

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, November 22, 2022

WARD: 1

**TITLE: FRANLINE INVESTMENTS LIMITED
OFFICIAL PLAN AMENDMENT FILE OP.22.013
ZONING BY-LAW AMENDMENT FILE Z.22.024
4130 KING-VAUGHAN ROAD
VICINITY OF KING-VAUGHAN ROAD AND PINE VALLEY
DRIVE**

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 on applications to amend the Vaughan Official Plan 2010, Zoning By-law 1-88, and Zoning By-law 001-2021 to permit the continued use of an existing mineral aggregate storage and distribution operation and an accessory office use within the existing dwelling on the subject lands, as shown on Attachments 1 and 2.

Report Highlights

- The Owner is seeking approvals to permit the existing mineral aggregate storage and distribution operation and accessory office use on the subject lands
- Amendments to the Vaughan Official Plan, Zoning By-law 1-88 and Zoning By-law 001-2021 are required to permit the continued use of the existing operation
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.22.013 and Z.22.024 (Franline Investments Limited) BE RECEIVED,

and that any issues identified be addressed by the Development Planning Department in a technical report to the Committee of the Whole.

Background

Location: 4130 King-Vaughan Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

The Subject Lands are comprised of farmed agricultural lands and developed with a barn, storage building, garage and dwelling that is partially being maintained as a dwelling, while the remainder is being used as an office accessory to the mineral aggregate storage and distribution operation that exists on the Subject Lands.

Date of Pre-Application Consultation (PAC) Meeting: January 20, 2022

Date applications were deemed complete: The applications were deemed incomplete on August 11, 2022. Additional information and materials are required to assess the applications.

The owners of the Subject Lands have been issued Notices to Comply from By-law and Compliance, Licensing and Permit Services

The owners of the Subject Lands have been issued two Notices to Comply from By-law and Compliance, Licensing and Permit Services, as the existing mineral aggregate storage and distribution operation and Accessory Office Use are not permitted in the "A Agricultural Zone" of Zoning By-law 1-88 or Zoning By-law 001-2021.

The first Notice to Comply was issued on March 11, 2019 to the previous owner of the Subject Lands, Marlisi Construction. The previous owner was given until April 11, 2019, to bring the Subject Lands into compliance with Zoning By-law 1-88; however, they failed to do so, therefore legal action was taken against Marlisi Construction in June of 2019. The COVID-19 emergency delayed court proceedings but hearings were held in 2021. Each part owner of the Subject Lands pleaded guilty to the charges and were given a fine in the amount of \$250 per defendant.

When property ownership changed to Franline Investments Limited ('the Owner'), a new Notice to Comply was issued on April 23, 2021. The Owner was given until May 23, 2021 to bring the Subject Lands into compliance with Zoning By-law 1-88. The Owner failed to bring the Subject Lands into compliance by that date and was charged before the courts on multiple charges, that have since been withdrawn as the court stated, "it is not in the public's best interest to proceed". The Owner has submitted the Official Plan Amendment and Zoning By-law Amendment applications to address the Notices to Comply.

Official Plan and Zoning By-law Amendment applications have been submitted to permit the continued use of the existing operations on the Subject Lands

The Owner has submitted the following applications ('Applications') for the Subject Lands to permit the continued use of an existing mineral aggregate storage on 0.22 ha (2% of the lot area) and distribution operation, with a 149 m² accessory office use within the existing 220.5 m² dwelling ('the Proposal'), as shown on Attachments 1 and 2:

1. Official Plan Amendment File OP.22.013 to amend the policies of Vaughan Official Plan 2010 ('VOP 2010'), Volume 1 to permit the continued use of the existing mineral aggregate storage and distribution operation with an accessory office use within the existing dwelling, in the "Agricultural" designation.
2. Zoning By-law Amendment File Z.20.024 to amend Zoning By-law 1-88 and Zoning By-law 001-2021, to permit the existing mineral aggregate storage and distribution use and Accessory Office Use within the existing dwelling, in the "Agricultural Zone" in the manner shown on Attachment 2, together with the site-specific zoning 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: October 28, 2022.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along King-Vaughan Road in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m and an expanded notification area for the Subject Lands, as shown on Attachment 1, and to the Kleinburg and Area Ratepayer's Association and the Mackenzie Ridge Ratepayer's Association and to anyone on file with the Office of the City Clerk having requested notice.

- c) No comments have been received as of November 1, 2022, by the Development Planning Department.

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

None.

Analysis and Options

Amendments to VOP 2010 are required to permit the Proposal

Official Plan Designation:

- Located in the “Natural Areas and Countryside” and outside of the “Urban Boundary” as identified on Schedule 1 – Urban Structure of VOP 2010
- Designated “Agricultural” on Schedule 13 – Land Use of VOP 2010
- This designation does not permit the outside storage or distribution of mineral aggregates or an accessory office use
- An amendment to VOP 2010 is required to permit the existing uses on the Subject Lands.
- The Owner proposes a site-specific amendment to the “Agricultural” designation of VOP 2010, to permit the existing uses

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 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 By-law 001-2021, as amended, and Zoning By-law 1-88, as amended.

The Applications were received by the City on July 12, 2022, and as such, given Council’s direction on October 20, 2021, the Applications are subject to a dual review under both Zoning By-law 001-2021, as amended, and Zoning By-law 1-88, as amended.

Amendments to Zoning By-law 1-88 and Zoning By-law 001-2021 are required to permit the Proposal

Zoning (By-law 1-88):

- “A Agricultural Zone” by Zoning By-law 1-88
- This Zone does not permit the uses the Owner is seeking
- The Owner proposes to amend the “A Agricultural Zone” for the Subject Lands, to permit the continued use of an existing mineral aggregate storage and distribution operation and an Accessory Office Use within an existing dwelling, together with the following site-specific zoning exceptions, in the manner shown on Attachment 2:

Table 1

	Zoning By-law 1-88 Standard	Agricultural Zone Requirement	Proposed Exceptions to the Agricultural Zone Requirement
a.	Definition of Mineral Aggregate Storage and Distribution Operation	No definition	Means the placing of sand, gravel, limestone and other aggregate on a lot and not covered by a structure, in order to be transported off-site
b.	Permitted Uses	The outside storage and distribution of mineral aggregates with an accessory office within an existing dwelling is not permitted	To permit the following uses only in the area as shown on Attachment 2 <ul style="list-style-type: none"> - Outside storage and distribution of mineral aggregates - Accessory office within an existing dwelling
c.	Outside Storage Area Accessory to a Permitted Use and Maximum Area	Outside storage shall be accessory to a permitted use	Outside storage of mineral aggregate shall not be accessory to a permitted use
d.	Outside Storage Screening	The outside storage area shall be completely enclosed by a stone or masonry wall or chain link fence with appropriate landscaping screen and no such enclosure shall be less than two 2 m in height	The outside storage area shall be screened by a 4.5 m high topsoil berm and an existing chain link fence that surrounds the Subject Lands that is 1.5 m in height
e.	Maximum Height of Outside Storage	No outside storage other than the storage of machinery and equipment shall exceed three 3 m in height	No outside storage of mineral aggregates piles shall exceed a maximum height of 5.5 m

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

Zoning (By-law 001-2021):

- “A Agricultural Zone” by Zoning By-law 001-2021
- This Zone does not permit the uses the Owner is seeking
- The Owner proposes to amend the “A Agricultural Zone” for the Subject Lands, to permit the continued use of an existing mineral aggregate storage and distribution operation and an Accessory Office Use within an existing dwelling, together with the following site-specific zoning exceptions, in the manner shown on Attachment 2:

Table 2

	Zoning By-law 001-2021 Standard	Agricultural Zone Requirement	Proposed Exceptions to the Agricultural Zone Requirement
a.	Definition of Mineral Aggregate Storage and Distribution Operation	No definition	Means the placing of sand, gravel, limestone and other aggregate on a lot and not covered by a structure, in order to be transported off-site
b.	Permitted Uses	The outside storage and distribution of mineral aggregates with an accessory office within an existing dwelling is not permitted	To permit the following uses only in the area as shown on Attachment 2: <ul style="list-style-type: none">- Outside storage and distribution of mineral aggregates- Accessory office within an existing dwelling
c.	Maximum Height of Outside Storage	The maximum height of goods or materials stored within an outside storage area shall be 3 m	The maximum height of piles for mineral aggregates shall be 5.5 m
d.	Outside Storage of Obnoxious Goods	Outside storage of obnoxious goods or materials shall be prohibited	Outside storage of mineral aggregates shall be permitted
e.	Outside Storage Screening	Any portion of a lot used for outside storage shall be fully screened by an opaque fence or other vertical elements	Outside storage shall be screened by a 4.5 m high topsoil berm and a 1.5 m high chain link fence that surrounds the Subject Lands

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

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region, and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications 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, 2020, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010 ▪ The Proposal will be evaluated in consideration of the "Prime Agricultural Area" policies of the PPS and the Growth Plan ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the existing and surrounding land use designation(s), compatibility with the existing agricultural and planned surrounding land uses, and the location of the use within an identified "Prime Agricultural Area"
b.	Appropriateness of Amendments to Zoning By-laws	<ul style="list-style-type: none"> ▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the impacts to the existing and planned surrounding land uses in the area, the hours of operation and size of the operation ▪ Details for the existing uses for the Subject Lands will be reviewed in consideration of, but not limited to following: <ul style="list-style-type: none"> - the location and height of aggregate piles - the adequacy of the 4.5 m high landscaped topsoil berm to screen the mineral aggregate storage from the street and abutting neighbours - any noise, dust or truck traffic generated by the use
c.	Related Site Development Application	<ul style="list-style-type: none"> ▪ The Owner has submitted Site Development File DA.22.038 to facilitate the Development, which is currently under review by the Development Planning Department ▪ In accordance with Bill 109, the approval of Site Development Applications has been delegated to the City of Vaughan Director of Development Planning and/or the Director of Policy Planning and Special Projects for approval
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted the following studies and reports in support of the Applications: <ul style="list-style-type: none"> - Planning Justification Report

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - Agricultural Impact Assessment - Environmental Noise Assessment <ul style="list-style-type: none"> ▪ The reports are 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. ▪ The requirement for additional drawings and/or reports have been identified through the review of the Applications, including but not limited to: <ul style="list-style-type: none"> - Traffic Impact Study - Air Quality Assessment Report
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 Applications must be reviewed by York Region, external public agencies such as the Ministry of Municipal Affairs and Housing ('MMAH'), and utilities, municipalities and the Public, Separate, and the School Boards
g.	Sustainable Development	<ul style="list-style-type: none"> ▪ As the Owner is not proposing any new building development, the Sustainability Metrics Program has been waived for the Subject Lands
h.	Parkland Dedication	<ul style="list-style-type: none"> ▪ As the Owner is not proposing any new building development, parkland dedication is not required to be satisfied
i.	Description of Mineral Aggregate Operation and Distribution	<ul style="list-style-type: none"> ▪ The Planning Justification Report identifies the following information for the existing uses on the Subject Lands: <ul style="list-style-type: none"> - Hours of operation - 7:30 am to 4:30 pm on weekdays - The types of trucks entering and exiting the Subject Lands consist of end dump trailers, triaxle dump trucks and stone slinger conveyor trucks - The amount of truck traffic generated on-site is seasonally dependent. In the winter months (November to March), end dump trailers haul in material once a week, whereas during the summer and early fall, approximately 40-50 loads of aggregate material are hauled in and out. End dump trailers bring in material 2 to 3 times a week, while triaxle dump trucks and stone slingers enter and exit the Subject Lands, 30 to 50 trips per day throughout the hours of operation

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - Trucks leave and approach the Subject Lands from the east on King-Vaughan Road. Trucks then turn south along Weston Road, and east-west roads in Vaughan to access Highway 400 - King-Vaughan Road is a municipal road that has a 5 tonnes per axle restriction for trucks, year-round that is monitored by the Region of York. The Owner shall provide information about the weight of the trucks with aggregate to demonstrate conformity to the King-Vaughan Road restriction

Additional matters to be reviewed shall be identified through a detailed review of the Applications and will be considered as part of a comprehensive report to a future Committee of the Whole meeting.

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have 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. The Owner has requested exemption of Regional Approval for Official Plan Amendment File OP.22.013. At the time of the preparation of this report, exemption from York Region approval was not confirmed.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the comprehensive technical review of the Applications. 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 Rebecca Roach, Planner, Development Planning Department, ext. 8626.

Attachments

1. Context and Location Map
2. Site Plan with Existing Uses and Proposed Zoning

Prepared by

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Approved by

A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager