

DATE: MAY 14, 2015
TO: HONOURABLE MAYOR & MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
RE: COMMUNICATION - COUNCIL MEETING, MAY 19, 2015
ITEM #1 - COMMITTEE OF THE WHOLE – MAY 5, 2015

C	4
Item #	1
Report No.	20 (CW)
Council - May 19/15	

ZONING BY-LAW AMENDMENT FILE Z.14.035
SITE DEVELOPMENT FILE DA.14.060
1639722 ONTARIO LIMITED, ET. AL.
WARD 2 - VICINITY OF REGIONAL ROAD 7 AND REGIONAL ROAD 27

Recommendation

The Commissioner of Planning recommends:

1. THAT Recommendation #1 as contained in Item #1 of the Committee of the Whole Agenda dated May 5, 2015, be deleted and replaced with the following:
 - "1. THAT Zoning By-law Amendment File Z.14.035 (1639722 Ontario Limited, et al.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from C2 General Commercial Zone and C8 Office Commercial Zone, subject to site-specific Exception 9(654A), to C7 Service Commercial Zone together with site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of the subject lands for commercial and industrial uses in the manner shown on Attachments #3 and #4, subject to the following:
 - i) The following uses shall not be permitted on the subject lands:
 - Hotel, Motel, Convention Centre
 - Recreational Uses as defined in Section 2
 - Parks and Open Space
 - ii) An Outdoor Patio use shall be permitted on the lands, subject to the following:
 - an outdoor patio must be accessory to an eating establishment use located in Building "A" and Unit "11" of Building "C"; as shown on Attachment #4, and,
 - the total combined floor area of all outdoor patios on the subject lands shall not exceed 107.6 m²."
2. That the following additional recommendation be approved as Recommendation #3:
 - "3. That Attachment #7 contained in Item 1, of the May 5, 2015 Committee of the Whole Report from the Commissioner of Planning, Item 1 be deleted and replaced with a revised Attachment #7, attached hereto as Attachment #7, to reflect the revised east elevation for Building "B" as outlined in this Communication."

Background

At the May 5, 2015, Committee of the Whole meeting, the solicitor for Royal Building Products, owners of the lands on the east side of Regalcrest Court, directly opposite the subject lands, appeared before the Committee and advised that their client had concerns with the following proposed land uses characterized as "sensitive uses" within the meaning of the Ministry's Guideline NPC-300 and in consideration of their existing industrial operations:

- Banquet Hall
- Club or Health Centre
- Day Nursery
- Eating Establishment / Outdoor Patio
- Eating Establishment, Convenience with Drive-Through/Outdoor Patio
- Eating Establishment, Take Out/Outdoor Patio
- Hotel, Motel, Convention Centre
- Recreational Uses as defined in Section 2
- Parks and Open Space
- Education and Training Facility
- Technical School
- Place of Entertainment

At the May 5, 2015, meeting of the Committee of the Whole, the Committee adopted the following recommendation (in part) regarding Zoning By-law Amendment File Z.14.035 and Site Development File DA.14.060:

"That consideration of this matter be deferred to the Council meeting of May 19, 2015, to permit the proponent, deputants and staff to meet and negotiate a mutually agreeable solution, if possible."

As directed by Vaughan Council, the Owner, the solicitor for and representatives from Royal Building Products and Vaughan Development Planning Department staff met to determine if an agreement could be achieved regarding the proposed uses on the subject lands. The meeting occurred on Friday May 8, 2015. At the meeting, the following was discussed and subsequently confirmed through e-mail correspondence:

1. The parties agreed to maintain the following as permitted uses on the subject lands:

- Banquet Hall
- Club or Health Centre
- Day Nursery
- Eating Establishment
- Eating Establishment, Convenience with Drive-Through
- Eating Establishment, Take Out
- Education and Training Facility
- Technical School
- Place of Entertainment
- Outdoor Patios accessory to any eating establishment, provided that the combined total floor area of all outdoor patios on the site does not exceed 107.6 m² and that they are located only accessory to units in Building "A" and Unit 11 of Building "C" as shown on Attachment #4 of the report.

With regard to the outdoor patio use, Royal Building Products representatives clarified that their noise concern related to the outdoor patio use accessory to the eating establishment uses and not the actual eating establishment uses. Through discussion, the Owner agreed to limit the maximum floor area devoted to outdoor patio uses on the site to a maximum of 107.6 m² as

discussed in the Committee of the Whole report. However, the Owner has requested some flexibility to locate one or more outdoor patios on the site, specifically accessory to units in Building "A" and Unit 11 in Building "C" provided the total combined floor area of all outdoor patios on the site does not to exceed 107.6 m². These patio locations would be separated from the Royal Building Products lands by an appropriate distance and shielded by Buildings "B" and "C".

The Vaughan Planning Department has no objection to the request, as the total floor area devoted to the outdoor patio use does not exceed the original request thereby not increasing the parking requirement on the site.

2. The Owner agreed to remove the following from the list of requested uses on the site:
 - Hotel, Motel, Convention Centre
 - Recreational Uses as defined in Section 2
 - Parks and Open Space
3. The Owner agreed to change the construction of Building "B" to reduce the glazing on the east elevation by approximately 75-80% and to replace some of the glazing with solid precast panels, as shown on Attachment #7. It is expected that this measure will provide a significant reduction in noise transmission. A limited amount of glazing remains for each unit in order to allow natural light into the interior space. The Owner has also requested and the solicitor for Royal Building Products has agreed to allow for the potential redistribution of window panels on the east elevation provided that the amount of glazing will remain constant. A condition of approval is included in the original report requiring that the final building elevations be approved to the satisfaction of the Vaughan Planning Department.

Conclusion

The Vaughan Planning Department is satisfied with the conditions agreed to by the Owner and the adjacent landowner regarding the proposed land use permissions for the subject lands and the change to the east elevation of Building "B". Should the Committee concur, the recommendation can be approved to amend the proposed uses for the subject lands as identified in this Communication and the revised east elevation for Building "B".

Respectfully submitted,



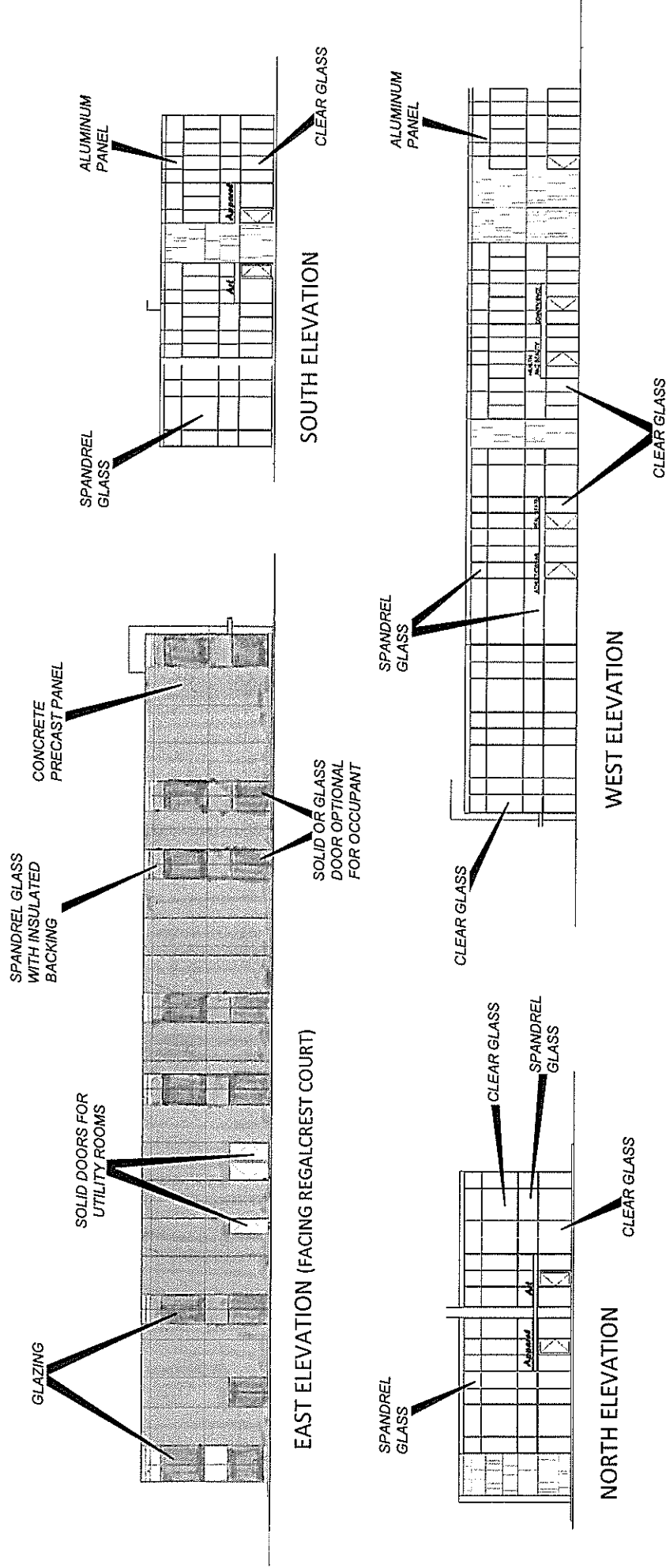
JOHN MACKENZIE
Commissioner of Planning

Attachments

7. Elevations – Building "B"

MP/cm

Copy to: Steve Kanellakos, City Manager
Barbara Cribbett, Interim City Manager
Jeffrey A. Abrams, City Clerk
Grant Uyeyama, Director of Development Planning



Not to Scale

Elevations - Building 'B'

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
1639722 Ontario Limited, et al.

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