

COMMITTEE OF THE WHOLE MARCH 6, 2006

SITE DEVELOPMENT FILE DA.05.067 L.SCHWARTZBERG, HARRY AND SARAH KRANC

Recommendation

The Commissioner of Planning recommends:

THAT Site Development File DA.05.067 (L. Schwartzberg, Harry and Sarah Kranc) BE REFUSED.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owners have submitted an application for Site Development approval on the subject lands shown on Attachment #1 to permit 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, as shown on Attachment #2.

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 has been appealed to the Ontario Municipal Board (OMB). The Board has not yet scheduled a Hearing date to consider OPA #672. The Subject Site Plan application was submitted to the Development Planning Department on December 16, 2005, which was after the adoption of OPA #672 on May 24, 2005. 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 the 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)

In June 2004, the Owner submitted Zoning Bylaw Amendment Application Z.04.033 to re-zone the subject lands from EM1(H) Prestige Employment Area Zone with Holding 'H' provision to C7 Service Commercial Zone to facilitate the proposed development. 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. On June 27, 2005, Council refused the zoning amendment application. To date, the OMB has not yet scheduled a Hearing date to consider the

applicant's appeal of their zoning amendment application, which will be consolidated with their appeal of OPA #672.

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 by the Region of York in October 2005. On October 26, 2005, the Owner's filed a Notice of Appeal to the Ontario Municipal Board (OMB). The reasons cited for the appeal include that the Amendment proposes to delete "automobile service station/gas bar use" from the permitted uses within the "Service Node Policies" of the "Prestige Area" designation that would apply to the subject property.

Site Design Proposal

The site plan (Attachment #2) shows the gas pumps in the southeast corner of the site (facing Dufferin Street and Centre Street) and the 203m² car wash component along the west property line. The 997.76m² main commercial building which will include various commercial uses is located behind the gas bar in the northwest corner of the site. The site is served by three access points, two on Centre Street, one on Dufferin Street. The site plan shows vehicular circulation with parking throughout the site to service the development landscaping (Attachment #3) is proposed along the lot lines. The proposed building elevations are provided on Attachment #4, which consist of single-storey structures.

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.

OPA #672 which implements the Centre Street Study, and amends OPA #450 as amended by OPA #555, incorporates the following policy 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 3m of the front property line and residential buildings setback, with soft landscaping (up to 5m) from the property line."

The proposed use of the subject lands and development proposal does not conform to the Official Plan policies in OPA #672, nor does the 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 north 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 in March 2004, which created Exception 9(1186), implemented the approved Dufferin Street Land Use Study and OPA #555. 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.

As identified earlier, the applicant 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 proposed use of the subject lands does not comply with the existing EM1(H) zoning, and is not consistent with Council's refusal of the applicant's zoning amendment application on June 27, 2005, to rezone the property to C7 Zone.

Planning Consideration

OPA #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 proposed site development application does not conform to OPA #672 as adopted.

Prior to OPA #672, and applicable to the subject lands was the enactment of Zoning By-law Amendment 75-2004 in March 2004, which created Exception 9(1186), and implemented the approved Dufferin Street Land Use Study and OPA #555. 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.

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 site development application has been reviewed 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 site development application to facilitate the development of 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 is not consistent with the above. The Owner had previously submitted a Zoning By-law Amendment Application Z.04.033 to rezone the subject the lands from EM1 (H) Prestige Employment Area Zone to C7 Service Commercial Zone to implement the proposed development, which was refused by Council on June 27, 2005. For these reasons, it can be concluded that the proposed application for Site Development approval BE REFUSED, as it does not conform to the Official Plan, nor comply to the Zoning By-law. Council has established a comprehensive vision for the future of the Centre Street Corridor, which ultimately requires development of a higher order use at this prominent Western Gateway corner.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevations

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

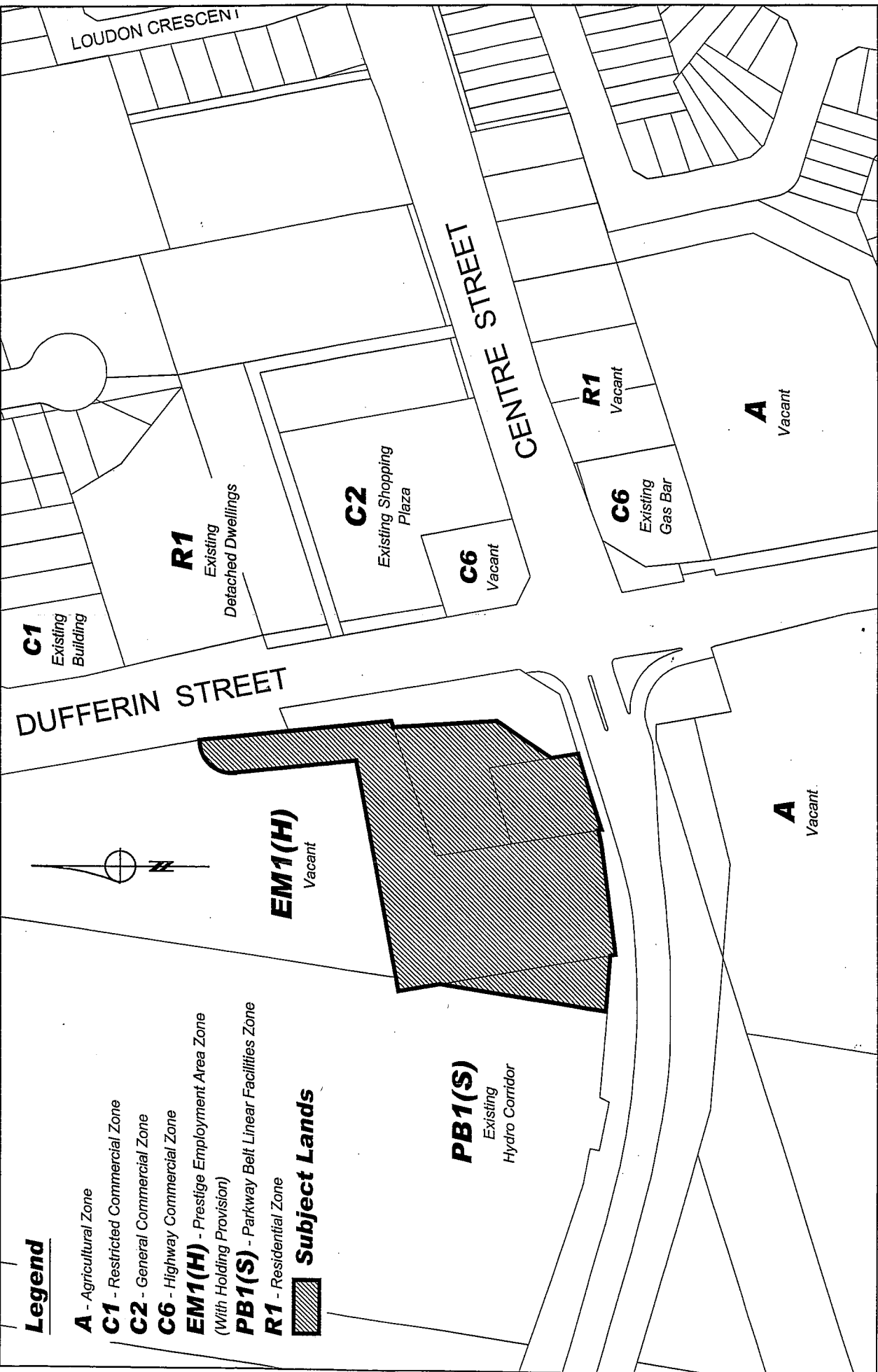
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Legend

- A** - Agricultural Zone
- C1** - Restricted Commercial Zone
- C2** - General Commercial Zone
- C6** - Highway Commercial Zone
- EM1(H)** - Prestige Employment Area Zone (With Holding Provision)
- PB1(S)** - Parkway Belt Linear Facilities Zone
- R1** - Residential Zone

Subject Lands



Location Map

Part Lot 6,
Concession 3
 APPLICANT:
 L. SCHWARTZBERG, HARRY & SARAH KRANC
NA\BPT\1 ATTACHMENTS\VA\06.05.067



Development Planning Department

Attachment 1

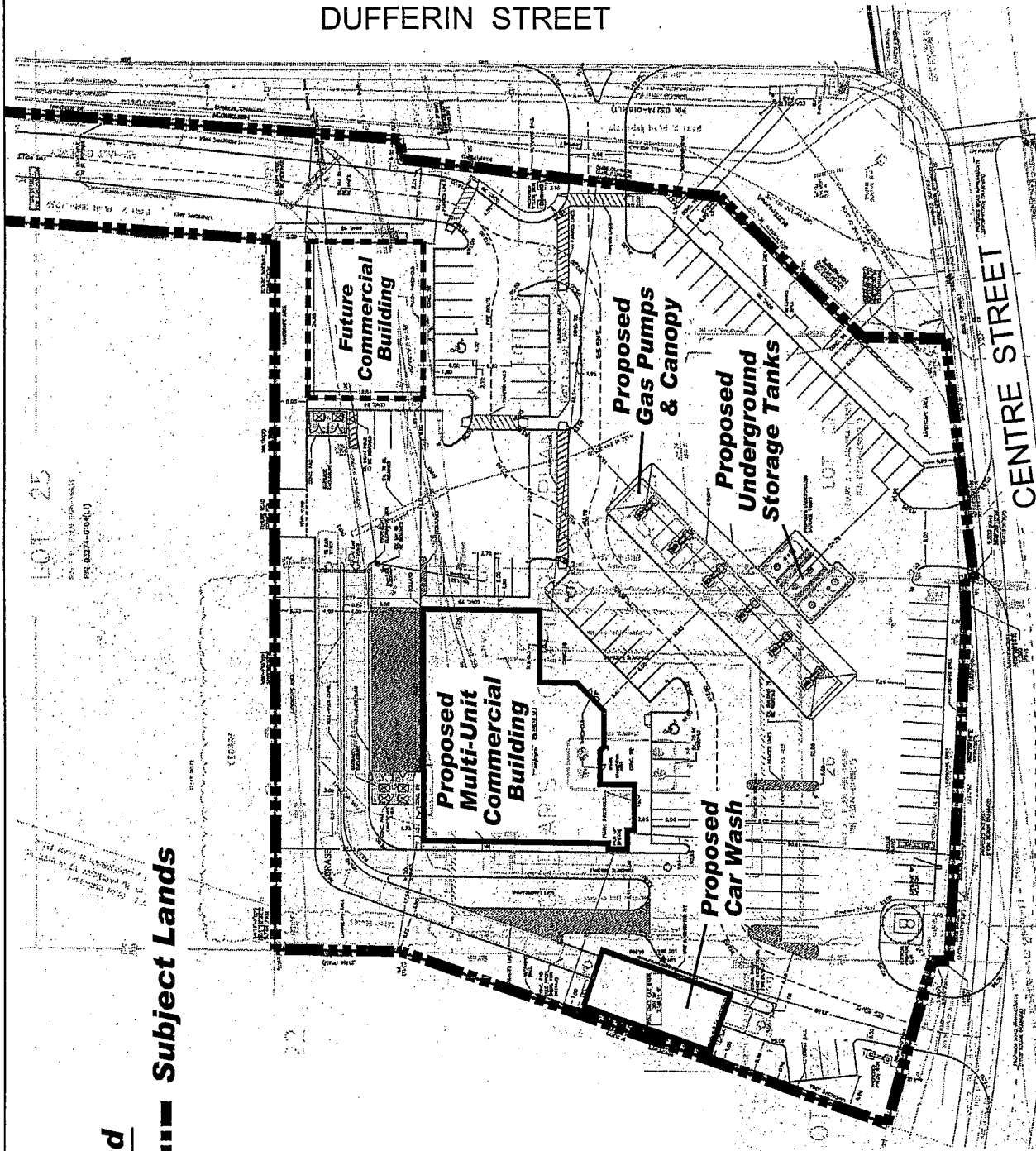
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Legend

Subject Lands



DUFFERIN STREET



Site Plan

Part Lot 6,
Concession 3

APPLICANT:

L. SCHWARTZBERG, HARRY & SARAH KRANC

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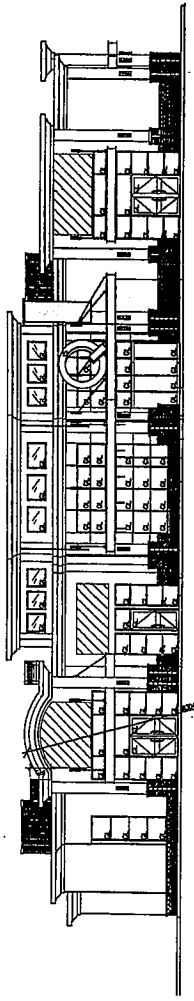
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Attachment 2

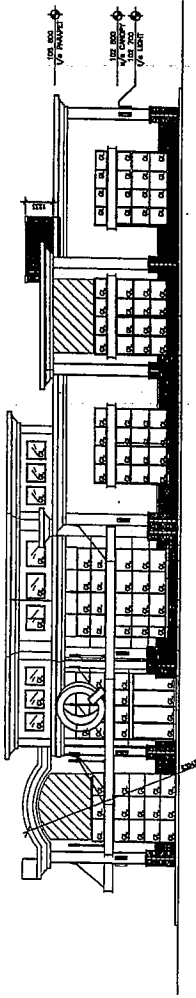
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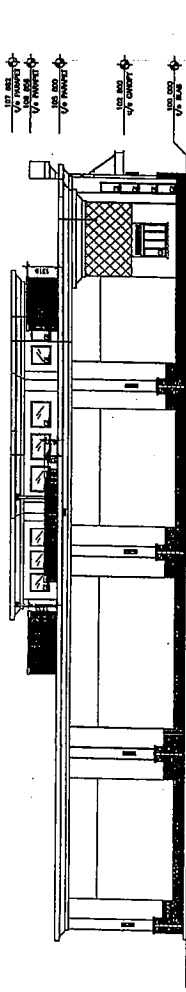
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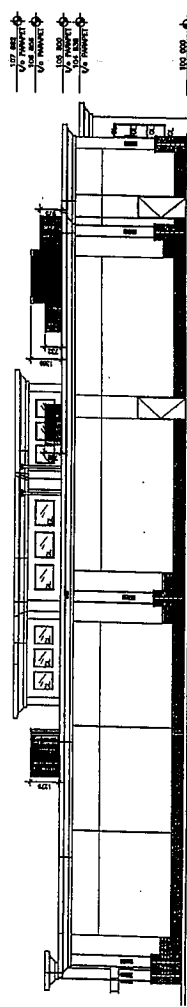
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

Multi-Unit Commercial Building Elevations

Elevations

Part Lot 6,
Concession 3

APPLICANT:
L. SCHWARTZBERG, HARRY & SARAH KRANC

HA/PT/1 ATTACHMENT/DA/06.05.067



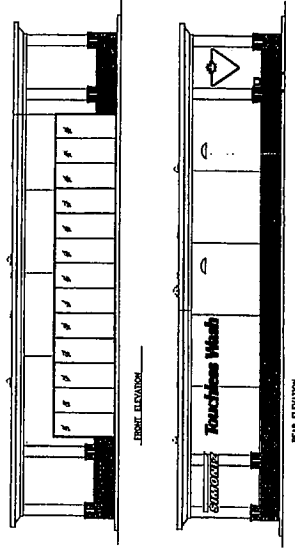
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Attachment 4

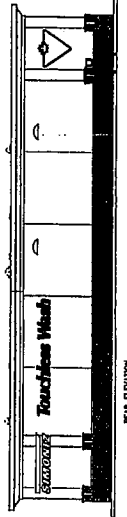
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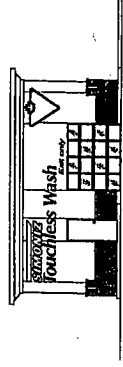
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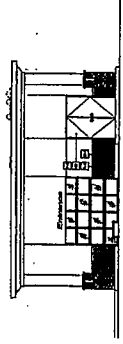
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

Car Wash Elevations