

COMMITTEE OF THE WHOLE MAY 5, 2003

ZONING BY-LAW AMENDMENT FILE Z.03.006

ANGELA LEONE

Recommendation

The Commissioner of Planning recommends:

That Zoning By-law Amendment File Z.03.006 (Angela Leone) BE APPROVED, to permit a take-out and outdoor patio use associated with the existing eating establishment subject to approval of a minor amendment to the existing site plan agreement.

Purpose

On January 24, 2003, the Owner submitted an application to amend the Zoning By-Law to permit a take-out and outdoor patio use associated with the existing eating establishment in Units 4 and 5 of the multi-unit building.

Background - Analysis and Options

The site is 0.64 ha and is located on the northwest corner of Pine Valley Drive and Tall Grass Trail, south of Regional Road 7, being Block 246 in Plan 65M-2014 (2 Tall Grass Trail) in Lot 5, Concession 7, City of Vaughan. The surrounding land uses are:

- North - commercial (C1 Restricted Commercial Zone)
- South - detached residential (R4 Residential Zone)
- East - Pine Valley Drive; commercial (C7(H) Service Commercial - Holding)
- West - detached residential (R2 Residential Zone)

On February 28, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands. No comments have been received to date. The recommendation of the Committee of the Whole to receive the Public Hearing of March 24, 2003 and forward a comprehensive report to a future Committee meeting, was ratified by Council on March 31, 2003. The applicant has approached the tenants within the plaza and has submitted a list of signatures indicating no objections to the proposed use.

Official Plan

The subject lands are designated "Local Convenience Commercial" by OPA #240, which permits retail stores offering convenience goods and personal services for the residents of the immediate area. The proposed take-out and patio use conforms to the Official Plan.

Zoning

The subject lands are zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(308), which permits specific uses within an enclosed building, including an eating establishment use. A zoning amendment is required to permit a take-out and outdoor patio use associated with the existing eating establishment in Units 4 and 5 of the plaza.

Compatibility

The site is developed with a multi-unit commercial containing retail commercial and restaurant uses. The proposed take-out is associated with the existing eating establishment. The outdoor patio area is to be constructed in front of Units 4 and 5. No portion of the patio is located in the driveway or parking areas of the commercial plaza, and is to be restricted to an area of 6m².

Two 9m entrances are provided off Tall Grass Trail and there will be no change to the parking or circulation on site. Given that the proposed uses will be accessory to the permitted eating establishment, the existing parking supply should be adequate.

Site Plan

The lands are currently subject to a site plan agreement which will require a minor amendment to accommodate the outdoor patio. Through the site plan, it can be ensured that no public sidewalk, road allowance or lane shall be used for the purpose of an outdoor patio; and also, the outdoor patio will be completely enclosed by a physical barrier with access only from the interior of the eating establishment with the exception of at least one exit to be used only in cases of emergency.

Conclusion

Staff has reviewed the proposed application to amend the Zoning By-law in accordance with the policies of OPA #240 and By-law 1-88. Staff are satisfied that the proposal to permit a take-out and patio use associated with the existing eating establishment in Units 4 and 5, is appropriate for the site and compatible with the existing development. The area of the patio would be restricted to 6m² in the implementing by-law.

Therefore, Staff recommends approval of the zoning amendment application. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location map
2. Site Plan

Report prepared by:

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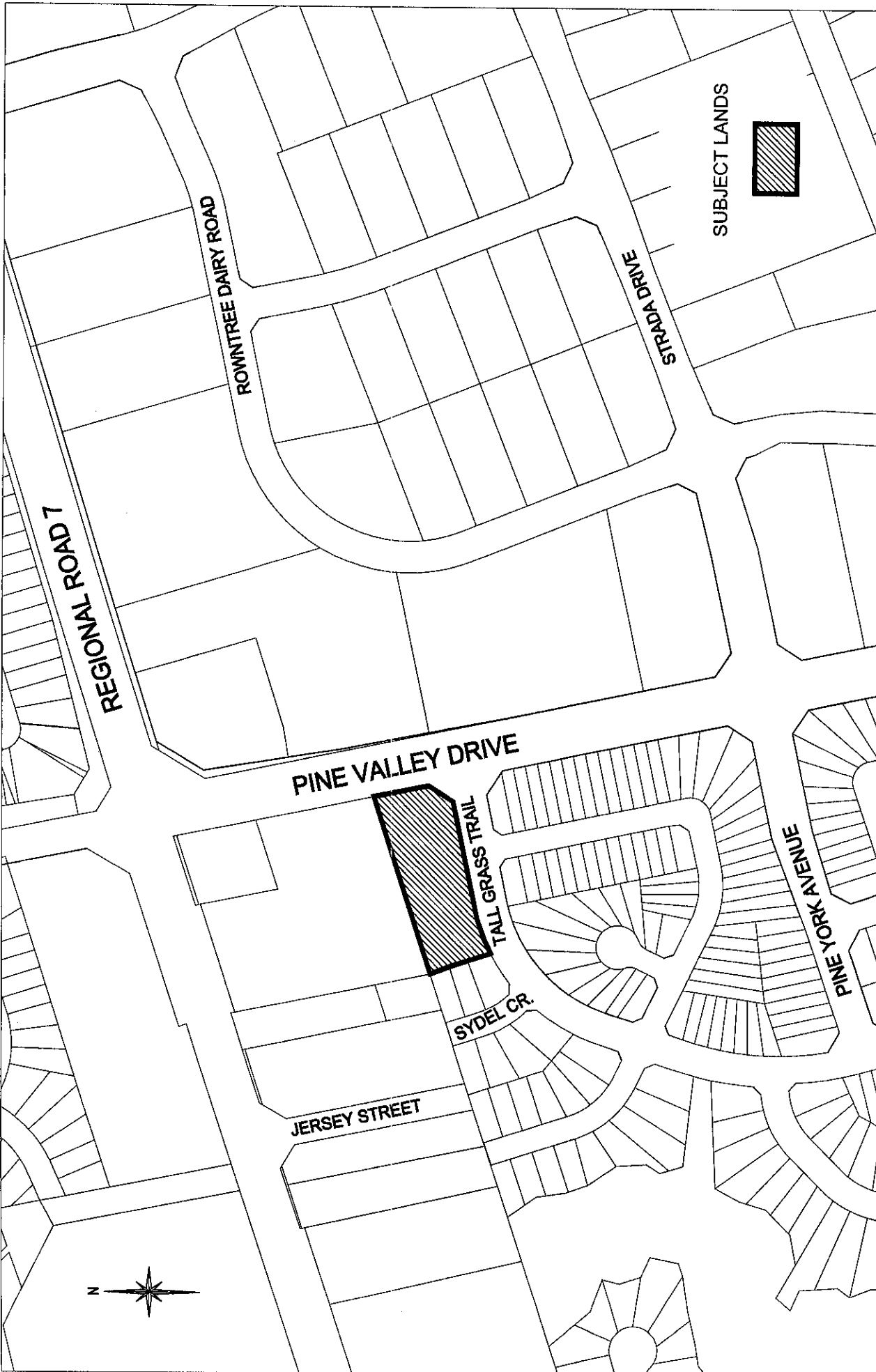
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/LG

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Location Map

Part of Lot 5,
Concession 7
APPLICANT:
ANGELA LEONE



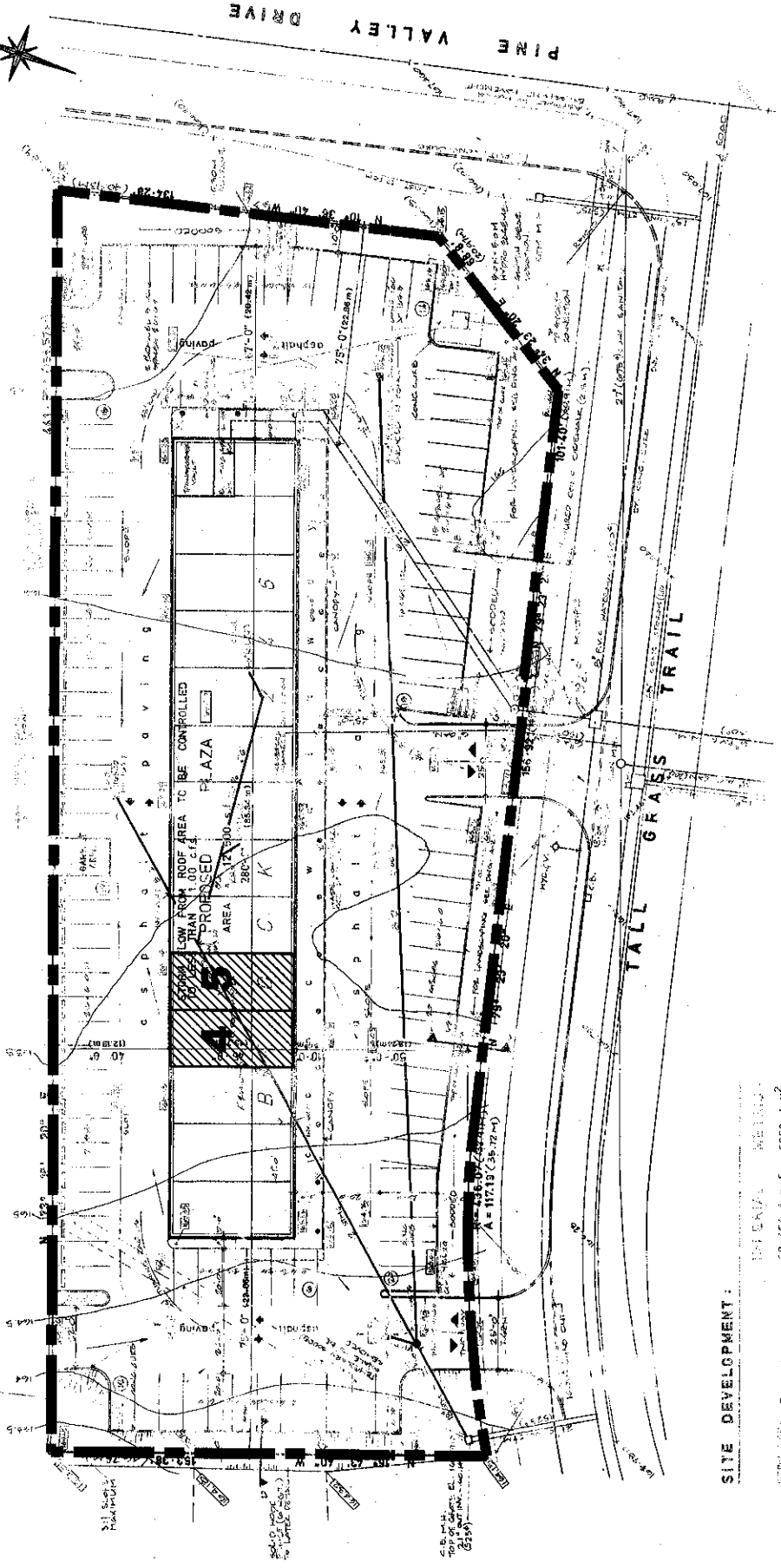
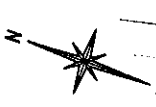
Community Planning Department

Attachment

FILE No.:
Z.03.006

January 30, 2003
Not to Scale





SUBJECT UNITS



SUBJECT LANDS

SITE DEVELOPMENT:

	AREA	PERCENT
STREET AREA	68,454.4 S.F. 6359.4 M ²	
BUILDING COVERAGE	12,660 S.F. 1170.5 M ²	
CONC. WALKWAY	2,800 S.F. 260.1 M ²	
ASPHALT PAVING	43,384 S.F. 4,030.4 M ²	
LANDSCAPED AREA	9,670 S.F. 898.4 M ²	
PERCENT BUILDING COVERAGE		18.4%
PARKING ACCOMMODATION	Required: 129 spaces Provided: 152 spaces	

Site Plan

Part of Lot 5,
Concession 7
APPLICANT:
ANGELA LEONE

City of
Vaughan

Community Planning Department

Attachment 2
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January 30, 2003
Not to Scale