

COMMITTEE OF THE WHOLE MAY 11, 2010

**ZONING BY-LAW AMENDMENT FILE Z.09.034
JOE BARTELLA AND SABINO DITACCHIO
WARD 5**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.034 (Joe Bartella and Sabino Ditacchio) BE APPROVED, specifically to amend site-specific Exception 9(514) of By-law 1-88, as follows:
 - a) to permit the following additional uses on the subject lands zoned C1 Restricted Commercial Zone, as shown on Attachments #1 and #2:
 - Bank or Financial Institution;
 - Business or Professional Office (no more than 8 regulated health professionals may be permitted at any one time should the building be dedicated solely for the use of Regulated Health Professionals);
 - One (1) Eating Establishment, Take-out or One (1) Club or Health Centre occupying not more than 50% of the building GFA;
 - Funeral Home;
 - Laboratory;
 - Office Building;
 - Personal Service Shop (includes a barber shop and beauty parlour uses);
 - Photography Studio;
 - Retail Store;
 - Video Store;
 - Technical School;
 - b) recognize the existing 0.76 m wide landscaped buffer strip along the south property line abutting residential townhouses, whereas 2.4 m is required;
 - c) recognize the existing 3.8 m front yard setback of the main building, whereas 9 m is required; and,
 - d) recognize the existing 2 m front yard setback to the covered and enclosed porch, whereas 9 m is required.

Contribution to Sustainability

The Owner is proposing to permit additional uses in an existing building. No changes are being proposed to the existing site layout or building.

Economic Impact

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

Communications Plan

On January 8, 2010, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the Town of Markham. To date, the Development Planning Department has received comments from one resident living on Parkway Avenue, which abuts the subject lands to the west. The following concerns were noted:

- negative impact on property value and ability to maintain privacy and enjoyment of backyard;
- the service and repair shop (i.e. auto repair) would be noisy and substantially unsightly;
- take-out eating establishment could result in food smells and noise as well as parking lot traffic at all hours;
- convenience and video stores or a club or health centre operate long hours with a regular heavier volume of traffic; and,
- location of existing garbage bin continually brings unwanted animals into the residents backyard.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 2, 2010, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on February 16, 2010.

Purpose

To amend the City of Vaughan's Zoning By-law, specifically site-specific Exception 9(514) of By-law 1-88, to permit the following additional uses on the subject lands zoned C1 Restricted Commercial Zone, as shown on Attachment #3:

- Bank or Financial Institution;
- Business or Professional Office;
- One Eating Establishment, Take-out;
- One Club or Health Centre;
- Funeral Home;
- Laboratory;
- Office Building;
- Personal Service Shop;
- Service or Repair Shop;
- Photography Studio;
- Retail Store;
- Video Store; and,
- Technical School.

The zoning for the property currently restricts the site to a "Barber Shop" and "Beauty Parlour" uses.

The subject zoning amendment will also address the existing deficiencies to the C1 Restricted Commercial Zone requirements to recognize the existing building setbacks and existing landscape strip width on the property.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at 8054 Yonge Street, south of Thornhill Avenue and north of the Thornhill Golf and Country Club, in Lot 33, Concession 1, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "General Commercial" by OPA #210 (Thornhill-Vaughan Community Plan) which permits existing commercial uses; retail stores for the buying, leasing and exchanging of goods and services; restaurants; banks; and, business and professional offices. The proposal to permit the additional commercial uses on the property conforms to the Official Plan.

Zoning

The property is zoned C1 Restricted Commercial Zone by By-law 1-88, subject to site-specific Exception 9(514), which permits only a barber shop and beauty parlour uses (ie. these uses constitute a "Personal Service Shop") on the property, and therefore, a by-law amendment has been applied for to permit additional uses within the existing building on the property.

The subject lands are currently developed with a 2-storey heritage building, having a total gross floor area of 473.8 m², and a total of 41 parking spaces, being the equivalent of 8.6 spaces/100m² of GFA. The building is currently vacant. The proposed by-law amendment will also identify exceptions to the C1 Zone standards to address the existing site conditions, as follows:

	C1 Restricted Commercial Zone Standards	C1 Zone Existing Situation Requiring An Exception
Front Yard Setback to Main Building (east)	9.0 m	3.89 m
Front Yard Setback to Covered and enclosed Porch (east)	9.0 m	2.0 m
Width of Landscape Strip Abutting an "R" Residential Zone (south)	2.4 m	0.76 m

The reduction in the required landscape strip width abutting the residential townhouse development to the south was a result of the property to the south being rezoned from commercial along Yonge Street to the current RM2 Multiple Residential Zone to facilitate townhouses. Previously, there was no requirement to provide landscaping where commercial abutted other commercial properties.

Previous Committee of Adjustment Applications

Other deficiencies including the required width of a landscape strip abutting a streetline (Yonge Street), driveway access and aisle widths, and the easterly side yard setback were all approved by the Committee of Adjustment through previous Minor Variance Applications (Files A223/86 and A120/92) as follows:

Committee of Adjustment Minor Variance A223/86	Required	Approved through Minor Variance A223/86
Minimum Interior Side Yard Setback (north)	9.0 m	0.01 m

The property to the north was previously zoned as a residential use in 1986. Subsequently, the property to the north was rezoned to commercial and is currently developed with an existing funeral home.

Committee of Adjustment Minor Variance A120/92	Required	Approved through Minor Variance A120/92
Landscape Strip Width abutting Streetline (Yonge Street)	6.0 m	3.8 m
Driveway Width	7.5 m	5.9 m
Driveway Aisle Width	6.0 m	4.5 m

Cultural Services

The subject lands are located within the Thornhill Heritage Conservation District Plan and designated under Part V of the Ontario Heritage Act as part of the Thornhill Heritage Conservation District. No changes to the site are being contemplated at this time, however, the Owner has been informed that any future new construction, additions, demolition and changes to the exterior of the building or landscaping within the subject lands, will require approval of a Heritage Vaughan Permit application from the Vaughan Cultural Services Division. Proposed changes to properties designated within heritage conservation districts must be in keeping with the heritage character of the building, the historical streetscape and must be in conformance with the Thornhill Heritage Conservation District Plan.

Planning Policy

The subject lands are located within the north section of the Yonge Street-Steeles Avenue Study Area. The Yonge Street-Steeles Avenue Study is currently underway and is reviewing the land use development framework within the study area, as part of the Focused Area Review for the new Official Plan. As the application proposes additional commercial uses within an existing building and no new development is contemplated on the property, there is no immediate impact to the Yonge Street-Steeles Avenue Study. Any new policy framework emanating from the Focused Area Study will affect the future redevelopment of the site.

Planning Consideration

In addition to the barber shop and beauty parlour uses currently permitted as-of-right on the subject lands, the Owner is requesting the following additional C1 Restricted Commercial Zone uses:

- Bank or Financial Institution;
- Business or Professional Office (should the building be dedicated solely for the use of Regulated Health Professionals, no more than 8 regulated health professionals may be permitted at any one time);
- One (1) Eating Establishment, Take-out;
- One (1) Club or Health Centre;
- Funeral Home;
- Laboratory;
- Office Building;
- Personal Service Shop;
- Service or Repair Shop;
- Photography Studio;
- Retail Store;
- Video Store; and,
- Technical School.

The C1 Restricted Commercial Zone requires that the above uses are conducted within an enclosed building having no drive-through facility or curb service which would result in no external change to the exterior of the building. Furthermore, any form of manufacturing or processing of goods is strictly prohibited, thereby reducing any impact on area residents. Concerns were raised earlier by an adjacent resident respecting specific uses including that of a service or repair shop. For a clarification, a "Service or Repair Shop" does not include auto repair and is defined as follows:

"SERVICE OR REPAIR SHOP – Means a building or part of a building used for the servicing or repairing of furnace or oil burners, water and air coolers, lawn care equipment, appliances, including small household appliances, dry cleaners and shall include the shop of a painter, plumber, carpenter, electrician, locksmith, tool sharpener, and other small trades; but shall not include the repairing or servicing of motor vehicles and heavy equipment, nor the manufacturing of articles, goods and materials, nor any other use otherwise classified or defined by this By-law. Accessory sales will be permitted, provided the display area does not exceed ten percent (10%) of the total gross floor area devoted to the Service or Repair Shop, if separated by a solid wall."

In consideration of the building's close proximity to residential and its location along Yonge Street, the Development Planning Department is of the opinion that a "Service or Repair Shop" is not a suitable use for the subject lands, and has removed this use from the list of recommended uses.

A "Business or Professional Office" is considered an appropriate use for the subject lands. However, should the building be dedicated solely for the use of Regulated Health Professionals, a maximum of 8 regulated health care professionals can be permitted to ensure that the parking provided on the site is sufficient, as this use requires 5 parking spaces per practitioner (5 parking spaces per 8 Regulated Health Professionals = 40 parking spaces), whereas 41 spaces exist on site.

Other uses raised as a concern in the adjacent resident's letter included a "Club or Health Centre" and "Eating Establishment, Take-Out". As the existing parking provided on the site is 41 spaces (8.6 spaces/100m² of GFA), uses that generate higher levels or ratios of parking are generally not considered to be appropriate for this site. The Development Planning Department is of the opinion that a "Club or Health Centre" use, which includes a yoga studio, dance studio, and other

specialty fitness establishments, is appropriate even though it requires 11 spaces/100m² of gross floor area. An "Eating Establishment, Take-Out" use having a parking ratio of 10 spaces/100m² is also considered appropriate. In each case, these uses are unlikely to occupy both floors of the 473.8m² building, and are more likely to utilize either one of the floors only (ie. 236.9m² x 11 spaces/100m² = 26 spaces or 236.9m² x 10 spaces/100m² = 24 spaces) thereby allowing the remainder of the 15 to 17 parking spaces for the other uses that may locate within the building which would have a parking ratio of 6 spaces/100m² or less (ie. 236.9m² x 6 spaces/100m² = 15 spaces). Any other permitted use going into the building would require no more than 6 spaces/100m² of GFA, resulting in a parking scenario which the existing site can accommodate. Limiting these two uses to occupy not more than 50% of the building GFA, as well as, limiting the number of businesses operating as either a "Club or Fitness Centre" or an "Eating Establishment, Take-out" to one (1), also ensures that the building is not occupied by different businesses operating the same use, both of which could result in a parking deficiency on site.

The "Retail Store" and "Video Store" uses also caused a concern in the adjacent resident's letter, however, the Development Planning Department is of the opinion that these uses, along with the other C1 Restricted Commercial Zone uses listed in the recommendation of this report are suitable and appropriate for the subject lands and compatible with adjacent land uses.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has no comment respecting the proposed Zoning By-law Amendment Application. However, the Owner has been advised that York Region may be implementing the VIVA – South Yonge Street Transitway in the vicinity of the subject property in the near future, upon completion of the Environmental Assessment. The VIVA - South Yonge Street Transitway is proposed to be an at grade bus rapid transit facility located in the centre median area of Yonge Street and within an exclusive right-of-way. The Owner is advised that upon implementation of the VIVA - South Yonge Street Transitway, the access to the subject property from Yonge Street will be restricted to right-in/right-out access movement only.

Conclusion

The Zoning By-law Amendment Application has been reviewed in accordance with the policies of OPA #210 (Thornhill-Vaughan Community Plan), the requirements of By-law 1-88, the Thornhill Heritage Conservation District Plan, the current Yonge Street-Steeles Avenue Study, and comments received from City Departments, external public agencies and residents, and the surrounding area context. The Development Planning Department is satisfied that the proposal to permit the additional C1 Restricted Commercial uses listed in the recommendation of this report are appropriate and compatible with the surrounding land uses. The proposed uses are to be conducted within an enclosed building without any drive-in service or curb service, and provided further that no manufacturing or processing is permitted.

The zoning by-law amendment will also address the existing site conditions and provide exceptions to the C1 Zone to recognize the front yard building setbacks and existing southerly landscape strip width.

On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application, subject to the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368

Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG

Subject Lands

Town of
MARKHAM

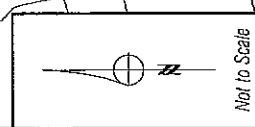
YONGE STREET

CENTRE STREET

BATHURST STREET

REGIONAL ROAD 7

HIGHWAY 401



Attachment

FILE:
Z.09.034
DATE:
December 14, 2009

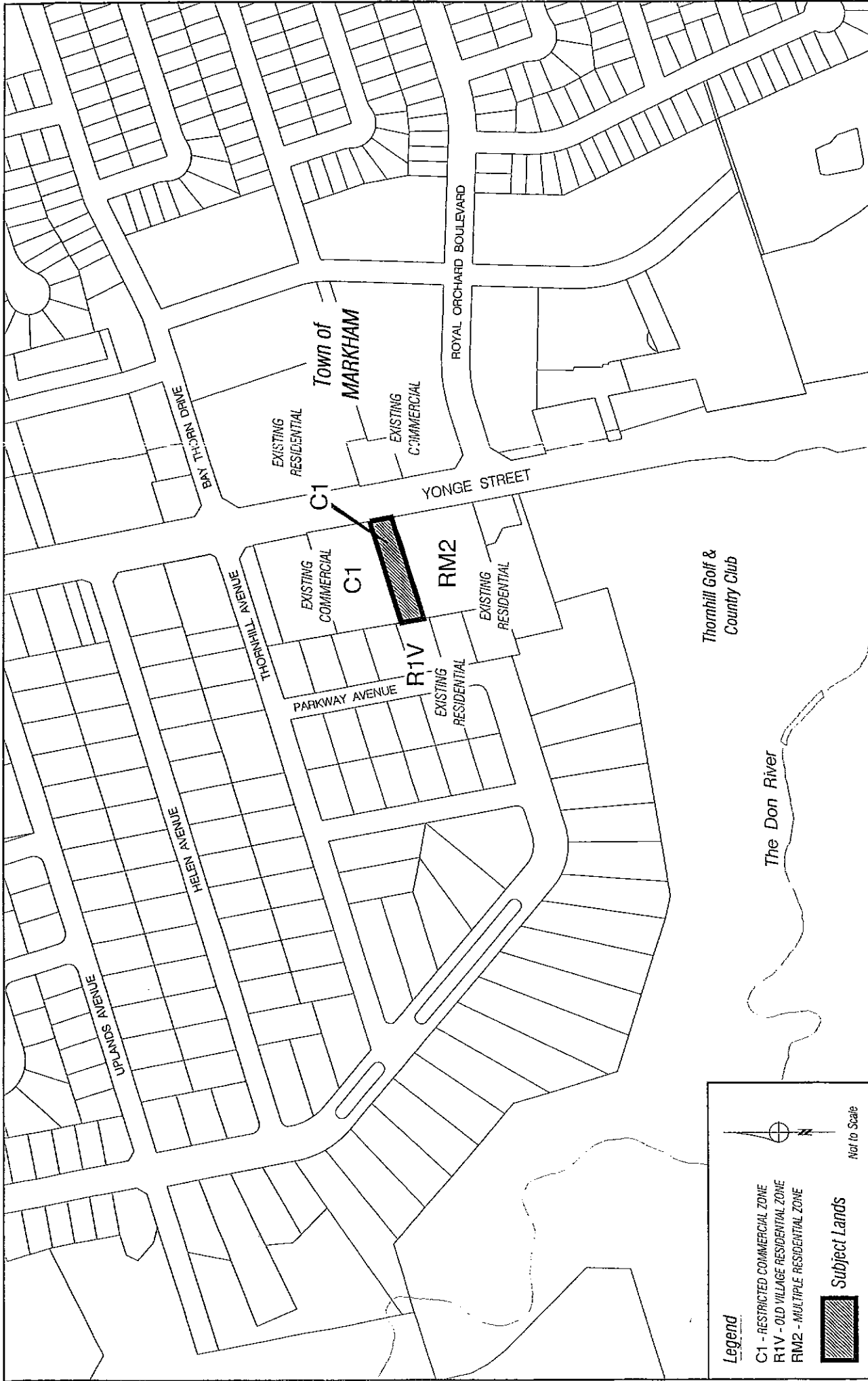
City of Vaughan
The City Above Toronto

Development Planning Department

Context Location Map

LOCATION:
Part of Lot 33, Concession 1

APPLICANT:
Joe Bartella & Sabino Ditacchio



Location Map

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Part of Lot 33, Concession 1

APPLICANT:
Joe Bartelia & Sabino Ditacchio



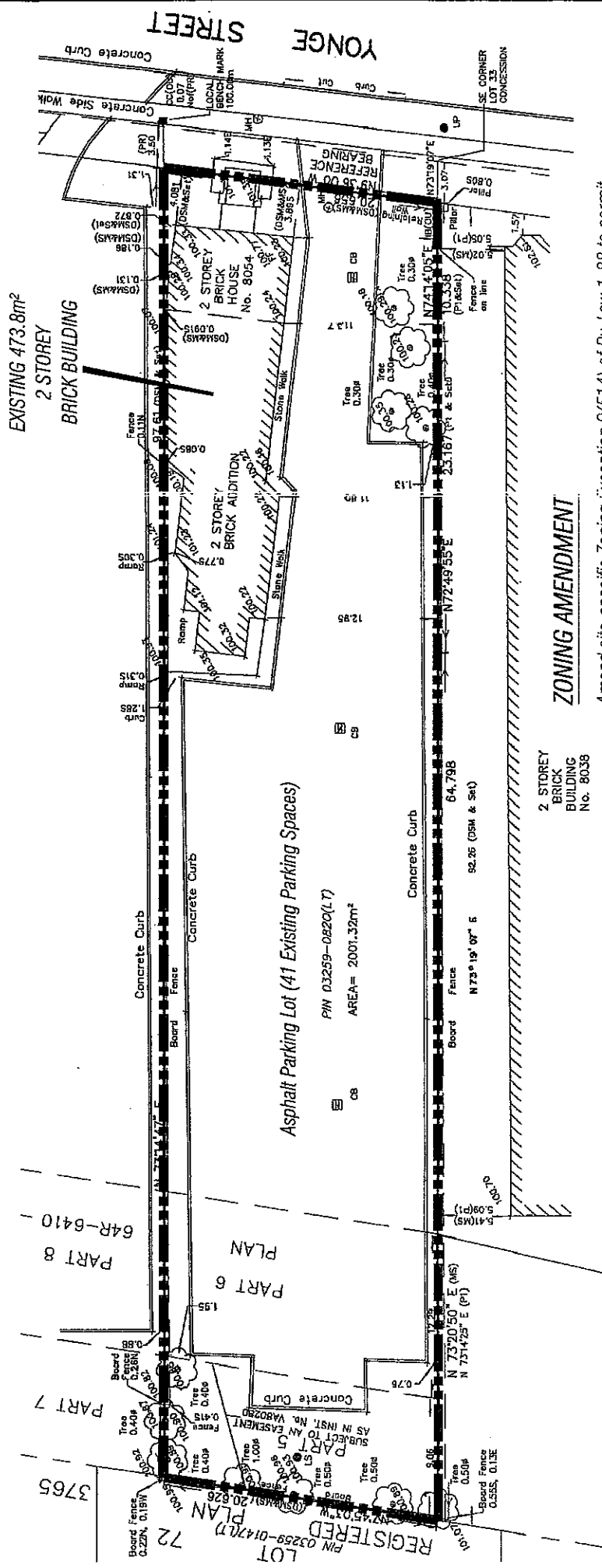
The City Above Toronto

Development Planning Department

Attachment

FILE:
Z.09.034

DATE:
December 14, 2009



ZONING AMENDMENT

Amend site-specific Zoning (exception 9(514) of By-Law 1-88 to permit the following additional uses in the C1 Restricted Commercial Zone:

- Bank or Financial institution; Business or Professional Office;
- Club or Health Centre; Eating Establishment-Take out;
- Funeral Home; Laboratory; Office Building; Personal Service Shop; Photography Studio; Retail Store; Service or Repair Shop; Video Store and Technical School.

NOTE:

The By-Law currently restricts the site to a Barber Shop and/or a Beauty Parlour uses.

