

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: June 17, 2024

Name of Owner: Fenmarcon Developments (East) Inc.

Location: 11110 Jane Street

File No.(s): B004/24

Proposal

The Owner has submitted Consent Application File B004/24 to sever 3.11 ha of the Subject Lands, which are currently vacant. A 3.02 ha portion of the subject lands is proposed to be retained.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'), "Prestige Areas" by Volume 2, Section 11.4 - Highway 400 North Employment Lands Secondary Plan.

Background:

On April 21, 2020, Vaughan Council approved Zoning By-law Amendment, File Z.19.007, and Draft Plan of Subdivision, File 19T-19V002, to facilitate the development of a distribution facility to be constructed on the Subject Lands. The Plan of Subdivision was registered in August 2022, which created the public road network and three development blocks, including the Subject Lands (Block 2, 65M-4748).

Comments:

The Owners are proposing to sever the southern portion of the Subject Lands, which does not contain the distribution facility, for the purpose of satisfying the condition within the Block 34 Cost Sharing Agreement for "equalization" between Landowners, on the basis of land area. The Land Exchange Agreement between Fenmarcon and Fleur De Cap Inc. ("Fleur") outlines the requirement for Fenmarcon to deliver to Fleur 3.116 ha. (7.700 ac.). See condition below:

"Fenmarcon agrees to transfer to Fleur the Fenmarcon Exchange Lands. The parties agree that the Fenmarcon Exchange Lands are deemed to contain 7.700 acres (3.116 ha), as set out on Schedule "B" attached hereto."

Analysis

The Development Planning Department is of the opinion that the proposed development is consistent with the Provincial Policy Statement 2020 ('PPS'). Specifically, policies within 1.3.2 of the PPS speak to the importance of planning for, protecting and preserving employment areas for future uses. Policy 1.1.1 also encourages intensification to minimize land consumption and servicing costs. This application seeks to create an additional lot within a plan of subdivision block in an employment area.

The proposed severance conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ('Growth Plan'). In particular, policy 2.2.5.1 speaks to the importance of promoting economic development and competitiveness in the GGH by ensuring that employment areas are efficiently utilized, and to align land use planning and economic development goals and strategies to retain and attract investment and employment. The proposed consent increases the density within an employment area.

The Subject Lands are designated "Prestige Areas" by Volume 2, Section 11.4 - Highway 400 North Employment Lands Secondary Plan ('Hwy 400 NELSP'). Within the Hwy 400 NELSP Prestige Areas abut arterial roads and are envisioned to be developed by high quality buildings in an attractive pedestrian-friendly transit-supportive environment. A wide range of industrial, office, business and civic uses are anticipated. The creation of an additional employment lot is in keeping with the vision for the Subject

Lands as outlined in the Hwy 400 NELSP as it increases the number of employment lots abutting an arterial road which could support the transit system and facilitate the development of attractive streetscapes through intensification. The proposal conforms to VOP 2010.

The proposed severed and retained lands are zoned EM1 - Prestige Employment Zone and subject to the provisions of Exception 14.1110 under Zoning By-law 001-2021, as amended. The severed lands propose a lot area of 31,160.79 m² and the retained lands 30,238.11 m². Both exceed with the minimum lot area requirements within Zoning By-law 001-2021. The severed lands propose a lot frontage of 147.4 m, and retained lands 136.9 m. Both exceed the minimum lot frontage requirements of Zoning By-law 001-2021. As the lot frontage and area requirements are greatly exceeded for both the severed and retained lands, ample opportunity remains to accommodate a variety of employment uses on both lots.

Cultural Heritage Staff reviewed this application and confirmed that the Subject Lands were removed from the Municipal Heritage Register in 2021. Although the Subject Lands have been declared to be free of archaeological concern, the following Standard Archaeological Clause applies in case of accidental discovery of deeply buried archaeological sites:

- i. Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Heritage, Tourism, Sport and Culture Industries and the City of Vaughan's Planning Department shall be notified immediately.
- ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services

Accordingly, Development Planning Department Staff has no objection to the requested severance and is of the opinion that the proposal meets the intent of the Official Plan, complies with the Zoning By-laws, and conforms to Section 51(24) as required by Section 53(12) of the Planning Act.

Recommendation:

Development Planning Department Staff recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None.

Comments Prepared by:

Alyssa Pangilinan, Planner 1
David Harding, Senior Planner