

Item:



Committee of the Whole Report

DATE: Monday, September 17, 2018

WARD: 1

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.11.035
SITE DEVELOPMENT FILE DA.17.031
SITE DEVELOPMENT FILE DA.17.032
JOSEPH KREINER AND BREN-COLL HOLDINGS INC.
VICINITY OF KEELE STREET AND KI**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole of the Recommendations contained in this Report for Zoning By-law Amendment File Z.11.035, which has been appealed to the Local Planning Appeal Tribunal ("LPAT"), to amend the "A Agricultural Zone" standards of Zoning By-law 1-88 for the Subject Lands shown on Attachments #1 and #2 to permit a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks, and businesses that provide products or services directly to farm operations, and to seek approval for Site Development Files DA.17.031 and DA.17.032 to permit the development shown on Attachments #3 to #8.

Report Highlights

- The Owner seeks approval to amend Zoning By-law 1-88 to permit agriculture-related uses, including a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks and businesses that provide products or services directly to farm operations, and for the related site plan applications.
- The Owner has appealed Zoning By-law Amendment File Z.11.035 to the Local Planning Appeal Tribunal ("LPAT").
- The Development Planning Department supports the proposed uses, in principle, subject to the LPAT withholding its final Decision/Order for the implementing Zoning By-law until all City and TRCA comments are satisfied related to the Zoning By-law and Site Development Applications.

Recommendations

That the Local Planning Appeal Tribunal ("LPAT") be advised that City of Vaughan Council ENDORSES the following recommendations:

1. THAT Zoning By-law Amendment File Z.11.035 (Joseph Kreiner and Bren-Coll Holdings Inc.) BE APPROVED IN PRINCIPLE, to amend Zoning By-law 1-88, specifically to rezone a portion of the Subject Lands shown on Attachments #1 and #2 from "A Agricultural Zone" to "OS1 Open Space Conservation Zone", in the manner shown on Attachment #3, and to amend the "A Agricultural Zone" standards in Zoning By-law 1-88 to permit the following "Agriculture-Related Uses":
 - a) A Motor Vehicle Sales Establishment for farm/heavy equipment and trucks, and the open storage and display and service of such equipment, all related to agricultural activities;
 - b) Businesses that provide products or services, or both, directly to farm operations as a primary activity, and shall be limited to the processing of locally grown agricultural products, the servicing of farms, and farm product sales outlets, but shall not include a farmer's market, a retail nursery or a landscaping business; and
 - c) Parking for the employees for the adjacent property to the north (11800 Keele Street) to be located on the Subject Lands.
2. THAT should the LPAT approve Zoning By-law Amendment File Z.11.035, the LPAT be requested to withhold its final Decision/Order regarding the implementing Zoning By-law until such time that the following matters are addressed, to the satisfaction of the City or external public agency, which may result in changes to the development, including, but not limited to, the removal of parking and open storage on the Subject Lands:
 - a) The Owner shall identify the limit of the Natural Heritage System and associated 30 m Vegetation Protection Zone ("VPZ") from the most conservative natural feature limit, as required by the Greenbelt Plan, to the satisfaction of the City and the Toronto and Region Conservation Authority ("TRCA");
 - b) The outside storage and display of vehicles shall only be permitted in the areas identified on Attachments #3 and #4, subject to the limits of the Natural Heritage System and associated 30 m VPZ being confirmed for 11650 Keele Street, and shall be appropriately screened by an enclosed stone, masonry wall, or chain link fence no less than 2 m in height with appropriate landscape;

- c) The Owner shall submit a Noise Report, Phase 1 Environmental Site Assessment (“ESA”), Letter of Reliance, and a Traffic Impact Study to the satisfaction of the Development Engineering Department;
 - d) The Owner shall submit a Functional Servicing Report (“FSR”) to address the Recommendations from the Development Engineering Department to service the Subject Lands with municipal water and sanitary services. Should the FSR conclude that the Development can be serviced with local well and septic systems, the Owner shall submit a Hydrogeological Report to determine water quantity and quality;
 - e) The Owner shall submit an Archaeological Assessment for 11700 Keele Street, to the satisfaction of the Urban Design, Cultural Heritage Division, and shall be assessed by a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the *Ontario Heritage Act*, and any significant sites found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances;
 - f) The Owner shall pave all driveway, parking, display and open storage areas with hot-mix asphalt in accordance with Zoning By-law 1-88 and the City’s Engineering Design Standards Criteria; and
 - g) The Owner shall submit a Geotechnical Report to the satisfaction of the Development Engineering Department, and shall include results from soil testing of the existing subgrade and recommend a pavement design in accordance with the Transportation Association of Canada publication, “A Guide to the Structural Design of Flexible and Rigid Pavements in Canada”. The design shall include consideration of the effect of proposed underground services and non-ideal conditions.
3. THAT City of Vaughan staff be directed to attend the LPAT Hearing in support of the Recommendations contained in this report regarding Zoning By-law Amendment File Z.11.035.

That the City of Vaughan Council APPROVE the following recommendation:

- 1. THAT should the LPAT approve Zoning By-law Amendment File Z.11.035, that Site Development Files DA.17.031 (Joseph Kreiner) and DA.17.032 (Bren-Coll Holdings Inc.) BE DRAFT APPROVED AND SUBJECT TO THE OWNER SATISFYING THE FOLLOWING CONDITIONS to the satisfaction of the Development Planning Department, to permit a one-storey building with a Gross Floor Area (“GFA”) of 870 m² (11650 Keele Street) and a one-storey building with a GFA of 465 m² (11700 Keele Street) for agriculture-related uses:

- a) That prior to the execution of the Site Plan Agreement(s):
- i) the implementing Zoning By-law shall be in full force and in-effect;
 - ii) the Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate, and building elevations;
 - iii) the Owner shall submit architectural building elevations for the building located at 11700 Keele Street;
 - iv) the Owner shall provide additional landscape on the north-east corner of the Subject Lands in order to screen the proposed parking area shown on Attachment #5;
 - v) the Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion and sediment control plan, stormwater management report, traffic impact study, functional servicing report, geotechnical report, hydrogeological report and noise report;
 - vi) the Owner shall convey the lands zoned “OS1 Open Space Conservation Zone” to public ownership, free of all costs and encumbrances;
 - vii) the Owner, and the Owner of the adjacent property to the north (11800 Keele Street) shall successfully obtain approval of a Consent Application from the Vaughan Committee of Adjustment for the creation of reciprocal easements required for access between the Subject Lands and the adjacent property to the north (11800 Keele Street). The Committee’s decision shall be final and binding and any conditions of approval imposed by the Committee, including the issuance of a Certificate of Official by the City, pursuant to Section 53 of the *Planning Act* shall be satisfied;
 - viii) the Owner shall satisfy all requirements of Metrolinx;
 - ix) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority; and
 - x) the Owner shall satisfy all requirements of York Region.

- b) The Site Plan Agreement(s) shall include the following conditions:
- i) “The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”
 - ii) “Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the Owner shall notify the City of Vaughan’s Urban Design, Cultural Heritage Division.”
 - iii) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services.”

Background

The 6.1 ha Subject Lands (“Subject Lands”) consist of two properties located on the west side of Keele Street, north of Kirby Road, municipally known as 11650 and 11700 Keele Street, as shown on Attachments #1 and #2. The Subject Lands are developed with two, one-storey grey steel buildings together with gravel parking areas and includes the open storage of vehicles, as shown on Attachments #3 to #8. The surrounding land uses are shown on Attachment #2.

The existing building located at 11650 Keele Street is currently being used for the repair of heavy trucks and the open storage of transport trailers, construction equipment, materials and debris, which is not permitted in the “A Agricultural Zone”. The Owner of the Subject Lands was issued an Order to Comply by the Vaughan By-law Enforcement Department on January 14, 2011. A Building Permit for 11650 Keele Street was issued by the Building Standards Department on January 11, 2010, for agricultural uses only (Permit No. 09-3536). However, the Building Permit has not been closed as a result of deficiency orders for the existing use of the building.

A Zoning By-law Amendment and two Site Development Applications have been submitted to permit the Development

The Owner on October 12, 2011, submitted Zoning By-law Amendment Application Z.11.035 ("Zoning Application") to permit the following uses on the Subject Lands ("Original Proposal"):

- A Motor Vehicle Sales Establishment for farm / heavy equipment and trucks;
- An area for the open storage and display for farm / heavy equipment and trucks in the side and rear yards only;
- expansion of the existing Commercial Nursery from the adjacent property; (11800 Keele Street);
- Soil mixing and landscape supply of gravel, aggregate, top soil and peat moss; and
- Small scale commercial and industrial uses serving the agricultural community.

Through discussions with Development Planning Staff, the Owner revised the Zoning Application and the proposed permitted uses to conform to OPA #600, the Official Plan in-effect at the time of the submission of the Zoning Application. The Owner on January 25, 2013, submitted a revised proposal ("Revised Proposal") to permit the following uses:

- A Motor Vehicle Sales Establishment for heavy equipment and trucks related to agricultural activities;
- Open storage ancillary to the sale and display of heavy equipment and trucks related to agricultural activities; and
- Parking for employees for the adjacent site to the north (11800 Keele Street) to be located on the Subject Lands.

The Committee of the Whole considered the revised Zoning Application at a Public Hearing held on February 26, 2013, as discussed in the Public Notice section of this report.

The TRCA on September 26, 2013, issued a violation notice on the Subject Lands (Violation No. V2774) for the illegal placement of fill and earthworks within a TRCA regulated area on a portion of the Subject Lands at 11650 Keele Street. The TRCA on May 11, 2016, issued Permit No. C-160396 to the Owner to permit works to rectify the outstanding TRCA Violation.

Having resolved the TRCA violation, the Owner on April 24, 2017, submitted Site Development Files DA.17.031 and DA.17.032, which included a revised proposal for Zoning By-law Amendment File Z.11.035 (collectively being the "Applications") for the Subject Lands.

The Revised Proposal is for an amendment to the “A Agricultural Zone” to permit the following agriculture-related uses:

- A Motor Vehicle Sales Establishment for farm/heavy equipment and trucks;
- Open storage and display and service of such equipment;
- Businesses that provide products or services, or both, directly to farm operations as a primary activity; and
- Parking for employees for the adjacent site to the north (11800 Keele Street) to be located on the Subject Lands.

The revised proposal includes two, one-storey buildings measuring 870 m² and 465 m² together with open storage and display areas for the purpose of agriculture-related uses, as shown on Attachments #3 to #8.

The Owner has appealed the Zoning By-law Amendment Application to the Local Planning Appeal Tribunal

The Owner on March 29, 2018, pursuant to Section 34(11) of the *Planning Act*, appealed the Zoning Application to the then Ontario Municipal Board (“OMB”), now the Local Planning Appeal Tribunal (“LPAT”) (File No. PL180330), citing the City’s failure to make a decision on the Application within the prescribed timelines of the *Planning Act*. The LPAT has scheduled a three-day hearing commencing on November 21, 2018.

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

On February 1, 2013, the City circulated a Notice of Public Hearing (the “Notice”) to all property owners within 150 m of the Subject Lands. A copy of the Notice was also posted on the City’s website at www.vaughan.ca and a notice sign was installed on the Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols.

Vaughan Council on March 19, 2013, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of February 26, 2013, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following deputations and written submissions were received by the Development Planning Department and at the Public Hearing:

Deputations

- A. Ruggero, InfoPlan Research, Marita Place, on behalf of the Owners of 11666 Keele Street, Vaughan

Written Submissions

- InfoPlan Research, on behalf of the Owners of 11666 Keele Street, Vaughan, dated February 15, 2013
- Brookvalley Developments, 137 Bowes Road, Vaughan, dated February 5, 2013
- Mid-Ontario Truck Centre, 2400 Kirby Road, Vaughan, dated February 12, 2013

The following is a summary of, and responses to, the comments provided in the deputations and written submissions submitted at the Public Hearing of February 26, 2013, and written submissions received by the Development Planning Department:

a) Access, Noise and Dust

The proposed and existing driveways will result in increased noise, dust pollution, and potential safety concerns.

Response

The Original Proposal for the Subject Lands includes an existing driveway located south of the property located between the Subject Lands (11666 Keele Street), and a proposed driveway located north of 11666 Keele Street, as shown on Attachment #2. The Owner is no longer pursuing the north driveway access, as shown on Attachment #5, and will maintain one access to the Subject Lands located at 11650 Keele Street, as shown on Attachment #4. The Development Planning Department has also recommended that the Owner be required to submit a Noise Report, to the satisfaction of the Development Engineering “(DE)” Department, prior to the LPAT’s final Decision/Order on the Zoning Application.

A condition of approval is included requiring the Owner to pave the proposed driveway access and open storage areas with hot-mix asphalt in order to control dust. A 4 m wide landscape strip is proposed at the perimeter of 11666 Keele Street with a mix of deciduous and coniferous trees.

b) Architectural Design of Buildings

The buildings should be architecturally designed to the same standards as the existing buildings in the area.

Response

Urban Design Staff have requested legible architectural elevation drawings and confirmation of detailed finished building materials, prior to the execution of the Site Plan Agreement(s). The Owner is required to satisfy all comments respecting the proposed building elevations, to the satisfaction of the City.

c) Servicing and Cost Sharing

A condition for a cost sharing agreement between the Owner and the adjacent property to the south (K and K Holdings) should be imposed to reimburse K and K Holdings for the existing services that were constructed as part of their applications (Files Z.08.040 and DA.08.057).

Response

The DE Department recommends that the Development be serviced with municipal water and sanitary services. Should the Development require such services, the Owner is required to enter into a Development Agreement with the DE Department, which will include cost sharing conditions.

The Development Planning Department, on September 10, 2018, mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Previous Reports/Authority

[February 26, 2013, Committee of the Whole \(Public Hearing\) \(Item 4, Report No. 11\)](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Development Planning Department has reviewed the Development in consideration of the following policies:

The Development is consistent with the Provincial Policy Statement ("PPS"), 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2014* ("PPS"). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld. Vaughan Council's planning decisions are required by the *Planning Act* to be consistent with the PPS.

The Development Planning Department has reviewed the Development in consideration of the policies of the PPS and is of the opinion that it is consistent with provincial interests, specifically:

- Section 1.1.1 - to promote efficient development and accommodate an appropriate range of uses;
- Section 2.1.1 - protecting natural features for the long term;
- Section 2.3.3 - permitting agriculture-related uses, as defined by the PPS, within Prime Agricultural Areas; and
- Section 4.7 - the official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans.

Section 2.3.3.1 of the PPS permits agriculture-related uses within lands identified as Prime Agricultural Areas, provided the proposed agriculture-related use is compatible and shall not hinder the surrounding agricultural operations. Agriculture-related uses are defined in the PPS as follows:

“those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.”

The existing uses in proximity of the Subject Lands include a gas bar, eating establishment, retail nursery, agricultural lands and a motor vehicle sales establishment for farm equipment. The proposed uses identified in the Recommendations of this report are agriculture-related uses, which support agriculture operations found to the west and east of the Subject Lands, and will not hinder existing land uses in proximity to the Subject Lands.

The Subject Lands are located in proximity to agricultural operations that will benefit from the proposed uses on the Subject Lands. The farm/heavy equipment operation will serve the surrounding agricultural area to the west and east through the sales and service of farm-related heavy equipment and trucks.

At the time of writing this report, the Owner has not provided clarification regarding the proposed “businesses that provide products or services directly to farm operations use.” The proposed use does not clearly identify how it conforms to the “Agriculture Area” policies of OPA #600, being the in-effect Official Plan for the Applications. The Development Planning Department recommends that the proposed use of “businesses that provide products or services directly to farm operations” shall be limited to the “farm-related uses” identified in Section 6.1.1 b. of OPA #600, which shall be defined as “the processing of locally grown agricultural products, the servicing of farms, and farm product sales outlets, but shall not include a farmer’s market, a retail nursery or a landscaping business.” A condition to this effect is included in the Recommendations of this report.

The proposed definition of “Businesses that provide products or services, or both, directly to farm operations as a primary activity”, as recommended by the Development Planning Department is in keeping with the definition of agriculture-related uses and the farm-related permitted uses in OPA #600.

Upon confirmation by the Owner of the limits of the Natural Heritage System, the Development will maintain the natural area and recognize the connectivity of the watercourse by zoning the Natural Heritage System and associated VPZ “OS1 Open Space Conservation Zone”. The lands zoned “OS1 Open Space Conservation Zone” are to be conveyed to a public authority (i.e. the City or TRCA) to ensure long-term protection, as stipulated in Section 2.1.1 of the PPS.

The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Provincial *Growth Plan for the Greater Golden Horseshoe Growth Plan* (“Growth Plan”) is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Vaughan Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Subject Lands are located outside of the “Settlement Area”, as defined by the Growth Plan. The definition of agriculture-related uses, as identified in Section 7 of the Growth Plan, is identical to that of the PPS. The proposed uses, as identified by the Development Planning Department in the Recommendations of this report, is in keeping with the definition of agriculture-related uses in the Growth Plan.

The Development is consistent with the policy framework of the Growth Plan by supporting the long-term viability of agricultural lands (Section 1.2.1) and providing for agriculture-related uses that conform to the definition in the Growth Plan (Section 7), as identified in the Recommendations section of this report.

The Development conforms to the Greenbelt Plan, 2017 (“Greenbelt Plan”), subject to the Owner confirming the limits of the Natural Heritage System and associated Vegetation Protection Zone on the Subject Lands

The Greenbelt Plan was introduced in 2005, and is intended to identify where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape. The south portion of the Subject Lands are located within the Natural Heritage System of the Protected Countryside in the Greenbelt Plan, as shown on Attachment #2.

Section 3.2.2 of the Greenbelt Plan permits agriculture-related uses within the Natural Heritage System. The definition of “Agriculture-related Uses”, as identified in Section 7

of the Greenbelt Plan, is identical to that of the PPS and Growth Plan. The proposed uses, as recommended by the Development Planning Department in the Recommendations of this report, is in keeping with the definition of agriculture-related uses in the Greenbelt Plan.

The Owner has submitted a Habitat Impact Assessment, prepared by Beacon Environmental and dated September 22, 2015 (“Habitat Assessment”), that identifies an intermittent watercourse located on the south portion of the Subject Lands. The TRCA has confirmed that the south portion of the Subject Lands is traversed by a valley corridor associated with the West Don River Watershed, and contains a Provincially Significant Wetland (“PSW”) feature, which is located within the valley corridor. The features identified on the Subject Lands would meet the criteria for a Key Natural Heritage Feature (“KNHF”) and Key Hydrologic Feature (“KHF”), as identified in the Greenbelt Plan. Accordingly, Greenbelt Policy 3.2.5 respecting KNHFs and KHF’s would apply for this area of the Subject Lands.

Section 3.2.5(7) of the Greenbelt Plan requires a minimum 30 m Vegetation Protection Zone (“VPZ”) from a KNHF or KHF for agriculture-related uses. In addition, agricultural and agriculture-related uses shall pursue best management practices to protect and/or restore KNHF and KHF and functions.

The Habitat Assessment recommends a minimum 30 m VPZ as part of the restoration works identified under the TRCA-issued Permit No. C-160396. In order for the Development to conform to the Greenbelt Plan, the Owner is required to confirm the limits of the Natural Heritage System and a 30 m VPZ, to the satisfaction of the City and TRCA. The Development Planning Department also recommends that the lands within the Natural Heritage System and a 30 m VPZ be rezoned to OS1 Open Space Conservation Zone and conveyed to a public authority (i.e. the City or TRCA) in order to ensure its long-term protection and management, in accordance with Section 5.9(14) of OPA #600. Conditions to this effect are included in the Recommendations of this report that require the Owner to complete this work prior to the LPAT approving the implementing Zoning By-law, should the Zoning Application be approved.

The Development conforms to the York Region Official Plan 2010 (“YROP”)

The York Region Official Plan 2010 (“YROP”), guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Agricultural Area” and “Greenbelt Plan Area” on Map 8, “Agricultural and Rural Area” of the YROP. The Greenbelt Plan Area portion of the Subject Lands constitutes part of the Regional Greenlands System, as identified on Map 2 of the YROP. Section 6.0 of the YROP seeks to protect agricultural lands and support the agricultural industry as essential components of the Regional fabric.

Section 6.3.2 of the YROP permits the full range of agricultural uses, agriculture-related uses, and secondary agricultural uses. In addition, Section 6.3.10 states that

land within the “Agricultural Area” of Vaughan that is not within the Oak Ridges Moraine or Greenbelt is to be used for normal farm practices and a full range of agricultural uses, agriculture-related uses and secondary agricultural uses.

An agriculture-related use is defined in the YROP as follows:

“farm-related commercial and farm-related industrial uses that are small in scale, directly related to the farm operation and are required to be in close proximity to the farm operation”

The Development provides for an agriculture-related use as defined by the YROP and meets the intent of providing farm-related industrial and commercial uses that serve the agricultural community for agricultural lands located outside of the Greenbelt. The portion of the Subject Lands located within the Greenbelt Plan Area and Regional Greenlands System shall be rezoned to OS1 Open Space Conservation Zone and conveyed to a public authority. Conditions to this effect are included in the Recommendations of this report.

The Applications conform to OPA #600, the Official Plan that was in-effect at the time of submitting the Zoning Application, subject to the Owner refining the proposed permitted uses and confirming the Natural Heritage System and associated Vegetation Protection Zone on the Subject Lands

The Zoning Application was submitted on October 12, 2011, and a Notice of Complete Application was issued by the Development Planning Department on January 29, 2013. At the time the Zoning Application was submitted and Notice of Complete Application issued, OPA #600 was the in-effect Official Plan, as Vaughan Official Plan 2010 (VOP 2010) was approved by Vaughan Council on September 7, 2010, but not in-effect, as VOP 2010 was appealed in its entirety to the then Ontario Municipal Board. The City-wide appeals for VOP 2010 were resolved on February 21, 2014. As the Zoning Application was submitted prior to the approval of VOP 2010, the Development is assessed under OPA #600.

The Subject Lands are designated “Agriculture Area” by OPA #600, and further identified within a “Special Policy Area”. The “Special Policy Area” designation includes lands between Keele Street, the Metrolinx corridor, Teston Road and King-Vaughan Road. Section 6.1.1.2 of OPA #600 states that:

“the Special Policy Area lands are physically separated from larger, predominately agricultural areas to the west by the rail-line. The viability of farming activity within the Keele North area has been reduced by the introduction of previous, site-specific approvals of primarily marginal industrial uses. Analysis is required to identify land uses which are appropriate and viable in the short-to-medium term, but which will not undermine the opportunity for appropriate long-term use within the surrounding Special Policy Area lands.”

OPA #600 identifies an analysis required for the Special Policy Area lands. However, this analysis was not conducted and this policy was not carried over to VOP 2010.

Section 6.1.1 b.) of OPA #600 permits farm-related uses directly related to agriculture in the “Agriculture Area” designation, provided that farm-related uses are located on land that is of low capability for agriculture and will not adversely affect agricultural operations in the surrounding area.

The Planning Justification Report (“Justification Report”) prepared by Weston Consulting and dated April 2017, states that the viability of field crop farming on the Subject Lands has been reduced given the size of the lands, proximity to existing commercial uses, and the physical barrier of the Metrolinx corridor, which separates the lands from larger agricultural lots. The Justification Report states that the Subject Lands are of low capability for agriculture, and that the use of farm/heavy equipment will service the surrounding agriculture area through the sales and service of farm-related heavy equipment and trucks.

The Development Planning Department can support the proposed use of a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks, and the open storage and display and service of such equipment, all related to agricultural activities, as it conforms to the in-effect “Agriculture Area” policies of OPA #600, and is consistent with existing land uses in the area, including a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks located directly south of the Subject Lands (2400 Kirby Road, “K and K buildings”). All outside storage and display of vehicles shall only be permitted only in the areas identified on Attachments #3 and #4, subject to the limits of the Natural Heritage System and associated 30 m VPZ being confirmed for 11650 Keele Street, and shall be appropriately screened by an enclosed stone, masonry wall, or chain link fence no less than 2 m in height with appropriate landscape. A condition to this effect is included in the Recommendations of this report

At the time of writing this report, the Owner has not provided clarification regarding the proposed “businesses that provide products or services directly to farm operations use.” The proposed use does not clearly identify how it conforms to the “Agriculture Area” policies of OPA #600. The Development Planning Department recommends that the proposed use of “businesses that provide products or services directly to farm operations” shall be limited to the “farm-related uses” identified in Section 6.1.1 b. of OPA #600, which shall be defined as “the processing of locally grown agricultural products, the servicing of farms, and farm product sales outlets, but shall not include a farmer’s market, a retail nursery or a landscaping business.” A condition to this effect is included in the Recommendations of this report.

The plan is required to confirm the limits of the Natural Heritage System and a 30 m VPZ to ensure Greenbelt Plan conformity, to the satisfaction of the City and TRCA. Conditions to this effect are included in the Recommendations of this report.

Summary of Planning Policy

In consideration of the applicable PPS, Growth Plan and Greenbelt Plan policies, and the YROP and OPA #600 policies outlined in this report, the Development includes land uses that conform with the applicable Provincial policies and York Region and OPA #600 policies. Accordingly, the use of a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks, and the open storage and display and service of such equipment, all related to agricultural activities, is considered to be appropriate, is compatible with the surrounding existing and planned land uses, and meets the criteria of an “Agriculture-related Use” in the PPS, Growth Plan, Greenbelt Plan and YROP and OPA #600.

The Development Planning Department recommends that the proposed “businesses that provide products or services directly to farm operations use” be defined as identified in the Recommendations section and in this report, in order to ensure conformity of the “farm-related use” policies of OPA #600. The Owner is also required to confirm the limits of the Natural Heritage System and a 30 m VPZ to ensure Greenbelt Plan conformity, to the satisfaction of the City and TRCA. Conditions to this effect are included in the Recommendations of this report.

The Zoning Application to permit Agriculture-related uses is compatible with the existing and planned built-form in the area, subject to conditions

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, as shown on Attachment #2, which permits agricultural uses. An “Agricultural Use” is defined in Zoning By-law 1-88 as:

“any general farming or agricultural use which is not obnoxious to the public welfare including animal hospitals, apiaries, aviaries, berry or bush crops, animal husbandry, dog kennels or the breeding, boarding or sale of dogs or cats, field crops, forestry research station, goat or cattle dairies, mushroom farms, orchards, riding stables or academies, the raising of sheep or goats, the raising of swine, tree and shrub farms, and such uses or enterprises as are customarily carried on in the field of general agriculture”.

The Owner has submitted the Zoning Application to permit the following site-specific exceptions to the “A Agricultural Zone” on the Subject Lands:

Table 1

	Zoning By-law 1-88 Standard	A Agricultural Zone Requirement	Proposed Exceptions to the A Agricultural Zone Requirement
a.	Definition of “Agriculture- related Uses”	There is no definition of “Agriculture-related Uses” in Zoning By-law 1-88.	Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farms operations, and provide direct products and/or services to farm operations as a primary activity.
b.	Permitted Uses	All uses permitted under Agricultural Use	Add the following uses: <ul style="list-style-type: none"> • a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks, and the open storage and display and service of such equipment, all related to agricultural activities; and • businesses that provide products or services, or both, directly to farm operations as a primary activity.
c.	Off-site Parking	The Owner of every building or structure shall provide and maintain parking on the lot on which it is erected.	Permit off-site employee parking for the adjacent property to the north (11800 Keele Street) on the Subject Lands.

The Development Planning Department supports the proposed site-specific zoning exceptions, subject to conditions, for the following reasons:

a) Definition of Agriculture-related Use

The proposed definition of “Agriculture-related Use” is identical to the definition of “Agriculture-related Use” in the PPS, Growth Plan, and Greenbelt Plan. The proposed definition also meets the intent of “farm-related uses”, as defined in OPA #600.

b) Permitted Uses

The proposed use of a Motor Vehicle Sales Establishment for farm/heavy equipment and trucks is consistent with the policies of OPA #600, as it is a farm-related use that will service the agricultural community. The proposed use is also similar to that of the farm/heavy equipment and truck sale use operating on the lands located south of the Subject Lands (K and K Holdings - File Z.08.040). The outside storage and display of vehicles shall only be permitted in the areas identified on Attachments #3 and #4, subject to the determination of the final location of the Natural Heritage System and 30 m VPZ. The open storage shall also be appropriately screened by an enclosed stone, masonry wall, or chain link fence, no less than 2 m in height and with appropriate landscape. A condition to this effect is included in the Recommendations of this report.

At the time of writing this report, the Owner has not provided clarification regarding the use of “businesses that provide products or services directly to farm operations.” The Development Planning Department recommends the following definition in order to conform to the policies of “farm-related uses” in OPA #600:

“the processing of locally grown agricultural products, the servicing of farms, and farm product sales outlets, but shall not include a farmer’s market, a retail nursery or a landscaping business”

Conditions to this effect are included in the Recommendations of this report.

c) Off-site Parking

The proposed off-site parking shown on Attachment #5 is to permit employee parking spaces for the existing Terra Nursery located north of the Subject Lands (11800 Keele Street). The proposed off-site parking area will have minimal impact on adjacent properties and is located away from the proposed agriculture-related uses on the Subject Lands.

The Development Planning Department recommends that additional landscape screening be planted at the northeast corner of the Subject Lands adjacent to Keele Street, as shown on Attachment #5, and that the parking area be paved

with hot-mix asphalt. In addition, reciprocal access easements are required for the Subject Lands and 11800 Keele Street to permit the off-site parking, as described in the Consent Application section of this report.

A future Consent Application is required to create reciprocal access easements between the Subject Lands and the lands to the north (11800 Keele Street) to permit off-site parking.

Reciprocal access easements between the Owners of the Subject Lands and 11800 Keele Street are required in order to permit driveway access between the properties, and off-site parking for employees of the existing Terra Nursery located on 11800 Keele Street.

The Owners are required to successfully obtain approval of a Consent Application from the Vaughan Committee of Adjustment for the easements described above. Prior to the execution of the Site Plan Agreement(s), the Owners shall satisfy any conditions of approval imposed by the Committee, and Certificates of Official shall be issued by the Office of the City Clerk. A condition to this effect is included in the Recommendations of this report.

The proposed site plan and building elevations are satisfactory in principle, subject to the Recommendations in this report

The overall site plan for the Subject Lands is shown on Attachment #3. The site plan for 11650 Keele Street is shown on Attachment #4 and includes a one-storey 870 m² building for the use of a Motor Vehicle Sales Establishment for farm/heavy equipment and an approximate 2,800 m² open storage and display area. A total of 30 parking spaces are proposed, inclusive of 2 accessible parking spaces. The building elevations, as shown on Attachment #7, consist of a light grey steel building. A Building Permit for 11650 Keele Street was issued by the Building Standards Department on January 11, 2010 for a building for agricultural uses (Permit No. 09-3536). However, the Building Permit has not been closed as a result of deficiency orders for the existing use of the building (heavy repair and open storage of trucks and construction equipment).

The site plan for 11700 Keele Street is shown on Attachment #5 and includes a one-storey 465 m² building to be used for agriculture-related uses and an approximate 5,500 m² open storage and display area. A total of 18 parking spaces are proposed to the west of the building. The off-site employee parking area for 11800 Keele Street is located at the northeast area of the Subject Lands, as shown on Attachment #5. The building elevations shown on Attachment #8 includes a grey steel-frame building. The Development Planning Department requires the submission of architectural building elevations for review prior to the execution of the Site Plan Agreement(s). A condition to this effect is included in the Recommendations of this report.

Access to the Subject Lands is from an existing driveway located at 11650 Keele Street, which will service the entire Subject Lands. All outside storage, display, parking and access areas shall be paved with hot-mix asphalt, in accordance with the requirements of Zoning By-law 1-88 and the City's Engineering Design standards, as identified in the

Development Engineering section of this report. A condition to this effect is included in the Recommendations of this report.

The Development Planning Department also recommends that the outside storage and display of vehicles shall only be permitted in the areas identified on Attachments #3 and #4, subject to the limits of the Natural Heritage System and associated 30 m VPZ being confirmed for 11650 Keele Street, and shall be appropriately screened by an enclosed stone, masonry wall, or chain link fence no less than 2 m in height with appropriate landscape. A condition to this effect is included in the Recommendations of this report.

The Development Engineering (“DE”) Department requires additional information for the Applications

The Development Engineering (“DE”) Department provided comments on the Zoning Application on February 22, 2013 and on the Applications on January 5, 2018 and July 24, 2018. The DE Department provides the following comments:

Functional Servicing and Stormwater Management

On February 22, 2013, the DE Department requested that the Owner provide a Functional Servicing Report (“FSR”) for approval. At the time of writing this report, the Owner has not submitted an FSR. Prior to the LPAT issuing its final Decision/Order regarding the implementing Zoning By-law, the Owner is required to submit a FSR to the DE Department for review and approval. Conditions to this effect are included in the Recommendations of this report.

Based on a review of the information submitted to-date, the DE Department provides the following comments:

a) **Water Servicing**

An existing Regional watermain traversing Keele Street is located east of the Subject Lands. The northern limit of an existing municipal watermain also traversing Keele Street currently service the lands immediately south of the Subject Lands (“K and K Lands”) located at the northwest corner of Keele Street and Kirby Road. The K and K Lands are zoned “A Agricultural Zone” and operate a similar land use (i.e. Motor Vehicle Sales establishment for farm/heavy equipment) for which the Owner is seeking to obtain for the Subject Lands.

The current servicing scheme for the Subject Lands includes water service for the Development through local wells. OPA #600 outlines that individual and/or communal water services are allowed for agricultural and non-farm land uses. However, OPA #600 also specifies that the proposed use shall be compatible with existing and permitted uses in the surrounding area. Provided that the K and K lands retain a similar land use to that being sought for the Subject Lands, the DE Department recommends that municipal water service be constructed to supply water service to the Development.

Should the submitted FSR justify the use of a local well system for the Development, the City's Engineering Standards mandate that a detailed hydrogeological study be completed to determine the water quality and quantity within the well. The study should include, but not be limited to, Bacteriological Analysis (total coliform and E-coli counts), Chemical Analysis (nitrate test), and water level measurements below existing grade. The water quality testing shall conform to Ontario Drinking Water Standards and on-going monitoring for wells servicing the Subject Lands and adjacent to the lands shall be conducted before, during and after construction to determine any construction impacts to groundwater on and surrounding the Subject Lands.

b) Sanitary Servicing

An existing municipal watermain traversing Keele Street and Kirby Road currently service the K and K lands. The proposed sanitary servicing scheme for the Development includes local septic tanks on the property. The DE Department recommends that municipal sanitary sewers be extended to service the Development in-line with what was conducted to facilitate sanitary services for the K and K Lands located south of the Subject Lands, given the similar land uses.

c) Stormwater Management

The Owner has submitted a Stormwater Management Brief prepared by Cole Engineering, dated March 2017, and a Stormwater Management Addendum dated March 2018. The proposed stormwater schematic identifies no existing or proposed stormwater management measures, which will enable drainage to the valley corridor associated with the West Don River that contains a PSW Feature. The TRCA has identified concerns with the proposed stormwater management schematic and the DE Department notes that resolution of the schematic with the TRCA shall be achieved prior to approval by the DE Department. The DE Department recommends that stormwater management techniques and low-impact development ("LID") measures (i.e. infiltration, bioswales, stormwater retention) be utilized to mitigate stormwater impacts on the Development.

Grading Design

The proposed grading of the Subject Lands shall meet the current City of Vaughan and TRCA lot grading criteria.

The Owner is proposing gravel surface treatment for all driveway access, parking, open storage and display areas. Entrance areas shall be paved with heavy duty asphalt, as per the York Region Standards identified in the Regional Implications Section of this report. The surface of all driveways, parking spaces, maneuvering area, and open storage and display areas shall be paved with a hard surface as specified by the City's Engineering Design Criteria.

Alternative measures may be supported through the Owner submitting a Geotechnical Report with recommendations for pavement design in accordance with the Transportation Association of Canada publication, "A Guide to the Structural Design of Flexible and Rigid Pavements in Canada". The design shall include consideration of the effect of proposed underground services and non-ideal conditions. Conditions to this effect are included in the Recommendations of this report.

Traffic Considerations

On March 25, 2013, the Transportation Division of the DE Department provided comments to the Owner. The Owner is required to submit a Traffic Impact Study ("TIS") to assess how heavy vehicular traffic will impact the surrounding roadway intersections. The scope of work of the TIS shall include:

- a review of the existing traffic operations and impact to the City's local road network and Keele Street;
- Examine potential future deficiencies and possible improvements to the road network; and
- Examine on-site vehicular circulation, including a safety review.

Prior to the LPAT issuing its final Decision/Order regarding the implementing Zoning By-law, the Owner is required to submit a TIS to the Transportation Division of the DE Department for review and approval. Conditions to this effect are included in the Recommendations of this report.

Noise

The DE Department on February 22, 2013, requested that the Owner provide a Noise Report for approval. At the time of writing this report, the Owner has not submitted the required Noise Report. Prior to the LPAT issuing its final Decision/Order regarding the implementing Zoning By-law, the Owner is required to submit a Noise Report to the DE Department for review and approval. Conditions to this effect are included in the Recommendations of this report.

Environmental

The Environmental Engineering Division of the DE Department provided comments to the Owner on February 14, 2013:

The Owner is required to submit a Phase One Environmental Site Assessment ("ESA") given that portions of the Subject Lands are located within the Greenbelt Plan area and that these portions have experienced illegal filling as identified by the TRCA. In addition, adjacent property uses such as the Metrolinx rail corridor and the existing gas bar pose a risk for potential contaminating activities that may result in areas of potential environmental concern on the Subject Lands. Based on the findings and recommendations presented in the Phase One ESA, a Phase Two ESA may also be

warranted. The Owner is also required to provide a letter of reliance to the City for all ESA report(s).

Prior to the LPAT issuing its final Decision/Order regarding the implementing Zoning By-law, the Owner is required to submit a Phase 1 ESA and Letter of Reliance to the Environmental Engineering Division of the DE Department for review and approval. Conditions to this effect are included in the Recommendation of this report.

The Owner is required to satisfy all requirements and conditions of the Toronto and Region Conservation Authority ("TRCA")

A portion of the Subject Lands are located within TRCA's Regulated Area of the Don River Watershed, as a stream corridor and wetland is located on the southern portion of 11650 Keele Street, and a provincially significant wetland feature located on adjacent lands northeast of 11700 Keele Street. A TRCA permit pursuant to Ontario Regulation 166/06 is required prior to any development or site alteration within TRCA's Regulated Area.

The TRCA on September 26, 2013, issued a violation notice on the Subject Lands (Violation No. V2774) for the illegal placement of fill on 11650 Keele Street. On May 11, 2016, the TRCA issued Permit No. C-160396 to permit grading and restoration works to rectify the outstanding TRCA Violation.

The TRCA provided comments on the Applications on August 2, 2017, and May 7, 2018, and advise that limit of the Natural Heritage System, including the associated VPZ as required by the Greenbelt Plan, be accurately delineated and appropriately zoned into an open space designation (OS1 Open Space Conservation Zone). The TRCA also recommends that the Natural System lands be conveyed into public ownership, free of all encumbrances, in order to ensure its long-term protection and management. A condition to this effect is included in the Recommendations of this report.

Prior to the execution of the Site Plan Agreement(s), should the Applications be approved, the Owner is required to satisfy all requirements of the TRCA, including obtaining a TRCA Permit under Ontario Regulation 166/06 and addressing all outstanding matters respecting stormwater and flood plain management, water balance, grading, and erosion and sediment control. Conditions to this effect are included in the Recommendations of this report.

The Urban Design, Cultural Heritage Division of the Development Planning Department requires an Archaeological Assessment for 11700 Keele Street

The Subject Lands are located in an area of high archaeological potential as identified in the City's database of archaeological resources. The lands known as 11650 Keele Street were cleared of archaeological concern in July 2009. However, an archaeological assessment for 11700 Keele Street has not been completed.

The Urban Design, Cultural Heritage Division provided comments on February 11, 2013 for the Zoning Application. The Owner is required to carry out an Archaeological Assessment ("AA") on a portion of the Subject Lands (11700 Keele Street), and mitigate through preservation or resource removal and documentation, all adverse impacts to any significant archaeological resources found. The AA shall be submitted prior to the LPAT issuing its final Decision/Order regarding the implementing Zoning By-law, as the findings of the AA may require changes to the location of open storage and parking areas.

No development or grading shall occur on any site identified as being archaeologically significant as a result of the AA carried out on the property, until such time as protective and measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Tourism, Culture and Sport (Archaeology Unit) and the Urban Design, Cultural Heritage Division.

In areas where there is no identified archaeological potential, the following standard clauses apply for lands being disturbed for development, as required by the Ministry of Tourism, Culture and Sport:

- a) Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the Owner shall notify the City of Vaughan's Urban Design, Cultural Heritage Division; and
- b) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services.

Conditions to this effect are included in the Recommendations of this report.

The Owner is required to satisfy all requirements and conditions of Metrolinx

The Subject Lands are located adjacent to an existing Metrolinx rail corridor that provides service for the Barrie GO Transit Corridor. Metrolinx, on November 21, 2017, provided comments for the Applications, and have advised that the existing setbacks of the buildings located on the Subject Lands from the Metrolinx corridor range from 19.5 m to 46 m, and are deemed acceptable. The Owner is required to provide a 1.83 m high chain-link fence (or alternate material) along the west property line adjacent to the Metrolinx corridor. In addition, the Owner is required to provide confirmation that the Development will have no impact on the Metrolinx corridor with respect to stormwater management.

The Owner is required to satisfy all requirements of Metrolinx prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

Office of the City Solicitor, Real Estate Department requires conditions to be included in the Site Plan Letter(s) of Undertaking

The Office of the City Solicitor, Real Estate Department has provided the following condition of approval:

“The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”

Enbridge and Alectra Utilities have no objection to the Development

Enbridge Gas Distribution and Alectra Utilities Corporation have no objections to the Applications.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Applications were circulated to the York Region Community Planning and Development Services Department for review and comment. York Region on July 27, 2017, provided comments stating that the proposed access at 11650 Keele Street must meet York Region standards, which include the Owner paving the existing access 10 m inside the property line. The Owner is required to satisfy all requirements of York Region. A condition to this effect is included in the Recommendations of this report.

Conclusion

The Applications have been reviewed in consideration of the applicable Provincial policies, YROP and VOP 2010 Official Plan policies, the requirements of Zoning By-law 1-88 and comments from area residents, City departments and external public agencies. The proposed agriculture-related uses are consistent with the Provincial Policy Statement and conform to the policies in the Growth Plan as outlined in this report. These uses also conform with the YROP and VOP 2010. The Owner is required to identify the Natural Heritage System limits and associated VPZ in order to conform with the Greenbelt Plan. Accordingly, the Development Planning Department can support the proposed agriculture-related uses on the Subject Lands, in principle, subject to the Recommendations in this report.

For more information, please contact: Mark Antoine, Planner, Development Planning Department, at extension 8212.

Attachments

1. Context Location Map
2. Location Map
3. Overall Site Plan and Proposed Zoning
4. Site Plan - 11650 Keele Street (File DA.16.031)
5. Site Plan - 11700 Keele Street (File DA.16.032)
6. Landscape Plan
7. Building Elevations - 11650 Keele Street (File DA.16.031)
8. Building Elevations - 11700 Keele Street (File DA.16.032)

Prepared by

Mark Antoine, Planner, ext. 8212

Stephen Lue, Senior Planner, ext. 8210

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/LG