



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 121-83

To adopt Amendment Number 15 to the Official Plan for the City of Brampton Planning Area and to adopt Amendment Number 15 A to the Consolidated Official Plan for the City of Brampton Planning Area.

The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Regional Municipality of Peel Act, and the Planning Act, hereby ENACTS as follows:

1. Amendment Number 15 to the Official Plan for the City of Brampton Planning Area, and Amendment Number 15 A to the Consolidated Official Plan for the City of Brampton Planning Area, are hereby adopted and made part of this by-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment Number 15 to the Official Plan for the City of Brampton Planning Area and Amendment Number 15 A to the Consolidated Official Plan for the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and Passed In Open Council

This 25th day of April, 1983.

KENNETH G. WHILLANS - MAYOR

RALPH K. EVERETT - CLERK

AMENDMENT NUMBER 15

to the Official Plan for the  
City of Brampton Planning Area

AMENDMENT NUMBER 15 A

to the Consolidated Official Plan for the  
City of Brampton Planning Area



R 801244

Ontario Municipal Board

IN THE MATTER OF Section 17 (5) of The Planning Act (R.S.O. 1970, c. 349),

- and -

IN THE MATTER OF a reference to this Board by the Honourable Claude F. Bennett, Minister of Housing, on a request by Few-Pet Limited for consideration of an application to amend the Official Plan for the City of Brampton Planning Area to change from "HC-6-Motel" to "General Commercial" the designated use of lands comprising part of the west half of Lot 5, Concession 5, East of Hurontario Street, formerly in the Township of Chinguacousy, now in the City of Brampton, to permit development of about 1,662 square metres of retail use and about 1,219 square metres for office or residential use on approximately 0.65 hectares of land situate on the south side of Highway No. 7, east of Bramalea Road, Minister's File No. 21-OP-0006-17(3)A

B E F O R E :

D.H. McROBB  
Vice-Chairman

- and -

A.J.L. CHAPMAN, Q.C.  
Member

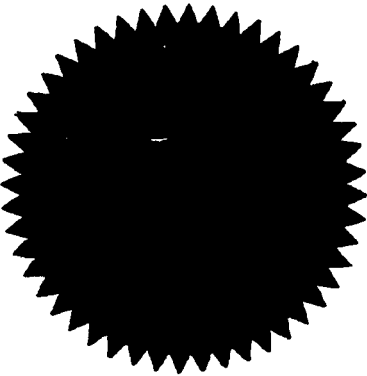
]
|
|
|
|
|
|
|

Friday the 23rd day  
of September, 1983

THIS APPLICATION having come on for public hearing and after the hearing of the application it appearing that the council of the Corporation of the City of Brampton passed By-law 121-83 which adopts Amendment 15 to the Official Plan for the City of Brampton Planning Area and Amendment Number 15A to the Consolidated Official Plan for the City of Brampton Planning Area, incorporating the amendments requested by the applicant Few-Pet Limited and having caused a certified copy thereof to be filed and the Board having dispensed with notice and hearing

of this amendment;

THE BOARD ORDERS that Amendment 15 to the Official Plan for the Brampton Planning Area and Amendment 15A to the Consolidated Official Plan for the City of Brampton Planning Area as adopted by By-law 121-83 is hereby approved.



**SECRETARY**

ENTERED
C. B. No. .... <i>R80-7.</i>
Folio No. ... <i>258</i> ...
NOV 3 1983
SECRETARY, CITY OF BRAMPTON MUNICIPAL BOARD



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 121-83

To adopt Amendment Number 15 to the Official Plan for the City of Brampton Planning Area and to adopt Amendment Number 15 A to the Consolidated Official Plan for the City of Brampton Planning Area.

---


The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Regional Municipality of Peel Act, and the Planning Act, hereby ENACTS as follows:

1. Amendment Number 15 to the Official Plan for the City of Brampton Planning Area, and Amendment Number 15 A to the Consolidated Official Plan for the City of Brampton Planning Area, are hereby adopted and made part of this by-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment Number 15 to the Official Plan for the City of Brampton Planning Area and Amendment Number 15 A to the Consolidated Official Plan for the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and Passed In Open Council

This 25th day of April, 1983

  
KENNETH G. WHILLANS - MAYOR

  
RALPH A. EVERETT - CLERK

AMENDMENT NUMBER 15  
to the Official Plan for the  
City of Brampton Planning Area

and  
AMENDMENT NUMBER 15 A  
to the Consolidated Official Plan for  
the City of Brampton Planning Area

1. Purpose:

The purposes of this amendment are to change the land use designation of lands shown outlined on Schedule A attached hereto from Motel to Highway and Service Commercial and to establish appropriate development principles for the uses to be permitted.

2. Location:

The lands subject to this amendment are located on the south side of Highway Number 7 approximately 183 metres east of Bramalea Road, being part of Lot 5, Concession 5, E.H.S. (geographic Township of Chinguacousy, County of Peel) in the City of Brampton.

3. Amendment:

3.1 The Official Plan for the City of Brampton is hereby amended:

- (1) by changing Schedule "F" to designate as HIGHWAY AND SERVICE COMMERCIAL the lands shown outlined on Schedule A to this amendment;
- (2) by deleting subsection 7.2.7.21 and substituting therefor the following:

"7.2.7.21 Area 21: Southgate

Chapters C10, C11, C13, C24, C36 and C40 of Section C of Part C, and Plate Number 16, of the Consolidated Official Plan of the City of Brampton Planning Area, as amended by Amendment Number 44 and by Amendment Number 15 to this plan, are combined, and shall constitute the Southgate Secondary Plan."

3.2 The Consolidated Official Plan for the City of Brampton Planning Area, is hereby amended:

- (1) by changing, on Plate Number 16, the designation of lands subject to this amendment as shown on Schedule A to this amendment, from HC6-MOTEL to HIGHWAY AND SERVICE COMMERCIAL:

(2) by adding to the legend on Plate Number 16 the land use category HIGHWAY AND SERVICE COMMERCIAL;

3.3 Part C, Section C, Chapter C13 of the Consolidated Official Plan is amended by:

(1) by deleting subsection 3.1 and substituting therefor the following:

"3.1 Parcels (HC 1, 3, 4, 9 and 11) shown on Plates 14, 16 and 26, which form part of this chapter, shall be designated as "Special Policy Areas", subject to the provisions indicated below."

(2) by deleting paragraph 3.1.4 and by renumbering paragraphs 3.1.5 and 3.1.6 from "3.1.5" and "3.1.6" to "3.1.4" and "3.1.5"

(3) by deleting subsection 3.2 and substituting therefor the following:

"3.2 All 5 parcels described above and shown on Plates 14, 16 and 26, which form part of this chapter, shall be governed by a special zoning category related to their respective uses, and site planning controls will be required upon redevelopment or modification of the present uses to ensure compatibility with the City Centre and adjacent uses."

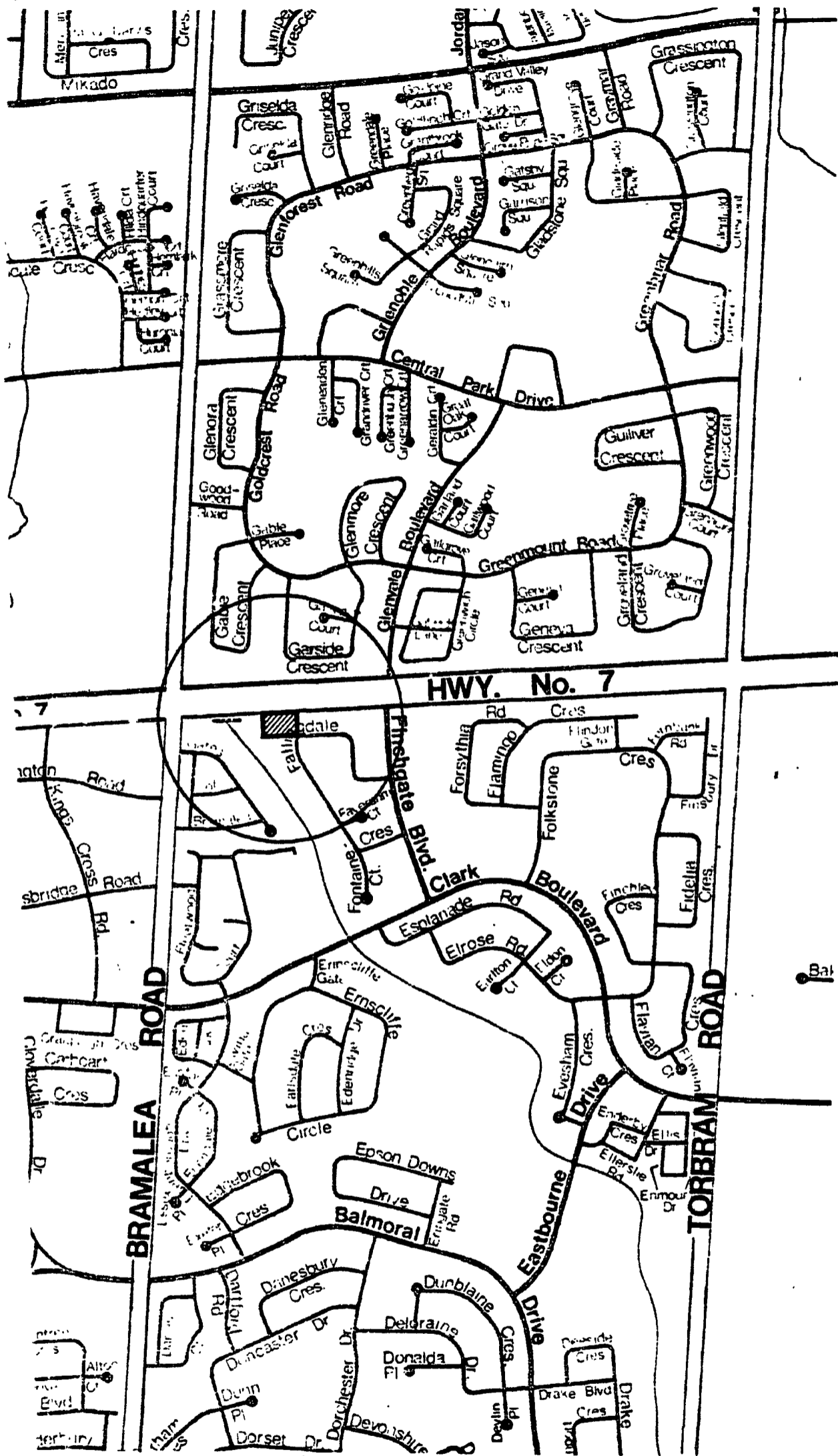
(4) by adding the following as subsection 3.4 after 3.3:


"3.4 The lands designated Highway and Service Commercial on Plate Number 16 shall be subject to the following development principles:

3.4.1 The designation of the lands as Highway and Service Commercial shall not preclude the continuation of the existing use of a motel and a detached residence as an accessory use, provided that neither of the existing uses are enlarged nor the number of dwelling units increased.

3.4.2 The number of loading/unloading facilities to be provided shall reflect the type and size of commercial uses to be permitted."

  
8/4/21



 **HIGHWAY and SERVICE COMMERCIAL**

O.P. AMENDMENT 15-15A  
Schedule A



1:12 000

**CITY OF BRAMPTON**  
Planning and Development

Date: 82 05 14

Drawn by: RB

File no. C5E5.2

Map no. 64-11



BACKGROUND MATERIAL TO AMENDMENT NUMBER 15 and 15A

Attached is a copy of the Ontario Municipal Board decision dated October 14th, 1981.



R 801244  
R 80271

Ontario Municipal Board

**IN THE MATTER OF** Section 17(5) of The Planning Act (R.S.O. 1970, c. 349,)

- and -

**IN THE MATTER OF** a reference to this Board by the Honourable Claude F. Bennett, Minister of Housing, on a request by Few-Pet Limited for consideration of an application to amend the Official Plan for the City of Brampton Planning Area to change from "HC-6-Motel" to "General Commercial" the designated use of lands comprising part of the west half of Lot 5, Concession 5, East of Hurontario Street, formerly in the Township of Chinguacousy, now in the City of Brampton, to permit development of about 1,662 square metres of retail use and about 1,219 square metres for office or residential use on approximately 0.65 hectares of land situate on the south side of Highway No. 7, east of Bramalea Road,  
Minister's File No. 21-OP-0006-17(3)A

- and -

**IN THE MATTER OF** Section 35(22) of The Planning Act (R.S.O. 1970, c. 349),

- and -

**IN THE MATTER OF** an appeal by Few-Pet Limited for an order directing an amendment to By-law 305-73 of the former Township of Chinguacousy, now the City of Brampton, to change from Commercial Special-Motel to General Commercial (C2) the permitted use of lands comprising part of the west half of Lot 5, Concession 5, East of Hurontario Street, in the City of Brampton to permit the said lands to be used for a convenience commercial centre and apartment units or office uses on the second floor

**C O U N S E L :**

- John G. Metras - for the City of Brampton
- R.K. Webb, Q.C. - for Few-Pet Limited

**DECISION OF THE BOARD** delivered by A.J.L. CHAPMAN

Over a period of three days, the Board heard evidence and submissions relating to an appeal by Few-Pet Limited for an order directing an amendment to By-law 305-73 of the former Township of Chinguacousy, now the City of Brampton and a reference to the Board by the Minister of Housing

Ontario Municipal Board

OCT 13 1981

5477  
CSE5.2

of an amendment to the Official Plan for Brampton proposed by Few-Pet Limited, hereinafter referred to as "the developer".

The developer owns a parcel of land situated on the south side of No. 7 Highway about 550 feet east of Bramalea Road in Brampton. The parcel has frontage on No. 7 Highway of about 350 feet by a depth of about 188 feet. It comprises some 1.6 acres and, at the present time, a 14 or 15-unit motel at least 25 years old, an house, a garage, and a swimming pool, are located on the parcel. The approved Official Plan for the area designates the site for a motel. By-law 305-73 zones the site "CS" which permits a motel use and nothing else.

The developer seeks permission to amend the Official Plan and Zoning By-law so that it can construct on the site a small shopping and office plaza having some 30,000 square feet of floor space, 15,000 square feet of which would be for retail use on the ground floor and 15,000 square feet for office use on the first floor. Some residents in the area and Council for the City of Brampton oppose the developer's proposal.

To the west of the developer's land is a Gulf self-service station which occupies all the land immediately south of No. 7 Highway between Bramalea Road and the subject site. To the south of the developer's land is a large park containing tennis courts, a children's play area, and two ice rinks in the winter time, in addition to considerable areas of open space. At the southeast corner of the site are two homes, the only residential properties that abut the developer's land. To the east of the site, to a depth of 100 feet, is a buffer strip, and to the north, of course No. 7 Highway, and then a 100-foot buffer strip, and then a residential subdivision. The highway has a road allowance width of 150 feet and four lanes of pavement in front of the site. The posted speed limit is 60 kilometres per hour. The highway widens to five lanes as it approaches Bramalea Road and there is a concrete curb or media dividing the eastbound lanes from the westbound lanes in front of the Gulf service station.

To the west of Bramalea Road an area of Highway Commercial uses is located, but it does not contain a convenience store. There are three shopping centres in the area, North Gate Shopping Plaza, South Gate Shopping Plaza, and the Bramalea City Centre. The first two are local shopping centres and are both about one mile from the site, the City Centre is a Regional shopping centre and is located about three-quarters of a mile from the site.

At one time, the Official Plan had proposed a shopping centre south of the park to service the area, but Official Plan Amendment No. 44 changed the designation from a proposed local shopping centre to a residential designation. Mr. Altman, a Market Analyst with A.E. LePage Limited, gave evidence that there were about 9,000 people within a radius of one-third of a mile of the site and it was his considered opinion that they should be serviced with a convenience centre in their area. His evidence was not shaken or contradicted.

Mr. Peter Cheatley, the only qualified planner to give evidence, advised the Board that the area was now a mature, stable area with basically all facilities in place. The only thing lacking was local shopping and the only remaining site south of No. 7 Highway that could be used to rectify that lack was the site of the developer. It was his considered opinion that the proposal before the Board, that is the proposed Official Plan Amendment and draft Site Plan By-law, was appropriate for the site and it would, if implemented, result in no adverse impact on the surrounding neighbourhood. Mr. Cheatley was not shaken under cross-examination in his opinion.

It appears that back in 1968 a decision was reached to designate and zone all commercial sites on the south side of No. 7 Highway in the area to one use only. The then owner of the parcel asked for and received a designation and zoning to permit a small motel. At that time the land was in Chinguacousy Township. The area was not developed; the Holiday Inn in the city centre had not been built; times and opportunities were different than they are today. Today, that 14 or 15-unit motel in that location is outdated; it is no longer viable; and the fact that it is run down, that the pool has been

closed by the health department and has not been repaired, is evidence of lack of viability at that location at this time. Indeed there was not much dispute about that.

Nor was there any dispute that the site was not suited for residential or industrial uses. It was recognized that some commercial use, other than a motel use, had to be offered to the developer; the concern was in finding other commercial uses that would satisfy all.

We have not found it necessary to discuss all the evidence because of the course the Board adopted at the conclusion of the hearing and the result of that action. During the hearing it became evident to us that the proposal had merit; that the appellant should succeed with possibly some further reduction in the permitted uses. Certainly the evidence indicated there should be some limit on the amount of medical, dental, and restaurant space permitted in the development. Mr. Joseph Schwarz advised the Board that the original proposal had frightened the residents. He admitted that the residents' brief was prepared before they knew about the proposal that was before the Board and before they knew anything about development control as established in Brampton pursuant to Section 35(a) of the Planning Act. His main objection at the hearing was the way the developer had approached the residents, or rather had not approached them, and his main concern was the proposed uses. Accordingly, the Board referred the matter back to Council and the interested neighbours with the hope a suitable by-law could be agreed upon. The Board has now been advised that agreement has been reached on all matters except one, and that is the reason we have not discussed all the evidence, but only the evidence relating to that one outstanding matter, namely, whether a convenience store should be one of the permitted uses.

Those residents of the area who have been interested enough to express their concerns are adamantly opposed to a convenience store as a permitted use. They object to such a use on the grounds of noise, litter, and traffic that would be generated by the proposed use and on the ground that it is in the wrong location; it is too close to the northerly limit of the residential

neighbourhood located in the southeast quadrant of the intersection of No. 7 Highway and Bramalea Road. We do not find much merit in those grounds of objection considering the nearness of No. 7 Highway, the isolation of the site from the neighbourhood by means of the proposed buffering, and the fact that there is no more centrally located land available for such a needed facility.

The main objection of the interested citizens is based on a concern for the safety of their children. From the beginning they have been worried about, and opposed to, any use that could prove attractive to children and young people. They feel a convenience store would be attractive to children and its location next to a high speed, high traffic volume, provincial highway, would prove dangerous to the children. That is the main concern.

We must decide this matter on the evidence and any reasonable inference that can be drawn from that evidence, and on the submissions made by the parties, at the hearing. There was one planner called at this hearing and it was his evidence that a convenience store was an appropriate use for the subject lands. He gave that opinion knowing the concerns of the residents. He was not shaken in that opinion. While we appreciate the worries of the residents, we accept the evidence of the planner, Mr. Peter Cheatley, on that point. It seems to us that there can be no unreasonable danger to the children and young people that reside on the south side of the highway from the traffic on Highway No. 7 in going to the convenience store. They have the 100-foot buffer strip to walk on and do not have to cross the highway.

While no one who resides on the north side of No. 7 Highway gave evidence on this point we still appreciate the concerns of the residents. We note however that the area has many roads with four lanes of pavement that are high traffic volume roads; in particular No. 7 Highway, Clark Blvd., Bramalea Road and Finchgate and Glenvale Roads. We note the posted speed limit is 60 kilometres per hour. We note the existence today of the park with its tennis courts, ice rinks, and kiddies' play area, to the south of the subject lands, completely accessible from the north today but which will be inaccessible from the north, at least through the subject lands, if this proposal is

approved. There was no evidence of any accidents involving pedestrians in the area in spite of the present easy access to the park from the north.

Our children face the hazards created by traffic on our highways daily. We can see nothing in this situation that is more dangerous than that faced by countless children in countless places throughout Ontario every hour of the day, every week of the year. There must be numerous convenience stores located on highways and they may or may not attract pedestrians who, for one reason or another, have to cross a highway to get to them. In this case, we cannot see that the risk that exists today in getting from the north to the south side of No. 7 Highway will be made any greater with the location of a convenience store on that site, bearing in mind the other uses that exist on the south side of this highway, particularly as access to the park through the site will be cut off.

Accordingly, the Board will approve a convenience store as a permitted use on the subject lands.

The Board will therefore approve an Official Plan Amendment and direct the passing of a Zoning By-law that embodies the agreements arrived at by the City, developer, and residents, and includes as a permitted use on the subject lands, a convenience store. If counsel for the developer will submit the Amendment and draft Zoning By-law approved by Mr. Metras on behalf of the City, the Board's order will follow. If there are any difficulties, the Board may be spoken to.

DATED at TORONTO this 14th day of October, 1981.

A.J.L. CHAPMAN  
MEMBER

D.H. McROBB  
MEMBER