

Date: 2023-09-11

Subject: **OZS-2023-0006**

Secondary Title: **Recommendation Report**

Temporary Use By-law Amendment Application – 3 years
(To permit a temporary truck and trailer parking lot consisting of 144 parking spaces)

Sutharsan & Family Holdings – Blackthorn Development Corp.
5254 Old Castlemore Road
Ward 10

Contact: Angelo Ambrico, Manager, Development Services

Report Number: Planning, Bld & Growth Mgt-2023-737

Recommendations:

1. That the report from Angelo Ambrico, Manager, Development Services to the Planning and Development Committee of August 28, 2023, re: Recommendation Report, Application for Temporary Amend the Zoning By-law, Sutharsan & Family Holdings – Blackthorn Development Corp, 5254 Old Castlemore Road, Ward 10, be received;
2. That the application for Temporary Zoning By-law Amendment submitted by Blackthorn Development Corp on behalf of Sutharsan & Family Holdings 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 Attachment 10 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:

- **This report recommends the approval of the proposed Temporary Use By-law Application to permit 144 truck and trailer to be stored on the lands for a period of 3 years, maintaining the existing single-detached dwelling and**

with a proposed 660 sq. metre pre-fabricated maintenance building. Staff recommends the use of a “Holding (H)” symbol with the By-law, which would be lifted once some outstanding technical issues are satisfied.

- The property is designated “Industrial”, “Special Study Area”, and “Open Space” in Schedule A: General Land Use Designations of the Official Plan. The Industrial designation permits a full range of industrial activities ranging from light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing, and distribution. No amendment to the Official Plan is required to permit the proposed temporary use.
- The property is designated ‘Logistic/Warehouse/Transportation’ in the Highway 427 Industrial Secondary Plan. No amendment to the Secondary Plan is required to facilitate the proposed temporary use.
- As per Zoning By-law 270-20004, as amended, the subject property is zoned Agricultural (A) which permits agricultural uses and associated non-agricultural uses such as a single detached dwelling. A Temporary Zoning By-law Amendment is required to facilitate the proposed development.
- A statutory Public Meeting for this application was held on June 5th, 2023. One written correspondence was received and no members of the public spoke at the meeting. Details of the public meeting are included in Attachment 10 of this report.
- The report aligns with the strategic focus area “Growing Urban Centres & Neighbourhoods”. The Temporary Zoning By-law Amendment will support goods movement in the Region of Peel.

Background:

Blackthorn Development Corp submitted an application on behalf of the owners to temporarily amend the zoning by-law for a period of three (3) years. This application was deemed complete in accordance with Section 34 (10.4) of the Planning Act on March 22nd, 2023. The Statutory Public Meeting for the application was held at the Planning and Development Committee Meeting on June 5th, 2023. One (1) written correspondence was received and no members of the public spoke at the meeting.

The effect of this report to the Committee is to recommend approval of the Temporary Use By-law, generally in accordance with the attached Attachment 10 to this report.

Current Situation:

Proposal:

A proposal to amend the Zoning By-law permissions is filed with the City to develop a 4.04-hectare (9.98 acre) parcel for the purposes of temporary truck and trailer parking. Rezoning of the subject lands would facilitate temporary use of the lands for truck and trailer parking with an associated 669 sq. metre pre-fabricated maintenance building. The site is currently being used for the storage of trucks and trailers despite the Agricultural (A) zoning. The effect of this application is to formalize the existing use of the property for truck and trailer parking in the City of Brampton Zoning By-law.

Details of the proposal are as follows (refer to Attachment 1):

This application to temporarily amend the zoning by-law has been filed to permit 144 truck and trailer parking spaces. The subject property is located on the north side of Old Castlemore Road, west of Highway 50, and is municipally addressed as 5254 Old Castlemore Road.

Details of the proposal are as follows:

- 144 truck and trailer parking bays, each measured at 20 metres by 4.5 metres;
- Temporary maintenance building measuring 669 square metres;
- 3 metres of landscape buffering along all lot lines;
- Access from Old Castlemore Road.

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

The lands have the following characteristics:

- Has a total site area of approximately 4.04 hectares (9.98 acres);
- Has an approximate frontage of 125 metres on Old Castlemore Road;
- There is an existing two-storey single-detached dwelling on the subject property that is proposed to be retained.

The surrounding land uses are described as follows:

- North: Agricultural uses and lands designated in the Highway 427 Industrial Secondary Plan for future industrial uses;
- South: Old Castlemore Road, beyond which are lands planned for industrial uses, and existing low-density residential uses;
- East: Agricultural lands, and the Canadian Pacific Railway Vaughan Intermodal Terminal located in the City of Vaughan east of Highway 50;

- West: Existing industrial uses include truck and trailer parking. Residential uses are proposed further west of the property, subject to application OZS-2021-0050.

Further details on this application can be found in the Detailed Planning Analysis contained in Attachment 8, which contains an evaluation of the various technical aspects, including matters addressed in the site-specific studies submitted by the applicant.

Refinement of Existing Studies

At the time of writing this Report, City staff have identified that the following three studies require some revision prior to the removal of the Holding (H) symbol in the temporary zoning by-law amendment.

- Traffic Impact Study (TIS)
- Functional Servicing Report (FSR)
- Noise Impact Study

Details of the issues with these studies are noted below:

Noise Impact Study

Revisions are required to the Noise Impact Study that is submitted by the applicant to satisfy the Ministry of Environment Conservation and Parks (MECP) guidelines.

At this time further work is required to determine the height that will be required for a noise barrier on the property to attenuate the noise resulting from the truck and trailer outdoor storage use, in accordance with the MECP guidelines. The height of the noise barrier and berm on the subject property may impose further restrictions on the number of truck and trailer parking spaces on the site, due to the grading requirements along the westerly side yard lot line. City Staff recommends that the Holding (H) symbol shall not be lifted until such time that a satisfactory Noise Impact Study has been provided by the applicant to ensure the appropriate noise mitigation measures are implemented on-site to protect future residential uses to the west from the impacts of noise generated from the property.

Traffic Impact Study

Revisions are required to the Traffic Impact Study to resolve some remaining technical issues, and to ensure that the use is not permitted prior to Old Castlemore Road being constructed to industrial standards to support truck traffic to the site.

Functional Servicing Report

Revisions are required to the Functional Servicing Report to demonstrate how the City's minimum criteria for stormwater quantity, quality, and water balance can be achieved on the subject site. A satisfactory Functional Servicing Report will be required prior to the lifting of the Holding (H) symbol.

Application to Amend the Zoning By-law

The subject property is zoned "Agricultural – A" by By-law 270-2004 as amended. The Temporary Use By-law is required to permit the proposed temporary truck and trailer parking use. The By-law will include site-specific provisions regarding the temporary storage of oversized motor vehicles.

Holding (H) Provision

A Holding (H) symbol is recommended for the lands and is included in the proposed Temporary Use By-law. The H symbol is intended to protect the lands until the Functional Servicing Report, Noise Impact Study, and Traffic Impact Study are completed to City staff's satisfaction, and to ensure the reconstruction of Old Castlemore Road is complete prior to the proposed temporary use permissions commencing. Specifically, the H Symbol prohibits the development of the lands until the following is satisfied:

Holding (H):

- 1) *Until the Holding (H) symbol is removed, the lands shall only be used in accordance with the Agricultural (A) zone.*
- 2) *The Holding (H) symbol shall not be removed until the following conditions have been fulfilled:*
 - I. *Confirmation that a satisfactory Functional Servicing Report has been provided and approved to the satisfaction of the City of Brampton and the Region of Peel;*
 - II. *Confirmation that a satisfactory Noise Impact Study has been provided to the satisfaction of the City of Brampton and the Region of Peel;*
 - III. *Confirmation that a satisfactory Traffic Impact Study has been provided to the satisfaction of the City of Brampton and the Region of Peel;*
 - IV. *Old Castlemore Road, east of the Rainbow Creek Corridor to Regional Road 50 be rebuilt to the City's Industrial Road Standard (Class 'A' Standard).*

Summary of Recommendations:

This report recommends that Council approve the proposed Temporary Use By-law, generally in accordance with the one attached to this report as Attachment 10. The proposal and implementing documents represent good planning, are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan.

Planning Analysis Summary

This proposal has regard for matters of provincial interest that are set out in the Planning Act. The application to allow temporarily land use permissions 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 proposed By-law, with the changes recommended by Staff, represents good planning. Please refer to Attachment 8 "Detailed Planning Analysis" for additional details.

Matters of Provincial Interest

Planning Act:

The Traffic Impact Study has been reviewed by City Staff to ensure the access configurations to the site, and existing transportation infrastructure in the vicinity of the subject property can adequately support the demands and safety of future and existing residents and employment users in accordance with Section 2 (o) of the Planning Act. The proposal is located within 800 metres of the Canadian Pacific Railway Vaughan Intermodal Terminal, and does not encroach on lands designated for prestige industrial or office uses in the Highway 427 Industrial Secondary Plan. The proposed use represents the appropriate location for the development in accordance with Section 2 (p).

This development proposal has regard for the matters of Provincial interest as set out in Section 2 of the Planning Act.

Provincial Policy Statement (PPS):

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 proposal conforms to the Growth Plan by directing development within the delineated built-up area and within an area with existing public service facilities. The proposed development is temporary in nature and will not prevent the lands from being developed in the future for higher-order employment uses. The proposal will support the movement of goods in the Region of Peel for the 3-year duration of the temporary zoning by-law amendment.

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

Municipal Planning Documents

Region of Peel Official Plan:

The subject lands are designed “Employment Area” in the Region of Peel Official Plan. The proposed temporary truck and trailer parking lot will support the goods movement network as the lands within Highway 427 Industrial Plan evolve to support a variety of logistics, industrial and employment uses. The proposed truck and trailer parking lot will service the surrounding land uses and larger goods movement network in the Region of Peel for a temporary period of three years. The proposed temporary use will not prevent the lands from developing for more compact, higher-order employment uses in the future in accordance with the greenfield intensification targets and employment policies established in the Region of Peel Official Plan.

Staff is satisfied that the proposed development will help achieve the goals and objectives of the Region of Peel Official Plan.

City of Brampton Official Plan:

The proposed temporary truck and trailer parking lot has been assessed in accordance with the policies of the Brampton Official Plan, including *S. 5.10 Temporary Use By-laws*. The proposed development and temporary zoning by-law amendment included in Attachment 10 of this report addresses the policies in S. 5.10 of the Official Plan.

Staff is satisfied that the proposed development is in accordance with the City of Brampton Official Plan.

Highway 427 Industrial Secondary Plan:

The subject property is designated “Logistics/Warehouse/Transportation” in the Highway 427 Industrial Secondary Plan. The proposed use is temporary and as such, does not require an amendment to the Brampton Official Plan, or the Secondary Plan which constitutes a chapter of the Official Plan, in accordance with policy 5.10 (Temporary Use By-laws).

City of Brampton Zoning By-law:

The subject property is zoned ‘Agricultural - A’ by By-law 270- 2004, as amended. This report recommends a temporary zoning by-law amendment to permit site-specific exceptions to the Agricultural – A zone. The site-specific performance standards will result in appropriate screening to reduce the aesthetic impacts of the proposed temporary truck and trailer parking on the streetscape, and the recommended H symbol ensures the land

use permissions for truck and trailer storage does not commence until such time as the conditions of the H provision are fulfilled.

Staff is satisfied with the recommended Temporary Use By-law for the truck and trailer storage.

Community Engagement:

The application was circulated to City Departments, community agencies and property owners within 240 metres of the subject property, exceeding the Planning Act requirement of 120 metres for such applications. The correspondence received from residents and commenting agencies are included as Attachment 9 – Results of Public Meeting. Notice signs were placed on the subject lands to advise members of the public that the application to amend the Official Plan and Zoning By-law was filed with the City.

A Statutory Public Meeting for this application was held on June 5th, 2023. No members of the public spoke at the meeting and one (1) written piece of correspondence was received. Details of the results of the Public Meeting are included in Appendix 9 of this report. A summary chart is included below:

Concern Raised at Public Meeting	Staff Response
Impacts to future residential uses: Noise mitigation and attenuation	<p>The applicant has submitted an Acoustical Report in support of the application. The results of the assessment indicate that the sound levels of truck movements on the site can comply with Ministry of Environment, Conservation and Parks guidelines. The assessment recommends mitigation measures to control noise impacts on future residential uses, including a 2.5-metre-high acoustic barrier along the westerly property line.</p> <p>The proposed uses on the site are short-term and are permitted for a maximum of 3 years.</p>
Impacts to future residential uses: Screening and landscape treatment to	<p>The applicant is required to provide a 3-metre landscaped buffer along all lot lines to screen the truck and trailer parking from abutting properties and future residential uses to the west. The truck and trailer parking will also be screened by the acoustic barrier which will be implemented at the site plan stage of development. A maximum height 4.15 metres for oversized motor vehicles is also included as a site-specific exception in the zoning by-law amendment to reduce the visual impacts of the proposed use on future residential uses.</p>

	The proposed uses on the site are short-term and are permitted for a maximum of 3 years.
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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.

Strategic Focus Area:

The report aligns with the strategic focus area “*Growing Urban Centres & Neighbourhoods*”. The Temporary Zoning By-law Amendment will support goods movement in the Region of Peel.

Conclusion:

Staff is satisfied that the proposed Temporary Use 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.

The report recommends that Council enact the Temporary Use By-law Amendment attached hereto as Attachment 10. The By-law is appropriate for the orderly development of the lands considering the following:

- The proposal aligns with policies in the City of Brampton Official Plan;
- The proposed temporary use will support goods movement in the Region of Peel;
- The appropriate measures will be implemented to reduce the visual impacts of the proposed truck and trailer parking on future residential uses to the west, including noise mitigation and screening through the implementation of a Holding (H) symbol in the zoning by-law amendment.

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Attachments:

- Attachment 1 – Concept Plan
- Attachment 2 – Location Map
- Attachment 3 – Official Plan Designation
- Attachment 4 – Secondary Plan Designations
- Attachment 5 – Zoning Designations
- Attachment 6 – Aerial and Existing Land Uses
- Attachment 7 – Heritage Resources
- Attachment 8 – Detailed Planning Analysis
- Attachment 9 – Results of the Public Meeting
- Attachment 10 – Draft Zoning By-law Amendment
- Attachment 11 – Results of Application Circulation