



Report
Staff Report
 The Corporation of the City of Brampton
 11/4/2024

Date: 2024-10-04

Subject: **Recommendation Report**
 Application for a Temporary Zoning By-Law Amendment (3 years)
 (To permit a temporary truck and trailer parking lot consisting of 236 parking spaces)
Highway 50 Holdings Inc. – First Gulf Corporation
 10120 Highway 50
 Ward: 10

Contact: Ellis Lewis, Development Planner, Development Services & Design
 Angelo Ambrico, Manager, Development Services & Design

Report number: Planning, Bld & Growth Mgt-2024-816

RECOMMENDATIONS:

1. That the report from Angelo Ambrico, Manager, Development Services to the Planning and Development Committee of November 4th, 2024, re: **Application for Temporary Zoning By-Law Amendment**, Highway 50 Holdings Inc. – First Gulf Corporation, 10120 Highway 50, Ward 10 (File: OZS-2024-0029), be received;
2. That the Application for Temporary Zoning By-Law Amendment, Highway 50 Holdings Inc. – First Gulf Corporation, 10120 Highway 50, Ward 10 (File: OZS-2024-0029) 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 Attachment 11 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 of the Planning Act, R.S.O. c.P. 13, as amended.

OVERVIEW:

- **This report recommends the approval of the proposed Temporary Use By-law Application to permit 236 truck and trailer to be stored on the lands for a period of 3 years.**

- **The property is designated “Industrial” in Schedule A: General Land Use Designations of the Official Plan. The Industrial designation permits a full range of industrial activities ranging from light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing, and distribution. No amendment to the Official Plan is required to permit the proposed temporary use.**
- **The property is designated “Logistic/Warehouse/Transportation” in the Highway 427 Industrial Secondary Plan. No amendment to the Secondary Plan is required to facilitate the proposed temporary use.**
- **As per Zoning By-law 270-2004, as amended, the subject property is zoned ‘Industrial-Two Special Section 3594 (M2-3594)’. A Temporary Zoning By-law Amendment is required to facilitate the proposed temporary truck storage use.**
- **A Statutory Public Meeting for this Temporary Zoning By-Law Amendment application was held on September 23rd, 2024, Planning and Development Committee meeting.**
- **Prior to staff bringing the zoning by-law amendment forward for Council enactment, a satisfactory Functional Servicing Report (FSR) and grading plan are to be submitted, as well as clearance is required from Toronto and Region Conservation Agency (TRCA) confirming they have no objection to the temporary use by-law. Alternatively, the by-law will proceed for approval to Council in advance of these issues being completed, but with a ‘Holding (H)’ symbol used in the zoning by-law amendment, whereby the storage use will not be permitted (‘H’ symbol removed) until the noted items are satisfied.**
- **The report aligns with the strategic focus area “Growing Urban Centres & Neighbourhoods”. The Temporary Zoning By-law Amendment will support goods movement in the City of Brampton.**

BACKGROUND:

The subject site had previously been rezoned (File: C11E11.002) to permit industrial land use to be developed, and First Gulf Corporation has an active site plan application (File: SPA-2021-0006) with the City to develop industrial uses on this site. First Gulf has noted that they have a desire to use this subject site for truck storage purposes for a 3-year, interim period, prior to the development of the site for its ultimate use. First Gulf has submitted this application on behalf of the owner, Highway 50 Holdings Inc., to temporarily amend the Zoning By-Law for a period of three (3) years. This application was deemed complete in accordance with Section 34 (10.4) of the Planning Act on September 20,

2024. The Statutory Public Meeting for the application was held at the Planning and Development Committee Meeting on September 23rd, 2024. At the time of writing this report, one written correspondence was received for the subject application. The effect of this report to the Committee is to recommend approval of the Temporary Use By-law, generally in accordance with the attached Attachment 11 to this report.

CURRENT SITUATION:

Proposal

A proposal to temporarily amend the Zoning By-law permissions is filed with the City to develop a 4 ha (10 ac) parcel for the purposes of temporary truck and trailer parking. The proposed rezoning would facilitate the temporary (3 year) use of the site for outdoor truck and trailer storage, which would comprise of 236 truck and trailer parking spaces.

The applicant will be required to receive site plan approval at a later time, prior to the use of the site for truck storage purposes, to have physical improvements, such as landscape buffers, drainage swales and a storm water management, approved.

Details of the Proposal (refer to Attachment 1)

The subject property is located west of Regional Road 50, north of Castlemore Road, and is municipally addressed as 10120 Highway 50.

Details of the proposal are as follows:

- 236 truck and trailer parking bays, measuring 18 metres by 3.60 metres;
- Except at approved driveway locations, a minimum 6.0 metre landscape buffering, including plantings and privacy screens, along the lot line abutting Regional Road 50;
- A minimum of 4.5 metres of landscape buffering, including plantings and privacy screens, along the western side yard lot line;
- A minimum of 3.5 metres of landscape buffering, including plantings and privacy screens, along the eastern side yard lot line;
- A minimum of 3.0 metres of landscape buffering, including plantings and privacy screens, along the rear yard lot line; and
- Access from Regional Road 50

Property Description and Surrounding Land Use (refer to Attachment 2)

The lands have the following characteristics:

- A total site area of approximately 4.086ha (10.10ac);
- An approximate frontage of 150 metres on Highway 50;

The surrounding land uses are described as follows:

- **North:** Agricultural uses and lands designated in the Highway 427 Industrial Secondary Plan for future industrial uses;
- **South:** Agricultural uses and lands designated in the Highway 427 Industrial Secondary Plan for future industrial uses;
- **East:** Regional Road 50, beyond which is the Canadian Pacific Railway Vaughan Intermodal Terminal located in the City of Vaughan; and
- **West:** Trailer parking and outside storage, agricultural lands that are designated for future employment uses and residential uses further west, Rainbow Creek tributary.

Further details on this application can be found in the Detailed Planning Analysis contained in Attachment 10, which contains an evaluation of the various technical aspects, including matters addressed in the site-specific studies submitted by the applicant.

Refinement of Existing Studies

At the time of writing this Report, City Staff and the Toronto and Region Conservation Authority (TRCA) have identified that the following studies require some revision, which is to be completed either prior to the enacting zoning by-law being brought to Council for enactment, or prior to the removal of a Holding (H) symbol in the temporary zoning by-law amendment.

- Functional Servicing Report (FSR); and
- Grading Plan

Details of the issues with these studies are noted below:

Functional Servicing Report (FSR)

Revisions are required to the Functional Servicing Report to demonstrate how the City's minimum criteria for stormwater quantity, quality and water balance can be achieved on the subject site. TRCA Staff have concerns with the design and specifications of the proposed stormwater management pond. This matter will be resolved prior to the enactment of the zoning by-law proceeding to Council, or prior to the removal of a Holding (H) symbol.

Grading Plan

Revisions are required to the Grading Plan to resolve remaining technical issues, to the satisfaction of the City of Brampton's Environmental Engineering Department, in order

to ensure Regional Road 50 can support the additional truck traffic on the site. City Staff have identified that there is external drainage entering the site from adjacent properties.

Environmental Engineering Staff support the use in principle, subject to further refinement to the Grading Plan. This matter will be resolved prior to the enactment of the zoning by-law proceeding to Council, or prior to the removal of a Holding (H) symbol.

Application to Amend the Zoning By-Law

The subject property is zoned “Industrial Two Special Section 3594 (M2-3594)” by By-Law 270-2004 as amended. The Temporary Use By-Law is required to permit the proposed temporary truck and trailer parking use. The By-law will include site-specific provisions regarding the temporary storage of oversized motor vehicles.

Holding (H) provision

A Holding (H) symbol may be used as an alternative to having the above noted technical issues satisfied prior to the enactment of the zoning by-law amendment. In that case, the H symbol would restrict the use of the lands for truck storage purposes until such time as an updated Functional Servicing Report and Grading Plan are received to the satisfaction of the City, Region of Peel and the TRCA. Specifically, the H Symbol would prohibit the development of the lands until the following is satisfied:

Holding (H):

- 1) Until the Holding (H) symbol is removed, the lands shall only be used in accordance with the Industrial Two – Special Section 3594 zone.
- 2) The Holding (H) symbol shall not be removed until the following condition has been fulfilled:
 - Written confirmation that a satisfactory Functional Servicing Report and Grading Plan has been provided and approved to the satisfaction of the City of Brampton, the Region of Peel, and the Toronto and Region Conservation Authority;

Summary of Recommendations:

This report recommends that Council approve the proposed Temporary Use By-law, generally in accordance with the one attached to this report as Attachment 11, although the Holding symbol provision may be removed if the noted technical issues can be resolve prior to the enactment of the zoning by-law amendment. The proposal and implementing documents represent good planning, are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City’s Official Plan.

Planning Analysis Summary

This proposal has regard for matters of provincial interest that are set out in the Planning Act. The application to allow temporarily land use permissions is consistent with the Provincial Policy Statement, 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 proposed By-law, with the changes recommended by Staff, represents good planning. Please refer to Attachment 10 "Detailed Planning Analysis" for additional details.

Matters of Provincial Interest

Planning Act:

The Truck Swept Path Analysis has been reviewed by City Staff to ensure the access configurations to the site can adequately support the demands and safety of future and existing residents and employment users in accordance with Section 2 (o) of the Planning Act.

The proposal is located within 800 metres of the Canadian Pacific Railway Vaughan Intermodal Terminal and does not encroach on lands designated for prestige industrial or office uses in the Highway 427 Industrial Secondary Plan. The proposed use represents the appropriate location for the development in accordance with Section 2 (p).

This development proposal has regard for the matters of Provincial interest as set out in Section 2 and Section 39 of the Planning Act.

Provincial Planning Statement (PPS):

The proposed development is located within a Settlement Area as defined in the Provincial Planning Statement 2024 document. The proposal is also located in a Built-Up Area and Employment Area with close proximity to major goods movement transportation infrastructure networks such as Highway 50. The proposed temporary use will not prevent the lands from being developed for long-term logistics and transportation uses in accordance with the City's Official Plan policies in the future to meet long-term employment needs.

Policy 1.2.6.1 of the PPS states that major facilities and sensitive land use shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odor, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

The subject property is located within a location planned for industrial land uses, and in

close proximity to the existing CPKC Railway – Vaughan Intermodal Terminal, Highway 50. The proposal will implement appropriate buffers, landscape treatments, and noise mitigation measures through the Site Plan approval process.

Staff is satisfied that the proposed development is consistent with the applicable sections of the Provincial Planning Statement.

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

The proposal conforms to the Growth Plan by directing development within the delineated built-up area and within an area with existing public service facilities. The proposed development is temporary in nature and will not prevent the lands from being developed in the future for higher-order employment uses. The proposal will support the movement of goods in the Region of Peel until November 2027, as per the temporary zoning by-law.

Policy 2.2.5.8 states that development of sensitive land uses, major retail uses, or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment. The subject property is located within a location planned for industrial land uses, and in close proximity to the existing CPKC Railway – Vaughan Intermodal Terminal, Highway 50. The proposal will implement appropriate buffers, landscape treatments, and noise mitigation measures through the Site Plan approval process.

The recommendations conform to the applicable sections of the Growth Plan.

Municipal Planning Documents

City of Brampton Official Plan (2006):

The property is designated “Industrial” in Schedule A: General Land Use Designations of the Official Plan. The “Industrial” designation permits light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing, and distribution.

The proposed temporary truck and trailer parking lot has been assessed in accordance with the policies of the City of Brampton Official Plan, including *Section 5.10 Temporary Use By-Laws*.

The proposed development application meets the applicable criteria of enacting a Temporary Use By-Law outlined in Section 5.10.2 of the City of Brampton Official Plan:

- The proposal does not create and/or aggravate any situation detrimental to adjacent complying uses in accordance with Section 5.10.2(i), as the lands are planned for industrial uses and will be further reviewed through the Site Plan Approval application process;

- The previously approved Noise Study and Truck Swept Analysis confirms that the temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light, or traffic generation in accordance with 5.10.2(ii).
- The proposal does not interfere with the development of adjacent areas given the nature of the temporary zoning by-law permitting the use for a maximum period of 3 years in accordance with 5.10.2(iii).

The proposed development and temporary zoning by-law amendment included in Attachment 11 of this report addresses the policies in Section 5.10 of the Official Plan. Staff is satisfied that the proposed temporary development is in accordance with the City of Brampton Official Plan.

Brampton Plan (2024):

On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan took effect on June 6th, 2024, except for any sections that may be subject to appeal.

The property is designated "Employment" in Schedule 2: Designations of the Official Plan. The 'Employment' designation permit land uses such as warehousing, distribution, construction, light and heavy industrial uses, trades, outdoor storage, and other uses requiring a range of land parcel sizes.

The proposed temporary truck and trailer parking lot has been assessed in accordance with the policies of the City of Brampton Official Plan, including *Sections 5.12.42 to 5.12.45 - Temporary Use By-Laws*.

The proposed development application meets the applicable criteria of enacting a Temporary Use By-Law outlined in Sections 5.12.42 to 5.12.45 of the City of Brampton Official Plan:

- As the development application does not propose any permanent structures or buildings, the proposed use will be of temporary nature and will not entail major construction or investment. There will be no hardship in reverting to the original uses upon termination of the temporary use in accordance with Section 5.12.43(b).
- As the subject area is designated for industrial uses, the proposed temporary use is compatible with the surrounding land uses and character of the surrounding area in accordance with Section 5.12.43(c).
- The Functional Servicing Report is generally satisfactory with minor comments and confirms that the proposal does not require the extensions or expansion of existing municipal services in accordance with Section 5.12.43(d).
- The Grading Plan is generally satisfactory with minor comments and confirms that the proposal does not require the extensions or expansion of existing municipal services in accordance with Section 5.12.43(d).

- As the Temporary Use proposes truck and trailer parking for an interim period of three (3) years, the proposed use includes sufficient parking facilities entirely on-site in accordance with Section 5.12.43(f).
- Based on all of the above, the proposed use is generally desirable and compatible with the surrounding community in accordance with Section 5.12.43(g).

The proposed development and temporary zoning by-law amendment included in Attachment 11 of this report addresses the policies in Section 5.12.42 to 5.12.45 of the Brampton Plan. Staff is satisfied that the proposed development is in accordance with the City of Brampton Official Plan.

Highway 427 Industrial Secondary Plan:

The subject property is designated “Logistic/Warehouse/Transportation” in the Highway 427 Industrial Secondary Plan. The proposed use is temporary and as such, does not require an amendment to the Brampton Official Plan, or the Secondary Plan which constitutes a chapter of the Official Plan, in accordance with policy 5.10 (Temporary Use By-laws).

City of Brampton Zoning By-Law:

The subject property is zoned ‘Industrial Two Special Section 3594 (M2-3594)’ by By-law 270- 2004, as amended. This report recommends a temporary zoning by-law amendment to permit site-specific exceptions to the Industrial Two Special Section 3594 (M2-3594) zone. The site-specific performance standards will result in appropriate screening to reduce the aesthetic impacts of the proposed temporary truck and trailer parking on the streetscape, and the potential use of an H symbol would ensure the land use permissions for truck and trailer storage do not commence until such time as the conditions of the H provision are fulfilled. Alternatively the technical issues may be satisfied prior to the enactment of the zoning by-law amendment.

Staff is satisfied with the recommended Temporary Use By-law for the truck and trailer storage.

Community Engagement:

The application was circulated to City Departments, community agencies and property owners within 240 metres of the subject property, exceeding the Planning Act requirement of 120 metres for such applications. One written correspondence from members of the public was received and concerns were addressed by the applicant and City Staff. Notice signs were placed on the subject lands to advise members of the public that the application to temporarily amend the Zoning By-law was filed with the City.

The statutory public meeting for this application was held on September 23rd, 2024.

One comment letter from the public was received with this application for staff's consideration. The letter addressed the following issues:

- Adequate drainage of the site
- Details regarding the nature of the application regarding storage, including:
 - Details about potential on site lighting.
 - Details regarding site access

Staff's response on the above noted matters are as follows:

- Drainage:
 - The existing drainage pattern for the site will remain approximately the same in the post-development condition. Currently, the drainage flows to the rear of the property. The post-development condition will maintain this pattern, routing all site drainage to the rear of the property. The existing grades along the property lines are proposed to be maintained, allowing flows to continue routing to the rear of the lot.
 - Flood storage is also being provided at the rear of the property through a detention facility. This facility has very tight release rates that are below existing conditions, which should provide a high level of flood control. Additional flood storage is provided in the gravel lot for additional safety.
- Nature of the Application:
 - The application proposes the temporary use to park truck trailers on-site for a period of 3-years.
 - This rezoning application is for storage of truck and trailers solely, and does not include permissions for repair, washing, etc.
 - The future site plan application will determine details regarding lighting of the site.
 - The Region has approved the existing entrance that continues to be supported with this temporary use application. Further details will be determined through the future site plan process.

CORPORATE IMPLICATIONS:

Financial Implications:

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

Other Implications:

There are no other corporate implications associated with this application.

STRATEGIC FOCUS AREA:

The report aligns with the strategic focus area “Growing Urban Centres & Neighbourhoods”. The Temporary Zoning By-law Amendment will support goods movement in the Region of Peel.

CONCLUSION:

Staff is satisfied that the proposed Temporary Use By-law Amendment represents good planning. The proposal has regard for matters of provincial interest in Section 2.0 of the Planning Act, and the proposed development conforms to provincial plans including the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

The report recommends that Council enact the Temporary Use By-law Amendment attached hereto as Attachment 11. The By-law is appropriate for the orderly development of the lands considering the following:

- The proposed temporary use aligns with policies with in the City of Brampton Official Plan (2006) and Regionally approved ‘Brampton Plan’, specifically *Section 5.10 – Temporary Use By-Laws* and *Sections 5.12.42 to 5.12.45 - Temporary Use By-Laws*, respectively;
- The proposed temporary use will support goods movement in the Region of Peel;
- The appropriate measures will be implemented to reduce the visual impacts of proposed truck and trailer parking on any neighbouring land uses and Regional Road 50; and
- The appropriate measures will be implemented to ensure that staff comments are addressed via a revised Grading Plan and a Functional Servicing Report, through the implementation of a Holding (H) symbol in the Temporary Zoning By-Law Amendment, or alternatively that they be satisfied prior to the enactment of the zoning by-law amendment.

Authored by:

Reviewed by:

Ellis Lewis
Development Services & Design
Planning, Building and Growth
Management

Allan Parsons MCIP, RPP
Director, Development Services & 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 & Existing Land Use
- Attachment 7 – Heritage Resources
- Attachment 8 – Detailed Planning Analysis
- Attachment 9 – Results of Public Meeting
- Attachment 10 – Results of Application Circulation
- Attachment 11 – Draft Zoning By-Law Amendment