

Clause embodied in Report No. 1 of the Etobicoke Community Council, as adopted by the Council of the City of Toronto at its regular meeting held on February 4, 5 and 6, 2003.

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**Final Report - Application to Amend the Etobicoke
Zoning Code; Petro-Canada, 585 Dixon Road
File No. TA CMB 2002 0015 (Ward 2 - Etobicoke North)**

(City Council at its regular meeting held on February 4, 5 and 6, 2003, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends the adoption of the report (December 11, 2002) from the Director, Community Planning, West District.

The Etobicoke Community Council reports, for the information of Council, having held a statutory Public Meeting on January 21, 2003 and appropriate notice of this meeting was given in accordance with the Planning Act.

The Etobicoke Community Council submits the following report (December 11, 2002) from the Director, Community Planning, West District:

Purpose:

This report reviews and recommends approval of an application to amend the Etobicoke Zoning Code to permit the development of a new service station containing a convenience retail store and a mechanical car wash at 585 Dixon Road.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Etobicoke Zoning Code substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5; and



- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Background:

A service station has operated on the subject site for approximately 30 years. In 1995, Etobicoke City Council, through the Supplementary Regulations for Service Stations, restricted the sale of convenience items, to a maximum retail sale area of 20 square metres (215 square feet).

(1) Proposal

The applicant, Petro-Canada, is proposing to demolish the existing service station facilities, and construct a new 149 square metre (1,600 square feet) service station building containing: a convenience retail store with pay point counter; public and staff washrooms; storage; and office and utility areas. The convenience retail area will occupy approximately 88 square metres (950 square feet) of the building floor area. A new 176 square metre (1,895 square feet) mechanical car wash is also proposed on the subject site. The existing gas pumps will be removed and replaced by 10 new pump islands and a new overhead canopy (Attachment No. 1).

The site will maintain and modify two access driveways along Dixon Road. The westerly most access driveway along Dixon Road will be removed. A total of 10 parking spaces are proposed, including one handicapped space.

A detailed summary of the proposal, submitted by the applicant, is shown in Table 1 below.

TABLE 1

Existing Use	Service Station (gas bar, automotive service bays, retail kiosk, car wash)
Proposed Use	Service Station (gas bar, convenience store, car wash)
Official Plan	Industrial
Zoning	Class Two Industrial (I.C2)
Gross Site Area	0.75 hectare (1.85 acre)
Gross Floor Area	
Main Building:	149 square metres (1,600 square feet)
Car Wash:	176 square metres (1,895 square feet)
Total:	325 square metres (3,500 square feet)
Coverage	
Main Building:	2 percent
Car Wash:	2.4 percent
Canopy:	8.4 percent
Total:	12.8 percent
Height	
Main Building:	4.5 metres (14.8 feet) / 1 storey
Car Wash:	4.7 metres (15.5 feet)
Canopy:	5.5 metres (18 feet)
Parking	
Required:	5 spaces
Proposed:	10 spaces (including 1 handicapped space)

(2) Site Description

The subject 0.75 hectare (1.85 acre) site is located on the south side of Dixon Road, mid-block between Martin Grove Road and Kelfield Street. The site is currently occupied by a service station, including a gas bar, retail kiosk, automotive service bays, and a mechanical car wash. Surrounding land uses include:

North: Commercial and Industrial uses, including a Park n' Fly, a car rental establishment, a service station, and restaurants
South: Utility Corridor (Hydro)
East: Utility Corridor (Hydro)
West: One-storey industrial building

(3) Official Plan

(3.1) Etobicoke Official Plan

The site is designated for Industrial uses in the Etobicoke Official Plan. This designation provides for a range of industrial uses, including automobile service stations and car washes. In addition, it provides for retail uses accessory to primary industrial uses. An Official Plan amendment is not required.

(3.2) New City of Toronto Official Plan

On November 28, 2002, Toronto City Council adopted the new Toronto Official Plan. The site is designated as an Employment Area in the new Official Plan. Employment Areas are places of business and economic activity, which include offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area business and workers. Planning staff have evaluated the proposal within the context of the new Official Plan and are satisfied that it complies with the policies and objectives of the Plan.

(4) Zoning

The site is zoned Class Two Industrial (I.C2), which permits service stations and car washes. However, the Supplementary Regulations for Service Stations, as outlined in Section 320-21 of the Etobicoke Zoning Code, limits the sale of convenience items to tobacco products, snack foods and soft drinks, with a maximum sale area of 20 square metres (215 square feet). In order to permit a larger retail component with an expanded range of convenience items and food sales, an amendment to the Etobicoke Zoning Code is required.

(5) Site Plan Control:

A site plan control application was submitted concurrently with the rezoning application and is in circulation. This will provide staff with the opportunity to review the overall site design and layout in more detail. The site will also be evaluated using the new Public Realm and Built Form policies in the new City of Toronto Official Plan.

Further detailed consideration of the proposal under Site Plan Control will include:

- (a) the signing of a site plan agreement;
 - (b) the completion of landscape plans detailing fencing, curbing, grading, street trees, planting, and the posting of financial guarantees to ensure compliance with the approved plans;
 - (c) the submission of a Consultant's Statement verifying soil and groundwater suitability for the proposed use;
 - (d) the provision of on-site services, including the provision of storm water management facilities, or cash-in-lieu payment, the signing of agreements, and the posting of financial guarantees, if required, by Works and Emergency Services;
 - (e) confirmation that the requirements of the Transportation Services Division, Works and Emergency Services Department have been satisfied, including the installation of an impressed concrete curb, sidewalks, and a road widening dedication;
 - (f) confirmation that the requirements of the Toronto Transit Commission have been satisfied with respect to the relocation of an existing bus stop located along the Dixon Road frontage; and
 - (g) confirmation that the requirements of Toronto Hydro have been satisfied with respect to the relocation of an existing hydro pole located along the Dixon Road frontage.
- (6) Reasons for the Application

The Etobicoke Zoning Code permits a maximum sale area of 20 square metres (215 square feet) for convenience items. The proposed service station building will contain an 88 square metre (950 square feet) convenience retail store, with an expanded range of convenience items and food sales. Accordingly, an amendment to the Etobicoke Zoning Code is required.

(7) Community Consultation

The Etobicoke Community Council considered a preliminary report on this proposal on October 16, 2002 and directed that in lieu of holding a community consultation meeting, a community brief advising of the rezoning application be sent to property/business owners within 120 metres (400 feet) of the subject property. Community Council also directed that notice for the public meeting under the Planning Act be given according to the Regulations under the Planning Act.

A Community Notice for the proposed development was circulated to property/business owners on October 21, 2001. To date, no responses have been received.

(8) Agency Circulation

The application was circulated to all appropriate agencies and City Departments. The responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

Comments:

(9) Land Use

The Etobicoke Official Plan and the new City of Toronto Official Plan provides for both automobile service stations and car washes on this site. In addition, it provides for retail uses accessory to primary industrial uses. The Etobicoke Zoning Code also permits service stations, car washes, and the ancillary sale of convenience items on this site. The proposal before Council seeks only to reconstruct the existing uses and expand the gross floor area of the accessory retail use and the range of convenience items and food sales.

Planning staff are concerned with the potential for more intensive impacts associated with food preparation involving the use of a full commercial kitchen. Accordingly, the amending By-law will prohibit commercial kitchens and seating for the consumption of food. The By-law also specifies a maximum size of approximately 88 square metres (950 square feet) for the retail floor space (Attachment No. 5).

(10) Urban Design and Site Considerations:

The proposed site plan and layout proposes improvements to the site and the adjacent municipal boulevard with respect to driveway design and access, curbing, parking, and landscaping. Staff are in support of the site layout. Landscaping details will be further addressed through the Site Plan Control approval process.

(11) Environmental:

The former City of Etobicoke, in September 1997, adopted a policy and procedures for dealing with contaminated or potentially contaminated sites. The policy applies to redevelopment proposals requiring Official Plan and Zoning Code amendments and requires the proponent to submit environmental (soil and groundwater) reports for a peer review process. The proposal before Council seeks only to expand the gross floor area of an existing use. Planning staff's opinion is that a peer review report is not required. A Consultant's Statement should be submitted by the applicant verifying that the expansion of the existing use is acceptable. Planning staff will include this as a requirement of Site Plan Control approval.

(12) Traffic:

The Transportation Services Division of the Works and Emergency Services Department advise that the proposed development is not expected to negatively impact the level of service along this portion of Dixon Road. A traffic study is not required. The applicant is required to dedicate, to the City, a 2.76 metre strip of land along the Dixon Road frontage of the subject property for

road allowance purposes. The details of this dedication will be addressed as part of the Site Plan Control approval process.

Conclusions:

The proposed service station with the accessory retail sale of convenience items and food complies with the Etobicoke Official Plan and the new City of Toronto Official Plan. The redevelopment proposal continues an existing land use, having a larger building area, and is considered to be an appropriate land use. Also, the redevelopment can be accommodated from a design and transportation perspective without any significant impacts on adjacent properties.

The application is recommended for approval based on food services/preparation being limited to those items which do not require the use of a full commercial kitchen and a prohibition on seating.

Contact:

Lino Malito, Planner
Community Planning, West District
Tel: (416) 394-6004; Fax: (416) 394-6063
E-mail: lmalito@toronto.ca

(Attachment No. 5)

DRAFT Zoning By-Law Amendment

Authority: Etobicoke Community Council Report No., Clause No., as adopted by City of
Toronto Council on , 2003.

Enacted by Council:

CITY OF TORONTO

BY-LAW No. _____-2003

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the south side of Dixon Road, mid-block between Martin Grove Road and Kelfield Street, municipally known as 585 Dixon Road.

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the Planning Act;

THEREFORE The Council of the City of Toronto HEREBY ENACTS as follows:

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That Zoning By-law number 2351 is hereby repealed.
2. That notwithstanding the provisions of Sections 320-21 (H,I) and 320-22.H. of the Etobicoke Zoning Code, a convenience store and a mechanical car wash shall be permitted to operate in conjunction with a service station on the lands shown as Class Two Industrial (I.C2) on Schedule “A” attached hereto, subject to the following:
 - (a) For the purpose of this By-law, a convenience store shall be identified as follows:

“Convenience Store: a commercial building or structure or part thereof, where food and convenience goods are stored and offered for sale at retail, and which may include as an accessory use, subject to Section 3 herein, the sale of food prepared on the premises.”
 - (b) The maximum gross floor area of the convenience store building shall be limited to 150 square metres of which no more than 88 square metres may be used for the retail of convenience items.
 - (c) The maximum gross floor area of the car wash building shall be limited to 177 square metres.
 - (d) Notwithstanding the provisions of Section 304-36 of the Etobicoke Zoning Code, the minimum setbacks for the convenience store building and canopy, the car wash building, and the propane tank shall not be less than the measurements shown on Schedule “B” attached hereto.
 - (e) Notwithstanding the provisions of Sections 320-22.F. of the Etobicoke Zoning Code, a minimum landscape strip of 3 metres shall be provided along the lot lines. The landscape strip shall not apply to the areas containing underground storage tanks, driveways, and pedestrian accesses.
 - (f) Notwithstanding the provisions of Section 320-21.B. and Section 320-22.A. of the Etobicoke Zoning Code, the width of the ramps along Dixon Road shall not exceed 9 metres, measured along the property line.
 - (g) Notwithstanding the provisions of Section 320-22.B. of the Etobicoke Zoning Code, the following requirements shall apply to the vehicle waiting lines for the car wash:
 - (i) Vehicle waiting lines shall be provided on the building lot to accommodate a minimum of 24 vehicle spaces for the car wash and each space shall be a minimum of 6 metres long and a minimum of 3 metres wide.

- (ii) Not more than two waiting lines shall be permitted and each waiting line shall not be less than 3 metres wide measured from one lane divider to another.
- (h) The provisions of Section 320-22.C. and Section 320-22.D. of the Etobicoke Zoning Code shall not apply.
- 3. For the purpose of this By-law a full commercial kitchen and seating for the consumption of prepared foods shall be prohibited.
- 4. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall take precedence, otherwise the Etobicoke Zoning Code shall apply.
- 5. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____-2003 _____, 2003	Lands located on the south side of Dixon Road, mid-block between Martin Grove Road and Kelfield Street.	To permit a convenience store and a mechanical car wash to operate in conjunction with a service station.

ENACTED AND PASSED this ____ day of _____, 2003.

CASE OOTES,
Deputy Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

(A copy of each of Attachments Nos. 1 to 4, and Schedules A and B to Attachment No. 5 (Draft Zoning By-law Amendment) referred to in the foregoing report, was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on January 21, 2003, and a copy of each is on file in the City Clerk's Office, Etobicoke Civic Centre.)