

COMMITTEE OF THE WHOLE AUGUST 31, 2010

**ZONING BY-LAW AMENDMENT FILE Z.10.017
BELA KACSO/JOSEPH RADY-PENTEK & 350467 ONTARIO LIMITED
WARD 4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.10.017 (Bela Kacso/Joseph Rady-Pentek and 350467 Ontario Limited) BE APPROVED, to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone and C1 Restricted Commercial Zone to C1 Restricted Commercial Zone and C7 Service Commercial Zone, to facilitate a future land exchange and consolidation in the manner shown on Attachments #5 and #6, subject to the following conditions:
 - a) that prior to enactment of the implementing Zoning By-law:
 - i) the Preliminary Functional Servicing Report be revised by the Owner to the satisfaction of the Vaughan Engineering Department; and,
 - ii) the Owner (350467 Ontario Limited) is required to reconfigure the site to bring it into compliance with Zoning By-law 1-88, Exception 9(283), which will require approval of a Site Development Application.

Contribution to Sustainability

The contribution to sustainability will be determined through the future site plan process.

Economic Impact

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

Communications Plan

On May 7, 2010, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, as well as, the Concord West Ratepayers' Association, the Beverley Glen Ratepayers' Association, and the Thornhill Woods Community Association. In accordance with City of Vaughan procedures, the Owner installed two notice of application signs on the property along Langstaff Road and Dufferin Street.

A letter was received from Mr. Lance Dutchak of 36 Marathon Avenue, indicating that he had no objections to the proposal in principle, pending that:

- a) steps are undertaken to acquire a strip of land along the north end of the subject properties for the purpose of constructing an exclusive right turn lane on Langstaff Road at Dufferin Street; and
- b) the daylighting triangle on the southwest corner of Langstaff Road and Dufferin Street be enlarged to accommodate the Langstaff Road widening.

The above-noted comments are addressed in the Regional Implications section of this report.

The recommendation of the Committee of the Whole to receive the Public Hearing report of June 1, 2010, and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on June 8, 2010.

On July 27, 2010, a Notice of this Committee of the Whole meeting was circulated to individuals who requested notification of future meetings respecting this application.

Purpose

The Owner has submitted an application to amend Zoning By-law 1-88, to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone and C1 Restricted Commercial Zone to C1 Restricted Commercial Zone and C7 Service Commercial Zone in the manner shown on Attachments #5 and #6, respectively. The intent is to maintain restricted commercial uses on the western portion of the lands, implement service commercial uses on the eastern portion of the lands, and facilitate a future land exchange and consolidation between the two respective property owners.

Background - Analysis and Options

Location and Site Context

The subject lands shown on Attachments #1 and #2 are located at the southwest corner of Langstaff Road and Dufferin Street, being Parts 1-8 inclusive on Reference Plan 65R-31588, in Part of Lot 10, Concession 3, City of Vaughan.

The western portion of the lands, municipally known as 1531 Langstaff Road, is owned by 350467 Ontario Limited and has been occupied by a professional office use since 1980. The eastern portion of the lands, municipally known as 8484 and 8470 Dufferin Street, is owned by Bela Kacso/Joseph Rady-Pentek and currently used for residential (rental) purposes. The existing site plan is shown on Attachment #4, and the surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan). OPA #450 permits "Service Nodes" with a maximum area of 1.2 hectares to be located at the intersections of arterial and/or collector roads. The proposed rezoning of the eastern portion of the lands to C7 Service Commercial Zone (as shown on Attachments #5 and #6) would facilitate a 0.48 hectare Service Node located at the intersection of two arterial roads. Accordingly, the proposal conforms to the policies of the Official Plan on these lands.

The westerly portion (0.15 hectares) is owned by 350467 Ontario Limited. The proposed Zoning By-law Amendment Application would facilitate a land exchange between the respective property owners through a future Consent Application, which shall be approved by the Vaughan Committee of Adjustment. Through that application, the Owners would exchange an identical amount of land area (thereby ensuring the proposed C1 Zone lands are not considered to be an employment land conversion under the Provincial Policy Statement) to consolidate the respective ownerships through the newly created zones shown on Attachment #6. As the westerly landowners' property is currently zoned C1 Zone, and will remain as C1 Zone under the proposed land exchange and rezoning, the proposal conforms to the Official Plan on these lands.

Zoning

The subject lands are currently zoned A Agricultural Zone and C1 Restricted Commercial Zone [Exception 9(283)] by By-law 1-88, as shown on Attachment #5. The proposal to rezone the lands to C1 Restricted Commercial Zone and C7 Service Commercial Zone, in the manner shown on Attachment #6, requires an amendment to Zoning By-law 1-88.

Existing C1 Zone

Site-specific Exception 9(283) for the existing C1 Zone permits only a professional office use on the western portion of the lands (1531 Langstaff Road), which is restricted to the existing building on site. The existing building shall not be enlarged; if destroyed, a new building may be used only for the same purpose, provided that the new building is no larger than the existing building. Exception 9(283) also stipulates that the minimum width of the joint egress/ingress driveway shall be 6m, and that no part of a driveway on the premises shall be nearer to any side lot line than 1m.

The existing site layout at 1531 Langstaff Road (shown on Attachment #4) does not comply with the requirements of Zoning By-law 1-88, Exception 9(283) (shown on Attachment #3), as follows:

- a) the minimum aisle width provided is 3.16m, whereas By-law 1-88 requires 6m;
- b) the minimum side yard from the driveway to the adjacent (westerly) lot line is 0m, whereas By-law 1-88 requires 1m;
- c) the rear manoeuvring areas on site are surfaced with gravel, whereas By-law 1-88 requires concrete or asphalt paving;
- d) the site has a 0m wide landscape strip along Langstaff Road, whereas By-law 1-88 requires 6m; and,
- e) one parking space is partially located within the Langstaff Road right-of-way dedication, whereas By-law 1-88 requires all parking to be located on site.

The Development Planning Department does not support the as-built conditions shown on Attachment #4. The site has been reconfigured without City of Vaughan approval, and does not comply with the approved zoning schedule shown on Attachment #3. The Development Planning Department is of the opinion that the above-noted deficiencies are not minor in nature, do not meet the intent of the Zoning By-law, and are not appropriate for development of the land. In particular, the 0 m landscape strip along Langstaff Road provides no buffer from the street, and is inconsistent with the surrounding area.

Accordingly, the Owner (350467 Ontario Limited) is required to reconfigure the site to bring it into compliance with Zoning By-law 1-88, Exception 9(283), prior to the enactment of the implementing zoning by-law, which will require approval of a Site Development Application.

Proposed C7 Zone

The easterly Owner (Bela Kacso/Joseph Rady-Pentek) will need to submit a future Site Development Application to redevelop the eastern portion of the lands in accordance with the C7 Service Commercial Zone uses and requirements. The following site-specific zoning exceptions are required to implement service commercial uses on the eastern portion of the lands:

Table 1: By-law Exceptions for C7 Zone

	By-law Standard	By-law 1-88 C7 Zone Requirements	Proposed Exceptions to C7 Zone
a.	Minimum lot frontage (Langstaff Road)	▪ 65m	▪ 60m
b.	Minimum lot area	▪ 8000m ²	▪ 4583.17m ²

Future Land Exchange

The proposed Zoning By-law Amendment Application will facilitate a land exchange between the respective property owners through future Consent Applications, which must be approved by the Vaughan Committee of Adjustment. Through these applications, the Owners would exchange an identical amount of land area to consolidate respective ownership of the newly created zones shown on Attachment #6. The existing and proposed land ownership shown on Attachments #5 and #6 is summarized below:

Table 2: Existing and Proposed Land Ownership

	Owner	Existing Land Ownership	Proposed Land Ownership
a.	Bela Kacso/Joseph Rady-Pentek	▪ Parts 1, 3, 4, 6, 7 and 8 on Plan 65R-31588 (0.48 ha)	▪ Parts 4-8 inclusive on Plan 65R-31588 (0.48 ha)
b.	350467 Ontario Limited	▪ Parts 2 and 5 on Plan 65R-31588 (0.15 ha)	▪ Parts 1-3 inclusive on Plan 65R-31588 (0.15 ha)

Planning Considerations

The proposal to rezone the subject lands from A Agricultural Zone and C1 Restricted Commercial Zone to C1 Restricted Commercial Zone and C7 Service Commercial Zone will bring the lands into conformity with OPA #450, as well as the draft new City of Vaughan Official Plan, which continues to designate the lands "Prestige Employment". The rezoning will facilitate development of existing built-up portions of Vaughan's urban area, in accordance with the Provincial Growth Plan and the Region of York Official Plan. As the rezoning facilitates an identical land exchange between the respective property owners, the proposed C1 Zone lands are not considered to be an employment land conversion under the Provincial Policy Statement.

As discussed in the zoning section of this report, the Development Planning Department does not support the site layout for the existing C1 Zone (1531 Langstaff Road), shown on Attachment #4. The Owner (350467 Ontario Limited) must bring the site into compliance with Zoning By-law 1-88, Exception 9(283), and submit a Site Development Application for review.

Vaughan Engineering

The Vaughan Engineering Department has reviewed Zoning By-law Amendment File Z.10.017, and is generally satisfied with the proposed rezoning, subject to minor revisions to the Preliminary Functional Servicing Report. In correspondence dated July 30, 2010, the Owners confirmed that the report will be revised to the satisfaction of the Engineering Department. A condition to this effect is included in the recommendation of this report.

The Engineering Department has indicated that the following reports and drawings are required as part of a future Site Development Application: a Stormwater Management Report, a Site Servicing and Grading Plan, a Noise Report, and an External Lighting Plan. During the site development process, the Engineering Department also requires that the Owner enter into an agreement pursuant to Subsection 51(25) of the *Planning Act* to satisfy such matters as the payment of development levies, the provision of roads and municipal services, landscaping and fencing.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority indicated in their comments of June 30, 2010, that the subject lands are located within a Regulated Area of the Don River Watershed due to the presence of a wetland and drainage feature on the property. The TRCA has no objections to the proposed rezoning, however, a future Site Development Application must be forwarded to their attention for review and comment.

The Owners have submitted a Scoped Natural Heritage Evaluation (NHE), dated July 16, 2010, in response to the TRCA's comments. The NHE concludes that the existing wetland has limited ecological functions, and removal of this feature will not negatively impact the natural system. The NHE also identifies a single Butternut (*Juglans cinerea* - an endangered species) at the northeast corner of the property, which will need to be assessed by the Ministry of Natural Resources. The Owners are required to address the TRCA's comments during the future site development process.

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 subject application was circulated to the Region of York for review. The Region has no concerns with the proposed rezoning, however, the following lands must be conveyed to York Region for public highway purposes through the future site plan process and prior to the execution of a Site Plan Letter of Undertaking, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor:

- a) a widening across the full frontage of the site where it abuts Langstaff Road, of sufficient width to provide a minimum of 18 m from the centreline of construction of Langstaff Road;
- b) a 20.0m by 20.0m daylight triangle at the southwest corner of Langstaff Road and Dufferin Street;
- c) an additional 2.0m widening, 70.0m in length, together with a 60.0m taper, for the purpose of an eastbound right turn lane at the intersection of Langstaff Road and Dufferin Street; and

- d) a widening across the full frontage of the site where it abuts Dufferin Street, of sufficient width to provide a minimum of 22.5m from the centreline of construction from Dufferin Street.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment Application Z.10.017 (Bela Kacso/Joseph Rady-Pentek and 350467 Ontario Limited) in accordance with Provincial, Regional, and City Official Plans, By-law 1-88, comments from City Departments and external public agencies, and the area context.

The Development Planning Department is satisfied that rezoning the subject lands from A Agricultural Zone and C1 Restricted Commercial Zone to C1 Restricted Commercial Zone and C7 Service Commercial Zone, in the manner shown on Attachments #5 and #6, is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.10.017, subject to the recommendations in this report. The rezoning will not recognize the as-built conditions on the current C1 Zone lands (1531 Langstaff Road), therefore the Owner (350467 Ontario Limited) is required to bring the lands into compliance with the Zoning By-law, and submit a Site Development Application for review and approval, prior to the enactment of the implementing zoning by-law.

Attachments

1. Context Location Map
2. Location Map
3. Zoning Exception 9(283)
4. Existing Site Plan
5. Existing Zoning and Ownership
6. Proposed Zoning and Ownership

Report prepared by:

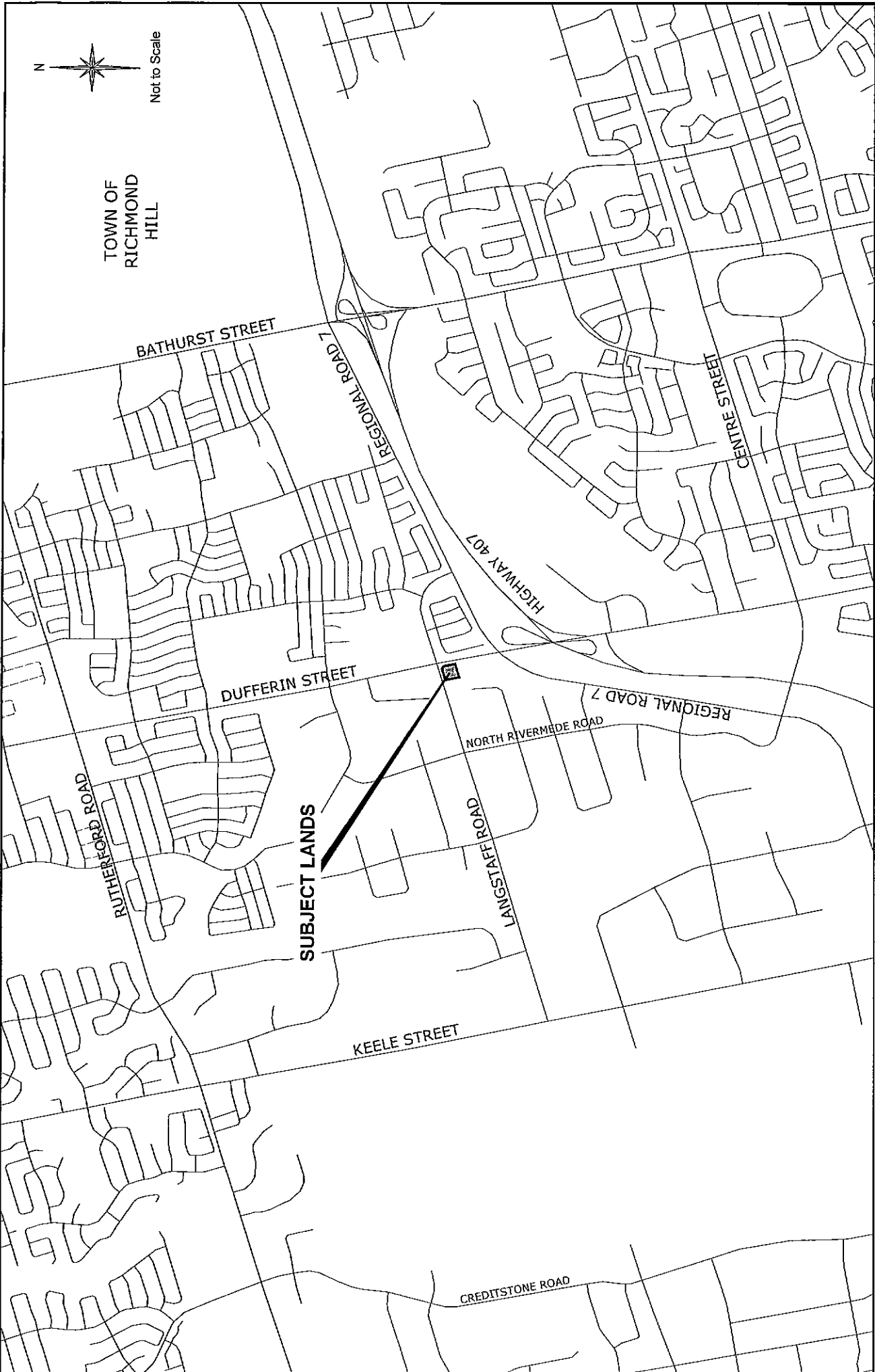
Erika Ivanic, Planner 1, ext. 8485
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/CM



TOWN OF
RICHMOND
HILL

Not to Scale

Context Location Map

Location: Part of Lot 10,
Concession 3

Applicant: Bela Kacso / Joseph Racy-Pentek
& 350467 Ontario Limited

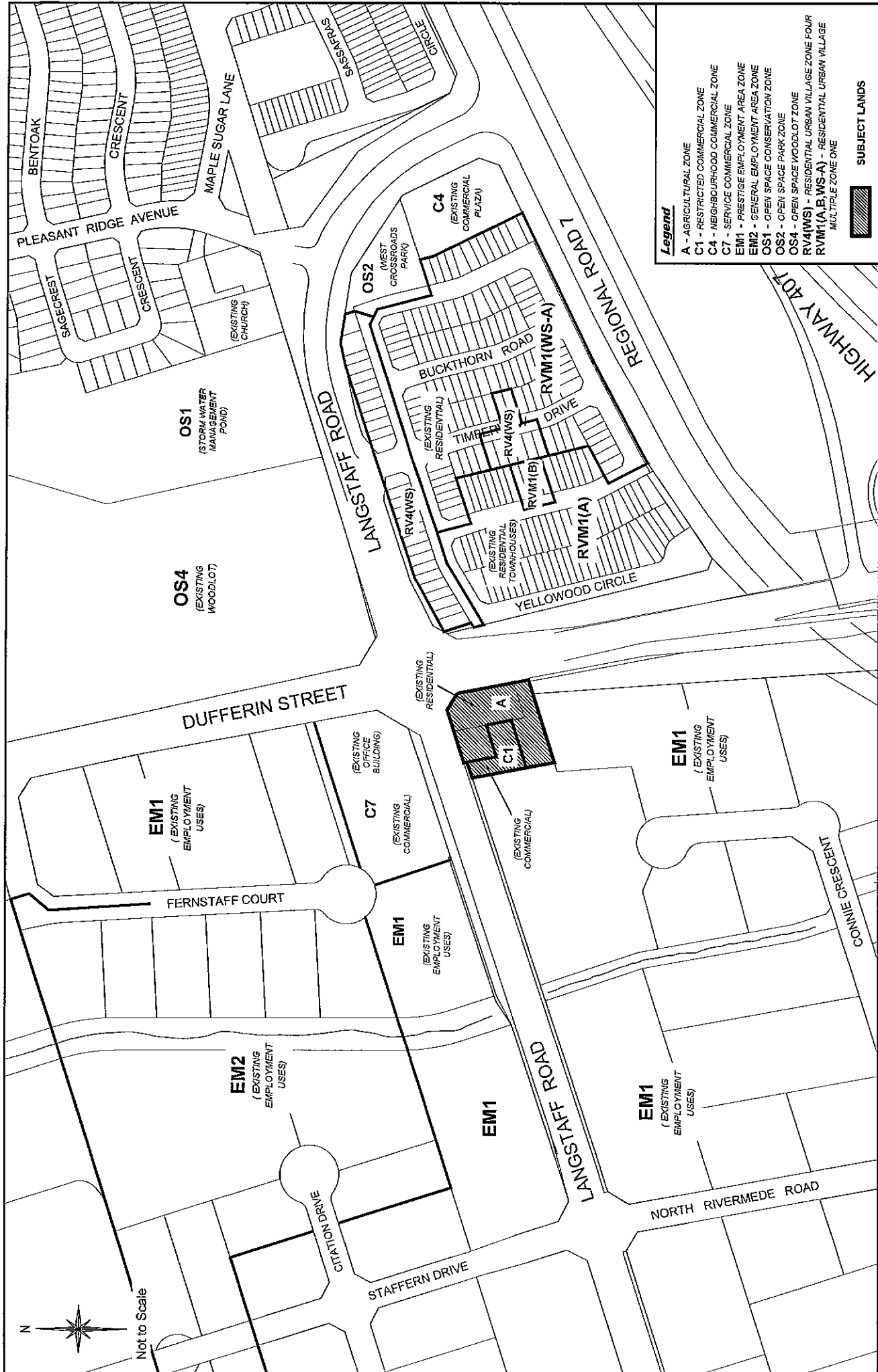
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Attachment 1

File:
Z.10.017

Date:
August 18, 2010



Legend

- A - AGRICULTURAL ZONE
- C1 - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- OS4 - OPEN SPACE WOODLOT ZONE
- RV4(WS) - RESIDENTIAL URBAN VILLAGE ZONE FOUR MULTIPLE ZONE ONE
- RVM1(A, B, WS, A) - RESIDENTIAL URBAN VILLAGE MULTIPLE ZONE ONE

SUBJECT LANDS

Attachment

File: Z10.017
 Date: August 18, 2010

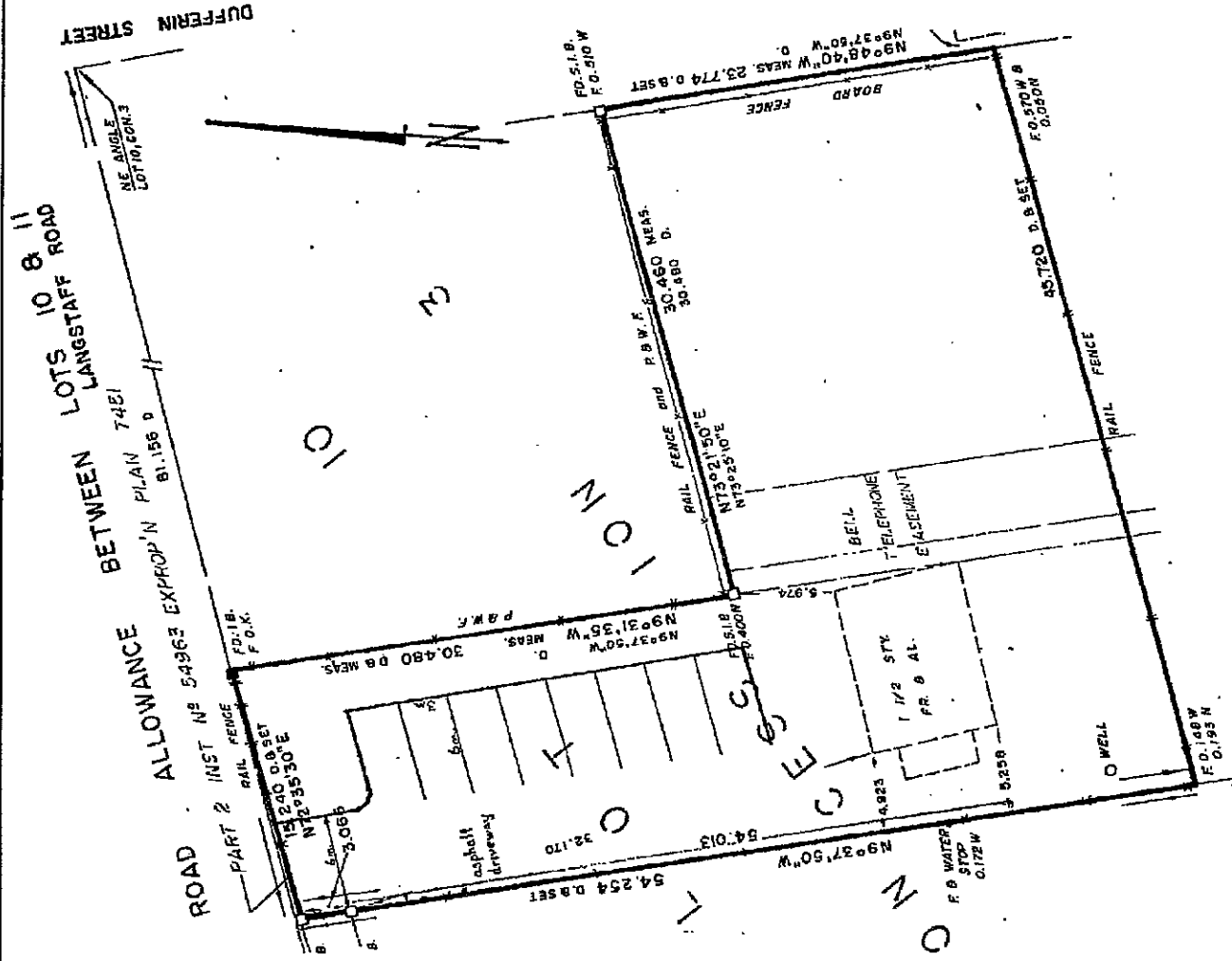


Location Map

Location: Part of Lot 10,
 Concession 3

Applicant: Bela Kacso / Joseph Rady-Pertek
 & 350467 Ontario Limited

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Zoning Exception 9(283)

Location: Part of Lot 10,
Concession 3

Applicant: Bela Kacso / Joseph Rady-Pentek
& 350467 Ontario Limited

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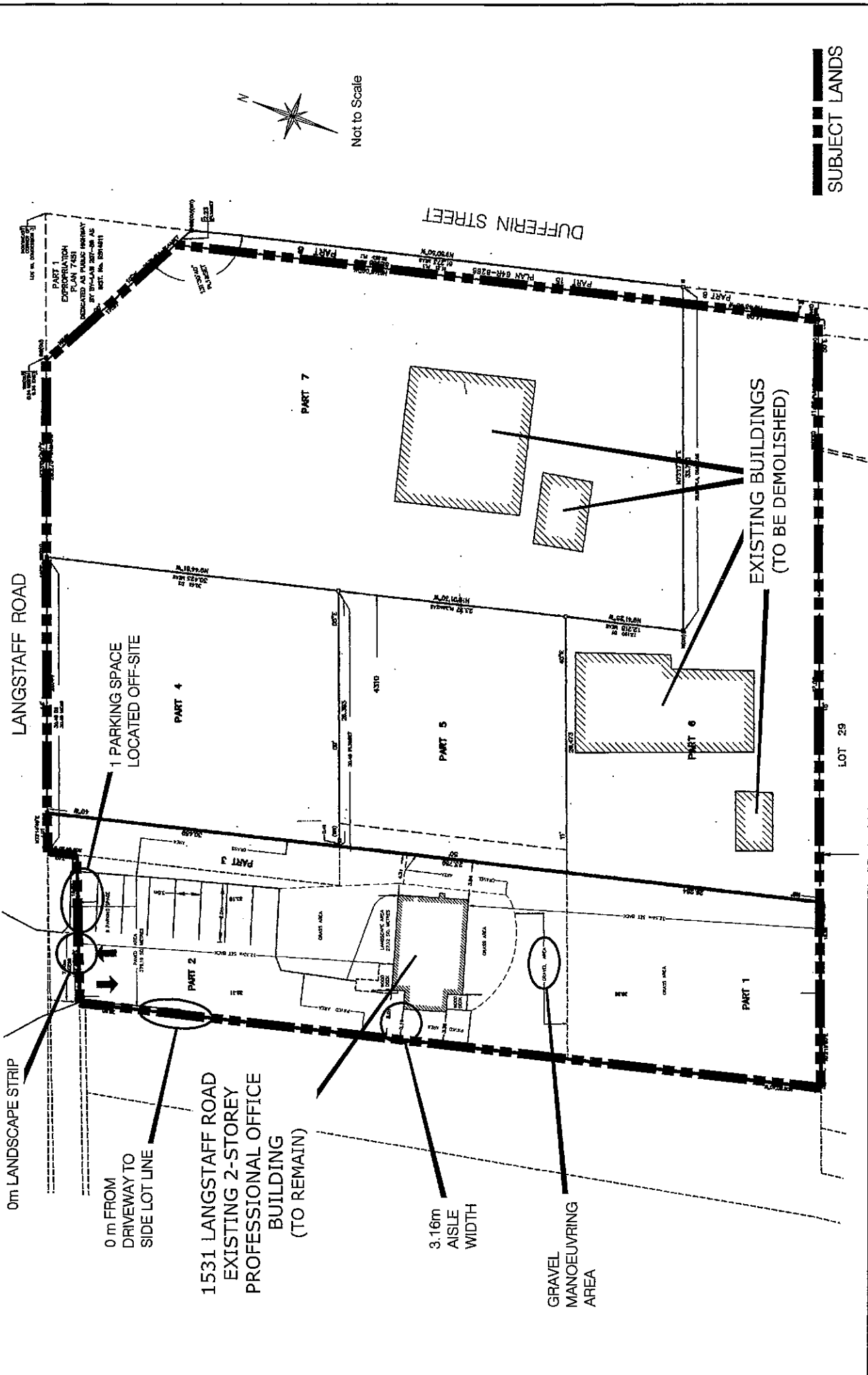


Attachment

File: Z10.017

Date: August 18, 2010

3



Existing Site Plan

Location: Part of Lot 10,
Concession 3

Applicant: Bela Kacso / Joseph Rady-Peritek
& 350467 Ontario Limited

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Attachment

File: Z.10.017

Date: August 18, 2010

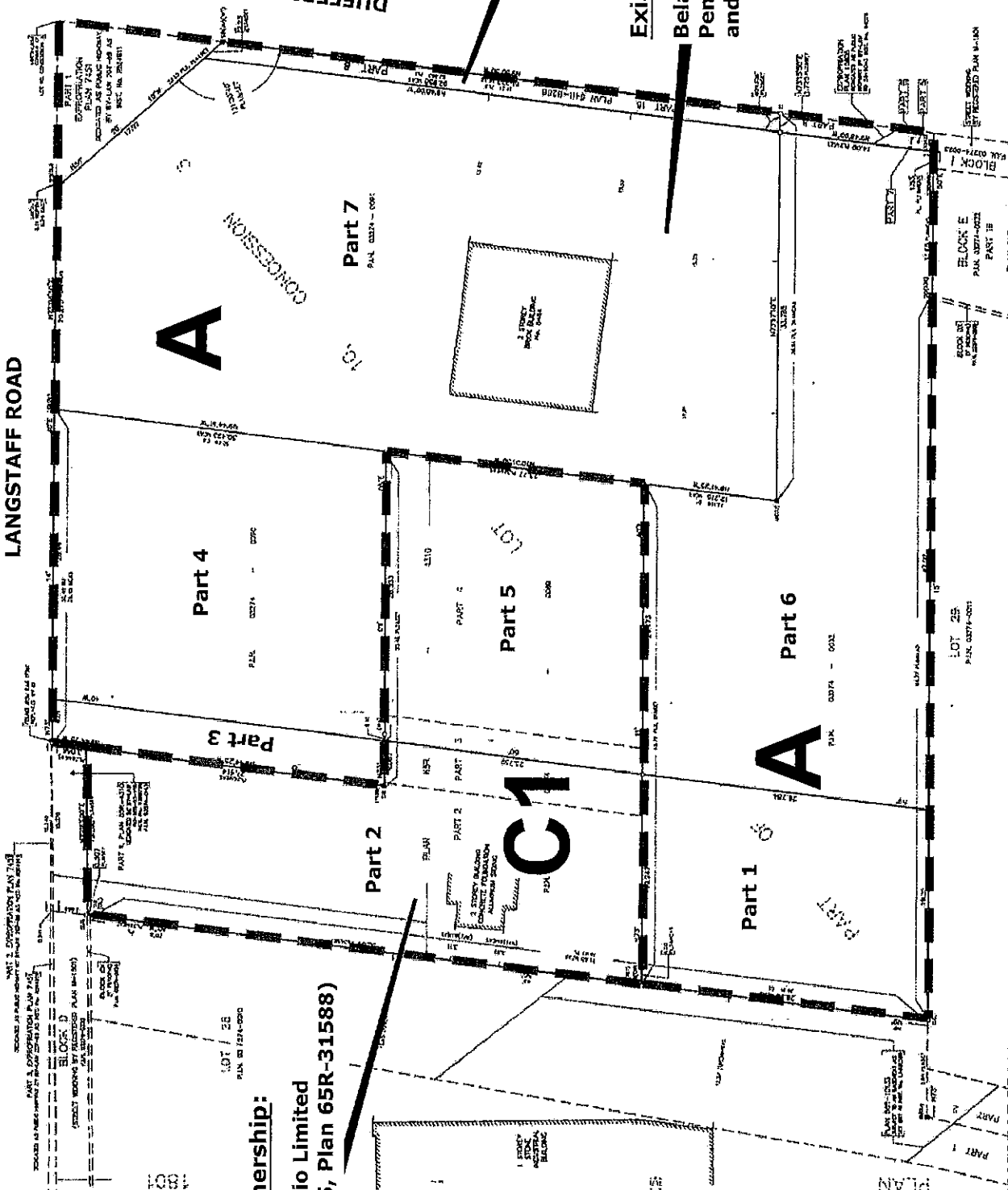
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LANGSTAFF ROAD

DUFFERIN STREET



Not to Scale



Existing Ownership:

**350467 Ontario Limited
(Parts 2 and 5, Plan 65R-31588)**

Existing Ownership:

**Bela Kacso/Joseph Rady-
Pentek (Parts 1, 3, 4, 6, 7
and 8, Plan 65R-31588)**

Existing Zoning & Ownership

Location: Part of Lot 10,
Concession 3

Applicant: Bela Kacso / Joseph Rady-Pentek
& 350467 Ontario Limited

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Attachment

File: Z.10.017
Date: August 18, 2010

5



Proposed Zoning & Ownership

Location: Part of Lot 10,
 Concession 3

Applicant: Bela Kacso / Joseph Rady-Pentek
 & 350467 Ontario Limited

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