

COMMITTEE OF THE WHOLE DECEMBER 1, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.069
2107683 ONTARIO LTD., RIOCAN PS INC., AND SRF VAUGHAN INC.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board BE ADVISED THAT VAUGHAN COUNCIL ENDORSES THE APPROVAL OF Zoning By-law Amendment File Z.08.069 (2107683 Ontario Ltd., Riocan PS Inc., and SRF Vaughan Inc.), to rezone the subject lands shown on Attachments #1 and #2 from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone, together the following site-specific exceptions, to facilitate retail warehouse development:

a) permit the following uses in addition to the permitted EM3 Zone uses on Part "A" of the subject lands identified on Attachment #3:

i) within a multi-unit building:

- i) Eating Establishment;
- ii) Eating Establishment with outdoor patio;
- iii) Eating Establishment - Convenience;
- iv) Eating Establishment - Take-out with outdoor patio;
- v) Personal Service Shop;
- vi) Convenience Retail Store;
- vii) Bank and Financial Institution;
- viii) Print Shop with Accessory Retail Sales; and,
- ix) Veterinary Clinic;

ii) within a stand-alone building:

- i) Eating Establishment;
- ii) Eating Establishment with outdoor patio;
- iii) Eating Establishment - Convenience;
- iv) Eating Establishment – Take-out with outdoor patio; and,
- v) Bank and Financial Institution;

b) permit the following site-specific zoning exceptions to the EM3 Retail Warehouse Employment Area Zone:

	By-law Standard	By-law 1-88 Requirements (Minimum Requirements of the EM3 Retail Warehouse Employment Area Zone)	Proposed Exceptions to By-law 1-88 (EM3 Zone)
a.	Minimum Front Yard Setback (Building 'G' – Milani Boulevard)	6.0m	5.2 m

	By-law Standard	By-law 1-88 Requirements (Minimum Requirements of the EM3 Retail Warehouse Employment Area Zone)	Proposed Exceptions to By-law 1-88 (EM3 Zone)
b.	Minimum Interior Side Yard Setback (Southwest corner of Building 'E')	6.0m	0.3m
c.	Minimum Landscape Strip Width Abutting an OS1 Open Space Conservation Zone	7.5m	1.4m
d.	Minimum Parking Requirement	6 spaces/100m ²	5.5 spaces/100m ²
e.	Loading and Unloading Between a Building and a Street	Not permitted	To permit loading and unloading between Building 'E' and Milani Boulevard, subject to the provision of a minimum 4 m wide landscape strip along Milani Boulevard to include a living wall and coniferous trees
f.	Shared driveways and aisles with the lands to the north and east	Not permitted	To permit shared driveways and aisles with the lands to the north and east
g.	Maximum Driveway Width	13.5 m	20 m

Contribution to Sustainability

The contribution to sustainability will be identified during the review of the related Site Development Application (File DA.09.066).

Economic Impact

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

Communications Plan

On May 29, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the West Woodbridge Homeowners Association. Through the notice circulation, no comments were received by the Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of June 23, 2009, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 30, 2009.

The conceptual site plan that was considered at the Public Hearing on June 23, 2009, is shown on Attachment #4. The applicant has since modified their conceptual site plan, which is shown on Attachment #3, and is the subject of this staff report.

Purpose

At the Public Hearing held on June 23, 2009, the Committee of the Whole considered an application to rezone the lands shown on Attachment #2 as "Lands Subject to Public Hearing on June 23, 2009 (File: Z.08.069)", from EM2 General Employment Area Zone to EM3 Retail Warehouse Employment Area Zone and C7 Service Commercial Zone, to permit retail warehouse (EM3) uses within a multi-unit building on the northern portion of the site and to permit service commercial (C7) uses within a multi-unit building and stand-alone building on the southern portion of the site as shown on Attachment #4. The Owner subsequently amended the application, to reflect the current proposal shown on Attachment #3, which includes lands to the north also owned by the Owner, which were previously subject to a statutory Public Hearing on June 16, 2008.

The current proposal, which is the subject of this staff report, amends the City's Zoning By-law 1-88 to rezone the subject lands shown on Attachment #3 from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone to permit retail warehouse uses, and the necessary zoning exceptions required to implement the proposed plan shown on Attachment #3.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2, are located on the north side of Milani Boulevard, being southwest of Regional Road 27 and Langstaff Road, in Part of Lot 9 Concession 9, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Ontario Municipal Board (OMB)

On May 7, 2009, the Owner appealed their Zoning By-law Amendment Application (File Z.08.069) to the OMB under Subsection 34(11) of the *Planning Act* R.S.O. 1990, on the basis of Vaughan Council's refusal or neglect to enact a proposed amendment to the Zoning By-law on the subject lands.

The original zoning proposal, which was the subject of the appeal was based on the proposal to rezone the northern portion of the site to EM3 Retail Warehouse Employment Area Zone and the southerly portion to C7 Service Commercial Zone as shown on Attachment #4. The Development Planning Department advised the Owner that the "Service Node" policies within OPA #450 (Employment Area Growth and Management Plan) did not support Service Commercial uses in

this location, within the interior of an employment area, and that this proposal did not conform to the Official Plan. The Development Planning Department did not have any objections to the proposed EM3 Retail Warehouse Employment Area Zone on the remainder of the property. The Development Planning Department was not in a position to support the proposed C7 Service Commercial Zone on the southerly parcel, which the Owner was of the opinion conformed to the "Service Node" policies in OPA #450, and therefore appealed to the OMB.

The Development Planning Department continued to work with the Owner after the notice of appeal was filed to the OMB, and advises Council that a resolution of the issues has been established between the Owner and the Development Planning Department, which is reflected in the recommendation of this report.

The issues and terms of the revised proposal identified by the Owner were presented at an OMB Pre-Hearing on November 5, 2009. In order to move forward with the OMB Hearing, a position from Vaughan Council is required on the revised Zoning By-law Amendment proposal. The OMB Hearing is proposed to be conducted by teleconference on December 16, 2009. Should the zoning application be approved by the OMB, the implementing zoning by-law amendment will also be approved by the Board.

Conceptual Site Design

The conceptual site design shown on Attachment #3 proposes two multi-unit retail warehouse buildings consisting of Building "E" (11,426.7m²) and Building "G" (1,514.3m²). Parking for the development is proposed on the northeast portion of the site, adjacent to and under the existing hydro lines. The development will be served by 756 at-grade parking spaces with 3 driveway access points from Milani Boulevard, and with direct access to the existing and proposed developments located to the east (existing Walmart) and north (proposed Lowe's) of the subject lands.

Appropriate building and site design, access, internal traffic circulation, parking, landscaping, servicing and grading, including the implementation of sustainable site and building design features will be reviewed in greater detail when the related Site Development Application (File DA.09.066) is considered and reported on at a future Committee of the Whole meeting.

Official Plan

The property is designated "Employment Area General" by OPA #450 (Employment Area Growth and Management Plan), which permits a wide range of employment uses. OPA #450 also includes policies relating to the development of retail warehouses within the Employment Areas. The Official Plan policies state that retail warehousing shall generally be directed to locations characterized by high visibility and accessibility, and that the following criteria be assessed in determining the appropriateness of permitting a retail warehouse development:

- i) availability of access to the arterial road system by way of an existing or planned signalized intersection with an internal feeder or collector road;
- ii) the traffic impacts on adjacent uses;
- iii) the adequacy of proposed accesses and the impact of the proposed use on the operation of the regional and local road system;
- iv) the degree of compatibility with adjacent land uses including residential uses in proximity to the proposed use; and,
- v) the urban design impacts of the proposed use on neighbouring lands.

The proposed development is situated on a site that has direct access to an internal feeder road (Milani Boulevard), which has direct access to a signalized intersection at Regional Road #27. A Traffic Impact Study was submitted in support of the application, as discussed later in this report.

The proposed EM3 Zone and uses would be compatible with the employment uses to the north and the existing commercial uses to the east (Walmart complex). The urban design issues related to the development have been considered based on the conceptual drawings provided by the Owner and will be reviewed in greater detail during the review of the related Site Development Application (File DA.09.066). The proposed retail warehouse development conforms with the provisions of the Official Plan.

Zoning

The subject lands are zoned EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" by By-law 1-88, subject to Exception 9(1253), which permits a wide range of employment uses including manufacturing and warehousing. The proposal for retail warehouse uses on the property is not a permitted use by the current zoning, and therefore, an amendment to By-law 1-88 is required. The Applicant is proposing to rezone the subject lands to EM3 Retail Warehouse Employment Area Zone to permit the proposed retail warehouse uses. The following exceptions to the EM3 Zone are required to permit the conceptual development as shown on Attachment #3:

	By-law Standard	By-law 1-88 Requirements (Minimum Requirements of the EM3 Retail Warehouse Employment Area Zone)	Proposed Exceptions to By-law 1-88 (EM3 Zone)
a.	Minimum Front Yard Setback (Building 'G' – Milani Boulevard)	6.0m	5.2 m
b.	Minimum Interior Side Yard Setback (Southwest corner of Building 'E')	6.0m	0.3m
c.	Minimum Landscape Strip Width Abutting an OS1 Open Space Conservation Zone	7.5m	1.4m
d.	Minimum Parking Requirement	6 spaces/100m ²	5.5 spaces/100m ²
e.	Loading and Unloading Between a Building and a Street	Not permitted	To permit loading and unloading between Building 'E' and Milani Boulevard, subject to the provision of a 4 m wide landscape strip along Milani Boulevard to include a living wall and coniferous trees.

	By-law Standard	By-law 1-88 Requirements (Minimum Requirements of the EM3 Retail Warehouse Employment Area Zone)	Proposed Exceptions to By-law 1-88 (EM3 Zone)
f.	Shared driveways and aisles with the lands to the north and east	Not permitted	To permit shared driveways and aisles with the lands to the north and east
g.	Maximum Driveway Width	13.5 m	20 m

The Development Planning Department has reviewed the above-noted amendments to the Zoning By-law based on the development concept submitted in support of the Zoning By-law Amendment Application, and considers the changes to be appropriate for the development of the site and compatible with the surrounding land uses. The reduction in the minimum front yard setback is considered to be minimal and appropriate. The 1.4 m landscape strip width abutting an Open Space Zone can also be supported, as it will be complemented by the landscaping in the existing adjacent stormwater management pond. The reduction to the minimum interior rear yard setback to 0.3 m is required to address the southwest corner of Building 'E' at a single point as shown on Attachment #3, and is considered to be acceptable.

The Development Planning Department would consider the proposed exception to permit a loading area to be located between Building 'E' and Milani Boulevard to be acceptable, provided the site plan is amended to provide for a wider (ie. 4m rather than the minimum required 3 m) landscape strip adjacent to Milani Boulevard. This can be achieved by either relocating Building 'E' slightly north, or by eliminating or shifting the additional parking spaces that are adjacent to Milani Boulevard, given the wider 8 m driveway aisle in this location. The further reduction of parking spaces can be accommodated on the property as confirmed in the Parking Study submitted in support of the development, and is discussed in the next section of this report. The purpose of a wider landscape strip (from 3 m to 4 m) is to provide a living wall at this location and the planting of conifers to appropriately screen the loading area throughout the year. The same treatment is proposed to be provided on the property to the north of the subject lands (proposed Lowe's) adjacent to Milani Boulevard, which is subject to future site plan approval. The site design and landscape details at this location, will be addressed to the satisfaction of the Development Planning Department, through the final approval of the Site Development Application.

The Development Planning Department recognizes the need for a larger driveway access to accommodate truck movement, and can support the proposed 20 m width, however, will be working with the applicant as part of the site plan process to reduce the driveway width in this location, where possible.

The Development Planning Department has no objections to the shared driveways and aisles with the proposed Lowe's employment development to the north, and the existing Walmart and commercial development to the east, which will allow for a cohesive and integrated development complex.

On this basis, the Development Planning Department has no objections to the above-noted site-specific exceptions to By-law 1-88.

Access, Traffic and Parking

The proposed development consists of 12,941 m² of total gross floor area (GFA), which requires 775 parking spaces (6 spaces/100m² GFA). The Owner has requested a parking reduction based on a calculation of 5.5 spaces/100m² GFA, which would require 712 parking spaces, whereas the applicant has provided 756 spaces on the conceptual site plan (Attachment #3). The reduction in parking is supported by a parking study prepared by iTrans Consulting, dated January 2009. The Vaughan Engineering Department has reviewed the parking study and concurs with the conclusions. An exception to reduce the minimum parking requirement on the property is included in the recommendation of this report.

Access to the proposed development will be from Milani Boulevard via a signalized intersection at Milani Boulevard and Regional Road 27. Further access (Street 'A') is being contemplated from the north via a proposed public road connection from Milani Boulevard to Innovation Drive, and ultimately with Langstaff Road as shown on Attachment #5. A Traffic Impact Study (Vaughan West Access Review and Network Opportunities) was submitted in support of the Draft Plan of Subdivision (File: 19T-08V03 – SRF Vaughan Property II Inc.) on the adjacent lands to the north, which was prepared by iTrans Consulting and dated August 20, 2009.

The Owner has revised the Draft Plan of Subdivision as a result of additional land requirements of the Ministry of Transportation (MTO) and the proposed Highway #427 extension, which includes the elimination of a municipal road connection between Milani Boulevard and Innovation Drive, in favour of a private driveway connection between Block 1 and Innovation Drive, as shown on Attachment #6. The Vaughan Development Planning Department and the Vaughan Engineering Department - Transportation Division, will continue to review the requirements of Street 'A', and advises the Owner that this Zoning By-law Amendment Application shall not prejudice any comments the City may have regarding the ongoing development applications on the lands to the north of the subject site and the eventual development of Street 'A' as a public road and its connection to Innovation Drive.

Planning Considerations

The applicant has revised their zoning proposal based on the resolution of issues relating to the appeal of their zoning application, which is now based on the proposal to rezone the entire property from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone with site-specific zoning exceptions for certain permitted uses and development standards, which are supported by the Development Planning Department, as discussed earlier in this report. The applicant has also requested that the following uses be permitted on Part "A" of the property as shown on Attachment #3, in addition to the uses permitted in the EM3 Zone, which is supported by the Development Planning Department, given the compatible and complementary nature of the uses with the employment and commercial uses in the surrounding area:

- i) Eating Establishment;
- ii) Eating Establishment, with outdoor patio;
- iii) Eating Establishment - Convenience;
- iv) Eating Establishment - Take out with outdoor patio;
- v) Personal Service Shop;
- vi) Convenience Retail Store;
- vii) Bank and Financial Institution;
- viii) Print Shop with Accessory Retail Sales; and,
- ix) Veterinary Clinic.

The Development Planning Department is also supportive of permitting the following uses in a stand-alone building on Part "A", should the conceptual site plan change from that shown on Attachment #3:

- i) Eating Establishment;
- ii) Eating Establishment with outdoor patio;
- iii) Eating Establishment - Convenience;
- iv) Eating Establishment - Take out with outdoor patio; and,
- v) Bank and Financial Institution.

The Development Planning Department has reviewed the revised application submitted by the Owner and has no objection to the uses requested above, which are consistent and compatible with the existing and proposed uses in the surrounding employment and commercial areas.

Ministry of Transportation

The application was circulated to the Ministry of Transportation (MTO). The MTO has advised that they have no objection to the application to rezone the subject lands, provided Milani Boulevard does not extend into their control area for the Highway #427 extension study. The existing Holding "(H)" provision on the northerly portion of the lands was imposed subject to the determination of the final alignment of the Highway #427 extension, to the satisfaction of the MTO. The MTO has advised that they have no objection to the Holding Symbol "(H)" being removed on the subject property.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The application was circulated to the Region of York, and they have advised that they have no concerns or objections to the proposal.

Conclusion

The Zoning By-law Amendment Application, which is the subject of an appeal by the Owner to the Ontario Municipal Board, has been reviewed in accordance with the policies of OPA #450 (Employment Area Growth and Management Plan), the requirements of By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to rezone the subject lands from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone to facilitate retail warehouse development on the subject lands, is appropriate and compatible with the existing uses in the surrounding area, subject to the comments and recommendations in this report. On this basis, the Development Planning Department recommends that Vaughan Council advise the Ontario Municipal Board that it endorses the approval of the subject Zoning By-law Amendment Application (File Z.08.069 - 2107683 Ontario Ltd., Riocan PS Inc., and SRF Vaughan Inc.).

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan (November 2009)
4. Conceptual Site Plan and Zoning Considered at the June 23, 2009 Public Hearing
5. Related Draft Plan of Subdivision 19T-08V03 with Street 'A' (Sept 2, 2008)
6. Related Draft Plan of Subdivision 19T-08V03 without Street 'A' (Oct 19, 2008)

Report prepared by:

Ryan Mino, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

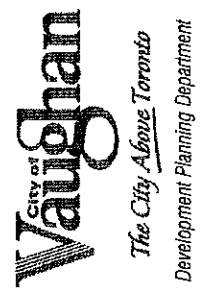
GRANT UYEYAMA
Director of Development Planning

/LG



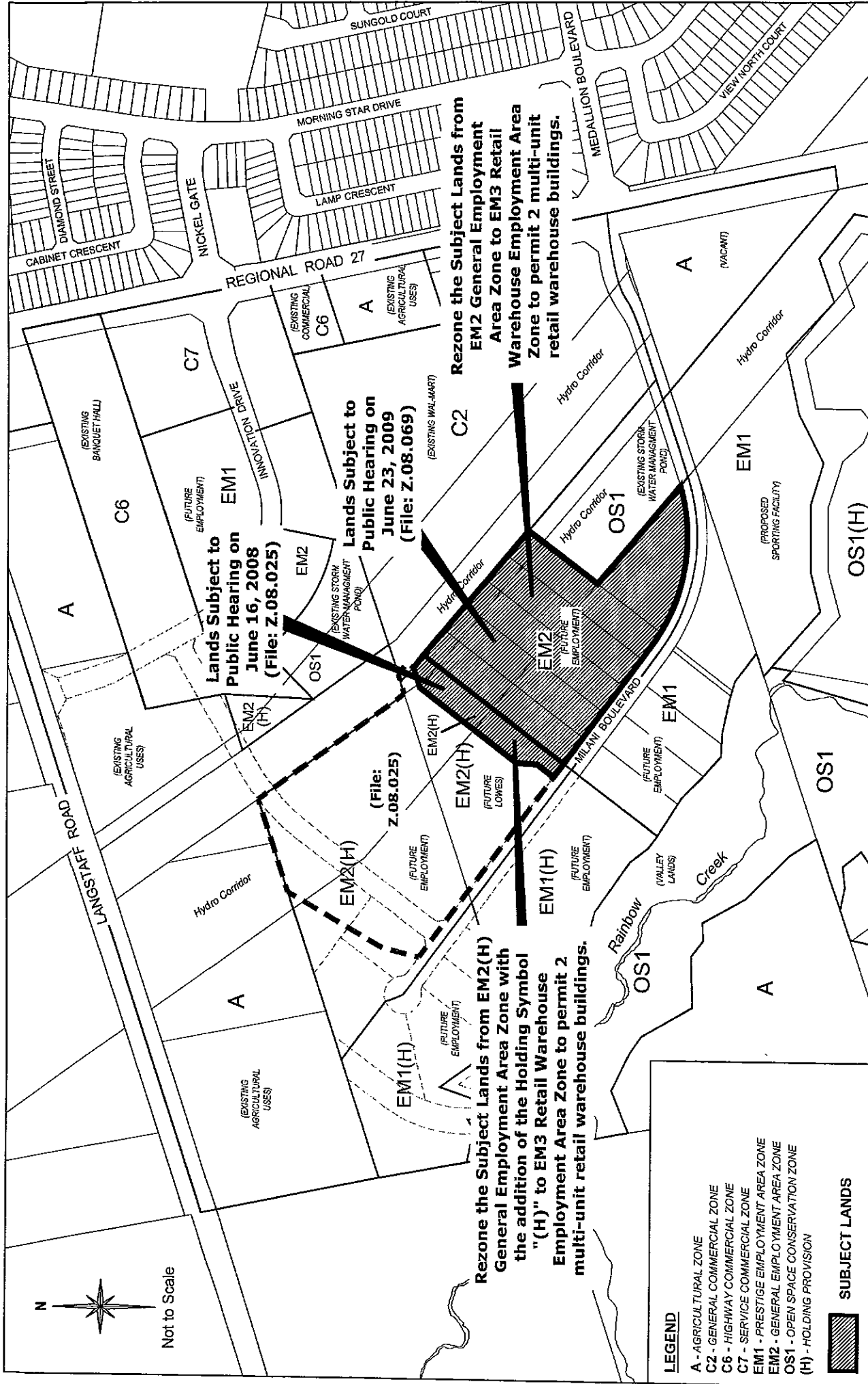
Context Location Map

Location:
 Part of Lot 9, Concession 9
 Applicant: 2107683 ONTARIO LTD.,
 RIOCAN PS INC. & SRF VAUGHAN INC.
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Attachment

File:
 Z.08.069
 Date:
 November 16, 2009



File: Z.08.069
Date: November 16, 2009



Location Map

Location:
Part of Lot 9, Concession 9
Applicant: 2107688 ONTARIO LTD.,
RIOCAN PS INC. & SRF VAUGHAN INC.
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LEGEND

- A - AGRICULTURAL ZONE
- C2 - GENERAL COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- (H) - HOLDING PROVISION

SUBJECT LANDS

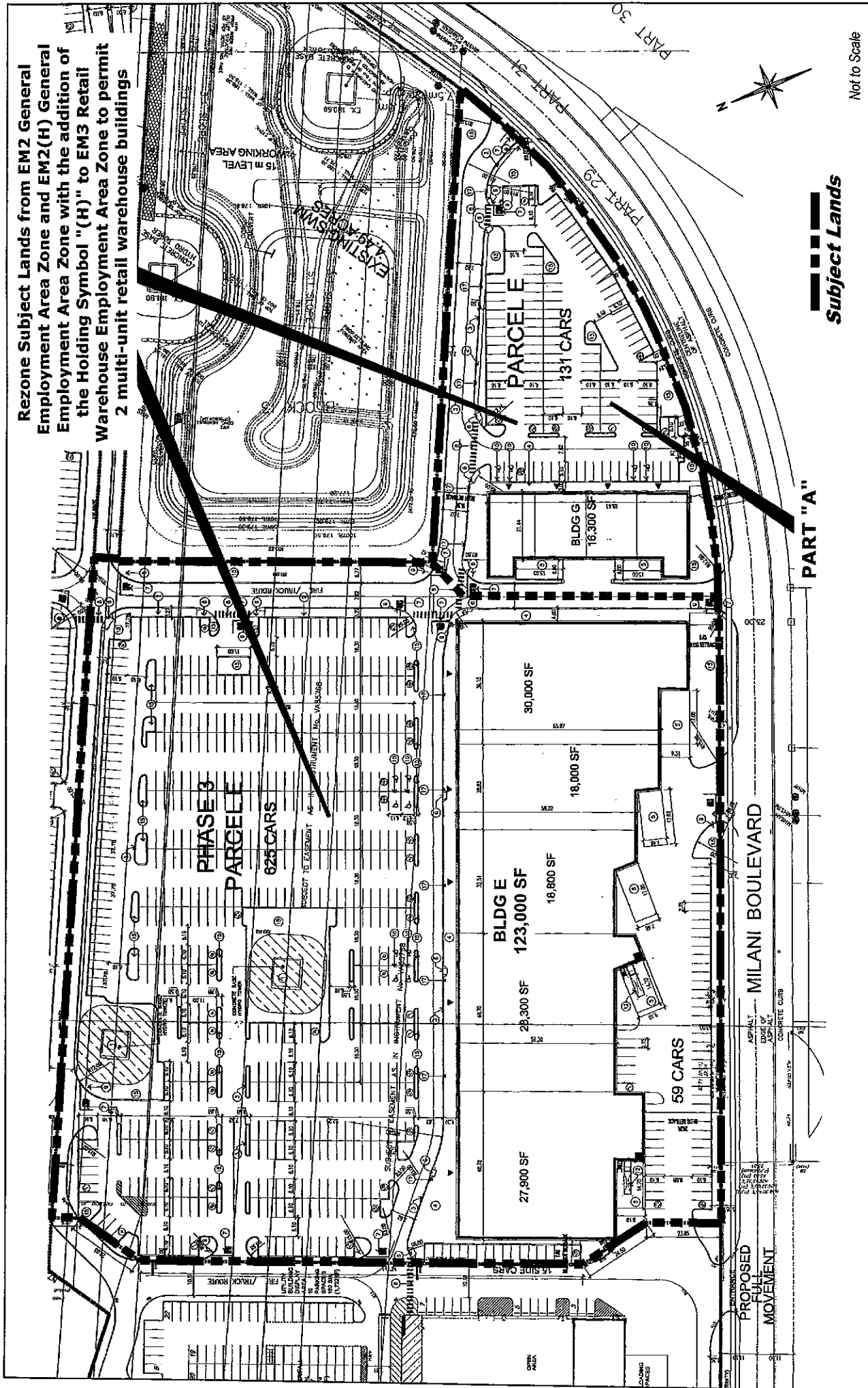
Lands Subject to Public Hearing on June 16, 2008 (File: Z.08.025)

Lands Subject to Public Hearing on June 23, 2009 (File: Z.08.069)

Rezone the Subject Lands from EM2(H) General Employment Area Zone with the addition of the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone to permit 2 multi-unit retail warehouse buildings.

Rezone the Subject Lands from EM2 General Employment Area Zone to EM3 Retail Warehouse Employment Area Zone to permit 2 multi-unit retail warehouse buildings.

Rezone Subject Lands from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the addition of the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone to permit 2 multi-unit retail warehouse buildings



Subject Lands

Not to Scale

Conceptual Site Plan (November 2009)



The City Above Toronto
Development Planning Department

Attachment 3

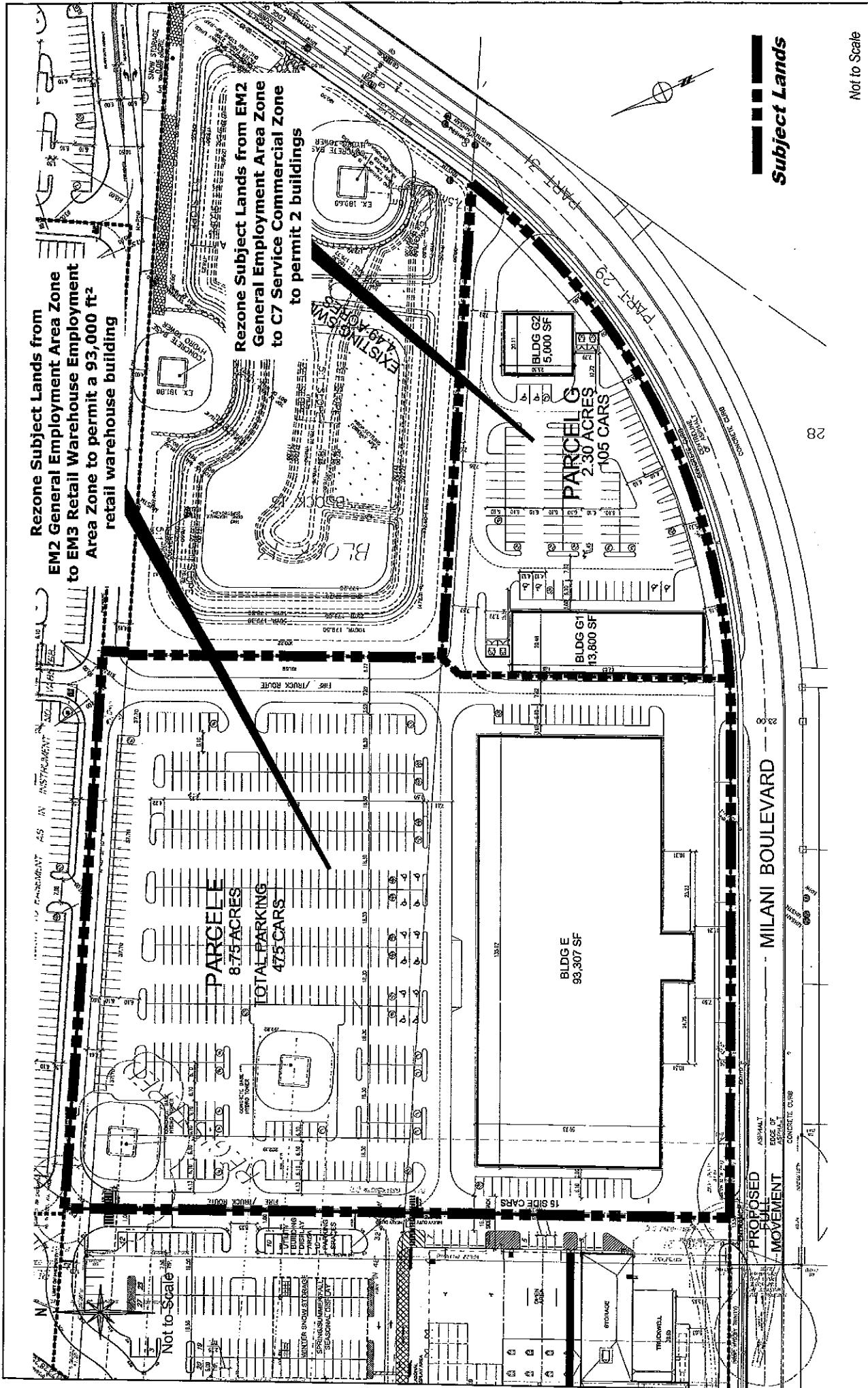
File: Z.08.069

Date: November 16, 2009

Location: Part of Lot 9, Concession 9

Applicant: 2107683 ONTARIO LTD., RIOCAN PS INC. & SRF VAUGHAN INC.

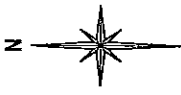
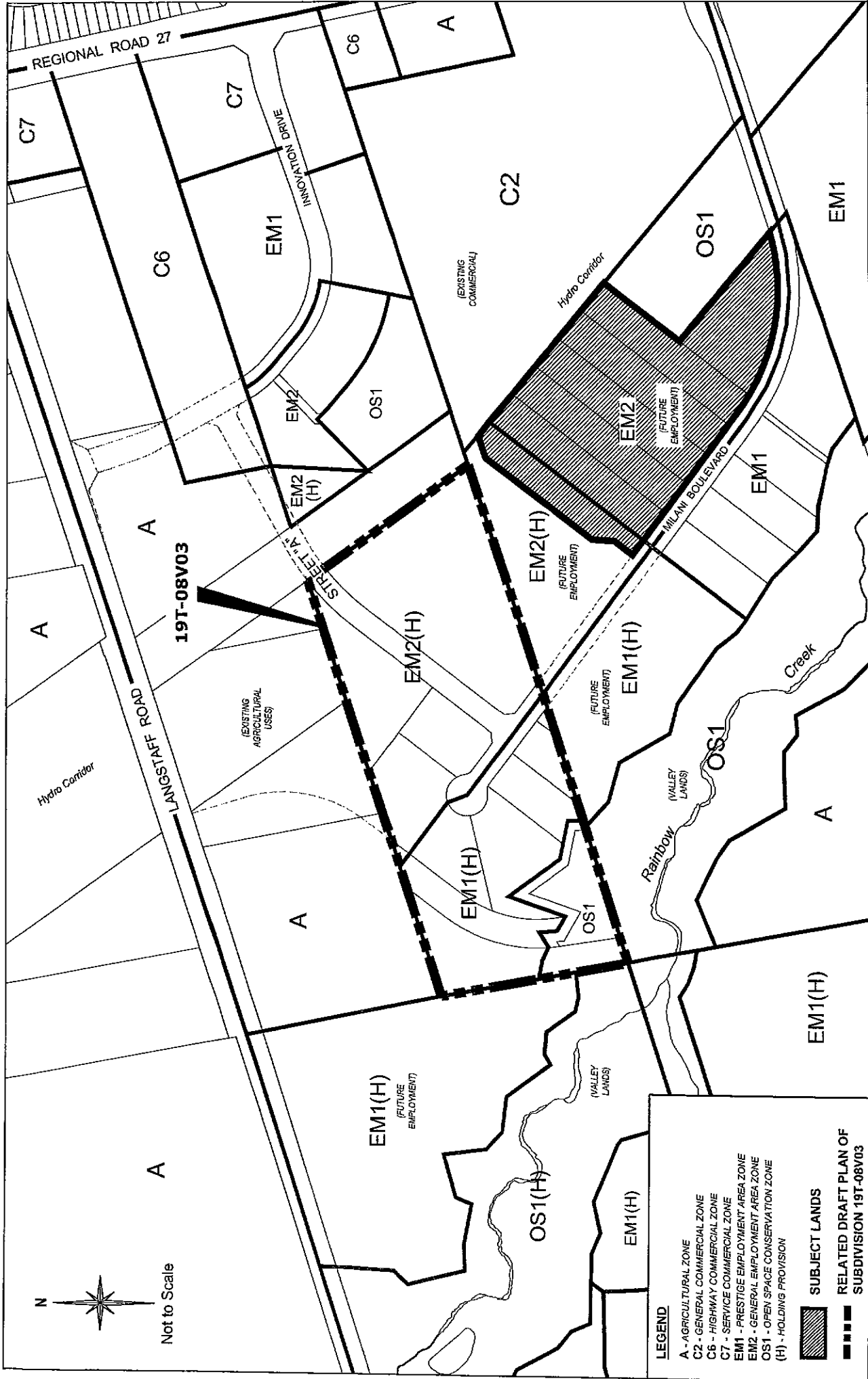
PROJECT ATTACHMENTS \A-08-0890



**Conceptual Site Plan & Proposed Zoning
 Considered at the June 23, 2009 Public Hearing**

Applicant: 2107883 ONTARIO LTD.,
 RIOCAN PS INC. & SRF VAUGHAN INC.

Location:
 Part of Lot 9, Concession 9



Not to Scale

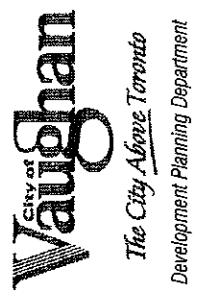
LEGEND

- A - AGRICULTURAL ZONE
- C2 - GENERAL COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- (H) - HOLDING PROVISION

SUBJECT LANDS

RELATED DRAFT PLAN OF SUBDIVISION 19T-08V03

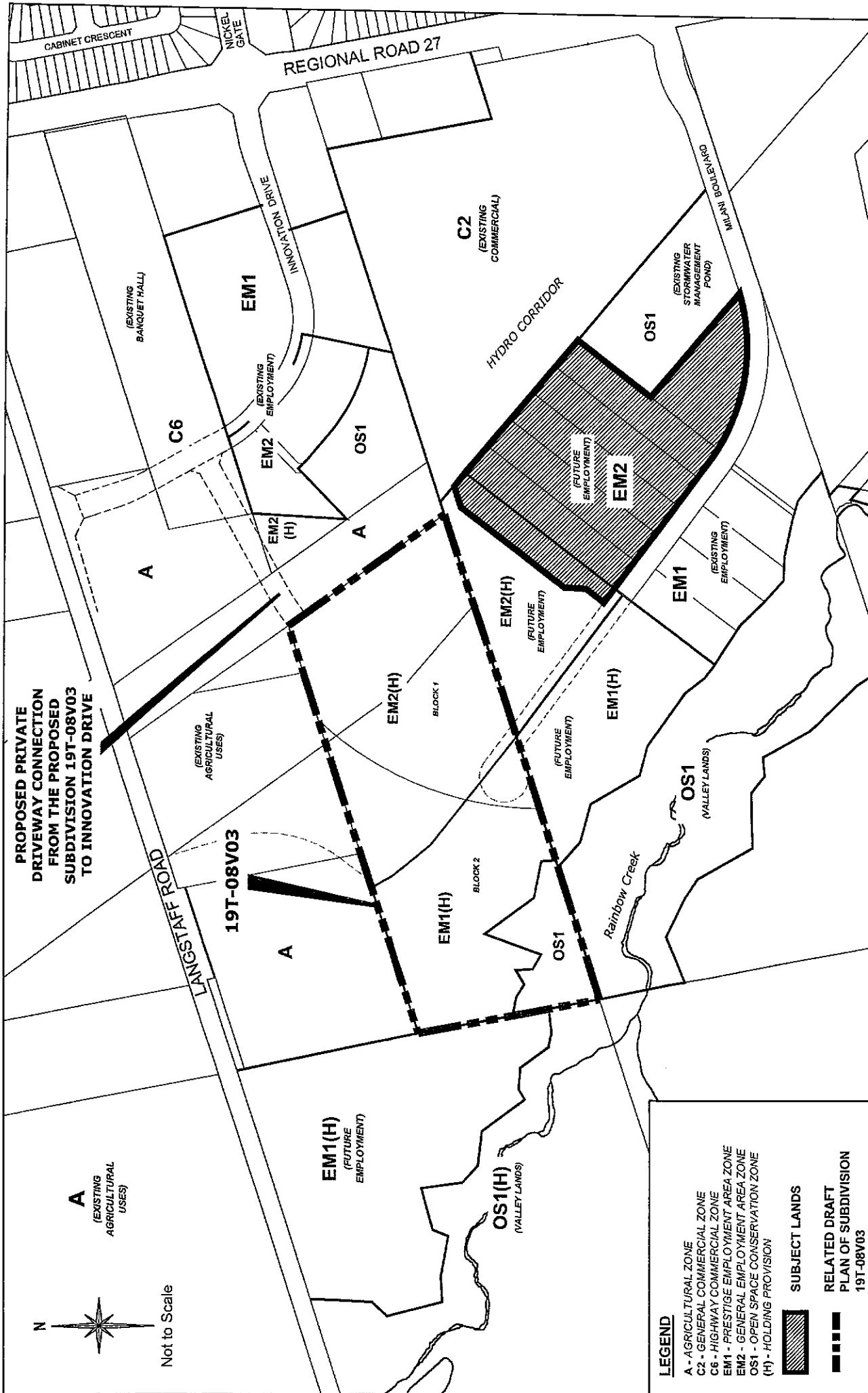
**Related Draft Plan of Subdivision
19T-08V03 with Street 'A' (Sept. 2, 2008)**



File: Z.08.069
Date: November 16, 2009

Applicant: 2107683 ONTARIO LTD.,
RIOCAN PS INC. & SRF VAUGHAN INC.
Location: Part of Lot 9, Concession 9

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**Related Draft Plan of Subdivision
19T-08V03 without Street 'A' (Oct. 19, 2009)**

Location:
Part of Lot 9, Concession 9

Applicant: 2107683 ONTARIO LTD.,
RIOCAN PS INC. & SFF VAUGHAN INC.