

Item:



Committee of the Whole Report

DATE: Monday, September 17, 2018

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.16.034
STELLARBRIDGE MANAGEMENT INC.
VICINITY OF HIGHWAY 407 AND JANE STREET**

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.16.034 on the Subject Lands shown on Attachments #1 and #2 to:

- a) Permit interim industrial uses, not including permanent buildings or structures, on Part “A”, as shown on Attachment #3; and,
- b) Rezone Part “B” from “PB1S Parkway Belt Linear Facilities Zone” to “PBM7 Parkway Belt Industrial Zone”, subject to Exception 9(1067), in the manner shown on Attachment #3.

Report Highlights

- The Owner is proposing to amend Zoning By-law 1-88 on the Subject Lands to permit interim industrial uses not including permanent buildings or structures on Part “A” and to rezone Part “B” from “PB1S Parkway Belt Linear Facilities Zone” to “PBM7 Parkway Belt Industrial Zone”.
- The Ministry of Municipal Affairs on April 19, 2018, approved Amendment No. 225 to the Parkway Belt West Plan to permit interim industrial uses only on Part “A” of the Subject Lands, and to remove Part “B” of the Subject Lands from the Parkway Belt West Plan.
- The Development Planning Department supports the approval of the Application, subject to the Recommendations of this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.16.034 (Stellarbridge Management Inc.) BE APPROVED; to:
 - a) Permit interim industrial uses, not including permanent buildings or structures, on Part “A”; and,
 - b) Rezone Part “B” from “PB1S Parkway Belt Linear Facilities Zone” to “PBM7 Parkway Belt Industrial Zone”, subject to Exception 9(1067), in the manner shown on Attachment #3.

Background

The Subject Lands (the “Subject Lands”), shown on Attachments #1, #2 and #3 are located on the east side of Jane Street, north of the Canadian National Railway (the “CNR”) rail line, being Parts 1 and 2 (Part “A”) and Parts 3 and 5 (Part “B”) on Reference Plan 65R-39397, City of Vaughan.

A Zoning By-law Amendment Application has been submitted to permit the proposal.

The Owner has submitted a Zoning By-law Amendment File Z.16.034 (the “Application”) to:

- a) Permit interim industrial uses, not including permanent buildings or structures, on Part “A”; and,
- b) Rezone Part “B” from “PB1S Parkway Belt Linear Facilities Zone” to “PBM7 Parkway Belt Industrial Zone”, subject to Exception 9(1067), in the manner shown on Attachment #3.

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

On February 10, 2017, 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 Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) was held on March 7, 2017, to receive comments from the public, and the Committee of the Whole. The Recommendation of the Committee of the Whole to receive the Public Hearing report of March 7, 2017, was ratified by Vaughan Council on March 21, 2017. No written submissions regarding the

Application were received by the Development Planning Department. No individuals made deputations at the Public Hearing.

Consent Application File B007/17 has been filed with Vaughan Committee of Adjustment and has been held in abeyance until the Subject Lands have been successfully removed from the Parkway West Belt Plan

Consent Application File B007/17 has been filed with the Vaughan Committee of Adjustment (“CofA”) to sever Part “A” of the Subject Lands from CNR’s ownership. The Ministry of Municipal Affairs (the “Ministry”) has not removed Part “A” of the Subject Lands from the PWB Plan, but rather, has allowed for interim industrial uses to be permitted on the lands. The Owner is required to obtain approval from CofA to create any necessary easement(s).

Part “B” of the Subject Lands, were deemed surplus by the CNR. The CofA, on August 25, 2016, approved Consent Application B022/16 to sever Part “B” of the Subject Lands from the larger CNR landholding to be conveyed to the lands to the north (7171 Jane Street) and to create a maintenance easement over Part “B” in favour of the lands to the south (CNR), which contains an existing drainage ditch. The Owner has acquired Part “B” of the Subject Lands, and is seeking to amend Zoning By-law 1-88 to provide a consistent zone category (PBM7 Zone, subject to Exception 9(1067)) over the Owner’s entire landholding (7171 Jane Street).

Previous Reports/Authority

[Item 1, Report No. 11, Committee of the Whole \(Public Hearing\) adopted by Vaughan Council on March 21, 2017](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement (the “PPS”)

The PPS 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean and healthy environment.

The PPS includes policies on key issues that affect communities including:

- The efficient use and management of land and infrastructure
- Protection of environment and resources
- Ensuring appropriate opportunities for employment and residential development, including support for a mix of uses

Part V - "Policies" of the PPS states (in part) the following:

Employment:

1.3.1 *"Planning authorities shall promote economic development and competitiveness by... b) providing opportunities for a diversified economic base including maintaining a range and choice of suitable sites for employment uses which supports a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and, d) ensuring the necessary infrastructure is provided to support current and projected needs."*

1.3.2 *Employment Areas*

1.3.2.1 *"Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs."*

1.6.8 *Transportation and Infrastructure Corridors*

1.6.8.1 *"Planning authorities shall plan for and protect corridors and rights-of-ways for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs."*

1.6.8.2 *"Major goods movement facilities and corridors shall be protected for the long term."*

1.6.8.3 *"...new development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term uses of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities."*

The Application is consistent with the intent of the Employment area, and Infrastructure and Public Service Facilities policies of the PPS, which promotes the efficient use of land to support a healthy community, economic development and competitiveness, and the efficient use of public service facilities and infrastructure to meet current and projected needs. The Zoning By-law Amendment Application will facilitate the conveyance of Part "A" of the Subject Lands to provide the opportunity for interim industrial uses through the consolidation of lands with the Owner's overall landholdings, while providing a maintenance easement to service the abutting CNR railway. Part "A"

of the Subject Lands will remain within the PWB Plan and be subject to an access easement (in favour of CNR) and will serve any future infrastructure and public service facilities (linear facility uses) as required by the Ministry. The Application will support the projected employment and public utility needs to support a liveable and resilient community. The Application is consistent with the policy objectives of the PPS.

The Application conforms to the Places to Grow Act - The Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”)

The Growth Plan came into effect in May of 2017, and is intended to guide decision making on the development of land by encouraging a compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

Part 2.2.5 Employment states (in part) the following:

“2.2.5.1 a) and b) “Economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this plan;”*

Part 3.2.5 Infrastructure Corridors states (in part) the following:

“1. In planning for the development, optimization or expansion of existing and planned corridors and supporting facilities...municipalities will: b) ensure that existing and planned corridors are projected to meet current and projected needs in accordance with the transportation and infrastructure corridor protection policies in the PPS.”

The Subject Lands are located within a Built-Up Area where the Growth Plan encourages intensification to contribute to the establishment of complete communities where existing infrastructure and municipal services are available. The Application is consistent with the policy framework, as envisioned by the Growth Plan by making a more efficient use of the Subject Lands through the introduction of industrial use zoning permissions on the Subject Lands and the consolidation of the surplus CNR owned

lands. The Zoning By-law Amendments and the consolidation of these privately-owned lands will provide future employment opportunities, and maintain easements directly related to the abutting linear facilities CNR railway. The Application has regard for the transportation and infrastructure corridor protection policies in the PPS, and will continue to make efficient use of employment lands. The Application conforms to the policies of the Growth Plan.

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

The Subject Lands are designated “Urban Area” and identified within the Parkway West Belt by YROP 2010, which permits a range of residential, industrial and institutional uses.

Section 4.0 Economic Vitality policies (in part) states the following:

“4.3.5 to protect, maintain and enhance the long-term viability of all employment lands designated in local municipal official plans for employment land uses.”

Section 7.5 Energy and Utilities policies states (in part) the following:

“7.5.2 To promote shared rights-of-way to minimize lands requirements and increase the efficiency of utility construction and maintenance.”

“7.5.9 To encourage complementary uses on utility corridors, such as trails, transit, commuter parking, community gardens, and appropriate vegetation.”

The Application, if approved, would permit interim employment uses on Part “A” and would rezone Part “B” of the Subject Lands. The Application is consistent with the policies of the YROP as employment/industrial uses will be maintained on the Subject Lands and the lands will be consolidated into the Owner’s overall landholdings. Although Part “B” of the Subject Lands are primarily used for an access easement for drainage purposes in favour of the lands to the south, which are owned by the CNR, employment zoning will be applied to these Lands.

The economic vitality of the employment lands will be maintained as the Subject Lands are designated as employment lands by VOP 2010. The Subject Lands containing the interim industrial uses are complementary to the utility corridor within the PWB Plan, and the existing CNR. The implementing Zoning By-law will include standards to restrict permanent buildings and/or structures on Part “A” to maintain the public use

permissions in the event the Ministry requires Part “A” for public utilities. The Application conforms to the policies within the YROP.

The Development Planning Department has reviewed the Application in consideration of the Vaughan Official Plan 2010 (“VOP 2010”), and the Parkway Belt West Plan (the “PBW Plan”). The proposal conforms to VOP 2010 and the PBW Plan

Parts “A” and “B” of the Subject Lands are identified as “Parkway Belt West Lands” on Schedule 1 of Vaughan Official Plan 2010 (“VOP 2010”) and are designated “General Employment” by Schedule 13 of VOP 2010. This designation permits a range of industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, transportation, distribution, any of which may or may not include outdoor storage, and office and or retail uses accessory to and directly associated to any of the above permitted uses.

Section 2.2.6.1 of VOP 2010 states (in part), that *“the lands identified on Schedule 1 as Parkway Belt West, as amended, and subject to that Plan, are to be used for linear facilities, such as transportation, communications and utility infrastructure, as well as a linked system of public and private open spaces.”* Section 2.2.6.2 of VOP 2010 further states *“that such times as any Parkway Belt West parcels are declared surplus, an amendment to this Plan is required to re-designate the lands.”*

Amendment No. 225 to the Parkway Belt West Plan (the “PBW Plan”) has been approved by the Ministry of Municipal Affairs (the “Ministry”), which does not necessitate the requirement for a local Official Plan Amendment to permit interim industrial uses

Part “A” of the Subject Lands are designated “Utility” and “Electric Power Facility” within the “Public Use Area” of the Parkway Belt West Plan, July 1978 (the “PBW Plan”). On April 19, 2018, the Ministry of Municipal Affairs (the “Ministry”) approved a site-specific amendment (“Amendment No. 225”) to the PBW Plan for the following:

1. To permit industrial uses on Parts 1 and 2 on Reference Plan 65R-37397 (Part “A”) comprised of 0.13 ha of the PBW Plan, subject to the following requirements:
 - a) interim industrial uses are permitted on Parts 1 and 2 of Reference Plan 65R-37397 (Part “A”) until such time as these lands are required for the purposes of the utility corridor and/or other related future public uses, as contemplated by the Parkway Belt West Plan;

- b) No permanent buildings or structures are permitted; and,
 - c) The interim industrial uses shall be appropriately zoned and conform to all agreements entered into with the City of Vaughan.
2. To delete Parts 3 and 5 on Reference Plan 65R-37397 (Part “B”) comprised of 0.86 ha on Schedule B, Map 5: Northern Link (Woodbridge-Markham) of the PBW Plan.

Part “A” of the Subject Lands remain within the PWB Plan, and will permit interim industrial uses. Part “B” of the Subject Lands have been removed from the PWB Plan and zoned to permit employment uses

In accordance with the Ministry’s Order, Amendment No. 225, Part “A” of the Subject Lands has not been removed from the PBW Plan. However, in accordance with the Ministry’s approval, interim industrial uses will be permitted on Part “A” until such time as any future public uses, and or utilities are required by the PBW Plan. Interim land uses mean industrial land uses permitted by the “PBM7 Parkway Belt Industrial Zone”, excluding any permanent buildings or structures, but may include temporary uses such as parking, and storage areas. The Ministry advises that such uses must be consistent with the implementing Zoning By-law.

Part “B” of Subject Lands has been removed from the PBW Plan. As the Subject Lands are already designated by Schedule 13 of VOP 2010 as “General Employment”, no further amendment to VOP 2010 is required. Amendment No. 225 to the PBW Plan allows for industrial uses on Part “B” of the Subject Lands, and thus the proposal conforms to VOP 2010.

Amendments to the “PBM7 Parkway Belt Industrial Zone” and “PB1S Parkway Belt Linear Facilities Zone” subject to Exception 9(1067) of Zoning By-law 1-88 will be required to permit interim industrial uses on Part “A” of the Subject Lands, which will form part of the Owner’s larger landholding, and industrial uses on Part “B”

Parts “A” and “B” of the Subject Lands are zoned “PB1S Parkway Belt Linear Facilities Zone” by Zoning By-law Amendment 1-88, which only permits Public Uses. In accordance with Section 3.10 of Zoning By-law 1-88, public uses are for the exclusive use by the City, the Region or other Government Authority.

Part “A” of the Subject Lands is currently owned by the CNR. An amendment to Zoning By-law 1-88 is required to permit the interim industrial uses on Part “A” until any future

public uses, and or utilities are required by the Ministry, in accordance with Amendment No. 225. As Public Uses are being maintained, the PB1S Zone category will remain on Part “A” of the Subject Lands, and a site-specific exception to Zoning By-law 1-88 to permit the interim industrial uses such as parking, storage and an access easement, and prohibiting permanent buildings and/or structures, will be included within the implementing Zoning By-law, should the Application be approved.

The Owner proposes to rezone Part “B” of the Subject Lands from “PB1S Parkway Belt Linear Facilities Zone” to “PBM7 Parkway Belt Industrial Zone”, subject to Exception 9(1067), to provide a consistent zone category for the newly consolidated lands as shown on Attachment #3. Site-specific Exception 9(1067) permits the following uses:

- Club or Health Centre;
- Industrial Uses, as defined in Section 2.0;
- Office Building;
- Research and Development Laboratory; and,
- Retail Sales accessory to an industrial Use

A rezoning for Part “B” is required as it is no longer owned by a Public Authority (i.e. “CNR”) and has been consolidated into private ownership (Stellarbridge Management Inc.) through related Consent Application File B022/16. Accordingly, Section 3.10 of Zoning By-law 1-88 does not apply to Part “B”.

The Development Planning Department has reviewed the Application and has no objection to the proposed rezoning of Part “B” of the Subject. Although Part “B” will be used mainly for the purpose of a drainage maintenance easement for CNR, the Owner has requested that the uses permitted in the PBM7 Zone by Zoning By-law 1-88 apply to Part “B” of the Subject Lands. The zoning amendment to Part “A” will also permit the interim industrial uses which will bring the newly consolidated parcels into private ownership and will provide a consistent zone category over the entirety of the landholdings (7171 Jane Street - Stellarbridge Management Inc.) The proposed Zoning By-law Amendments are appropriate, and compatible with the existing permitted uses in the surrounding area, and conforms to the policies Amendment No. 225 of the PBW Plan. On this basis, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.16.034, subject to the Recommendations in this report.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services Department has reviewed the Application and has no objection or comments.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.16.034 in consideration of the applicable Provincial Policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the Application to rezone and permit interim industrial uses on Part “A” and industrial uses on Part “B” is consistent with the policies of the PPS, conforms to the Growth Plan, the York Region Official Plan and VOP 2010. The Application is appropriate and will facilitate amendments to Zoning By-law 1-88 that facilitates the rezoning of Part “B” of the Subject Lands and permissions for employment uses that are compatible with the existing permitted uses in the surrounding area context set out in this report. On this basis, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.16.034, subject to the Recommendations in this report.

For more information, please contact: Natalie Wong, Planner, Development Planning Department, at extension 8866.

Attachments

1. Context Map
2. Context Location Map
3. Proposed Zoning

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