

1. ZONING BY-LAW AMENDMENT FILE Z.13.023

P.2013.36

ULTRAMAR LTD., ET AL

WARD 1 - VICINITY OF RUTHERFORD ROAD AND KEELE STREET

Recommendation

The Commissioner of Planning and Director of Development Planning recommend:

1. THAT the Public Hearing report for File Z.13.023 (Ultramar Ltd., Et Al) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: August 30, 2013
- b) Circulation Area: 150 m and to the Maple-Sherwood Ratepayers Association
- c) Comments Received as of September 10, 2013: None

Purpose

The Owner has submitted Zoning By-law Amendment File Z.13.023 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the C3 Local Commercial Zone, subject to Exception 9(868), in order to permit the following site-specific zoning exceptions to facilitate the development of the as-of-right permitted uses of an automobile gas bar with accessory convenience retail and a convenience eating establishment with a drive-through on the subject lands:

	By-law Standard	By-law 1-88 Requirements of C3 Local Commercial Zone, Exception 9(868)	Proposed Exceptions to C3 Local Commercial Zone, Exception 9(868)
a.	Location of all Buildings and Structures	All buildings and structures shall be located within the "Building Envelope" shown on Schedule "E-951" (see Attachment #7). The Maximum gross floor area of the structure located in "Building Envelope 1" shall be 255 sq.m. and the maximum G.F.A of the Kiosk in "Building Envelope 2" shall be 90 sq.m.	To permit an automobile gas bar consisting of one (1) pump canopy and a 233.12 m ² building to be used as a convenience retail store and an eating establishment with a drive-through not located within the areas shown as "Building Envelope" on Schedule "E-951".

b.	Minimum Number of Parking spaces	19 spaces	17 spaces
c.	Location of Landscaped Areas	As shown on site-specific Exception Schedule "E-951" (see Attachment #7).	<p>Landscaped Areas are to be provided as shown on Attachment #4 as follows:</p> <p>i) a minimum 3.0 m wide landscaped strip shall be provided along the west lot line;</p> <p>ii) a minimum 5.5 m wide landscaped strip shall be provided abutting Rutherford Road and Keele Street, which may be reduced to a minimum of 2.5 m adjacent to the sight triangle.</p>

Additional zoning exceptions may be identified through the detailed review of the application.

Background - Analysis and Options

Location	<ul style="list-style-type: none"> Northwest corner of Rutherford Road and Keele Street, shown as "Subject Lands" on Attachments #1 and #2.
Official Plan Designation	<ul style="list-style-type: none"> "Local Convenience Commercial" by in-effect OPA #350 (Maple Community Plan), as amended by OPA #424 (Automobile Gas Bar and Service Station Uses). The "Local Convenience Commercial" designation specifically permits a service station use on the subject lands. OPA #424 permits an automobile gas bar and service station with commercial uses on the subject lands provided they can be sensitively integrated on the site, and in particular, be compatible with the surrounding development. The proposal conforms to the Official Plan. "Mid-Rise Mixed-Use" by the new Vaughan Official Plan 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 was approved, in part, by the Ontario Municipal Board on July 23, 2013. The "Mid-Rise Mixed-Use" designation permits a gas station use, 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 proposal does not conform to the City of Vaughan

	<p>Official Plan 2010, as VOP 2010 does not permit a gas station at the intersection of two arterial streets (Rutherford Road and Keele Street). However, the proposed automobile gas bar with commercial uses will replace a longstanding and recently demolished Esso gas bar, where the in-effect Official Plan permits the uses and the site-specific zoning also permits the proposed uses but with a different layout than what is shown in Exception 9(868) on Schedule "E-951".</p>
Zoning	<ul style="list-style-type: none"> ▪ The subject lands are zoned C3 Local Commercial Zone by Zoning By-law 1-88, subject to Exception 9(868), as shown on Attachment #2. ▪ Zoning By-law 1-88, as amended by Exception 9(868) permits an automobile gas bar with a kiosk and commercial uses on the subject lands provided all buildings and structures are located within specified building envelopes shown on Schedule "E-951" as shown on Attachment #7. The definition of an automobile gas bar also permits a drive-through use. Accordingly, an amendment to Zoning By-law 1-88 is required to address the zoning exceptions identified earlier in the purpose section of this report, to allow an appropriate layout of the site that differs from the current Exception Schedule "E-951".
Surrounding Land Uses	<ul style="list-style-type: none"> ▪ Shown on Attachment #1.

Preliminary Review

Following a preliminary review of the application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City Official Plan	<ul style="list-style-type: none"> ▪ The application will be reviewed in consideration of the applicable City Official Plan policies. In particular, the application will be reviewed in consideration of the service station policies of OPA #350, and the locational, compatibility, site design and transportation policies of OPA #424.
b.	Appropriateness of Proposed Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed site-specific zoning exceptions required to facilitate the development of the subject lands in the manner shown on Attachments #3 to #6 inclusive, will be reviewed in consideration of compatibility with the surrounding existing and planned land use context.

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ The applicant should consider opportunities to protect and incorporate the mature treed landscaping along the west property line with a substantial buffer between the residential lots to the west and development of the gas bar building and drive-through by re-orienting the layout of the overall site. Consideration should be given to placing the kiosk building at the north end of the site adjacent to the Dairy Queen building to the north, so that it faces south. This would facilitate a drive-through lane and any speakers for ordering to be located further away from the residential homes. The gas pump canopy would also be re-oriented in an east/west direction. ▪ The issues of protecting trees and providing a natural and visual landscape screen and buffer, and the mitigation of noise and lighting, will need to be addressed through an appropriate site layout to be reflected in an amended Zoning Exception Schedule "E-951".
c.	Maple Streetscape & Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The subject lands are located within the Maple Streetscape designated area. If approved, the proposed development must comply with the requirements of the Maple Streetscape and Urban Design Guidelines, which includes prescribed design guidelines, streetscape materials, street furniture and lighting.
d.	Related Site Development File DA.13.051	<ul style="list-style-type: none"> ▪ The related Site Development File DA.13.051 will be reviewed in consideration of, but not limited to, transition with adjacent uses, appropriate building design and materials, site design and orientation, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, appropriate building setbacks, landscaping, lighting and signage, environmental sustainability, waste management, stormwater management, and servicing and grading. ▪ The subject lands are located at the northwest corner of Keele Street and Rutherford Road being the southern gateway into the Maple Community. The application will be reviewed in consideration of the appropriate built form and site design required to respond to the role of the property at this important location. ▪ All issues identified through the review of Site Development File DA.13.051 will be addressed together with the subject Zoning By-law Amendment application in a comprehensive technical report to a future Committee of the Whole meeting.

	MATTERS TO BE REVIEWED	COMMENT(S)
e.	Noise Feasibility Study	<ul style="list-style-type: none"> ▪ The Noise Feasibility Study submitted in support of the application must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department. The noise report will need to review noise associated with the drive-through lane and any speakers, and roof-top mechanical equipment, and recommend any necessary mitigation measures, to the satisfaction of the City.
f.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement to address the "heat island" effect, etc, will be reviewed and implemented through the site plan approval process, if approved.
g.	Phase I and Phase II Environmental Reports	<ul style="list-style-type: none"> ▪ The Phase I and Phase II ESA (Environmental Site Assessment) Reports submitted in support of the application must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.
h.	Proposed Parking	<ul style="list-style-type: none"> ▪ The Owner is proposing to provide a total of 17 parking spaces on the subject lands. The appropriateness of the proposed parking supply will be reviewed.
i.	Region of York	<ul style="list-style-type: none"> ▪ The subject lands are located at the intersection of two Regional Roads (Keele Street and Rutherford Road). Access to the subject lands and any requirements for a road widening(s)/land dedication must be reviewed and approved by the Region of York.

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Store Elevations
6. Canopy Elevations
7. Site-specific Zoning Exception Schedule "E-951"

Report prepared by:

Mark Antoine, Planner, ext. 8212

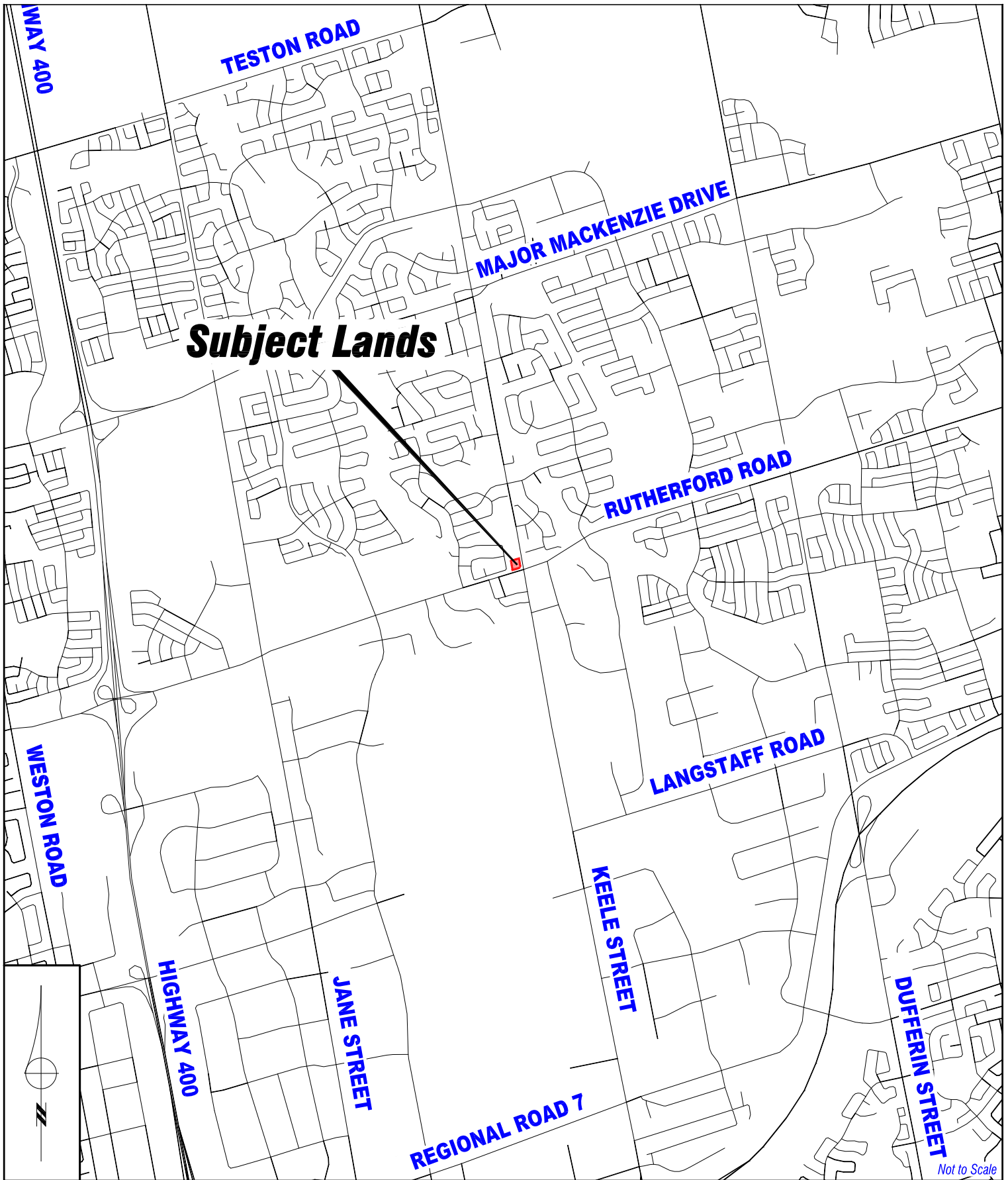
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/CM



Context Location Map

LOCATION:
Part of Lot 16, Concession 4

APPLICANT:
Ultramar Ltd., et al

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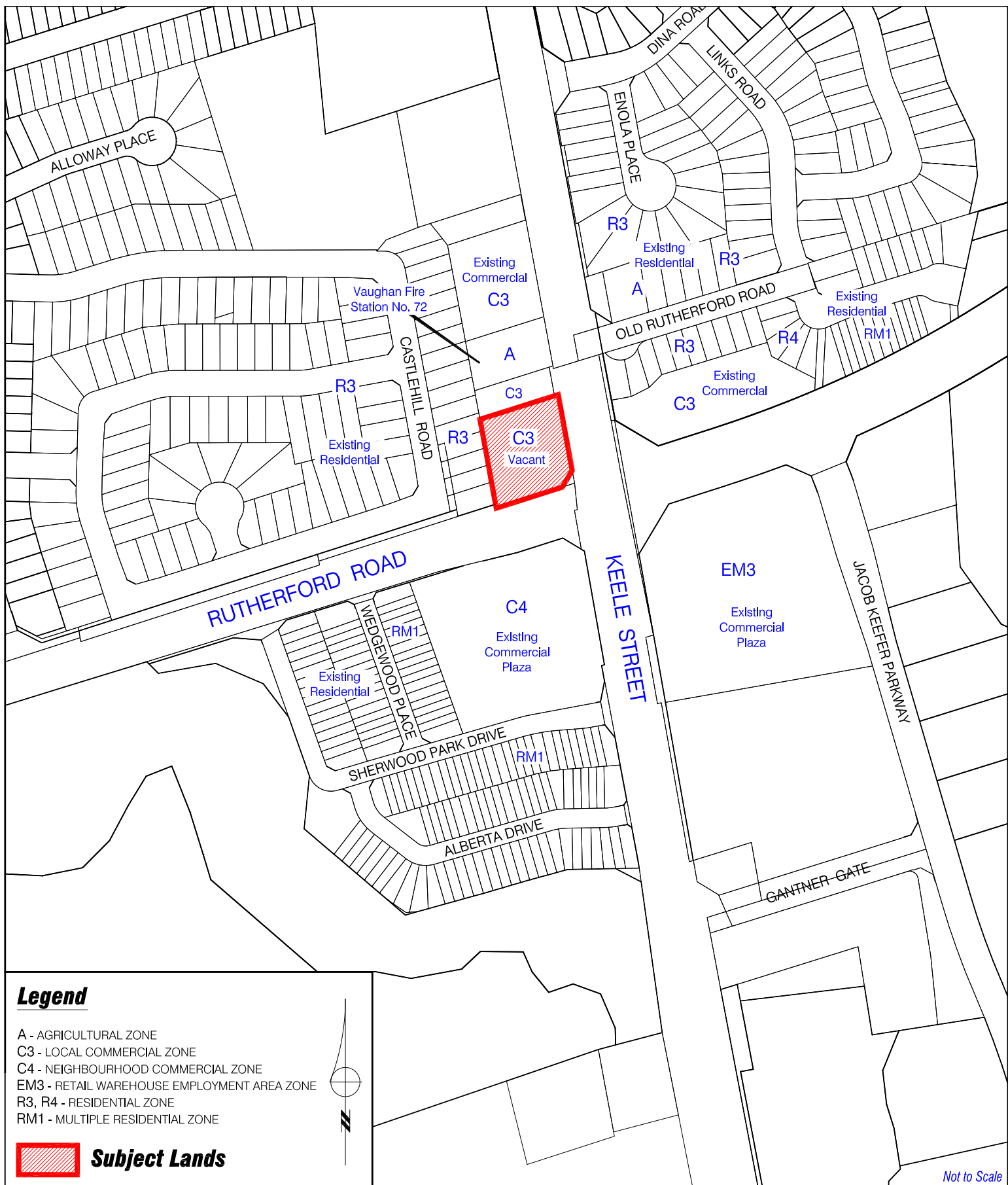


Attachment

FILE: Z.13.023
RELATED FILE: DA.13.051

DATE:
September 03, 2013

1



Location Map

LOCATION:
Part of Lot 16, Concession 4

APPLICANT:
Ultramar Ltd., et al

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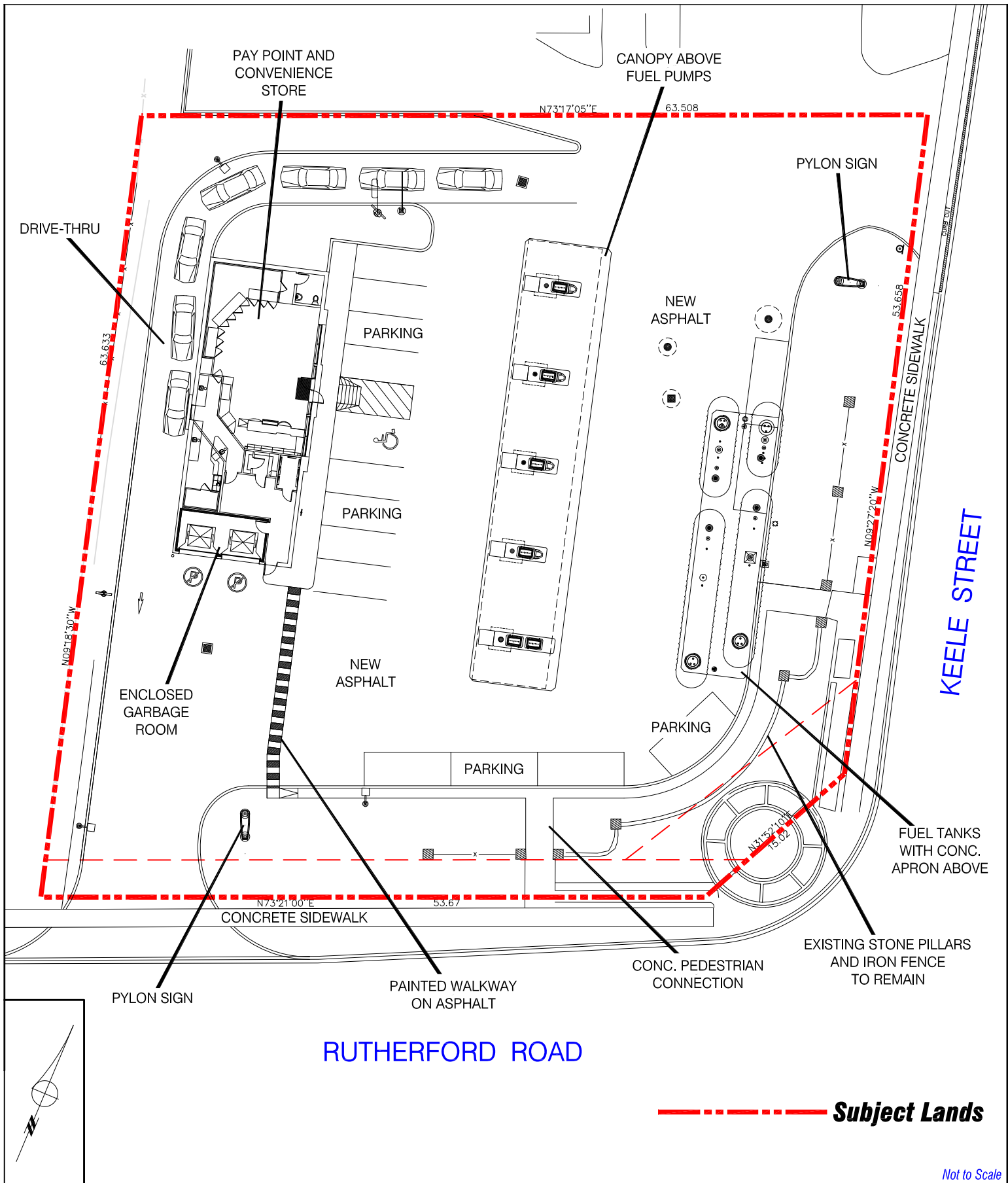


Attachment

FILE: Z.13.023
RELATED FILE: DA.13.051

DATE:
September 03, 2013

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Site Plan

LOCATION:
Part of Lot 16, Concession 4

APPLICANT:
Ultramar Ltd., et al

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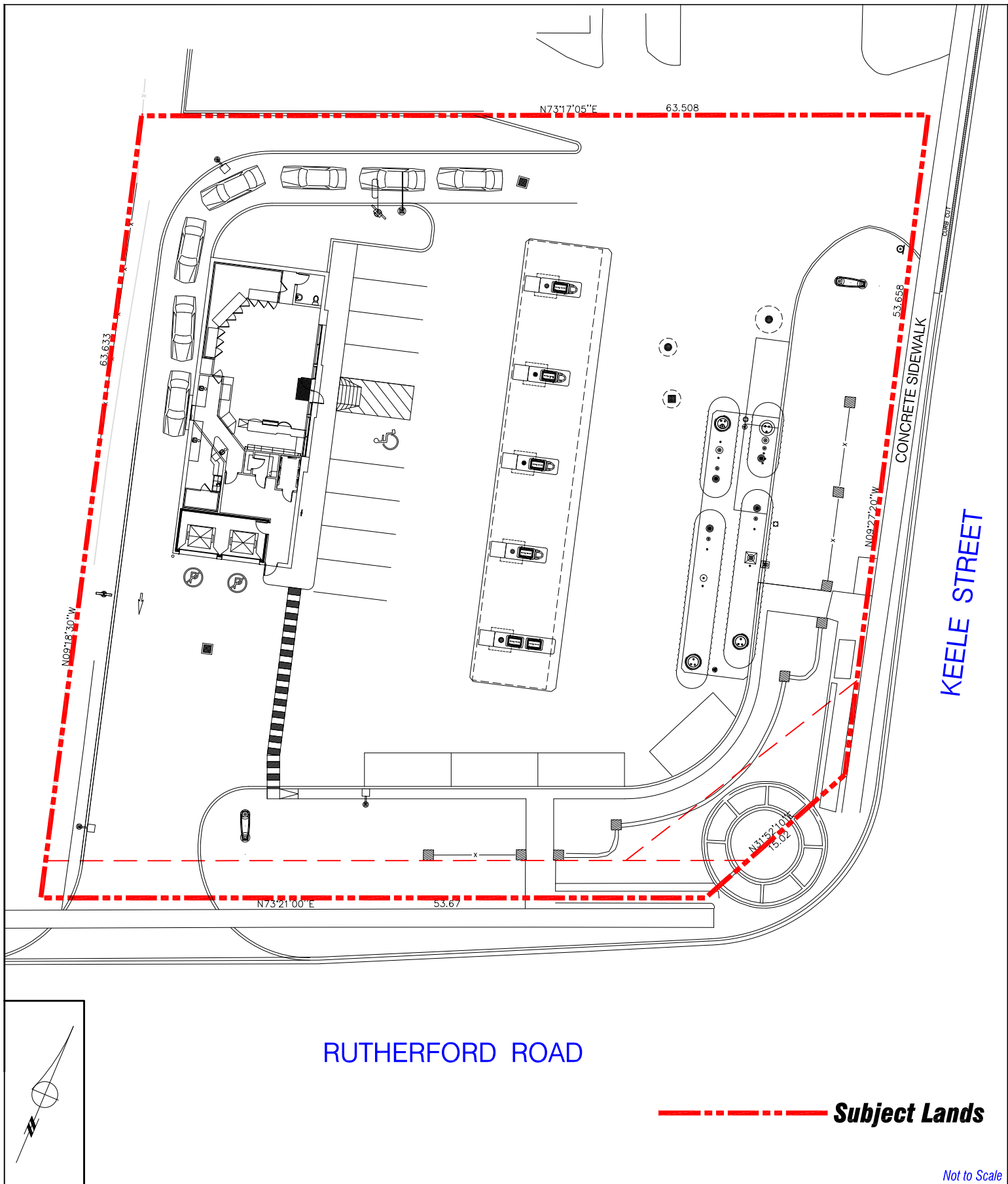


Attachment

FILE: Z.13.023
RELATED FILE: DA.13.051

DATE:
September 03, 2013

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Landscape Plan

LOCATION:
Part of Lot 16, Concession 4

APPLICANT:
Ultramar Ltd., et al

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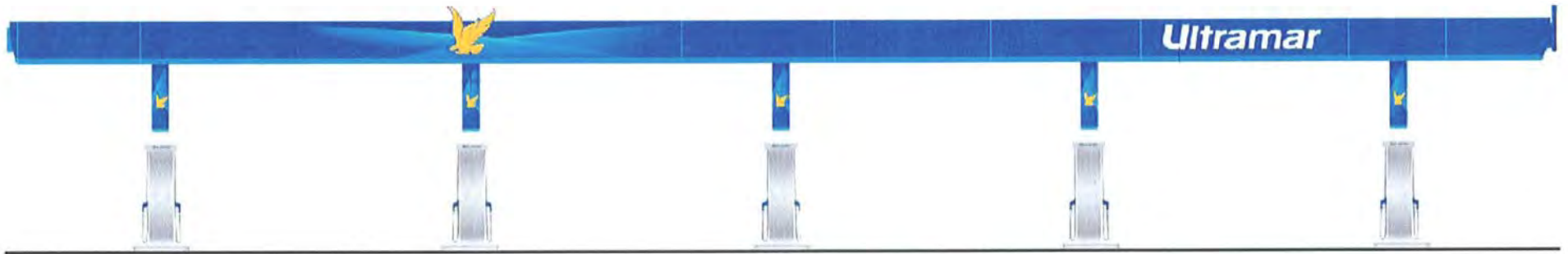
Attachment

FILE: Z.13.023
RELATED FILE: DA.13.051

DATE:
September 03, 2013

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Not to Scale



EAST ELEVATION (FACING KEELE STREET)



SOUTH ELEVATION
(FACING RUTHERFORD ROAD)



NORTH ELEVATION

Not to Scale

Canopy Elevations

LOCATION:
Part of Lot 16, Concession 4

APPLICANT:
Ultramar Ltd., et al

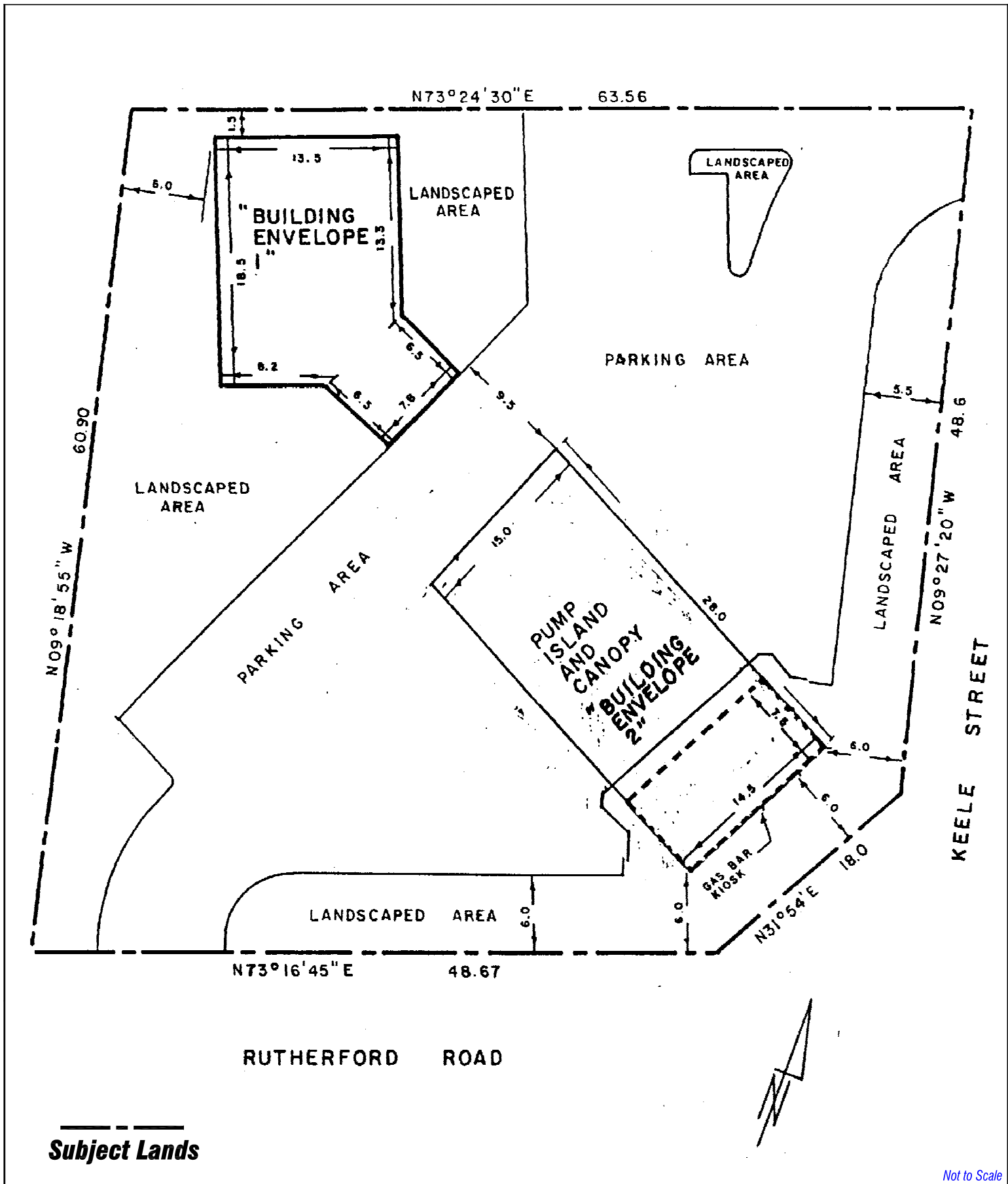
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Attachment
FILE: Z.13.023
RELATED FILE: DA.13.051

DATE:
September 03, 2013

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Site-Specific Zoning Exception Schedule 'E-951'

APPLICANT:
Ultramar Ltd., et al

LOCATION:
Part of Lot 16, Concession 4



Attachment

FILE: Z.13.023
RELATED FILE: DA.13.051

DATE:
September 13, 2013

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