

COMMITTEE OF THE WHOLE APRIL 7, 2003

**ZONING BY-LAW AMENDMENT FILE Z.02.049
SITE DEVELOPMENT FILE DA.02.052
VALLEY MILL DEVELOPMENTS LTD.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning Amendment File Z.02.049 (Valley Mill Development Ltd.) BE APPROVED and that the implementing by-law:
 - a) rezone Phase One of the subject lands to C4 Neighbourhood Commercial Zone to permit an eating establishment convenience with drive-through facility; and
 - b) provide any necessary exceptions to implement the approved site plan, including reduced front yard and exterior setbacks, and parking.

2. THAT Site Development File DA.02.052 (Valley Mill Developments Limited)) as prepared by Architectural Design Co. Inc., revised January 15, 2003 for Phase One, BE APPROVED, subject to the following conditions:
 - a) That prior to registration of a site development agreement:
 - i) the final site plan and elevation drawings shall be approved by the Commissioner of Planning;
 - ii) the final site servicing and grading plans, stormwater management report and environmental report shall be approved by the Engineering Department;
 - iii) the final landscape plan and detailed landscape cost estimate shall be approved by the Urban Design Department;
 - iv) the requirements of Vaughan Hydro and Fire Department shall be satisfied;
 - v) if required, a traffic, noise and parking study be submitted and approved by the City Engineering Department;
 - vi) the final plans and driveway access points shall be approved by the Region of York Transportation and Works Department;
 - vii) the implementing zoning by-law be enacted by Council and be in full force and effect; and
 - viii) the final plan shall be approved by the Toronto and Region Conservation Authority.
 - b) That the site development agreement contain the following provisions:
 - i) all garbage shall be stored indoors until ready to be picked up; and
 - ii) the owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject

lands, prior to the issuance of a building permit, in accordance with the Planning Act. The Owner shall submit an appraisal of the subject lands 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.

Purpose

On June 5, 2002, the Owner submitted an application to rezone the subject lands from A Agricultural Zone to C4 Neighbourhood Commercial Zone (Phase One) and C4(H) Neighbourhood Commercial Zone, with the addition of a holding symbol (Phase Two) to permit a phased commercial development.

On August 20, 2002, a site development application was submitted for Phase One in support of the zoning amendment application, which proposes a 672m² eating establishment building with associated drive-through facility. Pertinent site statistics are as follows:

Phase One

Site Area	.85ha.
Total Gross Floor Area (Swiss Plus Bldg)	672m ²
Total Parking Provided	97 spaces
Parking Required	108 spaces

Background - Analysis and Options

The subject lands are located at the southeast corner of Rutherford Road and Weston Road, in Lot 15, Concession 5, City of Vaughan. The total site area, including both Phase One and Two, is 2.4 ha and used as a garden center. The surrounding land uses are as follows:

- North - Rutherford Road; future commercial (C4 Commercial Zone)
- South - garden center, vacant (A Agricultural Zone)
- East - gas station/convenience store (C4 Commercial and A Agricultural Zones)
- West - Weston Road; vacant (C4 Neighbourhood Commercial and R1 Residential Zones)

Official Plan

The subject lands are designated "Neighbourhood Commercial Centre" by OPA #240, as amended by OPA #345, subject to Section 4.6 f), which states the following:

"The lands located at the southeast corner of Rutherford Road and Weston Road may be developed as a Neighbourhood Commercial Centre. The maximum area of the center shall be 4.0 ha. The maximum gross floor area shall be established in the implementing by-law. A 9m landscape strip shall be provided adjacent to arterial roads. The site plan shall allow for the functional integration of the individual properties within the designation".

A "Neighbourhood Commercial Center" designation permits supermarkets or major warehouse drug store, retail stores, pharmacies, banks and financial institutions, business and professional offices, personal services, and restaurants.

The proposed restaurant use for the Phase One portion of the site conforms to the policies of the Official Plan and is designed in a manner which would eventually tie in with the existing gas station and future development within Phase Two. The uses, built-form and siting for Phase Two are unknown at this time and will be subject to future development applications.

The site (Phase One) is surrounded on average by a 9m landscape strip with additional landscape treatment at the northwest corner of the site. The proposed development has been designed to achieve buildings at street edge so as to be more pedestrian and streetscape friendly. Planning Staff considers the current proposal to meet the general intent of the official plan and therefore, an amendment is not required.

Zoning

The lands are currently zoned A Agricultural Zone by By-law 1-88.

The application proposes to rezone the Phase One portion of the lands to C4 Neighbourhood Commercial Zone. Under this zone category, the proposed eating establishment, without drive-through facility, is permitted as-of-right. An amending by-law is required to allow the addition of a drive-through use and to establish appropriate building envelopes, setbacks and the necessary exceptions to implement the site development application. The Phase Two lands will remain zoned A Agricultural Zone until such time as the uses, building design and siting have been determined through the site plan approval process.

The following exceptions to the C4 Zone to implement the site plan have been identified as minimum parking spaces, front and exterior yard setbacks and minimum landscape strip along an arterial road. Any other exceptions required to implement the site development application will be included in the implementing by-law.

Site Design

The site plan consists of a 672m² eating establishment with a drive-through facility as Phase 1 of the larger parcel. The building is situated close to the Weston Road and Rutherford Road street corner.

The development proposes two access points, one at the northwest corner from Rutherford Road, the second at the southeast corner from Weston Road. The site has been designed in a manner that would tie into the future development to the south and the existing gas bar development to the east. A landscape strip at the northwest corner along the street edge, with a main landscaped entry feature, has been provided.

Parking and Access

The development is providing 97 parking spaces. Based on the parking standards of By-law 1-88, the development requires 108 spaces, as follows:

$$\text{Eating Establishment (672m}^2 \text{ x 16 spaces /100m}^2\text{)} = 108 \text{ spaces}$$

In consideration of the above, the site is deficient 11 parking spaces. The intention is to eventually have Phase One and Two function as one block, sharing parking and access points. The Engineering Department will confirm parking adequacy.

The drive-through facility is providing an 11-vehicle stacking lane, which is in accordance with the Zoning By-law. The aisle width must be widened from 3.29m to 3.5m, as per by-law requirements.

The development proposes a patio area which will not provide seating and therefore, not included in the overall parking calculation. This patio and concrete pavement will serve as part of the landscaping scheme.

Vehicle access to the site is proposed from two full movement access points on Rutherford Road and Weston Road. The Rutherford Road access point is a shared driveway with the existing gas station to the east. The Weston Road driveway will function as a temporary access point, with the main driveway planned further south. The driveways have been designed with the appropriate fire routes. Both the Rutherford Road and Weston Road accesses will require approval from the Region of York.

Elevations

The building is to be constructed using stucco and a split-faced block. Glazing and other architectural finishes combine to give the building its character. The elevations are attractive, having architectural details along the roofline, with a larger entry feature highlighting the main entrance to the building.

The front elevation faces Rutherford Road and the Swiss Chalet dining elevation (corner façade) faces Weston Road. These elevations are finished in a cream and tan stucco combination, interrupted by a split face block, buff in colour, and glazing. The front main entrance is highlighted with a glass and stucco surround providing separation between the two Company brands. The parapet style roofline is relatively flat, with the exception of a portion which extends above the roofline, concealing roof top mechanical units and providing an area to parade the Company Brand name (Swiss Chalet). A grey tile backsplash, book-ended by orange-type stucco is also located along the front elevation, which provides both an architectural element as well as an area to parade the company brand name (Harvey's).

The Swiss Chalet dining elevation is similar in design and architecture, but includes a large wall made up of split face block with no major architecture element. An art work or painting consistent with the band name will be provided for this area to soften the look of the brick wall.

The drive-through elevation faces the internal parking area and is constructed using a combination of buff, split face block and orange stucco finish. A drive-thru facility comprising of two pick-up windows and several man doors are on this elevation. The company band name logo (Harvey's) is located at the southeast corner of the façade. Loading and garbage area, comprised of two overhead doors and one man door, are also along this elevation. Garbage is stored indoors.

The rear elevation is comprised of buff, split-face block and combination cream and tan stucco material, with very little glazing and architectural features. This elevation can be seen from Weston Road and additional decorative architectural elements may be required.

Landscaping

The landscape plan proposes a variety of deciduous and coniferous trees and shrubbery surrounding the periphery of the site. An additional landscaping feature is designed for the northwest corner of the site, extending into the Regional right-of way, which includes a combination of concrete paving, unit pavers and landscape planting.

All landscaping within the Regional right-of way requires approval by the Region of York Engineering and Works Department. All landscaping must conform to the master landscape plan for the area.

Servicing

The Engineering Department has reviewed the latest submission and requires that benchmarks, limits of property and sidewalk platforms, and 3m reserves on Rutherford Road and Weston Road be shown on the next submission. This department has also red-lined the site plan and requires that the applicant revise the plan accordingly.

The lands are to be designed and serviced in accordance with the M.E.S.P. report for Block 31 West.

Environment

The Engineering Department has also indicated that a Phase One Environmental study is required. As per City policy, any land that has been filled next to a gas station and used to store fuel, requires the submission of an Environmental Study to be reviewed by the City's peer reviewer. The owner has submitted a Phase One Environmental report to the Engineering Department for approval. Prior to the enactment of the Zoning By-law approval of this application, the Engineering Department will ensure that the lands are suitable for development.

Region of York

The Region of York Transportation and Works Department has reviewed the first submission and has provided, in part, the following comments:

- The Region will require that it be a party to the City of Vaughan site plan agreement with regard to this development. Prior to the execution of the site plan agreement by the Region of York, the Owner shall have purchased the surplus land identified as Part 11 on Reference Plan 65R-13922 from the Region;
- The proposed building encroaches on the 200mm diameter sanitary sewer and should be relocated;
- The storage of snow in the drainage channel located between Weston Road and the emergency access is not acceptable. The Region requires the storage area be moved across the driveway;
- The Weston Road access must be 9.0m wide with 9.0m radii, and provided with a 1.5m shoulder on each side. The existing curb cut and entrance culvert must be lengthened accordingly;
- A concrete sidewalk will likely be required across the frontage of this site. The landscape features are required to tie into this sidewalk;
- The landscape drawing requires revision to include all existing utilities within the Regional right-of-way. Additional details must be provided with regard to the landscape feature shown in the daylighting triangle. All landscaping features within the Regional right-of-way are subject to review and approval by this Department and must not interfere with any Regional utility located in the right-of-way;
- Drawing L1 indicates the placement of landscape features in the existing Weston Road drainage channel. The trees are to be removed until the permanent design of the drainage channel is implemented.

The Region of York Transportation Department shall approve the final plans. A condition to this effect has been included in the recommendation section of this report.

Toronto And Region Conservation Authority

Toronto and Region Conservation Authority Staff has reviewed the application in conjunction with the Weston/400 North Business Implementation Strategy Plan (1998 Cosburn Patterson Mather) and identified a discrepancy between the proposed plan and the Implementation Strategy Plan (1998). In consideration of the above, the Authority requires justification and rationale on how the plan protects for the eventual implementation of the Weston/400 Implementation Strategy (1998). The Toronto and Region Conservation Authority will need to approve the final plan.

Canada Post

Canada Post Staff has reviewed the proposed development and have provided comments and requirements dealing with warning clauses and mail box design and location, which must be incorporated.

Conclusion

Official Plan Amendment #345 designates the subject lands "Neighbourhood Commercial Centre", which permits the proposed commercial development. The proposal to rezone the subject lands to C4 Neighbourhood Commercial Zone, and to permit drive-through use, is consistent with the policies of the Official Plan. Staff is satisfied with the proposed site plan, and that the proposed rezoning and exceptions to the C4 Zone standards are appropriate to implement the site development.

Should Council concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevations - Front and Swiss Dinning
5. Elevations - Rear and Drive -Through

Report prepared by:

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Respectfully submitted,

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Commissioner of Planning

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/LG



Location Map

Lot 15,
Concession 5

APPLICANT:
VALLEY MILL DEVELOPMENTS



Community Planning Department

Attachment

FILE No.:
DA.02.052
RELATED FILE No.:
Z.02.049

1

January 22, 2003



LEGEND

DEVELOPMENT AREA	= 8468.00 SM	100.00 %
SWISS CHALET AREA	= 872.00 SM	
PARKING PROVIDED	8.7 x 15	= 107 CARS
LOADING AREA	= 4 (incl in total)	
LANDS AREA	= 843.00 SM	28.87 %
PAVED AREA	= 53.00 SM	2.87 %
BUILDING COVERED	= 705.00 SM	8.30 %
SNOW STORAGE	2% OF LOT	= 170.00 SM
SNOW STORAGE PROVIDED		= 320.00 SM
FRONT YARD	= 15.00 M	
REAR YARD	= 20.63 M	
EXT. SIDE YARD	= 27.25 M	
INT. SIDE YARD	= 31.88 M	
BUILDING HEIGHT	= 7.10 M	

**SUBJECT LANDS
(PHASE 1)**

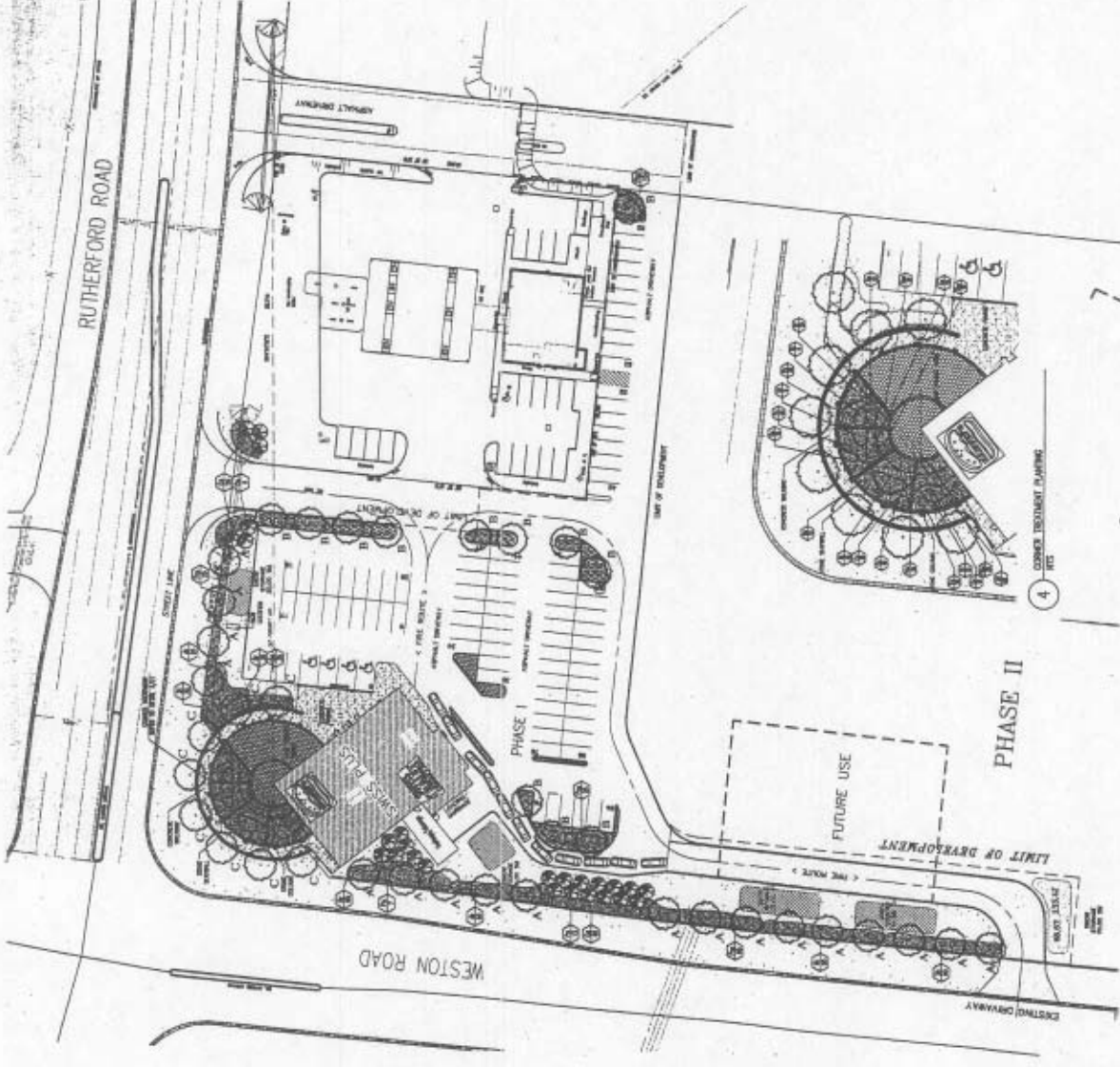
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Attachment
2

FILE No.: DA.02.052
RELATED FILE No.: Z.02.049
January 22, 2003

City of **Vaughan**
Community Planning Department

Site Plan
Lot 15,
Concession 5
APPLICANT:
VALLEY MILL DEVELOPMENTS



Not to Scale

Landscape Plan

Lot 15,
Concession 5
APPLICANT:
VALLEY MILL DEVELOPMENTS



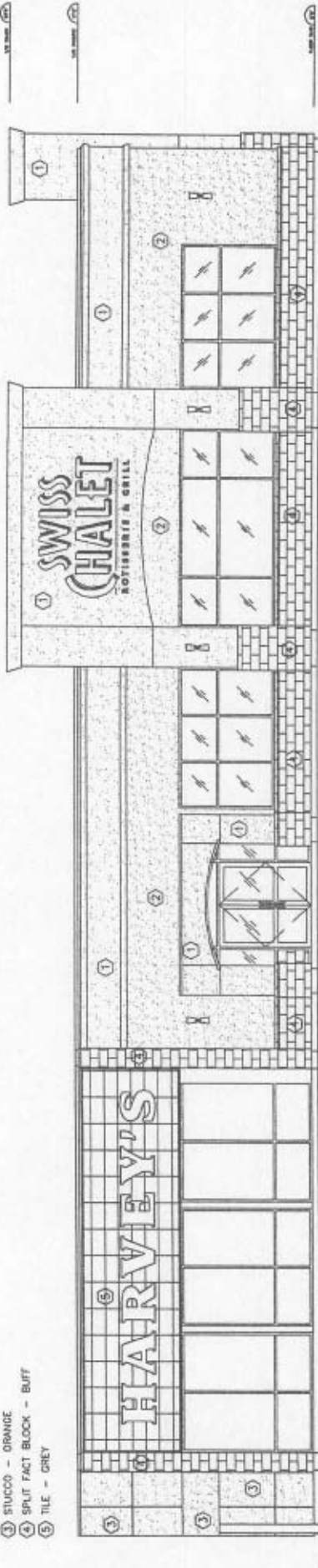
Community Planning Department

Attachment 3

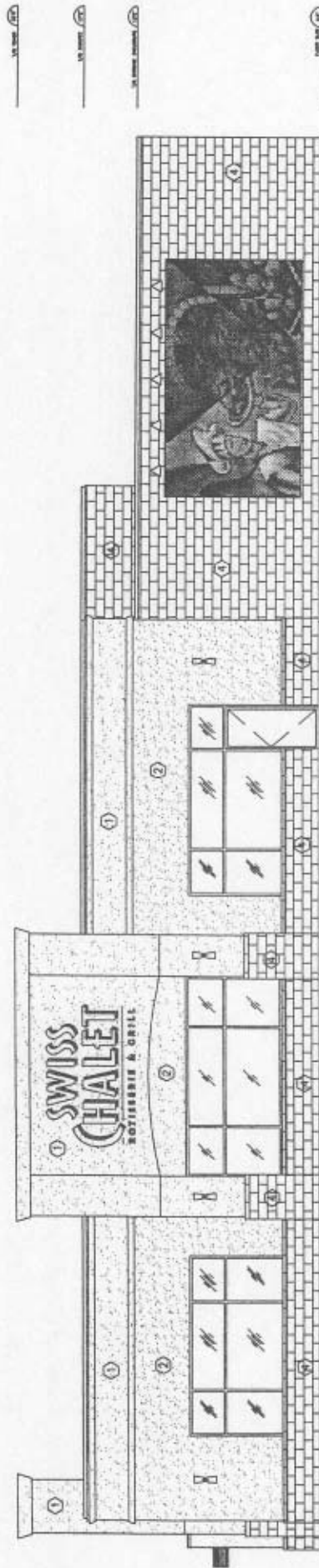
FILE No.:
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Z.02.049
January 22, 2003

FINISH SCHEDULE

- ① STUCCO - CREAM
- ② STUCCO - TAN
- ③ STUCCO - ORANGE
- ④ SPLIT FACE BLOCK - BUFF
- ⑤ TILE - GREY



FRONT ELEVATION



SWISS DINING ELEVATION

Not to Scale

Elevations

Lot 15,
Concession 5

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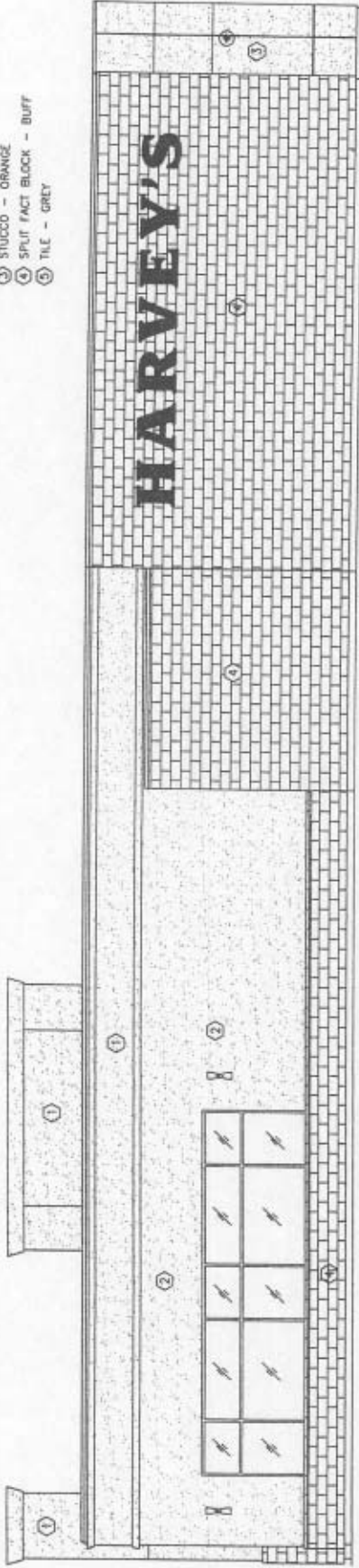
Community Planning Department

Attachment 4

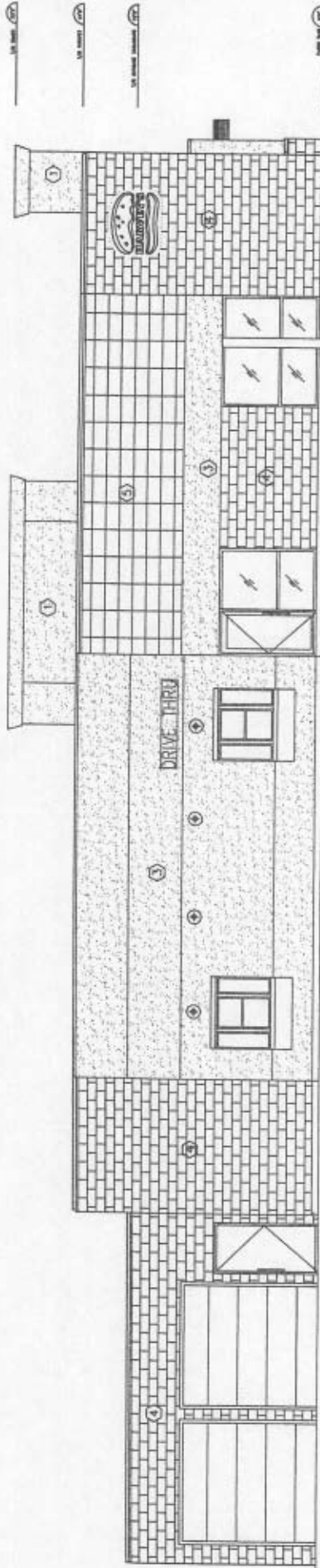
FILE No.:
DA.02.052
RELATED FILE No.:
Z.02.049
March 5, 2003

FINISH SCHEDULE

- ① STUCCO - CREAM
- ② STUCCO - TAN
- ③ STUCCO - ORANGE
- ④ SPLIT FACT BLOCK - BUFF
- ⑤ TILE - GREY



REAR ELEVATION



HARVEY'S DRIVE THRU ELEVATION

Not to Scale

Elevations

Lot 15,
Concession 5

APPLICANT:
VALLEY MILL DEVELOPMENTS



Community Planning Department

Attachment 5

FILE No.:
DA.02.052
RELATED FILE No.:
Z.02.049
March 5, 2003