



Report Committee of Adjustment

Filing Date: December 18, 2020

Hearing Date: January 23, 2024

File: A18-011

**Owner/
Applicant:** THE GORE PLAZA INC.

Address: 0 Nexus Avenue

Ward: WARD 8

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A18-011 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That a site plan application shall be submitted to facilitate the proposed work;
 3. 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 subject lands are located on the southwest corner of Ebenezer Road and Nexus Avenue. The applicant intends to construct a six-storey mixed-use development comprising of ground-level commercial space (778.26 sq. m) and residential accommodations (47 residential units). The proposed ground floor commercial uses are anticipated to include commercial, retail, limited medical/ office uses, etc. The proposed residential use is requested to seek permission to facilitate the development of the mixed-use apartment building.

The minor variance application was deferred indefinitely during the Committee of Adjustment meeting on March 30, 2021, as the applicant sought more time to provide additional information in support of the application. The original application has undergone amendments to allow for residential use instead of the previously requested residential apartment dwelling (see Appendix B).

The subject property is part of a larger development which has prompted several Committee of Adjustment applications seeking approval of various uses, such as daycare, tutoring, office spaces, among variances. The Committee of Adjustment applications pertaining to the subject property are listed below with the Notice of Decisions and corresponding staff reports provided in Appendix A.

Application No.	Requested Variances	Decision
A03-351	1. To permit a religious institution and to permit a retirement home with assisted living	Approved
A04-330	1. To permit a minimum of 632 parking spaces; 2. To permit a maximum building height of nine (9) storeys for a retirement home.	Approved with conditions
A08-031	<p>The applicant is seeking the following variances associated with development of the site for a religious institution and retirement residence:</p> <ol style="list-style-type: none"> 1. To allow a lot area of 0.24 ha whereas the by-law requires a minimum lot area of 1.0 ha; 2. To allow a front yard setback of 4.5m whereas the by-law requires a minimum front yard setback of 6.0m or one half of the building height; 3. To allow a rear yard setback 4.5m whereas the by-law requires a minimum rear yard setback of 6.0m or one half of the building height; 4. To allow an exterior side yard setback of 4.5m whereas the by-law requires a minimum exterior side yard setback of 6.0m or one half of the building height; 5. To allow an interior side yard setback of 4.5m whereas the by-law requires a minimum interior side yard setback of 6.0m or one half of the building height; 6. To allow an underground parking structure setback of 0.0m whereas the by-law requires a minimum setback of 6.0m; 7. To allow a floor space index of 2.75 for the retirement residence and 1.3 for the religious institution whereas the by-law allows a floor space index of 0.5; 8. To provide a total of 673 parking spaces whereas the by-law requires a minimum of 682 parking spaces; 9. To provide landscaping in 25% of the site area whereas the by-law requires a minimum 6.0m wide landscape buffer; 10. To allow fencing in the front yard whereas the by-law does not allow fencing in the front yard. <p>Note: The variances are required in anticipation of the permitted religious institution and retirement home being on a lot separate from the whole site.</p>	Approved

A08-111	<p>1. The applicant is seeking permission for a building height of eleven (11) storeys for a retirement residence whereas the by-law for the property allows a maximum building height of two (2) storeys.</p> <p>Note: A previous approval was granted for nine (9) storeys under application A330/04</p>	Approved with conditions
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Existing Zoning:

The property is zoned 'Industrial Four (M4-2568)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a building setback of 3.0m to Nexus Avenue whereas the by-law requires a minimum building setback of 6.0m from Nexus Avenue;
2. To permit a landscape strip of 3.0m to Nexus Avenue whereas the by-law requires a minimum landscape strip of 6.0m from Nexus Avenue;
3. To permit residential uses on site in conjunction with permitted non-residential uses, whereas the site-specific zone does not permit residential uses on site.

Current Situation:

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

The subject property is designated 'Business Corridor' in the Official Plan and 'Mixed Commercial/ Industrial' and 'Special Policy Area 16' in the Bram East Secondary Plan (Area 41).

The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. The subject lands are further designated 'Mixed Commercial/ Industrial' with an applicable 'Special Policy Area 16' in the Bram East Secondary Plan (Area 41). The intent of the 'Mixed Commercial/ Industrial' designation is to reflect the Business Corridor policies of the Official Plan within Bram East. Permitted uses in the 'Mixed Commercial/ Industrial' designation include industrial uses such as warehousing and auto service and repair facilities as well as a broad range of commercial uses that include retail, service based commercial, office, restaurants and hospitality uses. The purpose of Special Policy Area 16 is to permit an expanded range of non-industrial uses that is otherwise specified by the 'Mixed Commercial/ Industrial' designation which serve the surrounding population base and business community including uses such as a bank, a commercial school, service shop, office uses, a pharmacy, health or fitness center, etc.

As per the Council approved City of Brampton Official Plan, the subject lands are designated 'Employment Areas' (Schedule 1), 'Mixed-Use Employment' (Schedule 2), and 'Designated Greenfield

Area' (Schedule 5). The general intent of Employment Areas is to provide for a diverse range of high-quality jobs and services to foster innovation. Lands designated Mixed-Use Employment are characterized by a mix of employment uses that support predominantly major office employment uses, and accommodate a broad range of office, business and business park, service, and institutional uses to serve the general public and adjacent Employment Areas. Designated Greenfield Areas provide a key opportunity to establish 15-minute neighbourhoods that provide a diverse mix of land uses, including clusters of business and economic activity, and creating an urban form that supports active transportation.

The subject lands are also located within The Gore Major Transit Station Area (MTSA). MTSA's are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton's MTSA's are strategically located along Brampton's rapid transit corridors and the Kitchener GO rail line, and are areas where significant intensification is to be located. MTSA's will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities.

Within The Gore MTSA, the subject lands are proposed to be designated "Mixed-Use (Mid-Rise Mixed-Use)" (Appendix C). As MTSA's are planned for higher density, the proposed variance seeking to permit a mixed-use mid-rise development is considered to maintain the general intent and purpose of the Official Plan and long term vision for the area. Accordingly, the Council-approved City of Brampton Official Plan states that a range of uses are permitted within mixed-use designations including residential, commercial, institutional, office, restaurant and services uses (Section 2.2.6.3a). Furthermore, Section 2.2.8.18 explains Employment Areas in MTSA's have the potential to support the integration of Employment Areas with non-employment uses to develop vibrant, mixed-use areas, and innovation hubs. Within the Mixed-Use Employment designation, where a Major Transit Station Area Study has been completed and approved through an amendment to this Plan, compatible new residential uses that do not conflict with the main employment uses may be permitted without the need for a Municipal Comprehensive Review process, subject to the relevant policies of this Plan and the Region of Peel Official Plan.

The requested variances seek to permit a residential use on the site and reductions to the building setback and landscape strip to facilitate a mixed-use apartment building on the subject lands. The proposed development is not anticipated to negatively alter the character of the area given the surrounding site context. The subject property abuts residential uses to the north; Nexus Avenue and residential uses to the east; commercial plaza to the south; and institutional and residential uses to the west. The proposed development contributes to the intended vision of The Gore MTSA for which this property is designated "Mixed-Use (Mid-Rise Mixed-Use)" which permits a range of uses including residential uses, subject to an MTSA study. Furthermore, a retirement home was approved on site by the Committee of Adjustment and the variance is to correct ambiguity with respect to the zoning interpretation. As a result, the requested variances are considered to align with the context of the Official Plan, Secondary Plan, and Brampton Plan policies, and maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Industrial Four,' Special Section 2568 (M4-2568), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a building setback of 3.0m to Nexus Avenue whereas the by-law requires a minimum building setback of 6.0m from Nexus Avenue. The intent of the by-law in regulating the required building setback is to ensure that the building footprint is appropriately positioned in a manner that ensures sufficient space is provided for drainage and circulation on the site. Typically, larger building setbacks are prescribed for industrial zones to provide adequate separation between buildings and properties while maintaining landscaped areas.

A 3.0m reduction to the building setback is requested from what the by-law permits. The reduced building setback brings the building closer to the street, creating a more pronounced street edge that enhances the pedestrian experience, aligning with the design principles outlined in the City of Brampton Urban Design Guidelines for mixed-use developments. Furthermore, the building façade is designed to step back preventing the building from dominating the street edge.

Variance 2 is requested to permit a landscape strip of 3.0m to Nexus Avenue whereas the by-law requires a minimum landscape strip of 6.0m from Nexus Avenue. The intent of the by-law in requiring a minimum landscape strip along all property lines is to ensure sufficient area for soft landscaping, supporting the creation of a positive visual impact for the property.

The requested variance represents a 3.0m reduction in the landscaping strip along the property line abutting the street. Open Space staff have reviewed the application and have expressed no objections to the reduction in the landscape strip. The proposed reduction is not anticipated to negatively impact the visual appearance of the property or limit the inclusion of vegetation at the Site Plan stage. A condition is recommended that site plan approval be obtained to ensure that a technical review of the functionality of the site, landscaping requirements, and urban design guidelines are achieved. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit residential uses on site in conjunction with permitted non-residential uses, whereas the site-specific zone does not permit residential uses on site. The intent of the by-law in regulating permitted uses on a property is to establish appropriate and compatible land uses on the site.

The special section M4-2568 zone was established to expand the non-industrial permissions for the subject lands. The intent of M4-2568 zone was to ensure consistency between the secondary plan policies and the zoning permissions with respect to the subject lands. Currently, the M4-2568 zone encompasses five lots treated as a contiguous site, with four of them developed and the remaining vacant lot constituting the subject lands.

The subject lands are surrounded by low-rise residential uses and located within a commercial plaza that contains a variety of uses including a place of worship, daycare, pharmacy, grocery store, restaurant uses, office uses, retail uses, medical office use, etc. The proposed variance seeks to permit the residential use within the mixed-use development. The proposed ground floor commercial space

aligns with the permissions in the M4-2568 zone. Staff note that previous minor variances have allowed “a retirement home” (A03-351 and A04-330) and make reference to “a retirement residence” (A08-031 and A08-111). While these terms lack specific definitions in the Zoning By-law, the Council-approved Official Plan includes a retirement community as a defined use. For zoning purposes, Policy Staff interpret the proposed development as a mixed-use apartment building, with the applicant having the flexibility to market and promote it as a retirement community. The current proposal does not significantly deviate from the originally approved retirement home. The purpose of the variance is to correct ambiguity with respect to the zoning interpretation.

Considering the mixed-use apartment building’s proposed location and its relation to the surrounding context, it is not anticipated that the residential use will adversely affect the functionality of the site or adjacent plaza. The proposed development is planned on the northeastern portion of the site along Nexus Avenue and will provide transitioning between the commercial and residential uses. Staff are of the opinion that the proposed residential use is suitable for the site and location as it is not anticipated to detract from the commercial functions of the neighbouring plaza. To ensure that there are no negative impacts deriving from the development, a condition of approval is recommended that site plan approval be obtained. Subject to these conditions, Variance 3 is considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate a mixed-use development on the site. Due to the irregular shape of the lot and siting of the proposed mixed-use building, Variances 1 and 2 are requested to permit reductions to the building setback and landscaped strip. The reduced setback and landscape strip will provide an opportunity to reinforce the street edge and enhance the pedestrian experience. Further landscaping elements will be analyzed and reviewed at the Site Plan approval stage. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit a residential use to facilitate the development of a six storey mixed-use building located on the northeastern portion of the subject lands. A previous minor variance approval granted permission for a retirement home. Following a further review of updated plans, the development was further defined as a mixed-use building for zoning purposes as there is no definition for a retirement home in the by-law. As previously stated, the applicant will have the flexibility to market and promote the development oriented to seniors as a retirement community. The design and layout of the proposed development will continue to promote to the efficient use of the lands and will support an existing community. The proposed development is not anticipated to compromise the existing surrounding area which primarily consists of commercial and residential uses as it maintains the general policies envisioned for The Gore MTSA. The proposed residential use is not anticipated to create adverse impacts relating to the compatibility of the use and function of the site on-site or off-site as it will provide appropriate transitioning between the commercial plaza and neighbouring community. The proposed mixed-use apartment building will provide additional services to the community. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances, which seek a reduced setback and landscape strip along Nexus Avenue to facilitate a mixed-use development, encompass a reduced building setback of 3m and a reduced landscape strip of 3m. The design principles outlined in the City of Brampton Urban Design Guidelines for mixed-use developments emphasize the importance of creating a vibrant street edge. The reduced setbacks align with these guidelines, fostering a more engaging and visually appealing environment. These reductions are not anticipated to significantly impact shadowing or contribute to a massing that imposes onto the public realm. The development will be further reviewed through a subsequent Site Plan application to ensure the site is functional and inclusion of landscaping is achieved. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

The variance requested to permit a residential use is in conjunction with the proposed mixed-use apartment building. The current proposal does not significantly deviate from the originally approved retirement home. The purpose of the variance is to correct ambiguity with respect to the zoning interpretation. The variance to permit the residential use will facilitate the integration of residential units on the site without compromising the existing commercial and industrial area, maintaining its employment function with commercial and retail at ground level. Moreover, the proposed mixed-use development will provide transition between the commercial uses and surrounding residential area. The variance is not anticipated to negatively impact adjacent properties which will continue to maintain the existing commercial, industrial, and employment functions. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A – Previous Committee of Adjustment Decisions and Staff Reports

COMMITTEE OF ADJUSTMENT

Notice of Decision

The City of Brampton



City of Brampton

FILE NUMBER A351/03

HEARING DATE NOV. 25, 2003

APPLICATION MADE BY THE GORE PLAZA INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW NUMBER 56-83
AS AMENDED AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION:

1. TO PERMIT A RELIGIOUS INSTITUTION; AND
2. TO PERMIT A RETIREMENT HOME WITH ASSISTED LIVING.

(EAST SIDE OF THE GORE ROAD SOUTH OF EBENEZER ROAD - PART LOT 5, CONC. 1
N.D.)

THE REQUEST IS HEREBY APPROVED
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE
CITY OF BRAMPTON WHERE REQUIRED)

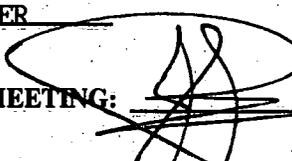
REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

MOVED BY: R. HUNTER

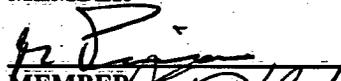
SECONDED BY: B. REED

SIGNATURE OF CHAIR OF MEETING: 

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION


MEMBER


MEMBER


MEMBER

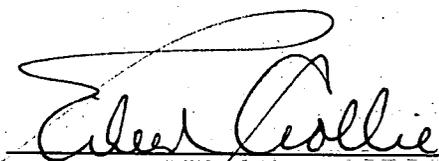

MEMBER


MEMBER

DATED THIS 25th DAY OF NOVEMBER, 2003

**NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION
TO THE ONTARIO MUNICIPAL BOARD WILL BE DECEMBER 15th, 2003.**

I, EILEEN COLLIE, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT
CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE
COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.


SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

**COMMITTEE OF ADJUSTMENT
STAFF PLANNING REPORT**

APPLICATION NUMBER: A351/03

DATE: November 18, 2003
HEARING: NOVEMBER 25, 2003

APPLICANT'S NAME: THE GORE PLAZA INC.

MUNICIPAL ADDRESS: S/E CORNER EBENEZER ROAD & THE GORE ROAD

BACKGROUND INFORMATION

Existing Zoning: *The subject lands are zoned 'Industrial Four-Section 669 (M4-Section 699)', according to By-law 56-83, as amended.*

Requested Variances: *To permit the following variances:*

1. *To permit a religious institution whereas the by-law does not allow the proposed use; and,*
 2. *To permit a retirement home with assisted living whereas the by-law does not allow the proposed use.*
-

CONSOLIDATED STAFF REPORT

1. Conforms to the Intent of the Official Plan

The subject property is designated '**Business Industrial**' on Schedule 'A' General Land Use Designations of the Official Plan and '**Mixed Commercial/Industrial**' within the Bram East Secondary Plan Area 41. Neither designation contemplates the residential use (retirement home). It is not known if the religious is intended to be stand alone or as part of an industrial/commercial complex. A stand alone religious institution (a place of worship is accommodated through an "Institutional" designation in all other areas of the secondary Plan. If the religious institution is on its own, it would not conform to the mixed industrial/commercial designation of the Plan. The requested variances cannot be considered to maintain the intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The zoning by-law reflects the intention of the Official Plan and Secondary Plan and thus permits industrial and commercial uses. Neither of the requested variances for a place of worship and a retirement home is permitted in a commercial or industrial zone category. Accordingly, the requested variances do not maintain the intent of the by-law.

3. Desirable for the Appropriate Development of the Land

The requested variances propose to add uses to this site that are not currently permitted. Details such as the size, location, and the exact nature of these uses are unknown. Therefore, it is not possible to fully evaluate the desirability and appropriateness of the proposed uses on the site itself and on surrounding lands. Therefore, the requested variances cannot be considered desirable for the appropriate development of the lands.

4. Minor in Nature

Details of the proposed uses, which are necessary to fully evaluate the requested variances in terms of their impact and appropriateness, are not known at this time. It appears to be more than minor to allow uses that may be noticeably outside the realm of uses contemplated by the Official Plan and by the current zoning.

STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A351/03 is not supportable.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Deborah Babulal', written over a horizontal line.

Deborah Babulal, M.Sc.Pl.
Development Planner



MINUTES

Committee of Adjustment

1. In the event the applicant is required to construct any portion of the wheelchair ramp or canopy on the maintenance easement between 8 and 9 Hazelglen Court, the applicant shall obtain the required legal approval from the owner of 8 Hazelglen Court and a copy of the legal documentation shall be provided to the Secretary-Treasurer Committee of Adjustment.
2. That the variance for a reduction of the side yard setback to the accessory structure (shed) be refused.
3. That the variance to allow an accessory structure (shed) on a maintenance easement be refused.

Reasons: The decision reflects that in the opinion of the Committee:

- (1) The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
- (2) The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(22)

A351/03

THE GORE PLAZA INC.

PT LOT 5, CONC 10 N.D.
S/E CORNER OF EBENEZER
RD. & THE GORE RD.
WARD 10

The applicant is seeking the following variances:

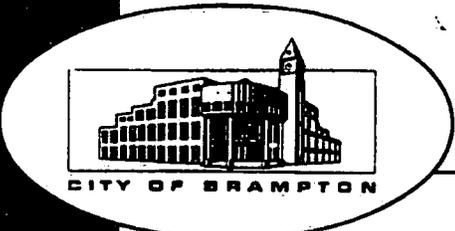
1. To permit a religious institution whereas the by-law does not allow the proposed use.
2. To permit a retirement home with assisted living whereas the by-law does not allow the proposed use.

Mr. Michael Gagnon, Gagnon Law Bozzo Urban Planners Ltd., authorized agent for the applicant, appeared before committee requesting approval of the application. Mr. Ben Chana, owner of the property was also present at the hearing but did not address committee.

Mr. Gagnon provided committee with a petition containing over 1200 signatures of area residents who were in support of the application.

Mr. Gagnon advised committee that there is a large Sikh community in this area and the proposed uses are urgently required to serve the needs of the community as there are no facilities of this nature within a radius of 20 km. He advised that the proposed retirement home would occupy a portion of the east half of the site and access would be provided via Nexus Road. Mr. Gagnon maintained that the proposed uses were not out of character with other uses which are permitted on the site such as a community club and recreation facility. He advised that this client has retained an architect to work with City staff on the design of the buildings. Mr. Gagnon advised that the place of worship could be accommodated temporarily within several units of the proposed plaza until such time as a temple is constructed.

Committee was in receipt of comments from Andjelco & Gordana Kokorovic of 32 Domenco Crescent indicating their objection to the application.



MINUTES

Committee of Adjustment

Committee was also in receipt of a letter from City Councillor John Sprovieri dated November 14, 2003 indicating his support for the application.

Committee was informed that City of Brampton planning staff was not in support of this application.

Committee noted that a nursing home was a permitted use and felt that a retirement home with assisted living is very similar. There are also other institutional uses in the area therefore committee saw merit in approving the religious institution.

The committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by R. Hunter
 Seconded by B. Reed

THAT application A351/03 to allow the following variances:

- To permit a religious institution;
- To permit a retirement home with assisted living;

be approved for the following reasons:

Reasons: The decision reflects that in the opinion of the Committee:

- (1) The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
- (2) The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

NOTE: CHAIRMAN PAPPAIN LEFT THE HEARING ROOM PRIOR TO DISCUSSION OF APPLICATION A352/03. MEMBER REED ASSUMED THE CHAIR FOR A352/03 ONLY.

(23)

A352/03

CANADIAN TIRE REAL ESTATE LTD.

PT LOT 15, CONC 5 EHS
1733, 1795 & 21111 STEELES
AVE. EAST
WARD 9

The applicant is seeking permission to allow truck parking and whereas the by-law does not allow the proposed use.

Mr. Michael Gagnon, Gagnon Law Bozzo Urban Planners Limited, authorized agent for the applicant, appeared before committee requesting approval of the application. Mr. Gagnon introduced Mr. Robert Ramsay, Director of Transportation Operations, Canadian Tire Corporation.

Committee was informed that if the application for additional truck parking on the site is approved, it will result in a reduction in truck traffic on Steeles Avenue of over 1,000 trucks per week.

Ontario
Municipal
Board

655 Bay St Suite 1500
Toronto, ON M5G 1E5
Tel (416) 326-6800
Toll Free: 1-866-887-8820
Fax (416) 326-5370
www.omb.gov.on.ca

Commission des
affaires municipales
de l'Ontario

655 rue Bay Bureau 1500
Toronto, ON M5G 1E5
Tél (416) 326-6800
Sans Frais: 1-866-887-8820
Télééc (416) 326-5370
www.omb.gov.on.ca



May 16, 2005

John L. O'Kane
Lawrence Lawrence Stevenson
Barristers & Solicitors
43 Queen Street West
Brampton ON L6Y 1L9

Dear Mr. O'Kane:

Re: O.M.B. Case No: PL050125
O.M.B. File No: V050074
Reference: Sub. A330/04, Pt. Lot 5, Conc. 10, City of Brampton
Date of Hearing: May 25, 2005

CC: Paul Snape
Ted Yao

RECEIVED
CLERK'S DEPT.

MAY 17 2005

REG. NO.:
FILE No.:

Noted
Amich
L-T
May 17
2005

The Ontario Municipal Board has received your written confirmation that the above-noted matter has been withdrawn.

As a result, the Board has cancelled the hearing that was scheduled to commence on **Wednesday, May 25, 2005, for three (3) days.**

Yours truly

M. Fernandes
Maria Fernandes
Hearings Co-ordinator

/vw
c. List

**COMMITTEE OF ADJUSTMENT
SUPPLEMENTARY STAFF PLANNING REPORT**

APPLICATION NUMBER: A330/04

DATE: JANUARY 5, 2005

HEARING: NOVEMBER 16, 2004

DEFERRED TO: JANUARY 11, 2005

APPLICANT'S NAME: THE GORE PLAZA

MUNICIPAL ADDRESS: E/S THE GORE ROAD SOUTH OF EBENEZER ROAD

BACKGROUND INFORMATION

Existing Zoning: *The subject lands are zoned Industrial 4 (M4) – Section 1669, according to By-law 270-2004.*

Requested Variances:

1. *To permit a minimum of 682 parking spaces whereas the by-law requires a minimum of 781 parking spaces.*
 2. *To permit a building height of 9 storeys for a Retirement Home whereas the by-law allows a maximum building height of 2 storeys.*
-

BACKGROUND

Under the current zoning, the subject property is allowed industrial and commercial uses.

The subject property has been subject to previous minor variance applications to the Committee of Adjustment which have been approved as follow:

A295/03:

1. To permit a Laundromat or a dry cleaning establishment;
2. To permit personal service shop (excluding a body rub parlour); and,
3. To permit a bank, trust company or finance company.

A351/03:

1. To permit a religious institution; and,
2. To permit a retirement home with assisted living.

The proposed retirement home with assisted living facility shall meet entirely all prescribed aspects of the retirement home definition as allowed by a previous decision of the Committee of Adjustment (application file no. A351/03). In this regard staff has not received the applicant's confirmation that the facility will provide supervised care to the retirement home's residents at all time as required in the zoning by-law definition of a retirement home, as follow:

"retirement home shall mean a residential care facility for the accommodation of persons, who, by reason of their emotional, mental, social, or physical condition, or legal status, require a supervised living arrangement for their well-being, in which

- (a) dwelling units, rooms or room and board are supplied for hire or gain;*
- (b) more than eight (8) persons in addition to the staff and operator are accommodated in the retirement home;*
- (c) there is a common dining room and common sitting room for the residents."*

This current request for variances to building and height and parking comes after a deferral of the original proposal with this application (A330/04) for variances to parking, building height setbacks and floor space index. The Retirement Home building is reduced in height from 12 storeys to 9 storeys. The applicant is now seeking a variance for a building height (9 storeys (whereas a maximum of 2 storeys is permitted) and for parking in connection with the permitted church/temple, commercial, retail and office component of the overall development plan. The applicant is proposing to provide the required amount of parking spaces for the Retirement Home building (the 9-storey building) and the place of worship (defined as a Religious Institution in the Zoning By-law).

CONSOLIDATED STAFF REPORT

1. Conforms to the Intent of the Official Plan

The subject property is designated 'Business Industrial' on Schedule 'A' General Land Use Designations of the Official Plan and 'Mixed Commercial/Industrial' within the Bram East Secondary Plan Area 41. With respect to the Business Industrial designation of the Official Plan, new developments must satisfactorily address *the location and number of on-site parking spaces for all types of vehicles and their effect on adjacent properties* (section 4.2.10.6). The proposal does not satisfactorily address this matter.

The compliance with the parking requirement for the Retirement Home and Place of Worship is what should occur to on a mixed-use development such as this proposal which has a relatively unconventional combination of use. However, the applicant is still requesting a variance for a deficiency in parking for the church/temple, retail, commercial and office component. The proposal at this time is quite speculative and there are no specific users identified. Given this and the fact that the site was originally intended for a mixed industrial/commercial development, there is no justification for a reduction in the required amount of parking spaces for any part of the "proposed development."

The parking study submitted is not satisfactory (see attached comments December 20, 2004)

The requested parking variance does not meet the intent of the Official Plan.

The proposed variance for the height of the Retirement Home is not in conflict with any specific policies of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

In support of this request, the applicant states in a letter dated December 2, 2004 that the required number of parking spaces for the Retirement Home will be provided. Underground parking is now proposed. The relief in the parking for this project is being sought for the non-residential components including the church/temple, retail commercial and the office uses.

The required number of parking spaces is as follow:

▪ Building A – Retail Commercial (5882.21 sq. m.):	309.59 spaces
▪ Building B – Retail & Office (3777.19 sq. m.):	198.8 spaces
▪ Building C – Commercial (997.13 sq. m.):	52.48 spaces
▪ Church/Temple (Prayer Area: 836 sq. m.):	99.52 spaces
▪ Retirement Home (80 condo units/1 bedroom):	120 spaces
Total:	(780.39) 781 spaces

The Transportation Planning Division has reviewed the parking utilization study prepared by Marshall, Macklin, and Monaghan dated November 3, 2004. The Gore Plaza mixed uses including offices, retail, residential and place of worship requires a considerable number of parking spaces that at peak times are anticipated to impact negatively how the site will function and generate an overflow of traffic and off-site parking. It is anticipated that the place of worship will be used for other purposes, such as a community centre and the medical office will be opened to the public on a daily basis including weekends. In this regard, the requested parking variance is not considered to conform to the intent of the Zoning By-law.

The applicant has amended their original minor variance application and reduces the number of variances especially for the retirement home building. The site plan submitted with this application indicates that the 9 storey Retirement Home building meets all zoning requirements with the exception of the building height. At the time that the zoning by-law was prepared for this site, only commercial and industrial 2 storey buildings were being pursued. A shadow study has been submitted for this application which demonstrates that a 9 storey building is not anticipated to interfere with the adjacent properties. The proposed height of the retirement building is alleviated by the massing and type of structure located at the corner of the property which is proposed to be developed with a church/temple. Staff is of the opinion that the proposed height variance is supportable, provided that some amenities/open space are provided along Nexus Avenue and around the retirement home building as indicated on the site plan submitted with this application. The building design and massing of the residential building shall be more refined; for example, the fenestration, opaque screened balconies, stepped roof levels to break the visual impacts of the high structure, pronounced detailing/façade relief to visually break the building height. These details will be enforced through the Site Plan Approval process.

Provided the above noted information is agreed upon, the requested variance for the 9 storey retirement home building is considered to conform to the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The retirement building height is considered to be appropriate for the development of the land. The height of the building is not anticipated to create significant impact on adjacent lands

provided that the required number of parking spaces are made available for the retirement home residents as prescribed by the zoning by-law.

The parking shortfall remains significant and is not considered to be appropriate for the site. Major impacts are anticipated, especially caused by the users of the temple and the medical offices, which can generate an important traffic flow and an important demand of parking spaces. An overflow of off-site parking and traffic is anticipated on the roads bordering the site and creates safety issues. Staff is of the opinion that more underground parking spaces shall be made available for the users of the site.

Furthermore, the Transportation Development Engineering Staff have reviewed the specific parking utilization study and have concerns with the methodology and assumptions utilized within, and at this time, are not in support of the proposed parking variance.

In this regard, the parking variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The significant shortfall of parking spaces is not considered to be minor in nature. The implication of the reduced number of parking spaces on-site could potentially overflow on the street network and generate issues such as traffic flow and safety.

The variance for the height of the retirement home building is considered to be minor in nature.

STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A330/04 is supportable, subject to the following conditions being imposed:

1. The variance to permit a minimum of 682 parking spaces whereas the by-law requires a minimum of 781 parking spaces be refused and therefore, any approved Site Plan for the site shall meet the minimum parking requirements of the Zoning By-law.
2. The proposed residential building shall only be a Retirement Home as defined in the City's Zoning By-law.
3. That the design and architectural drawings of the retirement home shall include upgraded design treatment including but not limited to: pronounced detailing/façade relief to visually downplay the building height, upscaled façade materials in keeping with the design vision for this area, stepped roof levels, opaque balconies screens and upgraded landscaping treatment. These requirements shall be enforced through the site plan approved process.

Respectfully Submitted,



Christine Gervais, B. Sc.
Development Planner

A351/03:

1. To permit a religious institution; and,
2. To permit a retirement home with assisted living.

The subject proposal is requested to accommodate a 12 storey seniors apartment building and a religious institution which creates a shortfall of approximately 160 required parking spaces, an increase density of the site floor space index from 0.5 to 0.53, an increase in the building height from 2 to 12 storeys, and a reduced rear yard setback from 12 metres to 3.2 metres.

CONSOLIDATED STAFF REPORT

1. Conforms to the Intent of the Official Plan

The subject property is designated 'Business Industrial' on Schedule 'A' General Land Use Designations of the Official Plan and 'Mixed Commercial/Industrial' within the Bram East Secondary Plan Area 41. The proposed variances are requested to accommodate the construction of a 12-storey retirement building and a place of worship. The requested variances are considered to be excessive and are not consistent with the design policies within the Official Plan and Secondary Plan. Therefore, the requested variances do not conform to the intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The proposed place of worship and retirement building will create an intensification of the site which generates a significant shortfall in the number of parking spaces required on-site. The applicant has requested a variance to allow 632 parking spaces whereas 792 spaces are required by the rental 1 bed-room apartment standard of the zoning by-law. In support of this request, the applicant contends that the parking calculation should not be based on the rental parking standards but should be based on the standards used for senior citizen rental unit of 0.75. In this case, the minimum parking spaces required will be 726 spaces. Based on the zoning by-law definition, a

"senior citizen residence shall mean a building owned and operated by a government agency, or by a non-profit and non-commercial organization, primarily for the housing of senior citizen, containing only one or two bedroom dwelling units, in which each one bedroom dwelling has a gross floor area of not more than 58.5 square metres and each two bedroom dwelling unit has a gross floor area of not more than 70 square metres."

Staff is of the opinion that the proposed facility falls under the retirement home definition as allowed by a previous decision of the Committee of Adjustment (application file no. A295/03). In this regard, a

"retirement home shall mean a residential care facility for the accommodation of persons, who, by reason of their emotional, mental, social, or physical condition, or legal status, require a supervised living arrangement for their well-being, in which

(a) dwelling units, rooms or room and board are supplied for hire or gain;

- (b) *(b) more than eight (8) persons in addition to the staff and operator are accommodated in the retirement home;*
- (c) *(c) there is a common dining room and common sitting room for the residents."*

The applicant based their calculations on the incorrect parking standards (i.e. a senior citizen rental unit). In this case the retirement home falls under the rental apartment unit (one- bedroom parking ratio of 1.41). As such, this plaza project would be required to provide 792 parking spaces; a difference of 160 spaces required for the site compared to 94 spaces as proposed by the applicant. Staff received a parking study on November 3, 2004 prepared by Marshall, Macklin, and Monaghan. At the time of this report there was still an interpretation discrepancy in the parking requirement for the site. In the event that the applicant's calculations are incorrect, a revised parking study would need to be undertaken.

Furthermore, the applicant requested to vary the by-law to reduce the rear yard setback. The proposed rear yard setback is 3.2 metres whereas the by-law requires a minimum 7 metres. The height of a building should be relative to the distance that the structure is setback from the property line. In this case, the applicant is proposing a 12-storey building; 6 times higher than the prescribed requirement for this zone.

For these reasons, the requested variances are not considered to conform to the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The retirement building is not considered to be appropriate for the development of the land. The building is of a scale that the rear yard setback from the property lot line should be of a distance proportionate with the height of the building and the appropriateness of the proposed increase in density especially created by a residential use within an Industrial/Commercial is questionable. Accurate calculations of the parking spaces have to be determined for the specific type of residential use. Based on the zoning definitions, the applicant should confirm whether the retirement home is a senior citizen residence or a retirement home. Staff is of the opinion that appropriate planning rationale is needed in support of all proposed variances to the zoning by-law to determine the desirability and feasibility of the proposed 12 storeys building which does not appear to be a retirement home.

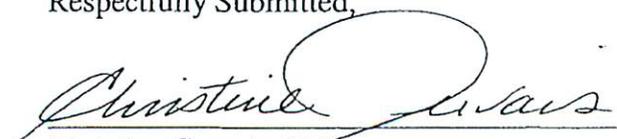
4. Minor in Nature

The scale of the project requires significant changes to the zoning by-law that are not considered minor in nature.

STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A330/04 is not supportable.

Respectfully Submitted,


Christine Gervais, B. Sc.
Development Planner



STAFF PLANNING REPORT

APPLICATION NUMBER: **A08/031**

DATE: FEB 13/08

HEARING: **FEB. 19/08**

APPLICANT'S NAME: **THE GORE PLAZA INC.**

MUNICIPAL ADDRESS: **4545 & 4555 EBENEZER ROAD**

WARD: **10**

BACKGROUND INFORMATION

Existing Zoning: The subject lands are zoned Industrial 4 (M4) – Section 1669, according to By-law 270-2004.

Requested Variance:

1. To allow a lot area of 0.24ha whereas the by-law requires a minimum lot area of 1.0ha.
2. To allow a front yard setback of 4.5m whereas the by-law requires a minimum front yard setback of 6.0m or one half of the building height.
3. To allow a rear yard setback 4.5m whereas the by-law requires a minimum rear yard setback of 6.0m or one half of the building height.
4. To allow an exterior side yard setback of 4.5m whereas the by-law requires a minimum exterior side yard setback of 6.0m or one half of the building height.
5. To allow an interior side yard setback of 4.5m whereas the by-law requires a minimum interior side yard setback of 6.0m or one half of the building height.
6. To allow an underground parking structure setback of 0.0m whereas the by-law requires a minimum setback of 6.0m.
7. To allow a Floor Space Index of 2.75 for the Retirement Residence and 1.3 for the Religious Institution whereas the by-law allows a Floor Space Index of 0.5.
8. To provide a total of 673 parking spaces whereas the by-law requires a minimum of 682 parking spaces.

9. To provide landscaping in 25% of the site area whereas the by-law requires a minimum 6.0m wide landscape buffer.
 10. To allow fencing in the front yard whereas the by-law does not allow fencing in the front yard.
-

BACKGROUND

The subject property has been subject to previous minor variance applications to the Committee of Adjustment which have been approved as follow:

A295/03:

1. To permit a Laundromat or a dry cleaning establishment;
2. To permit personal service shop (excluding a body rub parlour); and,
3. To permit a bank, trust company or finance company.

A351/03:

1. To permit a religious institution; and,
2. To permit a retirement home with assisted living.

A052/07

1. To permit a reduced minimum setback to Ebenezer Road
-

CONSOLIDATED STAFF REPORT

The site for the proposed permitted Place of Worship and Retirement Home is currently part of an existing multi-unit commercial/industrial complex. The proposed variances are requested because the Place of Worship and 9 storey Retirement building will be situated on a legally separate parcel following the creation of a plan of condominium on the balance of the site. These variances are technical variances that would not be required if the proposed buildings remained part of the overall development. As part of the review of the associated site plan application (SP07-60), Planning staff has worked with the applicant to modify and enhance the proposed development. The buildings proposed are in accordance with the City's urban design principles to bring buildings to the edge of the property to improved the streetscape and provide a more pedestrian friendly environment.

The cumulative effect of the requested variances have no significant impacts within the context of the four tests of the Planning Act relative to the proposed development and its significance to the future re-development of the area.

STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application is supportable.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'C. Whittingham', written over a horizontal line.

Carlene Whittingham
Development Planner

A08/31.doc

STAFF PLANNING REPORT

APPLICATION NUMBER:	A08-111	DATE:	July 02, 2008
APPLICANT'S NAME:	The Gore Plaza Inc.	HEARING:	July 15, 2008
MUNICIPAL ADDRESS:	4555 Ebenezer Road	WARD:	10

BACKGROUND INFORMATION

Existing Zoning: *The subject lands are zoned Industrial 4 (M4) – Section 1669, according to By-law 270-2004, as amended.*

Requested Variance: *The applicant is seeking permission for a building height of eleven (11) storeys for a Retirement Residence whereas the by-law for the property allows a maximum building height of two (2) storeys.*

Note: A previous approval was granted for nine (9) storeys under application A330/04.

Background:

This site was subject to a previous request for a variance under file A330/04 to permit a maximum building height of nine (9) storeys for a Retirement Home. Site Plan approval was granted for the 9-storey structure on May 16, 2006 (SP07-060). The applicant is now requesting a further increase in building height to eleven (11) storeys.

The subject property was previously part of a larger industrial/commercial development which has been subject to previous minor variance applications as follows:

A 31/08

1. To allow a lot area of 0.24ha whereas the by-law requires a minimum lot area of 1.0ha.

2. To allow a front yard setback of 4.5m whereas the by-law requires a minimum front yard setback of 6.0m or one half of the building height.
3. To allow a rear yard setback 4.5m whereas the by-law requires a minimum rear yard setback of 6.0m or one half of the building height.
4. To allow an exterior side yard setback of 4.5m whereas the by-law requires a minimum exterior side yard setback of 6.0m or one half of the building height.
5. To allow an interior side yard setback of 4.5m whereas the by-law requires a minimum interior side yard setback of 6.0m or one half of the building height.
6. To allow an underground parking structure setback of 0.0m whereas the by-law requires a minimum setback of 6.0m.
7. To allow a Floor Space Index of 2.75 for the Retirement Residence and 1.3 for the Religious Institution whereas the by-law allows a Floor Space Index of 0.5.
8. To provide a total of 673 parking spaces whereas the by-law requires a minimum of 682 parking spaces.

A076/07

1. To allow units 1, 2, 11 and 12 to be used as a daycare and private school.

A052/07

1. To permit a minimum setback of 4.5m to Ebenezer Road

A330/04

1. To permit a minimum of 682 parking spaces
2. To permit a maximum building height of (9) storeys for a Retirement Home

A351/03:

1. To permit a religious institution; and,
2. To permit a retirement home with assisted living.

A295/03:

1. To permit a Laundromat or a dry cleaning establishment;
2. To permit personal service shop (excluding a body rub parlor); and,
3. To permit a bank, trust company or finance company.

1. Conforms to the Intent of the Official Plan

The subject lands are designated "Business Industrial" in the 1993 Official Plan and "Business Corridor" in the 2006 Council approved Official Plan. The Bram East Secondary Plan Area 41 designates the subject lands as "Mixed Commercial/Industrial". The proposed variance is requested for an eleven (11) storey building height for a Retirement Home .The proposed variance for the height

of the Retirement Home is not in conflict with any specific policies of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

It is Staff's opinion that the increase in building height being proposed is insignificant within the context of the greater development area and is not anticipated to have any impact on the adjacent properties. The applicant has submitted a revised elevation plan that illustrates a building design with pronounced façade detailing to visually break up the building's height. At the site plan approval stage recommendations can be made for architectural elements to further articulate the façade of the building, to minimize the increase in height, and compliment the surrounding buildings and streetscape. An increase in building height is therefore considered to meet the intent of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

The proposed increase in height of the building is not anticipated to have any negative impact on adjacent development. The new Retirement Home facility will accommodate the needs of the community. The Retirement Home at eleven (11) storeys will have to comply with all other requirements of the zoning by-law. The proposal is considered to be appropriate for the development of the land.

4. Minor in Nature

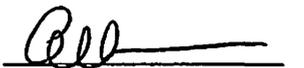
The requested variance is not anticipated to result in any adverse impacts to the surrounding development. The variance is considered minor in nature.

STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A08-111 is supportable subject to the following condition;

1. The applicant shall provide elevation drawings to the satisfaction of the Commissioner of Planning Design and Development showing the building material and architectural articulation to amongst other things, minimize the appearance of the 11 storey building

Respectfully Submitted,



Carlene Whittingham
Development Planner

Appendix B – A18-011 Staff Report dated March 30, 2021

Original Filing Date: December 5, 2017
Amended Filing Date: December 14, 2020
Hearing Date: March 30, 2021

File: A18-011

**Owner/
Applicant:** THE GORE PLAZA INCORPORATED

Address: '0' Nexus Avenue (at Ebenezer Road)

Ward: 10

Contact: Dana Jenkins, Development Planner

Recommendation:

That application A18-011 is not supportable.

Background:

The subject site is part of a larger development which has been the subject of many Committee of Adjustment applications over the years, including:

2003: Approval for a religious institution and a retirement home with assisted living (File A351/03)

2005: Approval to permit a reduction in required parking (from 781 to 682 spaces) and to permit a maximum building height of nine (9) storeys for a Retirement Home (rather than the maximum two (2) storey height permitted under the zoning by-law (File A04-330) This approval was subject to the following condition: That the proposed residential building shall only be a Retirement Home as defined in the Zoning By-law.

2008: Approval for parking reductions from 682 spaces to 673 spaces (Files A08-021 and A08-031)

2008: Approval to allow a building height of eleven (11) storeys rather than nine (9) for a 'retirement residence' (File A08-111)

2017: Application filed to permit a residential apartment building oriented to seniors where the zoning by-law does not permit the proposed use; and to permit zero parking

spaces associated with the proposed 400 square metres of ground floor commercial floor area of the apartment building, where the by-law required 22 parking spaces for the commercial component. Subsequent to internal circulation of the application, the applicant was advised that the development could not be reviewed and supported through the minor variance process. The applicant deferred the application and no Public Notice was issued at the time.

2020: Applicant sought to re-activate the application to permit a five-storey building with two lower levels of commercial uses and three upper floors of residential apartments with 19 units. City staff advised that the proposed mixed-use project is not appropriately processed via Committee of Adjustment but rather via amendment of the Official Plan and the Zoning By-law.

2021: Pre-consultation Application submitted (PRE-2021-0004) for the proposed development. Although the applicant's intent was for pre-consultation on the requested minor variances, the application was circulated to department and outside agencies per standard process. Consolidated comments and complete checklist of required studies and plans for formal submission for the required Official Plan and Zoning By-law amendments were provided to the applicant.

Since that time, the applicant has advised of the intent to proceed with the application to a Committee of Adjustment Hearing.

Existing Zoning:

The property is zoned "Industrial Four – Section 2568 (M4-2568)", according to By-law 270-2004, as amended.

Requested:

The applicant is requesting the following:

1. To permit a building setback of 3 metres to Nexus Road whereas the By-law requires a minimum building setback of 6 metres to Nexus Road;
2. To permit 127 parking spaces whereas the by-law requires a minimum 144 parking spaces;
3. To permit a residential apartment dwelling (oriented to seniors) whereas the site specific zone does not permit the proposed use, but where previous conditional approvals by the Committee of Adjustment permit "a retirement home" (A04-330) and make reference to "a retirement residence" (A08-011 and A08-021) which, in the opinion of the applicant is a similar use generally defined by the by-law.

Current Situation:

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

The property is designated 'Business Corridor' in the Official Plan. The employment objectives listed within the Official Plan outline the need to protect for the supply of designated employment areas, and the need to increase the proportion of the City's non-residential assessment base by facilitating and promoting development activity in these areas. To implement these employment objectives, in part, Section 4.4.1 of the Official Plan indicates that lands within the 'Business Corridor' designation are intended to permit a broad range of employment and employment-related uses, and that these employment areas shall also allow for some ancillary related uses, provided that these ancillary uses did not negatively impact the viability of the employment lands. The development of supportive housing facilities and other noise sensitive public and institutional uses, such as day care centres, schools, nursing homes and hospitals will be permitted (except within the limits of the Lester B. Pearson International Airport Operating Area). There are no residential land use permissions listed or contemplated within any of the 'Business Corridor' designation policies.

A supportive housing facility and a retirement home generally refers to a place for accommodation of persons, who by reason of their emotional, mental, social or physical condition, or legal status require a supervised living arrangement for their well-being. As such, these are not identified as residential uses but rather are considered to be small scale institutional type uses and for this reason are permitted to be located within the 'Institutional' and 'Employment' designations.

As indicated by Section 4.4.1.8 (listed below), a municipal comprehensive review (MCR) process is required to be undertaken and in accordance with specified evaluation criteria. This process will also involve a formal Official Plan Amendment application being filed for both the Official Plan and the Secondary Plan. The policy clearly indicates that a residential use is considered to be a non-employment use.

- 4.4.1.8 An Official Plan Amendment, including an amendment to a Secondary Plan, to permit a non-employment use on lands designated Business Corridor, shall or be considered based on a municipal comprehensive review, which shall demonstrate that:
- i) There is a need for the conversion;
 - ii) The City will meet the employment forecasts set out in Section 2 of this Plan;
 - iii) The conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets and other policies of this Official Plan;
 - iv) There is existing or planned infrastructure to accommodate the proposed conversion;
 - v) The lands are not required over the long term for the employment purposes for which they are designated; and,

vi) Cross-jurisdictional issues have been considered.

For the purposes of this policy, non-employment uses include, but are not limited to: residential, retail in excess of 1,000 square metres (individual store or cluster of stores) and non-ancillary uses.

Section 4.4.1.2 of the Official Plan states that the 'Business Corridor' designation will be broken down through further land use sub-designations and through the preparation of the Secondary Plan policies and that these policies will set out the appropriate requirements and restrictions to implement development within these areas.

Within the Bram East Secondary Plan (Area 41), the property is designated 'Mixed Commercial/ Industrial' and 'Special Policy Area 16' (SPA 16). The 'Mixed Commercial/ Industrial' designation allows for motels, restaurants, retail warehousing, automotive sales, service and repair facilities, specialty food and grocery stores, prestige industrial, uses, with or without ancillary retail, office, or service functions, warehousing operations, parks, open space, and community service uses.

Lands subject to the 'Mixed Commercial/ Industrial' designation were originally intended to be developed primarily for space extensive industrial and warehousing operations, while also providing some limited opportunity for ancillary office, and small scale retail and service commercial type uses. These service commercial uses did not include personal service uses as these were intended to locate within the 'Neighbourhood Retail' and the 'Convenience Retail' designations.

The lands bound by Ebenezer Road, Nexus Avenue, Fogal Road and The Gore Road are also subject to 'Special Policy Area 16' which allows for an expanded range of non-industrial type uses (such as a school, day care, animal hospital, place of worship, food store, office, retail and personal service uses). The City initiated the preparation and processing of SPA 16 to recognize the existing land uses that had moved into the area in order to serve the surrounding population base and business community.

It is noted that there are no permissions for residential uses within either of these secondary plan designations (the 'Mixed Commercial/ Industrial' and the 'Special Policy Area 16'). The requests to reduce the required building setback as well as the required parking for the proposed development are not considered to maintain the general purpose and intent of the Official Plan, which does permit residential uses under the policies of the Official Plan or the Secondary Plan. The requested variances to permit a reduced building setback; to reduce the required parking; and to consider a residential apartment building oriented to seniors use as comparable to a retirement home use approved by conditional minor variance are not considered to maintain the general purpose and intent of the Official Plan.

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

The property is zoned 'Industrial Four – Section 2568 (M4-2568)', according to By-law 270-2004, as amended. Permitted uses of the zone include both industrial and non-

industrial uses, as follows:

2568.1 Shall only be used for the following purposes:

(a) Industrial, which for the purpose of this section, shall only include the following uses:

- (1) The manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials within an enclosed building, but excluding a motor vehicle repair shop and a motor vehicle body shop as a principal or accessory use;
- (2) A warehouse;
- (3) A utility installation; and,
- (4) A printing establishment.

(b) Non-Industrial, which for the purpose of this section, shall only include the following uses:

- (1) A retail establishment;
- (2) A retail warehouse;
- (3) A grocery store;
- (4) A personal service shop;
- (5) A dry cleaning and laundry distribution station;
- (6) A laundromat;
- (7) A bank, trust company, and finance company;
- (8) A health or fitness centre;
- (9) A custom workshop;
- (10) An animal hospital;
- (11) A place of commercial recreation;
- (12) A commercial, technical and recreational school;
- (13) A dining room restaurant, and a take-out restaurant;
- (14) A hotel or motel;
- (15) A service shop;
- (16) A banquet hall;
- (17) A community club;
- (18) An office;
- (19) A day care centre;
- (20) A supermarket;
- (21) A private school;
- (22) A recreation facility or structure; and,
- (23) A place of worship.

(c) Accessory Non-Industrial Uses, which for the purpose of this section, shall only include the following uses;

- (1) A garden centre sales establishment associated with a grocery store or retail warehouse; and,
- (2) Purposes accessory to the other permitted purpose.

The site-specific zone for these lands also specifies a minimum building setback of 6.0

metres along all lot lines abutting The Gore Road, Fogal Road, Ebenezer Road and Nexus Avenue.

A minimum of 650 parking spaces are to be provided, although that number applies to the total number of spaces for all lands within the same zone and not just this lot. The reduction proposed for this portion of the development is from 144 to 127 parking spaces.

The applicant makes three requests for relief from the requirements and restrictions of the Zoning By-law. The first of these is to approve a reduced building setback for the proposed mixed use building. The intent of regulating building setbacks is to provide consistency in streetscape and to ensure adequate area for landscaping and vegetation. In this instance, the applicant seeks to reduce the minimum building setback from the required 6 metre minimum to a 3 metres minimum setback.

The second requested variance made by the applicant is to further reduce the minimum parking requirements for the site, from 144 spaces to 127 spaces. The intent of regulating minimum parking requirements is to ensure that the demand generated by the proposed uses can be accommodated on-site and not create any off-site parking concerns. In this instance there has not been sufficient information submitted by the applicant to determine if further reduction in the required parking is supportable. A parking analysis will need to be provided in support of the proposed parking reduction. Until such time as this technical submission is provided for review, the appropriateness of the requested parking variance cannot be evaluated.

The final relief sought by the applicant is to permit a residential apartment building oriented to seniors where the site-specific zone does not permit the proposed use, but where previous conditional approvals by the Committee of Adjustment permit "a retirement home" (A04-330) and make reference to "a retirement residence" (A08-011 and A08-021) which, in the opinion of the applicant is a similar use generally defined by the by-law.

The applicant's agent has opined that this determination is within the powers of the Committee based on Section 45 (2)(b) of the *Planning Act*, which reads as follows:

'Where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.'

In reviewing the uses permitted under the zoning by-law (listed above on page 5), there are no uses which are residential in nature. In reviewing historic Committee decisions, staff acknowledge that there have been approvals for a narrowly defined "retirement home" and then later references to a "retirement residence". The proposed 'apartments oriented to seniors' (as described by the applicant's agent) does not comply with the very specific definition for a 'retirement home' (which are regulated by the Retirement Home

Regulatory Authority (RHRA));

For reference, the Zoning By-law definition for the term “retirement home” is provided below. Staff note that Section 45(2)(b) of the Planning Act anticipates that, where uses are “defined in general terms”, the Committee may render approval for a use that, in the opinion of the Committee, conforms with the uses permitted by the by-law. In this case, the use for which comparative approval is being sought is not, in fact, permitted by the By-law, rather “a retirement home” is a use previously approved by variance on the condition that “the proposed residential building shall only be a Retirement Home as defined in the Zoning By-law.”

Definition from Section 5 of By-law 270-2004 as amended

RETIREMENT HOME shall mean a residential care facility for the accommodation of persons, who, by reason of their emotional, mental, social, or physical condition, or legal status, require a supervised living arrangement for their well-being, in which:

- (a) dwelling units, rooms or room and board are supplied for hire or gain;
- (b) more than eight (8) persons in addition to the staff and operator are accommodated in the retirement home;
- (c) there is a common dining room and common sitting room for the residents,

but shall not include:

- (a) a group home;
- (b) an auxiliary group home;
- (c) a nursing home;
- (d) a supportive housing facility;
- (e) a lodging house.

The proposed residential apartment building oriented to seniors is not considered to conform to any of the industrial, commercial or institutional uses permitted by the applicable M4-2568 zone, nor is it considered to comply with the specifically defined term for Retirement Home for which conditional approval was granted by the Committee of Adjustment.

The requests to reduce building setback; to reduce the minimum required parking; and to make the determination that a residential apartment building conforms to the other permitted uses of the zone do not maintain the general purpose and intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

From a land use planning perspective, there may be merit in considering a mixed use residential apartment building on the property given the proximity to transit, commercial, social and cultural uses, provided that employment targets for the area can still be met. The appropriateness as to whether or not the apartment building should be placed on this

site, however, will need to be determined by a fulsome review of all required studies and reports associated with an Official Plan and Zoning By-law Amendment.

The Urban Design Brief will provide an opportunity to assess the proposed changes in height, design and gross floor area from the Retirement Home to a residential apartment building with lower level commercial. A parking analysis will provide the chance to evaluate if the proposed parking will meet the needs generated by the proposed uses.

Until the required studies and reports are undertaken and submitted for review as part of an application to amend the Official Plan and Zoning By-law, the proposed changes in use and relief to building setbacks and parking requirements are not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The submissions provided to date in support of the requested variances are not sufficient to properly evaluate the proposed residential and commercial uses or the requested reductions in parking and building setback. The request to allow residential permissions on the property goes well beyond the Official Plan and Zoning By-law permissions in place for the lands. The requested building setback reduction, minimum parking reduction, and proposed residential use are not considered to be minor. Implementation of the proposed project should be undertaken through amendment of the Official Plan and the Zoning By-law, and not by way of minor variances.

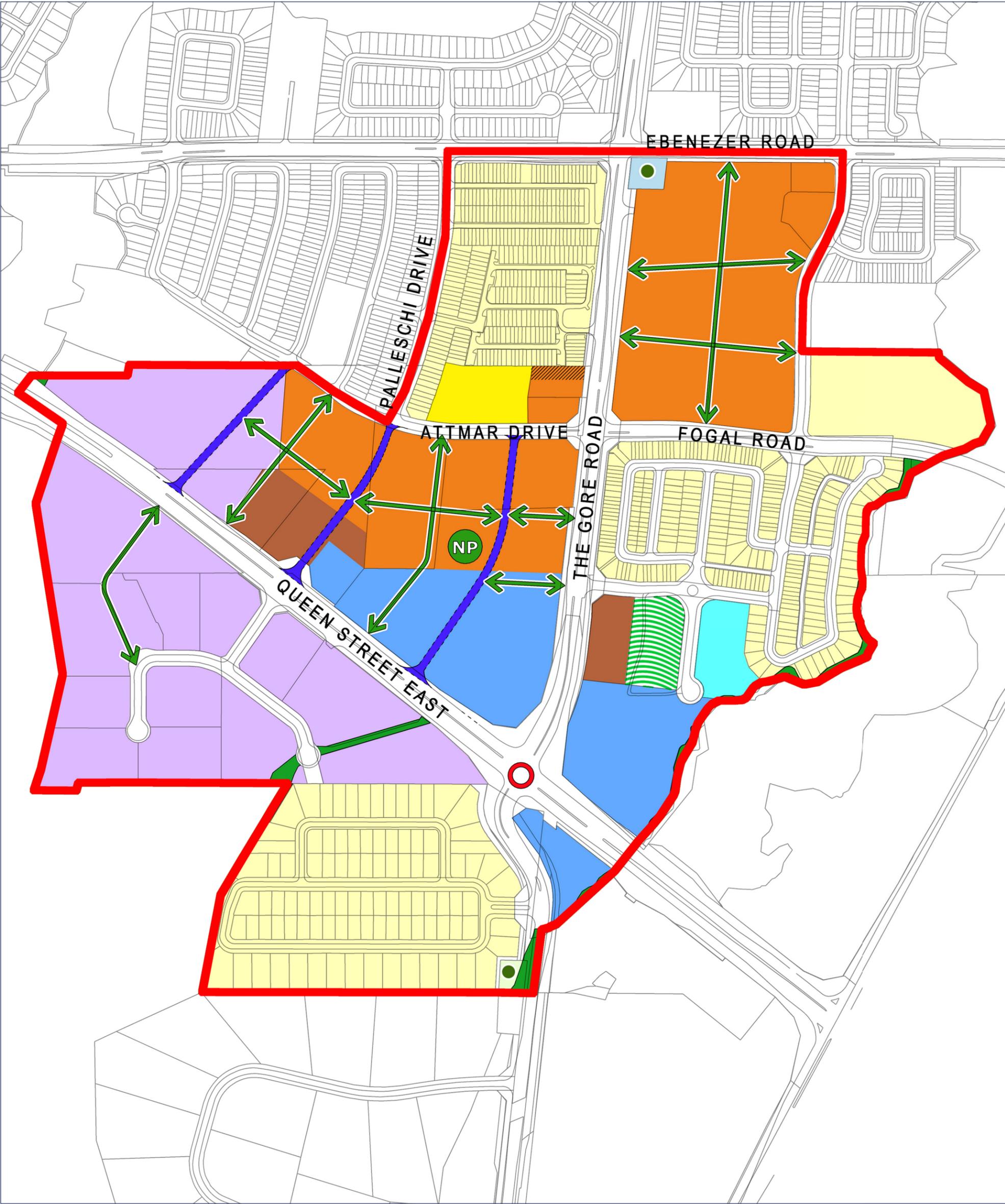
The requested variances are not considered to be minor in nature.

Respectfully Submitted,

Dana Jenkins

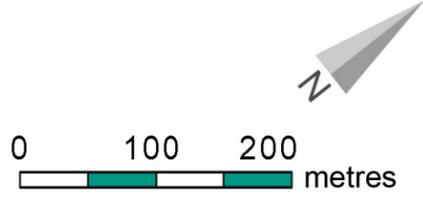
Dana Jenkins, MCIP, RPP
Development Planner

Appendix C – The Gore MTSA Land Use Map



- NEIGHBOURHOOD (LOW-RISE RESIDENTIAL)
- NEIGHBOURHOOD (LOW-RISE PLUS RESIDENTIAL)
- MIXED-USE (MID-RISE MIXED-USE)
- MIXED-USE (HIGH-RISE MIXED-USE)
- MIXED-USE (INSTITUTIONAL)
- MIXED-USE EMPLOYMENT (OFFICE MIXED-USE)
- EMPLOYMENT (PRESTIGE INDUSTRIAL)
- NATURAL SYSTEM
- EXISTING PARK
- CEMETERY
- NP PROPOSED NEIGHBOURHOOD PARK

- PROPOSED PUBLIC OR PRIVATE STREET NETWORK
- POTENTIAL MID-BLOCK CONNECTION
- STORMWATER MANAGEMENT POND
- DESIGNATED HERITAGE PROPERTY
- HEIGHT TRANSITION AREA
- MTSA BOUNDARY
- MTSA STATION



Date: October 2023
 Planning, Building and Growth Management
 Brampton Plan
 This map forms part of the Official Plan of the City of Brampton
 and must be read in conjunction with the text and other schedules.