



April 19, 2024

Via E-Mail: harjot.sra@brampton.ca

mwinch@cassels.com

tel: +1 416 815 4365

file # 59657-1

The Corporation of the City of Brampton
Planning & Development Committee
2 Wellington Street West
Brampton, ON L6Y 4R2

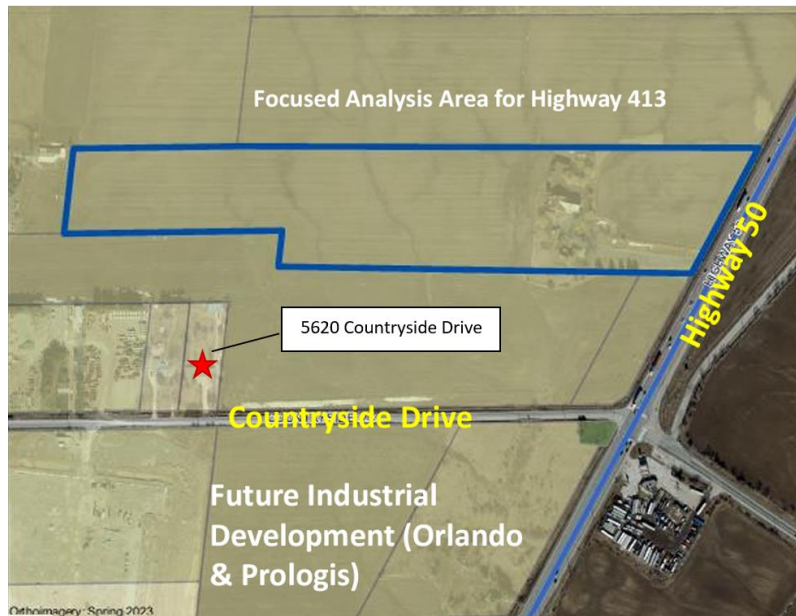
Attention: Peter Fay, City Clerk
Harjot Sra, Development Planner

Dear Sirs/Mesdames:

**Re: Agenda Item 5.2 - April 22, 2024
Planning and Development Committee Meeting
Statutory Public Meeting re: Temporary Zoning By-law Amendment
File No.: OZS-2023-0042 - 11176 Highway 50, Ward 10**

We are counsel to Mary Di Biase, the owner of the lands municipally known as [REDACTED] in the City of Brampton.

On behalf of our client, we are writing to express our client's significant concern with the proposed Temporary Zoning By-law Amendment (the "**Application**") for 11176 Highway 50 (the "**Subject Property**") which is being brought forward for information at the Planning & Development Committee on April 22, 2024. The Application proposes to amend City of Brampton Zoning By-law 270-2004 (the "**Zoning By-law**") to facilitate a temporary outdoor oversized motor vehicle parking lot/truck parking lot for 412 truck vehicles and outdoor storage (the "**Proposed Development**"). Our client's property is located south of the Subject Property along Countryside Road. The location of our client's property and the Subject Property are as follows:



The Subject Property is currently zoned Agricultural (A) Zone under the Zoning By-law. The Application proposes to amend the Zoning By-law to permit temporary outside storage, oversized vehicle parking, vehicle parking, Parking Lot, an accessory building for the purpose of storing salt, and an office as an accessory use, for a period of no more than three years. The sole purpose of the Proposed Development is to facilitate the outdoor parking of 412 trucks, with the majority of proposed truck parking located at the southwestern part of the Subject Property. As our client's property is located south of the Subject Property, the Proposed Development will significantly impact and interfere with our client's lands.

No consideration of the Provincial Policy Statement or Growth Plan

All planning decisions of the City of Brampton Council must be consistent with the Provincial Policy Statement, 2020 (the "PPS") and must conform to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the "Growth Plan"). The Applicant has failed to provide any reasoning as to why its proposed temporary use by-law is consistent or conforms with either document.

In particular, policies 1.2.6.1 and 1.3.2.2 of the PPS directs *major facilities*, inclusive of transportation facilities, and industrial and manufacturing uses to provide separation or mitigation from *sensitive land uses*, which are defined to include residential uses. The goal of these policies are to promote the long-term operation and economic viability of planned employment areas. The applicant has failed to demonstrate any intended separation or mitigation measures from the existing sensitive land uses to the proposed temporary use. Similar policy direction can be found at policies 2.2.5.8 of the Growth Plan. As such it is our

client's position that the proposed development is not consistent with the PPS and does not conform with the Growth Plan.

The Application does not conform with the Region of Peel Official Plan

The Subject Property is designated Urban System, Designated Greenfield Area, Employment Area in Schedules E-1, E-3, and E-4 to the Region of Peel Official Plan. Policy 5.8.45 requires that Employment Areas within the Region "shall be planned and designed to minimize surface parking". The proposed use, being primarily surface parking does not conform to the Region's vision for its Employment Areas as a result.

The Application does not conform with the City of Brampton Official Plan

The Subject Property is currently designated Employment and Designated Greenfield Area in Schedule 1 and Industrial, Special Study Area, and Corridor Protection Area within Schedule "A" to the City of Brampton Official Plan (the "**Official Plan**"). The Subject Property is further designated Prestige Industrial, Corridor Protection Area and Scoped Appeal Lands within Schedule SP 47(a) in the Highway 427 Industrial Secondary Plan (the "**Secondary Plan**").

Section 5.2.7 of the Secondary Plan establishes policies for lands designated Prestige Industrial, including Policy 5.2.7.2 (ii) which explicitly prohibits outdoor storage, including truck trailer parking, as a primary use within the Prestige Industrial designation. As, the primary purpose of the Application is to permit a large-scale parking lot for truck trailers, this use does not conform with the Secondary Plan.

Further, Section 5.10.2 of the Official Plan establishes specific policies for the enactment of a temporary use by-law, including Policies 5.10.2(i), which requires Council to be satisfied that the proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses. In addition, Policy 5.10.2(ii) states that in the enactment of a temporary use by-law, the City shall be satisfied that the temporary proposed use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation.

Our client's lands are an existing residential use located near to the Subject Property. The cover letter submitted by Brutto Consulting Ltd. dated March 12, 2024, indicates that a Transportation Impact Study and a Noise Study were submitted as part of the Application, however, these documents have not been made available through BramPlan. Based on the available information, the applicant has not provided sufficient evidence that the Application meets the requirements of Policies 5.10.2 (i) and (ii). The addition of hundreds of oversized trucks will have significant noise impacts and significantly increase truck traffic on the streets surrounding the Subject Property, for which sufficient servicing and transportation capacity is an issue, inconsistent with the Official Plan policies. In addition, the proposed truck and vehicle parking and outdoor storage will be viewed directly from the rear of our client's property, and no adequate truck screening or landscaping is proposed that would provide adequate screening of same.

Public Consultation Strategy

As part of the Application, Brutto Consulting Ltd. has provided a Public Consultation Strategy. We note that the strategy does not consider consultation with landowners in the surrounding area. As our client's lands are located less than 85 m away from the Subject Property, it is our opinion that the Applicant should be required to consult with our client.

Accordingly, for the foregoing reasons, our client strongly objects to the Proposed Development.

Please contact the undersigned should you have any questions. Please also provide written notice of any and all decisions relating to this matter.

Yours truly,

Cassels Brock & Blackwell LLP



Melissa Winch

MW/OA

CC: Jennifer Evola, Cassels Brock & Blackwell LLP (jevola@cassels.com)
City Clerk's Office, City of Brampton (cityclerksoffice@brampton.ca)
Gagandeep Jaswal, City of Brampton (Gagandeep.Jaswal@brampton.ca)