

Committee of the Whole (1) Report

DATE: Tuesday, June 7, 2022

WARD: 3

TITLE: TONLU HOLDINGS LIMITED
ZONING BY-LAW AMENDMENT FILE Z.22.002
8311 WESTON ROAD
VICINITY OF WESTON ROAD AND LANGSTAFF ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to permit the use of a Motor Vehicles Sales Establishment with no outside storage on the subject lands shown on Attachment 1, in the manner shown on Attachment 2.

Report Highlights

- The Owner proposes to amend the zoning permissions of the subject lands to permit a Motor Vehicle Sales Establishment with no outside storage, together with site-specific zoning exceptions.
- The Development Planning Department supports the approval of the proposed amendment as it is consistent with and conforms to Provincial Policy, conforms to the York Region Official Plan 2010 and Vaughan Official Plan 2010, and is compatible with the surrounding area context.

Recommendations

1. THAT Zoning By-law Amendment File Z.22.002 BE APPROVED, to amend Zoning By-law 1-88 to amend the “C7 Service Commercial Zone” subject to site-specific exception 9(1448), to permit the use of a Motor Vehicle Sales Establishment on the subject lands, together with site-specific exceptions identified in Table 1 of this report

2. THAT Zoning By-law Amendment File Z.22.002 BE APPROVED, to amend Zoning By-law 001-2021 to amend the “EMU Employment Commercial Mixed-Use Zone” subject to site-specific Exception 14.1073, to permit a Motor Vehicle Sales use on the subject lands, together with additional site-specific exceptions identified in Table 2 of this report; and
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning By-law.

Background

The subject lands (‘Subject Lands’) shown on Attachment 1 are municipally known as 8311 Weston Road and are located on the east side of Weston Road, south of Langstaff Road. The Subject Lands are approximately 9,429 m² in area and consists of a 2-storey commercial building, as shown on Attachment 2.

A Zoning By-law Amendment Application has been submitted to permit the use of a Motor Vehicle Sales Establishment on the Subject Lands

Tonlu Holdings Limited (the ‘Owner’) has submitted Zoning By-law Amendment Application Z.22.002 (the ‘Application’) to permit a Motor Vehicles Sales Establishment use within an existing 2-storey commercial building, with no outside storage, as shown on Attachment 2 (the ‘Proposal’), together with the site-specific zoning exceptions identified in this report.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol

The City on April 8, 2022 circulated a Notice of Public Meeting (the ‘Notice’) for the Application to all property owners within 150 m of the Subject Lands. A copy of the Notice was also posted on the City’s website www.vaughan.ca and Notice Signs were installed along Weston Road and Jevlan Drive in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on May 3, 2022 to receive comments from the public and the Committee of the Whole. Vaughan Council on May 17, 2022 ratified the recommendations of the Committee of the Whole (Public Meeting) to receive the Public Meeting Report and to forward a comprehensive technical report to a future Committee of the Whole Meeting.

No deputations from the public were made at the public meeting other than the presentation made by the Applicant, MHBC Planning.

The following is a summary of the comments received which are addressed throughout the report:

- Concerns regarding the type of vehicle servicing offered at this site and ensuring traffic levels can be managed for the anticipated number of employees and customers.
- Enhanced landscaping should be provided along Weston Road to ensure activities can be sufficiently screened.

Previous Reports/Authority

The previous report related to the Application is available at the following weblink:

Tonlu Holdings Limited File Z.22.002

[May 3, 2022 CW\(PM\) Z.22.002 Tonlu Holdings Limited \(Item 4, Report No. 22\)](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement, 2020

Section 3 of the *Planning Act* requires that all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy, and a clean and healthy environment.

The Application is consistent with the PPS, specifically Sections 1.1.3.1, 1.1.3.2 and 1.3.1 regarding: focusing development to settlement areas, providing a mix of land uses which efficiently use land and resources and promoting economic development.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Application makes efficient use of the Subject Lands by utilizing an existing commercial building to provide a greater mix of commercial uses to the area that supports its economic health.

The Application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (‘Growth Plan’), as amended, guides decision making on a wide range of issues, including economic development, land-use planning, urban form, and housing. Council’s planning decisions are required by the *Planning Act* to conform with the Growth Plan.

The Application conforms to the framework of the Growth Plan as the additional use would efficiently utilize the Subject Lands. The Application will facilitate a greater mix of commercial uses within a Settlement Area and Delineated Built-up area as defined by the Growth Plan, consistent with Sections 1.2.1, 2.2.1(2)(a) and 2.2.1(4)(a) where the achievement of a diverse mix of land uses is encouraged.

The Application conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 – Regional Structure by the YROP, which permits a range of residential, industrial, commercial, and institutional uses. Section 4.4 of the YROP encourages retail facilities to be designed and located to serve the needs of the community.

The Application will facilitate a greater mix of commercial uses along a "Regional Transit Priority Network", as identified on Map 11 – Transit Network of the YROP, which supports nearby employment and residential areas.

York Region on March 30, 2022, deemed the Application a matter of local significance and provided no further comments.

The Application conforms to Vaughan Official Plan 2010

The Subject Lands are located within the "Employment Areas" on Schedule 1 – Urban Structure and designated "Employment Commercial Mixed-Use" with a maximum height of 5 storeys and a maximum density of 2.5 times the area of the lot, on Schedule 13 – Land Use by Vaughan Official Plan 2010 ('VOP 2010'). This designation permits office, cultural, entertainment, limited retail and gas station uses. As the Subject Lands are not identified within an "Intensification Area" on Schedule 1, retail uses are permitted provided no retail unit exceeds a Gross Floor Area ('GFA') of 3,500 m². No outside storage is permitted within this designation.

The proposed Motor Vehicle Sales Establishment will occupy the existing 2-storey commercial building, shown on Attachment 2, having a ground floor area of 2,010.23 m², and does not include outside storage. The proposed Motor Vehicle Sales Establishment will utilize the existing 128 parking spaces on site. The ground floor will consist of a sales/office area and an area used for the servicing of computerized systems and other minor servicing for customer vehicles which is a permitted use as-of-right. The proposed Motor Vehicle Sales Establishment will also provide an additional 90 m² office area on the second floor as well as a basement for storage. All motor

vehicles will be stored indoors, with the sales/office area being separated from the servicing area by a drive aisle including two 12' side roll up doors for vehicle entrances/exits.

Designated areas allocated to the temporary parking of motor vehicles for pick up and drop off associated with the on-site servicing of motor vehicles are proposed. The temporary parking of motor vehicles and proposed customer charging stations will be directed away from Weston Road, as shown on Attachment 2. The loading and unloading of vehicles shall occur at the existing loading area on the east side of the 2-storey commercial building, as shown on Attachment 2. No loading or unloading of motor vehicles shall be permitted on any municipal right-of-way or where it will block vehicle circulation on the Subject Lands. The temporary parking, loading, and unloading of motor vehicles shall be regulated through the required Site Development Application, should the Application be approved. The Application conforms to the policies of VOP 2010.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 ('Zoning By-law 001-2021') as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021 in accordance with the *Planning Act*. The last date for filing an appeal to the OLT in respect of Zoning By-law 001-2021 was November 15, 2021. Zoning By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as Zoning By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under Zoning By-law 001-2021 applies.

The Application was received by the City on March 15, 2022, and as such, given Council's direction on October 20, 2021, the Application is subject to a dual zoning review under Zoning By-law 1-88 and Zoning By-law 001-2021.

Amendments to Zoning By-laws 1-88 and 001-2021 are required to permit a Motor Vehicle Sales Establishment on the Subject Lands

Zoning By-law 1-88 zones the Subject Lands "C7 Service Commercial Zone" subject to site-specific Exception 9(1448), as shown on Attachment 2. This Exception permits a range of commercial uses including an Automotive Retail Store, Service or Repair Shop, and various types of Office, Personal Service, Retail and Eating Establishment Uses, among other commercial uses.

The Owner is proposing to amend site-specific Exception 9(1448) to permit a Motor Vehicle Sales Establishment with no outside storage, together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	C7 Service Commercial Zone Requirement	Proposed Exceptions to the C7 Service Commercial Zone Requirement
a.	Maximum Building Height	11.0 m	13.6 m
b.	Minimum Parking Space Dimensions	2.7 m x 6.0 m	2.7 m x 5.7 m
c.	Minimum Landscape Strip Width (Jevlan Drive)	3.0 m	2.8 m
d.	Minimum Joint Driveway Access Width (Jevlan Drive)	7.5 m	7.45 m (north access) 7.03 m (south access)

Zoning By-law 001-2021 zones the Subject Lands “EMU Employment Commercial Mixed-Use Zone” subject to site-specific Exception 14.1073, as shown on Attachment 2. This Exception permits a range of commercial uses including an Automotive Detailing, Service or Repair Shop, and various types of Office, Personal Service, Retail and Eating Establishment Uses, among other commercial uses.

The Owner is proposing to amend site-specific Exception 14.1073 to also permit a Motor Vehicle Sales use with no outside storage, together with the following site-specific zoning exceptions:

Table 2:

	Zoning By-law 001-2021 Standard	EMU Employment Commercial Mixed-Use Zone Requirement	Proposed Exceptions to the EMU Employment Commercial Mixed-Use Zone Requirement
a.	Minimum Ground Floor Height	6.0 m	3.6 m

	Zoning By-law 001-2021 Standard	EMU Employment Commercial Mixed-Use Zone Requirement	Proposed Exceptions to the EMU Employment Commercial Mixed-Use Zone Requirement
b.	Maximum Hard Landscape Encroachment	up to 0.6 m from any lot line	up to 0 m from any side (north and south) lot line
c.	Location of Parking	not permitted in Front Yard (Weston Road)	permit in the Front Yard (Weston Road)
d.	Loading Space Requirements	2 Type B Loading Spaces	1 Type B Loading Spaces
e.	Minimum Landscape Strip Width (Jevlan Drive)	3.0 m	2.8 m
f.	Maximum Parking Requirements	Motor Vehicles Sales 3 spaces/100m ² x 2,100.23 m ² = 63 spaces Maximum Total Parking Permitted = 63 spaces	Motor Vehicles Sales 6.09 spaces/100m ² x 2,100.23 m ² = 128 spaces Maximum Total Parking Permitted = 128 spaces
g.	Build-to Zone Requirements	5 m to 10 m Applies to a minimum of 30% of the street frontage	Build-to Zone Requirements shall not apply
h.	Minimum Joint Driveway Access Width (Jevlan Drive)	7.5 m	7.45 m (north access) 7.03 m (south access)

The proposed Motor Vehicle Sales Establishment use is compatible with the surrounding area, will facilitate efficient use of the site, is consistent with the policies of the PPS, Growth Plan and YROP 2010 and maintains the intent of VOP 2010. The Development Planning Department is in support of the additional site-specific exceptions to Zoning By-law 001-2021, as they are a result of existing site and building conditions. Accordingly, the Development Planning Department can support the proposed use of a Motor Vehicle Sales Establishment with the requested site-specific exceptions.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law Amendment File Z.22.002 the Development Planning Department has included a Recommendation to permit the Owner to apply for Minor Variance application(s), if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization of the related Site Development Application.

The Development Planning Department has no objection to the Application, subject to the approval of a Site Development Application

The Application will permit a use which conforms to VOP 2010 and expands the range of permitted uses on the Subject Lands, which are predominantly commercial. Any operational impacts of the Motor Vehicles Sales Establishment will be limited as all vehicle storage shall be internal to the existing 2-storey commercial building and the location of motor vehicle loading and unloading will occur in the existing loading area on the Subject Lands. The Owner has submitted Site Development Application File DA.22.022 to facilitate the detailed review of the Subject Lands including the parking area, building elevations and to regulate the operation of the Motor Vehicles Sales Establishment including the temporary parking, loading, and unloading of motor vehicles. The Site Development Application will proceed under delegated approval in accordance with Site Plan Control By-law 123-2013.

The Urban Design Division of the Development Planning Department has provided preliminary comments to be addressed in detail through the related Site Development Application, including the requirement for high-quality design and materiality for proposed roll-up doors, parking signage, pedestrian walkways, and enhanced landscaping.

The Development Engineering Department has no objection to the Proposal

The Development Engineering ('DE') Department has no objection to the Application. The DE Department, together with Transportation Engineering staff, have provided preliminary comments to be addressed in detail through the related Site Development

Application, including the requirement for pedestrian walkways, stop signs, and implementation of Transportation Demand Management measures.

The Financial Planning and Development Finance Department has no comments on the Application

The Financial Planning and Development Finance Department have no comments on the Application as there is no new GFA being added to the existing building.

Cash-in-lieu of the dedication of parkland was previously satisfied

The Real Estate Department has no objection to the Application as the cash-in-lieu of parkland dedication requirements in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy have been previously satisfied for the Subject Lands.

The utility providers have no objection to the Application

The utility providers including HydroOne, Bell Canada, Rogers Communication Inc., Enbridge Gas Distribution and Alectra Utilities Corporation have no objection to the Application, subject to the Owner providing any easements as required at no cost to the utility providers.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has advised that the Application is a matter of local significance and has no comments.

Conclusion

The Development Planning Department is satisfied that the Application is consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010. The proposed amendments to Zoning By-law 1-88 and Zoning By-law 001-2021 are appropriate for the Subject Lands. The Application introduces an additional commercial use to the range of already permitted uses, on the Subject Lands, and is compatible with the surrounding land uses.

For more information, please contact: Jennifer Kim, Planner, Development Planning Department, ext. 8592.

Attachments

1. Context and Location Map
2. Proposed Zoning and Site Plan

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