

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 11, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

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**ZONING BY-LAW AMENDMENT FILE Z.12.019
SITE DEVELOPMENT FILE DA.12.045
ZEPKO HOLDINGS INC.
WARD 1 – VICINITY OF KING-VAUGHAN ROAD AND HIGHWAY 400**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated June 17, 2014:

Recommendation

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

1. THAT Zoning By-law Amendment File Z.12.019 (Zepco Holdings Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the A Agricultural Zone, on the subject lands shown on Attachments #1 and #2, to maintain a Truck Parking Facility and Material Storage Use as defined in this report and accessory office and truck repair uses for a temporary maximum period of 3 years (maximum permitted under the Planning Act), in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT prior to the implementation of the Zoning By-law, the owner shall acquire a Temporary Easement (less than 21 years) over a portion of the lands to the south of the subject lands, for the maneuvering of trucks, as identified on Attachment #3, and the Temporary Easement must be registered with the Land Registry Office to the satisfaction of the Vaughan Planning Department.
3. THAT Site Development File DA.12.045 (Zepco Holdings Inc.) BE APPROVED, to recognize the existing temporary Truck Parking Facility and Material Storage Use, as shown on Attachment #3, subject to the following conditions:
 - a. That prior to the execution of the Site Plan Letter of Undertaking:
 - i. the Vaughan Planning Department shall approve the final site plan;
 - ii. the Vaughan Building Standards Department shall approve the final site servicing plan; and,
 - iii. the Vaughan Development/Transportation Engineering Department shall approve the final site plan, Noise Report and Storm Water Management Brief.
 - b. That the Site Plan Letter of Undertaking include the following provisions:
 - i. the owner shall acknowledge and abide by the half load restriction on King-Vaughan Road;
 - ii. the owner shall asphalt pave the driveway apron and provide a \$10,000 Letter of Credit to the City of Vaughan to cover the cost of any necessary repairs or improvements to King-Vaughan Road which are necessary due to damage from trucks entering and leaving the site;

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- iii. a maximum of 11 people can be employed in accordance with the on-site septic system report; and,
- iv. a Building Permit for the on-site septic system be obtained.

Contribution to Sustainability

The Zoning By-law Amendment and Site Development Applications seek permission to maintain an existing truck parking facility and gravel/sand storage use within existing structures on the site, and therefore, there are no sustainable features proposed.

Economic Impact

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

Communications Plan

On November 2, 2012, a Notice of Public Hearing was circulated to all property owners within 1000 m of the subject lands. In addition, the Notice of Public Hearing was posted on the City's website at www.vaughan.ca. In accordance with the City of Vaughan "Notice Signs Procedures and Protocols", two notice signs were erected on the property, one along King-Vaughan Road and one along Highway 400.

One correspondence was received respecting the location of the easement for the driveway. One individual spoke at the Public Hearing and raised the following concerns:

- the use creates early morning truck traffic, significant dirt and dust, and noise
- the use has been operational for 10 years and is not temporary
- the use creates diesel exhaust fumes
- concerns with any environmental impact on the property

The above noted issues will be discussed further in the report. The recommendation to receive the Public Hearing report of November 27, 2012, was ratified by Vaughan Council on December 11, 2012.

On June 6, 2014, a notice of this Committee of the Whole meeting was sent to all individuals who appeared at the Public Hearing and to those individuals requesting notification.

Purpose

To seek approval from the Committee of the Whole on the following applications to maintain the existing truck parking facility and gravel/sand storage on the subject lands shown on Attachments #1 and #2, as shown on Attachment #3:

1. Zoning By-law Amendment File Z.12.019 to amend Zoning By-law 1-88, specifically to permit the existing operation of a Truck Parking Facility and Material Storage Use as defined in this report (gravel/sand area) and accessory office and truck repair uses as temporary uses (maximum 3 year period as permitted under the Planning Act) within the A Agricultural Zone.
2. Site Development File DA.12.045 to recognize the existing temporary Truck Parking Facility and Material Storage operation with accessory office and truck repair in the manner shown on Attachment #3.

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The owner originally submitted Official Plan Amendment File OP.12.002 (Zepco Holdings Inc.) to maintain the existing truck storage yard and accessory uses on the subject lands for a temporary period of nine years. Upon further review of the Official Plan (OPA #637), which has been incorporated into VOP 2010 (Volume 2) in its entirety, the proposed uses conform to the temporary use policies of the official plan, and therefore, the Official Plan Amendment application is not required and has been closed.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at 3500 King-Vaughan Road, being north of King-Vaughan Road, and west of Highway 400. The property is setback approximately 130 m west of Highway 400 and 350 m north of King-Vaughan Road. The site is accessed via a 9.14 m wide driveway easement from King-Vaughan Road in favour of the owner of the subject lands over the lands to the south (described as Part 2 on 65R-11409).

Description of Use, Operation Details and Site Plan

As described in the Planning Justification report prepared by Humphries Planning Group Inc., dated May 2012, the truck parking facility has been in operation since 2004 by the current owner, and operates Monday through Friday between the hours of 6:30 am to 7:30 pm, and half days on Saturday. There is generally one delivery of gravel/sand to the property each week, which is stored in the gravel/sand storage area shown on Attachment #3. The company trucks are generally out all day to deliver the gravel/sand, and return at the end of the day to park. The company utilizes 12 stone slinger trucks. The operation employs approximately 20 individuals, 7 of which are office employees. The site is serviced by a private well and septic system.

The subject lands contain the following uses and structures, as shown on Attachment #3:

- a 2-storey brick house used as a residential dwelling and includes an ancillary office for the truck operation (Building "A")
- a concrete/brick garage used for maintenance/repair of the trucks (Building B)
- an accessory structure which contains a chicken coop
- 2 storage containers containing items used for general property maintenance and tires
- a gravel parking area
- a diesel tank and an oil tank
- gravel/sand pile storage area

The site is not visible from King-Vaughan Road or Highway 400, as it is setback 130 m from Highway 400 and 350 m from King-Vaughan Road, and screened with existing vegetation. The gravel/sand outside storage area is also surrounded by landscaped berms, as shown on Attachment #3.

Land Use Policies/Planning Considerations

The Vaughan Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications and supporting documentation, in consideration of the following land use policies:

a) York Region Official Plan (YROP)

The subject lands are designated "Urban Area" by the YROP, as amended by Regional Official Plan Amendment #52 (ROPA #52), which permits a range of employment uses within the ROPA #52 amendment area. The lands are also identified as "Strategic Employment Lands" by the YROP, adopted by Regional Council on November 20, 2008.

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b) City of Vaughan Official Plan 2010 - Site Specific OPA #637

The subject lands are designated “Prestige Areas” and “General Employment Area” by OPA #637 (Highway 400 North Employment Lands) as shown on Attachment #4. On November 21, 2011, OPA #637 was approved by the Ontario Municipal Board. OPA #637 has been incorporated into VOP 2010 in its entirety, in Volume 2, Section 11.4. The subject lands are designated “Prestige Employment” and “General Employment” by the new City of Vaughan Official Plan 2010 (VOP 2010).

The Official Plan includes policies to protect lands that may be required for the GTA West Corridor and potential interchange connections. The subject lands are located within the protection and study area, as shown on Attachments #5 and #6. Notwithstanding the GTA West Corridor protection policies, OPA #637 permits temporary land uses provided they meet the following conditions:

- a) the use is consistent with the general intent of the Plan;
- b) the use is compatible with adjacent land uses;
- c) the use is temporary in nature and can be easily terminated when a temporary zoning by-law expires;
- d) the use does not require new buildings or significant structures;
- e) the use does not require significant grading of land;
- f) sufficient servicing and transportation capacity exists for the temporary use;
- g) the long-term viability of the lands for the uses permitted in the Plan are maintained; and,
- h) the duration of use and proposed interim use are to the satisfaction of the Province.

The proposed truck parking facility and accessory uses are consistent with the temporary use policies of the Official Plan. The existing operation utilizes the lands for employment uses; are compatible with surrounding land uses; temporary in nature; do not require the extension or construction of any municipal services; can effectively utilize the existing transportation network; and, maintain the long-term viability of the lands for uses permitted in the Official Plan. The Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Transportation have provided clearance for the proposed applications, as the uses are temporary in nature and will cease upon expiry of the temporary use by-law.

Impact on Surrounding Land Uses

The subject lands are located in the vicinity of a number of commercial and industrial operations, including:

- a concrete batching plant, located opposite the subject lands on the south side of King-Vaughan Road, which was approved by the Ontario Municipal Board as a temporary use.
- A highway-access service centre, located opposite the subject lands on the east side of Highway 400
- Beamish Construction Facility, located on the north side of King-Vaughan Road, east of Highway 400.

Given the approval of OPA #637 for employment uses in this area, as well as the existing industrial uses in the area, the studies submitted in support of the applications that have been reviewed and approved by the required Provincial Ministries and City Departments, it is not anticipated that maintaining this use and recognizing the existing truck parking facility and gravel/sand storage area on a temporary basis will impact the surrounding existing and planned employment land uses.

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Ministry of Municipal Affairs and Housing (MMAH)

The subject lands are located within the proposed GTA-West Transportation Corridor Environmental Assessment Study Area. The MMAH advises that local municipalities are to ensure that development applications within the study area conform to Provincial policies, York Region Official Plan, the City's Official Plan Amendment No. 637 (OPA #637), and the OMB Minutes of Settlement as part of OPA #637. Based on their review of the proposed applications, the MMAH has no objection to the proposal for temporary use.

Ministry of Transportation (MTO)

The MTO does not object to the proposed applications and has advised that they will review any impact of the application in the future, should the temporary use be approved and expire in 3 years.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has advised that the property does not appear to have any features regulated by the TRCA under Ontario Regulation 166/06 or any natural features, and therefore, has no objection to the approval of the proposal.

Vaughan Building Standards Department

The on-site Septic System Report dated July 23, 2013, prepared by Rural Development Consultants is acceptable to the Building Standards Department. The drawings have been redlined to indicate a maximum staff of 11 people are permitted on the subject lands in accordance with the report.

A Building Permit is required for the change of use as one was previously issued for a residential use. A condition to this effect has been included in the recommendation of this report.

Zoning

The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88, which does not permit a truck parking facility and gravel/sand storage area with accessory office and truck repair. If the Zoning By-law Amendment application is approved, a temporary use by-law must be enacted by Vaughan Council to permit the uses for a period of up to 3-years (maximum permitted by the Planning Act) after which, should the owner wish to continue the use, a future Zoning By-law Amendment Application must be filed with the City and Vaughan Council will reconsider the uses, relative to the existing and planned development for the surrounding area. The owner of the subject lands proposes to renew the temporary use by-law every three years, subject to Vaughan Council approval, until this area develops for employment uses..

The proposed use conforms to the temporary use policies of OPA #637 (found in VOP 2010, Volume 2, Section 11.4) and with the Regional Official Plan. The application and supporting studies have been reviewed by the appropriate Provincial Ministries and City Departments. Subject to the comments in this report, the Vaughan Planning Department can support the temporary use.

i. Site-Specific Definition & Exceptions:

The following site-specific definition is recommended to implement the proposed truck parking and outdoor gravel/sand use to ensure all the details of the operation are captured and that the subject lands are used solely for the intended temporary use:

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“Truck Parking Facility and Material Storage Use - means an existing building(s) or structure(s) or part of an existing building(s) or structure(s), the leaving and placing of sand and gravel, and the parking of associated machinery, equipment and vehicles on a lot and not covered by a structure. The following accessory uses shall be permitted provided such uses are operated accessory to the Truck Parking Facility and Material Storage Use located on the subject lands only (identified on Attachment #3):

- i. a business office with a maximum gross floor area (GFA) of 92 m² shall be permitted within the existing residential dwelling identified as “Brick House/Dwelling” (Building “A”)
- ii. truck repair shall only be permitted within the existing building identified as “Garage Maintenance/Repair” (Building “B”)
- iii. gravel and sand shall be stored in the area identified as “Gravel Pile Storage Area”
- iv. Accessory Structure (shall include a chicken coop) (Building “C”)
- v. existing diesel tank and oil tank
- vi. 2 equipment storage containers identified as “Container Storage”

The outside storage of all other materials shall not be permitted.”

The following site-specific zoning exceptions to Zoning By-law 1-88 are required to maintain the existing uses:

Table 1:

	By-law Standard	By-law 1-88, A Agricultural Zone Requirements	Proposed Exceptions to the A Agricultural Zone
a.	Permitted Uses	<ul style="list-style-type: none"> A Truck Parking Facility and a Material Storage Use is not permitted in the Agricultural Zone. 	<ul style="list-style-type: none"> Permit a Truck Parking Facility and a Material Storage Use with accessory uses as defined above, for a temporary maximum period of 3 years (maximum under Planning Act).
b.	Outside Storage	<ul style="list-style-type: none"> Outside Storage of Materials is not permitted. 	<ul style="list-style-type: none"> Permit the outside storage of gravel and sand and truck parking (stone slingers) only in the areas identified on Attachment #3. No outdoor storage of other materials shall be permitted on the subject lands.
c.	Parking/Storage of Trucks	<ul style="list-style-type: none"> Outside Storage of Trucks is not permitted. 	<ul style="list-style-type: none"> Total parking provided shall be 12 employee parking spaces and 13 truck parking spaces.

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d.	Yard Requirements	<ul style="list-style-type: none">▪ 15 m (all yards)	<ul style="list-style-type: none">▪ 11.6 m (west)▪ 13.3 m (north)▪ 4.4 m (south to the garage)▪ 1.0 m (north to the barn)
e.	Driveway & Parking Areas	<ul style="list-style-type: none">i. Constructed of hard surface, asphalt or concreteii. Minimum driveway width shall be 6 m	<ul style="list-style-type: none">i. Permit gravel driveway and parking areaii. Minimum driveway width of 5.5m shall be provided

The above noted exceptions are appropriate given the use is temporary in nature and will cease to exist in the future. The yard setbacks identified above recognize the existing as-built situation on the site, as no new construction is proposed. The Vaughan Development/Transportation Engineering Department has advised that the gravel driveway is also acceptable due to the temporary nature of the use. The site-specific definition identified above only permits the outside storage of trucks and gravel/sand in specific areas. The storage of all other materials will be prohibited.

After 3 years, the owner will be required to submit a Zoning By-law Amendment application, if the owner wishes to continue the use for an additional 3-year period. At that time, the application will be reviewed on its merits. In addition, the applications were circulated to the relevant Provincial Ministries and the Toronto Region and Conservation Authority, all of which had no objection to the applications.

ii. Temporary Easement Requirement

Through the review of the applications, the Vaughan Planning Department has identified the requirement for an additional easement over a portion of the subject lands to the south, that are currently being used to manoeuvre trucks from the north end of the driveway onto the subject lands, as shown on Attachment #3. The owner has advised the Vaughan Planning Department that they will acquire a temporary easement, which is less than 21 years, and therefore, does not require the approval of a Consent Application from the Committee of Adjustment. Should the applications be approved, the temporary easement must be registered with the Land Registry Office prior to enactment of the implementing zoning by-law. A condition to this effect is included in the recommendation of this report.

Vaughan Enforcement Services Department

In 2009, Vaughan Enforcement Services visited the subject property as a result of complaints for illegal truck storage and issued an Order to Comply. The property was being used to store 2 storage containers, 2 front-end loaders, piles of crushed stone/sand and a fuel station.

The matter was first before the Provincial Offences Court in October 2009. The charge was dismissed due to discrepancies in the claim and lack of evidence to support the charge.

On March 22, 2012, a new charge was issued to the owner, and a Hearing was held on October 25, 2012. At that Hearing, the Court was advised that Planning Applications were filed with the City of Vaughan, in order to seek compliance. The file remains open with a new court date scheduled for June 26, 2014.

Vaughan Development/ Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the applications and provides the following comments:

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i. Storm Water Management:

The owner must submit a Storm Water Management Report indicating that there is an acceptable outlet for storm water runoff from the subject site and justifying that the allowable site release rate will not be exceeded, to the satisfaction of the Development/Transportation Engineering Department and the TRCA and York Region, if required. The report should be signed and sealed by a professional engineer.

ii. Sanitary/Water Servicing:

Since the proposal is temporary a site servicing plan is not required at this stage.

iii. Traffic/Transportation:

The existing level of service conditions have been estimated for the study area using existing traffic volumes, existing signal timings and Synchro traffic analysis software. The analysis indicates that under existing conditions, the site driveway and signalized intersection of Jane Street/King Vaughan Road are operating at an acceptable level of service. The analysis also indicated that the unsignalized intersection at King Vaughan Road/Weston Road is operating at capacity during the AM peak period.

King-Vaughan Road is a two lane hard surfaced rural road. The existing road structure was not designed to accommodate heavy truck traffic. Accordingly, a year round half load restriction is currently in place for King-Vaughan Road pursuant to Comprehensive Traffic By-law 284-94. In consideration of the above, the owner will abide with the half load restriction and in addition be required to post a \$10,000 Letter of Credit to cover the cost of any necessary repairs or improvements to King-Vaughan Road which are necessary due to damage from trucks entering and leaving the site. A condition to this effect has been included in the recommendation of this report.

Notwithstanding, there are existing uses along King-Vaughan Road between Weston Road and Jane Street that generate truck and larger vehicle traffic. The current condition of the road is nearing the end of its design life. The City's Pavement Management Program identifies King-Vaughan Road as now needing rehabilitation.

The future level of service conditions were determined for the study area intersections utilizing future background total traffic volumes plus subject development for the planning horizon years of 2015. Future background traffic consists of traffic growth from outside of the study area and traffic generated by other developments within the study area. The traffic consultant utilized the Regional model to estimate background traffic growth. As per the analysis, the impact of adding the expanded site traffic is minor and the overall operations of the study area intersections are generally unchanged.

The traffic study concludes that the traffic volumes generated by the proposed development is a small component of total traffic passing through the intersections of the study area during the peak hours, and therefore, is a minor factor in the intersection operation and determination of improvements. The Development/Transportation Engineering Department concurs with the overall study and methodology and accepts its conclusions and recommendation.

iv. Noise:

The owner is aware that a revised Noise Report identifying all noise sources and a plan showing all receptors and the distances to the receptors is required and must be to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition to this effect has been included in the recommendation of this report.

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v. Environmental:

The *Phase One Environmental Site Assessment (ESA), Existing Property, 3500 King Vaughan Road, City of Vaughan* dated May 30, 2013, produced by Soil Engineers Limited (SEL) identifies a number of areas of potential environmental concern (APECs) on the subject property. However, given the proposed use of the site is to remain the same (i.e., industrial/residential), no new construction is proposed, and the low probability of any of the impacts (which are fairly minor in nature) to migrate offsite and impact adjacent properties, the City is satisfied with the submitted documents. No further environmental documents are required at this time.

It is noted that any future development applications for the subject lands resulting in changes to the site would be subject to the completion of a Phase Two ESA in order to address the APECs identified in SEL's Phase One ESA.

vi. Site Plan Comments:

- a Storm Water Management Brief is required.
- Part of the existing driveway is located outside of the property limit. Accordingly, permission from the landowner to the south of the subject development is required.

Cash-in-Lieu of Parkland Dedication

The Vaughan Legal Services Department, Real Estate Division has advised that no cash-in-lieu of parkland dedication is required as the proposal is for a temporary use.

Relationship to Vaughan Vision 2020/Strategic Plan

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

i. Manage Growth and Economic Well Being

Creating a positive environment that encourages innovation and prosperity.

The proposed temporary use supports the City's Official Plan and the Growth Management Strategy as set out in Vaughan Official Plan 2010.

Regional Implications

The subject site is designated "Urban Area" by the York Region Official Plan, as amended by Regional Official Plan Amendment #52, which permits a range of employment uses. The ROPA #52 amendment area is identified as "Strategic Employment Lands" by the adopted Regional Official Plan. ROPA #52 was adopted by Regional Council on November 20, 2008. The temporary nature of this proposal does not conflict with the future planning for this area as an employment area, provided that the use ceases with the expiration of the temporary use by-law. The Region of York has no objection to the approval of the applications.

Conclusion

The Vaughan Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications to permit the temporary use of a Truck Parking Facility and Material storage use and an accessory office and truck repair for a maximum period of 3 years (maximum permitted by Planning Act). The applications are consistent with the York Region Official Plan,

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and the City's Official Plan, which permits temporary uses within the OMB approved OPA #637 employment lands area. Furthermore, the relevant Provincial Ministries, York Region, and the Toronto and Region Conservation Authority have reviewed the applications and have no objections to their approval. The proposed temporary Truck Parking Facility and Material Storage Use (gravel/sand storage), as defined in this report, is an appropriate temporary use for the subject lands. Accordingly, the Vaughan Planning Department is of the opinion that the applications can be approved, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. OPA #637 Land Use Plan
5. Transportation Corridor Protection Areas
6. GTA West Corridor Preliminary Route Planning Study Area

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.)