

## Committee of the Whole (Public Meeting) Report

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**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

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**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 m<sup>2</sup> to 29,850 m<sup>2</sup> and to provide a blended parking rate of 3.0 spaces per 100 m<sup>2</sup> 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 m<sup>2</sup>.
- The Owner proposes a blended parking rate of 3.0 spaces per 100 m<sup>2</sup> 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 m<sup>2</sup>. 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 m<sup>2</sup> to 29,850 m<sup>2</sup>. 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](http://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 m<sup>2</sup> 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 m<sup>2</sup> to be devoted to retail uses.
- The Owner proposes the following additional site-specific zoning exceptions identified in Table 1 below:

Table 1

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

	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"> <li>- Eating establishment, convenience with drive through</li> <li>- Eating establishment, take-out</li> <li>- LCBO outlet;</li> <li>- Lumber or building material supply outlet dealing with new material only;</li> <li>- Motor vehicle sale establishment;</li> <li>- Office &amp; stationary supply, sale services and rental;</li> <li>- Personal service shop;</li> <li>- Photography studio;</li> <li>- Place of entertainment;</li> <li>- Retail Nursery;</li> <li>- 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 14,000m<sup>2</sup> an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City; and</li> <li>- Video Store</li> </ul>	<ul style="list-style-type: none"> <li>- Eating establishment, convenience with drive through</li> <li>- Eating establishment, take-out</li> <li>- LCBO outlet;</li> <li>- Lumber or building material supply outlet dealing with new material only;</li> <li>- Motor vehicle sale establishment;</li> <li>- Office &amp; stationary supply, sale services and rental;</li> <li>- Personal service shop;</li> <li>- Photography studio;</li> <li>- Place of entertainment;</li> <li>- Retail Nursery;</li> <li>- 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 14,000m<sup>2</sup> an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City; and</li> <li>- Video Store</li> </ul>

**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 m<sup>2</sup> be devoted to retail uses.
- The Owner proposes the following additional site-specific zoning exception identified in Table 2 below:

Table 2

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

	<b>Zoning By-law 001-2021 Standard</b>	<b>EM1 Prestige Employment Zone Exception 756 Requirement</b>	<b>Proposed Additions to the to EM1 Prestige Employment Zone Exception 756 Requirement</b>
		<ul style="list-style-type: none"> <li>- Lumber or building material supply outlet dealing with new material only;</li> <li>- Motor vehicle sale establishment;</li> <li>- Office &amp; stationary supply, sale services and rental;</li> <li>- Personal service shop;</li> <li>- Photography studio;</li> <li>- Place of entertainment;</li> <li>- Retail Nursery; and</li> <li>- 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 14,000m<sup>2</sup> an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City.</li> </ul>	<ul style="list-style-type: none"> <li>- Lumber or building material supply outlet dealing with new material only;</li> <li>- Motor vehicle sale establishment;</li> <li>- Office &amp; stationary supply, sale services and rental;</li> <li>- Personal service shop;</li> <li>- Photography studio;</li> <li>- Place of entertainment;</li> <li>- Retail Nursery; and</li> <li>- 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 14,000m<sup>2</sup> an such addition of the accessory pharmacy use shall require a Market Study to be approved by the City.</li> </ul>

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**

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Conformity and Consistency with Provincial Policies, York Region, and City Official Plan Policies	<ul style="list-style-type: none"> <li>▪ 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</li> </ul>
b.	Appropriateness of Amendments to Zoning By-law	<ul style="list-style-type: none"> <li>▪ 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</li> </ul>
c.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner submitted studies and reports in support of the Applications available on the city's website at <a href="https://maps.vaughan.ca/planit/">https://maps.vaughan.ca/planit/</a> (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</li> </ul>
d.	Public Agency/Municipal Review	<ul style="list-style-type: none"> <li>▪ The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority and external public agencies and utilities, municipalities</li> </ul>

### **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**

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## **Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

## **Reviewed by**



Nick Spensieri, City Manager