

Committee of the Whole (1) Report

DATE: Wednesday, February 2, 2022

WARD: 3

TITLE: KAU G.P. INC.

ZONING BY-LAW AMENDMENT FILE Z.21.030

7979 WESTON ROAD

VICINITY OF WESTON ROAD AND CHRISLEA ROAD

FROM:

Haiping Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to add a Holding Symbol “(H)” and permit the use of a Motor Vehicle 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 and implement a specific parking rate for the use.
- A Holding Symbol “(H)” is required on the subject lands for the approval of a Site Development Application which regulates the location of motor vehicle loading, unloading and temporary parking associated with the Motor Vehicle Sales Establishment use.
- 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.21.030 BE APPROVED, to amend Zoning By-law 1-88 and rezone the subject lands from “C7 Service Commercial Zone” to “C7(H) Service Commercial Zone” with the addition of the Holding Symbol “(H)”, and amend site-specific Exception 9(922), to permit the use of a Motor Vehicle Sales Establishment on the subject lands and associated parking ratio of 3 spaces per 100 m² of Gross Floor Area;
2. THAT the Holding Symbol “(H)”, as shown on Attachment 2, shall not be removed from the subject lands until a Site Development Application has been approved for the site alterations associated with the proposed Motor Vehicle Sales Establishment use; 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 7979 Weston Road and located on the east side of Weston Road, north of Chrislea Road. The Subject Lands are approximately 2.23 ha in area and consist of two multi-unit commercial buildings, 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

Kau G.P. Inc. (the ‘Owner’) has submitted Zoning By-law Amendment Application Z.21.030 (the ‘Application’) to permit a Motor Vehicle Sales Establishment in a portion of Building A, with no outside storage, as shown on Attachment 2, together with the site-specific zoning exceptions identified in this report.

The Application previously proposed the outside storage of 20 motor vehicles associated with the Motor Vehicle Sales Establishment use, which have subsequently been removed through discussions with the Development Planning Department in order to comply with the Vaughan Official Plan 2010 (‘VOP 2010’).

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

The City on October 8, 2021 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 two Notice Signs were installed on the Subject Lands, one on Weston Road and one on Jevlan Drive, in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on November 2, 2021 to receive comments from the public and the Committee of the Whole. Vaughan Council on November 16, 2021 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.

The following deputation was received by the Committee of the Whole (Public Meeting) at the November 2, 2021 meeting:

Deputation

- M. Pettigrew, The Biglieri Group, Kingston Road, Toronto representing the Owner

Previous Reports/Authority

Previous report(s) related to the Application are available at the following web link(s):

Kau G.P. Inc. file Z.21.030 Public Hearing Report:

[November 2, 2021 CoW \(PH\) Z.21.030 Kau G.P. Inc. \(Item 3, Report No. 1\)](#)

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 September 16, 2021, deemed the Application a matter of local significance and provided no further comments.

The Application conforms to VOP 2010

The Subject Lands are located within the "Employment Areas" on Schedule 1 – Urban Structure and designated "Employment Commercial Mixed-Use" on Schedule 13 – Land Use by 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 1 unit of Building A as shown on Attachment 2, having a GFA of 1,560 m², and does not include outside storage. All motor vehicles will be stored indoors, with designated areas allocated to the temporary parking of motor vehicles for pick up and drop off associated with the on-site service of motor vehicles. The temporary parking of motor vehicles will be directed away from Weston Road, as shown on Attachment 2. The loading and unloading of delivery trucks for motor vehicles shall occur at the existing loading area on the north side of Building A, 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 future required Site Development Application and Site Plan Agreement. 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 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 By-law 1-21 was November 15, 2021. 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 By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 001-2021 applies.

Amendments to the C7 Service Commercial Zone and site-specific Exception 9(922) in Zoning By-law 1-88 are required to permit a Motor Vehicle Sales Establishment

The Subject Lands are zoned C7 Service Commercial Zone and subject to site-specific Exception 9(922), as shown on Attachment 2. This Exception permits a range of commercial uses including an Automotive Retail Store, Car Rental Service, Banquet Hall, Club or Health Centre, Day Nursery 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(922) to also permit a Motor Vehicle Sales Establishment with no outside storage. As site-specific Exception 9(922) requires a parking ratio of 4.33 spaces per 100 m² of GFA for all currently permitted uses on the Subject Lands, which is higher than the required 3 spaces per 100 m² of GFA for a Motor Vehicle Sales Establishment under By-law 1-88, an amendment is proposed to allow a parking ratio of 3 spaces per 100 m² of GFA for a Motor Vehicle Sales Establishment only, while maintaining the 4.33 spaces ratio for all other uses. No other amendments to By-law 1-88 are required to facilitate the Application. The existing

development on the Subject Lands totals 6,914.8 m² in GFA (Buildings A and B), requiring a total of 279 parking spaces, whereas 291 are provided. As such, no reduction to the minimum required number of parking spaces under By-law 1-88 is required.

A Holding Symbol ('H') shall be applied for the approval of a related Site Development Application

A Site Development Application is required to facilitate minor alterations to the building elevations and parking area, including the installation of electric vehicle charging stalls in the location identified on Attachment 2. The temporary parking, loading, and unloading of motor vehicles are to be regulated through the Site Development Application and Site Plan Agreement. To assure that these elements associated with the proposed Motor Vehicle Establishment use are appropriately reviewed and regulated, a Holding Symbol ('H') shall be applied to the Subject Lands, only to be removed upon the approval of the future Site Development Application to the satisfaction of the City, effectively rezoning the Subject Lands from the C7 Service Commercial Zone to C7(H) Service Commercial Zone with the Holding Symbol "(H)".

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.21.030, 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 Vehicle Sales Establishment will be limited as all vehicle storage shall be internal to Building A and the location of motor vehicle loading and unloading will occur in the already existing loading area on the Subject Lands. The

Development Planning Department has no objection to the Application, subject to the approval of a Site Development Application to the satisfaction of the City which shall regulate the operations of the Motor Vehicle Sales Establishment through an implementing Site Plan Agreement.

The Urban Design Division of the Development Planning Department has provided preliminary comments to be addressed through the Site Development Application, including the upgrading of barrier free parking spaces and requirement for high-quality design and materiality in the upgraded building elevations.

The Financial Planning and Development Finance Department have 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 A. Comments may be provided through the future Site Development Application.

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

The Parks Planning Department and Office of Infrastructure Development Real Estate Services have 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 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 does not adversely impact the predominantly commercial operations on the Subject Lands or surrounding land uses.

On this basis, the Development Planning Department can support the approval of the Application, subject to the Recommendations of this report.

For more information, please contact Chris Cosentino, Senior Planner, at extension 8215

Attachments

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

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