

Date: 2020-10-23

File: OZS-2020-0016

Subject: **Information Report**
Application to Temporarily Amend the Zoning By-law
(To permit additional retail/commercial uses)
2644083 Ontario Inc. – Asternik International Corp.
18 Corporation Drive
Northeast corner of Corporation Drive and Torbram Road
Ward: 8

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Report Number: Planning, Building and Economic Development-2020-181

Recommendations:

1. That the report titled: **Information Report: Application to Temporarily Amend the Zoning By-law, 2644083 Ontario Inc. – Asternik International Corp., Northeast corner of Corporation Drive and Torbram Road; Ward 8 (File: OZS-2020-0016)** to the Planning and Development Services Committee Meeting of November 16, 2020 be received; and,
2. That Planning and Development Services staff be directed to report back to the Planning and Development Committee with the results of the Public Meeting and a staff recommendation, subsequent to the completion of the circulation of the application and a comprehensive evaluation of the proposal.

Overview:

- The applicant is proposing to temporarily permit a 136 square metre (1,464 ft²) restaurant take-out use and increase the amount of dining and take-out areas to 368 square metres (3,961ft²) within an Industrial zone.
- The proposed Temporary Use By-law would permit the use for a period of three (3) years, after which the owner would need to apply again if it was their intent to continue with the use.

- **The temporary permission is sought because the proposed use does not meet the intent of the Official Plan or the Secondary Plan. A Municipal Comprehensive Review (MCR) would be required to permanently rezone these lands for the requested use.**
- **The property is designated “Industrial” in the Official Plan and “Prestige Industrial” as well as “General Industrial” in the Bramalea North Secondary Plan.**
- **The Information Report and the associated public meeting facilitate compliance with the Strategic Plan’s “Good Governance” priority, with respect to educating and engaging citizens in an open and accountable way.**

Background:

The property is located on the northeast corner of Corporation Drive and Torbram Road. The property is developed with an existing building that has a mix of industrial and commercial uses within it. The lands are zoned for industrial uses.

A Memorandum of Understanding (MOU) was agreed upon between the City of Brampton, the Region of Peel and the landowner, on September 23, 2019 – this MOU was associated with a settlement arrangement for a previous minor variance application that was sought by the applicant for expanded uses on this site, and appealed by the landowner after it was refused. The MOU generally states that the applicant will proceed with a Municipal Comprehensive Review (MCR) and an Official Plan and Zoning By-law application to change the designation and the zone for the property to reflect the intended uses; changing from industrial to commercial/retail. It is understood that this is a long process and that the Region is not completing MCRs at this time. The MOU also states that the applicant will apply for a Temporary Use By-law, which the City and Peel Planning Staff will support. Regardless of the MOU, a complete process is required and it is at the Council’s discretion with respect to the final decision.

This application has been reviewed for completeness and found to be complete in accordance with Section 34 (10.4) of the *Planning Act*. A formal Notice of Complete Application was provided to the applicant on September 29, 2020.

Current Situation:

Proposal (Refer to Appendix 1):

The applicant is proposing to temporarily amend the Zoning By-law to permit the additional retail use. The temporary amendment would allow the applicant to establish

the proposed take-out restaurant. As a separate initiative to this application, the applicant is also working with the Region of Peel to complete the Municipal Comprehensive Review (MCR) towards designating the lands for commercial / retail purposes on a permanent basis. Once the MCR has been completed, the applicant intends to re-apply for a zoning by-law amendment to permanently change the zone.

It should be noted that the future Zoning By-law application and MCR will be evaluated on their own merit and the results of this applications will not influence any future reports or decisions with respect to this property.

Details of the proposal are as follows:

- Increase the amount of retail use by 136 square metres (1,464 ft²) ; and,
- Increase the amount of dining and take-out areas to 368 square metres (3,961ft²).

Property Description and Surrounding Land Use (Refer to Appendix 2):

The lands have the following characteristics:

- has a total site area of approximately 1.2 hectares (2.96 acres);
- has frontage onto Corporation Drive and Torbram Road; and
- is currently occupied by a building with a GFA of 2,626.60 m² (28,272 ft²) and with 166 parking spaces.

The surrounding land uses are described as follows:

North: Industrial lands;

South: Corporation Drive, beyond is St. Thomas Aquinas Secondary School;

East: Industrial lands; and

West: Torbram Road, beyond are single detached dwellings.

Technical Considerations

Comments from staff and external commenting agencies are required in order to complete a comprehensive analysis for this application. All comments received will be considered in the future Recommendation Report to the Planning & Development Committee.

Further details on this application can be found in the Information Summary contained in Appendix 7. The future Recommendation Report will contain an evaluation of the various

technical aspects, including matters addressed in the site specific studies submitted by the applicant.

Current Issues

At this time, there are currently no outstanding issues that are inhibiting the processing of this application.

Public Meeting Notification Area:

Notice of the Public Meeting was given by prepaid first class mail to all persons assessed in respect of land to which the proposal applies and within 240 metres (784 ft.) of the area to which the proposal applies as shown on the last revised assessment roll, and by public notification in the Brampton Guardian. Signage of the application is also posted on the subject property.

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. Any implications that arise through the continued processing of this application will be discussed within the future Recommendation Report.

Other Implications:

Other technical planning and development implications associated with this application will be undertaken and discussed within the Recommendation Report.

Strategic Plan:

This Information Report and the associated public meeting facilitate compliance with the Strategic Plan's "Good Government" priority, with respect to educating and engaging citizens in an open and accountable way. This application will be reviewed to ensure that the development proposal meets or exceeds the direction and goals of the City's Strategic Plan, and will be discussed in the future Recommendation Report.

Living the Mosaic – 2040 Vision:

This Application to temporarily Amend the Zoning By-law is consistent with the Brampton 2040 Vision by facilitating the creation of a 'mosaic of characterful and complete neighbourhoods'.

Conclusion:

Appropriate information and background studies have been received by Planning, Building and Economic Development Services to proceed with a Public Meeting at this time. In compliance with the requirements of the *Planning Act*, it is appropriate to present this application at a statutory public meeting and Planning and Development Committee.

A future Recommendation Report will detail a complete technical analysis and assess the planning merits of this application to amend the temporary Zoning By-law.

Authored by:

Reviewed and Recommended by:

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Attachments:

- Appendix 1: Concept Plan
- Appendix 2: Location Map
- Appendix 3: Official Plan Designations
- Appendix 4: Secondary Plan Designations
- Appendix 5: Zoning Designations
- Appendix 6: Aerial & Existing Land Use
- Appendix 7: Information Summary