

Date: 2023-07-12

Subject: **OZS-2022-0036**

Secondary Title: Recommendation Report
Application to Amend the Zoning By-law
(To permit a 36,159 sq. metre industrial warehousing
development)
**Highway 50 & 7 South Equities Inc.; Pangreen
Limited Partnership; 9404635 Canada Inc.;**
Greycan 9 Properties Limited Partnership;
Greycan 9 Properties Inc. – Weston Consulting
8386, 8412 Highway 50
Ward: 8

Contact: Emma De Melo, Development Planner, Development Services

Angelo Ambrico, Manager, Development Services

Report Number: Planning, Bld & Growth Mgt-2023-480

Recommendations:

1. That the report from Emma De Melo, Development Planner, Development Services to the Planning and Development Committee of July 31, 2023, re: **Recommendation Report, Application to Amend the Zoning By-law, Highway 50 & 7 South Equities Inc.; Pangreen Limited Partnership; 9404635 Canada Inc.; Greycan 9 Properties Limited Partnership; Greycan 9 Properties Inc. – Weston Consulting, 8386 & 8412 Highway 50, Ward 8**, be received; and
2. That the application for Zoning By-law Amendment submitted by Weston Consulting on behalf of Highway 50 & 7 South Equities Inc.; Pangreen Limited Partnership; 9404635 Canada Inc.; and Greycan 9 Properties Limited Partnership; Greycan 9 Properties Inc. be approved on the basis 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, and for the reasons set out in the Recommendation Report;
3. That the amendment to the Zoning By-law generally in accordance with the attached Attachment11 to this report be adopted;

4. That no further notice or public meeting be required for the attached Zoning By-law Amendment pursuant to Section 34 of the Planning Act, R.S.O. c.P. 13, as amended.

Overview:

- The applicant has submitted an application to amend the Zoning By-law to facilitate the development of a 36,159 sq. metre industrial warehousing development.
- The property is designated 'Business Corridor and 'Parkway Belt West' in Schedule A: General Land Use Designations of the Official Plan. The 'Business Corridor' designation permits a broad range of employment and employment-related uses, such as Prestige Industrial, Office, Mixed Commercial/Industrial, Highway Commercial, Service Commercial, Highway and Service Commercial and Business uses. An amendment to the Official Plan is not required to permit the proposal.
- The property is located within the limits of the Parkway Belt West Plan (PBWP). The applicant has submitted an application to the Ministry of Municipal Affairs and Housing to release the lands from the PBWP, after which the land use designations in the Bram East Secondary Plan will apply.
- The property is designated 'Mixed Commercial / Industrial' in the Bram East Secondary Plan (Area 41). An amendment to the Secondary Plan is not required.
- As per Zoning By-law 270-20004, as amended, the northernmost parcel is zoned 'Industrial Four- Section 1580 (M4-1580)' which permits manufacturing and warehouse uses. The remaining parcels are zoned 'Commercial Agriculture – (CA)' which permits a garden centre sales establishment; a farm produce stand; and an animal hospital. A Zoning By-law Amendment is required to permit the proposed development.
- A statutory Public Meeting for this application was held on November 28, 2022. Twenty (20) written correspondences were received and six (6) members of the public spoke at the meeting. Two additional non-statutory public engagement sessions were hosted by the applicant on January 17, 2023, and May 30, 2023. Details of the public meeting and additional engagement sessions are included in Attachment10 of this report.
- The proposed development is consistent with the "A City of Opportunities" theme. The proposal is consistent with the direction of attracting investment and employment opportunities and supports the building of complete communities to accommodate growth for people and jobs.

Background:

Weston Consulting submitted an application on behalf of the owners to amend the Zoning By-law on September 1st, 2022. This application was deemed complete on September 13th, 2022 in accordance with Section 34 (10.4) of the Planning Act. The statutory Public Meeting for the application was held at the Planning and Development Committee Meeting on November 28th, 2022. Twenty (20) written correspondences were received and six (6) members of the public spoke at the meeting.

The developer hosted an in-person meeting on January 17th, 2022 to further engage the public in response to the written comments and delegations provided at the statutory public meeting. Approximately twenty (20) residents signed the attendance check-in list at the event. The concerns raised by residents are included in Attachment10 of this report and included concern for truck access on the Gore Road and the related impacts on pedestrian safety and traffic circulation, and environmental concerns.

The developer then hosted an additional public engagement session, held virtually, on May 30th, 2023 to discuss revisions made to the concept plan in response to the public comments received at the statutory public meeting and January 17, 2022 engagement session. The access to the site, aligned with Manswood Crescent, which was designed primarily for truck traffic movements was removed in response to concerns from the public. An access further south along the Gore Road permits truck access to the site, along with two access points along Highway 50. A further technical review will take place at the site plan stage of review, including access configurations, verification of the sustainability score, and other matters pertaining to the detailed design of the site. The effect of this report to Committee is to recommend approval of the Zoning By-law Amendment generally in accordance with the attached Attachment11 to this report.

Current Situation:Proposal:

A proposal to amend the Zoning By-law has been filed with the City to develop three parcels with a combined size of 9.43 hectares (23.3 acres), located at the southwest corner of the intersection of Highway 50 and the Gore Road. Rezoning of the subject lands would facilitate the construction of a 36,159 square metre industrial warehouse development in accordance with the policies of the Official Plan and Bram East Secondary Plan.

Details of the proposal are as follows (refer to Attachment1):

- Industrial warehouse with a total gross floor area of 36,159 square metres;

- Two potential future offices at the north and south ends of the buildings along Highway 50 (future tenants to implement internal renovations required to facilitate the office uses);
- A building height of 12.19 metres (40 feet), providing the equivalent height of three stories for the office components;
- A total of 68 dock doors located at the rear of the building to accommodate truck loading;
- A total of 38 trailer parking stalls, and 330 vehicular parking stalls;
- Minimum 3.0 metre landscaped buffer along Highway 50 and the Gore Road;
- Landscaped buffer 3.0 metres wide along the Gore Road to screen trailer parking and loading docks from the Gore Road. Additional screening is provided by an acoustic barrier;
- Three access points to the site: two access points from Highway 50 including shared access to the property to the north, and one access point from the Gore Road.

Property Description and Surrounding Land Use (Refer to Attachment2):

The lands have the following characteristics:

- Has a total site area of approximately 9.43 hectares (23.30 acres);
- The site is triangular in shape, tapering in width towards the intersection of Highway 50 and the Gore Road;
- The site is comprised of three parcels of land, and was previously used for commercial agriculture purposes, operating as the former Humber Nurseries Garden Centre; and
- The site has approximately 589 metres of frontage along Highway 50, and 583 metres of frontage along the Gore Road.

North:	Existing industrial warehouse development being constructed by the same owner;
East:	Glenview Memorial Gardens in the City of Vaughan;
South:	Claireville Conservation Area is located to the southwest of the property;
West:	Estate residential lots on Manswood Crescent, and a low-density residential development northwest of the subject lands.

Further details on this application can be found in the Detailed Planning Analysis contained in Attachment10, which contains an evaluation of the various technical aspects, including matters addressed in the site-specific studies submitted by the applicant.

Application to Amend the Zoning By-law:

The subject property is zoned “Commercial Agricultural - CA”, and “Industrial Four – Section 1580” by By-law 270-2004 as amended. An amendment to the Zoning By-law is required to rezone the lands to facilitate future industrial development on the subject lands.

The proposed Zoning By-law Amendment will rezone the property to the Industrial Four – Section 3709 Zone (M4(H)-3709) to permit the proposed warehouse use, with site-specific exceptions to permit the proposed development.

A Holding Provision is proposed to be included with the Zoning By-law to ensure outstanding matters are addressed prior to development proceeding on the subject site. Firstly, the applicant has submitted an application to the Ministry of Municipal Affairs and Housing to permit private parking uses on the southern portion of the subject property, which is designated as ‘Electric Power Facility’ within the ‘Public Use Area’ of the Parkway Belt West Plan. It is recommended that the holding symbol not be removed until such time as the application to the Ministry of Municipal Affairs and Housing to permit private parking uses on the lands designated ‘Electric Power Facility’ in the Parkway Belt West Plan is approved. Secondly, the Region of Peel requires a satisfactory Stormwater Management Report, and Functional Servicing Report confirming there is sufficient capacity for the proposed fire flows, and to confirm accessibility of sanitary servicing. It is recommended that the Holding (H) symbol not be removed until such time as a satisfactory Functional Servicing Report and Stormwater Management Report is approved by the Region of Peel.

Summary of Recommendations:

The report recommends that Council enact the Zoning By-law Amendment attached hereto as Attachment11. These documents will be used to implement a future site plan application.

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 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.

Please refer to Attachment10 “Detailed Planning Analysis” for additional details.

Matters of Provincial Interest

Planning Act:

Staff is satisfied that the proposed development is consistent with the matters of provincial interest as set out in Part 1, Section 2 of the Planning Act, such as the orderly development of safe and healthy communities S. 2 (h), and the appropriate location of growth and development S. 2 (p).

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 proposed development supports the promotion of efficient development and land use patterns which will sustain the financial wellbeing of the province over the long-term (S. 1.1.1a), and supports the development of healthy and liveable communities (S. 1.1.1b, S. 1.3.1a) by supporting employment opportunities in the City of Brampton.

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 lands are within the “Designated Greenfield Area” as defined by the 2020 Growth Plan for the Greater Golden Horseshoe, and are within a Provincially Significant Employment Zone (PSEZ). 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 with existing municipal water and wastewater systems and with access to existing transit services, and by supporting the development of an employment use on currently underutilized lands.

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 application is within the “Urban System” as per Schedule E-1, the “Designated Greenfield”

as per Schedule E-3, an “Employment Area” in Schedule E-4, and a “Planned Major Transit Station Area” in Schedule E-5 of the Regional Official Plan.

The proposal was evaluated against the Region of Peel Official Plan and it was determined that the proposed development satisfied the pertinent Official Plan policies.

City of Brampton Official Plan:

The City of Brampton’s Official Plan provides comprehensive policies that facilitate land use decision-making. 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 its residents’ current and future needs. The property is designated “Business Corridor” and “Parkway Belt West” in Schedule A of the City of Brampton Official Plan.

The proposed development conforms to the intent of the City of Brampton Official Plan.

City of Brampton Zoning By-law:

The northernmost parcel of the subject property is zoned “Industrial Four – Section 1580” by By-law 270-2004, and the remainder of the property is zoned Commercial Agricultural (CA). The draft Zoning By-law proposes to rezone the subject property to “Industrial Four – Section 3709” subject to a holding provision.

The industrial special section includes site-specific provisions to permit outside storage at the rear of the building. The special section also notes that the stacking of trailers or shipping containers shall not be permitted on the property. The site-specific performance standards will result in a built form that makes efficient use of the subject property while also providing a development form that does not result in aesthetic impacts on the streetscape and nearby residential uses.

Holding Provision

A Holding symbol is recommended for the lands and is included in the zoning by-law amendment. The Holding Symbol is intended to protect lands until the Functional Servicing Report and Stormwater Management Report are approved by the Region of Peel and to ensure that the proposed development does not proceed until such time that the subject lands are released from the Parkway Belt West Plan. Specifically, the Holding Symbol as set out in Section M4(H)-3079 of the attached Zoning By-law 270-2004 prohibits the development of the lands until the following is satisfied:

The Holding (H) symbol shall not be removed until the following conditions have been fulfilled:

- i. the appropriate arrangements are made and permissions granted with respect to the Parkway Belt West Plan to the satisfaction of the Ministry of Municipal Affairs and Housing; and,*

- ii. confirmation that a satisfactory Functional Servicing Report and Stormwater Management Report has been provided and approved to the satisfaction of the Region of Peel.

Community Engagement

The proposed 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 November 28th, 2022. There were six (6) delegations from members of the public at the meeting and twenty-one (21) written submissions were received. In addition to the Statutory Public Meeting in November 2022, two additional developer-led engagement sessions were held to discuss the application on January 17th, 2023, and May 30th, 2023. 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. Truck traffic on the Gore Road. Residents expressed concerns for excessive traffic, and the ability of trucks to safely navigate the Gore Road and the impacts of truck traffic on the structural integrity of the road.	A Traffic Impact Study (TIS) has been submitted in support of the proposed development, prepared by John Northcore, P.Eng of JD Northcote Engineering Inc., dated May 10 th , 2023. The TIS concludes that both the southeast access at Highway 50, and the southeast access at the Gore Road will operate efficiently and will provide the necessary capacity to service the proposed development. The TIS states that the proposed development will not result in any operational issues and will not add a notable delay or congestion to the local roadway network. Furthermore, the Gore Road has been reconstructed to an urban cross-section and has the structural integrity to support trucks. The Region of Peel and City Traffic Staff have reviewed the TIS and have concluded that it supports the proposed development.

<p>B. Heavy truck restrictions on the Gore Road.</p>	<p>The Region of Peel widened the Gore Road from two lanes to four lanes. The widening, along with other scheduled work including modification of the horizontal alignment, addition of northbound and southbound left turn lanes, and transit improvements, was substantially completed in the winter of 2018. The road was reconstructed to an urban cross-section and has the structural integrity to accommodate trucks. The road improvements were completed to meet all technical and safety design standards.</p>
<p>C. Queuing of trucks on the Gore Road.</p>	<p>The Traffic Impact Study includes a queuing analysis. The TIS provides an overview of how the anticipated 95th percentile queue lengths can be accommodated and where queuing issues may arise at each intersection of the study area. The report concludes that congestion in the area can be mitigated by Transportation Demand Management (TDM) measures to improve queue spillback during peak travel periods. Section 8.3 of the report outlines the transportation demand management techniques proposed by the development, and an implementation checklist is included in AttachmentJ of the report.</p>
<p>D. Concerns regarding road safety resulting from increased truck movements.</p>	<p>The Traffic Impact Study concluded that the proposed development will not result in any operational issues and will not add a notable delay or congestion to the local roadway network. There are municipal sidewalks on the Gore Road to permit safer pedestrian traffic on the Gore Road.</p>
<p>E. Emergency vehicle delays and access to residential properties on Manswood Crescent, Kelways Crescent, and Sea Cliff Crescent.</p>	<p>The Traffic Impact Study prepared by John Northcore, P.Eng of JD Northcote Engineering Inc., dated May 10th, 2023, concludes that the proposed development will not result in any operational issues and will not add a notable delay or congestion to the local roadway network. The Region of Peel and City Traffic Staff have reviewed the TIS and have concluded that it supports the proposed development.</p> <p>Ontario's Highway Traffic Act also requires drivers of a vehicle to stop on approach of a police department vehicle or emergency vehicle (Section 159, (1)).</p>

F. Comments were received from the public regarding the use of the Gore Road for truck traffic to access the subject property, with reference to the Region of Peel Road Characterization Study and the road's designation as a 'Suburban Connector Road'.	<p>The Gore Road is currently classified as a 'Suburban Connector' road in the 2013 Region of Peel RCS. The RCS classifies 'Suburban Connector' roads as having a freight role, with support for goods movements. 'Suburban Connector' roads support goods movements. There are no heavy truck restrictions on the Gore Road to limit truck passage on the Gore, or truck access to the site, and trucks are currently permitted to use the Gore Road. The truck access to the site on the Gore Road has been approved in principle by the Region of Peel. Further review with respect to the accesses to the site will be completed at the site plan stage of review.</p>
G. Excessive noise generated from the proposed warehouse development.	<p>A Noise Impact Study prepared by GHD Limited (GHD), dated May 12, 2023, was submitted in support of the proposed development. The report concludes that subject to the recommended mitigation measures, cumulative noise levels from the proposed development are within exclusionary stationary noise limits established by the MECP. Recommended noise mitigation measures include an acoustic noise barrier approximately 3.5 metres tall and 249 metres long to reduce noise impacts on residential dwellings on Manswood Crescent. The Site Plan shows an acoustic barrier located at the rear of the site in accordance with the recommendations of the Noise Impact Study. The Noise Impact Study concludes that proposed development will not result in land use compatibility issues with respect to noise emissions.</p> <p>City Noise Staff have reviewed the Noise Impact Study and find it supports the proposed development.</p>
H. Environmental impacts of the proposed development and sustainability of the warehouse development.	<p>A sustainability assessment, submitted in accordance with the Sustainable New Communities Program was provided to evaluate and score the sustainability performance of the proposed development. The sustainability score has been reviewed as part of the applicant's application to amend the Zoning By-law. Further verification will take place at the Site Plan review</p>

	<p>stage, whereby each metric selected by the applicant is assigned to a member of City Staff to verify that the documentation requirements have been fulfilled. A minimum score of 41 points is required prior to site plan approval. Staff have also reviewed the submitted Tree Inventory and Preservation Plan submitted by Landscape Planning Ltd. which outlines the trees to be protected and the measures used for all trees to be preserved prior to construction. Staff have reviewed the plan and have deemed it satisfactory to the city standards.</p>
<p>I. Concerns were expressed with respect to the visual impacts of outside storage and stacking of truck trailers.</p>	<p>The Zoning By-law Amendment specifies that the storage of trailers will be limited to the parking area at the rear of the building adjacent to the Gore Road. The Zoning By-law Amendment also states that the lands may not be used for the stacking of intermodal shipping containers, the definition of which includes shipping containers, seacans, transport truck trailers, and straight truck boxes. The trailers are proposed to abut the 3.5 metre noise barrier which will screen the parking of trailers. City Staff are satisfied that the appropriate measures are in place to limit the outdoor storage of trailers, and that the appropriate screening measures are in place to limit the aesthetic impacts of the trailers on the streetscape.</p>
<p>J. Concern regarding toxic emissions resulting from the proposed industrial warehouse use.</p>	<p>Obnoxious industrial uses are not permitted in industrial zones in the City of Brampton, this is noted under “environmental concerns” in section 30.2 of the Zoning By-law. An Obnoxious industrial use is defined as a use that from its nature of operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, glare, or objectionable odor.</p>

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:

This application is consistent with the “A City of Opportunities” theme. The proposal is consistent with the direction of attracting investment and employment opportunities and supports the building of complete communities to accommodate growth for people and jobs.

Living the Mosaic – 2040 Vision:

This report has been prepared in full consideration of the overall vision that the people of Brampton will “Live the Mosaic”. This report aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres.

Conclusion:

Staff is satisfied that the proposed Zoning By-law Amendment represents good planning. The proposal has regard for matters of provincial interest in Section 2.0 of the Planning Act, and the proposed development conforms to provincial plans including the Growth Plan for the Greater Golden Horseshoe, and is consistent with the Provincial Policy Statement. Furthermore, the proposal conforms to the principles and policy direction of the Region of Peel Official Plan, the City of Brampton Official Plan, and the Bram East Secondary Plan (Area 41), provided a Holding Provision is in place until the Functional Servicing Report and sanitary servicing issue has been addressed to the satisfaction of the Region of Peel, and until the appropriate arrangements have been made with the Ministry of Municipal Affairs and Housing with respect to the Parkway Belt West Plan.

The report recommends that Council enact the Zoning By-law Amendment attached hereto as Attachment11. The Zoning By-law Amendment is appropriate for the orderly development of the lands considering the following:

- A holding provision is being placed on the property in order to ensure a satisfactory Stormwater Management Report and Functional Servicing Report, confirming there is sufficient capacity for the proposed fire flows and sanitary servicing issues are addressed to the satisfaction of the Region of Peel. The holding provision can be lifted in the future once the Region of Peel provides clearance;

- A holding provision is being placed on the property to ensure the appropriate arrangements are made with the Ministry of Municipal Affairs and Housing with respect to the Parkway Belt West Plan;
- The proposal conforms to provincial plans such as the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement;
- The proposed development conforms to the City of Brampton Official Plan and Bram East Secondary Plan;
- The proposed development supports employment opportunities in the City of Brampton;
- Further technical review will take place at the site plan stage of review, including access configurations, verification of the sustainability score, and other matters pertaining to the detailed design of the site.

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Attachments:

Attachment1: Concept Plan
Attachment2: Location Map
Attachment3: Official Plan Designations
Attachment4: Secondary Plan Designations
Attachment5: Zoning Designations
Attachment6: Aerial and Existing Land Uses

Attachment7: Heritage Resources
Attachment8: Sustainability Assessment
Attachment9: Detailed Planning Analysis
Attachment10: Results of the Public Meeting
Attachment11: Draft Zoning By-law Amendment
Attachment12: Results of Application Circulation