

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 20, 2012

Item 6, Report No. 43, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 20, 2012.

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**OFFICIAL PLAN AMENDMENT FILE OP.12.011
ZONING BY-LAW AMENDMENT FILE Z.12.012
7040 YONGE HOLDINGS LIMITED
WARD 5 - VICINITY OF YONGE STREET AND STEELES AVENUE WEST**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated November 6, 2012:

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.011 (7040 Yonge Holdings Limited) BE APPROVED, to amend OPA #210 (Thornhill Community Plan), specifically the "General Commercial" policies to permit a supermarket use on the subject lands (7040 Yonge Street).
2. THAT Zoning By-law Amendment File Z.12.012 (7040 Yonge Holdings Limited) BE APPROVED, to amend Zoning By-law 1-88, specifically the C1 Restricted Commercial Zone to permit a supermarket use with accessory packing and processing with a total of 160 existing parking spaces on the subject lands (7040 Yonge Street).
3. THAT the Region of York be requested to modify the City of Vaughan Official Plan 2010, Yonge Steeles Corridor Secondary Plan (Volume 2) to include a site-specific policy for the subject lands shown on Attachments #1 and #2 to permit a supermarket use within the existing 2,787 m² commercial building.

Contribution to Sustainability

There are no changes proposed to the existing building or site through the processing of the subject applications.

Economic Impact

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

Communications Plan

On August 10, 2012, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands and to the City of Markham. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 4, 2012 and to forward a comprehensive report a future Committee of the Whole meeting was ratified by Vaughan Council on September 25, 2012. To date, the Development Planning Department has received one written comment from a resident on Crestwood Road (adjacent to the Active Green and Ross) regarding the headlights from the delivery trucks shining into the windows at the rear of their house. No one from the public spoke to the item at the Public Hearing.

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Concerning the written comment noted above, the Development Planning response is that the distance between the existing loading dock on the west side of the subject commercial lands and the rear wall of the residence along Crestwood Road is approximately 140 metres. The residential and commercial lots are separated by a 1.8 metre high wood privacy fence. A landscaped buffer with mature trees provides additional buffering and screening between the two uses. The head lights should not have an impact on this residential property.

Purpose

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2 to permit the use of the existing 2,787 m² commercial building for a supermarket (currently occupying) as shown on Attachment #3:

1. Official Plan Amendment File OP.12.011, specifically to amend the “General Commercial” policies of OPA #210 (Thornhill Community Plan) to permit a supermarket use, whereas only existing commercial uses and service commercial uses are permitted; and,
2. Zoning By-law Amendment File Z.12.012, to amend Zoning By-law 1-88, specifically the C1 Restricted Commercial Zone to permit a supermarket use with accessory meat packing and processing (deli-counter) with a total of 160 existing parking spaces on the site, whereas 167 spaces are required for this use.

Background - Analysis and Options

Location

The 0.89 ha site shown on Attachments #1 and #2 is located on the west side of Yonge Street, north of Steeles Avenue West (7040 Yonge Street), City of Vaughan. The property is developed with a 2,787 m² commercial building, currently being used as a supermarket, served by 160 existing parking spaces. The surrounding land uses are shown on Attachment #2.

Land Use Policies/Planning Considerations

The Development Planning Department has reviewed the Official Plan Amendment Application to permit a supermarket use within the existing 2,787 m² commercial building located at 7040 Yonge Street, in consideration of the following land use policies:

a) Region of York Official Plan

The subject lands are designated “Urban Area” by the Region of York Official Plan (RYOP) and are located within the Yonge Street Corridor. Section 5.4, Regional Centres and Corridors, of the RYOP outlines policies for the development of Regional Corridors that encourages compact, mixed-use, well-designed, pedestrian-friendly and transit-oriented built form. The proposed Amendment is consistent with the “Community Building” policies of the RYOP as the site is developed with an existing commercial building that is located within an existing built-up portion of the urban area.

The Region of York Development Review Committee has considered Official Plan Amendment File OP.12.011 and determined that the Amendment is a matter of local significance and that the proposal

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does not adversely affect Regional interests. Pursuant to Regional Council Authorization By-law A-0265019990017, the application was exempted from approval by Regional Planning Committee and Council. The Amendment will come into effect following its adoption by Vaughan Council and the expiration of the required appeal period, if approved.

b) City of Vaughan Official Plan

The subject lands are designated “General Commercial” by in-effect OPA #210 (Thornhill Community Plan). The “General Commercial” designation permits a wide range of commercial uses, however, a “Supermarket” use is not specifically permitted. The proposal for the “Supermarket” use within the existing commercial building does not conform to the Official Plan. In light of Regional policies encouraging mixed-use built form within Regional Corridors, the Official Plan Amendment to permit a supermarket use in the existing commercial building can be supported by the Vaughan Development Planning Department.

c) Vaughan Official Plan (VOP) 2010

The subject lands are designated “High-Rise Mixed-Use” by the City of Vaughan Official Plan 2010, Yonge Steeles Corridor Secondary Plan (Volume 2), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012 and April 17, 2012) and is pending approval from the Ontario Municipal Board.

The “High-Rise Mixed-Use” designation sets out policies that provide for new residential, office and/or mixed-use buildings within the High-Rise Mixed-Use area shown on Schedule 2 of the Secondary Plan, which is to be of the highest and best quality and reflect the importance of the Yonge/Steeles intersection as a transit hub and gateway into the City. Development is to have a mix of uses and appropriate densities to support transit uses and promote walking and cycling.

The proposed applications reflect an adaptive re-use of an existing building for a supermarket use, and not a redevelopment. The proposal cannot address the policies of the new Official Plan at this time. However, over time, there will be pressure to redevelop the Yonge and Steeles area that will be consistent with the policies and vision for high density mixed use development. Accordingly, the proposed supermarket use is appropriate for the re-use of the existing building on the property. Should Vaughan Council find merit in the subject Official Plan Amendment File OP.12.011, the Region of York is required to modify the City of Vaughan Official Plan 2010 to facilitate a site-specific policy on the subject lands to permit a supermarket use within the existing 2,787 m² commercial building. A condition to this effect has been included in the recommendation of this report.

Zoning

The subject lands are zoned C1 Restricted Commercial Zone by Zoning By-law 1-88, which does not permit the proposed supermarket use with accessory packing and processing (of food). The Owner has submitted Zoning By-law Amendment File Z.12.012 to add a supermarket use with accessory packing and processing (of food) in the C1 Restricted Commercial Zone for the existing building shown on Attachment #3. The proposed use is supported by the Region of York Official Plan, which encourages a mixed-use, compact development along Regional Corridors such as Yonge Street. The existing surrounding land uses in the area consist of retail and service commercial uses, and some residential uses. Given the review of the policies and principles of planning documents governing the area, the existing mix of surrounding land uses, that no alterations are proposed to the existing site or building, and that the proposed use is existing within the building and appears to be operating compatibly with the surrounding land uses, the proposal to permit a supermarket use on the subject

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lands in the C1 Restricted Commercial Zone can be supported by the Development Planning Department.

Zoning By-law 1-88 requires that parking for a supermarket use be provided at a rate of 6.0 spaces/100 m² of gross floor area. This generates a parking requirement of 167 spaces for the 2,787 m² commercial building. The Owner is proposing a total of 160 parking spaces, as this represents the number of existing spaces on the site. It is noted that previous Committee of Adjustment Applications A75/96 and 76/96 were approved on April 18, 1996 (former Owner Century Standard Development Corp/Compatible Inv. Ltd.) to permit 160 parking spaces and the creation of a mutual driveway with the property to the west.

The proposed exception to the parking requirement of Zoning By-law 1-88, for the supermarket use from 167 to 160 parking spaces, which represents the existing number of parking spaces on the property and currently being used for the supermarket has been reviewed by the Vaughan Development/Transportation Engineering Department. To support the reduction to the parking ratio, the Owner has advised that the subject lands are served by public transit with bus stops at the northwest corner of Yonge Street and Steeles Avenue and the site is well connected to Viva, GO Transit and TTC bus services. The supermarket also operates 24 hours a day thereby Development Planning staff visited the site on a weekday afternoon and on a Sunday at 5:00 pm and observed ample available parking spaces in the parking lot.

Site Design

The site plan on Attachment #3 shows an existing one-storey "L"-shaped building. The building was originally designed with 3 commercial units. Each unit is occupied by food store uses that have been consolidated into one store that functions as a supermarket. No exterior changes to the building and site are proposed by the applications. Access to the site is from an existing driveway onto Yonge Street. The site can also be accessed through a mutual driveway with the commercial property to the west that has access onto Steeles Avenue West.

Garbage and recycling pick-up is private and has already been established for this existing commercial building.

Vaughan Development/Transportation Engineering Department

The Official Plan Amendment and Zoning By-law Amendment applications were reviewed by the Vaughan Development/Transportation Engineering Department. Comments were received and have been addressed by the applicant, to the satisfaction of this Department.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The subject lands are located on Yonge Street, which is a Regional Road. The Region of York Transportation and Community Planning Department has no objection to the applications as no works are proposed within the Yonge Street road allowance.

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Conclusion

Official Plan Amendment File OP.12.011 and Zoning By-law Amendment File Z.12.012 have been reviewed in accordance with the Region of York Official Plan, OPA #210 (Thornhill Community Plan), Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development planning Department is satisfied that the proposed supermarket use with an associated deli-counter is an appropriate use that is compatible with the existing uses in the surrounding area, and in keeping with Regional Official Plan policies. In addition, the proposed reduction to the required number of parking spaces is considered appropriate for the reasons discussed in this report. Accordingly, the Development Planning Department can support the approval of the Official Plan and Zoning By-law Amendment applications.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan - Existing Building

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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.)