

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

***By approving:***

***THAT Attachments #4 and #7 of the Report of the Commissioner of Planning and the Director of Development Planning, dated February 25, 2014, with respect to Zoning Bylaw Amendment File Z.13.023 and Site Development File DA.13.051 (Ultramar Ltd., Et Al) be deleted, and replaced with the revised landscape plan shown on Attachment #4 and revised pylon sign shown on Attachment #7, attached hereto.***

**The Committee of the Whole recommends:**

- 1) That consideration of this matter be deferred to the Council meeting of March 18, 2014, for a report addressing comments from Members of Council regarding the height of the wood sound barrier fence and the proposed landscaping;
- 2) That the deputation of Mr. Mark Yarranton, KLM Planning, be received; and
- 3) That the elevation drawings submitted by the applicant be received.

The Commissioner of Planning and the Director of Development Planning recommend:

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## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

#### **Item 7, CW Report No. 10 – Page 2**

- ii. the Vaughan Development/Transportation Engineering Department shall approve the final site servicing and grading plan, stormwater management report and noise feasibility study; and,
- iii. the owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department.

#### **Contribution to Sustainability**

The applications implement the following Goal and Objective of Green Directions Vaughan:

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goal and objective identified above, the owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- interior and exterior LED lighting, resulting in a reduction of energy use by 50%
- a bike rack to promote cycling as an alternative to motor vehicles
- drought tolerant and native plant species to promote water efficiency

#### **Economic Impact**

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

#### **Communications Plan**

On August 30, 2013, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the Maple-Sherwood Ratepayers Association. No comments were received by the Development Planning Department through the notice circulation. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 24, 2013, was ratified by Vaughan Council on October 8, 2013.

#### **Purpose**

The owner (Ultramar Ltd., Et Al) has submitted the following applications for the subject lands shown on Attachments #1 and #2 to permit the development of an automobile gas bar with accessory convenience retail and a convenience eating establishment with a drive-through as shown on Attachments #3 to #8:

1. Zoning By-law Amendment File Z.13.023, to amend Zoning By-law 1-88, specifically to permit the following site-specific zoning exceptions to the C3 Local Commercial Zone standards, subject to Exception 9(868):

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

Item 7, CW Report No. 10 – Page 3

Table 1:

	<b>By-law Standard</b>	<b>By-law 1-88 Requirements of C3 Local Commercial Zone, Exception 9(868)</b>	<b>Proposed Exceptions to C3 Local Commercial Zone, Exception 9(868)</b>
a.	Location of all Buildings and Structures	All buildings and structures shall be located within the "Building Envelope" shown on Schedule "E-951" (Attachment #8). The maximum gross floor area of the structure located in "Building Envelope 1" shall be 255 sq.m. and the maximum G.F.A of the Kiosk in "Building Envelope 2" shall be 90 sq.m.	To permit an automobile gas bar consisting of one pump canopy and a 234 m <sup>2</sup> building to be used as a convenience retail store and an eating establishment (convenience) with a drive-through, in the manner shown on Attachment #3.
b.	Minimum Number of Parking Spaces	19 spaces	17 spaces
c.	Location of Landscaped Areas	As shown on site-specific Exception Schedule "E-951" (Attachment #8).	Landscaped Areas are to be provided as shown on Attachment #4 as follows:  i. a minimum 5.0 m wide landscaped strip along the west lot line;
			ii. a minimum 2.5 m wide landscaped strip abutting Rutherford Road and Keele Street.
d.	Maximum Driveway Width (Rutherford Road)	9 m	10 m

2. Site Development File DA.13.051 to facilitate the development of a 234 m<sup>2</sup> automobile gas bar with accessory convenience retail and a convenience eating establishment with a drive-through, as shown on Attachments #3 to #6.

**Background - Analysis and Options**

Location

The subject lands shown on Attachments #1 and #2 are located on the northwest corner of Rutherford Road and Keele Street, municipally known as 2268 Rutherford Road, City of Vaughan. The site is currently vacant, however was developed with an Esso gas bar, which was recently demolished.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014

#### Item 7, CW Report No. 10 – Page 4

##### Official Plan

###### a) In-effect Official Plan

The subject lands are designated “Local Convenience Commercial” by in-effect OPA #350 (Maple Community Plan), as amended by OPA #424 (Automobile Gas Bar and Service Station Uses). The “Local Convenience Commercial” designation specifically permits a service station use on the subject lands. OPA #424 permits an automobile gas bar and service station with commercial uses on the subject lands provided they can be sensitively integrated on the site, and in particular, be compatible with the surrounding development. The proposal conforms to the Official Plan.

###### b) Vaughan Official Plan 2010

The subject lands are designated “Mid-Rise Mixed-Use” by the new Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and further modified and endorsed by Region of York Council on June 28, 2012, and was approved, in part, by the Ontario Municipal Board on July 23, 2013 and December 2, 2013. The “Mid-Rise Mixed-Use” designation permits a gas station use, provided that: the gas station is located on an arterial street; the use is limited to one gas station per intersection; and, that no gas station shall be permitted at the intersection of two arterial streets.

The proposal does not conform to the City of Vaughan Official Plan 2010, as the subject lands are located at the intersection of two arterial streets (Rutherford Road and Keele Street). However, the proposed automobile gas bar with commercial uses will replace a longstanding and recently demolished Esso gas bar. Furthermore, the in-effect Official Plan permits the proposed uses and Zoning By-law 1-88, as amended by site-specific Exception 9(868), permits the proposed uses but with a different site layout than shown in on Schedule “E-951”.

##### Zoning

The subject lands are zoned C3 Local Commercial Zone by Zoning By-law 1-88, subject to Exception 9(868), as shown on Attachment #2, which permits an automobile gas bar with a kiosk and commercial uses on the subject lands provided all buildings and structures are located within specified building envelopes shown on Schedule “E-951” (Attachment #8). The Zoning By-law 1-88 definition of an automobile gas bar also permits a drive-through use. Accordingly, an amendment to Zoning By-law 1-88 is required to permit the site-specific zoning exceptions identified in Table 1 of this report to facilitate the proposed development shown on Attachments #3 to #7.

The Development Planning Department considers the proposed site-specific zoning exceptions appropriate. The proposed location of the automobile gas bar and canopy/pump island structures, as shown on Attachment #3, comply with the setback requirements of the C3 Local Commercial Zone in Zoning By-law 1-88.

Site-specific Exception 9(868) requires a minimum of 19 parking spaces based on the previous gas bar that operated on the subject lands whereas, 17 parking spaces are proposed on the new site plan. Based on the gross floor area of the proposed gas bar with accessory convenience retail and eating establishment with drive-through uses, the parking requirement under Zoning By-law 1-88 is calculated follows:

Eating Establishment Convenience with Drive-Through -  $37 \text{ m}^2 @ 16.0 \text{ spaces}/100 \text{ m}^2 = 6 \text{ spaces}$

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014

#### Item 7, CW Report No. 10 – Page 5

Convenience Retail Store -  $168 \text{ m}^2 @ 5.5 \text{ spaces} / 100 \text{ m}^2 = 10 \text{ spaces}$

Total required parking (10 spaces + 6 spaces) = 16 spaces

Accordingly, the proposal complies with the minimum general parking requirement for an automobile gas bar of Zoning By-law 1-88.

The proposed 2.5 m wide landscape strip abutting Rutherford Road and Keele Street is the result of road widening requirements and conveyance of land to the Region of York for the Region's capital road project planned for 2018. The proposed landscape plan includes additional landscaping within the Region's proposed right-of-way, as shown on Attachment #4. The owner will be required to enter into an encroachment agreement with the Region of York to permit the planting within the Region's right-of-way. Accordingly, the Development Planning Department has no objections to the reductions in landscaping abutting Rutherford Road and Keele Street.

Zoning By-law 1-88 requires a minimum landscape strip of 2.4 m where a commercial zone abuts the boundary of a residential zone. A 5 m wide landscape strip is proposed along the west lot line to mitigate the impact of the proposed drive-through from the existing residential area to the west. The proposed 5 m landscape strip exceeds the Zoning By-law requirement by 2.6 m and will include additional landscaping.

A 10 m wide right in/right out driveway entrance is proposed from Rutherford Road to facilitate appropriate truck maneuvering, whereas Zoning By-law 1-88 permits a maximum driveway width of 9.0 m. The Development/Transportation Engineering Department has no objections to the proposed driveway width and it will have minimal impact on the overall streetscape.

#### Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department must approve the site grading and servicing plan, stormwater management report, and noise feasibility study submitted in support of the applications. A condition to this effect is included in the recommendation of this report.

The Development/Transportation Engineering Department has reviewed the following documents submitted in support of the applications:

- Site Screening Questionnaire and Certificate
- Terrapex Environmental Ltd. (Terrapex) report titled "Phase I Environmental Site Assessment, Final Report, 2268 Rutherford Road, Vaughan, Ontario" dated May 2012
- Terrapex report titled "Phase II Environmental Site Assessment, Final Report, 2268 Rutherford Road, Vaughan, Ontario" dated August 8, 2012
- Terrapex Environmental Ltd. (Terrapex) letter entitled "Proposed Action Plan (SS26313), 2268 Rutherford Road, Vaughan, Ontario" dated January 8, 2014
- Terrapex letter entitled "Use of MOE Table 3 Site Condition Standards (SS26313), 2268 Rutherford Road, Vaughan, Ontario" dated January 28, 2014
- Terrapex letter entitled "Extension of Reliance, Phase I and II Environmental Site Assessment Report, 2268 Rutherford Road, Vaughan, Ontario" dated January 28, 2014

Based on the Development/Transportation Engineering Department's review of these documents, the City is satisfied with the assessed environmental condition of the subject lands and no further environmental items are required by the City.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014

#### Item 7, CW Report No. 10 – Page 6

##### Noise Feasibility Study

The owner has submitted a noise feasibility study prepared by HGC Engineering and dated December 19, 2013. The noise study measured typical sound rating data for the associated HVAC units, idling cars and speaker boards to determine the potential noise impact of the proposed development on the abutting residential units to the west. The noise study concludes that an acoustic screen measuring at least 1.8 m in height is required for the roof top unit. A 1.8m high acoustic screen is proposed on the west elevation, as shown on Attachment #5. In addition, a 1.8 m high solid wood sound barrier fence is proposed along the west property line to further mitigate any noise impacts as a result of the proposed drive-through, as shown on Attachment #3.

##### Site Plan Review

The owner is proposing to develop the 0.4 ha vacant commercial lot with a 234 m<sup>2</sup> automobile gas bar, as shown on Attachments #3 to #7 inclusive consisting of a 168 m<sup>2</sup> convenience retail store, a 37 m<sup>2</sup> eating establishment with drive-through (Country Style Donut Shop) and a 29 m<sup>2</sup> garbage room. The proposed automobile gas bar is located on the northwest portion of the subject lands. One pedestrian connection leading to the front entrance of the main building to the sidewalk on Rutherford Road is proposed. Two existing pedestrian connections entering the site from Rutherford Road and Keele Street will be maintained.

The proposed drive-through, as shown on Attachment #3, is located to the north and west of the proposed kiosk building. At the Public Hearing, discussion occurred about re-orienting the layout of the overall site, including placing the kiosk building at the north end of the site adjacent to the building to the north (Dairy Queen), so that the front facade faces south. This would facilitate a drive-through lane and any speakers for ordering to be located farther away from the residential homes. The gas pump canopy would also be re-oriented in an east/west direction.

The owner advised that this orientation is not feasible due to conflicts regarding circulation, particularly for truck maneuvering and cars using the drive-through, with the potential of blocking the entrance on Keele Street together with spillover onto the right-of-way. Alternatively, the proposed site plan has been revised to increase the width of the landscape strip abutting the residential properties to the west from 3.0 m to 5.0m, installing a 1.8 m high solid wood acoustic fence along the entire west property line, and planting additional landscaping, as shown on Attachment #4. The owner has also advised that the drive-through will not be operating 24 hours, with business hours from 5 a.m. to 8 p.m. on Monday to Friday, and 6 a.m. to 8 p.m. on Saturday and Sunday.

The subject lands are located at the northwest corner of Keele Street and Rutherford Road being the southern gateway into the Maple Community and in proximity to the Maple Heritage Conservation District. The proposed landscape treatment and building elevations shown on Attachments #4 and #5 respond to the role of the property at this important location.

The upgraded building elevations, as shown on Attachment #5, consist of beige and blue maibec vertical and horizontal wood siding, black metal roof, spandrel glazing and a river rock masonry base. The south elevation facing Rutherford Road consists of two black garage doors with white trim. The proposed gas canopy consists of Ultramar's corporate signage and colours, as shown on Attachment #6. The owner has agreed to not illuminate the west elevation of the gas canopy to mitigate light impact on the abutting residential area to the west. Two pylon signs are located on the northeast and southwest portions of the subject lands, as shown on Attachments #3 and #7. A masonry base similar in design and materials as the main kiosk building elevation is proposed at the bottom of each pylon sign.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

#### **Item 7, CW Report No. 10 – Page 7**

The landscape plan shown on Attachment #4 consists of a mix of deciduous and coniferous trees, shrubs and sodded areas. Three of the existing deciduous trees located on the west portion of the subject lands will be maintained. The existing streetscape corner treatment including a low brick wall, decorative fencing and landscaping will be maintained

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

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i. **Lead and Promote Environmental Sustainability**

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes a three stream waste disposal system which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

The proposed landscape plan includes drought tolerant plant material to promote water efficiency and proper management of stormwater discharge into the City's natural corridors and sewer systems.

#### **Regional Implications**

The Region of York Transportation and Community Planning Department has reviewed the proposal and has advised that a road widening of 21.5 m for both Keele Street and Rutherford Road is required, including a 20 m x 20 m daylight triangle for the Region's capital road project planned for 2018. The owner is required to enter into an encroachment agreement for the proposed landscaping in the Region's right-of-way. The Region requests that prior to final site plan approval, the Region shall complete the site plan agreement with the owner and provide final sign off to the City. A condition of approval is included in the recommendation requiring the owner to satisfy all requirements of the Region of York Transportation and Community Planning Department.

#### **Conclusion**

Zoning By-law Amendment File Z.13.023 and Site Development File DA.13.051 have been reviewed in accordance with the policies of the Official Plan, Zoning By-law 1-88, and comments received from city departments and external public agencies. The Vaughan Development Planning Department is satisfied that the proposal to amend Zoning By-law 1-88 to permit site-specific zoning exceptions to facilitate the development of the as-of-right permitted uses of an automobile gas bar with accessory convenience retail and a convenience eating establishment with a drive-through is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the City's in-effect Official Plan. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the recommendations in this report.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Store Elevations
6. Canopy Elevations

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

Item 7, CW Report No. 10 – Page 8

7. Pylon Sign Details
8. Site-specific Zoning Exception Schedule “E-951”

**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.)