

COMMITTEE OF THE WHOLE JUNE 4, 2001

**ZONING BY-LAW AMENDMENT
SITE DEVELOPMENT APPLICATION
REPORT #P.99.91
VITULLO INVESTMENTS LIMITED
FILES: Z.99.059 & DA.00.136**

Recommendation

The Commissioner of Planning & Urban Design recommends:

THAT Zoning By-law Amendment Application Z.99.059 (Vitulo Investments Limited) BE APPROVED, and that the implementing zoning by-law rezone the subject lands to C7 Service Commercial Zone with the following exceptions:

- a) a minimum lot area of 6488 m²; a rear yard of 7.6 m; an exterior side yard of 6 m; and less than 60 m setback from a Residential Zone;
- b) a minimum of 61 parking spaces;
- c) a landscape strips of 3 m along Westburne Drive and 9 metres along Rutherford Road; and,
- d) any further necessary exceptions to implement the approved site plan.

THAT Site Development Application DA.00.136 (Vitulo Investments Limited) BE APPROVED, subject to the following conditions:

- i) That prior to the execution of the site plan agreement:
 - a) the final site plan and building elevations including revised building elevations for the 7-Eleven building, shall be approved by the Community Planning Department;
 - b) the final site servicing and grading plans, storm water management report and parking study shall be approved by the Engineering Department;
 - c) access and on-site vehicular circulation shall be approved by the Engineering Department and the Region of York Transportation and Works Department;
 - d) the final landscape plan and landscape cost estimate shall be approved by the Urban Design Department; and
 - e) all requirements of Hydro Vaughan Distribution Inc. shall be satisfied.
- ii) That the site plan agreement contain the following provisions:
 - a) the Owner shall pay to the City by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands in accordance with the Planning Act, prior to the issuance of a building permit. The Owner shall submit an appraisal 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; and,

- b) the Owner shall dedicate any required road widenings, daylight triangles and 0.3 m reserves, free of all costs and encumbrances, to the appropriate agency or authority, as required.

Purpose

On September 2, 1999, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands to C7 Service Commercial Zone.

On December 6, 2000, the Owner submitted a Site Plan Application to develop the site for a gas bar with convenience store, and a 2-storey office building, as follows:

Gas Bar Canopy Area:	458.8 m ²
Convenience Store:	275 m ²
Office Building:	<u>1855.18 m²</u>
Total Building Area:	2588.98 m ²

Background - Analysis and Options

Location

- southwest corner of Rutherford Road and Westburne Drive
- Lot 22, Registered Plan 65M-2795 (720 Westburne Drive)
- Lot 15, Concession 3, City of Vaughan

Land Use Status

- Designation - "Prestige Area" by OPA #450, and subject to the "Service Node" policies
- Zoning – EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exception Paragraph 9(673E)

Site Description

- irregular shaped 0.65 ha vacant site, with 56.5 m frontage on Rutherford Road, and 118.6 m flankage on Westburne Drive
- the surrounding land uses are:

North - Rutherford Road; valley (OS1 Open Space Conservation Zone); residential (R2 Residential Zone)

South - employment uses; (EM2 General Employment Area Zone)

East - Westburne Drive; GO Station (EM1 Prestige Employment Area Zone)

West - employment uses (EM1 Prestige Employment Area Zone and EM2 General Employment Area Zone)

Public Hearing

On September 4, 1999, a notice of public hearing was circulated to all property owners within 120 metres of the subject lands, as well as the Maple Sherwood Ratepayers Association and the Maple Village Ratepayers Association. To date, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing of October 18, 1999, and forward a comprehensive report to a future Committee meeting, was ratified by Council on October 25, 1999.

Planning Analysis

Official Plan

The subject lands are designated “Prestige Area” by OPA #450, and subject to the “Service Node” policies in OPA #450, which state:

“Uses permitted shall provide for the day-to-day convenience and service needs of businesses, industries and their employees. Retail uses which service the convenience needs of employees (ie. convenience retail store or pharmacy) and the needs of business (ie. business supplies) are considered to conform. The detailed range of uses shall be established in the zoning by-law.”

The proposed uses provide a convenience or service need to businesses, industries and their employees, and are appropriate to an Employment Area setting. The proposal conforms to the “Service Node” policies in OPA #450.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88. Rezoning the lands to C7 Service Commercial Zone would permit the subject lands to be developed as a service commercial complex, with no outside storage. The proposal consists of one 2-storey office building and a gas bar with a retail convenience store.

a) Parking

By-law 1-88 requires the following parking spaces for the site:

Convenience Retail Store: 275 m ² @ 5.5/100 m ²	= 15
Office Building: 1476.48 m ² @ 3.5/100 m ²	= 52
Spaces required:	= 67
Spaces provided:	= 61

The site is deficient by 6 spaces (9%) of the total required spaces. The applicant has submitted a parking study, which is currently being reviewed by the Engineering Department. Staff recommend that the final parking study be approved by the Engineering Department, prior to the enactment of the zoning by-law.

b) Additional Exceptions

The site plan was reviewed and additional exceptions were identified to facilitate the development, including:

- lot area of 6488.61 m², whereas 8000 m² is required;
- 7.6 m rear yard (south), whereas 22 m is required;
- 6 m exterior side yard (east), whereas 9 m is required;
- less than 60 m setback from a residential zone (north), whereas a minimum of 60 m is required;
- 9m wide landscape strip along Rutherford Road, whereas 6 m is required;
- 3 m wide landscape strip along Westburne Drive, whereas 6 m is required.

Staff can support the above-noted reductions in lot area, rear yard and exterior side yard. The 6 m rear yard (south) is acceptable, considering the adjacent southerly property is also owned by the applicant, and that access and aisles at this location are to be shared. The 6 m exterior side yard would site the 2-storey office building closer to Westburne Drive. This reduction is

considered appropriate, and results in a building with more street presence, and encourages parking away from the perimeter.

The proposed commercial development would be within 60 m of the existing residential area located north of the subject lands. Rutherford Road acts as a physical barrier between the commercial and the residential development, therefore Staff believe a reduction to this requirement is considered minor.

Staff can also support the proposed landscape widths along Rutherford Road and Westburne, which will provide consistent landscape widths along arterials roads and internal public streets in the City's Employment Area.

Site Design

The gas bar canopy and accessory convenience retail store is proposed on the north and central portion of the site. The main entrance to the building and overhead canopy are located on the north elevation facing Rutherford Road. The overhead canopy extends over 3 pump islands which run perpendicular to Rutherford Road. A 9 m wide landscape strip is proposed adjacent to Rutherford Road, and a 3 m wide landscape strip proposed along Westburne Drive, which includes the hydro transformer pad. A garbage enclosure is proposed in the centre of the site, adjacent to the west lot line.

The 2-storey office building is proposed for the south end of the site. The parking area is conveniently located adjacent to the office building and the convenience store. A right-in/right-out access is proposed at the north-west corner of the site onto Rutherford Road, and 2 full accesses are provided onto Westburne Drive, one of which exists and currently serves the adjacent industrial building to the south, which is also owned by the applicant.

Building Design

a) Convenience Retail Store/Gas Bar (7-Eleven)

The convenience retail store/kiosk is square-shaped, with the main entrance being centrally located on the north elevation facing Rutherford Road. This elevation consists of double front doors, and large clear glass windows, and incorporates 4, 2'x4' sign panels. A 6.23 m high canopy is attached to the front of the building and extends over the 3 pump islands. The exterior building material consists of a beige-coloured, pre-cast concrete panel. The building will be constructed to a height of 6.7 m to the top of the metal mansard roof. A sign band with business logo and stripes are proposed along the perimeter of the canopy and around the building under the roof- line.

Staff recommend changes be made to the material and design of this building and canopy. The roof of the building should be changed from metal to asphalt shingles, and should also be incorporated to the top of the canopy area. This building will be visible from the residential area on the north side of Rutherford Road and measures should be taken to ensure a more visually appealing development. The remaining south, east and west elevations lack windows and additional architectural treatment, and require revisions. The east elevation faces Westburne Drive and the Rutherford GO Station and is visible from westbound Rutherford Road traffic. Therefore additional window treatment and architectural detail is warranted. While the west and south elevations are internal, additional accent treatment is also recommended.

Staff have discussed these revisions with the consultant and have recommended that the 7-Eleven/gas bar be constructed using the same materials and architectural detail as the 7-Eleven development on the south side of Rutherford Road, east of Weston Road, which was approved by Council on August 28, 2000. The materials used include an asphalt shingle roof, brick instead

of a concrete panel, and architectural treatment such as recessed brick, soldier course brick accent, and stucco accent features with pre-cast sill.

b) 2-Storey Office Building

The proposed two-storey office building is located at the south of the gas bar, with the main entrance facing Westburne Drive. The building material consists of pre-cast concrete panels, double-glazed windows in pre-finished aluminium frames, and aluminium framed spandrel panels. The colour is proposed to be beige, consistent with the 7-Eleven development. The building has a geometric design, and stands to a height of 15 m with a pre-finished metal-sloped roof. All four elevations are designed primarily of glass and spandrel panels, with pre-cast concrete panels located primarily in the centre of each elevation. The west (rear) elevation contains a second entrance at grade, and a loading door. Staff are satisfied with the office building elevations.

Access/traffic

The site is to be served by one right-in/right-out access onto Rutherford Road, and two full-movement accesses on Westburne Drive. The existing southerly access on Westburne serves the adjacent industrial building also owned by the applicant. All required easements which are required for access, parking must be obtained from the Committee of Adjustment and be in full force and effect, prior to the registration of the site plan agreement.

The proposed right-in/right-out access onto Rutherford must be designed and constructed to the satisfaction of the Region of York Transportation & Works Department. Traffic, parking, access and on-site vehicular circulation must be approved by the Vaughan Engineering Department.

Servicing/Utilities

The site has access to municipal services. As a condition of site plan approval, the Vaughan Engineering Department must be satisfied with the site servicing, grading and stormwater management. Rutherford Road is a Regional road. The Region of York has advised that they have no objection to the site plan, subject to conditions, which will be included in the site plan agreement.

The Owner must also satisfy all the requirements of Hydro Vaughan Distribution Inc.

Landscaping

The landscape plan consists of a mix of coniferous and deciduous trees and shrubs along the north and east property lines. Additional planting and sodded areas are provided internally, adjacent to both buildings and the garbage enclosure area. A concrete walkway is provided for pedestrians around both the 7-Eleven building and the office building. The final landscape plan, garbage storage details and the landscape cost estimate must be approved by the Urban Design Department.

The Owner will be required to pay 2% cash-in-lieu of parkland dedication in accordance with the requirements of the Planning Act.

Conclusion

Staff have reviewed the site plan in accordance with the Official Plan and Zoning By-law, and have no objections. The rezoning will allow the site to be developed with uses which are in accordance with the Official Plan. In addition, it is Staff's opinion that the proposed reductions are considered appropriate and would facilitate a development which is comprehensively designed to maximize efficiency and visual amenity.

Staff recommend approval of the Site Development Application to facilitate the proposed commercial development, subject to conditions. Should the Committee concur, the Recommendation in this report can be adopted.

Attachments

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

Report prepared by:

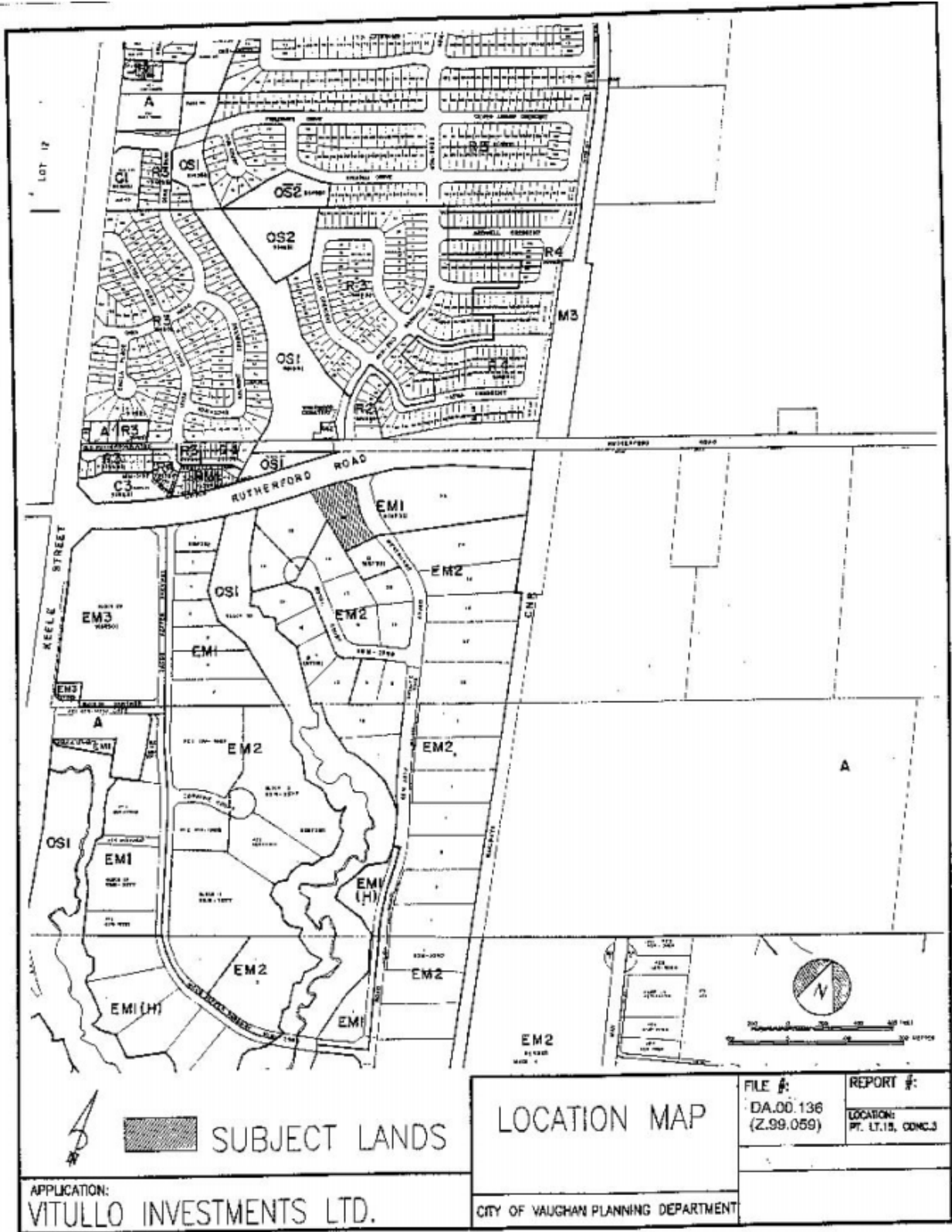
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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning & Urban Design

JOANNE R. ARBOUR
Director of Community Planning

/CM





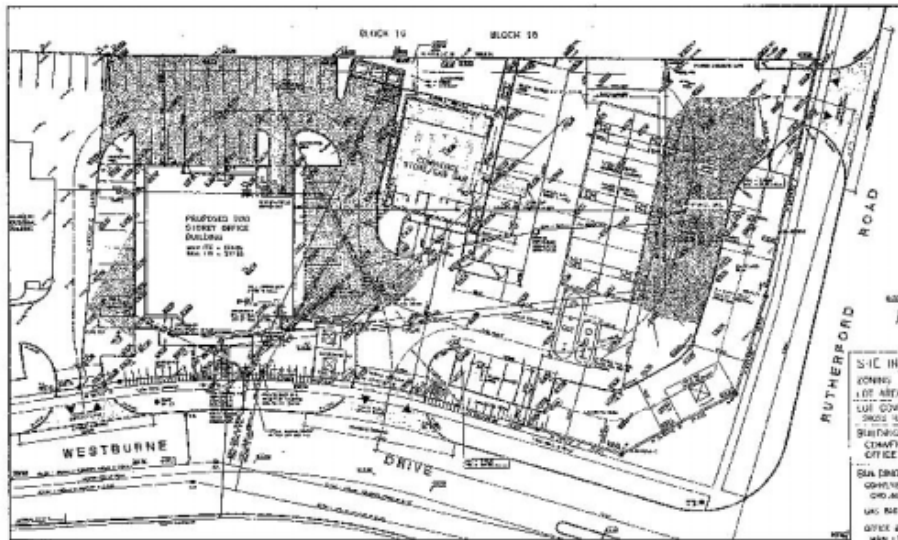
SUBJECT LANDS

LOCATION MAP

APPLICATION:
VITULLO INVESTMENTS LTD.

CITY OF VAUGHAN PLANNING DEPARTMENT

FILE #:	REPORT #:
DA.00.136 (Z.99.059)	LOCATION: PT. LT.15, CDNC.3



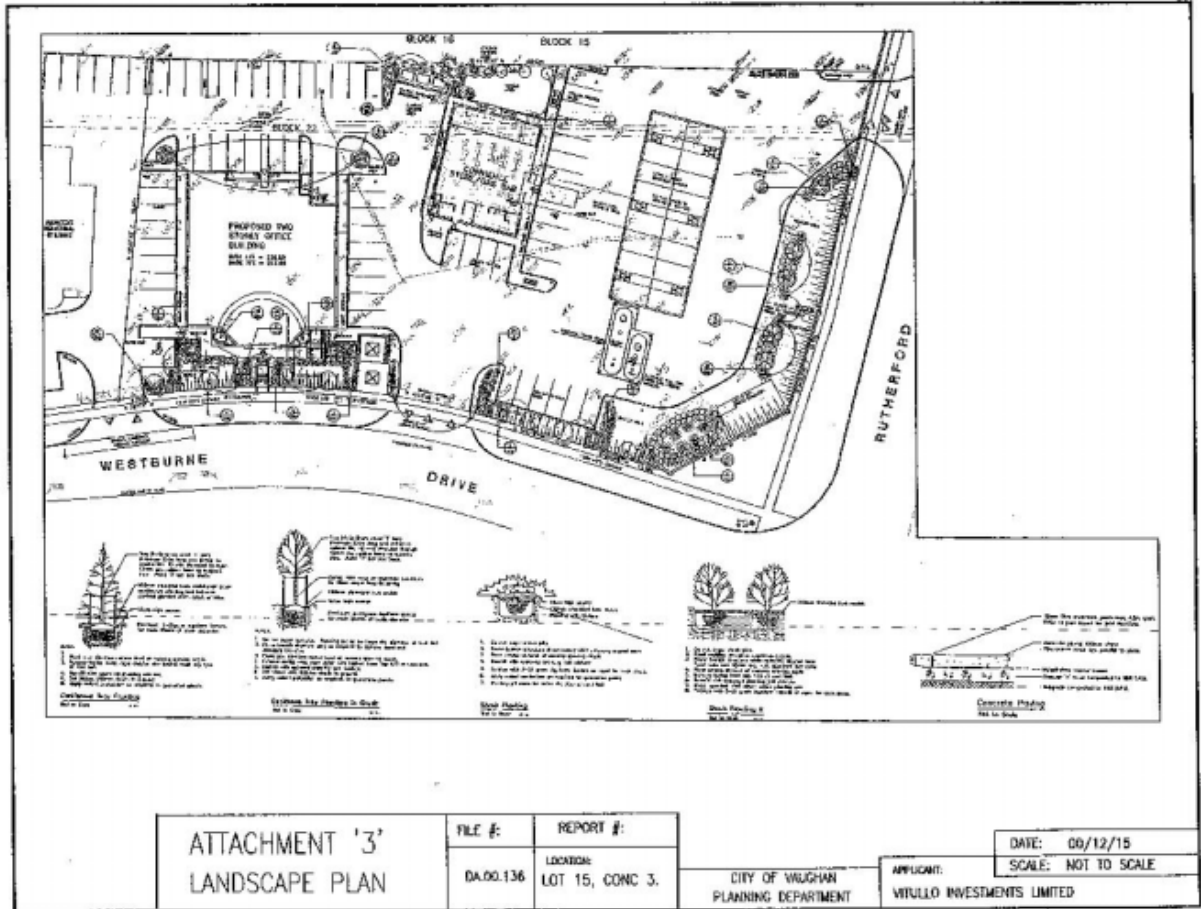
SITE INFORMATION	
ZONING	R-42
LOT AREA	3,482.61 SQ.M. (84,613 SQ.FT.)
LOT COVERAGE	
MAX. GROSS AREA	1,751.89 SQ.M. (37,937 SQ.FT.)
BUILDING CLASSIFICATION	
CHARACTERISTIC CODE	GROUP 1, ART. 2.2.7.61
OFFICE BUILDING	GROUP D, ART. 3.2.3.31
GSA DATA AREA	
COMPILED DATE	2/19/03 SQ.M. 2,890 SQ.FT.
GROSS FLOOR AREA	458.8 SQ.M. 9,839 SQ.FT.
MAX. NET GROSS AREA	
OFFICE BUILDING	
AREA (SQ.M.)	641.18 SQ.M. 1,370.5 SQ.FT.
OFFICE FLOOR	559.33 SQ.M. 1,194.5 SQ.FT.
BASEMENT LEVEL OFFICE	242.00 SQ.M. 5,197 SQ.FT.
BASEMENT LEVEL STORAGE	176.70 SQ.M. 3,766 SQ.FT.
TOTAL	1,028.03 SQ.M. 21,956 SQ.FT.
TOTAL BUILDING AREA	2,489.93 SQ.M. 53,400 SQ.FT.
PARKING	
REQUIRED	PROVIDED
CONVALENT SIGN 275.0 @ 0.5 / 100	15.1 CARS
DRIVEWAY 137.1 @ 0.3 / 100	4.1 CARS
TOTAL	19.2 CARS
HANDICAPPED PARKING INCLUDED	1 CAR
LOADING SPACES	
REQUIRED	PROVIDED
1	1
LANDSCAPED AREA	
TOTAL AREA OF LOT AREA	PROVIDED
1,751.89 SQ.M.	1,751.89 SQ.M.
PAVED AREA	
TOTAL AREA	3,801.0 SQ.M.
COVERED PARKING AREA (GROSS GROSS)	188.76 SQ.M.
TOTAL PAVED AREA	4,389.76 SQ.M.

ATTACHMENT '2'
SITE PLAN

FILE #:	REPORT #:
DA.00.136	LOT 15, CONC 3.

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE:	00/12/15
SCALE:	NOT TO SCALE
APPLICANT:	WTULLO INVESTMENTS LIMITED

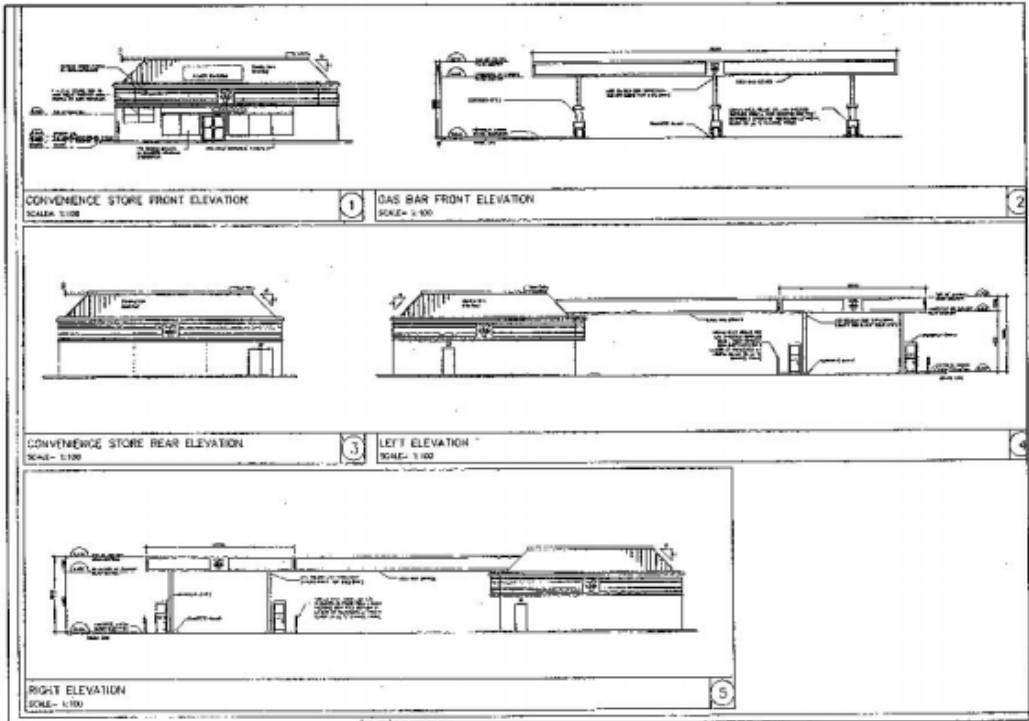


ATTACHMENT '3'
LANDSCAPE PLAN

FILE #:	REPORT #:
DA.00.136	
LOCATION:	LOT 15, CONC 3.

CITY OF WUGHAN
PLANNING DEPARTMENT

DATE: 00/12/15
SCALE: NOT TO SCALE
APPLICANT: VITULLO INVESTMENTS LIMITED



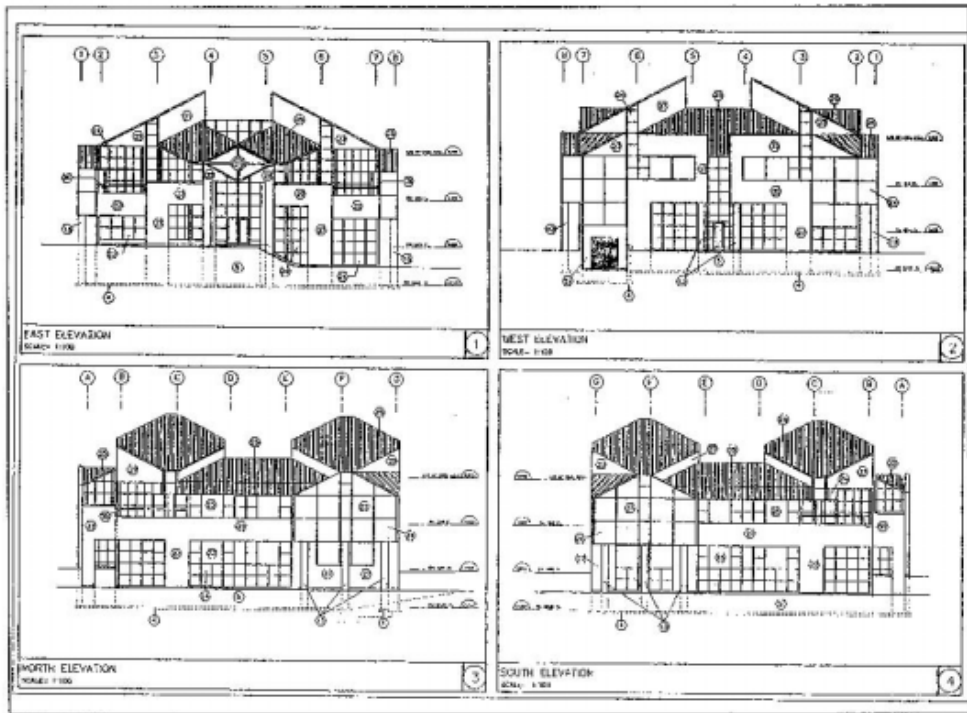
ATTACHMENT '4'
ELEVATIONS

FILE #:	REPORT #:
DA.00.136	LOCATION: LOT 15, CONC 3.

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:
VITULLO INVESTMENTS LIMITED

DATE: 05/12/15
SCALE: NOT TO SCALE



ATTACHMENT '5' ELEVATIONS	FILE #	REPORT #	DATE: 00/12/15
	DA.00.136	LOCATION: LOT 15, CONC 3.	SCALE: NOT TO SCALE
	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: VITULLO INVESTMENTS LIMITED	

