

COMMITTEE OF THE WHOLE SEPTEMBER 18, 2006

**OFFICIAL PLAN AMENDMENT FILE OP.05.020
TESMAR HOLDINGS INC.
REPORT #P.2006.047**

Recommendation

The Commissioner of Planning recommends:

1. THAT Council defer consideration of Official Plan Amendment File OP.05.020 (Tesmar Holdings Inc.) until such time that the Planning Department has had the opportunity to complete a Land Use Review for the Jane Street Corridor Area.
2. THAT Council direct the Planning Department, with input from the Engineering Department with respect to issues such as traffic impact and servicing as well as any other City department or external agency as may be required; to conduct a Land Use Review for the Jane Street Corridor area, south of Rutherford Road, with respect to the potential for residential development.

Economic Impact

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

Purpose

The Planning Department is seeking direction from Council with respect to the preparation of a land use review for the Jane Street Corridor area, south of Rutherford Road, as shown on Attachment #1.

Background

In August of 2005, the Owner submitted an application to amend the Official Plan to redesignate a 1.67 ha parcel of land at the northeast corner of Jane Street and Riverrock Gate from "Prestige Area" in OPA #450 (Employment Area Plan) to "Vaughan Centre Secondary Plan Area" and "High Density Residential/Commercial" within OPA #600. The application contemplated a residential apartment building with a maximum Floor Space Index (FSI) of 2.7 times the site area.

On October 28, 2005, a Notice of Public Hearing was circulated to all property owners within 120 metres of the subject lands, and to the Maple Landing Ratepayers' Association, the Maple-Sherwood Ratepayers' Association, CN Rail, and Paramount Canada's Wonderland. A Public Hearing took place on November 21, 2005. The Maple Landing Ratepayers Association, the Blessed Trinity Expansion Committee and MI Developments Inc. (Magna International) expressed concern with the application.

On March 6, 2006, the Committee of the Whole considered a recommendation from the Planning Department to refuse the application on the basis that the application to permit residential uses in the employment area was not considered to be consistent with the Provincial Policy Statement, the proposed Planning Reforms (Bill 51), Places to Grow, the Region of York and City of Vaughan Official Plans, and Vaughan Vision 2007. The Committee of the Whole recommended that the matter be deferred in accordance with a written submission from the applicant to allow the opportunity for the applicant and the City to meet and consult in order to develop a proposal that was mutually agreeable. The recommendation of the Committee of the Whole to defer the application was adopted without amendment by Council on March 20, 2006.

In April of 2006, the subject application was revised to amend the Official Plan to redesignate the 1.67 ha site from "Prestige Area" in OPA #450 (Employment Area Plan) to "Vaughan Centre Secondary Plan Area" within OPA #600 with a mixed use designation to permit both commercial and residential uses. The current application contemplates policies permitting a commercial

component which would require a minimum of 5,000 sq.m of office space, a minimum height of 3-storeys and a maximum Floor Space Index (FSI) of 1.0 in addition to the residential component having a Floor Space Index (FSI) of 2.7 within two towers having a maximum height of 32 storeys. Essentially, the application was revised such that high density residential uses would be permitted in conjunction with a commercial component thereby maintaining employment uses on the subject lands. Attachment #2 illustrates a conceptual plan. It should be noted that the original application did not propose any significant commercial development.

As the application was revised, a second Public Hearing was convened. On May 26, 2006, a Notice of Public Hearing was circulated to all property owners within 120 metres of the subject lands, and to the Maple Landing Ratepayers' Association, the Maple-Sherwood Ratepayers' Association, CN Rail, MI Developments Inc., the Blessed Trinity Expansion Committee, History Hill, and Paramount Canada's Wonderland. A Public Hearing took place on June 19, 2006. The Maple Landing Ratepayers Association, the Maple Village Ratepayers' Association, and MI Developments Inc. (Magna International) expressed concern with the application.

The concern raised at each of the two Public Hearings can be summarized as follows:

a) Maple Landing Ratepayers Association

- The City must preserve its diminishing employment lands including this site so that residents may someday be able to walk to work from the nearby residential communities.
- The proposed residential designation is incompatible with the existing abutting EM2 Employment Area General uses.
- The proposal doesn't represent orderly development, as it was not part of a larger block plan.
- The community would not have nearby recreational and parkland amenities that promote an active lifestyle.
- The nearby elementary schools, Blessed Trinity Catholic and Maple Creek Public are already over capacity.
- The application is not consistent with the Provincial Policy Statement.
- Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- The redesignation would remove more employment lands from Vaughan's already limited supply of about 2 years. The current residential supply is about 8 years and this imbalance must be rectified.

b) Blessed Trinity Expansion Committee

Vince Porcelli spoke on behalf of the Blessed Trinity Expansion Committee and outlined the group's opposition to the proposal based on the increased enrollment demand it would create. Mr. Porcelli noted that:

- Blessed Trinity's capacity is 604 students and it was exceeded 2 years after it opened.
- Current enrollment is 878 students.
- 40% of students are taught in portables.

c) MI Developments Inc. (Magna International)

MI Developments Inc. has indicated that 401 Caldari Road includes a 198,000 sq.ft. industrial facility that is used as a heavy stamping plant and operates 24 hours a day, seven days a week, 365 days per year. Large transport trucks deliver and pick up from the plant 24 hours a day and generate considerable noise. The lands also include 3.23ha (8 acres) of vacant land that will be used for future expansion. As such, high-density residential use would be incompatible with the adjacent industrial uses.

d) Maple Village Ratepayers' Association

Concerned with incompatible uses and possible nuisance complaints as well as the impact on traffic volume on Jane Street which would add to the existing traffic congestion.

On August 11, 2006, the Owner submitted the following studies in support of the applications:

- "Traffic Impact Study" prepared by Sernas Transtech
- "Functional Servicing Report" prepared by Schaeffers Consulting Engineers
- "Environmental Site Assessment – Phase I" prepared by Soil Engineers Ltd.
- "Noise and Vibration Feasibility Study" prepared by HGC Engineering
- "Planning Justification Report" prepared by KLM Planning Partners Inc.

The reports have been circulated to various City departments and external public agencies and are currently being reviewed.

Other Background

Pre-consultation discussions have taken place with the Owner of lands on the west side of Jane Street, between the two Jane Street entrances into Vaughan Mills, opposite of Riverrock Gate and Locke Street respectively. They intend to file development applications to permit high density residential uses and a hotel and conference centre/convention hall on the said lands. Furthermore, other owners of vacant land parcels in the area may be inclined to submit development applications seeking high density residential uses in light of the current development context. In particular, a 5.7 ha site at the southeast corner of Rutherford Road and Jane Street remains vacant, although development applications have been filed in 2005 (Delisle Properties Limited – Files OP.05.005 and Z.05.031) to redesignate and rezone the property from prestige employment to permit retail commercial development. This application is still under review. Attachment #1 illustrates the area of interest.

Current Policy Structure

The current policy structure for the area both east and west of Jane Street, and south of Rutherford Road envision employment type uses.

OPA #450 (Employment Area Plan) is the prevailing Official Plan document for the lands south of Rutherford Road and east of Jane Street. Lands within the area that front onto Rutherford Road and Jane Street are designated "Prestige Area" by OPA #450 (Employment Area Plan), which would accommodate uses that require high visual exposure, good accessibility, and an attractive working environment. The designation permits a wide range of industrial, office, business and civic uses, with no outside storage. Lands located in the interior area are designated "Employment Area General" by OPA #450 and accommodate uses that do not require higher profile locations and provide opportunity for development that may require outside storage or be undertaken outdoors. OPA #450 also identifies lands located at the intersection of arterial and/or collector roads as a "Service Node" that would provide for the day-to-day convenience and service needs of businesses and industries and their employees. The Tesmar site is considered a "Service Node", consistent with the C7 Service Commercial Zone on the property. OPA #450 does not permit residential uses.

OPA #600 is the prevailing Official Plan document for the lands south of Rutherford Road and west of Jane Street. Lands within this area are designated "Vaughan Centre Shopping Centre District" and "General Commercial (Special Policy)". These lands were originally located within OPA #450 (Employment Area Plan) and were subsequently removed from OPA #450 by site-specific OPA #505, which facilitated the Vaughan Mills development. Current policies do not permit residential uses on the lands.

Despite the policy context, the land uses surrounding the Jane Street and Rutherford Road intersection area have changed. In November of 2004 and April of 2005, the Ontario Municipal Board approved high density development at the northeast corner of Jane Street and Rutherford

Road and construction of high rise residential is currently under construction. The lands at the northwest corner of Jane Street and Rutherford Road are designated by the Vaughan Centre Secondary Plan which permits high density residential uses; however, the site was recently rezoned to permit retail commercial uses.

In addition to the Tesmar Holdings Inc. application, the owner of the lands along the west side of Jane Street, east of the Vaughan Mills Mall, has expressed an interest in seeking a similar Official Plan redesignation for high density residential uses as well as hotel and conference centre/ convention hall uses.

Relationship to Vaughan Vision 2007

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

Conclusion

Jane Street is experiencing development pressure influenced by the changing land use structure in light of the development of the Vaughan Mills Shopping Centre area and an OMB approved high density residential development at the northeast corner of Jane Street and Rutherford Road that is currently under construction, as well as, the Provincial and Regional policies respecting intensification.

The Provincial Policy Statement includes a policy that allows planning authorities to permit the conversion of land within employment areas to non-employment uses, through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. The City has not commenced or undertaken a comprehensive review of this issue within the Jane Street Corridor, south of Rutherford Road, nor has the City and the relevant agencies completed the review of the supporting studies submitted on behalf of Tesmar Holdings Inc. application, accordingly it is recommended that the Tesmar application be deferred at this time pending completion of the land use review for the area. A careful approach must be taken since the approval of site-specific development applications permitting high-density residential uses could set a precedent for the area, as well as, erode required employment lands. In this respect, the preparation of a Land Use Review for the area is being recommended to facilitate orderly development, and not on the basis of site-specific development applications.

Attachments

1. Location Map
2. Concept Plan

Report prepared by:

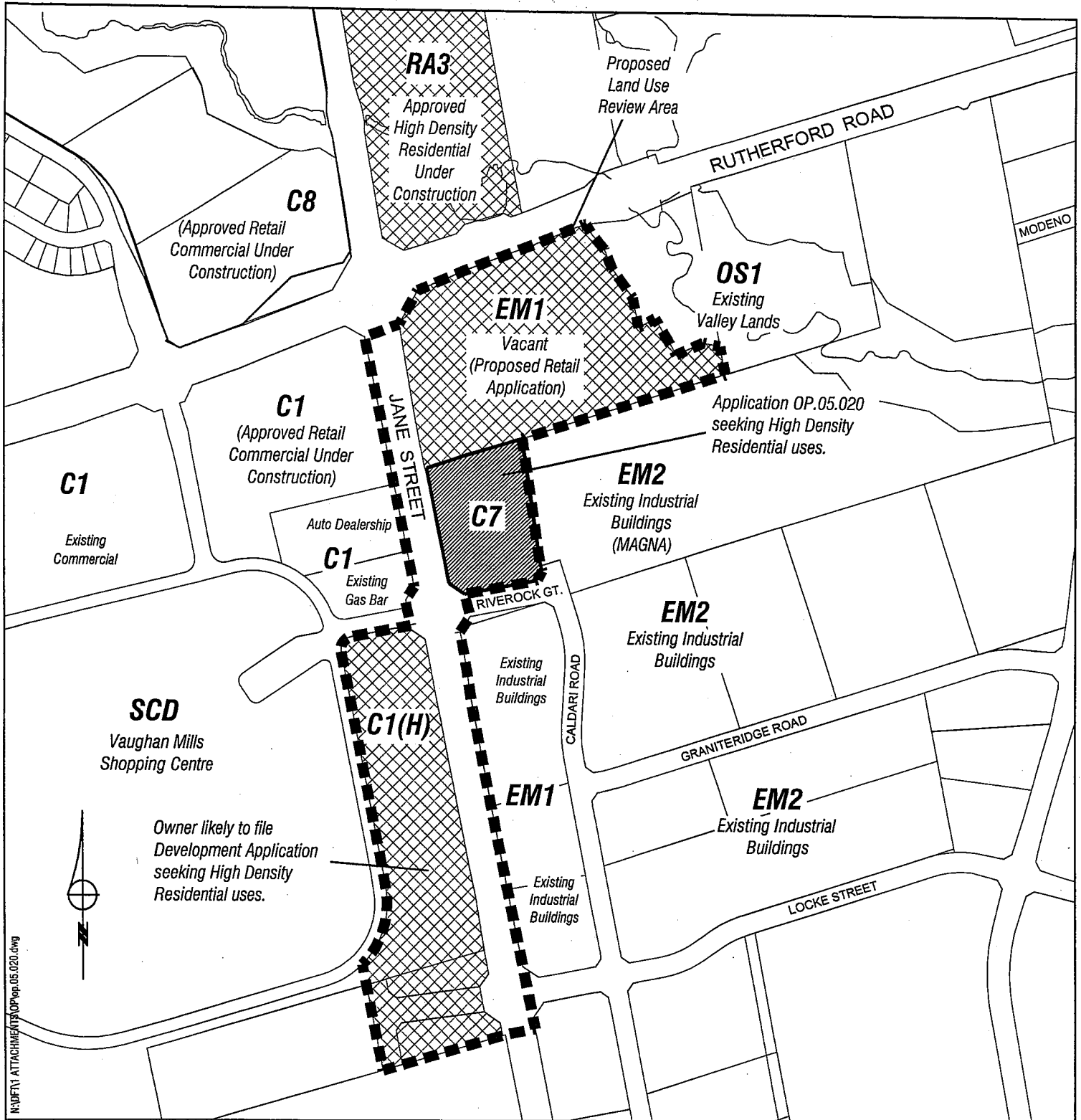
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Respectfully submitted,

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Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Legend

- A** - Agricultural Zone
- C1** - Restricted Commercial Zone
- C7** - Service Commercial Zone
- C8** - Office Commercial Zone

- EM1** - Prestige Employment Area Zone
- EM2** - General Employment Area Zone
- SCD** - Shopping Centre District Zone
- OS1** - Open Space Conservation Zone

- (H)** - Holding Provision
-  **Subject Lands**
-  Proposed Land Use Review Area

Not to scale

Location Map

Location:
Part Lot 15, Concession 4
Applicant:
TESMAR HOLDINGS INC.



Development Planning Department

Attachment

File:
OP.05.020
Date:
September 13, 2006

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