

**EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013**

***By receiving Communication C9 from the City Clerk, dated January 29, 2013.***

**The Committee of the Whole (Public Hearing) recommends:**

- ### Recommendation

THAT the Public Hearing report for File Z.12.029 (Imperial Oil Limited and Falvo Holdings Limited) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013**

Item 1, CW(PH) Report No. 3 – Page 2

#### **Contribution to Sustainability**

The contribution to sustainability will be determined when the technical report is considered.

#### **Economic Impact**

This will be addressed when the technical report is completed.

#### **Communications Plan**

- a) Date the Notice of a Public Meeting was circulated: December 21, 2012
- b) Circulation Area: 150 m
- c) Comments received as of January 2, 2013, are as follows:

The Development Planning Department has received correspondence from the following residents in opposition to the development:

- i) Mubarak Ahmad, Nasir Crescent;
- ii) Rehman Mohar, Bashir Street.

The concerns identified in the correspondences are summarized as follows:

- i) a gas station should not be located behind residential homes;
- ii) the health issues related to locating a gas station close to residential uses; and,
- iii) high ozone emissions from a gas station.

Any additional written correspondence received will be identified in the future technical report.

#### **Purpose**

The Owner has submitted Zoning By-law Amendment File Z.12.029 to amend Zoning By-law 1-88 on the subject lands shown on Attachments #1 and #2, specifically to:

- i) amend the C3 Local Commercial Zone, subject to Exception 9(1276) to permit the additional use of a Car Wash on the subject lands, which is to be developed with a permitted Automobile Gas Bar and Eating Establishment with Drive-through Use, in the manner shown on Attachments #3 to #7;
- ii) to remove the Holding Symbol "(H)" from the subject lands, thereby effectively zoning the subject lands C3 Local Commercial Zone, subject to Exception 9(1276); and,
- iii) permit the following site-specific zoning exceptions to facilitate the development of a Car Wash, Automobile Gas Bar and Eating Establishment with Drive-through as shown on Attachments #3 to #7.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013**

Item 1, CW(PH) Report No. 3 – Page 3

	<b>By-law Standard</b>	<b>By-law 1-88 C3 Local Commercial Zone Requirements</b>	<b>Proposed Exceptions to C3 Local Commercial Zone subject to Exception 9(1276)</b>
a.	Minimum Rear Yard Setback to the Car Wash Building	9.0 m	6.0 m (west)
b.	Minimum Setback from a Car Wash Building to a Residential Zone	9.0 m	6.0 m (west)
c.	Minimum Parking Requirement	28 parking spaces  (Gas Bar: $187.5 \text{ m}^2 @ 5.5/100 \text{ m}^2 = 11 \text{ spaces}$ + Eating Establishment: $105 \text{ m}^2 @ 16/100 \text{ m}^2 = 17 \text{ spaces}$ )	18 parking spaces
d.	Maximum Driveway Width (Teston Road and Jane Street)	9.0 m	10.0 m
e.	Minimum Landscape Strip Width (Teston Road)	6.0 m	5.0 m

Additional zoning exceptions maybe identified through the detailed review of the application.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013

Item 1, CW(PH) Report No. 3 – Page 4

#### Background - Analysis and Options

Location	<ul style="list-style-type: none"><li>▪ The subject lands are located at the southwest corner of Jane Street and Teston Road, City of Vaughan, shown as “Subject Lands” on Attachments #1 and #2.</li></ul>
Official Plan Designation	<ul style="list-style-type: none"><li>▪ The subject lands are designated “Medium Density Residential/Commercial” by in-effect OPA #600, as amended by site-specific OPA #643.</li><li>▪ OPA #643 specifically permits an Automobile Gas Bar/Automobile Service Station and a convenience eating establishment with drive-through within the “Medium Density Residential/Commercial” designation. The Service Station and Gas Bar Policies (Section 4.2.2.7) of OPA #600 permits maintenance services for vehicles. In addition, the policies state that a noise study may be required for a car wash on lands that abut a residential area. The Owner has submitted a Noise Study in support of the application.</li><li>▪ The subject lands are designated “Mid-Rise Mixed-Use” by the Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. An automobile gas bar use is permitted under this designation, provided that the use is located on an arterial street, is limited to one gas station per intersection, and that no gas stations shall be permitted at the intersection of two arterial streets. The proposal does not conform to the locational criteria for gas stations identified in VOP 2010. The current in-effect Official Plan policies are being applied to the subject application.</li></ul>
Zoning	<ul style="list-style-type: none"><li>▪ The subject lands are zoned C3(H) Local Commercial Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1276), which permits the Automobile Gas Bar use and associated drive-through for an eating establishment.</li><li>▪ The proposed associated Car Wash use does not comply with Zoning By-law 1-88, and therefore, an amendment to the Zoning By-law is required.</li></ul>
Surrounding Land Uses	<ul style="list-style-type: none"><li>▪ Shown on Attachment #2.</li></ul>

#### Preliminary Review

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

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013**

Item 1, CW(PH) Report No. 3 – Page 5

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
a.	Conformity with City Official Plan	<ul style="list-style-type: none"><li>▪ The applications will be reviewed in consideration of the applicable City Official Plan policies.</li></ul>
b.	Appropriateness of the Proposed Use, and Removal of the Holding Symbol “(H)” and Development Proposal	<ul style="list-style-type: none"><li>▪ The appropriateness of the proposed car wash use together with the proposed site-specific zoning exceptions for the entire subject lands, to facilitate the proposed automobile gas bar with an associated car wash and eating establishment with drive through will be reviewed in consideration of compatibility with the surrounding land uses.</li><li>▪ The subject lands are zoned with the Holding Symbol “(H)” which may be removed from the site upon approval of a Site Development Application by Vaughan Council.</li></ul>
c.	Site Development Application	<ul style="list-style-type: none"><li>▪ The Owners have submitted related Site Development File DA.12.065. The Zoning Amendment and Site Development applications will be reviewed to ensure the following matters, but not limited to, are addressed: appropriate building and site design; built form; pedestrian accessibility; vehicle access; servicing and grading; signage; lighting; landscaping and screening from the abutting residential; and, proposed landscaping within the Region of York right-of-way (sight triangle) at the intersection of Jane Street and Teston Road.</li></ul>
d.	Sustainable Development	<ul style="list-style-type: none"><li>▪ Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, and reduction in pavement to address the "heat island" effect, etc, will be reviewed and implemented through the site plan approval process.</li></ul>
e.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"><li>▪ The proposed development must conform to the approved Urban Design and Architectural Design Guidelines for Block 33 East.</li></ul>
f.	Noise Report	<ul style="list-style-type: none"><li>▪ The Noise Report submitted in support of the application must be reviewed and approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.</li></ul>

**Relationship to Vaughan Vision 2020/Strategic Plan**

The applicability of the application to the Vaughan Vision will be determined when the technical report is considered.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013**

Item 1, CW(PH) Report No. 3 – Page 6

**Regional Implications**

The application has been circulated to the Region of York 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 application, together with comments from the public and 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.

**Attachments**

1. Context Location Map
2. Location Map
3. Proposed Site Plan
4. Landscape Plan
5. Elevations – Convenience Store
6. Elevations – Car Wash
7. Elevations – Canopy and Pumps

**Report prepared by:**

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)