

**CITY OF VAUGHAN**

**EXTRACT FROM SPECIAL COUNCIL MEETING MINUTES OF JULY 16, 2015**

Item 9, Report No. 29, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on July 16, 2015.

**9**

**SITE DEVELOPMENT FILE DA.15.001**  
**2410658 ONTARIO LTD.**  
**WARD 2 - VICINITY OF REGIONAL ROAD 27 AND REGIONAL ROAD 7**

**The Special Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated July 16, 2015, be approved;**
- 2) That the following deputations be received:**
  - 1. Mr. Nick Pinto, West Woodbridge Homeowners Association Inc., Mapes Avenue, Woodbridge;**
  - 2. Mr. Lou Pompili, AllCap Management Inc., Confederation Parkway, Vaughan;**
  - 3. Ms. Josie Fedele, West Woodbridge Homeowners Association, Albany Drive, Woodbridge; and**
  - 4. Mr. Angelo Italiano, Mapes Avenue, Woodbridge; and**
- 3) That the coloured elevation drawing submitted by the applicant be received.**

**Recommendation**

The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning recommend:

- 1. THAT Site Development File DA.15.001 (2410658 Ontario Ltd.) BE APPROVED, to facilitate the expansion of a legal non-conforming continuous mix and batching asphalt plant use on the subject lands shown on Attachments #1 and #2 with the addition of 4 silos, an at grade truck scale, main drag (enclosed conveyor), a twin shaft coater (mixer), an elevator, aggregate recycle bin and a 45.82 m<sup>2</sup> control house addition, as shown on Attachments #3 to #6, subject to the following conditions:**
  - a) that prior to the execution of the Site Plan Agreement:**
    - i) the Vaughan Planning Department shall approve the final site plan, building elevations, and wall and fencing detail;**
    - ii) the Vaughan Development Engineering and Infrastructure Planning Services Department shall approve the final grading plan, stormwater management report and noise report; and,**
    - iii) the Owner shall successfully obtain approval of Minor Variance Application A144/15 for the expansion of the legal non-conforming continuous mix and batching asphalt plant use, from the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee.**

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#### **Contribution to Sustainability**

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 1: To significantly reduce our use of natural resources and the amount of waste generated

- Objective 1.6: To continue to reduce the amount of waste generated by Vaughan citizens, businesses and institutions

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

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st Century

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the new facilities proposed for the site:

- A heat recovery system that reduces the overall fuel consumption by 10-15%
- Silos and coater system to prevent dust and blue smoke (hydro carbon vapour) and to ensure the asphalt output is odourless
- Heavy duty truck scales and silos to provide accurate load-out and quick turnaround time for truck loading, thereby reducing truck idling and waiting time
- Noise reduction of 30% since the existing equipment will be replaced with the Coater System and Silos
- Natural gas savings of approximately 35% due to the coater system and heat recovery system
- Electricity savings of approximately 30% by using high efficiency motors and a heat recovery system
- The new modern equipment will replace on a day-to-day basis the outdated 30 year old technology that will still be used occasionally (such as for very small loads in early Spring or late Fall), and will therefore be more community-friendly and environmentally sustainable

#### **Economic Impact**

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

#### **Communications Plan**

N/A

#### **Purpose**

The purpose of this report is to seek approval from the Committee of the Whole for Site Development File DA.15.001 to facilitate the expansion of the existing legal non-conforming continuous mix and batching asphalt plant on the subject lands shown on Attachments #1 and #2, including the addition of 4 silos and an at grade truck scale, main drag (enclosed conveyor), a twin shaft coater (mixer), an elevator, an aggregate recycle bin and a 45.82m<sup>2</sup> control house addition, as shown on Attachments #3 to #6.

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#### Background - Analysis and Options

##### *Synopsis:*

*The Owner is proposing to expand the existing legal non-conforming use of a continuous mix and batching asphalt plant use by adding 4 silos, and accessory truck scale, a main drag (enclosed conveyor), twin shaft coater, an elevator, aggregate recycle bin and a 45.82 m<sup>2</sup> control house addition on the subject lands. The Vaughan Planning Department supports the site plan application as the use currently exists on the property and has operated under different ownerships for the past 30 years. With the proposed additions, existing impacts will be reduced with the introduction of new modern equipment that will mitigate impacts associated with the existing 30 year old equipment including but not limited to dust, smoke, odour, and truck idling. Planning staff will also be supportive of the approval of the related Minor Variance Application A144/15 when it is amended as described in this report prior to consideration by the Vaughan Committee of Adjustment for the expansion of the legal non-conforming continuous mix and batching asphalt plant use.*

##### Location

The subject lands are located north of Regional Road 7 and east of Regional Road 27, municipally known as 32 and 40 Ashbridge Circle, City of Vaughan, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Currently, the site is developed with an existing aggregate recycle bin, existing elevator and an existing asphalt batching tower, as shown on Attachment #3. In addition, the site contains existing hoppers, a conveyor belt, dryer, asphalt cement storage tanks, an air compressor and baghouses that will be used with the existing and the proposed continuous mix asphalt plant.

##### Official Plan

The subject lands are designated "General Employment" and subject to the "Legal Non-Conforming" policies of Vaughan Official Plan 2010 (VOP 2010). VOP 2010 includes the following policies to be reviewed when Vaughan Council considers an expansion of a legal non-conforming use:

- the characteristics of the legal non-conforming use and the proposed extension or enlargement will be examined with regard to noxious emissions including noise, vibration, fumes, smoke, dust, odour, lighting, environmental impacts and traffic generating capacity and with regard to its ability to respect and reinforce the character and planned function of the immediate local area as demonstrated through appropriate study(ies), and no amendment to the Zoning By-law shall be approved if one or more of such nuisance factors will be created or increased so as to add to the incompatibility of the use with the surrounding area, or if the expansion or enlargement will result in a built form that is not compatible with the character and planned function of the area;
- the neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to increase compatibility of character and planned function, reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs; and,
- in all cases where an existing legal non-conforming use seriously affects the amenity, character and planned function of the surrounding area, consideration shall be given to the possibility of ameliorating such conditions as a condition of approving an application for extension or enlargement of the legal non-conforming use, especially where public health and welfare are directly affected.

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The Owner has indicated that the proposed addition of 4 silos, and accessory uses, as shown on Attachments #3 to #7, will not create any adverse impacts to the community. The new silo technology will increase efficiency, reduce nuisances specifically noise, dust, odour, fumes and environmental impacts. The proposed silos and truck scale provide accurate load-out and a quick turnaround time for truck loading, thereby reducing truck idling and waiting time. The 23.78m high silos are similar in height to the existing silo and machinery. A new 4.88 m sound wall and fence surrounds the perimeter of the site consisting of concrete blocks stacked 3 high with a pressure treated wood fence on top. Concrete blocks are also used to form interior walls to divide the storage areas for the aggregate. The plant through this modernization and expansion will not be increasing their production (previous and current approvals from the Ministry of the Environment and Climate Change allow for 300 tonnes per hour maximum), just the efficiency of the operation.

The proposed expansion of the legal non-conforming continuous mix and batching asphalt plant conforms to the Official Plan.

#### Zoning

The subject lands are zoned EM2 General Employment Area Zone by Zoning By-law 1-88, as shown on Attachment #2. Zoning By-law 1-88 prohibits a continuous mix and batching asphalt plant, however, this use has been in existence on the subject lands prior to the enactment of Zoning By-law 1-88 in 1988 (permitted under former Town of Vaughan Zoning By-law 2523), and has been deemed to be an existing legal non-conforming use.

Section 1.6 of Zoning By-law 1-88 states that nothing in this By-law shall prevent the use of any land, building or structure, which on the date of the passing of this By-law was lawfully used or erected for any purpose prohibited by this By-law so long as it continues to be used for that purpose. Site Development File DA.15.001 seeks to add additional equipment to the existing use, and therefore, relief from Zoning By-law 1-88 is required to expand the existing legal non-conforming use.

The site is currently developed with an existing asphalt batching plant that has been determined to be an existing legal non-conforming use. The proposed expansion of the plant was needed to improve efficiency, functionality and for the betterment of the environment. The changes on the subject lands represents a logical expansion of this use on the property, and is supported by Planning staff, subject to the Owner successfully obtaining approval of Minor Variance Application A144/15 by the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee. A condition to effect has been included in the recommendation of this report.

#### Committee of Adjustment

The Owner has filed Minor Variance Application A144/15 with the Committee of Adjustment to expand the existing legal non-conforming use to permit the addition of 4 silos and a truck scale. However, Minor Variance Application A144/15 must be amended to include all the new equipment including the main drag (enclosed conveyor), the twin shaft coater, elevator, aggregate recycle bin and a 45.82 m<sup>2</sup> control house addition uses, which the applicant has been advised.

The application was originally scheduled to be heard at the June 25, 2015 Committee of Adjustment meeting, however, the Owner/Agent was not present at the meeting and the Committee adjourned the application "Sine Die". It is expected that the Variance Application will be considered at the July 23 meeting of the Committee of Adjustment, provided revisions to the application are made by the applicant and sufficient notice of the revised application is given to the public.

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##### Site Plan Review

The site is designed for trucks to drive in under the main drag and loop around towards the rear of the site and drive on top of the proposed at grade truck scale where the trucks get filled with asphalt from one of the four new silos above. The perimeter of the site is designed for the aggregate storage areas, which typically consists of coarse and fine gravel and sand, as shown on Attachment #3.

Liquid asphalt cement arrives by tankers at the plant and is stored in asphalt cement tanks. Coarse and fine gravel and sand is placed by a front end loader onto hoppers and is carried by conveyor to the rotary dryer. From the rotary dryer, the coarse and fine gravel and sand is carried by an enclosed conveyor to the continuous twin shaft coater where asphalt cement and descent (to eliminate odour) is added. The completed asphalt mix is carried by an enclosed conveyor to storage silos sorted and stored by asphalt mix design, as shown on Attachments #5 and #6. The final asphalt mix is dropped from the storage silo onto trucks waiting on the scale below to receive and deliver the asphalt load. An Operational Chart is provided on Attachment #7, which outlines the equipment and process of the asphalt plant.

The proposed development consists mostly of equipment with a 115.68 m<sup>2</sup> control house requiring 4 parking spaces, whereas, the site plan shows a total of 8 parking spaces. A recently constructed 45.82 m<sup>2</sup> office addition was added to the control house, as shown on Attachment #4.

The Owner has indicated that the new enclosed conveyor, continuous mixing and heat recovery system does not produce dust, noise and is odourless.

The Vaughan Planning Department is satisfied that the proposed site plan and elevations, as shown on Attachments #3 to #7, are satisfactory.

##### West Woodbridge Homeowners Association Inc.

As part of the circulation process, the West Woodbridge Homeowners Association Inc. (WWHA) was provided a copy of the proposal. The WWHA and the Owner have worked together and signed a joint letter on June 5, 2015, identifying their agreed upon requests, which includes an owner appointed community liaison, review of maximum production rate, restriction of hours of operation, height of fence, height of silos, enclosure over recycled asphalt, safety and maintenance log reviews, and scent of exhaust fumes, as shown on Attachment #8.

The WWHA supports the proposal. The WWHA and the Owner entered into the Agreement shown on Attachment #8, exclusive of the City of Vaughan.

##### Vaughan Development Engineering and Infrastructure Planning Department

The Vaughan Engineering and Infrastructure Planning Services Department (DEIPS) has provided the following comments:

1. The Owner shall provide site grading, site servicing and site erosion and sediment control drawings to the satisfaction of the DEIPS Department.
2. The stormwater management letter dated December 16, 2014, shall be updated to identify the quantification of the total stormwater release from the site, methods achieving the required stormwater quality control, pre- and post-development drainage area plans (including the route and outlet of the major storm) and associated supporting calculations to the satisfaction of the DEIPS Department.

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3. A site specific Noise Report shall be submitted outlining the noise sources, the calculation of anticipated noise emissions, comparison to the acceptable emission levels mandated by the Ministry of Environment, impact on adjacent development and discussion of the required noise attenuation measures to be implemented to the satisfaction of the DEIPS Department.
4. Amended Ministry of the Environment and Climate Change (MOECC) Environmental Compliance Approval stating approval for 4 silos.
5. The Owners Environmental Consultant has provided all of the necessary Phase II Environmental Site Assessment (ESA) reports and the Vaughan DEIPS Department is satisfied.

#### Toronto and Region Conservation Authority

The Owner has satisfied the requirements of the Toronto and Region Conservation Authority (TRCA) and the Authority has issued a permit under Ontario Regulation 166/06.

#### Ministry of the Environment and Climate Change

The Ministry of the Environment and Climate Change (MOECC) has issued an Environmental Compliance Approval (ECA) on November 27, 2014 for 1 hot mix asphalt plant having a maximum production rate of 300 tonnes per hour and consisting of the following sources discharging to the air:

- 1 batch dryer/mixer equipped with 1 burner
- 3 asphalt cement storage tanks (silos) equipped with 1 hot oiler heater

On March 30, 2015, the Owner applied to amend their application with the MOECC to include 4 additional asphalt cement storage tanks. The application was received by the MOECC, Environmental Approvals Access and Service Integration Branch on April 7, 2015, and is in queue where it will be reviewed in chronological order.

The MOECC has confirmed that the amended application does not nullify the existing November approval for the existing approval of 3 silos. The existing ECA is still valid for the existing equipment until an amendment to the ECA is issued. Discussions are underway with the Ministry to ensure timely review as MOECC approval will be a requirement of any future Building Permit for the proposed expansion.

#### **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 Owner will be incorporating the sustainable site and building features identified in this report.

##### **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.

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#### **Regional Implications**

The York Region Community Planning and Development Services Department has reviewed the application and has no comments or objections.

#### **Conclusion**

Site Development File DA.15.001 has been reviewed in accordance with the policies of VOP 2010, Zoning By-law 1-88, comments from City Departments, external public agencies and the area context. The Vaughan Planning Department is satisfied that the proposed development of the subject lands is permitted by Zoning By-law 1-88, subject to successfully obtaining a Minor Variance approval from the Vaughan Committee of Adjustment to permit the expansion of the legal non-conforming continuous mix and batching asphalt plant use, and is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. The implementation of the new modern equipment is more community-friendly and environmentally sustainable than the existing situation and will serve to mitigate previous impacts associated with the existing 30 year old equipment including but not limited to dust, smoke, odour and truck idling. Accordingly, the Vaughan Planning Department can support the approval of Site Development File DA.15.001, subject to the recommendations in this report.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Control House Addition Elevations
5. West & North Silo Elevations
6. West Silo Elevation
7. Operational Chart
8. Ratepayer Group/Owner Agreement

#### **Report prepared by:**

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(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.)