



File: B031/19

Applicant: Ministry of Transportation

Address: 12001 Hwy 400, Vaughan

Agent: David Myers - HKSC Developments L.P,

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Building Standards	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks Department		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

**Consent Application**

Agenda Item: 14

B031/19

Ward: 1

Prepared By: Lenore Providence Assistant Secretary Treasurer**Date of Hearing:** Thursday, October 17, 2019**Applicant:** Ministry of Transportation**Agent:** David Myers - HKSC Developments L.P.,**Property:** 12001 Hwy 400, Vaughan ON**Zoning:** The subject lands are zoned A Agricultural, under By-law 1-88 as amended.**OP Designation:** Vaughan Official Plan 2010: Mixed Use Area - Employment / Commercial (Highway 400 North Employment Lands Secondary Plan Section 11.4 in Volume 2)**Related Files:** Consent Application - B032/19**Purpose:** Consent is being requested to permit a lease in excess of 21 years for a parcel of land situated along Highway 400, north of Kirby Road and shown as Part A on the plan submitted with the application.

The parcel is to be leased to HK Travel Centres L.P. and will be used to facilitate a food and beverage service establishment on the subject land.

Background (previous applications approved by the Committee on the subject land): N/A**Adjournment History:** N/A**Staff & Agency Comments**

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on October 2, 2019

Applicant confirmed posting of signage on September 30, 2019

Existing Building or Structures on the subject land: subject: 1 building (food/beverage) retained: 1 (fueling and related convenience).

Recommended conditions of approval:

1. That the applicant's solicitor provides the secretary-treasurer with the legal description of the leased lands. Subject land applies **only** to the leased land, severed parcel, easement etc. as conditionally approved by the Committee of Adjustment.
2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted.
3. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

Adjournment Request: N/A**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Department Staff have no additional comments in respect to this application.

Development Planning:

Vaughan Official Plan 2010: Mixed Use Area - Employment / Commercial (Highway 400 North Employment Lands Secondary Plan Section 11.4 in Volume 2)

The Owner / Agent has submitted a consent request to facilitate a lease agreement in excess of 21 years. The Subject Lands located at 12001 Highway 400 currently operate as the King City ONroute Service Centre. The existing uses are food, beverages, fuel and highway amenities with no proposed changes in the existing use.

This consent (lease) File Number B031/19 is associated with File Number B032/19.

The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the noted consent application.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:

The Development Engineering (DE) Department does not object to consent application B031/19.

Parks Development:

No Response.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

Recommended conditions of approval:

The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Fire Department:

No Response.

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

Agent's cover letter

Schedule C - Agency Comments

TRCA – comments with conditions

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None.

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application considers the following:

- ✓ Conform to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conform to the City of Vaughan Official Plan.
- ✓ Conform to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

Should the Committee find it appropriate to approve this application, the following conditions have been recommended:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That the applicant’s solicitor provides the secretary-treasurer with the legal description of the leased lands. Subject land applies only to the leased land, severed parcel, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted. 3. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.
2	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).
3	TRCA Hamedeh Razavi 416-661-6600 x 5256 Hamedeh.Razavi@trca.ca	The applicant provides the required \$1400 fee for TRCA’s review of B031/19 and B032/19

Warning:

Conditions must be fulfilled within one year from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible.

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City’s Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City’s Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

Notice to Public

WRITTEN SUBMISSIONS: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

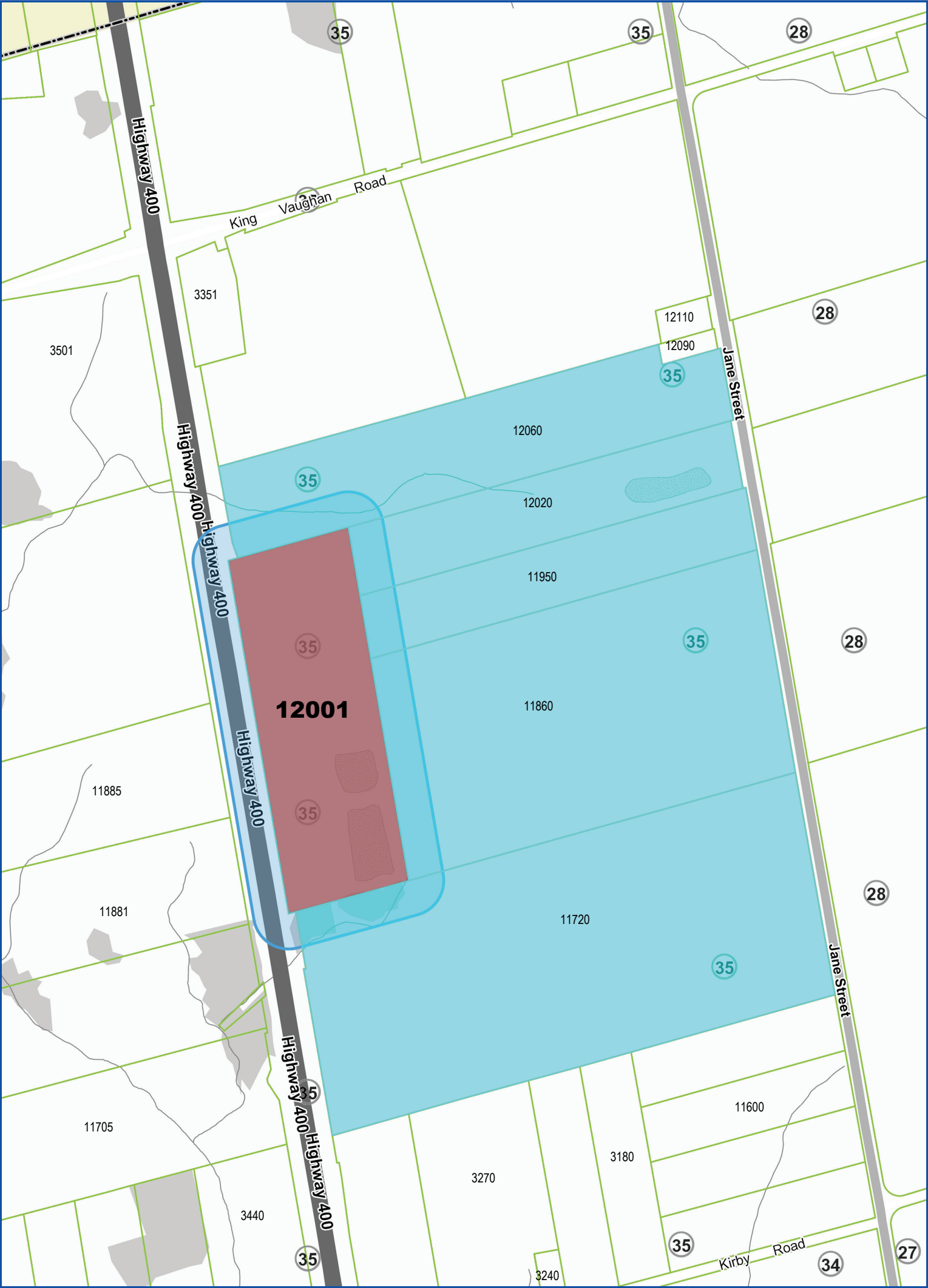
For more information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

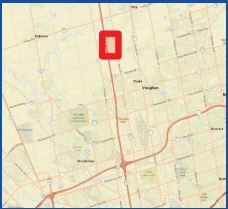
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches



Map Information:



Title:

LOCATION MAP - B031/19 & B032/19

12001 Highway 400, Vaughan

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:9,028

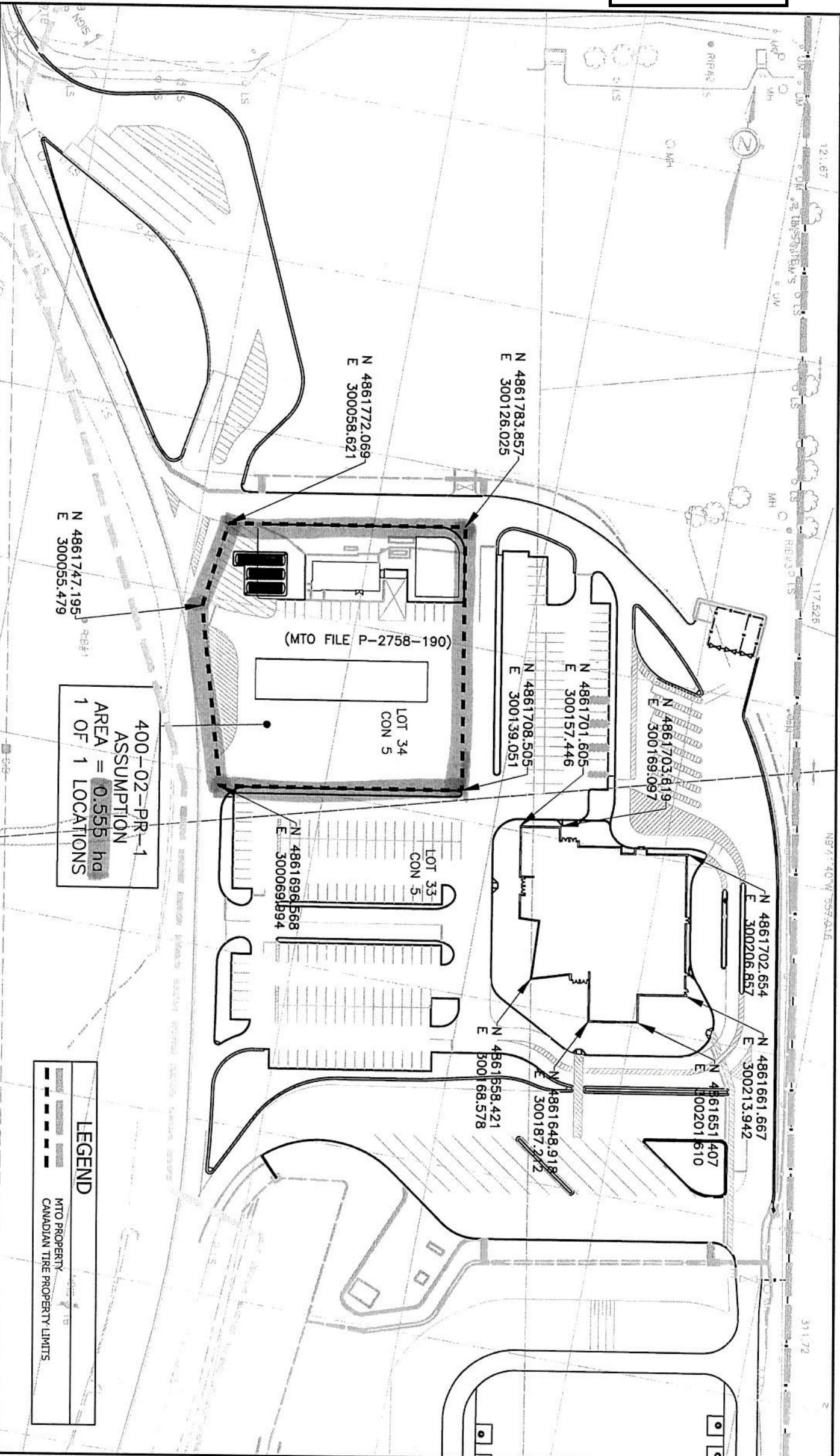
0 0.14 km



Created By:

Infrastructure Delivery
Department
September 27, 2019 7:11 PM

Projection:
NAD 83
UTM Zone
17N



Revised

October 2, 2019

B031/19

PART A

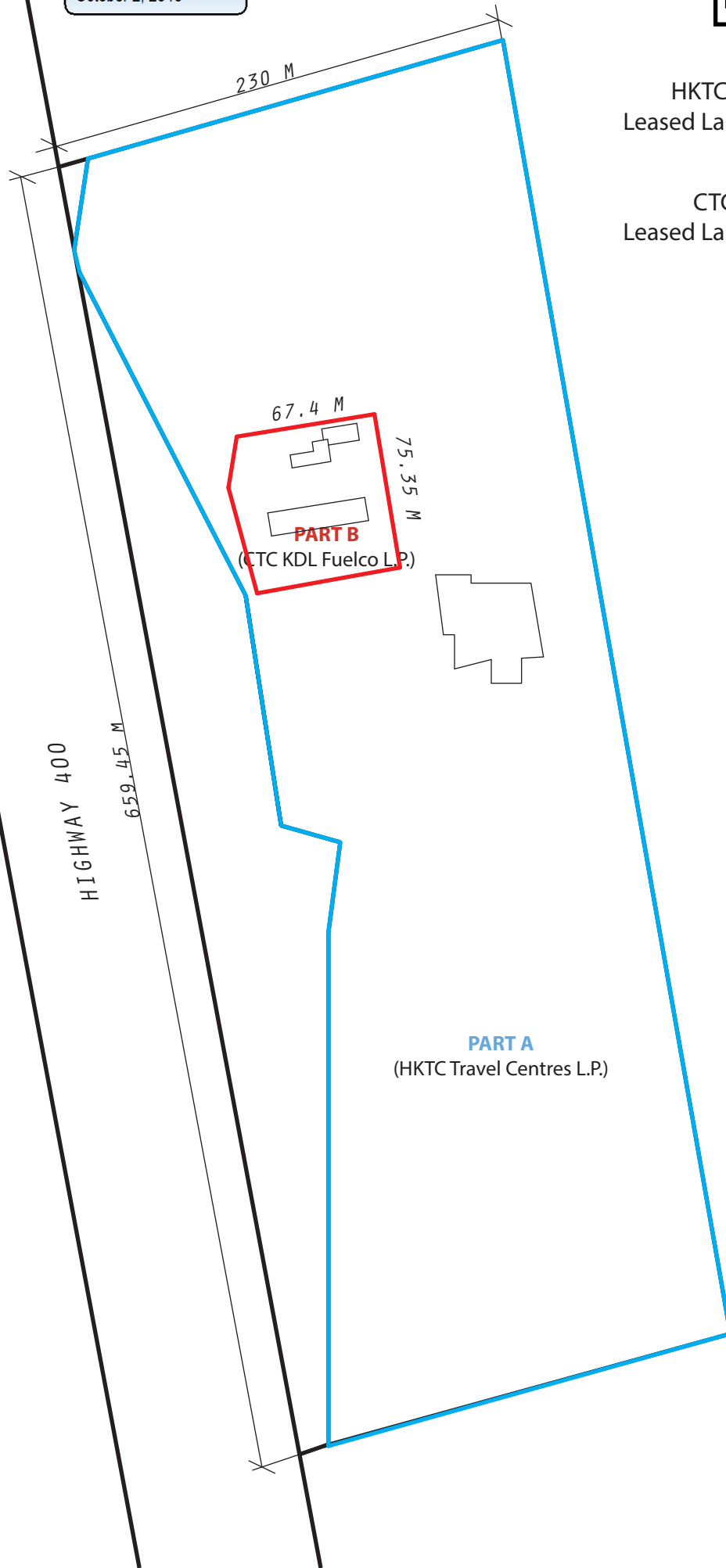
HKTC Travel Centres L.P.

Leased Lands subject to B031/19

PART B

CTC KDL Fuelco L.P.

Leased Lands subject to B032/19



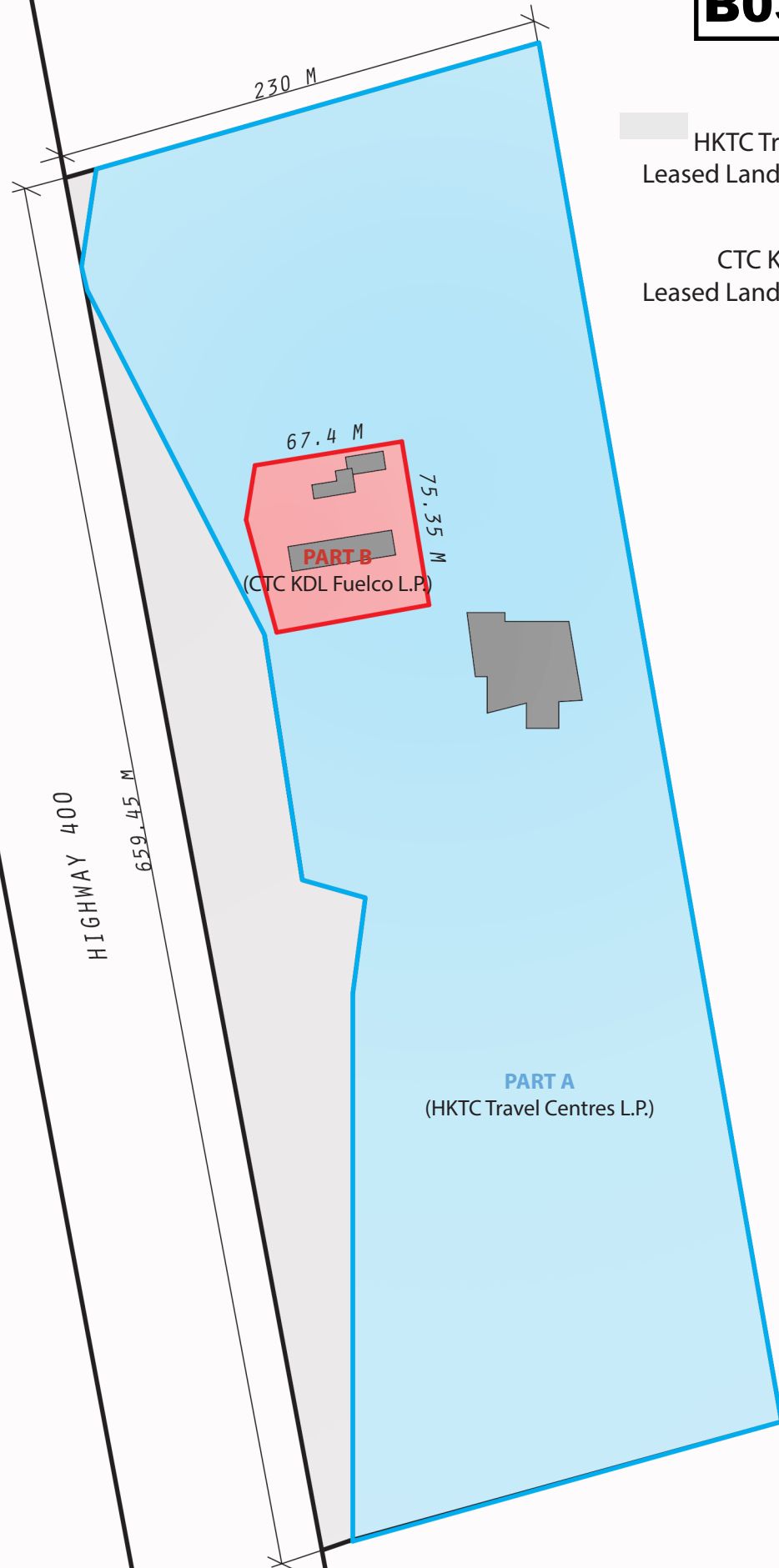
B031/19

PART A

HKTC Travel Centres L.P.
Leased Lands subject to B031/19

PART B

CTC KDL Fuelco L.P.
Leased Lands subject to B032/19



B031/19

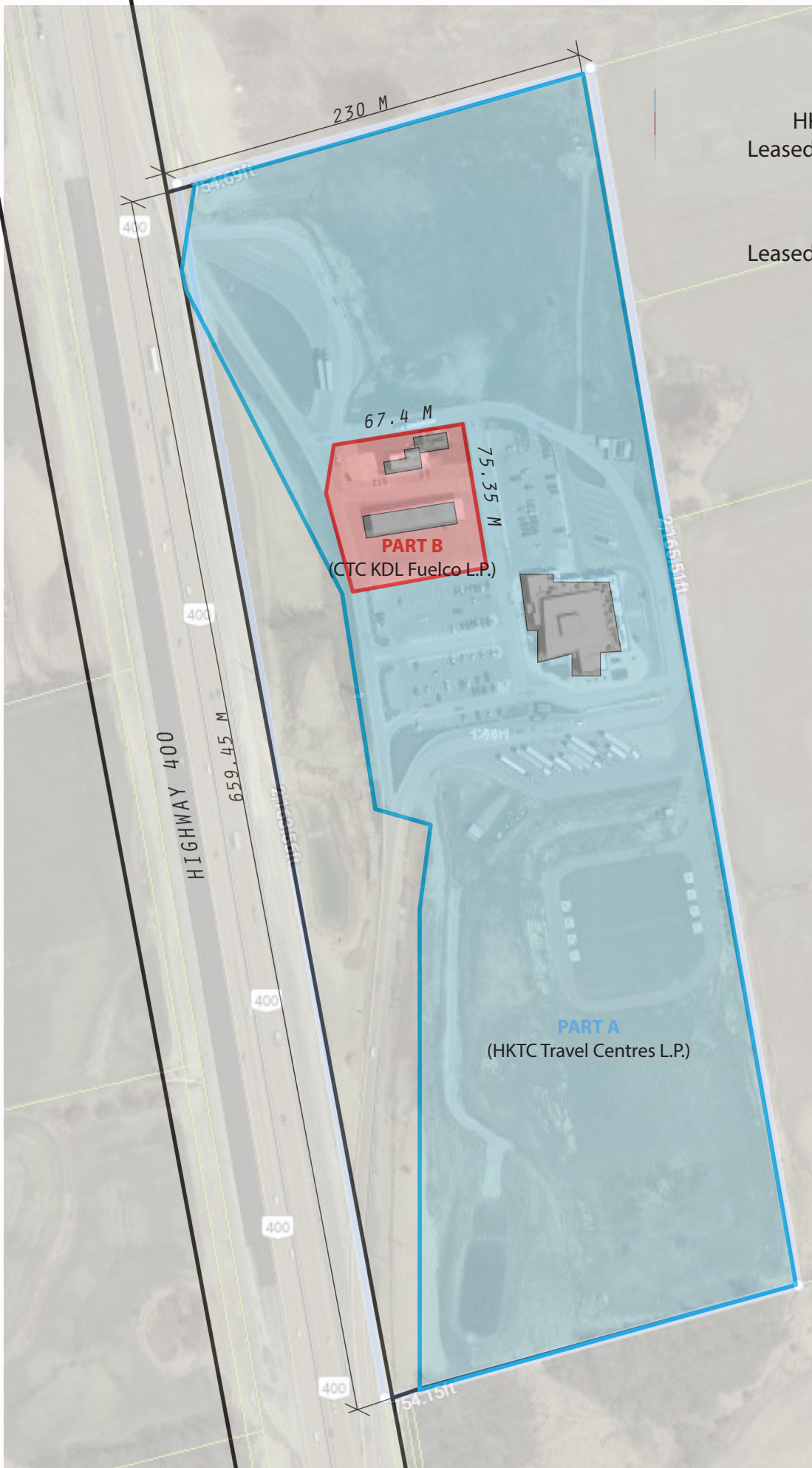
PART A

HKTC Travel Centres L.P.
Leased Lands subject to B031/19

PART B

CTC KDL Fuelco L.P.
Leased Lands subject to B032/19

Revised
October 2, 2019



B031/19

Revised

October 2, 2019

PART OF LOT 33,
LOT 34, CONCESSION
GEOGRAPHIC TO
CITY OF VAUGHAN
REGIONAL MUNICIPAL
TULLOCH GEOMATICS
SCALE 1:1500

15m 0 15

BEARING NOTE:
BEARINGS ARE UTM GRID DERIVED
STATIC GPS REFERRED TO THE CE

METRIC:
DISTANCES AND COORDINATES SHOWN
FEET BY DIVIDING BY 0.3048.
GROUND DISTANCES SHOWN HEREIN
MULTIPLYING BY A COMBINED SCA

CONVERGENCE NOTE:
A ROTATION FACTOR OF 0°01'30"
UNDERLYING PLANS 6121, 6993, 6

LEGEND:
● DENOTES SPECIFIED CONT
□ DENOTES FOUND MONUMENT
SIB DENOTES PLANTED MONUMENT
SSIB DENOTES STANDARD IRON
IB DENOTES SHORT STANDARD
IB DENOTES IRON BAR
SCP DENOTES SPECIFIED CONT
MTO DENOTES MINISTRY OF TR
DIP DENOTES DONEVAN, FLEIS
1574 DENOTES DELPH AND JEN
MEAS DENOTES MEASURED
P1 DENOTES PLAN 65R-307
P2 DENOTES PLAN 65R-316
TB1 DENOTES TERMINAL BOX

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
(1) THIS SURVEY AND PLAN ARE
WITH THE SURVEYS ACT, THE
TITLES ACT AND THE REGULA
(2) THE SURVEY WAS COMPLETED
SEPTEMBER, 2012.

Mel M. Truchon
MEL M. TRUCHON
ONTARIO LAND SURVEYOR

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ORP A B
CI RE-ESTAB

PART A

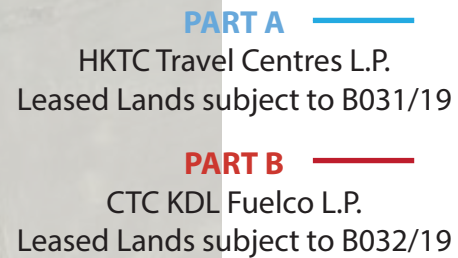
HKTC Travel Centres L.P.
Leased Lands subject to B031/19

PART B

CTC KDL Fuelco L.P.
Leased Lands subject to B032/19

FEATURE COORDINATE TABLE			
TERMINAL BOXES			
TB1	4861910.0	299978.7	
TB2	4861539.7	300054.7	

Revised
October 2, 2019



Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

Agent’s cover letter



City of Vaughan

July 4th, 2019

Committee of Adjustment
Clerk's Department – City Hall
2141 Major Mackenzie Drive, 1st Floor
Maple, ON
L6A 1T1

Re: King City ONroute Service Centre Consent Applications

To Whom it may concern,

Please accept our consent applications to allow for two long-term subleases on the site known as "**King City ONroute Service Centre**" located at 12001 ON-400, Lot 33-34, Concession 5, City of Vaughan, L7B 1A8

In accordance with Section 50(3)(f) of the Planning Act (the Act), Consent is required as the sublease term (50 years) in each case exceeds the term limit allowed under Section 50(3) of the Act.

On March 30, 2010, Her Majesty the Queen, in right of the Province of Ontario, represented by the Ministry of Transportation entered into an agreement with HKSC Developments L.P. ("**Project Co**") to a long-term concession of 50 years to design build and operate the ONroute Service Centres along the Highways 400 and 401 (the "**Concession Agreement**"). The concession provides a quality suite of standard services and amenities for the travelling public and commercial operators in support of road safety and the achievement of broader public objectives, such as the promotion of local communities and tourism, that improves the quality, convenience and accessibility of traveler services and amenities and accommodates changing traveler requirements.

Such an ambitious program requires the unique skills and services of different suppliers each able to meet the needs of the local areas and travelling public. To this end, the delivery of fueling, alternative fueling and automotive supplies available on site is provided by CTC KDL Fuelco L.P., operated by the Canadian Tire Corporation ("**Fuelco**") and the delivery of food and beverage and other services is provided by HK Travel Centres L.P. ("**Food & Bev. Co**").

Project Co entered into an operating agreement with HKSC Opco L.P. ("**Opco**") which provides a sublease of the entire site for the lease term. Opco has in turn subleased a portion of the site to Fuelco for the delivery of fueling and automotive supplies (the "**Fuelco Sublease**") and the remainder of the site to Food & Bev. Co for the delivery of other services (the "**Retail Sublease**"). The applications are required in respect of the Fuelco Sublease and the Retail Sublease.

The Province as owner in fee simple is aware of and has consented to the Fuelco Sublease and the Retail Sublease and under Section 12.12(b) of the Concession Agreement has agreed to execute such consents as the fee simple owner as may be required in connection with these consent applications.

We respectfully submit our application related to the "**Food & Bev. Co**" Sublease.

Sincerely,
HKSC Developments L.P.

A handwritten signature in black ink, appearing to read "David Myers".

Per: David Myers
Project Representative
Encl(4)

- Food & Bev. Co Consent Application
- Site R Plan
- Registered Notice of Lease
- Cheque made payable to the City of Vaughan – [\$3,546]

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

- TRCA – comments with conditions
- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections

September 30, 2019

CFN 60778.03

BY E-MAIL: Christine.Vigneault@vaughan.ca

Christine Vigneault
Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Vigneault:

**Re: Consent Application B031/19 and B032/19
12001 Highway 400 - ONroute
Part of Lot 34, Concession 5
City of Vaughan
Owner: Ministry of Transportation.**

This letter will acknowledge receipt of the above-noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and offers the following comments for the consideration of the Committee of Adjustment:

Background

It is our understanding that the purpose of Applications B031/19 and B032/19 is to request the consent of the City of Vaughan's Committee of Adjustment in order to permit a lease in excess of 21 years on the existing subject lands.

Applicable Policies and Regulations

Ontario Regulation 166/06

A portion of the subject property is within TRCA's Regulated Area of the Humber River Watershed. In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), a permit is required from TRCA prior to any development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Living City Policies

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a "Natural System" made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long-term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while minimizing impacts to, maintaining, and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject applications, along with those found in other Provincial and municipal plans, documents and guidelines.

Application-Specific Comments

The subject property is partially regulated by TRCA due to the presence of a Provincially Significant Wetland in close proximity to the southwest corner of the property and a presence of portions of a meander belt on the southeast of the corner of the property. It is TRCA's understanding that the intent of this application is to extend a lease and no new development is proposed.

Fees

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1400.00 (*Consent – Minor Projects*) review fee. The applicant is responsible for the fee payment and should forward the application review fee to this office as soon as possible.

Recommendations

Based on the comments noted above, TRCA have **no objection** to the approval of Consent Application B031/19 and B032/19, subject to the following condition.

1. The applicant provides the required \$1400 fee for TRCA's review of B031/19 and B032/19

I trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Hamedeh Razavi
Planner 1, Development Planning and Permits
Development and Engineering Services
Extension 5256

HR/cb



COMMENTS:

☐

We have reviewed the proposed Consent Application and have no comments or objections to its approval.

☒

We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).

☐

We have reviewed the proposed Consent Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: (B031/19) CONS.19.V.0119

From: Skouros, Julia <Julia.Skouros@york.ca>

Sent: September-30-19 2:12 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

Cc: Vigneault, Christine <Christine.Vigneault@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: (B031/19) CONS.19.V.0119

Hi Lenore,

The Regional Municipality of York has completed its review of the above mentioned Consent Application and has **no comment**.

Should you have any questions or concerns, please contact Joseph McMakin, Associate Planner at ext. 71516 or by email at joseph.mcmackin@york.ca

Best,

Julia Elena Skouros | Assitant Planner – Co-op Student,
Corporate Services

The Regional Municipality of York
1-877-464-9675 ext. 74886
Julia.skouros@york.ca