

COMMITTEE OF THE WHOLE OCTOBER 22, 2001

**ZONING AMENDMENT APPLICATION
3477964 ONTARIO LIMITED
FILE: Z.01.045**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment Application File Z.01.045 (3477964 Ontario Limited) BE APPROVED, to permit the following additional uses as defined by By-law 1-88:

- i) a health center;
- ii) an eating establishment, eating establishment convenience and take-out (excluding accessory billiard tables and outdoor patio area), provided the floor area of any or all eating establishments shall not exceed twenty percent (20%) of the total gross floor area of the building;
- iii) a service or repair shop, not including the outside storage or outside display of equipment; and,
- iv) a club with no accessory billiard tables.

Purpose

On June 1, 2001, the Owner submitted an application to amend the Zoning By-law to expand the list of permitted uses in the C3 Local Convenience Commercial Zone on the subject lands to include Club; Health Centre; Eating Establishment; Eating Establishment, Convenience and Take-out; Place of Entertainment; Service or Repair Shop; and Car Brokerage.

Background - Analysis and Options

Location

The subject lands are located at the northwest corner of Regional Road #7 and Wigwoss Drive, being 4800 Regional Road #7 (formerly 25 Benjamin Drive). The 8 ha site has approximately 59m frontage on Wigwoss Drive and is developed with a 2,140sq.m commercial building and 122 parking spaces. The surrounding land uses are:

- North - Benjamin Drive, residential subdivision, (R2 Residential Zone)
- South - Regional Road #7, vacant (R1 Residential Zone)
- East - Wigwoss Drive; private hospital (A Agricultural Zone)
- West - Residential (R1 Residential Zone)

Land Use Status

The lands are designated "Local Convenience Commercial" by OPA #345 which permits retail stores which offer convenience goods and personal services for residents of the immediate area, within a maximum 1,800 m² gross floor area commercial building. OPA #345 introduced new commercial designations and policies to provide the Woodbridge Community with a more complete retail hierarchy. The supporting study identified potential prime locations for expansion of retail uses, new industrial areas and along arterial roads and recommended that the "Local Convenience Commercial" buildings be increased to a maximum of 1,800 m² to permit a broader

range of stores and services. Although the building exceeds this maximum gross floor area, the building was built prior to the Official Plan.

The lands are zoned C3 Local Convenience Commercial Zone by By-law 1-88, subject to Exception Paragraphs 9(168) and 9(457), which permits the following uses: Bank or Financial Institution, Business or Professional Office, Personal Service Shop, Photography Studio, Retail Store and Video Store.

The site was originally zoned C3 Shopping Center Commercial Zone, which permitted eating establishments and did not restrict gross floor area. Therefore, any eating establishment established prior to the enactment of By-law 1-88, are deemed to be legal non-conforming uses. Under the original Shopping Center Zone category, uses such as place of entertainment and service and repair shop were also permitted as-of-right. However, during the review of Zoning By-law 1-88, the C3 Shopping Centre Zone was replaced with a C3 Local Convenience Commercial Zone, and place of entertainment, eating establishments and service and repair shop uses were excluded.

Proposed Uses

The applicant is proposing the following additional uses as discussed below:

a) repair and service shop:

Service or Repair Shop means "a building or part of a building used for servicing or repairing of furnace or oil burners, water and air coolers, lawn care equipment, appliances, including small household appliances, dry cleaners and shall include the shop of a painter, plumber, carpenter, electrician, locksmith, tool sharpener and other similar trades, but shall not include the repair of motor vehicles and heavy equipment, nor the manufacturing of articles, goods and materials, nor any other use classified or defined by the by-law. Accessory sales will be permitted, provided the display area does not exceed 10% of the total gross floor area."

This type of use is permitted in almost all commercial zone categories with the exception of the C3 Local Convenience Zone, and C6 Highway Commercial Zone. Although, this use was once permitted in the C3 zone category, it was deleted during the review of By-law 1-88. Staff have no objection to allow this use on this site, provided there is no outside storage or display of equipment.

b) car brokerage

A car brokerage use is defined as "a building or part of a building used for the sales/leasing/rental of passenger vehicles only, and shall not include the sale of automotive parts, mechanical repairs, or auto body repairs or the outdoor display or storage of motor vehicles." The applicant advises that there would be an automobile showroom and office area, accessible to the public from a front entrance. Due to the difficulty in frequently moving cars on and off the site, no test driving is to occur until the point of sale.

Staff has a concern that this use may function similar to a car sales or lease site where cars will occupy parking spaces on the site, and be available for test drives. While the applicant consents to limiting the vehicle activity associated this use, including restrictions in the by-law and enforcement would be difficult.

These uses are more suitable for higher-order commercial or industrial areas, rather than a local convenience site which directly abuts a residential neighbourhood. Retrofitting the plaza to

include a small automobile showroom may change the "convenience" nature of the site. As such, Staff is unable to support a car brokerage as an appropriate use for this site.

c) eating establishment, eating establishment convenience and take -out

With several legal non-conforming eating establishments on the subject lands, the applicant is requesting that this use be permitted as-of-right. At 10 to 20 spaces/100 m² GFA, eating establishments generate a greater parking demand than the permitted C3 zone uses. Staff can support the eating establishment and eating establishment (convenience and take-out) uses, provided that any or all eating establishments will not exceed twenty percent (20%) of the total gross floor area of the building. The site has been developed with a shopping centre parking standard and therefore, a maximum gross floor area for eating establishments will minimize the demand on the available parking.

An eating establishment (Café and Sport Bar) containing a billiard table and arcade type equipment has been operating in Unit #3 since prior to the enactment of By-law 1-88 and therefore, is considered legal non-conforming. The use may remain until such time as it ceases, at which time the provisions of the current by-law will apply.

d) health centre

A health center is defined as "a building or part thereof which is used for the purpose of physical fitness, and may include a gymnasium, exercise room, steam room, sauna, racquet sports, swimming pool, or other related facilities, but shall not include a commercial body rub massage parlour, or an all season sports facility."

Although this use generates a greater parking demand than a typical C3 Zone use, the peak time for health centers tends to be early mornings or mid evenings when many of the other uses on site have closed. This is a use which will serve the community and Staff would have no objection.

e) place of entertainment

A Place of Entertainment use is defined as "a motion picture or other theatre, arena, auditorium public hall, but not including a bingo hall, bowling alley, ice or roller skating rink, billiard hall. A billiard hall or accessory billiard tables shall not be located within 300 m of a public or private school and shall not be located on a lot having a lot line directly abutting a lot zoned residential."

Given the proximity to Woodbridge College and the residential neighbourhood, Planning Staff cannot support this type of use. This use is better suited in commercial areas that are larger in size and away from residential neighbourhoods, such as in the corporate center or employment areas.

f) club

A club means "a non-profit, non-commercial organization, which carries on social, cultural and welfare programs for the common betterment of the community and may contain a maximum of two arcade machines or two billiard tables and shall not include any commercial use as defined in this by-law." Staff has no objection to this use provided that the club operates without accessory billiard tables, given the proximity of the site to Woodbridge College.

Vehicular Access and Parking

Vehicular access to the site is provided at three locations: two full movement access points along Benjamin Drive and a right in/right-out on Highway #7. There are 122 parking spaces provided on site. Based on the existing gross floor area, parking is provided at a shopping center standard of 6/100 m² gross floor area. The site has functioned with eating establishment uses and appears to be providing adequate on-site parking based on a recent site visit. The site could continue to provide adequate on-site parking, provided the by-law restricts the type and size of the proposed uses.

Conclusion

Staff have reviewed the proposed application in accordance with the policies of the Official Plan and the requirements Zoning By-law. The site is located at an intersection, providing full exposure to a regional corridor, and is larger than a typical local convenience center. In consideration of the above, Staff have no objection to the proposed eating establishments, health center, club and service or repair shop as permitted uses. The amending by-law should include restrictions on the floor area of eating establishments to ensure proper functioning of the site, adequate parking and that the intent of the local convenience commercial center is maintained.

Staff has no objection to the proposed zoning amendment application, subject to conditions. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Elevations

Report prepared by:

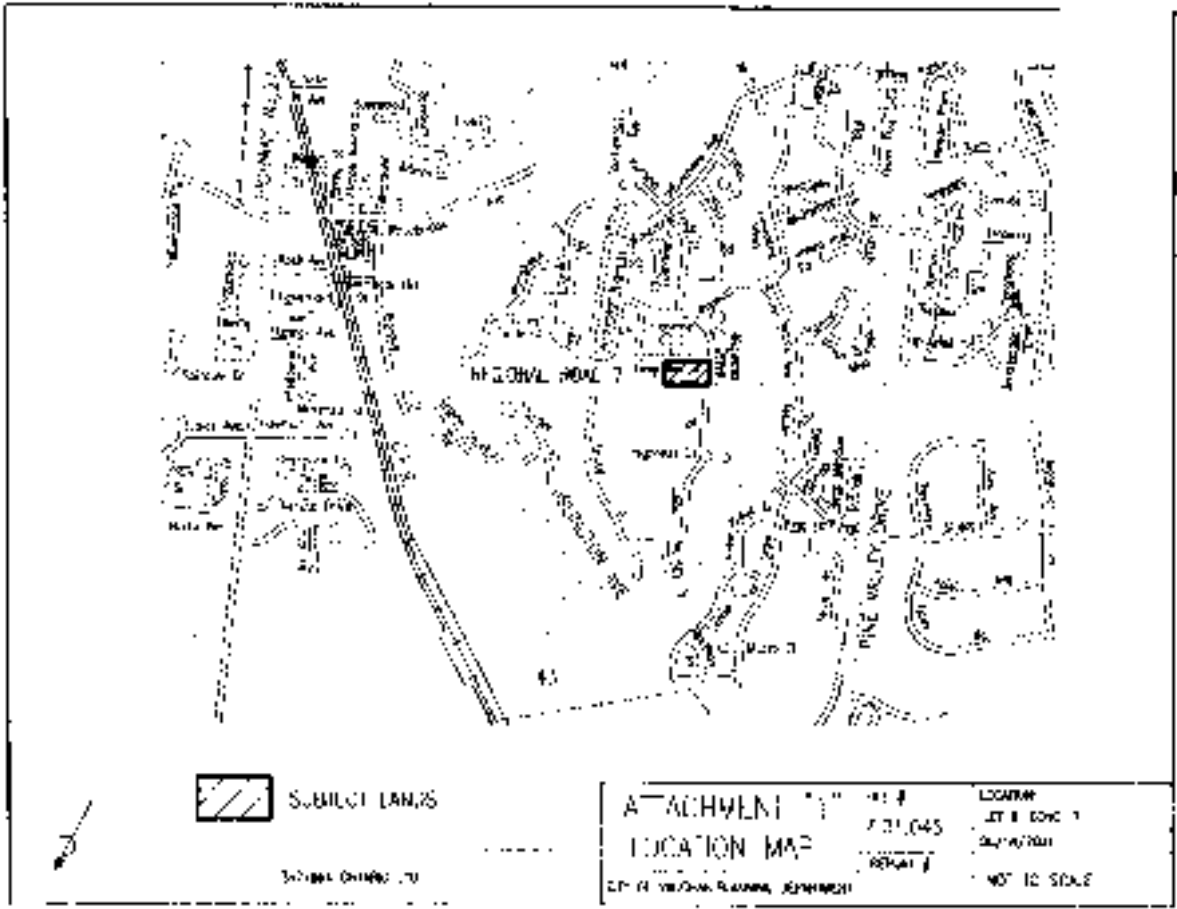
Eugene Fera, Planner, ext. 8064
Art Tikiryan, Senior Planner, ext. 8212
Bianca M.V. Bielski, Manager, Development Planning, ext. 8485


Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM



 SUBJECT LANDS

Source: Ontario, 1971

ATTACHMENT 1
 LOCATION MAP
 OF THE YELLOW RIVER, KENTWORTH

1:1
 1:10,000
 1:10,000

LOCATION
 AT 8 DOC 1
 20/10/2011
 NOT TO SCALE

REGIONAL ROOM 7



BENJAMIN DRIVE

REV. 10/10/11

DATE: 10/10/11

A. ACME INC. 123
 12345
 12345678901234567890

NO. 1
 12345
 1234567890

10000
 1234567890
 1234567890
 1234567890