



**TOWN OF WHITCHURCH-STOUFFVILLE
COUNCIL PUBLIC HEARING AGENDA
TUESDAY, AUGUST 20, 2002**

**COUNCIL CHAMBERS
37 SANDIFORD DRIVE, 4TH FLOOR**

7:00 P.M.

1. CONFIRMATION OF AGENDA
2. DECLARATIONS
3. ADOPTION OF MINUTES
- July 23, 2002
4. CONSIDERATION OF REPORTS
5. CONFIRMATORY BY-LAW
6. MOTION TO ADJOURN

COUNCIL PUBLIC HEARING AGENDA

TUESDAY, AUGUST 20TH, 2002

NOTES	ITEM	DESCRIPTION	PAGE	RECOMMENDATION
SP MC SS WE PD HB CD _____ _____ _____	1	PROPOSED ZONING BY-LAW AMENDMENT PROPOSED SITE PLAN CONTROL AGREEMENT POWELL (RICHMOND HILL) CONTRACTING LIMITED Part of Lot 20, Concession 4, 2431 Aurora Road (Southwest corner of Aurora Road & Ram Forest Road) Planning File No. ZBA02.007 (C10-DV & D14)	1	<p>THAT studies relating to Hydrogeology, Drainage, Stormwater Management, On-Site Sewage Treatment Servicing, Environmental Impact Statement, Traffic Impact, and Environmental Site Assessment be submitted in support of the proposed Zoning By-law Amendment and Site Plan Control Agreement applications.</p> <p>AND THAT all public, staff, agency and consultants' comments be referred back to staff for a further report regarding the disposition of this matter.</p>
SP MC SS WE PD HB CD _____ _____ _____	2	NUGGET CONSTRUCTION CO. LTD. ZONING BY-LAW AMENDMENT APPLICATION Part of Lots 33 & 34, Concession 7 12045 McCowan Road Planning File No. ZBA02.006 (C10-DV& D14)	7	<p>THAT all public and agency comments be referred back to staff for a future report regarding the disposition of this matter.</p>

NOTES	ITEM	DESCRIPTION	PAGE	RECOMMENDATION
SP MC SS WE PD HB CD _____ _____ _____	3	FILL PERMIT APPLICATION - GIUSEPPE PISANO 16718 PLEASANTVILLE CURVE (C10-DV & P01)	12	THAT all public and agency comments be referred to staff for a future report regarding the disposition of this fill permit application.
SP MC SS WE PD HB CD _____ _____ _____	4	FILL PERMIT APPLICATION - ARCHIE MAURO 5760 BETHESDA SIDEROAD (C10-DV & P01)	14	THAT all public and agency comments be referred to staff for a future report regarding the disposition of this fill permit application.

REPORT #1

**PROPOSED ZONING BY-LAW AMENDMENT
PROPOSED SITE PLAN CONTROL AGREEMENT
POWELL (RICHMOND HILL) CONTRACTING LIMITED
Part of Lot 20, Concession 4, 2431 Aurora Road
(Southwest corner of Aurora Road & Ram Forest Road)
Planning File No. ZBA02.007 (C10-DV & D14)**

Report Prepared by: Planner

RECOMMENDATIONS

The Director of Development Services concurs with the following recommendation.

The Manager of Planning Services recommends:

1. THAT studies relating to Hydrogeology, Drainage, Stormwater Management, On-Site Sewage Treatment Servicing, Environmental Impact Statement, Traffic Impact, and Environmental Site Assessment be submitted in support of the proposed Zoning By-law Amendment and Site Plan Control Agreement applications.
2. AND THAT all public, staff, agency and consultants' comments be referred back to staff for a further report regarding the disposition of this matter.

1.0 SUMMARY

The 9.86 hectare (24.36 acre) subject property is situated in Part of Lot 20, Concession 4, in the location shown on Attachment No. 1. The application is to change the zoning on the 5.72 hectare (14.13 acre) easterly portion of the subject property from Rural (RU) to Industrial General - Water Control (IG-W) as shown on the plan attached to the Notice (Attachment No. 2). The westerly 4.14 hectares (10.23 acres) of the property will remain zoned Rural (RU). The Amendment, as proposed, would also allow off-street parking within the front yard setback of 15 metres.

The Amendment is being pursued to accommodate a 2,959 square metre (31,851 square foot) office/warehouse/manufacturing building. The proposed uses on the site will include a contractor's business office, warehousing, accessory storage yard, garage, manufacturing of concrete products, and truck and equipment storage. The proposed business for the site is Powell Contracting.

Studies including those related to Hydrogeology, Drainage, Stormwater Management, On-Site Sewage Treatment Servicing, Environmental Impact, Traffic Impact and Environmental Site Assessment will be required in support of the proposal. These studies will be reviewed by the Town and any other agency having a mandate to comment on the proposal.

The application is being considered in conjunction with a Site Plan Control Agreement application that will govern the physical development of the site relating to the warehouse/manufacturing plant/office/storage uses.

Once public, staff, agency and consultant's comments have been fully considered, a final report will be prepared regarding the disposition of both the Zoning By-law Amendment and Site Plan Control Agreement applications.

2.0 ORIGIN

A Zoning By-law Amendment application was submitted by Alcorn and Associates Limited, agent for the Owner, on May 8, 2002. The application is being reviewed concurrently with a Site Plan Control Agreement application submitted at the same time.

3.0 SUBJECT PROPERTY

3.1 Location and Size

The Owner's land, located in Part of Lot 20, Concession 4, in the Community of Vandorf, is 9.86 hectares (24.36 acres) in size with a frontage of approximately 192 metres (631 feet) on Ram Forest Road and an exposure of approximately 297 metres (974 feet) on Aurora Road. An area of 5.72 hectares (14.13 acre) is proposed to be rezoned to Industrial General - Water Control (IG-W). The lands that form the Amendment are shown as "Change Area" on the plan attached to the Notice of Public Meeting which has been included with this report as Attachment No. 2.

The subject property is municipally known as 2431 Aurora Road. This address will change to a Ram Forest Road address should the applications to permit development be successful.

3.2 Site Characteristics

The property is generally flat. A mature hedge row located along the southerly property line and a row of mature Spruce and Maple trees growing in the north east corner of the property are the only areas of significant vegetation. An existing residence (circa 1975) will be demolished.

3.3 Surrounding Land Uses

The subject property is bordered on the opposite side of Aurora Road to the north by agricultural land; on the opposite side of Ram Forest Road to the east by Industrial uses (Miller Paving); to the south by vacant industrial land and agricultural uses; and, to the west by industrial and commercial properties fronting on Woodbine Avenue.

4.0 PROPOSAL

Within the portion of the lands subject to the present rezoning application, the Owner proposes to

construct a building that will include approximately 1846.8 square metres (19,879.4 square feet) of manufacturing and warehouse space and 1,131.5 square metres (12,179 square feet) of office space. The Owner, Powell (Richmond Hill) Contracting Limited, would employ approximately 100 people in two shifts - approximately 80 people during the day and 20 people on the night shift. Powell Contracting is a manufacturer, distributor and erector of concrete highway barriers.

Reduced drawings of the Building Elevations, Floor Plan, Site Plan and Landscape Plan for the proposed development are included with this Report as Attachment No. 3.

The property is currently zoned Rural (RU) in General Zoning By-law 87-34. The proposed uses are not permitted in the RU Zone and an amendment is therefore required to facilitate the proposed use.

5.0 OFFICIAL PLAN

The Owner's land is designated Rural and Industrial in the Official Plan. The portion of the Owner's land that is subject to the Zoning By-law Amendment application is within the portion of the property that is subject to the Industrial designation.

5.1 Permitted Uses

Permitted uses within the Industrial designation include manufacturing, warehousing, contractor and building material yards, railway and transportation uses and terminals, vehicular services and repair garages, and waste disposal facilities. Other permitted uses include recreational facilities, public and institutional uses, and a controlled mix of commercial uses directly serving industries or their employees.

5.2 Transportation

Powell Contracting has indicated that there would be about 140 truck movements per day from the site. It is expected that 30 of these movements would take place between 6:00 and 7:00 a.m. with about 10 movements every hour thereafter. Ninety percent of the trucks would make left turns from Ram Forest Road onto Aurora Road. The trucks would start returning in the afternoon at a frequency of about 10 trucks per hour, with the peak traffic being between 5:00 p.m. and 6:00 p.m. when 20 trucks would re-enter the site. Most trucks will have returned to the site by 7:00 p.m. There is occasional week-end work.

Because the property has exposure on Aurora Road, the Region of York Transportation and Works Department has been circulated. There is no direct access from the property to Aurora Road. However, due to the heavy truck traffic generated from the site, it is expected that the Region will comment on any impact they perceive the development may have on the Ram Forest Road/ Aurora Road intersection. It is expected that the Region's comments will focus on the need for road improvements such as turning lanes, signalization, and illumination. A Traffic Report may be required.

The Director of Public Works for the Town has examined the impact of the development on Ram Forest Road and has indicated that he has no objection to the proposed rezoning.

5.3 Servicing: Water Supply and Sewage Disposal

There is no municipal water supply or municipal sewage system in the Vandorf area. Accordingly, the sewage disposal system must be designed to accommodate anticipated effluent flows without environmental compromise of the aquifer. Individual industrial development in this part of the Municipality may proceed on the basis of private sewage disposal systems, subject to provision of appropriate studies and design layout and Town approval.

Similarly, individual properties are serviced by individual wells. Such a groundwater supply system must be supported by a hydrogeological study indicating that a potable water supply with flow sufficient to accommodate the needs of the proposed development is available without impacting neighbouring wells.

5.4 Oak Ridges Moraine

The subject property is not on the Oak Ridges Moraine and therefore is not subject to the Oak Ridges Moraine Conservation Act, 2001.

6.0 ZONING BY-LAW

The subject lands are currently zoned Rural (RU). The proposed Zoning By-law Amendment will change the zoning in General Zoning By-law 87-34 from Rural (RU) to Industrial General (IG) on the portion of the property identified as "Change Area" on the schedule attached to the Notice (Attachment No. 2). The remainder of the property will remain zoned "Rural (RU)". The area of land subject to the Amendment is limited to the easterly 5.72 hectares (14.13 acres) of the 9.86 hectare (24.36 acre) property.

The proposed Zoning By-law Amendment would also permit parking within the front yard setbacks. Parking in an IG Zone is generally not permitted within 15 metres of the front property line. The plans submitted in support of the application indicate that 26 parking spaces are proposed to be located within the front yard setback along Ram Forest Road approximately 5 metres from the front property line.

The proposed Amendment would allow for manufacturing, warehousing, office and similar uses on the land within the Change Area boundary.

7.0 YORK REGION OFFICIAL PLAN

Map 6 of the Regional Official Plan identifies the subject property as being designated Rural Policy Area. Notwithstanding the Rural designation, Section 7.6.5 of the Regional Official Plan recognizes official plan approvals as they existed at the time of the approval of the Regional Official Plan. The Official Plan was approved prior to the Ministry approval of the Regional Official Plan on June 26,

1995.

Maps 2, 3, 4 and 7 of the Regional Official Plan indicate that the property is not within the boundary of the Oak Ridges Moraine.

8.0 STUDIES

8.1 Environmental Site Assessment

A Phase 1 Environmental Site Assessment should be prepared. The objective of the investigation will be to identify any actual or potential contaminations, and, to determine whether the property is subject to any environmental limitations or liabilities.

8.2. Hydrogeological Assessment

A Hydrogeological Assessment that examines conditions on the subject property relating to Water Supply; Water Balance, Nitrate and Phosphorus Impact; and, Sewage System Design, should be provided. The report will be subject to peer review by Gartner Lee Limited on behalf of the Town, at the Owner's expense.

8.3 Traffic Impact Report

It is anticipated that the Region of York will not object to the rezoning of the property but may require that a Traffic Impact Report be prepared as part of the documentation submitted in support of the Site Plan Control Agreement application. The Report would evaluate the impact of traffic generated from the subject land on the existing road network and specifically on the Aurora Road/Ram Forest Road intersection.

8.4 Grading, Servicing and Stormwater Management

A Grading, Servicing and Stormwater Management Plan will be required to ensure that post development storm flows do not exceed pre development flows from the property. This information will be reviewed by Giffels and Associates on behalf of the Town, at the Owner's expense. The Stormwater Management Report has also been requested by the Lake Simcoe Region Conservation Authority.

9.0 PUBLIC COMMENTS

There have been no public comments on the application.

10.0 AGENCY COMMENTS

The Lake Simcoe Region Conservation Authority, by letter dated June 3, 2002, has indicated that it has no objection to the proposed rezoning, but has requested that a Stormwater Management

Report be submitted for their review as part of the Site Plan Review process.

11.0 STAFF COMMENTS

There have been no staff comments objecting to the proposed rezoning.

12.0 SUMMARY COMMENTS

The proposed use is permitted in the Official Plan. As previously noted, reports related to water supply, sewage disposal and stormwater management and traffic (if required by the Region) should be completed prior to the preparation of the final report relating to the rezoning of the property. Of particular importance are the studies relating to the adequacy of the water supply and the suitability of the sewage system design.

The Owner should be aware that a cash-in-lieu of parkland payment to the Town will be required in accordance with the requirements of the Planning Act.

REPORT #2

**NUGGET CONSTRUCTION CO. LTD.
ZONING BY-LAW AMENDMENT APPLICATION
Part of Lots 33 & 34, Concession 7
12045 McCowan Road
Planning File No. ZBA02.006 (C10-DV& D14)**

Report Prepared By: Planner

RECOMMENDATION:

The Director of Development Services concurs with the following recommendation.

The Manager of Planning Services recommends:

THAT all public and agency comments be referred back to staff for a future report regarding the disposition of this matter.

1.0 SUMMARY

The application is to permit a business office (Nugget Construction Company Ltd.) in an accessory building, as an additional permitted use on the subject property, subject to certain site specific restrictions. The restrictions, as proposed, include:

1. the prohibition of outside storage;
2. the provision of eighteen (18) parking spaces;
3. relief from the provision of curbing and line markings in the parking area;
4. limiting the size of the business office to 185.8 square metres (2000 square feet) within the existing accessory building.

The proposed Amendment only applies to the area of the accessory building and the amenity area surrounding the building.

The business office use has been permitted on the subject property since 1987 under the authority of five consecutive three year temporary use by-laws approved in July 1987, July 1990, July 1993, July 1996, and July 1999 by Town Council. The present application is to permit the existing business to continue on a permanent basis.

2.0 SUBJECT PROPERTY

2.1 Location and Size

The Owner's land, located in Part of Lots 33 and 34, Concession 7, comprises 38.67 hectares (95.57 acres), as shown on Attachment No. 1. The subject property is municipally known as 12045 McCowan Road.

2.2 Site Characteristics

The subject property is an irregular shape and has a varied topography ranging from flat to rolling. An embankment traverses the property on a north/south axis adjacent to a tributary of the Little Rouge Creek that flows through the approximate centre of the landholding. A small marshy area is located north of the existing paved driveway. Natural vegetation on the site is limited to the area around the structures and to intermittent locations along the perimeter fence lines and at various sites adjacent to the creek. The majority of the site is open and is under active cultivation.

A dwelling and an accessory building which provides office space for Lebovic Enterprises and an indoor swimming pool, are located in the north central portion of the property. A tennis court is situated to the east of the accessory building. Driveway access to the business enterprise and the residence is from the east side of McCowan Road. The buildings are set back a distance of approximately 350 metres from McCowan Road.

2.3 Surrounding Land Uses

The subject property is bordered on the north, east, south and, on the opposite side of McCowan Road to the west, by agricultural land.

3.0 HISTORICAL BACKGROUND

By-law No. 87-95 adopted on July 2, 1987 amended the Rural (RU) Zone requirements in General Zoning By-law 87-34 by permitting an existing accessory building on the subject property to be used as an office on a temporary basis until July 2, 1990. In addition, By-law 87-95 prohibited outside storage on the subject property. By-law No. 90-76 extended the use to July 2, 1993; By-law 93-105 extended the use to July 2, 1996; By-law 96-88 extended the use until July 2, 1999; and, By-law 99-93 extended the use until July 2, 2002.

On May 2, 2002 a Zoning By-law Amendment application was submitted by the Owner to permit the business office within the accessory building on a permanent basis.

4.0 OFFICIAL PLAN (1982)

The subject property is designated Rural in the Official Plan. Lands designated Rural are primarily for agricultural, conservation and forestry uses. Residential Uses and Accessory Uses identified

in the implementing By-law are permitted.

5.0 ZONING BY-LAW

The subject property is zoned Rural (RU) and Open Space Environmental (OSE) in General Zoning By-law No. 87-34 as amended.

The latest Temporary Use By-law, No. 99-93-ZO, provides that:

1. Permitted Uses

- A. A Business Office in the Accessory Building existing on the Subject Land as of July 2, 1987 shall be an additional use permitted until July 2, 2002.
- B. The outdoor storage of goods, materials or equipment shall not be permitted on the Subject Land.

The OSE Zone recognizes a tributary to the Little Rouge River which traverses the subject lands. No development can occur within lands zoned OSE. The tributary is located a significant distance from the proposed Amendment area, and as such, it does not form part of the application.

6.0 REGION OF YORK OFFICIAL PLAN

The subject property is within an area designated "Agricultural Policy Area" on Map 6 of the York Region Official Plan (ROP). This designation and the associated policies as set out in Sections 5.9.6a) and 5.9.9 have been referred to the Ontario Municipal Board by the Province at the request of Nugget Construction.

7.0 OAK RIDGES MORaine

On December 16, 2001, the Legislature passed the Oak Ridges Moraine Conservation Act, 2001 (ORMCA). In April 2002, the Province released by Regulation the Oak Ridges Moraine Conservation Plan which established land use classifications and assorted development policies. The Conservation Plan has designated a portion of the subject land as "Countryside Area".

Section 6(1) of the Conservation Plan states that nothing in this Plan applies to prevent the use of any land, building, or structure for a purpose prohibited by this Plan if the land, building or structure was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose.

As previously mentioned, the business use in the accessory building has been present and permitted on the property since 1987 and has continually been used for that purpose. Accordingly, the ORMCA, 2001 does not have a bearing on the continued processing of this application.

8.0 AGENCY COMMENTS

The Toronto and Region Conservation Authority reviewed the application and has no objection to the application as submitted.

Hydro One and York Region have no objections to the application.

9.0 COMMENTS

The Treasurer, Public Works Department, Department of Leisure Services, Fire Department and the Museum have no objections.

The Senior By-law Enforcement Officer has reported that there have been no complaints regarding the business office use.

The Development Services Department has the following comments:

The Owners occupy the dwelling on the subject property as their primary residence and have complied with the restrictions contained in the Temporary Use By-laws passed to date.

A review of the 1989 file revealed a Staff Planning Report which included the following comments:

“Due to the historical circumstances associated with this property, staff consider that there is merit to allow a business use in the subject accessory structure. The rural residential property is no longer part of a farm operation; however, the shed still exists. The shed’s appearance has been significantly improved since its conversion to a business office. To our knowledge, there have been no negative impacts resulting from the operation of the present business on the neighbouring rural and rural residential properties.”

The Staff Planning Report concluded that:

“Taking all of the aforementioned into consideration, staff suggest that a special accommodation be made for the subject business in our zoning by-law, but subject to site specific requirements. The purpose is to allow the existing business in its present conformation as an accessory business to the rural residence. It is not our intent to provide the applicant with a foundation for a future commercial complex with the potential for expanded commercial uses on the site.”

As previously noted, Council did not approve the original application for a permanent zoning, but subsequently approved a Temporary Use By-law to permit the business office with the restrictions outlined in the Zoning By-law Section of this Report. These restrictions are similar in nature to those restrictions which govern Home Occupations and Business Uses in Dwellings. It does appear that the business use has essentially become permanent at this location through the passage of four consecutive Temporary Use By-laws.

The Zoning By-law Amendment will affect only the business office in the accessory building. The property has space for approximately 20 parking spaces, none of which are curbed or marked. The Zoning By-law Amendment will recognize and permit the non-conforming parking area due to the rural nature of the property and the distance from the road. The business presently employs eleven persons on-site.

REPORT #3

FILL PERMIT APPLICATION - GIUSEPPE PISANO 16718 PLEASANTVILLE CURVE (C10-DV & P01)

Report Prepared by: Director of Development Services

RECOMMENDATION

The Director of Development Services recommends that:

THAT all public and agency comments be referred to staff for a future report regarding the disposition of this fill permit application.

BACKGROUND

1. Fill Permit Application

An application for a fill permit pursuant to the Town's Fill Control By-law No. 99-47-RE has been submitted by Mr. Giuseppe Pisano requesting approval to place approximately 15,000 cubic metres of clean fill on his property in Part of Lot 30, Concession 3, known municipally as 16718 Pleasantville Curve.

2. Site Characteristics

The property is a 6.0 acre pie-shaped lot fronting onto the Pleasantville Curve to the west, Vivian Road to the north and Woodbine Avenue to the east. To the south it abuts a former gasoline station site. The property is approximately 4 to 5 feet lower than the abutting roads and generally surface drains from north to south to a culvert under Woodbine Avenue. Small trees are thinly spread over the site with a cedar thicket located to the north side of the property. The property is currently vacant. A portion of the northwest side of the property has already been filled.

The site abuts rural properties to the north and west that are under active cultivation, two residences on the east side of Woodbine Avenue and two residences on the north side of Vivian Road.

3. Land Use

The property is designated Rural in the Town's Official Plan and is zoned Highway Commercial in the Town's General Zoning By-law No. 87-34. The Owner has no specific plans to develop this property as a Highway Commercial site at this time. The property is not located on the Oak Ridges Moraine.

4. Proposed Filling Plan

The Owner submitted a sketch of the area to be filled and the estimated depth of clean fill. Generally, it is proposed to fill the remainder of the property to a depth of approximately four to five feet. Prior to filling, the existing topsoil will be stripped and stockpiled for replacing over the filled area. The final grade would be approximately one to two feet above the existing road grade on the Pleasantville Curve. A copy of the application plan is attached as Schedule 1.

The Owner proposes to have only one contractor, K.J. Beamish Construction Ltd., place clean fill on the site. Beamish would provide soils analysis of the fill being brought to the site to confirm that it is free of contamination.

The length of time required to complete this filling would depend on the availability of clean fill by Beamish. Access to the site would be off the Pleasantville Curve only.

5. Correspondence

As of the date of submission of this report for inclusion in the August 20, 2002 Public Meeting Agenda, no correspondence has been received from the public or agencies as a result of circulation of the notice.

REPORT #4

FILL PERMIT APPLICATION - ARCHIE MAURO 5760 BETHESDA SIDEROAD (C10-DV & P01)

Report Prepared by: Director of Development Services

RECOMMENDATION

The Director of Development Services recommends that:

THAT all public and agency comments be referred to staff for a future report regarding the disposition of this fill permit application.

BACKGROUND

1. Fill Permit Application

On June 12, 2002, the Development Services Department received an application for a fill permit pursuant to the Town's Fill Control By-law No. 99-47-RE for Mr. Archie Mauro requesting approval to place approximately 200 to 300 loads of topsoil on his rural property in Part of Lot 5, Concession 8, Town of Whitchurch-Stouffville, known municipally as 5760 Bethesda Sideroad.

2. Site Characteristics

The property is a 26 acre rectangular lot fronting onto the north side of Bethesda Sideroad approximately 2000 feet west of the Ninth Line. The front portion of the property is currently being cultivated as a sod farm. It is proposed to place the topsoil in a poorly drained portion of this area. Surface drainage is generally from north to south to the roadside ditch that drains to a tributary of the Little Rouge system. The site abuts other rural properties.

3. Land Use

The property is designated Rural in the Town's Official Plan and is zoned Rural. A portion of the north end of the property is zoned Open Space Environmental (OSE). The property is located in the Oak Ridges Moraine and as such the policies of the Oak Ridges Moraine Conservation Plan need to be taken into consideration.

4. Proposed Filling Plan

The Owner proposes to place topsoil an average of 1.0 foot in depth in a poorly draining area of his field to the west of his residence as shown on the attached plan. The field is being used as a sod farm. Improved drainage is required to permit the sod to be harvested. The additional topsoil would fill the low area and provide better surface drainage. The estimated volume of material is

approximately 3000 cubic metres. The Owner proposes to import the topsoil from a site at McCowan Road and 16th Avenue in Markham and has submitted a soils report confirming that the topsoil is free of contaminants. It is expected that the work would be completed within one to two months after receipt of the permit. Trucks would access the site via Highway 48 and Bethesda Sideroad.