

COMMITTEE OF THE WHOLE JUNE 19, 2006

**ZONING BY-LAW AMENDMENT FILE Z.06.028
SITE DEVELOPMENT FILE DA.06.012
MARBON HOLDINGS INC. AND 606578 ONTARIO LIMITED**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.028 (Marbon Holdings Inc. and 606578 Ontario Limited) BE APPROVED, to amend Exception (1110) of By-law 1-88, specifically to:
 - a) permit a maximum gross floor area of 1,301m² for a free-standing eating establishment (Building "B"), whereas 300m² is currently permitted;
 - b) exempt the requirement to provide a loading space for a free-standing eating establishment (Building "B"), whereas 1 space is currently required;
 - c) permit a minimum 4m wide landscape strip at the northwest corner of the property, abutting the future daylighting triangle along Weston Road, whereas 9m is currently required;
 - d) require a minimum of 310 parking spaces, whereas 311 spaces are currently required.
2. THAT Site Development File DA.06.012 (Marbon Holdings Inc. and 606578 Ontario Limited) BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i. the final site plan, landscape plan and building elevations shall be approved by the Development Planning Department;
 - ii. the final site servicing and grading plan, lighting plan, stormwater management report, parking, on-site vehicular circulation and traffic impact assessment shall be approved by the Engineering Department;
 - iii. all requirements of the Region of York Transportation and Works Department shall be satisfied, including the proposed access from Weston Road;
 - iv. all hydro requirements of PowerStream Inc. shall be satisfied; and
 - v. the Owner shall submit a conceptual landscape plan to be approved by the Development Planning Department, detailing the entrance features, grading and landscaping for a portion of the lands that are currently external to the subject lands to the north, but may become a future landscape strip should a future road be constructed to the northerly the subject lands as planned.
 - b) The site plan agreement shall contain the following provision:
 - i. If required, the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the

value of the subject lands in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachment #1.

1. A Zoning By-law Amendment applications (Z.06.028) to amend By-law 1-88, specifically to:
 - a) increase the maximum size of the permitted eating establishment use from 300m² to 1,301m² (Building "B" – Mandarin);
 - b) exempt the requirement to provide a loading space for the eating establishment (Building "B"), whereas 1 space is currently required;
 - c) permit a minimum of 310 parking spaces, whereas 311 spaces are currently required; and,
 - d) permit a reduction to the required 9.0m wide landscape strip to 4m abutting the future daylighting triangle along Weston Road.
2. A Site Development Application (File DA.06.012) to permit the development of the 1.5ha site with a one-storey, 1,690.2m² multi-unit service commercial building (Building "A") and a one-storey, 1,301m² eating establishment (Building "B"- Mandarin), with a total of 310 parking spaces as shown on Attachment #2. The building elevations for Buildings "A" and "B" are shown on Attachments #3 and #4, respectively.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the east side of Weston Road, north of Langstaff Road, being Part of Block 1 within Registered Plan 65M-3769 (210 Westcreek Drive), in Part of Lot 12 of Concession 5, City of Vaughan. The property is currently vacant.

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan) and zoned C7 Service Commercial Zone by By-law 1-88, subject to Exception 9(1110). The surrounding uses are as follows:

- North - house with greenhouse structure to the rear (A Agricultural Zone)
- South - employment uses (EM1 Prestige Employment Area Zone)
- East - Westcreek Drive; employment uses (EM2 General Employment Area Zone)
- West - Weston Road; residential (R2 Residential Zone)

Public Hearing

On April 7, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Weston Downs Ratepayers' Association. To date, the Development

Planning Department has received one letter of concern from the planning consultant representing the Owner of the lands directly to the north.

Bonnydon Limited (Bonnydon) is the Owner of 3.63ha of lands to the north of the subject lands. The Bonnydon lands are opposite Valeria Boulevard, and abut both Weston Road to the west and Highway 400 to the east. Bonnydon is not opposed to the relief that is being requested from the Zoning By-law, but would like to ensure that the development of the subject lands does not contribute towards the creation of an undevelopable fragment of land on its lands. Bonnydon is concerned that such a scenario could arise if Valeria Boulevard, which intersects with Weston Road, is extended easterly into the Bonnydon property leaving a 5m to 6m wide strip of land between the limit of the extended Valeria Boulevard and the north limit of the subject lands. Bonnydon further states that should the plan for Valeria Boulevard to extend east of Weston Road (and through its lands) not proceed, they would no longer have any concerns.

The recommendation of the Committee of the Whole to receive the Public Hearing report of May 1, 2006, and to forward a technical report to a future Committee meeting was ratified by Council on May 8, 2006.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan) and are also subject to the "Service Node" policies, as the site is intended to become a corner lot upon the construction of a planned road on the north side of the property (extension of Valeria Boulevard). The "Service Node" policies permit opportunities for land uses that serve the day-to-day convenience and service needs of businesses, industries, and their employees, and are located at the intersection of arterial and collector roads. The proposed service commercial building and eating establishment conforms to the Official Plan.

Zoning

The site is zoned C7 Service Commercial Zone by By-law 1-88, subject to Exception 9(1110). To facilitate the proposed site plan shown on Attachment #2, the following site-specific exceptions will be required to the C7 Zone standards:

- i) permit a maximum gross floor area of 1,301m² for a free-standing eating establishment (Building "B" – Mandarin), whereas 300m² is currently permitted;
- ii) exempt the requirement to provide a loading space for a free-standing eating establishment (Building "B"), whereas 1 space is currently required;
- iii) permit a minimum 4m wide landscape strip at the northwest corner of the property, abutting the future daylighting triangle along Weston Road, whereas 9m is currently required; and,
- iv) require a minimum of 310 parking spaces, whereas 311 spaces are currently required.

The Development Planning Department has no objections to the proposed amendments to the Zoning By-law that will implement the proposed site plan. The proposed exceptions will accommodate a Mandarin eating establishment that is fully enclosed, and will serve the needs of both the employment and residential areas. The exceptions regarding the reduction of the landscape strip at the daylight triangle, and to the parking and loading spaces are appropriate to implement the site plan. Additionally, there have been no comments or concerns received from the public in opposition to the zoning exceptions requested.

Adjacent Land Owner Concerns (Bonnydon Limited)

As was previously stated, Bonnydon Limited (Bonnydon) are the Owners of lands abutting the subject lands to the north. Bonnydon has expressed concern that their lands would be fragmented should Valeria Boulevard extend east of Weston Road and through its lands, leaving a 5 to 6 metre wide strip between the new road and the northerly limit of the subject lands.

Schedule 7 to OPA #450 (Employment Area Plan) indicates that a 23m wide primary road allowance is planned to extend from Valeria Boulevard to east of Weston Road and through the Bonnydon lands. To date, there have been no development applications filed on the Bonnydon lands, and the timing of the road expansion is uncertain.

The Owner of the subject lands (606578 Ontario Limited) entered into a Subdivision Agreement with the City of Vaughan dated September 15, 2003, that included specific conditions dealing with the relationship between the subject lands and the potential for the road to the north. One condition stipulates that the Owner shall acquire the abutting lands to the north, located between the proposed roadway and the northerly limits of the subject lands when the lands to the north have been developed. In addition, the Subdivision Agreement requires the Owner to provide the City with a Letter of Credit in the sum of \$64,000.00 to be held as security for the Owner's proportionate share of the entrance features, landscaping, and site plan features, to be completed on the external lands to the north.

The City of Vaughan is in possession of a Letter of Credit in the amount of \$64,000.00 as per the requirement of the Subdivision Agreement. At this time, the development of the Bonnydon lands to the north remains uncertain. Although Bonnydon's planning consultant has verbally advised the Development Planning Department that development applications will be submitted with respect to the lands, the City is not yet in receipt of such applications. Additionally, although there still exists the possibility of the Bonnydon lands to be used for the easterly extension of Valeria Boulevard, the lands still remain under the ownership of Bonnydon and its construction is still uncertain. Development Planning Staff have reviewed the concerns raised by Bonnydon and are satisfied that Bonnydon's concerns with respect to the construction of a road causing a fragment of their land (being the width between the build out of the road and the northerly limits of the subject lands) can be addressed by the Owner of subject lands given its responsibilities in accordance with the Subdivision Agreement.

Site Design

The site plan is shown on Attachment #2, and contains two buildings being a one-storey, 1,690.2m² multi-unit service commercial building (Building "A"), and a one-storey, 301m² free-standing eating establishment (Building "B" – Mandarin). The site plan has two access locations with one each located on Weston Road and Westcreek Drive. The Weston Road access is proposed to be a right-in/right-out access and is currently under review by the Region of York, which has jurisdiction for the road. The Region has indicated in a letter to the applicant that it is in support of the proposed new Weston Road access in principle, subject to a detailed review and provided that there is a connection with the property to the north. The site plan proposes a full access on Westcreek Drive. Landscaping is proposed within a 9.0m wide landscape strip along Weston Road and a 3.0m wide landscape strip along Westcreek Drive. Upon acquiring additional lands from the northerly property at a future date, a minimum 3m wide landscape strip will be provided adjacent to the north property line. A total of 310 parking spaces are provided throughout the site. The final site plan will be approved to the satisfaction of the Development Planning Department.

Parking

The required parking for the site is calculated as follows:

Building "A" (multi-unit commercial) – 1,690.2m² at 6 spaces/100m² = 102 spaces
Building "B" (eating establishment) – 1,300.9m² at 16 spaces/100m² = 209 spaces

Total Parking Required: = 311 spaces

Total Parking Provided: = 310 spaces

The proposed parking is deficient by 1 parking space (0.3%), which is satisfactory, and can be supported.

Building Design

The proposed building elevations are shown on Attachment #3 (multi-unit service commercial building) and on Attachment #4 (Mandarin eating establishment). The building materials that are proposed include brick veneer, stucco, precast moulding, and spandrel glass and aluminum frame windows for both buildings. Building "A" (the multi-unit service commercial building) is L-shaped and each of the four elevations possess primary façade features that include plenty of glazing and entrance features of varying heights that incorporate either flat or rounded parapet walls. Building "A" uses a variety of heights, but is predominantly 7.8m in height and 8.1m in height to the top of the parapet. Building "B" (eating establishment) is rectangular-shaped and is 6.2m in height. An overhead service door is located on the east elevation.

The Development Planning Department will work with the applicant to confirm that all rooftop mechanical units will be adequately screened. The final building elevations will be approved to the satisfaction of the Development Planning Department.

Region of York

The site plan includes an access from Weston Road, which is under the jurisdiction of the Region of York. The Region has indicated in a letter to the applicant that it is in support of the proposed new Weston Road access in principle, subject to a detailed review. The Owner will be required to satisfy any other requirements of the Region of York, prior to the execution of the implementing Site Plan Agreement.

Services

The Owner has submitted a site grading and servicing plan and a stormwater management report, and will be submitting a traffic impact assessment and lighting plan which must be approved to the satisfaction of the Vaughan Engineering Department, and the Region of York Transportation and Works Department.

All hydro requirements will be addressed by the Owner, to the satisfaction of PowerStream Inc.

Landscaping

The proposed landscape plan (Attachment #5) consists of a mix of deciduous and coniferous trees, shrubs, and sodded area within the 9.0m wide Weston Road landscape strip. The plan also includes Pine and Spruce tree species within the Westcreek Drive 3.0m wide landscape strip. Additionally, deciduous trees are shown in various areas throughout the parking area. The walkways in conjunction with primary entrances for both the eating establishment and the multi-

unit service commercial building are proposed to be constructed with unit pavers. The final landscape plan will be approved to the satisfaction of the Development Planning Department.

Parkland Dedication

If required, the Owner will be required to pay 2% cash-in-lieu of parkland dedication in accordance with the Planning Act, prior to the issuance of a Building Permit, to the satisfaction of the Vaughan Legal Department, Real Estate Division.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly "A-5", "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the proposed Zoning By-law Amendment and Site Plan Applications in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and is satisfied that the proposed multi-unit commercial building and the free-standing eating establishment (Mandarin) will facilitate an appropriate development of the site, subject to the conditions of approval identified in this report. On this basis, the Development Planning Department recommends approval of both the Zoning By-law Amendment and Site Plan Applications.

Attachments

1. Location Map
2. Site Plan
3. Building Elevations – Building "A" (Multi-unit Building)
4. Building Elevations – Building "B" (Eating Establishment)
5. Landscape Plan

Report prepared by:

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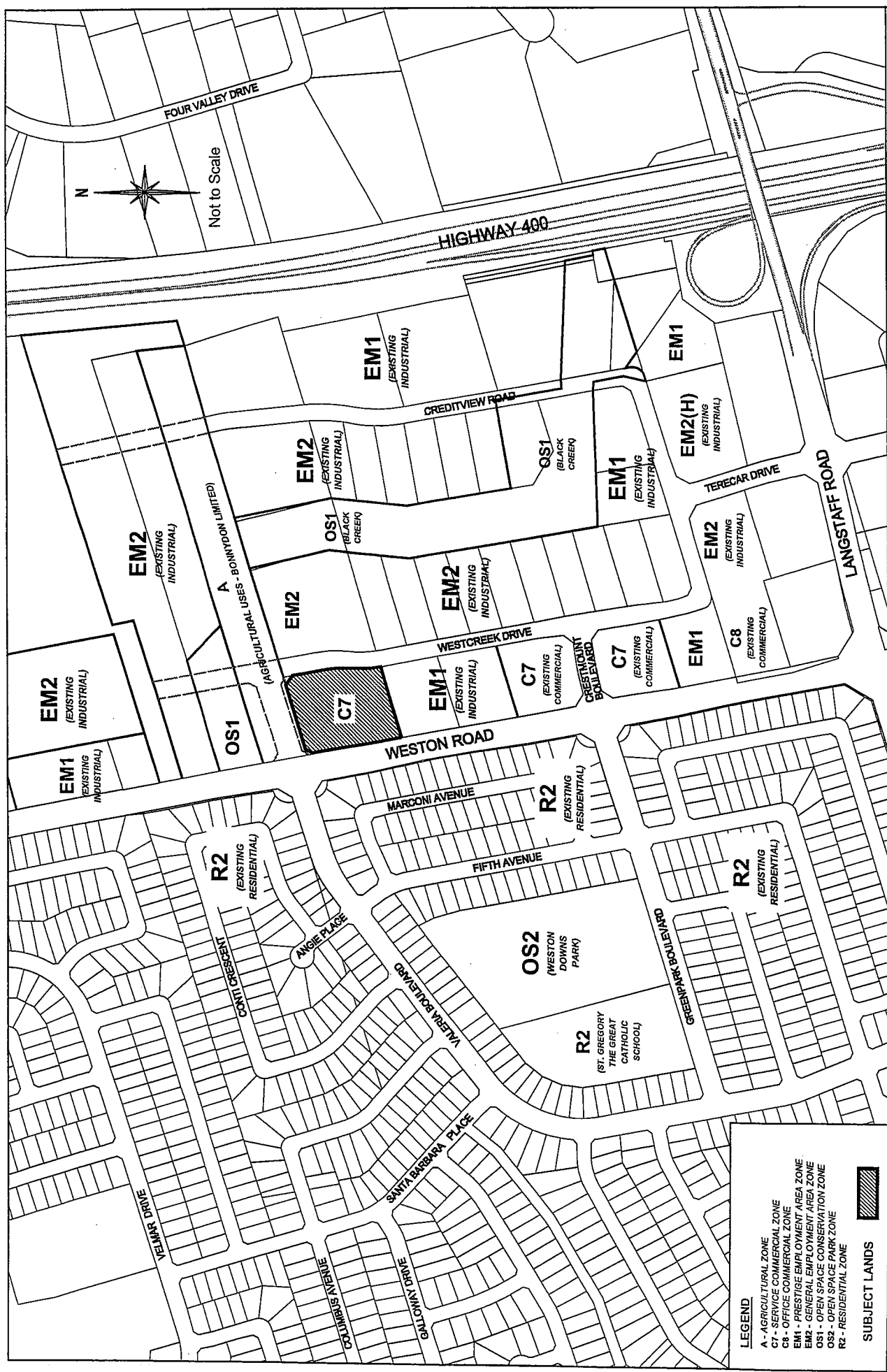
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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- LEGEND**
- A - AGRICULTURAL ZONE
 - C7 - SERVICE COMMERCIAL ZONE
 - C8 - OFFICE COMMERCIAL ZONE
 - EM1 - PRESTIGE EMPLOYMENT AREA ZONE
 - EM2 - GENERAL EMPLOYMENT AREA ZONE
 - OS1 - OPEN SPACE CONSERVATION ZONE
 - OS2 - OPEN SPACE PARK ZONE
 - R2 - RESIDENTIAL ZONE
- SUBJECT LANDS**
- SUBJECT LANDS

Location Map

Part of Lot 12,
Concession 5
APPLICANT:
 MARBON HOLDINGS INC. &
 606578 ONTARIO LIMITED
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Development Planning Department

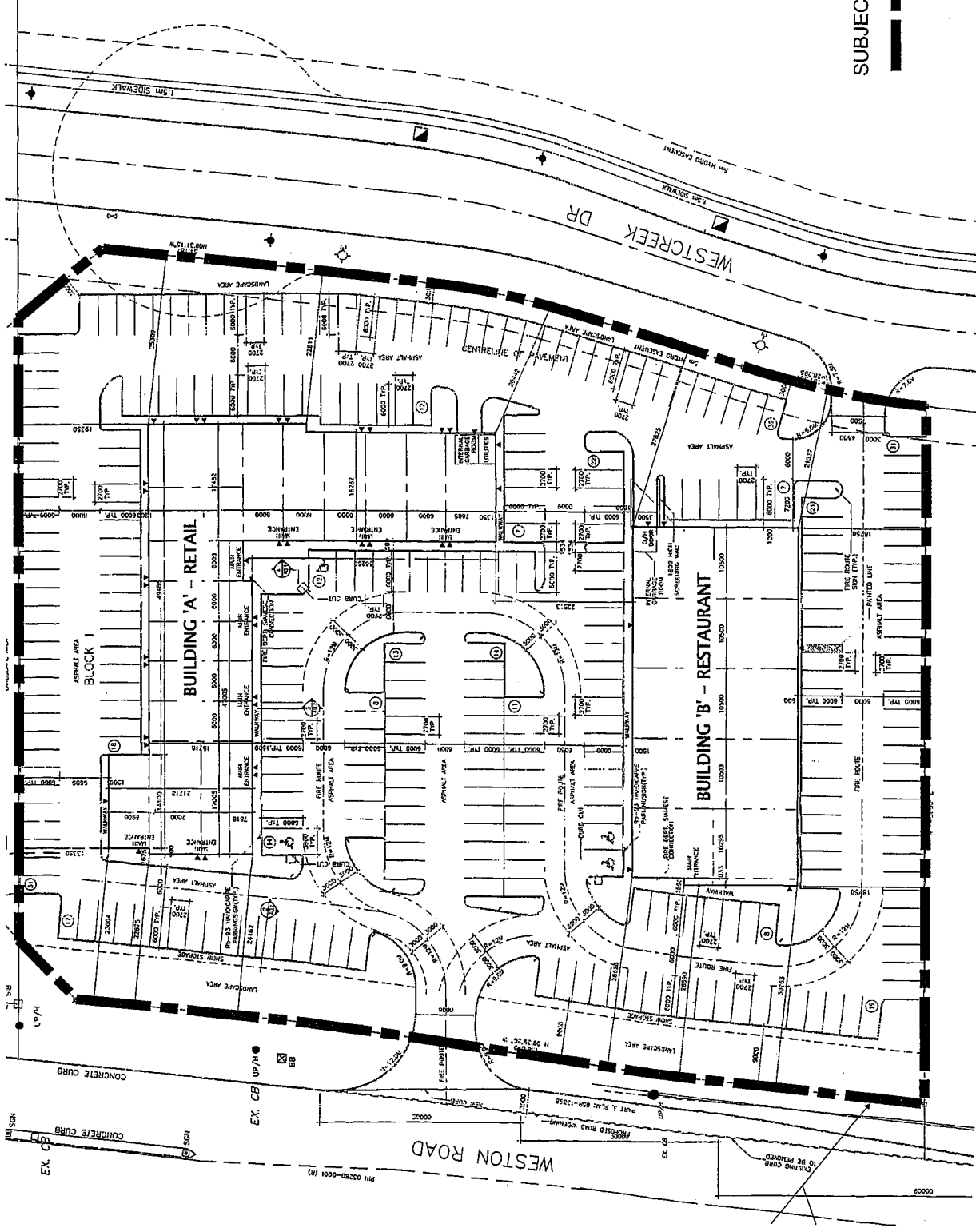
Attachment 1

FILE No.:
Z.06.028
 RELATED FILE:
DA.06.012
 June 8, 2006



Not to Scale

SUBJECT LANDS



Attachment 2

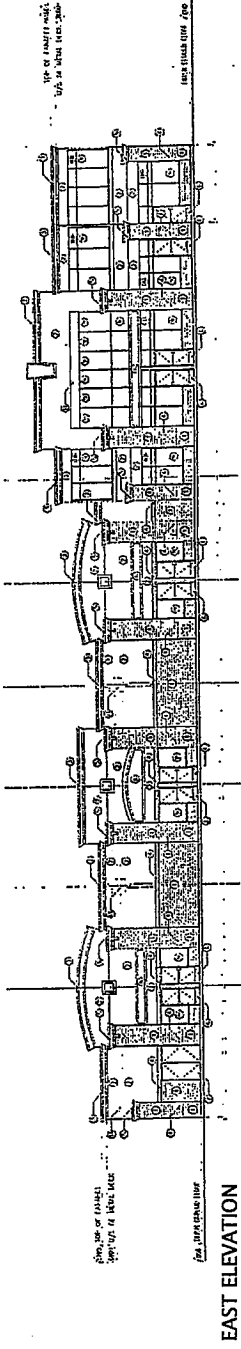
FILE No.: Z.06.028
RELATED FILE: DA.06.012
March 30, 2006



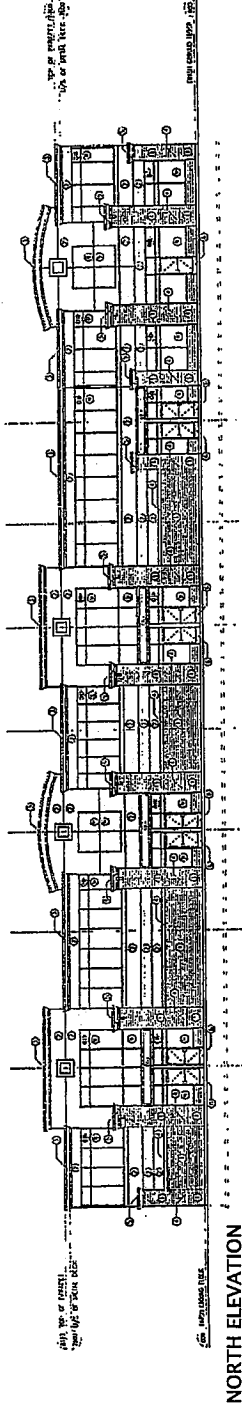
Development Planning Department

Site Plan

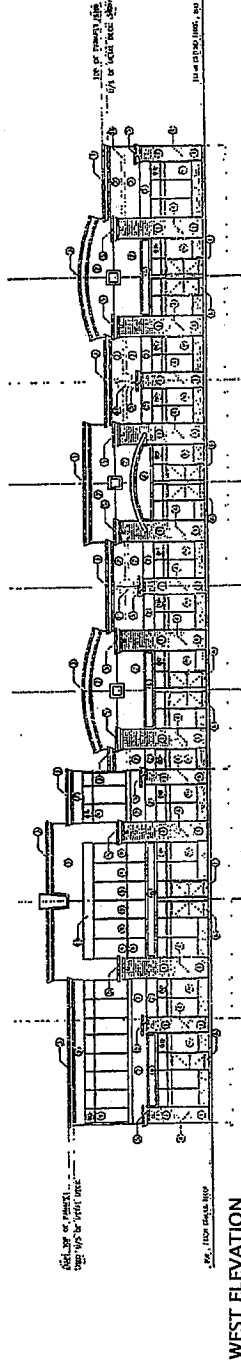
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606578 ONTARIO LIMITED
N:\06\71 ATTACHMENTS\Z.06.028



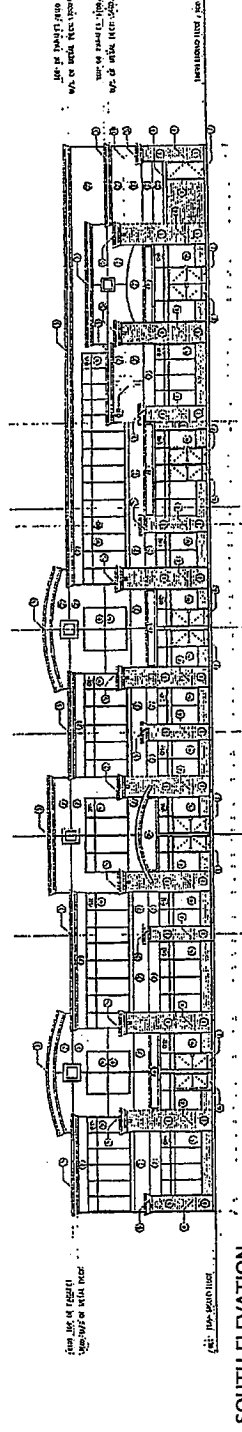
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

Not to Scale

Elevations - Building 'A'

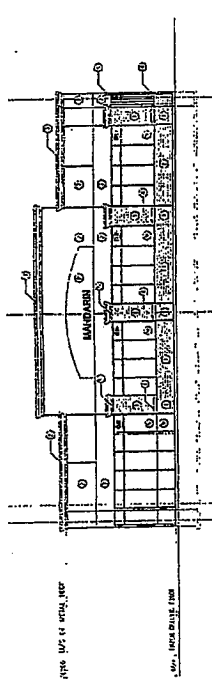
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APPLICANT:
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NA\PT\1 ATTACHMENTS\A-05.028



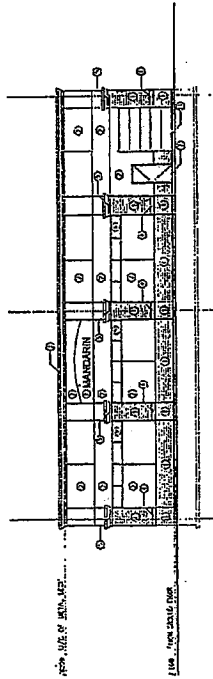
Development Planning Department

Attachment 3

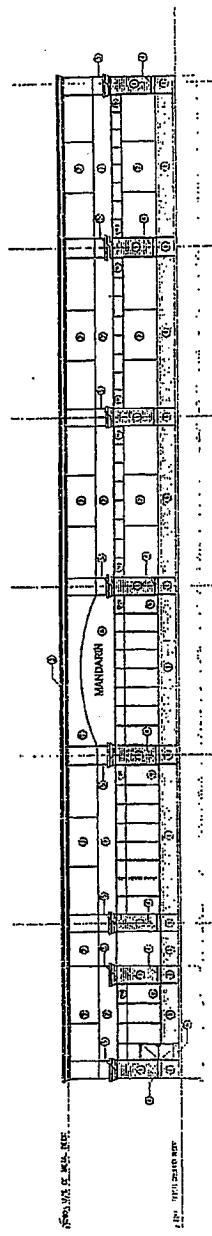
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March 30, 2006



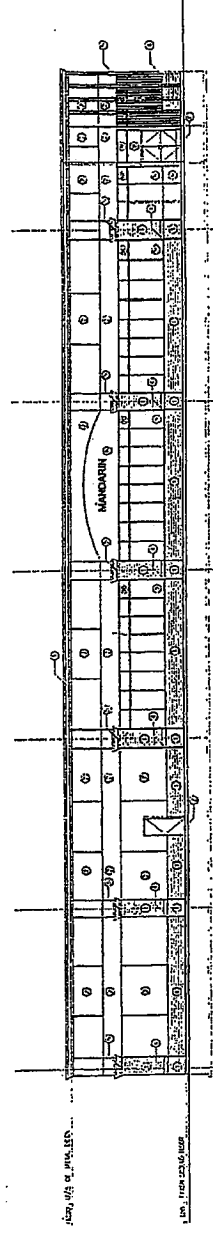
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

Not to Scale

Elevations - Building 'B'

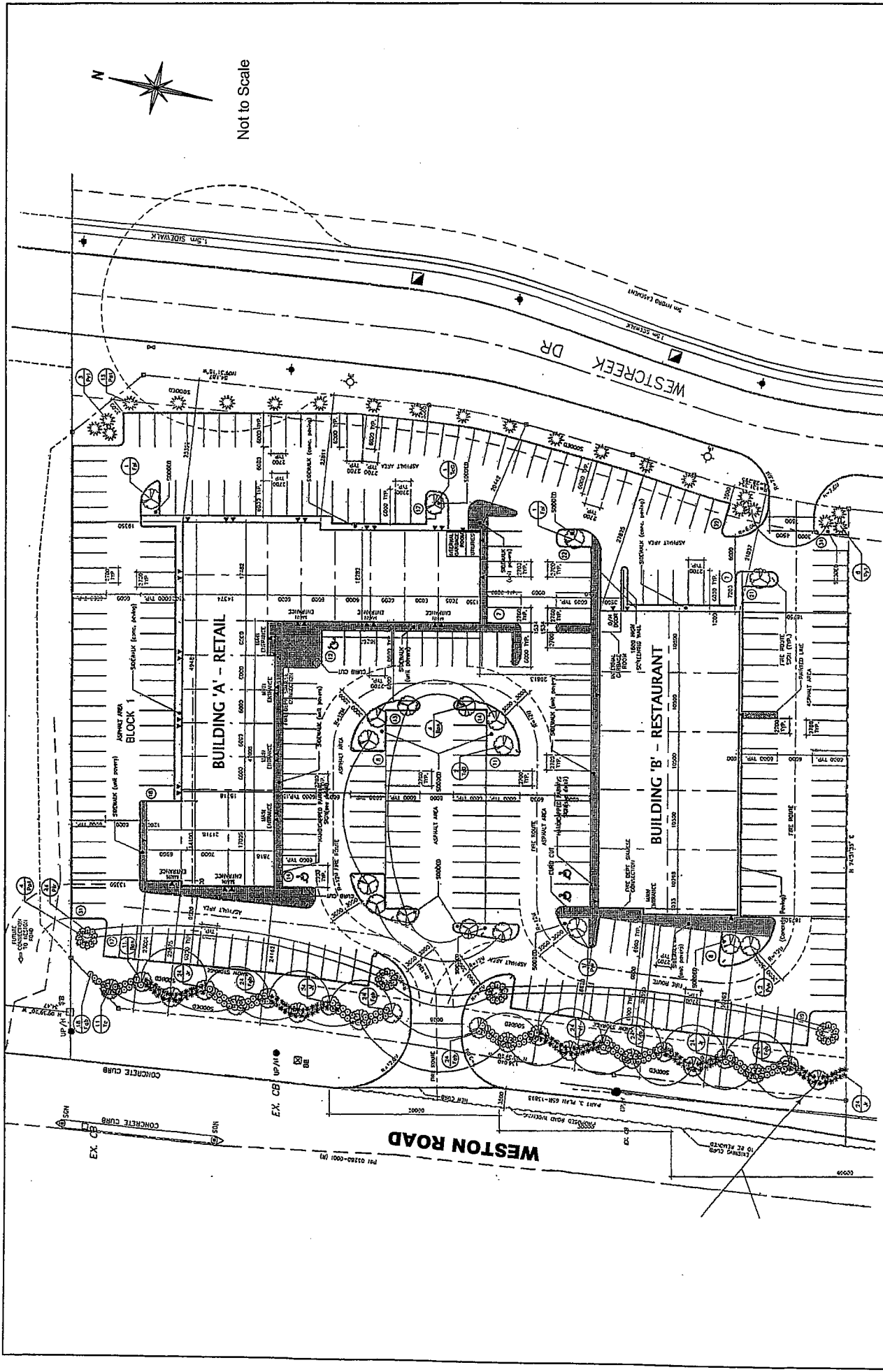
Part of Lot 12,
Concession 5
APPLICANT:
MARBON HOLDINGS INC. &
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Development Planning Department

Attachment 4

FILE No.:
Z.06.028
RELATED FILE:
DA.06.012
March 30, 2006



Landscape Plan

Part of Lot 12,
Concession 5
 APPLICANT:
 MARBON HOLDINGS INC.
 606578 ONTARIO LIMITED
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Development Planning Department

Attachment 5
 FILE No.: Z.06.028
 RELATED FILE: DA.06.012
 May 30, 2006