

COMMITTEE OF THE WHOLE MAY 29, 2006

**ZONING BY-LAW AMENDMENT FILE Z.04.067
ALDO AND TINO DE BELLIS
REPORT #P.2005.4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.04.067 (Aldo and Tino De Bellis) BE APPROVED, to permit a contractor's yard (limited to a landscaping business) on the subject lands shown on Attachment #1, and the following exceptions to the EM1 Prestige Employment Area Zone, to facilitate the development of the proposed site plan shown on Attachment #2:
 - a) deem the south property line as the front lot line, the north property line as the rear lot line, and both the east and west property lines as interior side lot lines;
 - b) there be no frontage requirement on a public street for the proposed structures, to address the existing situation;
 - c) permit a minimum front yard setback of 5.9m, whereas 6m is currently required;
 - d) permit a minimum rear yard setback of 3m, whereas 12m is currently required;
 - e) permit an interior side yard setback from the east property line of 3.4m and an interior side yard setback from the west property line of 2.5m, whereas 6m is currently required for both side yards; and
 - f) permit the rear 1,878.1m² (38.22%) of the subject lands to be gravel for the overnight parking of landscaping vehicles, whereas all surfaces are currently required to be paved or asphalted.

Economic Impact

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

Purpose

The Owner has submitted an application to amend the Zoning By-law, specifically By-law 1-88, to permit a contractor's yard (limited to a landscaping business) use on the subject shown on Attachment #1, lands along with the necessary zoning exceptions to the EM1 Prestige Employment Area Zone to facilitate the development of the site as shown on Attachment #2. The zoning amendment would facilitate the over-night parking of vehicles associated with a landscape contractor's yard, which will not include any outside storage of any goods or material, in accordance with the policies of the Official Plan.

Background - Analysis and Options

The subject lands (Attachment #1) are located southwest of Rutherford Road and Keele Street, (9066 Keele Street) in Part of Lot 14, Concession 4, City of Vaughan.

The 0.49 ha internal lot has no frontage onto a public road, but has access on the south side of the lot to and from Keele Street, by means of an easement over an existing private driveway. The site is developed with an existing 1-1/2 storey dwelling that will be retained and used as an

office for a landscape contractor's business (Forecast Landscaping Ltd.). An existing garage and shed located on the southeast corner of the property will be removed and replaced with a new storage and office structure. The existing northwestern frame shed will also be removed and replaced with an enclosed structure for the storage of landscaping materials. Most of the northerly half of the property will be surfaced with gravel and used for the over-night parking of vehicles related to the operation of the landscape contractor's yard (see Attachment 2). There will be no long-term (i.e. greater than 72 hours as per By-law 1-88 standards) or permanent outside storage of vehicles or landscaping materials associated with the subject business, which would therefore be permitted by the By-law.

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), and zoned EM1 Prestige Employment Area Zone by By-law 1-88. The surrounding land uses are:

- North - employment (EM2 General Employment Area Zone)
- East - employment (EM1 Prestige Employment Area Zone)
- South - employment (EM1 Prestige Employment Area Zone)
- West - employment (EM2 General Employment Area Zone)

On December 23, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of Whole on January 17, 2005, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on January 24, 2005.

Official Plan

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Plan), which provides opportunities for businesses and industries that require high visual exposure, good accessibility, and an attractive working environment, and permits a wide range of office, business and civic uses, with no outside storage. The proposal to amend to the Zoning By-law, to permit a contractor's yard on the subject lands, along with the necessary zoning exceptions to facilitate the development conforms to the "Prestige Area" policies of the Official Plan.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone under By-law 1-88. The EM1 Zone does not permit a contractor's yard use and, therefore, a zoning By-law amendment is required. The proposed site plan was reviewed in accordance with By-law 1-88 and EM1 Zone standards to identify any zoning exceptions.

It is noted that the creation of the subject lands was permitted through the enactment of By-law 36-83, which exempted the lands from having frontage on a public street. By-law 36-83 was not incorporated into the original 1988 version of By-law 1-88, and subsequently in 1995, By-law 80-95 rezoned the lands from A Agricultural Zone to EM1 Prestige Employment Area Zone with no exceptions. The existing structures (one and a half storey dwelling, garage and sheds) are considered to be legal nonconforming with respect to not having frontage on a public street. Should the Committee concur, an exception should be granted to exempt the subject lands from not having frontage on a public street, given the existing situation of where the internal lot is located with access on a private driveway and how it was created in 1983, and the existing industrial development abutting the property. Similarly, the proposed structures (new storage building with office and storage sheds) would also require relief from By-law 1-88 with regards to not having frontage on a public street. As a result, the front, rear, and interior side yards cannot be determined using the definitions in By-law 1-88. Given that the internal lot has access on the south side to and from Keele Street, via an easement over an existing driveway, for the purposes of the zoning exception, the south property line will be deemed as the front lot line, the north

property line as the rear lot line, and both the east and west property lines as interior side lot lines.

The following additional exceptions to the EM1 Zone will be required based on the preliminary site plan shown on Attachment #2 and discussion noted above:

- permit a minimum front yard (south) setback of 5.9m to the proposed storage/warehouse/office building, whereas 6m is currently required;
- permit a minimum rear yard (north) setback of 3m to the proposed enclosed material storage building, whereas 12m is currently required;
- permit an interior side yard setback of 3.4m (east) and 2.5m (west), whereas the 6m is currently required;
- permit the rear 1,878m² (38.22%) of the lot to be gravel to facilitate the over-night parking of landscaping vehicles, whereas all surfaces are currently required to be paved or asphalted.

The exceptions identified above are considered appropriate and acceptable to the Development Planning Department to facilitate the proposed development. The proposed lot line, frontage and setback deficiencies will be included as exceptions in the implementing Zoning By-law.

Site Development

The site is developed with an existing one and a half storey dwelling that will be retained and used as an office for a landscape contractor's business (Forecast Landscaping Ltd.). An existing garage and shed located on the southeast corner of the property will be removed and replaced with a new storage and office structure. The existing northwestern frame shed will also be removed and replaced with a structure for the storage of landscaping materials. Most of the northerly half of the property will be surfaced with gravel and used for the over-night parking of vehicles related to the operation of the landscape contractor's yard (see Attachment 2). The use of gravel would require an amendment to the Zoning By-law, as currently all driveway and parking areas must be paved or asphalted. This gravel area is 1,878.1m² in area (38.22% of lot) and is satisfactory to the Engineering Department.

The proposed building elevations for the new office/storage/warehouse to be located at the southeast corner of the property are shown on Attachment #3. The building will be constructed to a height of 8.2m and consists of blue glass, grey ribbed metal siding and beige concrete block. The blue glass entry and frame in metal siding will be located on the south elevation facing the private driveway. The remaining elevations are of the same design and will consist of grey metal siding with beige concrete block along the base. Three over-head doors are located on the west elevation, along with two of three man doors, with the remaining man-door on the north elevation.

The landscape plan (Attachment #4) shows existing and proposed planting along the perimeter of the site, along with a landscape island and a 5.9m wide landscape strip along the south property line. The existing and proposed planting provide sufficient screening from all property lines of the proposed enclosed storage shed in the northwest corner and proposed storage building in the southeast corner of the site.

In accordance with the current Site Plan Control By-law (228-2005), the subject lands are considered to be an internal lot, and the proposed site development is to be processed by the Building Standards Department through their Building Permit review, should Council approve the proposed zoning amendment application to permit a contractor's yard use in the EM1 Zone. This process will include approval of the site plan, landscape plan, engineering plans, and building elevations.

Site Servicing

There are no municipal services fronting on the property, the Owner has submitted a Functional Servicing Plan indicating how the subject lands will be serviced. The Owner shall enter into a Development/Servicing Agreement with the City for the proposed sanitary sewer within the existing servicing easement. The final site servicing and grading plan, stormwater management report, parking, access and on-site vehicular circulation shall be approved by the Engineering Department through the Building Permit review process.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5, "Plan and Manage Growth".'

Conclusion

The Development Planning Department has reviewed the proposed Zoning By-law Amendment application to permit a "Contractor's Yard" use for a landscaping business on the subject lands along with the necessary zoning exceptions to the EM1 Prestige Employment Area Zone to facilitate the proposed site development, in accordance with the policies of OPA #450 and the requirements of By-law 1-88, and the industrial area context. The Development Planning Department is satisfied that the proposed contractor's yard use is appropriate and compatible with the existing and permitted uses in the surrounding industrial area. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment application and the required exceptions to the Zoning By-law that are necessary to implement the site development proposal, which will be processed and approved through the Building Department's building permit process, in accordance with the City's Site Plan Control By-law.

Attachments

1. Location Map
2. Site Plan
2. Elevation Plan
4. Landscape Plan

Report prepared by:

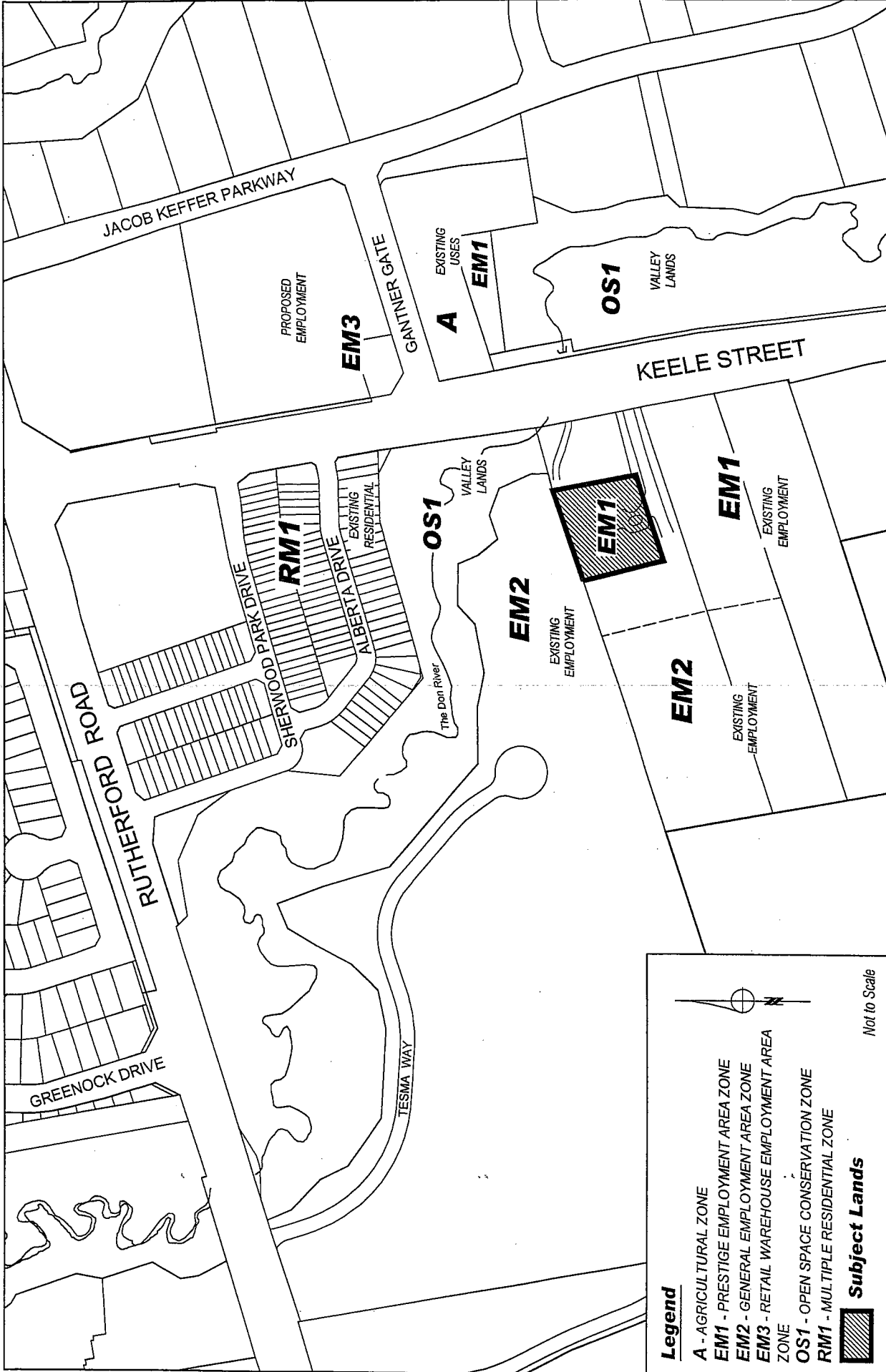
Christina Napoli, Planner, ext. 8483
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG



Legend

- A - AGRICULTURAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- EM3 - RETAIL WAREHOUSE EMPLOYMENT AREA ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- RM1 - MULTIPLE RESIDENTIAL ZONE

Subject Lands

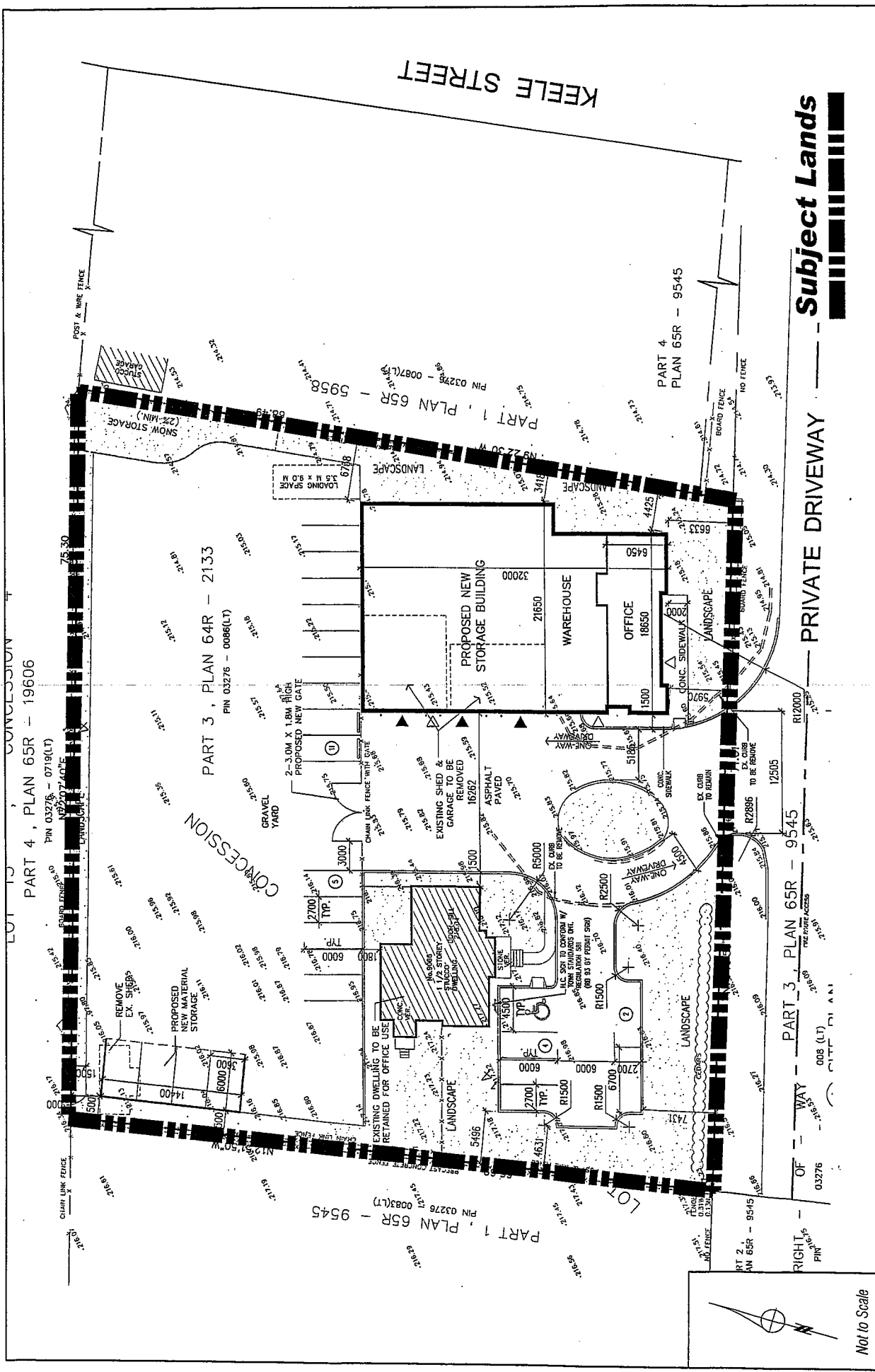
Not to Scale

Location Map

Part of Lot 14,
Concession 4
APPLICANT:
ALDO & TINO DEBELLIS
M:\DFT\1 ATTACHMENTS\Z\1-04.067



Development Planning Department



Subject Lands

Site Plan

Part of Lot 14,
Concession 4
APPLICANT:
ALDO & TINO DEBELLIS



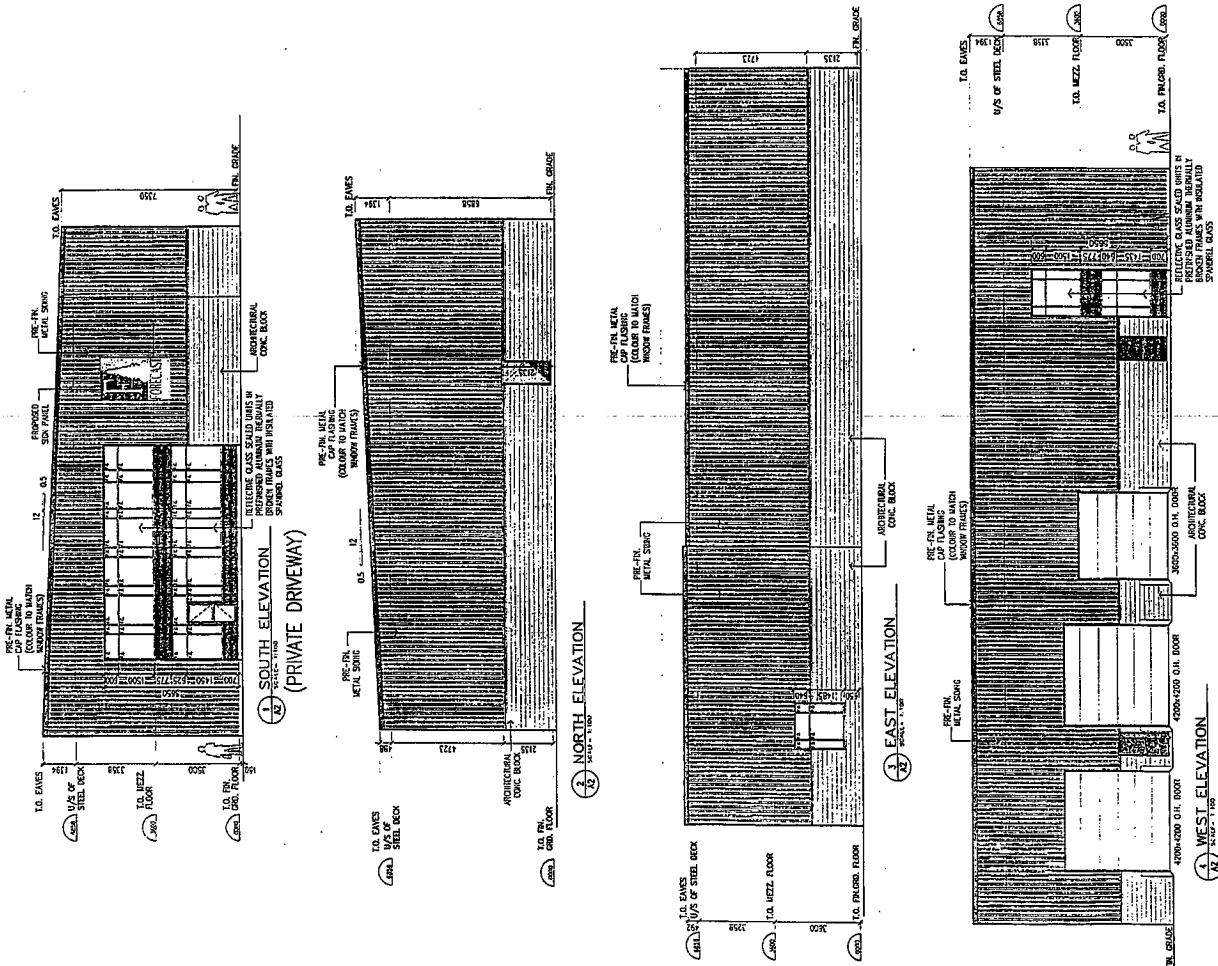
Development Planning Department

Attachment 2

FILE No.:
Z.04.067

May 16, 2006

N:\DPT\1 ATTACHMENTS\Z\Y\04.067



Not to Scale

Elevations (New Office, Storage & Warehouse Building)

APPLICANT:
ALDO & TINO DEBELLIS

Part of Lot 14,
Concession 4



Development Planning Department

Attachment 3

FILE No.:
Z.04.067

May 23, 2006

N:\OFT\1 ATTACHMENTS\Z-04-067

