

Date: 2022-06-28

Subject: **Application for Temporary Zoning By-law Amendment**
(to permit temporary outdoor storage of trucks and trailers)
Blackthorn Development Corp. – 2458171 Ontario Inc
3420 Queen Street East
Ward 8

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Report Number: Planning, Bld & Ec Dev-2022-714

Recommendations:

1. **THAT** the report titled: **Recommendation Report**, Application for Temporary Zoning By-law Amendment, **Blackthorn Development Corp. – 2458171 Ontario Inc.**, 3420 Queen Street E., Ward 8 (City File: OZS-2022-0022 and Planning, Bld & Ec Dev 2022-714), dated June 28, 2022, to the Planning and Development Committee Meeting of July 25, 2022, be received; and
2. **THAT** the Zoning By-law Amendment submitted by Blackthorn Development Corp., on behalf of **2458171 Ontario Inc.**, (City File: OZS-2022-0022 and Planning, Bld & Ec Dev 2022-714), be approved, on the basis that the application 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 Planning Recommendation Report; and
3. **THAT** the amendments to the Zoning By-law, generally in accordance with Appendix 11 of this report be adopted.

Overview:

- **This report recommends approval of the Temporary Use Zoning By-law application to permit the outdoor storage of trucks and trailers on the subject property for a period of three (3) years.**
- **The subject property is designated “Business Corridor”, and “Lester B. Pearson International Airport Operating Area” on Schedule A – General Land Use Designations of the City of Brampton Official Plan.**
- **The subject property is located within the Airport Intermodal Secondary Plan (Area 4). The property is designated “Highway & Service Commercial” in the Airport Intermodal Secondary Plan. An amendment to the Official Plan nor the Secondary Plan is required, as policies regarding land use designation compliance of the Official Plan and Secondary Plan can be suspended for the purpose of a temporary use by-law.**
- **The subject property is zoned ‘Service Commercial – Section 1823 (SC – 1823)’. This zone permits commercial and other non-commercial uses. An amendment to the Zoning By-law is required to permit the proposed development.**
- **A Statutory Public Meeting was held on June 6th, 2022. There were no delegations at the meeting and no written submissions were received. Details of the Statutory Public Meeting are included in Appendix 10 of this report.**
- **The proposed Temporary Use Zoning By-law represents good planning, is consistent with the Provincial Policy Statement and is in conformity with the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Brampton Official Plan.**
- **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.**
- **The proposal is consistent with the “2018-2022 Terms of Council Priorities” by supporting 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:

Prior to the submission of this application, the proposed development underwent a Pre-Application Consultation. Staff and the Applicant met on March 2, 2022. Following the meeting, a Pre-Development Application Consultation Checklist was provided to the Applicant, outlining the reports and studies requested with the submission of this application.

This application was received on April 8th, 2022. It was reviewed for completeness and found to be complete in accordance with Section 34 (10.4) of the Planning Act. A formal Notice of Complete Application dated April 8th, 2022 was provided to the applicant.

Current Situation:

Proposal (Refer to Appendix 1):

The applicant is proposing a Temporary Use Zoning By-law to permit the use of the lands for outdoor storage of trucks and tractor trailers. The temporary use permission is proposed for a maximum period of three years.

Details of the proposal are as follows:

- 63 truck parking bays;
- 186 trailer parking bays;
- Access from Sun Pac Boulevard

Property Description and Surrounding Land Uses:

The property has the following characteristics:

- Is municipally known as 3420 Queen Street East;
- Has a site area of 42, 649 square metres (4.2 hectares);
- The property is currently vacant, with existing access by means of a private driveway from Queen Street East; and
- Square shaped parcel with frontage of approximately 156 metres along Queen Street East and 222 metres along Sun Pac Boulevard.

The surrounding land uses are described as follows:

North: Commercial and employment uses are located north of the subject lands. Further north, beyond Cotrelle Boulevard residential uses exist.

South: Existing employment uses make up the uses south of the subject lands including the CN Brampton Yard and Canadian Tire AJ Biles Distribution Centre.

East: Open space lands are located immediately to the east of the subject lands. Further east of McVean Drive and toward Highway 50 there are existing commercial and residential lands uses.

West: Commercial and employment uses exist west of the subject lands. Further west, beyond Torbram Road are existing residential uses.

Site Context

The subject site is located on Queen Street, which is a major arterial road and Primary Intensification Corridor in the City of Brampton. Queen Street is a higher order transit corridor, and is intended for intensive mixed-use development at higher densities supported by transit service. The subject property is also situated along the proposed Queen Street-Highway 7 Bus Rapid Transit corridor, and the Goreway 'Planned' Major Transit Station Area (MTSA).

The contextual nature of the proposed development is of particular significance for the application. City staff and the applicant recognize the proposed temporary use is not the appropriate use for the lands in the long term, however, the application does present an appropriate interim use for the subject lands in advance of established plans to support the goals and objectives of planned MTSA's. As such, the use of the subject lands for the three (3) year period in accordance with the Planning Act would permit the use of vacant employment lands in the interim, until such time that the appropriate policy framework has been established for the Goreway 'Planned' MTSA. Staff consider the proposal an interim use for the subject lands, until such time that an application may be submitted for the subject property that aligns with the policy framework of the Goreway 'Planned' MTSA and the policies consistent with Primary Intensification Corridors.

The applicant has indicated the owner intends to submit an application to develop the subject lands in accordance with the intended vision of Primary Intensification Corridors and MTSA's following the expiry of the temporary use permissions. Given the contextual importance and geographic significance of the subject property, City Staff are confident that the long term use of the subject lands will align with the policy framework for the Goreway 'Planned' MTSA and Primary Intensification Corridors, and that a proposed extension to the temporary use provisions of this temporary use by-law will be analyzed for consistency with the MTSA policy framework and the long term vision for the Queen Street corridor.

The applicant will be required to submit a Site Plan application. Staff look forward to the detail design stage of development to ensure that the temporary use has limited impact on adjacent surrounding land uses, and that the appropriate landscape buffers are established to screen the use from the Queen Street corridor.

Summary of Recommendations:

This report recommends that Council approve the proposal for the additional uses on the lands and adopt the Temporary Use Zoning By-law attached to this report as Appendix 11.

Planning Analysis Summary:

The proposal has regard for matters of provincial interest that are set out in the Planning Act. The application proposes an alteration to an existing zone for a period of three (3) years. The proposal and implementing Temporary Use Zoning By-law represent good planning, are consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan. A detailed planning analysis can be found in Appendix 9. 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.

Planning Act:

The proposal has regard for the following matters of provincial interest as set out in Section 2 of the Planning Act. The proposed development represents orderly development (Section 2(h)), in an appropriate location (Section 2(p)), that is well designed (Section 2(r)). Lastly, it provides employment opportunities (Section (k)). The application is in conformity with the Planning Act and satisfies the requirements of Section 39, which enables Temporary Use Zoning By-laws.

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 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The PPS includes policies promoting land use patterns which are efficient and avoid environmental or public health and safety concerns. The proposed temporary use respects development patterns and makes efficient use of land and existing infrastructure. The proposed Temporary Use Zoning By-law is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020):

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) includes policy and direction intended to accommodate and forecast growth in complete communities as well as the importance of maintaining an adequate supply of land for a broad range of employment uses. Lands located near major goods movement corridors should be preserved for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities. The proposed Temporary Use Zoning By-law conforms to the applicable sections of the Growth Plan.

Region of Peel Official Plan:

The Region of Peel Official Plan sets the Regional context for more detailed planning by protecting the environment, managing resources, directing growth and establishing a basis for providing Regional services in an efficient and effective manner. The subject lands are located within the “Urban System” designation in the Region of Peel Official Plan and conforms to the related policies with respect to healthy communities efficiently using resources. The proposed Temporary Use Zoning By-law conforms to the applicable sections of the Region of Peel Official Plan.

City of Brampton Official Plan:

The City of Brampton Official Plan provides guidance and policies for the future of the City. The subject property is designated “Business Corridor”, “Lester B. Pearson International Airport Operating Area” on Schedule A of the Official Plan. Although the subject proposal does not meet all of the policies of the “Business Corridor” designation, it does meet the Temporary Use policies of section 5.10.2 of the Official Plan. Temporary Use By-laws that meet these criteria do not require an amendment to the Official Plan. There are no anticipated undue negative impacts on the neighboring properties, and the proposed development does not require the construction of permanent buildings or structures. 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. Since the subject application is for a temporary period of three (3) years the proposal does meet the intent of the Official Plan.

Airport Intermodal Secondary Plan (Area 4):

The property is designated “Highway & Service Commercial” in the Airport Intermodal Secondary Plan (Area 4). The “Highway & Service Commercial” designation permits a range of commercial uses including automobile service stations, gas bars, repair facilities, sales and leasing establishments and retail establishments. Although outdoor storage of truck and trailers is not permitted in the Secondary Plan, Temporary Use By-laws that meet the criteria set out in the Official Plan do not require an amendment.

Community Engagement:

The statutory public meeting for this application was advertised in the local newspaper, and the application was circulated to City Departments, commenting agencies, and to property owners within 240 metres of the subject lands by mailings, which exceeds the requirements of the Planning Act. A copy of department/agency comments are included in Appendix 12 of this report. Notice signs were also placed on the subject lands to advise members of the public that an application to amend the Zoning By-law had been filed with the City. This report along with the complete application requirements, including studies have been posted to the City’s website.

A Statutory Public Meeting for this application was held on June 6th, 2022. Details of the Statutory Public Meeting are included in Appendix 10 of this report.

Corporate Implications:

Financial Implications:

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

Other Implications:

There are no other corporate implications associated with this application.

Term of Council Priorities:

The 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 vacant land in an existing Employment area;
- directing development to an existing settlement area that is within proximity of existing major trucking routes and industrial uses.

Living the Mosaic – 2040 Vision

This report directly aligns with “Vision 2: Jobs and Living Centres” theme. It supports the development of jobs and economic growth in the transportation and warehousing sector. This report has been prepared in full consideration of the overall vision that the people of Brampton will “Live the Mosaic”.

Conclusion:

Staff recommend approval of the proposed Zoning By-law amendment (as attached in Appendix 11) as the following criteria have been satisfied:

- The subject application represents good planning, and is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Peel Region Official Plan, and the City's Official Plan;
- Appropriate screening of the intended truck storage will be arranged through a site plan application, using the 4.5-metre landscaped buffer area along the front yard lot line, and a 3-metre wide landscaped buffer area along the interior side yard lot line, exterior side yard lot line, and rear yard lot line; and
- The site is located on a major arterial road (Queen Street) which is an existing east-west truck route, and is in close proximity to major highways (Highway 427 and Highway 407). Furthermore, the property is in close proximity to Airport Road, Bramalea Road and Dixie Road, Highway 10, and Highway 50, which serve as major north-south truck routes. The subject property is also in close proximity to lands designated 'Industrial' near Williams Parkway and Queen Street East in the Official Plan. The proposed use will support the economic and policy objectives of the Region of Peel and the City of Brampton by way of providing employment opportunities and support for the transportation and warehousing industry in an area that is well-served by municipal infrastructure and transportation services.

Authored by:

Reviewed by:

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Attachments:

- Appendix 1: Concept Site Plan
- Appendix 2: Location Map
- Appendix 3: Official Plan Designations
- Appendix 4: Secondary Plan Designations
- Appendix 5: Zoning Designations
- Appendix 6: Aerial & Existing Land Use
- Appendix 7: Heritage Resources
- Appendix 8: Sustainability Snapshot
- Appendix 9: Detailed Planning Analysis
- Appendix 10: Results of the Public Meeting
- Appendix 11: Draft Zoning By-law Amendment
- Appendix 12: Results of Application Circulation