

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 21, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 9, 2014.

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**ZONING BY-LAW AMENDMENT FILE Z.14.001
SITE DEVELOPMENT FILE DA.14.011
2282292 ONTARIO LTD.
WARD 1 - VICINITY OF MAJOR MACKENZIE DRIVE AND GRAM STREET**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning and Manager of Development Planning, dated September 2, 2014:

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.14.001 (2282292 Ontario Ltd.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from R1V Old Village Residential Zone to C1 Restricted Commercial Zone to permit only a Business or Professional Office (Office of a Regulated Health Professional) and a 44 m² Pharmacy within the existing 556.19 m² building shown on Attachments #3 to #5, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.14.011 (2282292 Ontario Ltd.) BE APPROVED, to facilitate a Business or Professional Office (Office of a Regulated Health Professional) and a 44 m² Pharmacy within the existing 556.19 m² building and the development of a separate 1-storey garbage enclosure, and an expansion of the existing parking area (additional 8 parking spaces) as shown on Attachments #3 to #6, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i. the Vaughan Planning Department shall approve the final site plan, building elevations, landscape plans and landscape cost estimate;
 - ii. the Owner shall comply with all requirements of the Maple Streetscape and Urban Design Guidelines, including the one-time payment of a maintenance fee, to the satisfaction of the Vaughan Planning Department;
 - iii. the Vaughan Development/Transportation Engineering Department shall approve the final stormwater management plan and photometric lighting plan; and,
 - iv. the owner shall satisfy all requirements of the York Region Transportation and Community Planning Department.

Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.3: To create a City with sustainable built form

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Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.1: To foster a City with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage
- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goals and objectives identified above, the owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- bicycle parking provided in a highly visible and easily accessible location to encourage cycling as a clean air alternative
- shade trees to reduce surface temperature
- drought resistant landscaping to reduce water usage
- locally sourced building materials
- high efficiency plumbing fixtures for all equipment being upgraded or added
- interior walls painted with low VOC (Volatile Organic Compound) latex paint

Economic Impact

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

Communications Plan

On March 25, 2014, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. The Notice was also posted on the City's web-site at www.vaughan.ca and a Notice Sign installed on the property in accordance with the City's Sign Notification Protocol. At the Public Hearing meeting held on March 25, 2014, a request was made that the owner examine the relationship between the proposed commercial parking area and the abutting residential uses.

The owner has revised the proposed landscape plan since the Public Hearing to provide 6 red cedar trees along the east property line and additional planting along the south property line to buffer the proposed expanded parking area from the adjacent residential uses, as shown on Attachment #4. The existing landscaping and chain link fence along the west property lines will be maintained and additional hedges are proposed to enhance the buffer between these properties. Also, the existing wood fence along the south and east property lines will be maintained. The final landscape plans must be approved by the Vaughan Planning Department. A condition to this effect is included in the recommendation of this report.

The recommendation of the Committee of the Whole to receive the Public Hearing report of March 25, 2014, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 8, 2014.

Purpose

To seek approval from the Committee of the Whole for the following applications for the subject lands, shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.14.001 to amend Zoning By-law 1-88, specifically to rezone the subject lands from R1V Old Village Residential Zone to C1 Restricted Commercial Zone to permit only a Business or Professional Office (Office of a Regulated

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Health Professional) and a 44 m² Pharmacy within the existing 556.19 m² building shown on Attachments #3 to #5, together with the site-specific zoning exceptions identified on Table 1 of this report.

2. Site Development File DA.14.011, to facilitate a Business or Professional Office (Office of a Regulated Health Professional) and a Pharmacy within the existing 556.19 m² building and the development of a separate 1-storey garbage enclosure and the expansion of the existing parking area (additional 8 spaces), as shown on Attachments #3 to #6.

Background - Analysis and Options

Location

The subject lands are located on the south side of Major Mackenzie Drive, west of Keele Street, municipally known as 2389 Major Mackenzie Drive, shown as “Subject Lands” on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

The subject lands are developed with a 2-storey brick building that was used for a day nursery as permitted by site-specific zoning Exception 9(952). The building is currently vacant. The building will not be altered, however, the parking area is proposed to be enlarged and reconfigured and a separate external garbage enclosure is proposed as shown on Attachments #3, #4 and #6.

Land Use Policies and Planning Considerations

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.14.001 and Site Development File DA.14.011 and provide the following analysis:

a) Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “Low-Rise Mixed-Use” with a maximum permitted building height of 3-storeys and a maximum Floor Space Index (FSI) of 1.25 by Vaughan Official Plan 2010 (VOP 2010). The subject lands are also located in a Local Centre and on a Primary Intensification Corridor by VOP 2010.

The “Low-Rise Mixed-Use” designation permits residential units, home occupations, small scale hotels, retail uses and office uses. In areas designated “Low-Rise Mixed-Use” and located in an Intensification Area, such as a Primary Intensification Corridor, VOP 2010 requires that the ground floor frontage of buildings facing arterial streets shall predominantly consist of retail uses or other active uses that animate the street. The Official Plan policies require that the zoning by-law include a minimum of 30% of the total gross floor area of all uses on the lot to consist of uses other than retail uses. A pharmacy is proposed on the ground of the building, with the majority of the building to be used as a Business or Professional Office (Regulated Health Professional) which conforms to the Official Plan.

b) Village of Maple Heritage Conservation District Plan

The subject lands are located within the Village of Maple Heritage Conservation District. The existing building located on the subject property is a non-heritage style building. All properties located within the Heritage Conservation District requires the approval of a Heritage Permit and review and approval from the Heritage Vaughan Committee. However, the Cultural Heritage Division of the Vaughan Planning Department has indicated that they have no concerns with this proposal as no alterations are proposed to the existing building and that Heritage Vaughan Committee review and approval is not required.

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c) Zoning

The subject lands are zoned R1V Old Village Residential Zone by Zoning By-law 1-88, subject to site-specific Exception 9(952), which only permits a day nursery use on the property. A Business or Professional Office (Office of a Regulated Health Professional) and a Pharmacy are not permitted uses within the R1V Old Village Residential Zone, and therefore, an amendment to Zoning By-law 1-88 is required to rezone the lands from R1V Old Village Residential to C1 Restricted Commercial Zone and to permit the following site-specific zoning exceptions:

Table 1: Zoning Exceptions

	Zoning By-law Standard	Zoning By-law 1-88, C1 Restricted Commercial Zone Requirements	Proposed Exceptions to the C1 Restricted Commercial Zone Requirements
a.	Permitted Uses	<ul style="list-style-type: none"> • Automotive Retail Store • Banking or Financial Institution • Boating Showroom • Business or Professional Office • Club or Health Centre • Eating Establishment • Eating Establishment, Convenience • Eating Establishment, Take-out • Funeral Home • Hotel • Laboratory • Motor Vehicle Sales Establishment • Office Building • Personal Service Shop • Pharmacy • Photography Studio • Place of Entertainment • Radio Transmission Establishment • Retail Store • Service or Repair Shop • Video Store 	<p>Permit only the following uses on the subject lands:</p> <ul style="list-style-type: none"> • Business or Professional Office (Office of a Regulated Health Professional) • Pharmacy (maximum 44 m² of gross floor area)
b.	Minimum Front Yard Setback (Major Mackenzie Drive)	9 m	4.3 m (existing main building) 2.6 m (existing roof overhang)
c.	Minimum Lot Depth	60 m	49 m (existing)

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d.	Minimum Interior Side Yard Setback (to the garbage enclosure)	1.5 m	0.9 m
e.	Minimum Rear Yard Setback (to the garbage enclosure)	15 m	3.2 m
f.	Minimum Setback from an "R" Residential Zone	9 m	<ul style="list-style-type: none"> • 1.5 m (existing east interior side yard) • 0.9 m (west interior side yard to the garbage enclosure) • 3.2 m (south rear yard setback to the garbage enclosure)
g.	Minimum Landscape Strip Width	<ul style="list-style-type: none"> i. 6 m (abutting Major Mackenzie Drive) ii. 2.4 m (abutting a Residential Zone) 	<ul style="list-style-type: none"> i. 2 m. ii. <ul style="list-style-type: none"> • 0.9 m (west lot line) • 1.5 m (east lot line) • 1.67 m (rear lot line)

The Vaughan Planning Department can support the proposed site-specific exceptions to Zoning By-law 1-88, for the following reasons:

a) Permitted Uses

The proposed Business or Professional Office (Office of a Regulated Health Professional) and Pharmacy uses facilitate the reuse of the existing vacant building within the Maple Core Area and conforms to VOP 2010. Accordingly, the Vaughan Planning Department can support the proposed uses and rezoning to C1 Restricted Commercial Zone.

b) Setbacks, Landscape Strip Widths and Lot Depth

The proposed building setbacks and landscape strip width zoning exceptions reflect the location of the existing building. The proposed garbage enclosure (Attachment #6) is small in scale and designed to be compatible with the adjacent properties. In addition, a Business or Professional Office and a Personal Service Shop (maximum 186 m² combined) are permitted uses on the adjacent lands (2401 Major Mackenzie Drive) to the west under Exception 9(1286). This site-specific exception also provides for a driveway along their east property line (abutting the subject lands) leading to a parking area located at the rear of the building. A chain link fence exists along the west lot line and a wooden privacy fence exists along the south and east lot lines of the subject lands as discussed earlier.

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The reduced front yard setbacks are the result of a road widening that is required by York Region, as the Region is protecting a 30 m right-of-way on Major Mackenzie Drive. The front yard setbacks will recognize the location of the existing building and roof overhang upon dedication of the lands required for the widening. Accordingly, the Vaughan Planning Department has no objection to the reduced front yard setbacks. The lot depth reflects the current size of the property.

In summary, the Vaughan Planning Department can support the proposed rezoning of the subject lands to C1 Restricted Commercial Zone and the site-specific zoning exceptions required to facilitate the proposal. The proposed uses and the proposed garbage enclosure and parking area is compatible with the surrounding existing and planned land use context, and conforms to VOP 2010.

Site Plan Review

The proposed site plan is shown on Attachment #3. The owner does not propose any changes to the exterior of the existing building. The existing 2-storey 556.19 m² building will consist of 3 Regulated Health Practitioners, a 44 m² pharmacy and the basement will be used for storage purposes only. Only interior renovations will be undertaken to facilitate the proposed uses.

The parking requirement within Zoning By-law 1-88 requires 5 parking spaces for each Regulated Health Practitioner (5 spaces x 3 practitioners) requiring 15 parking spaces plus 3 parking spaces for the pharmacy use (44 m² GFA x 6 spaces) for a total of 18 required parking spaces. The basement area is not calculated in required parking as it will be used for storage purposes only.

The parking area is proposed to be enlarged from 16 to 22 spaces (4 surplus spaces above the required 18 spaces), and an exterior garbage enclosure is proposed as shown on Attachments #3, #4 and #6. The Vaughan Planning Department is satisfied with the proposed garbage enclosure and the proposed parking area subject to the conditions in this report. The final site plan and garbage enclosure elevations must be approved by the Vaughan Planning Department. A condition in this respect is included in the recommendation of this report.

Landscape Plan

The proposed landscape plan shown on Attachment #4 includes a mix of grasses and ground cover abutting Major Mackenzie Drive and a bicycle rack to accommodate an alternative mode of transportation. As discussed earlier in the "Communications" section, additional maple and cedar trees are proposed along the east and south property lines. The Vaughan Planning Department has requested additional hedge planting to also be provided in between the existing trees along the west property line. An existing chain link fence with hedge planting and trees are located along the west property line.

Maple Streetscape and Urban Design Guidelines

The property is located within the area subject to the Maple Streetscape and Urban Design Guidelines (MSUDGs), which were adopted by Vaughan Council on December 9, 1996. The MSUDGs provides a master plan built form and streetscape vision for the Major Mackenzie Drive and Keele Street corridors located within the Community of Maple. The proposed development shall incorporate the requirements of the MSUDGs, including, but not limited to, additional landscape treatment along the Regional right-of-way and the installation of larger sidewalks with appropriate hard and soft landscape features.

The owner shall provide the City with a certified cheque made payable to Vaughan (amount to be determined at a future date) for the future installation of the streetscape enhancements by Vaughan located in the Region of York right-of-way along Keele Street. This clause will be incorporated in the Site Plan Letter of Undertaking.

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The lands will be subject to a maintenance clause respecting that any enhanced landscaping features other than tree planting on the Regional right-of-way will require the Owner to pay a one-time dollar amount determined by the Vaughan Planning Department in consultation with the Parks and Forestry Operations Department. The maintenance clause will be incorporated into the Site Plan Letter of Undertaking. A condition of approval is included in the recommendation respecting the requirements of the MSUDGs.

Vaughan Development / Transportation Engineering Department

The Development/Transportation Engineering Department has reviewed the applications and provides the following comments:

a) Water / Sanitary Servicing

The development is serviced by existing municipal services on Major Mackenzie Drive.

b) Storm Drainage

The current site contains an underground pipe system that drains into the existing storm sewer on the south side of Major Mackenzie Drive. The controlled outlet flow has been maintained, while the total uncontrolled area has been reduced. The increase in run-off storage has been accommodated through ponding on site.

c) Stormwater Management Plan

1. The construction limit for the development must be provided.
2. The driveway entrance radius encroaches on adjacent property and must be relocated on the subject lands.
3. The proposed drainage directions and outlets for the south, southeast and southwest areas along the property line must be identified on the appropriate plans.
4. All drainage must be maintained on the subject lands and discharged to approved outlets.
5. The proposed grading and drainage design shall ensure that run-off is self-contained on site and does not adversely affect abutting properties.
6. A stormwater management (SWM) summary must be provided on the Plan and shall include: the site area breakdown (controlled area, uncontrolled area), allowable release rate, high water level orifice tube size, orifice invert, controlled and uncontrolled site discharge, total site discharge, required and provided storage.
7. Ponding area(s) must be shown in the plans.
8. Cross-section details for the retaining walls must be provided. A handrail/guard/fence is required when a retaining wall height exceeds 0.6 m to reduce any public hazard.
9. New service connections within the right-of-way are subject to York Region and/or Public Works Department approval.

d) Noise Impact Study prepared by HGC Engineering, dated January 19, 2014

The Noise Impact Study submitted in support of the applications concludes that the predicted sound levels are within the Ministry of the Environment (MOE) sound level limits, based on the existing day-time minimum background sound levels. If the background sound from Major Mackenzie Drive was not present, the sound levels from the parking lot are still predicted to be within the daytime exclusion limit of 50 dBA. Accordingly, no special noise control measures are warranted for this site.

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- e) Electrical Site Plan Analysis prepared by Consulting Engineers Lighting-Electrical, dated February 19, 2014

The outside lighting shall be directed downward and inward and designed to maintain zero cut-off light level distribution at the property line. Also, data should be shown along the east property line. The plans must be amended accordingly.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has indicated that there is no cash-in-lieu payment required for the subject lands, as the property is not being redeveloped.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

- i. Lead and Promote Environmental Sustainability

The owner will be incorporating the sustainable site and building features identified in this report.

- ii. Plan and Manage Growth & Economic Vitality

The proposed development implements the City's Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

- iii. Preserve Our Heritage and Support, Diversity, Arts & Culture

The owner is proposing to retain and use the existing structure that is located within a Heritage Conservation District. The Cultural Heritage Division of the Vaughan Planning Department supports the proposed development.

Regional Implications

The York Region Transportation and Community Planning Department has no objections to the Zoning By-law Amendment and Site Development applications. York Region has indicated that it is protecting a 30m right-of-way for this section of Major Mackenzie Drive and requests that all municipal setbacks be referenced from a point 15 m from the centreline of construction of Major Mackenzie Drive. The Owner will be required to dedicate any lands, as may be required, for the widening of Major Mackenzie Drive, to the satisfaction of York Region.

The Owner must satisfy all requirements of York Region prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report.

Conclusion

Zoning By-law Amendment File Z.14.001 and Site Development File DA.14.011 have been reviewed in accordance with the policies of the Official Plan, Zoning By-law 1-88, comments received from City departments and external public agencies, and the area context. The Vaughan Planning Department is satisfied that the proposal to amend Zoning By-law 1-88 to permit a Business and Professional Office (Office of a Regulated Health Professional) with a 44 m² Pharmacy and the site-specific zoning exceptions outlined in Table 1 of this report are appropriate and will result in a development that is compatible with the surrounding area and conforms to Vaughan Official Plan 2010. Accordingly, the Vaughan Planning Department can

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support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Existing Building Elevations
6. Garbage Enclosure

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)