

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013**

***By approving the following:***

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

- 1) That consideration of this matter be deferred to the Council meeting of December 10, 2013; and
- 2) That the following Communications be received:
  - C2 Mr. Alan Young, Weston Consulting, Millway Avenue, Vaughan, dated November 22, 2013;
  - C3 Confidential Communication, from Legal Counsel, dated November 26, 2013; and
  - C5 Commissioner of Planning, dated November 22, 2013.

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Site Development File DA.12.025 (2157160 Ontario Inc.) BE REFUSED, as the application is considered to be premature for the reasons identified in this report.
2. THAT City Staff be directed to attend the Ontario Municipal Board Hearing in support of the refusal.

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

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

- **Objective 4.2:** 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 21<sup>st</sup> 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:

- i) LED exterior lighting and signage;
- ii) low volatile organic compound (VOC) paints, varnishes, and stain sealers will be used;
- iii) high efficiency or low-flow bathroom plumbing fixtures; and,
- iv) two-stream waste and recycling receptacles will be provided at all buildings.

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#### **Economic Impact**

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

#### **Communications Plan**

N/A

#### **Purpose**

The Owner has submitted Site Development File DA.12.025 on the subject lands shown on Attachments #1 and #2, to facilitate the development of Truck Stop (Building "A"), Truck Repair (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 Vehicles 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 Ltd.) to the Ontario Municipal Board, under Section 41(12) of the *Planning Act*, for Vaughan Council's failure to make a decision respecting the application.

An OMB Pre-Hearing Conference was held on June 3, 2013. The OMB was advised that the Province of Ontario (Ministry of Transportation and Ministry of Municipal Affairs and Housing) and York Region may be seeking party status to this appeal. The Province indicated that the lands fall within the GTA West Transportation Corridor study area (Attachment #1) and that the applicant and the Province have been negotiating potential options for settlement of this matter.

The Board scheduled a second Pre-Hearing Conference for November 18, 2013, at which time a status update will be provided. The parties, including the City of Vaughan, will be required to identify any issues related to the Site Development application at the Pre-Hearing. The Province and the Region of York will be seeking party status. A three day OMB Hearing is scheduled for January 8, 9 and 10, 2014 (OMB Case No. PL121378).

##### **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

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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 new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and approved in part, by the Ontario Municipal Board on July 23, 2013. The site-specific policies that apply to the subject lands are included in Volume 2 of the Official Plan, 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.

The Owner has appealed two policies of Volume 1 of VOP 2010 (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’s 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”.

#### Zoning

The subject lands are zoned C2(H) General Commercial with a 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), 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 Vaughan Council has approved a site plan in accordance with the Official Plan, for the subject lands.

#### Planning Considerations

The Development Planning Department has reviewed Site Development File DA.12.025 and is of the opinion that the application is premature for the following reasons:

##### 1. Application History

Vaughan Council approved applications OP.00.014 and Z.00.064 on November 26, 2001, subject to the addition of a Holding Symbol “(H)”, pending approval of the Site Plan Application. OPA #570 was approved by York Region on June 27, 2002. The implementing Zoning By-law 265-2002 was enacted by the City of Vaughan on August 26, 2002, and amends By-law 1-88, re-zoning the site from A Agricultural Zone to C2 General Commercial Zone, with the Holding Symbol “(H)”, subject to Exception 9(1144) which will not be removed until Vaughan has approved a site plan application.

OPA #570 and Zoning By-law 265-2002 were appealed to the OMB by the Region of Peel, City of Brampton, and the Town of Caledon. The appeals before the OMB were filed in 2002, and the OMB Hearing was originally scheduled for August, 2003. The matter was held in abeyance until a Pre-Hearing conference was held in the Fall of 2005. On July 26, 2006, the OMB approved OPA #570 and Zoning By-law 265-2002.

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The Owner originally submitted Site Development File DA.12.025 on March 20, 2012, which proposed the truck stop and truck repair buildings as shown on Attachments #3 to #8. The cover letter submitted by the Owner states:

“Building “A” will be a truck stop with approximately 465 m<sup>2</sup> of GFA. The proposed truck stop will accommodate office and commercial uses (coffee shop, truck supplies sales etc.)...., Building “B” will be a truck repair facility. This building will be approximately 1215m<sup>2</sup> of GFA. This building will accommodate three bays including a ‘truck lube bay’, a ‘truck repair bay’, and a ‘truck wash bay’....The ‘north’ portion of the site will contain a proposed truck sales and display/client parking area. This area will be capable of accommodating up to 40 trucks. Additional space for truck sales and display will be located on the north side of Building “B”. This area will be capable of accommodating a further 3 trucks.”

The Development Planning Department sent an email to the Owner on April 4, 2012, indicating that the submission was missing certain documents to consider the application complete. A Notice of Complete application was issued by the Development Planning Department on April 19, 2012. The Request for Comments was circulated to City Departments and external commenting agencies with their comments being forwarded to the Owner as they were received.

On June 29, 2012, comments from the Building Standards Department were forwarded to the Owner, which indicated the following: “Open storage area shall not be greater in area than the ground floor area of the main building on the lot. Please note, open storage of trucks for sale under motor vehicle sales establishment, no storage of trucks permitted for other purposes permitted.”

On September 26, 2012, a meeting was held with the Owner and representatives from the City and the Ministry of Transportation (MTO) to discuss the application.

On December 5, 2012, the Owner appealed Site Development File DA.12.025 (2157160 Ontario Ltd.) to the Ontario Municipal Board, under Section 41(12) of the Planning Act, for Vaughan Council's failure to make a decision respecting the application.

On February 12, 2013, the Owner met with the Development Planning Department to review the comments with respect to the proposed open storage associated with the gross floor area (GFA) of the Motor Vehicle Sales Establishment.

On February 14, 2013, the Region of Peel declined the Owner's request for cross-border servicing for the sanitary sewer connection. The Owner advised that the application would be revised to delete the proposed truck wash and to service the site utilizing private services. The Owner advised that a resubmission would follow in March/April 2013.

On April 5, 2013, the Owner indicated that a revised application would be submitted by April 26, 2013.

An OMB Pre-Hearing Conference was held on June 3, 2013, at which time the dates for a second Pre-Hearing were confirmed. After the Pre-Hearing conference, both parties discussed the necessary requirements in order to finalize a technical report for consideration by the Vaughan Committee of the Whole, prior to the January 8-10, 2014, OMB Hearing. The Owner agreed to resubmit revised plans/supporting documents by September 1, 2013, thereby allowing sufficient time for the circulation of the documents and responses from City Departments and external review agencies. A follow-up email in this respect was sent to the Owner on August 23, 2013.

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On September 11, 2013, the Owner's agent sent an email to the City identifying that discussions have taken place with the Province of Ontario about the possible acquisition of the subject lands, and that the Province would not have an answer until possibly October. The email also stated that a resubmission was to be submitted the following week. The agent stated that the changes to the plan were limited and included a raised septic bed and incorporation of a reconstructed Regional Road 50 profile (triggered changes to the watercourse area). The Owner submitted revised plans on September 23, 2013.

Comments were provided by the Development Planning Department, Public Works Waste Management Division, and Cultural Services Division, and the Owner submitted revised plans on October 25, 2013, to respond to their comments. The revised plans were recirculated on November 1, 2013. A meeting was scheduled with the Owner and representatives from the City on November 11, 2013, to discuss the comments and outstanding issues.

Since the meeting, the Owner's agent has attempted to resolve some of the outstanding issues. A revised site plan was submitted by email on November 13, 2013. However, in accordance with standard practice, full scale copies of the submission drawings are required for circulation and three weeks typically provided for review and comment. The Owner is prepared to submit large scale plans; however, sufficient time is not available to receive the revised plans, as the City's agenda deadlines require this report to be finalized by November 14, 2013, in order to be included on the printed agenda for consideration by the Vaughan Committee of the Whole on November 26, 2013. In addition, November 26, 2013, represents the final scheduled Committee of the Whole meeting before the scheduled OMB Hearing in January, 2014.

#### 2. Zoning Deficiencies

The Development Planning Department cannot support a Site Plan that does not comply with Zoning By-law 1-88, as amended. Specifically, the proposed site plan does not comply with the following requirements of Zoning By-law 1-88:

##### a) Removal of the Holding Symbol "(H)"

The subject lands are zoned C2 General Zone with the Holding Symbol "(H)". A Zoning By-law Amendment application to remove the Holding symbol must be submitted by the Owner, should the Site Development application be approved.

##### b) Property Boundary

The proposed site plan submitted in support of the site plan application does not identify the road widening requirements of the Region of York and the City of Vaughan for Regional Road 50 and Cold Creek Road, respectively. On November 13, 2013, the Owner submitted via email, a revised site plan (Attachment #9) that indicates the proposed road widenings, however, the accuracy of the identified widenings has not been confirmed by the Region of York or the City at this time. Upon confirmation, a detailed zoning review must be undertaken to ensure compliance (eg. building setbacks) with all requirements of Zoning By-law 1-88, as amended.

##### c) "Truck Stop" Use

The site plan submitted in support of the application identifies Building "A" as a proposed "Truck Stop". Zoning By-law 1-88, as amended by the OMB does not permit a Truck Stop on the subject lands. The site-specific by-law permits an Eating Establishment, Convenience with or without a drive-through, however, food preparation is not permitted on the site. The floor plan submitted in support of the application includes 6 washrooms, 4 of which are

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equipped with showers and/or a bathtub. Also, 110 m<sup>2</sup> of the 465 m<sup>2</sup> building is devoted to “truck supply sales”. This floor plan suggests that the proposed intended use is a “Truck Stop” and not a Convenience Eating Establishment as permitted and defined by the Zoning By-law. In addition, the by-law does not permit food preparation in this building. The plans submitted in support of the application do not provide sufficient information (ie. detailed floor plan including counter space, appliances, sinks, etc.) to determine whether or not food preparation will be undertaken in this building. The plans show a 40 m<sup>2</sup> “coffee shop” with associated accessory seating area, however, a coffee shop where food preparation is likely to occur is not permitted.

d) Open Storage

The subject lands are zoned C2 General Commercial Zone, subject to Site-Specific Exception 9(1144), which permits one Motor Vehicle Sales Establishment on the subject lands. The C2 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 on the lot. Building “A” which includes the sales office for the motor vehicle sales establishment has an area of 465 m<sup>2</sup>. The area of land devoted to outdoor truck display and storage significantly exceeds 465m<sup>2</sup>, providing a total of 39 truck parking spaces, which does not comply with the zoning by-law.

e) Loading Space Location

The proposed site plan includes a loading space on the east side of Building “A” facing Cold Creek Road. Zoning By-law 1-88 does not permit a loading area located between a building and a street.

f) Gravel Parking Area

The proposed site plan identifies the ‘truck sales and display area’ as being surfaced with gravel. Zoning By-law 1-88 requires that all parking and maneuvering areas be paved with hot mixed asphalt or concrete.

g) Additional Variances

The Building Standards Department has also identified other zoning exceptions that may be required to facilitate the proposed plan, which the Owner is currently attempting to provide the necessary information required to address these variances. These include providing a full list of uses with the appropriate Gross Floor Area calculations and site statistics to the satisfaction of the City. In addition, confirmation of the exact nature of a proposed 2<sup>nd</sup> floor mezzanine and/or storey in Building “B” is required. If it is determined to be a 2<sup>nd</sup> floor, this may trigger additional parking requirements.

In addition, the zoning by-law, as amended only permits a “Truck Refueling Station” only, 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”.

The Owner must confirm that the petroleum trucks as shown on the proposed site will only be used for commercial or transport trucks only, and the site plan should indicate on-site turning movements and the distance between each pump to clearly identify that they are accessible by commercial or transport trucks.

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The site plan also shows a picnic area located south of Building “A”, adjacent to the proposed drive-through lane. A picnic area is interpreted to be an outdoor patio, therefore, must comply with the requirements of Zoning By-law 1-88, Section 5.1.6 respecting Outdoor Patios.

3. Garbage Enclosure

The Owner has proposed a garbage enclosure along the Regional Road 50 frontage. The Development Planning Department does not support this location for the garbage enclosure, and has advised the applicant that it should be integrated into the design of one of the buildings. The Owner has advised that they are prepared to review this issue, however, to date, even the revised site plan submitted by email on November 13, 2013, continues to identify the garbage enclosure in the original location.

4. Building Elevations

Proposed Building “B” includes 3 large garage doors (overhead) on the west and east elevations facing Regional Road 50 and Cold Creek Road. The Development Planning Department has requested that the building be reoriented on the site so the overhead doors do not face the public streets, or alternatively, be screened from view. The Development Planning Department has also requested that the quality of the building facades be enhanced with respect to architectural design, detail, materials and articulation.

5. 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 driveways. The Owner has not provided details of the proposed berm (eg. height, slope, fencing, etc.) as requested by the Development Planning Department.

6. Proposed Septic Bed

The sanitary services 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, specifically Div. A 1.4.1.2.

“A septic system design has not been provided by a qualified on-site Sewage System designer for review however, the proposed development appears to have a design flow for the septic system that exceeds 10,000 litres a day. If a septic system or series of septic systems yield a design capacity that is greater than 10,000 l/d it 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 (MOE).”

The Owner has indicated that the septic system does not exceed 10,000 litres a day. The Owner provided a *Groundwater Supply and Septic Suitability Study*, prepared by Gartner Lee Limited dated June 28, 2001, which contains reference to proposed sewage system design flows that do not reflect the details of the most recent drawings. As this study submitted by the Owner is over 12 years old, an updated study and design is required from a qualified designer. The application has not been circulated to the MOE as the Owner has advised that the facility yields a design capacity that does not exceed the limit of 10,000 litres/day.

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##### 7. Landscape Plan

The final property lines have not been accurately delineated on the plans submitted by the Owner that incorporate the required road widenings by the Region of York and City of Vaughan. The landscape plan shown on Attachment #4 may change, particularly with respect to the proposed landscaping abutting these roads.

A pedestrian connection is proposed from a sidewalk within the Regional Road 50 right-of-way, which goes around the landscape buffer and cuts through the drive-through lane to Building "A". Leading pedestrians across a drive-through lane to access Building "A" is not considered appropriate. The plan should be revised to provide a more appropriate pedestrian connection.

##### 8. Toronto and Region Conservation Authority (TRCA)

The TRCA has advised there are many technical comments outstanding and approval of Site Development File DA.12.025 is considered premature at this time. The TRCA has requested that the Owner address the comments through the submission of a revised technical package. Additional TRCA comments are provided later in this report.

The following are comments received to-date by commenting departments and external 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 the Region of Peel.

The Owner provided a letter prepared by SPL Consultants Limited, dated March 13, 2013, indicating that further work will be conducted to characterize the site's hydrogeological properties by drilling and installing monitoring wells, groundwater quantity, quality and infiltration testing in support of the private servicing for water and sewage. The Owner provided a Potable Water and Sanitary Servicing Report, dated September 19, 2013. The report indicated that the proposed water supply well, storage tank, septic tank and conveyance system will be designed by others. The Development/Transportation Engineering Department has reviewed the letters and report and recommends that the Owner provide additional groundwater quantity and quality testing, detailed analysis and calculations as part of this Site Development application to the satisfaction of Development/Transportation Engineering Department.

The Owner/Applicant shall contact the Ministry of Health and Long-Term Care for the inspection of the proposed small drinking water system and for further instructions. Prior to site plan approval, the Owner shall provide proof that the proposed small drinking water system has adequate quality and quantity to service the site.

###### *ii) Storm Drainage*

The identified detention system has an open bottom design, which would allow for infiltration opportunity. Based on the proposed uses (petroleum fuelling station), the Owner should review the proposed detention system and modify it as required to eliminate infiltration where possible to reduce the potential of groundwater contamination.



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- iii) *Site Grading Plan GWG C-SG, prepared by R. V. Anderson Associates Limited, dated September 19, 2013*

Entrance driveways shall be constructed with heavy duty asphalt from the back of the municipal curb or edge of pavement to the property line. Based on Zoning By-law 1-88, the surface of all loading spaces and related driveways and maneuvering areas shall be paved with hot mix asphalt or concrete. Accordingly, the proposed site and grading plans that show gravel surfaces must be revised. The Owner has indicated that they are prepared to revise the plans to provide asphalt, as required.

- iv) *Site Plan, DWG SP1, prepared by Avenue Architecture Inc., dated September 19, 2013*

- Cold Creek Road and Regional Road 50 must be shown to include the full road allowance width.
- The ultimate property line should be clarified.
- The location of the proposed sidewalk must be confirmed. Based on the City's standard, the sidewalk shall be located 1.0m from the property line. The Owner must satisfy all requirements of York Region respecting the location of the sidewalk.
- The sidewalk along Regional Road 50 shall be extended to the limits of the site.

- v) *Site Plan Analysis prepared by Lighting & Electrical Engineering, dated September 20, 2013*

The Photometric Lighting Plan submitted in support of the application must be revised. The outside lighting shall be directed downward and inward and designed to maintain zero cut-off light level distribution at the property line.

- vi) *Site Stormwater Management Report prepared by R. V. Anderson Associates Limited, dated September 19, 2013*

Based on the proposed site use (petroleum fuelling station), the Owner should review the proposed detention system and modify it as required to reduce infiltration where possible to minimize the potential of groundwater contamination.

The Consulting Engineer states that all post-development peak flow rates will be less than the allowable peak flow rates, except for the 2-year storm event, however, the report illustrates all storm event post-development peak flow rates exceed the corresponding allowable release rates.

The Consulting Engineer stated that, "No runoff retention through infiltration will be implemented on site in order to avoid potential groundwater contamination." However, the consulting engineer has proposed a detention system with open bottoms which may allow infiltration to occur.

- vii) *Potable Water and Sanitary Servicing Report prepared by R. V. Anderson Associates Limited, dated September 19, 2013*

Prior to final site plan approval, the Owner shall provide data illustrating that a small on-site drinking water system can adequately service the site.

The report indicated that the septic tank will be designed by others. The Owner shall provide detailed analysis and calculations as part of this Site Development application, to the satisfaction of the Development/Transportation Engineering Department. Also, the sanitary sewage system will be designed in accordance with the Ontario Building Code (OBC) or the Ministry of the Environment requirements and should be circulated for review and approval to the Vaughan Building Standards Department or other approval Agency, as required.

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#### *viii) 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.

#### Toronto and Region Conservation Authority

On November 25, 2008, the Owner was issued a violation under the Conservation Authorities Act for the unauthorized placement of fill and alterations to the existing watercourse. This activity was conducted in the absence of Toronto and Region Conservation Authority (TRCA) approvals. The scope of the unauthorized works included but were not limited to fill placement within the watercourse and removal of portions of a tributary of the Humber River. This work was done to facilitate the proposed development of a truck centre on the site.

Following the issuance of the violation notice, the Owner had worked with the TRCA on plans to restore the watercourse and the removal of excess fill material on the site. A Permit application under O.Reg. 166/06 was submitted for this restoration work which includes the restoration and maintenance of the former creek width and length prior to the initial disturbance. This restoration plan was conditionally approved by the TRCA's Executive Committee on August 6, 2010. Following revisions to this plan, Permit No. C-10926 was issued. It is the understanding that this work including restorative planting has been completed and the associated violation file has been closed.

However, there are many technical comments outstanding and approval of Site Development File DA.12.025 is considered premature at this time. TRCA requests that the Owner address the comments through the submission of a revised technical package.

#### City of Brampton

The City of Brampton suggests relocating the drive-through and the garbage areas to less prominent areas of the property that do not have direct exposure to Regional Road 50. In addition, they suggest moving the building mass to be located closer to Regional Road 50.

The Owner's Traffic Impact Study indicates their access aligns with a future east-west road across from Brampton's Secondary Plan Area 47. The Highway 427 Industrial Secondary Plan (Area 47) does not propose an east-west road at this location. The Region of Peel have commented that the east-west road aligns with the proposal. Further research is required to ensure compliance. The City of Brampton must also review the location and design of all street light poles, which they are responsible for along Regional Road 50.

#### Region of Peel

The Region of Peel provides the following comments:

##### *i. Municipal Services*

No municipal servicing will be provided by the Region of Peel to service the proposed development.

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##### ii. Access

The Region will support the south access onto Regional Road 50, directly aligned with the future east/west road connecting into Brampton's Secondary Plan Area 47.

The Region will support the proposed right-in / right-out access to Regional Road 50 located approximately 745 metres north of Nashville Road. The proposed right-in / right-out access shall be equipped with a northbound right turn lane with 60 metres storage and taper length as per TAC (Transportation Association of Canada) 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.

##### iii. Property Requirements

Prior to approval of the Site Development application, the Region of Peel respectfully requests that the Region of York request the following lands and provide Peel Region with a copy of the transfer documents to confirm the land dedication:

- Regional Road 50 right-of-way designation is 45 metres, therefore 22.5 metres from centreline;
- The gratuitous dedication of signal easements at the proposed full moves access;
- 0.3 metre reserve along the frontage of Regional Road 50 behind the property line and daylight triangle except at the approved access location.

The Region of Peel 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.

The Owner is required to dedicate this land to the Region, free and clear of all costs and encumbrances. The applicant must provide the Region with the necessary transfer documents and deposit a reference plan(s) to confirm the Region's ownership. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.

##### iv. Landscaping

Landscaping, sign, fences or any other encroachments will not be permitted within the Region of Peel's easements and or right-of-way limits. All landscaping drawings must be reviewed and approved by the Region of Peel's Traffic and Transportation Engineering and Operations sections prior to site plan approval. This cannot be determined at this time as the site plan and landscape plans do not reflect the true property lines due to the future road widenings.

#### Ministry of Transportation

The subject lands are located within the Preliminary Route Planning Study Area, and it would appear this proposed site development application would negatively impact the route planning options for the GTA West Corridor.

The Ministry of Transportation (MTO) requests that the City of Vaughan defer this Site Development application to permit the development of a 465m<sup>2</sup> truck stop, refueling station, and a 1215m<sup>2</sup> truck repair facility, until the Province, the City and the Region are satisfied this plan would not negatively affect the route planning for the GTA West Corridor.

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As part of the draft Transportation Development Strategy in March 2011, a Preliminary Route Planning Study Area was identified, within which a range of reasonable route alignments will be generated and evaluated in the next stage of the Environmental Assessment (EA). The MTO's objective is to carry forward a reasonable range of route connection alternatives into the next stage of the EA process so that the best balanced solution can be found. To this end, there is a narrow opportunity to provide a corridor through the Vaughan and Brampton boundaries around the area of Regional Road 50 and Nashville Road.

Should the proposed Site Development application proceed as currently configured, it would compromise the MTO's ability to evaluate options and select the best balanced solution as required by the EA.

The Owner has been in discussions with the MTO for the MTO to acquire/purchase their lands. To date, the City has not received an update on these discussions.

Vaughan Cultural Services 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 Cultural Services Division in May 2012, and there are no further built heritage concerns.

The Cultural Services Division 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. This memorandum confirms that lands included in the properties listed above 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 per 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:

- (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's Policy Planning, Development Planning, and Recreation and Culture Departments 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.

Should the application be approved, the above clauses must be included in the Site Plan Letter of Undertaking.

Vaughan Real Estate Division

The Vaughan 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

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013**

Item 39, CW Report No. 52 – Page 13

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.

Should the application be approved, the above clause will need to be included in the Site Plan Letter of Undertaking.

#### **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 indoor plumbing fixtures which reduce water requirements, 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 is seeking Party Status to the Ontario Municipal Board Hearing scheduled for this application. To date, Region of York comments on the site plan application remain outstanding.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed Site Development File DA.12.025 to facilitate the development of the proposed Truck Stop, Truck Repair and associated uses as shown on Attachments #3 to #8. Accordingly, the Development Planning Department does not support the application at this time as it is considered premature for the reasons identified in this report. The Owner has indicated a willingness to work with the City to address some of the outstanding issues, however, at this time the Owner has not provided sufficient information necessary to satisfactorily address the issues identified in this report. For these reasons, the Site Development Application should be refused on the basis of prematurity. The Owner has appealed their application to the Ontario Municipal Board and the Hearing date has been set for January 8-10, 2014. Should Vaughan Council concur, City Staff should be directed to attend the OMB Hearing in support of the refusal.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - Building "A"

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013**

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6. Elevations - Building "B"
7. Elevations - Gas Pumps and Canopy
8. Elevations - Garbage Enclosure
9. Revised Site Plan (Submitted November 13, 2013)

**Report prepared by:**

Margaret Holyday, Planner, ext. 8216  
Carmela Marrelli, Senior Planner, ext. 8791  
Mauro Peverini, Manager of Development Planning, ext. 8407

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



**WESTON  
CONSULTING**

planning + urban design

c2 Communication CW: <u>Nov 26/13</u> Item: <u>39</u>
--

November 22, 2013

File 5182

Chair and Members, Committee of the Whole, City of Vaughan  
2141 Major Mackenzie Drive,  
Vaughan, ON L6A 1T1

**RE: Site Development File DA.12.025 -- Item #39**

**2157160 Ontario Inc.**

**Ward 1 -- Vicinity of Regional Road 50 and Nashville Road  
Committee of the Whole, November 26, 2013**

Dear Chair and Members,

As the planning consultant retained by the owner of the above noted subject property, we have reviewed the staff report to be considered by the Committee of the Whole on November 26, 2013. As an outcome from discussion with our client, our client's solicitor will be requesting that the Ontario Municipal Board hearing scheduled to begin on January 8<sup>th</sup>, 2014, be deferred in order to provide an opportunity to resolve the issues identified in this report.

We would therefore request that the Committee of the Whole defer consideration of this staff report pending further discussions.

Thank you for your consideration.

Yours truly,

Alan Young, BES, MSc, MCIP, RPP  
Senior Associate

CC.

- Margaret Holyday, Planner, Development Planning, City of Vaughan
- Claudia Storto, Solicitor, City of Vaughan
- Grant Uyeyama, Director of Development Planning, City of Vaughan
- Sagar Aggarwal, Owner
- Mary Flynn-Guglietti, McMillan LLP



## memorandum

c. 5
Communication
cw: Nov 26/13
Item: 39

**DATE:** NOVEMBER 22, 2013

**TO:** HONOURABLE MAYOR & MEMBERS OF COUNCIL

**FROM:** JOHN MACKENZIE, COMMISSIONER OF PLANNING

**RE:** COMMUNICATION - ITEM #39, COMMITTEE OF THE WHOLE, NOVEMBER 26, 2013

**SITE DEVELOPMENT FILE DA.12.025**  
**2157160 ONTARIO INC.**  
**WARD 1 – VICINITY OF REGIONAL ROAD 50 AND NASHVILLE ROAD**

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### Recommendation

The Commissioner of Planning recommends:

1. THAT this Communication, BE RECEIVED, as information.

### Background

The Vaughan Development/Transportation Engineering Department has provided additional comments respecting the proposed access driveways for the above-noted Site Development File.

The proposed site plan includes two access driveways from Cold Creek Road, one each at the north and south limits of the site. Cold Creek Road is currently a two lane paved rural road and the existing structure of the road cannot support heavy traffic volumes, especially trucks.

Cold Creek Road intersects with Nashville Road in close proximity (just 50m east) of the intersection of Regional Road 50/Nashville Road/Cold Creek Road and queues from one intersection will adversely impact the other. Also, this section of Nashville Road is only two lanes without left-turn lanes at Cold Creek Road.

The design of the site also poses an operational concern that the site may be utilized as a cut-through route for traffic wanting to avoid the intersection of Nashville Road and Regional Road 50 due to the straight alignment between the future signalized south access from Regional Road 50 to Cold Creek Road.

With consideration for the above and that the Traffic Impact Study concludes that the site can be adequately serviced by the two proposed access driveways from Regional Road 50 only, the Development/Transportation Engineering Department recommends that the proposed access driveways from Cold Creek Road be eliminated.

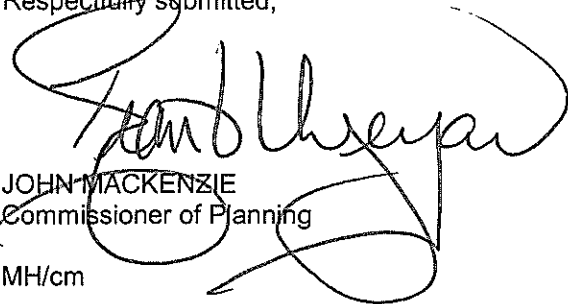
The Vaughan Development/Transportation Engineering Department has also advised that a revised Traffic Impact Study (TIS) and truck maneuvering diagrams have not been submitted as requested on June 20, 2012 and that the revised TIS must address the comments identified above.



## Conclusion

The Development/Transportation Department has provided additional comments specifically with respect to the proposed access driveways from Cold Creek Road for the proposed development. The Development/Transportation Engineering Department has advised that given concerns respecting the current road structure, proximity of road intersections in the vicinity of the subject lands, on-site operational concerns, and that the Traffic Impact Study concludes that the site can operate with the proposed accesses from Regional Road 50 only, that the two proposed access driveways from Cold Creek Road be eliminated. A Traffic Impact Study and truck maneuvering diagrams are also outstanding to be submitted.

Respectfully submitted,



JOHN MACKENZIE  
Commissioner of Planning

MH/cm

Copy to: Barbara Cribbett, Interim City Manager  
Jeffrey A. Abrams, City Clerk  
Paul Jankowski, Commissioner of Engineering and Public Works  
Andrew Pearce, Director of Development/Transportation Engineering  
Grant Uyeyama, Director of Development Planning

**COMMITTEE OF THE WHOLE    NOVEMBER 26, 2013**

**SITE DEVELOPMENT FILE DA.12.025**

**2157160 ONTARIO INC.**

**WARD 1 - VICINITY OF REGIONAL ROAD 50 AND NASHVILLE ROAD**

**Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Site Development File DA.12.025 (2157160 Ontario Inc.) BE REFUSED, as the application is considered to be premature for the reasons identified in this report.
2. THAT City Staff be directed to attend the Ontario Municipal Board Hearing in support of the refusal.

**Contribution to Sustainability**

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

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

- Objective 4.2: 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 21<sup>st</sup> 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:

- i) LED exterior lighting and signage;
- ii) low volatile organic compound (VOC) paints, varnishes, and stain sealers will be used;
- iii) high efficiency or low-flow bathroom plumbing fixtures; and,
- iv) two-stream waste and recycling receptacles will be provided at all buildings.

**Economic Impact**

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

**Communications Plan**

N/A

**Purpose**

The Owner has submitted Site Development File DA.12.025 on the subject lands shown on Attachments #1 and #2, to facilitate the development of Truck Stop (Building "A"), Truck Repair (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 Vehicles 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 Ltd.) to the Ontario Municipal Board, under Section 41(12) of the *Planning Act*, for Vaughan Council's failure to make a decision respecting the application.

An OMB Pre-Hearing Conference was held on June 3, 2013. The OMB was advised that the Province of Ontario (Ministry of Transportation and Ministry of Municipal Affairs and Housing) and York Region may be seeking party status to this appeal. The Province indicated that the lands fall within the GTA West Transportation Corridor study area (Attachment #1) and that the applicant and the Province have been negotiating potential options for settlement of this matter.

The Board scheduled a second Pre-Hearing Conference for November 18, 2013, at which time a status update will be provided. The parties, including the City of Vaughan, will be required to identify any issues related to the Site Development application at the Pre-Hearing. The Province and the Region of York will be seeking party status. A three day OMB Hearing is scheduled for January 8, 9 and 10, 2014 (OMB Case No. PL121378).

#### 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 new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and approved in part, by the Ontario Municipal Board on July 23, 2013. The site-specific policies that apply to the subject lands are included in Volume 2 of the Official Plan, 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.

The Owner has appealed two policies of Volume 1 of VOP 2010 (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's 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".

## Zoning

The subject lands are zoned C2(H) General Commercial with a 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), 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 Vaughan Council has approved a site plan in accordance with the Official Plan, for the subject lands.

## Planning Considerations

The Development Planning Department has reviewed Site Development File DA.12.025 and is of the opinion that the application is premature for the following reasons:

### 1. Application History

Vaughan Council approved applications OP.00.014 and Z.00.064 on November 26, 2001, subject to the addition of a Holding Symbol "(H)", pending approval of the Site Plan Application. OPA #570 was approved by York Region on June 27, 2002. The implementing Zoning By-law 265-2002 was enacted by the City of Vaughan on August 26, 2002, and amends By-law 1-88, rezoning the site from A Agricultural Zone to C2 General Commercial Zone, with the Holding Symbol "(H)", subject to Exception 9(1144) which will not be removed until Vaughan has approved a site plan application.

OPA #570 and Zoning By-law 265-2002 were appealed to the OMB by the Region of Peel, City of Brampton, and the Town of Caledon. The appeals before the OMB were filed in 2002, and the OMB Hearing was originally scheduled for August, 2003. The matter was held in abeyance until a Pre-Hearing conference was held in the Fall of 2005. On July 26, 2006, the OMB approved OPA #570 and Zoning By-law 265-2002.

The Owner originally submitted Site Development File DA.12.025 on March 20, 2012, which proposed the truck stop and truck repair buildings as shown on Attachments #3 to #8. The cover letter submitted by the Owner states:

"Building "A" will be a truck stop with approximately 465 m<sup>2</sup> of GFA. The proposed truck stop will accommodate office and commercial uses (coffee shop, truck supplies sales etc.).... Building "B" will be a truck repair facility. This building will be approximately 1215m<sup>2</sup> of GFA. This building will accommodate three bays including a 'truck lube bay', a 'truck repair bay', and a 'truck wash bay'....The 'north' portion of the site will contain a proposed truck sales and display/client parking area. This area will be capable of accommodating up to 40 trucks. Additional space for truck sales and display will be located on the north side of Building "B". This area will be capable of accommodating a further 3 trucks."

The Development Planning Department sent an email to the Owner on April 4, 2012, indicating that the submission was missing certain documents to consider the application complete. A Notice of Complete application was issued by the Development Planning Department on April 19, 2012. The Request for Comments was circulated to City Departments and external commenting agencies with their comments being forwarded to the Owner as they were received.

On June 29, 2012, comments from the Building Standards Department were forwarded to the Owner, which indicated the following: "Open storage area shall not be greater in area than the ground floor area of the main building on the lot. Please note, open storage of trucks for sale under motor vehicle sales establishment, no storage of trucks permitted for other purposes permitted."

On September 26, 2012, a meeting was held with the Owner and representatives from the City and the Ministry of Transportation (MTO) to discuss the application.

On December 5, 2012, the Owner appealed Site Development File DA.12.025 (2157160 Ontario Ltd.) to the Ontario Municipal Board, under Section 41(12) of the Planning Act, for Vaughan Council's failure to make a decision respecting the application.

On February 12, 2013, the Owner met with the Development Planning Department to review the comments with respect to the proposed open storage associated with the gross floor area (GFA) of the Motor Vehicle Sales Establishment.

On February 14, 2013, the Region of Peel declined the Owner's request for cross-border servicing for the sanitary sewer connection. The Owner advised that the application would be revised to delete the proposed truck wash and to service the site utilizing private services. The Owner advised that a resubmission would follow in March/April 2013.

On April 5, 2013, the Owner indicated that a revised application would be submitted by April 26, 2013.

An OMB Pre-Hearing Conference was held on June 3, 2013, at which time the dates for a second Pre-Hearing were confirmed. After the Pre-Hearing conference, both parties discussed the necessary requirements in order to finalize a technical report for consideration by the Vaughan Committee of the Whole, prior to the January 8-10, 2014, OMB Hearing. The Owner agreed to resubmit revised plans/supporting documents by September 1, 2013, thereby allowing sufficient time for the circulation of the documents and responses from City Departments and external review agencies. A follow-up email in this respect was sent to the Owner on August 23, 2013.

On September 11, 2013, the Owner's agent sent an email to the City identifying that discussions have taken place with the Province of Ontario about the possible acquisition of the subject lands, and that the Province would not have an answer until possibly October. The email also stated that a resubmission was to be submitted the following week. The agent stated that the changes to the plan were limited and included a raised septic bed and incorporation of a reconstructed Regional Road 50 profile (triggered changes to the watercourse area). The Owner submitted revised plans on September 23, 2013.

Comments were provided by the Development Planning Department, Public Works Waste Management Division, and Cultural Services Division, and the Owner submitted revised plans on October 25, 2013, to respond to their comments. The revised plans were recirculated on November 1, 2013. A meeting was scheduled with the Owner and representatives from the City on November 11, 2013, to discuss the comments and outstanding issues.

Since the meeting, the Owner's agent has attempted to resolve some of the outstanding issues. A revised site plan was submitted by email on November 13, 2013. However, in accordance with standard practice, full scale copies of the submission drawings are required for circulation and three weeks typically provided for review and comment. The Owner is prepared to submit large scale plans; however, sufficient time is not available to receive the revised plans, as the City's agenda deadlines require this report to be finalized by November 14, 2013, in order to be included on the printed agenda for consideration by the Vaughan Committee of the Whole on November 26, 2013. In addition, November 26, 2013, represents the final scheduled Committee of the Whole meeting before the scheduled OMB Hearing in January, 2014.

## 2. Zoning Deficiencies

The Development Planning Department cannot support a Site Plan that does not comply with Zoning By-law 1-88, as amended. Specifically, the proposed site plan does not comply with the following requirements of Zoning By-law 1-88:

### a) Removal of the Holding Symbol "(H)"

The subject lands are zoned C2 General Zone with the Holding Symbol "(H)". A Zoning By-law Amendment application to remove the Holding symbol must be submitted by the Owner, should the Site Development application be approved.

### b) Property Boundary

The proposed site plan submitted in support of the site plan application does not identify the road widening requirements of the Region of York and the City of Vaughan for Regional Road 50 and Cold Creek Road, respectively. On November 13, 2013, the Owner submitted via email, a revised site plan (Attachment #9) that indicates the proposed road widenings, however, the accuracy of the identified widenings has not been confirmed by the Region of York or the City at this time. Upon confirmation, a detailed zoning review must be undertaken to ensure compliance (eg. building setbacks) with all requirements of Zoning By-law 1-88, as amended.

### c) "Truck Stop" Use

The site plan submitted in support of the application identifies Building "A" as a proposed "Truck Stop". Zoning By-law 1-88, as amended by the OMB does not permit a Truck Stop on the subject lands. The site-specific by-law permits an Eating Establishment, Convenience with or without a drive-through, however, food preparation is not permitted on the site. The floor plan submitted in support of the application includes 6 washrooms, 4 of which are equipped with showers and/or a bathtub. Also, 110 m<sup>2</sup> of the 465 m<sup>2</sup> building is devoted to "truck supply sales". This floor plan suggests that the proposed intended use is a "Truck Stop" and not a Convenience Eating Establishment as permitted and defined by the Zoning By-law. In addition, the by-law does not permit food preparation in this building. The plans submitted in support of the application do not provide sufficient information (ie. detailed floor plan including counter space, appliances, sinks, etc.) to determine whether or not food preparation will be undertaken in this building. The plans show a 40 m<sup>2</sup> "coffee shop" with associated accessory seating area, however, a coffee shop where food preparation is likely to occur is not permitted.

### d) Open Storage

The subject lands are zoned C2 General Commercial Zone, subject to Site-Specific Exception 9(1144), which permits one Motor Vehicle Sales Establishment on the subject lands. The C2 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 on the lot. Building "A" which includes the sales office for the motor vehicle sales establishment has an area of 465 m<sup>2</sup>. The area of land devoted to outdoor truck display and storage significantly exceeds 465m<sup>2</sup>, providing a total of 39 truck parking spaces, which does not comply with the zoning by-law.

e) Loading Space Location

The proposed site plan includes a loading space on the east side of Building "A" facing Cold Creek Road. Zoning By-law 1-88 does not permit a loading area located between a building and a street.

f) Gravel Parking Area

The proposed site plan identifies the 'truck sales and display area' as being surfaced with gravel. Zoning By-law 1-88 requires that all parking and maneuvering areas be paved with hot mixed asphalt or concrete.

g) Additional Variances

The Building Standards Department has also identified other zoning exceptions that may be required to facilitate the proposed plan, which the Owner is currently attempting to provide the necessary information required to address these variances. These include providing a full list of uses with the appropriate Gross Floor Area calculations and site statistics to the satisfaction of the City. In addition, confirmation of the exact nature of a proposed 2<sup>nd</sup> floor mezzanine and/or storey in Building "B" is required. If it is determined to be a 2<sup>nd</sup> floor, this may trigger additional parking requirements.

In addition, the zoning by-law, as amended only permits a "Truck Refueling Station" only, 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".

The Owner must confirm that the petroleum trucks as shown on the proposed site will only be used for commercial or transport trucks only, and the site plan should indicate on-site turning movements and the distance between each pump to clearly identify that they are accessible by commercial or transport trucks.

The site plan also shows a picnic area located south of Building "A", adjacent to the proposed drive-through lane. A picnic area is interpreted to be an outdoor patio, therefore, must comply with the requirements of Zoning By-law 1-88, Section 5.1.6 respecting Outdoor Patios.

3. Garbage Enclosure

The Owner has proposed a garbage enclosure along the Regional Road 50 frontage. The Development Planning Department does not support this location for the garbage enclosure, and has advised the applicant that it should be integrated into the design of one of the buildings. The Owner has advised that they are prepared to review this issue, however, to date, even the revised site plan submitted by email on November 13, 2013, continues to identify the garbage enclosure in the original location.

4. Building Elevations

Proposed Building "B" includes 3 large garage doors (overhead) on the west and east elevations facing Regional Road 50 and Cold Creek Road. The Development Planning Department has requested that the building be reoriented on the site so the overhead doors do not face the public streets, or alternatively, be screened from view. The Development Planning Department has also requested that the quality of the building facades be enhanced with respect to architectural design, detail, materials and articulation.

## 5. 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 driveways. The Owner has not provided details of the proposed berm (eg. height, slope, fencing, etc.) as requested by the Development Planning Department.

## 6. Proposed Septic Bed

The sanitary services 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, specifically Div. A 1.4.1.2.

“A septic system design has not been provided by a qualified on-site Sewage System designer for review however, the proposed development appears to have a design flow for the septic system that exceeds 10,000 litres a day. If a septic system or series of septic systems yield a design capacity that is greater than 10,000 l/d it 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 (MOE).”

The Owner has indicated that the septic system does not exceed 10,000 litres a day. The Owner provided a *Groundwater Supply and Septic Suitability Study*, prepared by Gartner Lee Limited dated June 28, 2001, which contains reference to proposed sewage system design flows that do not reflect the details of the most recent drawings. As this study submitted by the Owner is over 12 years old, an updated study and design is required from a qualified designer. The application has not been circulated to the MOE as the Owner has advised that the facility yields a design capacity that does not exceed the limit of 10,000 litres/day.

## 7. Landscape Plan

The final property lines have not been accurately delineated on the plans submitted by the Owner that incorporate the required road widenings by the Region of York and City of Vaughan. The landscape plan shown on Attachment #4 may change, particularly with respect to the proposed landscaping abutting these roads.

A pedestrian connection is proposed from a sidewalk within the Regional Road 50 right-of-way, which goes around the landscape buffer and cuts through the drive-through lane to Building “A”. Leading pedestrians across a drive-through lane to access Building “A” is not considered appropriate. The plan should be revised to provide a more appropriate pedestrian connection.

## 8. Toronto and Region Conservation Authority (TRCA)

The TRCA has advised there are many technical comments outstanding and approval of Site Development File DA.12.025 is considered premature at this time. The TRCA has requested that the Owner address the comments through the submission of a revised technical package. Additional TRCA comments are provided later in this report.



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

Vaughan Development/Transportation Engineering Department

i) *Water and Sanitary Servicing*

There are no existing municipal watermain 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 the Region of Peel.

The Owner provided a letter prepared by SPL Consultants Limited, dated March 13, 2013, indicating that further work will be conducted to characterize the site's hydrogeological properties by drilling and installing monitoring wells, groundwater quantity, quality and infiltration testing in support of the private servicing for water and sewage. The Owner provided a Potable Water and Sanitary Servicing Report, dated September 19, 2013. The report indicated that the proposed water supply well, storage tank, septic tank and conveyance system will be designed by others. The Development/Transportation Engineering Department has reviewed the letters and report and recommends that the Owner provide additional groundwater quantity and quality testing, detailed analysis and calculations as part of this Site Development application to the satisfaction of Development/Transportation Engineering Department.

The Owner/Applicant shall contact the Ministry of Health and Long-Term Care for the inspection of the proposed small drinking water system and for further instructions. Prior to site plan approval, the Owner shall provide proof that the proposed small drinking water system has adequate quality and quantity to service the site.

ii) *Storm Drainage*

The identified detention system has an open bottom design, which would allow for infiltration opportunity. Based on the proposed uses (petroleum fuelling station), the Owner should review the proposed detention system and modify it as required to eliminate infiltration where possible to reduce the potential of groundwater contamination.

iii) *Site Grading Plan GWG C-SG, prepared by R. V. Anderson Associates Limited, dated September 19, 2013*

Entrance driveways shall be constructed with heavy duty asphalt from the back of the municipal curb or edge of pavement to the property line. Based on Zoning By-law 1-88, the surface of all loading spaces and related driveways and maneuvering areas shall be paved with hot mix asphalt or concrete. Accordingly, the proposed site and grading plans that show gravel surfaces must be revised. The Owner has indicated that they are prepared to revise the plans to provide asphalt, as required.

iv) *Site Plan, DWG SP1, prepared by Avenue Architecture Inc., dated September 19, 2013*

- Cold Creek Road and Regional Road 50 must be shown to include the full road allowance width.
- The ultimate property line should be clarified.
- The location of the proposed sidewalk must be confirmed. Based on the City's standard, the sidewalk shall be located 1.0m from the property line. The Owner must satisfy all requirements of York Region respecting the location of the sidewalk.
- The sidewalk along Regional Road 50 shall be extended to the limits of the site.

- v) *Site Plan Analysis prepared by Lighting & Electrical Engineering, dated September 20, 2013*

The Photometric Lighting Plan submitted in support of the application must be revised. The outside lighting shall be directed downward and inward and designed to maintain zero cut-off light level distribution at the property line.

- vi) *Site Stormwater Management Report prepared by R. V. Anderson Associates Limited, dated September 19, 2013*

Based on the proposed site use (petroleum fuelling station), the Owner should review the proposed detention system and modify it as required to reduce infiltration where possible to minimize the potential of groundwater contamination.

The Consulting Engineer states that all post-development peak flow rates will be less than the allowable peak flow rates, except for the 2-year storm event, however, the report illustrates all storm event post-development peak flow rates exceed the corresponding allowable release rates.

The Consulting Engineer stated that, "No runoff retention through infiltration will be implemented on site in order to avoid potential groundwater contamination." However, the consulting engineer has proposed a detention system with open bottoms which may allow infiltration to occur.

- vii) *Potable Water and Sanitary Servicing Report prepared by R. V. Anderson Associates Limited, dated September 19, 2013*

Prior to final site plan approval, the Owner shall provide data illustrating that a small on-site drinking water system can adequately service the site.

The report indicated that the septic tank will be designed by others. The Owner shall provide detailed analysis and calculations as part of this Site Development application, to the satisfaction of the Development/Transportation Engineering Department. Also, the sanitary sewage system will be designed in accordance with the Ontario Building Code (OBC) or the Ministry of the Environment requirements and should be circulated for review and approval to the Vaughan Building Standards Department or other approval Agency, as required.

- viii) *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.

#### Toronto and Region Conservation Authority

On November 25, 2008, the Owner was issued a violation under the Conservation Authorities Act for the unauthorized placement of fill and alterations to the existing watercourse. This activity was conducted in the absence of Toronto and Region Conservation Authority (TRCA) approvals. The scope of the unauthorized works included but were not limited to fill placement within the watercourse and removal of portions of a tributary of the Humber River. This work was done to facilitate the proposed development of a truck centre on the site.

Following the issuance of the violation notice, the Owner had worked with the TRCA on plans to restore the watercourse and the removal of excess fill material on the site. A Permit application under O.Reg. 166/06 was submitted for this restoration work which includes the restoration and maintenance of the former creek width and length prior to the initial disturbance. This restoration plan was conditionally approved by the TRCA's Executive Committee on August 6, 2010. Following revisions to this plan, Permit No. C-10926 was issued. It is the understanding that this work including restorative planting has been completed and the associated violation file has been closed.

However, there are many technical comments outstanding and approval of Site Development File DA.12.025 is considered premature at this time. TRCA requests that the Owner address the comments through the submission of a revised technical package.

#### City of Brampton

The City of Brampton suggests relocating the drive-through and the garbage areas to less prominent areas of the property that do not have direct exposure to Regional Road 50. In addition, they suggest moving the building mass to be located closer to Regional Road 50.

The Owner's Traffic Impact Study indicates their access aligns with a future east-west road across from Brampton's Secondary Plan Area 47. The Highway 427 Industrial Secondary Plan (Area 47) does not propose an east-west road at this location. The Region of Peel have commented that the east-west road aligns with the proposal. Further research is required to ensure compliance. The City of Brampton must also review the location and design of all street light poles, which they are responsible for along Regional Road 50.

#### Region of Peel

The Region of Peel provides the following comments:

##### i. Municipal Services

No municipal servicing will be provided by the Region of Peel to service the proposed development.

##### ii. Access

The Region will support the south access onto Regional Road 50, directly aligned with the future east/west road connecting into Brampton's Secondary Plan Area 47.

The Region will support the proposed right-in / right-out access to Regional Road 50 located approximately 745 metres north of Nashville Road. The proposed right-in / right-out access shall be equipped with a northbound right turn lane with 60 metres storage and taper length as per TAC (Transportation Association of Canada) 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.

##### iii. Property Requirements

Prior to approval of the Site Development application, the Region of Peel respectfully requests that the Region of York request the following lands and provide Peel Region with a copy of the transfer documents to confirm the land dedication:

- Regional Road 50 right-of-way designation is 45 metres, therefore 22.5 metres from centreline;
- The gratuitous dedication of signal easements at the proposed full moves access;

- 0.3 metre reserve along the frontage of Regional Road 50 behind the property line and daylight triangle except at the approved access location.

The Region of Peel 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.

The Owner is required to dedicate this land to the Region, free and clear of all costs and encumbrances. The applicant must provide the Region with the necessary transfer documents and deposit a reference plan(s) to confirm the Region's ownership. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.

#### iv. Landscaping

Landscaping, sign, fences or any other encroachments will not be permitted within the Region of Peel's easements and or right-of-way limits. All landscaping drawings must be reviewed and approved by the Region of Peel's Traffic and Transportation Engineering and Operations sections prior to site plan approval. This cannot be determined at this time as the site plan and landscape plans do not reflect the true property lines due to the future road widenings.

#### Ministry of Transportation

The subject lands are located within the Preliminary Route Planning Study Area, and it would appear this proposed site development application would negatively impact the route planning options for the GTA West Corridor.

The Ministry of Transportation (MTO) requests that the City of Vaughan defer this Site Development application to permit the development of a 465m<sup>2</sup> truck stop, refueling station, and a 1215m<sup>2</sup> truck repair facility, until the Province, the City and the Region are satisfied this plan would not negatively affect the route planning for the GTA West Corridor.

As part of the draft Transportation Development Strategy in March 2011, a Preliminary Route Planning Study Area was identified, within which a range of reasonable route alignments will be generated and evaluated in the next stage of the Environmental Assessment (EA). The MTO's objective is to carry forward a reasonable range of route connection alternatives into the next stage of the EA process so that the best balanced solution can be found. To this end, there is a narrow opportunity to provide a corridor through the Vaughan and Brampton boundaries around the area of Regional Road 50 and Nashville Road.

Should the proposed Site Development application proceed as currently configured, it would compromise the MTO's ability to evaluate options and select the best balanced solution as required by the EA.

The Owner has been in discussions with the MTO for the MTO to acquire/purchase their lands. To date, the City has not received an update on these discussions.

#### Vaughan Cultural Services 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 Cultural Services Division in May 2012, and there are no further built heritage concerns.

The Cultural Services Division 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. This memorandum confirms that lands included in the properties listed above 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 per 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:

- (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's Policy Planning, Development Planning, and Recreation and Culture Departments 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.

Should the application be approved, the above clauses must be included in the Site Plan Letter of Undertaking.

#### Vaughan Real Estate Division

The Vaughan 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.

Should the application be approved, the above clause will need to be included in the Site Plan Letter of Undertaking.

#### **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 indoor plumbing fixtures which reduce water requirements, 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 is seeking Party Status to the Ontario Municipal Board Hearing scheduled for this application. To date, Region of York comments on the site plan application remain outstanding.

**Conclusion**

The Vaughan Development Planning Department has reviewed Site Development File DA.12.025 to facilitate the development of the proposed Truck Stop, Truck Repair and associated uses as shown on Attachments #3 to #8. Accordingly, the Development Planning Department does not support the application at this time as it is considered premature for the reasons identified in this report. The Owner has indicated a willingness to work with the City to address some of the outstanding issues, however, at this time the Owner has not provided sufficient information necessary to satisfactorily address the issues identified in this report. For these reasons, the Site Development Application should be refused on the basis of prematurity. The Owner has appealed their application to the Ontario Municipal Board and the Hearing date has been set for January 8-10, 2014. Should Vaughan Council concur, City Staff should be directed to attend the OMB Hearing in support of the refusal.

**Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - Building "A"
6. Elevations - Building "B"
7. Elevations - Gas Pumps and Canopy
8. Elevations - Garbage Enclosure
9. Revised Site Plan (Submitted November 13, 2013)

**Report prepared by:**

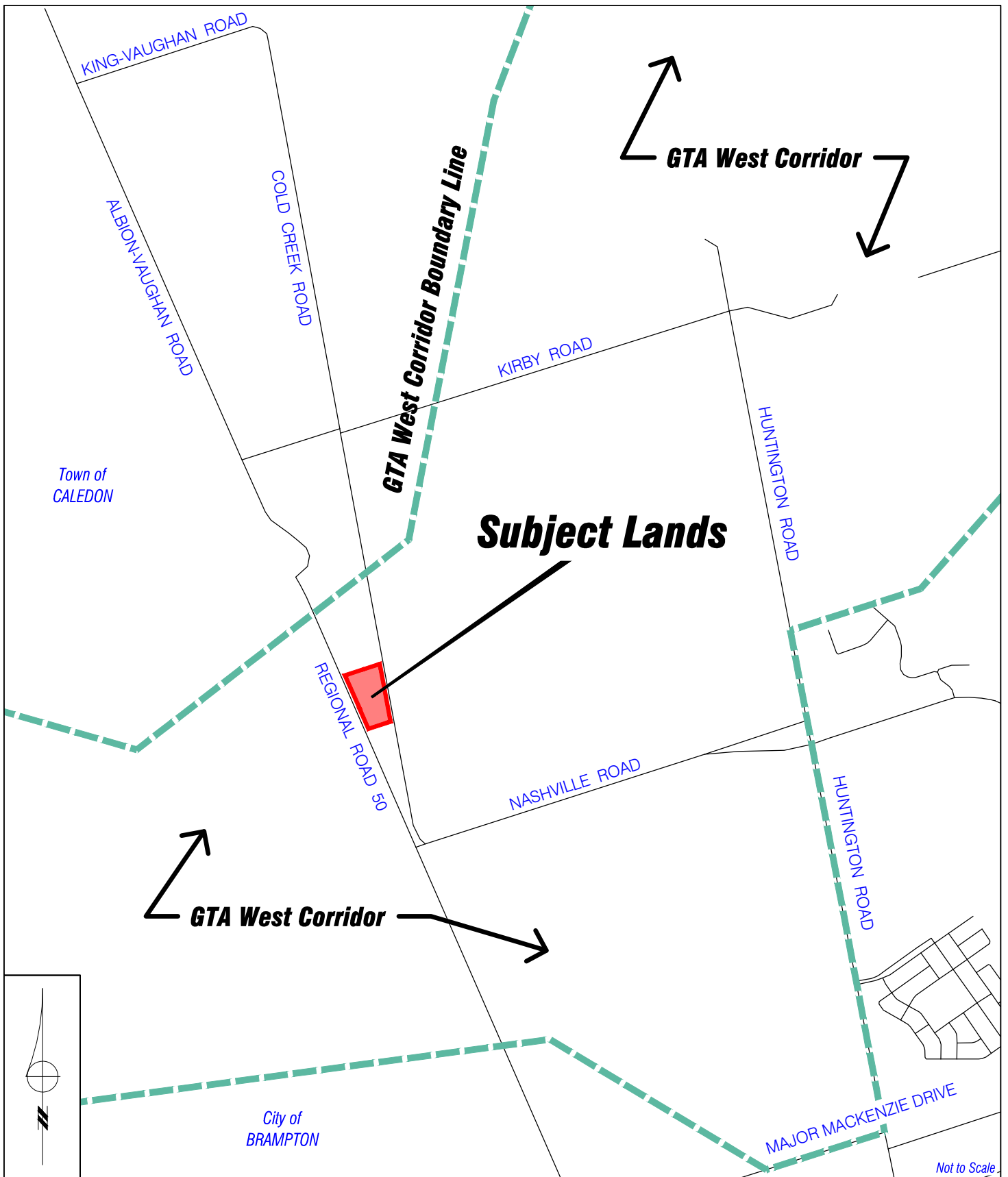
Margaret Holyday, Planner, ext. 8216  
Carmela Marrelli, Senior Planner, ext. 8791  
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE  
Commissioner of Planning

GRANT UYEYAMA  
Director of Development Planning

/LG



## Context Location Map

LOCATION:  
Part Lot 27, Concession 11

APPLICANT:  
2157160 Ontario Inc.

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## Attachment

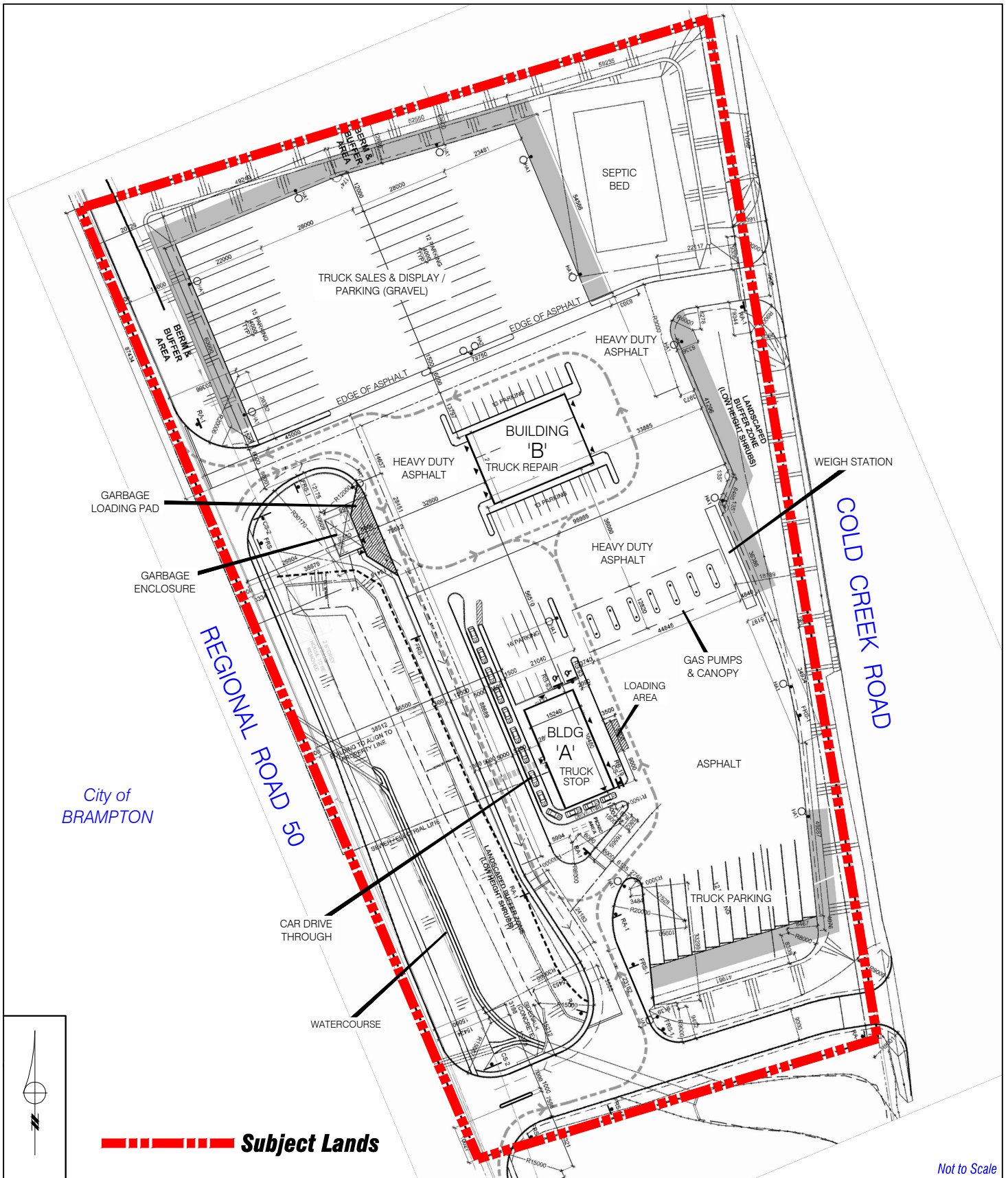
FILE:  
DA.12.025

DATE:  
November 26, 2013

1







## Site Plan

LOCATION:  
Part Lot 27, Concession 11

APPLICANT:  
2157160 Ontario Inc.

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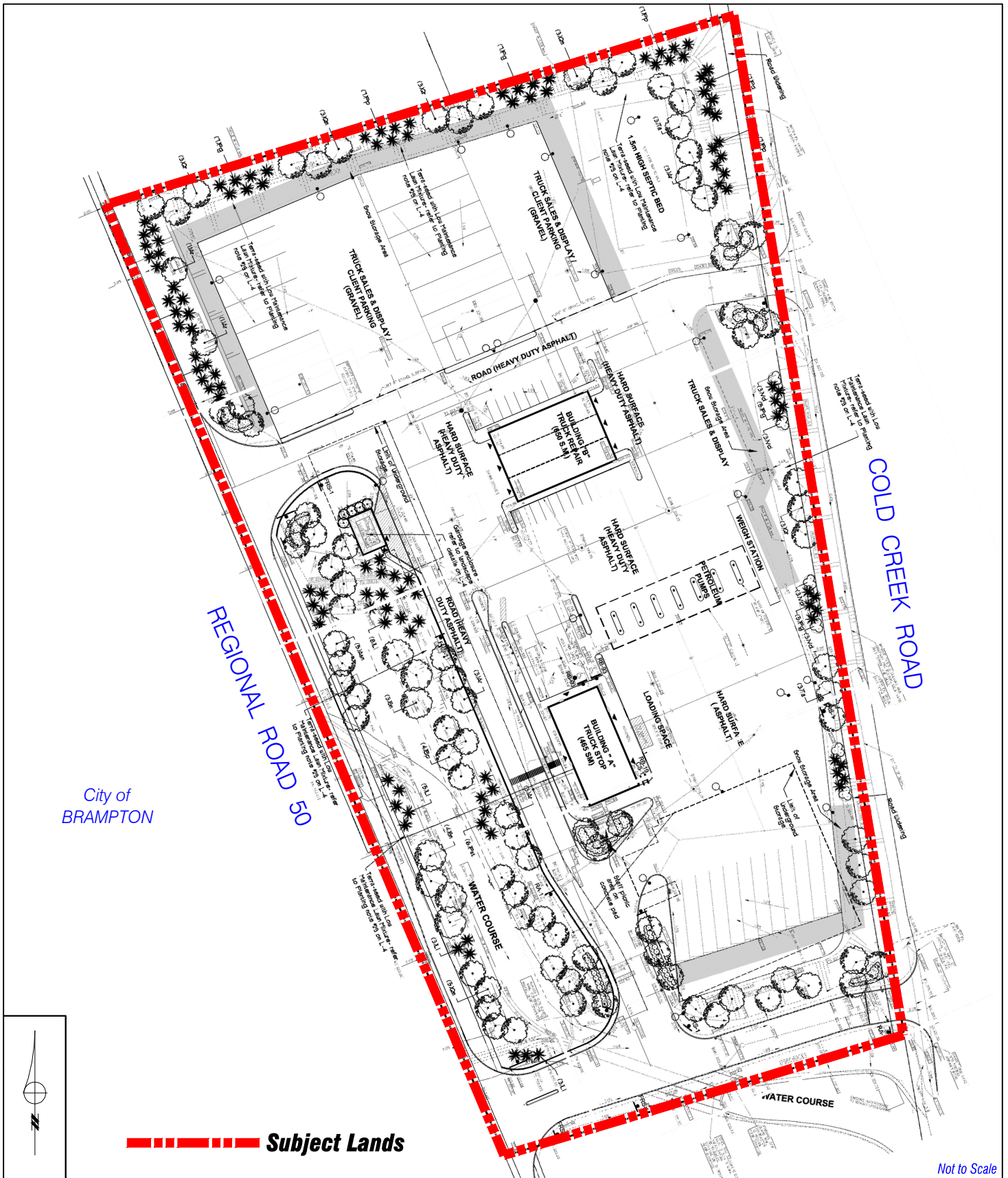


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DA.12.025

DATE:  
November 26, 2013

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# Landscape Plan

LOCATION:  
Part Lot 27, Concession 11

APPLICANT:  
2157160 Ontario Inc.

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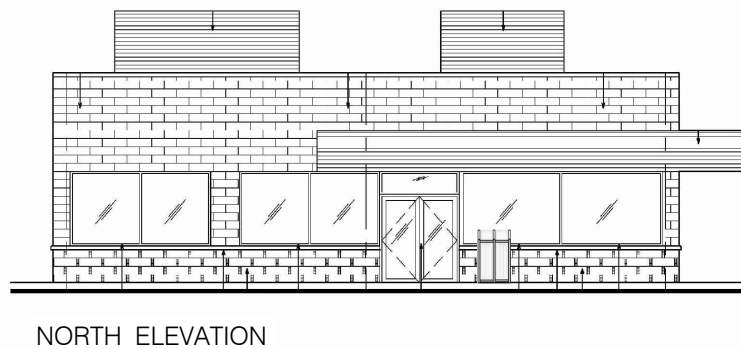
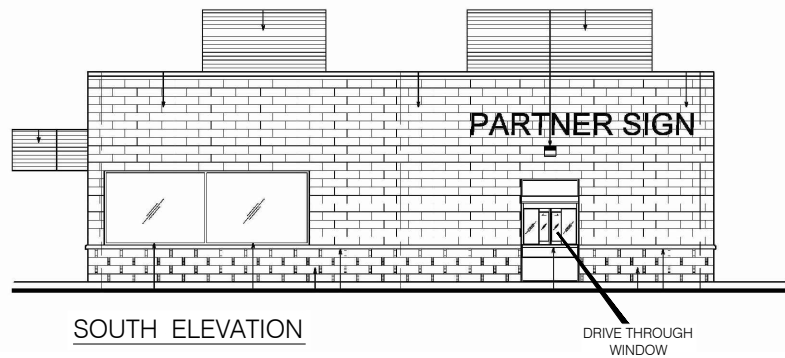
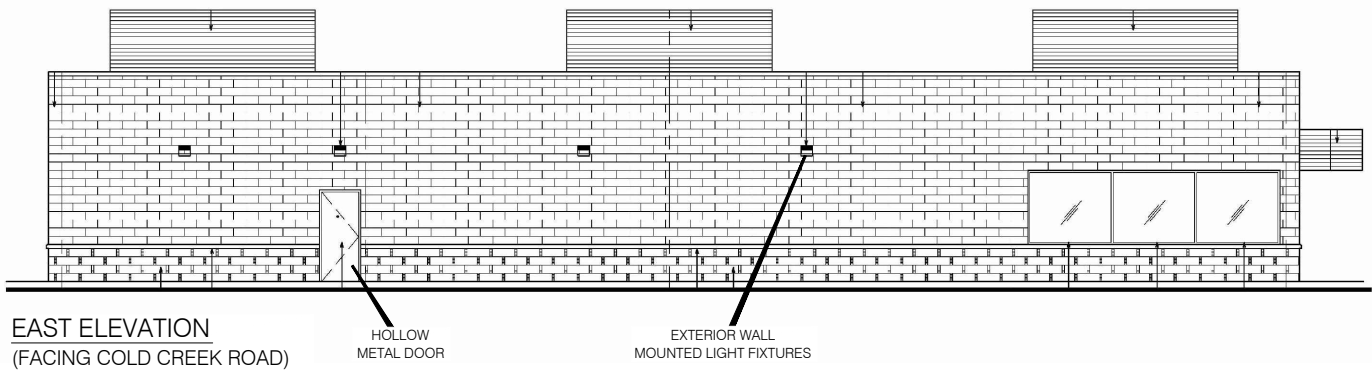
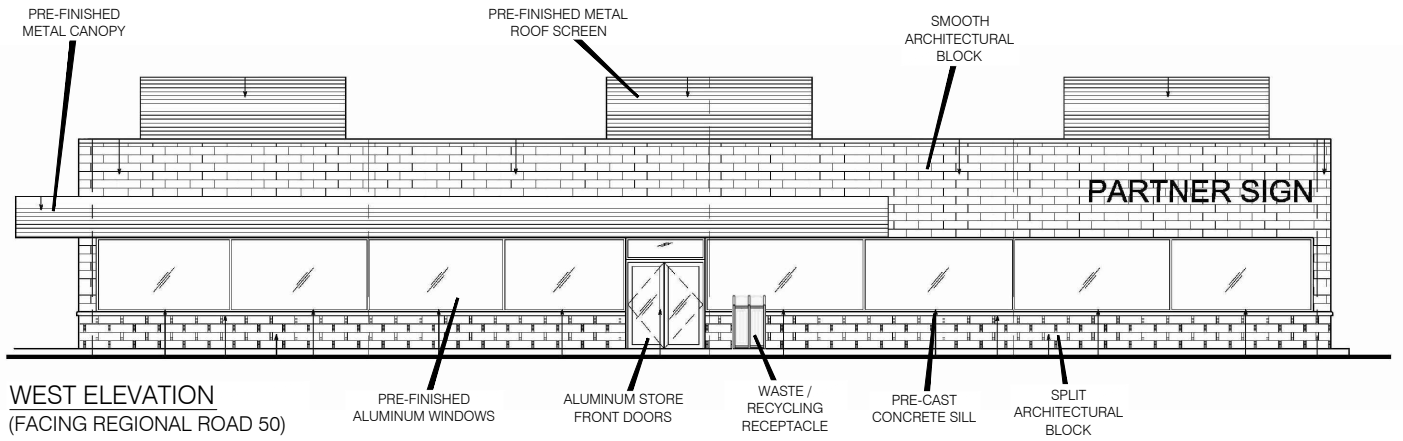


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FILE:  
DA.12.025

DATE:  
November 26, 2013

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Not to Scale

## Elevations - Building 'A'

LOCATION:  
Part Lot 27, Concession 11

APPLICANT:  
2157160 Ontario Inc.

N:\DFT\1 ATTACHMENTS\DA\do.12.025.dwg



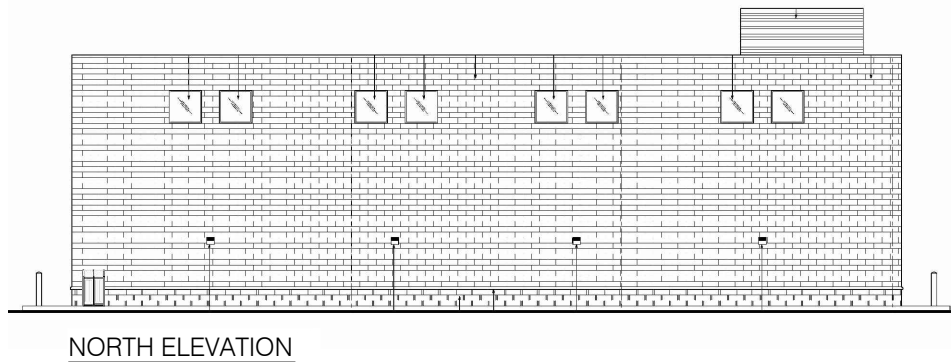
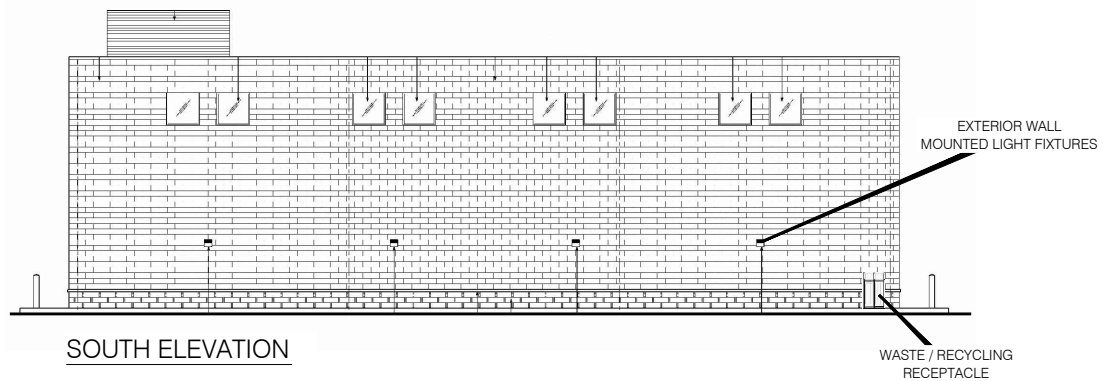
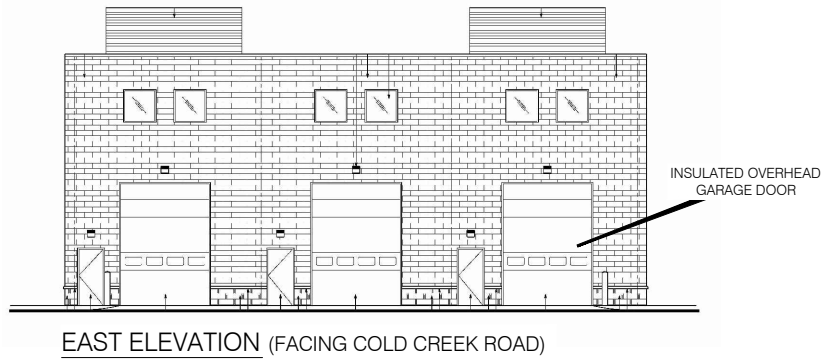
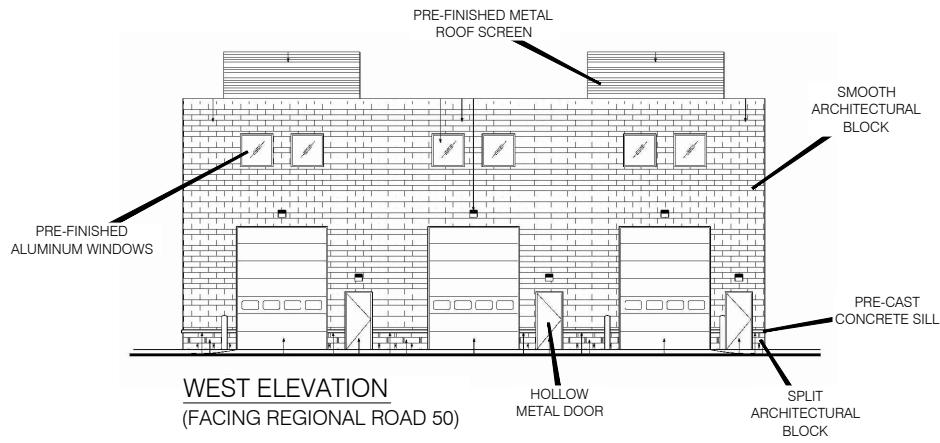
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FILE:  
DA.12.025

DATE:  
November 26, 2013

5





Not to Scale

## Elevations - Building 'B'

LOCATION:  
Part Lot 27, Concession 11

APPLICANT:  
2157160 Ontario Inc.

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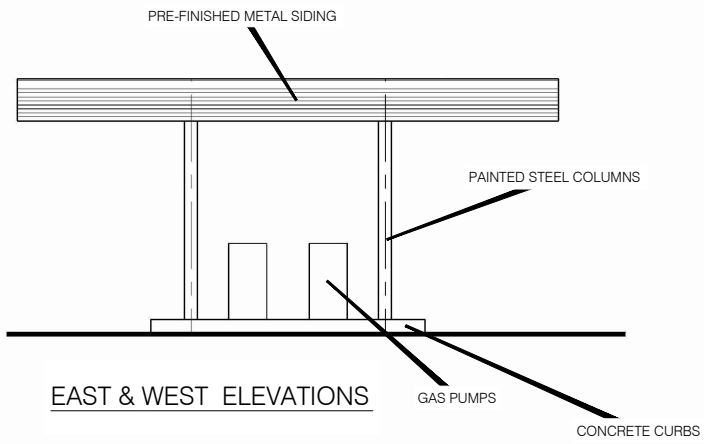
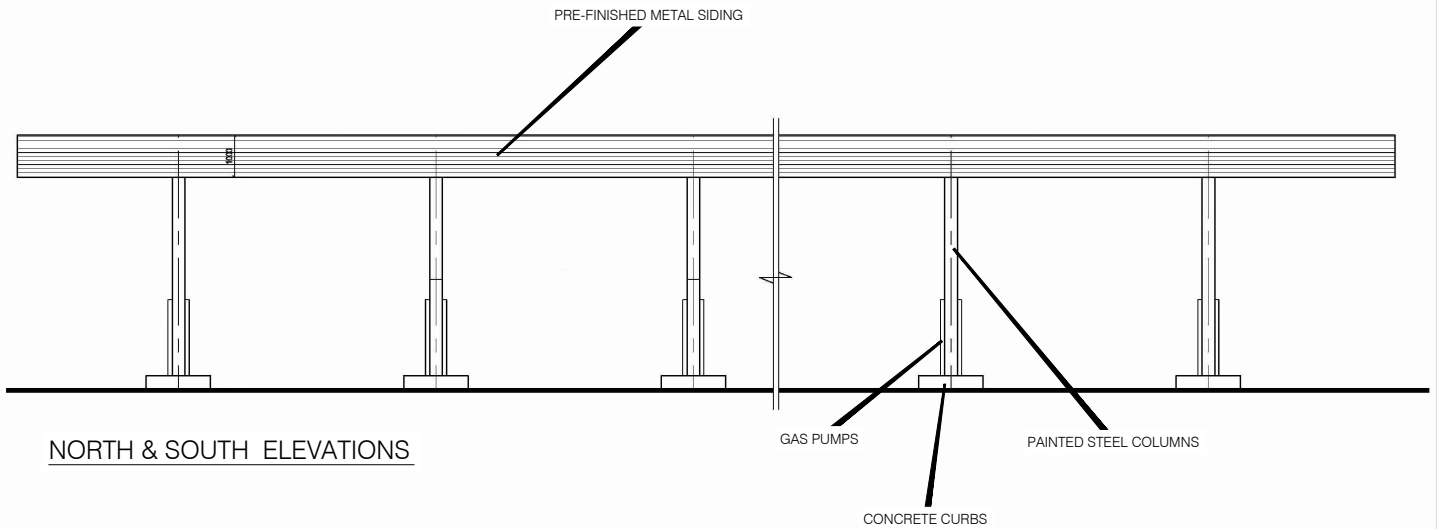


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FILE:  
DA.12.025

DATE:  
November 26, 2013

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Not to Scale

# Elevations - Gas Pumps and Canopy

APPLICANT:  
2157160 Ontario Inc.

LOCATION:  
Part Lot 27, Concession 11

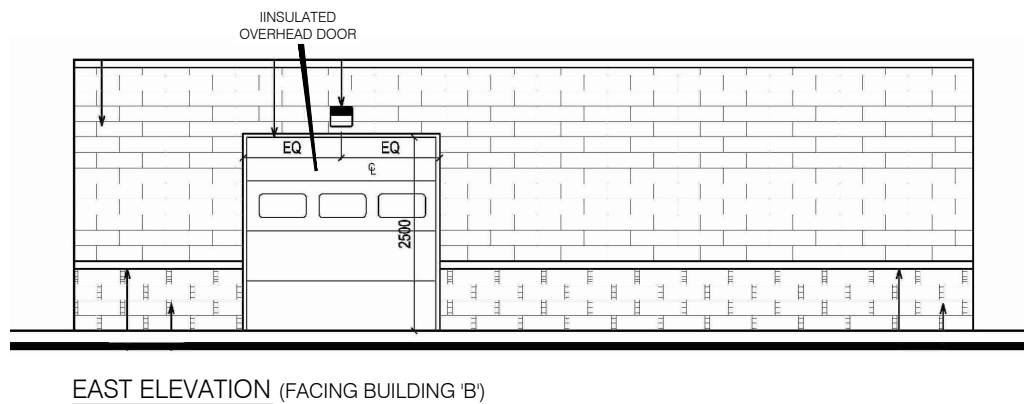
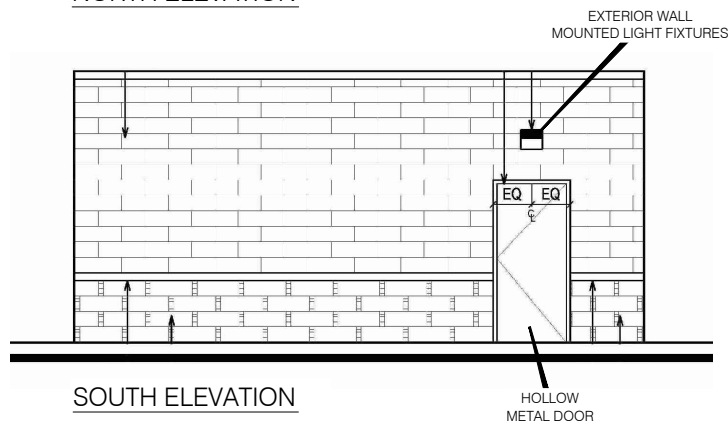
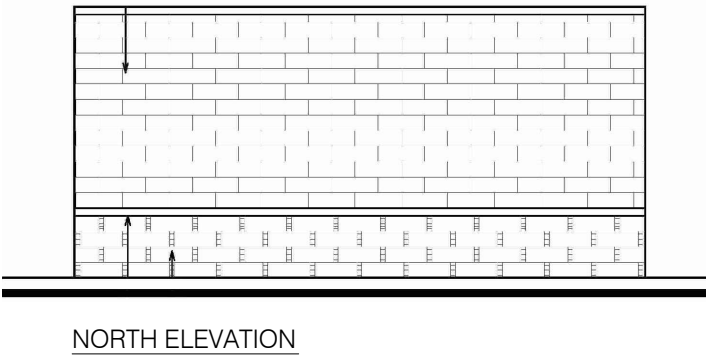
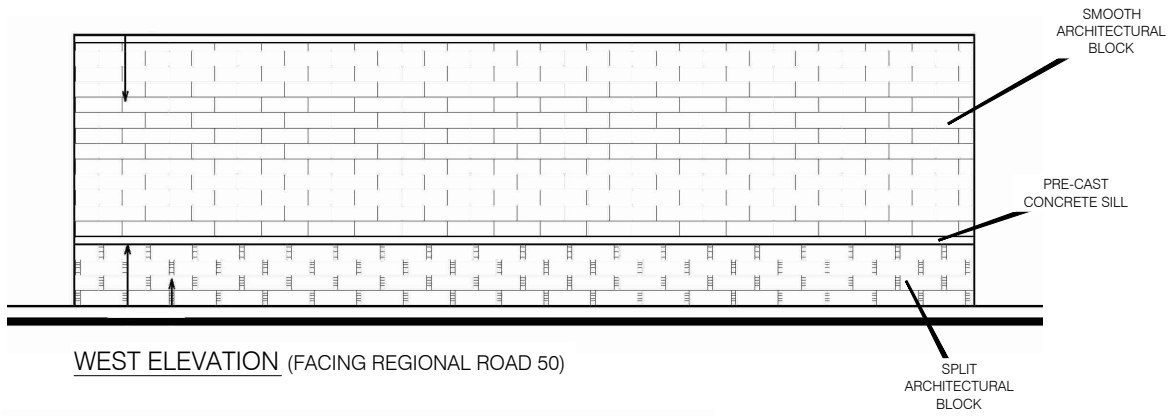


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DA.12.025

DATE:  
November 26, 2013

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Not to Scale

# Elevations - Garbage Enclosure

APPLICANT:  
2157160 Ontario Inc.

LOCATION:  
Part Lot 27, Concession 11

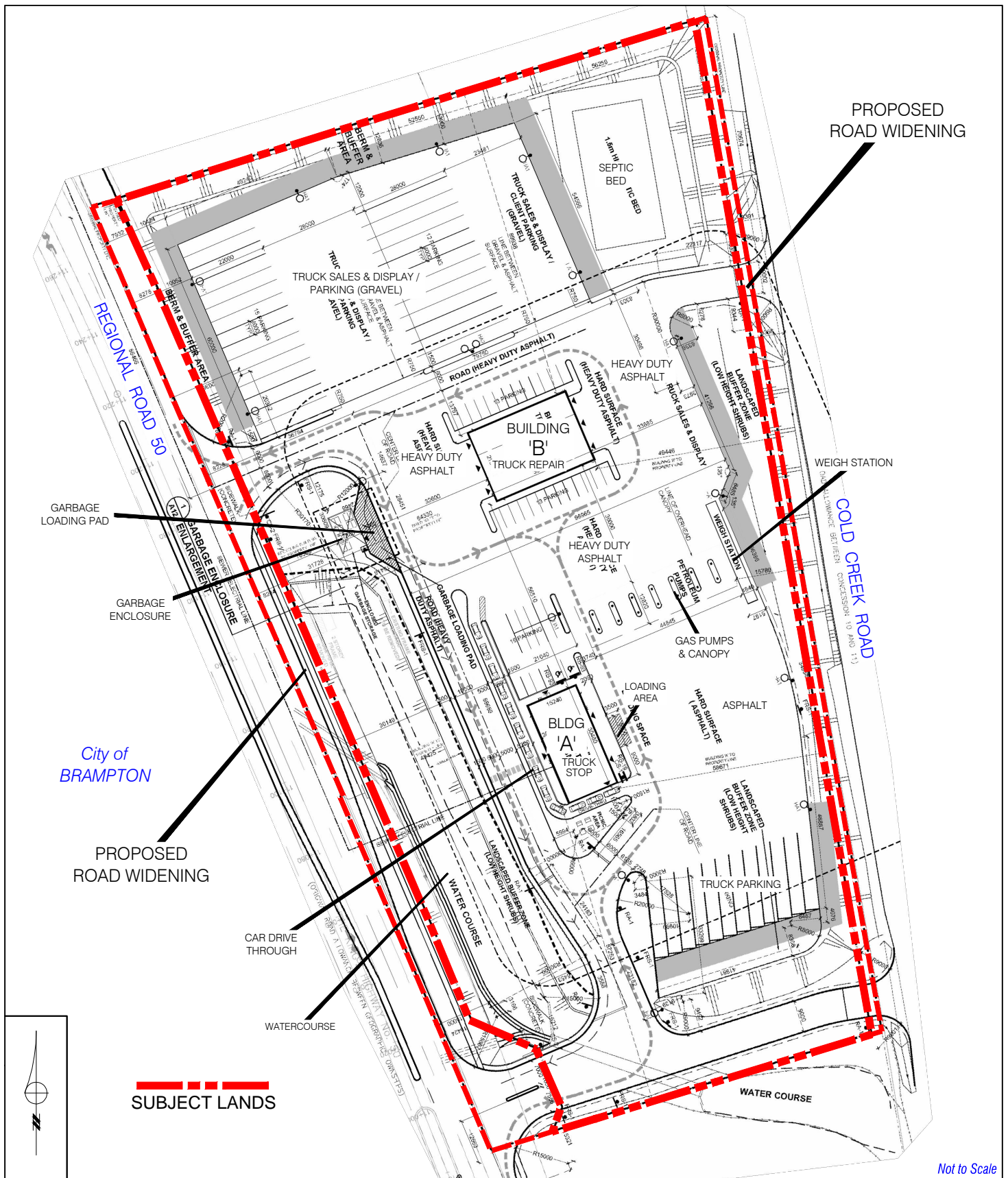


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DA.12.025

DATE:  
November 26, 2013

8



Revised Site Plan (Submitted  
November 13, 2013)

APPLICANT: 2157160 Ontario Inc. LOCATION: Part Lot 27, Concession 11



Attachment

FILE:  
DA.12.025

DATE:  
November 26, 2013

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