

## Committee of the Whole (Public Meeting) Report

---

**DATE:** Tuesday, May 6, 2025

**WARD(S):** 2

**TITLE:** 2677812 ONTARIO INC.

**ZONING BY-LAW AMENDMENT FILE Z.24.032**

**9751 MCGILLIVRAY ROAD**

**VICINITY OF MCGILLIVRAY ROAD AND RUTHERFORD ROAD**

**FROM:**

Vince Musacchio, Interim Deputy City Manager, Planning, Growth Management and Housing Delivery

**ACTION:** FOR INFORMATION

---

### **Purpose**

To receive comments from the public and the Committee of the Whole on an application to amend the zoning by-law for the subject lands shown on Attachment 1, to permit the temporary use of the existing intermodal facility with the outside storage of trucks and trailers, and an accessory office, and motor vehicle repair in the existing buildings, for a period of three years as shown on Attachments 2 and 3.

### **Report Highlights**

- The Owner proposes to permit the temporary use of the existing intermodal facility with the outside storage of trucks and trailers, and an accessory office, and motor vehicle repair in the existing buildings, for a period of three years.
- A Zoning By-law Amendment Application is required to permit the current storage of trucks and trailers and associated uses on the subject lands on a temporary basis.
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development and Parks Planning Department at a future Committee of the Whole meeting.

## **Recommendations**

1. THAT the Public Meeting report for Zoning By-law Amendment File Z.24.032 (2677812 Ontario Inc.) BE RECEIVED, and that any issues identified be addressed by the Development and Parks Planning Department in a comprehensive report to the Committee of the Whole.

## **Background**

Location: 9751 McGillivray Road (the Subject Lands). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: May 9, 2022

Date application(s) were deemed complete: Nov. 29, 2024

### ***Official Plan and Zoning By-law Amendment applications were previously submitted for the Subject Lands.***

On Aug. 29, 1991, the Development and Parks Planning Department received Official Plan Amendment File OP.39.91 and Zoning By-law Amendment File Z.95.91 from the former owner of the Subject Lands (the former owner), to permit a contractor's yard with outside storage. The files were closed on April 1, 1999, due to inactivity.

On Jan. 30, 2002, the Development and Parks Planning Department received Zoning By-law Amendment File Z.02.009 from the same former owner, to permit a contractor's yard on the Subject Lands. During the review process, the former owner was advised that the Subject Lands were located within the Future Employment Secondary Plan Study Area and as such, the application was premature until the Secondary Plan was adopted and approved. The former owner chose to hold the file in abeyance until the completion of the Secondary Plan.

The Secondary Plan was ultimately approved as the West Vaughan Employment Area Secondary Plan and implemented through Vaughan Official Plan 2010, Volume 2, and the Subject Lands were designated General Employment. The proposed contractor's yard did not conform to the General Employment designation, so an Official Plan Amendment was required. The former owner chose not to proceed with the proposal, and the file was closed. There had been a history of investigations that occurred between 2004 and 2016 against the former owner. Charges were laid for the contractor's yard and open storage, and there were guilty plea convictions.

### ***A Notice was issued to the current owner by By-law Enforcement for the Subject Lands.***

On March 25, 2020, the City of Vaughan By-law and Compliance, Licensing and Permit Services Department issued a Notice of Contravention to 2677812 Ontario Inc. (the Owner) of the Subject Lands, for violations of the City of Vaughan Zoning By-law 1-88 to cease the use of the land as a commercial business of parking/storing transport trucks, to remove all transport trailers and rigs, and cease all open storage on the property.

On July 11, 2023, the City of Vaughan By-law and Compliance, Licensing and Permit Services Department issued another Notice of Contravention to the Owner for violations of the City of Vaughan Zoning By-law 001-2021 to cease and desist the use of a truck yard operation and outside storage of semitrucks, dump trucks, trailers, cargo trailers, utility trailers, sea containers, office trailers, and construction equipment.

***A Zoning By-law Amendment Application has been submitted to permit the existing uses on a temporary basis.***

The Owner has submitted the following application (the Application) for the Subject Lands to permit the continued storage of trucks and trailers associated with the existing intermodal facility, and an accessory office, and motor vehicle repair in the existing buildings, as shown on Attachments 2 to 3:

1. Zoning By-law Amendment File Z.24.032 to permit a site-specific exception to the FD Future Development Zone in Zoning By-law 001-2021 for the Subject Lands to permit the Proposal for a temporary period of three years, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 4.

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

- a) Date the Notice of Public Meeting was circulated: April 11, 2025

The Notice of Public Meeting was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed along McGillivray Road 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 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) The following is a summary of written comments received as of April 21, 2025, by the Development and Parks Planning Department. The comments are organized by theme as follows:

***Non-participating owner in the Block Plan process***

- The Subject Lands are within Block 60 West but have not participated in the landowner group or the ongoing Block Plan process. Until the Block Plan is approved, the Application is considered premature.

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 and Parks Planning Department in a future technical report to the Committee of the Whole.

## **Previous Reports/Authority**

Not applicable.

## **Analysis and Options**

***Vaughan Official Plan 2010 permits temporary uses.***

### **Official Plan Designation:**

- Employment Areas and Natural Areas and Countryside on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (VOP 2010)
- Natural Area and General Employment on Schedule 13 – Land Use by VOP 2010, Volume 2, Section 11.9 – West Vaughan Employment Area Secondary Plan
- Policy 10.1.2.4 of VOP 2010 permits Zoning By-laws to allow for the temporary use of land, buildings or structures provided the temporary use meets the following five conditions:
  - a. Is consistent with the general intent of this 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 lands for the uses permitted in this Plan.
- The Application will be reviewed in consideration of the Temporary Use policies of VOP 2010

***Amendments to Zoning By-law 001-2021 are required to permit the existing uses on the Subject Lands.***

### **Zoning:**

- FD Future Development Zone in Zoning By-law 001-2021
- The FD Future Development Zone only permits uses that are legally existing uses as of the effective date of Zoning By-law 001-2021. This does not permit the proposed intermodal facility and other uses. Therefore, an amendment to By-law 001-2021 is required.
- The Owner proposes site-specific exceptions as identified in Table 1 on Attachment 4 to permit the temporary use as shown on Attachment 2.

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 and Parks Planning Department has identified the following matters to be reviewed in greater detail:***

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Conformity and Consistency with Provincial Policies and City Official Plan Policies	<ul style="list-style-type: none"> <li>▪ The Application will be reviewed for consistency with the Provincial Planning Statement, 2024 (PPS 2024) and conformity to the policies of VOP 2010 Volume 1 and Volume 2, Section 11.9 – West Vaughan Employment Area Secondary Plan, and any other deemed City official plan policies.</li> </ul>
b.	Appropriateness of Amendments to Zoning By-law	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposed uses and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses, location of outside storage, and appropriate screening/ landscaping provided on the Subject Lands.</li> <li>▪ The appropriateness of the proposed uses will be reviewed in consideration of the Temporary Use By-law policies of Section 10.1.2.4 of VOP 2010.</li> <li>▪ Section 10.1.2.4 of VOP 2010, enables the City to enact Temporary Use By-laws for the temporary use of land, buildings or structures provided that the temporary use meets the above-noted conditions.</li> </ul>
c.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner submitted studies and reports in support of the Applications available on the City's website at <a href="https://maps.v Vaughan.ca/planit/">https://maps.v Vaughan.ca/planit/</a> (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.</li> </ul>
d.	Public Agency/Municipal Review	<ul style="list-style-type: none"> <li>▪ The Application has been circulated to the Toronto and Region Conservation Authority (TRCA), and external public agencies and utilities. A significant portion of the Subject Lands are located within TRCA's Regulated Area due to a Regional Storm flood plain associated with a tributary of the Humber River that traverses the Subject Lands through a pipe. As such, a permit from TRCA would be required</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<p>for any development or site alteration within TRCA's Regulated Area.</p> <ul style="list-style-type: none"> <li>▪ A modeling exercise was done to assess the capacity of the pipe on the Subject Lands and the potential impacts of creating a new open channel for the watercourse.</li> <li>▪ The model shows that creating a new channel through the property would not have a major impact on containing flood waters because a downstream obstruction (i.e., under sized culvert) at the rail corridor was the primary cause of the backwater flood condition on the site.</li> <li>▪ The TRCA will continue to look for opportunities to reduce the risk to life and property emanating from the flood condition through other flood management approaches.</li> </ul>
e.	City's Tree Protection Protocol (TPP)	<ul style="list-style-type: none"> <li>▪ There are 39 trees on the Subject Lands, none of which are proposed to be removed to accommodate the proposed land uses.</li> <li>▪ The Application 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 applicable, and if the Application is approved.</li> </ul>
f.	Traffic Impacts, Road Widening and Access	<ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ The proposed traffic generated by the proposal will be reviewed in consideration of existing traffic conditions along McGillivray Road and Rutherford Road.</li> <li>▪ Matters including the driveway entrance, vehicular and truck parking, truck manoeuvring, and Transportation Demand Management requirements are required to</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<p>be reviewed to the satisfaction of the Development Engineering Department.</p> <ul style="list-style-type: none"> <li>▪ The Subject Lands are located on McGillivray Road, a major collector road under the jurisdiction of the City of Vaughan.</li> </ul>
g.	Required Site Development Application	<ul style="list-style-type: none"> <li>▪ Should the Application be approved, the Owner will be required to submit a Site Development Application to address site access, servicing and grading, landscaping, environmental, noise, and other municipal, regional and public agency and utility requirements.</li> <li>▪ In accordance with Bill 109, the approval of Site Development Applications has been delegated to the Deputy City Manager of Planning and Growth Management for approval.</li> </ul>
h.	Block 60 West Block Plan	<ul style="list-style-type: none"> <li>▪ The Application will be reviewed in consideration of the ongoing Block Plan process for Block 60 West.</li> <li>▪ The Block Plan application for Block 60 West was received on July 11, 2024, and circulated to internal and external agencies on Aug. 2, 2024.</li> <li>▪ The Block Plan has been scheduled for consideration by Council at the May 6, 2025, Public Meeting.</li> </ul>

### **Financial Impact**

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

### **Operational Impact**

Development and Parks Planning staff have circulated the Application to internal City Departments and external agencies for review.

### **Broader Regional Impacts/Considerations**

York Region Council adopted the York Region Official Plan, 2022 in June 2022. York Region Official Plan, 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150

(*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (Bill 185) received Royal Assent which includes amendments to the Planning Act. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, York Region Official Plan 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Application is being circulated to York Region for the purpose of receiving comments on matters of Regional interest i.e., roads and servicing infrastructure. Further comments will be discussed in the future comprehensive report.

### **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 Johsua Cipolletta, Planner, Development and Parks Planning Department, ext. 8112.

### **Attachments**

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Proposed Exceptions to Zoning By-law 001-2021

### **Prepared by**

Joshua Cipolletta, Planner, ext. 8112

Letizia D'Addario, Senior Planner, ext. 8213

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Nancy Tuckett, Director of Development and Parks Planning, ext. 8529