

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 54, 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.14.012
SITE DEVELOPMENT FILE DA.12.025
2157160 ONTARIO INC.
WARD 1 - VICINITY OF REGIONAL ROAD 50 AND NASHVILLE ROAD**

The Committee of the Whole recommends:

- 1) That 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, be approved;**
- 2) That the deputation of Mr. Alan Young, Weston Consulting, Millway Avenue, Vaughan, be received; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

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.14.012 (2157160 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to remove the Holding Symbol “(H)” from the subject lands zoned C2(H) General Commercial Zone on Attachment #2, thereby effectively zoning the subject lands C2 General Commercial Zone, subject to Exception 9(1144).
2. THAT the implementing Zoning By-law to remove the Holding Symbol “(H)” not be enacted until the Ontario Municipal Board issues a decision approving the Site Development File DA.12.025, generally with the conditions as set out in Recommendation #3 below.
3. THAT the Ontario Municipal Board be advised that City of Vaughan Council ENDORSES Site Development File DA.12.025 (2157160 Ontario Inc.) to facilitate the development of the subject lands shown on Attachments #1 and #2 with a Truck Refueling Station (Building “A”), a Truck Repair building (Building “B”), and associated uses as shown on Attachments #3 to #8 inclusive, 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, signage plan, landscape plan and landscape cost estimate;
 - ii. the Vaughan Building Standards Department and/or the Ministry of Environment shall approve the final sewage works report and site servicing and grading plan;
 - iii. the Vaughan Development/Transportation Engineering Department shall approve the final site plan, site servicing and grading plan, environmental noise study, erosion and sediment control plan, and stormwater management report;

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- iv. the site plan, site servicing and grading plan, landscaping plan, photometric plan, hydraulic modelling report and stormwater management report shall be amended as required to comply with the requirement of the Region of Peel that Regional Road 50 be widened to a distance of 25.25 metres from the centre line of the pavement of Regional Road 50, as reconstructed;
 - v. the final plans and reports listed above shall be submitted to Vaughan for consideration and approved by City Staff in consultation with the TRCA, the Regions of York and Peel, and any other commenting agencies deemed necessary by Vaughan;
 - vi. the resulting changes to the site plan shall continue to meet the zoning by-law requirements for setbacks, landscaping, parking, and any other requirements in By-law 1-88;
 - vii. if there are any zoning deficiencies resulting from revisions to the site plan that the owner shall successfully obtain approval for all of the required variances and satisfy any conditions imposed by the decision to approve;
 - viii. the owner's acoustical consultant shall provide an addendum letter commenting on any implications of the site plan modifications for the recommendations previously made in their report, and the owner shall comply with all of the recommendations;
 - ix. the owner's transportation consultant shall provide a revised truck turn simulation for the modified site plan to the satisfaction of the Vaughan Development/Transportation Engineering Department and the Regions of York and Peel;
 - x. the owner shall not locate any structures or berms within the area to be dedicated for the widening of Highway 50;
 - xi. the owner shall satisfy all conditions and requirements of the Toronto and Region Conservation Authority;
 - xii. the owner shall satisfy all conditions and requirements of York Region;
 - xiii. the owner shall satisfy all conditions and requirements of Peel Region; and,
 - xiv. the appeal by the owner to the Ontario Municipal Board respecting policies of the Vaughan Official Plan 2010 be resolved.
- b) the Site Plan Agreement shall contain the following provisions:
- i. should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the Vaughan Planning/ Cultural Heritage Department shall be notified immediately.
 - ii. in the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the Region of York Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

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- iii. the owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The owner shall submit an appraisal for approval by the Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
 - iv. the owner shall agree to establish cross-easements to the properties immediately to the north and south to achieve internal roadway connectivity at such time as the properties immediately to the north and south proceed with an application to develop their respective lands, and the owner shall pursue reciprocal permanent easements.
4. THAT the Ontario Municipal Board not issue its written Order until it has received written confirmation from the City that the owner has satisfied all requirements of the City of Vaughan, the Toronto and Region Conservation Authority (TRCA), and the Regions of York and Peel.
 5. THAT City Staff be directed to attend the Ontario Municipal Board Hearing in support of the approval of the Site Development application, generally on terms and conditions recommended by City staff.

Contribution to Sustainability

The applications implement the following Goal and Objective of Green Directions Vaughan:

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 goal and objective identified above, the owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- LED exterior lighting and signage
- low volatile organic compound (VOC) paints, varnishes, and stain sealers
- high efficiency or low-flow bathroom plumbing fixtures
- two-stream waste and recycling receptacles will be provided in all buildings

Economic Impact

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

Communications Plan

N/A

Purpose

To seek instructions from the Committee of the Whole for the consideration of Site Development File DA.12.025, which has been appealed to the Ontario Municipal Board and is scheduled for a three day Hearing on July 2, 3 and 4, 2014, and the following:

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- a) Zoning By-law Amendment File Z.14.012 (2157160 Ontario Inc.) to amend Zoning By-law 1-88, specifically to remove the Holding Symbol “(H)” from the subject lands zoned C2(H) General Commercial Zone on Attachment #2, thereby effectively zoning the subject lands C2 General Commercial Zone, subject to Exception 9(1144); and,
- b) Site Development File DA.12.025 (2157160 Ontario Inc.) to facilitate the development of a Truck Refueling Station (Building “A”), a Truck Repair building (Building “B”), and associated uses as shown on Attachments #3 to #8 inclusive.

Background - Analysis and Options

Location

The 4.38 ha subject lands shown on Attachments #1 and #2 and municipally known as 10,901 Regional Road 50, is located on the east side of Regional Road 50 and north of Nashville Road, in Part of Lot 27, Concession 11, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Ontario Municipal Board (OMB) Appeal

In 2006, the Ontario Municipal Board (OMB) approved OPA #570, specifically to permit a truck dealership with associated truck parking and display, a truck repair facility, a restaurant with a drive-through facility, and a truck refueling station. The OMB also approved Zoning By-law Amendment File Z.00.064 (Exception 9(1144) to permit one Motor Vehicle Sales Establishment, one Convenience Eating Establishment (with or without a drive-through facility and with no on-site food preparation), and one truck refueling station defined as a building or place where fuel is kept for sale and delivery directly to commercial and transport trucks.

The owner submitted Site Development File DA.12.025 on March 20, 2012, to facilitate the development of the subject lands. On December 5, 2012, the owner appealed Site Development File DA.12.025 (2157160 Ontario Inc.) to the OMB, under Section 41(12) of the Planning Act, for Vaughan Council's failure to make a decision respecting the application (OMB Case No. PL121378).

An OMB Pre-hearing Conference was held on June 3, 2013. At that time, the Province of Ontario (Ministry of Transportation and Ministry of Municipal Affairs and Housing) indicated that the lands fall within the GTA West Transportation Corridor study area (Attachment #1) and that the owner and the Province have been in discussions. Since this time there have been two further Pre-Hearing Conferences held on November 18 and December 13, 2013. At the last Pre-Hearing Conference, the OMB adjourned and rescheduled a three-day Hearing previously set for January 8, 9, and 10, 2014, and rescheduled the Hearing to July 2, 3, and 4, 2014. The Hearing was rescheduled to permit the owner an opportunity to submit a revised Site Development submission to the City of Vaughan for review.

On February 28, and May 15, 2014, the owner amended their Site Development application to include the supporting documents. The Vaughan Planning Department continues to work with the owner to resolve outstanding issues. This report reflects the most current comments and recommendations.

The owner has also appealed Vaughan Official Plan 2010 (VOP 2010) with respect to certain policies which apply to this site (Appeal #99).

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Official Plan

The subject lands are designated “Rural Use Area” by in-effect OPA #600, as amended by site-specific OPA #570. OPA #570 permits the following commercial uses on the subject lands; a truck dealership with associated display and parking, a truck repair facility, one truck refueling station and a restaurant with or without a drive-through. The proposed development conforms to OPA #600, as amended by site-specific OPA #570.

The subject lands are identified on Schedule 14-C as an Area Subject to Site-Specific Plans in Volume 1 of the VOP 2010. The site-specific policies that apply to the subject lands are included in Volume 2 of VOP 2010, under Section 13.12, which was adopted by Vaughan Council on September 7, 2010, as modified by Vaughan Council on March 20, 2012. VOP 2010 recognizes the uses permitted by By-law 265-2002 (Exception 9(1144)) on the subject lands. These policies have not yet been considered by the OMB.

The owner has also appealed two policies of Volume 1 of VOP 2010 (Sections 4.1.1.7 and 4.2.1.9) as it applies to the subject lands. Section 4.1.1.7 states (in part) “that transportation corridors shall be protected from development that could preclude or negatively affect the use of the corridor(s) for the purpose(s) for which they are identified”. Section 4.2.1.9 (in part) states that it is Vaughan Council’s policy “to work with York Region and the Province to plan for and protect corridors and rights-of-way for transportation and transit facilities, to meet current and projected needs and not permit development in such planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified or actively being planned.

Staff continue to work through the outstanding issues with the owner. If a settlement is possible, Staff will report to Council to seek instructions.

Accordingly, should the OMB approve Vaughan Council’s recommendation regarding the site plan recommendations, it is recommended that the OMB not issue its written Order until it has received written confirmation from the City that the owner has satisfied all requirements of the City, TRCA, and the Regions of York and Peel.

Zoning

The subject lands are zoned C2(H) General Commercial Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1144), which permits a Motor Vehicle Sales Establishment, one Convenience Eating Establishment (with or without a drive-through), and one Truck Refueling Station (with a site-specific definition). A maximum of 10 service bays and an office component for the Motor Vehicle Sales Establishment are also permitted. The Holding Symbol “(H)” will not be removed until the OMB has issued a decision for Site Development File DA.12.025. Zoning By-law Amendment File Z.14.012 has been submitted in order to fulfill this requirement. Should the OMB approve this Site Development application, the Planning Department recommends that the Holding Symbol “(H)” be removed from the subject lands.

Planning Considerations

On December 10, 2013, Vaughan Council approved the recommendation of the Commissioner of Planning and the Director of Development Planning to refuse Site Development File DA.12.025 since the application was considered to be premature for the reasons identified in that report. The original proposed site plan is shown on Attachment #9. The following summarizes how the current revised Site Development application (Attachments #3 to #8) satisfactorily addresses the issues raised in the previous report:

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1. Zoning Considerations

The Vaughan Building Standards Department has advised that the revised Site Development submission complies with Zoning By-law 1-88, as amended. Since the November 26, 2013, Committee of the Whole, the resubmission now addresses the previous deficiencies and complies with the following requirements of Zoning By-law 1-88:

a) Property Boundary

The original site plan submission did not identify the road widening requirements of York and Peel Regions and the City of Vaughan for Regional Road 50 and Cold Creek Road, respectively.

The revised site plan identifies the required road widenings, and therefore, a zoning review can be appropriately undertaken. The Regional Road 50 widening must be to the satisfaction of York and Peel Regions. In addition, the Cold Creek Road widening must be to the satisfaction of the City of Vaughan. A condition to this effect is included in the recommendation of this report.

b) “Truck Stop” Use

Building “A” is no longer identified as a “Truck Stop”. The site-specific Zoning By-law permits a refuelling station, which includes an Eating Establishment, Convenience with or without a drive-through, however, food preparation is not permitted on the site. The revised floor plan submitted in support of the application includes an area for an eating establishment with a sink, fridges and a counter only. The appliances and fryers have been deleted from the plan as Zoning By-law 1-88, as amended, does not permit food preparation. The revised floor plan also excludes the showers and bathtub shown on the original plans. In addition, the revised floor plan shows a service counter in association with the truck refueling station, a truck supply sales area where truck related products are offered for sale and a sales office for the truck sales.

c) Open Storage

The subject lands are zoned C2(H) General Commercial Zone, subject to site-specific Exception 9(1144), which permits one Motor Vehicle Sales Establishment on the subject lands. The C2(H) General Commercial Zone permits commercial uses with or without open storage, provided that any area used for open storage shall not be greater in area than the ground floor area of the main building(s) on the lot. Building “A”, which includes the sales office for the motor vehicle sales establishment has an area of 465 m² and Building “B” has an area of 650 m² for a combined total gross floor area of 1,115 m². The area of land devoted to outdoor truck display and storage as shown on Attachment #9 is 1,056 m² with 12 truck parking spaces for sales and display, which complies with Zoning By-law 1-88.

d) Loading Space Location

The proposed loading space has been relocated to the south side of Building “A”, which complies with Zoning By-law 1-88, and is not located between a building and a street.

e) Gravel Parking Area

The gravel parking area has been removed from the plan and replaced with hot-mixed asphalt, as required in Zoning By-law 1-88.

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f) Additional Variances

The owner has satisfied the requirements of the Building Standards Department with regards to providing a full list of uses with the appropriate gross floor area (GFA) calculations and site statistics. Confirmation was also provided that the 2nd storey of Building “B” will only be used for storage purposes.

In addition, Zoning By-law 1-88, as amended by Exception 9(1144) only permits a “Truck Refueling Station”, defined as follows:

“For the purpose of this By-law, a truck refueling station means a building or place where fuel is kept for sale and delivery directly to commercial or transport trucks only”.

The owner has confirmed that the petroleum pumps as shown on the proposed refueling station will be used for commercial or transport trucks only, as they will only dispense diesel fuel.

The picnic area originally located south of Building “A”, adjacent to the proposed drive-through lane, has been removed from the plan.

2. Garbage Enclosure

The owner has removed the separate free-standing garbage enclosure previously located along the Regional Road 50 frontage and has integrated it into the design of Building “A”. The garbage loading area is located at the south side of the building, thereby not facing Regional Road 50 as previously shown on the original plan (Attachment #9). The Vaughan Planning and Public Works Departments support the revised design.

3. Building Elevations

The revised site plan proposes a reorientation for Building “B” (truck repair) so that the 3 large overhead garage doors face north and south, internal to the site instead of facing Regional Road 50 and Cold Creek Road.

The Planning Department also recommended that the design of the building facades be enhanced with respect to architectural details, materials and articulation. Buildings “A” and “B” have been upgraded to include additional windows and articulation using different materials. However, the Planning Department recommends additional enhancements including the elimination of the proposed spandrel panels between the windows for Building “A” and to replace them with brick or vision glazing and adding spandrel features on the south elevation, as red-lined on Attachment #5. It is further recommended that the elevations for Building “B” be upgraded to extend the square spandrel windows on the east and west elevations as red-lined on Attachment #6. The final building elevations must be to the satisfaction of the Vaughan Planning Department. A condition to this effect is included in the recommendation of this report.

4. Berm/Buffer Areas

The proposed site plan includes a berm along the north property line wrapping along the Regional Road 50 and Cold Creek frontages, to the north access driveway. The owner has submitted the berm details which must be approved to the satisfaction of the Vaughan Planning and Development/Transportation Engineering Departments. A condition to this effect is included in the recommendation of this report.

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5. Proposed Septic Bed

The sanitary service for the site is proposed to be managed through a 1.5 m high septic bed located at the north-east portion of the site as shown on Attachment #3. The Building Standards Department has provided the following comments, which are based on the Ontario Building Code (OBC) regarding the proposed sewage system:

The proposed development appears to have a design flow for the septic system that exceeds 10,000 litres a day (L/day). The design flow as calculated using the information provided is 13,573 L/day. If a septic system or series of septic systems yield a design capacity that is greater than 10,000 L/day, it is not considered a sewage system as defined in the OBC, but rather a sewage works as defined in the Ontario Water Resources Act. The regulation of sewage works is the responsibility of the Ministry of Environment.

A second floor has been provided in Building “B” that has not been provided for in the calculation. The number of occupants has been provided at 4 employees for the entire Building “B” on the first and second floor combined. A maximum occupant load of 4 would need to be stated on the Site Plan for future occupant load reference. Should more employees be required the calculation would need to be revised.

The refueling station and eating establishment uses in Building “A” is stated as having a maximum area of 43m² and 2 employees; the maximum occupancy of 2 employees shall be clearly identified on the site plans for this building. Should more employees be required the calculations shall be revised.

In Building “A” a floor space of 89m² appears to be unaccounted for (managers office 19m², storage room 25m², office 25m² and the service and cash counter 20m²) at an office rate of 75 L/day for 9.3m²; these areas will have a design flow requirement of 718 L/day.

Fourteen fuel pump locations appear to have been proposed not 8 as indicated. OBC 8.2.1.3 B Table, Service Stations (i) per fuel outlet (Note 4) states, “The number of fuel outlets is considered the maximum number of fuel nozzles that could be in use at the same time”.

The Sewage Works as proposed shall be reviewed by the Ministry of Environment (OBC Division A 1.4.1.2).

The owner has indicated that they are under the 10,000 L/day maximum and that the Ministry of the Environment does not need to review this application. However, the Vaughan Building Department is of the opinion that it would exceed the limit. The owner has contacted the Ministry of the Environment and has not received a response and therefore, a condition is included requiring that the final sewage works report be finalized to the satisfaction of the City, prior to execution of a site plan agreement.

6. Landscape Plan

The road widenings along Regional Road 50 and Cold Creek Road are included on the revised site and landscaping plans and are subject to approval from the Vaughan Planning and Development /Transportation Engineering Departments, and York and Peel Regions. A condition to this effect is included in the recommendation of this report.

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The landscape plan shown on Attachment #4 has been red-lined to reflect a change suggested by the Vaughan Planning Department for the west side of Building “B”. Specifically, the owner has agreed to add a 4.5 m wide landscaped area on the west side of Building “B” between the building and the car parking spaces.

A pedestrian connection is proposed from a sidewalk within the Regional Road 50 right-of-way, along the landscape buffer and traverses the drive-through lane to connect with Building “A”. The Vaughan Planning Department have revised the design of the walkway to ensure it is constructed with a different material to clearly delineate the walkway for drivers and to provide pedestrians with a defined route and a sense of security. This location is not anticipated to have a high level pedestrian movement from the street. The landscape plan must be updated to reflect this change. The proposed site plan and landscape plans shown on Attachment #3 and #4 have been red-lined to include these recommended changes to the site and landscape plans. The final site and landscape plans shall be approved to the satisfaction of the Vaughan Planning Department. A condition to this effect is included in the recommendation of this report.

7. Signage

The proposed wall signs for Buildings “A” and “B” are shown on Attachments #5 and #6. Two pylon signs are proposed, one at each entrance to the site from Regional Road 50. The design of the sign is shown on Attachment #8. Two pylon signs are not permitted by the City’s Sign By-law unless they are located more than 200 m apart. The owner has indicated that the northern pylon sign will be relocated to accommodate this requirement as shown on Attachment #3. The sign must also be located a minimum of 1.5 m from the property or the entrance onto the site.

The southern pylon sign is located in the Regional Road 50 right-of-way, however, the owner has indicated this is an error and will relocate the sign onto private property. The approximate location of the relocated pylon sign is shown on Attachment #3.

The final location and sizes of the wall and pylon signage must be approved to the satisfaction of the Vaughan Planning Department. A condition to this effect is included in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The TRCA has advised that there are technical comments that must be addressed for Site Development File DA.12.025. The TRCA has requested that the owner address the comments through the submission of a revised technical package. The owner must satisfy all requirements of the TRCA. A condition in this report is included in the recommendation of this report.

Comments Received To-date on Proposal

The following are comments received to-date by commenting departments and external public agencies:

Vaughan Development/Transportation Engineering Department

i. Water and Sanitary Servicing

There are no existing municipal watermains or sanitary sewers on Regional Road 50 or Cold Creek Road that could provide municipal water supply and sanitary services to the site. There is a 900mm diameter trunk sanitary sewer along the west side of Regional Road 50, owned and operated by Peel Region. The site should be serviced by private well and septic system.

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ii. Storm Drainage

The topography of the site is relatively constant in grade and slopes from northwest to the southeast. In the current conditions the majority of the site either drains to the ditch on the west side of Cold Creek Road or to the watercourse that crosses the site. The owner provided a Site Stormwater Management (SWM) report prepared by R.V. Anderson Associates Limited, dated September 19, 2013. The report indicates that the site lies within Sub-basin 36 of the West Humber River Subwatershed.

iii. Site Servicing Plan, DWG C-SS, prepared by R. V. Anderson Associates Limited, dated February 28, 2014

- The owner shall convey sufficient property to provide a 26 m right-of-way (ROW) on Cold Creek Road (13 m from the centreline) as road allowance free of charge and encumbrance to Vaughan.
- The proposed outlet structure appears to be partially located on the adjacent property. The owner shall provide confirmation that the adjacent landowner will allow the work to be completed.
- Uncontrolled site discharge for a 100 year storm must be provided.

iv. Site Grading Plan GWG C-SG prepared by R.V. Anderson Associates Limited, dated February 28, 2014

- The drainage and ditch must be shown along Cold Creek Road.
- The proposed grading and drainage design shall ensure that the run-off is self contained on site and does not adversely affect adjacent properties.

v. Environmental Noise Study prepared by SS Wilson Associates, dated February 27, 2014

The owner has provided a revised “Environmental Noise Study” prepared by SS Wilson Associates, dated March 28, 2014. The report concludes that this development is not likely to create negative impact on the adjoining noise sensitive land uses. To achieve this objective the following noise control measures are recommended:

1. The maximum allowable sound emission level of the driver-through speaker system when placed on a post in a free field is 66 dBA at a reference distance of 8 feet when tested using a “pink noise” signal. The actual level, however, should be adjusted to ensure that the sound is “barely audible” at the closest receptors when measured at the plane of open windows using a minimum Type 2 sound level meter taken by a specialist sound system installer.

In addition, the speaker system should also contain an automatic volume control (AVC) feature to adjust the outbound volume based on the outdoor ambient noise so that the volume of the speaker is turned down during traffic lulls and evening / late hours. The specialist sound system installer should place a “limiter” on the system volume control to ensure appropriate operation not in excess of the desired objectives.

In addition, the speaker post height should be adjusted to an optimum height to be in line with the open driver side window to suit the majority of cars.

2. The drive-through lane should have a minimum of three advisory posters using clearly visible and well lit signs to request the drivers / passengers to turn down their car stereos while in the driving lane to the following effect:

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“Drivers and passengers of this vehicle must turn down the volume of their car sound system and use lower voices when communicating in order not to disturb the nearby residents”.

3. Administrative Noise Controls: Clearly visible signs shall be posted at the north truck parking section to prohibit extended idling of truck engines and the use of truck horns.

vi. Sustainable Transportation Comments

All internal pedestrian crossings should be accessible and step-free (e.g. through the use of dropped curbs). All dropped curbs should be marked on the site plan.

There is an internal ‘courtesy crossing’ proposed on the Site Plan. For all uncontrolled courtesy crossings, pavement markings are not recommended as they are too similar to markings used for typical controlled crossings, which would create a false sense of security on the part of pedestrians. Instead, these crossings should be enhanced through, for example, sidewalk extensions, textured pavement, or thermoplastic markings.

The owner is willing to use another type of material to differentiate between the walkway and drive aisle. The site plan is subject to the Development/Transportation Engineering Department approval. A condition to this effect has been included in the recommendation section of the report.

City of Brampton

The City of Brampton comments have been satisfactorily addressed and there are no further comments.

Region of Peel

The Region of Peel has provided the following comments:

i. Access Requirements

- the subject site is located within the boundaries of the GTA West study area, as such, Ontario Ministry of Transportation (MTO) clearance will be required;
- Peel will support the proposed full moves access to Regional Road 50, aligned with the future east-west collector road in the Brampton's Secondary Plan Area 47. The required geometric arrangements at the proposed full moves access are as follow:
 - Southbound left turn lane with 40 m storage and taper length as required by the Transportation Association of Canada (TAC) Guidelines;
 - Northbound right turn lane with 60 m storage and taper length as required by TAC Guidelines;
 - Westbound left turn lane with 30 m storage and taper length as required by the TAC Guidelines; and
 - Westbound right/through lane.
- the owner will be required to submit a Letter of Credit in the amount of \$150,000.00 for the installation of future traffic control signals at the proposed Access #1 on Regional Road 50. Traffic control signals will only be installed when warranted as per the Ontario Traffic Manual Book 12 or otherwise directed by

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Regional Council. The owner will also be required to enter into and register on title a full moves access maintenance agreement for the maintenance of future traffic control signals. A lump sum fee in the amount of \$71,652.74 will be required for the maintenance of the future traffic control signals;

- the Region of Peel will support the proposed right-in/right-out access to Regional Road 50 located approximately 745 m north of Nashville Road. The proposed right-in/ right-out access shall be equipped with a northbound right turn lane with 60 m storage and taper length as required by the TAC Guidelines. Furthermore, the proposed right-in/right-out access shall be physically restricted to right-turns-in and right-turns-out by means of a centre median; and,
- the owner shall establish cross-easements to the properties immediately to the north and south to achieve internal roadway connectivity. At such time as the properties immediately to the north and south proceed with an application to develop lands, the owner shall pursue reciprocal permanent easements.

ii. Property Requirements

- the Region of York will require the gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 50, which has a right-of-way of 45 m (22.5 m from the centreline) of the road allowance. Peel Region has completed an Environmental Assessment (EA) on Regional Road 50 and additional property over and above the Regional Official Plan will be required as a result of design requirements to protect for the provision of, but not limited to; utilities, sidewalks, multi-use pathways and transit bay/shelters. Furthermore, in order to avoid the impact on the cemetery on the west side of Regional Road 50, the centreline alignment has been shifted easterly to accommodate the road widening.

On June 5, 2014, the Region of Peel advised that it requires additional road widening as identified above, to a full right-of-way of 50.5 m (25.25 m from the centreline of the road). This will result in approximately an additional 2.75 m road widening from the subject lands which has been redlined on Attachments #3 and #4. The road widening will result in changes to the proposed site plan in particular the relocation of buildings, driveways and landscaping and may impact on the watercourse that runs along the frontage of the property.

It appears that there is sufficient room on the site to accommodate the road widening and comply with the requirements of Zoning By-law 1-88. However, the owner will be required to submit revised plans to confirm compliance with the Zoning By-law, and address any issues respecting the impact of the road widening on the watercourse to the satisfaction of the TRCA, and driveway locations and design to the satisfaction of the Regions of York and Peel. Conditions of approval are included in the recommendation of this report, requiring that the owner address all requirements of Vaughan, the Regions of York and Peel, and the TRCA, prior to the OMB issuing its final Order.

- York Region will require the gratuitous dedication of signal easements at the proposed full moves access.
- York Region will require the gratuitous dedication of a 0.3 metre reserve along the frontage of Regional Road 50 behind the property line except at the approved access locations.

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- the owner must provide the Region of York with the necessary transfer documents and deposit reference plan(s) to confirm York Region's ownership. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the owner.
- the Region of Peel has commenced a detail design for the Regional Road 50 widening from Castlemore Road to Mayfield Road. The EA design is at the preliminary stage.

iii. Landscaping/Encroachments

- Landscaping, signs, fences, gateway features, or any other encroachments will not be permitted within the Region's easements and or right-of-way limits unless appropriate landscaping drawings have been submitted to the Region of Peel for review and approval. Upon consideration, if approved, an encroachment agreement and Regional Council approval will be required. In addition, all cost and fees associated therewith shall be the responsibility of the owner.

iv. Engineering Requirements

The Region of Peel requests that, prior to final site plan approval, staff confirm with Peel Region that the necessary traffic requirements have been fulfilled.

The owner shall satisfy all the requirements of the Region of Peel, prior to the execution of a Vaughan Site Plan Agreement. A condition to this effect has been included in the recommendation of this report.

Ministry of Transportation (MTO)

The subject lands are located within the Preliminary Route Planning Study Area for the GTA West Corridor. The owner had been in discussions with the MTO to acquire/purchase their lands. The owner has informed Vaughan that the MTO is no longer interested in this acquisition. The MTO subsequently advised the City of Vaughan that they have no further comments on this application.

Vaughan Cultural Heritage Division

The house located at 10,951 Regional Road 50 was previously included on the Vaughan Heritage Inventory as a property of interest. The subject property was approved for demolition by the previous Vaughan Cultural Services Division (in Recreation and Culture Department) in May 2012, and there are no further built heritage concerns.

The Cultural Services Division also received a clearance letter from the Ministry of Tourism, Culture and Sport (titled Ministry of Tourism and Culture on the letter) dated May 25, 2010, that clears the report, Stage 1-1 Archaeological Assessment (AA) for: Proposed Truck Centre Development, within Part of Lot 27, Concession 11, City of Vaughan, The Regional Municipality of York, Ontario, Project #008-8219-07. The lands listed have been assessed for archaeological concerns by a licensed archaeologist as required by Provincial policy and that the archaeologist's reports noted above has been entered into the Ontario Public Register of Archaeological Reports, as required by the Ministry of Tourism, Culture and Sport's letter of May 25, 2010. The Stage 1-2 report recommends that there are no further concerns for impacts to archaeological resources. Therefore, the City of Vaughan does not have any further concerns in the same respect.

In areas that have been cleared of concern for archaeological resources, the following standard clauses shall apply:

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- a) Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Planning/Cultural Heritage Department shall be notified immediately.
- b) In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the Region of York Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

A condition to this effect has been included in the recommendation of this report.

Vaughan Legal Services Department - Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has advised that if the application is approved, the owner must pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The owner shall submit an appraisal for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

A condition to this effect has been included in the recommendation of this report.

Relationship to Vaughan Vision 2020/Strategic Plan

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

- a) Lead and Promote Environmental Sustainability

The owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes water efficient indoor plumbing fixtures, LED lighting and signage, and the use of low VOC adhesives, sealants, paints and coatings in the construction of the proposed buildings.

- b) Manage Growth & Economic Well Being

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

Regional Implications

The Region of York offers the following comments:

- i. The Region of York is satisfied that the land requirement of a 22.5 metre minimum setback from the centre line of Regional Road 50 has been incorporated in the site plan.
- ii. The Region is not concerned with the proposed internal location of the buildings as the current site plan indicates more than sufficient setback from the ultimate property line along Regional Road 50.
- iii. The Region of York is satisfied with the proposed configuration of the entrance to the south, provided that the width of the proposed median is 2 m instead of 1 m. The plans shall be revised to indicate the provision for a 2 m wide median.

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- iv. The Region of York agrees with the proposed configuration of the entrance to the north. However, due to the fact that it is a right-in/right-out access, the Region of York requests the proposed median be extended 13.5m further north. As required by the Region of York's Standards, the median shall be extended a total of 43.5m from the centre line of the access, on both directions. All pertinent plans should be revised accordingly.
- v. The owner shall satisfy all the above and forthcoming comments and/or conditions to the satisfaction of the Region of York. A condition is included in the recommendation of this report.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.14.012 to remove the Holding "(H)" provision on the property, and Site Development File DA.12.025 to facilitate the development of the proposed Truck Refueling Station, Truck Repair and associated uses as shown on Attachments #3 to #9 in accordance with the site-specific Official Plan, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. Accordingly, the Vaughan Planning Department can support the approval of Zoning By-law Amendment File Z.14.012, and it is recommended that Vaughan Council endorse Site Development File DA.12.025 for approval by the Ontario Municipal Board, subject to the conditions and comments contained in this report.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan as Red-lined on June 17, 2014
- 4. Landscape Plan as Red-lined on June 17, 2014
- 5. Elevations - Building "A" as Red-lined on June 17, 2014
- 6. Elevations - Building "B" as Red-lined on June 17, 2014
- 7. Elevations - Gas Pumps and Canopy
- 8. Elevations - Signs
- 9. November 26, 2013 Committee of the Whole Site Plan

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.)