

**Detailed Planning Analysis
City File Number: OZS-2023-0004**

Overview

The proposal has been reviewed and evaluated against the Planning Act, Provincial Policy Statement (2024), the Region of Peel Official Plan, the City's Official Plan, and other applicable City of Brampton guidelines and priorities.

The Planning Act, Provincial Policy Statement (PPS), the Peel Regional Official Plan, and the Brampton Official Plan provide direction and policies that encourage efficient and sustainable development, and the use of existing infrastructure to provide an appropriate mix and density of land uses and built form. These documents support land use planning in a logical, well-designed manner that supports sustainable long-term economic viability.

Planning Act R.S.O 1990

The Planning Act is the provincial legislation which sets the rules for land use planning in Ontario. Part 1, Section 2 of the Act includes matters of Provincial Interest, which the Council of a municipality must have regard to. Section 39 of the Planning Act provides criteria for the consideration of a temporary use by-law. The following provides a discussion of these sections.

Section 2:

(f) The adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems;

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

(o) The protection of public health and safety;

(p) The appropriate location of growth and development;

(q) The promotion of development that is designed to be sustainable, to support public transit, and to be oriented to pedestrians;

(r) The promotion of built form that,

- i. Is well-designed,*
- ii. Encourages a sense of place, and*
- iii. Provides for public spaces that are high quality, safe, accessible, attractive, and vibrant.*

Section 39: Temporary Use Provisions

- (1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.*
- (2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.*
- (3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized.*
- (4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized.*

Analysis: Planning Act R.S.O 1990

The proposal is for a temporary use application to permit the development of a motor vehicle sales establishment. Temporary use applications are for a specified period of time and shall not exceed three (3) years as per Section 39 of the Planning Act.

The proposal represents orderly development as it will make efficient use of the lands. The proposed temporary change of use will be compatible with the nearby commercial plaza with no negative impacts to the surrounding community are anticipated in accordance with Section p) of the Planning Act.

The proposal incorporates enhanced landscape screening to ensure that neighboring properties are not impacted by the temporary use development in accordance with Section r) of the Planning Act.

Based on the above, Staff is satisfied that the proposed development has regard for matters of provincial interest in the Planning Act.

Provincial Policy Statement, 2024

The Government of Ontario released the updated Provincial Policy Statement (2024 PPS) on August 20, 2024, which is a streamlined province-wide land use planning framework that replaces both the 2020 PPS, and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. The 2024 PPS provides a policy framework to support the provision of homes by enabling municipalities to plan for and increase housing supply; align development with infrastructure; build a strong and competitive economy; foster the long-term viability of rural areas; and protect agricultural lands, the environment and public health and safety. The 2024 PPS came into effect on October 20, 2024.

The proposal was reviewed for its consistency with the matters of provincial interest as identified in the Provincial Policy Statement (PPS). Through staff review it was determined that the proposed development has regard for the pertinent PPS policies that are applicable to this application:

2.3.1.2 - Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive.*

2.4.1.3 - Planning authorities should:

- a) prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;*
- b) identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;*
- c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;*
- d) consider a student housing strategy when planning for strategic growth areas; and*
- e) support redevelopment of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.*

3.2.2 - Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

3.2.3 - As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be planned for, maintained and, where possible, improved, including connections which cross jurisdictional boundaries.

3.5.1 - Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, 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.

3.9.1 – Healthy, active, and inclusive communities should be promoted by:

- a) Planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) Planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*

- c) Providing opportunities for public access to shorelines; and*
- d) Recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

Analysis: Provincial Policy Statement

The proposed development is located within a Settlement Area as defined in provincial and municipal planning documents. The proposed temporary use will not prevent the lands from being developed for long-term uses in accordance with the City's Official Plan policies in the future to meet long-term residential 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 odour, noise and other contaminants, and minimize risk to public health and safety, and to ensure the long term economic viability of major facilities in accordance with provincial guidelines and procedures.

The subject property is located within a location planned for residential / mixed-use land uses. Existing residential dwellings exist within the immediate vicinity, where appropriate buffers, landscape treatments, and noise mitigation measures will be implemented through the By-law amendment and Site Plan approval process. The proposed temporary change of use will be compatible with the nearby commercial plaza and adjacent residential lands and no negative impacts to the surrounding community are anticipated

Based on the above, staff is satisfied that the proposed Temporary Use By-law is consistent with the policies of the Provincial Policy Statement.

Region of Peel Official Plan (April 2022)

The Region of Peel 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 application is within the 'Urban System' in Schedule E-1: Regional Structure.

The proposal was evaluated against the applicable Region of Peel Official Plan Policies, and it was determined that the proposed development satisfies the pertinent Official Plan policies.

Section 5.3.1 Direct the vast majority of new population and employment growth to the Urban System, being lands within the Delineated Built-up Area with a focus on Strategic Growth Areas and other areas that leverage existing and planned infrastructure investments.

Section 5.4.6 To optimize the use of the existing and planned infrastructure and services.

Section 5.4.7 Promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Section 5.4.8 To support planning for complete communities in Peel that are compact, well-designed, transit-supportive, offer transportation choices, include a diverse mix of land uses, accommodate people at all stages of life and have an appropriate mix of housing, a good range of jobs, high quality open space, and easy access to retail and services to meet daily needs.

Section 5.4.9 To protect and promote human health.

Section 5.4.10 Direct the local municipalities to incorporate official plan policies to develop complete communities that are well-designed, transit-supportive, offer transportation choices, include a diverse mix of land uses in a compact built form, accommodate people at all stages of life and have an appropriate mix of housing, a good range of jobs, high quality public open space and easy access to retail and public service facilities.

Section 5.4.16 Employ a comprehensive, integrated approach to land use planning, infrastructure planning and infrastructure investment to achieve the objectives of this Plan.

Section 5.4.18.1 To achieve efficient and compact built forms.

Section 5.4.18.2 To optimize the use of existing infrastructure and services.

Section 5.4.18.3 To revitalize and/or enhance developed areas.

Section 5.6.1 To achieve sustainable development within the Urban System, reduce greenhouse gas emissions, and adapt the region to a changing climate.

Section 5.6.2 To establish complete healthy communities that contain living, working and recreational opportunities, which respect the natural environment, resources and the characteristics of existing communities.

Section 5.6.9 To provide for and facilitate a wide range of goods and services to meet the needs of those living and working in the Urban System.

Section 5.6.11 Direct urban development and redevelopment to the Urban System within the Regional Urban Boundary, as shown on Schedule E-1, consistent with the policies in this Plan and the local municipal official plan.

Section 5.6.13 Require development and redevelopment in the Urban System to proceed according to the growth management and phasing policies of this Plan, and the planned provision of necessary services.

Section 5.6.15 Direct the local municipalities, while taking into account the characteristics of existing communities, to include policies in their official plans that:

- a) Support the Urban System objectives and policies in this Plan;*
- b) Support pedestrian-friendly and transit-supportive urban development;*
- c) provide transit-supportive opportunities for redevelopment, intensification and mixed land use;*

Section 5.6.17.4 To support increased residential and employment densities within these areas to ensure the viability of transit and a mix of residential, office, institutional and commercial development.

Section 5.6.17.5 To provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods.

Section 5.6.19.2 Encourage a balance mix of transit-supportive uses, as defined by local municipalities, such as residential, retail, offices, open space, and public uses that supports the needs of employees and residents in a walkable environment.

Section 5.6.19.4 Develop and enhance active transportation connections and infrastructure (including sidewalks and multi-use paths) to transit stations and stops to support complete communities, improve multi-modal station access, and to support the Region's modal split target by increasing transit ridership in Peel.

Analysis: Region of Peel Official Plan (April 2022)

The subject lands are located within the 'Urban System' as delineated in "Urban System" in Schedule E-1: Regional Structure. The proposed development represents an efficient built form that will optimize the use of an underutilized and utilize existing infrastructure.

The proposed development provides appropriate service commercial land uses through the inclusion of a motor vehicle sales establishment on the residential lands which will access to surrounding active transportation in accordance with Section 5.6.27.4. The proposal also utilizes existing servicing and infrastructure to redevelop an underutilized piece of land within the City in accordance with Sections 5.4.18.2 and 5.4.18.3.

The proposal will contribute to a complete community and intensify once underutilized lands to incorporate a temporary redevelopment with a mix a land uses on an appropriate area. Furthermore, in accordance with Sections 5.6.19.2 and 5.6.19.4, the proposed development incorporates a connection to the existing public sidewalk system which provides a pedestrian-friendly walkable access to other land uses in the community.

Based on the above, staff is satisfied that the proposed Temporary Use Zoning By-law Amendment conforms to the policies of the Region of Peel Official Plan.

City of Brampton Official Plan (2006):

The City of Brampton Official Plan guides the physical growth and development of the City and guides land use decision-making to meet the needs of current and future residents to 2031. The plan incorporates policies from the Region of Peel Official Plan, PPS, and Growth Plan to address land use planning decisions.

The property is designated 'Residential' in Schedule A: General Land Use Designations and 'Neighbourhood Retail' in Schedule A2: Retail Structure. The 'Residential' designation permits a full range of dwelling types ranging from single-detached dwellings to high-rise apartments. The 'Neighbourhood Retail' designation are usually located in residential areas in order to serve the shopping needs of the community. The Brampton Official Plan sections that are applicable to this application include but are not limited to:

Section 2.4.2 Managing Growth in Brampton:

e) Promote economic prosperity, improve live/ work ratios and enhance the economic integrity of the municipality by ensuring that an appropriate amount of land is designated for employment uses, and mixed-use development; and,

f) Promote the efficient use of existing City and Regional services and infrastructure.

Section 4.2.1.1 The Residential designations shown on Schedule "A" permit predominantly residential land uses including a full range of dwelling types ranging from single detached houses to high-rise apartments.

Section 4.2.1.14 In accordance with the Development Design Guidelines, the City recognizes that the key elements of design for residential areas are:

ii) Siting and building setbacks;

iv) Street façade development and allowable projections, including the street address, entrance architecture, grade relationship, windows, projecting elements and roof forms;

vii) Landscaping and fencing on private property.

Section 4.3.5.2 Local Retail sites will preferably be located at an intersection with a transit stop and in conjunction with open space, a public amenity and/or higher density housing to form a localized focal point for the trade area intended to be served and to promote a walkable, transit-supportive community.

Section 4.3.5.5 The Local Retail uses are defined as follows:

a) Neighbourhood Retail: A group of retail establishments that generally range from 3,700 to 11,620 square metres (40,000 to 125,000 square feet) and are typically anchored by a supermarket, but may also be anchored by a pharmacy or smaller scale home improvement outlet.

Section 4.3.5.7 The City may permit complementary uses such as gas bars, car washes, service commercial, office and entertainment uses in conjunction with any of these Local Retail designations. Motor vehicle sales and rentals, body repair shops and truck washes are not permitted uses.

Section 4.2.1.18 The City shall encourage the use of the Brampton Accessibility Technical Standards and promotes universal design principles that will enhance accessibility in residential areas.

Section 4.11.4.1 Urban design objectives and principles shall form an integral part of the City's land use planning and decision-making processes to ensure that the goal of achieving an attractive and sustainable physical environment is met. All forms of development shall be subject to the policies of this section.

Section 4.11.4.2 The City shall take a leading role in proactively promoting superior physical development design including the creation of a high quality public realm.

Section 4.11.4.7 – All development and redevelopment will be subject to the consideration of the following elements:

- i) Sustainability: How the design promotes the use of nonrenewable resources and takes into account anticipated long term social, economic and environmental needs and projected ability to maintain the new buildings and infrastructure and contributes to the natural heritage system and landscapes and implements sustainable water management practices.*
- ii) Enhancement: How the physical development shall conform to the City's overall structure, respect and enhance the specific character of its immediate neighbourhood and represent housing choice and affordability, social diversity, community stability and economic vitality.*
- iii) Sense of Identity: How the physical development enhances the sense of belonging and civic pride, and communicate the identity of the community.*
- iv) Diversity: How the physical development promotes a diversity of design, form, and use.*
- vii) Scale: How the physical development utilizes spatial definition techniques to emphasize and reinforce a human scale orientation and massing, horizontally and vertically, and to enable harmonious integration with the existing and surrounding development.*
- viii) Circulation: How the transportation system functions and represents a high standard of design. Priority shall be accorded to support and enhance public transit, pedestrian, and bicycle movement.*

- xi) Human Services: How the physical design contributes to the effective and efficient provision of human services including health, social, special and assisted housing, education, and police.*
- xii) Land Use Compatibility: How the distribution of land uses are designed to ensure appropriate transitions between the different land uses, promotion of compatibility of each component and ensuring of a diversity of community functions.*

Section 5.10.1 – The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis. The provisions of Section 39 of the Planning Act, 1990, regarding the enactment and subsequent extensions to such by-laws shall apply.

Section 5.10.2 - The City shall, in considering the enactment of a temporary use by-law, be satisfied that:

- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;*
- (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;*
- (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;*
- (iv) Adequate provision will be made for off-street parking and loading facilities; and,*
- (v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.*

Section 5.10.3 – Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.

Section 5.10.4 - Upon the expiry of the time period(s) authorized by a temporary use bylaw, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered nonconforming within the context of the Planning Act or this Plan.

Analysis: City of Brampton Official Plan (2006)

The property is designated 'Residential' in Schedule A: General Land Use Designations and 'Neighbourhood Retail' in Schedule A2: Retail Structure. The 'Residential' designation permits a full range of dwelling types ranging from single-detached dwellings to high-rise apartments. The 'Neighbourhood Retail' designation are usually located in residential areas in order to serve the shopping needs of the community.

The proposal is to temporarily permit the development of a motor vehicle sales establishment on the subject lands. In accordance with S. 5.10.3 of the Official Plan, Temporary Use by-laws may be passed provided that the temporary buildings / structures do not significantly alter the lands. The existing residential dwelling is planned to be maintained on the site and only a temporary office of 70.85 square metres is proposed.

The proposal incorporates enhanced landscaping on the site to adequately screen the motor vehicle sales establishment from adjacent properties and includes a connection to the existing public sidewalk system which provides a pedestrian-friendly walkable access to other land uses in the community in accordance with Sections 4.2.1.14, 4.11.4.2, and 4.11.4.7.

Although a motor vehicle sales establishment is not permitted as per S.4.35.7, the proposal is for a temporary use redevelopment which allows for redevelopment of the site with an amendment to the Official Plan in accordance with S.5.10.2.

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).
- The temporary use does not interfere with the development of adjacent areas.

The Temporary Use By-law is proposed for a period of no longer than three (3) years in accordance with Section 5.10.1 of the City of Brampton Official Plan and the Planning Act. Based on the above, Staff is satisfied that the proposed Temporary Use By-law is consistent with the policies of the City of Brampton Official Plan.

Brampton Plan 2023

The City of Brampton's Official Plan, 2023, ("Brampton Plan") establishes comprehensive policies that guide anticipated growth and development to achieve a strategic vision for 2051. The Brampton Plan was endorsed by Council on November 1, 2023, and received approval from the Region of Peel on May 16, 2024. It is important to note that some sections of the Brampton Plan are currently under appeal.

The property is designated 'Community Area' in Schedule 1A and 'Mixed Use' in Schedule 2: Designations of the Official Plan. The 'Brampton Plan' sections that are applicable to this application include but are not limited to:

2.1.2.1 The elements that help shape our city, found in both the Designated Greenfield Area and Built-Up Area, and are the basis for our growth management hierarchy, as shown on Schedule 1A and further described in Part 2.2, are defined as follows:

- c) *Community Areas reflect locations where people live, shop, work and play, including a mix of new and existing residential, commercial, and residential-serving institutional areas of Brampton, with the amenities, including parks and open spaces, they need for day-to-day living within a 15-minute walk or bicycle ride from their home.*

2.1.2.4 Community Areas will provide flexibility to allow for a mix of building types based on their location in the City Structure to achieve the objectives of Brampton Plan.

2.2.1.1 Our Strategy to Build an Urban City implements the policies of our City Structure and the City-Wide Building Blocks. The policies of each designation must be read together to understand the vision and intent for each area. The following provides a summary of each designation (Schedule 2) which forms Our Strategy for Building an Urban City:

- a) *The Mixed-Use designation concentrates a diversity of functions, a higher density of development, a greater degree of mixed-uses, and higher level of transit connectivity. The Mixed-Use designation generally comprises portions of Major Transit Station Areas, Major Institutional Anchors, the Provincial Urban Growth Centre, Commercial and Retail Areas, and may be expanded through Secondary Planning processes for Centres and Boulevards. Additionally, they are locations for Major Institutions, including post-secondary centres, hospitals, and major government facilities that support innovation, and contribute a significant number of jobs to the city.*

2.2.3.5 The following uses may be permitted within Urban Centres and Town Centres as shown on Schedule 1A:

- a) *A broad range of uses in keeping with the Mixed-Use designation, including but not limited to residential, commercial, office, cultural, major and local institutional, hospitality, entertainment, recreational and other related uses may be permitted. Other uses may be permitted, as determined through the respective Secondary-level plans.*
- b) *Mixed-use buildings with ground related active uses, such as cafes, restaurants, commercial and personal services uses, will be encouraged.*

2.2.7.8 New proposals locating on Collector, Major and Minor Arterials are encouraged to plan for the creation of complete communities by providing vertically and/or horizontally integrated mixed-use buildings. This may include, any combination of compatible uses, including but not limited to live-work units, residential use, appropriately scaled commercial uses, personal and social service, local office, daycares, cafes, restaurants, or community uses on the ground floor. Mixed-use buildings may include purpose-designed buildings or converted buildings, and buildings with a mix of unit types.

2.2.7.9 Mixed use buildings will be directed to transit supportive corridors, and transit supportive intersections.

2.2.7.35 The Zoning By-law, together with Site Plan Control, and other regulatory tools as appropriate, will include requirements for building stepbacks, maximum lot coverage, minimum lot size, height, front and sideyard setbacks, massing, floor area, roofline, materials, and minimum landscaped areas, as appropriate, having regard for:

- a) Gradation and transition in permitted densities and mix of housing types, in accordance with the Urban Design policies of this Plan.*
- b) Appropriate interfaces with the public realm, including features that occupy both public and private land such as trees.*
- c) Active frontages and ground related non-residential uses to encourage walkability and street life.*
- d) Appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability.*
- e) Proximity to the Mixed-Use designation and Corridors overlay.*
- g) Transition in building form to and from abutting designations.*
- h) The intended density to be accommodated within the permitted building envelope.*

5.12.42 - A temporary use by-law will define the land to which it applies and prescribe the period of time during which it is in effect, to a maximum of three years

5.12.43 - The City will consider the following when considering approval of a temporary use by-law:

- a) The proposed use will conform to the policies of Brampton Plan;*
- b) The proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;*
- c) The proposed use is compatible with the surrounding land uses and character of the surrounding area;*
- d) The proposed use is properly serviced and does not require the extension or expansion of existing municipal services;*
- e) The proposed use does not create any traffic issues within the surrounding area;*
- f) The proposed use will include sufficient parking facilities entirely on-site; and,*
- g) The proposed use is generally desirable and compatible with the surrounding community.*

5.12.44 - Temporary use by-laws may be passed without the necessity of amending Brampton Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.

5.12.45 - Upon the expiry of the time period(s) authorized by a temporary use bylaw, the use of land, buildings or structures that were permitted under such a by-law will cease

to exist and will not be considered nonconforming within the context of the Planning Act or this Plan.

Brampton Plan 2023 Analysis

The property is designated 'Community Area' in Schedule 1A and 'Mixed Use' in Schedule 2: Designations of the Official Plan. The City has identified that these lands should be planned for Mixed Use redevelopment in the future. The site will need to be developed in conjunction with the adjacent property owners in order to pursue a permanent residential development. However, currently there are no formal plans for future development, as the abutting property owners do not intend to develop their land for the foreseeable future.

The proposal is to temporarily permit the development of a motor vehicle sales establishment on the subject lands. In accordance with S.5.12.44 of the Official Plan, Temporary Use by-laws may be passed provided that the temporary buildings / structures do not significantly alter the lands. The existing residential dwelling is planned to be maintained on the site and only a temporary office of 70.85 square metres is proposed.

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 has been deemed satisfactory with 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 Traffic Impact Study has been deemed satisfactory and confirms that the proposal does not create any traffic issues within the surrounding area in accordance with Section 5.12.43(e).
- As the Temporary Use proposes the development of a motor vehicle sales establishment and the proposed use includes sufficient parking facilities entirely on-site in accordance with Section 5.12.42 and 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 Temporary Use By-law is proposed for a period of no more than three (3) years in accordance with Sections 5.12.42 to 5.12.45 of the City of Brampton Official Plan 'Brampton Plan' and the Planning Act. Based on the above, Staff is satisfied that the proposed Temporary Use By-law is consistent with the policies of the 'Brampton Plan'.

Bram East Secondary Plan (Area 41)

The proposed development is located within the Bram East Secondary Plan (Area 41). The property is designated 'District Retail' and 'Special Policy Area 6' within the Secondary Plan. The Secondary Plan policies that are applicable to this application include but are not limited to:

3.2.1 The lands designated District Retail on Schedule SP41(a) shall permit the range of uses and be developed in accordance with the Local Retail policies of Part I, section 4.2 and other relevant policies of the Official Plan. In addition, the maximum permitted gross leasable floor area of a supermarket shall be 9,500 square metres (102,260 square feet).

3.2.1.2 Lands within Special Policy Area #6 are intended to be developed for District Retail purposes, in conjunction with Special Policy Area #5 and in accordance with the provisions set out in section 3.2.1.1. However, if Special Policy Area #5 is developed for Medium Density residential purposes, the lands within Special Policy Area #6 may continue to be developed for limited commercial purposes, provided that commercial development within this area adheres to the following requirements:

- i) Shall consist of the range of commercial uses permitted within a planned (District Retail) commercial shopping center, with the exception of a supermarket, a gas bar, a theatre, a taxi/bus station and/or a motor vehicle body shop/repair/washing establishment.*
- ii) Shall be subject to the requirements, principles and guidelines for commercial development set out in Section 3.2.1.1, above.*

Analysis: Bram East Secondary Plan (Area 41)

The property is designated 'District Retail' and 'Special Policy Area 6' within the Secondary Plan.

Although a motor vehicle sales establishment is not permitted as per S.3.2.1.2(i) of the Secondary Plan, the proposal is for a temporary use redevelopment which allows for redevelopment of the site with an amendment to the Official Plan in accordance with S.5.10.2 of the 2006 Official Plan and S.5.12.44 of Brampton Plan.

Based on the above, Staff is satisfied that the proposed Temporary Use By-law is consistent with the policies of the Bram East Secondary Plan (SP41).

Zoning By-law

The subject is currently zoned 'Residential Rural Estate Two (RE2)'.

Analysis: Zoning By-law

The 'Residential Rural Estate Two (RE2)' zone which permits a single detached dwelling, supportive housing residences, and purposes accessory to the other permitted purposes.

A Temporary Use Zoning By-law is required to facilitate the proposed use, as a motor vehicle sales establishment is not permitted by the current '*Residential Rural Estate Two (RE2)*' zone on the subject property. This Recommendation Report includes a copy of the proposed Temporary Use Zoning By-law Amendment required to be passed by Council in the event that the application is approved.

Technical Studies

The following paragraphs summarize the technical studies and reports that were provided in support of the development application.

Planning Justification Report

The Planning Justification Report prepared by Glen Schnarr and Associates Inc. was submitted to provide policy context and planning rationale to support the proposed development. The report concludes that the objectives of the PPS, the Growth Plan, the Region of Peel Official Plan, the City of Brampton Official Plan, and the Bram East Secondary Plan are satisfied that the proposed development represents good planning. Planning staff have reviewed the PJR and found it satisfactory.

Functional Servicing and Stormwater Management Report

A Functional Servicing Report was prepared by C.F. Crozier & Associates Inc. to assess how the site may be serviced regarding site grading, stormwater management, water supply, and sanitary sewage. The Functional Servicing Report demonstrates that the stormwater quantity controls are not proposed because the proposed development is expected to produce a lower amount of runoff and the stormwater quality controls are not proposed because the proposed development will be adding landscaping and vegetation to the existing site. City of Brampton Environmental Engineering staff and Regional staff have reviewed the Functional Servicing Report and found it satisfactory.

Traffic Impact Study

A Traffic Impact Study (TIS) was prepared by C.F. Crozier & Associates Inc. to assess the transportation related aspects of the proposed development. The memo includes a review and assessment of the existing road network, potential impact of traffic generated by the proposed development, and identification of the mitigation measures required to ensure the road network operates safely upon completion of the project. The

proposed development proposes a right-in / right-out access on the north of the property to avoid spacing conflicts with the adjacent access on Highway 50. City of Brampton Traffic staff and Regional staff have reviewed the Traffic Impact Study and found it satisfactory.

Tree Inventory & Preservation Plan

A Tree Inventory & Preservation Plan was prepared by Kuntz Forestry Consulting Inc. The Tree Inventory & Preservation Plan indicates that a total of thirty-six (36) trees and four (4) polygons are on and within ten metres of the proposed development. The removal of twelve (12) trees and one (1) polygon will be required to accommodate the proposed development. The Open Space department have reviewed the Tree Inventory & Preservation Plan and have found the document to be satisfactory.