

COMMITTEE OF THE WHOLE MAY 17, 2004

SITE DEVELOPMENT FILE DA.98.089 IVANHOE CAMBRIDGE & THE MILLS CORPORATION (VAUGHAN MILLS) REPORT #P.98.24

Recommendation

The Commissioner of Planning recommends that:

1. The proposed amendments to the approved site development agreement (File DA.98.089-Ivanhoe Cambridge & The Mills Corporation) BE APPROVED, as set out in this report.
2. Prior to the execution of the amending site agreement, a decision from the Committee of Adjustment must be final and binding for the approval of additional area devoted to outdoor entertainment and recreation uses, and outdoor display and patio areas.
3. The site plan approval authority respecting File DA.98.089 (Ivanhoe Cambridge & The Mills Corporation) be delegated to the Commissioner of Planning during Council's summer hiatus period.
4. The final engineering plans be approved by the Engineering Department for incorporation into the amending subdivision agreement; and that the Owner prepare the necessary reference plans, transfer documents and registrations to reflect the realignment of the ring-road and relocation of municipal services.
5. The final landscape plans and building elevations shall be to the satisfaction of the Community Planning Department.
6. The Owner shall satisfy all final requirements of the Region of York.
7. That the "H" Holding Zone be lifted from those lands in the C1-H Restricted Commercial Zone to be used for outdoor display in association with a main anchor tenant.

Purpose

On April 14, 2004, the Owner submitted revisions to the approved site plan agreement for the Vaughan Mills project, including the following:

- the addition of an outdoor commercial go-cart and mini golf operation at the southeast corner of the building;
- the addition of an outdoor boat display area and pond to the west of the building;
- the realignment of the ring-road, and the parking area and outparcel configurations to accommodate the above 2 additions;
- the realignment of services (i.e. sewers) and approved landscape plans resulting from the above changes;
- the redesign of the bus terminal to satisfy the requirements of the Region of York; and,
- the submission of the initial elevations for the building.

Background and Analysis

The 81ha (200 acres) site is located on the south side of Rutherford Road, between Highway No. 400 and Jane Street, being part of Lots 14 and 15, Concession 5, City of Vaughan. The main mall building, totaling approximately 129,932m² (1,398,576 sq. ft.), is presently under construction.

The lands are designated “Vaughan Centre Shopping District” and “General Commercial” by OPA #505 and zoned SCD Vaughan Centre Shopping Centre District Zone. The surrounding land uses are:

- North - Rutherford Road; Canadian Tire, vacant (C5 Community Commercial Zone, C8 Office Commercial Zone)
- South - employment (EM1 Prestige Employment Area Zone and EM2 General Employment Area Zone)
- East - Jane Street; employment/vacant (EM1 Zone)
- West - Highway #400; employment (EM1 Zone)

Existing Site Plan Agreement

The Vaughan Mills mall development is subject to a site plan agreement entered into between the Owners, the City and the Region of York, which was registered on December 17, 2003. This agreement included a number of specific provisions to facilitate the phased nature of this project, including:

- a “further approval” area around the perimeter of the building that would be subject to future site plan approvals once anchor tenants and their exterior building designs and elevations are finalized;
- an abridged process for the approval of future elevations; and,
- a requirement for development to proceed in accordance with Council approved urban design guidelines.

The agreement also includes schedules to reflect the initial phases of the development.

Proposed Changes

The Owner has proposed a number of changes to the site plan agreement, which are briefly outlined as follows:

i) Outdoor Boat Display With A Pond

The current site plan agreement includes an outdoor boat display area stretched along a berm abutting Highway 400. The boat display area is accessory to the major anchor tenant (Bass Pro) at the west end of the mall. The display area has been relocated in front of the major anchor tenant, and redesigned with a pond feature around which boats will be displayed. This results in a reconfiguration of the ring road and parking area as well as the out-parcels at the west end, to meet the required parking standards.

The relocated outdoor display area conforms to the zoning by-law and represents an improvement over the original plan. The proposed pond design creates an opportunity for this area to become an attractive feature that compliments the development. Staff supports the proposed revision.

ii) Go-Kart Tracks & Mini Golf

The Owner has secured a tenant that operates three outdoor go-kart tracks and a mini-golf use in association with a commercial establishment within the mall building. These uses are located at the southeast quadrant of the site and displace approved parking spaces. To meet the minimum parking requirements of the by-law, the ring road has been realigned and the parking area reconfigured.

The entertainment uses are permitted by the zoning by-law. The go-cart area is located opposite employment uses on Jane Street and at a significant distance from any residential uses and therefore, Staff does not anticipate issues with respect to noise. The mini-golf use would not

impact on the surrounding land uses. However, the screening/landscape details illustrating how these uses will be separated from the surrounding parking lot area will be required prior to final site plan approval.

iii) Realignment of The Ring-Road and Outparcel Configuration

The introduction of the outdoor boat display, go-cart tracks and mini-golf uses has resulted in the realignment of the ring road to accommodate the displaced parking spaces. This realignment, in turn, impacts on the size and configuration of the outparcel sites. This potential was recognized from the outset and flexibility was incorporated into the implementing zoning by-law to accommodate such changes.

The realignment of the ringroad results in some services being relocated, and access easements that were previously granted in favour of the City and Region being inaccurate. The applicant has submitted revised engineering plans to identify the changes to the services for the site, which must be approved by the Engineering Department. The applicant will be required to prepare new reference plans to reflect the new easements and register the appropriate transfer documents to the satisfaction of the City and the Region of York. Amendments to the executed subdivision agreement are required to implement the revised servicing plans and easements.

The road realignment also results in revisions to the approved landscape plans for the mall, which have been revised and submitted for the review and approval of the Urban Design Department.

iv) Public Transit Terminal

The public transit terminal has been redesigned at the request of the Region of York. The original design required passengers using the terminal to cross the road to get to and from the mall. The revised design provides a safer, direct passenger access from the bus to the sidewalk. The revised plans include the details respecting bus shelter designs, lighting, benches, etc. typically associated with transit terminals. The easement for the bus terminal must be redefined to reflect the limits of the new terminal design. The City and the Region of York must approve the final terminal design and appropriate easement boundaries.

v) Bus Lay-By

The site plan has been revised to include a bus lay-by lane at the southeast quadrant of the ring road, south of the go-cart and mini-golf uses. The lay-by lane is intended to provide a location where tour or special event/promotion buses can park on a temporary basis. Staff has no objection to the proposal.

Submission of Elevations

The applicant has submitted initial building elevations shown on Attachments 3, 4, and 5, as noted above. These drawings illustrate the base building materials for the mall building, most of which will be replaced by the elevations of the major tenants as they are identified and designed. The elevation drawings for a number of the major tenants, main entry elevations, and main entry features have been submitted by the applicant under separate cover titled "Application for Site Plan Amendment Exterior Elevations and Signage", dated April 2004. The drawings are available for public viewing in the Planning Department, and a copy has been provided to Council members.

Staff has conducted a preliminary review of the elevations and is generally satisfied, although the "Burlington Coat Factory" and "Home Sense/Winners" stores should be reviewed further with respect to achieving a higher quality design. Display windows and glazing have not been provided on either elevation, and the Home Sense/Winners store does not provide an exterior access into the unit. The two elevations are located adjacent to each other and result in a substantial length of wall without fenestration or glazing.

Outdoor Display/Entertainment & Outdoor Patios

The site specific by-law for the Vaughan Mills site permits the outdoor display of merchandise accessory to a retail store, and/or the provision of uses for the entertainment and recreation of mall patrons, and/or outdoor patios, provided the aggregate of these does not exceed 5% of the gross floor area of the ground floor of the mall. Based on a mall floor area of approximately 129,932m² (1,398,576 sq.ft.), a maximum of 6497m² for these uses is permitted. The go-cart tracks, mini golf and outdoor boat display total approximately 23,834m² (18.4%). This excess is primarily created by the go-cart track and mini-golf uses that account for approximately 18,937m².

In light of the above, a variance to exceed the maximum area for these outdoor uses is required, prior to amending the site plan agreement. The go-cart and mini-golf uses are categorized as an entertainment use by the By-law. In the context of the overall development, the proposed outdoor uses are considered compatible with the project and surrounding land uses. If the Committee of Adjustment approves the application, a condition of approval should restrict the additional outdoor display for entertainment uses only, to avoid, for example, the go-cart/mini golf area being converted to an outdoor display area in the event of a change in tenant.

It is also noted that the secondary outdoor boat display area located adjacent to the southerly portion of the ring road (as shown on Attachment #2) is subject to a holding zone, which must be lifted prior to the lands being used for the intended purpose. Site plan approval is required to lift the holding zone.

Existing Site Plan Agreement

The executed site plan agreement for the development sets out a process for the approval of development within a defined "further approval area", located around the perimeter of the main mall building. The "further approval area" was identified because major anchor tenants and building elevations were unavailable at the time of the original submission. The process requires that the site plan agreement be amended and executed prior to the issuance of a building permit as each major tenant is secured. The Owners and Staff have discussed this approach and agree that this will result in multiple amendments to the agreement, duplication of work, timing implications for the construction and opening of the mall, and inefficient processing of development within the further approval area.

Accordingly, Staff is recommending that the site plan agreement be amended to replace this requirement with a revised approval process in the "further approval area", generally as follows:

- i) the applicant shall submit plan(s)/elevation(s) within the further approval area as required.
- ii) the plan(s)/elevation(s) will be forwarded to Council for approval (subject to exceptions suggested in the following section of this report).
- iii) the approved plans are subsequently identified by staff and used as a basis for issuance of the building permit, however a formal amendment to the agreement is not required prior to building permit.
- iv) upon approval of all or most elevations and development within the further approval area, one comprehensive amendment(s) to the site plan agreement will be executed.

This process will facilitate a more timely delivery of approvals and building permits, particularly during the period leading up to the grand opening of the mall, expected in the Fall 2004.

Delegation of Approvals During Summer Hiatus Period

Presently, Council is expected to recess for summer hiatus on June 28, 2004 and reconvene on September 13, 2004. In light of the expected opening of the mall in the Fall 2004, it is likely that elevations and other site plan amendments may require Council approvals during this hiatus period. The inability to obtain the required approvals will cause delays in the construction of the

project. Accordingly, Staff recommends that site plan approval authority for this development be delegated to the Commissioner of Planning during the summer hiatus period to ensure the timely processing of development approvals required for the issuance of building permits.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages manages growth through the implementation of OPA #600.

Conclusion

The proposed revisions to the existing site plan agreement for the Vaughan Mills development have been reviewed and staff are satisfied that, subject to the comments in this report, the proposal can be supported. The proposed uses are permitted by and meet the requirements of the zoning by-law.

An abridged and more efficient process has been suggested for the review and approval of future elevations, which will enable timely approvals leading to building permit issuance.

Furthermore, Staff has recommended that Council's site plan approval authority for this project be delegated to the Commissioner of Planning to facilitate approvals during the summer Council hiatus period, which will be required to meet the mall opening schedule in Fall 2004. Should Committee concur, the "Recommendation" section of this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Elevations
4. Elevations
5. Elevations
6. Landscape Plan
7. Elevations Under Separate Cover (Councillors Only)

Report prepared by:

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Respectfully Submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

/LG

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Location Map

Part Lot 13, 14, & 15,
Concession 5

APPLICANT:
IVANHOE CAMBRIDGE /
THE MILLS CORPORATION

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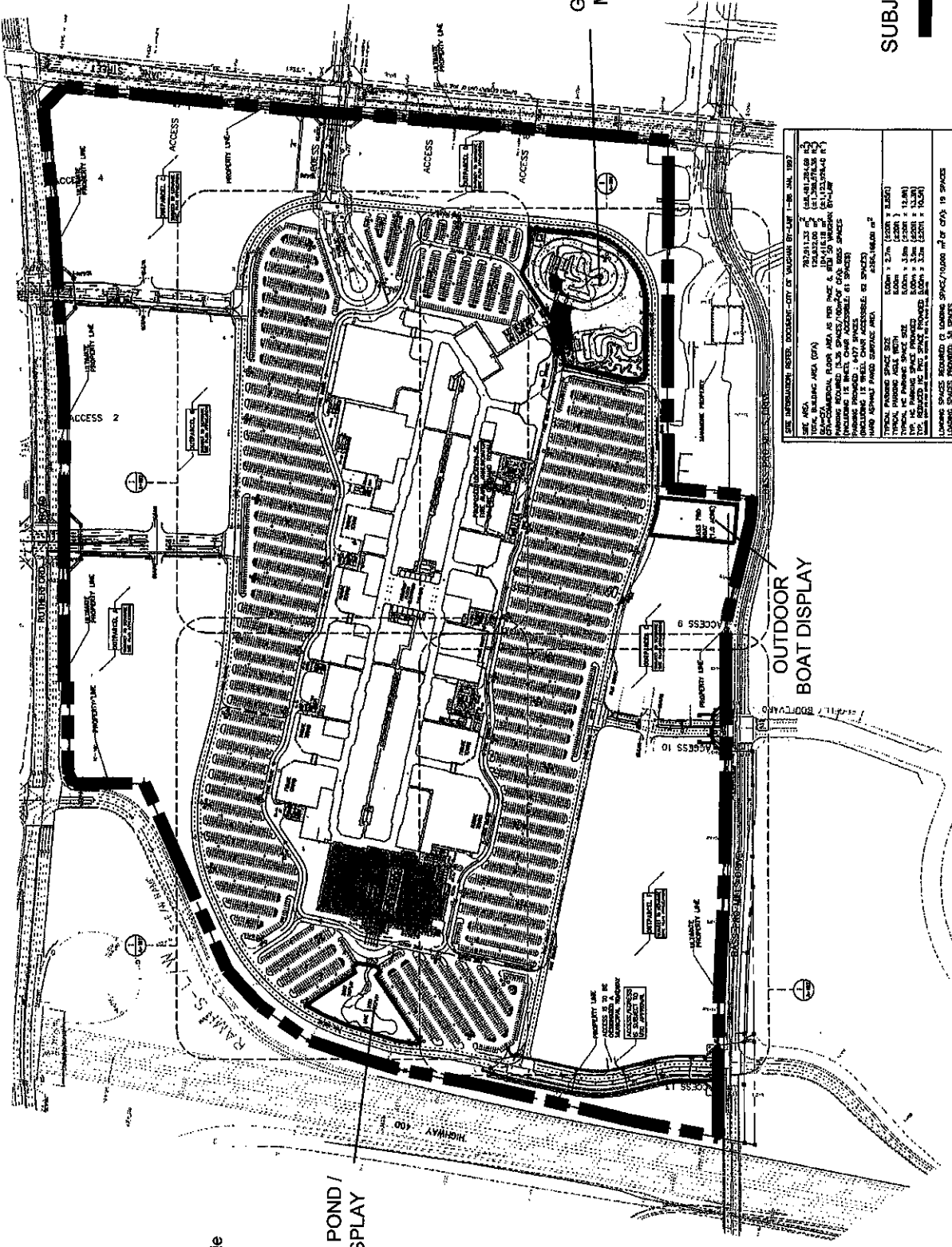
City of Vaughan

Community Planning Department

Attachment

1

FILE No.:
DA.98.089
RELATED FILE No.:
OP.97.028, Z.97.111,
19T-98V10
April 19, 2004



Not to Scale

OUTDOOR POND /
BOAT DISPLAY

OUTDOOR
BOAT DISPLAY

GO-CARTS /
MINI GOLF

SUBJECT LANDS

SITE INFORMATION: REFER TO DOCUMENT CITY OF VAUGHAN BY-LAW 1-86 JAN. 1987	
USE AREA	70,231.23 m ² (66,861,298.06 sq ft)
TOTAL BUILDING AREA (GFA)	12,832.00 m ² (13,938,728.00 sq ft)
OFF-ROADWAY AREA (AREA BETWEEN DRIVEWAYS AND DRIVEWAYS, INCLUDING 15 METRE DRIVE WADSWORTH, 41 SPACES)	
SPACES PROVIDED	1,847 SPACES
MINIMUM DRIVEWAY WIDTH	6.0 METRES (20.0 FT)
MINIMUM DRIVEWAY SPACING	6.0 METRES (20.0 FT)
TYPICAL PARKING SPACE SIZE	6.0m x 2.5m (19.68m x 8.20m)
TYPICAL PARKING AREA WIDTH	6.0m x 3.0m (19.68m x 9.84m)
TYPICAL DRIVEWAY SPACING	6.0m x 3.0m (19.68m x 9.84m)
TYPE OF DRIVEWAY	ASPHALT PAVED DRIVEWAY
TYPICAL DRIVEWAY SPACING	6.0m x 3.0m (19.68m x 9.84m)
LOADING SPACES REQUIRED	55 (MINIMUM SPACES/10,000 m ² OF GFA); 19 SPACES
TYPICAL LOADING BAY SIZE	8.0m x 3.0m (26.25m x 9.84m)

City of Vaughan

Community Planning Department

Site Plan

Part Lot 13, 14, & 15,
Concession 5

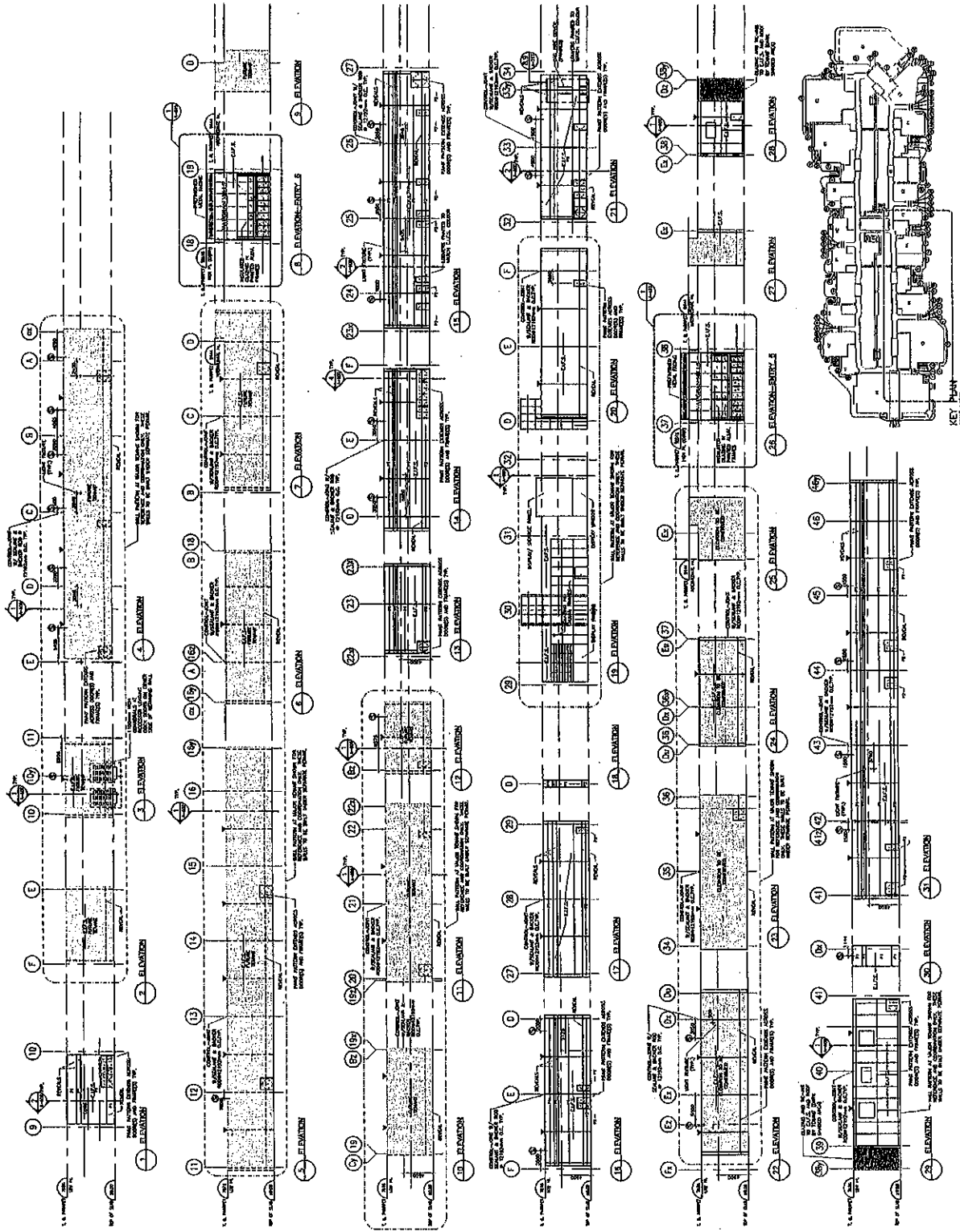
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THE MILLS CORPORATION

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Attachment

2

FILE No.:
DA-98-089
RELATED FILE No.:
OP-97-028, Z-97-111,
19T-98V10
April 19, 2004



Not to Scale

Exterior Elevations

Part Lot 13, 14, & 15,
Concession 5

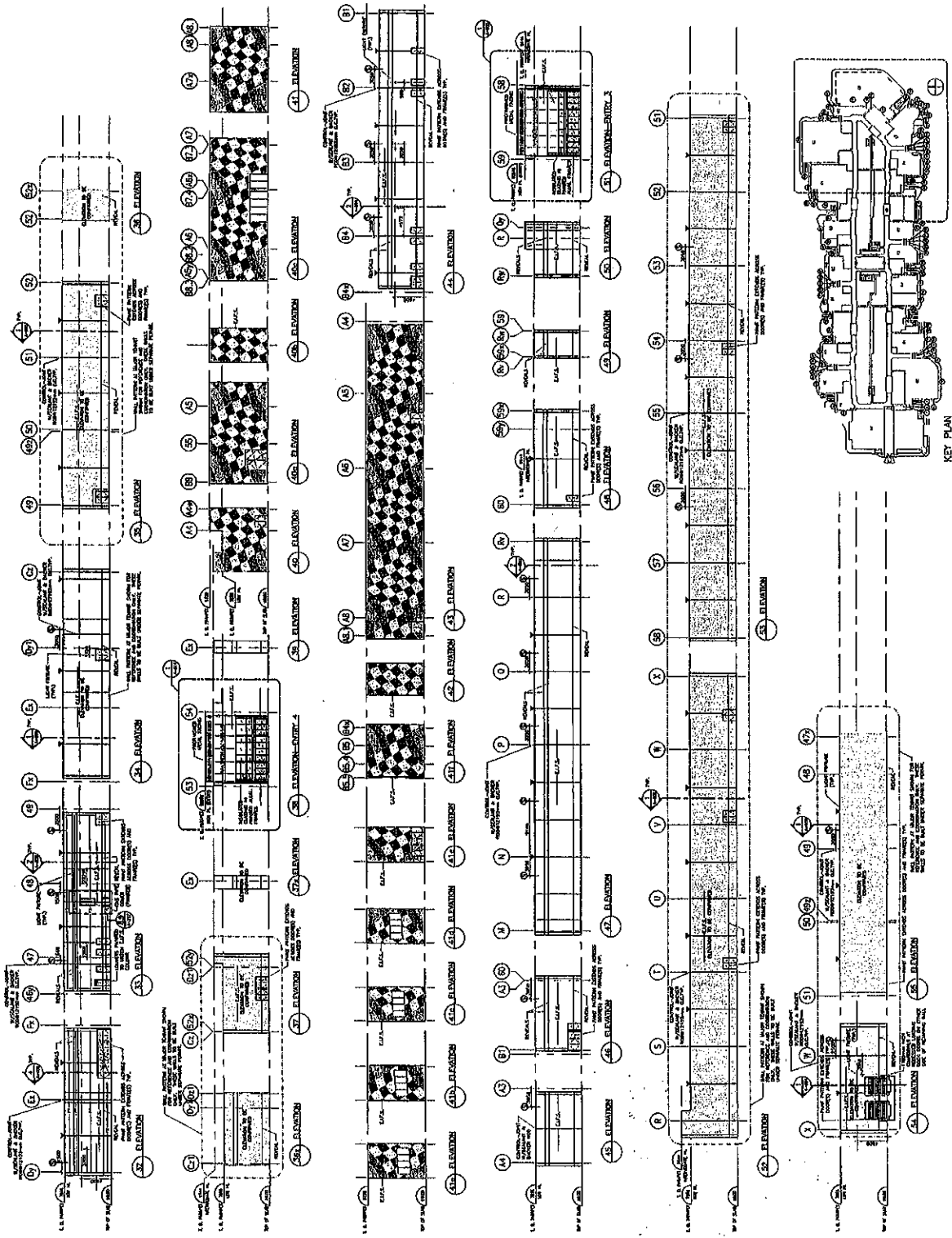
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NA\OPT\1 ATTACHMENTS\DA\06-98-089



Community Planning Department

Attachment 3
FILE No.: DA-98-089
RELATED FILE No.: OP-97-028, Z-97-111, 19T-98V10
April 19, 2004



Not to Scale

Exterior Elevations

Part Lot 13, 14, & 15,
Concession 5

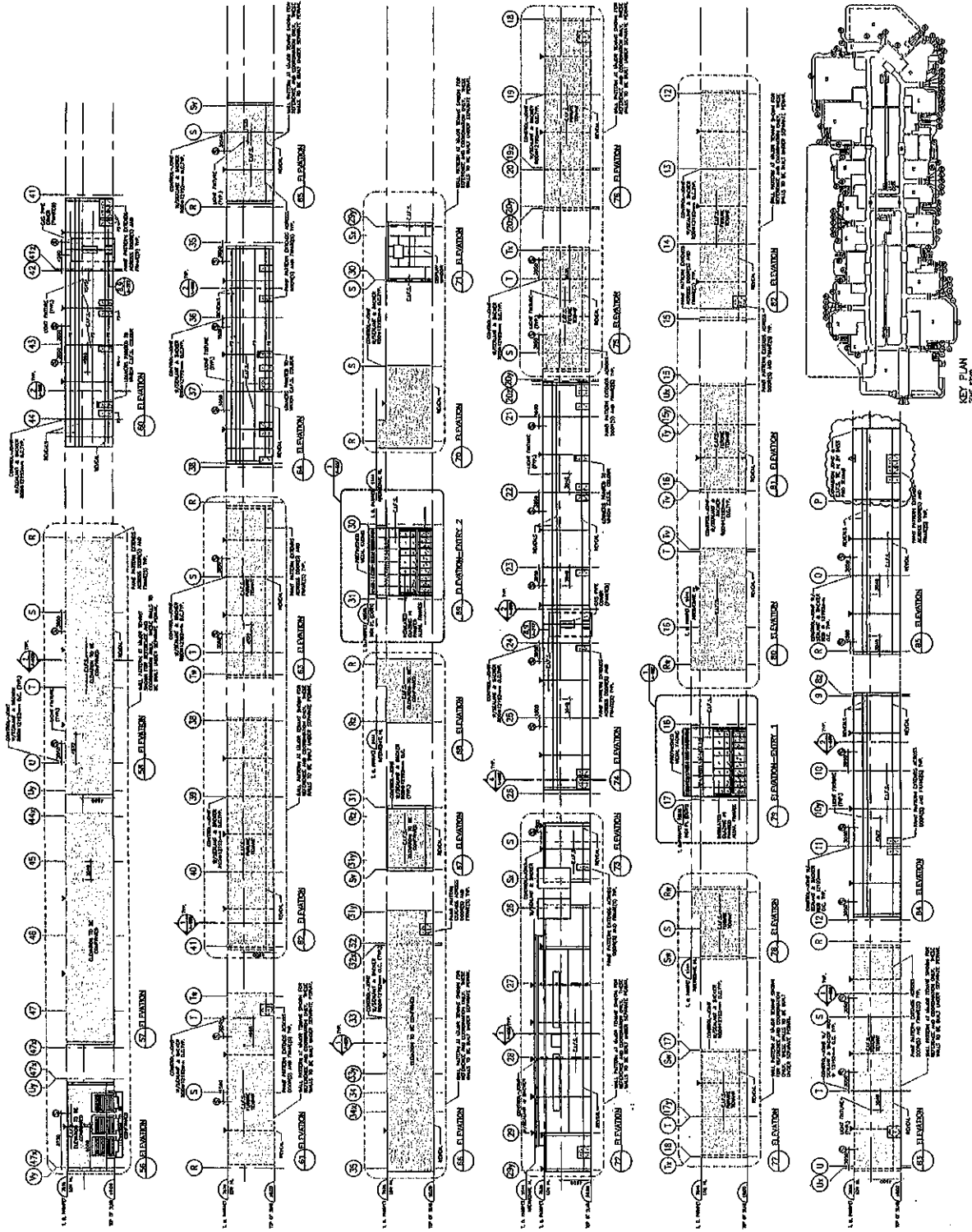
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Attachment 4
FILE No.: DA.98.089
RELATED FILE No.: OP.97.028, Z.97.111,
19T-98V10
April 19, 2004



Not to Scale

Exterior Elevations

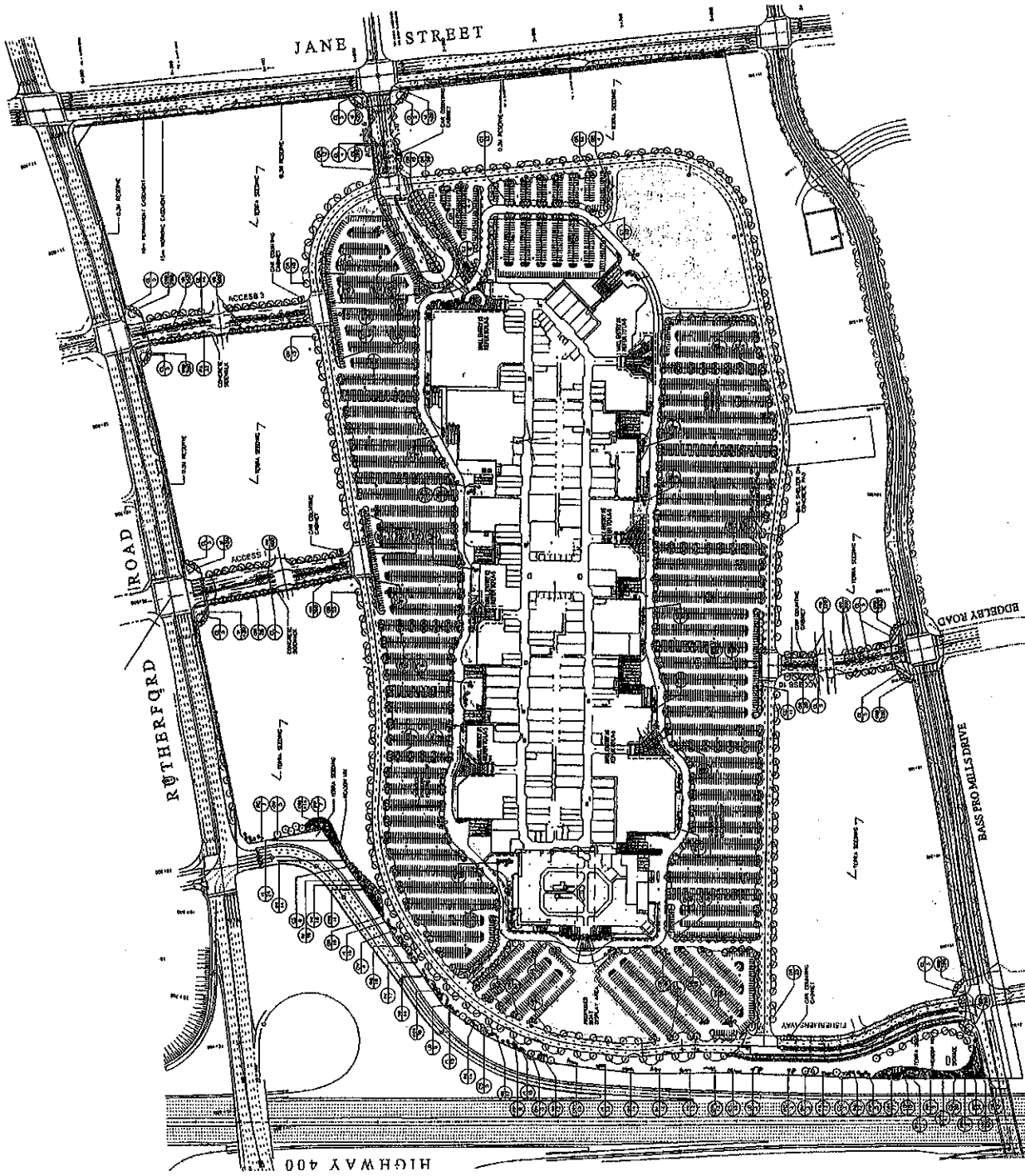
Part Lot 13, 14, & 15,
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Attachment 5
 FILE No.: DA.98.089
 RELATED FILE No.: OP.97.028, Z.97.111,
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Not to Scale

Attachment 6
FILE No.: DA.98.089
RELATED FILE No.: OP.97.028, Z.97.111,
19T-98V10
April 19, 2004

City of
Vaughan
Community Planning Department

Landscape Plan

Part Lot 13, 14, & 15,
Concession 5

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VA.0274.1 ATTACHMENTS (DA) 06.98.089