

COMMITTEE OF THE WHOLE APRIL 24, 2012

**ZONING BY-LAW AMENDMENT FILE Z.11.036
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
C/O INFRASTRUCTURE ONTARIO
WARD 4 - VICINITY OF KEELE STREET AND GREAT GULF DRIVE**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.036 (Her Majesty the Queen in Right of Ontario, C/O Infrastructure Ontario) BE APPROVED, to amend Zoning By-law 1-88 specifically to rezone the subject lands shown on Attachments #1 and #2 from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone.
2. THAT prior to the enactment of the implementing zoning by-law, the Region of York as the approval authority for Official Plans, shall lift "Deferral Area #3" in OPA #450 with respect to the lands that have been removed from the Parkway Belt West Plan (Amendment No. 207 approved by the Ministry of Municipal Affairs and Housing on January 17, 2012).
3. THAT the implementing zoning by-law include the following site-specific zoning exceptions to the EM1 Prestige Employment Area Zone:
 - a) a wayside pit, a wayside quarry, and a golf driving range shall not be permitted uses;
 - b) a club and a health centre shall be permitted uses;
 - c) the lands remaining within the Parkway Belt West Plan (Part 2 on Attachment #3) shall be used only for PBM7 Parkway Belt Industrial Zone uses and/or an access road for the 407 Transitway. EM1 Prestige Employment Area Zone uses (in part - as permitted on Parts 1 and 3) shall only be permitted on Part 2 upon confirmation from the Ministry of Municipal Affairs and Housing that the lands have been removed from the Parkway Belt West Plan;
 - d) a 14.0 m setback is required along the northern and western limits of the subject lands for any new buildings/structures above and below ground, including parking spaces, fire routes, driveway aisles, loading docks and access to loading docks, garbage access, private servicing, and stormwater management pond access; and,
 - e) driveway access to the subject lands shall only be permitted from Great Gulf Drive.
4. THAT Vaughan Official Plan 2010 be modified to designate the lands removed from the Parkway Belt West Plan (Parts 1 and 3 on Attachment #3) as "Prestige Employment", and that the Region be notified of this change as part of their final review of the modified VOP 2010. The remaining lands (Part 2 on Attachment #3) shall continue to be subject to the policy that the "Prestige Employment" designation will apply to these lands on confirmation from the Ministry of Municipal Affairs and Housing that the lands have been removed from the Parkway Belt West Plan.

Contribution to Sustainability

This application does not propose any new development. The Owner will be required to identify sustainable development initiatives and implementation measures at the site plan stage.

Economic Impact

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

Communications Plan

On November 11, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, as well as, to the Concord West Ratepayers' Association and the Glen Shields Ratepayers' Association. Notice signs were also installed on the property in accordance with City of Vaughan procedures.

At the December 6, 2011 Public Hearing, Mr. Paul Correa from the Concord West Ratepayers' Association identified the following concerns:

- a) a Transit Station associated with the Highway 407 Transitway was originally planned for this site; and,
- b) the Zoning By-law Application should be placed on hold until the location of the Concord GO Station and transit hub is finalized by Council.

In response, the applicant confirmed that the Ministries of Transportation and Infrastructure have deemed the subject lands surplus, and released the lands to Infrastructure Ontario for potential disposition. The Environmental Project Report for the 407 Transitway approved by the Minister of the Environment in February 2011 indicates that the Transitway alignment will run north of the subject lands, as shown on Attachment #3, and that there will be no Transitway Station on the site.

The Terms of Reference for the Concord GO Centre Secondary Plan approved by Council on September 27, 2011, locates the study area around the intersection of Regional Road 7 and the Canadian National Railway (CNR) line, which is beyond the limits of the subject lands. A parcel of land south of Regional Road 7 and east of the CNR line is owned by the Ministry of Transportation, and was identified in the Environmental Project Report as the location of a future Transitway Station (see Attachment #4).

Accordingly, the subject lands are not required for the 407 Transitway or associated facilities, and are not part of the Concord GO Centre Secondary Plan study area. Further details on the planning merits of the proposed zoning are discussed in the background section of this report.

The Committee of the Whole's recommendation to receive the Public Hearing report of December 6, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on December 13, 2011.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.11.036 to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone in the manner shown on Attachment #3. The rezoning will facilitate future development of the subject lands with prestige employment uses.

Background - Analysis and Options

Location

The 4.03 ha subject lands are located on the north side of Great Gulf Drive, east of Keele Street, and south of Highway 407, as shown on Attachments #1 and #2. The subject lands are vacant and the surrounding land uses are shown on Attachment #2.

Parkway Belt West Plan (PBWP)

The subject lands were originally designated "Inter-Urban Transit" within the "Public Use Area" of the Provincial Parkway Belt West Plan (PBWP). The "Public Use Area" is intended for linear public infrastructure uses and related public uses. The "Inter-Urban Transit" designation on the site was approved by the Ministry of Municipal Affairs and Housing on November 10, 2000, with the intent of using the subject lands for a future Transit Station associated with the 407 Transitway.

The Ministry of Transportation (MTO) recently completed an Environmental Project Report for the 407 Transitway, which identifies the preferred alignment running north of the subject lands, as shown on Attachment #3. The MTO has also confirmed that there will be no Transitway Station on the subject lands. Accordingly, the site has been deemed surplus and can be utilized for development purposes.

On January 17, 2012, the Ministry of Municipal Affairs and Housing approved Amendment #207 to the Parkway Belt West Plan, which removed the majority of the subject lands from the PBWP, including approximately 3.65 ha adjacent to Keele Street and 0.20 ha on the eastern limit of the site (Parts 1 and 3 on Attachment #3). As a result, these lands are now subject to the policies of the City's OPA #450 (Employment Area Plan), as described below. The MTO intends to use the remaining 0.19 ha parcel of land on the eastern portion of the site (Part 2 on Attachment #3) as an access road for the 407 Transitway. Accordingly, this parcel continues to be subject to the policies of the Parkway Belt West Plan.

Vaughan Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan). The lands are identified as "Deferral Area #3" in OPA #450, due to their status within the Parkway Belt West Plan. Now that the subject lands have been removed from the PBWP (in part), York Region can lift the deferral, and the lands will be subject to the policies of OPA #450 and their respective land use designations (except for Part 2 on Attachment #3, which continues to be subject to the PBWP). The deferral must be lifted prior to enactment of the implementing zoning by-law, as per the recommendation of this report.

The lands are designated "Parkway Belt West Lands" by the City of Vaughan Official Plan 2010 (VOP 2010), which was approved by Vaughan Council on September 7, 2010 (as modified September 27, 2011), and is pending approval from the Ontario Municipal Board. VOP 2010 designates the lands "Prestige Employment" on confirmation that the lands have been removed from the PBWP.

The Development Planning Department recommends that the City of Vaughan Official Plan 2010 be modified to recognize that the subject lands have been removed from the PBWP (in part). The parcel that remains within the PBWP (Part 2 on Attachment #3) shall continue to be subject to the approved policy that the "Prestige Employment" designation will apply to these lands on confirmation from the Ministry of Municipal Affairs and Housing that the lands have been removed from the PBWP.

Zoning

The subject lands are zoned PBM7 Parkway Belt Industrial Zone by Zoning By-law 1-88. As the subject lands have been removed from the PBWP (in part), the proposal to rezone the lands to EM1 Prestige Employment Area Zone conforms to both OPA #450 and VOP 2010. The rezoning facilitates development of a vacant, underutilized site within an existing built-up area, which has vehicular and transit access. Developing the site with prestige employment uses will contribute to the City's supply of employment lands.

a) Proposed Uses

The Owner is proposing to rezone the subject lands from PBM7 Parkway Belt Industrial Zone to EM1 Prestige Employment Area Zone. The as-of-right EM1 Zone uses permitted by Zoning By-law 1-88 are as follows:

Uses Permitted in all Employment Area Zones

- Day Nursery
- Technical School
- Parks and Open Space
- Recreational Uses
- Wayside Pit
- Wayside Quarry

EM1 - Prestige Employment Area Zone Permitted Uses

The following uses are permitted, provided they are within a wholly enclosed building and with no outside storage:

- Employment Use
- Accessory Retail Sales to an Employment Use
- Accessory Office Uses to an Employment Use
- Banquet Hall, in a Single Unit Building, subject to Section 3.8 of By-law 1-88
- Bowling Alley, subject to Section 3.8 of By-law 1-88
- Business and Professional Offices, not including regulated health professional
- Club, Health Centre, provided that the use is not located in a building which abuts a provincial highway, excepting Highway #7
- Convention Centre, Hotel, Motel, subject to Section 3.8 of By-law 1-88
- Funeral Home in a Single Unit building and subject to Section 3.8 of By-law 1-88
- Car Brokerage
- Office Building
- Recreational Uses, including a golf driving range and miniature golf course
- Service and Repair Shop

Institutional

- Correctional or Crisis Care Group Home as defined in Section 2.0 of By-law 1-88

The Development Planning Department considers the above uses to be appropriate for the site, except for a wayside pit, a wayside quarry, and a golf driving range, which would not be compatible with the surrounding employment and service commercial land use context. Accordingly, the Development Planning Department recommends that these uses not be permitted on the site. A condition to this effect is included in the recommendation of this report.

Zoning By-law 1-88 permits a club and health centre uses within the existing PBM7 Parkway Belt Industrial Zone. The use is also permitted within the EM1 Prestige Employment Area Zone, except for buildings located adjacent to a highway. The Development Planning Department considers a club and a health centre to be appropriate for the site and compatible with the surrounding area. As such, the Development Planning Department recommends that a club and health centre uses be permitted on the entirety of the subject lands, in accordance with the recommendation of this report.

b) Lands remaining within the Parkway Belt West Plan

To ensure that the lands remaining within the Parkway Belt West Plan (Part 2 on Attachment #3) are protected for Inter-Urban Transit uses in accordance with the PBWP, the Development Planning Department, through discussions with the applicant, recommends that the land uses on this parcel be limited to PBM7 Zone uses (which are currently permitted and conform to the PBWP), and/or an access road for the 407 Transitway. Should the location of the proposed access road change and the Ministry of Municipal Affairs and Housing remove Part 2 from the PBWP, the EM1 Zone uses permitted on Parts 1 and 3 shall also be permitted on Part 2. A provision to this effect will be included in the implementing by-law, if the application is approved.

Future Consent Application

The Owner intends to sever a portion of the subject lands (Part 1 on Attachment #3) from a larger parcel to the north of the site in order to facilitate development of the lands with prestige employment uses. The Owner is required to submit a Consent Application for the proposed severance, which must be approved by the Vaughan Committee of Adjustment. The larger parcel to the north of the site is required for the 407 Transitway and associated facilities, and will remain within the Parkway Belt West Plan. Parts 2 and 3 on Attachment #3 will also remain part of the other larger parcel at this time. Should the Owner wish to sever Part 2 in the future, a Consent Application is required, which will be reviewed on its own merits.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has indicated that an Archaeological Assessment will be required for review at the site plan stage. Should any areas on site be deemed archaeologically significant, the Owner is required to mitigate all adverse impacts through preservation or resource removal and documentation.

Vaughan Development/Transportation Engineering

The Vaughan Development/Transportation Engineering Department has no concerns with the proposed Zoning By-law Amendment application, and has identified that the following reports and plans will be required at the site plan stage: Stormwater Management Report, Functional Servicing Report, Site Servicing and Grading Plans, and a Traffic Impact and Parking Study.

Ministry of Transportation (MTO)

The Ministry of Transportation (MTO) has no objections in principle to the proposed Zoning By-law Amendment Application. The MTO requires a minimum 14.0 m setback along the northern and western limits of the subject lands for any new buildings or structures above and below ground, as well as, any feature deemed essential to the operation and viability of the site, including parking spaces, fire routes, driveway aisles, loading docks and access to loading docks, garbage access, underground structures, municipally assumed/private roads and/or servicing, and stormwater management pond access. In addition, no direct access shall be permitted from the 407 Right-of-Way or from the Transitway Access Road (Part 2 on Attachment #3); all access

shall be from Great Gulf Drive. Should the Zoning Application be approved, conditions of approval are included with respect to the MTO's setback and access requirements.

A Ministry Building/Land Use Permit will be required for future development, as the subject lands are located within the MTO's Permit Control Area. The MTO requires that the Owner submit the following reports and plans for review at the site plan stage: a Traffic Impact Study, Site Servicing and Grading Plans, Stormwater Management Plan, and Illumination Plans.

PowerStream

PowerStream has reviewed the Zoning By-law Amendment Application, and has indicated that it is the responsibility of the Owner to contact PowerStream to satisfy their requirements, including the location of a pad mounted transfer required to service future development.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The Region of York had no concerns with the Parkway Belt West Plan Amendment. As the delegated approval authority for Official Plans, the Region will need to lift the deferral area in OPA #450 for the lands which have been removed from the PBWP (Parts 1 and 3 on Attachment #3). The deferral must be lifted prior to enactment of the implementing zoning by-law. The Region's Planning Staff has identified that they will undertake this matter expeditiously.

The Region of York has no concerns with the proposed Zoning By-law Amendment Application, and will provide technical comments at the site plan stage on matters including, but not limited to: the protection of any easements, road requirements, transit, vehicular access, and noise attenuation features, as appropriate.

Conclusion

The Vaughan Development Planning Department has reviewed the Zoning By-law Amendment Application to amend Zoning By-law 1-88 in consideration of the Parkway Belt West Plan, OPA #450, the City of Vaughan Official Plan 2010, Zoning By-law 1-88, comments from the Public Hearing, City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed rezoning is appropriate and compatible with the existing and permitted uses in the surrounding area as set out in this report. Accordingly, the Development Planning Department can support approval of Zoning By-law Amendment File Z.11.036, subject to the conditions of approval included in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning
4. Concord GO Centre Secondary Plan Area

Report prepared by:

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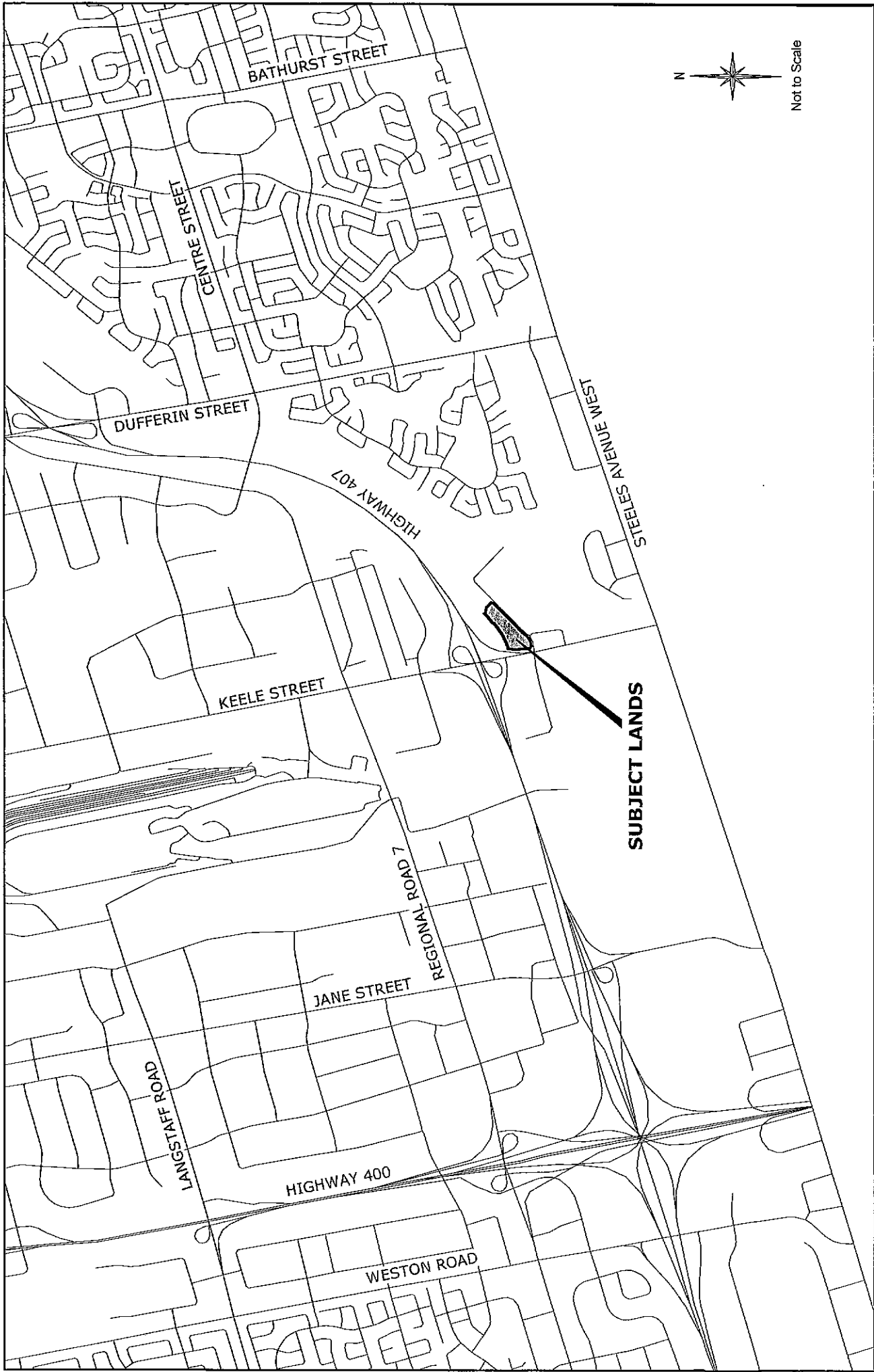
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



Context Location Map

Location: Part of Lot 3,
Concession 3

Applicant: Her Majesty the Queen in Right
of Ontario c/o Infrastructure Ontario

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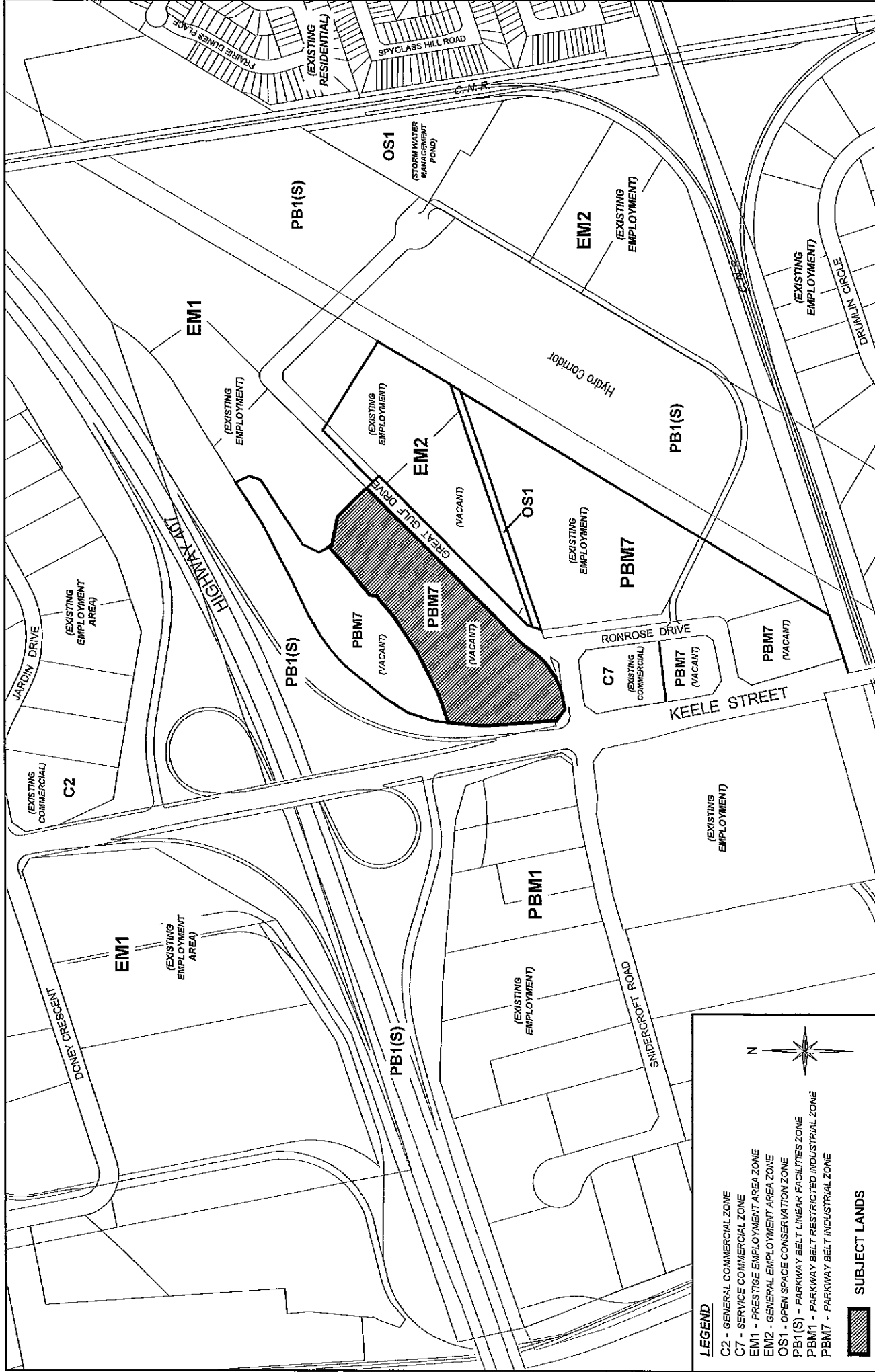


Attachment

File: Z.11.036


Not to Scale

Date: March 27, 2012



LEGEND

- C2 - GENERAL COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- PB1(S) - PARKWAY BELT LINEAR FACILITIES ZONE
- PBM1 - PARKWAY BELT RESTRICTED INDUSTRIAL ZONE
- PBM7 - PARKWAY BELT INDUSTRIAL ZONE

 SUBJECT LANDS

Location Map

Location: Part of Lot 3,
Concession 3

Applicant: Her Majesty the Queen in Right
of Ontario c/o Infrastructure Ontario

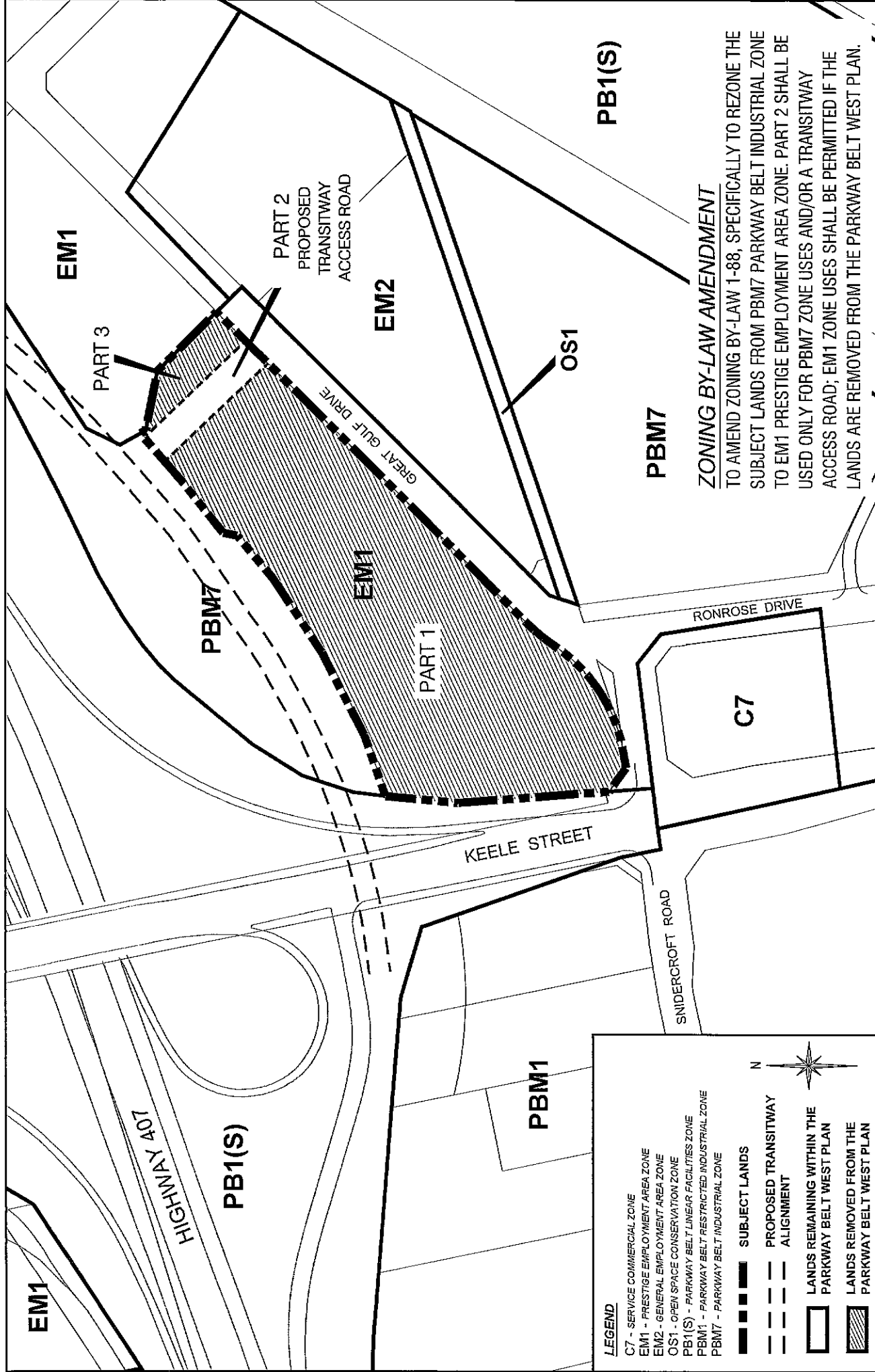
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Attachment

File: Z.11.036
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LEGEND

- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- PB1(S) - PARKWAY BELT LINEAR FACILITIES ZONE
- PBM1 - PARKWAY BELT RESTRICTED INDUSTRIAL ZONE
- PBM7 - PARKWAY BELT INDUSTRIAL ZONE

- SUBJECT LANDS
- - - PROPOSED TRANSITWAY ALIGNMENT
- LANDS REMAINING WITHIN THE PARKWAY BELT WEST PLAN
- ▨ LANDS REMOVED FROM THE PARKWAY BELT WEST PLAN

N

ZONING BY-LAW AMENDMENT
 TO AMEND ZONING BY-LAW 1-88, SPECIFICALLY TO REZONE THE SUBJECT LANDS FROM PBM7 PARKWAY BELT INDUSTRIAL ZONE TO EM1 PRESTIGE EMPLOYMENT AREA ZONE. PART 2 SHALL BE USED ONLY FOR PBM7 ZONE USES AND/OR A TRANSITWAY ACCESS ROAD; EM1 ZONE USES SHALL BE PERMITTED IF THE LANDS ARE REMOVED FROM THE PARKWAY BELT WEST PLAN.

Proposed Zoning

Location: Part of Lot 3,
 Concession 3

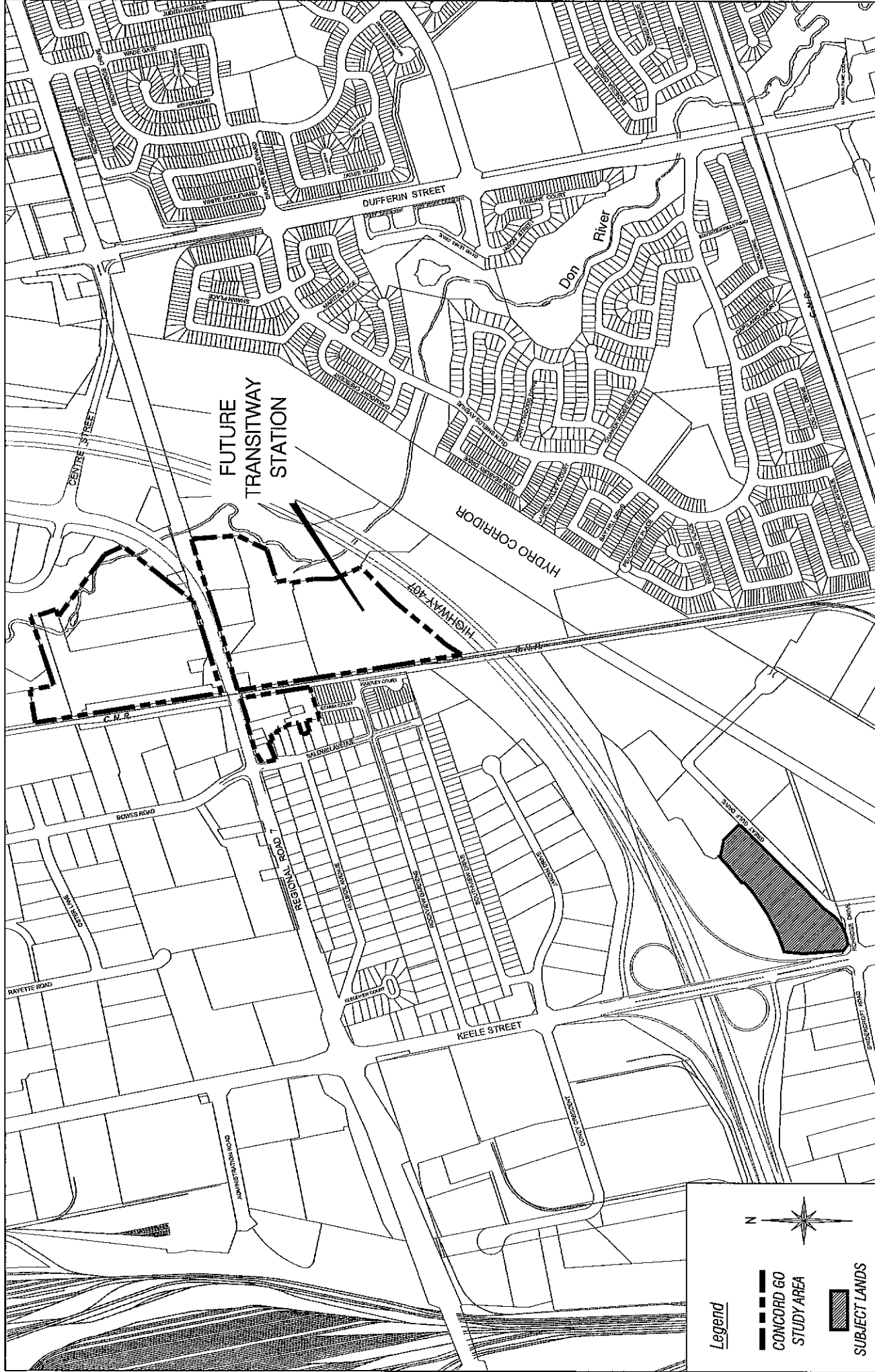
Applicant: Her Majesty the Queen in Right
 of Ontario c/o Infrastructure Ontario

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Attachment 3

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 Date: March 27, 2012



Legend

- CONCORD GO STUDY AREA
- SUBJECT LANDS

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**Concord GO Centre
Secondary Plan Area**

Applicant: Her Majesty the Queen in Right of Ontario c/o Infrastructure Ontario
 Location: Part of Lot 3, Concession 3



Attachment

File: Z.11.036
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 Date: March 27, 2012

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