

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

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**CITY OF VAUGHAN**

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**Table 1**

	<b>Zoning By-law Standard</b>	<b>By-law 1-88, C7 Service Commercial Zone, EM1 Prestige Employment Area Zone, Exception 9(1332) Requirements</b>	<b>Proposed Exceptions to C7 Service Commercial Zone, EM1 Prestige Employment Area Zone, Exception 9(1332)</b>
a.	Definition of a "Health Centre", "Amenity Area" and "Lot"	<p>i. "Health Centre" – Means a building or part thereof, which is used for the purpose of physical fitness, and may include a gymnasium, exercise room, steam room, sauna, racquet sports, swimming pool, or other related facilities, but not including a body rub parlour, or an all season sports facility.</p> <p>ii. "Amenity Area" – Amenity Area is not a requirement of the EM1 Prestige Employment Area Zone.</p> <p>iii. "Lot" – Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the Planning Act, R.S.O. 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.</p>	<p>i. "Health Centre" – Means a facility that provides physical fitness, sports and recreation programs and activities, including, but not limited to, the use of weight-lifting equipment, running and aerobic exercise equipment, game courts, indoor and outdoor swimming pools, chiropractic, physical therapy and massage services, day camps, wellness assessment, and fitness classes and programs. For clarity, the permitted uses within a health centre shall include, but not be limited to: indoor and outdoor playgrounds; indoor and outdoor sale of food and beverages; retail sale of health and fitness - related items; salons; child activity centres; nutritional centres; saunas, steam rooms, whirlpool baths, spas, showers, lockers and similar uses; water slides; membership sale offices and preview centres, and all other customary and incidental uses of a fitness centre.</p> <p>ii. "Amenity Area" – Means space associated with a permitted use located within or outside the building designed for the passive enjoyment or active recreational needs of the patrons.</p> <p>iii. "Lot" – For the purposes of zoning, the subject lands shall be deemed to be one lot, regardless of any future division of said lands.</p>

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b.	Permitted Uses	<p>The following are the only uses permitted on the subject lands by Exception 9(1332):</p> <ul style="list-style-type: none"> <li>- Convenience Retail Store</li> <li>- Bank and Financial Institution</li> <li>- Eating Establishment with an Outdoor Patio</li> <li>- Eating Establishment, Convenience with an Outdoor Patio</li> <li>- Eating Establishment, Take Out with an Outdoor Patio</li> <li>- Office and Stationary Supply, Sales, Service, Rental</li> <li>- Personal Service Shop</li> <li>- Pharmacy</li> <li>- Veterinary Clinic</li> <li>- Bakery</li> <li>- Business or Professional Office Use and/or an Office Building use with a total combined maximum Gross Floor Area of 2843 m<sup>2</sup></li> <li>- Car Brokerage</li> <li>- Club or Health Centre</li> <li>- Employment Use</li> <li>- Accessory Retail Sales to an Employment Use</li> <li>- Accessory Office Use to an Employment Use</li> <li>- Recreational Use</li> </ul>	<p>Permit only the following uses on the subject lands:</p> <ul style="list-style-type: none"> <li>- Health Centre, as defined above</li> <li>- Amenity Area, as defined above</li> <li>- Day Nursery</li> <li>- Regulated Health Professional Office or Clinic</li> <li>- Bank and Financial Institution</li> <li>- Eating Establishment</li> <li>- Eating Establishment, Convenience</li> <li>- Eating Establishment, Take Out</li> <li>- Outdoor Patios accessory to all Eating Establishments</li> <li>- Drive-Through accessory to all Eating Establishments and Bank and Financial Institution</li> <li>- Personal Service Shop</li> <li>- Business or Professional Office</li> <li>- Retail Store</li> <li>- Accessory outside storage</li> <li>- Any combination of the above uses within or associated with one building</li> </ul>
c.	Minimum Parking Requirement	<p>Various parking ratios apply (ranging from 1.5 parking spaces per 100 m<sup>2</sup> of Gross Floor Area (GFA) for an Employment Use to 20 parking spaces per 100 m<sup>2</sup> of GFA for an Eating Establishment, Convenience).</p>	<p>4.6 parking spaces per 100 m<sup>2</sup> of GFA for all permitted uses (total 625 parking spaces).</p>
d.	Minimum Number of Loading Spaces	2	No loading spaces shall be required.
e.	Maximum Building Height	15 m	21 m

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Additional zoning exceptions may be identified through the detailed review of the application and identified in the technical report to a future Committee of the Whole meeting.

#### **Background - Analysis and Options**

On November 24, 2009, Vaughan Council approved Zoning By-law Amendment File Z.08.063 (Blackwood Real Estate General Partner I Ltd.) to rezone the subject lands from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone and C7 Service Commercial Zone, as shown on Attachment #2, to permit a range of employment, retail and commercial uses, with site-specific exceptions, to facilitate the future construction of 4 multi-unit buildings. Zoning By-law 291-2009 to implement Vaughan Council's approval came into full force and effect on December 14, 2009. Through the current preliminary review of the above-noted application, the Planning Department discovered that a portion of the adjacent lands to the east, owned by Torstar Corporation, was accidentally rezoned from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone, as shown on Attachment #2. As a result, the adjacent lands to the east maintains a split zone, both PBM7 Parkway Belt Industrial Zone and EM1 Prestige Employment Area Zone. This will be discussed in further detail in issue f. below.

On May 4, 2011, the owner initiated revisions to Site Development File DA.08.063, to facilitate the development of seven multi-unit retail/service commercial, office and employment buildings on the subject lands, which was approved by the Ontario Municipal Board (OMB) on April 29, 2013.

The owner has since entered into a conditional purchase and sale agreement with Lifetime Fitness, who intend to develop the site with the current proposal for a 3-storey Health Centre with accessory uses.

Location	<ul style="list-style-type: none"><li>▪ The subject lands are located on the east side of Weston Road, north of Century Place and south of Highway #407, municipally known as 1 Century Place, shown as "Subject Lands" on Attachments #1 and #2.</li><li>▪ The subject lands are currently vacant and are located adjacent to an existing industrial development to the east.</li></ul>
Official Plan Designation a) In-effect Official Plan (OPA #450)	<ul style="list-style-type: none"><li>▪ The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth Management Plan). The "Prestige Area" designation permits a wide range of industrial, office, business and civic uses. The Prestige Area designation encourages locational opportunities for uses that require high visual exposure and good accessibility, and is implemented by the EM1 Prestige Employment Area Zone.</li><li>▪ The proposed Health Centre with accessory commercial uses (internalized within the building) conforms to the "Prestige Area" policies of in-effect OPA #450. However, the Owner's request to permit a Personal Service Shop, a Retail Store, and Accessory outside storage as stand-alone, non-accessory uses (outside the main building) does not conform to the "Prestige Area" policies of in-effect OPA #450. If the Owner continues to pursue these additional stand-alone uses, an Official Plan Amendment application will be required.</li></ul>

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b) Vaughan Official Plan 2010 (VOP 2010)	<ul style="list-style-type: none"><li>▪ The subject lands are designated “Prestige Employment” by the City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 17, 2010 (as modified by Council on September 27, 2011, March 20, 2012 and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and was approved, in part, on July 23, 2013, December 2, 2013, and February 3, 2014 by the Ontario Municipal Board (OMB).</li><li>▪ The “Prestige Employment” designation permits industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, and distribution uses located within wholly enclosed buildings and that does not require outside storage; Office and or retail uses accessory to and directly associated with any of the uses listed above; and, Office uses not accessory to and directly associated with any of the uses listed above, up to a maximum gross floor area of 10,000 m<sup>2</sup> provided that greater densities may be considered at sites located in higher profile areas such as major intersections (eg. arterial streets and 400-series Highways), or in proximity to planned transit stations.</li><li>▪ The proposed Health Centre (Lifetime Fitness) with accessory commercial uses (internalized within the building) conforms to the “Prestige Employment” policies in VOP 2010. However, the Owner’s request to permit Eating Establishments, a Personal Service Shop, a Retail Store, and Accessory outside storage as stand-alone, non-accessory uses (outside the main building) does not conform to the “Prestige Area” policies of in-effect OPA #450. If the Owner continues to pursue these additional stand-alone uses, an Official Plan Amendment application will be required.</li></ul>
Zoning	<ul style="list-style-type: none"><li>▪ The subject lands are zoned EM1 Prestige Employment Area Zone and C7 Service Commercial Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1332). A Health Centre as defined in Zoning By-law 1-88 is permitted on the subject lands, however, the Owner has requested a site-specific definition for a Health Centre and the addition of commercial uses, identified in Table 1, to facilitate the development of the subject lands with a Lifetime Fitness establishment and future stand-alone commercial buildings.</li><li>▪ The proposal does not comply with Zoning By-law 1-88, and, therefore, a Zoning By-law Amendment is required.</li></ul>
Surrounding Land Uses	<ul style="list-style-type: none"><li>▪ Shown on Attachment #2.</li></ul>

#### Preliminary Review

Following a preliminary review of the application, the Planning Department has identified the following matters to be reviewed in greater detail:

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	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City Official Plan	<ul style="list-style-type: none"> <li>The application will be reviewed in consideration of the applicable city official plan policies.</li> </ul>
b.	Appropriateness of Proposed Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>The appropriateness of the proposed Health Centre definition, the additional requested commercial uses, and the site-specific zoning exceptions will be reviewed in consideration of compatibility with the surrounding existing and planned land uses.</li> <li>In particular, consideration will be given to rezoning the entirety of the subject lands from EM1 Prestige Employment Area Zone and C7 Service Commercial Zone to EM1 Prestige Employment Area Zone, in order to remove the current split zone on the property, and apply one consistent zone category over the entirety of the subject lands.</li> <li>Should the application be approved, the uses established in the proposed site-specific definition of the Health Centre use that are not defined in Zoning By-law 1-88 will require site-specific definitions.</li> </ul>
c.	Related Site Development File DA.13.110	<ul style="list-style-type: none"> <li>The owner submitted related Site Development File DA.13.110 to facilitate the development of the proposed Health Centre that will be reviewed to ensure the following, but not limited to, appropriate building and site design, access, internal traffic circulation, parking, landscaping, stormwater management, servicing and grading, pedestrian connectivity, barrier free accessibility and sustainable site and building features.</li> <li>Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement to address the "heat island" effect, green roofs, etc., will be reviewed and implemented through the site plan approval process, if approved.</li> </ul>
d.	Supporting Studies	<ul style="list-style-type: none"> <li>The Ministry of Transportation (MTO), the Region of York, and the Vaughan Development/Transportation Engineering Department must all review and approve the Stormwater Management Report and Functional Servicing Report, prepared by Counterpoint Engineering Inc., the Traffic Impact Study, prepared by BA Consulting, and the Phase 1 ESA Report, prepared by Terraprobe Inc., submitted in support of the application.</li> </ul>

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e.	Ministry of Transportation (MTO) and 407ETR	<ul style="list-style-type: none"><li>▪ The subject lands are adjacent to Highway 407 to the north and an off-ramp from Highway 407 to the west, which is located within the shared jurisdiction of the Ministry of Transportation, Ontario (MTO) and 407ETR. Therefore, the Owner must obtain a Building and Land-Use Permit from the MTO, and satisfy all necessary conditions and requirements of both the MTO and 407ETR.</li></ul>
f.	Adjacent Parcel to be Rezoned	<ul style="list-style-type: none"><li>▪ As mentioned earlier, through the preliminary review of Zoning By-law Amendment File Z.13.045, the Development Planning Department discovered that a portion of the adjacent lands to the east, owned by Torstar Corporation, was inadvertently rezoned from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone, as shown on Attachment #2. This created a split zone for the lands owned by Torstar Corporation. These lands will be rezoned back to PBM7 Parkway Belt Industrial Zone to ensure a single zoning category is applied to the adjacent lands to the east.</li></ul>

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

#### **Regional Implications**

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

#### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Building Elevations

#### **Report prepared by:**

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)