

## **COMMITTEE OF THE WHOLE JUNE 17, 2002**

### **OFFICIAL PLAN AMENDMENT FILE OP.01.006 ZONING BY-LAW AMENDMENT FILE Z.01.011 SITE DEVELOPMENT FILE DA.02.022 MAJORWEST DEVELOPMENT CORP.**

#### **Recommendation**

The Commissioner of Planning recommends:

1. That the Ontario Municipal Board be advised that the City of Vaughan has no objection to the approval of Official Plan Amendment Application File: OP.01.006 (Majorwest Development Corporation) to redesignate the lands for commercial development.
2. That the Ontario Municipal Board be advised that the City of Vaughan has no objections to the approval of Zoning By-law Amendment Application File Z.01.011 (Majorwest Development Corporation) to rezone the subject lands to C5 Community Commercial Zone, and requests that should the Board approve said application:
  - a) that the Board withhold its Order until such time as the City has advised the Board that site plan is to the satisfaction of the City, and the implementing by-law is reflective of the site plan.
  - b) that the Board require that prior to the initiation of grading and prior to the implementation of the zoning by-law or any phase thereof, the owner shall fulfill the conditions of the Toronto Region Conservation Authority as outlined in this report.
3. That the Board be requested to withhold the issuance of its Order respecting the Site Development Application File: DA.02.022 (Majorwest Development Corporation) until such time as the City has had the opportunity to receive and review the complete site plan, including landscaping, engineering and building plans and has advised the Board that it is satisfied with the revised site plan, building elevations, landscape plans final site servicing and grading plans, stormwater management report, site circulation/parking/access, utilities and environmental conditions, as outlined in this report.

#### **Purpose**

On February 8, 2001, the Owner submitted applications to amend the Official Plan (OP.01.016) and the Zoning By-law (Z.01.016) for redesignation and rezoning of the subject lands for commercial development. The subject lands represent one of the four quadrants at the intersection of Major Mackenzie Drive and Weston Road, of the "Vellore Village District Centre" in OPA No. 600.

The Official Plan provides that prior to the development of any land in the District Centre, a tertiary plan in the form of an official plan amendment, must be adopted by Council. The minimum area required for the preparation of such an amendment shall be the lands designated as "District Centre" within any Block Plan. Majorwest Development Corp. has initiated this Official Plan amendment for the southeast quadrant of the District Centre, in Block 32W to fulfill the requirements of OPA No. 600.

The proposed development is for a shopping centre having a gross floor area of 12,548 sq.m. within 7 buildings, for a variety of commercial uses including a supermarket or department store, bank, professional offices, drug store, restaurants, retail stores, etc. On March 19, 2002, the

applicant submitted on-site Site Development Application (DA.02.022) containing a site plan, but with landscape, engineering and elevation plans not yet provided.

### **Background - Analysis and Options**

The subject lands are located on the southeast corner of Major Mackenzie Drive and Weston Road, immediately west of Starling Boulevard, in Lot 20, Concession 5, City of Vaughan. The vacant 4.26 ha parcel has approximately 308 metres of frontage on Major Mackenzie Drive, 151 m of frontage on Weston Road, and 141 m of frontage on Starling Boulevard. The surrounding uses are:

- North – Major Mackenzie Drive; vacant (A Agricultural Zone)
- South – vacant, draft plan of subdivision 19T-01V08 (A Agricultural Zone)
- East – vacant, proposed commercial plaza, (C1 (H) Restricted Commercial Zone with Holding Symbol)
- West – Weston Road; vacant (A Agricultural Zone)

A Public Hearing has not been held for these applications as they were being held in abeyance pending completion of the Vellore Village District Centre Study.

On July 5, 2001 and July 6, 2001, the Owner appealed the applications for amendments to the Official Plan and Zoning By-law on the basis of Council's failure to make a decision within 90 days of submission.

On April 23, 2002, the Owner appealed the Application for Site Plan Approval on the basis that Council failed to make a decision within 30 days of submission.

Another portion of the District Centre quadrant, under the same ownership, is subject to applications for zoning amendment (Z.01.050) and residential draft plan of subdivision (19T-01V08). These applications are also included in the scheduled OMB hearing, and are addressed in a separate report on this Committee of the Whole agenda.

On January 23, 2002, and on May 24, 2002, the Ontario Municipal Board held a pre-hearing conference and the OMB hearing is scheduled to commence on June 25, 2002.

### **Official Plan**

#### **a) Designation**

Official Plan Amendment No.600 designates the subject lands as "District Centre" which includes all four quadrants of the Major Mackenzie Drive and Weston Road intersection. The "District Centre" policies of the plan (Sect. 4.2.1.5 vii) state:

"Prior to the development of a District Centre, or any portion thereof, a tertiary plan in the form of an official plan amendment shall have been adopted by Council and approved. The minimum area required for the preparation of such an amendment shall be the lands designated District Centre within any Block Plan."

The subject lands constitute the area of the District Centre Study in the Block 32W Plan. The preparation of a tertiary plan for this quadrant of the District Centre is required to establish a planning framework to evaluate future development applications. Consequently, Majorwest Development Corp. has initiated this official plan amendment application to fulfill the requirements of OPA 600.

As these applications are now advancing prior to the finalization of the Vellore Village District Centre Study, these applications will be considered on their own merit. Any approval of Majorwest

Development Corporation applications should not prejudice the results of the Vellore Village District Centre Study. The Vellore Village District Centre Study is expected to be completed in the Fall of 2002, and implemented in an Official Plan Amendment to provide a comprehensive policy framework to guide the long-term development of the District Centre area, including potential for intensification of the Majorwest lands.

b) Tertiary Plan

OPA No.600 states that the official plan amendment forming the tertiary plan, will be prepared in pursuit of the following objectives:

- To assist in defining a vision for the District Centre
- To provide Council and the public with a fuller understanding of the nature of the proposed development
- To provide a basis for the preparation of implementing draft plans of subdivision and site plan agreements
- To provide for a variety of housing opportunities
- To encourage a mix of uses while ensuring that land uses and development forms within the District Centre are compatible
- To ensure that compatibility is maintained between the District Centre development and uses in adjacent designations
- To create a functional, pedestrian friendly District Centre
- To ensure that opportunities for future intensification or redevelopment are not compromised
- To create an attractive focus for the Urban Village areas.

These objectives will be used as the basis for consideration of the subject applications.

c) Permitted Uses

OPA No. 600 permits the following uses within the District Centres:

Residential

- |                      |  |
|----------------------|--|
| •Street townhouses   | •Apartment buildings to a maximum height of six-storeys            |
| •En block townhouses | •Schools, parks and open space                                     |
| •Stacked townhouses  | •Institutional Facilities, Community facilities, Places of worship |

Commercial

- |                                    |                                |
|------------------------------------|--------------------------------|
| •Department stores                 | •Food stores                   |
| •Drug stores                       | •Restaurants                   |
| •Retail stores                     | •Service Stations and gas bars |
| •Personal and business services    | •Places of entertainment       |
| •Business and professional offices |                                |

The subject applications are proposing only commercial uses, but not including service stations and gas bars. The proposed uses are considered to conform to the Official Plan.

Block 32 West Plan

The subject lands are located within the Vellore Woods Community ( Block 32 West Plan ), and identified as Study Area #1. This Study Area includes the subject lands and lands immediately south designated as "Medium Density residential/Commercial" and "Low Density Residential".

## Zoning

The applicant has requested that the lands be zoned C5 Community Commercial Zone to facilitate a commercial development having a gross floor area of 12,548 sq.m., comprising of 7 buildings and a future building, and providing 569 parking spaces. Based on the current site plan exceptions to the C5 Zone standards will be required to implement the site plan, including but not limited to:

	<u>Required</u>	<u>Provided</u>
Maximum Lot Size	25,000 sq.m.	42,678 sq.m.
Minimum Front Yard (Major Mackenzie Drive)	11 m	3 m
Minimum Rear Yard	15 m	12 m
Exterior Side Yards	11 m	3 m
Setback From an "R" Zone	22.5 m	15 m±
Parking	753 spaces	569 spaces
Landscaping Strips	6.0 m	varies from 0 m to 6 m
Lot Coverage	maximum 33%	26%

As the site plan is not dimensioned, review of a more detailed submission will enable the identification of the full extent of the exceptions required.

The by-law requires 22.5 m setback for the commercial building to the residential lot line whereas the proposal is for ±15 m. This setback accommodates a service driveway and loading area, staff parking and a landscape strip: all buildings, particularly the food store, should have an increased set back from the residential lots to mitigate noise or fumes generated in this area. Staff will not support the use of drive-throughs associated with eating establishments, which are currently permitted in a C5 Zone.

## Regional Municipality of York

The Region of York Council has adopted the following resolution in regard to the subject application:

- "1. Regional Staff be authorized to attend the Ontario Municipal Board Hearing regarding the private Official Plan Amendment application by Majorwest Development Corporation to advocate the position described in Section 4 of this report.
2. Regional staff continue to work with the City of Vaughan, affected land owners and interested parties towards the completion and adoption of a Vellore District Centre Plan which is in keeping with the principles, goals and objectives established by the Regional Official Plan.

Section 4 of the report sets out the position that the subject commercial development should retain the ability to redevelop and intensify in the future based on evolving market needs, and that it be designed to be pedestrian friendly and transit supportive.

### Waste Disposal Assessment Area

The subject lands are within a Waste Disposal Assessment Area, as it is within 500m of a former waste disposal site. Phase 1 and Phase II ESA reports have been submitted for the lands and have been peer reviewed by the City's consultant, Decommissioning Consulting Services Limited (DCS). By letters dated August 19, 1999 and November 25, 1999, DCS provided comments respecting the Majornorth and Majorwest properties, both located within the subject lands, as outlined below:

a) Majornorth

The Majornorth property (3695 Mackenzie Drive) is a 1.25 ha parcel located to the south-east of the intersection of Major Mackenzie Drive and Weston Road. The documentation required in DCS's November 23, 1999, recommendation respecting 3695 Major Mackenzie Drive needs to be addressed.

b) Majorwest

The applicant's consultant, Dillon Consulting in their letter of August 12, 1999, to the City, had assumed that tributary "C" through the District Centre was to be reconstructed as a natural channel, with construction including the excavation of several metres of existing sediment and that sediments exceeding the sedimentary quality criteria utilized by the MOE (Table E of the Guidelines for Use at Contaminated Sites in Ontario) would be removed. Dillon recommended that the documentation of this removal, potentially including sampling should be done.

The applicant's consultant and the City's peer reviewer should confirm whether there would be any change in the requirement to remove these sediments in the event that the channel is not reconstructed and instead is piped.

Dillon also prepared a Level 1 Site-Specific Risk Assessment (SSRA) to address exceedances of Table A groundwater criteria detected in the monitoring well located on the Majorwest site. The independent peer review and the Ministry concurrence with Dillon's Level 1 SSRA should be submitted to the City as part of fulfilling condition a) below:

- a) Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit environmental site assessment report(s) in accordance with the "Ministry of Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario, June 1996", as amended, and shall reimburse the City for the cost of peer review of the reports.
- b) Should site remediation be required to meet the applicable soil and ground water criteria set out in the above Guidelines, the Owner shall submit to the City prior to final approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
- c) The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria noted above.
- d) Where lands are being conveyed to the municipality for parkland purposes, the Owner shall agree that prior to issuance of any building permits, the Owner shall submit a Phase 2 environmental site assessment report(s) addressing all park blocks in the plan, in accordance with the Ministry of Environment Guideline for Use at Contaminated Sites in Ontario (June 1996 as amended), to the satisfaction of the City. On-site sampling contained in the reports shall be conducted following completion and certification of the rough grading of the park block(s). Testing may include but not be limited to surface and

subsurface soil, ground water, soil vapour, plant and aquatic species sampling and testing of building materials. The Owner shall reimburse the City for the cost of peer review of said report(s)."

### Servicing

The Engineering Department advises that the subject lands are located on lands that have not been draft approved for subdivision. The lands to the east of the subject lands are within a subdivision that has not been registered. Furthermore, the municipal services have not been constructed in this subdivision. According to the SEA for this area, the MOE applications have been signed and it is anticipated that these services will be constructed in the next few months. The Engineering Department will have to be satisfied that appropriate servicing is available to the site. Specific details will be provided at the site plan approval stage.

### Site Design

The site consists of three outbuildings (Bldgs. A, B, C) fronting onto Major Mackenzie Drive with a future building envelope located at the southwest corner of Major Mackenzie Drive and Starling Boulevard, having a combined total gross floor area of approximately 3,542 sq. m. A four unit commercial plaza building, with a food store anchor, is proposed along the southern limit of the property. The gross floor area for this component of the development (Bldgs. D, E, F, G) is approximately 9,005 sq.m, bringing the total gross floor area for the site to of 12,548 sq.m.

Access to the site includes one driveway from each of Weston Road, Major Mackenzie Drive and Starling Boulevard. As well, a service access and driveway from Weston Road extends through to Starling Boulevard across the south limit of the property. Parking for 569 vehicles is provided across the north portion of the site, to the front of the main building.

### Site Circulation

Vehicular access to the plaza is achieved from one right-in/right-out access point at Major Mackenzie Drive and two full access points from each of Weston Road and Starling Boulevard. The Transportation Section of the Engineering Department advises that the following information is required in the plan:

- full dimensions including driveway and aisle widths, curb radii, and parking stalls
- fire route
- handicapped parking spaces and depressed curbs
- grocery cart corral areas, and resulting loss in parking spaces
- any drive-thru take-out lanes and stacking space.
- right-in/right-out driveway medians

### Parking

By-law 1-88 requires 753 parking spaces, whereas 569 are provided, on the current site plan. There is a deficiency of 184 parking spaces (24%). Given the parking intensive uses proposed such as eating establishments and grocery stores, a parking study should be submitted to verify that the site is able to function with only 4.5 spaces/100 m<sup>2</sup> GFA, rather than the required minimum of 6.0 spaces/100 m<sup>2</sup>.

### Urban Design

The Urban Design Department has provided the following comments; in summary:

One main purpose of the community urban design is to emphasize the importance of the pedestrian environment by careful design of the open spaces areas, and the various elements

that have a clear impact on the pedestrian realm. Some aspects of the site plan which could be altered to meet general urban design principles are discussed below:

a) Building Location and Massing

- to provide a better definition of street edges, buildings at the corners should be brought up to the day-light triangle; the buildings along Weston Road And Major Mackenzie should be set back from the property line by 1 metre, provided that a location for the storm water pipe can be found in the Weston Road right-of-way.
- the main entrance of each building should face the street and be flush with grade and connected to the public sidewalk by paved and landscaped areas.
- a phasing plan is required to identify the proposed and future intensification of the site, including the residential neighbourhood to the south and connections to it.
- a more consistent approach should apply to the design of the massing and the architecture of all buildings on the site.

The by-law requires 22.5 m setback for the commercial building to the residential lot line whereas the proposal is for ±15 m. This setback accommodates a service driveway and loading area, staff parking and a landscape strip: all buildings, particularly the food store, should have an increased set back from the residential lots to mitigate noise or fumes generated in this area.

b) Streetscape

The District Centre streetscape will be based on a series of design measures similar to those developed for the Maple Core area. The character and significance of each street and pathway will be reflected through the provision of special paving and pedestrian lighting, street trees, other landscaping and street furniture.

- In the event that a location for the storm water pipe cannot be found in the Weston Road right-of-way, the 6 metre wide easement represents an opportunity to provide additional rows of street trees and in the area related to the commercial development, paved boulevards with additional lighting, planting and street furniture so that it creates an environment suitable for cafes and outside vending.
- A comprehensive network of landscaped and lit pedestrian paths should connect all buildings on the site to one another and to the public sidewalk.
- Pad transformers and other utility facilities should be located within the buildings, or underground.

Toronto Region Conservation Authority

The Toronto Region Conservation Authority advises as follows:

"TRCA interests on these applications relate to the treatment of the watercourse feature traversing the lands, the provision of detailed technical studies addressing servicing and drainage requirements, and the appropriate compensation for environmental enhancement improvements both on and off-site, where applicable.

We are continuing our review and discussions of the detailed technical submissions, and the applicants have submitted a formal application pursuant to Ontario Regulation 158 (*The Fill, Construction and Alteration to Waterways Regulation*) for the proposed channel

enclosure, and related works on the lands to the south, necessary to implement the plan as illustrated.

While a number of issues remain outstanding at this time, it is anticipated that they will be resolved in due course. Accordingly, we advise that staff will continue to address TRCA interests during the current permit review, and through the clearance of Draft Plan Conditions of Approval for the noted applications."

### **Conclusion**

The City's Vellore District Centre Study is proceeding and is expected to be finalized in Fall 2002. Majorwest has initiated this official plan amendment to fulfill the requirements of OPA No.600, as well as accompanying zoning amendment application and site plan application. Staff have reviewed the application outside of the context of the District Centre Study, and have no objection to approval of the proposed shopping center development.

At this time, a full site plan application has not been submitted, particularly landscaping, engineering and building design plans, and as such, several issues remain outstanding. For this reason, it is suggested that the OMB be requested to withhold its Orders for the implementing zoning amendment and the site development applications until the City advises the Board that the matters identified in the Recommendation section of this report have been addressed. Should Committee concur, the Recommendation of this report can be adopted.

### **Attachments**

1. Location Map
2. Site Plan
3. Landscape Plan
- 4A. Aerial View
- 4B. Conceptual Views (West)
- 4C. Conceptual Views (North/South)

### **Report prepared by:**

Arto Tikiryán, Senior Planner ext. 8212  
Marco Rumunno, Manager, Development Planning ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

/CM

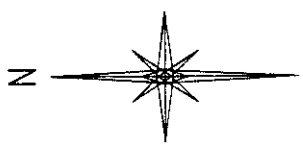
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<b>ATTACHMENT '1'</b> <b>LOCATION MAP</b>		FILE #: DA.02.022 OP.01.006 Z.01.011	REPORT #: LOCATION: PART OF LOT 20, CONCESSION 5	APPLICANT: CITY OF VAUGHAN PLANNING DEPARTMENT	DATE: 04/05/2002 SCALE: NOT TO SCALE
		MAJORWEST DEVELOPMENT CORP.			

SITE STATISTICS	
LOT AREA	14,698 SQ. FT.
LOT COVERAGE	49.36% (7,374 SQ. FT.)
CROSS-COVERAGE	10,924 SQ. FT.
CROSS-COVERAGE FLOOR AREA	10,924 SQ. FT.
TOTAL BUILDING FLOOR AREA	
BUILDING-A	1,074 SQ. FT.
BUILDING-B	8,937 SQ. FT.
BUILDING-C	4,114 SQ. FT.
BUILDING-D	1,748 SQ. FT.
BUILDING-E	1,193 SQ. FT.
BUILDING-F	1,193 SQ. FT.
BUILDING-G	4,489 SQ. FT.
BUILDING-H	8,000 SQ. FT.
BUILDING-I	13,120 SQ. FT.
BUILDING-J	13,248 SQ. FT.
TOTAL	53,206 SQ. FT.
PARKING	
PROVIDED	845 SPACES (100% OF 845)
UNOCCUPIED	12 SPACES (100% OF 12)
LOADING SPACES	8 SPACES
LANDSCAPED AREA	
PROVIDED	8,428 SQ. FT.
UNOCCUPIED	13,120 SQ. FT.
PAVED AREA	
PROVIDED	23,100 SQ. FT.
UNOCCUPIED	8,000 SQ. FT.



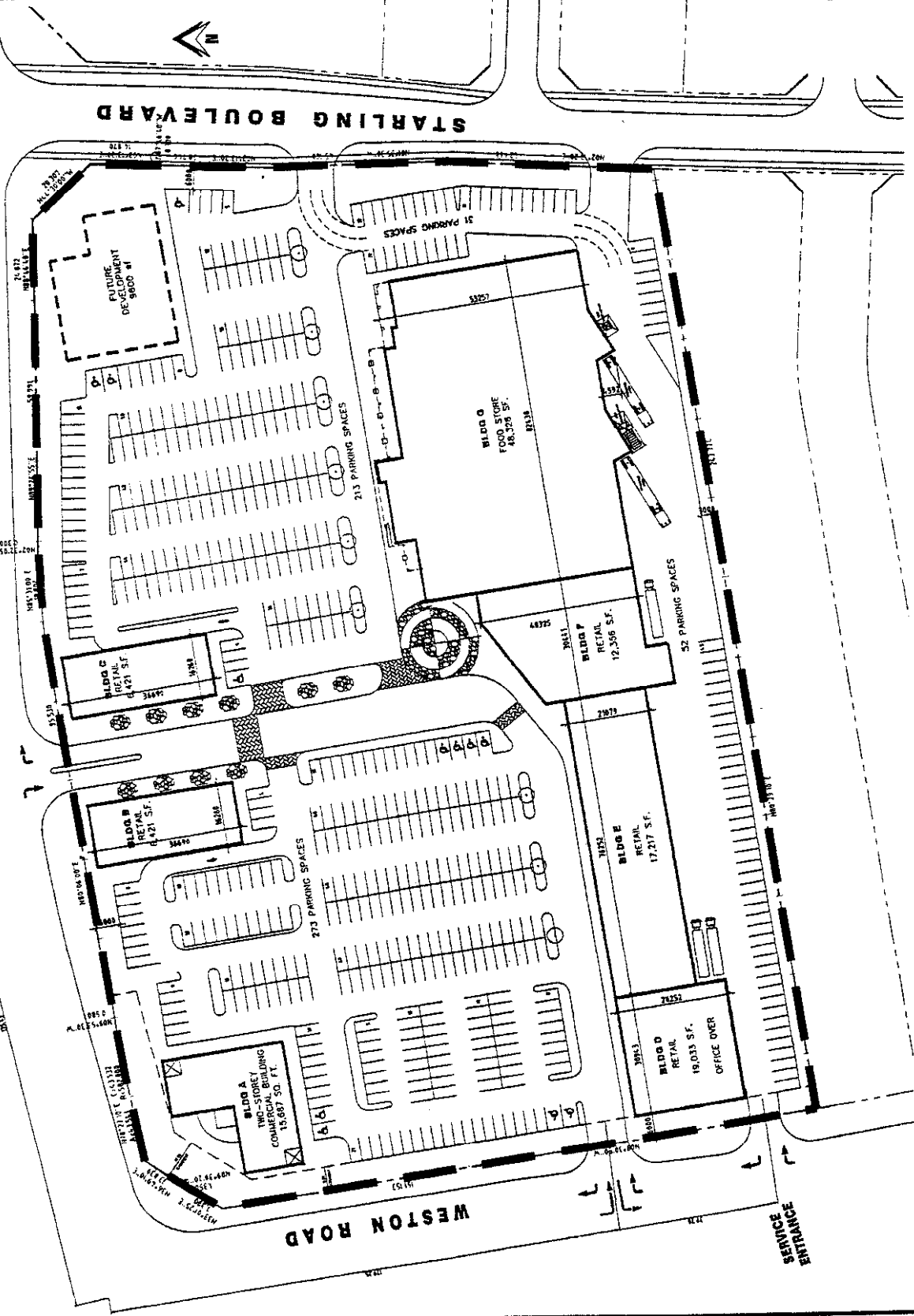
**SUBJECT LANDS**

**MAJOR MACKENZIE DRIVE**

**STARLING BOULEVARD**

**WESTON ROAD**

**ENTRANCE**



**ATTACHMENT '2'  
SITE PLAN**

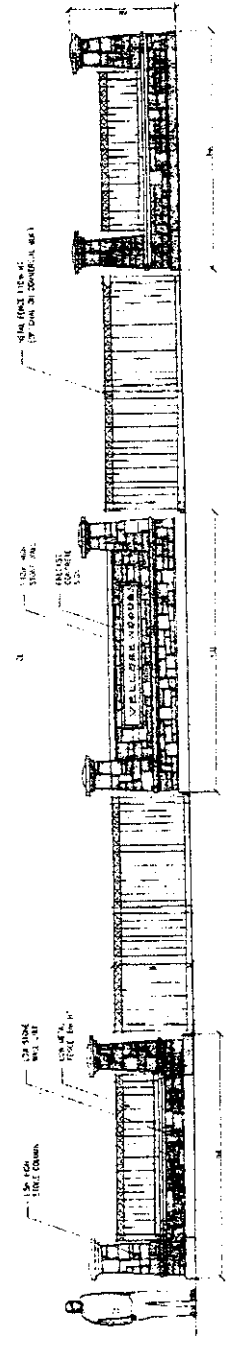
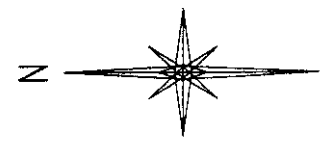
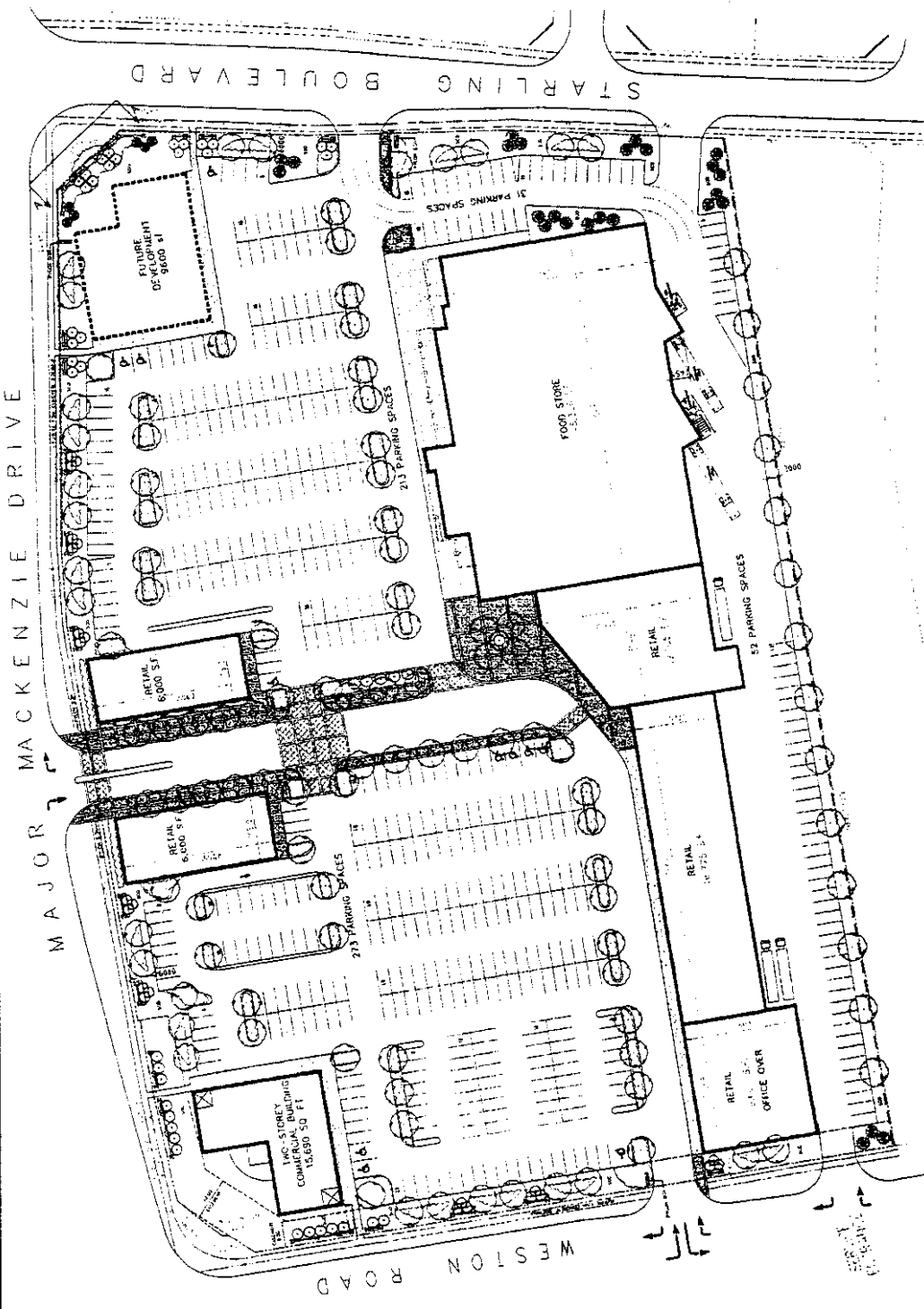
FILE #:  
DA.02.022  
OP.01.006  
Z.01.011

REPORT #:  
LOCATION:  
PART OF LOT 20,  
CONCESSION 5

APPLICANT:  
**CITY OF VAUGHAN  
PLANNING DEPARTMENT**

DATE: 04/05/2002  
SCALE: NOT TO SCALE

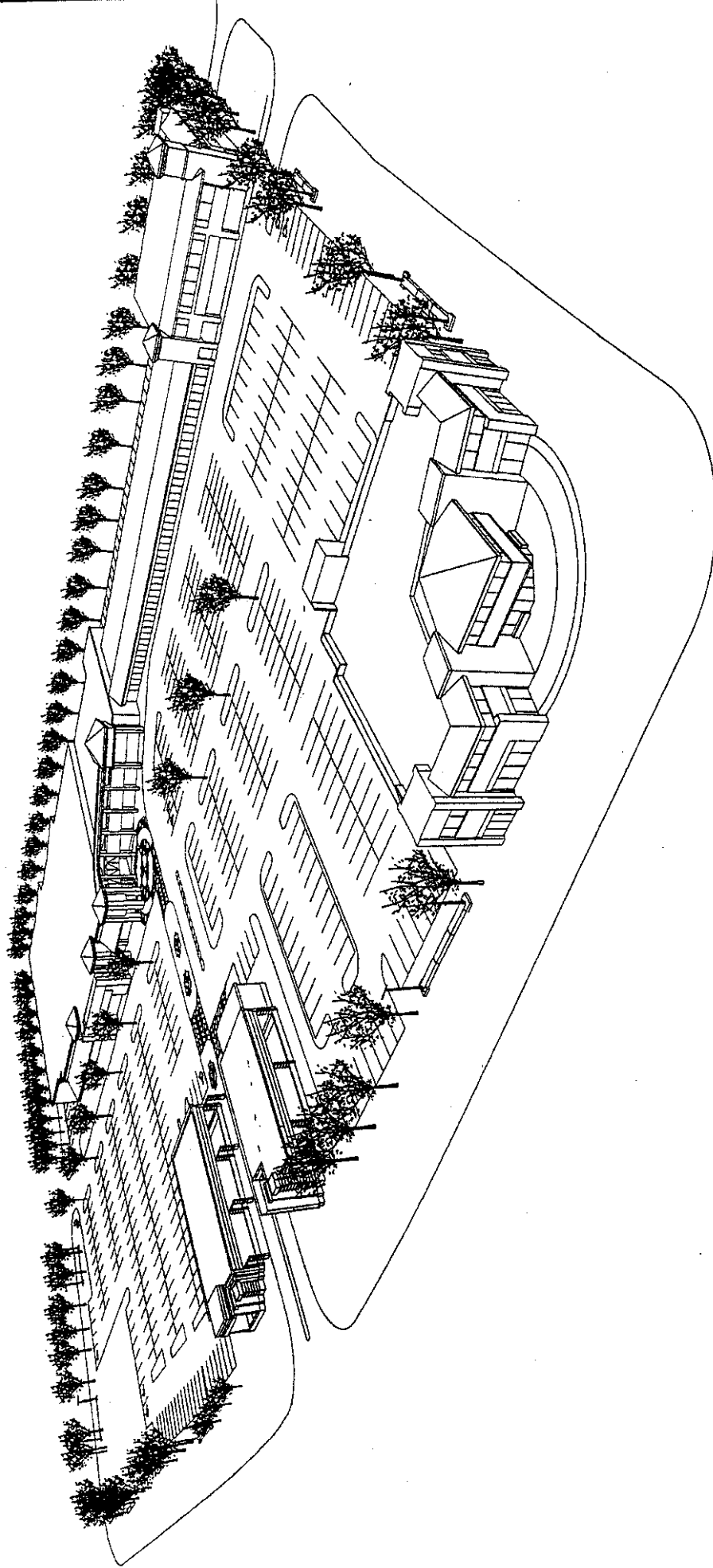
MAJORWEST DEVELOPMENT CORP.



ENGINEERING ELEVATION  
SECTION 102

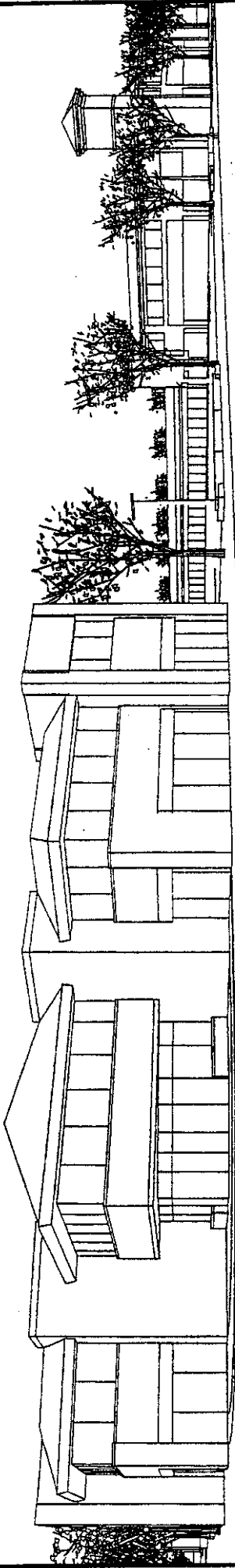
<b>ATTACHMENT '3'</b> <b>LANDSCAPE PLAN</b>	<b>FILE #:</b> DA.02.022 OP.01.006 Z.01.011	<b>REPORT #:</b> LOCATION: PART OF LOT 20, CONCESSION 5	<b>APPLICANT:</b> CITY OF VAUGHAN PLANNING DEPARTMENT	<b>DATE:</b> 04/05/2002 <b>SCALE:</b> NOT TO SCALE
	<b>MAJORWEST DEVELOPMENT CORP.</b>			

# Aerial View looking South-West

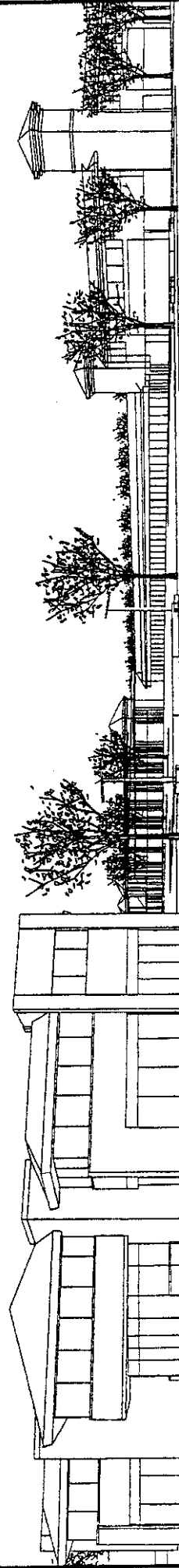


<b>ATTACHMENT '4A'</b>		<b>FILE #:</b>	<b>REPORT #:</b>	<b>DATE:</b> 04/05/2002
<b>AERIAL VIEW</b>		DA-02.022	LOCATION:	SCALE: NOT TO SCALE
		OP-01.006	PART OF LOT 20,	APPLICANT:
		Z-01.011	CONCESSION 5	MAJORWEST DEVELOPMENT CORP.
			CITY OF VAUGHAN	
			PLANNING DEPARTMENT	

View from Intersection looking West



View looking West



**ATTACHMENT '4B'  
VIEWS**

FILE #:  
DA.02.022  
OP.01.006  
Z.01.011

REPORT #:  
LOCATION:  
PART OF LOT 20,  
CONCESSION 5

CITY OF VAUGHAN  
PLANNING DEPARTMENT

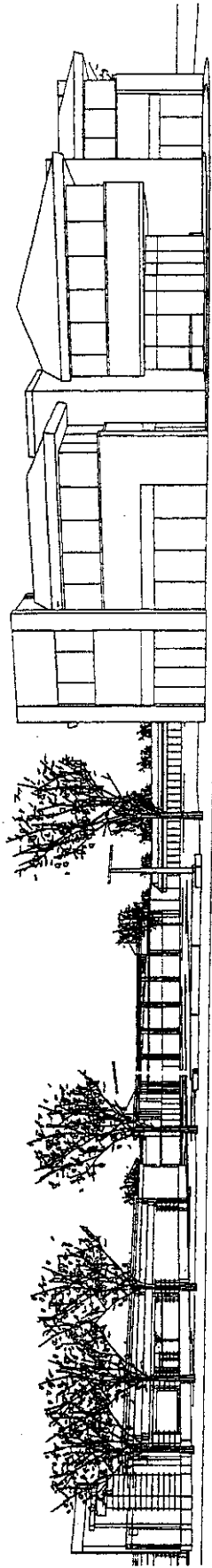
APPLICANT:

MAJORWEST DEVELOPMENT CORP.

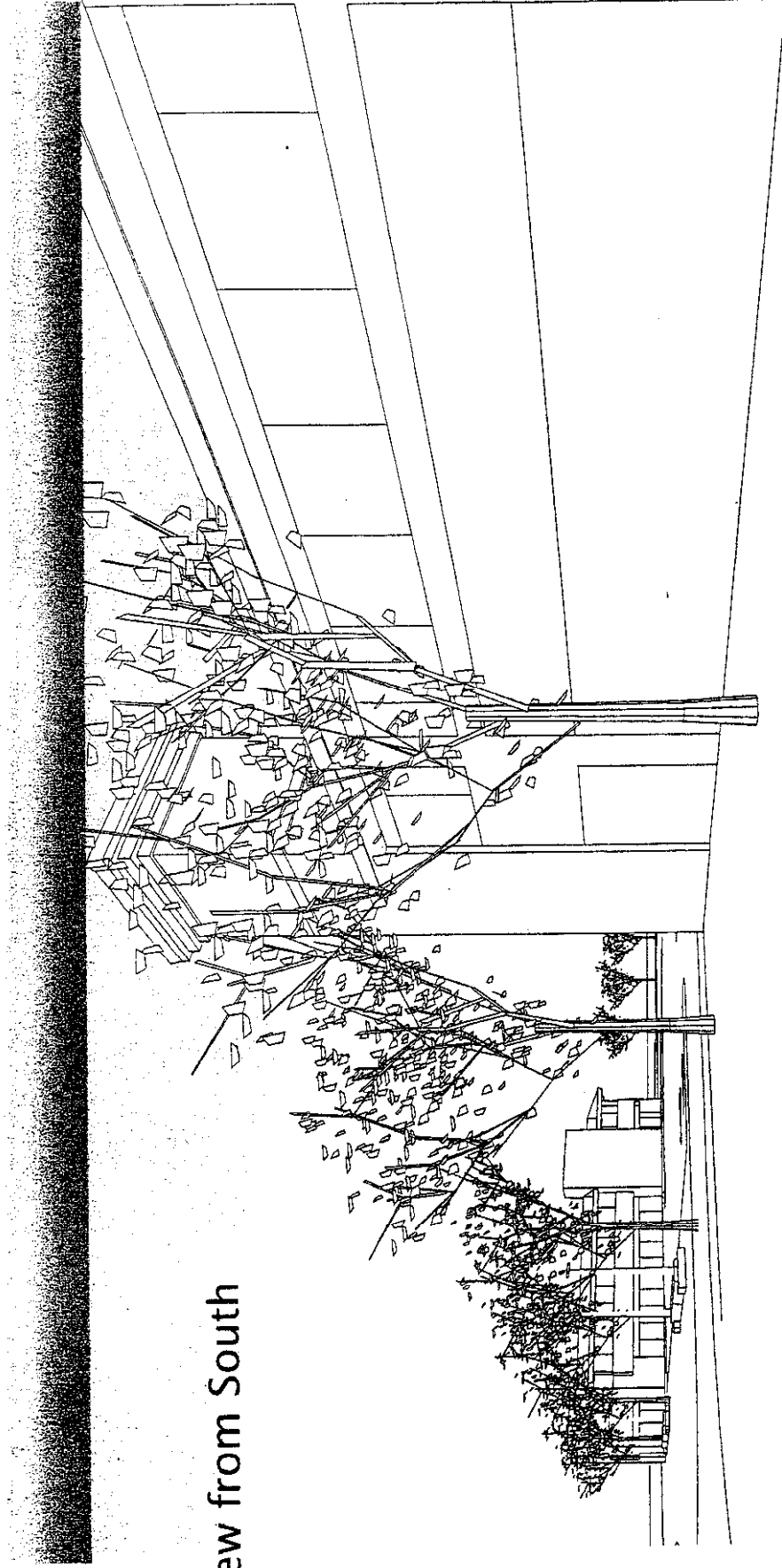
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View from North



View from South



# ATTACHMENT '4C' VIEWS

FILE #:  
DA.02.022  
OP.01.006  
Z.01.011

REPORT #:  
LOCATION:  
PART OF LOT 20,  
CONCESSION 5

CITY OF VAUGHAN  
PLANNING DEPARTMENT

APPLICANT:

MAJORWEST DEVELOPMENT CORP.

DATE: 04/05/2002

SCALE: NOT TO SCALE