

Date: 2024-01-15

Subject: Recommendation Report
Application to Amend the Zoning By-law
(To facilitate the development of a private stormwater management pond in association with an industrial development on the lands)
Glenshore Investments Inc. - MHBC Planning Limited
OZS-2023-0038
5203 Old Castlemore Road
South of Old Castlemore Road and Highway 50
Ward 10

Contact: Megan Fernandes, Assistant Development Planner, Development Services

Angelo Ambrico, Manager, Development Services

Report Number: Planning, Bld & Growth Mgt-2024-006

Recommendations:

1. That the report from Megan Fernandes, Assistant Development Planner, Development Services to the Planning and Development Committee of January 29, 2024, re: **Recommendation Report, Application to Amend the Zoning By-law, MHBC Planning Limited/ Glenshore Investments Inc.**, 5203 Old Castlemore Road, Ward 10, be received;
2. That the Application for a Zoning By-law Amendment submitted by MHBC Planning Limited / Glenshore Investments Inc. 5203 Old Castlemore Road, Ward 10, File Number OZS-2023-0038, be approved on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan, and for the reasons set out in the Recommendation Report;
3. That the amendment to the Zoning By-law generally in accordance with the attached Draft Zoning By-law Amendment (Attachment 8) to this report be adopted; and
4. That no further notice or public meeting be required for the attached Zoning By-law Amendment pursuant to Section 34(7) of the Planning Act, R.S.O. c.P. 13, as amended.

Overview:

- **The report recommends that this application to amend the Zoning By-law be approved.**
- **MHBC Planning Limited, submitted the application on behalf of Glenshore Investments Inc to amend the Zoning By-law to accommodate the proposed development of a 0.91 hectare privately owned Stormwater Management facility on the subject lands.**
- **The subject property is designated ‘Business Corridor’ and ‘Open Space’ in the City’s Official Plan. An amendment to the Official Plan is not required.**
- **The subject property is designated ‘Mixed Commercial/Industrial’ and ‘Valleyland’ in the Bram East Secondary Plan (Area 41a). The subject lands are also part of the Highway 427 Industrial Secondary Plan (Area 47) but do not currently have a designation. An amendment to the Secondary Plan is not required to facilitate the proposed development.**
- **A housekeeping amendment to the Secondary Plan will be required in the future to correct the lands from being part of two secondary plans. The amendment will remove the lands from the Bram East Secondary Plan (Area 41a) and provide a designation for the lands in the Highway 427 Industrial Secondary Plan (Area 47).**
- **The subject property is zoned ‘Industrial Business – Special Section 3558 (MBU-3558)’, ‘Floodplain (F)’ and ‘Open Space (OS)’ by By-Law 270-2004, as amended. An amendment to the Zoning By-law is required to permit the private Stormwater Management facility.**
- **A Statutory Public Meeting for this application has been scheduled for January 15, 2024. At the time of the preparation of this report, no written correspondence has been received. Staff will continue to consider comments received by the public and will address them, as needed, at the Planning and Development Committee Meeting on January 29, 2024 in order to ensure that the Bill 109 legislated timeline is satisfied.**
- **This application represents good planning, is consistent with the Provincial Policy Statement, and conforms to the Provincial Growth Plan, the Region of Peel Official Plan, and the City of Brampton Official Plan.**

Background:

This application was submitted by MHBC Planning Limited, on behalf of Glenshore Investments Inc. on November 3, 2023. This application has been reviewed for completeness and found to be complete in accordance with Section 34 (10.4) of the Planning Act. A formal Notice of Complete Application was provided to the applicant on November 22, 2023.

A Statutory Public Meeting was held on January 15, 2024 to provide information about the application to the public which satisfies the notice and statutory public meeting requirements in the Planning Act and the Public Meeting policies in S. 5.30 of the Official Plan.

A Zoning By-law Amendment and Draft Plan of Subdivision Application (OZS-2020-0010) was previously submitted for the subject property to permit industrial business uses. The associated Draft Plan of Subdivision proposed the creation of one industrial block, a valleyland block for the Rainbow Creek tributary and associated buffers and compensation areas. The Draft Plan of Subdivision was draft approved on June 21, 2023, but has not been registered. The future upgrade of Old Castlemore Road to industrial standards is a requirement as part of subdivision registration. An engineering submission for the road upgrades was received in November 2023, and staff comments were released to the applicant in December 2023. Staff are currently waiting on an engineering resubmission from the applicant to address technical comments.

A Site Plan application (SPA-2022-0051) has also been submitted to facilitate the development of three industrial buildings with a total gross floor area of approximately 56,585 square metres (609,081 square feet).

This proposal seeks to establish site-specific zoning for the stormwater management facility from 'Floodplain' to 'Industrial Business' zone so that the zoning designation is consistent across the entirety of the site. The lands were previously zoned 'Floodplain' as the stormwater management pond was contemplated as a separate block at the time of the previous zoning by-law amendment application. The storm water management pond is intended to be a private facility and is no longer a separate block on the plan of subdivision. The 'Industrial Business' zone will assist the applicant in obtaining the required financing for the development of the lands.

Current Situation:

Proposal (Attachment 1)

The lands are currently vacant and is associated with an active site plan application for the development of three industrial buildings with a total gross floor area of approximately 56,585 square metres. The purpose of the application is to amend the Zoning By-law to rezone a portion of the site from 'Floodplain' to 'Industrial Business' so that a consistent zoning designation is applied across the entirety of the subject property.

Property Description and Surrounding Land Use (Attachment 2):

The current conditions on-site are as follows:

- Municipally known as 5203 Old Castlemore Road;
- Frontage of approximately 393 metres along Old Castlemore Road;
- Total site area of approximately 14.27 hectares (35.26 acres);
 - Proposed Stormwater Management Facility has an area of 0.91 hectares and located on the on the western side of the subject lands adjacent to Rainbow Creek;

The surrounding land uses are described as follows:

- | | |
|-------|--|
| North | Agricultural and future industrial lands; |
| South | Existing commercial, agricultural and open space uses; |
| East | Highway 50, City of Vaughan, beyond which is the CPKC Vaughan Intermodal Terminal, there is a gas station located at the southeast corner of the intersection; |
| West | Existing agricultural lands that will be developed for future residential uses in Secondary Plan 47. |

Application to Amend the Zoning By-law

The subject lands are zoned 'Industrial Business – Special Section 3558 (MBU-3558)' 'Floodplain (F)' and 'Open Space (OS)' as per Zoning By-law 270-2004, as amended.

The proposed Zoning By-law Amendment (Attachment 8) will rezone a portion of the lands from Floodplain (F) to Industrial Business – Section 3757.

This is to facilitate the development of a privately owned Stormwater Management Pond Facility that shares the same zoning as the other lands.

Application Circulation:

At the time of writing this Report, City staff have not received final comments and/ or clearances from the following internal City Departments/external commenting agencies:

- Environmental Engineering
- Region of Peel
- Toronto and Region and Conservation Authority

Staff will continue to consider comments received by external agencies, as needed, prior to the Planning and Development Committee Meeting on January 29, 2024 in order to ensure that the Bill 109 legislated timeline is satisfied. The applicant is to address comments prior to Council enactment of the Zoning By-law.

Summary of Recommendations:

This report recommends that Council approve the proposed Zoning By-law Amendment generally in accordance with Attachment 8 of this report. The proposal and implementing documents represent good planning, is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City of Brampton Official Plan. Staff will only bring forward the enacting by-laws for Council's consideration and decision subsequent to the aforementioned external agency clearances being received.

Planning Analysis Summary

The proposed zoning by-law amendment will streamline the zoning for the industrial blocks and stormwater management pond. The amendment will rezone the site from Floodplain to Industrial Business – Section 3757. The permitted use will remain for flood and erosion control. This proposal and implementing documents have regard for matters of provincial interest that are set out in the Planning Act. The application is consistent with the Provincial Policy Statement, maintains the goals and objectives of the City's Official Plan, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Peel Official Plan.

The studies submitted by the applicant (including a Functional Servicing Report, Stormwater Management Report, Environmental Impact Study and Planning Justification Report) have been reviewed by the City, demonstrating that the proposed development is appropriate from a technical perspective.

Further details regarding site access and servicing of the site will be addressed through the detailed engineering review of the subdivision application (OZS-2020-0010). This information will also be reviewed at time of a site plan application, that will be required if there is condominium tenure is contemplated for any of the blocks.

Matters of Provincial Interest

Planning Act

This development proposal has regard for the matters of Provincial interest as set out in Section 2 of the Planning Act. The proposed development has regard for Section 2(a)(f)(h) and (p) of the Planning Act. Staff is satisfied that the proposed development is consistent with the matters of provincial interest as set out in the Planning Act

Section 2(a) – The protection of ecological systems, including natural areas, features and functions;

Section 2(f) - the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

Section 2(h) – The orderly development of safe and healthy communities; and

Section 2(p) - The appropriate location of growth and development.

Staff is satisfied that the proposed development is consistent with the matters of provincial interest as set out in the Planning Act.

Provincial Policy Statement (PPS):

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The application is consistent with Section 1.6.6.7 of the PPS which relates to planning for stormwater management.

Staff is satisfied that the proposed development is consistent with the applicable sections of the Provincial Policy Statement. The proposed stormwater management facility has been conditionally approved as part of Draft Plan of Subdivision, 21T-2003B.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe:

The Growth Plan for the Greater Golden Horseshoe includes policy and direction intended to accommodate and forecast growth in complete communities. These are communities that are well designed to meet people’s needs for daily living by providing convenient access to local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. The proposal also serves to support policies related to Water and Waste Water Systems, and Stormwater Management in accordance with sections 3.2.6.2 and 3.2.7.2

Staff is satisfied that the proposed development conforms to the applicable sections of the Growth Plan

Municipal Planning Documents

Region of Peel Official Plan:

The Regional Official Plan sets the Regional context for more detailed planning by protecting the environment, managing resources, directing growth and establishing a basis for providing Regional services in an efficient and effective manner. The subject lands are located within the “Urban System” designation in the Regional Official Plan and conform to the related policies with respect to healthy communities, achieving an

intensified and a mix of land uses in appropriate areas that efficiently use resources. Furthermore, the property is located within the Designated Greenfield Area. The proposed Zoning By-law Amendment conforms to the Regional Policies with respect to stormwater management policies in accordance with sections 2.6.20 and 2.16.8. Staff is satisfied that the proposed development conforms to the Region of Peel Official Plan.

City of Brampton Official Plan:

The City of Brampton Official Plan provides guidance and policies for the future of the City. The proposal is consistent with the Official Plan as it meets the intent of the plan regarding the type of development and that the environmental policies are met, the design of the development is consistent with the policies and that all technical matters have been resolved.

The subject lands are designated 'Employment', 'Open Space', and 'Designated Greenfield Area' on Schedule 1 – City Concept 'Business Corridor' and "Open Space" on Schedule A – General Land Use Designations of the City of Brampton Official Plan. The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses. The "Open Space" designation permits a limited amount of uses that are restricted to minimizing the impacts of development on the natural heritage system. No additional development is proposed as part of this application and the proposed function of the stormwater management facility is not intended to change from the conditionally approved Draft Plan of Subdivision, 21T-2003B and associated approved development application OZS-2020-0010. The proposal conforms to the "Business" and "Open Space" designations of the Official Plan. Staff is satisfied that the proposed Zoning By-law Amendment is consistent with the policies of the City of Brampton Official Plan.

Council-approved Brampton Plan:

The subject lands are partially located within a Provincially Significant Employment Zone (PSEZ) and Designated Greenfield Area on Schedule 5 – Provincial Plans and Policy Areas of the Council-approved Brampton Plan. PSEZ's are identified by the Province for the purposes of long-term planning for job creation and economic development. As per the Council approved Brampton Plan, the subject lands are designated 'Employment Areas' and 'Gateways' on Schedule 1a – City Structure and 'Mixed-Use Employment' on Schedule 2 – Designations. The planned context for the Mixed-Use Employment designation in Brampton will be to accommodate a broad range of office, business and business park, service, and institutional uses to serve the general public and adjacent Employment Areas in a more compact, vertical and urban form in support of the designation's proximity to the transit network.

Bram East Secondary Plan (Area 41):

The subject lands are designated “Mixed Commercial/Industrial” and “Valleyland” in the Bram East Secondary Plan. As outlined in section 5.5.1 Storm Water Management Facilities are permitted in all land use designations on Schedule SP41(a) provided such facilities are integrated with adjacent uses in a manner acceptable to the Conservation Authority and the City. Staff is satisfied that the proposed privately owned Stormwater Management Facility aligns with the policies of the Bram East Secondary Plan (Area 41).

Highway 427 Industrial Secondary Plan (Area 47):

The subject lands are located within the SP47 area but are not designated. A future housekeeping amendment will be required to delete the lands from the Bram East Secondary Plan (Area 41) and provide a designation in this plan.

City of Brampton Zoning By-Law:

The subject lands are currently split-zoned ‘Industrial Business – Special Section 3558 (MBU-3558)’, ‘Floodplain (F)’, ‘Open Space (OS)’. An amendment to the Zoning By-Law is required to rezone a portion of the subject lands currently zoned ‘Floodplain (F)’ with a site-specific “Industrial Business (MBU)” zone so that all zoning of the industrial blocks and stormwater management pond are consistent. The permitted use will continue to be for erosion and flood control purposes.

Staff is satisfied with the recommended zoning provision for the development of the Lands.

Community Engagement:

The proposed Zoning By-law amendment was circulated to City Departments, commenting agencies and property owners within 240 metres of the subject lands in accordance with and exceeding the Planning Act requirements. Notice signs were also placed on the subject lands to advise members of the public that an application had been filed with the City. This report along with the complete application requirements, including studies, have been posted to the City’s website.

At the time of the preparation of this report, there were no written correspondence received for the upcoming Statutory Public Meeting scheduled for January 15th, 2024. Staff can provide an update at the Planning and Development Committee Meeting on January 29, 2024.

A copy of department/ agency comments are included in Attachment 10 of this report. This report along with the complete application requirements, including studies have been posted to the City’s website.

Corporate Implications:

Financial Implications:

There are no financial implications directly associated with this report. Revenue collected through development application fees are accounted for in the approved operating budget.

Other Implications:

There are no other corporate implications associated with this application.

Strategic Focus Area:

The proposal is consistent with the Strategic Focus Area – Environmental Resilience & Sustainability. Stormwater management ponds help promote resilience of the environment by managing water runoff from surrounding uses.

Conclusion:

Staff is satisfied that the proposed Zoning By-law Amendment represents good planning because it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Peel Region Official Plan, and is in keeping with the general principles of the Brampton Official Plan.

This report recommends that Council enact the Zoning By-law Amendment attached hereto as Attachment 9. Staff will bring forward the enacting by-law for Council's consideration and decision once the aforementioned internal and external clearances are received.

In summary, the application is appropriate for the orderly development of the lands and represent good planning.

Authored by:

Reviewed by:

Megan Fernandes,
Assistant Development Planner,
Development Services and Design
Planning, Building and Growth
Management

Allan Parsons, MCIP, RPP
Director, Development Services and
Design
Planning, Building and Growth
Management

Approved by:

Approved by:

Steve Ganesh, MCIP, RPP
Commissioner
Planning, Building and Growth
Management

Marlon Kallideen
Chief Administrative Officer

Attachments:

- Attachment 1 – Concept Plan
- Attachment 2 – Location Map
- Attachment 3 – Official Plan Designations
- Attachment 4 – Secondary Plan Designations
- Attachment 5 – Zoning Designations
- Attachment 6 – Aerial and Existing Land Uses
- Attachment 7 – Heritage Resources Plan
- Attachment 8 – Draft Zoning By-law Amendment
- Attachment 9 – Results of Public Meeting
- Attachment 10 – Results of Application Circulation