

**TO: HONOURABLE MAYOR & MEMBERS OF COUNCIL**

**FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING**

**DATE: AUGUST 21, 2014**

**SUBJECT: COMMUNICATION -**  
**ITEM #1 - COMMITTEE OF THE WHOLE, SEPTEMBER 2, 2014**

**ITEM #4 - COMMITTEE OF THE WHOLE, JUNE 17, 2014 (WHICH WAS ADOPTED, AS AMENDED, BY VAUGHAN COUNCIL ON JUNE 24, 2014)**

**ZONING BY-LAW AMENDMENT FILE Z.14.011**  
**SITE DEVELOPMENT FILE DA.14.021**  
**TWO SEVEN JOINT VENTURE LIMITED, 1308595 ONTARIO LIMITED AND**  
**DIPOCE MANAGEMENT LIMITED**  
**WARD 2 - VICINITY OF REGIONAL ROAD 27 AND MARTIN GROVE ROAD**

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Recommendation

The Commissioner of Planning, in consultation with the Director of Development/Transportation Engineering and the Manager of Development Approvals for York Region, recommends:

1. THAT the recommendations contained in the report of the Commissioner of Planning, Interim Director of Planning and Director of Development Planning, and the Manager of Development Planning respecting Item #1 of the Committee of the Whole Agenda dated September 2, 2014, be approved, and that the following additional recommendations be approved:
  - "3. THAT the matters respecting the relocation or removal of the fuel station, lighting, landscaping adjacent to Regional Road 7, and future access to the FedEx site be addressed on the final site plan and site plan agreement, to the satisfaction of the Vaughan Planning Department and the Vaughan Development/Transportation Engineering Department, in consultation with the Region of York, in accordance with the letter from The West Woodbridge Homeowners Association Inc. dated July 7, 2014."

Background

On June 17, 2014, the Committee of the Whole resolved the following motion, which was ratified by Vaughan Council on June 24, 2014:

"By approving that consideration of this matter be deferred to the Committee of the Whole meeting of September 2, 2014, to allow Planning and Engineering staff to respond to the questions and concerns raised by the West Woodbridge Homeowners Association and that the concerns be addressed when the report is brought forward; and

By receiving the following Communications:

Mr. Nick Pinto, The West Woodbridge Homeowners Association, dated June 20, 2014; and, Mr. Courtney Lehman, Scannell Properties, dated June 23, 2014."

The Planning Department provides the following information respecting the progress of the applications:

1. On May 8 and June 23, 2014, Members of Council, City staff, representatives of the applicant and area residents met to discuss issues respecting the development of a FedEx distribution centre and broader issues related to the Block 59 Plan.
2. On July 3, 2014, the City of Vaughan received correspondence from the owner's Counsel which expressed concerns about Vaughan Council's deferral of the applications and requested that Vaughan Council convene a meeting in July 2014 to consider approval of the applications.
3. On July 7, 2014, the City of Vaughan received correspondence from the West Woodbridge Homeowners' Association (WWHA), as shown on Attachment #1, which states that the WWHA reached an agreement with the applicant on the issues respecting the Zoning By-law Amendment and Site Development applications. Further, the letter supports City Council approving the applications, as revised, and identifies that the WWHA and the residents of the existing neighbourhood directly to the east have been extremely involved with representatives of the applicant and FedEx, and City Planning Staff. The correspondence indicates that the WWHA and the applicant have agreed to the following revisions to the site plan:
  - the proposed fuel station will be relocated farther away from Regional Road 27 and/or be completely removed
  - full cut-off lighting will be utilized throughout the subject lands
  - a berm and landscaping consisting of mature evergreens is to be provided along Regional Road 27
  - Initially, vehicular access/egress to the site will be from Regional Road 27. Once Street B is constructed northerly to intersect with Rutherford Road as intended by the approved West Vaughan Employment Area Secondary Plan (WVEASP), FedEx has agreed to route all in-bound and out-bound traffic to the site from Rutherford Road via Street B. This is a commitment on the part of FedEx and cannot be enforced by the City.

The WWHA has also advised that additional concerns related to the overall Block 59 Plan must be considered as part of the application for Block Plan approval and subject to further discussions with the City of Vaughan and York Region, including:

- proper acoustic barriers on the west and east sides of Regional Road 27 located on regional and/or city property and maintained solely by York Region and/or the City of Vaughan
- mature evergreen landscaping on the west and east sides of Regional Road 27
- that the north-south Street "B" to Rutherford Road be built immediately and the elimination of the connecting and/or aligning Martin Grove Road with the new west and east street network identified in the West Vaughan Employment Area Secondary Plan.

Regional Road 27 in the vicinity of the site is generally bordered by residential to the east and existing and future employment lands to the west. Vehicular traffic on Regional Road 27 is a source of environmental noise. To mitigate the impact of this traffic noise, the existing residential communities on the east side of Regional Road 27 were developed with noise attenuation measures including fencing along the lots abutting Regional Road 27. This existing fencing is located on private property and the responsibility of the property owner to maintain.

The impacts of noise from the employment lands on the west side of Regional Road 27 will be addressed on a site by site basis through the development process. Typically, noise from employment areas is mitigated through the design and layout of the building or by at source

measures such as shielding of mechanical equipment or loading areas rather than the installation of perimeter noise barriers.

In addition, York Region has advised the City Planning staff in an e-mail dated July 23, 2014, that it is not typical Regional practice to permit noise attenuation measures, particularly fences, to be installed in the Region's right-of-way, and that any berming shall not impede the Region's ability to maintain the boulevard, or to implement future road improvements by introducing additional cost constraints. York Region has also advised that any costs for installation and ongoing maintenance will not be the responsibility of the Region. Accordingly, City staff cannot support the installation of a new noise barrier within the Regional right-of-way as requested by the WWHA.

With respect to planting mature evergreen landscaping on the west and east sides of Regional Road 27, it is City staff's understanding that after providing for the ultimate road configuration there is insufficient space within the Regional Road 27 right-of-way to accommodate significant landscaping other than the standard placement of boulevard trees. Notwithstanding this, FedEx is proposing to construct a substantial landscaped berm along the Regional Road 27 frontage of their site.

With respect to the request from the WWHA to modify the planned local road network, Streets A and B are identified on the approved WVEASP and are required to adequately service the north-east quadrant of Block 59 and the broader employment area. Accordingly, City staff is recommending that these proposed streets be built as planned. City staff agrees that the construction of Street B to Rutherford Road in the initial phase of the development would provide continuity in the road network and route options to access/egress the FedEx site. However, City staff understands that the owner of the intervening lands on which the extension of Street B would be located on (between the DiPoce lands and Rutherford Road) is currently not a participating member of the Block 59 Developers Group nor has a development application been submitted for the lands. Accordingly, DiPoce/FedEx has no ability to facilitate the extension of Street B to Rutherford at this time.

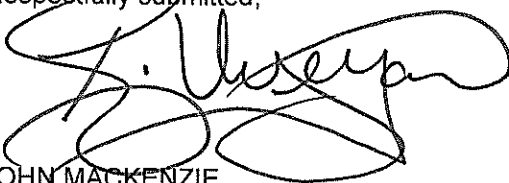

4. On July 14, 2014, a meeting was hosted by Regional Councillor Schulte, with representatives of the applicant, and the WWHA, to discuss the development proposal. Planning Department Staff were not present at this meeting.
5. On August 5, 2014, the Owners appealed the applications to the Ontario Municipal Board (OMB) citing that the City of Vaughan failed to make a decision on the applications within the timeframes prescribed by the Planning Act. The OMB has scheduled a Pre-hearing date for the appeals for November 24, 2014 at 10:00 AM.
6. On June 23, 2014, the City of Vaughan received correspondence from Scannell Properties, as shown on Attachment #2, that committed to working through the design process with the City and the WWHA. The letter summarizes changes that are contemplated to the design. Further, on August 19, 2014, legal counsel for Scannell e-mailed the City that reiterated the appellants agreement to those concessions.

#### Planning Considerations

To date, revised plans that reflect the discussions between the applicant and the WWHA regarding the Zoning By-law Amendment and Site Development applications, have not been submitted to the City of Vaughan for review. Upon receipt, City Planning and Development/Transportation Engineering staff, in consultation with staff from the Region of York, will review the revisions to the site plan that reflect discussions with the WWHA for the subject property, which are considered to be reasonable, and a recommendation to this effect is included in the recommendation to this Communication.

Should the Committee concur, the staff recommendation in the Report and Communication can be approved.

Respectfully submitted,

  
JOHN MACKENZIE  
Commissioner of Planning

Copy to: Barbara Cribbett, Interim City Manager  
Jeffrey A. Abrams, City Clerk  
Andrew Pearce, Director of Development/Transportation Engineering  
MaryLee Farrugia, Commissioner of Legal and Administrative Services  
Heather Wilson, Director of Legal Services  
Grant Uyeyama, Interim Director of Planning and Director of Development Planning

Attachment

1. July 7, 2014 correspondence from the West Woodbridge Homeowners' Association
2. June 23, 2014 correspondence from Scannell Properties



## ATTACHMENT #1

July 7, 2014

City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L4L 1T4

**Attention:** Members of Council  
Mr. Jeffrey Abrams, City Clerk  
Mr. John Mackenzie, Commissioner of Planning  
Mr. Grant Uyeyama, Director of Development Planning

**Re:** Zoning By-Law Amendment Application File Z.14.011  
Site Development File DA.14.021  
Two Seven Joint Venture Limited, 1308595 Ontario Limited and DiPoce Management Limited  
Ward 2 – Vicinity of Regional Road 27 and Martin Grove Road

Dear Sir(s) and Madam(s):

Thank you for the opportunity to comment further with respect to the above-mentioned Zoning By-Law Amendment and Site Development Application. The West Woodbridge Homeowners Association, Inc. supports the proposed amendments, as revised for the subject property and encourages Council to permit it to move forward.

The West Woodbridge Homeowners Association and the existing neighbourhood directly to the east have been extremely involved with representatives of the applicants and FedEx, and the City of Vaughan Planning Staff, by bringing the voices of engaged local residents to the table. These discussions were extensive, careful and involved City officials at every step.

As per our letter dated June 20<sup>th</sup>, 2014, we are particularly pleased that FedEx's revised site plan respects the legitimate concerns the people closest to them are going to have to deal with.

The revised site plan includes the proposed fuel station to be relocated farther away from Highway 27 and/or completely removed if possible, full cut-off lighting utilized throughout the subject lands, a berm and landscaping of mature evergreens along Highway 27. In addition, FedEx has agreed that initially vehicular access will be to Regional Road 27 followed by access being restricted to the new future north-south street to Rutherford Road, as intended by the approved West Vaughan Employment Area Secondary Plan.

We have considered these concessions very carefully and we feel that the various concessions from FedEx will go a long way to the health and quality of life of the surrounding stable community.

We have reached a fair agreement that allows for the zoning by-law amendment and site development application to move forward and which will also be an asset to the community and economic growth of our City, as envisioned by the West Vaughan Employment Area Secondary Plan.

The additional requests that we voiced are not relevant to this zoning by-law amendment and site development applications and are requests that must be dealt with as part of the application for Block Plan Approval File BL.29.2014 by the Block Plan 59 Landowners Group Inc., and further discussions with the City of Vaughan and Region of York.

As per our letter dated June 20<sup>th</sup>, 2014, the additional requests that the residents seek concessions on from the Block Plan 59 Landowners Group Inc., City of Vaughan and Region of York are proper acoustic barrier on the west and east of Highway 27 and acoustics barriers to be placed on regional and/or city property and properly maintained solely by the region and/or city, landscaping of mature evergreens on the west and east side of Highway 27. In addition, that the north-south Street "B" to Rutherford Road be immediately built and the elimination of connecting and/or aligning Martin Grove Road with the new west and east street network being proposed in the West Vaughan Employment Area Secondary Plan.

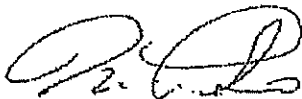
We disagree with Council's decision to defer approval of the zoning by-law amendment and the site plan applications. A deferral jeopardizes the concessions made to the residents and our future economic growth and the well-being of our community and the city, at large.

***Our suggestion is that Council convene a meeting, at the earliest possible convenience to consider approval of the zoning by-law amendment and the site plan development application.***

We appreciate the applicants' representatives, FedEx representatives and City staff's efforts in this matter and we hope that Council will approve the zoning by-law amendment and site plan development application, as revised and agreed upon promptly.

If you have any questions please don't hesitate to contact us. We look forward to hearing from you.

Cordially,



Nick Pinto  
President  
The West Woodbridge Homeowners Association, Inc.

cc: Courtney Lehman, Scannell Properties  
Tony Miele, DiPoco Management Limited

800 East 96<sup>th</sup> Street, Suite 175  
Indianapolis, Indiana 46240  
T 317.843.5959  
F 317.843.5957



June 23, 2014

City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L4L 1T4  
Members of Council and Staff

**RE:     *Zoning By-Law Amendment Application File Z.14.011***

Dear Members of Council and Staff:

I am writing on behalf of Scannell Properties in response to a request made by The West Woodbridge Homeowner's Association Inc. in a letter to the City dated June 20, 2014. In the letter the resident's requested the following to be considered by the applicant:

1. Further building setback from Highway 27;
2. Landscaping of mature evergreens along Highway 27;
3. Fuel Station to be relocated farther away from Highway 27 and/or completely removed, if possible; and
4. Full cut-off lighting utilized throughout the subject lands.

Our team has met regarding these requests in an effort to accommodate as many items as feasible possible while maintaining the integrity of our internal project requirements and the safety of the employees at the site. The results of our findings and design flexibility are outlined below. Please consider this letter a written agreement to work through these design requests as follows:

1. Our building, parking and accessory facilities have been located as far from Highway 27 as physically possible. Although the zoning code only requires a 9 Meter setback from Highway 27, we have designed the site to accommodate over 40 Meters of setback, natural sound barrier, and landscaping. Had we started with 9 Meters, we would be in a position to meet this request, but rather our starting design considered the Residential community and therefore we need to keep the facility in its currently proposed location.
2. We will work with our Landscape design firm to increase the maturity and frequency of the evergreens in an effort to add additional visual screening to accommodate this request.
3. Our Fuel Island location can be relocated further from Highway 27. We will work with Staff to make this shift during the final site plan development phase.
4. We will use our best efforts to design our lighting using only Full cut-off fixtures throughout the proposed development.

On behalf of Scannell Properties and our proposed tenant, we would like to thank the West Woodbridge Homeowner's Association for the open communication and ability to discuss improvements to our development that will benefit the community. We appreciate the work by the City of Vaughan Staff and Council in order to facilitate this communication. Please let me know if any additional information is needed for this project.

## ATTACHMENT #2

800 East 96<sup>th</sup> Street, Suite 175  
Indianapolis, Indiana 46240  
T 317.843.5959  
F 317.843.5957



Sincerely,

A handwritten signature in black ink, reading "Courtney Lehman". The signature is fluid and cursive, with the first name "Courtney" and last name "Lehman" clearly distinguishable.

Courtney Lehman  
Development Executive