

COMMITTEE OF THE WHOLE FEBRUARY 4, 2008

**OFFICIAL PLAN AMENDMENT FILE OP.06.012
ZONING BY-LAW AMENDMENT FILE Z.06.033
390 STEELES WEST HOLDINGS INC.
REPORT #P.2006.63**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.06.012 (390 Steeles West Holdings Inc.) BE APPROVED, to amend OPA #210 (Thornhill-Vaughan Community Plan), as amended, to redesignate the subject lands identified as Block "A" on Attachment #2 from "General Commercial" to "Low Density Residential", to permit 6 single detached dwellings at a maximum permitted density of 24.37 units/ha.
2. THAT Zoning By-law Amendment File Z.06.033 (390 Steeles West Holdings Inc.), BE APPROVED, to amend By-law 1-88, specifically to rezone the subject lands identified as Block "A" on Attachment #2, from M1 Restricted Industrial Zone and C2 "General Commercial" Zone under site-specific Exception 9(448) to R4 Residential Zone with the following site-specific exceptions:
 - i) an increase in the maximum building height from 9.5 m to 11 m;
 - ii) a reduction to the minimum rear yard setback from 7.5 m to 7 m; and,
 - iii) an increase in the maximum lot coverage from 45% to 49%.
3. THAT the Owner amend the existing site plan agreement for the existing commercial plaza on the retained portion of the site shown as Block 'B' on Attachment #2, to reflect the changes to the parking area and landscape buffer strip at the rear of the parking lot, to the satisfaction of the Development Planning Department.
4. THAT the Owner be advised that no building permit will be issued for any residential dwelling unit until a noise report has been approved by the Vaughan Engineering Department to address any noise issues identified in the noise report.

Economic Impact

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

Communications Plan

On August 25, 2006, a Notice of Public Hearing was mailed to property owners within 120m of the subject lands and to the Crestwood Springfarm Yorkhill Residents' Association. Written comments were received from a resident on Sylvester Court, located about 70 m east of the subject lands, raising concerns that since there are no building elevations, fencing plans, landscape plans and that the house sizes have not been determined, the proposed amendments are premature. The Public Hearing was held on September 18, 2006, where only the agent for the applicant spoke. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 18, 2006, was ratified by Council on September 25, 2006.

Purpose

The Owner has submitted applications to:

1. Amend the Official Plan, specifically OPA #210 (Thornhill-Vaughan Community Plan) as amended by OPA #264, to redesignate the subject lands shown as Block 'A' on Attachment #2 from "General Commercial" to "Low Density Residential", and to increase the maximum permitted density from 22 units/ha to 24.37 units/ha, to permit the development of six single-detached residential dwelling.
2. Amend Zoning By-law 1-88, to rezone the subject lands shown as Block 'A' on Attachment #2 from M1 Restricted Industrial Zone and C2 General Commercial Zone under Exception 9(448), to R4 Residential Zone to permit the development of six single-detached residential dwelling units, each with minimum lot frontages of 9.89m, lot depths of 31.7m, and minimum lot areas of 314.2m².

The proposed redesignation and rezoning would facilitate the future severance of the rear (northerly) 31.7m of the overall property, into 6 residential lots with frontage on the south side of Royal Palm Drive (Block 'A') for the development of single detached dwellings. The southern portion of the property (Block 'B') fronting onto Steeles Avenue West, will continue to be used by the existing commercial plaza.

Background - Analysis and Options

The overall site (Blocks "A" and "B" on Attachment #2) is located at 390 Steeles Avenue West (east of Bathurst Street), and runs from the north side of Steeles Avenue West to the south side of Royal Palm Drive, in the City of Vaughan. The total site area is 10,814.2m² with Block "A" being 1,890m² and Block "B" being 8,924.2m². There is an existing commercial building on Block "B", which is predominantly one-storey with a partial second floor, comprising a total GFA of 4,034 m². Most of the site parking is provided on the surface in front of the plaza. There is an underground parking area at the rear of the building and additional surface parking behind the plaza.

The subject lands are designated "General Commercial" by OPA #210 (Thornhill-Vaughan Community Plan). The northerly portion (31.7m) of the site is zoned M1 Restricted Industrial Zone and the southerly portion is zoned C2 General Commercial Zone, subject to site-specific Exception 9(448) for the existing commercial plaza site, all by By-law 1-88.

The surrounding land uses are:

- North - Royal Palm Drive; existing residential detached dwellings (R4 Residential Zone)
- South - existing commercial plaza (C2 Restricted Commercial Zone under Exception 9(448)); Steeles Avenue West
- East - commercial plaza and parking area (C1 Restricted Commercial Zone)
- West - commercial plaza and parking area (C2 Restricted Commercial Zone and M1 Restricted Industrial Zone, respectively)

Policy Context

1. Provincial Policy Statement (PPS)

The PPS focuses on key provincial interests related to land use planning. Section 1.0 "Building Strong Communities", states (in part) that land requirements and land use patterns will be based on densities which efficiently use land, resources, and infrastructure and public service facilities, and support the use of public transit, and the provision of a range of uses and opportunities for intensification in areas which have existing or planned infrastructure to accommodate them.

The PPS includes provisions for a range of housing types and densities by encouraging all forms of residential intensification in built up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units from residential intensification.

The proposed residential units on Block "A" are consistent with the single-detached dwellings located on Royal Palm Drive, and would be located in a built-up area of Thornhill, with access to transit on Bathurst and Yonge Streets and on Steeles Avenue West. The proposed infill development would efficiently utilize existing infrastructure, services and facilities, and be consistent with the policies in the PPS.

2. Regional Official Plan

The Region of York Official Plan designates the subject property as "Urban Area". Steeles Avenue West is designated as a "Regional Corridor". The Regional Official Plan includes policies that encourage different housing forms, sizes and tenures. Policy 4.3.6 of the Regional Official Plan encourages housing to be provided on underutilized sites, and on single use development sites with full municipal services. The proposal is also consistent with Regional Official Plan policies to direct development to existing built-up portions of Urban Areas (Section 5.2.4). The proposed residential infill development conforms with the policies of the Regional Official Plan.

The Regional Planning Department has indicated that the provision of single detached dwellings at this location is a local matter and the Region does not object to the proposed change in land use.

3. City Official Plan (OPA #210)

a) Land Use Designation

The subject lands (Block 'A') and lands occupied by the commercial plaza (Block 'B') are designated "General Commercial" by OPA #210 (Thornhill-Vaughan Community Plan), as amended by OPA #264, which permits commercial uses, retail stores for the leasing and exchanging of goods and services, restaurants, banks and business and professional offices. Policy 2.2.3.6 (o) of OPA #210 provides specific policies that apply to the site, which was implemented through the adoption of OPA #264.

b) Official Plan Amendment #264

On July 27, 1995, the OMB approved OPA #264, redesignated the rear of 390 Steeles and the properties to the east and to west, from "Low Density Residential" to "General Commercial". OPA #264 was initiated as a result of applications to amend the existing site plan agreements for the subject lands and the property to the east. Those applications proposed that commercial parking be permitted on the northerly portions of these sites in accordance with the existing M1 Restricted Industrial zoning, notwithstanding the then residential designation on these lands in the Official Plan.

In addition to considering the site development plans for these lands, Council also wanted to give consideration to the status of Royal Palm Drive and land use alternatives for these properties. To allow for adequate consideration of these issues, Council enacted an interim control by-law to deal with the rear portions of the lands from 350 Steeles Avenue West to 434 Steeles Avenue West (Attachment #1). While the City studied the appropriate land use planning policies for these lands, both the interim control by-law and site development application were referred to the Ontario Municipal Board by Development 2000 Inc. (434 Steeles). The OMB adjourned its consideration of the Development 2000 site plan application and the interim control by-law appeals to allow Council to consider a report on the interim control by-law. In the interim, Development 2000 initiated official plan and zoning by-law amendment applications for their lands and referred these applications to the OMB in 1989 so that all the applications could be considered jointly by the Board.

The planning reports for the Development 2000 applications indicated it would be appropriate to redesignate the northerly portion of the affected lands for commercial purposes and that providing for residential uses on the south side of the proposed Royal Palm Drive would have the effect of having dwellings backing onto the existing commercial plazas. The reports concluded that this would bring them into conflict with activities related to the normal operation of commercial uses. The report recommended the establishment of a buffer between the residential uses to the north and the commercial uses to the south of Royal Palm Drive.

The purpose of OPA #264 was to establish the buffer, by redesignating a 41m wide strip of land on the south side of Royal Palm Drive, between the rear of the Sylvester Court properties to the east to as far west as Payson Avenue, and including the subject lands, from "Low Density Residential" to "General Commercial". The policy intent was to eliminate potential conflict between residential dwellings on the north side of Royal Palm Drive, and the activities related to the normal operation of commercial sites by eliminating the potential for residential lots on the south side of Royal Palm Drive, by including policies that would require a minimum 6m wide berm and fencing to be provided along the south side of Royal Palm Drive.

The policies of OPA #264, which currently apply to 390 Steeles Avenue, state:

- i) In order to ensure that residential properties to the north enjoy an adequate distance separation from commercial uses, the implementing by-law shall provide for a generous building setback from the south limit of Royal Palm Drive. In addition, the zoning by-law and/or site development agreement shall ensure that servicing areas do not have a negative impact on the buildings to the north;
 - ii) A substantial landscaped strip and privacy fencing shall be provided adjacent to the Royal Palm Drive right-of-way, in order to establish a buffer between the commercial uses to the south and the residential use to the north. Conceptually, the landscaped strip and screen shall be provided generally in the manner set out in Schedule "3" to this Amendment and shall be implemented through individual amending zoning by-laws and site development agreements; and
 - iii) No commercial access to Royal Palm Drive shall be permitted."
- c) Proposed Redesignation to Low Density Residential

The proposed Official Plan Amendment application would redesignate the rear 31.7 m of the overall property from "General Commercial" back to "Low Density Residential", which originally existed under OPA #210, and removing the existing restriction that the rear 41m of the subject lands only (390 Steeles) be a landscaped buffer and allowing for the development of the 6 proposed residential lots at a density of 24.37 units per hectare.

A 2.5m wide landscaped buffer strip is proposed to be provided at the rear of the commercial plaza property along with a 1.8m high wood acoustic fence to screen the proposed new residential dwellings from the existing commercial uses to the south (Attachment #2). The proposed landscaping is to consist of 9 deciduous trees (Silver Linden) being 180-200mm in caliper and spaced at 6475mm on centre. The existing Site Plan Agreement (File: DA.68.86) between the City and the Owner is to be amended to reflect changes to the parking and landscaping in this location, should Council approve the subject applications to amend the Official Plan and Zoning By-law.

The "Low Density Residential" policies of OPA #210, as amended, permit a maximum net residential density of 22 units per hectare. The net density for the proposed residential development is 24.37 units per hectare, which is slightly higher, but compatible with the density of the existing residential uses to the north and east of the subject lands.

The existing residential lots along the north side of Royal Palm Drive were created from rear lot severances from larger lots located along the south side of Crestwood Road, following the creation of Royal Palm Drive as a new east/west road between Steeles Avenue West and Crestwood Road. The residential development proposed by the subject applications are similar to and consistent with the pattern of development which has occurred to the north and east of the subject lands, and if approved, would extend the pattern of residential development already established in the existing neighbourhood.

In 2006, Vaughan Council approved applications to amend the Official Plan and Zoning By-law (Files OP.05.016 and Z.05.029), Steeles Memorial Chapel), to redesignate of the rear of 350 Steeles Avenue West from "General Commercial" to "Low Density Residential" and rezoning from C1 Restricted Commercial Zone to R4 (H) Residential Zone, to permit the development of 4 single-detached lots with similar lot frontages and lot depths to those lots proposed by the subject application. The implementing amendments were appealed to the OMB by residents on Sylvester Court, and were subsequently approved by the OMB later in 2006, upon successful negotiations between the applicant, residents, Development Planning Staff, and the Local Councillor.

Zoning

The rear portion of the overall property is zoned M1 Restricted Industrial Zone and C2 General Commercial Zone under Exception 9(448), by By-law 1-88. The southerly portion fronting onto Steeles Avenue is zoned C2 General Commercial Zone by By-law 1-88, subject to Exception 9(448), which applies to the commercial plaza portion of the site. A zoning by-law amendment is required to rezone the rear 31.7m of the property from M1 Restricted Industrial Zone and C2 General Commercial Zone under Exception 9(448), to R4 Residential Zone, to permit the proposed 6 detached residential dwellings having frontages on Royal Palm Drive. The zoning for the commercial portion (Block 'B') of the site will remain as is.

The proposed residential lots will have similar lot frontages and lot areas to the existing residential lots to the east and along the north side of Royal Palm Drive which are also zoned R4.

The standard and proposed R4 provisions of By-law 1-88 are as follows:

	<u>Standard</u>	<u>Proposed</u>
Minimum lot frontage	9.0m	9.89m
Minimum lot area	270m ²	311m ²
Minimum front yard setback	4.5m	4.5m
Minimum rear yard setback	7.5m	7.0m
Minimum interior side yard setback *	1.2m	1.2m
Maximum lot coverage	45%	49%
Maximum height	9.5m	11m

*The minimum side yard on one side can be reduced to 0.3m, where it abuts a side yard of a minimum of 1.2m, except where the side yard abuts a non-residential use.

The applicant is proposing the following site-specific exceptions:

- ii) The applicant is proposing a maximum building height of 11m, whereas By-law 1-88 permits 9.5m in an R4 Residential Zone. The existing R4 Residential Zone to the north limits the maximum height of residential dwellings to 9.5m. However, lots further to the east and to the west in the adjacent R4 and R3 zones have maximum height limits of 11m. In the context of the surrounding heights and recent approvals, the Development Planning Department considers the proposed increase in height to 11m to be appropriate, and can support the proposed increase.

- iii) The applicant is proposing a minimum rear yard setback of 7.0m, whereas By-law 1-88 requires 7.5m in an R4 Residential Zone. The Development Planning Department considers the proposed reduction in the rear yard setback to be appropriate, as the provision of the noise fence and the addition of the trees at the rear of the plaza property will adequately screen the proposed residential lots from the existing plaza to the south.
- iv) The applicant is proposing a maximum lot coverage of 49% on each residential lot, whereas By-law 1-88 permits a maximum of 45% in an R4 Residential Zone. The proposed increase in lot coverage to 49% is consistent with the lot coverage recently approved for the 4 lots at the rear of 350 Steeles Avenue. The Development Planning Department supports the proposed increase in lot coverage to 49%.

There were no residents in attendance at the public hearing, and no correspondence received from any adjacent landowners to indicate the proposed increase in height and lot coverage or the reduced rear yard setback is of concern.

The Development Planning Department has no concerns with the proposed zonings exceptions. The applicant has not submitted plans showing how the proposed dwellings will be sited on the proposed lots. The Owner may be required to obtain approvals for additional exceptions to the R4 Residential Zone requirements in the future, if necessary.

Site Design of Existing Commercial Plaza

The existing site plan for the commercial plaza will be affected, if the rear 31.7m of the property is developed for residential purposes. There will be a reduction in the number of plaza parking spaces provided. The existing commercial plaza building is a one-storey building with a partial second floor. The ground floor is 2,770m² and the partial second floor is 1,264m². The total floor area of the building is 4,034m².

The original site plan for the property provides for 163 surface spaces and 55 underground parking spaces for a total of 218 spaces (which were provided on the entire 390 Steeles property). The current zoning for the site requires that a minimum of 168 parking spaces be provided on site, plus an additional 16.0 spaces per 100m² of restaurant customer service area. One restaurant currently operates on site with a customer service area of approximately 250m², therefore requiring 40 parking spaces. In total, 208 parking spaces are required for the existing development. Currently, there is a surplus of parking for the commercial plaza and the proposed residential development will not create a parking deficiency for the existing commercial plaza. The applicant is proposing to provide 155 surface spaces and 55 underground spaces, for a total of 210 spaces, which meets the existing zoning requirement, with a surplus of 2 spaces.

By-law 1-88 requires a minimum 2.4m wide landscape strip to be provided on the commercial lands, where abutting residential. A 2.5m wide strip has been provided for optimal tree growth, as shown on Attachment #2. The Development Planning Department is satisfied that the proposed acoustic fence and landscape buffer strip will provide satisfactory buffer/screen for the residential lots from the existing commercial plaza. The applicant is also providing a 1.8m high wood privacy fence along the side lot line of Lot 1 and Lot 6, where these lots abut properties which are currently used for commercial purposes.

Vaughan Engineering Department

i) Servicing

The applicant has submitted a Functional Servicing Report for the proposed residential development. Based on this report, the Vaughan Engineering Department has no objection to the proposal as it relates to sanitary, storm and water servicing for the site. However, the Vaughan

Engineering Department has requested the Owner to enter into an external servicing agreement with the City for the proposed storm sewer extension. Services for the proposed residential lots would connect to those available along Royal Palm Drive.

The Vaughan Engineering Department recognizes that the proposed lots will be created by Consent applications. In this regard, the Vaughan Engineering Department recognizes that in accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on February 26, 2007, allocation of servicing capacity shall be granted at the Consent Application stage.

ii) Environmental Assessment Report

A Phase One Environmental Assessment Report was submitted for the development, as the proposed amendment is for a more sensitive use. The Vaughan Engineering Department has reviewed the report and found it to be acceptable to the City.

iii) Noise

The Vaughan Engineering Department has indicated that a Noise Report is required prior to the release of Building Permits for the proposed residential lots. A noise report has been submitted and is being reviewed by the Vaughan Engineering Department. Any recommendations contained in the noise report, once approved, will need to be reflected in the individual house designs for Building Permit.

Lot Creation

The applicant intends to create the proposed lots (Block 'A' on Attachment #2) through the Consent process. The applications for Consent have been submitted to the Committee of Adjustment under files B039/07 to B044/07 inclusive. The severed lots are proposed to be sold to a builder. The retained portion of the subject lands (Block 'B') will continue to be used as a commercial plaza. The commercial plaza will retain its commercial zoning and site-specific zoning exception. The severance will not necessitate any exceptions to the existing zoning on the commercial plaza site.

Site Plan Agreement

There is an existing site development agreement for the commercial plaza. If the proposed applications are approved, the site plan agreement will need to be modified to reflect the changes to the plaza parking area, and to enable the City to ensure that appropriate landscape buffering and fencing is provided adjacent to the new residential properties.

The applicant has submitted a revised Development Concept – Landscape Plan (as shown on Attachment #2), which would be used to implement the site plan revision for the commercial plaza.

Relationship to Vaughan Vision 2020

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

Conclusion

The Development Planning Department has reviewed the proposed applications to amend the Official Plan and Zoning By-law, specifically to redesignate the northerly 31.7m of the overall subject lands from "General Commercial" to "Low Density Residential" and to rezone from M1 Restricted Industrial Zone and C2 General Commercial Zone under Exception 9(448), to R4

Residential Zone, to facilitate 6 lots for single-detached dwellings. The applications have been reviewed in the context of the Provincial Policy Statement, and are consistent with the policies contained therein. The proposal is for infill residential development in an existing built-up residential community with available municipal servicing. The applications are also consistent with the Region of York's Official Plan policies for development in an urban area.

The proposed residential lots are an appropriate form of development for the subject lands and are compatible with the existing surrounding residential land uses. The proposed development is consistent with the pattern of development and lot sizes, which exist on the north side of Royal Palm Drive, and with the residential lots recently approved at the rear of 350 Steeles Avenue West.

In accordance with the above, the Development Planning Department can support the approval of the Official Plan Amendment Application which would redesignate the subject lands (Block "A") from "General Commercial" to "Low Density Residential", to permit 6 single detached dwellings at a maximum residential density of 24.37 units/ha. The Development Planning Department can also support the approval of the Zoning By-law Amendment Application to rezone Block 'A', on Attachment #2, from M1 Restricted Industrial Zone to R4 Residential Zone with an exception to address the maximum building height, maximum lot coverage, and the minimum rear yard setback.

An amendment to the existing site plan agreement for the commercial building will also be undertaken to reflect changes to the rear parking area and the provision of the new landscaping and fencing to be provided adjacent to the 6 proposed residential lots.

Attachments

1. Location Map
2. Development Concept – Landscape Plan

Report prepared by:

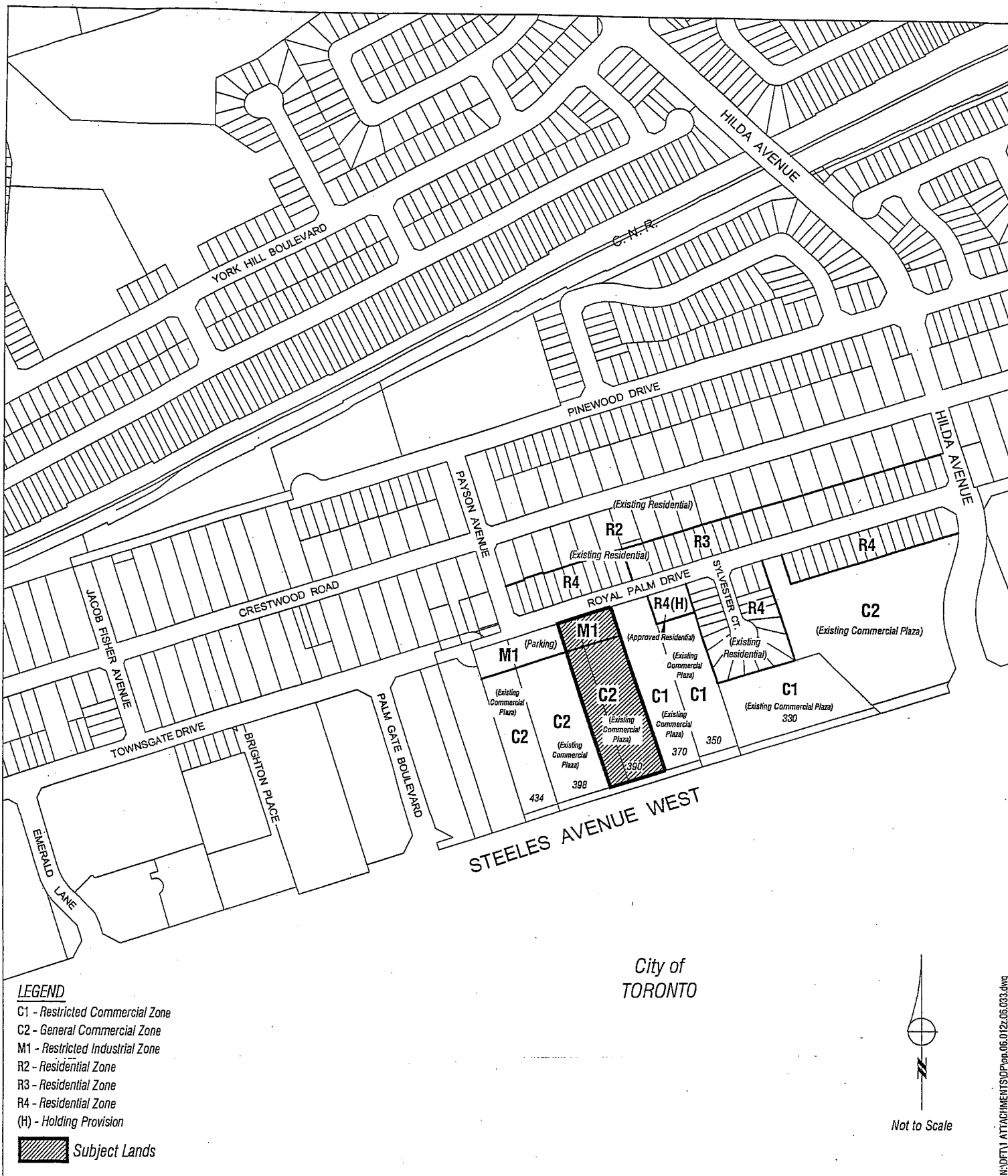
Laura Janotta, Planner, ext. 8634
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM



Location Map

Location:
Part of Lot 26, Concession 1
Applicant:
390 STEELES WEST HOLDINGS INC.



The City Above Toronto

Development Planning Department

Attachment

File:
OP.06.012 & Z.06.033
Date:
January 03, 2008

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