



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 226-86

To adopt Amendment Number 98
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 98 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 98 to the Official Plan of the City of Brampton Planning Area.

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

this 11th day of August, 1986.

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

WCC

DATE 8/26/86

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

DUPLICATE ORIGINAL

PJ-HW 226-86

AMENDMENT NUMBER 98
to the Official Plan of the
City of Brampton Planning Area

DB# 84 FOLIO# 194
ORDER ISSUE DATE
SEP 21 1990
OB# 089-1 FOLIO# 82



O 890138
R 860461

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 17(11) of
the Planning Act, 1983

AND IN THE MATTER OF a referral to
this Board by the Honourable John
Sweeney, Minister of Municipal
Affairs, on a request by Hindu Sabha
Temple for consideration of Proposed
Amendment No. 98 to the Official Plan
for the City of Brampton to
redesignate the westerly 3.8 hectares
of a 10-hectare site, located on Part
of Lot 7, Concession X, N.D. from
"Agricultural" to "Institutional" to
permit the development of a temple
Minister's File No. 21-OP-0031-098
O.M.B. File No. O 890138

- and -

IN THE MATTER OF Section 34 of the
Planning Act, 1983

AND IN THE MATTER OF appeals by Mory
Burnstein, Sonny Burnstein, Dean
Burnstein and others against Zoning
By-law 227-86 of the Corporation of
the City of Brampton
O.M.B. File No. R 860461

RECEIVED
CLERK'S DEPT.

SEP 24 1990

REG No.: 11970
FILE No.: 22 C10E7.1

C O U N S E L :

Janice Atwood-Petkovski - for The City of Brampton
Mary K. Bull and - for Hindu Sabha Temple
S. Snider
(Student-at-Law)

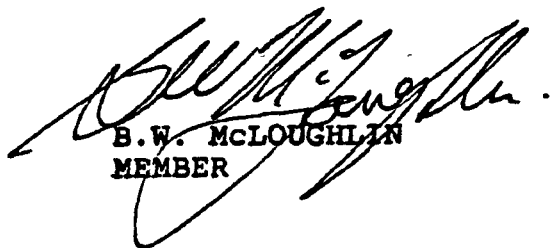
DISPOSITION as Noted on Hearing Sheet dated September 4, 1990
AND ORDER OF THE BOARD

All appeals and objections have been withdrawn. The Board is
satisfied from the planning evidence that the applications conform
with the Foodland Guidelines and Official Plan and that these
applications are in accordance with good planning principles.

The Board therefore orders that OPA 98 is approved and that the appeals from Zoning By-law 227-86 are dismissed.



P.G. WILKES
VICE-CHAIRMAN



B.W. McLOUGHLIN
MEMBER

PLEASE NOTE

The enclosed document contains the Board's Decision in this matter and the final Order of the Board. No separate Order document will issue.



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

this 11th day of August, 1986.

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

WCC

DATE 8/28/86

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

CERTIFIED A TRUE COPY

City Clerk
City of Brampton

AMENDMENT NUMBER 98
TO THE OFFICIAL PLAN
FOR THE CITY OF BRAMPTON
PLANNING AREA

1. Purpose:

The purpose of this amendment is to:

- redesignate lands shown outlined on Schedule A attached hereto from "Agricultural" to "Institutional"; and,
- outline appropriate development principles for the subject lands.

2. Location:

The lands subject to this amendment are situated on the east side of The Gore Road, to the north of Ebenezer Road, being part of Lot 7, Concession 10, N.D. (geographic Township of Toronto Gore) in the City of Brampton. Only the westerly 3.8 hectares of a 10.1 hectare parcel is subject to this amendment.

3. Amendment and Policies Relative Thereto:

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

(1) by changing the on Schedule "A", thereto General Land Use Designations, the land use designation of the lands indicated on Schedule A to this amendment from "Agricultural" to "Institutional (Number 32)".

(2) by adding to PART II, CHAPTER 2, Section 2.4., the following:

"2.4.6. SITE 32 (Part of Lot 7, Concession 10, N.D.)

2.4.6.1 Definition

This institutionally designated property shall be used for a religious institution.

2.4.6.2 Policy

The religious institution permitted by this subsection, shall be low intensity in terms of building height, coverage and massing and conceptual design, to be sympathetic to the rural character of the area. This institution shall only be permitted if a safe septic disposal system can be established, to the satisfaction of the appropriate authorities."

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 98

Attached hereto is a copy of a staff report dated March 12, 1986 dealing with a development application to amend the Official Plan. Also attached is a further staff report forwarding a copy of the notes of a public meeting held on April 9, 1986, in connection with the development application, subsequent to placing notices in two local newspapers and the mailing of notices to property owners within 120.0 metres of the subject lands.

6-86/2

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

March 12, 1986

TO: Chairman of the Development Team
FROM: Planning and Development Department
RE: Application to Amend the Official Plan
and Zoning By-law
Part of Lot 7, Concession 10, N.D.
Ward Number 10
HINDU SABHA
Our File Number C10E7.1

1.0 INTRODUCTION

An application has been received to amend the City's Official Plan and Zoning By-law to permit a Hindu Temple on the above noted lands.

2.0 SITE DESCRIPTION AND SURROUNDING LAND USE

The subject lands:

- o are located in the east side of The Gore Road to the north of Ebenezer Road;
- o is more particularly described as part of Lot 7, Concession 10, N.D.;
- o has frontage of 152.40 metres along The Gore Road, and
- o has depth of 668.91 metres.

The site is currently vacant and includes little significant vegetation, with the exception of a minor coniferous and deciduous tree stand in the centre of the property.

The easterly portion of the subject lands is traversed by a tributary of the Humber River.

Lands surrounding the subject property consist of several large agricultural holdings. In addition, strip residential development occurs intermittently along both sides of The Gore Road. Two small industrial operations exist to the north of the subject lands on the west side of The Gore Road.

3.0 PROPOSAL

The applicant intends to establish, on a portion of the subject lands, a Hindu Temple with a floor area of 929.0 square metres (10,000 square feet) with a full basement and mezzanine. The applicant submits that the mezzanine will have a floor area of approximately 25% of the floor area devoted to the temple. Hence, the total gross floor area will be approximately 2090.25 square metres (22,500 square feet).

In addition, one dwelling unit (a parsonage) is intended to be provided within the temple to accommodate a clergyman.

Parking is to be provided for 350-500 vehicles.

The residual land of the property is proposed to retain its current agricultural status.

4.0 OFFICIAL PLAN AND ZONING STATUS

The subject lands are designated as "Agricultural" on Schedule "A" of the Official Plan. The "Agricultural" designation includes all

agricultural activities and other low density, low intensity uses associated with conservation management, outdoor sports, natural resource education and non-commercial recreation. It is evident that the proposal is not consistent with the uses permitted within the "Agricultural" designation. Accordingly, an Official Plan amendment is required.

By-law 56-83 zones the subject lands as "Agricultural (A)". The proposal is not consistent with the permitted uses and requirements of this zone. Thus, a zoning by-law amendment will also be required to implement the proposal, if approved.

5.0 BACKGROUND

At its meeting of December 9, 1985 Planning Committee considered a more elaborate proposal consisting of:

- a Hindu Temple, 1858.0 square metres (20,000 square feet) in area, including a banquet hall, Sunday School, and kitchen facilities;
- priest and guest house;
- community centre;
- housing for elderly (approximately 100 units);
- housing for singles (approximately 30 units);
- a shrine;
- reflection pool;
- playgrounds;

- vegetable gardens; and,
- parking for approximately 530 vehicles.

After considering the merits of the application, Planning Committee requested staff to re-evaluate a revised application consisting of a temple only.

6.0 COMMENTS

The application was circulated to a number of departments and agencies and the following comments were received:

6.1 The Regional Municipality of Peel - Public Works Department has advised that:

- sanitary sewers are not available; and,
- water is available on The Gore Road. Frontages charges will apply.

6.2 The Regional Municipality of Peel - Roads and Traffic Division has advised that:

- the Region requires a 2.76 metre widening along the entire frontage of The Gore Road and a 0.3 metre reserve along the widened limit, with the exception of two access points;
- all landscaping shall take place outside the right-of-way;
- the plan shall be revised to provide a minimum of 25.0 metres from the new street line to the first internal aisle at the northerly access;
- the parking spaces adjacent to the southerly access shall be eliminated from the plan; and,

- the applicant will be required to make an application to the Region for the installation of entrance culverts at the proposed access.

6.3 The Metropolitan Toronto and Region Conservation Authority has advised that:

- written permission of the Authority would be required to alter the watercourse flowing through the site;
- it appears that no development is being proposed within the floodplain of the Humber River;
- they recommend that all lands below the top-of-bank be designated "hazard land" under the proposed amendments; and,
- they request the opportunity to review final site and grading plans prior to municipal approval.

6.4 The Regional Municipality of Peel - Health Department has advised that:

- This proposal appears to have been revised and incorporates a significantly reduced proposed use of the site. We understand, Hindu Sabha now intends to construct a 10,000 square foot temple (not including basement and mezzanine) and provide for 350 to 500 parking spaces for cars. Although no specific assessment has been made of soil conditions, the 25 acre site should be capable of accommodating the church only. Uses such as a community centre, social housing complex, or any other use in addition to the 10,000 square foot temple must await sanitary sewer connection. Private sewage disposal facilities could become overtaxed by eating or banquet facilities, and accordingly, any type of food preparation should also wait the sanitary sewer. We, of course, would have no objection to the

inclusion of a small kitchen for the purpose of preparing and serving light lunches, including coffee, tea, cake and sandwiches for small gatherings; and,

- we ask that the City require a site specific site plan satisfactory to the Peel Regional Health Department prior to issuing a building permit or final approval to install the sewage facilities. It is important that the owners of the property realize the limitations with regard to private sewage disposal, and understand that future expansion or changes in use may require sanitary sewer connection.

6.5 The Ministry of Agriculture and Food has advised that:

- the proposal would allow for the development of a major non-farm use within a prime agricultural area;
- according to the Canada Land Inventory at a scale of 1:50,000 the subject lands have an agricultural capability rating of Class 1. These lands are presently in crop production and are seen to be prime agricultural lands;
- institutional uses such as churches, and particularly those catering to an urban clientele should be located within an urban area. We do not believe it to be in the long term best interests of the agricultural resource to establish such a major urban oriented institutional use on prime agricultural lands;
- if the amendment is approved, the long term agricultural usefulness of the parcel is severely restricted because of the size and location of the temple on the property; and,
- from an agricultural perspective we are not in the position to support the approval of the proposed amendment. The amendment itself is not seen to be in compliance with the Food Land

Guidelines, and as a result we would recommend that the amendment not be approved.

6.6 The Public Works and Building Department - Development and Engineering Services Division has advised that:

- site plan approval is required prior to the issuance of a building permit indicating how existing drainage patterns will be accommodated.

6.7 The Public Works and Building Department - Zoning and By-law Enforcement Division has advised that:

- they have no comments.

6.8 The Community Services Department has advised that:

- they have no comments.

7.0 DISCUSSION

The original proposal, considered by Planning Committee on December 9, 1985, for a temple, banquet hall, community centre, social housing and other related facilities presented a number of land use and policy concerns relative to:

- conformity with the City's Official Plan;
- impact on agricultural lands;
- land use compatibility; and,
- servicing.

However, the reduction in the scale of the proposal does not obviate these concerns. In particular, it was previously noted that the City's Official Plan does not provide for institutional uses within the "Agricultural" designation. In this regard, the Plan permits a restrictive range of uses within this designation, related primarily to agricultural activities and conservation management. The proposal is comprised of a temple with an approximate gross building floor area of 2,090 square metres (22,500 square feet) and parking spaces for up to 500 vehicles. The applicant anticipates that the temple will accommodate a weekly congregation of 600 people, and 1,000 people during festivals.

It should be noted that the gross building floor area includes a full basement with a potential floor area of approximately 929.0 square metres (10,000 square feet). The applicant proposes a small kitchen facility to be accommodated in the basement. However, the Regional Health Department has expressed concern that private sewage disposal could be over-taxed by eating at banquet facilities, which could potentially be accommodated in the basement.

The temple at the scale proposed will not be compatible with the rural character of the area. For example, the proposed temple does have potential to be a high traffic generator, as reflected by the quantity of proposed parking. In addition, given the massing and conceptual design of the temple, as reflected on the site plan, it would be difficult to construct the facility with any significant degree of sensitivity to adjacent land uses.

In addition, the proposed temple is a use which will serve a community outside the rural area. Clearly, the intensity and nature of the proposal use is urban oriented, and should not be permitted in the rural area.

The Ministry of Agriculture and Food has expressed their strong objections relative to the impact of the proposed use on

agriculture. In this regard, it is important to note that:

- the long term usefulness of the parcel for agricultural purposes is severely restricted because of the size and location of the temple; and,
- the proposal is contrary to the Food Land Guidelines.

In particular, the Food Land Guidelines permit only compatible non-farm uses within an agricultural designation which:

- can co-exist adjacent to agricultural activities without conflict; and,
- permit the land to be used for food production in the future.

Such compatible non-farm uses do not include activities where:

- proximity to farm operations is not critical; and,
- building or construction on the lands is required which alters the soil or topography adversely.

Since the subject lands are defined as Class I in the Canada Land Inventory of Soil Capability for Agriculture, their development for non-agricultural purposes must be justified. Such justification must be based on, among other rationale, the necessity of the proposed location, within a prime agricultural area. In this regard it has been previously concluded that the proposed use is of a scale and functional orientation which is most appropriate for an urban setting.

Accordingly, it is evident that the proposal does not satisfy the above noted criteria, thereby violating principal tenets of the Food Land Guidelines and rural land use planning.

It should be noted that Council has previously received applications for the introduction of urban uses on 3 separate parcels of land to the south of the subject lands (proposed hotel, convention centre, recreation sports complex trade centre, part of lots 6 and 7, Concessions 9 and 10, N.D.). Until the disposition of these properties have been resolved, the proposed urban use of the subject lands is, at best, premature.

8.0 CONCLUSIONS AND RECOMMENDATIONS

On the basis of the foregoing discussion, there is no land use planning rationale in support of an Official Plan amendment to permit institutional uses on the subject lands, given that the proposal is:

- contrary to the intent of the Official Plan;
- conflicts with the Food Land Guidelines; and,
- incompatible with the rural character of the surrounding community.

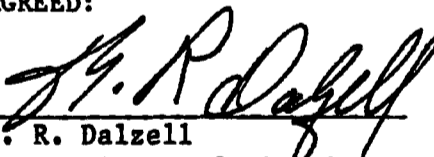
Accordingly, it is recommended that Planning Committee recommend to City Council:

1. That the proposal by Hindu Sabha (File Number C10E7.1) to develop a Hindu Temple, community centre and other related facilities on the east side of The Gore Road, north of Ebenezer Road, be denied.

Respectfully submitted,

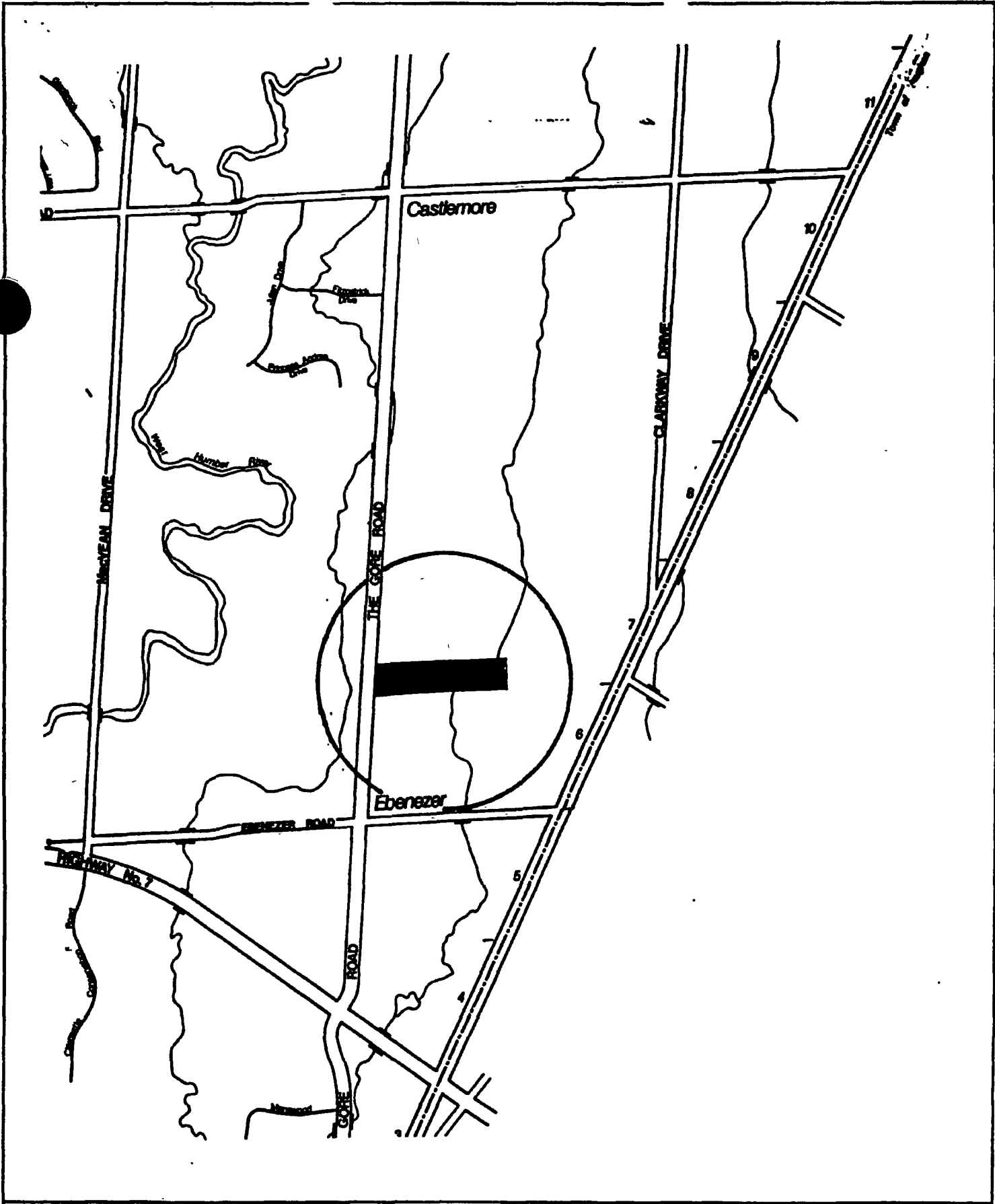

 John B. Corbett, M.C.I.P.
 Development Planner

AGREED:



 F. R. Dalzell
 Commissioner of Planning
 and Development


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

JC/thk/5

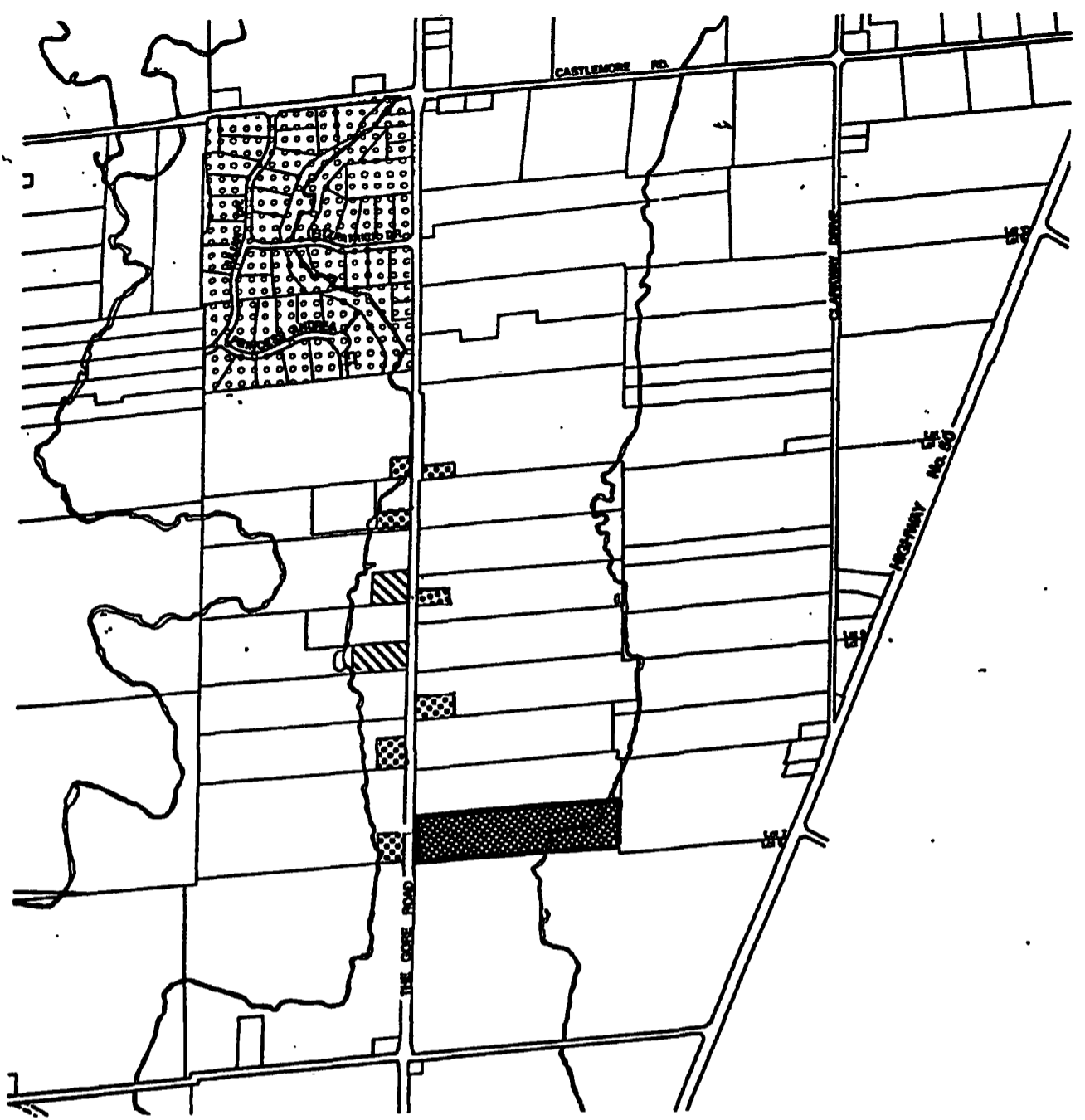


**HINDU SABHA
LOCATION MAP**



1:25000

CITY OF BRAMPTON
 Planning and Development
 Date: 85 09 12 Drawn by: K.L.
 File no. CIOE7.1 Map no. 52-4A



LEGEND

-  **SUBJECT LANDS**
-  **INDUSTRIAL**
-  **AGRICULTURAL**
-  **RURAL ESTATE RESIDENTIAL**
-  **RESIDENTIAL**

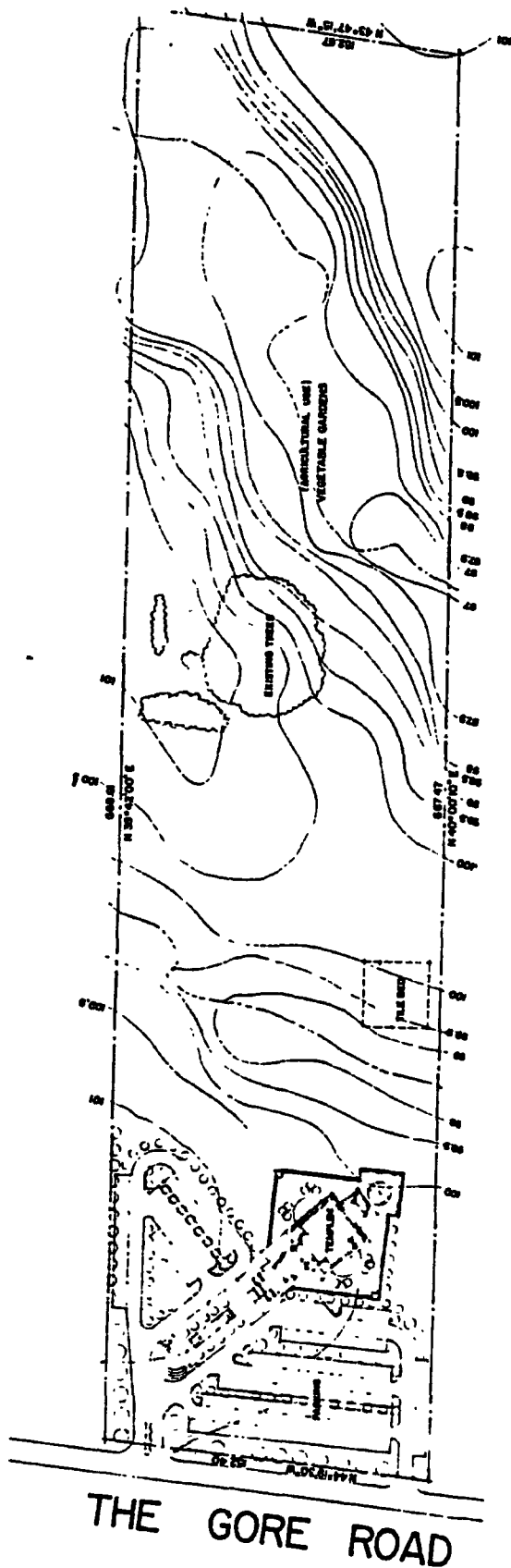
**HINDU SABHA
EXISTING LAND USE**



1:20000

CITY OF BRAMPTON
Planning and Development

Date: 85 09 12 Drawn by: K.L.
File no. C10E7.1 Map no. 52-4 B

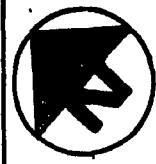


SITE INFORMATION
 GROSS SITE AREA 29 000 sq. ft.
 BUILDING GROSS FLOOR AREA 11 000 sq. ft.
 BUILDING COVERAGE 38%
 NO. OF PARKING 300-500 CARS

SITE PLAN
 SCALE 1:1000 IN
 PART OF THE SOUTH HALF OF LOT 7
 OF THE SOUTH 1/4 SECTION 10
 IN THE SOUTH 1/4 TOWNSHIP OF TORONTO
 COUNTY OF PEELE
 NOW IN CITY OF BRAMPTON

**PROPOSED TEMPLE
 FOR HINDU SABHA**

**HINDU SABHA
 SITE PLAN**



1:3320

CITY OF BRAMPTON
 Planning and Development

Date: 85 09 12 Drawn by: K.L.
 File no. C10E7.1 Map no. 52-4C

INTER-OFFICE MEMORANDUM

E9

Office of the Commissioner of Planning & Development

April 16, 1986

TO: Chairman of the Development Team
FROM: Planning and Development Department
RE: Application to Amend the Official Plan
and Zoning By-law
Part of Lot 7, Concession 10, N.D.
Ward Number 10
HINDU SABHA
Our File Number C10E7.1

The notes of the public meeting held on Wednesday, April 9, 1986, are attached for the information of Planning Committee.

Attached is one item of correspondence received from Mr. A. Burstein, an abutting property owner, who objects to the proposal.

At its meeting of March 17, 1986, Planning Committee considered a report which concluded that there is no land use planning rationale in support of an Official Plan Amendment to permit institutional uses on the subject lands, given that the proposal is:

- contrary to the intent of the Official Plan;
- conflicts with the Food Land Guidelines; and,
- incompatible with the rural character of the surrounding community.

If, however, Planning Committee wishes to pursue this application, the following should be recommended to City Council:

- A. That the notes of the public meeting be received;

B.

That staff be directed to prepare the appropriate documents for the consideration of Council as follows:

- (1) An official plan amendment to permit the proposed institutional uses on the subject lands;
- (2) A zoning by-law amendment changing the designation of a portion of the subject lands to be used for institutional purposes, from the "Agricultural (A)" Zone to the "Institutional One (I1)" Zone. The site specific zoning by-law should consider the following:

(a) The site shall only be used for:

(i) a religious institution;

(ii) a parsonage; and,

(iii) purposes accessory to the other permitted purposes.

- (b) The gross floor area of all buildings and accessory uses shall not exceed 2090 square metres;
- (c) The maximum height of all buildings shall not exceed 11.0 metres; and,
- (d) A building envelope shall be identified on the by-law schedule.

C. Prior to the enactment of the zoning by-law, the applicant shall submit, to the satisfaction of the City and the Metropolitan Toronto and Region Conservation Authority, a survey plan indicating the top-of-bank on the site.

D. The proposed development shall be subject to a development agreement, and prior to the issuance of a building permit a site plan, a landscape plan and a grading and drainage plan shall be approved by the City.

E. Prior to the issuance of building permits, the applicant shall obtain approval from the Region of Peel for the installation of entrance culverts at the proposed accesses.

F. Prior to the issuance of building permits, the applicant shall obtain approval from the Regional Health Department and the Metropolitan Toronto and Region Conservation Authority for the installation of a septic disposal system.

G. The applicant shall agree by agreement to:

(i) convey a 2.76 metre road widening, in favour of the Region of Peel, where the subject lands abut The Gore Road;

(ii) convey a 0.3 metre reserve to the Region of Peel, along the widened limit of The Gore Road, with the exception of two access points;

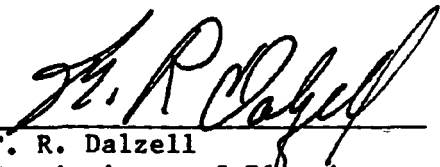
(iii) satisfy the requirements of the Metropolitan Toronto and Region Conservation Authority; and,

(iv) provide and maintain a 6.0 metre landscaped area where the site abuts The Gore Road.

Respectfully submitted,


John B. Corbett, M.C.I.P.
Policy Planner

AGREED:


F. R. Dalzell
Commissioner of Planning
and Development


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

JC/thk/7
attachments(2)

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, April 9, 1986, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 7:51 p.m. with respect to an application by HINDU SABHA (File: C10E7.1 - Ward 10) to amend both the Official Plan and the Zoning By-law to permit the establishment, on a portion of the subject property, of a Hindu Temple.

Members Present: Councillor F. Russell - Chairman
Councillor N. Porteous
Alderman J. Hutton
Alderman H. Chadwick
Alderman A. Gibson
Alderman J. Shadrach
Alderman L. Bissell
Alderman S. DiMarco

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

There were two interested members of the public in attendance.

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

Mr. Dalzell replied in the affirmative.

Mr. Corbett outlined the proposal and explained the intent of the application. After the conclusion of the presentation the Chairman invited questions and comment from members of the public.

- cont'd. -

Ida Denga, Ebenezer Road, complained that she did not receive notice of the public meeting and only heard about it through the Guardian, also that the rezoning sign was knocked over and not replaced.

Mr. Dalzell responded that notices were sent to property owners within 120 metres of the subject site, and at the last inspection, the sign was in place but it will be put up again.

There were no further questions or comments and the meeting adjourned at 7:54 p.m.

400

April 14/86

THE CORP. OF THE CITY OF BRAMPTON
BRAMPTON - ONT.

C10E7.1

Dear Sirs;

Re the application from HINDU SABHA
FOR A PROPOSAL TO AMEND BOTH THE OFFICIAL
PLAN & THE ZONING BY-LAW, I AS IMMEDIATE
NEIGHBOUR DIRECTLY SOUTH (CONC-10 PT LOT 6)
GORE ROAD STRONGLY OBJECT.

FIRSTLY, I UNDERSTAND THERE ARE PLANS
FOR PARKING 500 CARS, WHICH MEANS A LARGER
TRAFFIC FLOW ON THE GORE RD.

SECONDLY, I HAVE OWNED LAND ON THE GORE
RD FOR PAST 24 YEARS & IN BOLTON & HAVE NOT
SEEN ANY PEOPLE WITH HINDU RELIGION IN THIS
AREA & SURROUNDING AREA.

THIRDLY, WHERE IS THERE A SEWER FOR
SEWAGE? THEY WILL REQUIRE SEPTIC TANKS.

THIS PARTICULAR AREA AS FAR AS I'M CONCERNED
IS JUST NOT SUITABLE FOR A HINDU TEMPLE, &
I WOULD SUGGEST THEY BUILD A TEMPLE IN THE
VICINITY THEY LIVE IN & THERE CHILDREN GO TO
SCHOOL.

I OBJECT TO A HINDU TEMPLE BORDERING MY
PROPERTY.

I UNDERSTAND THAT AN APPLICATION FOR REZONING
HAS BEEN MADE FOR A TRADE CENTRE - HOTEL
COMPLEX ~~AS~~ MY PROPERTY. LETS SEE WHAT
THE OUTCOME OF THAT APPLICATION IS FIRST, &
WHETHER A HINDU TEMPLE WOULD FIT IN THE
OVER-ALL SCHEME.

Yours Sincerely

MR. A. BURTON

792 9898

Brampton Ont