

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:

Natalie Wong, Planner, ext. 8866
Clement Messere, Senior Planner ext. 8409

(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.)

September 25, 2017

Urgent: By E-Mail Only to rose.magnifico@vaughan.ca and Clerks@vaughan.ca

His Worship Mayor Maurizio Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Your Worship and Members of Council:

**Re: Site Plan Application and Minor Variance Requests
City File No. DA.17.021
Item 10, City Council Meeting of September 26th, 2017
Sevenplex Developments Inc. ("Sevenplex")
7990 Highway 27, Woodbridge
City of Vaughan (the "City")**

I write to you on behalf of our clients Mazzen Holdings Inc. and York Region Condominium Corporation No. 1161, adjacent property owners, to express concerns with and opposition to the Sevenplex applications.

1. The site of the proposed development is undersized in both frontage and area for the uses proposed. It is simply not capable of accommodating this level of development.
2. The number of variances is a function of the substandard site size, and would permit over-building. The magnitude of the variances when considered together results in significant adverse impacts.
3. Variances are required for parking, gross floor area, setbacks, landscape strips, *etc.*, all contributing to an over development of an undersized lot. On a small lot, there is a greater expectation that the proposed configuration of development will comply with zoning in order to ensure that it does not result in unacceptable impacts.
4. Sufficient landscape buffers should be maintained to provide adequate screening consistent with the desired prestige employment area character.
5. The rear yard variance is inadequate to provide acceptable building separation from adjoining properties, thereby creating an unacceptable

impact on those properties, which are entitled to the protection of a proper building separation from their flankage yards.

6. The variances sought for an increased size of eating establishment and additional convenience store area result in inappropriate siting of the car wash; it just can't fit elsewhere. The car wash could be properly situated elsewhere on the site if the other proposed buildings were not oversized relative to the By-law and the site.
7. The car wash is not appropriate as close to the neighbouring properties as proposed. The By-law requires 22 metres – a very significant difference from the 4.5 metres proposed. The links to videos below clearly demonstrate the very significant difference in impact on adjacent properties from the noise and emissions from a car wash depending on separation distance. The car wash should be required to be located in accordance with the By-law's 22 metre setback, or removed from the proposal entirely.

4.5 m: <https://photos.app.goo.gl/SwNsQ1KxxfSMHwzS2>
22 m: <https://photos.app.goo.gl/kRFYsneBJIFLfcPH3>

For these reasons, our clients strongly urge you to refuse the proposed site plan, or at the very least, to defer it until the requested variances have been finally granted by the Committee of Adjustment and/or Ontario Municipal Board.

Please ensure that this letter is delivered in advance of tomorrow's Council meeting to the Mayor and all Councillors.

Yours sincerely,
DAVIES HOWE LLP



Michael Melling
MWM:md



C <u>10</u>
Communication
COUNCIL: <u>Sept 26/17</u>
<u>CW</u> Rpt. No. <u>31</u> Item <u>10</u>

DATE: SEPTEMBER 26, 2017

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER, PLANNING & GROWTH MANAGEMENT

RE: COMMUNICATION - COUNCIL MEETING, SEPTEMBER 26, 2017
ITEM NO. 10, REPORT NO. 31
COMMITTEE OF THE WHOLE – SEPTEMBER 19, 2017

**SITE DEVELOPMENT FILE DA.17.021
SEVENPLEX DEVELOPMENTS INC.
WARD 4 - VICINITY OF REGIONAL ROAD 27 AND ZENWAY BOULEVARD**

Recommendation

The Deputy City Manager, Planning & Growth Management recommends:

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.

Background

The Committee of the Whole on September 19, 2017, considered a Technical Report (Item 10 of Report 31) regarding Site Development File DA.17.021 (Sevenplex Developments Inc.) 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.

Table 1 within the report identified the proposed variances from Zoning By-law 1-88 required to implement the proposal. Through the submission and review of the related Minor Variance File A267/17, the variances required to implement the development proposal have been refined and differ in some instances to the variances identified in Table 1 of the Technical Report. The following refinements to the Proposed Variances to the C7 Service Commercial Zone Requirements, subject to Site-Specific Exceptions 9(1134) and 9(1137) in Table 1 are proposed:

- a) Amend the Minimum Lot Area (Item a) from "5,513.42 m²" to "5,500 m²";
- b) Amend the Minimum Lot Frontage (Item b) from "44.47 m" to "59 m";
- c) Amend the Maximum Gross Floor Area (GFA) of Convenience Retail Store (Item d) from "342.2 m²" to "345 m²";
- d) Amend the Maximum Gross Floor Area (GFA) of Convenience Eating Establishment and Drive-through (Item e) from "35.3% (120.7 m² GFA) of the convenience eating establishment @ 342.25 m²" to "36% (124.2 m² GFA) of the convenience eating establishment @ 345 m²"; and
- e) Delete the Maximum Driveway Widths (Items h and i) in their entirety.

The amendments to the minimum lot area and lot frontage have been verified by a Surveyor's Certificate as submitted by the Owner and reflect the existing lot configuration. The amendments to the maximum size of the convenience retail store, and convenience eating establishment represent an increase of 2.8 m² and 0.7%, respectively, which in the opinion of staff is a minor increase that would not impact the site. The staff report identified variances for maximum driveway widths that are not required as the Building Standards Department has advised that the proposed driveway widths comply with Zoning By-law 1-88 and are not required.

Conclusion

The Development Planning Department supports the amendments to the Proposed Variances listed in Table 1 of the Technical Report (Item 10 of Report 31) as they either reflect the existing conditions of the site, are minor in nature, or are no longer required exceptions to Zoning By-law 1-88. It is recommended that Table 1 of Technical Report respecting Site Development File DA.17.021 considered by Committee of the Whole on September 19, 2017, be amended as identified in this Communication to modify the information presented in the original Technical Report.

Respectfully submitted,

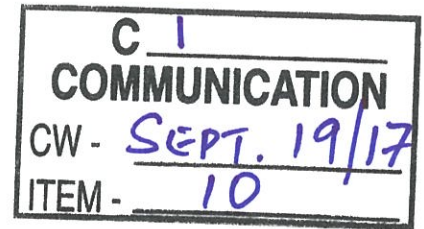


JOHN MACKENZIE
Deputy City Manager,
Planning & Growth Management

Copy to: Barbara A. McEwan, City Clerk
Daniel Kostopoulos, City Manager
Mauro Peverini, Director of Development Planning

NW/lg

September 15, 2017-



Mayor and Members
Office of City Clerk
2141 Major Mackenzie Drive
Vaughan . Ontario
L6A 1T1

Dear Mayor and Members of Vaughan Council,


**Re: Request for Deputation
at Committee of Whole Meeting , September 19, 2017
Site Development File DA. 17.021
Sevenplex Developments Inc.**

My name is Frank Mazzotta and on behalf of the York Condominium Corporation , (YRCC 1161), I hereby request the opportunity to appear before the Vaughan Committee of Whole at its meeting of September 19, 2017, with respect to the site development application DA. 17. 021, filed by Sevenplex Developments Inc. YRCC 1161, represents property owners and business within the multi unit employment building , just west of the subject property. In reviewing the staff report for the said application, YRCC I would like to identify the following concerns:

1. Although the OPA and zoning permit a gas service station and related ancillary uses, such as convenience store , drive thru eating establishment and car wash, we feel that all these uses combined on this site is too congestion to allow for compliance to the existing zoning provisions and for the proper design of the site.
2. The proposed site plan requires relief from the zoning bylaw for 8 Items, which combined should not be considered as being minor in nature and simply remedied thru consent for variances by the Vaughan Committee of adjustment.
3. The proposed car wash is too close to the rear property line and a greater separation distance should be provided so to provide for proper landscape screening and reduce noise to abutting businesses.
4. Noise attenuation measure or buffering should be introduced along the west property limit.
5. The west elevation of the car wash need to be enhanced as they are visible from the abutting property and street sight line. (i.e. add spandrel panels)
6. There appears to be inadequate parking provided on site and we are concerned that any spill over parking of patrons to the this facility will end up within our property
7. Proper provisions for illumination to be incorporated into the design so as defuse lighting away from adjacent properties and businesses.
8. Access into and out of the site would create further congestion onto Zenway Boulevard and Highway No. 27 intersection , which is already heavily congested, especially during peak

hours. This will also make it difficult for patron to our existing business for existing our site with the backup of traffic. This will be particular event when refueling trucks coming to the site.

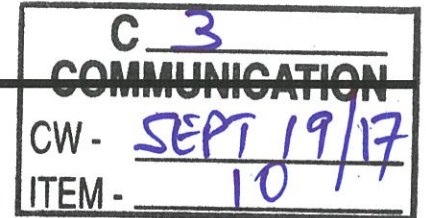
These are only some of the major issues and concerns that YRCC has with respect to the proposal and therefore, I would appreciate the opportunity to appear before the Committee on deputation , to address these items as well as others, as they pertain to this site development application.

Yours

Frank Mazzotta,
YRCC 1161

cc. Mayor and Members of Council

Britto, John

From: Mauro Poletti <mauro.poletti@migroup.ca>
Sent: Monday, September 18, 2017 1:14 PM
To: Britto, John
Cc: 'victor.pecca'
Subject: File# DA17.021 Sevenplex Developments Zenway and 27



Hi John,

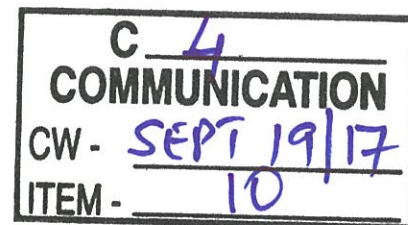
As owners of 81 Zenway Blvd. Suite 22 we object to the development of this project

The image shows two business cards stacked vertically. The top card is for Mauro Poletti, a Mortgage Broker with license #M12002006, contact number 416.989.5583, email mauro.poletti@migroup.ca, and website www.migroup.ca/brokers/Mauro-Poletti. It features the Mortgage Intelligence logo (FSCO Lic. 10428) and a CMA Canadian Mortgage Awards Winner 2015 badge for Best National Broker Network. The bottom card is for Victor Peca, a Mortgage Broker with FSCO Lic. M09001613, contact numbers C 416.888.4934 and F 1.866.843.8311, email victor.pecca@migroup.ca, and websites www.victorpecca.ca and www.victorpecca.blogspot.com. It also features the Mortgage Intelligence logo (FSCO Lic. 10428). Both cards include the slogan 'WE'RE CANADA'S TRUSTED SOURCE FOR MORTGAGE SOLUTIONS'.

Mauro Poletti and Victor Peca
81 Zenway Blvd. Suite 22
Vaughan ON
L4H 0S5
416-446-7510 Ext 2

Britto, John

From: Trade Electrical Contractors <tradeelectricalcontract@bellnet.ca>
Sent: Monday, September 18, 2017 2:15 PM
To: Britto, John
Subject: objection
Attachments: city of vaughan sept 18 2017.pdf



See attachment regarding objection
Regards

Nunzio Parente
Trade Electrical Contractors Inc.
81 Zenway Blvd. Unit #5
Woodbridge, Ontario L4H 0S5
Tel: 905-850-3815 Fax: 905-850-3866
info@tradeelectric.ca

NOTICE OF HEARING
Minor Variance Application A267/17
 Section 45 of the Planning Act, R.S.O., 1990, c.P.13

Date of Hearing: Thursday, September 28, 2017

Applicant: Sevenplex Developments Inc.

Agent: KLM Planning Partners Inc

Property: 7990 Hwy 27, Woodbridge

Zoning: The subject lands are zoned C7 Service Commercial, and subject to the provisions of Exception 9(1134) under By-law 1-88 as amended.

OP Designation: VOP 2010: "Prestige Employment". The proposal conforms to the Official Plan.

Related Files: None

Purpose: To obtain relief from the By-Law to permit the construction of an automobile gas bar with accessory car wash, convenience retail store, and convenience eating establishment with drive through.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A minimum of 36 parking spaces are required.	1. To permit a minimum of 23 parking spaces on site.
2. A minimum rear yard setback of 22.0 metres is required.	2. To permit a minimum rear yard setback of 4.5 metres to the car wash.
3. The maximum gross floor area of the convenience retail store shall not exceed 280m ² .	3. To permit a maximum gross floor area of 345m ² for the convenience retail store which is accessory to the gas bar.
4. A convenience eating establishment with drive-thru shall not exceed 25% of the convenience retail store.	4. To permit the convenience eating establishment with drive-thru to have a maximum of 36% of the gross floor area of the convenience retail store.
5. A strip of land not less than 6.0 metres is required.	5. To permit a minimum landscape strip of 4.5 metres in width along a lot line which abuts a street.
6. The maximum width of a ramp measured along a street line shall be 9.0 metres.	6. To permit a maximum ramp width of 11.0 metres along the street line (Zenway) and 16.5 metres along a street line (Highway 27).
7. A minimum lot area of 8000m ² is required.	7. To permit a minimum lot area of 5500.0m ² .
8. A minimum lot frontage of 65.0 metres is required.	8. To permit a minimum lot frontage of 59.0 metres.

Please see reverse for location of the subject land and important information regarding the Committee of Adjustment process.

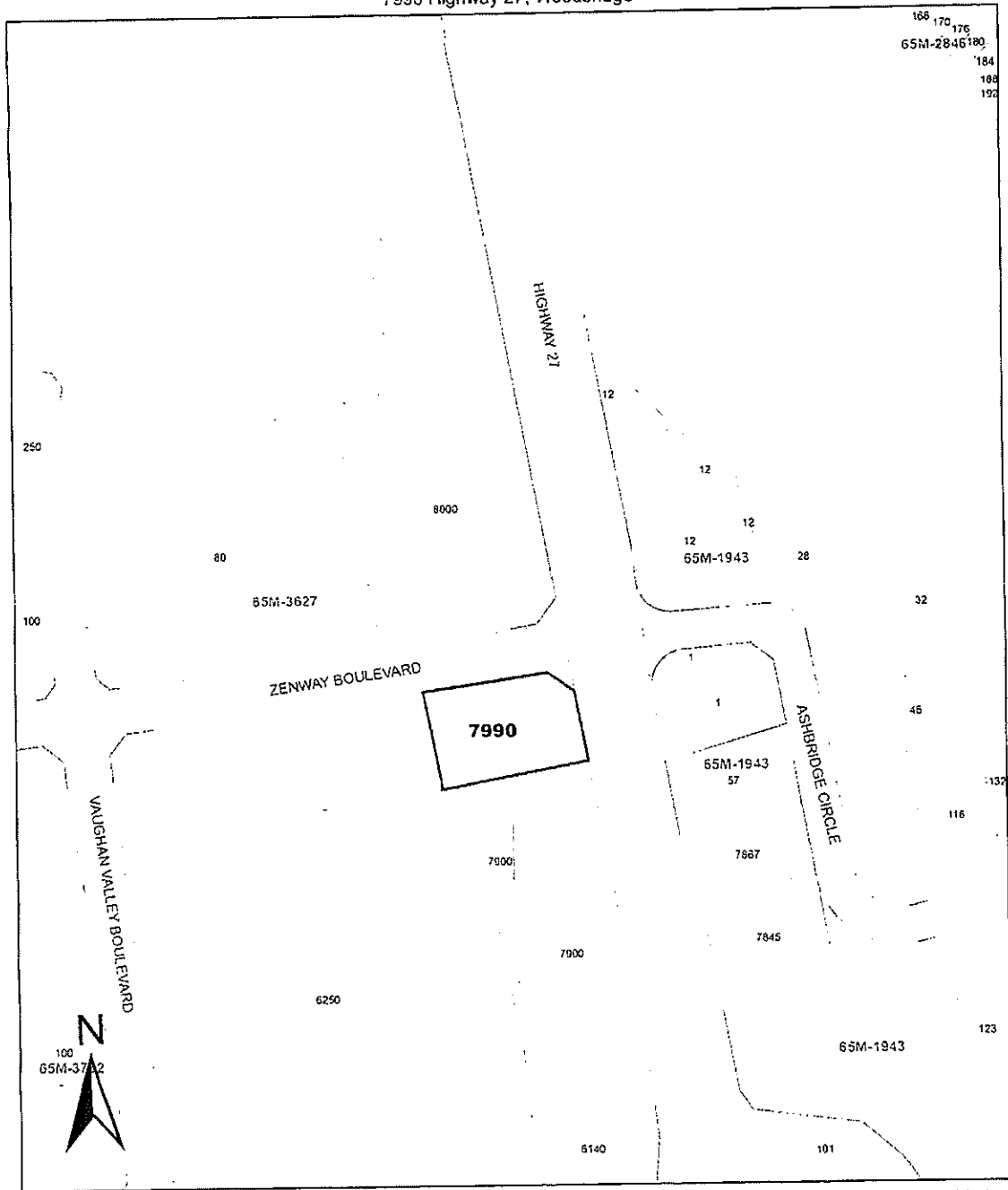
To obtain more information regarding this application, including plans, sketches and Staff Reports, please contact Committee of Adjustment staff during regular business hours (Monday – Friday, 8:30 a.m. to 4:30 p.m.) at 2141 Major Mackenzie Drive, Vaughan by telephone 905 832 8585 (extension 8332) or by email CofA@vaughan.ca



VAUGHAN

Location Map - A267/17

7990 Highway 27, Woodbridge



City of Vaughan

Highway 7

0 0.05 0.1 0.2 Kilometers

The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabularly, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan without warranties of any kind, either expressed or implied.

IMPORTANT INFORMATION

NOTICE REQUIREMENTS FOR LANDLORDS & CONDOMINIUM CORPORATIONS: In accordance with Ontario Regulation 197/96 if you own a building that contains more than 7 (seven) residential units, you must post this public notice in a location that is visible to all residents within your building.

In accordance with the Condominium Act, a corporation that is served with a notice under the Planning Act shall notify all persons whose names are in the record of the corporation maintained under subsection 47 (2) and shall make a copy of the notice available for examination.

WRITTEN SUBMISSIONS: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition, which must be delivered no later than **12:00 p.m.** on the scheduled public hearing date.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information collected because of this public meeting is collected under the authority of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the *Planning Act* and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

TO OBTAIN MORE INFORMATION: To obtain more information regarding this application, including plans, sketches and Staff Reports, please contact Committee of Adjustment staff during regular business hours (Monday – Friday, 8:30 a.m. to 4:30 p.m.) at 2141 Major Mackenzie Drive, Vaughan by telephone 905 832 8585 or email CofA@vaughan.ca. Information pertaining to this application is also available at www.vaughan.ca

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Municipal Board (OMB) hearing you must complete the attached Request for Decision form and submit to the Secretary Treasurer. In the absence of a written request to be notified of the Committee's decision you will not receive notice.

ONTARIO MUNICIPAL BOARD: The OMB appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The OMB Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (Appellant Form A1 – Minor Variance) can be obtained at www.omb.gov.on.ca or by visiting our office. OMB appeals must be filed with the Secretary Treasurer, City of Vaughan.

City of Vaughan OMB Processing Fee: \$722.00 per application. All fees subject to change.

IMPORTANT NOTICE TO OWNER AND/OR AGENT: If you do not attend or are not represented at this hearing, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn, and close the file.

DATE OF PUBLIC NOTICE: September 13, 2017

Christine Vigneault, ACST
Manager of Development Services and Secretary
Treasurer to the Committee of Adjustment

905-832-8585 x 8332
CofA@vaughan.ca



VAUGHAN

Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A
1T1
T 905 832 8585
E CofA@vaughan.ca

REQUEST FOR DECISION A267/17

To be notified of the Committee's decision or a related Ontario Municipal Board (OMB) hearing you must complete this form and submit to the Secretary Treasurer, Committee of Adjustment.

Please provide a copy of the Committee's Decision with respect to A267/17:

Name: _____

Address: _____

Postal Code: _____

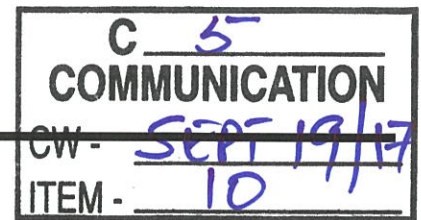
Phone Number: _____

Email Address: _____

Date Request Submitted: _____

*Please print and ensure form is legible

Britto, John



From: Daniel Seca <DSeca@dreamworldevents.ca>
Sent: Monday, September 18, 2017 3:13 PM
To: Britto, John; Committee of Adjustment
Cc: Frank Mazzotta
Subject: Request of Deferral (Application # DA.17.021) & Objection to A267/17

**Re: Site Plan Application DA.17.021
Committee of Adjustment Application A267/17**

This email is to go on record that as Owner of Units 21 and 23 at 81 Zenway Blvd., and a Board Member on Condo Corporation No. 1161 I object to the approval of an automobile gas bar with accessory car wash, convenience retail store, and convenience eating establishment with drive through proposed at 7990 Hwy 27.

It is to my understanding that Site Plan Application DA.17.021 that is coming forward to the Committee of the Whole of September 19, 2017 has been recommended approval with conditions. In association with this application, Minor Variance Application A267/17 is set for September 28, 2017.

Although the use is permitted, Zoning development standards are put in place to achieve orderly and safe development in their communities and the variances proposed are in no means minor in nature. Aside from whether the use is permitted under the Zoning By-law and Official Plan, under the Planning Act, for an application to be consider minor it nature some of the questions that must be asked are:

- a. How it impacts the area/neighbourhood?
- b. How it impacts the subject land?
- c. Does it permit development that is good for the City?
- d. Does the variance allow proper use of the property?

Currently in my eyes, this application cannot be approved based on the proposed variances.

If such an application will proceed based on the merit that the use is permitted under the By-law and OP alone, on behalf of myself and others at 81 Zenway Blvd., I would like the Committee to consider that this application be deferred in order to allow consultation with the Owner, City Planner and Condo Corporation 1161 to come up with an acceptable site plan with conditions that poses no detriment to us as neighbours.

Please also have this email serve as notice that I would like be placed on the Notification List for upcoming meetings and Decisions pertaining to these files.

Thank you.

Daniel Seca



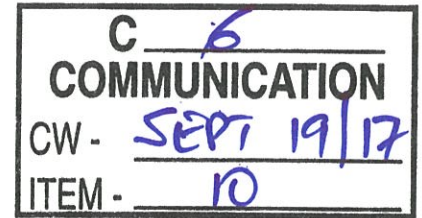
C 416.995.2742

T 905.856.5112 x 226

DreamWorldEvents.ca

81 Zenway Blvd., Unit 21, Vaughan, ON L4H 0S5

Joseph Burnett
Chairman of the Board



September 18, 2017

Mayor and Members
Office of City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Mayor and Members of Vaughan Council:

Re: Site Development File DA.17.021
Sevenplex Developments Inc.

The undersigned, Joseph Burnett, is the Chairman of the Board of both Burnac Corporation and Burnac Produce Limited, and hereby states as follows:

1. Burnac Corporation is the registered owner of the property located at 80 Zenway Boulevard, Vaughan and Burnac Produce Limited is the exclusive tenant of Burnac Corporation with respect to 80 Zenway Boulevard, Vaughan (collectively, both Burnac Corporation and Burnac Produce Limited shall hereafter be referred to as "**Burnac**").
2. Burnac occupies a substantial facility on the north side of Zenway Boulevard, which represents more than eighty per cent (80%) of the lands on the north side of Zenway Boulevard, between Vaughan Valley Boulevard and Hwy. 27. This facility is engaged in the fresh food business, servicing all parts of Canada from Coast to Coast.
3. The Burnac facility has assigned to it 64 vehicles representing large tractor trailer vans and 20 straight-job trucks and Burnac originally bought the lands and developed the building thereon with a state-of-the-art facility for the storage and distribution of perishable food products and ranks as the largest such facility and private distribution centre in Canada.
4. Burnac's original purpose of locating in Vaughan, and more particularly at this location, was to facilitate and ease the movement of the vast number of vehicles moving in all directions from this facility.

...2

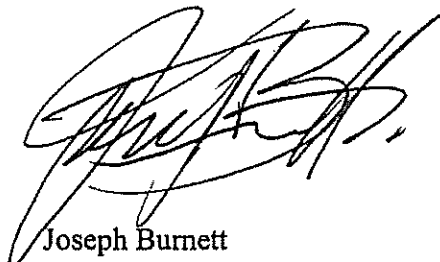


Mayor and Members – Office of City Clerk
September 18, 2017
Page 2

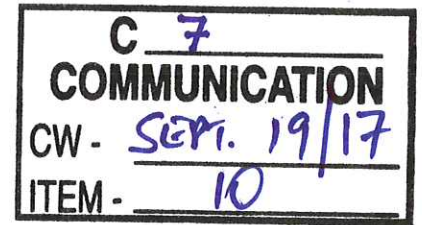
5. At present, Zenway Boulevard between Vaughan Valley Boulevard and Hwy. 27 has become an extremely congested part of the area and, therefore, in order to grant these variances that are being sought, which will add substantial traffic and lack of movement of vehicles along Zenway through to Hwy. 27, are strongly objected to. The variances that I refer to are those variances being sought by development application DA.17.021 filed by Sevenplex Developments Inc.
6. At present, the OPA and zoning allows ancillary and related uses, such as a convenience store, drive thru eating establishment and car wash. All of these combined on this site is too congested to allow for compliance to the existing zoning provisions.
7. These are not, and I repeat, are not minor variances and the proposed site plan seeks to obtain relief from the zoning by-law of eight (8) uses which, combined, are not minor whatsoever.
8. At the risk of being repetitious, this is not in compliance with the zoning of the said site and is not a minor variance. The attempt to simply remedy this through consent by the Vaughan Committee of Adjustments, we respectfully submit is not valid.
9. Burnac totally supports the proposal put forth by Frank Mazzotta (YRCC 1161) and, more particularly, that access into and out of the site would create an intolerable congestion onto Zenway Boulevard and Hwy. 27.
10. This objection is part of the submission and objection to be put forth by Frank Mazzotta and on behalf of York Condominium Corporation (YRCC 1161).

Yours truly,

BURNAC CORPORATION



Joseph Burnett
Chairman



Tuesday, September 19, 2017
Committee Of The Whole Meeting
Attention Mayor and Members of Vaughan Council

Regarding: Site Development File DA.17.021, Sevenplex Development

This package is to **object** the application A267-17 and
Site Development File DA. 17.021. Sevenplex Developments Inc.

Enclosed are the following documents pertaining to the above application:

1. Request for Deputation Letter prepared by Frank Mazzotta of Armour Heights Developments, dated September 15th 2017.
2. Objection Letter prepared by Frank Mazzotta of Armour Heights Developments, dated September 19th 2017.
3. Signatures of owners of YRCC 1161 (81 Zenway Blvd)
4. Traffic Report prepared by Jeff Mark of Mark Engineering, dated September 18th 2017.
5. Acoustical Comments prepared by Sam Du of Valcoustics Canada Ltd, dated September 18th 2017.
6. Objection Letter prepared by Joseph Burnett of Burnac Corporation, dated September 18th 2017.
7. Variance Report Summary prepared by Frank Mazzotta of Armour Heights Developments.
8. Site photos and allowance set back (3)

September 15, 2017-

Mayor and Members
Office of City Clerk
2141 Major Mackenzie Drive
Vaughan . Ontario
L6A 1T1

Dear Mayor and Members of Vaughan Council,

**Re: Request for Deputation
at Committee of Whole Meeting , September 19, 2017
Site Development File DA. 17.021
Sevenplex Developments Inc.**

My name is Frank Mazzotta and on behalf of the York Condominium Corporation , (YRCC 1161), I hereby request the opportunity to appear before the Vaughan Committee of Whole at its meeting of September 19, 2017, with respect to the site development application DA. 17. 021, filed by Sevenplex Developments Inc. YRCC 1161, represents property owners and business within the multi unit employment building , just west of the subject property. In reviewing the staff report for the said application, YRCC I would like to identify the following concerns:

1. Although the OPA and zoning permit a gas service station and related ancillary uses, such as convenience store , drive thru eating establishment and car wash, we feel that all these uses combined on this site is too congestion to allow for compliance to the existing zoning provisions and for the proper design of the site.
2. The proposed site plan requires relief from the zoning bylaw for 8 Items, which combined should not be considered as being minor in nature and simply remedied thru consent for variances by the Vaughan Committee of adjustment.
3. The proposed car wash is too close to the rear property line and a greater separation distance should be provided so to provide for proper landscape screening and reduce noise to abutting businesses.
4. Noise attenuation measure or buffering should be introduced along the west property limit.
5. The west elevation of the car wash need to be enhanced as they are visible from the abutting property and street sight line. (i.e. add spandrel panels)
6. There appears to be inadequate parking provided on site and we are concerned that any spill over parking of patrons to the this facility will end up within our property
7. Proper provisions for illumination to be incorporated into the design so as defuse lighting away from adjacent properties and businesses.
8. Access into and out of the site would create further congestion onto Zenway Boulevard and Highway No. 27 intersection , which is already heavily congested, especially during peak

hours. This will also make it difficult for patron to our existing business for existing our site with the backup of traffic. This will be particular event when refueling trucks coming to the site.

These are only some of the major issues and concerns that YRCC has with respect to the proposal and therefore, I would appreciate the opportunity to appear before the Committee on deputation , to address these items as well as others, as they pertain to this site development application.

Yours

Frank Mazzotta,
YRCC 1161

cc. Mayor and Members of Council

September 19, 2017

Good afternoon, Mayor Bevilacqua and Members of Council,

My name is Frank Mazzotta, and on behalf of the York Condominium Corporation 1161, 8000 Hwy 27 and Mr. Joe Burnett I hereby object to the application File DA.17.021. I represent 25 property unit owners and businesses within this prestige multi-unit employment complex immediately west abutting the subject property. Each member has signed a petition to object to this application which I am now submitting.

I have been in the development industry for over 30 years. I live in Vaughan and I have built in Vaughan and Pro Development. This application should not have been advanced through COA minor variance but should have been a zoning bylaw amendment.

I have reviewed the staff report for the said application and have summarized the following very as serious concerns forming the basis of my objection to this application:

1. Although the OPA and zoning permits a gas service station and related ancillary uses such as convenience store, drive thru, eating establishment and car wash, we feel that all these uses combined on this site is onerous, overzealous, dangerous, and will further and very adversely impact an overly congested intersection;
2. The proposed site plan application requires relief from the zoning bylaw for 8 separate matters, which individually and certainly on a combined basis, are not considered to be minor in nature. In fact, on a combined basis, these 8 matters have a very significant and material impact to the site, the intersection, the immediate buildings, owners and users, and the business park generally. These noted variances cannot be simply addressed or remedied thru consent by the Vaughan Committee of Adjustment Committee;
3. The proposed car wash identified in the application is far too close to the rear property line. In accordance with the requirements of the zoning bylaw, a much greater separation distance of approx. 18 metres should be provided in order to properly landscape, screen, and reduce noise to abutting businesses;
4. Noise from this operation will be significant and noise attenuation measures and buffering should be introduced along the west property limit. I have taken the liberty of engaging Sam Du from Valcoustics Engineering to inform us to our rights on the infringement of noise pollution. Section 14 of the Environmental Act indicated that ``shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect``. Noise is considered one of the contaminant.
5. The west elevation of the car wash needs to be enhanced and screened as it is visible from the abutting property and for the Zenway Boulevard sight line;
6. There is very inadequate parking provided on site. We are concerned that vehicles that cannot be accommodated with appropriate parking will stack or sit idle on Zenway Boulevard and/or park illegally in adjacent property parking lots. Proper provisions for illumination should be incorporated into the design in order to diffuse the significant gas station lighting away for adjacent properties and businesses.

7. Vehicle and Tractor Trailer access into and out of the site would create further congestion on the Zenway Boulevard and Highway No. 27 intersection, an intersection which is already very heavily congested at all hours of the day and especially during peak hours. This will also make it very difficult for employees, business owners and patrons trying to make their way in and around the business park and businesses will be hurt as a result of the unbearable and unmanageable traffic. This issue will be particularly damaging when tractor trailers and/or refuelling trucks enter or exit the site. I know and understand that EXP has been contracted and supplied a traffic study report which has concerns. At my own cost I engaged Mark Engineering to peer review and comment which will be submitting for your review.

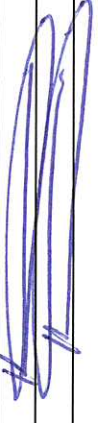













Section 45(1) of the Planning Act establishes ``four tests`` for determination as to whether a variance is deemed to be ``minor``. In the 2005 Vincent versus de Gasparis decision the Divisional Court clarified the four test minor variance process. While most minor variance applications involve more than one variance, each variance needs to satisfy each of the following four tests.

1. The variance must be minor in nature. The Court concluded that the Planning Act must be interpreted to mean that a variance can be more than minor for two reasons, namely that it is too large to be consider minor, or that it is too important to be consider minor.
2. The variance is desirable for the appropriate development or use of the land.
3. The variance maintains the general intent and purpose of the Zoning By-law.
4. The variance maintains the general intent and purpose of the Official Plan.


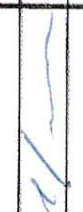
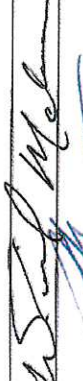



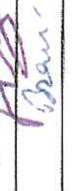


Please accept this letter as an official objection to the Application.

York Region Standard Condominium Corporation No. 1161
81 Zenway Blvd, Vaughan Ontario

Regarding: Objection of Application A267-17 and Site Development File DA. 17.021.

Unit #	Owner/Business	Owner Name	Signature (s)
1	2283836 Ontario Inc.	Harshwinder Singh Pabla, Jyoti Pabla	
2	2283836 Ontario Inc.	Harshwinder Singh Pabla, Jyoti Pabla	
3	Aquino Brothers Holdings Inc.	Joseph Aquino	
4	2365757 Ontario Limited	Frank Aquino	
5	Trade Electrical Contractors	Mario Parente, Nunzio Parente	
6	1873556 Ontario Inc.	Phil Carporrella	
7	Sky Wireless Communications	Steve Spizzirri	
8	2318481 Ontario Inc.	Anil Purri	
9	Grandbury Developments Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
10	Grandbury Developments Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
11	Grandbury Developments Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
12	1157135 Ontario Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
13	Integral Management & Consulting	Anne Marie Latter	
14	Giannace Family Holdings	Antonio Giannace	
15	2162699 Ontario Inc.	Francesco Vitucci	
16	Carrier Alliance Inc.	Joel MacKay, Rico Covello	
17	Weston Tae Kwon Do Ltd.	Vito Palella	
18	VRP Developments Inc.	Rick Venezia	
19	Brian Luckman	Brian Luckman	
20	Sagawest Developments Inc.	Andy Sturino	
21	Aces Capital Inc.	Daniel Seca	
22	2568300 Ontario Inc.	Victor Peca, Mauro Poletti	
23	Wildcard Inc.	Nadia Tedesco	
24	Mazzen Holdings Inc.	Frank Mazzotta	
25	Dan Fung	Dan Fung	

We the undersigned object to and support the objection of an Site Plan Application request regarding the application File DA 17.021 filed by Sevenplex Developments Inc. AND to the Variance Application A267/17 based on the same reasons listed in the objection letter by Frank Mazzotta dated September 18, 2017 (attached)

TENANT	ADDRESS	UNIT #	SIGNATURE	
Integrity Fitness Inc.	8000 Hwy 27	Unit 1		DEENA ABOKAR
1634443 Ontario Inc.	8000 Hwy 27	Unit 2		MANVIR KOONER
2484646 Ontario Inc.	8000 Hwy 27	Unit 3		
2359792 Ontario Ltd	8000 Hwy 27	Unit 4		
Silverthorne Cabinetry Inc.	8000 Hwy 27	Unit 5		WILLIAM MARSH
Colourtrenz Paint & Décor Centre Inc	8000 Hwy 27	Unit 6		ARTHUR INFUSINI
Fundy Tactical & Uniforms Ltd	8000 Hwy 27	Unit 7		PAUL MURPHY
2244250 Ontario Inc	8000 Hwy 27	Unit 8		YI KANG
Zenita Inc.	8000 Hwy 27	Unit 9 & 10		RAISIN CHABA
1742249 Ontario Inc.	8000 Hwy 27	Unit 9A		
2580162 Ontario Inc.	8000 Hwy 27	Unit 11		
2107525 Ontario Limited	8000 Hwy 27	Unit 12 & 13		GRAZIO-DE VITTORIS
Tim Hortons Store # 2894	8000 Hwy 27	Bldg B		FRANK VALLE



MARK ENGINEERING

Excellence in Transportation & Traffic Engineering Problem Solving

September 18, 2017

Frank Mazzotta
President
Armour Heights Developments
81 Zenway Boulevard
Unit 24
Vaughan ON L4H 0S5

Re: Sevenplex Developments Inc
Highway 27 & Zenway Boulevard
City of Vaughan
Our File 201720, City File DA.17.021

I have reviewed the data you provided and have the following comments:

Committee of the Whole Meeting, September 19, 2017

1. Item 1.a) requires a number of studies, plans, reports, etc. to be approved prior to approval of the site plan. There is no explanation of what will happen if one of more of the documents are not approved.

Traffic Impact Study

2. Section 1.4 – The Zenway Boulevard configuration description accurately shows what is painted on the pavement at the new site access. However,
3. Section 1.6 – The forecasted annual growth rate is assumed to be 2%. There is no indication that this is what the Region is forecasting for the roads in the area.
4. The default values for the signal analysis should be shown somewhere in the report. The report should also show the existing signal timings.
5. The computer outputs attached do not show the 95th percentile queues for the Highway 27/Zenway Boulevard intersection. They do show the 50th percentile queues. Typically, the 95th percentile queues are used for future scenario analysis.
6. Sections 2.1, 3.6 & 4.3 should have tables showing the 95th percentile queues. Table 8 should use the total generated trips from Table 7, not just the new trips.

C:\Users\Jeff\Documents\MARK ENGINEERING\PROJECT FILES\2017 Projects\201720\201720 Report.docx

250 Bristol Road, Newmarket, Ontario L3Y 7X7
email: general@markeng.com

Tel: 905-836-4410
Toll Free: 1-877-MARKENG

7. In Section 6, there is no discussion of the possible conflicts between the queues of vehicles turning left onto Highway 27 and those vehicles wanting to turn left into the Zenway Boulevard access. The distance between the eastbound stop bar at Highway 27 and the centreline of the Zenway Boulevard access is about $84\pm$ metres, or about 11 car lengths. The 2023 50th percentile queue in the morning peak hour is calculated at 9.2 vehicles per lane; during the afternoon peak period, the length is 17.9 vehicles. The 95th percentile queues would be substantially longer. The result is that there will likely be vehicles trying to turn left across two queues of vehicles waiting to turn left at Highway 27.

This westbound-to-southbound queue at the Zenway Boulevard access is not calculated. The computer analysis is unclear what the queues at the access might be.

It is this last point that is the major concern. Typically, left turns are not permitted across double left turn lanes. The authorities usually require that there be no left turn access points along a road adjacent to double left turn lanes.

In this case, there is an existing access on the north side of Zenway Boulevard so it would be difficult to convert the accesses on the north and south sides to right-turns only. There is also the existing accesses to 81 Zenway Boulevard on the south side of the road and to 80 Zenway Boulevard/8000 Highway 27 on the north side of the road, both of which are close to the proposed access. There can be a lot of turning movements in a very short distance.

Please call if you wish to discuss this further.

Yours truly



J.M. Mark, P.Eng., FEC
Principal
Mark Engineering

Frank Mazzotta

From: Sam Du <sam@valcoustics.com>
Sent: September 18, 2017 4:05 PM
To: Frank Mazzotta
Subject: Gass Bar Car Wash in vicinity of your office

Frank,

As per our telephone discussions, I have summarized several items below for your consideration.

- 1) For compliance with the MOE noise guideline perspective, office uses are not considered noise sensitive. MOE noise guidelines do not apply to office buildings and thus noise from the proposed gas bar car wash site is not a noise guideline compliance issue in relation to your office.
- 2) However, Section 14 of the Environmental Protection Act (<https://www.ontario.ca/laws/statute/90e19#BK16>) indicates that "shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect". Noise is considered one of the contaminant. You may consider to use this clause to build up your case in this situation if you can demonstrate adverse impact on the office uses.
- 3) Other things aside from the noise, you may consider the planning issue, etc. which may impact your operations and/or the property values. I cannot give you much input on this. You may want to talk to a planner to see if there are any suggestions from them.

If you have any further questions, please let me know.

Regards,
Sam

From: Frank Mazzotta
Sent: September 18, 2017 4:18 PM
To: Frank Mazzotta

Prohibition, discharge of contaminant

14 (1) Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect. 2005, c. 12, s. 1 (5).

Exceptions

(2) Subsection (1) does not apply to,

- (a) a discharge that is authorized under this Act or the *Ontario Water Resources Act*, if the discharge does not cause and is not likely to cause an adverse effect; or
- (b) a discharge of a contaminant that arises when animal wastes are disposed of in accordance with normal farming practices, if the only adverse effect that is caused or that may be caused by the discharge is an adverse effect referred to in clause (a) of the definition of “adverse effect” in subsection 1 (1). 2005, c. 12, s. 1 (5).

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (5) - 01/08/2007

When Ministry to be notified, adverse effect

15 (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment shall forthwith notify the Ministry if the discharge is out of the normal course of events, the discharge causes or is likely to cause an adverse effect and the person is not otherwise required to notify the Ministry under section 92. 2005, c. 12, s. 1 (6).

Same

(1.1) The notice required by subsection (1) shall be given in accordance with any requirements prescribed by the regulations. 2005, c. 12, s. 1 (6).

Exception

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. R.S.O. 1990, c. E.19, s. 15.

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (6) - 13/06/2005

Application of Part not restricted

16 Unless otherwise required by the context, the provisions of this Part also apply to the subject-matter of the individual Parts of this Act. R.S.O. 1990, c. E.19, s. 16.

Remedial orders

17 Where any person causes or permits the discharge of a contaminant into the natural environment, so that land, water, property, animal life, plant life, or human health or safety is injured, damaged or endangered, or is likely to be injured, damaged or endangered, the Director may order the person to,

- (a) repair the injury or damage;
- prevent the injury or damage; or
- (c) where the discharge has damaged or endangered or is likely to damage or endanger existing water supplies, provide temporary or permanent alternate water supplies. R.S.O. 1990, c. E.19, s. 17; 2005, c. 12, s. 1 (7).

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (7) - 13/06/2005

Order by Director re preventive measures

18 (1) The Director, in the circumstances mentioned in subsection (2), by a written order may require a person who owns or owned or who has or had management or control of an undertaking or property to do any one or more of the following:

1. To have available at all times, or during such periods of time as are specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order.
2. To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order.
3. To implement procedures specified in the order.
4. To take all steps necessary so that procedures specified in the order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property.
5. To monitor and record the presence or discharge of a contaminant specified in the order and to report thereon to the Director.
6. To study and to report to the Director on,
 - i. the presence or discharge of a contaminant specified in the order,
 - ii. the effects of the presence or discharge of a contaminant specified in the order,
 - iii. measures to control the presence or discharge of a contaminant specified in the order,
 - iv. the natural environment into which a contaminant specified in the order may be discharged.
7. To develop and implement plans to,
 - i. reduce the amount of a contaminant that is discharged into the natural environment,
 - ii. prevent or reduce the risk of a spill of a pollutant within the meaning of Part X, or
 - iii. prevent, decrease or eliminate any adverse effects that result or may result from a spill of a pollutant within the meaning of Part X or from any other discharge of a contaminant into the natural environment, including,
 - A. plans to notify the Ministry, other public authorities and members of the public who may be affected by a discharge, and
 - B. plans to ensure that appropriate equipment, material and personnel are available to respond to a discharge.
8. To amend a plan developed under paragraph 7 or section 91.1 in the manner specified in the order. R.S.O. 1990, c. E.19, s. 18 (1); 2005, c. 12, s. 1 (8, 9).

Grounds for order

- (2) The Director may make an order under this section if the Director is of the opinion, on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,
- (a) to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or property; or
- (b) to prevent, decrease or eliminate an adverse effect that may result from,
- (i) the discharge of a contaminant from the undertaking, or
- (ii) the presence or discharge of a contaminant in, on or under the property. 2005, c. 12, s. 1 (10).

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (8-10) - 13/06/2005

Instruments under Act, who is bound

Regards,

Frank Mazzotta

Armour Heights Developments Inc.
81 Zenway Blvd., Unit 24
Vaughan, ON, L4H 0S5
Tel: 905-303-7800 #222
Fax: 905-856-7807



Joseph Burnett
Chairman of the Board

September 18, 2017

Mayor and Members
Office of City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

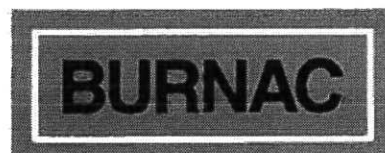
Dear Mayor and Members of Vaughan Council:

Re: Site Development File DA.17.021
Sevenplex Developments Inc.

The undersigned, Joseph Burnett, is the Chairman of the Board of both Burnac Corporation and Burnac Produce Limited, and hereby states as follows:

1. Burnac Corporation is the registered owner of the property located at 80 Zenway Boulevard, Vaughan and Burnac Produce Limited is the exclusive tenant of Burnac Corporation with respect to 80 Zenway Boulevard, Vaughan (collectively, both Burnac Corporation and Burnac Produce Limited shall hereafter be referred to as "**Burnac**").
2. Burnac occupies a substantial facility on the north side of Zenway Boulevard, which represents more than eighty per cent (80%) of the lands on the north side of Zenway Boulevard, between Vaughan Valley Boulevard and Hwy. 27. This facility is engaged in the fresh food business, servicing all parts of Canada from Coast to Coast.
3. The Burnac facility has assigned to it 64 vehicles representing large tractor trailer vans and 20 straight-job trucks and Burnac originally bought the lands and developed the building thereon with a state-of-the-art facility for the storage and distribution of perishable food products and ranks as the largest such facility and private distribution centre in Canada.
4. Burnac's original purpose of locating in Vaughan, and more particularly at this location, was to facilitate and ease the movement of the vast number of vehicles moving in all directions from this facility.

...2



Mayor and Members – Office of City Clerk
September 18, 2017
Page 2

5. At present, Zenway Boulevard between Vaughan Valley Boulevard and Hwy. 27 has become an extremely congested part of the area and, therefore, in order to grant these variances that are being sought, which will add substantial traffic and lack of movement of vehicles along Zenway through to Hwy. 27, are strongly objected to. The variances that I refer to are those variances being sought by development application DA.17.021 filed by Sevenplex Developments Inc.
6. At present, the OPA and zoning allows ancillary and related uses, such as a convenience store, drive thru eating establishment and car wash. All of these combined on this site is too congested to allow for compliance to the existing zoning provisions.
7. These are not, and I repeat, are not minor variances and the proposed site plan seeks to obtain relief from the zoning by-law of eight (8) uses which, combined, are not minor whatsoever.
8. At the risk of being repetitious, this is not in compliance with the zoning of the said site and is not a minor variance. The attempt to simply remedy this through consent by the Vaughan Committee of Adjustments, we respectfully submit is not valid.
9. Burnac totally supports the proposal put forth by Frank Mazzotta (YRCC 1161) and, more particularly, that access into and out of the site would create an intolerable congestion onto Zenway Boulevard and Hwy. 27.
10. This objection is part of the submission and objection to be put forth by Frank Mazzotta and on behalf of York Condominium Corporation (YRCC 1161).

Yours truly,

BURNAC CORPORATION

Joseph Burnett
Chairman

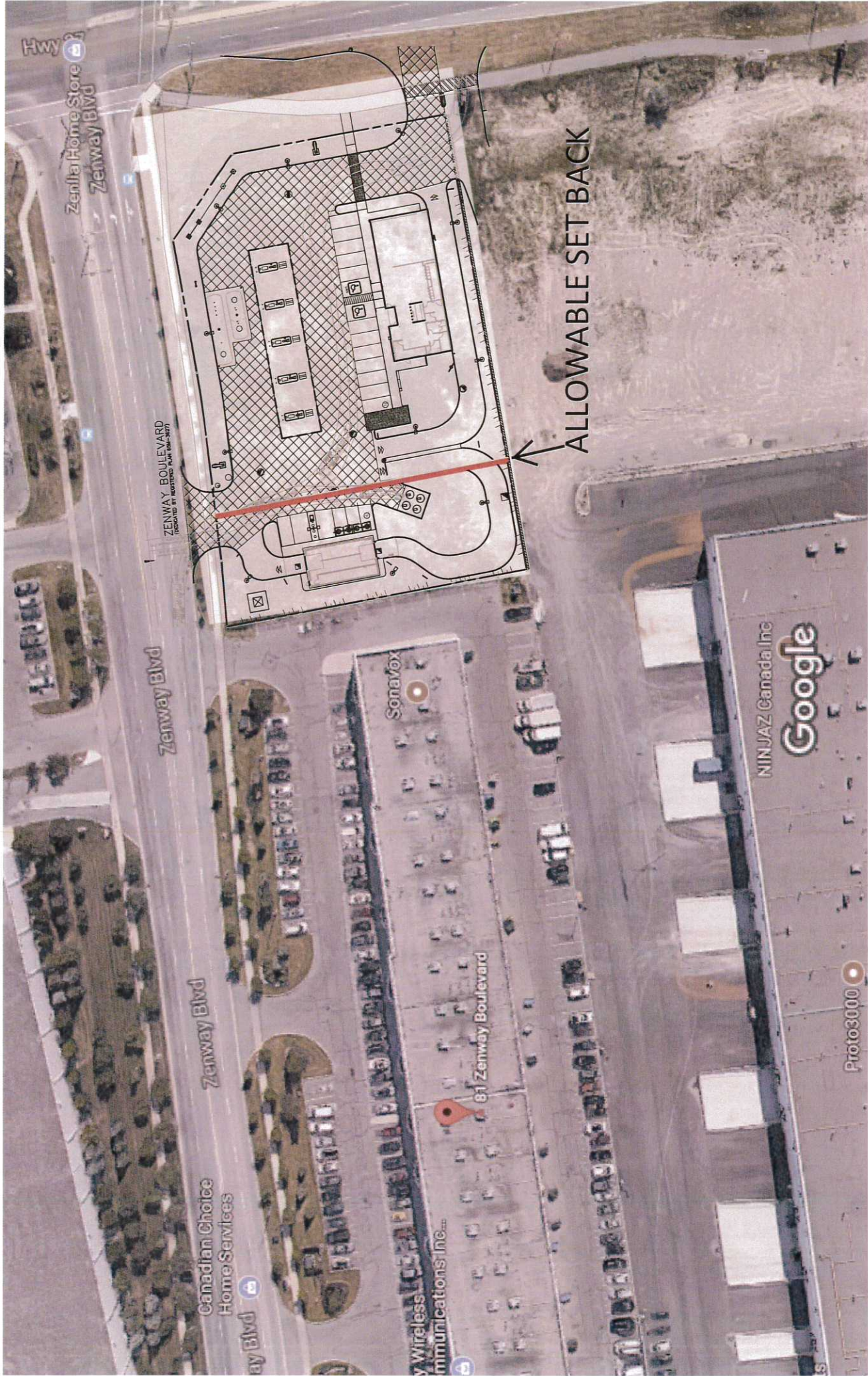




Image capture: Nov 2016 © 2017 Google Canada

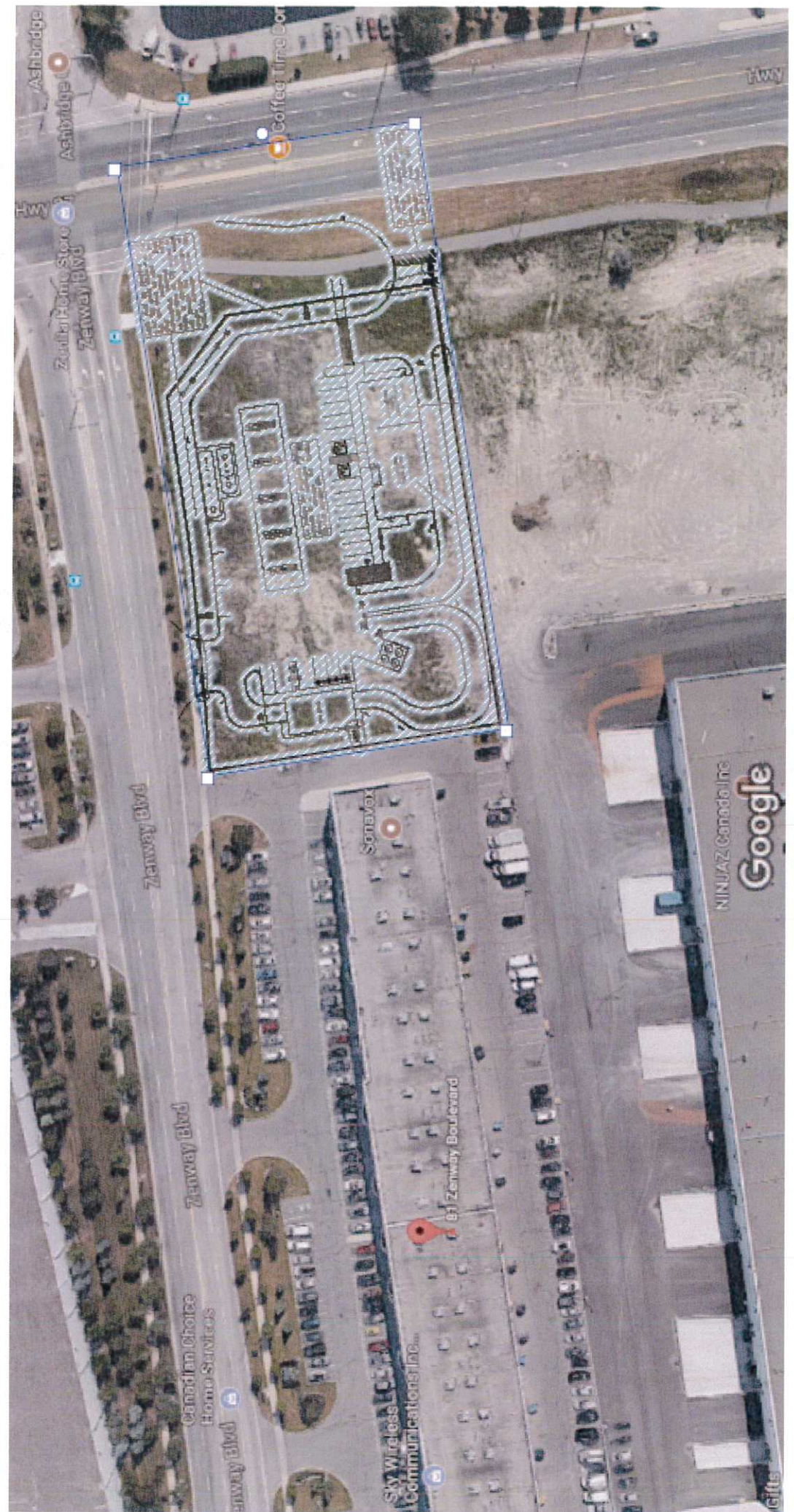
Vaughan, Ontario



Google, Inc.

Street View - Nov 2016





COMMITTEE OF THE WHOLE SEPTEMBER 19, 2017

SITE DEVELOPMENT FILE DA.17.021

SEVENPLEX DEVELOPMENTS INC.

WARD 2 - VICINITY OF REGIONAL ROAD 27 AND ZENWAY BOULEVARD

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:
 - 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 an 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.

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.

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	<p>Car Wash @ 1 parking space per vacuum island and 10 car storage spaces = 2 spaces</p> <p>120.7 m² Eating Establishment, Convenience Drive Through @ 16 parking spaces per 100 m² = 20 spaces</p> <p>221.55 m² Retail Store @ 6 parking spaces per 100 m² = 14 spaces</p> <p>Total: 36 parking spaces</p>	23 parking spaces

	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 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 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) 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.

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:

Natalie Wong, Planner, ext. 8866
Clement Messere, Senior Planner ext. 8409

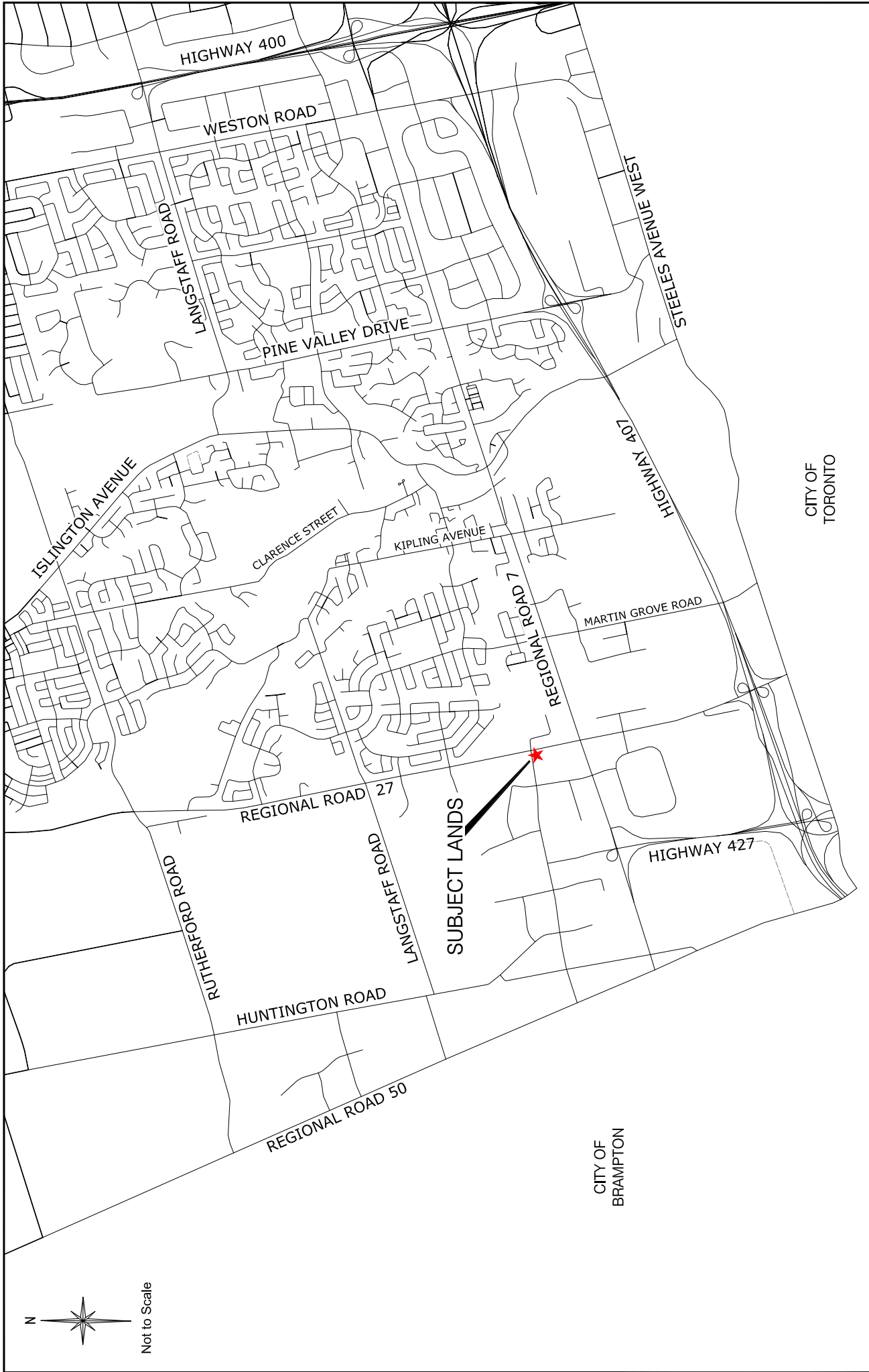
Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

MAURO PEVERINI
Director of Development Planning

BILL KIRU
Senior Manager of Development Planning

/LG



Not to Scale

Context Location Map

Location: Part of Lots 6 & 7,
Concession 9

Applicant:
Sevenplex Developments Inc.

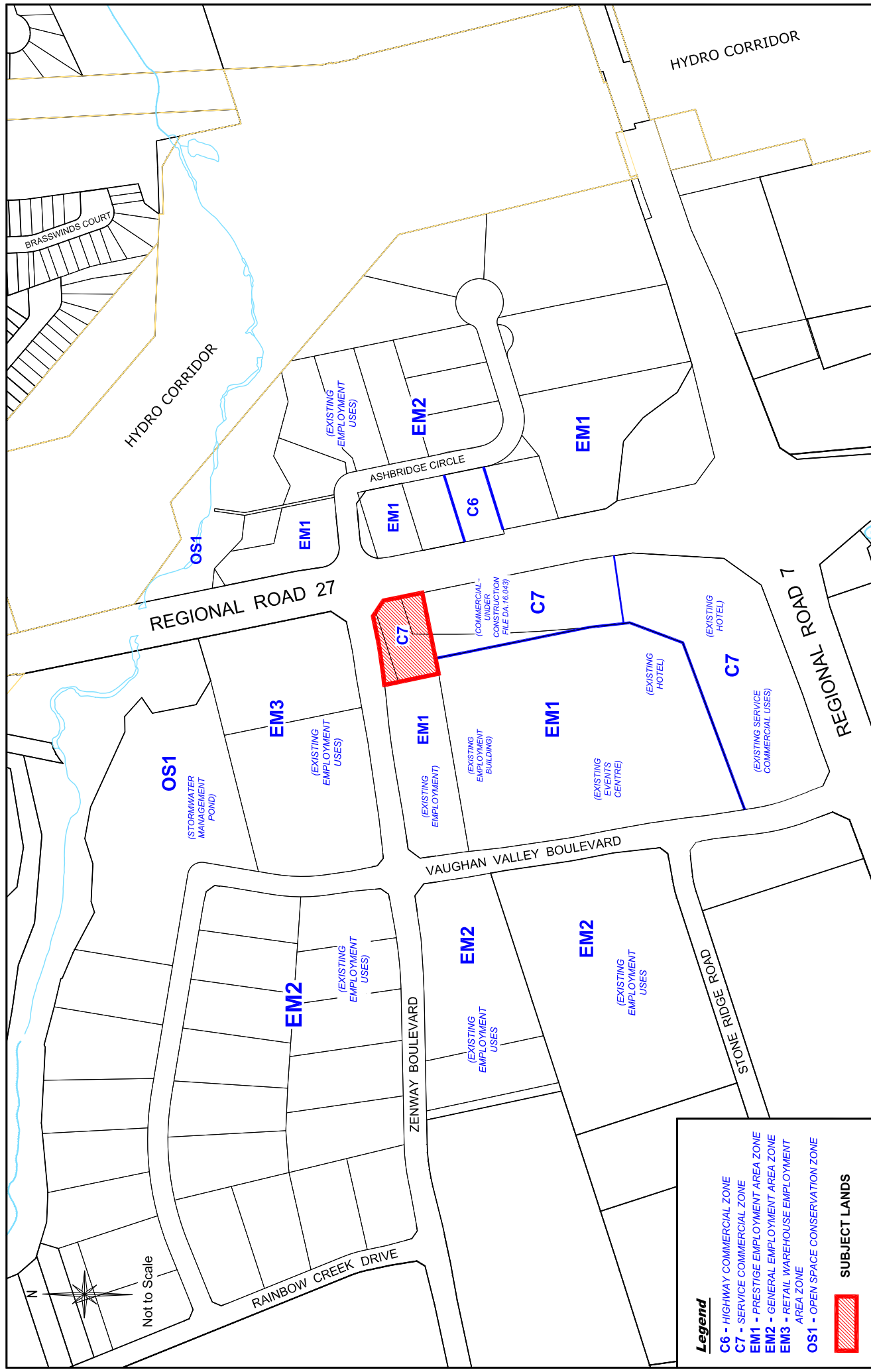
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Attachment

File:
DA.17.021

Date:
September 19, 2017



Legend

- C6 - HIGHWAY COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- EM3 - RETAIL WAREHOUSE EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- SUBJECT LANDS

Location Map

Location: Part of Lots 6 & 7,
Concession 9

Applicant:
Sevenplex Developments Inc.

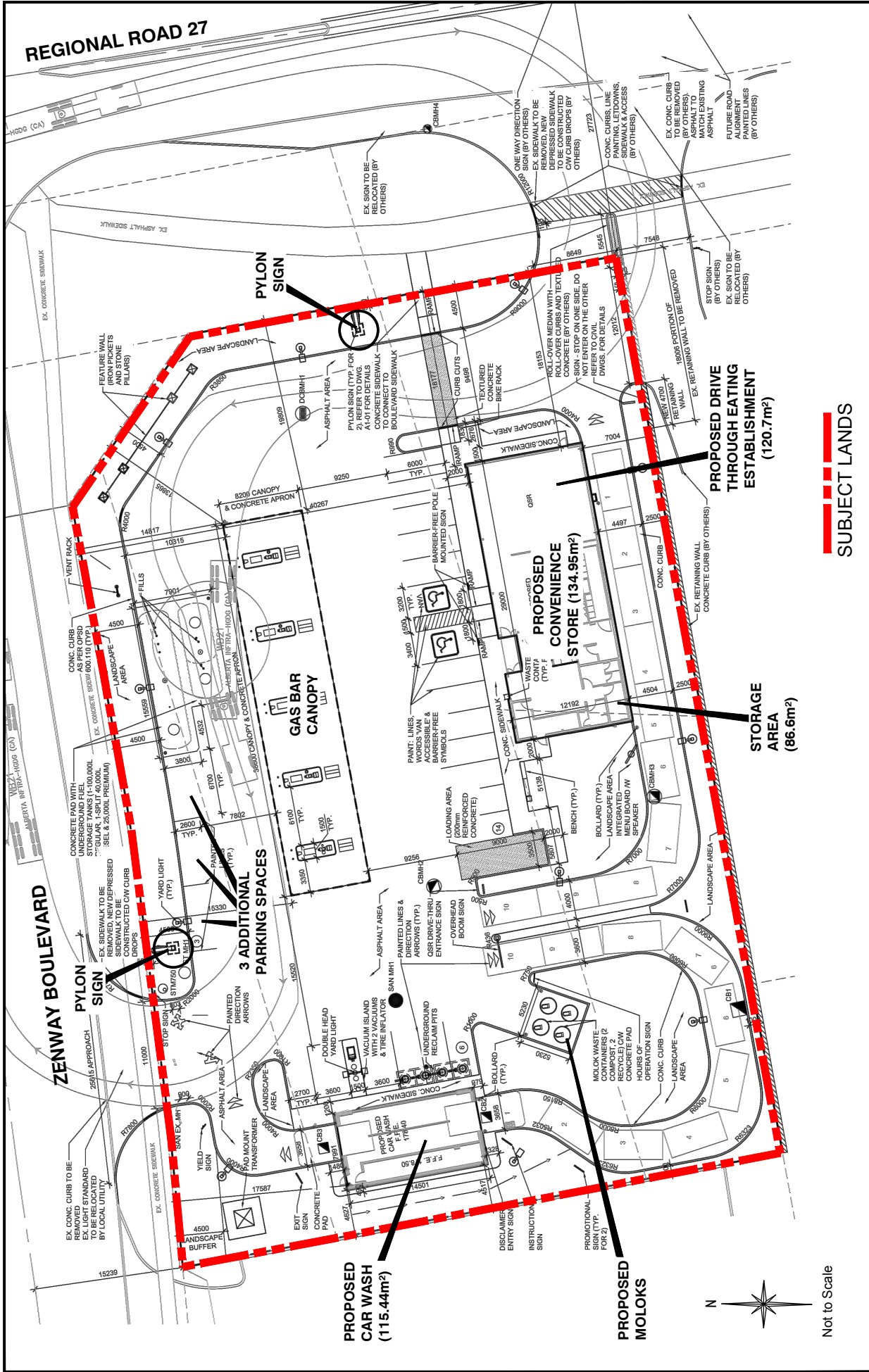
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Attachment

File: DA.17.021
Date: September 19, 2017

2



Proposed Site Plan

Location: Part of Lots 6 & 7,
Concession 9

Applicant:
Sevenplex Developments Inc.

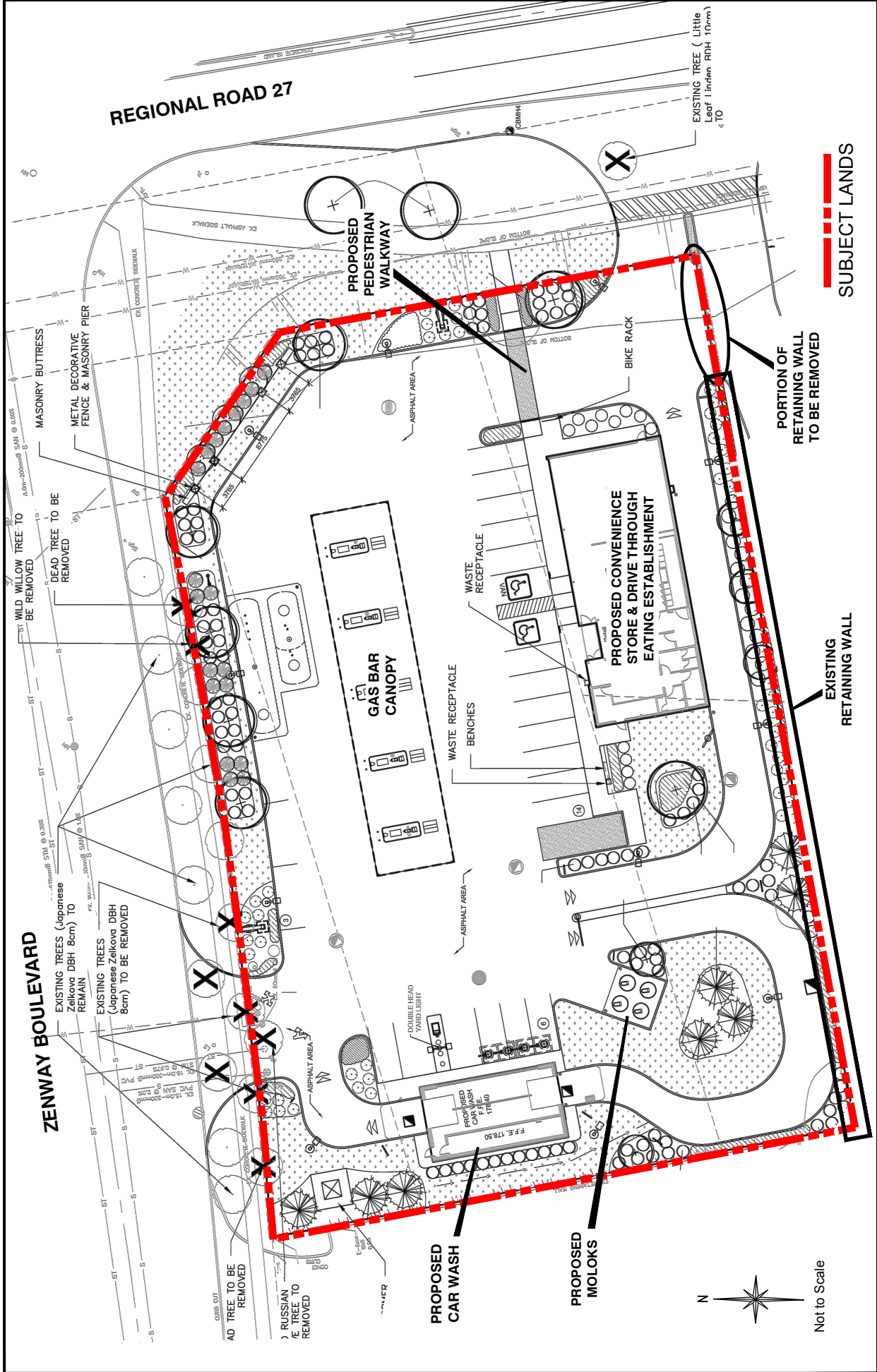


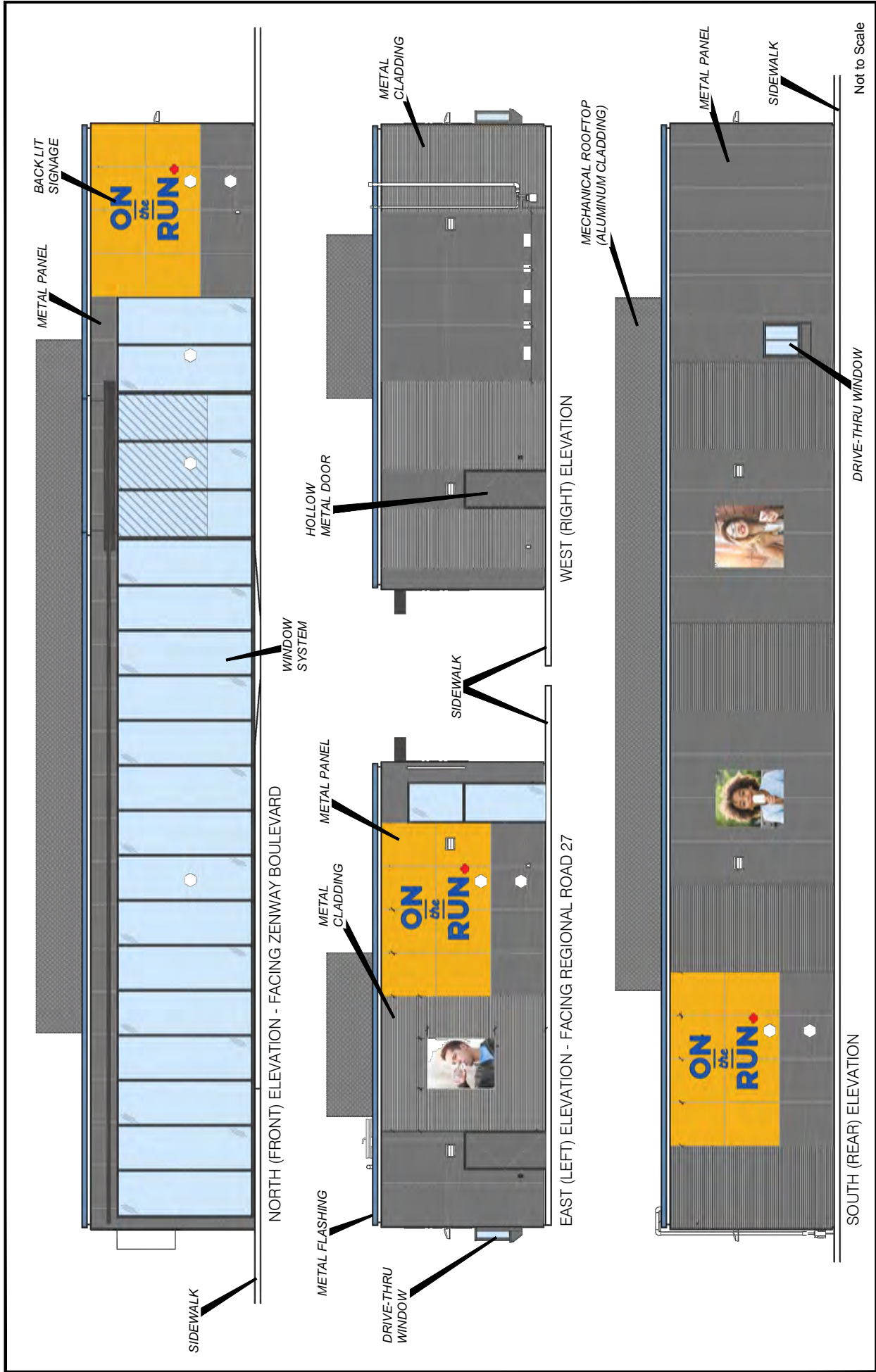
Attachment

File:
DA.17.021

Date:
September 19, 2017

3





Proposed Convenience Retail Store Elevations

Applicant:
Sevenplex Developments Inc. Concession 9

Location: Part of Lots 6 & 7,

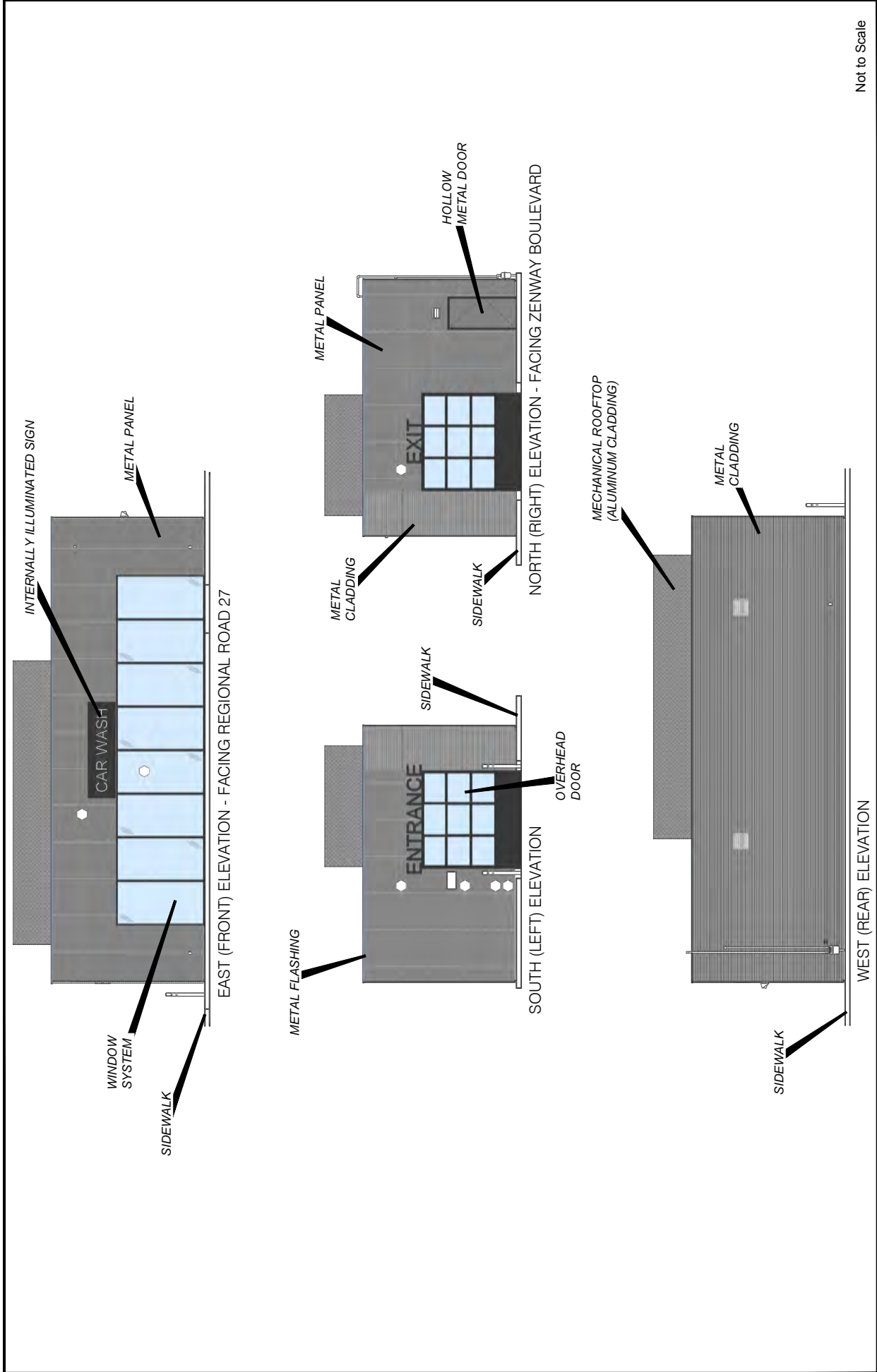


Attachment

File:
DA.17.021

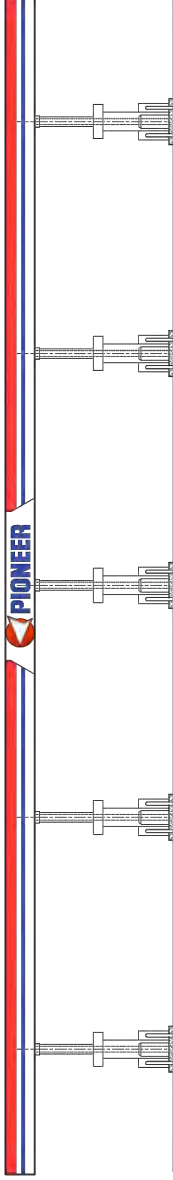
Date:
September 19, 2017

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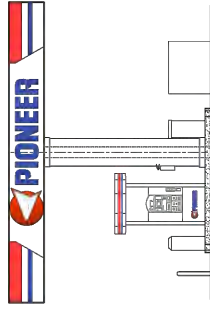


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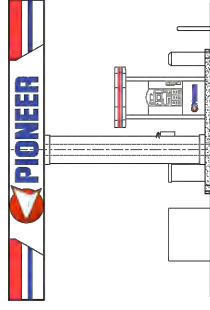




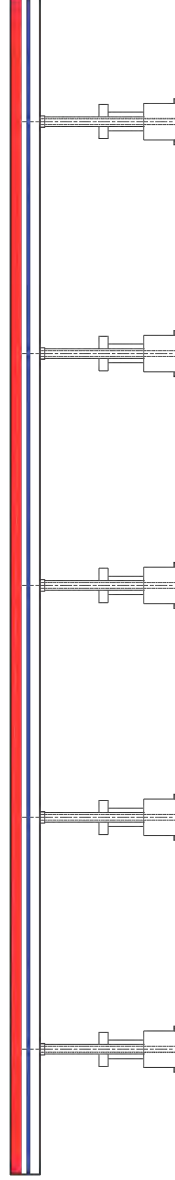
NORTH (FRONT) ELEVATION - FACING ZENWAY BOULEVARD



WEST (LEFT) ELEVATION

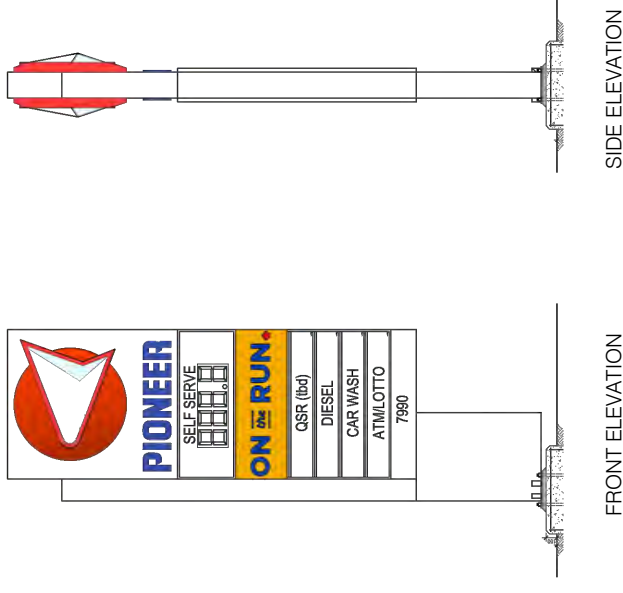


EAST (RIGHT) ELEVATION -
FACING REGIONAL ROAD 27



SOUTH (REAR) ELEVATION

CANOPY ELEVATIONS



PYLON SIGN ELEVATIONS

Not to Scale

Proposed Canopy & Pylon Sign Elevations

Applicant: **Sevenplex Developments Inc.**
Location: Part of Lots 6 & 7,
Concession 9

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Attachment

File: **DA.17.021**
Date: **September 19, 2017**

