



Report Committee of Adjustment

Filing Date: September 28, 2022

Hearing Date: October 25, 2022

File: A-2022-0322

**Owner/
Applicant:** 2182036 Ontario Inc.

Address: 4523 & 0 Queen Street East

Ward: WARD 8

Contact: Steve Ganesh, Manager of Development Services

Recommendations:

That application A-2022-0322 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That an intensified landscape treatment surrounding the proposed drive-through area be a requirement of final site plan approval;
 3. That the owner finalize site plan approval under City File SP18.064.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void;
-

Background:

The subject property is located at the southeast corner of The Gore Road and Queen Street East. The owner has submitted this Minor Variance application to facilitate the development of two parcels of land municipally known as 0 and 4523 Queen Street East for the purpose of constructing a plaza incorporating a mix of commercial uses, including a convenience store, offices, gas station, car wash, restaurant uses and drive-through facility.

The property located at 4523 Queen Street East is currently subject to an ongoing site plan application (SP18.064.000). In 2021, the owners purchased 0 Queen Street East with the intention of developing

both parcels in a comprehensive commercial development. It is noted that the two parcels have been consolidated under the ownership of 2182036 Ontario Inc. A formal site plan resubmission is anticipated to be submitted depicting a revised concept plan incorporating the newly acquired parcel.

Official Plan and Zoning By-law Amendments were approved by City Council in 2017 (OPA 135) implementing the site-specific Zoning By-law (195-2017) on 4523 Queen Street East. The amendments permitted the use of a gas bar and motor vehicle washing establishment within the Office Node Secondary Plan designation. The Zoning By-law amendment re-zoned the lands from Agricultural zone to Office Commercial (OC) and Floodplain (F) zones, which permit a number of commercial and service uses, including an office, a gas bar, a motor vehicle washing establishment, a convenience store, a bank, trust company or financial company, a retail establishment, a take-out restaurant, and a drive-through in conjunction with a car washing establishment use. These uses are permitted only in conjunction with a minimum office space gross floor area of 950 square metres.

The applicant is requesting variances to permit convenience restaurant uses, a drive-through facility, and a reduction in the required gross floor area for office space. The proposal has evolved to include the newly acquired parcel in the overall development. As such, the proposal now contemplates the inclusion of a drive-through facility to be operated in tandem with a convenience restaurant use located on the newly acquired parcel of land zoned Agricultural.

Existing Zoning:

The properties are zoned 'Agricultural (A)', 'Office Space - Special Section 2545 (OC-2545)', and 'Floodplain (F)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit convenience restaurant uses within the Office Commercial (OC) – Section 2545 zone whereas the Office Commercial (OC) – Section 2545 zone only permits a take-out restaurant use;
2. To permit a drive through facility in conjunction with a convenience restaurant on lands zoned Agricultural and Office Commercial (OC) – Section 2545 whereas the by-law does not permit the use on lands zoned Agricultural and only permits a drive-through facility on lands zoned Office Commercial (OC) – Section 2545 in association with a vehicle washing establishment;
3. To permit all uses permitted in the Office Commercial (OC) – Section 2545 zone on lands zoned Agricultural whereas the by-law does not permit the uses on lands zoned Agricultural;
4. To permit a minimum gross floor area of 760 square metres of office space whereas the Office Commercial (OC) – Section 2545 zone permits a minimum gross floor area of 950 square metres of office space.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Office' in the Official Plan and sub-designated 'Office Node' in the Bram East Secondary Plan (Area 41).

The City of Brampton Official Plan Section 4.4.3.1 states that lands designated as Office are to be developed at densities and concentrations suited to the particular area as determined in the appropriate secondary plans. The permitted uses within the Office designations include: Major Office, business, professional or administrative offices, hotels, motels, convention centres, accessory and personal service retailing, food and beverage establishments, compatible recreation, public and institutional and convenience retail uses and business support activities.

Section 3.2.5 of the Bram East Secondary Plan (Area 41) states that lands designated Office Node are intended to permit uses which typically include business, professional or administrative offices, hotels, motels, financial institutions, accessory and personal service retailing, a supermarket, food and beverage establishments, recreation, institutional, convenience retail uses, business support activities, prestige types of manufacturing or assembly that are compatible with an office or research environment, and existing commercial, industrial or business uses that are reasonably compatible with the long term development strategy for the Office Node.

Variances 1, 2, and 3 are requested to facilitate the overall development of the lands which includes a drive-through facility on the newly acquired parcel. Through the approved Official Plan Amendment (OPA 135) on 4523 Queen Street East, the use of a drive-through facility in connection with a car wash establishment and restaurant uses were deemed appropriate and acceptable by Planning Staff and City Council. The applicant is now requesting that additional uses be permitted and extended onto the newly acquired remnant parcel zoned Agricultural to facilitate the updated proposed development. As previously noted in the Official Plan and Secondary Plan policies, food and beverage establishments are considered supporting uses to Office Nodes. The addition of a drive-through facility is considered compatible and consistent in maintaining the general intent and purpose of the Official Plan and Secondary Plan policies as approved through the previous Official Plan and Zoning By-law Amendments for the site.

Variance 4 is requested to permit a minimum gross floor area of 760 square metres of office space whereas the Office Commercial – Section 2545 zone permits a minimum gross floor area of 950 square metres of office space. The principal building on the site will consist of a two-storey commercial building (1,160.50 square metres) with a restaurant and convenience store at grade and office space on the first and second floor. The development contemplates 760 square metres of office space on the property which is equivalent to a 190 square metre reduction in office space from what the By-law requires. Given the context of the site and comprehensive development as proposed through the consolidation of the newly acquired property, the minor reduction in office space sought through the variance maintains the general intent and purpose of the site-specific Official Plan Amendment (OPA 135). Subject to the recommended conditions of approval, the variances maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Agricultural (A)', 'Office Space - Special Section 2545 (OC-2545)', and 'Floodplain (F)', according to By-law 270-2004, as amended.

A 2017 Zoning By-law amendment re-zoned the lands known as 4523 Queen Street East from Agricultural zone to Office Commercial (OC) and Floodplain (F) zones, which permit a number of commercial and service uses, including an office, a gas bar, a motor vehicle washing establishment, a convenience store, a bank, trust company or financial company, a retail establishment, a take-out restaurant, and a drive-through in conjunction with a car washing establishment use. The uses are permitted only in conjunction with a minimum office space gross floor area of 950 square metres. The rezoning application did not include the property known as 0 Queen Street East and as a result is still zoned Agricultural.

The first variance is requested to permit convenience restaurant uses within the Office Commercial – Section 2545 zone whereas the Office Commercial – Section 2545 Zone only permits a take-out restaurant use. The Zoning By-law permits a take-out restaurant in the OC-2545 zone which is defined as a building or place having less than eleven (11) seats for customers, where food and drink are prepared and offered for sale to the public primarily to be taken out or delivered for consumption off the premises. The applicant is requesting that a convenience restaurant be permitted on the OC-2545 zone which is defined as a building or place having eleven (11) seats or more where food and drink are prepared and offered for sale to the public for consumption either on or off the premises, and may include a drive-through facility or window.

The second variance is requested to permit a drive through facility in conjunction with a convenience restaurant on lands zoned Agricultural and OC-2545 whereas the By-law does not permit the use on lands zoned Agricultural and only permits a drive-through facility on lands zoned OC-2545 in association with a vehicle washing establishment. The Zoning By-law defines a drive-through facility as any structure or portion thereof from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

Variances one and two are requested to facilitate the development of a convenience restaurant including a drive-through facility in conjunction with the convenience restaurant on both OC-2545 and Agricultural zoned parcels. The proposed convenience restaurant use is similar in nature to the already permitted take-out restaurant but will serve a larger clientele given the increased number of available seating and the drive-through option. Furthermore, the drive-through use is also considered to be comparable to those noted in the OC-2545 permissions which allow a drive-through in association with the function of a motor vehicle washing establishment. The site will be developed with a car wash incorporating a drive-through. Given that the proposal now contemplates the ultimate development of the two parcels, an additional drive-through use is requested in conjunction with the restaurant. The addition of these uses are not considered to negatively impact the ability for the property to be developed in a manner for which it is intended.

The third variance is requested to permit all uses permitted in the Office Commercial – Section 2545 Zone on lands zoned Agricultural whereas the by-law does not permit the uses on lands zoned Agricultural. The variance will effectively result in the entire property being zoned Office Commercial – Section 2545. Allowing the uses permitted in the OC-2545 zone and is considered to be consistent with the general intent and purpose of the larger parcel which was approved by way of a Zoning By-law and Official Plan amendments in 2017. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance is requested to permit a minimum gross floor area of 760 square metres of office space whereas the Office Commercial – Section 2545 zone permits a minimum gross floor area of 950 square metres of office space. Given the context of the site and comprehensive development as proposed through the consolidation of the newly acquired property, the minor reduction in office space sought through the variance maintains the general intent and purpose of the site-specific Zoning By-law Amendment (195-2017) approved through (OPA 135).

3. Desirable for the Appropriate Development of the Land

The minor variance application seeks to facilitate the development of 0 and 4523 Queen Street East for the purpose of constructing a plaza incorporating a mix of commercial uses, including a convenience store, offices, gas station, car wash, restaurant uses and drive-through facility. The proposal has evolved to include the newly acquired remnant parcel to the complete development. The proposal now contemplates the inclusion of a drive-through facility to be operated in tandem with a convenience restaurant use in which the stacking lane will be located on the newly acquired parcel of land zoned Agricultural. Given the context of the property and the consolidation of the parcels, staff are of the opinion that the minor variance is the appropriate tool to add and extend the requested uses on the property. The requested variances to allow a convenience restaurant, drive-through facility, extension of OC-2545 uses on the entirety of the subject site, and a decrease to the required office space is not anticipated to significantly alter the character of the area. Furthermore, the variances are not anticipated to generate negative impacts and will allow the applicant to proceed with a resubmission of the ongoing Site Plan Approval application reflecting the changes noted above. Through the resubmission of the Site Plan Approval application and subsequent review, the applicant will be required to implement an intensified landscape treatment surrounding the proposed drive-through area in a manner satisfactory to Open Space and Planning staff. An additional condition of approval is recommended that the owner finalize site plan approval under City File SP18.064.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The site is located within an area surrounded by employment, residential, and institutional uses. The owners have acquired the remnant parcel and consolidating the properties to facilitate the ultimate development of the lands through an ongoing Site Plan Approval application. The requested variances are to allow a convenience restaurant, drive-through facility, extension of OC-2545 uses on the entirety of the subject site, and a decrease to the required office space. These variance are not expected to generate negative impacts to adjacent uses and properties. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,



Steve Ganesh, MCIP, RPP
Manager of Development Services