

COMMITTEE OF THE WHOLE JUNE 16, 2003

ZONING BY-LAW AMENDMENT FILE Z.03.030 1405731 ONTARIO LIMITED REPORT #P.2003.38

Recommendation

The Commissioner of Planning recommends:

1. That Zoning By-law Amendment File Z.03.030 (1405731 Ontario Limited) BE APPROVED, subject to the following:
 - a) That the implementing zoning by-law permit an eating establishment use in conjunction with the permitted bakery/deli uses, in Units 5 and 6 of the existing building on the site; and
 - b) That prior to enactment of the Zoning By-Law, a parking justification report shall be submitted to the satisfaction of the Engineering Department.

Purpose

On April 15, 2003, the Owner submitted an application to amend the Zoning By-Law to permit an eating establishment use in conjunction with the permitted bakery/deli uses, in Units 5 and 6 of the existing building on the site.

Background - Analysis and Options

The site is 0.18 ha in area and is located on the southwest corner of Gamble Street and Islington Avenue, being Lots 24, 25 and Part of Lot 26 in Plan M-2014 (8348 Islington Avenue), in Lot 9, Concession 7, City of Vaughan. The surrounding land uses are:

- North - Gamble Street; (R2 Residential Zone)
- South - detached residential (R3 Residential Zone)
- East - Islington Avenue; detached residential (R2 Residential Zone)
- West - detached residential (R3 Residential Zone)

On April 28, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands. One response from an abutting landowner has been received to date, expressing concerns related to the following:

- a fence required between the plaza and the adjacent rear yards has never been built
- the garage disposal is not enclosed and is left open, resulting in odours
- deliveries for the restaurant should be during daytime hours
- weekends are noisy; the parking lot is full of cars and appears to be a meeting place for people.

The applicant responded to the above-noted concerns by way of letter to the Community Planning Department, dated May 22, 2003, as follows:

- the garbage disposal bin will be enclosed
- the landscaping will be completed as per the site plan agreement in early June 2003
- with York Region currently widening Islington Avenue; there is heavy equipment, gravel, and other construction material fronting onto Islington Avenue, as a result, the landscaping in this area will be completed soon after the road construction is complete

- a 1.8 metre wooden fence will be provided, as per the site plan agreement, to the yards to the west of the commercial site.

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.

Official Plan

The subject lands are designated "Local Convenience Commercial" by OPA #371, which permits a delicatessen and a bakery, both of which can provide food service; an eating establishment use is considered to meet the intent of the Official Plan.

Zoning

The subject lands are zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(231), which permits specific uses such as bakery and delicatessen, but not an eating establishment with "sit-down" service. A zoning amendment is required to permit the eating establishment use in Units 5 and 6 of the plaza.

Parking and Access

Two 9m entrances are provided off Islington Avenue and a 7.5m entrance is provided off Gamble Street. There will be no change to the parking or circulation on site. The site is providing 47 parking spaces. Based on the parking standards of By-law 1-88, the required parking is calculated as follows:

Eating Establishment (16 spaces/100sq.m X 332.58sq.m) = 53 spaces

Existing retail commercial plaza (Building A and Building B) = 29 spaces

Total parking required for the site is 82 spaces. The site has a deficiency of 35 parking spaces.

The Engineering Transportation Division has reviewed the application, and although they have no objection to the proposed use, the parking deficiency was of concern and a justification report was requested. A parking study must be approved by the Engineering Department prior to enacting the By-Law.

Site Plan

The site contains two buildings. Building A a multi-unit retail commercial building and Building B is a service station. The proposed eating establishment is associated with the deli/bakery uses in Units 5 and 6 in Building A, and is compatible with the uses permitted within this building.

The lands are subject to a site plan agreement. Through the site plan, it can be ensured that the issues regarding fencing, landscaping and enclosure of the garbage bin will be completed by the applicant, as stated in the letter dated May 22, 2003 to the Vaughan Community Planning Department.

Conclusion

Staff has reviewed the proposed application to amend the Zoning By-law in accordance with the policies of OPA #371 and By-law 1-88. Staff are satisfied that the proposal to permit an eating establishment in conjunction with the permitted bakery/deli uses in Units 5 and 6 of the existing building is appropriate for the site and compatible with the on-site and surrounding development.

Therefore, Staff can recommend approval of the zoning amendment application. Should Council 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

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SUBJECT LANDS



Not to Scale

Location Map

Lot 9,
Concession 7
APPLICANT:
1405731 ONTARIO LIMITED



Community Planning Department

Attachment

FILE No.:
Z.03.030
April 16, 2003
Not to Scale



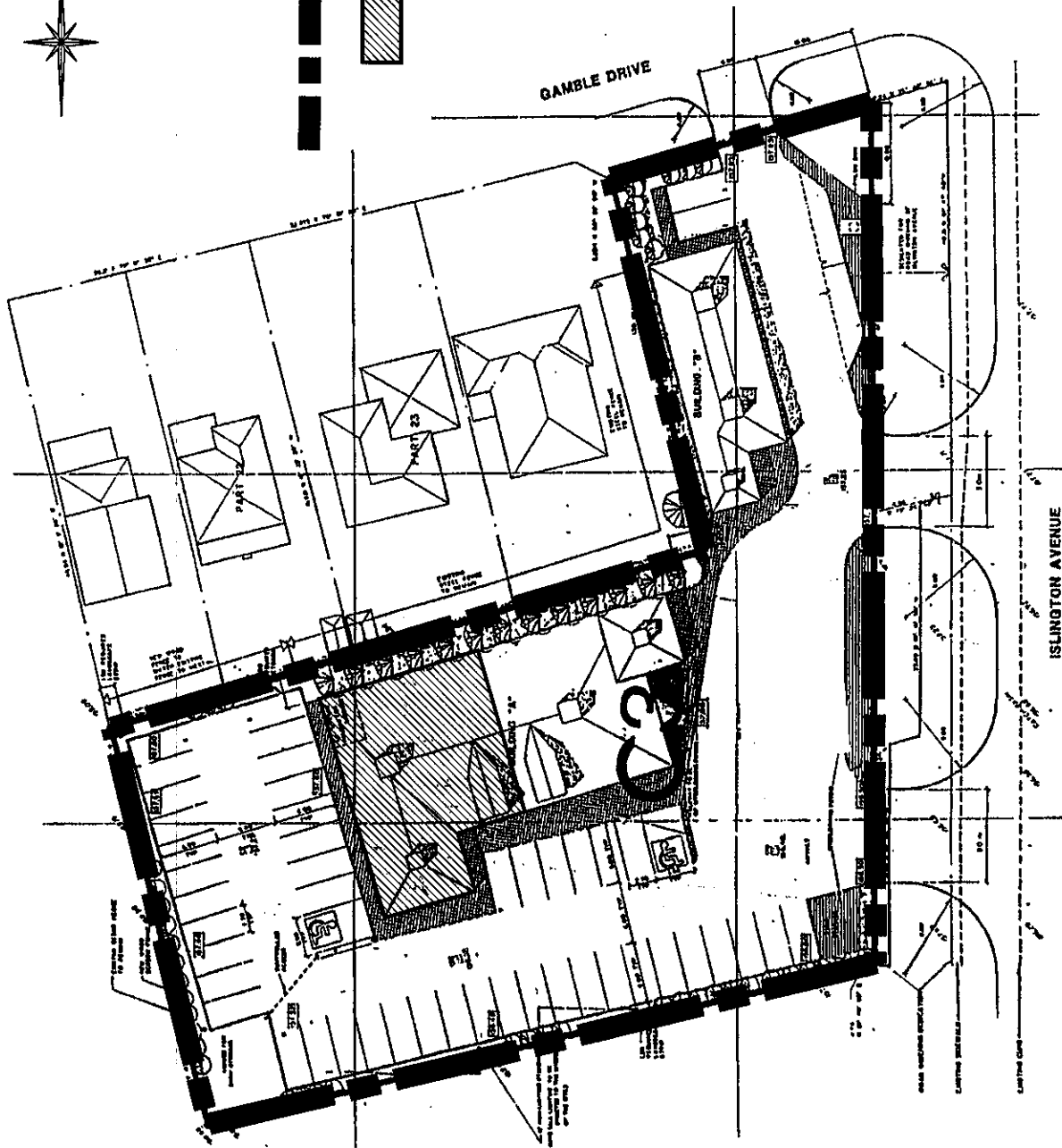


Legend

SUBJECT LANDS



BUILDING UNITS 5 & 6



Not to Scale

Site Plan

Lot 9,
Concession 7

APPLICANT:
1405731 ONTARIO LIMITED

N:\DFT\1 ATTACHMENTS\A-03.030

City of
Vaughan

Community Planning Department

Attachment

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FILE No.:
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April 16, 2003
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