

COMMITTEE OF THE WHOLE MAY 21, 2002

**OFFICIAL PLAN AMENDMENT FILE OP.02.003
ZONING BY-LAW AMENDMENT FILE Z.02.001
1199394 ONTARIO LIMITED
REPORT #P.2002.14**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.02.003 (1199394 Ontario Limited) BE APPROVED to permit outside storage for the purposes of a garden centre accessory to a supermarket use.
2. THAT Zoning By-law Amendment File Z.02.001 (1199394 Ontario Limited) BE APPROVED, subject to the implementing by-law providing for the following:
 - a) the permitted uses of:
 - maximum 300 sq.m open storage (seasonal garden centre)
 - retail convenience store
 - hair salon/dresser
 - bake shop/bakery; and
 - dry cleaning establishment (depot only)
 - b) seasonal operation from April 1 to September 1, annually
 - c) minimum on-site parking of 250 spaces.
3. The approved site development agreement (File DA.98.081) BE AMENDED accordingly to identify the garden centre area, prior to issuance of a building permit.

Purpose

On January 9, 2002, the Owner submitted an application to amend the Official Plan and Zoning By-law to permit an outdoor seasonal garden centre use accessory to a supermarket, and to expand the current C4 Neighbourhood Commercial Zone uses to include four additional uses; retail convenience store, hair salon/dresser, bake shop (bakery) and dry cleaning establishment.

As proposed, the outdoor garden centre would occupy 293 sq.m (18 existing parking spaces) directly to the north of the supermarket. Since the Public Hearing, the garden centre has been relocated along the eastern building façade, opposite Clarence Street, utilizing 14 parking spaces and two raised sidewalk areas.

Background - Analysis and Options

The subject lands are located at the southwest corner of Clarence Street and Rutherford Road (5283 Rutherford Road), in Lot 15, Concession 8, City of Vaughan. The land is currently developed with a 4,395 sq.m building, anchored by a Longo's Supermarket. The property is regular in shape with frontage on Rutherford Road, Clarence Street and the planned Avdell Road to the south. The surrounding land uses are:

North - Rutherford Road; residential (RV3 and RV4 Residential Zone)
South - future road allowance; vacant (C3 Local Convenience and R2 Residential Zones)
East - Clarence Street; residential (R1 Residential Zone)
West - residential (R2 Residential Zone)

Public Hearing

At the February 18, 2002 Public Hearing, area residents generally supported expansion of the current uses to include a bakery, hair salon, dry-cleaner and retail convenience store, but expressed concerns with the garden centre use. Specifically, concerns related to the location of the garden centre, the size, the number of parking spaces used, traffic and internal vehicular movement.

The applicant, in dialogue with the ratepayers, relocated the garden centre along the east façade of the building (Attachment #2), occupying 328 sq.m over 14 parking spaces.

Further discussions between the residents, Staff and the applicant have occurred to further define the location, size and set-up of the facility. The residents would prefer that the garden centre be scaled down in favor of providing more parking spaces. The applicant advises that with the long, narrow configuration, the proposed size is required to properly display the landscape products.

Official Plan

The lands are designated "Neighbourhood Commercial" by OPA #240 (Woodbridge Community Plan), as amended by OPA #345, which permits commercial uses providing for the weekly needs of residents in a one-stop shopping location, but prohibits outside storage. This designation permits the following uses; a supermarket, drug store, retail stores, pharmacies, financial institutions, business and professional services, and restaurants. The uses proposed by the applicant conform to the Official Plan, with the exception of the outside storage use, and therefore an amendment is required.

The York Region Planning Department has reviewed the proposed official plan amendment application and have indicated that it is a matter of local significance and does not require Regional approval.

Zoning

On February 3, 1992, Council approved Zoning By-law Amendment application Z.143.88 and Site Development Application DA.72.90 for a 5,235 sq.m neighbourhood commercial centre comprising of two commercial buildings. The site specific implementing by-law, which was subsequently approved by the Ontario Municipal Board, placed a hold on the lands, restricted development to a maximum of 5,400sq.m, established building envelopes and prohibited a retail convenience use, hair salon, bake shop/bakery and dry cleaning establishment.

More recently, Council approved a site development application (File DA.98.081) to permit the construction of one neighbourhood centre building on the subject lands, and a related variance application was also approved by the Committee of Adjustment.

The lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(860). Under this exception, a hair dresser/salon, bake shop, retail convenience store and dry-cleaning establishment are not permitted uses. The applicant is proposing to add these uses, along with a seasonal outdoor garden centre, and therefore an amendment is required.

Site Design

The garden centre will operate during April 1 to September 1, on an annual basis, and be located along the eastern elevation, occupying 328 sq.m or 14 parking spaces. The facility will be completely fenced by a moveable 7.6m high steel galvanized insta-fence, and no outside lighting is required. The main items sold at the facility will be flowers and flowering material, various shrubs and bushes 3 to 4 feet in height, and related garden centre items such as clay pots, bagged fertilizer and topsoil.

The proposed garden centre extends along the entire east wall of the supermarket and protrudes beyond the front wall, to the main driveway. As this configuration blocks the sidewalk and directs pedestrians into the traffic lane, it is recommended that the garden centre be pulled back toward the front wall of the building, in line with the first parking space (see Attachment #2).

Vehicular Access and Parking

The site is currently providing two full movement access points, one from Rutherford Road and the other from Clarence Street. The garden centre is located south from the Clarence Street driveway access, and would not interfere with the movement of on site traffic. The Engineering Department, Traffic Division has not indicated any traffic movement concerns with respect to the proposed location of the garden centre.

The site is providing 264 parking spaces, with the majority of the parking located in front of the commercial building. During a site visit, most of the occupied spaces were in the front, with little use of the row of parking behind the building.

Required parking is calculated as $(4,394.5 \text{ sq.m GFA} \times 6.0 \text{ spaces}/100 \text{ sq.m}) = 264 \text{ spaces}$.

The introduction of the garden centre will occupy 14 of the parking spaces and therefore, create a parking deficiency for several months of the calendar year. Staff have no objection to this deficiency and an exception would need to be included in the implementing by-law.

Compatibility

The proposed dry cleaning establishment, bakery, hair salon and retail convenience are uses that would not create a detriment to the site. These uses are consistent with those uses already existing on site, they generate the same parking standard, and are uses typically permitted under this type of zone category. The dry cleaner use would be limited to a depot, which includes processing only if accessory, in accordance with the by-law definition.

The outdoor garden centre is not permitted, specifically as it is classified as an outside/open storage use. Merit can be found in support of this use, given its nature as an accessory to the supermarket and a seasonal operation only.

Vaughan Fire Department

The City of Vaughan Fire Department has reviewed the proposed application and requires that:

- Fire access routes shall be provided in accordance with the Ontario Building Code and they shall be a minimum of 6m in width, to the satisfaction of the Chief Fire Official; and
- Unobstructed access to the Fire Department Connections shall be maintained at all times.

The garden centre continues to provide a 6m wide fire route as required.

Conclusion

Staff has reviewed the proposed application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and have no objections to the proposed hair salon, bakery, retail convenience store, and dry-cleaning establishment depot as additional uses appropriate for a neighbourhood commercial centre. The proposed outdoor garden facility can also be supported, provided it is limited to a specific location and functions on a seasonal basis.

Staff recommend that the northerly end of the garden centre be reduced to an area of approximately 300 sq.m as shown on Attachment #2. This will enable the front walkway along the north façade of the supermarket to remain free for pedestrian and shopping cart access. An amendment to the site plan agreement will be required, which will address the location and fencing details.

To this end, Staff has no objection to the approval of the applications, subject to conditions outlined in the Recommendation section. Should the Committee concur, the Recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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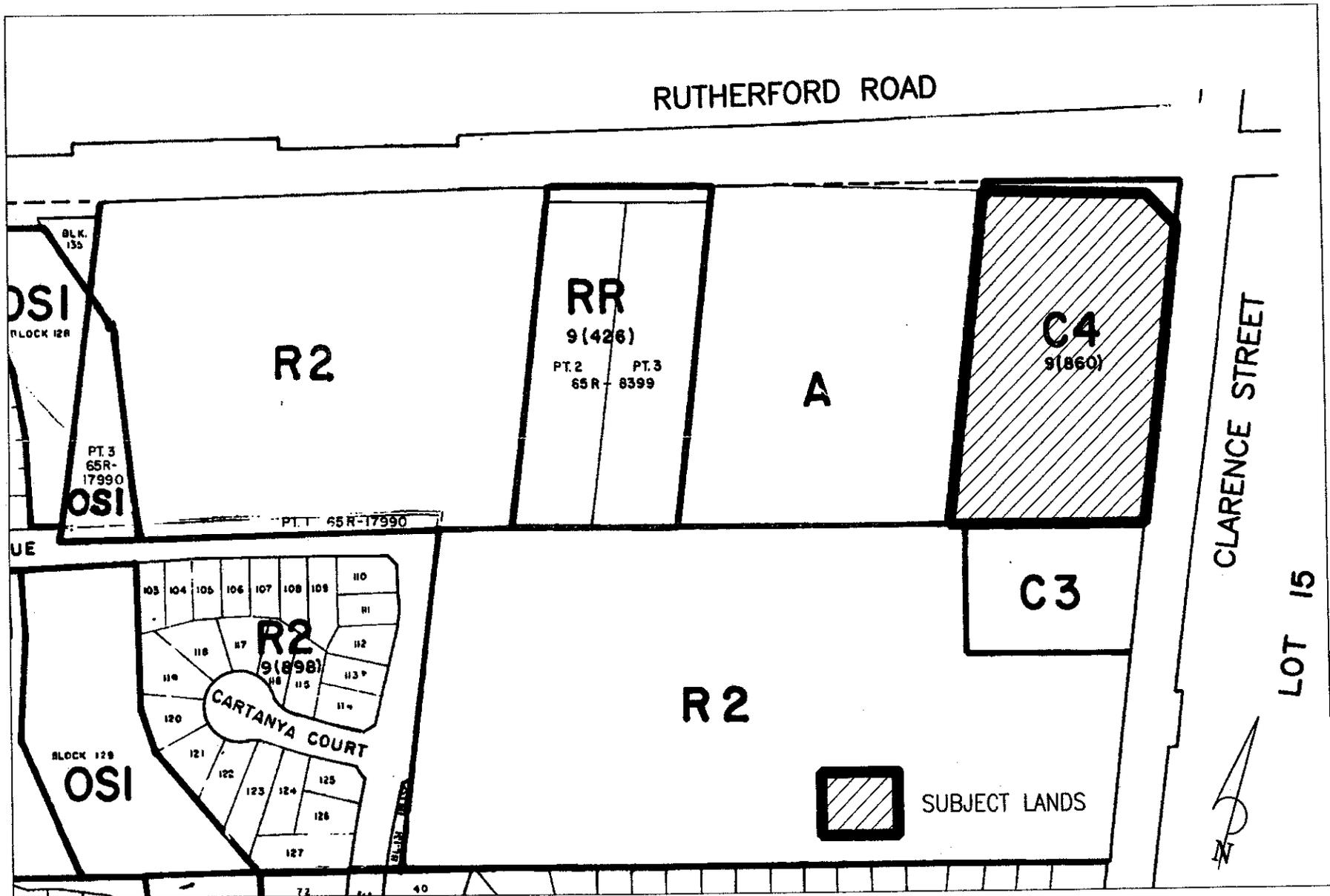
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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ATTACHMENT '1'
LOCATION MAP

FILE #: Z.02.001 OP.02.003	REPORT #: 9(898)	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: 1199394 ONTARIO LIMITED	DATE: 05/06/2002
	LOCATION: PART OF LOT 15 CON. 8		SCALE: NOT TO SCALE	

RUTHERFORD ROAD

CLARENCE STREET

251 CARS

RETAIL BUILDING

1,153.83 S.M.
12,419.72 S.F.

RETAIL BUILDING

3,240.72 S.M.
34,882.81 S.F.

AREA SUBJECT TO GARDEN
CENTRE = 300m²



PROPOSED ROAD



SUBJECT LANDS

ATTACHMENT '2'
SITE PLAN

FILE #:

Z.02.001
OP.02.003

REPORT #:

LOCATION:
PART OF LOT
15, CON. 8

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:

1199394 ONTARIO LIMITED

DATE: 05/06/2002

SCALE: NOT TO SCALE