



February 8, 2012

Ministry of Transportation
Jin Wang, Team Leader
Provincial & Environmental Planning Office
Garden City Tower, 2nd Floor
St. Catharines, ON L2R 7R4

LEGISLATIVE SERVICES	
COPY TO:	FOR:
Chair	<input checked="" type="checkbox"/> Committee
CAO	<input checked="" type="checkbox"/>
Corporate Services	<input checked="" type="checkbox"/> Council
Public Works	<input checked="" type="checkbox"/> March 8, 2012
Employee and Business Services	<input type="checkbox"/>
Health Services	<input type="checkbox"/> File
Human Services	<input type="checkbox"/>
Peel Living	<input type="checkbox"/>

Re: Proposed Exemptions to Interim Control By-law 206-2003 – 9188 Heritage Road, 2696 Embleton Road, 2593 Embleton Road and 10344 Mississauga Road – Ward 6

The Council of the Corporation of the City of Brampton passed the following resolutions at its meeting of January 25, 2012:

- C003-2012
1. That the report from D. Waters, Manager, Land Use Policy, Planning, Design and Development, dated December 20, 2011, to the Council Meeting of January 25, 2012, re: **Proposed Exemptions to Interim Control By-law 206-2003 – 9188 Heritage Road, 2696 Embleton Road, 2593 Embleton Road and 10344 Mississauga Road – Ward 6**, be received (File P80); and
 2. That the exemption request for 2593 Embleton Road be deferred to the February 8, 2012 Council Meeting; and
 3. That By-law 10-2012 be enacted to amend Interim Control By-Law 306-2003, an Interim Control By-law applicable to part of the area subject to Zoning By-law 270-2004, as amended, to exempt lands municipally known as 9188 Heritage Road, 2696 Embleton Road, and 10344 Mississauga Road; and

con't.../

The Corporation of The City of Brampton
2 Wellington Street West, Brampton, ON L6Y 4R2 T: 905.874.2000 TTY: 905.874.2130

(Copies of Appendices A to G inclusive of The City of Brampton report are available from the office of the Regional Clerk)

REFERRAL TO _____
 RECOMMENDED _____
 DIRECTION REQUIRED _____
 RECEIPT RECOMMENDED _____

RECEIVED

FEB 14 2012

REGION OF PEEL
CLERKS DEPT.

4. That the report from D. Waters, Manager, Land Use Policy, Planning, Design and Development, dated December 20, 2011, to the Council Meeting of January 25, 2012, re: Proposed Exemptions to Interim Control By-law 206-2003 – 9188 Heritage Road, 2696 Embleton Road, 2593 Embleton Road and 10344 Mississauga Road – Ward 6, be forwarded for information to the Province of Ontario, the Region of Peel, the Region of Halton, the Town of Caledon, and the Town of Halton Hills.

C009-2012 That the correspondence dated January 24, 2012, from N. Davis, Davis Webb, Lawyers, on behalf of A. Cutruzzola, owner of 2593 Embleton Road, requesting the deferral of Recommendation 2 of Report I 8-1 re: **Proposed Exemptions to Interim Control By-law 206-2003 – 9188 Heritage Road, 2696 Embleton Road, 2593 Embleton Road and 10344 Mississauga Road – Ward 6**, be received (File P80).

Yours Truly,

Linda Mailer
Legislative Coordinator, City Clerk's Office
Tel: 905-874-3829; Fax: 905-874-2119
linda.mailer@brampton.ca

(CL – I 8-1/ L1)

cc: Regional Councillor P. Palleschi
City Councillor J. Hutton
J. Corbett, Commissioner, Planning, Design and Development
H. Zbogor, Acting Director, Planning Policy & Growth Management
D. Waters, Manager, Land Use Policy, Planning, Design and Development
D. Balasal, Policy Planner, Planning, Design and Development
Neil G. Davis, Davis, Webb LLP, 24 Queen Street East, Suite 800,
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Regional Municipality of Peel, Carol Reid, Clerk, 10 Peel Centre Drive,
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Region of Halton, Susan Lathan, Clerk, 1151 Bronte Road, Oakville, L6M 3L1
The Town of Caledon, Karen Landry, Clerk, P.O. Box 1000,
6300 Old Church Road, Caledon, L7C 1J6
The Town of Halton Hills, William Roberts, Clerk, 1 Halton Hills Drive,
Halton Hills, L7G 5G2



BRAMPTON

Flower City

PW - B1 - 3

Report City Council

The Corporation of the City of Brampton

Date: December 20, 2011

BRAMPTON CITY COUNCIL

File: P80 TC

DATE: JAN 25 2012

Subject: **RECOMMENDATION REPORT:** Proposed Exemptions to Interim Control By-Law 306-2003 - 9188 Heritage Road, 2696 Embleton Road, 2593 Embleton Road, and 10344 Mississauga Road

Ward 6

Contact: David Waters, Manager, Land Use Policy (905) 874-2074

OVERVIEW

- The City has received requests for exemptions from Interim Control By-Law 306-2003 for the following four properties:
 - 9188 Heritage Road (a 600 square foot addition);
 - 2696 Embleton Road (a storage structure);
 - 2593 Embleton Road (a new 3,000 square foot detached dwelling); and
 - 10344 Mississauga Road (a temporary sales office).
- The four properties are situated in the area identified by the Halton Peel Boundary Area Transportation Study for a proposed Halton-Peel Freeway Corridor.
- Staff recommends that these requests for 9188 Heritage Road, 2696 Embleton Road, and 10344 Mississauga Road can be supported. These proposed exemptions will permit minor additions or temporary structures that will not increase the overall value of the subject properties.
- Staff is not recommending an exemption for 2593 Embleton Road. The new dwelling proposed for this site is deemed not to be minor or temporary in nature and would significantly increase the value of the property.
- Staff has concluded that the exemptions for 9188 Heritage Road, 2696 Embleton Road, and 10344 Mississauga Road will not prejudice the outcome of future transportation studies for selecting a preferred corridor for the Halton-Peel Freeway or an East-West connection between Halton and Peel Regions.
- Staff advises that notwithstanding the above exemptions, the subject properties could potentially be impacted either in full or in part by a transportation corridor, subject to future Environmental Assessment studies.

RECOMMENDATIONS

1. **That** the report from David Waters, Manager, Land Use Policy, Planning, Design and Development, dated December 20, 2011, to the Council Meeting of January 25, 2012, re **“Recommendation report: Proposed Exemptions to Interim Control By-Law 306-2003 - 9188 Heritage Road, 2696 Embleton Road, 2593 Embleton Road, and 10344 Mississauga Road”** be received;
2. **That** the exemption request for 2593 Embleton Road be refused;
3. **That** City Council authorize the enactment of an Interim Control By-Law Amendment respecting 9188 Heritage Road, 2696 Embleton Road, and 10344 Mississauga Road, attached hereto as Appendix G; and,
4. **That** a copy of this report be forwarded for information to the Province of Ontario, the Region of Peel, the Region of Halton, the Town of Caledon, and the Town of Halton Hills.

BACKGROUND

On October 15, 2003, City Council enacted By-Law 306-2003 to protect lands in West Brampton so the Ministry of Transportation could undertake a Needs Assessment Study for a proposed Greater Toronto Area (GTA) West Corridor. The Ministry's Strategic Directions report of January 2003 identified a potential north-south highway link in Brampton's west end, confirming the City's earlier findings that there was a need for a "North-South Transportation Corridor" in the Halton-Peel boundary area.

Interim Control Bylaw 306-2003 was enacted by Brampton Council in October 2003 to enable the Ministry of Transportation to proceed with its Needs Assessment Study for an east-west transportation corridor. However, start-up of the study was delayed and subsequently put on hold.

Increasing development pressures in West Brampton and protection of long-term public interest led the City to initiate its own Environmental Assessment Study for the Bram West Parkway in 2004 (part of the approved Bram West Secondary Plan transportation network), including the "North-South Corridor". However, the study was stopped because the City of Brampton was the sole study proponent for a facility that would also be serving regional and provincial transportation demands. On September 27, 2004, City Council extended Interim Control By-Law 306-2003 for another year to finish a feasibility study and implement corridor protection policies and zoning provisions in the City's Official Plan and Zoning By-Law.

In 2005, Council adopted an Official Plan Amendment and Zoning By-law to implement corridor protection policies and zoning provisions. OP93-255 and Zoning By-law 300-

2005 were subsequently appealed to the Ontario Municipal Board (OMB) by a number of parties. The final disposition of these appeals has not been determined by the OMB. Therefore, in accordance with Section 38(6.1) of the *Planning Act*, Interim Control By-law 306-2003 remains in effect until the appeals have been dealt with by the OMB.

GTA-West Transportation Corridor EA

The GTA West Corridor Environmental Assessment (EA) was initiated by the Ministry of Transportation (MTO) in January 2007 to consider the alternatives for a new corridor and/or other transportation improvements from Highway 400 west toward Guelph. The study area includes the Urban Growth Centres of Downtown Milton, Downtown Brampton, Vaughan Metropolitan Centre, and Downtown Guelph, and also incorporates the Halton-Peel Boundary Area Transportation Study (HPBATS) area.

On March 7, 2011 the Province released its Stage 1 Draft Transportation Development Strategy (TDS), documenting the assessment and evaluation of transportation system alternatives and recommending a preferred alternative to be carried forward to Stage 2 (detailed route planning).

The TDS Report, once finalized, will signal the conclusion of Stage 1 of the GTA West Corridor EA. The report identifies a Preliminary Route Planning Study Area which will be used to guide alignment options in Stage 2 of the EA. The Preliminary Route Planning Study Area scopes down the broader initial study area, and includes corridor protection areas in west Brampton. The properties that are the subject of this report are located within the preliminary route planning study area.

The Transportation Development Strategy Report also identifies the Province's need, upon completion of Stage 1, for more formal corridor protection to ensure that development does not preclude a transportation corridor that meets the needs of the Greater Golden Horseshoe, particularly in key "Areas of Interest" expected to be finalized in Spring 2012.

Halton-Peel Boundary Area Transportation Study

The Halton-Peel Boundary Area Transportation Study (HPBATS) was initiated in April 2006, whereby the Regions of Halton and Peel agreed to undertake a boundary area transportation study and to implement its recommendations on a timely basis, including further revisions to the Halton Region Official Plan. iTrans Consulting Inc. was retained in April 2007 by the Region of Peel, Region of Halton, City of Brampton, Town of Caledon, and Town of Halton Hills to complete the Halton-Peel Boundary Area Transportation Study.

On April 19, 2010, the Planning Design and Development Committee received a recommendation report and Council subsequently approved HPBATS as a long term

transportation master plan. The broad mandate of HPBATS was to identify long-term transportation network solutions supportive of current and future municipal planning objectives at the Halton-Peel boundary. The recommendations included a range of strategic and policy improvements, as well as a series of road network improvements, including the Halton-Peel Freeway and Bram West Parkway as an arterial facility (see Figure 1).

In August 2011 the City of Brampton initiated an Environmental Assessment (EA) for Bram West Parkway, from Heritage Road south of Highway 407 to Financial Drive, together with the segment of Financial Drive from Heritage Road to Winston Churchill Boulevard. The study is being carried out in accordance with the planning and design process for Schedule "C" Projects in the Municipal Class Environmental Assessment (October 2000, as amended in 2007). A Notice of Study Commencement was issued on August 5, 2011 with the first Public Information Centre scheduled for Spring 2012 and completion of the EA study in Fall 2013.

The multi-jurisdictional Environmental Assessment Study for the Halton-Peel Freeway is yet to be initiated in part because of recent Provincial plans for a GTA-West Transportation Corridor, whose proposed general alignment falls within the Halton-Peel Freeway.

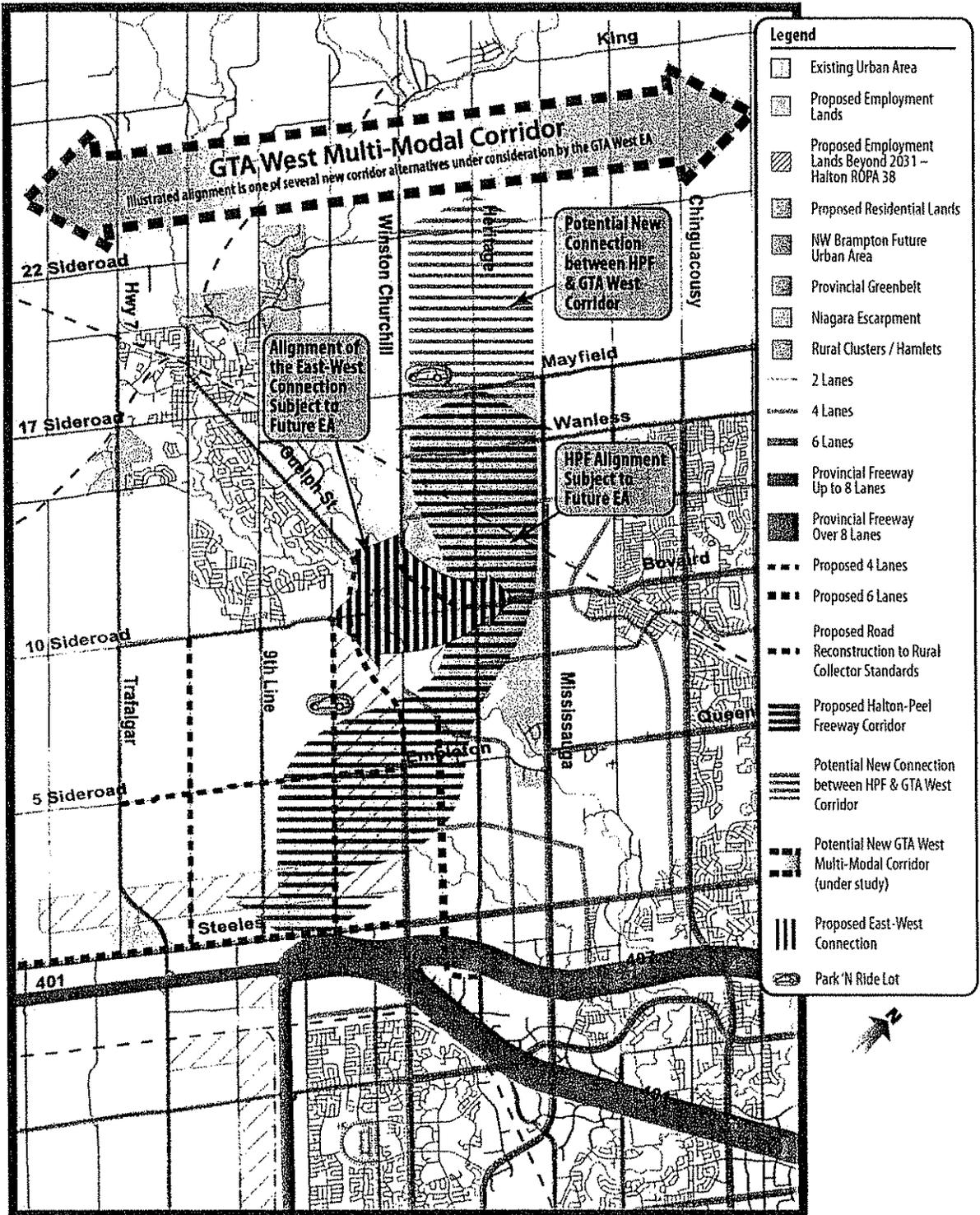
As part of the overall planning program for North West Brampton, the City of Brampton is undertaking a Transportation Master Plan in accordance with the Municipal Class Environmental Assessment in support of Secondary Plan Areas 52 and 53 ("Heritage Heights"). The findings of this work are expected to inform any future EA for the Halton-Peel Freeway. A Notice of Study Commencement was issued on September 16, 2011.

CURRENT SITUATION

The City has recently received four separate requests for exemptions to Interim Control By-Law 306-2003 which are shown on Figure 2. The Interim Control By-Law protects lands for the planning of a future transportation corridor and applies to lands generally located west of Mississauga Road spanning from Steeles Avenue West to Mayfield Road. Three of the four subject sites are located within Secondary Plan Area 40 (Bram West). The fourth site (10344 Mississauga Road) is located within Secondary Plan Area 52 (Huttonville North), part of the "Heritage Heights" area of North West Brampton which is currently undergoing a comprehensive secondary planning exercise.

In March 2010, Council approved a staff report recommending that future requests for exemptions to the Interim Control By-Law be evaluated under the following considerations:

- that requests should relate to uses that are temporary or transitory in nature;



Subject to future Environmental Assessment studies

Exhibit H-2: HPBATS Recommended Road Network, 2031

FIGURE 1

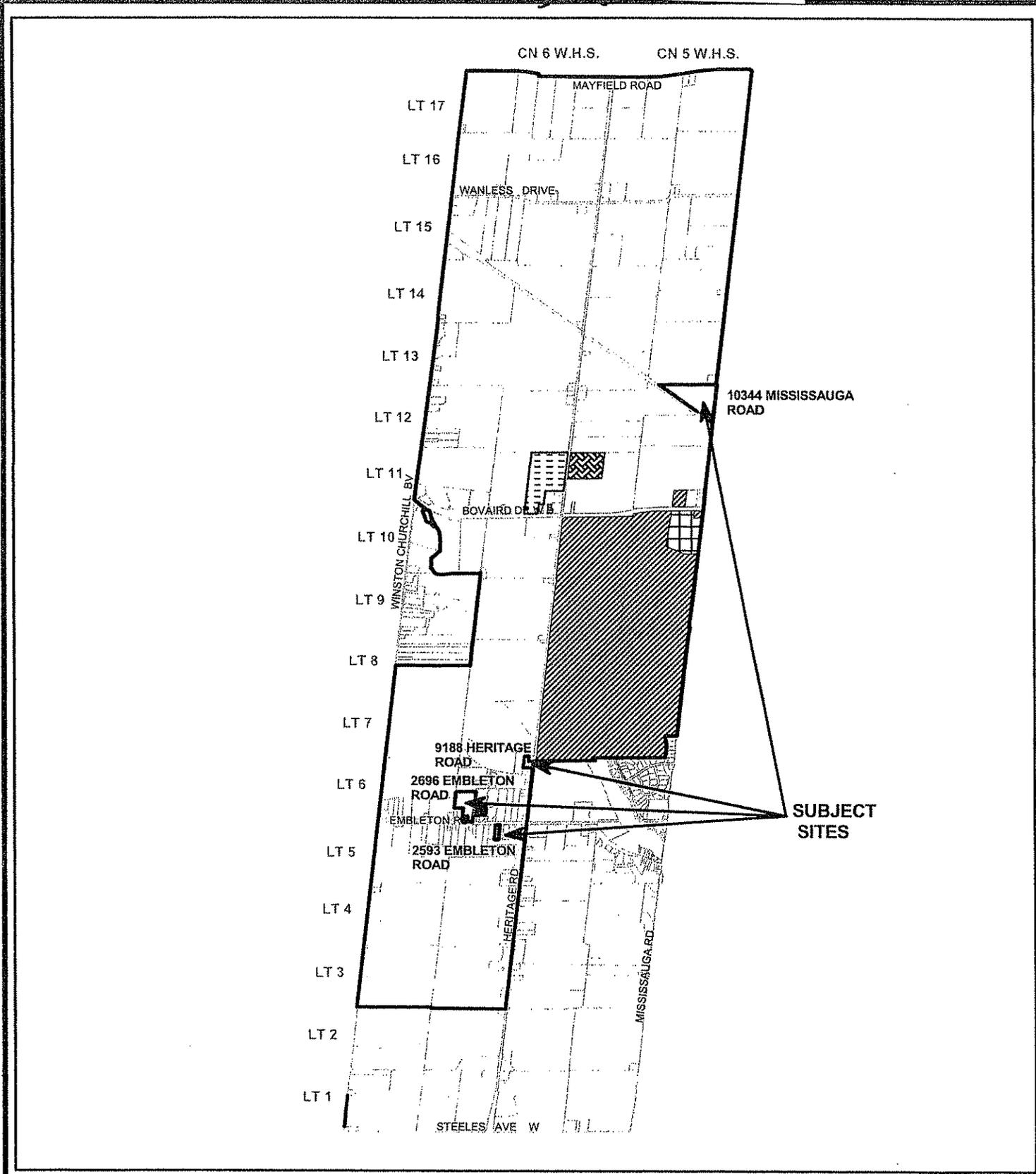


FIGURE 2 - LOCATION OF EXEMPTION SITES

- that any new buildings proposed are to be temporary, non-permanent, structures requiring minimal capital investment or are re-usable;
- that any addition to existing buildings must be minor in scale and intended to facilitate only current activity/ use of the building;
- that consideration be given for the existing settlement pattern; and,
- that consideration be given for existing environmental or physical constraints on or within the vicinity of the subject lands seeking the exemption as it relates to the proposed potential transportation corridor.

These criteria are not mutually inclusive and are intended to be applied as appropriate, recognizing the unique context of individual situations. Also to be taken in account is whether proposed uses would constrain the long-range planning for the surrounding area.

Each exemption request is described below in addition to a summary of the analysis undertaken by Planning staff in determining the City's position for each exemption in light of the above criteria for assessing exemption requests. As part of the review process, the Region of Peel was consulted for comments on each proposal. Aerial location maps for each of the subject sites are found within Appendix A.

9188 Heritage Road

On behalf of the property owner at 9188 Heritage Road, ACE Renovations has submitted to the City a proposed exemption to Interim Control By-Law 306-2003 to permit an extension to an existing residential dwelling (see Appendix B). The subject site is approximately 0.85 hectares (2.1 acres) in size and currently is occupied by a 140 square metre (1,500 square foot) detached dwelling. Accessory structures also exist on the site. The proposed addition is about 56 square metres (600 square feet) in size and will be located on the south side of the existing dwelling.

The site is located on the west side of Heritage Road and is currently flanked by agricultural uses and rural residential dwellings. Within the City's Zoning By-Law the site is currently zoned "Agricultural", which permits a residential dwelling. A minor variance is not required to permit the proposed addition. Page Cemetery, designated as a local Heritage Resource, is located directly to the north side of the subject property.

Given the criteria approved in March 2010, staff has concluded that the proposed exemption can be supported. Situated at the periphery of an existing settlement area, the site also sits at the edge of an area that has been identified as a potential corridor for the Halton-Peel Freeway shown on Figure 1. Furthermore, Page Cemetery located next to the site's northern lot line is a constraint that will likely influence future transportation corridor options crossing the Credit River. Therefore, staff believe that the proposed addition of 600 square feet to the existing residential dwelling is minor in

nature, and will not prejudice the planning for a future transportation corridor or a bridge crossing of the Credit River.

The City's Heritage Coordinator has advised that a heritage impact assessment may be required prior to issuance of a building permit for the proposed addition given the site's proximity to Page Cemetery.

2696 Embleton Road

The City has received a request for an exemption to the ICBL from Glen Schnarr and Associates on behalf of the owner of 2696 Embleton Road (see Appendix C). A minor variance application was previously submitted to the City to permit a temporary landscaping business at 2696 Embleton Road. Additional uses that are proposed include an outdoor storage uses to accommodate about ten motor vehicle storage stalls and six rolling bins, and an accessory storage structure.

The entire site is approximately 6.8 hectares (17 acres) in size, however, only a portion of the site would need to be exempted from the ICBL to permit the proposed use as only a one hectare portion of the site would be required to accommodate the landscaping business. The site is situated on the north side of Embleton Road and has frontage along Browns Lane. The subject lands are surrounded by agricultural uses and rural residential dwellings zoned "Agricultural" and are designated as Residential in the Official Plan.

The minor variance application submitted for the subject lands was conditionally approved in June 2011, and required that Council approve an exemption to the Interim Control By-Law to permit an accessory structure, which was previously constructed on the subject lands without a building permit. A previous exemption to Interim Control By-Law 3006-2003 was granted by Council in March 2010 to similarly permit a landscaping business on lands adjacent to the subject site for 0 Browns Lane and 44 Browns Lane.

Based on the criteria for assessing exemption proposals, staff supports an exemption for 2696 Embleton Road. The request seeks approval for a landscaping business on lands that are located within an existing settlement area. Although these lands are located in the HPBATS proposed corridor for the Halton-Peel Freeway, the use is temporary in nature, of low value and will therefore not prejudice the outcome of the EA study for the transportation corridor. Given the temporary nature and relatively low capital value of the accessory structure, the proposal satisfies the March 2010 criteria to qualify for an exemption.

2593 Embleton Road

The owner of 2593 Embleton Road, Mr. Anthony Cutruzzola, has submitted a request to the City for an exemption to ICBL 306-2003 to permit the development of a new single-

detached dwelling on an existing lot of record known as 2593 Embleton Road on the subject lands (see Appendix D). Currently, a detached dwelling of approximately 140 square metres (1,500 square feet) occupies the site. The proposal is to demolish the existing structure and replace it with a new larger dwelling in the order of 283 square metres (3,050 square feet). The new dwelling would be situated south of the existing building footprint and may be impacted by a future transportation corridor as identified on Figure 1. Accessory structures currently exist to the rear of the site which may also need to be removed to facilitate the construction of the new dwelling.

The site is located in the Huttonville settlement area and is flanked by existing rural residential dwellings. The subject lands are zoned "Agricultural" and are designated Residential in the City's Official Plan.

At this time, staff does not support the proposed exemption for 2593 Embleton Road as the lot is located at the edge of an area that has been identified as a potential corridor for the Halton-Peel Freeway by HPBATS (see Figure 1) and the proposed new structure is deemed not to be temporary, minor in scale or requiring minimal capital investment. The construction of the new dwelling -twice the size of the original- would be expected to significantly increase the overall value of the property. In reviewing the criteria established for assessing requests for exemptions to the ICBL, staff has determined that the use as proposed is not a minor change to an existing structure, though the site is located within an existing rural settlement area. Staff has also received correspondence from the Region of Peel regarding their concerns with the subject proposal (summarized on Page 8).

10344 Mississauga Road

A request was received by the City from MMM Group on behalf of Primont Homes to grant an exemption to the Interim Control By-Law to permit the construction of a temporary sales office at 10344 Mississauga Road (see Appendix E). The office is proposed to be a temporary use and would accommodate a sales office associated with a new home site located in the Mount Pleasant Secondary Plan Area 51 for a period of 3 years. The proposed gross floor area of the sales office is 262 square metres (2,800 square feet).

The site to be used for the sales office is situated on the west side of Mississauga Road, north of the Canadian National Railway and is approximately 2.7 hectares (6.7 acres) in size. An existing two-storey residential dwelling is located along the eastern portion of the property which is accessed by a driveway connected to Mississauga Road. The existing dwelling is planned to remain on site. An existing creek and wooded area is located at the western edge of the site. These features will not be impacted by the temporary use.

The property is currently surrounded by agricultural and rural residential uses, is zoned "Agricultural" and is designated "North West Brampton Urban Development Area" in the Official Plan.

Per the submission attached as Appendix E, Primont Homes is requesting that Council grant an exemption to allow for the temporary use of the sales office for a period up to 3 years. A total of 12 parking spaces are proposed, and a portable outdoor washroom facility would be located on the site during that time. The landowners have advised that the sales office is proposed to be situated so as to minimize any impacts to the Region of Peel's proposed widening of Mississauga Road expected to be undertaken in 2017.

Applying the criteria for this exemption request, staff is generally supportive of the sales office as it is temporary in nature, minor in scale and will not impact surrounding uses. Therefore, the proposed use will not prejudice the future EA studies for the Halton-Peel Freeway or other HPBATS recommended transportation improvements.

Region of Peel Comments

In a letter dated December 16, 2011, the Region has advised staff that it does not object to the proposed exemptions, with the exception of 2593 Embleton Road.

Region staff finds that given the scale of the 2593 Embleton Road proposal, the request does not constitute a minor or temporary change. Peel Region has advised that it could be in a position to reconsider the exemption request for 2593 Embleton Road once detailed information is available regarding a preferred alignment for the Halton-Peel Freeway. While this comment differs slightly from the City's position on when the proposal may be resubmitted, it sends a clear message that the exemption cannot be supported at this time as it is premature.

The Region's letter is attached as Appendix F.

CORPORATE IMPLICATIONS

Considering the high level of interest around the planning for the Halton-Peel Freeway, prior to the January 25th Council meeting the City will be advising the HPBATS partner municipalities, the Ministry of Transportation, and the parties who are part of the OMB proceedings on the City's corridor protection OPA and zoning by-law of Brampton's intention to grant exemptions to Interim Control By-Law 306-2003 for 9188 Heritage Road, 2696 Embleton Road, and 10344 Mississauga Road.

CONCLUSION

It is recommended that Council enact an exemption to Interim Control By-Law 306-2003 for the following properties:

- an addition to the existing residential dwelling at 9188 Heritage Road;
- an accessory structure and temporary landscaping business at 2696 Embleton Road; and,
- a temporary sales office at 10344 Heritage Road.

Staff has concluded that the foregoing exemptions will not prejudice the outcome of future transportation studies for selecting a preferred corridor for the Halton-Peel Freeway or an East-West connection between Halton and Peel Regions. It is further noted, however, that the subject properties could potentially be impacted either in full or in part by a transportation corridor, subject to future Environmental Assessment studies. Staff is recommending that the exemption request for 2593 Embleton Road be refused at this time.

The exemption by-law is attached hereto as Appendix G.

Respectfully submitted,



Henrik Zbogor, MCIP, RPP
Acting Director, Planning Policy &
Growth Management



John Corbett, MCIP, RPP
Commissioner,
Planning, Design & Development

Appendices:

- | | |
|-------------|---|
| Appendix A: | Aerial Location Maps |
| Appendix B: | Correspondence from ACE Renovations, October 17, 2011 |
| Appendix C: | Correspondence from Glen Schnarr & Associates, September 28, 2011 |
| Appendix D: | Correspondence from Anthony Cutruzzola, September 2, 2011 |
| Appendix E: | Correspondence from MMM Group, December 8, 2011 |
| Appendix F: | Region of Peel Letter, December 16, 2011 |
| Appendix G: | Proposed Exemption By-law |

Report Authored by: Daniella Balasal/David Waters