

Detailed Planning Analysis
City File Number: OZS-2022-0022

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 Queen Street East which is within 500 meters of the CN Intermodal Terminal which services over 2000 trucks daily, and is in close proximity to Highway 50, Highway 427 and Highway 407.

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. The proposed use will not impact the future development of the site for higher density employment uses.

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 "Business Corridor", and "Lester B. Pearson International Airport Operating Area" in the Official Plan. The 'Business Corridor' designation prohibits industrial outdoor storage uses, and open storage and truck trailer parking areas are restricted in the entrances of industrial areas. However, for the purpose of a temporary use by-law, the policies regarding land use designation compliance of the Official Plan and Secondary Plan can be suspended. The proposed use of the subject lands does not prevent the future development of the site for higher density employment uses, and landscaped buffer areas on the subject property will screen the proposed truck and trailer parking uses from the Queen Street corridor.

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: The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;

Staff are of the opinion that the temporary use does not create a situation detrimental to the adjacent complying uses. Open storage and truck and trailer parking uses are present on adjacent lands, and the proposed temporary use suits the character of the surrounding industrial area.

(i) 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.

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

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

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

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

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

Staff are 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 are of the opinion that the use is a temporary one and does not require significant alteration of the land to accommodate the temporary use, as there will be no temporary or permanent buildings erected on-site to permit the proposed development.

Airport Intermodal Secondary Plan (Area 4):

The property is designated “Highway and Service Commercial” in the Airport Intermodal Secondary Plan (Area 4). The “Highway and Service Commercial” designation permits a range of automobile and commercial uses, such as automobile services stations, gas bars, repair facilities, sales and leasing establishments, and associated uses. Although the use is not permitted in the ‘Highway and Services Commercial’ designation, an amendment to the Secondary Plan is not required, as the proposal satisfies the policies in Section 5.10 (Temporary Use By-Laws) of the Official Plan. An amendment to the Secondary Plan is not required for a Temporary Use By-law. Furthermore, the proposed use conforms to the existing character of the surrounding area. Lands adjacent to the subject property designated “Highway and Service Commercial” are currently used for the open storage of trucks and trailers by way of previous Minor Variance approvals.

Zoning By-law:

The property is zoned “Service Commercial (SC) – Section 1823” 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.

Draft Goreway ‘Planned’ MTSA:

The subject site is located within the draft Goreway ‘Planned’ Major Transit Station Area (MTSA) boundary along the Queen Street Bus Rapid Transit (BRT) corridor. Development within the Goreway MTSA is expected to include a diverse mix of uses to support existing and planned transit service levels. As part of the Peel 2041 Official Plan and Municipal Comprehensive Review, the Region is developing a strategy and policies to guide how growth is accommodated within MTSAs across the Region of Peel. As part of this process, the Region will delineate the boundaries of the Primary MTSAs, and establish density targets and general policies that will guide the development of an as-of-right policy framework for local municipalities to facilitate transit-supportive development in areas with existing or planned transit. Staff are of the opinion that the temporary use of this site recognizes the importance of the objectives of the Goreway ‘Planned’ MTSA, and that the temporary nature of the proposed use will not prevent the subject lands from being developed for permanent Employment land uses in accordance with future

MTSA policies. Accordingly, the temporary use of the subject lands will provide for a suitable interim land use while the establishment and implementation of regional and local plans are undertaken to support the goals and objectives of planned MTSA's.

Council Motion:

On August 11th, 2021 City of Brampton Council Meeting, City Council carried motion 15.5 "Notice of Motion re. Location of Truck Parking and Storage Facilities", which directed staff to work with private landowners, the Peel Goods Movement Taskforce and the trucking and development industries to inform of locations desirable for the parking and storage of trucks and approvals required for establishing such facilities. City Council noted that truck parking should be located in strategic locations in close proximity to logistic warehousing and not along Primary Intensification Corridors such as Queen Street:

“WHEREAS the City of Brampton has over 24,000 businesses classified as “transportation and warehousing”; and

WHEREAS in 2020, the transportation and warehousing sector contributed approximately 11 per cent to Brampton’s Gross Domestic Product (GDP); and

WHEREAS the City of Brampton is home to the Canadian National Railway’s largest Intermodal Terminal, servicing over 2,000 trucks daily; and

WHEREAS the COVID-19 Pandemic has underscored the important role the trucking industry plays in serving the day-to-day needs of residents and businesses of the City of Brampton; and

WHEREAS the City of Brampton wishes to ensure that locations for the parking and/or storage of trucks do not conflict with adjacent land use, are in strategic employment areas designated for transportation and warehousing, and support the City’s 2040 Vision;

THEREFORE BE IT RESOLVED that the Council of the City of Brampton directs staff to work with Private Landowners, the Peel Goods Movement Task Force, and the Trucking and Development Industries to inform of locations desirable for parking and/or storage of trucks and the approvals required for establishing such facilities; and

FURTHER that staff report back to Council on this matter through staff reports regarding development applications for truck parking/storage and the ongoing Municipal Parking Strategy.”

The applicant recognizes that the proposed use for the subject lands does not align with intended vision for intensification corridors such as Queen Street, and that the temporary nature of the proposed development does not prevent the future development of the subject lands for uses more appropriate along Queen Street. The applicant has indicated that the proposed use does not prevent the future development of the site for uses that align with the intended vision of the Goreway MTSA, Primary Intensification Corridors, and the Queen Street BRT corridor which will accommodate mixed-use development at higher densities supported by the City's highest level of transit service. Use of the subject lands for temporary storage of trucks and trailers is an appropriate interim use while the establishment and implementation of regional and local plans are undertaken to support the goals and objectives of planned MTSA's and the Queen Street BRT corridor. The applicant has indicated that upon the cessation of the temporary use after a three (3) year period, an application will be submitted for permanent uses which aligns more closely with the intended vision of MTSA's, and higher-density employment uses more appropriate for Primary Intensification Corridors.

Land Use:

Staff are of the opinion that this temporary use is appropriate for the subject lands, as the proposed temporary use supports the transportation and warehousing sector on employment lands. The use will support and preserve employment uses in the transportation and logistics sector on lands that are in close proximity to the CN Intermodal Terminal and provincial Highways to support goods movement within the City of Brampton.

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.

Sustainability Assessment

A Sustainability Assessment was submitted to the City. The application received a score of 15. Staff recognize that this is not a passing score, and that there are limited opportunities to achieve a minimum score of 35 due to the temporary nature of the proposed use and the limited site alteration that will occur on the subject lands. Staff look forward to the Site Plan stage of development whereby the score may be improved through elements of site-specific design and the submission of studies such as the Tree Evaluation Report and Stormwater Management Report.

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.

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.

The Transportation Study was found to be satisfactory by Transportation Staff.

Stormwater Management Report

A Stormwater Management Report shall be submitted at the Site Plan stage of development.

Tree Evaluation Report

A Tree Evaluation Report shall be submitted at the Site Plan stage of development.

