

**ZONING BY-LAW AMENDMENT FILE Z.04.062
THORNHILL CENTRE STREET-TOWN CENTRE
CITY OF VAUGHAN
RELATED FILE: 15.92**

Recommendation

The Commissioner of Planning recommends:

- “1. THAT the following report be received as the basis of the Zoning By-law Amendment for File Z.04.062 (City of Vaughan); and,
2. THAT direction be given to have the Zoning By-law for the subject lands drafted, and brought forward to a future Committee of the Whole meeting for approval.”

Economic Impact

This zoning amendment will permit a substantial amount of new development in keeping with the vision for the Thornhill Town Centre and Centre Street corridor, and generate significant new tax assessment for the City.

Purpose

The purpose of the zoning by-law amendment is to introduce new zones and development standards into the City's Zoning By-law, By-law 1-88, in order to implement the policies of Official Plan Amendment #671; and to rezone a portion of the Town Centre.

Background

Location

The irregular shaped 9.3 ha site is located on the north side of Centre Street, between New Westminster Drive and Bathurst Street, in Part of Lot 6, Concession 2, City of Vaughan. The vacant site has a 174 m frontage on Bathurst Street and 438 m flankage on Centre Street.

The proposed zoning by-law excludes the lands on the northeast corner of Centre Street and New Westminster Drive, which have already received their zoning and site plan approvals. This property is being developed as a seniors' residence, and therefore is not subject to the proposed by-law.

The subject lands are currently designated "Town Centre Commercial" and "High Density Residential" by OPA #210 (Thornhill-Vaughan Community Plan). Official Plan Amendment #671 proposes to redesignate the subject lands to "Mixed Use 1", "Mixed Use 2" and "High Density Residential" (Attachment 1). The subject lands are currently zoned C2 General Commercial Zone, subject to Exception 9(1132-B) and A Agricultural Zone, subject to Exception 9(1132-A). The surrounding land uses are:

- North - High Density Residential (Liberty Development), and vacant parcel (zoned RA3 and RA3-H, subject to Exception 9(1153), and A Agricultural)
- South - Centre Street; Promenade Mall, bus terminal (C2 General Commercial Zone); highrise condominium (RA3 Apartment Residential Zone)
- East - Bathurst Street; residential (R5 Residential Zone and RM2 Multiple Residential Zone)

West - Seniors' Development, (zoned RA2 Apartment Residential, subject to Exception 9(1192); New Westminster Drive)

Status of OPA #671 and Zoning By-law

On November 29, 2004, a modified version of OPA #671 was submitted to Committee of the Whole. On the same date, the Public Hearing for the implementing Zoning By-law Amendment took place. As a result of concerns raised at the Public Hearing and subsequent discussions with affected landowners, a number of modifications have now been introduced to both OPA #671, and the proposed zoning by-law implementing it.

OMB Appeals to the Individual Applications and the Interim Control By-law

A number of individual applications as well as the Interim Control By-law have been appealed to the Ontario Municipal Board by several parties owning lands within the Centre Street Study Area. On May 21, 2004, a pre-conference OMB Hearing was held and a schedule of steps was agreed to, leading to an OMB hearing beginning in February, 2005. Subsequent discussions with the appellants have resulted in resolution of some of the issues. The hearing is rescheduled to commence September 6, 2005. It is expected that the proposed zoning by-law which is the subject of this report, will also become a subject of this Board Hearing.

Official Plan Amendment #671

The Town Centre is intended to be the focal point for residential and commercial development in Thornhill. The new land use designations established in OPA #671 provide for a concentration of residential and commercial development in single use or mixed-use buildings.

The design policies of OPA #671 are critical to achieving the pedestrian scale, quality, and amenity proposed by the Town Centre Plan. These design policies provide the basis for the setback, height, and gross floor area standards developed for each of the new zone categories. These standards will aid in establishing the pedestrian-friendly, and human-scaled environment envisioned for the Thornhill Town Centre.

Zoning By-law

The proposed zoning by-law is intended to implement and support OPA #671. Since City By-law 1-88 does not include zones for mixed-use appropriate to the uses and standards required to implement the policies of OPA #671, it is necessary to establish new zones and accompanying standards to achieve the Official Plan vision. The uses to be included within the proposed zones of OPA 671 lands north of Centre Street are high density residential, retail, restaurants, offices, and community recreation facilities, all of which are permitted in a single use or mixed-use buildings.

The modifications to the zoning by-law for the subject lands, which have been introduced since the Public Hearing on Nov. 29, 2004, are outlined below:

- (i) The zoning by-law has been modified to include the vacant parcel immediately north of the seniors' development which is proposed to be RA5 – High Density Residential-Town Centre, in keeping with the proposed zoning for the lands immediately to the north.
- (ii) While mixed-use residential is encouraged on Main Street and elsewhere within the Town Centre, it is no longer required in any zone category.
- (iii) Development within the commercial mixed use zones (CMU1 and CMU2), shall be subject to a minimum parking standard of 3.9 spaces per 100 sq.m of gross floor area

rather than the standard 6.0 spaces per 100 sq.m. The proposed reduction to parking recognizes that the Town Centre is intended to develop into an urban (rather than suburban) place, and a transit node, implying a reduced need for parking. It should also be noted that an exception has been provided for buildings fronting onto Main Street, such that the calculation of parking will not include a portion of the GFA of the second-storey, up to a maximum of 5,574.0 sq.m.

- (iv) Non-profit/private clubs, and townhouse development will not be permitted within the subject lands.
- (v) A reduced minimum parking standard of 1.2 spaces per residential apartment unit will apply within the RA5 High Density Residential Zone.
- (vi) The maximum permitted density and height within the RA5 Zone shall be 2.7 FSI and 18-22 storeys.
- (vii) An exception has been provided to the required minimum amenity space of By-law 1-88 from 20 sq.m to 15 sq.m/unit, also in keeping with the exception provided for the adjacent Liberty development.
- (viii) The maximum gross floor area of a retail unit on Main Street has been increased from 250 sq.m to 350 sq.m, with the exception of two larger scale retail units, not to exceed 1,162 sq.m and 557 sq.m respectively.
- (ix) The maximum retail ground floor area of a building in the CMU2-Mixed Use 2 Zone has been increased to 12,635 sq.m
- (x) Place of entertainment has been added as a permitted use in both the CMU1 and CMU2 Zones.
- (xi) The maximum length of 35 m for the front wall face of a single building abutting Main Street has been deleted.

Following is a brief summary of the new zones and standards introduced by the zoning by-law.

ZONING CATEGORIES & STANDARDS BEING INTRODUCED

CMU1 Mixed Use 1-Town Centre

The CMU1 –Town Centre Zone is to specifically implement the policies for “Main Street”. The proposed uses are those which would generate the most pedestrian and consumer shopping activity, and contribute to the envisioned pedestrian-friendly and transit-supportive environment. Each of the buildings may be developed in a mixed-use format or as a single use building, but must contain at least two storeys and front onto “Main Street”, with their principle entrances also facing and located at grade on “Main Street”. Secondary entrances to each unit onto the rear parking areas are also permitted. The following uses are permitted:

- i) Retail Store, restricted to a maximum GFA of 350 m²
- ii) Banking or Financial Institution without drive-through
- iii) Eating Establishment, with or without Outdoor Patio, but shall not include a drive-through
- iv) Eating Establishment-Convenience, with or without Outdoor Patio, but shall not include a drive-through
- v) Personal Service Shop
- vi) Photography Studio

- vii) Video Store
- viii) Church
- ix) Apartment Dwellings, provided such use is not located on the ground floor
- x) Business or Professional Office, provided such use is not located on the ground floor, with the exception of doctor/dental/veterinary offices which will be permitted at grade
- xi) Library, provided such use is not located on the ground floor
- xii) Place of Entertainment

CMU2-Mixed-Use 2 – Town Centre

The lands proposed to be zoned CMU2 are located on both sides of the development on “Main Street”, west to the proposed westerly north/south road, and east to Bathurst Street. The CMU2 zone permits a wide range of commercial and residential uses, and the opportunity for live /work units. The following uses are permitted within the CMU2 zone in a mixed-use or single use building:

- i) Apartment Dwellings
- ii) Retail Stores
- iii) Business or Professional Office
- iv) Clinic
- v) Eating Establishment, with or without Outdoor Patio, but shall not include a drive-through
- vi) Eating establishment-Convenience, with or without Outdoor Patio, but shall not include a drive-through
- vii) Personal Service Shop
- viii) Video Store
- ix) Photography Studio
- x) Pharmacy
- xi) Public Parking Lot or Parking Garage
- xii) Church
- xiii) Library
- xiv) Day Nursery
- xv) Place of Entertainment

The standards for the CMU2 zone limit the ground floor area of a multi-unit commercial building to a maximum of 12,635 sq.m, which is the size of the proposed Walmart store at the northwest corner of Centre Street and Bathurst Street. The maximum ground floor area of a residential building is limited to 1,500 sq.m. and the height to a maximum of 14-storeys (44m). Notwithstanding the recommended maximums, the maximum floor area and height of a residential building will be subject to built form and micro-climatic studies, to the satisfaction of the City of Vaughan.

RA5 - High Density Residential-Town Centre

The RA5 Zone is proposed in the northwest portion of the subject lands on the east side of New Westminster Drive and north of the approved seniors development at the corner of Centre Street and New Westminster Drive. The proposed uses for this new residential zone category are as follows:

- i) Apartment Dwellings
- ii) Bank or Financial Institution⁽¹⁾
- iii) Retail Store⁽¹⁾
- iv) Business or Professional Office⁽¹⁾
- v) Personal Service Shop⁽¹⁾
- vi) Video Store⁽¹⁾

Note⁽¹⁾ Uses identified shall be located at grade, and shall be part of a mixed-use commercial/residential building. In addition, the gross floor area (GFA) devoted to these uses shall not exceed 30% of the ground floor area. The commercial uses are provided as a convenience to the residents of the building and those living nearby.

The maximum height and density of residential apartment buildings are 18-22 storeys and 2.7 FSI, respectively, in keeping with the height and density of the Liberty development to the north. The ground floor area of the residential apartments is capped at 1,500 sq.m in order to keep the scale of development and massing similar to the built form on the Liberty property. Higher density residential development will help to achieve the original vision for the Town Centre, and the planning objectives of the York Region Official Plan, to provide the highest density in the local centres in close proximity to public transit. Exceptions have also been provided for amenity space and parking requirements for reductions to 15.0 sq.m/unit and 1.2 parking spaces/unit, respectively.

The Holding Zone Provision (H)

The By-law also places a holding provision on the lands until such time as a Site Development Plan is approved and executed by the City of Vaughan. The Holding Zone (H) will ensure that the final comprehensive Site Plan for the subject lands is satisfactory to the City, and that the provisions of the Official Plan have been adhered to, prior to any development proceeding.

Relationship to Vaughan Vision 2007

The proposed by-law for the Thornhill Town Centre is consistent with the priorities set by Vaughan Council in Section 3.2.2 of the Vaughan Vision, to:

“Encourage land use designations and urban form to support transit usage.”

Conclusion

The proposed zoning by-law has been developed to introduce new zones and standards into the City's By-law 1-88. This rezoning will implement the policies of Official Plan Amendment #671 by rezoning the subject lands, to CMU1-Mixed Use 1-Town Centre, CMU2-Mixed Use 2-Town Centre, and RA5-High Density Residential-Town Centre.

The new standards introduced for each zone category will be consistent with the type of development envisioned by the new Official Plan, and the accompanying urban design policies. The by-law also places a Holding Symbol (H), on the subject lands until such time as a Site Development Plan is approved and executed by the City of Vaughan.

Since a Site Development Application has not yet been considered for the subject lands, it is not possible to anticipate the finer details of the zoning by-law at this time. Therefore, the draft by-law attached, should serve as the basis of the final by-law, which will be approved by Council once the Site Development Application is submitted and approved.

Attachments

1. Location Map
2. OPA 671, Schedule “B1”: Land Use (Amendment Area North of Centre Street)

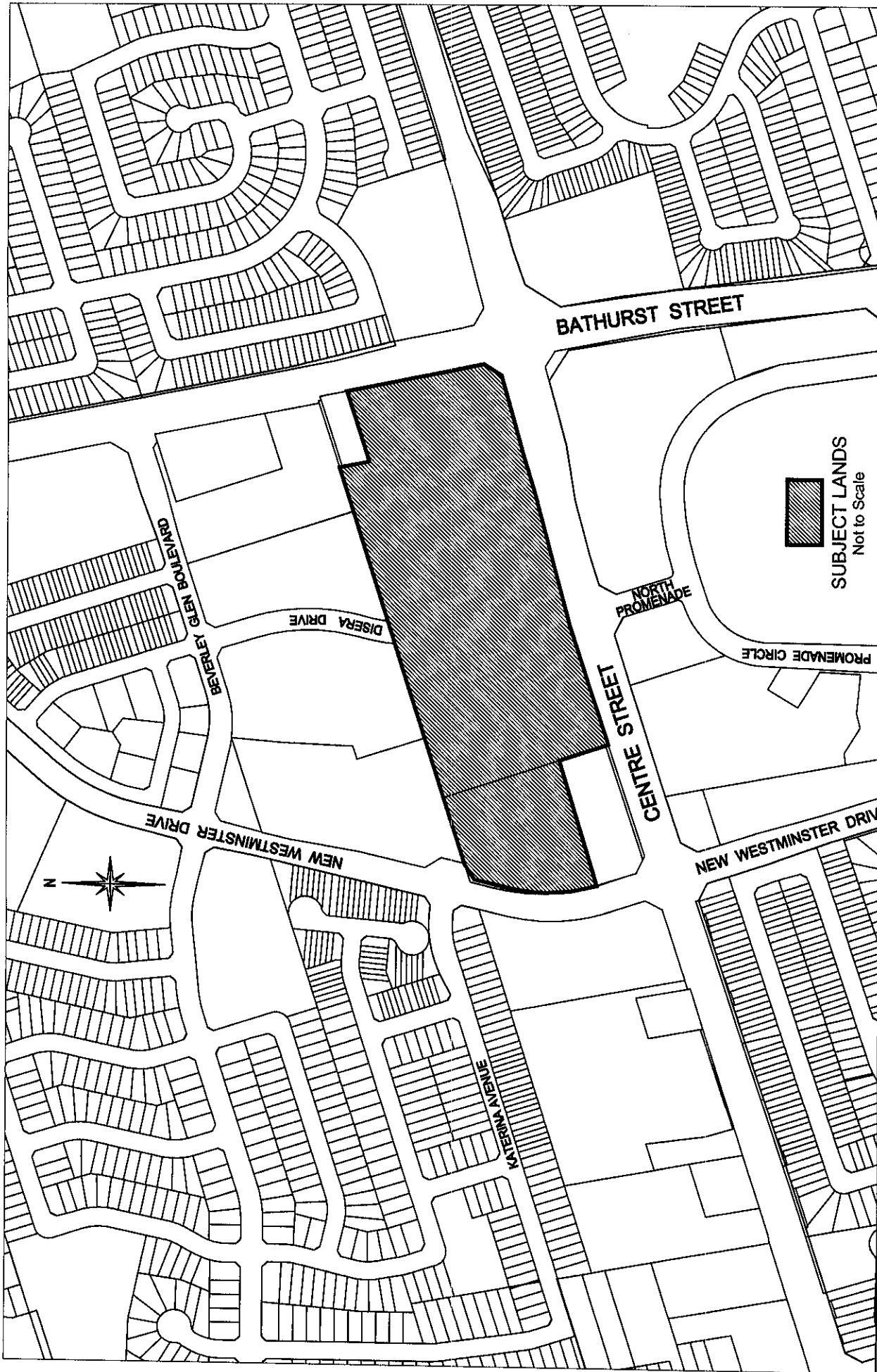
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

DIANA BIRCHALL
Director of Policy Planning/Urban Design

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Location Map

Part Lot 6,
Concession 2
APPLICANT:
CITY OF VAUGHAN
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City of
Vaughan

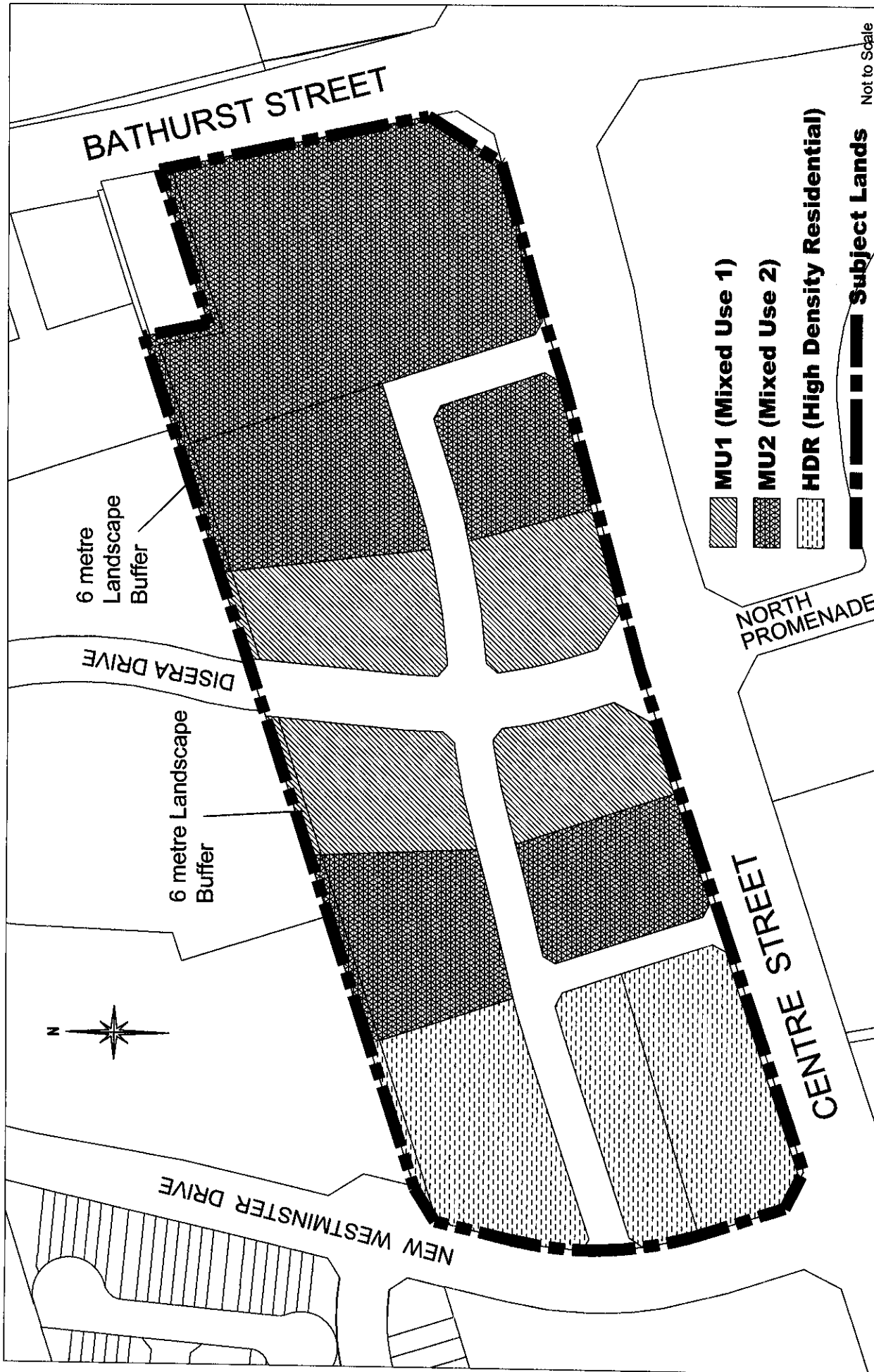
Policy Planning & Urban Design Department

Attachment

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April 21, 2005





**OPA 671, Schedule B1
Land Use Designations**

APPLICANT:
CITY OF VAUGHAN
PART 6,
CONCESSION 2
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Subject Lands Not to Scale