

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 18, 2010

Item 1, Report No. 23, of the Committee of the Whole (Public Hearing), which was adopted, as amended, by the Council of the City of Vaughan on May 18, 2010, as follows:

By receiving the written submission from Ms. Valerie Kybartas, dated May 10, 2010.

1

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

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 11, 2010, be approved;**
- 2) That the following deputations, written submissions, and petition, be received:**
 - a) Mr. Domenic Rotundo, Gambin Barristers & Solicitors, BDC Building, 3901 Highway #7, Suite 400, Vaughan, L4L 8L5, and written submission dated May 7, 2010, on behalf of the applicant;**
 - b) Mr. Joseph Castaldo, Barrister, 118 Eglinton Avenue West, Suite 208, Toronto, M4R 2G4, and written submission dated May 7, 2010, on behalf of the tenant;**
 - c) Ms. Sheila Jarvis, 20 Laskay Lane, King City, L7B 1K4, and written submission and petition;**
 - d) Ms. Sherry Draisey, 12585 Weston Road, King City, L7B 1K4, and written submission, dated May 11, 2010; and**
 - e) Ms. Alexandra Ney, 3740 King Vaughan Road, Woodbridge, L4H 1E9, and written submission, dated May 11, 2010; and**
- 3) That the following written submissions be received:**
 - a) Mr. Bil Strucel, 34 Rolling Court, King City, L7B 1E8, dated May 11, 2010;**
 - b) Ms. Hendrika Ono, dated May 11, 2010; and**
 - c) Ms. Melanie Hillock, dated May 11, 2010.**

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**

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- 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:

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	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. ▪ 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.

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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.

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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.
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.

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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.

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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

/LG

(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.)

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Item 2, Report No. 23, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 18, 2010.

2

**ZONING BY-LAW AMENDMENT FILE Z.10.013
DRAFT PLAN OF SUBDIVISION FILE 19T-10V03
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-10V01
ELM THORNHILL WOODS (2010) INC.
WARD 4**

The Committee of the Whole (Public Hearing) recommends:

- 1) **That the recommendation contained in the following report of the Commissioner of Planning, dated May 11, 2010, be approved;**
- 2) **That the following deputations be received:**
 - a) **Mr. Jeffrey Burke, 700 Summeridge Drive, Suite 11, Thornhill, L4J 0C5; and**
 - b) **Mr. David Kogan, 32 Gaguin Avenue, Thornhill, L4J 9J7; and**
- 3) **That the coloured renderings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files Z.10.013, 19T-10V03 and 19CDM-10V01 (Elm Thornhill Woods (2010) 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:150m**
- c) **Comments Received as of April 27, 2010: A total of 3 written responses have been received with the following comments:**
 - **concerns respecting noise and car exhaust fumes generated by the new development;**
 - **residents to the south of the subject lands were of the understanding that a synagogue was to be developed on the subject lands, and instead a proposal for townhouses has been submitted.**

Purpose

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

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1. A Zoning By-law Amendment Application (File Z.10.013), to rezone the subject lands from A Agricultural Zone to RVM2 Residential Urban Village Multiple Family Zone Two, to facilitate 53 freehold townhouse units within a common elements condominium. Additional site specific exceptions to the RVM2 Zone standards may also be required and will be determined upon review of the related Site Development Application (File DA.10.017).
2. A Draft Plan of Subdivision Application (File 19T-10V03) as shown on Attachment #3, to facilitate the creation of one (1) block, to facilitate 53 freehold townhouse units within a common elements condominium.
3. A Draft Plan of Condominium Application (File 19CDM-10V01) as shown on Attachment #4, comprised of an infill residential development consisting of 53 freehold townhouse units serviced by a common elements condominium including private internal road, 17 visitor parking spaces, walkways and landscaped areas.

Background - Analysis and Options

Location	<ul style="list-style-type: none">▪ 8777 Dufferin Street, being north of Summeridge Drive on the east side of Dufferin Street, in Planning Block 10, in Part of Lot 13, Concession 2, City of Vaughan.
Official Plan Designation	<ul style="list-style-type: none">▪ “Medium Density Residential/Commercial” by OPA #600, which permits townhouse units with a density of between 17 – 40 units/ha; the proposed density for the 1.52 ha site is 34.8 units/ha.▪ The subject applications to facilitate the proposed residential development consisting of 53 freehold townhouse units within a common elements condominium, conforms to the Official Plan.
Block Plan Designation	<ul style="list-style-type: none">▪ “Medium Density Residential“ by the Block 10 Plan, as shown on Attachment #5, which would permit the proposed residential townhouse development.
Zoning	<ul style="list-style-type: none">▪ A Agricultural Zone by By-law 1-88, subject to site-specific Exception 9(1210).▪ The subject applications to facilitate the proposed residential development does not comply with Zoning By-law 1-88, and an amendment to the by-law is required.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

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

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	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Regional and City Official Plans	<ul style="list-style-type: none"> ▪ The applications will be reviewed in the context of the applicable Regional and City Official Plan policies.
b.	Appropriateness of Proposed Rezoning	<ul style="list-style-type: none"> ▪ The Zoning By-law Amendment Application (File Z.10.013) will be reviewed with regard to the appropriateness of the proposed rezoning of the subject lands to RVM2 Residential Urban Multiple Family Zone Two to permit the proposed 53-unit townhouse common element condominium development, required zoning exceptions, compatibility with the surrounding land uses in the area, traffic impact, and the overall scale of development.
c.	Servicing Availability	<ul style="list-style-type: none"> ▪ The proposed development will be reviewed in consideration of the availability of servicing allocation, ultimately determining if the lands will be zoned with an “H” Holding provision, if approved.
d.	Related Site Development Application (File DA.10.017)	<ul style="list-style-type: none"> ▪ The application for Draft Plan of Condominium (Common Element) approval will be reviewed in conjunction with the related Site Development Application, to ensure consistency with the final approved site plan, and to identify any zoning exceptions to facilitate the proposed townhouse development. ▪ The proposed site layout, building design, landscaping and parking for the proposed townhouse development will be reviewed through the related Site Development Application. Opportunities for tree preservation; pedestrian linkages to the open space to the north; appropriate interconnection and inter-relationship with Elm’s first 32 unit common element townhouse development to the south; and ensuring a compatible relationship with the existing cemetery to the northwest and the existing low density residential to the east, will be reviewed. ▪ It appears that the applicant has recently removed some trees on the property without permission from the City, and the extent of the cutting will need to be evaluated in consideration of the overall development proposal.

Relationship to Vaughan Vision 2020/Strategic Plan

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

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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 above issues, but not limited to, 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 be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the subject applications will be reviewed with regard to the appropriateness of the proposed rezoning, compatibility of the proposed townhouse development with the existing surrounding land uses, the determination of the availability of servicing allocation, and the implementation of the proposed draft plan of condominium for the common elements in consideration of the related site plan application, which will determine the site layout and zoning exceptions to facilitate the townhouse development.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Draft Plan of Subdivision to Create 1 Block and Proposed Zoning
4. Proposed Draft Plan of Condominium (Common Elements)
5. Block 10 Plan

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

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(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.)