

Pickering (Town) Official Plan Amendment No. 85 (Re)

At the request of Glead Motor Holdings, the Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 22(1) of the Planning Act, R.S.O. 1990, c. P.13, from the Town of Pickering Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Pickering, to expand permitted uses in the "Highway Industrial-Commercial" designation to permit

the outside storage of marine vehicles on lands respecting 555-559 Kingston Road, being composed of Parts 3 and 4, Plan 40R-9658 O.M.B. File No. O 940090 [Ed. Note: and two

other applications respecting appeals to the Board. See Appendix "A" for complete list].

Ontario Municipal Board Decisions: [1994] O.M.B.D. No. 865

File Nos. Z 920151, O 940090, M 940021

Ontario Municipal Board

W.E. King

Oral decision: May 16, 1994

Filed: July 6, 1994

COUNSEL:

C.M.T. Sheffield, for Town of Pickering.

R.R. Arblaster, for Glead Motor Holdings.

MEMORANDUM OF ORAL DECISION delivered by
W.E. KING AND ORDER
OF THE BOARD:--

Glead Motor Holdings owns a 1.127 hectare property in the Town of Pickering located between Kingston Road (Highway No. 2) and Highway 401. The lands are designated Highway Industrial-Commercial and zoned Special Purpose Commercial. The owner wished to develop the lands with a marine vehicle sales or rental use and restaurants in which one can either eat in or take out/ drive through. The marine vehicle sales establishment would require outdoor storage and display.

This project requires an Official Plan amendment because the Pickering District Plan (Woodlands Community Plan Part A) allows outdoor storage and display for motor vehicle dealerships and home improvement centres, but not of marine vehicles. A zoning by-law amendment is necessary in order to permit the same outdoor storage and display and to permit take-out and/or drive-through restaurants. By-law 3177-89 -- the by-law currently in force -- permits only restaurants that offer food for sale solely for consumption on the premises.

Amendments are also sought in the maximum gross floor area for the restaurant use and in the number of parking spaces required for the marine vehicle establishment.

Glead Motors' original plan also included a gas bar and a car wash. Largely because of this the Town refused to pass the necessary amendments on the grounds that these uses were compatible with neither the adjacent uses nor the other proposed uses on the site. However, the applicant and the Town continued discussions while awaiting a hearing and succeeded in reaching an agreement. They submitted a modified zoning by-law amendment to the Board at the commencement of the hearing, prepared by the Town, and the Town's planner gave planning evidence in support of the modified proposal.

Both parties also requested that the matter of the site plan determination be adjourned sine die. Because the Official Plan and zoning matters have only recently been resolved, there has not been time to finalize an agreed upon site plan. Agreement has been reached upon the contentious matters and the parties do not foresee the matter having to come to the Board, but some of the details have yet to be worked out. Therefore, they requested an adjournment, with expectation of a withdrawal. The Board granted the adjournment request.

Mr. Jeffrey Cole, a planner with the Town of Pickering testified that, with the modifications agreed to by the applicant, the proposal is in conformity with the general intent of both the Official Plan and the Zoning By-law, is appropriate for the site and constitutes good planning.

It is appropriate for the site, which fronts on Highway 2 and also abuts Highway 401. The take-out and/or drive-through restaurants are good uses for lands right next to highways. The marine vehicle sales use is space extensive and a typical highway commercial use. The expansion of uses is slight and will implement the intent of the Woodlands Community Plan.

As for the Official Plan amendment to permit the outdoor display and storage of marine vehicles, Mr. Cole testified that the use for which the storage and display is necessary is permitted by the Official Plan. It is simply that the Plan, which was approved in 1981, is more specific in its outdoor display provision than many official plans and marine vehicle display and storage was overlooked. There was no intention to exclude it, merely a failure to include. There is nothing about marine vehicles that makes their display more objectionable than that of motor vehicles. The amendment is site specific, and outdoor display of marine vehicles is appropriate for this site. The amendment, therefore, conforms with the general intent of the Plan.

The proposal is also compatible with other uses in the

vicinity. On the lands immediately to the east of the site there is a special purpose commercial plaza with an eat-in restaurant and car rental. To the west there is an automobile dealership with outdoor storage and display. Across Kingston Road another commercial plaza is planned but not yet developed. Both the expanded uses and the outdoor display fit in well with these existing developments.

Other provisions of the proposed zoning by-law address parking standards for the marine vehicle dealership and gross floor area for the two restaurants.

The minimum parking standard is reduced from the general requirement of 4.5 spaces to 3 spaces per 100 square metres of gross leasable floor area. This is considered adequate because, since more space is required for the marine vehicles themselves, the size of the premises does not reflect the number of customer or staff cars that will require parking. Less parking is required for this use than for others of the same size. The reduced parking standard will have the added benefit of allowing more space to be devoted to landscaping to make the site more attractive.

The gross floor area is increased to reflect the number of restaurants (a maximum of two) and the expansion of types of restaurant permitted.

The Board is satisfied, on the basis of the evidence presented, that the proposal and the amendments to the Official Plan and Zoning By-law necessary to implement it, are in general conformity with the Town's planning documents, appropriate for the site and the area and represent good planning.

The Board amends Pickering District Plan (Woodlands Community Plan Part 'A') by Amendment No. 85, in accordance with Schedule "A". The appeal under subsection 34(11) of the Planning Act is allowed and By-law 3177/89 is amended by By-law No. 4433/94, in accordance with Schedule "B".

The Board so orders.

W.E. KING, Member