

## Committee of the Whole (1) Report

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**DATE:** Tuesday, September 14, 2021

**WARD:** 4

**TITLE: LIMESTONE GALLERY INVESTMENTS INC.  
SITE DEVELOPMENT FILE DA.21.013  
3255 RUTHERFORD ROAD, BUILDING 'D'  
VICINITY OF RUTHERFORD ROAD AND HIGHWAY 400**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Site Development File DA.21.013 for the subject lands shown on Attachment 2. The Owner proposes to demolish the existing building which contains a Montana's BBQ & Bar and construct a new 491 m<sup>2</sup> one-storey eating establishment with an accessory double stack drive-through lanes as shown on Attachments 3 to 6.

**Report Highlights**

- The Owner proposes to demolish the existing building operated by Montana's BBQ & Bar and construct a new 491 m<sup>2</sup> one-storey restaurant/eating establishment with an accessory double stack drive-through lane
- The Development Planning Department supports the approval of the Application as it consistent with the Provincial Policy Statement 2020 and conforms to the Growth Plan 2020, the York Region Official Plan 2010, Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area
- The Owner must obtain approval from the Committee of Adjustment for the necessary exceptions to Zoning By-law 1-88 identified in Table 1 of this report

## **Recommendation**

1. THAT Site Development File DA.21.013 (Limestone Gallery Investment Inc.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS of Site Plan Approval included in Attachment 1, to the satisfaction of the Development Planning Department, to demolish an existing building operated by Montana's BBQ & Bar and construct a new one-storey restaurant/eating establishment and accessory double stack drive-through lanes as shown on Attachments 3 to 6.

## **Background**

The subject lands (the 'Subject Lands') shown on Attachment 2, are municipally known as 3255 Rutherford Road and are located on the south side of Rutherford Road, east of Highway 400. The Subject Lands are currently developed with twelve (12) separate one-storey commercial buildings. A portion of the Subject Lands known as (the 'Area of Development') is what is subject to this Site Development Application and will involve the redevelopment of 'Building D'.

***A Site Development Application has been submitted to permit the Development*** Limestone Gallery Investment Inc. (the 'Owner') has submitted Site Development File DA.21.013 (the 'Application') for the Subject Lands shown Attachment 2 to demolish an existing building operated by Montana's BBQ & Bar and construct a new one-storey, 491m<sup>2</sup> restaurant/eating establishment and an accessory double stack drive-through lanes with capacity for 28 vehicles (the 'Development') as shown on Attachments 3 to 6.

## **Previous Reports/Authority**

Not applicable.

## **Analysis and Options**

### ***The Development is consistent with the Provincial Policy Statement, 2020***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement 2020 ('PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include building strong, healthy communities, the wise use and management of resources; and protecting public health and safety.

The Development is consistent with PPS policies, specifically, Section 1.1.3.1 under Part V – "Policies" regarding cost-effective development patterns and standards to minimize land consumption and servicing costs and focusing growth and development within a Settlement Area. Section 1.1.3.2 – directs that Settlement Areas shall encourage land use patterns that efficiently use infrastructure, public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency.

Section 1.7.1 state that the long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness. The Development will encourage economic development as it reinvests in an established commercial plaza by constructing a new eating establishment that will generate employment opportunities and provide additional amenities to the area.

The Subject Lands are located within a defined Settlement Area identified by the PPS. The Development achieves the intent of the PPS as it would contribute to the economic development of the community in manner that would minimize land consumption and utilize existing municipal services (water and sanitary services). Concurrently the Development will generate employment opportunities and offer amenities to the community. Accordingly, the Development is consistent with the PPS.

***The Development conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020, as amended***

The Provincial Growth Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 ('Growth Plan'), as amended, is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, including directions for where and how to grow and the provision of infrastructure to support growth. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

Section 2.2.1.2.a) of the Growth Plan states the following:

- "a) the vast majority of growth will be directed to settlement areas that:*
- i. have a delineated built boundary;*
  - ii. have existing or planned municipal water and wastewater systems; and*
  - iii. can support the achievement of complete communities;"*

The Subject Lands are within a delineated built-up area where redevelopment is encouraged. The Development is consistent with the policy framework of the Growth Plan as it will redevelop a portion of the Subject Lands by utilizing serviced land intended for commercial use and maintains an appropriate interface for land use compatibility with the surrounding commercial area. The Development is supportive of the Growth Plan objectives. Accordingly, the Development conforms with the Growth Plan.

***The Development conforms to the York Region Official Plan, 2010***

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 - Regional Structure of the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial, and institutional uses, subject to additional policy criteria of YROP.

Policy 4.4.7 of YROP states that 'major retail sites should be designed to support redevelopment or retrofiting.' The Development is in proximity to the Vaughan Mills Shopping Centre and is a part of the Vaughan Mills Centre Secondary Plan (VMCSP) where redevelopment is encouraged. The Owner proposes to demolish the existing 'Building D' (operated by Montana's BBQ and Bar) within a commercial block and replace it with an eating establishment that will offer similar services for the community. On this basis, the Development conforms to the YROP.

***The Development conforms to the Vaughan Official Plan 2010***

The Subject Lands are located within a "Primary Centre" on Schedule 1 – Urban Structure of Vaughan Official Plan 2010 (VOP 2010). Schedule 13 - "Land Use" identifies the Subject Lands as being located within an area identified as "Lands Subject to Secondary Plans" of Volume 1, VOP 2010.

Policies 5.2.3.10 b) and c) of VOP 2010 provide the policy framework and criteria for drive-through facilities in Primary Centers. These provisions include the need for a site-specific zoning by-law to permit the use. The Subject Lands are zoned "C1 Restricted Commercial Zone" by Zoning By-law 1-88, subject to site-specific Exception 9(1030). The site-specific Exception permits drive-through facilities. Drive-through facilities in Primary Centres must also adhere to the City-Wide Urban Design Guidelines and is further discussed within the Urban Design section of this Report.

Vaughan Mills Centre Secondary Plan (the 'VMCSP')

The Subject Lands are designated "High-Rise Mixed-Use" by VOP 2010, Volume 2, Section 11.7 – Vaughan Mills Centre Secondary. The "High-Rise Mixed-Use" designation permits residential uses with a range of building forms, including buildings up to a maximum of sixteen (16) storeys in height and a Floor Space Index ('FSI') of 2 times the area of the lot. This is intended to encourage modest intensification having a mix of uses within the Secondary Plan.

Among the uses identified in Volume 1, Section 9.2.2.6 of VOP 2010, the in-effect VMCSP also permits the following:

- Conference facilities
- Private education facility
- Place of entertainment
- Restaurants
- Financial institutions
- Art studios
- Public parking

The Development is permitted by VOP 2010. Further, the Development does not preclude future intensification and mixed-use development envisioned for the VMCSP as the Development is within a portion of the Subject Lands and overall Secondary Plan area. The Development also maintains the existing use and building typology on the Subject Lands by replacing the existing 'Building D' with a new eating establishment

and drive-through facility, as shown in Attachments 3 to 6. Accordingly, the Development is compatible with the surrounding urban environment and built form and conforms to VOP 2010.

**Amendments to Zoning By-law 1-88 are required to permit the Development**

The Subject Lands are zoned “C1 Restricted Commercial Zone” by Zoning By-law 1-88, as shown on Attachment 2, subject to site-specific Exception 9(1030) which permits:

- Eating Establishment, Convenience with or without Outdoor Patio
- Eating Establishment, Convenience with Drive-Through
- Eating Establishment with or without Outdoor Patio

The Owner, however, is seeking additional site-specific zoning exceptions to permit the Development, as follows:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>“C1 Restricted Commercial Zone” subject to Site-Specific Exception 9(1030)</b>	<b>Proposed Exceptions to the “C1 Restricted Commercial Zone”, Subject to Site-Specific Exception 9(1030)</b>
a.	Minimum Required Parking	643 parking spaces	598 parking spaces (Subject Lands Overall Site Plan)
b.	Outdoor Patio Requirement	Access to the patio shall only be from the interior of the eating establishment	Access to the patio is from the exterior of the eating establishment only
c.	Minimum Stacking Lane Width of Drive-Through Facility	3.5 m	3 m

The “C1 Restricted Commercial Zone” permits the eating establishment and accessory double stack drive-through lanes on the Subject Lands. The Development Planning Department can support the proposed zoning exceptions as they are considered appropriate in the context of the Subject Lands and minor in nature.

The Owner is required to successfully obtain approval of a Minor Variance Application for the required site-specific exceptions identified in Table 1 from the Committee of Adjustment (the ‘Committee’). The Committee’s decision regarding the Minor Variance shall be final and binding. Should the Application be approved, the Owner shall satisfy any conditions of approval imposed by the Committee prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1 of this report.

## ***The Development Planning Department supports the Development***

### Site Plan

The Development forms part of the larger Subject Lands Overall Site Plan area that contains 12 existing commercial buildings as shown in Attachment 3. The Development facilitates the redevelopment of 'Building D' for a 'Chick-fil-A' eating establishment. The 491m<sup>2</sup> building will have frontage on Rutherford Road, with vehicular and pedestrian access oriented toward the south face of the proposed building where the existing parking lot area is located. The Development includes double stacked drive-through lanes with weather protected and climate-controlled canopies wrapping around the east and west facades of the building as shown in Attachments 3 to 6.

Weather protected measures are required to facilitate face-to-face interaction year-round between guests and employees. The drive-through is designed to allow employees to directly take orders from vehicles within the stacking lanes via handheld electronic devices or via the traditional stationary intercom system. The second canopy along the west face of the building will allow for direct meal delivery to individual vehicles within the stacking lanes. A 62.15 m<sup>2</sup> outdoor patio is proposed along the south face of the building with access provided external from the main entrance.

### Urban Design and Landscape Plan

The Development contemplates double stacking drive-through lanes between Rutherford Road and the proposed building as shown in Attachments 3 and 3a.

The drive-through layout contemplated with the Development is unique to the style of operation associated with the eating establishment (Chick-fil-A) as previously discussed. Adequate landscape screening along the north face of the Development is contemplated with a 4.4 m landscape strip and added planting abutting the public street-right-of-way. The drive-through lanes abutting the public right-of-way will also be lower in elevation therefore screening the drive-through from the public realm.

The Landscape Plan, shown on Attachment 4 (Area of Development Landscape Plan), includes a variety of deciduous trees, shrubs, and perennials to frame the site. Solider unit pavers, riverstone bed details and metal screening will be incorporated throughout the Development and contribute to the landscape plan for the Area of Development.

### Building Elevations

The façade of the Development has been designed to complement the existing urban built form within the commercial area. Light and dark brown brick veneer forms the exterior façade with illuminate signs to highlight the logo of the eating establishment as shown in Attachments 5 to 6. The parapets of the building façade facing the public street has been elevated to create a more defined presence from the public realm and showcase the 'Chick-fil-A' branding from Rutherford Road.

### Sustainability Performance Metrics

The Development achieves an overall Sustainability Performance Metrics application score of 59 points (silver level), exceeding the City's minimum Bronze threshold requirement.

Development Planning supports the Development. Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations, landscape plan and landscape cost estimate must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1 of this report.

### ***There are no Cultural Heritage concerns for this Development***

There are no archaeological concerns with the Development however standard archaeological clauses will be included within the Site Plan Letter of Undertaking. A condition to this effect is included in Attachment 1 Conditions of Site Plan Approval.

### ***The Development Engineering Department has no objection to the Development, subject to Conditions of Approval***

#### Water Supply

The Development will connect to an existing service connection within the Subject Lands. The configuration of the proposed water service connection complies with the City Standards and the Development Engineering Department (the 'DE Department') is satisfied that the Development can be adequately supplied with the water service connection.

#### Sanitary Servicing

The Development will include new sanitary sewer connections to existing sewer infrastructure within the Subject Lands. Sewer collection for the entire Subject Lands are eventually discharged to existing municipal sanitary sewer located south of the Subject Lands. The DE Department is satisfied that the Development can be adequately accommodated with the sanitary service.

#### Stormwater Management

The Development will drain to a series of catch-basins and area drains surrounding the new 'Building D'. The storm flow will be conveyed via the existing on-site storm sewer system where they are eventually discharged out to the municipal storm sewer system along Vaughan Mills Circle. According to the Stormwater Management Memo prepared by EXP Services Inc. dated February 26, 2021, there will be no net increase in the amount of storm runoff generated by the Development as the site will be more impervious with the added landscape proposed.

#### Noise/Vibration

The Noise and Vibration Justification Letter prepared by EXP Services Inc. and dated February 24, 2021, confirms that traffic generated by the Development will not affect existing noise levels within the predominately commercial area. The proposed HVAC

systems will also be similar to the previous 'Building D' operation and foresee no additional increase in noise levels in the area.

The DE Department has no objection to the Development subject to the Owner paying all applicable review fees and satisfying the DE Department comments regarding final approval of the site grading, servicing and erosion and sediment control plans and stormwater management reports. A condition to this effect is included in Attachment 1 of this report.

#### Transportation Engineering

Transportation Engineering supports the proposed Development. The Development includes double stack drive-through lanes and Molok bins for waste management purposes. Numerous traffic control measures have been added to the proposal including pavement markings and signage to enhance safety measures at pedestrian crossings within and nearby the drive-through stacking lanes. Six (6) short-term bike racks are included as part of the Development at the southeast corner of the site to encourage active transportation. Two designated carpool parking spaces are also contemplated as part of the Development.

The Traffic Justification Letter and Transportation Demand Management Plan Update prepared by LEA Consulting Ltd. and dated June 16, 2021, confirms that the increase in traffic generated by the Development would be marginal and is therefore acceptable. The final drawings and plans for the Development are to be to the satisfaction of Transportation Engineering. A condition to this effect is included in Attachment 1 of this report.

#### ***Infrastructure Planning and Corporate Asset Management Department has no objection to the Development***

The Infrastructure Planning and Corporate Asset Management Department has no objection to the Development.

#### ***Transportation Services, Parks and Forestry Operations Department***

32 trees have been inventoried on and within 6 meters of the redevelopment site. 17 trees will be removed of which 2 trees (Tree # 345 and 355 as identified in the Arborist prepared by Kuntz Forestry Consulting Inc date February 10<sup>th</sup>, 2021) as per By-law 052-2018 will require compensation and a tree removal permit. Compensation in the form of, 5 replacement trees are required. The tree removal permit will be issued after successfully installing to the City's satisfaction the tree protection measures identified in the Arborist Report. A condition to this affect is included in Attachment 1.

#### ***Financial Planning and Development Finance Department supports the Development***

The Owner will be required to pay any applicable Development Charges in accordance with the Development Charges By-law of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Boards. A condition



requiring the payment of Development Charges is included as a standard condition in the Site Plan Letter of Undertaking.

***The requirement for Cash-in-lieu of the dedication of parkland has been satisfied***

The Infrastructure Development Real Estate Department has advised that no cash-in-lieu of the dedication of parkland is required as it was previously fulfilled through the approval of Site Development File DA.04.034.

***Vaughan Fire & Rescue Service supports the Development***

Vaughan Fire and Rescue Service supports the Development subject to the Owner satisfying all Building Code requirements and providing a minimum level of fire safety and protection at the building construction stage of development.

***Toronto and Regional Conservation Authority has no objection to the Development***

The Development is within the Wellhead Protection Area (WHPA-Q2) for quantity control. The Development will result in a decrease to the amount of impervious area on the property. As such, a water balance per Recommendations -1 parts 1 and 2 a) and b) of the Credit Valley Toronto and Region Central Lake Ontario Source Protection Plan is not required, as there is no increase to impervious area.

***The Ministry of Transportation of Ontario (MTO)***

MTO has no objection to the Development subject to the Owner finalizing their parking arrangement.

***Canada Post have no objection to the Development***

Canada Post has no objection the Development provided mail delivery remain as it is currently, which is to a community mailbox.

***HydroOne, Rogers Communication Inc., Enbridge Gas Distribution Inc. and Alectra Utilities Corporation have no objection***

HydroOne, Rogers Communication Inc, Enbridge Gas and Alectra Utilities Corporations, have no objection to the Development, subject to the Owner coordinating servicing, connections, easements and locates prior to the commencement of any site works.

**Financial Impact**

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

**Broader Regional Impacts/Considerations**

York Region has reviewed the Application and has no objection to its approval. The Owner is required to satisfy all requirements of York Region. A condition to this effect is included in Attachment 1 of this report.

## **Conclusion.**

The Development Planning Department has reviewed Site Development File DA.21.013 in consideration of the applicable Provincial Polices, York Region and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context.

The Development as shown on Attachments 3 to 6 is consistent with the PPS, conforms to the Growth Plan, the YROP 2010 and the VOP 2010, the use is permitted by Zoning By-law 1-88 and is compatible with the surrounding area context. Accordingly, the Development Planning Department supports the approval of Site Development File DA.21.013, subject to the Recommendation in this report and the Conditions of Site Plan Approval included in Attachment 1.

**For more information**, please contact: OluwaKemi Apanisile, Planner, Development Planning Department, Extension. 8210

## **Attachments**

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Subject Lands Overall Site Plan
- 3a. Area of Development Site Plan
4. Area of Development Landscape Plan
5. Building Elevations - North and West
6. Building Elevations - South and East

## **Prepared by**

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## **Approved by**



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## **Reviewed by**



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