

Committee of the Whole (1) Report

DATE: Tuesday, June 1, 2021

WARD(S): 4

TITLE: REIMER WORLD PROPERTIES CORP.
ZONING BY-LAW AMENDMENT FILE Z.20.020
62 ADMINISTRATION ROAD
VICINITY OF HIGHWAY 7 AND KEELE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole on Zoning By-law Amendment File Z.20.020 for the subject lands shown on Attachment 1. The owner seeks permission to amend Zoning By-law 1-88 to rezone the subject lands from “EM4 - Employment Area Transportation Zone” to “EM2 - General Employment Area Zone” with site-specific zoning exceptions identified in Table 1 of this report.

Report Highlights

- The Owner proposes to rezone the subject lands from “EM4 - Employment Area Transportation Zone” to “EM2 - General Employment Area Zone” with site-specific zoning exceptions
- A Zoning By-law Amendment application is required to permit the proposed development on the subject lands
- The Development Planning Department supports the approval of the application, as it is consistent with the Provincial Policy Statement 2020, and conforms to A Place to Grow: the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2010, Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Zoning By-law Amendment File Z.20.020 (Reimer World Properties Corp.) BE APPROVED, to amend Zoning By-law 1-88 for the subject lands shown on Attachment 1, from “EM4 - Employment Area Transportation Zone” to “EM2 - General Employment Area Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 and subject to the staff recommendations regarding the permitted uses in the “EM2 – General Employment Zone” and the accessory outside storage included in this report.
2. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
3. THAT the Owner execute an ‘Engagement Letter’ with Canadian National Railway. In executing the Engagement Letter, the Owner agrees to include in all Agreements of Purchase and Sale, or Lease of employment uses:
 - a. A notice to the public that the fencing is not to be tampered with or altered and that the Owner shall have sole responsibility for and shall maintain this measure to the satisfaction of Canadian National Rail;
 - b. Any future alteration of the existing drainage pattern potentially affecting railway property (Canadian National MacMillan Rail Yard) must receive prior concurrence from Canadian National Rail and be substantiated by a drainage report to the satisfaction of Canadian National Rail; and
 - c. The Owner acknowledges that Canadian National Rail will not be responsible for any potential adverse impact on future use of the property due to noise or vibration.

Background

The subject lands (the ‘Subject Lands’) are municipally known as 62 Administration Road and are located north of Highway 7, west of Keele Street, directly east of the Canadian National Railway MacMillan Rail Yard. The surrounding land uses are shown on Attachment 1.

The Subject Lands are currently developed with a one-storey employment building approximately 10,533 m² in size, and eight (8) unused railway tracks exist on the property, as shown on Attachment 2. The Subject Lands are currently used for a commercial trucking distribution centre.

A Zoning By-law Amendment Application has been submitted to amend Zoning By-law 1-88

Reimer World Properties Corp. (the 'Owner') has submitted an application (the 'Application') to amend Zoning By-law 1-88, to rezone the Subject Lands from "EM4 - Employment Area Transportation Zone" to "EM2 - General Employment Area Zone" in the manner shown on Attachment 2, 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 for the Application

The City on September 11, 2020, circulated a Notice of Public Meeting to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the Administration Road frontage in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on October 6, 2020, to receive comments from the public and Committee of the Whole. Vaughan Council on October 21, 2020 ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of October 6, 2020 and to forward a comprehensive report to a future Committee of the Whole meeting.

No written submissions were received by the Development Planning Department for the Application. Heather Au, IBI Group, Warden Ave, Markham, made a deputation on behalf of the Owner at the Public Meeting regarding the Application.

Previous Reports/Authority

The following is a link to the Public Meeting report for the Subject Lands: [October 6, 2020, Committee of the Whole \(Public Meeting\) \(Item1, Report 45\)](#)

Analysis and Options.

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, 1.3.2 and 1.7.1 regarding development in Settlement Areas, promoting economic development, protection of employment area, providing opportunities for a diversified economic base, and maintaining a range of economic activities and ancillary uses.

The Subject Lands are within a Settlement Area as defined by the PPS. The Application will support the need of existing and future businesses by providing a broader range of

permitted uses in the area and in a manner that improves the use of land and promotes economic investment and prosperity.

The broader range of permitted uses will enable the Subject Lands to increase employment opportunities resulting in the sustainable long-term financial well-being of the municipality. The added uses are driven by the need to retain and secure employment use within an existing Settlement Area. The Application achieves the PPS objectives because it is in an established employment area. The Application reinforces the protection of employment areas by permitting more employment uses on the Subject Lands which is in proximity to major goods movement facilities and corridors (Canadian National Railway MacMillian Rail Yard).

In consideration of the above, the Application is consistent with the policies of the PPS as it will maintain the vitality of the employment lands and ensure compatibility with the surrounding land uses in the immediate area.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (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. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Application conforms with the policy framework of the Growth Plan, specifically Sections 2.2.1.2, 2.2.5.1, 2.2.5.5 and 3.2.4.1 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 Application will encourage and direct growth within the delineated 'built-up-area' of the Growth Plan. The proposed zone change to "EM2 - General Employment Area Zone" will permit a greater variety of employment use and employment opportunities. The additional uses will be located next to major goods movement facilities and corridors (Canadian National Railway MacMillian Rail Yard) as encouraged in the Growth Plan and will contribute to accommodating future employment growth for the Region.

The Subject Lands are within a Provincially Significant Employment Zone ('PSEZ'). The proposed rezoning supports the PSEZ by maintaining and expanding the employment uses permitted on the Subject Lands. The Subject Lands are also in proximity to two transportation corridors, Highway 7 and Keele Street. Significant employment areas are desired and encouraged in areas where regional road access is provided. The proposed rezoning of the Subject Lands will attract investment opportunities for the PSEZ. Therefore, 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” on Map 1 – Regional Structure of the YROP. The “Urban Area” designation permits a range of residential, commercial, industrial, and institutional uses. Policy 4.3 of YROP recognizes that maintaining the economic vitality of employment lands is 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 objectives of YROP by creating additional opportunities for more efficient use of land, strengthening the local economic base, facilitating a more diverse employment sector, and protecting the long term employment use for the Subject Lands. The Application conforms to the YROP.

The Application conforms to Vaughan Official Plan 2010

The Subject Lands are designated “General Employment” by Vaughan Official Plan 2010 (‘VOP 2010’). The “General Employment” designation permits full range of industrial uses including manufacturing, warehouse (not retail warehouse), processing, transportation, distribution and ancillary office and retail use. The Application would facilitate a broader range of General Employment uses on the Subject Lands and is compatible with surrounding land uses.

Policy 2.2.4 of VOP 2010 notes ‘to continue Vaughan’s success at attracting the kind of economic activity that requires a location in Employment Areas, the City’s Employment Areas must be protected from encroaching non-employment uses that would serve to destabilize their planned function’. The Application reinforces the intent of Policy 2.2.4 by permitting a variety of employment uses on the Subject Lands. The rezoning of the Subject Lands from “EM4 - Employment Area Transportation Zone” to “EM2 - General Employment Area Zone” conforms to the “General Employment” designation of VOP 2010.

An Amendment to Zoning By-law 1-88 is required to rezone the Subject Lands

The Subject Lands are zoned “EM4 - Employment Area Transportation Zone” as shown on Attachment 1. The Owner is proposing to amend Zoning By-law 1-88 to rezone the Subject Lands to “EM2 - General Employment Area Zone”, in the manner shown on Attachment 2, together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	EM2 - General Employment Area Zone Requirement	Proposed Exceptions to the EM2 - General Employment Area Zone Requirements
a.	Permitted Uses	<p>All uses permitted in an EM1 Zone, except Hotel, Motel, Convention Centre, and Personal Service Shop, subject to Section 3.8</p> <ul style="list-style-type: none"> - All Season Sports Facility, subject to Section 3.8 - Autobody Repair Shop - Building Supply Outlet - Car Brokerage, including trucks - Club or Health Centre - Contractor's Yard - Equipment Sales/ Rental Establishment - Meat Packing and Processing, not including accessory outside storage - Public Garage - Scrap Paper Storage, sorting or Baling - Service or Repair Shop, including repair of heavy equipment - Truck Terminal 	<p>Permit the Meat Packing (excluding accessory outside storage) as an additional use</p> <p>Meat Packing and Processing, Funeral Home, Day Nursery and Recreational uses shall not be permitted</p>
b.	Definition of a "Meat Packing"	No Definition	<p>Means a building or part of a building used for the packing, storing, sorting, or handling of meat, but not processing, for which all required approvals of the Ministry of Agriculture, Food and Rural Affairs and the York Region Health Unit have been obtained. A meat packing use shall not include any accessory outside storage and all garbage and refuse shall be stored within the building or unit where the use is carried out. Where any</p>

	Zoning By-law 1-88 Standard	EM2 - General Employment Area Zone Requirement	Proposed Exceptions to the EM2 - General Employment Area Zone Requirements
			such garbage or refuse is a putrescible material, it shall be stored in a refrigerated area prior to being sent for disposal. For the purposes of this definition: Meat shall mean any flesh or body parts obtained from all animals including, but not limited to beef, pork, fish, seafood, poultry and fowl and; meat packing shall not include an abattoir or rendering plant or any use cited in Section 3.24 "Prohibited Uses", or an "Obnoxious Use", as defined
c.	Parking Space Dimension	2.7 m x 6 m	2.7 m x 5.7 m
d.	Maximum Accessory Outside Storage	Maximum 30% of the lot area	Accessory outside storage of tractor trailers associated with a ('Use Employment': warehousing or assembly of materials to finished product only), shall not exceed 75% of the lot area and may be permitted at a height no more than 4m only. Accessory outside storage for all the other goods and materials shall not exceed 30% of the lot area
e.	Minimum Fence Height for Accessory Outside Storage	2 m	1.83 m for tractor trailers 2 m for all other accessory outside storage

The Development Planning Department has reviewed and supports some of the site-specific zoning exceptions identified in Table 1 for the following reasons:

- The proposed rezoning to an "EM2 - General Employment Zone" is intended to increase the number of permitted uses on the Subject Lands and will not include physical changes to the Subject Lands and is compatible with the zoning for lands in the surrounding area

- The proposed “Meat Packing” use provides an alternative to “Meat Packing and Processing” as defined in Zoning By-law 1-88, by limiting the use only to meat packing with no outside storage
- The reduction to the proposed parking space size is minor

However, Staff recommend only the existing trailers currently parked on the Subject Lands be permitted to occupy 75% of the lot area to recognize the existing conditions on the site. However, staff recommend that Section 6.3.2 of Zoning By-law 1-88 apply to all of the other proposed uses which limits the area devoted to outside storage to 30% of the lot area and requires additional location and screening requirements, including a 2 m high fence.

“Meat Packing and Processing” and “Funeral Homes” uses are not supported as these uses may require the storage or disposal of hazardous substances and materials. In addition, the Toronto and Region Conservation Authority has advised the Subject Lands are located in a flood plain spill area where storage of hazardous substance is discouraged to avoid potential contamination.

Day Nursery and Recreational uses are considered sensitive uses that are incompatible adjacent to the railyard (CN MacMillan Rail Yard). The proximity of these uses to an active rail yard along with the 8 unused tracks on the Subject Land is not desirable for safety reasons along with potential noise, odour and dust concerns.

Based on the above, Development Planning staff do not support “Meat Packing and Processing”, “Funeral Homes”, “Day Nursery” and “Recreational” uses on the Subject Lands.

The Planning Act enables a municipality to pass a resolution to permit the Owner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45(1.3) of the *Planning Act* restricts an Owner from applying for a Minor Variance application(s) to the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

The Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) to address refinements to the Application that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

Unused rail tracks

The Subject Lands consist of 8 unused rail tracks at the rear of the existing employment building. Although unused, the tracks are not decommissioned. In order to ensure the tracks, remain unused the implementing Zoning By-law will restrict the use of the 8 rail

tracks. The restriction will ensure future landowners and/or tenants that the rail tracks are to remain unused on the Subject Lands.

The Development Engineering Department has no objection to the Application

The Development Engineering Department has no objection to the Application as there are no changes proposed for the Subject Lands.

Urban Design and Cultural Heritage Divisions of Development Planning Department have no objection to the Application

Urban Design Division and Cultural Heritage Division have no objections as there are no physical alternations proposed for the Subject Lands.

Parks Infrastructure Planning and Development Department (PIPD) has no objection to the Application

The PIPD Department has no objection to the Application.

Other Internal City Departments have no objection to the Application

The By-law & Compliance Licensing & Permit Services Department, The Infrastructure Development Real Estate Department Vaughan Fire and Rescue Services Department and Infrastructure Planning and Corporate Asset Management Department all have no objection to the Application.

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

The Subject Lands are located outside of the TRCA's regulated area; however, the TRCA has identified the Subject Lands are located within a flood plain spill area during a regional storm event. The TRCA has no objection to the Application on the basis that Meat Packing and Processing and Funeral Home uses are not permitted on the Subject Lands for the reason discussed above.

Canadian National ('CN') Rail has no objection to the Application subject to conditions

The Subject Lands abut an active rail yard (CN MacMillan Rail Yard). CN Rail has requested that the Owner execute an 'Engagement Letter' with CN Rail. The 'Engagement Letter' ensures that all Agreements of Purchase and Sale or Lease of employment uses include the following:

- A notice to the public that the existing fencing is not to be tampered with, and should be maintained by the Owner
- Alteration of the existing drainage pattern potentially affecting railway property (MacMillan Rail Yard) must receive prior concurrence from CN Rail and be substantiated by a drainage report to the satisfaction of CN Rail
- CN Rail will not be responsible for any potential adverse impact on future use of the property due to noise or vibration.

A condition to this affect is included in the Recommendations of this report.

Canada Post, Enbridge Gas and Rogers Communications have no objection to the Application

Canada Post, Enbridge Gas and Rogers Communications have no objection to the Application.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has reviewed the Zoning By-law Amendment Application and has determined that the proposed amendment is a matter of local significance and does not adversely affect Regional planning policies or interest. York Region has no objection to the Application.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.20.020 in consideration of the applicable Provincial policies, the policies of YROP and VOP 2010, 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 the Application to rezone the Subject Lands to “EM2 - General Employment Zone” is appropriate and compatible with the surrounding area. However, staff recommend certain uses in the “EM2 – General Employment Zone” not be permitted and that the outside storage provisions of Zoning By-law 1-88 continue to apply to the Subject Lands as outlined in this report. The Application is considered to be consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010. 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 please contact: OluwaKemi Apanisile, Planner, Development Planning Department, Extension. 8210.

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning

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