

Committee of the Whole (2) Report

DATE: Tuesday, February 13, 2024

WARD: 1

TITLE: ROYAL KING VALLEY HOLDINGS INC.
ZONING BY-LAW AMENDMENT FILE Z.21.004
SITE DEVELOPMENT FILE DA.21.006
TEMPORARY USE
3230 KING VAUGHAN ROAD
VICINITY OF KING VAUGHAN ROAD AND HIGHWAY 400

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.21.004 to permit a temporary use of an existing Contractor's Yard with the outdoor storage of construction equipment and materials, a 1,724.5 m² prefabricated storage building with accessory offices uses, for the maximum period of three (3) years, as shown on Attachments 1 to 4.

Report Highlights

- The Owner has submitted Zoning By-law Amendment and a Site Development application to permit a temporary use for a maximum of three (3) years, for an existing Contractor's Yard with outdoor storage for construction equipment and materials as well as a 1,724.5 m² prefabricated storage building with accessory office uses.
- Zoning By-law Amendment and Site Development applications are required permit the proposed temporary use.
- The Subject Lands are located within the Ministry of Transportation, Ontario Greater Toronto Area West Corridor Protection Area.
- The Development Planning Department supports the approval of the applications subject to conditions as outlined in this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.21.004 (Royal King Valley Holdings Inc.) BE APPROVED, to amend Zoning By-law 1-88, to permit an existing Contractor's Yard with outdoor storage for construction equipment and materials as well as a 1,724.5 m² storage building with accessory offices uses, for a maximum period of three (3) years in an "A - Agricultural Zone", in the manner shown on Attachments 2 to 4, together with the site-specific zoning exceptions identified in Table 1 of Attachment 5 of this report; and
2. THAT Site Development File DA.21.006 (Royal King Valley Holdings Inc.) as shown on Attachments 2 to 4, BE APPROVED, to permit an existing Contractor's Yard with outdoor storage for construction equipment and materials as well as a 1,724 m² storage building with accessory offices uses, subject to the Conditions of Approval in Attachment 6.

Background

Location: 3230 King Vaughan Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: December 3, 2019

Date applications were deemed complete: March 15, 2021

Zoning By-law Amendment and Site Development Applications have been submitted to permit the proposed development.

Royal King Valley Holdings Inc. (the Owner) has submitted the a Zoning By-law Amendment and Site Development Application (the 'Applications') for the Subject Lands to permit by way of a temporary use zoning by-law, an existing Contractor's Yard with outdoor storage and materials as well as a 1,724.5 m² storage building with accessory offices uses for a maximum period of three (3) years in an "A - Agricultural Zone" subject to site-specific Exception 9(670), (the 'Development') as shown on Attachments 2 to 4.:

The Committee of the Whole (Public Meeting) considered the Development Application on June 1, 2021.

The Committee of the Whole, on June 1, 2021, received a Public Meeting report on Zoning By-law Amendment Application Z.21.004 for the same Development.

The Application has not been considered by Council within two years from the date of the original Public Meeting (June 1, 2021). Vaughan Official Plan 2010 – Section 10 Implementation, states that "at least one Public Meeting shall be held prior to the adoption of an Official Plan or Zoning By-law amendment at which the public may make representations in respect of the matter being considered. A new Public Meeting for a planning application(s) shall automatically be required when any of the following circumstances occur:

- a. Any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory public meeting; and/or
- b. An application(s) has been significantly amended, such as an increase to the proposed density and/or building height, beyond what was proposed and considered by Council at a previous Public Meeting.”

Since the last Public Meeting was held on June 1, 2021, an additional Public Meeting was required for this Application.

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

- *Date of Notice (Circulated 150 m from Subject Lands and to the expanded polling area as shown on Attachment 1): October 6, 2023*
- *Location of Notice Sign: King Vaughan Road*
- *Date of Public Meetings: June 1, 2021, date ratified by Council: June 22, 2021 November 1, 2023, date ratified by Council: November 14, 2023*
- *Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: January 23, 2024*

Public Comments were received.

The following is a summary of the comments on the Development provided and received to date. The comments are organized by theme as follows:

Access, Traffic and Parking

- The business is currently operating with trucks entering and exiting the Subject Lands daily from 6:00 a.m. to 9:00 p.m. This activity was also observed on a Sunday.
- King-Vaughan Road has load restrictions for trucks.
- Residential driveways are located on King Vaughan Road and are impacted by truck traffic.

Environmental Impacts

- The business operating on the Subject Lands may require approval under the Environmental Protection Act.
- The Ministry of Environment Conservation and Parks has issued three certificates of registration for the haulage of various materials including contaminated soil and biosolids.
- The truck traffic causes dust, dirt, noise, and diesel emissions which impacts existing residential properties.
- Concern about protecting well water for existing residents.
- What impacts will commercial use of well water have on the Humber River tributary and wetlands.

Construction and Operation of a Business without the proper approvals

- The Subject Lands have been developed, and continue to operate, with a prefabricated structure, fencing, a parking lot, outdoor lighting, and a 1,500 m² concrete pad without proper approvals including a Site Development Application and Building Permit.

These comments are addressed throughout this report.

In addition, Council directed City staff to advise the Ministry of Labour (MOL) that there is an industrial building with workers present, located at 3230 King Vaughan Road. This building does not have an issued building permit and has been occupied without approvals from the City of Vaughan Building Standards Department. The Ministry of Labour letter is included as Attachment 7 to this report.

Previous Reports/Authority

Previous reports related to the applications can be found at the following links:

[June 1, 2021, Committee of the Whole Public Meeting \(Item 4, Report No. 30\)](#)

[November 1, 2023, Committee of the Whole Public Meeting \(Item 1, Report 45\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP and VOP 2010.

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Development facilitates an employment use through the development of underutilized lands in the City's established Settlement Area in proximity to a major goods movement facility being Highway 400. The ability to utilize existing municipal infrastructure, and the opportunity to provide employment uses is consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural

resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within the Vaughan Official Plan 2010 Highway 400 North Employment Lands Secondary Plan area, and in proximity to Highway 400. The Subject Lands front onto King Vaughan Road, a York Regional road. The Development shown on Attachments 2 to 4 conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 designates the Subject Lands "Urban Area", which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are designated as "Employment Area" on YROP 2022 – Map 1A – Land Use Designations. The Subject Lands are located within the Highway 400 North Employment Area Zone as shown on the YROP 2022 Appendix 1 - Employment Area Zones and Densities. The Highway 400 North Employment Area Zone has a density target of 55 Developable Area Jobs/ha. To support complete communities Employment Areas assist in providing job opportunities close to residential communities. The proposed development, which conforms to the YROP 2022, utilizes land designated for Employment Uses in close proximity to Highway 400.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands "Urban Area" which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located in proximity to a York Region Strategic Employment Lands Conceptual Area as shown on YROP 2010 Figure 2. Strategic Employment Lands are focal points for employment uses. The proposed development, which conforms to the YROP 2010, provides for employment uses on a parcel of the land in close proximity to a Strategic Employment Land Area and a major goods movement facility being Highway 400.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010
- "Prestige Area" and "General Employment" in the Highway 400 North Employment Lands Secondary Plan" (VOP 2010, Volume 2).

The "Prestige Area" and "General Employment" designations permit a wide range of employment uses with outside storage permitted in the "General Employment" designation. On this basis, the Development conforms to VOP 2010.

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

As the Applications were received by the City on February 18, 2021, and deemed complete on March 15, 2021, the Applications are transitioned under Zoning By-law 001-2021.

Amendments to Zoning By-law 1-88 are required to permit the Development.

Zoning:

- A - Agricultural Zone by Zoning By-law 1-88, subject to site-specific Exception 9(670).
- This Zone does not permit the uses.
- The Owner proposes to permit a temporary use in the A -Agricultural Zone together with the site-specific zoning exceptions shown on Attachment 5 to permit the Development, as shown in Attachments 2 to 4.

The Development Planning Department can support the zoning exceptions identified in Table 1 (Attachment 5) on the basis that the proposed site-specific zoning standards identified in Table 1 would facilitate a development that is consistent with the policies of the PPS and conforms to the Growth Plan. The site-specific development standards will enable an employment use within a designated Employment Area in proximity to a major goods movement area being Highway 400.

Minor modifications may be made to the zoning exceptions identified in Table 1 (Attachment 5) prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

The Development Planning ('DP') Department supports the Development, subject to conditions.

The Development Planning Department recommends approval of the Development as shown on Attachments 2 to 4, subject to conditions of approval on Attachment 6.

Site Plan

The Development shown on Attachments 2 to 4, consists of a one-storey 1,724.5 m² storage building with a second floor mezzanine which includes accessory offices uses. An existing one-storey brick pump house building is located in the landscape strip adjacent to King-Vaughan Road.

Building Elevations

The proposed building elevations are shown on Attachment 4. A prefabricated metal building with a sloped metal roof is located on the Subject Lands. Three garage doors are located on the east and west elevation, along with four man doors on the west elevation. Additional man doors are located on the on the south elevation and north elevations. A covered entryway is located on the south elevation with the entry door located on the west elevation.

Landscape Plan

The Landscape Plan, shown on Attachment 3, consists of at-grade planting which includes coniferous and deciduous trees, and sod. The King-Vaughan Road frontage includes a berm which will be regenerated with topsoil and seed and include coniferous tree plantings. A grassed swale is located on the north side of the berm. An existing swale and culvert within the Regional right-of-way will remain. Regional streetscape tree plantings will be installed in accordance with current natural heritage guidelines. All armour stone and rip rap installed within the Regional right-of-way is to be removed. Disturbed areas are to be regenerated with topsoil and seed. Unit paving and a bike rack will be installed in front of the storage building adjacent to the front entry door.

An existing berm located along the eastern property line will be regenerated with topsoil and upland trail native seed mixture and planted with deciduous trees and shrubs. A proposed swale will be located west of the berm.

A proposed concrete toe wall with a 1.2 metre chain link fence will be located along the western property line an existing ditch will be regenerated with topsoil and early succession wet meadow native seed mixture. The disturbed portion of the ditch that extends towards the north property line will be regenerated with topsoil and short upland trail native seed mixture. The existing woodlot located along the north portion of the west property line will be retained.

An existing 2.97 m wood fence and gates enclose the rear outside storage area along with a proposed 1.2 meter chain link fence along the rear portion of the north east and west property line. A berm will be located along the north property line north of the chain link fence. This berm will be regenerated with topsoil and short upland trail native seed mixture. Existing trees will be retained and protected.

Archaeology

The Development Planning Department, Urban Design and Cultural Heritage Division has advised there are no built heritage concerns on the Subject Lands and is not identified as having archaeological potential, subject to any archaeological resources or human remains being located during construction. Warning clauses in this regard are included as Conditions of Approval in Attachment 1a).

Tree Protection Agreement

The Arborist Report and Tree Inventory, Preservation & Removals Plan has been review by the City. The Owner shall enter into a Private Property Tree Removal and Protection Permit (Construction/Infill) in accordance with City Council enacted Tree By-Law 052-2018. A condition is included as Conditions of Approval in Attachment 1a).

The Development Planning Department recommends approval of the Development as shown on Attachments 2 to 4, subject to conditions.

The Development achieves a Bronze Sustainability Threshold Score.

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 41 (bronze level). This score meets minimum threshold requirements.

Financial Impact

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

Operational Impact

The Policy Planning and Environmental Sustainability Department supports the Development.

The Policy Planning and Environmental Sustainability Department has advised that there are no natural heritage features on the Subject Lands and, therefore, has no further concerns respecting the Applications. However, all applications regardless of their location are required to abide by the Endangered Species Act (2007) regulated by the Ministry of Natural Resources and Forestry (MNRF). The Owner is required to complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 6.

The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report.

The DE Department has provided the following comments:

Sanitary Servicing

Sanitary servicing for the Subject Lands is proposed via a private sanitary septic tank system. Review and design of the proposed sanitary septic system will be completed by the Vaughan Building Standards Department. There are currently no available sanitary mainline connections surrounding the Subject Lands.

Water Distribution

The water distribution proposed for the Subject Lands will be via a water well. There are currently no available municipal watermains within the Subject Lands. The Development will have adequate water service through a privately-owned well, this is situated on the southernmost portion of the Subject Lands. The Owner shall obtain any related permits/certifications from the Ministry of Environment, Conservation and Parks, in relation to the *Safe Drinking Water Act, 2002*, to ensure the serviced water is potable. Confirmation of required permits/certifications will be reviewed by the City's Building Standards Department, during permit inspection.

Storm Drainage

There are currently no municipal storm sewer connections for the Subject Lands. Currently, the Subject Lands are separated into two drainage areas. The southern section of the Subject Lands drains to the King Vaughan Road right-of-way, the remainder of the northside of the Subject Lands discharges into adjacent farmland

which ultimately drains into a Toronto Region Conservation Authority (TRCA) regulated area.

The Owner proposes to implement orifice controls via a 75mm orifice tube within the northern side of the Subject Lands with bio-swales, oil grit separators and underground stormwater tank. All proposed stormwater controls and connections discharging to the north of the Subject Lands have been reviewed and approved by TRCA. The southern portion of the Subject Lands stormwater will be attenuated by a 200 mm orifice tube located at the invert of the control manhole fronting King-Vaughan Road and will be pre-treated by a Stormceptor Oil Grit Separator before exiting the Subject Lands. All drainage discharging to King-Vaughan Road shall be reviewed and approved by the Region. DE is satisfied that the Developments stormwater quantity outflow can be adequately serviced and accommodated by the storm sewers and stormwater quality treatment units identified, subject to the conditions and comments to be addressed by the Owner, to the satisfaction of the City.

Prior to final approval of the Site Development File DA.21.006, the Owner shall submit approval for the proposed storm water management system, discharging locations, and York Region approval for the proposed pre-post low conditions. A condition to this effect is included in Attachment 6.

Grading Design/Erosion Sediment Control

DE has reviewed the submitted Site Grading Plan prepared by EMC Group Limited and has confirmed that the proposed grading design of the Subject Lands has not affected existing conditions and pre-post grading requirements have been met and conform with the City's requirements.

Noise Assessment

DE has reviewed the Noise Impact Feasibility Study submitted in support of the Applications and has not comments. Valcoustics Canada Limited has confirmed that with the recommended mitigation measures the resultant sound levels will meet the MECP noise guideline criteria. The Development is considered feasible from an acoustical perspective.

Environmental Engineering

The City's Environmental Engineer within the DE Department has reviewed the Environmental Site Assessment (ESA) reports and Reliance letters provided in support of the Development and has no objection to the approval of the Development.

Photometric Lighting Plan

The Owner shall ensure that the outside lighting shall be directed downward and inward and designed to maintain zero cut-off light level distribution at eh the property line.

Transportation

Development Engineering Transportation is satisfied with the Development.

Cash-in-Lieu of the dedication of parkland is not required.

The City of Vaughan Real Estate Division has confirmed that cash-in-lieu of parkland is not required for the Application in accordance with the Parkland Dedication By-law 168-2022.

Other external agencies and various utilities have no objection to the Development.

Alectra Utilities, Canada Post, Rogers Communications, Enbridge Gas, and Bell Canada have no objection to the approval of the Development, subject to the conditions included in Attachment 6.

Broader Regional Impacts/Considerations

York Region

The Subject Lands are located on King-Vaughan Road which is a Regional Road. York Region has no objection to the approval of the Development in principle. The Owner is required to satisfy all York Region requirements, subject to the comments and Conditions of Approval in Attachment 6.

The Toronto and Region Conservation Authority (TRCA) have no objection to the Development.

The TRCA has identified that a portion of the Subject Lands are within the TRCA's Regulated Area of the Humber River Watershed. Specifically, there is a tributary/headwater drainage feature located at the northeaster corner of the Subject Lands. A TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area.

The Ministry of Transportation has no objection to the Development.

The Subject Lands are within the GTA West Focused Analysis Area for Highway 413. The Highway 413 Project Team can support the Development with a maximum duration of three (3) years. Should this application be approved the uses permitted by the temporary use by-law shall be terminated on the date which is three (3) months from the date that written Notice is given by the Ministry of Transportation to the City of Vaughan and the Owner, by Registered mail, that the lands are required for the construction of the Highway 413 Project. Such Notice may not be given prior to December 8, 2025.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms with the Growth Plan, YROP 2010 and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 6.

For more information, please contact Carol Birch, Planner, at extension 8485.

Attachments

1. Context and Location Map
2. Site Plan
3. Landscape Plan
4. Prefabricated Storage Building Elevations
5. Zoning By-law 1-88 Table 1
6. Conditions of Site Plan Approval
7. Ministry of Labour Letter

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