

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: October 20, 2022

Name of Owner: Di Poce Real Estate Holdings Limited

Location: 9711 Huntington Road

File No.(s): B008/22, A204/22 & A205/22

Proposal: To divide the lot municipally known as 9711 Huntington Road in two and apply for variances to permit the new lot frontages and areas.

B008/22

The Owner has submitted Consent Application File B008/22 to sever a 1.10 ha portion of the subject lands identified as "Part 8" on the submitted site plan, and to retain a 1.4 ha portion of the subject lands identified as "Part 1". The application proposes to re-establish Parts 1 and 8 as separate lots. The subject lands were reduced in depth when land was expropriated for the Highway 427 extension. The change in lot configuration from the expropriation created the conditions for a merger on title to occur. This ultimately resulted in the consolidation of the two properties when a title change occurred later. The Owner wishes to sell the severed lands.

A204/22 (Severed Lands)

Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum lot frontage of 65.0 m for the severed lot.
2. To permit a minimum lot area of 1.10 ha.

By-Law Requirement(s) (By-law 001-2021):

1. Lot Frontage: Existing (73.99 m)
2. Lot Area: Existing (2.6 ha)

Proposed Variance(s) (By-law 1-88):

3. To permit a minimum lot frontage of 65.0 m for the severed lot.
4. To permit a minimum lot area of 1.10 ha.

By-Law Requirement(s) (By-law 1-88):

3. A minimum lot frontage of 100 m is permitted.
4. A minimum lot area of 10 ha is required.

A205/22 (Retained Lands)

Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum lot frontage of 70.0 m.
2. To permit a minimum lot area of 1.4 ha.

By-Law Requirement(s) (By-law 001-2021):

1. Lot Frontage: Existing (73.99m)
2. Lot Area: Existing (2.6 ha)

Proposed Variance(s) (By-law 1-88):

3. To permit a minimum lot frontage of 70.0 m.
4. To permit a minimum lot area of 1.4 ha.

By-Law Requirement(s) (By-law 1-88):

3. A minimum lot frontage of 100 m is permitted.
4. A minimum lot area of 10 ha is required.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "General Employment", Volume 2, 11.9 West Vaughan Employment Area Secondary Plan

Comments:

The Owner is proposing to sever the subject lands to establish the previously existing lot lines for the purpose of selling the severed lands (Part 8) while maintaining ownership of the retained lands (Part 1) with the above noted variances. Prior to 2015, Part 1 and Part 8 were each apart of two larger lots owned by two separate corporations under the Di Poce Group of Companies. In 2015, the Ministry of Transportation ('MTO') expropriated a portion of both lots to secure lands for the construction of the Highway 427 extension. This resulted in the Owner holding title to land on the east and west sides of the Highway 427 extension, creating 4 lots. In 2016 the two corporations holding title to Parts 1 and 8 amalgamated title ownership with "Di Poce Real Estate Holdings Limited". As a result of the common ownership, the two lots abutting Huntington Road automatically merged on title under the Planning Act, as the protections stipulated by Section 50(12) of the Planning Act no longer applied. The two lots that previously abutted Huntington Road match the proposed configuration of Part 1 and Part 8.

The subject lands are designated "General Employment" by VOP 2010, Volume 2, 11.9 West Vaughan Employment Area Secondary Plan ('WVEASP') and are subject to the "Intermodal Priority Area" overlay in Schedule 3: Land Use. Policy 2.5.2.a of the WVEASP speaks to minimizing lot severance and subdivision to retain large, consolidated parcels of land that can accommodate large scale employment uses, particularly in the "Intermodal Priority Area". While Policy 1.5 does not specify a minimum lot size, it applies to the Secondary Plan area as a whole. Policy 2.5.2a further refines Policy 1.5 by identifying the need for larger parcels close to the Intermodal Terminal to accommodate large-format businesses dependent upon intermodal shipping. A fine-grained street network that would facilitate significant subdivision of the lands is discouraged for this reason. Therefore, anticipated compliance with a future employment zone category's minimum area and frontage requirements is not sufficient to assess whether a lot conforms with the WVEASP's intent of what a sufficiently large lot size is.

To determine what a suitable large lot size may be, lots abutting the CN Intermodal Facility fronting on Keele Street and Creditstone Road were reviewed. The lots at this location do not fall within the nearby fine-grained subdivision networks to the east and west and accommodate larger-scale employment uses. Analysis focused upon lots observed to contain loading dock facilities that could facilitate intermodal shipping. The proposed 1.1 ha and 1.4 ha lots are comparable in size to some of the smaller developed lots along Keele Street and Creditstone Road abutting the CN Intermodal Facility which also contain loading dock facilities that could facilitate intermodal shipping. Therefore, the proposed lots can be considered sufficiently large to prevent a fine-grained street network and to accommodate future large-scale employment uses within the WVEASP that the "Intermodal Priority Area" overlay intends. The proposed lots also front onto the existing municipal road network; no additional road construction is required to facilitate access.

The proposed lot frontages and areas of the severed and retained lands do not meet the lot frontage and area requirements under both Zoning By-laws. The subject lands are zoned "A – Agricultural Zone" under Zoning By-law 1-88, which contains lot size requirements intended to support farming operations and other similar agricultural uses. The subject lands are zoned "FD – Future Development Zone" under Zoning By-law 001-2021 which only permits the existing uses, lot frontage and lot area, to limit development until such time as a planning application to amend the By-law is submitted to evaluate a proposal for urban development. The subject lands have been designated "General Employment" under the WVEASP. The Owner of the subject lands is also a member of the Block 60 West Landowners Group and participating in the ongoing Block Plan process. When the Owner brings forward a Zoning By-law Amendment Application at some point in the future once the Block Plan is complete, it must be for an employment zone category in order to conform with the "General Employment" designation. The proposed lots will maintain large industrial lot sizes intended by the WVEASP while deferring the specifics of the built form and use to the completion of the Block Plan and subsequent Zoning By-law Amendment Application. The consideration of this consent in advance of the completion of the Block Plan and a Zoning By-law Amendment Application does not undermine the WVEASP nor the future Block Plan in this instance. Therefore, the Development Planning Department has no objection to the proposed variances for the lot frontages and lot areas of the severed and retained lands.

Accordingly, the Development Planning Department has no objection to the requested severance and is of the opinion that the proposal maintains the intent of the consent

policies in VOP 2010 and the consent criteria stipulated in Section 51(24) of the Planning Act, R.S.O. 1990, c P.13. The Development Planning Department is also of the opinion that the requested variances for the proposal are minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the lands.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Joshua Cipolletta, Planner I

David Harding, Senior Planner