

COMMITTEE OF THE WHOLE JUNE 16, 2003

**ZONING BY-LAW AMENDMENT FILE Z.02.034
SITE DEVELOPMENT FILE DA.03.002
ASTRA STAR CORPORATION/MARUBA INVESTMENT INC.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Z.02.034 (Astra Star Corporation) BE APPROVED to permit
 - a) the following additional uses in the EM1 Prestige Employment Area Zone: one eating establishment; arcades, billiard tables and teletheatre accessory to an eating establishment use; retail sales accessory to an employment use; and print shop; and
 - b) the required exceptions to implement the approved site plan, including the minimum landscaping, parking and yard requirements.

2. THAT Site Development Application DA.03.002 (Maruba Investment Inc.) BE APPROVED for Building 'A' and its related parking and landscaping, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i) the final site plan shall be approved by the Commissioner of Planning;
 - ii) the final landscape plan and detailed cost estimate shall be approved by the Urban Design Department;
 - iii) the final site grading and servicing plan and storm water management report shall be approved by the Engineering Department;
 - iv) parking, access and on-site circulation shall be approved by the Engineering Department;
 - v) the requirements of Hydro Vaughan Distribution Inc. shall be satisfied;
 - vi) cross-easements shall be obtained on Block 1 and Block 2 for the purpose of vehicle access from Creditstone Road; and
 - vii) the requirements of York Region shall be satisfied, including the approval of the Rutherford Road access.
 - b) That the Site Plan Agreement contain the following provision:
 - i) the Owner shall pay to the City by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands in accordance with the Planning Act, prior to the issuance of a building permit. The Owner shall submit an appraisal prepared by an accredited appraiser for approval by the Vaughan Legal Department - Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment; and

- ii) the Owner shall agree to submit an application to amend the site plan agreement for the future Building 'B' on the site.

Purpose

On April 25, 2002, the Owner submitted an application to amend the Zoning By-law to permit the following additional uses in the EM1 Prestige Employment Area Zone: eating establishment with outdoor patio, brewers retail outlet, teletheatre, accessory retail sales to an employment use, tavern and print shop. In addition, the application proposed a reduction in the required landscape strip width abutting Rutherford Road from 9m to 6m.

On August 7, 2002, the Owner requested that the Application be amended to remove the previously requested uses of a brewers retail outlet, eating establishment/outdoor patio and tavern.

On June 2, 2003, the Owner requested that the Application be further amended to re-include an eating establishment and to permit the following as accessory uses to the eating establishment: teletheatre, billiard tables and amusement arcade.

Background - Analysis and Options

The site is located at the southeast corner of Rutherford Road and Creditstone Road, being Blocks 1 and 2 on Registered Plan 65M-3354 (2601 Rutherford Road and 1743 Creditstone Road), in Part of Lot 15, Concession 4, City of Vaughan. The rectangular-shaped, vacant 1.83 ha parcel has 104m frontage on Tigi Court and Rutherford Road and 170m flankage along Creditstone Road.

The subject lands are designated "Prestige Area" and "Employment Area General" by OPA #450 and zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exceptions 9(822B) and 9(822D). The surrounding lands uses are:

- North - Rutherford Road; industrial (M2 General Industrial and M3 Transportation Industrial Zones)
- South - Tigi Court; employment (EM1 Prestige Employment Area Zone)
- West - Creditstone Road; commercial and employment (C7 Service Commercial and EM1 Prestige Employment Area Zone)
- East - employment (EM4 Employment Area Transportation Zone)

On May 10, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands and to the Maple Village and Maple Landing Ratepayers Associations, YRCC 942 and YRCC 947 (Villa Giardino Seniors Complex). One written was received from the adjacent landowner to the east, who was concerned with the compatibility of the proposed uses and traffic interference. Maruba Investment Inc. recently purchased this property.

The recommendation of the Committee of the Whole at the Public Hearing on June 3, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on June 10, 2003.

On September 9, 2002, Council approved the zoning application, provided that prior to enactment of the by-law, the proposed uses, zoning standard exceptions, together with the required site plan application be addressed in a future report to the Committee of the Whole.

Official Plan

The northerly half of the subject lands is designated "Prestige Area" and the southerly half is designated "Employment Area General" by OPA #450 (Employment Area Plan), which permits a wide range of industrial, office, business and civic uses. The site is also consistent with the "Service Node" policies, which permits uses that provide for the day-to-day convenience and service needs of businesses, industries and their employees, and are located at the intersections of arterial and/or collector roads. The proposed uses conform to the Official Plan, which requires that the permitted uses and development standards be established in the Zoning By-law.

Zoning

The site is zoned EM1 Prestige Employment Area by By-law 1-88, subject to Exceptions 9(822B) and 9(822D). The proposed restaurant use, accessory billiard tables to a restaurant, accessory retail sales to an employment use and print shop are uses generally permitted in the EM1 Prestige Employment Area and C7 Service Commercial Zones. In addition, Staff is of the opinion that the proposed accessory arcades would function in a similar fashion to the accessory billiard tables to an eating establishment use. The EM1 and C7 Zones would implement the "Prestige Area" and "Service Node" policies of the Official Plan, respectively.

A teletheatre use is not specifically regulated under By-law 1-88. To date, one application has been approved by Council involving a teletheatre use at 70 Interchange Way as an accessory use to an eating establishment, which did not proceed.

As noted in the fact sheet (Attachment 1) issued by the Ontario Racing Commission:

"Teletheatre wagering or off-track betting is a distribution system for betting on horse racing in Ontario whereby a racetrack licensed by the Ontario Racing Commission sets up pari-mutuel systems and satellite feeds in locations away from the racetrack."

"The Criminal Code Regulations require that teletheatres must provide seating, serve food and beverages, and have washroom facilities. In broad terms, the regulations describe the basic requirements for a premise holding a sale licence from the Alcohol and Gaming Commission of Ontario ... This assists in the process by removing the need for the Commission to look into the physical acceptability of premises, as they are already licensed by a provincial regulator and must have met the stringent requirements of the liquor licensing process."

"It is the Ontario Racing Commission's policy to require input from the local municipality for the specific site."

Based on the information provided by the Ontario Racing Commission and the applicable Criminal Code Regulations, Staff can support an accessory teletheatre use to an eating establishment at this location. The following definition has been prepared for inclusion in the zoning by-law, that will take into consideration the Ontario Racing Commission regulations and the proposed site plan.

Teletheatre - A wagering/off-track betting facility for betting on horse racing, in whereby a racetrack licensed by the Ontario Racing Commission sets up satellite feeds in locations away from the racetrack. The facility must be conducted within, and be accessory to an eating establishment.

For the purpose of the implementing zoning by-law, Blocks 1 and 2 on Plan 65M-3354 will be considered one lot, with frontage on Creditstone Road. The following exceptions to the EM1 Zone Standards will be required to implement the proposed site plan:

	<u>Required</u>	<u>Proposed</u>
Minimum Front Yard	6.0 m	4.7 m for Block 1 only
Minimum Exterior Sideyard	6.0 m	4.5 m for Block 1 only
Minimum Landscape Strip Abutting a Highway or Arterial Road.	9.0 m	4.5 m to building and site triangle and 6.0 m to parking area
Minimum Landscape Strip Abutting a Mid-Collector Road	6.0 m	4.7 m for Block 1 only
Parking spaces for accessory teletheatre	--	12 spaces /100 m ² GFA
Loading Space	Not permitted between a building and a street	Permitted between Building 'A' and Tigi Court

In addition, due to the location of the proposed access on Creditstone Road, the Owner is required to register a mutual driveway on title for Block 1 and Block 2.

Currently the site is proposed to be developed with the restaurant and a future multi-unit employment use building. Additional exceptions to the EM1 zoning may be required at the time the Owner submits site plan approval for the future building.

Compatibility

Other sites surrounding the subject lands are occupied by a mix of employment and office uses. The site at the southwest corner of the Rutherford Road and Creditstone Road is zoned for Service Commercial uses. A site development application has been approved for two multi-unit commercial buildings, a restaurant with drive-through, a gas bar/kiosk and car wash. On the north side of Rutherford Road are Vaughan's Joint Operation Centre, a police station and a district park. The proposed use would be compatible with the surrounding uses.

Site Design

The proposed restaurant (2,187.67 m²) is located in the northeast corner of the property. A future multi-unit employment use building is conceptually shown in a along the south (Tigi Court) property line. A formal site plan application will be required to address the site design with the second building. Access can be obtained via the three surrounding streets, Rutherford Road, Creditstone Road and Tigi Court. The parking area, containing a total of 308 spaces, is screened with landscape buffers along the street lines.

One loading space is provided on the south side of the restaurant, in view of one street, Tigi Court. Given the positioning and configuration of the proposed restaurant, it is not feasible to place the loading space anywhere else on the lot. Upon application for the second building on the lot, the building should be positioned to screen this loading space.

Access and site circulation shall be to the satisfaction of the Engineering Department and the Region of York, prior to the execution of the site plan agreement.

Building Design

The one-storey, 2,094.72 m², irregular-shaped building is proposed to a maximum height of 12.9, including a parapet that will screen the roof-top mechanical equipment from street view. The main entrance on the east façade is facing internal to the lot. An aluminium canopy structure extends across the entry door and wraps around the north façade. Surrounding the entranceway, are glass panels in a double glazing finish. An illuminated, face-mounted sign is centrally located along the upper portion of the elevation. The material surrounding the entranceway and sign consists of a clay-red coloured stucco panels with an acrylic finish. The remaining material is a combination of a light brown brick veneer and faint yellow stucco panels. A sports-themed artwork image is located in the southeast corner for architectural treatment. The artwork on the elevations will be 2 or 3 dimensional relief. Accent lighting is also provided.

The north façade (facing Rutherford Road) and west façade (facing Creditstone Road) are consistent with the main elevation, with additional artwork treatment spaced evenly along the west side. The remaining south elevation (facing Tigi Court) remains consistent without the illuminated sign and entrance feature area.

Parking

The primary objective of teletheatre wagering in Ontario is to provide an additional network for horse racing by supplying this form of entertainment to existing businesses with existing clientele who might not normally attend the racetrack.

A parking study prepared by BA Group Transportation Consultants was provided. Their evaluation was based on extensive proxy site parking demand observations. They recommended the "adoption of a rate of 12 stalls per 100 sq.m. (GFA) to be used as an approximate parking supply rate for the teletheatre portion of the proposed development." The City's Transportation Analyst reviewed the study and agreed with the conclusions.

The parking requirements for the main restaurant use and accessory uses will be calculated as defined in Section 3.8 of By-law 1-88, as follows.

Eating Establishment:	1,047.32 m ² @ 16 spaces/100 m ² GFA = 167.6 spaces
Accessory Bowling Alley:	4 alleys at 4 spaces/alley = 16 spaces
Accessory Arcade (Place of Amusement):	1 space per 6 persons of designated maximum capacity = 9.2 spaces (based on 55 occupants)

Accessory Billiard Tables and
Accessory Mini-golf

(Place of Entertainment):	314.2 m ² at 11 spaces/100 m ² GFA = 34.6 spaces
Accessory Teletheatre:	314.2 m ² at 12 spaces/100 m ² GFA = 37.7 spaces
Office Mezzanine:	92.95 m ² at 3.5 spaces/100 m ² GFA = 3.3 spaces

Total Required Parking:	269 spaces
Total Parking Provided:	308 spaces

The site meets the parking requirement with a surplus of 39 spaces.

A total of 4 handicapped spaces, whereas the site plan shows 2 handicapped spaces. The site plan can be amended to provide the additional 2 spaces.

The on-site parking will be re-evaluated upon application for the future Building 'B'.

Servicing

The subject lands have access to municipal services, including hydro, storm and sanitary sewers and water. The final site grading and servicing plans and stormwater management report shall be to the satisfaction of the Engineering Department and Hydro Vaughan Distribution Inc.

Urban Design

A landscape plan consists of a mix of coniferous and deciduous trees and shrubs along the street perimeter and the street boulevards. Abutting Rutherford Road, a 4.5 m landscape strip in the vicinity of Building 'A' is proposed, expanding to 6.0 m near the parking area for screening purposes. A 4.7 m buffer is also provided along Creditstone Road in Block 1 only. The required 6.0 m landscape strip abutting a mid-collector road is maintained in Block 2. In addition, based on the future location of Building 'B' a 6.0 m landscape strip can be provided abutting Tigi Court however, may be subject to change to accommodate future site requirements.

The main entrance to the building is surfaced with unit pavers surrounded by a concrete curb. Sidewalk connections are provided from Rutherford Road and Creditstone Road.

The final landscape plan and detailed cost estimate shall be approved to the satisfaction of the Urban Design Department.

Conclusion

Staff have reviewed the Zoning Amendment Application and Site Plan Application in accordance with the Official Plan and the requirements of By-law 1-88, and are satisfied that the site can be appropriately developed. Should Council concur, Zoning Amendment Application Z.02.034 (Astra Star Corporation) and Site Development Application DA.03.002 (Maruba Investment Inc.) can be approved with the adoption of the recommendation in this report.

Attachments

1. Ontario Racing Commission Fact Sheet on Teletheatre
2. Location Map
3. Site Plan
4. Elevations
5. Landscape Plan

Report prepared by:

Andrea Egizii, Planner 1, ext. 8215
Grant A. Uyeyama, Senior Planner, ext. 8635
Marco Ramunno, Manager of Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/LG

R:\WORKING\EGIZII\MARUBA.DA.03.002.CW

ATTACHMENT NO. 1

Ontario
Racing
Commission

Commission
des courses
de l'Ontario

9th floor
20 Dundas Street West
Toronto ON M5G 2C2
Tel (416) 327-0520
Fax (416) 325-3478

9^e étage
20 rue Dundas ouest
Toronto ON M5G 2C2
Tel (416) 327-0520
Telec (416) 325-3478



Teletheatres in Ontario

Teletheatre wagering or off-track betting is a distribution system for betting on horse racing in Ontario whereby a racetrack licensed by the Ontario Racing Commission sets up pari-mutuel systems and satellite feeds in locations away from the racetrack.

The primary objective of teletheatre wagering in Ontario is to provide an additional distribution network for horse racing by supplying this form of entertainment to existing businesses with existing clientele who might not normally attend at the racetrack. Surveys across North America are consistent in identifying that only 2% of the population attend races and the racing industry has endorsed teletheatre wagering as a vehicle to build on this market share.

When the Government of Ontario approved teletheatre wagering it was envisaged that it would be concentrated in sports bar type facilities with existing clientele, introducing new fans to horseracing.

Teletheatre wagering is authorized by the *Criminal Code Regulations* administered by the Canadian Pari-Mutuel Agency of Agriculture Canada. The Regulations require that teletheatres be owned and operated by racetracks under conditions outlined in the Regulations. One of these regulations requires that **teletheatres must be licensed by the Provincial Government.**

The *Criminal Code Regulations* require that teletheatres must provide seating, serve food and beverages, and have washroom facilities. In broad terms, the regulations describe the basic requirements for a premise holding a sale licence from the Alcohol and Gaming Commission of Ontario. This, together with the conscious decision of the Government to provide support to existing businesses in the highly competitive hospitality industry, has resulted in teletheatres being set up in liquor licensed establishments. This assists in the process by removing the need for the Commission to look into the physical acceptability of premises, as they are already licensed by a provincial regulator and must have met the stringent requirements of the liquor licensing process.

The former Liquor Licence Board of Ontario deemed teletheatre operations in licensed premises to be entertainment ancillary to the sale and service of beverage alcohol and food. The Board ruled that teletheatre wagering did not constitute an "other business", (operation of businesses other than the sale and service of beverage alcohol and food in a licensed premise is contrary to the Liquor Licence Act) as the licensee is not involved in the operation of the teletheatre. The actual operation of the teletheatre is staffed and supervised by the racetrack licensed by the Ontario Racing Commission and operating under a wagering permit from the Canadian Pari-Mutuel Agency, and all the revenues from betting are returned to the racing industry. Entrance fees are considered cover charges for entertainment under the Liquor Regulations.

The Ontario Racing Commission issues a licence to operate a teletheatre to a racetrack for a particular site; it does not licence the bar or the restaurant. To allow flexibility, the Commission does not specify the type of premise that teletheatres must operate in and as a result they can be located in pubs, fine dining rooms, sports bars, bowling alleys, hotels and even a sandwich shop.

It is Ontario Racing Commission policy to require input from the local municipal government for the specific site. As part of the licensing processes, the Ontario Racing Commission requires the racetrack to submit correspondence from the **municipality advising the Commission of any objections.**

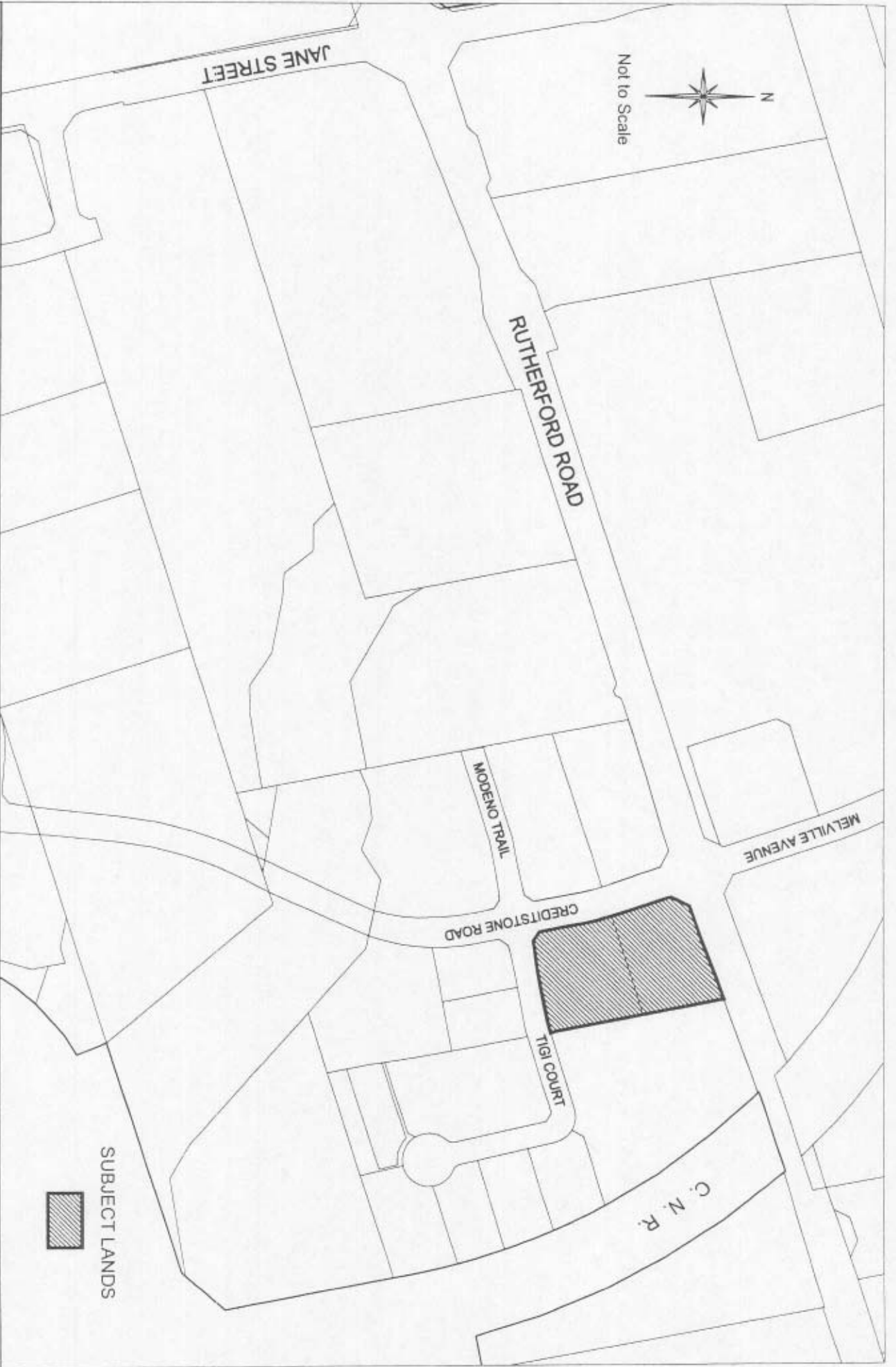
The letter from the municipality can take the form of a letter from the Clerk, the Mayor, municipal official or can be a formal Council resolution; it is the municipality's decision to respond as they see fit.

It is also Commission policy to review the licence of any existing teletheatre when correspondence is received from the local municipality outlining the particular grievance. The Ontario Racing Commission appreciates the issues surrounding any expansion of socially sensitive activities. This policy of the Commission has given the municipalities a comfort level to allow teletheatre wagering to be implemented.

Currently there are close to 90 teletheatres licensed and in operation across Ontario.

For further information, please contact:

Wendy Hoogeveen
Manager, Information Services
(416) 327-0520
wendy.hoogeveen@cbs.gov.on.ca



Location Map

Part of Lot 15,
Concession 4

APPLICANT:
MARUBA INVESTMENTS INC./
ASTRA STAR CORPORATION



Community Planning Department

Attachment

FILE No.:
DA.03.002 &
Z.02.034

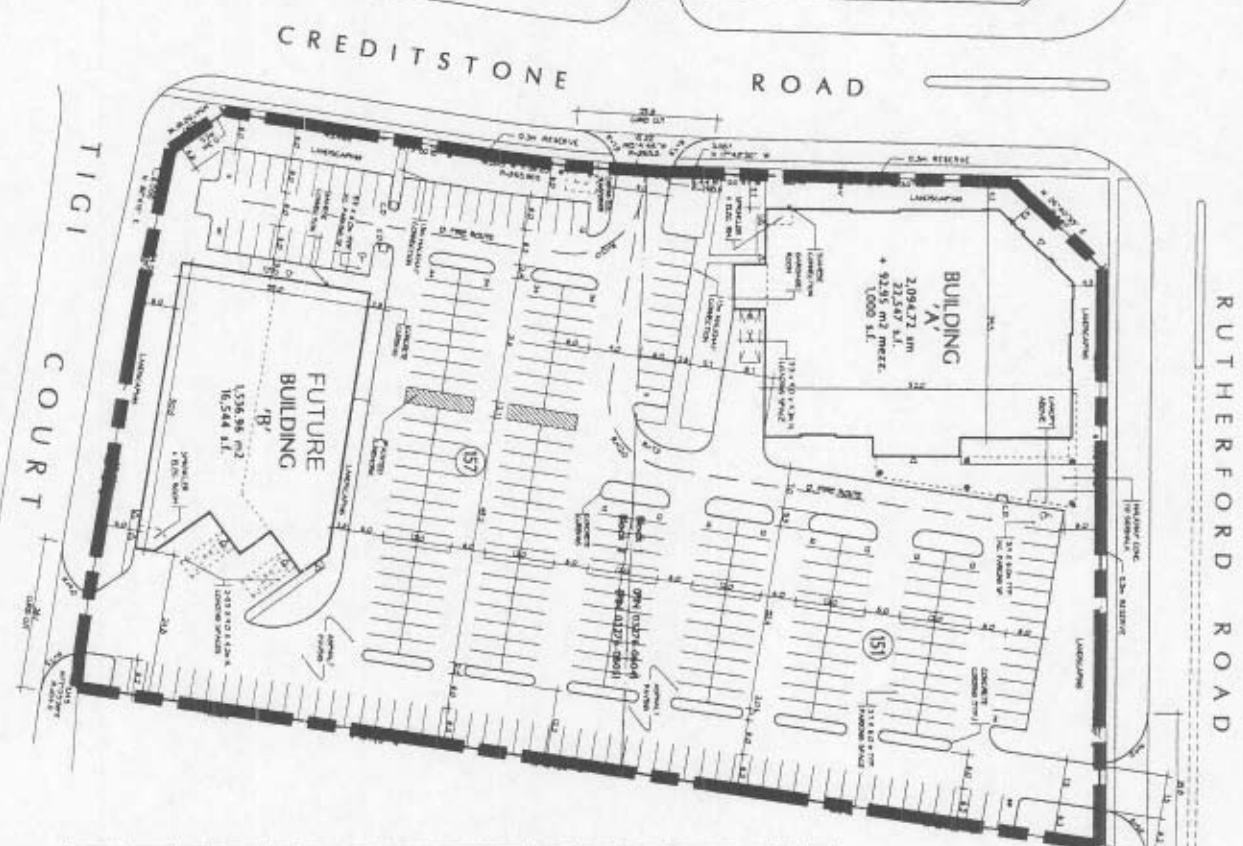
June 5, 2003

2

Site Plan

Part of Lot 15,
Concession 4

APPLICANT:
MARUBA INVESTMENTS INC./
ASTRA STAR CORPORATION



Community Planning Department



Attachment

FILE NO.:
DA.03.002 &
Z.02.034

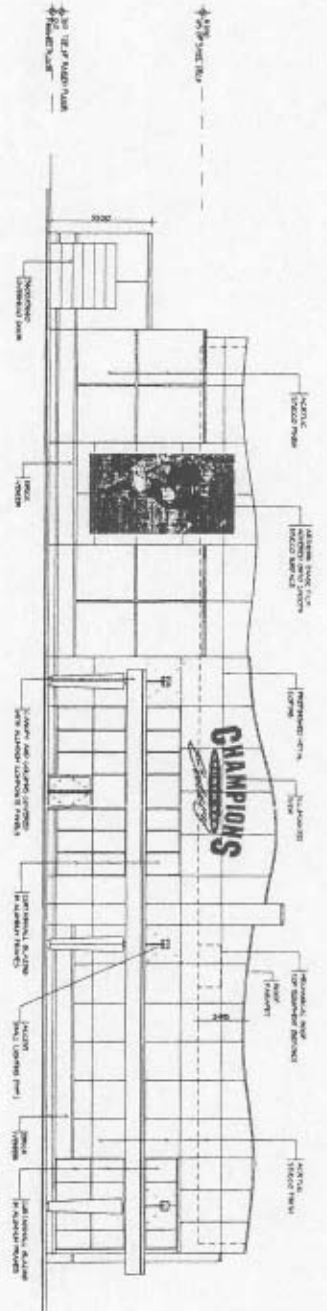
June 5, 2003

3

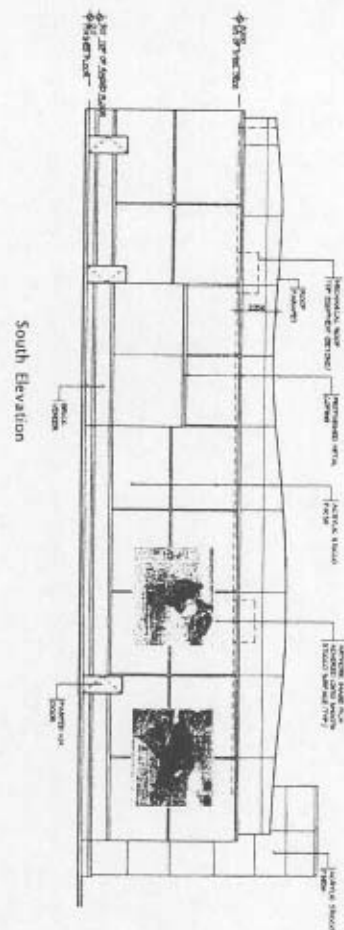
Not to Scale

SITE STATISTICS

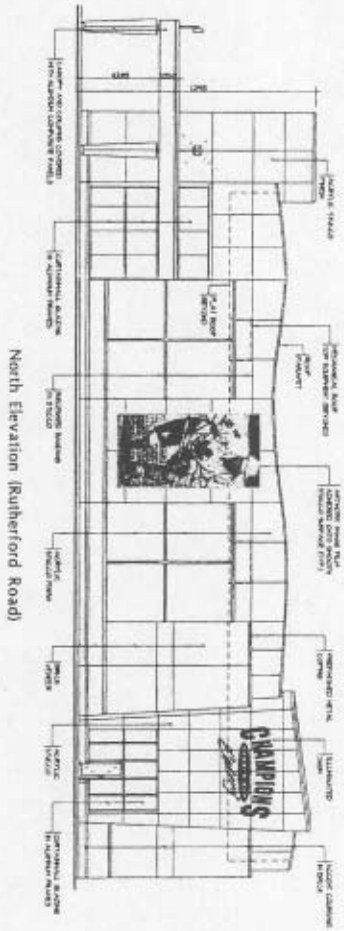
SITE AREA	17,207.28 sq. ft. (4.17 acres)
BUILDING AREA	
Building "C" (Footprint)	2,004.12 sq. ft. (22,547 sq. ft. including 10,000 sq. ft. of parking)
Building "B"	1,536.86 sq. ft. (16,544 sq. ft. including 10,000 sq. ft. of parking)
TOTAL BUILDING C.F.A.	3,540.98 sq. ft. (40,091 sq. ft. including 20,000 sq. ft. of parking)
SITE COVERAGE	20.6% (3,540.98 sq. ft. / 17,207.28 sq. ft.)
LANDSCAPED AREA	3,248.63 sq. ft. (21.2%)
PAVED AREA	10,207.55 sq. ft. (59.3%)
PARKING REQUIRED	
Retail/Commercial	100% @ 182.100 sq. ft. = 182.6 spaces
Employment	12% @ 182.100 sq. ft. = 15.8 spaces
Manufacturing	15% @ 182.100 sq. ft. = 27.3 spaces
Office	15% @ 111,100 sq. ft. = 16.7 spaces
TOTAL	222.4 spaces
Parking Provided	187.5 spaces
Net Deficit	34.9 spaces
Other Requirements	
Office Requirements	187.50 spaces @ 1.57 (187.50) = 294.375 spaces
Net Deficit	106.875 spaces
Parking Required	334.275 spaces
Parking Provided	187.50 spaces
Net Deficit	146.775 spaces



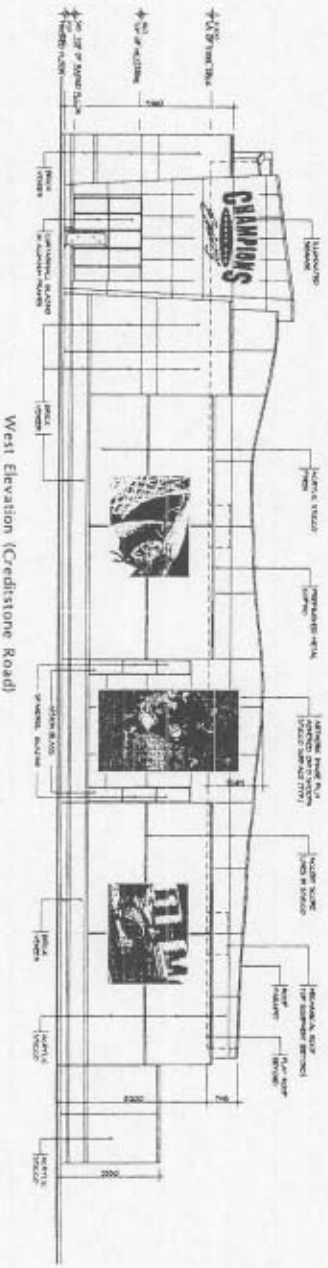
East Elevation



South Elevation



North Elevation (Rutherford Road)



West Elevation (Creditstone Road)

Not to Scale

Elevations

Part of Lot 15,
Concession 4

APPLICANT:
MARUBA INVESTMENTS INC./
ASTRA STAR CORPORATION



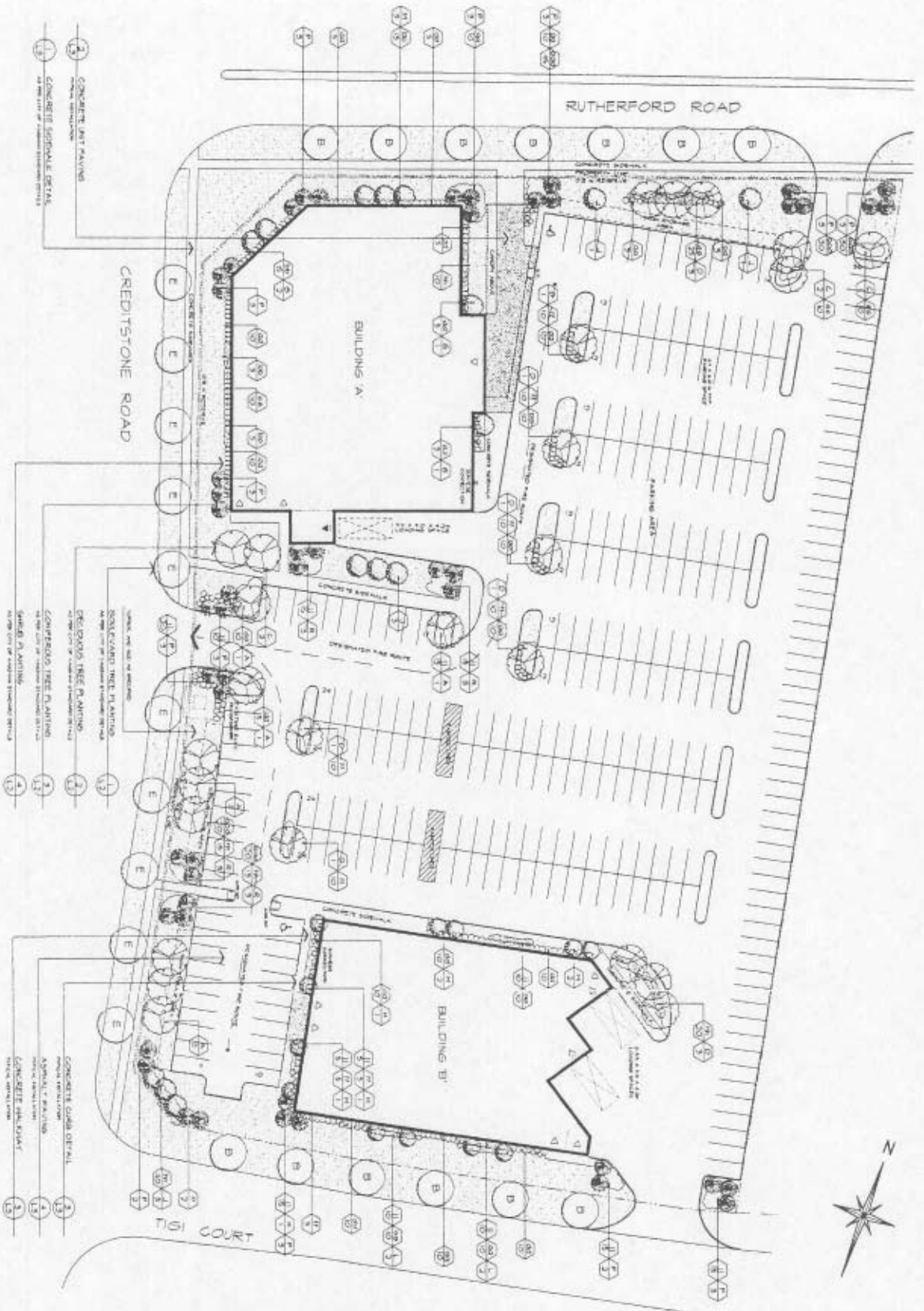
Community Planning Department

Attachment

FILE NO.:
DA.03.002 &
Z.02.034

June 5, 2003





Not to Scale

Landscape Plan

Part of Lot 15,
Concession 4

APPLICANT:
MARUBA INVESTMENTS INC./
ASTRA STAR CORPORATION

City of
Vaughan

Community Planning Department

Attachment 5

FILE No.:
DA.03.002 &
Z.02.034

June 5, 2003