

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012

13

The Committee of the Whole recommends:

- The Commissioner of Planning recommends:

- $\dots/2$

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- b) the Trustee for Block 33 West shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 33 West Landowners Cost Sharing Agreement; and,
- c) the Owner shall pay cash-in-lieu of parkland dedication, in accordance with the City's "Cash-in-lieu of Parkland Policy"; and,
- ii) The Owner shall agree to notify both the Ministry of Tourism and Culture and the City of Vaughan Recreation and Culture Department (Cultural Services Division) immediately in the event that:
 - a) archaeological resources are found on the property during grading or construction activities, to which the proponent must cease all grading or construction activities; and,
 - b) human remains are encountered during grading or construction activities, to which the proponent must cease all grading or construction activities. The proponent shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

Contribution to Sustainability

The following sustainable construction features are proposed to be provided in the development:

- i) high efficiency unit heaters; and,
- ii) a 37,854 litre rainwater storage tank for watering the plants.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted Site Development File DA.12.041 on the subject lands shown on Attachments #1 and #2, to facilitate the development of a retail nursery on 0.46 ha as shown on Attachments #3 to #5. The development statistics are as follows:

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Site Details	
Lot Area	4599.99 m ² / 0.46 ha
Frontage	55 m
Coverage	35.52% / 1633.97 m ²
Landscaping	37.54% / 1726.9 m ²
Building Height	5.75 m
Building Use	Area (Gross Floor Area - GFA)
Interior Retail and Staging Area	401.34 m ²
Greenhouse Buildings	963.22 m ²
Enclosed Storage	120.40 m ²
Total Gross Floor Area	1484.396 m²
Parking	Spaces
Required (4 spaces/100 m ² of GFA)	60 (includes 2 barrier free spaces)
Proposed	36

The Owner has also submitted Zoning By-law Amendment File Z.12.040 to remove the “H” Holding provision from the subject lands shown on Attachments #1 and #2, thereby effectively zoning the property C5 Community Commercial Zone.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the east side of Weston Road, north of Major Mackenzie Drive, City of Vaughan. The subject lands have an area of 0.46 ha, with 55 m of frontage along Weston Road. The surrounding land uses are shown on Attachment #2.

Official Plan - Land Use Designation/Uses/Density

i) Official Plan Amendment #650, As Amended

The subject lands are designated “District Centre Commercial” by in-effect OPA #650 (Vellore Village District Centre Plan), as amended by OPA #713 and #720, which permits retail commercial uses. The proposed development conforms to the Official Plan.

ii) City of Vaughan Official Plan 2010

The subject lands are designated “Mid-Rise Mixed-Use” with the overlay “Village District” designation in the new City of Vaughan Official Plan 2010 which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and requires approval by the Ontario Municipal Board. This designation permits townhouse and stacked townhouse units, and low-rise buildings, and retail and office uses on the subject lands. The proposed gross floor area for the development is 1484.396 m², which yields a Floor Space Index of 0.322. The proposal conforms to the new Official Plan.

Zoning

The subject lands are zoned C5(H) Community Commercial Zone with the addition of the Holding Symbol “(H)” by Zoning By-law 1-88, as amended by By-laws 210-2009 and 145-2010 [Exception 9(1327)], which permits the retail nursery use. The subject lands do not comply with the following zoning requirement:

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By-law Standard	C5 Zone Required Parking in Zoning By-law 1-88, Subject to Exception 9(1327)	Proposed Exception to Zoning By-law 1-88, Subject to Exception 9(1327)
Minimum Parking (4 parking spaces per 100 m ² of GFA)	60	36

The Owner is required to file a Minor Variance application with the Committee of Adjustment for the proposed parking deficiency. The Owner advises that if the greenhouse (storage of plants) was excluded from the parking calculation, and that only the retail, staging and storage areas were included as shown on Attachment #3, which comprises 521.74 m² of the total Gross Floor Area, then 21 parking spaces would be required. The applicant advises that the proposed greenhouses are used only for the storage of plants/materials associated with the greenhouse use and does not generate parking. Building Standards Staff have advised that the overall parking on the Major Weston lands were reduced from 6 to 4 spaces/100 m² GFA, given the shared parking amongst uses. The Owner has also advised that in the subsequent phases of development for the Major Weston Centres Limited commercial lands at the northeast intersection of Major Mackenzie Drive and Weston Road, additional parking will be provided. On this basis, the Development Planning Department can support the proposed parking supply. Prior to the execution of the Site Plan Letter of Undertaking, the Owner must submit a Minor Variance Application to the Vaughan Committee of Adjustment, which must be approved by the Committee and their decision shall be final and binding. A condition of approval is included in this respect.

Holding Symbol

The subject lands are zoned with the Holding Symbol “(H)”. The condition for the removal of the Holding Symbol “(H)” is the approval of a Site Development Application. Should this application be approved by Vaughan Council, the Holding Symbol “(H)” can be removed from the subject lands. The Owner has submitted a Zoning By-law Amendment Application to remove the Holding Symbol “(H)”, and a recommendation to remove the Holding provision is included in this report.

Severance of the Subject Lands

The subject lands originally formed part of the larger land parcel owned by Major Weston Centres Limited. On January 12, 2012, the Vaughan Committee of Adjustment approved Application B003/12 to sever the subject lands from the larger parcel. At this time, the lands are owned by Major Weston Centres Limited with the expectation that the ownership will be conveyed to the Owner of the proposed retail nursery.

Site Plan Review

The Vaughan Development Planning Department is satisfied with the proposed site plan, building elevations and landscaping plan, as shown on Attachments #3 to #5 inclusive. The final plans must be approved to the satisfaction of the Development Planning Department.

Vaughan Development/Transportation Engineering Department

The Development/Transportation Engineering Department has no objections to the proposal and

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requires that the final site grading, servicing, stormwater management and lighting plans, be addressed to their satisfaction.

The Owner has submitted the Record of Site Condition (RSC) to the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes the acknowledgement from the MOE and a signed copy of the RSC by a Qualified Person, to the satisfaction of the Development/Transportation Engineering Department.

Vaughan Public Works - Solid Waste Management

The proposed refuse and recycling methods for this development within the internal building meets the requirements of the City's Waste Collection Design Standards to the satisfaction of the Public Works Department.

Vaughan Reserves and Investments

Prior to the issuance of a Building Permit, the Owner will be required to enter into a Developer's Group Agreement with the other participating landowners within Block 33 West respecting cost sharing and other obligations of the Block 33 West Landowners Cost Sharing Agreement, to the satisfaction of the City.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that the Owner will be required to pay cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an appraisal report by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Vaughan Cultural Services Division

The Cultural Services Division has received the Ministry of Citizenship, Culture and Recreation's clearance of archaeological concerns respecting the subject lands shown on Attachment #2. As such, the Cultural Services Division has no objection to the approval of the retail commercial development, subject to the inclusion of the standard archaeological resources conditions in the Site Plan Letter of Undertaking. A condition of approval is included in this respect.

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 Region of York has no objections to the proposed development and requires that the final site grading, servicing, stormwater management and landscaping plans, and traffic reports be approved to the satisfaction of the Region of York. The Applicant will be required to enter into a Regional Site Plan Agreement.

Conclusion

Site Development Application DA.12.041 (Major Weston Centres Limited) has been reviewed in accordance with the policies of OPA #650 (Vellore Village District Centre Plan), as amended by OPA #713 and #720, the requirements of Zoning By-law 1-88, comments from City Departments

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and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the proposed commercial development for the retail nursery as shown on Attachments #3 to #5 is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of the Site Development Application, subject to the recommendations in this report.

The Development Planning Department can also recommend the approval of related Zoning By-law Amendment File Z.12.040 to remove the "H" Holding provision on the subject lands, thereby effectively zoning the property C5 Community Commercial Zone.

The Owner will also need to submit a Minor Variance Application for reduced parking, which must be approved by the Vaughan Committee of Adjustment, prior to the execution of the Site Plan Letter of Undertaking.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Elevations
5. Landscape Plan

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.)