

Date: 2022-11-09

Subject: RECOMMENDATION REPORT
Application to Amend the Zoning By-law for a Temporary Period of Three (3) Years
(A Temporary Use Zoning By-law Amendment to permit the outdoor storage of motor vehicles on the southern portion of the lands for a period of three (3) years)
SGL Planning and Design Inc. – ADESA Auctions Canada Corporation
'0' Queen Street East (no municipal address)
North Side of Queen Street, West of Sun Pac Boulevard
Ward: 8

Contact: Andrew Ramsammy, Development Planner, Planning, Building and Growth Management, 905-874-3485
Steve Ganesh, Manager, Planning, Building and Growth Management, 905-874-2089

Report Number: Planning, Bld & Growth Mgt-2022-932

Recommendations:

- 1. THAT** the report titled: **Recommendation Report**, Application to Amend the Zoning By-law for a Temporary Period of Three (3) Years, **SGL Planning and Design Inc. – Adesa Auctions Canada Corporation**, '0' Queen Street East (no municipal address), Ward 8 (2022-932 and File OZS-2022-0027), to the Planning and Development Committee Meeting of November 28, 2022, be received;
- 2. THAT Temporary Zoning By-law Amendment application submitted by SGL Planning and Design Inc. on behalf of Adesa Auctions Canada Corporation**, Ward: 8, Files: OZS-2022-0027 and **2022-932, be approved**, on the basis that it is consistent with the Planning Act and the City's Official Plan for the reasons set out in the Planning Recommendation Report, dated November 9, 2022;
- 3. THAT** the amendments to the Zoning By-law, generally in accordance with Appendix 7 to this report be adopted.

Overview:

- **This report recommends approval of the application to amend the Zoning By-law for a temporary period of three (3) years to permit the outdoor storage of motor vehicles on the southern portion of the lot currently zoned Agricultural-2969.**
- **The property is designated “Business Corridor” and “Industrial” in the Official Plan and “Highway & Service Commercial” and “Prestige Employment” in the Airport Intermodal Secondary Plan (Area 4). In accordance with Section 5.10.2 of the Official Plan, a temporary use by-law does not require an amendment to the Official Plan provided that the use is temporary and utilizes existing or temporary buildings and structures and there is no significant alteration of the land to accommodate the use. An amendment to the Official Plan and Secondary Plan is not required.**
- **The property is zoned as “Agricultural-1499 (A-1499)” and “Agricultural-2969 (A-2969)” by By-Law 270-2004, as amended. An amendment to the Zoning By-law is required to permit the proposed temporary use.**
- **A Statutory Public Meeting was held on August 22nd, 2022. There were no delegations at the meeting and no written submissions were received. Details of the Statutory Public Meeting are included in Appendix 9 of this report.**
- **The proposed Temporary Use Zoning By-law amendment is consistent with the Planning Act and the City of Brampton Official Plan Temporary Use Policies.**
- **The proposal is consistent with the “2018-2022 Terms of Council Priorities” by supporting the “Well-Run City” theme.**

Background:

This application was submitted by SGL Planning & Design Inc. on May 17th, 2022. This submission was reviewed for completeness and found to be complete on June 1st, 2022 in accordance with the Planning Act. A formal Notice of Complete Application was provided to the applicant on June 21st, 2022.

The subject lands have a history of approvals of a temporary nature for the outdoor storage of motor vehicles on the southern portion. The Committee of Adjustment approved minor variance application A14-117 on July 15, 2014 to permit the outdoor storage of motor vehicles on the property for a temporary period of five (5) years which

lapsed in August 2019. Subsequently, in December of 2019, application C07E06.038 was approved on a temporary basis of three (3) years. The approval was subject to the restriction that there shall be no outside storage other than motor vehicles (meaning no heavy equipment, oversized motor vehicles, trucks, trailers, cargo containers, etc.) and the outdoor storage of motor vehicles shall only be permitted until November 4, 2022. As a result of the expiring temporary Zoning By-law Amendment, this application to temporarily amend the Zoning By-law has been filed to permit the outdoor storage of motor vehicles for a temporary period of three (3) years.

Current Situation:

Proposal:

The applicant has submitted an application to amend the Zoning By-law for a Temporary Period of three (3) years to permit the outdoor storage of motor vehicles on the southern portion of the lands.

Property Description and Surrounding Land Use:

The subject property has the following characteristics:

- Has no municipal address at this time, and is located on the north side of Queen Street, west of Sun Pac Boulevard, directly east of the CN Rail line;
- has a total site area of approximately 11.8 hectares, of which, approximately 2.68 hectares is proposed for the Temporary Use Zoning By-law Amendment;
- has a frontage of approximately 20.2 metres along Sun Pac Boulevard; and
- was used for outdoor storage of vehicles permitted on a temporary basis of three (3) years, as a result of application C07E06.038, which expired November 4th 2022.

The surrounding land uses are described as follows:

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| North: | Several one to two-storey industrial buildings with outdoor storage at the rear of the properties along Progress Court. Northeast property along Sun Pac Blvd is paved with outdoor storage; |
| South: | Beyond Queen Street are lands occupied by ADESA Auctions Canada Corporation's auction house and outdoor storage; |
| East: | Temporary outdoor storage abuts the parcel to the east. Beyond Sun Pac Blvd is vacant land; and |

West: Canadian National Railway (CNR) rail track abuts the land to the west. Beyond the railway is a warehouse with outdoor storage at the north-east corner of Queen Street and Maritime Ontario Blvd.

Site Context:

The subject site is located along Queen Street East, which is a major arterial road and Primary Intensification Corridor in the City of Brampton. Queen Street East 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 located within the draft Goreway 'Planned' Major Transit Station Area (MTSA) boundary along the Queen Street BRT. The temporary nature of the proposed Zoning By-law Amendment is significant in the review of the application, given the opportunity for redevelopment of the site once the proposed temporary permission expires.

City Staff and the applicant recognize the proposed temporary use is not an appropriate long term use for the subject land. The proposed temporary use of the subject land for a three (3) year period in accordance with the Planning Act will utilize the vacant employment land in the interim, until such a time the appropriate policy framework has been established for the Goreway 'Planned' MTSA. The applicant understands the location of the subject site in proximity to the draft Goreway 'Planned' MTSA boundary and has requested to be involved in the MTSA study as an interested party.

The applicant has also acknowledged the long term vision for Queen Street East and has agreed to work with staff towards a concept for a permanent development that aligns with the long term vision of Queen Street East while maintaining the viability of the business.

The applicant has submitted a Site Plan application, SPA-2022-0167, to facilitate a temporary access to the site from Sun Pac Boulevard. As part of the Site Plan review, screening options are being explored and will be implemented to reduce the visual impact of outdoor storage from Queen Street East.

Summary of Recommendations

This report recommends that Council approve the temporary Zoning By-law amendment attached hereto as Appendix 7.

Analysis

The proposed temporary Zoning By-law Amendment is consistent with the Temporary Use By-law policies outlined in Section 5.10 of the City's Official Plan and satisfies Section 39 of the Planning Act, which enables Temporary Use Zoning By-laws. The detailed analysis of these documents can be found in Appendix 8.

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 August 22, 2022. Details of the Statutory Public Meeting are included in Appendix 9 of this report.

Corporate Implications:

Financial Implications:

There are no financial implications associated with the temporary amendment to the Zoning By-law. All financial requirements (i.e. securities, Development Charges and Cash in Lieu of Parkland Requirements) will be provided for in the Conditions of Site Plan Approval for the Site Plan application SPA-2022-0167.

Other Implications:

There are no other corporate implications associated with this application.

Term of Council Priorities:

This application is consistent with the 2019-2022 Term of Council, in particular "A Well-run City (Good Government)" priority. The previous Information Report and the associated public meeting contribute to compliance of this priority with respect to encouraging public participation by engaging the community.

Conclusion:

The Development Services Division undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed. Staff is satisfied with the temporary Zoning By-law Amendment application. The application is consistent with the Planning Act and the Temporary Use By-law policies of the City's Official Plan. Staff therefore recommend that the temporary Zoning By-law Amendment be approved.

Authored by:

Reviewed by:

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Appendices:

- Appendix 1 - Concept Plan
- Appendix 2 - Location Map
- Appendix 3 - Official Plan Designation
- Appendix 4 - Secondary Plan Designations
- Appendix 5 - Zoning Designations
- Appendix 6 – Existing Land Uses
- Appendix 7 - Temporary Zoning By-law Amendment
- Appendix 8 - Detailed Planning Analysis
- Appendix 9 - Public Meeting
- Appendix 10 - Results of Application Circulation