



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 99-82

To adopt Amendment Number 99
to the Consolidated Official
Plan of the City of Brampton
Planning Area.

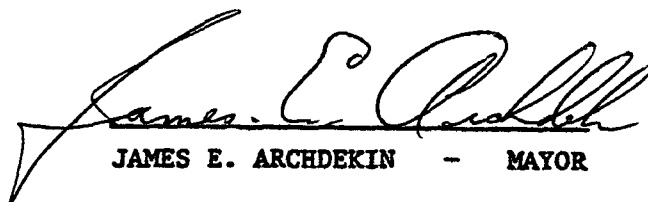
The Council of the Corporation of the City of Brampton, in accordance with the provisions of the Regional Municipality of Peel Act, and the Planning Act, hereby ENACTS as follows:

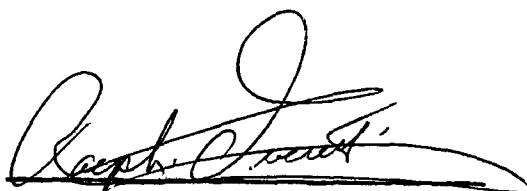
1. Amendment Number 99 to the Consolidated Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment Number 99 to the Consolidated Official Plan of the City of Brampton Planning Area.

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

this 26th day of May 1982.

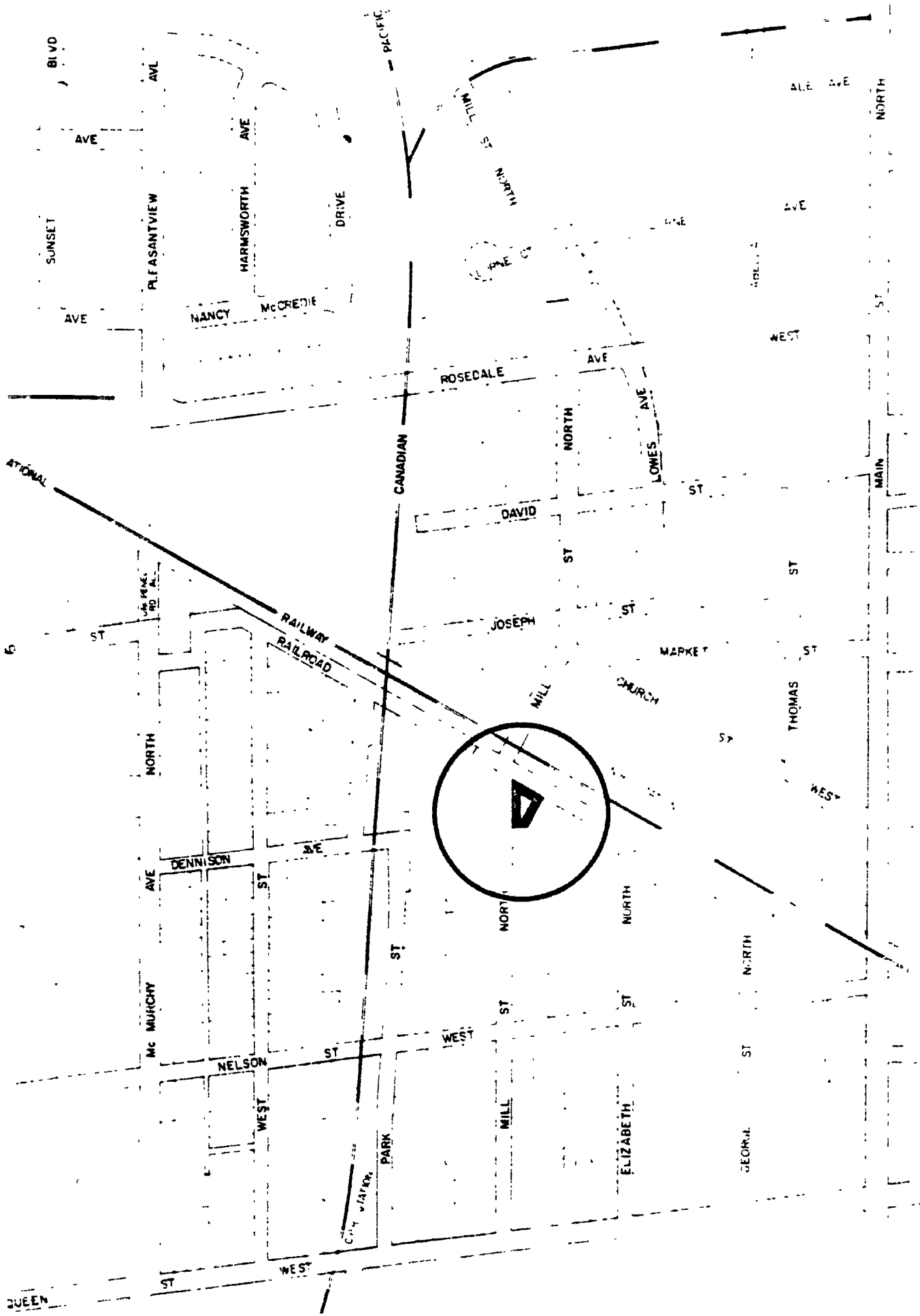
AM
16.2.82


JAMES E. ARCHDEKIN - MAYOR


RALPH A. EVERETT - CLERK

1. The purpose of this amendment is to redesignate the land use categories as they apply to a parcel of land within the City of Brampton Planning Area.
2. (a) Plate Number 3 of the Consolidated Official Plan of the City of Brampton Planning Area, is hereby amended by changing the land use designation of the lands shown outlined on Schedule "A" hereto attached from "RESIDENTIAL" to "COMMERCIAL";

(b) Plate Number 10 of the Consolidated Official Plan of the City of Brampton Planning Area is hereby amended by changing the land use designation of the parcel outlined on Schedule "A" hereto attached from "RESIDENTIAL LOW DENSITY" to "CENTRAL AREA COMMERCIAL".



 Area covered by this Amendment

O.P. Amendment No. 99
 Schedule A



1:4800

CITY OF BRAMPTON
 Planning and Development

Date: 1982 02 12 Drawn by: *P.S.*
 File no. CIW6.22 Map no. 42-51 D

BACKGROUND MATERIAL TO AMENDMENT NUMBER 99

Attached is a copy of a report dated 1981 05 13 to Planning Committee, a copy of a report dated 1982 02 10 to City Council, a copy of a report dated 1982 04 07 to Planning Committee and notes of a Special Meeting of Planning of Planning Committee held on 1982 04 05 after publication of notices in local newspapers and mailing of notices to assessed owners of properties within 120 metres of the subject site.

INTE.-OFFICE MEMORANDUM

Office of the Commissioner of Planning and Development

1981 05 13

TO: Chairman of the Development Team
FROM: Planning and Development Department
RE: Application to Amend the Official Plan and Restricted Area By-law
Part of Lot 13, Plan Br-4
35 Railroad Street
JOE'S AUTO CENTRE
Our File: CIW6.22

1.0 Background:

An application has been submitted to amend the Official Plan and Restricted Area By-law to permit (a) the existing uses to continue as legal conforming uses; (b) the erection of a building addition, and (c) additional uses to occupy existing buildings.

The applicant has objected to the zone classification as imposed by By-law Number 25-79 and upon representation to Planning Committee was encouraged to submit an application to amend the Official Plan and the Restricted Area By-law. Planning Committee in general, indicated a sympathetic view to the position of the applicant.

2.0 Property Characteristics:

The subject lands are located at the north-east corner of the intersection of Railroad Street and Mill Street North. The property has a frontage of 33.38 metres (109.51 feet) on Railroad Street, a flankage distance of 45.72 metres (150 feet) on Mill Street North, a dimension of 34.58 metres (113.45 feet) on the east property boundary and an area of 881.98 square metres (9,493.86 square feet).

Occupying the property are: a one storey metal clad building with an estimated floor area of 107.8 square metres (1,160.4 square feet), used as a motor vehicle repair garage; a one storey brick veneer and wood and aluminum siding residence with a gross floor area of about 120 square metres (1,289 square feet) and metal garden shed buildings. A major portion of the Mill Street North frontage and abutting lands have been asphalted for driveway and parking purposes.

Three mature deciduous trees are located on the applicant's land opposite the dwelling, whilst 2 small deciduous trees are located on the Railroad Street right-of-way. Two mature deciduous trees are located near the north-east corner of the subject lands.

Abutting the property to the east and south are residences, while to the north on the opposite of Railroad Street is the station of the Canadian National Railway and GO Transit and to the west on the opposite side of Mill Street is the former premises of Cope-Chatterson Limited now owned by Dominion Skate Company.

3.0 Official Plan and Zoning Status:

The Consolidated Official Plan designation is Residential Low Density, and Residential according to Schedule 'A' of the new Official Plan. Since neither Mill Street North nor Railroad Street abutting the subject lands are designated by either the Consolidated Official Plan or the new Official Plan as 'major uses' the roads are thus considered to be Local Streets.

By-law Number 1827 zones the property as a General Business (C) Zone, whilst By-law Number 25-79 has imposed a Residential Extended Zone R2B.

4.0 Proposal:

The applicant desires to erect a one storey addition of about 27.09 square metres (291.6 square feet) to the existing garage building; continue the existing commercial use of a motor vehicle repair garage and residential use of a single detached dwelling as permitted principal uses and be permitted to convert the existing dwelling and enlarged garage building to accommodate the following specific uses:

- . retail establishment
- . a supermarket
- . a service shop
- . a bank, trust company and a finance company
- . an office
- . a laundromat
- . a dry cleaning and laundry distribution station
- . a parking lot
- . a dining room restaurant, a mixed service restaurant, a take out restaurant
- . a service station
- . a printing or copying establishment
- . an amusement arcade
- . a commercial school
- . a garden centre sales establishment
- . a health club
- . a tavern
- . a taxi or bus station
- . a theatre
- . a motor vehicle or boat sales establishment
- . a motor vehicle repair shop and swimming pool sales and service establishment
- . the manufacture, cleaning, packaging, processing, repairing and assembling of goods, foods or materials within an enclosed building
- . motor vehicle body shop
- . a warehouse
- . a radio or television broadcasting establishment
- . a home furnishings and improvement retail warehouse

- . a place of commercial recreation
- . a two family residence
- . a private club

For the existing buildings and the addition to the repair garage a total of 14 off-street parking spaces sited in three locations comprising 3 tandem spaces and 11 angled spaces are to be provided. The length of the parking spaces is 5.5 metres (18.04 feet) with a width of 2.75 metres (9.02 feet). Two parking areas will have access from Railroad Street and the other parking area with the tandem spaces utilizes a 13.75 metres (45 feet) extension of the repair garage driveway for a continuous curb-cut (driveway width) of 24.75 metres (81.2 feet) off Mill Street North.

The applicant proposes to provide a visibility rounding of the corner with a radius of 5 metres (16.4 feet).

5.0 Comments

The Regional Municipality of Peel staff have indicated no objection with respect to sewer and water matters and no direct effect upon Region roads..

The City of Brampton Public Works Department has noted the requirement for road widening both along Mill Street North and Railroad Street of 2.38 metres (7.8 feet) and 1.76 metres (5.77 feet) respectively which would affect the location of off-street parking facilities if implemented.

The Buildings and By-law Enforcement Department has advised that the dwelling generally is not suitable for conversion to commercial uses without extensive renovations to comply with the requirements of the Ontario Building Code.

The uses requested by the applicant comprise low density residential uses, a broad range of retail and service establishments and industrial uses. If a conventional approach to land use designation were employed, the Official Plan designation would include three categories - Residential Low Density; Commercial with the functional sub-categories of Service Commercial, Highway Commercial and Convenience Commercial, and Industrial Use areas.

The range of uses requested which presumably will occupy the existing buildings or their 'building areas' is extensive for a small site in close proximity to residences. (See Section 4.0 Proposal). Further the maximum number of parking spaces that is intended to be provided as a minimum requirement is 14, including the 3 tandem spaces. A supermarket, bus station or service station are not suitable uses to occupy the premises. Further, the quantity of parking required to be provided under the applicant's proposal for office use which could include medical, dental or drugless practitioner offices, or for a restaurant, or for a commercial school, or for a theatre is insufficient. According to the provisions of By-law Number 25-79 a motor vehicle repair shop or motor vehicle body shop with the gross floor area of the applicant's enlarged business establishment would require a minimum of 8 spaces of which 50 per cent could be tandem spaces. The residence if used for a 2 unit dwelling would require to be provided with 4 parking spaces, whilst if the 120 square metres (1,289 square feet) dwelling were converted into a commercial use would be required to provide parking spaces according to the following table:

<u>Use</u>	<u>Number of Parking Spaces</u>
home furnishings	2
'retail' uses	7
physician, dentist etc.	10
theatre	14
dining room restaurant	26
take out or drive-in restaurant	35

The lengthy list of uses submitted by the applicant contains some duplications. For example the first use of retail establishment includes 'supermarket', 'service station', 'garden centre sales establishment', 'takeout restaurant', 'motor vehicle or boat sales establishment', 'swimming pool sales and service establishment', and 'home furnishings and improvement retail warehouse' whilst 'a place of commercial recreation' could easily encompass 'an amusement arcade' or 'theatre'.

The site plan submitted with the application merits some comment. It is highly unlikely from a practical view point that the proposed parking facilities to be located to the west of the residence, could be or would be constructed independently of the existing asphalt paved area that is used for the parking and storage of vehicles being repaired in the garage. It is more probable that the major parking facilities would or should be integrated for maximum efficiency from a 'commercial' perspective. However, the supposed commercial efficiency ignores pedestrian safety and convenience and traffic safety considerations. The size of the parking spaces 5.5 metres by 2.75 metres, particularly the length dimension, does not conform to By-law Number 25-79 standard of 6 metres nor does the aisle width of 5.5 metres conform to the standard of 6 metres. While the number and use of smaller cars has increased in recent years there remains a significant number of full size cars in use as well as trucks and vans. It does appear possible that the parking space and aisle standards can be complied with by a minor change to the site plan. The single parking space located on the east side of the residence, to be completely on the site (off the road allowance of Railroad Street), will require the removal of 2 large trees. If this parking space is required at this location for one of the two parking spaces required for each dwelling unit, then consideration should be given to permit the parking space to encroach upon the street right-of-way on a temporary basis provided a parked vehicle does not interfere with pedestrian movement on the adjacent sidewalk so that the trees can remain.

The extensive 'curb cut' along the Mill Street North property line is not an acceptable situation, but apparently is the only economic approach recognizing the siting and size of the repair garage and the desirability of providing some temporary storage and parking off the street pavement.

The necessity of requiring a widening of the allowances of Mill Street North and Railroad Street has been questioned by the applicant's consultant. The consultant has indicated that a corner rounding would be dedicated to the City which should be the maximum quantity of land to be conveyed under the circumstances. It should be noted that Railroad Street

east of Mill Street North has been reconstructed recently and it is contended that further improvement would not be justified. The widening of Mill Street North is objected to on the basis that the road allowance would not be widened because of the presence of the industrial building opposite Joe's Auto Centre.

The functional classification of Mill Street North as it might be identified in the Official Plan has been a source of some discussion and Council has determined for Official Plan purposes that it would be categorized as a Local Road. However, the designation does not deny the fact that the road does perform a significant traffic function as a type of 'collector' road and that the right-of-way width of about 15.24 metres (50 feet) is deficient to accommodate an appropriate width of pavement, sidewalks and landscaped boulevards.

The road widening requested by the Public Works Department, excluding the visibility triangle, could be leased back to the applicant until the actual requirement arises to permit the proper reconstruction of the roadway and ancillary facilities. However, the parking space length and aisle width dimensions should not be compromised. Further, it should be recognized that in the future when the road widenings are required, the quantity of parking that can be located off the street right-of-way will be diminished considerably because of the intensive nature of the development which in turn could affect the economic viability of the future commercial development. The converse solution, to refuse road widening, because of the request to intensify development on the subject site is to permit one development license to impede the rational development of the community in general.

6.0 Conclusion:

Over the years, the existing use of a repair garage has evolved to its present condition notwithstanding the negation of reasonable planning standards. Presumably, the root cause of the situation is the rudimentary standards of the General Business (C) Zone of By-law Number 1827 of the former Town of Brampton. Since no applicable regulations respecting

building height, front, side or rear yard setbacks, landscaping were in place it could be argued that it was not intended to protect the adjacent residential environment through zoning by-law regulations. However, the applicant apparently is willing to accede to a greater degree of control than formerly exercised if (a) the auto repair centre and its proposed addition and the existing residence were established as legal conforming uses (b) the existing buildings could be converted to contain additional uses and (c) the regulations would not be more stringent than indicated in the site plan submitted with the application.

Planning Committee has indicated a measure of sympathy to the applicant's plight and is willing to permit the existing uses to remain as legal and conforming uses and to allow some additional uses. However, all of the additional uses requested are not supportable and some of the uses should not be permitted because of incompatibility and excessive parking requirements. Industrial uses should not be permitted as a matter of right. The continued use of the existing dwelling as a "single family detached dwelling unit" is acceptable, but conversion of the dwelling to a two family residence in addition to the use of the motor vehicle repair garage is inappropriate. Renovation of the dwelling, provided the work complies with the Ontario Building Code is acceptable for a limited range of uses such as an antique shop, barber or beauty shop, dry cleaners pick-up depot, office excluding physician, dentist or drugless practitioner.

The proposed method of implementing development control procedures should employ a site plan by-law delineating the building areas of the existing residence, the repair garage and the small addition thereto, together with the measures of Section 35(a) of The Planning Act dealing with site plan approval procedures.

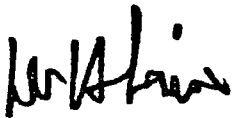
It is recommended that Planning Committee:

A: Provide direction on the following:

- (1) whether road right-of-way widening of Mill Street North and Railroad Street is required;
- (ii) what additional uses are acceptable (see 4.0 Proposal pages 2 to 4) without restrictions; what uses are acceptable with restrictions and what the restrictions maybe (Staff have suggested that a renovated dwelling could be occupied by an antique shop, barber or beauty shop, dry cleaners pick-up depot, office excluding physician, dentist or drugless practitioner.);
- (iii) acceptability of a minimum number of 14 parking spaces and whether the parking facilities should conform with the standards of By-law Number 25-79, with the exception of the one parking space east of the residence, and
- (iv) whether the site plan should be amended to respect the aforementioned items.

B: Hold a public meeting subsequent to the decisions arising from A above.

AGREED:



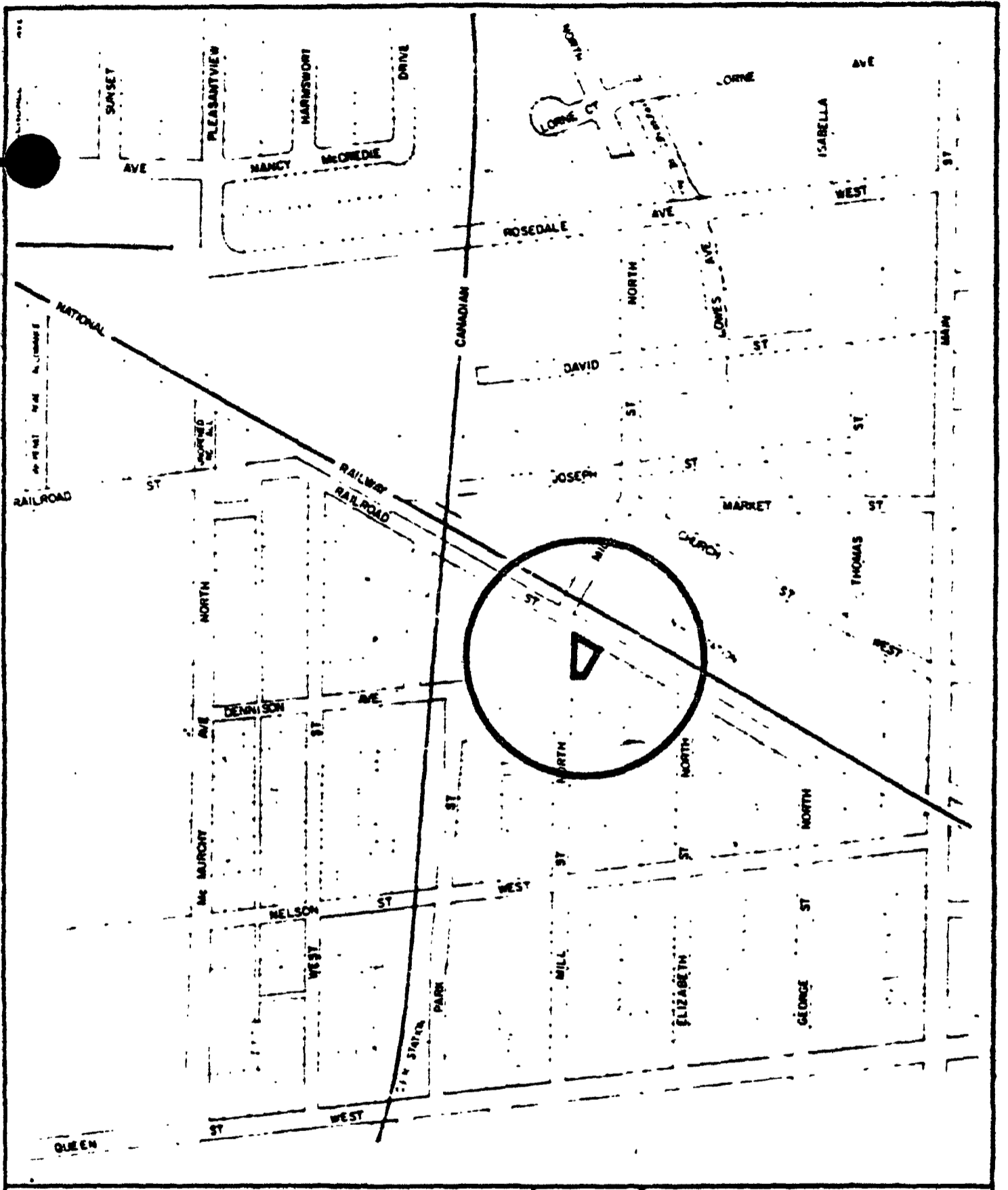
L.W.H. Laine
Director, Planning and
Development

Enclosure (2)

LWHL/bc



F.R. Dalzell
Commissioner of Planning
and Development



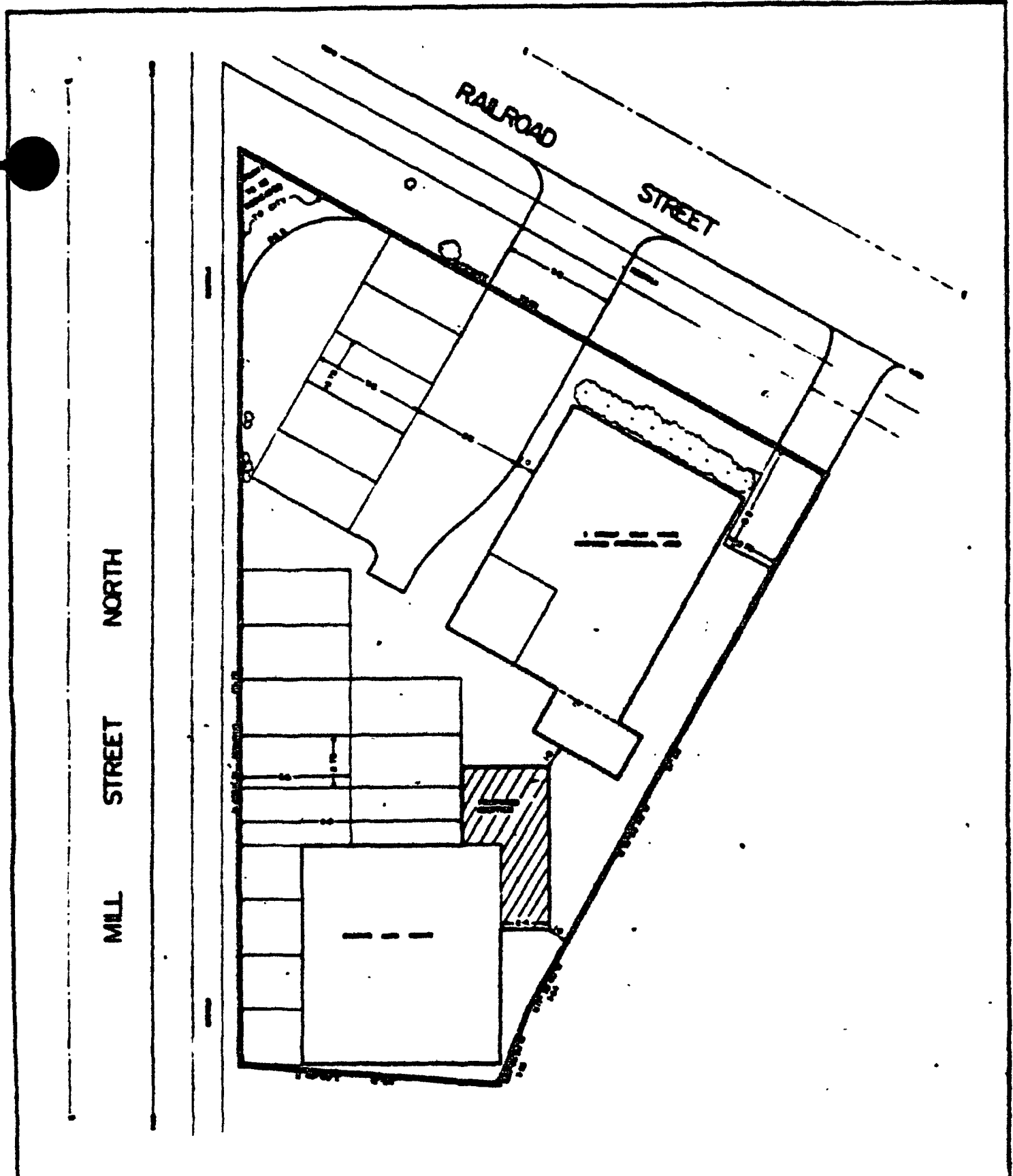
Joe's Auto Centre

Location Plan



CITY OF BRAMPTON
 Planning and Development

Date: 1981 04 23 Drawn by: PS.



Joe's Auto Centre

Site Plan



1:250

CITY OF BRAMPTON
 Planning and Development

Date: 1981 04 27

Drawn by: *J.S.*

City of Brampton 22

Map No. 49-F12

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning and Development

1982 02 10

To: The Mayor and Members of City Council
From: Commissioner of Planning and Development
Re: JOE'S AUTO CENTRE
Part Lot 13, Plan BR-2
Our File: CIW6.22

BACKGROUND:

The following Planning Committee recommendation was approved at the City Council meeting of June 22, 1981:

"That the report dated 1981 05 13 re application to amend Official Plan and Restricted Area By-law - Part Lot 13, Plan BR-4, 35 Railroad Street, Joe's Auto Centre, be received and the following recommendation approved:

- 1) The property be designated General Commercial under By-law 25-79.
- 2) Should an application be submitted for a specific commercial use, site plan approval will be required."

Attached is the draft Official Plan Amendment and Zoning By-law that carry out the direction of Council.


It should be noted that a staff recommendation that a public meeting be held was not approved. Section 12(I)(b) of the Planning Act requires that public meetings be held in the case of proposed Official Plan Amendments, and the Ontario Municipal Board generally considers public meetings a very important factor when hearing objections to Zoning By-law Amendments. Therefore, it would be prudent to hold a public meeting in accordance with Council's procedures before the attached

- cont'd. -

amendments are approved.

RECOMMENDATION:

That a public meeting be held in accordance with Council's procedures, with respect to the proposed Official Plan Amendment and Zoning By-law Amendment affecting the Joe's Auto Centre property.


F. R. Dalzell,
Commissioner of Planning
and Development

FRD/ec
c.c. J. Galway
attachments

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning and Development

1982 04 07

To: The Chairman and Members of Planning Committee

From: Planning and Development Department

Re: Amendment to the Official Plan
and Restricted Area By-law
Part of Lot 13, Plan BR-4, Ward 5
JOE'S AUTO CENTRE
Our File: C1W6.22

The notes of the Public Meeting held on Monday, April 5, 1982 are attached for the information of Planning Committee.

Also attached is a copy of a letter from Mr. Paul Charlton, Dominion Skate Co. Ltd., expressing some concern about the operations of Joe's Auto Centre and offering the suggestion that the garage be relocated to a more suitable area.

The principal concerns expressed by citizens at the public meeting seemed to be a fear that rezoning would permit the redevelopment of the property for a greater range of uses than that possible if the non-conforming status of the development were to remain.

Upon approval of the Official Plan Amendment and the zoning by-law amendment presented to City Council on February 22, 1982, the existing motor vehicle repair shop will become a conforming land use and the residence a non-conforming land use; and the lands also could be redeveloped-subject to site plan review procedures and the restrictions and requirements of the GC Zone - to accommodate one or more of the additional uses. If the lands were redeveloped


- cont'd. -

and the abutting lands remained zoned for residential purposes the following restrictions and requirements would apply:

Lot Width	-	no requirement
Lot Depth	-	no requirement
Lot Area	-	no requirement
Front Yard Depth (Railroad Street)	-	6 metres
Interior Side Yard Width	-	1.5 metres
Exterior Side Yard Width (Mill Street North)	-	2.0 metres
Rear Yard Depth	-	6 metres
Building Height	-	11 storeys
Off Street Parking	-	as required by Section 20.3
Loading Spaces	-	as required by Section 20.5

Whilst City Council has approved a recommendation that the subject lands be rezoned to General Commercial and at its February 22, 1982 meeting had before it a form of an Official Plan Amendment and an amending zoning by-law to By-law 25-70, it is recommended that Planning Committee:

- 1) Receive the notes of the Public Meeting, and
- 2) Review the matters raised by the citizens and in the letter from Mr. Paul Charlton of Dominion Skate Co. Ltd., and consider the submission of a recommendation that City Council proceed with the adoption of the Official Plan Amendment and the enactment of the zoning by-law.


F. R. Dalzell
Commissioner of Planning
and Development

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Monday, April 5, 1982, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 7:50 p.m. with respect to an application by JOE'S AUTO CENTRE (File: ClW6.22) to amend the Official Plan to change the designation of the property from "Residential Low Density" to "Central Area Commercial", and to amend the Zoning By-law from the existing zoning to a GC (General Commercial) zoning in order to permit a broad range of commercial purposes.

members Present: Councillor D. Sutter - Chairman
Alderman F. Kee
Alderman F. Russell
Alderman C. Gibson
Alderman I. Piane
Councillor K. Whillans

Staff Present: F. R. Dalzell, Commissioner of Planning and Development
L.W.H. Laine, Director, Planning and Development Services
D. Ross, Development Planner
E. Coulson, Secretary

Approximately 7 members of the public were in attendance.

The Chairman enquired if notices to the property owners within 400 feet of the subject site were sent and whether notification of the public meeting was placed in the local newspapers.

Mr. Dalzell replied in the affirmative.

Mr. Laine outlined the proposal and explained the intent of the application. After the close of the presentation, the Chairman invited questions and comments from the members of the public in attendance.

Mr. B. Hamilton, 50 Mill Street North, requested a copy of the regulations to be incorporated into the proposed by-law amendment.

Mr. D. Currie, 37 Mill Street North, objected to the proposal, noting that 5 or 9 years ago when he purchased his property, the subject site was used for a landscaping business and then became the existing garage business. He commented that the garage was located in a residential area and was causing considerable problems particularly with snow removal and that no additional changes were wanted.

Mr. W. Pol, consultant for the applicant, responded that he agreed that the neighbourhood should remain the same and the use would be maintained as is.

Mr. Hamilton wanted to know if the owner could tear down the buildings and rebuild when the proposed zoning by-law was approved.

Mrs. B. Hamilton, 50 Mill Street North, asked if the garage business was a legal non-conforming use according to By-law 25-79.

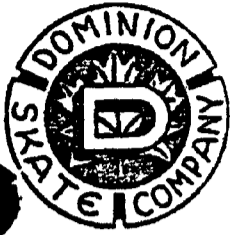
There was considerable discussion regarding the present zoning by-law governing the subject property.

Mr. Currie noted that the owner could meet the standard requirement for the proposed zoning by-law designation and put the property to another use later on. He also requested a copy of the regulations to be incorporated into the proposed zoning by-law amendment.

There were no further questions or comments.

The Chairman noted that comments or questions could be directed to the Planning and Development Department.

The meeting adjourned at 8:15 p.m.



DOMINION SKATE CO. LTD.

3436 Mavis Rd.

Mississauga, Ont. L5C 1T8

April 2, 1982

City of Brampton,
Planning & Development Dept.
150 Central Park Drive
Brampton, Ontario
L6T 2T9

Attention: Mr. F.R. Dalzell

220
C1w 6.22 *[Handwritten signature]*

Dear Sir:

It is not possible that I be present at the public meeting April 5, 1982 regarding Joe's Auto Centre, File No. C1w6.22, Ward 5. I therefore submit in writing to you our expression of concern.

We have experienced as close neighbours to Joe's Auto centre excessive noise at all hours from testing engines, air guns and abusive language from employees. An overflow of cars is continuously blocking the sidewalk and obstructing traffic.

We also don't approve of old cars, tires, engines etc. exposed outside the garage.

We therefore suggest the garage be relocated to a more suitable area.

Yours truly,

Paul Charlton
Dominion Skate Co. Ltd.

[Handwritten notes]
John...
pl. f. 06
1-2-82

BOB SKATES

ROLLER SKATES

METAL SPECIALTIES