

COMMITTEE OF THE WHOLE MARCH 7, 2005

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION A272/04
SITE DEVELOPMENT FILE DA.03.066
PETRO CANADA**

Recommendation

The Commissioner of Planning recommends:

1. THAT Council endorse the revised site plan shown on Attachment #2 for Site Development Application File DA.03.066 (Petro Canada), subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i) the final site plan, landscape plan and building elevations shall be approved by the Development Planning Department;
 - ii) the final site servicing and grading plans and stormwater management report shall be approved by the Engineering Department;
 - iii) all requirements of the Region of York Transportation and Works Department shall be satisfied;
 - iv) all hydro requirements of PowerStream Inc. shall be satisfied; and
 - v) the required variance shall be approved by the Ontario Municipal Board.
 - b) That the site plan agreement include the following provision:
 - 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, in accordance with the Planning Act, prior to the issuance of a building permit. The Owner shall submit an appraisal for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
2. THAT Staff be directed to attend the Ontario Municipal Board (OMB) Hearing scheduled for April 7-8, 2005, in support of the required variance to permit a minimum setback of 31.3m between the south side of the car wash and the Residential Zone on the south side of Major Mackenzie Drive, whereas By-law 1-88 requires a minimum 60m distance separation.

Purpose

The Owner has submitted a revised Site Development Application to develop a 0.77 ha parcel of land for a Petro Canada gas bar, with an accessory 217m² convenience retail store, a 134m² car wash, and 12 parking spaces, as shown on Attachment #2.

The Owner has referred their site plan application to the Ontario Municipal Board (OMB) for approval, together with their appeal of the Committee of Adjustment's refusal of Variance Application A272/04. The OMB Hearing is scheduled for April 7-8, 2005.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the north side of Major Mackenzie Drive, west of Keele Street, (2396 Major Mackenzie Drive), in Lot 21, Concession 4, City of Vaughan. The 0.77 ha site has 80m frontage on Major Mackenzie Drive, and a depth of 100.5m. The existing automobile service station and structures will be demolished. The site is designated "Maple Commercial Core Area" with a "Service Station" overlay by OPA #350 (Maple Community Plan), as amended by OPA #533 (Maple Focus Review) and zoned C6 Highway Commercial Zone by By-law 1-88. The surrounding land uses are as follows:

- North - residential (R3 Residential Zone)
- South - Major Mackenzie Drive; residential (R1V Old Village Residential Zone)
- West - commercial (C1 Restricted Commercial Zone)
- East - commercial (C1 Restricted Commercial Zone)

On June 28, 2004, Council approved the site plan shown on Attachment #6, which proposed a different site layout subject to the required variances being obtained from the Committee of Adjustment, and the variances being in full force and effect. On November 4, 2004, the Committee of Adjustment refused Variance Application A272/04 which would have facilitated the proposed site development. On November 17, 2004, the applicant appealed the decision to the Ontario Municipal Board (OMB). An OMB hearing is scheduled to consider the appeal of the variance on April 7-8, 2005, together with the referral of the site plan application.

The original variances considered by the Committee of Adjustment included: a reduction in the easterly and westerly interior side yard of 5m, whereas 10m is required; and a southerly and northerly setback for the proposed car wash of 36m and 56m, respectively, to a Residential Zone, whereas a minimum of 60m is required.

Since the appeal of the Variance Application to the OMB, the applicant has submitted a revised site development proposal by rearranging the buildings on the site as shown on Attachment #2 to respond to comments made by area residents at the Committee of Adjustment meeting. The convenience store has been moved to the central portion of the site and the fueling stations have been reoriented to be parallel with Major Mackenzie Drive. In addition, a significantly larger landscape area is proposed between the residential to the north and the gas bar development. The revised site plan eliminates the variances for the interior side yards and the setback to the Residential Zone on the north. One variance is now required for the car wash, which is a setback of 31.3m to the Residential Zone on the south side of Major Mackenzie Drive.

Official Plan

a) Land Use

The subject lands are designated "Maple Commercial Core Area" with a "Service Station" overlay by OPA #350 (Maple Community Plan), as amended by OPA #533 (Maple Focus Review), which permits a service station and accessory uses. The proposed development conforms to the Official Plan.

b) Development Criteria

OPA #350, as amended by OPA #533, sets out policies and design criteria for development, including service stations, as addressed below:

- i) *New service stations shall be sensitively designed to be compatible in architectural finish and form with adjacent areas (particularly residential neighbourhoods). e.g., sloped roofs, gables, etc.*

The convenience store and car wash building has a commercial design, however, the combination of building materials, height and the separation distance to the residential uses result in a building that is in keeping with the surrounding residential/ commercial area.

- ii) *New service stations shall incorporate fences, berms and landscaping to protect and mitigate the impacts of service stations to adjacent land uses.*

The landscape plan as shown on Attachment #3 consists of trees and shrubs along the Major Mackenzie Drive frontage and a significant sodded area and new fencing and planting at the rear of the property.

- iii) *To redevelop existing, and provide new pedestrian linkages, which are to be finished with landscaping and amenities for pedestrian traffic and avoid conflicts with vehicular traffic.*

An interlocking stone pedestrian connection will be provided from the public sidewalk to the convenience store, which will decrease the conflict between pedestrian and vehicular traffic. Where the pedestrian connection meets the public sidewalk, there are two seating amenity areas provided.

- iv) *To develop a vehicular circulation system in a manner designed to minimize traffic impact on both Major Mackenzie Drive and Keele Street. In addition, as properties are redeveloped, driveways should be consolidated with the creation of rear lane ways and/or shared driveways/parking facilities to provide the opportunity for an integrated vehicular circulation system.*

The site plan includes two full movement access points to Major Mackenzie Drive. While the site plan does not incorporate a rear lane, the opportunity exists in the future to provide an integrated vehicular connection through the rear of the subject lands to the properties to the east and west.

The revised site plan is considered to conform to the development criteria set out in the Official Plan.

Zoning

The subject lands are zoned C6 Highway Commercial Zone by By-law 1-88, which permits an automobile gas bar, car wash and accessory convenience retail store having a maximum gross floor area of 280m². The proposed development complies with the Zoning By-law, with the exception of the minimum 31.3m setback provided from the car wash to the Residential Zone on the south side of Major Mackenzie Drive, whereas 60m is required.

Site Design

The site is to be serviced by two full-movement driveway accesses onto Major Mackenzie Drive, both 9m wide, as shown on Attachment #2. The final location and design of the driveway accesses will be subject to the approval of the Region of York Transportation and Works Department.

The fueling station is centrally located on the property, and consists of 5 self-service stations accommodating 2 vehicles at each station. The 217m² gas bar/convenience retail store is located north of the fueling station, connected by the overhead canopy, with the main entrance facing south towards the fueling station. A refuse enclosure, connected to the west side of the building is provided with two overhead door openings. The 134m² car wash is located to the east of the

fueling station, with the 14 space car wash stacking lane forming a U-shape behind the convenience retail store, leading into the car wash building.

Parking

A total of 12 parking spaces are provided on the site, including 4 spaces located west of the convenience retail store, 5 (including 1 handicapped space) in front of the building, and 3 spaces located east of the convenience store, as shown on Attachment #2. The parking supply is in compliance with the minimum by-law requirements. Two vacuums are provided on the west side of the car wash with two parallel spaces allocated for each.

Building Elevations

The convenience retail store and car wash elevations are shown on Attachment #4. The exterior finishing material for the convenience store is a dark beige stucco finish with darker brown edging and red accent striping to reflect the company logo. The south (entrance) elevation to the convenience retail store consists primarily of glass, corporate colours and logos. The highest point of the kiosk structure is 5.4m.

The west façade of the car wash building is constructed primarily of glass with a dark beige and dark brown surround. The north and south elevations are comprised of overhead doors, signage and man doors.

The gas bar canopy is a flat roof design covering five gas pumps and is connected to the convenience store, as shown on Attachment #4. The canopy is 4.5m in height, white and red in colour, and incorporates the company logo.

Landscaping

The site will be landscaped with an extensive mix of deciduous and coniferous trees and shrubs, ground planting and sodded areas around the perimeter of the site and adjacent to the car wash stacking lane, as shown on Attachment #3. Specific attention has been given to the planting at the south end of the site abutting Major Mackenzie Drive. Low metal fencing and pillars have been added to the frontage for an additional decorative feature. A 7.2m high pylon sign as shown on Attachment #5, will be provided in the central landscape strip. The final landscape plan must be approved to the satisfaction of the Development Planning Department.

Maple Streetscape Steering Committee

The Maple Streetscape Community Advisory Committee considered the original proposal on May 26, 2004, and June 30, 2004 and suggested minor changes related to landscaping, building elevation and signage. The revised site and building design will be subject to approval by the OMB, with the final plans to be to the satisfaction of the Development Planning Department.

Parkland Dedication

The Owner will be required to pay to Vaughan, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands in accordance with Section 42 of the Planning Act, prior to the issuance of a building permit.

Servicing

The subject lands have access to municipal services, including hydro, storm and sanitary sewers, and water. The final site grading and servicing plan and stormwater management report must be approved to the satisfaction of the Engineering Department. The Owner must satisfy all hydro requirements of PowerStream Inc.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

Staff has reviewed the Site Plan application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law. The proposed site plan would facilitate an automobile gas bar/convenience retail store and car wash, which is considered to be an appropriate development at this location. For these reasons, Staff can recommend the endorsement of the Site Plan shown on Attachment #2 for approval by the Ontario Municipal Board, and the endorsement of the required variance. Should the Committee concur, the recommendation in this report can be adopted, including directing Staff to attend the Ontario Municipal Board Hearing that is scheduled for April 7-8, 2005.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevation Plan
5. Sign Plan
6. Previously Approved Site Plan (June 24, 2004)

Report prepared by:

Margaret Holyday, Planner, ext. 8216
Mauro Peverini, Senior Planner, ext. 8407
Grant Uyeyama, Manager of Development Planning, ext 8635

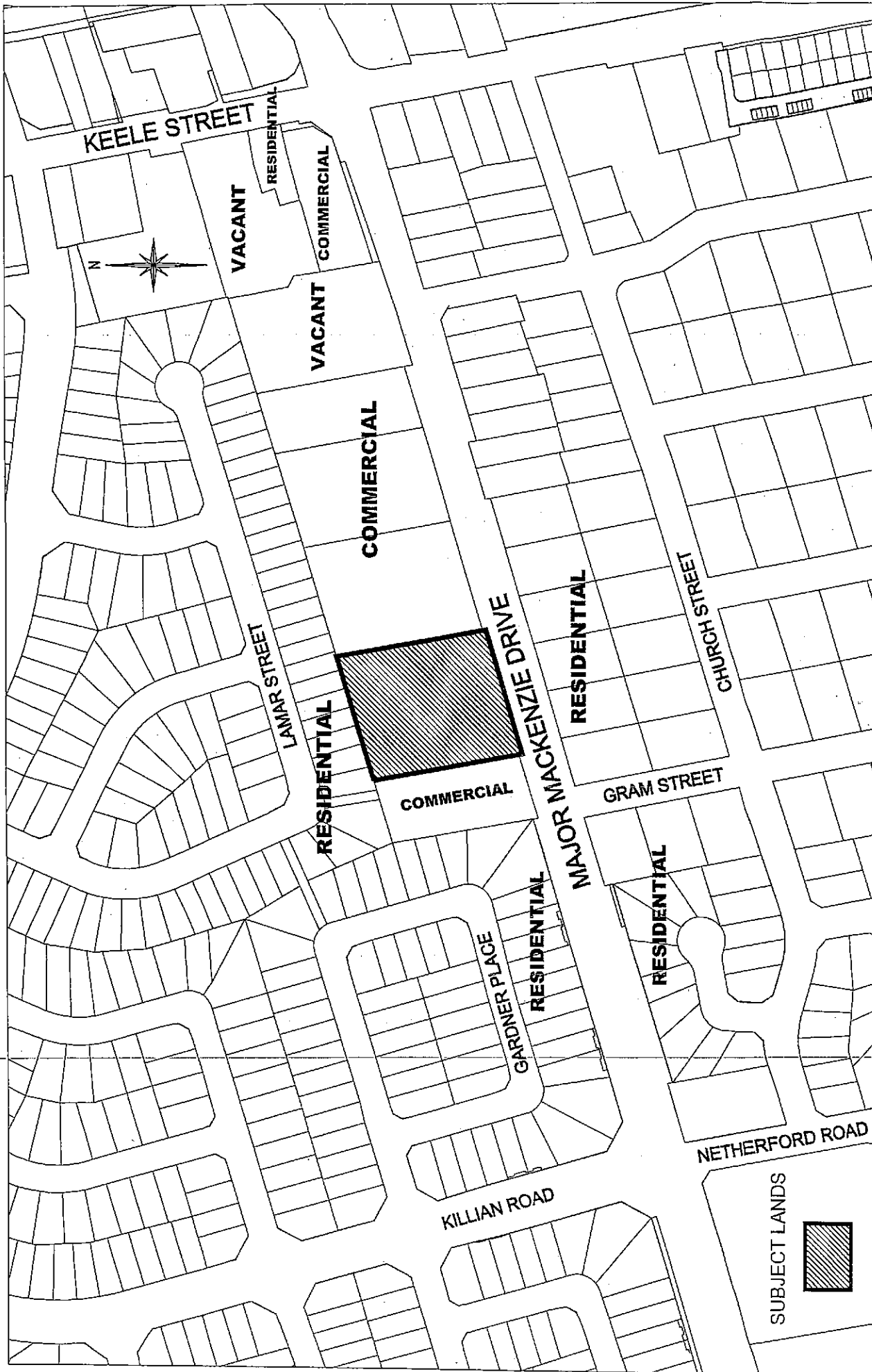
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

R:\WORKING\HOLYDAY\M\PETROCANADA.CW



Attachment 1

FILE No.:
DA.03.066

Not to Scale

February 8, 2005



Development Planning Department

Location Map

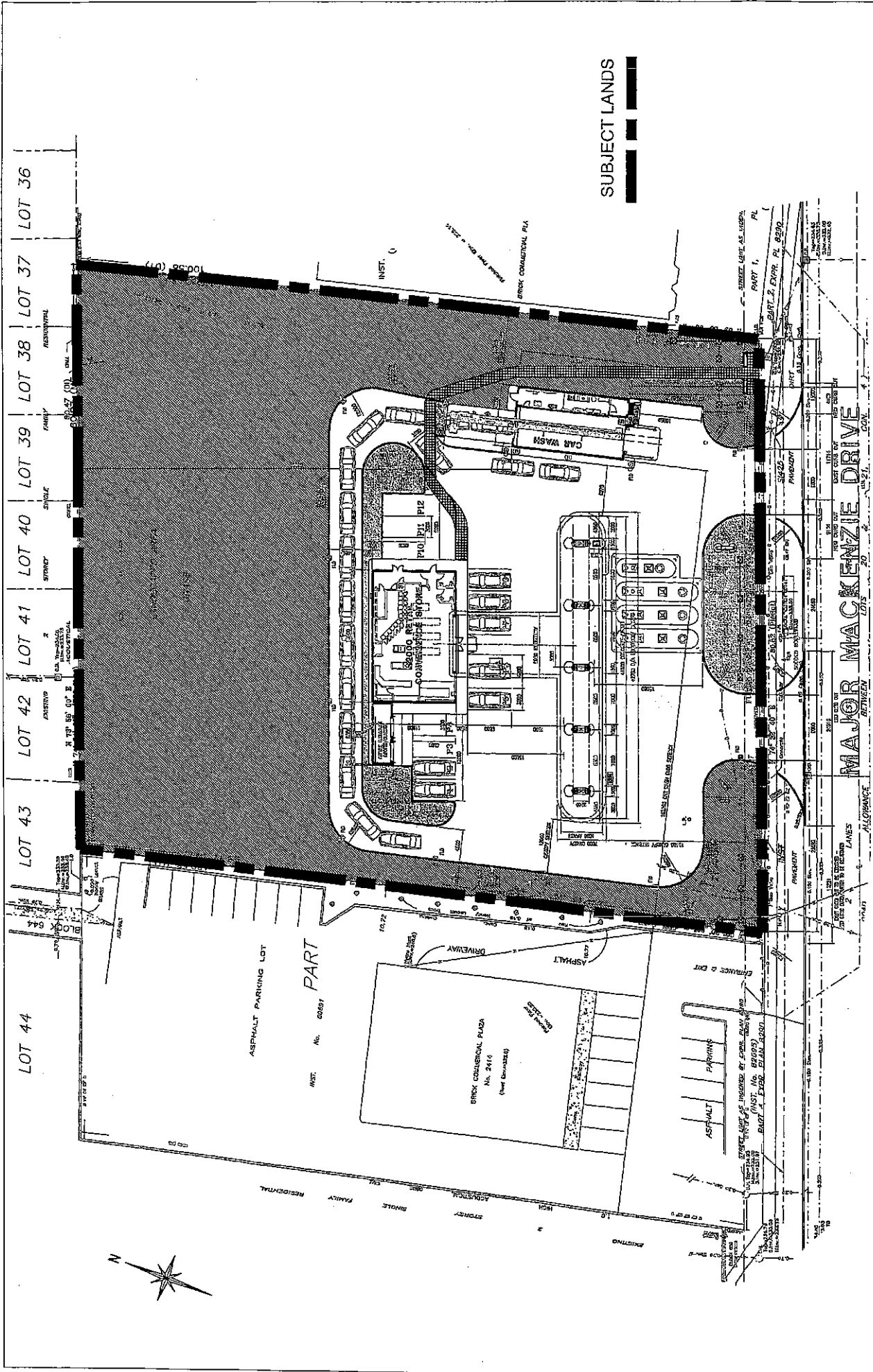
Part of Lot 21,
Concession 4

APPLICANT:
PETRO CANADA

N:\OFTV\ATTACHMENTS\DA\03.03.066

SUBJECT LANDS





SUBJECT LANDS

Attachment 2
 FILE No.: DA-03.066
 Not to Scale
 February 8, 2005

City of Vaughan
 Development Planning Department

Site Plan
 Part of Lot 21,
 Concession 4
 APPLICANT:
 PETRO CANADA

N:\DFT\1 ATTACHMENTS\VA\c03.066

