

COMMITTEE OF THE WHOLE SEPTEMBER 7, 2004

ZONING BY-LAW AMENDMENT FILE Z.04.005 400/7 POWER CENTRE INC. REPORT #P.2004.61

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.04.005 (400/7 Power Centre Inc.), BE APPROVED, subject to the following:
 - a) That the implementing zoning by-law:
 - i) rezone the subject lands from EM3 Retail Warehouse Employment Zone to C10 Corporate District Zone;
 - ii) permit the following additional uses in the C10 Zone:
 - Recreational Uses, including mini golf, provided that such use is conducted within a wholly enclosed building
 - Catalogue Sales
 - Retail Warehouse
 - iii) require a minimum of 1,132 parking spaces on the subject lands;
 - iv) include the current exception limiting the site to 2 eating establishments at a maximum gross floor area of 1,500 m² each.

Purpose

On February 20, 2004, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands from EM3 Retail Warehouse Employment Area Zone to C10 Corporate District Zone, together with the following additional uses:

- Accessory Retail Sales to an Employment Use
- Accessory Office Uses to an Employment Use
- Funeral Home
- Recreational Uses including mini golf (indoor & outside)
- Building Supply Outlet
- Catalogue Sales
- Retail Nursery
- Swimming Pool, Recreational Vehicles Leasing/Rental/Sales
- Limited Outdoor Display of merchandise/goods/materials (0.25 times the G.F.A.)
- Retail Warehouse, as defined and currently permitted under the site-specific zoning exception on the subject lands (this was not identified in the Notice of Public Hearing)

Background - Analysis and Options

The 8.45 ha subject lands is located on the north side of Regional Road 7, between Northview Boulevard and Highway 400 (57 and 101 Northview Boulevard, and 137 Chrislea Road), in Lot 6, Concession 5, City of Vaughan. The site is developed with 3 buildings, totaling 21,273 m² and 1,132 parking spaces. The surrounding land uses are:

North - Chrislea Road, employment uses (EM1 Prestige Employment Area Zone and EM3 Retail Warehouse Employment Area Zone)
South - Regional Road 7
East - Highway 400
West - Northview Boulevard, Home Improvement Centre/Car Dealership (EM3 Retail Warehouse Zone and C2 General Commercial Zone)

Public Hearing

On March 24, 2004, a notice of public hearing was circulated to all property owners within 120m of the subject lands. To date, one response was received from Loblaw Properties Limited, which owns and operates a Fortinos supermarket in a shopping centre located at the northeast corner of Ansley Grove Road and Regional Road 7. Loblaw Properties Limited objects to the proposal, indicating that the zoning amendment is inconsistent with the general intent and purpose of the Official Plan.

The recommendation of the Committee of the Whole on April 19, 2004, to receive the Public Hearing and forward a technical report to a future Committee meeting, was ratified by Council on April 26, 2004.

Official Plan

The subject lands are designated "Corporate Centre District" by OPA 500 (Corporate Centre Plan). The Corporate Centre Secondary Plan Area, of approximately 600 ha, establishes a focal point of major commercial development within the City. This area is comprised of two main components: the "Corporate Centre Node", which includes lands east of Highway #400 and straddling the north and south sides of Regional Road 7, and the "Corporate Centre District", which surrounds the Node and includes lands east and west of Highway #400, and north and south of Regional Road 7. The area is one of four Regional Centres in the Region of York.

The "Corporate Centre District" is intended to provide opportunities for land uses that require visual exposure, good vehicular accessibility and large development sites. The plan permits a wide range of land uses as follows:

- office commercial
- hotels, which may include ancillary convention centres and banquet halls
- institutional, civic and cultural uses including libraries, theatres, government offices, research and training facilities, and public or private schools
- sports, health and fitness and recreational centres
- retail uses of all types and any size, subject to the requirements of Section 5.2
- prestige industrial uses
- banks and financial institutions
- service uses, restaurants, nightclubs and entertainment uses
- major entertainment uses including theatre complexes and other entertainment related attractions, and
- community facilities such as parks, urban squares and open space linkages, day-care centres and places of worship

A number of policies pertain to the District, including but not limited to, allowing single and mixed use development characterized by high urban design standards, recognizing the planned road pattern, net density requirements (0.6 Floor Space Index), increased building heights, and no outdoor storage. Section 5.2 of OPA 500 provides the policies for retail uses within the Corporate Centre Plan. Planning Staff considers the proposal, as amended by staff, to conform to the Official Plan.

Zoning

The subject lands are zoned EM3 Retail Warehouse Employment Area Zone by By-law 1-88, subject to Exception 9(676) and 9(745A). An amendment to the Zoning By-law is required to rezone the property to C10 Corporate District Zone to implement the "Corporate Centre District" designation in the Official Plan.

Exception 9(676) is site-specific to the north parcel (current Home Show site), and includes a definition for a retail warehouse use, which was applied when the site was originally developed as a Price Club store, and is similar to the current general definition contained in By-law 1-88. Exception 9(745A) permits additional uses in the EM3 Zone, places a restriction on the number and size of eating establishments (limit of two restricted to 1,500 m² each), and applies a parking rate of 6 spaces/100 m² for eating establishments.

Planning Analysis

The subject lands are located within the Corporate Centre Plan and are designated "Corporate Centre District" by OPA 500. The proposed C10 Corporate Centre District Zone would implement the designation given by the Official Plan and therefore complies.

As noted earlier, Loblaw Properties Limited has identified their objection to the proposal, indicating that no market or planning study has been submitted in support of the proposal, and that the application is premature and inconsistent with the Official Plan.

Section 5.2 of OPA 500 contains policies for retail uses within the Corporate Centre. A broad range of retail uses is permitted. The major commercial centre of the Woodbridge Community within the Corporate Centre is located in the northwest quadrant of Regional Road 7 and Weston Road, and is intended to (1) complement the development of the Node, providing a wide variety of higher order retail and other employment generating land uses and provide retail facilities for the Woodbridge Community; and, (2) foster an identity which will contribute to a distinctive and attractive gateway to the Woodbridge Community, consistent with the Woodbridge Community Design Guidelines.

Section 5.2 also contains a policy indicating that in reviewing a development application containing a significant amount of retail space, the City may require a market study prior to further consideration of the application. The purpose of the market study, when required, shall be to identify whether the planned function of the Promenade Mall, the District Centres and the major commercial centre of the Woodbridge Community will be significantly impaired.

The subject land is currently developed with three buildings, totaling 21,273 m², which falls short of requiring a Region-wide impact analysis by the Regional Official Plan for retail facilities in excess of 30,000 m². Most of the building space is currently occupied with retail stores and parking is provided at a rate of approximately 5.3 spaces/100 m², which is slightly less than the minimum standard for shopping centres (6 spaces/100m²) by By-law 1-88.

Given that the existing development is built-out with an already high occupancy of retail stores, and that the building area falls well short of the Regional Official Plan requirement for facilities requiring a Region wide impact analysis in excess of 30,000 sq.m, a market study is not necessary. As indicated in Section 5.2 of the preamble to OPA 500:

"In considering the case for using planning policy to impose limits on retail development and thereby protect the planning function of an existing retail use or centre, the principal planning concerns are protection of the public interest in the avoidance of significant urban blight and the provision of an adequate range of goods and services. It is not considered appropriate to limit the number and location of retail users to protect the market share of existing retailers because this is fundamentally contrary to the broad

public interest, which benefits from greater choice and competition between retailers. Even given that the shopping centre could become economically unviable, the public interest could still be served by having equal shopping facilities available immediately adjacent to the site.”

The proposed C10 Zone category would implement the Official Plan designation. Planning Staff considers the proposal to conform to the Official Plan, subject to the deletion of certain additional uses requested by the Owner.

Additional Uses

Recreational Uses, including mini golf, is appropriate provided that it is conducted within a wholly enclosed building. Any outdoor recreational facility could potentially be space intensive and significantly reduce the parking supply for the subject lands. Staff has no objection to Catalogue Sales. A Retail Warehouse Use is currently permitted under the site-specific Exception 9(676). The definition within the exception paragraph was worded to permit the use in the building located on the north parcel, originally developed as a Price Club store. Given that the Price Club store is no longer there (now Home Show), the current and widely applied definition of Retail Warehouse in By-law 1-88 may be more appropriate for the subject lands, and would exclude the installation of tires that was previously allowed by the site-specific exception.

The C10 Zone currently permits Employment Uses, Business and Professional Office and Retail Store. It is therefore not necessary to provide an exception to permit accessory office and accessory retail uses to a permitted Employment Use.

The proposed uses which Staff does not support are those which are deemed either not appropriate given the surrounding land use context or those which require or cause outside storage. A Funeral Home use is not considered appropriate at this location in the context of the Corporate Centre and surrounding land use, and potential conflicts with funeral processions and internal traffic flow of the complex and adjacent developments to the west. Staff does not support the proposed Retail Nursery, Building Supply Outlet and Recreational Vehicles Leasing/Rental/Sales. All these uses generally require outside storage, which is not permitted by the Official Plan. Finally, the limited outside display of merchandise/goods/materials should be maintained at 5% of the gross floor area as set out in the C10 Zone. The proposed 25% for outside display is excessive and unwarranted and would not maintain the intent of the Official Plan and Zoning By-law.

Parking

The latest site plan agreements for the subject lands (north and south parcels) were registered in January 2003. The plans indicate 1227 parking spaces, which exceeds the minimum parking requirement in By-law 1-88 for shopping centres of 6 spaces/100 m². The Owner indicates a parking count of 1132 parking spaces. The discrepancy may be a result of lands being dedicated for the Applewood cross-over planned at the north end of the subject lands. The parking ratio is therefore 5.3 spaces/100 m². An exception to recognize 1,132 spaces will be included in the implementing by-law.

Since the parking supply is slightly under the minimum requirement for shopping centres, it would be appropriate to maintain the existing exception with respect to limiting the number and size of eating establishments, to two and 1,500 m² GFA for each establishment, respectively.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

Staff have reviewed the proposed Zoning Amendment Application in accordance with the policies of the Official Plan, and has no objection to the rezoning of the subject lands to C10 Corporate Centre District Zone, with the additional uses and exceptions identified in this report.

The proposed rezoning would implement the Corporate Centre District designation identified for the subject lands in OPA 500. A market study is not required given the proposed zone is consistent with the Official Plan, and that the existing development (21,273 m²) is built-out with an already high occupancy of retail stores. Further, the building area falls well short of the Regional Official Plan policy requiring a Region-wide impact analysis for retail facilities in excess of 30,000m².

Therefore, Staff can support the approval of the proposed zoning by-law amendment. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan - Existing Development

Report prepared by:

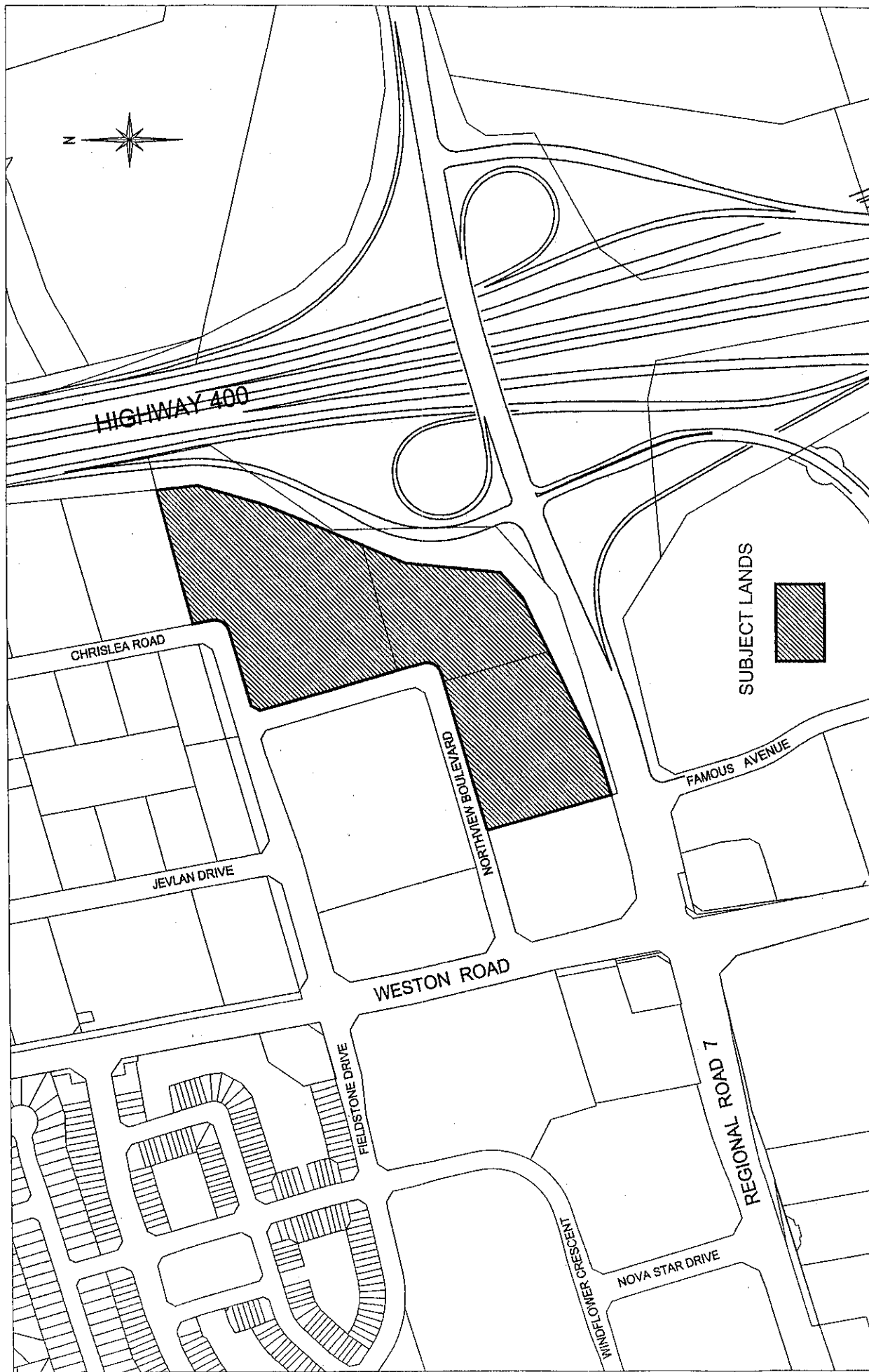
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM



Attachment
1

FILE No.:
 Z.04.005
 Not to Scale
 March 3, 2004

City of
Vaughan

Community Planning Department

Location Map

Lot 6,
 Concession 5
 APPLICANT:
 400/7 POWER CENTRE INC.

