

COMMITTEE OF THE WHOLE FEBRUARY 28, 2012

**ZONING BY-LAW AMENDMENT FILE Z.11.020
SITE DEVELOPMENT FILE DA.11.068
SHELL CANADA LIMITED ET AL.
WARD 1**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.020 (Shell Canada Limited et al.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the easterly portion of the subject lands shown on Attachments #1 and #2 from A Agricultural Zone to C6 Highway Commercial Zone in the manner shown on Attachment #3, and to permit the site-specific exceptions to the C6 Zone (applicable to the entire subject lands) identified in Table 1 of this report, to facilitate the development of an automobile gas bar shown on Attachments #4 to #8.
2. THAT Site Development File DA.11.068 (Shell Canada Limited et al) BE APPROVED, to facilitate the development of an automobile gas bar shown on Attachments #4 to #8 inclusive, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the implementing Zoning By-law be in full force and effect; and,
 - ii) the final site servicing and grading plan shall be approved by the Vaughan Development/Transportation Engineering Department; and,
 - b) that the Site Plan Letter of Undertaking include the following provision:
 - i) the Owner shall pay to the City of 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 issuance of a Building Permit, in accordance with Section 42 of 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.

Contribution to Sustainability

The Owner has advised that the following sustainable features will be included within the site and building design:

- i) external lighting linked to daylight sensors;
- ii) floodlights and canopy lighting equipped with LED fittings;
- iii) programmable thermostat;
- iv) occupancy sensor on back rooms;
- v) high efficiency refrigeration units;
- vi) bike racks to promote cycling as an alternative to motor vehicles; and,
- vii) drought tolerant and native plant species to promote water efficiency.

Economic Impact

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

Communications Plan

On August 19, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. Through the notice circulation, no written comments were received by the Vaughan Development Planning Department.

On September 13, 2011, a Public Hearing was held for Zoning By-law Amendment File Z.11.020. At the meeting, the Committee of the Whole members encouraged the applicant to enhance the proposed elevations and landscaping as the property is located at a prominent corner. The applicant has since revised the proposed elevations and landscape plan, which is discussed further in the Site Plan Review section of this report.

The recommendation of the Committee of the Whole to receive the Public Hearing report of September 13, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on September 27, 2011.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 to #2:

1. Zoning By-law Amendment File Z.11.020, to amend Zoning By-law 1-88, specifically to rezone the easterly portion of the subject lands from A Agricultural Zone to C6 Highway Commercial Zone in the manner shown on Attachment #3, and to permit the site-specific exceptions to the C6 Zone (applicable to the entire subject lands) identified in Table 1 of this report, to facilitate the development of an automobile gas bar shown on Attachments #4 to #8; and,
2. Site Development File DA.11.068 to facilitate the development of an automobile gas bar as shown on Attachments #4 to #8.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at the northeast corner of Major Mackenzie Drive and Jane Street, City of Vaughan, and is comprised of two properties. The westerly property (3000 Major Mackenzie Drive) is owned by Shell Canada Limited and is currently developed with an automobile gas bar and drive-through, which are no longer in operation, and will be demolished. The easterly property is owned by 937533 Ontario Inc. and is vacant. The Owners have consented to a comprehensive development over the two properties (Attachment #4). The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Community Commercial Centre" with a Service Centre overlay by OPA #350 (Maple Community Plan), which permits an automobile gas bar use. The proposed development conforms to the current in-effect Official Plan.

The subject lands are designated "Mid-Rise Mixed-Use" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011) and is pending approval from the Region of York. An automobile gas bar use is permitted under this designation, provided that the use is located on an arterial street, is limited to one gas station per intersection, and that no gas stations shall be permitted at the intersection of two arterial streets. The proposal does not conform to the locational criteria for gas stations identified in VOP 2010. However, the westerly parcel (Shell Canada) has an as-of-right C6 Highway Commercial zoning on the property that permits an automobile gas bar use,

and when combined with the easterly parcel, creates a larger parcel that provides opportunities for improved site design.

Zoning

The westerly property (Shell Canada) is zoned C6 Highway Commercial Zone by Zoning By-law 1-88, which permits the automobile gas bar use. The easterly property (937533 Ontario Limited) are zoned A Agricultural Zone by Zoning By-law 1-88. An amendment to Zoning By-law 1-88 is required to rezone the easterly property from A Agricultural Zone to C6 Highway Commercial Zone together with the proposed site-specific zoning exceptions to the C6 Zone (applicable over the entire subject lands) identified in Table 1 of this report, to implement the proposed development of an automobile gas bar.

The 0.17 ha westerly property is developed with an automobile gas bar and drive-through, which are no longer in operation, and the 0.18 ha easterly property is vacant. The Owners have proposed to develop both properties together (0.35 ha) as shown on Attachment #3, to accommodate a more comprehensive development for a new automobile gas bar. The westerly property will be developed with the gas bar canopy, parking stalls and a right-in/right-out access onto Jane Street, as shown on Attachment #4. The easterly property will be developed with the convenience retail store, additional parking, a landscaped area, and a right-in/right-out access onto Major Mackenzie Drive as shown on Attachment #4.

Given that the zoning for the westerly property permits an automobile gas bar, the proposal to rezone the easterly adjacent property from A Agricultural Zone to C6 Highway Commercial Zone will create a consistent zone category (C6 Highway Commercial Zone) over the entire subject lands and will accommodate an improved site design and a more efficient development for the proposed automobile gas bar. The Development Planning Department is of the opinion that the proposed rezoning is appropriate and compatible with the surrounding development.

The applicant is proposing the following site-specific zoning exceptions to the C6 Highway Commercial Zone standards of Zoning By-law 1-88 to implement the proposed automobile gas bar development:

Table 1 – Proposed Zoning Exceptions to the C6 Highway Commercial Zone

	By-law Standard	By-law 1-88 Requirements – C6 Highway Commercial Zone	Proposed Exceptions to C6 Highway Commercial Zone
a.	Definition of a Lot	Means a parcel of land fronting onto a street separate from any abutting land.	For the purpose of zoning conformity, the subject lands shown on Attachments #1 and #2 shall be deemed to be one lot.
b.	Minimum Lot Frontage (Jane Street)	60 m	15 m (Existing Situation)
c.	Maximum Driveway Width (Major Mackenzie Drive)	9 m	12 m

	By-law Standard	By-law 1-88 Requirements – C6 Highway Commercial Zone	Proposed Exceptions to C6 Highway Commercial Zone
d.	Minimum Parking Requirement	6 spaces/100 m ² or 13 spaces	3.5 spaces/100 m ² or 8 spaces
e.	Minimum Exterior Side Yard Setback (Major Mackenzie Drive)	15 m	1.2 m
f.	Minimum Interior Side Yard Setback (north)	10 m	1.5 m
g.	Minimum Landscape Strip Width Abutting a Street Line (Major Mackenzie Drive)	6 m	1 m
h.	Minimum Landscape Strip Abutting Lands Zoned Open Space (north lot line)	2.4 m	0.8 m

The proposed zoning exception to amend the definition of a lot is required to allow both properties to be developed as one development parcel. This will permit the Zoning By-law to be applied over the entire subject lands, instead of treating the subject lands as two separate parcels. The exception is considered appropriate and will allow for a comprehensive review of the overall development.

The reduction in the required lot frontage addresses the existing irregular configuration of the two lots. The required lot frontage for the C6 Highway Commercial Zone is 60 m, whereas the existing situation is 15 m. Zoning By-law 1-88 defines a Front Lot Line for a corner lot to be the shorter of the street lines, which in this case is the street line abutting Jane Street.

The proposed zoning exceptions for an increased driveway width, reduced parking ratio, exterior and interior side yards, and landscape strip width, are necessary to implement the siting of the proposed automobile gas bar over the entire subject lands, given the narrow configuration of the property, which is further compromised by a 4.2 m road widening along Major Mackenzie Drive, to be conveyed to the Region of York.

The Development Planning Department can support the approval of Zoning By-law Amendment File Z.11.020. The proposed rezoning and site-specific zoning exceptions would implement a consistent zone category over the entire property, facilitate a development that is appropriate and result in a building form that is compatible with the surrounding commercial area, in conformity with the in-effect Official Plan.

Site Plan Review

The proposal includes a 211.9 m² convenience retail store and gas bar facing Jane Street (Attachment #4). The easterly portion of the property behind the convenience retail store is topographically depressed and will be landscaped with coniferous and deciduous trees as shown on Attachment #5. The applicant has also provided landscaping around the entire perimeter of the property. The site will be developed with two right-in/right-out access driveways onto Jane Street and Major Mackenzie Drive. A total of 8 parking spaces are proposed on the site, including a barrier free parking space for the convenience retail store. The gas bar will be developed with 5 gas pumps sheltered by an overhead canopy to serve 10 vehicles.

In accordance with comments made by members of the Committee of the Whole at the September 13, 2011 Public Hearing, the Applicant has enhanced the building elevations. The elevation plans shown on Attachments #6 and #7 include brown brick, dormers on the west, east and south elevations of the convenience retail store, shutters for the proposed windows on the east and south elevations, and pearl white masonry quoining on all corners of the retail building. The automobile gas bar will be branded as a Shell Canada Gas Bar. Corporate Shell Select signage will be included on the west façade of the convenience retail store, with a red and yellow sign band as shown on Attachment #6. The proposed gas bar canopy will include the Shell corporate logo with a sign band on the east and south façades as shown on Attachment #7. A pylon sign shown on Attachment #8 will be located east of the Major Mackenzie access. The pylon sign is 7.5 m in height and will be fixed to a masonry stone base.

The Vaughan Development Planning Department is satisfied with the proposed site plan, landscape plan and elevation plan as shown on Attachments #4 to #8 inclusive.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department is working with the applicant to finalize the grading and servicing plans for the proposed development. The final plans and report must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition of approval to this effect is included in the recommendation of this report.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth and Economic Well-being".

Regional Implications

The subject lands are located at the northeast corner of two Regional Roads, being Jane Street and Major Mackenzie Drive. The Region of York is presently protecting for a 45 m right-of-way for this section of Major Mackenzie Drive and a 36 m right-of-way for this section of Jane Street. As such, the municipal setbacks must be referenced from a point 22.5 m from the centre line of Major Mackenzie Drive and 18 m from the centre line of Jane Street. The Owner is required to convey a 4.2 m wide strip of land along the entire frontage of the site adjacent to Major Mackenzie Drive to the Region of York for a road widening. Access to Jane Street and Major Mackenzie Drive will be restricted to right-in/right-out movements only. The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department, including the execution of a Regional Site Plan Agreement.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.11.020 and Site Development File DA.11.068 (Shell Canada Limited et al.) in accordance with OPA #350, the new City of Vaughan Official Plan 2010, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed rezoning of the easterly property from A Agricultural Zone to C6 Highway Commercial Zone, together with the site-specific zoning exceptions to the C6 Zone (over the entire subject lands) identified in Table 1 of this report, to facilitate the development of an automobile gas bar is appropriate and will facilitate development that is compatible with the existing and permitted uses in the surrounding area, in conformity with the Official Plan. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning
4. Site Plan
5. Landscape Plan
6. Elevations (Convenience Store)
7. Elevations (Gas Pumps and Canopy)
8. Elevation (Pylon Sign)

Report prepared by:

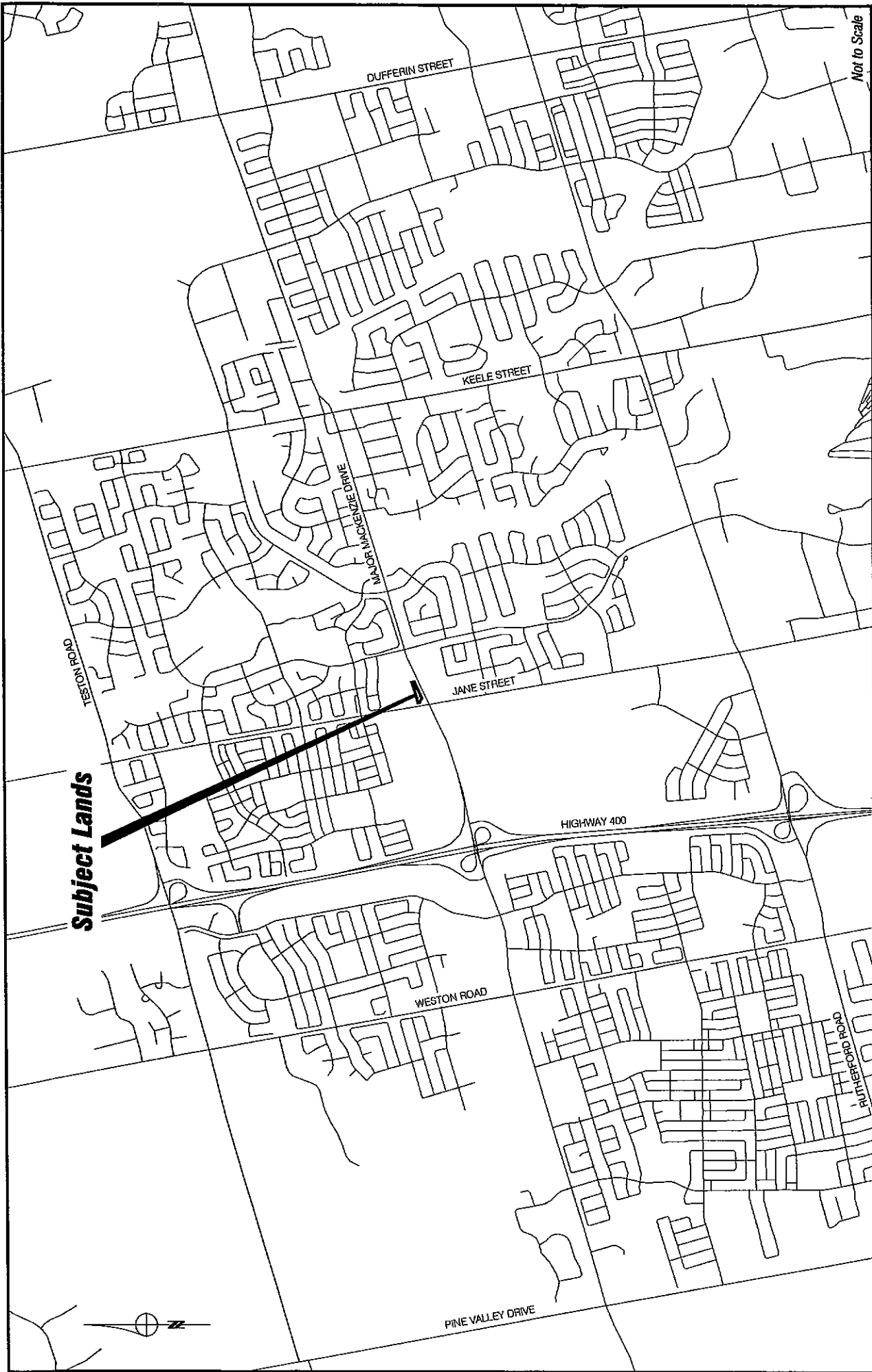
Mary Caputo, Planner, ext. 8215
Christina Napoli, Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG



Subject Lands

Attachment 1

FILE: Z.11.020
RELATED FILE: DA.11.068

DATE:
January 30, 2012

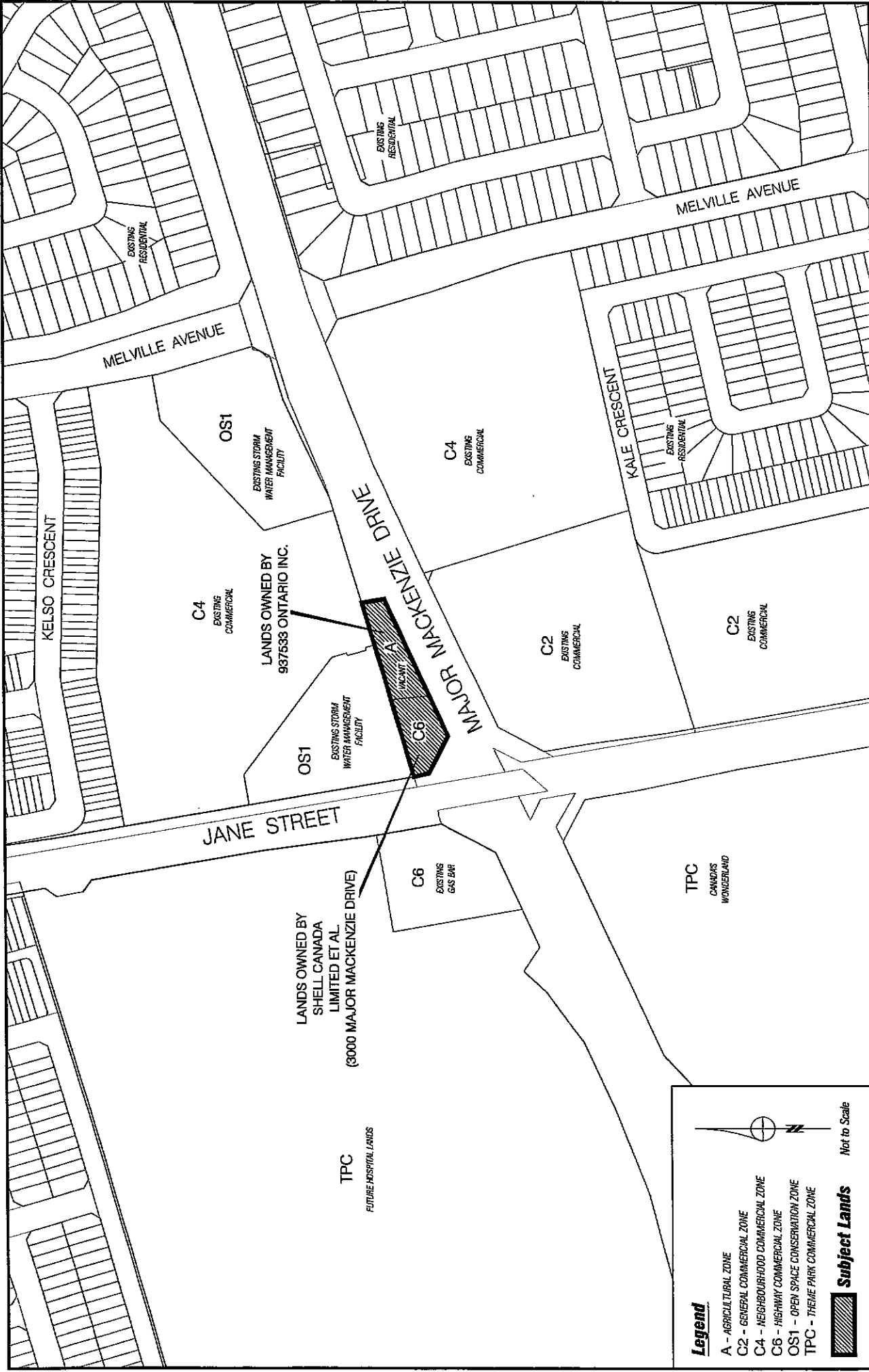


Context Location Map

LOCATION:
Part of Lots 20 & 21, Concession 4

APPLICANT:
Sheil Canada Limited ET AL

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Legend

- A - AGRICULTURAL ZONE
- C2 - GENERAL COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- TPC - THEME PARK COMMERCIAL ZONE

Subject Lands Not to Scale

Location Map

LOCATION:
Part of Lots 20 & 21, Concession 4

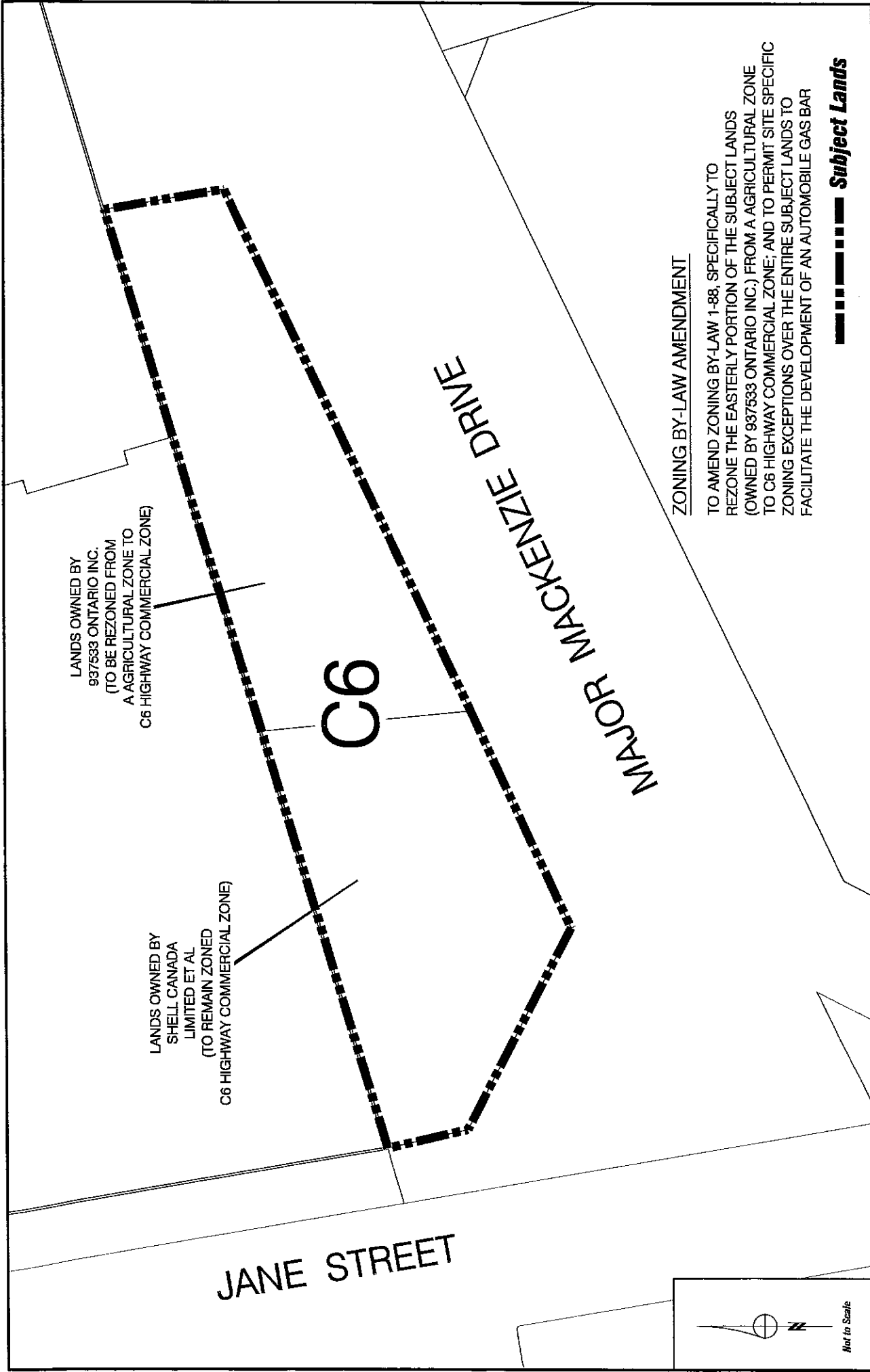
APPLICANT:
Shell Canada Limited ET AL

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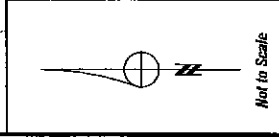
FILE: Z.11.020
RELATED FILE: DA.11.068
DATE:
January 30, 2012



ZONING BY-LAW AMENDMENT

TO AMEND ZONING BY-LAW 1-88, SPECIFICALLY TO REZONE THE EASTERLY PORTION OF THE SUBJECT LANDS (OWNED BY 937533 ONTARIO INC.) FROM A AGRICULTURAL ZONE TO C6 HIGHWAY COMMERCIAL ZONE; AND TO PERMIT SITE SPECIFIC ZONING EXCEPTIONS OVER THE ENTIRE SUBJECT LANDS TO FACILITATE THE DEVELOPMENT OF AN AUTOMOBILE GAS BAR

Subject Lands



Proposed Zoning

LOCATION:
Part of Lots 20 & 21, Concession 4

APPLICANT:
Shell Canada Limited ET AL

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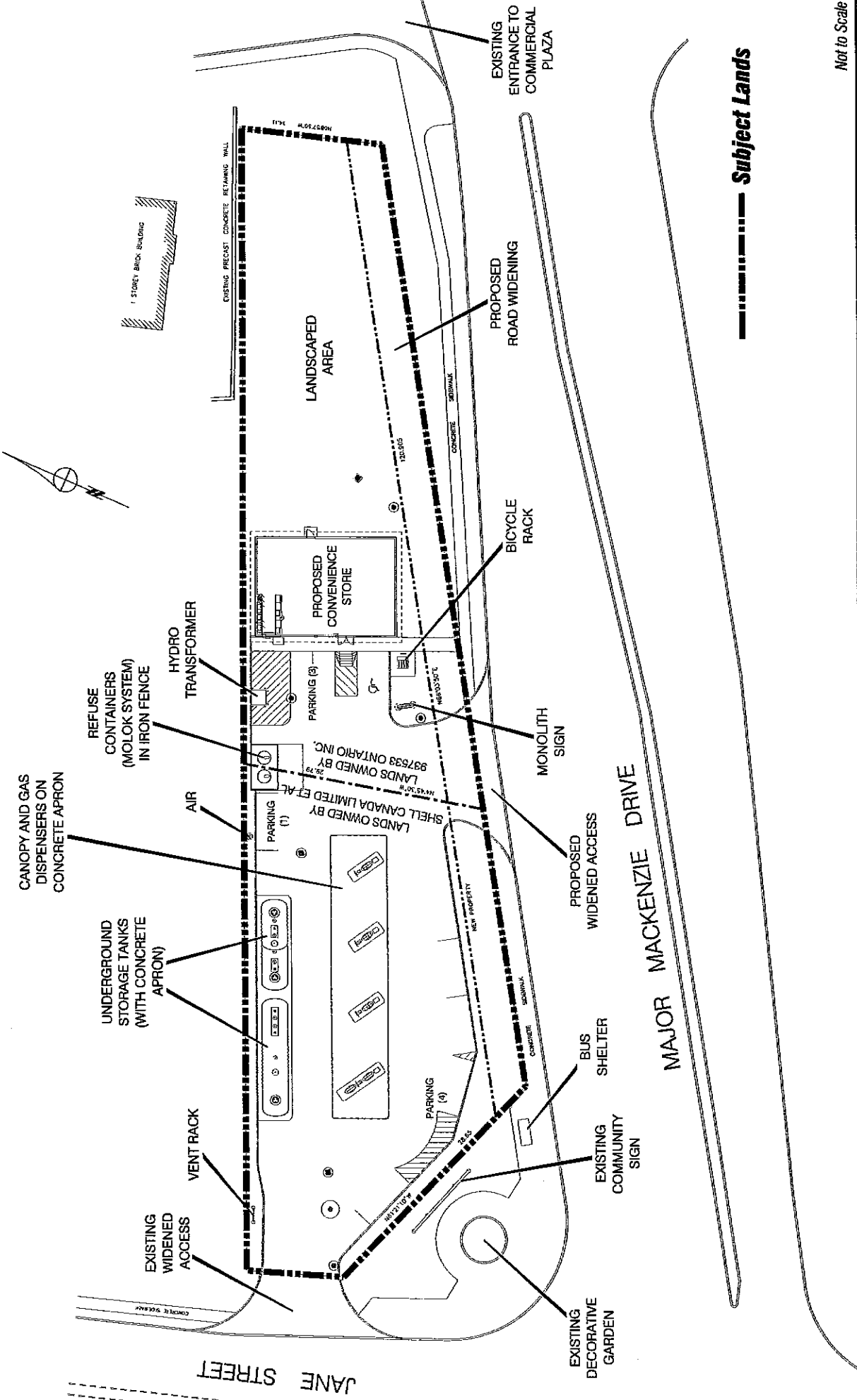


Attachment

FILE: Z.11.020
RELATED FILE: DA.11.068

DATE:
January 30, 2012

3



Site Plan

LOCATION:
Part of Lots 20 & 21, Concession 4

APPLICANT:
Shell Canada Limited ET AL

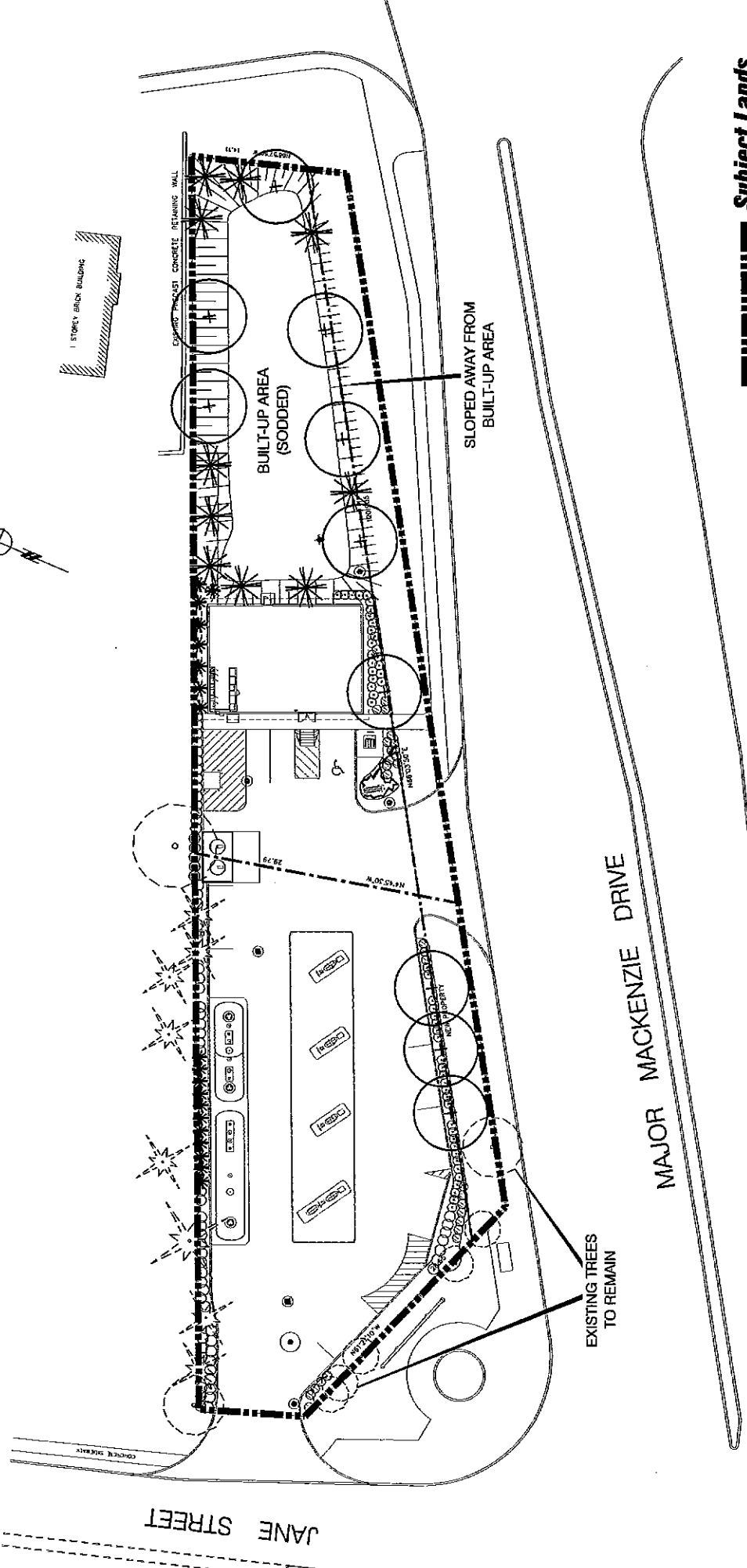
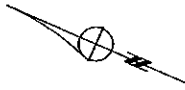
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Attachment 4

FILE: Z.11.020
RELATED FILE: DA.11.068

DATE:
January 30, 2012



----- Subject Lands

Not to Scale

Attachment 5

FILE: Z.11.020
 RELATED FILE: DA.11.068
 DATE: January 30, 2012

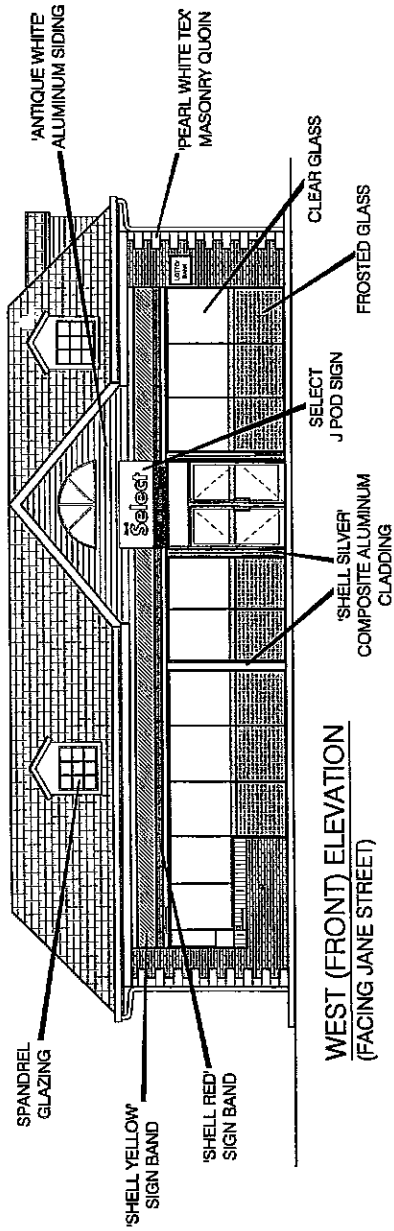


Landscape Plan

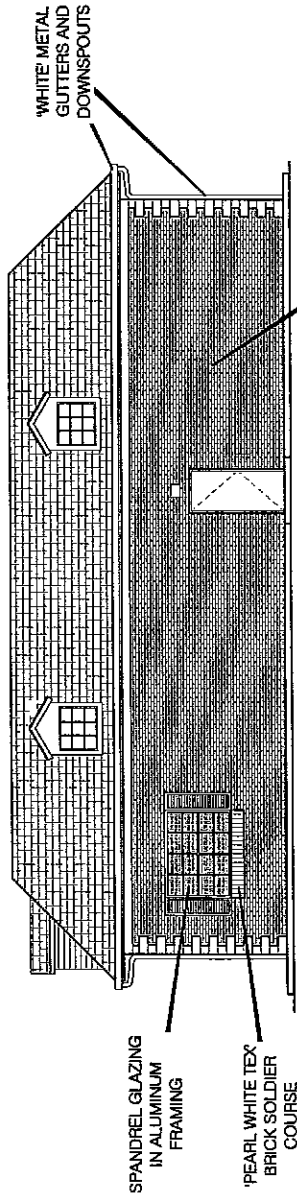
LOCATION:
 Part of Lots 20 & 21, Concession 4

APPLICANT:
 Shell Canada Limited ET AL

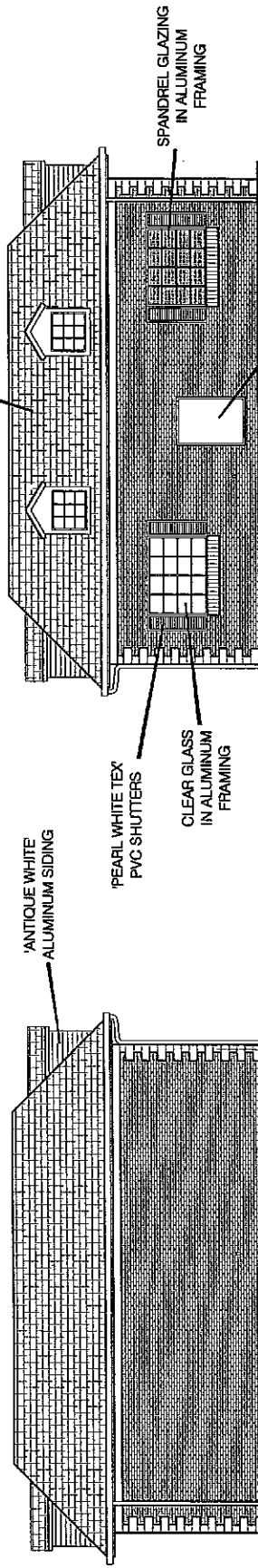
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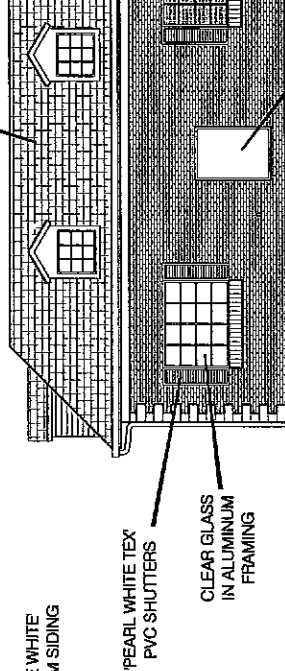
WEST (FRONT) ELEVATION
(FACING JANE STREET)



EAST (REAR) ELEVATION



NORTH (SIDE) ELEVATION



SOUTH (SIDE) ELEVATION
(FACING MAJOR MACKENZIE DRIVE)

Not to Scale

Elevations (Convenience Store)



APPLICANT: Shell Canada Limited ET AL
LOCATION: Part of Lots 20 & 21, Concession 4

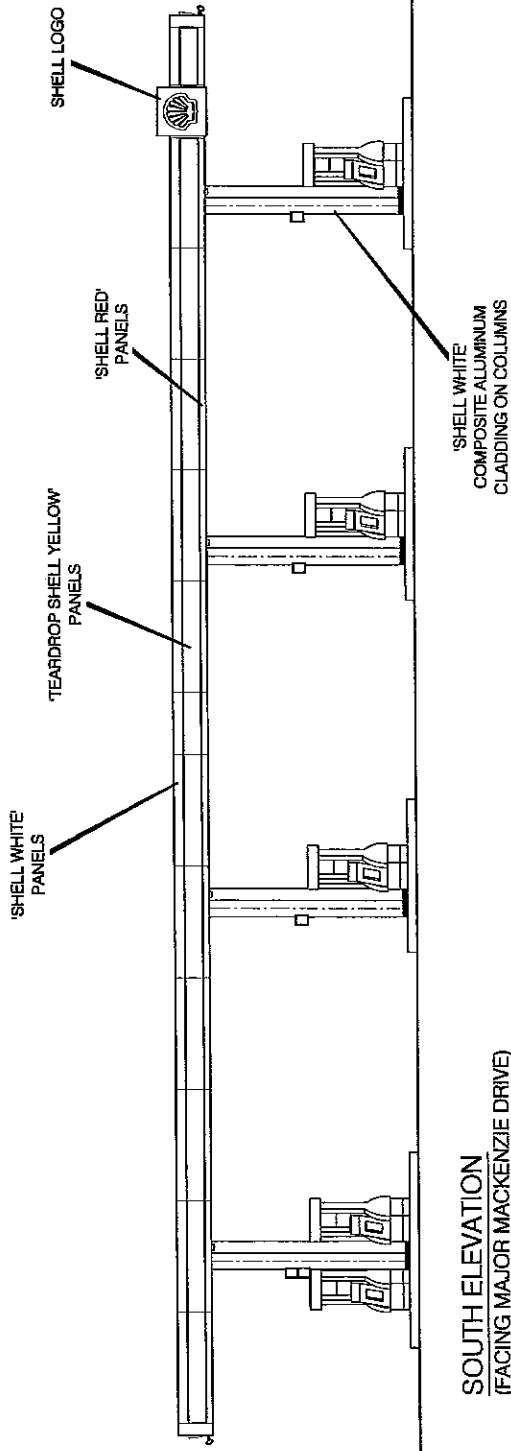
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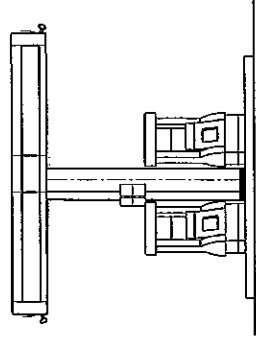
FILE: Z.11.020
RELATED FILE: DA.11.068

DATE:
January 30, 2012

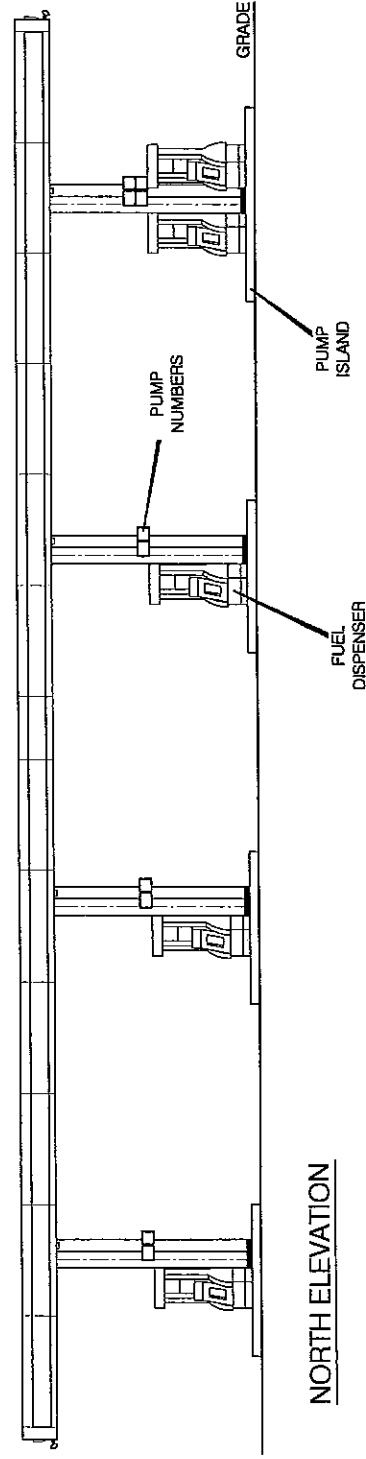
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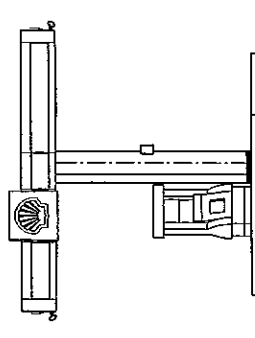
SOUTH ELEVATION
(FACING MAJOR MACKENZIE DRIVE)



WEST ELEVATION
(FACING JANE STREET)



NORTH ELEVATION



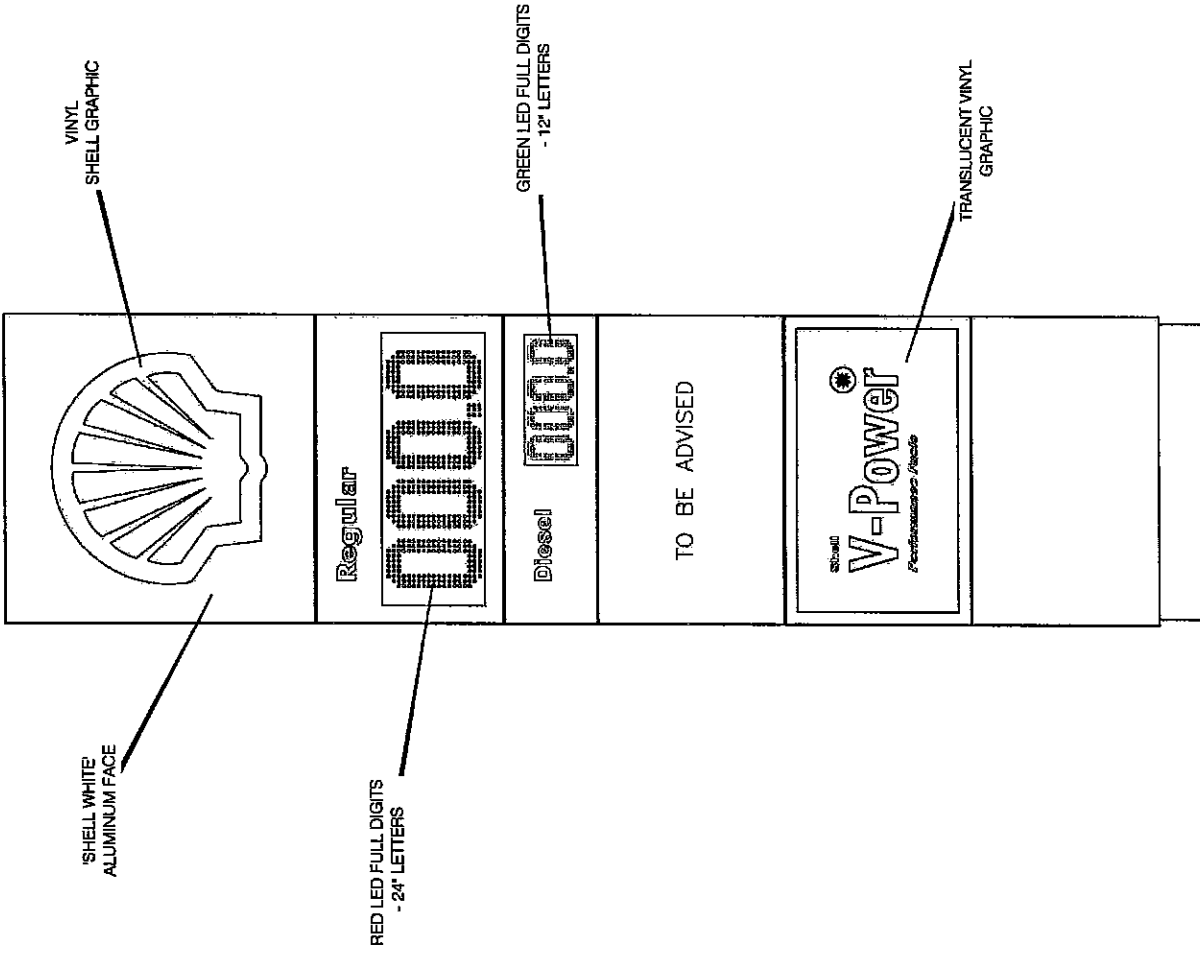
EAST ELEVATION

Not to Scale

Elevations (Gas Pumps and Canopy)

APPLICANT: Shell Canada Limited ET AL
 LOCATION: Part of Lots 20 & 21, Concession 4
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Not to Scale

FILE: Z:11.020
RELATED FILE: DA:11.068

DATE:
January 30, 2012



Elevation
(Pylon Sign)

APPLICANT: Shell Canada Limited ET AL
LOCATION: Part of Lots 20 & 21, Concession 4

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