

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 28, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

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**ZONING BY-LAW AMENDMENT FILE Z.13.011
SEVEN 427 DEVELOPMENTS INC. / VAUGHAN WEST II LIMITED/
CITY OF VAUGHAN
WARD 2 - VICINITY OF REGIONAL ROAD 7 AND HUNTINGTON ROAD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated June 18, 2013:

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.011 (Seven 427 Developments Inc./Vaughan West II Limited/City of Vaughan) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone, EM1 Prestige Employment Area Zone with and without the Holding Symbol "(H)", and OS1 Open Space Conservation Zone to C5 Community Commercial Zone, EM1 Prestige Employment Area Zone, EM3 Retail Warehouse Employment Area Zone and OS1 Open Space Conservation Zone in the manner shown on Attachment #3, to facilitate the future development of the subject lands with commercial, retail warehouse, and prestige employment uses and a stormwater management pond.
2. THAT the implementing zoning by-law shall include the following:
 - a) Definition of a Department Store:

"Department Store shall mean a retail commercial establishment where a wide range of merchandise is sold, including but not limited to: general merchandise, drugs and medicines, food, wine, lottery products, and a garden centre; and, where a wide range of accessory services may be provided, including but not limited to: photographic services, eating establishment including take-out, optical services, medical, dental, and pharmaceutical services, banking, financial and real estate services, telecommunications services, automotive service and repair, children's amusement facility, travel services and personal services";
 - b) permit a Department Store, Office and Stationery Supply, Print Shop, and a Drive-Through accessory to a permitted Bank or Financial Institution, as additional uses within the C5 Community Commercial Zone;
 - c) the exceptions to Zoning By-law 1-88 identified in Table 1 of this report;
 - d) in the EM3 Retail Warehouse Employment Area Zone, a Retail Warehouse use only shall be subject to the submission of a parking justification report and a site plan application to be approved by Vaughan Council; and,
 - e) any additional exceptions to Zoning By-law 1-88 that may be required upon review and approval of the road(s) alignment and relocation of the stormwater management pond.
3. THAT the revised Huntington Business Park Block 57/58 Plan as shown on Attachment #7, BE APPROVED.

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4. THAT the street names “Motion Court” and “Runway Road” from the Council approved Street Name Reserve List (June 26, 2012) be applied to the two streets shown on Attachments #3 and #4.
5. THAT an Archaeological Assessment shall be undertaken for any lands subject to a Site Development Application, and where such application is not required to be processed, the Archaeological Assessment must be undertaken prior to any grading of the property and/or issuance of a Building Permit by the City.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 3: To ensure that getting around in Vaughan is easy and has low environmental impact.

- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit.

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.

Economic Impact

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

Communications Plan

On April 5, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. No comments have been received by the Development Planning Department through the notice circulation. The recommendation of the Committee of the Whole to receive the Public Hearing report of April 30, 2013, was ratified by Council on May 14, 2013.

Purpose

The Owners have submitted Zoning By-law Amendment File Z.13.011, specifically to amend Zoning By-law 1-88 to:

- i) rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone, EM1 Prestige Employment Area Zone with and without the Holding Symbol “(H)”, and OS1 Open Space Conservation Zone to C5 Community Commercial Zone, EM1 Prestige Employment Area Zone, EM3 Retail Warehouse Employment Area Zone and OS1 Open Space Conservation Zone in the manner shown on Attachment #3;
- ii) permit the following additional uses in the C5 Community Commercial Zone:
 - Department Store;
 - Office and Stationary Supply;
 - Business and Professional Office, including for Regulated Health Professionals;
 - Print Shop; and,
 - A Drive-Through facility accessory to a permitted Bank or Financial Institution;
- iii) require in the EM3 Retail Warehouse Employment Area Zone that a Retail Warehouse use only be subject to the submission of a parking justification report and a site plan application to be approved by Vaughan Council;

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- iv) to permit the following site-specific exceptions to the C5 Community Commercial Zone standards in Zoning By-law 1-88:

Table 1:

	By-law Standard	By-law 1-88, C5 Community Commercial Zone Requirements	Proposed Exceptions to the C5 Community Commercial Zone
a.	Maximum Building Height	11 m	26.5 m or 8 storeys, whichever is less
b.	Maximum Lot Area	25,000 m ²	94,447 m ²
c.	Loading Space Requirements	Two (2) loading spaces for every 10,000 m ² GFA or portion thereof required.	No loading spaces

Background - Analysis and Options

Previous Committee of the Whole Approval (Zoning By-Law Amendment File Z.06.077)

On June 28, 2011, Vaughan Council approved Zoning By-law Amendment File Z.06.077 (Seven 427 Developments Inc.) to rezone a portion of the subject lands from A Agricultural Zone to EM3(H) Retail Warehouse Employment Area Zone with the Holding Symbol (H), C5 Community Commercial Zone, and OS1 Open Space Conservation Zone, as shown on Attachment #5. The implementing zoning by-law has not been enacted. The subject Zoning By-law Amendment File Z.13.011 includes the lands approved for rezoning in June, 2011 (owned by Seven 427 Developments Inc.) and also includes the abutting properties to the east owned by Vaughan West II Limited and lands owned by the City of Vaughan.

The subject Zoning By-law Amendment File Z.13.011 will facilitate a land exchange among the Owners as shown on Attachment #4, so that Seven 427 Developments Inc. will own the lands to be zoned C5 Community Commercial Zone; Vaughan West II Limited will own the lands to be zoned EM1 Prestige Employment Area Zone and EM3 Retail Warehouse Employment Area Zone; and, the City of Vaughan will own the lands to be zoned OS1 Open Space Conservation Zone for a stormwater management pond and the road allowances, as shown on Attachments #3 and #4. The requested site-specific zoning exceptions formed part of Zoning By-law Amendment Application Z.06.077, and have been previously approved by Vaughan Council, and are proposed to be applied to the Vaughan West II and City lands to facilitate the intended land exchanges. It is intended that all previous approvals granted by Council to the Seven 427 lands will continue to apply, with the only change being the zone categories at the northeast corner of their property to facilitate the re-orientation of the stormwater management pond.

Location

The subject lands shown on Attachments #1 and #2 are located on the north side of Regional Road 7, between Old Huntington Road and Highway #427, City of Vaughan. The surrounding lands uses are shown on Attachment #2.

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Official Plan

The subject lands are designated “Prestige Areas - Centres and Avenue Seven Corridor” along Regional Road 7 to a maximum of 200 m north of Regional Road 7 by in-effect OPA #660 (Avenue 7 Land Use Futures Study) and “Employment Area General” in the interior of the site by OPA #450 (Employment Area Plan). The proposal to rezone the subject lands to C5 Community Commercial Zone, EM1 Prestige Employment Area Zone, EM3 Retail Warehouse Employment Area Zone and OS1 Open Space Conservation Zone in the manner shown on Attachment #3 conforms to the Official Plan.

The new City of Vaughan Official Plan (VOP 2010) designates the subject lands “Employment Commercial Mixed-Use” along Regional Road 7 to a maximum of 200 m north of Regional Road 7 and “General Employment” in the interior of the site, under Area Specific Policy – Section 12.13 (Volume 2). VOP 2010 was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The proposed EM3 Retail Warehouse Employment Area Zone for the northerly portion of the subject lands does not conform to the City of Vaughan Official Plan 2010, as VOP 2010 does not permit retail warehouse uses in the “General Employment” designation. As VOP 2010 is not yet in effect, the current in-effect OPA’s #660 and #450 apply to the processing of the subject zoning amendment application.

Zoning

The subject lands are zoned A Agricultural Zone, EM1 Prestige Employment Area Zone with and without the Holding Symbol “(H)” and OS1 Open Space Conservation Zone by Zoning By-law 1-88, as shown on Attachment #2. To facilitate the proposed land exchanges, the Owner’s are proposing to rezone the subject properties in the manner shown on Attachment #3 to reflect the following: C5 Community Commercial Zone, EM1 Prestige Employment Area Zone, EM3 Retail Warehouse Employment Area Zone, and OS1 Open Space Conservation Zone.

The applicant is requesting the following additional uses for the C5 Community Commercial Zone:

- Department Store;
- Office and Stationary Supply;
- Business and Professional Office including Regulated Health Professionals
- Print Shop; and,
- Drive-Through Facility accessory to a permitted Bank or Financial Institution.

Zoning By-law 1-88 currently permits the following uses as-of-right in the C5 Community Commercial Zone:

- Office Building;
- Eating Establishment, Convenience with Drive-Through;
- Place of Amusement;
- Bank or Financial Institution;
- Brewers Retail Outlet;
- Business or Professional Office (includes an office for a Regulated Health Professional);
- Club (not for profit social club) or Health Centre;
- Eating Establishment including Convenience and Take-Out;
- LCBO Outlet;
- Personal Service Shop;
- Pet Grooming Establishment;
- Pharmacy;

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- Photography Studio;
- Place of Entertainment;
- Retail Store;
- Service or Repair Shop;
- Supermarket;
- Veterinary Clinic; and,
- Video Store.

The Applicant is proposing to permit a Department Store use within the proposed C5 Community Commercial Zone (Attachment #3) which is not defined in Zoning By-law 1-88. This use has been defined in the past, and a similar definition was included in the implementing zoning by-law for the lands located at the northwest corner of Regional Road 27 and Milani Boulevard. The following definition for a Department Store is proposed:

“Department Store shall mean a retail commercial establishment where a wide range of merchandise is sold, including but not limited to: general merchandise, drugs and medicines, food, wine, lottery products, and a garden centre; and, where a wide range of accessory services may be provided, including but not limited to: photographic services, eating establishment including take-out, optical services, medical, dental, and pharmaceutical services, banking, financial and real estate services, telecommunications services, automotive service and repair, children’s amusement facility, travel services and personal services.”

The proposed definition, together with the additional C5 Zone uses comprising an Office and Stationary Supply and Print Shop are consistent with the policies in OPA #660, which permits a wide range of office, business and retail uses that may be located in stand-alone buildings or as part of a mixed-use complex. The proposal for a drive-through facility accessory to a permitted Bank or Financial Institution is also appropriate, as the C5 Community Commercial Zone permits a convenience eating establishment with a drive-through facility.

The Applicant has also requested the additional use of a Business or Professional Office including for a Regulated Health Professional in the C5 Zone. The C5 Zone permits C4 Neighbourhood Commercial Zone uses as-of-right, which includes a Business or Professional Office use. Zoning By-law 1-88 defines this use to include an office for a Regulated Health Professional, and therefore, it is not necessary to add the Business or Professional Office use as an exception.

The proposed site-specific exceptions to the C5 Zone identified in Table 1 can be supported by the Development Planning Department. OPA #660 established a maximum building height of 8 storeys or 26.5m for lands along the Avenue Seven Corridor. The maximum lot area of 25,000m² cannot be achieved as the bisecting roads will create larger commercial lots. No loading spaces along arterial (Regional Road 7) and local (Huntington Road, New Enterprise Way and New Street) roads is encouraged by OPA #660, which requires street related development and continuous frontages along Regional Road 7 and collector and local roads.

In summary, the Development Planning Department can support the proposed rezoning of the subject lands and site specific exceptions noted above. Additional exceptions may be required upon review and approval of the revised road(s) alignment and location and size of the relocated stormwater management pond and respecting lot area and lot frontage for the C5 and EM3 Zones and setbacks from the OS1 Zone, respectively. These exceptions are considered minor and will be included in the implementing zoning by-law, if required.

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Future Site Development Application(s) and Exemption from Site Plan Control for Internal Employment Lots

The Owner will be required to submit a future Site Development Application(s) to facilitate development on the entirety of the C5 Community Commercial Zone lands and the portion of lands zoned EM3 Retail Warehouse Employment Area Zone, in order to address issues including but not limited to, built form, massing and design, traffic and transportation related issues, environmental issues, sustainability initiatives and site design.

The future Owner (Vaughan West II Limited) of the lands proposed to be zoned EM3 Retail Warehouse Employment Area Zone (Attachment #3) is requesting that these lands be exempt from the requirement of Site Plan Control for employment uses only (EM3 Zone also permits EM1 Prestige Employment Area Zone and EM2 General Employment Area Zone uses) excluding Retail Warehouse uses, which is currently how all internal employment lots are currently treated through Site Plan Control By-law 228-2005. As the lands to be zoned EM3 Zone will be developed as an internal lot that does not abut a Regional Road or Provincial Highway once the proposed road allowances are constructed, the request to exempt employment uses associated with the EM3 Zone, save and except for a Retail Warehouse use, is consistent with the policies set forth in Site Plan Control By-law 228-2005, and therefore can be supported.

On this basis, the implementing Zoning By-law will include an exception that will require in the EM3 Zone, a Retail Warehouse use only to be subject to the submission of a parking justification report and a site plan application to be approved by Vaughan Council, given the higher parking requirement for this use (ie. 6 spaces/100 m² GFA) compared to EM1 and EM2 uses that have a lower parking requirement (1.0 to 2.0 spaces/100 m² GFA).

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the subject zoning application and has no objection to its approval. The revised road alignment which includes the elimination of the south terminus of New Enterprise Way is supported by the Vaughan Development/Transportation Engineering Department and the Block 57/58 Consultant. The Owner may be required to submit additional traffic studies upon submission of a future Site Development application for the commercial and/or retail warehouse uses to determine the access needs of the proposed land use on the subject lands and to review on-site vehicular/pedestrian circulation and safety.

The identified land exchanges and conveyances, which are discussed in more detail will be undertaken through an engineering Development Agreement to be administered by the Vaughan Development/Transportation Engineering Department, should the subject zoning application be approved by Vaughan Council.

Revised Huntington Business Park - Block 57/58 Plan (Attachment #7)

The subject lands are located within the approved Block 57/58 Huntington Business Park Plan as shown on Attachment #6. The block plan shows a stormwater management pond located on the northeast portion of the site and a future western extension of New Enterprise Way that will connect to Huntington Road and beyond to Old Huntington Road and Highway 50, and the future southern extension of Huntington Road to New Enterprise Way and beyond to Regional Road 7. Revisions to the Block Plan are proposed as shown on Attachment #7, which if approved, will be facilitated through the processing of this application and the proposed land exchanges between the various Owners to be implemented through the engineering Development Agreement to be administered by the Vaughan Development/Transportation Engineering Department.

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The proposed land exchanges will identify “Part C”, as shown on Attachment #4, as a stormwater management pond, which is currently designated as a road allowance for the extension of New Enterprise Way. As a result, the Owner is proposing the termination of New Enterprise Way in its current constructed limit through the creation of a cul-de-sac, as on Attachment #7, and the renaming of the western extension of New Enterprise Way as “Runway Road” and “Motion Court” on Attachments #3 and #4. “Runway Road” and “Motion Court” were approved by Vaughan Council on June 26, 2012, through the Street Name Reserve List, and a recommendation to apply these street names to the two road sections is identified in the recommendation of this report. The proposed terminus and deletion of the southerly segment of New Enterprise Way, together with the reconfiguration of the existing stormwater management pond, are acceptable to the Vaughan Development Planning Department, Vaughan Development/Transportation Engineering Department, and the Block 57/58 Consultant. Should Council concur, the revised Block 57/58 Plan as shown on Attachment #7, can be approved. A condition to this effect is included in the recommendation of this report.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no record of an archaeological assessment being completed for the subject lands. Prior to the approval of a Site Development Application(s) for lands subject to this requirement, the Owners will be required to carry out an archaeological assessment of the subject lands. The lands must be assessed by an Archaeologist licensed by the Ministry of Tourism and Culture under the provisions of the *Ontario Heritage Act*. The assessment must be approved to the satisfaction of the Vaughan Cultural Services Division through the processing of the Site Development Application(s). On those lands where a Site Development Application is not required, the Archaeological Assessment must be undertaken prior to any grading of the property and/or issuance of a Building Permit by the City.

Ministry of Transportation (MTO)

The subject lands are located in proximity to the existing Highway 427 interchange at Regional Road 7 and the Highway 427 Extension Study Area. The application has been circulated to the Ministry of Transportation for review. The MTO had no objections to the original rezoning application (Z.06.077), subject to the Applicant obtaining the required MTO Building and Land Use Permit(s) through the processing of the future Site Development Application(s). The Applicant shall satisfy all requirements of the MTO.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) Manage Growth and Economic Well-being

The proposed development implements the City’s current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

The Zoning By-law Amendment application has been circulated to the Region of York Transportation and Community Planning Department. The Region had no objections to the original rezoning application (Z.06.077), and reserved comment on the development of the subject lands until a site development application(s) is submitted. Given that the subject lands abut Regional Road 7, the Owner must satisfy all requirements of the Region through the processing of the future Site Development Application(s).

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Conclusion

Zoning By-law Amendment File Z.13.011 has been reviewed in accordance with the policies of OPA #450, OPA #660, Zoning By-law 1-88 and comments received from City Department's and external public agencies. The Development Planning Department is satisfied that the proposal to rezone the subject lands from A Agricultural Zone, EM1 Prestige Employment Area Zone with and without the Holding Symbol "(H)", and OS1 Open Space Conservation Zone to C5 Community Commercial Zone, EM1 Prestige Employment Area Zone, EM3 Retail Warehouse Employment Area Zone and OS1 Open Space Conservation Zone to facilitate the future development of the subject lands with commercial, retail warehouse and prestige employment uses and a stormwater management pond is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. The proposed development and revisions to the Huntington Business Park Block Plan 57/58 Plan implement the current Official Plan. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.13.011, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning
4. Proposed Land Exchange
5. Approved Zoning – File Z.06.077
6. Huntington Business Park – Approved Block 57/58 Plan
7. Huntington Business Park – Revised Block 57/58 Plan

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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.)