

COMMITTEE OF THE WHOLE NOVEMBER 29, 2004

**OFFICIAL PLAN AMENDMENT FILE OP.04.008
ZONING BY-LAW AMENDMENT FILE Z.04.024
ROYBRIDGE HOLDINGS LIMITED
REPORT #P.2004.84**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment Application OP.04.008 (Roybridge Holdings Limited) BE APPROVED to permit eating establishment and accessory outdoor patio uses on the subject lands shown on Attachment #1.
2. THAT Zoning By-law Amendment Application Z.04.024 (Roybridge Holdings Limited) BE APPROVED, to permit the following in the C3 Local Commercial Zone on the subject lands:
 - a) eating establishment, convenience eating establishment and take-out eating establishment uses with accessory outdoor patios for Buildings "A", "B" and "E" as shown on Attachment #2; and,
 - b) a total maximum combined gross floor area of 6,000 sq.m for all buildings on the subject lands shown on Attachment #2.

Purpose

The Owner has submitted applications on the subject lands (see Attachment #1) to:

1. amend Official Plan Amendment #600 to permit eating establishment and outdoor patio uses on the subject lands (see Attachment #1) as additional uses to the "Local Convenience Commercial Centres" list of permitted uses in the "Low Density Residential" designation; and,
2. amend Zoning By-law 1-88 to permit eating establishments, including convenience and take-out, together with accessory outdoor patios, in the C3 Local Commercial Zone, on the subject lands shown on Attachment #2.

Background - Analysis and Options

The 16,121.06 sq.m property is located (see Attachment #1) at the southeast corner of Weston Road and Ashberry Boulevard, being Block 181 on Plan 65M-3341(9551, 9555, 9587 and 9591 Weston Road), in Lot 18, Concession 5, City of Vaughan. The surrounding land uses are:

- North - Ashberry Boulevard; detached residential (RV4 Residential Urban Village Zone Four)
- South- Vellore Hall, park (A Agricultural Zone)
- East - detached residential (RV4(W.S) Residential Urban Village Zone Four (Wide Shallow))
- West - Weston Road; vacant/future residential (A Agricultural Zone)

The subject lands are designated "Low Density Residential" by OPA #600, and zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1019).

On June 9, 2003, Council approved Zoning By-law Amendment Application Z.02.041 and Site Development Application DA.02.038 (Roybridge Holdings Limited). The zoning by-law amendment application rezoned the subject lands from A Agricultural Zone and C3(H) Local Commercial Zone (Holding) to C3 Local Commercial Zone. A number of exceptions were also granted. The site plan provided for 5 buildings with a total gross floor area of 5959.23 sq.m.

Public Hearing

On May 31, 2004, a notice of public hearing was circulated to all property owners within 120 m of the subject lands, and to the Vellore Woods Ratepayers Association. To date, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing held on June 21, 2004, and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on June 28, 2004.

Official Plan

The subject lands are designated "Low Density Residential" by OPA #600, which permits local convenience commercial centres that provide convenience level shopping and personal services, including retail stores, personal service shops, offices and similar uses. Eating Establishments are not a permitted use within the "Local Convenience Commercial" policies, and therefore, an amendment to the Official Plan is required.

The subject lands are larger than a typical local convenience commercial site. The total gross floor area (GFA) for the site, when fully developed, will be approximately 6000 sq.m. OPA #600 generally limits these sites to a maximum gross floor area of 1,200 sq.m. In comparison, a "Neighbourhood Commercial Centre" in OPA #600 would have a total gross floor area of between 5,000 sq.m and 15,000 sq.m. The size of the subject lands lends itself to "Neighbourhood Commercial Centre" uses, which include eating establishments.

Given the size of the site, Staff are of the opinion that eating establishment uses are appropriate for the site, which is discussed in detail in the "Zoning" section of this report. The zoning by-law will restrict the location of these uses on the subject lands.

Zoning

The subject lands are zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1019). The C3 Zone permits the following uses:

- bank/financial institution
- business/professional office
- personal service shop
- photography studio
- retail store
- video store

The site-specific zoning exception provides a number of reductions to the zoning standards, including reducing the setback of a building adjacent to a Residential Zone from 9 m to 8 m, and bringing buildings closer to the street to achieve the urban design goals for the site.

The Owner is requesting that the C3 Zone be amended to permit the following uses on the site:

- eating establishment
- eating establishment, convenience
- eating establishment, take-out
- patios accessory to an eating establishment

As previously noted, the site is much larger than the typical local convenience commercial site. The zoning by-law generally limits the maximum lot area for lands zoned C3 Local Commercial Zone to 8,100 sq.m. This site has an area of 16,121 sq.m, approximately double the usual by-law maximum.

The applicant has indicated that the large site size can accommodate a greater range of land uses. Staff can support this assessment, however, with some limitations, as identified below. The applicant has also requested that eating establishments and patios be permitted throughout the site, in any of the 5 proposed buildings, as shown on Attachment #2. On larger "neighbourhood commercial" sites, the setback to a residential zone is 22.5 m. This provides a significant buffer between eating establishment uses and residential dwellings.

The site-specific zoning exception requires a minimum 8 m setback to the abutting residential uses to the east. This setback would not provide sufficient distance between residential and eating establishment uses, in light of possible nuisances such as odour and noise. To maintain a suitable separation between eating establishments and abutting residential uses, the eating establishment uses should be limited to proposed Buildings "A", "B", and "E" as shown on Attachment #2, which would be physically buffered by existing Buildings "C" and "D".

By-law 1-88 contains general requirements for outdoor patios, including that patios cannot be located between a building and a Residential Zone. With the current restrictions, a patio would not be permitted along Weston Road, as it would be between Building "A" (Attachment #2) and planned residential development on the west side of Weston Road. Given the significant distance between any patio and residential uses on the opposite side of Weston Road, Staff can support an exception to permit a patio between Weston Road and Building "A".

On June 9, 2003, Council approved Site Development Application DA.02.038 (Roybridge Holdings Limited)(Attachment #2). The approved plan consists of 5 buildings located around the perimeter of the site. To date, Building "C" (multi-unit commercial) and Building "D" (private school), have been built. The site, when fully developed, will have a total gross floor area of 5,959.23 sq.m. Through the review of the subject zoning amendment application, it was discovered that a necessary exception was inadvertently omitted when Exception 9(1019) was created in 2003. The C3 Zone currently permits a maximum gross floor area of 1,860 sq.m, which should have been changed to reflect the gross floor area shown on the site plan approved by Council in 2003. Accordingly, it will be necessary to include an exception to permit a maximum combined total gross floor area of 6,000 sq.m for all buildings shown on Attachment #2, in the implementing zoning by-law for this application.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #600.

Conclusion

The proposed amendments to the Official Plan and Zoning By-law to permit eating establishment and outdoor patio uses are appropriate for the subject lands, given the relatively large size of the property. The eating establishments and accessory patios, are recommended to be located in Buildings "A", "B" and "E" as shown on Attachment #2, which will provide a suitable separation distance from residential uses. The implementing zoning by-law will also permit a maximum gross floor area of 6,000 sq.m, which was inadvertently omitted when Exception 9(1019) was created in 2003, to reflect the approved site plan.

Staff are satisfied that the proposed uses are appropriate for the site. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Approved Site Plan

Report prepared by:

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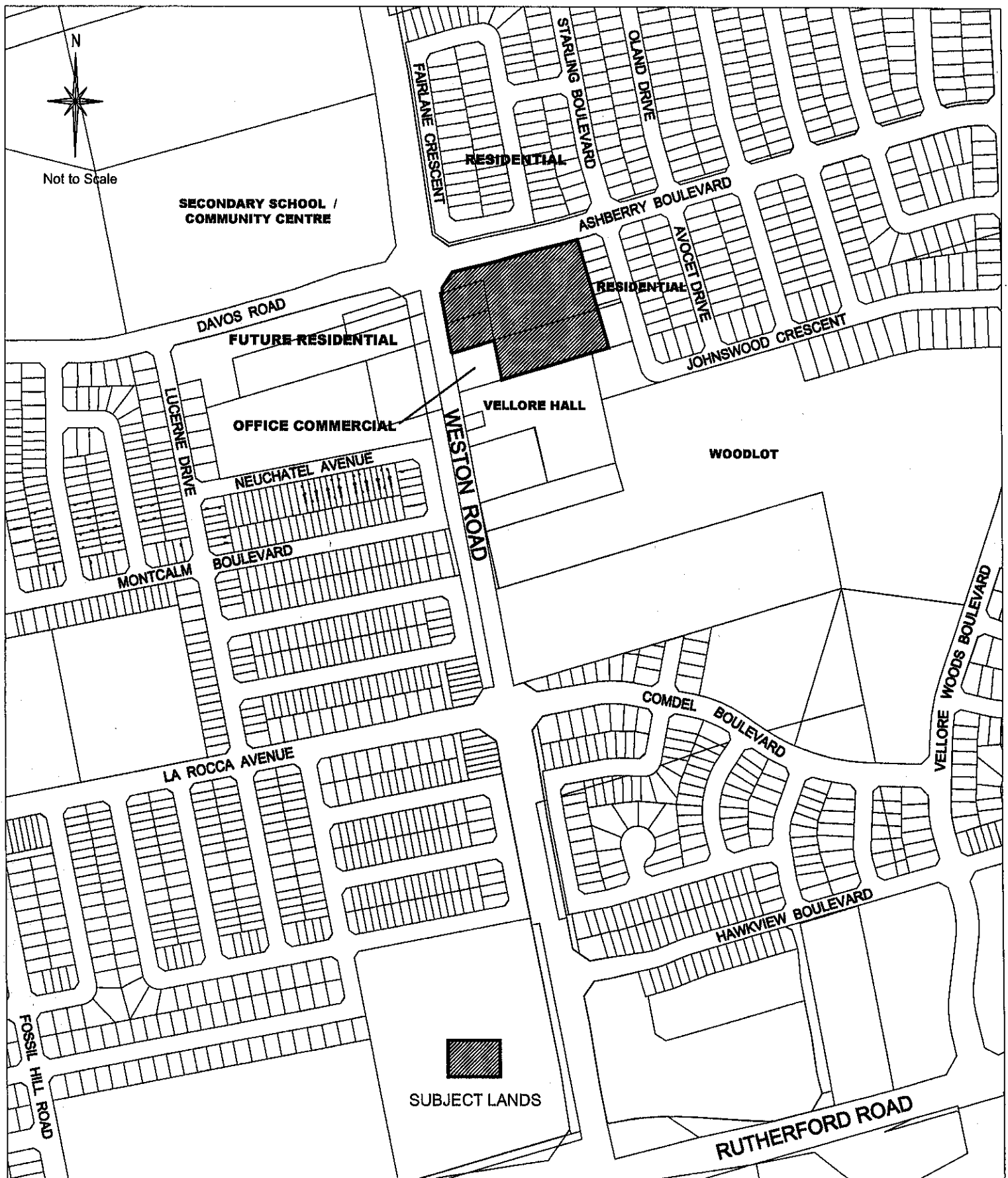
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Location Map

Part Lot 18,
Concession 5

APPLICANT:
ROYBRIDGE HOLDINGS LIMITED

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City of
Vaughan

Development Planning Department

Attachment

FILE No.:
OP.04.008 &
Z.04.024

November 5, 2004

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