

Date: 2023-11-10

Subject: Recommendation Report
Application for Temporary Use By-law / Temporary (3 year)
Amendment to the Zoning By-law
*(To facilitate a temporary outdoor storage of motor vehicles and a
security booth for a three-year period)*
Di Poce Management Limited/ 1217246 Ontario Inc.
0 Queen Street East
East of Goreway Dr., between Queen St. E. and Exchange Dr.
Ward 8

Contact: Rajvi Patel, Development Planner, Development Services
David Vanderberg, Manager, Development Services

Report Number: Planning, Bld & Growth Mgt-2023-998

Recommendations:

1. That the report from Rajvi Patel, Development Planner, Development Services to the Planning and Development Committee of December 4, 2023, **re: Recommendation Report**, Application to Temporarily Amend the Zoning By-law, **Di Poce Management Limited/ 1217246 Ontario Inc.**, 0 Queen St. E., Ward 8, be received;
2. That the application for a Temporary Zoning By-law Amendment submitted by Di Poce Management Limited/ 1217246 Ontario 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; and,
3. That the amendment to the Zoning By-law generally in accordance with the attached Draft Zoning By-law Amendment (Attachment 7) to this report be adopted.

Overview:

- This report recommends approval of the application to amend the Zoning By-law for a temporary period of three years to permit the outdoor storage of motor vehicles and an associated security booth.
- The property is designated “Business Corridor” in the Official Plan and “Highway and Service Commercial” in the Airport Intermodal Secondary Plan (Area 4). The property is also designated “Employment Area”, “Planned Major Transit Station Area”, “Mixed-Use Employment” and “Provincially Significant Employment Zone” in the Council-approved Brampton Plan.
- In accordance with Section 5.10.2 of the Official Plan, a temporary use by-law does not require an amendment to the Official Plan provided that the use is temporary and utilizes existing or temporary buildings and structures and there is no significant alteration of the land to accommodate the use. An amendment to the Official Plan and Secondary Plan is not required.
- The property is zoned “Service Commercial-1636 (SC-1636)”. An amendment to the Zoning By-law is required to permit the proposed temporary use motor vehicle storage use.
- The Statutory Public Meeting for this temporary rezoning application is also scheduled to occur at the December 4, 2023 Planning and Development Committee meeting, earlier in the meeting’s agenda. The same Planning and Development Committee meeting is proposed for both the public meeting and the Recommendation Report, in order to ensure that the Bill 109 legislated timeline is satisfied. Staff will consider comments received by the public at that meeting, and will address them through any appropriate discussion associated with this report.
- The proposed Temporary Use Zoning By-law amendment is consistent with the Planning Act and the City of Brampton Official Plan Temporary Use Policies.
- The report aligns with the strategic focus area “Growing Urban Centres & Neighbourhoods”. The Temporary Zoning By-law Amendment will support automotive business operations and will not negatively affect the long-term plans for development in the area.

Background:

This application was submitted by Di Poce Management Limited on September 5, 2023. This submission was reviewed for completeness and found to be complete on October 5, 2023 in accordance with the Planning Act. A formal Notice of Complete Application was provided to the applicant on October 18, 2023.

The proposed motor vehicle storage operation on this site is existing, as it had previously been approved for temporary periods through previous Committee of Adjustment minor variance approvals, bring File: A17-154 (August 2017 approval for two years), and File: A19-157 (September 2019 approval for two years). Staff had noted clearly within the staff report for the last minor variance application that a Temporary Use By-law/Rezoning amendment was the appropriate process and that any further extension would need to be proposed through that process.

When the landowner submitted their most recent minor variance application in May 2023 (File: A-2023-0130) for a further extension, staff reminded the applicant that the appropriate process for this proposal was the Temporary Use By-law/Zoning Amendment process. As a result, the minor variance application was withdrawn and the applicant submitted the current Temporary Use By-law Amendment application.

Current Situation:**Proposal:**

The applicant is proposing a Temporary Use Zoning By-law to permit the use of the lands for outdoor storage of motor vehicles for period of three years to support the several motor vehicle dealerships the tenant owns in the area. This application is intended to allow for the continuation of the current use operating at the site and the addition of a security booth. The area being used for storage is approximately 18,765 square metres. The vehicles being stored are overstock for dealerships located elsewhere in the area.

Property Description and Surrounding Land Use:

The subject property has the following characteristics:

- Has no municipal address at this time, and is located on the south side of Exchange Drive and west side of Goreway Drive, with a modest amount of frontage on Queen Street East;
- Has a total site area of approximately 0.68 hectares;
- Has a frontage of approximately 219.15 metres along Goreway Drive; and
- Is currently being used by a car dealership for outdoor storage of motor vehicles.

The surrounding land uses are described as follows:

- North: Commercial and employment uses exist north of the subject lands, including lands owned by the owner of the subject lands, and the Brampton Community Recycling Centre.
- East: Goreway Dr, beyond which are existing and proposed residential uses and the Claireville Conservation Area.
- South: The Brampton Youth Shelter, beyond which are commercial uses.
- West: Temporary outdoor storage of trucks and tractor trailers, beyond which are commercial and employment uses.

Summary of Recommendations:

This report recommends that Council approve the Temporary Use Zoning By-law Amendment attached to this report as Attachment 7.

Planning Analysis Summary:

The proposal has regard for matters of provincial interest that are set out in the Planning Act. The application proposes the continuation of the outdoor storage of motor vehicles for a period of three years. The proposal and implementing Temporary Use Zoning By-law represent good planning, is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan.

The subject site is located along Queen Street East, which is a major arterial road and Primary Intensification Corridor in the City of Brampton. The subject site is also located along Goreway Drive, which is a major arterial road and Secondary Intensification Corridor in the City of Brampton.

Queen Street East and Goreway Drive are higher order transit corridors, and intended for mixed-use development at higher densities supported by transit service. The subject property is also situated along the proposed Queen Street-Highway 7 Bus Rapid Transit corridor, and is in the Goreway 'Planned' Major Transit Station Area (MTSA).

The temporary nature of the proposed Zoning By-law Amendment is significant in the review of the application, given the opportunity for redevelopment of the site once the proposed temporary permission expires. City Staff and the applicant recognize the proposed temporary use is not an appropriate long-term use for the subject land. Staff consider the proposal an appropriate interim use for the subject lands, until such time that an application may be submitted for the subject property that aligns with the policy

framework for the Goreway 'Planned' MTSA and the policies for Primary Intensification Corridors and Secondary Intensification Corridors.

Planning Act:

The application is consistent with the temporary use provisions outlined in Section 39(1), 39(2) and 39(3) of the Planning Act as the proposed by-law to permit the continued temporary use for outside storage of motor vehicles is limited to a three year period.

Provincial Policy Statement:

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Planning Act. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The PPS includes policies promoting land use patterns that are efficient and avoid environmental or public health and safety concerns. The proposed temporary use respects proper development patterns and makes efficient use of land and existing infrastructure for an interim use of the site. The proposed Temporary Use Zoning By-law is consistent with the PPS.

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

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) includes policy and direction intended to accommodate and forecast growth in complete communities as well as the importance of maintaining an adequate supply of land for a broad range of employment uses. Lands located near major goods movement corridors should be preserved for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities. The proposed Temporary Use Zoning By-law conforms to the applicable sections of the Growth Plan.

Region of Peel Official Plan:

The subject lands are designated 'Urban System' and are located within the Goreway planned Major Transit Station Area in the Region of Peel Official Plan. The proposed temporary use will not prevent the lands from developing for higher density, compact mixed-use development oriented towards higher order transit as the subject lands will only be temporarily utilized to store motor vehicles for three years. Planned Major Transit Station Areas are identified as areas planned to become Major Transit Station Areas, but require further study and assessment prior to being delineated. The temporary use of the subject lands for a period of three years is not anticipated to hinder the future development of the subject lands for higher-order employment uses. The proposed Temporary Use Zoning By-law conforms to the applicable sections of the Region of Peel Official Plan.

City of Brampton Official Plan:

The subject lands are designated 'Business Corridor' and identified within the 'Lester B. Pearson International Airport (LBPIA) Operating Area' in Schedule A of the City of Brampton Official Plan.

The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses, prohibiting a number of uses including outdoor storage and outdoor display of merchandise. The proposed use is not listed as a permitted use in the 'Business Corridor' designation; however, the Official Plan does not require Official Plan Amendments for temporary uses.

The applicable section to consider in the evaluation of proposed Temporary Use By-laws is Section 5.10.2 of the Official Plan, which states:

Section 5.10.2 The City shall, in considering the enactment of a temporary use by-law, be satisfied that:

- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;*
- (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;*
- (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;*
- (iv) Adequate provision will be made for off-street parking and loading facilities; and,*
- (v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.*

The continued use of the subject lands for outside storage of motor vehicles is not anticipated to result in any detrimental impact to neighbouring properties as temporary outside storage of motor vehicles, trucks, and trailer parking uses are present on adjacent lands. The use is compatible with the surrounding, primarily industrial, uses. In addition, the outside storage of motor vehicles on the subject lands will be screened from view by the berms located Goreway Drive. The operation of the site is not anticipated to generate significant traffic impacts.

The proposal is not considered to hinder the long-term planning objectives for the area as no construction or further development on the site is proposed, beyond the addition of a security booth. It is noted also that the owner of the subject lands also owns other properties in the area that have been recently developed or for which planning applications have been submitted for development that is consistent with the long-term planning objectives for the area.

Staff is of the opinion that the use is temporary and does not require significant alteration of the subject lands to accommodate the temporary use and will not interfere with development of the area in accordance with the planning objectives for it. The proposal is consistent with the temporary use policies of the City of Brampton Official Plan.

Council-approved Brampton Plan:

The subject lands are located within a Provincially Significant Employment Zone (PSEZ) on Schedule 5 of the Council-approved Brampton Plan. PSEZ's are identified by the Province for the purposes of long-term planning for job creation and economic development. As per the Council approved Brampton Plan, the subject lands are designated 'Employment Areas' (Schedule 1) and 'Employment' (Schedule 2). The general intent of Employment Areas is to provide for a diverse range of high-quality jobs and services to foster innovation. The temporary nature of the outside storage use is not anticipated to hinder the future development of the subject lands for higher-order employment uses.

The subject lands are located within the Goreway 'Planned' Major Transit Station Area (MTSA). Development within the Goreway MTSA is expected to include a diverse mix of uses to support existing and planned transit service levels. The area within a Planned MTSA shall be protected for transit supportive densities, uses, and active transportation connections. Staff is of the opinion that the temporary nature of the proposed use will not prevent the subject lands from being developed for permanent employment land uses in accordance with the long-term objectives for the MTSA. The temporary use of the subject lands will provide for a suitable interim land use while the establishment and implementation of regional and local plans are undertaken to support the goals and objectives of planned MTSA's.

Airport Intermodal Secondary Plan (Area 4):

The subject lands are designated 'Highway & Service Commercial' in the Airport Intermodal Secondary Plan (Area 4). The 'Highway & Service Commercial' designation permits a range of commercial uses including automobile service stations, gas bars, repair facilities, sales and leasing establishments and retail establishments. Although outdoor storage of truck and trailers is not permitted in the Secondary Plan, an amendment to the Secondary Plan is not required, as the proposal satisfies the temporary use policies in Section 5.10 of the Official Plan.

City of Brampton Zoning By-law:

The subject property is currently zoned 'Service Commercial', Special Section 1636 (SC-1636), according to By-law 270-2004, as amended. A Zoning By-law Amendment is required to permit the proposed temporary use of outside storage of motor vehicles. Staff is satisfied with the recommended Temporary Use By-law for the outside storage of motor vehicles and proposed security booth.

Community Engagement:

The application was circulated to City Departments, commenting agencies, and property owners within 240 metres of the subject lands in July 2023, in accordance with and exceeding the Planning Act requirement of 120 metres for such applications. Notice signs were also placed on the subject lands to advise members of the public that an application to temporarily amend the zoning By-law had been filed with the City.

The statutory public meeting for this application will be held at the same meeting at which this recommendation report will be presented to Planning and Development Committee. Planning staff will respond to the comments received from the public through any discussion in association with this report, to be considered by the Planning and Development Committee in its evaluation of the application.

A copy of department/ agency comments are included in Attachment 8 of this report. This report along with the complete application requirements, including studies have been posted to the City's website.

Corporate Implications:

Financial Implications:

There are no financial implications directly associated with this report. Revenue collected through 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 application is consistent with the Strategic Focus Area - Growing Urban Centres & Neighbourhoods. The Temporary Zoning By-law Amendment will support automotive businesses in the City of Brampton, while not interfering with the envisioned long-term development of the area.

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 7. 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 for temporary uses;
- Appropriate screening of the motor vehicle storage is provided by the existing berms; and,
- The outside storage use is not anticipated to hinder the future development of the subject lands for employment purposes. The subject lands are situated in an employment area where abutting parcels are used for the temporary outdoor storage of trucks and tractor trailers.

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Attachments:

- Attachment 1 – Concept Plan
- Attachment 2 – Location Map
- Attachment 3 – Official Plan Designations
- Attachment 4 – Secondary Plan Designations
- Attachment 5 – Zoning Designations
- Attachment 6 – Aerial and Existing Land Uses
- Attachment 7 – Draft Zoning By-law Amendment

- Attachment 8 – Results of Application Circulation