

COMMITTEE OF THE WHOLE JUNE 7, 2004

ZONING BY-LAW AMENDMENT FILE Z.03.081 GINO PANZA (IN TRUST) REPORT #P.2004.4

RECOMMENDATION

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.081 (Gino Panza in Trust) BE APPROVED, subject to the following:
 - i) That the implementing by-law provide an exception to permit the following Commercial uses within the ground floor area of the existing residential dwelling:
 - Bank or financial institution
 - Business or professional office
 - Personal Service shop
 - Photography Studio
 - Retail Store
 - Video Store
 - ii) That prior to enactment of the by-law, the required site plan application be approved by Council.

Purpose

On November 4, 2003, the Owner submitted an application to amend the Zoning By-law to facilitate a severance of the subject lands, and to rezone the retained portion having frontage along Islington Avenue to permit commercial uses. The application proposed that the existing building be used for commercial uses and that a new residence be built on the severed lot. Both the retained and severed lots required site-specific exceptions for uses, landscaping, parking, coverage, front yard and rear yard setbacks.

Since the public hearing meeting, the owner has amended the application to rezone the existing building to permit both commercial and residential uses, with the commercial component on the ground floor. The parking would be located in the rear of the building with access off of John Street. The severance proposal with an additional building is no longer being pursued.

Background - Analysis and Options

The 950 m² site is located on the northeast corner of Islington Avenue and John Street, being Lot 34 on Registered Plan 275 (10545 Islington Avenue), in Lot 24, Concession 8, City of Vaughan. The existing residential dwelling has a ground floor area of approximately 76 m² and a second floor area of approximately 41 m².

The site is designated "Core Area" by OPA 601 (Kleinburg - Nashville Community Plan) and zoned R1 Residential Zone by By-law 1-88. The surrounding land uses are:

- North - bed & breakfast (R1 Residential Zone with a site-specific exception)
- South - John Street; residential (R1 Residential Zone)
- East - residential (R1 Residential Zone)
- West - Islington Avenue; commercial (C1 General Commercial Zone)

On December 15, 2003, a notice of public hearing was circulated to all property owners within 120 m of the subject lands, and to Kleinburg & Area Ratepayers Association. Comments were received from the Kleinburg & Area Ratepayers Association, an abutting neighbour on John Street, and East Woodbridge Developments Limited, stating various concerns.

The Kleinburg & Area Ratepayers Association, as well as the abutting neighbour, expressed opposition to the commercialization of the property and the proposed severance that was included in the original application. The neighbours were also concerned about the possible increase in traffic, parking and noise, with the rezoning.

East Woodbridge Developments Limited stated that the subject lands may be affected by the cost recovery of the "Kleinburg Cost Sharing Agreement" for the payment of water system contribution. The Engineering Department has since determined that no additional contribution to the "Kleinburg Cost Sharing Agreement" is required.

The recommendation of the Committee of the Whole at the Public Hearing on January 5, 2004, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on January 12, 2004.

Official Plan

The lands are designated "Core Area" by OPA 601 (Kleinburg - Nashville Community Plan), which permits "Mainstreet Commercial" uses along Islington Avenue. Some of these commercial uses include the following:

- retail stores;
- personal service shops;
- professional and business offices;
- small scale hotels or "Village Inns";
- Bed and Breakfast operations;
- Restaurants including sidewalk cafes; and,
- Small scale mixed use developments with a residential component in the form of apartments

The proposed rezoning application to permit mixed-use commercial and residential in the existing building conforms to the permitted uses found within the Official Plan.

Zoning

The lands are currently zoned R1 Residential Zone by By-law 1-88, which permits a detached residential dwelling. The exception to provide for commercial uses on the property, would permit the following uses on the ground floor of the existing residential dwelling only:

- Bank or financial institution
- Business or professional office
- Personal Service shop
- Photography Studio
- Retail Store
- Video Store

Engineering Department

The Official Plan specifies an ultimate right-of-way width of 30 metres for Islington Avenue. The Engineering Department's records indicate that the section of Islington Avenue adjacent to the

site is currently a 20-metre (approximately) right-of-way. Therefore, upon the re-development of the commercial property, the following will be required:

- The owner shall convey a 5.0 metre wide strip of land along the Islington Avenue municipal road allowance to the City of Vaughan at no cost and free of encumbrance to the City.
- The Owner shall convey an 8.0 metre x 8.0 metre daylight triangle at the corner of Islington Avenue and John Street municipal road allowances to the City of Vaughan at no cost and free of charge and encumbrance to the City.
- The Owner shall convey 0.3m reserve behind the hypotenuse of the daylight triangle and 12.0 metres beyond the corners of the daylight triangle along the Islington Avenue and John Street municipal road allowances to the City of Vaughan at no cost and free of charge and encumbrance to the City.
- The owner shall arrange to prepare and pay for registration of a reference plan for the conveyance of the required road widening to the satisfaction of the City of Vaughan.
- A by-law shall be passed dedicating the road widening as public highway to the satisfaction of the Engineering Department and the owner shall pay the costs of the registration of the road dedication by-law to the City of Vaughan, Clerks Department.

Urban Design

The subject property falls within the Kleinburg-Nashville Heritage Conservation District, approved by Council under Part V of the Ontario Heritage Act (R.S.O. 1990) as amended and is subject to review in accordance with the Heritage District Plan which guides heritage conservation issues and new development in the community(s). Further development of this subject property will be subject to a site plan application, at which time the requirements of the Kleinburg-Nashville Heritage Conservation Plan will be addressed.

Planning Considerations

The Official Plan designates this area "Core Area", which permits "Mainstreet Commercial" uses. The commercial component of the Kleinburg Core Area is intended to maintain its role as a focus for tourism and as a commercial area servicing the local and neighbourhood shopping needs of the community. The Official Plan also requires that the majority of the commercial development proposals within the Kleinburg Core Area will be subject to site specific amendments to the zoning by-law to implement the "Mainstreet Commercial" uses.

The applicant advises that the proposed rezoning for the mixed commercial and residential use will operate as a home business. The preferred tenant would live and operate a commercial business from this location.

Staff is satisfied that the proposed rezoning to mixed commercial residential uses is of a scale which will serve the Kleinburg community. The use is considered to be compatible with the existing residential and future commercial uses in the core area along Islington Avenue.

Vaughan Vision 2007

This report is consistent with Section 4.6.1 of The Vaughan Vision 2007 as it encourages the preservation of significant historic communities. The design is intended to compliment the existing historical community of Kleinburg.

Conclusion

Planning Staff have reviewed the application in context of the provisions of the Official Plan and Zoning By-law. The proposed rezoning to permit commercial uses within the ground floor of the

existing residential structure, would be compatible with the existing commercial and residential uses in the area. Staff is satisfied that the proposal is a compatible and appropriate use for the "Mainstreet Commercial" designation.

For these reasons, Staff recommends approval of the Zoning By-law amendment application, subject to conditions. Should Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
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Community Planning Department

Location Map

Part of Lot 24,
Concession 8

APPLICANT:
GINO PANZA (IN TRUST)

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