

COMMITTEE OF THE WHOLE APRIL 19, 2004

ZONING BY-LAW AMENDMENT FILE Z.03.082

GIUSEPPE MASTRANDREA

REPORT #P.2004.3

(Referred from the Council meeting of March 29, 2004)

Council, at its meeting of March 29, 2004, adopted the following:

- 1) That this matter be referred to the Committee of the Whole meeting of April 19, 2004, for a further review of the application and to revisit the site;
- 2) That the memoranda from the Commissioner of Planning, dated March 11, 2004, and the Manager of Community Planning, dated March 15, 2004, be received; and
- 3) That the following deputations be received:
 - a) Mr. Giuseppe Mastrandrea, the applicant;
 - b) Mr. Nick Mastrandrea, son of the applicant; and
 - c) Mr. Thomas Kent, Shiner Kent, 3800 Steeles Avenue West, Suite 203, Vaughan, L4L 4G9, on behalf of the owner of Unit #7.

Council, at its meeting of February 23, 2004, adopted the following:

- 1) That this matter be referred to a future Committee of the Whole meeting, to allow an opportunity for the condominium corporation to notify the tenants regarding the application; and
- 2) That the deputation of Mr. Thomas Kent, Shiner Kent, 3800 Steeles Avenue West, Suite 203 West, Vaughan, L4L 4G9, on behalf of the owner of Unit #7, and photographs submitted, be received.

Report of the Commissioner of Planning dated February 16, 2004

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.03.082 (Giuseppe Mastrandrea) BE APPROVED, to permit a bakery use with accessory retail sales in the C7 Service Commercial Zone.

Purpose

On November 10, 2003, the Owner submitted an application to amend the zoning by-law to permit a bakery use with accessory retail sales in Unit #8 (165.36m²) of the multi-unit service commercial building.

Background - Analysis and Options

The subject lands are located on the southeast corner of Strada Drive and Pine Valley Drive, being Unit #8 of York Region Condominium Plan 552, on Lot 46 of Plan 65M-2167 (830 Rowntree Dairy Road), in Lot 4, Concession 6, City of Vaughan.

The rectangular-shaped 0.93 ha site has 60m road frontage on Rowntree Dairy Road and Pine Valley Drive, and 152.3m flankage along Strada Drive. The site is developed with a one-storey, 23-unit, service commercial condominium building, having 64 parking spaces.

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), subject to the "Service Node" policies, and zoned C7 Service Commercial Zone by By-law 1-88, subject to Exception 9(477E). The surrounding land uses are:

- North - Strada Drive; commercial (C7 Service Commercial Zone)
- South - employment (EM1 Prestige Employment Area Zone)
- East - Rowntree Dairy Road; employment (EM1 Prestige Employment Area Zone)
- West - Pine Valley Drive; residential (R4 Residential Zone)

On December 15, 2003, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Pine Valley Ratepayers Association. To date, an 89 signature petition has been submitted in support of the application, comprising 20 owners and employees of the building and 10 adjacent properties, and 59 customers (applicant operated a bakery as a tenant in Unit #7). Response have also been received from the owners of: 830 Rowntree Dairy Road, Unit # 7 of subject plaza; 810 Rowntree Dairy Road/Unit D (to the south); 10 Strada Drive/Unit #11 (to the north); and, 71 Strada Drive/Unit #15 (to the east). The concerns expressed included: overflow of parking into the fire route and blocking driveways and accesses, parking on the street and neighbouring properties, traffic problems, garbage generation, and compatibility of use with the other uses in the building. These concerns are discussed in greater detail within the report.

The recommendation of the Committee of the Whole at the Public Hearing on January 5, 2004, to receive the public hearing and forward a comprehensive report to a future Committee meeting, and for Staff to review the Condominium Agreement with respect to parking, was ratified by Council on January 12, 2004.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), which permits a wide range of employment, business and civic uses, with no outside storage. The site is also subject to the "Service Node" policies, which permit uses that provide for the day-to-day convenience and service needs of businesses, industries and their employees, and are at the intersections of arterial and/or collector roads. The proposed bakery use with accessory retail sales would conform to the Official Plan.

Zoning

The site is zoned C7 Service Commercial Zone by By-law 1-88, subject to Exception 9(477E). An amendment to the by-law would be required to permit the proposed additional use of a bakery with accessory retail sales in the C7 Zone.

The application proposes the allocation of usable gross floor area in the unit on the basis of 75% for the manufacturing and processing of raw material to the finished baked good product, and 25% for accessory retail sales. This would be considered an employment use with accessory retail sales under the definition of the by-law, which is permitted in the EM1 Prestige Employment Area Zone.

Compatibility

The site is developed with a multi-unit service commercial building, which contains a variety of uses, including offices, a personal service shop, eating establishment and café. A bakery use was approved specifically for Unit #7 of the building in 1984, prior to the rezoning of the property under By-law 1-88.

The buildings surrounding the site are occupied by a mix of prestige employment and service commercial uses. The proposed bakery with accessory retail sales is considered compatible with the existing uses on the site and in the surrounding area.

Parking

Further to discussion at the public hearing, the parking provisions contained in the Condominium Agreement for the subject lands has been reviewed. The Condominium Agreement between the City and Summitview Developments Limited, dated May 1, 1984, and registered as Instrument No. LT17546, shows 64 parking spaces, consistent with the number of spaces that exist on site. In 1984, the site was zoned and developed for industrial use, requiring only 34 parking spaces, but was approved and built with a surplus of 30 spaces.

Through the enactment of By-law 80-95, which established new Employment Area Zone categories to implement OPA #450, the subject lands were rezoned to C7 Service Commercial Zone. This in turn, created a legal non-conforming parking situation as the new zoning would require 190 parking spaces, based on a minimum requirement of 6 spaces/100 m² GFA.

The current parking standard for the proposed bakery use with accessory retail sales (considered an employment use) under By-law 1-88, would be 2 parking spaces/100 m² GFA, which is considerably lower than the service commercial standard. Therefore, it is more desirable to allow a lower parking generating use, such as the bakery in Unit #8, in comparison to a permitted C7 Zone use with a much higher parking requirement. The Engineering Department has reviewed the parking rationale for this site, and can support the application.

Public Concerns

Through the circulation of the application, various concerns have been raised by business owners in the building and on adjacent lands, which are addressed as follows:

- Parking and Traffic – Concern was raised that overflow parking on the site currently blocks the fire route, driveways and the two accesses, and that customers are parking on the street, neighbouring properties, affecting traffic and adjacent businesses.

A site visit during the peak lunch hour period indicated that parking spaces were available, particularly at the west end of the property. Parking tended to be concentrated near the eating establishment in Units 1-5, at the east end of the building, resulting in most of the illegal parking within the fire route and adjacent to the two accesses occurring at this area of the property.

It would benefit the Condominium Corporation and the unit owners to work towards better monitoring of the illegal parking on their property. In addition, the City's By-law Enforcement Department may be contacted if they observe illegal parking either on or off the site, which would then be investigated.

- Garbage Generation – Concern was raised that the proposed bakery would generate large amounts of garbage that would lead to overloaded garbage bins and an unsightly situation.

A site visit showed that there are garbage bins located at the rear of the building (south side). These bins were not approved at the time of site plan registration and should be removed. Garbage storage should be located internal to each unit. On January 14, 2004, the Condominium Corporation indicated to Planning Staff that each individual unit Owner is responsible for their own garbage storage

and collection, and there is no limit on the amount of garbage a single unit may generate. Any complaints with improper garbage storage would be resolved through the Condominium Corporation.

- Compatibility with Existing Uses – Staff are of the opinion that the bakery is a compatible use with other uses in the building and in the surrounding area. Concern was also raised that there are already a number of eating establishments and another bakery operating on the subject lands. The applicable C7 Zoning does not restrict the number of like uses that may locate within the building, and the possibility of competition is discounted as a consideration of the merits of the application.
- Abuse of Process – Concern was raised by the Owner of Unit #7 that the applicant was in the process of obtaining a Building Permit and opening a bakery in Unit #8, without the zoning being in place, and also with lack of City co-operation in providing copies of plans and information related to the permit. It is noted that a legal permit was recently issued for an eating establishment use in Unit #8, with final inspection sign-off as of January 14, 2004. The applicant would need to apply for a new permit for the proposed bakery use, if the subject zoning amendment is approved by Council. Building Permit application information is not readily available other than to the Owner.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

Staff have reviewed the proposed application to amend the Zoning By-law in accordance with the policies of OPA #450 and the requirements of By-law 1-88. Staff is satisfied that the bakery use is appropriate for the site and compatible with the surrounding development. Staff is satisfied that the addition of the bakery use will not lead to new parking problems. The bakery will also not affect garbage storage, as all garbage storage must be internal to the individual units.

Therefore, Staff recommends approval of the zoning amendment application to permit a bakery use with accessory retail sales in Unit #8 on the subject lands. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Andrea Egizii, Planner 1, ext. 8215
Grant A. Uyeyama, Senior Planner, ext. 8635

/CM



Attachment
 FILE No.:
 Z.03.082
 Not to Scale
 November 19, 2003

City of Vaughan
 Community Planning Department

Location Map
 Part of Lot 5,
 Concession 6
 APPLICANT:
 GIUSEPPE MASTRANDREA

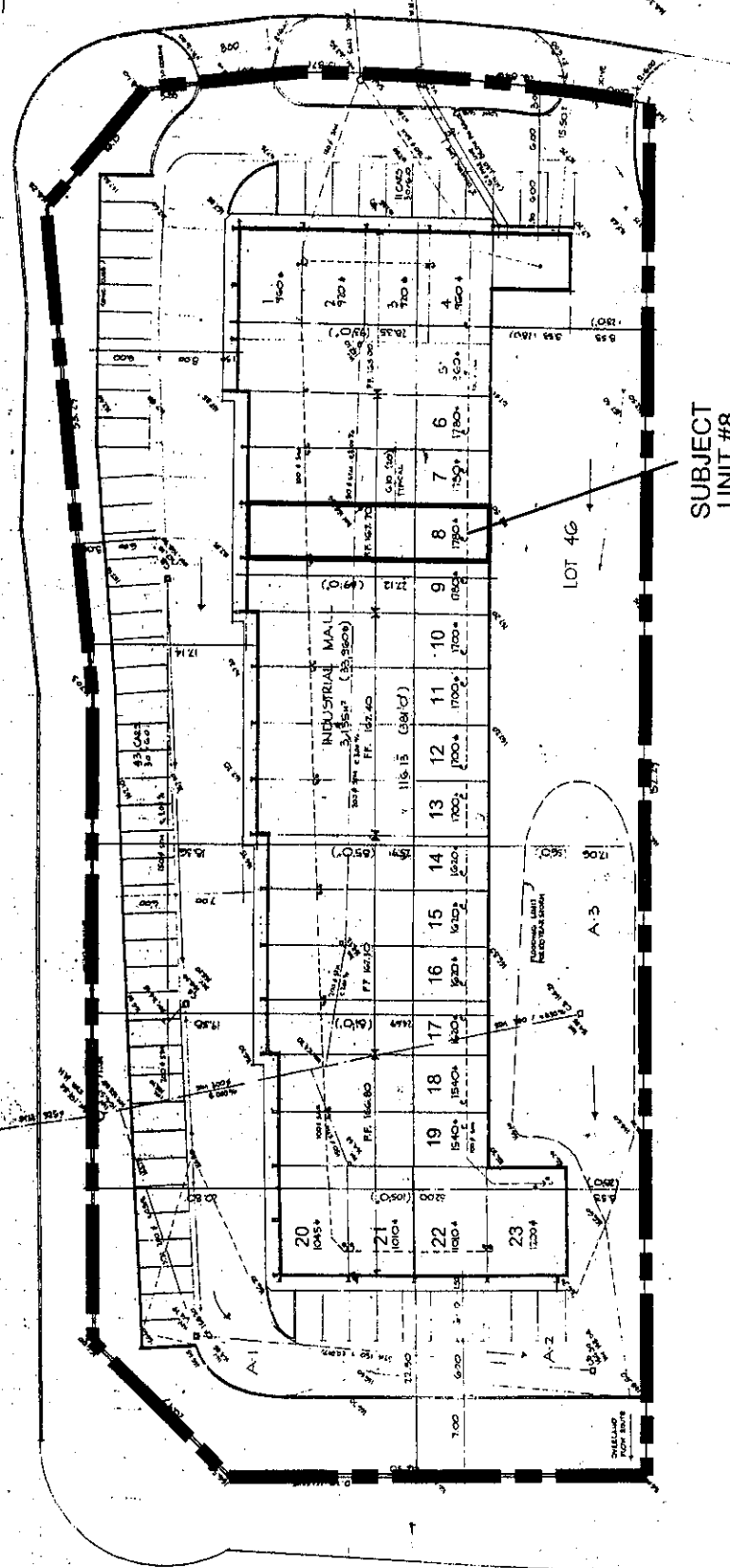
MAP11 ATTACHMENTS\A\Z.03.082



STRADA DRIVE

PINE VALLEY DRIVE

ROWNTREE DAIRY ROAD



SUBJECT UNIT #8

SUBJECT LANDS

Site Plan

Part of Lot 5,
Concession 6

APPLICANT:
GIUSEPPE MASTRANDREA

City of Vaughan

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