

COMMITTEE OF THE WHOLE NOVEMBER 10, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.063
BLACKWOOD REAL ESTATE GENERAL PARTNER I LTD.
WARD 3**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.063 (Blackwood Real Estate General Partner I Ltd.) BE APPROVED, to amend By-law 1-88, to rezone the subject lands shown on Attachment #1 from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone and C7 Service Commercial Zone in the manner shown on Attachment #2 to facilitate the construction of 4 multi-unit buildings on the property as shown on Attachment #3, and that the implementing zoning by-law shall:
 - a) permit the following site-specific uses in the EM1 Prestige Employment Area Zone:
 - i) Business or Professional Office and an Office Building with a total combined maximum Gross Floor Area of 2843m²;
 - ii) Car Brokerage;
 - iii) Club or Health Centre;
 - iv) Employment Use;
 - v) Accessory retail sales to an Employment Use;
 - vi) Accessory office uses to an Employment Use;
 - vii) Recreational Use;
 - viii) Service or Repair Shop;
 - ix) One (1) Personal Service Shop having a maximum gross floor area of 185 m² per multi-unit building; and,
 - x) One (1) Eating Establishment; or Eating Establishment - Convenience; or Eating Establishment - Take-Out, having a maximum gross floor area of 185 m² per multi-unit building, including an outdoor patio use accessory thereto, subject to Section 5.1.6 of By-law 1-88;
 - b) permit the following site-specific uses in the C7 Service Commercial Zone, with a total combined maximum Gross Floor Area of 4175m²:
 - i) Convenience Retail Store;
 - ii) Bank and Financial Institution;
 - iii) Education or Training Facility;
 - iv) Eating Establishment; Eating Establishment – Convenience; Eating Establishment - Take-Out; including an outdoor patio accessory thereto, subject to Section 5.1.6 of By-law 1-88;
 - v) Office and Stationary Supply, Sales, Service, Rental;
 - vi) Car Rental Service;
 - vii) Print Shop and Accessory Retail Sales;
 - viii) Personal Service Shop;
 - ix) Pharmacy;
 - x) Place of Entertainment;
 - xi) Tavern;
 - xii) Technical School;
 - xiii) Veterinary Clinic;
 - xiv) Video Store;
 - xv) Bakery; and,
 - xvi) the site-specific EM1 Zone uses listed above.

- c) require a minimum setback of 14m to the north and west property lines as shown on Attachment #4, to all buildings and structures above or below grade, parking, fire routes, and driveways;
- d) require a minimum of 554 parking spaces;
- e) require a minimum unit size in the EM1 Prestige Employment Zone of 158 m²;
- f) include the following definition for a "bakery":'

"A BAKERY shall mean:

A building or a part of a building or place having not more than 24 seats, where the baking of bakery products is permitted on the premises and where food and drink is permitted on the premises and where food and drink are prepared and offered for sale on a cafeteria-style, buffet or self serve basis for consumption within or outside of such building or place, and where customers do not eat at the same table or counter at which the food is ordered and/or obtained. Such establishment may include an outdoor patio as an accessory use thereto."; and,

- g) include a clause providing that notwithstanding any future land division of the subject lands by way of consent, condominium, etc. that for the purposes of zoning conformity, the subject lands shall be considered to be one parcel.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On January 16, 2009, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. To date, no written comments have been received by the Development Planning Department. The following concerns were identified at the Public Hearing on February 10, 2009:

- i) the reduced number of parking spaces is insufficient to support the proposed development;
- ii) the site is better suited for a large-format, single tenant use given its proximity to two major Highways (Highways #400 and #407), and the surrounding land use context; and,
- iii) the design of the buildings and the amount of parking located along Weston Road.

In response to these concerns;

- i) the Development Planning Department contacted the Economic Development Department who indicated that there is not a significant demand by businesses for single use large format employment buildings in the current economic climate;
- ii) the Owner has increased the amount of parking on the site and placed limits on the gross floor area devoted to uses that typically generate a higher parking requirement (e.g. service commercial uses). The proposed reduction in the number of required parking spaces has been supported by a Parking Justification Report, which has been reviewed

and approved by the Vaughan Engineering Department. An analysis of the parking requirements and proposed parking will be discussed later in this report; and,

- iii) the Owner has informed the Development Planning Department that they will continue to work with the Department with respect to the related Site Development Application (File DA.08.062) to review the design of the buildings, site plan, parking layout and landscaping. The Owner has prepared and provided a conceptual site plan, landscape plan, and an elevation plan for Building "A", as shown on Attachments #3, #4, and #5, respectively.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 10, 2009, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on February 24, 2009.

Purpose

The Owner has submitted an application to amend the City of Vaughan Zoning By-law 1-88 for the subject lands shown on Attachment #2, specifically to:

- a) rezone the subject lands from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone and C7 Service Commercial Zone;
- b) permit the following site-specific uses in the EM1 Prestige Employment Area Zone within each of the 4 multi-unit buildings, as shown on Attachment #2:
 - i) Business or Professional Office;
 - ii) Car Brokerage;
 - iii) Club or Health Centre;
 - iv) Day Nursery;
 - v) Employment Use;
 - vi) Accessory retail sales to an Employment Use;
 - vii) Accessory office uses to an Employment Use;
 - viii) Office Building;
 - ix) Recreational Use;
 - x) Service or Repair Shop;
 - xi) One (1) Personal Service Shop having a maximum gross floor area of 185 m² per multi-unit building; and,
 - xii) One (1) Eating Establishment; Eating Establishment - Convenience; or Eating Establishment - Take-Out, having a maximum gross floor area of 185 m² per multi-unit building, including an outdoor patio use accessory thereto;
- c) permit the following additional Service Commercial uses in addition to the above-noted EM1 Prestige Employment Area Zone uses listed above, within the proposed buildings located within Area "A" as shown on Attachment #3:
 - i) Sales and service establishments greater than 274m² and less than 930 m² limited to the following: automotive parts, supplies and accessories store; computer and software store; communications and electronics retail and supplies store; work and industrial clothing store; bakery; flooring store; carpet and rug store; bath and tile store; plumbing fixtures and supplies store; lighting store; paint, wallpaper and home décor store; windows and doors store; general contractors shop; kitchens, cabinets and housewares store;
 - ii) Convenience Retail Store;
 - iii) Bank and Financial Institution;
 - iv) Education or Training Facility;

- v) Eating Establishment, Eating Establishment – Convenience, Eating Establishment, Take-Out, including an outdoor patio accessory thereto;
 - vi) Office and Stationary Supply, Sales, Service, Rental;
 - vii) Car Rental Service;
 - viii) Print Shop and Accessory Retail Sales;
 - ix) Parking Garage;
 - x) Personal Service Shop;
 - xi) Pharmacy;
 - xii) Place of Entertainment;
 - xiii) Tavern;
 - xiv) Technical School;
 - xv) Veterinary Clinic; and,
 - xvi) Video Store;
- d) require a minimum of 554 parking spaces; and,
- e) notwithstanding any future land division of the subject lands by way of consent, condominium, etc., that for the purposes of zoning conformity the property shall be considered to be one parcel.

Conceptual Site Design

The future development of the site as shown on Attachments #3, #4, and #5, proposes 4 multi-unit buildings with a total gross floor area of 23,641.67m². All of the buildings are two-storey structures with the exception of the building fronting onto Weston Road, which has a three-storey component for enhanced visual articulation along Weston Road. The proposed uses within the development are broken down as follows; 4,174.32m² for service commercial uses; 2,842.79m² for office uses; and 16,624.56m² for employment uses. The site will be served by 554 at-grade parking spaces which will be screened from Weston Road by a 14m wide MTO setback/ landscape buffer. Appropriate building and site design, access, internal traffic circulation, parking, landscaping, servicing and grading, including the implementation of sustainable site and building design features will be reviewed in greater detail in the related Site Development Application (DA.08.062), and reported in a future Committee of the Whole meeting.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at the southeast corner of Weston Road and Highway #407, municipally known as 1 Century Place, in Part of Lots 2 and 3, Concession 5, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth and Management Plan), which encourages locational opportunities for uses that require high visual exposure, good accessibility and an attractive working environment. The "Prestige Area" designation is implemented by the EM1 Prestige Employment Area Zone category.

OPA #450 also contains policies respecting "Service Nodes", which allow service commercial uses at the intersection of arterial and/or collector roads. The "Service Node" designation provides policies for uses that supply the day-to-day convenience and service needs of the surrounding businesses, industries and their employees and to ensure that service opportunities are provided at convenient and accessible locations throughout the Employment Area. The maximum area of a Service Node is 1.2 ha. The site satisfies the Official Plan criteria respecting the location of a Service Node, since the property is located at the intersection of Weston Road

and Highway #407, and is approximately 1.2 ha in size. The balance of the site is proposed to be utilized for Prestige Employment uses. On this basis, the application conforms to the Official Plan.

The subject lands were removed from the Parkway Belt West Plan by Amendment No. 106 in January 1996.

Zoning

The subject lands are zoned PBM7 Parkway Belt Industrial Zone by By-law 1-88, which permits a limited range of industrial uses. The proposed employment and service commercial uses are not permitted in the PBM7 Parkway Belt Industrial Zone on the subject lands, and therefore, an amendment to Zoning By-law 1-88 is required.

Parking

The required parking under By-law 1-88 for the proposed development based on the maximum gross floor areas devoted to the specific uses proposed by the applicant is calculated as follows:

Proposed Service Commercial Uses - 4,175m ² @ 6 spaces/100m ²	= 251 spaces
Proposed Employment Uses - 16,527m ² @ 1.5 spaces/100m ²	= 248 spaces
Proposed Office Uses - 2,843m ² @ 3.5 spaces/100m ²	= 100 spaces
Total Required	= 599 spaces
Total Provided	= 554 spaces

Based on the above calculations, the uses proposed would result in a parking deficiency of 45 spaces (7.5%).

In order to deal with the concerns raised at the Public Hearing on February 10, 2009, particularly with respect to the parking deficiency, the Owner is proposing to restrict the total combined gross floor area devoted to Business and Professional Office uses and to an Office Building to a maximum of 2843m², and the maximum gross floor area devoted to service commercial uses to 4175m². These gross floor area figures are based on the information and conclusions provided in the applicant's parking justification report.

The Owner has submitted a parking justification report prepared by BA Group Transportation Consultants, dated July 27, 2009, in support of the application. The analysis in the parking justification report included a review of other service commercial and employment developments in the surrounding area and other areas within the City of Vaughan in order to determine peak parking rates. The study concluded that the peak parking demand on the property would generally occur between 11:00am and 2:00pm with the maximum peak demand being 65% of the total available parking. Based on the average peak parking demand, the consultant concluded that the peak parking demand for the development would require a parking supply of 494 spaces, whereas 554 spaces are proposed on the site. The Vaughan Engineering Department has reviewed the report and concurs with the conclusions. On this basis, the Development Planning Department can support the amount of parking provided.

Planning Considerations

The subject property is designated "Prestige Area" by OPA #450 (Employment Area Growth and Management Plan), which is implemented in By-law 1-88 by the EM1 Prestige Employment Area Zone category. The Owner is proposing to rezone the easterly portion of the property from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone as shown on Attachment #3, which conforms with and implements the "Prestige Area" designation in OPA #450.

The Owner is also proposing to rezone the southwest portion of the property from PBM7 Parkway Belt Industrial Zone to C7 Service Commercial Zone as shown on Attachment #3, and to limit the maximum combined gross floor area devoted to service commercial uses to 4175m² in Building "A". The proposal conforms with the policies in the Official Plan.

The Owner has worked with the Development Planning Department to achieve conformity with OPA #450 by restricting the service commercial uses to the proposed C7 Service Commercial Zone located at the southwest corner of the site, which is approximately 1.2 ha in size. Furthermore, the Owner has removed the following uses as they were considered to be retail uses and not permitted by the Official Plan:

Sales and service establishments greater than 274m² and less than 930 m² limited to the following: automotive parts, supplies and accessories store; computer and software store; communications and electronics retail and supplies store; work and industrial clothing store; flooring store; carpet and rug store; bath and tile store; plumbing fixtures and supplies store; lighting store; paint, wallpaper and home décor store; windows and doors store; general contractors shop; kitchens cabinets and housewares store.

The Owner has also requested that a "bakery" use be permitted in the C7 Service Commercial Zone. The Development Planning Department has previously supported a bakery use in the employment area, and has no objections to permitting this use at this location. A "bakery" is not a defined use in By-law 1-88, and therefore, a site-specific definition is required to implement the proposed use on the subject lands. It is recommended that the following definition for a bakery use be applicable to the subject lands:

"A BAKERY shall mean:

A building or a part of a building or place having not more than 24 seats, where the baking of bakery products is permitted on the premises and where food and drink is permitted on the premises and where food and drink are prepared and offered for sale on a cafeteria-style, buffet or self serve basis for consumption within or outside of such building or place, and where customers do not eat at the same table or counter at which the food is ordered and/or obtained. Such establishment may include an outdoor patio as an accessory use thereto."

The Owner has also requested that a "parking garage" be included as a permitted use in the EM1 Prestige Employment Area Zone on the site. The Development Planning Department does not consider a parking garage to be an appropriate use on this property in the context of the surrounding land uses and the proposed concept plan. The Development Planning Department does not support a parking garage use on the site, and the recommendation in this report, therefore, does not include this use.

The EM1 Prestige Employment Area standards in Zoning By-law 1-88 permits multi-unit buildings on the site, provided the minimum unit size is 274m², as the site abuts Weston Road and Highway #407. The applicant is proposing unit sizes that range from 155.04m² to 262.74m² in the C7 Zone, and 158.15m² to 319.68m² in the EM1 Zone. Zoning By-law 1-88 does not require a minimum unit size for the portion of the site to be zoned C7 Service Commercial, however the portion of the site to be zoned EM1 will still have technical frontage on Weston Road and Highway #407. Buildings "B" and "D" will be used for EM1 uses and will be screened from Weston Road by Building "A" which will be used for C7 uses. Furthermore, future development at the north end of the site will reduce the visibility of Building "C" from the 407. On this basis, the Development Planning Department has no objection to the reduction in minimum unit size on the property for the EM1 Zone to a minimum of 158m².

Ministry of Transportation

The subject lands are located within the Ministry of Transportation (MTO) Permit Control area. The MTO has advised that Ministry permits will be required prior to any construction on the property, including all signage. The MTO has also advised that the Owner is required to maintain a minimum 14m setback from the Highway #400 and #407 rights-of-way, which shall include all buildings, structures and all required amenities (i.e. parking, fire route, stormwater management ponds, etc.). A recommendation to this effect has been included in this report.

Furthermore, the MTO has advised that access through the existing northerly access is prohibited for the proposed development, and that arrangements should be made to allow for continued access through this entrance for Hydro only, to access the Hydro Transformer located on the adjacent property to the east. This would result in the proposed development being accessed from a single driveway located on Century Place as shown on Attachment #3. Accordingly, the Owner has submitted a Traffic Impact Statement (TIS), prepared by the BA Group dated July 2008 (as amended), which concludes that the proposed development can be satisfactorily developed and operate using a single access driveway. The Region of York Transportation Services Department and the Vaughan Engineering Department have reviewed the revised TIS and concur with the conclusions.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has no objection to the Zoning By-law Amendment Application, however they have advised that further information is required, including but not limited to, a Functional Servicing Report (FSR) through the Site Development Application process to ensure the development can be accommodated on the site.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has advised that they have no concerns or objections to the proposed development.

Conclusion

The Zoning By-law Amendment Application has been reviewed in accordance with the policies of OPA #450 (Employment Area Growth and Management Plan), the requirements of By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to rezone the subject lands from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone and C7 Service Commercial Zone and with site-specific use permissions to facilitate the construction of 4 multi-unit buildings on the subject lands, is appropriate and compatible with the existing uses in the surrounding area, subject to the comments and recommendations in this report. In addition, a Parking Study and a Traffic Impact Study were prepared in support of the application, which were reviewed and approved by the Vaughan Engineering Department. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan
4. Conceptual Landscape Plan
5. Conceptual Elevations - Building "A"

Report prepared by:

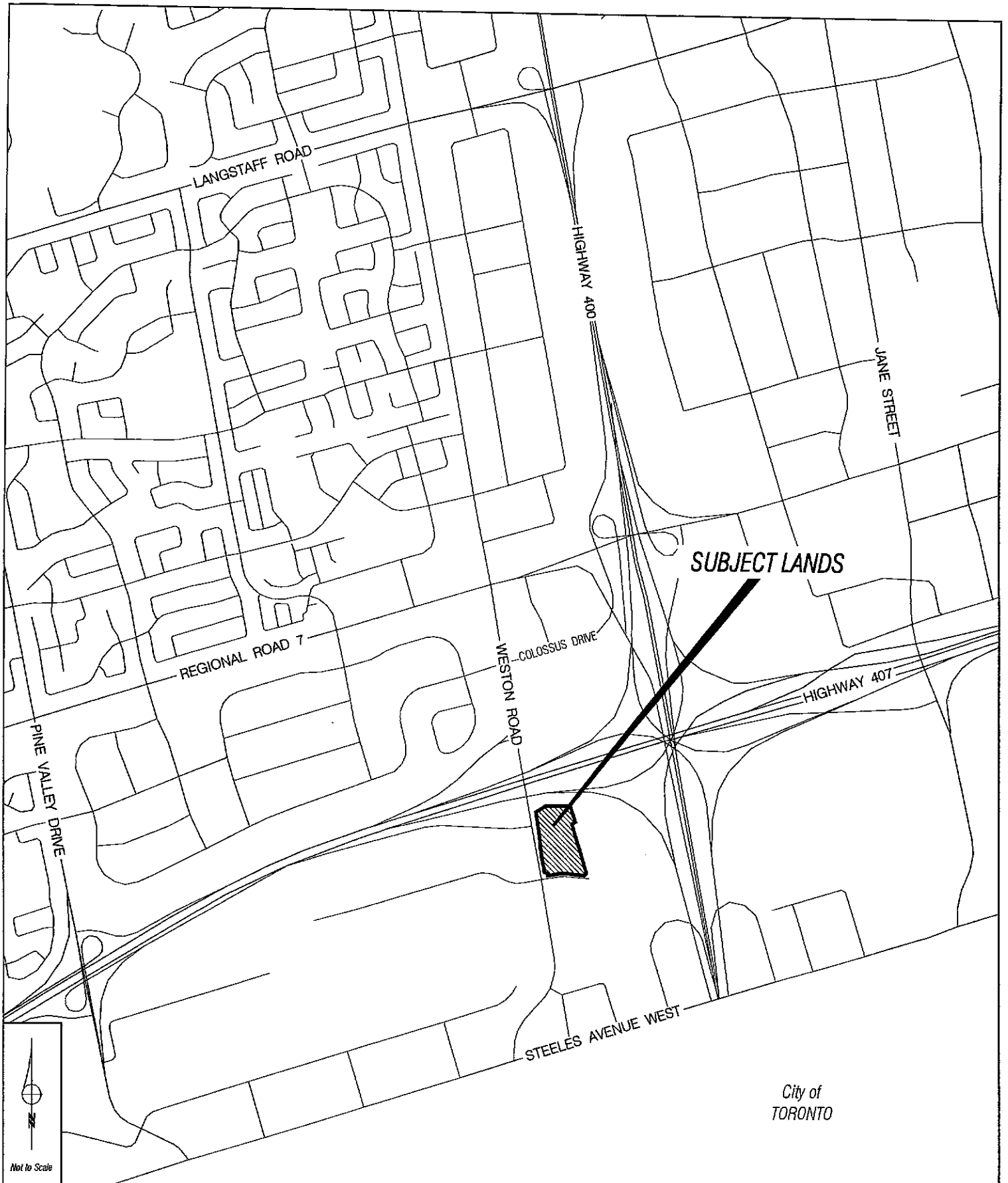
Ryan Mino, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEHAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lots 2 & 3, Concession 5

APPLICANT:
Blackwood Real Estate General Partner I Ltd.

H:\BFT\1 ATTACHMENTS\z\z.08.063a.dwg



The City Above Toronto

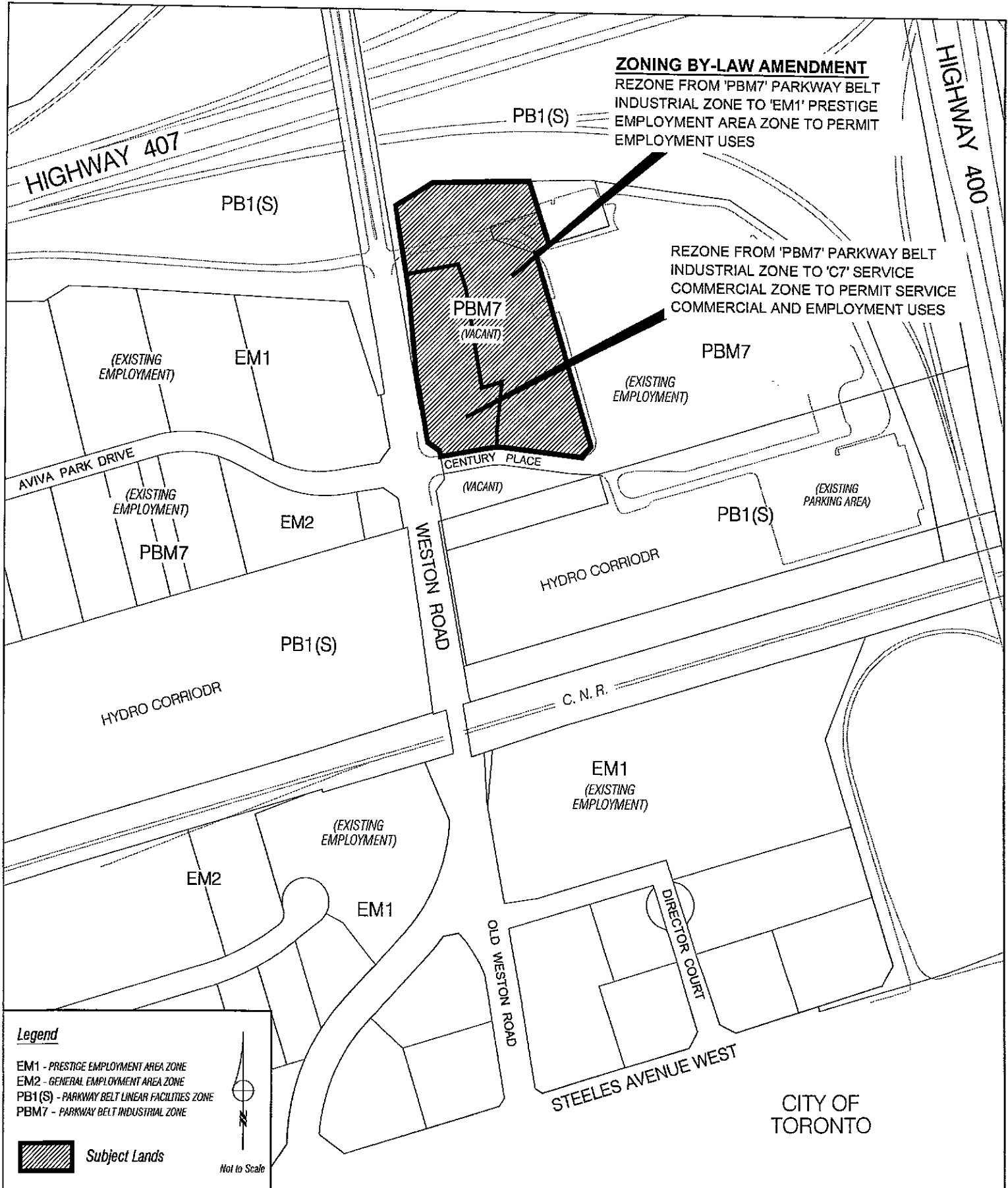
Development Planning Department

Attachment

FILE:
Z.08.063
RELATED FILE:
DA.08.062

DATE:
October 1, 2009

1



Location Map

LOCATION:
 Part of Lots 2 & 3, Concession 5

APPLICANT:
 Blackwood Real Estate General Partner I Ltd.



The City Above Toronto
 Development Planning Department

Attachment

FILE: Z.08.063
 RELATED FILE:
 DA.08.062

DATE:
 October 15, 2009

2

N:\DPT\1 ATTACHMENTS\Z\Z.08.063.dwg

EXISTING DRIVEWAY ACCESS TO HYDRO TRANSFORMER

14m MTO SETBACK

2-STORY BUILDING



Not to Scale

WESTON ROAD

2-STORY BUILDINGS

3-STORY BUILDING

PROPOSED EM1 ZONE

PROPOSED C7 ZONE

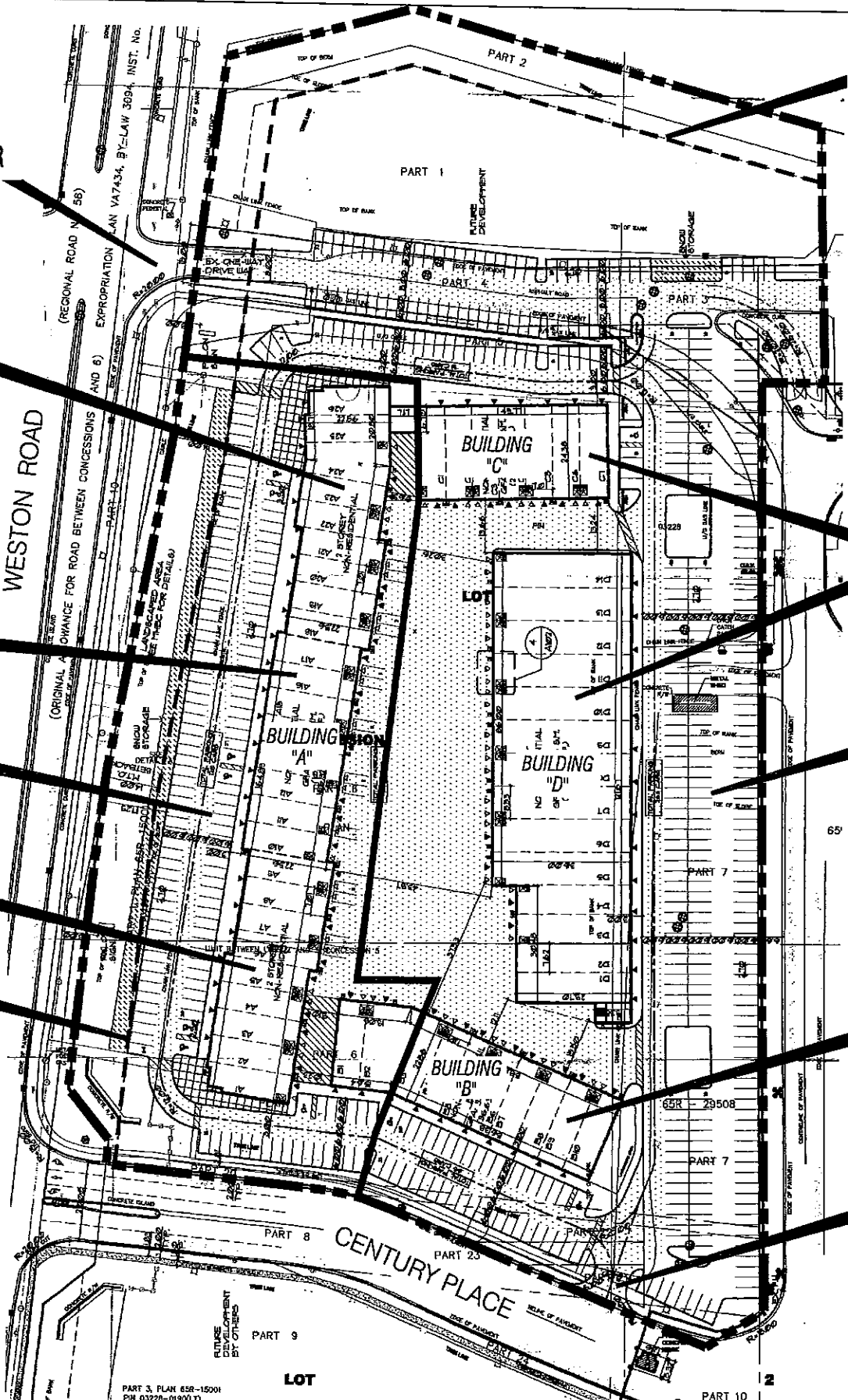
2-STORY BUILDING

14m MTO SETBACK

2-STORY BUILDING

PROPOSED ACCESS ON CENTURY PLACE

SUBJECT LANDS



Conceptual Site Plan (DA.08.062)



Attachment

LOCATION:
Part of Lots 2 & 3, Concession 5

FILE: Z.08.063
RELATED FILE:
DA.08.062

APPLICANT:
Blackwood Real Estate General Partner 1 Ltd.

The City Above Toronto
Development Planning Department

DATE:
October 15, 2009

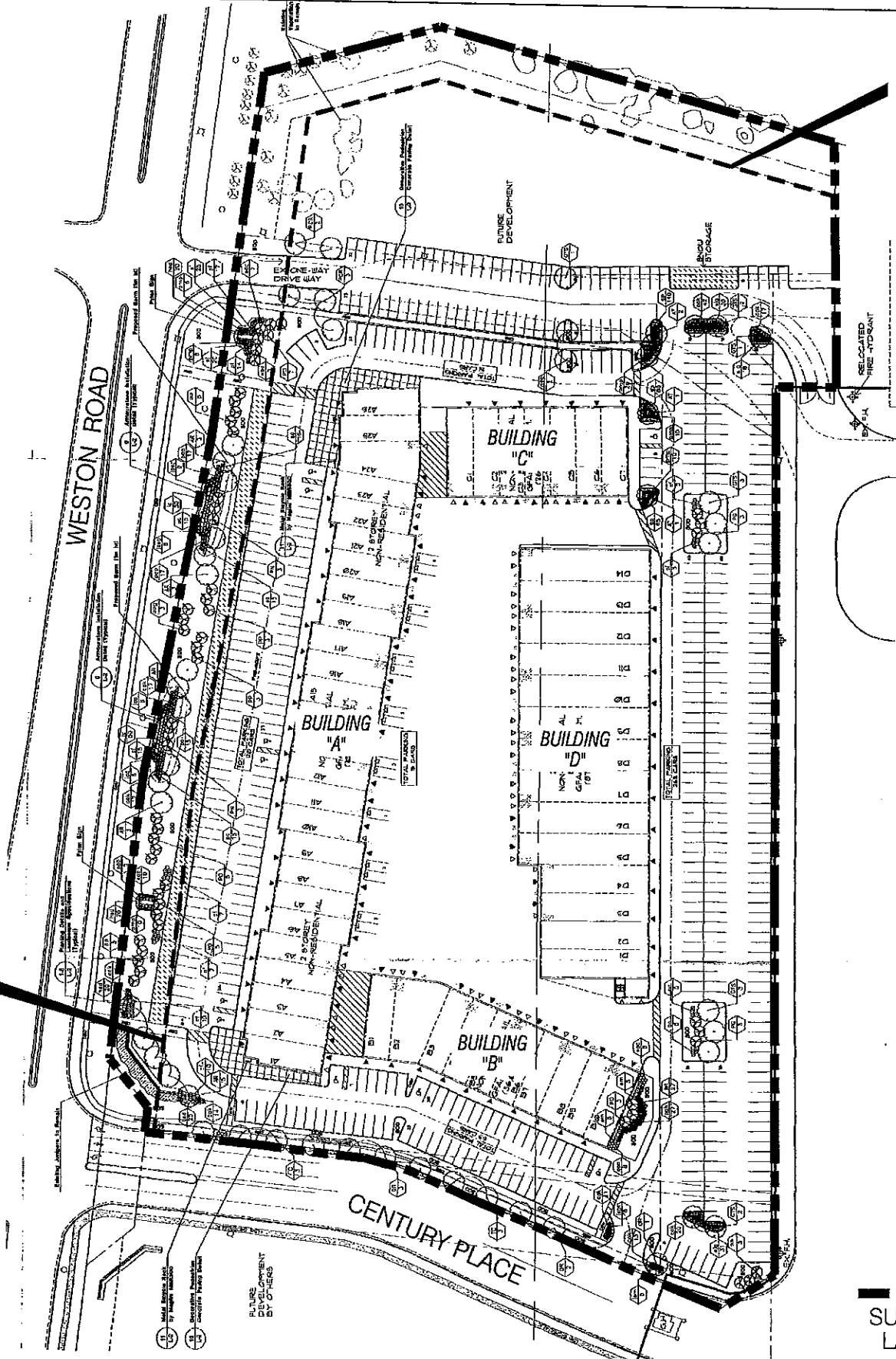
3

\\NF\1\ATTACHMENTS\Z\08.063a.dwg

14m MTO
SETBACK

Not to Scale

14m MTO
SETBACK



SUBJECT
LANDS

Conceptual Landscape Plan

LOCATION:
Part of Lots 2 & 3, Concession 5

APPLICANT:
Blackwood Real Estate General Partner 1 Ltd.



The City Above Toronto

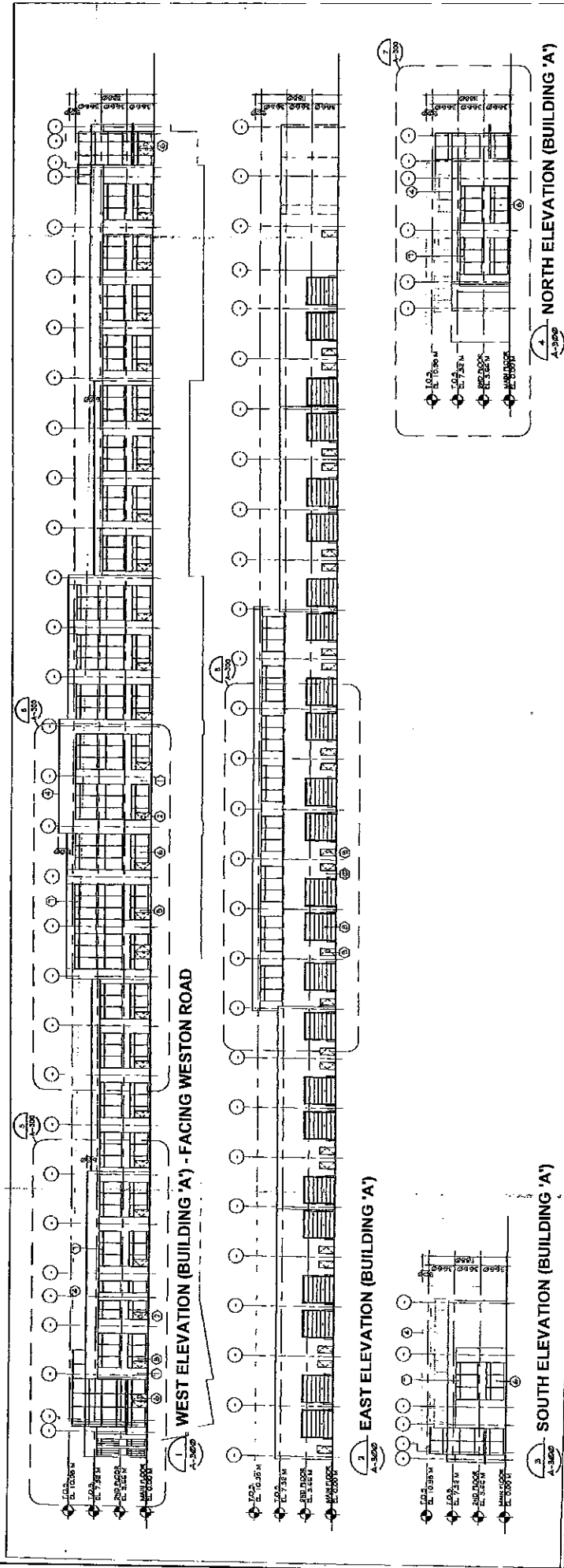
Development Planning Department

Attachment

FILE: Z.08.063
RELATED FILE:
DA.08.062

DATE:
October 1, 2009

4



Not to Scale

Conceptual Elevations - Building "A"

LOCATION:
 Part of Lots 2 & 3, Concession 5

APPLICANT:
 Blackwood Real Estate General Partner 1 Ltd.
 \MAP\1. ATTACHMENTS\2\08.08.06.dwg

