



INCORPORATED 1855

TOWN OF WHITBY REPORT

RECOMMENDATION REPORT

REPORT TO: Planning and Development Committee	REPORT NO: PL 27-08
DATE OF MEETING: March 10, 2008	FILE NO(S): Z-03-08
PREPARED BY: Planning Department	LOCATION: 836 and 840 Brock Street North
REPORT TITLE/SUBJECT: Zoning Application Napoleon Tselios	

1.0 RECOMMENDATION:

1. That Council approve the zoning application (Z-03-08) subject to the comments and conditions contained in Planning Report, Item No. 27-08,
2. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council.

2.0 EXECUTIVE SUMMARY:

N/A

3.0 ORIGIN:

The Planning Department is in receipt of a zoning amendment application to permit the addition of Limited Business and Professional Office use within a C2-S Zone Category on 836 Brock Street North, and to permit the addition of Limited Business and Professional Office, Retail Store, and Personal Service uses within a C2-S Zone Category on 840 Brock Street North.

4.0 BACKGROUND:

The applicant is proposing to extend the permitted uses on his two properties so that they may be leased to a wider range of commercial tenants. 840 Brock Street North is currently vacant and the addition of the Limited Business and Professional Office, Retail Store, and Personal Service uses would assist the owner in securing a new tenant. 836 Brock Street North is currently the site of Blue Sea Fish and Chips,

however, should that use ever cease, the owner is proposing to add a Limited Business and Professional Office use to assist in securing a future tenant.

The proposed uses will be confined to the existing buildings on both 836 and 840 Brock Street North.

No additions to the buildings or parking areas on either site are being proposed as part of this application.

5.0 **DISCUSSION/OPTIONS:**

836 Brock Street North

Site Location	:	Concession 2 Part Lot 27
Present Use	:	Restaurant (Blue Sea Fish and Chips)
Present Zone Category	:	'C2-S' – Special Purpose Commercial, Zoning By-law 2585, as amended
Surrounding Land Uses		
North	:	Vacant Commercial Building
East	:	Single Detached Residential
South	:	Master Mechanic
West	:	Single Detached Residential

840 Brock Street North

Site Location	:	Concession 2 Part Lot 27
Present Use	:	Vacant Commercial Building
Present Zone Category	:	'C2-S' – Special Purpose Commercial, Zoning By-law 2585, as amended
Surrounding Land Uses		
North	:	Commercial Plaza
East	:	Single Detached Residential
South	:	Blue Sea Fish and Chips
West	:	Single Detached Residential

6.0 **COMMUNICATION ISSUES/PLAN:**

Notice of this meeting was mailed to all property owners within 120 metres (400 feet) of the subject property at least fourteen days prior to the meeting. In addition a public

notice sign has been erected on the site in accordance with the sign notification procedures prior to the public meeting date.

7.0 CONSIDERATIONS:

A. PUBLIC

N/A

B. FINANCIAL

N/A

C. IMPACT ON & INPUT FROM OTHER DEPARTMENTS/SOURCES

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services have no concerns at this time for the above-named application.

Region of Durham

We have reviewed the above captioned application to amend the zoning of the subject properties currently zoned 'C2-S' zone to permit a business and professional office use within the existing structures at 836 Brock Street North, and to permit the addition of a business and professional office, retail store, and personal service uses at 840 Brock Street North.

Regional Official Plan

The subject properties are designated 'living area' and abut a regional corridor in the Regional Official Plan. Policy 8A.2.9 of the Plan specifies that lands abutting a Regional corridor shall be planned as a mixed-use area to include such uses as commercial and service uses. The proposed amendment conforms to the Regional Official Plan.

Regional Services

Municipal Water Supply

The subject properties are located within the Zone 1 water pressure district for Whitby. The estimated static water pressure for this area is 83 psi (572 kPa); which exceeds the maximum allowable of 80 psi (550 Kpa), therefore pressure reducing valves will be required.

Municipal water supply is available to the properties from an existing 200mm DI watermain on Brock Street North.

The buildings are currently serviced with domestic water service connections from an existing 200mm DI watermain on Brock Street North. If these existing services are not adequate for the proposed uses, then the applicant will be required to submit detailed site servicing plans for approval.

Sanitary Sewer Service

Sanitary sewer servicing is available to the properties from an existing 200mm AC sanitary sewer on Brock Street North.

The buildings are currently serviced with sanitary sewer service connections from an existing 200mm AC sanitary located on Brock Street North. If these existing services are not adequate for the proposed uses, then the applicant will be required to submit detailed site servicing plans for approval.

Site Servicing Costs and Regional Development Charges

The applicant will be responsible for the full cost of any servicing and roadwork and payment of all applicable regional development charges and any outstanding watermain and sanitary sewer frontage charges required to accommodate the proposed uses.

The Region's concerns, financial and otherwise, will be addressed through the site plan application and site servicing process. The Region will provide additional comments on future applications.

Delegated Provincial Plan Responsibilities

This application has been screened for provincial plan responsibilities. There are no matters of provincial interest applicable to this application.

Public Works Department

Parking

The current minimum parking space requirements at 836 Brock Street North and 840 Brock Street North are 20 spaces and 13 spaces respectively. With the proposed change of use, the minimum parking requirements are reduced to 6 spaces for office use at 836 Brock Street North and 8 spaces for a retail use at 840 Brock Street North. Therefore, this Department has no concerns regarding adequate on-site parking and no objection to this application.

Waste Management

The existing waste management facilities on both properties appear to be adequate and no modifications are required.

Planning Department

The Planning Department recommends that Council approve zoning application Z-03-08, and that a By-law be brought forward for consideration by Council subject to the following:

Official Plan

The subject property is designated Commercial Node on Schedule 'A' of the Town of Whitby Official Plan. The proposed additional uses on both properties conform to section 4.4.3.1 Classification of Commercial Areas in the Town of Whitby Official Plan

4.4.3.1

Commercial development is classified and designated as follows:

d) Commercial Node

The commercial Node designation as identified in Schedule 'A' generally recognizes existing commercial strips and areas which are encouraged to intensify and consolidate over time into mixed use nodes in accordance with good urban design principles and the comprehensive block concept. Within this designation, the following uses shall be permitted.

- i) Such uses such as restaurants, motels, financial establishments and small-scale home supply and improvement stores which could include the retailing and servicing of audio-visual equipment, plumbing and electrical supplies, appliances or furniture;
- iii) Limited business, corporate and community service field office uses subject to rezoning;
- v) On a limited basis, retail and personal service uses other than the above uses only through the conversion of buildings which exist at the time of adoption of this Plan, or through mixed residential-commercial redevelopment by exception to the Zoning By-Law, provided that such uses were compatible with their surroundings.

Zoning By-Law Amendments

The Planning Department recommends amending the zoning of 836 and 840 Brock Street North in accordance with the following table:

Z-03-08 Zoning Amendment Application - Summary Table

Subject Property	Current Zoning	Proposed Additional Uses	Planning Opinion
836 Brock Street North	'C2-S' Special Purpose Commercial as contained in Town of Whitby Zoning By-Law 2585, as amended	Limited Business and Professional Office	Agree
840 Brock Street North	'C2-S' Special Purpose Commercial as contained in Town of Whitby Zoning By-Law 2585, as amended	Limited Business and Professional Office Retail Store Personal Service Store	Agree

By-Law Format

The following information will be included in a By-law presented for Council consideration.

Notwithstanding the permitted uses found in Section 16A Subsection 1 of Zoning By-Law 2585, the following additional uses shall be permitted within the existing structure on the property known municipally as 836 Brock Street North:

- *Limited Business and Professional Office*

Notwithstanding the permitted uses found in Section 16A Subsection 1 of Zoning By-Law 2585, the following additional uses shall be permitted within the existing structure on the property known municipally as 840 Brock Street North:

- Limited Business and Professional Office
- Retail Store
- Personal Service Store

D. CORPORATE AND/OR DEPARTMENT STRATEGIC PRIORITIES

N/A

8.0 SUMMARY AND CONCLUSION

It is recommended that Council approve the Zoning Application (Z-03-08), and that a By-Law be brought forward for consideration by Council subject to the conditions contained in Planning Report PL 26-08.

9.0 ATTACHMENTS

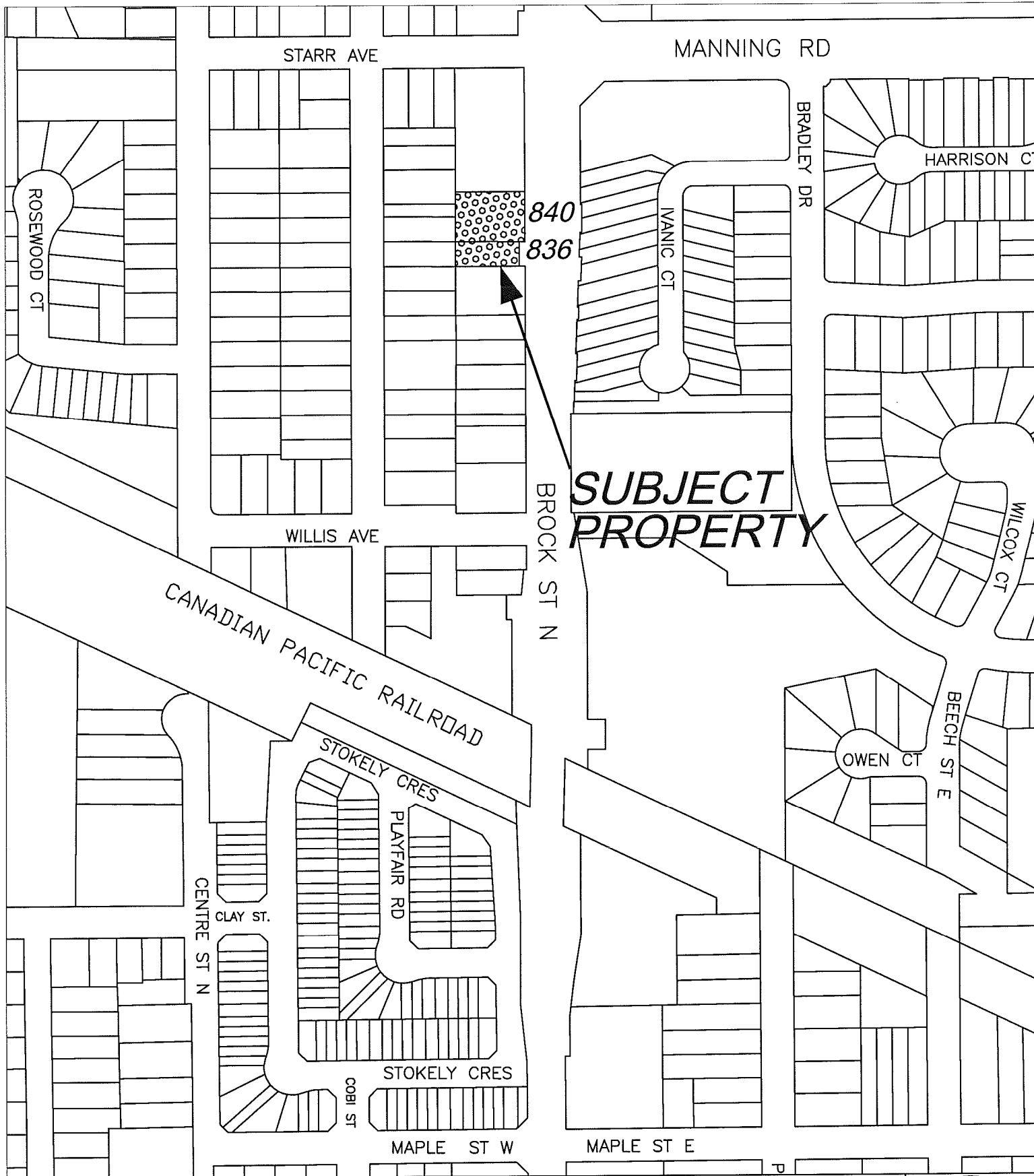
Attachment #1: Location Sketch

Attachment #2: Site Plan

For further information contact:
Graig Uens, Ext. 2355

Robert B. Short, Director of Planning, Ext. 4309

Kenneth Nix, Acting Chief Administrative Officer, Ext. 4314



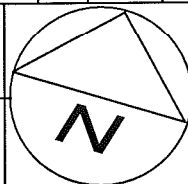
Town of Whitby Planning Department

APPLICANT
NAPOLEAN TSELIOS

FILE NO.
Z-03-08

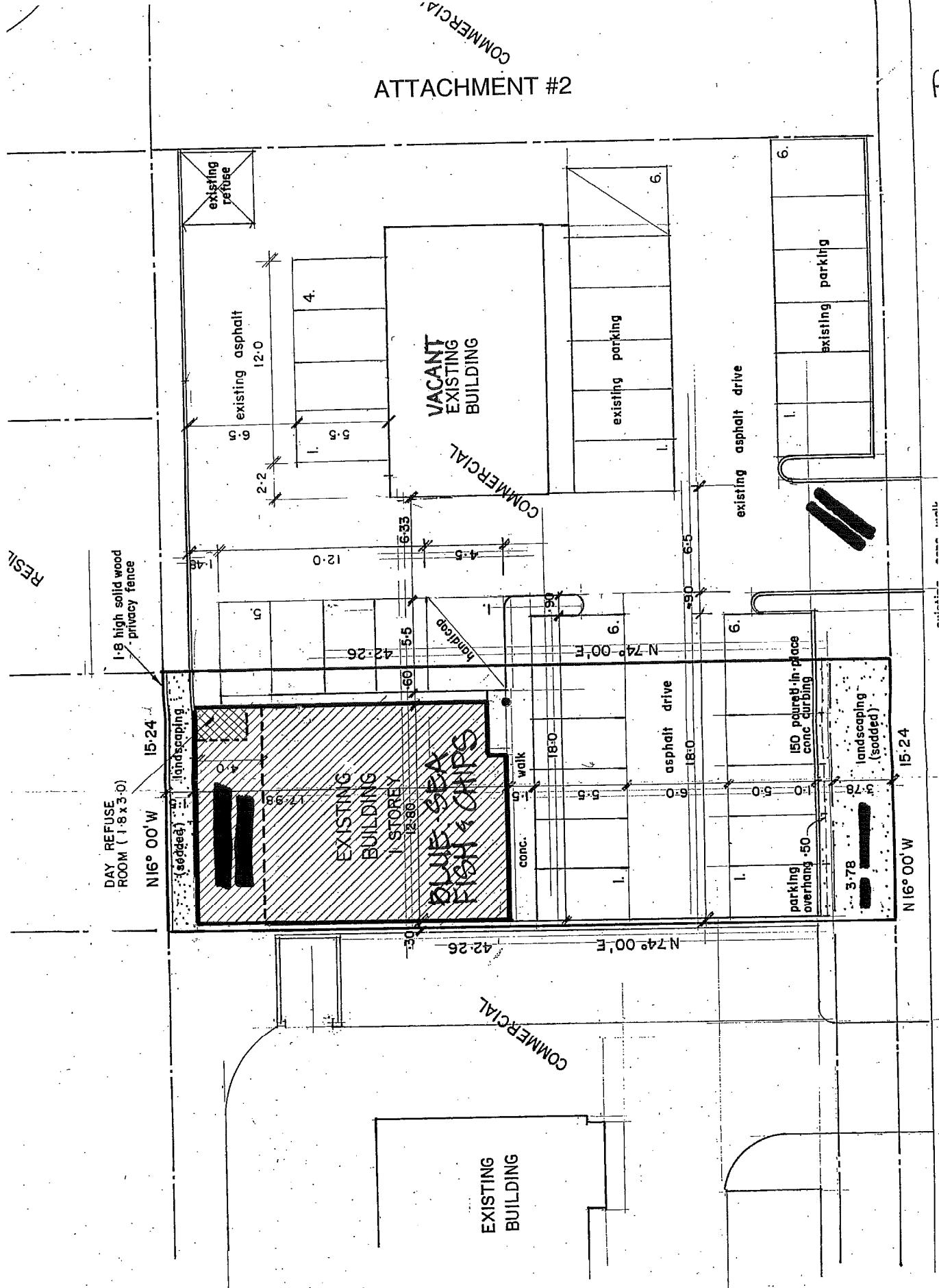
DATE
JANUARY 2008

SCALE
N.T.S.



ATTACHMENT #2

PL 27-08



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DAY REFUSE ROOM (1-8 x 3-0)

N 16° 00' W

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1-8 high solid wood privacy fence

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