

COMMITTEE OF THE WHOLE SEPTEMBER 4, 2001

**SITE DEVELOPMENT APPLICATION
CANADIAN PACIFIC RAILWAY CO. (PETRO-CANADA)
FILE: DA.00.044**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board BE ADVISED that Council endorses the attached draft zoning by-law amendment (Attachment #5), and also the Site Development Application DA.00.044 (Canadian Pacific Railway Co.) and requests application of the following conditions, if approved:
 - a) that prior to the execution of a site plan agreement:
 - i) the final site plan and elevations shall be approved by the Community Planning Department;
 - ii) the final landscape plan, including a berm and additional coniferous planting in the landscape strip adjacent to the truck parking area, shall be approved by the Community Planning and Urban Design Departments;
 - iii) the final site servicing and grading plans, stormwater management report and on-site vehicular circulation shall be approved by the Engineering Department and the Region of York Transportation and Works Department;
 - iv) site access shall be approved by the Region of York Transportation and Works Department and the Region of Peel; and,
 - v) all requirements of Hydro Vaughan Distribution Inc. shall be satisfied.
 - b) That the site plan agreement contain the following provisions:
 - i) the Owner shall dedicate any required road widenings, daylight triangles and 0.3 m reserves, free of all costs and encumbrances, to the appropriate agency or authority, as required; and,
 - ii) the Owner shall pay to the City 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 the Planning Act, prior to the issuance of a building permit. The Owner shall submit an appraisal prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
2. THAT Legal Counsel, Staff and resources as deemed necessary attend at the Ontario Municipal Board hearing in support of the site plan (Attachment #2).
3. THAT Legal Counsel BE AUTHORIZED to consent to changes to the site plan as a result of any settlement negotiations with the appellant and parties, provided that such changes are minor and remain consistent with the intent of the site plan shown on Attachment #2.

Purpose

On May 4, 2000, the Owner submitted a Site Plan application to permit a Petro Canada Petro Pass & Retail Gas Fueling facility for trucks and cars, a convenience retail store and a rest area for truck drivers.

Background - Analysis and Options

The site is located on the southeast corner of Highway #50 and Rutherford Road, being Parts 2, 3 and 4, Reference Plan 65R-15046, in Part of Lot 16, Concession 10, City of Vaughan and comprising part of the former road allowance between Lots 15 and 16. The 3.57 ha site is irregular-shaped and vacant. The surrounding land uses are:

- North - Rutherford Road; warehouse distribution (EM1 Prestige Employment Area Zone)
- South - Huntington Golf Club (OS2 Open Space Park Zone)
- East - Rutherford Road; CP Intermodal Terminal (EM1 Zone)
- West - Highway No. 50; City of Brampton

The corresponding Official Plan and Zoning By-law Amendment applications (OP.00.011 and Z.00.045) were approved by Council on October 10, 2000, to redesignate and rezone the site to "Prestige Area" and C7 Service Commercial Zone, respectively, and to permit the following uses on the subject lands:

- Automobile Gas Bar for Trucks and Cars;
- Eating Establishment, Convenience with Drive-through
- Rest area for truck drivers
- One Convenience Retail Store

OPA #548 was adopted by Council on March 19, 2001. The amendment was appealed to the Ontario Municipal Board (OMB) by Petro Canada (the agent) on the basis of the City not making a decision within the 90 day timeframe prescribed by the "Planning Act". The related zoning and site plan applications have also been appealed to the OMB, to consolidate the approvals. On May 30, 2001, the Region of York resolved to support the approval of OPA #548, and authorized Regional Staff to appear at the OMB hearing in support of the Regional position.

On June 25, 2001, Vaughan Council adopted the following recommendation:

"That Staff attend the Ontario Municipal Board Hearing in support of Official Plan Amendment No. 548 and the zoning by-law amendment, subject to final approval of the site plan application and to request that the Board withhold its final order on the zoning by-law amendment until the City is satisfied with the site plan."

The OMB Hearing is scheduled for October 22, 2001.

Official Plan

On March 27, 2001, Council adopted OPA #548, which redesignated the subject lands to "Prestige Area". This designation provides opportunities for employment uses, with a wide range of industrial, office, business and civic uses, with no outside storage. The lands would also be subject to the "Service Node" policies in OPA #450. Service Nodes are permitted at the intersections of roads, and provide for the day-to-day convenience and service needs of business, industries and their employees. OPA #548 recognizes the 3.57 ha site as a Service Node.

Regional OPA (ROPA)

The site is located within the boundaries of Amendment No. 19 to the York Region Official Plan (ROPA 19) which expands the Urban Area boundary from its current location at Langstaff Road to Nashville Road. ROPA 19 provides for approximately 1000 ha of land to be developed for employment purposes. ROPA 19 has been appealed to the OMB by the Region of Peel, Town of Caledon, and the City of Brampton.

Petro-Canada submitted a site-specific application to amend the Regional Official Plan to redesignate the subject site from "Rural Policy Area" to "Urban Area". On October 26, 2000, Regional Council adopted ROPA #26, which was appealed to the OMB by Brampton, Caledon and Peel on the basis that the application is premature until transportation issues for ROPA 19 are resolved.

Zoning

The lands are zoned A Agricultural Zone by By-law 1-88. On October 10, 2001, Council approved an application to rezone the subject lands to C7 Service Commercial Zone, and permitting only the following uses: Automobile Gas Bar for Trucks and Cars; Eating Establishment, Convenience with Drive-through; Convenience Retail Store; and, a rest area for truck drivers. The C7 Zone would implement the "Service Node" policies of OPA #450, as amended by OPA #548.

Upon review of the site plan, the exceptions to the zoning standards required to implement the site plan are as follows:

- driveway access width of 15 m, whereas the By-law permits a maximum of 13.5 m; Staff can support the increase in the driveway width to accommodate proper truck turning onto the site;
- pump islands to be located in the rear yard, whereas the By-law permits islands only in the front and side yards; Staff can support the exceptions to allow the truck and vehicle refueling areas to be separated to ensure proper site circulation and function; and,
- landscape strip width of less than 6 m adjacent to the most easterly access on Rutherford Road (tapers to 3.0 m directly adjacent to this access). Staff can support this reduction at this location only to accommodate truck movement-in to the parking area. The applicant has agreed to increase the amount of coniferous trees and shrubs in this area, as well as berming the strip to approximately 1.5 m high, to appropriately screen the site and trucks.

A draft zoning by-law has been included as Attachment #5 to this report for Council's endorsement.

Site Design

The westerly 2.33 ha of the site is included in the site plan application for development, with the remaining 1.24 ha to remain vacant. A drive-through eating establishment is not proposed at this time, and would require an amendment to the site plan to include this use on the vacant portion in the future.

The Petro-Canada Facility will contain a retail fuelling facility for cars, and a separate fuelling facility for trucks. The "Petro-Pass" is a commercial fuelling outlet for trucks and provides amenities for truck drivers in the proposed 325 m² building at the northwest corner of the site. The building includes a lounge area, laundry facilities, showers, and a retail convenience store with standard convenience goods, sundries, truck-related products, and a kiosk area for regular patrons.

A 4.5 m high canopy adjacent to Highway No. 50 connects the building and fuelling stations for cars. The fuelling outlet for trucks, including a 5 m high canopy, is proposed at the south end of the site. A 24-space parking area for trucks is located in the central portion of the site, adjacent to the north lot line. The spaces are approximately 60 metres from the building, to ensure proper on-site truck circulation.

By-law 1-88 requires a minimum of 18 parking spaces (325 m² x 5.5 spaces/100 m² GFA), whereas 24 spaces have been provided.

Two access points are proposed for Highway No. 50, which are subject to final approval from the Region of Peel. The northerly 9 m wide right-in/right-out access is directly adjacent the refuelling area for cars. The 15 m southerly access is designed as a right-in/right-out access for cars, and a 'right-in only' access for trucks, with direct access to the truck refuelling area. Car patrons are restricted access to the truck refuelling area by a "Do Not Enter" sign. A 15 m wide driveway opening is required at this access to ensure a proper truck turning radius.

Two access points are also proposed on Rutherford Road, which are subject to approval by the Region of York. A 15 m wide right-in/right-out access is located close to Highway No. 50, and a 10.5 m wide full movement access is proposed at the northeast end of the site.

Building Elevations

The proposed 325 m² building consists of white alucobond cladding panels with red trim, which runs along the top of all the elevations. The front elevation facing Highway No. 50 includes large tempered glass windows and doors in the centre. The internal (east) elevation provides building access for truck drivers, and includes a large 3 m – high corporate sign centred above the double-glass doorway. The canopy covers and the fuelling stations also include red and white illuminated corporate signage detail. All roof-top mechanical equipment must be screened from view from Rutherford Road and Highway No. 50.

Region of Peel

The Region of Peel has no objection to the proposed access configuration on Highway No. 50, however, final approval must await the completion of the Peel/York Boundary Area Transportation Study. The Region requests that all detailed engineering plans for the proposed works be submitted to the Region for comment and final approval. All costs associated with the proposed accesses, the extension of the centre-median and the northbound right turn shall be borne by the applicant.

Region of York

The Region of York has no objection to the latest site plan submission, dated August 2, 2001, subject to the following:

- detailed engineering drawings, including pavement marking and cross-sections, must be provided for the Rutherford Road pavement widening;
- the Rutherford Road median extension must be extended by 9 metres;
- the proposed water service is private and therefore must be located on private property;
- comments on the stormwater management report are forthcoming; and,
- the Region wishes to be a party to the site plan agreement.

Servicing/Utilities

The subject lands are included within the York/Landowners Water and Sewer Servicing Agreement. The Engineering Department, Region of York and the Region of Peel must be satisfied with the site servicing, grading and stormwater management.

The Owner must also satisfy all requirements of Hydro Vaughan Distribution Inc.

Landscaping

The landscape plan consists of a mix of coniferous and deciduous trees and shrubs along the north and west property lines, as well as spruce trees along the south and east boundary of the development area of the site. Additional planting and sodded areas are provided internally, adjacent to the truck parking area in the centre of the site, and adjacent to the aisle and parking area at the south end of the building. To further screen the truck parking area from Rutherford Road, the applicant has agreed to provide an additional 1.5 m high berm within the landscape strip adjacent to this area, and additional coniferous trees and shrubs.

The final landscape plan, garbage storage details and the landscape cost estimate must be approved by the Urban Design Department.

The Owner will be required to pay 2% cash-in-lieu of parkland dedication in accordance with the requirements of the "Planning Act".

Conclusion

Staff have reviewed the proposed site plan in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and are satisfied that the subject lands can be developed to accommodate the Petro-Canada Petro Pass facility. Staff recommend approval of the Site Development application, subject to conditions.

Should the Committee concur, Site Development Application DA.00.044 (Canadian National Railway - Petro Canada), as well as a draft implementing by-law amendment, can be endorsed with the adoption of the recommendation in this report.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevations
5. Draft Zoning By-law

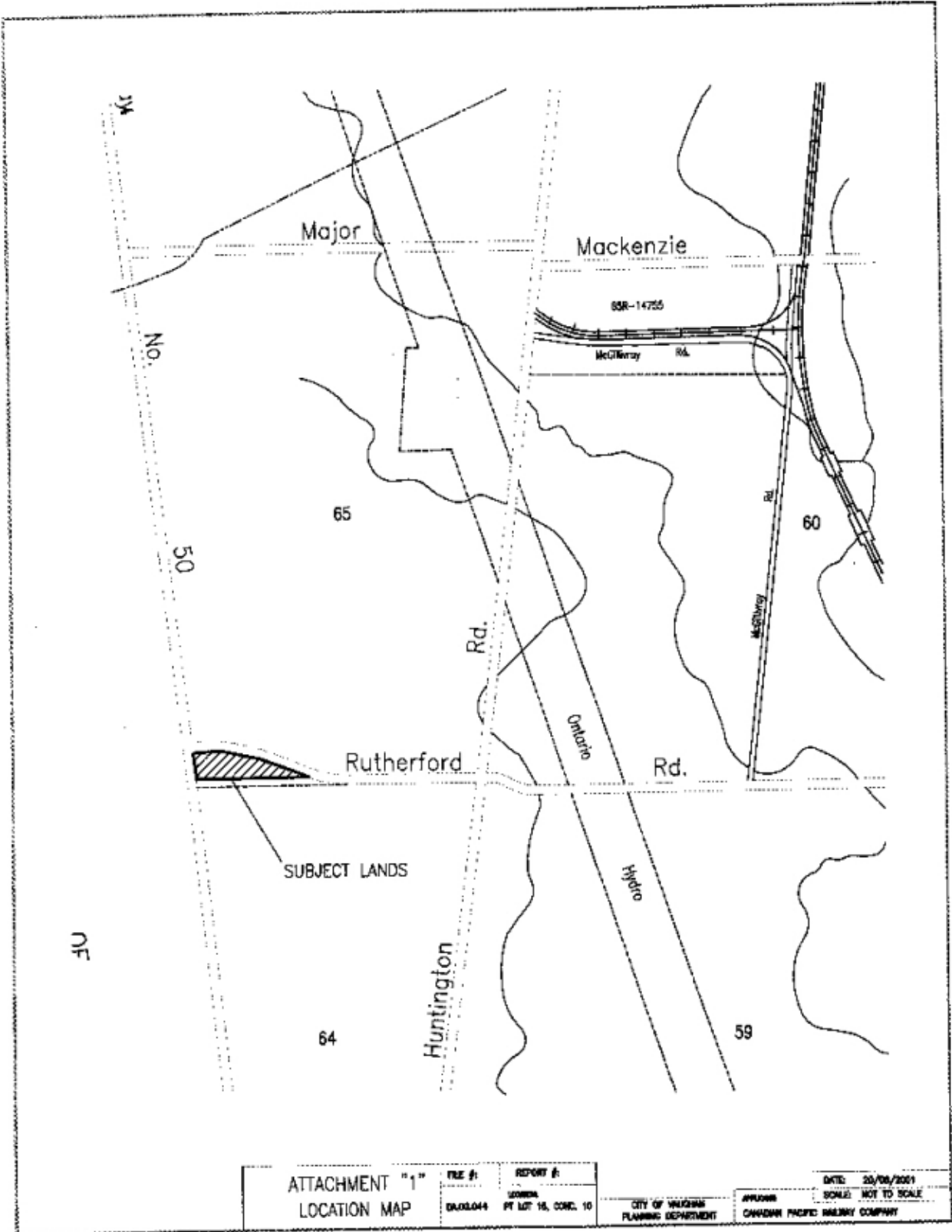
Report prepared by:

Carmela Marrelli, Planner 1, ext. 8791
Grant Uyeyama, Senior Planner, ext. 8635
Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

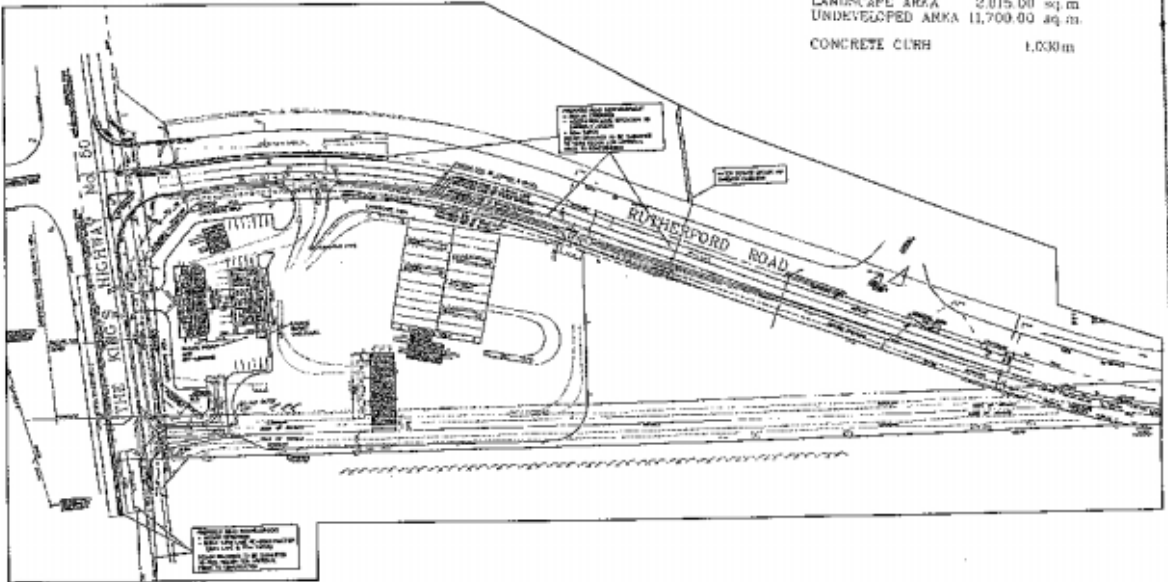
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning



SITE STATISTICS		
LOT AREA	35,854.9	sq. m.
BLDG AREA	325.00	sq. m.
BLDG vs LOT AREA	0.91%	
CONC AREA	1,315.00	sq. m.
ASPHALT AREA	17,231.775	sq. m.
LANDSCAPE AREA	2,015.00	sq. m.
UNDEVELOPED AREA	11,700.00	sq. m.
CONCRETE CURB	1,030 m	



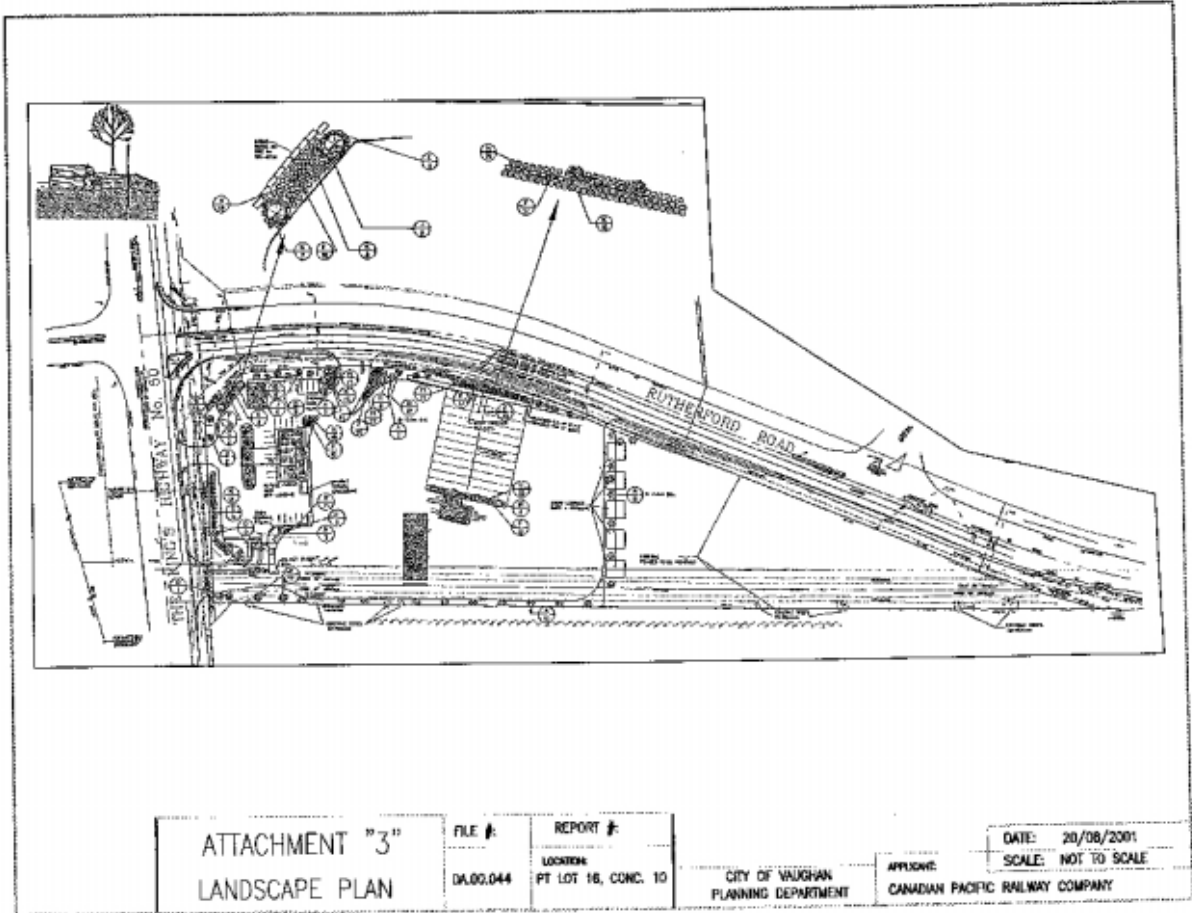
ATTACHMENT "2"
SITE PLAN

FILE #:	REPORT #:
DA.00.044	PT LOT 16, CONC. 10

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE:	SCALE:
20/08/2001	NOT TO SCALE

APPLICANT:
CANADIAN PACIFIC RAILWAY COMPANY

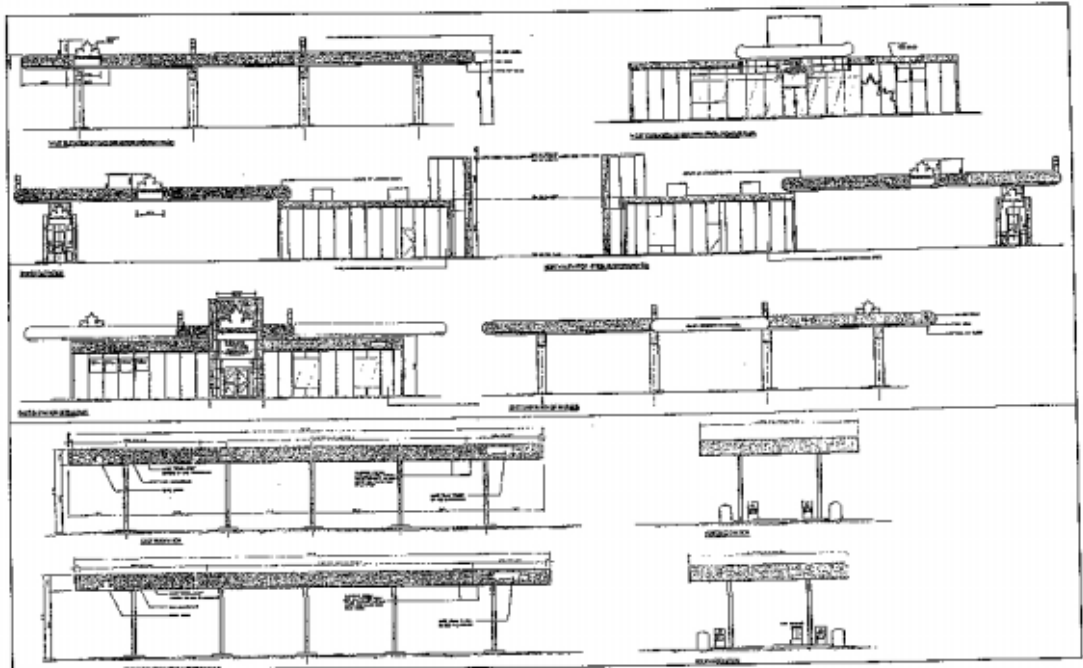


ATTACHMENT "3"
LANDSCAPE PLAN

FILE #	REPORT #
DA.02.044	
LOCATION	
PT LOT 16, CONC. 10	

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT	DATE: 20/08/2001
CANADIAN PACIFIC RAILWAY COMPANY	SCALE: NOT TO SCALE



ATTACHMENT "4"
ELEVATIONS

FILE #:	REPORT #:
DA.00.044	LOCATION: PT LOT 16, CONC. 10

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:	DATE: 20/08/2003
CANADIAN PACIFIC RAILWAY COMPANY	SCALE: NOT TO SCALE

ATTACHMENT NO. 5

DRAFT ZONING BY-LAW
Canadian Pacific Railway Company (Petro Canada)
FILE: Z.00.045

BY-LAW NUMBER _____ - 2001

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are not in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Official Plan adopted by Council and not approved at this time, with which the matters herein set out are in conformity;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That City of Vaughan By-law Number 1-88, as amended, be and is hereby further amended by:

- a) Rezoning the lands shown as "Subject Lands" on Schedule "1", attached hereto, from A Agricultural Zone to C7 Service Commercial Zone.
- b) Adding the following paragraph to "EXCEPTION" Section 9.0:

{ } Notwithstanding the provisions of:

- a) Subsection 5.8 respecting uses permitted in the C7 Service Commercial Zone;
- b) Subsection 5.1.1(b) respecting minimum landscaping requirements along a street line;
- c) Subsections 5.1.3 (b)(i) and 3.8 (g) respecting maximum driveway width requirements;
- d) Subsection 5.1.3 (a) respecting gas pump island location;

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E":

- a) The following uses shall be permitted on the subject lands zoned C7 Service Commercial Zone with no outside storage:
 - Automobile Gas Bar for Trucks and Cars
 - Eating Establishment, Convenience with Drive-through
 - Rest area for truck drivers
 - One (1) Convenience Retail Store
- b) A minimum 6.0 m wide landscape strip shall be provided along the lot lines adjacent to Highway No. 50 and Rutherford Road.

However, a minimum 3.0 metre wide strip of land shall be provided along the lot line adjacent to Rutherford Road in the location shown on Schedule "E- " and shall be used for no purpose other than landscaping. This shall not prevent the provision of access driveways across the said strips.

- ci) A driveway shall have a maximum width of 15 m.
 - ci) In addition to the requirements in Subsection 5.1.3(a), a gas pump island shall also be permitted to locate in the rear yard.
 - c) Adding Schedule "E- " attached hereto as Schedule "1".
 - d) Deleting Key Map 10C and substituting therefor with the Key Map 10C attached hereto as Schedule "2".
2. Schedules "1" and "2" shall be and hereby form part of this by-law.

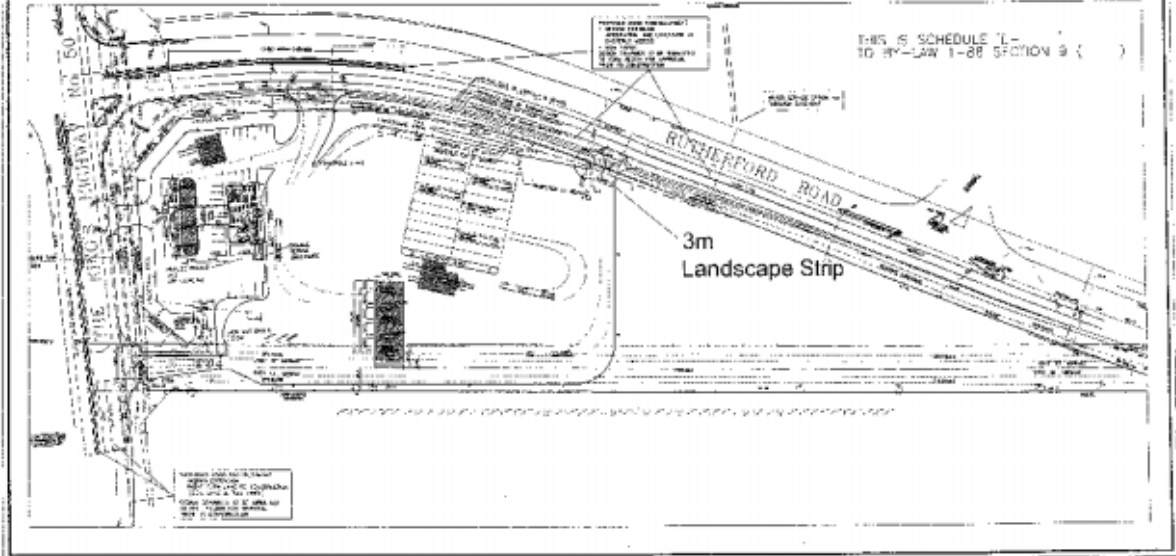
THIS IS SCHEDULE '1'
TO BY-LAW _____ - 2001
PASSED THE DAY OF _____, 2001

FILE No. Z.00.045
LOCATION: Part of Lot 16, Conc. 10
CITY OF VAUGHAN

SIGNING OFFICERS

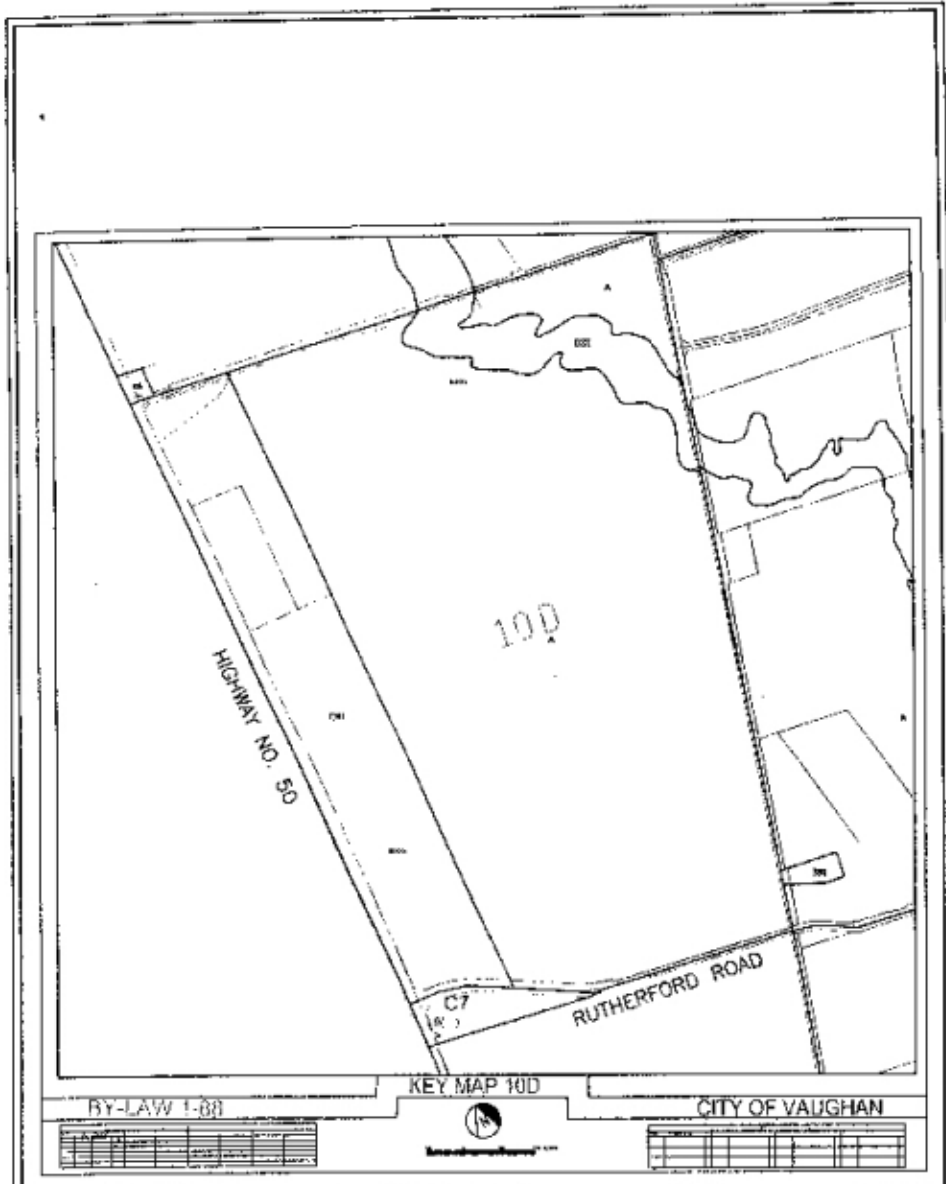
MAYOR

CLERK



THIS IS SCHEDULE '1'
TO BY-LAW 1-88 SECTION 9 ()

3m
Landscape Strip



THIS IS SCHEDULE '2'
TO BY-LAW _____ - 2001
 PASSED THE ____ DAY OF _____, 2001

FILE No. Z.00.045
 LOCATION: Part of Lot 16, Conc. 10
 CITY OF VAUGHAN

SIGNING OFFICERS

 MAYOR

 CLERK

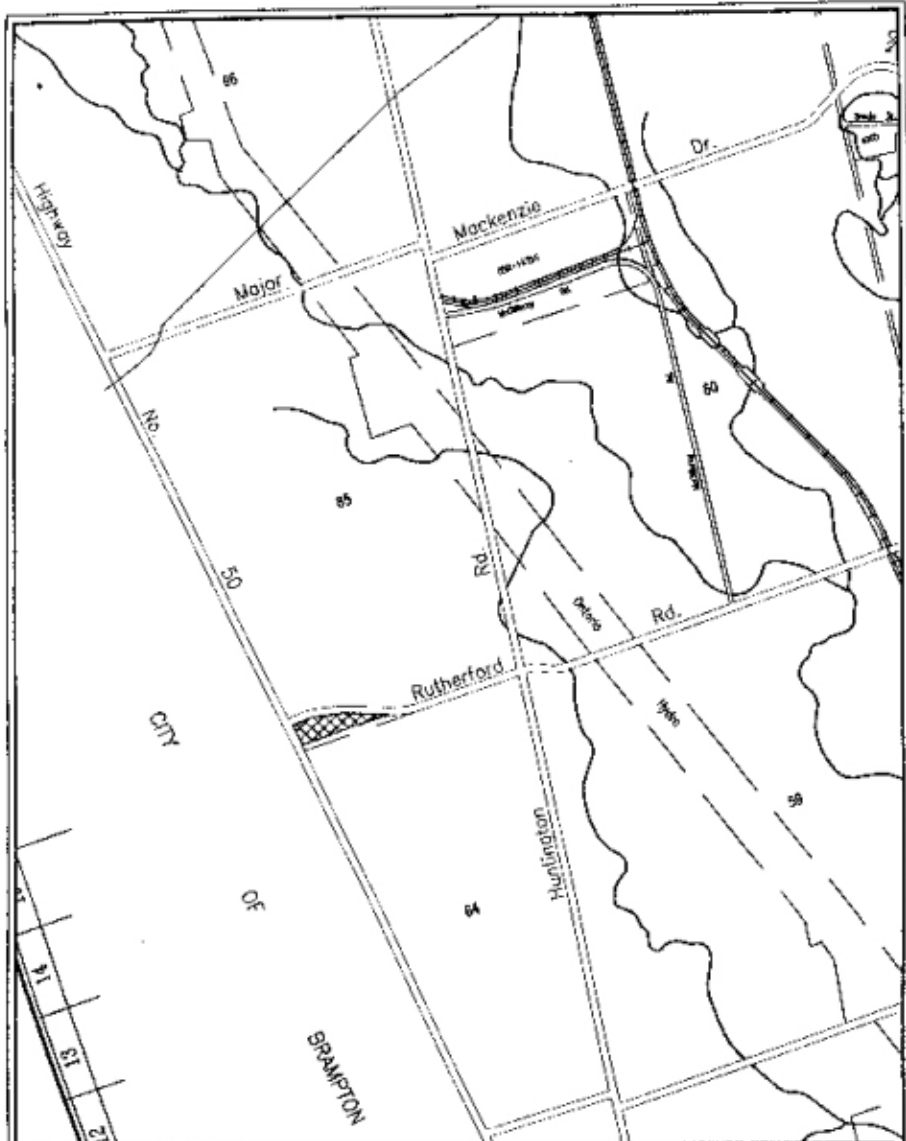
SUMMARY TO BY-LAW -2001

The lands subject to this by-law are located on the southeast corner of Highway No. 50 and Rutherford Road, in Part of Lot 16, Concession 10, and comprising part of the former Road Allowance between Lots 15 and 16, Concession 10, City of Vaughan.

The purpose of this by-law is to rezone the subject lands to C7 Service Commercial Zone to permit only the following uses: automobile gas bar for trucks and cars; eating establishment, convenience with drive-through; rest area for truck drivers; and one convenience retail store.

The by-law also provides the following exceptions:

- a minimum 6.0 m wide landscape strip adjacent to Highway No. 50 and Rutherford Road, and a minimum 3.0 m wide landscape strip directly adjacent to the most easterly access on Rutherford Road, in order to accommodate proper maneuvering to the truck parking area;
- pump islands to be permitted in the rear yard to facilitate the truck and vehicle refueling areas to be separated to ensure proper site circulation and function; and
- maximum driveway access width of 15 m, in order to accommodate proper truck turning onto the site.



LOCATION MAP
 TO BY-LAW _____ - 2001



SUBJECT LANDS

FILE No. DA.00.044
 PART LOT 16, CONC. 10

CITY OF VAUGHAN



01 12 2001