

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 14, Report No. 26, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 23, 2015.

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**OFFICIAL PLAN AMENDMENT FILE OP.15.001
ZONING BY-LAW AMENDMENT FILE Z.15.001
SEVEN 427 DEVELOPMENTS INC.
WARD 2 - VICINITY OF REGIONAL ROAD 7 AND HIGHWAY 427**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated June 16, 2015, be approved; and**
- 2) That the deputation of Mr. Nick Pinto, West Woodbridge Homeowners Association, Mapes Avenue, Woodbridge, be received.**

Recommendation

The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Official Plan Amendment File OP.15.001 (Seven 427 Developments Inc.) BE APPROVED, to amend Vaughan Official Plan 2010 (VOP 2010), specifically Volume 2, Site Specific Policy 13.31 to:
 - a) permit the following uses on the subject lands shown on Attachments #1 and #2:
 - i) one Gas Station accessory to a permitted retail use only, with no vehicular access from Regional Road 7;
 - ii) only the following uses accessory to a Gas Station:
 - one Automobile Service Station and one Automotive Retail Store only, each within a wholly enclosed building;
 - b) prohibit the following accessory uses to a Gas Station on the subject lands:
 - a car wash;
 - any eating establishment;
 - convenience retail use;
 - c) permit surface parking to be located between the front and side face of a low-rise building, public street and sidewalk, subject to appropriate screening and buffering to be reviewed through the site plan review process to the satisfaction of the City of Vaughan.
2. THAT Zoning By-law Amendment File Z.15.001 (Seven 427 Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the C5 Community Commercial Zone, subject to site-specific Exception 9(1392), to facilitate the development of: one Automobile Gas Bar accessory to a permitted retail store; one accessory Automobile Service Station and Automotive Retail Store each accessory to the Automobile Gas Bar; and, the site-specific zoning exceptions identified in Table 1 of this report.

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Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment.

- Objective 2.2: To develop Vaughan as a City with maximum green space and 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 above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development, which will be addressed through the review of the future site plan application for the property:

- bioswales, pervious pavers and other site features to Increase the infiltration of groundwater on the site

Economic Impact

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

Communications Plan

On February 6, 2015, a Notice of Public Hearing for the March 3, 2015 meeting was circulated to all property owners located within 150 m with extended circulation as shown on Attachment #2, and to the West Woodbridge Homeowners' Association. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca, and two Notice Signs were installed on the subject lands in accordance with the City's Notice Sign Procedures and Protocol. To date, no comments from the public have been received by the Vaughan Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of March 3, 2015, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on March 20, 2015.

Purpose

To seek approval from the Committee of the Whole for the following applications on the subject lands shown on Attachments #1 and #2:

1. Official Plan Amendment File OP.15.001 to amend the policies of Vaughan Official Plan 2010 (VOP 2010), specifically as follows:

	VOP 2010 Official Plan Policy	Proposed Amendment
a.	Section 5.2.3.10 (a) states, in part: <i>"New Gas Stations are not permitted in Regional Intensification Corridors within Employment Areas"</i>	Notwithstanding Sections 5.2.3.10(a) or (e) or anything else in this Plan, the following shall apply on the subject lands:

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	<p>Section 5.2.3.10(e) states, in part:</p> <p><i>“Gas Stations shall be located on an arterial street as indicated on Schedule 9.”</i></p>	<ul style="list-style-type: none"> • permit one Gas Station, accessory to a permitted retail store with no direct access from Regional Road 7; • prohibit a Car Wash, any Eating Establishment, or Convenience Retail uses accessory to a Gas Station; • require the Gas Station to be appropriately screened, buffered, and set back from Regional Road 7 to the satisfaction of the City.
b.	<p>Section 9.2.3.9 states, in part:</p> <p><i>“Automobile repair and service facilities are only permitted as part of Gas Stations if located in an Employment Area.”</i></p>	<p>Notwithstanding this Section, permit one Automobile Service Station and an Automobile Retail Store accessory to the permitted retail store.</p>
c.	<p>Section 9.1.2.6(e) states, in part:</p> <p><i>“That in Intensification Areas, new development will locate and organize vehicle parking, access and service areas to minimize their impact on surrounding properties and the public realm by (in part):</i></p> <p><i>e. prohibiting surface parking between the front face of a building and the public sidewalk, except in the case of gas stations.”</i></p> <p>And, Section 9.2.3.4(c) states, (in part):</p> <p><i>“Surface parking is not permitted between the front or side of a Low-Rise Building and a public street. Surface parking elsewhere on a lot with a Low-Rise Building shall generally be setback from any property line by a minimum of three metres and shall be appropriately screened through landscaping. The minimum width of the landscaped area shall be established in the Zoning By-law. All surface parking areas must provide a high level of landscaping treatment and pedestrian pathways and it is encouraged that the grading and landscaping materials for surface parking lots be designed as part of the site’s stormwater management system.”</i></p>	<p>Notwithstanding these Sections, permit surface parking between the front or side face of a building and a public street or sidewalk, except between a building and Regional Road 7, unless it is determined to be appropriate by the City through the review of a Site Development Application, to permit minimal parking between a front or side face of a building and Regional Road 7 and New Huntington Road without an amendment to this Plan.</p>

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2. Zoning By-law Amendment File Z.15.001 to amend Zoning By-law 1-88, specifically the C5 Community Commercial Zone, subject to site-specific Exception 9(1392), to permit one Automobile Gas Bar, Automobile Service Station and Automotive Retail Store, each as an accessory use to a permitted retail store, together with the site-specific zoning exceptions included in Table 1 of this report.

Background - Analysis and Options

Synopsis:

The subject lands are currently zoned to permit a retail store use with no maximum GFA. The Owner is proposing the additional uses of one gas station as an accessory use to the retail store, and one accessory automobile service station and automotive retail store to be located within the future retail store. The Owner is also proposing to permit surface parking between the front and side faces of the buildings and a public street or sidewalk, and to reduce the required setback distances to the buildings.

The Vaughan Planning Department supports the proposed amendments to the Official Plan and Zoning By-law as Zoning By-law 1-88 permits the retail store as-of-right on the subject lands and the proposed Gas Bar use will be accessory to the retail store use only and will have minimal impact on Regional Road 7. The proposed Automobile Service Station and Automotive Retail Store uses will be located only within the permitted retail store, and therefore, will have no impact on the site. Due to the site being bounded by roads on three and a half sides, permitting parking between the front or side face of a building is required to facilitate development on the property. Allowing for reduced setback distances and landscape strips along New Huntington Road and New Enterprise Way will facilitate development closer to the street for a better pedestrian experience.

Location

The vacant 7.3 ha lot is located at the northwest corner of Regional Road 7 and Highway 427, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Application History

a) Vaughan Committee of Adjustment Decision

On January 15, 2015, the Vaughan Committee of Adjustment approved Minor Variance Application A009/15 to expand the definition of "Retail" on the subject lands to include permission to display, store, and sell goods and merchandise in a warehouse format. The variance is in full force and effect.

b) Ontario Municipal Board (OMB) Appeal of VOP 2010

On February 24, 2015, the Ontario Municipal Board (OMB) granted a motion brought forward by the appellant (Seven 427 Developments Inc.) and allowed their appeal, in part. Site-specific policies related to the subject lands were added to Volume 2 of VOP 2010 (Site Specific Policy 13.31). The policies permit: major retail uses on the site; retail units exceeding 3,500 m² in GFA; stand alone retail units not required to be part of a mixed-use development; and, low rise buildings on the subject lands. In summary, the OMB approved policies to allow for the subject lands to be developed with a one-storey, single use retail store with no maximum GFA. Zoning By-law 1-88, permits retail uses on the subject lands as-of-right with no maximum size requirements.

The Owner originally proposed to permit Low Rise Buildings on the subject lands through the subject Official Plan Amendment Application, as identified in the March 3, 2015, Public Hearing

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report. However, since that time the OMB Decision Order permits Low-Rise Buildings on the site, and therefore, this policy amendment is no longer required.

City of Vaughan Official Plan (VOP 2010)

The subject lands are designated "Employment Commercial Mixed-Use" by City of Vaughan Official Plan 2010 (VOP 2010), Volume 2 - Area Specific Plan "Huntington Business Park", which was approved by the OMB on December 2, 2013, and Site Specific Policy 13.31, which was approved by the OMB on February 24, 2015. The subject lands are located in a Regional Intensification Corridor (Regional Road 7) within an Employment Area, which does not permit the proposed accessory Gas Station, Automobile Service Station or Automobile Retail Store uses or parking located between the front and side face of a building and a public street or sidewalk, and therefore an Official Plan Amendment is required.

a) Parking between a Building and a Street

The property is bound on three and a half sides by a public road or sidewalk. Major retail uses in a one-storey, single use building with no maximum GFA is permitted as-of-right on the subject lands. The Vaughan Planning Department has no objection to permitting parking between the front face or side of a building and the street, as the site could potentially be developed with a stand alone retail store with a large wall facing Regional Road 7 and between a building and New Huntington Road. To allow for flexibility of layout and ensure an animated streetscape, the Vaughan Planning Department considers it appropriate to permit some parking between the building face and Regional Road 7 and between a building and New Huntington Road. However, as the Owner has not submitted a Site Development Application, and does not have any confirmed users for the site, the Vaughan Planning Department supports amending the policy within the Official Plan to permit limited parking between a building and Regional Road 7 and between a building and New Huntington Road, to the City's satisfaction at the site plan stage, without further amendment to the Official Plan.

b) Gas Station Use

The Vaughan Planning Department has no objection to permitting an accessory Gas Station use (defined as an Automobile Gas Bar in Zoning By-law 1-88) with the permitted retail store use on the subject lands. VOP 2010 (Section 9.2.3.9. f) requires a minimum building setback of 3 m between parking areas and the property line in front of a gas station. However, the C5 Community Commercial Zone requires a minimum setback of 11 m, which is being maintained for the proposed gas station and is proposed to be used for no other purpose than landscaping. This will allow for additional buffering of the Gas Station along the Regional Road 7 frontage.

Future access to the site and to the Gas Station will be from New Huntington Road and New Enterprise Way, with access points to be determined at the site plan stage. No access will be provided from Regional Road 7. VOP 2010 (Section 9.2.3.9. b) requires extensive landscaping and buffering to be provided along the public street frontages and along property lines. The Vaughan Planning Department further recommends that the Automobile Gas Bar be situated in Part "B" of the subject lands as shown on Attachment #3, to reduce its visibility to Regional Road 7.

c) Automobile Service Station and Automotive Retail Store Uses

The Vaughan Planning Department has no objection to locating an accessory Automobile Service Station and Automotive Retail Store on the subject lands, located wholly within the retail store. These uses can be integrated within a larger building thereby minimizing potential site impacts, and allowing for a more positive site design and streetscape along the abutting roads.

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d) Prohibiting Certain Uses

Section 9.2.3.9 of VOP 2010 (Gas Station policies) describes a car wash, convenience retail, and drive-through facilities as permitted accessory uses to a Gas Station. The Owner is not proposing any additional accessory uses. The Vaughan Planning Department recommends including a policy in the site-specific implementing OPA to prohibit these uses, as accessory uses to a Gas Station, on the site. The proposed Zoning By-law Amendment also includes prohibiting these additional uses and will be discussed further in this report.

e) Summary

In consideration of the above, Official Plan Amendment File OP.15.001 can be supported by the Vaughan Planning Department. The proposed policies would be added to the existing site-specific policies (Section 13.13) of VOP 2010, Volume 2.

Zoning

The subject lands are zoned C5 Community Commercial Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1392), which permits the development of a retail store with no maximum size restrictions. The following site-specific zoning exceptions are required to facilitate the development proposal:

Table 1:

	By-law Standard	By-law 1-88 Requirements of the C5 Community Commercial Zone, Exception 9(1392)	Proposed Exceptions to the C5 Community Commercial Zone, Exception 9(1392)
a.	Permitted Uses	Automobile Gas Bar, Automobile Service Station, and Automotive Retail Store are not permitted uses	Permit one Automobile Gas Bar as an accessory use to a permitted retail store, subject to the following: <ul style="list-style-type: none">• no convenience retail store or any eating establishment are permitted accessory to the Automobile Gas Bar;• the Automobile Gas Bar shall be located a minimum of 11 metres from Regional Road 7 and must be located within the area identified as "Part "B" of the subject lands, as shown on Attachment #3;• the Automobile Gas Bar shall not have direct vehicular access to Regional Road 7; and,• permit one Automobile Service Station and one Automotive Retail Store as accessory uses, to be only located wholly within a building used for a retail store.

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b.	Minimum Yard Requirements	i) Interior Side Yard - 11 m ii) Exterior Side Yard-11 m iii) Front Yard (New Huntington Road)- 11 m iv) Rear yard (Highway 427 Extension)- 15 m	i) 3 m ii) 3 m iii) 3 m iv) 14 m (As shown on Attachment #3)
c.	Minimum Landscape Strip Width	6 m	6 m along Regional Road 7, except for between a gas station and accessory structures and Regional Road 7, the minimum landscape strip width shall be 11 m 3 m along New Huntington Road and New Enterprise Way

The Vaughan Planning Department can support the above noted site-specific zoning exceptions for the following reasons:

A retail store with no maximum GFA is permitted as-of-right on the subject lands. The Automobile Gas Bar would be permitted only as an accessory use to the retail store. To maintain the intended walkable, high-quality streetscape on Regional Road 7, development standards are proposed to limit the exposure of the Automobile Gas Bar to Regional Road 7, including limiting the location of the Automobile Gas Bar to Part "B" of the subject lands as shown on Attachment #3. A 20 m by 20 m area (Area "A" as shown on Attachment #3) of land located at the intersection of Regional Road 7 and New Huntington Road will be maintained for future development that will enhance the corner.

A future Site Development Application will address the landscaping approach necessary to appropriately screen the Automobile Gas Bar from Regional Road 7. In addition, no vehicular access from Regional Road 7 to the Automobile Gas Bar will be permitted. The Owner proposes further limiting the Automobile Gas Bar use by prohibiting any accessory eating establishment and convenience retail uses that are typically associated with the gas station. It should be noted that the Zoning By-law currently does not permit a car wash use as accessory to an Automobile Gas Bar.

The Owner is proposing one Automobile Service Station and one associated Automotive Retail Store as accessory uses, to be located within the retail store on the subject lands. The site currently permits a retail store with no size restriction and the VOP 2010 policies (Section 9.2.3.9) permit automobile repair and service facilities as accessory uses to gas stations when located in an Employment Area. The proposed accessory uses will be located within the retail store, and therefore will have no impact on the site. The location of the service bay doors will be determined at the site plan stage.

The properties to the north on New Huntington Way are currently subject to a 6 m building setback under site-specific Exception 9(1392). However, the proposed 3 m building setback abutting roads other than Regional Road 7 on the subject lands is considered appropriate to accommodate sufficient landscaping and create a pedestrian-oriented streetscape along the surrounding roads. The final landscape design will be determined at the site plan stage. The Regional Road 7 frontage will maintain a 11 m building setback and a 6 m landscape strip for the

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portion with the proposed retail building, providing an opportunity for limited parking to be located between a building and Regional Road 7, which will be reviewed at the site plan stage. The Ministry of Transportation (MTO) is satisfied with the proposed 14 m setback along the property line abutting the Highway 427 extension.

Future Site Development Application

Should the applications be approved, the Owner will be required to submit a Site Development Application to facilitate development on the lands, and to address issues including, but not limited to, built form, massing and design, traffic and transportation related issues, sustainability issues, and site and building design.

Vaughan Development Engineering and Infrastructure Planning Services Department

The Vaughan Development Engineering and Infrastructure Planning Services Department has reviewed the applications and the Traffic Brief submitted in support of the proposed Automobile Gas Bar use, and provides the following comments:

The report concludes that the proposed Automobile Gas Bar will be an accessory use to the main retail anchor and as such, will have different characteristics than a typical gas bar, as direct access to the gas bar is not provided from Regional Road 7. The report also concludes that the additional vehicles could be accommodated within the internal driveways of the site leading to the gas bar without causing spill back onto New Enterprise Way or New Huntington Road; however, a detailed analysis will be provided at the site plan stage.

On this basis, the Vaughan Development Engineering and Infrastructure Planning Services Department has no objection to the approval of the Official Plan and Zoning By-law Amendment applications.

Ministry of Transportation (MTO)

As the subject lands abut the transit right-of-way of the planned Highway 427 extension on the east side of the property, the MTO requires a minimum setback distance of 14 m from the Transit right-of-way, which is reflected in Table 1 of this report as a minimum 14 m setback requirement from the easterly property line.

TransCanada Pipeline (TCPL)

The lands are located in an area identified for the extension of the TCPL. TCPL has no comment on the proposed Official Plan Amendment or Zoning By-law Amendment, however, has advised that they will provide technical comments at the site plan stage.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan, particularly "Manage Growth & Economic Well-being" and "Lead and Promote Environmental Sustainability".

The Owner is proposing to incorporate the sustainable site and building features identified in this report. The future site plan will include increased infiltration of groundwater on the site, though the use of bioswales, permeable pavers, etc.

Regional Implications

York Region has no objections to the proposed amendments to the Official Plan or Zoning By-law. The York Region Development Review Committee considered Official Plan Amendment File

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OP.15.001 and determined that the Amendment is a matter of local significance as the proposal does not adversely affect Regional interests. Pursuant to Regional Council authorization By-law A-0265-1999-017, the Official Plan Amendment Application has been exempted from approval by Regional Planning Committee and Council. If approved, the Official Plan Amendment will come into effect following its adoption by Vaughan Council and the expiration of the required appeal period.

York Region has no objections to the proposal, however, reserves the right to provide technical comments at the site plan stage.

Conclusion

Official Plan Amendment File OP.15.001 and Zoning By-law Amendment File Z.15.001 have been reviewed in accordance with VOP 2010, Zoning By-law 1-88, comments from City Departments, external public agencies, and the area context. The Vaughan Planning Department is satisfied that the proposed site-specific amendments to the policies of VOP 2010 and site-specific exceptions to Zoning By-law 1-88 to permit an Automobile Gas Bar accessory to a permitted retail store, and an accessory Automobile Service Station and Automotive Retail Store within the permitted retail store use, and to permit surface parking between the front and side face of a building and the public street or sidewalk are appropriate and compatible with the existing and permitted uses in the surrounding area, as discussed in this report. Accordingly, the Vaughan Planning Department can support the approval of the applications, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Setbacks

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.)