

COMMITTEE OF THE WHOLE - APRIL 10, 2001

OFFICIAL PLAN AMENDMENT APPLICATION ZONING BY-LAW AMENDMENT APPLICATION REPORT #P.2000.17 HEATHERWOOD PROPERTIES INC. (EAST) FILES: OP.99.037 & Z.99.086

Recommendation

The Commissioner of Planning & Urban Design recommends:

THAT Official Plan Amendment Application OP.99.037 (Heatherwood Properties Inc.) 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.99.086 (Heatherwood Properties Inc.) BE APPROVED, as follows:

- i) to rezone the easterly Block 92 on Draft Plan of Subdivision 19T-00V16 to C3 Local Commercial Zone;
- ii) to permit the following additional uses in the C3 Zone on the subject lands: service station/gas bar with drive-through, mechanical car wash, and eating establishment (including convenience and take-out), to a maximum of 20% of the total gross floor area of the development; and
- iii) to limit the maximum gross floor area to 1,200m² in the C3 Zone.

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

- Southeast corner of Rutherford Road and planned Street "B" in Block 10 Plan
- Block 165 on Draft Approved Plan of Subdivision 19T-89118, and Block 92 on Draft Plan of Subdivision 19T-00V16
- Lot 15, 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 use on a 0.6 ha local convenience commercial site. The east portion (0.2 ha) of the site is to be rezoned to C3 Local Commercial Zone, to correspond to the C3 zoning on the west portion (0.4ha) of the site.

On October 5, 2000, the Owner revised their 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 (west portion), subject to Exception 9(1063); and, A Agricultural Zone (east portion), by By-law 1-88

Site Description

- a rectangular-shaped, 0.65 ha vacant site
- 62 m frontage on Rutherford Road and 90 m flankage on planned Street "B"
- the surrounding land uses are:

North - Rutherford Road; agricultural (A Agricultural Zone)

South - planned residential (RVM1(A) Zone), agricultural (A Agricultural Zone)

East - agricultural (A Agricultural Zone)

West - planned Street "B", convenience commercial (C3 Local Commercial Zone) 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, which permits 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" within the Block 10 Plan, 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 policies 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 westerly block (Block 165 on Draft Approved Subdivision 19T-89118) is zoned C3 Local Commercial Zone by By-law 1-88, subject to 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. The easterly lands are zoned A Agricultural Zone by By-law 1-88, and are subject to Draft Plan of Subdivision Application 19T-00V16, which has not yet been considered by Council. These lands are proposed to be rezoned to C3 Zone to correspond to the same zoning and exceptions as the westerly block. 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 Applicant's request for a maximum of 30% of the site to be eating establishments is considered to be excessive, and could result in parking problems, in light of the higher demands on parking that is associated with this type of use. Given that convenience sites are often adjacent to the residential development they serve, any issues concerning land use compatibility need to be minimized. A noise report will be required with all car wash proposals, which must satisfactorily demonstrate that noise can be mitigated.

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 currently exist or are designated or zoned within Official Plans and Zoning By-laws. 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 for a supermarket, multi-unit office/commercial, bank and eating establishment buildings (Shiplake Investments (Rutherford) Ltd.) but not a gas bar/service station use. The second site is at the southeast corner of Dufferin Street and Confederation Parkway, which is the subject of amendments to 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 proposal have been submitted at the northeast corner of Regional Road #7 and Street "B". At this time, there is only one site that would permit the development of 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 gas/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 and planned gas bar/service station and car wash 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 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 compatibility 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. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map

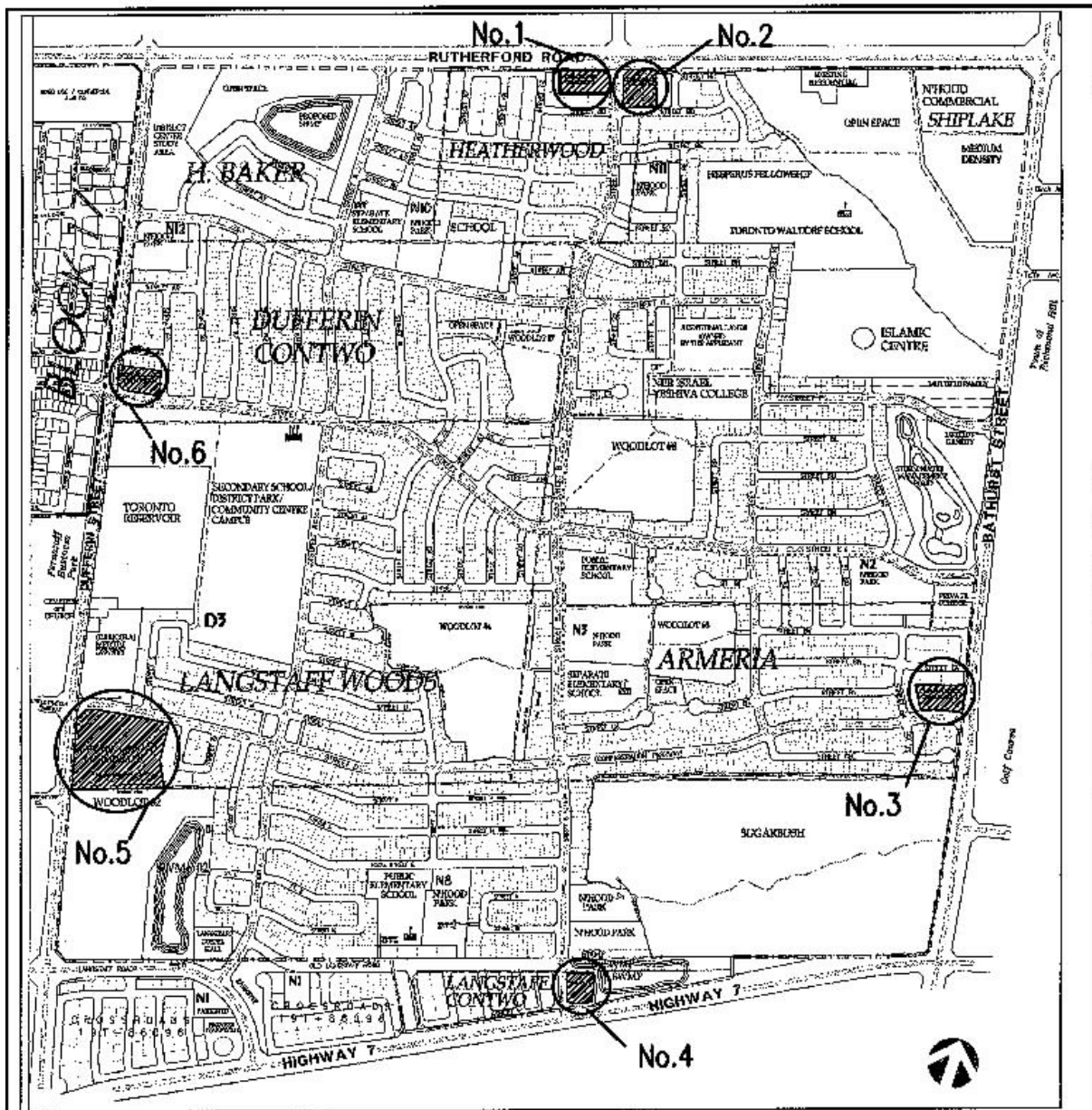
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning & Urban Design

JOANNE R. ARBOUR
Director of Community Planning

Report prepared by: Mark H. Kluge, Planner, ext. 8216
Grant A. Uyeyama, Senior Planner, ext. 8635
Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

/CM



- | | | |
|---------------|---|---|
| SUBJECT LANDS | No.1..HEATHERWOOD PROPERTIES INC.
OP.99.037 & Z.00.068 | No.4..LANGSTAFF CONTWO INVESTMENTS Ltd
OP.99.038 & Z.99.087 |
| | No.2..HEATHERWOOD PROPERTIES INC.
OP.99.037 & Z.99.086 | No.5..LANGSTAFF WOODS DEV. CORP.
& 482697 ONTARIO Ltd.
OP.99.040 & Z.99.089 |
| | No.3..ARMERIA INVESTMENTS Ltd.
OP.99.036 & Z.99.085 | No.8..DUFFERIN CONTWO INVESTMENTS Ltd.
OP.99.039 & Z.99.088 |

