

COMMITTEE OF THE WHOLE APRIL 18, 2005

ZONING BY-LAW AMENDMENT FILE Z.04.065 GANZ REALTY LTD REPORT #P.2005.11

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.04.065 (Ganz Realty Ltd.) BE APPROVED, as amended by Staff, to rezone the easterly 1.2 ha portion of the subject lands from EM1 Prestige Employment Area Zone to C7 Service Commercial Zone.

Purpose

The Owner has submitted an application to amend the Zoning By-law to permit a gas bar and convenience retail store with associated drive-through, and a free-standing eating establishment with drive-through, as additional uses in the EM1 Prestige Employment Area Zone, on the subject lands shown on Attachments #1 and #2.

Background - Analysis and Options

The applicant's lands are located on the south side of Regional Road #7, between Highway #427 and Roybridge Gate, in Lot 5, Concession 9, City of Vaughan (Attachment #1). The vacant 8.7 ha site has approximately 165 m frontage on Roybridge Gate, and flankage of 475 m on Regional Road #7 and 71m along the Highway #427 off-ramp. However, the lands subject to the proposed zoning amendment are restricted to the area of the property located at the southwest corner of Regional Road #7 and Roybridge Gate, comprising 1.28 ha.

The subject lands are designated "Prestige Area" and "Centre" by OPA #450 (Employment Area Plan) and zoned EM1 Prestige Employment Area Zone by By-law 1-88. The subject lands are also located within the Vaughan West Corporate Business Park Block Plan. The surrounding land uses are:

- North- Regional Road #7; gas station (C7 Service Commercial Zone), vacant employment lands (EM1 Prestige Employment Area Zone)
- South- Royal Group Crescent; employment uses (EM1 Zone and EM2 General Employment Area Zone)
- East - Roybridge Gate; vacant (C8 Office Commercial Zone)
- West - Highway #427 off-ramp (PB1-S Parkway Belt Linear Facilities Zone)

Public Hearing

On January 28, 2005, a Notice of Public Hearing was mailed to all property owners within 120m of the subject site. To date, no responses have been received. The recommendation of the Committee of the Whole on February 21, 2005, to receive the Public Hearing report and to forward a technical report to a future Committee meeting, was ratified by Council on February 28, 2005.

Official Plan

The subject lands are designated "Prestige Area" and "Centre" by OPA #450, and also subject to the "Service Node" policies. The land use policies for Service Nodes that are applicable to this site, are as follows:

- Service Nodes shall generally be located at intersections of arterial and/or collector roads. Other areas that are conveniently located, or are predominantly devoted to another use, such as an office complex, hotel or retail warehousing, may also be considered;
- prior to approving an application to permit a Service Node, the approval of an urban design plan and traffic impact study may be required;
- the maximum area of a Service Node shall be approximately 1.2 ha; a Service Node may exceed 1.2 ha if the site is to be developed in conjunction with a predominant use such as an office complex, hotel or retail warehousing; and
- uses permitted shall be for the day-to-day convenience and service needs of businesses, industries and their employees; retail uses which service the convenience needs of employees (i.e convenience retail store or pharmacy) and the needs of business (i.e business supplies) are considered to conform; the detailed range of uses shall be established in the Zoning By-law.

The easterly 1.28 ha parcel that is subject to this application, is conveniently located for the proposed service commercial uses, at a signalized intersection of Regional Road #7 and Roybridge Gate, between Highway #427 and Regional Road #27. The applicant has advised staff that they will be amending the proposal to reduce the site area to 1.2 ha to conform to the maximum lot area requirement for a Service Node. The proposed uses are compatible with the existing zoning and gas bar located immediately to the north, at the northwest corner of Regional Road #7 and Vaughan Valley Boulevard, and would be compatible with the surrounding employment and service commercial land uses.

The applicant will be required to satisfy the appropriate public authority respecting traffic and access requirements. The applicant's site plan shows access to the 1.28 ha site from Regional Road #7, Roybridge Gate, and from internal driveways connecting with the Phase 1 employment lands. The Region of York has indicated no objection to the proposal, and that access to Regional Road #7 shall be right-in/right-out only. The Vaughan Engineering Department requires a traffic study for the proposed development of the Phase 1 employment uses on the westerly parcel. Access requirements for the entire site will be addressed at the site plan stage.

The approved Block Plan for the Vaughan West Corporate Business Park allows for employment, office and commercial uses. The westerly portion of the 8.7 ha site is identified as a "Centre" in OPA #450, which permits major concentrations of business, industrial, corporate, civic, and community service activity. It encourages development of Regional Road #7 as a major transportation and transit artery connecting regionally important centres of activity in the south part of York Region.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exception 9(1013). The proposed gas bar and associated convenience retail store and drive-through facility are not permitted uses in the EM1 Zone. Eating establishments are permitted in all Employment Zones, restricted to one per multi-unit building and to a maximum gross floor area of 185 sq.m. The proposed 537 sq.m free-standing eating establishment with drive-through is not permitted in the EM1 Zone. Therefore, an amendment to the Zoning By-law is required.

Planning Analysis

The proposed uses are considered to be Service Commercial uses that would be permitted in the C7 Service Commercial Zone by By-law 1-88. The proposal conforms to the Service Node policies contained in OPA #450. There is an existing C7 Zone with gas bar located immediately

north of the subject lands on the northwest corner of Regional Road 7 and Vaughan Valley Boulevard. The proposal is compatible with the surrounding employment and service commercial land uses. The approved Vaughan West Corporate Business Park Block Plan allows for employment, office and commercial uses. Therefore, the proposal conforms to the land use requirements in OPA #450 for Service Nodes and with the approved Block Plan for the Vaughan West Corporate Business Park.

The Owner has proposed to add the Service Commercial uses to the existing EM1 Prestige Employment Area Zone. Planning Staff has concerns with introducing the proposed service commercial uses into the EM1 Zone. The appropriate zone category whereby the proposed uses are permitted is the C7 Service Commercial Zone. The applicant advised staff that the size of the subject parcel will be reduced from 1.28 ha to 1.2 ha to conform to the Service Node policies of OPA #450, and would be appropriate as a C7 zoned site. Therefore, staff can support the application, as amended, by rezoning the easterly 1.2 ha of the site from EM1 Zone to C7 Zone.

The Owner's site plan (Attachment #2) shows a free-standing eating establishment (537 sq.m GFA) with drive-through, and a gas bar and convenience retail store (325 sq.m) with drive-through within the proposed amendment area consisting of 1.28 ha (Phase 2 development area). The site plan also shows five employment buildings within the Phase 1 development area. The applicant has recently submitted a site plan application (File DA.05.003) for the proposed Phase 1 development, which is currently under review.

A site development application has not yet been submitted for the Phase 2 lands (gas bar/retail store and eating establishment use). The layout and siting of the proposed Phase 2 buildings, as shown on Attachment #2 is conceptual only, as submitted by the applicant. A formal site plan application will be required to determine the appropriate site layout, parking, landscaping treatment and building elevations for the gas bar/retail store and eating establishment use. The Planning Department has a concern with the location of the retail store being located at the corner.

Ministry of Transportation Ontario (MTO)

The MTO has no objection to the proposal, and requires all access to the entire property to be restricted to the internal road network. All buildings and structures must be setback a minimum distance of 14m from their highway property line. The Ministry will require permits for all buildings located within 46 m from their highway property line, and 400 m from the centre point of the intersection of Highway #427 and any crossing roadway.

Region of York

The Region of York has no objection to the proposal. The Regional Road #7 access shall be designed and constructed as a right-in/right-out only access, with the construction of a taper lane and extension of the centre median required on Regional Road #7.

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

The proposed Service Commercial uses conform to the Service Node policies in OPA #450 and the Vaughan West Corporate Business Park Plan, and are compatible with the employment and service commercial zones in the surrounding area. The Owner proposes to add the Service Commercial uses to the existing EM1 Prestige Employment Area Zone. However, Planning Staff has concerns introducing the proposed service commercial uses into the EM1 Zone. The

appropriate zone category whereby the proposed uses are permitted is the C7 Service Commercial Zone. The applicant has agreed that the appropriate zone category for the site would be the C7 Service Commercial Zone, and has also advised that the size of the subject parcel will be reduced from 1.28 ha to 1.2 ha to conform to the Service Node policies of OPA #450. Therefore, staff can support the application, as amended, by rezoning the easterly 1.2 ha of the site from EM1 Zone to C7 Zone.

Attachments

1. Location Map
2. Proposed Site Plan
3. Staff Recommended Zoning

Report prepared by:

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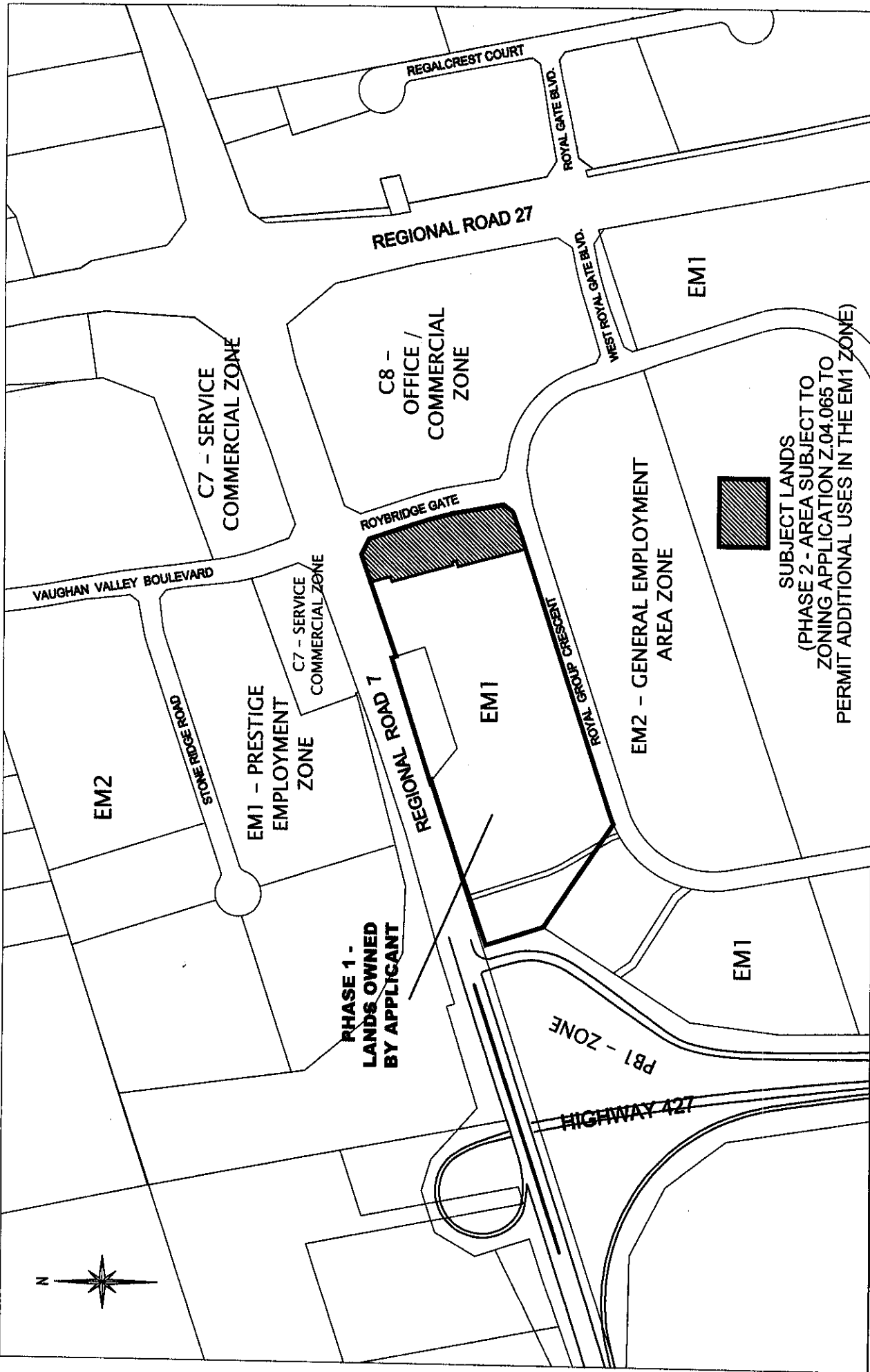
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

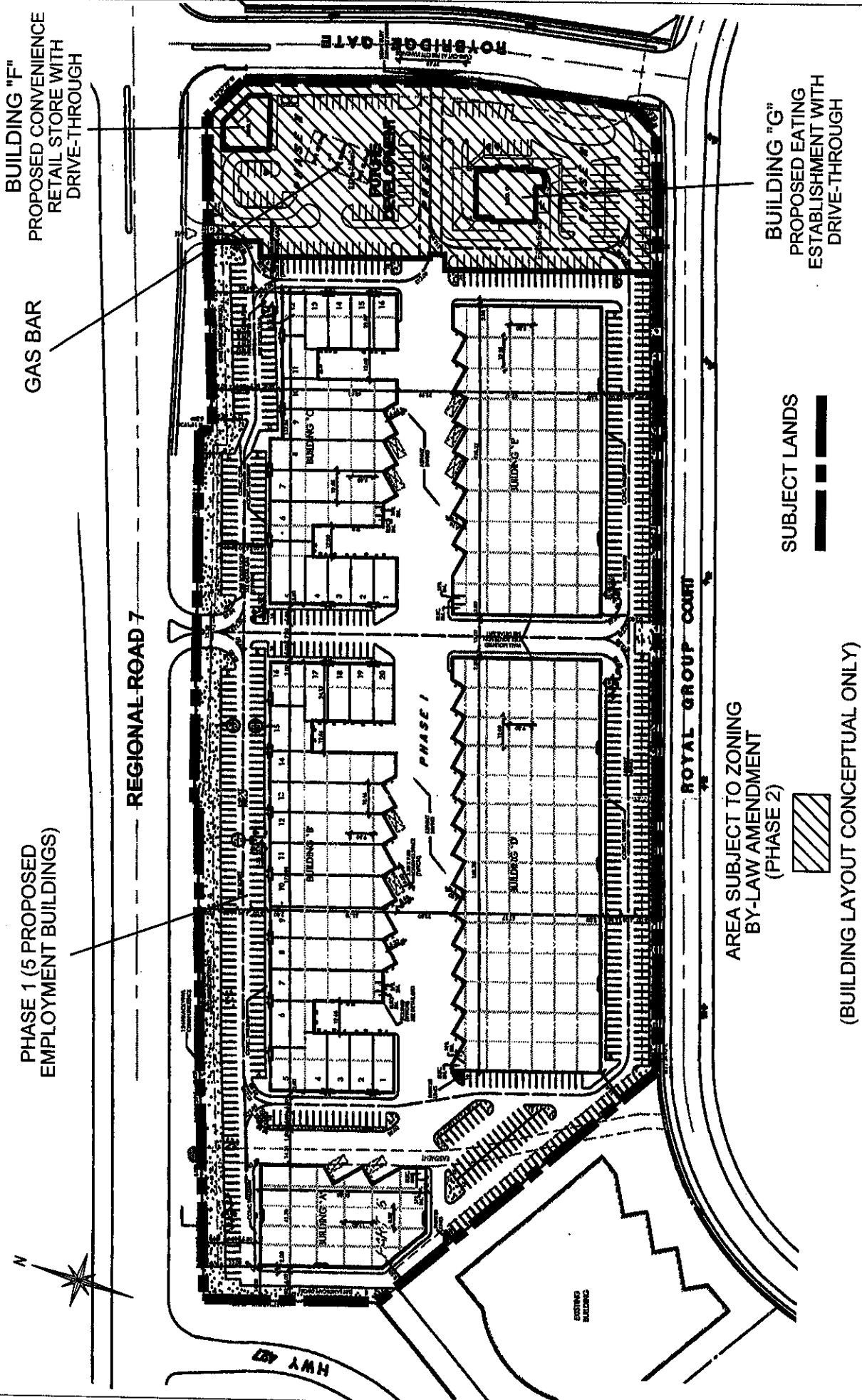
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Development Planning Department

Lot 5,
 Concession 9
 APPLICANT:
 GANZ REALTY LTD.
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Attachment 2

FILE No.: Z.04.065
 Not to Scale
 March 24, 2005

CITY OF Vaughan

Development Planning Department

Proposed Site Plan

Lot 5,
 Concession 9
 APPLICANT:
 GANZ REALTY LTD.
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