

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 1
OF THE REGIONAL COMMISSIONER OF PLANNING AND DEVELOPMENT
SERVICES**

**For Consideration by
The Council of The Regional Municipality of York
on September 22, 2005**

**1
AMENDMENT NO. 115, WHITCHURCH-STOUFFVILLE**

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning issue Notice to approve Amendment No. 115 to the Whitchurch-Stouffville Official Plan subject to the following modification:

Add the following sentence to item No. 2 of the subheading Purpose in Part A – The Preamble:

“The redesignation is expected to expedite the development of the adjacent lands designated for “Business Park Area” and “Industrial Area” uses.”

2. Regional staff be authorized to attend the Ontario Municipal Board in support of the Regional position, if required.

2. PURPOSE

This report provides a recommendation for the disposition of Amendment No. 115 (OPA 115) and indicates how Regional issues regarding job growth, employment land needs, and consistency with the Provincial Policy Statement have been addressed.

At its meeting of September 7, 2005, Regional Planning Committee instructed staff to prepare a report on OPA 115 which would be presented directly to Regional Council on September 22, 2005.

3. BACKGROUND

Amendment No. 115 is proposing to redesignate approximately 17 ha (42 acres) of land located on the east side of Highway 48, south of Main Street in the community of Stouffville from “Business Park Area” and “Industrial Area” to “Regional Retail Area” (see *Attachment No. 1*). The amendment facilitates development of 43,480 m² (468,000 ft.²) of retail commercial uses which may consist of a Wal-Mart, Canadian Tire store and other stand alone or multi tenant commercial buildings.

The amendment establishes policies to guide development including:

- Permitted and prohibited uses.
- Minimum square footage for retail uses.
- Building design standards, street edge treatment, and parking lot design.
- Timing and phasing of development and linkages to the adjacent business park area.

3.1 Related Plan of Subdivision 19TW-04001

The applicant, Lilatel Enterprises Inc., has filed a related plan of subdivision consisting of the following land uses:

Commercial Blocks (2)	16.5	ha
Business Park Blocks (5)	16.15	
Open space blocks (2)	0.35	
Greenlands	6.45	
Roads	6.69	
Storm Water Management	<u>4.41</u>	<u>ha</u>
Total	50.58	ha

The road and lotting pattern of the plan of subdivision are shown on *Attachment No. 2*. A key piece of local infrastructure is the extension of Hoover Park Drive which will function as an east west collector road connecting the westerly portion of the Stouffville Community to Ninth Line and ultimately with the downtown core area. Approval of the plan of subdivision is contingent upon the approval of Amendment No. 115.

3.2 History

This application was submitted to the Town of Whitchurch-Stouffville in early 2003. Subsequent to its submission the Town received two other similar applications for significant retail/commercial uses, one located on the east side of Ninth Line, south of Main Street, and the other on the north side of Main Street, east of Highway 48.

To assist the Town in evaluating the need for additional commercial facilities and to determine the best location for such facilities, the Town hired Macaulay Shiomi Howson Ltd. and W. Scott Morgan & Associates Ltd. to complete a Commercial Policy Strategy for the Stouffville Community. Conclusions of the Commercial Policy Strategy include:

- The community of Stouffville has matured to the extent that an additional retail commercial node with a strong sub-regional orientation is needed to attract trade from the surrounding region and to reduce outflow.
- From a market perspective, the OPA 115 site is the best location to attract new format retail and will repatriate the current outflow of retail dollars to other municipalities.
- Compared to the other two proposals, the OPA 115 site has the capacity to accommodate medium to longer term commercial demand.
- The amount of commercial development should be linked to residential population and phasing caps established. Permitted uses and their size should be restricted in order to ensure the functions of other commercial areas within the Town are maintained.

3.3 Employment Land Needs Study

In addition to establishing a Commercial Policy Strategy, the Town and applicant have evaluated the impact that OPA 115 will have on the Town's employment land. IBI Group, on behalf of the applicant, completed an employment land needs study for the Town of Whitchurch-Stouffville and concluded that the Town would have sufficient employment land to meet its 2026 needs, if the 17 ha (42 acres) site was excluded from the employment land supply.

C.N. Watson, on behalf of the Town, peer reviewed the IBI Group report and also concluded the Town would have sufficient employment land to meet its 2026 needs even with the redesignation of the 17 ha (42 acres).

At the request of the Town, W. Scott Morgan & Associates evaluated the proposed redesignation in terms of potential conflicts between retail/commercial uses and business park uses and concluded that the loss of designated business park/industrial lands for retail purposes is compensated by the quicker uptake of the residual employment lands. It was Mr. Morgan opinion that the retail/commercial power centre would act as a catalyst for development of the other employment lands.

The employment land needs analysis is based on a 20 year time horizon (to 2026) and carried out on a area municipal wide basis; however, it would be prudent to evaluate employment need on a Region wide basis taking into consideration a longer timeframe (2031) and the implications of employment growth recently projected by the Province.

3.4 Timing of Adoption and the New Provincial Policy Statement

Amendment No. 115 was adopted by the Town of Whitchurch-Stouffville on May 3, 2005 after extensive review of the initial application by Town staff and their peer review consultants.

The new Provincial Policy Statement (2005) applies to all applications that commenced on or after March 1, 2005. This application is subject to the old Provincial Policy Statement as it commenced prior to March 1, 2005. With respect to the protection and preservation of employment lands, the policies and tests of the new PPS are more stringent than the old Provincial Policy Statement. Section 4 of this report evaluates OPA 115 in terms of the new PPS, as this is considered good planning practice, although not required by law.

3.5 Comments from Agencies and Internal Departments

The Town of Markham has indicated no objection to the approval of the amendment.

The Toronto Region Conservation Authority has indicated no objection to the approval of the amendment and has issued conditions of draft approval for the related plan of subdivision.

The Ministry of Transportation has no objection to approval of the amendment subject to setback, permit, and storm water management requirements that can be implemented at the plan of subdivision stage.

The Regional Transportation and Works Department, Water and Wastewater branch has advised that the commercial and business park development in Stouffville does not need formal sanitary sewage allocation. However, since the Stouffville WPCP has no additional capacity available, this development will require the Regional Ninth Line trunk sewer (including the west branch) to be in-service. The Ninth Line trunk main branch will be completed by the end of October or early November 2005 and the west branch will be completed by the end of 2005.

4. ANALYSIS

Amendment No. 115 to the Whitchurch Stouffville Official Plan has regard for the former Provincial Policy Statement, is consistent with the Provincial Policy Statement (2005), complies with Regional Official Plan policies and will provide the Town increased assessment by expediting the development of their employment area.

4.1 Provincial Policy Statement

The former Provincial Policy Statement requires planning authorities to have regard to its policies that require, among other things, the provision of a 20 year supply of employment land. A similar requirement is set out in the PPS (2005). The manner in which OPA 115 addresses this requirement is noted below in the analysis regarding the PPS (2005).

Amendment No. 115 is consistent with the employment area policies of the Provincial Policy Statement, which states:

“1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs;*
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c. planning for, protecting and preserving employment areas for current and future uses; and*
- d. ensuring the necessary infrastructure is provided to support current and projected needs.”*

The above noted policies have been addressed by:

- The Town’s comprehensive review of its commercial needs that concludes there is a demand for additional commercial facilities to serve existing and future residents of Stouffville.
- The proposed site will not adversely affect the other commercial districts in the community.
- The proposed retail/commercial uses will be complementary to the approved business park/industrial uses.
- IBI Group’s Industrial Land Needs Assessment and its peer review by C.N. Watson concludes the Town will have sufficient employment land to meet its long term needs (2026) if the 17 ha (42acre) site is removed from the supply.
- Construction and operation of the Ninth Line trunk sewer will provide the necessary sanitary servicing capacity.

The Employment Land policies of the Provincial Policy Statement are considered to have been addressed by OPA 115.

4.2 Regional Official Plan

The Economic Vitality section and the Growth Management section of the Regional Official Plan set out policies to assess the impact of redesignating industrial land to other employment uses.

4.2.1 Economic Vitality

Section 3 - Economic Vitality of the Regional Official Plan sets out various policies that are designed to ensure York Region is an attractive place for business investment and economic activity. Section 3.3, which deals with the location of economic development, indicates that employment areas should be planned to accommodate a variety of businesses. In this regard, OPA 115 provides for a variety of commercial and retail

business activities within a business park/industrial land use setting. OPA 115 complies with this policy as it facilitates other employment activities complementary to typical industrial uses found in business parks.

4.2.1.1 Impact on Other Regional Retail Facilities

Section 3.6 b) of the Regional Official Plan requires a Region-wide impact analysis to address the impact on existing and approved future retail facilities if the proposed development exceeds 323,000 sq. ft. of gross leasable retail space.

Section 3.6 b) of the Regional Official Plan has been addressed by an analysis dated August 5, 2005, from Sorenson Gravely Lowes which indicates that:

- The urbanMetrics Commercial Needs Analysis submitted on behalf of the applicant concludes that the proposed commercial/retail development will not impact the core or Western Approach commercial areas within the Town.
- The Town's peer review by W. Scott Morgan and Associates confirms that no other existing or designated commercial areas within the Region will be impacted by the proposed development.
- Minimum retail store size and phasing of development that is linked to population increase for Stouffville will ensure other commercial areas are not impacted.

Requirements of Section 3.6 b) of the Regional Official Plan are considered to have been met by the conclusions of the applicant and Town's commercial consultants.

4.2.2 Growth Management and Employment Forecasts

Section 5 of the Regional Official Plan deals with Regional structure and growth management and includes employment forecasts on an area municipal basis which are used to determine future land requirements. Employment forecasts for the Town of Whitchurch-Stouffville set out in Table 1 of the Regional Official plan are as follows:

Whitchurch-Stouffville Employment Forecast

	1996	2006	2011	2016	2021	2026
Employment	7,500	10,000	12,000	14,000	16,000	17,000

Regional staff have recently updated the Region's Vacant Employment Land Inventory and preliminary findings indicate that as of January 1, 2005 Whitchurch-Stouffville has 203 net ha. (503 net acres) of vacant industrial land. Whitchurch-Stouffville staff estimated in May 2005 that their employment land needs to 2026 are approximately 197 ha (486 acres). Using the Region's figure for employment land supply (503 acres) and the Town's figure for employment land demand (486 acres) there is an adequate supply to meet future employment needs of the Town.

The Town of Whitchurch-Stouffville will likely meet its employment targets set out in the Regional Official Plan. At the end of 2004 the Town had 10,560 jobs. Using density factors of 20 employees per net acre for serviced land and 7 employees per acre for private serviced land, the Town can expect an additional 6,597 employment land jobs.

Using ratios varying from 40% to 60% for employment land jobs to total jobs the Town can expect an additional 16,500 to 10,950 jobs. The Town will meet its 2026 employment forecast set out in the Regional Official Plan when existing jobs are combined with anticipated job growth.

4.3 Impact on Other Employment Land

To ensure that the proposed commercial development does not detract from the development of the remaining lands within the business park, Amendment No. 115 contains the following provisions:

- As a condition of draft plan approval for related plan of subdivision 19T-04001, the owner shall provide municipal services and road access to accommodate a minimum of 35 % of the land area associated with the Business Park/Industrial area for phase one of the commercial development. For phase two of the commercial development the owner shall provide road access and municipal services for 75 % of the Business Park/Industrial area.
- Office buildings, a minimum of 3 storeys in height, shall be developed at the Hoover Park Drive/Highway 48 intersection and promoted along Hoover Park Drive.
- A series of policies that are intended to create a high standard of urban design by requiring well defined and articulated street edges, decorative fencing, landscaped parking lots, internal driveways lined with trees, high quality façade materials, display windows on all street frontages and pedestrian linkages between buildings and from the road network.

To supplement the above noted policies, Regional staff are proposing that the Purpose section of OPA 115 be modified to include the following statement:

“The redesignation is expected to expedite the development of the adjacent lands designated for “Business Park Area” and “Industrial Area” uses.”

Town staff and the applicant’s consultants have indicated they have no objection to the proposed modification.

To ensure that the proposed development has little impact on the other commercial areas in the Stouffville community, Amendment No. 115 contains the following provisions:

- The site must be developed with at least 2 primary retail operations having a minimum commercial floor area of 10,000 sq.m. (107,640 sq. ft.) and 5,575 sq. m. (60,000 sq. ft) respectively.
- Only retail stores that are larger than 465 sq. metres (5,000 sq. ft.) are permitted.
- Financial institutions, liquor and beer stores, and supermarkets and food stores are generally prohibited.

4.4 Request for Notice of Decision

Regional staff have received 3 requests for copies of the notice of Decision for OPA 115. Requests include:

- i. Letter dated September 1, 2005 from WeirFoulds, representing Lebovic Enterprises, which objects to the approval of OPA 115. Reasons for the objection include the following:
 - Lebovic Enterprises owns another site within Stouffville on which they have filed a similar application for commercial retail development. In the opinion of WeirFoulds the “Lebovic” application is better suited for Regional Retail development.
 - It is questionable whether the proposed application conforms to the Regional Official Plan.
- ii. Letter dated May 19, 2005 from Goodmans, representing the Stouffville Landowners Group, requesting the Region not approve OPA 115 until the applicants enter into an agreement to assume their proportionate share of the obligations under the Ninth Line sewer agreement.
- iii. Letter dated May 24, 2005 from Aird and Berlis requesting a copy of the Notice of Decision. No reasons are cited in the letter for the request.

The applicant is involved in discussions with Town staff and potential appellants to resolve the above noted issues. In the event that the issues cannot be resolved and the amendment proceeds to an OMB hearing, Regional staff should be authorized to attend the OMB in support of the recommendations of this report, if required.

4.5 Relationship to Vision 2026

Goal 6 of Vision 2026 states: *“In 2026 York Region will have grown at a pace that supports healthy communities, economic vitality, sustainable natural environment and effective human services.”* Amendment No. 115 provides for job growth in the commercial sector for the community of Stouffville that is supported by anticipated population growth to 2026.

5. FINANCIAL IMPLICATIONS

Approval of Amendment No. 115 will facilitate commercial development that will increase assessment for the Town and Region.

Time staff and resources may be required to attend the Ontario Municipal Board in support of the Regional position.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the position of the Town of Whitchurch-Stouffville which adopted OPA 115.

7. CONCLUSION

Amendment No. 115 is consistent with the Employment Land policies of the Provincial Policy Statement (2005), conforms to the Economic and Growth Management provisions of the Regional Official Plan and is supported by the Town of Whitchurch-Stouffville.

It is recommended that Notice to Approve OPA 115 be issued by the Commissioner of Planning and Development Services.

The Senior Management Group has reviewed this report.

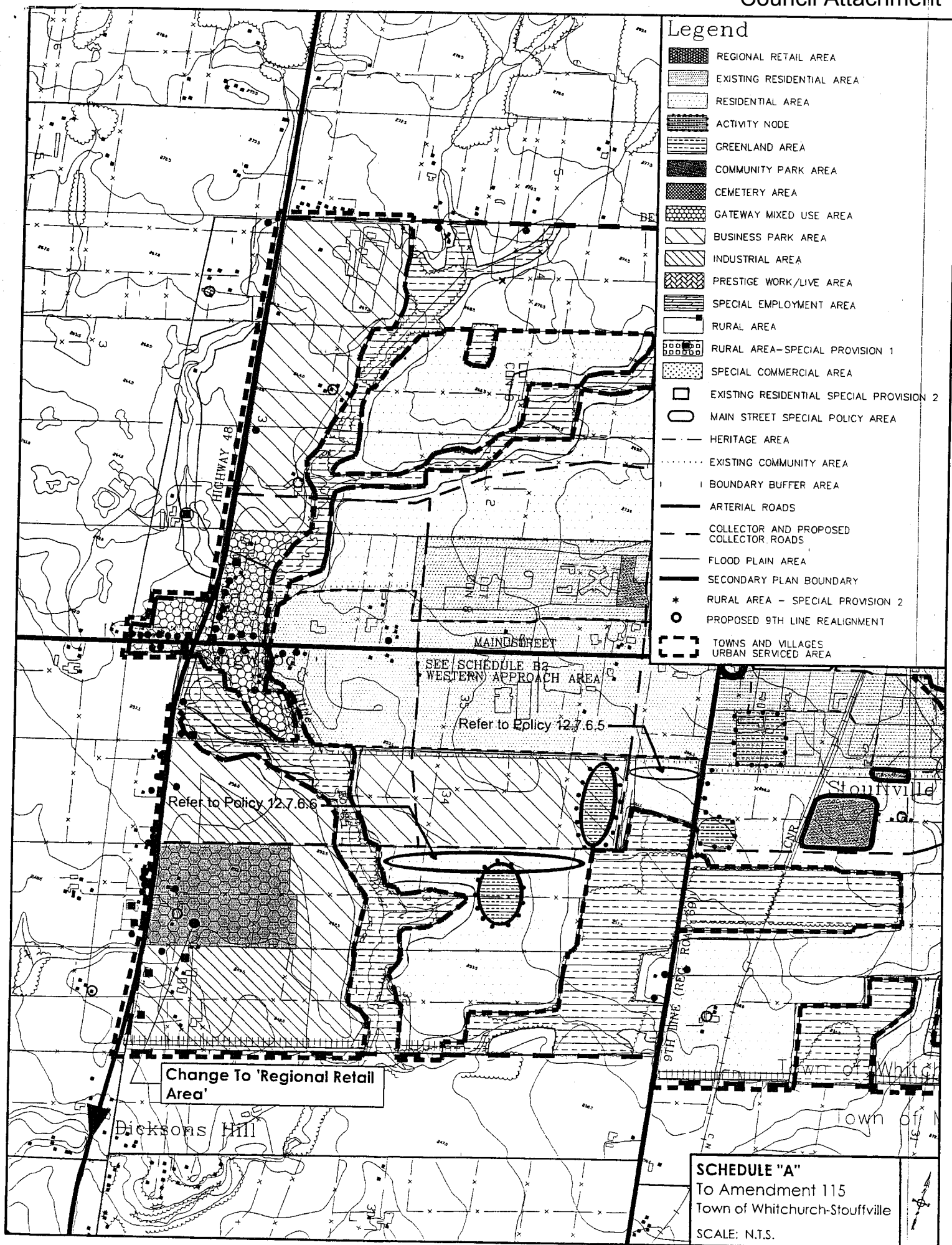
(The attachments referred to in this clause are attached to this report.)

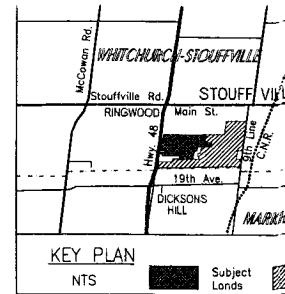
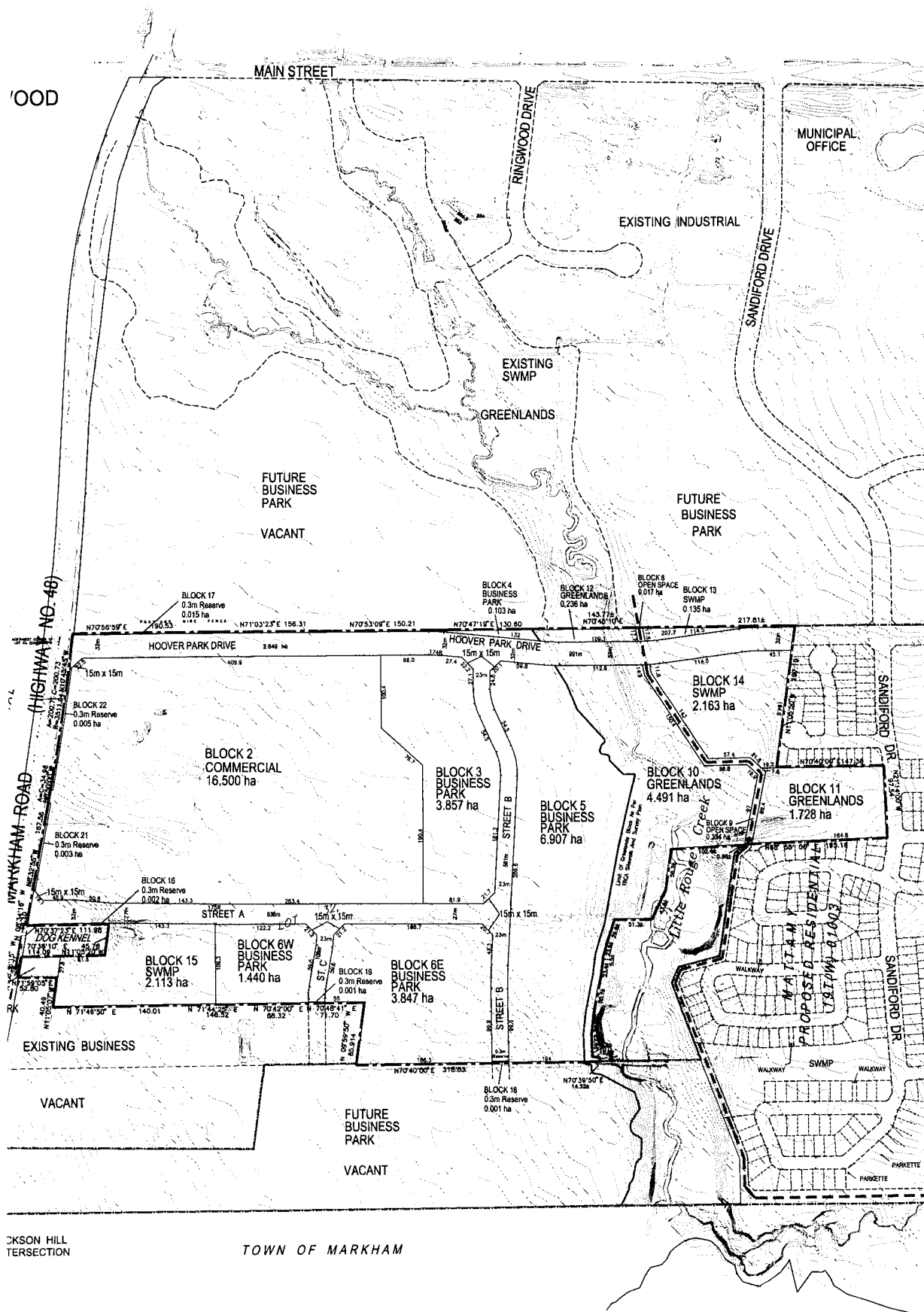
Respectfully submitted,

**September 7, 2005
Newmarket, Ontario**

**B. Tuckey
Commissioner of Planning and
Development Services**

(Report No. 1 of the Commissioner of Planning and Development Services was adopted, without amendment, by Regional Council at its meeting held on September 22, 2005.)





AREA TABLE		0007-4-48DP May 25-
Commercial	Block	2
Business Park	Blocks	3,4,5,6W,
Business Park Reserve	Block	7
Open Space	Blocks	8,9
Greenlands	Blocks	10,11,12
SWMP	Blocks	13,14,15
0.3m Reserve	Blocks	16-22
Roads		
Total		

ROADS	
32m R.O.W.	991 m
27m R.O.W.	636 m
23m R.O.W.	669 m
Total	2,296 m

LEGEND

— Boundary of Subdivision

— Additional Land Owned

— Proposed Sanitary Sewer Align

NOTES

All dimensions are in metres.
All area measurements are computer generated.
All elevations refer to Geodetic Datum.
All existing buildings to be demolished.

ADDITIONAL INFORMATION REQUIRED UNDER

SECTION 51(17) OF THE PLANNING ACT

- C. Additional land owned by the applicants vicinity is as shown on the key plan.
- D. Commercial, Business Park, Business Park Open Space, Greenlands, Storm Water Pond, 0.3m Reserve & Roads.
- H. Piped water to be provided.
- I. Glacial till and glaciolacustrine deposits
- K. Sanitary & storm sewers to be provided.

SURVEYOR'S CERTIFICATE

I hereby certify that the boundaries of the land subdivided as shown on this plan, and their relation to the adjacent land are accurately and correctly shown.

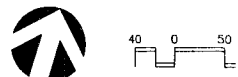
Signature: C. Paul Date: 3/17/NA

OWNER'S CERTIFICATE

I/we, MATTAMY (HOOVER PARK) LIMITED
LILATEL ENTERPRISES INC.
1591596 ONTARIO INC.

being the registered owner(s) of the subject I
authorize Bousfields Inc. to prepare and s
of subdivision for approval.

SEE ORIGINAL SUBMISSION / /



19T(W)-04.C

REVISED DRAFT PL
PROPOSED SUBDIV.
PART OF LOTS 32 &
CONCESSION 8
TOWN OF WHITCHUR
STOUFFVILLE
REGIONAL MUNICIPALITY
OF YORK



1:2500	May 25/05
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