



Report Committee of Adjustment

Filing Date: September 6, 2023

Hearing Date: October 3, 2023

File: A-2023-0279

**Owner/
Applicant:** WAHEGURU MANAGEMENT INC.

Address: 68 Eastern Avenue

Ward: WARD 3

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0279 be refused.

Background:

The applicant previously submitted a minor variance application (A-2023-0230) requesting variances to permit a motor vehicle sales establishment, motor vehicle repair use, commercial school, and outdoor storage of trucks. The Committee of Adjustment refused the application at the August 22, 2023 hearing.

The applicant has resubmitted the minor variance application (A-2023-0279) requesting the same variances. Minor revisions to the proposal have been made reflecting a reduced gross floor area dedicated to motor vehicle sales and repair and an increased truck parking. The initial concept plan proposed a 27.34% area dedicated to motor vehicle sales and repair while the revised proposal reduces the area to 25.58%. The initial proposal reflected 11 truck parking spaces, the revised proposal is proposing 12 truck parking spaces. The required number of parking spaces has also changed, the initial proposal reflected that 130 parking spaces were required and 130 parking spaces were provided; the revised proposal reflects that 119 parking spaces are required and 121 parking spaces are provided.

Existing Zoning:

The property is zoned 'Future Development (FD)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a motor vehicle sales establishment, whereas the by-law does not permit the use;
2. To permit motor vehicle repair, whereas the by-law does not permit the use;
3. To permit a commercial school (truck driving school) whereas the by-law does not permit the use;
4. To permit outside storage (parking of trucks), whereas the by-law does not permit outside storage.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Central Area' in the Official Plan and 'Central Area Mixed Use' and 'Special Policy Area 1' in the Queen Street Corridor Secondary Plan (Area 36). Staff note that the site and surrounding area were re-designated and re-zoned through a City-initiated Official Plan Amendment (261-2019) and Zoning By-law Amendment (262-2019).

The 'Central Area' designation is highlighted as an important corridor located along Queen Street where significant public investment (i.e. improvements to the pedestrian environment and transit) has occurred to revitalize the area. With an improved pedestrian environment and upgraded transit, the Central Area is expected to realize significant residential, commercial and tourism activities during the life of this Plan. Section 4.1 of the Official Plan recognizes that the Central Area east of Kennedy Road is dominated by extensive retailing, highway commercial and automotive related uses and appropriate transition policies at the Secondary Plan level are required to achieve the intended vision.

The subject lands are further designated 'Central Area Mixed Use' and 'Special Study Area 1' in the Queen Street Corridor Secondary Plan (Area 36). As per Section 5.1.2 of the Secondary Plan, lands designated as Central Area Mixed Use are intended to accommodate mixed-use developments incorporating any combination of commercial, retail, office, residential, hotel, open space, recreational, institutional, a full range of entertainment and cultural uses. Lands designated as Special Study Area 1 considers lands within the Highway 410/Queen Street Primary Office Node designation and are subject to the transitional policies outlined in the secondary plan (Section 5.7.1.2).

Furthermore, the intent of the Secondary Plan is for the Queen Street Corridor to transform the area into a higher-density, mixed-use, transit-oriented, bicycle and pedestrian friendly corridor (Section 5.1.2.4). Recognizing that there are historical low-density and highway commercial developments that may have the potential to hinder the City's ability to achieve planning objectives for this area, transitional policies are provided in Section 9 of the Secondary Plan to ensure that existing commercial uses continue without compromising the full transformation of the corridor into a vibrant, mixed-use centre. To highlight, Section 9.1.6 provides that existing industrial uses shall be recognized as permitted uses but shall not be permitted to expand except if it is demonstrated that the proposed expansion does not create adverse impacts.

Additionally, the subject lands are recognized to be located within the Kennedy Major Transit Station Area (MTSA). MTSA's are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton's MTSA's are strategically located along Brampton's rapid transit corridors and the Kitchener GO rail line, and are areas where significant intensification is to be located. MTSA's will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities.

The requested variances seek to permit a proposed motor vehicle sales establishment and motor vehicle repair use, an existing commercial school, and outdoor storage of trucks associated with the commercial school. The proposed uses are in conflict with the revitalization effort set out in the Official Plan and Secondary Plan policies. The introduction of these new uses is considered to be inconsistent with the planned transformation of the Central Area as described in the Official Plan.

The Central Area Mixed Use designation is specifically intended to accommodate mixed-use developments that incorporate a wide range of uses, including commercial, retail, office, residential, and recreational. The proposed uses could hinder the achievement of the intended higher-density and transit-oriented corridor envisioned in the Secondary Plan. The Secondary Plan emphasizes the importance of transitioning historical low-density and highway commercial developments into a more vibrant and mixed-use environment. While existing industrial uses are recognized as permitted, the intention is to limit their expansion to prevent adverse impacts. Allowing a motor vehicle sales and repair establishment, and commercial school with outside storage involves the expansion of activities, which are considered to potentially undermine the City's objective. Furthermore, these uses do not contribute positively to the envisioned transition of the Kennedy Major Transit Station Area (MTSA).

The requested variances are considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The variances do not maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The subject property is currently zoned 'Future Development' (FD), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a motor vehicle sales establishment, whereas the by-law does not permit the use. Variance 2 is requested to permit motor vehicle repair, whereas the by-law does not permit the use. Variance 3 is requested to permit a commercial school (truck driving school) whereas the by-law does not permit the use. The intent of the by-law in regulating permitted uses is to ensure a certain character of the property is maintained, and that uses existing on the property are compatible from a functional perspective. Variance 4 is requested to permit outside storage of trucks, whereas the by-law does not permit outside storage. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property.

The subject property is zoned Future Development (FD) which recognizes areas that are not consistent with the long-term vision for the Corridor but restricts expansion and/or redevelopment without obtaining a Zoning By-law amendment. The FD zone is intended to provide a transitional policy framework to develop the Corridor and implement the Secondary Plan vision. Particularly, industrial and single-detached residential uses are not part of the vision and permitting the expansion of the uses could potentially undermine the development of the corridor.

The subject lands are occupied by an existing one-storey industrial building containing a variety of uses including a commercial school and warehousing uses. The proposed variances are to bring the existing commercial school into conformity as well as to permit a proposed motor vehicle sales establishment and motor vehicle repair use. Furthermore, the outdoor storage of trucks will be located at the western portion of the property which will be abutting future high density mixed-use developments on Queen Street East. Given that the City's objective is to preserve the development potential of the lands, the requested variances could potentially lead to the perpetuation or expansion of uses that run counter to the long-term goals for the area. The requested variances are not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances for a motor vehicle sales establishment, motor vehicle repair use, commercial school, and outdoor storage of trucks are not considered to be desirable for the development of the lands as it is not compatible with the intended long-term vision for the area. The subject lands are located within an MTSA and are designated Central Area Mixed Use in the Secondary Plan which intends to develop the lands for a higher-density, mixed-use, transit-oriented, bicycle and pedestrian friendly corridor. Furthermore, there are active development applications proposing offices and high-density residential uses that achieve the long-term vision for the area. The use of the site for a motor vehicle sales establishment, motor vehicle repair use, commercial school, and outdoor storage of trucks are not considered to be compatible with the surrounding site context and long-term vision for the area. As a result, the variances are not desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is requesting to permit a motor vehicle sales establishment, motor vehicle repair use, commercial school, and outdoor storage of trucks which are considered to be industrial uses. Although the subject property was previously zoned Industrial Two (M2), the site was redesignated and rezoned through a City-initiated Official Plan Amendment (261-2019) and Zoning By-law Amendment (262-2019) resulting in the current policy regime and FD zone to implement the long-term vision for the area. As such, the requested variances are not keeping with the intended vision for the area and are therefore not deemed minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

