

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2017

Item 10, Report No. 31, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 26, 2017, as follows:

By approving the following in accordance with Communication C10 from the Deputy City Manager, Planning & Growth Management, dated September 26, 2017:

1. ***THAT the proposed Exceptions to the C7 Service Commercial Zone Requirements identified in Table 1 of the Technical Report dated September 19, 2017 (Item 10 of Report 31) from the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, be amended as follows:***
 - a) ***deleting the number “5,513.42 m²” in Item a) and replacing it with “5,500 m²”;***
 - b) ***deleting the number “44.47 m” in Item b) and replacing it with “59 m”;***
 - c) ***deleting the number “342.2 m²” in Item d) and replacing it with “345 m²”;***
 - d) ***deleting the numbers and words “35.3% (120.7 m² GFA) of the convenience eating establishment @ 342.25 m²” in Item e) and replacing it with “36% (124.2 m² GFA) of the convenience eating establishment @ 345 m²”; and***
 - e) ***deleting Items h) and i) in their entirety; and***

By receiving Communication C6 from Mr. Michael Melling, Davies Howe, Adelaide Street West, Toronto, dated September 25, 2017.

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**SITE DEVELOPMENT FILE DA.17.021
SEVENPLEX DEVELOPMENTS INC.**

WARD 2 - VICINITY OF REGIONAL ROAD 27 AND ZENWAY BOULEVARD

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated September 19, 2017, be approved;
- 2) That the confidential recommendation of the Committee of the Whole (Closed Session) meeting of September 19, 2017, be approved;
- 3) That the following deputations and Communications be received:
 1. Mr. Frank Mazzotta, Armour Heights Developments, Zenway Boulevard, Vaughan, Communication C1, dated September 15, 2017, and Communication C7, dated September 19, 2017, submitted at the meeting;
 2. Mr. Brian Luckman, President, New Era Electronics, Zenway Boulevard, Vaughan; and
 3. Mr. Mark Yarranton, President, KLM Planning Partners Inc., Jardin Drive, Concord, on behalf of the applicant;
- 4) That the following Communications be received:
 - C3 Mr. Mauro Poletti and Mr. Victor Peca, Mortgage Intelligence Group, Zenway Boulevard, Vaughan, dated September 18, 2017

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- C4 Mr. Nunzio Parente, Trade Electrical Contractors Inc., Zenway Boulevard, Woodbridge, dated September 18, 2017**
- C5 Mr. Daniel Seca, Dreamworld Event Planning Inc., Zenway Boulevard, Vaughan, dated September 18, 2017; and**
- C6 Mr. Joseph Burnett, Chairman, Burnac Corporation, St. Clair Avenue West, Toronto, dated September 18, 2017; and**

5) That the coloured elevation submitted by the applicant be received.

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT Site Development File DA.17.021 (Sevenplex Developments Inc.) BE APPROVED, to permit the development of an automobile gas bar (Pioneer) that includes fueling stations, a convenience retail store, a drive-through eating establishment and a car wash, as shown on Attachments #3 to #8, subject to the following conditions:
 - a) that prior to the execution of a Site Plan Letter of Undertaking:
 - i) the Development Planning Department shall approve the final site plan, elevations, signage (including wall signage for the drive-through eating establishment), landscape plan (including additional landscaping), gateway entry feature (including gateway columns and end buttresses), landscape cost estimate and lighting plan;
 - ii) the Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final functional site servicing and grading plans, stormwater management report, and the Transportation Mobility Plan Study;
 - iii) the Owner shall submit a letter from the Block 58 Block Trustee indicating that they are in good standing with the Block 58 Block Trustee, and to confirm that all financial obligations are fulfilled for the payment of its proportionate share of the sanitary trunk sewers, to the satisfaction of the Development Engineering and Infrastructure Planning Department;
 - iv) the Owner shall satisfy all requirements of York Region;
 - v) the Owner shall satisfy all requirements of the Environmental Services Department - Solid Waste Management Division; and
 - vi) the Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-law 1-88, as identified in Table 1 of this report from the Committee of Adjustment. The Owner and the abutting Owner to the south shall also successfully obtain approval of Consent Applications to create reciprocal mutual driveway easements from the Committee of Adjustment. The Committee's decisions regarding the Minor Variance and Consent applications shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.
 - b) that the Site Plan Letter of Undertaking include the following provision:

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- i) The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with Section 51 of the *Planning Act* and City of Vaughan Policy, prior to the issuance of a Building Permit. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The application implements 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:

- Enhanced, and accessible pedestrian connectivity to municipal sidewalks, and public transit (existing bus stop) to Zenway Boulevard and Regional Road 27
- Reduced stormwater runoff (i.e. rain water re-use readiness)
- Reduced light pollution and energy consumption (i.e LED lighting)
- Exterior lighting fixtures at less than 1,000 lumens to prevent night sky lighting
- Bird friendly design
- Recycled/reclaimed materials for roadways, parking areas, unit paving

Economic Impact

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

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.17.021 (Sevenplex Developments Inc.) as shown on Attachments #3 to #8, to permit the construction of an automobile gas bar (Pioneer) including:

- a 342.25 m² retail building comprised of a 134.95 m² convenience retail store, 120.7 m² drive-through eating establishment accessed by a 10 vehicle stacking lane, and a 86.6 m² storage area
- 5 gas bar islands with 10 gas pumps and service lanes
- a 115.44 m² car wash with a 10 vehicle stacking lane

Background - Analysis and Options

Synopsis:

The Owner proposes to construct an automobile gas bar (Pioneer) that includes a retail building, drive-through eating establishment, and a car wash, and a storage area on the subject lands. The Development Planning Department supports the proposed development as it conforms to the Official Plan, the proposed uses comply with Zoning By-law 1-88, and the proposal is compatible and appropriate with the surrounding land uses.

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Location

The subject lands are located at the southwest corner of Zenway Boulevard and Regional Road 27, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated “Prestige Employment” and identified as an Employment Area by Vaughan Official Plan (VOP 2010). The “Prestige Employment” designation permits “Gas Stations” subject to design and development criteria within Sections 5.2.3.12 and 9.2.3.9 of VOP 2010 (Volume 1).

Section 5.2.3.12 of VOP 2010 permits accessory and ancillary services including convenience, retail and food services with or without drive-through facilities, and automated car washes, in addition to the self-serve vehicle fuel sales.

Section 9.2.3.9 a) through f) of VOP 2010 identifies the development criteria applicable to Gas Stations. The criteria includes: permissions for car wash, drive-through facilities, automobile repair and service facilities only within an Employment Area; extensive landscaping and buffering along the public street frontages; retail buildings exceeding 100 m² be sited in appropriate locations with attractive streetscaping; proper siting of the car wash and drive-through facilities (setbacks, landscaping, fencing, lighting, and noise mitigation); and the proper building setbacks and screening of surface parking.

The proposed development conforms to the policies of VOP 2010 for the reasons that are outlined below:

- The proposed convenience retail, drive-through eating establishment, and car wash are permitted as accessory uses to a gas station.
- The proposed retail building is sited in a location that is highly visible from Regional Road 27, and Zenway Boulevard, and a 4.5 m landscape strip abutting Regional Road 27 and Zenway Boulevard is being provided in order to partially screen the asphalt surface parking areas.
- The proposed drive-through facility location complies with the setback requirements of Zoning By-law 1-88, save and except for a variance to Zoning By-law 1-88 that is required to permit a reduced rear yard setback for the car wash. The car wash is located within the rear yard and will be partially screened by landscaping. The drive-through policies of VOP 2010 are not applicable if a drive-through is developed with a gas station.

Block 57/58 West Land Use Plan

The subject lands are located within the approved Block 57/58 West Land Use Plan, which identifies the subject lands as a “Prestige Area”. The Block Plan was approved by Vaughan Council on February 27, 2006, and was later revised and approved by Vaughan Council on June 25, 2013. The proposal conforms to the Block Plan.

Zoning

The subject lands are zoned C7 Service Commercial Zone by Zoning By-law 1-88 and subject to site-specific Exceptions 9(1134) and 9(1137). Exception 9(1137) permits a drive-through facility associated with a bank or financial institution as an additional use on the subject lands.

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The C7 Service Commercial Zone permits service commercial uses including an automobile service station, automobile gas bar, and car wash. The following exceptions to Zoning By-law 1-88, specifically to the C7 Service Commercial Zone, are required to permit the proposed development:

Table 1

	Zoning By-law 1-88 Standard	C7 Service Commercial Zone Requirements, subject to Site-Specific Exceptions 9(1134) and 9(1137)	Proposed Variances to the C7 Service Commercial Zone Requirements, subject to Site-Specific Exceptions 9(1134) and 9(1137)
a.	Minimum Lot Area	8,000 m ²	5,513.42 m ²
b.	Minimum Lot Frontage (Regional Road 27)	65 m	44.47 m
c.	Minimum Rear Yard Setback to the West Lot Line (Car Wash Only)	22 m	4.51 m
d.	Maximum Gross Floor Area (GFA) of Convenience Retail Store	280 m ²	342.2 m ²
e.	Maximum Gross Floor Area (GFA) of Convenience Eating Establishment with Drive- through	25% (85.53 m ² GFA) of the convenience eating establishment @ 342.25 m ²	35.3% (120.7 m ² GFA) of the convenience eating establishment @ 342.25 m ²
f.	Minimum Number of Parking Spaces	Car Wash @ 1 parking space per vacuum island and 10 car storage spaces = 2 spaces 120.7 m ² Eating Establishment, Convenience Drive Through @ 16 parking spaces per 100 m ² = 20 spaces 221.55 m ² Retail Store @ 6 parking spaces per 100 m ² = 14 spaces Total: 36 parking spaces	23 parking spaces

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	Zoning By-law 1-88 Standard	C7 Service Commercial Zone Requirements, subject to Site-Specific Exceptions 9(1134) and 9(1137)	Proposed Variances to the C7 Service Commercial Zone Requirements, subject to Site-Specific Exceptions 9(1134) and 9(1137)
g.	Minimum Landscape Strip Width (Abutting Zenway Boulevard and Regional Road 27)	6 m	4.5 m
h.	Maximum Driveway Width (Zenway Boulevard)	7.5 m	11 m
i.	Maximum Driveway Width (Regional Road 27)	7.5 m	15 m

The Development Planning Department can support the proposed zoning exceptions, which are required to implement the site plan based on the reasons provided below:

a) Maximum GFA of Convenience Retail Store and the Maximum GFA of a Convenience Eating Establishment

The proposed 342.25 m² retail building includes a drive-through eating establishment, a convenience retail store and internal storage area. The proposed GFA of the retail building will not impact the adjacent properties and is considered to be minor.

The proposed 120.7 m² convenience eating establishment occupies 35.2% of the area within the retail building. The drive-through eating establishment will not include any seating areas and will remain accessory to the main retail use. The proposed increase to the maximum GFA for the drive-through eating establishment is considered to be minor.

b) Minimum Lot Area and Minimum Lot Area Frontage

The minimum lot frontage and area of 44.47 m and 5,513.42 m² respectively, reflect the existing lot configuration and will not adversely impact the intended function of the proposed gas bar and other uses.

c) Minimum Rear Yard Setback (Car Wash)

A variance is required to reduce the minimum rear yard setback for the car wash building. The proposed car wash location will not physically or visually impact any of the abutting properties, which are intended for employment uses.

d) Minimum Number of Parking Spaces

The Owner has submitted a Parking Analysis (August 18, 2017) which has been reviewed by the Transportation Division of the Development Engineering and

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Infrastructure Planning (DEIP) Department. The Parking Analysis concludes that the proposed 23 parking spaces are adequate to accommodate the size and nature of the proposed uses for the subject site. There are no objections to the requested variance.

e) Minimum Landscape Strip Width (abutting Zenway Boulevard and Regional Road 27)

The 4.5 m landscape strip widths are consistent with the approved landscape strip width for the abutting lands to the south along Regional Road 27. The Development Planning Department must approve the final landscape plan.

f) Maximum Driveway Width (Zenway Boulevard and Regional Road 27)

The proposed driveway widths are required to facilitate proper vehicular movement of vehicular traffic, internal and external to the site. The Transportation Division of the DEIP Department has no objection to the increased driveway widths.

York Region has advised that a shared driveway access is required on Regional Road 27 to serve the subject lands and the adjacent lands to the immediate south. Reciprocal access easements for the shared driveway is required over each property. The Owners of each property are required to submit a Consent Application to create the reciprocal mutual driveway easements, to the satisfaction of York Region, prior to the execution of the Letter of Undertaking.

The Development Planning Department has no objection to the requested variances. The Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-law 1-88, as identified in Table 1 of this report from the Committee of Adjustment. The Owner and the abutting owner to the south shall also successfully obtain approval of Consent Applications to create reciprocal mutual driveway easements with the lands to the south, from the Committee of Adjustment. The Committee's decisions regarding the Minor Variance and Consent applications shall be final and binding. The Owner shall satisfy any conditions of approval imposed by the Committee, prior to the execution of the implementing Site Plan Letter of Undertaking, should the Site Development application be approved. A condition to this effect is included in the recommendation of this report.

Site Plan Review

The development proposal includes a retail building, one canopy gas bar (Pioneer) with 5 vehicle gas bar islands, 10 gas pumps and service lanes, as shown on Attachment #3. A total of 23 parking spaces, including 2 barrier-free parking spaces (Type A and B Parking Spaces) are proposed for the development. The proposed site plan includes a shared driveway access with the abutting property to the south. A portion of the existing retaining wall abutting the south lot line of the subject lands, as shown on Attachment #3, will be removed to accommodate the proposed shared access on Regional Road 27. The final shared driveway access design must be approved by York Region.

York Region, Development Planning and DEIP Department staff have approved in principle, the proposed driveway locations on Zenway Boulevard and Regional Road 27. The final driveway access designs are subject to review and approval by York Region and the DEIP Department.

The Development Planning Department is generally satisfied with the proposed site plan, building elevations, and landscape plan. Minor revisions to enhance the landscape plan, building elevations and signage have been requested by Development Planning staff. The Owner has worked with staff and has agreed to address these matters.

The proposed building elevations for the retail building and car wash consists of glazing, yellow and gray metal paneling and cladding, and perforated metal rooftop screening, as shown on

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Attachments #5 and #6. Exterior light fixtures and back-lit (single channel letters) signage is proposed on selected elevations. The canopy elevations are shown on Attachment #7. The building and canopy elevations represent corporate branding for the proposed retailer (Pioneer). The Owner in consultation with Development Planning Department staff has agreed to provide additional glazing to enhance the proposed building elevations.

Pylon signage, as shown on Attachment #7, is proposed adjacent to the driveways on Zenway Boulevard and Regional Road 27. Illuminated building signage is proposed along the wall facades. The Owner has agreed to provide an enhanced architectural base for the proposed pylon signs. The Owner is advised that any proposed wall signage for the future drive-through eating establishment must be reviewed and approved to the satisfaction of the Development Planning Department.

A 4.5 m wide landscape strip width abutting Regional Road 27 and Zenway Boulevard, as shown on Attachment #4, is proposed and consists of plantings including coniferous and deciduous trees, perennials and shrubs. A metal decorative fence with masonry piers is proposed as a gateway/entry feature, as shown on Attachment #8. The Owner has agreed to provide additional landscaping within the landscape buffers including gateway columns with end buttresses to enhance the gateway/entry feature. The Owner has also agreed to provide an enhanced landscape treatment within the sight triangle abutting Zenway Boulevard and Regional Road 27, which must be approved to the satisfaction of York Region. The Owner shall submit enhanced landscape details and gateway/entry feature enhancements, to the satisfaction of the Development Planning Department.

A 2 m wide painted pedestrian walkway is proposed to connect the retail building to the proposed sidewalk on Regional Road 27. Additional landscape details including a seating areas (benches), and a bicycle rack are proposed, as shown on Attachment #6. Yard lights are also proposed along the perimeter of the site to improve safety.

The final site plan, building elevations, lighting plan, signage (including the wall signage for the drive-through eating establishment), landscape plan, and gateway entry feature (including gateway columns and end buttresses) must be approved by the Development Planning Department. A condition to this effect is included in the recommendation of this report.

Development Engineering and Infrastructure Planning (DEIP) Department

The subject lands are located outside of the Vaughan West (North) Business Park (Files 19T-89058 and 19T-99V07) subdivision agreements. The DEIP Department advises that there are oversizing costs related to sanitary sewers constructed in Block 58. The Owner is advised that a signed letter from the Block 58 Block Trustee is required to confirm that the Owner is in good standing with the Block 58 Block Trustee. The Owner is also required to confirm that all financial obligations are fulfilled for the payment of its proportionate share of the sanitary trunk sewer to the satisfaction of the DEIP Department.

The DEIP Department advises that Zenway Boulevard is partially assumed by the City. The boulevard containing the municipal sidewalk, streetlights, and underground services have not yet been assumed. The Owner is required to coordinate the design/construction of the proposed curb cut and driveway access on Zenway Boulevard to the satisfaction of the DEIP Department.

The Transportation Division of the DEIP Department advises that approval for the shared driveway access on Regional Road 27 will require York Region approval. The Owner is also required to obtain the necessary easements to facilitate vehicular access on Regional Road 27.

The Transportation Division of the DEIP Department must approve the Transportation Mobility Plan Study submitted in support of the application. The Parking Analysis (August 18, 2017)

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indicates that the proposed number of parking spaces is sufficient for the proposed development. The Owner has submitted a Stormwater Management Design Brief, servicing and grading plans, and erosion and sediment control plans, which are being reviewed and must be approved to the satisfaction of the DEIP Department.

Environmental Services Department - (Solid Waste Management)

The proposed Molok system (Earthbins) is located on a concrete, as shown on Attachment #3. The Environmental Services Department - Solid Waste Management Division has no objection to the molok disposal method. The Owner shall provide bollards on either side of the proposed locations of the moloks. The Owner must submit a revised Waste Collection Design Standards Submission form which must be reviewed and approved to the satisfaction of the City. The Owner must satisfy all requirements of the Environmental Services Department Solid Waste Management Division. A condition to this effect is included in the recommendation.

Office of the City Solicitor, Real Estate Department

The Office of the City Solicitor, Real Estate Department advise that cash-in-lieu of parkland dedication equivalent to 2% of the value of the subject lands will be required to be paid to the City, in accordance with the *Planning Act* and City of Vaughan Cash-in-Lieu of Parkland Policy, prior to the issuance of a Building Permit. A standard clause will be included in the Site Plan Letter of Undertaking to this effect.

Financial Planning and Development Finance Department

The Financial Planning and Development Finance Department has advised that the City of Vaughan, York Region, and both Boards of Education Development Charges are applicable. A clause will be included in the Site Plan Letter of Undertaking to this effect.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priorities set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Attract investment and create jobs
- Continue to cultivate and environmentally sustainable City

Regional Implications

Regional Road 27 is under the jurisdiction of York Region. Zenway Boulevard is a major collector road under the jurisdiction of the City. A shared access (right-in/right-out only) is proposed from Regional Road 27, requiring York Region approval.

York Region has advised that they have no objection to the development proposal in principle. York Region requires the Owner to enter into an agreement with the abutting property owner to the south to allow the shared access from Regional Road 27. The Owner is required to enter into a bi-party Site Plan Agreement with York Region. Prior to final approval, the Owner must submit updated site servicing, grading, erosion sediment control, traffic management, utility, pavement marking and signage, cost estimates (for construction, shared access and improvement works), and landscape plans to reflect a right-in/right-out access with the adjacent property to the south. The Owner must also provide all required review fees, security deposits and insurance certificates to the satisfaction of York Region. A condition of approval is included in the recommendation of this report requiring the Owner to satisfy all of York Region's conditions.

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Conclusion

The Development Planning Department has reviewed Site Development File DA.17.021 in consideration of the policies of VOP 2010, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development for an automobile gas bar, convenience retail store, drive-through eating establishment, and car wash is appropriate and compatible with the existing and permitted uses in the surrounding area. The Development Planning Department can support the approval of Site Development File DA.17.021, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan
4. Proposed Landscape Plan
5. Proposed Convenience Retail Store Elevations
6. Proposed Car Wash Elevations
7. Proposed Canopy & Pylon Sign Elevations
8. Proposed Wall Entry Feature

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.)