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planning + urban design

**COMMUNICATION – C47
ITEM 1**

**Committee of the Whole (Public Meeting)
October 29, 2020**

Office of the City Clerk
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

October 27, 2020
File 8959

Attn: City Clerk

**RE: City-Wide Comprehensive Zoning By-law Review
Committee of the Whole (Public Meeting)
9770 Highway 27, City of Vaughan**

Weston Consulting is the planner for the 1264564 Ontario Ltd., the legally registered owner of the property located at 9770 Highway 27 in the City of Vaughan (herein referred to as the 'subject property'). The Kleinburg Inn, a 29-bedroom hotel, has been operating on the subject property for decades. The purpose of this correspondence is to provide a formal submission on behalf of our client to recognize the existing hotel use under a commercial zoning category through the City of Vaughan's City-wide Comprehensive Zoning By-law (the "CZBL") Review.

We have reviewed the third draft of the CZBL and are pleased to provide the enclosed comments.

The subject property is 5.54 acres in size and is located south of Major Mackenzie Drive on the west side of Highway 27, and has the Humber River running along its western end (Figure 1). Major Mackenzie Drive is being realigned between Highway 27 and the Canadian Pacific Railway tracks, which are west of the property. To allow for this realignment, the Region, in consultation with the Toronto and Region Conservation Authority ("TRCA") and other agencies, has approved the construction of a bridge to run over the Humber River and the level crossing of the railway tracks. This bridge will be situated directly north of the property.

The CZBL proposes a change in zoning from 'OS-1' to 'EP-139, 175' which basically recognizes the existing development and allows for some expansion of the use. Exceptions 139 and 175 are brought forward from By-law 1-88, which allow for the enlargement of the building through the addition of a restaurant and second-floor apartments.

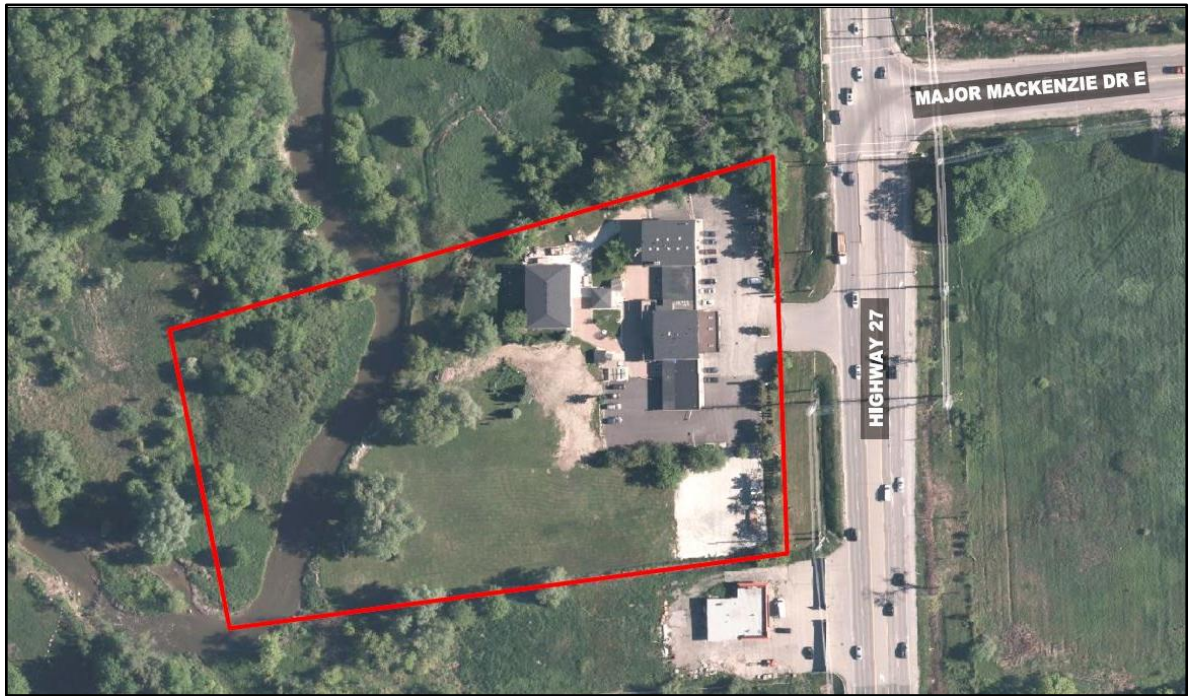


Figure 1: The subject property.

The third draft of the CZBL contains transition provisions in Section 1.6.3 for in-process planning applications, that would be applicable to the subject lands given the current status of Site Development Application (DA.00.109), which has been reactivated. Section 1.6.3 of the CZBL states:

1.6.3.2 The requirements of this By-law do not apply to prevent the erection or use of a building or structure for which an application for site plan approval has been filed on or before the effective date of this By-law, provided:

- a. The site plan application is deemed complete in accordance with the City of Vaughan Official Plan, 2010;*
- b. The site plan application was in compliance with Zoning By-law 1-88, as amended, and any applicable finally approved minor variances, including minor variances qualified by Section 1.6.3.1; and,*
- c. Any building permit issued after final approval of the site plan that complies with the provisions of Zoning By-law 1-88, as amended, and is in accordance with any final minor variances.*

1.6.3.3 The requirements of this By-law do not apply to prevent the approval of any minor variance, site plan, plan of subdivision, consent application, part lot control exemption or plan of condominium application that has been filed on or before the effective date of this By-law, provided:

- a. The application is deemed complete in accordance with the City of Vaughan Official Plan, 2010; and,*

- b. The application was in compliance with Zoning By-law 1-88, as amended, and any finally approved minor variances including minor variances qualified by Section 1.6.3.1.*

The property is of a commercial nature given its use as a hotel. The hotel building is located on the eastern portion of the site fronting onto Highway 27, situated away from the property's natural heritage features. The existing building maintains a setback greater than 30 m from the Humber River. Currently, the hotel includes 29 bedrooms and a total gross floor area ("GFA") of 1,381.50 m² across the building's one-, two- and three-storey portions. At the rear of the hotel is a garage, along with two storage sheds. We disagree with the underlying EP – Environmental Protection Zone for the portion of the property currently occupied by the hotel and its associated parking and developable area.

In 2010, the landowner received Site Plan (DA.00.109) approval from the Council of the City of Vaughan for an expansion to the hotel. The proposed expansion was for a 593.48 m² two-storey addition consisting of a games room and the reconfiguration of the existing 29 suites to include kitchenettes. At the time of this approval, Official Plan Amendment ("OPA") 601 was in effect and designated the lands 'Valley and Stream Corridor' (Kleinburg-Nashville Community Plan).

The property was subject to the plan's Non-Conforming Use policies. These policies permitted the use to continue as a hotel and allowed for the proposed expansion on the basis that there would be no adverse impact and incompatibility with the surrounding neighbourhood and community. It was the opinion of Development Planning Staff that the proposed expansion conformed to OPA 601. Although the landowner never fulfilled the required conditions of approval which resulted in the lapse of this approval and the lapse of the TRCA Permit which was issued. The Site Plan application file number has remained open with the City, and the owner is actively working with Planning Staff on a reapproval of the expired approval. In the meantime, the existing hotel has continued operating and the Region has begun constructing a bridge just north of the site.

It is our opinion, that given the current zoning by-law review, now is the time to recognize the existing site area occupied by the hotel as a commercial site and should be zoned as such. Given the site's historic and current use as a hotel, it is our opinion that the property, at least in part, should be recognized as an area with permissions for commercial uses. It is our request that the Developable Area receive a site-specific zoning to formally recognize the commercial function of this portion of the property.

The introduction of an elevated bridge directly north of the property, and the road improvements being implemented to realign Major Mackenzie Drive to connect to Highway 427 which is being expanded in this area, will result in the urbanization of the immediate, surrounding area. Once the bridge and road construction are complete, the hotel will be located at an intersection of two Regional, major arterial roads, which is supportive of re-designating the lands to a use which recognizes the existing commercial function. Figure 2 provides an illustration of the future proposed intersection which will be adjacent to the subject property. Mixed-use developments, commercial buildings and high-density development are often situated in locations at or near

major intersections. Given the investment being dedicated to these transportation improvements, ensuring that, at a minimum, the existence of current uses in the area are maintained is appropriate and warranted. A re-zoning of the property as a commercial use is in our opinion more appropriate and reflects the true nature of the existing condition than the proposed EP – Environmental Protection Zone.



Figure 2: Proposed intersection at Major Mackenzie Drive and Highway 27 (Image from the Regional Municipality of York, 2019)

In summary, we support Provisions 1.6.3.2 and 1.6.3.3 contained in the third draft of the CZBL and the inclusion of Exceptions 139 and 175. However, the true nature of the existing development is commercial and it is our request that the CZBL be amended to reflect the commercial aspect of the use. We reserve the right to provide further comments as part of the ongoing City-wide Comprehensive Zoning By-law Review process as it relates to this matter, and request that this correspondence be added to the public record for the Statutory Public Meeting received on October 29, 2020.

We intend to continue to monitor the City-wide Comprehensive Zoning By-law Review process on behalf of our client on an ongoing basis. We request to be notified of any future reports and/or meetings regarding the CZBL and request to be notified of any decisions regarding this matter.

Thank you for the opportunity to provide these comments. Please contact the undersigned at 416-305-7989 should you have any questions regarding this submission, and please copy Sandra Patano on all correspondence.

Yours truly,

Weston Consulting

Per:



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