

## **COMMITTEE OF THE WHOLE OCTOBER 11, 2005**

### **ZONING BY-LAW AMENDMENT FILE Z.03.054**

#### **CANADIAN NATIONAL RAILWAY COMPANY**

(Referred from the Council meeting of June 15, 2005)

Council, at its meeting of June 15, 2005, adopted the following:

That this matter be referred to the Committee of the Whole meeting of October 11, 2005, in accordance with the written submission of Mr. Andrew E. Salem, Fraser Milner Casgrain LLP, 1 First Canadian Place, 100 King Street West, Toronto, M5X 1B2, dated June 7, 2005.

Report of the Commissioner of Planning dated June 8, 2005

#### **Recommendation**

The Commissioner of Planning recommends:

THAT Zoning By-Law Amendment File Z.03.054 (Canadian National Railway Company) BE APPROVED, subject to the following conditions:

- a) That the implementing zoning by-law shall:
  - i) rezone the subject lands adjacent to Regional Road #7 (3.79ha) and Highway #407 (0.99ha) from EM4 Employment Area Transportation Zone to EM1 Prestige Employment Area Zone in the manner shown on Attachment #2; and
  - ii) rezone the remaining interior lands (8.08ha) from EM4 Employment Area Transportation Zone to EM2 General Employment Area Zone in the manner shown on Attachment #2.

#### **Economic Impact**

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

#### **Purpose**

The Owner has submitted an application to amend the Zoning By-law to rezone 12.86 ha of surplus CN Rail lands from EM4 Employment Area Transportation Zone to EM1 Prestige Employment Area Zone (adjacent to Regional Road #7 and Highway #407) and EM2 General Employment Area Zone (internal) in the manner shown on Attachment #2, to facilitate future employment development.

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

The 12.86ha site is located on the south side of Regional Road #7, through to Highway #407, between Keele Street and Jane Street, within the CN MacMillan Railway Yard, in Part of Lots 4 and 5, Concession 4, City of Vaughan.

The subject lands are designated "Rail Facilities" by OPA #450 (Employment Area Plan) and zoned EM4 Employment Area Transportation Zone by By-law 1-88. The surrounding land uses are:

- North - Regional Road #7; railway/employment (EM1 Prestige Employment Area Zone)
- South - Highway #407; railway/recycling (PB1S Parkway Belt Linear Facilities Zone)

- West - commercial/employment (C6 Highway Commercial Zone, EM2 General Employment Area Zone)
- East - CN Rail Yard (EM4 Employment Area Transportation Zone)

On December 22, 2003, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. To date, one response has been received from the owner of an adjacent property to the west, with concerns related to water run-off and excess road dust due to truck traffic on the service road.

The application was initially scheduled for the January 19, 2004 Public Hearing, but was deferred at the request of the agent. On February 6, 2004, a Notice of Public Hearing was re-circulated to all property owners within 120m of the subject lands and those requesting notification. To date, no additional comments have been received. The recommendation of the Committee of the Whole on March 1, 2004, to receive the Public Hearing report and to forward a technical report to a future Committee meeting, was ratified by Council on March 8, 2004.

#### Official Plan

The Canadian National Railway Company deems the subject lands to be surplus to the needs of the CN Rail yard facility and has proposed that the lands be rezoned for employment uses. The lands are designated "Rail Facilities" by OPA #450 (Employment Area Plan). The "Rail Facilities" policies state that "should railway and related uses cease on lands at the periphery of this designation, the lands may be developed in accordance with the policies of the adjacent Employment Area land use designation where applicable, subject to a Block Plan being approved by Council".

The adjacent land use designations are "Prestige Area" along Regional Road #7 and Highway #407, and "Employment Area General" in the interior, consistent with the locations of the proposed zoning as shown on Attachment #2. The proposed rezoning of the lands abutting Regional Road #7 (3.79ha) and Highway #407 (0.99) to EM1 Prestige Employment Area Zone and the remaining interior lands to EM2 General Employment Area Zone would implement the land use designations in OPA #450 and conform to the Official Plan. The subject lands are not of sufficient size, nor are there any need for public roads to traverse through the property, to warrant the preparation of a Block Plan.

#### Zoning

The subject lands are zoned EM4 Employment Area Transportation Zone by By-law 1-88, which permits a railway classification yard, including accessory office, warehousing, distribution and repair facilities, and is currently operating as such. CN Rail deems the subject lands to be surplus to the needs of the rail yard and has proposed that the lands be rezoned from EM4 Zone to EM1 Prestige Employment Area Zone and EM2 General Employment Area Zone, in the manner shown on Attachment #2. The proposed rezoning would implement OPA #450 (Employment Area Plan) and permit prestige industrial, office and civic uses with no outside storage along Regional Road #7 and Highway #407, and general employment uses with outside storage in the interior of the site.

#### Land Use/Compatibility

CN Rail does not have any users for the parcels to be zoned EM1 and EM2 Zone, and are requesting that their surplus property be pre-zoned to facilitate future use for employment development, in accordance with the uses permitted by the respective zones in By-law 1-88. On this basis, prestige employment uses with no outside storage would be located adjacent to Regional Road #7 and Highway #407, thereby providing up-graded employment development and attractive building facades along these major arterial roads and highways. The interior of the

property, when developed, would be less visible from the adjacent roads, and may or may not require outside storage.

Staff has reviewed the concerns from the owner of an adjacent property (29-35 Killaloe Road) to the west, related to water run-off and excess road dust due to truck traffic on the service road within the subject lands.

The future development of the site would be reviewed through the site plan approval process which would address these issues. The review would also consider site layout, access, traffic management, landscaping, building elevations, storm water management, site servicing and grading, and treatment of all internal road surfaces. In addition, any necessary exceptions to the EM1 and EM2 Zone requirements to implement the approved site plan would be identified, and would require approval from the City.

Staff is satisfied that the proposed rezoning is appropriate and compatible with the surrounding employment and railway development, and in conformity with the Official Plan.

#### Region of York

The site will be served by two access points, a future right-in/right-out access onto Regional Road #7 as indicated below, and an existing driveway connection to a cul-de-sac at the eastern terminus of Freshway Drive that will be retained and upgraded. The Region of York has no objection to the proposal and requests that any future site plan applications be subject to the following conditions:

- Only a right-in/right-out vehicular access shall be permitted to Regional Road #7; and,
- The future Regional Road #7 rapid transitway shall be built through this area, and as such, a 5m wide buffer shall be planned in addition to the 45m road right-of-way along the frontage of Regional Road #7.

A traffic study was prepared on behalf of the applicant by Sernas Transtech, which considered the traffic impact of the redevelopment of the lands for employment uses, and to determine if any road improvements were necessary as a result of any additional traffic on the adjacent streets. The study concluded that the proposed rezoning to facilitate redevelopment of the site would not impact the surrounding road network. The traffic volumes attributed to the subject development can be supported by the existing area road network without undue impacts. The Region of York Transportation and Works Department and the Vaughan Engineering Department have both approved the traffic study.

#### Ministry of Transportation (MTO)

The MTO has no objections to the proposal. All buildings and structures must be setback a minimum of 14m from the Highway #407 property line. The Ministry will require permits for all buildings located within 46m from their property line and 400m from the centre point of Highway #407.

#### 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 Zoning By-Law Amendment application in accordance with the policies of OPA #450, the requirements of By-Law 1-88, and the area context. Staff is satisfied that the proposed rezoning of the subject lands from EM4 Employment Area Transportation Zone

along Regional Road #7 and Highway #407 to EM1 Prestige Employment Area Zone, and the remaining interior lands to EM2 General Employment Area Zone, is appropriate and compatible with the surrounding employment and railway development, and in conformity with the Official Plan.

On this basis, Staff can support the approval of the proposed application to amend the Zoning By-law, subject to the conditions contained in this report.

**Attachments**

1. Location Map
2. Recommended Zoning

**Report prepared by:**

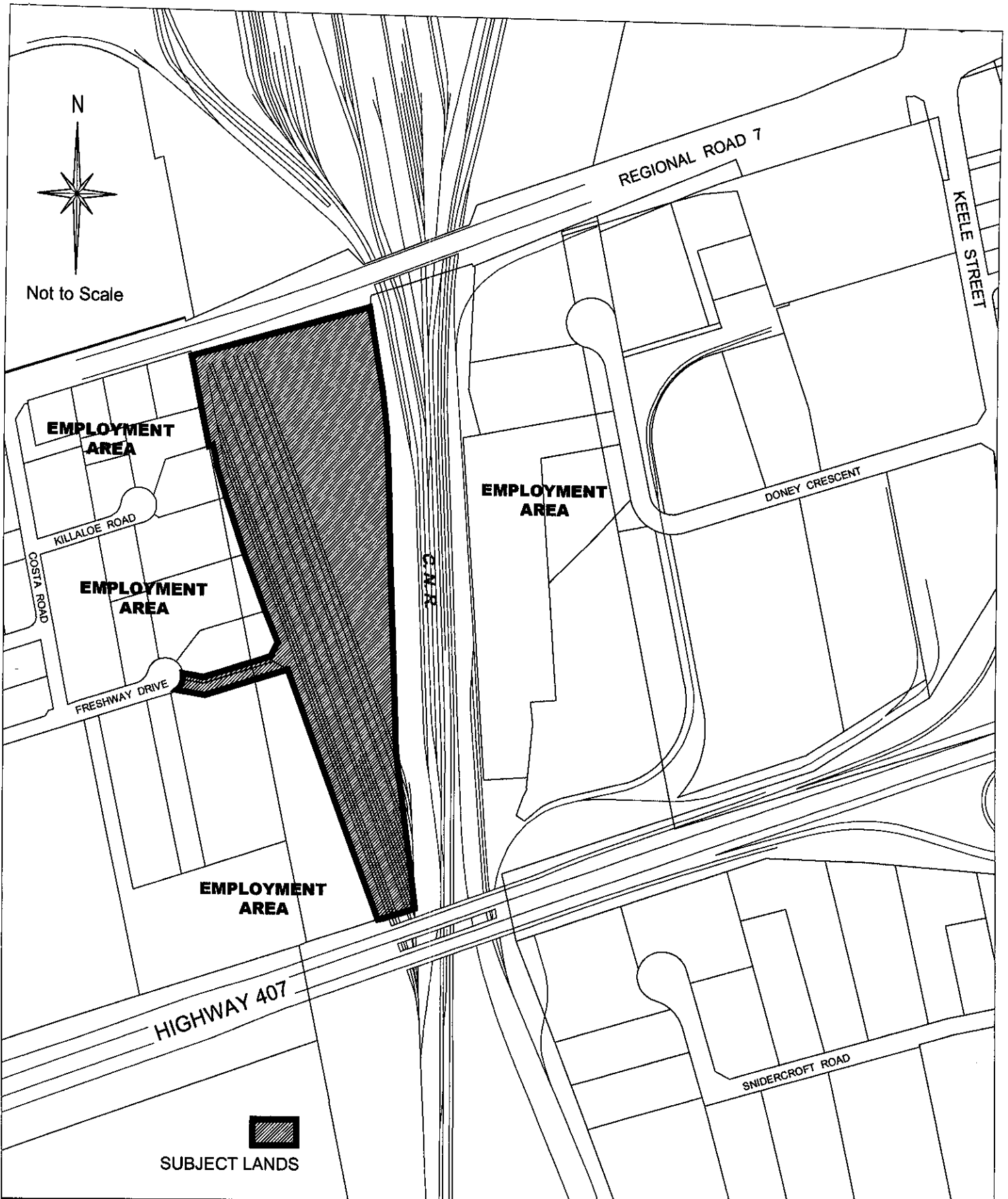
Christina Napoli, Planner I, ext. 8483  
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Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

MARCO RAMUNNO  
Director of Development Planning

/CM



## Location Map

Part Lots 4 & 5,  
Concession 4

APPLICANT:  
CANADIAN NATIONAL RAILWAY COMPANY

N:\DFT\1 ATTACHMENTS\Z\Z.03.054

City of  
**Vaughan**

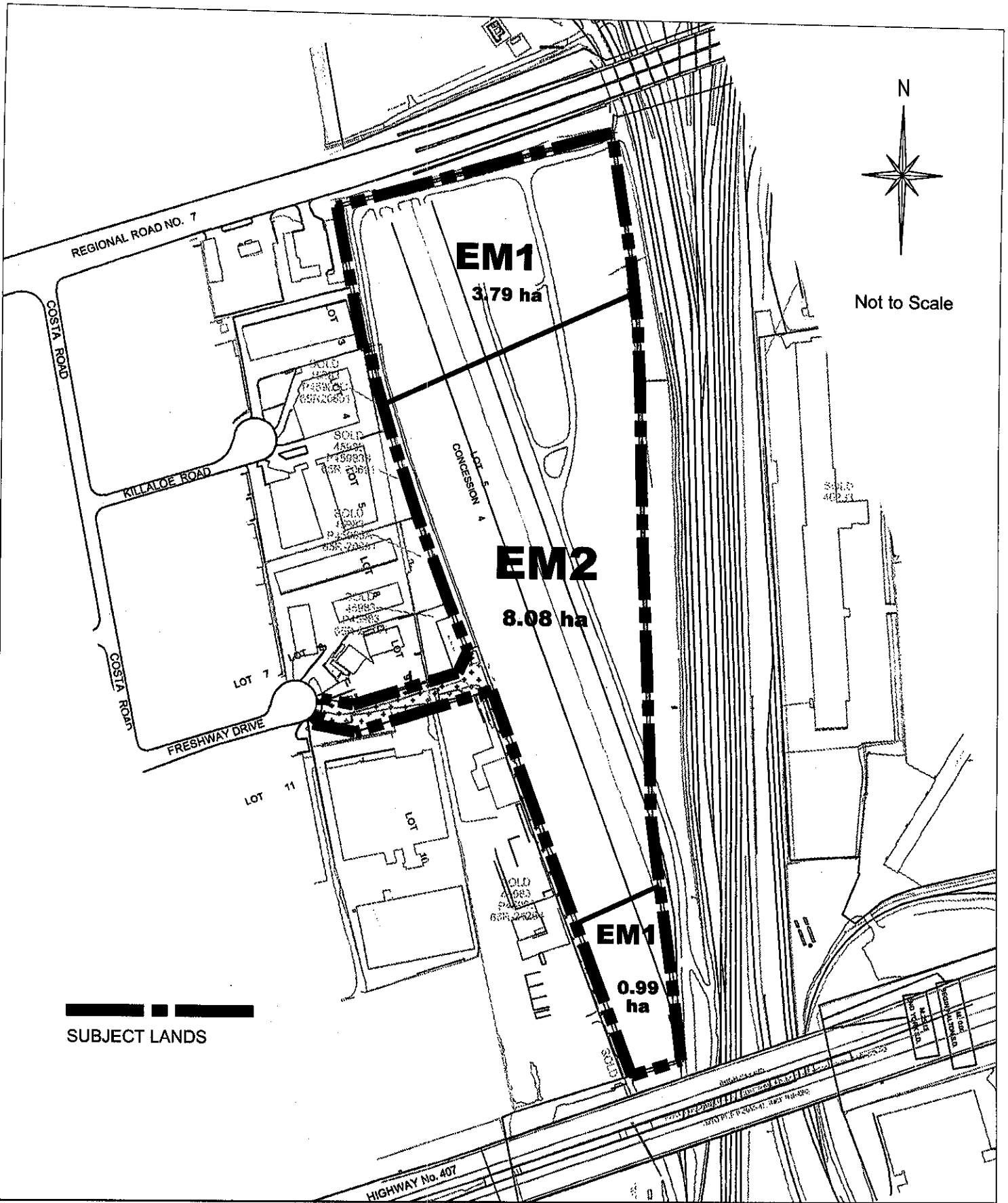
Development Planning Department

## Attachment

FILE No.: Z.03.054

May 9, 2005

**1**



# Recommended Zoning

APPLICANT: CANADIAN NATIONAL RAILWAY COMPANY

Part Lots 4 & 5, Concession 4



Development Planning Department

# Attachment

FILE No.: Z.03.054

May 9, 2005

# 2

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