

**COMMITTEE OF THE WHOLE - MAY 7, 2001**

**F. & F. REALTY HOLDINGS INC.  
OFFICIAL PLAN AMENDMENT AND  
ZONING AMENDMENT APPLICATIONS  
FILES: OP.98.006 & Z.98.033 (RELATED FILE-19T-98V03)**

Recommendation

The Commissioner Planning & Urban Design recommends:

1. THAT Zoning Amendment Application Z.98.033 (F. & F. Realty Holdings Inc.) to rezone Block 1 of the subject lands to C4 Neighbourhood Commercial Zone BE APPROVED, together with the following exceptions to the C4 Zone:
  - increasing the maximum gross floor area from 7000 sq. m to 15,000 sq.m;
  - increasing the maximum lot area from 25,000 sq.m to 40, 000 sq.m;
  - permit a maximum of two (2) drive-through facilities, of which one (1) shall be limited to a financial institution only;
  - permit an outdoor patio associated with, and restricted to 10% of the eating establishment GFA; and,
  - permit a service station with car wash use, subject to approval of a comprehensive site development application for Block 1.
2. THAT the implementing zoning by-law not be enacted until such time as the required Site Development Application has been approved by Council.
3. THAT prior to submission of a Site Development Application, a tree inventory and assessment shall be prepared by a qualified professional, and submitted by the Owner for the City's approval, to attempt to preserve as many trees as possible in conjunction with the development of the site.
4. THAT the applications to amend Official Plan (OP.98.006) and Zoning By-law (Z.98.033) (F. & F. Realty Holdings Inc.) to re-designate and rezone Block 2 of the subject lands to "Neighbourhood Commercial", BE DEFERRED, pending consideration of the appropriate land use comprehensively with the property to the west.
5. THAT the proposed hotel/motel use BE REFUSED.

Location

- Northwest corner of Rutherford Road and Highway #400
- Lot 16, Concession 5, City of Vaughan

Proposal

On April 2, 1998, the Owner submitted applications to:

- i) amend the Official Plan to re-designate the westerly 1.5 ha portion (Block 2) of the subject lands to "Neighbourhood Commercial" ,and to add hotel/motel as a permitted use;

- ii) amend By-law 1-88 to re-zone Blocks 1 and 2 to C4 Neighbourhood Commercial Zone, and to permit the following exceptions to the C4 standards.

#### Block 1

- exceed the maximum permitted lot area of 25,000 sq.m for a Neighbourhood Commercial site, to 40,000 sq. m
- exceed the maximum gross floor area of 7000m<sup>2</sup>; and,
- reduce the parking requirement from 6.0 to 5.9 spaces per 100m<sup>2</sup>.

#### Block 2

- add hotel/motel, service station with car wash, and eating establishment with drive-through as permitted uses;
- reduce the minimum setback of a building from a Residential Zone from 22.5m to 9.9m; and,
- exceed the maximum permitted gross floor area of 7000m<sup>2</sup>.

\*the applicant has revised the original application to eliminate the department store use, and to add a proposed reduction in parking spaces.

#### Land Use Status

- Designated - "Neighbourhood Commercial" (Block 1) and "Medium Density Residential/Commercial" (Block 2) by OPA #600
- Zoned - A Agricultural Zone by By-law 1-88
- Subject to the Block 32 West Plan

#### Site Description

- undulating topography, with wooded area adjacent to Highway #400
- a 5.99 ha site, with 327 m frontage on Rutherford Road
- the surrounding land uses are:
  - North - residential (RVM1 (WS-A) and RV4(WS) Zones)
  - South - Rutherford Road; (residential designated "Neighbourhood Commercial" and "Employment Area")
  - East - Highway 400 interchange; Vaughan Centre Plan Area
  - West - vacant ( A Agricultural Zone)

#### Background

- On April 24, 1995, Council modified OPA #400 by re-designating a portion of the subject lands east of first primary road (Block 1), to "Neighbourhood Commercial Centre".
- On September 15, 1997, Council endorsed the Block 32 West Block Plan, which identified the easterly block of the subject lands as "Neighbourhood Commercial Centre" and the westerly block as part of "Study Area #2". The underlying Official Plan designation of the

westerly block is “Medium Density Residential/Commercial”.

- The subject applications were considered at a public hearing on April 8, 1998, together with the Draft Plan of Subdivision 19T-98V03.
- The subdivision plan was draft approved by Council on August 30, 1999. At that time, Council also removed the “Study Area 2” requirement from Block 2 the subject lands, leaving it only on the adjacent lands to the west.

### Public Hearing

On May 4, 1998, Council received the public hearing and resolved that a technical report be forwarded to a future Committee of the Whole meeting, once the traffic impact study is submitted and reviewed. One response was received at the public hearing from the Weston Downs Ratepayers Association, summarized as follows:

- we support the proposed “Neighbourhood Commercial” designation and the addition of a Department Store as a permitted use, subject to size restrictions.
- we do not support hotel/motel use on the subject lands, however we do support the department store, outdoor patio associated with eating establishments and drive-through eating establishment uses
- we oppose the following exceptions proposed to the By-law:
  - that the entire property to be exempt from the maximum gross floor area requirement of 7000 sq.m
  - that Block 2 be exempt from the minimum setback of 22.5m to residential zone

The applicant recently submitted a concept plan, and the traffic study has now been approved by the Vaughan Engineering Department.

### Planning Considerations

#### Official Plan #600

##### a) Designation

The proposed re-designation of Block 2 from “Medium Density Residential/Commercial” to “Neighbourhood Commercial”; and the proposal to add hotel/motel use within the latter designation, has been evaluated in the context of the commercial policies of OPA #600.

The Official Plan defines a retail hierarchy for commercial uses in the urban villages, the highest level being the District Centre with 25,000-35,000 sq.m of gross leasable area (GLA) and a maximum site area of 40,000 sq.m. There are 2 District Centres, each providing a focal point and offering the widest range of goods and services for the Urban Village #1 and #2 residential communities.

A Neighbourhood Commercial center is defined in OPA #600 as providing 5,000 to 15,000 sq.m of GLA, on a maximum site area of 20,000m<sup>2</sup>. The purpose of distinguishing between the various levels of the commercial hierarchy is to provide opportunities for different types of commercial development, and to provide order in their location based on accessibility to their market and compatibility with the

adjacent land uses. Enabling a greater concentration of higher order commercial uses in the District Centre, helps ensure it becoming the primary retail focus within the community, without competing with an oversupply of neighbourhood centers.

The Official Plan sets out the size and number of neighbourhood and local convenience commercial centers in each Urban Village, reflecting the estimated retail needs of the future population. The subject lands were originally designated "Medium Density Residential Commercial" by OPA #400, which is intended to be mixed use development which is primarily residential. Upon consideration of modifications to OPA #400, Council approved the landowners request for the eastern portion of the lands to be redesignated "Neighbourhood Commercial". The westerly portion was placed in a Study Area with the adjacent property to the west.

Block 1 could accommodate up to 15,000 sq. m GLA and the proposed redesignation of Block 2 could accommodate 5,000- 7,000 sq.m GLA. Another property immediately west of the subject lands which together with Block 2 formed the Study Area, could accommodate another 5000-7000m<sup>2</sup>. The total GLA on the subject lands could therefore be over 25,000 sq. m, which is comparable to the District Centre in the Vellore Village planning area. This does not include the gross floor area of the Neighbourhood Commercial centres designated at all 4 corners of Weston Road and Rutherford Road.

Extending the Block 1 "Neighbourhood Commercial" to Block 2 could undermine the opportunity for the planned District Centre at Weston Road and Major Mackenzie Drive to get established. A glut of commercial floor area in the immediate area, may result in hardship for the 4 Neighbourhood Commercial centres at the intersection of Weston Road and Rutherford Road. At the same time, this commercial strip will likely be overshadowed by the future Vaughan Centre Mills Mall, and may not have the opportunity to develop to full potential

In light of the Official Plan policies and the departure from the planned retail hierarchy, Staff cannot consider the redesignation of Block 2 to "Neighbourhood Commercial" supportable and at best, to be premature.

b) Land Use

Official Plan #600 permits the following uses within Neighbourhood Commercial Centres:

- food store
- drug stores
- retail stores
- pharmacies
- banks
- financial institutions
- business and professional offices
- personal services
- restaurants
- service stations
- gas bar

The proposal to permit a hotel/motel use on the subject lands, which would typically be found in higher order commercial areas, raises concerns. In the commercial hierarchy, the Neighbourhood

Commercial center is expected to serve the needs of the residents in the neighbourhood.

Visitors to Vaughan Mills Mall, Canada's Wonderland or the employment areas can generally be expected to come and go via Highway #400, with no particular reason to intrude into the community west of the highway. Introducing higher order uses which are specific destinations, or serve people and businesses from outside the area, would create a new dynamic with negative consequences for Vellore residents. Opportunities for these types of uses have been more appropriately provided east of Highway #400 in the Vaughan Centre and along Jane Street

### Zoning

The proposal is to permit in excess of 7,000 sq. m of GLA on Block 1, given that it is a larger parcel than the typical neighbourhood commercial site. "Neighbourhood Commercial" can be supported only to the maximum 15,000 sq. m GLA permitted by the Official Plan. Notwithstanding this maximum, it is expected that, all other shopping center standards (eg. parking, landscaping, etc.) will be met, which may result in achieving less than 15,000 sq. m. Therefore, the proposal to reduce the parking standard cannot be supported.

Respecting the outdoor patio use, Staff could support such a use restricted to 10% of the eating establishment GFA, and located in the south portion of Block 1.

Since the Engineering Department has not identified any traffic concerns associated with the proposed drive through uses, Planning Staff have no objection to an exception permitting a (one) drive-through use associated with eating establishment, and a (one) drive-through use associated with a financial institution. However, the location of the drive-throughs must be approved at the site development stage to ensure that they are situated away from residential uses to the north.

The service station/car wash use is permitted within "Neighbourhood Commercial" designations by OPA #600. Respecting this use, the following Official Plan policies apply (Section 4.2.2.7 Service Stations and Gas Bars):

- “ 1. A noise study may be required for car washes on sites abutting residential areas.
2. Outside storage shall be limited in the implementing zoning by-law.
3. Gas bar and service station sites shall be developed pursuant to an approved site plan.
4. Automobile gas bar and service station uses shall be encouraged to be designed and incorporated as part of larger building developments that can minimize possible negative visual impacts to surrounding lands.”

Staff have no objection to a service station use, subject to these policies being included in the implementing zoning by-law and the approval of a comprehensive site plan prior to enacting the by-law.

### Land Use Compatibility

Block 2 of the subject lands is flanked by neighbourhood commercial to the east, medium density/residential/commercial (study area) to the west and street town houses and detached homes fronting onto a subdivision entry road to the north. To the south is Rutherford Road and lands

designated “Neighbourhood Commercial” (OPA #345) and “Employment Area” (OPA #450).

The “Medium Density Residential/ Commercial” designation on Block 2 and on the lands to the west, was established to round out the residential community and to support the commercial uses of the Vellore Community. The redesignation of the subject lands may pose land use conflicts with respect to the remaining residential/commercial area to the west, including impacts of noise, traffic, shadowing, etc.

The application does not consider the negative impacts and the limitations on development which would be imposed on the lands to the west, which would become sandwiched between two commercial sites. Staff consider the redesignation of Block 2 to be premature until the appropriate land use can be determined comprehensively with the abutting lands to the west.

#### Concept Plan

Although the site design and architectural components of the proposal will be reviewed more thoroughly at the site plan development stage, the Block 32 West Design Guidelines encourage “campus style developments with multiple buildings”. The guidelines also state that the buildings should be organized to support the street edge and that the site should be pedestrian-friendly through scale. As such the concept plan should be revised to incorporate smaller buildings with pedestrian connections.

#### Circulation Comments

#### Economic and Technology

The Vaughan Economic and Technology Development Department has reviewed the development applications and the supporting market study by John Winter Associates Limited, and advised that based on this report they support the re-designation to “Neighbourhood Commercial” for Block 2. However, they do not support the hotel/motel use, as this use is considered more appropriate in the currently designated areas in proximity to the Vaughan Centre and Vaughan Mills development.

#### Site Servicing

The Vaughan Engineering Department advised as follows:

- the servicing requirements for the subject development have been established and should conform to the approved Block Plan and MESP Report for Block 32 West.
- the Owner shall enter into an agreement with the City respecting servicing requirements.
- servicing allocation would not be required for the proposed commercial development.

### Transportation/Traffic

The Transportation Section has reviewed the Transportation Study prepared by Mark Engineering Ltd. and the subsequent analysis of October 1998, and are satisfied that their previous concerns have been addressed. Respecting the requested reduction to the parking standard for Block 1, the Engineering Department is requesting a breakdown of the parking generation per building on site, with the parking shortfall percentage indicated. Without this information, the proposed reduction in parking standards is premature.

### Urban Design

Staff advised that development must concur with Architectural and Urban Design Guideline documents for Vellore Woods, (Block 32 West), including the provision of a Community Gateway at Street 'A'. Parkland dedication will be required for the subject property in the form of cash-in-lieu at the time of site plan application.

The woodlot of the subject lands is not designated under OPA #600 for preservation. However, with careful siting of infrastructure and building, it may be possible to incorporate small parts of the woodlot into the development. As such, it is recommended that a tree inventory and assessment be undertaken prior to submission of a site plan application. With this information, preservation of individual trees or small sections of the woodlot can be considered as part of the site plan application process.

### Conclusion

The applications have been reviewed in accordance with the commercial policies of Official Plan #600, and within the context of the surrounding land uses.

The proposed rezoning of Block 1 to Neighbourhood Commercial C4 Zone implements the "Neighbourhood Commercial" designation approved by Council in an OPA #400 modification, and carried through to OPA #600. The exceptions for drive-through use, outdoor patio, service station/car wash use, and maximum gross floor area on this portion of the subject lands can also be supported, subject to the conditions outlined in the Recommendation.

Staff cannot support the Official Plan Amendment Application to re-designate Block 2 to "Neighbourhood Commercial". An additional commercial site on the north side of Rutherford Road would result in a gross leasable area which is comparable to creating District Commercial center at this location, but without the same vast range of higher order uses.

Recognizing there are presently 5 designated Neighbourhood Commercial centres in this 8km of Rutherford Road (4 at Weston Road and 1 at Highway 400), there may already be difficulty in attracting enough quality uses, setting up a situation of partially developed sites and high turnover tenants. This could also undermine the planned District Centre at Weston Road and Major Mackenzie Drive; but at the same time be overshadowed by the Vaughan Mills Mall. In addition, commercial at this particular location could result in land use conflicts with surrounding residential to the west and north.

The hotel/motel is considered inappropriate in view of the neighbouring residential, and the traffic it will bring into the neighbourhood. Such uses are permitted on the east side of Highway #400, in proximity to the future Vaughan Mills Mall and Vaughan Centre.

As such, Staff recommends the rezoning of Block 1 to C4 Commercial Neighbourhood Zone to implement the Official Plan, subject to conditions, but cannot support the redesignation and rezoning of Block 2 to "Neighbourhood Commercial". This aspect is considered premature pending

comprehensive review all the entire Study Area lands. Should Council concur, the "Recommendation" of this report can be adopted.

Attachments

1. Location Map
2. Concept Plan

Respectfully submitted,

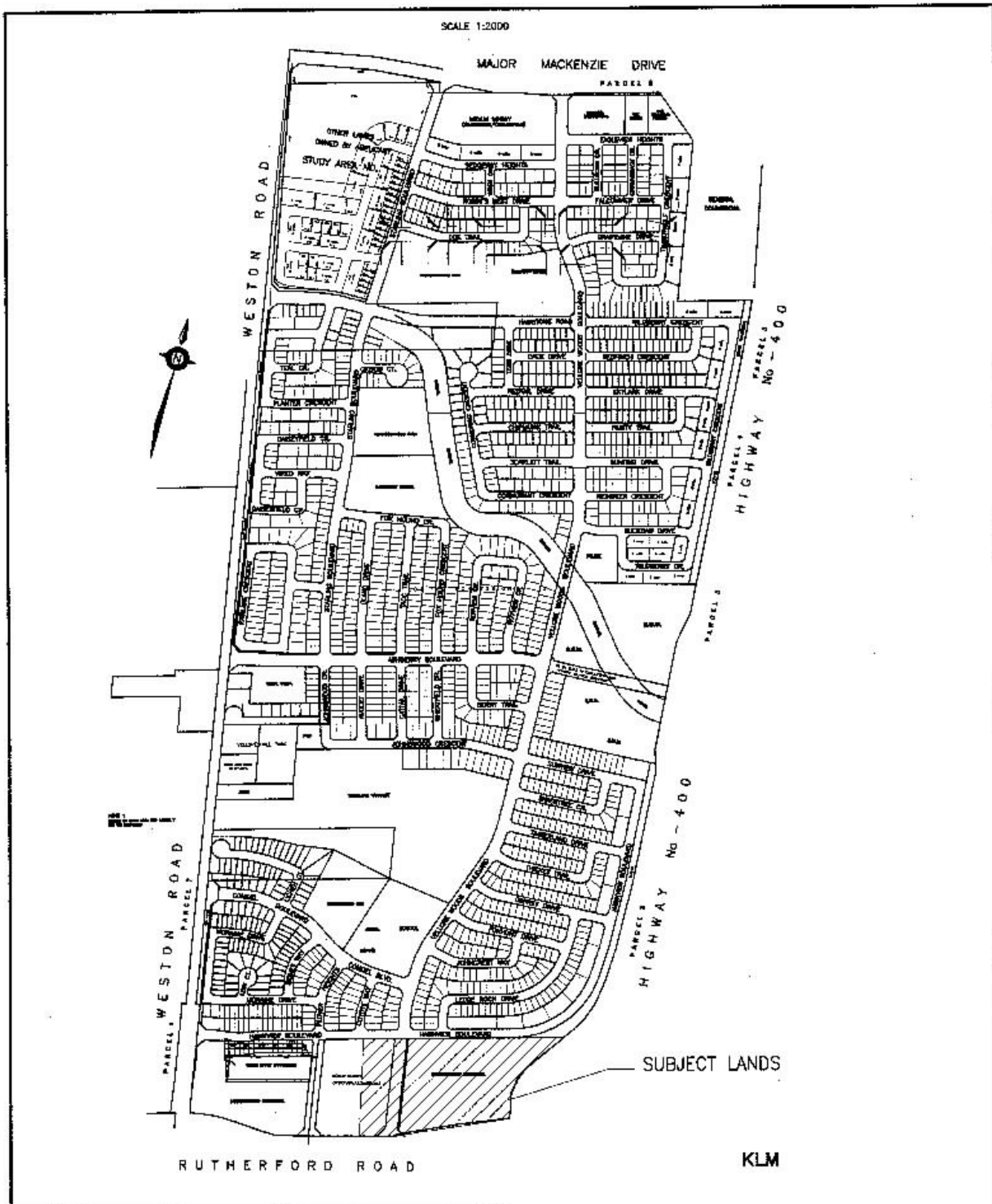
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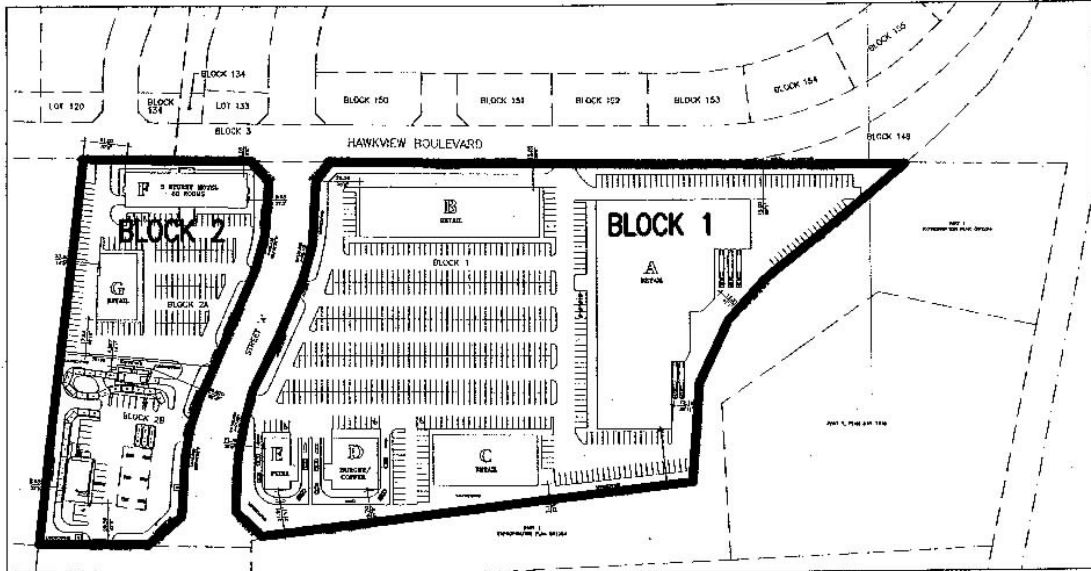
ATTACHMENT '1'  
LOCATION MAP

FILE #:	REPORT #:
OP.98.006	LOCATION:
Z.98.033	PART LOT 18, CONC. 8

CITY OF VAUGHAN  
PLANNING DEPARTMENT

DATE:	01/03/28
SCALE:	NOT TO SCALE
APPLICANT:	F&F REALTY HOLDINGS, INC.

KLM



ATTACHMENT '2' CONCEPTUAL SITE PLAN	FILE #:	REPORT #:	DATE:
	OP.98.006	LOCATION: PART LOT 18, CONC. B	01/03/28
27.28.0533	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: FFF Realty Holdings Inc.	SCALE: NOT TO SCALE