

Date: 2023-03-24

File: **OZS-2022-0042**

Subject: Recommendation Report
Application to amend the Official Plan and Zoning By-law. (To permit a fifteen (15) storey apartment dwelling consisting of one hundred and sixty-eight (168) units.)
Blackthorn Development Corp. – 2794465 Ontario Inc.
11556 Bramalea Road, Part of Lot 17, Concession 4, East of Hurontario Street.
Ward: 9

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Report Number: Planning, Bld & Growth Mgt-2023-306

Recommendations:

1. **That** the report titled: **Recommendation Report** Application to amend the Official Plan and Zoning By-law. (To permit a fifteen (15) storey apartment dwelling consisting of one hundred and sixty-eight (168) units.) **Blackthorn Development Corp. – 2794465 Ontario Inc.**, File OZS-2022-0042, 11556 Bramalea Road, Part of Lot 17, Concession 4, East of Hurontario Street. Ward: 9, dated March 24th, 2023 to the Planning and Development Committee meeting of April 24th, 2023 be received;
2. **That** the Official Plan and Zoning By-law Amendment submitted by Blackthorn Development Corp. on behalf of 2794465 Ontario Inc. Ward 9, File: OZS-2022-0042 be approved on the basis that it represents good planning, is consistent with Section 22 (6.1) and Section 34 (10.4) of the Planning Act is consistent with the Provincial Policy Statement, and conforms to A Place to Grow: Growth plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan, and for the reasons set out in this Recommendation Report.

3. **That** no further notice of public meeting be required for the attached Zoning By-law Amendment as per Section 34(17) of the Planning Act.

Overview:

- **This report recommends approval of an amendment to the Official Plan and the Zoning By-law to develop the subject lands to permit a fifteen (15) storey apartment building, containing one hundred and sixty-eight (168) units.**
- **The subject property is designated “Residential” and “Open Space” in Schedule A and “Valleyland” in Schedule D of the City of Brampton Official Plan, an amendment to the Official Plan is not required.**
- **The subject property is located within the Countryside Villages Secondary Plan Area 48 (B) area and is sub-designated “Medium Density Residential”, “Valley Land” and “Special Policy Area 3”. The subject property is also located within the Countryside Villages Block Plan 48-1 and designated “Medium Density”, “Buffer” and “Special Policy Area 3”. A draft Secondary Plan amendment attached as Appendix 10 will implement the proposed residential use.**
- **The property is zoned Agricultural (A) by By-law 270-2004, as amended. The draft Zoning By-law Amendment attached as Appendix 11 will implement the proposed residential and open space uses.**
- **A Statutory Public meeting for this application was held on December 12th, 2022. Written correspondence was received and attached as Appendix 13.**
- **The proposal is consistent with the “2018-2022 Term of Council Priorities” by supporting “A City of Opportunities” Theme. The proposal is consistent with the direction of building complete communities to accommodate growth for people.**
- **The proposed Official Plan Amendment and Zoning By-law Amendment represent good planning, has regard for the Planning Act, is consistent with the Provincial Policy Statement and is in conformity with A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and the City of Brampton Official Plan.**

Background:

The lands subject to the Official Plan and Zoning By-law Amendment are located at 11556 Bramalea Road. This application has been reviewed for completeness and found to be complete in accordance with Section 22 (6.1) and Section 34 (10.4) of the Planning Act. A formal Notice of Complete Application was issued on November 4th, 2022.

Current Situation:

- The applicant is proposing to amend the Official Plan and Zoning By-law to permit residential uses, details of the proposal are as follows:
 - To permit a fifteen (15) storey apartment building, consisting of one hundred and sixty-eight (168) dwelling units, comprised as follows;
 - 1 Bedroom units: 114
 - 2 Bedroom units: 49
 - 3 Bedroom units: 5
 - Total Gross Floor Area (GFA) of 13, 962 square metres, Floor Space Index (FSI) of 5.14 and total density of 618 units per net residential hectare;
 - One hundred and sixty-eight (168) parking spaces, 160 of which are located in an underground garage, eight (8) are located at the surface level. Thirty-four (34) of the total spaces will be for visitor parking;
 - Five hundred and forty (540) square metres of indoor and outdoor amenity space;
 - A full-moves vehicular access is proposed at Bramalea Road.

Application to Amend the Official Plan and Zoning By-law

The subject property is located within the Countryside Villages Secondary Plan Area 48 (B) area and is sub-designated “Medium Density Residential”, “Valley Land” and “Special Policy Area 3”. The subject property is also located within the Countryside Villages Block Plan 48-1 and designated “Medium Density”, “Buffer” and “Special Policy Area 3”. The proposed Official Plan amendment seeks to redesignate the subject property from “Medium Density” to “Residential Medium, High Density”. Special Policy Area 3 will also be amended to permit low to mid-rise apartments and high-rise apartments, a maximum density of 618 units per net residential hectare and a maximum building height of 15 storeys. The Countryside Villages block Plan (48-1) will also be amended by redesignating the subject property from “Medium Density” to “Medium High Density residential”.

The Zoning By-law amendment seeks to amend the zoning of the subject property from “Agricultural (A)” to “Residential Apartment B (4) (H) – Section 3702” and Open Space (H) (OS-3703), subject to a Holding (H) Provision. The proposed Zoning By-law includes site specific performance standards, which include, but are not limited to; setbacks, lot coverage, floor space index, maximum building height and parking requirements.

The detailed planning analysis (Appendix 8) provides a detailed overview of the Official Plan and Zoning By-law Amendment.

Property Description and Surrounding Land Use (Appendix 2)

The lands have the following characteristics:

- A total site area of approximately 0.35 hectares (0.86 acres);
- Has a total frontage of approximately 35 metres on Bramalea Road;
- The subject property currently contains one single-detached residential home and access to Bramalea Road via private drive-way.

The surrounding land uses are as described as follows:

- North: Open Space within a regulated TRCA area. Retail, commercial and institutional uses are located north-east of the subject property which include; Walmart Supercentre, Scotiabank, RBC Royal Bank, LCBO, and the Bramalea Christian Fellowship church.
- East: Open Space area is located on the east side of Bramalea Road, as well as Sesquicentennial Park.
- South: A single-detached residential dwelling with frontage and access onto Bramalea Road. Beyond that is a Draft Plan of Subdivision (file: C04E16.003) for a residential community that is registered for residential, institutional and open space uses to the south-west of the subject property.
- West: A Draft Plan of Subdivision (C04E17.003 – Appendix 12) for a residential community is draft approved and proceeding towards registration. Further west (west of Russell Creek Drive) are existing residential dwellings and Countryside Village Public School.

Summary of Recommendations

This report recommends the approval of the Official Plan and Zoning By-law amendment. The proposed Official Plan amendment is attached hereto as Appendix 10 and the proposed Zoning By-law amendment is attached as Appendix 11.

Planning Analysis

The proposed Official Plan and Zoning By-law Amendment is consistent with the Provincial Policy Statement and are in conformity with the Growth Plan for the Greater Golden Horseshoe as well as the Region's Official Plan. The proposal is also generally consistent with the City of Brampton's Official Plan, and appropriately considers matters of provincial interest as set out in Section 2 of the Planning Act. Refer to Appendix 8 "Detailed Planning Analysis" for additional details and comprehensive analysis.

Holding Provision

The draft Zoning By-law amendment is subject to a Holding (H) provision, this is to ensure that the City will be able to arrange for a future shared access between the subject site and the property to the south, if and when it redevelops; and that arrangements are made for any environmentally sensitive lands on the site to be gratuitously dedicated to the City for our stewardship. The Holding provisions are as follows:

- 1) Confirmation that arrangements for a mutual access easement with the abutting property to the south (11532 Bramalea Road) have been provided to the satisfaction of the Commissioner of Planning, Building and Growth Management.
- 2) Confirmation that arrangements have been made to gratuitously convey any environmentally sensitive portions of the land to the City to the satisfaction of the Commissioner of Planning, Building and Growth Management.

The applicant provided a Transportation Study prepared by CGE Transportation Consulting, which assessed the existing road network, proposed parking conditions, existing and future traffic volumes and access configurations (amongst other requirements). City of Brampton Traffic Staff have reviewed the Transportation Study along with other pertinent submission materials and support a vehicular access via Bramalea Road. Through the forthcoming Site Plan application, City Traffic Staff will work with the applicant to refine the access location and configuration onto Bramalea Road. No access to the local road (Ice Water Terrace is proposed any longer). Abutting the property to the south is a single detached residential home (11532 Bramalea Road), which is not currently subject to any redevelopment proposal. Should the southern property redevelop, the applicant and/or owner of 11556 Bramalea Road will be required to make arrangements with 11532 Bramalea Road for a mutual access easement connecting to Bramalea Road.

The Toronto Region Conservation Authority comments dated March 9th, 2023 confirm no objection to the application but that there are outstanding technical requirements (i.e. slope stability study) that is to be addressed through the future Site Plan application. That study will confirm if any portion of the lands are environmentally significant and should be conveyed to the City for our long term stewardship and protect their ecological features and functions.

Environmental Planning Matters

An Environmental Impact Study (EIS) dated November 3, 2022 coupled with an addendum letter dated March 21st 2023 was prepared by Palmer. The EIS notes that Palmer is awaiting confirmation from the Ministry of the Environment, Conservation and Parks (MECP) to determine if the subject property and adjacent West Humber Tributary 'B' is an occupied Redside Dace habitat. The applicant and/or owner is advised that should the MECP confirm an occupied Redside Dace habitat, the developable limits of the property will require revisions to reflect the Meander Belt plus an additional 30 metres.

The concept plan with this proposal shows 10 metre buffer along the entirety of the northern portion of the subject property abutting the Valleyland/Watercourse Corridor and Campbells Cross Creek. To the west of the subject property is a Valleyland area, which abuts a subdivision consisting of primarily single-detached homes (File: C04E17.003). City staff are satisfied that the proposed development may proceed for Official Plan and Zoning By-law approval, but note that an additional buffer may be required on the western portion of the site, which will be identified through the review of the forthcoming site plan application.

Matters of Provincial Interest

Planning Act

This development proposal has regard for the following policies as set out in Section 2 of the Planning Act, subject to the holding provisions:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development;

The proposed development will provide one hundred and sixty-eight (168) dwelling units with a variety of unit sizes that will have access to full municipal services (water and sanitary) and vehicular access to Bramalea Road. The location of the proposed development is a well-planned continuation of residential development within the Countryside Villages Secondary Plan Area 48 (B) and Countryside Villages Block Plan 48-1.

Provincial Policy Statement

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 Section 1.1.1 (b) of the PPS, which speaks to accommodating an appropriate affordable and market-based range and mix of residential types. In addition, Section 1.1.3.1 of the PPS states that settlement areas shall be the focus of growth and development. As per section 1.1.3.2 of the Provincial Policy Statement, land use patterns within settlement areas shall be based on densities and a mix of land uses which (a) efficiently use land and resources and (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.

The subject property is located within an existing Settlement Area, the proposed fifteen storey apartment structure will offer a variety of dwelling sizes at varying price points, providing a plethora of housing options for current and future Brampton residents. Through the City of Brampton and Region of Peel review of the submission materials it was determined that existing public services and infrastructure will adequately service the proposed development, mitigating the need for unjustified and/or uneconomical expansion.

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

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, it directs growth to a settlement area that has access to existing or planned municipal water and wastewater systems.

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 healthy communities, achieving an intensified and a mix of land uses in appropriate areas that efficiently use resources.

City of Brampton Official Plan

The purpose of the City of Brampton’s Official Plan is to give clear direction as to how physical development and land use decisions should plan to meet the current and future needs of its residents. The property is designated “Residential” and “Open Space” in Schedule A and “Valleyland” in Schedule D of the City of Brampton Official Plan. The proposed development conforms to the intent of this plan. The residential designation permits a range of dwelling typologies, including single detached dwellings, townhouses and apartments. The Official Plan includes policies related to mix of dwelling types, provision of on-site amenities and ensuring that the proposed developments provide typologies and densities that fit into the surrounding community. The Valleyland designation are intended for the preservation and conservation of natural features, functions and linkages. The proposed development maintains a ten (10) metre buffer to the natural feature. The submitted materials have demonstrated that the proposal meets the requirements of the Residential designation.

Secondary Plan and Block Plan

The property is designated “Medium Density Residential”, “Valley Land” and “Special Policy Area 3” in the Countryside Villages Secondary Plan Area 48 (B). The subject property is also located within the Countryside Villages Block Plan 48-1 and designated “Medium Density”, “Buffer” and “Special Policy Area 3”. The Medium Density Residential designation permits a variety of residential dwelling types and a minimum density of 30 residential units per net residential hectare and maximum of 50 units per net residential hectare. Special Policy Area 3 permits a Bed and Breakfast in addition to the Medium Density Residential uses. The proposed Secondary Plan Amendment seeks to redesignate the subject property to “Medium High Density Residential” and amend Special Policy Area 3 to permit low to mid-rise and high-rise apartments, a maximum density of 618 units per net residential hectare and a maximum building height of 15 storeys. The Countryside Villages Block Plan (48-1) will also be amended to redesignate the subject property to “Medium High Density Residential”. No amendments are proposed to the “Valleyland” designation. The detailed planning analysis (Appendix 8) includes a detailed overview of the Official Plan amendment (Appendix 10), the draft Secondary Plan amendment is attached as (Appendix 11).

Zoning By-law Amendment

The subject property is zoned “Agricultural (A)” by By-law 270-2004, which shall only be used for the agricultural purposes as defined in Section 5 of the Zoning by-law and non-agricultural uses which include a single detached dwelling, supportive housing residence type 1 or a supportive housing residence type 2, a cemetery, an animal

hospital, a kennel and a home occupation. The draft zoning by-law amendment proposes to redesignate the subject lands from Agricultural (A) to a site specific split zone, consisting of Residential Apartment B(4) and Open Space (OS), subject to a Holding (H) provision.

The site-specific residential apartment zone will implement a maximum building height of 15 storeys, maximum lot coverage of 35%, maximum floor space index (FSI) of 5.4 and a parking ration of 0.8 spaces per dwelling unit and 0.2 spaces of visitor parking per dwelling unit. The open space zone will permit an underground parking structure and a landscaped buffer area. The detailed planning analysis (Appendix 8) includes an extensive overview of the Zoning by-law amendment and the draft Zoning By-law amendment is attached as Appendix 11.

Regarding the parking requirement noted in the zoning by-law amendment, the applicant is advised that as a condition of any future Site Plan approval, the future purchase and sale agreements with prospective purchasers will need to include a clause advising purchasers that a parking space will not be available for every unit.

Community Engagement

The proposed Official Plan 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 December 12th, 2022. There was one (1) delegation from members of the public at the meeting and four (4) written submissions were received. Details of the Statutory Public Meeting, including summary of the issues raised and a response to those issues are included in the summary chart below as well as in Appendix 13 of this report.

Concern Raised	Staff Response
<p>Objection to the proposed development establishing a secondary vehicular access to Icewater Terrace.</p>	<p>The proposed secondary vehicular access to Icewater Terrace is no longer contemplated as per the attached concept plan. All vehicular access to the subject property will be provided via Bramalea Road. The City will require arrangements be made through a future site plan application that a shared access arrangement be completed for access to Bramalea Road with the abutting property to the south (11532 Bramalea Road), to facilitate its future redevelopment.</p>

<p>Increased traffic flows on Bramalea Road, Duxbury Road and Icewater Terrace.</p>	<p>The Traffic Impact Study prepared by CGE Transportation Consulting indicates that the existing road network consisting of Mayfield Road, Bramalea Road, Countryside Drive and Inspire Boulevard can adequately accommodate traffic volumes generated by the proposed development.</p>
<p>Adverse impacts onto abutting Valleyland Area and Campbells Cross Creek.</p>	<p>The proposed development provides a ten (10) metre setback/buffer from the existing top of bank to the Valleyland area.</p> <p>The subject property is located within a Regulated Area of the Toronto Region Conservation Authority (TRCA). The TRCA provided clearance for the proposed Official Plan and Zoning By-law amendment on March 9th, 2023, further review of the proposal will be completed through the forthcoming Site Plan application.</p>
<p>Reduced privacy for neighboring low-rise homes to the west and impact onto the property abutting to the south of the subject property.</p>	<p>The proposed zoning by-law provides site specific performance standards to regulate the height and setbacks of the proposed apartment dwelling. The structure has been designed to mitigate shadowing on the western subdivision and abutting single-detached home to the south by stepping the building on levels 9 and 13. The Sun Shadow drawings by Kirkor Architects demonstrate how the design of structure and site layout mitigate shadowing on the adjacent lands.</p>
<p>Applicant/owner to enter the Countryside Villages Cost Share Agreement.</p>	<p>The applicant has confirmed that all cost sharing obligations will be met including entering into the Countryside Villages Cost Sharing Agreement.</p>

Corporate Implications:

Financial Implications:

There are no financial implications identified at this time. Revenue collected through development application fees are accounted for in the approved operating budget.

Other Implications:

There are no other corporate implications associated with the applications that have not been noted elsewhere.

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 land and resources;
- Directing development to an existing settlement area that is within proximity of existing commercial areas and institutional uses; and,
- Providing opportunity for efficient growth within an existing community.

Conclusion:

Staff recommends approval of the Official Plan Amendment (Attachment 10) and Zoning By-law Amendment (Attachment 11). The proposed development represents good planning and satisfactorily addresses all technical and financial matters of the City. The application is consistent with the Planning Act, the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, City of Brampton Official Plan, Countryside Villages Secondary Plan Area 48 (B) and Countryside Villages Block Plan 48-1. The proposed development provides an opportunity to direct growth to an existing settlement area and provides a range of residential dwelling types. Technical requirements have been addressed through studies submitted in support of the proposal and approved by City staff.

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Attachments:

- Appendix 1: Concept Plan
- Appendix 2: Location Map
- Appendix 3: Official Plan Designations
- Appendix 4: Secondary Plan Designations
- Appendix 4a: Block Plan Designation
- Appendix 5: Zoning Designations
- Appendix 6: Aerial & Existing Land Use
- Appendix 7: Heritage Resources
- Appendix 8: Detailed Planning Analysis
- Appendix 9: Results of the Application Circulation
- Appendix 10: Official Plan Amendment
- Appendix 11: Zoning By-law Amendment
- Appendix 12: Sustainability Assessment Snapshot
- Appendix 13: Results of The Public Meeting