

**COMMITTEE OF THE WHOLE JUNE 14, 2011**

**ZONING BY-LAW AMENDMENT FILE Z.06.077  
SEVEN 427 DEVELOPMENTS INC.  
WARD 2**

**Recommendation**

The Director of Development Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.077 (Seven 427 Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone to C5 Community Commercial Zone, EM3(H) Retail Warehouse Employment Area Zone with and the Holding Symbol "H" and OS1 Open Space Conservation Zone in the manner shown on Attachment #3, to facilitate the future development of the subject lands with commercial and retail warehouse uses and a storm water management pond, subject to the following conditions:
  - a) that prior to the enactment of the implementing zoning by-law:
    - i) the road(s) alignment, location and width shall be in accordance with the approved Block 57/58 Plan and shall be reviewed and certified by the Block 57/58 Consultant and approved by the Vaughan Development/Transportation Engineering Department;
    - ii) the Owner shall submit a Storm Water Management Report that includes but is not limited to the storm pond size and location which shall be in accordance with the approved Block 57/58 Plan and shall be reviewed and certified by the Block 57/58 Consultant and approved by the Vaughan Development / Transportation Engineering Department; and,
    - iii) the Owner shall enter into a Developer's Group Agreement with the other participating land owners within Block 57/58 and the Block 57/58 Trustee shall confirm the cost sharing requirements to the satisfaction of the City. The Agreement shall be regarding but not limited to, all cost sharing for roads and municipal services within Block 57/58. This Agreement shall also include a provision for additional developers to participate in the Developers Group Agreement when they wish to develop their lands.
2. THAT the Holding Symbol "(H)" shall not be removed from the subject lands zoned EM3(H) Retail Warehouse Employment Area Zone until such time as the following conditions are addressed to the satisfaction of the City in consultation with applicable public agencies:
  - a) that a Site Development Application(s) for the subject lands is approved by Vaughan Council, pursuant to Section 41 of the Planning Act; and,
  - b) a traffic study supporting the retail warehouse use(s) has been submitted and approved.
3. THAT the implementing by-law include the following exceptions:
  - a) Definition of a Department Store:

"Department Store shall mean a retail commercial establishment where a wide range of merchandise is sold, including but not limited to: general merchandise, drugs and medicines, food, wine, lottery products, and a garden centre; and,

where a wide range of accessory services may be provided, including but not limited to: photographic services, eating establishment including take-out, optical services, medical, dental, and pharmaceutical services, banking, financial and real estate services, telecommunications services, automotive service and repair, children's amusement facility, travel services and personal services";

- b) the exceptions to Zoning By-law 1-88 identified in Table 1 of this report;
- c) permit a Department Store, Office and Stationary Supply, Print Shop, and a Drive-Through accessory to a permitted Bank or Financial Institution, as additional uses within the C5 Community Commercial Zone; and,
- d) Any additional exceptions to Zoning By-law 1-88 that may be required upon review and approval of the road(s) alignment and location and size of the storm water management pond.

### **Contribution to Sustainability**

N/A

### **Economic Impact**

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

### **Communications Plan**

On March 18, 2011, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. No comments were received by the Development Planning Department through the notice circulation. The recommendation of the Committee of the Whole to receive the Public Hearing report of April 12, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on May 3, 2011.

### **Purpose**

The Owner has submitted Zoning By-law Amendment File Z.06.077, specifically to amend Zoning By-law 1-88 to:

- i) rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone to C5 Community Commercial Zone, EM3(H) Retail Warehouse Employment Area Zone with the Holding Symbol "(H)" and OS1 Open Space Conservation Zone in the manner shown on Attachment #3;
- ii) permit the following additional uses in the C5 Community Commercial Zone:
  - Department Store;
  - Office and Stationery Supply;
  - Business and Professional Office, including Regulated Health Professionals;
  - Print Shop; and,
  - a Drive-Through facility accessory to a permitted Bank or Financial Institution; and,
- ii) to permit the following exceptions to the C5 Community Commercial Zone and EM3 Retail Warehouse Employment Area Zone standards in Zoning By-law 1-88:

**Table 1:**

	<b>By-law Standard</b>	<b>By-law 1-88 Requirements</b>	<b>Proposed Exceptions to By-law 1-88</b>
a.	Maximum Building Height in the C5 Zone	11 m	8 storeys or 26.5m, whichever is less
b.	Maximum Lot Area in the C5 Zone	25,000 m <sup>2</sup>	94,447 m <sup>2</sup>
c.	Minimum Loading Space Requirements in the C5 Zone	Two (2) loading spaces for every 10,000 m <sup>2</sup> GFA or portion thereof are required.	No loading spaces

**Background - Analysis and Options**

**Location**

The subject lands shown on Attachments #1 and #2 are located on the north side of Regional Road 7, between Old Huntington Road and Highway #427, City of Vaughan. The surrounding land uses are shown on Attachment #2.

**Official Plan**

The subject lands are designated "Prestige Areas-Centres and Avenue Seven Corridor" along Regional Road 7 to a maximum of 200m north of Regional Road 7 by OPA #450 (Employment Area Plan), as amended by OPA #660 (Avenue 7 Plan) and "Employment Area General" in the interior of the site by OPA #450. The application conforms to the current Official Plan.

The new City of Vaughan Official Plan 2010 (VOP 2010) designates the subject lands "Commercial Mixed-Use" along Regional Road 7 to a maximum of 200m north of Regional Road 7 and "General Employment" in the interior of the site under Area Specific Policy – Section 12.13 (VOP 2010, Volume 2). VOP 2010 was adopted by Vaughan Council on September 7, 2010 and is pending final approval from the Region of York. The application does not fully conform to the City of Vaughan Official Plan 2010, which does not permit retail warehouse uses in the "General Employment" designation. However, the subject zoning application was submitted in 2006, and pre-dates the adoption date of VOP 2010, and is being processed in accordance with the current in-effect Official Plan (OPA #450), which would permit retail warehouse uses in the "Employment Area General" designation.

**Zoning**

The subject lands are zoned "A" Agricultural Zone by By-law 1-88. The proposed commercial and retail warehouse employment uses are not permitted in the Agricultural Zone; therefore, an amendment to Zoning By-law 1-88 is required.

The rezoning of the property from A Agricultural Zone to C5 Community Commercial Zone, EM3(H) Retail Warehouse Employment Area Zone with the addition of the Holding Symbol "H" and OS1 Open Space Conservation Zone (stormwater management pond) is appropriate,

conforms to the current Official Plan and would implement the approved Block 57/58 Plan (Attachment #4).

By-law 1-88 currently permits the following uses as-of-right in the C5 Community Commercial Zone:

- Office Building
- Eating Establishment, Convenience with Drive-Through
- Place of Amusement
- Any "commercial" use permitted in a C4 Zone

The permitted uses in the C4 Neighbourhood Commercial Zone are as follows:

- Bank or Financial Institution
- Brewers Retail Outlet
- Business or Professional Office (includes an office for a Regulated Health Professional)
- Club (not for profit social club) or Health Centre
- Eating Establishment including Convenience and Take-Out
- LCBO Outlet
- Personal Service Shop
- Pet Grooming Establishment
- Pharmacy
- Photography Studio
- Place of Entertainment
- Retail Store
- Service or Repair Shop
- Supermarket
- Veterinary Clinic
- Video Store

The following uses are permitted as-of-right in the EM3 Retail Warehouse Employment Area Zone:

- Building Supply Outlet
- Catalogue Sales
- Convention Centre
- Retail Warehouse
- Retail Nursery
- Swimming Pool, Recreational Vehicles Leasing, Rental, Sales
- All uses permitted in an EM1 Zone

The permitted uses in the EM1 Prestige Employment Area Zone are as follows:

- Employment Use
- Accessory Retail Sales to an Employment Use
- Accessory Office Uses to an Employment Use
- Banquet Hall in a single use building
- Bowling Alley
- Business or Professional Offices, not including Regulated Health Professional
- Club (not for profit social club), Health Centre
- Convention Centre, Hotel, Motel
- Funeral Home in a single unit building
- Car Brokerage
- Office Building
- Recreational Uses
- Service and Repair Shop

The applicant is proposing to permit a department store use on the subject lands, which is not defined in Zoning By-law 1-88. However, this use has been defined in the past, and a similar definition included in the zoning by-law for the Walmart located at the northwest corner of Regional Road 27 and Milani Boulevard. The following definition for a Department Store is proposed by the applicant:

“Department Store shall mean a retail commercial establishment where a wide range of merchandise is sold, including but not limited to: general merchandise, drugs and medicines, food, wine, lottery products, and a garden centre; and, where a wide range of accessory services may be provided, including but not limited to: photographic services, eating establishment including take-out, optical services, medical, dental, and pharmaceutical services, banking, financial and real estate services, telecommunications services, automotive service and repair, children’s amusement facility, travel services and personal services.”

The proposed definition noted above and the proposal for the additional C5 Zone uses comprising Office and Stationery Supply, and a Print Shop are consistent with the policies in OPA #660, which permits a wide range of office, business and retail uses that may be located in stand-alone buildings or as part of mixed-use complexes (PART 2, Section 10, 2, in part). The proposal for a Drive-Through facility accessory to a permitted Bank or Financial Institution is also appropriate, as the C5 Community Commercial Zone permits a convenience eating establishment with a drive-through facility. The applicant has requested the additional use of a Business or Professional Office including for a Regulated Health Professional in the C5 Zone. The C5 Zone permits C4 Zone uses that includes a Business or Professional Office use as-of-right. By-law 1-88 defines this use to also include an office for a Regulated Health Professional, and therefore, it is not necessary to add the Business or Professional Office use as an exception.

The exceptions to the C5 Zone and EM3(H) Zone of Zoning By-law 1-88 identified in Table 1 can be supported by the Development Planning Department. OPA #660 establishes a maximum building height of 8 storeys or 26.5m, for lands along the Avenue Seven Corridor (PART 2, Section 10, 7, d) in part). The maximum lot area of 25,000m<sup>2</sup> cannot be achieved as the bisecting roads will create larger commercial lots. No loading spaces along arterial (Regional Road 7) and local (Huntington Road and New Enterprise Way) roads is encouraged by OPA #660, which requires street related development and continuous frontages along Regional Road 7 and collector and local roads (PART 2, Section 10.9.d) in part).

Additional exceptions may be required upon review and approval of the road(s) alignment and location and size of the stormwater management pond respecting minimum lot area and lot frontage for the C5 and EM3(H) Zones and setbacks from the OS1 Zone, respectively. These and any other exceptions identified will be included in the implementing zoning by-law, if required.

#### Holding Symbol “H”

The Holding Symbol “(H)” shall not be removed from the lands zoned EM3(H) until such time as a Site Development Application(s) is approved by Vaughan Council and a traffic study supporting the retail warehouse use(s) is submitted and approved by the Vaughan Development / Transportation Engineering Department in consultation with applicable public agencies. These issues are discussed further in the report.

#### Future Site Development Application(s)

The Owner will be required to submit a future Site Development Application(s) to facilitate development on the respective C5 and EM3(H) lands, or phase thereof, to address issues

including but not limited to, built form, massing and design, traffic and transportation related issues, environmental issues, sustainability initiatives and site design.

The Site Development Application(s) must show and protect for the approved stormwater management pond and the roads and rights-of-ways which traverse the subject lands in accordance with the approved servicing plan and transportation plan/network for Block 57/58 Huntington Business Park Plan, as noted below.

#### Huntington Business Park – Approved Block 57/58 Plan

The subject lands are located within the approved Block 57/58 Huntington Business Park Plan as shown on Attachment #4. The block plan shows a stormwater management pond located on the northeast portion of the site and the future western extension of New Enterprise Way that will connect to Huntington Road and beyond to Old Huntington Road and to Regional Road 50; and, the future southern extension of Huntington Road to New Enterprise Way and beyond to Regional Road 7. The stormwater management pond and roads will be obtained through the Site Plan Approval process and may require the Owner to enter into a Development Agreement or other Agreement to secure this infrastructure.

#### Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the application and has no objection to its approval provided that the Owner fulfill the following conditions to the satisfaction of the Department, prior to the enactment of the implementing zoning by-law:

- a) the Owner shall submit a stormwater management report which shall include the ultimate pond size and pond location. The report shall conform to the recommendations and conclusions of the approved Block 57/58 MESP (Master Environmental Servicing Plan) and shall be reviewed and certified by the Block 57/58 Consultant;
- b) the Road network alignment shall be reviewed and certified by the Block Consultant; and,
- c) the Owner shall enter into a Developer's Group Agreement with the other participating landowners within Block 57/58 and the Block 57/58 Trustee to confirm cost sharing requirements to the satisfaction of the City. The agreement shall be regarding but not limited to, all cost sharing for the roads and municipal services within Block 57/58. This agreement shall also include a provision for additional developers to participate in the Developer's Group Agreement when they wish to develop their lands.

Conditions to this effect have been included in the recommendation section of this report.

#### Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no record of an archaeological assessment being completed for the subject lands. Prior to the approval of a Site Development Application(s), the Owner shall carry out an archaeological assessment of the subject lands. The lands shall be assessed by an Archaeologist licensed by the Ministry of Tourism and Culture under the provisions of the Ontario Heritage Act. The assessment shall be approved to the satisfaction of the Vaughan Cultural Services Division through the processing of the Site Development Application(s).

#### Ministry of Transportation (MTO)

The subject lands are located in close proximity to the existing Highway 427 interchange at Regional Road 7 and the Highway 427 Extension Study Area. The Ministry of Transportation has no objection to the proposal to rezone the subject lands; however, advises that any proposed access from Regional Road 7 shall be reviewed and approved by the MTO. The applicant must

obtain the required MTO Building and Land Use Permit through the processing of the future Site Development Application(s).

### **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 Transportation Services Department has been circulated the application for their consideration and has no objection to the proposal to rezone the subject lands however, has reserved comment on the development of the subject lands until a development application(s) has been submitted. Given that the subject lands abut Regional Road 7, the Owner must satisfy all requirements of the Region through the processing of the future Site Development Application(s).

### **Conclusion**

Zoning By-law Amendment File Z.06.077 has been reviewed in accordance with the policies of OPA #450, OPA #660, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposal to rezone the subject lands from A Agricultural Zone to C5 Community Commercial Zone, EM3(H) Retail Warehouse Employment Area Zone with the addition of the Holding Symbol "H" and OS1 Open Space Conservation Zone to facilitate the future development of the lands with commercial and retail warehouse uses and a stormwater management pond is appropriate and compatible with the existing and permitted uses in the surrounding area. The proposal implements the current Official Plan and the approved Block 57/58 plan for the Huntington Business Park. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.06.077, subject to the conditions contained in this report.

### **Attachments**

1. Context Location Map
2. Location Map
3. Proposed Zoning
4. Huntington Business Park - Approved Block 57/58 Plan

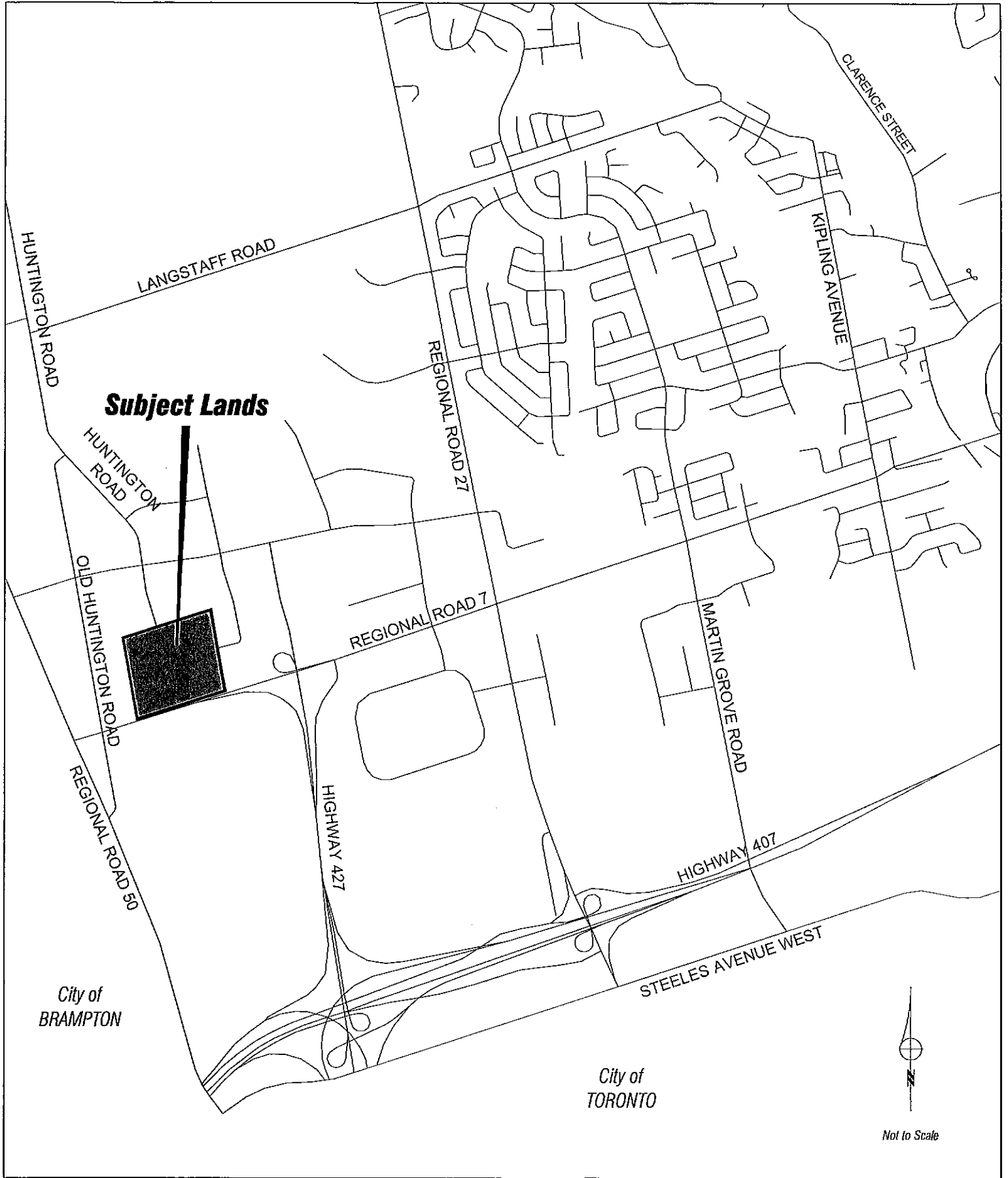
### **Report prepared by:**

Christina Napoli, Senior Planner, ext. 8483  
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

GRANT UYEVAMA  
Director of Development Planning

/LG



# Context Location Map

LOCATION:  
Part of Lot 6, Concession 9

APPLICANT:  
Seven 427 Developments Inc.

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# Attachment

FILE:  
Z.06.077

DATE:  
March 16, 2011

1





# Location Map

LOCATION:  
Part of Lot 6, Concession 9

APPLICANT:  
Seven 427 Developments Inc.

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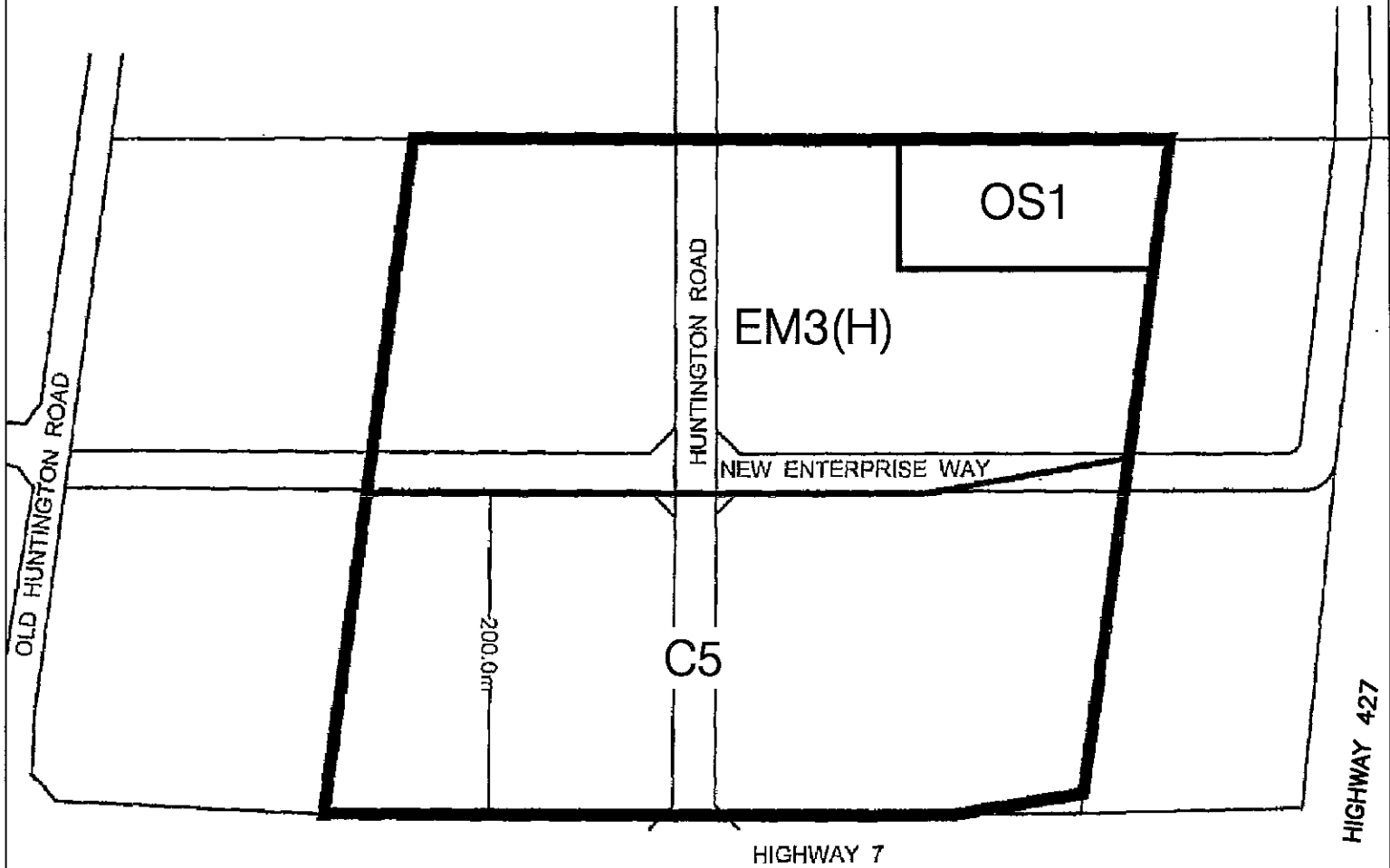


# Attachment

FILE:  
Z.06.077

DATE:  
March 16, 2011

# 2



**ZONING BY-LAW AMENDMENT**

AMEND ZONING BY-LAW 1-88 SPECIFICALLY TO:

- i) REZONE THE SUBJECT LANDS FROM A AGRICULTURAL ZONE TO C5 COMMUNITY COMMERCIAL ZONE; EM3(H) RETAIL WAREHOUSE EMPLOYMENT AREA ZONE WITH THE HOLDING SYMBOL '(H)' AND OS1 OPEN SPACE CONSERVATION ZONE AS SHOWN ABOVE;
- ii) PERMIT ADDITIONAL COMMERCIAL USES IN THE C5 COMMUNITY COMMERCIAL ZONE AS IDENTIFIED IN THE "PURPOSE" SECTION OF THIS REPORT; AND,
- iii) PERMIT EXCEPTIONS TO THE MAXIMUM BUILDING HEIGHT, LOT AREA AND LOADING SPACE REQUIREMENTS IN A C5 COMMUNITY COMMERCIAL ZONE.



Not to Scale

**Subject Lands**

**Proposed Zoning**

LOCATION:  
Part of Lot 6, Concession 9

APPLICANT:  
Seven 427 Developments Inc.

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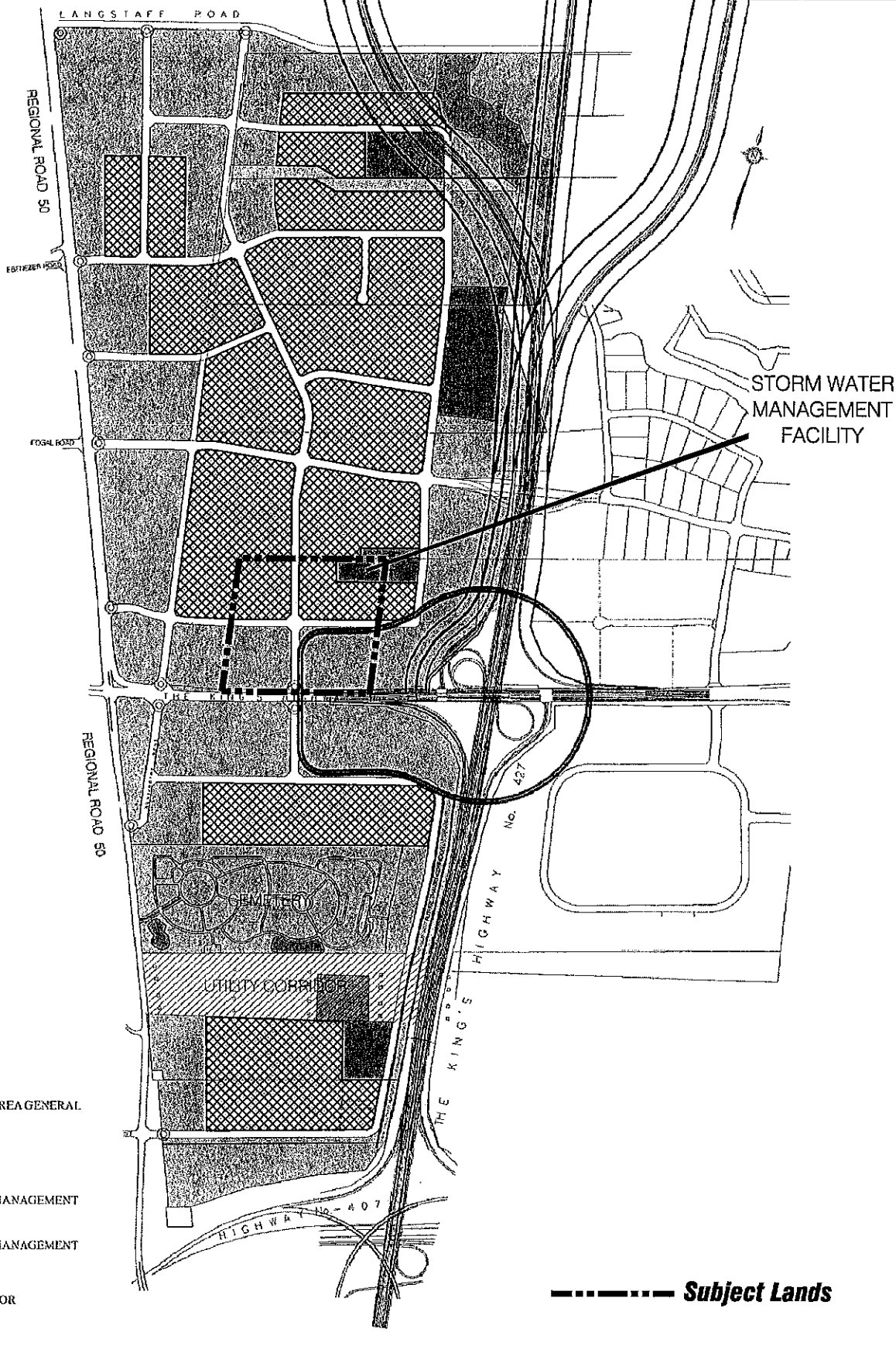


**Attachment**

FILE:  
Z.06.077

DATE:  
March 16, 2011

**3**



- PRESTIGE AREA
- EMPLOYMENT AREA GENERAL
- CEMETERY
- VALLEY LAND
- STORM WATER MANAGEMENT
- ALTERNATIVE STORM WATER MANAGEMENT
- OPEN SPACE
- UTILITY CORRIDOR
- SERVICE NODES
- CENTER

**----- Subject Lands**

# Huntington Business Park Approved Block 57/58 Plan



Attachment

APPLICANT:  
Seven 427 Developments Inc.

LOCATION:  
Part of Lot 6, Concession 9

FILE:  
Z.06.077

DATE:  
March 16, 2011

**4**

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