

COMMITTEE OF THE WHOLE JULY 6, 2010

ZONING BY-LAW AMENDMENT FILE Z.09.027 TOROMONT INDUSTRIES LTD. WARD 4

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.027 (Toromont Industries Ltd.) BE APPROVED, to amend By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from EM1 Prestige Employment Area Zone to C9(H) Corporate Centre Zone with the Holding Symbol "(H)", subject to the following conditions:
 - a) the Holding Symbol "(H)" may be removed in whole or in part at such time when a Draft Plan of Subdivision and Site Development Applications are approved by Vaughan Council pursuant to Sections 41 and 51 of the Planning Act; and,
 - b) the C9 Corporate Centre Zone uses shall be permitted except for a tavern and block townhouse dwelling, as discussed in the zoning section of this report.

Contribution to Sustainability

The proposal constitutes a change in zoning only, and therefore, there is no contribution to sustainability at this time.

Economic Impact

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

Communications Plan

On January 8, 2010, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. No written comments were received by the Development Planning Department through the circulation of the notice.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 2, 2010, and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on February 16, 2010.

Purpose

The Owner has submitted an application to amend Zoning By-law 1-88 to rezone the subject lands shown on Attachments #1 and #2 from EM1 Prestige Employment Area Zone to C9 Corporate Centre Zone, and to retain the existing site-specific By-law Exception 9(144), which permits a construction equipment dealership on the property.

The rezoning application is intended to facilitate future redevelopment of the lands into a vibrant mixed-use centre to bring the lands into conformity with OPA #500 (Vaughan Corporate Centre), OPA #663 (Avenue 7 Future Land Use Study), and the Draft Vaughan Metropolitan Centre (VMC) Plan.

Background - Analysis and Options

Location and Site Context

The 1.1 hectare site shown on Attachments #1 and #2 is located at the southwest corner of Jane Street and Regional Road 7 (3131 Regional Road 7), in Part of Lot 5, Concession 5, City of Vaughan.

The lands are currently occupied by a multi-unit construction equipment dealership (Toromont - shown on Attachment #3), including a sales, maintenance, and repair facility, which have been in operation since 1961. The area is currently in transition from low-density employment uses, including vast areas of surface parking, to approved and/or existing high-density, mixed-use development. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Corporate Centre Node" by OPA #500, as amended by OPA #663 (Avenue 7 Land Use Futures Study). The proposal to rezone the subject lands to C9 Corporate Centre Zone would implement the Corporate Centre Node policies of OPA #500 and OPA #663. The proposal to permit the maintenance of the existing construction equipment dealership on the property, however, does not conform to the policies of the Official Plan, which identify the subject lands for mixed-use, high-density development, and elimination of industrial uses.

Regional and Provincial Plans

The Region of York Official Plan designates the subject lands as "Regional Centre" and "Regional Corridor." Places to Grow: The Growth Plan for the Greater Golden Horseshoe designates the lands as an "Urban Growth Centre", while the Provincial Policy Statement contains policies that promote intensification. The proposal to rezone the subject lands to C9 Corporate Centre Zone conforms to the Regional Official Plan and the Provincial Growth Plan. The proposal to maintain the existing equipment dealership on the property, however, does not conform to Regional and Provincial policies, which identify the site as suitable for mixed-use development with pedestrian and bicycle-friendly streetscapes, high-quality urban design, and transit-supportive densities.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to site-specific Exception 9(144), which permits a construction equipment dealership on the property. An amendment to Zoning By-law 1-88 is proposed to rezone the property from EM1 Prestige Employment Area Zone to C9 Corporate Centre Zone, which permits the following uses:

- Office Building
- LCBO Outlet
- Brewers Retail Outlet
- Business and Professional Office
- Hotel, Motel, Convention Centre
- Banquet Hall, including an eating establishment provided that said eating establishment does not exceed 20% of the GFA of the banquet hall
- Car Rental Service
- Club or Health Centre
- Eating Establishment with or without Outdoor Patio
- Eating Establishment, Convenience with or without Outdoor Patio
- Eating Establishment, Take-out
- Tavern
- Bank or Financial Institution

- Mixed Use Development
- Personal Service Shop
- Photography Studio
- Print Shop
- Place of Entertainment including a multi-screen cinema complex
- Retail Store with a gross floor area of less than 9,290 sq.m
- Supermarket with a gross floor area of less than 9,290 sq.m
- Retail Warehouse with a gross floor area of less than 9,290 sq.m
- Apartment Dwelling
- Block Townhouse Dwelling
- Place of Amusement
- Technical School
- Video Store
- Veterinary Clinic
- Recreational Uses as defined in Section 2
- Service or Repair Shop with a maximum gross floor area of 600 sq.m or less
- Office and Stationery Supply, Sales, Service and Rental

Vaughan Development Planning Staff recommend that all of the above-uses be permitted on the subject lands, with the exception of a tavern and a block townhouse dwelling. Licensed bars and restaurants are permitted in the C9 Corporate Zone under the category of eating establishments (rather than taverns). Block townhouse dwellings, however, would not achieve the minimum height and density requirements of the Draft VMC Plan, and would compromise the built form of the future Vaughan Metropolitan Centre.

A service or repair shop is appropriate for the lands, as the use includes the shop of a painter, plumber, carpenter, electrician, locksmith, tool sharpener and other similar trades; it is limited to a maximum gross floor area of 600 square metres and does not include an automotive repair shop. All other uses permitted in the C9 Zone are consistent with the uses proposed in the Draft VMC Plan, including mixed-use development with a concentration of office and retail uses around the subway station.

The Owner is also proposing to retain the existing site-specific Exception 9(144), which permits a construction equipment dealership, until such time that the lands are redeveloped in accordance with the approved VMC Plan. The Development Planning Department recommends that the existing Exception 9(144) be deleted upon rezoning the property from EM1 Zone to C9(H) Zone with the Holding Symbol "H" (Holding Provision as recommended by Development Planning Staff), as the industrial use does not conform to the policies of the Official Plan, as well as, Regional and Provincial plans. Through the Official Plan policies, it is intended for industrial uses to eventually cease to exist within the VMC area. The construction equipment dealership will be permitted to continue as a legal non-conforming use until the Holding Symbol "(H)" is removed upon redevelopment of the property.

Planning Considerations

The proposal to rezone the subject lands from EM1 Prestige Employment Zone to C9 Corporate Centre Zone brings the lands into conformity with the Official Plan policies. Both OPA #500 and OPA #663 identify the significance of the subject lands for supporting high-density, mixed-use development and implementing high-order transit, including the future Spadina Subway Extension.

The Draft VMC Plan permits a broad range of uses in the "Station Precinct", which the Toromont lands are proposed to be designated, with concentrated office and retail uses around the subway station. Industrial uses, such as a construction equipment dealership, are not permitted within the Draft VMC Plan. Rezoning the subject lands to C9(H) Corporate Centre Zone with the Holding Symbol "(H)" will permit the existing construction equipment dealership to continue as a legal

non-conforming use until such time that a Draft Plan of Subdivision and Site Development Applications are approved by Vaughan Council.

The Holding Symbol "(H)" will protect the future transit and street network of the approved VMC Plan (conceptual networks are shown on Attachments #5 and #6), including the subway right-of-way. The Holding Symbol "(H)" will ensure that an appropriate site design consistent with the policies of the future VMC Plan, including appropriate building form and massing, is approved by Council. In addition, should residential development be proposed on the subject lands, the Holding Symbol "(H)" will ensure that servicing allocation is available for the site prior to development. Upon Council approval of a Draft Plan of Subdivision and Site Development Applications, the Holding Symbol "(H)" can be removed in accordance with Section 34 of the Planning Act.

Future Site Development/Draft Plan of Subdivision

The Owner will be required to submit a future Draft Plan of Subdivision Application, to secure the approved streets and create the resulting development blocks as identified in the Official Plan at the time of submission. A Site Development Application will also be required to facilitate any development on the property (or phase thereof) to address issues such as, but not limited to, building form, massing and design, traffic and transportation, and site design.

Future redevelopment of the subject lands must indicate conformity with the approved transportation network in OPA #663, as shown on Attachment #4. Should the new Official Plan be in full force and effect upon submission of a site development application for the subject lands, the site plan must conform to the transportation and street network in the approved Official Plan. The Draft VMC transportation and street networks are shown on Attachments #5 and #6, respectively.

Vaughan Engineering

The Vaughan Engineering Department has reviewed Zoning By-law Amendment Application Z.09.027 and has indicated that future site development will require servicing allocation capacity, and that the detailed design for water, storm and sanitary servicing must conform to the final Vaughan Corporate Centre Servicing Strategy Master Plan and the Black Creek Optimization Study. In addition, the road network shall conform to the approved Transportation Master Plan. Any financial contribution required to implement the recommended road network shall be the responsibility of the Owner.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority indicated in their comments of April 21, 2010, that Zoning By-law Amendment Application Z.09.027 is premature, due to two ongoing Environmental Assessments (EAs) under review within the Vaughan Metropolitan Centre (ie. Black Creek Stormwater Optimization Study EA and Vaughan Metropolitan Centre EA). On June 22, 2010, the TRCA confirmed that they have no concerns with the proposed rezoning, subject to enactment of a by-law to place the Holding Symbol "(H)" on the subject lands conditional upon the preferred option for dealing with improving the stormwater management and flooding conditions in the Black Creek watershed being approved.

As the rezoning application does not propose any development at this time, the Development Planning Department is satisfied that issues pertaining to the current EAs will be addressed during the future site development process. Enactment of a by-law to place the Holding Symbol "(H)" on the subject lands will ensure that future redevelopment of the lands will address any concerns of the TRCA.

Toronto Transit Commission (TTC)

The Toronto Transit Commission's comments, dated December 22, 2009, recommend that Toromont Industries Ltd. contribute the land and property easements necessary for construction of the subway prior to the lands being rezoned, in accordance with Section 37 of the Planning Act. Section 37 does not apply to the subject application as neither OPA #500 nor OPA #663 contain policies that authorize increases in height and density of development otherwise permitted in a zoning by-law in return for the provision of facilities, services or matters; such policies are required to implement Section 37 of the Planning Act.

The Toronto Transit Commission has identified that future redevelopment of the site requires a Toronto Transit Commission Level 2 Technical Review of the proposed development, including the TTC's written acknowledgement that the applicant has satisfied all of the conditions arising out of the review. The Toronto-York Spadina Subway Extension Department (TYSSE) also recommends that warning clauses regarding the construction and operation of the TYSEE be inserted in all offers to purchase, agreements of purchase and sale, or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development.

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 subject application was circulated to the Region of York for review. The Region has no concerns with the proposed rezoning, as the technical review for the proposed C9 Corporate Centre Zone lands will occur upon submission of the required Draft Plan of Subdivision and Site Development Applications, in the future.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment Application Z.09.027 (Toromont Industries Ltd.) in accordance with OPA #500 and OPA #663, By-law 1-88, the Draft Vaughan Metropolitan Centre (VMC) Plan, Regional and Provincial Plans, comments from City Departments and external public agencies, and the area context.

The Development Planning Department is satisfied that rezoning the subject lands from EM1 Prestige Employment Area Zone to C9(H) Corporate Centre Zone with the Holding Symbol "(H)" is appropriate and compatible with the existing, permitted, and future uses in the surrounding area, and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application, subject to the recommendation in this report. The rezoning to C9(H) Zone will not include the applicant's request to recognize the existing construction equipment dealership as a permitted use, which will continue to operate as a legal non-conforming use. All C9 Zone uses will be permitted on the lands, with the exception of a tavern and a block townhouse dwelling, as discussed in the staff report.

Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan and Proposed Rezoning
4. Avenue 7 Plan (OPA #663) Transportation Plan
5. Draft Vaughan Metropolitan Centre (VMC) Transit Network
6. Draft Vaughan Metropolitan Centre (VMC) Plan Street Network

Report prepared by:

Erika Ivanic, Planner 1, ext. 8485

Christina Napoli, Acting Senior Planner, ext. 8483

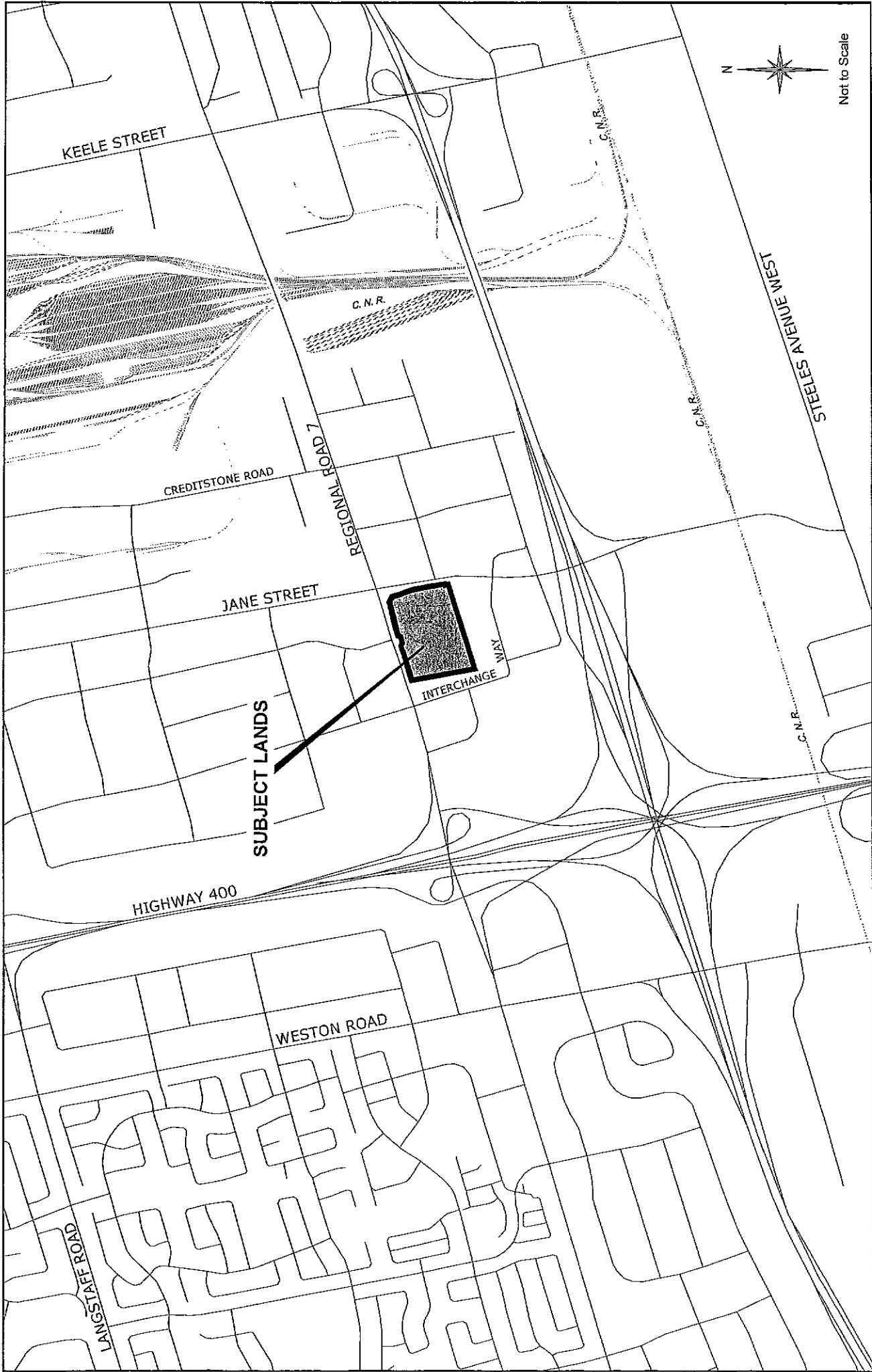
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



Context Location Map

Location: Part of Lot 5,
Concession 5

Applicant:
Toromont Industries Ltd.

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The City Above Toronto

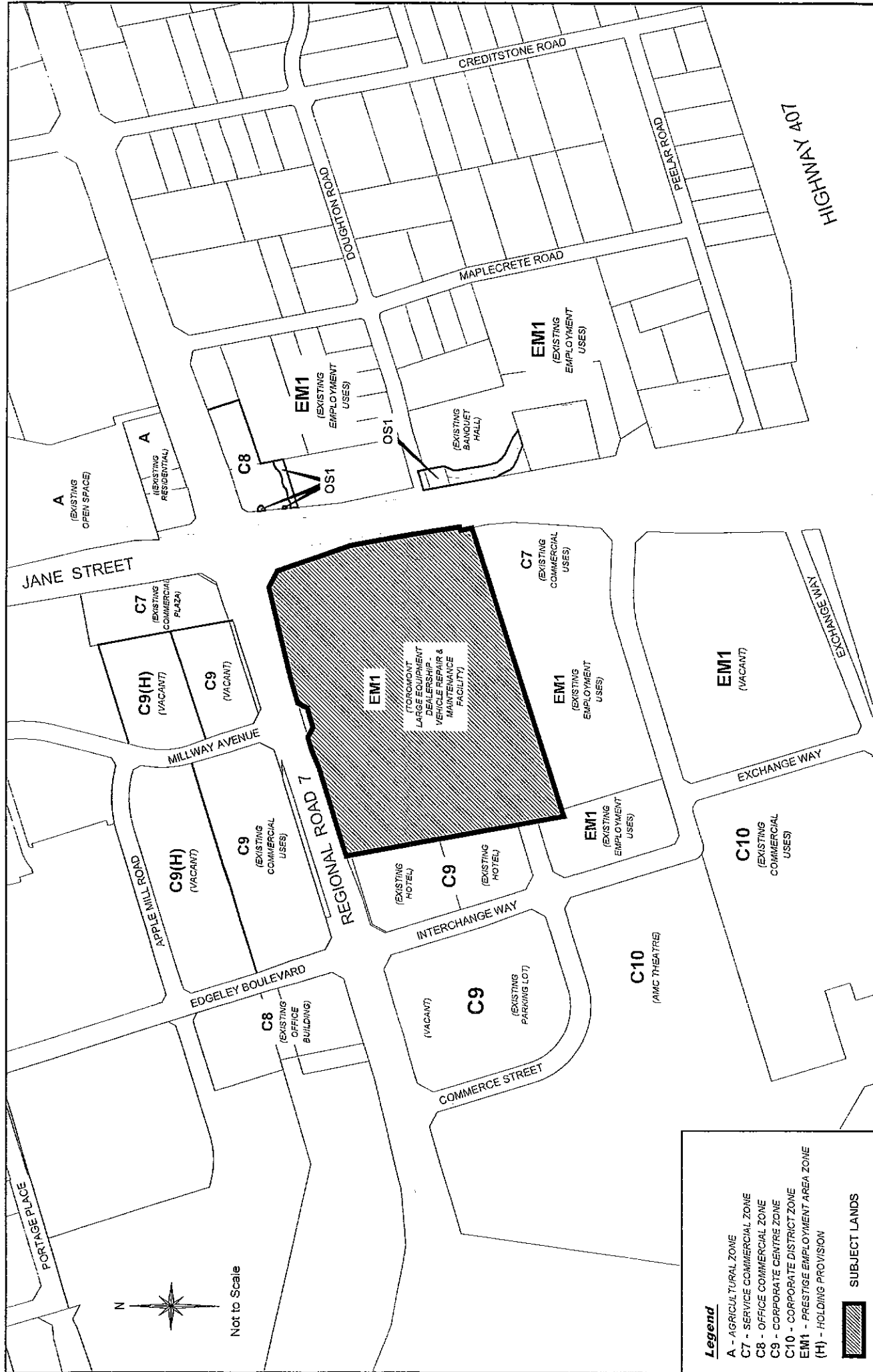
Development Planning Department

Attachment

File:
Z.09.027

Date:
June 2, 2010

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Legend

- A - AGRICULTURAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- C8 - OFFICE COMMERCIAL ZONE
- C9 - CORPORATE CENTRE ZONE
- C10 - CORPORATE DISTRICT ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- (H) - HOLDING PROVISION
- SUBJECT LANDS

Location Map

Location: Part of Lot 5,
Concession 5

Applicant:
Torontom Industries Ltd.



The City Above Toronto

Development Planning Department

Attachment

File: Z.09.027
Date: June 2, 2010



ZONING BY-LAW AMENDMENT

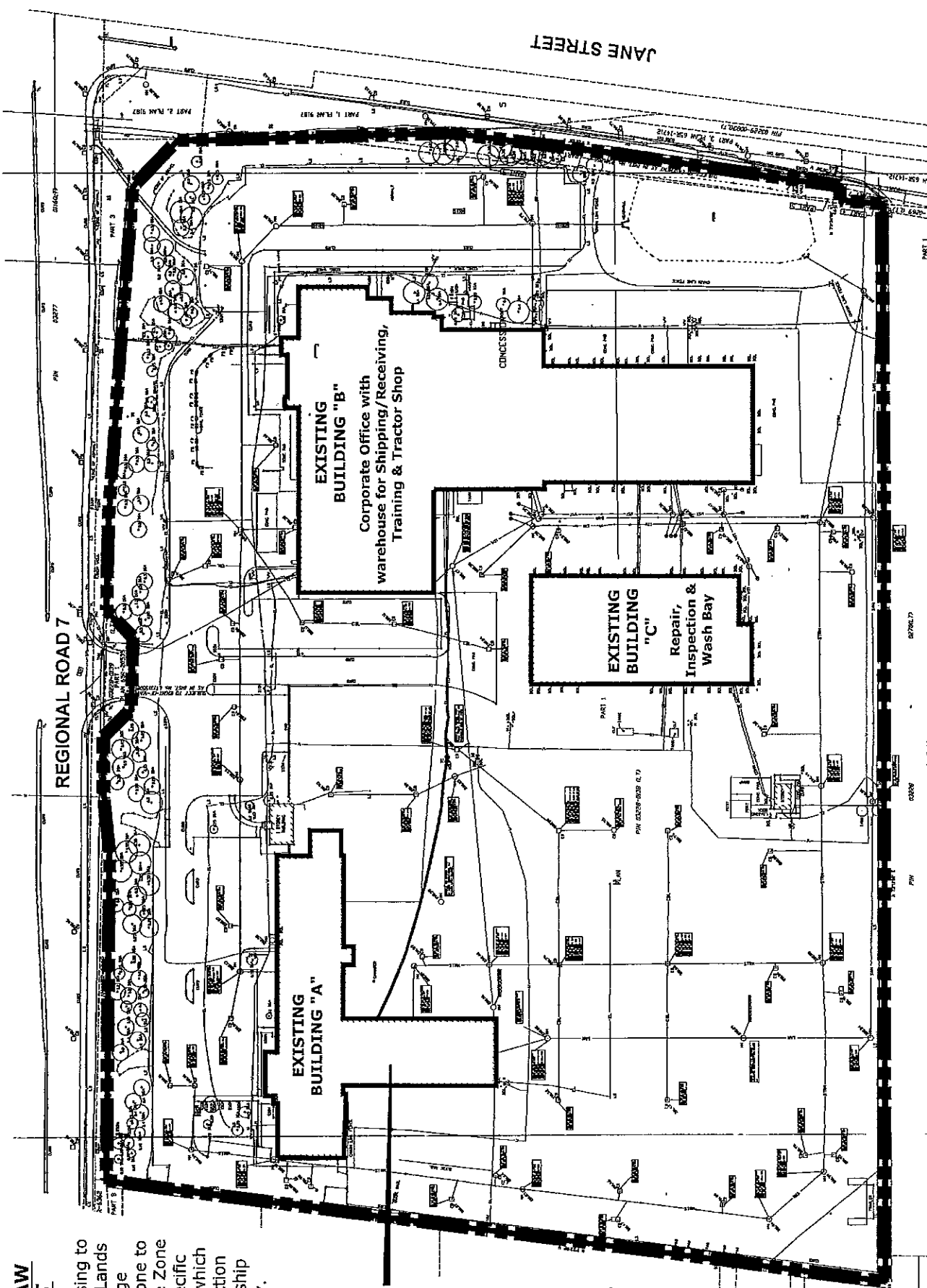
The Owner is proposing to rezone the Subject Lands from EM1 Prestige Employment Area Zone to C9 Corporate Centre Zone and retain site specific Exception 9(144), which permits a construction equipment dealership on the property.

Administrative Office with warehouse for Truck Shop & Parts Depot

SUBJECT LANDS



Not to Scale



Existing Site Plan and Proposed Rezoning



APPLICANT:
Toromont Industries Ltd.
LOCATION:
Part of Lot 5, Concession 5

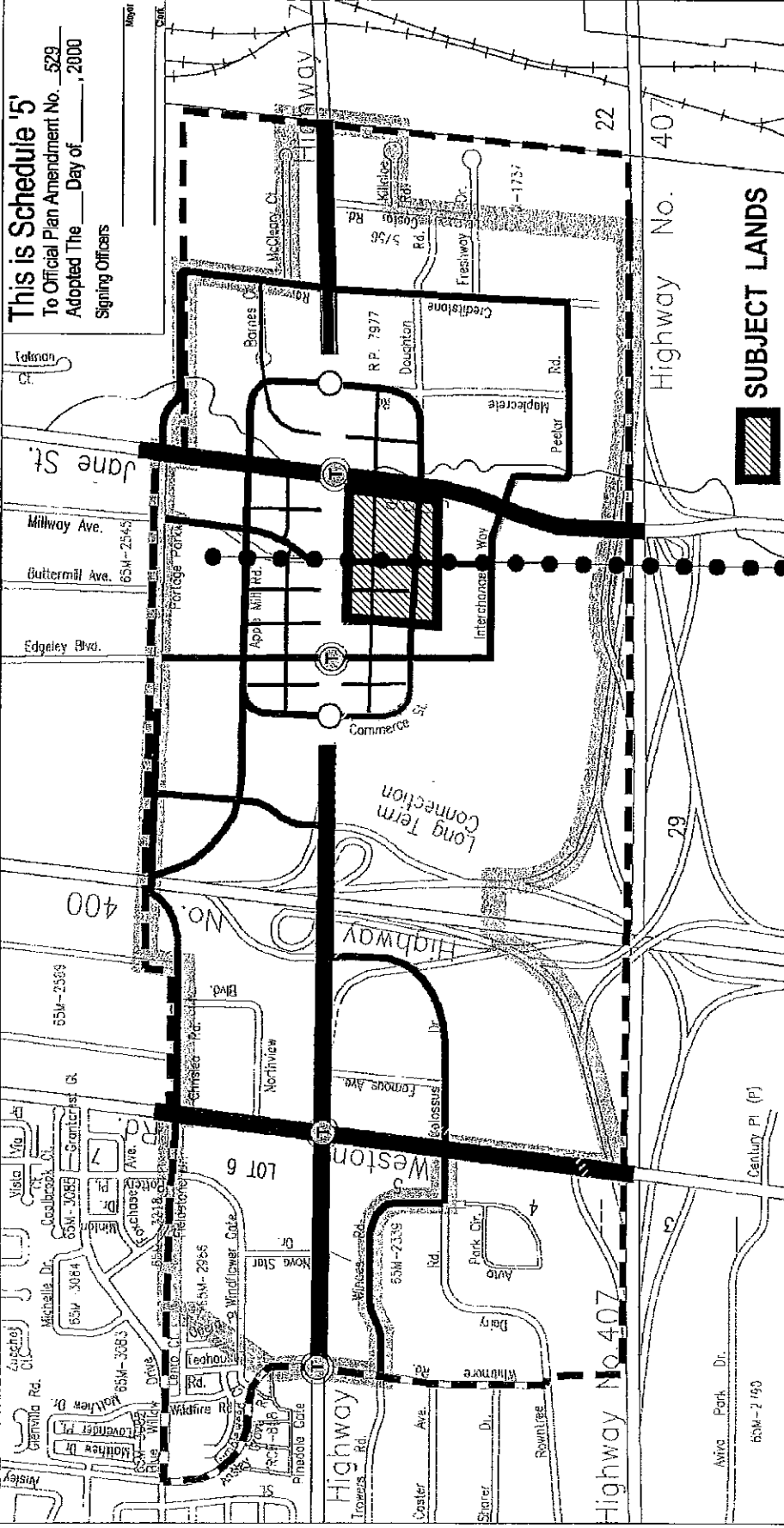
Development Planning Department

Attachment

FILE:
Z.09.027
DATE:
June 2, 2010

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This is Schedule '5'
To Official Plan Amendment No. 529
Adopted The _____ Day of _____, 2000
Signing Officers



**Vaughan Corporate Centre Secondary Plan
Amendment No. 500**

- Local Road
- Highway 7 / Avenue 7
- Arterial Road
- Collector Road
- 23m Higher Order Transit Right of Way
- Inter-Regional Transitway (Potential)
- Transit Stop Centres

Schedule 'B' - Transportation Plan
See Schedule 'B1' For Implementing Road Width Plan

- SUBJECT LANDS
- Traffic Control / Design Feature
- Vaughan Corporate Centre Secondary Plan Area Boundary
- Study Area Boundary

This is Schedule "B" to
Amendment NO. 663



Avenue 7 Plan (OPA 663) Transportation Plan



Development Planning Department

Applicant: **Torontom Industries Ltd.**
Location: Part of Lot 5,
Concession 5

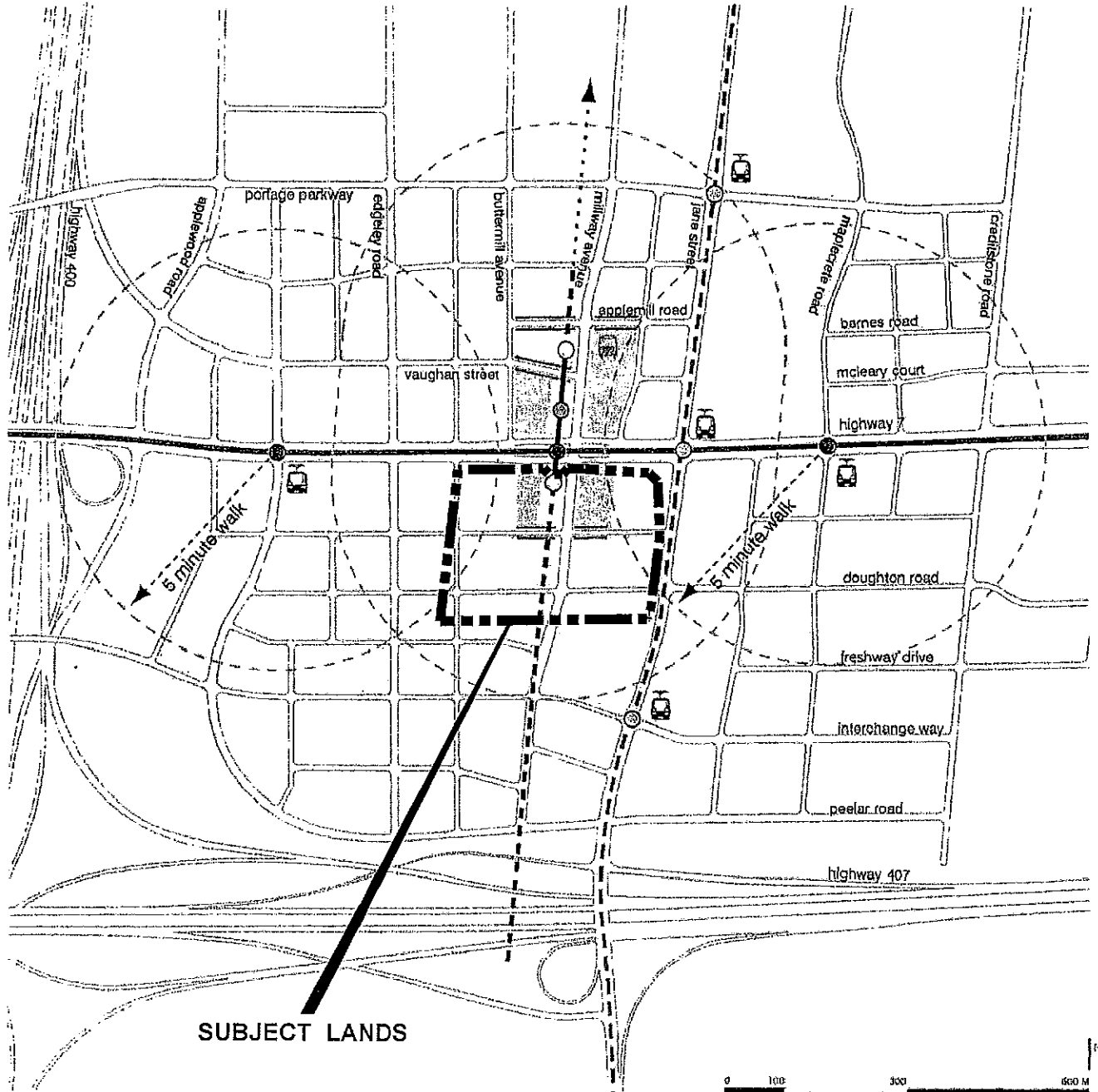
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File: Z.09.027
Date: June 2, 2010
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LEGEND

- ⊙ subway entrances
- future subway entrances
- potential Hwy7 rapidway stations
- ⊙ potential Jane Street rapidway stations
- ⊙ 5 minute walking radii
- ▨ blocks adjacent to subway
- on-street passenger pick-up and drop-off (long term)

- ⋯ spadina subway alignment
- ▬▬▬ future spadina subway extension
- ▬▬▬ spadina subway station box
- ▬▬▬ highway 7 rapidway
- ▬▬▬ potential jane street rapidway
- 🚗 station block
- 🚗 potential viva stations
- 🌳 major parks and open spaces



Draft VMC Transit Network

Applicant: Toromont Industries Ltd. Location: Part of Lot 5, Concession 5



The City Above Toronto
Development Planning Department









Attachment

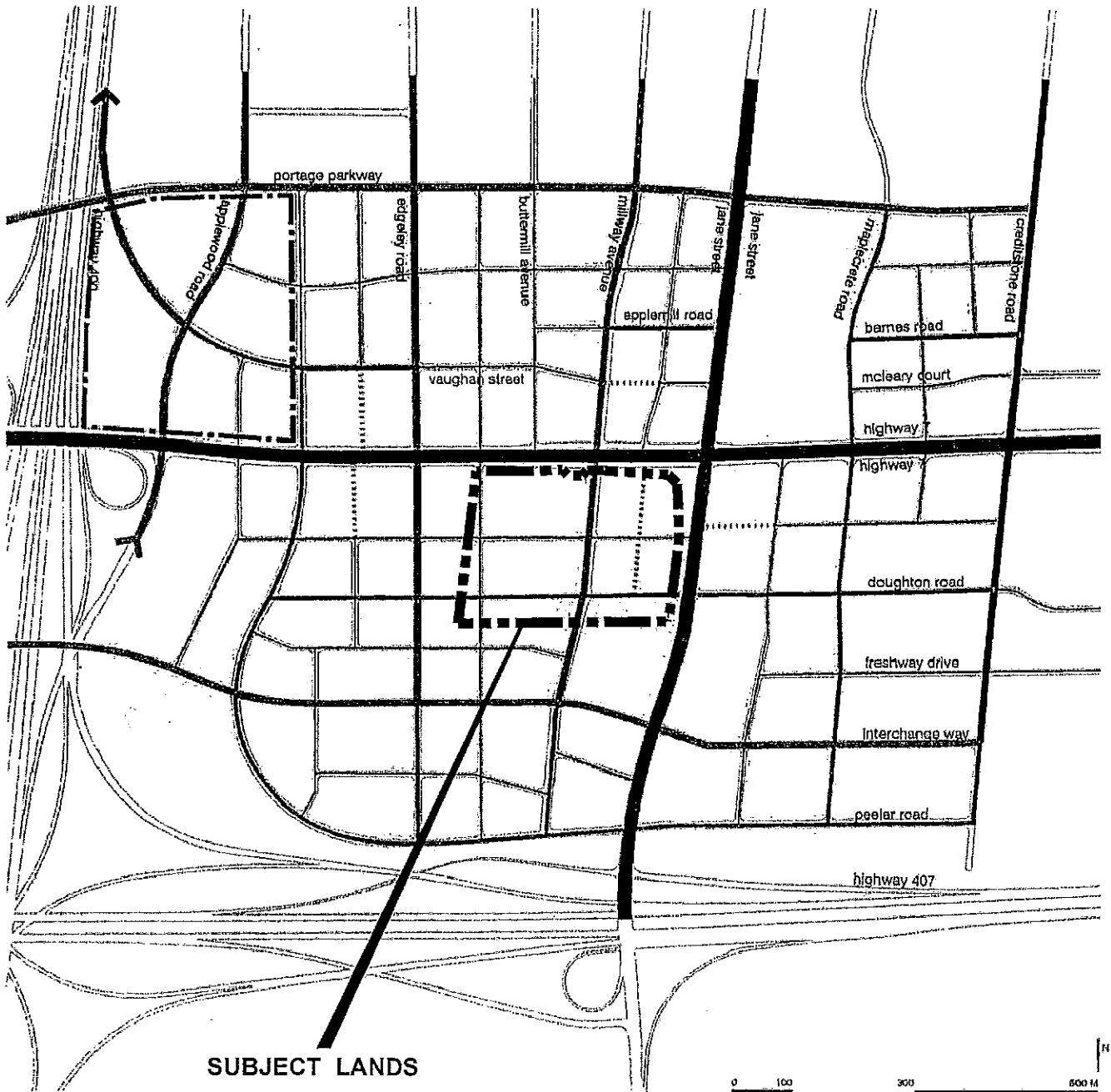
File: Z.09.027

Date: June 2, 2010

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LEGEND

-  arterials (54m+ row)
-  minor arterial (33m row)
-  major collectors and special collector (28-33m row)
-  minor collectors (23-26m row)
-  local streets (20-22m row)
-  local street or public pedestrian mews (20m row)
-  special study area A (see Policy 4.3.9)
-  major parks and open spaces



Draft VMC Plan Street Network

Applicant: *Toromont Industries Ltd.* Location: *Part of Lot 5, Concession 5*



The City Above Toronto
Development Planning Department

Attachment

File: *Z.09.027*

Date: *June 2, 2010*

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