

**3. ZONING BY-LAW AMENDMENT FILE Z.03.030
1405731 ONTARIO LIMITED
PRELIMINARY REPORT**

P.2003.38

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing for File Z.03.030 (1405731 Ontario Limited) BE RECEIVED, and that any issues identified be addressed by Staff in a comprehensive report to the Committee of the Whole.

Purpose

On April 15, 2003, the Owner submitted an application to amend the Zoning By-Law to permit an eating establishment use in conjunction with the permitted bakery/deli uses, in Units 5 and 6 of the existing building on the site

Background - Analysis and Options

The site is 0.18 ha and is located on the southwest corner of Gamble Street and Islington Ave, being Lots 24, 25 and part of Lot 26 in Plan M-2014 (8348 Islington Avenue), in Lot 9, Concession 7, City of Vaughan. The surrounding land uses are:

- North - Gamble Street; (R2 Residential Zone)
- South - detached residential (R3 Residential Zone)
- East - Islington Ave; (R2 Residential Zone)
- West - detached residential (R3 Residential Zone)

The lands are designated "Local Convenience Commercial" by OPA #371 and zoned C3 Local Commercial Zone by By-law 1-88.

On April 28, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands. One response from an abutting landowner has been received to date, expressing concerns related to the following:

- a fence required between the plaza and the adjacent rear yards has never been built
- the garage disposal has never been enclosed and is left open, resulting in odours
- deliveries for the restaurant should be during daytime hours
- weekend are noisy; the parking lot is full of cars and appears to be a meeting place for people

Any responses received will be addressed in the technical review and included in a comprehensive staff report to a future Committee of the Whole meeting.

Preliminary Review

Following a preliminary review of the proposed application, Staff have identified the following matters to be reviewed in greater detail:

- the "Local Convenience Commercial" designation of OPA #371 permits a delicatessen and a bakery, both of which can provide food service; the eating establishment is considered to meet the intent of the Official Plan amendment;

- the lands are zoned C3 Local Commercial Zone, subject to Exception 9(231), which permits specific uses such as bakery and delicatessen, but not an eating establishment with "sit-down" service; a zoning amendment is required to permit the eating establishment use;
- the proposed eating establishment use will be reviewed in context of the C3 Zone requirements, and the availability of parking on site to serve the use;
- consideration will be given to the compatibility of the proposed use with the adjacent residential neighbourhood, and in context of its location on an arterial road within the Pine Grove community; and
- any outstanding issues with respect to fulfilling requirements of the site plan agreement will also be reviewed.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments of the public and Council expressed at the public hearing or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting.

The proposed application will be reviewed in accordance with the policies of the Official Plan and Zoning By-law, and in context of its location and compatibility with surrounding uses, and with the available parking on the site.

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

/CM



SUBJECT LANDS



Not to Scale

Location Map

Lot 9,
Concession 7
APPLICANT:
1405731 ONTARIO LIMITED



Community Planning Department

Attachment



FILE No.:
Z.03.030
April 16, 2003
Not to Scale

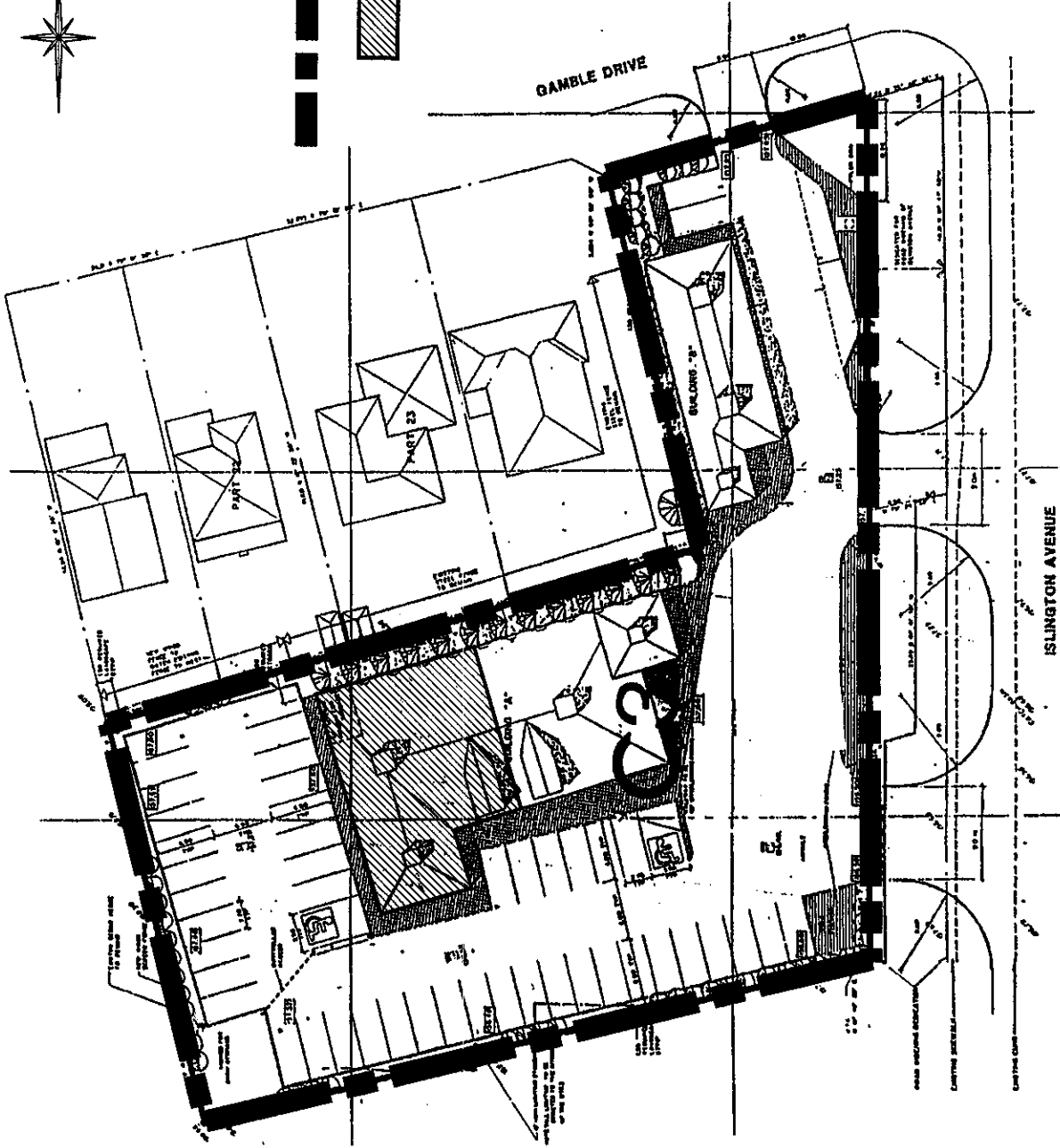


Legend

SUBJECT LANDS



BUILDING UNITS 5 & 6



Not to Scale

Site Plan

Lot 9,
Concession 7

APPLICANT:
1405731 ONTARIO LIMITED

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Community Planning Department

Attachment 2

FILE No.:
Z.03.030

April 16, 2003
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