

ZONING BY-LAW AMENDMENT FILE Z.02.070

SITE DEVELOPMENT FILE DA.02.070

WESTON RUTHERFORD CENTRE/GRANITE PEAK DEVELOPMENTS INC.

Recommendation

The Commissioner of Planning recommends:

1. That Zoning Amendment Application Z.02.070 (Granite Peak Developments Inc.) BE APPROVED to permit the following:
 - a) a maximum of 2 drive-throughs associated with one eating establishment use and one financial institution (bank) use only;
 - b) the added uses of eating establishment take-out and eating establishment convenience;
 - c) the maximum gross floor area for all eating establishments shall not exceed 20% of the total gross floor area on the site;
 - d) eating establishments shall not include accessory billiard use;
 - e) development outside the approved building envelope; and
 - f) any additional zoning exceptions to implement the approved site plan.
2. That Site Development Application DA.02.070 (Weston Rutherford Centre), as prepared by Petroff Partnership Architects, BE APPROVED, subject to the following conditions:
 - a) That prior to registration of a site development agreement:
 - i) the final site plan and elevation drawings shall be approved by the Commissioner of Planning;
 - ii) the final site servicing and grading plans, stormwater management report and cost to divert the drainage tributary shall be approved by the Engineering Department;
 - iii) the final landscape plan and cost estimate shall be approved by the Urban Design Department;
 - iv) the requirements of Vaughan Hydro and Vaughan Fire Department shall be satisfied;
 - v) the final traffic, and lighting plan shall be approved by the Engineering Department;
 - vi) the final plans and access shall be approved by the Region of York Transportation Department;
 - vii) the implementing zoning by-law be enacted by Council and be in full force and effect; and

- viii) the Owner shall provide a revised sediment and erosion control plan identifying the location of all sediment and erosion control measures, construction access routes and associated mud mats, for the approval of TRCA.
- b) That the Site Development Agreement contain the following conditions:
 - i) all garbage shall be stored indoors until ready to be picked up;
 - ii) the owner shall pay to 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 the issuance of a building permit, in accordance with 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;

Purpose

On September 13, 2002, the Owner submitted an application to amend the Zoning By-law to permit additional commercial uses in the C4 Neighbourhood Commercial Zone on the site (eating establishment, both convenience and take-out, and drive-through facilities) and also, to allow development outside the defined envelopes.

A related Site Development Application was also submitted, proposing a multi-unit commercial building with a second storey office component, and two free-standing buildings with drive-through facilities. Pertinent site statistics are as follows:

Site Area	1.6ha
<u>Gross Floor Area</u>	
Building A (Multi-unit/Office Bldg)	3305.79m ²
Building B (Free Standing)	325.16m ²
Building C (Free Standing)	2418.06m ²
Total Gross Floor Area	4049.01m ²
Parking Provided	255 spaces
Parking Required	280 spaces

Background - Analysis and Options

In 1992, Council approved a C4 Neighbourhood Commercial Zone for the subject lands, which included both an eating establishment convenience and take-out use.

In 1993, Council approved a site development application (DA.6.91) to permit a Neighbourhood Commercial Centre comprised of two multi-unit commercial buildings with a total gross floor area of 4000m². At that time, the eating establishment convenience and take-out uses, along with place of entertainment use, were deleted from the C4 Neighbourhood Commercial Zone list of uses by Council due to ratepayer objections. The applicant is now requesting that these uses, with the exception of place of entertainment, be reinstated as permitted uses. A drive-through facility is also requested to be included as a permitted use accessory to the eating establishment convenience use and bank use.

The subject lands are located at the southwest corner of Rutherford Road and Weston Road (3831 Rutherford Road), in Lot 15, Concession 6, City of Vaughan. The lands were included in approved draft plan of subdivision 19T-87050 as a commercial block, but were subsequently severed from the residential portion of the land holding. The surrounding land uses are as follows:

- North - Rutherford Road; neighbourhood commercial plaza (C4 Commercial Zone)
- South - Draft Approved Subdivision 19T-97V24 (R1 Residential Zone)
- East - Weston Road; proposed neighbourhood commercial plaza (A Agricultural Zone)
- West - Draft Approved Subdivision 19T-87050 (R1 Residential Zone).

At the November 4, 2002 Public Hearing, a number of area ratepayers expressed their concerns with the additional eating establishments and drive-throughs being proposed. Concerns were raised over noise and traffic generated by the development and the need for appropriate screening and mitigation measures.

Further to the Public Hearing, Council resolved that Zoning Amendment Application Z.02.070 (Granite Peak Developments Inc.) be received, and that the applicants meet with the residents and local Ratepayer Group to address the issues raised at the meeting.

On November 27, 2002, the applicant met with the local Ratepayer Association and concerned individuals to discuss the issues identified at the public hearing. In particular, proper screening, parking and the additional uses, specifically drive-through facilities, were discussed. Staff was provided with minutes to the meeting and has had the opportunity to discuss the issues of the meeting with the local ratepayer representative, and it is evident that the drive-through uses continue to be of concern.

Land Use Status

Official Plan

The lands are designated "Neighbourhood Commercial" by OPA #240, as amended by OPA #345, which permits retail stores, financial institutions, business and professional offices and restaurant uses. The proposed neighbourhood development conforms to the Official Plan.

Zoning

The lands are currently zoned C4 Neighbourhood Commercial Zone by By-law 1-88 subject to Exception 9(856), which does not permit eating establishment convenience or take-out, and drive-through facilities. The Exception also establishes specific building envelopes for the subject lands, which does not reflect the proposed site plan.

Site Description

The property is rectangular in shape, with frontage on both Rutherford Road and Weston Road. The development proposes two access points, one at the northwest corner along Rutherford Road, the second at the southeast corner along Weston Road. Three buildings are proposed; an L-shaped multi-unit building with a second storey office component at the southwest corner of the parcel, and two free-standing buildings at the northeast corner. An underground parking garage is proposed for the multi-unit building. Landscape in the form of a variety of trees and shrubs encompass the entire site, with extensive landscaping at the northeast corner as a main entry feature.

Planning Consideration

Land Use

The development proposes two drive-through facilities, one that is associated with an eating establishment and the other with a bank. The eating establishment is located approximately 65m from a residential property, with intervening structures, primarily a retail building, plus a wood acoustical fence and landscape strip. These structures would serve to effectively buffer the eating establishment from the residential properties, both visually and audibly. The bank is located approximately 31m away from the nearest residential property and is also buffered by an acoustical fence and landscape strip. It is anticipated that a bank will not generate significant drive-through traffic.

Drive-through facilities have become common facilities in recent years to meet a demand for a level of service expected in the industry.

In most commercial sites approved recently in Vaughan, particularly C4 sites, exceptions for drive-through facilities have been provided. It is incumbent upon the City to ensure that the drive-through facilities are properly integrated on the site, with minimal impact on the streetscape or adjacent sites, and are designed in a functional manner and within acceptable urban design principles. On this site, drive-throughs have been restricted to the location most distant from residential use, buffered by an intervening building, and restricted in the associated use. The final site plan will ensure these uses can be appropriately accommodated on the site.

To ensure that the closer of the two freestanding buildings is not occupied by an eating establishment with a drive-through facility, it is recommended that the implementing by-law permit a drive-through facility to a bank use only in this building.

Functionally, the drive-through facilities appear to work as far as site circulation and stacking requirements are concerned.

While eating establishment is a permitted use, take-out and convenience eating establishments are not. In permitting drive-through facilities, take-out and convenience restaurants are integrally related uses. As such, it is recommended that these be added as permitted uses in accordance with the uses permitted in the C4 Neighbourhood Commercial Zone. However, given the parking space deficiency on site, restricting the amount of eating establishment uses, which are higher parking generators, would be a practical means of controlling parking demand. As such, it is recommended that the floor area of all eating establishments on site be restricted to 20% of the total floor area, which is the same percentage used in the C1 Commercial Zone.

Planning Staff are of the opinion that accessory billiard tables normally permitted with eating establishments should be deleted, as this use may not be compatible with adjoining residential uses.

The following exceptions have been identified: constructing outside the building envelope, and a reduction in required parking spaces and stacking lane spaces. Any other exception required to implement the site development application shall be included in the implementing by-law.

Parking and Access

The development provides 255 parking spaces, 23 of which are underground for the office component of this development. Based on the parking standards of By-law 1-88, the development requires 280 spaces as follows:

Multi-Unit Retail (3305.79 x 6 spaces/100 GFA)	198 spaces
Eating Establishment (375.05 x 16 spaces /100m ² GFA)	60 spaces
Bank (368.17 x 6 spaces/ 100m ² GFA)	<u>22 spaces</u>
 Total Parking Required	 280 spaces

The site is deficient 25 parking spaces. Limiting the gross floor area of restaurant uses is intended to address the parking shortage. The Engineering Department has determined that the parking shortage is acceptable.

The site plan shows two driveway access points, one from Rutherford Road and the other from Weston Road. Both driveways access Regional roads and therefore, require Regional approval. The access point located at the northwest corner of the site has been designed to align with the access point to the north (existing commercial development).

Building Design

The proposed buildings are all constructed in a similar manner, using similar construction material and architectural design. The buildings, specifically the elevations facing the arterial roads, are primarily constructed with glazing, a masonry unit and brick finish. The elevations include architectural details along the roofline, with larger entry features highlighting the main entrance to each building. Extensive detailing surrounds each building, separating the roof line from the glazing wall. The larger multi-unit building is designed with an overhang providing a pedestrian- friendly covered walkway to each retail unit. A band located along each facade provides signage space.

The freestanding buildings, which are located along the street edge, are constructed in the same manner, indicating detailed elements for each elevation.

The south and west elevations for the multi-unit building facing the residential properties are comprised of brick and masonry units, with a stucco-type band and less glazing and architectural detailing. Several man doors and the main entrance to the underground garage, the garbage room and utility area are located along this elevation. The second floor office façade is primarily windows. As these windows overlook residential rear yards, it is recommended that these elevations be revised to replace many of the windows with another attractive material.

The applicant has indicated that the roofline will be designed in a manner that would conceal the rooftop mechanical systems. The final elevations will be approved by the Commissioner of Planning to ensure the matters are appropriately addressed.

Landscaping

The landscape plan proposes a variety of deciduous and coniferous trees and shrubbery surrounding the periphery of the site. Additional landscaping along the residential properties may be required to provide a buffer between the uses.

An extensive landscape feature located at the northeast corner of the property will serve as both a main entry feature and pedestrian connection to the site. This feature incorporates a mix of planting and architectural paving stone, highlighted with brick and precast pillars, and capped with a covered pergola. The applicant does not identify the colour used in the entry feature, specifically the columns and pergola. It is suggested that this element incorporate brick similar to the wall along both Weston Road and Rutherford Road, consistent with the Weston Downs Neighbourhood.

A 2.6m high wood privacy fence is required along the rear lot lines of the residential properties. The fence should reflect the approved Urban Design Guidelines for the neighbourhood.

The Urban Design Department has reviewed both the first submission of landscape and elevation plans and has indicated that additional landscaping along the residential properties and the drive-through facilities is required. A red-lined plan and requirements for both the landscape and building design has been provided to the applicant for revision. The final landscape plan, cost estimate, and building design and siting will be approved by the Urban Design Department.

Servicing

The Engineering Department has reviewed the first submission and requires that additional information on the details of the proposed box culvert and how the overland flows exceed the 100-year storm. This department has also indicated that a noise report or update to the existing noise report is required. Additional red-lined comments have been provided to the applicant to address.

The property is traversed by a drainage tributary of the Humber River that requires the applicant to re-channelize the direction of the tributary at his expense. A specific letter of credit may be required to cover the works.

Environment

As per City policy, any land to be dedicated to the City requires that an Environmental Study be prepared and reviewed by the City's peer reviewer. As the proposed storm easement is to be dedicated to the City, the applicant has provided a Phase One study in conjunction with draft plan of subdivision 19T-87050, which included the subject lands. The Study was approved by the City's peer reviewer, and the Engineering Department has indicated that no additional environmental report is required.

A noise report was prepared for this site plan application by Valcoustics Canada Ltd. The study concluded that sound exposures from the proposed commercial development comply with the applicable MOE guidelines, accounting for the sound barriers shown on the site plan. This report has been approved by the Engineering Department.

Utilities

Vaughan Hydro has reviewed the proposed development and has provided the standard development requirement. Vaughan Hydro also submitted the following comments for consideration:

- H.V.D.I. to provide point of supply to customers property line.
- Hydro pole conflicts and any grade changes on Regional Boulevards will be 100% chargeable to the Owner.
- Electrical room with outdoor access and a 4 x 4 sodded area for transformer padmount is required.

All conditions and requirements of Vaughan Hydro and Vaughan Fire Department must be satisfied prior to final approval.

Region of York

The Region of York Transportation and Works Department has reviewed the first submission and provide, in part, the following comments:

- the Weston Road access must be designed such that there are no turning movements within 30.0m of the widened Weston Road edge pavement;
- the points of access to Weston Road and Rutherford Road are to be designed and constructed to provide a 9.0m width radii; and
- the Region will require to be party to the Site Development Agreement and will ensure that the final plans are designed and approved to their satisfaction.

Toronto And Region Conservation Authority

The Authority has reviewed the latest Stormwater Management Report and new Design Brief for the proposed box culvert for the subject land. TRCA has indicated that the Regional Storm spill condition at the intersection of Weston and Rutherford Roads will continue at an acceptable rate, subject to the Region of York's satisfaction.

The Authority has indicated that they have no objection to approval of the site plan, subject to the following:

“The applicant provide a revised sediment and erosion control plan identifying the location of all sediment and erosion control measures, construction access routes and associated mud mats”

A condition to this effect has been included in the recommendation section of this report.

Canada Post

Canada Post Staff has provided comments and requirements dealing with warning clauses and mail box design and location, which will be included in the site plan agreement.

Conclusion

Official Plan Amendment #345 designates the subject lands “Neighbourhood Commercial Centre”, which permits the proposed commercial development. The subject lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(856), which permits a range of neighbourhood commercial uses, but not eating establishment convenience and take-out uses or drive-through facilities.

Planning Staff have no objection to the proposed additional uses on the subject lands, provided the eating establishments are limited to 20% of the GFA on the site and that a maximum of 2 drive-throughs are permitted. The uses requested are typical to the Neighbourhood Commercial Zone and if appropriately integrated and designed, can function within the context of the surrounding neighbourhood. The site plan will ensure that the proper design and buffering is achieved.

Staff can support the proposed development, subject to the conditions outlined in the recommendation section of this report. Should Council concur, the recommendation of this report can be adopted.

Attachments

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

Report prepared by:

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Respectfully submitted,

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Location Map

Part Lot 15,
Concession 6

APPLICANT:
WESTON RUTHERFORD CENTRE/
GRANITE PEAK DEVELOPMENTS INC.

City of
Vaughan

Community Planning Department

Attachment

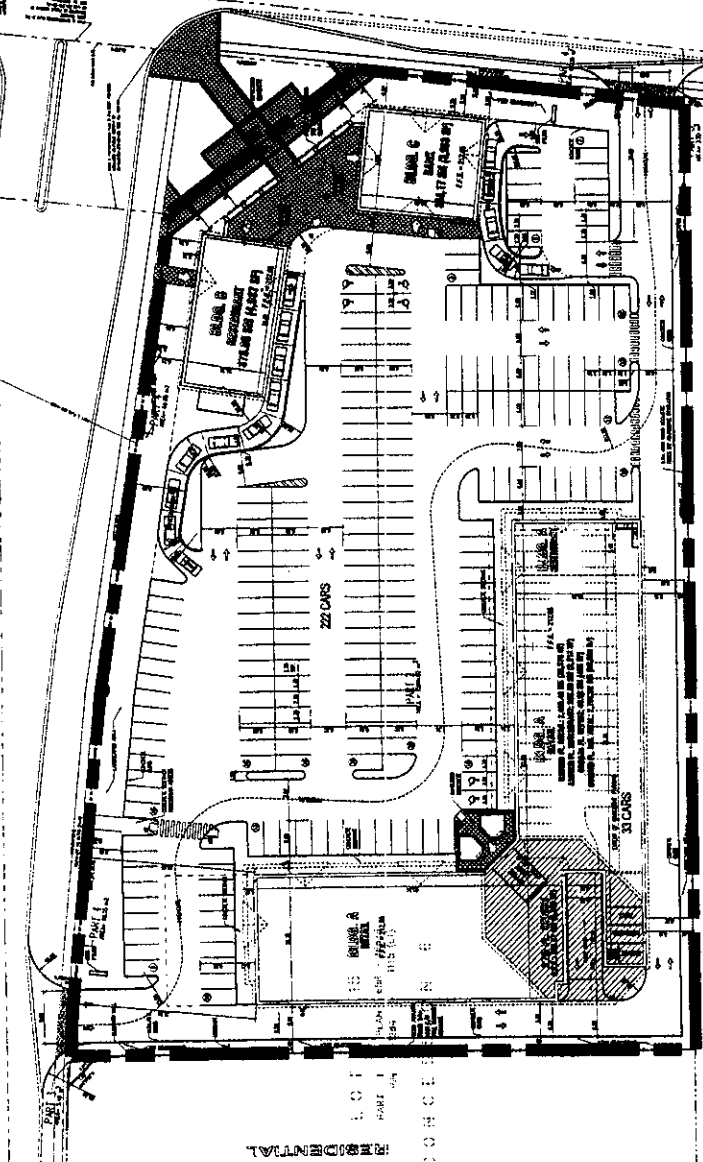
FILE No.:
DA.02.070
RELATED FILE No.:
Z.02.070

March 5, 2003

1

RUTHERFORD ROAD

WINSTON ROAD



SITE INFORMATION:

ITEM	REMARKS	AREA
NET AREA:		
GROSS FLOOR AREA:		
- BUILDING X - CALL - GR. FL.	24,378 SF.	24,378 S.M.
- BUILDING X - RESIDENTIAL - GR. FL.	448 SF.	448 S.M.
- BUILDING X - OFFICE - 2ND FLOOR	4,500 SF.	4,500 S.M.
- BUILDING X - RESTAURANT -	4,007 SF.	4,007 S.M.
- BUILDING Y - BANK -	3,343 SF.	3,343 S.M.
- TOTAL GROSS FLOOR AREA:	36,676 SF.	36,676 S.M.
NET AREA:		
- BUILDING CHIMNEY:	21.9 S.	21.9 S.
- UNIMPAVED AREA TO RESIDENTIAL:	407.6 S.M.	407.6 S.M.
- TOTAL UNIMPAVED AREA:	3,849.7 S.M.	3,849.7 S.M.
PARKING REQUIRED:		
CLASS 4 CARS @ 100 S.M. EACH - 24,378 S.M.	243 CARS	
OFFICE 3.5 CARS @ 100 S.M. EACH - 4,500 S.M.	158 CARS	
RESTAURANT 1.5 CARS @ 100 S.M. EACH - 4,007 S.M.	60 CARS	
UNIMPAVED SPACES 1% OF TOTAL FLOOR REQUIRED:	367 CARS	
- TOTAL SPACES REQUIRED:	466 CARS	
PARKING PROVIDED:		
UNIMPAVED PARKING PROVIDED:	33 CARS	
ON DRIVE PARKING PROVIDED:	20 CARS	
- TOTAL PARKING SPACES PROVIDED:	53 CARS	
- TOTAL PARKING SPACES PROVIDED:	53 CARS	

SUBJECT LANDS

Attachment 2
 FILE No.: DA.02.070
 RELATED FILE No.: Z.02.070
 March 5, 2003

City of **Vaughan**
 Community Planning Department

Site Plan
 Part Lot 15,
 Concession 6
 APPLICANT:
 WESTON RUTHERFORD CENTRE/
 GRANITE PEAK DEVELOPMENTS INC.



RUTHERFORD ROAD

WESTON ROAD

NOT TO SCALE

Attachment 3

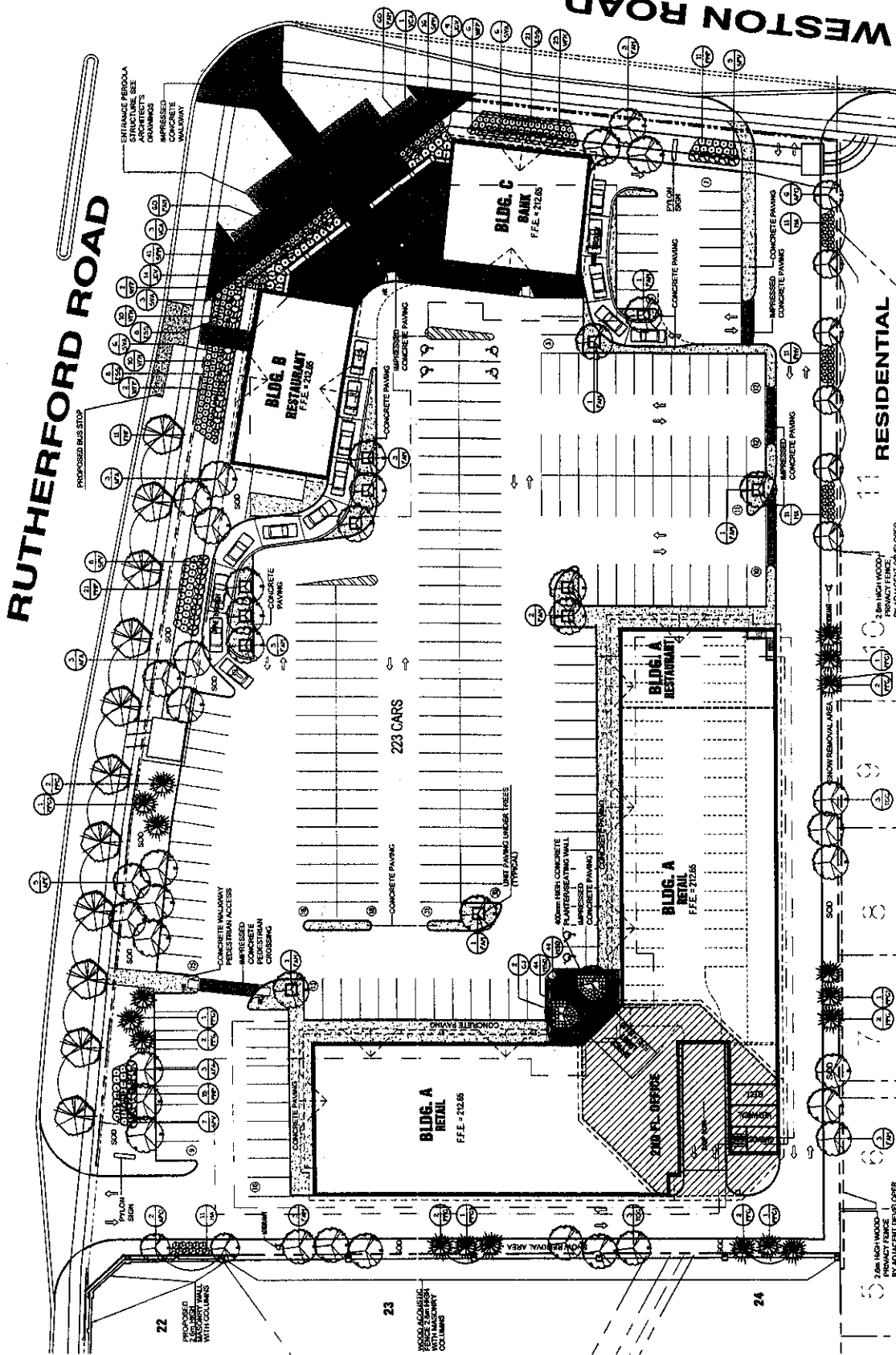
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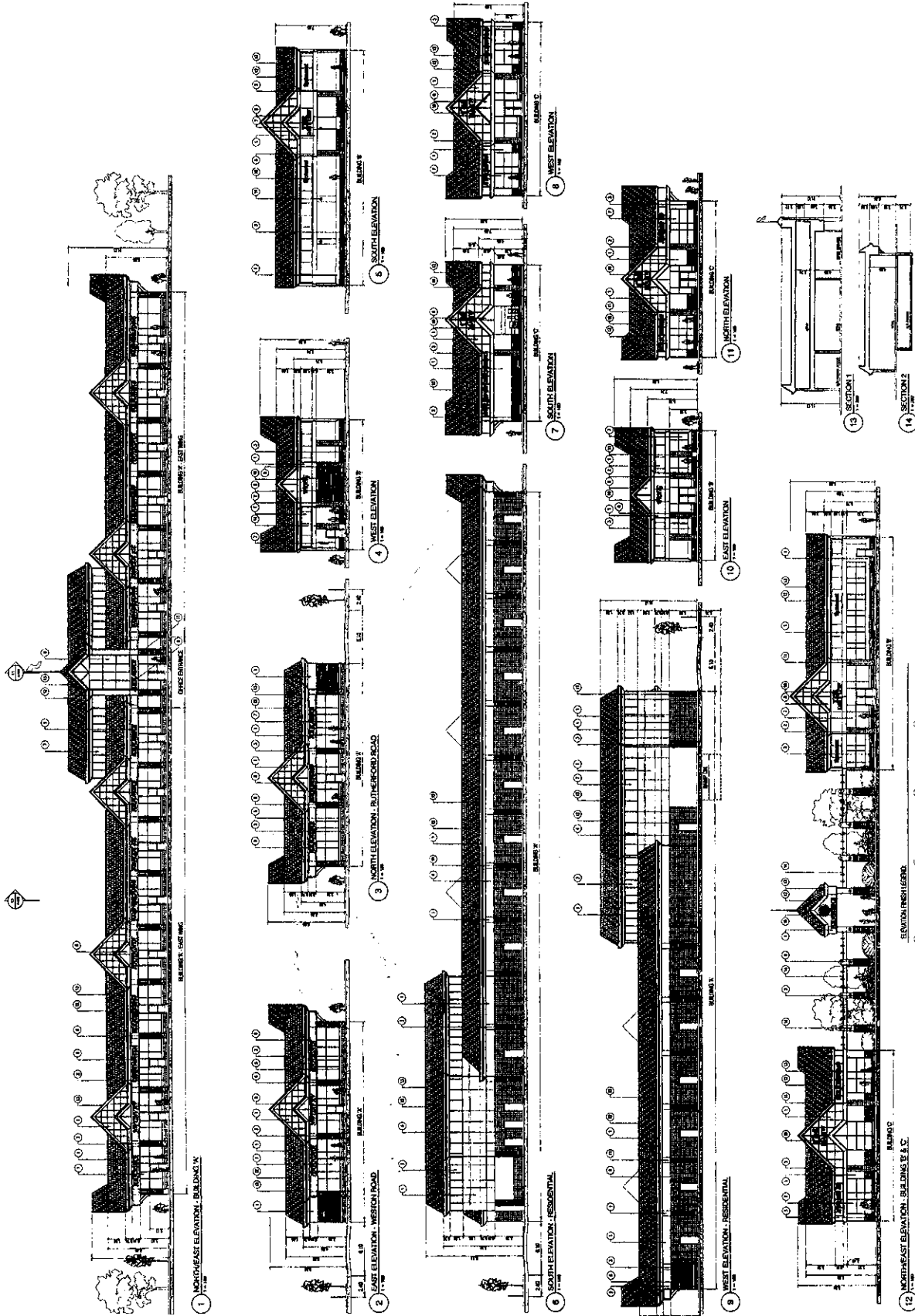
City of **Vaughan**

Community Planning Department

Landscape Plan

Part Lot 15,
 Concession 6
 APPLICANT:
 WESTON RUTHERFORD CENTRE/
 GRANITE PEAK DEVELOPMENTS INC.





SERVICES FINISH LEGEND

1	SP. LIGHT GLASS	4	WOOD
2	WOOD	5	WOOD
3	WOOD	6	WOOD
4	WOOD	7	WOOD
5	WOOD	8	WOOD
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93	WOOD	96	WOOD
94	WOOD	97	WOOD
95	WOOD	98	WOOD
96	WOOD	99	WOOD
97	WOOD	100	WOOD

Elevations

Part Lot 15,
Concession 6
APPLICANT:
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Community Planning Department

Attachment 4

FILE No.:
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