

COMMITTEE OF THE WHOLE JUNE 15, 2010

**ZONING BY-LAW AMENDMENT FILE Z.09.013
TRIGLIO FOODS LIMITED
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.013 (Triglio Foods Limited) BE APPROVED, specifically to amend site-specific Exception 9(293) of By-law 1-88, as follows:
 - a) to permit the following additional uses on the subject lands zoned C1 Restricted Commercial Zone, as shown on Attachments #1, #2 and #3:
 - Personal Service Shop (ie. barber shop, beauty parlour);
 - Video Store; and,
 - Dance Studio;
 - b) recognize the existing 19 parking spaces as the minimum required parking for the site; and
 - c) recognize the existing loading area that is located between a building and a street (Pine Valley Drive).

Contribution to Sustainability

The Owner is proposing to permit additional uses in an existing building. No changes are being proposed to the existing site layout or building.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On May 29, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the Vaughanwood Ratepayers' Association. The Development Planning Department has received 2 letters from residents in the area, noting the following concerns:

- i) the existing uses in the plaza already cause traffic congestion which will be exacerbated by permitting the proposed additional uses;
- ii) the dance studio has existed at the property illegally for some time, and furthermore, is located within the basement which is not permitted; and
- iii) the basement of the plaza has been used for residential purposes, which is not permitted.

The recommendation of the Committee of the Whole to receive the Public Hearing report of June 23, 2009, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 30, 2009. Council also adopted the following resolution:

“that staff be directed to review the feasibility of installing a right turn lane and the timing of the traffic signal, at the intersection of Willis Road and Pine Valley Drive”

The Vaughan Engineering Services Department will be responding to the above-noted direction of Council by way of a separate report to a future Committee of the Whole meeting.

On June 4, 2010, a Notice of this meeting was sent to those individuals who provided written correspondence to the Development Planning Department with respect to this application, or who had otherwise requested Notice.

Purpose

The Owner submitted a Zoning By-law Amendment Application (File Z.09.013) to amend the site-specific Zoning Exception 9(293) of By-law 1-88, in order permit the following additional uses on the subject lands zoned C1 Restricted Commercial Zone:

- Business/Professional Offices;
- Personal Service Shop;
- Video Store;
- Eating Establishment;
- Club or Health Centre;
- Veterinary Clinic; and,
- Dance Studio.

The current zoning for the property restricts the site to a bank or financial institution, barber shop/beauty salon, business or professional office, and retail store uses.

As the "business or professional office" use is permitted as-of-right on the property, further consideration of this use was not required through this application. The Owner subsequently informed the Development Planning Department that the request for "Eating Establishment", "Club or Health Centre" and "Veterinary Clinic" uses were no longer being sought. Thus, the focus of review was now limited to a video store, personal service shop, and a dance studio (which has existed at the subject property for over 10 years), in addition to those uses already permitted.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at the southwest corner of Pine Valley Drive and Willis Road, municipally known as 15 Willis Road, City of Vaughan. The property is currently developed with a one-storey building that includes a convenience retail store (Mac's Milk) and a beauty salon on the ground floor, and a dance studio (i.e. not a permitted use) in the basement. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Local Convenience Commercial" by OPA #240 (Woodbridge Community Plan), which permits retail stores offering convenience goods and personal services for residents of the immediate area. The proposal to permit the additional commercial uses (ie. personal service shop, video store, and dance studio) on the property conforms to the Official Plan.

Zoning

The property is zoned C1 Restricted Commercial Zone by By-law 1-88, subject to Exception 9(293), which permits only the following uses:

- Bank or Financial Institution
- Barbershop - Beauty Parlour
- Business/Professional Office
- Retail Store

Therefore, an amendment to the site-specific Zoning Exception 9(293) is required to permit the proposed additional uses (i.e. dance studio, personal service shop, and video store) within the C1 Zone, on the subject property.

Planning Considerations

In addition to the uses currently permitted as-of-right on the subject lands, the Owner is requesting the following additional uses which are permissible within By-law 1-88's standard C1 Restricted Commercial Zone:

- Personal Service Shop;
- Video Store; and,
- Dance Studio.

By-law 1-88 requires that permitted uses within a C1 Restricted Commercial Zone are conducted wholly within an enclosed building without any drive-in or curb service, and provided further that no manufacturing or processing is carried on.

The following concerns were raised by residents during the processing of the subject Zoning By-law Amendment Application:

1. The existing uses in the plaza already cause traffic congestion which will be exacerbated by permitting the proposed additional uses.

As previously stated, the Vaughan Engineering Services Department will respond to Council by way of a separate Committee of the Whole report regarding the June 30, 2009 resolution "that staff be directed to review the feasibility of installing a right turn lane and the timing of the traffic signal, at the intersection of Willis Road and Pine Valley Drive".

In addition to the above, the Development Planning Department notes that the permitted as-of-right uses for the subject lands include a barbershop – beauty parlour. By-law 1-88 considers these 2 uses as a "personal service shop" use that has been requested by the Owner. Accordingly, it is not anticipated that by expanding the permitted uses on site to include a "personal service shop" will have adverse impacts on traffic congestion as no physical expansion of the plaza has been proposed. Additionally, a video store would operate in the same manner as a "retail store", which is already permitted on the subject lands. Finally, the proposed dance studio use has existed at the subject property for over 10 years. The purpose of the application filed by the Owner is to add some flexibility to the permitted uses and to rectify the illegality of the dance studio. Given the similarity of the proposed uses with what is already permitted (and existing at the plaza), it is not anticipated that permitting the additional requested uses will exacerbate the existing situation.

2. The dance studio has existed at the property illegally for some time, and furthermore, is located within the basement which is not permitted.

The Development Planning Department was advised by the Owner that the subject application was filed in order to rectify the current situation. Furthermore, the Development Planning Department was advised by the Building Standards Department – Inspections Office that an Order to Comply (08-02208) was issued with respect to the dance studio on January 30, 2008 as there was an active Building Permit Application (99-2819). The Development Planning

Department was also advised that the dance studio use has been in existence since 1999 without significant complaint from the surrounding residents.

3. The basement of the plaza has been used for residential purposes, which is not permitted.

The Development Planning Department conducted a site visit of the existing dance studio on May 6, 2010. It did not appear that the premise was being used for residential purposes. The current zoning does not permit residential uses on the property, nor has the Owner requested residential permission by way of this application. Such use is prohibited and will not be considered.

The Development Planning Department is of the opinion that adding an exception to permit the existing dance studio within the basement is supportable. The use has existed within the subject plaza, although illegally, for over 10 years. The dance studio can also be considered a local service for the residents of the surrounding area.

In addition, the requested "personal service shop" and "video store" uses are similar, if not identical, to the already permitted "barbershop/beauty salon" and "retail store" uses, respectively, which are already permitted as-of-right. Adding the requested uses will allow the Owner flexibility in ensuring that the commercial plaza remains viable and continues to serve its role while remaining suitable and appropriate for the subject lands and compatible with adjacent land uses. Some concern was raised with the proposed video store use, however, the Development Planning Department is satisfied that such use will act in the same manner as the already permitted retail store use. By-law 1-88 differentiates a "video store" from an "adult video tape store". The latter has never been contemplated as part of this application, and will not be permitted.

On September 8, 1981, Vaughan Council passed Zoning By-law 217-81, which approved the site-specific uses on the property and facilitated the site plan for the property. By-law 217-81 was fully approved by the Ontario Municipal Board on April 30, 1982 and the associated site plan agreement was signed on May 10, 1982.

The Zoning By-law Amendment deriving from this application will also address the existing 19 parking spaces that serve the commercial plaza, whereas the current site-specific by-law requires a minimum of 21 spaces. The original approved site plan for the plaza illustrates over 21 spaces that serve the plaza through use of tandem spaces, which are not permitted by the by-law today. The Owner has provided the Development Planning Department with an as-built site plan that shows 19 parking spaces using the zoning standards that are currently in-force. The loss of 2 parking spaces (from the required 21 to 19 spaces) is negligible, particularly in light of the fact that the plaza has operated in essentially the same manner for over 10 years. It is also noteworthy that the City is currently reviewing its parking standards which will reduce the parking requirements that are associated with local convenience type retail centres. The new standard that the City is considering for these types of commercial uses would require 3.5 parking spaces per 100m² of GFA. The site plan submitted by the Owner shows 500m² of GFA, and at a ratio of 3.5 spaces/100m², would require 18 parking spaces, and therefore, the existing 19 spaces is considered to be appropriate.

The existing plaza also contains a loading area at the southeast corner of the building (Pine Valley Drive elevation). By-law 1-88 does not permit loading and unloading between a building and a street. However, as this is an existing situation, the Development Planning Department can support an exception to the by-law.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has no comment respecting the proposed Zoning By-law Amendment.

Conclusion

The Zoning By-law Amendment Application has been reviewed in accordance with the policies of OPA #240 (Woodbridge Community Plan), the requirements of By-law 1-88, and comments received from City Departments, area residents and the surrounding area context. The Development Planning Department is satisfied that the proposal to permit additional C1 Restricted Commercial uses (i.e. dance studio, personal service shop, and video store) as discussed in the recommendation of this report are appropriate and compatible with the surrounding land uses, and conforms to the Official Plan. The proposed uses are to be conducted within an enclosed building without any drive-in service or curb service. The Zoning By-law Amendment will also recognize the existing 19 parking spaces provided on site.

On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan

Report prepared by:

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Christina Napoli, Acting Senior Planner, ext. 8483

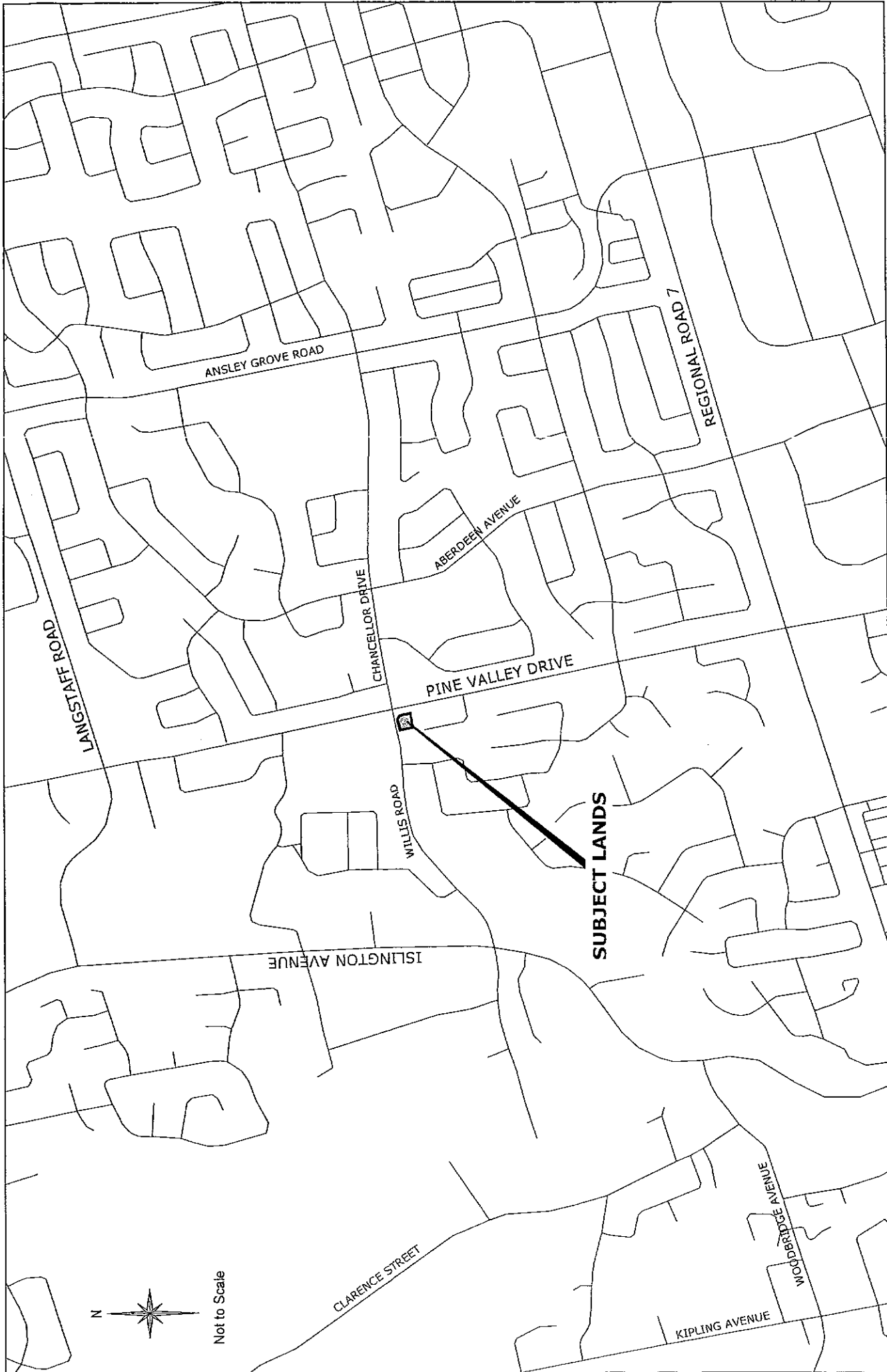
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYHEYAMA
Director of Development Planning

/LG



Context Location Map

Part of Lot 8,
Concession 7

Applicant:
Triglio Foods Limited

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The City Above Toronto

Development Planning Department

Attachment

1

File:
Z.09.013


Date:
June 15, 2010



LEGEND

- C1 - RESTRICTED COMMERCIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE

SUBJECT LANDS



Location Map

Attachment 2

File: Z.09.013
Date: June 15, 2010



Development Planning Department

Part of Lot 8,
Concession 7
Applicant:
Triglio Foods Limited
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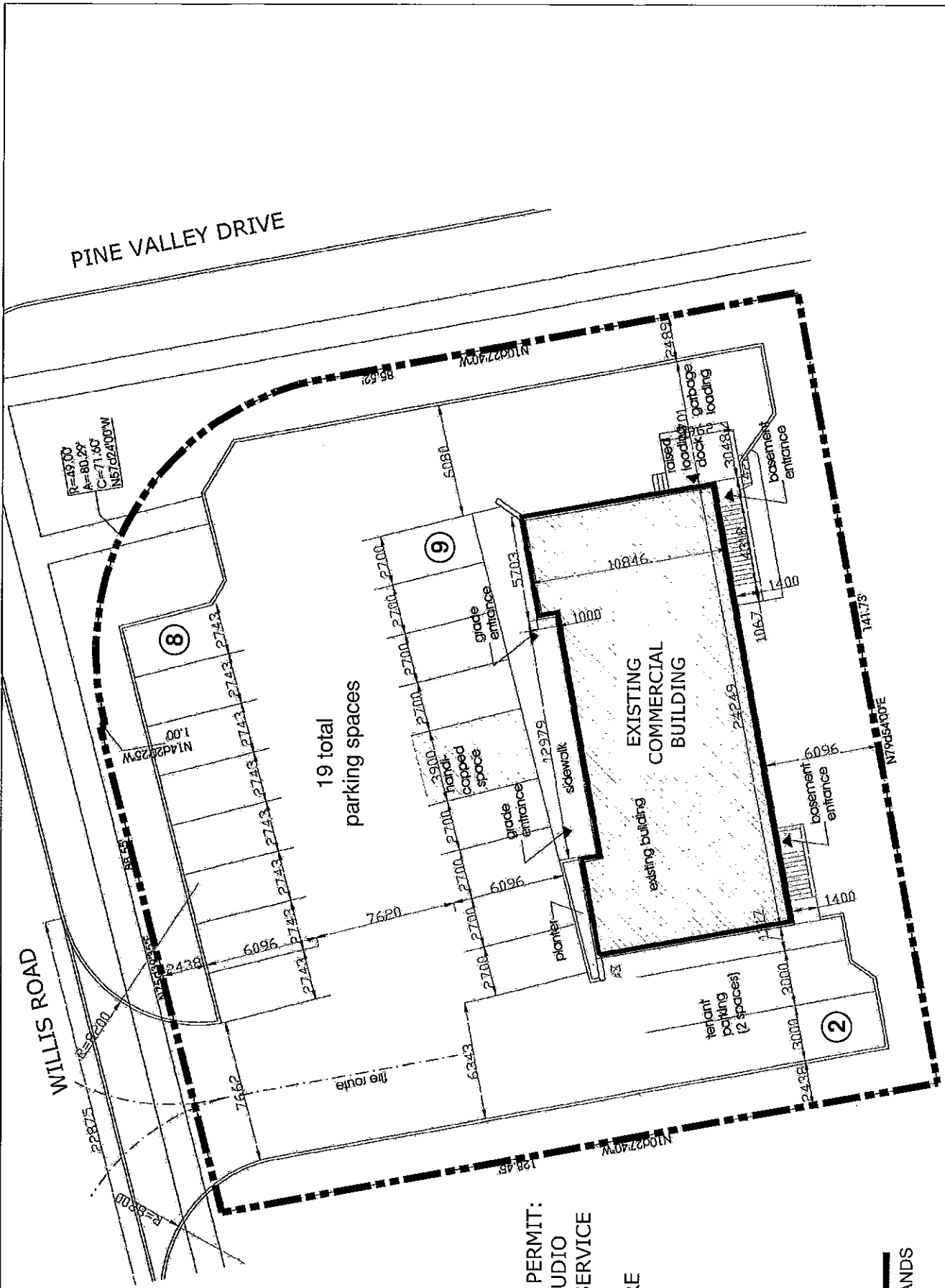
Development Planning Department

Site Plan

Part of Lot 8,
Concession 7

Applicant:
Triglo Foods Limited

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- ZONING BY-LAW
AMENDMENT TO PERMIT:
- A DANCE STUDIO
 - PERSONAL SERVICE
 - SHOP
 - VIDEO STORE

SUBJECT LANDS