

COMMITTEE OF THE WHOLE SEPTEMBER 3, 2002

**ZONING BY-LAW AMENDMENT APPLICATION Z.02.034
ASTRA STAR CORPORATION
REPORT #P.2002.41**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment Application Z.02.034 (Astra Star Corporation) BE APPROVED and that prior to enactment of the by-law, the proposed uses, zoning standard exceptions, and definition and parking requirements, be considered together with the required site plan application and addressed in a future report to the Committee of the Whole.

Purpose

On April 25, 2002, the Owner submitted an application to amend the Zoning By-law to permit the following additional uses in the EM1 Prestige Employment Area Zone: teletheatre, accessory retail sales to an employment use, tavern and print shop. In addition, the application proposed a reduction in the required landscape strip width abutting Rutherford Road from 9m to 6m.

On August 7, 2002, the Owner requested that the Application be amended to remove the previously requested uses of a brewers retail outlet, eating establishment/outdoor patio and tavern, from any further consideration.

Background - Analysis and Options

The site is located at the southeast corner of Rutherford Road and Creditstone Road, being Blocks 1 and 2 on Registered Plan 65M-3354 (2601 Rutherford Road), in Part of Lot 15, Concession 4, City of Vaughan. The rectangular-shaped, vacant 1.83 ha parcel has 104m frontage on Tigi Court and Rutherford Road and 170m flankage along Creditstone Road.

The subject lands are designated "Prestige Area" and "Employment Area General" by OPA #450 and zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to Exceptions 9(822B) and 9(822D). The surrounding lands uses are:

- North - Rutherford Road; industrial (M2 General Industrial and M3 Transportation Industrial Zones)
- South - Tigi Court; employment (EM1 Prestige Employment Area Zone)
- West - Creditstone Road; commercial and employment (C7 Service Commercial and EM1 Prestige Employment Area Zone)
- East - employment (EM4 Employment Area Transportation Zone)

On May 10, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands and to the Maple Village and Maple Landing Ratepayers Associations, YRCC 942 and YRCC 947 (Villa Giardino Seniors Complex). To date, one response has been received from the adjacent easterly landowner on Tigi Court, with the following comments (as summarized):

- the proposed uses are not compatible with the intended use of their site as an automotive parts manufacturing/heavy metal stamping plant;
- their site operates with a large volume of transport truck traffic; a commercial site next door will not only interfere with the truck traffic to and from their site, but could create potential safety problems in the area;

- the requested reduction in the landscape strip abutting Rutherford Road from 9m to 6m would be out of synchronization with the 9m strip on their property.

The recommendation of the Committee of the Whole at the Public Hearing on June 3, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on June 10, 2002.

Official Plan

The northerly half of the subject lands is designated "Prestige Area" and the southerly half is designated "Employment Area General" by OPA #450 (Employment Area Plan), which permits a wide range of industrial, office, business and civic uses. The site is also consistent with the "Service Node" policies, which permits uses that provide for the day-to-day convenience and service needs of businesses, industries and their employees, and are located at the intersections of arterial and/or collector roads. The proposed uses conform to the Official Plan, which requires that the permitted uses and development standards be established in the Zoning By-law.

Zoning

The site is zoned EM1 Prestige Employment Area by By-law 1-88, subject to Exceptions 9(822B) and 9(822D). The proposed accessory retail sales to an employment use and print shop are uses generally permitted in the EM1 Prestige Employment Area and C7 Service Commercial Zones. The EM1 and C7 Zones would implement the "Prestige Area" and "Service Node" policies of the Official Plan, respectively.

A teletheatre use, however, is not specifically regulated under By-law 1-88. To date, one application has been considered by Council involving a teletheatre use. On November 12, 2001, Council approved a teletheatre at 70 Interchange Way (Part of Lot 5, Concession 5) as an accessory use to an eating establishment (the use did not proceed).

As noted in the fact sheet (Attachment 1) issued by the Ontario Racing Commission:

"Teletheatre wagering or off-track betting is a distribution system for betting on horse racing in Ontario whereby a racetrack licensed by the Ontario Racing Commission sets up pari-mutuel systems and satellite feeds in locations away from the racetrack."

"The Criminal Code Regulations require that teletheatres must provide seating, serve food and beverages, and have washroom facilities. In broad terms, the regulations describe the basic requirements for a premise holding a sale licence from the Alcohol and Gaming Commission of Ontario ... This assists in the process by removing the need for the Commission to look into the physical acceptability of premises, as they are already licensed by a provincial regulator and must have met the stringent requirements of the liquor licensing process."

"It is the Ontario Racing Commission's policy to require input from the local municipality for the specific site."

Based on the information provided by the Ontario Racing Commission and the applicable Criminal Code Regulations, Staff can support a teletheatre use at this location. The following definition has been prepared for inclusion in the zoning by-law:

"Teletheatre - A wagering/off-track betting facility for betting on horse racing in whereby a racetrack licensed by the Ontario Racing Commission sets up satellite feeds in locations away from the racetrack. The facility must allocate a minimum of 25% of the Gross Floor Area for an eating establishment use. "

Parking/Traffic

The primary objective of teletheatre wagering in Ontario is to provide an additional network for horse racing by supplying this form of entertainment to existing businesses with existing clientele who might not normally attend the racetrack. In light of this, Staff is of the opinion that the parking requirements for a teletheatre use can be based on the current "Place of Entertainment" standard of 11 spaces/100m² under By-law 1-88 and eating establishment standard of 16 spaces/100m². These parking standards should be applied to the dedicated floor area of each use. Through the review of the site plan application, if there are any concerns with the suggested parking requirements, a traffic/parking study may be required.

The parking requirements for any other uses that may be developed on the site will be calculated as defined in Section 3.8 of By-law 1-88.

The traffic concerns raised by the adjacent through the site plan process landowner will be addressed by the Engineering Department and York Region to ensure that all traffic and access requirements are addressed and any concerns satisfied. A traffic study may be required based on the actual development to be proposed on the site.

Urban Design

The Urban Design Department is generally satisfied with the proposed uses and the reduction in the landscape strip widths. However, prior to any zoning approvals, Staff must be satisfied that the proposed development contributes to an attractive, pedestrian-friendly and transit-supportive environment through appropriate site organization and high quality architecture.

To reinforce streets as the primary public spaces, locations of buildings and pedestrian, parking and service entrances need to be carefully considered. This can be achieved by:

- locating buildings at the setback lines in such a way that they animate and define the edges of the streets;
- locating the main entrance of each building facing the public street, flush with grade and connected to the corresponding public sidewalk by paved and landscaped areas;
- locating parking and service areas at the rear and interior areas of the site;
- providing pedestrian amenity enhanced through weather protection; and,
- providing high quality architecture and urban design.

The proposed landscape strip reduction along Rutherford Road from 9m to 6m will be reviewed in conjunction with a formal site plan application, and can be supported in principle if the above-noted urban design criteria can be integrated into the site plan proposal.

Compatibility

The subject site is currently vacant and a site plan application will be required. Any proposal must meet the development policies of the Employment Area Official Plan, which include being physically and functionally compatible with the area, not conflicting with the urban design or streetscape of the area, not resulting in a nuisance or adverse effect, and being appropriate to an employment area setting.

Other sites surrounding the subject lands are occupied by a mix of employment and office uses. The site at the southwest corner of Rutherford Road and Creditstone Road is currently vacant, but is zoned for Service Commercial uses. A site development application has been approved for two multi-unit commercial buildings, a restaurant with drive-through, a gas bar/kiosk and car wash. On the north side of Rutherford Road are Vaughan's Joint Operation center, a police station and a district park.

Staff is satisfied that the proposed teletheatre, accessory retail sales to an employment use and print shop uses are compatible with the existing and future uses surrounding the subject site.

Conclusion

Staff have reviewed the Zoning Amendment Application in accordance with the Official Plan, and the requirements of By-law 1-88, as well as the existing and proposed developments in the surrounding area.

The proposed uses are generally acceptable to Staff, however, as the teletheatre use is new to this municipality, it is appropriate that the zoning by-law be enacted subsequent to review of the site plan application. This would ensure that the use can be accommodated in a manner which will meet the planning objectives of the employment area and satisfy the concerns of residents and businesses in the area. As such, it is recommended that the application be approved in principle, subject to further review of the definition and zoning standards in conjunction with the site plan application.

Attachments

1. Ontario Racing Commission Fact Sheet on Teletheatres
2. Location Map

Report prepared by:

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Respectfully submitted,

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Commissioner of Planning

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Director of Community Planning

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ATTACHMENT NO. 1

Ontario
Racing
Commission

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Teletheatres in Ontario

Teletheatre wagering or off-track betting is a distribution system for betting on horse racing in Ontario whereby a racetrack licensed by the Ontario Racing Commission sets up pari-mutuel systems and satellite feeds in locations away from the racetrack.

The primary objective of teletheatre wagering in Ontario is to provide an additional distribution network for horse racing by supplying this form of entertainment to existing businesses with existing clientele who might not normally attend at the racetrack. Surveys across North America are consistent in identifying that only 2% of the population attend races and the racing industry has endorsed teletheatre wagering as a vehicle to build on this market share.

When the Government of Ontario approved teletheatre wagering it was envisaged that it would be concentrated in sports bar type facilities with existing clientele, introducing new fans to horseracing.

Teletheatre wagering is authorized by the *Criminal Code Regulations* administered by the Canadian Pari-Mutuel Agency of Agriculture Canada. The Regulations require that teletheatres be owned and operated by racetracks under conditions outlined in the Regulations. One of these regulations requires that **teletheatres must be licensed by the Provincial Government.**

The Criminal Code Regulations require that teletheatres must provide seating, serve food and beverages, and have washroom facilities. In broad terms, the regulations describe the basic requirements for a premise holding a sale licence from the Alcohol and Gaming Commission of Ontario. This, together with the conscious decision of the Government to provide support to existing businesses in the highly competitive hospitality industry, has resulted in teletheatres being set up in liquor licensed establishments. This assists in the process by removing the need for the Commission to look into the physical acceptability of premises, as they are already licensed by a provincial regulator and must have met the stringent requirements of the liquor licensing process.

The former Liquor Licence Board of Ontario deemed teletheatre operations in licensed premises to be entertainment ancillary to the sale and service of beverage alcohol and food. The Board ruled that teletheatre wagering did not constitute an "other business", (operation of businesses other than the sale and service of beverage alcohol and food in a licensed premise is contrary to the Liquor Licence Act) as the licensee is not involved in the operation of the teletheatre. The actual operation of the teletheatre is staffed and supervised by the racetrack licensed by the Ontario Racing Commission and operating under a wagering permit from the Canadian Pari-Mutuel Agency, and all the revenues from betting are returned to the racing industry. Entrance fees are considered cover charges for entertainment under the Liquor Regulations.

The Ontario Racing Commission issues a licence to operate a teletheatre to a racetrack for a particular site; it does not licence the bar or the restaurant. To allow flexibility, the Commission does not specify the type of premise that teletheatres must operate in and as a result they can be located in pubs, fine dining rooms, sports bars, bowling alleys, hotels and even a sandwich shop.

It is Ontario Racing Commission policy to require input from the local municipal government for the specific site. As part of the licensing processes, the Ontario Racing Commission requires the racetrack to submit correspondence from the **municipality advising the Commission of any objections.**

The letter from the municipality can take the form of a letter from the Clerk, the Mayor, municipal official or can be a formal Council resolution; it is the municipality's decision to respond as they see fit.

It is also Commission policy to review the licence of any existing teletheatre when correspondence is received from the local municipality outlining the particular grievance. The Ontario Racing Commission appreciates the issues surrounding any expansion of socially sensitive activities. This policy of the Commission has given the municipalities a comfort level to allow teletheatre wagering to be implemented.

Currently there are close to 90 teletheatres licensed and in operation across Ontario.

For further information, please contact:

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<p>ATTACHMENT '2' LOCATION MAP</p>		<p>FILE #:</p> <p>Z.02.034</p>	<p>REPORT #:</p> <p>LOCATION: PART OF LOT 15, CONCESSION 4</p>	<p>APPLICANT:</p> <p>CITY OF VAUGHAN PLANNING DEPARTMENT</p>	<p>DATE: 05/03/2002</p> <p>SCALE: NOT TO SCALE</p>
		<p>ASTRA STAR CORPORATION</p>			