

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2023

Item 2, Report No. 36, of the Committee of the Whole (Public Meeting), which was adopted, as amended, by the Council of the City of Vaughan on September 26, 2023, as follows:

By receiving Communication C8 from Irene Ford, dated September 13, 2023.

2. 2631622 ONTARIO CORP. OFFICIAL PLAN AMENDMENT FILE NO. OP.23.005 ZONING BY-LAW AMENDMENT FILE NO. Z.23.008 PART OF LOT 28, CONCESSION 11 VICINITY OF HIGHWAY 50 AND ALBION-VAUGHAN ROAD

The Committee of the Whole (Public Meeting) recommends:

- 1. That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated September 13, 2023, be approved; and**
- 2. That the following Communications be received:**
 - C3. Presentation material, Zechariah Bouchard and Patrick Pearson, Glen Schnarr & Associates Inc., Kingsbridge Garden Circle, Mississauga, on behalf of the applicant, dated September 13, 2023; and**
 - C4. Fausto Mark Tenaglia, Albion Vaughan Road, Vaughan, dated September 10, 2023.**

Recommendations

- 1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.23.005 and Z.23.008 (231622 Ontario Corp.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.**

Committee of the Whole (Public Meeting) Report

DATE: Wednesday, September 13, 2023

WARD(S): 1

TITLE: 2631622 ONTARIO CORP.

OFFICIAL PLAN AMENDMENT FILE NO. OP.23.005

ZONING BY-LAW AMENDMENT FILE NO. Z.23.008

PART OF LOT 28, CONCESSION 11

VICINITY OF HIGHWAY 50 AND ALBION-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 on applications to amend the Vaughan Official Plan 2010 and Zoning By-law 001-2021 to permit the temporary use of three (3) office trailers and the outside storage of intermodal shipping containers and truck and trailer parking, for a period of three (3) years as shown on Attachments 2 to 4.

Report Highlights

- The Owner proposes to permit the temporary use of three (3) office trailers, the outside storage of intermodal shipping containers and truck and trailer parking, for a period of three (3) years.
- A City-initiated amendment to Zoning By-law 001-2021 is also proposed to rezone the Subject Lands from “GC General Commercial Zone” to “A Agricultural Zone”, to correct an error in Zoning By-law 001-2021
- 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.23.005 and Z.23.008 (231622 Ontario Corp.) 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: Part of Lot 28, Concession 11, designated as Part 4, Plan 65R-19710 (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: April 11, 2022

Date applications were deemed complete: May 31, 2023

A Site Development Application was previously submitted for the Subject Lands.

On December 10, 2020, the Development Planning Department received Site Development Application File DA.20.061 from the Owner to develop the Subject Lands with a private tennis court facility. During the review process, the Ministry of Transportation ('MTO') advised that the Subject Lands are located within the Focused Analysis Area ('FAA') of the GTA West Corridor Study for Highway 413 and as such, MTO would not permit development on the Subject Lands until the GTA West Corridor Study was completed, or the Subject Lands were released for development. The Owner chose to hold the file in abeyance until the completion of the GTA West Corridor Study. As new development applications for the temporary use have been received for the Subject Lands, Site Development File DA.20.061 was closed.

Notices were issued to the Owner by By-law Enforcement for the Subject Lands.

On January 7, 2022, the City of Vaughan By-law and Compliance, Licensing and Permit Services Department issued a Notice of Violation to the Owner for storing intermodal shipping containers and parking trucks and trailers on the Subject Lands.

On July 7, 2022, a Notice of Encroachment was issued to the Owner for the modification and extension of a culvert along the Cold Creek frontage without a permit. The Owner is currently working with the Development Engineering Department to rectify the situation.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the existing uses for a temporary period of 3 years.

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the existing uses as shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.23.005 to amend the policies of Vaughan Official Plan 2010, to permit a site-specific amendment to the "Agricultural" designation for the Subject Lands to allow for three (3) office trailers, the outside

storage of approximately 350 intermodal shipping containers, and 50 truck and trailer parking, on a temporary basis for a period of 3 years (the 'Proposal').

2. Zoning By-law Amendment File Z.23.008 to permit a site-specific exception to the "GC General Commercial Zone" in Zoning By-law 001-2021 for the Subject Lands to permit the Proposal for a temporary period of three (3) years, in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Attachment 5 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, 2023.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along Highway 50 and Cold Creek Road in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within the statutory 150 m of the Subject Lands and an extended polling radius as shown on Attachment 1, to the Kleinburg and Area Ratepayers Association and the Kleinburg Business Improvement Area ('BIA'), and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received as of August 29, 2023, by the Development Planning Department.

Any 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

A City-initiated amendment to Zoning By-law 001-2021 is required to rezone the Subject Lands from "GC General Commercial Zone" back to "A Agricultural Zone."

The Subject Lands and surrounding lands are incorrectly identified as "GC General Commercial Zone" in Zoning By-law 001-2021. The "A Agricultural Zone" is the correct zone category to implement the "Agricultural" designation for the Subject Lands in VOP 2010. The Subject Lands will be rezoned back to "A Agricultural Zone" and therefore exceptions for the "Agricultural Zone" have been identified for the Proposal in Attachment 6.

An amendment to Vaughan Official Plan 2010 is required to permit the Proposal for a temporary period of 3 years.

Official Plan Designation:

- “Natural Areas and Countryside” and outside the “Urban Boundary” on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’)
- “Agricultural” on Schedule 13 – Land Use by VOP 2010
- This designation does not permit non-agricultural uses including the proposed office and outside storage uses, therefore an amendment to VOP 2010 is required to address the use and location of outside storage.
- The Owner proposes a site-specific amendment to the “Agricultural” designation to permit the Proposal on a temporary basis for a period of 3 years.

Amendments to Zoning By-law 001-2021 are required to permit the Proposal for a temporary period of 3 years.

Zoning:

- Inadvertently identified as “GC General Commercial Zone” by Zoning By-law 001-2021 whereas these lands should be identified as “A Agricultural Zone” to be consistent with the “Agricultural” designation in VOP 2010.
- The outside storages uses are not permitted in either zone category.
- The Owner proposes a site-specific amendment to the “GC General Commercial Zone” on the Subject Lands to permit the Proposal on a temporary basis for a period of 3 years, together with site-specific zoning exceptions identified in Attachment 5, however the City proposes to rezone the Subject Lands to the “A Agricultural Zone” in Zoning By-law 001-2021 to be consistent with VOP 2010.

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 to and Consistency with Provincial Policies, York Region, and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for conformity to and consistency 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, 2022 (‘YROP’) and VOP 2010.

	MATTERS TO BE REVIEWED	COMMENT(S)
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law 001-2021	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the proposed temporary use and location of the proposed outside storage. ▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses, as well as hours of operation, location of outside storage, and appropriate screening/landscaping being provided on the Subject Lands.
c.	Required Site Development Application	<ul style="list-style-type: none"> ▪ Should the Applications be approved, the Owner will be required to submit a Site Development Application to address site access, road widening, servicing, and grading, landscaping, noise, and other municipal, regional, and public agency and utility requirements.
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications 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.
e.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by external public agencies including York Region, Ministry of Transportation (MTO), the Ministry of Energy, York Region, Peel Region, the City of Brampton, the Town of Caledon, and external public agencies and utilities.
f.	Sustainable Development	<ul style="list-style-type: none"> ▪ The Applications are for a temporary use and therefore are not required to be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program.
g.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications are for a temporary use and therefore are not required to be reviewed in consideration of the City of Vaughan's Parkland Dedication Policy.
h.	City's Tree Protection Protocol ('TPP')	<ul style="list-style-type: none"> ▪ There are no trees on the Subject Lands. There are 28 trees that border the south property line of the Subject Lands, all of which are proposed to be retained. ▪ The Proposal will be reviewed in accordance with the City's Tree Protection Protocol, for the protection and the replacement of any tree(s) should they be damaged during construction, if the Applications are approved.

	MATTERS TO BE REVIEWED	COMMENT(S)
I.	Traffic Impacts, Road Widening and Access	<ul style="list-style-type: none"> ▪ The Transportation Impact Study (TIS) submitted in support of the Applications will be reviewed in accordance with the City's Transportation Impact Study Guidelines to the satisfaction of the Development Engineering Department. ▪ The TIS identifies the following with respect to truck traffic moving in and out of the Subject Lands: <ul style="list-style-type: none"> ○ Between 4 am to 7am, approximately 40 trucks are moving in and out of the Subject Lands during this time; ○ Between 7 am to 10 am, approximately 20 trucks (i.e., 6 trucks/hr) are moving in and out of the Subject Lands; ○ Between 4 pm to 7 pm, approximately 15-20 trucks (i.e., 5-6 trucks/hr) are moving in and out of the Subject Lands during the afternoon peak time; ○ 60% of total traffic is associated with trucks moving in and out of the Subject Lands. Vehicles exit the site and turn right onto Cold Creek Road and head south towards Highway 50 via Nashville Road; and ○ 40% of total traffic is associated with trucks moving in and out of the Subject Lands. Vehicles exit the site and turn left onto Cold Creek Road and head north towards Kirby Road to go north to Albion Vaughan Road. ▪ The traffic generated by the Proposal will be reviewed in consideration of existing traffic conditions along Highway 50 and Cold Creek Road. ▪ Matters including the proposed full moves driveway access from Cold Creek Road, truck manoeuvring, parking and transportation demand management requirements are required to be reviewed to the satisfaction of the Development Engineering Department. ▪ The Subject Lands are located on Highway 50 and Cold Creek Road. Highway 50 is a regional road with a planned right of way width of up to 45 metres, under the jurisdiction of York Region and Peel Region, while Cold Creek Road is a local municipal road under the jurisdiction of the City of Vaughan.

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ York and Peel Region will identify any required land conveyances along Highway 50. ▪ The Subject Lands are located in the Focused Analysis Area of the Highway 413 ('GTA West Corridor') Study area. Until the study is completed, MTO has identified that they will only permit temporary uses on the Subject Lands until September of 2025.

Financial Impact

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

Operational Impact

The Development Planning Department has circulated the Applications to internal City departments and external agencies for review and comment.

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.23.005. York Region has determined the proposed Official Plan Amendment application is a matter of local significance and does not adversely affect regional planning policies or interest. York Region, on July 17, 2023, exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the 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 with Polling Area
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Elevations and Floor Plan – Office Trailer
5. Proposed Exceptions to GC General Commercial Zone in Zoning By-law 001-2021
6. Proposed Exceptions to A Agricultural Zone in Zoning By-law 001-2021

Prepared by

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Letizia D’Addario, Senior Planner, ext. 8213
Carmela Marrelli, Senior Manager of Development Planning, ext. 8791
Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

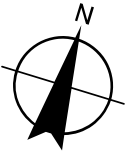


Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager



Existing Commercial **GC C2** **EM2** **EM2** Existing Employment **U**

A **GC**
Existing Agricultural

Existing Agricultural

A **GC**

City of Brampton

Existing Agricultural

Existing Agricultural

A

HIGHWAY 50

Existing Agricultural **C2(H)** **A**

COLD CREEK ROAD

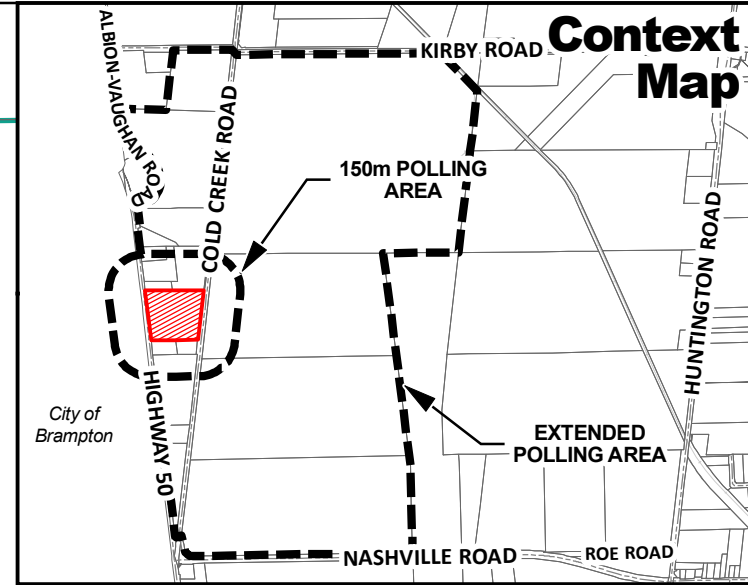
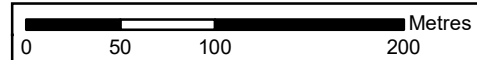
Subject Lands

Zoning By-Law 1-88

- A, Agricultural
- C2(H), General Commercial with the Holding Symbol
- C2, General Commercial
- EM2, General Employment Area

Zoning By-Law 001-2021

- A, Agriculture Zone
- EM2, General Employment Zone
- GC, General Commercial Zone
- U, Utility Zone



Context and Location Map with Polling Area

Location
Part 4 65R-19710
Part Lot 28 Concession 11

Applicant
2631622 Ontario Corp.

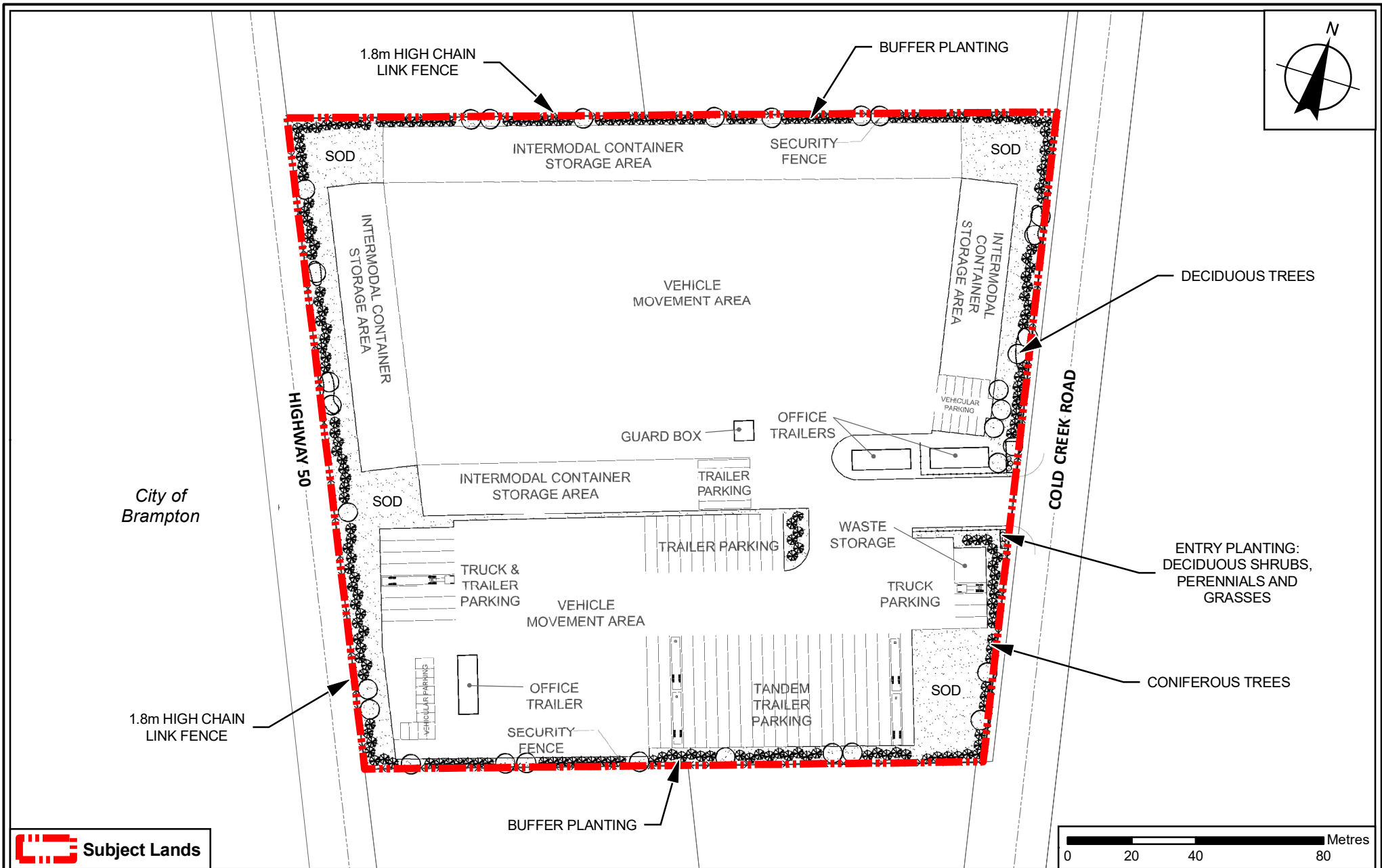


Attachment

Files
OP.23.005 and Z.23.008

Date
September 13, 2023

1



 **Subject Lands**

Landscape Plan

Location
 Part 4 65R-19710
 Part Lot 28 Concession 11

Applicant
 2631622 Ontario Corp.

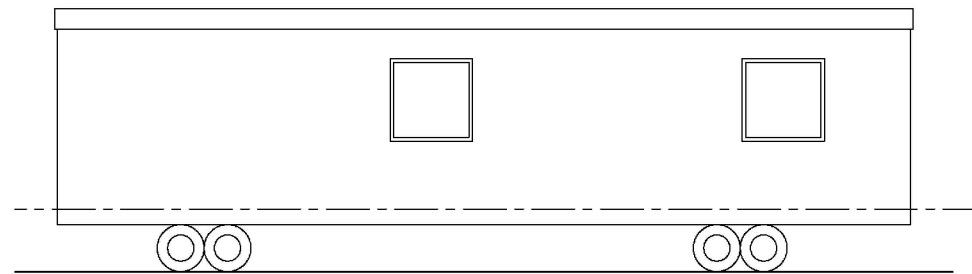


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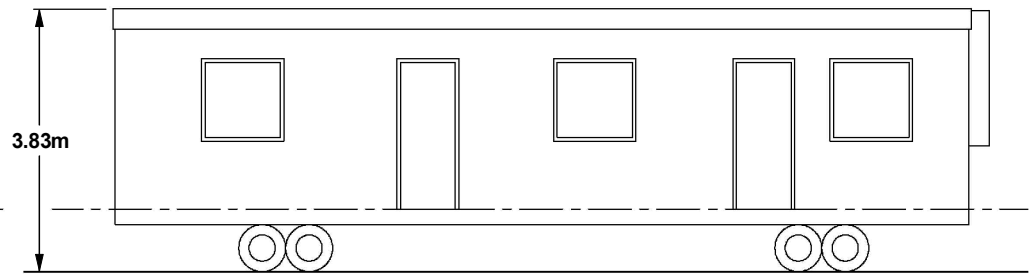
Files
 OP.23.005 and Z.23.008

Date
 September 13, 2023

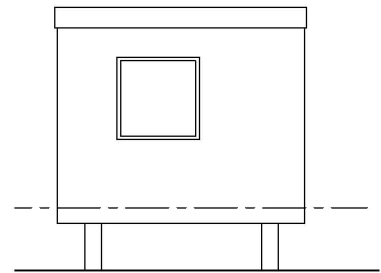
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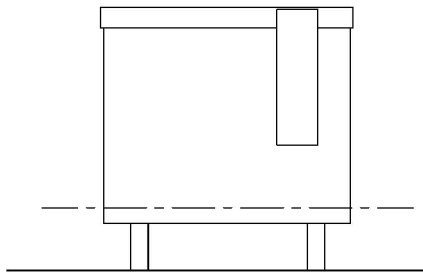
REAR ELEVATION



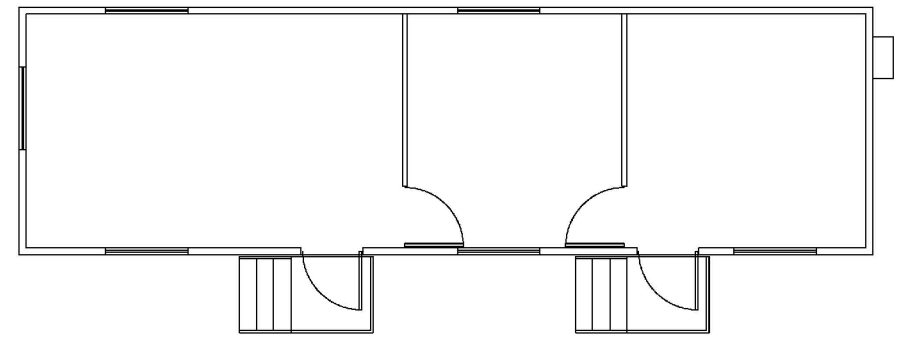
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



FLOOR PLAN

Not to Scale

Elevations and Floor Plan - Office Trailer

Location
Part 4 65R-19710
Part Lot 28 Concession 11

Applicant
2631622 Ontario Corp.



Attachment

Files
OP.23.005 and Z.23.008

Date
September 13, 2023

4

**Attachment 5 – Proposed Exceptions to GC General Commercial Zone in Zoning
By-law 001-2021**

	Zoning By-law 001-2021 Standard	GC General Commercial Zone Requirement	Proposed Exceptions to the GC General Commercial Zone Requirement
a.	Definition of Lot Line Front	In the case of a through lot, the lot line that abuts the wider road or abuts a Regional or Provincial road or highway shall be deemed to be the front lot line	The front lot line shall be Highway 50
b.	Definition of Waste Storage Enclosure	Means a wholly enclosed detached building or structure, including a roof or an integrated portion of the principal building, that is intended to accommodate the storage of refuse	Means a waste storage area that is not located within a wholly enclosed building or integrated into a portion of the principal building
c.	Permitted Uses	Outside storage is not a permitted use	Permit an intermodal facility with approximately 350 intermodal containers stacked 4 stories high (10.5 m), 50 trucks and trailers, and 3 accessory office trailers
d.	Setback for Intermodal Containers from Residential Uses	An intermodal container shall be setback a minimum distance of 10 m from any lot line abutting a Residential zone or any lot used for a residential purpose	An intermodal container shall be setback a minimum distance of 3 m from any lot line abutting a Residential zone or any lot used for a residential purpose
e.	Minimum Rear Yard Setback (Cold Creek Road)	12 m	3.5 m
f.	Surface Treatment	A parking area, any driveway or aisle providing access to a parking area and any loading space and associated manoeuvring area shall be located on a stable surface and treated with a hard surface dustless material, such as asphalt, concrete,	A parking area, any driveway or aisle providing access to and any loading space and associated manoeuvring area shall be gravel

	Zoning By-law 001-2021 Standard	GC General Commercial Zone Requirement	Proposed Exceptions to the GC General Commercial Zone Requirement
		permeable paving surface, or a similar material	
g.	Outside Storage	The maximum height of outside storage shall be 3 m	The maximum height shall be 10.5 m (4 intermodal containers high)
		Outside storage shall not be permitted in a front yard	Outside storage shall be permitted in any yard
		Outside storage shall not be permitted between a principal building or structure and a street line	Outside storage shall be permitted between a principal building or structure and a street line
		Outside storage shall not be permitted on any corner lot	Outside storage shall be permitted on a through lot
		Outside storage shall be screened by an opaque fence or other vertical elements	Outside storage shall be screened by a 1.8 m high chain link fence with no opaque elements

**Attachment 6 – Proposed Exceptions to A Agricultural Zone
Zoning By-law 001-2021**

	Zoning By-law 001-2021 Standard	A Agricultural Zone Requirement	Proposed Exceptions to the A Agricultural Zone Requirement
a.	Definition of Lot Line Front	In the case of a through lot, the lot line that abuts the wider road or abuts a Regional or Provincial road or highway shall be deemed to be the front lot line	The front lot line shall be Highway 50
b.	Definition of Waste Storage Enclosure	Means a wholly enclosed detached building or structure, including a roof or an integrated portion of the principal building, that is intended to accommodate the storage of refuse	Means a waste storage area that is not located within a wholly enclosed building or integrated into a portion of the principal building
c.	Permitted Uses	The proposed uses are not permitted	Permit an intermodal facility with approximately 350 intermodal containers stacked 4 stories high (10.5 m), 50 trucks and trailers, and 3 accessory office trailers
d.	Setback for Intermodal Containers from Residential Uses	An intermodal container shall be setback a minimum distance of 10 m from any lot line abutting a Residential zone or any lot used for a residential purpose	An intermodal container shall be setback a minimum distance of 3 m from any lot line abutting a Residential zone or any lot used for a residential purpose
e.	Intermodal Containers	The maximum number of intermodal containers on a single lot shall be 4	The maximum number of intermodal containers shall be 350
		An intermodal container shall only be permitted in the rear yard	An intermodal container shall be permitted in any yard
f.	Minimum Front Yard Setback	15 m	10 m

	Zoning By-law 001-2021 Standard	A Agricultural Zone Requirement	Proposed Exceptions to the A Agricultural Zone Requirement
g.	Minimum Rear Yard Setback	15 m	3.5 m
h.	Maximum Lot Coverage	10%	17%
i.	Outside Storage	The maximum height of outside storage shall be 3 m	10.5 m (4 intermodal containers high)
		Outside storage shall not be permitted in a front yard	Outside storage shall be permitted in any yard
		Outside storage shall not be permitted between a principal building or structure and a street line	Outside storage shall be permitted between a principal building or structure and a street line
		Outside storage shall not be permitted on any corner lot	Outside storage shall be permitted on a through lot
		Outside storage shall be screened by an opaque fence or other vertical elements	Outside storage shall be screened by a 1.8 m high chain link fence with no opaque elements