



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 318-85

To adopt Amendment Number 73
and Amendment Number 73 A 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 73 and Amendment Number 73 A to the Official Plan of 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 for approval of Amendment Number 73 and Amendment Number 73 A to the Official Plan of the City of Brampton Planning Area.

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

this 18th day of November, 198₅.

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

ORIGINAL

By-law 318-85

AMENDMENT NUMBER 73
and
AMENDMENT NUMBER 73 A
to the Official Plan of the
City of Brampton Planning Area

21-0P-0031-073-1

AMENDMENT No. 73A
to the
Consolidated Official Plan
for the
City of Brampton Planning Area
and
AMENDMENT No. 73
to the
Official Plan for the
City of Brampton Planning Area

This Amendment to the Consolidated Official Plan for the City of Brampton and the Official Plan for the City of Brampton, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby approved in accordance with section 21 of the Planning Act, R.S.O. 1983, as Amendment No. 73A to the Consolidated Official Plan and Amendment No. 73 to the Official Plan for the Brampton Planning Area.

Date: *Jan 13, 1986*....



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



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 318-85

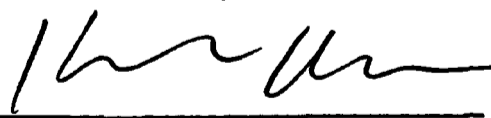
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KENNETH G. WILLANS - MAYOR


LEONARD J. MIKULICH - CLERK

AMENDMENT NUMBER 73

and

AMENDMENT NUMBER 73 A

to the Official Plan of the
City of Brampton Planning Area

1. Purpose:

The purpose of this amendment is to change the designation of a parcel of land approximately .53 hectares (1.3 acres) in size to Highway Commercial, to permit a gas bar and standard restaurant (donut shop).

2. Location:

The lands subject to this amendment are located at the northwest corner of the intersection of Airport Road and Highway Number 7. The lands form part of the east half of Lot 6, Concession 6, East of Hurontario Street, geographic Township of Chinguacousy, in the City of Brampton.

3. Amendment and Policies Relative Thereto:

(1) Amendment Number 73 :

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

(a) by changing, on Schedule "A" (GENERAL LAND USE DESIGNATIONS) thereof, the designation of the lands shown on Schedule A to this amendment, from "INDUSTRIAL" and "OPEN SPACE" to "COMMERCIAL" and "OPEN SPACE".

(b) by designating, on Schedule "F" (COMMERCIAL) thereof, the lands shown on Schedule A to this amendment, as "HIGHWAY and SERVICE COMMERCIAL".

(c) by deleting therefrom subsection 7.2.7.13 (Area 13: Bramalea North Industrial), and substituting therefor the following:

"7.2.7.13 Area 13: Bramalea North Industrial

Amendment Number 6 to the Consolidated Official Plan of the City of Brampton Planning Area, as it applies to Secondary Plan Area Number 13, Amendment Numbers 74, 7A and 73 A, all to the Consolidated Official Plan, are combined, and shall constitute the Bramalea North Industrial Secondary Plan."

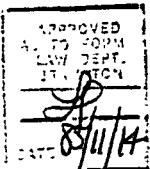
(2) Amendment Number 73 A

1. The document known as the Consolidated Official Plan of the City of Brampton Planning Area, as amended by Amendment Number 6, and as it relates to the Bramalea North Industrial Secondary Plan, is hereby amended:

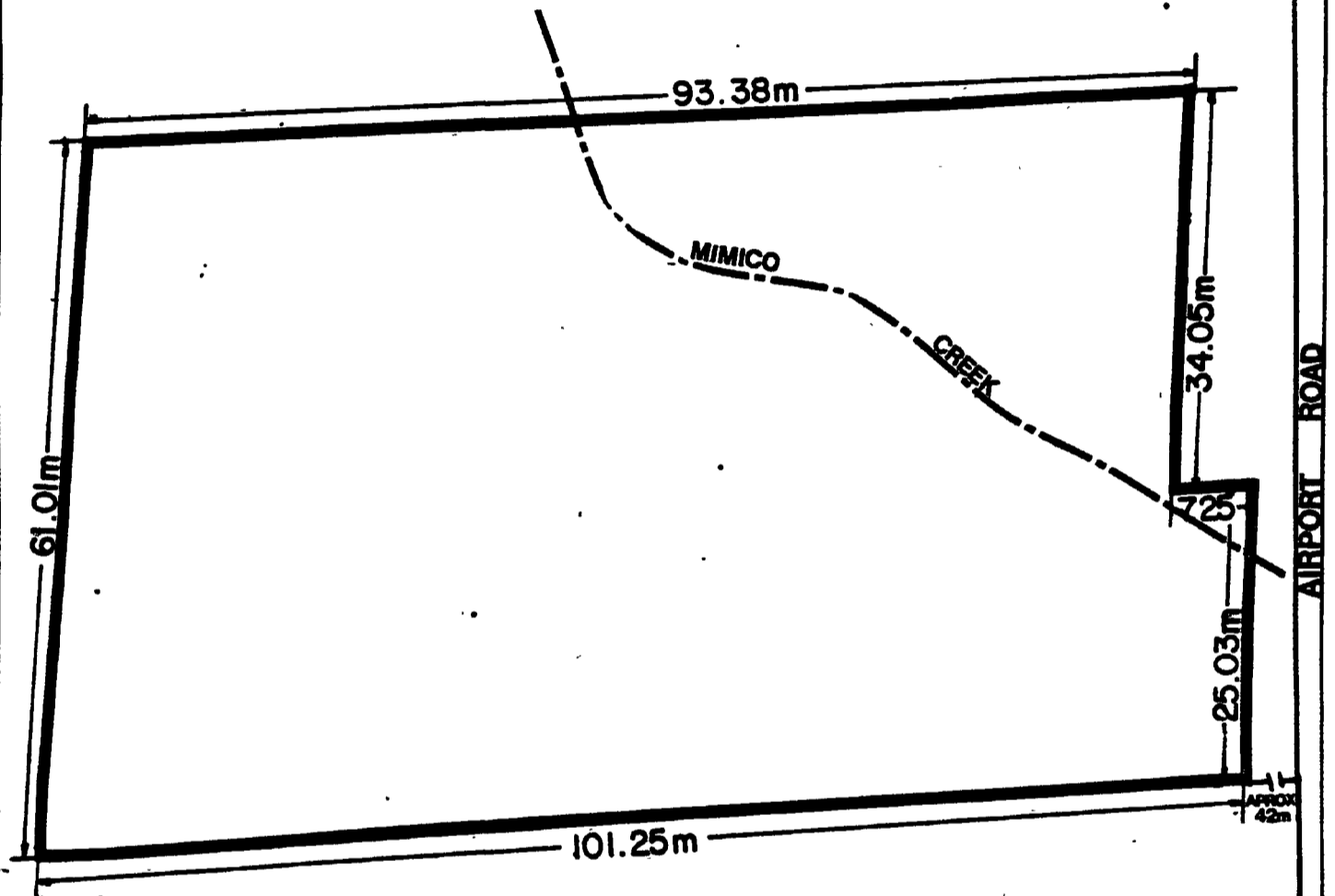
- (a) by changing, on Schedule "A" thereto, the designation of the lands shown on Schedule A to this amendment from "INDUSTRIAL" and "OPEN SPACE - FLOOD and HAZARD LANDS" to "COMMERCIAL" and "OPEN SPACE - FLOOD and HAZARD LANDS".
- (b) by adding to section 3.3 (Development Principles - Commercial Use Area) thereof, the following new subsection 3.3.8:

"3.3.8 The Commercial designation for the lands located at the northwest corner of the intersection of Airport Road and Highway Number 7 will permit the development of a standard restaurant (donut shop) and a gas bar. The development of the gas bar may precede the development of the standard restaurant (donut shop) and the restaurant may not be constructed until:

- (a) that portion of the subject lands which is necessary for the channelization and maintenance of Mimico Creek has been conveyed to the City and the channelization of Mimico Creek across the subject lands has been completed;
- (b) municipal water and sewage disposal services are available for the standard restaurant; and,
- (c) the City has approved a site plan for the subject lands with both the gas bar and standard restaurant shown thereon."



LOT 5 CONCESSION 6
EAST OF HURONTARIO STREET



HWY. NO. 7

OFFICIAL PLAN AMENDMENT NO. 73
SCHEDULE 'A'



1:560

CITY OF BRAMPTON
Planning and Development

Date: 85 08 13 Drawn by: K.L.
File no. C6E6.14 Map no. 48-10C

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 73
and
AMENDMENT NUMBER 73 A

Attached is a copy of a report of the Director, Planning and Development Services, dated July 26th, 1985 and a copy of a report from the Director, Planning and Development Services, forwarding notes of a public meeting held on September 4th, 1985.

INTER-OFFICE MEMORANDUM

D3

Office of the Commissioner of Planning & Development

July 26, 1985

TO: Chairman of the Development Team

FROM: Planning and Development Department

RE: Application to Amend the Official Plan and
Zoning By-law
Part Lot 6, Concession 6, E.H.S.
Highway 7 and Airport Road
Ward Number 11
TENDER HOLDINGS LTD.
Our File Number C6E6.14

1.0 Introduction

An application to amend the Official Plan and Zoning By-law have been submitted to the City to permit the operation of a gas bar and a donut/coffee shop on the above noted property.

2.0 Property Description

The subject parcel is located approximately 80 metres (260 feet) west of the intersection of Airport Road and Highway Number 7. The property lies on the north side of Highway Number 7 with a frontage of 61.04 metres (200.26 feet) and has an area of .533 hectares (1.32 acres). The property is currently vacant and contains no buildings.

The rear portion of the property is occupied by the Mimico Creek and associated floodplain. This feature renders approximately fifty (50) percent of the property undevelopable. The area of "tableland" (developable land above top-of-bank) has been estimated by the applicant to be approximately 0.228 hectares (.56 acres) and the area of floodplain to be .305 hectares (0.75 acres).

The property possesses no significant vegetation of a mature nature. Three trees, in the one to two foot diameter range, are located in the south-west portion of the lot. A hardwood tree and a coniferous tree are located in the westerly fence row and another coniferous tree situated about fifteen (15) metres onto the property. There has been some recent ditching and grading work along the frontage of the property and the remainder is generally covered in weeds and grass.

There is only one established use in the immediate vicinity of this property. This is an automobile service station (Esso) on the south west corner of Highway Number 7 and Airport Road. The remainder of surrounding properties are presently vacant or in agricultural use and subject to various commercial and industrial subdivision proposals. These proposals are as follows:

- to the north and west (Lot 6, Con. 6, E.H.S.) is located the Industrial 9 proposal of Bramalea Limited which includes a strip of proposed Highway Commercial abutting the west side of the subject property (Peel File No. 21T-81031B, Brampton File No. C6E6.13).
- to the north and east (Lot 6, Con. 7, N.D.) across Airport Road is located a seven subdivision project which proposes commercial and industrial development (Peel File No. 21T-83038B, Brampton File No's. C7E6.4 and C7E6.7 through to C7E6.12).
- to the east in the southeast quadrant of the Highway Number 7 - Airport Road intersection (Lot 5, Con. 7, N.D.) is a proposal by Delta Equities and Development Corporation Limited for commercial and industrial development (Peel File NO. 21T-81022B, Brampton File No. C7E5.2).
- to the south and east (Lot 5, Con. 6, E.H.S.) surrounding the Esso Service Station on the south side of Highway Number 7 is a

partially developed commercial block of 16.2 hectares (40 acres) located within Registered Plan 977.

3.0 Official Plan and Zoning By-law Status

In the original Consolidated Official Plan the subject parcel was designated for the site specific use of a service station only (Chapter C31). Official Plan policy for the service station use noted the following controls: site specific zoning, site plan control, Metropolitan Toronto and Region Conservation Authority (MTRCA) approval of plans, aircraft noise consideration and an agreement between the municipality and the developer.

With the adoption and approval of Amendment Number 6 to the Consolidated Official Plan, which forms part of the Bramalea North Industrial Secondary Plan, the subject property is now designated Industrial and Open Space. On Schedule "B" to the City of Brampton Official Plan, Hazard Lands, the open space designation is further referred to as Floodplains.

Comprehensive Zoning By-law 861 of the former Township of Chinguacousy contains the zoning regulations for the subject property. Amending By-law 175-73 is a site specific by-law which permits only a service station on the property in accordance with a site plan which forms part of By-law 175-73.

Due to the relationship of the subject property to the appropriate planning documents, both an Official Plan amendment and a Zoning By-law amendment are required to permit the proposed donut/coffee shop and gas bar.

4.0 The Proposal

The applicant has submitted an application to amend the Official Plan and Zoning By-law to permit the development of the property as a donut/coffee shop and a gas bar. A revised site plan, which was received on July 29, 1985, illustrates the following features:

1. A 18.29 metre (60 foot) by 9.14 metre (30 foot) donut/coffee shop with a total floor area of 167.17 square metres (1800 square feet). The building location is proposed in the westerly portion of the lot with a proposed sideyard of 3.0 metres (9.8 feet) and a front yard setback of 27.5 metres (90.2 feet). The front yard setback places the building at the edge of the valleylands (top-of-bank) associated with Mimico Creek.
2. Additional structures include the gas bar with a kiosk of approximately 17.68 square metres (190 square feet). The site plan also proposes two gas pump islands with five sets of gas pumps and a canopy sheltering the gas island area.
3. On-site parking is represented as a "first phase" total of 24 parking spaces which surround the edge of the developable area, excepting the front lot line. Ultimate parking is illustrated as 34 spaces once the channelization of Mimico Creek is completed in conjunction with the Bramalea Industrial 9 proposal.
4. Access is proposed via two 9.0 metres (29.5 foot) access ramps to Highway Number 7, one in each corner of the front lot line abutting the road allowance. The most easterly access ramp is located on lands presently owned by the Ministry of Transportation and Communications.
5. Initial landscaping for the property proposes five sodded areas; two - 3.0 metres by 6.0 metres areas in the front corners of the lot, an island between the two access ramps, a 3.0 metre strip on the westerly lot line and an isolated triangular area located between the front property line, the proposed parking area and the Mimico Creek valleylands.

The revised site plan also illustrates a temporary holding tank for sewage disposal at the southwest corner of the donut shop in

the westerly side yard. A screened garbage bin is located at the northwest corner of the donut shop and four underground fuel storage tanks are shown in what is presently part of the Mimico Creek valleylands.

The revised site plan is based on two sources of additional developable land for the subject property. One source is via the channelization of Mimico Creek which would involve the filling of a substantial area of valleyland on the subject property. The second source is a 10.8 metre (35.6 foot) by 40.2 metre (131.5 foot) strip of land abutting the southeast corner of the property which is currently owned by M.T.C. but which may be excess to their road program.

5.0 Comments

The following comments were received on an earlier site plan circulated by the Planning and Development Department for the subject property. The comments are not based on the revised site plan submitted on July 29, 1985 which is attached to this report.

Public Works Division notes that the building location on the top-of-bank and drainage must be approved by MTRCA and that the Ministry of Transportation and Communications (MTC) approve road entrance, road widening (if any) and a left hand turn lane if it is not already there. They also suggest that the applicant pay cash-in-lieu of sidewalk along Highway Number 7.

Building Division notes that the property is zoned C2 requiring a twenty foot sideyard and that twenty-seven parking spaces are required for the donut shop (standard restaurant) and six parking spaces for the gas bar.

Community Services Department recommends that the rezoning not be granted but note the following:

- that an acceptable top-of-bank be established and valleylands be

conveyed to the City;

- that the donut shop should be setback at least fifty feet from the top-of-bank; and
- that the applicant should provide a sidewalk along Highway Number 7 or cash-in-lieu thereof.

Fire Department notes the proposed access is acceptable but that there is no water supply for the area.

Transit Department has no comments.

Law Department has no comments.

Region of Peel notes that regional roads are not directly affected and suggest that the proposal cannot be serviced on a private sewage disposal system at the subject location. In regard to services, the Region notes that water will require extension from Gateway Boulevard and Highway Number 7 and that Bramalea Limited proposes to extend sanitary sewer from Airport and Coventry Roads to service their Industrial 9 proposal.

Ministry of Transportation and Communication notes that the site plan is acceptable except that underground storage tanks are not shown but should be setback 13.7 metres (45 feet) from the property line. MTC also notes future plans for Highway Number 7 will restrict access for the property to right-in and right-out turns only, a raised median is proposed along Highway Number 7.

Metropolitan Toronto and Region Conservation Authority has no objections to the proposed development but recommend that the floodplains on the property be rezoned as such. The Authority also requests detailed site and grading plans be provided prior to site plan approval and that a snowfence be erected and remain along the top-of-bank until construction is completed.

6.0 Discussion

Staff are of the opinion that the location of the property is appropriate for the proposed use which will not conflict with existing and impending commercial and industrial development in the general area. The other three quadrants of the Airport Road - Highway Number 7 intersection are designated from commercial use and Bramalea Limited is proposing Highway Commercial uses to the west of the subject property. It is also significant that the property was at one time designated commercial and that it is still zoned to permit a service station use. The size and location of the property is more suited to a commercial use than an individual industry.

The initial site plan proposed a quite intensive use of the developable portion of the lot as does the "first phase" of the revised site plan which is attached to this report. There is minimal landscaping or planting area and the "tablelands" are almost entirely covered by parking and buildings. The 24 parking spaces proposed for the "first phase" of the development is under By-law standards for the proposed use. Other areas of concern include the proposal to site the fuel storage tanks in the Mimico Creek valleylands and interim servicing of the development on a holding tank.

Detailed assessment of the site plan is somewhat premature in that channelization of Mimico Creek would include that section of the creek crossing the subject lands. The construction of a channel would, with filling, make available a larger area of developable land to the applicant. Such a development would permit the enlargement of areas for parking, vehicle circulation and landscaped areas. The completion of the channelization scheme could result in essential improvements to the site plan.

It also appears that additional lands may be available in the form of lands owned by the Ministry of Transportation and Communications at the corner of Airport Road and Highway 7 abutting the southeast corner of the subject property. The applicant was informed of this

possibility and MTC has been asked to determine whether or not these lands are excess to their program. A reply from MTC has not yet been received but it seems logical to staff that if the MTC lands are excess to their road program, then they should be developed in conjunction with the subject property. That portion of MTC land which logically relates to this property is a 40.21 metre (131.9 foot) by 10.84 metre (35.6 foot) strip abutting the southeast corner of the subject property.

Another matter of relevance to this proposal is servicing. Bramalea Limited is to extend services into the area to accommodate their Industrial 9 proposal. The Region of Peel Health Department has serious concerns about the ability of this proposal to be serviced by a private sewage system. Therefore, development of this site prior to the availability of full urban services to this area would necessitate a interim servicing arrangement, probably in the form of a drilled well and sewage holding tank.

It appears that the Health Department maintains rigid controls on holding tank installation and permit them only in limited circumstances. One of these instances is when sewers are actually under construction or pending construction in terms of an approved capital budget. Time limitations of six to twelve months and siting controls are normally imposed on the installation of holding tanks.

Since the subject property is located within the designated urban boundary of the Official Plan, staff do not condone the development of the property on a private servicing arrangement. It is anticipated that Bramalea Limited will be bringing water and sewer services into the area in the near future and the Region of Peel has serious concerns about the ability of this development to be accommodated on private services. It is unclear as to how long an interim holding tank would be required to support the proposal.

Parking requirements for the proposal are quoted at twenty-seven

spaces for a 167.17 square metre (1800 square foot) standard restaurant and six spaces for the gas bar. The gas bar requirements were based on the size of the canopy over the gas pumps. On the basis of the floor area of the kiosk, recent City parking standards would require 1 parking space (1 space per 23 square metres of gross commercial floor area). A total of 30 spaces would seem to be a reasonable minimum number of spaces for the proposal.

Public Works and Community Services both suggest that the applicant provide a sidewalk or cash-in-lieu thereof along an arterial road. The Ministry of Transportation and Communications has requested that the applicant be directed to their Willowdale office for building, entrance and sign permits.

There are several important matters which are yet unresolved with this proposal. Staff are of the opinion that additional developable lands are critical for the successful siting of the dual use concept on the subject property. The location and timing of the Mimco Creek channelization has not been finalized, nor has the possible purchase of MTC lands. Staff find it difficult to support the initial site plan submitted for two uses on the 0.228 hectares (.56 acres) of "tableland". The dual use is supported, subject to site plan approvals, provided additional developable lands are made available to the site. If the additional lands are not made available then staff would recommend development of a less intense nature for this property. Finally, the proposal cannot proceed on full urban services at this time and staff do not support development within the defined urban boundary on private or interim servicing arrangements.

In light of the above reasoning, staff are of the opinion that the property can be rezoned for the uses proposed but that the rezoning be tempered by a holding category. This approach will authorize the uses proposed for the property and still allow the site characteristics and servicing methods to be finalized. The use of the holding zone classification is supported by Sections 7.5.2 and

7.5.3 of the Brampton Official Plan as amended by Amendment Number 27. These sections speak to the deferral or phasing of development "until appropriate standards and adequate services can be assured".

7.0 Conclusion

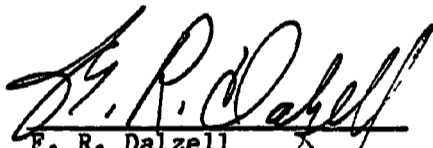
Staff are of the opinion that a proposal for a gas bar and donut shop are acceptable at the subject location once certain site and servicing issues are resolved. Therefore, it is recommended that Planning Committee recommend to City Council that:


- A. A public meeting be held in accordance with City Council's procedures; and
- B. Subject to the results of the public meeting, staff be instructed to prepare appropriate amendments to the Official Plan and Zoning By-law for consideration by Council, subject to the following conditions:
 1. The site specific zoning by-law contain the following:
 - (a) the site shall be zoned as Highway Commercial Two Holding HC2(H);
 - (b) the site shall only be used for:
 - (i) a gas bar;
 - (ii) a standard restaurant; and
 - (iii) purposes accessory to the other permitted purposes.
 - (c) the maximum gross commercial floor area of all buildings on the site shall not exceed 200 square metres (2153 square feet);
 - (d) the maximum building height shall not exceed 1 storey;

- (e) a minimum of 30 parking spaces shall be provided;
 - (f) no outside storage, other than the screened garbage storage area, shall be permitted; and,
 - (g) landscaped open space as shown on the approved site plan shall be provided and maintained by the applicant.
2. The proposed development shall be subject to a development agreement and prior to the issuance of a building permit, a site plan, a landscape plan and a grading and drainage plan shall be approved by the City.
 3. Prior to the issuance of building permits, the applicant shall obtain building, entrance and sign permits from the Ministry of Transportation and Communications.
 4. Prior to the issuance of building permits, the applicant shall obtain the approval of the Metropolitan Toronto and Region Conservation Authority on detailed site and grading plans.
 5. The development agreement shall contain the following:
 - (a) a sidewalk will be provided along the width of the property fronting Highway Number 7 or cash-in-lieu thereof shall be paid to the City;
 - (b) the existing trees on the westerly lot line will be preserved;
 - (c) drainage from the site will be routed away from the Mimico Creek valleylands;

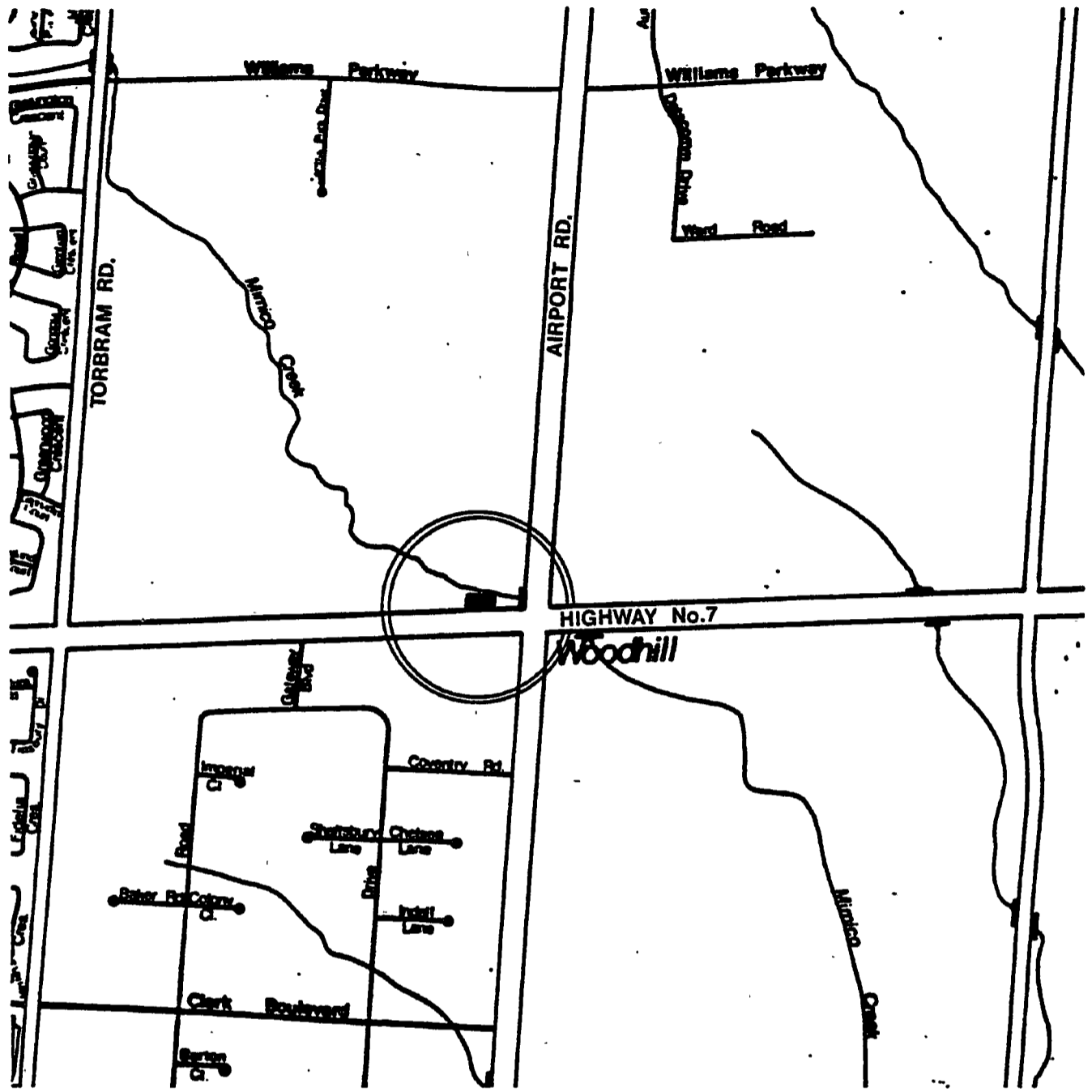
- (d) a snowfence or other suitable barrier will be erected along the top-of-bank of Mimico Creek valleylands prior to construction and shall remain erected until after construction is complete; and,
- (e) that the development shall be serviced with municipal water and sewers.
6. The site and landscape plan shall include the following:
- (a) location of the underground gasoline storage tanks which shall be located in accordance with Ministry of Transportation and Communications standards and zoning by-law requirements;
- (b) location and screening of any garbage storage area;
- (c) preservation of existing trees along the westerly side lot line;
- (d) black-vinyl chainlink fence in accordance with City standards; and,
- (e) guards, curbs and/or carstops to protect the landscaped areas, trees, structures, fencing, etc. from vehicular traffic.

AGREED:

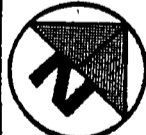

F. R. Dalzell
Commissioner of Planning
and Development


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

CB/thk/1



TENDER HOLDINGS LTD.
Location Map

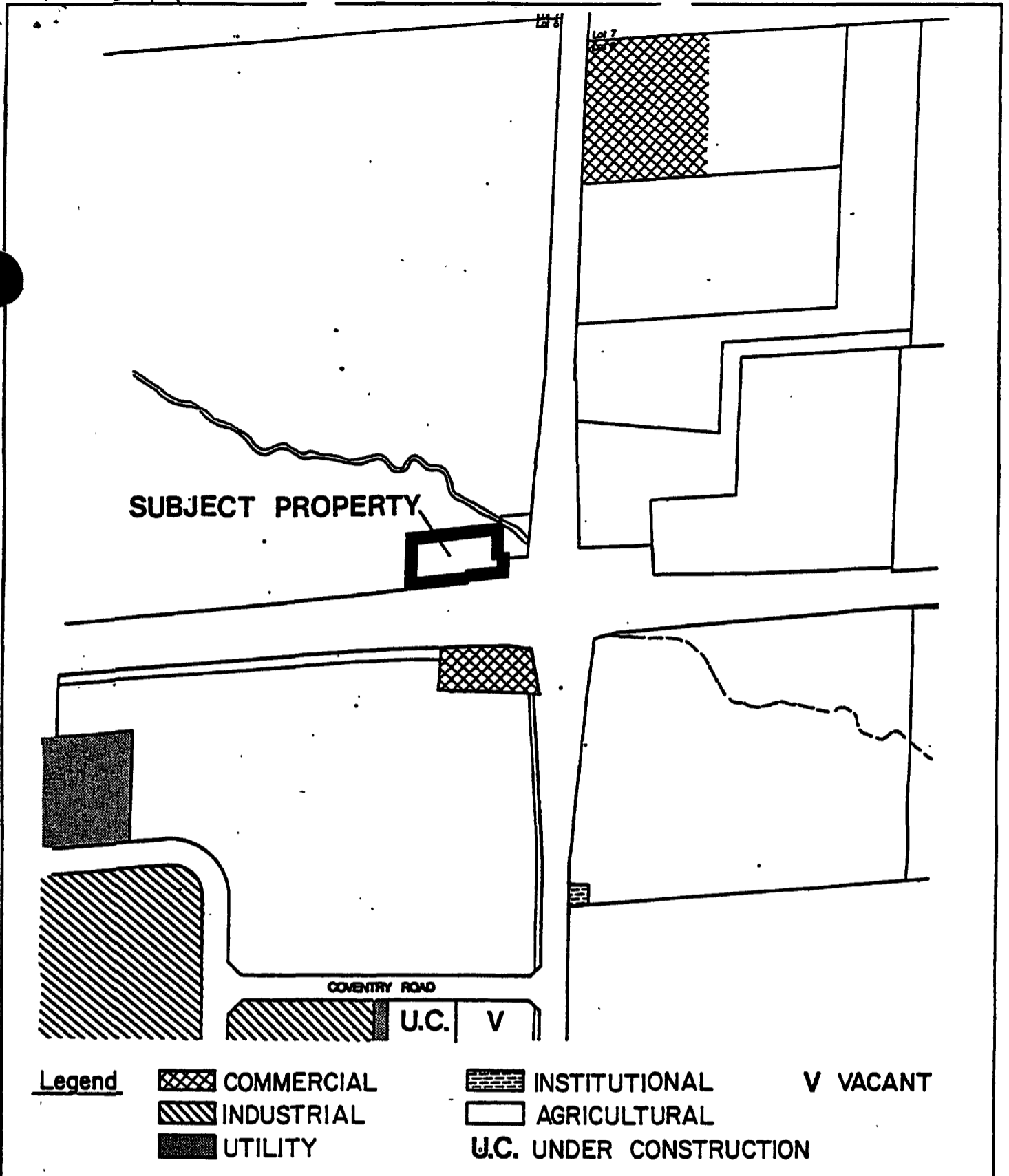


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CITY OF BRAMPTON
Planning and Development




Date: 1985 07 09 Drawn by: C.R.E.
File no. C6E6-14 Map no. 48-10A

D3-14



Legend

-  COMMERCIAL
-  INDUSTRIAL
-  UTILITY

-  INSTITUTIONAL
-  AGRICULTURAL
-  U.C. UNDER CONSTRUCTION

V VACANT

TENDER HOLDINGS LTD.
Land Use



1:5200

CITY OF BRAMPTON
Planning and Development

Date: 1985 07 09 Drawn by: C.R.E.
File no. C6E6-14 Map no. 48-10B

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

September 6, 1985

TO: The Chairman and Members of Planning Committee

FROM: Planning and Development Department

RE: Application to Amend the Official Plan
and Zoning By-law
Part Lot 6, Concession 6, E.H.S.
Highway Number 7 and Airport Road
Ward Number 11
TENDER HOLDINGS LIMITED
Our File Number: C6E6.14


The notes of the Public Meeting held on Wednesday, September 4, 1985 with respect to the above noted application are attached for the information of Planning Committee.

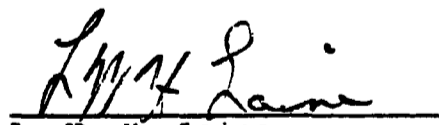
No members of the public appeared at the meeting and no letters of support or objection have been received. Staff did receive inquiries from two surrounding property owners who had no objections to the subject proposal.

It is recommended that Planning Committee recommend to City Council that:

1. the notes of the Public Meeting be received;
2. the application be approved subject to the conditions approved by City Council on August 12, 1985; and,
3. staff be directed to prepare the appropriate documents.

AGREED:


F. R. Dalzell
Commissioner of Planning
Development


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

Attachment
CB/jp

D2-2

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, September 4, 1985, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 9.17.p.m. with respect to an application by TENDER HOLDINGS LIMITED to amend the Official Plan and the Zoning By-law (File: C6E6.14).

Members Present: Councillor E. Mitchell - Chairman
Councillor N. Porteous
Alderman R. Luciano
Alderman F. Kee
Alderman H. Chadwick

Staff Present: L.W.H. Laine, Director, Planning and
Development Services
J. Marshall, Director of Planning Policy
& Research
W. Lee, Manager, Community Design
S. Dewdney, Landscape Architect
C. Brawley, Development Planner
J. Corbett, Development Planner
D. Ross, Development Planner
J. Robinson, Development Planner
P. Tardif, Recording Secretary

Approximately 55 members of the public were in attendance.

The Chairman enquired if notices to the property owners within 120 metres of the subject site were sent and whether notification of the public meeting was placed in the local newspapers.

Mr. Laine replied in the affirmative.

There were no interested members of the public in attendance and the meeting was adjourned at 9.18 p.m.