

COMMITTEE OF THE WHOLE DECEMBER 3, 2001

**ZONING BY-LAW AMENDMENT FILE Z.01.046
HONEY GROVE ESTATES PLAZA
REPORT #P.2001.60**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment Application Z.01.046 (Honey Grove Estates Plaza) BE REFUSED.

Purpose

On June 8, 2001, the Owner submitted an application to amend the Zoning By-law to permit a Banquet Hall use in the C2 Zone. The banquet hall is proposed to occupy Units 13, 14, and 15 (508m²) of the commercial building on the subject lands.

Background - Analysis and Options

The subject lands are located on the north side of Centre Street, east of Dufferin Street, being Lots 72 and 73 on Plan 3541 (1416 Centre Street), in Part of Lot 6, Concession 2, City of Vaughan. The 0.7 ha site has 63m frontage on Centre Street and 118m depth, and is developed with a 1-storey, 2,233.2m² commercial building. The surrounding land uses are:

North - open space (OS2 Zone), residential (R3 Zone)
South - Centre Street, residential (R1 and R4 Zones)
East - open space (OS2 Zone), residential (R3 Zone)
West - commercial (C2 Zone)

On September 14, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands. The following comments have been received from area residents, a tenant, and customers of the commercial plaza, in summary:

- a banquet hall facility will decrease property values, as there is concern about the noise late at night;
- the business is currently operating and has been very disruptive to our community due to the location of the entrance door, which is off the back alley facing Lawrie Road;
- the peace and quiet of our neighbourhood has been disrupted by the loud music and the large groups of people hanging out in the parking lot until the early hours of the morning; garbage is being thrown into backyards;
- the banquet hall would be busiest during the evenings and especially on weekends and holidays, with the functions running well into the early hours of the morning;
- traffic in and out of the parking lot is causing disturbance in the early hours of the morning; and,
- a banquet hall would bring an overflow of cars to the parking lot, where we park, pick-up and drop-off our children for dance classes in the plaza.

The recommendation of the Committee of the Whole at the Public Hearing on October 1, 2001, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on October 15, 2001.

On October 25, 2001, the Applicant's agent contacted Staff to address the issues raised by the public and advised of the following:

- the main door to the banquet hall facility, on the north side of the plaza facing the rear parking lot, could be used as an emergency exit only;
- the banquet hall windows along the east wall of the plaza, opposite the rear yards of Loudon Road, be draped with interior sound curtains to minimize the light and sounds emanating from within; and,
- the uses currently permitted in the plaza are generally open during the day and early evening, which provides the banquet hall with vacant parking spaces during their hours of operation.

Background - Analysis and Options

Official Plan

The subject lands are designated "General Commercial" by OPA #210 (Thornhill Community Plan), which permits retail stores for the buying, leasing and exchanging of goods and services, restaurants, banks, and business and professional offices. The proposed banquet hall use conforms to the Official Plan.

Zoning

The subject lands are zoned C2 General Commercial Zone by By-law 1-88, subject to Exception 9(672), which permits banks; personal service shops; business and professional offices; retail stores; and, eating establishments (not including take-out or drive-in restaurants) limited to 1096m² (49%) of the total GFA. A zoning by-law amendment is required to permit a banquet hall use on the subject lands.

Land Use

By-law 1-88 defines a "Banquet Hall" facility as:

"a building or part of a building used for the purpose of entertaining a large assembly of people and where food and liquor may be provided and may also include accessory retail uses including and similar to a photography studio/service, travel agency, disc jockey service, videography service, flower or gift shop, tuxedo rental, limousine rental, provided the total combined floor area of all accessory uses does not exceed ten percent (10%) of the total gross floor area of the building. An eating establishment may be permitted provided the total floor area does not exceed twenty percent (20%) of the total gross floor area of the building".

Given the nature of a banquet hall use, By-law 1-88 permits these facilities as-of-right only in the Employment Area (EM1, EM2, C7 Zones) and Corporate Centre (C9 and C10 Zones), so as to not adversely impact residential neighbourhoods (i.e. traffic congestion, parking demands, hours of operation, noise, garbage, lighting etc.).

Staff conducted a survey of Building Permit applications on file with the Building Standards Department, to confirm the location of banquet hall sites (existing and proposed) in the City. Of the 36 permits, 34 are located in EM1, EM2, C7 and C10 Zones as-of-right. The other 2 were site-specific exceptions to locate in an M1 Restricted Industrial Zone abutting Regional Road 7, and in a C6 Highway Commercial Zone along Highway 27 (see Attachment 3).

The proposed banquet hall abuts a residential neighbourhood to the east, increasing the potential for land use conflicts between the uses.

To this end, Staff is of the opinion that the intent of the By-law should be maintained, i.e. to direct retail stores and business and professional offices to commercial plaza sites, and to locate banquet halls in service commercial, employment, and corporate center areas, away from residential neighbourhoods.

Parking

The site was developed and approved for 134 parking spaces based on 6 spaces/100m² for a shopping plaza, with a restriction on eating establishments of 557.4m² (25%) of the total plaza GFA. Eating establishments require 16-20 spaces/100m², restricting their presence in a plaza ensures that the lower standard of parking provided is not over-extended.

As a result of two Committee of Adjustment Decisions (Files A76/97 and A142/98), the eating establishment component increased to 1096m² (49%) of the total GFA with no additional parking provided. The proposed banquet hall (508m²) would further increase the eating establishment component to 1,604m², resulting in a significant portion of the building (72%) being occupied by a customer-intensive food business.

The required parking for the site with the addition of the banquet hall use, is as follows:

- Commercial (including 49% eating establishment): 1,725.2m² @ 6 spaces/100m² = 104
- Banquet Hall: 508m² @ 11 spaces/100m² = 56

Total Required:	160
Total Provided:	134

Therefore, the site would be deficient by 26 parking spaces (16.2%) with the addition of the banquet hall use. Although the proposed banquet hall use may have access to a sufficient number of parking spaces during the off-peak hours, it is not the intent of the site-specific by-law to permit this opportunity. A banquet hall use requires almost twice as much parking (11 spaces/100m²) as required for the retail plaza (6 spaces/100m²).

The by-law provides for uses which are low parking generators to locate in the plaza generally open during business hours and maintain a minimal level of disturbance. This intent is to provide for uses which can co-exist with the residential neighbourhood, and not to introduce uses which can use available parking with late-hour, disruptive activity.

Compatibility

The April 1988 Technical Report recommending approval of the commercial site recognized the sensitivity between the commercial and residential land uses, and contained recommendations to ensure the successful integration of the commercial development into the neighbourhood. To that end, the implementing by-law restricted the commercial uses to retail stores, business and professional offices, and eating establishments to a maximum of 25% of the GFA. Over time,

variances have been approved to permit up to 49% occupancy by eating establishments. This amount of eating establishment, without the addition of a banquet hall, already provides increased opportunity for conflict with the adjacent residential area.

Staff is concerned that the offer to close the northerly entrance to the banquet hall, except for an emergency exit, will not address all of the concerns brought forward by the area residents. Specifically, large groups of people may continue to congregate in the parking lot until the early hours of the morning.

Also, the offer to install interior sound curtains over the windows on the east side of the building may mitigate some emission of the noise and light. However, Staff is concerned that the 11m-13m distance of the banquet hall to the Loudon Road rear yards is insufficient and that noise problems may persist.

Conclusion

Staff have reviewed the Official Plan and Zoning By-law, and cannot support the proposed zoning amendment to permit a banquet hall use in the established commercial plaza. The site-specific zoning by-law for the subject lands permits: banks, personal service shops, business and professional offices, retail stores, and eating establishments (not including take-out or drive-in restaurants). The restricted list of uses is intended to ensure the successful integration of the adjacent commercial and residential developments.

The original Council approval permitted up to 557.4m² (25%) of the plaza to be occupied by eating establishments, which was later increased to 1,096m² (49%) by two variances and would be further increased to 72%, with a banquet hall. Parking for the plaza was originally provided at the rate of 6 spaces/100m², much less than the rates of 11 spaces required for the banquet hall and 16 - 20 spaces for eating establishments. No additional parking is being provided with the continual addition of customer-intensive food businesses, which would result in a parking deficiency of 26 spaces (16.2%).

The proposed banquet hall use is presently operating in the plaza and is causing a conflict with the neighbouring residences. Banquet hall facilities are permitted as-of-right in the Employment Area (EM1, EM2 and C7 Zones) and Corporate Centre (C9 and C10 Zones), which are generally separate from residential areas and the parking, noise and late hours are not disruptive.

To this end, Staff recommends that the zoning amendment application be refused. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Chart of Banquet Hall Sites (Proposed and Existing)

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

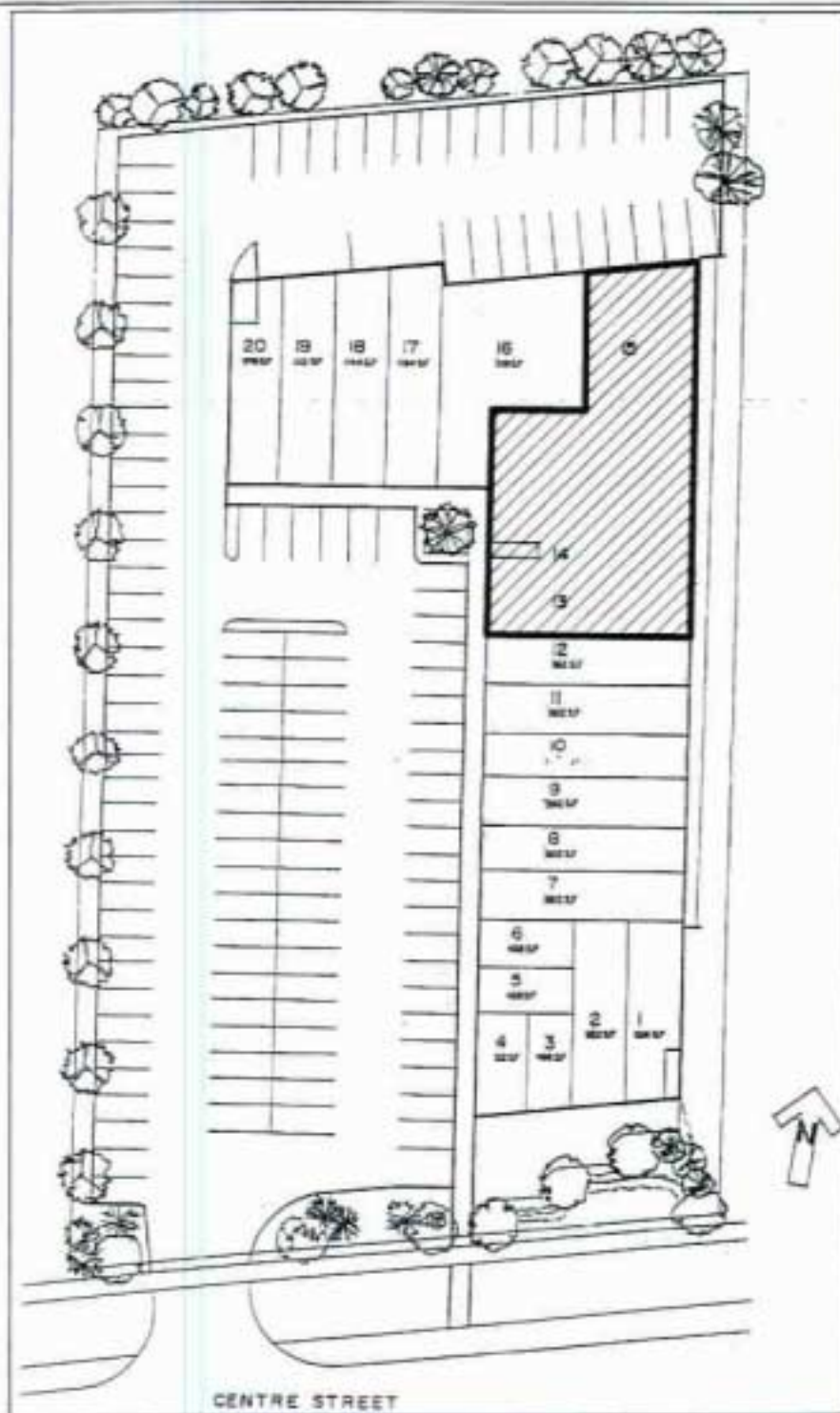
JOANNE R. ARBOUR
Director of Community Planning

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ATTACHMENT "1" LOCATION MAP	100 #	WORTH #	DATE: 20/06/2017
	100-199	10000	SCALE: 1:5000
	NAME:	CITY OF MISSISSAUGA	APPROVAL:
	FILE NO. & DATE:	PLANNING DEPARTMENT	MARKY BRINK, COUNTY PLANN.



ATTACHMENT "2"
SITE PLAN

FILE #	REPORT #
Z.01.046	WORKSHEET PART LOT 8 CONC.2

 SUBJECT LANDS
CITY OF VAGHAN
PLANNING DEPARTMENT

DATE: 01/10/2001
SCALE: NOT TO SCALE
APPLICANT: HONEY BROOK ESTATES PLAZA

ATTACHMENT '3'

LOCATION OF BANQUET HALL SITES (EXISTING AND PROPOSED) IN THE CITY OF VAUGHAN

Banquet Halls	Zone (Surrounding Zones)
A	EM1 (EM2, C7)
B	EM2 9(529B) (EM1, EM4)
C	EM1 (EM1)
D	C10 9(957) (EM1, C9)
E	EM1 9(462B) (EM2, C7, EM3)
F	EM2 (EM2)
G	EM1 (EM2, C1)
H	EM1 9(822E) (EM2, C7)
I	EM1 (EM2)
J	EM1 (EM2)
K	EM1 9(618) (EM2)
L	EM2 (EM2)
M	CC (EM1)
N	EM1 9(462I) (C7, EM2)
O	C7 9(429) (EM1, EM2)
P	EM1 9(462B) (EM2, EM3, C7)
Q	EM1 (EM1)
R	EM1 (EM1)
S	CC 9(537) (EM1, EM2)
T	EM1 9(462) (EM2, C7)
U	CC (EM1)
V	EM1 (EM2, C7)
W	M1 9(261) 9(208) (C4, M2, R4)
X	EM2 9(673F) (EM1, EM2)
Y	EM1 (EM2)
Z	EM1 9(403) (EM1)
AA	EM1 9(463A) (EM1, EM2)
BB	EM1 9(462B) (EM2, EM3, C7)
CC	EM1 9(729B) (EM1, EM2)
DD	EM1 (EM2)
EE	C7 9(462E)
FF	EM1 9(462) (EM2, C7)
GG	C7 9(625) (EM1)
HH	C6 9(409) (A)
II	C7 9(525) (EM1, EM2)



BANQUET HALL USE PERMITTED AS-OF-RIGHT
EXCEPTION TO BY-LAW 1-88 TO PERMIT THE USE

SOURCES:

1. PERMIT APPLICATIONS ON FILE WITH THE CITY OF VAUGHAN BUILDING STANDARDS DEPARTMENT
2. BY-LAW 1-88
3. CITY OF VAUGHAN YELLOW PAGES