

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2013

Item 17, Report No. 19, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 14, 2013.

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**SITE DEVELOPMENT FILE DA.12.029
SEVEN KEELE LIMITED
WARD 4 - VICINITY OF KEELE STREET AND REGIONAL ROAD 7**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated April 30, 2013, be approved;**
- 2) That the deputation of Mr. Ryan Mino-Leahan, KLM Planning Partners Inc., Jardin Drive, Concord, be received; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.12.029 (Seven Keele Limited) BE APPROVED, to permit the development of the subject lands shown on Attachments #1 and #2 with a Convenience Eating Establishment and associated drive-through (A&W Restaurant) within an existing one-storey 178.02 m² building, as shown on Attachments #3 to #6 inclusive, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations, and landscape plan and cost estimate shall be approved by the Vaughan Development Planning Department;
 - ii) the final site servicing and grading plans, erosion and sediment control plan, and stormwater management report shall be approved by the Vaughan Development/Transportation Engineering Department;
 - iii) the Owner shall apply for a Minor Variance Application, which shall be approved by the Vaughan Committee of Adjustment to facilitate the required exceptions to Zoning By-law 1-88 as identified in Table 1 of this report, and that the Committee's decision shall be final and binding;
 - iv) the Owner shall apply for a Consent Application, which shall be approved by the Vaughan Committee of Adjustment to facilitate access and servicing easements with the adjacent property to the south (7700 Keele Street), and that the Committee's decision shall be final and binding; and,
 - v) the Owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department, including the conveyance of land for road widening purposes along Keele Street and Regional Road 7.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment.

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- Objective 2.2: To develop Vaughan as a City with an urban form that supports our expected population growth.

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 goals and objectives 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:

- i) recycled concrete to be used in the parking lot and paved areas;
- ii) high efficiency plumbing fixtures;
- iii) low volatile organic compound products; and,
- iv) 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

N/A

Purpose

The Owner has submitted Site Development File DA.12.029 on the subject lands shown on Attachments #1 and #2 to permit the development of a Convenience Eating Establishment and associated drive-through (A&W Restaurant) within the existing one-storey 178.02 m² building, as shown on Attachments #3 to #6, inclusive.

Background - Analysis and Options

Location

The subject lands are located on the southwest corner of Regional Road 7 and Keele Street (2267 Regional Road 7), City of Vaughan, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated "Prestige Areas – Centres and Avenue Seven Corridor" and "Transit Stop Centre" by in-effect OPA #450 (Employment Area Plan), as amended by OPA #660. The "Prestige Areas – Centres and Avenue Seven Corridor" designation permits a wide range and mix of land uses, including office, business, institutional, retail and high density residential. The subject lands are also designated "Employment Commercial Mixed-Use" by the new City of Vaughan Official Plan 2010 (VOP 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 is pending approval from the Ontario Municipal Board. The proposal for a convenience eating establishment conforms to the use policies of both Official Plans.

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The subject lands are zoned C6 Highway Commercial Zone by Zoning By-law 1-88, subject to Exception 9(784). The following site-specific zoning exceptions to the C6 Highway Commercial Zone are required to facilitate the proposal:

Table 1: Proposed Zoning Exceptions

	By-law Standard	By-law 1-88, C6 Highway Commercial Zone Requirements, subject to Exception 9(784)	Proposed Exceptions to the C6 Highway Commercial Zone, subject to Exception 9(784)
a.	Permitted Uses Within a C6 Highway Commercial Zone	Eating Establishment, Convenience Eating Establishment, and Take-Out Eating Establishment, provided that such uses are operated in conjunction with an Automobile Service Station	Convenience Eating Establishment with Drive-Through
b.	Maximum Driveway Width Which Serves The Movement Of Trucks To And From A Loading Space	13.5 m	21.1 m (along Regional Road 7)
c.	Location Of Loading Area	Loading and unloading shall not be permitted between a building and a street	To permit loading and unloading between the building and Regional Road 7
d.	Minimum Exterior Side Yard Setback To Refuse Structure	14.0 m	11.8 m
e.	Minimum Landscape Strip Width Abutting A Street	6.0 m	1.50 m (along Keele Street) and 1.24 m (along Regional Road 7)
f.	Location Of Proposed Drive-Through Stacking Lane	Not permitted off-site and Not permitted in an EM1 Prestige Employment Area Zone	To be partially located on the abutting property to the south (7700 Keele Street), which is zoned EM1 Prestige Employment Area Zone and in the same ownership as the subject lands

The subject lands were previously developed with an automobile service station and associated eating establishment. The site is vacant, with the exception of a one-storey, 178.02 m² building previously used for an eating establishment. The Owner is requesting permission to utilize the

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existing building for a Convenience Eating Establishment with a drive-through (A&W Restaurant), as shown on Attachments #3 to #6 inclusive. The Development Planning Department can support the proposed use, as the C6 Highway Commercial Zone permits the Convenience Eating Establishment use as-of-right, provided that it is associated with an automobile service station, thereby establishing the use permission on the site. As noted, the building is currently vacant and the proposal will provide the opportunity to utilize and maintain the site, which has not had an occupant for a few years. Proposed road widenings along Regional Road 7 and Keele Street by the Region of York have limited the development potential of the site. It is difficult to add a service station or other commercial buildings in light of the site configuration and limited area. On this basis, the Development Planning Department is of the opinion that the proposed use is compatible with the intent and purpose of Zoning By-law 1-88.

The maximum driveway width of 21.11 m is to facilitate a right-in, right-out access from Regional Road 7. The Development Planning Department has no objections to this variance, as a majority of the driveway maintains a width of 10.0 m, with only a small portion requiring 21.11 m. The location of the loading area and refuse structure is the result of an irregular shaped lot configuration together with the existing building being located in proximity to the southern property line. The reduced landscape strips along Regional Road 7 and Keele Street are the result of the proposed conveyance of land by the Owner to the Region of York for road widening purposes to facilitate the VIVA Regional Road 7 Transitway initiative (i.e. bus rapid transit). The Owner has agreed to provide additional landscaping within the Region's right-of-way along Regional Road 7 to mitigate the impact of the reduced landscape strip, as shown on Attachment #4.

Due to existing site constraints, the Owner has proposed a portion of the drive-through stacking lane to be located on the abutting property to the south (7700 Keele Street), which is under the same ownership but functions as separate parcels. The Owner is required to submit a Minor Variance Application for the lands known as 7700 Keele Street to permit the use of a drive-through stacking lane in an EM1 Prestige Employment Area Zone, as this is not a permitted use.

The Owner is required to address these zoning deficiencies, which are supported by the Development Planning Department, through a Committee of Adjustment Minor Variance Application. The Committee of Adjustment decision respecting the Minor Variance application must be final and binding prior to the execution of the implementing Site Plan Letter of Undertaking. In addition, a Consent Application is to be submitted to the Vaughan Committee of Adjustment to permit an access easement in favour of the subject lands to facilitate the proposed drive-through, and to permit mutual access easements to facilitate the proposed driveway connections leading into 7700 Keele Street, as shown on Attachment #3. Conditions to this effect have been included in this report.

Site Plan Review

The 0.43 ha site is developed with a vacant 178.02 m² building located on the subject lands, as shown on Attachment #3. The Owner is proposing to utilize the existing building as an eating establishment (A&W Restaurant) with an associated drive-through and patio, as shown on Attachments #3 to #6 inclusive. Two driveway connections and a portion of the drive-through stacking lane are to be located on the abutting property to the south (7700 Keele Street). The proposal includes right-in, right-out access points from Regional Road 7 and Keele Street. A total of 30 parking spaces are provided, which satisfies the by-law requirement.

a) Signage

The Owner is proposing a total of two (2) shared pylon signs with third party advertising for 7700 Keele Street located along the frontage of Keele Street and Regional Road 7, as shown on

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Attachment #7. As per section 6.1 (iv) of the City of Vaughan Sign By-law, the Owner is permitted two pylon signs on the subject lands, one of which may contain third party advertising. The Development Planning Department is satisfied with two pylon signs containing third party advertising for 7700 Keele Street, as both properties are in the same ownership and essentially function as one lot.

b) Building Elevations

The proposed building elevations, shown on Attachments #5 and #6, reflect the colours and materials of the A&W Restaurant corporate standard. This includes the use of metal cladding, double glazed windows, and exterior tiles in an orange, mandarin and grey hue. The north and east elevations consist of metal cladding, glazing, illuminated tenant signage and aluminum composite panels in a grey and orange finish. The south elevation (drive-through) consists of primarily exterior tile and aluminum composite panels in an orange, grey and mandarin hue. The west elevation consists primarily of metal cladding, and abuts a proposed two-garage garbage enclosure finished with same. The existing brick facing is proposed to be maintained at the base of the building.

c) Landscape Plan

The landscape plan consists of a mix of deciduous and coniferous trees, shrubs and sodded areas, as shown on Attachment #4. In addition, the Owner has agreed to provide additional landscaping within the Region's right-of-way along Regional Road 7 and Keele Street to mitigate the impact of the reduced landscape strip. Deciduous and coniferous trees are also proposed within the parking area. A pedestrian connection from Regional Road 7 to the main entrance of the building is also proposed.

The Vaughan Development Planning Department is generally satisfied with the proposal and will continue to work with the Owner to finalize the details of the proposed development. The final site plan, elevations, landscape plan and landscape cost estimate must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in the recommendation of this report.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department is working with the Applicant to finalize the grading and servicing plan, stormwater management report, and erosion and sediment control plan for the proposed development. In addition, the Development/Transportation Engineering Department notes that the two driveway connections, drive-through lane and stormwater overland flow from the west portion of the site will require easements for access and servicing from the adjacent property to the south (7700 Keele Street). The Owner is required to submit a Consent Application to the Vaughan Committee of Adjustment in order to facilitate the creation of the easements required for the drive-through, driveway connection and overland flow into the abutting property to the south. A condition to this effect is included in the recommendation of this report.

The final plans and report must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition to this effect is included in the recommendation of this report.

Relationship to Vaughan Vision 2020/Strategic Plan

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

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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 encourage proper management of stormwater discharge into the City's natural corridors and sewer systems.

ii) Plan and Manage Growth & Economic Vitality

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

The subject lands are located at the southwest corner of Regional Road 7 and Keele Street, which are under the jurisdiction of the Region of York. The Site Development Application was circulated to the Region of York Transportation and Community Planning Department for comments. The Region of York has requested that the Owner convey land along the entire frontage of Keele Street and Regional Road 7 in order to secure lands required by the VIVA Regional Road 7 Transitway initiative. As the requested road widening and land conveyance had significant impacts on the initial development proposal, the Applicant has revised their site plan and landscape plan to reflect the requested land conveyance, as shown on Attachments #3 and #4. In addition, the Region of York has agreed to allow the Owner to plant additional landscaping within the York Region right-of-way, as shown on Attachment #4. The Region of York has reviewed the revised proposal and has no objections to its approval pending the execution of a Regional Site Plan Agreement. The Owner will be required to satisfy all conditions of the Region of York.

Conclusion

Site Development Application DA.12.029 has been reviewed in accordance with OPA #450, as amended by OPA #660, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the development of the proposed convenience eating establishment with associated drive-through (A&W Restaurant) is compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development File DA.12.029, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevation Plan (North and West)
6. Elevation Plan (South and East)
7. Pylon Signs

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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.)