

COMMITTEE OF THE WHOLE JUNE 1, 2010

**ZONING BY-LAW AMENDMENT FILE Z.09.042
SUNCOR ENERGY INC.
WARD 4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.042 (Suncor Energy Inc.) BE APPROVED, specifically to amend By-law 1-88 for the subject lands shown on Attachments #1 and #2, to permit convenience retail uses within an existing 214.7m² customer service building, accessory to a permitted truck refueling station as shown on Attachment #3.
2. THAT the implementing zoning by-law include the following site-specific definition for "convenience retail uses":

"CONVENIENCE RETAIL USES shall mean:

- i) the sale and display of packaged and prepared foods, limited truck related products, and tobacco products up to a maximum area of 130m². For the purposes of this by-law, limited truck related products include oils, lubricants, washer fluids, wiper blades, cleaning products, sundry items and movies."

Contribution to Sustainability

The applicant is proposing to permit an additional use in an existing building. No changes are being proposed to the site or building.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On February 26, 2010, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands and to the Concord West Ratepayers Association. To date, no written comments have been received by the Development Planning Department.

The recommendation of the Committee of the Whole to receive the Public Hearing report of March 23, 2010, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on April 13, 2010.

Purpose

The Owner has submitted an application to amend the City's Zoning By-law 1-88, to permit convenience retail uses including packaged and prepared foods, limited truck related products (e.g. washer fluid) and tobacco products within an existing 214.7 m² customer service building, accessory to a permitted truck refueling station.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at 120 MacIntosh Boulevard, on the northwest corner of Creditstone Road and MacIntosh Boulevard, being Part of Block 19 on Registered Plan M-2696, in Part of Lot 8, Concession 4, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Employment Area General" by OPA #450 (Employment Area Plan), which accommodates uses that do not require high visual exposure, provides locational opportunities for industrial developments which may require outside storage or be undertaken outdoors, and facilitates a broad range of lot sizes and a diversity of building forms in order to meet the needs of any business or industry. Permitted uses include a full range of processing, warehousing and outside storage and transportation and distribution facilities. The proposed convenience retail uses to be provided within the existing customer service building will serve the needs of the clientele utilizing the existing truck refueling station, and is compatible with the existing operations on the property, and conforms to the policies of the Official Plan.

Zoning

The subject lands are zoned EM2 General Employment Area Zone by Zoning By-law 1-88 and subject to Exception 9(995). The site-specific zoning exception currently permits a truck refueling station with a customer service building, which includes change rooms, showers, restroom facilities and vending machines. Convenience retail uses (i.e. packaged and prepared food and drink, tobacco products and limited truck related products such as windshield wiper blades and washer fluid, etc.) are not permitted, and therefore, an amendment to the Zoning By-law is requested.

Planning Considerations

The proposal to include convenience retail uses including the sale of packaged and prepared foods, limited truck related products (e.g. washer fluid), and tobacco products within an existing 214.7 m² customer service building, is compatible with the existing operation of the truck refueling station. The site operates on a user pass basis and therefore is not utilized by the general public, but rather by the occupants of the transport trucks which serve the surrounding businesses. Additionally, as some of the building is occupied for restroom facilities, showers and change rooms, the applicant is proposing to limit the area for the proposed convenience retail uses to 130m² within the existing building. The sale of truck related products, packaged foods and tobacco will not adversely impact the surrounding uses and is complimentary to the existing operation of the truck refueling station. On this basis, the Development Planning Department has reviewed the proposed changes to the Zoning By-law and has no objections.

As there is no specific definition in By-law 1-88 for Convenience Retail Uses that would permit the uses proposed by the applicant, the Development Planning Department recommends that the following site-specific definition be included in the implementing by-law:

"CONVENIENCE RETAIL USES shall mean:

- i) the sale and display of packaged and prepared foods, limited truck related products, and tobacco products up to a maximum area of 130m². For the purposes of this by-law, limited truck related products includes oils, lubricants, washer fluids, wiper blades, cleaning products, sundry items and movies."

This will add further clarity to the convenience retail uses proposed within the existing customer service building on the subject lands. A recommendation has been included in this respect.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The property is located internal to an employment area subdivision, and does not affect lands owned by the Region of York.

Conclusion

The Zoning By-law Amendment Application has been reviewed in accordance with the policies of OPA #450, the requirements of By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to permit the addition of convenience retail uses including packaged and prepared foods, limited truck related products (e.g. washer fluid) and tobacco products within an existing 214.7 m² customer service building, is appropriate and compatible with the uses on the site and the surrounding employment uses. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan - Existing Truck Refueling Station

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG



Attachment

File: Z.09.042
Date: June 1, 2010

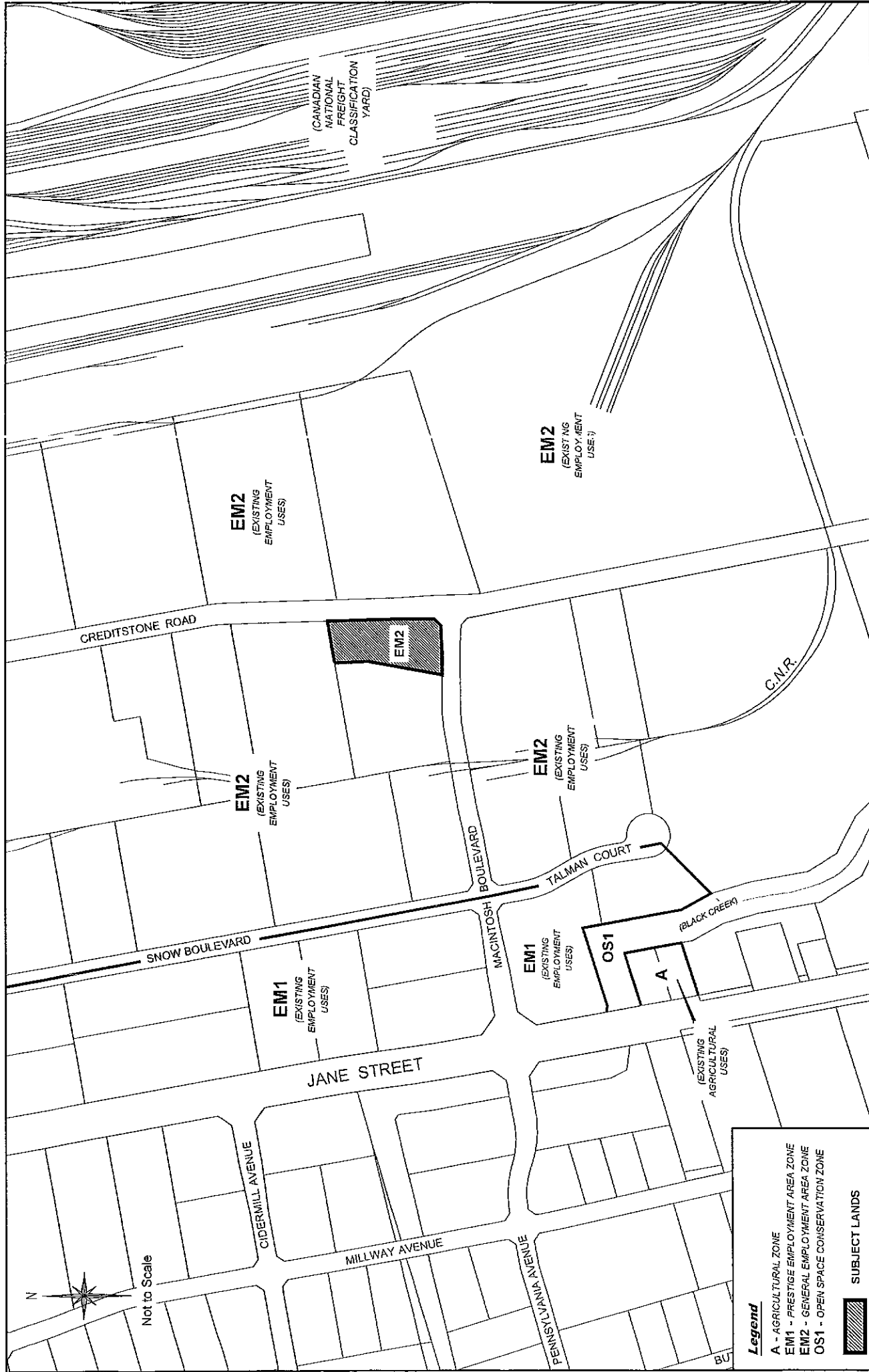
City of Vaughan
The City Above Toronto
Development Planning Department

Context Location Map

Location: Part of Lot 8,
Concession 4

Applicant:
Suncor Energy Inc.

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Location Map

Location: Part of Lot 8,
Concession 4

Applicant:
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The City Above Toronto
Development Planning Department

Attachment

File: Z.09.042
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2

MACINTOSH BOULEVARD
PLAN 65R-18724

A ZONING BY-LAW AMENDMENT TO
PERMIT CONVENIENCE RETAIL USES
WITHIN AN EXISTING 214.7m²
CUSTOMER SERVICE BUILDING



Not to Scale

PART 2
PLAN 65R-18724

BLOCK 4 103N 653
PLAN 65M-2523
PLAN 65M-2523 (S1)

PART 3 PLAN 65R-17613
PLAN 65M-2596

PART 6 PLAN 65R-17613
PLAN 65M-2596

CREDITSTONE ROAD
PLAN 65M-2596 (S1)

SUBJECT LANDS

Site Plan-Existing Truck Refueling Station

Applicant:
Suncor Energy Inc.

Location:
Part of Lot 8, Concession 4

City of Vaughan
The City Above Toronto
Development Planning Department

Attachment
3
File:
Z.09.042
Date:
June 1, 2010

