

<b>C 8</b>
<b>COMMUNICATION</b>
CW (PH) - <u>Oct 16/12</u>
ITEM - <u>3</u>

**From:** Drake, Jennifer [<mailto:JDrake@goodmans.ca>]

**Sent:** Tuesday, October 16, 2012 12:15 PM

**To:** Abrams, Jeffrey

**Cc:** McQuillin, Roy; Houser, Roslyn

**Subject:** Vaughan Metropolitan Centre Secondary Plan - Wal-Mart Canada Corp. Policies of Concern

Please find attached correspondence sent to Augustine Ko at the Region of York on behalf of Wal-mart Canada Corp. on June 1, 2012, which sets out some key policies of concern to Wal-mart in the new City of Vaughan Official Plan, including policies of concern in the Vaughan Metropolitan Centre Secondary Plan ("VMC Secondary Plan") with respect to its property located at 101 Edgeley Boulevard.

We have reviewed the report on the proposed modifications to the Council adopted VMC Secondary Plan prepared in preparation for the October 16 public hearing, however, it is not clear from the report whether Wal-mart's concerns with the secondary plan policies as adopted by Council have been addressed. We note that the report states that written submissions requesting modifications to the VMC Secondary Plan will be addressed in a comprehensive staff report projected for a future Committee of the Whole meeting in the fall of 2012. We await this further staff report and the release of modified VMC Secondary Plan in order to determine whether Wal-mart still has concerns with the policies of the Plan.

Jennifer

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\*\*\*\*\* Attention \*\*\*\*\*

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June 1, 2012

File No. 10-1333

**Via Email: Augustine.Ko@york.ca**

The Regional Municipality of York  
Transportation and Community Planning Department  
York Region Administrative Building  
17250 Yonge Street, 4th Floor  
Newmarket, ON L3Y 6Z1

**Attention: Augustine Ko, Senior Planner**

Dear Sir:

**Re: Wal-Mart Canada Corp. ("Wal-Mart")  
City of Vaughan Official Plan Appeal – OMB Case No. PL111184**

You asked us to provide additional information with respect to the Wal-Mart appeal of the City of Vaughan Official Plan (the "New Plan") in respect of the four properties listed below in the City of Vaughan ("Vaughan") :

- i) 8300 Regional Road 27 (Woodbridge);
- ii) 101 Edgeley Boulevard (VMC);
- iii) 1900 Major Mackenzie Drive (Maple); and
- iv) 700 Centre Street (Thornhill)

As we advised by letter dated April, 19<sup>th</sup> Wal-Mart is not appealing the New Plan in its entirety, but rather the appeal is specific to the properties identified above. Wal-Mart simply wants to ensure that the policies in the New Plan recognize its existing stores and will provide for their expansion pursuant to the underlying official plan and zoning permissions.

As you are aware, Vaughan has not yet provided a consolidated version of the New Plan which has made it difficult for our client to determine the specific policies of concern. Without a consolidated version of the New Plan, we have had to rely on a review of the various staff reports, Committee of the Whole and Council minutes and discussions with planning staff to understand the policy changes to the New Plan over the past 18 months.

We are not yet satisfied that the proposed policies of the New Plan as they relate to the above noted sites, as they fail to recognize the underlying approvals for each of the sites and to provide the necessary framework for expansion of the existing Wal-Mart stores. In the case of the

Woodbridge store, large retail uses are simply not permitted while the Woodbridge and Maple sites are subject to policies which would not permit single storey buildings and require a mix of retail (70%) and non-retail uses (30%). In addition, the area specific policies for the Maple store (Section 12.3) do not appear to be consistent with the designation shown on Schedule 1-“Urban Structure” and it is not clear whether the intensification policies apply to site. A revised secondary plan is in process for the Vaughan Metropolitan Secondary Plan (“VMC SP”) which could result in significant changes to the policies affecting for the Wal-Mart site.

While our client is generally satisfied with the New Plan as it relates to 700 Centre St., we still wish to review the consolidated copy of the New Plan.

We have highlighted below some of the key policies of concern to Wal-Mart on a site by site basis, but expect that these may change once a consolidated version of the New Plan is available for review:

i) 8300 Regional Road 27

- Section 5.2.3 – Major Retail policies
- Sections 9.2.2.7 (b), (c), (e) – to provide the necessary exemptions from the new policies relating to built form, requirement for a mix of retail and non-retail uses and to allow “Major Retail” uses (uses with gfa greater than 10,000 sm ) without amendment to the zoning by-law.
- Section 13 (Site Specific Policies)- Requires the inclusion of a site specific policy to recognize the underlying approvals for the existing retail/commercial centre.
- Schedule 1- Urban Structure -Lands should be redesignated to “Primary Centre”

ii) 101 Edgeley Drive

- Section 11.0.1.5 – concerns with policies of the VMC SP. A revised VMC SP will be released next fall and we have been advised that significant changes are being proposed in the vicinity of the Wal-Mart block.
- Appendix A- Schedules of VMC SP – the schedules show a street network which traverse the Wal-Mart block and will limit Wal-Mart’s ability to expand
- Section 9.2.2 of the VMC SP – policy is intended to recognize existing uses and possible expansion of the exiting uses is limited to a maximum of 10%

iii) 1900 Major Mackenzie Drive

- Section 2.2 (Primary Centres and Intensification)- Cannot determine applicable policies for Maple site
- Section 5.2.3 – Major Retail policies
- Section 12.3.2.17 – site specific policy for larger area including Maple site needs to be amended to recognize existing commercial development on the lands and to provide for expansion of the Maple Wal-Mart store

iv) 700 Centre Street

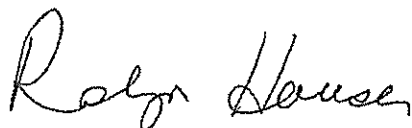
- Section 2.2 – policies which relate to Primary Centres and Intensification
- Section 5.2.3- Retail policies
- Section 9.2.2.6- High-Rise Mixed-Use
- Section 12.12 – Site specific policy for Thornhill site
- Schedule 1 (Urban Structure) and Schedule 13-T (Land Use)

As noted above, once a consolidated version of the New Plan is available, additional issues and/or policies of concern may be identified on behalf of Wal-Mart. In addition, we will want to review the updated version of the Vaughan Metropolitan Centre Secondary Plan once it is available.

Should you require any additional information or clarification of the above, please do not hesitate to contact us.

Yours very truly,

Goodmans LLP



Roslyn Houser  
RH/jab

cc: Chris Hanson – Wal-Mart Canada Corp.  
Roy McQuillin – City of Vaughan