

COMMITTEE OF THE WHOLE FEBRUARY 28, 2012

**ZONING BY-LAW AMENDMENT FILE Z.10.002
SITE DEVELOPMENT FILE DA.11.086
2109179 ONTARIO INC.
WARD 1
(Deferred)**

Council, at its meeting of February 21, 2011, adopted the following (Item 11, Report No. 4):

That consideration of this matter be deferred to the February 28, 2012 Committee of the Whole meeting; and

That Communication C1 from Ms. Rosemarie L. Humphries, dated February 7, 2012, be received.

Committee of the Whole recommendation of February 7, 2012:

- 1) That consideration of this matter be deferred to the April 3, 2012 Committee of the Whole meeting;
- 2) That the coloured elevation drawings submitted by the applicant, be received;
- 3) That the following deputations and communications be received:
 1. Mr. Antony Niro, 333 Laurentian Boulevard, Maple, L6A 2V3 and Communication C6, dated February 6, 2012; and
 2. Ms. Rosemarie Humphries, Humphries Planning Group, 216 Chrislea Road, Suite 103, Vaughan, L4L 8S5 and Communication C8, dated February 7, 2012, on behalf of the applicant; and
- 4) That Communication C7 from The Neys, dated February 6, 2012, be received.

Report of the Commissioner of Planning, dated February 7, 2012.

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.10.002 (2109179 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the A Agricultural Zone, and Section 3.24 "Prohibited Use", on the subject lands shown on Attachments #1 and #2, to maintain a portable dry batch concrete production plant (mixing plant) use for a temporary maximum period of 3 years (maximum permitted by the Planning Act) with accessory office, truck repair and outdoor storage of materials, equipment and machinery in the manner shown on Attachment #3, together with the zoning exceptions identified in Table1 of this report.
2. THAT the implementing Zoning By-law include the following:
 - i) site-specific definition for a "Mixing Plant"

"Mixing Plant – for the purpose of this paragraph, means an existing building(s) or structure(s) or part of a building(s) or structure(s), where only concrete is mixed or batched, weighed and measured for mixing off-site. The following

accessory uses shall be permitted, provided such uses are operated accessory to the mixing plant located on the subject lands only:

- i) truck repair located in the existing concrete block building only (Attachments #3 and #5);
 - ii) office use;
 - iii) outside storage of sand, gravel and equipment, and machinery accessory to the mixing plant use only (Attachment #3). The outside storage of all other materials shall not be permitted."
3. THAT Site Development File DA.11.086 (2109179 Ontario Inc.) BE APPROVED, to recognize the existing temporary portable dry batch concrete production plant, with accessory office, truck repair and outdoor storage of materials, equipment and machinery, in the manner shown on Attachment #3, subject to the following conditions:
- a) that prior to the execution of the Site Plan Letter of Undertaking, the final site plan and building elevations shall be approved by the Vaughan Development Planning Department;
 - b) that the applicant provide a Letter of Credit to the City of Vaughan in the amount of \$10,000 to cover the cost of any road surface repairs to King-Vaughan Road in proximity to the site entrance which are necessary due to damage from trucks entering and leaving the site. The Letter of Credit shall be released after King-Vaughan Road is reconstructed by the City; and,
 - c) that the site plan drawings be revised to require that the driveway be paved a minimum of 30 m back from King Vaughan Road, to the satisfaction of the Vaughan Development/Transportation Engineering Development.
4. THAT Vaughan Council enact the necessary by-law to amend the Comprehensive Traffic By-law 284-94 to remove the half load restriction on King-Vaughan Road from Weston Road to Jane Street during the period between May 1st and November 30th.

Contribution to Sustainability

The Zoning By-law Amendment and Site Development Applications seek permission to maintain an existing concrete batching plant use within existing structures on the site, and therefore, there are no sustainable features proposed.

Economic Impact

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

Communications Plan

On April 16, 2010, a Notice of Public Hearing was circulated to all property owners within 1000m of the subject lands. In accordance with the City of Vaughan "Notice Signs Procedures and Protocols", the Owner installed two (2) notice signs on the property, one (1) along King-Vaughan Road and one (1) along Highway #400.

Letters from 8 residents, as well as, a petition with 14 signatures were received by the Vaughan Development Planning Department, which are discussed later in this report. The recommendation to receive the Public Hearing report of May 11, 2010, was ratified by Council on May 18, 2010.

On January 4, 2012, a notice of this Committee of the Whole meeting was sent to all individuals who appeared at the Public Hearing and to those individuals requesting notification.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2, to maintain the existing portable dry batch concrete production plant (mixing plant) and accessory outside storage of materials and equipment as shown on Attachment #3:

1. Zoning By-law Amendment File Z.10.002 to amend Zoning By-law 1-88, specifically the A Agricultural Zone and Section 3.24 "Prohibited Use", to maintain a portable dry batch concrete production plant (mixing plant) and accessory office, truck repair and outdoor storage of materials, equipment and machinery use for a temporary maximum period of 3 years (maximum permitted by the Planning Act) in the manner shown on Attachment #3.
2. Site Development File DA.11.086 to recognize the existing temporary portable dry batch concrete production plant (mixing plant), with accessory office, truck repair and outdoor storage of materials, equipment and machinery in the manner shown on Attachment #3.

The applicant originally submitted Official Plan Amendment File OP.10.01 to amend the "Agricultural" policies of OPA #600, as amended by the "Prestige Area – Office/Business" policies in OPA #637 (not in effect at the time in 2010) to maintain the existing dry batch concrete plant on the subject lands, as shown on Attachment #3. Official Plan Amendment 637 (OPA #637) - Highway 400 North Employment Lands) was approved by the Ontario Municipal Board on November 21, 2011, and includes temporary use policies that permit the proposed dry batch concrete use. Therefore, an Official Plan Amendment application is no longer required and the file was closed by the applicant.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2, are located at 3501 King-Vaughan Road, being on the south side of King-Vaughan Road and west side of Highway #400. The overall property is 17.91 ha in size. The existing portable dry batch concrete production plant, and accessory uses as shown on Attachments #2 and #3, are located on the developable portion of the subject lands. The site is also being used to store materials such as storage tanks, machinery, vehicles and other materials not related to the mixing plant use, which is discussed later in this report.

Description of Use, Operation Details and Site Plan

The concrete production plant consists of an aggregate batcher, a conveyor belt and a cement silo with a cement batcher, as shown on Attachment #6. A front-end loader places stone and sand in the aggregate batcher. Portland cement from the portable silo is placed in the cement batcher and then with the addition of water, these ingredients are poured into the concrete truck. The actual mixing takes place inside the concrete truck while in transit to the requested location.

The materials to be stored on site (stone, sand, Portland cement and equipment) are used to facilitate the operation of the batching plant. The applicant has agreed that any additional outside storage on the site, such as metal scraps, old machinery and vehicles not associated with the concrete batching use shall be removed. The property is developed with one existing barn (Attachment #4), a one-storey concrete block building (Attachment #5), a portable silo

(Attachment #6) that stores Portland cement, an office trailer (Attachment #7), and a one-storey abandoned house. Sand and gravel are stored in piles on the site, which are not visible from Highway #400. The existing buildings and vehicles utilized in the operations are visible from Highway #400. The surrounding land uses are shown on Attachment #2.

According to the Planning Justification report prepared by Humphries Planning Group Inc., dated May 2010, the portable dry batch concrete production utilizes 5 ready-mix concrete trucks and 1 wheel loader. The operation produces between 20 and 100 cubic metres of concrete daily. Each truck can carry up to 10 cubic metres of concrete. The production of 100 cubic metres of product requires 2 loads of gravel and 2 loads of sand. A load of portland cement is also delivered to the site every 3 days. Sand and stone are stored west of the existing barn, as shown on Attachment #3 and are not visible from Highway #400. Portland cement is stored in a portable silo, located south of the barn. The silo is visible to the north and south from Highway #400, given its height and the higher elevation of the site in relation to Highway #400. The facility operates on a seasonal basis from May to October/November of each year.

The Owner has also requested that an accessory truck repair use be maintained on the property, which is currently being operated in the block building located at the south end of the property. Six (6) trucks related to the operation are parked in front of the barn and block building (Attachment #3), unless being repaired, in which case they are located inside the block building. All trucks leaving the facility travel eastbound on King-Vaughan Road toward Jane Street, and all incoming trucks utilize Jane Street.

Access/ Driveway

Vehicular access to the subject lands is from a 7.5 m wide easement for a right-of-way over the lands to the immediate north providing access to King-Vaughan Road, which was approved through the Committee of Adjustment (Minor Variance File A45/99, and Consent Application B11/99) in favour of the subject lands.

Support Documents

The following documents were submitted in support of the applications:

- i) Justification Report, dated May 2011, prepared by Humphries Planning Group Inc.;
- ii) Greenbelt Conformity Report, dated December 22, 2010, prepared by RiverStone Environmental Solutions Inc.;
- iii) Traffic Impact Study, dated October 2010, prepared by Sernas Transtech; and,
- iv) Particulate & Noise Report, dated July 26, 2011 and August 10, 2010, by Church & Trought Inc. Environmental and Engineering Solutions.

Comments Received Through the Public Hearing Process

Letters from residents were received by the Development Planning Department prior to and at the Public Hearing. To date, 8 letters and a petition with 14 signatures were received, with the following comments provided:

Issue	Public Comments	Response
Noise/Traffic	<ul style="list-style-type: none"> ▪ Noise pollution from the volume of industrial trucks transporting materials such as 	<ul style="list-style-type: none"> ▪ A Noise Report was submitted and reviewed by the City of Vaughan and the Ministry of the Environment (MOE). The

Issue	Public Comments	Response
	<p>gravel or other components for cement production.</p> <ul style="list-style-type: none"> ▪ Truck routes cannot be controlled for deliveries. Truck traffic can be heard starting at 4:30 A.M. 	<p>Vaughan Development/Transportation Engineering Department had no concerns with the report; the MOE concluded that a noise report is not required based on Ministry criteria and existing separation distances.</p> <ul style="list-style-type: none"> ▪ There are other industrial operations in the area including a large construction company. ▪ A Traffic Impact Study was submitted in support of the applications and reviewed by the Vaughan Development/Transportation Engineering Department and found to be acceptable. The Region of York did not provide any comments on the traffic study, as this part of King-Vaughan Road is a City operated road.
Loss of Agricultural Land	<ul style="list-style-type: none"> ▪ The operation is a heavy industrial use, including outside storage of materials located in an area zoned for agricultural uses with existing farms and residents in the vicinity. 	<ul style="list-style-type: none"> ▪ OPA #637 was approved by the Ontario Municipal Board (OMB) on November 21, 2011, designating the developable portion of the property "Prestige Area-Office Business Campus" and the lands bounded by Weston Road, Jane Street, Teston Road and north of King-Vaughan Road as an Employment Area, save and except for lands located northeast of Weston Road and Teston Road, which will be for residential purposes. The temporary portable concrete batching plant and accessory uses conforms to the temporary use policies of OPA #637 as discussed later in this report.
Compliance	<ul style="list-style-type: none"> ▪ The batching plant has been operating for over 3 years without a building permit or compliance with Provincial regulations; complaints to the company could not be made as there is no company signage on the site or on trucks. 	<ul style="list-style-type: none"> ▪ Vaughan Enforcement Services Department issued an Order to Comply to the Owner, who subsequently submitted the appropriate planning applications to obtain approval to maintain the use for a temporary period.
Environment	<ul style="list-style-type: none"> ▪ Dumping or discharge practices are adjacent to a tributary of the Humber River 	<ul style="list-style-type: none"> ▪ The applications and all supporting documentation were circulated to the Ministry of Environment, Ministry of

Issue	Public Comments	Response
	and adjacent to the Greenbelt; concern with vegetation and ground water contamination during the cement preparation process and truck cleaning.	Municipal Affairs and Housing, Ministry of Natural Resources, Ministry of Transportation, and the Toronto & Region Conservation Authority, and found to be in compliance with their standards.
King-Vaughan Road	<ul style="list-style-type: none"> ▪ The existing road is not safe for the weight of trucks. The width of the road is narrow, and trucks take up more than one lane. Trucks gearing up and down create noise, exhaust and dust. Concern for using King-Vaughan Road as a haul road where there is a restricted load sign. 	<ul style="list-style-type: none"> ▪ All trucks leaving the facility travel eastbound on King-Vaughan Road toward Jane Street, and all trucks arriving at the site utilize Jane Street. The Vaughan Development/Transportation Engineering Department has provided a condition of approval requiring the Owner to post a Letter of Credit for the amount of \$20,000 to cover the cost of any road surface repairs to King-Vaughan Road in proximity to the site entrance resulting from trucks entering and leaving the site. It is also recommended that the driveway be paved a minimum of 3.0 m back from the King Vaughan Road to reduce mud tracking onto road from the site. Additional information is provided further in this report, as well as, a recommendation, with respect to King-Vaughan Road and truck loads.

Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications and supporting documentation, in consideration of the following land use policies:

a) Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS includes policies that direct new growth to urban areas, which contribute to long term economic growth.

Section 1.3 "Employment Areas", of the PPS states that within Employment Areas, Planning authorities shall promote economic development and competitiveness by (in part):

- "i) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; and,
- ii) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide

range of economic activities and ancillary uses, and take into account the needs of existing and future business”.

The applications meet the intent of these policies as they provide for employment uses on lands located in an area intended in the long term for employment uses (OPA #637 employment lands). The subject lands have existing structures that have been adapted for the temporary use, and the existing uses do not require the construction of new structures on the site. Furthermore, the use does not require the extension or construction of new municipal services, and therefore, makes efficient use of existing infrastructure.

Section 1.6.6 “Transportation and Infrastructure Corridors 2” of the PPS also provides for the following:

“1.6.6.1 Planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs.

1.6.6.2 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

1.6.6.3 The preservation and reuse of abandoned corridors for purposes that maintain the corridor’s integrity and continuous linear characteristics should be encouraged, wherever feasible.

1.6.6.4 When planning for corridors and rights-of-way for significant transportation and infrastructure facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.”

The applications meet the intent of the above policies as the temporary use does not require additional infrastructure and can be relocated without impact to the future long term use of the lands. The proposal does not impact upon the Province’s GTA West Corridor plan, as discussed later in this report.

b) Region of York Official Plan

The subject lands are designated “Urban Area” (development area) and “Greenbelt” (driveway as discussed in the report) by the York Region Official Plan, as amended by Regional Official Plan Amendment #52 (ROPA #52), which permits a range of employment uses within the ROPA #52 amendment area. The lands are also identified as “Strategic Employment Lands” by the Regional Official Plan, adopted by Regional Council on November 20, 2008.

On January 13, 2009, the Ministry of Municipal Affairs and Housing (MMAH) appealed ROPA #52 to the Ontario Municipal Board (OMB), citing the plan was inconsistent with the Provincial Policy Statement and the Growth Plan, which provides for transportation corridor protection. The matter was before the OMB and was settled. Partial approval of the York Region Official Plan – 2010 for the Highway 400 North Secondary Plan (OPA #637) area was issued on November 8, 2011. The proposed temporary use conforms to the Regional Official Plan.

c) City of Vaughan Official Plan

The subject lands are designated “Prestige Area - Office/Business Campus” (developable portion) and Greenbelt Natural System Area (balance of lands) by OPA #600, as amended by OPA #637 (Highway 400 North Employment Lands) as shown on Attachment #9. OPA #637 was

adopted by Vaughan Council on September 11, 2006, and was approved by the Ontario Municipal Board on November 21, 2011. OPA #637 includes policies for temporary land uses to which the proposed temporary portable concrete batching plant use conforms, as discussed below.

On November 20, 2008, the Region of York approved ROPA #52, which adds the OPA #637 planning area to the "Urban Area" in the Region of York Official Plan and redesignates the subject lands from "Agricultural Policy Area" to "Urban Area" and "Regional Greenlands System". On January 13, 2009, the Ministry of Municipal Affairs and Housing appealed the Region's ROPA #52.

Following mediation and negotiations between the parties, which included the City of Vaughan, Ministry of Municipal Affairs and Housing (MMAH), the Region of York and various developers/landowners in the Amendment area, a settlement was reached. On July 20, 2011, the OMB revised OPA #637 and provided an oral decision approving the Minutes of Settlement. On November 21, 2011, the formal decision approving OPA #637 was issued by the OMB.

OPA #637 includes policies to protect lands that may be required for the GTA West Corridor and potential interchange connections. The subject lands are located within the protection and study area, as shown on Attachment #10, however, the MMAH has provided clearance for the application based on the proposed use being temporary and that it will cease upon expiry of the temporary use by-law.

Notwithstanding the GTA West Corridor protection policies, OPA #637 permits temporary land uses provided they meet the following conditions:

- a) the use is consistent with the general intent of the Plan;
- b) the use is compatible with adjacent land uses;
- c) the use is temporary in nature and can be easily terminated when temporary land zoning by-law expires;
- d) the use does not require new buildings or significant structures;
- e) the use does not require significant grading of land;
- f) sufficient servicing and transportation capacity exists for the temporary use;
- g) the long-term viability of the lands for the uses permitted in the Plan are maintained; and,
- h) the duration of use and proposed interim use are to the satisfaction of the Province.

The applications to amend Zoning By-law 1-88 and for Site Plan approval conform to the above policies as the proposed temporary dry concrete mixing plant utilizes the lands for employment uses, are compatible with surrounding land uses, are temporary in nature, do not require the extension or construction of any municipal services, can effectively utilize the existing transportation network, and maintain the long-term viability of the lands for uses permitted in OPA #637. The proposal is consistent with the temporary use policies of OPA #637.

e) The City of Vaughan Official Plan 2010 (VOP 2010)

On September 7, 2010, City of Vaughan Council adopted the new City of Vaughan Official Plan (as modified September 27, 2011), which is pending final approval from the Region of York. VOP 2010 will incorporate OPA #637 as a Secondary Plan within Volume 2, therefore the proposed temporary use will conform to the new Official Plan.

Greenbelt Plan

A portion of the overall site is located within the boundary of the Greenbelt Plan, depicted as "Protected Countryside (Greenbelt) Boundary" on Attachment #2. The area proposed for the temporary concrete batching plant use is located outside of the boundary of the Plan, except for

the new access road onto the lands, which traverses the Greenbelt lands. The Toronto and Region Conservation Authority (TRCA) has advised that they are satisfied with the location of the driveway.

The restoration plans together with the Greenbelt conformity letter prepared by RiverStone Environmental Solutions Inc. (December 22, 2010), constitute a natural heritage evaluation as required by the Greenbelt Plan for any proposed development or site alteration within 120 metres of a key natural heritage feature or key hydrologic feature. Given that the natural feature of interest in the Greenbelt Plan area is a stream channel, TRCA approval is required. The TRCA had no objection with the findings of the conformity report.

Impact to Surrounding Land Uses

According to Vaughan Enforcement Services, several properties dating back to 2002 and zoned for agricultural uses in the area have been used for outside storage, predominantly dump trucks, containers, machinery, scrap, and unlicensed vehicles. The majority of the trucks pertained either to a contractor's yard or a business on site or located elsewhere, and the trucks were being stored at that location. These trucks would be considered a commercial use. At least 3 property Owners in the area were taken to court, plead guilty, and were fined. For the majority, the City of Vaughan achieved compliance after sending out notices. Currently, there are no files open on King-Vaughan Road with regards to illegal uses.

The subject lands are located in the vicinity of a number of commercial and industrial operations, including a highway-access service centre, located opposite the subject lands, on the east side of Highway #400 and the Beamish Construction Facility, located on the north side of King-Vaughan Road, east of Highway #400. Given the recent approval of OPA #637 for employment uses in this area, as well as, the existing industrial uses in the area, and the studies submitted in support of the applications that have been reviewed and approved by the required Provincial Ministries and City Departments, it is not anticipated that recognizing the existing concrete batching plant on a temporary basis will impact the surrounding existing and planned land uses.

Ministry of Municipal Affairs and Housing (MMAH)

The subject lands are located within the study area of the proposed GTA West Corridor. This corridor is shown in the Growth Plan for the Greater Golden Horseshoe and is the subject of an ongoing environmental assessment. The Growth Plan and other Provincial policies direct municipalities to protect future transportation corridors.

The Province has required specific wording in ROPA #52 and OPA #637 that protects the lands that may be required for the future transportation corridor. The wording emphasizes that decisions made under the Planning Act, such as decisions respecting Official Plan Amendments, shall not predetermine the outcome of the environmental assessment process. It is imperative to plan for and protect this transportation corridor and the eventual right-of-way to meet projected transportation needs. Development must not preclude or negatively affect the use of the corridor.

Based on the temporary nature of the applications, and in the context of the corridor protection goals discussed above, the Province has no objection to the temporary zoning application for a temporary use.

The application seeks to authorize the mixing plant use for a temporary maximum period of 3 years (maximum permitted by the Planning Act), with opportunities for renewal. Renewal of the

temporary use by-law will depend on future land use decisions. The Ministry of Transportation will revisit the impact of this operation as the environmental assessment progresses.

Ministry of Environment (MOE)

A Certificate of Approval (Air) was issued by the Ministry of Environment on August 17, 2011 and contains a number of conditions that place ongoing requirements to take actions, submit annual reports to the Ministry and maintain documentation. The certificate will expire five (5) years from the date of issuance.

Ministry of Transportation (MTO)

The subject lands are located outside of the Ministry of Transportation's Permit Control Area, and therefore, they have no comments.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) issued a violation to the landowner for the unauthorized placement of fill and site grading and an unauthorized culvert at the driveway access, in contravention with the Conservation Authorities Act. The applicant has submitted Permit Applications under Ontario Regulation 166/06 in order to address the outstanding violations on the subject site. Efforts to remove the fill material and restore the site were approved as part of O. Reg. 166/06 Permit No. C-10806 on September 13, 2010. A subsequent Permit was issued by the TRCA on June 15, 2011 (Permit No. C-110414) for the construction of a new culvert crossing.

The subject property is located within the Regulated Area of the Humber River. However, given that no new development is proposed at this time, a Permit under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) is not required. The TRCA notes that O. Reg. 166/06 Permits (Permit Nos. C-110414 & C-10806) were previously issued for the development of a new driveway crossing and access road and the implementation of restoration works at the existing driveway crossing.

The subject property is partially within the Greenbelt Plan Area with a portion of the property within the Natural Heritage System designation. However, given that no new development is proposed on the site, the TRCA is satisfied that the integrity of the Plan Area is maintained.

In consideration of the above, the TRCA has no further concerns relating to the planning applications, and has no objections to the approval of the proposal.

Zoning

The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88, which does not permit a mixing plant use. In addition, a mixing plant is a prohibited use as per Section 3.24 (Prohibited Uses) of Zoning By-law 1-88, and therefore, an exception to the Zoning By-law 1-88 is required to permit the proposed concrete batching plant use on the subject lands, as a temporary use.

If the Zoning Amendment Application is approved, a temporary use by-law must be enacted by Vaughan Council to permit the existing concrete batching plant and accessory uses for a period of up to 3-years (maximum permitted by the Planning Act) after which, should the applicant wish to continue the use, a future Zoning By-law Amendment Application must be filed with the City and Vaughan Council will reconsider the uses, relative to the existing and planned development for surrounding area. The Owner of the subject lands proposes to renew the temporary use by-law every three years, up to a maximum period of 9 years, subject to Council approval.

The proposed use conforms to the temporary use policies of OPA #637 and with the Regional Official Plan. The application and supporting studies have been reviewed by the appropriate Provincial Ministries and City Departments. Subject to the comments in this report, the Development Planning Department can support the temporary application.

The proposed use is defined as a “mixing plant” by Zoning By-law 1-88. The following site-specific definition is recommended to implement the proposed concrete mixing plant to ensure all the details of the operation are captured and that the subject lands are used solely for the intended temporary use:

“Mixing Plant – for the purpose of this paragraph, means an existing building(s) or structure(s) or part of a building(s) or structure(s) where only concrete is mixed or batched, weighed and measured for mixing off-site. The following accessory uses shall be permitted, provided such uses are operated accessory to the mixing plant located on the subject lands only:

- i) truck repair located in the existing concrete block building only (Attachment #5)
- ii) office use; and
- iii) outside storage of sand, gravel and equipment and machinery accessory to the mixing plant use only (Attachment #3). The outside storage of all other materials shall not be permitted.”

The following site-specific zoning exceptions are required to maintain the existing uses:

Table 1: Zoning Exceptions			
	By-law Standard	By-law 1-88, A Agricultural Zone Requirements	Proposed Exceptions to the A Agricultural Zone
a.	Use	<ul style="list-style-type: none"> ▪ A Mixing Plant is not permitted in an Agricultural Zone and is a Prohibited Use in Zoning By-law 1-88 (under Section 3.24). 	<ul style="list-style-type: none"> ▪ Permit a Mixing Plant (defined above) for a temporary maximum period of 3 years (maximum under Planning Act).
b.	Driveways	<ul style="list-style-type: none"> ▪ Constructed of hard surface, asphalt or 	<ul style="list-style-type: none"> ▪ Driveway constructed with gravel.

		concrete.	
c.	Outside storage of materials	<ul style="list-style-type: none"> ▪ Outside storage of materials is not permitted. 	<ul style="list-style-type: none"> ▪ Permit the outside storage of gravel, sand, and machinery and equipment accessory to a mixing plant as shown on Attachment #3. No outdoor storage of other materials shall be permitted on the subject lands.

The Development Planning Department considers the above exceptions appropriate given the use is temporary in nature and will cease to exist in the future. After 3 years, the Owner will be required to submit a Zoning By-law Amendment application, if the Owner wishes to continue the use for an additional 3-year period. At that time, the application will be reviewed on its' merits. In addition, the applications were circulated to the relevant Provincial Ministries and the Toronto Region and Conservation Authority, all of which had no objection to the applications.

Development Planning Department Staff conducted a site visit on two separate occasions (February 16, 2011, and October 28, 2011) where it identified that there was outside storage of materials such as scrap metal, stones and boulders, PVC pipes, fuel tanks, pallets/skids, and vehicles that were not related to the concrete batching use. The Development Planning Department does not support this outside storage, which the applicant has agreed to remove. The definition of the permitted uses on the lands specifically permits only the outside storage of materials associated with the use. All other materials will be prohibited. A condition of approval is included in this respect.

Vaughan Enforcement Services Department

The Vaughan Enforcement Services Department are aware of cement trucks being stored on the property since 2004, however, there was no evidence of a batching operation at that time. In 2009, an Enforcement Officer visited the property as a result of complaints for an illegal mixing plant use and issued an Order to Comply. The property was being used to operate a cement mixing plant, store construction materials, machinery/equipment, dump trucks, trailers, large piles of gravel and fill. It was observed that there was a constant flow of activity with the loading and unloading of materials from the trucks and trailers coming in and out of the property.

The matter was taken to court on March 4, 2011, and resulted in a guilty plea by the defendant. The operation appears to have ceased, however, the equipment is still on site. The file is now closed based on the fact that Planning applications were submitted, and that the batching operation ceased immediately. A subsequent site visit was conducted on September 14, 2011, and Enforcement Services concluded that there was no activity taking place on the site.

Vaughan Development/ Transportation Engineering Department

The Vaughan Development/ Transportation Engineering Department has reviewed the applications and provides the following comments:

i) Noise Letter

The Vaughan Development/Transportation Engineering Department has reviewed the Noise Compliance Letter, prepared by Church & Trought Inc., dated July 26, 2011 which addresses the noise generated by the concrete batching plant and the associated operating activities. The findings of the report confirm that there will be no negative impact to the living environments of the existing residential uses in the vicinity of the site as a result of the operation of the batching plant. The noise assessment was conducted in accordance with MOE guidelines, therefore, Staff is satisfied with the conclusions of the report.

ii) Existing Traffic Conditions

The applicant also submitted a traffic impact study prepared by SernasTranstech and dated October 2010, which assessed the potential impacts from the expected 70 trucks per day that will be travelling along King-Vaughan Road destined to and from the site. A computer traffic model was used to analyze the existing and future traffic conditions along King-Vaughan Road together with the operations of the intersections at Weston Road and Jane Street. The analysis concluded that under a total traffic volume condition, the site access, King-Vaughan Road, and the intersections of King-Vaughan Road at Weston Road and Jane Street will operate at acceptable levels of service.

The site has one access from King-Vaughan Road. King-Vaughan Road is a two lane hard surfaced rural road. The existing road structure was not designed to accommodate heavy truck traffic. Accordingly, a year round half load restriction is currently in place for King-Vaughan Road pursuant to Comprehensive Traffic By-law 284-94. Notwithstanding this, there are existing uses along King-Vaughan Road between Weston Road and Jane Street that generate truck and larger vehicle traffic. The current condition of the road is nearing the end of its design life. The City's Pavement Management Program identifies King-Vaughan Road as a now needs for rehabilitation.

iii) Future Traffic Conditions

The Ministry of Transportation is proposing to replace the existing King-Vaughan Road bridge structure over Highway 400 in advance of the widening of Highway 400. This bridge replacement will necessitate the re-profiling of King-Vaughan Road for a distance of about 100 metres on either side of the structure. Given the existing surface of King-Vaughan Road can be maintained for another couple of years through spot repair and patching, Staff is programming the rehabilitation of the King-Vaughan Road to occur after the completion of the bridge works. Once King-Vaughan Road is rehabilitated, the new roadway will be able to accommodate truck traffic.

Heavy truck traffic on a hard surfaced rural road can cause damage and accelerate the deterioration of the road surface, especially during the spring and fall seasons. Given the concrete batching plant is only operating during the summer months only, and there are other trucks currently using King-Vaughan Road, Staff can support the removal of the half load limit on King-Vaughan Road from Weston Road to Jane Street during the period between May 1st and November 30th.

The likelihood of truck traffic from the site causing damage to the existing road surface of King-Vaughan Road is greatest at the driveway location due to the turning movements of the heavy concrete trucks. Accordingly, Staff is recommending that, as a condition of site plan approval, the applicant asphalt pave the driveway apron and provide a \$10,000 Letter of Credit to the City of Vaughan to cover the cost of any necessary repairs or improvements to King-Vaughan Road which are necessary due to damage from trucks entering and leaving the site.

Cash-in-Lieu of Parkland Dedication

The Vaughan Real Estate Division has advised that no cash-in-lieu of parkland dedication is required as the proposal is for a temporary use.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The subject site is designated "Urban Area" by the York Region Official Plan, as amended by Regional Official Plan Amendment #52, which permits a range of employment uses. The ROPA #52 amendment area is identified as "Strategic Employment Lands" by the adopted Regional Official Plan. ROPA #52 was adopted by Regional Council on November 20, 2008. The temporary nature of this proposal does not conflict with the future planning for this area, provided that the use ceases with the expiration of the temporary use by-law.

The Region of York has no objection to the approval of the Site Development Application, and will not provide any conditions of approval.

Conclusion

The Vaughan Development Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications to permit the temporary use of a portable concrete batching plant for a maximum period of 3 years (maximum permitted by Planning Act). The applications are consistent with the PPS, the Region of York Official Plan, and the City's Official Plan, which permits temporary uses with the new OMB approved OPA #637 employment lands area. Furthermore, the relevant Provincial Ministries and the Region of York and the Toronto and Region Conservation Authority have reviewed the applications and have no objections to their approval. The proposed temporary portable concrete batching plant is an appropriate interim use for the subject lands.

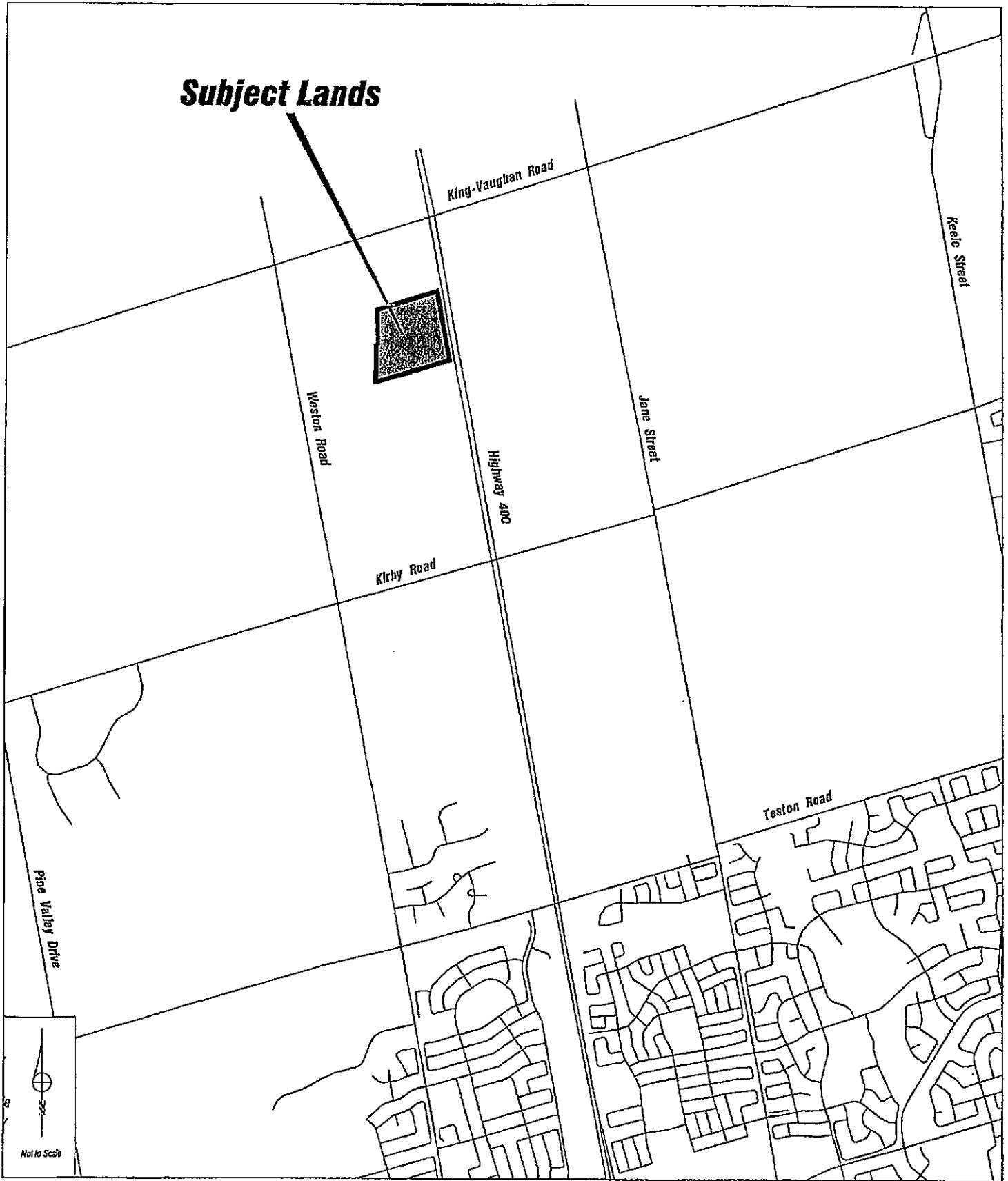
Accordingly, the Development Planning Department recommends that the applications be approved, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Existing South Barn Elevations - Vacant
5. Existing Concrete Building Elevations - Vehicle Repair Shop
6. Concrete Batching Plant Silo Mixing Structure Elevations
7. Existing Office Trailer Elevations
8. GTA West Corridor Preliminary Route Planning Study Area
9. OPA #637 Land Use Plan
10. Transportation Corridor Protection Areas

Report prepared by:

Margaret Holyday, Planner, ext. 8216
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407



Context Location Map

LOCATION:
Part of Lot 34, Concession 5

APPLICANT:
2109179 Ontario Inc.

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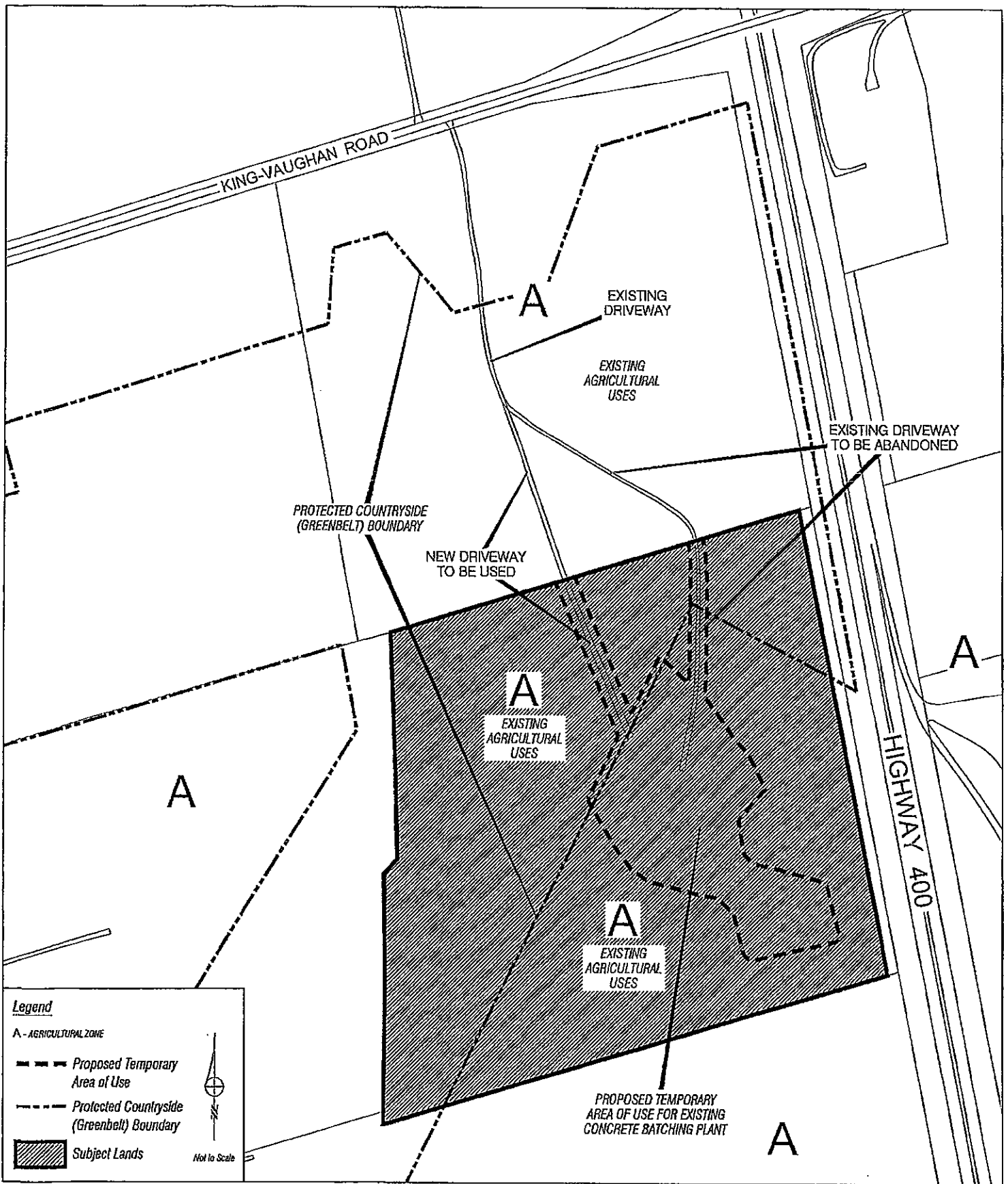
Development Planning Department

Attachment


FILE:
Z.10.002 & DA.11.086

DATE:
January 17, 2012

1



Legend

- A - AGRICULTURAL ZONE
- Proposed Temporary Area of Use
- - - Protected Countryside (Greenbelt) Boundary
-  Subject Lands

Not to Scale

Location Map

LOCATION:
Part of Lot 34, Concession 5

APPLICANT:
2109179 Ontario Inc.

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Development Planning Department

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January 17, 2012

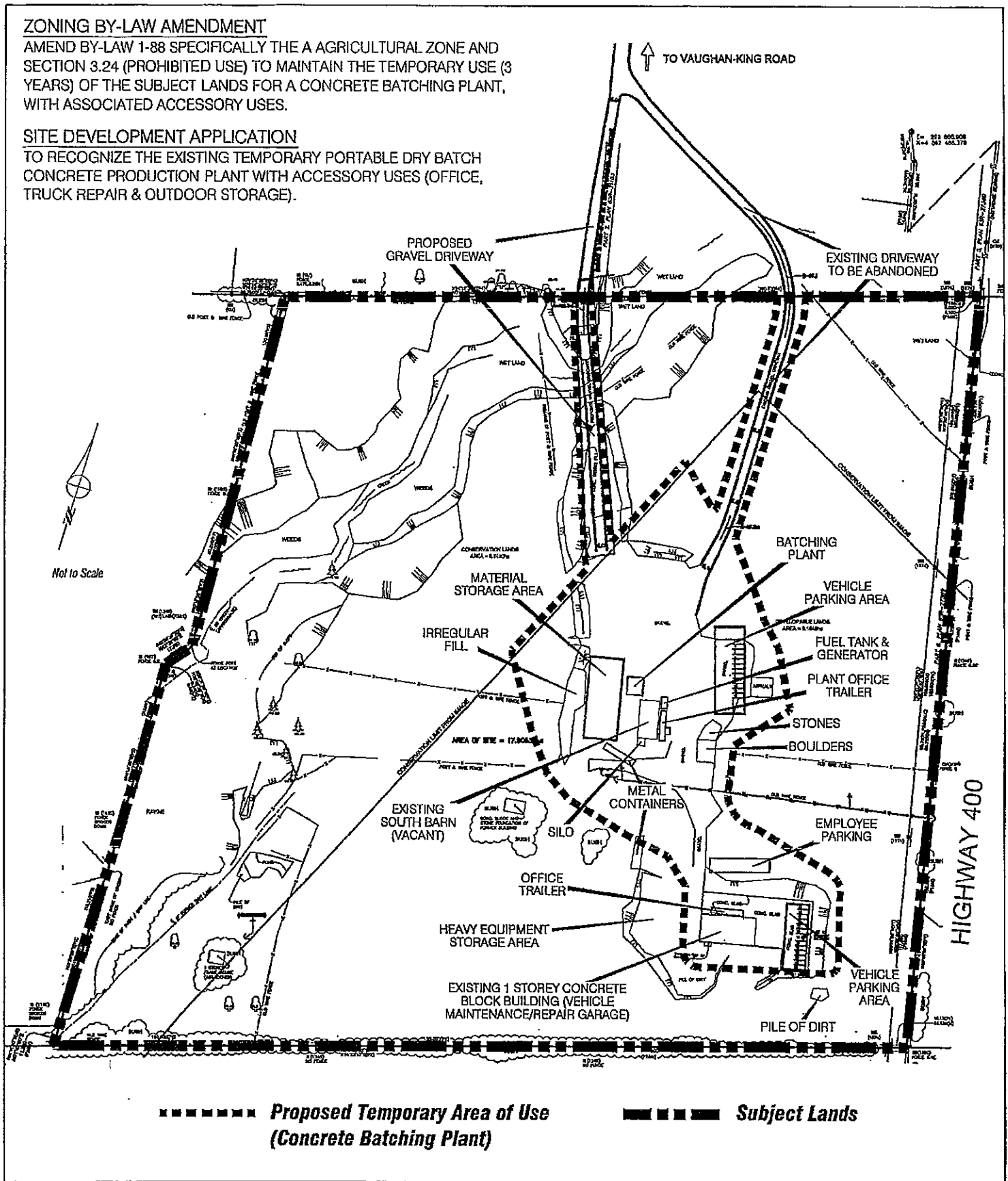
2

ZONING BY-LAW AMENDMENT

AMEND BY-LAW 1-88 SPECIFICALLY THE A AGRICULTURAL ZONE AND SECTION 3.24 (PROHIBITED USE) TO MAINTAIN THE TEMPORARY USE (3 YEARS) OF THE SUBJECT LANDS FOR A CONCRETE BATCHING PLANT, WITH ASSOCIATED ACCESSORY USES.

SITE DEVELOPMENT APPLICATION

TO RECOGNIZE THE EXISTING TEMPORARY PORTABLE DRY BATCH CONCRETE PRODUCTION PLANT WITH ACCESSORY USES (OFFICE, TRUCK REPAIR & OUTDOOR STORAGE).



Site Plan

LOCATION:
Part of Lot 34, Concession 5

APPLICANT:
2109179 Ontario Inc.

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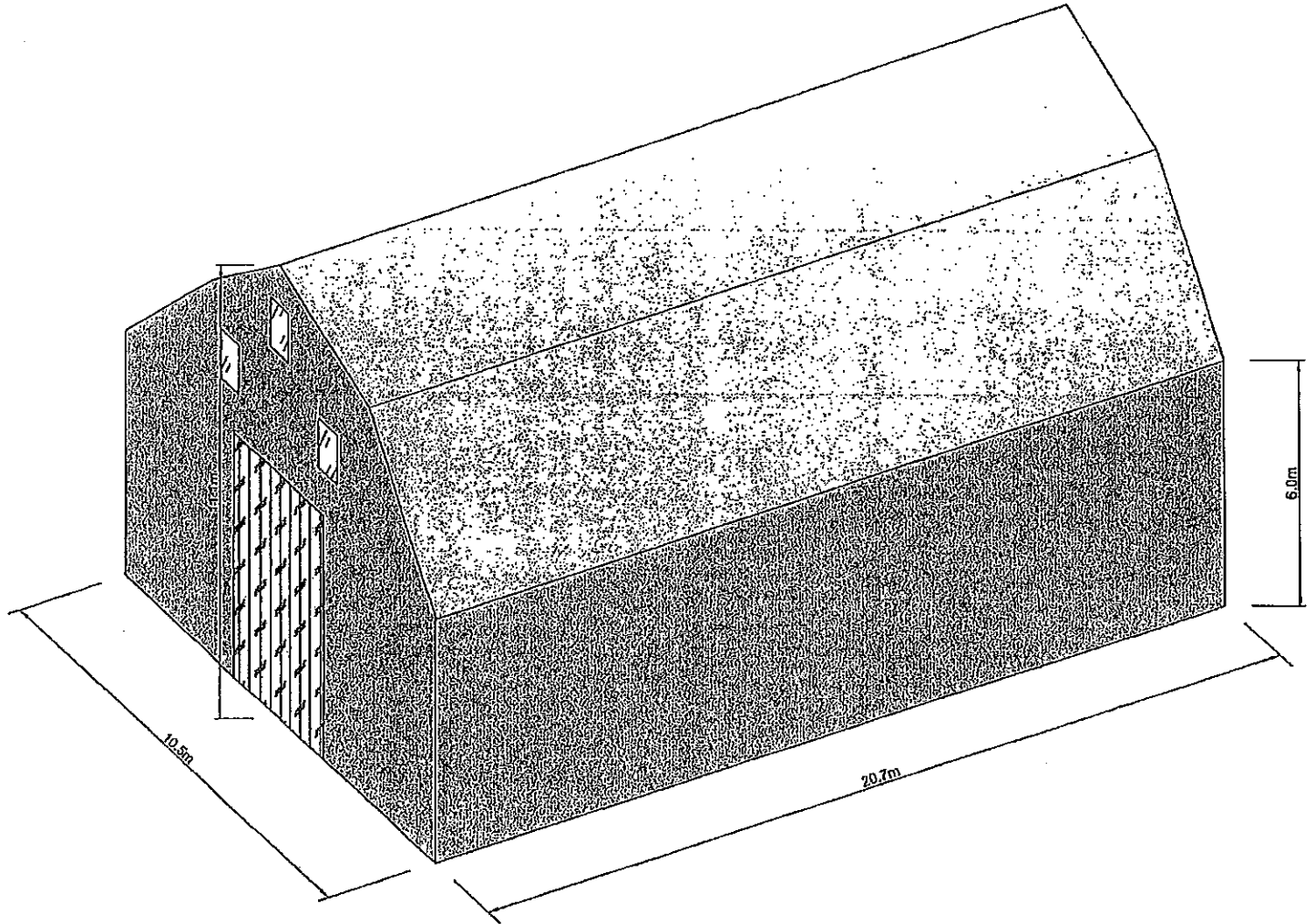
Development Planning Department

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DATE:
January 17, 2012

3



Not to Scale

*Existing South Barn
Elevations- Vacant*

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5

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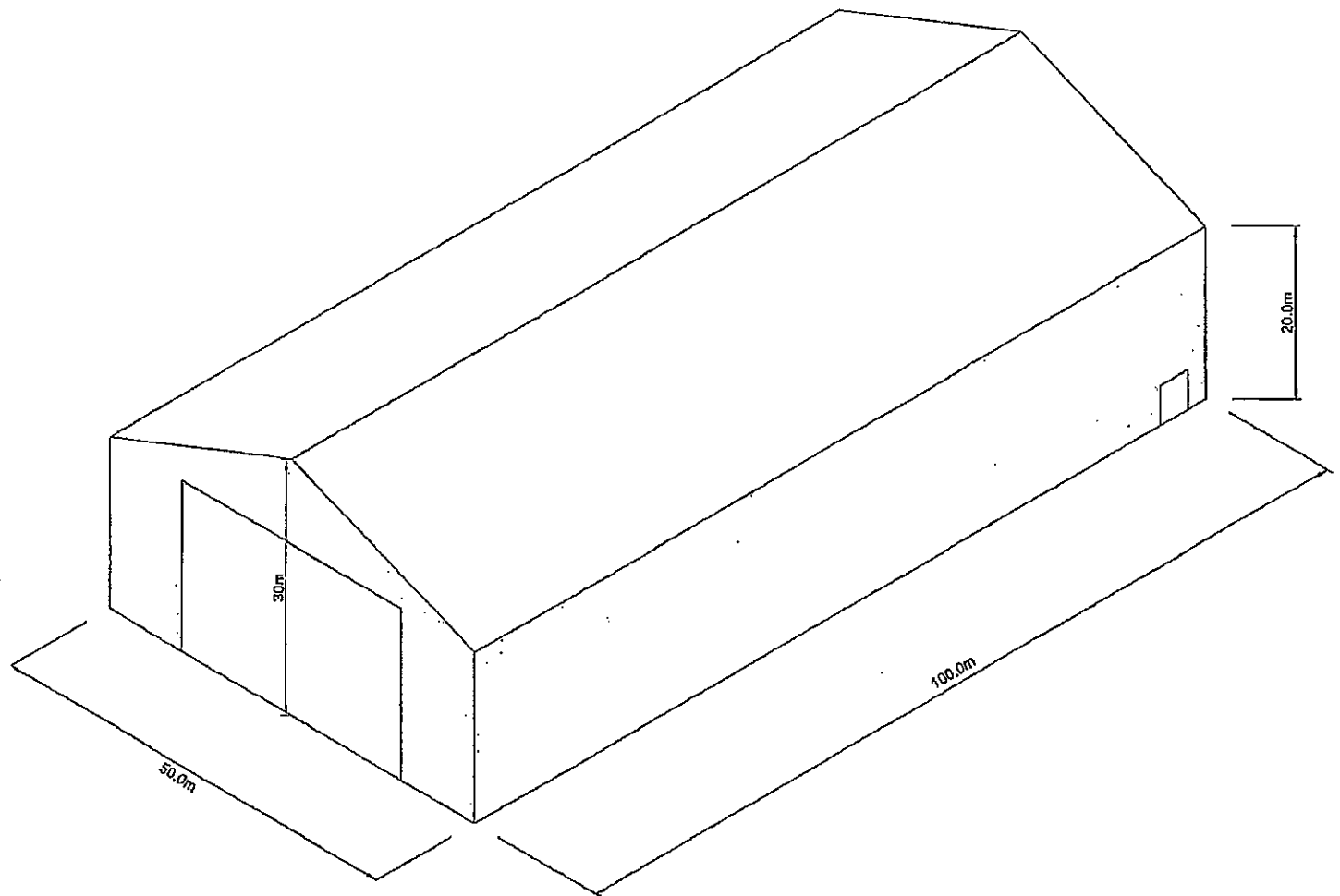
Development Planning Department

Attachment

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DATE:
January 17, 2012

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Not to Scale

*Existing Concrete Building
Elevations - Vehicle Repair Shop*

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5

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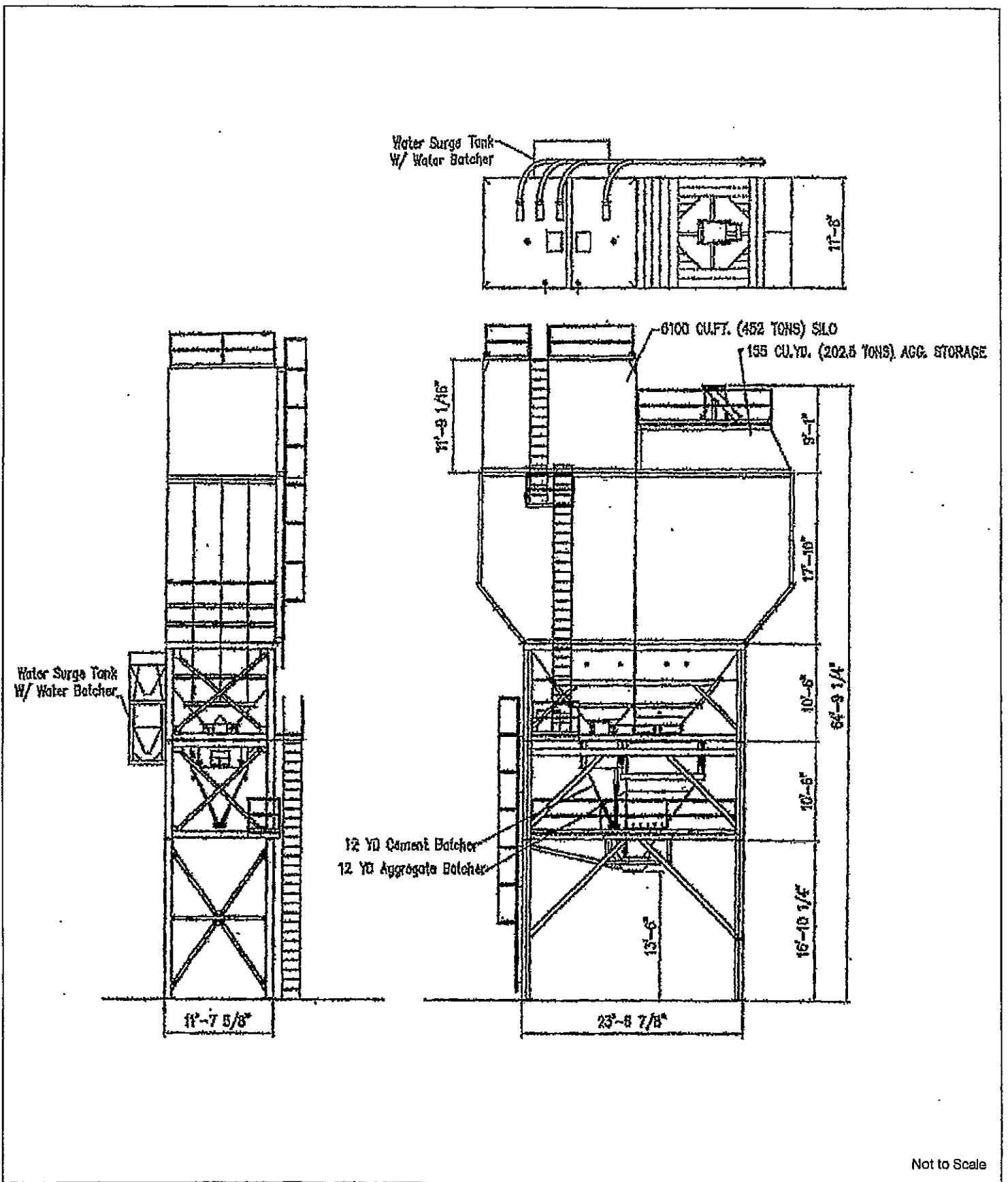
Development Planning Department

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DATE:
January 17, 2012

5



Concrete Batching Plant
Silo Mixing Structure Elevations

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5

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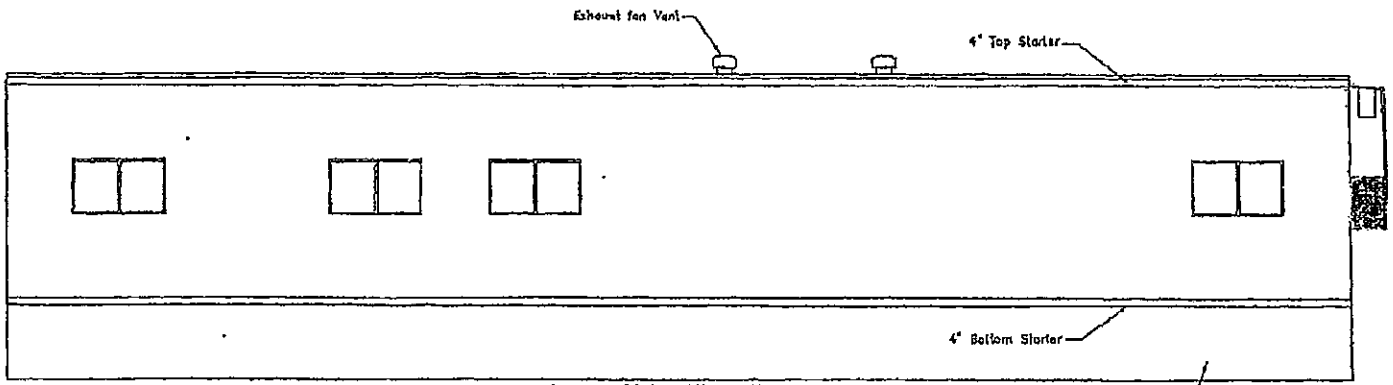
Development Planning Department

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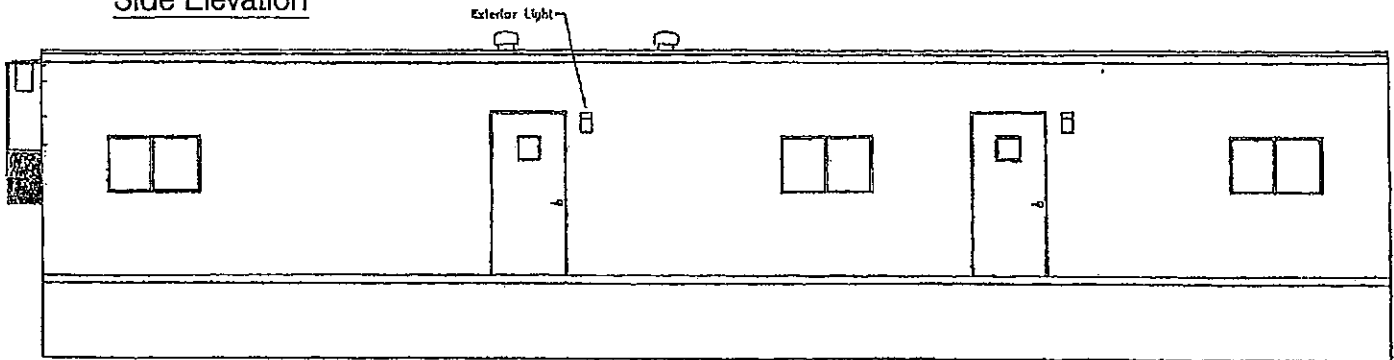
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DATE: January 17, 2012

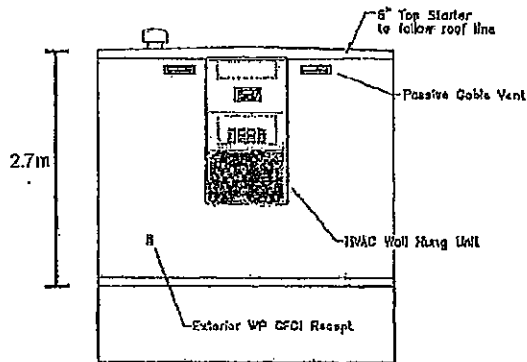
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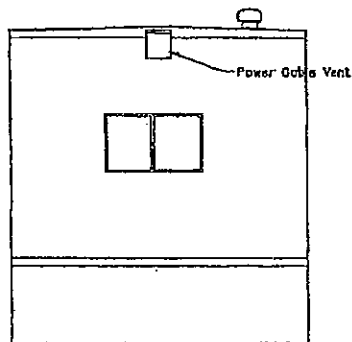
Side Elevation



Side Elevation



End Elevation



Rear Elevation

Not to Scale

Existing Office Trailers

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5

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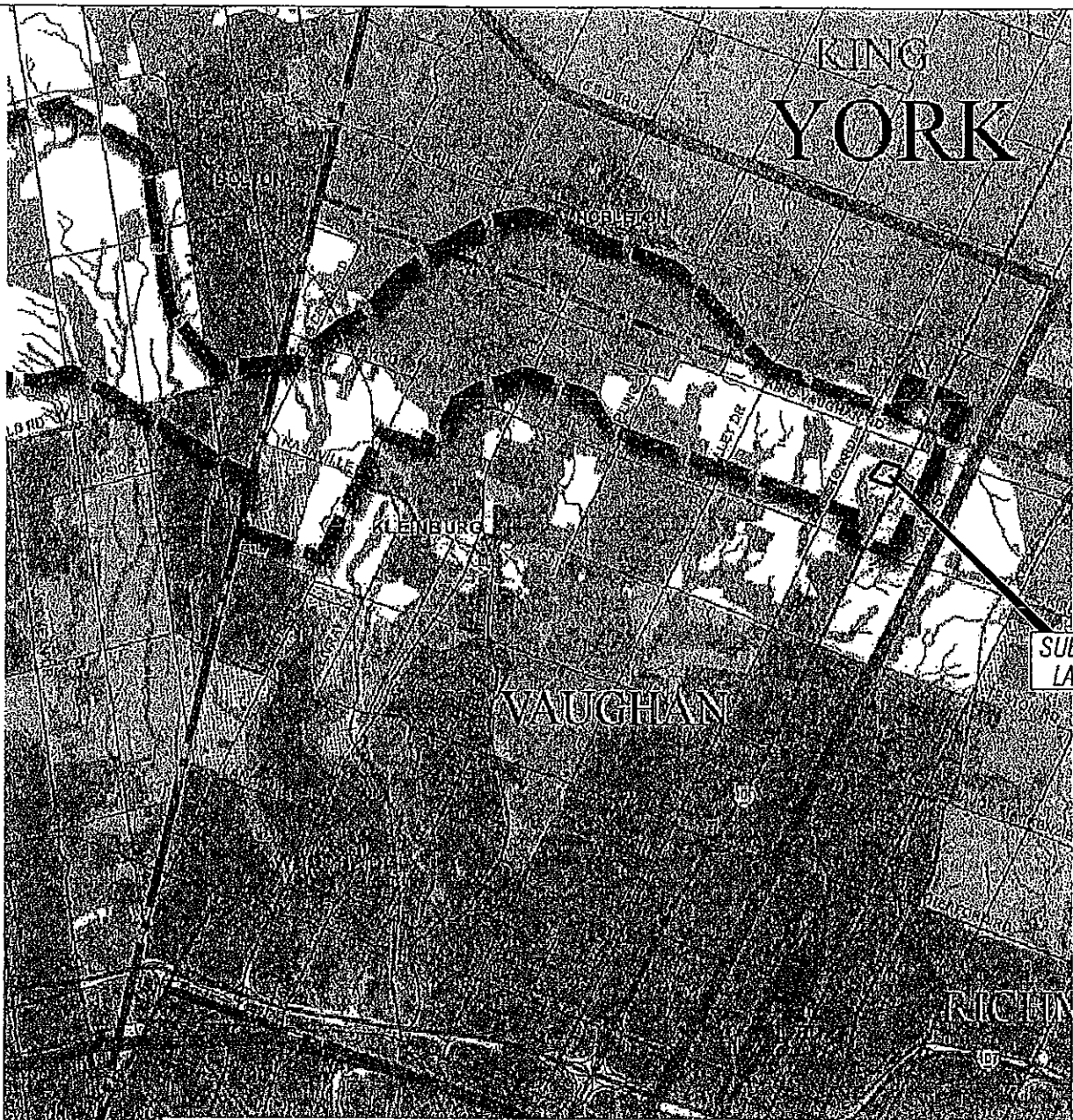
Development Planning Department

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DATE: January 17, 2012

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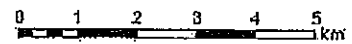


**GTA West Corridor
Preliminary Route Planning Study Area**

Legend

Built-Up Area	Niagara Escarpment Plan
Pit Quarry	Oak Ridges Moraine
Designated Residential Area	Greenbelt - Protected Countryside
Designated Employment Area	Environmental Policy Area
Future Urban Area	Agricultural and Rural Area
	Preliminary Study Area

Note: Official Plan context is based on current available municipal plans from municipalities



**GTA West Corridor Preliminary
Route Planning Study Area**

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5



Development Planning Department

Attachment

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Z.10.002 & DA.11.086

DATE:
January 17, 2012

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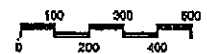
This is Schedule 'C' to
Amendment No. 637

Schedule 2D to OPA 450
Employment Area
(Highway 400 North)
Land Use Plan

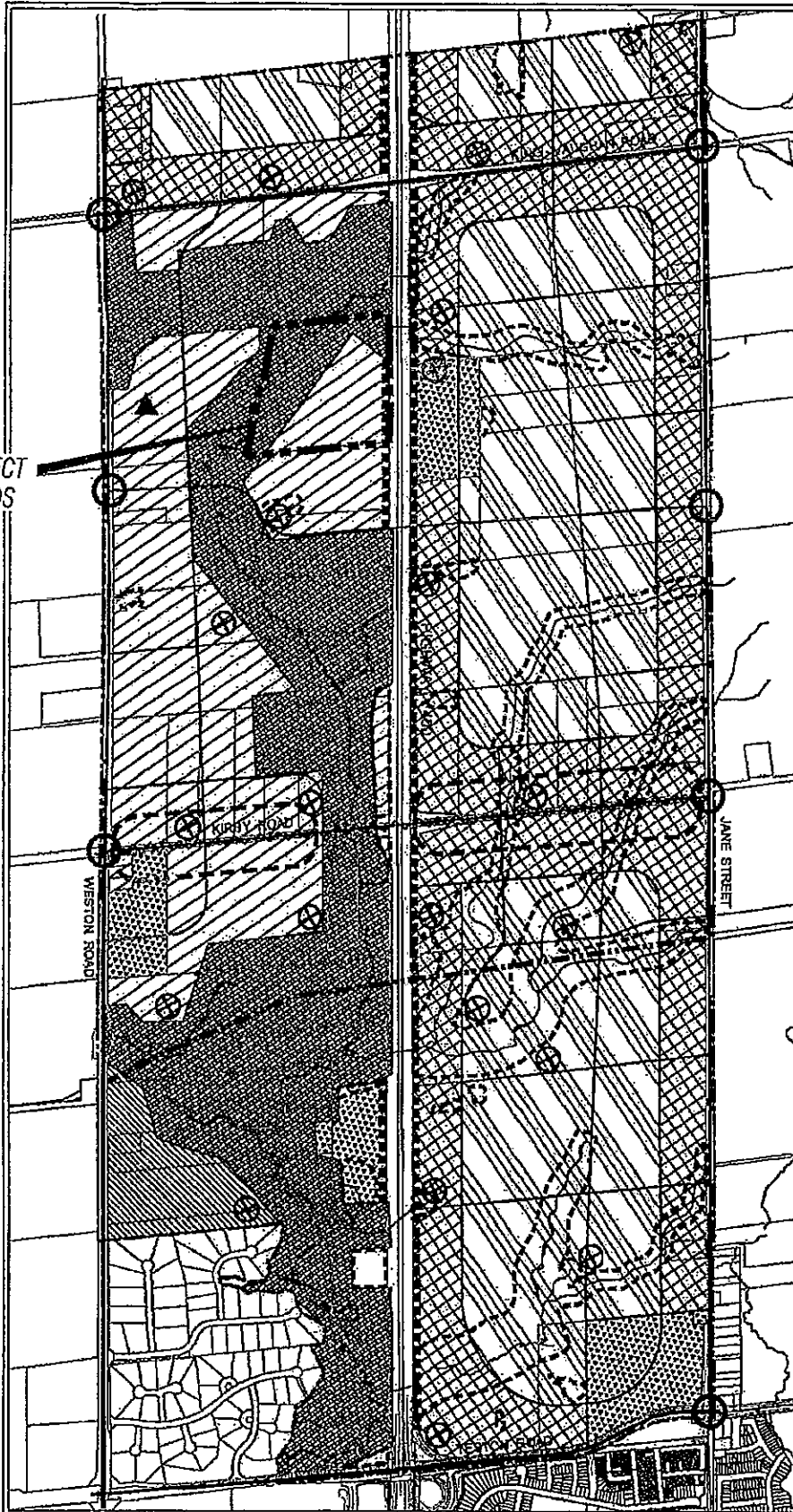
LEGEND

- Structural Plan Boundary
- ==== Provincial Controlled Access Highway
- ==== Arterial Road
- ==== Primary Road (planned)
- ==== Character Road
- ==== Trans Canada Pipeline
- Employment Area Activity Centre
- Significant Interface Area (SIA)
- ▨ Greenbelt Natural System Area
- ▨ Potential Valley and Stream Corridor
- ⊗ Stormwater Management Facility
- ▲ Conceptual Regional Park (Location to be determined)
- ▨ Prestige Areas
- ▨ Prestige Areas - Office/Business Campus
- ▨ General Employment Area
- ▨ Mixed Use Area - Employment/Commercial
- ▨ Significant Enhanced Landscape Area
- ▨ Low Rise Residential

NOTE: SOME OF THE LANDS
WITHIN THIS AREA ARE LOCATED
WITHIN THE GTA WEST
TRANSPORTATION CORRIDOR
PROTECTION AREA AND/OR
INTERCHANGE STUDY AREA AND
ARE SUBJECT TO POLICY 2.3.3.1
(c) (i) (SCHEDULE "I").



SUBJECT
LANDS



OPA #637
Land Use Plan

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5

4/20/11 ATTACHMENT 52/2/10.0002da 11.055.dwg



Development Planning Department

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DATE:
January 17, 2012

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This Is Schedule 'I' to
Amendment No. 637

Schedule 6A to OPA 450
Employment Area
(Highway 400 North)
Transportation Corridor
Protection Areas

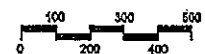
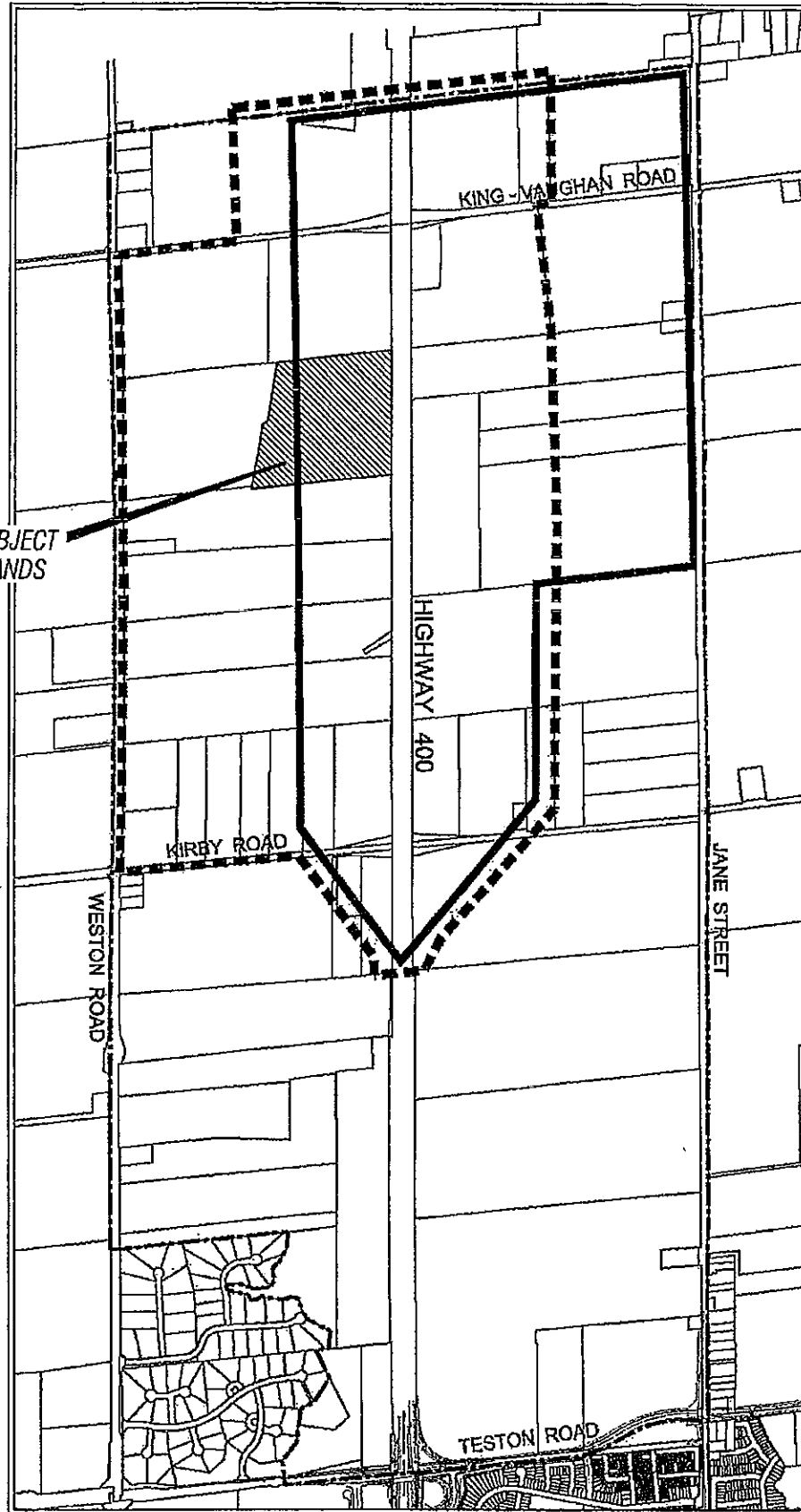
LEGEND

-  Interchange Study Area
-  GTA West Transportation Corridor Protection Area
-  Structural Plan Boundary
-  Subject Lands

NOTE: WHERE THE INTERCHANGE STUDY AREA AND THE GTA WEST TRANSPORTATION CORRIDOR PROTECTION AREA LINES PARALLEL EACH OTHER IT IS INTENDED THAT THE INTERCHANGE STUDY AREA WILL BE IN THE SAME LOCATION AS THE GTA WEST TRANSPORTATION CORRIDOR PROTECTION AREA.

SEE SECTION 2.3.3.1 (d) (i) OF OPA #637 FOR RELATED POLICIES

SUBJECT LANDS



Transportation Corridor
Protection Areas

APPLICANT: 2109179 Ontario Inc. LOCATION: Part of Lot 34, Concession 5

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Development Planning Department

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