

COMMITTEE OF THE WHOLE JUNE 23, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.040
SITE DEVELOPMENT FILE DA.08.057
K & K HOLDINGS LTD.
WARD 1**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.040 (K & K Holdings Ltd.) BE APPROVED, to amend the A Agricultural Zone standards in site-specific Exception 9(1240) of By-law 1-88, for the lands shown on Attachment #2, to permit the following:
 - a) a Motor Vehicle Sales Establishment as a permitted use on Parcel "A" of the subject lands with a minimum lot area of 1.35 ha in order to facilitate the development of a 3,050 m² establishment restricted to the sales and service of farm/heavy equipment/trucks;
 - b) a minimum lot area of 1.0 ha devoted to a future place of worship use on Parcel "B" of the subject lands;
 - c) a minimum lot area of 3.11 ha for Parcel "C" of the subject lands devoted to agricultural uses; and,
 - d) a minimum lot frontage of 60 m for Parcel "B".
2. THAT Site Development File DA.08.057 (K & K Holdings Ltd.) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the Owner shall satisfy all requirements of the Vaughan Development Planning Department and PowerStream Inc.;
 - ii) the Owner shall satisfy all requirements of the Vaughan Engineering Department, including infrastructure improvements in the near future and the recommendations of Transportation Engineering, including the future overpass and the implications on the entire subject lands owned by the applicant;
 - iii) the Owner shall provide exterior metal wall panel, brick and colour samples to the satisfaction of the Vaughan Development Planning Department; and,
 - iv) the final elevation plans shall include brick masonry and stone into the design of the front façade to the satisfaction of the Vaughan Development Planning Department;
 - b) that the Site Plan Letter of Undertaking include the following provisions:
 - i) "The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent 2% of the value of the subject lands prior to the issuance of a Building Permit, in accordance

with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands, for the commercial component prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment"; and,

- ii) "Prior to any conveyance of land, or issuance of a Building Permit, whichever comes first, documented proof of the satisfactory registration of the Record of Site Condition signed by a qualified person and the Acknowledgment from the Ministry of Environment shall be provided to the satisfaction of the Vaughan Engineering Department".
3. Prior to the issuance of a Building Permit, the Owner shall provide plumbing drawings showing that the building drainage and oil/grease interceptors are properly connected to the sanitary drainage system, to the satisfaction of the Vaughan Building Standards Department.

Contribution to Sustainability

The applicant has advised that the following sustainable features will be provided within the site and building design:

- a) **Materials:**
 - i) locally sourced and manufactured masonry, concrete and wood products;
 - ii) wherever possible, the application of renewable materials will be utilized;
 - iii) recycled concrete products where appropriate;
 - iv) low volatile organic compounds (VOC) built into components and finishing materials (flooring, wall coverings and water based varnishes), which produce fewer off-gasses and are less hazardous to inhabitants;
 - v) energy efficient mechanical systems and components, including a combination furnace and energy efficient fans; and,
 - vi) energy efficient HVAC system.
- b) **Stormwater Management:**
 - i) water efficient low-flush toilets and urinals; and,
 - ii) design includes stormceptor (oil/grease separator) prior to discharge of the storm sewer effluent from the site which provides proper quality control of stormwater runoff as per MOE Guidelines.
- c) **Building Envelope:**
 - i) higher level R-Value windows with solar film and greater air tightness to minimize air leakage.
- d) **Site Conditions:**
 - i) the storage and collection of recyclables with a specific area dedicated to the storage of recyclable material within the building

Economic Impact

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

Communications Plan

On October 10, 2008, a Notice of Public Meeting was circulated to all property owners within 120m of the subject lands. No comments were received from the notice circulation. The Public Meeting was held on November 3, 2008 and considered the zoning by-law amendment pertaining to the additional use of a Motor Vehicle Sales Establishment in the A Agricultural Zone. The recommendation to receive the report and for a technical report to be forwarded to a future Committee of the Whole meeting was ratified by Council on November 10, 2008.

Purpose

The Owner has submitted the following applications:

1. A Zoning By-law Amendment Application (File Z.08.040) to amend the A Agricultural Zone standards in site-specific Exception 9(1240) of By-law 1-88, on the subject lands shown on Attachment #2, to permit the following:
 - a) a Motor Vehicle Sales Establishment as a permitted use on Parcel "A" of the subject lands with a minimum lot area of 1.35 ha in order to facilitate the development of a 3,050 m² establishment for the sales and service of farm/heavy equipment/trucks;
 - b) a minimum 1.0 ha lot area devoted to a future place of worship use on Parcel "B" of the subject lands;
 - c) a minimum lot area of 3.11 ha on Parcel "C" of the subject lands devoted to agricultural uses; and,
 - d) a minimum lot frontage of 60 m for Parcel "B".
2. A Site Development Application (File DA.08.057) to permit a one storey, 3050 m² establishment for the sales and service of farm/heavy equipment/trucks, with a two storey ancillary office use and 129 parking spaces, as shown on Attachment #3.

Background - Analysis and Options

Location

The vacant 1.35 ha Parcel "A" of the subject lands, which is part of an overall 6.8 ha site shown on Attachment #2, is located on the west side of Keele Street and on the north side of Kirby Road, in Part of Lot 31, Concession 4, City of Vaughan. Parcel "A" of the subject lands, which is the subject of the site plan application, has frontage of approximately 80 m on Kirby Road. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Agriculture Area" in OPA #600 and are further identified as "Special Policy Area", subject to development opportunities for appropriate long term uses within the surrounding area not being undermined by the proposed development.

Within the "Agriculture Area" policies of OPA #600, agricultural and farm-related uses directly related to agriculture are permitted. The proposed farm/heavy equipment/truck sales and service centre will serve the surrounding agricultural area through the sales and service of farm-related heavy equipment and trucks. The proposed use and development of the site conforms with the requirements of the "Agriculture Area" policies of the Official Plan.

Zoning

The subject lands are zoned A Agricultural Zone By-law 1-88, and subject to Exception 9(1240). The actual overall Agricultural landholding is 5.46 ha, whereas the site-specific by-law requires a minimum lot area of 5.25 ha. The Owner is requesting the following exceptions to implement the proposed development for the site:

	A Agricultural Zone Standards under By-law 1-88 and Exception 9(1240)	Proposed Changes to the A Agricultural Zone Standards of By-law 1-88
Motor Vehicle Sales Establishment Use on Parcel "A"	Not Permitted	Permit as an Additional Use
Minimum Lot Area for Parcel "A" (Motor Vehicle Sales Establishment)	5.25ha	1.35 ha
Minimum Lot Area for Parcel "B" (Future Place of Worship)	5.25 ha	1.0 ha
Minimum Lot Area for Parcel "C" (Remaining Agricultural Lands)	5.25 ha	3.11 ha
Minimum Lot Frontage for Parcel "B" (Future Place of Worship)	100 m	60 m

The development of the subject lands is expected to occur in the following two phases:

- i) the first phase being the development of the proposed farm/heavy equipment/truck sales and service centre on Parcel "A"; and,
- ii) the second phase being the future development of the place of worship with the balance of the lands used for agricultural purposes on Parcels "B" and "C", respectively.

The farm/heavy equipment/truck sales and service centre use is consistent with the policies of the Official Plan as it is farm-related and will service the surrounding agricultural community. Site-specific Exception 9(1240) permits a minimum lot area of 5.25 ha in the agricultural zone for the subject lands. The Owner requires reductions in the lot area for Parcels "A", "B" and "C" and a reduction in the minimum lot frontage for Parcel "B" in order to facilitate the future severances on the subject lands. The requested exceptions are considered appropriate for the development of the property.

Site Plan

The 1.35 ha Parcel "A" is part of an overall 5.46 ha site shown on Attachment #2. The Owner intends to sever the subject lands in a future severance application with the Vaughan Committee of Adjustment. The proposed farm/heavy equipment/truck sales building is situated in the middle of the future severed lot (Parcel "A") on Attachment #3, with 79 parking spaces located along Kirby Road. The main building entrance to the ancillary office use is located along Kirby Road. The loading doors for truck and heavy equipment are located away from Kirby Road, along the west, north and east elevations.

The parking requirements for the lands identified as Parcel "A" on Attachment #2 and as shown on Attachment #3 is provided below:

By-law 1-88 Parking Requirement Standard	Parcel "A" Required Parking	Parcel "A" Proposed Parking
Motor Vehicle Sales Establishment Use (3 spaces per 100 m ² GFA @ 3,050 m ²)	92 spaces	129 spaces

The Owner proposes 50 larger size parking spaces at the rear of the building that are 3.6m by 12.0m in size, which exceeds the minimum 2.7m by 6.0m standard parking space size. The rear parking spaces would have a dual purpose of accommodating both vehicle and truck parking. The proposed Motor Vehicle Sales Establishment has a surplus of 37 parking spaces.

The Development Planning Department is generally satisfied with the proposed landscaping of the subject lands. Given the nature of the proposed use with respect to the maneuvering of large farm and truck vehicles in the rear parking area, the Development Planning Department has negotiated additional landscape treatment in front of the building and within the front parking area, which is enhanced with interlocking brick. The front parking area has been broken up with landscaped islands and planted with 60mm caliper trees.

The Development Planning Department is satisfied with the proposed site plan and landscape plan, as shown on Attachments #3 and #4, subject to the recommendations of this report.

The Development Planning Department has reviewed the proposed building elevations as shown on Attachment #5 and has no objection, except for the front façade. The Development Planning Department requires the front façade to be upgraded with the incorporation of brick masonry and stone in a manner similar to the elevations to the existing service centre at the northwest corner of Keele Street and Kirby Road. The Owner is willing to work with the Development Planning Department to finalize the material selections. A condition of approval that the building elevations be to the satisfaction of the Development Planning Department has been included in the recommendation section of this report.

Severances

The Owner proposes to sever Parcel "A" from the overall lands to facilitate the proposed Motor Vehicle Sales Establishment use, which would result in a lot area of 1.35 ha, whereas the By-law Exception 9(1240) requires a minimum lot area of 5.25 ha.

The severance of Parcel "B" to facilitate the future place of worship would generate a lot frontage of approximately 60 m along Kirby Road, whereas 100 m lot frontage is the minimum requirement under By-law 1-88. The future severance as shown on Attachment #2, would result in lot areas of 1.0 ha for Parcel "B" and 3.11 ha for Parcel "C", as noted in the zoning section of this report, whereas By-law Exception 9(1240) requires a minimum lot area of 5.25 ha.

Access

The primary vehicular access to Parcel "A" will be by way of an entrance off Kirby Road. A secondary vehicular entry is proposed along the future east property line upon the severance of Parcel "B" from the overall lands, as shown on Attachment #2, and the development of the Place of Worship. The Owner has advised the Development Planning Department that the severance of Parcel "B" would include an approximately 23 m wide driveway and landscaped area for a private condominium common element road. The Owner intends to maintain the driveway as a private road. The Vaughan Engineering Department has advised that the City will have no interest to assume the road in the future. The future Place of Worship will allow access by the

Owners of the Motor Vehicle Sales Establishment by way of a mutual access easement. This would allow the use of the secondary access entry to Parcel "A", when the future Place of Worship is developed.

Vaughan Engineering Department

The Vaughan Engineering Department has provided their review of the servicing, grading and stormwater management plans and comments that prior to any conveyance of land, or issuance of a building permit, whichever comes first, documented proof of the satisfactory registration of the Record of Site Condition signed by a qualified person and the Acknowledgment from the Ministry of Environment be provided to the satisfaction of the Vaughan Engineering Department. A condition of approval to this effect has been included in the recommendation section of this report.

In response to Council's concerns at the November 3, 2008 Public Meeting respecting provisions to contain potential on-site oil spills, the Owner has assured in a memorandum dated May 22, 2009 that the site design includes provisions for a stormceptor (oil/grit separator) prior to any discharge of the storm sewer effluent from the site, in accordance with the proper quality control of stormwater runoff as per the Ministry of Environment guidelines, of which a condition to this effect is included in the recommendation of this report.

The Vaughan Engineering Department requires the Owner to convey part of the subject lands along the Kirby Road right-of-way (524.37 m²) to the City for a future required Kirby Road overpass, as shown on Attachment #3. The widening would accommodate a future bridge over the Canadian National Railway right-of-way (GO Transit).

All requirements, including but not limited to, the final servicing, grading and stormwater management plans must be approved to the satisfaction of the Vaughan Engineering Department.

GO Transit

GO Transit is generally satisfied with the development proposal and has recommended an engineered retaining wall feature with an incorporated crash barrier function along the entire west property line of Parcel "A", in conjunction with the minimum 15 m building setback for derailment protection. The Owner currently proposes a minimum 17 m building setback from the railway right-of-way. The applicant will continue to work with GO Transit on the final design for the retaining wall. The final design of the retaining wall will be approved through the Building Permit process, to the satisfaction of the Vaughan Building Standards and Engineering Departments.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

N/A

Regional Implications

The subject lands are designated "Rural Policy Area" within the Region of York Official Plan. Within the rural policy area, farm-related uses are permitted if they are consistent with the policies of the municipal official plan. The proposed development meets the objectives of the Region's Official Plan.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.08.040 and Site Development File DA.08.057 in accordance with the Regional Official Plan, the City of Vaughan Official Plan and Zoning By-law, and the comments from City Departments and external public agencies. The Development Planning Department is satisfied that the proposed development is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the recommendations of this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan - Parcel "A"
4. Landscape Plan - Parcel "A"
5. Building Elevations - Parcel "A"

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG

Attachment



FILES:
Z.08.040 & DA.08.057

DATE:
June 01, 2009



The City Above Toronto

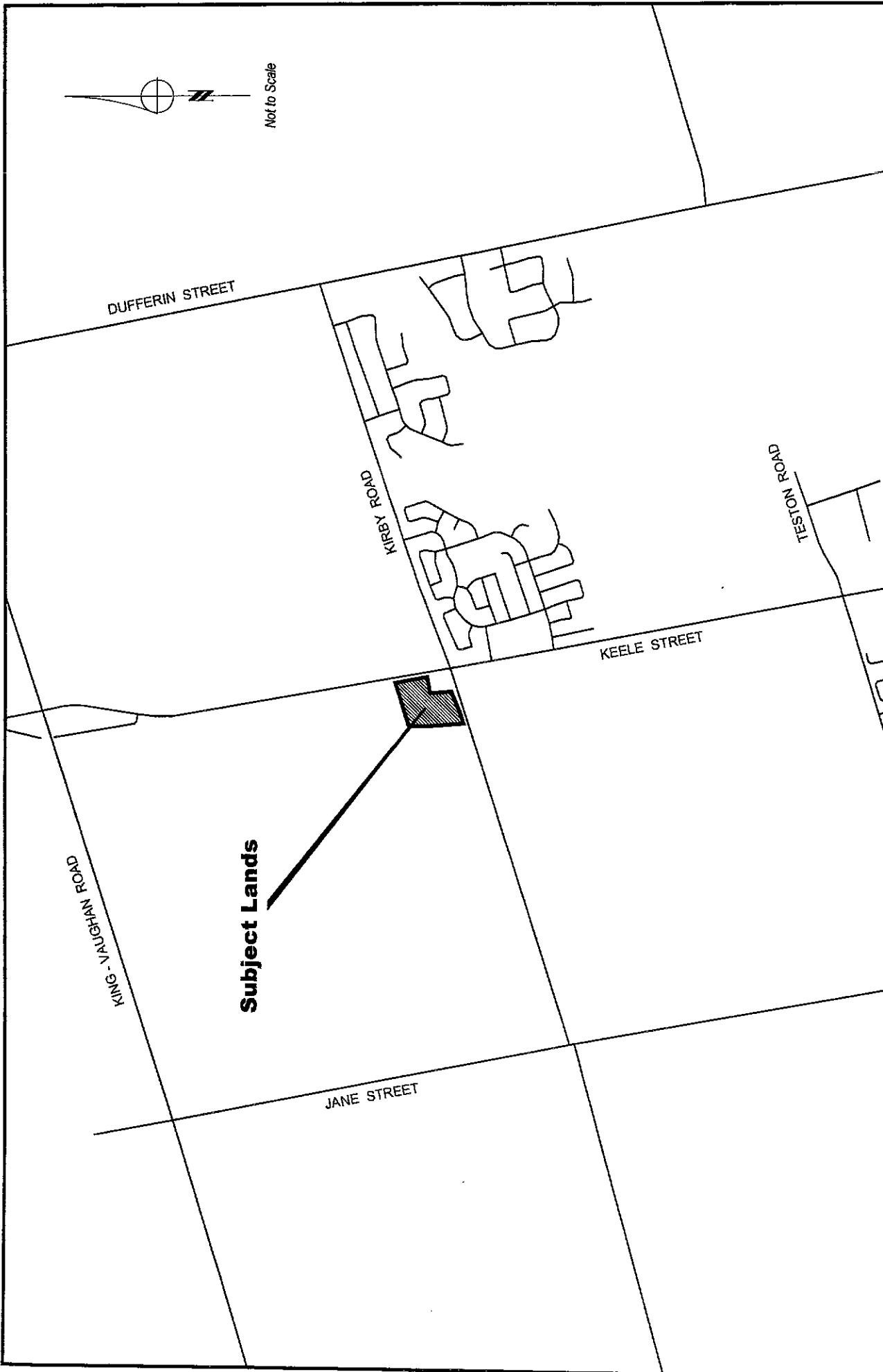
Development Planning Department

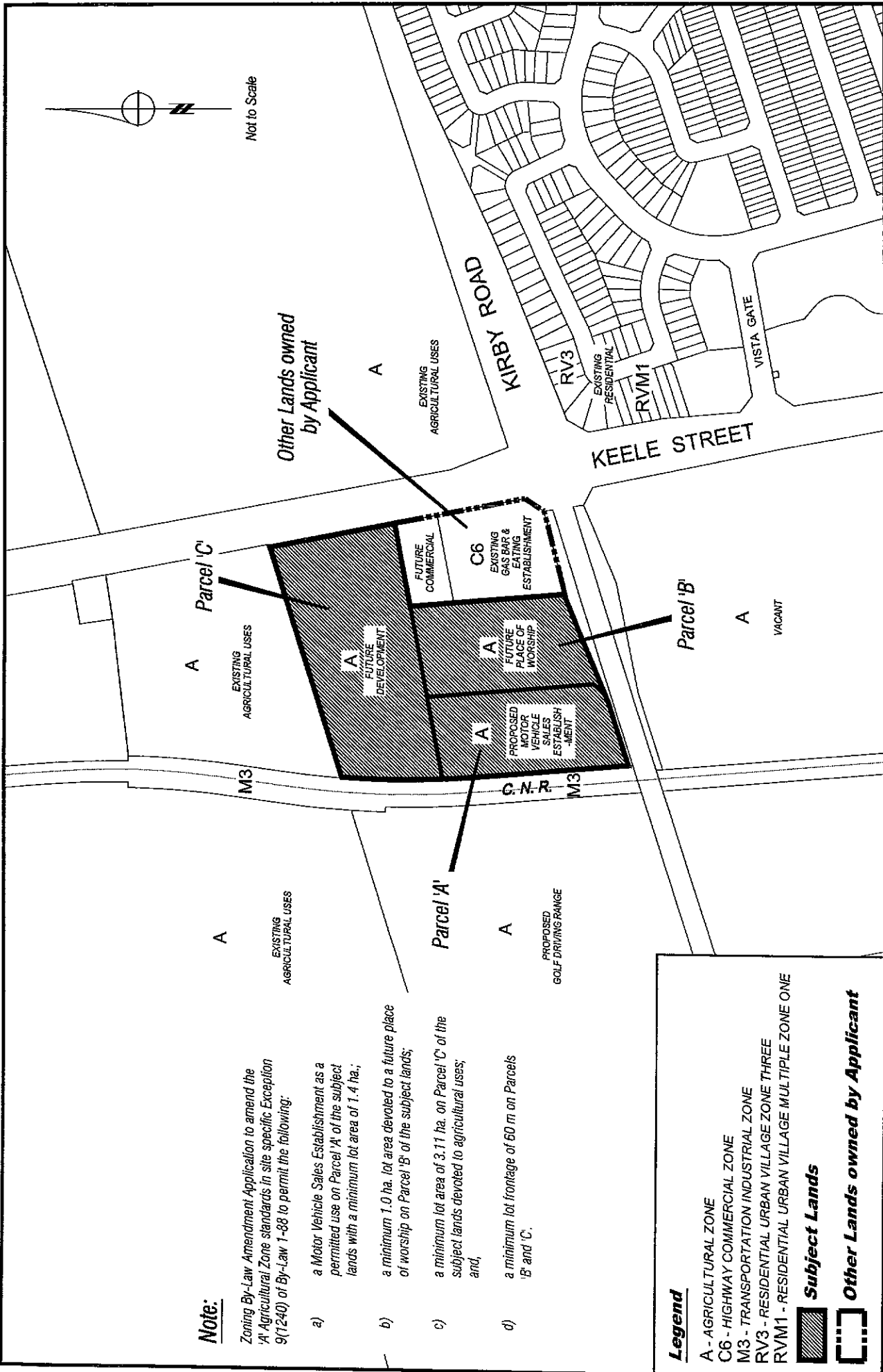
Context Map

LOCATION:
Part Lot 31, Concession 4

APPLICANT:
K & K HOLDINGS LTD.

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Note:

Zoning By-Law Amendment Application to amend the 'A' Agricultural Zone standards in site specific Exception 9(1240) of By-Law 1-88 to permit the following:

- a) a Motor Vehicle Sales Establishment as a permitted use on Parcel 'A' of the subject lands with a minimum lot area of 1.4 ha.;
- b) a minimum 1.0 ha. lot area devoted to a future place of worship on Parcel 'B' of the subject lands;
- c) a minimum lot area of 3.11 ha. on Parcel 'C' of the subject lands devoted to agricultural uses; and,
- d) a minimum lot frontage of 60 m on Parcels 'B' and 'C'.

Legend

- A - AGRICULTURAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- M3 - TRANSPORTATION INDUSTRIAL ZONE
- RV3 - RESIDENTIAL URBAN VILLAGE ZONE THREE
- RVM1 - RESIDENTIAL URBAN VILLAGE MULTIPLE ZONE ONE

Subject Lands

Other Lands owned by Applicant

Location Map

LOCATION:
Part Lot 31, Concession 4

APPLICANT:
K & K HOLDINGS LTD.

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The City Above Toronto

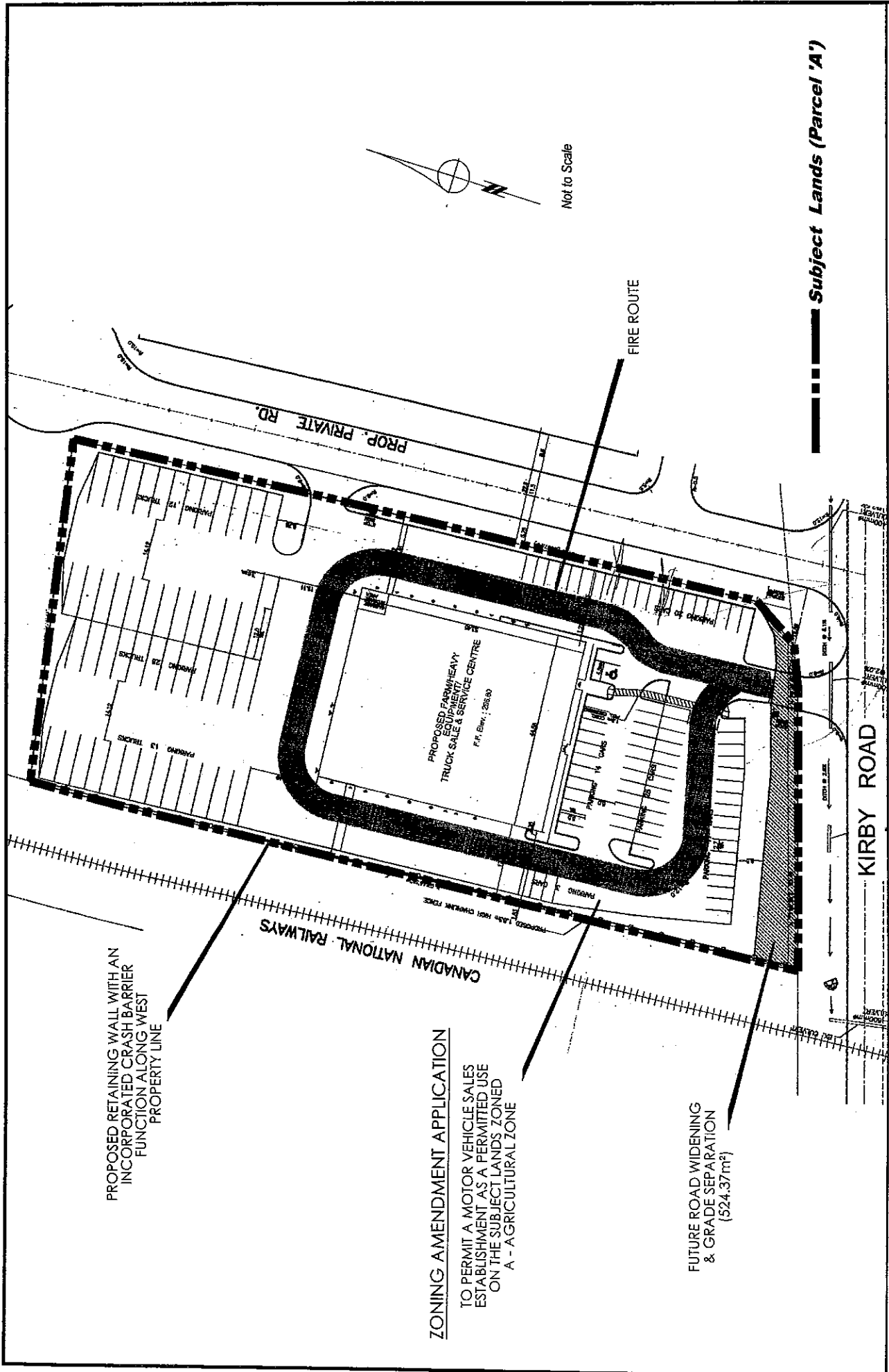
Development Planning Department

Attachment

FILES:
Z:08.040 & DA.08.057

DATE:
June 01, 2009

2



PROPOSED RETAINING WALL WITH AN INCORPORATED CRASH BARRIER FUNCTION ALONG WEST PROPERTY LINE

CANADIAN NATIONAL RAILWAYS

ZONING AMENDMENT APPLICATION
 TO PERMIT A MOTOR VEHICLE SALES ESTABLISHMENT AS A PERMITTED USE ON THE SUBJECT LANDS ZONED A - AGRICULTURAL ZONE

FUTURE ROAD WIDENING & GRADE SEPARATION (524.37m²)

Not to Scale

Subject Lands (Parcel 'A')

Site Plan - Parcel 'A'

LOCATION:
 Part Lot 31, Concession 4
 APPLICANT:
 K & K HOLDINGS LTD.

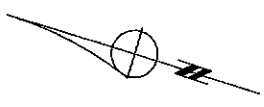
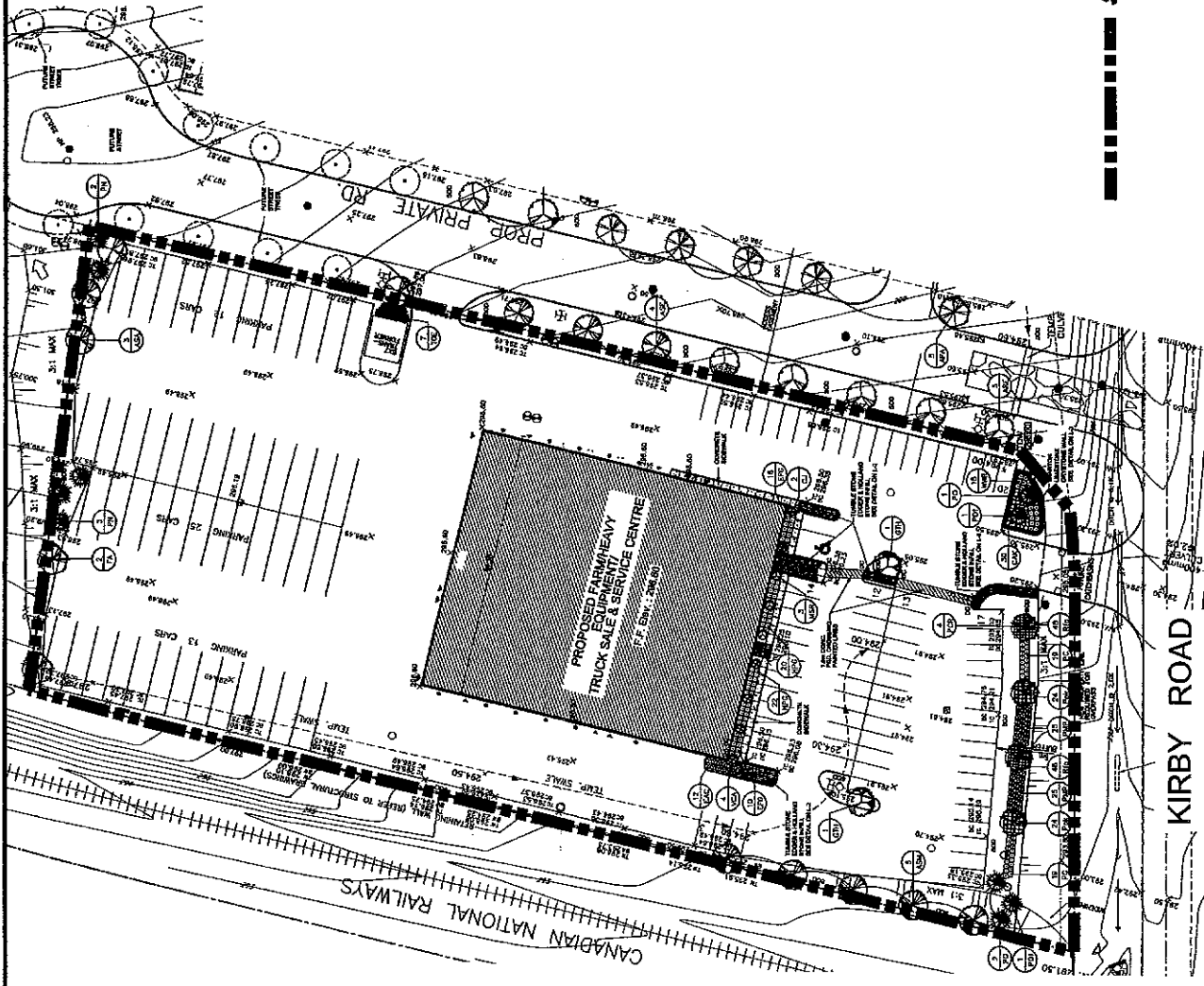


Development Planning Department

Attachment 3

FILES:
 Z.08.040 & DA.08.057
 DATE:
 June 01, 2009

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Not to Scale

Subject Lands (Parcel 'A')

Landscape Plan - Parcel 'A'

LOCATION:
Part Lot 31, Concession 4

APPLICANT:
K & K HOLDINGS LTD.



Development Planning Department

Attachment

FILES:
Z.08.040 & DA.08.057

DATE:
June 01, 2009

4

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THE FINAL SOUTH ELEVATION (FRONT FACADE) SHALL INCLUDE BRICK MASONRY & STONE TO THE SATISFACTION OF THE DEVELOPMENT PLANNING DEPARTMENT

SOUTH ELEVATION (KIRBY ROAD)

SEALED DOUBLE GLAZED ALUMINIUM WINDOWS (TYPICAL)

PRE-FINISHED INSULATED METAL WALL PANELS (TYPICAL)

NORTH ELEVATION

PRE-FINISHED METAL WALL PANELS (TYPICAL)

PRE-FINISHED INSULATED METAL WALL PANELS (TYPICAL)

EAST ELEVATION

14' x 14' INSULATED METAL OVERHEAD DOORS (TYPICAL)

SEALED DOUBLE GLAZED ALUMINIUM WINDOWS (TYPICAL)

PRE-FINISHED METAL WALL PANELS (TYPICAL)

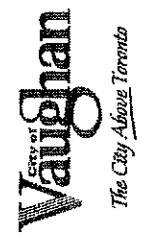
WEST ELEVATION

Building Elevations - Parcel 'A'

LOCATION:
Part Lot 31, Concession 4

APPLICANT:
K & K HOLDINGS LTD.

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