

COMMITTEE OF THE WHOLE JUNE 20, 2005

**ZONING BY-LAW AMENDMENT FILE Z.04.033
L.SCHWARTZBERG, HARRY AND SARAH KRANC
REPORT #P.2004.87**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning Bylaw Amendment File Z.04.033 (L. Schwartzberg, Harry and Sarah Kranc) BE REFUSED.

Economic Impact

N/A

Purpose

The Owners have submitted an application to amend the Zoning By-law to rezone the subject lands from EM1(H) Prestige Employment Area Zone with Holding 'H' provision to C7 Service Commercial Zone, to facilitate a Canadian Tire service commercial development concept including, but not limited to, a gas bar, car wash, restaurant including drive-through (high-end coffee shop) and retail uses, together with exceptions to the C7 Zone to facilitate reduced building setbacks and landscape strip widths.

Background - Analysis and Options

The subject lands are located at the northwest corner of Dufferin Street and Centre Street (7818 Dufferin Street), in Part of Lot 6, Concession 3, City of Vaughan, as shown on Attachment #1. The irregular-shaped 1.36 ha site has 117 m frontage on Centre Street and 179 m flankage on Dufferin Street. The site is developed with the Concordian Motel, which is proposed to be demolished.

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), as amended by OPA #555 (Dufferin Street Study), and further amended by OPA #672 (Centre Street Study), the latter which is awaiting final approval from the Region of York. The lands are also subject to the "Service Node" policies in both OPA #450 and OPA #672. The site is zoned EM1(H) Prestige Employment Area Zone with Holding 'H' provision by By-law 1-88, subject to Exception 9(1186). The surrounding land uses are as follows:

- North - vacant (EM1(H) Prestige Employment Area Zone with Holding provision)
- South - Centre Street; vacant (A Agricultural Zone)
- East - Dufferin Street; commercial (C2 General Commercial Zone), vacant (C6 Highway Commercial Zone), residential (R1 Residential Zone)
- West - vacant (A Agricultural Zone), hydro corridor (PB1(S) Parkway Belt Linear Facilities Zone)

On August 13, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the following Ratepayer Associations: Beverley Glen, Brownridge, Concord West, and Glen Shields. No comments have been received to date. The recommendation of the Committee of the Whole on September 7, 2004, to hold the application in abeyance pending the outcome of the Centre Street Study, and the environmental assessment being undertaken by York Region for the York Rapid Transit Plan (YRTP) along Centre Street, was ratified by Council on September 13, 2004.

On February 2, 2005, the Owner's filed a Notice of Appeal to the Ontario Municipal Board (OMB) pursuant to Section 34(11) of the Planning Act, that the City failed to adopt the required zoning by-law amendment within ninety (90) days after receipt by the City. To date, the OMB has not yet Scheduled a Hearing date to consider the applicant's appeal.

OPA #672, one of two amendments to the Official Plan to update the policy framework for Centre Street, and applicable to the subject lands, was adopted by Council on May 24, 2005, and is currently at the Region of York awaiting final approval.

The environmental assessment (EA) for the York Rapid Transit Plan (YRTP) to consider the feasibility of providing a higher order transit line within the right-of-way of Centre Street, with a possible transit stop to be located in the vicinity of the intersection of Centre Street and Dufferin Street, is still on-going.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), as amended by OPA #555 (Dufferin Street Study), and further amended by OPA #672 (Centre Street Study). The "Service Node" policies of OPA #450, as amended by OPA #672, also apply to the subject lands, which is located at the intersection of two arterial roads.

The "Prestige Area" designation under OPA #450 permits a wide range of industrial, office, business and civic uses with no outside storage, and is located adjacent to arterial roads and highways. The prestige employment policies contained in OPA #555 apply to the site and the area bounded by Centre Street, Dufferin Street and Highway #407 for the development of "priority uses" including offices, hotels with related hospitality and conference facilities, major corporate complexes, and prestige employment uses, with the amount and type of retail commercial and personal service uses to be ancillary to the priority uses; and civic and hydro-electric utility uses are also permitted. Under this designation, the requirements of the EM1 Zone under Exception 9(1186) would apply to the site, which excludes industrial employment uses.

OPA #450 permits the establishment of "Service Nodes" at arterial road intersections, generally including convenience retail uses and service stations. However, the Centre Street Study, which was approved by Council on May 9, 2005, concluded that it is not desirable to permit development of multiple service station sites in the location of the "Western Gateway" (being the lands at the intersection of Dufferin and Centre Streets). Such a use would not fulfill the planning objectives of achieving development at this prominent location that is highly concentrated, supportive of transit and contributes to the visibility and identity of this key location. Furthermore, the City's existing Official Plan policies in OPA #600, limits the number of automobile service stations to one (1) at intersections of two arterial roads.

OPA #672 which implements the Centre Street Study, and amends OPA #450 as amended by OPA #555, incorporates the following amendments that are applicable to the subject lands:

- Part 1 Section 4: adds an exception to the "Prestige Area" designation to permit recreational and institutional uses; and by placing an overall density cap of 1.0 Floor Space Index (FSI) on future development;
- Part 1 Section 4: deletes an "automobile service station/gas bar use" from the uses permitted within the "Service Node" policies of the "Prestige Area" designation; and
- Part 2 Section 1(xv): includes urban design and site-specific policies for the four quadrants of Dufferin and Centre Streets, including the following:
 - "- Corner sites should be defined with more intense development and high-quality architecture and serve as landmarks or gateway entry points.

- Development density shall be concentrated close to the Dufferin/Centre intersection, and along the frontages of Dufferin Street and Centre Street.
- Maximum permitted building heights shall provide for the tallest buildings, including landmark buildings, to be located at the key corner locations, and such buildings shall be designed to allow stepping down of the heights from the corner back towards adjacent low-density residential neighbourhoods. The minimum height for buildings at key corner locations shall be two-storeys.
- Pedestrian and vehicle crossings at the key intersection shall be well defined.
- Streetscape and street furniture shall be high quality and of unified design to clearly demarcate the gateway.
- Landowners should consolidate driveways and provide interconnected laneways, where appropriate, as sites develop or redevelop over time.
- Commercial and/or mixed-use buildings shall be built to within 3 metres of the front property line and residential buildings setback, with soft landscaping (up to 5 m) from the property line."

In addition, any site-specific rezoning application is required to be based on an approved comprehensive plan for the quadrant, addressing the location of local roads, street access points, pedestrian connection, buildings, etc., which was not provided by the applicant.

The proposal does not conform to the Official Plan policies in OPA #672, nor does the preliminary site plan shown on Attachment #2 address the urban design objectives noted above.

Zoning

The site is zoned EM1(H) Prestige Employment Area Zone with Holding 'H' provision by By-law 1-88, subject to Exception 9(1186). The uses permitted include: business and professional office; convention centre; hotel; office building; open storage/outside storage in conjunction with public uses; and any existing use, so long as it continues to be used for that purpose. Council considered these uses to be compatible with the uses in the neighbouring employment area to the east (Concord/Thornhill Business Park), and physically compatible with the surrounding built form, urban design and streetscape character of the area. The enactment of By-law 75-2004 on March 2004, which created Exception 9(1186), implemented the approved Dufferin Street Land Use Study and OPA #555.

The applicant has proposed to rezone the subject lands from EM1(H) Zone to C7 Service Commercial Zone to permit a new Canadian Tire service commercial concept, including but not limited to, a specialty restaurant, drive-through restaurant (high-end coffee), convenience retail, car wash, dry cleaners and a pharmacy, with exceptions to facilitate reduced building setbacks and landscape strip widths. In light of the final recommendation in the Centre Street Study to delete an automobile service station and gas bar uses from the "Service Node" policies of the "Prestige Area" designation as it applies to the area subject to OPA #555 (quadrant bounded by Dufferin, Centre, and Highway 407), and implemented through Council's recent adoption of OPA #672 on May 24, 2005, the zoning amendment application does not conform to the official plan.

Compatibility

This current land designation and zoning that permits higher order prestige employment uses as explained earlier in this report, is consistent with a recent rezoning of the lands through the enactment of By-law 75-2004 in March, 2004 to EM1(H) Zone. At that time, Staff undertook an evaluation of the compatible uses for the area encompassing the Dufferin Street Study (including the subject lands) of which Council determined that the higher order employment uses as most appropriate for development, which did not include the proposed gas bar use. Further emphasizing what the City deems to be acceptable development, is the recommendation contained in the Centre Street Study, which concluded that office uses are the best land use and built form to anchor the Western Gateway and give it a recognizable identity. Office uses will support daytime

activity in this area and provide the built form necessary to establish an architecturally significant presence at this intersection. The Study further defined specific design policies for the Gateway which include a minimum building height of two-storeys at the corners, well-defined pedestrian and vehicle crossings at the intersection, high quality streetscaping and street furniture, and a consolidation of existing driveways and interconnected laneways where appropriate.

In addition, specifically in regards to the proposed gas bar component of the development, it has been determined that since there is already an existing service station at the southeast corner of Centre Street and Dufferin Street, and given the objectives of the Western Gateway, and its importance as a preferred transit node, an additional service station/gas bar is not an appropriate use on the subject lands.

In December 2004, Planning Staff met with the applicant to discuss the conceptual site plan and some of the concerns identified at the Public Hearing in regards to use and site layout. The applicant did propose to incorporate a substantial amount of architectural detail and landscaping to try and screen the development, however, they did not want to eliminate the proposed gas bar and car wash which was situated closest to the intersection corner, as shown on Attachment #2. The retail component which would be developed in conjunction with the gas bar and incorporated into the whole design concept, would be situated to the north, and set well back from both arterial roads, thereby becoming the main focus at this future prominent intersection. Aside from the fact that the gas bar/service station would not be a permitted use, the Development Planning Department is of the opinion that this conceptual site plan does not implement the full urban design objectives of the Plan. No formal site plan submission was received subsequent to the meeting.

In light of the above, the proposed C7 Zone to facilitate the development of a new Canadian Tire service commercial concept, including but not limited to a specialty restaurant, drive-through restaurant (high-end coffee), convenience retail, car wash, dry cleaners and pharmacy is not suitable for the subject lands. On this basis, the proposal to amend the Zoning By-law should BE REFUSED.

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

The proposed zoning by-law amendment have been recommended in accordance with the policies of OPA #450, as amended by OPA #555 and OPA#672, and the City's Comprehensive Zoning By-law 1-88, and it is concluded that the proposed rezoning of the subject lands from EM1(H) Prestige Employment Area Zone with Holding 'H' provision under Exception 9(1186), to C7 Service Commercial Zone to facilitate a Canadian Tire service commercial concept including, but not limited to, a gas bar, car wash, and restaurant including with drive-through (high end coffee shop), is not consistent with the policies of OPA #672. Official Plan Amendment #672 which implements the Centre Street Study deleted the automobile service station and gas bar uses from the "Service Node" policies of the "Prestige Area" designation as it applies to the site, and therefore, the rezoning application does not conform to OPA #672 as adopted. For these reasons, the proposed application to amend the Zoning By-law should BE REFUSED. Council has established a comprehensive vision for the future of the Centre Street Corridor, which ultimately requires development of a higher order nature at this prominent Western Gateway corner.

Attachments

1. Location Map
2. Preliminary Site Plan

Report prepared by:

Andrea Seca, Planner, ext. 8215
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

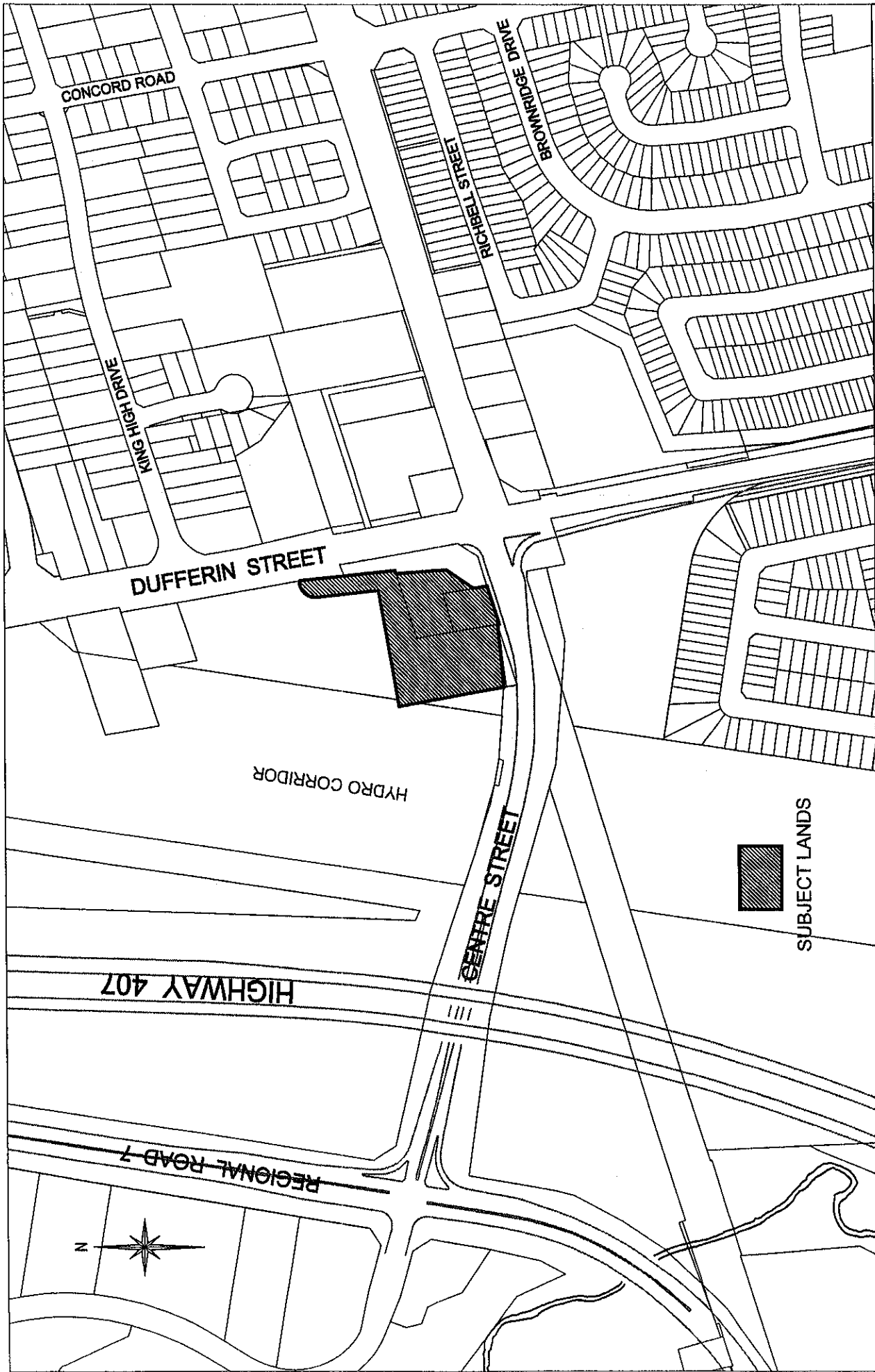
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM

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Attachment
1

FILE No.:
 Z.04.033
 Not to Scale
 August 9, 2004

City of
Vaughan

Community Planning Department

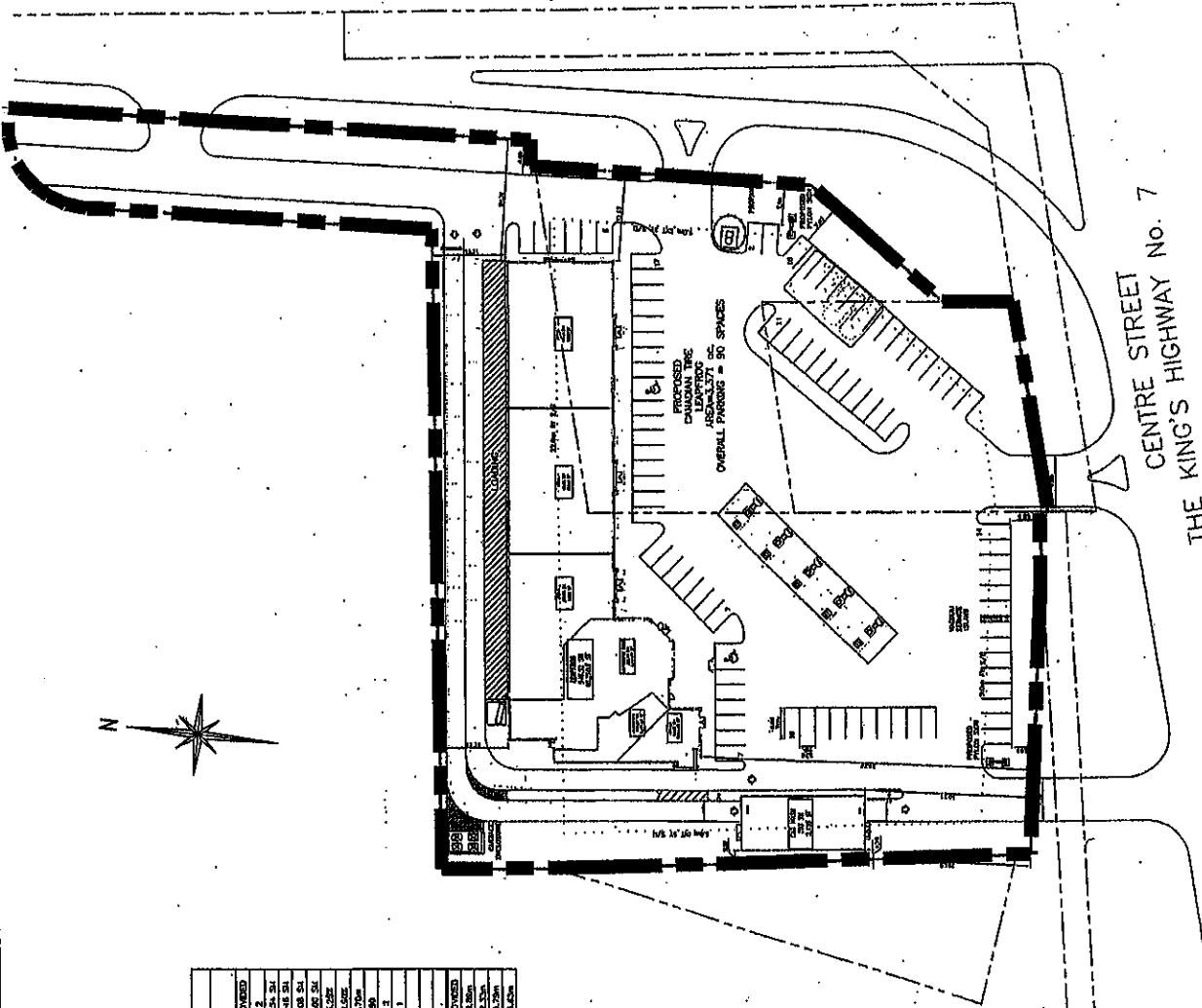
Location Map

Lot 6,
 Concession 3
 APPLICANT:
 L. SCHWARTZBERG, HARRY &
 SARAH KRANC



DETAILS OF DEVELOPMENT
PROPOSED PARKING BY SERVICE SECTION
LOT AREA - 2,842,004 SQ. FT. (65.7 AC)

	REQUIRED	PROVIDED
TOTAL NUMBER OF UNITS	N/A	2
RESIDENTIAL UNITS	N/A	2,000,000 SQ. FT.
OFFICE UNITS	N/A	1,200,000 SQ. FT.
RETAIL UNITS	N/A	1,200,000 SQ. FT.
RESTAURANT UNITS	N/A	1,200,000 SQ. FT.
LOT COVERAGE	NO MAX.	85,200 SQ. FT.
LANDSCAPED AREA	MIN. 10%	85,200 SQ. FT.
BUILDING HEIGHT	11.0m	11.0m
PARKING SPACES (GARAGE OR OFF-STREET)	75	95
HANDICAP SPACES	1	2
LOADING SPACES	1	1
STREETS	REQUIRED	PROVIDED
STREET	6.0m	20.00m
INT. ST.	22.0m	22.0m
EXT. ST.	6.0m	1.20m
		15.00m



SUBJECT LANDS
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Attachment 2
FILE No.: Z.04.033
Not to Scale
August 9, 2004

City of Vaughan
Community Planning Department

Preliminary Site Plan
Lot 6,
Concession 3
APPLICANT:
L. SCHWARTZBERG, HARRY &
SARAH KRANC