

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017**

Item 2, Report No. 7, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on February 21, 2017.

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**ZONING BY-LAW AMENDMENT FILE Z.16.040  
3942198 CANADA INC. C/O AMARDEEP DEOL  
WARD 1 - VICINITY OF MAJOR MACKENZIE DRIVE AND REGIONAL ROAD 50**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated February 7, 2017, be approved; and
- 2) That the deputation of Mr. Ryan Guetter, Weston Consulting, Millway Avenue, Vaughan, on behalf of the applicant, be received.

#### **Recommendation**

The Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning recommend:

- i. THAT the Public Hearing report for File Z.16.040 (3942198 Canada Inc. c/o Amardeep Deol) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

#### **Contribution to Sustainability**

The contribution to sustainability such as site and building design initiatives will be determined when the technical report is considered.

#### **Economic Impact**

This will be addressed when the technical report is completed.

#### **Communications Plan**

- a) Date the Notice of Public Hearing was circulated: January 13, 2017. The Notice of Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: 150 m
- c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Vaughan Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

#### **Purpose**

To receive comments from the public and the Committee of the Whole on Zoning By-law

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Amendment File Z.16.040 to amend Zoning By-law 1-88 on the subject lands shown on Attachments #1 and #2, specifically to rezone the subject lands from A Agricultural Zone to EM2 General Employment Area Zone to permit the existing truck terminal with the outside storage of transport containers, transport trailers, chassis and an accessory administrative office currently permitted only on a temporary (3 year) basis to be maintained on a permanent basis, in the manner shown on Attachments #3 to #5, together with the following site-specific zoning exceptions to Zoning By-law 1-88:

Table 1:

	<b>By-law Standard</b>	<b>Zoning By-law 1-88, EM2 General Employment Area Zone</b>	<b>Proposed Exceptions to the EM2 General Employment Area Zone</b>
a.	Accessory Outside Storage	<p>Where Accessory Outside Storage of goods or materials is a permitted use, it shall be permitted only in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>i) Outside accessory storage to a permitted use, shall not exceed 30% of the lot area;</li> <li>ii) Outside storage is not permitted on any lot unless there is an existing building with a gross floor area of at least 550 m<sup>2</sup>;</li> <li>iii) No outside storage shall be located in any front yard, exterior side yard or between any main building and a street line, and further shall be no closer than 20 m to any street line;</li> <li>iv) The outside storage area shall be completely enclosed by a stone or masonry wall or chain link fence with appropriate landscaping screen and no such enclosure shall be less than 2 m in height;</li> <li>v) If a lot has a frontage of less than 45.5 m, no part of any open storage shall be in the side yard;</li> <li>vi) No outside storage shall be permitted on any corner lot;</li> </ul>	<p>Accessory Outside Storage is permitted on the subject lands, subject to the following provisions:</p> <ul style="list-style-type: none"> <li>i) Outside accessory storage of transport trailers is permitted in Areas "A" and "B" shown on Attachment #3 exceeding 30% of the lot area, and only in accordance with the following provisions: <ul style="list-style-type: none"> <li>▪ In Area A, a maximum of 152 transport containers is permitted, and a maximum of 2 transport containers may be stacked and in no case, shall any outside storage or the height of the stacked transport containers exceed 5.2 m;</li> <li>▪ In Area B, a maximum of 85 transport containers is permitted, and the stacking of transport containers shall not be permitted; the maximum height of outside storage in Area B shall not exceed 4.1 m;</li> <li>▪ The total maximum number of transport trailers to be stored at one time (Areas A and B) shall not exceed 161; and</li> </ul> </li> </ul>

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		<p>vii) If a lot upon which outside storage is permitted abuts the boundary of a residential or open space zone, screening shall be provided along such boundary within the industrial zone. Screening shall consist of a solid fence a minimum of 2 m in height;</p> <p>viii) No outside storage other than the storage of machinery and equipment shall exceed 3 m in height; and,</p> <p>ix) The outside storage of any goods or materials which are obnoxious, visually or otherwise, including derelict or scrap motor vehicles or machinery and worn-out appliances or equipment shall not be permitted.</p>	<p>ii. The storage of hazardous material shall not be permitted, the outside storage of goods or materials which are obnoxious, visually or otherwise, including derelict or scrap motor vehicles or machinery and worn-out appliances or equipment shall not be permitted.</p>
b.	Maximum Driveway Width	7.5 m	15 m

Additional zoning exceptions may be identified through the detailed review of the application and will be considered in a technical report to a future Committee of the Whole meeting.

#### **Background - Analysis and Options**

Location	<ul style="list-style-type: none"> <li>On the north side of Major Mackenzie Drive, east of Regional Road 50, known municipally as 7290 Major Mackenzie Drive, shown as "Subject Lands" on Attachments #1 and #2.</li> </ul>
Previous Ontario Municipal Board Approval of OPA #693, Zoning By-law 289-2009 and Site Development File DA.08.033	<ul style="list-style-type: none"> <li>On October 24, 2007, the Owner filed appeals to the Ontario Municipal Board for Official Plan Amendment and Zoning By-law Amendment Files OP.04.019 and Z.04.059 on the subject lands, for failure to make a decision on the applications within 180 days. The Owner proposed to amend the Official Plan and Zoning By-law to permit a truck terminal use with outside storage on the subject lands. On March 31, 2008, Council refused the above noted applications. Minutes of Settlement were subsequently reached between the Owner and the City of Vaughan to permit the truck terminal use on the subject lands on a temporary basis. On September 12, 2008, the Ontario Municipal Board approved OPA #693 and Zoning By-law 289-2009 to permit a truck terminal use and related outside storage for a temporary period.</li> </ul>

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	<ul style="list-style-type: none"><li>▪ OPA #693 permitted a temporary Truck Terminal, consisting of the outside storage of trucks, transport trailers and transport containers, and an administrative office, but excluded motor vehicle repair for a period of 3 years, with the possible extension for a maximum of an additional 3 years only, pending the status of the Western Vaughan EA study and the Employment Secondary Plan Study.</li><li>▪ Zoning By-law 289-2009 permitted the truck terminal with the outside storage of trucks, transport trailers and transport containers and an administrative office, but excluded motor vehicle repair, with site-specific zoning exceptions to Zoning By-law 1-88, on a temporary basis, for a period of 3 years. By-law 289-2009 expired on June 24, 2010.</li><li>▪ Site Development File DA.08.033 was never finalized and a Site Plan Agreement was never executed for the previous approval granted on the subject lands, for the temporary use of the subject lands, for a truck terminal and related outside storage. Although the Owner may have implemented certain features of the proposed site plan (eg. site grading, acoustical fence, berm, temporary office and landscaping) on the subject lands, the final approval of all required plans and drawings (ie. site plan, grading, landscaping) remains outstanding. The final site plan details will be reviewed through the current Site Development File DA.16.040 and the documents and plans submitted in support of the proposal.</li></ul>
Official Plan Designation, Site-Specific VOP 2010 Appeal, and Future Block Plan	<ul style="list-style-type: none"><li>▪ The subject lands are designated “General Employment” by Vaughan Official Plan 2010 (VOP 2010), specifically Volume 2 - Section 11.9 West Vaughan Employment Area Secondary (WVEA) Plan, as approved by the Ontario Municipal Board (OMB).</li><li>▪ On November 21, 2012, the Owner appealed VOP 2010, as it pertained to the subject lands to the OMB, which previously designated the subject lands “Prestige Employment” and “General Employment”. The Owner requested that VOP 2010 recognize the existing truck terminal with outside storage on a permanent basis on the subject lands. On December 1, 2015 (oral decision) and subsequently on December 18, 2015 (written decision) the OMB approved a site-specific modification to VOP 2010, which redesignated the entire subject lands from “Prestige Employment” and “General Employment” to “General Employment”.</li><li>▪ The “General Employment” designation permits the truck terminal use with outside storage on the subject lands. However, Schedule 1: Transportation of the WVEA plan shows a north-south collector road proposed at the east boundary of the subject lands. Therefore, should the subject</li></ul>

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	<p>lands become a “corner lot” through the future Block (59) Plan for the West Vaughan Employment Area Secondary Plan, the proposed outside storage would not conform to the Official Plan.</p> <ul style="list-style-type: none"> <li>▪ The OMB Order (Case PL111184) issued December 18, 2015, states that should the site become a ‘corner lot’ through a future process, the Owner (Amar) will engage the City during the block plan process to allow for continued outside storage on the site.</li> <li>▪ The truck terminal and related outside storage use currently conforms to the Official Plan.</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>▪ A Agricultural Zone subject to Exception 9(1331) by Zoning By-law 1-88.</li> <li>▪ The Owner has submitted Zoning By-law Amendment File Z.16.040, to rezone the subject lands from A Agricultural Zone to EM2 General Employment Zone together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1, in order to permit the existing truck terminal and accessory outside storage on the subject lands on a permanent basis, and consistent with the OMB approval.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Shown on Attachment #2.</li> </ul>

#### Preliminary Review

Following a preliminary review of the application, the Vaughan Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	City Official Plan Policies, Future Block 59 Plan for the West Vaughan Area Secondary Plan	<ul style="list-style-type: none"> <li>▪ The application will be reviewed in consideration of the policies in VOP 2010, specifically Volume 2 – Section 11.9 West Vaughan Employment Area (WVEA) Secondary Plan.</li> <li>▪ VOP 2010 requires that a detailed Block Plan be approved for the lands within the WVEA in order to implement the Secondary Plan. As outlined in the OMB approval, the Owner will be required to join the block plan landowners group once the block plan process has commenced for this area.</li> </ul>

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		<ul style="list-style-type: none"> <li>Should the subject lands become a 'corner lot' through a future Block Plan approval process, and the location of the north-south collector road occur at the easterly boundary of the subject lands as shown on Schedule 1- Transportation of the WVEA Plan, consideration shall be given to the appropriateness of the proposed outside storage on the site.</li> <li>A clause will be included in the implementing site plan agreement and/or other options will be considered to implement the OMB decision, specifically the requirement for the Owner to engage the City during the block plan process to allow for the continued outside storage on the site, should the property become a 'corner lot'.</li> </ul>
b.	Appropriateness of Proposed Uses and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>The appropriateness of permitting the existing truck terminal use on a permanent basis with the majority of the site devoted to accessory outside storage on a permanent basis on the subject lands will be reviewed in consideration of its compatibility with the surrounding existing and planned land use context.</li> <li>The proposed outside storage use, outside storage areas (A and B), number of trailers and containers, and heights of the outside storage, are proposed to be consistent with what was previously approved through Zoning By-law 289-2009. The Vaughan Development Planning Department will review the previous approval to ensure no additional outside storage of materials is currently occurring on the site, and that the heights and number of trailers being maintained is consistent with the previous approval.</li> <li>The current 'temporary' building on the site is proposed to be maintained as an accessory office use for the truck terminal, until the Block Plan for the WVEA area is approved. Once servicing is available, the Owner (through the OMB settlement principles) has agreed to provide a permanent building on the subject lands. Consideration shall be given to the appropriate conditions required in the implementing site plan agreement and/or zoning by-law, to require a permanent building on the subject lands in the future, should the subject applications be approved.</li> </ul>
c.	Related Site Development Application (File DA.16.083)	<ul style="list-style-type: none"> <li>The related Site Development Application will be reviewed concurrently with the Zoning By-law Amendment application to ensure consideration of, but not limited to: appropriate site design and future building placement once servicing is available, sufficient landscaping around the periphery of the site for screening purposes, environmental sustainability, internal traffic circulation, garbage pick-up area, parking, snow storage areas, stormwater management, final surface treatment of the site, servicing and grading.</li> </ul>

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		<ul style="list-style-type: none"><li>All issues identified through the review of the Site Development Application will be addressed together with the subject Zoning By-law Amendment application in a comprehensive technical report to a future Committee of the Whole meeting.</li></ul>
d.	TransCanada Pipeline Limited	<ul style="list-style-type: none"><li>The TransCanada Pipeline easement and 10 m buffer is located at the southeast corner of the subject lands, as shown on Attachment #3. The application has been circulated to their planning consultant (MHBC Planning) for review and comment.</li></ul>
e.	Parkland Dedication	<ul style="list-style-type: none"><li>The Owner will be required to pay to the City of Vaughan cash-in-lieu of the dedication of parkland, in accordance with the <i>Planning Act</i> and the City's Cash-in-Lieu of Parkland Policy, should the application be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.</li></ul>
f.	Studies and Reports	<ul style="list-style-type: none"><li>The Owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City and/or York Region:<ul style="list-style-type: none"><li>- Environmental Site Assessment (ESA) Phase 1</li><li>- Sustainability Metrics</li><li>- Noise Impact Study</li><li>- Stormwater Management Design Brief</li></ul></li></ul> <p>Additional reports may be required as part of the development review process.</p>

**Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

The applicability of this application to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.

**Regional Implications**

The application has been circulated to York Region for review and comment. To date, York Region has provided the following, but not limited to, comments:

- i) The proposed access point to Major Mackenzie Drive is not acceptable. This section of Major MacKenzie Drive will be reconstructed in 2019, and York Region Roads Capital Delivery is currently working on an Environmental Assessment (EA) which has recommended the location of the accesses for this property and for the property to the south of Major Mackenzie Drive. The proposed access is to be aligned with the access on the south side of Major Mackenzie Drive. The Owner shall contact York Region for design coordination purposes.
- ii) York Region would like the Owner to revise the site plan to indicate a vehicular interconnection and an access easement(s), if applicable between the Owner's property and the adjacent properties to the east and west.

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- iii) York Region is protecting for a 43 metre right-of-way for this section of Major Mackenzie Drive, and as such requires a 21.5 metre setback from the centerline from the construction of Major Mackenzie Drive. The Owner shall convey the following lands along the entire frontage of the subject lands to Major Mackenzie Drive to York Region, free of costs and encumbrances:
  - a) Sufficient property to provide 21.5 metres setback from the centerline of construction of Major Mackenzie Drive;
  - b) A 0.3 metre reserve along the entire frontage of the site adjacent to the widening; and,
  - d) A temporary easement for the re-construction of the access to the property.

The above issues and any other issues identified by York Region will be addressed when the technical report is considered.

**Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

**Attachments**

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Landscape Plan
- 5. Elevations (Temporary Office)

**Report prepared by:**

Carmela Marrelli, Senior Planner, ext. 8791

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)