

Detailed Planning Analysis
City File Number: OZS-2020-0024

Overview:

The proposal has been reviewed and evaluated against the Planning Act, Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, the City's Official Plan, the Highway 427 Industrial Secondary Plan and other applicable City of Brampton guidelines and priorities.

The Planning Act:

This proposal has regard for the following matters of provincial interest as identified in the Planning Act R.S.O 1990:

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

Section 2(k) – the adequate provision of employment opportunities;

Section 2(p) – the appropriate location of growth and development;

*Section 2(r) – the promotion of built form that,
(i) is well-designed,*

The application has appropriate regard for these matters. The proposal represents orderly development as it provides employment opportunities within an appropriate location for employment uses. Lastly, the proposal will promote well-designed built form.

This proposal also has regard for Section 39 of the Planning Act, which sets out provisions for establishing temporary use by-laws. Specifically, the proposal has regard for the following sections:

Section 39 (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.

Section 39 (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.

This application fulfills the requirements of this section. The proposed by-law is limited to a three year period and does not deviate from the overall intent of the lands.

Provincial Policy Statement:

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Planning Act. The application is consistent with the Provincial Policy Statement, specifically the following policies:

1.1.1 - Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

The proposed temporary land use change will not significantly impact the promotion of efficient development and land use patterns. In addition, the proposed development avoids causing environmental or public health and safety concerns.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

g) are freight-supportive.

The proposal is located within a settlement area. It makes efficient use of land and existing infrastructure. The use itself supports the movement of goods by providing parking for truck trailers.

2020 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 throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing options to accommodate a range of incomes and household sizes.

The proposed development demonstrates conformity generally to this plan, including:

2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;*
 - ii. have existing or planned municipal water and wastewater systems; and*
 - iii. can support the achievement of complete communities;**
- c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;*
 - ii. strategic growth areas;*
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv. areas with existing or planned public service facilities;**

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.

2.2.5.1 Economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*

The proposal promotes economic development and competitiveness by making use of vacant employment lands.

2.2.5.5 Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.

The subject property is located near a major goods movement corridor and will provide an appropriate associated use for logistics in the area.

Region of Peel Official Plan:

The Region of Peel Official Plan provides a policy framework to help manage Peel's growth and development over the long term. The subject property is located within the "Urban System" in the Region of Peel Official Plan. The proposal conforms to the Region of Peel Official Plan, including the policies set out below:

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

The proposed temporary land use will respect the natural environment and the characteristics of the surrounding area.

5.3.2.8 Encourage area municipalities to develop employment and industrial uses adjacent to highways, rail corridors, rail yards and major truck terminals.

The proposed development is located within a planned employment area. It is on Mayfield Road which has direct access to Highway 50.

5.6.1.4 To attract and retain a range of employment types in Peel.

5.6.1.6 To plan for, protect and preserve, employment areas for employment uses.

5.6.2.6 Protect and support employment areas for employment uses, as defined and designated in area municipal official plans.

The proposed development is an employment use and it is located within a planned employment area. This will not impact future employment uses in the area and will add to the range of employment types.

City of Brampton Official Plan:

The City of Brampton's Official Plan provides comprehensive policies that facilitate land use decision making. The purpose of the plan is to guide development and infrastructure decisions and set the basis for addressing the challenges of growth in Brampton.

The property is designated "Industrial", "Special Study Area", and "Corridor Protection Area" in the Official Plan. The "Industrial" designation permits a broad range of industrial uses.

Section 5.10 of the Official Plan outlines criteria for evaluating and applying Temporary Use By-laws to permit the use of land for a limited period of time. The following policies from Section 5.10 are applicable:

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.

As this proposal is requesting permission to use land on a temporary basis for a three (3) year period it is in accordance with this policy.

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;

Staff is of the opinion that the temporary use does not create a situation detrimental to the adjacent complying uses.

(ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;

Staff is of the opinion that the temporary use does not adversely affect surrounding uses. A Site Plan application is required for this development. This will allow staff to evaluate the details of the proposal and ensure any potential impacts on surrounding properties are addressed.

(iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;

Staff is of the opinion that the temporary use will not interfere with the development of adjacent areas.

(iv) Adequate provision will be made for off-street parking and loading facilities; and,

Staff is of the opinion that the temporary use provides adequate provision for off-street parking and loading facilities.

(v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.

Staff is of the opinion that that the temporary use will not create a service demand that could not be fulfilled elsewhere.

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.

Staff is of the opinion that the use is a temporary one and does not require significant alteration of the land to accommodate the temporary use.

Highway 427 Industrial Secondary Plan (Area 47):

The property is designated “Business Park” and “Corridor Protection Area” in the Highway 427 Industrial Secondary Plan (Area 47). The “Business Park” designation permits a range of industrial uses including outside storage. Although the use is

generally permitted, the use shall be developed in accordance with Part 1, Section 4.4, Subsection 4.4.2 of the Official Plan and shall not directly abut arterial roads. An amendment to the Secondary Plan is not required for a Temporary Use By-law.

7.2.1 The City of Brampton recognizes the importance of protecting the future GTA West Transportation Corridor and its associated interchanges and accesses. The City also recognizes the interests of the Province and neighbouring municipalities to ensure that the development of the Area 47 lands does not preclude or predetermine the findings and requirements of the ongoing Environmental Assessment, the potential routing of the corridor and the future location of interchanges and accesses.

In recognition of these interests, the following policies will apply to all development applications and planning approvals that pertain to lands within the Corridor Protection Area on Schedule SP47(a):

- v) Notwithstanding (iv) above, zoning by-laws pursuant to Section 39 of the Planning Act may permit the temporary use of land, buildings, or structures provided the temporary use meets the following conditions:*
- a) Is consistent with the general intent of this Chapter;*
 - b) Is compatible with adjacent land uses;*
 - c) Is temporary in nature and can be easily terminated when the temporary zoning by-law expires;*
 - d) Does not require new buildings or significant structures;*
 - e) Does not require significant grading of lands;*
 - f) Sufficient servicing and transportation capacity exists for the temporary use;*
 - g) Maintains the long-term viability of the lands for the uses permitted in this Plan; and,*
 - h) The duration of use and proposed interim use are to the satisfaction of the City.*

Staff is of the opinion that the temporary use of this site recognizes the importance of protecting the future GTA West Transportation Corridor and maintains the long-term viability of the lands for the uses permitted in this plan. The Ministry of Transportation was notified of this development application and advised that the permission be limited to a three (3) year term.

Zoning By-law:

The property is zoned "Agricultural (A)" by By-law 270-2004 as amended. An amendment to the Zoning By-law is required in order to permit the proposed use. The applicant is proposing a Temporary Use By-law for a three (3) year period to permit the outside storage use. A copy of the proposed Temporary Zoning By-law is attached to the Recommendation Report.

Land Use:

Staff is of the opinion that this temporary use is appropriate for the subject lands. As the proposed use is industrial in nature it is generally permitted within industrial areas. This use will protect and preserve the subject land for employment uses.

For this use to be permanent, further justification would be required. Approval of the temporary use does not imply that it is appropriate as a permanent use. The outdoor storage use will provide a service that the applicant has determined is required.

Technical Requirements:

A summary of each of the supporting documents submitted in support of this Temporary Use By-law is provided in the following sections.

Planning Justification Report:

A Planning Justification Report was submitted to the City to provide rationale supporting the development. It contains a review of the associated policies within the Planning Act, Provincial Policy Statement, the Region of Peel Official Plan, the City's Official Plan and Zoning By-law. Staff have reviewed the report and are satisfied with the justification provided by the applicant.

Functional Servicing Report and Stormwater Management Report:

A Functional Servicing Report and Stormwater Management Report was submitted in support of the subject application. Sanitary and water services are not proposed for this site. The report outlines the stormwater management scheme for the site.

This report has been reviewed by staff and found to be satisfactory.

Noise Feasibility Study:

A Noise Feasibility Study was submitted in support of the subject application. The report found that under a typical operational scenario the use can comply with Ministry of Environment, Conservation and Parks criteria at the nearest facades of the existing residential buildings with the proposed mitigation measures.

This report has been reviewed by staff and found to be satisfactory.

Transportation Study:

A Transportation Study was submitted in support of the subject application. The report examined the existing road network, sightlines, and on-site circulation.

As Mayfield Road is a regional road this report was review by staff from the Region of Peel and found to be satisfactory.

Environmental Site Assessment:

A Phase One and Phase Two Environmental Site Assessments were submitted in support of the subject application. All of the results of the soil sampling and analysis did not exceed the applicable standards. And recommended no further investigation.

This report has been reviewed by staff and found that further investigation is necessary. Staff agree that this investigation is required prior to Site Plan Approval.