

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016

Item 11, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 19, 2016.

11

ZONING BY-LAW AMENDMENT FILE Z.16.007 STEELE VALLEY DEVELOPMENTS LTD. WARD 4 - VICINITY OF REGIONAL ROAD 7 AND BOWES ROAD

The Committee of the Whole recommends approval of 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 October 5, 2016:

Recommendation

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

1. THAT Zoning By-law Amendment File Z.16.007 (Steele Valley Developments Ltd.) BE APPROVED, to amend Zoning By-law 1-88, specifically the EM1 Prestige Employment Area Zone, subject to site-specific Exception 9(688), on the subject lands shown on Attachments #1 and #2, to permit additional uses on the subject lands including an eating establishment (convenience and take-out) and drive-through accessory to all permitted uses including with a permitted bank but not with a Long Term Auto Leasing use, and a reduction in the number of required parking spaces from 52 to 32 spaces as identified in Table 1 of this report to facilitate the primary intended use of the existing building on the site with an eating establishment with a drive-through (Harvey's Restaurant) as shown on Attachment #3.

Contribution to Sustainability

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

Goal 2: To ensure sustainable and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031

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

Additional sustainable design features will be identified through the review of the related Site Development File DA.16.068, which is required to implement the proposal on the subject lands, should the zoning application be approved by Vaughan Council.

Economic Impact

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

Communications Plan

On May 6, 2016, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. A Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the subject lands in accordance with the City's Notice Sign Procedures and Protocol.

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A Public Hearing was held on May 31, 2016, for the Zoning By-law Amendment application. No comments were received by the Vaughan Development Planning Department through the notice circulation or at the Public Hearing. The recommendation of the Committee of the Whole to receive the Public Hearing report of May 31, 2016, was ratified by Vaughan Council on June 7, 2016.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.16.007 to amend Zoning By-law 1-88, specifically the EM1 Prestige Employment Area Zone, subject to Exception 9(688), on the subject lands shown on Attachments #1 and #2, to permit additional uses on the subject lands including an eating establishment convenience and eating establishment take-out, a drive-through accessory to the permitted uses on the subject lands and a reduction in the minimum required parking as identified in Table 1 of this report to facilitate the primary intended use of the existing building on the site with an eating establishment with a drive-through (Harvey's Restaurant) as shown on Attachment #3.

Background - Analysis and Options

Synopsis:

The Owner proposes to amend Zoning By-law 1-88, specifically the EM1 Prestige Employment Area Zone, subject to Exception 9(688) on the subject lands to permit additional uses on the subject lands including an eating establishment (convenience and take-out), a drive-through accessory to the permitted uses on the subject lands, and a site-specific parking exception identified in Table 1 of this report. The Vaughan Development Planning Department supports the proposed zoning amendment, as it implements the policies in Vaughan Official Plan 2010 (VOP 2010) and facilitates the use of the existing building in a manner that is compatible with the surrounding existing and planned land uses.

Location

The subject lands shown on Attachments #1, #2 and #3 are located on the north side of Regional Road 7, west of Bowes Road, being Parts 9 to 11 on Reference Plan 65R-6326, and municipally known as 2030 Regional Road 7. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Employment Commercial Mixed-Use" by Vaughan Official Plan (VOP) 2010 and is located within a Regional Intensification Corridor within an Employment Area, which permits an eating establishment use with a maximum gross floor area (GFA) of 3,500 m². The subject lands are developed with an existing 256.2 m² building as shown on Attachment #3, which is proposed to be used for an eating establishment with a drive-through, and therefore, conforms with VOP 2010.

Sections 5.2.3.8 (a) through (d) of VOP 2010 provides criteria for drive-through facilities located within Intensification Areas. The following applicable policies were evaluated for the drive-through use proposal:

- a) Drive-through facilities proposed for the Vaughan Metropolitan Centre (VMC) and within 200 metres of Yonge Street and Steeles Avenue will only be permitted on the basis of a site-specific amendment.
 - The subject lands are not located within the VMC or within 200 metres of Yonge Street and Steeles Avenue.

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- b) Drive-through facilities located in Primary and Local Centres, and Regional Intensification Corridors will only be permitted on the basis of a site-specific amendment.
 - The subject lands are located within a Regional Intensification Corridor. The Owner has submitted Zoning By-law Amendment File Z.16.007 to permit a drive-through use on the subject land, with site-specific amendments.
- c) Site-specific Zoning By-law amendments for drive-through facilities must demonstrate the following:
 - i. Maintain consistency with the objectives of the Official Plan;
 - ii. Does not preclude the planned function and intensification of the site;
 - iii. Conforms to the Urban Design policies of this plan;
 - iv. Does not conflict with the planned character of the area by accommodating the operational and functional requirements of the drive-through use;
 - v. Maintains the planned scale of the urban environment; and,
 - vi. Gives priority to the comfort, safety and efficient movement of pedestrians and cyclists; and,
 - vii. Detailed Urban Design Guidelines for drive-through facilities in Intensification Areas may be prepared by the City in accordance with the objectives of policies 9.1.2.5 and 9.1.2.6 for applications during the review process.

The proposed drive-through use has been reviewed in consideration of the policies noted above. The proposed drive-through use will not preclude the planned function and intensification of the site as the Owner is proposing to utilize an existing building and is not proposing any additional development on the subject lands. The uses permitted on the site by Zoning By-law 1-88 and the proposed uses are compatible with the existing employment and commercial uses along Regional Road 7. The operational and functional requirements of the proposed drive-through use will be contained on the subject lands and will not conflict with the existing uses in the area. The proposed development is not located within a mixed-use development and will not negatively affect other uses in the immediate area. Details to ensure comfort, safety and the efficient movement of pedestrians and cyclists will be reviewed through Site Development File DA.16.068. The proposed drive-through use is appropriate and is consistent with the objectives of the Official Plan.

The proposed drive-through details will also be reviewed in consideration of the applicable Urban Design Guidelines such as the Concord West Urban Design Framework and Streetscape Plan. Details of the architectural and landscape requirements by the City will be determined through the review of the related Site Development File DA.16.068.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by Zoning By-law 1-88, subject to site-specific Exception 9(688), which permits the following uses on the subject lands:

- Eating Establishment, provided it does not include a drive-through or take-out restaurant;
- Bank, including other financial institutions
- Offices
- Long-term auto leasing, but not including the outside storage of vehicles

In addition, Exception 9(688) does not permit a drive-through eating establishment with a standalone building and recognizes the existing building with a GFA of 256 m², whereas the actual building size is 256.2 m² and will need to be included in the implementing zoning by-law.

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The Owner is proposing to maintain the uses currently permitted on the subject lands by site-specific Exception 9(688) and the following site-specific parking exception:

Table 1: Zoning By-law Amendment File Z.16.007

	Zoning By-law 1-88 Standard	By-law 1-88, EM1 Prestige Employment Area Zone Requirements, Subject Exception 9(688)	Proposed Amendment to Exceptions 9(688) in the EM1 Prestige Employment Area Zone
a.	Permitted Uses	<ul style="list-style-type: none"> Eating Establishment, provided it does not include a drive-through or take-out restaurant; Bank, including other financial institutions; Offices; Long-term auto leasing, but not including the outside storage of vehicles A drive-through eating establishment is not permitted within a standalone building The site-specific Exception identifies an existing building with a GFA of 256.2 m² 	<p>To maintain the following uses on the subject lands:</p> <ul style="list-style-type: none"> Bank, including other financial institutions; Office, Business and Professional; Long-term auto leasing, but not including the outside storage of vehicles Maintain the existing building with a GFA of 256.2 m² <p>Permit the following additional uses on the subject lands:</p> <ul style="list-style-type: none"> Eating Establishment, Convenience Eating Establishment, Take-Out Eating Establishment, Bank, including other financial institutions plus the addition of a Drive-Through <p>To permit a drive-through accessory to all permitted uses on the subject lands, (except Long Term Auto Leasing)</p>
b.	Minimum Number of Parking Spaces	<ul style="list-style-type: none"> Eating Establishment, Convenience 256.2 m² @ 20 parking spaces per 100 m² = 52 parking spaces (an Eating Establishment, Convenience would yield the highest number of minimum parking spaces required for the proposed uses and the uses to be maintained on the site) 	<p>To permit a total of 32 parking spaces inclusive of 2 barrier-free parking spaces for all uses on the site</p>

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The Owner is not proposing additional GFA for the existing building, but is proposing site modifications to accommodate a drive-through use. The existing building on the subject lands is intended to be used for an eating establishment (Harvey's Restaurant) with a drive-through, which requires site plan approval in accordance with the City of Vaughan's Site Plan Control By-law 123-2013. Accordingly, the Owner submitted Site Development File DA.16.068 to facilitate the construction of the drive-through and the rebranding of the existing building.

The Vaughan Development Planning Department can support the proposed site-specific zoning exceptions to the EM1 Prestige Employment Area Zone for the following reasons:

a) Permitted Uses

Exception 9(688) permits an eating establishment, however, does not permit a drive-through. The proposed additional uses and accessory drive-through are appropriate as the subject lands are surrounded by existing employment and other similar service commercial uses. The proposed drive-through facility will not preclude the planned functions of the area, as discussed in the Official Plan section of this report. The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department and York Region, have also reviewed the proposed drive-through and are satisfied with the design of the facility. The proposed uses and drive-through will complement the existing service commercial uses in the immediate area. The application also conforms with the policies of VOP 2010.

b) Minimum Number of Parking Spaces

A Parking Assessment prepared by GHD, dated July 28, 2016, has been reviewed and approved by the Transportation Division of the Vaughan DEIP Department. The Parking Assessment indicates that a total of 32 parking spaces, inclusive of 2 barrier-free parking spaces are appropriate for the proposal. Accordingly, the Vaughan Development Planning Department has no objection to a total of 32 parking spaces being provided on the site, as recommended in this report.

Related Site Development File DA.16.068

The Owner has submitted a related Site Development File DA.16.068 to facilitate the development of the subject lands, which must be approved by Vaughan Council. The Site Development Application will be reviewed to ensure appropriate building and site design, pedestrian connectivity, barrier-free access, vehicular access, internal traffic circulation, parking, landscaping, stormwater management and servicing and grading. The Site Plan shall conform to Section 5.3.2.8 of VOP 2010 pertaining to criteria for drive-through facilities. The proposed site plan will also be reviewed in accordance with the Concord West Urban Design Framework + Streetscape Plan. The review will ensure that well-articulated, direct and barrier-free pedestrian accesses from the public sidewalk will not interfere with automobiles across stacking lanes, parking aisles, driveways any loading areas. Landscaping will also be proposed to enhance the streetscaping along Regional Road 7.

Any conditions of approval including York Region approval and engineering requirements, will be implemented through the site plan approval process.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Owner has submitted a Functional Servicing Assessment, prepared by GHD, dated February 3, 2016. The Vaughan DEIP Department has reviewed the report and concurs with the findings.

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The proposal has been reviewed by the Transportation Division of the Vaughan DEIP Department and preliminary comments have been received, which must be addressed through the review of Site Development File DA.16.068. The Transportation Division advises that the proposed 11 space drive-through stacking lane exceeds the City's Zoning By-law 1-88 requirement of 8 spaces. The Transportation Division of the DEIP Department has no objection to the proposed drive-through facility, and the Vaughan DEIP Department has no objection to the approval of Zoning By-law Amendment File Z.16.007.

Office of the City Solicitor, Real Estate Department

The Office of the City Solicitor, Real Estate Department has reviewed the Zoning By-law Amendment application and advises that 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, prior to issuance of a Building Permit. The Owner shall also submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department. The above details will be provided in a recommendation in the site plan application report to a future Committee of the Whole meeting.

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

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

- Attract investment and create jobs

Regional Implications

York Region has no objections with the proposed Zoning By-law Amendment.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.16.007 in consideration of the applicable policies in VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The proposed zoning amendments to permit additional uses on the subject lands and provide for a site-specific parking exception will facilitate development of the subject lands that conforms with VOP 2010, and is compatible with the existing and planned uses in the surrounding area. The Vaughan Development Planning Department supports the approval of Zoning By-law Amendment File Z.16.007, and should the Committee concur, the staff recommendation can be adopted.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan

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.)