

COMMITTEE OF THE WHOLE MAY 5, 2003

ZONING BY-LAW AMENDMENT FILE Z.01.067 SITE DEVELOPMENT FILE DA.01.084 CHARTREUSE RESTAURANT INC. REPORT #P.2001.70

Recommendation

The Commissioner of Planning recommends that Council amend the March 18, 2002 resolution approving the application by deleting Condition #2(iv) requiring easements for shared parking and access.

Purpose

On September 19, 2001, the Owner submitted an application for exceptions to the C1 Zone standards of the By-law to permit an addition to the rear of the restaurant building on site. Exceptions are required to:

- i) provide a minimum of 17 parking spaces, including spaces located off-site,
- ii) permit an increase in the maximum seating capacity from 40 to 78 seats; and
- iii) permit an outdoor patio.

Additional exceptions to legalize the existing building are also required, including the minimum landscaping requirements, front yard setback, and eaves, which project over the property line.

On November 9, 2001, a site development application was submitted for a 37.44 sq.m addition to the restaurant, an 18.25 sq.m patio, and reconfiguration of the parking area.

On March 18, 2002, Council approved the Zoning Amendment and Site Development applications. One of the conditions of approval was that prior to the registration of the site plan agreement, "easements or a long-term lease shall be registered to provide shared access and parking areas for both properties." The purpose of the condition was to ensure that the subject lands would share parking with the commercial property to the north, as proposed.

On January 13, 2003, the applicant appeared as a deputation to seek relief from the condition of approval related to shared parking and access. Council received the deputation and deferred the matter to a meeting of the applicant and his neighbour with the Commissioner of Planning.

Background - Analysis and Options

The 630 sq.m site has 12.7m frontage on the west side of Islington Avenue, south of Nashville Road (10512 Islington Avenue), in Part of Lot 24, Concession 8, City of Vaughan. The lands are designated "Core Area" by OPA #601 (Kleinburg-Nashville Community Plan) and zoned C1 Restricted Commercial Zone by By-law 1-88, subject to Exceptions 9(56) and 9(136). The site is developed with a 2-storey building that contains two restaurants.

On November 5, 2001, a public hearing was received, along with letters of support from the Kleinburg and Area Ratepayers Association, Village of Kleinburg Business Improvement Association and the Rotary Club of Kleinburg.

Parking

The zoning by-law requires that the rear of the property be used only for parking, which provides 7 spaces. A total of 55.69 sq.m of new floor space is being created through the addition and

patio. Eating establishments require 16 parking spaces/100 sq.m of Gross Floor Area, and on this basis, the addition and patio require 9 parking spaces.

The Owner had proposed an agreement with the landowner to the north to combine their rear yards for parking, achieving a total of 17 spaces. This accounts for the existing parking of 7 spaces, plus the 9 spaces needed by the addition, with a surplus of 1 space. Access to both rear yards is provided over the driveway on the subject property.

A condition of approval required an easement or long-term lease over the two properties to permit the shared parking and driveway access. The applicant has since notified the City that an agreement with the neighbour for easements or a long-term lease has not been reached. The neighbour has agreed to permit the shared parking, subject to a clause by which either party can cancel the agreement with 30 days notice. This would not secure long-term parking for either property, as intended.

As a result, the site plan can only identify 7 parking spaces for the subject lands, rather than the total of 17 shared space originally proposed.

Conclusion

The applicant has worked diligently since Council's approval on March 18, 2002, to secure the easements for the parking and shared access. Staff have met with the applicant and his neighbour to identify the benefits of shared parking for both properties, however, the neighbour has indicated that he does not wish to proceed with the easements. At this time, Staff could support waiving the condition of approval that required "easements or a long-term lease shall be registered to provide shared access and parking areas for both properties" prior to the registration of the site plan agreement". The zoning exceptions would recognize the existing situation. Should Council concur, the recommendation can be adopted.

Attachments

1. Location Map
2. Revised Site Plan

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM



Not to Scale

REGIONAL ROAD 27

NASHVILLE ROAD



SUBJECT LANDS

MAIN STREET

NASHVILLE ROAD

JOHN STREET

KELLY STREET

ISLINGTON AVENUE

Location Map

Lot 24,
Concession 8

APPLICANT:
CHARTREUSE RESTAURANT INC.

City of Vaughan

Community Planning Department

Attachment

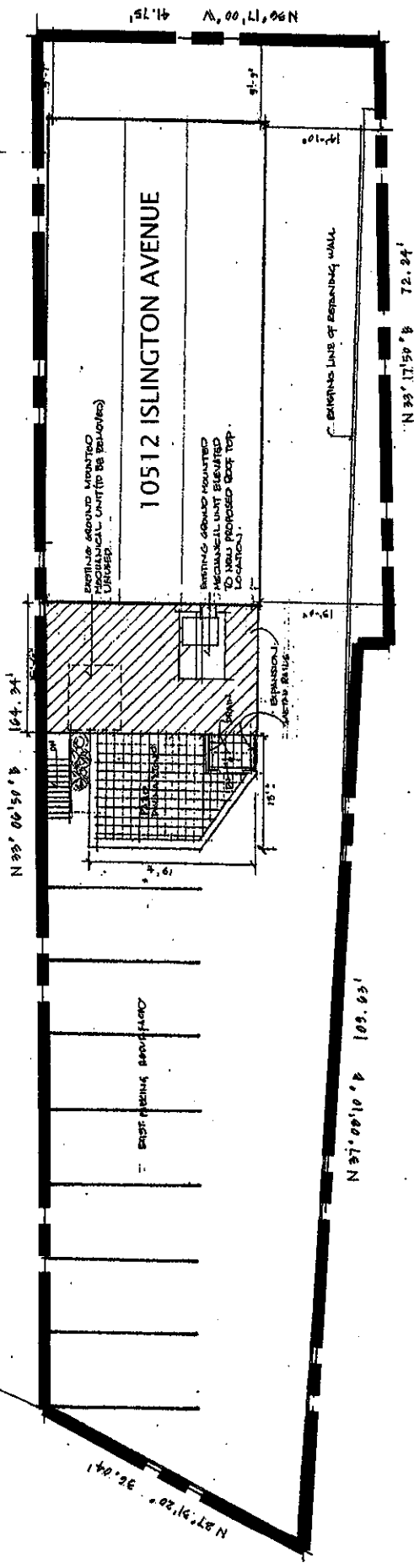
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Z.01.067 &
DA.01.084

January 16, 2003



Not to Scale



SUBJECT LANDS



Revised Site Plan

Lot 24,
Concession 8
APPLICANT:
CHARTREUSE RESTAURANT INC.



Community Planning Department

Attachment 2

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DA.01.084
January 16, 2003