

COMMITTEE OF THE WHOLE JUNE 16, 2008

**ZONING BY-LAW AMENDMENT FILE Z.06.063
SITE DEVELOPMENT FILE DA.06.083
SANFRANDINO INVESTMENTS LTD.
REPORT #P.2007.5**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.063 (Sanfrandino Investment Ltd.) BE APPROVED, specifically to amend By-law 1-88 respecting the subject lands shown on Attachment #1, as follows:
 - a) Permit the following additional uses on the subject lands, within the C1 Restricted Commercial Zone, subject to Exception 9(356):
 - i) Day Nursery;
 - ii) Post Office;
 - iii) Veterinary Clinic;
 - iv) Pet Grooming Establishment;
 - v) Club or Health Centre;
 - vi) Technical School;
 - vii) Eating Establishment, Take-out and Eating Establishment, Convenience;
 - viii) Outdoor Patio in association with an Eating Establishment; Eating Establishment, Take-out; or Eating Establishment, Convenience;
 - ix) Personal Service Shop;
 - x) Photography studio;
 - xi) Video Store; and,
 - xii) Seasonal Garden Centre, subject to the following provisions:
 - the maximum area devoted to a seasonal garden centre shall be 146 m²; and,
 - a seasonal garden centre shall be defined as land or structures used for the sale of plants, shrubs or trees and other associated products for household gardening needs and shall operate from and including April 15th to and including June 15th of each year.
 - b) Permit the following exceptions to the C1 Restricted Commercial Zone, subject to Exception 9(356), on the subject lands:
 - i) a minimum landscape strip width of 0.8 m (existing) abutting a public road (Major Mackenzie Drive), whereas By-law 1-88 requires 6.0 m;
 - ii) a minimum interior side yard setback (west) of 6.4 m for an institutional use (day nursery), whereas By-law 1-88 requires 15 m;
 - iii) a minimum of 83 parking spaces for all permitted uses on the site, whereas By-law 1-88 requires 117 parking spaces;
 - iv) restrict the total area devoted to an outdoor patio(s) as shown on Attachment #2, to 22.5m², and such use shall not be required to be enclosed by a physical barrier in accordance with Subsection 5.1.6(h) of By-law 1-88;

- v) permit an outdoor patio to be located between a building and a Residential Zone (on south side of Major Mackenzie Drive), whereas By-law 1-88 does not permit an outdoor patio between a building and a Residential Zone; and,
 - vi) limit the existing gross floor area devoted to all eating establishment uses on the subject lands to a combined total maximum of 35% of the total gross floor area of the building.
2. THAT Site Development File DA.06.083 (Sanfrandino Investments Ltd.) BE APPROVED, to amend the existing site plan agreement on the subject lands to reflect the current conditions of the property as shown on Attachment #2, and to permit the proposed ground sign to be located along Major Mackenzie Drive as shown on Attachment #5.

Economic Impact

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

Communications Plan

On January 26, 2007, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Maple Village Ratepayers Association. Through the circulation, no comments were received by the Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of February 19, 2007, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on February 26, 2007.

Purpose

The Owner has submitted the following applications:

1. A Zoning By-law Amendment Application (File Z.06.063) to permit additional commercial uses and zoning exceptions to Exception 9(356) on the subject lands shown on Attachment #1, within the C1 Restricted Commercial Zone.
2. A Site Development Application (File DA.06.083) to update the site plan to reflect the current as-built conditions of the subject lands as shown on Attachment #2, and to permit the proposed ground sign to be located along Major Mackenzie Drive as shown on Attachment #5.

Background - Analysis and Options

Location

The 0.59 ha subject lands are located on the north side of Major Mackenzie Drive, west of Keele Street, municipally known as 2338 Major Mackenzie Drive, in Lot 21, Concession 4, City of Vaughan, as shown on Attachment #1.

Official Plan

The subject lands are designated "Maple Commercial Core Area" by OPA #350 (Maple Community Plan), as amended by OPA #533. The proposed uses and site development conforms to the Official Plan. The subject lands are also located within the Maple Heritage Conservation District.

Zoning

The subject lands are zoned C1 Restricted Commercial Zone by By-law 1-88, subject to Exception 9(356). The following chart identifies the current uses permitted under Exception 9(356) and the proposed additional uses.

Current Uses Under Exception 9(356)	Proposed Additional Uses
<ul style="list-style-type: none"> a) A Bank or Financial Institution; b) A Barber Shop; c) A Beauty Parlour; d) A Business or Professional Office; e) An Eating Establishment; f) A Retail Store; and g) A Service or Repair Shop. 	<ul style="list-style-type: none"> a) Day Nursery; b) Post Office; c) Veterinary Clinic; d) Pet Grooming Establishment; e) Club or Health Centre; f) Technical School; g) Eating Establishment, Take-out; and Eating Establishment, Convenience; h) Outdoor Patio in association with an Eating Establishment; Eating Establishment, Take-out; or Eating Establishment, Convenience; i) Personal Service Shop; j) Photography Studio; k) Video Store; and l) Seasonal Garden Centre with a maximum area of 146 m². A seasonal garden centre shall be defined as land or structures used for the sale of plants, shrubs or trees and other associated products for household gardening needs and shall operate from and including April 15th to and including June 15th of each year.

At the Public Hearing on February 19, 2007, the Development Planning Department reported that the Owner requested a myriad of uses to be permitted on the subject lands. Upon further analysis, it was determined that some of the uses requested, including a radio transmission tower, a drive through, a medical office or clinic (same as permitted Business or Professional Office use), church, place of amusement and motor vehicle sales establishment, were not conducive with either the existing site layout or compatible with the surrounding land uses, or the use is already permitted. The Owner proposes to amend the By-law to permit the additional uses listed above, which can be supported by the Development Planning Department, and the following zoning exceptions:

- a) a minimum landscape strip width of 0.8m (existing) abutting a public road (Major Mackenzie Drive), whereas By-law 1-88 requires 6.0 m;
- b) a minimum interior side yard setback (west) of 6.4 m for an institutional use (day nursery), whereas By-law 1-88 requires 15 m;
- c) a minimum of 83 parking spaces for all permitted uses on the site, whereas By-law 1-88 requires 117 parking spaces;
- d) restrict the total area devoted to an outdoor patio(s) on the subject lands to 22.5 m²;
- e) permit an outdoor patio to be located between a building and a Residential Zone (on south side of Major Mackenzie Drive), whereas By-law 1-88 does not permit an outdoor patio between a building and a Residential Zone; and,

- f) limit the existing gross floor area devoted to all eating establishment uses to a combined total maximum of 35% of the total gross floor area of the building on the subject lands.

The commercial building was constructed in the 1980's and the implementing zoning by-law restricted the uses permitted on the subject lands with the uses noted earlier.

The Development Planning Department can support the reduced interior side yard setback for an institutional use and for the reduced landscape buffer along Major Mackenzie Drive as the site configuration and building location have existed since the time of building construction. The seasonal garden centre use can be supported since the use has existed since the 1990s and the use is compatible with the surrounding commercial uses. The Owner proposes to limit the seasonal garden centre use to two months per annum (April 15 to June 15), which would not have adverse effects on the surrounding area. The outdoor patio use exists in two locations along Major Mackenzie Drive and would serve to benefit a more pedestrian-friendly streetscape within the Maple Commercial Core area, particularly by providing an exception to not require a physical barrier around the perimeter of the outdoor patio area. It is also recommended that the gross floor area devoted to all existing eating establishment uses on the subject lands be limited to a maximum of 35% (maximum 20% permitted in a C1 Zone in By-law 1-88) of the total gross floor area of the building in order to minimize the impact of these uses on the available parking supply.

For the reasons noted above, the Development Planning Department can support the amendments to the Zoning By-law. Exceptions for parking are also being supported, as discussed in the "parking" section of this report.

Site Plan Review

The 0.59 ha subject lands are developed with an existing one-storey 1,942 m² building located in the southwest portion of the site. The building is currently occupied by an existing eating establishment, coffee shop, sports bar, two outdoor patio areas, children's party room, a driving school, and personal service uses. Two driveways on Major Mackenzie Drive provide access from the east and west sides of the property leading to the parking area located to the east and rear of the existing building. The proposed seasonal garden centre use at the rear of the building is accessed by both of these driveways.

The Owner proposes to maintain the existing building, including all elevations, signage and landscaping on the subject lands, as shown on Attachments #3 and #4. The only changes being proposed to the existing site plan are as follows:

- i) a reconfiguration of the parking lot to maximize on-site parking;
- ii) the identification of a potential children's play area, as shown on Attachment #2, associated with the proposed day nursery use;
- iii) the identification of a seasonal garden centre located in the rear yard, as shown on Attachment #2;
- iv) a new ground sign along the Major Mackenzie frontage, as shown on Attachment #5; and,
- v) permit the two outdoor patios, as shown on Attachment #2.

The applicant has been advised that a minor site plan amendment will be required to provide the details of the play area including the provision of secure fencing, should a day nursery use locate to the property.

The existing building does not have the capability to store refuse internally. Consistent with the adjacent landowners to the east and west, the refuse storage area is proposed to be located in the northwest portion of the subject lands, within the rear parking area, as shown on Attachment #2, which the Owner has agreed to screen with wood fencing.

The Development Planning Department is satisfied with the proposed site plan, as shown on Attachment #2. The Owner does not propose to alter the existing landscaping and elevation plans, as shown on Attachments #3 and #4, respectively.

Maple Heritage Conservation District

The subject lands are located within the Maple Heritage Conservation District, which came into full force and effect on December 7, 2007. On April 16, 2008, Heritage Vaughan adopted the Cultural Services Division recommendation to approve the proposed ground sign design, as shown on Attachment #5. The Owner is required to finalize the details of the sign with the Cultural Services Division.

Maple Streetscape Community Advisory Committee

The Maple Streetscape Community Advisory Committee has indicated their approval of the site plan at their May 15, 2008 meeting. Two Maple-themed lighting fixtures are to be provided along the Major Mackenzie Drive frontage, as shown on Attachment #2.

Parking

The implementing zoning by-law for the site was enacted in the early 1980's, prior to By-law 1-88 coming into full force and effect in 1989. The original implementing by-law was later incorporated into By-law 1-88 as Exception 9(356), which provides minimum parking requirements for each individual permitted use as follows:

Chart 1: Parking Requirement Based on Use – Exception 9(356)	
A bank or financial institution	5.5 spaces / 100 m ² GFA
A barber shop / beauty parlour	5.5 spaces / 100 m ² GFA
A business or professional office	3 spaces / 100 m ² GFA
An eating establishment	1 space per 4 customer seating spaces or 16 spaces / 100 m ² GFA, whichever is greater
A retail store	4.8 spaces / 100 m ² GFA
A service or repair shop	4.8 spaces / 100 m ² GFA

However, the C1 Restricted Commercial Zone under By-law 1-88 permits commercial uses that are developed in a shopping centre format to provide parking at a rate of 6 spaces / 100 m². Using this standard, parking for the subject lands is calculated as follows:

Chart 2: Parking Requirement Based on Standards of By-law 1-88		
6 spaces / 100 m ² GFA	1,942.1 m ²	117 parking spaces

The Owner submitted a parking study prepared by Mark Engineering, dated October 28, 2007. The parking study demonstrated that 83 parking spaces would adequately serve the existing and proposed uses based on the parking requirements identified in Chart 3 below, compared to the By-law 1-88 requirement of 117 parking spaces as indicated on Chart 2.

Chart 3: Parking Study Requirement ¹		
Retail Stores (6 spaces /100 m ² GFA)	497 m ²	29.82 parking spaces
Eating Establishment (1 space per 4 customer seating spaces)	120 seats	30 parking spaces
Business or Professional Office (3.5 spaces/100 m ² GFA)	380.2 m ²	13.3 parking spaces
Day Nursery (1.5 spaces / employee)	6 employees	9 parking spaces
Total		83 parking spaces

Notes

1. *Based on Parking and Traffic Study by Mark Engineering, October 28, 2007*

The Owner proposes 94 parking spaces in the reconfigured parking area, which is 11 parking spaces more than recommended by the parking study. The Owner proposes to allocate approximately 6 of these parking spaces for a seasonal garden centre and 3 parking spaces for a potential outdoor play area in association with a day nursery use, as shown on the site plan, resulting in 85 parking spaces or 2 surplus parking spaces (from the recommended 83 spaces) on the subject lands.

The Vaughan Engineering Department is satisfied with the site plan and with the findings of the Parking and Traffic Study by Mark Engineering. On this basis, the Development Planning Department can support a zoning exception to permit a minimum of 83 parking spaces on the subject lands, to facilitate all mix of permitted uses on the site.

Relationship to Vaughan Vision 2020

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

Regional Implications

The subject lands have access onto Major Mackenzie Drive, being a Regional right-of-way. The Region's Transportation Services Department has reviewed the applications and has no comments or objections. The Region of York will be a signing party to the amending site plan agreement, unless the City's letter of undertaking is in effect, to which the applicant would need to enter into a separate agreement with the Region.

Conclusion

The Development Planning Department has reviewed the Zoning By-law Amendment Application (File Z.06.063) and Site Development Application (File DA.06.083) in accordance with the policies of OPA #350, as amended by OPA #533; the requirements of By-law 1-88, the Maple Heritage Conservation District, and the Maple Streetscape Community Advisory Committee; and in the context of the surrounding land uses. The Development Planning Department is satisfied that the proposed additional uses are consistent with the commercial uses on the subject lands and can be accommodated without any impact to the surrounding land uses. The Site Development application is for the most part recognizing development that has existed on the property for several years. The changes being proposed are considered to be minor in nature and can be supported, subject to the comments in this report.

Attachments

1. Location Map
2. Site Plan
3. Existing Building Elevations
4. Existing Landscape Plan
5. Proposed Ground Sign

Report prepared by:

Stephen Lue, Planner, ext. 8210
Mauro Peverini, Senior Planner, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning


GRANT UYHEYAMA
Manager of Development Planning

/CM



LEGEND

- C1 - RESTRICTED COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- R1 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE
- RM2(H) - MULTIPLE RESIDENTIAL ZONE
- R1V - OLD VILLAGE RESIDENTIAL ZONE

SUBJECT LANDS 

Location Map

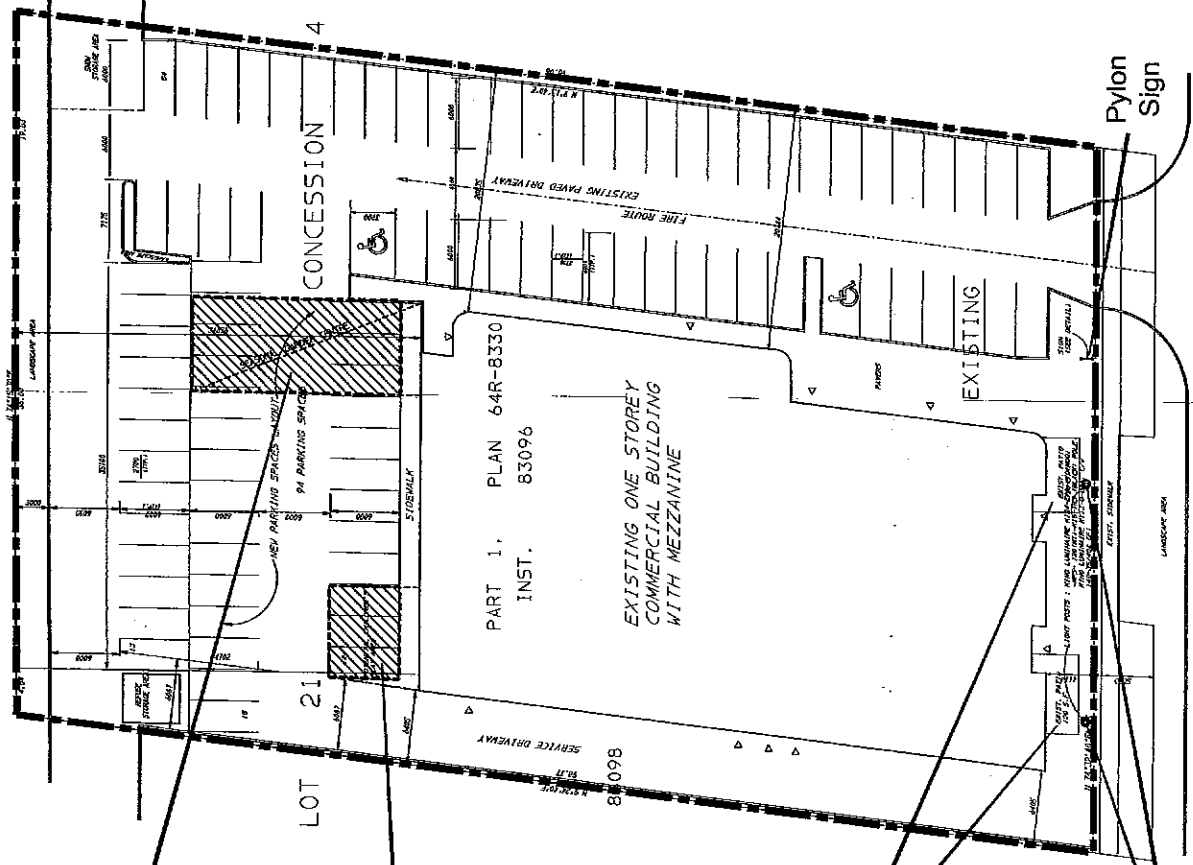
Part of Lot 21,
Concession 4
APPLICANT:
 SANFRANDINO INVESTMENTS LTD.
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Development Planning Department

Attachment 1

FILE No.:
 DA.06.083 & Z.06.063
Not to Scale
 May 22, 2008



SITE AREA	-	5905	m2
PAVED AREA	-	3206.4	m2 -54.7%
LANDSCAPE AREA	-	1014.8	m2 -16.7%
FOOTPRINT	-	1683.8	m2 -28.6%
GROUND FLOOR AREA	-	1673.4	m2
MEZZANINE FLOOR AREA	-	268.7	m2
TOTAL FLOOR AREA	-	1942.1	m2
94 PARKING SPACES			

Unit	Current Uses	Gross Floor Area	Required Parking
1	Eating Establishment	1,650sf	5.0
2	Eshetics/nails	900sf	5.5
3	Eating Establishment	2,349sf	15.5
4	Coffee shop	1,449sf	5.0
5	Hair salon	700sf	3.9
6	Espresso Bar	1,715sf	5.0
7	Activity/party room	4,300sf	9.0
8	Vacant	2,070sf	11.5
9	Driving school	1,200sf	3.9
10	Vacant	1,680sf	9.4
	Mezzanine Office (Vacant)	2,892sf	9.4
	Outside Patios	240sf	
	Garden Centre (2months only)		8.0
	Potential Day Care Area		3.0
	Total	20,905sf	94

Seasonal Garden Centre
 Potential Children's Play Area

Outdoor Patios
 Light Standards

SUBJECT LANDS

Site Plan

Part of Lot 21,
 Concession 4

APPLICANT:
 SANFRANDINO INVESTMENTS LTD.

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The City Above Toronto

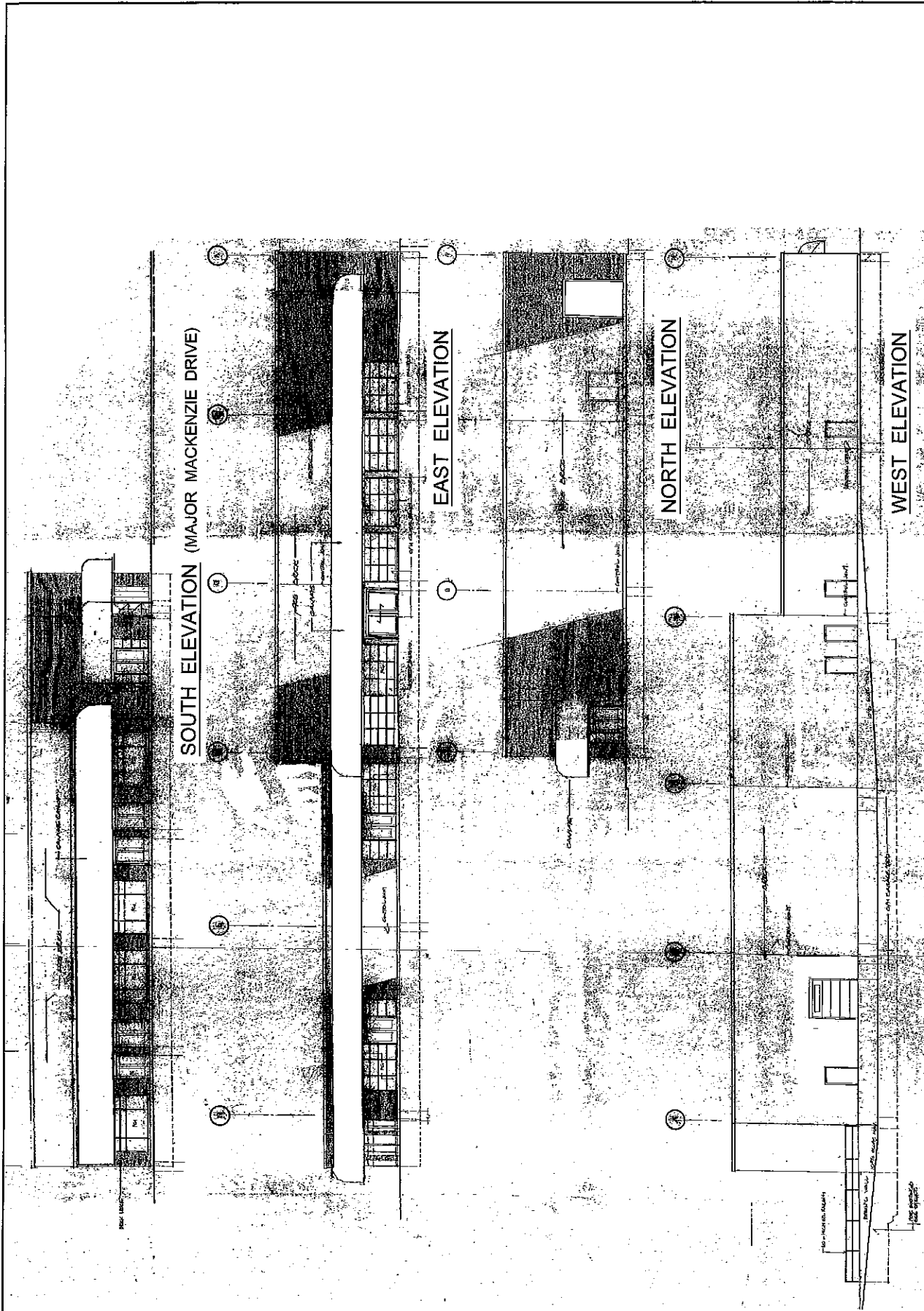
Development Planning Department

Attachment 2

FILE No.:
 DA.06.083 & Z.06.063

Not to Scale

June 9, 2008



Existing Building Elevations

Part of Lot 21,
Concession 4

APPLICANT:
SANFRANDINO INVESTMENTS LTD.

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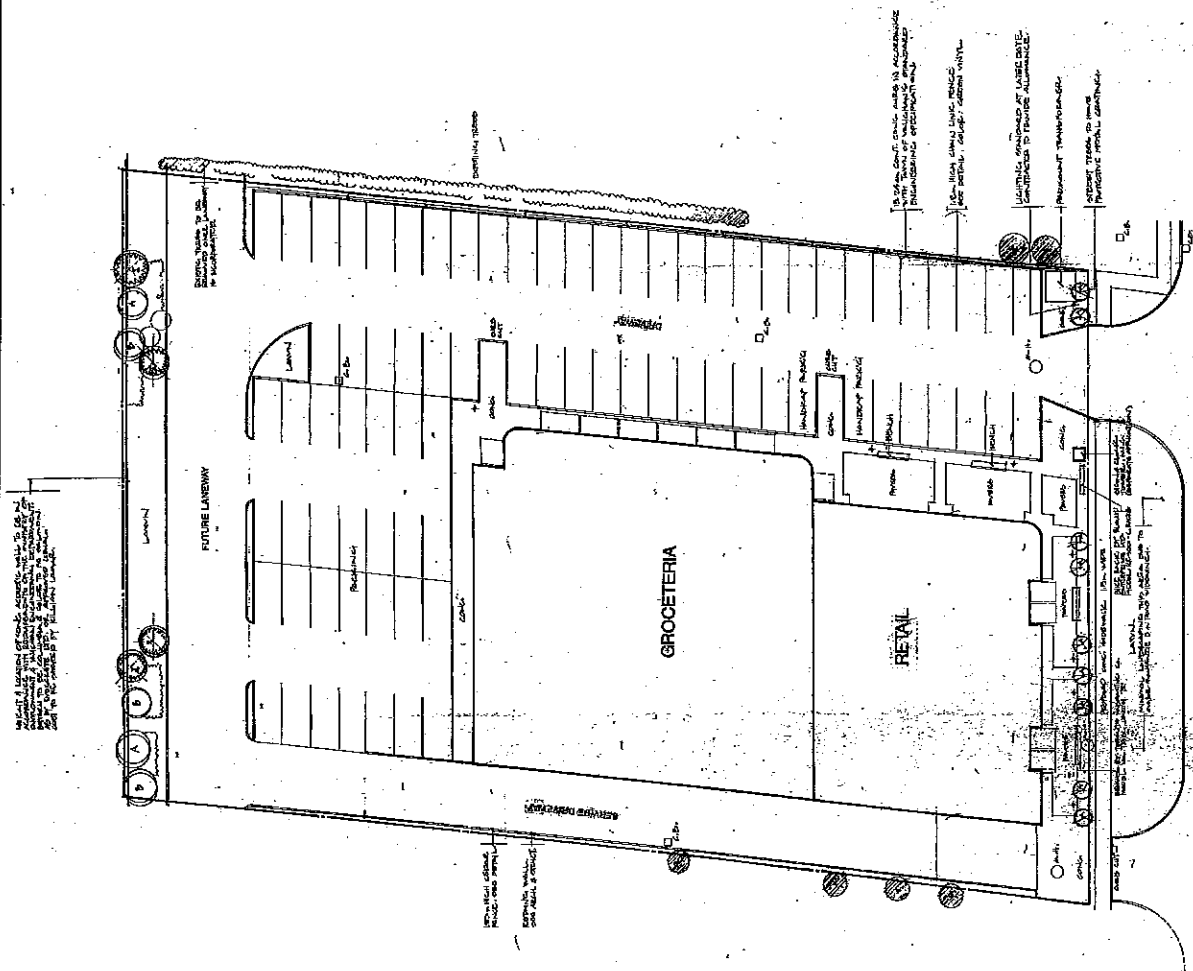
Development Planning Department

Attachment 3

FILE NO.:
DA.06.083 & Z.06.063

Not to Scale

May 22, 2008



MAJOR MACKENZIE DRIVE

Existing Landscape Plan

Part of Lot 21,
Concession 4

APPLICANT:
SANFRANCINO INVESTMENTS LTD.

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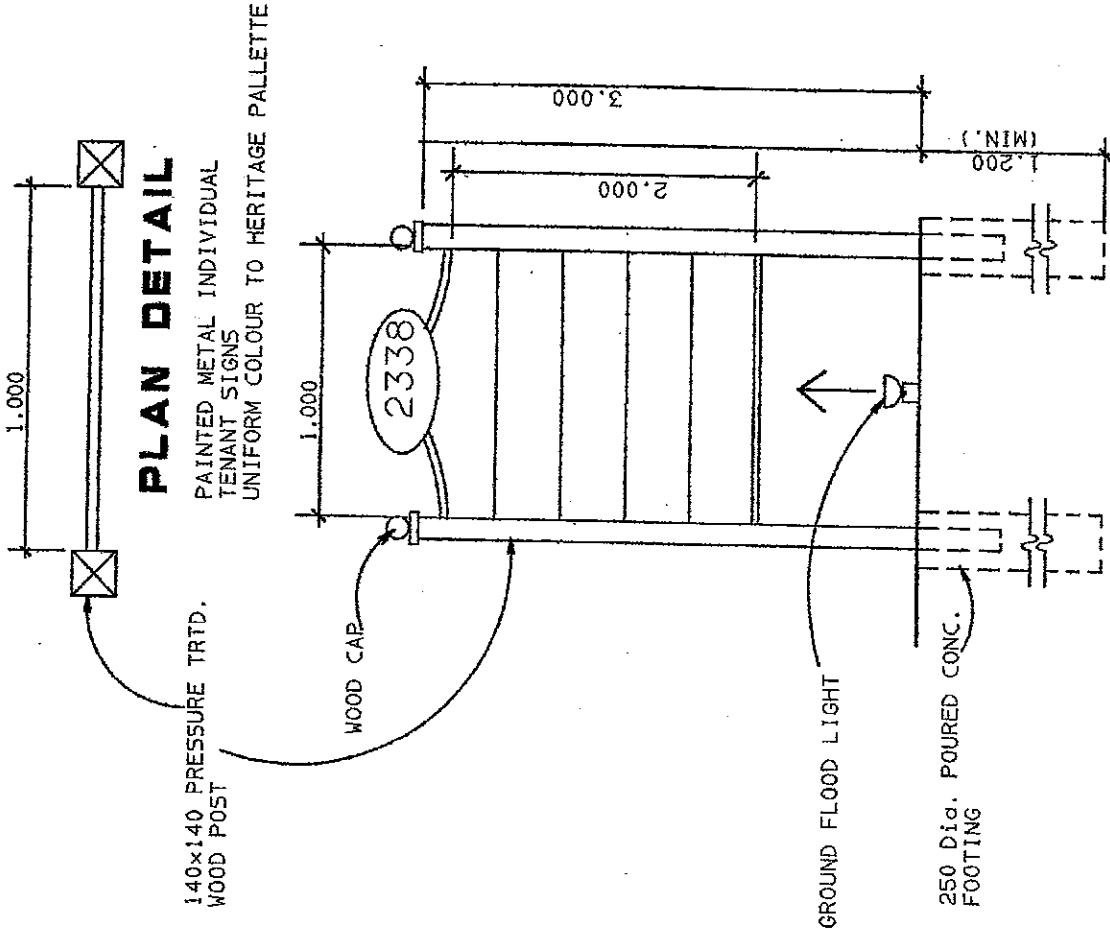
Development Planning Department

Attachment 4

FILE No.:
DA.06.083 & Z.06.063

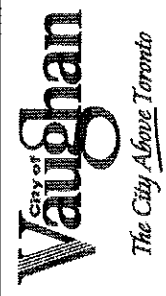
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May 22, 2008



Proposed Ground Sign

Part of Lot 21,
Concession 4
 APPLICANT:
 SANFRANDINO INVESTMENTS LTD.
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Development Planning Department