



Committee of the Whole (1) Report

DATE: Tuesday, September 15, 2020

WARD(S): 2

TITLE: 1406979 ONTARIO LIMITED

ZONING BY-LAW AMENDMENT FILE Z.16.028

6701 HIGHWAY 7 AND 7551 HUNTINGTON ROAD

VICINITY OF HIGHWAY 427 AND HIGHWAY 7

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.16.028 for the subject lands shown on Attachment 1. The Owner proposes to rezone the subject lands from “An Agricultural Zone” to “EM1 Prestige Employment Area Zone” to permit future employment uses, in the manner shown on Attachment 2.

Report Highlights

- The Owner proposes to rezone the subject lands from “An Agricultural Zone” to “EM1 Prestige Employment Area Zone”
- The Development Planning Department supports the approval of the application as the proposal is consistent with the Provincial Policy Statement 2020, conforms to the York Region Official Plan and Vaughan Official Plan 2010 and is compatible with the existing and planned uses in the surrounding area

Recommendations

1. THAT Zoning By-law Amendment File Z.16.028 (1406979 ONTARIO LIMITED) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “An Agricultural Zone” to “EM1(H) Prestige Employment Area Zone” with the Holding Symbol “(H)” as shown on Attachment 2.
2. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following conditions are satisfied
 - a. The Owner shall enter into a Servicing/Development Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the municipal services including, but not limited to, roads, water, wastewater, storm and any land conveyances, as required for the Subject Lands, to the satisfaction of the Development Engineering Department.
 - b. The Owner shall submit a letter from the Block Trustee for the Block 57/58 Developers’ Group indicating that the Owner is a participant of the Cost Sharing Agreement and has fulfilled all cost sharing and other obligations of the Block 57/58 Landowners Cost Sharing Agreement. The Agreement shall have regard to but, not limited to, all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services, landscaping and fencing to the satisfaction of the Development Engineering Department;
 - c. Confirmation from the Ministry of Transportation (‘MTO’) it has no objection to the location of the municipal roads; and
 - d. The Owner shall submit the necessary reports to support the re-alignment of Gibraltar Road including updated traffic management plan, updated Traffic Study/Access Study, and a functional design for the proposed Gibraltar intersections, and reports required for the Servicing/Development Agreement, to the satisfaction of the Development Engineering Department.
3. THAT Council authorize the Development Engineering Department to enter into the necessary Agreements with the Owner for necessary services.
4. THAT the Development Agreement shall be registered to the lands which it applies to and to the satisfaction of the Development Engineering Department.
5. THAT Site Development File DA.18.089 be revised for consideration at a future Committee of the Whole meeting.

6. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Committee of Adjustment, if required, before the second anniversary of the day the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.

Background

The subject lands (the 'Subject Lands') shown on Attachment 1, include the lands municipally known as 6701 Highway 7 and 7551 Huntington Road and are located south of Highway 7, between Huntington Road and Highway 427. The Subject Lands are primarily vacant with some agricultural uses. The surrounding land uses are shown on Attachment 1.

The Committee of the Whole at a Public Meeting held on October 5, 2016 originally considered the subject Zoning By-law Amendment File Z.16.028. The boundary of the Subject Lands changed due to the expropriation of a portion of the Owner's land by the Ministry of Transportation and the subsequent addition of a 5.35 ha portion of land as shown on Attachment 2. A second Public Meeting was held on July 7, 2020 to reflect these changes to the application and to conform to Vaughan Official Plan 2010 ('VOP 2010') policy 10.1.4.1, where a new public meeting is required for a planning application when it has not been considered by Council within two years after the date it was considered at a previous statutory Public Meeting.

The Subject Lands form part of a larger land assembly and not subject to this Application. These lands are located between Highway 7 and the north limit of the Subject Lands as shown on Attachment 2. The Owner has requested York Region to consider these lands for an employment land conversion to permit mixed-use, high density residential uses.

Vaughan Council on May 27, 2020 considered a Technical Report regarding a number of employment land conversion requests throughout the City of Vaughan. Vaughan Council recommended the lands located between Highway 7 and the north limit of the Subject Lands for an employment land use conversion. Vaughan Council's recommendation has been forwarded to York Region for consideration as York Region is the approval authority for employment land conversion requests being reviewed as part of the 2041 Municipal Comprehensive Review.

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

The City on June 16, 2020 mailed a Notice of Public Hearing (the 'Notice') to all property owners within 150m of the Subject Lands and to the West Woodbridge Homeowners Association. A copy of the Notice was also posted on the City's website at www.vaughan.ca and two notice signs were installed on the Subject Lands in accordance with the City's Notice Sign Procedures and Protocols.

Vaughan Council on July 15, 2020 ratified the recommendations of the Committee of the Whole to receive the Public Hearing report of July 7, 2020, and to forward a comprehensive technical report to a future Committee of the Whole meeting. There were no deputations or written submissions received by the Development Planning Department and at the Public Hearing.

Previous Reports/Authority

The previous Public Meeting reports related to this Application are available at the following links:

[Item 4, Report No. 36 Committee of the Whole \(Public Hearing\) Meeting October 5, 2016 – Zoning By-law Amendment File Z.16.028](#)

[Item 2, Report No. 32 Committee of the Whole \(Public Hearing\) Meeting July 7, 2020 – Zoning By-law Amendment File Z.16.028](#)

Analysis and Options

A Zoning By-law Amendment Application has been submitted to permit the proposed development

The Owner has submitted Zoning By-law Amendment File Z.16.028 (the 'Application') to amend Zoning By-law 1-88, to rezone the Subject Lands from "An Agricultural Zone" to "EM1 Prestige Employment Area Zone" in the manner on Attachment 2.

The Application is consistent with the Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement 2020 ('PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS recognizes that local context and character is important. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS.

The Application is consistent with the PPS, specifically Sections 1.1.1, 1.3.1 and 1.7.1 regarding development in settlement areas, promoting economic development and providing opportunities for a diversified economic base including maintaining a range of economic activities and ancillary uses and take into account the needs of existing and future businesses. The Application respects these policies of the PPS as it will maintain the vitality of the employment lands as it is compatible with the surrounding land uses in the area.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Application is consistent with the policies of the PPS as it would use the Subject Lands more efficiently by developing vacant lands with employment uses.

The Application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019

The Provincial Growth Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan') is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Application is consistent with the policy framework of the Growth Plan, specifically Sections 2.2.1.2, 2.2.5.1 and 2.2.5.5 regarding development in settlement areas, promoting economic development and competitiveness, and the preservation of lands adjacent to major goods movement facilities and corridors for employment uses.

The Subject Lands are located within a settlement area on an existing and underutilized site, in proximity to Highways 7 and 427 and with convenient access to Pearson International Airport and downtown Toronto. The proposed rezoning of the Subject Lands located within an employment area helps meet economic goals and attract investment opportunities in an area. The Application conforms to the Growth Plan.

The Application conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ("YROP") guides economic, environmental and community building decisions across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are designated "Urban Area" by the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial and institutional uses. YROP 2010 encourages maintaining the economic vitality of employment lands,

contingent upon their long-term protection, effective planning and design, and a shift toward increasingly sustainable and innovative industrial processes.

The proposed rezoning of the Subject Lands will implement the employment land use and facilitate the efficient use of the Subject Lands to diversify and strengthen the economic base to provide employment opportunities. The proposed Application conforms to the YROP.

The proposed rezoning of the Subject Lands conforms to the policies of Vaughan Official Plan 2010

The Subject Lands are designated “Prestige Employment”, “General Employment” and a “Service Node” is identified at the intersection of Huntington Road and Highway 50 in VOP 2010, Volume 2, Section 12.12 – Huntington Business Park as shown on Attachment 3. A “Natural Area” designation also extends into a small portion of the Subject Lands and is more specifically identified as a Core Feature in VOP 2010, Volume 1, Schedule 2 - Natural Heritage Network.

The “Natural Areas” designation, specifically in Core Features, prohibits development and/or site alteration. Development or site alteration on lands adjacent to Core Features is not permitted unless it is demonstrated through an environmental impact study the development or site alteration will not result in a negative impact on the feature or its functions.

Section 10.2.1.6 of VOP 2010 includes policies regarding the delineation between “Prestige Employment” and “General Employment” designations, including identifying boundaries between land use designations are approximate. VOP 2010 also states where the intent of this Plan is maintained, minor adjustments to the boundaries will not require amendment to VOP 2010. The Subject Lands are located in proximity to have Highways 7, 50 and 427, about a future transit station, planned Service Nodes, a cemetery and potentially located adjacent to residential uses should the Owner’s land use conversion be approved by York Region. In consideration of the high visibility of the Subject Lands, the surrounding land uses, the Prestige Employment Area Zone is considered appropriate to implement the policies of VOP 2010 and the Block 57/58 Plan, particularly since this zone does not permit outside storage uses.

The proposed rezoning of the Subject Lands from “An Agricultural Zone” to “EM1 Prestige Employment Area Zone” would maintain the intent of VOP 2010 and implement the “Prestige Employment” designation. The proposed rezoning conforms to VOP 2010.

The Subject Lands must be rezoned to accommodate future development

The Subject Lands are zoned “An Agricultural Zone” as shown on Attachment 1. The Owner is proposing to amend Zoning By-law 1-88 to rezone the Subject Lands from “An Agricultural Zone” to “EM1 Prestige Employment Area Zone” to permit future employment uses as contemplated by VOP 2010.

The Owner is only proposing to amend Zoning By-law 1-88 to rezone the Subject Lands and no development is being proposed as part of the Application. The Owner has not requested exceptions to the development standards of Zoning By-law 1-88 (i.e. setbacks, height, coverage, etc.) at this time.

The Development Planning Department has no objection to the Application

The Development Planning Department supports the Application as the proposed rezoning will facilitate a range of employment uses, maintain the intent of VOP 2010 and will result in land uses compatible with the surrounding area. However, the Development Planning Department recommends a Holding Symbol “(H)” be placed on the lands to secure engineering related requirements discussed in the later in this report.

Related Site Development Application

The Owner has submitted Site Development File DA.18.089 to permit 4 single and multi-unit warehouse buildings on the Subject Lands. The Owner has advised the Site Development File will be revised. The review of the Site Development Application will consider, but not be limited to, the following matters:

- appropriate built form, site design, building elevations and landscaping
- appropriate building and outside storage setbacks to the surround land uses
- proper vehicle turning movements
- implementation of appropriate waste collection design standards
- appropriate site servicing and grading, stormwater management
- provisions of sufficient snow storage areas
- the protection of Core Features as identified in VOP 2010, Volume 1, Schedule 2 - Natural Heritage Network
- requiring any building or structure to front on a public street
- requirement for the Owner to enter into a development agreement and to provide necessary Letters of Credit
- appropriate relocation and alignment of the future extension of Gibraltar Road

Conformity to Huntington Business Park Block 57/58 Plan

The Huntington Business Park Block 57/58 Plan, shown on Attachment 3, identifies the Subject Lands as “Prestige Area” and “Employment Area General”.

The “Prestige Areas” of the block plan are intended to abut highways and arterial roads and will provide locational opportunities for activities which require high visual exposure, good accessibility and an attractive working environment. The “Employment Area General” designations are intended to be located in the interior of employment areas. The Block Plan also identifies a “Centre” at the intersection of Highway 7 and Highway 427 and abuts the Subject Lands. The Block Plan describes the “Centre” as a location permitting major concentrations of business, industrial and community service activities which are highly visible and accessible to major transportation routes. The Block Plan references OPA 450 to define the area within and immediate surrounding the “Centre” as “Prestige Area”.

The proposed rezoning of the Subject Lands from “An Agricultural Zone” to “EM1(H) Prestige Employment Area Zone” with the addition of the Holding Symbol “(H)” would implement the “Prestige Employment” designation of the Huntington Business Park Block 57/58 Plan. Furthermore, should the future employment lands conversion request be approved, the “Prestige Area” designation would be more appropriate abutting residential uses and a transit station rather than the “General Employment Area” designation wherein outside storage is permitted.

The Block Plan identifies a future east/west road (extension of Gibraltar Road) located along the north and east boundaries of the Subject Lands. The Site Development Application contemplates the partial relocation of the east-west road. The Owner shall submit the necessary final reports to support the re-alignment of Gibraltar Road including updated traffic management plan, updated Traffic Study/Access Study, and a functional design for the proposed Gibraltar intersections, and reports required for the Servicing/Development Agreement, to the satisfaction of the Development Engineering Department. The alignment of the future extension of Gibraltar Road will be reviewed through the future Site Development Application.

The Owner will be required to fulfill all cost sharing and other obligations of the Block 57/58 Developers’ Group Agreement to the satisfaction of the Trustee for Block 57/58 and the City of Vaughan.

The Development Engineering Department has no objection to the Application, subject to the Recommendations of this report

The Development Engineering ('DE') Department has reviewed the Application and has no objection to the Application, subject to a Holding Symbol "(H)" being placed on the Subject Lands as identified in the Recommendations of this report, in order to secure the implementation matters including sanitary sewage, stormwater management, construction of the future road network, site servicing and grading. The Owner acknowledges that any current or future development Application will be subject to Development Engineering's complex site plan fee, pursuant to the fees and charges by-law.

Block 57/58 Developers' Group Agreement and Cost Sharing

The Subject Lands are located within an approved Block Plan (Block 57/58) and is subject to a Developers' Group Cost Sharing Agreement with other participating landowners. The Owner will be required to conform to the requirements of the Block 57/58 Plan including the provision of municipal services, including but not limited to, roads, sewers, and stormwater management facilities. The Owner will be required to enter into the Developers' Group Agreement with the other participating landowners within the Block 57/58, to the satisfaction of the City. The Block 57/58 Trustee must also confirm any cost sharing requirements to the satisfaction of the City.

Servicing/Development Agreement with the City

The Owner is required to enter into a Servicing/Development Agreement with the City to satisfy all conditions, financial or otherwise of the City with regard to such matters the City may consider necessary including payment of the development levies, the provision of the roads and municipal services, landscaping and fencing. The said Agreement shall be registered against the lands to which it applies and to the satisfaction of the DE Department.

Additional Engineering Drawings, Studies and Reports

The Owner is required to submit revised plans for the related Site Development Application. As part of this resubmission, the Owner will be required to submit an updated Stormwater Management Report, Internal Sanitary Servicing Plans, Hydrogeological report, Phase 1 ESA, Acoustical Report, site grading plans, truck maneuvering plan, certified engineering drawings, updated traffic management plan and updated Traffic Study/Access Study. The Stormwater Management Report must conform to the recommendations and conclusions of the approved Block 57/58 Master Environmental Servicing Plan ('MESP').

Toronto and Region Conservation Authority ('TRCA') has no objection to the Application

A small portion of the Subject Lands are designated "Natural Areas", and specifically identified as a Core Feature in VOP 2010, Schedule 2 – Natural Heritage Network. TRCA staff conducted a visual site inspection on May 12, 2017. A small swale was noted along the eastern side of the Subject Lands and no significant features or vegetation were found. TRCA staff have no objection to the approval of the Zoning By-law Amendment.

TC Energy ('TC') has no objection to the Application

TC Energy has one high pressure natural gas pipeline along the east boundary of the Subject Lands. TC's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator ('CER'). As such, certain activities must comply with the *Canadian Energy Regulator Act* and the National Energy Board Damage Prevention Regulations. TC has no objections to the Application in-principle and has requested the implementing Zoning By-law include the appropriate provisions to ensure no permanent building or structure may be located within 7m of the TransCanada Pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3m from the limited of the right-of-way. TC's development standards will be included as part of the implementing Zoning By-law, should the Application be approved.

Ministry of Transportation ('MTO') has no objection to the Application

MTO has no objection to the Application. The Site Development Application contemplates the partial relocation of the east-west road (extension of Gibraltar Road) in the approved Huntington Business Park Block 57/58 Plan. This request will be reviewed through the future Site Development Application.

The Subject Lands are located within the MTO Permit Control Area and therefore, an MTO Building and Land Use Permit is required prior to the commencement of any on site construction/works. The Owner must satisfy all requirements of the MTO prior to final approval of a Site Development Application(s). The Owner shall apply for the MTO Building and Land Use Permit only when MTO has completed its review of the Site Development Application.

The Office of the Infrastructure Development Department, Real Estate Services, and the Parks Planning Department has no objections to the Application

The Office of the Infrastructure Development Department, Real Estate Services, and the Parks Planning Department have no objections to the approval of the Application. Payment-in-lieu of parkland dedication shall be required and shall be applied at the time

of Site Development Application in accordance with Section 42 of the *Planning Act* and the City of Vaughan's Cash-in-Lieu Policy.

Development Charges are applicable to the Site Development Application

The Owner is required to pay all applicable development charges, in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York District School Board and York Catholic District School Board at the time of Site Development Application.

The Bereavement Authority of Ontario ('BAO') has no objection to the Development

The BAO has no objection to the Application, however recommends a buffer of at least 4.5m (15 feet) from the nearest cemetery lot for any ground penetrating work. The BAO's comment will be addressed through the review of the Site Development application.

The Region of Peel has no objection to the Application

The Region of Peel has no objection to the Application. However, comments will be provided at the Site Development Application stage.

The various utilities have no objection to the Application

Enbridge Gas and Alectra Utilities have no objection to the Application, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of any site works. A condition to this effect will be included as part of the Site Development Application, should the Application be approved.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services have no objection to the Application. Comments will be provided at the Site Development Application stage.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.16.028 in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010 and the Huntington Business Park Block 57/58 Plan, the requirements of the Zoning By-law 1-88, City Departments and external public agencies, and the surrounding existing and planned land use context.

The Development Planning Department is of the opinion that the Application is consistent with the PPS, conforms to the Growth Plan, the YROP, VOP 2010, the Block 57/58 Plan and is compatible with the surrounding area context. On this basis, the Development Planning Department can support the approval of the Application, subject to the Recommendations in this report.

For more information, please contact Jennifer Kim, Planner, Development Planning Department, at extension 8592.

Attachments

1. Context and Location Map
2. Proposed Zoning
3. Approved Huntington Business Park Block 57/58 Plan

Prepared by

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Approved by

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Nick Spensieri, Deputy City Manager
Infrastructure Development

Reviewed by

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Jim Harnum, City Manager