

Committee of the Whole (1) Report

DATE: Tuesday, May 30, 2023

WARD: 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: DECISION

Purpose

To seek approval from the Committee of the Whole on a Zoning By-law Amendment application to provide a blended parking rate of 3.0 spaces per 100 m² for all permitted uses associated with the subject lands, excluding “Convention Centre (Place of Assembly)” and to conform to an Ontario Land Tribunal (‘OLT’) order to increase the permitted maximum combined Gross Floor Area (‘GFA’) from 25,000 m² to 29,850 m² for retail uses on the subject lands as shown on Attachment 1.

Report Highlights

- The Owner proposes a site-specific Zoning By-law Amendment for the subject lands to provide a blended parking rate of 3.0 spaces per 100 m² for all permitted uses associated with the subject lands excluding “Convention Centre (Place of Assembly)” and to increase the permitted combined gross floor area for retail uses from 25,000 m² to 29,850 m² on the subject lands.
- No physical changes to the existing site are proposed.
- The Development Planning Department supports the proposed zoning exceptions.

Recommendations

1. THAT Zoning By-law Amendment File Z.22.044 (York Major Holdings Inc.) BE APPROVED, to amend Zoning By-law 1-88, on the Subject Lands as shown on Attachment 1, to add additional site-specific exceptions identified in Table 1 to the existing “M1 Restricted Industrial Zone” subject to site-specific Exception 9(1097);
2. THAT Zoning By-law Amendment File Z.22.044 (York Major Holdings Inc.) BE APPROVED, to amend Zoning By-law 001-2021, on the Subject Lands as shown on Attachment 1, to add additional site-specific exceptions identified in Table 2 to the existing “EM1 Prestige Employment Zone,” subject to site-specific Exception 756; and
3. THAT City of Vaughan staff and external consultants, as required, be directed to attend the Ontario Land Tribunal hearing in support of the recommendations contained in this report with regard to Zoning By-law Amendment File Z.22.044.

Background

Location: 1840, 1850, 1860, 1890 and 1900 Major Mackenzie Drive West and 150, 170, 190 and 200 McNaughton Road East (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Ontario Land Tribunal Decision

The Subject Lands were subject to an OLT order (dated: January 17, 2020), where the Landowners appealed Vaughan Official Plan 2010 (‘VOP 2010’) area-specific policy 12.3 “Keele Valley Landfill Area” that capped the GFA for retail uses to 25,000 m². On January 17, 2020 (OLT Case PL111184) the Appellant (Wal-Mart Canada Corp.) was granted provisions to increase the permitted GFA for retail uses 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 2022. The increase in GFA also conformed with the general intent and structure of the 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 GFA 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 Application has been submitted to permit the proposed site-specific zoning exceptions

The Owner has submitted a Zoning By-law Amendment (the 'Application') for the Subject Lands to permit a blended parking rate of 3.0 spaces per 100 m² for all site-specific permitted uses on the Subject Lands except for "Convention Centre (Place of Assembly)" and to conform to an OLT order to increase the permitted maximum combined gross floor area from 25,000 m² to 29,850 m² for retail uses (the 'Proposal') as shown on Attachment 2.

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

- On March 10, 2023 Notices were circulated 150 m from Subject Lands as shown on Attachment 1
- Location of Notice Signs were installed on Major Mackenzie Drive West, McNaughton Road and Eagle Rock Way in accordance with the City's Notice Signs Procedures and Protocols
- Date of Public Meeting: April 4, 2023, date ratified by Council April 25, 2023
- No comments were received

Previous Reports/Authority

Not Applicable

Analysis and Options

The Proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP, VOP 2010 and VOP 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. Section 1.3.1 of the PPS provides for the provision that an appropriate mix and range of employment, institutional, and broader mixed uses are delivered to meet long-term needs of a community. The Applicant seeks to allocate additional space for retail use on the Subject Lands to support the surrounding residential and employment lands within a Settlement Area. Staff are satisfied that the Proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting, and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within an Intensification area, in proximity to higher order transit facilities and a Major Transit Station Area ('MTSA'). The Growth Plan defines an MTSA as the area within an approximate 500 to 800 m of a transit station. The Subject Lands are located within the Maple Go Station MTSA. The Proposal is consistent with the policy framework of the Growth Plan as the proposed additional retail uses utilizes the Subject Lands efficiently, makes efficient use of existing infrastructure, and provides for commercial uses that are supportive of the Growth Plan objectives.

York Region Official Plan 2022 ('YROP 2022')

The Subject Lands are designated "Urban Area" by Map 1 – Regional Structure of the York Region Official Plan 2022 which permits a wide range of uses, including commercial and retail uses. The Subject Lands are designated "Community Area" on Map 1A – Land Use Designations and are located within Protection Major Transit Station Area 62 Maple Go Station.

The Subject Lands are within an MTSA, where land intensification, alternative modes of transportation and reduced automobile dependency is encouraged. The proposed blended parking rates and increase in combined permitted retail use conforms to YROP 2022.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – Urban Structure of VOP 2010
- "Community Commercial Mixed Use" Schedule 13 – Land Use of VOP 2010
- Volume 2, Area Specific Policy 12.3 Keele Valley Landfill Area.

The "Community Commercial Mixed Use" designation permits a maximum building height of 4-storeys and a Floor Space Index ('FSI') of 1.5 times the area of the lot. Area Specific Policy 12.3 Keele Valley Landfill Area, also permits a maximum Gross Floor Area ('GFA') of 29,850 m² to be devoted to retail use (excluding retail-warehouse) for the Subject Lands only.

The Proposal shown on Attachment 2 is already permitted through an OLT order that increased the allowable combined GFA for retail uses to 29,850 m². The increase retail GFA for the zoning bylaws is therefore a technical change to ensure conformity. On this basis, the Application contemplated for the Subject Lands conforms to VOP 2010.

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).
- This Zone does not permit retail use with a combined GFA over 25,000 m².
- This Zone does not permit a blended parking rate of 3 parking spaces/100m²
- The Owner proposes additional site-specific zoning exceptions as shown in Table 1 on Attachment 3.

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

- “EM1 Prestige Employment Zone” by Zoning By-law 2021-001, subject to site-specific Exception 756.
- This Zone does not permit retail use with a combined GFA over 25,000 m².
- This Zone does not permit a blended parking rate of 3 parking spaces/100m²
- The Owner proposes additional site-specific zoning exceptions as shown in Table 2 of Attachment 4.

The Development Planning Department supports the Development

The Development Planning Department can support the zoning exceptions identified in Table 1 and Table 2 as shown on Attachments 3 and 4, on the basis that the proposed site-specific zoning standards would facilitate an amendment that conforms with the policies of the PPS, the Growth Plan, YROP 2022 and VOP 2010 and permits an increase in retail GFA on the Subject Lands approved through an OLT decision. Development Planning along with the Urban Design Division has no objection to the site-specific zoning amendments as it will result in no physical changes to the existing site plan. The Development Planning Department recommends approval of the Proposal.

Minor modifications may be made to the zoning exceptions identified in Tables 1 and 2 on Attachments 3 and 4 prior to the enactment of an implementing Zoning By-law, as required, should the Application be approved.

Financial Impact

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

Operational Impact

The Development Engineering Department has no objection to the Application

The Development Engineering ('DE') Department has reviewed the Application and have no objection. The proposed modified parking rate of 3.0 spaces/100m² for the entirety of the Subject Lands capped at 29,850 m² of Commercial GFA is appropriate and acceptable for the permitted uses associated with the Subject Lands except for the "Convention Centre (Place of Assembly)" use. The modified parking rate is supported by the Transportation Impact Study Addendum Letter and revised concept plan which identified a surplus of 441 parking spaces. The Parking Utilization Study also shows that during the peak hours of operation, the current used parking spaces for the existing retail stores can provide sufficient parking for the proposed commercial developments in the concept plan for the approved GFA. However, due to the typical higher parking demand associated with "Convention Centres (Place of Assembly)", it is recommended that the prevailing Zoning By-Law rates apply for this use, as the modified parking rate would not be sufficient.

Development Finance have no objection to the Application

The Development Finance Department has reviewed the Application and has no objection.

The utility providers have no objection to the Application

The utility providers including Rogers Communications Inc., Enbridge Gas Distribution and Alectra Utilities Corporation have no objection to the Development.

Broader Regional Impacts/Considerations

York Region has advised that the Application is a matter of local significance and has no comments as it relates to the Proposal.

The Toronto and Region Conservation Authority (TRCA) has no objection to the approval

The Subject Lands are located outside of the TRCA's Regulated Area. TRCA's Planning and Regulatory policy interests are not impacted.

Conclusion

The Development Planning Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Proposal is considered appropriate and

compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications.

For more information, please contact OluwaKemi Apanisile, Planner, at extension 8210.

Attachments

1. Context and Location Map
2. Existing Site Plan and Zoning
3. Zoning By-law 1-88 Table 1
4. Zoning By-law 001-2021 Table 2

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