

COMMITTEE OF THE WHOLE JUNE 20, 2005

**ZONING BY-LAW AMENDMENT FILE Z.04.060
1599732 ONTARIO LIMITED
REPORT #P.2004.110**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.04.060 (1599732 Ontario Limited) BE APPROVED, to rezone the subject lands shown on Attachment #1 from A Agricultural Zone to C5 (H) Community Commercial Zone with the addition of the Holding Symbol (H), to facilitate a severance of the property, and the future development of the lands with a gas bar and car wash, subject to the following:

- a) that the following additional site-specific uses shall be permitted on the subject lands zoned C5 Community Commercial Zone:
- automobile gas bar
 - car wash; and
 - automobile service station;
- b) that the following uses shall not be permitted on the subject lands:
- supermarket; and
 - drive-through;
- c) the Holding 'H' provision shall be removed from the subject lands, upon Council's approval of a Site Development application.

Economic Impact

There are no requirements for new funding associated with this report. The proposed development will add new assessment to the local tax base.

Purpose

The Owner has submitted an application to amend the Zoning By-law to rezone a 0.762 ha parcel shown on Attachment #1 from A Agricultural Zone to C7 Service Commercial Zone. The rezoning would facilitate the severance of the property from a larger 4.28 ha property in the same ownership; and the future development of the site with a gas bar and a car wash. The Owner has requested that the commercial lands be pre-zoned with a Holding 'H' provision, to facilitate the opportunity for severance of the property, with future consideration of a site plan application at a later date.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the north side of Major Mackenzie Drive, east of Weston Road, in Lot 21, Concession 5, City of Vaughan.

The Owner's total landholding consists of a 4.28 ha parcel at the northeast corner of Major Mackenzie Drive and Weston Road, as shown on Attachment #2. The applicant is proposing to rezone a 0.76 ha block to be severed from the larger parcel and developed as a gas bar and car

wash at the southeast corner of the property. The balance of the parcel (3.52 ha) will be retained by the Owner and is not proposed for development at this time.

The subject lands are vacant and being used for agricultural purposes.

The subject lands are designated "Village Core" by OPA #600, as amended by OPA #650, and zoned A Agricultural Zone by By-law 1-88. The surrounding land uses are:

- North - farmland, residential/future District Centre (A Agricultural Zone)
- South - Major Mackenzie Drive; vacant/future commercial (A Agricultural Zone)
- East - residential/future Medium Density Residential/Commercial (A Agricultural Zone)
- West - Weston Road; farmland, residential/future District Centre (A Agricultural Zone)

Although the portion to be retained is not presently the subject of any development applications, a variance was granted to the Owner on November 24, 2004, to permit two temporary sales pavilions associated with residential subdivision development to the north of the property. Access to the sales pavilions is provided via a driveway from Major Mackenzie Drive, located just west of the lands that are subject to this application. The subject lands to be rezoned are currently vacant.

Public Hearing

On November 5, 2004, a Notice of Public Hearing was circulated to all landowners within 120 m of the subject lands, and to the Vellore Village Residents Association, the Vellore Woods Ratepayers Association, Columbus Trail Residents Association, and Millwood Woodend Ratepayers Association. To date, comments have been received from the abutting landowner to the east identifying site plan related issues including access to the property, site layout, and whether it is appropriate to deal with the application on only a portion of the overall landholding.

The Public Hearing was held on November 29, 2004. At the Hearing, the abutting landowner to the east raised questions regarding access to the site, building location, and the future zoning on the remainder of the site.

Since that time, the applicant has met with the adjacent landowner to discuss their concerns. The recommendation of the Committee of a Whole, to receive the Public Hearing report and to forward a technical report to a future Committee of a Whole meeting, was ratified by Council on December 6, 2004.

Official Plan

The subject lands are designated "Village Core" by OPA #600, as amended by OPA #650 (Vellore Village District Centre Plan). OPA #650 was subject to two appeals to the Ontario Municipal Board (OMB). These appeals were approved by the OMB, in a decision on January 24, 2005, which modified the road pattern, as shown on Attachment #3.

The "Village Core" designation in OPA #650, permits a broad range of retail functions and uses catering primarily to the needs of Vellore residents. The policies of Section 3.3.2. (v) of OPA #650 permit auto-oriented commercial uses on properties located at the intersections of Major Mackenzie Drive with the primary roads and around the outer edges of the Village Core. This section of OPA #650 specifically refers to the intersection of Starling Boulevard and Major Mackenzie Drive as an appropriate location for auto-oriented commercial uses such as a gas bar and service centre within the Village Core. Section 3.3.2 (v) also indicates that drive-through uses are not permitted within the Village Core.

OPA #650 outlines the road network for the Vellore Village Core area. The subject lands are adjacent to the future extension of Starling Boulevard (a primary road), which will be a primary

intersection with Major Mackenzie Drive within the "Village Core" area. Access to the site is proposed from both Major Mackenzie Drive and Starling Boulevard.

Since the future severance will fragment their land ownership within the "Village Core", Section 8.0 of OPA #650 requires that a Development Concept Report be prepared to demonstrate the manner in which the severed parcel could be developed and integrated with the retained and adjacent lands. The applicant has submitted a Development Concept Report that was reviewed by Staff and is discussed later in this report. The zoning amendment application complies with the Official Plan, except for a drive-through use, which the applicant was seeking, but is specifically prohibited by OPA #650.

Vellore Village District Centre Plan (OPA #650)

The proposed uses are consistent with the "Village Core" policies of OPA #650, which permit auto-oriented commercial uses within the "Village Core" and specifically contemplate auto oriented uses at the intersection of Major Mackenzie Drive and Starling Boulevard. Drive-through uses however, are not permitted within the Village Core area.

The implementation policies of OPA #650 require all new development to proceed through subdivision control. To facilitate the development of this site, applications for site plan approval and draft plan of subdivision approval and/or consent are required. The applicant is proposing the consent process to create the 0.762 ha parcel.

The proposed zoning amendment application will facilitate a severance of the overall landholding thereby fragmenting the parcel. The "Village Core" area policies of OPA #650 require the submission of a Development Concept Report to demonstrate the manner in which the severed parcel could be developed and integrated with the surrounding land uses. The Owner has submitted a Development Concept report prepared by Brutto Consulting, dated March 2005, which includes an overall development plan as shown on Attachment #4. The report and plan identifies an internal road system and development blocks containing either residential, commercial or public institutional uses.

Staff has reviewed the Development Concept Report and is satisfied that it provides a framework to guide the future development of the northeast quadrant of the Village District Centre. A Site Development Application must be submitted for the 0.762 ha parcel, in order to allow for the evaluation of the appropriate site layout, building elevations, parking and on-site circulation, driveway access, landscaping and urban design treatment of the site. A draft plan of subdivision will be required to develop the balance of the property.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88. The zoning application proposes to rezone the site from A Agricultural Zone to C7 Service Commercial Zone to facilitate the severance of the 0.762 ha site, and the future development of a gas bar and car wash.

Proposed Zoning

The C7 Zone is typically utilized in the vicinity of employment areas. The C7 Zone includes certain uses which would not be appropriate or are not permitted in the Vellore Village District context including automotive retail stores, a banquet hall, a car rental service, drive-through uses, motel and a tavern. Staff recommends that the subject lands be rezoned to C5 Community Commercial Zone to more accurately reflect the role of the District Centre. The C5 Zone will be amended to include a automobile gas bar and a service station and car wash as permitted uses consistent with OPA #650. A drive-through will be prohibited on the site as required by the Official Plan. A supermarket will be deleted from the list of permitted C5 Zone uses, since the subject lands would not be off sufficient size to accommodate this use.

The Owner has requested the lands to be rezoned for commercial uses with a "H"-Holding Zone provision. The pre-zoning of the subject lands to C5(H) Zone with Holding "H" provision will allow the lands to be severed, with future consideration of a site plan application at a later date.

Staff will require that a Site Development Application be approved by Council to facilitate future development on the site, prior to the removal of the Holding provision. A recommendation has been included to this effect. The site plan will illustrate the site design for the future gas station and car wash.

Roads

The applicant will be required to satisfy the City and Region of York with respect to traffic and access requirements. The subject lands presently have frontage on Major Mackenzie Drive and will gain frontage on the proposed extension of Starling Boulevard. The conveyance of land to the City will be required to accommodate the Starling Boulevard extension at the severance or draft plan of subdivision approval stage, whichever occurs first.

Other Gas Stations in the Area

Staff has reviewed the approved Official Plan policy respecting gas bars, service stations, and car washes in this area.

Section 4.2.2.7 of OPA #600, addresses the location of new gas bars and service stations within the City's new community areas, and indicates that there generally be no more than one gas bar/service station per intersection. The policies in the Vellore Village District Centre Plan and OPA #650, specifically indicates that auto-oriented uses may be located at the intersection of Starling Boulevard and Major Mackenzie Drive. The policies of OPA #650 preclude drive-through uses at this location.

The subject zoning application is the only application that is under consideration by Staff for a gas bar, service station or car wash use at the intersection of Major Mackenzie Drive and Starling Boulevard. The lands on the south side of Major Mackenzie Drive from Weston Road to Starling Boulevard will be developed for commercial purposes and do not include a gas bar, service station or car wash uses. There is an existing gas bar (Esso) outside of the Village Core area, on the south side of Major Mackenzie Drive and east of the subject lands, specifically at the southeast corner of Vellore Woods Boulevard and Major Mackenzie Drive, just west of the Highway #400 on-ramp, as shown on Attachment #1.

An application proposing a gas bar, convenience store and car wash has been received by the Development Planning Department, for a site on the north side of Major Mackenzie Drive, west of Weston Road, on the other side of the Village Core. That application is being considered as part of a larger plan of subdivision for the future development of the commercial uses at the northwest quadrant of Major Mackenzie Drive and Weston Road. Staff are satisfied that the number of gas bars/service stations in the area conform to the applicable policies of the Official Plan.

Region of York

The Region of York Transportation and Works Department has no objections to the proposed zoning amendment, however, the Region has requested that a future draft plan of subdivision identify: the existing topography of the lands and the Regional right-of-way; the preliminary details of how the streets will tie into the existing topography; the Starling Boulevard and Major Mackenzie Drive intersection alignment details; and, that Regional requirements regarding roads including, reserves, daylighting triangles, entrances and turn taper lanes be accurately detailed. The Region has also indicated that the Block 33 West Plan for OPA #650 established a 100m by 100m road pattern for the primary roads in the Village Core Area and that the alignment of a

future east-west primary road will need to be reviewed to determine the impacts on the existing intersections at Weston Road and Major Mackenzie Drive and Starling Boulevard and Major Mackenzie Drive.

The Owner will be required to satisfy all requirements of the Region of York.

External Agency Comments

The Ministry of Culture has no objection to the rezoning, however, since the site is vacant and was used for agricultural purposes, an archaeological assessment is required as part of the site development process or as a condition of draft plan of subdivision approval, which ever occurs first.

The Toronto and Region Conservation Authority has indicated that if the site is to drain towards the Block 33 subdivisions, the storm water management ponds in Block 33 must be built first.

PowerStream Inc. has no concerns with the rezoning, and, will provide comments on the site development application at a future date.

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 proposed application to amend the Zoning By-law in accordance with the applicable policies of the Official Plan and the requirements of the Zoning By-law. The Owner has requested that the subject lands be zoned C7 Service Commercial Zone. This zone category is typically utilized adjacent to the City's employment areas, and the Department is of the opinion that it is not appropriate at this location. Accordingly, it is recommended that the lands be rezoned from A Agricultural Zone to C5 Community Commercial Zone, to more accurately reflect the role of the District Centre. The implementing zoning by-law will provide for an automobile gas bar, service station and car wash as permitted uses on the subject lands. These commercial uses would conform to the policies of OPA #650. A supermarket and drive-through use would be excluded from the list of permitted uses on the site. It is further recommended that the lands be zoned with a Holding "H" provision which allow the lands to be pre-zoned and severed. The Holding provision will not be removed until Council has approved a Site Development Application, identifying detailed site plan matters such a site layout, building elevations, and landscaping. The Development Concept Plan submitted by the Owner has demonstrated the manner in which the severed parcel can be developed and integrated with the future commercial and residential development on the balance of the applicant's lands within the Village Core.

In light of the above, Staff recommends approval of the proposed zoning amendment application, subject to the conditions of approval set out in the recommendation section of this report.

Attachments

1. Location Map
2. Staff Recommended Zoning
3. Vellore Village District Centre Plan (OPA #650)
4. Development Concept Plan

Report prepared by:

Laura Janotta, Planner, ext. 8634

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

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FUTURE
RESIDENTIAL

FUTURE
VELLORE VILLAGE
DISTRICT CENTRE

Area =
3.525 ha

Area 5
0.762 ha

EXISTING
AUTOMOBILE
GAS BAR

VELLORE WOODS BOULEVARD

FUTURE
COMMERCIAL

ROBIN'S NEST DRIVE

STARLING BOULEVARD

FUTURE
VELLORE VILLAGE
DISTRICT CENTRE

FUTURE
COMMERCIAL

WESTON ROAD

PROPOSED AUTOMOBILE
GAS BAR AND SERVICE STATION
(FILES Z.05.016 and
19T-05V02)

FUTURE
VELLORE VILLAGE
DISTRICT CENTRE

MAJOR MACKENZIE DRIVE

FUTURE
VELLORE VILLAGE
DISTRICT CENTRE



LANDS TO BE REZONED FROM
'A' AGRICULTURAL ZONE TO
'C5(H)' COMMUNITY COMMERCIAL ZONE
WITH HOLDING 'H' PROVISION



LANDS TO REMAIN ZONED
'A' AGRICULTURAL ZONE



LANDS OWNED BY 1599732 ONTARIO
LIMITED (TOTAL AREA = 4.287 ha)

Location Map

Lot 21,
Concession 5

APPLICANT:
1599732 ONTARIO LIMITED

FR:\DFT\1 ATTACHMENTS\Z.04.060

Attachment

1

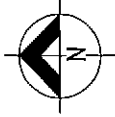
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Z.04.060

Not to Scale

June 6, 2005

City of Vaughan

Development Planning Department

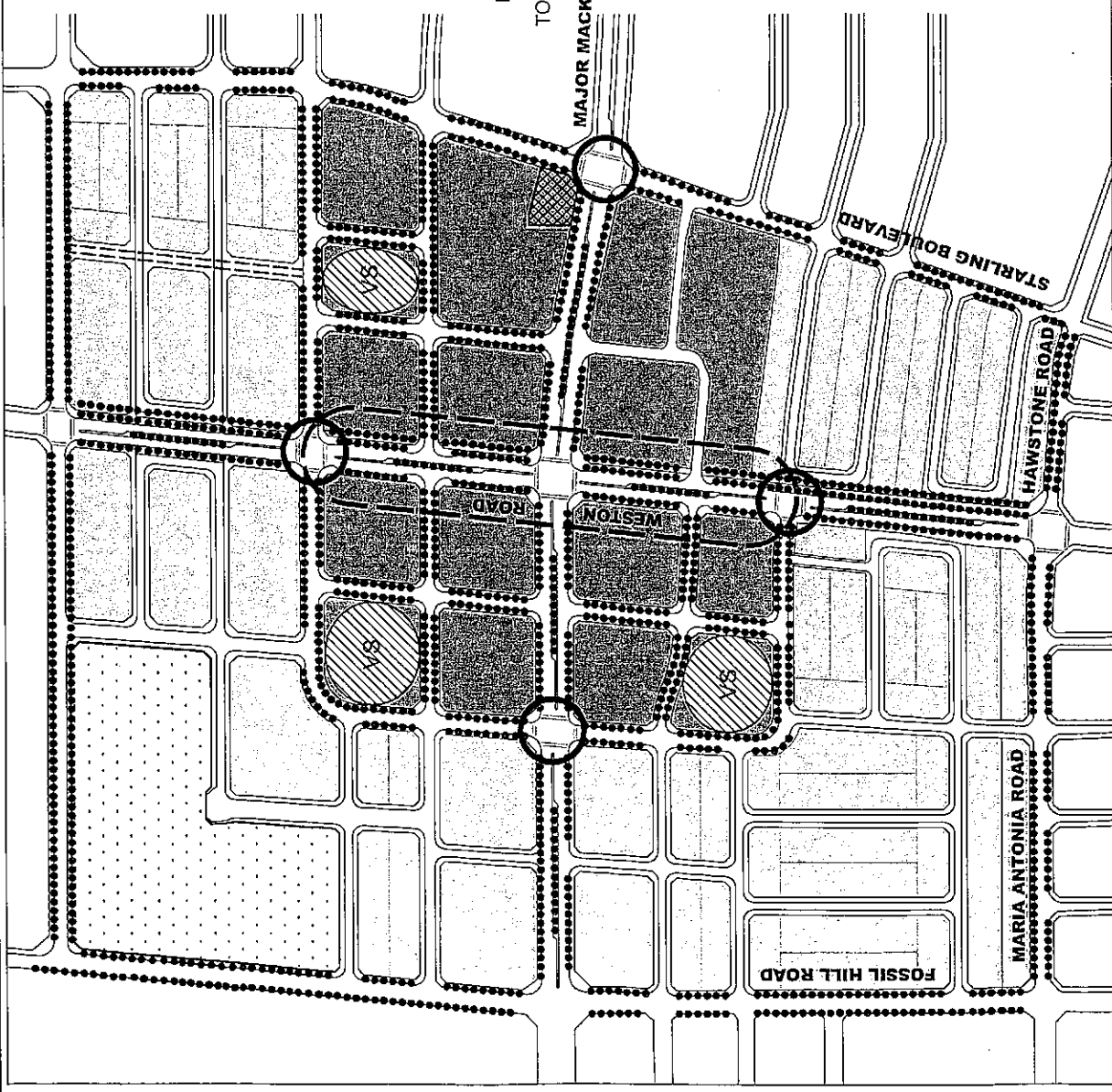


LOCATION OF LANDS TO BE REZONED
FROM 'A' AGRICULTURAL ZONE
TO 'C5(H)' COMMUNITY COMMERCIAL ZONE

MAJOR MACKENZIE DRIVE

LEGEND

- LOW - RISE RESIDENTIAL
- VILLAGE CORE
- VILLAGE SQUARE
- STORM WATER MANAGEMENT POND
- MAIN STREET RETAIL
- GATEWAY
- GREENWAY
- 9m PEDESTRIAN WALKWAY



Attachment 3

FILE No.:
Z.04.060

Not to Scale
June 6, 2005



Development Planning Department

Vellore Village District Centre Plan

Lot 21,
Concession 5

APPLICANT:
1599732 ONTARIO LIMITED

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