

Date: 2023-03-27

File: OZS-2022-0024

Subject: **Recommendation Report – Ward 10**
Application to Amend the Official Plan and Zoning By-law
(*To formalize an existing day nursery and private school use in the Zoning By-law and Official Plan, and facilitate a 2,230.0 sq. metre building expansion*)
2537079 Ontario Inc. – Candevcon Ltd.
11499 The Gore Road
Ward: 10

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Report Number: Planning, Bld & Growth Mgt-2023-277

Recommendations:

1. That the report titled: **Recommendation Report**, Application to Amend the Official Plan and Zoning By-law, 2537079 Ontario Inc. – Candevcon Ltd., East of The Gore Road and North of Countryside Drive, Ward 10 (OZS-2022-0024, and Planning, Building and Growth Management-2023-277), dated March 27th to the Council Meeting of April 24th, 2023, be received.
2. That Application to Amend the Official Plan and Zoning By-law submitted by Candevcon Ltd. on behalf of 2537079 Ontario Inc., File: OZS-2022-0024, be endorsed, on the basis that it represents good planning, including that it is consistent with the Planning Act, and for the reasons set out in the Planning Recommendation Report, dated March 27th, 2023.
3. That the amendment to the Official Plan generally in accordance with the by-law attached as Appendix 11 of this report be adopted;
4. That the amendment to the Zoning By-law generally in accordance with the by-law attached as Appendix 12 of this report be adopted.

5. That no further notice or public meeting be required for the attached Official Plan and Zoning By-law Amendment pursuant to Section 22(6.1) and Section 34(17) of the Planning Act, R.S.O. c.P. 13, as amended.

Overview:

- **This application to amend the Official Plan and Zoning By-law has been submitted to formalize an existing daycare use and expand permitted uses on the lands to include a private school use, and to permit the development of the subject lands for a building addition of approximately 2,230.6 sq. metres to accommodate additional students and staff (220 students and 30 staff members).**
- **The property is designated ‘Estate Residential’ and ‘Unique Communities’ in Schedule A – General Land Use Designations of the City of Brampton Official Plan. An amendment to the Official Plan is required to permit the proposed development.**
- **The subject property is zoned “Residential Rural Estate Two – RE2” by By-law 270-2004, as amended. An amendment to the Zoning By-law is required to permit the proposed development.**
- **A Statutory Public Meeting for this application was held on June 20th, 2022. No members of the public attended the Statutory Public Meeting to speak to the application. However, six (6) members of the public provided correspondence prior to the Public Meeting. Details of the Statutory Public Meeting, including key concerns raised by members of the public, are summarized in Appendix 10 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 City of Opportunities” theme. The proposal, which complements the surrounding residential subdivisions, is consistent with the direction of building complete communities to accommodate growth.**

Background:

The proposal is to formalize an existing day nursery use in the Official Plan and Zoning By-law for the property at 11499 The Gore Road, and expand the permitted uses to include a private school. The owner submitted an application to the Committee of Adjustment under city file A17-071 which was subsequently heard and approved at the April 18, 2017 Committee of Adjustment hearing. A Condition of Approval was included in the Notice of Decision, which permitted the day nursery use on a temporary basis for a period of five (5) years from the date of the Committee's decision. The approval granted under A17-071 expired in April, 2022.

A subsequent application was submitted to the Committee of Adjustment under city file A-2022-0021 to permit the continued use of the existing building as a day nursery for a temporary period of two (2) years. The Minor Variance application was approved at the Committee of Adjustment hearing on March 8th, 2022.

Prior to the submission of the application to amend the Official Plan and Zoning By-law, the proposed development underwent a Pre-Consultation Application. Following the meeting on December 14th, 2020, a Pre-Development Application Consultation Checklist was provided to the Applicant, outlining the reports and studies requested with the submission of this application.

The applicant, Candevcon Ltd., submitted the application on May 3rd, 2022. Staff reviewed the application for completeness and found it to be complete in accordance with the Planning Act on May 6th, 2022. A formal Notice of Complete Application dated May 6th, 2022 was provided to the applicant.

A Statutory Public Meeting was held on June 20th, 2022, at which time the applicant proposed a building addition of 1,218 sq. metres to accommodate a total of 110 students and 13 staff members, and a total of 25 parking spaces. The applicant has increased the proposed student occupancy to 220 student and 30 staff members, and the size of the proposed building addition to 2,230.6 sq. metres. The total number of parking spaces has increased to 47 to accommodate the additional students and staff proposed. Staff recognize the applicant has increased the building occupancy by 100 students and 17 staff members, and the Gross Floor Area of the building addition by approximately 1,012 sq. metres.

City Staff believe that the initial Statutory Public Meeting and that the information provided to the public to date satisfies the notice and statutory public meeting requirements in the Planning Act and the Public Meeting policies in S. 5.30 of the Official Plan. City Staff recognize that the building occupancy will be subject to further review at the site plan stage of approval. The amending Site Plan Agreement will limit the number of children permitted on the subject property, and the rear yard at any given time to minimize the impacts of noise on adjacent properties.

Current Situation:

Proposal (Refer to Appendix 1)

The application proposes to amend the Official Plan and Zoning By-law to permit a day nursery and private school use to permit the expansion of an existing Montessori School. The property currently contains an existing one-storey building with day nursery use permissions, which accommodates a total of 60 students.

The proposed development contemplates the following:

- A building addition with a height of two-storeys;
 - A total lot coverage of 17%;
 - A total gross floor area of approximately 2,296.1m²;
- A total of 34 new parking spaces;
- An increase to 220 students and 30 staff.

Property Description and Surrounding Land Use:

The current conditions on-site are as follows:

- The subject property has a total site area of 0.77 hectares (1.91 acres);
- The site has a total frontage of approximately 61 metres (200 feet) on The Gore Road;
- The property contains an existing building with day nursery use permissions by way of two previous Minor Variance applications (A17-071 & A-2022-0021);
- The existing building has a height of one-storey;
 - A lot coverage of 3.4%;
 - A total gross floor area of 402.4 m²;
- The site currently contains a total of 13 parking spaces;
- The existing Montessori School accommodates a total of 60 students.

The surrounding land uses are as follows:

North: Low-density residential estate homes;

East: An Estate Residential Lot and lands designated “Open Space” in the Official Plan;

South: Directly south of the site are estate residential homes located on Beamish Court as well as low-density residential uses east of The Gore Road;

West: Across The Gore Road are Upscale Executive residential uses and a commercial plaza at the corner of Airport Road and Squire Ellis Drive.

Official Plan Amendment

The proposed amendment to the Official Plan will amend Schedule A General Land Use Designations of the Official Plan to add a Special Land Use Policy Area to permit a day nursery and private school use on the subject lands. The effect of the Special Land Use Policy Area is to permit an expansion to the existing day nursery and private school on the subject lands, and to formalize the existing day nursery use in the Official Plan.

Staff is satisfied that the proposed amendment to the Official Plan captures the intent and vision of the proposed development and will facilitate the development of the subject property with day nursery and private school use permissions complementary to the existing estate residential properties in the Toronto Gore Rural Estate area.

Zoning By-law Amendment

The proposed amendment to the Zoning By-law 270-2004 is required to rezone the lands from the current “Residential Rural Estate Two – RE2 Zone” to “Residential Rural Estate Two – 3697” to facilitate the proposed building expansion to the existing Montessori School, and formalize the day nursery and private school uses in the Zoning By-law.

Staff is satisfied that the proposed amendment to the Zoning By-law captures the intent of the Official Plan amendment. Special provisions in the Zoning By-law amendment, such as a wooden privacy fence along the rear property line, and landscaped buffers along the perimeter of the property will ensure the proposed development is complementary to the existing Toronto Gore Rural Estate area and sensitive to the host neighbourhood.

Corporate Implications:

Summary of Recommendations:

This report recommends that the Committee approve the proposed Official Plan and Zoning By-law amendments generally in accordance with Attachment 11 and Attachment 12, respectively. These documents will be used to implement a future site plan application.

Refinement of the Traffic Impact Study and Functional Servicing Report

The Gore Road is a Regional road, and as such, review and approval of the Traffic Impact Study is contingent on acceptance by Region of Peel Traffic staff. Regional staff have supported the report in principle and have confirmed that the Region of Peel has no objection to the proposed Official Plan and Zoning By-law Amendment application (refer to Appendix 13). Regional staff note that minor updates to the Traffic Impact Study are required at the Site Plan approval stage.

Revisions are also required to the stormwater management component of the Functional Servicing Report at the Site Plan stage of development to satisfy comments from the Region of Peel. Environmental Engineering staff at the City of Brampton have reviewed

the Functional Servicing Report and are generally satisfied that the site can achieve the grading, storm servicing, and stormwater management proposed by the applicant.

Planning Analysis Summary

This proposal has regard for matters of provincial interest that are set out in the Planning Act. The application to amend the Official Plan and Zoning By-law is consistent with the Provincial Policy Statement, the goals and objectives of the City's Official Plan, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Peel Official Plan.

The proposal is located within the 'Urban System' as defined in Schedule E-1 of the Region of Peel Official Plan, and is located on an edge site within the 'Estate Residential' and 'Unique Communities' designation in the City of Brampton Official Plan. The proposed development is an efficient use of lands within the City's built-up area, and the Region's 'Urban System'. There is clear direction in the Growth Plan and Provincial Policy Statement to encourage the efficient development of lands with municipal sewage and water services, and to promote compact built form, and diversity of land uses for complete communities. The proposed development aligns with provincial direction to promote development that is more compact and makes efficient use of land, and infrastructure.

Please refer to Appendix 9 "Detailed Planning Analysis" for additional details.

Matters of Provincial Interest

Planning Act

This development proposal has regard for the matters of Provincial interest as set out in Section 2 of the Planning Act. The proposed development has regard for Section 2(h)(p)(i) and 2(r) of the Planning Act.

Staff is satisfied that the proposed development is consistent with the matters of provincial interest as set out in the Planning Act.

Provincial Policy Statement (PPS):

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The application is consistent with the PPS as the proposed development helps to achieve complete communities and efficiently uses existing infrastructure. The subject property is located within a settlement area and is therefore appropriately suited for redevelopment.

Staff is satisfied that the proposed development is consistent with the applicable sections of the Provincial Policy Statement.

A Place to Grow: 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 by providing convenient access to local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. The subject application conforms to the applicable policies as outlined in the Growth Plan for the Greater Golden Horseshoe with respect to directing development to a settlement area within the built boundary.

The recommendations conform to the applicable sections of the Growth Plan.

Municipal Planning Documents

Region of Peel Official Plan:

The Regional 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 Regional Official Plan and conform to the related policies with respect to achieving intensification and compact built form in appropriate areas that efficiently use land and existing infrastructure.

The recommendations conform to the applicable sections of the Region of Peel Official Plan.

City of Brampton Official Plan:

The subject property is located at an 'edge site' in the Estate Residential designation, and abuts a 'Gateway' at the intersection of The Gore Road and Squire Ellis Drive as identified in the Vales of Humber Secondary Plan. The policies of the 'Unique Communities' designation in S. 3.2.10 of the Official 'Estate Residential' designation states that these areas possess unique cultural, historic and landscape qualities which require conservation. The proposal maintains components of the natural and landscape qualities characteristic of the Toronto Gore Area through the preservation of a large building setback from the street, and landscaped buffers along all lot lines. The proposal further contributes to the 'Gateway' identified in the Vales of Humber Secondary Plan by increasing the provision of services and employment at the Gateway, and represents an appropriate interface with adjacent commercial and residential land uses. The proposed development has the potential to further contribute to the sense of place and identity in this 'Unique Community' through the development of a complementary land use offering educational services to children ages eighteen (18) months up to fourteen (14) years old, which is a land use distinct to the surrounding estate residential properties.

Staff is satisfied that the proposed Official Plan and Zoning By-law amendment are consistent with the policies of the City of Brampton Official Plan.

Toronto Gore Density Policy Review:

The property is located within the Toronto Gore Density Policy Review study area. The application presents an opportunity to formalize an existing day nursery and private school use, with site specific provisions in the Zoning By-law Amendment to preserve the elements unique to the Toronto Gore Rural Estate community, such as generous landscaping, and large building setbacks from the street to preserve the sense of open space characteristic of the community. Staff is satisfied that the proposed development aligns with the recommendations for the Toronto Gore Density Policy Review and policies in the draft Brampton Plan.

City of Brampton Zoning By-law:

The lands are currently zoned “Residential Rural Estate Two – RE2” by By-law 270-2004 as amended. An amendment to the Zoning By-law is required to facilitate the continued use of the subject lands for day nursery uses, for the proposed private school use. This report recommends rezoning the subject lands to a “Rural Estate Residential Two – Section 3697” zone to permit the proposed use.

Staff is satisfied with that the recommended Zoning provisions will allow for the efficient development of the lands.

Summary of Recommendations

This report recommends that Council enact the Official Plan Amendment and Zoning By-law Amendment attached as Appendix 11 and Appendix 12, respectively.

Community Engagement

The proposed Official Plan Amendment and Zoning By-law amendment 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 requirements. Notice signs were also placed on the subject lands to advise members of the public that an application 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 20th, 2022. There were zero (0) delegations from members of the public at the meeting and six (6) written submissions were received. Four (4) letters submitted expressed concern for the proposal, and two (2) expressed support for the proposed development. An outline and response to the primary concerns brought forward by residents is summarized in the table to follow.

Concern Raised in Public Correspondence	Staff Response
A. Concern regarding noise resulting from increased building occupancy	Limits to the occupancy for the school will be addressed in a future site plan agreement and registered on title. In addition to this, the applicant is required to implement a 3-metre wide landscape buffer along the rear yard lot line and front yard lot line to reduce the impacts of noise on neighbouring properties. A 1.5-metre landscaped buffer is required along the interior side yard lot lines is also required to reduce the impacts of noise, as well as privacy.
B. Concern with increase in traffic and illegal turning movements at Squire Ellis Drive and The Gore Road	A Traffic Impact Study has been submitted in support of the proposed development. The Traffic Impact Study is supported in principle by the Region of Peel and City of Brampton for the purpose of the Official Plan and Zoning By-law Amendment. Through the Site Plan application, building occupancy will continue to be reviewed by the Region of Peel to ensure the appropriate occupancy can be supported by the Regional transportation network.
C. Concern with regard to privacy and interference of enjoyment of adjacent properties	The proposed Zoning By-law Amendment includes site specific provisions to enhance privacy screening for adjacent properties. The applicant is required to install a wooden fence along the rear property line, and integrate landscaped buffers to provide enhanced privacy and noise attenuation. A 1.5-metre landscaped buffer is required along the interior side yard lot lines, and a 3.0-metre landscaped buffer is required along the front and rear yard lot lines.

Corporate Implications:

Financial Implications:

There are no financial implications associated with this application. Revenue that was collected through the development application fees is 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 providing for efficient growth in an existing community, and directing development to an existing settlement area within proximity to residential and commercial uses to promote complete communities.

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 3 for a Complete Neighborhood as it proposes to formalize an existing institutional use in the fabric of an established estate residential neighbourhood.

Conclusion:

Staff recommends approval of the Official Plan Amendment (Attachment 11) and Zoning By-law Amendment (Attachment 12), as the following has been satisfied:

- The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and City of Brampton Official Plan;
- The proposed development provides an opportunity to formalize an existing day nursery use, and expand the facility to accommodate additional students and staff;
- Technical requirements have been addressed through studies submitted in support of the proposal and approved by City staff. Technical requirements pertaining to landscape design and stormwater management will be addressed at the site plan stage of review. In addition, the stormwater management component of the Functional Servicing Report, Traffic Impact Study and building occupancy will be reviewed by the Region of Peel at the site plan stage of development to ensure the appropriate occupancy can be supported by the Regional transportation network.

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Attachments:

Appendix 1: Concept Plan
Appendix 2: Location Map
Appendix 3: Official Plan Designations
Appendix 4: Zoning Designations
Appendix 5: Aerial and Existing Land Uses
Appendix 6: Heritage Resources
Appendix 7: Tertiary Plan
Appendix 8: Sustainability Assessment
Appendix 9: Detailed Planning Analysis
Appendix 10: Results of the Public Meeting
Appendix 11: Draft Official Plan Amendment
Appendix 12: Draft Zoning By-law Amendment
Appendix 13: Results of Application Circulation