

**COMMITTEE OF THE WHOLE - APRIL 18, 2005**

**ONTARIO MUNICIPAL BOARD HEARING  
ZONING BY-LAW AMENDMENT FILE Z.03.086  
SITE DEVELOPMENT FILE DA.03.072  
DAVID AND HONORA REA  
REPORT #P.2004.31**

(Referred from the Council Meeting of April 11, 2005)

Council, at its meeting of April 11, 2005, adopted the following:

That the confidential recommendation of the Committee of the Whole (Closed Session) of April 11, 2005, be approved and that the matter be referred to the Committee of the Whole meeting of April 18, 2005; and

That the confidential memorandum from the Director of Legal Services, dated April 8, 2005, be received.

Recommendation of the Committee of the Whole meeting of April 4, 2005:

The Committee of the Whole recommends that this matter be referred to the Council meeting of April 11, 2005 for a legal opinion.

Report of the Commissioner of Planning, dated April 4, 2005

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.03.086 (David and Honora Rea) BE APPROVED, subject to the following conditions:
  - a) That upon confirmation of the development limits by the Toronto and Region Conservation Authority, By-law 1-88 be amended as follows:
    - i) rezone the tablelands portion of the subject lands from A Agricultural Zone to EM1 Prestige Employment Area Zone;
    - ii) rezone the valleylands portion of the subject property from A Agricultural Zone to OS1 Open Space Conservation Zone;
    - iii) require the following exceptions to the EM1 Prestige Employment Area Zone to implement the final site plan:
      - a minimum of 14 parking spaces, whereas 85 spaces are required,
      - a minimum 10m structural setback zoned OS1 Zone;
      - permit driveway access to be obtained from lands other than the subject lands;
      - any other exception that may be required to facilitate the final site plan.
2. THAT Site Development File DA.03.072 (David and Honora Rea) BE APPROVED, subject to the following conditions:
  - a) that prior to the registration of the site plan agreement:

- i) the final site plan, landscape plan and building elevations, including signage shall be approved by the Development Planning Department;
  - ii) the final site grading and servicing plan, stormwater management report and Phase 1 Environmental Site Assessment report, shall be approved by the Engineering Department;
  - iii) access, parking, and on-site circulation, shall be approved by the Engineering Department;
  - iv) all requirements of the Region of York Transportation and Works Department shall be satisfied;
  - v) all requirements of the Toronto and Region Conservation Authority shall be satisfied;
  - vi) all hydro requirements of Power Stream Inc. shall be satisfied;
- b) that the site plan agreement contain the following provision:
- i) 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;
  - ii) the Owner shall convey the valleylands portion of the property into public ownership to either the City or the Toronto and Region Conservation Authority.

### **Purpose**

The Owner has submitted a Site Development Application to permit ten multi-unit public storage buildings with an office on the subject lands shown on Attachment #2. The Owner has also submitted a related Zoning By-law Amendment Application to rezone the subject lands from A Agricultural Zone to EM1 Prestige Employment Area Zone (tablelands) and OS1 Open Space Conservation Zone (valleylands).

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

The 2.23ha site shown on Attachment #1 is located on the north side of Regional Road 7, southwest of Centre Street, being Lot 18 on Registrar's Complied Plan 10309 (1890 Regional Road 7) in Part of Lot 7, Concession 6, City of Vaughan. The vacant rectangular-shaped site has 71.77m frontage on Regional Road 7, and a lot depth of 326.37m.

The subject lands are designated "Prestige Area" and "Employment Area General" by OPA #450 (The Employment Area Plan) and zoned A Agricultural Zone by By-Law 1-88. The surrounding land uses are:

- North - vacant (A Agricultural Zone)
- East - vacant, Don River Tributary (A Agricultural Zone and OS1 Open Space Conservation Zone)
- South - Regional Road 7; garden centre, employment (A Agricultural Zone)
- West - Concord Floral greenhouse (A Agricultural Zone)

On January 9<sup>th</sup>, 2004, a Notice of Public Hearing was sent to all property owners within 120m of the subject lands and to the Concord west Ratepayers Association. To date, no responses have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report of February 2, 2004, and to forward a comprehensive report to a future Committee meeting, was ratified by Council on February 9, 2004.

#### Ontario Municipal Board

On July 14, 2004, the applicant appealed Zoning By-law Amendment Application Z.03.086 (David and Honora Rea) to the Ontario Municipal Board (OMB), pursuant to Section 34(11) of the Planning Act, with respect to Council's refusal or neglect to enact a proposed amendment to By-law 1-88. The applicant also referred the site plan Application DA.03.072 to the OMB, pursuant to Section 41(12) of the Planning Act, with respect to Council's failure to approve the site plan within 30 days of the submission of the application on November 26, 2003. On February 17, 2005 the Board heard the City's motion to adjourn the hearing set for February 23, 2005, which was supported by the Toronto and Region Conservation Authority (TRCA). The City argued three grounds for adjournment.

The first ground, was the need for the City's Highway 7 Policy Review Study to be completed, in order to consider the proposed land use in the context of the results of the study.

The study is considering how to encourage transit supportive development of the lands along Highway 7 between Highway 50 and Bathurst Street, through potential amendments to the City's Official Plans and other municipal initiatives. On May 24, 2004, Staff held both the zoning and site plan applications in abeyance pending the outcome of the study, in order to consider the proposed land use in the context of the results of the study, as there would be a mutual benefit in coinciding these matters.

The Board rejected the City's argument that the outcome of the study is relevant to the applications, and referred to the case of "Clergy Properties v. City of Mississauga" in which it was held that, the policy prevailing at the time an application is made are the policies that must be applied when the application is adjudicated.

The second ground, was the need to allow sufficient time for the site development and zoning amendment applications to be reviewed and circulated by the City. The information and documents required to conduct a proper review, had been requested on several earlier occasions and had only been provided by the applicant on February 7, 2005.

The third ground was the need for the TRCA to determine the limits of development from the stable top-of-bank, which required a geotechnical study to be reviewed and approved by the TRCA. The applicant submitted the study on February 17, 2005, the date of the motion. The Board granted the adjournment until April 19, 2005, to provide the TRCA with time to review the geotechnical study and to provide the City with time to review the site plan and zoning applications.

In light of the Boards ruling, this staff report is being reviewed in consideration of the Employment Area policies in OPA #450, and the requirements of the EM1 Prestige Employment Area Zone in By-law 1-88, and does not have regard to the Highway 7 Study.

#### Official Plan

The subject lands are designated "Prestige Area" and "Employment Area General" by OPA #450

(Employment Area Plan). The "Prestige Area" designation, which extends one lot depth (30m) in from Regional Road 7, provides opportunities for activities that require good visual exposure, good accessibility and an attractive working environment, and would permit a wide range of office, business and civic uses with no outside storage. The "Employment Area General" designation is located within the interior portion of the lot and would permit a wide variety of employment uses, including outside storage. The proposed office and public storage uses along the Regional Road 7 frontage conforms to the "Prestige Area" policies of the Official Plan. Also, the proposed public storage buildings within the interior of the site conforms to the "Employment Area General" policies. The proposed development does not include any outside storage.

### Zoning

The subject lands are zoned A Agricultural Zone By-Law 1-88. The proposal to rezone the tableland portion of the subject lands to EM1 Prestige Employment Area Zone would implement the employment designations of the Official Plan as the proposed office and public storage uses are considered to be Employment Uses in By-Law 1-88, and would be wholly enclosed with no outside storage. The following exceptions to the EM1 Prestige Employment Area Zone have been identified:

- a minimum of 14 parking spaces, whereas 85 spaces are required;
- permit a driveway access to be obtained from lands other than the subject lands; as discussed in the "Site Plan" section of this report;
- any additional exceptions to the EM1 Zone to facilitate the final site plan, subject to the confirmation of the development limits of the tableland and valleylands by the Toronto and Region Conservation Authority, as discussed below.

A portion of the subject lands at the northeast corner of the property has been identified as being below the top-of-bank and part of the adjacent Don River tributary system, as shown on Attachment #2

### Site Plan

The site plan (Attachment #2) shows the main building facing Regional Road 7, with an office and storage units on the ground floor. The site will be developed in two phases. During phase one, seven of ten storage buildings will be developed with the remaining three to be developed at a future date as part of the phase 2 development. The size and layout of these buildings may change once the TRCA confirms the development limits and appropriate buffers for the northeast portion of the site abutting the Don River Tributary. The site will be served by one full access onto Regional Road 7, over the lands to the west, which are under the same ownership, but under a different name, and will require an easement to be obtained. The site will be developed with 14 parking spaces, including two spaces for disabled persons, and a sidewalk around the office portion of the main building to allow pedestrian access to the office. A 9m wide landscape strip is proposed along Regional Road 7, and additional landscaped islands are proposed on the south side of Buildings "C" to "E".

The proposed landscape plan (Attachment #3), shows a mix of coniferous and deciduous trees and shrubs within a 9m landscape strip along Regional Road 7 on the south side of Buildings "B", "C" and "D" and within a 7.5m landscape strip. The Landscape plan shall be to the satisfaction of the Development Planning Department.

### Building Design

The building elevations are shown on Attachments #4 and #4a). Buildings "A" and "B" (office and

storage), face Regional Road 7, and will be constructed with two 8m high towers on either end of the building and one 9.3m central tower, each displaying a sign box. The building consists of a blue asphalt shingled roof with a poppy red concrete band below the roofline and blue glass windows on the ground floor surrounded by buff concrete block. Staff recommends that the colour of the roof shingles be either black or grey. The remaining nine multi-unit storage Buildings (“C” to “K”) are of the same design, consisting of a blue shingled roof, with a poppy red concrete block band below the roof line and buff coloured concrete block, and grey overhead doors and man doors. The Applicant has indicated that they are willing to work with staff to improve the colours of the buildings.

Parking

The required parking for the site is calculated as follows:

Building “A” (Office):	81m <sup>2</sup> x 3.5 spaces/100m <sup>2</sup>	= 2.835
Buildings “B-K” (Warehouse):	8211m <sup>2</sup> x 1 space/100m <sup>2</sup>	= 82.11
Total		84.945 = 85 spaces

By-law 1-88 does not contain a “Public Storage” use and classifies this use to be a warehouse. The Owner is proposing 14 parking spaces to serve the development, and has submitted a parking study prepared by Sernas Transtech dated March 7, 2005, in support of the parking supply. The applicant requires two parking spaces for employees, with the remaining spaces to serve visitors to the site, including two spaces for the physically challenged.

The parking study identified the parking standard for a “mini-warehouse” and “public storage unit” in the City of Cambridge and City of Welland zoning by-laws, which were consistent in the requirement for the provision of a minimum of 5 parking spaces for this type of use. Both municipalities also had similar definitions for these uses. The City of Welland’s by-law includes the following:

“Mini-Warehouse and Public Storage - A building used for the temporary storage of items in separately occupied, secured storage areas or lockers generally accessible by means of individual loading doors and the temporary outdoor storage of seasonal, recreational or commercial vehicles, boats, trailers, etc. which may not conveniently or legally be parked or stored elsewhere.”

The parking study also noted that the City of Vaughan had previously approved a public storage development opposite the subject lands on the south side of Regional Road 7 (Concord Storage, File DA.01.005) with a total of 12 parking spaces.

The parking study recommended that the proposed development require between 5-12 parking spaces. The parking study which was received by Staff on March 14, 2005 in support of the proposed 14 spaces has been approved by the Engineering Department.

Servicing

The subject lands are currently using septic tanks, which are not permitted in urban areas. The City will require the site to be serviced with full municipal services. The applicant will be required to extend the existing sanitary sewer on Regional Road 7, in accordance with City standards and specifications and at the applicant’s expense.

A platform will be required along the frontage of Regional Road 7 for a future public sidewalk, to the site to the satisfaction of the Engineering Department and the Region of York.

As noted earlier, the site is to be served by one full access on Regional Road 7, from the abutting property to the west. Written consent from the abutting property owner will need to be obtained for grading on the abutting lands prior to site plan approval and Permit issuance.

The applicant will be required to submit a Phase 1 Environmental Site Assessment (ESA) for review and approval by the Engineering Department. The ESA is required as there are contaminated PCB storage/transfer sites and waste depots in the vicinity of the property.

#### The Regional Municipality of York

The Region has prepared draft amendments to the Regional Official Plan regarding Regional Corridors to support transit initiatives in the Highway 7 Corridor. The Region will be implementing the Highway 7 Transitway in the vicinity of the subject lands in the near future. The preferred alignment identified in the Draft Individual Environmental Assessment recommends that rapid transit will operate in mixed traffic from east of Bowes Road to Centre Street. However, with the reconstruction of the GO Rail overpass of Regional Road 7, opportunities to extend the at-grade bus rapid transit facility located in the centre median area of Highway 7 and within an exclusive right-of-way will be explored. Accordingly, the Owner has been advised that upon implementation of the median transit facility, access from the subject property will be restricted to right-in and right-out movement.

The Region advises that it is protecting a 45m wide right-of-way for this section of Regional Road 7, and will require all municipal setbacks to be referenced from a point 22.5m from the centreline of Regional Road 7. Access and any required road widenings, shall be addressed to the satisfaction of the Region.

The York Region Transportation Master Plan identifies this area as a potential location for a GO Transit station. Staff have received comments from GO Transit with regards to the potential for this station and the implications it may have on the subject lands, and they have indicated that the subject lands are not required for a "Concord" GO Transit Station.

On May 27, 2004, the TRCA undertook a natural features staking and it was identified that a geotechnical study addressing slope stability would be required to establish the limits of development from the greater of the Regional Storm Flood Plain, stable top-of-bank or significant vegetation. Once these limits are established, the valleyland portion of the site, will be rezoned from A Agricultural Zone to OS1 Open Space Conservation Zone, to be conveyed in to public ownership to either the TRCA or the City. The TRCA also requires a minimum 10m structural setback to be applied to the boundary of lands zoned OS1 Zone, which will be included as an exception in the zoning by-law.

#### Parkland Dedication

The Owner will be required to pay to the City, cash-in-lieu of the dedication of parkland in accordance with provisions of the Planning Act, prior to the issuance of a building permit. A recommendation of the staff report will require the inclusion of a clause to this effect into the site plan agreement.

#### Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

## **Conclusion**

Staff has reviewed the proposed Site Development and Zoning By-law Amendment applications in accordance with the policies in OPA #450, the requirements of By-law 1-88, the area context and the ruling of the Ontario Municipal Board, which requires the City to apply the policies prevailing at the time an application is made notwithstanding the City was undertaking the Highway 7 Policy Review Study. Staff is satisfied that the proposed multi-unit public storage development and rezoning of the site from A Agricultural Zone to EM1 Prestige Employment Area Zone (tableland) and OS1 Open Space Conservation Zone (Valleyland) is appropriate and compatible with the surrounding development.

Staff can support the proposed applications to develop the site and to amend the Zoning By-law, subject to the conditions contained in this report. The applications will be considered by the OMB at a hearing scheduled for April 19 – 21, 2005

## **Attachments**

1. Location Map
2. Site Plan
3. Landscape Plan
- 4.a Elevations Buildings "A" and "B"
- 4.b Elevation Buildings "C to K"

## **Report prepared by:**

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Arto Tikiryan, Senior Planner, ext. 8212  
Grant Uyeyama, Manager of Development Planning, ext. 8635

/LG



**Attachment**

**1**

FILE NO.: DA.05.072  
 RELATED FILE: Z.03.086  
 March 21, 2005

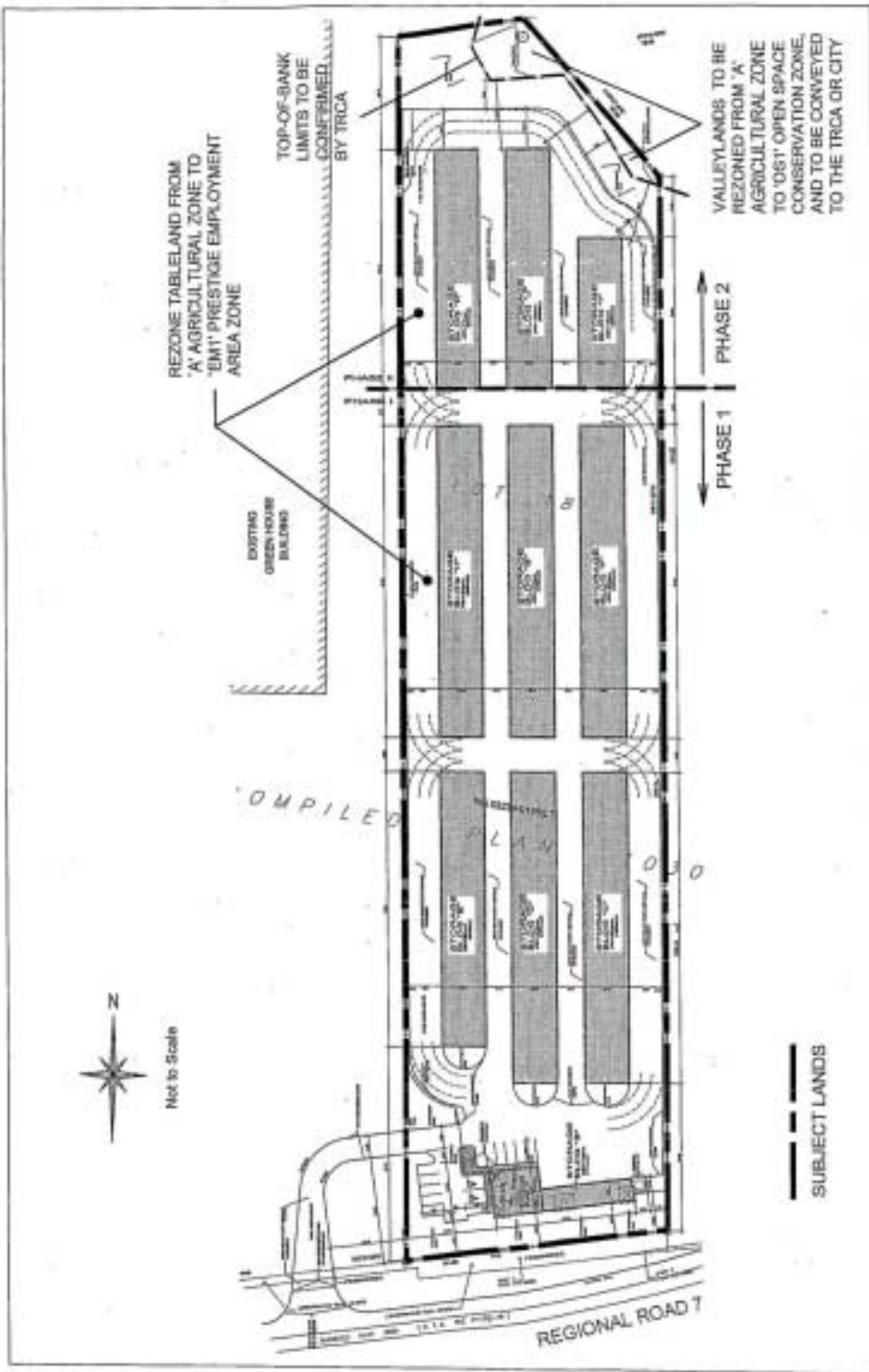
City of **Vaughan**

Development Planning Department

**Location Map**

Part of Lot 6,  
 Concession 3  
 APPLICANT:  
 DAVID & HONORA REA  
 95/971 ATTACHED/ANNEXES





**Attachment 2**

FILE NO.: DA.03.072  
 RELATED FILE: Z.03.086  
 March 21, 2006

City of **Vaughan**  
 Development Planning Department

**Site Plan**  
 Part of Lot 6,  
 Concession 3  
 APPLICANT:  
 DAVID & HONORA REA  
 4090111 / 4090111 / 4090111

VALLEYLANDS TO BE REZONED FROM 'A' AGRICULTURAL ZONE TO 'O31' OPEN SPACE CONSERVATION ZONE, AND TO BE CONVEYED TO THE TRCA OR CITY

REZONE TABLELAND FROM 'A' AGRICULTURAL ZONE TO 'EM1' PRESTIGE EMPLOYMENT AREA ZONE

TOP-OF-BANK LIMITS TO BE CONFIRMED BY TRCA

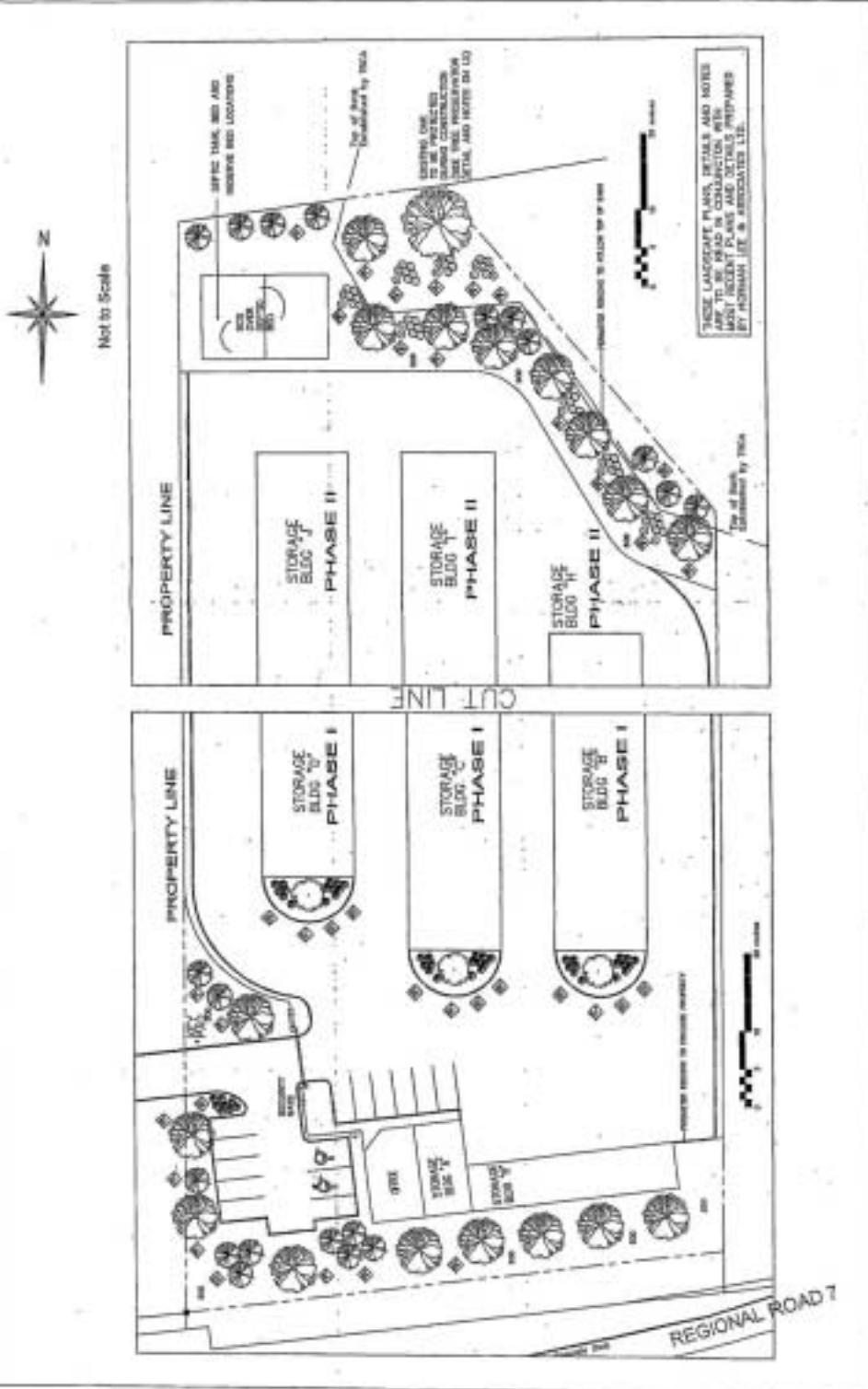
EXISTING GREEN-HOUSE BUILDINGS

PHASE 2  
 PHASE 1

--- SUBJECT LANDS

Not to Scale

REGIONAL ROAD 7



**Landscape Plan**

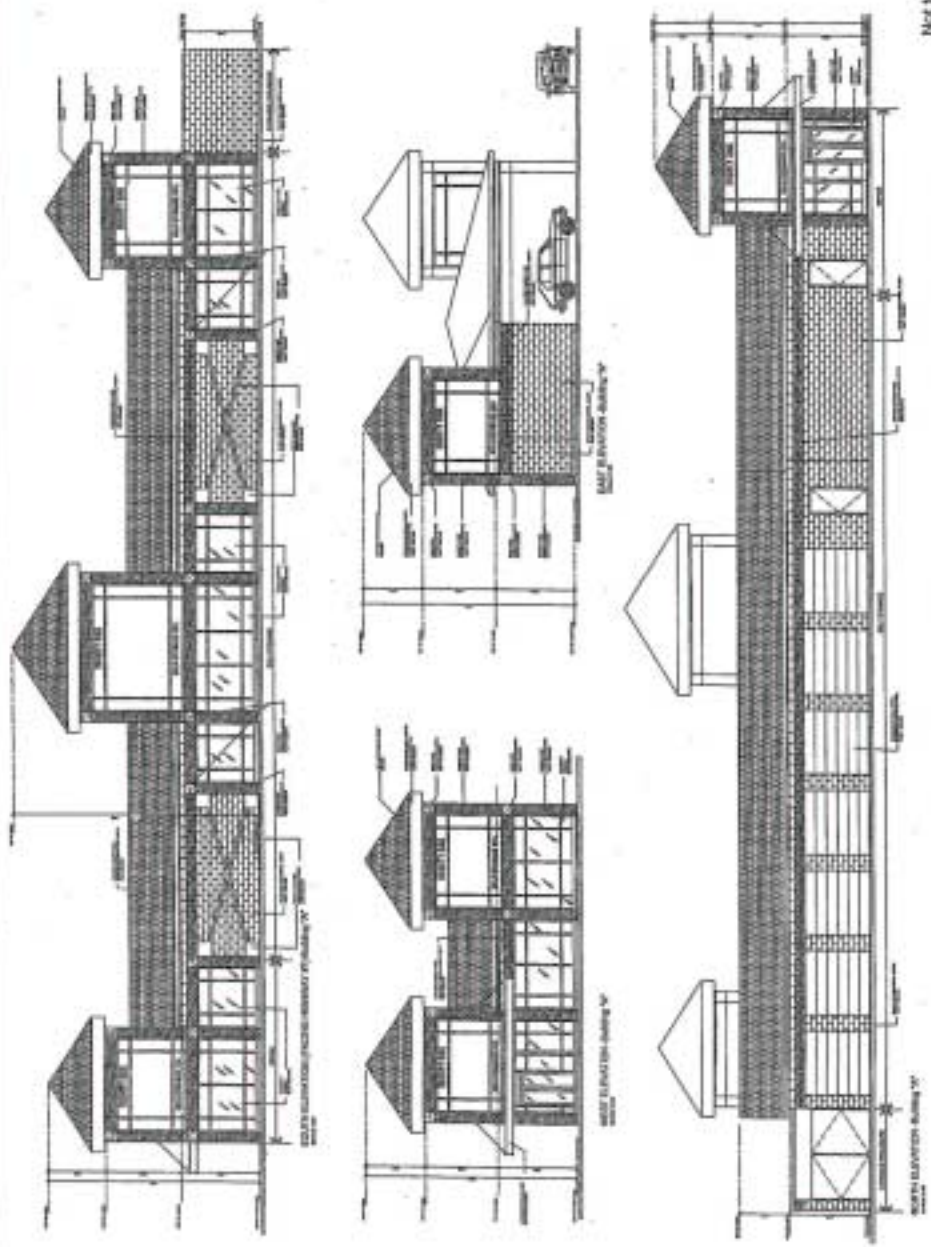
Part of Lot B,  
Concession 3  
APPLICANT:  
DAVID & MONORA REA  
M/RTU\_47030000/05/04/0202

City of **Vaughan**

Development Planning Department

**Attachment 3**

FILE NO.:  
DA-000072  
RELATED FILE:  
Z.03.086  
March 21, 2005



Not to Scale

**Elevations -  
Buildings 'A' & 'B'**

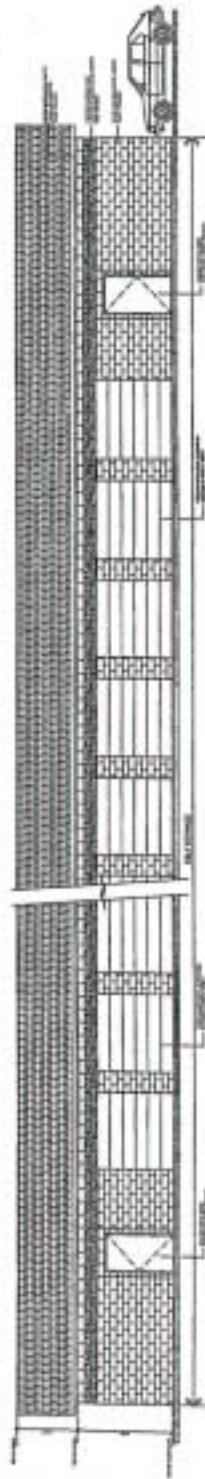
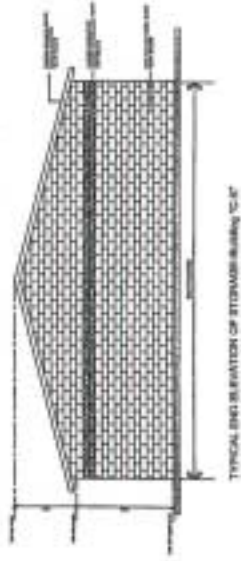
APPLICANT:  
DAVID & HONORA REA  
Part of Lot 5,  
Concession 3  
c:\p\ry\2005\p\20050308.dwg



Development Planning Department

**Attachment  
4a**

FILE No.:  
DA/03.073  
RELATED FILE:  
Z.03.086  
March 21, 2005



Not to Scale

**Attachment**

**4b**

FILE No.:  
DA.03.072  
RELATED FILE:  
Z.03.088  
March 21, 2005

City of  
**Vaughan**

Development Planning Department

**Elevations -  
Buildings 'C' - 'K'**

APPLICANT:  
DAVID & HONGRA REA  
Part of Lot 6,  
Concession 3  
PLAN: 03040000/0304-0101

