

COMMITTEE OF THE WHOLE SEPTEMBER 3, 2002

**OFFICIAL PLAN AMENDMENT FILE OP.02.012
ZONING BY-LAW AMENDMENT FILE Z.02.043
RICETON HOLDINGS LTD.
REPORT #P.2002.48**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment Application OP.02.012 (Riceton Holdings Ltd.) BE APPROVED, subject to the following conditions:
 - a) That the Official Plan Amendment include the following provisions:
 - i) redesignate the lands to “General Commercial”, subject to the policies of OPA #600; and,
 - ii) incorporate policies requiring a traffic study and appropriate mitigation measures with respect to rail noise, vibration and safety.
2. THAT Zoning By-law Amendment Application Z.02.012 (Riceton Holdings Ltd.) BE APPROVED, subject to the following conditions:
 - a) That the implementing zoning by-law:
 - i) rezone the subject lands to C1 Restricted Commercial Zone;
 - ii) permit the same uses as the adjacent property to the south, as set out in this report; and,
 - iii) include a minimum 30m building setback from the railway right-of-way.
 - b) That prior to the by-law being enacted the Owner shall convey to the City of Vaughan, free of all encumbrances, lands required to facilitate the extension and re-alignment of the Viceroy municipal road allowance, and that the Owner prepare and pay for the registration of a reference plan for the said conveyance;

Purpose

On May 10, 2002, the Owner submitted applications to amend the Official Plan and Zoning By-law to redesignate and rezone the subject property for “General Commercial” and C1 Restricted Commercial Zone uses.

Background - Analysis and Options

The subject lands are located on the west side of Dufferin Street, north of Steeles Avenue West, at the east end of Viceroy Road, being Block 3, Plan 65M-2085, in Lot 1, Concession 3, City of Vaughan. The 2.2 ha vacant site has approximately 30 m frontage on Viceroy Road, and 200 m flankage on Dufferin Street. The surrounding land uses are:

North - CNR tracks; residential (RM4 & RM1 Residential Zones)
South - commercial plaza (C1 Restricted Commercial Zone)
East - Dufferin Street; proposed high density residential (RA3 Apartment Residential Zone)
West - employment lands (EM2 General Employment Area Zone)

The subject lands are designated "Prestige Area" by OPA #450 and zoned EM1Prestige Employment Area Zone; C1 Restricted Commercial Zone, subject to Exception 9(602); and, OS1 Open Space Conservation Zone by By-law 1-88.

On May 24, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands. One response was received from a resident on Riviera Drive, to the north of the CNR tracks indicating a preference for residential condominiums, which would better serve the community than "factories" causing pollutants/poor air quality. Presently a "factory" is permitted as an industrial/employment use, but would not be permitted in the proposed commercial designation or zone.

The recommendation of the Committee of the Whole on June 17, 2002 to receive the Public Hearing and forward a technical report to a future Committee meeting was ratified by Council on June 24, 2002.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450, which permits prestige employment uses, but not "General Commercial" uses and therefore, an amendment to the Official Plan is required.

The Region of York has advised that the site is designated "Urban Area" by the Regional Official Plan. The proposed amendment is consistent with the Regional Official Plan policies in that employment areas are planned to accommodate a variety of businesses, and is a routine matter of local significance. The amendment application is exempt from approval by the Regional Planning Committee and Council.

The subject lands are currently designated and zoned as an industrial lot within the plan of subdivision to the west, having access only from Viceroy Road. Viceroy Road is being extended east, across the south portion of the subject lands, forming a signalized intersection with Dufferin Street. As a result, the site will have increased visibility and accessibility at the corner of the new intersection.

Since there are no General Commercial policies contained in OPA #450, the "General Commercial" policies of OPA #600 would be incorporated into the site-specific amendment. The "General Commercial" designation would permit retail stores for the buying, leasing and exchanging of goods and services, restaurants, banks and business and professional offices. The proposed commercial uses are consistent with and would complement the commercial zoning on the abutting lands to the south. Furthermore, the commercial uses would provide an appropriate transition between the proposed high density residential/commercial uses on the east side of Dufferin Street and the existing employment uses to the west of the subject lands.

The site-specific amendment would also contain a development policy requiring appropriate mitigation measures to be undertaken with respect to rail noise, vibration and safety, and completion a traffic study prior to any development. This would address the comments received from CN Rail and the Region of York, respectively, as discussed in this report.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone, C1 Restricted Commercial Zone, subject to Exception 9(602), and OS1 Open Space Conservation Zone by By-law 1-88. Most of the site is zoned EM1 Zone, which does not permit general commercial uses. Therefore, an amendment to the Zoning By-law is required.

A small portion of the northeast corner of the site is zoned OS1 Zone and is subject to the requirements of the Toronto and Region Conservation Authority (TRCA). The TRCA have advised they have no objections to the approval of the applications, and that at the time of site subject to detailed site grading and stormwater management plans being submitted for their approval at the site plan stage.

The south portion of the site is zoned C1 Zone, subject to Exception 9(602) as an extension of the abutting lot to the south. This portion of the subject lands accommodates part of the parking lot for the commercial development on the abutting lands. Viceroy Road is being extended easterly to form a signalized intersection with Dufferin Street. Any remnant parcels created as a result of the lands being dissected by the Viceroy Road extension would be added to the southerly lot. Further, any contravention of the City's Zoning By-law on the lands to the south created by the extension of the local road, would be deemed to conform to the by-law.

The Owner has requested the same C1 zoning and exception provisions in 9(602) that apply to the abutting lands to the south, as follows:

Uses Permitted:

- banks and financial institutions
- business and professional offices
- eating establishments, eating establishment convenience, eating establishment take-out and banquet halls, but not including an eating establishment drive-through, provided the maximum Gross Floor Area and outdoor patio area devoted to such uses does not exceed 21.65% of the Gross Floor Area of the building in which it is located
- recreational facilities such as racquet, health and fitness clubs, but not including body rub parlours
- commercial and technical schools
- day nurseries
- specialty trades, such as locksmiths, plumbers and electricians
- outlets for stationary and office equipment
- service or repair shops
- photography studio
- print shops
- retail stores provided that the maximum gross floor area devoted to such uses does not exceed 2787m² and further provided that a department store shall not be permitted
- retail warehousing of home improvement products, appliance and related products
- retail warehousing of pharmaceutical products
- car rental service
- travel agency
- video store
- specialty food and convenience retail uses provided that:
 1. the maximum gross floor area devoted to all such uses does not exceed 1,161m²
 2. a supermarket shall not be permitted
 3. the maximum gross floor area of a convenience retail store shall be 232m²

Specialty food uses shall mean the sale of foods at retail or wholesale specializing in one specific class or type of food and may include the sale of meat and fish including a butcher shop, cheeses, wines, fresh produce and baked goods including a bakery

The exception also provides minimum front yard of 15m, a rear yard of 8m and a maximum gross floor area requirement of 12,000m².

The implementing by-law would rezone the subject lands to C1 Restricted Commercial Zone, with the same uses as the adjacent property to the south. It is recommended, as the zoning to the south is very specific to that site, that the caps on the maximum gross floor area of specific uses and the overall building not be applied to the subject lands.

With respect to setbacks, rather than the 8m rearyard permitted on the lands to the south, a minimum 30m building setback from the railway right-of-way is required. The front yard on the property to the south was extended to 15m rather than the typical C1 Zone standard of 9m. As the rearyard adjacent to the railway on the subject site needs to be increased, it is recommended that the C1 Zone standard of 9m be applied on the subject lands, rather than the requested 15m, to provide more latitude in siting the building.

Canadian National Railway

CN rail requires a minimum building setback of 30m from the railway right-of-way, which will include a berm. CN Rail also requires the Owner to undertake an analysis of noise and vibration and to take appropriate measures to mitigate any adverse effects if identified at the site development stage. This requirement will be identified as a policy in the site-specific Official Plan Amendment and implemented through the site plan approval process.

Viceroy Road Extension

Viceroy Road, which previously ended in a cul-de-sac, is currently being extended across the south portion of the subject lands, forming a signalized intersection with Dufferin Street. Any remnant parcels to the south of the new road allowance would be added to the southerly lot. Prior to the enactment of the By-law, the Owner must convey the road allowance lands to the City and prepare and pay for the registration of the reference plan.

Region of York

The Regional Transportation and Works Department advises that streetscaping and planting will be needed along the Dufferin Street frontage in accordance with the Regional Streetscape Policy. Improvements to Dufferin Street are scheduled for 2006 and lands may be required to facilitate the improvements. These matters will be examined in greater detail by Regional Staff at the site plan stage. The Region recommends that a traffic study be submitted as part of the site plan approval process to ensure traffic issues are fully identified and addressed.

Conclusion

Staff have reviewed the proposed official plan and zoning by-law amendments, and have no objection to the approval of the applications, subject to conditions. The proposed redesignation and rezoning to "General Commercial" and C1 Zone are considered appropriate for the site, particularly in light of the surrounding land uses and the Viceroy Road extension.

The "General Commercial" policies in OPA #600 will be incorporated into the site-specific amendment, together with policies addressing mitigation measures with respect to noise, vibration and safety, and a traffic study. The implementing by-law will rezone the subject lands to C1 Restricted Commercial Zone, with the same uses and as the adjacent property to the south, and the addition of a minimum 30m building setback from the railway right-of-way.

Therefore, Staff can recommend approval of the applications to amend the Official Plan and Zoning By-law. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Survey

Report prepared by:

Duncan MacAskill, Planner, ext. 8017
Grant A. Uyeyama, Senior Planner, ext. 8635
Marco Ramunno, Manager, Development Planning, ext. 8485

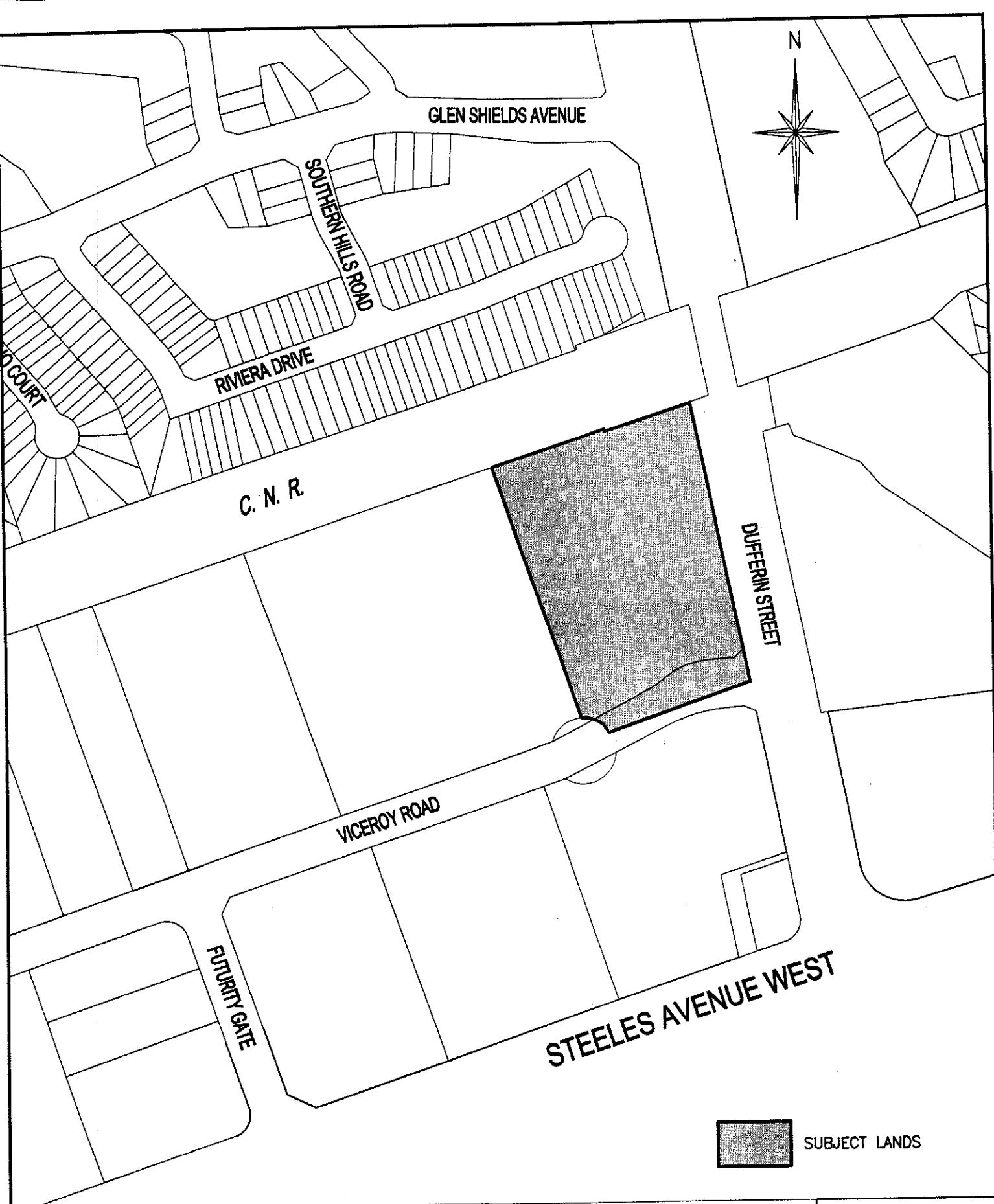
Respectfully submitted,


MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/LG

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 SUBJECT LANDS

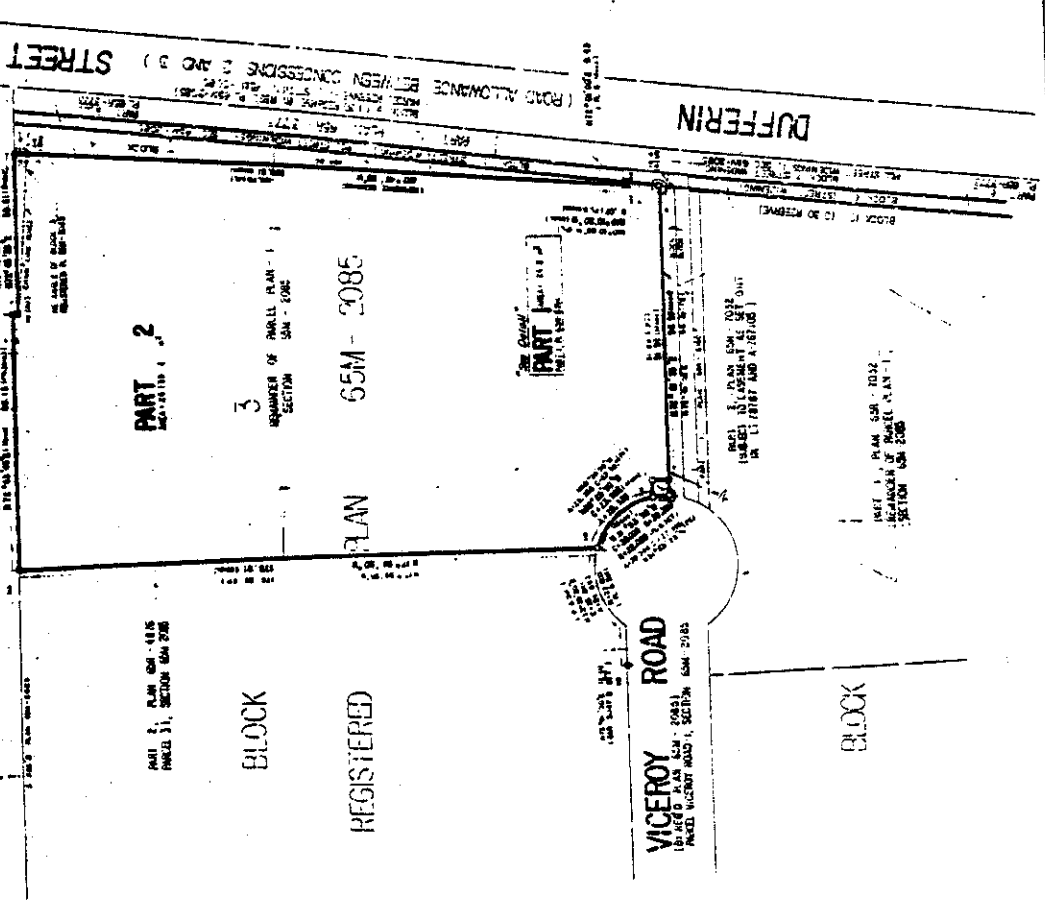
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|--------------------------------|-----------------------|--------------------------|--|-------------------------------------|
| ATTACHMENT '1' LOCATION MAP | FILE #: | REPORT #: | CITY OF VAUGHAN PLANNING DEPARTMENT | DATE: 05/17/2002 |
| | OP.02.012 Z.02.043 | PART OF LOT 1, CON. 3 | | APPLICANT: RICETON HOLDINGS LTD. |

PLAN MATERIAL
 PLASTIC MATERIAL
 GAUGE
 SH

METRIC: DISTANCES SHOWN
 ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO
 FEET BY DIVIDING BY 0.3048

LOT 2, CONCESSION 3
 NATIONAL RAILWAYS
 CANADIAN

PART OF LOT 1, CONCESSION 3
 EXPROPRIATION PLAN 6268, INST # 47780



PLAN 68R-9525
 RECEIVED AND DEPOSITED
 DATE 19 JULY 1986
 H. J. REINTHALER
 ONTARIO LAND SURVEYOR

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION
 WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF
 PART OF BLOCK 3,
 REGISTERED PLAN 65M-2085
 TOWN OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK

Scale 1:1000
 H. J. REINTHALER, O.L.S.
 1986

NOTE

- FOUND MONUMENT
- IRON PIN
- IRON BAIL
- REGISTERED PLAN 65M-2085
- CONTRIBUTION
- CONTRIBUTION
- REGISTERED PLAN 65M-2085
- REGISTERED PLAN 65M-2085
- REGISTERED PLAN 65M-2085
- REGISTERED WITH

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
 SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS,
 MADE THEREUNDER.
 THE SURVEY WAS COMPLETED ON THE 28 - DAY OF JULY - 1986

DATE July 27 1986
 H. J. REINTHALER
 ONTARIO LAND SURVEYOR

SCHAEFFER & REINTHALER LIMITED
 ONTARIO LAND SURVEYORS
 443 WILSON AVE. DONMILTON, ONT. M3H 1T8
 TEL: (905) 884-9423
 DRAWN BY: CHECKED BY: SCALE: 1:1000 JOB # 86-110

DATE: 05/17/2002
 SCALE: NOT TO SCALE

APPLICANT:

CITY OF VAUGHAN
 PLANNING DEPARTMENT

REPORT #:

LOCATION:

PART OF LOT 1,
 CONCESSION 3

FILE #:

OP.02.012
 Z.02.043

ATTACHMENT '2'
 SURVEY PLAN

RICETON HOLDINGS LTD.