

COMMITTEE OF THE WHOLE MAY 17, 2004

**ZONING BY-LAW AMENDMENT FILE Z.03.103
SITE DEVELOPMENT FILE DA.03.078
HARNAG INVESTMENTS LIMITED
REPORT #P.2004.35**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.103 (Harnag Investments Limited) BE APPROVED, and that the implementing by-law:
 - a) permit accessory convenience retail store use, in addition to the permitted automobile gas bar use; and
 - b) provide the following exceptions to the C6 Zone standards:
 - a minimum 5.7m interior side yard spaces
 - a minimum of 6 parking spaces
 - a maximum driveway access width of 9.14m on Clark Avenue West; and
 - a minimum 3.5m wide landscape strip along Bathurst Street.

2. THAT Site Development Application DA.03.078 (Harnag Investments Limited) BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i) the final site plan and building elevations be approved by the Community Planning and Urban Design Departments;
 - ii) the final landscape plan be approved by the Urban Design Department;
 - iii) the final grading and servicing plans and stormwater management report be approved by the Engineering Department;
 - iv) parking, access and on-site circulation be approved by the Engineering Department and the Region of York Transportation and Works Department; and
 - v) all hydro requirements be addressed to the satisfaction of Hydro Vaughan Distribution Inc.

 - b) That the site plan agreement include the following provisions:
 - i) 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 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.

Purpose

On December 19, 2003, the Owner submitted an application to amend the Zoning By-law to permit an accessory convenience retail store use, in addition to the permitted automobile gas bar, and exceptions for interior side yard, parking, landscaping and access widths, in the C6 Zone.

A Site Development application was also submitted to permit the redevelopment of the 0.27 ha site for a Sunoco automobile gas bar and accessory convenience retail store (141m²).

Background - Analysis and Options

The subject lands are located at the southwest corner of Clark Avenue West and Bathurst Street, being Part 4 on Reference Plan 65R-6688 (7400 Bathurst Street), in Part of Lot 3, Concession 2, City of Vaughan. The 0.27 ha rectangular-shaped property has 48 m frontage on Clark Avenue West and 63.8 m flankage on Bathurst Street.

The subject lands are designated "Service Station" by OPA #210 (Thornhill-Vaughan Community Plan) and zoned C6 Highway Commercial Zone by By-law 1-88, subject to site-specific Exception 9(349). The surrounding land uses are:

- North - Clark Avenue West; residential (RA3 Apartment Residential Zone)
- South - commercial (C1 Restricted Commercial Zone)
- East - Bathurst Street; residential (RM1 Multiple Residential Zone)
- West - fire station (A Agricultural Zone)

On January 9, 2004, a notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Crestwood Springfarm Yorkhill Residents' Association and the Lakeview Estates Ratepayers Association. To date, one written response has been received from the Lakeview Estates Ratepayers Association in support of the application for the following reasons:

- it serves as one stop shopping for gas and convenience items;
- since it is open 24 hours, it would allow necessity purchases after working hours; and
- it is consistent with the growing trend of building gas stations with convenience store kiosks to serve the neighbourhood.

The recommendation of the Committee of the Whole on February 2, 2004, to receive the public hearing and forward a technical report to a future Committee meeting was ratified by Council on February 9, 2004.

Official Plan

The "Service Station" policies in OPA #210 (Thornhill-Vaughan Community Plan) provide opportunities for the sale of petrol, oil and lubricants and other related products on lands not more than 0.4 ha in size. The proposed use conforms to the Official Plan.

Zoning

The site is zoned C6 Highway Commercial Zone, subject to site-specific Exception 9(349), which restricts the use of the subject lands to an "Automobile Gas Bar" only, and does not permit the proposed accessory convenience retail store use.

Although By-law 1-88 was recently amended by City-wide By-law 92-2003, which now permits convenience retail stores as-of-right in association with automobile gas bar uses, the site-specific exception takes precedence. Therefore, a by-law amendment is required to permit the convenience retail store use. In addition, the following exceptions to the C6 Zone standards would be required:

	<u>Required</u>	<u>Proposed</u>
- Interior Side Yard	10.0m	5.7m
- Number of Parking Spaces	8 spaces	6 spaces
- Width of Landscaped Buffer		
Abutting Bathurst Street	6.0m	3.5m
- Width of Driveway Access		
On Clark Ave. West	7.5m-9m	9.14m

Staff is satisfied with the above-noted exceptions, which are considered to be appropriate for the site, as noted below:

- a) All three site accesses are existing and comply with the zoning standards, with the exception of the access to Clark Avenue West. The maximum width is exceeded by 0.14m, which is considered minimal.
- b) The reduction in parking from 8 to 6 spaces is considered to be minor.
- c) The proposed convenience retail store backs onto a landscaped buffer, which provides natural screening of the building from the adjacent fire station. As the two uses are compatible, the reduced setback is considered sufficient.

Site Design

The fueling area will be constructed with an overhead canopy, which is centrally located on the rectangular-shaped property, and consists of 4 self-service stations accommodating 4 vehicles at each station. A 141m² gas bar and convenience retail store is located to the west, with the main entrance facing the fueling stations. Garbage will be stored internally.

Parking is provided to the north and south of the convenience retail building. Pedestrian walkways are provided from both Clark Avenue West and Bathurst Street to the building entrance.

Access

The site is served by three driveway accesses, including a 9.14m wide full movement access on Clark Avenue West, and two 7.78m wide right-in/right-out accesses on Bathurst Street, which are satisfactory to the York Region Transportation and Works Department.

Parking

The required parking for the proposed development is 8 spaces for both gas bar/retail convenience kiosk uses. The requirements are based on the following standards:

- Convenience Retail Store: 141m² GFA @ 5.5 spaces/100m² = 8 spaces

The site plan proposes 6 parking spaces, including one handicapped space, which will be included as an exception in the implementing by-law.

Servicing

The site has access to municipal services, including sanitary and storm sewers and water. The final site servicing and grading plans and storm water management report, must be approved by the Engineering Department.

The site has access to hydro services. All hydro requirements must be addressed to the satisfaction of Hydro Vaughan Distribution Inc.

Building Elevations

The automobile gas bar/convenience retail store will be constructed with a flat roof to a height of 4.2m. Aluminum paneling is provided as a screen for the roof-top mechanical equipment. The material used throughout the building is stucco, with a durock pebble coat finish in a neutral taupe colour. The main entrance is located on the east elevation facing the fuel pumps and consists of clear anodized double doors framed by blue coloured vertical bands of the same material as the building, and a yellow band directly above the entrance. The east elevation also contains 2 taupe coloured overhead doors, where the garbage will be stored internal to the building. Building signage is proposed only on the east elevation. Clear glazing units are provided along the east elevation, and incorporated on the north elevation facing Clark Avenue West.

The fueling station canopy is shown in Sunoco's corporate colours of blue and gold. The canopy has been designed to a height of 6.03m, and will incorporate the company logo at both the south and north ends of the structure.

Landscaping

The perimeter of the site will be landscaped with a mix of both existing and new deciduous and coniferous trees and shrubs. Large trees have been proposed along the westerly property line at the rear of the building. Specific attention has been given to the planting around the entry feature and the 7.5m high pylon sign at the northeast corner of the site. The Urban Design Department has requested additional planting be provided along Clark Avenue West to the east of the driveway, and other minor landscaping and walkway improvements to enhance the site.

A 7.5 m high pylon sign is shown at the south end of the site triangle within the landscaped strip at the corner of Bathurst Street and Clark Avenue West.

The final landscape plan and detailed cost estimate must be approved by the Urban Design Department.

Relationship to Vaughan Vision 2007

This Staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #210.

Conclusion

Staff has reviewed the Official Plan, By-law 1-88 and the area context, and is of the opinion that the proposed zoning amendment to permit a convenience retail store accessory to a permitted gas bar use on the subject lands is appropriate and compatible with the existing uses in the surrounding area.

Furthermore, Staff has reviewed the site plan application and considers it to be an appropriate redevelopment of the site. Furthermore, the zoning exceptions to facilitate the site plan are minor in nature.

Therefore, Staff recommends approval of the Zoning Amendment and Site Plan applications, 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
5. Fueling Station Canopy
6. Pylon Sign

Report prepared by:

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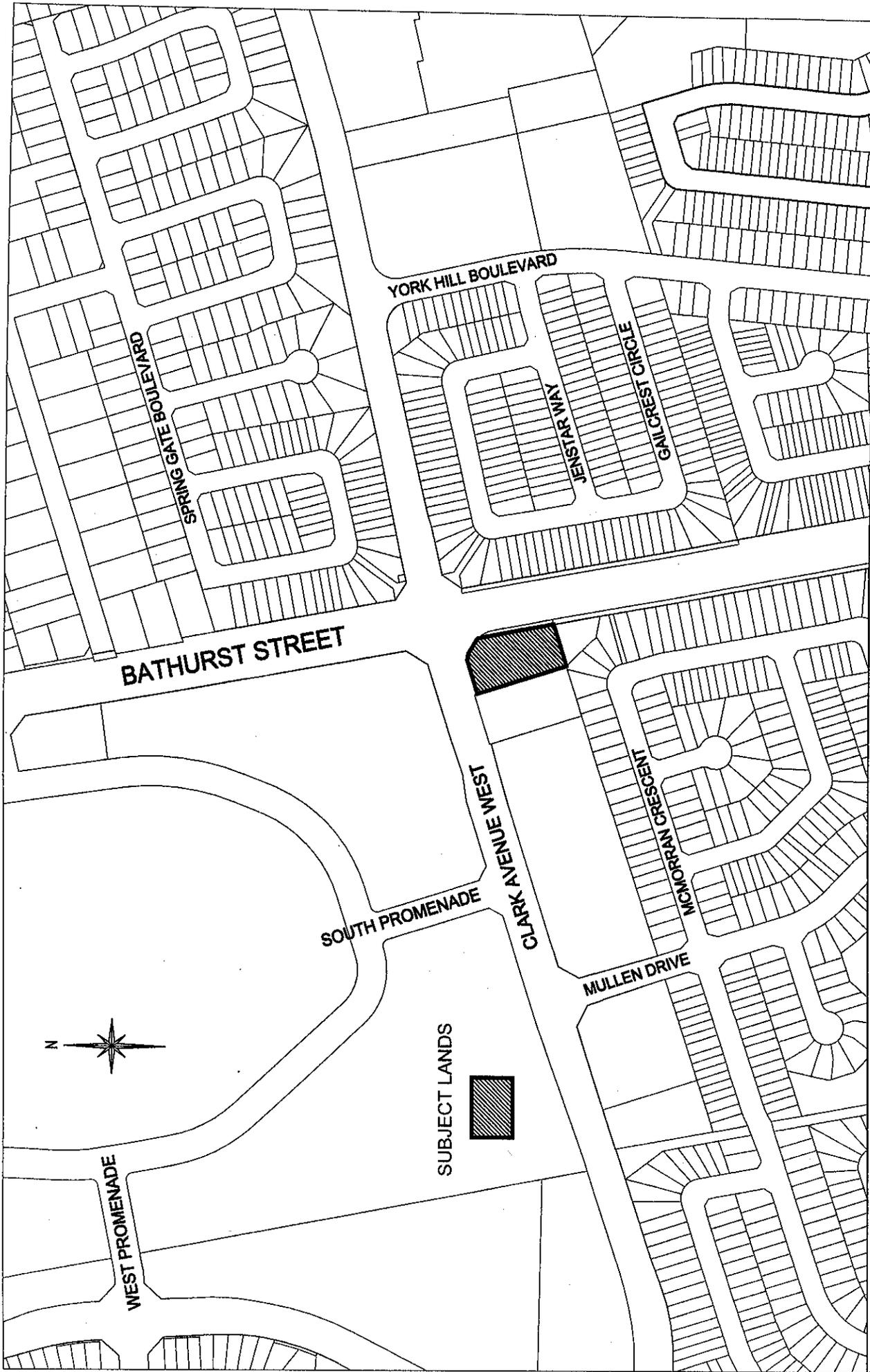
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

/LG

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Location Map

Part of Lot 3,
Concession 2

APPLICANT:
HARNAG INVESTMENTS



Community Planning Department

Attachment

FILE No.:
DA.03.078 &
Z.03.103

Not to Scale
March 25, 2004





SUBJECT LANDS

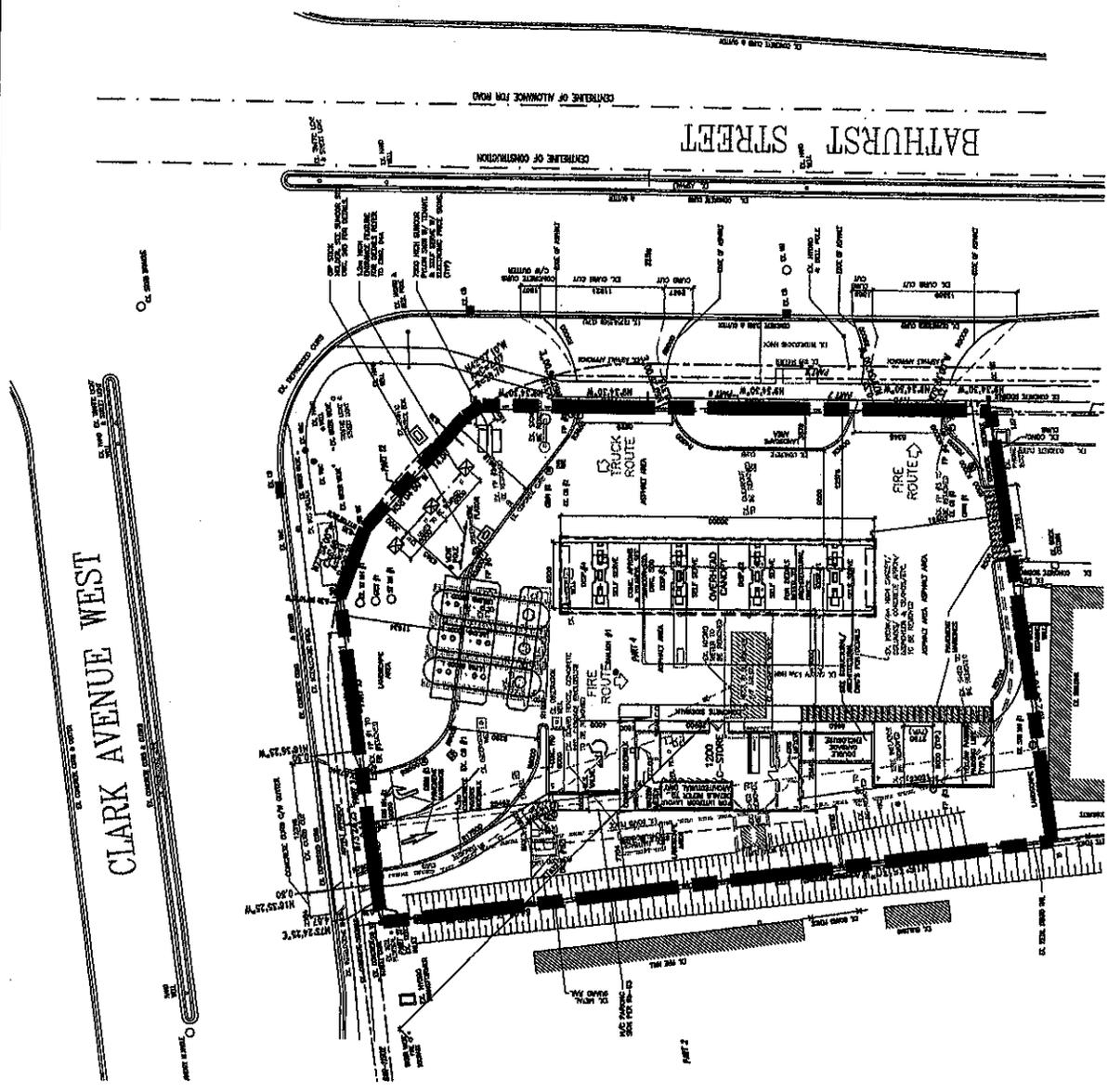


Attachment 2

FILE No.:
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Z.03.103
Not to Scale
March 25, 2004

City of Vaughan Community Planning Department

Site Plan
Part of Lot 3,
Concession 2
APPLICANT:
HARNAG INVESTMENTS



CLARK AVENUE WEST

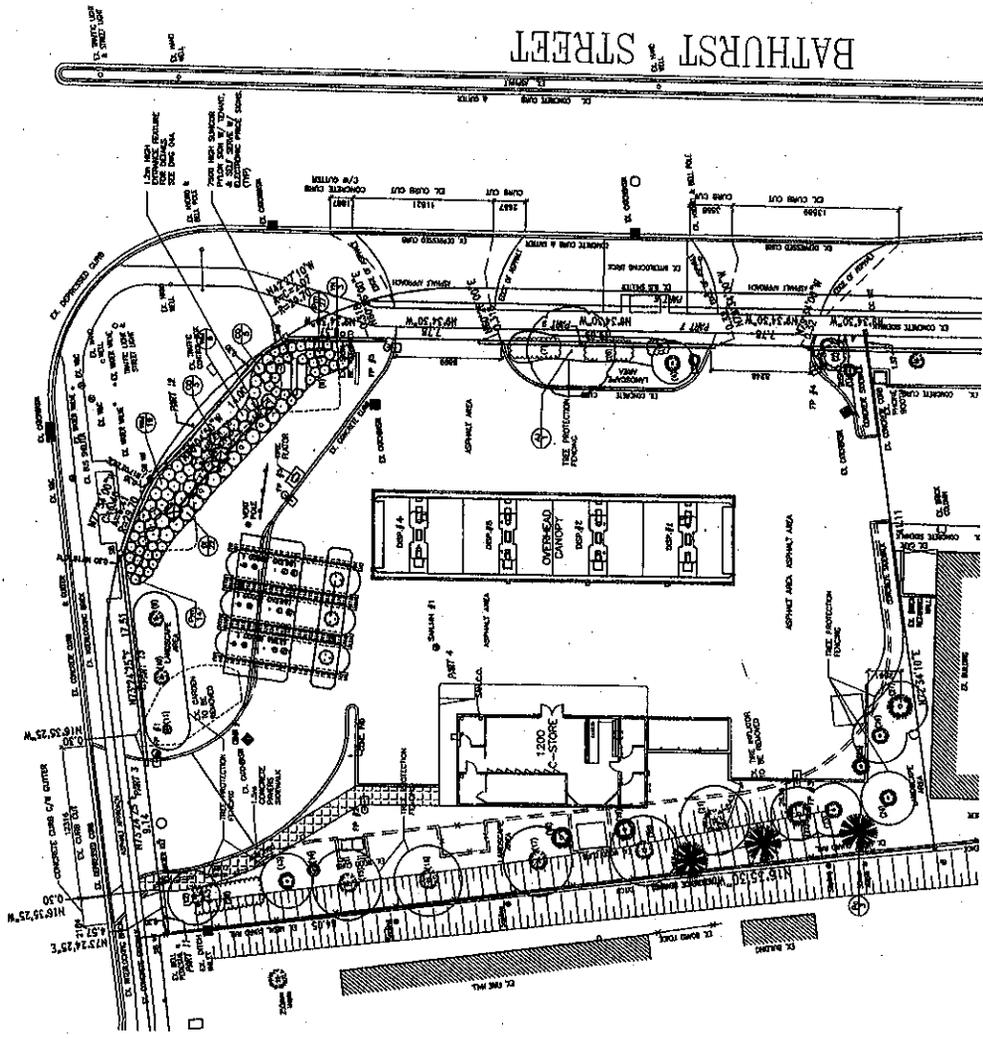
BATHURST STREET

TRUCK ROUTE

FIRE ROUTE

CLARK AVENUE WEST

CLARK AVENUE WEST



Landscape Plan

Part of Lot 3,
Concession 2

APPLICANT:
HARNAG INVESTMENTS

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City of Vaughan

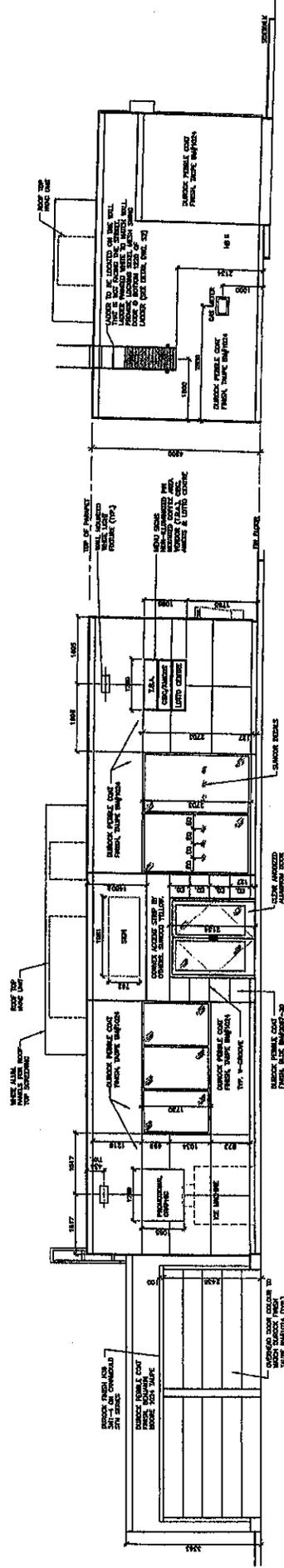
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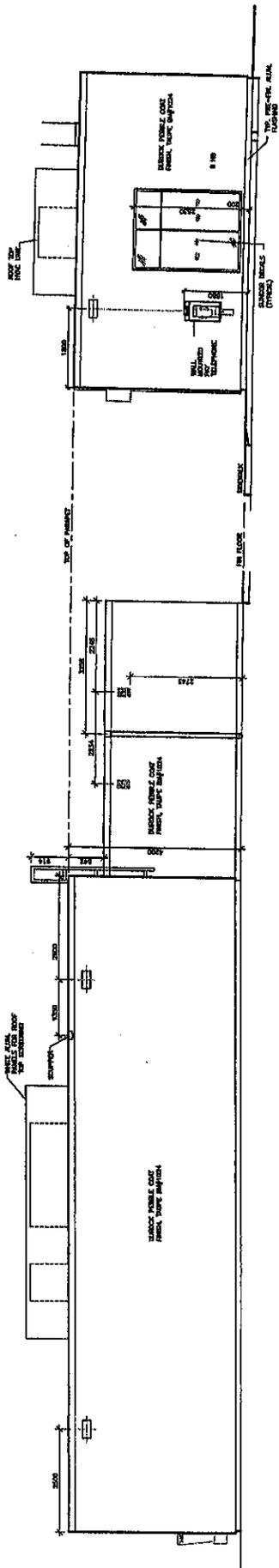
3



A FRONT ELEVATION (WEST)
SCALE 1/8" = 1'-0"

C LEFT ELEVATION (SOUTH)
SCALE 1/8" = 1'-0"

B REAR ELEVATION (WEST)
SCALE 1/8" = 1'-0"



D RIGHT ELEVATION (NORTH)
SCALE 1/8" = 1'-0"

Elevations

Part of Lot 3,
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APPLICANT:
HARNAG INVESTMENTS



Community Planning Department

Attachment 4

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