variance to be minor due to the Site Plan approval granted in 2001, which included the drive through. The current proposal seeks to align with the longstanding vision for the property and maintains consistency with the established built form. The requested variance is specific to allowing an associated drive-through facility, and its limited impact on site design, circulation, and adjacent properties ensure that it will not generate negative impacts on-site or off-site. Subject to the recommended conditions of approval, the Variance is minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

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## APPENDIX B – Site Visit Photos

