

Date: 2021-01-29

Subject: **Recommendation Report**
Application for Temporary Use By-law (3 year Temporary Use Zoning By-law)
(To permit an additional retail uses)
2644083 Ontario Inc. – Asternik International Corp.
18 Corporation Drive
Ward: 8

Contact: Stephen Dykstra, Development Planner III
Planning and Development Services, 905-874-3841,
stephen.dykstra@brampton.ca

Steve Ganesh, Manager
Planning and Development Services, 905-874-2089
steve.ganesh@brampton.ca

Report Number: Planning, Bld & Ec Dev-2021-1012021-100

Recommendations:

1. **THAT** the report titled: **Recommendation Report**, Application for Temporary Use By-law (3 year Temporary Use Zoning By-law) To permit an additional retail use, 2644083 Ontario Inc. – Asternik International Corp., 18 Corporation, Ward 8 (OZS-2020-0016), dated January 29, 2021 to the Planning and Development Committee meeting of February 22, 2021, be received;
2. **THAT** the Temporary Zoning By-law application submitted by 2644083 Ontario Inc. – Asternik International Corp. be approved, on the basis that it represents good planning, including 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 this Recommendation Report; and,
3. **THAT** the Temporary Use Zoning By-law generally in accordance with the attached Appendix 9 to this report be adopted.
4. **THAT** no further notice or public meeting be required for the attached Temporary Zoning By-law Amendment pursuant to Section 34(17) of the Planning Act, R.S.O. c.P. 13, as amended.

Overview:

- **This report recommends approval of the Temporary Zoning By-law application to permit additional commercial uses within an existing industrial building.**
- **The property is designated “Industrial” in the Official Plan and “Prestige Industrial” as well as “General Industrial” in the Bramalea North Secondary Plan.**
- **The subject lands are zoned ‘Industrial Three A – Section 363 (M3A-363)’ which permits industrial as well as limited commercial uses. A temporary Zoning By-law is required for the proposed development.**
- **The proposed Temporary Zoning By-law represents good planning, is consistent with the Provincial Policy Statement and is in conformity with the Growth Plan for the Greater Golden Horseshoe.**
- **The proposed commercial uses are not consistent with the Regional Official Plan and the City of Brampton Official Plan, which require industrial uses. A permanent permission for the commercial uses would require a Municipal Comprehensive Review. For the purpose of a temporary use by-law (temporary permissions in the Zoning By-law) the policies regarding land use designation compliance of the Official Plan and Secondary Plan can be suspended.**
- **A statutory Public Meeting for this application was held on November 16, 2020. A written submission was received. Details of the results of the Public Meeting, correspondence received and response are included in Appendix 8 of this report.**

Background:

The property is located on the northeast corner of Corporation Drive and Torbram Road. The property has an existing building with a mix of industrial and commercial uses within it. The lands are zoned for industrial uses.

In association with a previous Local Planning Appeal Tribunal (LPAT) matter for the subject property, relating to a minor variance application for land use permissions, a Memorandum of Understanding was agreed upon by the City of Brampton, the Region of Peel and the Applicant, on September 23, 2019. It generally states the applicant will proceed with a request for Municipal Comprehensive Review (MCR) and an application

for Official Plan and Zoning By-law amendment to change the designation and the zone for the property to reflect the intended uses; changing from industrial to commercial/retail. It also states that the applicant will apply for a Temporary Use By-law (subject application) which the City and Peel Planning Staff will support. It is understood that the applicant submitted a MCR application on December 2, 2019. It is the intent of the applicant to submit a rezoning application after the MCR process has been completed.

This application has been reviewed for completeness and found to be complete in accordance with the *Planning Act*. A formal Notice of Complete Application was provided to the applicant on September 29, 2020. The statutory Public Meeting was held at the November 16, 2020 Planning and Development Committee meeting.

Current Situation:

Proposal (Refer to Appendix 1):

The applicant is not proposing any exterior changes to the building or the property. The Plan included as Appendix 1 illustrates the current condition of the site. The proposal is to temporarily (3 years) convert some of the existing uses to facilitate additional restaurant uses. As per the Temporary Use By-law policies of the Official Plan, the temporary use permissions are to be granted for a maximum of 3 years. If the owner intends to have the temporary uses for a greater duration, they will need to submit a new Temporary Use By-law application to accommodate the additional period.

Details of the proposal include:

- Increase the amount of retail use by 136 square metres; and,
- Increase the amount of dining and take-out areas to 368 square metres.

Property Description and Surrounding Land Use:

The subject property has the following characteristics:

- has a total site area of approximately 1.2 hectares (2.96 acres),
- has frontage onto Corporation Drive and Torbram Road,
- is currently occupied by a building with a GFA of 2,626.60 m² (28,272 ft²) and with 166 parking spaces.

The surrounding land uses are described as follows:

North: Industrial lands;
South: Corporation Drive, beyond is St. Thomas Aquinas Secondary School;
East: Industrial lands;
West: Torbram Road, beyond are single detached dwellings;

Summary of Recommendations:

This report recommends that Council approve the proposal for the additional uses within the existing building and adopt the Temporary Zoning By-law attached to this report as Appendix 9. The proposal and implementing Temporary Zoning By-law represent good planning, are 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'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 proposes a minor alteration to an existing zone for a limited amount of time.

The proposed Temporary Zoning By-law Amendment represents good planning.

Planning Act:

The proposal has regard for matters of provincial interest that are set out in the Planning Act. The proposed temporary use is in conformity with Section 2 (k) and (r) specifically. The temporary use will provide an employment opportunity in the interim (Section 2 (k)), and also utilizes an existing building that will not require further alterations (Section 2 (r)). The applicant is not required to submit a Site Plan application as a result of this alteration. In this regard, the application is in conformity with the Planning Act and satisfies the requirements of section 39, which authorizes Temporary Use Zoning By-laws.

Provincial Policy Statement:

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 PPS includes policies related to land uses being consistent with the surrounding land uses as well as ensuring that employment lands are not being eroded. The proposed temporary land use is a minor change to an existing industrial building that is bounded by industrial uses to the north and east and then to a Secondary School and residential uses to the west and south.

The proposed Zoning By-law Amendment is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020):

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) supports the achievement of complete communities through providing a mix of housing, a mix of uses. The site is located within a transition area. The application proposes to add additional retail uses into a building with existing retail/commercial as well as industrial uses.

This development proposal conforms to the applicable sections of the Growth Plan.

Region of Peel Official Plan:

The Region of Peel Official Plan provides a long-term policy framework that is used to manage Peel's growth and development. The intent of the Regional Official Plan is to manage resources, direct growth and establish a basis for providing Regional services in an efficient and effective manner. The proposal conforms to many of the objectives of the Plan. However, with the additional retail uses proposed with this application, the amount of retail/commercial uses exceeds the amount permitted within this building, prompting a requirement for a MCR. Until a MCR is completed and approved, the proposed use will not be permanent.

City of Brampton Official Plan:

The subject lands are designated as "Industrial" on Schedule A of the Official Plan. This designation permits a range of industrial uses as well as a limited amount of commercial and retail uses. The proposed use is not in conformity with the allowances within the Secondary Plan and therefore exceeds the permitted threshold of retail within an industrial area.

The proposed commercial use does not conform to the policies within the Official Plan, but does fit in with the existing use, albeit on a temporary basis. However, as noted, this is a Temporary Use By-law and the associated policies in the Official Plan specify that the temporary uses permitted are not required to meet the other land use policies. In the event that the applicant wishes to permanently rezone the lands for the use all relevant land use policies will need to be reviewed for compliance.

Bramalea North Secondary Plan (Area 13):

The property is designated "Prestige Industrial" and "General Industrial" in the Bramalea North Secondary Plan (Area 13). The "Prestige Industrial" and "General Industrial" designations permit primarily manufacturing and office uses. An amendment to the Secondary Plan will be required for the proposed land uses if they are to become permanent, following a municipal comprehensive review. At this time, an amendment is not required as the proposed zoning by-law is temporary in nature. The staff recommendation to approve the Temporary Use By-law is not an indication that staff

would necessarily recommend approval of the use on a permanent basis, a complete development application would be required to assess that.

Corporate Implications:

Financial Implications

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

Other Implications

There are no other Corporate implications associated with this application.

2019-2022 Term of Council Direction: A Compass for our Community:

The application is consistent with the “A City of Opportunities” theme. It supports the building of complete communities to accommodate growth for people and jobs. The proposal satisfies this by:

- efficiently using land and resources;
- providing opportunity for efficient growth within an existing community.

Living the Mosaic – 2040 Vision

This report directly aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres with quality jobs. This report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’.

Conclusion:

The Development Services Division undertook a circulation of the application to ensure all technical and financial matters have been satisfactorily addressed. Staff is satisfied with the proposed Temporary Use Zoning By-law application. The proposal represents good planning, including that it is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2020). While the proposed use is not consistent with the policies within the Peel Region Official Plan, the Brampton Official Plan and Secondary Plan, it is noted that in order for the use to be permanent the applicant will have to file a MCR and a Zoning By-law Amendment that will request that the use be permanent.

This report recommends that Council enact the Temporary Zoning By-law attached hereto as Appendix 9. The temporary zoning by-law is appropriate considering the following:

- that the proposed temporary commercial use is an efficient use of land resources and is appropriate for this area;
- the application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. While not consistent with the City and Region's Official Plans, the temporary nature of the application will ensure that the use has a limited lifespan or will be reviewed comprehensively prior to a permanent zone being established; and,
- as confirmed through the circulation of the applications, there are no financial and technical issues at this time.

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

Authored by:

Reviewed and Recommended by:

Stephen Dykstra, MCIP, RPP
Development Planner III
Planning, Building and Economic
Development Services

Allan Parsons, MCIP, RPP
Director, Development Services
Planning, Building and Economic
Development Services

Approved by:

Submitted by:

Richard Forward, MBA, M.Sc., P.Eng.
Commissioner
Planning, Building and Economic
Development Services

David Barrick
Chief Administrative Officer

Appendices:

- Appendix 1: Site Plan
- Appendix 2: Location Map
- Appendix 3: Official Plan Designations
- Appendix 4: Secondary Plan Designations
- Appendix 5: Zoning Designations
- Appendix 6: Aerial & Existing Land Use
- Appendix 7: Detailed Planning Analysis
- Appendix 8: Public Meeting, Public Correspondence Received and Response
- Appendix 9: Draft Zoning By-law Amendment