

Item:



Committee of the Whole Report

DATE: Monday, September 17, 2018

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.17.036
SITE DEVELOPMENT FILE DA.17.083
IVANHOE CAMBRIDGE
VICINITY OF JANE STREET AND RUTHERFORD RO**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to permit a Financial Institution (Tangerine Bank), for a temporary period of three (3) years, within the parking lot of the Vaughan Mills Shopping Centre, as shown on Attachments #3 and #4.

Report Highlights

- The Owner is proposing a Financial Institution (Tangerine Bank) for a temporary period of three (3) years within the parking lot of the Vaughan Mills Shopping Centre.
- A Zoning By-law Amendment is required to permit the development proposal for a temporary period of three (3) years.
- The Development Planning Department supports the approval of the development, subject to the conditions in this report, as it is consistent with the *Provincial Policy Statement*, and conforms to the *Growth Plan, for the Greater Golden Horseshoe*, the York Region Official Plan and in-effect Official Plan Amendment #600 and is compatible with the existing and planned uses in the surrounding area.

Recommendations

1. THAT Zoning By-law Amendment File Z.17.036 (Ivanhoe Cambridge) BE APPROVED; to amend Zoning By-law 1-88, Exception 9(1030) to permit a Financial Institution use (Tangerine Bank), within the parking lot of the Vaughan Mills Shopping Centre, for a temporary period of 3 years.
2. THAT Site Development File DA.17.083 (Ivanhoe Cambridge) BE APPROVED; to permit a temporary Financial Institution (Tangerine Bank), within the parking lot of the Vaughan Mills Shopping Centre, as shown on Attachment #3 and #4, subject to the following conditions:
 - a) Prior to the execution of the amending Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate, building elevations, signage details and lighting plan; and
 - ii) the Development Engineering Department shall approve the final stormwater management brief.

Background

The Subject Lands ("Subject Lands") are located southwest of Rutherford Road and Jane Street, municipally known as 1 Bass Pro Mills Drive, more specifically located within the Vaughan Mill Shopping Centre parking area, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Zoning By-law Amendment and Site Development Applications have been submitted to permit the temporary use

The Owner has submitted the following applications (the "Applications") to permit a Financial Institution (Tangerine Bank) ("Development") for a temporary period of three (3) years on the Subject Lands within the parking lot of the Vaughan Mills Shopping Centre as shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.17.036 specifically to amend Zoning By-law 1-88, site-specific Exception 9(1030) to permit a Financial Institution use (Tangerine Bank), for a temporary period of 3 years.
2. Site Development File DA.17.083 to permit a Financial Institution (Tangerine Bank), as shown on Attachment #3 and #4.

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

On January 12, 2018, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

The Public Hearing was held on February 6, 2018, to receive comments from the public and the Committee of the Whole. Vaughan Council on February 21, 2018, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of February 6, 2018, and to forward a comprehensive report to a future Committee of the Whole meeting. No deputations were made however, Members of Council made the following comments:

- a) Comments were made about the appearance of the structure and additional planting was suggested

The Owner has provided a revised site plan and landscape plan with additional planters, which will contain large and tall plants to surround the structure as shown on Attachments #4. The final site plan and landscape plan shall be approved to be satisfaction of the Development Planning Department.

- b) Comments were made about the length of time that the structure will be in the parking lot

The *Planning Act* permits temporary uses for a period of three years. The Owner has advised that the structure will be removed prior to the expiry of the three-year temporary use zoning by-law. The structure will not operate as a conventional banking facility as Tangerine banking is undertaken online. The structure is intended to bring awareness to the public about Tangerine Bank and is relocated throughout Ontario.

Previous Reports/Authority

[Committee of the Whole \(Public Hearing\)/](#)

Analysis and Options

The Development Proposal is consistent with the Provincial Policy Statement, 2014 ("PPS")

Section 3 of the *Planning Act*, requires that all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2014* ("PPS"). The PPS provides

policy direction on matters of provincial interest to land use planning and development. These policies state, as follows (in part):

- a) Section 1.1.1 - to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space to meet long term needs and promote cost effective development to minimize land consumption and servicing costs;
- b) Section 1.1.3 - settlement areas shall be the focus of development based on densities, land uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs;
- c) Section 1.1.3.2 - promotes densities and a mix of land uses which are transit-supportive, are appropriate and efficiently use the infrastructure available; and
- d) Section 4.7 - implementing the PPS through the official plan which identifies provincial interests and appropriate land use designations and policies.

The Development Proposal are for a financial institution provides a cost-effective development on an existing commercial property that requires no servicing, is adjacent to transit and located within a settlement area. The proposal conforms with the in-effect OPA #600. On this basis, the Development is consistent with the PPS.

The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”)

The Provincial *Growth Plan for the Greater Golden Horseshoe (2017)* (the “Growth Plan”) is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan requires that Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Subject Lands are located within the built boundary of the Growth Plan and are located in close proximity to a Primary Intensification Corridor (Jane Street) and are within a Primary Centre (Vaughan Mills Centre Secondary Plan) identified by the Vaughan Official Plan 2010 (“VOP 2010”) as areas for future growth. The temporary use is well served by existing and planned infrastructure to support the Development, thereby meeting this objective of the Growth Plan.

The surrounding area is well served by infrastructure to support the Development. The Subject Lands are adjacent to Jane Street and Rutherford Road. The York Region Official Plan 2010 and City of Vaughan Official Plan 2010 identifies Jane Street as a Regional Rapid Transit Corridor and Rutherford Road as a Regional Transit Priority Network. VOP 2010 identifies specific land uses and densities for future development and the proposed temporary Financial Institution conforms to the policy framework of the Growth Plan. The proposed temporary use form would utilize the Subject Lands more efficiently, and make efficient use of existing infrastructure, which supports the Growth Plan objectives, specifically:

- a) Section 2.2.1 - directing growth in settlement areas and locations with existing or planned higher order transit; and
- b) Section 2.2.5 - promoting economic development and competitiveness by directing uses to locations that support active transportation and have existing or planned transit.

The Development provides for a financial institution use within a settlement area, located adjacent to a Primary Intensification Corridor with existing and planned higher order transit to support the proposed temporary use. In consideration of the above, the Development Proposal conforms to the relevant policies and objectives of the Growth Plan.

The Development Proposal conforms to the York Region Official Plan 2010 (“YROP”)

The York Region Official Plan 2010 (“YROP”) guides economic, environmental and community building decisions across York Region. The Subject Lands are located within the area designated “Urban Area” on Map 1, “Regional Structure” of the YROP which permits a range of residential, commercial, industrial and institutional uses. The Subject Lands are adjacent to a bus terminal and close to Jane Street which is identified as a “Regional Rapid Transit Corridor”, which is well served by the existing public transit. The YROP includes policies to diversify and strengthen the Region’s economic base, provide employment opportunities for residents and a competitive advantage for businesses. A financial institution use in this location conforms to the YROP policies.

The Development Proposal conforms to in-effect Official Plan, Amendment #600 (“OPA #600”)

The Subject Lands are designated “Vaughan Centre Shopping Centre District” by in-effect OPA #600, which requires that all uses be located within a fully enclosed shopping mall. Limited outside display, storage and sales accessory to a permitted use, outdoor seating areas associated with restaurant uses and uses for the entertainment

and recreation of mall patrons are also permitted, subject to the standards set out in the implementing zoning by-law.

OPA #600 permits temporary uses, subject to the following policies:

- the proposed use does not require municipal water or sanitary services
- proposed buildings are of a temporary nature
- the proposed use is not automotive or industrial in nature
- the proposed use does not require outside storage
- the temporary use does not conflict with the road pattern
- any such proposed use shall be subject to a Zoning By-law Amendment, and the amendment shall be for a temporary use only

The proposed structure, is temporary in nature. It is a refurbished shipping container that is easily removed and transported to other locations throughout Ontario. The proposed use is compatible with the surrounding existing land uses and does not require any municipal services. The proposed temporary financial institution meets the intent of the temporary use policies of the Official Plan.

The Subject Lands are also designated “Area Requiring a Tertiary Plan” by the Vaughan VOP 2010, specifically the Vaughan Mills Centre Secondary Plan, Volume 2 (Section 11.7), which is pending approval from the Local Planning Appeal Tribunal (“LPAT”) and not in full force and effect. The Vaughan Mills Centre Secondary Plan was adopted by Vaughan Council on March 18, 2014, and York Region on July 11, 2014. There are several appellants and parties to the LPAT appeals, including Ivanhoe Cambridge which owns the Subject Lands.

A Zoning By-law Amendment is required to permit the temporary use for a period of 3 years

The Subject Lands are zoned “SCD Shopping Centre District Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1030), which permits a full range of commercial uses, including a financial institution, provided that all uses are located within the enclosed shopping centre (Vaughan Mills) with no outdoor storage. The Tangerine Bank will to be located within the parking area outside of the enclosed shopping centre, therefore an amendment to Zoning By-law 1-88 is required to permit the proposal and to permit the use (Tangerine Bank) for a temporary period of 3-years in accordance with the policies of the in-effect Official Plan #600. The Development complies with all other requirements of Zoning By-law 1-88.

The Applicant has indicated the temporary use structure is intended to bring public awareness to the Financial Institution, there are no banking facilities on the site and will not displace any of the required parking spaces under Zoning By-law 1-88 for the shopping Vaughan Mills Shopping Centre.

In consideration of the above, the Development Planning Department is satisfied that the proposed temporary use is appropriate and maintains the intent of the OPA #600 temporary use policies and will result in a Development that is consistent with the surrounding area.

The Development Planning Department supports the proposed site plan, subject to the conditions in this report

The proposed site plan shown on Attachment #3 includes a 30 m² prefabricated structure (shipping container) that is portable and will be shipped to different locations throughout Ontario to bring awareness to the financial institution. The structure will be located within the Vaughan Mills Shopping Centre parking lot in proximity to the ring road and the Vaughan Mill bus terminal as shown on Attachment #2. The structure and wooden ramp and deck leading into the entrance make it pedestrian and barrier free accessible. The temporary structure will occupy 11 parking spaces however, the Vaughan Mills Shopping Centre will still comply with the minimum number of parking spaces required by Zoning By-law-188. The structure will be in place for less than 3 years.

The elevations, as shown on Attachment #4, are orange in colour with the Tangerine Forward Banking logo in white, along with white perforated steel plate and a large aluminum glass curtain wall. The landscaping has been upgraded to include 16 planters surrounding temporary structure and defining the area, as shown on Attachment #3.

The Subject Lands are subject to the Vaughan Mills Urban Design Guidelines ("Guidelines") however, the Guidelines do not speak to temporary structures and therefore, the Guidelines for this Development do not apply.

The Development Planning Department is satisfied with the Development and shall approve the final site plan, building elevations, landscape plan, landscape cost estimate, signage details and lighting plan prior to the execution of the amending site plan agreement. A condition to this effect is included in the Recommendations of this report.

The Development Engineering Department has no objection to the Development, subject to the conditions in this report

The Development Engineering Department has advised that they have no objection in principle to the Development, subject to the proposed structure not affecting the existing stormwater ponding area. A condition to this effect is included in the Recommendations of this report.

The Environmental Services Department, Solid Waste Management Division has no objection to the Development Proposal

The Solid Waste Division has advised that they have no objection to the Applications and have no comments.

The Office of the City Solicitor, Real Estate Department advise that Cash-in-Lieu of Parkland Dedication is not required

The Real Estate Department has advised that they have no objection to the Applications and Cash-in-Lieu of Parkland Dedication is not required.

The Financial Planning and Development Finance Department advises that Development Charges are applicable

The Financial Planning and Development Finance Department has advised that they have no objection to the Applications, and that development changes are applicable.

The various utilities have no objection to the Development

Alectra Utilities Corporation, Enbridge and Hydro One have no objections to the Applications.

Financial Impact

N/A

Broader Regional Impacts/Considerations

The Development has been reviewed by external agencies, including York Region and the Toronto and Region Conservation Authority ("TRCA"), who advise they have no objections.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.17.036 and Site Development File DA.17.083 in consideration of the policies of the PPS the Growth Plan, the York Region Official Plan and in-effect Official Plan, Amendment #600, the requirements of Zoning By-law 1-88, comments from Council City Departments, and external public agencies. The Development Planning Department is satisfied that the proposed 3-year temporary use for a Financial Institution, is consistent and conforms with Provincial policies, conforms to the York Region and City of Vaughan Official Plans, and is compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department supports the approval of the Zoning By-law Amendment and Site Development applications subject to the conditions included in the Recommendations section of this report.

For more information, please contact: Margaret Holyday, Planner, Development Planning Department, at extension 8216.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Landscape
4. Elevations

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