

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, September 13, 2022

WARD: 1

TITLE: 2609134 ONTARIO INC.
ZONING BY-LAW AMENDMENT FILE Z.22.025
141 MALOY STREET
VICINITY OF KEELE STREET AND KING-VAUGHAN ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole to rezone the Subject Lands to permit the outside storage of motor vehicles for up to 817 motor vehicles including the inspection and preparation of new vehicles, for a temporary time period of three years as shown on Attachments 2 to 3.

Report Highlights

- The Owner proposes the temporary use outside storage of up to 817 motor vehicles including the temporary inspection and preparation of the new motor vehicles for three years.
- The Subject Lands are located within the Oak Ridges Moraine Conservation Plan Area and the proposed use is not permitted by this Plan.
- Amendments to Zoning By-law 1-88 and 001-2021 (Temporary) is required for the development.
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting.

Recommendation

1. That the Public Meeting report for Zoning By-law Amendment File Z.22.025 (2609134 Ontario Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 141 Maloy Street (the 'Subject Lands') are located at the southwest corner of Keele Street and King-Vaughan Road. The Subject Lands and the surrounding land uses are shown on Attachment 1. The southern portion of the Subject Lands contains an existing 1-storey building and is currently operating as an outside car inventory storage facility. The existing building is used to prepare vehicles for delivery to dealerships. The northern portion of the Subject Lands is vacant, and the Owner has moved the topsoil to the edges of the property to form berms along the property lines.

Date of Pre-Application Consultation Meeting: January 17, 2022.

Date application was deemed complete: August 17, 2022.

Previous Development Applications for an Official Plan and Zoning By-law Amendments for the Subject Lands were submitted

- Official Plan and Zoning By-law Amendment applications (Files OP.21.003 and Z.21.005) (the 'Previous Applications') were previously submitted for the Subject Lands in 2021 to permit the outside storage of up to 817 cars including the inspection and preparation of new motor vehicles.
- The previous applications were circulated, and preliminary comments were received from several departments and agencies. The Owners withdrew the applications and have since submitted an Application for a Temporary Zoning By-law Amendment for the Subject Lands.

Previous Development Applications for a Public Garage at 141 Maloy Street were approved by the Ontario Municipal Board in 1985

- Official Plan and Zoning By-law Amendment applications (Files OP.2.81 and Z.97.81) were submitted for the south portion of 141 Maloy Street in 1981 to permit a public garage for repairing and servicing motor vehicles. These files went to the Ontario Municipal Board (OMB) for Council's failure to make a decision and were subsequently approved.
- The OMB Order amended Vaughan Zoning By-law 2523, from "A Agriculture" to "C4 Commercial Zone". The north portion of the Subject Lands remained zoned as "A Agricultural Zone".
- When Zoning By-law 1-88 was passed, all "C4 Commercial Zones" became "C6 Highway Commercial Zones" (southern portion). The north portion of the Subject Lands remained "A Agricultural Zone".

Previous Propane Distribution Facility occupied the south portion of 141 Maloy Street

- The Owner applied for a building permit for a propane distribution facility in the location of the public garage use on the Subject Lands in 1990 however a building permit was not issued as the propane distribution facility use was not permitted under the existing zoning.
- It appears from historical photography that a propane distribution facility operated on the south portion of the Subject Lands.

The Province approved the Oak Ridges Moraine Conservation Plan ('ORMCP') in 2001

- In 2001 the Province approved the ORMCP and required municipalities to update their Official Plan and Zoning By-law to reflect the policies of the ORMCP. In 2002, Vaughan updated the Official Plan policies and Zoning By-law 242-2003 was passed to rezone lands within the ORMCP area as "ORM-Oak Ridges Moraine Zone". The entire Subject Lands were zoned "ORM Oak Ridges Moraine Zone".

A Zoning By-law Amendment Application has been submitted to permit the proposed development

The Owner has submitted Zoning By-law Amendment File Z.22.025 (the 'Application') to amend Zoning By-law 1-88 and 001-2021 to permit the temporary use of the outside storage of motor vehicles for up to 817 motor vehicles including the inspection and preparation of new vehicles for a period of three years (the 'Development') on the Subject Lands, as shown on Attachments 2 and 3, together with the site-specific exceptions identified in Tables 1 and 2 of this report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- a) Date the Notice of Public Meeting was circulated: August 18, 2022.

The Notice of Public Meeting was also posted on the City's web-site at www.vaughan.ca and Notice Signs were installed on the Subject Lands along Maloy Street and Keele Street in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the MacKenzie Ridge Ratepayers' Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) The following is a summary of written and verbal comments received as of August 23, 2022. The comments are summarized by theme as follows:

Dust and Fumes

- The proposal will create a large amount of fumes and dust in the area which will impact the living condition of the residential properties surrounding the Subject Lands.

Environmental Impacts

- The Development will cause negative environmental impacts to the Oak Ridges Moraine.

Any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

Not applicable.

Analysis and Options

Oak Ridges Moraine Conservation Plan Area does not permit the proposed temporary uses

Official Plan Designation:

- “Oak Ridges Moraine Conservation Plan Area”, “Natural Areas and Countryside” on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’).
- “Oak Ridges Moraine Natural Linkage Area” on Schedule 4 – “Oak Ridges Moraine Conservation Plan and Greenbelt Plan Areas” of VOP 2010.
- “Oak Ridges Moraine Natural Linkage Area” on Schedule 13 – Land Use of VOP 2010.
- The “Oak Ridges Moraine Natural Linkage Area” designation permits uses which are conservation/agricultural use based, low intensity home industries, as well as infrastructure and aggregate related projects.
- The Natural Linkage Area policies of VOP 2010, as approved, are in conformity with the Oak Ridges Moraine Conservation Plan 2017.
- The proposed temporary outside storage of 817 motor vehicles, including the temporary preparation and inspection of new motor vehicles as an accessory use is not a permitted use within the Natural Linkage Area designation in VOP 2010.
- The *Planning Act*, requires that all planning decisions conform to Provincial Policies, including the policies of the Oak Ridges Moraine Conservation Plan. The proposed temporary use for the Subject Lands is not permitted by the VOP 2010. However, Policy 10.1.2.4 of the VOP provides that Zoning By-laws may allow the temporary use of land, building or structures provided the temporary uses meet 4 conditions.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal (OLT) in respect of By-law 001-2021 was November 15, 2021.

By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended.

Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate compliance with both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended.

The Application was received by the City on June 6, 2022, and as such, given Council's direction on October 20, 2021, the Application are subject to a dual review under both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended.

Amendments to Zoning By-law 1-88 and 001-2001 are required to permit the temporary development

Zoning By-law 1-88:

- 'ORM Oak Ridges Moraine Zone' by Zoning By-law 1-88.
- This zone does not permit the proposed use.
- The Owner proposes to amend the 'ORM Oak Ridges Moraine Zone' on the Subject Lands in the manner shown on Attachment 2, to permit the Development on a temporary basis, together with the following site-specific zoning exceptions identified in Table 1.

Table 1:

| | Zoning By-law 1-88 Standard | ORM Oak Ridges Moraine Zone Requirement | Proposed Exceptions to the ORM Oak Ridges Moraine Zone Requirement |
|----|------------------------------------|---|---|
| a. | Minimum Lot Area | 10 ha | 3.6 ha |
| b. | Minimum Front Yard Setback | 15 m | 6 m (Malloy Street) |
| c. | Minimum Exterior Yard Setback | 15 m | 9 m |
| d. | Minimum Rear Yard Setback | 15 m | 9 m |
| e. | Permitted Uses | <ul style="list-style-type: none"> • Single Dwelling on a lot existing as of November 15, 2001 • Home Occupation • Cottage Industries • Fish Wildlife and Forest management Conservation Projects and flood and erosion control | Permit the temporary Outside Storage of up to 817 motor vehicles including the preparation and inspection of new motor vehicles for up to three (3) years |

| | Zoning By-law 1-88 Standard | ORM Oak Ridges Moraine Zone Requirement | Proposed Exceptions to the ORM Oak Ridges Moraine Zone Requirement |
|--|--|--|---|
| | | <ul style="list-style-type: none"> • Oak Ridges Moraine Agricultural Uses • Transportation, Infrastructure and Utilities • Oak Ridges Moraine Low Intensity Recreational Uses • Oak Ridges Moraine Unserved Parks • Oak Ridges Moraine Trail • Uses Accessory to the above | |

Additional zoning exceptions may be identified through the detailed review of the Application and will be considered in a technical report to a future Committee of the Whole meeting.

Zoning By-law 001-2021:

- 'A-ORM Agriculture Zone - Oak Ridges Moraine Zone' by Zoning By-law 001-2021.
- This zone does not permit the proposed temporary storage of cars or proposed temporary uses.
- The Owner proposes to amend the 'A-ORM Agriculture Zone - Oak Ridges Moraine' on the Subject Lands in the manner shown on Attachment 2, to permit the Development on a temporary basis, together with the following site-specific zoning exceptions identified in Table 2:

Table 2:

| | Zoning By-law 001-2021 Standard | A-ORM Zone Requirement | Proposed Exceptions to the A- ORM Zone Requirement |
|----|--|---|---|
| a. | Minimum Lot Area | 40 ha | 3.6 ha |
| b. | Minimum Front Yard Setback | 15 m | 6.0 m (Maloy Street) |
| c. | Minimum Exterior Yard Setback | 15 m | 9.0 m |
| d. | Minimum Rear Yard Setback | 15 m | 9.0 m |
| e. | Permitted Uses | <ul style="list-style-type: none"> • A legally existing single detached dwelling and accessory structures that | Permit the temporary use of Outside Storage of up to 817 motor vehicles including the preparation and inspection of |

| | Zoning By-law 001-2021 Standard | A-ORM Zone Requirement | Proposed Exceptions to the A-ORM Zone Requirement |
|--|--|---|--|
| | | <p>were existing as of November 15, 2001</p> <ul style="list-style-type: none"> • Conservation uses; and • Low Intensity Recreational Uses (Oak Ridges Moraine) | <p>new motor vehicles of up to three (3) years</p> |

Additional zoning exceptions may be identified through the detailed review of the Application and will be considered in a technical report to a future Committee of the Whole meeting.

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

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|----|---|--|
| a. | <p>Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies</p> | <ul style="list-style-type: none"> ▪ The Application will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010 and the policies of the Oak Ridges Moraine Conservation Plan - 2017 ('ORMCP'). ▪ The Subject Lands are located within 120 m of the Minimum Area of Influence of a Provincially Significant Wetland (PSW) located to the south, and a stream corridor and significant woodland to the west. ▪ The Subject Lands are within an area identified as Prime Agricultural Area in the Agricultural System mapping issued in support of the Growth Plan. ▪ The Subject Lands are located within the Agricultural Policy area of the YROP. York Region staff will confirm if the proposed temporary outside storage of up to 817 motor vehicles, including the preparation and inspection of new motor vehicles, meets the Chapter 6 Agricultural and Rural Area policies of the YROP. ▪ The does not conform with the ORMCP policies for the Natural Linkage Area designation. |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|----|--|--|
| | | <ul style="list-style-type: none"> ▪ Section 6 of the ORMCP regarding existing uses is not applicable to the Subject Lands since the legal use of the property (public garage) previously approved on the south portion of the Subject Lands ceased when the City's Zoning By-law was brought into conformity with the ORMCP in 2003. ▪ If the Application is approved, the ORMCP requires suitable policy justification to support a Natural Heritage Evaluation confirming that the Application will not adversely affect the ecological integrity of the ORMCP area. |
| b. | Appropriateness of Amendments to the Zoning By-law | <ul style="list-style-type: none"> ▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses. |
| c. | Studies and Reports | <ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Application available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process. |
| d. | Servicing | <ul style="list-style-type: none"> ▪ The Subject Lands are outside the Urban Boundary and are not serviced with municipal sewers. |
| e. | Urban Design Guidelines | <ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines |
| f. | Public Agency/Municipal Review | <ul style="list-style-type: none"> ▪ The Application must be reviewed by York Region and external public agencies and utilities. ▪ The Application must also be reviewed by Toronto and Region Conservation Authority ('TRCA') as a portion of the Subject Lands are within the TRCA's Regulated Area due to a Provincially Significant Wetland (PSW) feature on the adjacent lands. The PSW is located approximately 110 metres to the south. A TRCA permit is required for any site alteration. ▪ The Subject Lands are also within the Credit Valley Toronto and Region and Central Lake Ontario (CTC) Source Protection Region within Wellhead Protection Area – Q2 (WHPA-Q2) and is subject to a technical review of Low Impact Development regarding predevelopment recharge and TRCA requires retention calculations and proposed mitigation measures to mitigate the impact of evapotranspiration and runoff. |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|----|---|---|
| g. | Proximity to Metrolinx GO Train Service | <ul style="list-style-type: none"> The Subject Lands are located within 300 m of Metrolinx's Newmarket Subdivision Rail Line. Comments have been provided by Metrolinx and will be reviewed with respect to potential noise mitigation from the rail line. |
| h. | Required Application | <ul style="list-style-type: none"> The Owner is required to submit a Development Application for Site Plan Approval, should this Temporary Zoning By-law Amendment Application be approved. |

Financial Impact

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

Broader Regional Impacts/Considerations

The Application has been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Application will be considered in the technical review of the Application. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Christina Ciccone, Senior Planner, Development Planning Department, ext. 8773.

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan

Prepared by

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Approved by

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Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in cursive script, appearing to read 'Nick'.

Nick Spensieri, City Manager