

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 53, Report No. 36, of the Committee the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 9, 2014, as follows:

~~**By approving the recommendation contained in the report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning dated September 2, 2014;**~~

By receiving the following Communications:

- C2. Ms. Valeria Maurizio, Wood Bull LLP, Queen Street West, Toronto, dated September 2, 2014; and**
C19. Mr. Joel D. Farber, Fogler, Rubinoff LLP, King Street West, Toronto, dated September 8, 2014.

**53 ZONING BY-LAW AMENDMENT FILE Z.13.003
 RIOTRIN PROPERTIES (LANGSTAFF) INC., SRF VAUGHAN PROPERTY INC. AND
 SRF VAUGHAN PROPERTY II INC.
WARD 2 - VICINITY OF REGIONAL ROAD 27 AND LANGSTAFF ROAD**

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of December 2, 2014;**
- 2) That the following deputations be received:**
 - 1. Ms. Paula Bustard, SmartCentres, Applewood Crescent, Concord; and**
 - 2. Mr. Oz Kemal, MHBC, Weston Road, Woodbridge; and**
- 3) That Communication C26, from Ms. Mary Bull, Wood Bull, Queen Street West, Toronto, dated September 2, 2014, be received.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

- 1. THAT Zoning By-law Amendment File Z.13.003 (Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc. and SRF Vaughan Property II Inc.) BE APPROVED, to rezone the subject lands shown on Attachments #1 and #2 from EM1(H) Prestige Employment Area Zone and EM2(H) General Employment Area Zone each with the Holding Symbol "(H)" and subject to Exception 9(1258) and EM3 Retail Warehouse Employment Area Zone subject to Exceptions 9(1253) and 9(1356) to EM3 Retail Warehouse Employment Area Zone, together with the site-specific zoning exceptions identified in Table 1 of this report that maintain a number of exceptions permitted through Exceptions 9(1253) and 9(1356) to be within a single consolidated site-specific exception.**

Contribution to Sustainability

The application implements 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 completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy – 2031, and by ensuring that the strategy is subject to periodic review and renewal

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- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

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 January 31, 2014, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the West Woodbridge Homeowner's Association. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Sign Notification Protocol. To date, no comments have been received. The recommendation to receive the Public Hearing report of February 25, 2014, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on March 18, 2014.

Purpose

To seek approval from the Committee of the Whole to rezone the subject lands shown on Attachments #1 and #2 from EM1(H) Prestige Employment Area Zone and EM2(H) General Employment Area Zone each with the Holding Symbol "(H)" and subject to Exception 9(1258) and EM3 Retail Warehouse Employment Area Zone subject to Exceptions 9(1253) and 9(1356) to EM3 Retail Warehouse Employment Area Zone, together with the following site-specific zoning exceptions to facilitate the future development of the subject lands with commercial uses and retail warehouse uses:

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	Zoning By-law Standard	By-law 1-88 EM3 Retail Warehouse Employment Area Zone Requirements	Proposed Exceptions to EM3 Retail Warehouse Employment Area Zone Requirements
a.	Definitions	<p>i. Zoning By-law 1-88 does not include a definition of “Major Retail”.</p> <p>ii. A “Car Brokerage” is defined as follows:</p> <p>“Means a building or part of a building used for sales/leasing/rental of passenger vehicles, and shall not include the sale of automotive parts, mechanical repairs, or autobody repairs, or the outdoor display or storage of motor vehicles”.</p> <p>iii. Zoning By-law 1-88 does not include a definition for a “Retail Warehouse with Food Sales”.</p> <p>iv. Zoning By-law 1-88 does not include a definition for a “Seasonal Outdoor Garden Centre”</p>	<p>i. Permit a “Major Retail” use defined as follows:</p> <p>“Retail uses greater than 10,000m² per lot, including, but not limited to, big-box retail stores, retail warehouses, and shopping centres.”</p> <p>ii. Permit a “Car Brokerage” defined as follows:</p> <p>“Means a use operating accessory to the main retail warehouse or retail store where the leasing/retail of delivery trucks and vans shall be permitted, and the outdoor display of storage of said vehicles shall also be permitted”.</p> <p>iii. Permit a “Retail Warehouse with Food Sales” defined as follows:</p> <p>“Means a building or part of a building in which goods and merchandise including food are displayed, stored and sold in a warehouse format and may include a take-out eating establishment, personal service shops, a pharmacy, an optical dispensary, a hearing dispensary, the servicing of motor vehicles including oil changes, and the installation of tires sold within the premises. A warehouse format means</p>

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		<p>a configuration where there is integrated display, storage and sale of goods and merchandise or a showroom with an associated warehouse component. A retail warehouse with food sales shall have a minimum gross floor area of 300 m2 and is not a “supermarket” or “flea market”. For the purposes of this definition, a “supermarket” means a building having a gross floor area in excess of 1,000 m2 where the gross floor area of the building is primarily devoted to the sale of food products”.</p> <p>iv. Permit a “Seasonal Outdoor Garden Centre” defined as follows:</p> <p>“Means an accessory use that temporarily occupies a portion of the required parking area, for a period of no more than 5 consecutive months, of the main use on the same lot. The Seasonal Garden Centre shall be restricted to the storage, display and sale of plants, shrubs, or trees and other associated products, such as, but not limited to, commercial fertilizers, insecticides and gardening supplies. The seasonal outdoor garden centre will be included in the maximum area of outdoor display of merchandise, goods or materials.</p>
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b.	Permitted Uses	<p>The following uses are permitted in the EM3 Zone:</p> <ul style="list-style-type: none"> • All uses permitted in an EM1 Zone; • Building Supply Outlet; • Catalogue Sales; • Convention Centre; • Retail Warehouse; • Retail Nursery; and, • Swimming Pool, Recreational Vehicles and, Leasing/Rental/Sales. <p>The following additional uses are permitted by Exception 9(1253) and Exception 9(1356):</p> <ul style="list-style-type: none"> • Eating Establishment with Outdoor Patio • Eating Establishment • Eating Establishment - Convenience • Eating Establishment – Take-out with Outdoor Patio • Personal Service Shop • Convenience Retail Store • Bank and Financial Institution • Print Shop with Accessory Retail Sales • Veterinary Clinic • The maximum outdoor display of merchandise, goods, materials shall not exceed 0.29 times the gross floor area, to a maximum of 3,800 m², of the buildings or structures on the lot 	<p>In addition to the uses permitted by the EM3 Zone, and Exceptions 9(1253) and 9(1356), permit the following additional uses on the subject lands:</p> <ul style="list-style-type: none"> • Accessory uses, not limited to but including, drive-through, outdoor patios, and outdoor seasonal garden centres with any of the permitted uses; • Automobile Gas Bar • Automotive Retail Store • Brewers Retail Outlet • Community Centres • LCBO Outlet • Public Library • Seasonal Outdoor Garden Centres • Pet Grooming Establishment • Photography Studio • Place of Entertainment • Place of Amusement • Office of a Regulated Health Professional • Retail Store • Major Retail • Retail Warehouse with Food Sales • Schools, Technical or Commercial • Service or Repair Shop • Supermarket • Video Store
c.	Minimum Front Yard Setback at Milani Boulevard (Building 'H')	6 m	3 m

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d.	Minimum Rear Yard Setback (Building 'G1')	12 m	10 m (northeast corner to SWM Pond)
e.	Minimum Landscape Strip Width for Lands Abutting an OS1 Zone	7.5 m	1.4 m (currently permitted through Exception 9(1253))
f.	Maximum Driveway Width	9 m	16.5 m (currently permitted through Exception 9(1356))
g.	Minimum Exterior Side Yard Setback (to future Highway #427)	6 m	14 m (required by the Ministry of Transportation Ontario)
h.	Minimum Parking Ratio	Various (ranging from 1.5 parking spaces per 100 m ² of Gross Floor Area (GFA) for an Employment Use to 20 parking spaces per 100 m ² of GFA for a Convenience Eating Establishment.	3.9 parking spaces per 100m ² of GFA for all permitted uses (currently permitted through Exception 9(1356))
i.	Parking Requirement for Outdoor Patios	The required parking shall be based on a standard that is equal to that of the main eating establishment.	No parking spaces shall be required for outdoor patios associated with an eating establishment.
j.	Parking Requirement for a Seasonal Outdoor Garden Centre	The parking ratio is based on the GFA of the building, including any accessory buildings.	The area of a seasonal outdoor garden centre shall not be included in calculating the required parking supply and shall be permitted to occupy required parking on the subject lands for the duration of the seasonal outdoor garden centre (approximately 25 spaces as per the maximums identified in "m" below).

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k.	Access and Parking Area	The owner of every building or structure erected or used for any of the uses set forth in Zoning By-law 1-88 shall provide and maintain on the lot on which it is erected, for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, parking spaces and areas (driveways and aisles).	Shared driveways and aisles shall be permitted amongst Parcels "E", "F" and "H". (currently permitted through Exceptions 9(1253) and 9(1356))
l.	Loading and Unloading Requirements	Loading and unloading shall not be permitted between a building and a street.	Permit loading and unloading between a building and a street (Milani Boulevard). (currently permitted through Exceptions 9(1253) and 9(1356))
m.	Outdoor Display of Merchandise, Goods or Materials	Limited outdoor display of merchandise, goods or materials shall be permitted provided that the display of goods and materials is accessory to a permitted use, and such display shall not exceed an area equal to 0.25 times the gross floor area of the buildings or structures on the lot devoted to the use to which the display is accessory.	The maximum outdoor display of merchandise, goods or materials shall not exceed 0.29 times the gross floor area to a maximum of 3,800 m ² of the buildings or structures on the lots (currently permitted through Exception 9(1356))
n.	Definition of 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.	The subject lands shall be deemed to be one lot for the purposes of zoning compliance.

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Background - Analysis and Options

On February 6, 2013, the Owner submitted Official Plan and Zoning By-law Amendment Files OP.13.001 and Z.13.003. On May 28, 2013, the Ontario Municipal Board (OMB) approved a modification to Vaughan Official Plan 2010 (VOP 2010), bringing into effect site-specific policy 13.15 to be included in Volume 2 of VOP 2010 that redesignates the subject lands, as shown on Attachments #1 and #2, from “General Employment” to “Employment Commercial Mixed-Use”, with site-specific policies.

On February 3, 2014, the OMB approved VOP 2010, which brought into effect site-specific policy 13.15 in Volume 2 of VOP 2010 for the subject lands as discussed further in this report. As a result of the OMB approval the related Official Plan Amendment File OP.13.001 is no longer required for the proposed development and has been closed.

Location

The subject lands are located west of Regional Road 27, south of Langstaff Road, municipally known as 120, 160, 170, 182, 196, and 210 Milani Boulevard, being Blocks 2-7 on Registered Plan 65M-3966, Block 6 on Registered Plan 65M-4385, and Block 1 on Registered Plan 65M-4386, shown as “Subject Lands” on Attachments #1 and #2.

The subject lands are currently vacant and are located adjacent to an existing commercial development to the east.

Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “Employment Commercial Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), which was approved by the OMB on February 3, 2014, and permits a maximum building height of 10-storeys and maximum Floor Space Index (FSI) of 3 on the property. The “Employment Commercial Mixed-Use” designation permits office uses to a maximum GFA of 12,500 m² per lot; cultural and entertainment uses; retail uses, provided that no retail unit shall exceed a GFA of 3,500 m²; and, gas stations, subject to additional specific provisions. The building types permitted within this designation include Low-Rise Buildings, Mid-Rise Buildings, Public and Private Institutional Buildings, and Gas Stations.

The lands are also subject to site-specific policy 13.15 in Volume 2 of VOP 2010, which states the following:

- Notwithstanding policy 9.2.2.7 Employment Commercial Mixed-Use or anything else in this Plan (VOP 2010), in addition to the existing permitted uses, Major Retail uses are permitted.
- Notwithstanding policy 9.2.2.7 Employment Commercial Mixed-Use or anything else in this Plan (VOP 2010), retail units may exceed a gross floor area of 3,500 m².

Therefore, based on site-specific policy 13.15 in Volume 2 of VOP 2010, in addition to the permitted uses on the subject lands through the “Employment Commercial Mixed-Use” designation, the lands are not subject to a GFA restriction for retail units. Further, Major Retail uses as defined in VOP 2010 as “retail uses greater than 10,000 square metres per lot, including but not limited to big-box retail stores, retail warehouses, and shopping centres” are permitted on the lands. The proposed rezoning of the subject lands to facilitate the development of commercial buildings conforms to VOP 2010.

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Zoning

The subject lands are zoned EM1(H) Prestige Employment Area Zone and EM2(H) General Employment Area Zone each with a Holding Symbol “(H)” and subject to site-specific Exception 9(1258), and EM3 Retail Warehouse Employment Area Zone subject to site-specific Exceptions 9(1253) and 9(1356) by Zoning By-law 1-88, as shown on Attachment #2. The Holding Symbol “(H)” was placed on a portion of the subject lands to protect for land that may be required by the Ministry of Transportation Ontario (MTO) related to the future construction of Highway #427. The MTO has provided the required clearance to remove the Holding Symbol “(H)” from these lands.

The adjacent lands to the west are subject to Zoning By-law Amendment File Z.13.017 (Strathallen Capital Corporation), to remove the Holding Symbol from the entirety of the lands zoned EM1(H) Prestige Employment Area Zone and EM2(H) General Employment Area Zone, as shown on Attachment #2.

The owner has not submitted a Site Development Application at this time, however, has provided a concept plan to facilitate the development of the subject lands with commercial buildings, and associated parking areas, as shown on Attachment #3, and with the following site-statistics:

Site Area (Parcels 'E', 'F', and 'H')	11.12 ha
Total Gross Floor Area (Parcels 'E', 'F', and 'H')	24,921 m ²
Floor Space Index (FSI)	0.22
Total Parking Provided (Parcels 'E', 'F', and 'H')	1,330 spaces

Parcels “E”, “F” and “H” are proposed to be developed with the following buildings as shown on Attachment #3:

- Parcel “E” - A 1,515 m² multi-unit commercial building (Building ‘G1’) and a 465 m² commercial building (Building ‘G2’).
- Parcel “F” - A 8,538 m² commercial building, including an Automotive Retail Store (shown as proposed commercial building with future building expansion).
- Parcel “H” - A 14,412.67 m² commercial building, including large-format retail uses and an Automobile Gas Bar (Building ‘H’ and proposed gas bar).

The owner is proposing to rezone the subject lands to EM3 Retail Warehouse Employment Area Zone and subject to the site-specific exceptions identified in Table 1 of this report. The EM3 Retail Warehouse Employment Area Zone is the appropriate zone category to implement the policies of the “Employment Commercial Mixed-Used” designation of VOP 2010. The Owner is also proposing to maintain a number of the site-specific zoning exceptions that currently apply to the subject lands through Exceptions 9(1253) and 9(1356), as identified in Table 1, including:

- i. Permit a minimum landscape strip width for lands abutting an Open Space Zone of 1.4 m;
- ii. Permit a maximum driveway width of 16.5 m;
- iii. Permit a minimum parking ratio of 3.9 parking spaces per 100 m² of GFA for all permitted uses;
- iv. Permit shared driveways and aisles amongst Parcels “E”, “F” and “H”;
- v. Permit loading and unloading between a building and a street (Milani Boulevard); and,
- vi. Permit the maximum area of outdoor display of merchandise, goods or materials to not exceed 0.29 times the GFA of the buildings or structures on the subject lands, to a maximum of 3,800 m² of the subject lands.

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The Vaughan Planning Department has no objection to maintaining these zoning exceptions within a single consolidated site-specific exception as they were previously supported by the Vaughan Planning Department and approved by Vaughan Council and will facilitate the development of the subject lands in an appropriate manner.

The Owner is proposing the addition of several commercial, major retail and retail warehouse uses within an EM3 Retail Warehouse Zone, as identified in Table 1. These uses are considered appropriate as they conform to the in-effect policies of the “Employment-Commercial Mixed-Use” designation and site-specific policy 13.15 (Volume 2 of VOP 21010), providing for a wide variety of business uses within commercial buildings as well as major retail uses.

The proposed reduction to the minimum front yard setback at Milani Boulevard (Building ‘H’) from 6 m to 3 m and the reduction to the minimum rear yard setback at Building “G1” from 12 m to 10m are considered appropriate. The reduction in front yard setback will permit the building closer to the street frontage of Milani Boulevard, activating the street from a pedestrian perspective. The reduction in rear yard setback is minor in nature, maintains the intent of the zoning by-law and will appropriately facilitate the development of the subject lands, while not negatively impacting any adjacent property, as Building “G1” is located adjacent to a Stormwater Management Pond.

The proposed parking standard is considered acceptable as the updated traffic impact and parking study and trip generation comparison prepared by iTrans/HDR Corporation, demonstrate that 3.9 parking spaces per 100 m² of GFA is appropriate for the proposed use of the land. The study has been reviewed and approved by the Vaughan Development/Transportation Engineering Department, which is discussed in greater detail below. Accordingly, the Vaughan Planning Department has no objection to the above-noted exceptions.

In consideration of the above, the Vaughan Planning Department can support the proposed rezoning of the subject lands and the site-specific zoning exceptions noted in Table 1 of this report to be included in a single consolidated site-specific exception.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has advised that a traffic impact and parking study prepared by iTrans/HDR Corporation was previously approved through Draft Plan of Subdivision File 19T-08V03 on November 25, 2010.

The Vaughan Development/Transportation Engineering Department reviewed the updated traffic impact and parking study, prepared by iTrans/HDR Corporation, which concludes that the proposed parking ratio of 3.9 parking spaces per 100 m² of GFA is sufficient to service the proposed development. The Development/Transportation Engineering Department concurs with the study and accepts its conclusions and recommendations.

The Development/Transportation Engineering Department advises that all comments provided to the Owner respecting the conceptual site plan are to be addressed through the submission of a future Site Development Application(s).

Ministry of Transportation Ontario

The Ministry of Transportation (MTO) has advised that they have no objection to the proposed rezoning of the subject lands and the removal of the Holding Symbol “(H)” as they have determined the final alignment of the Highway #427 extension and cross-over, which does not affect the subject lands. Further, the MTO has advised that it requires that any new buildings/structures above and below ground (including internal roads and detention ponds) must be setback a minimum distance of 14 m from the future Highway #427 property line, which has

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been identified as a zoning exception in Table 1 of this report. The Owner is advised that MTO Permits are required for all buildings/structures located within 46 m from future Highway 427 property line and a radius of 396 m from the centre point of the future Highway #427 and Langstaff Road, prior to any construction being undertaken.

The MTO has also commented on the possibility to shift the Innovation Drive entrance onto Langstaff Road further east, so that it is located mid-block between the MTO's future off ramps and Regional Road 27, in order to improve the efficiency of the interchange of the future Highway #427 and Langstaff Road. These comments have been forwarded to the Owner for their review, and will be addressed through a future Site Development application(s).

Future Site Development Application(s)

The owner will be required to submit a Site Development Application(s) for Vaughan Council's approval for the development of the proposed buildings on the subject lands. The owner has only submitted a conceptual site plan for review purposes, as shown on Attachment #3. The future Site Development Application(s) will be required to facilitate the development of the subject lands, if the above-noted zoning application is approved, to be reviewed to ensure, but not limited to, appropriate building and site design; pedestrian, barrier free and vehicular access; internal traffic circulation; sustainable site and building features; parking; landscaping; stormwater management, servicing and grading.

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) Plan and Manage Growth & Economic Vitality

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010, as the proposal to rezone the subject lands to EM3 Retail Warehouse Employment Area Zone implements the in-effect land use designation.

Regional Implications

The proposal was circulated to York Region's Transportation and Community Planning Department, and they have no concerns or objections to the proposal.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.13.003 in consideration of the policies of the Vaughan Official Plan 2010 (VOP 2010), the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies and the overall neighbourhood context. The Vaughan Planning Department is satisfied that the proposed rezoning to facilitate the future development of small and large-scale commercial buildings is appropriate and compatible with the existing neighbourhood, and conforms to the Official Plan. Accordingly, the Vaughan Planning Department recommends approval of the Zoning By-law Amendment Application, subject to the comments and recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan

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Report prepared by:

Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791

(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.)