

**COMMITTEE OF THE WHOLE OCTOBER 1, 2001**

**ZONING BY-LAW AMENDMENT APPLICATION  
SITE DEVELOPMENT APPLICATION  
WOLFBREATH PROPERTIES INC.  
FILES: Z.01.029 AND DA.01.017**

**Recommendation**

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment Application Z.01.029 (Wolfbreath Properties Inc.) BE APPROVED to permit the temporary (up to 3 years) use of the vehicle repair/office building and the office/operations building, and zoning standards exceptions for the material recovery facility, truck weigh station and office/vehicle repair buildings.

THAT Site Development Application DA.01.017 (Wolfbreath Properties Inc.) BE APPROVED, subject to the following conditions:

- A. That prior to the execution of the site plan agreement:
- i) the final site plan and building elevations shall be approved by the Community Planning & Urban Design Departments;
  - ii) the final landscape plan shall be approved by the Urban Design Department;
  - iii) the final site grading and servicing plans and stormwater management report shall be approved by the Engineering Department;
  - iv) parking, access and on-site circulation shall be approved by the Engineering Department; and,

**Purpose**

On February 19, 2001, the Owner submitted a Site Plan Application to facilitate a new 2-storey operations/office building, and an addition to the existing material recovery facility. The addition will not process greater volumes of material, but is meant to enclose the outside storage portion of the site in accordance with the Certificate of Approval issued by the Ministry of Environment (MOE).

On April 11, 2001, the Owner submitted an application to amend the By-law to permit a 2-storey, vehicle repair/office building to remain on Part 4 of the subject lands, whereas Exception 9(1033) (By-law 402-98) permits this parcel to be used for parking only. Exceptions are also required on Parts 4 and 6 of the site for a reduced interior side yard (east) for the vehicle repair/office building, the weigh scale building, and the material recovery facility.

**Background - Analysis and Options**

**Location**

The site is located southeast of Regional Road No. 7 and Creditstone Road, at 10 Freshway Drive, being Parts 1, 2, 4, 5 and 6 on Plan 65R-21264, in Lots 4 and 5, Concession 4, City of Vaughan. The 2.64 ha irregular-shaped site has access from Freshway Drive by way of an easement to the CN Rail Classification Yard. The surrounding land uses are:

- North - Canadian National Railway Classification Yard (EM4 Employment Area Transportation Zone)
- South - CN Classification Yard (EM4 Zone)
- East - CN Classification Yard (EM4 Zone)
- West - employment (EM2 General Employment Area Zone)

The subject lands are not visible from Regional Road 7 or Jane Street, and do not abut the Highway 407 right-of-way. On May 11, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole on June 8, 2001, to receive the Public Hearing and to forward a comprehensive report to a future Committee meeting was ratified by Council on June 25, 2001.

#### Site History

In 1995, applications for consent were made to sever the subject lands from CN Rail holdings. The subject lands were sold to Con-Wood Resources Ltd., a wood recycling operation. The use was originally exempt from the requirements of the By-law, however, once CN Rail was no longer the registered Owner of Parts 4 and 6, the use became subject to the requirements of the Zoning By-law.

Also in 1995, Canadian National Railway applied for a Zoning Amendment Application (File Z.95.095) to rezone the lands from EM4 Employment Area Transportation Zone to EM2 General Employment Area Zone with additional uses. The resulting By-law 402-98 permits a wholly enclosed material recovery facility on Part 6, and restricts Part 4 to a parking area with no buildings, structures or outside storage. Part 4 was developed with a 2-storey vehicle repair/office building and Part 6 was developed with a material recovery facility with outside storage, a trailer used to weigh trucks, and a concrete batching and mixing plant. The concrete batching and mixing plant is not a permitted use and has been dismantled.

The Owner has made an application to amend the By-law to permit the existing vehicle repair/office use and building on Part 4, and to exempt the existing structures from the interior side yard requirements. Application has also been made for Site Plan Approval for the development of two buildings on Part 6; an addition to the material recovery facility, as required by the MOE, and a new office building. Should the existing building be permitted to remain on Part 4, the applicant has indicated there is no intent to proceed with office building on Part 6.

#### Official Plan

The subject lands are designated "Railway Facilities" by OPA No.450 which states that should railway and related uses cease, the adjacent designation, which is "Employment Area General" would apply. The latter designation permits a broad range of industrial uses with outside storage, including waste recycling. The proposed development conforms to the Official Plan.

#### Zoning

The subject lands are zoned EM2 General Employment Area Zone by By-law 1-88, subject to Exception 9(1033). Exception 9(1033) does not permit outside storage on the site, or buildings or structures on Part 4 of the subject lands, but permits parking use only. As the lands were developed with a building, an amendment to the Zoning By-law is being proposed to permit both the building and the vehicle repair/office use.

The required interior side yard from any building or structure to the lot line is 6m. Both the material waste recovery building and the weigh trailer on Part 6, and the building on Part 4 are deficient. The access driveway for Part 4 lands encroaches into the CN Rail right-of-way, which is subject to an encroachment agreement between the two owners and also requires an exemption.

### Site Design

The subject lands are divided into two parts (Parts 4 and 6) by CN Rail's right-of-way easement, which extends from Freshway Drive through the subject lands to the CNR Classification Yard. The entire site is developed with four buildings. Although divided, the subject lands operate as one site with the vehicle repair/office building uses on Part 4 and the main material recovery facility on Part 6. Also located on Part 6 is the truck weighing station, with a related structure, and a stormwater management pond. A concrete batching plant previously on Part 6 of the lands has been dismantled. The site statistics are as follows:

Total Site Area:	2.64 ha
Gross Floor Area (4 buildings):	1273.8 m <sup>2</sup>
Proposed Addition and New Building:	1,600.0 m <sup>2</sup>
Landscaped Area:	800.0 m <sup>2</sup>
Parking Provided:	37 spaces

The 2 storey operations building on Part 6 is proposed with a flat roof to a height of 6.07m, and constructed with architectural block. The addition to the material recovery facility will be constructed of prefinished metal siding to a height of 12.8m.

### Planning Review

Exception 9(1033) states there shall be no requirement to provide or maintain parking areas on the subject lands. However, the site has 29 spaces, and an additional 6 have been proposed to serve the operations building on Part 6.

The majority of the proposed landscaping will be located around the operations building, and consists of coniferous trees and shrub planting. Additional planting is necessary to ensure the site complies with the minimum requirement of 5% landscaping for industrial zones. The final landscape plan shall be to the satisfaction of the Urban Design Department.

CN Rail has no objections to zoning application, but has concerns respecting the location of the 2-storey operations building, and does not recommend a permanent structure. CN advises that they have the right, registered on title to reacquire the property at any time in the future. In light of CN Rail's comments, this building could be subject to a temporary use by-law (up to 3 years), consistent with the recommendation for the office/vehicle repair building on Part 4. Both buildings would be re-evaluated in 3 years to determine if the use should be extended, and would require the submission of a new zoning amendment application.

### Ministry of Environment

In 1994, the MOE issued a Provisional Certificate of Approval (No. A230632) respecting the subject lands, subject to a condition that all waste be processed indoors at all times. The proposed addition to the material recovery facility would address this condition, and the requirement of no outside storage as stipulated in the current By-law requirement under Exception 9 (1033).

## **Conclusion**

Staff have reviewed the proposed Zoning By-law Amendment and Site Plan Application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law. Staff are satisfied that the subject lands can be appropriately developed with an addition to the waste material recovery facility and a new operations/office building, subject to approval of the site plan.

Staff also support temporary (up to 3 years) use of the vehicle repair/office building and the office/operations building, as well as the exceptions for reduced setbacks for the material recovery facility, truck weigh station, and office/vehicle repair buildings.

Should the Committee concur, the Zoning Amendment and Site Development applications, can be approved with the adoption of the recommendation in this report.

## **Attachments**

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevation - Material Recovery Facility
5. Elevation - Operations/Office Building

## **Report prepared by:**

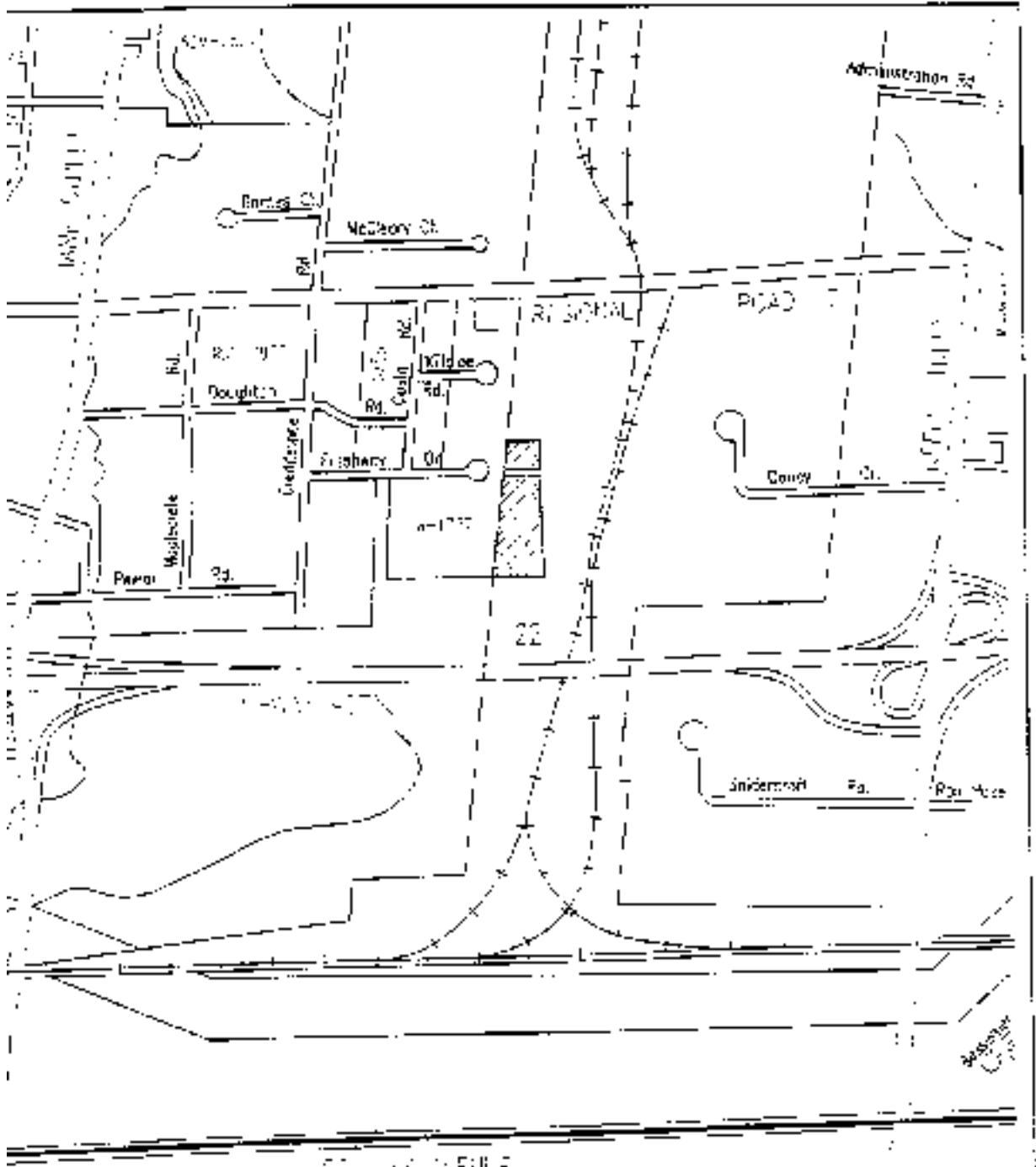
Arminé Hassakourians, Planner, ext. 8368  
Grant A. Uyeyama, Senior Planner, ext. 8635  
Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

/LG



**ATTACHMENT "1"  
LOCATION MAP**

FILE # 201-079  
 REPORT # 201-079  
 LOCATION 2P 4.5 2000-4



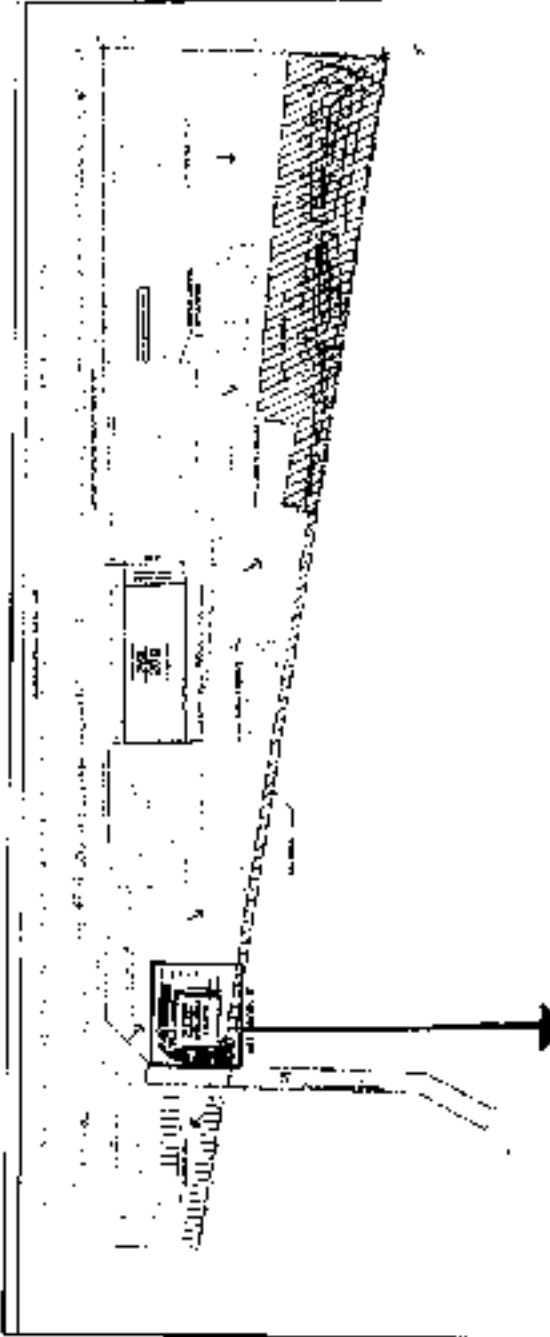
**SUBJECT LOT**

CITY OF WICHAM  
 PLANNING DEPARTMENT

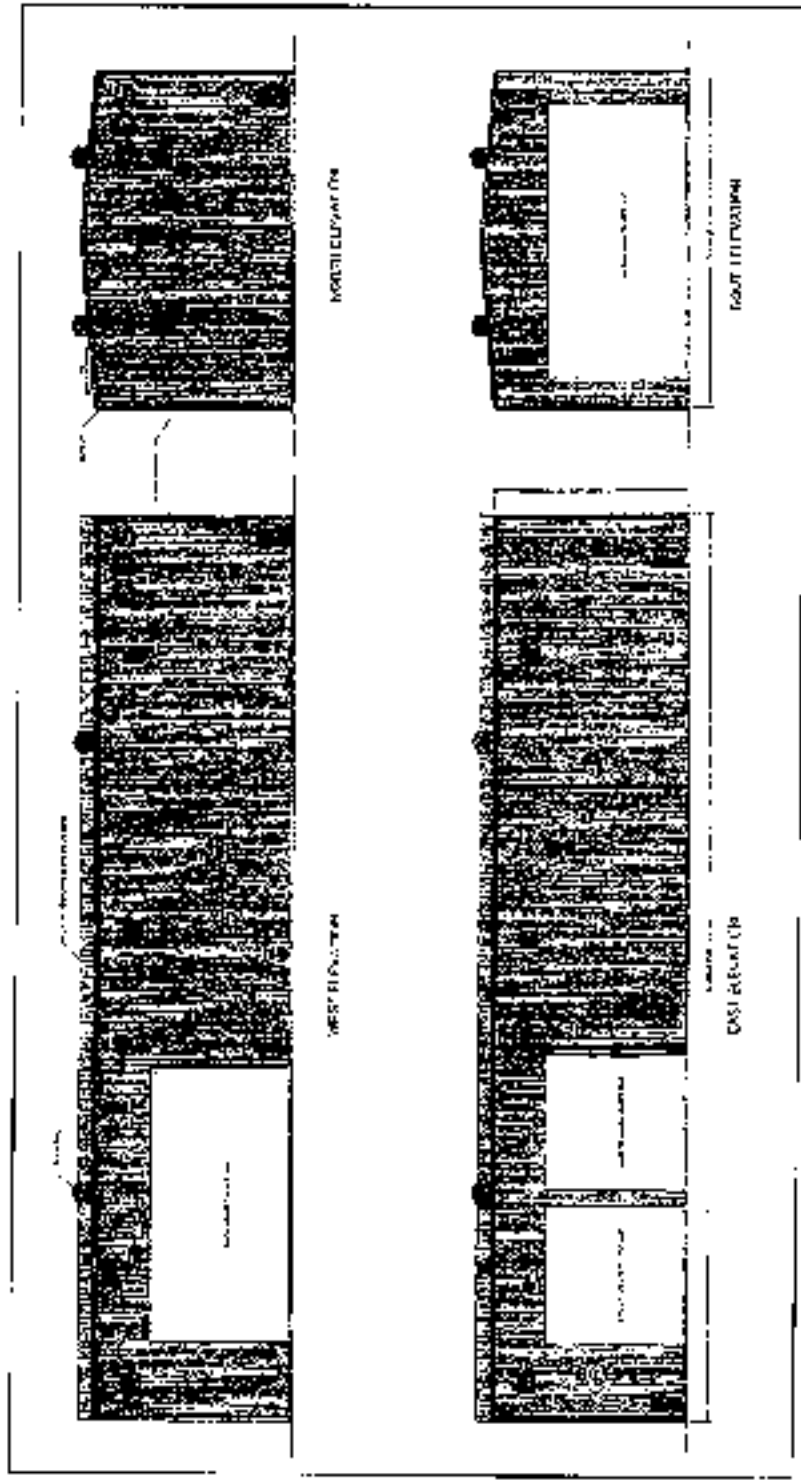
APPLICANT  
 WOLFBREATH PROPERTIES INC

DATE: 05/20/2001  
 SCALE: NOT TO SCALE





<p>ATTACHMENT '3'</p> <p>LANDSCAPE PLAN</p>		<p>FILE #</p> <p>3A.01.017</p>	<p>REPORT #</p> <p>160491</p> <p>DATE: 03/12/2008</p>	<p>APPLICANT</p> <p>WOLFEARTH PROPERTIES, INC.</p>	<p>SCALE</p> <p>NOT TO SCALE</p>
		<p>CITY OF VALPARAISO</p> <p>PLANNING DEPARTMENT</p>			



**ATTACHMENT 4**  
 ELEVATIONS  
 PROPOSED EXPANSION OF  
 MATERIAL RECOVERY FACILITY

DATE: 08/17/2001  
 SCALE: NOT TO SCALE

CITY OF WILCOX  
 PLANNING DEPARTMENT

APPLICANT: WILFREATH PROPERTIES, INC.

REPORT #:  
 LOCATION:  
 PART 10145 CONC. 4

SHEET #:  
 DATE: 07/17

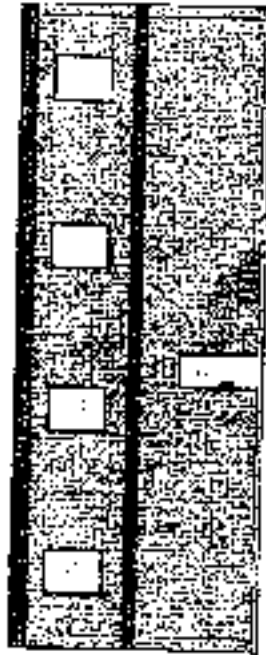
WEST ELEVATION

NORTH ELEVATION

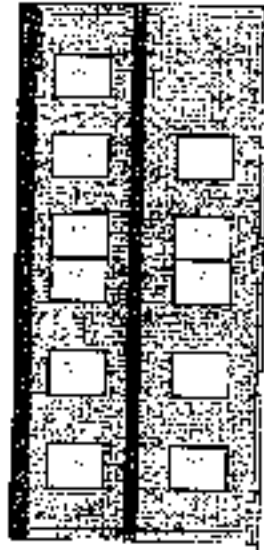
EAST ELEVATION

SOUTH ELEVATION

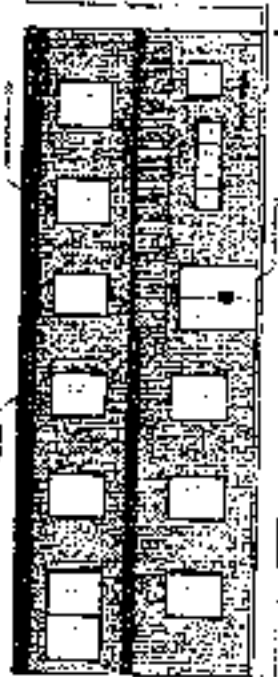




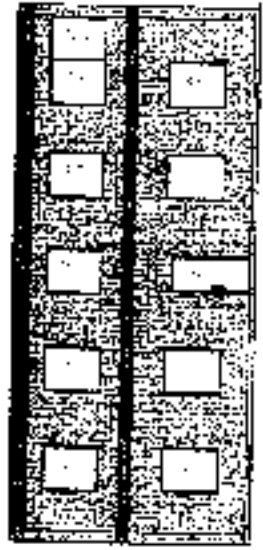
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

ATTACHMENT 5  
ELEVATIONS  
PROPOSED 2-STORY  
OPERATIONS/OFFICE BUILDING

FILE # 24.01.017  
REPORT # 2001.03.03.02.4

CITY OF WILMINGTON  
PLANNING DEPARTMENT  
DATE: 08/2/2001  
SCALE: NOT TO SCALE  
APPLICANT: MCL BREAST PROPERTIES, INC.