

Committee of the Whole (1) Report

DATE: Tuesday, June 7, 2022

WARD: 2

**TITLE: SEVEN 427 DEVELOPMENTS INC.
OFFICIAL PLAN AMENDMENT FILE OP.21.018
ZONING BY-LAW AMENDMENT FILE Z.21.037
VICINITY OF HIGHWAY 7 AND NEW HUNTINGTON ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole on applications to amend the Vaughan Official Plan 2010 ('VOP 2010'), Zoning By-law 1-88 and Zoning By-law 001-2021 for the lands shown on Attachment 1, to permit the development of a one-storey employment warehouse building with accessory outside storage and future office uses, as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes a one-storey employment warehouse building with accessory outside storage and future office uses
- Official Plan and Zoning By-law Amendments and a future site plan application are required to permit the proposed development
- The Development Planning Department supports the Applications as the proposed use is consistent with the Provincial Policy Statement 2020, the Growth Plan 2019, as amended, the York Region Official Plan and are considered compatible with the existing and planned uses for the surrounding area

Recommendations

1. THAT Official Plan Amendment File OP.21.018 (Seven 427 Developments Inc.), BE APPROVED to amend VOP 2010, Volumes 1 and 2, Section 13.30, NW Corner of Highway 427 and Highway 7 to permit a site-specific amendment for the Subject Lands, to permit a one-storey employment warehouse building with accessory outside storage and future office uses, as shown on Attachments 2 to 6.
2. THAT Zoning By-law Amendment File Z.21.037 (Seven 427 Developments Inc.), BE APPROVED to amend the “C5 Community Commercial” Zone, subject to site-specific exception 9(1392) in Zoning By-law 1-88 as shown on Attachment 2, to permit the site-specific exceptions identified in Table 1, to facilitate a one-storey employment warehouse building with accessory outside storage and future office uses on the Subject Lands.
3. THAT Zoning By-law Amendment File Z.21.037 (Seven 427 Developments Inc.), BE APPROVED to amend the “EMU Employment Commercial Mixed-Use” Zone, subject to site-specific exception 14.1021 in Zoning By-law 001-2021 as shown on Attachment 2, to permit the site-specific exceptions identified in Table 2, to facilitate a one-storey employment warehouse building with accessory outside storage and future office uses on the Subject Lands.
4. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the 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

Location: The 4.1 ha subject lands (‘Subject Lands’) are comprised of three vacant parcels with no municipal address, but are legally described as follows:

- Parcel 1: Part of Lot 6, Concession 9, Vaughan, designated as Part 3, Plan 65R-34359 save and except Part 1, 65R-34471
- Parcel 2: Part Lot 6, Concession 9, Vaughan, designated as Part 4 Plan 65R-34359 save and except Part 2, 65R-34471
- Parcel 3: Part Lot 6, Concession 9, Vaughan, designated as Part 12, 65R-34359 save and except Parts 3 & 4, 65R-34471

The Subject Lands are situated on the north side of Highway 7, west of New Huntington Road and south of Runway Road. A motel exists abutting the Subject Lands to the west

municipally known as 6700 Highway 7 and existing residential and agricultural uses are located on the south side of Highway 7. The Subject Lands and surrounding land uses are shown on Attachment 1.

Previous Development Applications have been approved on the Subject Lands

The Subject Lands are located within the Block 57/58 Block Plan, which was approved by Vaughan Council on June 23, 2003.

Official Plan Amendment (File OP.06.030) and Zoning By-law Amendment (File Z.06.077) applications were submitted by Seven 427 Developments Inc. (the 'Owner') on December 22, 2006, to permit retail and service commercial uses on the Subject Lands. These files were closed shortly thereafter due to inactivity. Zoning By-law Amendment File Z.06.077 was reopened in 2011 with a revised submission to rezone the Subject Lands from "A Agricultural Zone" to "C5 Community Commercial Zone" and to permit site specific exceptions to allow for commercial uses, which was approved by Vaughan Council on June 28, 2011. The implementing Zoning By-law associated with this application was never enacted as the Owner did not fulfill the conditions that were required to be satisfied prior to the enactment of the Zoning By-law.

The Owner submitted site-specific appeal (Case number: PL11184) to VOP 2010 on November 21, 2014, to the Ontario Municipal Board (OMB), now Ontario Land Tribunal (OLT), to permit major retail uses on the site, retail units exceeding 3,500 m² in GFA, stand-alone retail units not required to be part of a mixed-use development and low-rise buildings on the Subject Lands and adjacent lands on the east side of New Huntington Road. The OMB issued its order on April 16, 2015, approving the aforementioned, which became Section 13.30 of VOP 2010., Vol. 2, through Official Plan Amendment ('OPA') 10.

In 2013, a further Zoning By-law Amendment Application (File Z.13.011) was submitted by the Owner to rezone the Subject Lands from "A Agricultural Zone" to "C5 Community Commercial Zone" which permitted site specific exceptions to allow for additional commercial uses on the Subject Lands. The application was approved by Vaughan Council on June 25, 2013, along with the enactment of Zoning By-law 101-2013.

Official Plan Amendment File OP.15.001 and Zoning By-law Amendment File Z.15.001 were submitted on February 3, 2015 by the Owner to permit a site-specific amendment to VOP 2010 and site-specific exceptions to Zoning By-law 1-88 to allow for a gas station accessory to a permitted retail use, an automobile service station, and an automotive retail store as accessory uses on the Subject Lands. The applications were

approved by Vaughan Council on June 23, 2015, along with the enactment of 'OPA' 10 and Zoning By-law 109-2015.

Official Plan Amendment and Zoning By-law Amendment Applications have been submitted to permit the proposed development

The Owner has submitted the following applications ('Applications') for the Subject Lands to permit the proposed development of a one-storey employment warehouse building with a total gross floor area ('GFA') of 17,951 m², including 951.55 m² of future office uses and accessory outside storage of 30 truck trailers within a 2,011 m² area ('the Development'), as shown on Attachments 2 to 6:

1. Official Plan Amendment File OP.21.018 to permit a site-specific amendment to the policies of the Vaughan Official Plan 2010 ('VOP 2010'), Volumes 1 and 2, Section 13.30 - NW Corner of Highway 427 and Highway 7, to permit the Development.
2. Zoning By-law Amendment File Z.21.037 to maintain the "C5 Community Commercial Zone" subject to site-specific exception 9(1392) in Zoning By-law 1-88 as shown on Attachment 2 and permit site-specific zoning exceptions as identified in Table 1 of this report.

The Owner also proposes to amend Zoning By-law 001-2021 to maintain the "EMU Employment Commercial Mixed-Use Zone" subject to site-specific exception 14.1021, as shown on Attachment 2, and permit site-specific zoning exceptions as identified in Table 2 of this report.

Previous Reports/Authority

The following are links to previous reports regarding the Subject Lands:

[Committee of the Whole Report for Block 57/58 Block Plan, ratified by Council on June 23, 2003 \(Item 52 of Report No. 51\)](#)

[Committee of the Whole \(Public Hearing\) for Zoning By-law Amendment File Z.06.077, ratified by Council on May 3, 2011 \(Item 4, Report No. 21\)](#)

[Committee of the Whole for Zoning By-law Amendment File Z.06.077, ratified by Council on June 28, 2011 \(Item 38, Report No. 32\)](#)

[Committee of the Whole \(Public Hearing\) for Zoning By-law Amendment File Z.13.011, ratified by Council on May 14, 2013 \(Item 2, Report No. 21\)](#)

Committee of the Whole for Zoning By-law Amendment File Z.13.011, ratified by Council on June 25, 2013 (Item 28, Report No.32)

Committee of the Whole (Public Hearing) for Official Plan Amendment File OP.15.001 and Zoning By-law Amendment File Z.15.001, ratified by Council on March 24, 2015 (Item 5, Report No. 13)

Committee of the Whole for Official Plan Amendment File OP.15.001 and Zoning By-law Amendment File Z.15.001, ratified by Council on June 23, 2015 (Item 14, Report No. 26)

Committee of the Whole Report (Public Meeting) for Official Plan Amendment File OP.21.014 and Zoning By-law Amendment File Z.21.037, ratified by Council on January 25, 2022 (Item 1, Report No. 3)

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

- a) Date the Notice of Public Meeting was circulated: December 23, 2021.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along New Huntington Road, Highway 7, and Runway Road in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the West Woodbridge Homeowners Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) Date of Public Meeting: January 18, 2022. On January 25, 2022, Council ratified the recommendations of the Committee of the Whole Report (Public Meeting).
- d) The following deputations were made at the time of the Public Meeting:

- Paula Bustard, representing the Owner

The following comments were made at the time of the Public Meeting:

- Consider providing a screen wall so that the outside storage area cannot be seen from abutting properties

- Provide more planting to screen the outside storage from view.

At the time of the preparation of this report, no written comments as it relates to the Applications have been received by the Development Planning Department as of May 17, 2022.

Analysis and Options

The Applications are 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 Subject Lands are located within an Employment Area by VOP 2010 and are located within a “Settlement Area”, as defined by the PPS. The following policies of the PPS are applicable to the Subject Lands:

- Section 1.3.2.1 – “Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs”
- Section 1.2.3.2 – “Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned use and function of these areas”
- Section 1.3.2.3 – “Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas”
- Section 1.3.2.6 – “Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations”
- Section 1.6.6.2 – “Municipal sewage and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety”

The Applications are consistent with the policies of the PPS for the following reasons:

- The Applications maintain the “Employment Commercial Mixed-Use” designation in VOP 2010 for the Subject Lands which protects and preserves the employment area and its permitted uses for current and future generations.

- The appropriate infrastructure including roads and municipal servicing is available to service the Subject Lands
- The Subject Lands are surrounded by existing and planned employment uses except for an existing residence located on the south side of Highway 7, municipally known as 6701 Highway 7, however the Development is considered compatible as the existing residence is heavily screened from Highway 7 through landscaping. Additionally, these lands are identified as “Employment Area” in VOP 2010, which will allow for future employment uses on the lands.
- The Subject Lands have frontage on Highway 7 and are in proximity to Highway 427. Arterial roads and highways are considered major goods movement facilities and corridors in the PPS.

In consideration of the above, the Applications conform to the PPS.

The Applications conform 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 (‘GGH’) 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, or not conflict with, the Growth Plan. The Subject Lands are identified as being located within a “Provincially Significant Employment Zone” which are defined by the Growth Plan as: “areas for the purpose of long-term planning for job creation and economic development”.

The following Employment Areas policies of the Growth Plan are applicable to the Subject Lands:

- Section 2.2.5.1 – “Economic development and competitiveness in the GGH will be promoted by:
 - a) making more efficient use of existing employment areas and vacant and underutilized employment lands
 - b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan”
- Section 2.2.5.5 – “Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities”.
- Section 2.2.5.6 – “Municipalities will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term”.

- Section 2.2.5.7 – “Municipalities will plan for all employment areas within settlement areas by: providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility”

The Applications conform to the policies of the Growth Plan in the following ways:

- The Applications propose an employment warehouse building that efficiently utilizes a vacant and underutilized piece of land within an existing employment area that will create jobs and foster economic development
- The Subject Lands have frontage on and are in proximity to major goods movement facilities and corridors, including Highway 7 and Highway 427
- The Subject Lands are identified as an “Employment Area” by Schedule 1 of VOP 2010 and are designated “Employment Commercial Mixed-Use” by VOP 2010. The Owner proposes to maintain the employment designation for the Subject Lands which protects employment uses on the Subject lands over the long-term
- The Subject Lands are surrounded by existing and planned employment uses, and nearby existing sensitive land uses in proximity to the Subject Lands consist of landscaping to mitigate any impacts. The lands surrounding the Subject Lands are also identified as “Employment Area” within VOP 2010 and will accommodate future employment uses.

In consideration of the above, the Applications conform to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 (‘YROP 2010’) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” on Map 1 - “Regional Structure” and Highway 7 is identified as a “Regional Corridor” with a planned right of way width of 45 m in the YROP.

The “Urban Area” designation permits a range of residential, commercial, institutional, industrial and employment uses. YROP 2010 encourages maintaining the economic viability of employment lands, which are contingent upon its long-term protection, effective planning and design, and a shift toward increasingly sustainable and innovative industrial processes.

Section 4.3 of the YROP provides policies for employment lands. The Applications conform to the employment policies of the YROP, as follows:

- the Applications protect the long-term viability of the Subject Lands for employment uses by maintaining the “Employment Commercial Mixed-Use” designation for the Subject Lands

- the Subject Lands are located on employment lands that are fully serviced, compact and achieve a minimum density of 59 jobs per hectare in the developable area in accordance with Section 4.3.16 of the YROP

The Applications are also consistent with the Regional Corridor policies (Section 5.4) and Goods Movement (Section 7.2) sections of the YROP as the Applications propose an employment warehouse building with frontage on Highway 7 and in proximity to Highway 427, both of which are considered major goods movement facilities and corridors.

The York Region Community Planning and Development Services Department has reviewed the Applications and exempted the Official Plan Amendment File OP.21.018 from Regional approval on December 9, 2021, as the matter is of local significance and does not adversely affect Regional planning policies or interests. In consideration of the above, the Applications conform to the YROP.

The Development Planning Department supports the Amendments to Vaughan Official Plan 2010 to permit the Development

The Subject Lands are located within an “Employment Area” and Highway 7 is identified as a “Regional Intensification Corridor within Employment Areas” (‘Intensification Area’) on Schedule 1 - Urban Structure” of VOP 2010.

The Subject Lands are designated “Employment Commercial Mixed-Use” on Schedule 13 – Land Use by VOP 2010, with a maximum building height of 10 storeys and a maximum Floor Space Index of 3.0 times the area of the lot. The following uses are permitted in the “Employment Commercial Mixed-Use” for lands within Regional Intensification Corridors, in accordance with Section 9.2.2.7.c.i of VOP 2010:

- a) Office uses;
- b) Hotel;
- c) Cultural and Entertainment Uses;
- d) Retail uses; provided that no Retail unit shall exceed a Gross Floor Area of 3,500 square metres; and
- e) Gas Stations subject to Policy 5.2.3.12.

Additionally, Section 9.2.2.7.d of VOP 2010 identifies that within “Regional Intensification Corridors,” a minimum of 30% of the total GFA of all uses shall consist of uses other than retail uses.

The Applications are also subject to the “Key Development Areas” (“Intensification Area”) policies of Section 2.2.5 of VOP 2010. The definition of intensification in VOP 2010 includes: “the development of vacant and/or underutilized lots within previously developed areas”. The Subject Lands are a vacant and underutilized lot within an employment area.

The Subject Lands are also subject to Area Specific policies of the Huntington Business Park (Section 12.12 of VOP 2010, Volume 2), which identifies Service Nodes within the area, and Site-specific Policies of the Northwest (NW) Corner of Highway 427 and Highway 7 (Section 13.30 of VOP 2010, Volume 2). Section 13.30 of VOP 2010 identifies Major Retail uses are permitted on the Subject Lands exceeding 3,500 m² and are not required to be part of a mixed-use development.

The proposed employment warehouse building with accessory office and outside storage uses is not permitted within the “Employment Commercial Mixed-Use” designation of VOP 2010, or the area and site-specific Policies of VOP 2010. Therefore, an amendment to VOP 2010 is required. The Owner proposes a site-specific amendment to Section 13.30 of VOP 2010 to allow for the additional use of warehousing with accessory office and outside storage to permit Development.

The Applications are subject to the “Employment Areas” (Section 2.2.4) policies of VOP 2010. “Employment Areas” support economic activity in Vaughan by supplying land for a range of industrial, manufacturing, warehousing and where appropriate, some office uses. In accordance with VOP 2010, “Employment Areas” shall be protected from encroaching non-employment uses that would serve to destabilize their planned function. The Development conforms to these policies by proposing to develop the Subject Lands with employment uses. As the Subject Lands have frontage along a Regional Corridor (Highway 7) and are located within proximity to a major goods movement facility (Highway 427), the Subject Lands are appropriately located to accommodate and support an employment warehouse with accessory office and outside storage uses.

The Development Planning Department is of the opinion that an employment warehouse building with accessory office and outside storage uses is a suitable site-specific amendment to the “Employment Commercial Mixed-Use” designation of VOP 2010 as the Development proposes a mix of employment uses on the Subject Lands including offices which are permitted by the land use designation and compatible with the existing and planned employment uses surrounding the Subject Lands.

The Development proposes an outside storage area for 30 truck trailers on the Subject Lands, as shown on Attachment 2. Employment warehouse buildings with accessory office and outside storage uses are permitted in the “General Employment” designation of VOP 2010. Section 9.2.2.10.e of VOP 2010 as it relates to outside storage within the “General Employment” designation identifies that outside storage must be provided in accordance with the provisions of the City’s Zoning By-law, notwithstanding, outside storage shall not be permitted on a corner lot.

Outside storage is not permitted in the “Employment Commercial Mixed-use” designation and locating outside storage on a corner lot is discouraged by VOP 2010. The Subject Lands have three road frontages which makes the Subject Lands a corner lot. The Development Planning Department considers the site-specific amendment to allow for outside storage within the “Employment Commercial Mixed-Use” designation and on a corner lot appropriate as the Development offers a mix of employment uses and the location of the outside storage for the Development is proposed at the rear of the lot in proximity to Runway Road and will be well screened through landscaping. The Development is considered compatible with the existing and planned employment uses surrounding the Subject Lands.

The Development conforms to the “Employment/Industrial Buildings” development criteria of VOP 2010 (Section 9.2.3.7). The Development provides safe pedestrian access by providing paved walkways throughout the Subject Lands and one aisle of parking adjacent to the public roads with sufficient landscaping along the road frontages to screen the outside storage and loading area. Retaining walls are also proposed on the peripheries of the loading area to screen the area from each street frontage. Site-specific exceptions for landscaping such as evergreen trees with a minimum height of 2 m and deciduous trees that retain their leaves and are 80 to 90 cm in caliper, are proposed to be added to the implementing Zoning By-law to ensure that the outside storage is properly screened from the street.

The Development Planning Department supports the approval of Official Plan Amendment File OP.21.018 as employment uses on the Subject Lands are being maintained for the long-term in accordance with the PPS, Growth Plan and YROP 2010. The Development Planning Department has reviewed the Applications and considers the proposed employment warehouse building with accessory outside storage for 30 truck trailers and future office uses, appropriate and compatible given the existing and planned surrounding area context.

Site-Specific Exceptions to Zoning By-law 1-88 are proposed to permit the Development

The Subject Lands are zoned “C5 Community Commercial Zone”, subject to site-specific exception 9(1392) by Zoning By-law 1-88, as shown on Attachments 1 and 2, which does not permit the Development. The Owner proposes to maintain the “C5 Community Commercial Zone”, as shown on Attachment 2, and permit the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	C5 Community Commercial Zone Requirement	Proposed Exceptions to the C5 Community Commercial Zone Requirement
a.	Permitted Uses	An employment warehouse building with accessory outside storage is not permitted	Permit the following additional uses: <ul style="list-style-type: none"> - warehouse - accessory office - accessory outside storage of 30 truck trailers (with or without truck cabs and wheels), only in the location shown on Attachment 2
b.	Maximum Lot Coverage	33%	50%
c.	Minimum Parking Requirements	Warehouse 16,999.45 m ² / 100 m ² x 1.0 spaces = 170 spaces	Warehouse 16,999.45 m ² / 100 m ² x 0.946 spaces = 161 spaces
d.	Accessory Outside Storage (Section 6.3.2.iii)	No outside storage shall be located in any front yard, exterior side yard or between any main building and a street line, and further shall be no closer than twenty 20 m to any street line	Outside storage shall be permitted between the main wall of the building and a street line, and shall be no closer than 11 m to any street line

	Zoning By-law 1-88 Standard	C5 Community Commercial Zone Requirement	Proposed Exceptions to the C5 Community Commercial Zone Requirement
e.	Accessory Outside Storage (Section 6.3.2.iv)	The outside storage area shall be completely enclosed by a stone or masonry wall or chain link fence with appropriate landscaping screen and no such enclosure shall be less than 2 m in height	The outside storage area shall only be screened with appropriate landscaping which shall include evergreen trees with a minimum height of 2 m and deciduous trees that retain their leaves and are 80 – 90 cm in caliper. No fence or enclosure shall be required.
f.	Accessory Outside Storage (Section 6.3.2.vi)	No outside storage shall be permitted on any corner lot	Outside storage shall be permitted on a corner lot
g.	Accessory Outside Storage (Section 6.3.2.viii)	No outside storage other than the storage of machinery and equipment shall exceed 3 m in height	Truck trailers with attached truck cabs and wheels shall not exceed 4.15 m in height

Minor modifications may be made to the zoning exceptions identified in Table 1 prior to the enactment of an implementing Zoning By-law, as required through the final review of Zoning By-law Amendment File Z.21.037, should the Applications be approved.

The Development Planning Department supports the proposed exceptions to the “C5 Community Commercial” Zone in Zoning By-law 1-88 for the following reasons:

- The proposed employment warehouse building, accessory office and outside storage uses are considered appropriate for the Subject Lands as they are compatible with the existing and planned employment uses within the surrounding area context.
- The Owner submitted a Traffic Impact Study in support of the Development prepared by WSP and dated August 5, 2021, and an addendum to this report, dated February 5, 2022. The Development Engineering Department has conducted a review of the proposed parking supply and is satisfied that it is sufficient to accommodate employees and visitors on the Subject Lands.

- The Development Planning Department supports the location of the outside storage on this corner lot as it is located in the rear of the lot, away from the Highway 7 road frontage which is consistent with Zoning By-law 1-88 and is proposed to be screened from all street frontages through landscaping. The proposed exceptions to the outside storage provisions are minor in nature and are appropriate given the type and location of outside storage proposed (parking of trucks in the rear yard) on the Subject Lands.

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

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law 001-2021. 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 Ontario Land Tribunal (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 Applications were deemed complete on October 22, 2022, therefore the Applications are not transitioned and are required to demonstrate conformity to Zoning By-law 001-2021.

Site-Specific Exceptions to Zoning By-law 001-2021 are proposed to permit the Development

The Subject Lands are zoned “EMU Employment Commercial Mixed-Use” Zone and subject to site-specific exception 14.1021 in Zoning By-law 001-2021, as shown on Attachment 1. This zone does not permit the Development. The Owner proposes to maintain the “EMU Employment Commercial Mixed-Use” Zone on the Subject Lands, with the following site-specific exceptions to Zoning By-law 001-2021:

Table 2:

	Zoning By-law 001-2021 Standard	EMU Employment Commercial Mixed-Use Zone Requirement	Proposed Exceptions to EMU Employment Commercial Mixed-Use Zone Requirement
a.	Permitted Uses	An employment warehouse building with accessory outside storage is not permitted	Permit the following additional uses: <ul style="list-style-type: none"> - warehousing and distribution facility - accessory office

	Zoning By-law 001-2021 Standard	EMU Employment Commercial Mixed-Use Zone Requirement	Proposed Exceptions to EMU Employment Commercial Mixed-Use Zone Requirement
			<ul style="list-style-type: none"> - accessory outside storage of 30 truck trailers (with or without truck cabs and wheels) only in the location shown on Attachment 2
b.	Minimum Build-To Zone (Section 8.2.2)	The minimum build to zone shall be between 5 to 10 m and shall apply to 55% of the frontage of a corner lot	The minimum build to zone for the Development shall be between 5 to 67 m and shall apply to 100% of the frontage of a corner lot
c.	Location of Parking (Section 8.2.2, Table 8-3)	Surface parking is prohibited in the front and exterior yard	Surface parking shall be permitted in the front and exterior yard
d.	Minimum Parking Requirements	Accessory Office 951.55 m ² /100 m ² x 3.0 spaces = 29 spaces	Accessory Office 951.55 m ² /100 m ² x 2.8 spaces = 27 spaces
e.	Outside Storage Requirements (Section	The maximum height of goods or materials stored within an outside storage area shall be 3 m	The maximum height of goods or materials stored within an outside storage area shall be 4.15 m
		Outside storage shall not be permitted between a principal building and a street line	Outside storage shall be permitted in between a principal building and a street line
		Outside storage of motor vehicles except for the purpose of display, hire or sale shall be prohibited	Truck cabs and truck trailers with or without wheels shall be the only uses permitted for outside storage

	Zoning By-law 001-2021 Standard	EMU Employment Commercial Mixed-Use Zone Requirement	Proposed Exceptions to EMU Employment Commercial Mixed-Use Zone Requirement
		Outside storage shall only be permitted in an interior side yard where the lot frontage is 45 m or greater	Outside storage shall be permitted in a rear yard
		Outside storage shall not be permitted on any corner lot	Outside storage shall be permitted on a corner lot
		Any portion of a lot used for outside storage shall be fully screened by an opaque fence or other vertical elements	The outside storage area shall only be screened with appropriate landscaping which shall include evergreen trees with a minimum height of 2 m and deciduous trees that retain their leaves and are 80 – 90 cm in caliper. No fence or enclosure shall be required.

Minor modifications may be made to the zoning exceptions identified in Table 2 prior to the enactment of an implementing Zoning By-law, as required through the final review of Zoning By-law Amendment File Z.21.037, should the Application be approved.

The Development Planning Department supports the proposed exceptions to the “EMU Employment Commercial Mixed-Use” Zone of Zoning By-law 001-2021 for the following reasons:

- The proposed employment warehouse building with accessory office and outside storage uses are considered appropriate for the Subject Lands as they are compatible with the existing and planned employment uses within the surrounding area context.
- The Owner submitted a Traffic Impact Study in support of the Development and the reduced parking rate on the Subject Lands, prepared by WSP and dated August 5, 2021, and an addendum to this report, dated February 5, 2022. The Development Engineering Department has conducted a review of the proposed parking supply and is satisfied that it is sufficient to accommodate employees and visitors on the Subject Lands.

- The proposed exceptions to the outside storage provisions are minor in nature and are required to facilitate the Development given it's context. The Development Planning Department supports the location of the outside storage on this corner lot as it is located in the rear of the lot, away from the Highway 7 road frontage, and is proposed to be heavily screened from all street frontages through landscaping.

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 the Zoning By-law Amendment application, the Development Planning Department has included a Recommendation to permit the Owner to apply for a 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 Applications.

A Site Development Application will be required to facilitate the Development

Should the Applications be approved by Council, the Owner will be required to submit a Site Development Application and the applicable development application fees to facilitate the Development. The Site Development Application shall address but not be limited to such matters such as building siting, building elevations and materials, landscaping, access, road widening of Highway 7, waste, parking, lighting, urban design, and sustainability metrics.

Should the Applications be Approved, the Owner will be required to merge the lands on title prior to site plan approval

The Subject Lands are identified as three separate land parcels. The Owner is required to merge the three parcels on title prior to site plan approval, should the Applications be approved. The Owner provided a letter dated May 17, 2022, to the Development Planning Department, stating that the land parcels will be merged on title to become one lot, prior to site plan approval. An application to consolidate the parcels was made with the Land Registry Office on May 13, 2022.

The Development Engineering Department has no objections to the Applications, subject to comments being addressed through the required Site Development Application

The Development Engineering Department has no objections to the Applications, subject to their comments being addressed through the required Site Development Application. The Development Engineering Department provides the following comments as it relates to the Applications:

Water Servicing

The proposed water servicing for the Subject Lands will include one (1) h-style water connection composed of a fire connection and a domestic connection which will connect to an existing water service connection on New Huntington Road. The fire connection will be looped around the perimeter of the building and four (4) new fire hydrants are proposed at the corners of the new building.

Sanitary Servicing

The proposed sanitary servicing for the Subject Lands will connect to the existing southern 250 mm sanitary service line on New Huntington Road. The Development will result in an increase of sanitary flow when compared to the pre-development conditions. However, the increase in flow is still below the design flow for which the existing adjacent municipal sanitary sewers are designed for, therefore no upgrades to the municipal storm sewers are required.

Stormwater Management

The proposed storm servicing for the Subject Lands will include two separate systems. Storm runoff from the roof will be attenuated and controlled by rooftop drains prior to discharging to the existing storm service plug along Runway Road, while runoff from the majority of the at-grade areas will be captured and conveyed by internal catchbasins and storm sewers to a proposed subsurface stormwater chamber, prior to discharging to an upgraded storm service connection along New Huntington Road.

Runoff from both outlets will ultimately discharge to an existing stormwater management pond on the east side of Motion Court. A small area of the Subject Lands will discharge uncontrolled to the surrounding municipal rights-of-way. However, the majority of the area on the Subject Lands is proposed to be landscape, therefore quality controls are not required, and their uncontrolled flows have been accounted for when designing the stormwater management systems. The proposed stormwater management systems can attenuate post-development flows to the allowable release rate of the municipal storm sewers for the surrounding municipal rights-of-way.

Access and Transportation

The Development proposes 4 accesses to the Subject Lands – one right in access via Highway 7, one right in, right out access via New Huntington Road and two full moves accesses via Runway Road. The Transportation Impact Study ('TIS') prepared by WSP and dated August 5, 2021, and the addendum submitted on February 15, 2022 in support of the Applications, identifies that the right-in access via Highway 7 is considered an interim design before the road widening of Highway 7, while the ultimate design of the access to Highway 7 after the road widening will feature a right-in, right-out access shared with 6700 Highway 7, the lands located to the west of the Subject Lands. A reciprocal easement agreement with the adjacent landowner will be required at the Site Development Application stage for the future shared access.

The access design via Highway 7 is consistent with comments from York Region. Approval from the York Region as it relates to access to Highway 7 will be required at the Site Development Application stage, should the Applications be approved. The Transportation Engineering Division of the Development Engineering Department has reviewed the TIS submitted in support of the Applications and is satisfied that the existing road infrastructure and proposed parking supply for the Development can accommodate the increase in traffic that will occur as a result of the Development.

Environmental

A site screening questionnaire was submitted in support of the Applications. The Development Engineering Department is satisfied that further environmental studies are not required for the Development.

Noise

A noise study is required at the Site Development Application stage for review by the Development Engineering Department, should the Applications be approved.

The Cultural Heritage Division of the Development Planning Department has no objection to the Applications

The Cultural Heritage Division of the Development Planning Department has no objection to the Applications. The Subject Lands are not located within a Heritage Conservation District, have no cultural or historical value identified and have no archaeological potential.

The Forestry Operations Division has no objections to the Applications, subject to the appropriate tree protection measures and replacement trees being incorporated at the site plan stage

The Forestry Operations Division has no objections to the Applications, subject to the appropriate tree protection measures and replacement trees being incorporated at the Site Development Application stage, should the Applications be approved.

The Policy Planning and Special Programs Department has no objection to the Applications

The Policy Planning and Special Programs Department has no objection to the Applications as the Subject Lands do not contain any natural heritage features. Should the Applications be approved, the Sustainability Metrics for the Development will be evaluated by the appropriate staff at the Site Development Application stage, should the Applications be approved.

The Real Estate Department has advised that the Development is exempt from cash-in-lieu of parkland dedication

The Owner shall pay to cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands in accordance with Section 51 of the *Planning Act*. The Owner shall submit an appraisal report of the Subject Lands prepared by an accredited appraiser to form the basis of the cash-in-lieu payment.

However, the cash-in-lieu payment of parkland in accordance with Section 42 of the *Planning Act* will not be required as long as the Vaughan Council cash-in-lieu waiver policy implemented in 1998 remains in effect to exempt cash-in-lieu payments for industrial lands. Should the Applications be approved, a condition to this effect will be included in a future Site Plan Letter of Undertaking or Site Plan Agreement for the Subject Lands at the Site Development Application stage, should the Applications be approved.

The Parks Infrastructure Planning and Development Department has no objection to the approval of the Applications as long as the Development is exempt from cash-in-lieu of parkland

The Parks Infrastructure Planning and Development Department has no objection to the approval of the Applications, as long as the Development is exempt from cash-in-lieu of parkland.

The Development Finance Department has no objection to the Applications, subject to the Owner paying the applicable development charges at the time of Building Permit Issuance

The Owner shall pay to the City, applicable Development Charges in accordance with the development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. A condition to this effect

will be included as a standard condition in the Site Plan Agreement at the Site Plan stage of the Applications, should the Applications be approved.

The Toronto and Region Conservation Authority has no objection to the Applications

The Toronto and Region Conservation Authority ('TRCA') has advised that the Subject Lands are not located within the TRCA Regulated Area and are not located within a Wellhead Protection Area (WHPA-Q), therefore no further consultation with the TRCA is required.

The Ministry of Transportation ('MTO') have no objection to the Applications as the Subject Lands are located outside of the MTO permit control area

The Subject Lands are located outside of the MTO permit control area and as such the MTO has no objection to the approval of the Applications.

Canada Post has no objection to the Applications

Canada Post has no objection to the Applications, provided the Owner consults with Canada Post for the placement of a Community Mailbox at the at the Site Development Application stage, should the Applications be approved.

The various utilities have no objection to the Applications, subject to conditions

Alectra Utilities Corporation and Rogers have no objections to the Applications, subject to the Owner coordinating servicing connections, easements and locates prior to the commencement of any site works at the Site Development Application stage, should the Applications be approved.

The City of Brampton and the Region of Peel have no comment on the Applications

The City of Brampton and the Region of Peel have no comment on the Applications.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. The York Region Community Planning and Development Services Department, on December 9, 2021, exempted Official Plan Amendment File OP.21.018 from Regional approval as the matter is of local significance and does not adversely affect Regional planning policies or interests. York Region has no objection to the Applications, provided that their

comments as it relates to road widening and access are satisfied at the Site Development Application stage, should the Applications be approved.

Conclusion

The Development Planning Department is of the opinion that the Applications are consistent with the PPS, conform to the Growth Plan as amended, the YROP 2010, the proposed amendments to VOP 2010, Zoning By-law 1-88 and Zoning By-law 001-2021 are considered appropriate and compatible with the existing and surrounding area context. Accordingly, the Development Planning Department supports the approval of the Applications.

For more information, please contact: Rebecca Roach, Planner, Development Planning Department, Extension 8626.

Attachments

1. Context and Location Map
2. Proposed Site Plan and Zoning
3. Proposed Landscape Plan
4. South and East Conceptual Building Elevations
5. North and West Conceptual Building Elevations
6. Conceptual Building Rendering

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