

## **COMMITTEE OF THE WHOLE - APRIL 10, 2001**

### **OFFICIAL PLAN AMENDMENT APPLICATION ZONING BY-LAW AMENDMENT APPLICATION REPORT #P.2000.19 LANGSTAFF WOODS DEVELOPMENT CORP. & 482697 ONTARIO LIMITED FILES: OP.99.040 & Z.00.089**

#### **Recommendation**

The Commissioner of Planning & Urban Design recommends:

THAT Official Plan Amendment Application OP.99.040 (Langstaff Woods Development Corp. & 482697 Ontario Limited) BE APPROVED to permit a mechanical car wash use subject to the "Service Station and Gas Bar" and "Neighbourhood Commercial Centre" policies in OPA #600.

THAT Zoning By-law Amendment Application Z.00.089 (Langstaff Woods Development Corp. & 482697 Ontario Limited) BE APPROVED, to permit a service station/gas bar with drive-through and mechanical car wash uses on the C4 Zone lands.

#### **Background**

In November 1999, Official Plan and Zoning By-law Amendment applications were filed on behalf of four Block 10 landowners (Heatherwood Properties Inc. (East), Dufferin Contwo Investments Ltd., Langstaff Contwo Investments Ltd., Armeria Investments Ltd.) to permit a service station on each of their respective sites. At the same time, an application was made by a fifth Block 10 landowner for a car wash in conjunction with a service station already permitted on the C4 Neighbourhood Commercial site. (482697 Ontario Limited and Langstaff Woods Development Corporation).

As a result of discussions among the Block 10 developers group, the applications were subsequently amended to delete the proposed service station use on two sites (Armeria and Dufferin Contwo). Also, eating establishments were added as proposed uses on all sites, except for Langstaff Woods where it is already permitted.

#### **Location**

- East side of Dufferin Street, north of Langstaff Road, in the Block 10 Plan
- Block 696 on Draft Approved Plan of Subdivision 19T-89037(W)
- Lot 12, Concession 2, City of Vaughan

#### **Proposal**

On November 22, 1999, the Owner submitted applications to amend the Official Plan to permit a mechanical car wash use, and to amend the Zoning By-law to add to the permitted uses, a service station/gas bar and mechanical car wash, on the 3.3ha Neighbourhood Commercial site.

#### **Land Use Status**

- Designation - "Medium Density Residential/Commercial" by OPA #600
- Block 10 Plan - "Neighbourhood Commercial", and subject to the "Neighbourhood Commercial Centre" policies in OPA #600
- Zoning - C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(1063)



### Site Description

- a rectangular-shaped, 3.3 ha vacant site
- 170m frontage on Dufferin Street and 215m flankage on planned Street "D"
- the surrounding land uses are:
  - North - planned Summeridge Drive, proposed residential (A Agricultural Zone, RMV2, RVM1(WS-A) and RV4(WS) Zones)
  - South - woodlot (OS1 Open Space Conservation Zone)
  - East - planned residential (RVM1(A) Zone)
  - West - Dufferin Street; commercial (C4 Neighbourhood Commercial Zone, C7 Service Commercial Zone)

### Public Hearing

On January 14, 2000, a notice of public hearing was circulated to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on February 7, 2000, to receive the public hearing and forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on February 14, 2000.

### Official Plan

#### a) Region of York

The subject lands are identified as "Urban Area" on Map 5 – Regional Structure in the Region of York Official Plan, which permits a range of residential, commercial, employment and recreational uses.

The Owner submitted a request for exemption from Regional approval for the amendment to the Official Plan for the previous gas bar request. In a letter dated January 28, 2000, the Region denied the request, given the number of gas bar/service stations proposed in Block 10. Upon the Block 10 developers group reducing the number of gas bar/service station sites proposed for Block 10, in-lieu of the additional eating establishment uses proposed, the Region of York exempted the application from Regional approval on March 7, 2001, stating that the proposal is of local significance.

#### b) OPA #600

The subject site is designated "Medium Density Residential/Commercial" by OPA #600. The lands are further defined as "Neighbourhood Commercial" within the Block 10 Plan, and are therefore subject to the "Neighbourhood Commercial Centre" policies in OPA #600.

Neighbourhood commercial sites are located at or near the intersections of arterial roads. The permitted uses include a food store, drug store, retail stores, pharmacies, banks and financial institutions, business and professional offices, personal services, restaurants, service stations and gas bars, and residential uses. However, a mechanical car wash is not permitted, and therefore an amendment to the Official Plan is required.

OPA #600 sets out policies and criteria for evaluating development applications for automobile gas bars and service stations, including:

- a noise study may be required for car washes on sites abutting residential areas;

- lots intended to accommodate an automobile gas bar, service station and other related uses shall be of appropriate shape as well as size. On site landscaping suitable to mitigate undue impact upon adjacent lands, particularly residential neighbourhoods shall be provided;
- gas bar and service station sites shall be developed pursuant to an approved site plan which demonstrates proper site access, internal traffic circulation, adequate parking, substantial landscaped areas and appropriate urban design characteristics that will ensure compatibility with adjacent lands;
- the design, appearance and scale of gas bar and service station sites shall be consistent with the existing and intended character of the surrounding community, with utmost consideration given to the aesthetic design; and,
- gas bar/service station uses shall be encouraged to be designed and incorporated as part of larger building developments that can minimize possible negative visual impacts to surrounding lands (types of materials, colours, lighting and signage shall relate to the main buildings);
- convenience retail uses may be permitted on the same site as an automobile gas bar, provided that such uses can be sensitively designed and integrated on the site, and in particular, be compatible with surrounding development; and,
- outside storage shall be limited in the implementing zoning by-law.

### Zoning

The subject lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(1063). The C4 Zone permits: a bank or financial institution, Brewers Retail outlet, business or professional office, club or health centre, eating establishments (including take-out and convenience), LCBO outlet, personal service shop, photography studio, place of entertainment, retail store, service or repair shop, supermarket, veterinary clinic and video store uses. However, a service station/gas bar and mechanical car wash uses are not permitted, and therefore an amendment to the Zoning By-law is required.

### Land Use

#### a) Service Station/Gas Bar with Drive-through and Car Wash

Upon review of the Block 10 Plan and the surrounding area, there are few locations where these uses exist or are permitted by zoning. Within OPA #600, these uses are permitted in "Neighbourhood Commercial" designations, subject to a site-specific amendment to the C4 Neighbourhood Commercial Zone in By-law 1-88.

There are two sites in Block 10 that are designated "Neighbourhood Commercial". The first is at the southwest corner of Bathurst Street and Rutherford Road, where a site plan application has been submitted for a supermarket, multi-unit office/commercial, bank and eating establishment buildings (Shiplake Investments (Rutherford Ltd.)), but not a gas bar/service station use. The second site is the subject lands. Applications similar to the subject applications have been submitted on the Langstaff Contwo site at the northeast corner of Regional Road #7 and Street "B", and the Heatherwood (East) site at Rutherford Road and Street "B". At this time, there is only one site that would permit a gas bar/service station, and no sites that would permit a car

wash within Block 10.

Within close proximity to the Block 10 community, a gas bar is located at the northeast corner of Bathurst Street and Rutherford Road in Richmond Hill. To the south, at the northwest corner of Regional Road #7 and Langstaff Road, the C4 Zone permits a gas bar and service station, but not a car wash. There are no gas/service station sites in either Block 17 or the Fernstaff Business Park, northwest of Dufferin and Langstaff.

In consideration of the planned populations in Block 10 (16,670) and in Block 17 (7, 267), and the few existing or planned service station sites in the vicinity, there appears to be a need to provide additional sites to serve the community. Staff can also support a drive-through that is specifically associated with the gas bar kiosk/convenience store, which is common with the new format gas bar developments.

### Conclusion

Staff have reviewed the proposed applications to amend the Official Plan and Zoning By-law in accordance with the policies in OPA #600 and the requirements of By-law 1-88. Staff support the proposed uses of a service station/gas bar with drive-through and mechanical car wash on the subject lands, provided these uses are developed in accordance with the site design and land use policies contained in OPA #600.

The site layout and building design, landscaping, fencing and parking will be reviewed at the site plan stage. The site plan will further ensure that the development of the site remains in character with the intent of the neighbourhood commercial centre policies in the Official Plan. A noise report will be required with all car wash proposals, which must satisfactorily demonstrate that noise can be mitigated.

Staff is satisfied that it is appropriate to amend the "Neighbourhood Commercial Centre" policies of the Official Plan to permit a mechanical car wash, in addition to the already permitted service station/gas bar uses on the subject lands. Furthermore, the C4 Zone can be amended to permit a service station/gas bar with drive-through and mechanical car wash uses on the subject lands, in conformity with the Official Plan. Should the Committee concur, the recommendation of this report can be adopted.

### Attachments

1. Location Map

Respectfully submitted,

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Commissioner of Planning & Urban Design

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