

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES NOVEMBER 20, 2012

Item 3, Report No. 45, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on November 20, 2012.

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**OFFICIAL PLAN AMENDMENT FILE OP.12.008
ZONING BY-LAW AMENDMENT FILE Z.12.022
HERITAGE HILL DEVELOPMENTS (II) CORPORATION
WARD 1 – VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated November 6, 2012, be approved;
- 2) That the deputation of Mr. Frank Greco, Heritage Hill Developments, on behalf of the applicant, be received; and
- 3) That communication C2 from Mrs. Shirley Davis, Islington Avenue, Kleinburg, dated October 30, 2012, be received.

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.12.008 and Z.12.022 (Heritage Hill Developments (II) Corporation) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: October 12, 2012
- b) Circulation Area: 150 m, and the Kleinburg and Area Ratepayers' Association
- c) Comments Received as of October 23, 2012: None

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Official Plan Amendment File OP.12.008 to amend OPA #601 (Kleinburg-Nashville Community), as amended by OPA #633, specifically to amend the policies respecting the "Mainstreet Commercial" designation on the subject lands shown on Attachment #3, as follows:

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	Official Plan Policies for the Mainstreet Commercial Designation	Proposed Amendments to OPA #601 as amended by OPA #633
a.	Permitted uses include small scale mixed-use buildings with at-grade commercial uses and an upper floor residential component.	Permit the following in Building “C”: <ul style="list-style-type: none"> - at-grade commercial uses facing the courtyard with an upper floor residential component; and, - at-grade residential uses at the rear of Building “C”.
b.	Maximum Building Height of 9.5m measured above finished grade.	Maximum Height of Building “C” is 10.75m (3-storeys) measured to the top of a flat roof.
c.	The entrance to commercial and retail uses within the Mainstreet Commercial designation will be grade-related with access directly to the public sidewalk.	Permit the entrance to the commercial and retail uses in Building “C” to be located at grade and from the interior courtyard/parking area.
d.	No parking within the Mainstreet Commercial designation will be permitted between the main building (Building “C”) and a public street.	Permit parking to be located between the main building (Building “C”) and a public street (Islington Avenue).

2. Zoning By-law Amendment File Z.12.022 to amend Zoning By-law 1-88, specifically, to rezone the subject lands from R1 Residential Detached Zone to C11 Mainstreet Commercial Zone, as shown on Attachment #2, and amend the permitted uses and the development standards of Zoning By-law 1-88 as follows:

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	By-law Standard	Zoning By-law 1-88, C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to Zoning By-law 1-88, C1 Mainstreet Commercial Zone
a.	Permitted Uses	Small scale mixed-use with at-grade commercial uses facing the street, and an upper floor residential component.	<p>i) Small scale mixed-use buildings with at-grade commercial facing the street or courtyard; at-grade residential unit facing the rear yard; and, an upper floor residential component, in Building “C”.</p> <p>ii) An outdoor patio may be established in association with any commercial use.</p> <p>iii) Prohibit the following uses in Building “C”:</p> <ul style="list-style-type: none"> - Bed and Breakfast Establishment - Eating Establishment, Convenience; and - Eating Establishment, Take-out.
b.	Parking Space Location	A parking area shall not be located closer to a street line than the main building (Building “C”) on the lot.	Permit a parking area to be located between a street line and the main building (Building “C”) on the lot.

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c.	Minimum Parking Space Size (Length x Width)	6 m x 2.7 m	5.8 m x 2.7 m for 17 at-grade spaces, 27 underground spaces and 6 tandem underground parking spaces)
d.	Minimum Parking Requirements	<p>i. Retail: 6 spaces/100m² GFA @ 630.7m² (38 spaces)</p> <p>Note: parking requirement is not finalized as eating establishment uses require higher parking (16 spaces/100m²); GFA limits may need to be established for such uses.</p> <p>ii. Residential Apartment Units: 1.5 spaces/unit (25 units) plus 0.25 Parking Spaces per Visitor (45 Parking Spaces) = 38 spaces plus 7 visitor)</p>	<p>i. 25 Retail Store Parking Spaces including Eating Establishment uses</p> <p>ii. 24 Residential Parking Spaces (plus 6 Tandem Parking - which are not recognized as part of the parking calculation)</p>
e.	Minimum Landscape Strip Width Abutting a Street (Islington Avenue)	6 m	1.1 m
f.	Minimum Landscape Strip Width Abutting a Residential Zone	2.4 m	<p>1.5 m (north lot line)</p> <p>1.1 m (south lot line)</p>
g.	Minimum Front Yard (Islington Avenue)	2 m	1.1 m (Buildings "A" and "B")
h.	Maximum Front Yard (Islington Avenue)	6 m	36 m (Building "C")

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i.	Minimum Rear Yard (East)	15 m	3.2 m (Building “C”)
j.	Minimum Interior Side Yard	1.8 m	1.5 m (Building “B” - north lot line) 1.1 m (Building “A” - (south lot line)
k.	Maximum Lot Coverage	30%	44%
l.	Maximum Building Height	9.5 m	10.75 m (3-storeys) (Building “C”)
m.	Maximum Gross Floor Area	1851.02 m ² (0.6 times the Lot Area)	3085.02 m ² (1.0 times the Lot Area)
n.	Minimum Interior Side Yard Setback for a Residential Zone	2.4 m	1.5 m Building “B” - (north lot line) 1.1 m Building “a” - (south lot line)
o.	Accessory Uses, Buildings and Structures - Minimum Interior Side Yard (Raised Patio)	1.8 m	1.1 m (Building ‘A’)
p.	Minimum Front Yard for a Patio (Islington Avenue)	2.0 m	0 m (encroaches onto Public Right-of-Way)

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q.	Definition of Lot	“Lot” means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the Planning Act, R.S.O. 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	“Lot” to deem the two existing lots to be one lot for the purposes of zoning regardless of the number of buildings or structures erected and regardless of any conveyances, easements, or condominiums, and whether the buildings or structures have or do not have a common basement or are or are not connected below or above finished grade.
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Other zoning exceptions may be identified through the detailed review of the applications.

The applications would facilitate the development of the subject lands with a 3-storey mixed-use development consisting of 25 apartment units and 581.7 m² of commercial uses in Building “C” as shown on Attachments #4 and #7. The Owner is also proposing to renovate the elevations for the existing heritage buildings located at 10423 and 10429 Islington Avenue (Buildings “A” and “B”) as shown on Attachments #5 and #6.

A related Site Development File DA.12.056 was submitted on the subject lands to facilitate the development shown on Attachments #3 to #8 inclusive that proposes the following:

Site and Building Statistics

Lot Area	3,085.02 m ² / 0.30 ha
Lot Frontage	40.1 m
Lot Depth	62.6 m
Floor Space Index (F.S.I.)	0.978
Lot Coverage	43.2% (1,332.1 m ²)
Total Buildings Gross Floor Area (GFA)	3,018.7 m ²
	Commercial GFA = 581.7 m ²
	Residential GFA = 2,437 m ²
Landscaped Area/Percentage	841.1 m ² - 27.3%
Paved Area/Percentage	911.47 m ² – 29.5 %

	Building A	Building B	Building C
Commercial	98.8 m ² and 49 m ² Outdoor Patio	214.4 m ² (Note: this does not include GFA of proposed outdoor patio)	268.5 m ² (Front Portion of Ground Floor)

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Residential	---	---	2,437 m ² (including the rear portion of ground floor)
Total Gross Floor Area	98.8 m ² and 49.m ² Outdoor Patio	214.4 m ² (Note: does not include GFA of proposed outdoor patio)	2,649.9 m ²
Height	1.5 storeys	1.5 storeys	3 storeys
Use	Commercial (Existing Heritage Building)	Commercial (Existing Heritage Building)	Residential/ Commercial (Proposed New Building)

Residential Use Details

Number of Units	25
Density	81 units per hectare
Amenity Area (Interior)	71.86 m ²
Amenity Area (Exterior)	1,063.01 m ²
Total Amenity Area	1,134.87 m ²
Amenity Space Per Unit	45.39 m ²

Background - Analysis and Options

Location	<ul style="list-style-type: none"> On the east side of Islington Avenue, south of Nashville Road shown as "Subject Lands" on Attachments #1 and #2.
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Official Plan Designation	<ul style="list-style-type: none">▪ The subject lands are designated “Mainstreet Commercial” by OPA #601 (Kleinburg-Nashville Secondary Plan), as amended by OPA #633. The Official Plan permits buildings up to a maximum building height of 9.5 m, with a floor space index ranging between 0.2 and 1.0, and includes the following uses:<ul style="list-style-type: none">• retail store;• restaurants;• personal service shop;• business and professional office; and,• small scale mixed-use developments with at-grade commercial uses and an upper floor residential component.▪ The subject lands are located within the Kleinburg-Nashville Heritage Conservation District.▪ The subject lands are designated “Low-Rise Mixed-Use/ Mainstreet Commercial” with a maximum building height of 2.5 storeys and a Floor Space Index (FSI) ranging between 0.2 and 1.0 by the City of Vaughan Official Plan 2010, as adopted by Vaughan Council on September 27, 2010 (as modified on September 27, 2011, March 20, 2012 and April 17, 2012), and is pending approval from the Ontario Municipal Board.▪ The applications do not conform to the Official Plans, and accordingly an application to amend the Official Plan has been submitted.
Zoning	<ul style="list-style-type: none">▪ The subject lands are zoned R1 Residential Detached Zone by Zoning By-law 1-88.▪ The subject lands are proposed to be rezoned from R1 Residential Detached Zone to C11 Mainstreet Commercial Zone, as shown on Attachment #2, with site-specific exceptions to the zoning standards in Zoning By-law 1-88.▪ The mixed-use residential/commercial proposal does not comply with the current zoning on the subject lands, and therefore, an application to amend Zoning By-law 1-88, has been submitted.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

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

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	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City and Regional Official Plans	<ul style="list-style-type: none"> The applications will be reviewed in consideration of the applicable City and Regional Official Plan policies.
b.	Appropriateness of Proposed Uses and Zoning Exceptions	<ul style="list-style-type: none"> The appropriateness of the proposed mixed-use residential/commercial uses and zoning exceptions will be reviewed in consideration of the surrounding existing and planned land uses, with particular consideration given to land use and built form compatibility, and appropriate development standards, including but not limited to: <ul style="list-style-type: none"> - the location of residential and commercial uses on the same floor within Building “C”; - building height, lot coverage and landscaping within a Heritage Conservation District; - a portion of the proposed outdoor patio use for Building “B”, encroaches onto public lands, which is not permitted and must be removed; updated plans identifying the gross floor area of the outdoor patio (on private lands only) must be provided to determine an accurate parking requirement for the site.
c.	Encroachment of Outdoor Patio Use on Public Lands (City Owned Lands)	<ul style="list-style-type: none"> The Owner has proposed a portion of an enclosed outdoor patio use for Building “B” on City lands, as shown on Attachment #4, which is not permitted and must be removed accordingly.
d.	Proposed Landscaping Adjacent to Islington Avenue	<ul style="list-style-type: none"> The Owner has proposed hard and soft landscaping elements on City owned lands located along Islington Avenue (Attachment #4), which If approved, the Owner must enter into an encroachment agreement with the City.
e.	Kleinburg-Nashville Heritage Conservation District	<ul style="list-style-type: none"> Building “A” (10423 Islington Ave.) and Building “B” (10429 Islington Ave.) are designated under Part V of the <i>Ontario Heritage Act</i>, as part of the Kleinburg-Nashville Heritage Conservation District Guidelines, with Building “B” included in the Listing of Buildings of Architectural and Historical Value, the City of Vaughan’s Register of Property of Cultural Heritage Value as per Part IV, Subsection 27 of the <i>Ontario Heritage Act</i>. Designated buildings are protected by By-law and shall be preserved. The appropriateness of the proposed changes to the existing designated Buildings “A” and “B”, and the proposed Building “C” will be reviewed with respect to maintaining the heritage character of the building and historical streetscape, and must be in conformance with the Heritage District Plan and Design Guidelines. The applications must be reviewed by Heritage Vaughan Committee.

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f.	Urban and Architectural Design	<ul style="list-style-type: none">▪ The proposed development should consider building elevations that break the mass of Building “C” into smaller built forms to respect the heritage character of the site.▪ The proposed building and site signage will be reviewed in consideration of Section 11 - Special Sign Districts of the Sign By-law.▪ The proposed landscaping will be reviewed for, among other matters, providing common amenity space and tree preservation.▪ The application proposal will be considered by the City of Vaughan Design Review Panel.
g.	Traffic Impact and Parking Study	<ul style="list-style-type: none">▪ The Traffic Impact and Parking Study submitted in support of the applications must be reviewed and approved by the Vaughan Development/Transportation Engineering Department, and address issues respecting the required parking for the proposal, as shown on Attachment #4.
h.	Phase 1 Environmental Report	<ul style="list-style-type: none">▪ The Owner is required to submit a Record of Site Condition acknowledged by an Officer of the Ministry of the Environment, to the satisfaction of the Vaughan Development/Transportation Engineering Department.
i.	Servicing	<ul style="list-style-type: none">▪ The servicing infrastructure requirements, including sanitary, water and stormwater management, must be identified, to the satisfaction of the City.▪ The York Region District School Board has advised of stormwater drainage concerns respecting the Kleinburg Public School site, abutting the subject lands to the south, as shown on Attachment #2. The drainage concerns must be addressed to the satisfaction of the York Region District School Board.▪ The availability of water and sanitary sewage servicing capacity for the proposed residential units must be identified and allocated by Council, if approved. If servicing capacity is unavailable, the Holding Symbol “(H)” may be applied to the subject lands. Removal of the Holding Symbol will be conditional on servicing being identified and allocated by Vaughan Council.
j.	Parkland Dedication	<ul style="list-style-type: none">▪ The provision of cash-in-lieu of parkland dedication in accordance with the Planning Act shall be required, if approved.

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k.	Related Site Development Application	<ul style="list-style-type: none">▪ The related Site Development File DA.12.056 will be reviewed in consideration of, but not limited to, appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, environmental sustainability, waste management, and servicing and grading.▪ Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved.
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Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The applications have been circulated to the Region of York for review and comment. Any issues 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 applications will be considered in the technical review of the application, together with comments from the public and 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 / Zoning
3. Schedule A-1 to Official Plan Amendment (OPA) #601
4. Site Plan
5. Proposed Elevations - Building "A" (Existing)
6. Proposed Elevations - Building "B" (Existing)
7. Proposed Elevations - Building "C"
8. Landscape Plan

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.)