

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 20, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 9, 2014.

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**ZONING BY-LAW AMENDMENT FILE Z.13.046
SITE DEVELOPMENT FILE DA.13.112
2346486 ONTARIO INC.
WARD 4 - VICINITY OF STEELES AVENUE WEST AND SANTE DRIVE**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated September 2, 2014, be approved; and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

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

1. THAT Zoning By-law Amendment File Z.13.046 (2346486 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to permit an Automobile Gas Bar with an Accessory Convenience Retail Store in the EM3 Retail Warehouse Zone, and to permit the site-specific zoning exceptions identified in Table 1 of this report to facilitate the development of the subject lands shown on Attachments #3 to #6.
2. THAT Site Development File DA.13.112 (2346486 Ontario Inc.) BE APPROVED, to permit the development of a 156 m² Automobile Gas Bar with an accessory Convenience Retail Store, as shown on Attachments #3 to #6, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i. the Vaughan Planning Department shall approve the final site plan, building elevations, landscape plan and landscape cost estimate;
 - ii. the Vaughan Development/Transportation Engineering Department shall approve the final site servicing and grading plan, and stormwater management report; and,
 - iii. the Owner shall obtain a Building and Land Use Permit from the Ministry of Transportation (MTO);
 - b) that the Site Plan Letter of Undertaking shall contain the following clause:

“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 the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”

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Contribution to Sustainability

The applications implement 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:

- interior and exterior LED lighting, resulting in a reduction of energy use by 50%
- bicycle racks to promote cycling as an alternative to motor vehicles
- 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

On February 28, 2014, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. No comments were received by the Vaughan Planning Department through the notice circulation. However, at the Public Hearing, members of the Committee of the Whole verbally expressed concerns relating to the traffic impacts associated with the proposed development, which is discussed in the Vaughan Development/Transportation Engineering section of this report. The recommendation of the Committee of the Whole to receive the Public Hearing report of March 25, 2014, was ratified by Vaughan Council on April 8, 2014.

Purpose

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

1. Zoning By-law Amendment File Z.13.023, to amend Zoning By-law 1-88, specifically the EM3 Retail Warehouse Employment Zone, subject to Exception 9(824) to permit an Automobile Gas Bar with a Convenience Retail Store as shown on Attachments #3 to #6, on the subject lands together with the following site-specific zoning exceptions:

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Table 1:

By-law Standard	By-law 1-88 Requirements of the EM3 Retail Warehouse Employment Zone, Exception 9(824)	Proposed Exceptions to the EM3 Retail Warehouse Employment Zone, Exception 9(824)
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 south lot line located nearest and parallel to Steeles Avenue West as the front lot line.
Minimum Rear Yard Setback	12 m	6 m (north-east corner of the proposed building)

2. Site Development File DA.13.112 to facilitate the development of a 156 m² Automobile Gas Bar with an accessory Convenience Retail Store, as shown on Attachments #3 to #6.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located north of Steeles Avenue West between Sante Drive and Highway #400, municipally known as 3350 Steeles Avenue West, City of Vaughan. The site is currently vacant, but is surrounded by other commercial and employment uses within a complex owned by others that serves the travelling public as shown on Attachment #7.

Previous Consent and Minor Variance Applications

The 0.39 ha subject lands form part of a larger 2.7 ha service commercial site (Attachment #7) containing a hotel, lube service station, car wash 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 Vaughan Committee of Adjustment approved Consent Applications B050/10 and B051/10, and Minor Variance Application A209/10. The Owner has satisfied all conditions for the Consent and Minor Variance applications and the Committee of Adjustment's decisions are final and binding.

Official Plan

a) In-effect Official Plan

The subject lands are designated "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 Automobile Gas Bar and accessory Convenience Retail

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Store is considered compatible with the existing uses, and provides a service opportunity to the surrounding employment area and the travelling public (given the proximity next to Highway 400 and Steeles Avenue West). Accordingly, the proposed zoning amendment conforms to the Official Plan.

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.

b) Vaughan Official Plan 2010

The subject lands are designated “Employment Commercial Mixed-Use” by City of Vaughan Official Plan 2010 (VOP 2010) and are also identified as being located in a “Primary Intensification Corridor within an Employment Area” by Schedule 1, Urban Structure. 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.

The subject lands are not directly located on an arterial street, as the adjacent surrounding lands within the complex are owned by others. 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) in Volume 1 of VOP 2010 is under appeal by others 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.

Zoning

The subject lands are zoned EM3 Retail Warehouse Employment Zone by Zoning By-law 1-88, subject to Exception 9(824), as shown on Attachment #2. The proposed Automobile Gas Bar is not a permitted use in the EM3 Zone. Accordingly, an amendment to Zoning By-law 1-88 is required to permit the proposed use and the site-specific zoning exceptions identified in Table 1 of this report to facilitate the proposed development shown on Attachments #3 to #6.

The Vaughan Planning Department considers the proposed Automobile Gas Bar with an Accessory Convenience Retail Store to be appropriate. The 2.7 ha site is currently developed with service commercial uses including automotive-related service uses that include an existing lube service station and a previously approved, but not constructed (File DA.07.058) car wash. The proposed Automobile Gas Bar is compatible with the existing surrounding land uses, and will provide for the convenience and service needs of the overall employment area and travelling public, as stipulated in the “Service Node” policies of OPA #450. Accordingly, the Vaughan Planning Department has no objections to the proposed Automobile Gas Bar use.

The subject lands do not front onto a public street, as the site was severed from the larger overall parcel through Consent Applications B050/10 and B051/10, and related Minor Variance Application A209/10. Accordingly, the subject lands do not have a front lot line. For the purposes of zoning compliance, an exception to Zoning By-law 1-88 is required to deem the southerly lot line that runs parallel with Steeles Avenue West to be the front lot line. The Vaughan Planning Department can support this exception as the main entrance of the building and gas pump face the southern lot line.

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The Vaughan Planning Department has no objections to the reduced rear yard setback of 6 m to the proposed building, as the reduction is a result of an irregular rear lot line that only affects the northeastern portion of the proposed building.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department must approve the final site grading and servicing plan, and stormwater management report submitted in support of the applications. A condition to this effect is included in the recommendation of this report.

The Development/Transportation Engineering Department has reviewed the Site Screening Questionnaire and Certificate submitted in support of the applications and has advised that the City is satisfied with the assessed environmental condition of the subject lands and no further environmental items are required by the City.

In response to the concerns raised by members of the Committee of the Whole at the Public Hearing on March 25, 2014, the owner submitted a Traffic Impact Study prepared by BA Group, dated July 17, 2014. The Traffic Impact Study concludes that the proposed Automobile Gas Bar will have minimal impact on the existing traffic along Steeles Avenue West, as a significant proportion of trips to the proposed gas bar will be captured from existing volumes that are “pass-by” in nature. The study also concludes that any net new traffic generated by the Automobile Gas Bar can be adequately accommodated. The Development/Transportation Engineering Department has reviewed the Traffic Impact Study and has no objections to its conclusions.

Ministry of Transportation

The Ministry of Transportation (MTO) has no objections to the approval of the subject applications. The owner is required to obtain a Building and Land Use Permit issued by the MTO prior to any construction. A condition to this effect is included in the recommendation of this report.

Parkland Dedication

The Owner will be required to pay cash-in-lieu of parkland dedication in accordance with the recommendation in this report.

Site Plan Review

The subject lands as shown on Attachments #1 and #2 are located within an existing developed parcel of commercial and employment lands, which is developed with a variety of restaurants, lube service station and a hotel. Specifically, the subject lands are sited to the east of the Highway 400 and Steeles Avenue off-ramp and to the west of the existing Great Canadian Oil Change, as shown on Attachment #7. The overall developed parcel acts as one large development accessed by a mutual driveway from Sante Drive and existing mutual drive aisles between buildings. However, the overall developed parcel is made of individual lots owned by various other owners.

The owner of the parcel identified as the subject lands on Attachments #1, #2, #3 and #7 is proposing to develop the 0.4 ha vacant parcel with a 156 m² Automobile Gas Bar as shown on Attachments #3 to #6. The proposal includes an accessory Convenience Retail Store and one gas pump island with a total of eight (8) gas pumps. A fully enclosed and connected garbage room is located to the west of the proposed Convenience Retail Store. Access to the site is from the existing driveway entrances located on Steeles Avenue West and Sante Drive through existing access easements

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The owner is proposing 45 parking spaces, including one (1) barrier-free parking space. Based on the gross floor area of the proposed Automobile Gas Bar, the parking requirement under Zoning By-law 1-88 is calculated as follows:

Automobile Gas Bar with Associated Convenience Retail Store
- $156 \text{ m}^2 @ 5.5 \text{ spaces} / 100 \text{ m}^2 = 9 \text{ spaces}$

Accordingly, the proposal complies with the minimum parking requirement for an Automobile Gas Bar of Zoning By-law 1-88.

The upgraded building elevations, as shown on Attachment #5, consist primarily of a stucco finish in a beige and grey hue, and accented with metal flashing, glazing, and grey cultured stone along the base of the building. The landscape plan shown on Attachment #4 consists of a mix of deciduous and coniferous trees, shrubs and sodded areas. The existing 9 m wide landscape strip located on the west side of the subject lands will be maintained and enhanced with additional landscaping. Four bicycle racks are proposed to the west of the proposed convenience retail store.

The Vaughan Planning Department is satisfied with the proposal. The final site plan, landscape plan and building elevations must be approved to the satisfaction of the Vaughan Planning 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:

i. Lead and Promote Environmental Sustainability

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed landscape plan includes drought tolerant plant material to promote water efficiency and proper management of stormwater discharge into the City's natural corridors and sewer systems.

Regional Implications

The York Region Transportation and Community Planning Department has reviewed the proposal and has no objections to its approval.

Conclusion

Zoning By-law Amendment File Z.13.046 and Site Development File DA.13.112 have been reviewed in accordance with the policies of the Official Plan, Zoning By-law 1-88, comments received from City departments and external public agencies, and the area context. The Vaughan Planning Department is satisfied that the proposal to amend Zoning By-law 1-88 to permit an Automobile Gas Bar and site-specific zoning exceptions to facilitate the development is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the City's in-effect Official Plan. Accordingly, the Vaughan Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the recommendations in this report.

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Attachments

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

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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.)