

COMMITTEE OF THE WHOLE - APRIL 10, 2001

OFFICIAL PLAN AMENDMENT APPLICATION ZONING BY-LAW AMENDMENT APPLICATION REPORT #P.2000.15 LANGSTAFF CONTWO INVESTMENTS LTD. FILES: OP.99.038 & Z.00.087

Recommendation

The Commissioner of Planning & Urban Design recommends:

THAT Official Plan Amendment Application OP.99.038 (Langstaff Contwo Investments Ltd.) BE APPROVED to permit a service station/gas bar with drive-through, mechanical car wash, and eating establishment uses (including convenience and take-out), subject to the "Service Station and Gas Bar" and "Local Convenience Commercial" policies in OPA #600.

THAT Zoning By-law Amendment Application Z.00.087 (Langstaff Contwo Investments Ltd.) BE APPROVED to permit the following additional uses in the C3 Zone on the subject lands: a service station/gas bar with drive-through, mechanical car wash, and eating establishment (including convenience and take-out) to a maximum 20% of the total gross floor area of the development, and to limit the maximum gross floor area to 1,200m².

Background

In November 1999, Official Plan and Zoning By-law Amendment applications were filed on behalf of four Block 10 landowners (Heatherwood Properties Inc. (East), Dufferin Contwo Investments Ltd., Langstaff Contwo Investments Ltd., Armeria Investments Ltd.) to permit a service station on each of their respective sites. At the same time, an application was made by a fifth Block 10 landowner for a car wash in conjunction with a service station already permitted on the C4 Neighbourhood Commercial site. (482697 Ontario Limited and Langstaff Woods Development Corporation).

As a result of discussions among the Block 10 developers group, the applications were subsequently amended to delete the proposed service station use on two sites (Armeria and Dufferin Contwo). Also, eating establishments were added as proposed uses on all sites, except for Langstaff Woods where it is already permitted.

Location

- Northeast corner of Regional Road #7 and planned Street "B" in the Block 10 Plan
- Block 17 on Draft Approved Plan of Subdivision 19T-98V05
- Lot 10, Concession 2, City of Vaughan

Proposal

On November 22, 1999, the Owner submitted applications to amend the Official Plan and Zoning By-law to add to the permitted uses, a service station/gas bar and mechanical car wash on a 0.51 ha Local Commercial site.

On October 5, 2000, the Owner revised the applications to also permit a drive-through associated with a permitted convenience store, ATM banking, and eating establishment uses (including convenience, and take-out), restricted to a maximum of 30% of the total gross floor area of the development.

Land Use Status

- Designation - "Medium Density Residential/Commercial" by OPA #600
- Block 10 Plan - "Convenience Commercial", and subject to the "Local Convenience Commercial" policies in OPA #600
- Zoning - C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1063)

Site Description

- rectangular-shaped, vacant, 0.51 ha site
- 60m frontage on Regional Road #7 and 85m flankage on planned Street "B"
- the surrounding land uses are:
 - North - planned stormwater management pond (OS1 Open Space Conservation Zone)
 - South - Regional Road #7 and Highway #407
 - East - planned stormwater management pond (OS1 Open Space Conservation Zone)
 - West - planned Street "B" and residential (RVM1(A) Zone)

Public Hearing

On January 14, 2000, a notice of public hearing was circulated to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on February 7, 2000, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on February 14, 2000.

Official Plan

a) Region of York

The subject lands are identified as "Urban Area" on Map 5 – Regional Structure in the Region of York Official Plan. This designation provides for the development of communities, which includes for a range of residential, commercial, employment and recreational uses.

The Owner submitted a request for exemption for Regional approval for the amendment to the Official Plan for the previous gas bar request. In a letter dated January 28, 2000, the Region denied the request, given the number of gas bar/service stations proposed in Block 10. Upon the Block 10 developers group reducing the number of gas bar/service station sites proposed for Block 10, in-lieu of the additional eating establishment uses proposed, the Region of York exempted the application from Regional approval on March 7, 2001, stating that the proposal is of local significance.

b) OPA #600

The subject site is designated "Medium Density Residential/Commercial" by OPA #600. The subject lands are further defined as "Convenience Commercial" on the Council-approved Block 10 Plan of August 1999, and are therefore subject to "Local Convenience Commercial" policies in OPA #600.

Local convenience commercial sites are permitted on arterial and primary streets, and preferably at corner locations, and are limited to 1,200m² gross floor area. The policies require the design, appearance and scale of local convenience commercial sites to be in harmony with the character of the surrounding residential uses.

Local convenience commercial sites provide convenience level shopping and personal services and include retail stores, personal service shops, offices and similar uses. Eating establishments, service stations, gas bars and mechanical car washes are not permitted, and therefore an amendment to the Official Plan is required.

OPA #600 sets out polices and criteria for evaluating development applications for automobile gas bar and service stations, including:

- convenience retail uses may be permitted on the same site as an automobile gas bar, provided that such uses can be sensitively designed and integrated on the site, and in particular, be compatible with surrounding development;
- a noise study may be required for car washes on sites abutting residential areas;
- outside storage shall be limited in the implementing zoning by-law;
- lots intended to accommodate an automobile gas bar, service station and other related uses shall be of appropriate shape as well as size. On site landscaping suitable to mitigate undue impact upon adjacent lands, particularly residential neighbourhoods shall be provided;
- gas bar and service station sites shall be developed pursuant to an approved site plan which demonstrates proper site access, internal traffic circulation, adequate parking, substantial landscaped areas and appropriate urban design characteristics that will ensure compatibility with adjacent lands;
- the design, appearance and scale of gas bar and service station sites shall be consistent with the existing and intended character of the surrounding community, with utmost consideration given to the aesthetic design; and,
- gas bar/service station uses shall be encouraged to be designed and incorporated as part of larger building developments that can minimize possible negative visual impacts to surrounding lands (types of materials, colours, lighting and signage shall relate to the main buildings).

Zoning

The subject lands are zoned C3 Local Commercial Zone by By-law, subject Exception 9(1063) which permits a bank or financial institution (including ATM banking), business or professional office, personal service shop, photography studio, retail store and video store, but not the proposed gas bar/service station, mechanical car wash, drive-through associated with a permitted convenience store and the full range of eating establishments, including take-out and convenience. Therefore, an amendment to the Zoning By-law is required.

OPA #600 limits "Local Convenience Commercial" developments to a maximum gross floor area of 1,200m², whereas By-law 1-88, as amended by By-law 390-99 approved by the OMB for Block 10, permits a maximum of 1,860m² in the C3 Zone. To bring the by-law into conformity with the Official Plan, it will be necessary to provide a zoning exception to restrict the gross floor area to 1,200m² on the subject lands.

Land Use

a) Eating Establishment

Staff is satisfied that the proposed range of eating establishments (including take-out and convenience) can be accommodated on the site and can be compatible with the proposed surrounding residential neighbourhood. The proposed uses are considered to provide a local convenience service to the residents in the immediate area. However, it is not desirable that eating establishments become a dominant use on the site, when the provision of convenience commercial services to the local neighbourhood is the primary purpose of the site.

The application for a maximum of 30% of the site to be eating establishments seems excessive, and could result in parking deficiencies, in light of the higher demands on parking is associated with this type of use. Also, given that convenience community sites are often adjacent to the residential development they serve, any issues concerning land use compatibility need to be minimized. Therefore, a restriction on eating establishment to 20%, rather than the proposed 30%, of the total gross floor area, would be reasonable and consistent with the approach taken on other sites in the City.

b) Service Station/Gas Bar with Drive-through and Car Wash

Upon review of the Block 10 Plan and the surrounding area, there are few locations where these uses exist, or are permitted by zoning. Within OPA #600, these uses are permitted in "Neighbourhood Commercial" designations, subject to a site-specific amendment to the C4 Neighbourhood Commercial Zone in By-law 1-88.

There are two sites in Block 10 that are designated "Neighbourhood Commercial". The first is at the southwest corner of Bathurst Street and Rutherford Road, where a site plan application has been submitted for a supermarket, multi-unit office/commercial, bank and eating establishment buildings (Shiplake Investment (Rutherford Ltd.)), but not a gas bar/service station use. The second is at the southeast corner of Dufferin Street and Confederation Parkway, which is the subject of an application to amend the Official Plan and Zoning By-law to permit the additional uses of a mechanical car wash and eating establishments (482697 Ontario Limited & Langstaff Woods Development Corporation - Files OP.99.040 & Z.00.089).

Applications similar to the subject applications have been submitted on the Langstaff Contwo site at the northeast corner of Rutherford Road and Street "B". At this time, there is only one site that would permit a gas bar/service station, and no sites that would permit a car wash, within Block 10.

Within close proximity to the Block 10 community, a gas bar is located at the northeast corner of Bathurst Street and Rutherford Road in Richmond Hill. To the south, at the northwest corner of Regional Road #7 and Langstaff Road, the C4 Zone permits a gas bar and service station, but not a car wash. There are no service station sites in either Block 17 or the Fernstaff Business Park, northwest of Dufferin and Langstaff.

In consideration of the planned populations in Block 10 (16,670) and in Block 17 (7,267), and the few existing or planned service station sites in the vicinity, there appears to be a need to provide additional sites to serve the community. Staff can also support a drive-through that is specifically associated with the gas bar kiosk/convenience store, which is common with the new format gas bar developments. A drive-through will not be permitted in association with an eating establishment or bank within a multi-unit commercial building or a freestanding building, should the site not develop as a gas bar/service station. The proposed ATM banking use could be accessory to a convenience store or bank, permitted in the C3 Zone.

Conclusion

Staff have reviewed the proposed applications to amend the Official Plan and Zoning By-law in accordance with the policies in OPA #600 and the requirements of By-law 1-88. Staff can support the proposed uses of a service station/gas bar with drive-through and mechanical car wash on the subject lands, provided these uses are developed in accordance with the site design and land use policies contained in OPA #600.

The site layout and building design, landscaping, fencing and parking will be reviewed at the site plan stage. The site plan will further ensure that the development of the site remains in character with the intent of the local convenience commercial policies in the Official Plan. A noise report will be required with all car wash proposals, which must satisfactorily demonstrate that noise can be mitigated.

Staff can also support the eating establishment uses (including take-out and convenience). To properly integrate the eating establishment uses, their gross floor area should be restricted to a maximum of 20% of the total gross floor area of the development. The zoning by-law will also include an exception to limit the total development on the site to 1,200m², consistent with the policies in OPA #600.

Therefore, Staff recommend approval of the applications to amend the Official Plan and Zoning By-law, subject to conditions, as noted in this report. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map

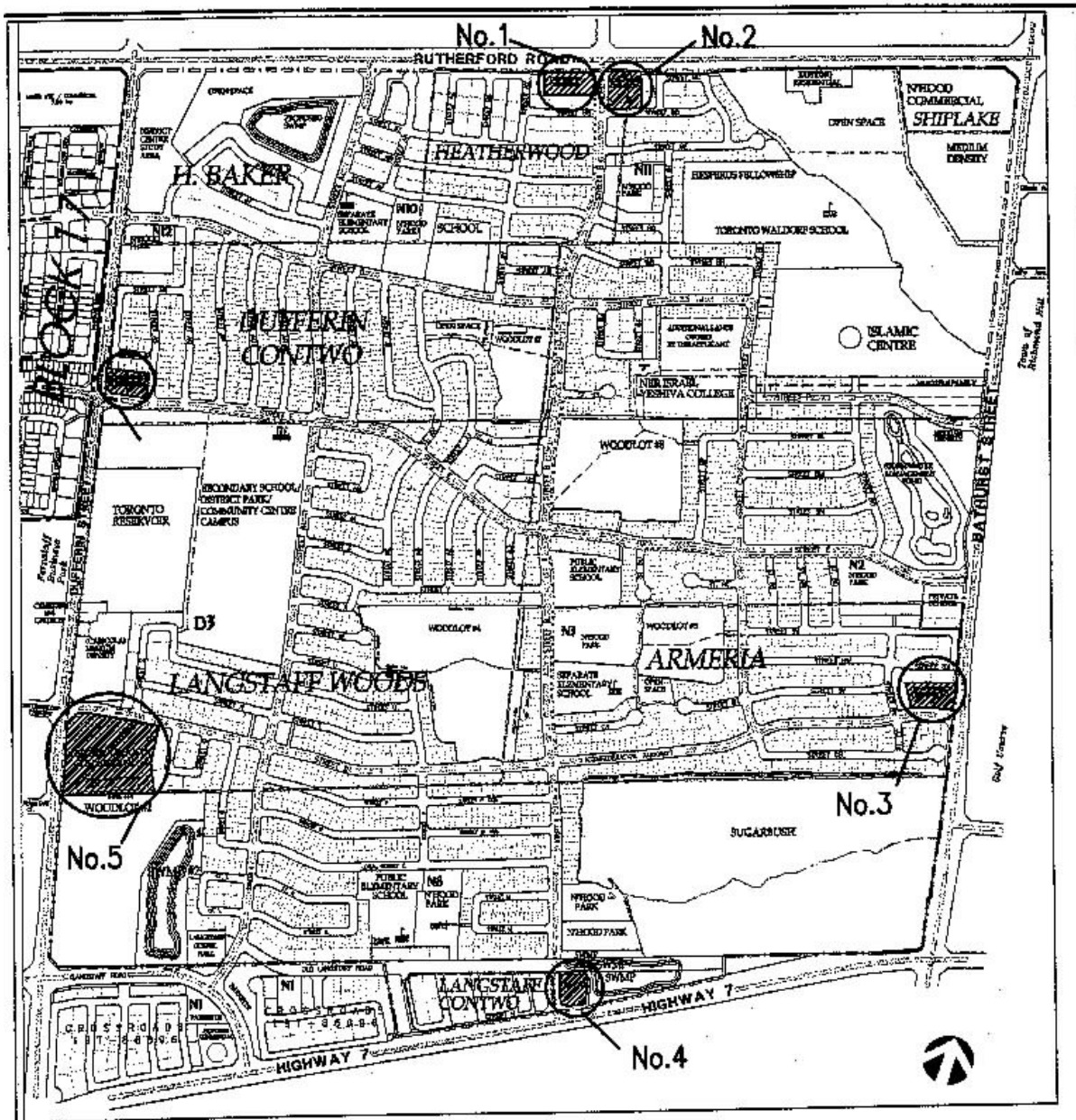
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning & Urban Design

JOANNE R. ARBOUR
Director of Community Planning

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/CM



No.1..HEATHERWOOD PROPERTIES INC.
OP.99.037 & Z.00.088

No.2..HEATHERWOOD PROPERTIES INC.
OP.99.037 & Z.99.086

No.3..ARMERIA INVESTMENTS Ltd.
OP.99.036 & Z.99.085

SUBJECT LANDS — No.4..LANGSTAFF CONTWO INVESTMENTS Ltd
OP.99.038 & Z.99.087

No.5..LANGSTAFF WOODS DEV. CORP.
& 482697 ONTARIO Ltd.
OP.99.040 & Z.99.089

No.6..DUFFERIN CONTWO INVESTMENTS Ltd.
OP.99.039 & Z.99.088

ATTACHMENT '1'
LOCATION MAP

LOCATION
PART LOT 15, CONC. 2
BLOCK # 10

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE: 01/02/27
SCALE: NOT TO SCALE