

1. **OFFICIAL PLAN AMENDMENT FILE OP.10.001
ZONING BY-LAW AMENDMENT FILE Z.10.002
2109179 ONTARIO INC.
WARD 1**

P.2010.21

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.10.001 and Z.10.002 (2109179 Ontario Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: April 16, 2010
- b) Circulation Area: 1000 m and to the Ministry of Municipal Affairs & Housing and the Ready Mixed Concrete Association of Ontario
- c) Comments Received as of April 28, 2010:

Two (2) written comments have been received as follows:

- The Ready Mixed Concrete Association of Ontario (RMCAO) are concerned with this use operating without a building permit and without compliance to zoning as well as TRCA approvals and Ontario Ministry of Environment regulations. RMCAO is also concerned with using King-Vaughan Road as a haul road, as it restricts the weight of trucks on that road; and,
- In opposition to the proposal.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2, to recognize the existing use of a portable dry batch concrete production plant (Attachment #3) as a temporary use on the 9.16 ha developable portion of the overall 17.91 ha subject lands. The balance of the property (8.74 ha) is conservation land and designated "Natural Heritage System" within the Protected Countryside of the Greenbelt Plan, and is not being developed.

- 1. An Official Plan Amendment Application (File OP.10.001) to amend the "Prestige Area - Office/Business Campus" policies of OPA #637 (adopted by Vaughan Council but not in effect), as follows:

	Official Plan Policy OPA #637	Proposed Amendment to OPA #637
a.	To provide opportunities for high quality business and office employment uses and activities, including campus style development. The predominant permitted uses shall be business/office and industrial development, including campus style developments, research facilities and public uses including a Regional Park. The outside storage of goods or materials shall not be permitted. In addition, uses expected to involve chemical storage or to generate significant truck traffic, particularly stand alone warehouse operations, shall not be permitted.	<ul style="list-style-type: none"> Official Plan Amendment to permit the existing dry batch concrete production plant on a 9.16 ha developable portion of the overall 17.91 ha subject lands, as shown on Attachment #3, to be maintained for a temporary period not to exceed 9 years, or terminate once OPA #637 has received final approval and is in full force and effect and the preparation of an implementing Block Plan for the OPA #637 area is complete, whichever comes first. The temporary use is to operate seasonally between May and October.

2. A Zoning By-law Amendment Application (File Z.10.002) to amend Zoning By-law 1-88, specifically to permit the temporary use of a portable dry batch concrete production plant as an additional use within the "A" Agricultural Zone, as follows:

	By-law Standard	By-law 1-88 'A' Agricultural Zone Requirements	Proposed Exceptions to the 'A' Agricultural Zone
a.	Permitted Uses	A concrete batching plant is not a permitted use in the "A" Agricultural Zone and is also a prohibited use City-wide.	<ul style="list-style-type: none"> Permit the temporary use of a portable dry batch concrete production plant as an additional use on a 9.16 ha developable portion of the overall 17.91 ha subject lands. The proposal is temporary, to be renewed through the zoning process every 3 years, to a maximum total of 9 years.

Background - Analysis and Options

Location	<ul style="list-style-type: none"> 3501 King-Vaughan Road, being on the south side of King-Vaughan Road and west side of Highway 400, shown as "Subject Lands" on Attachments #1 and #2.
Official Plan Designation	<ul style="list-style-type: none"> The 9.16 ha developable portion of the subject lands is designated "Prestige Area – Office/Business Campus" by OPA #637 (Highway 400 North Employment Lands), which was adopted by Vaughan Council on September 11, 2006.

	<ul style="list-style-type: none"> ▪ Approval of OPA #637 was deferred by the Region of York until the Region's ROPA #52 is approved and in full force and effect. ▪ On November 20, 2008, the Region of York approved their ROPA #52 to add the OPA #637 planning area to the Region's "Urban Area" by redesignating the subject lands from "Agricultural Policy Area" to "Urban Area" and expanding the existing "Regional Greenlands System" to implement the Provincial Greenbelt Plan within the subject area. ▪ On December 18, 2008, the Ministry of Municipal Affairs and Housing appealed the Region's ROPA #52. The matter is now before the Ontario Municipal Board. ▪ The balance of the 8.71 ha property is designated "Greenbelt Natural System Area" by OPA #637, and is not developable. ▪ OPA #637 does not permit the temporary use of a portable dry batch concrete production plant, and therefore, an amendment to OPA #637 is proposed. ▪ Prior to OPA #637, the subject lands were designated "Agricultural Area" by OPA #600. The application to permit the portable dry batch concrete production plant as a temporary use does not conform to the Agricultural nor Temporary Use policies of OPA #600.
Zoning	<ul style="list-style-type: none"> ▪ "A" Agricultural Zone by By-law 1-88. ▪ The temporary use of a portable dry batch concrete production plant is not permitted in the A Agricultural Zone, and therefore, an amendment to By-law 1-88 is required.
Greenbelt Designation	<ul style="list-style-type: none"> ▪ The portion of the property not being developed is designated "Natural Heritage System" within the Protected Countryside by the Provincial Greenbelt Plan as further discussed in this report.
Surrounding Land Uses	<ul style="list-style-type: none"> ▪ Shown on Attachment #2.

The overall property is 17.91 ha in size. The existing portable dry batch concrete production plant, as shown on Attachments #2 and #3 is located west of Highway #400 in the 9.16 ha developable portion of the subject lands.

The materials currently being stored on site are those used to facilitate the operation of the batching plant. The subject lands contain two existing barns, a one storey concrete block building, a portable silo which stores Portland cement, and a one storey frame house, which is abandoned. Sand and gravel are stored in piles on the site, and are not visible from Highway #400, however, buildings and vehicles utilized in the operations are visible from the highway.

Through discussions with the Vaughan Enforcement Department, there have been complaints on the subject lands from local residents since 2000. The concerns include illegal storage of

concrete production material, truck traffic, storage of trucks and materials, and the concrete batching operation itself.

Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with Provincial policies, Regional and City Official Plans	<ul style="list-style-type: none"> The application will be reviewed in the context of the applicable Provincial policies, and Regional and City Official Plan policies. The conformity of the proposal will be reviewed in accordance with the Greenbelt Plan.
b.	Appropriateness of Continuance of Existing Use	<ul style="list-style-type: none"> The appropriateness of the proposed temporary land use will be reviewed in the context of compatibility with the surrounding land uses. The need and justification for the proposed portable dry batch concrete production plant use on a temporary basis, its size, location and any impacts on the surrounding area, must be demonstrated in accordance with the policies of OPA #637 and OPA #600.
c.	Justification for the Proposed Use	<ul style="list-style-type: none"> The Planning Justification Study submitted in support of the application must be reviewed in accordance with the policies of the official plan and the Greenbelt Plan.
d.	Greenbelt Plan	<ul style="list-style-type: none"> The portion of the subject lands not being developed are designated "Protected Countryside" and form part of the Natural Heritage System. Given the proximity of the developable lands to the lands designated Greenbelt, any development or site alteration on the developable portion of the property may require the submission and review of a Natural Heritage Evaluation and Hydrological Evaluation.
e.	King Vaughan Road	<ul style="list-style-type: none"> The existing access to the subject lands is gained from King-Vaughan Road, from an existing driveway, through the abutting property to the north. Continued use of the driveway for the existing concrete batching plant must be approved by York Region – Transportation Services.
f.	Future Site Plan	<ul style="list-style-type: none"> The Owner will be required to submit a future Site Development Application to address the location, area and size of the open storage area and buildings and structures, as well as, landscaping and screening and any setbacks required from Highway 400, if the subject applications are approved.

	MATTERS TO BE REVIEWED	COMMENT(S)
g.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none"> ▪ The Owner will be required to address the requirements of the TRCA as the subject lands are located adjacent to the Greenbelt.
h.	City of Vaughan Enforcement Services	<ul style="list-style-type: none"> ▪ Vaughan Enforcement Services has an active investigation file on this property and legal action is being taken as this use does not comply.
i.	Ministry of Environment	<ul style="list-style-type: none"> ▪ The Vaughan Enforcement Department has advised that the MOE is investigating the operation of the concrete batching plant. A request for comments has been made to the MOE. Any requirements of the MOE must be satisfied prior to taking a report to a future Committee of the Whole meeting. ▪ Review will be given to determine if a Certificate of Approval from the Ministry of the Environment is required.
j.	Ministry of Transportation/ Ministry of Municipal Affairs and Housing	<ul style="list-style-type: none"> ▪ The property abuts Highway #400. The applications have been circulated to the Ministry of Transportation and the Ministry of Municipal Affairs and Housing for the GTA West Corridor Study, and any comments received will be reviewed by the Development Planning Department. ▪ The MTO has stated that the Owner has been operating without Ministry Building & Land Use Permits, which are required. ▪ Additional engineer stamped drawings and reports are required for review by the MTO.
k.	City of Vaughan Engineering Department	<ul style="list-style-type: none"> ▪ Transportation Services has requested a Traffic Impact Study to further review the proposal. This study has been required as increased vehicle trips may negatively impact the surrounding roadway intersections. ▪ Development Services has requested additional engineer stamped drawings and reports for review.
l.	Additional Studies and Approvals	<ul style="list-style-type: none"> • Review will be given to determine if additional studies such as a Traffic Impact Study, Noise Study and Particulate Study will be required.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The applications have been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting. The final Committee of the Whole report will not be forthcoming until such time that Development Planning Staff have received appropriate clearances from City Departments, the Toronto and Region Conservation Authority, Region of York, Ministry of Transportation and the Ministry of Environment, addressing the comments in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan

Report prepared by:

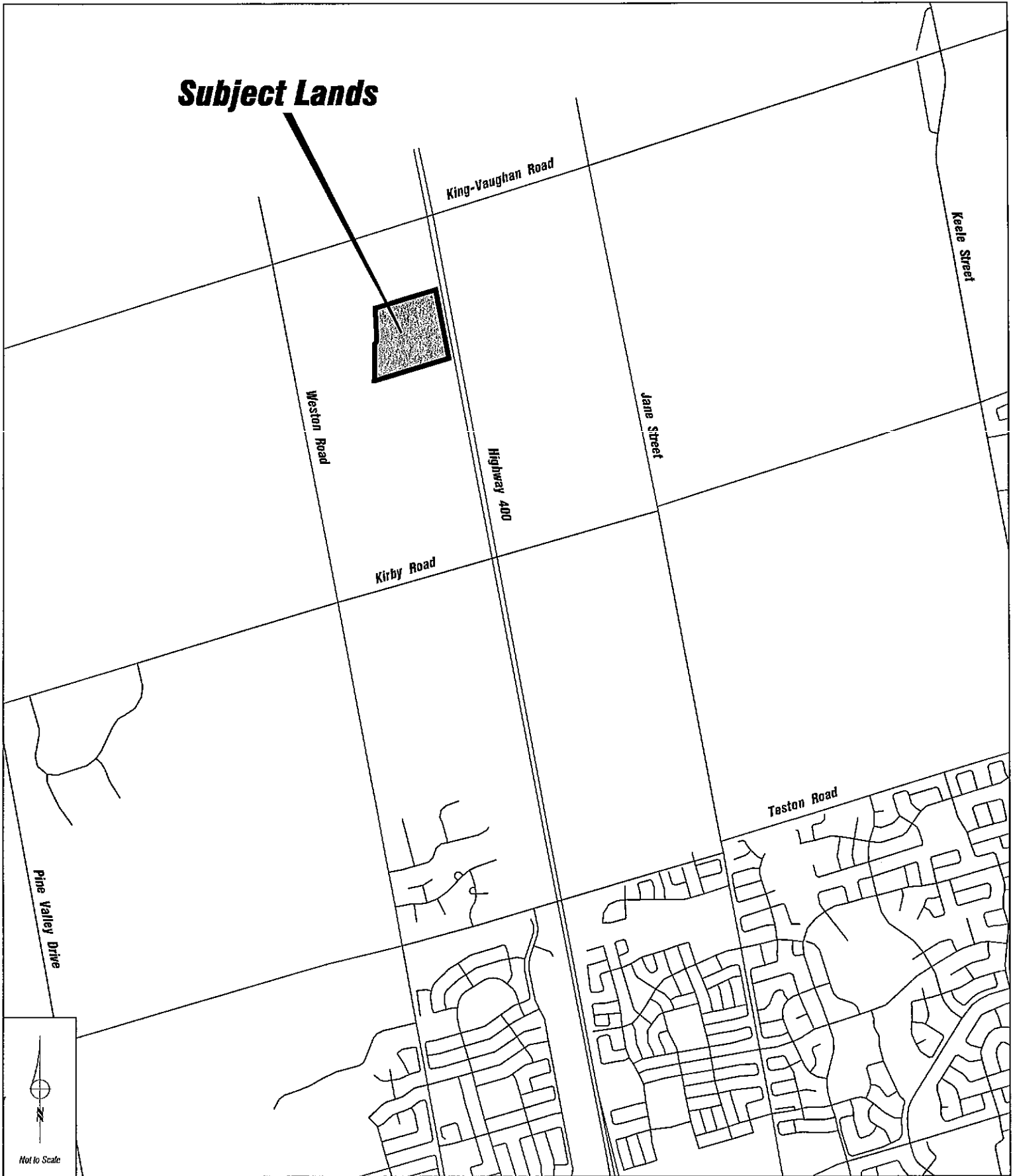
Margaret Holyday, Planner, ext. 8216
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYHEYAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lot 34, Concession 5

APPLICANT:
2109179 Ontario Inc.

U:\D\1\1 ATTACHMENTS\OP\op_10.001z_10.002.dwg



The City Above Toronto

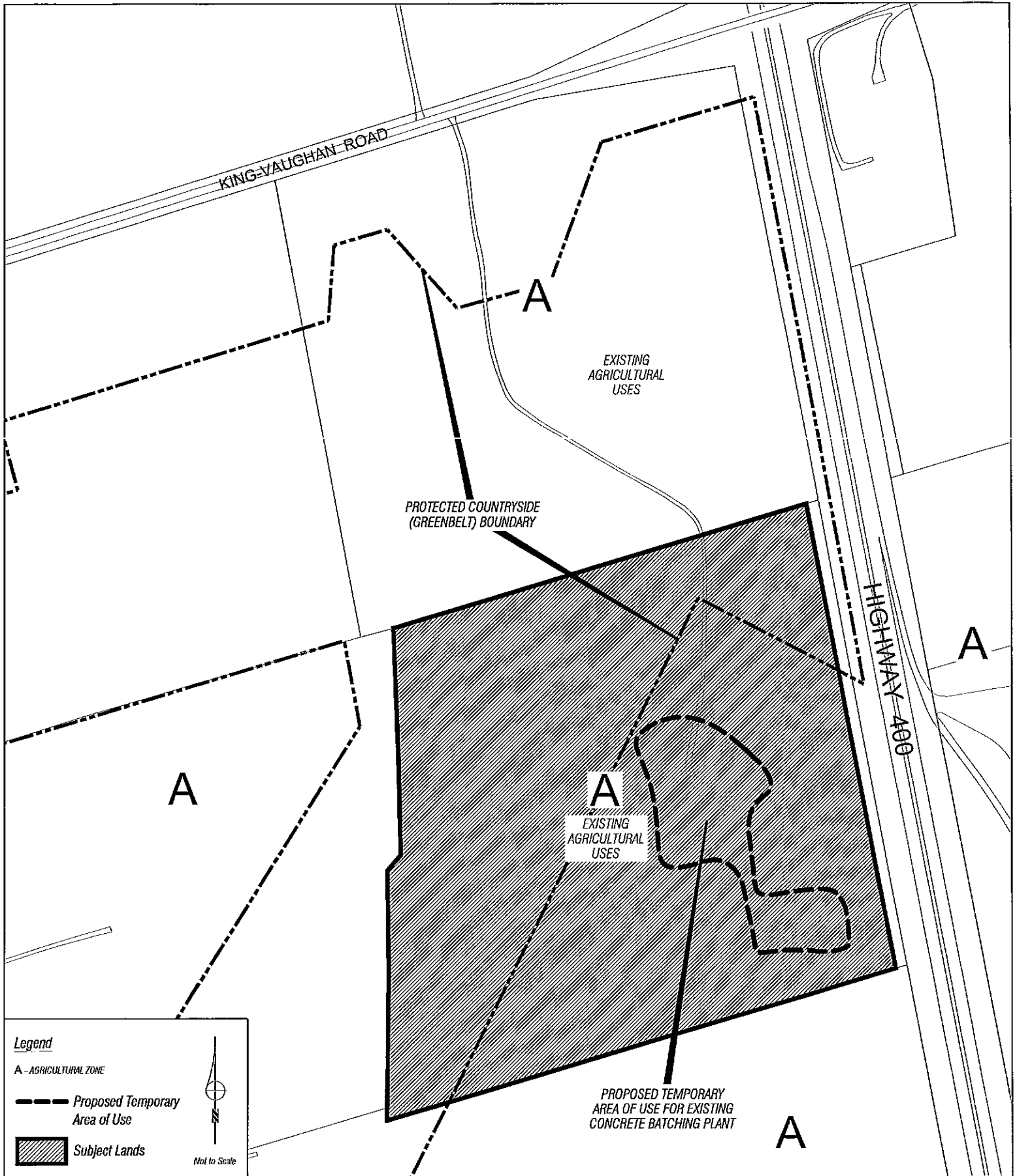
Development Planning Department

Attachment

FILE:
OP.10.001 & Z.10.002

DATE:
March 16, 2010





Legend

- A - AGRICULTURAL ZONE
- Proposed Temporary Area of Use
- ▨ Subject Lands

Not to Scale

Location Map

LOCATION:
Part of Lot 34, Concession 5

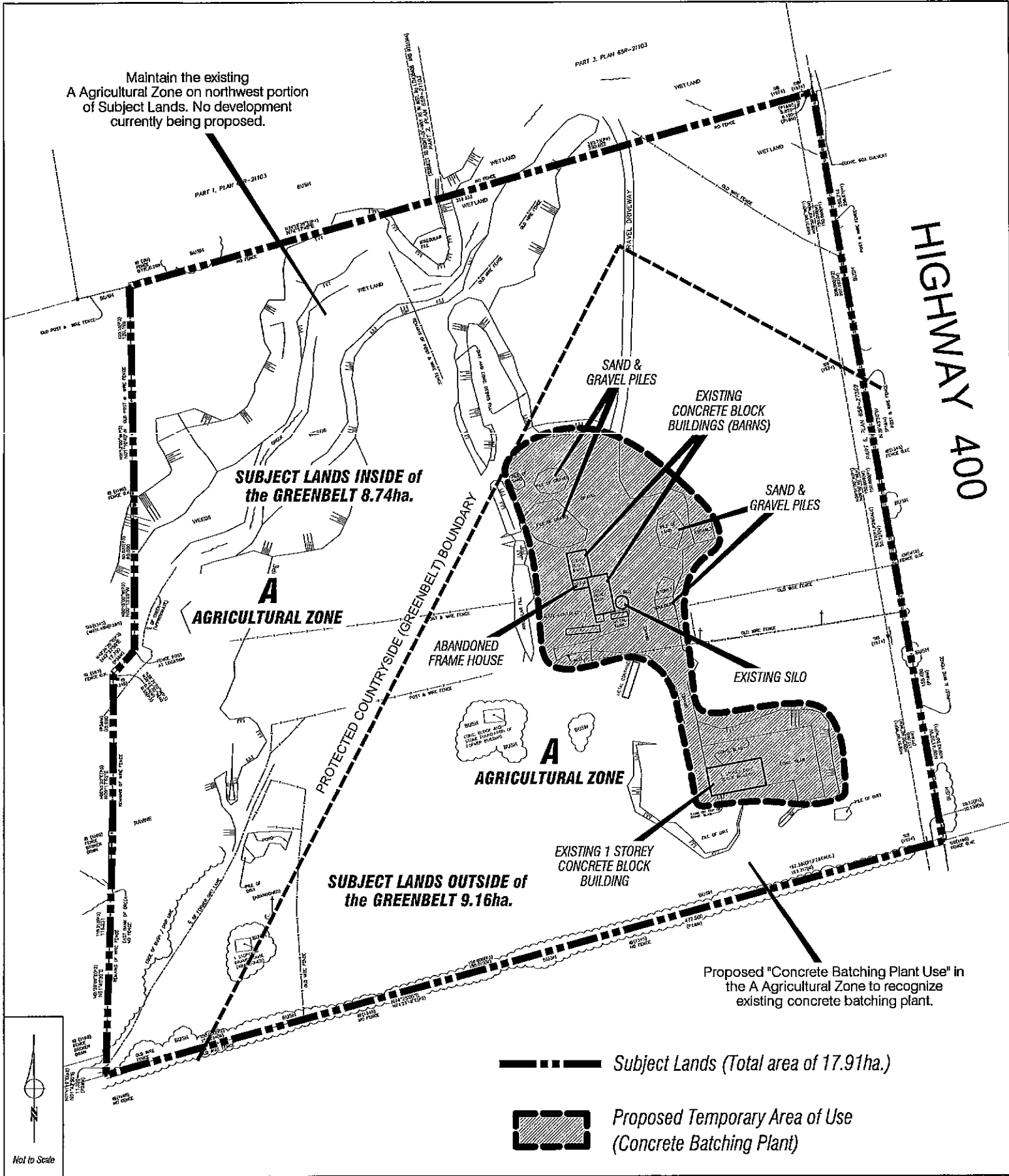
APPLICANT:
2109179 Ontario Inc.

N:\OFT\1 ATTACHMENTS\OP\op.10.001z.10.002.dwg

City of Vaughan
The City Above Toronto
Development Planning Department

Attachment
FILE:
OP.10.001 & Z.10.002
DATE:
March 16, 2010

2



Site Plan

LOCATION:
Part of Lot 34, Concession 5

APPLICANT:
2109179 Ontario Inc.

\\DFT\1 ATTACHMENTS\OP\op_10.001_10.002.dwg



The City Above Toronto
Development Planning Department

Attachment

FILE:
OP.10.001 & Z.10.002

DATE:
March 16, 2010

3