



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 214-88

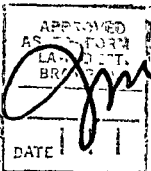
To adopt Amendment Number 147
and Amendment Number 147 A to
the Official Plan of the City of
Brampton Planning Area


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 147 and Amendment Number 147 A 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 147 and Amendment Number 147 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 26th day of September, 1988.




KENNETH G. WHILLANS - MAYOR


LEONARD J. MIKULICH - CLERK

ORIGINAL

Bj. AW 214-88

AMENDMENT NUMBER 147

to the Official Plan of the
City of Brampton Planning Area
and

AMENDMENT NUMBER 147 A

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

21-0P 0031-147-1

Amendment No. 147
and Amendment No. 147A
to the
Official Plan for the
City of Brampton

Amendment No. 147 and No. 147A to the Official Plan for the Brampton Planning Area, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby approved under Sections 17 and 21 of the Planning Act, 1983, as Amendment No. 147 and No. 147A to the Official Plan for the Brampton Planning Area.

Date . *Nov. 15, 1988*

AA Milne



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 214-88

To adopt Amendment Number 147
and Amendment Number 147 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 147 and Amendment Number 147 A 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 147 and Amendment Number 147 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 26th day of September, 1988.

gm

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

CERTIFIED A TRUE COPY

City Clerk
City of Brampton

AMENDMENT NUMBER 147

AND

AMENDMENT NUMBER 147 A

TO THE OFFICIAL PLAN OF
THE CITY OF BRAMPTON

1.0 PURPOSE

The purpose of this amendment is to change the land use designation of the lands shown outlined on Schedule A to this amendment from "Residential" to "Commercial" on the Official Plan and from "Medium Density Residential" to "Specialty Office - Service Commercial" on the applicable secondary plan.

2. LOCATION

The lands subject to this amendment are located on the north side of the southerly leg of County Court Boulevard approximately 222 metres east of Highway Number 10 and are described as Block 97, Registered Plan 43M-523 and Part of Lot 14, Concession 1, East of Hurontario Street, in the geographic Township of Toronto.

3.0 AMENDMENT AND POLICIES RELATIVE THERETO

3.1 Amendment Number 147:

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

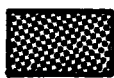
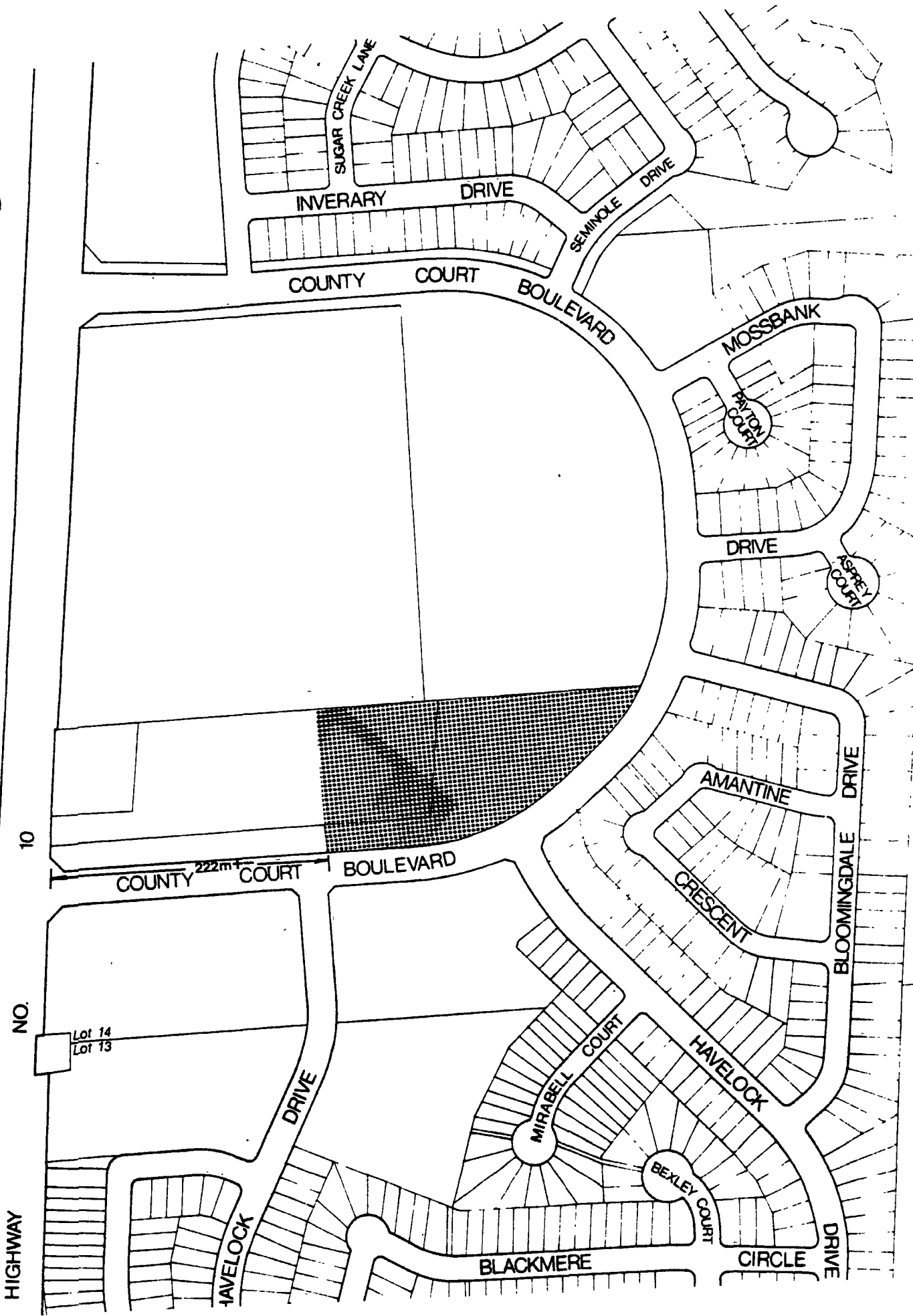
- (1) by adding, to the list of amendments pertaining to Secondary Plan Area Number 24 as set out in the first paragraph of subsection 7.2.7.24, Amendment Number 147 A;
- (2) by changing, on Schedule A thereto, the land use designation of the lands shown outlined on Schedule A to this amendment, from RESIDENTIAL to COMMERCIAL, and
- (3) by designating, on Schedule F thereto, the lands shown on Schedule A to this amendment, as SPECIALTY OFFICE-SERVICE COMMERCIAL.

3.2 Amendment Number 147 A:

The document known as the Consolidated Official Plan of the City of Brampton Planning Area, as amended, as it relates to the Fletchers Creek South Secondary Plan is hereby further amended:

- (1) by changing, on Plate Number 43, thereof the land use designation of the lands shown outlined on Schedule A to this amendment, from RESIDENTIAL MEDIUM DENSITY to SPECIALTY OFFICE - SERVICE COMMERCIAL.

9/88/8



Lands Subject To These Amendments

OFFICIAL PLAN AMENDMENT No. 147

OFFICIAL PLAN AMENDMENT No. 147 A

Schedule A

BYLAW 214-88



CITY OF BRAMPTON
Planning and Development

Date: 88. 04 26 Drawn by: J. K.

File no. TIE14.12 Map no. 76-29E

1:4000

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 147
AND
AMENDMENT NUMBER 147 A

Attached is a copy of planning reports, dated May 10, 1988 and June 2, 1988, a copy of a report dated July 8, 1988, forwarding the notes of a Public Meeting held on July 6, 1988, after notification in the local newspapers and the mailing of notices to assessed owners of properties within 120 metres of the subject lands and a copy of all written submissions received.

The Regional Municipality of Peel Planning Department	April 14, 1988
Mr. I Cooper	April 14, 1988
Marie L. Ketola	June 30, 1988
Mr. Tom Gorham	No Date (Received at Public Meeting - July 6, 1988)
John R. Merritt and E. A. Merritt	No Date (Received at Public Meeting - July 6, 1988)
John Ciccarelli	No Date (Received at Public Meeting - July 6, 1988)
Joseph Michael Reda	July 6, 1988

9/8/88



The Regional Municipality of Peel

Planning Department

April 14, 1988

City of Brampton
Planning and Development Department
150 Central Park Drive
Brampton, Ontario
L6T 2T9

City of Brampton PLANNING DEPT.	
Date	APR 15 1988 Rec'd.
File No.	T1E14.12

Attention: Mr. David Ross
Development Planner

Re: Official Plan Amendment
and Rezoning Application
Kerbel Group
Your File: T1E14.12
Our File: R42 1E73B

Dear Sir:

In reply to your letter dated April 7, 1988, our Public Works Department has examined the proposal and advise that full municipal services are available on County Court Boulevard, the Roads Division has no objections. In addition the Region requires the applicant to enter into an agreement for the payment of Regional Industrial/Commercial levies prior to the passing of the rezoning by-law by your Council.

We trust that this information is of assistance.

Yours truly,

D. R. Billett
Director of
Development Control

VZ:nb

cc: S. Salhotra, Regional Planning

9404 1/6
R

STRAUSS, COOPER

BARRISTERS & SOLICITORS

IRWIN COOPER ALBERT A. STRAUSS, O.C.
LISA M. WEINSTEIN MARIO MEROCCHI
COUNSEL: NATHAN STRAUSS, O.C.

CITY OF BRAMPTON
REC'D
Date APR 10 1988 Rec'd
File No.
.....

SUITE 800
347 BAY STREET
TORONTO, ONTARIO
M5H 2R8
TELEPHONE (416) 869-1950
TDX No. 122

FAX: (416) 869-0305

April 14, 1988

Director of Planning
Planning Department
City of Brampton
Municipal Offices
150 Central Park Drive
Brampton, Ontario
L6T 2T9

Dear Sir:

RE: Block 97, Plan 43M-523,
Brampton

Our client, Whitehouse Family Holdings Limited, is one of the developers of Plan 43M-523, Brampton. We are advised that Block 97 on Plan 43M-523 was originally zoned for commercial purposes and that Block 96 on the said plan was originally zoned for townhouse purposes. As a result of an application by our client to rezone Block 96 for commercial purposes, the City required that the zoning for Blocks 96 and 97 be exchanged and that our client agree that Block 97 would be zoned for townhouse use. Our client then proceeded to develop part of Block 96 as a shopping centre and sold Block 97 with a covenant by the Purchaser to accept the zoning for townhouse use and to adhere to the said townhouse zoning.

We are now advised that an application is pending by the current owner of Block 97, The Crown of Brampton Inc., to rezone Block 97 for commercial use. This pending application flies directly in the face of the understanding and agreement between our client and the City whereby our client was forced to accept a townhouse zoning for Block 97 in exchange for the rezoning of Block 96 for commercial purposes.

Our client expects the City to adhere to the said understanding and agreement, and to maintain the existing zoning for Block 97.

Our client intends to strenuously oppose the pending application for rezoning of Block 97, and we would ask you to kindly advise when this matter will come on for public hearing, to permit us to attend with our client to submit our objections.

Yours very truly,

STRAUSS, COOPER


Irwin Cooper

IC:bes

cc: Whitehouse Family Holdings Limited

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

May 10, 1988

TO: The Chairman of the Development Team
FROM: Planning and Development Department
RE: Application to Amend the Official Plan
and the Zoning By-law
Part of Lot 14, Concession 1, E.H.S.
and Block 97, Plan 43M-523
Ward Number 3
KERBEL GROUP
Our File Number: T1E14.12

1.0 Introduction

An application to amend the Official Plan and the Zoning By-law to permit the construction of an office campus, has been filed with the City Clerk and has been referred to staff for a report and recommendation.

2.0 Property Description

The subject property is located on the north side of County Court Boulevard, east of Highway Number 10 and opposite the east leg of Havelock Drive. The property is irregular in shape comprising an area of 2.21 hectares (5.4 acres) with a frontage of 296.5 metres (973 feet) on County Court Boulevard.

The subject property is currently vacant and there is no significant vegetation or topographic features.

D7-2

Surrounding the site are the following uses:

- abutting the subject property to the north is the Peel Court House complex and a large vacant area. This latter vacant area will be developed for park purposes;
- to the east and south, on the opposite side of County Court Boulevard lands are developed for detached dwellings and apartment purposes;
- abutting lands to the west are developed for office purposes.

3.0 Official Plan and Zoning Status

The subject property is designated on Schedule 'A' of the Official Plan as "Residential" and is designated as "Residential Medium Density" in the secondary plan for the area (Official Plan Amendment 61 as specifically amended by Official Plan Amendment 101).

By-law 139-84, as specifically amended by By-law 19-87, zones the subject property "R3A - Section 650".

4.0 Background

Prior to the approval of Official Plan Amendment 101 and prior to the enactment of By-law 19-87, the subject site was designated in the secondary plan for the area (Official Plan Amendment 61) as "Specialty Office - Service Commercial" on the westerly third of the property and "Convenience Commercial" on the balance of the site, and was zoned H.C.1. - Section 554 and S.C.1. - Section 577, respectively.

The amendment of the secondary plan as it applies the subject site to "Residential Medium Density" and the subsequent rezoning of the site to "R3A - Section 650" was the result of applications submitted by the former owner of the property, Whitehouse Family Holdings

Limited, which requested the transfer of the convenience commercial uses permitted on the subject site to a site located at the south-east corner of Highway Number 10 and County Court Boulevard and the rezoning of the subject site to permit a townhouse development. This rezoning of the subject site to a category which does not permit commercial uses was to implement the transfer of the convenience commercial uses previously permitted on the site and to ensure that there would be no duplication of the "Convenience Commercial" designation.

5.0 Proposal

The subject application involves amendments to both the Official Plan and the Zoning By-law to permit the development of the site for an office campus. More specifically the applicant is requesting a zoning category which would permit the following uses:

- a general office;
- a professional office;
- a medical office;
- a real estate office;
- an insurance office;
- a bank, trust company or financial institution;
- a pharmacy or medical supply shop;
- a dispensing optician;
- a printing or copying establishment;
- a travel agency;
- a dry cleaning and laundry distribution station;
- a dining room restaurant or a standard restaurant or a take-out restaurant; and
- purposes accessory to other permitted purposes.

The applicant has advised that the development will be primarily for the office uses noted above and that the non-office uses requested, are intended as complementary to the primary office use.

D7-4

In support of the application the applicant has submitted a concept plan illustrating three free standing buildings, each being three storeys in height and resulting in a total floor area of 9,303 square metres (100,140 square feet). A total of 368 parking spaces are proposed surrounding the three buildings with access to be obtained in three locations from County Court Boulevard, one opposite the existing entrance to the apartment building on the south side of County Court Boulevard, one opposite the east leg of Havelock Drive and one at the north-easterly corner of the site.

Approximately 31 percent of the site area is proposed to be devoted to landscaping, including walkways. The majority of this landscaping is concentrated around the buildings and abutting the boundaries of the site. Pedestrian connections, in the form of walkways are shown on the plan, to the existing sidewalk on the north side of County Court Boulevard, the existing office development to the west, the Court House complex to the north and the future parkland to the north.

6.0 Comments from Other Departments and Agencies

The Region of Peel advise that their Public Works Department has examined the proposal and note that full municipal services are available on County Court Boulevard, and the Road Division has no objections. In addition the Region requires the applicant to enter into an agreement for the payment of Regional Industrial/Commercial levies prior to the passing of the rezoning by-law.

The Planning Community Design Section advise that the easterly access seems to be questionable and the other access location should be properly aligned with Havelock Drive and the entrance to the existing apartment development on the south side of County Court Boulevard. The Section also notes the proposal shall be subject to the City's site plan approval procedure.

The Public Works and Building Department

The Development and Engineering Services Division has provided the following comments:

1. We require a site plan agreement addressing grading, drainage and access to and from the site.
2. The driveways should be aligned properly with Havelock Drive and the existing driveway into the apartment building on the south side of County Court Boulevard.

The Zoning and By-law Enforcement Division advise the Division agrees that the amount of parking being provided will control the floor area.

The Traffic Engineering Services Division has provided the following comments:

1. The two westerly access driveways should line up with the existing roads or driveway on the opposite side of the street and have a two out and one in lane, configuration.
2. The easterly driveway cannot remain in its proposed location due to sight restrictions on the curve. It must be deleted or relocated westerly.

D7-6

The Community Services Department has provided the following comments:

Parks:

1. The plan appears to have far too much building/land surface area leaving only 32% for landscaping, walkways, etc. We recommend the percentage be increased.

2. Fencing along the northerly property line where the plan abuts parkland is required. Details and specifications will be determined prior to final site plan approval.

Transit:

The Transit Department will require the developer to install two (2), 12' X 25' concrete bus stop pads on the west side of County Court Boulevard.

1. To be located at the designated "walkway to street", immediately north of the south leg of Havelock Drive.

2. To be located at the designated "walkway to street" located at the centre driveway, immediately north of the south leg of Havelock Drive.

Fire: - no comments.

The following have advised they have no comments:

Law Department, and the Business Development Office.

7.0 Discussion

As noted earlier, the subject lands were at one time designated in the secondary plan and zoned for office and convenience commercial purposes. The convenience commercial uses which were permitted on the site were subsequently transferred to a site at the south-east corner of County Court Boulevard and Highway Number 10 and the secondary plan, and the zoning by-law were amended to permit a townhouse development. The originally envisaged office space for the site and the originally envisaged office space displaced by the transferred convenience commercial designation were consequently dropped from the secondary plan. As a result, the applicant's current proposal to amend the Official Plan and the secondary plan to permit the subject property to be used for primarily office purposes, can be considered as consistent with original intent of the secondary plan for a concentration of office development around the Court House complex.

In view of the foregoing, coupled with the fact that the proposed office development forms the logical extension of the existing office development to the west, the requested amendment to the Official Plan and the secondary plan can be supported from a planning perspective, provided that any non-office uses are restricted to those uses considered appropriate for an office development to serve the employees of the office development.

With respect to the subject proposal, correspondence has been received from the solicitor for the previous owner of the property indicating an objection to the subject proposal. This objection appears to be based on a concern that the subject proposal is not consistent with his client's agreement to rezone the subject property for townhouse purposes in exchange for the rezoning of a property at the south-east corner of Highway Number 10 and County

Court Boulevard to permit convenience commercial uses and is inconsistent with a private covenant requiring the purchaser of the subject site to accept the zoning for townhouse use and to adhere to said townhouse zoning. With regard to this first concern, staff note that the convenience commercial uses previously permitted on the easterly portion of the subject site were transferred to the site at the south-east corner of Highway Number 10 and County Court Boulevard on the condition that the subject property be rezoned for non-commercial purposes to ensure that there would be no duplication of convenience commercial uses in the area. The subject proposal in the opinion of staff, with suitable restrictions on the non-office uses proposed, will not result in a duplication of convenience commercial uses in the area and thereby in the opinion of staff does not contravene the intent of having the site zoned to non-commercial purposes.

The second concern raised by this previous owner, namely a private covenant established when the property was sold, is a private matter between the previous owner and the purchaser and not a matter to be enforced by the City. To protect the City's interests, however, it is recommended that, prior to the adoption of an Official Plan amendment and prior to the enactment of any amending zoning by-law for the subject lands, the applicant be required to enter into a secured agreement with the City indemnifying and holding the City harmless of any responsibility, for any damages or cost arising out of any litigation over said covenant brought by reason of the City adopting an Official Plan amendment, enacting a zoning by-law, approving a site development plan or issuing building permits for the subject lands.

Concerning the actual uses proposed, the applicant has advised that offices will be the primary use on the site and that the non-office uses requested are proposed as secondary uses only to serve the employees of the primary office uses. In this respect staff note that the majority of non-office uses proposed by the applicant are

uses which can be considered appropriate within an office development, to serve the employees and patrons of the office development. However, three of the proposed uses, namely a dry cleaning and laundry distribution station, a travel agency and a take-out restaurant are uses normally included in a convenience commercial development and in the opinion of staff should not be permitted on the subject site. To ensure that the balance of these non-office uses do not become the primary uses on the site and as such result in the development becoming a retail commercial centre versus the office development envisaged, it is recommended that all non-office uses permitted on the site be limited to a maximum floor area of 10 percent of the total floor area of the development. It is also recommended that said non-office uses only be permitted as an integral part of the office development and be located within a building for which the primary use is for office purposes.

Although staff have no objection to the use of the subject site for office purposes with limited non-office uses as complementary uses to the primary office uses, there are a number of detailed aspects of the subject proposal which should be considered to ensure the proposed development is functional both now and in the future.

In this respect, staff note that the concept plan submitted by the applicant illustrates that three free standing buildings will be constructed, yielding a total floor area of 9,303 square metres (100,140 square feet). The applicant has requested a range of office and non-office uses which have varied parking requirements, however, has advised that at this time is not prepared to commit to the floor area which will be occupied by any of the uses proposed. The applicant has requested that the proposal be processed on the basis that the amount of parking being provided will effectively control the floor area which may be devoted to the uses proposed.

As a result of the foregoing it is not possible at this time to determine the amount of parking required for the subject proposal. For example, should the smallest of the three buildings be used for medical office purposes while the balance are used for general office purposes, with no non-office uses on the site, parking would be required on the following basis.

- medical office - 1 space per 12 square metres
- general office - 1 space per 31 square metres

The result being that 440 parking spaces would be required. If a bank was to occupy 5 percent of the total floor area and a standard restaurant another 5 percent, both at the expense of the general office space, the parking required would increase to 519 parking spaces. The concept plan submitted by the applicant indicates a total of 368 parking spaces.

Considering the foregoing, it is clear that a parking problem would materialize for the subject proposal should the distribution of uses within the development not be commensurate with the amount of parking being provided. Although staff have no objection to the applicant not defining the distribution of the various requested uses on the site at this time, thereby providing some flexibility for marketing purposes, it is recommended that an amending by-law require that parking be provided on the basis of the parking standards contained in By-law 139-84. With such a provision, all of the various uses proposed by the applicant will not be possible based on the site plan submitted by the applicant and it will be necessary for the applicant, when leasing the subject development, to balance the distribution of uses with the amount of parking available on the site.

With respect to the concept plan submitted by the applicant, it is noted that notwithstanding the deficiencies of the plan, it can be viewed as a general concept for the development proposed on the

site. Although staff are of the opinion that evaluating the adequacy of the plan is premature at this time, and can best be dealt with through the site plan approval procedure, there are certain general principles for the development of the lands which should be determined at this time.

The first of these principles is access to the site. In this respect the Traffic Engineering Services Division has requested that the two westerly access driveways be aligned with the existing driveway to the apartment development on the south side of County Court Boulevard and the east leg of Havelock Drive and that both access driveways be designed to have two exit lanes and one entrance lane. The Division also notes most easterly access driveway is unsatisfactory due to sight restrictions and shall be deleted or relocated to the satisfaction of the Division.

The second principle involves the provision of loading and refuse storage arrangements. As noted earlier the concept plan submitted by the applicant does not illustrate any loading or refuse storage arrangements. Recognizing the exposure of the site to County Court Boulevard and recognizing the surrounding development in the area loading and refuse storage areas should be screened as much as possible and located such that they are not visible from County Court Boulevard. Also concerning refuse storage, it is recommended that all garbage and refuse containers for a restaurant be totally enclosed and located in a climate controlled area within the building.

The third principle involves the general design of the subject proposal in relation to the visual impact of the development on both County Court Boulevard and the surrounding development in the area. The concept plan submitted by the applicant, in the opinion of staff, responds well to the visual exposure of the site and its relationship to surrounding land uses. The use of three buildings versus one structure enable a built form which responds to the

D7-12

irregular shape of the site. The proposed 3 storey height for the structures, in the opinion of staff, is appropriate recognizing the two storey single-family detached dwelling development which has taken place to the north-east. Similarly the landscaped open space proposed on the site will, in the opinion of staff, result in an office development in a park-like setting consistent with the policies of the Secondary Plan for office development in the area around the Court House complex.

In view of the foregoing positive aspects of the concept plan submitted by the applicant, it is recommended that the site development plan required to be approved for the subject proposal, pursuant to the City's site plan review process, be in substantial conformity with the concept plan submitted by the applicant, subject to the foregoing recommended revisions.

8.0 Recommendation

In view of the foregoing, 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 in addition to the normal notification list, Mr I. Cooper of the law firm of Strauss, Cooper, representing the former owner of the subject property, be sent a notification of the meeting.
- B. Subject to the results of the Public Meeting, staff be instructed to prepare the appropriate documents for the consideration of Council, subject to the following conditions:
 - 1. The site specific zoning by-law shall contain the following:
 - a) the site shall only be used for the following purposes:

- 1) an office;
 - 2) a bank, trust company or financial institution;
 - 3) a pharmacy or medical supply shop;
 - 4) a dispensing optician;
 - 5) a printing or copying establishment;
 - 7) a dining room restaurant or a standard restaurant,
and
 - 8) purposes accessory to other permitted purposes.
- b) the maximum gross commercial floor area of all structures shall not exceed 9303 square metres.
- c) the maximum gross commercial floor area of all non-office uses shall not exceed ten percent of the total gross commercial floor area of all structures built on the site and shall be located within a structure for which the primary use is for office purposes.
- d) the maximum height of all structures shall not exceed 3 storeys.
- e) no building or structure shall be located closer to County Court Boulevard than 15 metres.
- f) a minimum of thirty percent of the total area of the site shall be maintained as landscaped open space.
- g) landscaped open space shall be provided, having a minimum width of 4 metres, exclusive of approved driveways, abutting County Court Boulevard and the north boundary of the site and a minimum of 3 metres in width abutting the west boundary of the site.

D7-14

- h) parking and loading shall be provided on the basis of the requirements contained in By-law 139-84 for the uses proposed.
 - i) all garbage and refuse containers shall be enclosed.
 - j) garbage and refuse containers for a restaurant shall be located within a climate controlled area within the building.
 - k) an adult entertainment parlour shall not be permitted.
 - l) an outside storage area or display of goods shall not be permitted.
- 2) Prior to the adoption of an Official Plan Amendment and prior to the enactment of the site specific zoning by-law the applicant shall enter into a secured agreement with the City indemnifying and holding the City harmless of any responsibility for any damages or costs arising out of any litigation over the private covenant, brought by reason of the City adopting an Official Plan Amendment, enacting a zoning by-law, approving a site development plan or issuing building permits for the subject lands.
- 3) Development of the site shall be subject to a development agreement and the development agreement shall contain the following provisions:
- a) prior to the issuance of a building permit, a site development plan, a landscape plan, elevation cross section drawings, a grading and drainage plan, a road work, parking areas and access ramp plan and a fire protection plan shall be approved by the City and appropriate securities shall be deposited with the City to ensure implementation of these plans in accordance with the City's site plan review process.

- b) the site plan shall be in substantial conformity with the concept plan attached to this report, subject to any revisions recommended in this report.
- c) the site plan shall indicate loading and refuse storage areas in locations such that they are not visible from County Court Boulevard.
- d) all lighting on the site shall be designed and oriented so as to minimize glare on adjacent roadways and other properties.
- e) the site plan shall indicate the two westerly access driveways aligned with the existing driveway to the apartment development on the south side of County Court and the east leg of Havelock Drive and shall be of a design satisfactory to the City containing two exit lanes and one entrance lane.
- f) the site plan shall indicate the easterly access driveway deleted from the plan or in a location and of a design satisfactory to the City.
- g) the applicant shall agree that the distribution of the uses on the site shall be commensurate with the amount of parking being provided in accordance with the parking standards contained in By-law 139-84 and shall agree that only a use for which there is sufficient parking shall be entitled to occupy the building.
- h) the applicant shall agree to pay City levies in accordance with the Capital Contribution Policy prior to the issuance of a building permit.

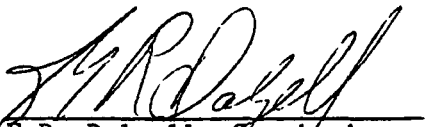
- i) the applicant shall agree to pay Regional Industrial/Commercial levies prior to the issuance of a building permit.
- j) the applicant shall install 2 bus stop pads on County Court Boulevard in locations and of designs satisfactory to the Commissioner of Community Services.

Respectfully submitted,

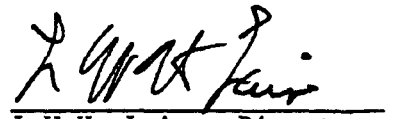


David Ross,
Development Planner

AGREED:



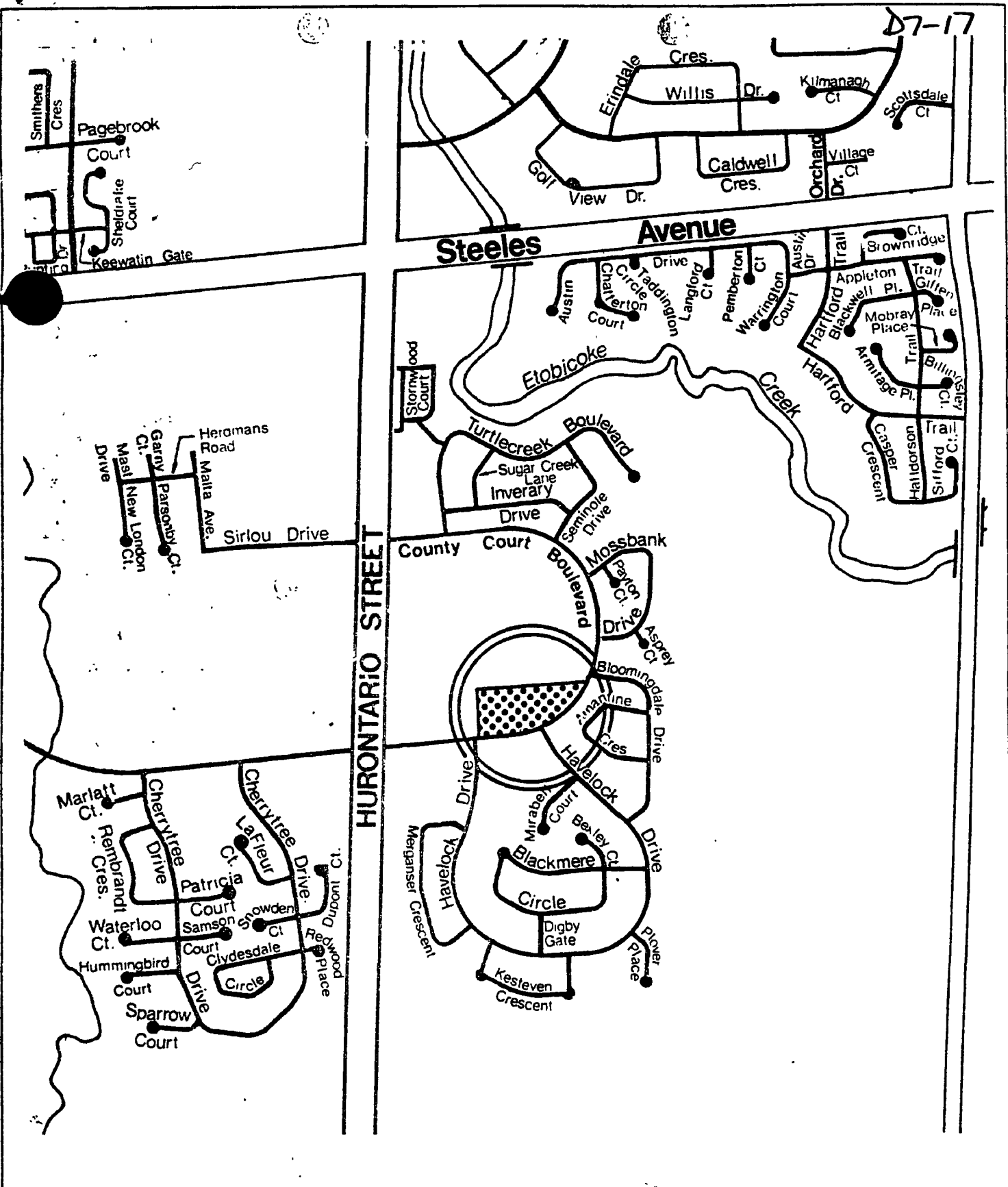
F.R. Dalzell, Commissioner,
Planning and Development



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

DR/am/16

D7-17



THE KERBEL GROUP

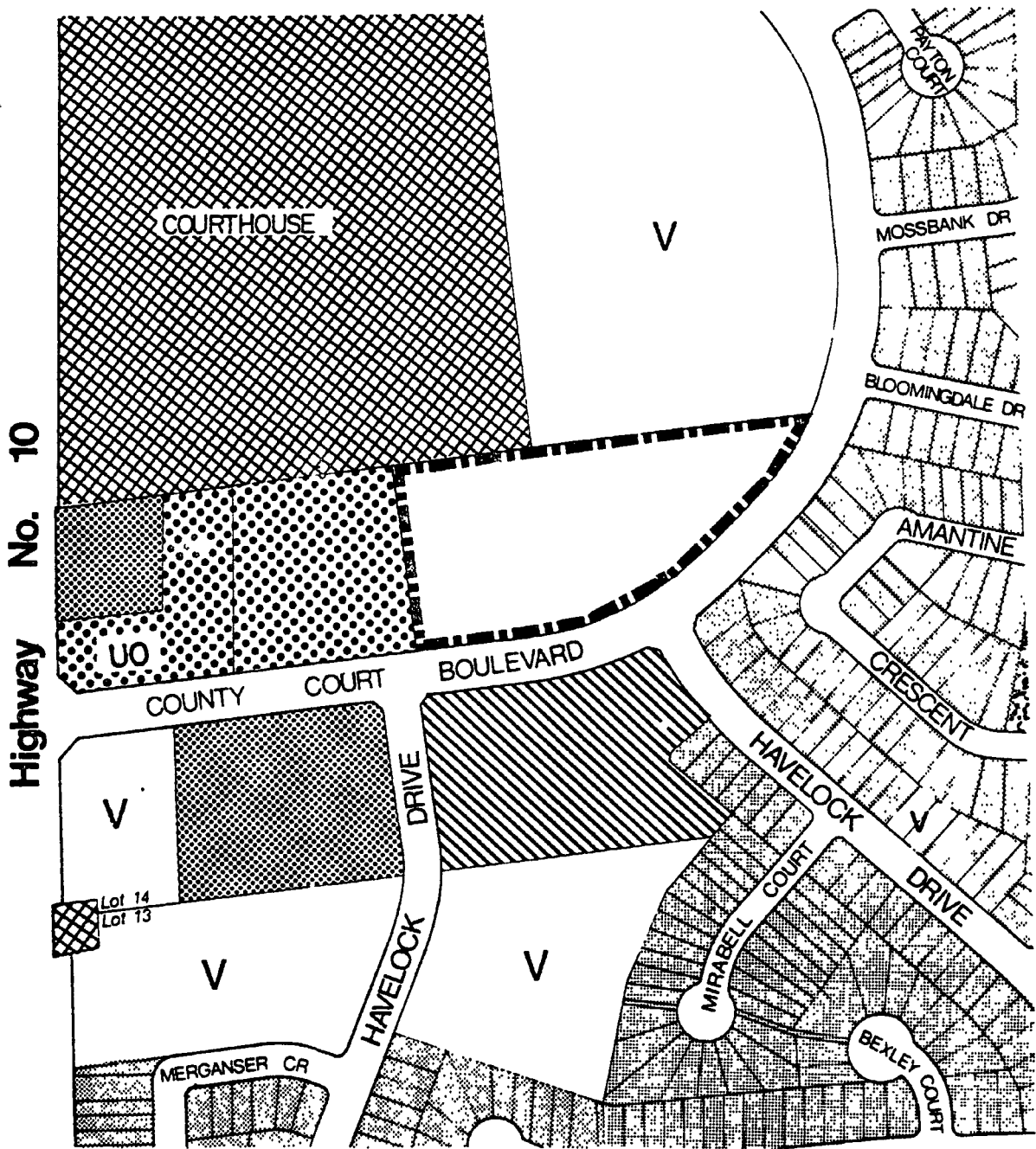
Location Map












1:12000

CITY OF BRAMPTON
Planning and Development

Date: 88 04 19 Drawn by: RB
File no. TIE14.12 Map no. 76-29A



LEGEND

-  Subject Property
-  Single Family Detached
-  Apartments
-  Commercial / Retail
-  Commercial / Office
-  Institutional
-  Open Space
-  Vacant
-  Unoccupied

THE KERBEL GROUP

Land Use Map

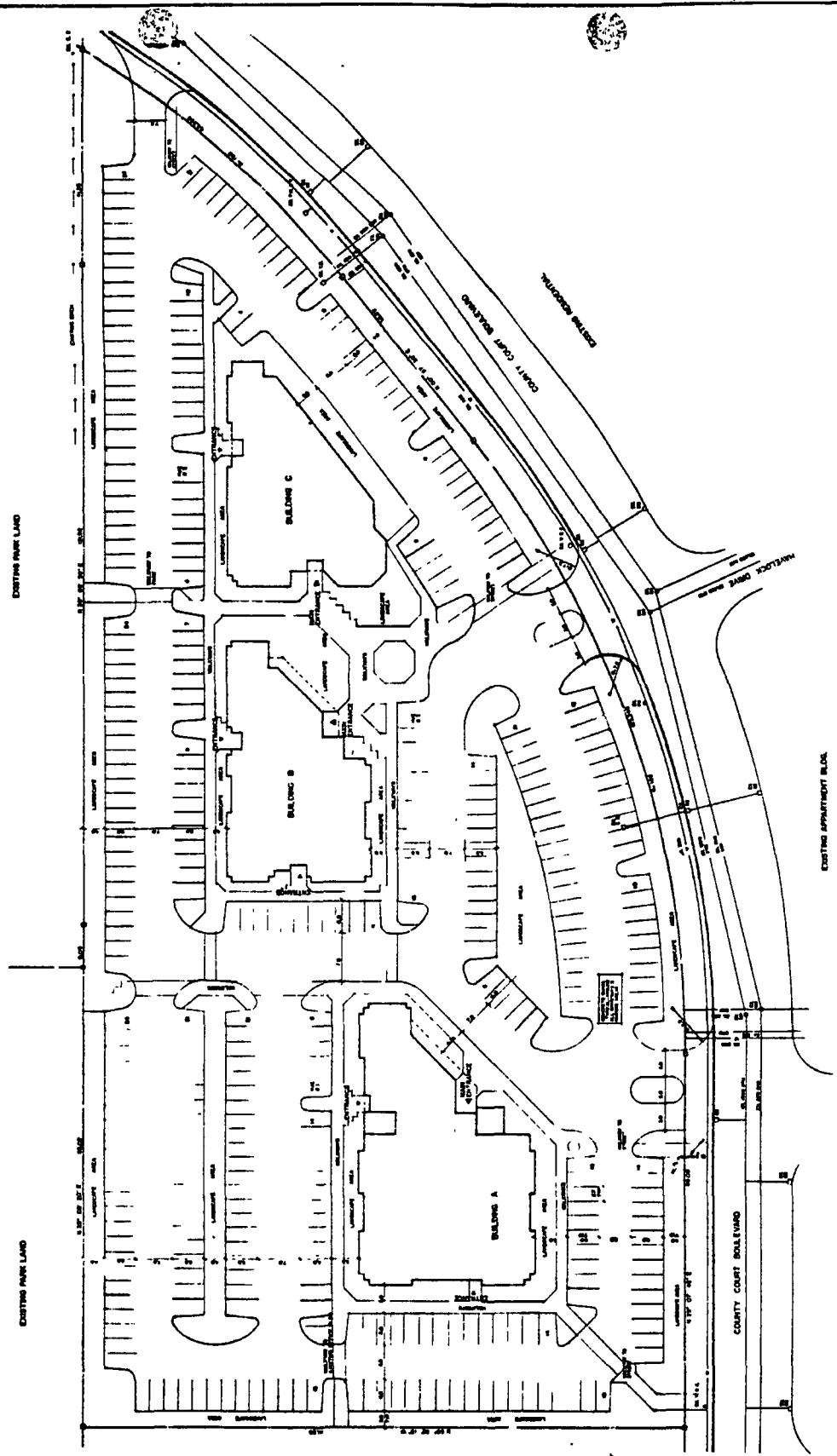


1:4000

CITY OF BRAMPTON
 Planning and Development

Date: 88 04 19 Drawn by: RB
 File no. TIE14.12 Map no. 76-29B

D7-19



THE KERBEL GROUP

Proposed Concept Plan



1:1200

CITY OF BRAMPTON
Planning and Development

Date: 88 04 19

Drawn by: RB

File no. TIE14.12

Map no. 76 - 29C

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

June 2, 1988

TO: The Chairman and Members of
Planning Committee

FROM: F. R. Dalzell, Commissioner of
Planning and Development

RE: Application to Amend the Official Plan
and the Zoning By-law
Part of Lot 14, Concession 1, E.H.S.
and Block 97, Plan 43M-523
Ward Number 3
KERBEL GROUP
Our File Number: T1E14.12

1.0 Introduction

On May 16, 1988 Planning Committee referred the above noted matter back to staff for a further report. A copy of a separate report from the City Solicitor is attached. Before providing this report, we wish to advise Planning Committee of a typographical error in the staff report dated May 10, 1988 regarding the above noted proposal in that any reference to Official Plan Amendment Number 101 should read Official Plan Amendment Number 110.

2.0 Discussion

As outlined in the staff report dated May 10, 1988, dealing with the above noted application, the subject property was also subject to a previous application to amend the Official Plan and the zoning by-law which resulted in the subject lands being designated as "Residential Medium Density" and zoned "R3A - Section 650", which permits the use of the lands for a maximum of 81 townhouse units.

38-2

This previous application under file T1E14.10 was submitted by the former owner of the property, Whitehouse Family Holdings on July 31, 1986 and requested such amendments. On the same date, Whitehouse Family Holdings submitted an application to amend the Official Plan and the Zoning By-law to permit a mixed use development of office and retail commercial on a parcel of land at the south-east corner of Highway Number 10 and County Court Boulevard under file T1E14.9. In effect this latter application requested the transfer of the convenience commercial uses which were permitted on the subject property to the property at the south-east corner of Highway Number 10 and County Court Boulevard. The staff reports dealing with both of these previous applications, dated September 11, 1986 are attached, as well as, a subsequent report dated September 18, 1986 dealing with both of the proposals.

As can be seen in these reports, staff supported both of the subject applications. The first application under file T1E14.9 dealing with the transfer of the convenience commercial uses was supported by staff subject to a number of revisions and conditions, one of which involved the use of the subject site. In this respect, staff supported the transfer of the convenience commercial use from the subject site, provided the subject site was rezoned such that the convenience commercial uses would not occur on the subject lands, as well as, on the property to the south-east corner of Highway Number 10 and County Court Boulevard. It should be noted that this statement of staff's position on the use of the subject site is based on the previous report and discussions with the authors of this previous report. These authors have indicated that the condition that the subject lands be used for non-commercial purposes was to restrict a duplication of the convenience commercial uses in the area to one site only and in this context of the report, the word commercial should be specifically read as retail or convenience commercial.

The other application, namely the proposal to use the subject site for townhouse purposes, was also supported by staff, primarily on the basis that such a proposal eliminated the convenience commercial use which the applicant wished to transfer to the property at the south-east corner of Highway Number 10 and County Court Boulevard. In addition, staff noted that a townhouse development at this location would have less impact on the adjacent residential dwellings than the convenience commercial uses which were currently permitted. Again it is noted that this statement of staff's position at the time, is based on the previous report and through discussions with the authors of this previous report, wherein the authors have indicated that in this context of the report the word commercial should be specifically read as retail or convenience commercial.

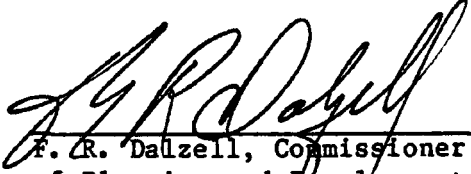
It should be noted that prior to the submission of these previous applications (T1E14.9 and T1E14.10), Whitehouse Family Holdings had submitted an earlier application for the subject site, and the property at the south-east corner of Highway Number 10 and County Court Boulevard. This application also requested the relocation of the convenience commercial uses previously permitted on the subject site to the other property, but requested that the subject site be zoned to permit office development. Details of this latter office development however were not submitted. Subsequently, the application was revised to request that the subject site be zoned to permit townhouse development, rather than the office development previously requested. In recalling the discussions that took place at the time with respect to the transfer of the convenience commercial to the Highway Number 10, site townhouses were mentioned as an alternative zoning. The question of more office space did not arise concerning this site. Staff was concerned with the subject of securing the office development in conjunction with the retail at the Highway Number 10 location. This earlier application was subsequently superseded by applications T1E14.9 and T1E14.10.

C8-4

The planning rationale contained in the staff report dated May 10, 1988, by the Kerbel Group under file T1E14.12, is based on the fact that the support of the previous application to permit townhouses on the subject site was primarily based on the position of staff that the site not be used for convenience commercial purposes if convenience commercial purposes are permitted at the south-east corner of Highway Number 10 and County Court Boulevard. The recent proposal by the Kerbel Group, in the opinion of staff, with the restrictions recommended, will not result in a duplication of convenience commercial facilities in the area and as such does not conflict with the primary reason the lands were rezoned for townhouse purposes. In addition, the development of the site for primarily office purposes is in keeping with the original intent of the secondary plan for the area, namely a concentration of office development around the Court House complex. Although the subject proposal will result in a decrease of 81 townhouse units from the overall housing mix for the secondary plan area, the townhouse component of this housing mix remains within the targets established in the secondary plan.

From a land use perspective the proposed office development is the logical extension of existing office development to the west and eliminates the need to provide buffering features between a residential development on the site and this existing office development. The conceptual design of the proposal as submitted by the applicant has an influence on staff's position to support the subject proposal. The planning rationale contained in the staff report dealing with the previous townhouse proposal has been satisfactorily addressed in the opinion of staff by the subject proposal. The use of three buildings rather than one, a height restriction of 3 storeys, increased building setbacks and the judicious use of landscaped open space will, in the opinion of staff result in a development which will have more and possibly less impact on the surrounding uses than the 81 townhouse units currently approved for the site.

In conclusion, staff are of the opinion that, the proposal by the Kebel Group under file T1E14.12 subject to the conditions contained in the staff report dated May 10, 1988 represents a development alternative which is in keeping with the original intent of the secondary plan for the area and from a planning perspective can be considered as a valid alternative use for the subject site.


F. R. Dalzell, Commissioner
of Planning and Development

FRD/hg/17

28-6

INTER-OFFICE MEMORANDUM

A. Sept. 22

Office of the Commissioner of Planning & Development

September 18, 1986

TO: Mayor and Members of City Council

FROM: Planning and Development Department

RE: Application to Amend the Official Plan
and Zoning By-law
Blocks 96 and 97, Registered Plan 43M-523
Ward Number 3
WHITEHOUSE FAMILY HOLDINGS LIMITED
Our File Number: TIE14.9 & TIE14.10

At the Planning Committee meeting held on Monday, September 15, 1986, staff were directed to meet with the applicant and his agents to resolve differences with respect to the size of commercial development, the payment of the road improvements, etc. The original planning reports dated September 11, 1986 for these two applications are attached herewith.

Staff met with the applicant and his agents on September 16, 1986. It was concluded that (1) the maximum retail commercial floor area shall not exceed 3,716 square metres (44,000 square feet); (2) the applicant agrees to contribute 50% of the cost of the road widening of County Court Boulevard, and (3) the applicant will submit revised site plans addressing the design concerns raised by staff.

Accordingly, it is recommended that a public meeting be held in accordance with City Council procedures. Further, subject to the result of the Public Meeting, it is recommended that (1) the application TIE14.9 be approved subject to the following conditions:

- (a) the total retail commercial floor area shall not exceed 3,716 square metres (44,000 square feet) of which 929 square metres (10,000 square feet) shall only be developed in conjunction with the development of

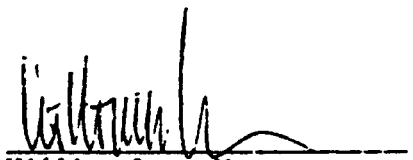
at least 5,806 square metres (62,500 square feet) of office floor area;

- (b) the owner agrees not to apply for nor be entitled to receive a building permit, until and unless the existing convenience commercial site located on the north side of County Court Boulevard opposite the east leg of Havelock Drive is approved and zoned for non-commercial uses;
 - (c) the owner agrees that rear walls of all buildings shall have the same quality of architectural treatments as front elevations;
 - (d) the owner agrees to contribute 50% of the cost for the widening of County Court Boulevard abutting the site to a five lane cross-section;
 - (e) the owner agrees to revise the site plan in response to the design concerns raised on Page 6 of the planning report dated September 11, 1986; and
 - (f) the proposal shall be subject to site plan approval process with respect to detailed architectural, engineering, and landscaping aspects.
- (2) the application T1E14.10 be approved subject to the following conditions:
- (a) the site plan shall be revised to include a 1.8 metre high concrete fence along the west and north site limits, a wood privacy fence along the rear yard of those dwelling units adjacent to County Court Boulevard, a 7 metre wide road; several tot lots, the elimination of the gate house and a turn around area on the easterly section of the internal road for garbage pick-up and snow-plow facilities;
 - (b) the owner agrees to pay the appropriate Regional and City levies;

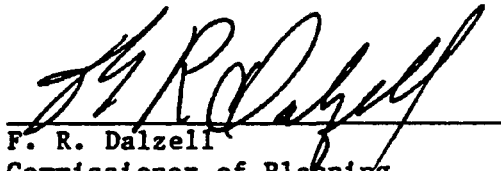
28-8

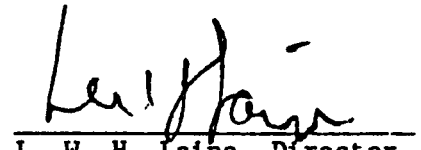
(c) the owner shall provide documents to lift a part of the 0.3 metre reserve for access purposes; and

(d) the owner agrees that the proposal shall be subject to a site plan approval process and if at that time, the above ground parking structure of the office development is likely to be constructed, dwelling Blocks 5 and 6 shall be relocated to the south.


William Lee, Manager,
Community Design

AGREED:


F. R. Dalzell
Commissioner of Planning
and Development


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

Attachments

WL/hg/5

C8-9

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

September 11, 1986

TO: Chairman of the Development Team

FROM: Planning and Development Department

RE: Application to Amend the Official Plan
and Zoning By-law
Block 97, Registered Plan 43M-523
Ward Number 3
WHITEHOUSE FAMILY HOLDINGS LIMITED
Our File Number: T1E14.10

1.0 Background

An application has been submitted to amend both the Official Plan and Zoning By-law for the development of a condominium townhouse project.

2.0 Site Description

The subject site is located on the north side of County Court Boulevard, east of the west leg of Havelock Drive, and opposite the east leg of Havelock Drive as shown on the attached location map. It comprises an area of approximately 1.82 hectares (5 acres). The access to the site is controlled by a 0.3 metre block, Block 100 of Registered Plan 43M-523.

There is no significant vegetation or topographical features on the site. The surrounding uses are as follows: to the north is an open space for possible recreational use, to the west is a proposed office development, to the south is an apartment project under construction, whereas to the southeast and east there are existing single family dwellings.

3.0 Official Plan and Zoning Status

About two-thirds of the site is designated for Convenience Commercial use in the Official Plan and the westerly one-third is designated for Speciality Office-Service Commercial uses.

According to the Zoning By-law, By-law 139-84, as amended, the site is zoned partially Service Commercial One - Section 577 and partially Highway Commercial One - Section 554 in accordance with the Official Plan designation.

4.0 Proposal

The applicant proposes to develop the site for 82 condominium townhouse dwelling units equivalent to a density of 46 units per hectare or 16.4 units per acre.

One access located opposite the east leg of Havelock Drive is proposed. Also proposed is a gate house located approximately 2 metres (6 feet) from the property limits.

Each unit will have two parking spaces, one in a garage and the other on the driveway in front of the garage. Additional 26 parking spaces are provided for visitors and 5 recreational vehicle parking spaces are also proposed.

5.0 Comments

The Regional Public Works Department has indicated no objections to the proposal.

The City Public Works Division has indicated no objection to the use provided an agreement is entered into dealing with grading, drainage, accesses and internal road layout specifically dealing with garbage pick-up activities.

The Community Services Department has indicated that a 1.8 metre high concrete fence shall be provided between the site limits of this townhouse development and the City owned parcel to the north.

6.0 Discussion

A major portion of the site is designated and zoned for a convenience commercial use to serve the residents in the vicinity. However, the applicant has indicated that such a commercial site with no exposure to an arterial road is not acceptable for commercial development from a market perspective. Accordingly, an application (our File: T1E14.9) has been submitted to develop a site at the southeast corner of County Court Boulevard and Highway 10 for retail and office uses with the subject site to be used for medium density residential use.

A medium density residential use at this location will have less impact on the adjacent residential dwellings than would a commercial use. A condominium townhouse project is considered suitable at this location. However, the design should be revised with respect to the following:

- (1) The property to the west is a proposed office building for F. J. Reinders and Associates. According to the zoning by-law, a 2.4 metre (7.9 foot) high parking structure is permitted in the rear yard abutting Block 6 of the residential proposal. However, a recent site plan application (our File: SP86-114) has indicated that a parking structure will not be constructed. However, to lessen the adverse impact of an elevated garage structure, the townhouse developer should agree at the site plan approval stage of the residential project, to relocate the residential dwellings, Blocks 5 and 6, to the south if the office development is not proceeding without the prospect of an above ground parking structure.

C8-12

- (2) An Evercrete type fence shall be provided along the westerly property limits abutting the office development.
- (3) Where the rear privacy area of a dwelling abuts County Court Boulevard, a 1.8 metre (6 foot) high wood privacy fence shall be provided. Further, along the northerly site limit, a 1.8 metre concrete fence shall be provided.
- (4) The private road shall have a minimum width of 7.0 metres (23 feet) whilst the throat area shall have a minimum width of 7.6 metres (25 feet).
- (5) The site layout at the east end of the site is not satisfactory. A turn-around shall be provided to accommodate the turning of garbage pick-up and snow-plow facilities.
- (6) In addition to the swimming pool, several tot lots shall be provided.
- (7) The control arm of the gate house shall have a minimum clear distance of 12 metres (40 feet) from the sidewalk on County Court Boulevard. It appears that the layout cannot achieve such criteria. Accordingly, the gate house should be deleted.

A revised site plan shall be submitted. It is estimated that 2 dwelling units will be lost so that aforementioned standards can be achieved. If 80 units are to be developed on the site, the density would be about 44 units per hectare or 16 units per acre.

Further, the owner shall pay the appropriate Regional and City levies. The owner shall also provide documents to lift part of the 0.3 metre reserve for access purposes.


7.0 Recommendation

It is recommended that subject to the receipt of a satisfactory revised site plan, a public meeting be held in accordance with Council's policy.

Further, in view of the interrelationship between this proposal and the commercial application of T1E14.9, it is recommended that the public meeting for these two applications be held at the same meeting.


William Lee, Manager
Community Design

AGREED:

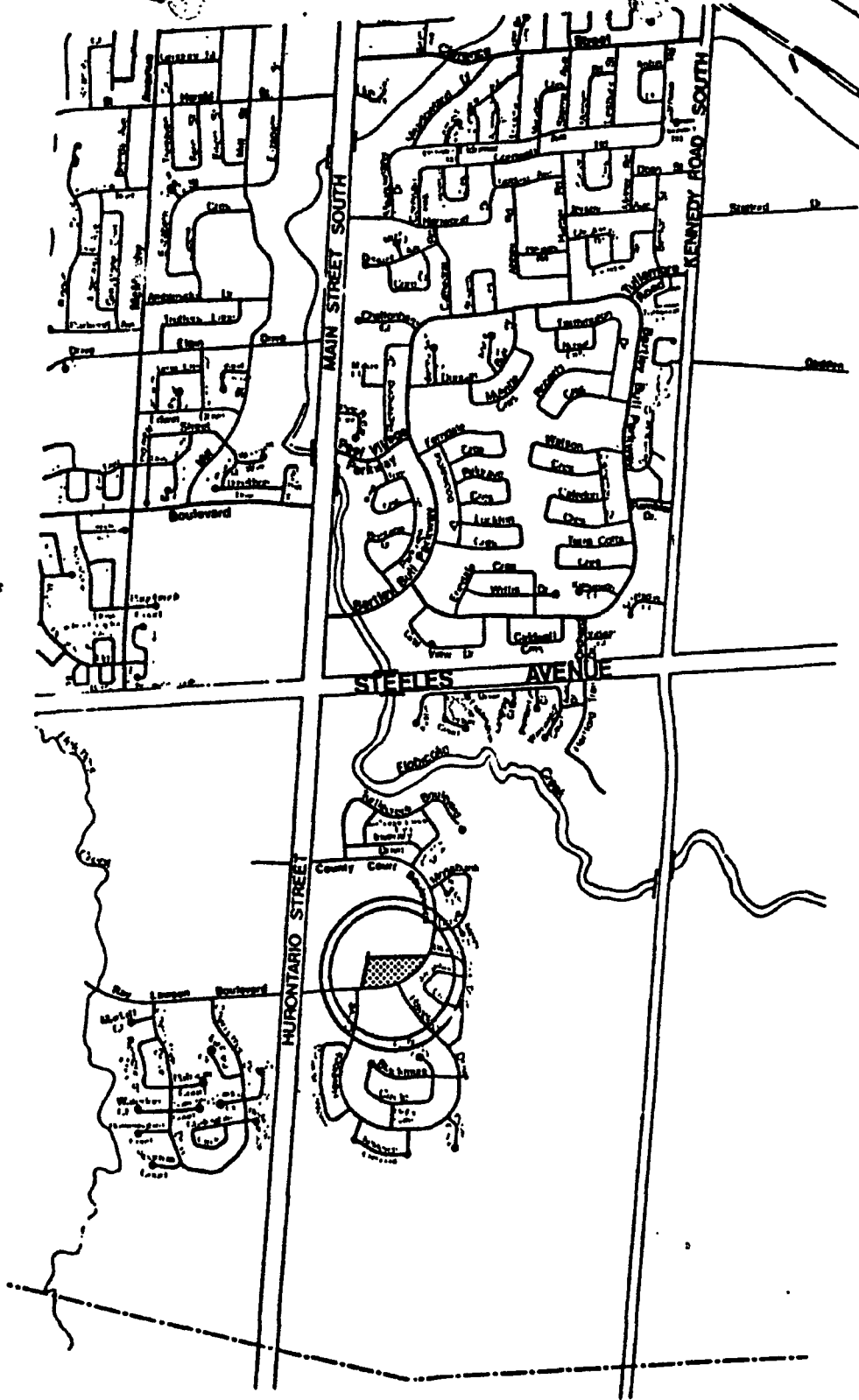

F. R. Dalzell
Commissioner of Planning and
Development


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

Attachments

WL/jp/5

08-14



WHITEHOUSE FAMILY HOLDINGS
LIMITED

Location Map



1:25000

CITY OF BRAMPTON
Planning and Development

Date: 86 08 06 Drawn by: RB
File no. TIE14.10 Map no. 76-25A

C8-16

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

September 11, 1986

TO: Chairman of the Development Team
FROM: Planning and Development Department
RE: Application to Amend the Official Plan
and Zoning By-law
Block 96, Registered Plan 43M-523
Ward Number 3
WHITEHOUSE FAMILY HOLDINGS LIMITED
Our File Number: T1E14.9

1.0 Background

An application has been submitted to amend the Official Plan and Zoning By-law for the development of a retail and office commercial complex.

2.0 Site Description

Comprising an area of 2.1834 hectares (5.4 acres), the subject site is located at the intersection of the south leg of County Court Boulevard and Highway Number 10, between Highway Number 10 and Havelock Drive, as shown on the attached location map. The site frontage on Highway Number 10 and County Court Boulevard and part of the frontage on Havelock Drive is controlled by a 0.3 metre reserve, Block 113 of Registered Plan 43M-523.

The land to the north, north of County Court Boulevard is occupied by an existing office building. To the east across Havelock Drive, is an apartment under construction. The land to the south is presently vacant but is zoned for office development.

3.0 Official Plan and Zoning Status

The site is designated for Specialty Office - Service Commercial use

in the Official Plan and zoned Commercial C1 Section 578 by By-law 139-84.

4.0 Proposal

In addition to the office commercial use which is presently permitted on the site, the applicant proposes to transfer the convenience commercial use presently permitted on the site located further east to the subject site. This commercial site will be developed for condominium townhouse use (under a separate application by the same applicant, Our File: T1E14.10).

As shown on the attached site plan, the applicant proposes to construct three buildings on the site:

Building A is a one storey rectangular building of 1940 square metres (20883 square feet) for retail commercial uses.

Building B is a one storey building of 1418 square metres (15264 square feet) located at the southeast corner of County Court Boulevard and Havelock Drive, also for retail commercial uses.

Building C is located along the site frontage of Highway Number 10 and consists of two parts: the northerly part is a one storey building of 1285 square metres (13833 square feet) for retail commercial use whereas the southerly part is an 8 storey building of 11612 square metres (124 996 square feet) or 1451.5 square metres (15 625 square feet) per floor for office use.

The applicant proposes to develop Buildings A and B as the Phase 1 development and Building C as Phase 2 development. For Phase 1 development, 260 surface parking spaces will be provided. For Phase 2 development, an additional 465 parking spaces will be provided including 349 spaces in an underground garage.

Three accesses are proposed, two from County Court Boulevard and one from Havelock Drive. It is proposed that these accesses will be developed as part of the Phase 1 development.

5.0 Comments

The Regional Public Works Department has indicated that pumping of the sanitary sewer may be required for underground parking facilities and Regional roads are not directly affected.

The City Public Works Division has requested that the owner be responsible for 50 per cent of the cost for the widening of County Court Boulevard to a five lane cross-section.

The City Building and By-law Enforcement Division has advised that the lesser lot width is on Havelock Drive which would be considered as the front of the site. The proposed development does not meet the setback requirements of the present zoning by-law.

6.0 Discussion

In the Official Plan, the land use designation of Specialty Office - Service Commercial on the subject site is for office use "but retail and personal service uses necessary to serve the employees of the Specialty Office - Service Commercial areas may be permitted". An example of such development is the proposed four storey building to be erected on the north side of County Court Boulevard opposite the site with a restaurant and some service commercial stores. However, what the applicant proposes is the combination of office and general commercial uses. The applicant has indicated that the commercial component of the development is a relocation of the convenience commercial use which is presently permitted on an easterly site owned by the applicant.

This proposed relocation of the presently designated commercial site from an internal location to a location exposed to the major arterial road of Highway Number 10 is primarily a market concern of the

applicant. The applicant has stated the problem of marketability of the easterly site is such, that an internal site would not survive in a competitive market. (A site plan approval application in October 1984, Our File No. SP84-55, for the development of a 2099 square metres of convenience commercial plaza in three phases was submitted, but was not actively pursued by the applicant). The proposed location near Highway Number 10 corner will encourage the location of highway and service facilities to serve the travelling public, although there will be no direct access to Highway Number 10.

In principle, staff have no strong objection to the proposed relocation as there are no single family residences nor other uses that would be adversely affected by the commercial development. However, an external commercial location is not as convenient to the residential area it should serve as the presently designated internal commercial site. The applicant has noted that the proposed location is on the route that residents will use for the majority of their daily activities. However, staff do not agree with the quantity of the commercial floor area that the applicant proposes. The applicant proposes a total retail commercial floor area of 4643 square metres (49980 square feet), which is more than double the convenience commercial floor area proposed on the original designated site. According to the commercial hierarchy designated in the Official Plan, a convenience commercial development shall have a floor area between 500 square metres (5400 square feet) to 2000 square metres (21500 square feet). A development with a commercial floor area between 2000 square metres, (21500 square feet) to 9000 square metres (96900 square feet) will fall within the Neighbourhood Commercial category. The proposed retail commercial area of 4643 square metres (49980 square feet) will place the site in a Neighbourhood Commercial range rather than be a relocation of the convenience commercial use. A Neighbourhood Commercial designation occurs at the north-west corner of Highway Number 10 and Ray Lawson Boulevard. An additional Neighbourhood Commercial designation on the subject site would be contrary to the general commercial structure of the Official Plan.

However, a location with exposure to a major arterial road could perform some of the highway and service commercial functions. Accordingly, the total retail commercial floor area on the site should not exceed 3500 square metres (37700 square feet) with 2000 square metres (21500 square feet) providing a convenience commercial function, 1000 square metres (10800 square feet) providing highway and service commercial functions and a further 500 square metres (5400 square feet) providing a limited retail and personal service uses to serve office employees in accordance with the policies of the Specialty Office - Service Commercial designation. Further, to ensure that there will be no duplication of commercial designation, the owner shall agree not to apply nor be entitled to receive a building permit until the original designated commercial site is zoned to non-commercial uses. The City should have the right to repeal the commercial zoning on the subject site if, for whatever reasons, the other commercial site is still zoned for commercial purposes after one year.

The office floor area of 11612 square metres (124996 square feet) is proposed for the second phase development. A majority of the second phase parking provision is to be located in a multiple level underground parking garage which is a very costly component of the development. To defer such an expensive item to Phase Two could result in a further application to undertake other commercial development that will not require an underground parking structure. Although it is not reasonable to force a developer to construct something that is premature from a marketing point of view, 1000 square metres (10800 square feet) of the retail commercial floor area comprising 500 square metres allocated to highway and service commercial functions and 500 square metres of office accessory commercial uses should be constructed only as part of the second phase development.

From site plan design point of view, the layout should be revised so that:

C8-21

- (1) the driveway in front of the retail buildings should have a minimum width of 7.5 metres.
- (2) the minimum setback from County Court Boulevard shall be 5 metres.
- (3) the minimum setback from the southerly property limits shall be 3 metres.
- (4) the minimum setback from Highway Number 10 shall be 9 metres.
- (5) the relationship between the parking area and retail commercial of Building C should be improved.
- (6) the location of the ramp to the underground garage should be reconsidered.
- (7) the driveway width of Havelock Drive shall have a minimum width of 7.5 metres.
- (8) the access driveway onto County Court Boulevard shall be aligned with the driveways proposed on the north side of County Court Boulevard.
- (9) the underground parking garage shall have a minimum setback of 3 metres from any property limits.
- (10) the landscaped islands shall have a minimum width of 2.5 metres and additional landscaped islands shall be provided.
- (11) the loading and unloading area and waste disposal facilities shall be indicated on the plan. The proposed garbage area at the southwest corner of the site shall be screened and curb protection shall be provided along the building wall. Further, the rear wall of all buildings are exposed either to public

roads or other development and shall have the same architectural treatments as front elevations.

7.0 Recommendation

It is recommended that upon the receipt of a satisfactory site plan showing the retail commercial floor area not exceeding 3500 square metres (37700 square feet) and addressing the design concerns outlined in this report, staff be authorized to arrange a public meeting.

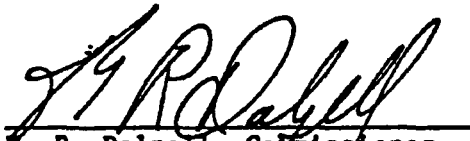
Subject to the result of the public meeting, it is recommended that a revised scheme be approved subject to the following conditions:

- (1) the retail commercial floor area shall not exceed 3500 square metres (37700 square feet) and 1000 square metres (10800 square feet) of which shall only be developed in conjunction with the development of at least 5806 square metres (62500 square feet) of office floor area.
- (2) the owner agrees not to apply for a building permit, nor be entitled to receive one until and unless the existing convenience commercial site located on the north side of County Court Boulevard opposite the east leg of Havelock Drive is approved and zoned for non-commercial uses.
- (3) the owner agrees that rear walls of all buildings shall have same quality of architectural treatments as front elevations.
- (4) the owner agrees to contribute 50 per cent of the cost for the widening of County Court Boulevard abutting the site to a five lane cross-section, and
- (5) the proposal be subject to site plan approval process with respect to detailed architectural, engineering, and landscaping aspects.

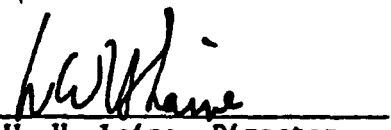


**William Lee, Manager,
Community Design**

AGREED:



**F. R. Dalzell, Commissioner
of Planning and Development**

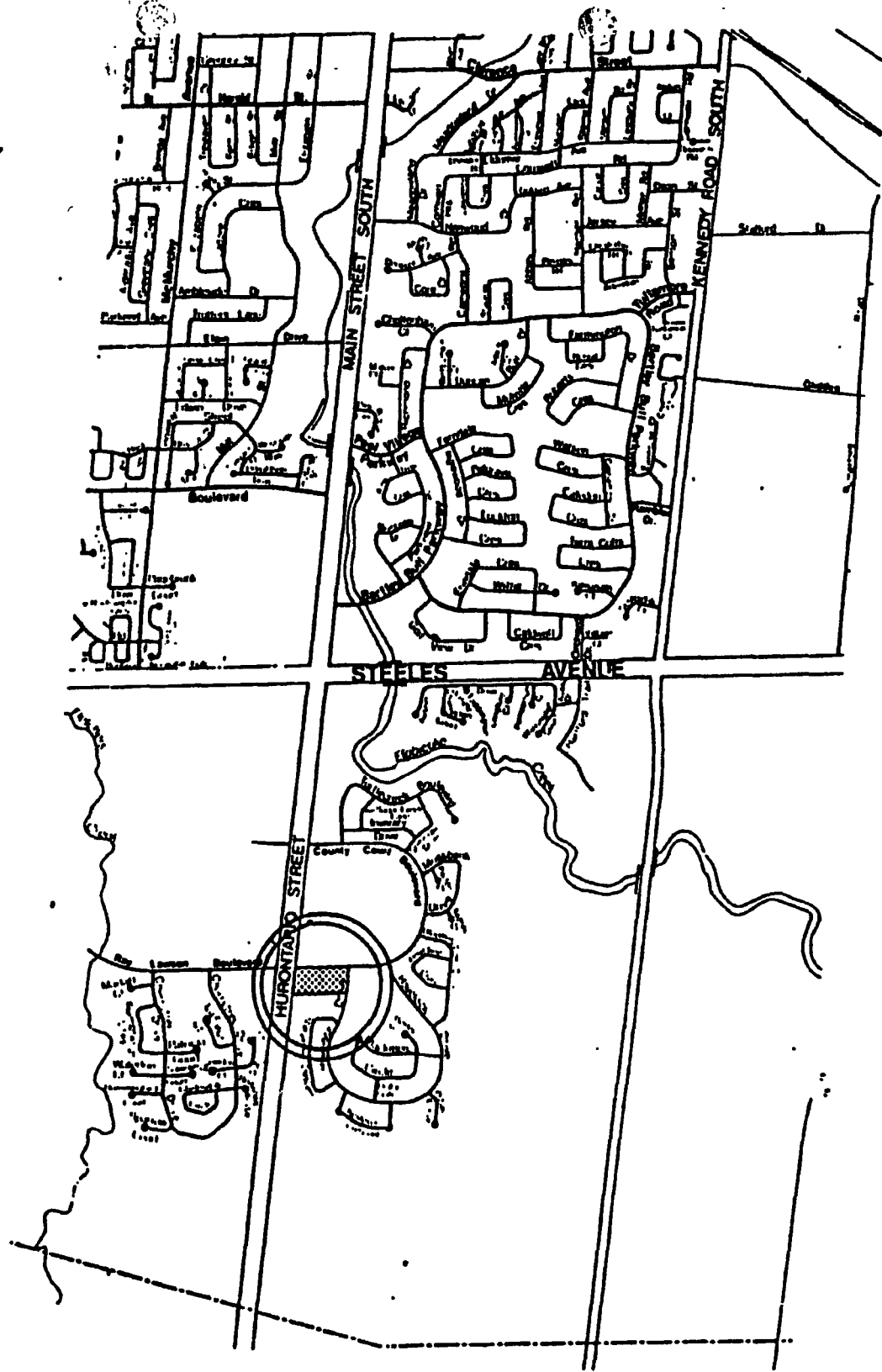


**L. W. H. Laine, Director,
Planning and Development
Services Division**

Enclosure

WL/hg/5

C8-24



WHITEHOUSE FAMILY HOLDINGS
LIMITED

Location Map



1:25000

CITY OF BRAMPTON
Planning and Development

Date: 86 08 06 Drawn by: RB
File no. TIE14.9 Map no. 76-24A

JUNE 17, 1988

TO: The Chairman and Members of Planning Committee

FROM: John G. Metras,
City Solicitor.

SUBJECT: **KERBEL GROUP**
Part of Lot 14, Conc. 1, EHS
Block 97 on Registered Plan 43M-523
Our File No. 658.4.1

City Council, at its meeting held May 24, 1988, referred the above-noted matter back to staff for further reports from the Planning and Development Department and the Law Department.

I have now reviewed the Planning report of May 10, 1988, the supplementary Planning report of June 2, 1988, together with the previous reports attached to it. I have also reviewed the applicable Council resolutions and the rezoning/ site plan agreement between Whitehouse Family Holdings Limited (Whitehouse) and the City for Block 96 on 43M-523 which is the land owned by Whitehouse abutting Highway No. 10.

Whitehouse appears to be alleging that they had an understanding and agreement with the City that the City would maintain the residential zoning on Block 97.

I can find no evidence of any such agreement or that any such agreement was even contemplated.

The Planning reports clearly set out all of the background material to this application. In simple terms, Whitehouse wished to transfer the retail and convenience commercial zoning from Block 97 to Block 96. The Planning and Development Department was prepared to support this transfer, provided that Block 97 was zoned for non-commercial uses to prevent duplication of the retail and convenience commercial uses on both Blocks 96 and 97. The planning rationale underlining this position is, in my opinion, supportable.

CS-26

The Chairman and Members of Planning Committee

June 17, 1988

Whitehouse then had the option of either retaining the office uses on the property, or making application for residential uses, both of which uses, in the context of this matter, were considered non-commercial uses.

They made application for residential uses on Block 97, and the Planning Committee and Council processed their applications on both Blocks 96 and 97 as set out in the Planning reports which have been supplied to you.

The following condition is found in the Council resolution of September 22, 1986 which approved the retail and convenience commercial uses for Block 96:

"The owner agree not to apply for or be entitled to receive a building permit until and unless the existing convenience commercial site located on the north side of County Court Boulevard opposite the east leg of Havelock Drive (Block 97) is approved and zoned for non-commercial uses."

As Whitehouse had applied for residential uses on Block 97, this condition was included as paragraph 2 of Schedule D to the development agreement for Block 96, and reads as follows:

"The Owner shall not apply for or be entitled to receive a building permit for the development of the lands until such time as a rezoning by-law comes into force rezoning the existing convenience commercial site located on the north side of County Court Boulevard opposite the east leg of Havelock Drive (Block 97, Registered Plan 43M-523) to a residential use."

Block 97 was subsequently rezoned to a residential use and the building permit for Block 96 was issued. There is nothing in this agreement or in the rezoning/site plan agreement for Block 97 which prevents or restricts Council from dealing with an application to rezone Block 97 for office uses.

The Chairman and Members of Planning Committee

June 17, 1988

In my opinion the Planning rationale contained in the Planning reports recommending that Block 97 be rezoned from residential to office is supportable.

CONCLUSION

I am of the opinion that there are no legal impediments to the Council considering and approving the application to rezone Block 97 from residential to office use.

JGM/dl



John G. Metras,
City Solicitor.

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

1988 07 08

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 of Lot 14, Concession 1, E.H.S.
and Block 97, Plan 43M-523
Ward 3
KERBEL GROUP
Our File: T1E14.12

The notes of the Public Meeting held on Wednesday, July 6, 1988, are attached for the information of Planning Committee.

Also attached are a copy of a submission presented by Mr. T. Gorham, on behalf of himself and some residents in the County Court area; a copy of a letter signed by John R. Merritt and E.A. Merritt presented by John Merritt at the meeting and two letters of objection presented by Mr. L. Whitehouse from two merchants, located in Courtwood Centre plaza.

Mr. Ramsay, a resident in the Crown condominium apartment building, is concerned with the ultimate height of the office buildings within the office campus complex. In particular, he is concerned that unless the roof component of the buildings are controlled, his line of sight from his sixth floor dwelling unit located on the north side of the apartment building will be unduly obstructed. It has been estimated that the sixth floor of the Crown apartment building is approximately 18.7 metres (61.3 feet) above the elevation of County Court Boulevard. While detailed plans have not been prepared of the office building, it is desirable that a suitable roof structure be constructed to screen the expected utility apparatus. It is noted that the design of the office buildings will be subject to Architectural Control

review, as provided for in the subdivision agreement, and the detailed treatment to be given to the roof line can be examined at that time in recognition of Mr. Ramsay's concerns.

Mr. Gorham raised a number of questions or issues. He questions the necessity for an additional plaza, which is not the purpose of the application. He indicated that the 3-storey height of the office buildings represents a loss of residential privacy. In this regard, the office buildings in proximity to the residences will be set back a minimum distance of 15 metres from County Court Boulevard, which with the additional distance of the right-of-way width of County Court Boulevard of 26 metres, and the minimum rear yard depth of 75 metres provided for the residences, establishes a total minimum separation distance of 48.5 metres (159.1 feet). The dwellings located on corner lots will be closer because of lesser dimension of a side yard, but will be separated by a minimum distance of 44 metres (144.3 feet). A concern was raised regarding the necessity for the number of driveways. The staff report notes that the more easterly driveway will be removed or be relocated to a location acceptable to the City. At least two driveways will be required for proper development, access and circulation purposes. The requirement for the third driveway is less certain and could be deleted. A concern regarding the impact of the proposed office development upon traffic movement on Hurontario Street (Highway Number 10) was noted by Mr. Gorham. Finally, Mr. Gorham expressed concern about the loss of housing that has been or may be caused by the change of land use designation from residential to commercial. In either instance no housing was or will be displaced, as none existed.

Mr. Merritt, a tenant in Courtwood Centre plaza, expresses concern with the prospect of additional commercial uses and notes the existence of existing and future commercial development within a radius of 250 metres (820 feet) to two kilometres (1½ miles). the principal use proposed is that of offices and not that of "retail commercial", which appears to be the primary concern of Mr. Merritt.

Mr. L. Whitehouse voicing his objection to the proposal noted his transaction with the applicant, the absence of a need

for additional commercial space and the adverse impact that the commercial development would have upon the future abutting park land.

The two letters of objection from merchants within Courtwood Centre plaza appear to present the impression that they believe the proposal is for the development of a plaza or extensive retail purposes rather than an office development.

IT IS RECOMMENDED THAT PLANNING COMMITTEE recommend to City Council that:

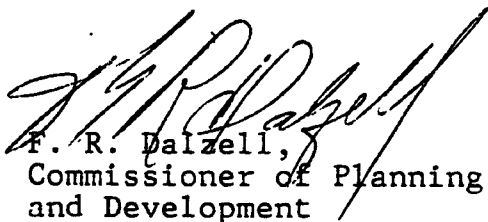
- A) the notes of the Public Meeting be received;
- B) the application be approved subject to the conditions approved by City Council on June 27, 1988;
- C) that staff, as part of the Architectural Control approval and Site Plan approval procedures, consult with Mr. Ramsay, 604, 100 County Court Boulevard, with respect to the design of the roof structure, and
- D) staff be directed to present the appropriate documents to Council.

Respectfully Submitted,

AGREED:



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



F. R. Dalzell,
Commissioner of Planning
and Development

D44

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, July 6, 1988, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 7:48 p.m., with respect to an application by KERBEL GROUP (File: T1E14.12 - Ward 3) to amend both the Official Plan and zoning by-law to permit the development of the subject property for an office campus.

- Members Present: Councillor F. Andrews - Chairman
- Alderman H. Chadwick
- Councillor F. Russell
- Alderman S. DiMarco
- Alderman L. Bissell
- Alderman A. Gibson
- Alderman D. Metzack

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

Approximately 4 interested members of the public were present. The Chairman inquired 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. Dalzell replied in the affirmative.

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

Mr. Tom Gorham, County Court Boulevard, also speaking on behalf of other neighbours in the County Court area objected to the proposal and the change to commercial uses (see attached letter).

Mr. Webb said there must be some misunderstanding, in that the commercial uses are only uses ancillary to the primary uses.

He suggested that the subject proposal would have less impact on the area than previous applications for commercial or townhouse development and outlined the history pertaining to changing (re-location) of retail commercial.

Mr. Gorham asked about the square footage of the office buildings and Mr. Webb responded.

Mr. Gorham said that it was rumoured that the proposed restaurant would be a hamburger place and Mr. Webb indicated no knowledge of the rumour and noted there was no such perspective tenant.

Mr. Gorham inquired as to why three accesses on County Court Boulevard were necessary and Mr. Webb responded that three areas of traffic flow would be less likely to cause traffic congestion, however, the issue would be discussed with City staff.

It was noted that the Fire Department requires at least two accesses.

Mr. Gorham said that the access at Bloomingdale Drive is not necessary.

Mr. Merritt, 200 County Court Boulevard, objected to approval of commercial uses, and he stated that there is an over-abundance of retail uses in that section of the City at present. (see attached letter).

Mr. Ramsay, Unit 604, 100 County Court Boulevard, said he selected an apartment on the north side of the Crown building on the understanding there would be no development across the road. He met with Mr. Laine and the indicated development was for townhouses. The subject proposal is for a substantial development of an office campus. He is concerned about elevation of the buildings and asked to see elevation drawings.

He was informed that there were no elevation drawings available at this time and that the municipality controls elevation through the number of storeys per building.

The style and height of roof for the building was discussed.

Mr. Gagnon, representing the applicant, indicated the type of roof, which would not be institutional but more of a residential nature, designed for hiding mechanical apparatus, and in scale with the buildings.

04-6

It was noted that details will be worked out during the Site Plan Approval stage and elevation drawings, when available, can be shown to Mr. Ramsay at the Planning Department.

Mr. L. Whitehouse, 200 County Court Boulevard, commented that he had taken part in a cohesive plan for development of the whole area, geared towards community planning. He referred to his two remaining parcels of land, and noted that the subject site was supposed to be zoned for townhouses; Kerbel bought the land with a covenant to maintain that zoning. He commented on the struggling condition of the existing plaza, the number of existing shopping centres and office buildings, the list of proposed uses and the square footage proposed for commercial purposes. He called the proposal an abortion of the planning process for the area and voiced objection to the proposal. Also, he voiced concern relating to the fifteen acre park site and submitted two letters of objection from tenants in the existing plaza (see attached).

Mr. Webb referred to the staff report, dated May 4, 1988, Page 13, and the list of proposed uses, which he said are not in competition with the existing shopping centre, as outlined by Mr. Whitehouse.

Mr. Gorham questioned the need for another restaurant in the area, and asked how many restaurants are going to be allowed in the area.

Mr. Laine advised that would be according to uses permitted by the existing by-laws, and Mr. Gorham referred to changing the existing by-laws.

The Chairman noted receipt of two letters of objection (submitted by Mr. Whitehouse) and one letter of approval (see attached) from Maire L. Ketola.

There were no further questions or comments and the meeting adjourned at 8:25 p.m.

*Read Public Meeting
88/07/06
D4-7*

My name is Tom Gorham, and I am representing myself and some other neighbours in the County Court area. Planning is the most important stage of development. Brampton needs to be developed with conscience, integrity, quality and accountability.

(The Official Plan) used by Qualified planners should produce the best results in City living conditions. But this guideline, if continually changed to suit the whim of individuals, becomes worthless.

The parcel of land in question here tonight, is suffering from the "Beach Ball Effect". About a year ago, this land was changed from Commercial to Residential. Now our Planning Staff wants to kick it back to Commercial --- A 180° turn! Why? - An interesting Flip-Flop!!!!

The Official Plan originally had only 1 (one) plaza zoned for the East side of Highway 10 south of Steeles in that narrow and now over balanced Commercial corridor. Today, there are 3 (three) plazas; namely; Kaneff, Famous Players and Courtwood Centre. Tonight, the Planning Committee, after dispensing with the Public Hearing, will send to Council for approval, a 4th plaza under the guise of a 3-storey Commercial Retail complex. Call it what you will, but a Hamburger Outlet, Drug Store, and Variety Store spell PLAZA.

I have prepared a partial list of concerns about this re-zoning application, from discussions with my neighbours.

1. Many of the families backing onto County Court Boulevard feel that a 3-storey commercial complex is a direct invasion of their privacy.

2. When this land was zoned for townhomes, there was one entrance onto County Court opposite Havelock. Under the new application, how many entrances from this plaza onto County Court?

D4-8

3. With the addition of this "Commercial Complex" there will be over 1,000,000 sq. ft. of Office Space in a relatively concise area bounded by County Court on the East; Ray Lawson on the West; segmented by Hurontario Street. It doesn't take a mental giant to realize the outcome of the increased traffic burden during rush hours on the already over burdened and congested Hurontario Street. The vehicular traffic congestion generated by an Office space of this magnitude has the potential of being catastrophic. It simply does not make sense to add additional office space to augment this traffic problem. The Police can only do so much to attempt to control this situation, once this takes place.

4. The last concern is probably the most far reaching and helping our fellow man. Every day there is talk on T.V., Radio and in the Newspapers, and discussed by many individuals in various levels of Government for the need for HOUSING. Tell me then; why did our Planning Committee scrap approximately 200 apartments that would have potentially housed 620 people in favour of a plaza by Kaneff at Steeles & Hurontario?

Why now, does the same planning Committee want to scrap another ⁶⁴ 81 units that could potentially house ²⁸⁵ 259 people in favour of an unneeded plaza? Does the Planning Committee consider the money generated by the plaza more important than the people? Is the Planning Committee going to run out and tell the homeless that Brampton's Housing crisis is under control? Is the Planning Committee going to say We have the magic formula "We will build more plazas, people, for you to sleep in? We think not !!!!

We as reasonable and responsible citizens, oppose the application by the Kerbel Group to amend both the Official Plan and Zoning By-Law.

Tedd Gerba

CANADIAN OF MERRITT LTD.
200 County Court Blvd., Brampton.

Received 88/07/06

D4-9

CITY OF BRAMPTON,
Planning Committee.

Re: Kerbel Group (File No. T1E14.12)

Dear Sirs:

Please be advised that we object to the above application as it is our understanding that the proposed change to " Office Campus " could permit Commercial uses.

We feel that this area of the City, particularly, does not need more Commercial designations.


In the area bounded by Steeles, McLaughlin, Ray Lawson, County Court and Highway # 10, we presently have the following commercial developments;

1. Highway 10/ Steeles 3
2. Steeles/ McLaughlin 1
3. McLaughlin/ Ray Lawson 1
4. Highway 10/County Court(N loop) 1
5. Highway 10/ County Court (S loop) 1
6. Various Convenience Stores in Gasoline Outlets
7. Permitted Commercial uses in building at 201 County Court Blvd.

As well, we have the proposed Commercial Development at Highway 10 and Ray Lawson Blvd,

We feel that what this area of the City doesn't need, is more Commercial designations.

Yours very truly,


~~John R. Merritt~~ & E. A. Merritt

Members of Council of the City of Brampton.

D4-11

Revised Publication
M...
#9/27/12

Dear Members,

I John Cucarella, spokesperson and part owner of Barcutting Crew Inc., detail the fact that such said land which was originally zoned for residential, is now being rezoned for office and retail use. I would like to add that we took into consideration the additional support of 80 families before we leased our present location.

I would further like to add that this present area is becoming over saturated with malls. Examples are upcoming malls at the corner of Hwy 10 and Ray Lawson, Kniff Shopping centres located at Hwy 10 and Steels, Famous Playus located at 2 County Court, also 200 County Court which is where we are presently located.

Instead of giving us a higher density of residential users to support these existing malls, you are considering commercial users on top of commercial.

4-10

-2-

I sincerely hope you will take
my opinions into consideration, being
a resident and taxpayer of the City
of Brampton

sincerely yours
J. R. L.

34-12.

Brampton City Council
Planning Committee
150 Central Park Drive

July 6, 1988

Robert Phillips, M.P. + J.
89/07/02

Dear Members:

I am writing this letter to voice my objection to a proposed Kerbel application on County Court Blvd. North Side. It is my opinion that a Commercial plaza on this site would under the existing Courtwood Centre and cause havoc with traffic. Instead of this proposed plaza, may I suggest that the Board consider making this an office Commercial zoning, or keeping it at the present residential zoning (townhomes). The area is already too commercialized and there is a definite need for upscale townhouses in the area. As a merchant in the Courtwood Centre, I certainly feel that there is ~~need~~ no need or justification to construct another Commercial plaza.

Thank you

Joseph Michael Reda
President
Antmelli's Restaurant

D4-13

MD

100 County Court Blvd. #405
Brampton, Ontario
L6W 3X1

June 30, 1988

F.R. Dalzell, Commissioner
Planning & Development Department
City of Brampton
150 Central Park Drive
Brampton, Ontario
L6T 2T9

Re: Application by Kerbel Group (File Number:
TIE14.12 - Ward 3) to amend both the Official
Plan and Zoning By-law.

Please consider this note to be in
support of the above application. My unit
faces this property and I would prefer to see
the office campus being proposed than townhouses.

I hope this will be received in time to be
counted - my mail is being transferred to me
and I only just received the notice.

City of Brampton
PLANNING DEPT.
Date JUL - 4 1988 Rec'd.
File No. TIE14.12...

Sincerely,

Maire L. Ketola

Maire L. Ketola