

VAUGHAN Staff Report Summary

Ward #1

**File:** A054/19

Applicant: 2019625 Ontario Inc

Address: 110 Auto Vaughan Drive, Maple

Agent: Wes Surdyka Architect Inc.

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	Positive Comment	Condition(s)
	Negative Comment	$\mathbf{A}$
Committee of Adjustment		
Building Standards		
Building Inspection		
Development Planning		$\checkmark$
Urban Design		
Development Engineering		
Parks Department		
By-law & Compliance		
Financial Planning & Development		
Fire Department		
TRCA		
Ministry of Transportation		
Region of York		
Alectra (Formerly PowerStream)		
Public Correspondence (see Schedule B)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson Hearing Date: Thursday, May 16, 2019 Minor Variance Application Page 2 Agenda Item: 15



A054/19

Ward: 1

#### Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing:	Thursday, May 16, 2019
Applicant:	2019625 Ontario Inc
Agent:	Wes Surdyka Architect Inc.
Property:	110 Auto Vaughan Drive, Maple
Zoning:	The subject lands are zoned C1 and subject to the provisions of Exception 9(1031A) under By-law 1-88 as amended.
OP Designation:	VOP 2010: Mid-Rise Mixed-Use" with a maximum permitted height of 12 stories and floor space index (FSI) of 3.5 times the area of the lot, "Primary Intensification Corridor"
Related Files:	Consent Applications: B021/19, B022/19, B023/19 and Minor Variance Applications: A055/19 and A056/19 and Site Plan Application DA19.004
Purpose:	Relief from the By-law is being requested to permit a reduced number of parking spaces on the retained land (subject to Consent Application B021/19) to support the existing car dealership (Maple Mazda).

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
A minimum of 54 parking spaces are required for the	To permit a minimum of 44 parking spaces for the
existing Motor Vehicle Sales Establishment.	existing Motor Vehicle Sales Establishment.

#### Background (previous applications approved by the Committee on the subject land): None

For information on the previous approvals listed above please visit <u>www.vaughan.ca</u>. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

#### **Adjournment History: None**

# **Staff & Agency Comments**

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

#### Committee of Adjustment:

Public notice was mailed on May 1, 2019

Applicant confirmed posting of signage on April 30, 2019

Property Information	
Existing Structures	Year Constructed
Building (Car Dealership)	2006

Applicant has advised that they cannot comply with By-law for the following reason(s): Relief from the by-law is being requested to permit a reduced number of parking spaces on retained lands to support existing car dealership (Maple Mazda), subject to consent application B021/19.

Recommended condition of Approval:

That Consent Application B021/19 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate of Official must be provided to the Secretary Treasurer to satisfy this condition.

#### Adjournment Request:

Applicant advised that given the submission date the applications are currently under review, therefore staff are unable to confirm status of comments (from circulated departments/agencies) relating to these applications prior to the issuance of statutory public notice.

## **Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: None

Building Permit No. 08-003751 for Single Use (Commercial) - New, Issue Date: Oct 31, 2008 Building Permit No. 08-003751 for Single Use (Commercial) - Interior Unit Alteration, Issue Date: Jun 17, 2010 Building Permit No. 08-003751 for Single Use (Commercial) - Alteration, Issue Date: Nov 13, 2008

Consent application B021/19 shall be considered with this application.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

#### **Building Inspections (Septic):**

No comments or concerns

#### **Development Planning:**

B021/19 - 110 Auto Vaughan Drive (Parts 10 to 16 on Plan 65R-30252)

The Owner has submitted Consent Application File B021/19 to sever and convey a 2,831.29 m2 portion of the subject lands identified as Parts 10, 12, 13, 14 and 15 (the 'Severed Lands') on Plan 65R-30252, to be added to the lands to the east, being Parts 5, 6, 7 and 17 on Plan 65R-30252 (the 'Dominant Lands'), which are proposed to be developed with a new Lexus dealership. The Severed Lands contain a parking lot and portions of a ring road connecting various motor vehicle sales establishments in the vicinity. The retained lands, being Parts 11 and 16 on Plan 65R-30252 (the 'Retained Lands'), will measure 5,876 m2 and continue to operate the existing Mazda dealership. An access easement will also be created over the Severed Lands in favour of the Retained Lands.

#### A054/19 – 110 Auto Vaughan Drive (Parts 11 and 16 on Plan 65R-30252 – Retained Lands)

Proposed Variance(s):

1. To permit a minimum of 44 parking spaces for the existing Motor Vehicle Sales Establishment. By-law Requirement(s):

1. A minimum of 54 parking spaces are required for the existing Motor Vehicle Sales Establishment.

#### B022/19 - 88 Auto Vaughan Drive (Parts 2 to 7 on Plan 65R-27868)

The Owner has submitted Consent Application File B022/19 to facilitate an access easement identified as Part 1 on the submitted sketch (drawing No. SK-3) in favour of the Dominant Lands to the north.

#### A055/19 - 88 Auto Vaughan Drive (Parts 2 to 7 on Plan 65R-27868)

Proposed Variance(s):

1. To permit a minimum of 144 parking spaces for the existing Motor Vehicle Sales Establishment.

- By-law Requirement(s):
  - 1. A minimum of 161 parking spaces are required for the existing Motor Vehicle Sales Establishment.

#### B023/19 – 100 Auto Vaughan Drive (Parts 1 to 4 on Plan 65R-30252)

The Owner has submitted Consent Application File B023/19 to facilitate an access easement over Part 4 of Plan 65R-30252 in favour of the Dominant Lands to the south.

#### A056/19 - Parts 5, 6, 7 and 17 Plan 65R-30252 (Dominant Lands)

Proposed Variance(s):

- 1. To permit access from adjacent properties to the north and south.
- 2. To permit the surface of parking spaces to be permeable pavers.
- 3. To permit a minimum landscape strip width of 4.5m along a lot line which abuts a street line (Jane Street).

By-law Requirement(s):

- 1. Parking areas and parking spaces (including entrances and exits) are required to be provided and maintained on the lot in which the building is erected and for the sole use of that building.
- 2. The surface of all parking spaces shall be paved with hot-mix asphalt or concrete.
- 3. A minimum landscape strip width of 6.0m along a lot line which abuts a street line is required.

# Official Plan:

VOP 2010: "Mid-Rise Mixed-Use" with a maximum permitted height of 12 stories and floor space index ('FSI') of 3.5 times the area of the lot. Also located within a "Primary Intensification Corridor".

# Comments:

The Owner is requesting permission to facilitate a lot addition and a number of access easements in favour of the property legally described as Parts 5, 6, 7 and 17 on Plan 65R-30252 (the 'Dominant Lands'). The Owner of the Dominant Lands submitted Site Development Application DA.19.004 to permit thedevelopment of a 2-storey motor vehicle sales establishment ('Lexus dealership') with a total gross floor area ('GFA') of 4,896.11 m2 and one level of underground parking, and Zoning By-law Amendment File Z.19.003 to lift the Holding

Symbol "(H)". DA.19.004 and Z.19.003 were approved by the Committee of the Whole on May 7, 2019. The development also requires the variances listed above under Minor Variance Application A056/19. As a condition of approval for DA.19.004, the Owner is required to successfully obtain approval of a Consent Application to secure the requested access easements and lot addition, and a Minor Variance Application to permit the required variances.

The Development Planning Department has no objection to the requested variances associated with DA.19.004. The proposed parking areas on the north and south side of the future Lexus dealership will be accessed through the abutting properties, which are providing access easements to the Lexus dealership through Consent Application Files B022/19 and B023/19. The use of permeable pavers for a portion of the parking area is to assist with water infiltration on site. The Urban Design Division of the Development Planning Department is generally satisfied with the proposed landscaping, subject to minor comments which are being addressed through DA.19.002. The final Landscape Plan shall be approved as a condition of DA.19.002.

The construction of the Lexus dealership will result in the loss of 10 required parking spaces for 110 Auto Vaughan Drive (A054/19 - Mazda) and 17 required parking spaces for 88 Auto Vaughan Drive (A055/19 – Toyota). Both parking reductions are greater than 10% of the required number of parking spaces for each site. As such, the Owner submitted a Parking Justification Study dated April 16, 2019, prepared by CGE Transportation Consulting, which concludes that the resulting parking supplies of 110 and 88 Auto Vaughan Drive are adequate to support the existing development on each respective site. In addition, the City of Vaughan is currently leasing an overflow parking lot immediately north of 100 and 110 Auto Vaughan Drive to the various dealerships, with a capacity of 250 parking spaces. The study has been reviewed by the Transportation Division of the Development Engineering Department, who concur with the conclusions of the study.

The Development Planning Department has no objection to the proposed access easement and variances as they facilitate the development approved through DA.19.002. The Development Planning Department is of the opinion that the access easement maintains the intent of 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 are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law and are desirable for the appropriate development of the land.

It is noted that the Owner will be required to submit amending Site Development Applications and Consent Applications at a later date for 100 and 110 Auto Vaughan Drive to reflect the minor site alterations that result from the proposed development through DA.19.004 and facilitate access easements in favour of 100 and 110 Auto Vaughan Drive.

The Development Planning Department recommends approval of the application, subject to the conditions below:

- 1. That Site Development Application DA.19.002 be approved by Council.
- 2. That Minor Variance Files A054/19, A055/19 and A056/19 be approved and their decisions become Final and Binding.

# Urban Design:

There are no cultural heritage concerns for this application.

#### **Development Engineering:**

The Transportation Division of the Development Engineering (DE) Department has reviewed the provided Parking Study prepared by CGE Transportation Consulting dated April 16, 2019 in conjunction with minor variance application A054/19 and provides the following comment(s) listed below:

#### General Comment:

Minor variance application A054/19 shall be read in conjunction with minor variance applications A055/19, A056/19 and consent applications B021/19 & B022/19.

#### Transportation Comments:

Nissan Dealership – Following the proposed Lexus Development, the parking supply will reduce to 117 spaces which will fulfill the by-law requirement of 73 spaces.

Toyota Dealership – Following the proposed Lexus Development, the parking supply will reduce to 144 spaces which is 17 spaces (10.6%) less than by-law requirement of 161 spaces. The peak Employee/Visitor/Servicing parking demand is 102 based on the April 13, 2019 parking survey results. As such, future parking supply of 144 spaces would be sufficient.

Mazda Dealership – Following the proposed Lexus Development, the parking supply will reduce to 44 spaces which is 10 spaces (18.5%) less than by-law requirement of 54 spaces. The peak Employee/Visitor/Servicing parking demand is 38 based on the April 13, 2019 parking survey results. As such, future parking supply of 44 spaces would be sufficient.

Furthermore, it's understood a leased over flow parking lot located immediately north of the Nissan Dealership with a capacity of 250 spaces and an off-site car storage parking lot located at 141 Maloy Drive will both be utilized. The overflow and off-site storage parking lots can accommodate the vehicle storage spaces and in addition, the Mazda Dealership will be demolished following the proposed Lexus Development which will provide an additional 164 parking spaces.

DE confirms the proposed parking reductions for the existing Mazda and Toyota dealerships are supportive.

Recommended conditions of approval:

- 1. The Owner/applicant shall obtain approval for the related Site Development Application (DA.19.004) from DE.
- 2. The Owner/applicant shall obtain approvals from the Committee of Adjustment (final & binding) & confirm registration of the transfers for the related severance applications B021/19 & B022/19.

## Parks Development:

No Response.

# By-Law and Compliance, Licensing and Permit Services:

No Response.

## Financial Planning and Development Finance:

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges Bylaws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

#### Fire Department:

No Response.

# Schedule A – Plans & Sketches

#### Schedule B – Public Correspondence None

#### **Schedule C - Agency Comments**

Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections

#### Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- $\checkmark$  That the general intent and purpose of the by-law will be maintained.
- $\checkmark$  That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- $\checkmark$  That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Brad Steeves	3. The Owner/applicant shall obtain approval for the related Site Development Application (DA.19.004) from DE.
	905-832-8585 x 8977 <u>brad.steeves@vaughan.ca</u>	<ol> <li>The Owner/applicant shall obtain approvals from the Committee of Adjustment (final &amp; binding) &amp; confirm registration of the transfers for the related severance applications B021/19 &amp; B022/19.</li> </ol>
2	Committee of Adjustment Christine Vigneault	That Consent Application B021/19 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate of
	905-832-8585 x 8332	Official must be provided to the Secretary Treasurer to satisfy this condition.
3	Development Planning Christopher Cosentino	1. That Site Development Application DA.19.002 be approved by Council.
	905-832-8585 x8215 Christopher.cosentino@vaughan.ca	

#### Please Note:

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

## Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

# Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

# **Notice to Public**

**WRITTEN SUBMISSIONS:** Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition, which must be delivered no later than **12:00 p.m**. on the scheduled public hearing date.

Written submissions can be mailed and/or emailed to:

City of Vaughan Committee of Adjustment 2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1 CofA@vaughan.ca

**ORAL SUBMISSIONS:** If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

**PUBLIC RECORD:** Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

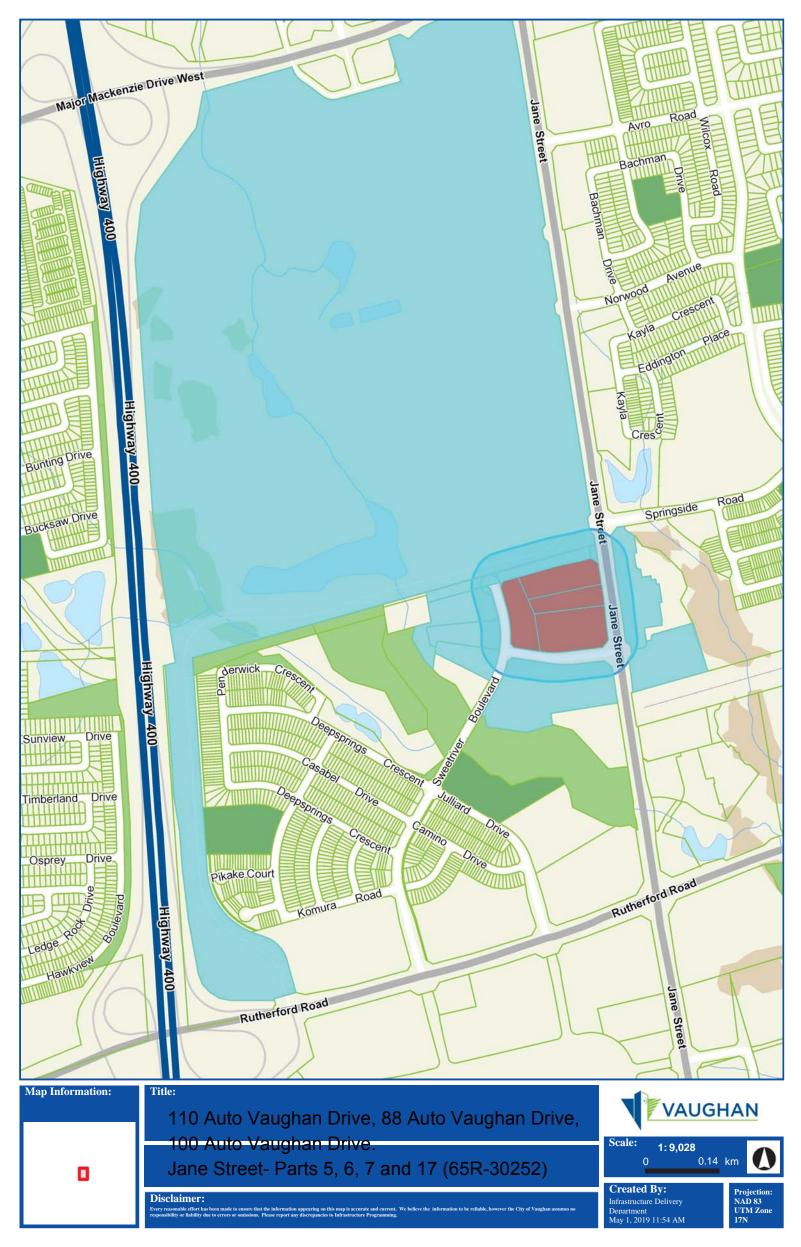
**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

For further information please contact the City of Vaughan, Committee of Adjustment Adriana MacPherson T 905 832 8585 Extension 8360 E CofA@vaughan.ca

# Schedule A: Plans & Sketches

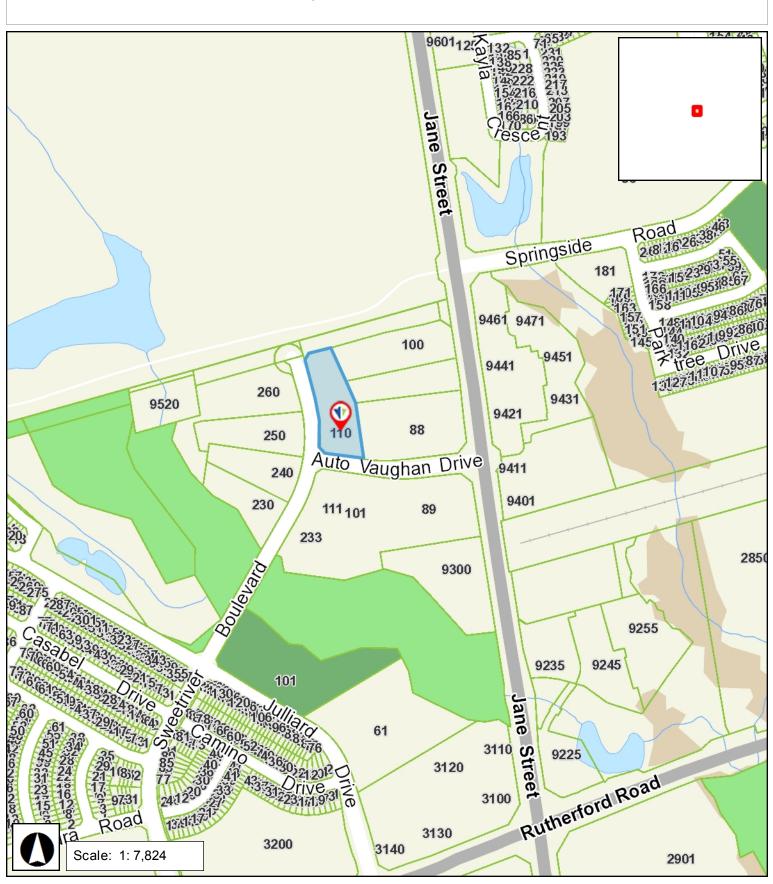
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

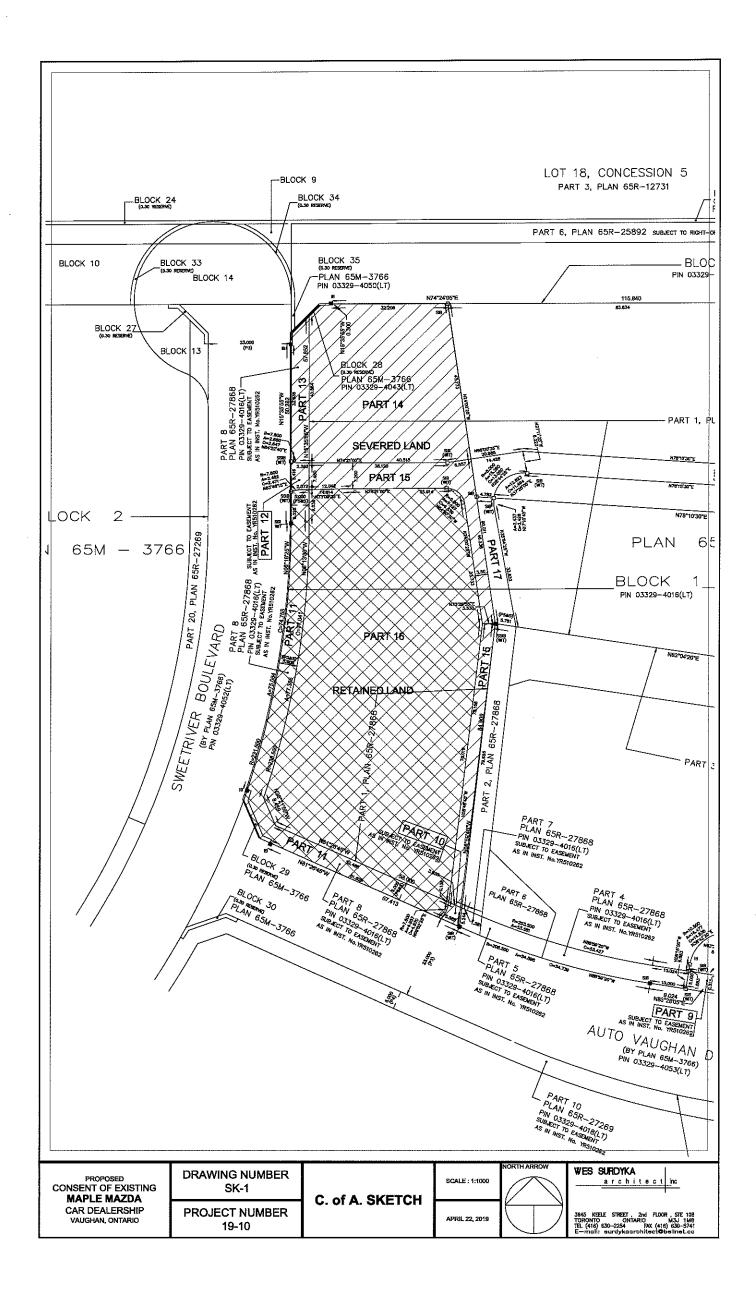
Notification Map Location Map Sketches NOTIFICATION MAP - B021/19, B022/19, B023/19, A054/19, A055/19 and A056/19

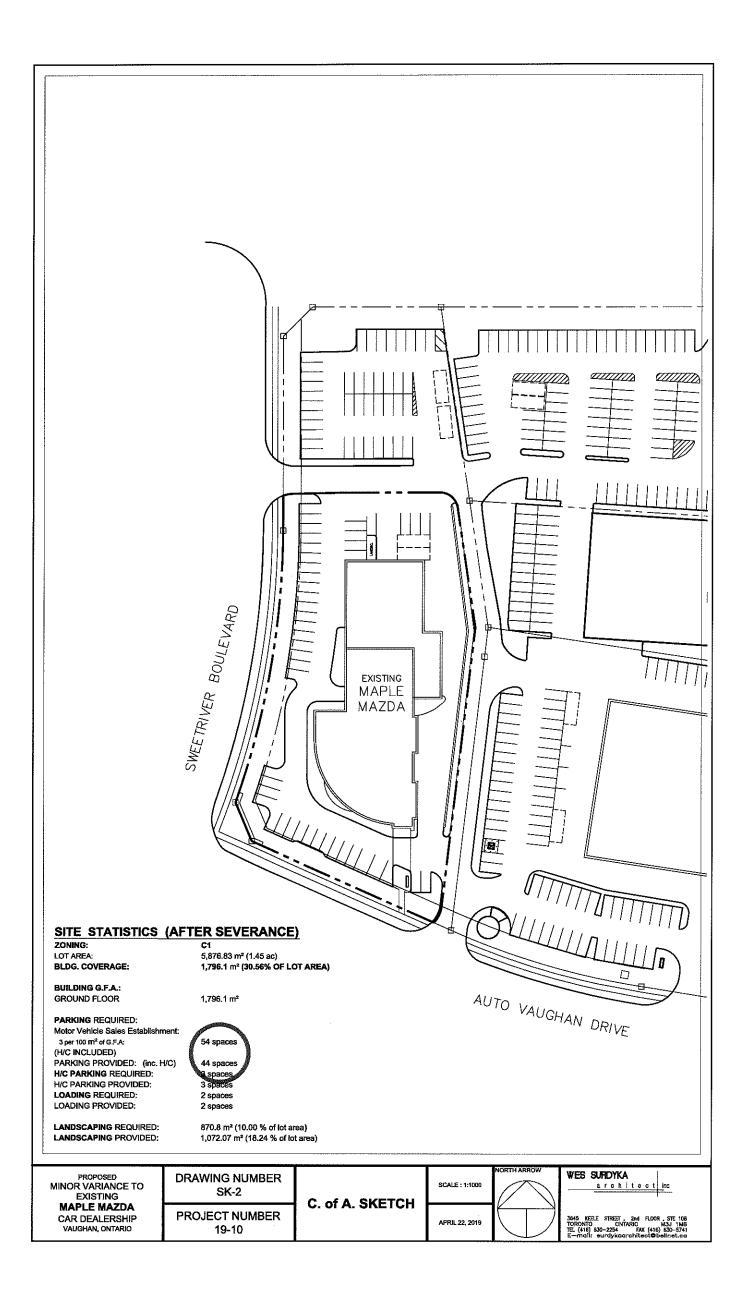


# VAUGHAN Location Map- A054/19

110 Auto Vaughan Drive, Maple







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# Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None

# Schedule C: Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections





#### **COMMENTS:**

	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
Х	We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
	We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

#### **References:**

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T Supervisor, Distribution Design, ICI *Phone*: 1-877-963-6900 ext. 31297 *Fax*: 905-532-4401 *E-mail*: <u>stephen.cranley@alectrautilities.com</u> Mr. Tony D'Onofrio Supervisor, Subdivisions & New Services *Phone*: 1-877-963-6900 ext. 24419 *Fax:* 905-532-4401 *Email:* tony.donofrio@alectrautilities.com

#### MacPherson, Adriana

 Subject:
 FW: Auto Vaughan Drive - B021/19, B022/19, B023-19, A054-19, A055-19, A056-19 - 110 Auto

 Vaughan Drive, 88 Auto Vaughan Drive, 100 Auto Vaughan Drive

From: McMackin, Joseph <Joseph.McMackin@york.ca>
Sent: May-01-19 10:08 AM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Subject: Auto Vaughan Drive - B021/19, B022/19, B023-19, A054-19, A055-19, A056-19 - 110 Auto Vaughan Drive, 88 Auto Vaughan Drive, 100 Auto Vaughan Drive

#### Hi Adriana,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance and Consent for Easement Applications and has <u>no comment</u> at this time.

Regional comments and requirements will be provided through the related Site Plan file DA.19.004 (SP.19.V.0061) which was circulated the Region on March 12, 2019.

Please feel free to contact me if you have any further questions or concerns.

Best,

#### Joseph McMackin, B.URPI | Associate Planner

Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O: 1-877-464-9675 ext. 71516 | joseph.mcmackin@york.ca | www.york.ca

#### Our Values: Integrity, Commitment, Accountability, Respect, Excellence

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