



TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design

PREPARED BY: Nilesh Surti, Planner
East District Team

DATE: June 12, 2007

Re: Terra Nero Investments, Applications for Zoning By-law Amendment and Site Plan Approval to permit a coin car wash and quick lube facility at 77 Anderson Avenue
Northeast corner of Bur Oak Avenue and Anderson Avenue

On September 19, 2006, Development Services Committee approved a Zoning By-law Amendment and an accompanying site plan application to permit the construction of a coin car wash and quick lube facility, which includes a take-out restaurant (coffee shop), having a total gross floor area of 1,083.6 m² (11,664 ft²).

As a condition of site plan approval, Committee members requested that the owner commit to incorporating additional environmental initiatives (See attached resolution). The applicant is prepared to undertake a number of positive measures including the installation of solar panels on the roof of the coin car wash building to heat the car wash water, recycle some of the car wash water, and also construct an infiltration trench on the east side of the car wash building. This infiltration trench will capture some of the rainwater from the roof of the coin car wash building. In consultation with Toronto Region and Conservation staff and Urban Design staff, the applicant is also proposing organic plant materials (native and non evasive plant species) within the buffer area along the Mount Joy Creek. .

Staff are satisfied with the site plan and building elevations, and the environmental initiatives proposed to be undertaken in light of the applicant's commitment to Committee. Staff recommends that the attached Zoning By-law Amendment to permit the proposed coin car wash, and quick lube facilitate and take-out restaurant (coffee shop) be approved and enacted by Council.



EXTRACT CONTAINING ITEM #0019 OF THE DEVELOPMENT SERVICES COMMITTEE OF MEETING NO. 15 (Sep 19, 2006)

19. TERRA NERO INVESTMENTS, 77 ANDERSON AVENUE ZONING BY-LAW AMENDMENT AND SITE PLAN APPROVAL TO PERMIT A COIN CAR WASH AND QUICK LUBE FACILITY (ZA 06 106227, SC 06 106240) (10.5, 10.6)

Report Attachments

Maria Gatzios of Blousfields Inc., representing the applicant, Terra Nero Investments, displayed area context plans, site plans and elevations, and requested that the Committee reconsider the staff recommendation to deny the application. Ms. Gatzios presented 82 form letters of support from residents.

Staff responded to comments by the applicant, advising that the proposal does not comply with the current Zoning and that opposition had been received at the Public Meeting.

Committee noted that many of the support letters are not from residents in the immediate area of the proposal, and discussed appropriate uses for the property. Three items were identified to be addressed as conditions of approval: that the south-facing structure use solar power; that rainwater be captured and run-off be recycled and energy captured; and, that due to the large amount of landscaping in close proximity to creek, that organic landscapers be used. Ms. Gatzios confirmed the owners' agreement to commit to the three requests.

Committee considered approval, with no further notice requirement for the coffee shop use, subject to site plan approval and the three issues identified.

Moved by: Councillor J. Virgilio

Seconded by: Regional Councillor B. O'Donnell

That the deputation by Maria Gatzios of Blousfields Inc., representing the applicant, Terra Nero Investments, be received;

And that the 82 form letters in support of the car wash and coffee shop, be received;

And that the Development Services Commission Report entitled "Terra Nero Investments, Applications for Zoning By-law Amendment (ZA 06 106227) and Site Plan Approval (SC 06 106240) to permit a coin car wash and quick lube facility at 77 Anderson Avenue, Northeast corner of Bur Oak Avenue and Anderson Avenue," be received;

And whereas Council resolves, pursuant to s. 34 (17) of the Planning Act, that the addition of the proposed take-out restaurant (coffee shop) as a permitted use in the Zoning By-law Amendment does not require a further public meeting;

Now therefore be it resolved that the Zoning By-law Amendment application (ZA 06 106227) submitted by Terra Nero Investments to permit a coin car wash and quick lube facility and a take-out restaurant (coffee shop) at 77 Anderson Avenue, Northeast corner of Bur Oak Avenue and Anderson Avenue, be approved;

And be it further resolved that the site plan application (SC 06 106240) submitted by Terra Nero Investments to permit a coin car wash and quick lube facility and a take-out restaurant (coffee shop) at 77 Anderson Avenue, Northeast corner of Bur Oak Avenue and Anderson Avenue, be approved, subject to standard conditions and the following:

- 1. That the Owner shall work with staff to finalize site plan details to the satisfaction of the Director of Planning and Urban Design; and**
- 2. That the Owner shall commit to:**
 - a. Use of solar power through installation of panel(s) on the building's roof;**
 - b. Capturing rainwater and recycling used water for business operations; and**
 - c. Retaining an Organic Landscapers to utilize organic landscaping methods for the site.**

CARRIED

EXPLANATORY NOTE

BY-LAW NO. 2007 – XXX

A By-law to amend By-law 88-76, as amended.
Terra Nero Investments
77 Anderson Avenue

LANDS AFFECTED

This By-law applies to the 0.46 ha (1.14 ac) site located at the northeast corner of Bur Oak Avenue and Anderson Avenue, municipally known as 77 Anderson Avenue.

EXISTING ZONING

The lands are presently zoned Select Industrial with Limited Commercial (M.IC) in By-law 88-76, as amended.

PURPOSE AND EFFECT

The purpose of this By-law amendment is to expand the list of permitted uses on the westerly portion of the lands zoned Select Industrial with Limited Commercial (M.IC) to include an automobile washing establishment, automobile service centre and a restaurant, as well as to rezone the easterly portion of the subject lands from Select Industrial with Limited Commercial (M.IC) to Open Space One (OS1).

The effect of this By-law Amendment is to permit the construction of a self-serve coin car wash and quick lube facility with an associated coffee shop. By-law also establishes a number of site specific development standards.



BY-LAW 2007 -

A By-law to amend By-law 88-76, as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 88-76, as amended, is hereby further amended, as follows:

1.1 By adding the following new zone category to Subsection 3.1

<u>ZONE</u>	<u>SYMBOL</u>
"OPEN SPACE ONE	OS1"

1.2 By adding a new Section following SECTION 9, and renumbering all other Sections accordingly, as follows:

"SECTION 9 – OPEN SPACE ONE (OS1) ZONE

No person shall hereafter use any BUILDING, STRUCTURE or land and no person shall hereafter ERECT, extend or alter any BUILDING or STRUCTURE in any "Open Space One (OS1) ZONE" except in accordance with the following provisions:

9.1 USES PERMITTED

- (a) golf courses
- (b) PUBLIC or PRIVATE PARKS
- (c) athletic fields
- (d) public conservation projects

9.2 PROHIBITION OF BUILDING CONSTRUCTION

In an Open Space One (OS1) ZONE, no person shall hereafter ERECT any BUILDING or STRUCTURE, except for BUILDINGS and STRUCTURES which may be constructed by the Conservation Authority and relating to a Conservation Project.

9.3 OS1 ZONE BOUNDARIES

Open Space One (OS1) ZONE boundaries shall be deemed to follow the top of banks of river valley systems under the jurisdiction of the Conservation Authority."

1.3 By rezoning the easterly portion of the lands shown on Schedule 'A', attached hereto, from SELECT INDUSTRIAL WITH LIMITED COMMERCIAL (M.IC) to OPEN SPACE ONE (OS1) ZONE.

1.4 Notwithstanding any other provisions in By-law 88-76, as amended, the provisions in this section shall apply to the westerly portion of the lands, municipally known as 77 Anderson Avenue,

zoned Select Industrial with Limited Commercial (M.I.C), as shown on Schedule 'A' attached hereto:

1.4.1 Additional Permitted Uses

The following additional uses are permitted:

- a) AUTOMOBILE WASHING ESTABLISHMENT
- b) AUTOMOBILE SERVICE CENTRE
- c) RESTAURANT

1.4.2 Zone Standards

- a) The following specific ZONE standards apply within 40 metres of Anderson Avenue and within 30 metres of Bur Oak Avenue:

- i. minimum FRONT YARD 6.5 metres
- ii. minimum easterly SIDE YARD 60.0 metres
- iii. minimum southerly SIDE YARD 1.4 metres
- iv. minimum REAR YARD 21.0 metres
- v. minimum HEIGHT 8.0 metres
- vi. maximum HEIGHT 10.5 metres
- vii. minimum width of LANDSCAPING adjacent to:
 - a. Bur Oak Avenue STREET LINE 1.4 metres
 - b. Anderson Avenue STREET LINE 1.2 metres

- b) The following specific ZONE standards apply to lands more than 40 metres from Anderson Avenue and 30 metres from Bur Oak Avenue:

- i. minimum FRONT YARD 17.0 metres
- ii. minimum easterly SIDE YARD 22.0 metres
- iii. minimum southerly SIDE YARD 32.0 metres
- iv. minimum REAR YARD 1.2 metres
- v. minimum HEIGHT 9.0 metres
- vi. maximum HEIGHT 11.5 metres
- vii. minimum width of LANDSCAPING adjacent to:
 - a. Bur Oak Avenue STREET LINE 1.4 metres
 - b. Anderson Avenue STREET LINE 1.2 metres

1.4.3 Special Parking Provisions

The following additional parking provisions apply:

- a) Stacking lanes and vacuum bays shall be included in the required parking.
- b) BASEMENT NET FLOOR AREA shall be exempted from any parking requirements.

1.4.4 Special Site Provisions

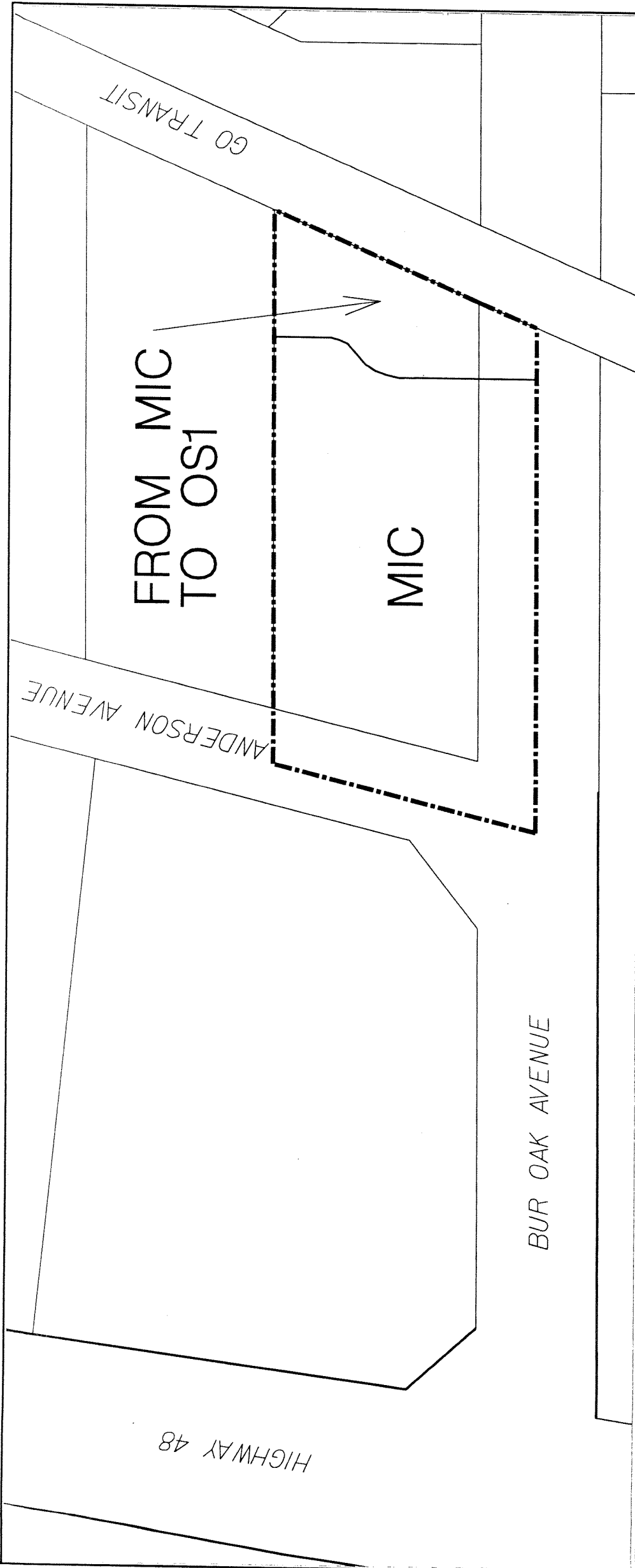
The following additional provisions shall apply:

- a) Portions of three (3) required PARKING SPACES are permitted to encroach into the required LANDSCAPING adjacent to Anderson Avenue.
 - b) Maximum number of RESTAURANTS – one (1).
 - c) The maximum RESTAURANT GROSS FLOOR AREA is 150 sq. metres.
 - d) RESTAURANT may offer consumption of food inside and outside the premises.
 - e) Drive-through service facilities are not permitted.
 - f) The following provisions shall not apply:
 - a. MAXIMUM FLOOR AREA RATIO
 - b. MINIMUM GROSS FLOOR AREA PER BUILDING
 - c. MINIMUM DISTANCE BETWEEN ANY TWO BUILDINGS ON A LOT
 - d. OFF-STREET LOADING SPACE REQUIREMENTS.
2. All other provisions of By-law 88-76, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF _____, 2007.

SHEILA BIRRELL, TOWN CLERK

FRANK SCARPITTE, MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 88-76

THIS IS SCHEDULE 'A' TO BY-LAW
 PASSED THIS DAY

.....MAYOR
CLERK

- BOUNDARY OF AREA COVERED BY THIS BY-LAW
- ZONE BOUNDARY
- SELECT INDUSTRIAL WITH LIMITED COMMERCIAL
- OPEN SPACE ONE

NOTE: 1) DIMENSIONS ARE IN METRES
 2) REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK

SCALE 1: 1000