

## Committee of the Whole (Public Hearing) Report

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**DATE:** Tuesday, March 03, 2020

**WARD(S):** 2

**TITLE: BOSTAR INC.**

**ZONING BY-LAW AMENDMENT FILE Z.19.034**

**VICINITY OF REGIONAL ROAD 27 AND REGIONAL ROAD 7**

**FROM:**

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.19.034 (Bostar Inc.) for the subject lands shown on Attachment 1, to permit a drive-through facility accessory to an eating establishment in the “EM1 Prestige Employment Area Zone”, as shown on Attachments 2 and 3.

### **Report Highlights**

- To receive input from the public and the Committee of the Whole on a Zoning By-law Amendment to permit a drive-through facility accessory to an eating establishment on the subject lands currently developed with a multi-unit employment building.
- An amendment to Zoning By-law 1-88 is required to permit a drive-through facility on the Subject Lands.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

### **Recommendations**

1. THAT the Public Hearing report for Zoning By-law Amendment Z.19.034 (Bostar Inc.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

## **Background**

The subject lands (the 'Subject Lands') shown on Attachment 1, are located on the east side of Regional Road 27, south of Regional Road 7, municipally known as 5875 Regional Road 7, and are currently developed with a multi-unit employment building. The surrounding land uses are shown on Attachment 1.

On June 28, 2016, Vaughan Council approved Site Development File DA.14.093 (Bostar Inc.) to permit the development of a 3-storey office building and a 2-storey office addition to the existing multi-unit employment building. The Owner has revised the development proposal on the Subject Lands, which includes the original 3-storey office building, and a commercial building containing two eating establishments and one drive-through facility.

### ***A Zoning By-law Amendment Application was submitted to permit the Drive-through Facility***

The Owner (Bostar Inc.) has submitted Zoning By-law Amendment File Z.19.034 (the 'Application') to amend the "EM1 Prestige Employment Area Zone", subject to site-specific Exception 9(291) of Zoning By-law 1-88, to permit a drive-through facility accessory to an eating establishment, together with the site-specific zoning exceptions identified in Table 1 of this report.

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

- a) Date the Notice of Public Hearing was circulated: February 7, 2020

The Notice of Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and three Notice Signs (one on each street frontage) were installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: 150m radius from the 'Subject Lands', and to the West Woodbridge Homeowners Ratepayer's Association.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the Application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

## **Previous Reports/Authority**

[Committee of the Whole Meeting: June 21, 2016 – Site Development File DA.14.093](#)

## **Analysis and Options**

### ***The proposed uses conform to VOP 2010***

The subject lands are designated “Employment Commercial Mixed Use” by the Vaughan Official Plan (‘VOP 2010’). The Subject Lands are also located on a Regional Intensification Corridor within Employment Areas in Schedule 1-Urban Structure of VOP 2010. The “Employment Commercial Mixed Use” designation located on a Regional Intensification Corridor within Employment Areas permits mid-rise buildings but does not permit low-rise buildings. However, the existing zoning on the property permits the low-rise building form as-of-right.

The “Employment Commercial Mixed-Use” designation recognizes existing areas of predominantly commercial uses within the Employment Area. These areas are planned to be developed with commercial buildings that allow for a variety of business uses to occur in close proximity to each other. They also contribute to the provision of ancillary uses, which primarily serve the needs of businesses and employees in the Employment Area. The 3-storey office building and eating establishment uses conform to the Official Plan.

Section 5.2.3.10(b) of VOP 2010 respecting the transformation of future retail development, requires that any proposed Drive-through Facility within a Regional Intensification Corridor will only be permitted on the basis of a site-specific zoning by-law amendment. Accordingly, a Zoning By-law Amendment application has been submitted by the Owner.

### ***A Zoning By-law Amendment application is required to permit the Drive-through Facility***

The ‘Subject Lands’ are zoned “EM1 Prestige Employment Area Zone” subject to site-specific Exception 9(291), as shown on Attachment 1. On September 22, 2016, the Vaughan Committee of Adjustment approved Minor Variance File A136/16 to permit 257 parking spaces on the Subject Lands. The proposed office building and eating establishment uses are permitted, however a Zoning By-law Amendment is required to permit a Drive-through Facility on the subject lands, together with the following site-specific exceptions to Zoning By-law 1-88:

Table 1:

	<b>Zoning By-Law 1-88 Standards</b>	<b>Requirements of EM1 Prestige Employment Area Zone, subject to Exception 9(291)</b>	<b>Proposed Exceptions to EM1 Zone, subject to Exception 9(291)</b>
a.	Minimum Parking Requirements	<p><u>Proposed Building A</u> Office Uses: 2,137 @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 75</p> <p>+</p> <p><u>Existing Building B</u> Employment Uses: 4,906 m<sup>2</sup> @ 1.5 parking spaces / 100 m<sup>2</sup> GFA = 74</p> <p>+</p> <p>Ancillary Uses: 1,261 m<sup>2</sup> @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 45</p> <p>+</p> <p><u>Proposed Building C</u> Eating Establishment, Convenience: 200 m<sup>2</sup> @ 20 parking spaces / 100 m<sup>2</sup> GFA = 40</p> <p>+</p> <p>Eating Establishment, Convenience with Drive-through Facility: 203.61 m<sup>2</sup> @ 16 parking spaces / 100 m<sup>2</sup> GFA = 33</p> <p>Total Required: 267 parking spaces</p>	<p><u>Proposed Building A</u> Office Uses: 2,137 @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 75</p> <p>+</p> <p><u>Existing Building B</u> Employment Uses: 4,906 m<sup>2</sup> @ 1.5 parking spaces / 100 m<sup>2</sup> GFA = 74</p> <p>+</p> <p>Ancillary Uses: 1,261 m<sup>2</sup> @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 45</p> <p>+</p> <p><u>Proposed Building C</u> Eating Establishment, Convenience: 200 m<sup>2</sup> @ 16 parking spaces / 100 m<sup>2</sup> GFA = 32</p> <p>+</p> <p>Eating Establishment, Convenience with Drive-through Facility: 203.61 m<sup>2</sup> @ 14 parking spaces / 100 m<sup>2</sup> GFA = 29</p> <p>Total Proposed: 255 parking spaces</p>
b.	Maximum unit size of Eating Establishment Convenience	185 m <sup>2</sup>	200 m <sup>2</sup>

	<b>Zoning By-Law 1-88 Standards</b>	<b>Requirements of EM1 Prestige Employment Area Zone, subject to Exception 9(291)</b>	<b>Proposed Exceptions to EM1 Zone, subject to Exception 9(291)</b>
c.	Minimum unit size of Multi-Unit Building, other than an Office Building (Building C - Proposed 2 Eating Establishments)	274 m <sup>2</sup>	203 m <sup>2</sup> for the Eating Establishment, Convenience with Drive-through Facility
d.	Minimum landscape strip abutting a provincial highway	9.0 m	8.5 m

Additional zoning exceptions may be identified through the detailed review of the Application and will be considered in a technical report to a future Committee of the Whole meeting.

***Following a preliminary review of the Application, the Development Planning Department has identified the following matters to be reviewed in greater detail.***

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Consistency and conformity with Provincial Policies, York Region and City of Vaughan Official Plan Policies	<ul style="list-style-type: none"> <li>The Application will be reviewed for consistency and conformity with the applicable policies of the Provincial Policy Statement 2014, A Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan'), the York Region Official Plan and Vaughan Official Plan 2010 policies</li> </ul>
b.	Appropriateness of the Site-Specific amendments to Zoning By-law 1-88	<ul style="list-style-type: none"> <li>The appropriateness of the proposed drive-through facility and site-specific amendments to Zoning By-law 1-88 to permit the Proposal shown on Attachment 2 will be reviewed in consideration of the existing and planned surrounding land uses, built form compatibility and appropriate development standards</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
c.	Drawings and Reports	<ul style="list-style-type: none"> <li>• The following drawings and reports in support of the Applications must be approved to the satisfaction of the City and/or respective approval authority: <ul style="list-style-type: none"> <li>- Architectural Drawings</li> <li>- Draft Zoning By-law</li> <li>- Planning Justification Report</li> <li>- Geotechnical Report</li> <li>- Erosion Sediment Control Plan</li> <li>- Urban Design Brief</li> <li>- Signage Design and Lighting Plan</li> <li>- Arborist Report</li> <li>- Tree Preservation Plan</li> <li>- Landscape Plan</li> <li>- Parkland Dedication Summary</li> <li>- Sustainability Summary</li> <li>- Site Plan Accessibility Checklist</li> <li>- Traffic Impact Study and Parking Impact Assessment</li> <li>- Functional Servicing and Stormwater Management Report</li> </ul> </li> </ul> <p>Additional studies/reports may be required as part of the application review process</p>
d.	Related Site Development Application	<p>A Site Development Application (File DA.19.085) has been submitted with the Zoning By-law amendment to support the implementation of the Development, should the Application be approved</p> <ul style="list-style-type: none"> <li>• The review of the Site Development Application will consider, but not be limited to, the following matters: <ul style="list-style-type: none"> <li>- Appropriate built form, site design, building elevations and landscaping</li> <li>- Appropriate building and outside storage setbacks to the surround land uses</li> <li>- Proper vehicle turning movements, particularly the proposed drive-through facility</li> <li>- Implementation of appropriate waste collection design standards</li> </ul> </li> </ul>

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> <li>- Appropriate site servicing and grading, stormwater management</li> <li>- Provisions of sufficient snow storage areas</li> </ul>
e.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> <li>• The Proposal will also be reviewed in consideration of the City of Vaughan City-Wide Urban Design Guidelines</li> </ul>
f.	Sustainable Development	<ul style="list-style-type: none"> <li>• Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bioswales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan process, if the Applications are approved</li> </ul>
g.	Parkland Dedication	<p>The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu of Parkland Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the Infrastructure Development Department, Real Estate Services</p>

### **Financial Impact**

Not applicable.

### **Broader Regional Impacts/Considerations**

The application has been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered.

### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the

applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

**For more information**, please contact Jennifer Kim, Planner – Development Planning Department, at Extension 8592.

### **Attachments**

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevations – Building A
5. Elevations – Building C

### **Prepared by**

Jennifer Kim, Planner – ext. 8592

Clement Messere, Senior Planner – ext. 8409

Carmela Marrelli, Senior Manager of Development Planning – ext. 8791

Christina Bruce, Acting Director of Development Planning – ext. 8231