

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 5, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 11, 2018.

5 SITE PLAN DEVELOPMENT FILE DA.17.093 CP REIT ONTARIO PROPERTIES LIMITED VICINITY OF REGIONAL ROAD 27 AND LANGSTAFF ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated April 4, 2018:

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.17.093 for the subject lands shown on Attachments #1 and #2, to permit the construction of two commercial buildings (Commercial Buildings C and F) as shown on Attachments #3 to #6.

Recommendations

1. That Site Development File DA.17.093 (CP REIT Ontario Properties Limited) BE APPROVED; for the subject lands shown on Attachments #1 and #2, to permit the development of two commercial buildings (Commercial Buildings C and F) as shown on Attachments #3 to #6, subject to the following conditions:
 - a) That prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan and landscape cost estimate, and building elevations, including the treatment of the building flankages facing Langstaff Road and Regional Road 27;
 - ii) the Development Engineering Department shall approve the final site grading and servicing plans, stormwater management report, traffic impact study, parking study, and noise study;
 - iii) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority;
 - iv) the Owner shall satisfy all requirements of York Region, Community Planning and Development Services Department;

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- v) the Owner shall successfully obtain approval of Minor Variance Application A353/17 from the Committee of Adjustment for the required zoning exceptions to Zoning By-law 1-88, as identified in Table 1 of this report, and the Committee's decision shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee; and
 - vi) the Owner shall amend Official Plan and Zoning By-law Amendment Files OP.17.009 and Z.17.025 to reflect the approval of Site Development File DA.17.093 for Commercial Buildings C and F, as shown on Attachment #3.
- b) That the Site Plan Agreement shall include the following clauses:
- i) "The Owner shall pay, if required, 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 Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."
 - ii) "The Owner agrees and understands that the approval of this Site Development application and nothing contained in this Site Plan Agreement shall in any manner limit the normal exercise of discretion of City Staff or fetter the discretion of City Council and in any way prejudice, the current development applications (Official Plan and Zoning By-law Amendment Files OP.17.009 and Z.17.025), and for the lands as described herein."
 - iii) "The Owner agrees and acknowledges that an outside speaker system associated with any outdoor patio is not permitted for the development under this agreement."
 - iv) "The Owner agrees to pay all applicable Development Charges in accordance with the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board Development Charge By-laws at the time of the issuance of a Building Permit."

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- v) “The Owner agrees to relocate or provide temporary gas pipelines if the gas main needs to be relocated, and to grant Enbridge Gas Distribution, if necessary, any easements required to service this development and future adjacent development at no cost to Enbridge Gas Distribution.”
- vi) “The Owner shall ensure that the site is serviced with sufficient communication/telecommunication facilities.”
- vii) “The Owner agrees to grant Bell Canada any easements that may be required, including a blanket easement, for communication and/or telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements.”
- viii) “Prior to the commencement of any work the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. If not available, the Owner shall be responsible for the cost for the connection and/or extension the existing communication/telecommunication infrastructure.”
- ix) The Owner agrees to enter into a bi-party site plan agreement with York Region and to satisfy all their conditions, including, but not limited to:
 - the location of a construction access;
 - the securement and conveyance, if required, of the appropriate road widening along Regional Road 27;
 - the submission of a Phase 1 Environmental Site Assessment (Phase 1 ESA) to the satisfaction of York Region; and,
 - that a road occupancy permit be obtained from the Corridor Control Safety with the Roads and Traffic Operations Branch prior to commencing any work on the Regional Road 27 right-of-way to the satisfaction of York Region.

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Report Highlights

- The Development Planning Department supports the approval of the Site Development application to permit the construction of 2 commercial buildings on the subject lands, as the buildings conform to the Official Plan, are permitted by Zoning By-law 1-88 and would be compatible with the existing and surrounding uses.

Background

The subject lands shown on Attachments #1 and #2, are located on the northeast quadrant of Regional Road 27 and Langstaff Road and are municipally known as 8535, 8545 and 8585 Regional Road 27.

The subject lands form part of an existing shopping centre, as shown on Attachment #3. The Owner seeks site plan approval for proposed Commercial Building F (975 m²) with an outdoor patio (approximately 47 m²), and proposed Commercial Building C (465 m²), as shown on Attachments #3 to #7. No other changes are proposed to the existing shopping centre.

On July 13 2017, Loblaw Properties Limited and CP REIT Ontario Properties Limited filed Official Plan Amendment and Zoning By-law Amendment applications OP.17.009 and Z.17.025, to permit additional development in the existing shopping centre and to expand the commercial site to include the lands to the immediate north as shown on Attachment #6. These applications are currently being processed by the City and were the subject of a statutory Public Hearing on December 5, 2017. These applications remain active and will be considered by Council at a future meeting.

In advance of Council's consideration of the Official Plan and Zoning By-law Amendment applications, the Owner submitted the subject Site Development File DA.17.093 to permit the development of two commercial buildings as shown on Attachments #3 to #7. The Development Planning Department has no objection to considering the subject Site Development application in advance of the Official Plan and Zoning By-law Amendment applications. However, the approval of Site Development File DA.17.093, will not prejudice the outcome of and shall not in any manner limit the normal exercise of discretion of City Staff or fetter the discretion of City Council in any way for Official Plan and Zoning By-law Amendment Files OP.17.009 and Z.17.025. In addition, should the subject Site Development application be approved, the Owner will be required to revise the supporting materials (i.e. plans and reports) submitted in

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support of the Official Plan and Zoning By-law amendment applications. A condition to this effect is included in the recommendation section of this report.

Previous Reports/Authority

The following report was considered by Council at the December 5, 2017, Public Hearing meeting for related Files OP.17.009 and Z.17.025.

[https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW\(PH\)120517_2.pdf](https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW(PH)120517_2.pdf)

The following was approved by Council at the May 15, 2012, Council Committee for Site Development File DA.10.053, which facilitated the approval of the Fortino's Supermarket.

http://meetingarchives.vaughan.ca/council_2012/pdf/21cw0515m-12%20short%20report.pdf

Analysis and Options

The proposed development conforms to Vaughan Official Plan 2010

The subject lands are designated “Low-Rise Mixed Use” by Vaughan Official Plan (VOP) 2010, which permits an integrated mix of residential, community and small-scale retail uses intended to serve the local population, and does not permit a shopping centre. However, the site is subject to Section 10.2.1.4 of VOP 2010, which recognizes legally existing land uses (i.e. the existing shopping centre) as they existed at the time of the approval of VOP 2010 and are deemed to conform. VOP 2010, Section 10.2.1.4 also permits minor extensions, reductions or expansions of such uses without an amendment to the Official Plan provided the intent of the Plan is not compromised and that the following tests (in part) are met:

- the road pattern and transit routes envisioned by this plan are not compromised or precluded in the long term;
- the proposed expansion or enlargement of the existing use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the requirements of the zoning by-law;
- the characteristics of the existing use and the extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odor, lighting, parking and traffic generation; and

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- the neighbouring uses will be protected where necessary by the provision of landscaping, buffering or screening devices, and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by lighting or advertising signs. Such provisions and regulations shall be applied to the proposed extension or enlargement and where feasible, shall also be extended to the existing use in order to improve its compatibility with the surrounding area.

The proposed development would increase the maximum permitted gross floor area (GFA) of the existing shopping centre from 11,193 m² to 11,873 m² (existing GFA of 10,433 m² + Building C 465 m² and Building F 975 m²). There are no new driveway access points proposed for the development. Minor changes to the landscaping and parking area are proposed in addition to the new buildings.

The proposed redevelopment does not compromise the existing road pattern, driveway access points, or transit routes, and does not unduly aggravate the existing situation in regards to the zoning by-law as the variances to Zoning By-law 1-88 required to permit the development are minor in nature and do not impact the surrounding land uses. In consideration of the above, the proposed development is considered to conform to the policies of VOP 2010.

Zoning By-law 1-88 are required to permit the development.

The subject lands are zoned C4 Neighbourhood Commercial Zone, subject to site-specific Exception 9(750), which permits the existing shopping centre and the two commercial buildings. However, the following site-specific exceptions to Zoning By-law 1-88 are required to permit the development:

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Table 1:

| | Zoning By-law 1-88 Standard | C4 Neighbourhood Commercial Zone Exception 9(750) Requirements | Proposed Exceptions to the C4 Neighbourhood Commercial Zone Exception 9(750) |
|----|--|---|---|
| a. | Minimum Front Yard - Building F (Regional Road 27) | 11 m | 8.9 m |
| b. | Minimum Exterior Side Yard - Building C (Langstaff Road) | 11 m | 9 m |
| c. | Maximum Gross Floor Area | 8,636 m ² (11,193 m ² as varied by Committee of Adjustment File A111/10) | 11,873 m ² |
| d. | Minimum Parking Requirement | 599 spaces | 521 space (seasonal garden centre not in use) 481 spaces (seasonal garden centre with maximum 40 spaces) |
| e. | Location of the Loading Area for Building F | Loading area is not permitted facing a street | Permit a loading area to face Regional Road 27 |

The proposed front yard setback for Building F and exterior side yard for Building C are considered to be minor in nature and would not impact the surrounding development. In addition, the proposed setback for Building C was previously approved through Minor Variance Application A111/10.

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A maximum gross floor area (GFA) of 8,636 m² is currently permitted for the Shopping Centre by site-specific Exception 9(750) to Zoning By-law 1-88. The proposed maximum GFA can be supported as a maximum GFA of 11,193 m² for the shopping centre was previously approved through Minor Variance Application 111/10. The increase of the permitted GFA to 11,873 m² is considered to be minor in nature.

The proposed parking supply is supported by a Parking Study, prepared by LEA Consultants Ltd. and approved by the Development Engineering Department.

Site-specific Exception 9(750) to Zoning By-law 1-88 permits loading facilities for Building F on the north side of the building, facing a street (Regional Road 27). A loading area is currently permitted through the site-specific Exception 9(750) in the same general area as the proposed loading area for Building F, however it was for the previous building (Lath House) on the site, which has since been demolished. The Development Planning Department can support the loading area at this location provided it is appropriately screened from the street to the satisfaction of the Development Planning Department.

The proposed variances to Zoning By-law 1-88 would facilitate a development that conforms to VOP 2010 and will not significantly alter the overall design or function of the existing shopping centre.

The Site Development Application to permit two commercial buildings has been reviewed by the Development Planning Department

The redevelopment and expansion of the existing shopping centre will occur in phases. Phase 1 includes Buildings C and F, as shown on Attachments #3 to #6. Phase 2 includes the overall development concept as shown on Attachment #7 and is subject to Official Plan and Zoning By-law Amendment Files OP.17.009 and Z.17.025.

The Development Planning Department has reviewed the proposed site plan, building elevations and landscape plan shown on Attachments #3 to #6 and is satisfied with the proposed development, subject to additional enhancements to the building elevations facing Langstaff Road and Regional Road 27 as discussed in this report. A condition to this effect is included in the Recommendation Section of this report.

The Urban Design and Cultural Heritage Division has no objection to the proposed development, subject to a more robust screening treatment being provided around the transformer near Commercial Building F. The proposed molok system must be relocated to not conflict with pedestrian and vehicular circulation on the site.

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The use of an Exterior Insulation and Finishing System (EIFS) as the primary cladding material, is not acceptable. An alternative cladding material must be reviewed and approved for the buildings. The plans have also been red-lined with additional comments. A condition is included in the recommendation section of this report requiring the Owner to address the changes to the proposal, to the satisfaction of the Urban Design and Cultural Heritage Division.

The Development Engineering Department has no objection to the development proposal

The Transportation Planning section of the Development Engineering Department has no objection to the proposed development, however requires the Owner to provide details regarding a directional sign and stop signs on the site plan.

The Engineering Development Department has reviewed the Parking Study prepared by LEA Consulting Ltd. submitted in support of the development application. Based on the analysis in the report the Development Engineering Department are satisfied that 481 spaces sufficiently satisfy the parking demands for the site.

The Vaughan Environmental Services Department, Solid Waste Management Division has no objection to the proposed development

The Vaughan Environmental Services and Waste Management Department accepts the in-ground waste collection molok system, however, should an eating establishment tenant occupy the proposed buildings, the appropriate molok system container should be installed.

The Office of the City Solicitor, Real Estate Department and the Financial Planning and Development Finance Department have advised that cash-in-lieu of the dedication of parkland and the payment of development charges are applicable

The Real Estate, Financial Planning and Development Finance Departments have no objection to the proposed development, subject to the conditions related to cash-in-lieu of the dedication of parkland and the payment of development charges included in the recommendation section of this report.

The Toronto and Region and Conservation Authority has no objection to the development proposal

The Toronto and Region Conservation Authority has no objection to the proposed development, subject to the Owner satisfying their comments regarding erosion and

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sediment control, pond capacity, and the proposed outfall channel. A condition to this effect is included in the recommendation section of this report.

Utility Companies have no objection to the development proposal

Alectra Utilities Corporation, Bell Canada and Enbridge Gas advise that they have no objection to the proposed development, subject to their conditions set out in the recommendation section of this report.

Financial Impact

N/A

Broader Regional Impacts/Considerations

York Region has reviewed the development proposal and has advised that the Owner is required to enter into a tri-party site plan agreement to address their conditions prior to final site plan approval. York Region has no objection to the proposal subject to their conditions set out in the recommendation section of the report. Any additional conditions will be included in the York Region Site Development Agreement.

Conclusion

The Vaughan Development Department has reviewed Site Development File DA.17.093 in consideration of the policies of VOP 2010, the requirements of Zoning By-law 1-88, and the comments from City Departments and external public agencies. The proposed variances to Zoning By-law 1-88 would permit 2 commercial buildings that are compatible with the existing and permitted uses on the subject lands and the surrounding area, and would conform to VOP 2010. Accordingly, the Development Planning Department can support the approval of the Site Development Application, subject to the conditions in the recommendation section of this report.

This report has been prepared in consultation with the Director of Development Planning and Senior Manager of Development Planning. For more information, please contact: Eugene Fera, Planner, Development Planning Department ext.8003.

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Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevation Plan - Commercial Building C
6. Elevation Plan - Commercial Building F
7. Conceptual Overall Site Plan - Files OP.17.009 and Z.17.025

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.)