



Report to: Development Services Committee

Report Date: November 15, 2011

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**SUBJECT:**

RECOMMENDATION REPORT

2219842 Ontario Limited (formerly Forecast Inc.)

9225 9<sup>th</sup> Line

Applications for Official Plan, Secondary Plan and Zoning By-law Amendment to permit a financial institution with an associated drive through service facility.

File Numbers: OP.08-116248 and ZA.08-116256

**PREPARED BY:**

Stephen Kitagawa, Senior Planner, East District

**REVIEWED BY:**

David Miller, Manager, East District

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**RECOMMENDATION:**

- 1) That the staff report dated November 15, 2011 entitled "Recommendation Report, 2218942 Ontario Limited, 9225 9<sup>th</sup> Line, Applications for Official Plan, Secondary Plan and Zoning By-law Amendment to permit a financial institution with an associated drive through service facility", be received.
- 2) That the record of the Public Meeting held on June 21, 2011, with respect to the proposed amendments to the Official Plan, Secondary Plan and Zoning By-law, be received;
- 3) That the applications submitted by 2218942 Ontario Limited to amend the Official Plan (Revised 1987) and Secondary Plan, be approved, and the draft Official Plan and Secondary Plan Amendments attached as Appendix 'A', be finalized and enacted without further notice;
- 4) That the application submitted by 2218942 Ontario Limited to amend the Zoning By-law be approved and the draft implementing Zoning By-law Amendment attached as Appendix 'B' be finalized and enacted;
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

The purpose of this report is to recommend approval of applications to amend the Official Plan, Secondary Plan and Zoning By-law to permit a financial institution with an associated drive through service facility.

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**BACKGROUND:****Property and Area Context**

The subject property is approximately 0.34 hectares (0.84 acres). The site is vacant and contains no natural features except for 3 mature coniferous trees.

The property is located on the east side of 9th Line, south of 16<sup>th</sup> Avenue and north of Morning Dove Drive (see Figure 1). To the north of this property is a Petro Canada gas station with associated car wash and convenience store. To the east and to the south are lane based, Cornell residential homes. To the west across 9th Line are single detached lots fronting onto Spragg Circle and backlotted onto 9<sup>th</sup> Line.

**Official Plan and Secondary Plan designations do not contemplate this use**

The subject property is designated "Urban Residential" in the Official Plan, and "Residential Neighbourhood" in the Cornell Secondary Plan (OPA 168). The proposed financial institution (bank) use is not contemplated on this property by the Cornell Secondary Plan. Therefore Official Plan and Secondary Plan amendments are required to allow the proposed use. The proposed designation is Community Amenity Area – Financial Institution.

**Applicable Zoning By-law does not permit the use**

The site is currently zoned Urban Residential Two [R2\*190(H)] under By-law 177-96, as amended, which permits a single detached residential building. The Hold provision, appended to the residential zoning of the property, was intended to be lifted upon site plan approval. The applicant proposes to re-zone the lands from Urban Residential Two [R2\*190(H)] under By-law 177-96 as amended, to Community Amenity One (CA1) with site specific exceptions under By-law 177-96 as amended, to permit only a stand alone financial institution and associated drive-through service facility.

The proposed By-law amendment will, if approved, change the zone designation from residential to commercial, and also modify zoning standards to permit the proposed development. Site specific provisions requested include:

- Permission to include the financial institution as a free-standing use;
- A site specific permission for a financial institution with a drive-through facility;
- Capping the height provision at 10 metres; and,
- Deletion of the requirement for a loading space.

**Public information meeting on August 30, 2007**

The original applicants (Forecast Inc.) held a public information meeting on August 30, 2007, for local residents. They stated that approximately 10 individuals attended and that these residents were interested in the proposed urban design and site plan matters, specifically related to the interface between the proposed use and the surrounding residential neighbourhood.

At the time of the posting of the Notice of Complete Application in July 2008, letters were received by staff from the residents adjacent to the subject lands, objecting to the proposed

use. Residents understood that when they purchased their homes that the subject lands would be developed as residential. The concerns expressed by residents include potential impact on property values, safety issues and additional traffic and noise generated by the development.

**Community Meeting held on February 10, 2011**

On February 10, 2011, Councillor Colin Campbell held a Community Meeting regarding the re-activated applications by 2218942 Ontario Limited for the proposed financial institution. The meeting was attended by approximately 10 residents from the immediate neighbourhood as well as the applicant and their consultants. Town Planning staff are advised that during the review of the proposal, the resident's main concern related to the presence of a proposed walkway and treatment of the landscape strip between the proposed use and the surrounding residential homes. The applicant agreed to remove the proposed walkway and include a 6 foot fence and 10 foot cedar trees within the landscape strip surrounding the property. These improvements to the site plan, as well as the proposal as a whole, were generally supported by those in attendance.

**Statutory public meeting held on June 21, 2011**

On June 21, 2011, a statutory public Meeting was held to consider the proposed Official Plan, Secondary Plan and Zoning By-law Amendments. A number of concerns were raised by residents with respect to:

- the interface and impact of the proposed financial institution with the adjoining residential dwellings
- idling for the drive through service facility (noise and pollution)
- lighting
- traffic
- impact on land values
- safety (crime) issues

These matters, along with others, are discussed further in this report

**OPTIONS/ DISCUSSION:****The proposal is not provided for in the Cornell vision**

The proposed concept plan is a stand alone, single-use building with vehicular access to 9<sup>th</sup> Line. Stand alone commercial uses are generally not permitted within Cornell. Commercial uses are to be integrated within the neighbourhood as mixed use developments, as demonstrated along Bur Oak Avenue and the Cornell Mews. The Petro Canada gas station is the only free standing use within the Cornell Community. That site was designated as an automobile service station location in the original 1994 Cornell Secondary Plan (OPA 20) and a Petro Canada gas station was given site plan approval in 2004.

During the site plan review of the gas station, it was indicated that the subject property would be used for a single detached home and at that time, the gas station lands and the subject property were under a single ownership. To ensure compatible residential development occurred, in the event a single detached home was not built, staff ensured the subject land

parcel was sufficient in size to accommodate a pattern of residential development similar to the lands to the south, with vehicle access from a possible extension of Winklers Lane. However, the applicant has indicated that there has been no interest to construct residential dwellings adjoining an automobile service station.

**Transition from the automobile service station**

Although a stand alone financial institution is not provided for in the Cornell vision, the bank will provide a transition from the automobile service station to the north to the residential development to the south. Also, the financial institution's proposed drive through will be located along the north property line which will abut the queuing for the service stations car wash. Consequently, the queuing lane is not expected to significantly impact residential properties in the area.

In addition, the proposed By-law amendment will restrict the height of the bank to 10 metres and specify a minimum landscape strip of 3 metres. This will provide a buffer to the residential dwellings to the south and east and by restricting the height, provide a better interface to the adjoining residential lands.

**Official Plan and Secondary Plan amendments required to redesignate the lands**

The subject lands consisting of the proposed financial institution with an associated drive-through are proposed to be re-designated from 'Urban Residential' to 'Commercial' in the parent Official Plan (Revised 1987) and from 'Residential Neighbourhood' to 'Community Amenity Area – Financial Institution' in the Cornell Secondary Plan. The policies in Section 3.4 (Commercial) of the Official Plan provide for banks and financial institutions.

**Staff reviewed the proposal relative to Town's Design Guidelines for Drive Through Facilities**

In June, 2010, Council endorsed Design Guidelines for Drive-through Facilities in the Town. The guidelines provide direction to properly assess and achieve appropriate built forms for drive-through development. Staff have reviewed the proposal and has determined that it meets the intent of the guidelines with respect to vehicle stacking, location of the drive-through service facility and setbacks from adjoining uses.

The By-law Enforcement Department is responsible for enforcing the Town's Anti-idling By-law which aims to reduce unnecessary vehicle emissions, air pollution and smog by limiting vehicle idling to a maximum of three minutes. Should a vehicle idle longer than three minutes, an Enforcement Officer may issue a ticket. Drive through facilities related to financial institutions are not expected to generate large volumes of traffic or significant queuing leading to long periods of idling.

**Secondary Plan amendment will include site specific provisions for the proposed development**

To implement the applicant's proposal, the proposed Secondary Plan amendment will include site specific provisions pertaining to permitted uses including a drive-through service facility and the permission for a one-storey, free standing building.

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**Traffic study reviewed**

The traffic study submitted with the applications will be reviewed by the Region of York and Town Staff, in conjunction with the site plan application that has been recently submitted to the Town. Preliminary comments include:

1. Access to the site is proposed on Ninth Line which is under the jurisdiction of York Region and therefore the Traffic Operations and Access Assessment will be reviewed and approved by York Region
2. York Region Staff have noted that the site access onto Ninth Line must be limited to right-in / right-out only, once the Rapid Transit Corridor has been implemented on Ninth Line in this area.
3. The Site Plan must include bike racks to promote alternative modes of transportation.
4. The proposed parking supply significantly exceeds the required parking as identified on the Site Plan. Opportunities to reduce the parking supply should be considered.

**Site plan layout**

Town staff have been working with the applicant who has made some revisions that will improve the relationship of the proposed development with adjoining residential uses and with the Golden Jubilee Greenway along Ninth Line, as well as enhancing the functionality of the site itself. The revisions include:

- increasing the landscape strip along the east and south property lines to a minimum of 3.0 metres, allowing opportunities for successful plantings that will both help buffer the adjacent homes from the proposed development and soften the visual appearance; and, provide an attractive perimeter treatment when viewed from within the site itself and when looking east from Ninth Line;
- removal of parking spaces, which were provided over and above the Town's standard requirements, along the east property line to facilitate a wider landscape strip, as mentioned above;
- deletion of the first two parking spaces on either side of the entrance driveway and thereby allow for additional landscaping abutting the Golden Jubilee Greenway to screen the parking lot area and eliminate vehicular movement conflicts in proximity to the driveway entrance;
- shifting the footprint of the building slightly north to provide a minimum 2.0 metre wide sidewalk area leading from 9<sup>th</sup> Line to the main building entrance to improve accessibility.

Further detailed refinements to the site plan will be reviewed at the site plan approval application stage together with a full review of the building elevations; however, for the purpose of the zoning by-law amendment application, staff are satisfied that the current site plan concept will result in an acceptable layout that would not result in any adverse impacts on adjacent land uses or on the Ninth Line streetscape.

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**The applicant is proposing to incorporate various sustainable design elements**

The applicant has advised that the site plan application for this TD Canada Trust bank branch proposal will include the following sustainable design elements:

- White roof construction;
- Reduced light pollution – LED lighting for fascia signs, reduced parking lot lighting levels;
- Use of drought tolerant landscaping;
- Low consumption lighting;
- Low VOC carpet, paint, adhesives and sealants; and
- Thermal comfort monitoring.

Staff will work with the applicant to incorporate additional sustainable design elements at the site plan application stage

**Bird friendly guidelines**

The Fatal Light Awareness Program (FLAP) strives to reduce migratory bird collisions with buildings brightly lit at night and their reflective windows by day. A criterion of FLAP is the promotion of 'dark skies'. The Owner has advised that all lighting will be directional in nature and fully shielded, thereby reducing any potential negative effects that the illumination of the site may cause.

The applicant indicates that their client is committed to constructing a building that considers the impacts on migratory birds (and others). The building construction is predominately masonry with minimal glazing. The spandrel has a non-reflective film to help avoid bird strikes and the treatment of the glazing, i.e. glass is separated by glazing bars/mullions, break up the extent of the reflective surface. Staff will work with the applicant with respect to bird friendly guidelines at the site plan stage.

**CONCLUSION****Proposed Official Plan, Secondary Plan and Zoning Amendments recommended for approval**

Staff are of the opinion that the potential impacts of the proposed development on adjacent residential properties and the community can be mitigated to an acceptable level with the site design, landscape and zoning provisions proposed. In addition, the proposed financial institution provides a transition from the automobile service station located directly north of the subject property and will be a more compatible use to the residential uses than the automobile service station. On this basis, staff recommend that the proposed Official Plan, Secondary Plan and Zoning By-law Amendments be brought forward to Council for adoption (drafts attached Appendix 1 and 2).

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

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**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Environment:

The proposal is consistent with policies incorporating a number of sustainable and bird friendly measures.

Growth Management:

The proposed applications will align with the Town's strategic priorities of Growth Management by providing a new service for the growing community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This application has been circulated to Town departments and public agencies, including the Region of York, for comment. Comments have been discussed and addressed in this recommendation report.

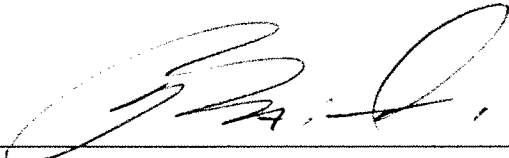
**RECOMMENDED BY:**



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Rino Mostacci

Director Planning and Urban Design, M.C.I.P., R.P.P.



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James Baird, Commissioner of Development Services  
M.C.I.P., R.P.P.

**ATTACHMENTS:**

Figure 1: Property Location

Figure 2: Air Photo

Figure 3: Area Context/Zoning

Figure 4: Site Plan

Figures 5: Conceptual Elevations

Appendix A – Draft Official Plan and Secondary Plan Amendment

Appendix B – Draft Zoning By-law Amendment

**AGENT:**

Sherman Brown Dryer Karol

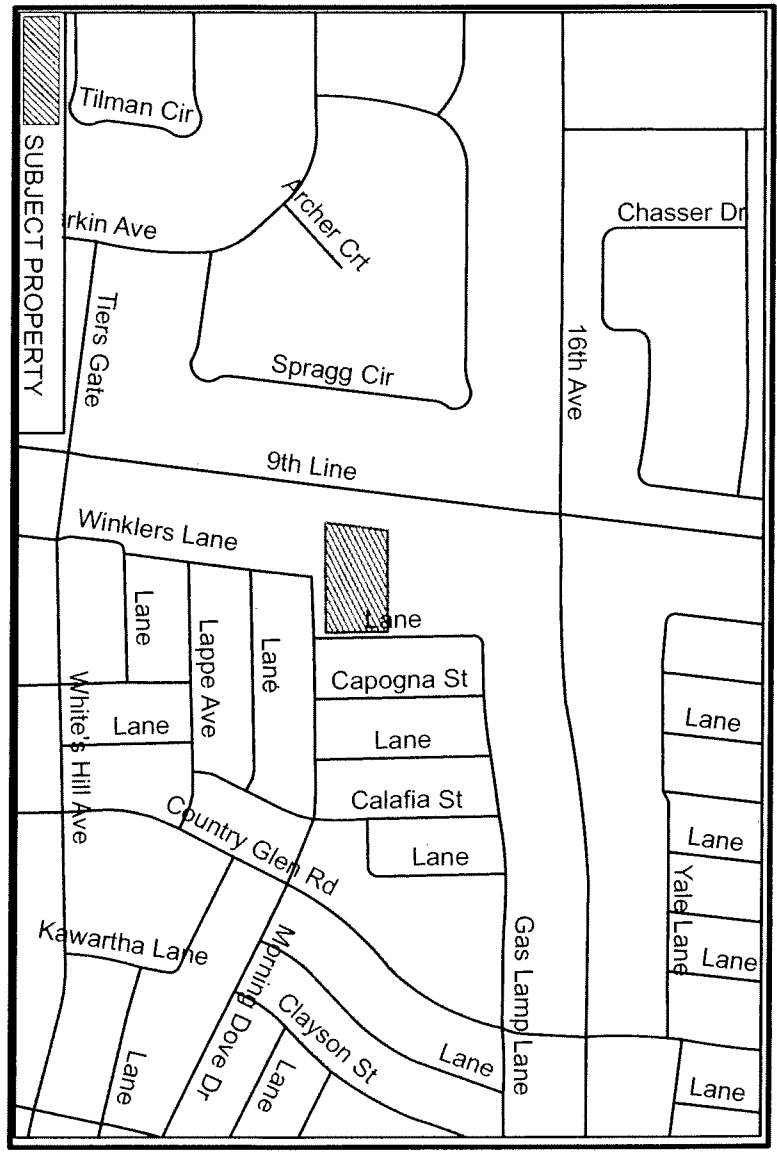
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## AREA CONTEXT / ZONING

APPLICANT: 2218942 ONTARIO LTD.

9225 9TH LINE

FILE No. ZA. 08116256 & OP. 08116248 (SK)

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DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SK

DATE: 09/03/11

**FIGURE No. 2**




 SUBJECT PROPERTY

## AIR PHOTO MAP (2009)

APPLICANT: 2218942 ONTARIO LTD.

9225 9TH LINE

FILE No. ZA. 08116256 & OP. 08116248 (SK)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

DATE: 09/03/11

FIGURE No. 3

Drawn By: CPW

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# SITE PLAN

APPLICANT: 2218942 ONTARIO LTD.  
9225 9TH LINE

FILE No. ZA. 08116256 & OP. 08116248 (SK)

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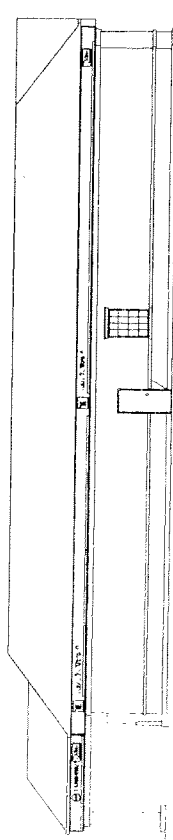
DEVELOPMENT SERVICES COMMISSION

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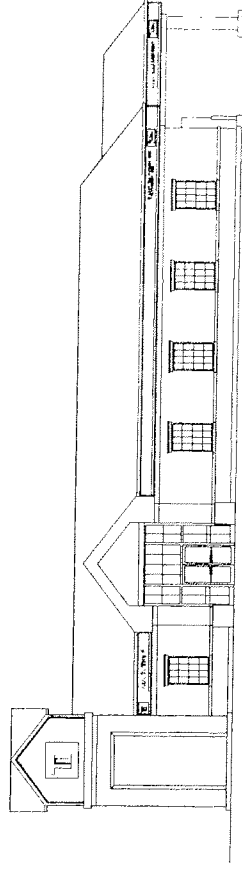
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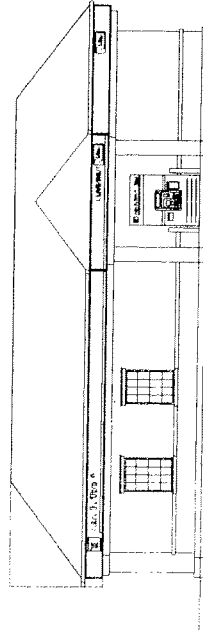
FIGURE No. 4



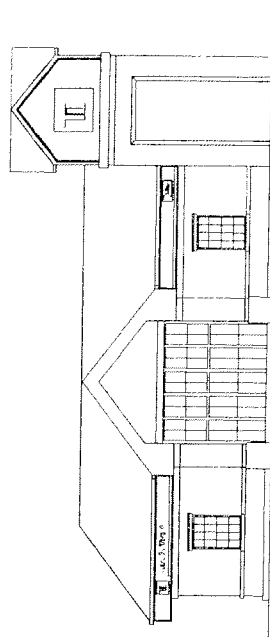
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

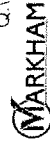
# ELEVATIONS

APPLICANT: 2218942 ONTARIO LTD.

9225 9TH LINE

FILE No. ZA. 08116256 & OP. 08116248 (SK)

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FIGURE No. 5