

COMMITTEE OF THE WHOLE MAY 6, 2002

**ZONING BY-LAW AMENDMENT FILE Z.02.005
ROCCO BUSIELLO
REPORT #P.2002.20**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.02.005 (Rocco Busiello) BE APPROVED, subject to the following:
 - i) The zoning by-law shall permit the following uses, on a 3-year temporary basis:
 - a) Business or Professional Office;
 - b) Photography Studio;
 - c) Service or Repair Shop; and,
 - d) Retail Uses restricted to the sale of patio furniture, crafts/pottery and antiques.
 - ii) The zoning by-law shall include the following provisions:
 - a) A strip of land, a minimum of 9m in width, shall be provided on the subject lands abutting Major Mackenzie Drive, and shall be used for no purpose other than landscaping;
 - b) A minimum of 44 parking spaces shall be provided on the lands; and,
 - c) No outside storage shall be permitted.

Purpose

On January 15, 2002, the Owner submitted an application to amend the Zoning By-law to permit commercial uses in the A Agricultural Zone on a 3-year temporary basis. The current temporary use by-law, permitting the same uses on this property, will expire on September 27, 2002. The application also proposes to remove the current office space restriction from the by-law.

Background - Analysis and Options

The subject lands are located on the north side of Major Mackenzie Drive, west of Weston Road, (4040 Major Mackenzie Drive), in Lot 21, Concession 6, City of Vaughan. The 4.08 ha site has 100m of frontage with 405m of depth, and is developed with a commercial building and detached dwelling. The surrounding land uses are:

- North - agricultural (A Agricultural Zone)
- South - Major Mackenzie Drive; agricultural (A Agricultural Zone)
- East - agricultural (A Agricultural Zone)
- West - agricultural (A Agricultural Zone)

On February 8, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands. No comments were received. On March 18, 2002, Council received the application and recommended "that any issues identified be addressed by Staff in a comprehensive report to the Committee of the Whole."

Official Plan/Zoning

The subject lands are designated "Medium Density Residential/Commercial" and "Low Density Residential" by OPA #600, and are within the Vellore Urban Village 1 area. The lands are zoned A Agricultural Zone by By-law 1-88, subject to Exception 9(1058).

The exception, which expires on September 27, 2002, permits the following uses:

- a) Business or Professional Office,
- b) Photography Studio,
- c) Service or Repair Shop; and,
- d) Retail Uses restricted to the sale of patio furniture, crafts/pottery and antiques.

The exception also requires a minimum of 465m² of the building be devoted to business/professional office uses. In addition, there are requirements for a 9m landscape strip along Major Mackenzie Drive, a minimum of 44 parking spaces, and prohibiting outside storage.

Temporary Uses

Official Plan Amendment #600 permits temporary uses in the future urban areas, subject to implementation in a site specific zoning by-law, and provided that the proposed uses:

- are substantially less intensive than the planned use
- entail limited capital investment
- do not require municipal water or sanitary services
- have buildings of a temporary nature
- are not automotive or industrial in nature
- do not require outside storage
- are not located within the City's existing residential and employment areas; and
- do not conflict with:
 - the planned development pattern
 - the road pattern defined in the OPA
 - the parks, schools, valley and stream corridors, greenway systems, tableland woodlots and stormwater management systems defined in the OPA.

The proposal satisfies these criteria. The building existed at the time of the original temporary use by-law, and no further capital investment is proposed. The site is serviced by private well and septic system, does not require outside storage, is not industrial in nature, and is not located within any existing residential or employment area.

The OPA designation permits commercial development in the future, and the current development is no more intensive than any future use. The site does not conflict with the planned development pattern. Planning Staff are satisfied that the proposal is in conformity with the Official Plan.

Site Plan

The site is developed with a detached residence and a 1155m², L-shaped commercial building, with access to Major Mackenzie Drive for both the house and commercial building (Attachment #2). Thirty-two parking spaces are located in front of the building, with the remaining 12 spaces at the rear. A garbage enclosure is located at the rear of the building.

Permitted Uses

The application proposes to maintain the uses permitted in the temporary by-law, with the exception of the minimum office space requirement. A private school is located in the building, which is permitted in the A Agricultural Zone.

The requirement for a minimum GFA of 465m² for office space was included in the by-law to address a deficiency in the number of parking spaces available. The commercial use requires 6 spaces/100m² of GFA, whereas office uses require 3.5 spaces/100m² of GFA. On this basis, the existing building requires 70 parking spaces for commercial uses and 35 spaces for office uses. The site has a total of 44 spaces in the front and rear yards. Consequently, the commercial use of the building was limited by requiring a minimum of office space, recognizing the number of parking spaces available, and an exception was provided to recognize the 44 spaces.

The applicant has advised of the difficulty of leasing space and is therefore requesting that the minimum office requirement be removed. As the types of permitted commercial uses do not typically create a large parking demand, Planning Staff are satisfied that the restriction requiring a minimum amount of office space can be removed. Should there be an increased demand for parking, there is sufficient space at the rear to add parking spaces.

Conclusion

The proposed extension to a 3-year temporary use by-law conforms to the policies of the Official Plan. Planning Staff have no objection to removing the restriction that required a minimum amount of office use within the building. There is sufficient area on the site to accommodate additional parking, should there be a demand for it. Staff have no objection to a 3-year temporary use by-law for the subject lands. Should Committee concur, the Recommendation can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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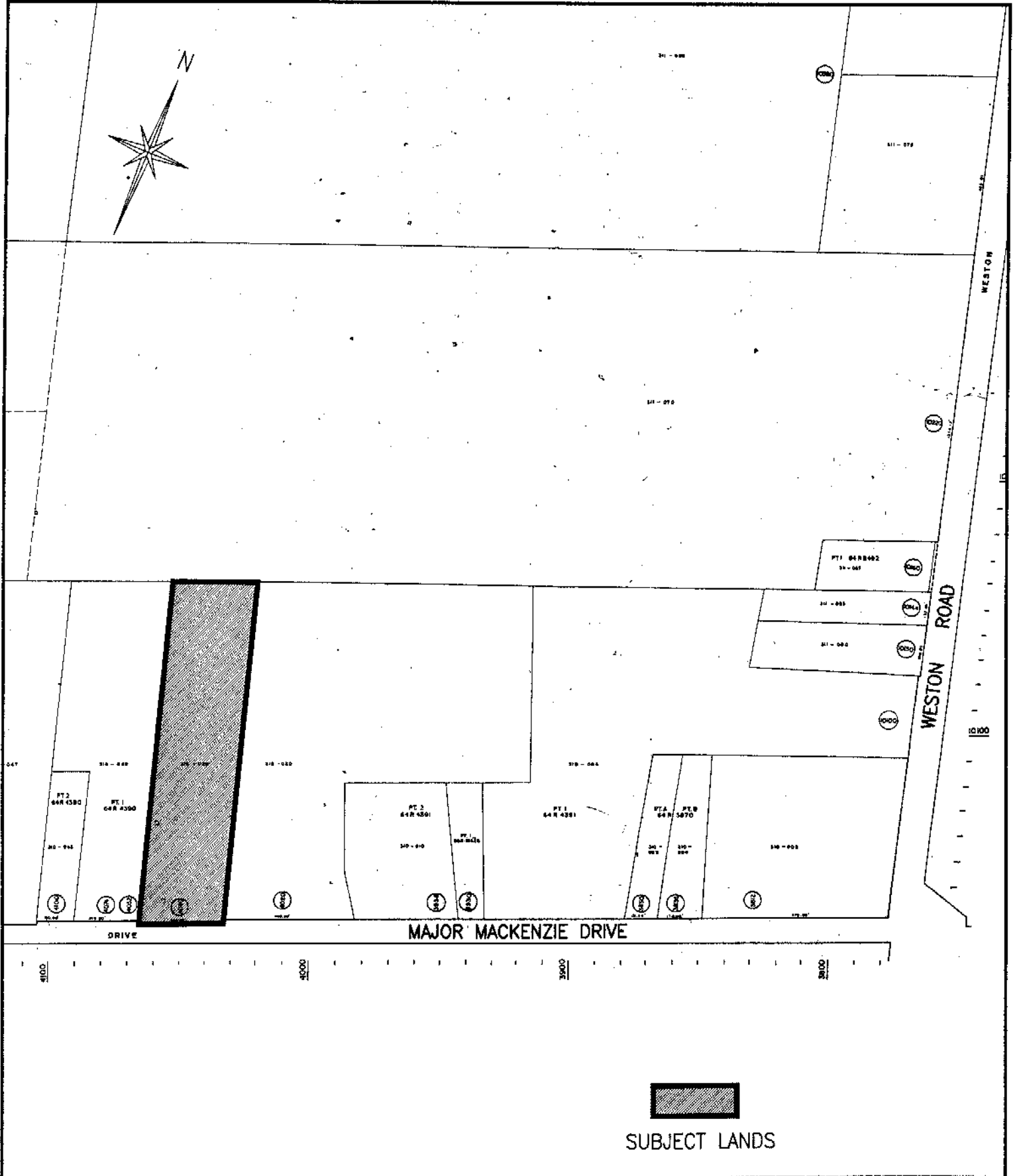
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

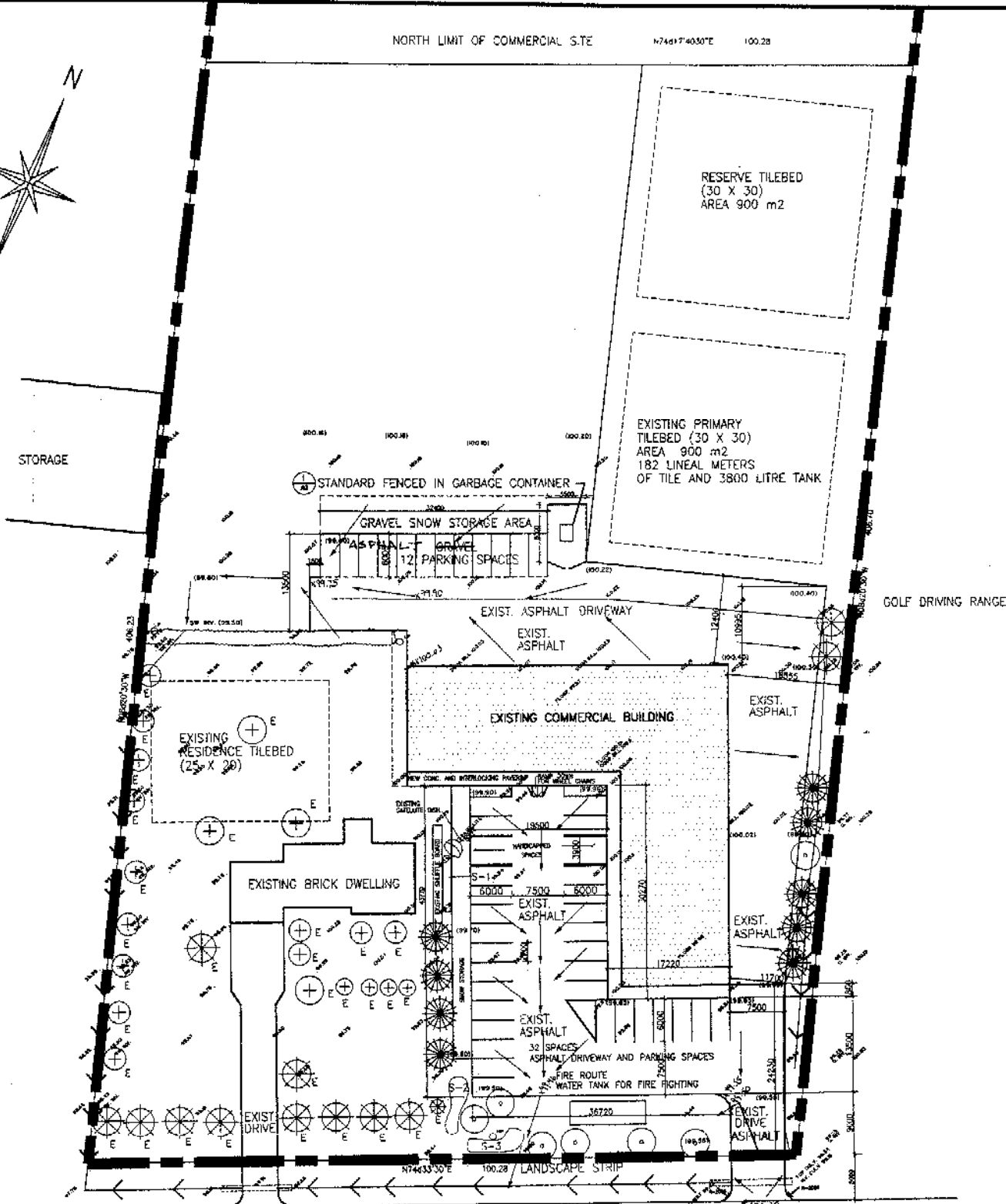
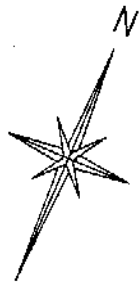
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SUBJECT LANDS

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| ATTACHMENT '1' LOCATION MAP | FILE #: | REPORT #: | DATE: 04/22/2002 |
| | Z.02.005 | LOCATION: PART OF LOT 21, CON. 6 | SCALE: NOT TO SCALE |
| CITY OF VAUGHAN PLANNING DEPARTMENT | | APPLICANT: ROCCO BUSIELLO | |



MAJOR MACKENZIE DRIVE

SUBJECT LANDS

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|-----------------------------|----------|--|------------------------------|
| ATTACHMENT '2' SITE PLAN | FILE #: | REPORT #: | DATE: 04/22/2002 |
| | Z.02.005 | LOCATION: PART OF LOT 21, CON. 6 | APPLICANT: ROCCO BUSIELLO |
| | | CITY OF VAUGHAN PLANNING DEPARTMENT | SCALE: NOT TO SCALE |