



# THE TOWN OF VAUGHAN BY-LAW

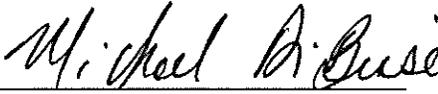
## BY-LAW NUMBER 40-89

A By-law to designate by Number Amendment Number 274 to the Official Plan of the Vaughan Planning Area, as effected by the Ontario Municipal Board.

The Council of The Corporation of the Town of Vaughan ENACTS AS FOLLOWS:

1. THAT Amendment Number 274 to the Official Plan of the Vaughan Planning Area as effected by an Order of the Ontario Municipal Board, dated the 11th day of May, 1988, (0880054), a copy of which is attached, is hereby designated as By-law Number 40-89.

READ a FIRST and SECOND time this 6th day of February, 1989.

  
M. Di Biase, Acting Mayor

  
R.A. Panizza, Town Clerk

READ a THIRD time and finally passed this 6th day of February, 1989.

  
M. Di Biase, Acting Mayor

  
R.A. Panizza, Town Clerk



O 880054  
Z 880022

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 22(1) of the  
Planning Act, 1983

AND IN THE MATTER OF a request by  
Muscillo Transport Limited to the  
Honourable John Eakins, Minister of  
Municipal Affairs, for referral to  
the Ontario Municipal Board of a  
proposed amendment to the Official  
Plan for the Town of Vaughan  
Minister's File No. 19-OP-1500-A21

AND IN THE MATTER OF Section 34(11)  
of the Planning Act, 1983

AND IN THE MATTER OF an appeal to  
this Board by Muscillo Transport  
Limited for an order amending Zoning  
By-law 2523 of the Town of Vaughan to  
rezone from "A" Agricultural to "M2"  
General Industrial the lands  
described as Part Lots 29 and 30,  
Concession 11, fronting on  
Albion-Vaughan Road, Highway No. 50  
and Cold Creek Road, to permit the  
operation of a facility including the  
outside storage of tractor-trailer  
trucks, office space, truck servicing  
and repair facilities and parking

B E F O R E :

D. W. MIDDLETON  
Member

- and -

P. H. HOWDEN  
Member

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)  
)  
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)  
)

Wednesday, the 11th day  
of May, 1988

THESE MATTERS having come on for public hearing this day and after the hearing;

THE BOARD ORDERS that the application for an amendment to the official Plan for  
the Town of Vaughan is allowed and the Official Plan is hereby amended as set  
out in Appendix "1" attached hereto and forming part of this order;

AND THE BOARD ORDERS that the appeal for an order amending Zoning By-law 2523 is allowed and the By-law is amended as set out in Appendix "2" attached hereto and forming part of this order. The municipality is hereby authorized to assign a by-law or other number to this document for record keeping purposes.

  
SECRETARY

ENTERED
O. B. No. 088-1
Folio No. 8
AUG 30 1988

ACTING SECRETARY ONT. MUNICIPAL BOARD



Ontario

O 880054  
Z 880022

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

APPENDIX "1"

to the order of the Ontario Municipal Board  
made on the 11th day of May, 1988

A handwritten signature in black ink, appearing to be "B. Smith", written over a horizontal line.

SECRETARY

**AMENDMENT NUMBER 274  
TO THE OFFICIAL PLAN  
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules "1" and "2" to Amendment Number 274 to the Official Plan of the Vaughan Planning Area constitutes Amendment Number 274.

Also attached hereto but not constituting part of the Amendment are Appendices I and II; these contain the background of the Amendment.

PART A BACKGROUND AND CONTEXT

I PURPOSE

The purpose of this Amendment is twofold. Firstly, it grants a site specific exception to the "Rural Area" policies contained in Amendment No. 6 to the Official Plan of the Vaughan Planning Area to permit a truck transport facility with ancillary uses. The site is shown on the attached Schedules "1" and "2" as "Area Subject to Amendment No. 274" and is hereinafter referred to as the "Subject Lands". Secondly, the Amendment will establish policies to provide for the orderly development of the Subject Lands for the said purpose.

II LOCATION

The Subject Lands are located on the east side of Highway No. 50 and the Albion-Vaughan Road, being part of Lot 29, Concession 11, in the Town of Vaughan. Bordered on the east by Cold Creek Road, the Subject Lands are approximately 365 metres (1200 feet) south of Kirby Road and have approximate frontages of 251 metres (825 feet) and 243 metres (800 feet) on Highway No. 50/Albion-Vaughan Road and Cold Creek Road, respectively.

The Subject Lands have a total area of 8.9 hectares (21.9 acres) whereas the total area of the owner's holdings is 15.306 hectares (37.8 acres). The remaining 6.5 hectares (16.06 acres) of property immediately to the north will remain in agricultural use.

III BASIS

The decision to amend the Official Plan to designate this land for industrial purposes is based on the following:

1. Anticipated/planned road improvements in the area will benefit the efficient movement of vehicular traffic. The anticipated improvements include:
  - widening and reconstruction of Highway No. 50 to a basic four-lane cross-section;
  - improvement of the Albion-Vaughan Road between Highway No. 50 and King Street (Peel Regional Road 9) to function as a "by-pass" for the built-up area of Bolton;
  - realignment into one signalized intersection of Albion-Vaughan Road/Highway No. 50 and Mayfield Road/Highway No. 50 intersections.
  
2. An upgraded Highway No. 50/Albion-Vaughan Road intersection will likely require signalization. However, this intersection is too close to the existing signalized Highway No. 50/Mayfield Road intersection to the south. Rather than have two signalized "T" intersections with substandard separation, it has been proposed by the Regional Municipality of Peel that the Albion-Vaughan Road and/or Mayfield Road be realigned so that a single four-way intersection may be provided. An Engineering Consultant is undertaking a study on behalf of the Region of Peel to evaluate alternative alignment schemes and final intersection locations. It is possible that the alternative route selected will affect the development of the Subject Lands.
  
3. Driveway access to the proposed use and the location of the use on site will be structured in such a manner as to accommodate possible future alterations to the existing road pattern in the area, such as intersection realignment to the south.

4. The development of the Subject Lands as a truck transport facility will be serviced by a private well and a private sewage treatment system which will be installed to the satisfaction of the relevant government authorities.
5. Land use in the area is very diverse and includes a wide variety of commercial/industrial uses. Lands to the west are designated <sup>"Special Residential"</sup> and "Industrial" by the Town of Caledon to accommodate future industrial uses. Consequently, this area will become increasingly industrial in the future.

Some residential uses are located in proximity to the Subject Lands. It is intended that these residences will be buffered by substantial landscaping, berms and other controls implemented through the site plan approval process. The latter will mitigate the impacts on the residential uses in the area in respect of light, noise, and/or dust.

6. The Amendment will facilitate the development of a truck transport facility and ancillary uses in an area that is strategically located in terms of its business activity.
7. The Amendment will serve as a policy document which will ensure that only the lands (8.9 ha) required for the project are developed; the remaining 6.5 ha of the entire land holding will remain designated "Rural Area" and subject to the policies of Amendment No. 6.
8. The proposed use will require an amendment to the Town of Vaughan Zoning By-law and the execution of a Site Development Agreement. Through these means, the

appropriate development of the Subject Lands will be ensured. Amongst the matters to be dealt with will be building design, screening, landscaping, lighting, surfacing, grading, drainage and noise attenuation for the protection of adjoining lands.

PART B THE AMENDMENT

1. Notwithstanding the provisions of the "Rural Area" policies of Amendment No. 6 to the Official Plan of the Vaughan Planning Area, the lands shown as "Area Subject to Amendment No. 274" on Schedule "1" hereto and more particularly described as "Development Area" on Schedule "2", shall be subject to the following policies:

(a)(i) In addition to the uses permitted under the "Rural Area" policies, the Subject Lands may be used for a truck transport facility for 100 tractor trailers (tip-trailers) and gravel trucks. Uses normally incidental to the main trucking use such as offices, employee parking, truck repair and maintenance facilities, and fuel pumping shall be permitted.

(ii) For the purposes of this Amendment, a truck transport facility shall be defined in the implementing by-law as a building or place where trucks or transports are stored, parked and maintained or from which trucks or transports are dispatched for hire as common carriers.

2. The Subject Lands shall be developed in accordance with the following policies:

(a) The lands subject to this Amendment may be serviced by a private well and a private waste disposal system subject to the approval of the Ministry of the Environment and the York Regional Health Unit.

(b) The implementing zoning by-law shall establish the following restrictive provisions:

(i) restricting the use of the lands subject to this Amendment to a truck transport facility. The maximum site capacity shall be limited to a maximum of 100 trucks, together with ancillary uses including necessary offices, truck repair and maintenance facilities, fuel pumping and employee parking.

(ii) the truck transport facility and ancillary uses shall only be permitted provided that the required berming and landscaping on the Subject Lands is in place.

(c) The perimeter of the site shall be heavily bermed and landscaped so as to ensure that the truck storage on site shall be completely screened. In addition, the design of the building will not exert any negative visual impact on adjacent uses. These measures are intended to mitigate any visual or noise impact on the uses in the area.

No truck storage may occur until such berming and landscaping is in place to the satisfaction of the Town of Vaughan.

(d) Access to the Subject Lands shall only be permitted via Albion-Vaughan Road subject to entrance approval from the Town of Vaughan Engineering Department, the Regional Municipality of York and the Regional Municipality of Peel.

The dedication of a one-foot reserve along the entire Cold Creek Road frontage and along the Albion-Vaughan Road frontage save and except for the required driveway location shall be required.

- (e) A study is underway to establish the ultimate road design of the Albion-Vaughan Road. The Two possible alignments which may affect the Subject Lands are shown on Schedule "2". Upon determination of the preferred alignment, the Owner shall dedicate the required road allowance and any road widening to the appropriate authority free of all cost and encumbrance.
- (f) In consultation with the Regional Municipalities of York and Peel, the Town of Caledon, and the Ministry of Transportation and Communications, the Town of Vaughan shall ensure that all issues concerning road improvement and driveway access have been resolved and the matters dealt with through the implementing zoning by-law, the site development agreement or other means as may be appropriate.
- (g) Notwithstanding the planned road allowance standards of OPA #200 (Section 40 of the Planning Act) which designates Albion-Vaughan Road as a Residential Local Road, the planned road allowance standard of the Albion-Vaughan Road shall be established upon the determination of the preferred road alignment for the Albion-Vaughan "by-pass" road.
- (h) Prior to the issuance of a building permit for a permanent building, the Region of Peel and Town of Caledon shall advise the Town of Vaughan that satisfactory arrangements have been made with respect to the road dedication for the future realignment of the Albion-Vaughan Road.

To ensure that adequate lands are set aside for future intersection improvement, it will be necessary to require substantial setbacks for any permanent buildings and/or structures on the Subject Lands.

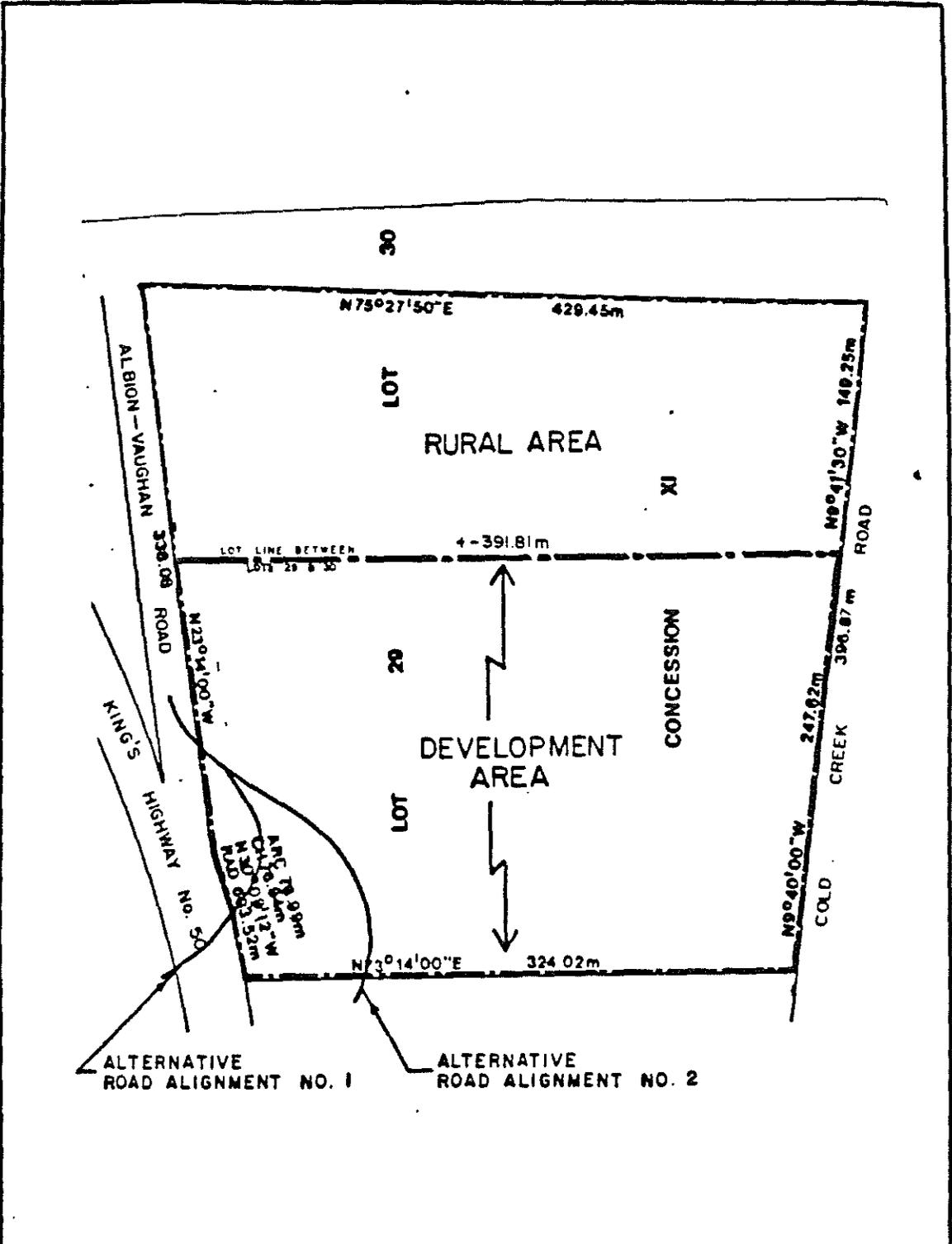
- (i) In reviewing the site plan application, the Town shall ensure that matters such as landscaping and screening, lighting, noise, dust and other site development matters are addressed to ensure nearby residential uses will not be detrimentally impacted. In order to establish necessary noise attenuation measures, a noise study may be required.
  
- (j) Prior to the execution of a Site Plan Agreement:
  - (i) The Ministry of Transportation and Communications shall have approved the site plan for the proposed development. In addition, this Ministry shall have approved a detailed site grading plan for this development.
  
  - (ii) The Region of York Health Unit shall have approved the septic disposal system.
  
  - (iii) The Regional Municipality of York shall have approved the final site plan for the development.
  
  - (iv) The Ministry of Natural Resources shall be satisfied as to the method of conveying drainage from the site.

**PART C IMPLEMENTATION**

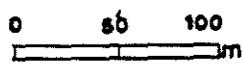
The Policies of this Amendment shall be implemented through an Amendment to the Zoning By-law and the execution of a Site Plan Agreement pursuant to Section 40 of the Planning Act.

**PART D INTERPRETATION**

The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time regarding the interpretation of this Plan shall apply with respect to this Amendment.



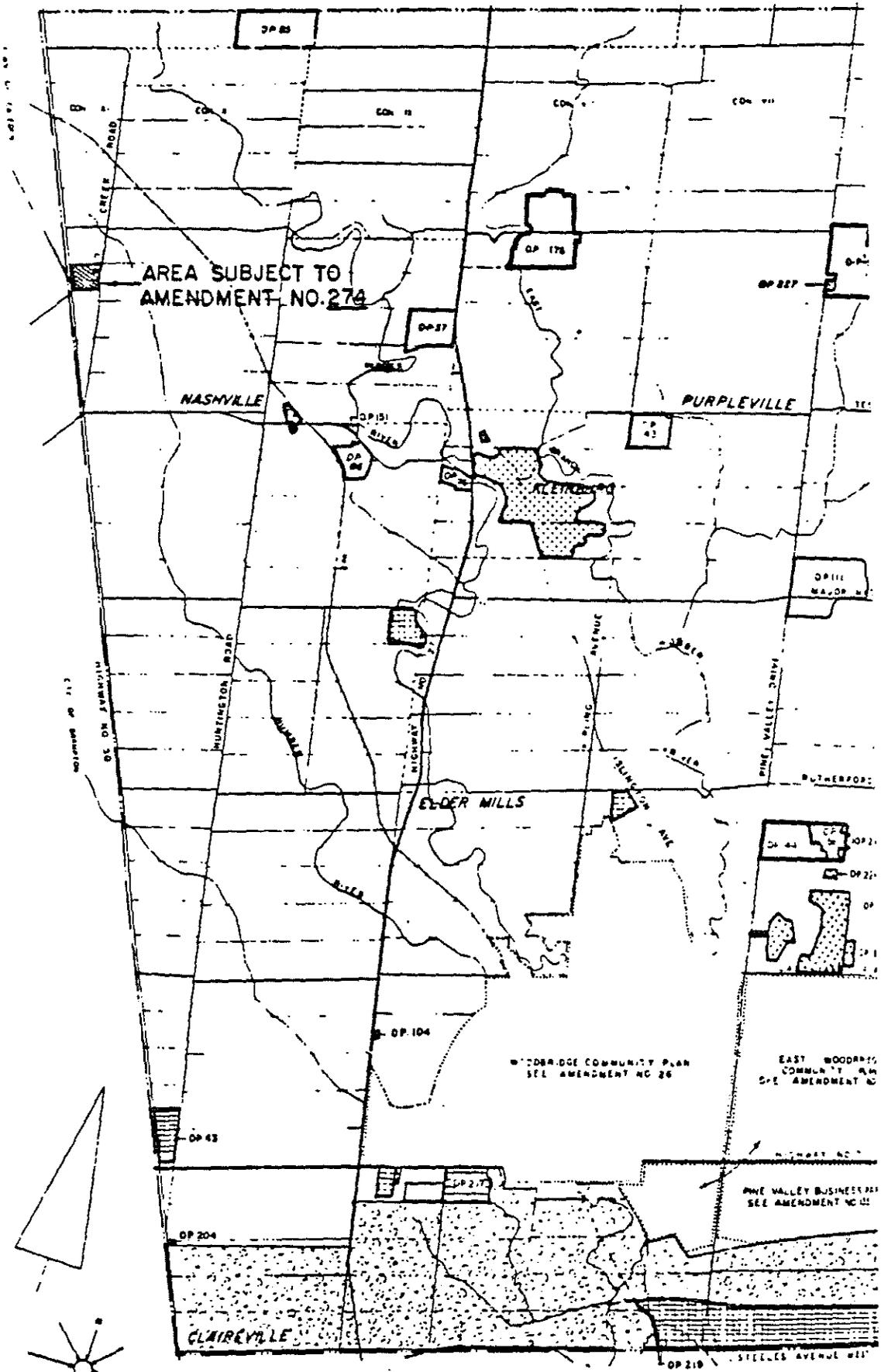
- - - - - AREA SUBJECT TO AMENDMENT No. 274  
 - - - - - PROPERTY OWNERSHIP



THIS IS SCHEDULE '2'  
 TO AMENDMENT NO. 274  
 ADOPTED THE \_\_\_ DAY OF  
 \_\_\_\_\_, 1988.

SIGNING OFFICERS  
 \_\_\_\_\_ MAYOR  
 \_\_\_\_\_ CLERK

BOARD ORDER (0880054)



FREQUENCY OF WIND DIRECTION

APPENDIX "I"

SUMMARY TO COUNCIL ACTION

This amendment arises from an application to amend the Official Plan in order to permit the development of the subject lands for the storage and repair of tractor trailers (tip-trailers) and gravel trucks. The applicant (Musculo Transport Limited) currently operates its trucking business on the north side of Highway Number 7, between Pine Valley Drive and Weston Road. The area of Highway Number 7 is rapidly becoming a prestige office/commercial area that generates a great deal of vehicular traffic. As a result of an expanding business operation, the presence of prestige development along Highway Number 7 and increased traffic flows, it has been very difficult to operate a trucking operation in an effective and efficient manner from this location. The applicant has pursued alternative locations for the business over the past two years with the primary objective of remaining in the Town of Vaughan. The subject property provides a suitable location for a tractor trailer and gravel truck depot and repair facility.

The subject lands are located in part of Lots 29 and 30, Concession 11, in the Town of Vaughan, approximately 365m (1200 feet) south of Kirby Road on Albion-Vaughan Road. The subject lands have approximately 825 feet (251m) frontage on Albion-Vaughan Road and 800 feet (243m) frontage on Cold Creek Drive. The total area of the lands subject to the amendment is 8.9 hectares (21.9 acres) whereas the total area of the owner's holdings is 15.306 hectares (37.8 acres). The remaining 6.5 hectares (16.06 acres) of property immediately to the north will remain in agricultural use.

The application was considered by Vaughan Council at a Public Meeting held on November 17, 1987, and was refused at that time.

New applications were submitted in early 1988 and were considered in light of new information affecting the general area. On March 22, 1988, Council passed a resolution that the applications be approved and, if necessary, supported at the Ontario Municipal Board. Conditions as stated below were imposed:

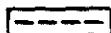
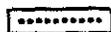
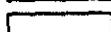
1. Provision of a major landscaped berm around the perimeter of the site to completely screen the trucks within the truck storage area, and provision that no truck storage may occur until such landscaping/berming is in place, to the satisfaction of the Town of Vaughan.
2. The truck storage area be of a size to accommodate a maximum of 100 (one hundred) trucks.
3. The concerns of lights, truck and other on-site noise.
4. The protection and ultimate dedication of the future realignment of the Albion-Vaughan Road. This may restrict the issuance of a building permit for any permanent buildings until the location of the road alignment is established.
5. Approval of the final site plan by the appropriate road authorities.

6. The dedication of a one-foot reserve along the entire Cold Creek Road frontage and along the Albion-Vaughan Road frontage, save and except for the driveway location.
7. Improvements to the Albion-Vaughan Road and Highway No. 50 intersection, as may be required in conjunction with this development of either a temporary or permanent nature.

That any future applications in the area be held in abeyance pending further planning review of the area, in conjunction with the Dry Industrial Use study recently referred to the Development Commissioner.

APPENDIX II

EXISTING LAND USE  
OFFICIAL PLAN AMENDMENT NO.274  
TOWN OF VAUGHAN

-  OWNERS LANDS
-  DEVELOPMENT AREA
-  RESIDENTIAL
-  COMMERCIAL
-  RURAL

PART OF LOT 29,30, CON. II

