

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 29, 2013**

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**VAHE AND VICKY GHAZARIAN**

**WARD 1 - VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD**

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated October 15, 2013, be approved; and
- 2) That the deputation of Mr. Ted Cymbaly, Metropolitan Consulting Inc., Ontario Street, Burlington, on behalf of the applicant, be received.

The Commissioner of Planning and the Director of Development Planning recommend:

- ## Contribution to Sustainability

## Economic Impact

## Communications Plan

- ## Purpose

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	<b>By-law Standard</b>	<b>By-law 1-88, C11 Mainstreet Commercial Zone, Exception 9(132) Requirements</b>	<b>Proposed Exceptions to C11 Mainstreet Commercial Zone, Exception 9(132)</b>
a.	Minimum Landscape Areas and Minimum Yard Requirements	All buildings and structures shall be maintained within the Building Envelope shown on Schedule “E-136”, and all parking areas and landscaped areas shall be as shown on Schedule “E-136” (Attachment #6).	Amend Schedule “E-136” to permit a new Building Envelope, Parking Area and Landscaped Area, including the proposed gazebo and garden shed, as shown on Attachment #3, with the following site-specific exceptions:  <ul style="list-style-type: none"> <li>- 0 m northerly setback to the parallel parking space;</li> <li>- 0.3 m easterly setback to the parking area;</li> <li>- 0 m southerly interior side yard setback to the proposed garden shed; and,</li> <li>- 5 m rear yard setback to the proposed gazebo.</li> </ul>
b.	Minimum Parking Requirements	38 parking spaces calculated as follows:  29 parking spaces (eating establishment GFA of 179.2 m <sup>2</sup> at 16 spaces per 100 m <sup>2</sup> of GFA) + 4 parking spaces (outdoor patio area of 20 m <sup>2</sup> at 16 spaces per 100 m <sup>2</sup> of GFA) + 5 spaces (second storey personal service use GFA of 82.87 m <sup>2</sup> at 6 spaces per 100 m <sup>2</sup> of GFA)	13 parking spaces and 1 barrier-free space shall be provided, as shown on Attachment #3.
c.	Minimum Parking Space Size	i) Standard parking space: 2.7 m x 6 m  ii) Parallel parking space: 2.7 m x 7 m	i) Standard parking space (shown as spaces #2 - #12): 2.7 x 5.7 m  ii) Parallel parking space (shown as spaces #1 and #13): 2.7 x 5.7 m  iii) Parallel parking space (shown as space #14): 2.7 x 6.7 m

**Background - Analysis and Options**

On April 10, 1995, City of Vaughan Council approved Site Development File DA.93.18 to permit the conversion of a former residential building into a commercial establishment (tea outlet/retail

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store). A Site Plan Agreement was registered on August 4, 1995, as Instrument No. 0663051 to implement the approval. The original approval provided for a building and parking area within the areas identified in the implementing zoning by-law as shown on Attachment #6. The subject lands are currently developed with a 1.5-storey commercial building occupied with an existing Eating Establishment on the ground floor (Avlyn Gardens) and a Personal Service Shop (Kleinburg Beauty Salon) on the second floor. However, the building has since been expanded, as shown on Attachment #3, beyond the area shown as “building envelope” without the Owner obtaining amendments to the zoning by-law or site plan, or a building permit. Accordingly, the Owner received an Order-to-Comply from the City of Vaughan. The Owner has also expanded the “parking area” and reduced the “landscaped area” shown on Schedule “E-136”, and is proposing the addition of a gazebo and a garden shed, all of which are the subject of this application.

Location	<ul style="list-style-type: none"><li>▪ The subject lands are located on the east side of Islington Avenue, south of Nashville Road, shown as “Subject Lands” on Attachments #1 and #2.</li><li>▪ The subject lands are currently developed with a 1.5-storey commercial building.</li></ul>
Official Plan Designation	<ul style="list-style-type: none"><li>▪ The subject lands are designated “Mainstreet Commercial” by in-effect OPA #601 (Kleinburg-Nashville Community Plan), as amended by OPA #633 (Kleinburg Core Area Policy), which permits commercial uses on the subject lands, specifically including Eating Establishments and Personal Service Shops. The application conforms to the in-effect Official Plan.</li><li>▪ The subject lands are located within the Kleinburg-Nashville Heritage Conservation District.</li><li>▪ The subject lands are designated “Low-Rise Mixed-Use/Mainstreet Commercial” by the new City of Vaughan Official Plan 2010 (VOP 2010), Volume 2, Area Specific Policy 12.4, which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012 and April 17, 2012).</li><li>▪ The “Low-Rise Mixed-Use/Mainstreet Commercial” designation permits retail uses and encourages an integrated mix of residential, community and small scale retail uses intended to serve the local population. The application conforms to VOP 2010.</li></ul>
Zoning	<ul style="list-style-type: none"><li>▪ The subject lands are zoned C11 Mainstreet Commercial Zone by Zoning By-law 1-88, subject to site-specific Exception 9(132), which permits Eating Establishment and Personal Service Shop uses, and in addition, a tea room with a maximum area devoted to customer use of 4 m<sup>2</sup>.</li><li>▪ The application does not comply with Zoning By-law 1-88, specifically site-specific Exception 9(132) and Schedule “E-136”.</li></ul>
Surrounding Land Uses	<ul style="list-style-type: none"><li>▪ Shown on Attachment #2.</li></ul>

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#### Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City Official Plan	<ul style="list-style-type: none"> <li>The application will be reviewed in consideration of the applicable City Official Plan policies.</li> </ul>
b.	Appropriateness of Proposed Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>The appropriateness of the proposed site-specific exceptions will be reviewed in the context of the existing site plan and the surrounding existing and planned uses, with particular consideration given to appropriate development standards including: <ul style="list-style-type: none"> <li>the removal of landscaped areas (i.e. 0 m and 0.3 m at certain locations along the north and east lot lines respectively, to accommodate additional parking spaces/driveway aisle); and,</li> <li>appropriate setbacks to the proposed garden shed (0 m interior side yard setback).</li> </ul> </li> </ul>
c.	Kleinburg-Nashville Heritage Conservation District	<ul style="list-style-type: none"> <li>The appropriateness of the as-built changes to the building and the landscape and parking areas must conform with the Kleinburg-Nashville Heritage District Conservation Plan and Design Guidelines. The application must be reviewed by the Heritage Vaughan Committee.</li> </ul>
d.	Related Site Development File DA.13.062	<ul style="list-style-type: none"> <li>All issues identified through the review of Site Development File DA.13.062 will be addressed together with the subject Zoning By-law Amendment application in a comprehensive report to a future Committee of the Whole meeting.</li> <li>The changes to the existing 1.5-storey commercial building are existing, however, the Development Planning Department will review additional opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), permeable pavers, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement to address the "heat island" effect, etc, to determine whether any further changes to the commercial building and site are required.</li> </ul>
e.	Additional Studies	<ul style="list-style-type: none"> <li>The Parking Study, Stormwater Management Report, and Environmental Noise Impact Assessment submitted in support of the application must be reviewed and approved by the Vaughan Development/Transportation Engineering Department.</li> <li>The Arborist Report prepared in support of the application must be reviewed and approved by the Vaughan Development Planning Department.</li> </ul>

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#### **Relationship to Vaughan Vision 2020/Strategic Plan**

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

#### **Regional Implications**

The application has been circulated to the Region of York for review and comment. However, as this portion of Islington Avenue is under the jurisdiction of the City of Vaughan and not the Region of York, and as this application should not have any impact to existing regional services, Development Planning Staff do not expect to receive any issues or concerns from the Region of York. Any issues that are received by the Region of York will be addressed when the technical report is considered.

#### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Existing Site Plan
4. Existing Landscape Plan
5. Existing Elevations
6. Schedule "E-136" to Zoning By-law 1-88

#### **Report prepared by:**

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Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)