

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2016

Item 16, Report No. 18, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 19, 2016, as follows:

By approving that the site plan shall include additional screening and landscaping discussed with staff on April 19, 2016.

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**SITE DEVELOPMENT FILE DA.15.052 (3 BUILDINGS)
CHOICE PROPERTIES LIMITED PARTNERSHIP
SITE DEVELOPMENT FILE DA.12.108 (GARDEN CENTRE)
LOBLAW PROPERTIES LIMITED
WARD 1 – VICINITY OF MAJOR MACKENZIE DRIVE AND MELVILLE AVENUE**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, the Director of Development Planning and the Senior Manager of Development Planning, dated April 5, 2016, be approved, subject to amending Recommendation 2) a) i) to read as follows:**
 - 2) a) i) the Vaughan Development Planning Department shall approve the final site plan, landscape and preservation plan, and elevations for the proposed seasonal garden centre, in consultation with the local Ward Councillor; and**
- 2) That the following deputations be received:**
 - 1. Mr. Oz Kemal, MHBC Planning Limited, Weston Road, Woodbridge, on behalf of the applicant; and**
 - 2. Ms. Heather Garrett, Zelinka Priamo Ltd.-Loblaw Properties, Wellington Road, London ON, on behalf of the owners.**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

- 1) THAT Site Development File DA.15.052 (Choice Properties Limited Partnership) BE APPROVED, to permit the development of the subject lands shown on Attachments #1 and #2 with 3 freestanding commercial buildings totaling 1,057 m² and two accessory patios, as shown on Attachments #3 to #9, on the subject lands that are developed with an existing Fortinos supermarket, subject to the following conditions:**
 - a) that prior to the execution of the Site Plan Agreement:**
 - i) the Vaughan Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate and building elevations;**
 - ii) the Vaughan Development Engineering and Infrastructure Planning Department shall approve the final site servicing and grading plan, and stormwater management report;**

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- iii) the Vaughan Environmental Services Department, Solid Waste Management Division shall approve the final waste management plan and waste collection design standards submission; and
 - iv) the Owner shall satisfy all requirements of the York Region Community Planning and Development Services Department; and
- 2) THAT Site Development File DA.12.108 (Loblaw Properties Limited) BE APPROVED, to permit the development of a 826 m² seasonal garden centre, as shown on Attachments #3, #4, and # 10, subject to the following conditions:
- a) that prior to the execution of the Site Plan Agreement:
 - i) the Vaughan Development Planning Department shall approve the final site plan, landscape and preservation plan, and elevations for the proposed seasonal garden centre.

Contribution to Sustainability

Site Development Files DA.15.052 and DA.12.108 implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goals and objectives identified above, the Owners (Choice Properties Limited Partnership - File DA.15.052; and Loblaw Properties Limited - File DA.12.108) have advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- A Molok garbage and recycling system is proposed instead of traditional garbage enclosure areas and located out of view from Major Mackenzie Drive
- LED lighting for all exterior fixtures
- Photocells to be used to control exterior lighting
- A motion sensor is proposed in the electrical room to control lighting
- Native and drought tolerant species to reduce the irrigation requirements for the site
- Existing trees and shrubs are proposed to be retained wherever possible to avoid unnecessary use of new plant material
- An irrigation system will be installed with a controller that includes weather detection technology to ensure the intelligent use of water resources

Economic Impact

There are no requirements for new funding associated with this report.

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Communications Plan

N/A

Purpose

The purpose of this report is to seek approval from the Committee of the Whole for Site Development File DA.15.052 (Choice Properties Limited Partnership) for the subject lands shown on Attachments #1 and #2, to permit the development of 3 freestanding one-storey commercial buildings totaling 1,057 m² and two outdoor patios on the existing Fortinos supermarket site, as shown on Attachments #3 to #9.

This report also seeks approval from the Committee of the Whole for Site Development File DA.12.108 (Loblaw Properties Limited) for a 826 m² seasonal garden centre on the east side of the existing Fortinos supermarket and Melville Avenue, as shown on Attachments #3, #4, and #10.

Background - Analysis and Options

Synopsis:

The Owner has submitted Site Development File DA.15.052 to permit 3 one-storey commercial buildings and two outdoor patios on the subject lands as shown on Attachments #3 to #9. The Vaughan Development Planning Department supports the approval of the proposed development as the proposed uses (eating establishments and retail stores) are permitted in the C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, and the proposed development is compatible with the existing use (Fortinos) on the subject lands and the existing and planned land uses within the surrounding area.

The Owner has also submitted Site Development File DA.12.108 (Loblaw Properties Limited), to facilitate the development of a 826 m² seasonal garden centre on the east side of the existing Fortinos supermarket and Melville Avenue. The Vaughan Development Planning Department supports the approval of the proposed seasonal garden centre in that location, which will require the removal of a few trees at the entrance (north end) of a new parking area and the retention of the majority of the mature tree planting along the Melville Avenue frontage that will further screen the seasonal garden centre at this new location.

Location

The 3.86 ha subject lands shown on Attachments #1 and #2, are located on the southwest corner of Melville Avenue and Major Mackenzie Drive (2911 Major Mackenzie Drive). The subject lands are developed with a Fortinos supermarket and a seasonal garden centre, which is seasonally operated on the west side of the supermarket in the location shown on Attachment #3, between April 1 and October 31 and then removed. The surrounding land uses are identified on Attachment #2.

Vaughan Official Plan 2010

The subject lands are designated “Mid-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), which permits a maximum building height of 8-storeys and a Floor Space Index (FSI) of 2.5 on the lands. The property is also identified as being located on a Primary Intensification Corridor (Major Mackenzie Drive) and forms part of the City’s Intensification Areas. The proposed development would yield an FSI of 0.25 on the subject lands, including the existing Fortinos supermarket. In areas designated as “Mid-Rise Mixed-Use”, VOP 2010 requires that the

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ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street. The proposed commercial buildings with outdoor patios (File DA.15.052) abutting Major Mackenzie Drive along with the proposed walkway connections would animate the street.

The “Mid-Rise Mixed-Use” designation permits retail and office uses. Section 9.2.2.4 d. in VOP 2010 restricts retail uses to no more than 50% of the total gross floor area of all uses on lands located in Intensification Areas. The subject lands will contain only retail and commercial uses, as the in-effect C4 Neighbourhood Commercial Zone permits the proposed uses as-of-right on the lands. The proposed commercial buildings conform to the “Mid-Rise Mixed-Use” requirements of VOP 2010.

Zoning By-law 1-88

The subject lands are zoned C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1106), which permits the existing supermarket use, together with the proposed garden centre (826 m²) and a full range of commercial uses. The proposed one-storey commercial buildings and patios comply with the requirements of the C4 Neighbourhood Commercial Zone.

The existing 817.52 m² seasonal garden centre is located in the interior side yard between the Fortinos supermarket and the LCBO on the neighbouring property to the west as shown on Attachment #3, as identified in their site plan agreement. The site-specific zoning Exception 9(1106) permits the seasonal garden centre to operate between April 1st and October 31st of any year on the property. The relocated garden centre is now proposed to be on the east side of the Fortinos, adjacent to Melville Avenue.

Site Plan Review

The subject lands are developed with an existing 8,330 m² Fortinos supermarket, shown on Attachment #3 as Building “A”. The proposed development includes 3 commercial buildings having a total GFA of 1,226 m² including an outdoor patio for each of Buildings “B” and “C”, also shown on Attachment #3.

Building “B” is a single tenant building with a proposed eating establishment (Me-Va-Me) that is located at the northwest corner of the site abutting the westerly access. An outdoor patio is proposed for the eating establishment, which is located along Major Mackenzie Drive with a new pedestrian connection to better address the street.

Buildings “C” and “D” are located at the northeast corner of the site surrounding the existing pedestrian walkway. Building “C” is oriented parallel to Major Mackenzie Drive and will be a multi-unit building consisting of three units, two of which will be used for eating establishments known as Chipotle and Fat Burger, with one outdoor patio on the west side of the building. Building “D” is located parallel to Melville Avenue and will be a single tenant commercial store known as Pet Valu.

The proposed building elevations shown on Attachments #6 to #8 consist of metal panels, clay bricks, architectural block and clear vision glazing. A pylon sign is proposed along the Major Mackenzie Drive frontage as shown on Attachments #4 and #9, which is in addition to the existing Fortinos supermarket signage.

A new parking area is to be located on the east side of the Fortinos supermarket building (Attachment #3) and will replace the existing parking that the three proposed buildings are displacing. The proposed parking area includes 27 parking spaces. This area is currently

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landscaped with mature trees that were originally planted in 2000 when the Fortinos supermarket was constructed to buffer the view of the building from the residents living on the east side of Melville Avenue. The proposed parking lot would result in the loss of a few existing trees at the entrance to the parking area (north end), however, the Owner has jogged out the parking area along the Melville Avenue frontage to ensure survival of the majority of the existing mature trees and has also provided a replanting plan as shown on Attachment #5, which is satisfactory to the Development Planning Department.

The proposed relocated seasonal garden centre is comprised of temporary structures comprised of a cash tent and a shade structures that will be located in the new parking area on the east side of the existing Fortinos supermarket having a total area of 826 m² as shown on Attachments #3, #4 and #10. The cash tent is a wide hooped tent, which is made of fire-rated vinyl and the shade structure is a vinyl mesh flat roof with a galvanized metal framing. In accordance with the zoning by-law, the seasonal structures will operate only between April 1 and October 31, each year.

The Vaughan Development Planning Department will continue to work with the two Owners (Files DA.15.052 and DA.12.108) to finalize the details of the proposed site plan, landscape plan, garden centre, building elevations and signage (building and way finding) as shown on Attachments #3 to #10 inclusive. The Vaughan Development Planning Department must approve the final site plan, building elevations, and landscape and tree preservation plan, prior to the execution of the amending Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

Vaughan Environmental Services Department, Solid Waste Management

The Vaughan Environmental Services Department, Solid Waste Management Division has reviewed Site Development File DA.15.052 and advises that the proposed Molok garbage and recycling system meets the City's Waste Collection Design Standard Policy. The final waste management plan and waste collection design standards submission must be approved to their satisfaction. A condition to this effect is included in the recommendation of this report.

Vaughan Development Engineering and Infrastructure Planning Department (DEIP)

The Vaughan DEIP Department must approve the final site servicing, site grading and stormwater management report submitted in support of the applications, prior to the execution of a Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has confirmed that no further cash-in-lieu of parkland dedication is required, with the subject site plan applications.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Attract investment and create jobs

Regional Implications

The subject lands are located on Major Mackenzie Drive, which is a major arterial road. York Region has identified a road widening which has been incorporated into the plan. The Owner is required to satisfy all requirements of York Region prior to the execution of the Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

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Conclusion

Site Development Files DA.15.052 and DA.12.108 have been reviewed in accordance with the policies of VOP 2010, the requirements of Zoning By-law 1-88, comments received from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the proposed development of the 3 commercial buildings and relocated garden centre are appropriate and compatible with the existing uses on the subject lands and the uses in the surrounding area. Accordingly, the Vaughan Development Planning Department can support the approval of Site Development Files DA.15.052 and DA.12.108, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Overall Site Plan
4. Site Plan
5. Landscape Plan
6. Building "B" Elevations
7. Building "C" Elevations
8. Building "D" Elevations
9. Pylon Sign
10. Typical Proposed Garden Centre Layout and Structures

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.)