

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

8 ZONING BY-LAW AMENDMENT FILE Z.13.032
SUNCOR ENERGY
WARD 3 - VICINITY OF MAJOR MACKENZIE DRIVE AND WESTON ROAD

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 26, 2013, be approved;
- 2) That the proponent meet with the Vellore Woods Ratepayers Association and the local Ward Councillor to discuss design in the site plan process;
- 3) That the deputation by Mr. Claudio Brutto, Brutto Consulting Limited, Highway 7, Concord, on behalf of the applicant, be received; and
- 4) That the following communications be received:
 - C2. Ms. Helen A. Mihailidi, BRATTYS LLP, Keele Street, Vaughan, dated November 18, 2013; and
 - C11. Ms. Paula Bustard, Senior Director, Land Development, Smart!Centres, Applewood Crescent, Vaughan, dated November 25, 2013.

1. THAT the Public Hearing report for File Z.13.032 (Suncor Energy) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

- a) Date the Notice of a Public Meeting was circulated: November 1, 2013
- b) Circulation Area: 150 m and to the Vellore Woods Ratepayers' Association
- c) Comments Received as of November 12, 2013: None

The Owner has submitted Zoning By-law Amendment File Z.13.032 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the C5(H) Community Commercial Zone with the Holding Symbol "(H)" and subject to Exception 9(1238), to permit a drive-through facility accessory to a permitted automobile gas bar on the subject lands, whereas a drive-through is not permitted. Zoning By-law 1-88 permits an automobile gas bar, convenience eating establishment, convenience retail store and car wash uses on the subject lands.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

Item 8, CW(PH) Report No. 54 – Page 2

Background - Analysis and Options

Location	<ul style="list-style-type: none">Northwest corner of Major Mackenzie Drive and Vellore Park Avenue, shown as “Subject Lands” on Attachments #1 and #2.
Official Plan Designation a) In-effect Official Plan	<ul style="list-style-type: none">“Village Core” by in-effect OPA #600, as amended by OPA #650 (Vellore Village District Centre), which permits a service station and gas bar at the intersections of Major Mackenzie Drive with a primary road (Vellore Park Avenue) at the outer edges of the Village Core. The application conforms to the in-effect Official Plan.Subsection 4.2.2.7, Service Stations and Gas Bars of OPA #600, which incorporates the policies of OPA #424, the Official Plan Amendment that established City-wide policies and criteria for evaluating development applications for automobile gas bar and service stations requires, but not limited to, the following:<ul style="list-style-type: none">i) that convenience retail store uses be sensitively designed and integrated on the site and be compatible with the surrounding development;ii) that outside storage be limited and that development standards be provided in the implementing zoning by-law. However, OPA #650 prohibits outside storage within the Village Core located within the District Centre, which is not permitted on the subject lands;iii) requiring lots intended to accommodate an automobile gas bar, service station and other related uses to be of an appropriate shape and size, and that landscaping be provided to mitigate the impact on the adjacent lands; and,iv) requires that an automobile gas bar and service station, be located at major intersections such as Major Mackenzie Drive with a primary road. <p>The proposal conforms to the in-effect Official Plan.</p>
b) VOP 2010	<ul style="list-style-type: none">“Mid-Rise Mixed-Use” with a maximum building height of 6 storeys and a maximum Floor Space Index (FSI) of 2.0 by the new Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board on July 23, 2013. The proposal does not conform to VOP 2010, as there is no mix of residential, commercial, and/or institutional uses being contemplated on the subject lands. The application is being considered under the current in-effect Official Plan.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

Item 8, CW(PH) Report No. 54 – Page 3

Zoning	<ul style="list-style-type: none"> The subject lands are zoned C5(H) Community Commercial Zone with the addition of the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1238), which does not permit the proposed drive-through use only, and therefore an amendment to Zoning By-law 1-88 is required. The Holding Symbol “(H)” cannot be removed until Vaughan Council approves a Site Development application for the subject lands. The Owner has submitted Zoning By-law Amendment File Z.07.058 to remove the Holding Symbol “(H)”.
Surrounding Land Uses	<ul style="list-style-type: none"> Shown on Attachment #2.

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.	City Official Plan Policies	<ul style="list-style-type: none"> The application will be reviewed in consideration of applicable City Official Plan policies.
b.	Appropriateness of the Proposed Drive-Through Use	<ul style="list-style-type: none"> The appropriateness of permitting the proposed drive-through use on the subject lands will be reviewed with respect to compatibility with other uses proposed as-of-right on the site, and the surrounding land use context.
c.	Related Site Development File DA.07.090	<ul style="list-style-type: none"> Related Site Development File DA.07.090 will be reviewed to ensure appropriate internal traffic circulation as a result of the drive-through component, as well as, building and site design, pedestrian connectivity, access, universal accessibility, parking, landscaping, signage, stormwater management, servicing and grading. 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 and roof-top treatment to address the "heat island" effect, etc, will be reviewed and implemented through the site plan approval process, if approved. All issues identified through the review of Site Development File DA.07.090 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.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

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d.	Traffic Impact Study	<ul style="list-style-type: none">▪ The Traffic Impact Study submitted in support of the application must be reviewed and approved by the Region of York and the Vaughan Development/Transportation Engineering Department.▪ York Region shall require sufficient property to provide 18 m from the centreline of Major Mackenzie Drive, and an additional 2 m widening, 40 m in length, together with a 60 m taper for the purpose of a westbound right-turn lane at the intersection of Major Mackenzie Drive and Vellore Park Avenue. The Owner must satisfy all requirements of the Region of York.
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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 Vaughan 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. South and East Elevations
5. West and North Elevations
6. Car Wash Elevations
7. Canopy Elevations
8. Landscape Plan

Report prepared by:

Judy Jeffers, Planner, ext. 8645
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)



BRATTYS LLP
BARRISTERS AND SOLICITORS

C 2
COMMUNICATION
CW (PH) - Nov. 26 / 13
ITEM - 8

PLEASE REFER TO:
Helen A. Mihailidi (Ext. 277)
Email: hmiailidi@bratty.com
Assistant: Keilie White (Ext. 275)
Email: kwhite@bratty.com

Delivered via Email
and Courier

November 18, 2013

The Corporation of The City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: John MacKenzie, Commissioner of Planning,
Judy Jeffers, Planner,
and Jeffrey A. Abrams, City Clerk Director

Dear Sirs and Madame:

RE: BLOCK 33 WEST DEVELOPMENT AREA
AND RE: Suncor Energy - Application to Amend Zoning By-law 1-88, specifically
Exception 9(1238) to (By-law 216-2005) (File Z.13.032)
AND RE: Committee of the Whole (Public Hearing) - November 26, 2013

We act as solicitors on behalf of the Block 33 West Landowners Group (the "Block 33 West Group") and Block 33 West Properties Inc. (the "Trustee") pursuant to the Block 33 West Cost Sharing Agreement entered into by the Block 33 West Group in respect of the development of lands within the Block 33 West Community.

We understand that Suncor Energy, a landowner within the Block 33 West development area (the "Block 33 West Community"), are proceeding with the development of their lands in the near future and have applied to amend Zoning By-law 1-88, specifically Exception 9(1238) to (By-law 216-2005).

As you may know, the owners within the Block 33 West Community have provided, constructed and/or financed (or will be providing, constructing and/or financing) certain community lands and infrastructure within or appurtenant to the Block 33 West Community which will benefit the lands within the Block 33 West Community.

Accordingly, the Block 33 West Group hereby requests that, as a condition of the development of lands within the Block 33 West development area, the owner of such lands be required to enter into arrangements with the Block 33 West Group with respect to the sharing of the costs and burdens related to the community lands and infrastructure provided or constructed by the Block 33 West Group and from which such Block 33 West lands will benefit.

In addition, we hereby formally request notification of any future application or other action or procedure and/or any proposed zoning by-law amendment and/or any proposed decision of the City with respect to the proposed development or re-development of any lands within the Block 33 West Community.

Should you have any questions or concerns, please feel free to contact the writer.

Yours truly,
BRATTYS LLP

A handwritten signature in black ink, appearing to read 'H. Mihailidi', is written over the printed name.

Helen A. Mihailidi
HAM/klw

From: CCote@smartcentres.com

Sent: Monday, November 25, 2013 2:51 PM

To: DevelopmentPlanning@vaughan.ca

Cc: pbustard@smartcentres.com; CATkins@smartcentres.com; Abrams, Jeffrey; Mackenzie, John

Subject: Comments re: Application Z.13.032 Committee of the Whole Nov. 26th

c 11
COMMUNICATION
CW (PH) - Nov. 26/13
ITEM - 8

Please see the attached letter regarding the above noted application that will be presented at the COW on November 26th.

Please do not hesitate to contact either Paula Bustard or myself if you have any questions or would like to discuss further.

Thank you,

SmartCentres

Christine Cote | Senior Land Development Manager | Phone: 905-760-6200 ext. 7862 | Fax: 905-760-6220 | Cell: 416-709-8770
[700 Applewood Cres., Suite 100, Vaughan, Ontario, L4K 5X3]

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For more information please visit <http://www.symanteccloud.com>



700 Applewood Crescent, Vaughan, ON, L4K 5X3

Telephone (905) 760-6200 Fax (905) 760-6201

November 25, 2013

Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attn: Judy Jeffers, Development Planning

Re: Suncor Energy Zoning Application Z.13.032

We, Major Weston Centres Limited, are the owners of the lands situated at the northeast corner of Major Mackenzie and Weston Road, which surround the above noted application.

We have recently been circulated on the Notice of Public Meeting relating to Suncor Energy's application to amend the City's Zoning By-law 1-88. Specifically, the application seeks permission for the additional use of a drive-thru to a permitted automobile gas bar, convenience retail store, convenience eating establishment and car wash use on the subject lands.

While we typically would not intervene in such applications, we felt that it was important to remind staff of the process that has already taken place with respect to our zoning approvals on the surrounding lands. When our surrounding lands were initially zoned for commercial use, the City mandated to us that drive-thru facilities were not desired at this location. Thus, drive-thru facilities were specifically prohibited in the zoning by-law for our surrounding lands.

We strongly believe that drive-thru facilities can be appropriate for this location if properly screened. As such we would ask that if staff support this application, that they consider the impact on the surrounding lands and extend the same permission to our lands. As retailers consider where they choose to locate, sites that have restrictions (such as drive-thru restrictions) are at a competitive disadvantage to sites that have such permissions. We are supportive of the applicants request for a drive-thru as long as the City is consistent with their policy and permits the same on the adjacent lands. Through our approval process, one exception was permitted for a drive-thru on our lands for a CIBC bank. However at that time, the City advised they would not extend that permission for any food use (or any other use for that matter). As such it is firmly restricted in our by-law.

We ask that staff evaluate this application, in a larger sense, and give consideration to permitting drive-thru facilities for the surrounding lands subject to proper functionality and urban design controls.

Thank you for your consideration. Please do not hesitate to call if you have any questions at all with respect to the above.

Best regards,

Paula Bustard
Senior Director Land Development

Cc: John Mackenzie, Commissioner of Planning

8. ZONING BY-LAW AMENDMENT FILE Z.13.032

P.2013.51

SUNCOR ENERGY

WARD 3 - VICINITY OF MAJOR MACKENZIE DRIVE AND WESTON ROAD

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT the Public Hearing report for File Z.13.032 (Suncor Energy) 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: November 1, 2013
- b) Circulation Area: 150 m and to the Vellore Woods Ratepayers' Association
- c) Comments Received as of November 12, 2013: None

Purpose

The Owner has submitted Zoning By-law Amendment File Z.13.032 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the C5(H) Community Commercial Zone with the Holding Symbol "(H)" and subject to Exception 9(1238), to permit a drive-through facility accessory to a permitted automobile gas bar on the subject lands, whereas a drive-through is not permitted. Zoning By-law 1-88 permits an automobile gas bar, convenience eating establishment, convenience retail store and car wash uses on the subject lands.

Background - Analysis and Options

Location	<ul style="list-style-type: none">▪ Northwest corner of Major Mackenzie Drive and Vellore Park Avenue, shown as "Subject Lands" on Attachments #1 and #2.
Official Plan Designation a) In-effect Official Plan	<ul style="list-style-type: none">▪ "Village Core" by in-effect OPA #600, as amended by OPA #650 (Vellore Village District Centre), which permits a service station and gas bar at the intersections of Major Mackenzie Drive with a primary road (Vellore Park Avenue) at the outer edges of the Village Core. The application conforms to the in-effect Official Plan.▪ Subsection 4.2.2.7, Service Stations and Gas Bars of OPA #600, which incorporates the policies of OPA #424, the Official Plan Amendment that established City-wide policies and criteria for evaluating development applications for automobile gas bar and service stations requires, but not limited to, the following:

b) VOP 2010	<ul style="list-style-type: none"> i) that convenience retail store uses be sensitively designed and integrated on the site and be compatible with the surrounding development; ii) that outside storage be limited and that development standards be provided in the implementing zoning by-law. However, OPA #650 prohibits outside storage within the Village Core located within the District Centre, which is not permitted on the subject lands; iii) requiring lots intended to accommodate an automobile gas bar, service station and other related uses to be of an appropriate shape and size, and that landscaping be provided to mitigate the impact on the adjacent lands; and, iv) requires that an automobile gas bar and service station, be located at major intersections such as Major Mackenzie Drive with a primary road. <p>The proposal conforms to the in-effect Official Plan.</p> <ul style="list-style-type: none"> ▪ “Mid-Rise Mixed-Use” with a maximum building height of 6 storeys and a maximum Floor Space Index (FSI) of 2.0 by the new Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board on July 23, 2013. The proposal does not conform to VOP 2010, as there is no mix of residential, commercial, and/or institutional uses being contemplated on the subject lands. The application is being considered under the current in-effect Official Plan.
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Surrounding Land Uses	<ul style="list-style-type: none"> ▪ Shown on Attachment #2.

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	MATTERS TO BE REVIEWED	COMMENT(S)
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b.	Appropriateness of the Proposed Drive-Through Use	<ul style="list-style-type: none"> The appropriateness of permitting the proposed drive-through use on the subject lands will be reviewed with respect to compatibility with other uses proposed as-of-right on the site, and the surrounding land use context.
c.	Related Site Development File DA.07.090	<ul style="list-style-type: none"> Related Site Development File DA.07.090 will be reviewed to ensure appropriate internal traffic circulation as a result of the drive-through component, as well as, building and site design, pedestrian connectivity, access, universal accessibility, parking, landscaping, signage, stormwater management, servicing and grading. 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 and roof-top treatment to address the "heat island" effect, etc, will be reviewed and implemented through the site plan approval process, if approved. All issues identified through the review of Site Development File DA.07.090 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.
d.	Traffic Impact Study	<ul style="list-style-type: none"> The Traffic Impact Study submitted in support of the application must be reviewed and approved by the Region of York and the Vaughan Development/Transportation Engineering Department. York Region shall require sufficient property to provide 18 m from the centreline of Major Mackenzie Drive, and an additional 2 m widening, 40 m in length, together with a 60 m taper for the purpose of a westbound right-turn lane at the intersection of Major Mackenzie Drive and Vellore Park Avenue. The Owner must satisfy all requirements of the Region of York.

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5. West and North Elevations
6. Car Wash Elevations
7. Canopy Elevations
8. Landscape Plan

Report prepared by:

Judy Jeffers, Planner, ext. 8645
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG



Context Location Map

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy

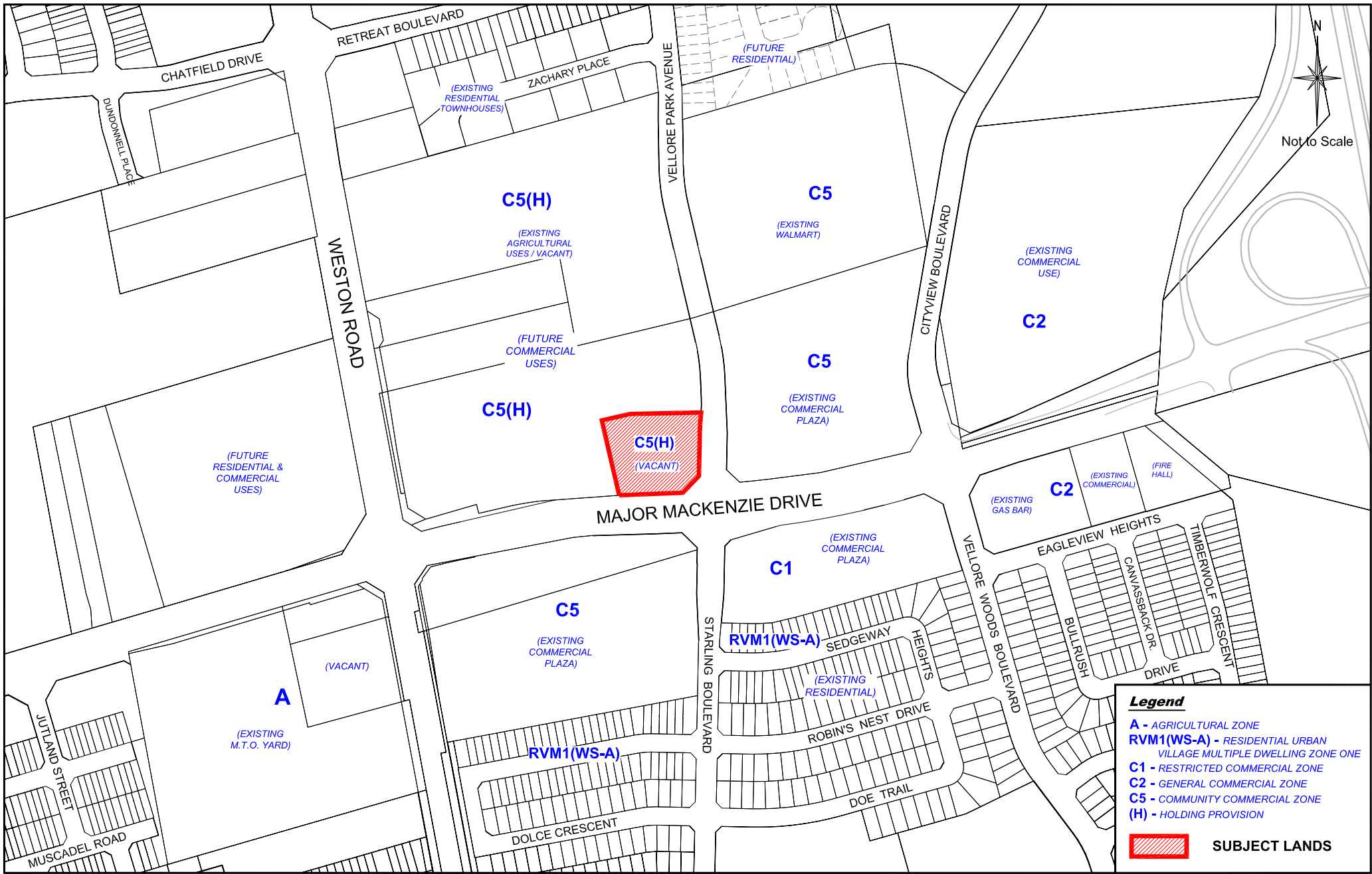


Attachment

File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

1



Location Map

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy



Attachment

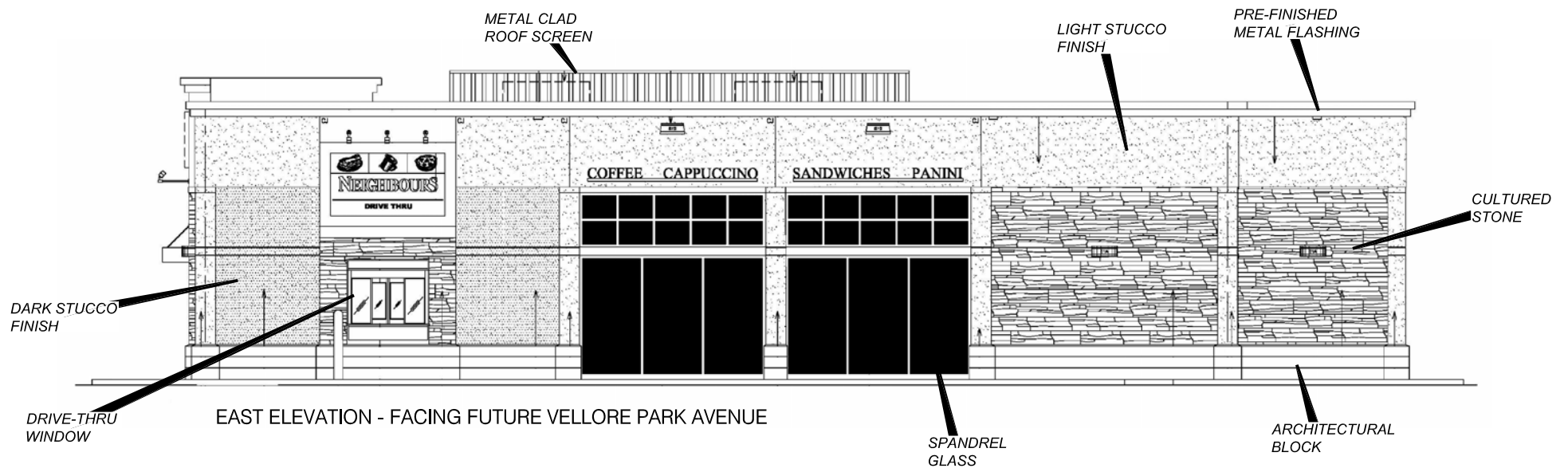
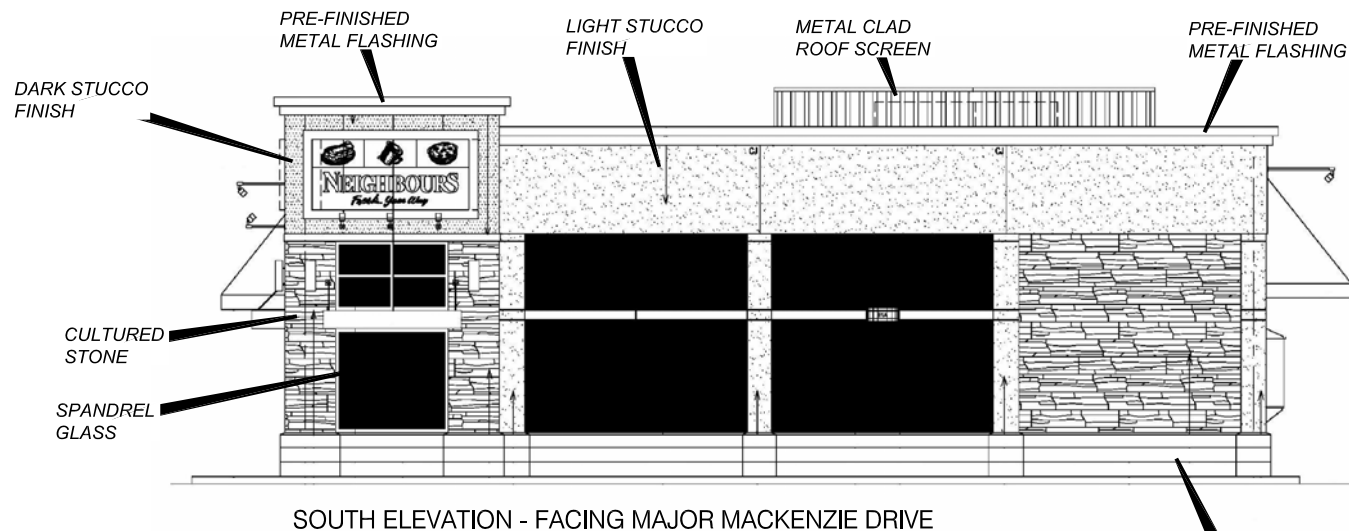
File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

2



3



Not to Scale

South & East Elevations

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy

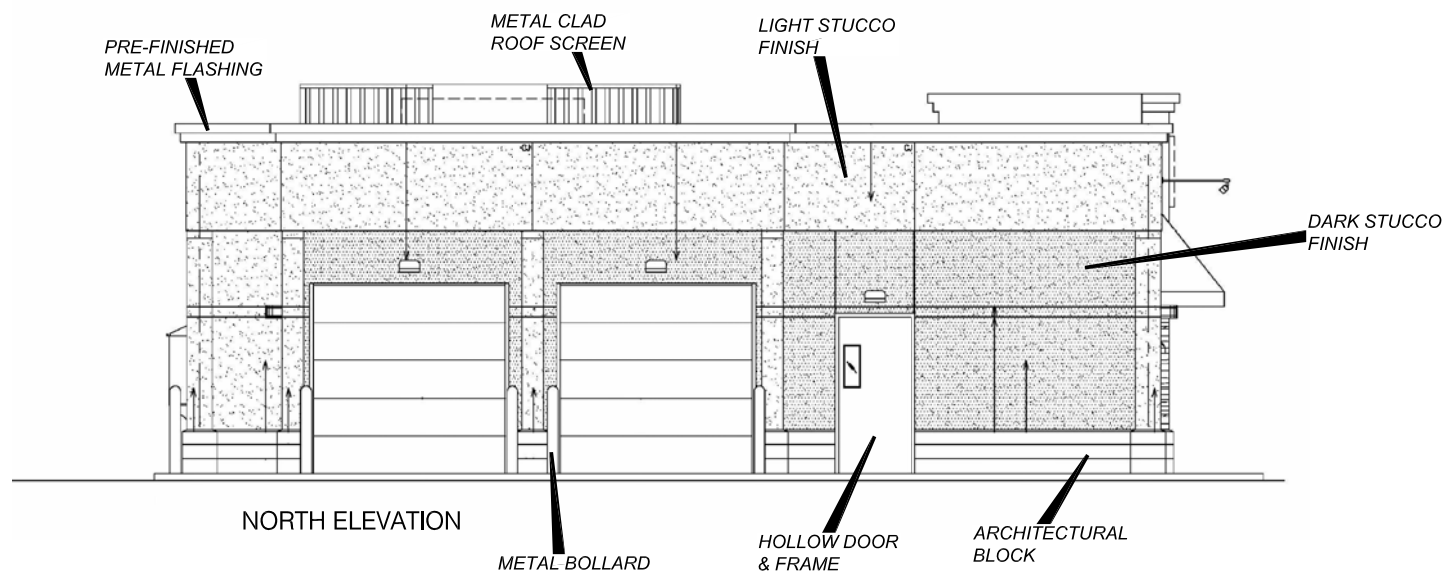
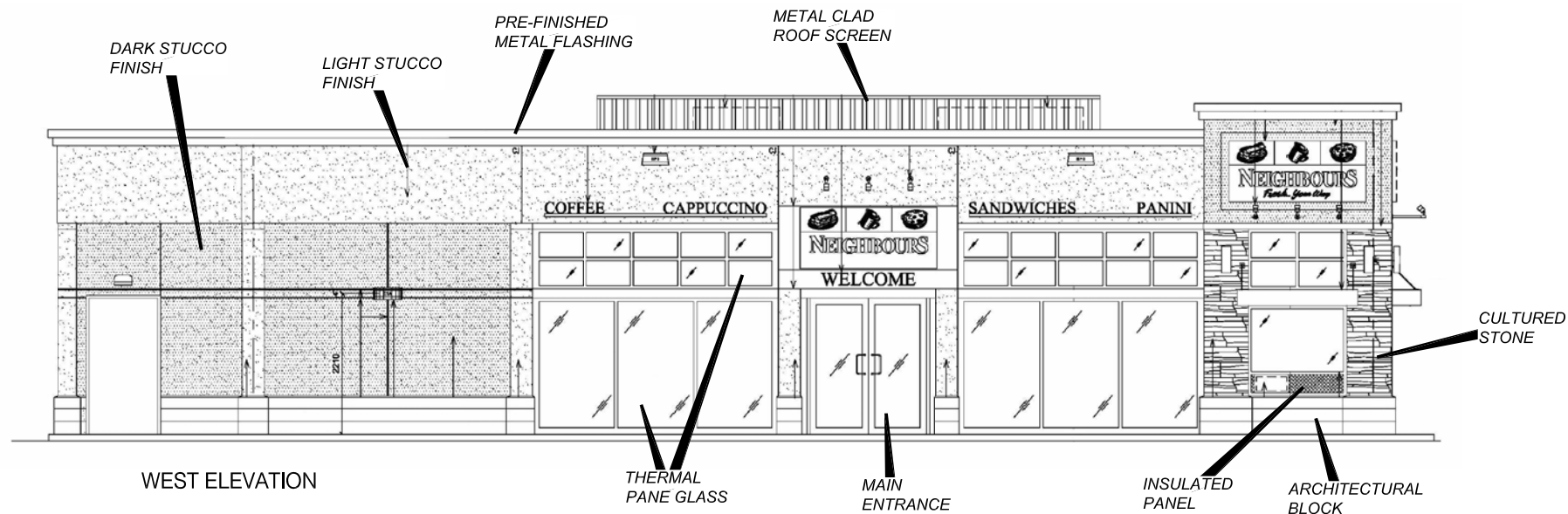


Attachment

File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

4



Not to Scale

West & North Elevations

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy

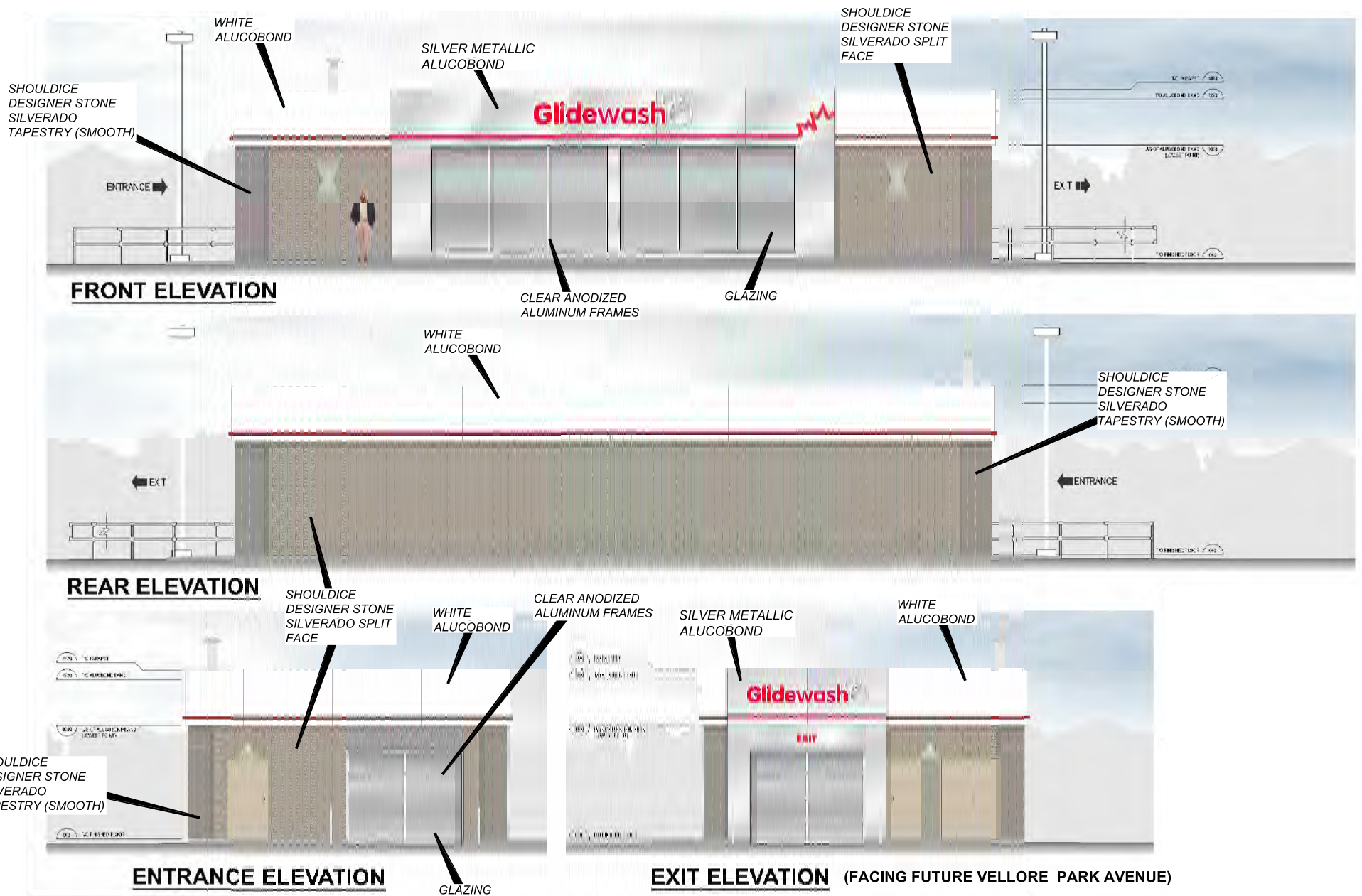


Attachment

File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

5



Not to Scale

Car Wash Elevations

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy

N:\DFT\1 ATTACHMENTS\Z\z.13.032.dwg

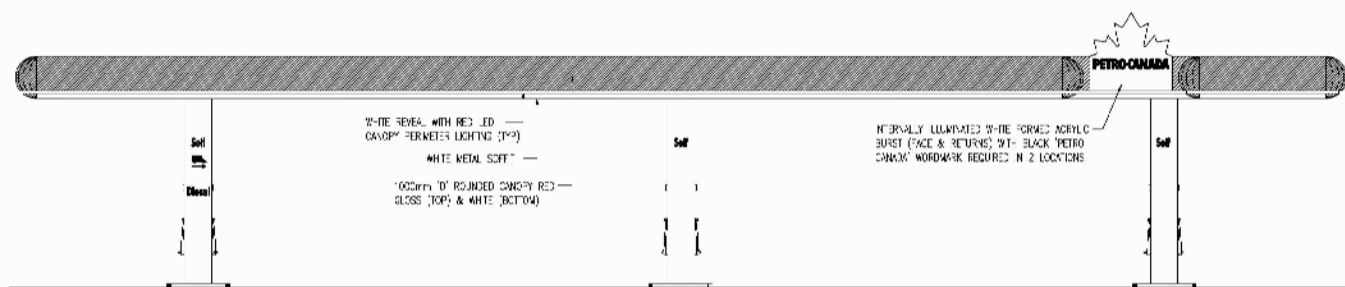


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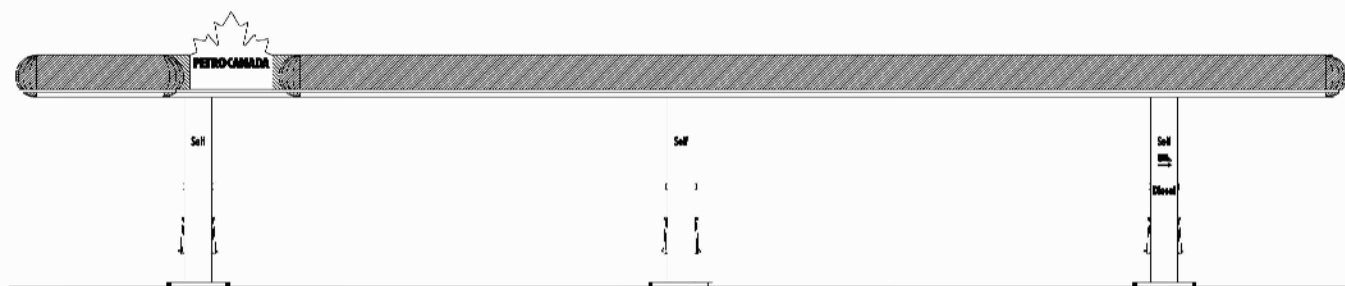
File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

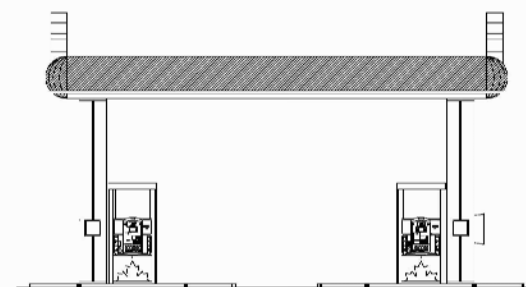
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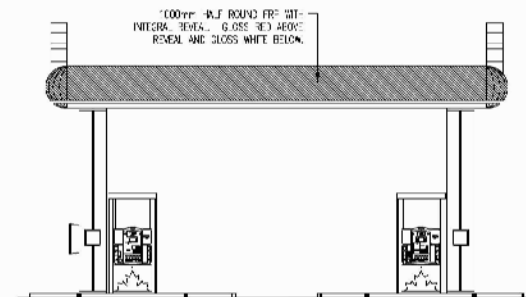
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

Not to Scale

Canopy Elevations

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy

N:\DFT\1 ATTACHMENTS\Z\z.13.032.dwg

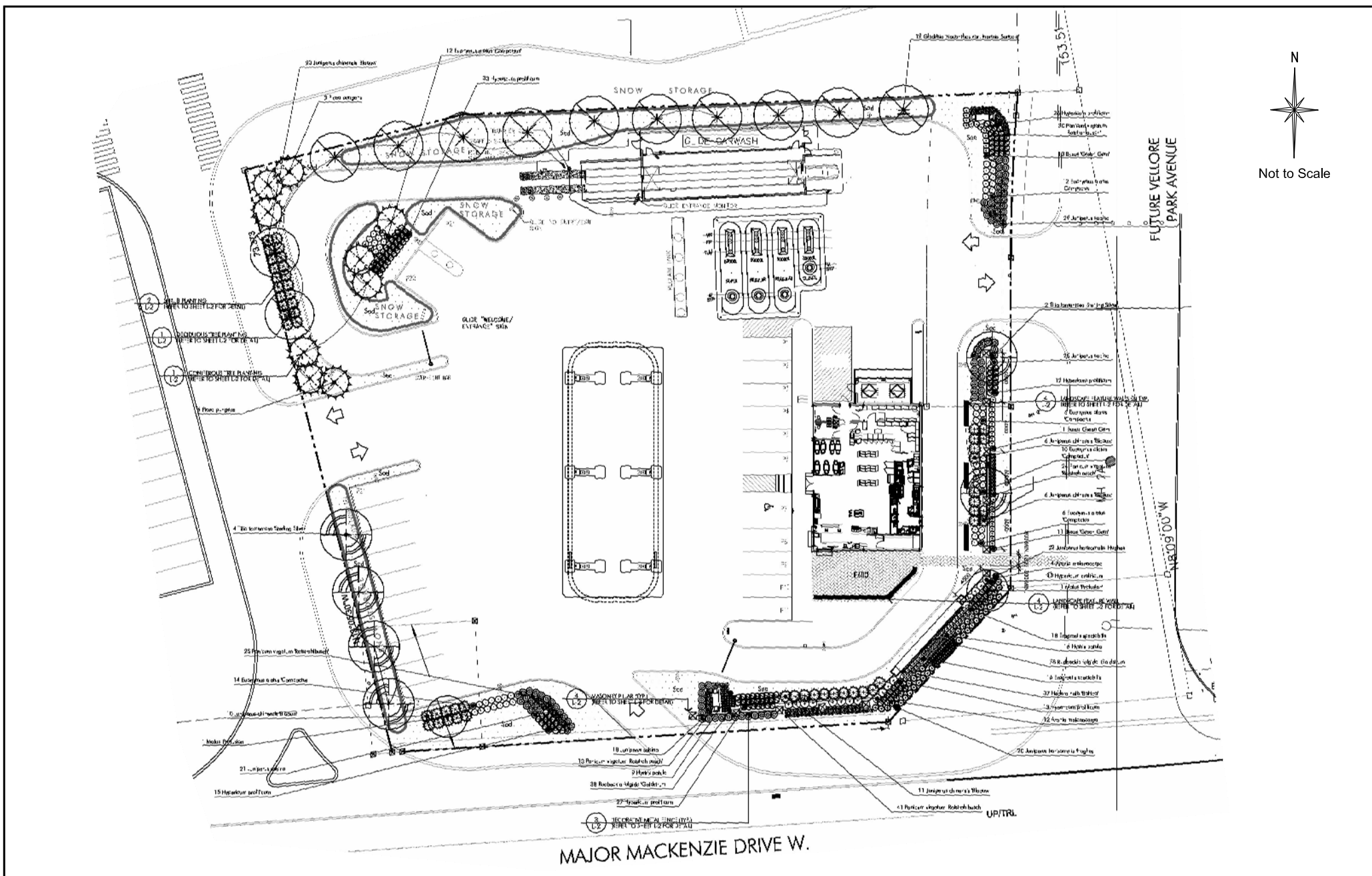


Attachment

File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

7



Landscape Plan

Location: Part of Lot 21,
Concession 5

Applicant:
Suncor Energy

N:\DFT\1 ATTACHMENTS\Z\z.13.032.dwg



Attachment

File: Z.13.032
Related Files: DA.07.090 & Z.07.058

Date:
October 28, 2013

8