

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 7, 2016

2 ZONING BY-LAW AMENDMENT FILE Z.16.009
2109179 ONTARIO INC.
WARD 1 - VICINITY OF HIGHWAY 400 AND KING-VAUGHAN ROAD

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated May 31, 2016, be approved;
- 2) That the deputation of Mr. Mark J. McConville, Humphries Planning Group Inc., Chrislea Road, Vaughan, on behalf of the applicant, be received; and
- 3) That Communication C6 from Ms. Alexandra Ney, dated May 24, 2016, be received.

1. THAT the Public Hearing report for File Z.16.009 (2109179 Ontario Inc.) 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.

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.

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Purpose

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.16.009, which amends the “A” Agricultural Zone of Zoning By-law 1-88 for the subject lands shown on Attachments #1 and #2, to permit the continued use of an existing portable dry batch concrete production plant (Attachment #3) as a temporary use on the developable portion (9.16 ha) of the overall subject lands (17.91 ha) for an additional 3 year period. The balance of the property (8.74 ha) is deemed to be conservation land and is designated “Greenbelt Natural Heritage System” within the Protected Countryside of the Greenbelt Plan, and is not being developed. The requested Zoning By-law amendment would be consistent with the previous temporary Zoning By-law 031-2013, which is attached to this report as Attachment #9.

Background - Analysis and Options

Location	<ul style="list-style-type: none">3501 King-Vaughan Road, being on the south side of King-Vaughan Road and west side of Highway 400, shown as “Subject Lands” on Attachments #1 and #2.
Background	<ul style="list-style-type: none">The Owner submitted Zoning By-law Amendment and Site Development applications to the City in January 2010 and September 2011, respectively, seeking permission to operate a dry batch concrete production plant. Planning Staff in February 2012 recommended approval of the portable dry batch concrete plant after a full review by all internal and external agencies. The review included an evaluation of all the reports and studies that were submitted in support of the applications.In 2012, the Owner appealed the applications to the Ontario Municipal Board (OMB) citing Council's failure to make a decision on the applications within the time allotted by the <i>Planning Act</i>. The OMB issued its Order in February 2013 allowing the appeal and the municipality was directed to amend By-law 1-88 to rezone the lands to allow for a temporary portable dry batch concrete production plant. By-law 031-2013 was enacted by Vaughan Council on April 23, 2013 and permits the temporary use for a period of 3 years. <p>The By-law included a number of provisions, identifying that the By-law is in effect only for the earlier of either:</p> <ul style="list-style-type: none">i) A maximum temporary period of three (3) years only from the date of enactment of By-law 031-2013; or,ii) Upon the date of approval by Vaughan Council of a Block Plan for the OPA #637 Amendment area as applicable to the subject land, whichever occurred first. <p>The By-law also permits extensions to the Temporary Use By-law on the subject lands, which may be granted by Vaughan Council for further periods of not more than 3 years each during which the temporary use is authorized.</p>

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	<p>The current Zoning By-law Amendment File Z.16.009 seeks permission to maintain the same provisions as Zoning By-law 031-2013, as provided in Attachment #9.</p>
Official Plan Designation	<ul style="list-style-type: none"> ▪ The developable portion of the subject lands, comprising 9.16 ha is designated “Prestige Area - Office/Business Campus” by Vaughan Official Plan (VOP) 2010, Volume 2 - Highway 400 North Employment Lands Secondary Plan (previously known as OPA #637). ▪ The balance of the subject lands (8.71 ha) are designated “Greenbelt Natural Heritage System” and are not developable. ▪ VOP 2010 does not permit a portable dry batch concrete production plant, however, it does provide for the temporary use of land, buildings or structures provided the temporary use meets the following conditions: <ul style="list-style-type: none"> a. Is consistent with the general intent of this plan; b. Is compatible with adjacent land-uses; c. Is temporary in nature and can be easily terminated when the temporary zoning-law expires; d. Does not require new buildings or significant structures; e. Does not require significant grading of land; f. Sufficient servicing and transportation capacity exists for the temporary use; g. Maintain the long-term viability of the lands for the uses permitted in this Plan; and, h. The duration of use and proposed interim use are to the satisfaction of the Province. ▪ The subject Zoning By-law Amendment File Z.16.009 meets the temporary use policies of Volume 2 - Highway 400 North Employment Lands Secondary Plan, as demonstrated in 2012 through the original zoning amendment application and by the OMB in 2013.
Zoning	<ul style="list-style-type: none"> ▪ The subject lands are zoned ‘A’ Agricultural Zone by By-law 1-88. A portable dry batch concrete production plant is not listed as a permitted use in the A Agricultural Zone, therefore, an amendment to By-law 1-88 is required to permit the use, which the applicant is seeking for an additional 3 year period as allowed to be applied for under the Planning Act and in site-specific By-law 031-2013. ▪ The current Zoning By-law Amendment File Z.16.009 seeks permission to maintain the same provisions as Zoning By-law 031-2013, on Attachment #9.

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Surrounding Land Uses	<ul style="list-style-type: none"> Shown on Attachment #2.
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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.	Related Site Development File DA.11.086	<ul style="list-style-type: none"> Site Development File DA.11.086, which was previously submitted with the original Zoning By-law Amendment File Z.10.002, has not been finalized (ongoing discussion between the applicant and City staff concerning wording in the implementing Site Plan Letter of Undertaking and respecting the outstanding site plan issues identified below) and remains as an active file. This file will be processed concurrently and finalized with the current Zoning By-law Amendment File Z.16.009 (2109179 Ontario Inc.). Approval of Site Development File DA.11.086 included the following conditions that to date, remain outstanding and must be satisfied: <ul style="list-style-type: none"> i) Prior to the execution of the Site Plan Letter of Undertaking, the final site plan and building elevations must be approved by the Vaughan Development Planning Department; ii) The applicant is required to provide a Letter of Credit to the City of Vaughan in the amount of \$10,000 to cover the cost of any road surface repairs to King-Vaughan Road in proximity to the site entrance, which is necessary due to damage from trucks entering and leaving the site. The Letter of Credit shall be released only after King-Vaughan Road is reconstructed by the City; iii) The site plan drawing is to be revised to ensure the existing driveway is paved a minimum of 30 m back from King-Vaughan Road, to the satisfaction of the Vaughan Development Engineering and Infrastructure Planning (DEIP) Department; and, iv) That Vaughan Council enact the necessary by-law to amend Comprehensive Traffic By-law 284-94 to remove the half tonne restriction on King-Vaughan Road from Weston Road to Jane Street during the period between May 1st and November 30th. <p>Should the subject Zoning By-law Amendment File Z.16.009 be approved, the finalization of the above items must be satisfied.</p>

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b.	Ministry of Environment and Climate Change (MOECC)	<ul style="list-style-type: none">▪ The MOECC was originally circulated on Applications Z.10.002 and DA.11.086. At the time, a Certificate of Approval (AIR) was issued by the Ministry of Environment (on August 17, 2011) and contains a number of conditions that require the Owner to submit annual reports to the Ministry and maintain documentation of the operation. The MOECC has been circulated the current application proposal and will need to determine if a new or amended Certificate of Approval from the Ministry is required.
c.	Ministry of Transportation (MTO)/ Ministry of Municipal Affairs and Housing (MMAH)	<ul style="list-style-type: none">▪ The property abuts Highway #400, and is located within the GTA West Corridor Study area. The application has been circulated to the MTO and MMAH for their review and comments.
d.	Other Operations and Storage/Equipment on Site	<ul style="list-style-type: none">▪ Staff recently conducted a site visit and noted additional storage of materials and equipment on site (trucks, cranes and crane rental office, and construction debris such as metal piping and tanks), which does not form part of the portable dry batch concrete production plant operation. All other material and equipment storage not pertaining to the operation of the current concrete batching plant will be evaluated for appropriateness as part of this application, and through the compliance activities of the By-law and Compliance, Licensing & Permit Service team.
e.	By-law Compliance	<ul style="list-style-type: none">▪ The application has been circulated to the Vaughan By-law & Compliance, Licensing & Permit Service Department to determine whether there have been any complaints or issues related to the portable dry batch concrete production plant over the past 3 years, which will inform the technical review. Development Planning Staff have noted observations made during a recent site visit.

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

The applicability of the 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 the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered.

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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 Vaughan 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. Concrete Batching Plant Enclosure
5. Concrete Batching Plant Silo Mixing Structure Elevations
6. Existing Office Trailer Elevations
7. Existing Building - Vehicle Repair Shop
8. Existing Barn Building
9. Previously Expired Council Approved Zoning By-law 031-2013

Report prepared by:

Margaret Holyday, Planner, ext. 8216
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.)