

Committee of the Whole (Public Meeting) Report

DATE: Wednesday, November 1, 2023

WARD: 1

**TITLE: ROYAL KING VALLEY HOLDINGS INC.
ZONING BY-LAW AMENDMENT FILE Z.21.004
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: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole to permit a temporary use of a Contractors Yard with the outdoor storage of construction equipment and materials, a 1,724.5 m² prefabricated storage building with accessory office uses for a maximum period of three (3) years, as shown on Attachments 1 to 4.

Report Highlights

- The Owner has submitted a Zoning By-law Amendment application to permit a temporary use for a maximum of three (3) years, for an existing Contractors Yard with outdoor storage for construction equipment and materials as well as a 1,724 m² storage building with accessory office uses.
- A Zoning By-law Amendment and Site Development Applications are required to permit the proposed temporary use.
- The Subject Lands are located within the Ministry of Transportation, Ontario Greater Toronto Area West Corridor Protection Area.
- 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 Zoning By-law Amendment File Z.21.004 (Royal King Valley Holdings 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: 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 application was deemed complete: March 15, 2021

A Notice of Violation has been issued by By-law and Compliance, Licensing and Permit Services.

City of Vaughan By-law and Compliance, Licensing and Permit Services Department on May 19, 2020, issued a Notice of Violation (the 'Violation') to Royal King Valley Holdings Inc. The Violation cited the contravention of City of Vaughan Zoning By-law 1-88 as it relates to the storing of any equipment, vehicles and materials outside and operating a commercial business/office on the Subject Lands. Continued non-compliance has resulted in formal zoning charges being initiated by the City in 2020. Legal proceedings have been delayed due to the lengthy closure of the Provincial Courts in 2020, and the mounting backlog of charges to be processed by the Courts, as a result of the Covid-19 pandemic. Two companies currently operate on the Subject Lands. Both companies utilize the existing prefabricated storage building, and the accessory office uses, and have outdoor storage areas.

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

The Owner has submitted the following application (the 'Application') for the Subject Lands to permit the proposed development as shown on Attachments 2 to 4:

1. Zoning By-law Amendment File Z.21.004 to allow a temporary use for a maximum of three years, to permit a Contractors Yard with outdoor storage of construction equipment and materials in an "A Agricultural Zone" subject to site-specific Exception 9(670), as shown on Attachment 2, together with the site-specific zoning exceptions identified in the Zoning section of this Report.

The Development was previously heard at the June 1, 2021 Public Meeting. The Application has not been considered by Council within two years of that date and requires an additional Public Meeting in accordance with the Vaughan Official Plan.

The Committee of the Whole, on June 1, 2021, received a Public Meeting report on Zoning By-law Amendment Application Z.21.004 for a temporary use to permit a Contractors Yard with outdoor storage of equipment and materials, and a prefabricated

building with accessory office uses. The Application has not been considered by Council within two years. 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 that last Public Meeting was held on June 1, 2021, an additional Public Meeting is required for this Application. The applicant provided a subsequent submission in June of 2023 for review.

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 6, 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 King-Vaughan Road in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within an expanded polling area as shown on Attachment 1, and to anyone on file with the Office of the City Clerk having requested notice.
- c) The following is a summary of written comments received at the Public Meeting held on June 1, 2021, and as of October 17, 2022. 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.
- The Subject Lands are within the Highway 413 study area.

Environmental Impacts

- The business operating on the Subject Lands may require approval under the Environmental Protection Act.

- The MECP has issued three certificates of registration for the haulage of various materials including contaminated soil and biosolids.
- Gravel and broken asphalt have been observed in trucks going to the site.
- The truck traffic causes dust, dirt, noise, and diesel emissions which impacts existing residential properties.
- Concerned 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.

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

The following is a link to a previous report regarding the Subject Lands:

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

Analysis and Options

The proposed temporary use conforms with Vaughan Official Plan 2010.

Official Plan Designation:

- “Community Area” on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’)
- “Prestige Area” and “General Employment” in the Highway 400 North Employment Lands Secondary Plan (‘HNELSP’), VOP 2010, Volume 2
- The Subject Lands are located within the Greater Toronto Area West Transportation Corridor Protection Area.
- The portion of the Subject Lands abutting King-Vaughan Road, including the area containing the prefabricated storage and building with accessory office uses are designated “Prestige Area”. This designation permits employment and accessory office uses in accordance with VOP 2010 Policy 9.2.2.11.
- The rear portion of the Subject Lands are designated “General Employment Area” and allow accessory outside storage to permitted uses, provide there is a building on site.
- The HNELSP proposes an east-west road which will divide the Subject Lands creating the “Prestige Area” designation with frontage on King-Vaughan Road, and the “General Employment Area” designation with frontage on the new local road. The location of the proposed local roads in the HNELSP will be determined through the Block Plan process.

Vaughan Official Plan 2010 permits Temporary Uses.

The *Planning Act* allows municipal Councils to establish the temporary use of land, buildings or structures for any purpose otherwise not permitted by the parent zoning by-law. A temporary use by-law must define the area to which it applies and specify the time in which it would be in force, which shall not exceed three (3) years from the day of the passing of the by-law. Policy 10.1.2.4 of VOP 2010 includes policies to permit the temporary use of land, buildings or structures provided the temporary use meets the following conditions:

- a. Is consistent with the general intent of the Plan;
- b. Is compatible with adjacent land-uses;
- c. Is temporary in nature and can be easily terminated when the temporary zoning by-law expires;
- d. Sufficient servicing and transportation capacity exists for the temporary use; and
- e. Maintains the long-term viability of the land for the uses permitted in the Plan

The Application will be reviewed in consideration of the Temporary Use policies of VOP 2010.

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

As the Application was 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 use.
- Site-specific Exception 9(670) permits a bus maintenance and storage facility and ancillary office uses, a licensed garage for the purposes of servicing and certifying school buses stored on the Subject Lands, including the provision of fuel, and parking for a maximum of 200 school buses.
- The Owner proposes to allow for a temporary use for a maximum of three (3) years, together with the following site-specific zoning exceptions in Table 1 as shown in Attachment 5, to permit the Development, as shown in Attachment 2:

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 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, 2022 ('YROP') and VOP 2010, and the Highway 400 North Employment Lands Secondary Plan.
b.	Appropriateness of Amendment to the Zoning By-law	<ul style="list-style-type: none"> ▪ The appropriateness of the rezoning by way of a temporary use for a maximum period of three (3) years, will be reviewed in consideration of the existing and planned surrounding lands 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.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The appropriateness of permitting the Development on private services will be reviewed.
e.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Application must be reviewed by York Region, the Toronto and Region Conservation Authority, the Ministry of Transportation, and external public agencies and utilities.
f.	Sustainable Development	<ul style="list-style-type: none"> ▪ The Application will be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program. The Development provides a Bronze score of 41.
g.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy.
h.	City's Tree Protection Protocol ('TPP')	<ul style="list-style-type: none"> ▪ No regulated tree removals are proposed therefore there is no need for a private property tree removal permit subject to By-law 052-2018 ▪ The Development will be reviewed in accordance with the City's Tree Protection Protocol, for the protection and the

	MATTERS TO BE REVIEWED	COMMENT(S)
		replacement of any tree(s) should they be damaged during construction, if the Applications are approved.
i.	Traffic Impacts, Road Widening and Access	<ul style="list-style-type: none"> ▪ The Transportation Impact Study will be reviewed in accordance with the City's Transportation Impact Study Guidelines to the satisfaction of the Development Engineering Department. ▪ The proposed traffic generated by the development will be reviewed in consideration of existing traffic conditions on King-Vaughan Road. ▪ Matters including the driveway entrance, parking, truck manoeuvring, bicycle 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 King-Vaughan Road, an arterial road under the jurisdiction of York Region. ▪ York Region will identify any required land conveyances.
j.	Related Site Development Application	<ul style="list-style-type: none"> ▪ The Owner has submitted related Site Development File DA.21.006 to be reviewed with the Application in a future technical report. Citywide site plan approval pursuant to Section 41 of the Planning Act is delegated to the Planning and Growth Management Portfolio.
k.	Ministry of Transportation Greater Toronto Area ('GTA') West Corridor Protection Area	<ul style="list-style-type: none"> ▪ The Subject Lands are within the Ministry of Transportation ('MTO') GTA West Corridor Protection Area for Highway 413. The MTO has advised that the proposed temporary use can be supported for a maximum of three (3) years. The permitted uses shall be terminated on the date which is three (3) months from the date that written Notice is given, by registered mail, by the MTO to the City of Vaughan and the Owner that the lands are required for the construction of the Highway 413 Project. This Notice will not be given prior to December 8, 2025.
l.	Toronto and Region	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the TRCA's Regulated Area of the Humber River Watershed, pursuant to Ontario

	MATTERS TO BE REVIEWED	COMMENT(S)
	Conservation Authority ('TRCA')	<p>Regulation 166/06. The Owner will be required to obtain a TRCA permit for any development or site alteration.</p> <ul style="list-style-type: none"> The Owner will be required to satisfy the requirements of the TRCA including but not limited to, updated site plan, grading plan, servicing plan, cross sections and details, erosion and sediment control plan, landscape restoration plans and a legal survey.
m.	Ministry of Environment Conservation and Parks ('MECP') and Reliance Letters	<ul style="list-style-type: none"> The Owner will be required to meet the MECP noise guidelines and submit Phase One and Phase Two ESA reliance letters to the City of Vaughan.
n.	King-Vaughan Road	<ul style="list-style-type: none"> King-Vaughan Road is a York Regional Road. York Region is protecting a 36-metre right-of-way for this section of King-Vaughan Road; therefore, a conveyance of land will be required. Approval from York Region is required for access onto King-Vaughan Road and for all site works within the Regional right-of-way.

Financial Impact

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

Operational Impact

Development Planning staff have circulated the Applications to internal City Departments for review.

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 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 Carol Birch, Planner, Development Planning Department, ext. 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

Prepared by

Carol Birch, Planner, ext. 8485

Christina Ciccone, Senior Planner, ext. 8773

Mary Caputo, Senior Manager of Development Planning, ext. 8635

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