

**3. OFFICIAL PLAN AMENDMENT FILE OP.05.006
ZONING BY-LAW AMENDMENT FILE Z.05.012
2012746 ONTARIO LIMITED
PRELIMINARY REPORT**

P.2005.17

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for File OP.05.006 and Z.05.012 (2012746 Ontario Limited) BE RECEIVED; and, that any issues identified be addressed by Staff in a comprehensive report to the Committee of the Whole.

Purpose

The Applicant has submitted applications to amend the Official Plan and Zoning By-law to permit the continued operation of asphalt batching, concrete and asphalt recycling/storage, and a contractor's yard, on lands that are currently owned by and under the federal jurisdiction of CN Rail, and leased to a private operator (Applicant). The applications would facilitate the conveyance of the site to the operator of the yard. The proposal is to redesignate the 4.5 ha site from "Public Use Area" under the Provincial Parkway Belt West Plan, to which the lands still remain and have yet to be deleted from the Parkway Belt Plan by the Ministry of Municipal Affairs and Housing, and to redesignate the underlying "Railway Facilities" designation under the City's OPA #450 (Employment Area Plan) to "Employment Area General"; and, to rezone the subject lands from PB1(S) Parkway Belt Linear Facilities Zone to EM2 General Employment Area Zone, under By-law 1-88 to facilitate the above-noted uses.

Background - Analysis and Options

The subject lands are located west of Keele Street at Highway #407 and the CN Railway tracks, in Lots 2, 3 and 4, Concession 4, City of Vaughan (Attachment 1). A private operator for asphalt batching, concrete and asphalt recycling/storage and a contractor's yard is currently using the site. The 4.5 ha, irregular-shaped site has no frontage on a public road. Access is achieved via an easement through CN's lands, under the Highway #407 overpass, and connecting to Freshway Drive. There are existing structures, machinery and storage piles of aggregate located on the site.

The subject lands are designated "Public Use Area" by the Parkway Belt West Plan and "Rail Facilities" by OPA #450 (Employment Plan), and zoned PB1(S) Parkway Belt Linear Facilities Zone by By-law 1-88. The surrounding land uses are:

- North - Highway #407, employment use (EM2 General Employment Area Zone)
- South - CN Rail Line, hydro corridor (PB1(S) Parkway Belt Linear Facilities Zone)
- East - CN Rail Line (PB1(S) Zone) and employment use (PBM1 Parkway Belt Restricted Industrial Zone)
- West - Beechwood Cemetery (PB2 Parkway Belt Complementary Use Zone), and employment use (PBM7 Parkway Belt Industrial Zone)

The proposed "Employment Area General" designation and corresponding EM2 General Employment Area Zone are appropriate land use categories to accommodate recycling uses that require outdoor storage or occur outdoors.

On March 24, 2005, a Notice of Public Hearing was mailed to all property owners within 120m of the subject lands. To date, Staff has received a letter of objection to the applications from the Owner of the Beechwood Cemetery to the west. The letter indicates concerns with respect to incompatible land use, unsightly storage, noise, odour and dust emissions, and impacts on stormwater management. Any additional comments received will be addressed in the technical review and included in the comprehensive report to the Committee of the Whole.

Preliminary Review

Following a preliminary review of the applications, Staff has identified the following matters to be reviewed in greater detail:

- the proposed redesignation and rezoning of the subject lands, and proposed uses will be reviewed in consideration of the concrete and asphalt recycling and waste recycling facility policies contained in OPA #450 (Employment Area Plan), including servicing, stormwater management, transportation, landscaping, urban design, outside storage, management and operations, and distance separation;
- studies addressing noise, dust, odour, stormwater management, land use and urban design, and truck traffic will be required to be submitted for review in accordance with the policies of OPA #450;
- the proposal will be assessed in terms of compatibility with the adjacent employment uses and the Beechwood Cemetery to the west;
- "Asphalt Manufacture or Refining" and a "Mixing Plant" are identified as prohibited uses in By-law 1-88; furthermore, By-law 1-88 does not permit any form of waste recycling as-of-right within the City, which would require an application to amend the zoning by-law to permit such use; the proposal will be reviewed in light of the provisions contained in By-law 1-88, and the appropriateness of amending the by-law to facilitate the proposed uses on the site;
- comments will be required from the Ministry of Transportation Ontario (MTO) to ensure there is no conflict with their future transitway corridor, which is parallel with Highway #407 on the south side of the highway;
- application has been made to remove the site from the Parkway Belt West Plan (Ministry File 19-PBA-028-156) and a decision from the Ministry of Municipal Affairs and Housing is pending; and
- should Council approve the official plan and zoning by-law amendment applications, the applicant will be required to submit formal applications for site plan approval and severance.

Relationship to Vaughan Vision 2007

The applicability of these applications to the Vaughan Vision will be determined when the technical report is completed.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the applications, together with comments expressed by the public and Council at the Public Hearing or in writing, and addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the proposal will be reviewed in light of the Official Plan policies regulating recycling and related outdoor operations, land use and the area context.

Attachments

1. Location Map
2. Site Plan (Existing Facility)

Report prepared by:

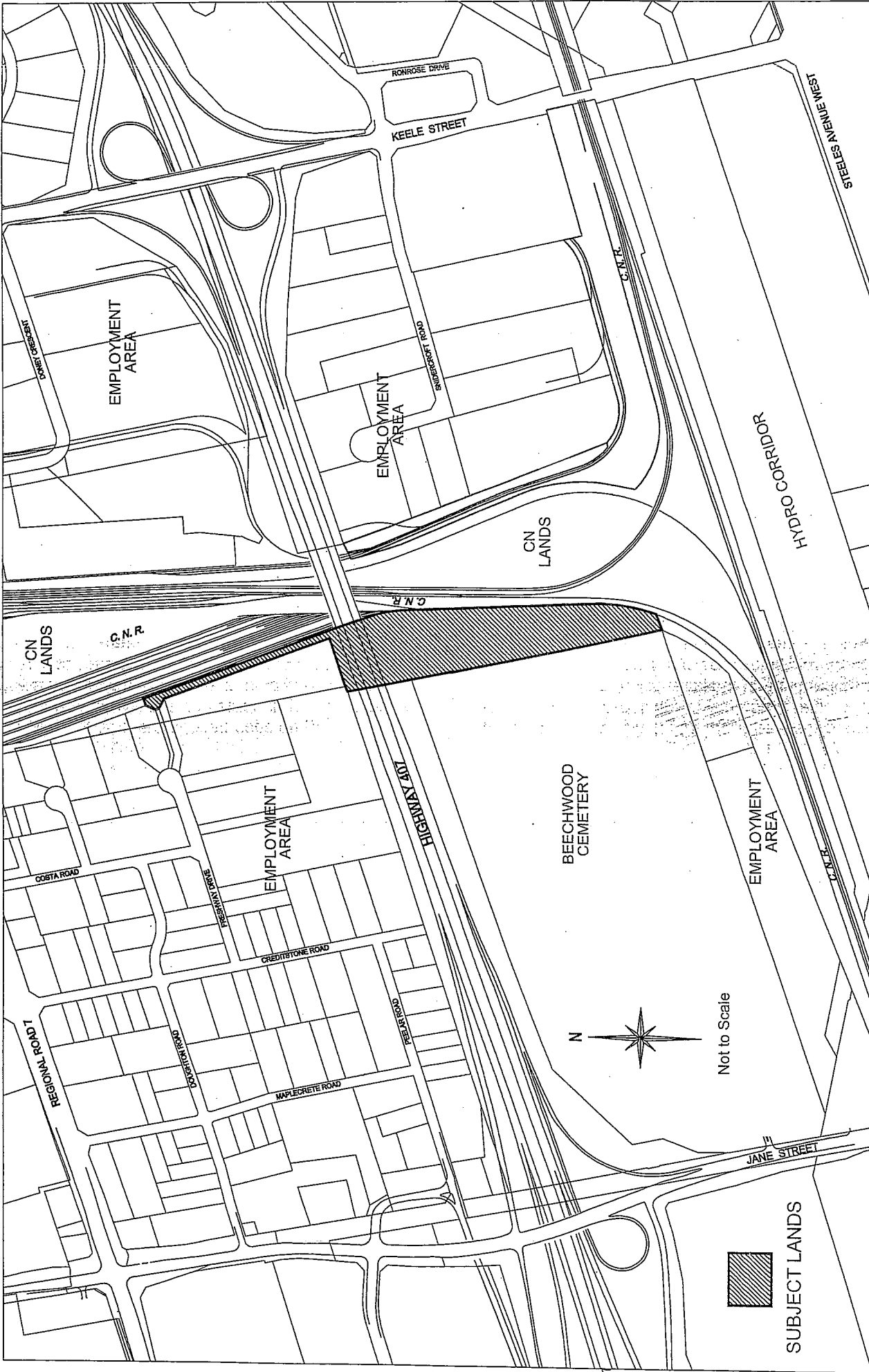
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG



Attachment 1

FILE No's:
 OP.05.006
 & Z.05.012
 March 31, 2005

CITY OF Vaughan

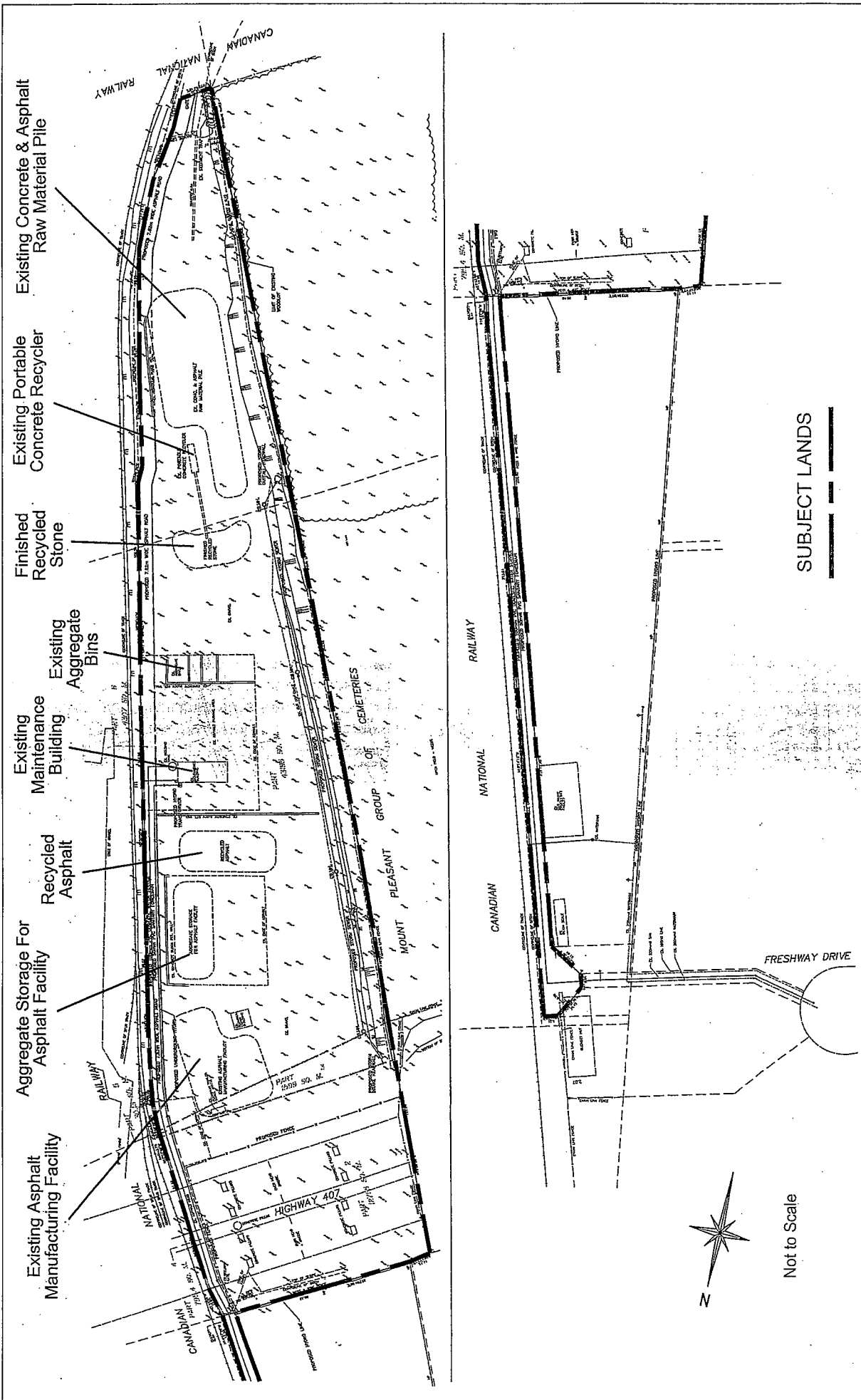
Development Planning Department

Location Map

Part of Lots 2 - 5,
 Concession 4
 APPLICANT:
 2012746 ONTARIO LIMITED
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SUBJECT LANDS



Site Plan (Existing Facility)

Part of Lots 2 - 5,
Concession 4
APPLICANT:
2012746 ONTARIO LIMITED
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Development Planning Department

Attachment 2

FILE No's:
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April 11, 2005