

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 25, 2023

Item 3, Report No. 17, of the Committee of the Whole (Public Meeting), which was adopted without amendment by the Council of the City of Vaughan on April 25, 2023.

3. YORK MAJOR HOLDINGS INC. ZONING BY-LAW AMENDMENT FILE Z.22.044 - 1840, 1850, 1860, 1890 AND 1900 MAJOR MACKENZIE DRIVE WEST AND 150, 170, 190 AND 200 MCNAUGHTON ROAD EAST VICINITY OF MCNAUGHTON ROAD EAST AND MAJOR MACKENZIE DRIVE WEST

The Committee of the Whole recommends:

1. That the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated April 4, 2023, be approved; and
2. That Communications C170, dated April 3, 2023, and C171, presentation material, dated April 4, 2023, from Lucy Pronk, KLM Planning Partners Inc., on behalf of the applicant, be received.

Recommendations

1. THAT the Public Meeting report for Zoning By-law Z.22.044 (York Major Holdings Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, April 4, 2023 **WARD(S):** 4

TITLE: YORK MAJOR HOLDINGS INC.
ZONING BY-LAW AMENDMENT FILE Z.22.044.
1840, 1850, 1860, 1890 AND 1900 MAJOR MACKENZIE DRIVE
WEST AND 150, 170, 190 AND 200 MCNAUGHTON ROAD
EAST VICINITY OF MCNAUGHTON ROAD EAST AND MAJOR
MACKENZIE DRIVE WEST

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on a Zoning By-law Amendment application to implement an Ontario Land Tribunal (OLT) order to increase the permitted gross floor area for retail uses from 25,000 m² to 29,850 m² and to provide a blended parking rate of 3.0 spaces per 100 m² for all retail and retail-warehouse uses on the subject lands as shown on Attachments 1 and 2.

Report Highlights

- The Owner proposes a site-specific zoning by-law amendment for the subject lands to bring the zoning regulations into conformity with an OLT order that permitted an increase in gross floor area for retail uses to 29,850 m².
- The Owner proposes a blended parking rate of 3.0 spaces per 100 m² for all retail and retail-warehouse uses on the subject lands.
- No physical changes to the existing site plan are proposed.
- This report identifies preliminary issues to be considered in a technical report that will be prepared by the Development Planning Department and brought before a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Meeting report for Zoning By-law Z.22.044 (York Major Holdings Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 1840, 1850, 1860, 1890 and 1900 Major Mackenzie Drive West and 150, 170, 190 and 200 McNaughton Road East (the 'Subject Lands'), located just west of Dufferin Street. The Subject Lands and the surrounding land uses are shown on Attachment 1. The Subject Lands are currently occupied by several one-storey retail and retail warehouse buildings, including Walmart and Lowe's. Portions of the Subject Lands are also vacant and will be developed into future retail use. It should be noted however that no new development is proposed with this application and the existing built form will remain as is.

Date of Pre-Application Consultation Meeting: May 5, 2022

Date application was deemed complete: January 25, 2023

Ontario Land Tribunal Decision

The Subject Lands were subject to an OLT decision, where the land owners appealed a VOP 2010 site specific policy "Keele Valley Landfill Area", that capped the gross floor area for retail use to 25,000 m². On January 17, 2020 (PL111184) the appellant (Walmart Canada Corp.) was granted provisions to increase the permitted gross floor area for retail use from 25,000 m² to 29,850 m². The new limit for retail use excluded 'retail-warehouse' use from the calculation as it was treated under a different definition. The appeal was subsequently approved by the OLT, as the OLT found that the proposal to increase the permitted retail use, satisfied all statutory tests as it had regard to the *Planning Act*, was consistent with the Provincial Policy Statement 2014, conformed with A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, and conformed with the Region of York Official Plan. The increase in GFA would also conform with the general intent and structure of the Vaughan Official Plan 2010 (VOP 2010) regarding retail policies and intensification.

Section 12.3 – Area Specific Policies (Keele Valley Landfill Area) of VOP 2010 was amended to permit the additional gross floor area for retail use on the Subject Lands. The proposed Zoning By-law Amendment is therefore intended to bring the zoning regulations into conformity with existing and approved VOP 2010 policies.

A Zoning By-Law Amendment Application has been submitted to permit additional gross floor area for retail use and to revise the parking rates.

The Owner has submitted Zoning By-law Amendment File Z.22.044 (the 'Application') to amend Zoning By-law 1-88 and 001-2021 to bring it into conformity with VOP 2010 by permitting additional gross floor area for retail uses and to revise the parking rates on the Subject Lands as shown on Attachments 1 and 2.

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

a) Date the Notice of Public Meeting was circulated: March 10, 2023.

The Notice of Public Meeting was also posted on the City's web-site at www.vaughan.ca and Notice Signs were installed along Major MacKenzie Drive West, McNaughton Road, and Eagle Rock Way 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 anyone on file with the Office of the City Clerk having requested notice.

c) No comments have been received as of (*March 14, 2023*) by the Development Planning Department.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

None.

Analysis and Options

The proposed development conforms with Vaughan Official Plan 2010

Official Plan Designation:

- "Community Area" on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 ('VOP 2010').
- "Community Commercial Mixed-Use" by VOP 2010 Schedule 13 – Land Use with a maximum building height of 4-storeys and FSI of 1.5 times the area of the lot
- The Subject Lands are located within the "Keele Valley Landfill Area" by Section 12.3 of VOP 2010.
- This designation allows for a maximum of 29,850 m² of gross floor area to be devoted to retail use (excluding retail warehouse) for the Subject Lands only.

Council enacted Zoning By-law 001-2021 on October 20, 2021 as the new Vaughan Comprehensive Zoning By-law

Applications to amend both Zoning By-law 1-88 and Zoning By-law 001-2021 are required because Zoning By-law 001-2021 is not in force for the Subject Lands due to it being under appeal.

Amendments to Zoning By-law 1-88 are required to permit the development Zoning:

- M1 – “Restricted Industrial Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1097).
- The site-specific zoning exception permits a maximum combined total gross floor area of 25,000 m² to be devoted to retail uses.
- The Owner proposes the following additional site-specific zoning exceptions identified in Table 1 below:

Table 1

	Zoning By-law 1-88 Standard	M1 Restricted Industrial Zone Exception 9(1097) Requirement	Proposed Additions to the M1 Restricted Industrial Zone Exception 9(1097) Requirement
a.	Minimum Parking Rate Requirements	<p><u>Retail Warehouse & Retail Use</u> 6.0 parking spaces/100 m² x 44,971.75 m² = 2,699 parking spaces</p> <p><u>Eating Establishment, Conveniences Drive-Through</u> 16 parking spaces/100 m² x 1,0178m² = 163 parking spaces</p> <p>Total Required parking space is 2,862</p>	<p><u>Retail Warehouse, Retail Use and Eating Establishment</u></p> <p>Blended Parking Rate of 3.0 parking spaces/100 m² x 45,989.55 m² = 1,380 parking spaces</p>
b.		<p>Permit the following retail uses with a maximum combined GFA of 25,000 m²</p> <ul style="list-style-type: none"> - Automotive Retail Store; - Banking or financial institution; - Boating showroom; - Brewer Retail Outlet; - Eating establishment; 	<p>Permit an increase in the maximum combined GFA to 29,850 m² for the same retail uses</p> <ul style="list-style-type: none"> - Automotive Retail Store; - Banking or financial institution; - Boating showroom; - Brewer Retail Outlet; - Eating establishment;

	Zoning By-law 1-88 Standard	M1 Restricted Industrial Zone Exception 9(1097) Requirement	Proposed Additions to the M1 Restricted Industrial Zone Exception 9(1097) Requirement
		<ul style="list-style-type: none"> - Eating establishment, convenience with drive through - Eating establishment, take-out - LCBO outlet; - Lumber or building material supply outlet dealing with new material only; - Motor vehicle sale establishment; - Office & stationary supply, sale services and rental; - Personal service shop; - Photography studio; - Place of entertainment; - Retail Nursery; - Retail store, which may also include an accessory Pharmacy as a permitted use within the retail store building, provide that when such uses are located together within the retail store building, the gross floor area of such retail store building with the combined uses shall be a minimum of 14,000m² an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City; and - Video Store 	<ul style="list-style-type: none"> - Eating establishment, convenience with drive through - Eating establishment, take-out - LCBO outlet; - Lumber or building material supply outlet dealing with new material only; - Motor vehicle sale establishment; - Office & stationary supply, sale services and rental; - Personal service shop; - Photography studio; - Place of entertainment; - Retail Nursery; - Retail store, which may also include an accessory Pharmacy as a permitted use within the retail store building, provide that when such uses are located together within the retail store building, the gross floor area of such retail store building with the combined uses shall be a minimum of 14,000m² an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City; and - Video Store

Amendments to Zoning By-law 001-2021 are required to permit the development
Zoning:

- EM1 – “Prestige Employment Zone” by Zoning By-law 001-2021, subject to site-specific Exception 756.
- The site-specific zoning exception permits a maximum combined total gross floor area of 25,000 m² be devoted to retail uses.
- The Owner proposes the following additional site-specific zoning exception identified in Table 2 below:

Table 2

	Zoning By-law 001-2021 Standard	EM1 Prestige Employment Zone Exception 756 Requirement	Proposed Additions to the to EM1 Prestige Employment Zone Exception 756 Requirement
a.	Minimum Parking Rate Requirements	<p>Retail (Over 5,000 m² GFA) 4.5 parking spaces per 100 m² (44,971.75 m² @ 4.5/100 m² = 2,023.73 parking spaces</p> <p>Restaurant 8 parking spaces per 100 m² 1,017.8 m² @ 8/100 m² = 81.42 parking spaces</p> <p>Total Parking Required = 2,106 parking spaces</p>	<p><u>Retail Use and Restaurant</u></p> <p>Blended Parking Rate 3.0 spaces/100 m² 45,989.55 m² spaces per 100 m² = 1,380 parking spaces</p>
b.		<p>Permit the following retail uses with a maximum combined GFA of 25,000 m²</p> <ul style="list-style-type: none"> - Automotive Retail Store; - Banking or financial institution; - Boating showroom; - Brewer Retail Outlet; - Eating establishment; - Eating establishment, convenience with drive through - Eating establishment, take-out - LCBO outlet; 	<p>Permit an increase in the maximum combined GFA to 29,850 m² for the same retail uses</p> <ul style="list-style-type: none"> - Automotive Retail Store; - Banking or financial institution; - Boating showroom; - Brewer Retail Outlet; - Eating establishment; - Eating establishment, convenience with drive through - Eating establishment, take-out - LCBO outlet;

	Zoning By-law 001-2021 Standard	EM1 Prestige Employment Zone Exception 756 Requirement	Proposed Additions to the to EM1 Prestige Employment Zone Exception 756 Requirement
		<ul style="list-style-type: none"> - Lumber or building material supply outlet dealing with new material only; - Motor vehicle sale establishment; - Office & stationary supply, sale services and rental; - Personal service shop; - Photography studio; - Place of entertainment; - Retail Nursery; and - Retail store, which may also include an accessory Pharmacy as a permitted use with in the retail store building, provide that when such uses are located together within the retail store building, the gross floor area of such retail store building with the combined uses shall be a minimum of 14,000m² an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City. 	<ul style="list-style-type: none"> - Lumber or building material supply outlet dealing with new material only; - Motor vehicle sale establishment; - Office & stationary supply, sale services and rental; - Personal service shop; - Photography studio; - Place of entertainment; - Retail Nursery; and - Retail store, which may also include an accessory Pharmacy as a permitted use with in the retail store building, provide that when such uses are located together within the retail store building, the gross floor area of such retail store building with the combined uses shall be a minimum of 14,000m² an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City.

Additional Zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report at a future Committee of the Whole meeting

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region, and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Application will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010
b.	Appropriateness of Amendments to Zoning By-law	<ul style="list-style-type: none"> ▪ The appropriateness of increasing the maximum permitted gross floor area of retail uses will be reviewed in consideration of the existing and planned surrounding land uses
c.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
d.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority and external public agencies and utilities, municipalities

Financial Impact

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

Operational Impact

Development Planning staff have circulated the Applications to internal City Departments for review.

Broader Regional Impacts/Considerations

The Application has been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Application will be considered in the technical review of the Application. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact OluwaKemi Apanisile, Planner, Development Planning Department, ext. 8210.

Attachments

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

Prepared by

OluwaKemi Apanisile, Planner, ext. 8210

Christina Ciccone, Senior Planner, ext. 8773

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

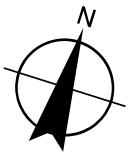


Haiqing Xu, Deputy City Manager,
Planning and Growth Management

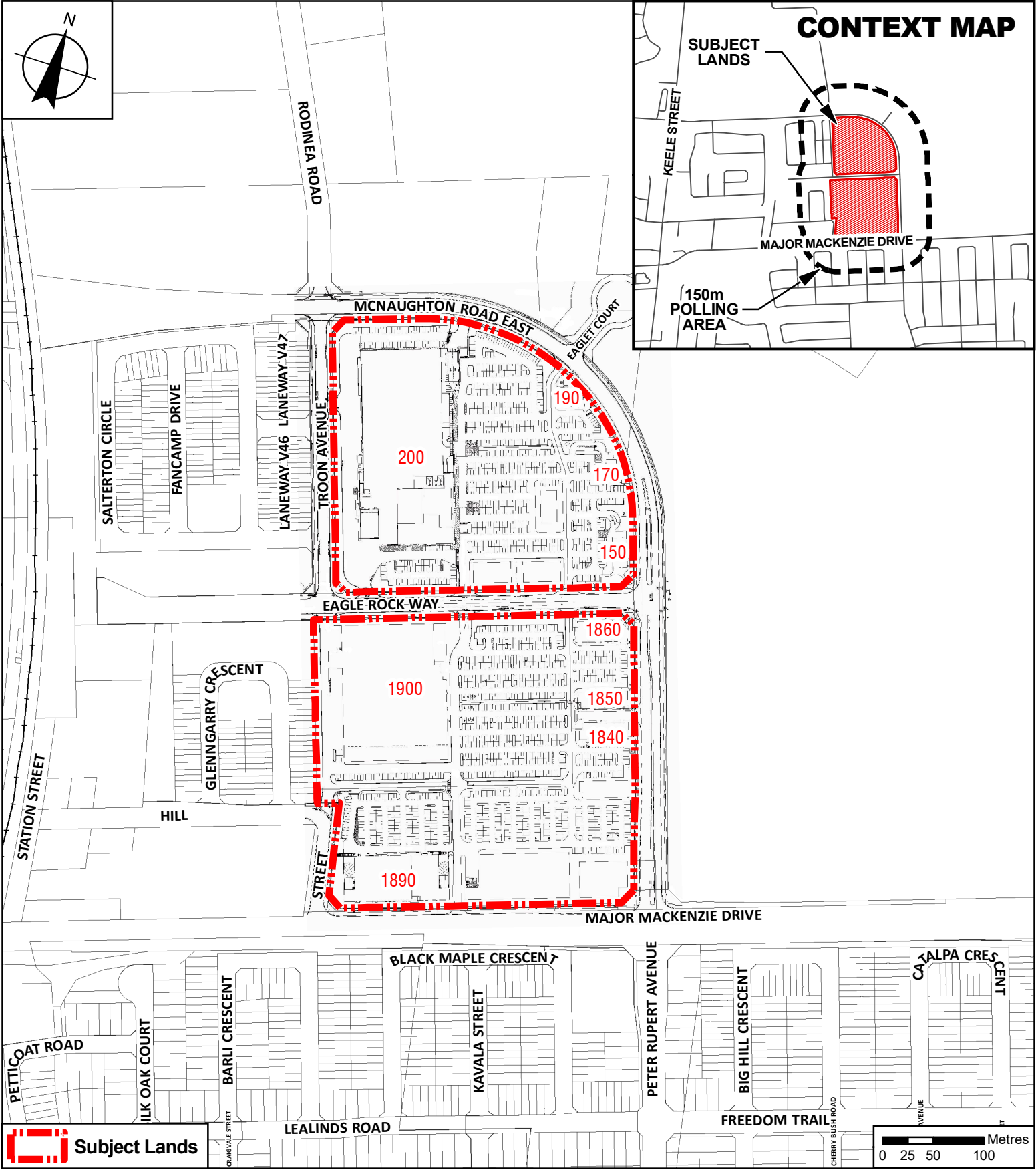
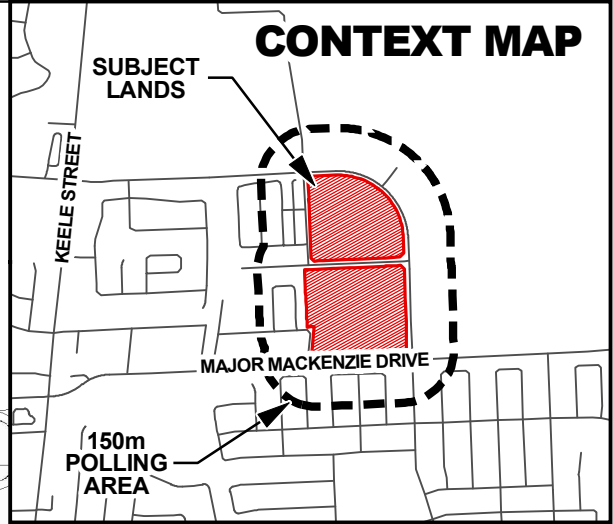
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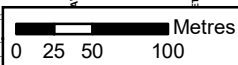
Nick Spensieri, City Manager



CONTEXT MAP



 Subject Lands



Context and Location Map

LOCATION:
1840, 1850, 1860, 1890 and 1900 Major Mackenzie Drive West
and 150, 170, 190 and 200 McNaughton Road East
Blocks 4, 5 and 7 Plan 65M-4061
Part of Lots 21 and 22, Concession 3

APPLICANT:
York Major Holdings Inc.

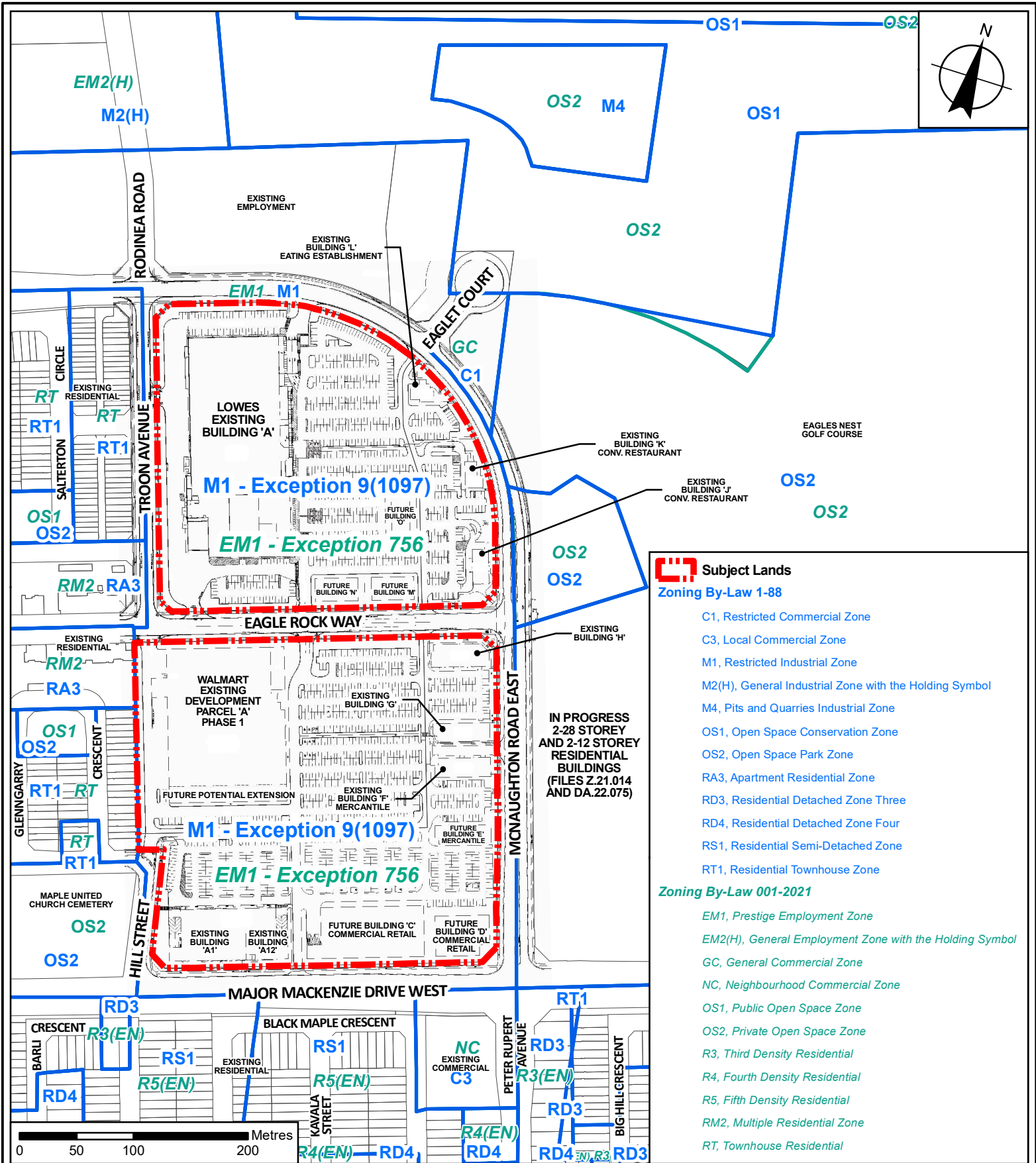


Attachment

FILE:
Z.22.044

DATE:
April 4, 2023

1



- Subject Lands**
Zoning By-Law 1-88
- C1, Restricted Commercial Zone
 - C3, Local Commercial Zone
 - M1, Restricted Industrial Zone
 - M2(H), General Industrial Zone with the Holding Symbol
 - M4, Pits and Quarries Industrial Zone
 - OS1, Open Space Conservation Zone
 - OS2, Open Space Park Zone
 - RA3, Apartment Residential Zone
 - RD3, Residential Detached Zone Three
 - RD4, Residential Detached Zone Four
 - RS1, Residential Semi-Detached Zone
 - RT1, Residential Townhouse Zone
- Zoning By-Law 001-2021**
- EM1, Prestige Employment Zone
 - EM2(H), General Employment Zone with the Holding Symbol
 - GC, General Commercial Zone
 - NC, Neighbourhood Commercial Zone
 - OS1, Public Open Space Zone
 - OS2, Private Open Space Zone
 - R3, Third Density Residential
 - R4, Fourth Density Residential
 - R5, Fifth Density Residential
 - RM2, Multiple Residential Zone
 - RT, Townhouse Residential

Approved Site Plan and Zoning

LOCATION:
1840, 1850, 1860, 1890 and 1900 Major Mackenzie Drive West
and 150, 170, 190 and 200 McNaughton Road East
Blocks 4, 5 and 7 Plan 65M-4061
Part of Lots 21 and 22, Concession 3

APPLICANT:
York Major Holdings Inc.



Attachment

FILE:
Z.22.044

DATE:
April 4, 2023

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