

COMMITTEE OF THE WHOLE FEBRUARY 20, 2006

SITE DEVELOPMENT FILE DA.05.025
YORK MAJOR HOLDINGS INC.

Recommendation

The Commissioner of Planning recommends:

THAT Site Development File DA.05.025 (York Major Holdings Inc.) BE APPROVED, to permit an automobile gas bar, car wash, vacuum area, and a convenience store and eating establishment with drive-through, on the subject lands shown on Attachment #1, subject to the following conditions:

- a) that prior to the registration of the site development agreement:
 - i) the final site plan, building elevations, signage, landscape plans, and landscape cost estimate shall be approved by the Development Planning Department;
 - ii) the final grading and servicing plans, stormwater management report, Phase 1 Environmental Site Assessment report, on-site vehicular circulation, parking and traffic shall be approved by the Engineering Department;
 - iii) all hydro requirements of PowerStream Inc. shall be satisfied;
 - iv) the requirements of the Region of York Transportation and Works Department shall be satisfied;
 - v) the requirements of the Toronto and Region Conservation Authority shall be satisfied;
 - vi) the required amendments to the Keele Valley Certificate of Approval No. A230610 shall be approved by the Ministry of the Environment, including but not limited to, the removal of the subject lands from the Secondary Buffer Area of the Keele Valley Landfill Area, and/or to permit the uses and buildings/structures proposed;
 - vii) the "H" Holding Symbol on the subject lands shall be lifted in accordance with the requirements of OPA #332, as amended;
 - viii) the Minor Variance Application A034/06 shall be final and binding for the subject lands;
 - ix) if applicable, 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, 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,
- b) that the site development agreement contain the following clauses:
 - i) if applicable, the Owner shall develop the lands in accordance with the applicable Notice, and its supporting documentation, terms, and conditions of approval for the amendment to Keele Valley Certificate of Approval No. A230610, dated May

26, 1983, as amended, to permit the construction of an automobile gas bar, car wash, vacuum area, and a convenience store and eating establishment with drive-through, and associated infrastructure within the southern Secondary Buffer Zone of the Keele Valley Landfill Site as approved by the Ministry of the Environment.

- ii) the Owner shall include the following warning clause in all offers of purchase and sale or lease, including any agreements with tenants, licencees, and other occupants for the lands, during the cessation of the Keele Valley Landfill Site:

"Purchasers, tenants, licencees, and other occupants are advised that the property is located within the Secondary Buffer Lands of the Keele Valley Landfill Site. The purchasers, tenants, licencees, and other occupants are aware that the Landfill, including any on-going associated monitoring and maintenance activities, may create noise, odours, dust, and/or visual impacts, which may, from time-to-time or under certain atmospheric conditions, create a nuisance."

- iii) that no development is to occur within the 9m wide non-accessible environmental buffer strip or the 5m wide accessible environmental buffer strip unless associated with the Keele Valley Certificate of Approval No. A230610 and/or monitoring and remediation requirements for the Waste Disposal Assessment Area.

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 a Site Development Application (File DA.05.025) to facilitate the development of the subject lands shown on Attachment #1 with a proposed automobile gas bar, car wash, vacuum areas, and a convenience store and eating establishment with drive-through, as shown on Attachment #2. The development statistics for the proposal are as follows:

Site Area:	0.703ha
Frontage (Dufferin Street):	52.89m
Frontage (Major Mackenzie Drive):	56.67m
Convenience Retail Store GFA:	297.00m ²
Parking Spaces Provided:	26 (includes 1 handicap space)
Parking Spaces Required:	21 (includes 1 handicap space)

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the northwest corner of Dufferin Street and Major Mackenzie Drive, in Lot 21, Concession 3, City of Vaughan.

The subject lands are designated "General Commercial", "Waste Disposal Assessment Area" and "Oak Ridges Moraine Settlement Area" by OPA #332, as amended by OPA #535 (Maple Valley Plan) and OPA #604 (Oak Ridges Moraine Conformity Plan). The subject lands are zoned C1(H) Restricted Commercial Zone with the "H" Holding Symbol, by By-law 1-88, subject to Exception

Paragraph 9(1097), as shown on Attachment #1. The subject lands are vacant commercial lands. The surrounding land uses are:

- North - valleylands (OS5 Open Space Environmental Protection Zone); golf course (OS2 Open Space Park Zone)
- South - Major Mackenzie Drive; vacant/future commercial (C4 Neighbourhood Commercial Zone)
- West - commercial (C1(H) Restricted Commercial Zone)
- East - Dufferin Street; valleylands (OS5 Open Space Environmental Protection Zone); commercial (C4 Neighbourhood Commercial Zone)

Official Plan

The subject lands are designated "General Commercial", "Oak Ridges Moraine Settlement Area", and "Waste Disposal Assessment Area" by OPA #332, as amended by OPA #535 (Maple Valley Plan) and OPA #604 (Oak Ridges Moraine Conformity Plan). The "General Commercial" designation permits a service station/gas bar use. The proposed use of the subject lands conforms to the Official Plan, as amended. The subject lands are further designated "Oak Ridges Moraine Settlement Area" and are required to address the applicable policies of the Official Plan.

Oak Ridges Moraine

The subject lands are designated "Oak Ridges Moraine Settlement Area" by OPA #332, as amended, and are required to conform to the Oak Ridges Moraine Conservation Plan. The Owner submitted a conformity report dated October 4, 2005, prepared by MHBC Planning. The proposal appears to address the requirements of the conformity report subject to addressing concerns of the Toronto and Region Conservation Authority respecting on-site stormwater infiltration. The Owner, as a condition of site development approval, is required to satisfy the conditions of the Toronto and Region Conservation Authority.

Zoning

The subject lands are zoned C1(H) Restricted Commercial Zone with the "H" Holding Symbol by By-law 1-88, subject to Exception 9(1097), as shown on Attachment #1. The uses proposed for the subject lands, as shown on Attachment #2, which include an automobile gas bar, a convenience retail store and eating establishment with drive-through, a car wash and accessory uses are permitted by the Zoning By-law.

The C1(H) Restricted Commercial Zone provides for the following development standards:

Minimum Front Yard	9m
Minimum Rear Yard	15m
Minimum Exterior Yard	9m
Maximum Lot Coverage	50%
Minimum Lot Depth	60m
Maximum Building Height	11m
Minimum Setback to a Residential Zone	9m
Maximum Convenience Retail Store Gross Floor Area	280m ²
Minimum Parking Spaces	21 (includes 1 handicap space)
Minimum Driveway Width	9m

The Zoning By law permits an eating establishment with a drive-through as an accessory use to a convenience retail store provided the eating establishment does not exceed 25% of the gross floor area of the convenience retail store. The proposal includes an eating establishment with a drive-through that is 13.79% (40.87m²) in gross floor area, which complies with the zoning by-law.

In order to facilitate the proposed development, an exception to the Zoning By-law is required to permit a convenience retail store with a gross floor area of 297m², whereas a maximum gross floor area of 280m² for a convenience retail store in association with an automobile gas bar is currently permitted. The Owner has submitted an application to the Committee of Adjustment for a Minor Variance (File A034/06) in this respect, which is tentatively scheduled to be considered in March 2006. The application requests an exception to the Zoning By-law to permit a gross floor area of 300m² for the convenience retail store in association with an automobile gas bar. The slight increase from the proposal of 297m² allows for some flexibility should there be modifications to the proposal. The Development Planning Department has no objections to this variance since it is minor in nature and in keeping with the general intent of the Zoning By-law. The Committee's decision must be final and binding prior to the execution of the site development agreement. A condition of approval has been included in this respect.

Holding Symbol

The subject lands are located in the Secondary Buffer Area of the former Keele Valley Landfill. Lands within the Secondary Buffer Area are zoned with the Holding Symbol "H", including the subject lands as shown on Attachment #1, and therefore, the Owner is required to address the "Waste Disposal Assessment Area" policies of the Official Plan, which requires the approval of reports, including but not limited to, stormwater management, hydrogeology, and environmental reports, by the commenting Departments/Agencies in order to determine that the proposed uses and/or buildings/structures can be accommodated safely on the subject lands. Once these items are addressed to the satisfaction of the appropriate Department/Agency, the "H" Holding Symbol can be lifted from the subject lands. A condition of approval is included in this respect.

Ministry of the Environment Approval

The proposal is currently under review with the Ministry of the Environment. Prior to the lifting of the "H" Holding Symbol and the registering of the site development agreement on the subject lands, any use and/or building/structure is contingent on the subject lands being removed from the Secondary Buffer Area by the Ministry of the Environment and/or Certificate of Approval No. A230610 being amended by the Ministry of the Environment to permit the proposed uses and buildings/structures. A condition of the site development approval is included to comply with this requirement. In addition, a condition will be included in the site development agreement requiring the subject lands to develop in accordance with the applicable Notice, and supporting documentation, terms, and conditions of approval for the amendment to the Keele Valley Certificate of Approval.

Environmental Site Assessment

The subject lands, as shown on Attachment #1, are subject to the Waste Disposal Assessment Area policies in OPA #332, which require that studies be carried out to the satisfaction of the City and the Ministry of the Environment to show that the development is compatible and can safely take place. The Engineering Department requires that a Phase I Environmental Site Assessment be undertaken in accordance with the requirements of Ontario Regulation 153/04 (Soil, Ground Water and Sediment Standards) and submitted for review and approval. A condition of approval has been included in this report.

Tenure

The Owner intends to lease the site to Imperial Oil Limited to operate a proposed Esso automobile gas bar with a Tim Hortons eating establishment including a drive-through. Imperial Oil advised that the lands will be leased for 15 years with an option to extend the lease to 21 years. Therefore, a consent application, under Subsection 50(15) of The Planning Act is not applicable as the lease is not to exceed 21 years.

Site Design

The proposed site plan, as shown on Attachment #2, consists of 2 buildings, comprised of a convenience retail store including an eating establishment with drive-through, and a car wash, together with a 5-bay canopy covered gas bar on the 0.703ha site. The convenience retail store building is located on the north portion of the site and has an east-west orientation, with its main entrance facing Major Mackenzie Drive. The eating establishment drive-through window is located at the rear of the convenience retail store building, facing north toward the golf course lands. The drive-through lane commences to the east of the convenience retail store building and loops north behind the building and terminating to the west of the structure.

The car wash building is located on the west portion of the site and has a north-south orientation. The car wash stacking lane initiates east of the building and travels north and turns south towards the entrance of the car wash, with the exit facing Major Mackenzie Drive. There is a refuse enclosure building attached to the west end of the convenience retail store building. The 5-bay canopy covered gas bar is in the middle of the site. An access driveway is proposed on both Dufferin Street and Major Mackenzie Drive.

The development statistics for the proposal are as follows:

Frontage (Dufferin Street)	52.89m	
Frontage (Major Mackenzie Drive)	56.67m	
Landscaped Area	2,538.00m ²	
Paved Area	3,771.40m ²	
Convenience Retail Store Floor Area	256.13m ²	
<u>Eating Establishment Area</u>	<u>40.87m²</u>	
Convenience Store Floor Area	297.00m ²	
Gas Bay Canopy Area	320.00m ²	
Car Wash Building Area	109.50m ²	
Parking Spaces Provided	26 (includes 1 handicap space)	
Parking Spaces Required		
Convenience Store: 256m ² @ 5.5 spaces/100m ² GFA	14	
<u>Eating Establishment: 40.8m² @16 spaces/100m² GFA</u>	<u>7</u>	
Total Required Parking	21 (includes 1 handicap space)	
<u>Stacking Spaces</u>	<u>Provided</u>	<u>Required</u>
Eating Establishment Drive-Through	8	8
Car Wash Stacking Spaces	10	10
Vacuum Spaces	2	2

The Development Planning Department is generally satisfied with the overall site layout, subject to the comments in this report being addressed.

Elevations

The proposed building elevations are shown on Attachments #3 to #5 inclusive. A consistent architectural style and building material is proposed for the development. The one-storey convenience retail store and car wash buildings are both generally rectangular shaped buildings with sloped roofs. The base and sides of the buildings are clad in brown/grey coloured wiarion limestone and the façade is in a brown coloured brick. The roof material consists of a copper coloured standing seam metal. The main door entrance and glazing on the convenience retail store building consists of clear glass panels. The drive-through consists of clear anodized

aluminum windows and panels. The car wash building utilizes mullionless glazing facing east towards Dufferin Street, where the vehicles in the car wash can be viewed. The car wash building provides for clear anodized overhead doors for the car wash entrance and exit. All rooftop mechanical equipment is to be screened.

The proposed canopy elevations are shown on Attachment #6. The 5-bay canopy covered gas bar is 7m high, and is proposed using an architectural style and materials consistent with the convenience retail store and car wash buildings. The canopy has a copper coloured standing seam metal sloped roof with a sign band at the bottom.

The Development Planning Department is generally satisfied with the proposed elevations.

Signage

The elevations for the main building as shown on Attachments #3 and #4, include an illuminated sign band with a yellow background and "On the Run" signage in blue lettering surrounding the convenience retail store main entrance, facing Major Mackenzie Drive and along the east elevation, facing Dufferin Street. Two illuminated signs including an oval sign east of the main entrance and a rectangular sign band above the drive-through window are proposed, both with a red background and "Tim Hortons" signage in white lettering above. The main signage for the car wash is located on the east elevation over the glazing and is comprised of a sign banner in blue with "Touchless Car Wash" signage with white lettering, as shown on Attachment #5.

The canopy covered gas bar will include an illuminated red band surrounded by a white panel around the canopy and the word "Esso" facing Major Mackenzie Drive and Dufferin Street, as shown on Attachment #6. Two, 8.17m high, white pre-finished metal, 2-sided sign poles are located at the driveway entrances at Major Mackenzie Drive and Dufferin Street as shown on Attachment #7. The sign poles are generally to include the "Esso", "On the Run", "Tim Hortons Drive Thru", "Self Service", "Diesel", and "Touchless Wash" signage.

The Development Planning Department is generally satisfied with the signage.

Access/Parking

The proposal originally included two full-movement driveways, one each from Dufferin Street and Major Mackenzie Drive, as shown on Attachment #2. However, both driveways have been restricted to right-in and right-out movements only by the Region of York Transportation and Works Department. The Owner will be required to construct and/or extend the raised concrete medians at the intersection of Dufferin Street and Major Mackenzie Drive to a point 30m beyond both the proposed driveway accesses.

The Region of York Transportation and Works Department requires the Owner to revise the site plan, as shown on Attachment #2, to incorporate a concrete pedestrian walkway along the Dufferin Street driveway access to connect the convenience retail store to the easterly property line of the subject lands. The walkway will facilitate a future sidewalk connection, as the subject lands are in the vicinity of the existing YRT transit service at Major Mackenzie Drive, and will provide continuous access for pedestrians to access the convenience retail store.

A condition of approval is included requiring the Owner to satisfy all requirements of the Region of York Transportation and Works Department.

Landscaping

The proposed landscape plan, as shown on Attachment #8, provides for a range of coniferous and deciduous trees, and other plantings on the subject lands. The Owner is required to modify the landscape treatment to address the requirements of the Region of York Transportation and

Works Department and the Toronto and Region Conservation Authority, as discussed in this report.

The landscape plans, as shown on Attachments #8 and #9, identify a 1m high masonry stone accent wall feature comprised of wiarnton limestone with metal fence sections to be located along the property line from the east side of the driveway access on Major Mackenzie Drive to the north side of the driveway access on Dufferin Street.

The Owner is required to modify the final landscape plans and provide a detailed cost estimate for the review and final approval of the Development Planning Department.

Environmental Buffer Strips

The site plan, as shown on Attachment #2, provides for two environmental buffers at the north portion of the subject lands stretching from Dufferin Street to the west limit of the site required as a result of its' location within the Secondary Buffer Area of the Keele Valley Landfill area. There is the 9m wide non-accessible environmental buffer strip located along the north property line with a 5m wide accessible environmental buffer strip to the immediate south. No development is to occur on these lands unless associated with the Keele Valley Certificate of Approval No. A230610 and/or monitoring and remediation requirements for the Waste Disposal Assessment Area. A condition is to be included in the site plan agreement respecting no development in the environmental buffers.

Services

The Owner is required to satisfy all requirements of the Engineering Department respecting grading, servicing, stormwater management report, on-site vehicular circulation, parking, and traffic for the subject lands shown on Attachment #1.

The Owner is required to address the Fire Prevention Department comments regarding the provision of a fire hydrant to service the subject lands. All hydro requirements shall be to the satisfaction of PowerStream Inc.

The Owner is required to address By-law Enforcement Department comments respecting exterior lighting not spilling onto any street or adjoining lands and proper refuse containment for the subject lands, to the satisfaction of the Development Planning Department.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) advises that the northeast corner of the subject lands shown on Attachment #1 are within the Authority's Fill Line Extension Program of the Don River, and Valley and Stream Corridor Management Program. A Fill Permit is required from the TRCA prior to permitting or constructing any building or structure on the subject lands. Further, the 10m development setback from the Regional Storm Flood Plain needs to be applied to the subject lands. The Owner has to remove the manhole located within the 9m wide non-accessible environmental buffer strip and provide native sod and tree species within both buffer areas. The Owner is required to address the water management and ecology comments raised to the satisfaction of the TRCA.

Parkland Dedication

If applicable, 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, prior to the issuance of a building permit, in accordance with the Planning Act. There was an August 30, 2001, agreement of purchase and sale between the Owner and the City that may have addressed

parkland dedication for the subject lands. This agreement is being reviewed to determine if cash-in-lieu of the dedication of parkland is required for the subject lands.

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 Development Planning Department has reviewed Site Development Application DA.05.025 (York Major Holdings Inc.) in accordance with the applicable policies of OPA #332, as amended by OPA #535 (Maple Valley Plan) and OPA #604 (Oak Ridges Moraine Conformity Plan), and find that the proposal conforms to the policies of the Official Plan. The Development Planning Department has also reviewed the proposal in accordance with the Zoning By-law, and finds that the proposed uses and variance to increase the gross floor area from 280 m² to 300m² for the convenience retail store in association with an automobile gas bar are considered to be appropriate for the subject lands.

A condition of site development approval will require the Ministry of the Environment to remove the subject lands from the Secondary Buffer Area and/or amend the Certificate of Approval No. A230610 to permit the proposed uses and buildings/structures prior to the lifting of the "H" Holding Symbol and the registration of the site development agreement for the subject lands.

Accordingly, the Development Planning Department can support the approval of the Site Development Application for the subject lands, shown on Attachment #1, subject to the conditions contained in this report.

Attachments

1. Location Map/Zoning
2. Site Plan
3. Elevations – Convenience Store (South)
4. Elevations – Convenience Store (North, East, West)
5. Elevations – Car Wash
6. Elevations – Canopy
7. Elevations – Signage
8. Landscape Plan
9. Landscape Plan – Corner Wall Feature

Report prepared by:

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Grant Uyeyama, Manager of Development Planning, ext. 8635

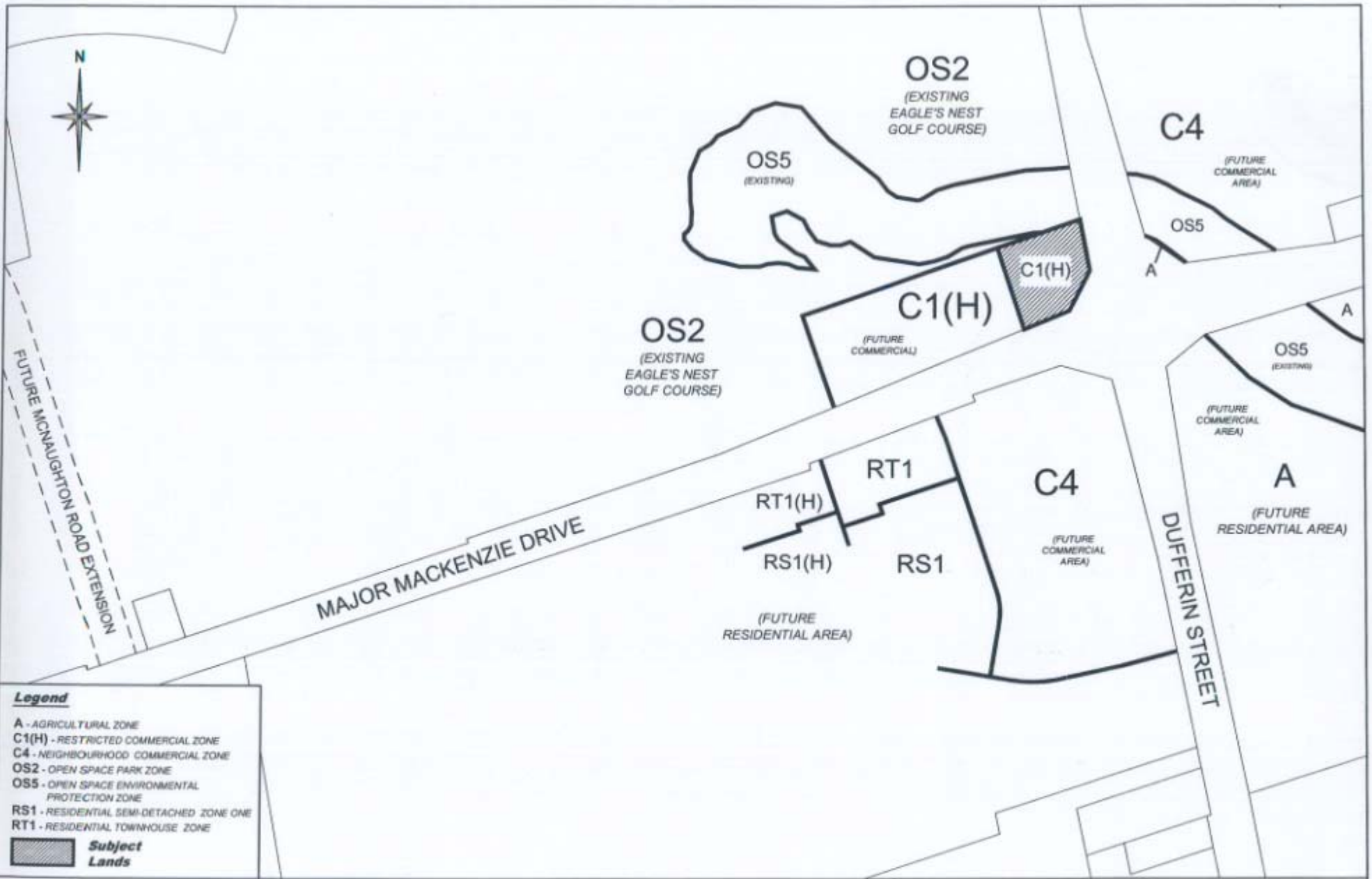
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Legend

- A - AGRICULTURAL ZONE
- C1(H) - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- OS2 - OPEN SPACE PARK ZONE
- OS5 - OPEN SPACE ENVIRONMENTAL PROTECTION ZONE
- RS1 - RESIDENTIAL SEMI-DETACHED ZONE ONE
- RT1 - RESIDENTIAL TOWNHOUSE ZONE

Subject Lands

Location / Zoning Map

Part of Lot 21,
Concession 3

APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL)



Development Planning Department

Attachment

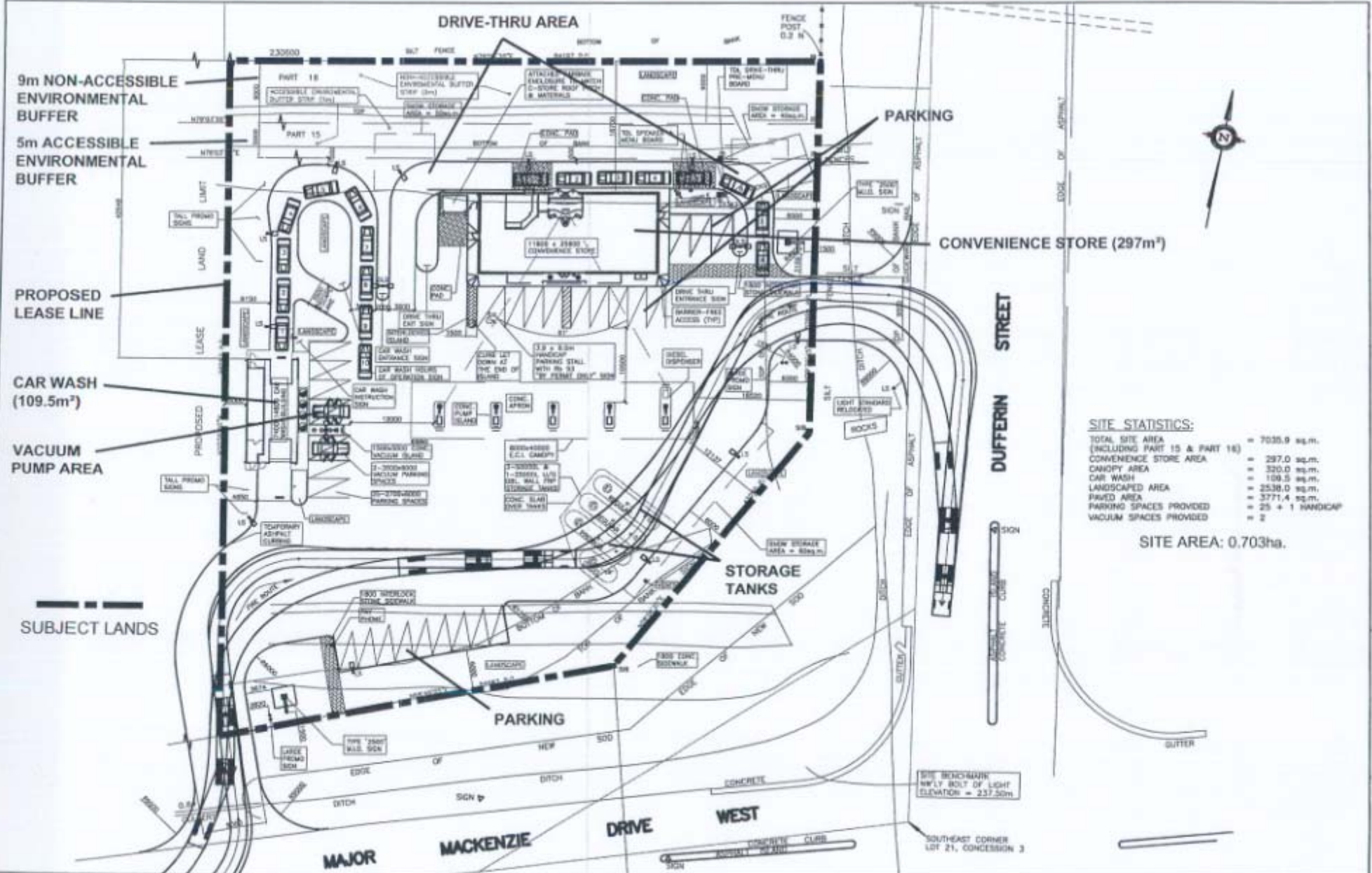
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February 1, 2006

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SITE STATISTICS:

TOTAL SITE AREA (INCLUDING PART 15 & PART 18)	= 7035.9 sq.m.
CONVENIENCE STORE AREA	= 297.0 sq.m.
CANOPY AREA	= 320.0 sq.m.
CAR WASH	= 109.5 sq.m.
LANDSCAPED AREA	= 2538.0 sq.m.
PAVED AREA	= 3771.4 sq.m.
PARKING SPACES PROVIDED	= 25 + 1 HANDICAP
VACUUM SPACES PROVIDED	= 2

SITE AREA: 0.703ha.

Site Plan

Part of Lot 21,
Concession 3
APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL)



Development Planning Department

Attachment

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FRONT (SOUTH) ELEVATION

Elevations - Convenience Store

APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL)

Part of Lot 21,
Concession 3

City of
Vaughan

Development Planning Department

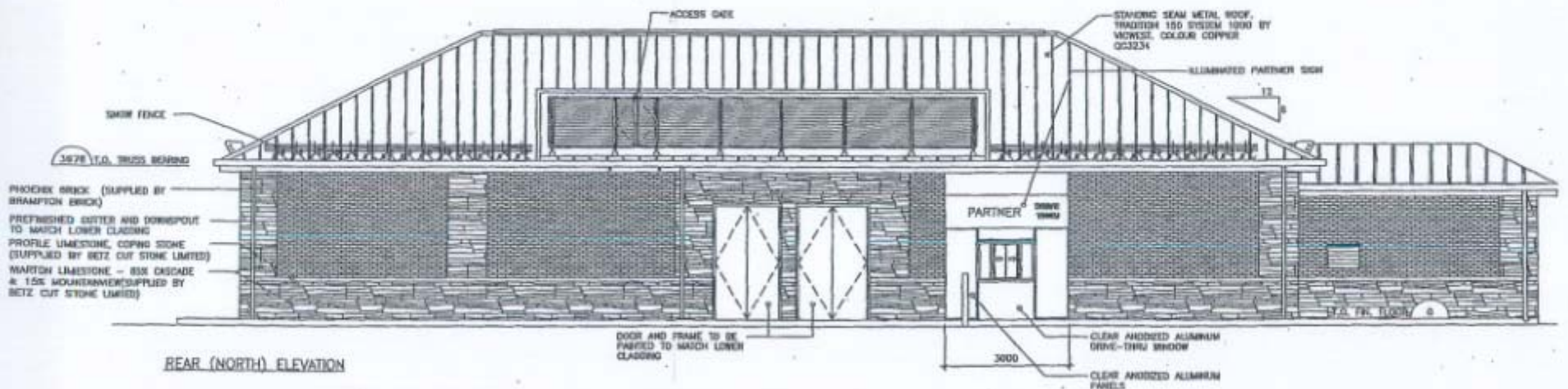
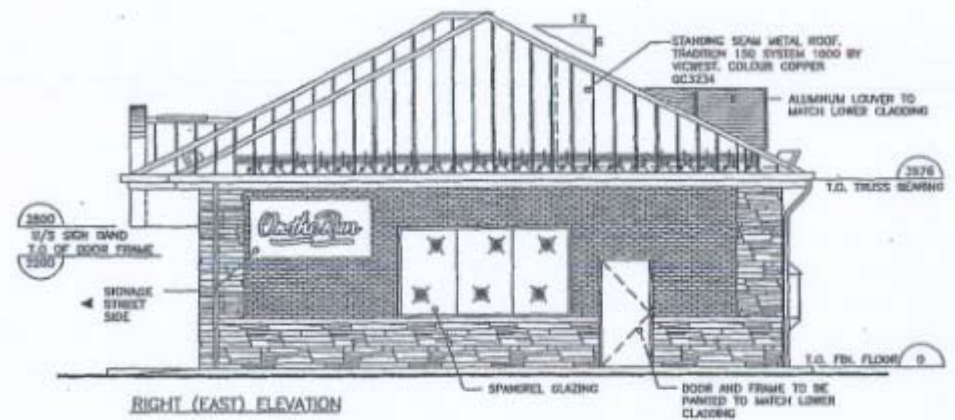
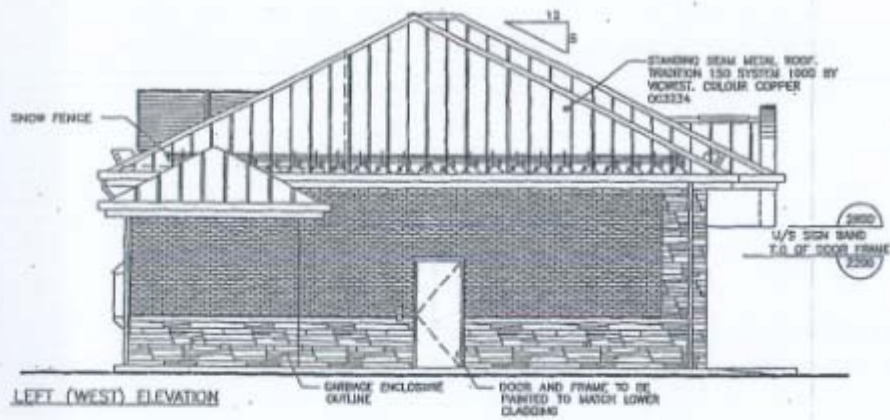
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Elevations - Convenience Store

APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL) Part of Lot 21,
Concession 3



Development Planning Department

Attachment

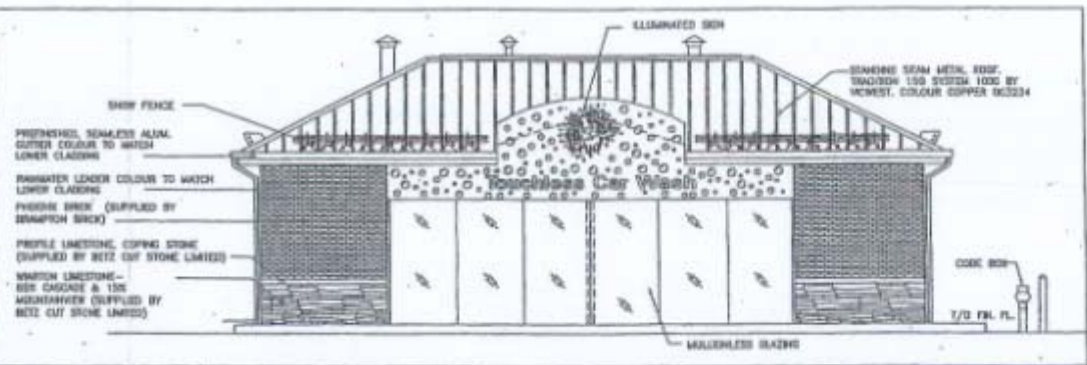
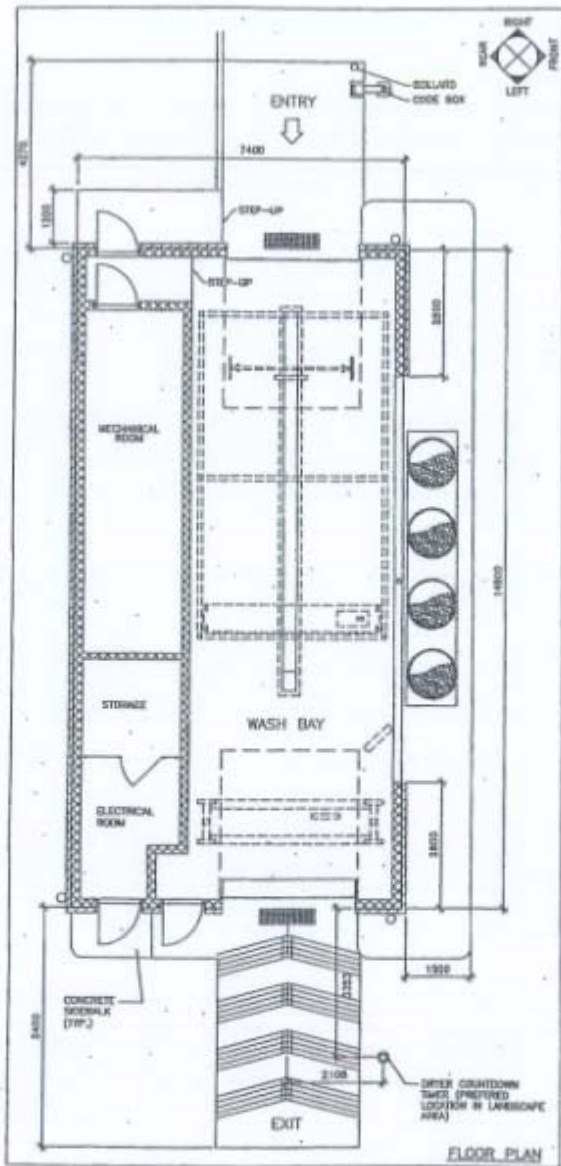
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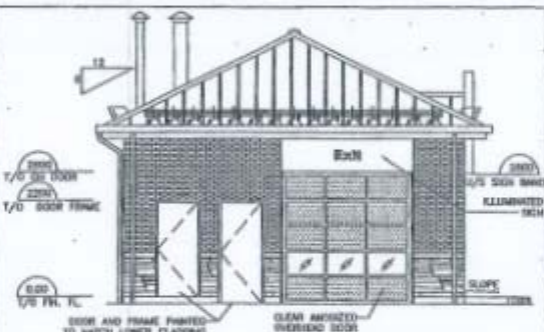
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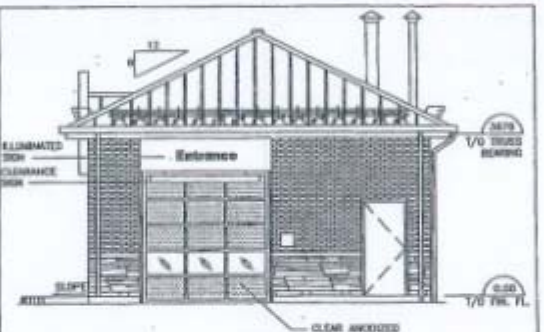
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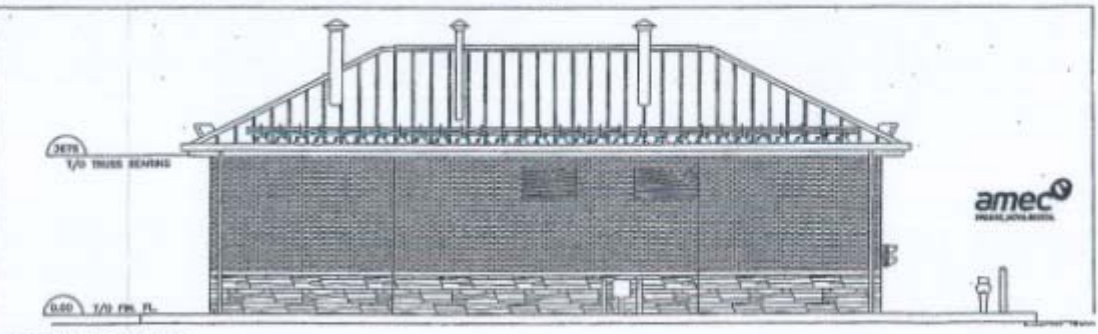
FRONT (EAST) ELEVATION



LEFT (SOUTH) ELEVATION



RIGHT (NORTH) ELEVATION



REAR (WEST) ELEVATION

Elevations - Car Wash

Part of Lot 21,
Concession 3
APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL)



Development Planning Department

Attachment

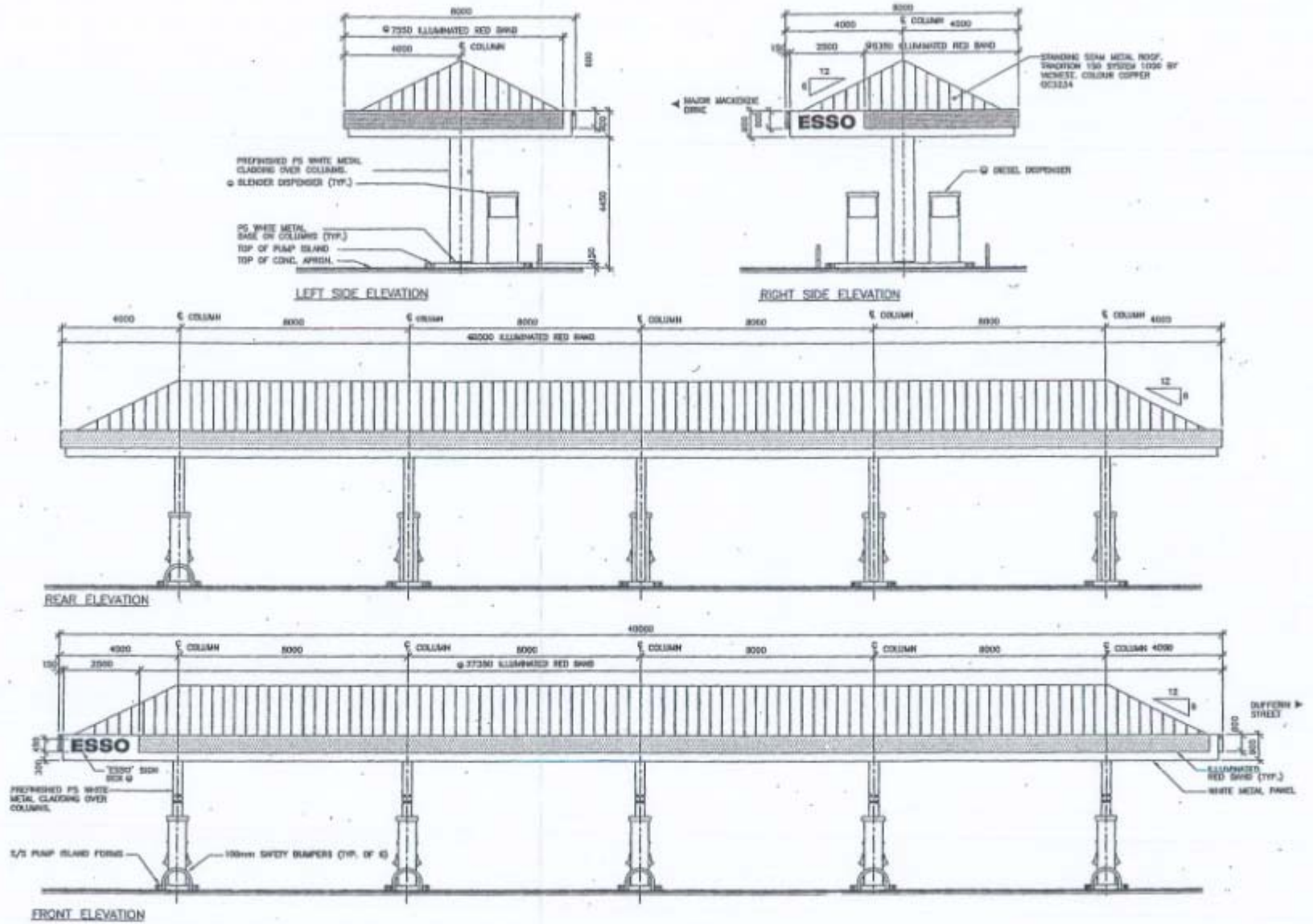
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Elevations - Canopy

Part of Lot 21,
Concession 3
APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL)



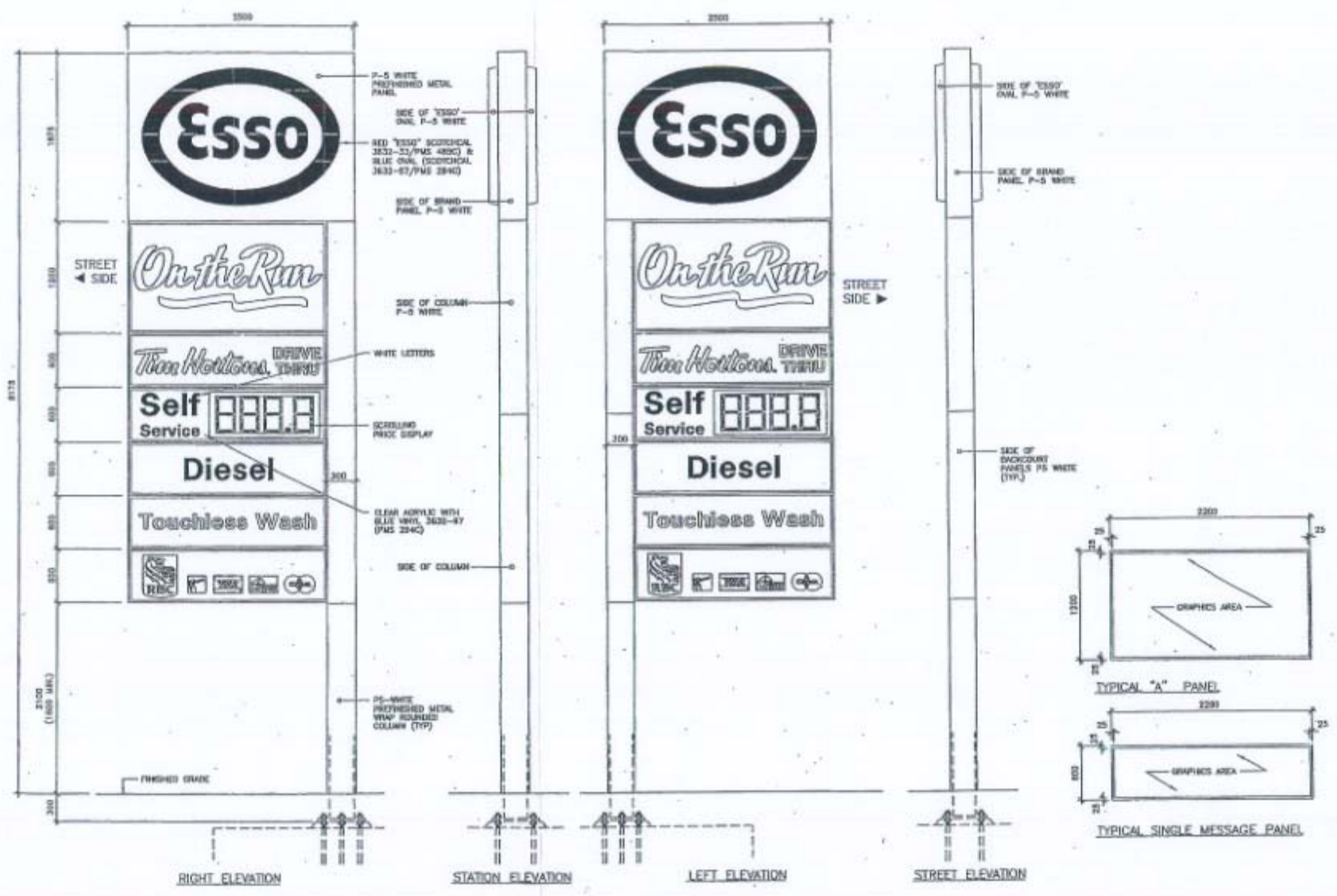
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CONCEPTUAL ARTWORK ONLY - NOT TO BE USED FOR PRODUCTION UNLESS APPROVED BY I.O.L.

Elevations - Signage

Part of Lot 21,
Concession 3
APPLICANT:
YORK MAJOR HOLDINGS INC.
(IMPERIAL OIL)



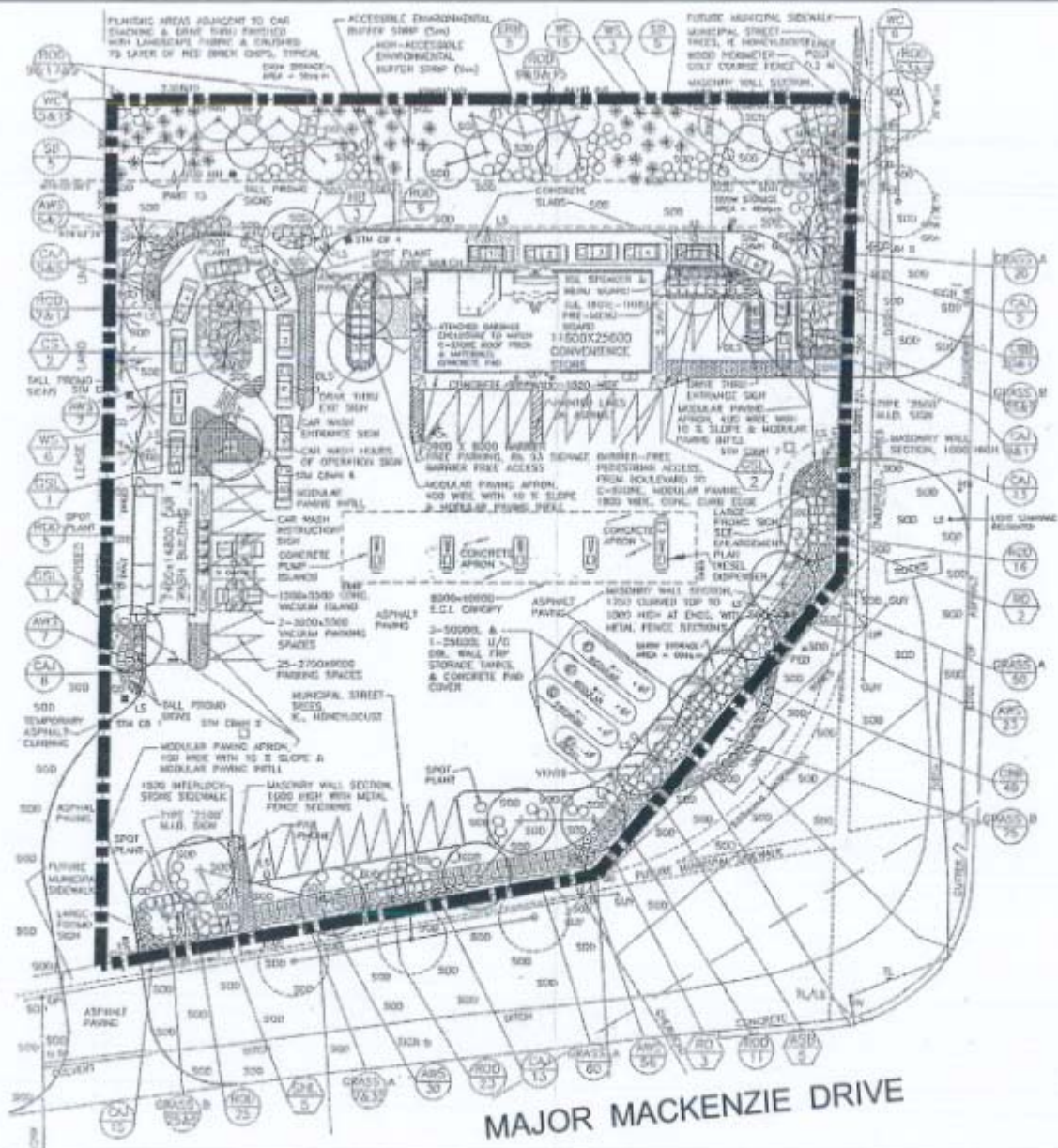
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DUFFERIN STREET

MAJOR MACKENZIE DRIVE

Legend
 ■■■■■ Subject Lands

Landscape Plan

Part of Lot 21,
 Concession 3
 APPLICANT:
 YORK MAJOR HOLDINGS INC.
 (IMPERIAL OIL)



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Attachment

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