

COMMITTEE OF THE WHOLE FEBRUARY 21, 2005

**ZONING BY-LAW AMENDMENT FILE Z.04.008
SITE DEVELOPMENT FILE DA.03.056
ANTORISA INVESTMENTS LTD.
REPORT # P.2004.59**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment and Site Development Applications Z.04.008 and DA.03.056 (Antorisa Investments Ltd.), respectively, BE REFUSED.

Purpose

The Owner has submitted an application to amend the Zoning By-law to permit the following exceptions to the C1 Restricted Commercial Zone standards, on the subject lands shown on Attachments #1 and #2:

- a minimum lot depth of 30m, whereas 60m is required;
- a minimum front yard of 4m, whereas 9m is required;
- a minimum rear yard of 1.2m, whereas 15m is required;
- a minimum landscape strip width of 4m abutting a street, whereas 6m is required;
- and,
- a minimum of 19 parking spaces, whereas 22 spaces is required.

The above-noted exceptions would facilitate the related Site Development application, which proposes a single-storey, 360m² "Automotive Retail Store" for the sale and installation of tires (Active Green + Ross), including 9 automotive service bays with a reception/waiting room, on a 0.16 ha site, as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the south side of Crestwood Road, west of Yonge Street, municipally known as 19 Crestwood Road, being Part of Lots 82 and 83 on Plan 3205, in Lot 26, Concession 1, City of Vaughan. The rectangular 1,613m² vacant site has 52.9m frontage on Crestwood Road, and a depth of 30.4m.

The subject lands are designated "General Commercial" by OPA #210 (Thornhill-Vaughan Community Plan) and zoned C1 Restricted Commercial Zone by By-law 1-88. The surrounding land uses are:

- North - Crestwood Road; automotive dealership campus (C2 Zone)
- South - car dealership and related parking lot (C1 Zone)
- East - gas bar (C6 Zone)
- West - residential (R2 Zone)

On February 11, 2004, the Local Councillor for Ward 5 held a Community meeting at the Garnet A. Williams Community Centre with Planning Staff, the applicant and area residents present to discuss the Site Development application. The following is a summary of the comments raised at that meeting:

- existing and future traffic conditions is of concern to the residents on Crestwood Road, and trying to make a left-turn onto Yonge Street is extremely difficult; how much additional traffic would be generated from the proposed use?

- noise (air guns) and fumes are of a concern to the residents immediately west of the site.
- what time of day/night will the garbage pick-up take place?
- is there warrant for a signalized intersection at Yonge Street and Crestwood Road?
- the use seems more industrial in nature than commercial
- would prefer a business or professional office use
- what size of truck will be delivering the new tires?
- will the delivery trucks enter the site, or will they be unloading on Crestwood Road?

On March 26, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Crestwood Springfarm Yorkhill Residents' Association. The recommendation of the Committee of the Whole on April 19, 2004, to receive the Public Hearing report and to forward a technical report to a future Committee meeting was ratified by Council on April 26, 2004. As a result of the public hearing, Development Planning Staff received a number of written responses to the applications, specifically 7 letters from 16 households in opposition, and 1 letter of support from an automobile dealership across the street to the north. The following is a summary of the concerns noted:

- potential for increase in traffic along Crestwood Road, and to a lesser extent along Pinewood Road;
- vehicle transport trucks idling on Crestwood Road, while deliveries are made;
- noise impact and pollution on the residences immediately to the west attributed to air guns and exhaust fumes, particularly when the bay doors are open;
- the form of commercial appears to be better suited to an industrial area versus a residential neighbourhood;
- customers testing their new tires using the residential roads;
- Active Green + Ross performs more than tire sales and installations, and undertakes works in keeping with a public garage, as identified in their web-site;
- the site should be turned into a park; and
- the development of the site would be more conducive to a 1-2 storey business and professional office building.

Official Plan

The site is designated "General Commercial" by OPA #210 (Thornhill-Vaughan Community Plan), which permits retail stores for the buying, leasing and exchanging of goods and services, restaurants, banks and business and professional offices.

The Owner applied for an "Automotive Retail Store" use on their Zoning By-law Amendment and Site Development application forms. The intended use of the property was for the sale of tires and the accessory installation of tires. However, upon visiting the web-site for Active Green + Ross (ie. www.activegreenross.com), as shown on Attachment #5, this establishment "offers complete general automotive service and repairs to most car and light truck models", including brakes, suspension and front end repairs, wheel alignment, tire balancing, lube and oil changes, transmission and fuel injection service, installation of spark plugs, coolant system flush, replacement of belts and hoses, timing belts, shocks and struts, maintenance tune-ups, and Drive Clean service.

The web-site description of the activities performed by Active Green + Ross is consistent with a "Public Garage" use, which is permitted in a "Service Station" designation in OPA #210 (Thornhill Official Plan), and which "provides for the sale of petrol, oil and lubricants and other related products and may include as well, the provision of repair and maintenance service for vehicles", and is not a general commercial type of use. Furthermore, service stations are permitted to locate in Neighbourhood Commercial" designations on sites of "approximately 2.5 hectares which serves the surrounding neighbourhood", whereas the subject property is substantially under-sized at 0.16 hectares. A "public garage" is also a permitted Employment Use in the "Employment

Area General" designation in OPA #450 (Employment Area Plan). The proposed public garage is not a permitted use in the "General Commercial" designation in OPA #210.

The policies in OPA #210 state that new general commercial uses must be compatible with the proposed site, in terms of building design and coverage, parking, landscaping and buffering, and with adjacent land uses. As discussed in the "Zoning" section of this report, the proposal is deficient in meeting a number of zoning requirements, and is incompatible with the single-detached residential dwellings to the west. The proposed development does not conform to the policies contained in OPA #210.

Zoning

The site is zoned C1 Restricted Commercial Zone by By-law 1-88, which permits a wide range of commercial, office and retail uses, including an automotive retail store. However, as identified in the "Official Plan" section of this report, the proposed Active Green + Ross development is a public garage, and not an automotive retail store.

By-law 1-88 defines an "Automotive Retail Store" use as follows:

"Automotive Retail Store – Means a building or part of a building primarily engaged in the retail of vehicle parts, accessories, and tools where accessory uses may include service bays for performing specialized automotive related works, but do not include autobody repair work or paint work."

The Building Standards Department has advised that this definition would allow only the retail sale and installation of the tires sold. Any other automotive work performed would constitute a "public garage" use, and would not be permitted.

By-law 1-88 defines a "Public Garage" use as follows:

"Public Garage - Means a building which is used for the care, repair or equipping of motor vehicles, but does not include an autobody repair shop or a motor vehicle sales establishment."

A public garage would require a license to be obtained from the Clerk's Department.

The proposed public garage is not a permitted use in the C1 Zone, and is a use permitted as-of-right only in the C6 Highway Commercial Zone and in the EM2 General Employment Area Zone. As the "General Commercial" designation on the subject lands does not permit a public garage use, the proposed amendment to the Zoning By-law is inappropriate.

If the current C1 Zone standards were applied to the site, the proposed site layout would be deficient in minimum lot depth, front and rear yard setbacks, width of a landscape buffer abutting a street, and the required number of parking spaces, as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Depth	60.0m	30.0m
Minimum Front Yard	9.0m	4.0m
Minimum Rear Yard	15.0m	1.2m
Minimum Width of Landscape Buffer abutting Crestwood Road	6.0m	4.0m
Minimum Number of Parking Spaces	22 spaces	19 spaces

The above-noted exceptions to the C1 Zone have been proposed because the site is under-sized for proper development as a commercial property, given the shallow 30m lot depth. In order for

the applicant to achieve some semblance of development on the property, the front and rear yards have been proposed to be collectively reduced by a significant amount, thereby resulting in an insufficient landscape strip width along Crestwood Road and a reduced number of parking spaces. The small site size is not conducive for the intensity of development proposed by the public garage use, thereby contributing to an inappropriate site design and use of the subject property, adjacent to low density residential development. The residential dwellings to the west are zoned R2 Zone, and are set back 6.4m from the front lot line, well back from the 4m proposed by the applicant.

Staff notes that the Petro Canada gas bar site to the east obtained variances for a minimum 4m side yard and a minimum 3m wide landscape strip abutting Crestwood Road. However, this site constituted a redevelopment (file DA.98.022) and modernization of an older Petro Canada gas station, oriented towards Yonge Street, and located considerably away from the residential properties to the west. The proposed "public garage" constitutes new infill development, which is inappropriate in the context of its location within the neighbourhood.

Site Design

The site plan shown on Attachment #2 proposes an L-shaped building along the easterly and southerly property lines. The proposed development is primarily for use as a public garage, with more than 50% of the building GFA being devoted to the 9 automotive service bays and overhead doors, with the remainder of the building being proposed for office and storage space. Parking is provided to the west of the building, with access on Crestwood Road. The access driveway to the site has been designed to discourage vehicles from turning left into the residential subdivision, thereby mitigating the area residents concerns respecting traffic infiltration. Landscaping is provided along the periphery of the site.

The applicant's agent advised in writing that tires are stored inside, either in the centre of "L"-shaped building, or at the rear of each service bay. New tires are delivered using a 25 foot cube van every other week, during business hours. Used tires are picked up once a month, during business hours. Garbage is stored internal to the building, and picked-up every 2 weeks, during business hours. All deliveries and pick-ups are provided directly on the site. Staff are concerned that there is insufficient storage space within the building for all the materials identified to be stored. In light of the time frames for the storage, this may result in illegal outside storage on the property, and the amount of internal storage of tires could pose a serious risk to the abutting residential community, in the case of a fire.

Traffic Impact

The applicant submitted a Traffic Impact Study prepared by Paul Hill Consulting, dated May 17, 2004, which reviewed existing traffic volumes at the Yonge/Crestwood intersection and at the proposed driveway access to the property, and parking requirements. The Traffic Impact Study indicated that:

- all movements at the site access/Crestwood intersection will operate at a very good level of service in the future;
- minor delays will be experienced by left-turning vehicles out to Yonge Street;
- the proposed parking supply of 19 spaces is adequate to serve the development;
- the site access will be designed to discourage left-hand turns towards the residential neighbourhood.

Parking

The required parking for an "automotive retail store" is 22 spaces, based on the following standard:

- Automotive Retail Store: $360\text{m}^2 \text{ GFA} @ 6 \text{ spaces}/100\text{m}^2 = 22 \text{ spaces}$

The proposed site plan provides 19 spaces, one of which is a handicapped space, yielding a deficiency of 3 parking spaces. By-law 1-88 does not include a parking standard for a "public garage" use, however, Planning Staff would have applied the same standard as an automotive retail store use.

Servicing

The site has access to municipal services, including hydro, sanitary and storm sewers, and water.

Noise Impact and Hours of Operation

The applicant submitted a Noise Study prepared by Valcoustics Canada Ltd., dated December 22, 2003, in support of an "automotive service facility" use to facilitate "oil changes" (ie. a public garage) and tire sales and service. The Noise Study indicated that under the worst case scenario, the business operation would comply with the Ministry of the Environment's (MOE) noise guidelines for impact to the closest residential building. The recommendation of the noise study was that "no noise control measures be required".

The Noise Study indicated that the service bay areas will not be air conditioned. Planning Staff have experienced similar negative situations where residential dwellings are in close proximity to commercial or industrial buildings, and noise has become a factor for the municipality to intervene and resolve between the parties (ie. Jardin Drive Employment Area; City Files OP.01.015 and Z.01.072). Staff are concerned that on warm and hot days, the 9 overhead bay doors will be left open, and impact upon the residential dwellings to the west, particularly in consideration of the following hours of operation:

- Monday, Tuesday, Wednesday, Friday: 8 am to 6 pm
- Thursday: 8 am to 8 pm
- Saturday: 8 am to 5 pm
- Sunday: closed

The early morning, evening and weekend hours could impact upon resident's use and enjoyment of their amenity and living areas, and possibly affecting their sleep. The Noise Study further indicated that the hours of operation could be extended to 8 pm, if the economy dictates, further affecting the residents. The sources of noise from the proposed development include:

- Pneumatic tools such as air wrenches used to remove and attach the wheel lug nuts;
- Electric or hydraulic motor for the vehicle hoists;
- Looseners to remove tires from the rim, and pneumatic hand tools such as grinders and wire brushes;
- Air compressor(s) for the pneumatic tools; and
- Other sources such as portable radios playing music, staff conversing, and other work related activities.

The Noise Study also indicated that during the collection of on-site noise data, noise was evident from the car dealerships to the north, including noise from the service bays, roof-top mechanical equipment, and clear audible voice pages from an outdoor loudspeaker. Introducing an additional

automotive establishment to the area would compound the existing noise problem experienced by the residents.

Although the noise study concludes that the predicted sound exposure is within the MOE's minimum 51dBA guideline limit for the early morning hour, and below the 53 to 54 dBA limit throughout the majority of the daytime and evening operating period, it is apparent to Staff that noise levels from within the service bays can become intrusive, particularly during off-peak hours, when the noise study indicates that the sound emission level from the interior of the unit to the service bay opening is as follows:

- | | |
|------------------------|--------|
| • Pneumatic air wrench | 74 dBA |
| • Vehicle hoist | 62 dBA |
| • Air compressor | 63 dBA |
| • Tire loosener | 69 dBA |
| • Rim cleaner | 63 dBA |
| • Other interior noise | 65 dBA |

Building Elevations

The L-shaped building will be constructed with a flat roof to a maximum height of 4.8m, as shown on Attachment #4. Six of the 9 fully glazed overhead doors are located on the north elevation facing Crestwood Road. The remaining 3 overhead doors are located on the west elevation. The main office entrance to the establishment is located at the northeast corner of the site and comprised of a single glass door with signage above, and a row of windows above the signage band. The material used throughout the building is white split face concrete masonry units with the lower portion of the building being comprised of simulated stone face concrete masonry units. Rooftop mechanical units are not proposed, but would require screening if units are later introduced. The south and east elevations both contain single man doors constructed of metal in a grey colour.

The proposed building elevations are inconsiderate towards the residential community that the site abuts. The elevations are consistent with development in the industrial area, and is an inappropriate introduction of an architectural style along Crestwood Road, at a location that is considered to be the gateway into the Crestwood residential community. Of particular concern are the 6 overhead bay doors facing Crestwood Road, and the 3 bay doors facing the residential dwelling to the west, with respect to appearance from the street and noise impact. A less intensive use such as a business and professional office would be better able to achieve a residential-like appearance and incorporate compatible features such as a peaked roof, and building materials and design, in keeping with the abutting residential to the west.

Landscaping

The site is proposed to be landscaped with a mix of deciduous and coniferous trees and shrubs around the perimeter of the property, with decorative fencing along the Crestwood Road frontage, as shown on Attachment #3. The landscape strip widths range from 3m along the westerly property line abutting the residential development, and between 4m-6m along Crestwood Road.

Ontario Municipal Board (OMB)

The Owner has referred their Zoning By-law Amendment and Site Development applications to the OMB, on the basis that the City has not made a decision regarding these applications within 90 days and 30 days of submission of the applications, respectively, as required by the Planning Act. The OMB has not yet scheduled a Hearing date.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

Staff has reviewed the Zoning By-law Amendment and Site Development applications, in light of the policies in the Official Plan, the requirements of the Zoning By-law, the comments from the public, the information provided by the applicant, and the surrounding area context, and cannot support the proposed "public garage" use, which includes the sale of tires as one component of a number of automotive services provided by the proposed Active Green + Ross establishment within the C1 Restricted Commercial Zone. Although the applicant has applied for an "automotive retail store" use for the sale and installation of tires only, the Active Green + Ross web-site and supporting documentation refer to other automotive services that are consistent with a "public garage" use, which is not permitted in the "General Commercial" designation in the Official Plan, and therefore the proposed amendment to the Zoning By-law is inappropriate.

Furthermore the small site size cannot appropriately accommodate the proposed development, nor is it compatible with the existing residential land uses to the west. The opportunity exists today to ensure that the impacts associated with automobile-related uses is not compounded with the addition of a "public garage" use. The public is currently experiencing problems with traffic on Crestwood Road associated with the car dealerships to the north and the Petro Canada gas bar directly to the east; traffic infiltration into the westerly Crestwood residential neighbourhood attributed to vehicle drive-testing; and noise impacts associated with the car dealerships as noted in this report. The subject lands would be more suitable for a lower intensity form of development such as a business and professional office use.

On this basis, Staff recommends refusal of the Zoning By-law Amendment and Site Development applications. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Building Elevations
5. Services Offered/Active Green + Ross Web-site

Report prepared by:

Grant Uyeyama, Manager, Development Planning, ext. 8635

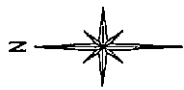
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

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Not to Scale

Temporary Approved
Parking Lot For
Car Dealership /
Future Approved
Commercial Plaza

TOWN OF
MARKHAM

YONGE STREET

Motor Vehicle
Sales Establishments

Gas Bar

Car
Dealership

STEELES AVENUE WEST

Residential

Commercial

POWELL ROAD

Residential

CRESTWOOD ROAD

PINewood DRIVE

SUBJECT LANDS



Location Map

Part of Lot 26,
Concession 1

APPLICANT:
ANTORISA INVESTMENTS LTD.

N:\DPT\1 ATTACHMENTS\DA\da.03.056

Attachment

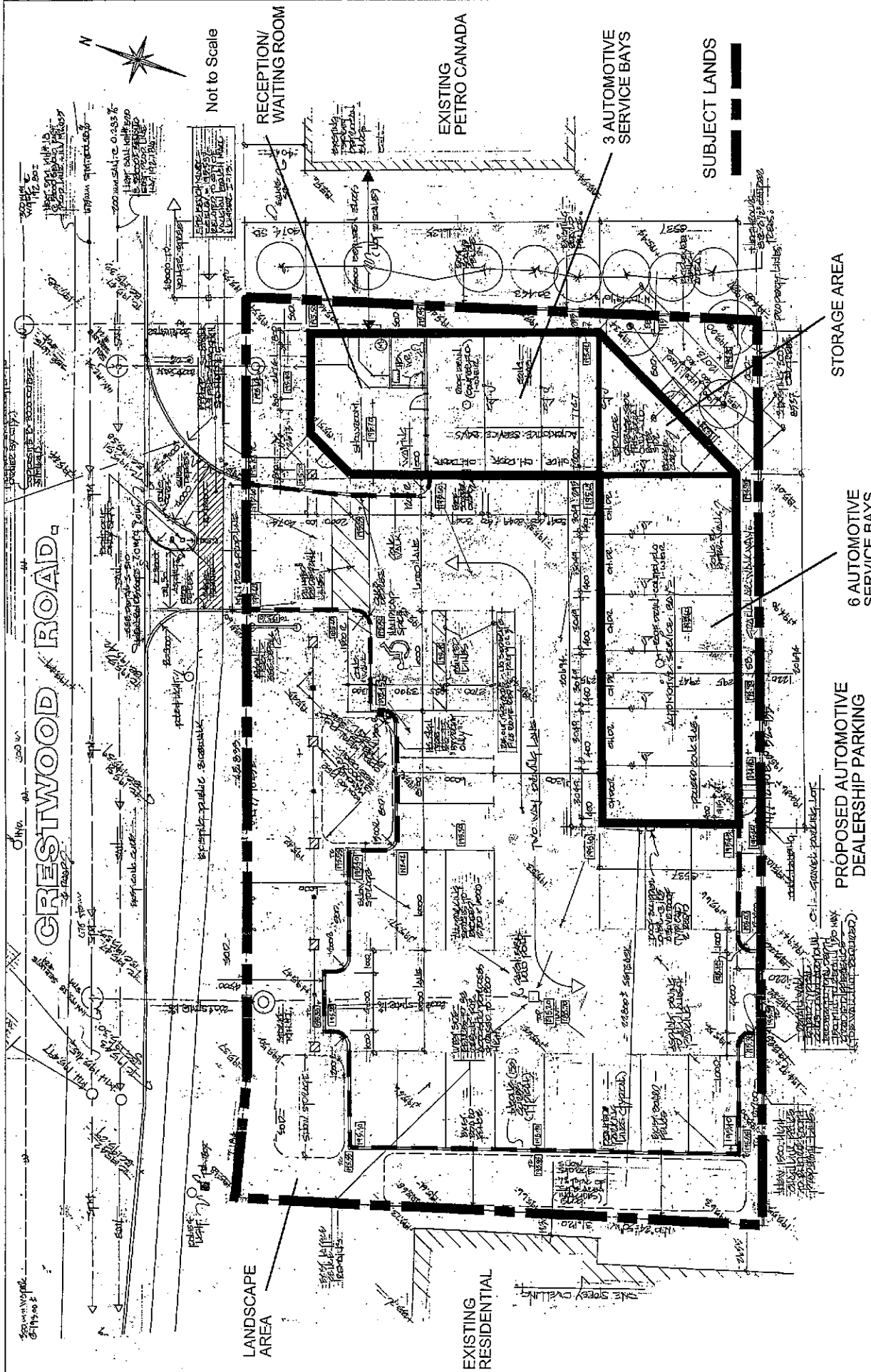
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FILE No's.:
DA.03.056 &
Z.04.008

January 25, 2005

City of
Vaughan

Development Planning Department



Site Plan

Part of Lot 26,
Concession 1

APPLICANT:
ANTORISA INVESTMENTS LTD.

NA/071.1 ATTACHMENTS/DA/06.03.056



Development Planning Department

Attachment

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FILE No's.:
DA.03.056 &
Z.04.008

January 25, 2005

Active Green + Ross
COMPLETE TIRE & AUTO CENTRE

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Active Green + Ross Complete Tire & Auto Centre

Active Green + Ross operate Southern Ontario's premier chain of Complete Tire & Auto Centres. Our locations cover the Golden Triangle from Bramford to Oshawa to Barrie and now including Cornwall and Ottawa.

We offer our customers a complete line and selection of tires from the world's premier manufacturers.

In addition to the best selection and inventory of tires in the Metro Toronto Market, all Active Green + Ross locations offer complete general automotive service and repairs to most car and light truck models. Special emphasis is placed on Preventative Maintenance Areas such as brakes, suspension and front end repairs, wheel alignment, tire balancing and lube & oil changes.

If you would like to be on our list to receive occasional email news about Specials, New Product Info, and updates to this Web site, please complete the form along the sidebar of any page. You may cancel your subscription at any time.

Active Green + Ross To operate select Seats Auto Centres. March 31, 2004 NEW

You will also find:

Discount Coupons	printable coupons and easy access to our current flyers.
Store Locations	quickly locate the nearest Active Green + Ross to you business.
Tire Selector & Price Chart	review the most current tire sizes and pricing available
Tire Information	review current tire information and consumer reports
Vehicle Maintenance	examine the most common Preventative Maintenance traps to minimize your vehicle maintenance expenses
Franchise Information	review information on becoming an Active Green + Ross Franchisee.
Community News	Information about our work in the community.

Now you can find your tire size and pricing on-line based on the make and model. Search today for the tire that fits your needs. NEW

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DEALER AREA

Vehicle Preventative Maintenance Recommendation

Service & When Needed	51013	2025	30435	40445	50550	60570
Lubrication, Oil & Filter	✓	✓	✓	✓	✓	✓
Air Filter - Inspect/Replace	✓	✓	✓	✓	✓	✓
Drive Axle Boots & Seals	✓	✓	✓	✓	✓	✓
P.C.V. Valve	✓	✓	✓	✓	✓	✓
Brake Inspection	✓	✓	✓	✓	✓	✓
Tire Rotation & Inspection	✓	✓	✓	✓	✓	✓
Tire Balance	✓	✓	✓	✓	✓	✓
Clean & Adjust Rear Brakes	✓	✓	✓	✓	✓	✓
Break System Fluid Flush	✓	✓	✓	✓	✓	✓
Wiper Blades	✓	✓	✓	✓	✓	✓
Wheel Alignment / Inspection	✓	✓	✓	✓	✓	✓
Fuel Filter Replacement	✓	✓	✓	✓	✓	✓
Transmission Service: Change Fluid & Filter	✓	✓	✓	✓	✓	✓
Fuel Injection Service (Motorvac)	✓	✓	✓	✓	✓	✓
Maintenance Tune-Up	✓	✓	✓	✓	✓	✓
Install New Spark Plugs, Inspect Wire, Cap, Rotor, Check Timing	✓	✓	✓	✓	✓	✓
Air Intake Service	✓	✓	✓	✓	✓	✓
Coolant System Flush	✓	✓	✓	✓	✓	✓
Replace Belts & Hoses	✓	✓	✓	✓	✓	✓
Timing Belt	✓	✓	✓	✓	✓	✓
Drive Clean	✓	✓	✓	✓	✓	✓
Shocks & Struts	✓	✓	✓	✓	✓	✓

Note: For a Printable PDF Version of this document please

1/21/2005

http://www.activegreencross.com/vehicle_maintenance.htm

Services Offered

Part of Lot 26,
Concession 1

APPLICANT:
ANTORISA INVESTMENTS LTD.

Development Planning Department

Attachment

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Z-04.008

January 25, 2005

City of Vaughan

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