

# **Public Notice**

# **Committee of Adjustment**

APPLICATION # A-2021-0198 WARD 3

#### APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **COCA-COLA CANADA BOTTLING LIMITED** under Section 45 of the <u>Planning Act</u>, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Lot 14, Concession 3 E.H.S. municipally known as **15 WESTCREEK BOULEVARD**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

- 1. To permit outside storage on lands zoned Industrial One M1 whereas the by-law does not permit outside storage on lands zoned Industrial One M1;
- 2. To permit outside storage including truck parking on an area equivalent to 56.53% of the gross floor area of the main building whereas the by-law permits outside storage to occupy a maximum 5% of the gross floor area of the main building;
- 3. To permit outside storage including truck parking in the exterior side yard whereas the by-law only permits outside storage in the rear yard;
- 4. To permit outside storage including truck and trailer parking as a non-accessory use that is not associated with a business located within a building or structure on the same lot whereas the by-law only permits outside storage as an accessory use.

#### **OTHER PLANNING APPLICATIONS:**

Plan of Subdivision:	NO	File Number:
Application for Consent:	NO	File Number:
		TUESDAY, September 14, 2021 at 9:00 A.M. by electronic
meeting broadcast from the	ne Council Chan	nbers, 4th Floor, City Hall, 2 Wellington Street West, Brampton,

The land which is subject of this application is the subject of an application under the Planning Act for:

for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS. If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

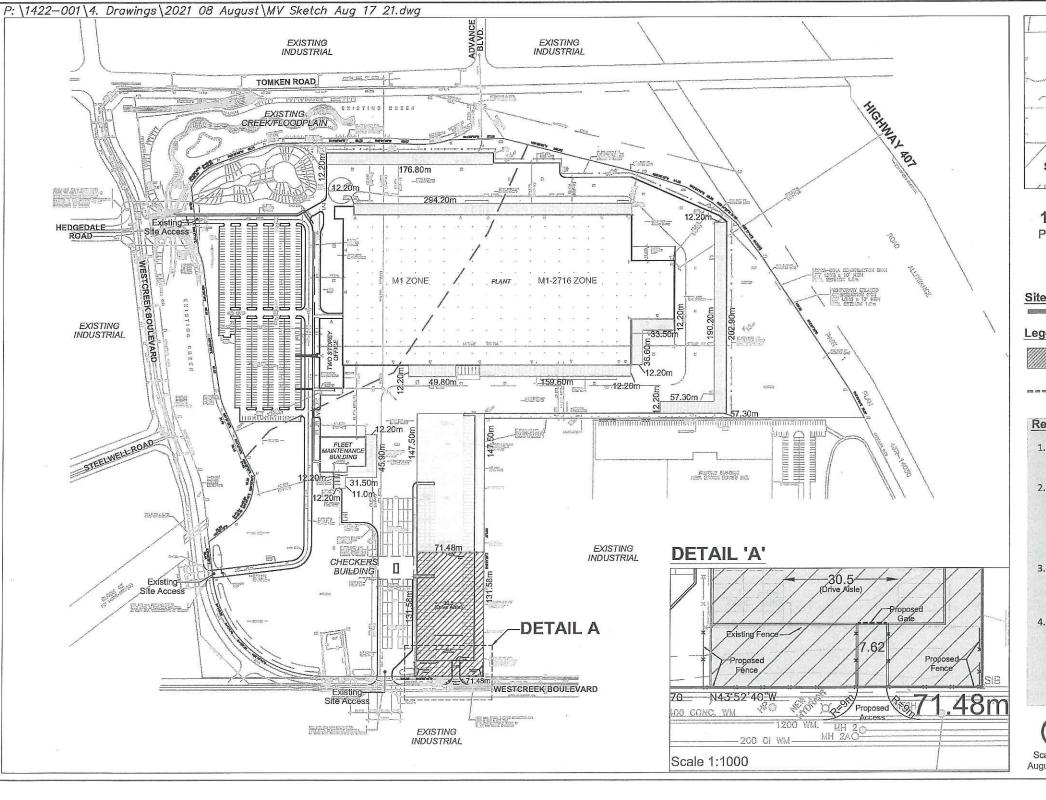
## PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 2nd day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer Committee of Adjustment, City Clerk's Office, Brampton City Hall 2 Wellington Street West, Brampton, Ontario L6Y 4R2

Phone: (905)874-2117 Fax: (905)874-2119 jeanie.myers@brampton.ca





## MINOR VARIANCE SKETCH 15 WESTCREEK BOULEVARD

PART OF LOT 13, CONCESSION 3, E.H.S. PARTS 1 & 3, PL 43R23138 CITY OF BRAMPTON REGION OF PEEL

#### Site Statistics

Subject Lands: 24.28ha (60.00ac)

#### Legend

Area to be utilized for Truck and Trailer parking by outside operator

==== Zoning Limits

#### Required Variances:

- 1. Permit outdoor storage on the lands shown on the MV sketch, and zoned 'M1', while the Zoning By-law does not permit outdoor storage in 'M1 zone';
- 2. Permit truck parking and outdoor storage on an area equivalent to 56.53 % of the gross floor area of the main building, while the Zoning By-law permits outdoor storage on an area not more than 5% of the gross floor area of the main building on lands zoned 'M1-2716';
- 3. Permit truck parking and outdoor storage to be located in the exterior side yard of the subject property, while the Zoning By-law permits outdoor storage in the rear yard in 'M1-2716' zone; and,
- 4. Permit truck and trailer parking as a non-accessory use on a part of lands shown on the MV sketch, to allow for use by an outside operator.







Under the authority of the Emergency Management and Civil Protection Act and the Municipal Act, 2001, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency

# Electronic Hearing Procedures How to get involved in the Virtual Hearing

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

## How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than 4:30 pm, Thursday, September 9, 2021.
- Advance registration for applicants, agents and other interested persons is required to
  participate in the electronic hearing using a computer, smartphone or tablet by emailing the
  Secretary—Treasurer at <a href="mailto:cityclerksoffice@brampton.ca">cityclerksoffice@brampton.ca</a> or <a href="mailto:jeanie.myers@brampton.ca">jeanie.myers@brampton.ca</a> by
  4:30 pm Friday, September 10, 2021.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by Friday, September 10, 2021. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:
   https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx or
   http://video.isilive.ca/brampton/live.html

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to <a href="mailto:cityclerksoffice@brampton.ca">cityclerksoffice@brampton.ca</a> or <a href="mailto:jeanie.myers@brampton.ca">jeanie.myers@brampton.ca</a>. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



PARTNERS:
GLEN SCHNARR, MCIP, RPP
GLEN BROLL, MCIP, RPP
COLIN CHUNG, MCIP, RPP
JIM LEVAC, MCIP, RPP

August 17, 2021

Committee of Adjustment City of Brampton 2 Wellington Street West Brampton, ON L6Y 4R2 A-2021 - 0198

GSAI File: 1422-001

Attention:

Ms. Jeanie Myers

Secretary - Treasurer, Committee of Adjustment

RE:

Minor Variance Application 15 Westcreek Boulevard

City of Brampton, Regional Municipality of Peel

Glen Schnarr & Associates Inc. ("GSAI") is the planning consultant to Coca-Cola Canada Bottling Limited ("CCCBL"), the registered owner of the property located at 15 Westcreek Boulevard (herein described as the 'subject property'), in the City of Brampton, Region of Peel. On behalf of our client, GSAI is pleased to submit this Application for Minor Variance to facilitate outdoor truck and trailer parking on portions of the subject property. A portion of parking area would be utilized or occupied by a separate operator.

#### **Subject Property and Surrounding Area**

The subject property is generally located north of Highway 407, east of Highway 410 and west of Tomken Road in the City of Brampton. The subject property is legally described as CONC 3 EHS PT LOT 14 and has a frontage of approximately 380.91 metres (1249.70 feet) along Westcreek Boulevard and an area of 24.34 hectares (60.15 acres). At this time, the subject property is occupied by an industrial building with associated vehicular and truck/trailer parking facilities.

10 Kingsbridge Garden Circle Suite 700 Mississauga, Ontario L5R 3K6 Tel (905) 568-8888 Fax (905) 568-8894 www.gsgi.cg



The area surrounding the subject property can be characterized by natural vegetation towards the north, along Westcreek Boulevard and Tomken Road, and industrial development further north. Lands to the south are occupied by another industrial development, with a tributary of Etobicoke Creek flowing further south. Lands towards the east of the subject property are vacant with the presence of scanty natural vegetation, and bordered by Highway 407 further east, while lands to the west are occupied by an industry and bordered by Highway 410 further west. Additionally, lands to the southwest of the subject property are occupied by an indoor sports facility, a hotel and an industry with associated parking facilities.

As discussed briefly above, only a small portion (3.32 hectares or 8.20 acres) of the subject property is subject to this request for Minor Variance. The portions of the property subject to this Minor Variance Application, are illustrated in the attached Minor Variance Sketch.

At this time, certain lands located at the east side of the north-south leg of Westcreek Boulevard are used to support any surplus truck/ trailer parking requirements of the existing on-site operation. Additionally, lands to the northeast are primarily used to store ingredients, while those to the southeast are used for loading/unloading activities.

## **Planning Context**

The subject property is designated 'Industrial' in the City of Brampton Official Plan (Schedule A: General Land Use Designations) and 'General Employment 1' in Highway 410 and Steeles Secondary Plan (Schedule 5: SPA 5 - Highway 10 and Steeles Secondary Plan Area). These designations permit a broad range of industrial, and accessory uses on the subject property.

The subject property is split zoned 'Industrial 1 (M1)' and 'Industrial 1-2716 (M1-2716)' per the City of Brampton Zoning By-law 270-2004. The northeastern portion of the property subject to this Minor Variance Application is zoned 'Industrial 1 (M1)', which permits a broad range of industrial activities and purposes accessory to the permitted uses. Furthermore, parking lots are a permitted use in this zone, but outdoor storage is not permitted.

Remaining portions of the property subject to this Minor Variance Application are zoned 'Industrial 1-2716 (M1-2716)', which permits industrial uses and purposes accessory to the permitted uses including outdoor storage, with restrictions. The definition for outdoor storage in the City of Brampton Zoning By-law is as follows (emphasis added by author): "the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and unloading of goods and materials in conjunction with a business located within a building or structure on the same lot.". As such, outdoor storage of



vehicles is permitted in principle. That said, the proposed outdoor storage (parking of trucks/trailers) is only permitted in conjunction with an existing use operating in a building, on the same lot, which is not provided in this instance for a portion of the area subject to the variance, since the operator proposed to be storing vehicles on these lands does not operate a business out of 15 Westcreek Blvd. We do note that, pursuant to the 'M1-2716' zone, outdoor storage is explicitly prohibited on this portion of the site "other than an enclosed area not more than 5% of the gross floor area of the main building and such enclosed area shall be located in the rear yard and screened from view of any public street". Thus, in order to permit for the outdoor truck and trailer parking on the subject property, and further, for a portion of this area to be operated by an outside operator, our client will require a minor variance. As per the above noted requirement of the zoning by-law, our client intends to upgrade the fencing conditions (enclosure) around the perimeter of the area it proposes to lease to an outside operator, should an approval be granted.

## **Proposed Development and Variance**

Our client is proposing to utilize a portion of the subject property (as illustrated in the attached Minor Variance sketch) for outdoor truck and trailer parking. Further, our client is proposing to lease a portion of this parking area (approx. 0.94 hectares or 2.32 acres) along the east side of the north-south leg of Westcreek Boulevard (refer to Minor Variance Sketch) for truck and trailer parking to an outside operator. Since these lands will be utilised for truck/trailer parking by an outside operator, it is no longer considered an accessory to the existing industrial use, and a minor variance application is required to allow for the above-described intended uses on the subject property.

Our client is proposing to fence off the lands to be utilized for truck and trailer parking by an outside operator from the rest of the subject property to provide security, subject to the approval of this minor variance. Historically, access to these lands was provided through an old driveway off Westcreek Boulevard that is now landscaped area. As such, an application for a new driveway will be advanced by CCCBL to provide a new access point to these lands which will be exclusively used to access the truck and trailer parking area (for use by an outside operator). We note for staff that should the minor variance request be approved, relocation of a portion of the existing fence on the lands subject to this application is proposed in order to accommodate a snow storage area. The existing CCCBL lands and the lands subject to this application that CCCBL proposes to lease to an outside operator, will operate separate and distinct of each other, therefore no adverse impacts are anticipated resultant of this request.

As such, to permit the proposed development, a minor variance application to permit the following variances is required:



- 1. Permit outdoor storage on the lands shown on the MV sketch, and zoned 'M1', while the Zoning By-law does not permit outdoor storage in 'M1 zone';
- 2. Permit truck parking and outdoor storage on an area equivalent to 56.53 % of the gross floor area of the main building, while the Zoning By-law permits outdoor storage on an area not more than 5% of the gross floor area of the main building on lands zoned 'M1-2716':
- 3. Permit truck parking and outdoor storage to be located in the exterior side yard of the subject property, while the Zoning By-law permits outdoor storage in the rear yard in 'M1-2716' zone;
- 4. Permit truck and trailer parking as a non-accessory use on a part of lands shown on the MV sketch, to allow for use by an outside operator.

#### Planning Analysis & Minor Variance Tests

In support of the proposed minor variances, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community in order to provide an informed opinion on the compatibility of the proposed use to the surrounding development.

Section 45(1) of the Planning Act, as amended, identifies the four tests which must be satisfied in order for the Committee to approve this application. The following section provides an analysis demonstrating how the variance satisfies these tests.

1. The variance maintains the general intent and purpose of the Official Plan.

As noted above, the Official Plan and Secondary Plan permit a broad range of industrial, and accessory uses on the subject property. The parking of trucks and trailers is a standard accessory use to an industrial establishment. As such, the proposed variance maintains the general intent of the Official Plan.

2. The variance maintains the general intent and purpose of the Zoning By-law.

The proposed variance maintains the general intent of the Zoning By-law as truck/trailer parking or outdoor storage is a standard accessory use to industrial uses. Accessory uses are permitted under the parent M1 zone, and outdoor storage is permitted with restrictions under the 'M1-2716' zone. The proposed variances to permit truck and trailer parking (outdoor storage) is in keeping with the intent of the Zoning By-law to facilitate industrial uses, including outdoor storage of oversized vehicles in a manner that supports the existing business activities.



Additionally, the proposed development is in compliance with all provisions of the Zoning By-law (setbacks, enclosure) with the exception of the requested variances.

The approval of the minor variances would not compromise the function of the existing CCCBL operations. The area of the subject property proposed to be operated by an outside operator is not required to continue the CCCBL operation from a functional perspective or from a Zoning perspective. The two uses would function separate of each other and although located on the same lot, would be visually distinct from each other and would not interfere with the respective operations. Furthermore, necessary provisions for fencing will be made on the subject property to minimize display of these uses from the view on Westcreek Boulevard.

Thus, the approval of the requested variances will result in a development which fulfills the intentions and goals of the Zoning By-law.

## 3. The variance is desirable for the appropriate development or use of the land.

The proposed variances will allow for more efficient use of an underutilised area on an existing lot, for a use that is generally permitted in the Official Plan and Zoning By-law. Additionally, the proposed use is compatible with the existing industrial uses in the surrounding neighbourhood and is not visually intrusive. The proposed variances are thus desirable as they will facilitate the proposed use, which ultimately achieves the desired vision of the area and is generally consistent with the regulatory policy framework for the subject property and greater area.

## 4. The variance is minor in nature.

As previously discussed, the proposed development follows all applicable provisions of the Zoning By-law with the exception of the proposed variances. Additionally, the proposed variances are in line with the industrial accessory nature of uses intended for the subject property. The proposed variances have no foreseeable negative impact on the adjacent uses, nor do they alter the manner in which the property is used and is compatible with the existing uses on the surrounding lands. As such, the proposed variance is minor in nature.



#### Conclusion

Based on the findings presented in this brief, it is our opinion that the proposed minor variance application meets the four tests as established in the Planning Act. As such, we respectfully request that the Committee of Adjustment approve this application.

# **Application Materials:**

In support of the application, please find enclosed the following materials:

- Minor Variance Application Form;
- Minor Variance Sketch prepared by Glen Schnarr and Associates Inc., dated August 4, 2021;
   and,
- Confirmation of One (1) cheque in the amount of \$2,560.00 received by the City of Brampton in payment of Minor Variance Application Fee.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at colinc@gsai.ca or 905-568-8888 x224, if you require additional information or wish to clarify any thing contained in this application.

Yours very truly, GLEN SCHNARR & ASSOCIATES INC.

Colin Chung, MCIP, RPP

Partner



FILE NUMBER: A - 2021 - 0198

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information and is available to anyone upon request and will be published on the City's website. should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

# **APPLICATION** Minor Variance or Special Permission

		(Please read li	nstructions)	
		ed that this application be filed with the S nied by the applicable fee.	Secretary-Treasurer of the Committee of Adjustment and	oe ·
		rsigned hereby applies to the Committee on a Act, 1990, for relief as described in thi	of Adjustment for the City of Brampton under section 45 on application from By-Law <b>270-2004</b> .	of
	Name of 0 Address	Owner(s) Coca-Cola Canada Bottling 335 King Street East, Toronto, M5A 1L		_
	Phone # Email	(416) 455-5723 mbowmile@CokeCanada.com	Fax #	=
	Name of A Address	Agent Glen Schnarr and Associate 700 - 10 Kingsbridge Garden Circle, M		_
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6. Dimension of subject land (in metric units) Frontage approximately 380.91 m

Depth approximately 590 m

Area 243,427 sq m (24.34 hectares)

7. Access to the subject land is by: **Provincial Highway** 

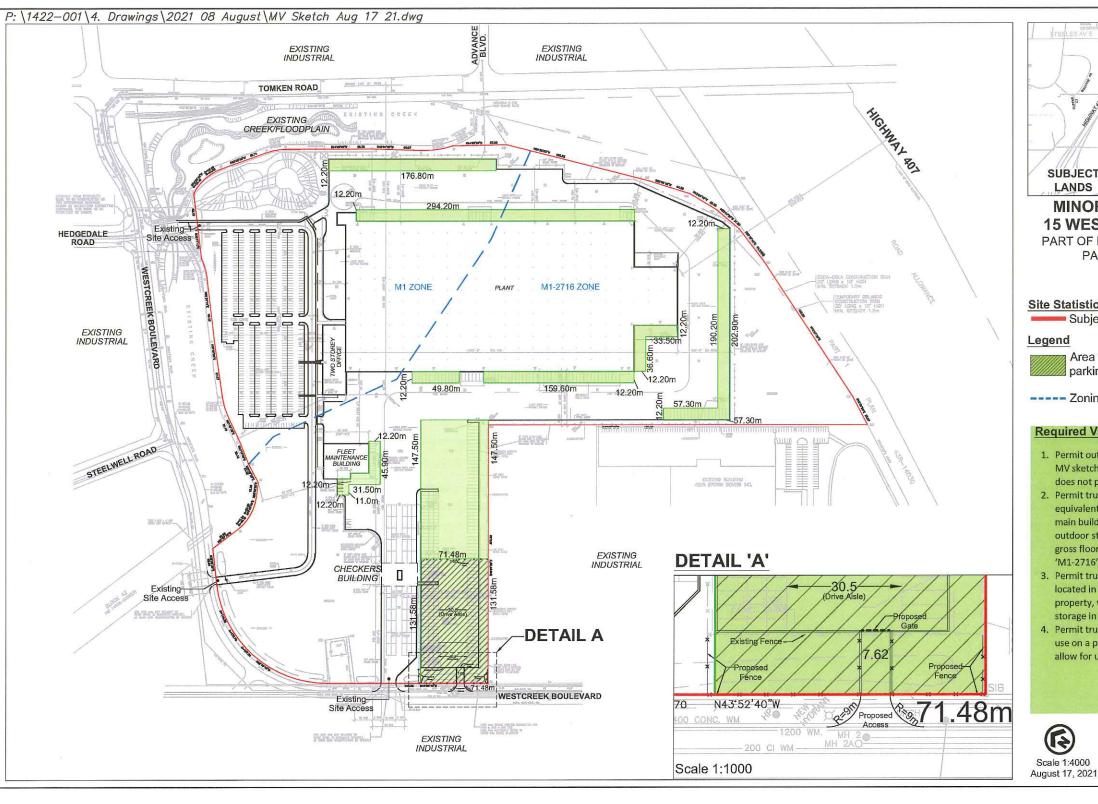
Municipal Road Maintained All Year Private Right-of-Way

Seasonal Road Other Public Road Water

Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of

storeys, width, length, height, etc., where possible) EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.) Approximate Particulars: Industrial Plant- Ground Floor Area: 52,466.47 sq m; Storeys: 1; Length: 315 m; Width: 158.9 m Attached Office: Ground Floor Area: 1911.4 sq m; Storeys: 2; Length: 74.2 m; Width: 26 m Fleet Maintenance Building: Ground Floor Area: 1,726.5 sq m; Storeys: 1; Length: 47.9 m; Width:37.7 m Checker's Building: Ground Floor Area: 906.6 sq m; Storeys: 1; Length: 37.9 m; Width: 24.6 m PROPOSED BUILDINGS/STRUCTURES on the subject land: Outdoor Storage is not permitted in 'M1' zone and permitted with restrictions in 'M1-2716' Zone. For further details, please refer to the attached Cover Letter. 9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units) **EXISTING** 103.6 m Front yard setback 67.2 m Rear yard setback Side yard setback 113 m Side yard setback 114.9 m **PROPOSED** No proposed changes Front yard setback No proposed changes Rear yard setback No proposed changes Side yard setback No proposed changes Side yard setback February 22, 2000 10. Date of Acquisition of subject land: The subject property is occupied by Coca Cola Industrial Plant with associated parking and truck and trailer storage; The part of the property subject to the minor 11. Existing uses of subject property: variance is currently vacant and underutilized, used to support surplus truck and trailer parking operations of the existing industrial operations on Site. No changes are proposed to the uses on the subject property. This application 12. Proposed uses of subject property: seeks to permit non-ancillary truck and trailer parking on a portion of the subject property. 13. Existing uses of abutting properties: North, South and West: Industrial Operations; East: Vacant Lands with scanty vegetation. Please refer to attached Cover Letter for additional details. 2001 14. Date of construction of all buildings & structures on subject land: 20 15. Length of time the existing uses of the subject property have been continued: 16. (a) What water supply is existing/proposed? Municipal Other (specify) What sewage disposal is/will be provided? (b) Municipal Other (specify) Septic What storm drainage system is existing/proposed? Sewers Ditches Other (specify) **Swales** 

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## MINOR VARIANCE SKETCH 15 WESTCREEK BOULEVARD

PART OF LOT 13, CONCESSION 3, E.H.S. PARTS 1 & 3, PL 43R23138 CITY OF BRAMPTON **REGION OF PEEL** 

#### **Site Statistics**

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#### Legend

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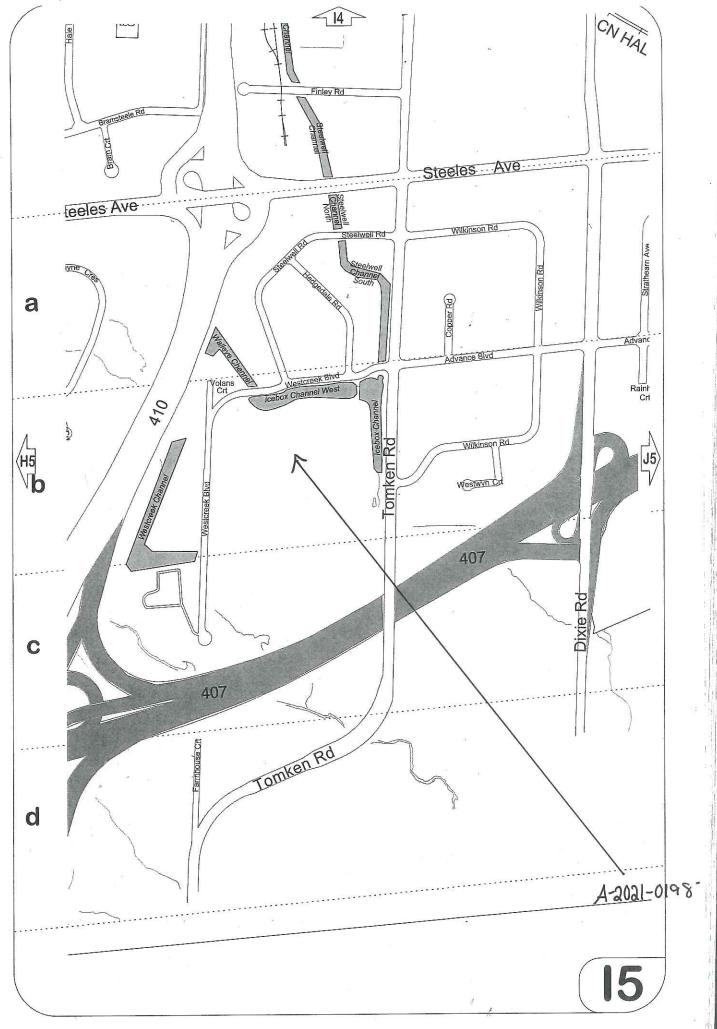
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