

COMMITTEE OF THE WHOLE JUNE 5, 2012

ZONING BY-LAW AMENDMENT FILE Z.11.041

SITE DEVELOPMENT FILE DA.11.107

BFI CANADA INC.

WARD 4 - VICINITY OF HIGHWAY 407 AND CREDITSTONE ROAD

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.041 (BFI Canada Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to expand the use of the existing waste recycling facility on the subject lands shown on Attachments #1 and #2, by permitting additional exceptions to the EM2 General Employment Area Zone, Exception 9(1033), as identified in Table 1 of this report.
2. THAT Site Development File DA.11.107 (BFI Canada Inc.) BE APPROVED, to facilitate development of a 2,013 m² expansion (total new additional building area) to the existing waste recycling facility (2,152 m² of retained building area), as shown on Attachments #4 to #9, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, landscape plan, and building elevations shall be approved by the Vaughan Development Planning Department;
 - ii) the final site servicing and grading plan, stormwater management plan, and traffic maneuvering plan shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - iii) the Owner shall satisfy all requirements of the Ministry of Transportation, and obtain a Ministry Building and Land Use Permit; and,
 - iv) the implementing Zoning By-law (File Z.11.041) shall be in-full force and effect; and,
 - b) that the Site Plan Letter of Undertaking include the following provisions:
 - i) prior to the issuance of a building permit, the Owner shall submit an Environmental Management Plan for the site for review and approval by the City and/or its peer review consultant. The Owner shall pay the cost associated with the peer review of the Environmental Management Plan;
 - ii) the Owner shall agree in the Letter of Undertaking to carry out the recommendations of the approved Environmental Management Plan in conjunction with the site development to the satisfaction of the City. The Owner shall post an additional \$50,000 for the Site Plan Letter of Credit to ensure that the recommendations of the Environmental Management Plan are implemented;
 - iii) prior to the issuance of an occupancy permit and release of the Site Plan Letter of Credit, the Owner shall provide certification from Conestoga-Rovers & Associates confirming that the recommendations of the approved Environmental Management Plan have been implemented to the satisfaction of the City;

- iv) prior to occupancy of any new building on the subject lands, the Owner shall obtain an Environmental Compliance Approval (C of A) from the Ministry of the Environment (MOE); and,
- v) the Owner shall 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, in accordance with Section 51 of the Planning Act and City of Vaughan Policy. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approval shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The applicant has advised that the site and building design will include the following sustainable features and initiatives:

- i) utilize new equipment to increase the recovery rate of recyclable materials to 90%, with 10% residual waste (the current recovery rate for recyclable materials on site ranges between 10-30%);
- ii) collect and treat all stormwater runoff on site to remove oils and suspended solids;
- iii) provide landscaping for 16.8% of the site area; and,
- iv) increase energy efficiency with respect to power supply, lighting and water usage.

The Development Planning Department encourages the Owner to incorporate additional sustainable features for the future Phase II development.

Economic Impact

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

Communications Plan

On January 13, 2012, a Notice of Public Hearing for Zoning By-law Amendment File Z.11.041 was circulated to all property owners within 150 m of the subject lands. Notice signs were also installed on the property in accordance with City of Vaughan procedures.

The City received written correspondence, dated January 27, 2012 and February 29, 2012, from the Law Office of Benjamin Blufarb, on behalf of Mr. Zeppieri, a neighbouring property owner at 29-35 Killahoe Road and 80 Costa Road. The letters identify the following concerns:

- i) BFI has already requested and obtained approval in the past to increase the size of the existing waste recycling establishment;
- ii) compliance with appropriate environmental regulations and independent environmental monitoring, air quality and emissions;
- iii) safety and fire hazard issues;
- iv) nuisance effects, including dust, odour, debris, garbage, noise and rodents;
- v) increased traffic; and,
- vi) clarification on the proposed education centre.

BFI Canada Inc. responded to these concerns via letters dated February 3, 2012 and April 2, 2012, as follows:

- i) the facility expansion will accommodate new sorting and processing equipment to increase capture of recyclable materials, storage of recovered materials, and provide an employee area and education centre;

- ii) BFI Canada Inc. has owned and operated the existing facility in compliance with environmental approvals and permits for the last five years. BFI will continue to monitor the site and resolve any issues that arise pertaining to site emissions and environmental regulations;
- iii) the Owner has prepared draft Fire Safety and Emergency Response Plans, which will be updated as required;
- iv) waste is processed and sorted inside of the buildings to minimize nuisance effects. Access routes are paved to reduce dust, and road sweepers will be used if necessary. Odour is mitigated by removing waste residuals within a 24-hour period whenever possible, and conducting daily site inspections. Litter is cleaned on a daily basis, and the facility is fenced to prevent any litter from blowing off-site. Building doors are closed to reduce noise, when necessary. Rodents are managed through a pest control program;
- v) truck traffic on Freshway Drive will increase slightly, however, the local roads will have minimal truck traffic, and one-way traffic on the site will facilitate efficient truck movement; and,
- vi) an education centre is proposed on the second floor of the employee building (Attachments #4 and #6) to communicate with and educate the public, government officials and staff, and business owners/operators regarding recycling practices and procedures.

The Committee of the Whole's recommendation to receive the Public Hearing report of February 7, 2012, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on February 21, 2012.

Based on the above response and further discussions with the Owner, Mr. Benjamin Blufarb withdrew his objections in a letter dated April 12, 2012.

On May 22, 2012, a courtesy Notice of this Committee of the Whole meeting was circulated to all individuals who requested notification with respect to these applications.

Purpose

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.11.041 to amend Zoning By-law 1-88, specifically to expand the use of the existing waste recycling facility by permitting additional exceptions to the EM2 General Employment Area Zone, Exception 9(1033), as identified in Table 1 of this report; and,
2. Site Development File DA.11.107, to facilitate a 2,013 m² expansion to the existing waste recycling facility (2,152 m² of retained building area), as detailed in the Site Plan Review Section of this report and as shown on Attachments #4 to #9 inclusive.

Background - Analysis and Options

Location

The 2.79 ha subject lands are located north and south of Freshway Drive (10 Freshway Drive), through to Highway 407, east of Creditstone Road, adjacent to the CN Rail Classification Yard, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Rail Facilities" by OPA #450 (Employment Area Plan). OPA #450 states that should railway and related uses cease, lands may be developed with the adjacent land use designation, which is "Prestige Area" (adjacent to Highway 407) and "Employment Area General" (remainder of the property).

OPA #450 only permits waste recycling establishments within the "Employment Area General" designation, provided that the lands do not abut an arterial road and existing or planned provincial highways. The existing waste recycling facility was in operation prior to OPA #450 being adopted (1995) and conformed to the policies of OPA #5. Accordingly, the facility's location adjacent to Highway #407 is considered non-conforming under OPA #450, which permits the extension or enlargement of such uses, provided that it will not adversely affect the welfare of the local area.

OPA #450 defines a waste recycling establishment as an operation that may collect, store and/or process recyclable materials for the purposes of creating new products or raw materials. The definition includes a waste transfer station and a material recovery facility, but does not include a concrete or asphalt recycling facility or a composting facility (the latter three uses are not proposed in the subject applications).

The Owner has submitted a Planning Justification Brief to address conformity with the waste recycling policies in OPA #450, including a high level of site design, outside storage provisions, mitigating nuisance effects (dust, noise, odour, vermin), and providing appropriate landscaping and buffering. The Development Planning Department is satisfied with the proposed nuisance mitigation measures outlined in the Planning Justification Brief (and described in the Communications section of this report), as well as with the site design and landscaping, which are described later in this report. Accordingly, the proposal to expand the existing waste recycling facility conforms to the Official Plan.

The subject lands are designated "General Employment" (entire property) by the City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011 and April 17, 2012), and is pending approval from the Ontario Municipal Board. The "General Employment" designation permits manufacturing, processing and outside storage, and would permit the proposed development.

Zoning

The subject lands are zoned EM2 General Employment Area Zone by Zoning By-law 1-88, subject to Exception 9(1033), which permits a Materials Recovery Facility in Building "C" only (existing baling facility shown on Attachment #3), as well as site-specific definitions and zone standards.

The proposed facility expansion will be used to process and recycle solid non-hazardous industrial and commercial waste (primarily construction and demolition waste). Unrecoverable residual waste will be compacted and transported for disposal at a Ministry of the Environment (MOE) approved facility. An amendment to Zoning By-law 1-88 is required to expand the use of the existing waste recycling establishment on the site, and provide additional site-specific definitions and zone standards, as follows:

Table 1: Proposed Exceptions to Zoning By-law 1-88

	By-law Standard	By-law 1-88 Requirements, EM2 Zone, Exception 9(1033)	Proposed Exceptions to By-law 1-88, EM2 Zone, Exception 9(1033)
a.	Definition of a Waste Transfer Station	<ul style="list-style-type: none"> No definition for a Waste Transfer Station. This use is currently permitted as part of the existing Material Recovery Facility. The proposed Waste Transfer Station definition seeks to clearly establish the proposed use. 	<ul style="list-style-type: none"> Means a building or part of a building engaged primarily in the collection, sorting and separation of waste recyclable materials, and the processing or preparation thereof in the form of densification for the efficient storage and/or shipment to a material recovery facility or directly to end-users.
b.	Location of Material Recovery Facility and Waste Transfer Station on the Subject Lands	<ul style="list-style-type: none"> A Material Recovery Facility is permitted in Building "C" (existing Baling Facility - Attachment #3) on Part 2, and shall operate within a wholly enclosed building. 	<ul style="list-style-type: none"> A Material Recovery Facility and a Waste Transfer Station shall be permitted on Part 2 (shown on Attachment #4) and shall operate within a wholly enclosed building or buildings.
c.	Definition of a Front Lot Line	<ul style="list-style-type: none"> Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line. 	<ul style="list-style-type: none"> The front lot line for Parts 1 and 2 shall be that which abuts the driveway access/private easement over Canadian National Railway lands.
d.	Minimum Interior Easterly Side Yard Setback	<ul style="list-style-type: none"> 1.9 m from Building "C" (existing baling facility - Attachment #3). 	<ul style="list-style-type: none"> 1.8 m (waste transfer facility expansion and elevated truck bins - Attachment #4).
e.	Minimum Rear Yard Setback	<ul style="list-style-type: none"> 12.0 m 	<ul style="list-style-type: none"> 14.0 m (required Ministry of Transportation setback from Highway 407)
f.	Maximum Height of Accessory Equipment	<ul style="list-style-type: none"> 15.0 m 	<ul style="list-style-type: none"> 16.8 m (elevated truck bins - Attachment #4)

The existing Exception 9(1033) provides definitions for a Material Recovery Facility and Waste Recyclable Materials, which will be maintained. The proposed definition for a Waste Transfer Station conforms to the Official Plan, and is consistent with definitions for similar facilities used elsewhere in the City of Vaughan.

Permitting a Material Recovery Facility and Waste Transfer Facility on the whole of Part 2 (shown on Attachment #3) is considered appropriate, as it provides flexibility for subsequent changes to the site, subject to approval of future Site Development Applications. As per the current Exception 9(1033), outside storage shall only be permitted on Part 2 (shown on Attachment #4), and all materials stored outdoors shall be placed in sturdy containers, bins or enclosures, which are covered, secured and maintained in good condition, or shall be baled or palletized.

The remaining setbacks and zone standards required to implement the proposal are considered minor in nature, and compatible with the surrounding employment land use context.

Site Plan Review

The existing site plan is shown on Attachment #3 and the proposed site plan is shown on Attachment #4. The Owner is proposing to expand the existing waste recycling facility and redevelop the 2.79 ha subject lands as follows:

- i) demolish existing buildings "A" (quonset hut), "B" (scale hut) and "C" (sheds), which have a total gross floor area of 1,071.5 m²;
- ii) retain buildings "C" (baling facility) and "D" (waste transfer facility), which have a total gross floor area of 2,152 m²;
- iii) construct a new 1,280 m² baling facility, a new 38 m² scale house, and expand the existing waste transfer facility with a 445 m² clean wood receiving addition and a two-storey 250 m² employee building and education centre;
- iv) provide an interim 966 m² open storage area;
- v) install elevated truck bins ("hoppers");
- vi) remove the existing scale and replace with two new scales;
- vii) utilize the northerly portion (Part 1) of the site as a parking area; and,
- viii) expand the existing stormwater management pond.

Access to the site is provided by a right-of-way from Freshway Drive over lands owned by Canadian National Railway. The site plan includes 53 spaces for employee and visitor parking, whereas no parking spaces are required by the existing Exception 9(1033). The proposed interim outdoor storage area (Attachment #4) includes metal bins filled with recyclable materials, and will be enclosed with a chain link fence as per OPA #450 and Zoning By-law 1-88 requirements. The open storage area will be contained within a building through future Phase II development of the subject lands, which will require submission and approval of a separate Site Development Application.

The Owner is proposing to landscape 16.8% of the site with coniferous and deciduous trees, shrubs and grass, as shown on Attachment #5. A large portion of the existing gravel area at the southerly portion of the site will be replaced with asphalt and concrete paving to reduce dust.

The proposed building elevations are shown on Attachments #6 to #8. The upgraded waste transfer facility and new baling facility are comprised of pre-engineered steel frame buildings with blue metal wall panels, UV resistant translucent panels, and white metal roofs. The scale house is a wood framed modular building with white metal wall panels.

The Development Planning Department will continue to work with the applicant to finalize the details of the site plan building elevations and landscape plan. A condition to this effect is included in the recommendation of this report.

Vaughan Development/Transportation Engineering Department

The Phase I and Phase II Environmental Site Assessments submitted in support of the application have been peer reviewed by Decommissioning Consulting Services Limited (DCS). DCS has advised that the submitted information is sufficient for site plan approval, subject to the

appropriate conditions of approval being imposed with respect to preparation and implementation of an Environmental Management Plan. The Environmental Management Plan will address matters such as the removal of potentially impacted fill around the foundation of the building addition and its replacement with clean engineering fill, the placement of a new asphalt cover system on portions of the site to create an engineering barrier above some of the impacted sub-surface material, installation of passive venting systems, and the installation of long term monitoring wells at the parameter of the site. Provisions to this effect will be included in the Site Plan Letter of Undertaking.

The Development/Transportation Engineering Department has reviewed the proposed site servicing, grading, stormwater management, and traffic maneuvering plans. The Owner must revise the plans to the satisfaction of the Vaughan Development/Transportation Engineering Department, including, but not limited to: ensuring that all run-off is contained on site, providing a traffic signage plan, and ensuring that the development meets the criteria of the Black Creek Stormwater Optimization Study Municipal Class Environmental Assessment Master Plan Report. A provision to this effect is included in the recommendation of this report.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that the Owner must pay to the City of Vaughan by way of certified cheque, cash-in-lieu of dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with Section 51 of the Planning Act and City of Vaughan Policy. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approval shall form the basis of the cash-in-lieu payment. A provision to this effect is included in the recommendation of this report.

Canadian National Railway

Canadian National Railway has reviewed the Zoning By-law Amendment and Site Development Applications, and has no comments or objections to the proposal.

Ministry of Transportation (MTO)

The Ministry of Transportation requires a 14 m setback from the rear property line adjacent to Highway 407, which the Owner has provided (see Attachment #4) and will be included as a provision in the implementing zoning by-law. The Owner must satisfy all MTO requirements and obtain a Ministry Building and Land Use Permit, as per the recommendation of this report.

Ministry of the Environment (MOE)

BFI Canada Inc. previously obtained a Certificate of Approval (No. A230632) for the existing waste transfer/processing facility on the subject lands. The Ministry of the Environment has advised that they are in receipt of an application from BFI Canada Inc. to amend their Environmental Compliance Approval (previously termed a Certificate of Approval) to permit the proposed facility expansion. The Owner must obtain an Environmental Compliance Approval with the MOE prior to occupancy of any new building on the subject lands. A condition to this effect will be included the Site Plan Letter of Undertaking.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The York Region Transportation and Community Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications, and has no comments or objections. The subject lands do not abut a Regional Road.

Conclusion

Zoning By-law Amendment File Z.11.041 and Site Development File DA.11.107 have been reviewed in accordance with OPA #450, Zoning By-law 1-88, written correspondence received from the public, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposal to expand the existing waste recycling facility conforms to the Official Plan, and is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Vaughan Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the conditions in this report.

Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan
4. Proposed Site Plan
5. Landscape Plan
6. Building Elevations - Upgraded Waste Transfer Facility
7. Building Elevations - Proposed Baling Facility
8. Building Elevations - Proposed Scale House
9. Rendering - Aerial View From West

Report prepared by:

Erika Ivanic, Planner, ext. 8485

Christina Napoli, Senior Planner, ext. 8483

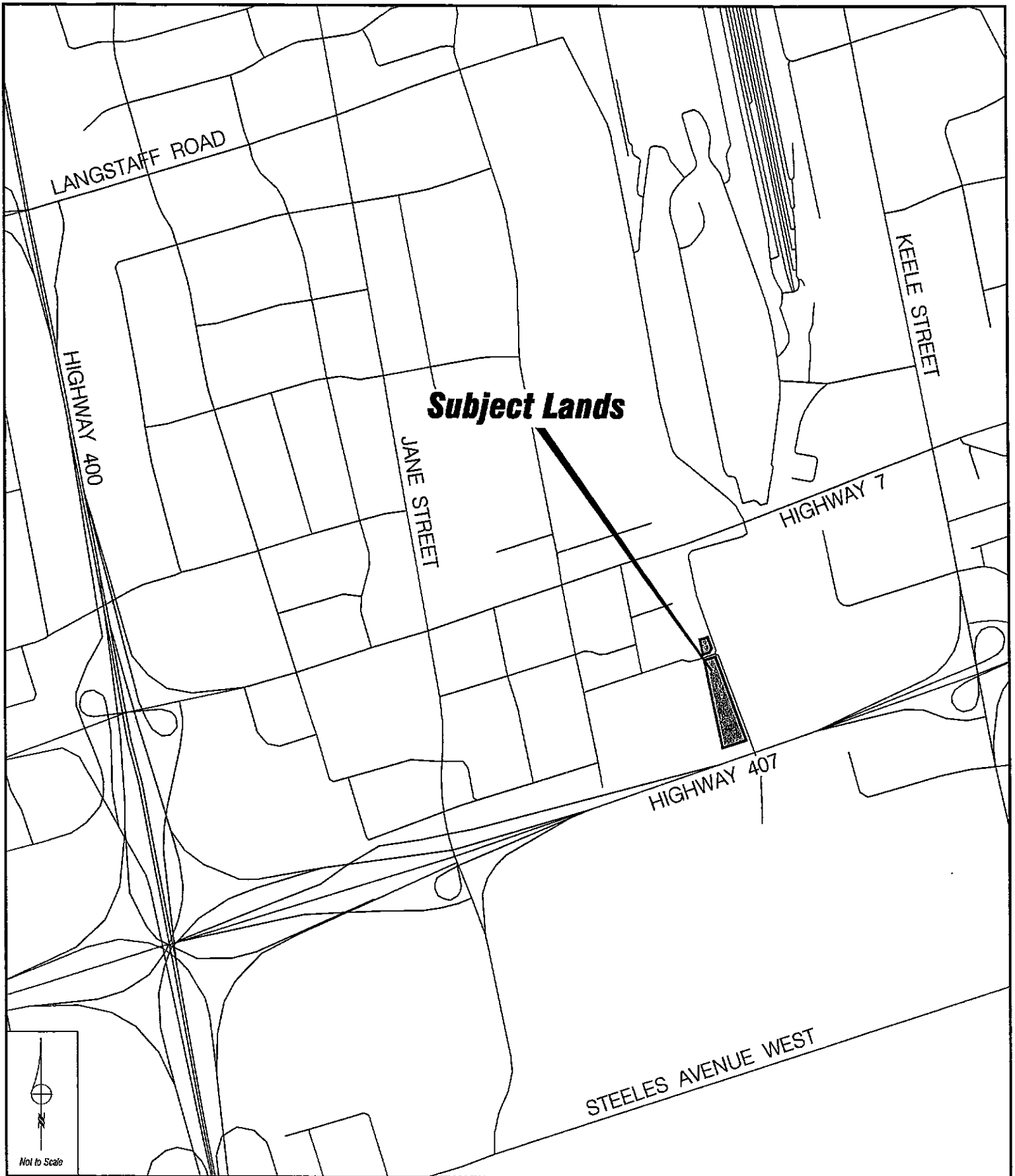
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lots 4 and 5, Concession 4

APPLICANT:
BFI Canada Inc.

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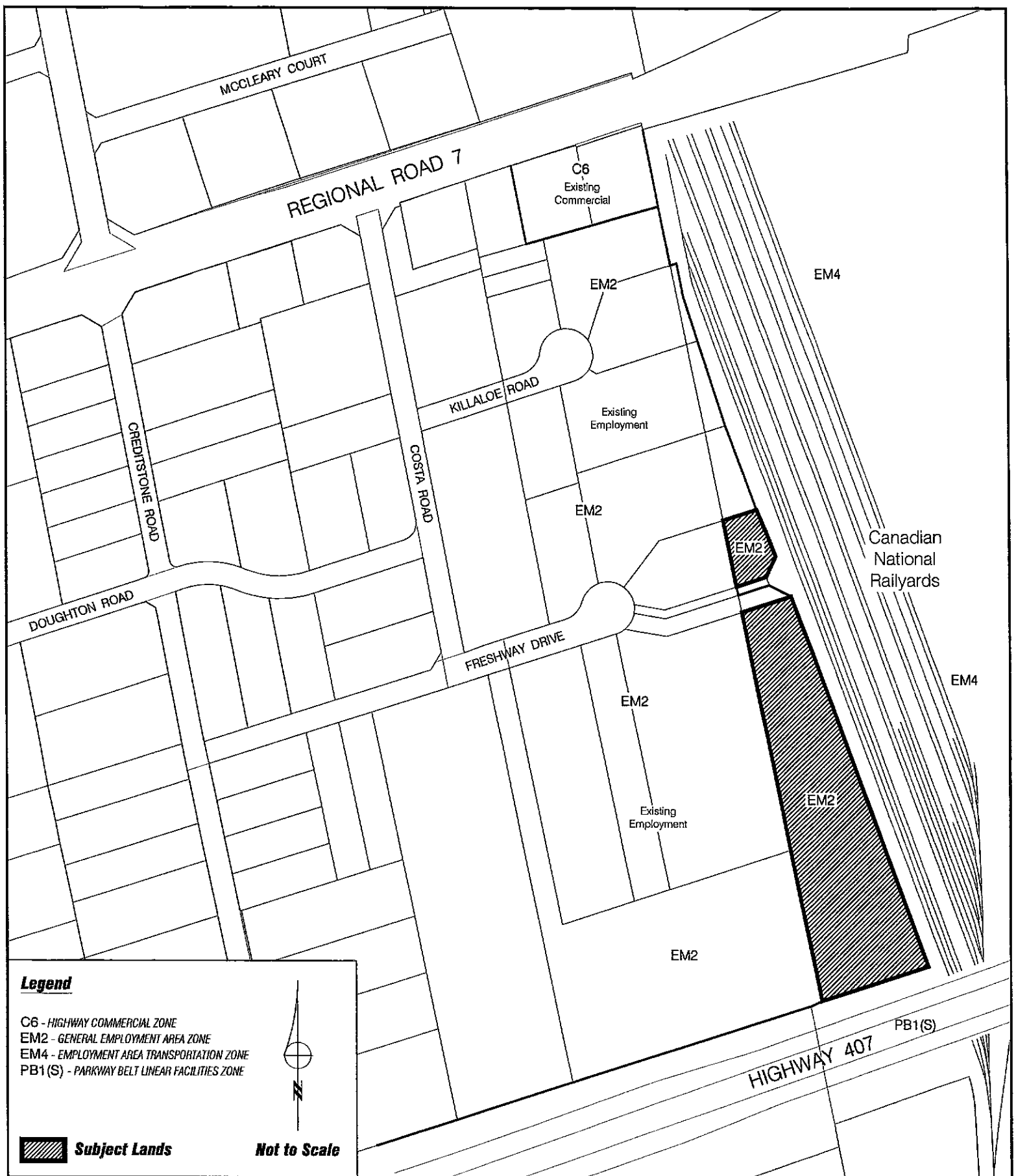


Attachment

FILES: Z.11.041 & DA.11.107
RELATED FILES:
DA.01.017 & Z.01.029

DATE:
April 27, 2012

1



Location Map

LOCATION:
Part of Lots 4 and 5, Concession 4

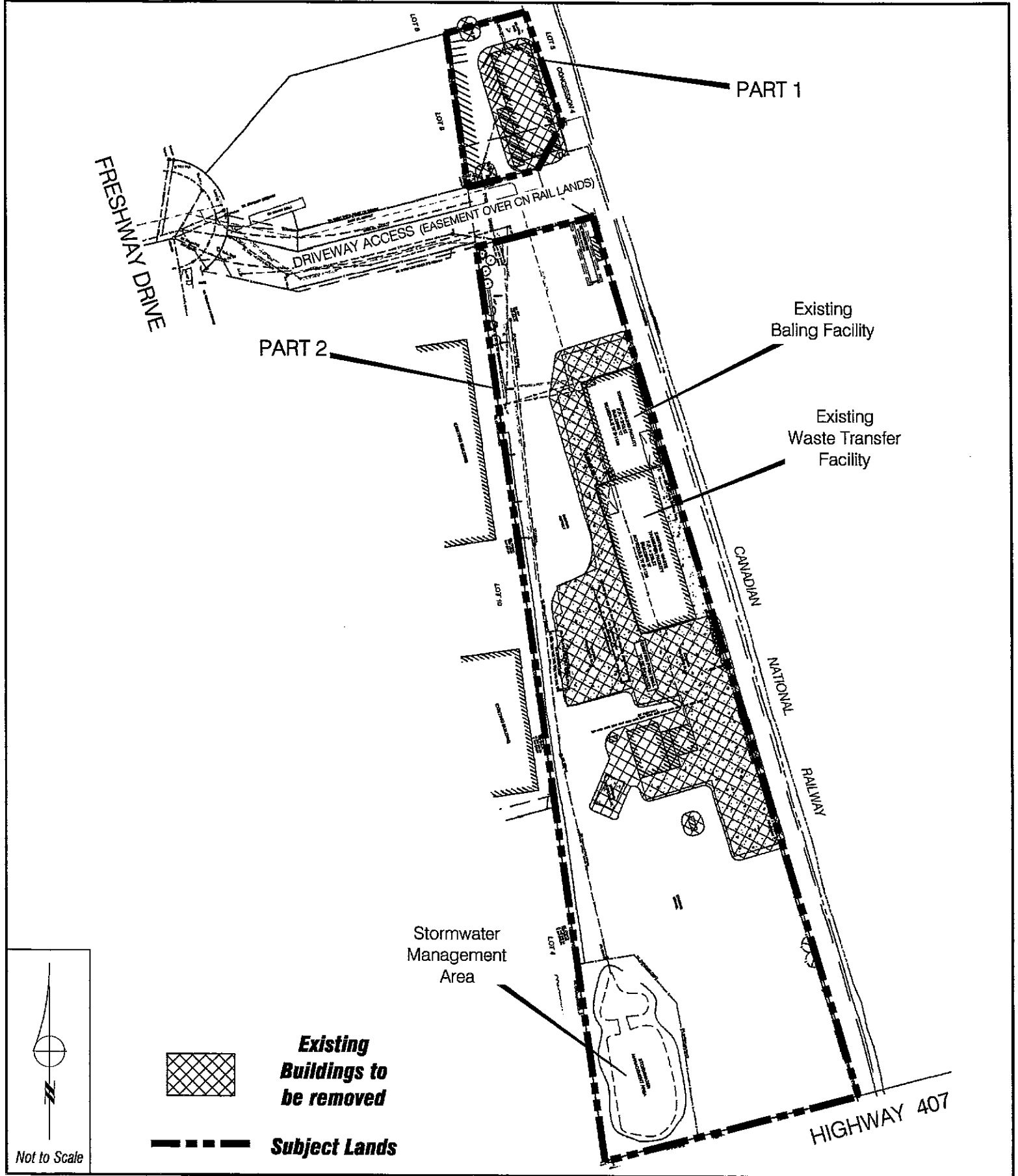
APPLICANT:
BFI Canada Inc.

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Attachment
FILES: Z.11.041 & DA.11.107
RELATED FILES:
DA.01.017 & Z.01.029
DATE:
April 27, 2012

2



Existing Site Plan

LOCATION:
Part of Lots 4 and 5, Concession 4

APPLICANT:
BFI Canada Inc.

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FILES: Z.11.041 & DA.11.107
RELATED FILES:
DA.01.017 & Z.01.029

DATE:
April 27, 2012

Attachment
3

FRESHWAY DRIVE

Proposed
Parking Lot

PART 1

Proposed Elevated
Truck Bins

Proposed Clean
Wood Receiving

PART 2

Proposed Employee Building
& Education Centre

Existing
Baling Facility
(Building 'C')

Proposed Elevated
Truck Bins

Existing
Waste Transfer
Facility

Proposed
Scale House

Scale

Fire Route

ZONING BY-LAW AMENDMENT

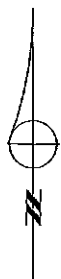
To amend Zoning By-Law 1-88, specifically to expand the use of the existing waste recycling establishment and to permit the Zoning Exceptions identified in Table 1 of this report. The facilities will be used for collecting, sorting and processing recyclable materials into new products and raw materials, as well as for collecting and sorting residual waste.

Proposed
Interim Open
Storage Area

Proposed
Baler
Facility

HIGHWAY 407

----- **Subject Lands**



Not to Scale

Proposed Site Plan

LOCATION:
Part of Lots 4 and 5, Concession 4

APPLICANT:
BFI Canada Inc.

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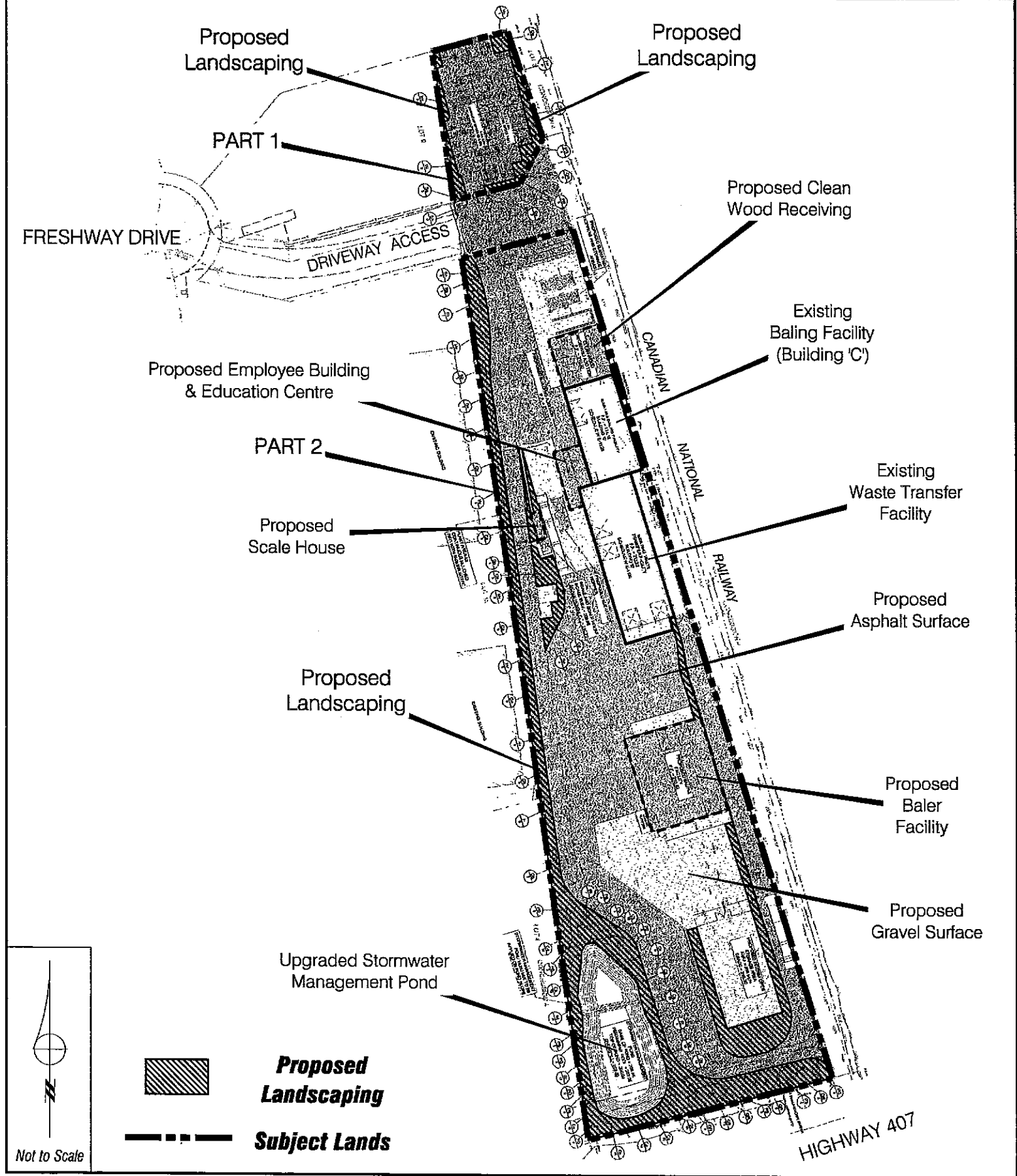


Attachment

FILES: Z.11.041 & DA.11.107
RELATED FILES:
DA.01.017 & Z.01.029

DATE:
April 27, 2012

4



Landscape Plan

LOCATION:
Part of Lots 4 and 5, Concession 4

APPLICANT:
BFI Canada Inc.

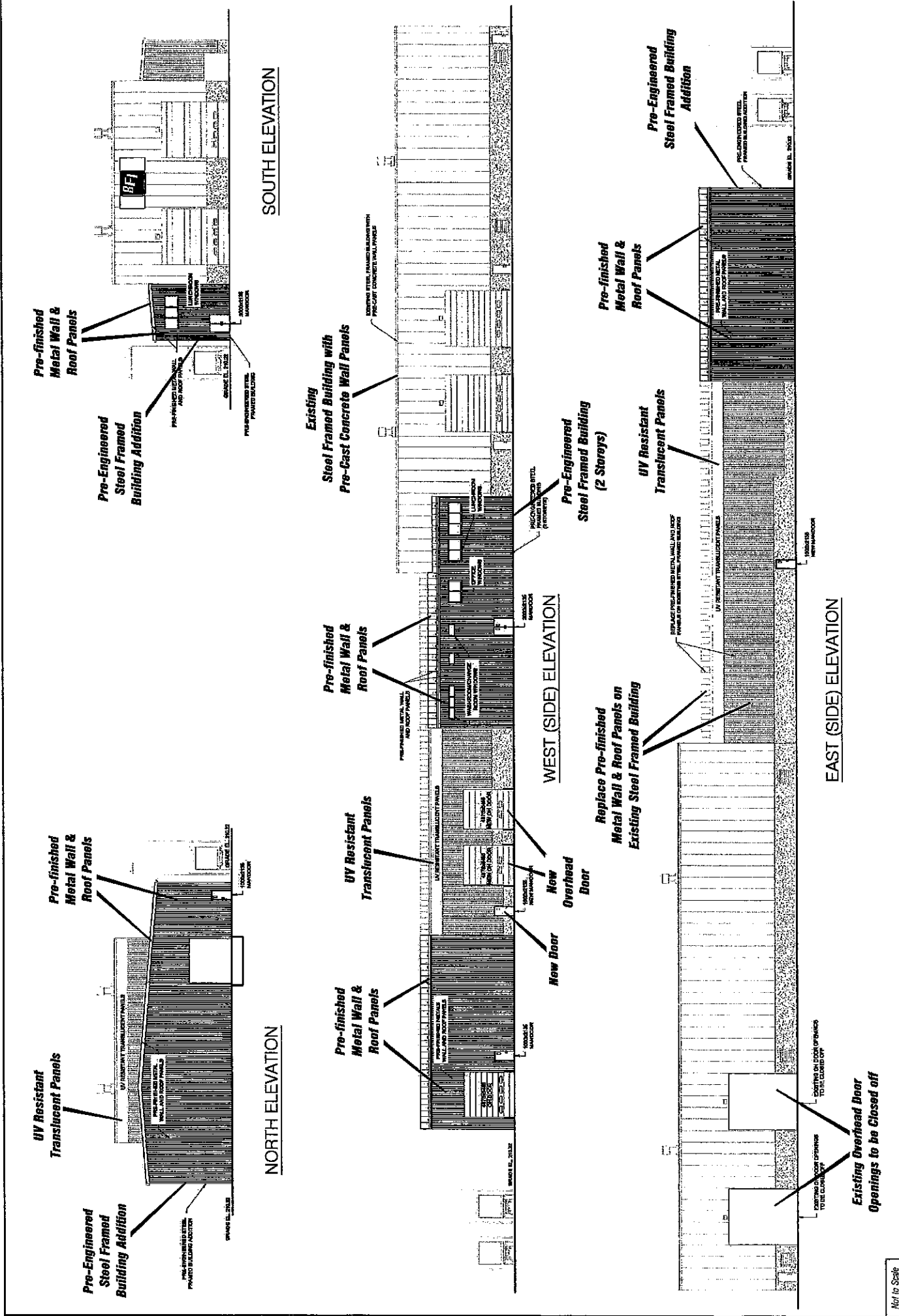
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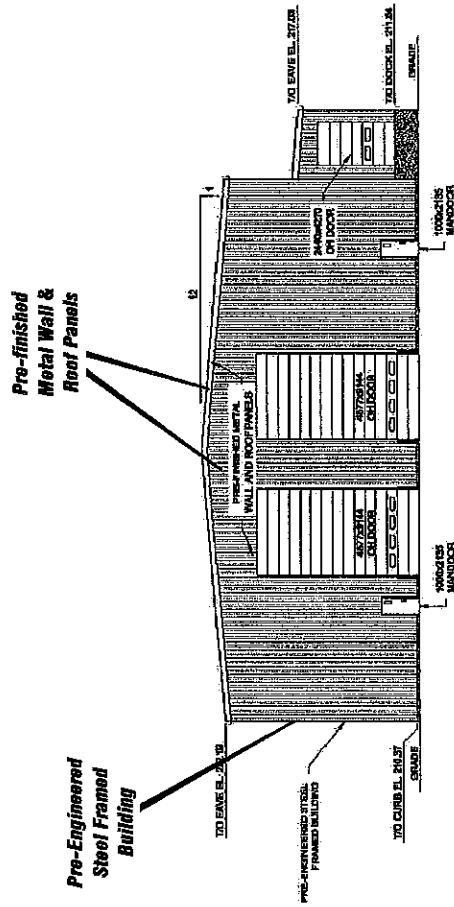


FILES: Z.11.041 & DA.11.107
RELATED FILES:
DA.01.017 & Z.01.029

DATE:
April 27, 2012

Attachment
5

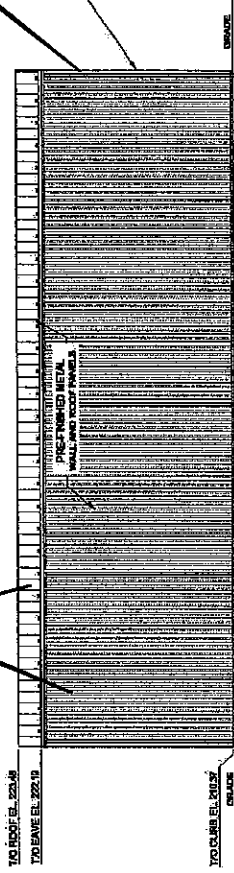




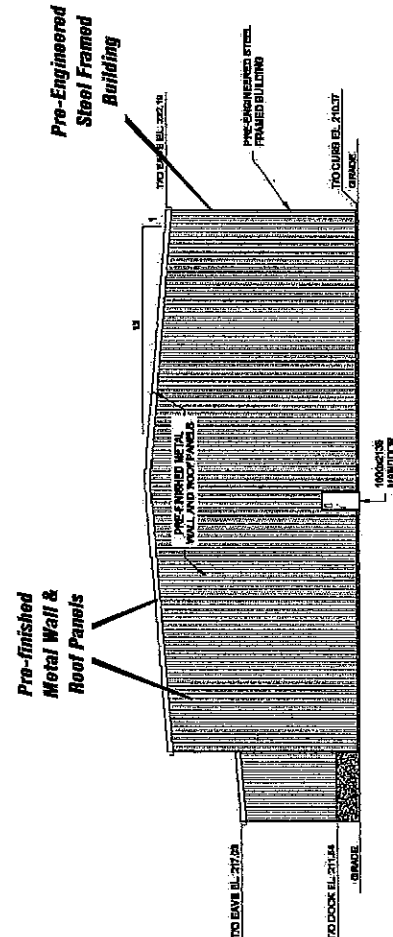
NORTH ELEVATION

Pre-finished Metal Wall & Roof Panels

Pre-Engineered Steel Framed Building



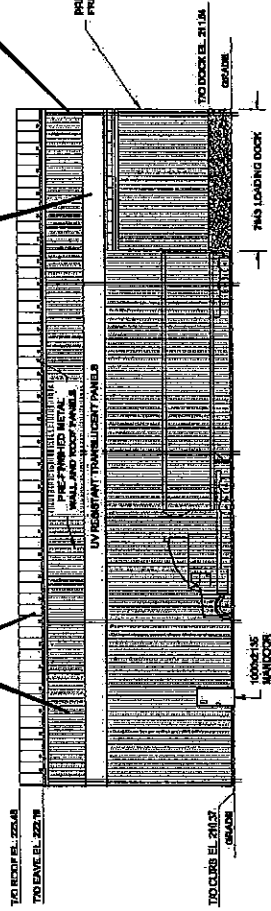
EAST ELEVATION



SOUTH ELEVATION

Pre-finished Metal Wall & Roof Panels

Pre-Engineered Steel Framed Building



WEST ELEVATION

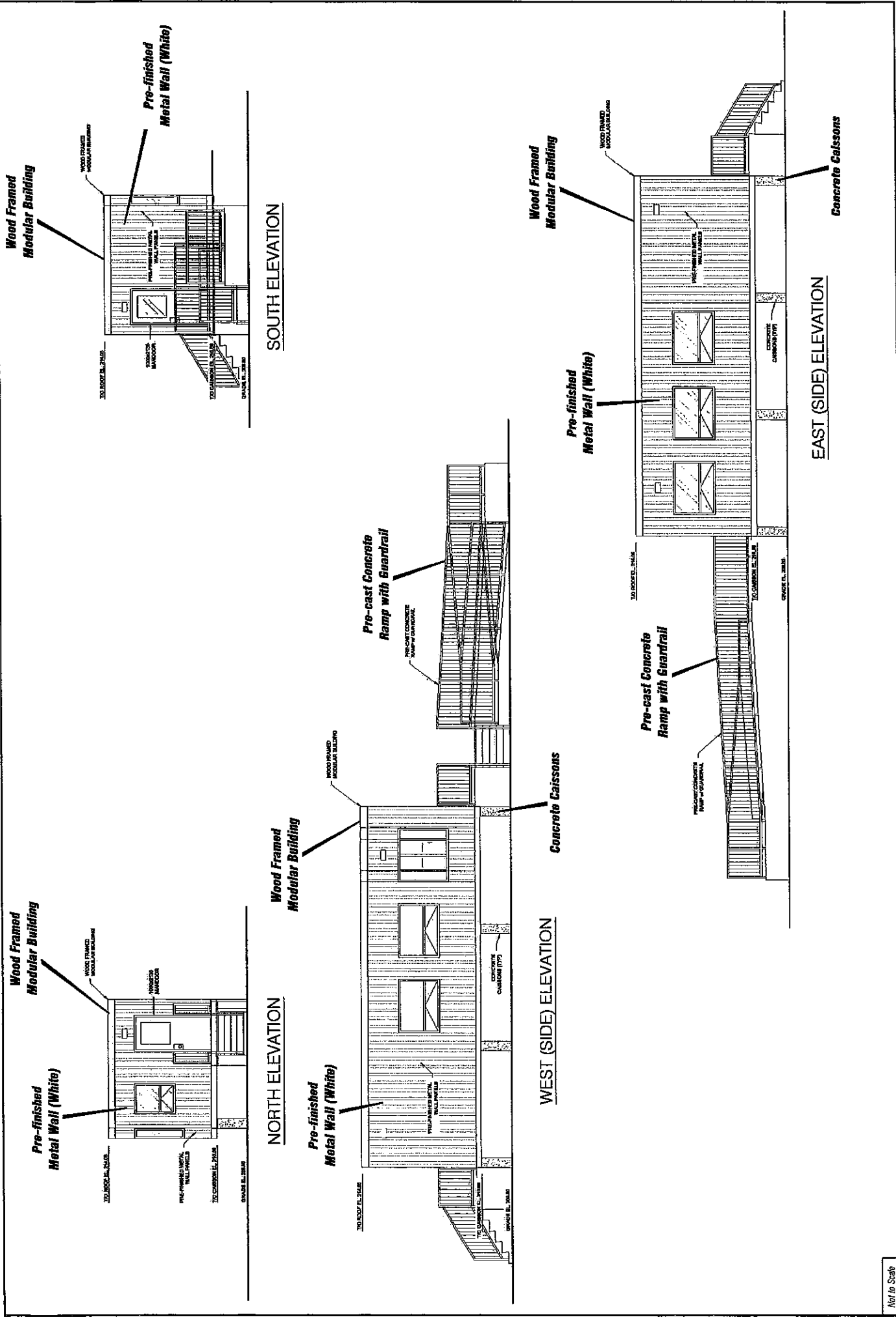
UV Resistant Translucent Panels

Not to Scale

Building Elevations - Proposed Baling Facility

APPLICANT: BFI Canada Inc.
LOCATION: Part of Lots 4 and 5, Concession 4
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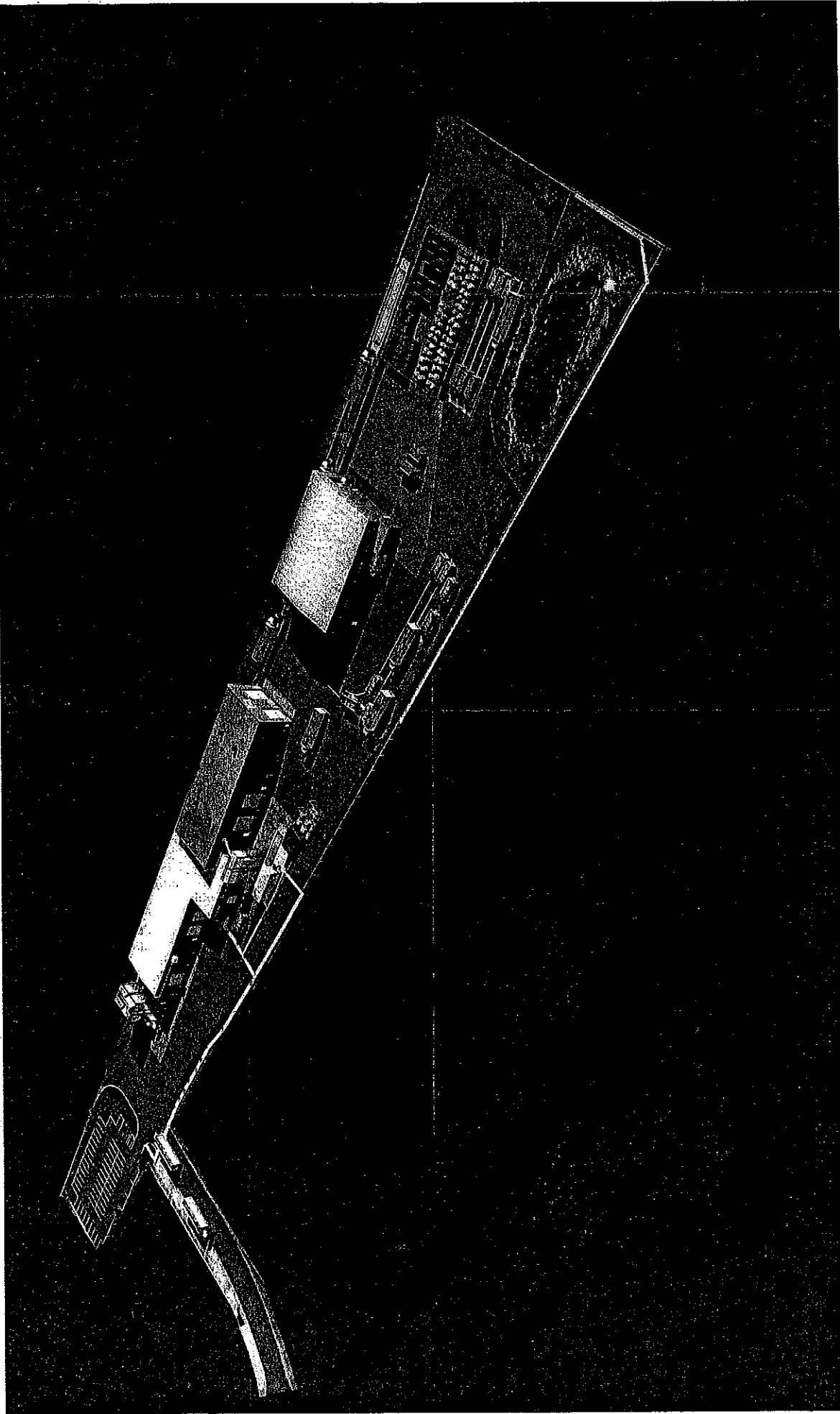


Not to Scale

**Building Elevations -
Proposed Scale House**

APPLICANT: BFI Canada Inc.
LOCATION: Part of Lots 4 and 5, Concession 4
PROJECT: ATTACHMENT 11.075.11.041.dwg





Not to Scale

Rendering - Aerial View From West

APPLICANT: BFI Canada Inc.
LOCATION: Part of Lots 4 and 5, Concession 4
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Attachment
FILES: Z.11.041 & DA.11.107
RELATED FILES:
DA.01.017 & Z.01.029
DATE: April 27, 2012

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