

COMMITTEE OF THE WHOLE - APRIL 10, 2001

OFFICIAL PLAN AMENDMENT APPLICATION FILE OP.99.039 ZONING BY- LAW AMENDMENT APPLICATION FILE Z.99.088 REPORT #P.2000.16 DUFFERIN CONTWO INVESTMENTS LTD.

Recommendation

The Commissioner of Planning & Urban Design recommends:

THAT Official Plan Amendment Application OP.99.039 (Dufferin Contwo Investments Ltd.) BE APPROVED to permit eating establishment uses (including convenience and take-out), subject to the "Local Convenience Commercial" policies in OPA #600; and,

THAT Zoning By-law Amendment Application Z.00.088 (Heatherwood Properties Inc.) BE APPROVED to permit eating establishment uses (including convenience and take-out) to a maximum of 20% of the total floor area, as an additional use in the C3 Zone, and to limit the maximum gross floor area to 1200m².

Background

In November 1999, Official Plan and Zoning By-law Amendment applications were filed on behalf of four Block 10 landowners (Heatherwood Properties Inc. (East), Dufferin Contwo Investments Ltd., Langstaff Contwo Investments Ltd., Armeria Investments Ltd.) to permit a service station on each of their respective sites. At the same time, an application was made by a fifth Block 10 landowner for a car wash in conjunction with a service station already permitted on the C4 Neighbourhood Commercial site. (482697 Ontario Limited and Langstaff Woods Development Corporation).

As a result of discussions among the Block 10 developers group, the applications were subsequently amended to delete the proposed service station use on two sites (Armeria and Dufferin Contwo). Also, eating establishments were added as proposed uses on all sites, except for Langstaff Woods where it is already permitted.

Location

- East side of Dufferin Street, south of Rutherford Road, in Block 10 Plan
- Block 544 on Draft Approved Plan of Subdivision 19T-90008
- Lot 14, Concession 2, City of Vaughan

Proposal

On October 27, 2000, the Owner submitted revised Official Plan and Zoning By-law Amendment applications to add to the permitted uses, eating establishment uses (including convenience and take-out), restricted to a maximum of 30% of the total gross floor area of the development, on the 0.51 ha Local Commercial site.

Land Use Status

- Designation - "Medium Density Residential/Commercial" by OPA 600
- Block 10 Plan - "Convenience Commercial", and subject to the "Local Convenience Commercial" policies in OPA #600
- Zoning - C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1063)

Site Description

- rectangular-shaped, vacant, 0.51 ha site
- 50m frontage on Dufferin Street and 90m flankage on Street "E"
- the surrounding land uses are:
 - North - planned residential (RVM1(B) Zone)
 - South - Street "E" and secondary school/district park/community centre campus (RV4 (WS) Zone)
 - East - local street, residential (RVM1(B) Zone)
 - West - Dufferin Street; residential (RVM1 (A) Zone and RV4 (WS) Zone) in Block 17 Plan

Public Hearing

On November 17, 2000, a notice of public hearing was circulated to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on December 11, 2000, to receive the public hearing and forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on December 18, 2000.

Official Plan

a) Region of York

The subject lands are identified as "Urban Area" on Map 5 - Regional Structure in the Region of York Official Plan. This designation provides for the development of communities, which includes for a range of residential, commercial, employment and recreational uses.

The Owner submitted a request for exemption from Regional approval for the amendment to the Official Plan for the previous gas bar proposal. In a letter dated January 28, 2000, the Region denied the request given the number of gas bar/service station proposed in Block 10. Upon the Block 10 developer's group reducing the number of gas bar/service station sites proposed for Block 10, in-lieu of the additional eating establishment uses proposed, the Region of York exempted the application from Regional Approval on March 7, 2001, stating that the proposal is of local significance.

b) OPA #600

The subject site is designated "Medium Density Residential/Commercial" by OPA #600. The subject lands are further defined as "Convenience Commercial" on the Council-approved Block 10 Plan of August 1999, and are therefore subject to the "Local Convenience Commercial" policies in OPA #600.

Local convenience commercial sites are permitted on arterial and primary streets, and preferably at corner locations and are limited to a gross floor area of 1200m². The policies require the design, appearance and scale of local convenience commercial sites to be in harmony with the character of the surrounding residential uses.

Local convenience commercial sites provide convenience level shopping and personal services and include retail stores, personal service shops, offices and similar uses. Eating establishments are not permitted, and therefore an amendment to the Official Plan is required.

Zoning

The subject lands are zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1063), which permits a bank or financial institution, business or professional office, personal service shop, photography studio, retail store and video store, but not the full range of eating establishments including take-out and convenience. Therefore, an amendment to the Zoning By-law is required.

OPA #600 limits "Local Convenience Commercial" developments to a maximum gross floor area of 1,200m², whereas By-law 1-88, as amended by By-law 390-99 approved by the OMB for Block 10, permits a maximum of 1,860m² in the C3 Zone. To bring the by-law into conformity with the Official Plan, it will be necessary to provide a zoning exception to restrict the gross floor area to 1,200m² on the subject lands.

Land Use

Staff is satisfied that the proposed range of eating establishments, including take-out and convenience, can be accommodated on the site and can be compatible with the proposed surrounding residential neighbourhood. The proposed uses are considered to provide a local convenience service to the residents in the immediate area. However, it is not desirable that eating establishments become a dominant use on the site, when the provision of convenience commercial services to the local neighbourhood is the primary purpose of the site.

The application for a maximum of 30% of the site to be eating establishments seems excessive, and could result in parking deficiencies, in light of the higher demands on parking that is associated with this type of use. Given that convenience sites are often adjacent to the residential development they serve, any issues concerning land use compatibility need to be minimized. Therefore, it is recommended that the gross floor area of the eating establishment uses be restricted to a maximum of 20% of the total GFA of the development. This approach is consistent with that taken in other local convenience commercial sites in the City.

The site layout and building design, landscaping, fencing and parking will be reviewed at the site plan stage. The site plan will further ensure that the development of the site remains in character with the intent of the local convenience commercial policies in the Official Plan.

Conclusion

Staff have reviewed the proposed application to amend the Official Plan and Zoning By-law in accordance with the policies in OPA #600 and the requirements of By-law 1-88, and are satisfied that the addition of eating establishment uses (including take-out and convenience), restricted to a maximum of 20% of the total gross floor area of the development, is appropriate for the site and the Block 10 community. The zoning will also include an exception to limit the total development on the site to 1,200m², consistent with policies in OPA #600.

Therefore, Staff recommend approval of the applications to amend the Official Plan and Zoning By-law, subject to conditions. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map

Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning & Urban Design

JOANNE R. ARBOUR
Director of Community Planning

Report prepared by: Mark H. Kluge, Planner, ext. 8216
Grant A. Uyeyama, Senior Planner, ext. 8635
Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

/LG

O:\Directory Structure\2001\Draft\Hold items with attachs\Holdcw0410\Item 22 - OP 99 039 Z 99 088.ATT.CW.doc



No.1..HEATHERWOOD PROPERTIES INC.
OP.99.037 & Z.00.088

No.2..HEATHERWOOD PROPERTIES INC.
OP.99.037 & Z.99.086

No.3..ARMERIA INVESTMENTS Ltd.
OP.99.036 & Z.99.085

No.4..LANGSTAFF CONTWO INVESTMENTS Ltd
OP.99.038 & Z.99.087

No.5..LANGSTAFF WOODS DEV. CORP.
& 482697 ONTARIO Ltd.
OP.99.040 & Z.99.089

SUBJECT LANDS

No.6..DUFFERIN CONTWO INVESTMENTS Ltd.
OP.99.039 & Z.99.088

ATTACHMENT '1'
LOCATION MAP

LOCATION:
PART LOT 15, CONC. 2
BLOCK # 10

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE: 01/02/27
SCALE: NOT TO SCALE