



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 228-87

To adopt Amendment Number 126
to the Official Plan of the City
of Brampton Planning Area.

The council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 126 to the Official Plan of the City of Brampton Planning Area is 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 for approval of Amendment Number 126 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this 29th day of September, 1987.

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

[Signature]
DATE

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

AMENDMENT NUMBER 126
to the Official Plan of the
City of Brampton Planning Area

21-0P 0031-126-1

Amendment No. 126
to the
Official Plan for the
City of Brampton Planning Area

This Amendment No. 126 to the Official Plan for the City of Brampton Planning Area, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby approved under section 17 of the Planning Act, 1983, as Amendment No. 126 to the Official Plan for the City of Brampton Planning Area.

Date *Nov. 26, 1987*....



L. J. FINCHAM
Director
Plans Administration Branch
Central and Southwest
Ministry of Municipal Affairs



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[Signature of Kenneth G. Whillans]

KENNETH G. WHILLANS - MAYOR

CERTIFIED A TRUE COPY

[Signature of Leonard J. Mikulich]

City Clerk
City of Brampton

[Signature of Leonard J. Mikulich]

LEONARD J. MIKULICH - CLERK

OCT 5 1987

AMENDMENT NUMBER 126
TO THE OFFICIAL PLAN

1. Purpose:

The purposes of this amendment are to change the land use designation of the lands shown on Schedule A to this amendment, from Agricultural to Industrial, and to outline policies to guide the industrial development of the subject lands.

2. Location:

The lands subject to this amendment have an area of approximately 1.62 hectares (4 acres) and are located on the east side of Coleraine Drive, approximately 400 metres (1312 feet) to the north of the intersection of Coleraine Drive and Highway Number 50 as shown on Schedule A to this amendment. The subject lands have a frontage of 180 metres (590 feet) and a depth of 90 metres (295 feet).

3. Details Of The Amendment and Policies Relative Thereto:

1. The Official Plan of the City of Brampton Planning Area is hereby amended:

(1) by changing, on Schedule A thereto, the land use designation of the lands shown as Site 29 on Schedule A to this amendment, from Agricultural to Industrial (Site 29), and

(2) by adding to PART II, CHAPTER 2, section 2.3, the following as section 2.3.14:

"2.3.14 SITE 29 (Concession 12, N.D., Part of Lot 13)

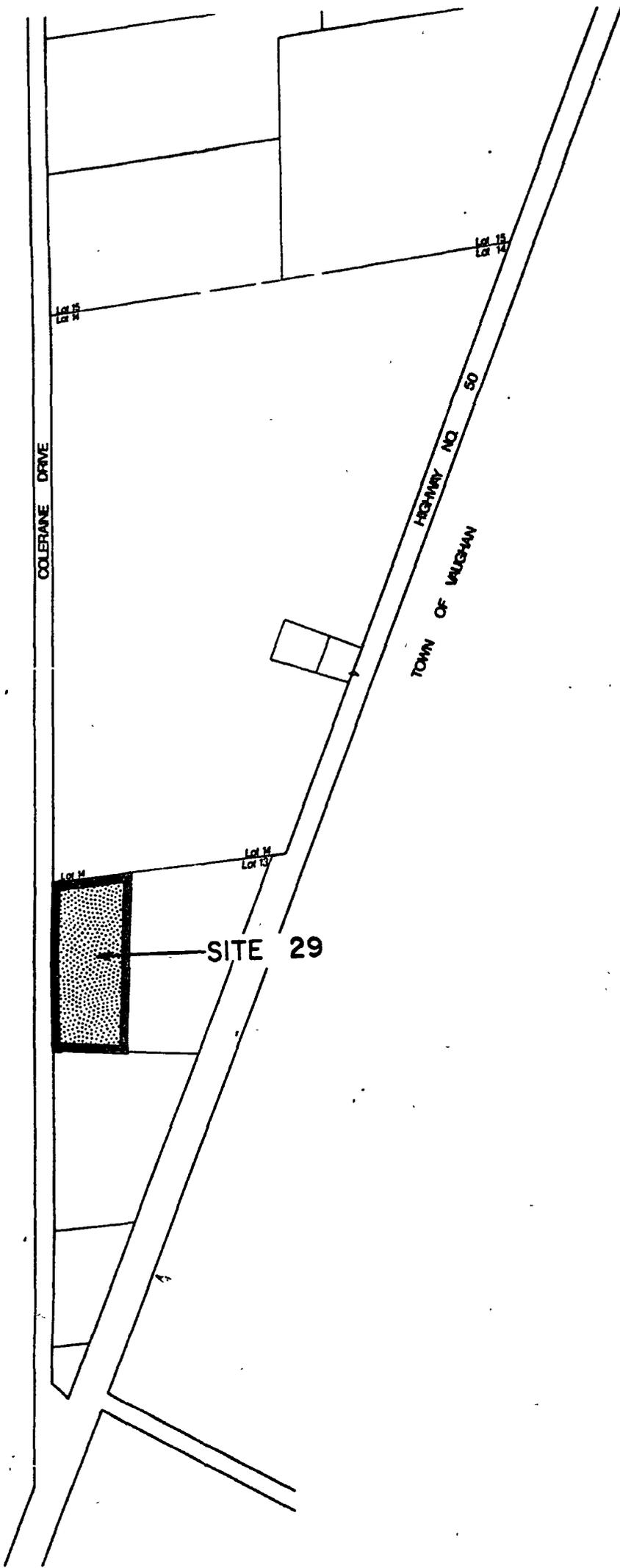
2.3.14.1 Definition and Policies

The lands designated Industrial and identified by the number 29 on Schedule A shall be used for the purpose of a construction company and similar industrial uses, subject to the following conditions:

(i) the permitted industrial uses shall be carried out within a wholly enclosed structure and outside storage shall only be permitted within an area suitably screened from the view of the public;

(ii) Access to the subject lands shall be restricted to one point of access from Coleraine Drive;

- (iii) Development shall only be permitted if the City has been satisfied that suitable arrangements have been made with respect to an appropriate widening of Coleraine Drive and adequate grading and drainage;
- (iv) Development will be subject to the provision of suitable screening in the form of fencing, berming and landscaping acceptable to the City, and
- (v) Development shall be permitted only upon the approval of the provision of an adequate supply of potable water and the disposal of waste water."



INDUSTRIAL

OFFICIAL PLAN AMENDMENT NO. 126

SCHEDULE A



1:4000

CITY OF BRAMPTON
 Planning and Development

Date: 86 03 07 Drawn by: K.L.
 File no. C12E13.8 Map no. 36-6D

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 126

Attached is a copy of a report from the Director, Planning and Development Services, dated June 17, 1985 and a copy of a report from the Director, Planning and Development Services, dated July 26, 1985 forwarding notes of a public meeting held on July 24, 1985.

3/87/4

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

June 17, 1985

TO: Chairman of the Development Team

FROM: Planning and Development Department

RE: Application to Amend the Official Plan
and Zoning By-law
Part of Lot 13, Concession 12, N.D.
(former Township of Toronto Gore)
Ward 10
CAVEZE INVESTMENT LIMITED
Our File No. C12E13.8

1.0 Introduction

An application to amend the Official Plan and Zoning By-law has been filed with the City Clerk and referred to staff for a report and recommendation.

2.0 Property Description

The subject property is located on the east side of Coleraine Drive, approximately 400 metres north of the intersection of Coleraine Drive and Highway No. 50. The property is rectangular in shape, has a frontage of 180 metres, a depth of 90 metres and a total area of 1.62 hectares.

The subject property is occupied by a large aluminum clad building which accommodates a construction company known as Fernview Construction. Construction vehicles and equipment are stored outside on the northerly half of the property and the southerly portion of the site is vacant. There is one access to the property from Coleraine Drive.

The lands to the north and to the west of Coleraine Drive are used for agricultural purposes. The lands to the east are occupied by a single family dwelling and there is some outside storage of vehicles and materials in violation of the zoning by-law. Emery Woodworking Ltd. occupies the lands to the south of the subject property.

3.0 Official Plan and Zoning Status

The Official Plan designates the subject property as Agricultural. It is noted that the subject property is not located within the designated Rural Settlement of Coleraine.

By-law 56-83 zones the subject property as Agricultural-A.

By-law 825, as specifically amended by By-law 938, the previous zoning by-law applying to the subject property, zoned the subject property for restricted commercial purposes. By-law 938 states the following:

"Notwithstanding the permitted uses and buildings set out in classification "C" Commercial, none of said uses and buildings shall be permitted other than:

- (a) The erection and maintenance of a building or buildings for the sale by way of wholesale or retail of new lumber and kindred products;
- (b) the erection and maintenance of one single family dwelling unit when occupied by the proprietor, or a person in his employ, who is engaged in the business of the sale of new lumber and kindred products on the said lands."

4.0 Proposal

The applicant is requesting that the Official Plan and Zoning By-law be amended to a site-specific industrial designation and zoned to permit a construction company and similar industrial uses. This would recognize the existing use of the property. Fernview

Construction, the present occupants, are a general contracting firm which specializes in the installation of sewers and watermains.

A site and landscaping plan has been submitted in support of the application. The plan shows the existing building with a floor area of approximately 498 square metres (5,360.6 square feet), one entrance onto Coleraine Drive, landscaped berms along the Coleraine Drive frontage, and screen planting along the easterly boundary and part of the north boundary of the subject property. The proposed site plan is shown on an attached schedule.

5.0 Comments

Public Works and Building Department

The Public Works Division has indicated that they require a 5.18 metre road widening along Coleraine Drive and dimensions for the proposed driveways, culverts, etc. In addition, they require a site plan showing the existing and proposed elevations with respect to the abutting properties in order that a drainage pattern may be established which does not interfere with the existing drainage of the surrounding lands.

The Building Division has provided the following comments:

"Prior to the passing of By-law 56-83 which would zone the property "A" Agricultural, the site was zoned "C" Commercial by By-law 983, which was passed by the Township of Toronto Gore Council on November 12th, 1969, and approved by the O.M.B. on March 5th, 1970. (file R1542-70). This By-law permitted retail and wholesale lumber storage and sales.

The property is better known to this department under the name of "Fernview Construction" who occupied the premises in 1976 and carried out a use contrary to the By-law, being that of a general contracting yard and open storage.

An "Order-to-Comply" was issued which resulted in court action.

In March 1977 an application to amend the Restricted Area By-law and the Official Plan was submitted, but Planning Committee recommended that Council not endorse the application.

The continued illegal use of the premises resulted in further court action and on July 12th, 1983 both Fernview and Caveze were found guilty as charged and fined \$600. each. No prohibition order was issued as the record shows that this was the first conviction for both parties. It is assumed that the present application is a result of the court findings."

The Region of Peel Public Works Department has provided the following comments:

"Sanitary Sewer:	Not available
Watermain:	Not available
Regional Roads:	Not directly affected"

6.0 Discussion

The Caveze property has long been and is still the subject of court proceedings. The owner has been charged and convicted of illegally using the land in contravention of the applicable zoning by-law. Appeals to higher courts are pending.

It is also noted that the owner has previously applied to the Committee of Adjustment for a minor variance as well as the City for a rezoning to legalize the existing use. Staff have consistently recommended against these applications and none have been approved.

In response to an application submitted in 1978 pertaining to the subject property and other development applications for lands in the Coleraine area, a study of the Coleraine hamlet was prepared by Planning staff. The problem of the Coleraine area is the existence of legal and illegal non-conforming uses that are commercial and

industrial in nature and are in conflict with adjacent residential and agricultural uses. The planning strategy outlined by staff identified two goals:

- "1. To minimize conflicts among land uses and to improve the overall appearance of Coleraine.
2. To encourage the long term rehabilitation of the hamlet in terms of eliminating undesirable commercial and industrial parcels."

The planning strategy proposed by staff and adopted by Council was comprised of two steps. The first step involved the designation of the Coleraine area as Rural in the new Official Plan with provision for hamlet maintenance only. (The Rural designation was subsequently relabelled as Agricultural by the Minister of Municipal Affairs and Housing). This step did not directly affect the subject property because it was already designated as Agriculture by the Consolidated Official Plan. The indirect impact of this measure was that certain uses, namely residential, convenience commercial and village crafts, were to be permitted in the designated hamlet, but the subject property was not included within the boundary of the hamlet. Essentially, the Official Plan policies pertaining to the subject property were not changed. The permitted uses continued to be agricultural and the existing illegal use was not recognized.

The second step of the strategy involved the rezoning of lands illegally used for commercial and industrial purposes to Agricultural in order to obtain control over the undesirable land uses. In the case of the subject property, the Commercial zoning permitting a lumber sales outlet was to be removed. The zoning never did permit the existing construction company and there was no intention of zoning the property to permit this use. In accordance with Council's adoption of the recommended planning strategy for Coleraine, By-law 66-80 was passed which zoned the property as Agricultural. (A further zoning by-law, By-law 15-81, to repeal

By-law 66-80 was passed, but it was not approved by the Ontario Municipal Board).

It is the opinion of staff that the above noted goals for the Coleraine area are still appropriate. The present illegal use of the subject property has not been discontinued, therefore it may be concluded that the goals of the planning strategy have not been achieved in this case. Nevertheless, the circumstances surrounding the subject property have not changed. The site continues to be surrounded by agricultural and residential uses. The exception is Emery Woodworking to the south, which is designated and zoned to permit the existing operation that was legally established in accordance with the previous zoning. It is the conclusion of staff that the construction company with its related outside storage on the subject property is a conflicting land use which has a very poor appearance.

The arguments in support of the subject application presented by the owner's planning consultant are basically that this is the most appropriate use for the subject property. It is their position that because the use already exists, the lands are rendered unsuitable for other uses. They also indicate that the use is quite compatible with the woodworking operation to the south and has no adverse impact on other surrounding uses.

The above noted arguments are difficult to accept. If a residential use had been established on the subject property instead of an illegal industrial use, it would also be deemed appropriate. The use would be compatible with the lands to the north, east and west and the onus for eliminating land use conflicts through buffers would be placed on the legally established industrial woodworking operation. There would be no basis for establishing an industrial use on the subject property. The existing use was established illegally, and staff do not accept this as representing any form of justification for permitting the said use.

As indicated in the strategy previously outlined by Planning staff, an isolated industrial area in this location is undesirable. There was a concern that approval of applications in the area would create a precedent for expansion. In fact, approval of the subject application would constitute a expansion of the Coleraine area and a precedent for further expansion would result. Staff cannot find any justification for supporting this application.

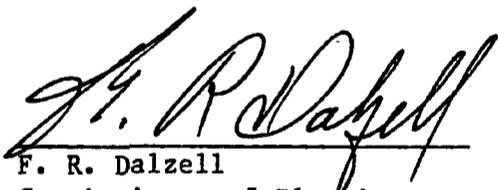
The site plan submitted by the applicant proposes berming and landscaping to minimize the negative visual impacts resulting from the outside storage. The outside storage of large construction equipment that in some cases is very high is particularly undesirable. Staff are seriously concerned that this large equipment cannot be adequately screened from the surrounding residences and that the negative impacts will continue to exist. There is also the matter of transportation of this equipment along Coleraine Road past existing residences, and landscaping would not be a solution to the related negative impacts.

In view of the foregoing, staff are not in a position to support this application. Staff have not supported previous applications, and there are no new reasons to justify the support of this application. The present use was established illegally, and this does not provide staff with a basis for supporting its legalization. It is therefore recommended that Planning Committee not approve this application.

7.0 Recommendation

It is recommended that Planning Committee recommend to City Council that the application to amend the Official Plan and zoning by-law to permit a construction company, similar industrial uses and outside storage not be approved.

AGREED:



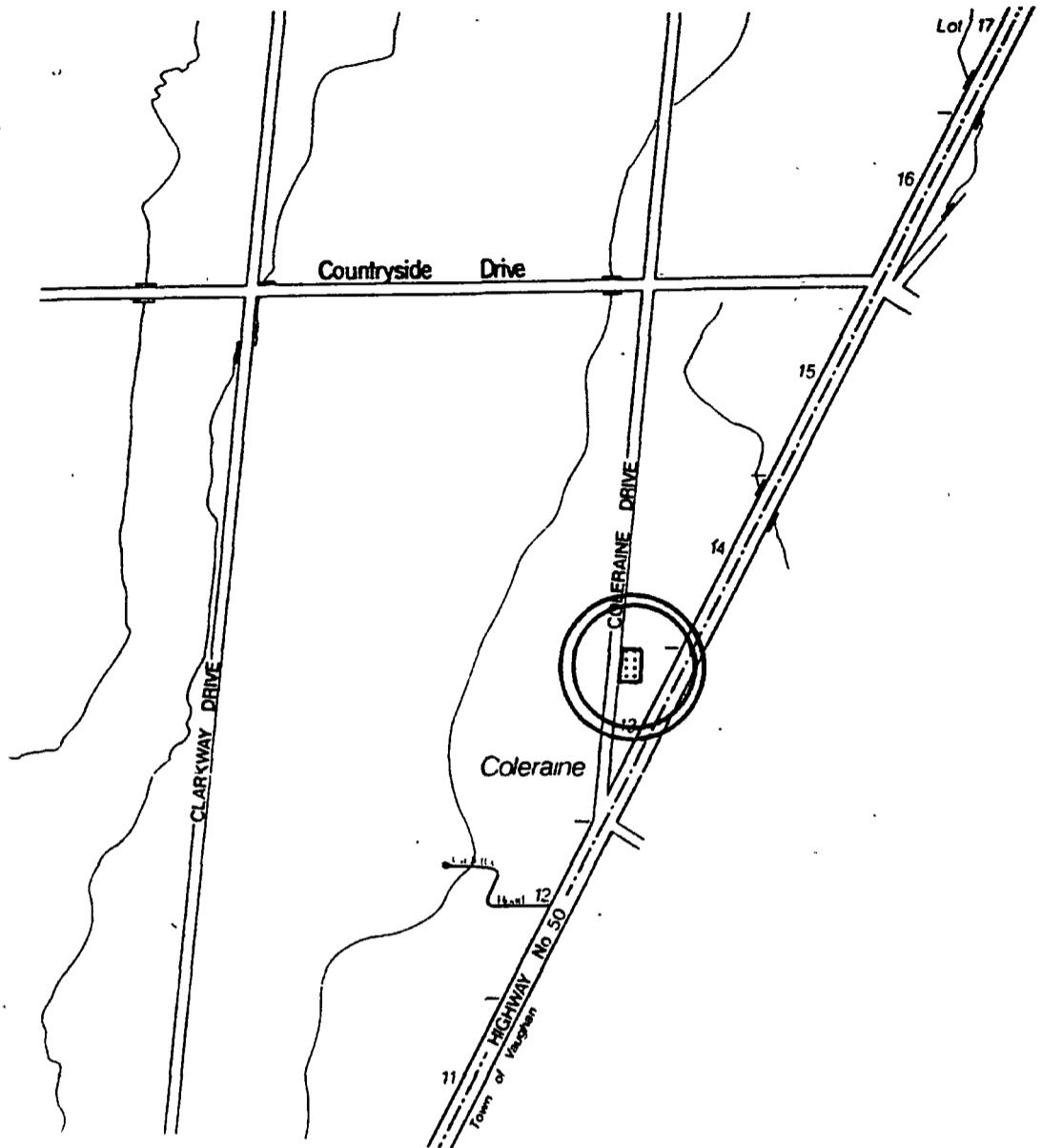
F. R. Dalzell
Commissioner of Planning
and Development

JMR/thk/8



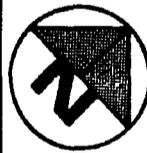
L. W. H. Laine
Director, Planning and
Development Services Div.

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CAVEZE INVESTMENTS LIMITED

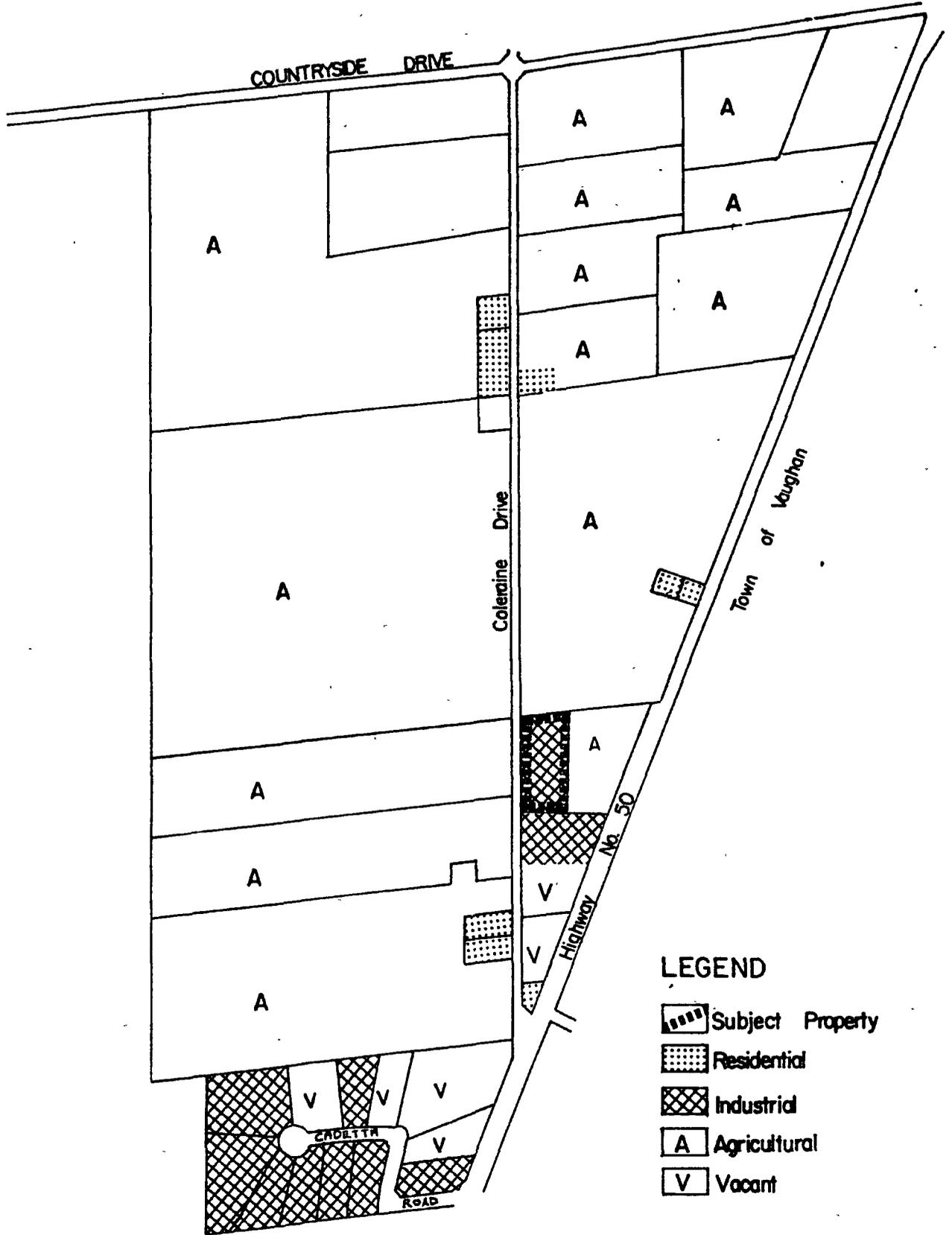
Location Map



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CITY OF BRAMPTON
Planning and Development

Date: 85 06 18 Drawn by: RB
File no. C12E13.8 Map no. 36-6A

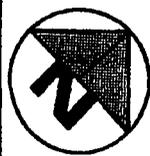


LEGEND

-  Subject Property
-  Residential
-  Industrial
-  Agricultural
-  Vacant

CAVEZE INVESTMENTS LIMITED

Land Use Map



1:8000

CITY OF BRAMPTON
Planning and Development

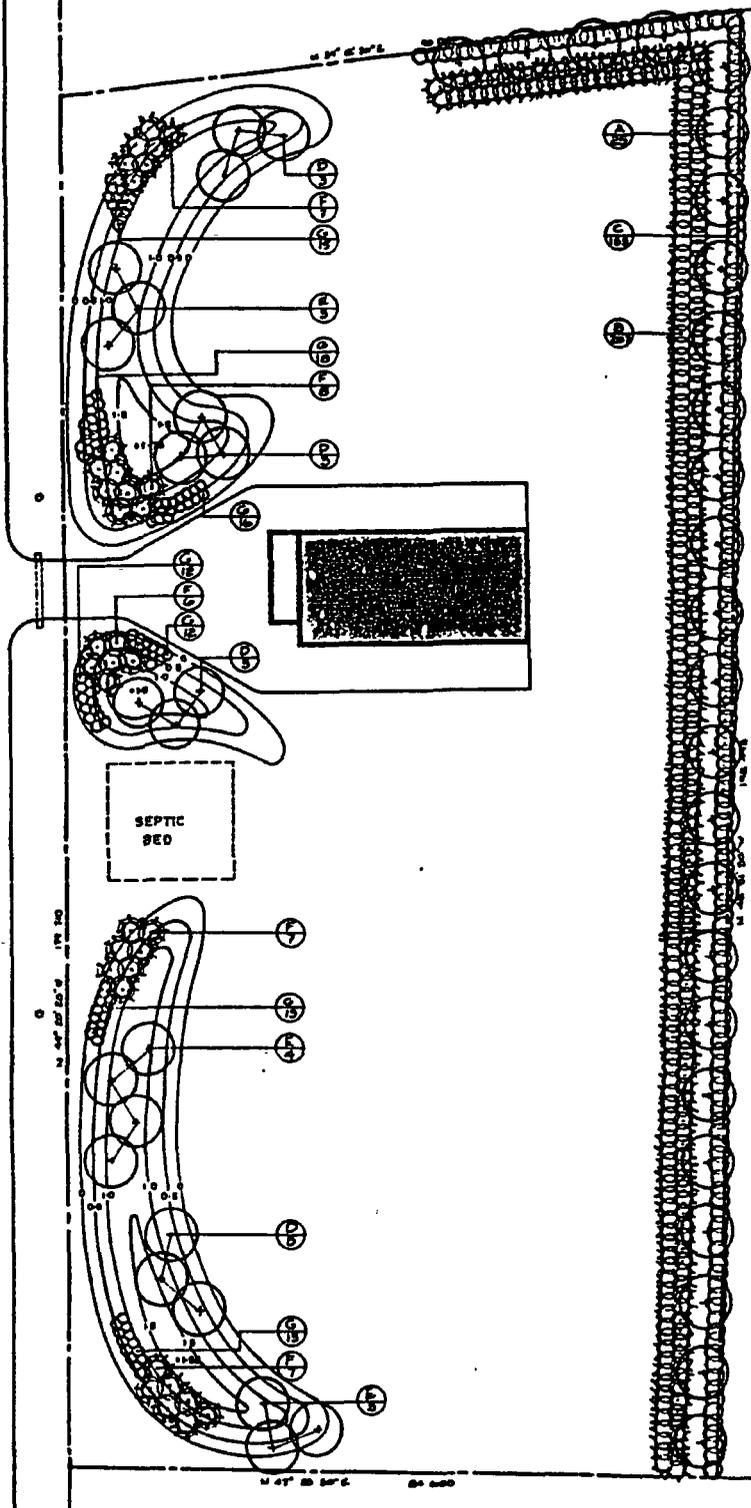
Date: 85 06 18

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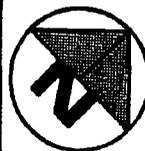
Map no. 36-6B

Coleraine Drive



CAVEZE INVESTMENTS LIMITED

Proposed Site Plan



1:1000

CITY OF BRAMPTON
Planning and Development

Date: 65 06 18
File no. 02E13.8

Drawn by: RB
Map no. 36-6C

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

July 26th 1985

TO: The Chairman and Members of the Planning Committee
FROM: Planning & Development Department
RE: Caveze Investments Limited
Part Lot 13, Con. 12, N.D.
Our File: C12E13.8

The notes of the Public Meeting held on Wednesday, July 24th, 1985, are attached for the information of Planning Committee.

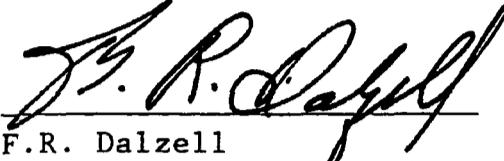
No members of the public appeared at the meeting and no communications have been received with respect to the application. As outlined in the staff report considered by Planning Committee on July 2nd 1985, staff are not in a position to support the subject application. The planning justification put forth by the applicant is that because the use already exists, the lands are unsuitable for other uses. The present use was established illegally and it is the opinion of staff that the existence of the construction company does not provide planning justification to support the application.

It is also noted that staff have not supported previous application on this property and other properties in the Coleraine area. Approval of this application would be a precedent for development of other properties in the vicinity.

In view of the foregoing, it is recommended that Planning Committee recommend to City Council that:

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- a) the notes of the Public Meeting be received and
- b) the application to amend the Official Plan and zoning by-law to permit a construction company, similar industrial uses and outside storage not be approved.



F.R. Dalzell
Commissioner of Planning
and Development



L.W.H. Laine
Director, Planning and
Development Services Division

JR/eh
attachments (1)

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, July 24th, 1985, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 7:52 p.m. with respect to an application by CAVAZE INVESTMENT LIMITED to amend the Official Plan and Zoning By-law, (File: C12E13.8).

Members present: Councillor F. Russell - Acting Chairman
Alderman H. Chadwick
Alderman C. Gibson
Alderman R. Luciano
Alderman F. Kee
Alderman E. Carter

Staff present: F.R. Dalzell, Commissioner of Planning and Development
L.W.H. Laine, Director, Planning and Development Services
W. Lee, Manager, Community Design Section
J. Robinson, Development Planner
D. Ross, Development Planner
E. Hornemann, Secretary

Fifteen members of the public were in attendance including press and applicants.

Councillor Russell chaired the meeting, in place of Assistant Chairman Mitchell, and called the meeting to order at 7:52 p.m.

The Chairman enquired if notification of the meeting had been placed in newspapers.

Mr. Dalzell replied in the affirmative.

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There were no interested members of the public in attendance and the meeting was adjourned at 7:53 p.m.