

COMMITTEE OF THE WHOLE NOVEMBER 19, 2001

**OFFICIAL PLAN AMENDMENT APPLICATION
ZONING BY-LAW AMENDMENT APPLICATION
REPORT #P.2000.105
GILBERT MICHAEL PLUMMER
FILES: OP.00.014 AND Z.00.064**

Recommendation

The Commissioner of Planning recommends:

THAT Official Plan Amendment Application OP.00.014 and Zoning By-law Amendment Z.00.064 (Gilbert Michael Plummer) BE REFUSED.

Purpose

On June 8, 2000 the Owner submitted applications to amend the Official Plan and Zoning By-law to permit a truck sales, repair centre (dealership) and gas bar facility, and commercial uses (a convenience store and drive-through eating establishment).

Background - Analysis and Options

The subject lands are located between Highway #50 and Cold Creek Road, north of Nashville Road, being 10901 Highway #50, in Part of Lot 27, Concession 11, City of Vaughan.

The 43,294 sq.m site has approximately 291 m of frontage on each of Highway #50 and Cold Creek Road. The depth of this through lot ranges from 116 m across the south, to 177 m across the north. The property is relatively flat, grass covered and developed with a detached dwelling. A drainage swale traverses the site. The surrounding land uses are:

- North - detached dwellings (A Agricultural Zone)
- South - vacant (C2 General Commercial Zone)
- East - Cold Creek Road, farm (A Agricultural Zone)
- West - Highway #50, farm (City of Brampton)

On November 17, 2000, a notice of public hearing was circulated to all property owners within 120 m of the subject lands, and to the Kleinburg and Area Ratepayers Association. Several responses have been received. Two letters of support were received, although concerns regarding sewage, water supply and drainage were raised. A landowner to the north expressed concern that the proposed uses are similar to their operation and the need for another truck center is questionable. The abutting neighbour to the north expressed concerned about site design, noise, fumes and lighting.

On December 18, 2000, Council received the public hearing and referred the item to Staff for technical review and a comprehensive report to Committee of the Whole.

Land Use Status

- a) York Region Official Plan

The lands are designated "Rural Policy Area" by the York Region Official Plan (YROP). The Plan states that commercial uses should generally be directed to urban areas. Limited commercial

uses are permitted, subject to an amendment to the municipal official plan, and when supported by a justification analysis.

The Region of York has indicated that the proposed development on private services adjacent to an "Urban Area" is contrary to the policies of the Regional Official Plan.

b) Vaughan Official Plan

The lands are designated "Rural Use Area" and "Valley and Stream Corridor" by OPA #600. Limited rural commercial uses are permitted subject to an amendment to the Official Plan. A justification analysis must be submitted in support of the proposed development, that addresses a number of defined issues.

c) Zoning

The subject lands are zone A Agricultural Zone. A zoning by-law amendment is required to permit the proposed commercial uses.

Justification Analysis

OPA #600 requires a justification analysis to support the proposed development. The following is a summary the Owner's submission and the issues addressed:

i. Need for the Proposed Use and Amount of Land Needed

The Applicant must demonstrate a need for the uses and the amount of land required. The analysis indicates that they will be serving the existing and growing trucking industry in the area. The site is close to warehousing (ie. Sears and FrastFrate) and developing markets.

The analysis notes that the proposed use is not suitable for the future employment area to the south, as municipal services are not required. The use requires a large land area relative to small water and sewage requirements. Access to highways in the area is also advantageous.

The Future Employment Secondary Plan Study is currently underway, and includes land along Highway #50 up to Nashville Road, just south of the subject lands. The Region of York is currently processing OPA #19, which will redesignate approximately 1000 ha to "Urban Area" in their official plan. This land is expected to accommodate the City's long term employment land demand. The proposed truck centre would be better located within the employment area.

ii. Location of the Proposed Use

The applicant must show that the proposed development is suitable in terms of impacts on the surrounding land uses, compared to alternative sites. The analysis provided no comparison to other available sites, but concludes that it would not be compatible with employment uses in the proposed employment area to the south.

A trucking centre located within the employment lands could be compatible with other employment uses with proper site planning. The use would be even closer to its future customers and still have easy access to the surrounding road network and existing operations, such as the rail classification yards and warehouses.

iii. Impact on Agricultural Land and Farming Activities

The applicant is required to identify and evaluate any impacts on surrounding agricultural uses. The analysis notes that the site is relatively isolated from other agricultural uses by Highway #50 and Cold Creek Road. Gartner Lee prepared an Agricultural Assessment, which concludes that, although the soils are of high quality, the proposed development will not cause the fragmentation of agricultural land due to its location and surrounding land uses. Dust is not expected to be an issue since surrounding crops will not be impacted.

Compliance with the Minimum Distance Separation Formulae of the Agricultural Code of Practice was not demonstrated. The Agricultural Assessment notes that a number of nearby properties raise livestock, such as sheep, cows and poultry.

iv. Servicing

The applicant must demonstrate that the development can be serviced by an individual well and septic system. Gartner Lee submitted a Groundwater Supply and Septic Suitability Study which concluded that the groundwater generally meets the Ontario Drinking Water Standards, however, treatment will be required for bacteria, hardness, and possibly iron. If the bacteria content is confirmed with re-testing, it will limit the use of the water as a potable source.

The septic system will need to be a raised tile bed and the effluent will require treatment for nitrate nitrogen prior to discharge to the tile bed. This is necessary to meet the Ontario Drinking Water Standards.

v. Compatibility

Compatibility of the proposed development with the surrounding existing and proposed uses must be shown by the applicant. Any potential impacts must be identified and mitigation measures proposed. The analysis indicates that the truck centre is compatible with the existing truck centre located north of the subject lands, and the undeveloped commercial property immediately to the south. It also notes that it is north of the proposed employment lands.

The analysis suggests that compatibility with the abutting residential uses can be addressed through berming, fencing, landscaping and other design measures. The specifics of these measures have not been detailed and the conceptual site plan does not include these design considerations. Compatibility with the abutting residential use has not been clearly demonstrated.

vi. Environment

The Applicant submitted an Environmental Impact Study prepared by Gartner Lee Limited which addresses a number of items including; hydrological function, significant natural areas, vegetation and wildlife habitat. Its primary conclusion was that the proposed development would have a minor, insignificant impact. The stormwater management system needs to be designed to maintain its current open water design to provide an opportunity for use by wildlife.

This report was reviewed by City Staff and the Toronto and Region Conservation Authority and both concurred with the findings. Should the applications be approved, a site plan will be required prior to enactment of a zoning by-law to ensure that the recommendations made in the Study are implemented.

Conceptual Site Plan

The conceptual site plan submitted shows 3 distinct uses. The primary use is the truck dealership and service bays, which along with the associated parking and display area, occupies approximately half of the site.

The southern half of the site is occupied by a 6-lane gas bar/card lock facility and a 2 lane drive-through eating establishment, with some parking. An open area along the south side of the property will provide a location for the septic system.

Access will be from both Highway #50 and Cold Creek Road.

Traffic

The Region of Peel has no objection to the applications subject to a number of road improvements. These improvements include upgrading the Nashville Road/Countryside Drive and Highway #50 intersection. Turning lanes on Highway #50 will also be required.

The Region of York does not consider the development to be suitable for the area as it will have significant traffic problems.

The City of Vaughan Engineering Department recommends that left turns onto Highway #50 be prohibited from the site. A feasibility study would be required to address resurfacing and widening of Cold Creek Road, and the possible realignment of the Cold Creek Road/Nashville Road intersection.

Highway #427

The City of Brampton has objected to the proposal as the subject lands are within a feasible corridor for the extension of Highway #427. The Regions of York and Peel also raised a concern regarding alternative alignments for Highway #427. The Region of York believes that the development will prejudice the Environmental Assessment and preferred alignment for the extension.

The alignment for the future extension of Highway #427 has not been determined. It is premature at this time to approve these applications as it could prejudice the routing options of Highway #427.

York/Peel Boundary Arterial Transportation Study

The Region of Peel has commented that there should be no development permitted within the York/Peel Boundary Arterial Transportation Study, until the study has been finalized. The subject lands are within this study area.

Conclusion

Official Plan Amendment #600 permits limited commercial development in the "Rural Use Area", subject to an amendment to the official plan. The intent of this "limited" development is to permit small-scale development that can be suitably located within a predominantly rural area. The scale and scope of the proposed development does not meet this intent, being a combination employment/highway commercial use of a large scale. These uses cannot be considered compatible with the existing residential and agricultural uses.

The proposed uses would be more suitably located within an employment area. The current Future Employment Secondary Plan Study may designate 1000 ha of land as a new employment area in the west portion of the City. This area is located just south of the subject lands and would be an appropriate location for the proposed use.

The alignment of the Highway #427 extension could feasibly affect the subject lands. Until the alignment has been determined, approval of these applications would be premature and would prejudice the Environmental Assessment and the routing options for the highway.

Based on these concerns, Staff recommends that the applications be refused. Should Committee concur, the Recommendation can be adopted.

Attachments

1. Location Map
2. Conceptual Site Plan

Report prepared by:

Todd Coles, Planner, ext. 8634
Art Tikiryán, Senior Planner, ext. 8212
Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

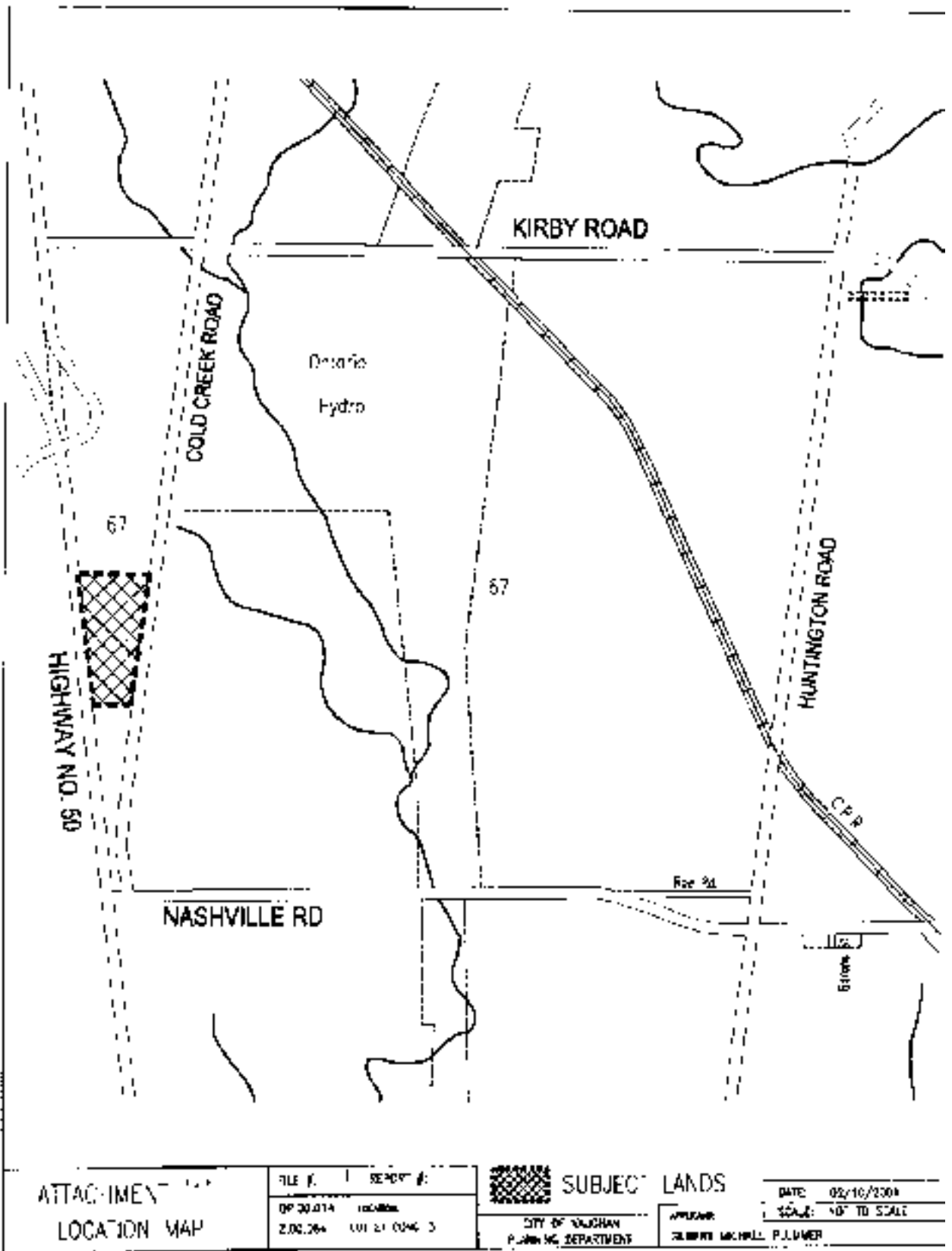
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning and Urban Design

JOANNE R. ARBOUR
Director of Community Planning

/CM

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ATTACHMENT
LOCATION MAP

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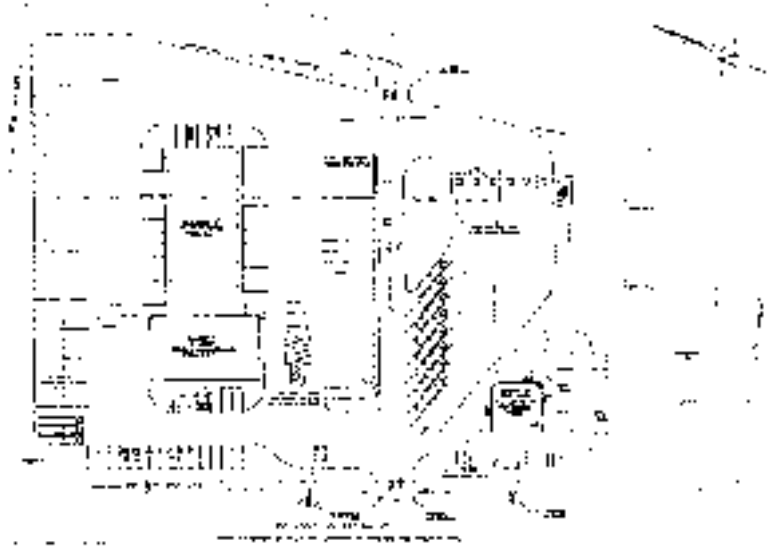
SUBJECT LANDS

CITY OF SAUGHAN
PLANNING DEPARTMENT

APPROVED:
CLIFFORD MICHELL, PLANNER

DATE: 02/10/2009
SCALE: 1" = 100' TO SCALE

MADE BY: J. J. J.
 DATE: 10/1/77
 PROJECT: 10/1/77



SITE DATA

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|-------------|--------|
| TOTAL AREA | 10,000 |
| CONCRETE | 1,000 |
| ASPHALT | 1,000 |
| PAVING | 1,000 |
| LANDSCAPING | 1,000 |
| UTILITIES | 1,000 |
| ROADS | 1,000 |
| WATER | 1,000 |
| SEWER | 1,000 |
| STORM | 1,000 |
| TOTAL | 10,000 |

ATTACHMENT 1
 SITE PLAN
 DATE: 10/1/77
 DRAWN BY: J. J. J.
 CHECKED BY: J. J. J.
 PROJECT: 10/1/77