

COMMITTEE OF THE WHOLE FEBRUARY 16, 2004

**ZONING BY-LAW AMENDMENT FILE Z.03.047
SITE DEVELOPMENT FILE DA.03.063
BADI INVESTMENTS INC.
REPORT #P.2003.54**

Recommendation

The Commissioner of Planning recommends:

1. That Zoning Amendment Application Z.03.047 (Badi Investments Inc.) BE APPROVED to permit the following additional uses on the subject lands:
 - Eating establishment, Eating establishment convenience and take-out, to a maximum of 20% of the total Gross Floor Area on the site
 - Retail Store
 - Club or Health Centre
 - Veterinary Clinic
 - Video Store
 - Day Nursery and Technical and/or Commercial School
 - Medical Laboratory
 - Photography Studio
 - Service or repair shop
 - Print Shop

2. That the implementing by-law provide the following exceptions to the C1 Zone standards:
 - a) a minimum 122 parking spaces shall be provided on site
 - b) a 3m landscape strip shall be provided along Regional Road #7, and 2m along the Jersey Street road allowance
 - c) minimum front, rear and exterior side yards shall be 2.8m, 10m and 2m respectively
 - d) maximum height shall be 13.5m
 - e) minimum lot area shall be 8159 sq.m
 - f) drive-through facilities shall not be permitted accessory to any permitted use
 - g) any other exceptions required to implement the approved site development application

3. That Site Development Application DA.03.063 (Badi Investments Inc), as prepared by A. Baldassarra Architects Inc. and revised December 23, 2003, BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of a site plan agreement:
 - i) the final site plan and building elevation shall be approved by the Community Planning and Urban Design Departments;
 - ii) the final site servicing and grading plans, stormwater management report and Environmental Report be approved by the Engineering Department;
 - iii) the final landscape plan and cost estimate be approved by the Urban Design Department;

- iv) the requirements of Vaughan Hydro and Vaughan Fire Department shall be satisfied;
- v) a traffic and noise study, if required, be approved by the City Engineering Department and all recommendations implemented in the site plan;
- vi) the final plans, access points and driveways shall be approved by the Region of York Transportation and Works Department and City of Vaughan; and
- vii) the implementing zoning by-law be enacted by Council and be in full force and effect.

4. That the site plan agreement contain the following provisions:

- a) all garbage shall be stored indoors;
- b) 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; and
- c) the Owner shall, if required, allow and provide the opportunity for a parallel road network that will support the long term transportation needs along Regional Road #7, via a connection from Jersey Street to Pine Valley as per the Highway #7 Land Use Study, and also, an easement to provide for future shared driveway access with the lands to the west.

Purpose

On July 2, 2003, the Owner submitted an application to amend the Zoning By-law to expand the list of permitted uses and to obtain exceptions to the C1 Zone standards to facilitate Site Development Application DA.03.063. The additional uses proposed are as follows:

- Brewers Retail and LCBO Outlet
- Club or Health Centre
- All types of eating establishments
- Photography studio
- Retail and Convenience Store
- Service or repair Shop
- Veterinary Clinic
- Video Store
- Print Shop
- Day Nursery and technical Commercial School
- Car Brokerage and
- Medical laboratory

The site development application submitted October 9, 2003 proposed a 2,422 sq.m commercial plaza comprising of two buildings, one larger L-shaped building at the rear, and a free-standing building at the front lot lines. On December 23, 2003, the application was revised in response to a preliminary review by the City, as follows:

| | |
|---|------------|
| Proposed Gross Floor Area (2 Buildings) = | 2,283 sq.m |
| Parking provided = | 122 spaces |
| Parking required = | 137 spaces |

Background - Analysis and Options

The .815 ha site is located on the south side of Regional Road #7, west of Pine Valley Drive and next to the Jersey Street road allowance, being Lots 6, 7 and 8, Plan M4219 (4573 and 4585 Highway #7) in Lot 5, Concession 7, City of Vaughan. The property is relatively flat and regular in shape with 83 m frontage on Regional Road #7. There are several buildings located on the site, which are proposed for demolition. The surrounding land uses are as follows:

- North – Regional Road #7; office complex (C1 Restricted Commercial Zone)
- South - vacant, balance of the subject lands (R1 Residential Zone); Sydell Crescent
- East - commercial plaza (C7 Zone)
- West - vacant

In 1990, the Ontario Municipal Board approved Official Plan and Zoning amendment applications to redesignate and rezone the subject lands to “General Commercial” and C1 Restricted Commercial Zone, to permit a retail/office building. In 1992, Vaughan Council approved Site Development Application DA.21.91 for an integrated retail, service and professional office building. The southerly 41m of the property, under the same ownership and zoned R1 Residential Zone, has been maintained for future detached residential as per the 1992 approved site development application.

Prior to the Public Hearing, the Vaughanwood Ratepayers Association and the applicant met to discuss the application. A letter outlining the ratepayers concerns was submitted to Planning Staff and provided to Council. Although in support of the development, the association had concerns with some of the uses, in particular car brokerage, eating establishment, LCBO and Brewers Retail Outlets and Club and Health Centre. In addition, it was suggested that the access to the site be moved further west to the Jersey Street road allowance, to be shared upon development of the lands to the west.

The applicants have agreed to delete the Car Brokerage, Brewers Retail and LCBO outlet uses as per the ratepayers concern.

The recommendation of the Committee of the Whole to receive the Public Hearing of August 25, 2003, and bring forward a technical report, was adopted by Council on September 2, 2003.

Land Use Status

The subject lands are designated “General Commercial” by OPA #240, which would typically permit existing commercial uses, retail stores for the buying, leasing and exchanging of goods and services, restaurants, banks and business and professional offices. A Site-specific Policy, Section 4.10.6 restricts the use of the subject lands for an integrated mixed use retail, service and professional office establishment, as approved by the Ontario Municipal Board. The proposed uses would conform the Official Plan.

Zoning

The subject lands are zoned C1 Restricted Commercial Zone by By-law 1-88, subject to Exception 9(725), which restricts the uses permitted on this site to Bank/Financial Institution, Business and Professional Office, Personal Service Shop, Travel Agency and Pharmacy, and provides specific development standards. These uses and standards reflect the original development proposal and were approved by the Ontario Municipal Board.

Planning Staff can support the applicant's deletion of the Brewers Retail, LCBO Outlet and car brokerage uses, which are more related to service related/employment and neighbourhood commercial zones. Furthermore, the size of the property, its limitation to a single access, and abutting residential uses makes the freestanding/large-format of a Brewers Retail and LCBO Outlet unsuitable for the site.

The proposed development continues to maintain the previously approved integrated mixed use retail, service and professional office format, but with emphasis on commercial retail uses. A zoning amendment is proposed to permit the expansion of permitted uses, as follows:

- Club or Health Centre
- All types of eating establishments to a maximum of 20% GFA and without drive-through facilities
- Photography Studio
- Retail and Convenience Store
- Service or Repair Shop
- Veterinary Clinic
- Video Store
- Print Shop
- Day Nursery and Technical Commercial School
- Medical Laboratory

The proposed uses are typical of a C1 Restricted Commercial Zone with the exception of a print shop, which is more appropriately located in a more service related commercial zone. Planning Staff have no objection to a print shop on a small scale retail use.

With respect to eating establishments, Planning Staff are of the opinion that given the scale of the development property and its limited parking, restricting eating establishments to a maximum of 20% of the total gross floor area would ensure that parking is available on the site for the range of commercial uses within the units. Parking for eating establishments is considerably higher than for retail use, and the additional parking is not being provided on site.

The current exception establishes development standards, which are specific to approved Site Development Application DA.21.91 which was approved by Council in 1992. The new development proposal differs from the original and therefore, the establishment of new site specific zoning standards are required to facilitate this site development application.

To date, the following exceptions to the C1 Restricted Commercial Zone Standards required to implement the site plan have been identified:

- minimum parking of 122 rather than 137 spaces
- front, rear, and exterior yard setbacks of a minimum 2.8m, 10m and 2m respectively
- limit eating establishments to 20% of the total GFA
- no drive-through facilities permitted
- minimum landscape buffer reduced to 3m along Regional Road #7 and 2m along the Jersey Street road allowance
- minimum lot area of 8,159 sq.m.

Any other exceptions required to implement the site development application will be included in the implementing by-law.

Site Description

The subject lands constitute the northerly portion of a larger parcel consisting of a commercial block (subject lands) and a residential block, which is not part of this application. The site is

regular in shape and relatively flat. There are several buildings on the property, all of which would be demolished.

The site plan proposes an L-shaped building envelope along the easterly and southerly lot lines. A second freestanding building is located along Regional Road #7 at the northwest corner. Access is proposed from Regional Road #7, between the 2 buildings.

Parking

The development is providing 122 parking spaces. Based on the parking standards of By-law 1-88, the development requires 137 spaces, as follows:

$$\text{Multi Unit Commercial Bldg. (GFA 2283 @6 spaces /100m}^2\text{)} = 137 \text{ spaces}$$

In consideration of the above, the site is deficient of 15 parking spaces, and a parking study or justification report is not considered necessary.

Jersey Street

The Owners have expressed interest in purchasing half or all of the Jersey Street road allowance for incorporation into the site plan. On December 15, 2003, Council resolved to commence the procedures to stop up and close Jersey Street, and the public meeting was held on January 26, 2004. This site plan application can proceed independent of possible acquisition of any portion of Jersey Street.

Access

The site plan identifies a full movement right-in and right-out access drive to Regional Road #7, which must be approved by the Region. A potential second access point is shown at the mid point along the westerly lot line, anticipating a future connection driveway to the adjacent lands.

Elevations

The elevations are to be constructed of a brick, stucco and glazing combination with no colour scheme indicated. The north elevations facing Regional Road #7 for both buildings are identical in construction material and enhanced with a tower structure, providing an interest and entry feature to the overall development. The buildings are one-storey, with asphalt shingles.

The south and east elevations for Building 'A' face future residential lands and an existing commercial plaza, respectively, and are faced with brick veneer. Additional treatment such as accent banding and glazing would add interest to these elevations.

The Urban Design Department must approve the final elevation plans as a condition of approval.

Landscaping

The landscape plan identifies the majority of the landscaping along Regional Road #7, between Buildings 'A' and 'B'. A 3m strip along the south property line is proposed to be landscaped as a buffer to the future residential uses. The landscape plan is rather minimal and additional planting will be required, particularly along the southerly and westerly lot lines, to enhance the overall look

The Urban Design Department must approve the final landscape plan and cost estimate as a condition of approval.

Servicing

The Engineering Department is reviewing the latest engineering plans and must approve the final engineering plans.

The Engineering Department has indicated that a noise study is required to confirm that noise issues are adequately addressed for the residential subdivision to the south. All recommendations of the approved noise report must be implemented through the site plan agreement.

Region of York

On December 5, 2003, the applicant met with the Region of York regarding the location of the access point 75m west of Pine Valley Drive. The Region has provided the following preliminary comments:

- detailed site servicing, grading and landscape drawings are to be submitted through the City Planning Department
- accesses to be 9.0m wide with 9.0m radii
- the minimum site decision point shall be 25m south of the ultimate Regional Road #7 streetline (extend full driveway throat to this point)
- owner shall convey sufficient land to provide a minimum 22.5m from the center line of construction of Regional Road #7
- a 3.5m wide, 30.0m long eastbound right turn lane, with a 60m taper at the access, is required
- an interconnection with the adjoining property at the midpoint of the westerly boundary is required
- an interconnection to the adjoining lands is suggested at the southeast corner of the property to the adjoining lands
- streetline elevations are to be based on the top of the existing or proposed top of curb, plus 2% slope
- all municipal setbacks shall be from the Regional Road #7 streetline
- the application is subject to payment of the Regional Development review fee

The Region is currently reviewing the revised plans for comment.

Toronto Region Conservation Authority (TRCA)

The Toronto Region and Conservation Authority (TRCA) has indicated that the property is adjacent to, but well outside of a valley corridor and TRCA Regulated Area of the Humber River watershed to the west. Therefore, the proposal does not affect the program or policy interests of this Authority.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities established in Section 4.3 of the Vaughan Vision 2007 to attract emerging value-added business and institutions, by creating a plan to promote and attract office, institution and business developments.

Conclusion

Official Plan Amendment #240 designates the subject lands "General Commercial", with site specific policies that the subject lands develop with an integrated mix of retail, service and professional office uses. The application proposes to expand the list of permitted uses for the subject lands and to establish site-specific standards to facilitate the proposed site development application. Staff can support the additional permitted uses set out in the Recommendation as

these uses are compatible with the surrounding area, and continue to provide for an integrated mixed commercial use development as intended by the Official Plan. Staff can also support the exceptions to the zoning standards required to facilitate the final approved site plan. The site plan, elevations, landscaping, engineering and noise impact are generally satisfactory and can be finalized through final review by Staff. Should Council concur, the Recommendation of 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

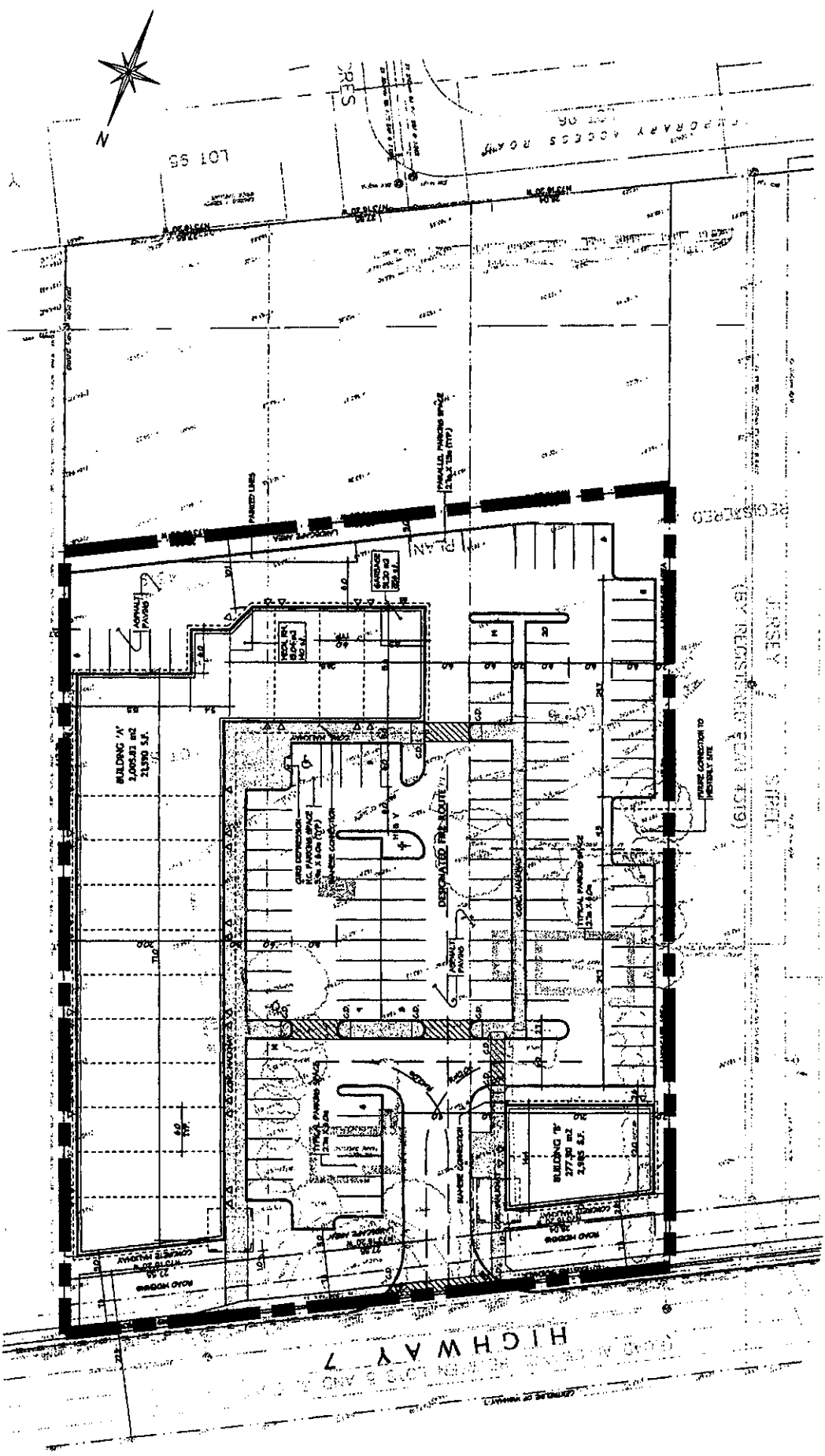
MARCO RAMUNNO
Manager of Development Planning

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 SUBJECT LANDS



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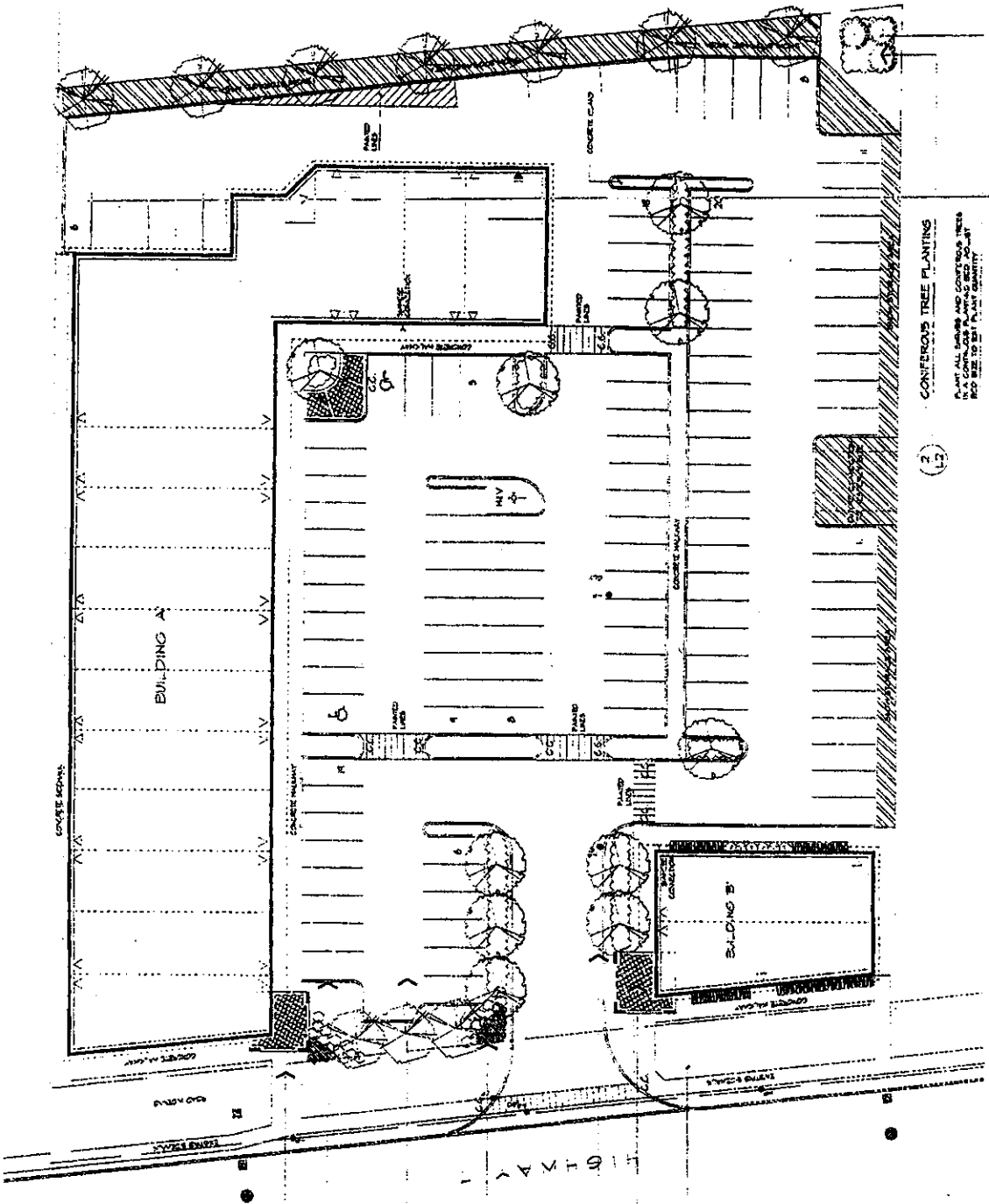
Attachment 2

FILE No.: DA.03.063
 RELATED FILE: Z.03.047
 January 6, 2004

SUBJECT LANDS

City of Vaughan Community Planning Department

Site Plan
 Part Lot 5,
 Concession 7
 APPLICANT:
 BADI INVESTMENTS INC.
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5
 L2
 CONCRETE WALKWAY
 TYPICAL INSTALLATION
 6
 L2
 CONCRETE CURB
 TYPICAL INSTALLATION

7
 L2
 ASPHALT PAVING
 TYPICAL INSTALLATION

4
 L2
 5
 L2
 SHRUB PLANTING

1
 L2
 2
 L2
 DECIDUOUS TREE PLANTING
 CONCRETE CURB
 TYPICAL INSTALLATION

3
 L2
 4
 L2
 CONCRETE CURB
 TYPICAL INSTALLATION

2
 L2
 CONIFEROUS TREE PLANTING
 PLANT ALL TREES AND CONIFEROUS TREES
 IN A CONIFERUS PLANTING BED 20'-0" WIDE
 PER TREE TO BE PLANTED

Not to Scale

Landscape Plan

Part Lot 5,
Concession 7

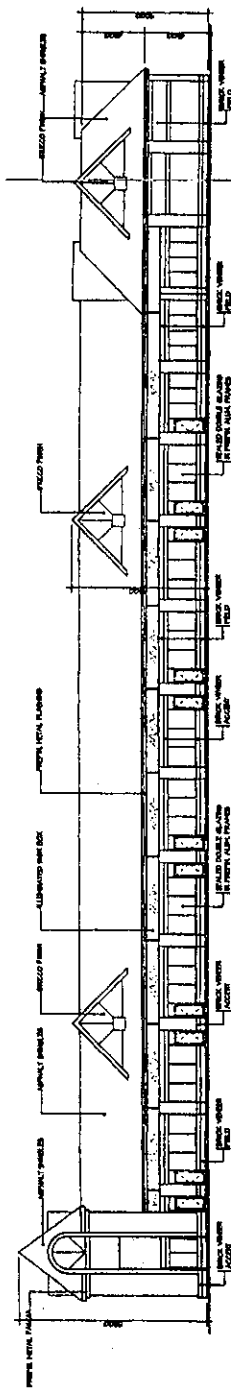
APPLICANT:
 BADI INVESTMENTS INC.
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City of Vaughan

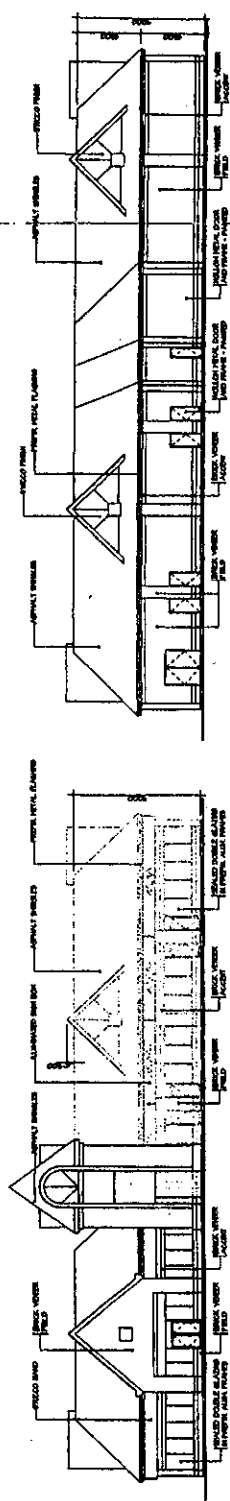
Community Planning Department

Attachment 3

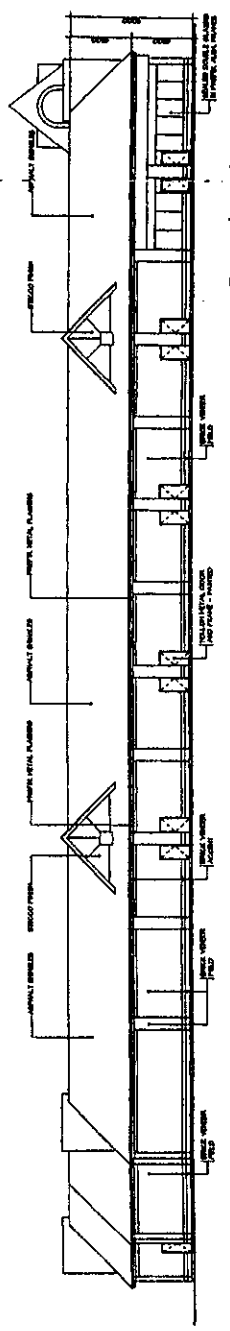
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 January 6, 2004



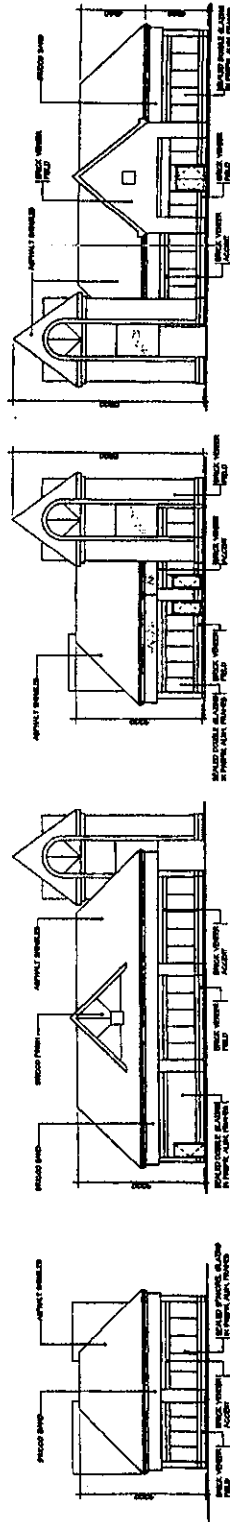
West Elevation - 'A'



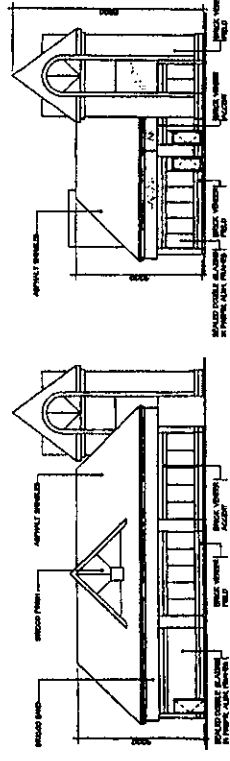
North Elevation - 'A' (Highway Z)



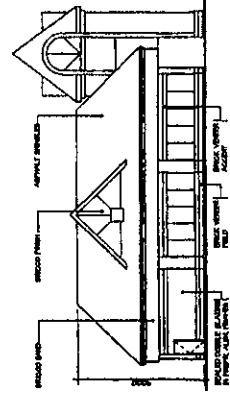
South Elevation - 'A'



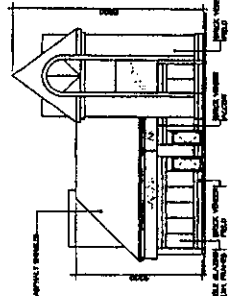
East Elevation - 'A'



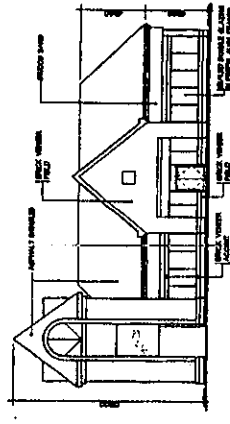
West Elevation - 'B'



South Elevation - 'B'



East Elevation - 'B'



North Elevation - 'B' (Highway Z)

Elevations

Part Lot 5,
Concession 7

APPLICANT:
BADI INVESTMENTS INC.
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City of Vaughan

Community Planning Department

Attachment 4

FILE No.:
DA.03.063
RELATED FILE:
Z.03.047
January 6, 2004

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