

COMMITTEE OF THE WHOLE APRIL 3, 2012

**OFFICIAL PLAN AMENDMENT FILE OP.12.001
ZONING BY-LAW AMENDMENT FILE Z.12.002
SITE DEVELOPMENT FILE DA.12.013
BOCA EAST INVESTMENTS LTD.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.001 (Boca East Investments Ltd.) BE APPROVED, to amend OPA #450 (Employment Area Plan) as amended by OPA #631, specifically to:
 - a) redesignate the portion of the subject lands currently designated "Employment Area General" to "Prestige Area" as shown on Attachment #2;
 - b) permit the outside storage of trucks and tractor trailers accessory to the operation of a warehouse and distribution facility, whereas no outside storage is permitted on lands designated Prestige Area; and,
 - c) permit loading spaces between a building and a street (Rutherford Road).
2. THAT Zoning By-law Amendment File Z.12.002 (Boca East Investments Ltd.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
 - a) rezone the portion of the subject lands zoned EM2(H) General Employment Area Zone with the Holding Symbol "(H)" and subject to Exception 9(1307), to EM1 Prestige Employment Area Zone as shown on Attachment #2, to implement the proposed development shown on Attachments #3 to #5;
 - b) remove the Holding Symbol "(H)" from the entirety of the subject lands, thereby effectively zoning the entire subject lands EM1 Prestige Employment Area Zone; and,
 - c) permit the site-specific zoning exceptions identified in Table 1 of this report.
3. THAT Site Development File DA.12.013 (Boca East Investments Ltd.) BE APPROVED, to permit the development of a 61,093.03 m² warehouse and distribution facility with 800 truck and trailer parking spaces, 540 employee parking spaces and 212 loading spaces, as shown on Attachment #3, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, landscape plan, and building elevations shall be approved to the satisfaction of the Vaughan Development Planning Department;
 - ii) the final site grading and servicing plans, storm water management report, functional servicing report, access, parking, traffic impact assessment, and on-site circulation shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;

- iii) the Owner shall enter into a Subdivision Agreement (revision to Plan of Subdivision File 19T-06V13) and any other agreement as required, with the City of Vaughan, to provide for the necessary municipal services for the proposed development;
 - iv) the Owner shall satisfy all requirements of the Vaughan Public Works Department respecting waste management on the site;
 - v) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority (TRCA); and,
 - vi) the Owner shall submit an amended Block 64 Plan to reflect the approved amendments.
4. THAT 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 51 of the Planning Act and City of Vaughan policy. 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. The cash-in-lieu payment, in accordance with Section 42 of the Planning Act, will not be required as long as the Council Policy waiving such payment remains in effect for industrial land.
5. THAT the Region of York be requested to endorse a modification to the City of Vaughan Official Plan 2010, adopted by Vaughan Council on September 7, 2010, as modified on September 27, 2011, specifically Schedules 13 and 13 k to redesignate the subject lands from "Prestige Employment" and "General Employment" to "Prestige Employment" with the same site-specific policies identified in Recommendations 1 a), b) and c) above to be included in Volume 2, Section 13 (Land Subject to Site Specific Policies) of the City of Vaughan Official Plan 2010, as amended. As the VOP 2010 has been appealed, the final approval authority rests with the Ontario Municipal Board (OMB).

Contribution to Sustainability

The following sustainable features, but not limited to, will be provided within the site and building design:

- i) light pollution reduction: design outdoor lighting for safety and comfort;
- ii) erosion and sedimentation control: design and implement an erosion and sediments control plan;
- iii) recycled materials: recycled concrete materials for stone base in the parking lot pavement construction;
- iv) provision of bicycle racks on site, to promote an alternative to motor vehicles;
- v) indoor water use reduction: implement plumbing fixtures that reduce water requirements;
- vi) utilizing roofing materials that have a Solar Reflectance Index (typically referred to as white roofs);
- vii) utilizing low emitting adhesives and sealants;
- viii) utilizing low emitting paints and coatings;
- ix) provide an easily accessible area for collection and storage of recyclables; and,
- x) landscape materials that minimize the high usage of water.

Economic Impact

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

Communications Plan

On February 3, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands and to the Kleinburg and Area Ratepayers' Association and the Nashville Area Ratepayers Association. The Public Hearing was held on February 28, 2012.

The recommendation of the Committee of the Whole on February 28, 2012, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on March 20, 2012.

It is noted that the Public Hearing Notice indicated that an amendment to the Official Plan was being requested to delete a portion of a north/south collector road located west of the subject lands. The Owner has since revised the Official Plan Amendment Application to delete this request.

Purpose

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2, to facilitate the development of a 61,093.03 m² warehouse and distribution facility with 800 truck and trailer parking spaces, 540 employee parking spaces and 212 loading spaces, as shown on Attachment #3:

1. Official Plan Amendment File OP.12.001, to amend OPA #450 (Employment Area Plan) as amended by OPA #631, specifically to:
 - a) redesignate the portion of the subject lands currently designated "Employment Area General" to "Prestige Area" as shown on Attachment #2;
 - b) permit the outside storage of trucks and tractor trailers accessory to the operation of a warehouse and distribution facility, whereas no outside storage is permitted on lands designated for Prestige Area; and,
 - c) permit loading spaces between a building and a street (Rutherford Road).
2. Zoning By-law Amendment File Z.12.002 to amend Zoning By-law 1-88, specifically to:
 - a) rezone the portion of the subject lands zoned EM2(H) General Employment Area Zone with the Holding Symbol "(H)" and subject to Exception 9(1307), to EM1 Prestige Employment Area Zone as shown on Attachment #2, to implement the proposed development as shown on Attachments #3 to #5;
 - b) remove the Holding Symbol "(H)" from the entirety of the subject lands, thereby effectively zoning the entire subject lands EM1 Prestige Employment Area Zone; and,
 - c) permit the site-specific zoning exceptions as identified in Table 1 of this report.
3. Site Development File DA.12.013 to permit the development of a 61,093.03 m² warehouse and distribution facility with 800 truck and trailer parking spaces, 540 employee parking spaces and 212 loading spaces, as shown on Attachments #3 to #5.

Background - Analysis and Options

Location

The subject lands are located at the southwest corner of Huntington Road and Rutherford Road, City of Vaughan as shown on Attachments #1 and #2.

Provincial Policy Statement (PPS)

The PPS provides broad based policy direction on matters of Provincial interest related to land use planning and development. The PPS also promotes cost-effective development standards to minimize land consumption and servicing costs, supports and encourages accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long term needs. The proposed development conforms to the goals and objectives and policies of the PPS.

Provincial Places to Grow

Places to Grow, the Province's Growth Plan, sets out policies applicable to the Greater Golden Horseshoe. The policies of the Growth Plan encourage providing for an appropriate mix of uses including industrial uses to meet long term needs and providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activity. The proposed development achieves the goals of the Growth Plan.

Region of York Official Plan

The subject lands are designated "Urban Area" by the Region of York Official Plan, which permits a wide range of residential, commercial, industrial and institutional uses. Policy 6.6 – Goods Movement, of the Regional Official Plan, recognizes that safe and efficient goods movement is an important component of an economic strategy. The proposed Amendment will facilitate a distribution warehouse that conforms to the following Regional policies:

- "To encourage the location of activities that requires heavy truck traffic to areas near or adjacent to freeways and major arterials." (Policy 6.6.4); and,
- "To provide for a truck goods movement network in the Region which connects to adjacent municipalities and which utilizes provincial highways and the regional arterial network." (Policy 6.6.5)

The Region of York considers the subject applications to be a matter of local significance and has exempted the Official Plan Amendment Application from Regional approval.

City of Vaughan Official Plan

The subject lands are designated "Prestige Area" (abutting Rutherford Road and Huntington Road) and "Employment Area General" (interior lands) by OPA #450 (Employment Area Plan) as amended by OPA #631. Both the "Prestige Area" and the "Employment Area General" designations of OPA #450, as amended, permit the proposed warehouse and distribution facility use. Amendments to the Official Plan are required to redesignate the site in its entirety as "Prestige Area", and to permit the outside storage of trucks and trailers, and to permit loading to occur facing Rutherford Road within the "Prestige Area" designation.

The proposed Official Plan amendment to apply a consistent designation ("Prestige Area") with exceptions would facilitate development that is compatible with the surrounding employment

area, which is characterized by warehousing and transportation oriented employment uses given the proximity of this area to the existing CP intermodal facility and the proposed extension of Highway 427. As noted above, the proposed warehouse and distribution facility use is permitted on the subject lands. The outside storage of goods, merchandise, pallets and racking is not permitted, nor is loading between a building and a street (Rutherford Road). A landscape plan is proposed that incorporates berming and loading to screen the proposed outside storage area and loading spaces, which is acceptable to the Vaughan Development Planning Department. Consequently, the Development Planning Department supports the proposed amendments to the Official Plan.

The subject lands are designated "Prestige Employment" and "General Employment" by the City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011), and is pending approval from the Ontario Municipal Board. The policies of VOP 2010 are similar to those of OPA #450, as amended. Accordingly, should Vaughan Council adopt the proposed amendments to OPA #450 as identified in the recommendation of this report, VOP 2010 must be amended or modified to reflect any approved amendments. A recommendation to this effect is also included in this report.

Zoning

The subject lands are zoned EM1(H) Prestige Employment Area Zone (abutting Rutherford Road and Huntington Road) and EM2(H) General Employment Area Zone (interior area), each with the Holding Symbol "(H)" as shown on Attachment #2, by Zoning By-law 1-88, and subject to Exception 9(1307). In order to facilitate the proposed plan, amendments to Zoning By-law 1-88 are required to:

- i) rezone the portion of the subject lands zoned EM2(H) General Employment Area Zone with the Holding Symbol "(H)" and subject to Exception 9(1307) to EM1 Prestige Employment Area Zone;
- ii) remove the Holding Symbol "(H)" from the entirety of the subject lands, thereby effectively zoning the entire subject lands EM1 Prestige Employment Area Zone; and,
- iii) permit the following site-specific zoning exceptions:

Table 1

	By-law Standard	By-law 1-88, EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to EM1 Prestige Employment Area Zone
a.	Minimum Required Parking For Warehouse Use	1.0 parking space per 100m ² of GFA (611 spaces).	The Owner is requesting that the implementing Zoning By-law establish a minimum parking requirement of 0.67 parking spaces per 100m ² of GFA (410 spaces). However, the proposed site plan includes 540 parking spaces or 0.88 spaces/100m ² .

b.	Location of Loading Spaces	Loading spaces are not permitted between a building and a street.	Permit loading spaces to be located between a building and a street (Rutherford Road).
c.	Outside Storage of Trucks and Trailers	Not permitted in an EM1 Prestige Employment Area Zone.	Permit the outside storage of trucks and trailers in an EM1 Prestige Employment Area Zone as shown on Attachment #3.
d.	Minimum Driveway Width (One Way)	5.4m	4.5m
e.	Driveway Access Width serving a Loading Area	Minimum - 6m Maximum - 13.5m	Driveways ranging from 6.0m to 21.0m (Hunters Valley Road)

The proposed amendment involves rezoning lands zoned EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM1 Prestige Employment Area Zone in order to have a consistent zone for the entirety of the site.

Zoning By-law 1-88 permits the proposed warehouse and distribution facility in both the EM1 and EM2 Prestige and Employment Area Zones, respectively. With respect to the proposed land use, an amendment to By-law 1-88 is only required to permit the outside storage of trucks and trailers and loading spaces to be located between the proposed building and Rutherford Road. As previously noted, the subject lands are located in an employment area in the vicinity of the CP Intermodal Yard that serves the goods movement sector of the economy in Vaughan, the Greater Toronto Area and across Ontario. The proposed zoning exception to permit the outside storage of trucks and trailers is considered to be compatible with the surrounding land use context. As noted earlier, a landscape plan is proposed that incorporates berming and landscaping to screen the proposed outside storage area and loading spaces, which is acceptable to the Development Planning Department.

With respect to the proposed zoning amendments related to the driveway widths, the plan responds to the unique nature of the proposed facility which requires the efficient on-site movement of truck traffic, and has been reviewed by the Development/Transportation Engineering Department and generally been determined to be acceptable. The Owner is currently reviewing the access width of the driveway on Hunter's Valley Road to minimize its width to the greatest extent possible. Any further reduction to the driveway access width will be reflected in the implementing zoning by-law. With respect to the reduced parking standard, the Parking Study submitted in support of the application concludes that the proposed parking supply is sufficient for the development's specific requirements. The proposed parking reduction has been reviewed and approved by the Vaughan Development/Transportation Engineering Department.

The subject lands are currently zoned with the Holding Symbol "(H)", which can be removed upon the final determination of the alignment of the Highway #427 extension and cross-over to the satisfaction of the Ministry of Transportation (MTO). The City is in receipt of correspondence from the Ministry of Transportation advising that it has no objection to the removal of the Holding Symbol "(H)" from the subject lands.

In view of the above, the Development Planning Department can support the proposed zoning exceptions and the request to remove the Holding Symbol "(H)" for the subject lands.

Site Plan Review

The proposed site plan is shown on Attachment #3. The vacant 31.58 ha site will be developed with a 61,093.03 m² warehouse and distribution facility with 800 truck and trailer parking spaces, 540 employee parking spaces and 212 loading spaces as shown on Attachments #3 to #5.

The proposed building elevations are shown on Attachment #4 and consists of pre-finished metal siding, pre-cast panels, glazed window frames and canopies. The landscape plan shown on Attachment #5 consists of coniferous and deciduous trees and shrubs along the perimeter of the site with berming to reduce visual impact from the street.

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, building elevations and landscape plan. Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations and landscape plan shall be approved to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is included in the recommendation of this report.

Services

The Owner has submitted a functional servicing plan, a traffic impact study, a storm water management report, and site servicing and grading plans, which must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report. A condition is also included requiring the Owner to enter into a Subdivision Agreement (revision to Plan of Subdivision 19T-06V13) and any other agreement required by the City to provide for the necessary municipal services for the proposed development, prior to the execution of the Site Plan Letter of Undertaking.

Subdivision Agreement/Registration

The subject lands are located within Plan of Subdivision File 19T-06V13 (Boca East Investments Ltd.) that was approved by Vaughan Council on June 25, 2007, as shown on Attachment #6. The southerly portion of the approved subdivision was registered as Plan 65M-4150 on October 22, 2009, which did not include the subject lands. In order to facilitate the proposed development of the subject lands, modifications to the approved Plan of Subdivision are required, to reconfigure Block 3 to delineate the limits of the development block consistent with the boundary of the subject lands and to accommodate a road widening required by York Region with regard to Rutherford Road. The Owner has submitted a revised Plan of Subdivision which is being reviewed by the City of Vaughan and all external public agencies that provided conditions of approval. The Owner is required to enter into a subdivision agreement with the City of Vaughan in order to register the remainder of the plan of subdivision (or phase thereof) prior to the execution of the Site Plan Letter of Undertaking. A condition of approval is included to this effect in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has reviewed the Official Plan and Zoning By-law Amendment and Site Development applications and supports the proposal in principle. The TRCA is working with the Owner to finalize the details with respect to stormwater retention and erosion and sediment control matters. The TRCA has advised that revisions are required to the site grading and servicing plans and storm water management report submitted in support of the proposal.

Prior to the execution of the Site Plan Letter of Undertaking, the Owner must satisfy all requirements of the TRCA.

Block 64 Land Use Plan

The approved Block 64 Land Use Plan is shown on Attachment #7 and designates the subject lands "Prestige Area" (abutting Rutherford Road and Huntington Road) and "Employment Area General" (interior area). The Block Plan was approved by Vaughan Council on June 26, 2006. Should Council approve the proposed Official Plan Amendment, the Owner will be required to submit a revised Block Plan.

Cash-In-Lieu of Parkland

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 51 of the Planning Act and City of Vaughan Policy. 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. The cash-in-lieu payment, in accordance with Section 42 of the Planning Act, will not be required as long as the Council Policy waiving such payment remains in effect for industrial land. A condition to this effect is included in the recommendation of this report.

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of these applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The Region of York Community Planning Division considers the subject applications to be a matter of local significance, and has exempted the Official Plan Amendment Application from Regional approval. The Region of York Transportation Services Division has indicated that they have no transportation or engineering objections to the proposed development. The Owner will be required to fulfill all requirements of the Region of York Transportation Services and Community Planning Department, in accordance with the Regional correspondence dated March 12, 2012.

The Region of York has requested an approximate 2m wide road widening along the Rutherford Road frontage of the property. The Owner has prepared a Reference Plan to delineate the road widening, which has been approved by the Region of York.

Conclusion

The Vaughan Development Planning Department has reviewed the subject Official Plan Amendment, Zoning By-law Amendment and Site Development Applications in accordance with the policies of OPA #450, as amended by OPA #631, the approved Block 64 Plan, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Vaughan Development Planning Department is satisfied that the proposal to facilitate a warehousing and distribution centre on the subject lands is compatible with the surrounding employment uses for the reasons set out in this report. On this basis, the Development Planning Department can support the approval of the Official Plan Amendment, Zoning By-law Amendment and Site Development Applications, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Elevations
5. Landscape Plan
6. Approved Plan of Subdivision File 19T-06V13, Boca East Investments Ltd. (Council Approved June 25, 2007)
7. Approved Block 64 Plan

Report prepared by:

Clement Messere, Planner, ext. 8409

Carmela Marrelli, Senior Planner, ext. 8791

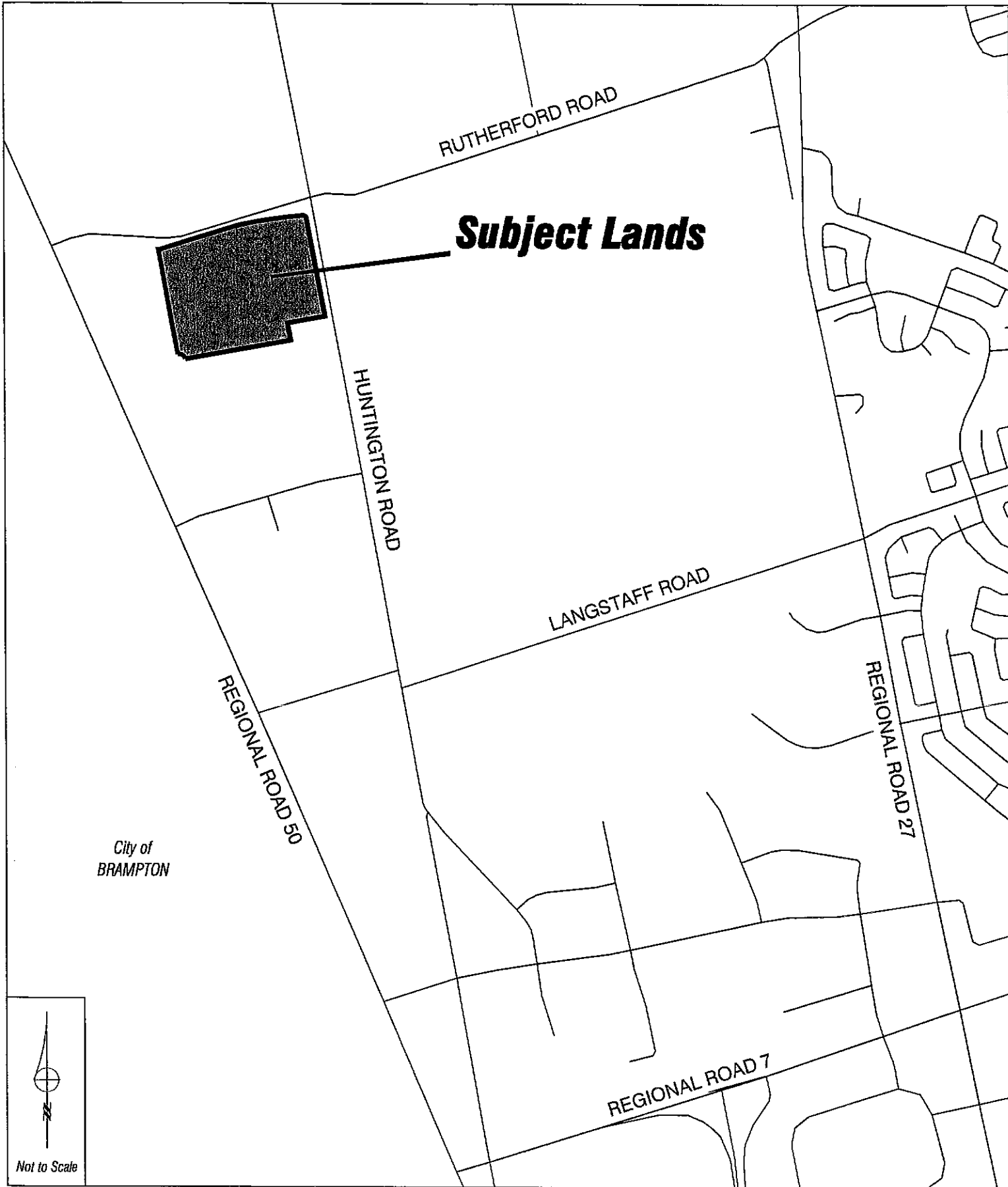
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

/CM

GRANT UYHEYAMA
Director of Development Planning



Context Location Map

LOCATION:
Part Lots 14 & 15, Concession 10

APPLICANT:
Boca East Investments Ltd.

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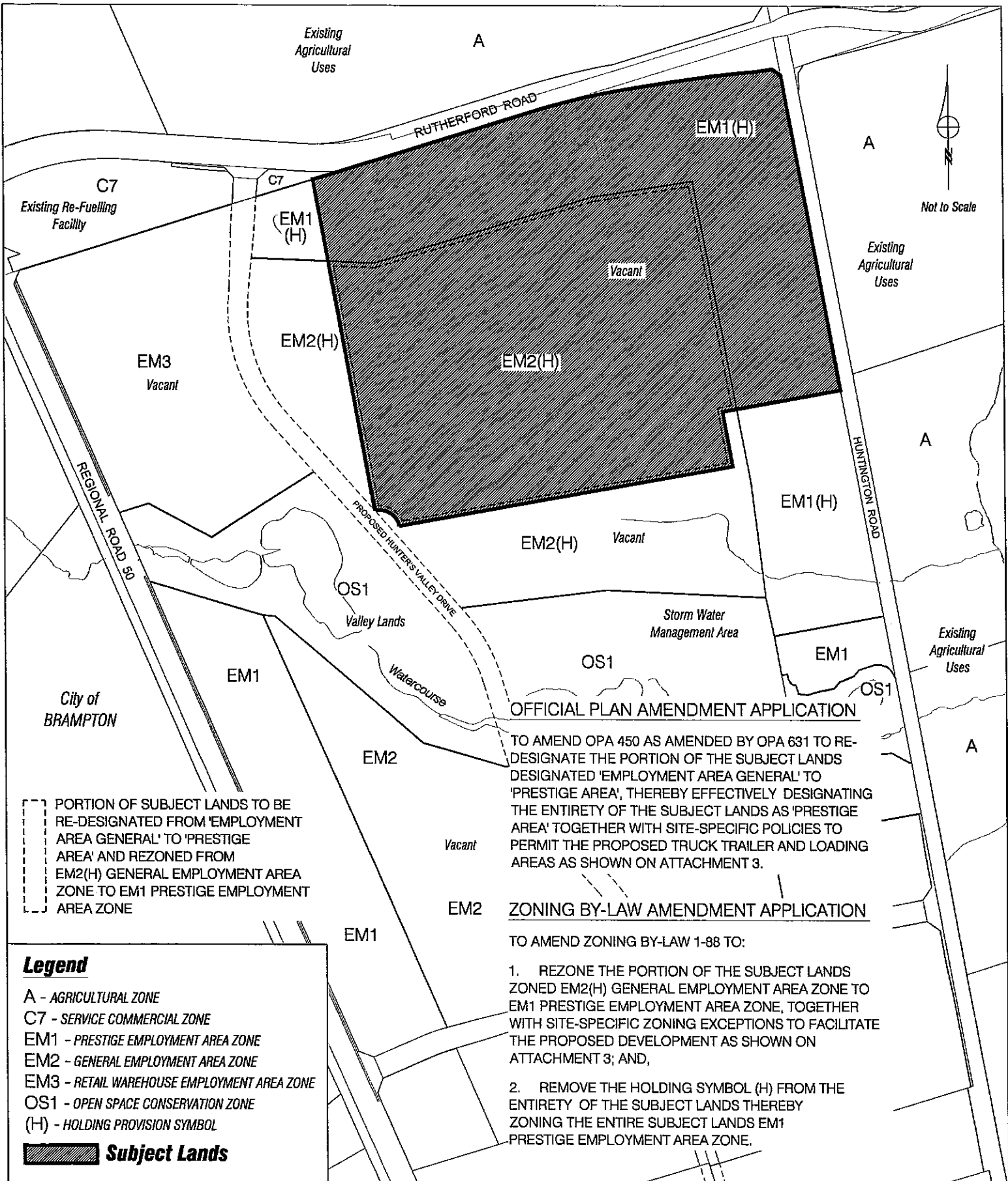


Attachment

FILES:
OP.12.001 / Z.12.002 / DA.12.013

DATE:
February 13, 2012

1



Location Map

LOCATION:
Part Lots 14 & 15, Concession 10

APPLICANT:
Boca East Investments Ltd.

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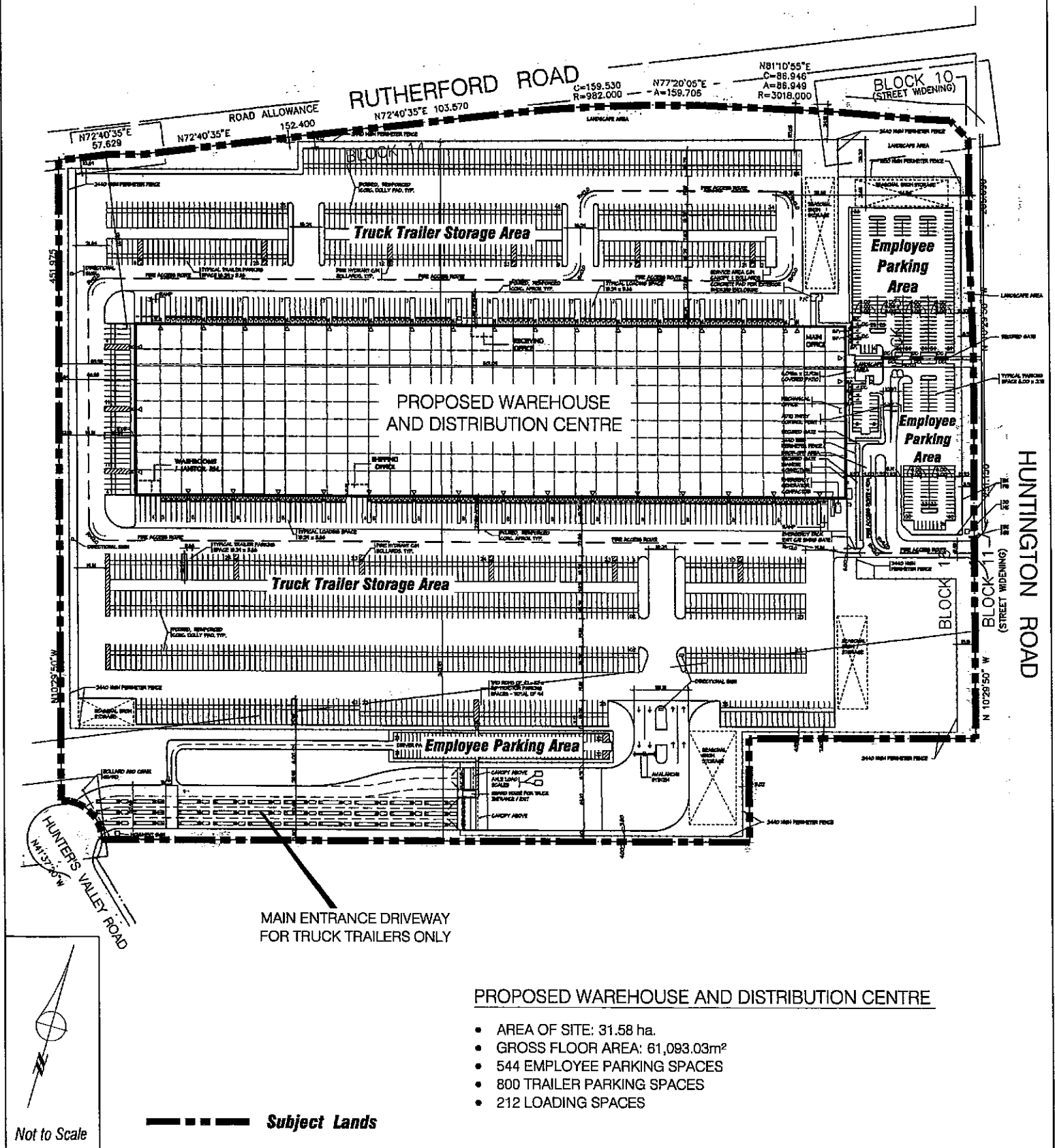


Attachment

FILES:
OP.12.001 / Z.12.002 / DA.12.013

DATE:
February 13, 2012

2



Site Plan

LOCATION:
Part Lots 14 & 15, Concession 10

APPLICANT:
Boca East Investments Ltd.

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Attachment

FILES:
OP.12.001 / Z.12.002 / DA.12.013

DATE:
March 9, 2012

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Attachment

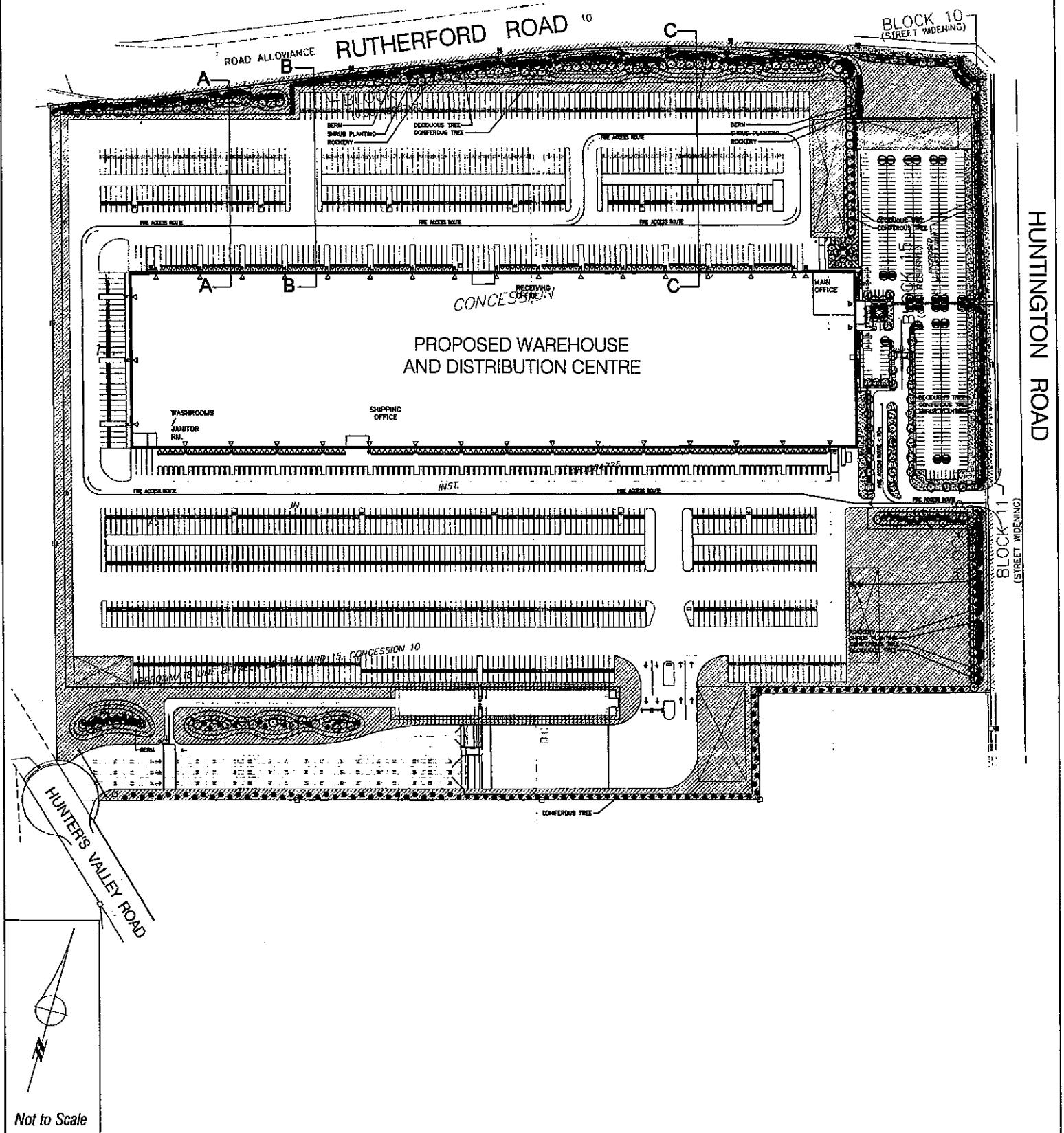
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DATE:
February 13, 2012



VAUGHAN
Development Planning
Department





Landscape Plan

LOCATION:
Part Lots 14 & 15, Concession 10

APPLICANT:
Boca East Investments Ltd.

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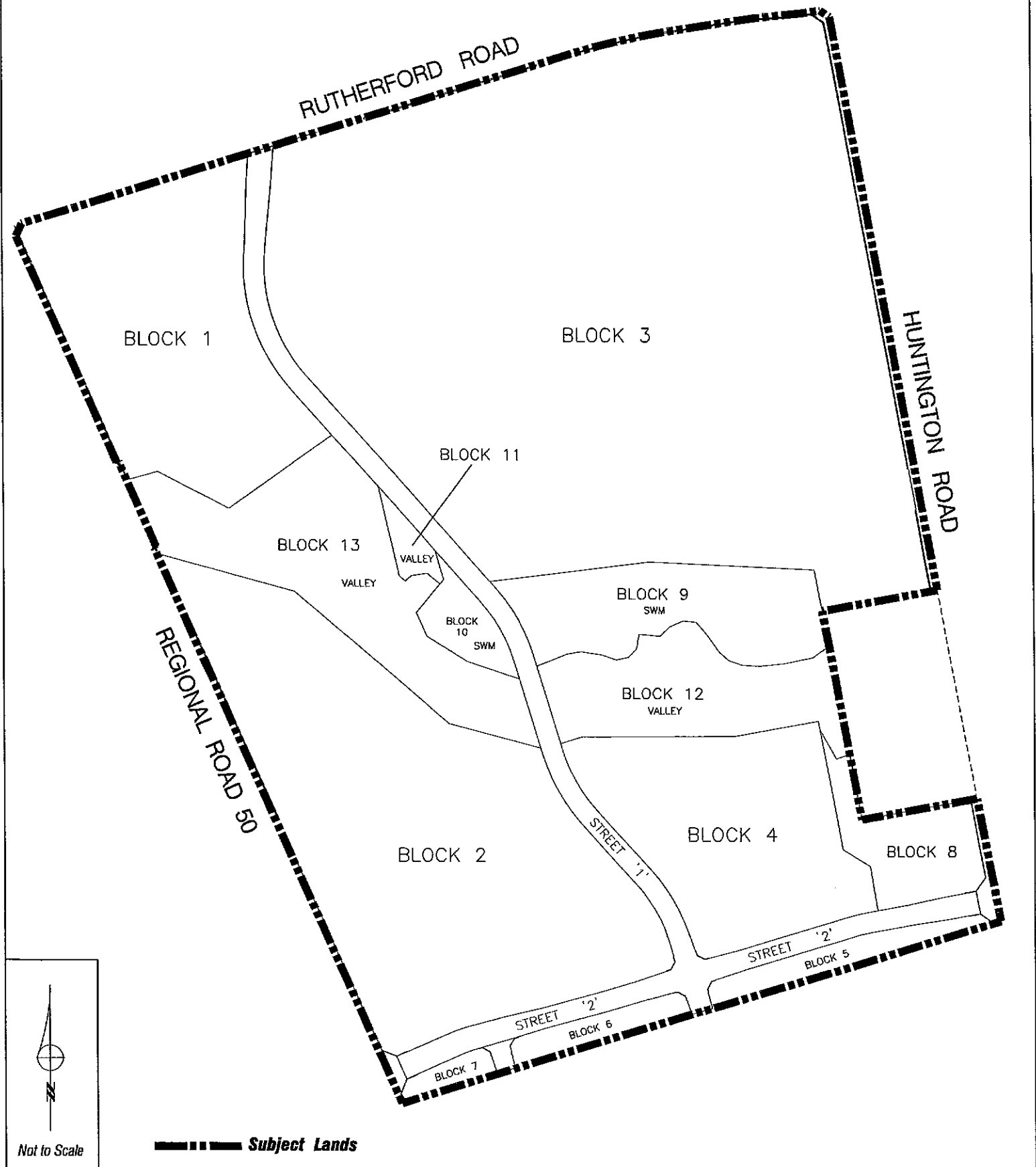


Attachment

FILES:
OP.12.001 / Z.12.002 / DA.12.013

DATE:
March 9, 2012

5



Approved Plan of Subdivision File 19T-06V13, Boca
East Investments Ltd. (Council Approved-June 25, 2007)

APPLICANT:
Boca East Investments Ltd.

LOCATION:
Part Lots 14 & 15, Concession 10

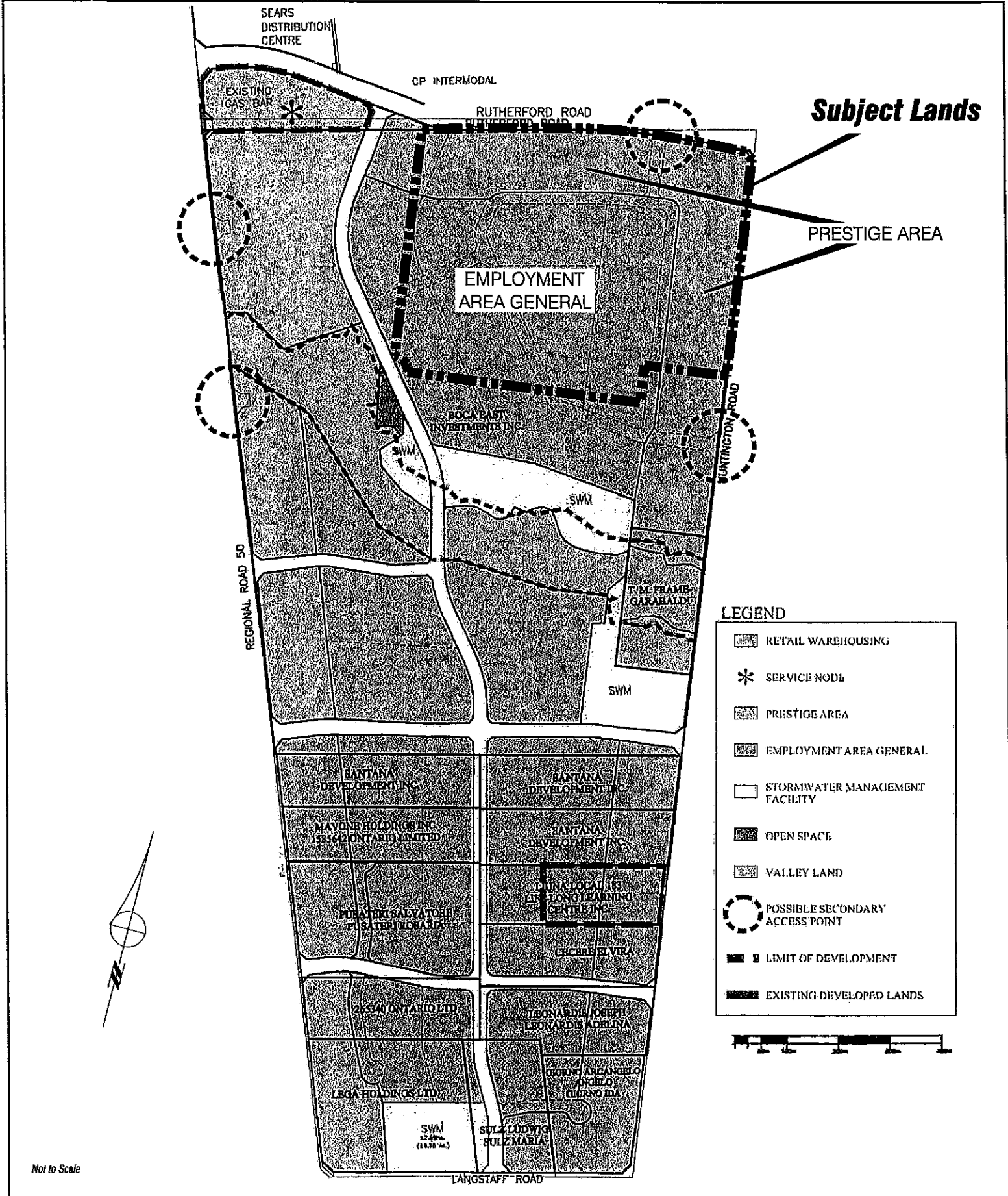


Attachment

FILE:
OP.12.001 / Z.12.002/ DA.12.013

DATE:
February 13, 2012

6



Approved Block 64 Plan

LOCATION:
Part of Lots 14 & 15, Concession 10

APPLICANT:
Boca East Investments Ltd.

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DATE:
March 9, 2012

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