

**2. ZONING BY-LAW AMENDMENT FILE Z.05.056
ROYBRIDGE HOLDINGS LIMITED**

P.2006.5

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for File Z.05.056 (Roybridge Holdings Limited) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Purpose

The Owner has submitted an application to amend the Zoning By-law on the subject lands shown on Attachment #1 to permit an eating establishment/banquet facility within 2 units of a multi-unit building that is currently under construction, as shown on Attachment #2. Upon completion of the buildings, the proposed eating establishment/banquet facility will have a Gross Floor Area (GFA) of 860.81m² (including the mezzanine area) and a maximum design capacity of 270 persons (Attachments #3 and #4). The applicant is also proposing that parking related to the proposed use be calculated on the maximum design capacity based on a minimum parking standard of one parking space for every 4 patrons, and not based on the GFA of the two units.

The current site-specific zoning permits one free-standing eating establishment with drive-through (ie. existing Tim Horton's), but does not permit an eating establishment or banquet hall use within the multi-unit building (under construction).

Background - Analysis and Options

The subject lands are located on the northwest corner of Regional Road 27 and Zenway Boulevard (8000 Regional Road 27), being Part of Block 1, Plan 65M-3627, in Lot 7, Concession 9, City of Vaughan.

The subject lands are designated "Prestige Area" by OPA #450, which permits eating establishment and banquet hall uses. The property is zoned EM3 Retail Warehouse Employment Area Zone by By-law 1-88, subject to Exception 9(1134). The surrounding land uses are:

- North - valleylands (OS1 Open Space Conservation Zone)
- South - Zenway Boulevard; vacant (C7 Service Commercial Zone)
- East - Regional Road 27; existing employment (EM1 Prestige Area Employment Zone)
- West - existing employment (EM3 Retail Warehouse Employment Area Zone)

Recent History

On May 19, 2004, the Owner submitted an application to amend the Zoning By-law to permit a freestanding Eating Establishment up to 300m² GFA and a drive-through facility, in the EM3 Zone. A Public Hearing was held on June 21, 2004. On September 23, 2004 the Owner revised the application to permit two freestanding Eating Establishments with a combined total maximum floor area of 625m² and a drive-through facility. Another Public Hearing was held on October 18, 2004. On April 25, 2005, Council approved the proposal to permit one-free-standing Eating Establishment restricted to a maximum gross floor area of 306m² and a drive-through facility.

The approval of the proposal did not permit an eating establishment within the multi-unit building. Council enacted the implementing by-law (By-law 132-2005) on May 9, 2005. The approved site plan (File DA.04.066) illustrates a total ground floor area of 5,726.56m² (5,420.99m² for the multi-tenant building, 287.09m² for a free-standing Tim Horton's and 18.48m² for an enclosed garbage room) and 208 parking spaces. The multi-use building is under construction and the free-standing Tim Horton's is built and operating.

Current Application

On December 13, 2005, the Owner submitted the subject application that seeks to permit an eating establishment/banquet facility of approximately 860.81m² GFA within 2 units of the multi-unit building. The Owner maintains that the proposed use is a hybrid of an eating establishment and banquet facility, as it would cater to fine dining and smaller banquets with a maximum design capacity of 270 persons.

In addition to adding the proposed use by way of a zoning by-law amendment, the Owner is requesting that the required parking for the proposed use be based on the 270 persons maximum design capacity and not gross floor area. The Owner maintains that a significant portion of the gross floor area for the 2 units will be devoted to kitchen, bar, reception and washroom facilities and this would overstate the required number of parking spaces for these units. Furthermore, the hours of operation for the restaurant, and banquet facility in particular, would not conflict with the hours of operation for the other employment uses on site.

Parking for an eating establishment is calculated at a rate of 16 spaces/100 m² GFA. As the two units comprise 860.81m², the required parking for these units would be 138 spaces. Parking for a banquet hall is calculated at a rate of 11 spaces/100 m² GFA, and would require 95 spaces. However, basing the required parking on a maximum design capacity of 270 persons for the eating establishment/banquet facility use on the provision of one parking space for every 4 patrons, would require 68 parking spaces, as proposed by the applicant.

On January 13, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the West Woodbridge Homeowners' Association. To date, no comments have been received. Any comments received will be addressed in the technical review and included in the comprehensive report to a future Committee of the Whole meeting.

Preliminary Review

Following a preliminary review of the proposed application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- i) Within the general provisions of By-law 1-88, an Eating Establishment use is permitted in all Employment Zones, restricted to one per multi-unit building and to a maximum gross floor area of 185m². However, as part of the approval for the existing Tim Horton's component of the development, the site-specific zoning applicable to the subject lands does not permit this use within the multi-unit building. The appropriateness of the proposed amendment to the zoning by-law to permit the eating establishment/banquet facility use within two units of the multi-unit building will be reviewed;
- ii) a banquet hall use is permitted in the EM3 Retail Warehouse Employment Area Zone provided it is within a single use building. OPA #450 does permit a banquet hall use within a multi-unit building by way of an amendment to the zoning by-law provided that: parking on the site can be provided in accordance with requirements of the zoning by-law; access to and from the site is sufficient to accommodate the expected traffic; and, the banquet hall is compatible with other uses in the building and with the design of the site. The appropriateness of the

proposed amendment to the zoning by-law to permit the banquet facility/eating establishment use within the multi-unit building will be reviewed;

- iii) the applicant is pursuing a new driveway access on Regional Road #27, which will be in addition to the two existing accesses on Zenway Boulevard. The adequacy of existing driveway accesses, any additional access and road improvements, and all traffic matters, will be considered by both the City and Region;
- iv) the approved site plan has 208 parking spaces that serve both the multi-unit building and the stand-alone eating establishment (Tim Horton's). The adequacy of the parking supply in light of the additional eating establishment/banquet facility use will need to be confirmed through the submission of a parking report, to be reviewed to the satisfaction of the Vaughan Engineering Department; and
- v) the proposal will be reviewed with respect to compatibility and appropriateness with the surrounding area and adjacent uses.

Relationship to Vaughan Vision 2007

The applicability of the application to the Vaughan Vision will be determined when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from 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. In particular, the Development Planning Department will be giving consideration to the appropriateness of allowing the proposed eating establishment/banquet facility use within two units of the multi-unit building and at a size that is greater than normally permitted within the existing zone, as well, as analyzing the appropriateness of the use within the context of the surrounding area. Technical analysis will be required for the adequacy of access to the site and the parking supply.

Attachments

1. Location Map
2. Site Plan
3. Conceptual Floor Plan
4. Conceptual Floor Plan - Mezzanine

Report prepared by:

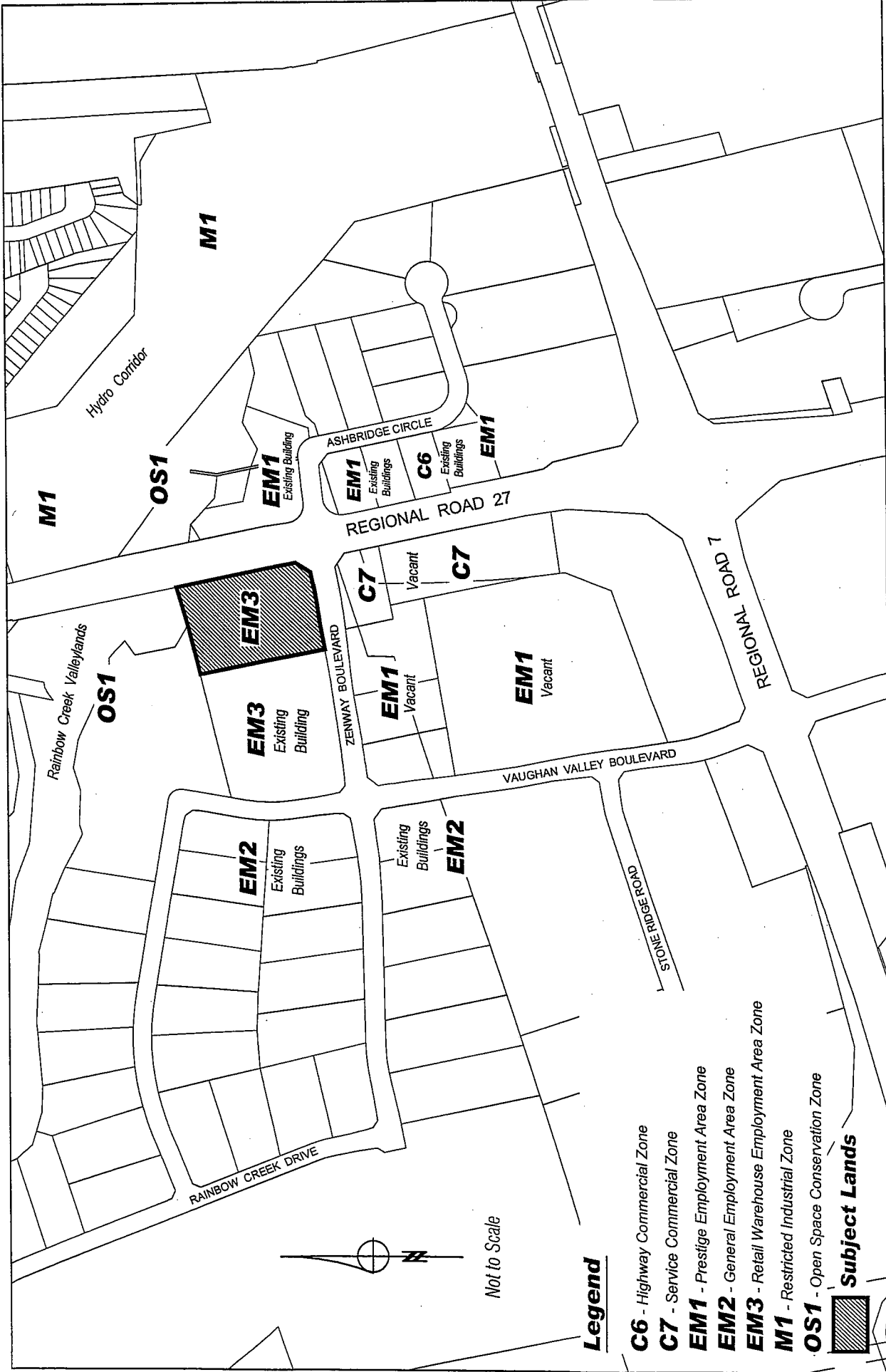
Clement Messere, Planner, ext. 8409
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

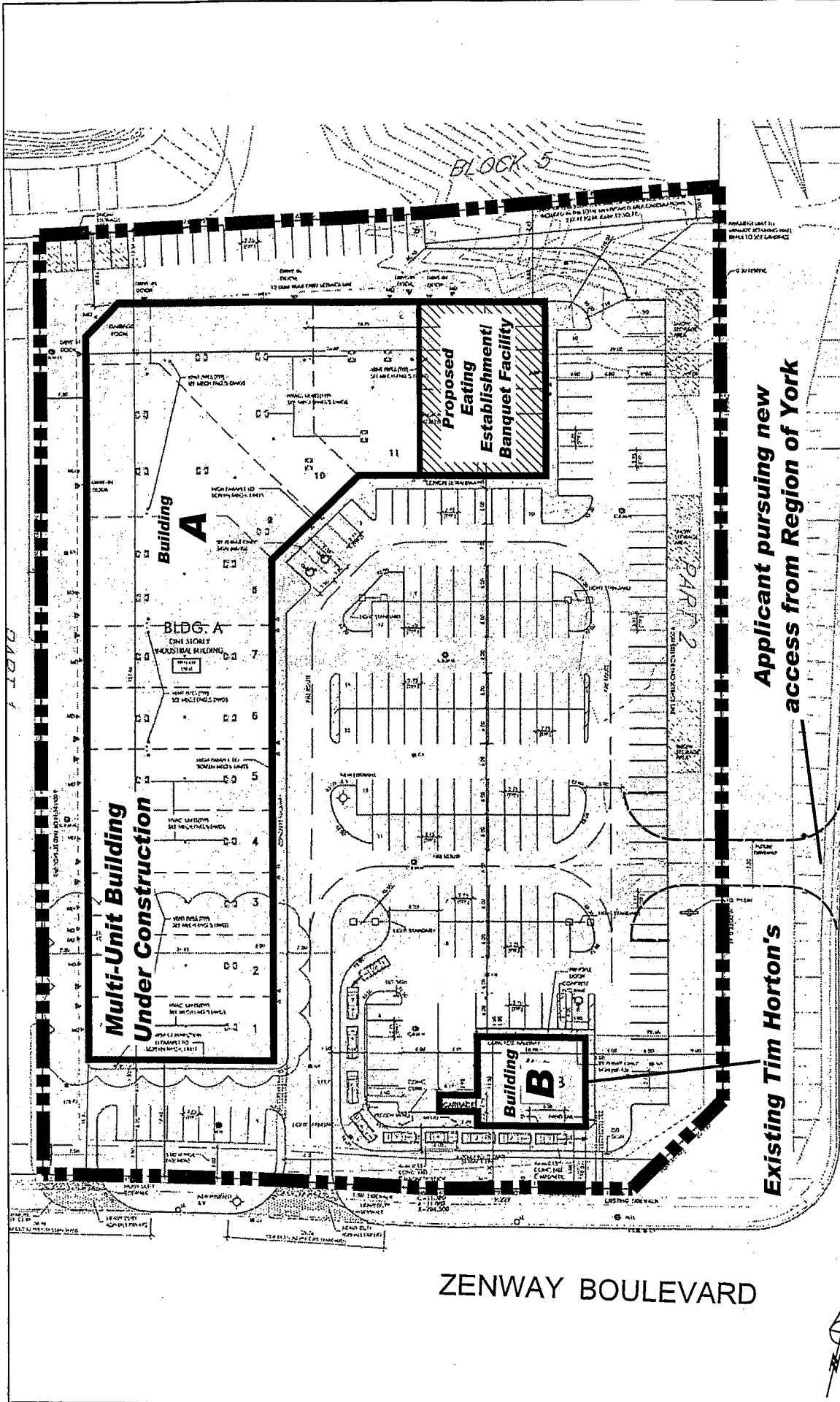


Development Planning Department

Location Map

Part Lot 7,
 Concession 9

APPLICANT:
 ROYBRIDGE HOLDINGS LIMITED
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Subject Lands

Applicant pursuing new access from Region of York

Existing Tim Horton's

REGIONAL ROAD 27

ZENWAY BOULEVARD

Not to Scale

Attachment 2

FILE No.: Z.05.056

Not to Scale

December 20, 2005



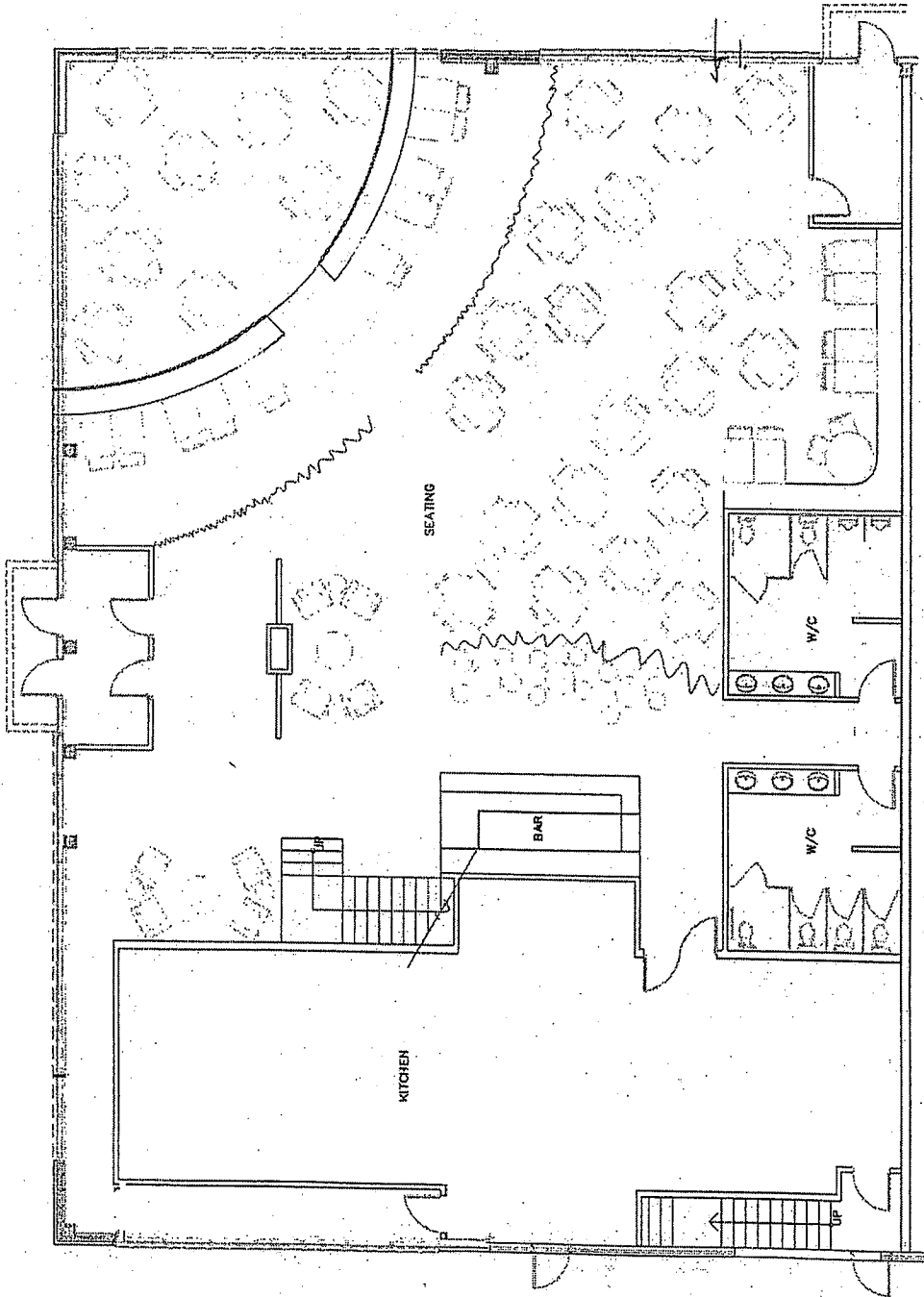
Development Planning Department

Part Lot 7,
Concession 9

Site Plan

APPLICANT:
ROYBRIDGE HOLDINGS LIMITED

N:\DPA\1 ATTACHMENTS\Z.05.056



1 CONCEPTUAL FLOOR PLAN
 VD-3 SCALE: 1:50

Not to Scale

Conceptual Main Floor Plan

APPLICANT:
 ROYBRIDGE HOLDINGS LIMITED
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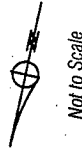
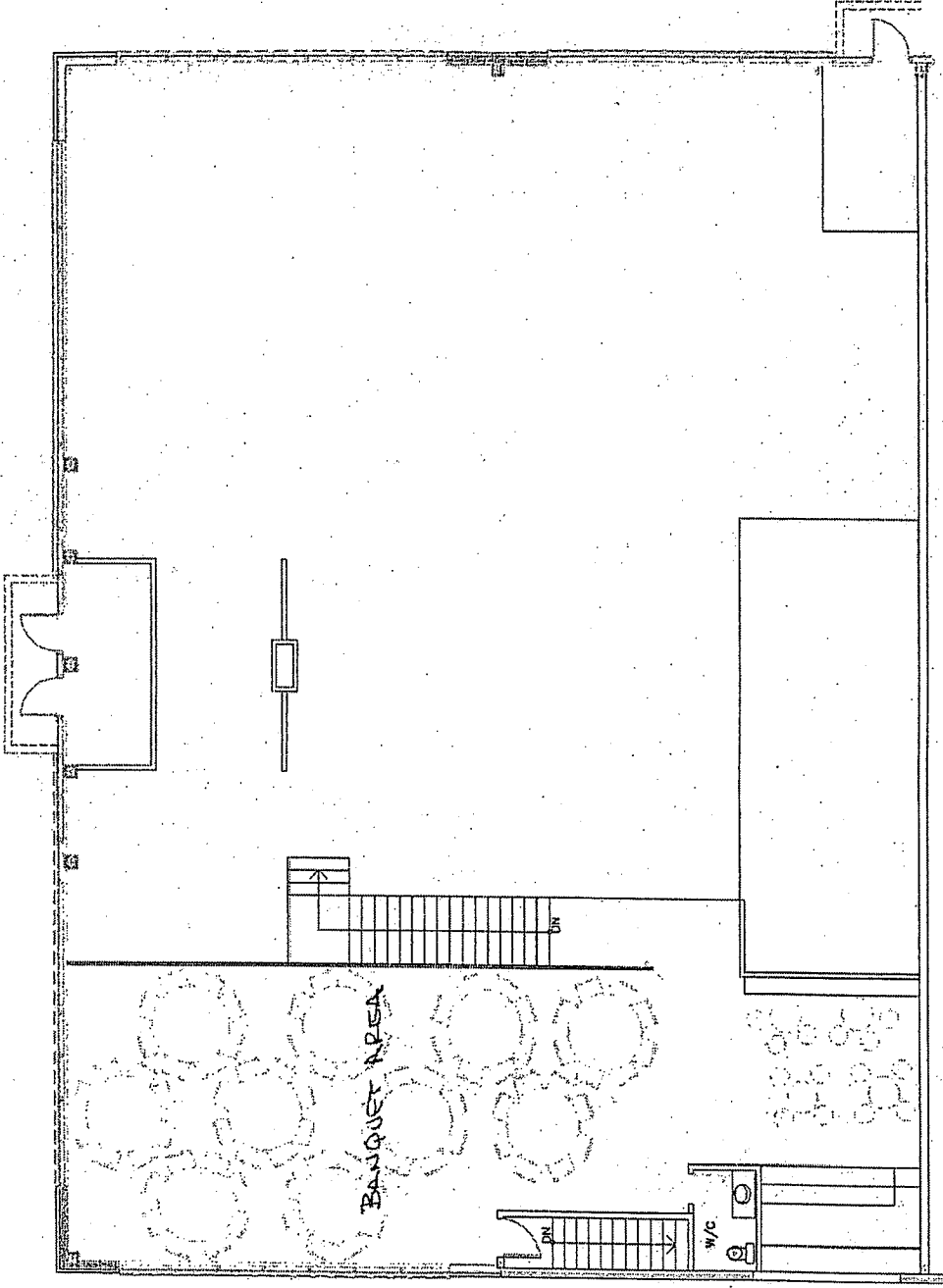
Part Lot 7,
 Concession 9



Development Planning Department

Attachment 3

FILE No:
 Z.05.056
 Not to Scale
 January 16, 2006



1. CONCEPTUAL FLOOR PLAN -- MEZZANINE
 ID-4 SCALE: 1:50



Development Planning Department

Conceptual Mezzanine Floor Plan

Part Lot 7,
 Concession 9

APPLICANT:
 ROYBRIDGE HOLDINGS LIMITED
 N:\DPT\1 ATTACHMENTS\Z.05.056