

COMMITTEE OF THE WHOLE FEBRUARY 3, 2003

**ZONING BY-LAW AMENDMENT FILE Z.02.069
SITE DEVELOPMENT FILE DA.02.060
1534799 ONTARIO LIMITED
REPORT #P.2002.73**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.02.069 (1534799 Ontario Limited) BE APPROVED, and that the implementing by-law:
 - a) rezone the lands entirely to C1 Restricted Commercial Zone to recognize and permit the existing coin-operated car wash use, with exceptions to minimum stacking and parking standards; and
 - b) provide any necessary exceptions to implement the approved site plan, including parking, rear yard, and landscaping width standards.

2. THAT Site Development Application DA.02.060 (1534799 Ontario Limited) BE APPROVED, subject to the following conditions:
 - a) That prior to the registration of the site plan agreement:
 - i) the final site plan and elevations shall be approved by the Community Planning and Urban Design Departments;
 - ii) the final grading and servicing shall be to the satisfaction of the City Engineering Department;
 - iii) the final landscaping plan and cost estimate, including buffering and fencing, shall be approved by the Urban Design Department;
 - iv) the requirements of Vaughan Hydro and Fire Department shall be satisfied; and
 - v) a building permit shall be applied for and approved under the Ontario Building Code.
 - b) The site development agreement contain the following provisions:
 - i) 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, prior to the 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; and

- ii) the Owner shall be responsible for all costs to upgrade the existing Electrical Transformers, should the current and proposed loads exceed the required capacity associated with development. Upgrade to the existing transformer shall be to the satisfaction of Vaughan Hydro.

Purpose

On September 11, 2002, the Owner submitted an application to rezone the R3 Residential Zone portion of the subject lands to C1 Restricted Commercial Zone, similar to the remainder of the property, to recognize the existing built form and uses. A corresponding site development application (DA.02.060) was also submitted for the second floor office area and minor changes to the site.

Background - Analysis and Options

The subject lands are located on the west side of Islington Avenue, south of Highway #7, being Part of Lot 57, Registered Plan 9831 (7694 Islington Avenue), in Lot 5, Concession 7, City of Vaughan. The 0.38ha site is developed with a two-storey building (second floor built within roofline), comprised of commercial and office components, and a coin-operated car wash at the rear. The second storey building was not part of the original permit application and therefore a permit is required to recognize the second storey.

The lands are designated "Service Commercial" by OPA #240 and zoned C1 Restricted Commercial Zone by By-law 1-88. The surrounding land uses are:

- North - industrial/commercial uses (C1 Restricted Commercial Zone and R3 Residential Zone)
- South - commercial (C1 Restricted Commercial Zone)
- East - Islington Avenue; residential (R3 Residential Zone)
- West - Legion Court; valley land and residential (R1 Residential and OS1 Open Space Conservation Zone)

Public Hearing

On October 11, 2002, a notice of Public Hearing was mailed to all property owners within 120 m of the subject site and to the Pine York Ratepayers Association. No comments have been received to date.

The recommendation of the Committee of the Whole of November 4, 2002, to receive the Public Hearing and forward a technical report to a future Committee meeting, was ratified by Council on November 11, 2002.

Official Plan

The lands are designated "Service Commercial" by OPA #240 (Woodbridge Community Plan), as amended by OPA #345, which permits automobile service stations and automotive related uses, including car washes and public garages, restaurants, offices, personal service shops and convenience retail stores. The lands are also subject to the Special Policy provision of OPA #240, as amended By OPA #440, which permits development that is below the Regulatory Flood Plain subject to TRCA approval. The proposed application to recognize the built form and existing uses conforms to the Official Plan, therefore no amendment is required.

Zoning

The lands are zoned C1 Restricted Commercial Zone and R3 Residential Zone by By-law 1-88. The R3 Residential Zone, which is the more restricted of the zone categories, does not allow the existing commercial uses, what are considered legal non-conforming. The application proposes to rezone the R3 Zone portion of the subject lands to C1 Restricted Commercial Zone, matching the remaining C1 portion of the site, to legalize and permit the existing on-site uses.

A number of exceptions to the zoning standards have been identified through review of the site plan application, resulting in the following exceptions being required:

- recognize and permit the existing coin-operated car wash use on the subject lands, without the required 20 car storage and parking spaces
- minimum parking requirement shall be 67 spaces
- minimum rear yard shall be 2.9m for the existing coin-operated car wash
- minimum soft landscape shall be 23%
- minimum landscaping abutting an OS1 and R Zone shall be 0m

Any other exceptions required to implement the approved site development application would be included within the implementing by-law

Vehicular Access and Parking

While the site plan shows two entrances to the site, a site visit confirmed a third access point along the rear lot line off Legion Court. The two main entrances are located on the Islington Avenue frontage and provide full movement to and from the site.

The site is providing 67 parking spaces, plus 4 spaces for the car wash. Based on the By-law standards, the required parking is calculated as follows:

Commercial, including Office component (1434 sq.m x 6/100)	= 86 spaces
Restaurant portion exceeding 20% (114 sq.m x 16/100)	= 19 spaces
Car Wash	= <u>5 spaces</u>
Total parking required	= 110 spaces

The Engineering Transportation Division has reviewed the application, and although they had no objection to the proposed uses and development, the parking deficiency was of concern, and a justification report was requested.

On December 27, 2002, the applicant provided a parking report which was reviewed by the Engineering Department, as follows:

"Our review of the correspondence agrees that the reduced parking supply will be sufficient to facilitate expected uses of the development. The development is comprised of distinct separate uses- offices, eating establishments, and commercial facilities, that will not be fully utilized at the same time periods, so the proposed parking supply will be adequate to contain demand."

Elevations

The building occupied by the car wash has existed on the site for a number of years. The commercial building is rather simple in appearance and is constructed using a number of various construction materials, such as metal siding, glazing and concrete block. The building is two storeys high, with the second storey built into the mansard type roofline. The north elevation,

visible from Islington Avenue, consists of a metal mansard roof, blue in colour, highlighted with dormer features. Stucco and glazing finish make up the remainder of the façade, with a continuous sign banner containing the business logos for each tenant. The remainder of the elevations are similar in appearance. The east elevation includes the car wash openings. No new construction or improvements to the building are proposed.

Landscaping

Landscaping for the site is non-existent. Landscape treatment can be provided on the site and in snow storage areas to enhance the site. The final landscape plan must be approved by the Urban Design Department.

Vaughan Hydro

Vaughan Hydro has indicated that any required upgrade to the existing transformer will be at the cost of the owner and in accordance to the current Hydro By-law. A condition to this effect will be included in the site development agreement.

Toronto and Region Conservation Authority (TRCA)

The Authority has indicated the subject lands are located wholly within a TRCA Fill Regulated Area and the Regional Storm Flood Plain of the Humber River, pursuant to Ontario Regulation 158, which requires that a permit be obtained prior to any works being done on site. The property is also located within a 'Special Policy Area' identified by the Official Plan, which requires that permitted development provide adequate flood-proofing measures that can be incorporated into the design and construction of all buildings to the satisfaction of the TRCA.

The TRCA is cognizant that the proposed application is to recognize an existing structure which was completed without a Fill permit pursuant to Ontario Regulation 158, and has indicated that it is not normal practice to issue permit approvals for works already completed. Staff has reviewed the "as constructed works" in support of the application and is satisfied that the works have been constructed or located in a manner consistent with the overall intent of the Authority's SPA policy and therefore, has no objection to the application as submitted.

The applicant will be required, however, to apply for a City of Vaughan building permit for the second floor addition, as the original permit application was for a one-storey building with no second floor.

Conclusion

Staff has reviewed the proposed application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and has no objection to rezoning the subject lands entirely to C1 Restricted Commercial Zone and recognizing the existing built form and uses. The final site plan, landscaping plan and elevations will be reviewed to ensure that the development complies with the Ontario Building Code and that concerns with landscaping and parking are addressed.

To this end, Staff has no objection to the proposed development application, subject to conditions outlined in the recommendation section. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map

2. Site Plan
3. Elevations

Report prepared by:

Eugene Fera, Planner, ext. 8064
Art Tikiryán, Senior Planner, ext. 8212
Marco Ramunno, Manager of Development, ext. 8485

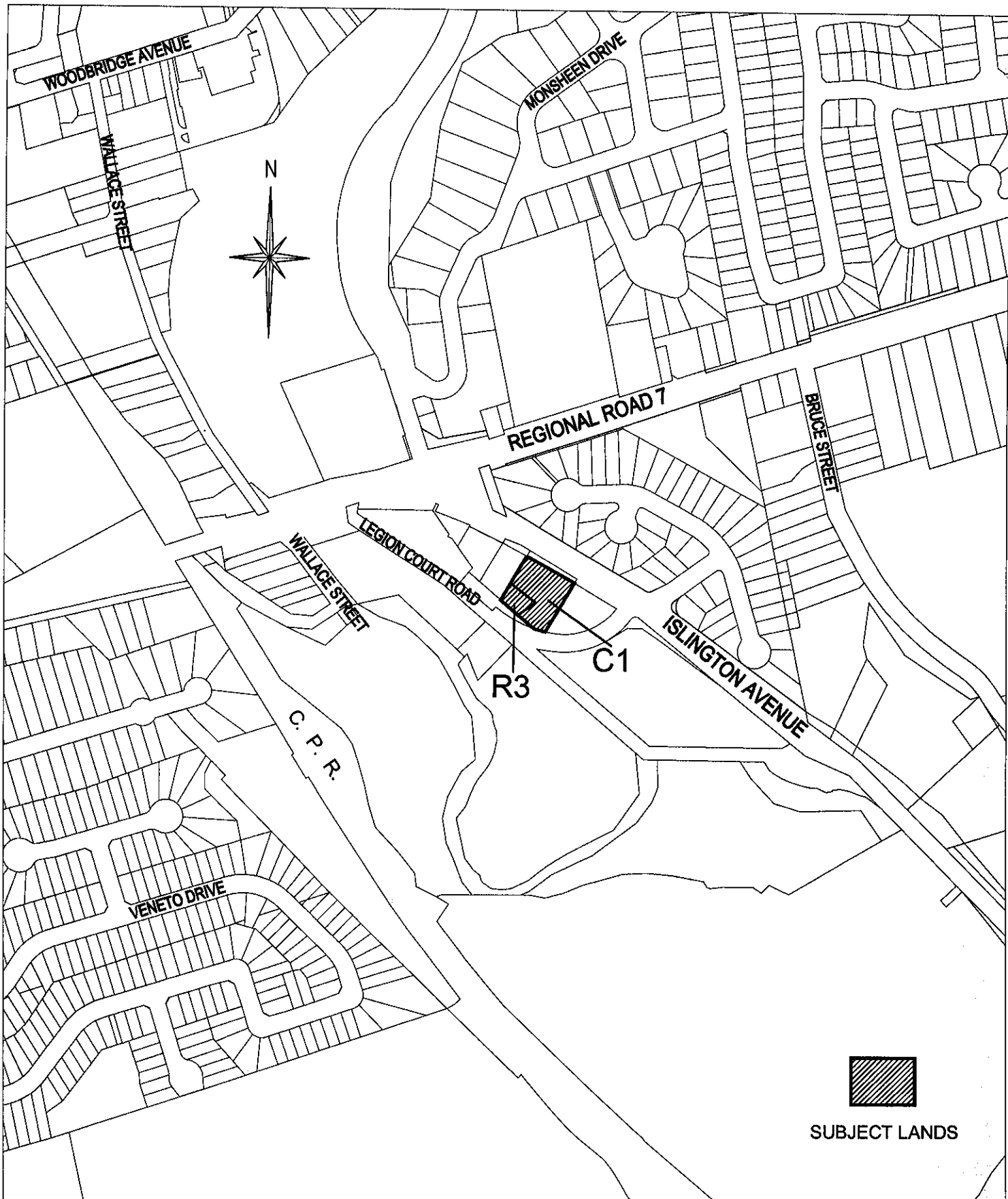
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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Location Map

Part of Lot 5,
Concession 7

APPLICANT:
1534799 ONTARIO
LIMITED



Community Planning Department

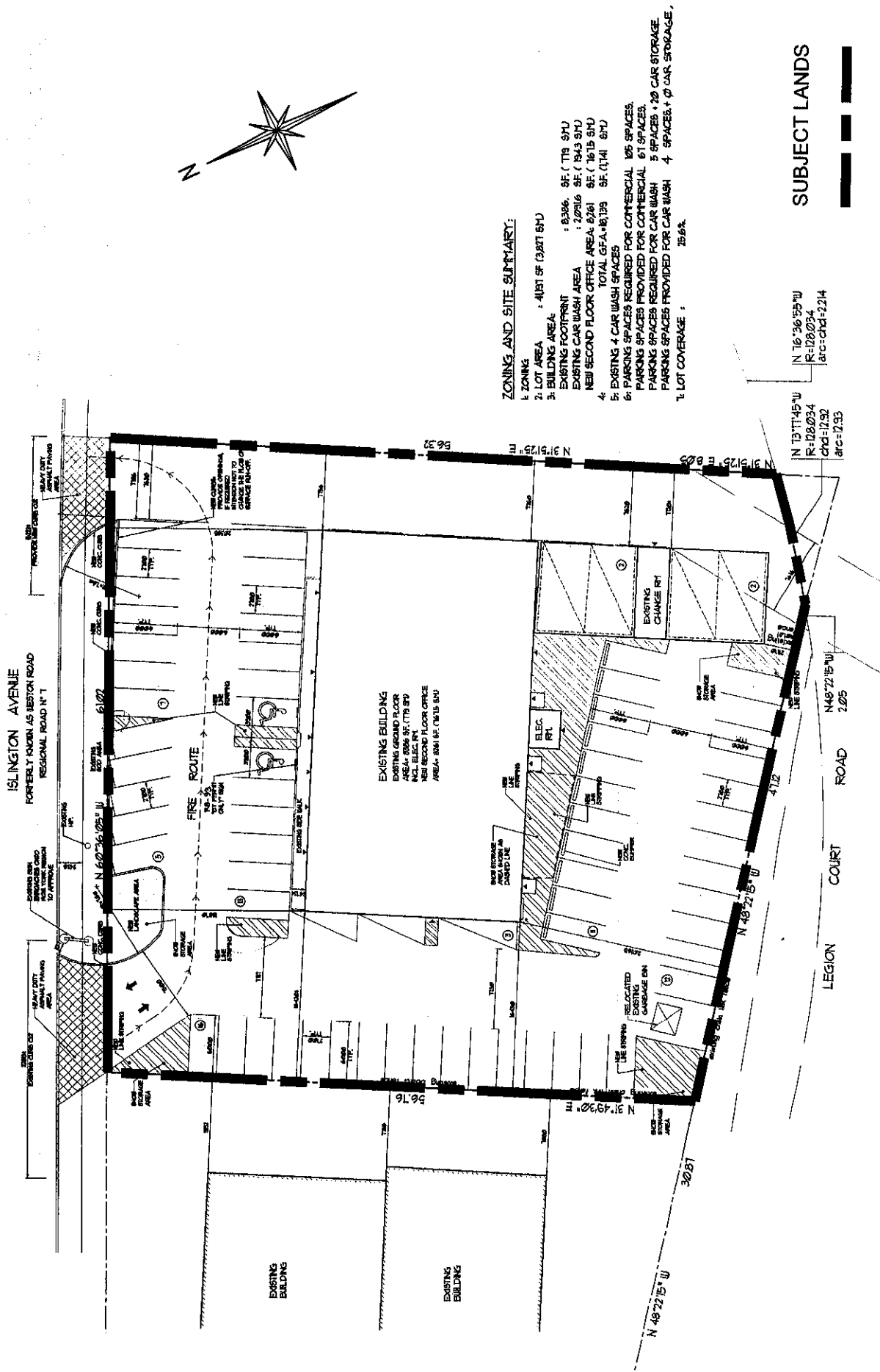
Attachment

FILE No.:
Z.02.060 & DA.02.069

January 9, 2003

Not to Scale

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ZONING AND SITE SUMMARY:

- 1. ZONING : 25.6A
- 2. LOT AREA : 4187 SF (3287 SHU)
- 3. BUILDING AREA:
 - EXISTING FOOTPRINT : 8396 SF (79 SHU)
 - EXISTING CAR WASH AREA : 20916 SF (1943 SHU)
 - NEW SECOND FLOOR OFFICE AREA: 8261 SF (1615 SHU)
 - TOTAL GFA: 18199 SF (1741 SHU)
- 4. EXISTING 4 CAR WASH SPACES
- 5. PARKING SPACES REQUIRED FOR COMMERCIAL 195 SPACES.
- 6. PARKING SPACES PROVIDED FOR COMMERCIAL 61 SPACES.
- 7. PARKING SPACES REQUIRED FOR CAR WASH 5 SPACES + 219 CAR STORAGE.
- 8. PARKING SPACES PROVIDED FOR CAR WASH 4 SPACES + 219 CAR STORAGE.
- 9. LOT COVERAGE : 75.6%

SUBJECT LANDS

N 16°36'59"W
R:128.034
arc=chd+2.214

N 19°11'45"W
R:128.034
chd=12.92
arc=12.93

Attachment 2

FILE No.: Z.02.069 & DA.02.060
January 8, 2003
Not to Scale

City of Vaughan Vaughan

Community Planning Department

Site Plan
Part Lot 5,
Concession 7
APPLICANT:
1534799 ONTARIO
LIMITED

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