

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 8, 2014**

Item 4, Report No. 16, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on April 8, 2014.

**4**

**ZONING BY-LAW AMENDMENT FILE Z.13.046**  
**2346486 ONTARIO INC.**  
**WARD 4 - VICINITY OF STEELES AVENUE WEST AND HIGHWAY 400**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Interim Director of Planning/Director of Development Planning, dated March 25, 2014, be approved; and
- 2) That the following deputations be received:
  1. Mr. Ryan Mino-Leahan, KLM Planning Partners Inc., Jardin Drive, Concord, on behalf of the applicant; and
  2. Mr. Mirza Z. Chaudhary, Samson Court, Brampton.

#### **Recommendation**

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

1. THAT the Public Hearing report for File Z.13.046 (2346486 Ontario Inc.) BE RECEIVED; and, that any issues identified be addressed by the Planning Department in a comprehensive report to the Committee of the Whole.

#### **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 Hearing was circulated: February 28, 2014. The Notice of the Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca).
- b) Circulation Area: 150 m
- c) Comments Received as of March 11, 2014: None

#### **Purpose**

To receive comments from the public and Committee of the Whole on Zoning By-law Amendment File Z.13.046 to amend Zoning By-law 1-88, specifically the EM3 Retail Warehouse Employment Area Zone, subject to Exception 9(824), in order to permit an Automobile Gas Bar with a 140 m<sup>2</sup> Convenience Retail Store as additional permitted uses on the subject lands shown on Attachments #1 and #2, together with the following site-specific zoning exceptions to implement the development shown on Attachments #3 to #6:

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	By-law Standard	By-law 1-88 Requirements of EM3 Retail Warehouse Employment Zone, Exception 9(824)	Proposed Exceptions to EM3 Retail Warehouse Employment Zone, Exception 9(824)
a.	Permitted Uses	Does not permit an Automobile Gas Bar with a Convenience Retail Store	Permit a Gas Bar with a Convenience Retail Store
b.	Minimum Required Landscape Strip Along a Provincial Highway (Highway No. 400)	9.0 m	8.5 m
c.	Definition of Front Lot Line	The subject lands do not have a front lot line as defined by Zoning By-law 1-88 as the lands do not front onto a public street.	Deem the east lot line located nearest and parallel to Sante Drive as the front lot line.
d.	Minimum North Interior Side Yard Setback	6.0 m	5.0 m (north-east corner of the proposed building)

Additional zoning exceptions may be identified through the review of the application.

### **Background - Analysis and Options**

The 0.39 ha subject lands form part of a larger 2.7 ha service commercial site containing a hotel, lube service station and three eating establishment uses, and were created through Consent Application B050/10, together with the required easements and right-of-ways in order to provide access and servicing to the lot through Consent Application B051/10. The subject lands do not have frontage onto a public street. The owner submitted Minor Variance Application A209/10 to permit a lot that does not front onto a public street. On September 2, 2010, the Committee of Adjustment approved Consent Applications B050/10 and B051/10, and Minor Variance Application A209/10.

Location	<ul style="list-style-type: none"> <li>North side of Steeles Avenue West, east of Highway 400 (3350 Steeles Avenue West) shown as "Subject Lands" on Attachments #1 and #2.</li> </ul>
Official Plan Designation i) In-effect OPA #450 (Employment Area Plan) and OPA #424 (Automobile Gas Bar and Service Station Policy)	<ul style="list-style-type: none"> <li>"Prestige Area" by in-effect OPA #450 (Employment Area Plan), and subject to the "Service Node" policies of Section 2.2.5, which provides for the service needs of businesses, industries and their employees. The subject lands are planned as part of a larger 2.7 ha area surrounding the site and developed with a hotel, lube service station and three eating establishments. The proposed zoning amendment conforms to the Official Plan.</li> </ul>

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<p>ii) New City of Vaughan Official Plan 2010</p>	<ul style="list-style-type: none"> <li>▪ The proposal is also subject to City-wide in-effect OPA #424 (Automobile Gas Bar and Service Station Policy), which establishes criteria for the evaluation of development applications for automobile gas bar and service station uses in the city regarding site location, lot size, site access, architectural and aesthetic design of buildings and, in particular, compatibility with adjacent lands and commercial uses. The proposed zoning amendment conforms to the requirements of OPA #424. However, the quality of the architectural and aesthetic design of the building must be improved in order to respond to the design policies of OPA #424.</li> <li>▪ “Employment Commercial Mixed-Use” by City of 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) 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, December 2, 2013 and February 3, 2014. The subject lands are also identified as being located in a “Primary Intensification Corridor within an Employment Area” by Schedule 1, Urban Structure, of VOP 2010.</li> <li>▪ Section 9.2.2.7 (c) (i) (E) in VOP 2010 permits a Gas Station in the “Employment Commercial Mixed-Use” designation, 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.</li> </ul> <p>As discussed earlier with respect to the approval of the Consent applications in 2010, the subject lands are not directly located on an arterial street. However, the subject lands form part of a larger area designated “Employment Commercial Mixed-Use” that functions as one lot for the purposes of access and parking. Additionally, access to the subject lands is from Steeles Avenue West through an existing easement created by Consent Application B051/10. The proposal conforms to VOP 2010, however, Section 9.2.2.7 (c) (i) (E) of VOP 2010 is under appeal and subject to approval by the Ontario Municipal Board (OMB), and to-date, is not in effect. Accordingly, the in-effect OPA #450 and OPA #424 continue to apply to the subject lands.</p>
<p>Zoning</p>	<ul style="list-style-type: none"> <li>▪ EM3 Retail Warehouse Employment Area Zone by Zoning By-law 1-88, subject to Exception 9(824).</li> <li>▪ The application does not comply with Zoning By-law 1-88, as the EM3 Retail Warehouse Employment Area Zone does not permit an Automobile Gas Bar and Convenience Retail uses. Accordingly, an amendment to Zoning By-law 1-88 is required to permit the proposed uses.</li> </ul>

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Surrounding Land Uses	<ul style="list-style-type: none"> <li>Shown on Attachment #2.</li> </ul>
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**Preliminary Review**

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

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Conformity with City Official Plans	<ul style="list-style-type: none"> <li>The application will be reviewed in consideration of the applicable City Official Plan policies.</li> </ul>
b.	Appropriateness of Proposed Uses and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>The appropriateness of the proposed Automobile Gas Bar with a Convenience Retail store use together with the site-specific zoning exceptions required to facilitate the development of the subject lands in the manner shown on Attachments #3 to #6 inclusive, will be reviewed in consideration of their compatibility with the surrounding existing and planned land use context.</li> </ul>
c.	Proposed Building Elevations	<ul style="list-style-type: none"> <li>The subject lands are located in proximity to Highway #400 and are highly visible from the public right-of-way. The Planning Department will require the owner to improve the quality of the architecture, overall design and finishing materials for the proposal.</li> </ul>
d.	Related Site Development File DA.13.112	<ul style="list-style-type: none"> <li>The related Site Development File DA.13.112 will be reviewed in consideration of, but not limited to, transition with adjacent uses, appropriate building design and materials, site design and orientation, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, appropriate building setbacks, landscaping, lighting and signage, environmental sustainability, waste management, stormwater management, and servicing and grading.</li> <li>All issues identified through the review of Site Development File DA.13.112 will be addressed together with the subject Zoning By-law Amendment application in a comprehensive technical report to a future Committee of the Whole meeting.</li> </ul>
e.	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, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved.</li> </ul>

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f.	Ministry of Transportation (MTO)	<ul style="list-style-type: none"><li>▪ The subject lands abut Highway No. 400, a provincial highway under the jurisdiction of the Ministry of Transportation (MTO). Review will be given to the proposed reduction to the landscape strip width abutting Highway No. 400 and the proposed building setback. The owner may be required to obtain a Land Use Permit and approval for any proposed signage from the MTO. The owner will be required to satisfy all requirements of the MTO.</li></ul>
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**Relationship to Vaughan Vision 2020/Strategic Plan**

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

**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 Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive technical report to a future Committee of the Whole meeting.

**Attachments**

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

**Report prepared by:**

Mark Antoine, Planner, ext. 8212  
Christina Napoli, Senior Planner, ext. 8483  
Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)