

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

**FROM: JASON SCHMIDT-SHOUKRI, DEPUTY CITY MANAGER,
PLANNING AND GROWTH MANAGEMENT**

DATE: SEPTEMBER 21, 2018

**RE: COMMUNICATION - COUNCIL MEETING
SEPTEMBER 27, 2018**

**ITEM NO. 7, REPORT NO. 27, COMMITTEE OF THE WHOLE
SEPTEMBER 17, 2018**

**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.
WARD 1 - VICINITY OF KEELE STREET AND KIRBY ROAD**

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT Recommendation #2 e) of Item No. 7 of the Committee of the Whole Report dated September 17, 2018, requiring the Owner to submit an Archaeological Assessment, be deleted.
2. THAT Recommendation #1 a) iii), of Item No. 7 of the Committee of the Whole Report dated September 17, 2018, for Site Development Files DA.17.031 and DA.17.032 be deleted and replaced with the following:

 "iii) the Owner shall submit architectural building elevations or building specification drawings for the building located at 11700 Keele Street."
3. THAT Recommendation #1 b) i), of Item No. 7 of the Committee of the Whole Report dated September 17, 2018, regarding Cash-in-Lieu of Parkland for Site Development Files DA.17.031 and DA.17.032, be deleted.

Background

The Committee of the Whole on September 17, 2018, considered a technical report (Item No. 7 of Report No. 27) ("Technical Report") from the Deputy City Manager, Planning and Growth Management regarding Zoning By-law Amendment Z.11.035 and Site Development Files DA.17.031 and DA.17.032 (Joseph Kreiner and Bren-Coll Holdings Inc.) (the "Applications") to facilitate the development of agricultural-related uses on lands municipally known as 11650 and 11700 Keele Street ("Subject Lands").

On September 17, 2018, a letter was submitted (Communication C6) by the solicitor (Goodmans LLP) representing the Owner regarding some of the recommendations contained in the Technical Report. The Development Planning Department has reviewed the letter and provides the following response pertaining to those recommendations that were identified:

1. Municipal Servicing

It is unnecessary and premature to require full municipal water and sanitary services for the Subject Lands.

Response

The Subject Lands were originally developed strictly for agriculture uses and were serviced by private sewer and water systems. Through the current Applications, the Owner is seeking additional commercial and agriculture-related uses including a Motor Vehicle Sales Establishment, the open storage of vehicles and equipment, and other business uses that provide a service to farm operations (the "Development").

On February 22, 2013, the Development Engineering ("DE") Department requested that the Owner provide a Functional Servicing Report ("FSR") to determine whether the existing and proposed uses can be accommodated by the existing private servicing. The Owner has not submitted an FSR.

Should the FSR determine that the Development can function within the existing private servicing, then the Owner is required to submit a Hydrogeological Report to ensure that the private servicing meets City standards. On this basis, the recommendation to service the Subject Lands with municipal servicing is appropriate until such time that the Owner has provided justification in the form of an FSR and Hydrogeological Report to service the Subject Lands with private individual servicing.

2. Recommendation for Specific Studies

The recommendation to submit a Phase 1 Environmental Site Assessment ("ESA"), Geotechnical Study, Traffic Impact Study, Noise Report and FSR should not be required as the Applications will recognize existing development.

Response

The Applications seek to introduce new land uses on the Subject Lands that do not comply with the permitted uses contained in the "A Agricultural Zone" of Zoning By-law 1-88. These land uses were not considered as part of the Building Permits issued for the existing buildings on the Subject Lands.

The Building Permits for 11650 Keele Street (Permit No. 09-3536) and 11700 Keele Street (Permit No.10-5345) were issued on the basis of the buildings being used for agricultural uses only, and did not contemplate or include a Motor Vehicle Sales Establishment, the open storage of vehicles and equipment, and other business uses that provide a service to farm operations.

As such, to ensure consistency with any other developments that are considered by Staff, a number of reports are required, including:

- Phase 1 ESA - because portions of the Subject Lands are located within the Greenbelt Plan where the Owner has placed illegal fill as identified by the TRCA.
- Geotechnical Report - to support alternative measures (i.e. gravel driveways) for pavement design instead of hot-mix asphalt, as required by Zoning By-law 1-88.
- Traffic Impact Study - to assess how heavy vehicular traffic, as a result of the proposed Motor Vehicle Sale Establishment, will impact the surrounding road network and intersection.
- Noise Report - to assess how noise from heavy vehicular traffic and the proposed Motor Vehicle Sales Establishment will impact surrounding lots, particularly 11666 Keele Street and the residential community in the southeast quadrant of Keele Street and Kirby Road.
- FSR - to conclude that the Development can be serviced with local well and septic systems, or municipal services.

3. Area to be Zoned OS1 Open Space Conservation Zone

Zoning the south portion of the Subject Lands "OS1 Open Space Conservation Zone" will eliminate existing gravel parking and open storage on the site. The

determination of development limits and the accurate delineation of the 30 m vegetation protection zone ("VPZ") are matters more properly addressed through the completion and submission of an Environmental Impact Assessment ("EIS").

Response

The Development Planning Department agrees that the submission of an EIS will assist in determining the development limits of the Subject Lands. Recommendation 2 a) of the Technical Report states that the Natural Heritage System and 30 m VPZ must be established prior to the Local Planning Appeal Tribunal ("LPAT") providing its final decision/order regarding the implementing Zoning By-law.

Upon the Owner submitting an EIS, the precise limits of the Natural Heritage System and 30 m VPZ will be determined. The Development Planning Department continues to recommend that these lands be zoned "OS1 Open Space Conservation Zone" and conveyed to a public authority (i.e. the City or TRCA) to ensure its long-term protection, as stipulated in Section 2.1.1 of the PPS, Section 3.2.5(7) of the Greenbelt Plan, and Section 5.9(14) of OPA #600.

4. Recommendation for an Archaeological Assessment

An Archaeological Assessment should not be required as clearance from Cultural Heritage Staff was received on May 2, 2013.

Response

The Development Planning Department has confirmed that an Archaeological Assessment is not required for the Subject Lands. A recommendation to delete the requirement for an Archaeological Assessment, as identified in Recommendation 2 e) of the Technical Report, is included in this Communication.

5. Recommendation for Building Elevations

Architectural building elevations for 11700 Keele Street were submitted as part of the Building Permit submission. The requirement for building elevations is unnecessary.

Response

The Building Permit for 11700 Keele Street (Permit No. 10-5345) includes specification drawings for the existing grey steel frame building; however, it does not contain architectural elevations. The Development Planning Department is willing to accept building specification drawings for the purpose of finalizing the Site Development Application and implementing the requisite Site Plan

Agreement, should the Applications be approved. A Recommendation to this effect is included in this Communication.

6. Cash-in-Lieu of Parkland Requirement

Cash-in-Lieu of Parkland should not be required as no new development is being proposed and no new lots are being created.

Response

The Office of the City Solicitor, Real Estate Department has confirmed that no further Cash-in-lieu of Parkland is required for the Applications. A Recommendation to this effect is included in this Communication.

7. Recommendation for Hot-Mix Asphalt

The Subject Lands are within an agricultural zone and it is neither reasonable nor appropriate to apply hot-mix asphalt to such an extensive area. The use of asphalt chipseal for driveways and gravel for parking areas is more appropriate.

Response

The Owner is proposing a gravel surface treatment for all driveway access, parking, open storage and display areas. Section 3.8 k) of Zoning By-law 1-88 requires all loading spaces, related driveways, parking spaces and maneuvering areas shall be paved with hot-mix asphalt or concrete.

Entrance areas of the Subject Lands are required to be paved with heavy duty asphalt, as per the York Region Standards identified in comments from York Region dated July 27, 2017. 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.

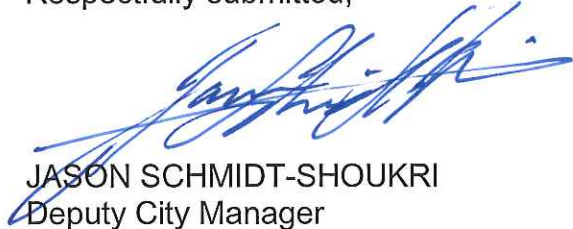
Alternative measures (i.e. asphalt chipseal and gravel) may be supported by City Staff once the Owner submits a Geotechnical Report that recommends a pavement design in accordance with the Transportation Association of Canada publication, "A Guide to the Structural Design of Flexible and Rigid Pavements in Canada" and as detailed in the Technical Report.

Conclusion

The Development Planning Department has assessed Communication C6 and the position of the Owner as it relates to the various recommendations in the Technical Report. Based on this assessment, Staff recommend that the requirement for an archaeological assessment and Cash-in-Lieu of Parkland for the Applications be deleted, while the need to submit architectural elevations for 11700 Keele Street can be replaced

with building specification drawings. With respect to municipal servicing, the requirement for specific studies, zoning a portion of the Subject Lands "OS1 Open Space Conservation Zone", and paving of the lands, the Development Planning Department recommends that these matters be addressed through the recommendations in the Technical Report dated September 17, 2018.

Respectfully submitted,



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Planning and Growth Management

Copy to: Todd Coles, City Clerk
Daniel Kostopoulos, City Manager