

COMMITTEE OF THE WHOLE MAY 1, 2006

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

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.05.056 (Roybridge Holdings Limited) BE APPROVED, to permit an additional eating establishment on the subject lands shown on Attachment #1, subject to the following:

- a) the implementing Zoning By-law shall modify the existing site-specific Exception 9(1134) as follows:
 - i) to permit an eating establishment use to occupy Units #12 and #13 of the multi-unit building as shown on Attachment #2;
 - ii) to permit the minimum parking standard for the eating establishment use in Units #12 and #13 to be based on the maximum design capacity of one (1) parking space for every 4 patrons; and,
 - iii) to require a minimum of 199 parking spaces to be provided on the subject lands.

Economic Impact

There are no requirements for new funding associated with this report.

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 (Units #12 and #13) of a multi-unit building that is currently under construction, as shown on Attachment #2. Upon completion of the building, 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 requesting that the 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, and 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 Employment Area Zone)
West - existing employment (EM3 Retail Warehouse Employment Area Zone)

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, the Development Planning Department has received one letter of objection from a landowner (611428 Ontario Limited) to the north of the subject lands, concerning the unwarranted increase in the amount of eating establishment GFA, above what is currently permitted by the site-specific zoning by-law. The recommendation of the Committee of the Whole to receive the Public Hearing report of February 6, 2006, and to forward a technical report to a future Committee meeting was ratified by Council on February 13, 2006.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), which permits a wide range of industrial, office, business and civic uses, with no outside storage. The zoning by-law is to establish the permitted uses and development standards. The proposed eating establishment use is permitted in Employment Zones by By-law 1-88, and conforms to the Official Plan.

Zoning By-law

The subject lands are zoned EM3 Retail Warehouse Employment Area Zone by By-law 1-88, subject to site-specific Exception 9(1134), which permits one free-standing eating establishment with a maximum GFA of 306m² and an associated drive-through, and no eating establishments within the multi-unit building. The proposal to permit a 860.81m² (including the mezzanine area) eating establishment in Units #12 and #13 of the multi-unit building, requires an amendment to the Zoning By-law.

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, on the subject lands zoned EM3 Retail Warehouse Employment Area 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 shown on Attachment #2 (File DA.04.066) illustrates a total ground floor area of 5,726.56m² (5,420.99m² for the multi-unit building, and 305.57m² for a free-standing Tim Horton's) and 208 parking spaces. The multi-unit building is under construction and the free-standing Tim Horton's is built and operating.

Current Application – Planning Analysis

On December 13, 2005, the Owner submitted the subject application to permit an eating establishment/banquet facility of approximately 860.81m² GFA within 2 units (Units #12 and #13) of the multi-unit building. The application is for an eating establishment and banquet facility, as it would cater to fine dining and smaller banquets with a maximum design capacity of 270 persons. The banquet component would operate primarily on weekends, whereas the eating establishment would operate at all other times. In this regard, and for the purposes of this report and the implementing By-law, the use is considered to be an eating establishment.

In addition to adding the proposed use by way of a zoning by-law amendment, the Owner requested that the required parking for the proposed use be based on a maximum design capacity of 270 persons, and not by gross floor area, as 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 peak hours of operation for the eating establishment 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. However, basing the required parking on a maximum design capacity of 270 persons for the eating establishment use on the provision of one parking space for every 4 patrons, would require 68 parking spaces, as proposed by the applicant.

The breakdown of the existing approved parking requirement, and the proposed parking requirement with Units #12 and #13 being occupied by an eating establishment use, is as follows:

a) Current Parking Requirement:

Units 1-13 (Multi-Unit Employment):	$5,420.99\text{m}^2 \times 2 \text{ spaces}/100\text{m}^2$	= 109 spaces
(+)		
Tim Horton's:	$305.57\text{m}^2 \times 16 \text{ spaces}/100\text{m}^2$	= 49 spaces
Total Required:		158 spaces
Total Provided:		208 spaces

Under the existing site plan approval, there is a surplus of 50 parking spaces.

b) Proposed Parking Requirement:

Units 1-11 (Multi-Unit Employment):	$4,708.63\text{m}^2 \times 2 \text{ spaces}/100\text{m}^2$	= 95 spaces
(+)		
Units 12 & 13 (Proposed Eating Establishment):	$270 \text{ persons} \times 1 \text{ space}/4 \text{ persons}$	= 68 spaces
(+)		
Tim Horton's:	$305.57\text{m}^2 \times 16 \text{ spaces}/100\text{m}^2$	= 49 spaces
Total Required:		212 spaces
Total Provided (minus 9 spaces for new site access as discussed below):		199 spaces

The subject proposal would be deficient 13 spaces (6.1%).

The approved site plan provides for a total site parking of 208 spaces to serve both the multi-unit building and the stand-alone eating establishment (Tim Horton's). However, the Region of York recently approved a new driveway access onto Regional Road 27, in the location shown on Attachment #2, which will be in addition to the existing two accesses on Zenway Boulevard. The new driveway access will likely result in the loss of 9 parking spaces from the existing 208 parking spaces, yielding a new site parking total of 199 spaces. Although the access on Regional Road 27 was shown as a future access during the review of the site plan application and within the existing Site Plan Agreement, the Owner will be required to amend the existing site plan agreement to include the new Regional Road 27 access.

In support of the current application, the Owner submitted a Parking and Site Circulation report to review the parking requirements for the proposed eating establishment use within the two units of the development, and an examination of the overall site plan with respect to parking and circulation. The report analysed similar plaza types to that of the subject site, and analyzed the mix of potential uses that are likely to be tenants within the building on the subject lands. The report indicated that at peak periods (ie. 12:00 noon to 1:00pm) 193 parking spaces would be

sufficient to service the plaza comprising the existing Tim Horton's, and the proposed eating establishment together with employment uses, which would support the 199 spaces that are proposed on the site. The report was reviewed by the Engineering Department and was found to be acceptable.

It should be noted that 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. At the time of the previous Zoning Application, the applicant did not pursue an additional eating establishment on the site within the multi-unit building as there were time constraints to have the Tim Horton's establishment approved. In light of the review of this application, access to and from the site is sufficient to accommodate the expected traffic and the parking supply is adequate. Accordingly, the proposal to add an additional eating establishment use at this site within Units #12 and #13 is supported.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, Particularly 'A5', "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the proposed Zoning By-law Amendment Application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and is satisfied that an amendment to the Zoning By-law to permit Units #12 and #13 of the multi-unit employment building (under construction) to be occupied by an eating establishment use, to be appropriate, and will serve the surrounding area, given the lack of existing eating establishments in the area.

The Development Planning Department can also support the applicant's request to base the minimum parking standard requirement for the eating establishment use in Units #12 and #13, on the maximum design capacity of one (1) parking space for every 4 patrons, rather than on the GTA of the two units, which is acceptable to the Engineering Department.

The applicant has also recently received approval from the Region of York to permit the construction of a new access onto Regional Road 27, which will reduce the on-site parking supply by 9 spaces, from 208 to 199 parking spaces, which is acceptable to the Engineering Department. The applicant will be required to amend the existing site plan agreement to include the new Regional Road 27 access. The implementing zoning by-law will require a minimum of 199 parking spaces to be provided on site, if the subject zoning application is approved.

In light of the above, the Development Planning Department can recommend the approval of the Zoning By-law application.

Attachments

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

Report prepared by:

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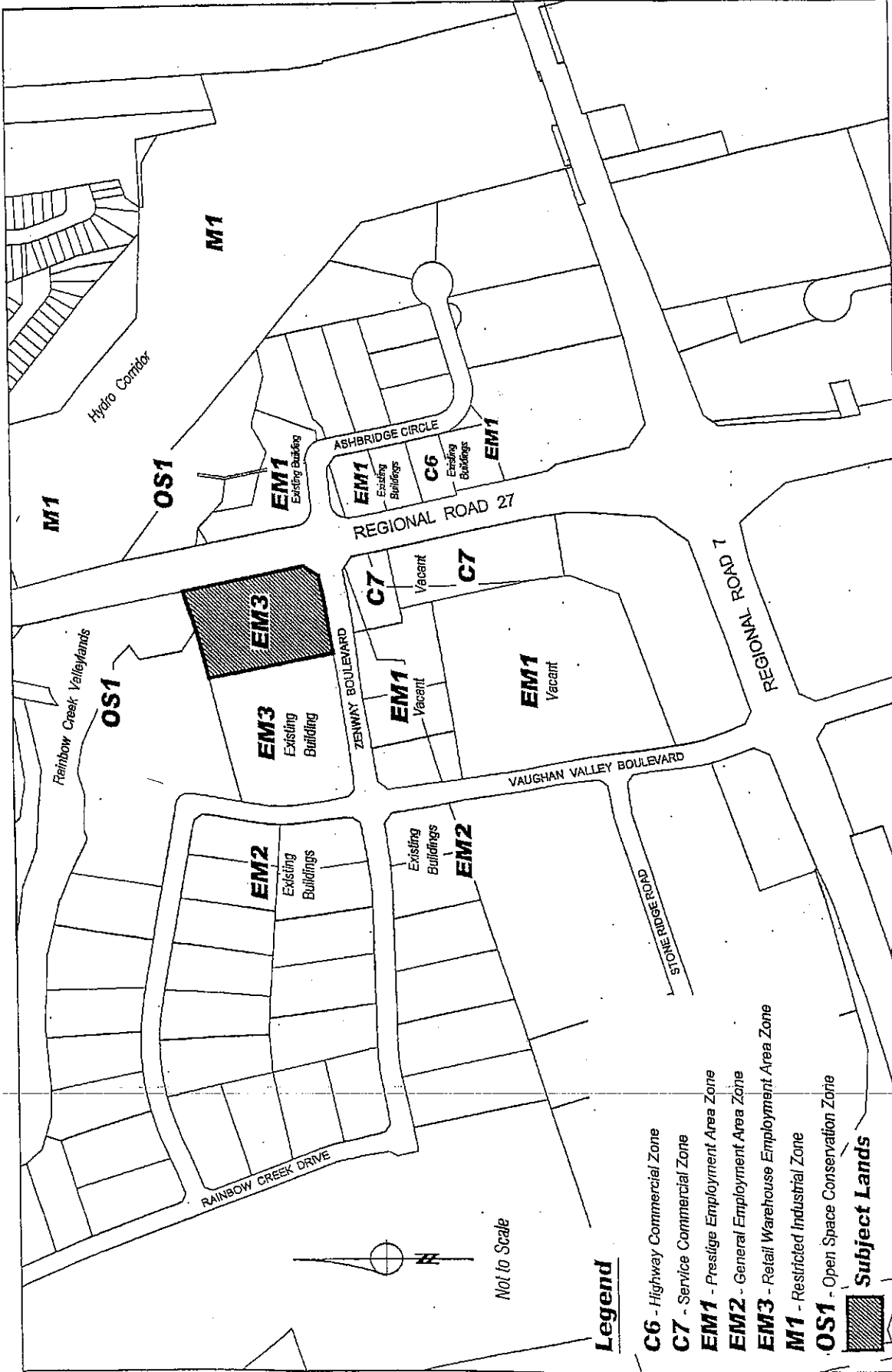
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Legend

- C6** - Highway Commercial Zone
- C7** - Service Commercial Zone
- EM1** - Prestige Employment Area Zone
- EM2** - General Employment Area Zone
- EM3** - Retail Warehouse Employment Area Zone
- M1** - Restricted Industrial Zone
- OS1** - Open Space Conservation Zone

Subject Lands

Location Map

Attachment 1
 FILE No.: Z.05.056
 Not to Scale
 December 20, 2005

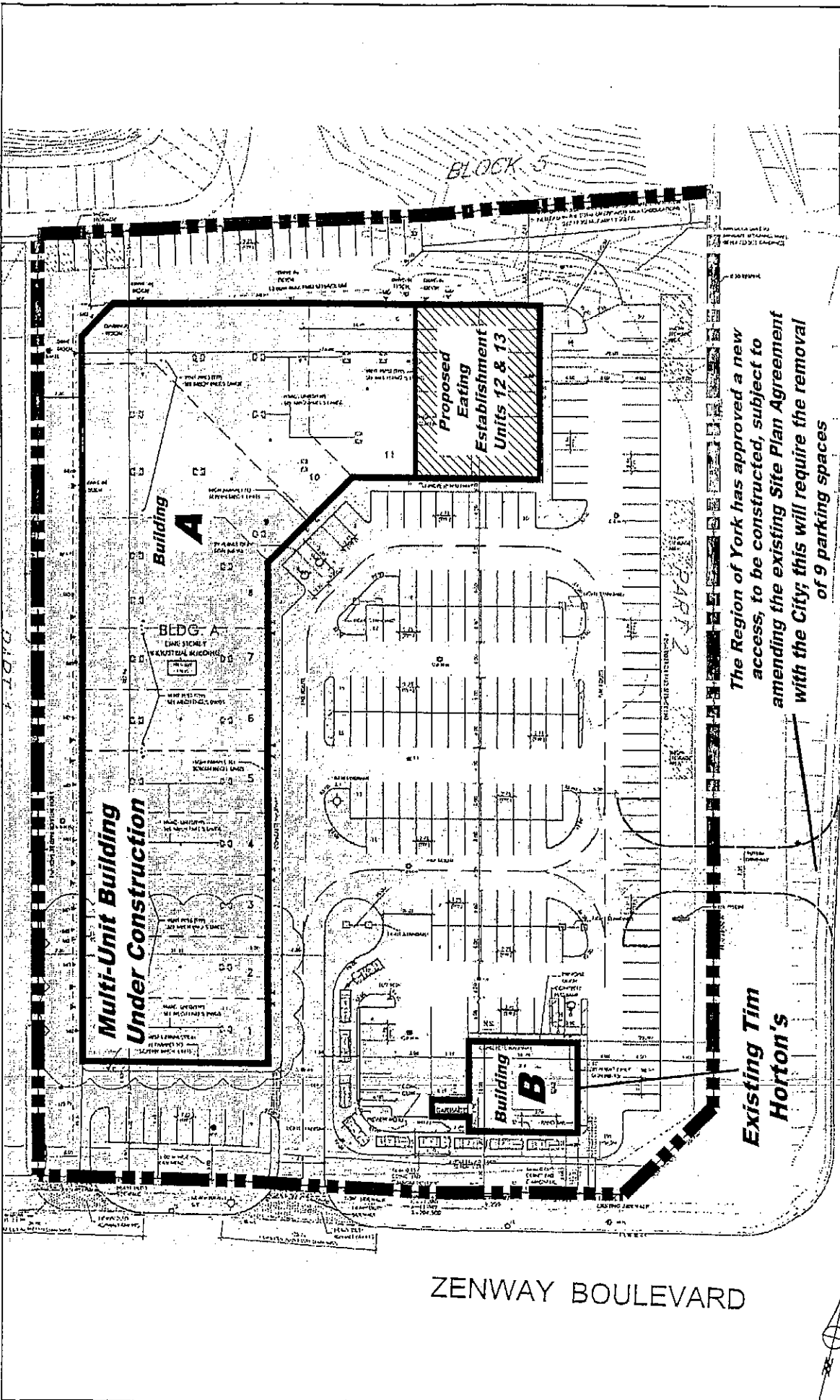


Development Planning Department

Part Lot 7, Concession 9

APPLICANT: ROYBRIDGE HOLDINGS LIMITED

14-000001 ATTACHMENT 1 Z.05.056



Subject Lands

The Region of York has approved a new access, to be constructed, subject to amending the existing Site Plan Agreement with the City; this will require the removal of 9 parking spaces

REGIONAL ROAD 27

ZENWAY BOULEVARD

Not to Scale

Attachment 2

FILE NO:
Z.05.056
Not to Scale
April 10, 2006

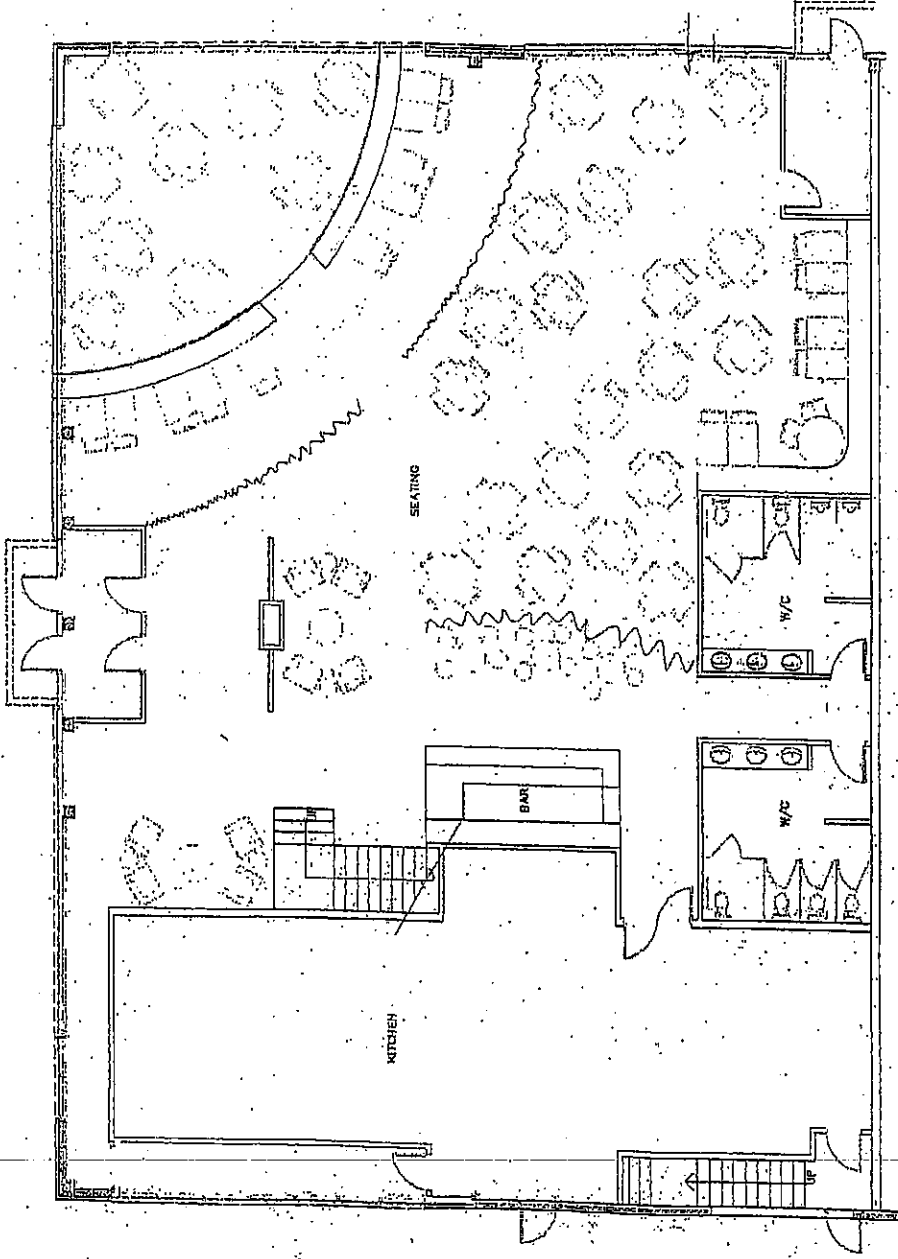


Development Planning Department

Part Lot 7,
Concession 9

Site Plan

APPLICANT:
ROYBRIDGE HOLDINGS LIMITED
NA/DFN/ ATTACHMENTS/23-05-056



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

Attachment 3
 FILE No.: Z.05.056
 Not to Scale
 January 16, 2006

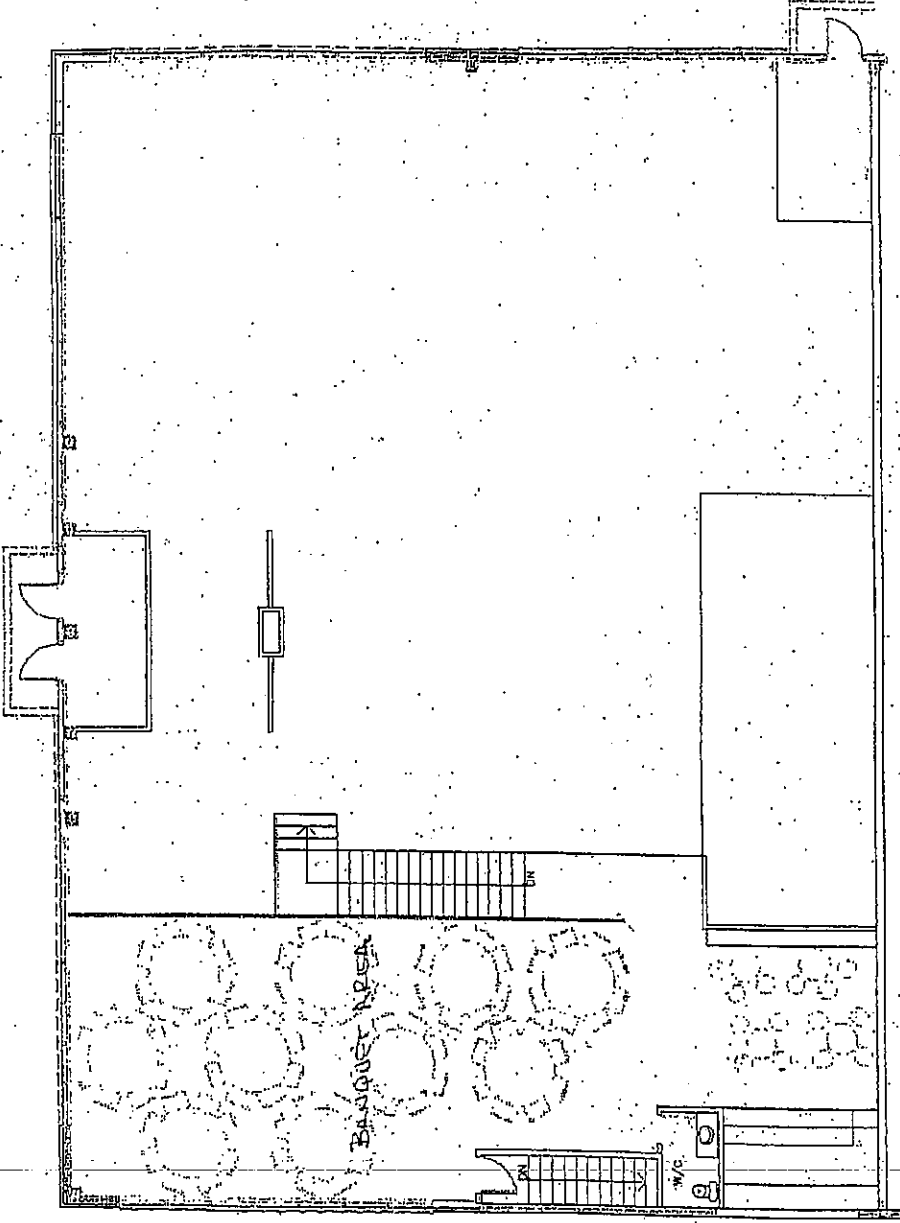


Development Planning Department

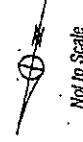
Conceptual Main Floor Plan

Part Lot 7,
 Concession 9

APPLICANT:
 ROYBRIDGE HOLDINGS LIMITED
 DRAWN: ATTACHMENTS Z.05.056



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



Not to Scale

Conceptual Mezzanine Floor Plan

APPLICANT:
 ROYBRIDGE HOLDINGS LIMITED
 PROJECT ATTACHMENTS\VA-05.056



Development Planning Department

Part Lot 7,
 Concession 9

Attachment 4

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