

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, Report No. 19, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 14, 2013.

18

**ZONING BY-LAW AMENDMENT FILE Z.12.004
ADCIT HOLDINGS LIMITED
WARD 4 - VICINITY OF BOWES ROAD AND KEELE STREET**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated April 30, 2013:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.12.004 (Adcit Holdings Limited) BE APPROVED, to amend Zoning By-law 1-88, specifically the EM2 General Employment Area Zone, subject to Exception 9(82) on the subject lands shown on Attachments #1 and #2, as follows:
 - i) to permit the continued operation of an existing plastics sorting/recycling establishment use within a wholly enclosed building (Units #1 - #10 of 452 Bowes Road) with no accessory outside storage as shown on Attachments #3 and #5; and,
 - ii) to permit the zoning exceptions identified in Table #1 of this report;
 - iii) to include the following definition for a “plastics sorting/recycling establishment” use:

“A plastics sorting/recycling establishment means the use of a building, or part of a building for an operation engaged primarily in the collection, sorting and separation of recyclable plastics and plastic materials, and the processing or preparation thereof in the form of densification for the efficient storage and/or shipment to a material recovery facility or directly to end-users for the purpose of further processing but does not include a waste, concrete or asphalt recycling facility or a composting facility”; and,
 - iv) to include the following definition for “staging spaces”:

“Parking spaces for the temporary parking of trucks and trailers only as shown on Attachment #3, up to a maximum of 72 hours, and not to be used for the parking of staff or visitor vehicles”.

Contribution to Sustainability

The application implements the following Goal and Objective of Green Directions Vaughan:

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive.

- Objective 4.3: To encourage the establishment of green businesses and sustainable business practices.

In accordance with the goal and objective identified above, the addition of a plastics recycling facility will assist the City of Vaughan’s objective to increase the waste diversion target to 95% as part of the Greening Vaughan strategy, which complies with Green Directions Vaughan and the City’s “Vaughan Vision 2020 Strategic Plan”.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 2

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On March 30, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the Concord West Ratepayers' Association. No written comments were received by the Vaughan Development Planning Department. The recommendation of the Vaughan Committee of the Whole to receive the Public Hearing report of April 24, 2012 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on May 8, 2012.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.12.004 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the EM2 General Employment Area Zone subject to Exception 9(82), to:

1. recognize and permit the continued operation of an existing plastic sorting and recycling facility that is wholly enclosed within Units #1 to #10 inclusive at 452 Bowes Road, as shown on Attachments #3 to #5. Zoning By-law 1-88 does not permit a plastics sorting/recycling establishment use in an EM2 General Employment Area Zone; and,
2. to permit the site-specific zoning exceptions identified in Table #1 of this report.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located southeast of Langstaff Road and Keele Street and are developed with two separate buildings, municipally known as 450 and 452 Bowes Road, City of Vaughan. The surrounding land uses are shown on Attachment #2. The proposed plastic sorting/recycling facility currently occupies 10 units (Units #1 to #10) of the existing 14 unit industrial building at 452 Bowes Road as shown on Attachment #3.

Official Plan

The subject lands are designated "Employment Area General" by in-effect OPA #450 (Employment Area Plan), and are further subject to the following policies, definitions, criteria and general provisions for Waste Recycling Establishments in the Employment Area:

"2.2.7.2 Waste Recycling (in part):"

1. Definition

A "waste recycling establishment" is an operation that may collect and store and/or process recyclable materials for the purposes of creating new products or raw materials, and includes a waste transfer station and a material recovery facility but does not include a concrete or asphalt recycling facility or a composting facility.

2. Location

- i) A waste recycling establishment shall only be permitted in areas designated "Employment Area General" by this Plan; and,

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 3

- ii) A waste recycling establishment shall not be permitted to operate on lands abutting an arterial road and existing or planned provincial highways.

3. Site Development Criteria (in part):

a) General Provisions

- i) Waste recycling establishments shall operate in a manner that does not result in a nuisance or a hazard to the health and safety of the natural environment and persons;

b) Operations in Enclosed and Free-Standing Buildings

- ii) A waste recycling establishment may be permitted to operate within a multi-unit industrial building, subject to an amendment to the zoning by-law, provided it can be demonstrated that such use:
 - shall be sensitively integrated on the site and be compatible with other uses in the building and with surrounding development;
 - shall ensure that the function and intensity of the use does not detrimentally impact upon other users in the building, particularly with regard to fugitive emissions (smoke, noise, dust and odour), process upsets, breakdown or malfunction of technical controls and/or spills, vibration, truck traffic, and the potential attraction of nuisance factors such as vectors and vermin, and other similar matters;
 - shall ensure the proper functioning of the site, having regard for adequate internal traffic circulation, sufficient parking and loading spaces, and other similar matters of concern; and,
 - shall not detract from the visual aesthetics of the site.

c) Outside Storage

- i) The outside storage of materials shall be accessory to a permitted waste recycling establishment use and shall be allowed only in designations that permit outside storage.

Official Plan Conformity

The proposal conforms to the waste recycling establishment policies of OPA #450 as follows:

Section 2.2.7.2 of the Official Plan permits the proposed plastics sorting/recycling establishment use. The proposal complies with all location policies of the Official Plan (as identified above), as the subject lands are designated "Employment Area General", and do not abut an arterial road or provincial highway. Further, the proposed use operates within a wholly enclosed building in a manner that does not result in a nuisance or a hazard to the health and safety of the natural environment and persons as there are no external hazardous emissions. The use is located approximately 1.35 km away from an existing residential area (Concord West to south) and 400m away from existing open space (to the east).

The waste recycling policies of the Official Plan provide for and permit outside storage, but only

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 4

accessory to the waste recycling use (plastics sorting/recycling establishment use) and only in a designation that permits such use (Subsection 2.2.7.2.3 c) i), as noted above). The subject lands are designated “Employment Area General”, which permits accessory outside storage. However, despite the permission, the Owner has advised that outside storage will not be required for the plastics sorting/recycling establishment given the ability to store all recycling materials internal to the existing industrial building. The implementing zoning by-law will reflect the nature of the plastics sorting/recycling establishment use and prohibit outside storage on the subject lands for any plastic recycling material.

Therefore, the proposal for a plastics sorting/recycling establishment use meets all definition, location and operation policies as identified, in part, of OPA #450. The Vaughan Development Planning Department is satisfied that the proposal conforms to the Official Plan.

Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “General Employment” by the new City of Vaughan Official Plan 2010 which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012 and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and which is pending approval from the Ontario Municipal Board. The General Employment designation permits manufacturing and processing and would include uses such as waste recycling. The Vaughan Development Planning Department is satisfied the proposal conforms to the new City of Vaughan Official Plan 2010.

Description of the Proposed Plastic Recycling Use

The Owner (Adcit Holdings Limited) has advised that the daily operations for the proposed plastics sorting/recycling establishment use consists of receiving recyclable plastic material by trailer, including, but not limited to, plastic bottles, pails, and other plastic utensils. The recyclable plastic material is then separated internally by hand, and then further processed by ‘grinding’ and ‘chopping’ machines. The processed recyclable plastic material is then further processed by ‘bailing’ and ‘binding’ machines into cubes, which are stored internal to the existing industrial building, prior to being shipped elsewhere for further processing. No outside storage is proposed. Any leftover materials that are not shipped elsewhere are stored internally in bins in the existing industrial building and disposed of through a private disposal company to authorized disposal areas. The internal floor plan, which displays the existing machines and bins, is shown on Attachment #5. Development Planning staff conducted a site visit on March 12, 2012, and can confirm that the activities described by the Owner are consistent with what was observed.

Zoning

The subject lands are zoned EM2 General Employment Area Zone by Zoning By-law 1-88 and subject to Exception 9(82), which does not permit a waste recycling use. Although accessory outside storage is permitted in the EM2 General Employment Area Zone, the Owner has advised that the proposed plastics sorting/recycling establishment does not require any outside storage. The Owner is proposing to amend Zoning By-law 1-88 and Exception 9(82), to permit a plastics sorting/recycling establishment use within a wholly enclosed multi-unit building. Zoning By-law 1-88 does not include a definition for a “plastics sorting/recycling establishment”. Therefore, it is recommended that the definition for a plastics sorting/recycling establishment identified in Table #1, be included in the implementing zoning by-law. The definition is consistent with the definition of a waste recycling establishment in the Official Plan.

The following site-specific zoning exceptions are required to facilitate the proposal:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 5

Table #1

	By-law Standard	By-law 1-88 EM2 Zone, subject to Exception 9(82)	Proposed Exceptions to By-law 1-88, EM2 Zone, Exception 9(82)
a.	Definition of Plastics Sorting/Recycling Establishment	<ul style="list-style-type: none"> Does not include a definition for a plastics sorting / recycling establishment 	<ul style="list-style-type: none"> Permit a plastics sorting / recycling establishment use, defined as follows: “A plastics sorting/recycling establishment means the use of a building, or part of a building for an operation engaged primarily in the collection, sorting and separation of recyclable plastics and plastic materials, and the processing or preparation thereof in the form of densification for the efficient storage and/or shipment to a material recovery facility or directly to end-users for the purpose of further processing but does not include a waste, concrete or asphalt recycling facility or a composting facility.”
b.	Accessory Outside Storage (Subsection 6.3.2 i))	<ul style="list-style-type: none"> Outside accessory storage to a permitted use shall not exceed thirty percent (30%) of the lot area 	<ul style="list-style-type: none"> Permit an accessory outside storage area to a maximum of 38.5% of the lot area for the exclusive use of the Owners of 450 Bowes Road and Units #11 to #14 of 452 Bowes Road, and not to be used by the plastics sorting / recycling establishment within Units #1 to #10 of 452 Bowes Road.
c.	Temporary Parking of Trucks Considered to be Accessory Outside Storage (Subsection 6.3.2)	<ul style="list-style-type: none"> Temporary parking of trucks/trailers are considered outside storage 	<ul style="list-style-type: none"> Permit the temporary parking of trucks/trailers not to be considered outside storage, and to be considered “staging spaces” subject to the following site-specific definition: “Parking spaces for the temporary parking of trucks/trailers only, up to a maximum of 72 hours, and not to be used for the parking of staff or visitor vehicles.”
d.	Area Devoted to a Towing Compound	<ul style="list-style-type: none"> Exception 9(82) permits 1,858m² of the lot to be devoted to a “towing compound” 	<ul style="list-style-type: none"> Delete this provision from Exception 9(82), as the towing compound no longer exists on the subject lands.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 6

To facilitate the plastics sorting/recycling establishment use on the subject lands, the temporary parking of trucks/trailers is necessary to remove the processed recycled plastic material for further processing elsewhere. The Owner has advised that the temporary parking of trucks/trailers would be required for a maximum of 72 hours only at any one time for the operation, which complies with the “Open Storage” definition in Zoning By-law 1-88. The Owner is proposing 25 truck/trailer parking spaces measuring 3 m X 13 m each and identified as “staging spaces”, as shown on Attachment #3. To facilitate this temporary parking of trucks/trailers, the Development Planning Department recommends that these spaces be defined in the implementing zoning by-law, as follows:

“Parking spaces for the temporary parking of trucks and trailers only, up to a maximum of 72 hours, and not to be used for the parking of staff or visitor vehicles”.

Truck and trailer parking is necessary for the operation of many employment uses. Given the location of these staging spaces at the rear of the site behind two industrial buildings, the Development Planning Department has no objection to the provision of these spaces.

The subject lands currently contains an accessory outside storage area comprised of 38.5% (13,577 m²) of the total lot area with 30% of this area devoted to outside storage and the balance (8.5%) to a “towing compound” as permitted by Zoning By-law 1-88, subject to Exception 9(82). The towing compound is located within the existing outside storage area shown on Attachment #3. The Owner has requested that the exception be amended to permit the entire 38.5% of this area to be used as outside storage only, since the towing compound no longer operates on the site. The accessory outside storage area complies with all other requirements of Zoning By-law 1-88 (Subsection 6.3.2) respecting outside storage. As the use of the area devoted to the towing compound area is similar in nature to an outside storage area, the Development Planning Department can support the removal of the towing compound permission from the current zoning of the subject lands and the request to maintain the 38.5% accessory outside storage area on the lot as shown on Attachment #3.

In addition, the Owner has advised that plastic will not be stored outside, and therefore, do not require use of the outside storage area. The Owner has requested that the proposed 38.5% outside storage area remain for the exclusive use of the occupants in 450 Bowes Road and Units #11-14 of 452 Bowes Road. The Development Planning Department has no objections to this request and has proposed provisions to be included in the implementing zoning by-law in this respect.

As the EM2 General Employment Area Zone implements the “Employment Area General” designation in OPA #450, and the Waste Recycling policies of OPA #450 (as detailed above) permit a “waste recycling establishment” in the “Employment Area General” designation, the Development Planning Department is satisfied that the proposed exceptions to Zoning By-law 1-88 are appropriate, implement the policies of the Official Plan, meet the intent of Zoning By-law 1-88, and are desirable for the appropriate development of the subject lands.

Further Planning Considerations

Subsection 2.2.7.2.3 f) i) of OPA #450 states that when considering a proposal for a waste recycling establishment, the City may request a traffic study to identify the traffic to be generated, the impact on the road network, and any transportation improvements required to accommodate the development. The Vaughan Development/Transportation Engineering Department through their review has not identified a need for a traffic study to be provided by the Owner. Minimal truck traffic will be generated by the operation of this facility onto local roads, as approximately 5 to 6 trips to and from the facility are made daily. All existing driveway surfaces are paved with

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 7

asphalt and all existing parking spaces and loading areas are designed in accordance with the standards in Zoning By-law 1-88 and as required by Subsection 2.2.7.2.3 f) ii) and iii) of OPA #450. The Vaughan Building Standards Department confirmed that the number of loading areas and staff parking spaces meets the minimum requirement as set out in Zoning By-law 1-88.

The Vaughan Development Planning Department is satisfied with the proposal.

Ministry of Environment

The Ministry of Environment has advised that an Environmental Compliance Approval and a Certificate of Approval are not required for the existing plastics sorting/recycling establishment, as the operation does not produce any air, water or waste water emissions, and that plastic materials are exempt as long as the recycling process does not create a noxious by-product.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) **Lead and Promote Environmental Sustainability**

The proposed plastics sorting/recycling establishment will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

ii) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

N/A

Conclusion

The Vaughan Development Planning Department has reviewed the proposal in accordance with the policies of OPA #450, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposal to permit a plastics sorting/recycling establishment use within the existing multi-unit industrial building and without outside storage, complies with the waste recycling policies of the Official Plan and is appropriate at this location. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment File Z.12.004, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan (452 Bowes Road)
4. Existing Elevation Plan (452 Bowes Road)
5. Existing Floor Plan (452 Bowes Road)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 18, CW Report No. 19 – Page 8

Report prepared by:

Daniel Woolfson, Planner 1, ext. 8213

Christina Napoli, Senior Planner, ext. 8483

Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)