

Date: 2020-11-02

Subject: **RECOMMENDATION REPORT:**
Application to Amend the Zoning By-Law
(To permit a place of worship with accessory uses including a cultural & educational facility and a caretaker's residence)
Delta Engineering Services – Tripathi, Dherinder Kumar and Isha
1061 & 1071 Queen Street West
South side of Queen Street West, West of Chinguacousy Road
Ward: 4
File: C03W05.015

Contact: Nasir Mahmood, Development Planner, Development Services, (nasir.mahmood@brampton.ca) or 905-874-2094, and Cynthia Owusu-Gyimah, Acting Manager, Development Services, (Cynthia.OwusuGyimah@brampton.ca) or 905-874-2064

Report Number: Planning, Bld & Ec Dev-2021-1178

Recommendations:

1. **THAT** the report titled: **Recommendation Report**, Application to Amend the Zoning By-Law, **Delta Engineering Services – Tripathi, Dherinder Kumar and Isha**, 1061 & 1071 Queen Street West - Ward 4 (Report No: Planning, Bld & Ec Dev-2021-1178), File C03W05.015 to the Planning and Development Committee of December 06, 2021 be received;
2. **THAT** the application to amend the Zoning By-law, submitted by Delta Engineering Services on behalf of Tripathi, Dherinder Kumar and Isha, 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 for the reasons set out in this report;
3. **THAT** the amendment to the Zoning By-law, generally in accordance with Appendix 10 of this report be adopted;

4. **THAT** no further notice or public meeting be required for the attached Zoning By-law amendment pursuant to Section 34(17) of the *Planning Act*, R.S.O. c.P. 13, as amended.

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Overview:

- **This application to amend the Zoning By-law has been submitted to permit the development of the subject lands for a place of worship with accessory uses including a cultural & educational facility and the caretaker's residence.**
- **The property is designated "Residential" on Schedule A – General Land Use Designations in the Official Plan, and "Low Density Residential 2" in the Credit Valley Secondary Plan (Area 45). An amendment to the Official Plan is not required.**
- **The property is zoned "Agricultural (A)" by Zoning By-Law 270-2004, as amended which does not permit a place of worship. An amendment to the Zoning By-law is required to permit the proposed use.**
- **A Statutory Public Meeting for this application was held on February 02, 2015. Details of the Statutory Public Meeting are included in Appendix 8 of this report.**
- **This application represents good planning, is consistent with the Provincial Policy Statement, and conforms to the Provincial Growth Plan, the Region of Peel Official Plan, and the City of Brampton Official Plan.**
- **The proposal is consistent with the "2019-2022 Term of Council Direction: A Compass for our Community" and supports the "A City of Opportunities" theme. The proposal is consistent with the direction of building complete communities to accommodate growth for people and jobs.**

Background:

This application was initially submitted by Sol-Arch Ltd. on behalf of the previous owners Hari Bhajah Suraksha and Anish Sharma. It is currently sponsored by Delta Engineering Services on behalf of the new owners Tripathi, Dherinder Kumar and Isha. The application was reviewed for completeness and found to be complete in accordance with the *Planning Act*, and Notice of Complete Application was issued on February 12, 2016. A statutory Public Meeting for this application was held on February 02, 2015. A Recommendation Report, recommending approval of the proposal was previously

included in the Planning and Development Committee's September 12, 2016 meeting agenda. However the report was pulled from the agenda on the applicant's request.

Prosecution Matters:

The existing dwelling located at 1061 Queen Street West (the easterly property) has been used for a number of years as a place of worship without having received the appropriate planning permissions and building permits. The dwelling located at 1071 Queen Street West (the westerly property) has been used as an accessory use to the place of worship. Enforcement matters related to the use of the property and building code infractions are being dealt with through the City's prosecution process.

Current Situation:

Proposal (Refer to Appendix 1, 1A and 1B):

The applicant is proposing to amend the Zoning By-law to permit a place of worship with accessory uses including a cultural & educational facility and a caretaker's residence.

Details of the proposal are as follows:

- A two-storey, approximately 688.80 square metre (7,414.18 square feet) place of worship;
- A net worship area of approximately 401.4 square metres (4,320.63 square feet);
- Accessory cultural & education uses, and caretaker's residence to be contained in the proposed building;
- 50 parking spaces; and,
- One restricted (right-in/right-out) vehicular access to Queen Street West.

Property Description and Surrounding Land Use (Refer to Appendix 2):

The lands have the following characteristics:

- are located on the south side of Queen Street West, west of Chinguacousy Road;
- were comprised of two properties, previously known municipally as 1061 and 1071 Queen Street West, which have recently been merged as one property;
- have a site area of approximately 0.27 hectares (0.67 acres); and,
- have a frontage of approximately 61.9 metres (203 feet) along Queen Street West.

The surrounding land uses are described as follows:

- North: Queen Street West, and beyond is a community park;
- South: Single detached residential and commercial uses;
- East: Commercial uses, and beyond is Chinguacousy Road; and,
- West: Residential uses, with an Official Plan/Zoning By-law amendment application (OZS-2020-0014) for the development of 1107, 1119 Queen Street West for a 12 storey mixed use building.

Zoning By-law Amendment

The proposed zoning by-law amendment proposes to rezone the property from the existing “Agricultural (A)” zone to “Institutional One (I1)” zone to permit a place of worship and accessory uses including a cultural & educational facility and a care taker’s residence. It also sets out the required minimum landscape and yard setbacks, maximum worship area, and minimum parking spaces to facilitate site functionality. In order to ensure that the existing dwellings on 1061 & 1071 Queen Street West, that are currently being used as place of worship & accessory uses without the City’s Planning approval/building permit and are subject to ongoing prosecution proceedings, are demolished prior to a place of worship use being permitted for the development of a new temple, the draft zoning by-law includes Holding (H) symbols to be attached to the property. The Holding (H) symbols will be lifted from the property after the existing dwellings are demolished and removed from the property.

Staff is satisfied that the proposed amendment to the Zoning By-law captures the intent and vision of the Official Plan policy and will facilitate the development of the subject property with an institutional use that is transit supportive, pedestrian friendly and contributes towards making the neighbourhood a complete community.

Summary of Recommendations

This report recommends that Council approve the proposed development and enact the Zoning By-law amendment attached as Appendix 10.

Planning Analysis Summary:

The proposed Zoning By-law amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe as well as the Region of Peel Official Plan. The proposal also conforms to the City of Brampton’s Official Plan, and has regard to matters of provincial interest as set out in Section 2 of the *Planning Act*. It is considered to be good planning and an appropriate use for the property.

A detailed planning analysis is included in Appendix 7.

Community Engagement

The application was circulated to City Departments, commenting agencies and property owners within 240 metres of the subject lands in accordance with and exceeding the *Planning Act* requirement of 120 metres for such applications. A copy of all department/agency comments and conditions are attached as Appendix 9 to this report. Notice signs were placed on the subject lands to advise members of the public that an application for a Zoning By-law Amendment has been submitted.

A Statutory Public Meeting for this application was held on February 02, 2015. One member of the public spoke in favour of the proposal at the meeting. Please refer to Appendix 8 for details of the public meeting. City staff also has received 23 emails in support of the application from residents who live in the immediate area and who are a part of the current congregation.

Corporate Implications:

Financial Implications:

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

Economic Development Implications:

There are no economic development implications associated with this application.

Other Implications:

There are no other corporate implications associated with this application.

Term of Council Priorities (2019-2022):

This 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 and providing opportunity for efficient growth within the City’s Designated Greenfield Area. Several elements that are contributing fundamentals of a complete community, such as a balanced mix of industrial, office, recreational, institutional, and commercial uses, safety, pedestrian comfort, design, environmental preservation and community character, are contemplated in the planning of the proposed development.

Living the Mosaic – 2040 Vision

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

development supports Brampton 2040 Vision (Vision 2 & 3) for a mosaic of vibrant centres, and a mosaic of characterful and complete neighbourhoods. This is to be achieved through quality jobs, a rich range of activities, and integrated living as it will be built around the principles of job creation, provision of quality services, and the generation of a variety of commercial options to cater to the needs of the local businesses and community, without adversely impacting the natural environment and resources) and mosaic of characterful and complete neighbourhoods.

Conclusion:

Staff recommends approval of the proposed Zoning By-law Amendment (as attached in Appendix 10) as the following criteria have been satisfied:

- The subject application represents good planning, including that it is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Peel Region Official Plan. Further, the application is in conformity with the principles and overall policy direction of the City of Brampton Official Plan; and,
- Located at the intersection of two major transit corridors, the subject lands are well suited to accommodate the proposed place of worship, including a cultural and education facility. The proposal will be attractively designed to enrich the area's aesthetics. It is intended to be a compact, higher density, upscale, pedestrian friendly development which will act as a community landmark contributing to a positive sense of place. The proposal represents a desirable development and an opportunity for the City to add to its inventory of social/cultural amenities.

Authored by:

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Appendices:

- APPENDIX 1: Concept Site Plan
- APPENDIX 1A: Rendering – View from southeast
- APPENDIX 1B: Rendering - View from northeast
- APPENDIX 2: Location Map
- APPENDIX 3: Official Plan Designations
- APPENDIX 4: Secondary Plan Designations
- APPENDIX 5: Zoning By-Law Designations
- APPENDIX 6: Aerial & Existing Land Use
- APPENDIX 7: Detailed Planning Analysis
- APPENDIX 8: Results of the Public Meeting
- APPENDIX 9: Results of Circulation
- APPENDIX 10: Draft Zoning By-law Amendment