

COMMITTEE OF THE WHOLE MARCH 31, 2009

**ZONING BY-LAW AMENDMENT FILE Z.09.002
SITE DEVELOPMENT FILE DA.09.010
DILUCA & MAZZOCCA INVESTMENTS LTD.
WARD 1**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.002 (DiLuca & Mazzocca Investments Ltd.), BE APPROVED; specifically to amend Exception Paragraph 9(398) to By-law 1-88 to permit a day nursery having a gross floor area of 310 m² in Unit #4 of the existing commercial building and an associated outdoor play area as shown on Attachment #3 as additional permitted uses in a C1 Restricted Commercial Zone and with the following zoning exceptions:
 - a) permit a 0.0 m wide landscape buffer along the west property line where the outdoor play area is located; and,
 - b) permit a 1.9 m interior side yard setback (south property line) to an institutional use (Unit #4), whereas 15 m is required.
2. THAT Site Development File DA.09.010 (DiLuca & Mazzocca Investments Ltd.) BE APPROVED, subject to the following conditions:

That prior to the execution of the Letter of Undertaking:

- a) the Owner shall satisfy all requirements of the Development Planning and Engineering Departments; and,
- b) the final configuration of the outdoor play area be approved to the satisfaction of the Development Planning Department.

Economic Impact

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

Communications Plan

On February 6, 2009, a Notice of a Public Meeting was circulated to all property owners within 120 m of the subject lands and to the Maple Village Ratepayers Association. A Public Meeting was held on March 3, 2009. No comments were received from the area residents and no one was in attendance at the Public Meeting.

Purpose

The Owner has submitted a Zoning By-law Amendment Application (File Z.09.002), specifically to amend Exception Paragraph 9(398) of By-law 1-88 on the subject lands shown on Attachment #1 as follows:

- i) to permit a day nursery having a gross floor area of 310 m² as additional permitted uses in a C1 Restricted Commercial Zone in Unit #4 of the existing building and

the associated outdoor play area on the subject lands, as shown on Attachment #3; and,

- ii) to permit the following zoning exceptions:

Standard	By-law 1-88 Requirement	Proposed
Minimum Interior Yard Setback (south property line)	15.0 m	1.9 m
Minimum landscape width along west property line	2.7 m	0.0 m along the outdoor play area

Background - Analysis and Options

Location

The subject lands are located on the west side of Keele Street, north of Major Mackenzie Drive, in Part of Lot 21, Concession 4, Municipally Known as 10040 Keele Street, City of Vaughan. The surrounding land uses are shown on Attachment #1.

Official Plan and Zoning

The subject lands are designated "Maple Commercial Core Area" by OPA #350 (Maple Community Plan). The proposed site development and day nursery use conforms to the Official Plan.

The subject lands are zoned C1 Restricted Commercial Zone by By-law 1-88, subject to Exception 9(398). The Owner proposes a day nursery use in Unit #4 of the existing commercial building with an outdoor play area. The proposed site development does not comply with the current site-specific provisions of Zoning By-law 1-88. The Owner also proposes a reduction to the minimum setback for an institutional use from 15 m to 1.9 m for the interior side yard from Unit #4 (south property line), and a 0.0 m wide landscape buffer along the west property line where the outdoor play area is proposed, whereas 2.7 m is required. The reduction of the interior yard setback to 1.9 m to Unit #4 reflects the existing setback of the commercial building. The proposed 0.0 m wide landscape buffer is a result of the existing landscaped buffer becoming part of the playground area. The existing trees and sodded area will remain in place.

The Development Planning Department supports the proposed day nursery use on the subject lands as it will provide an additional local amenity that will service the residents of the Maple Core and surrounding areas. The applicant is also proposing changes to the west building elevation, as shown on Attachment #4, which will improve the building aesthetics. Furthermore, the day nursery use and outdoor play area use will be more compatible with the surrounding land uses compared to the current use of small engine repair and testing that would otherwise adversely contribute to the air and noise pollution.

The Development Planning Department has been in discussions with the Owner with respect to the configuration of the associated outdoor play area proposed on Attachment #2. The modified configuration of the outdoor play area shown on Attachment #3 is the result of negotiations with the day nursery operator. The Development Planning Department supports the negotiated modified outdoor play area configuration for the following reasons:

- i) it is less disruptive and has less impact to the existing mature trees within the landscape buffer along the west property line as opposed to the play area shown on Attachment #2;

- ii) the modified outdoor play area is directly connected to Unit #4 in order to alleviate the children from walking across the parking area and provides for a safer environment and direct visual sight line from Unit #4;
- iii) it does not block the pedestrian access to the neighbouring commercial units or the existing concrete walkway surrounding the existing building;
- iv) It occupies less parking spaces (approximately 10 spaces versus 12 spaces);
- v) It provides for a mixture of hard and soft play surfaces for the children; and,
- vi) there are no conflicts with existing catch basins in the parking area and minimal internal traffic conflicts.

The Owner is required to provide a revised site plan illustrating the modified outdoor play area configuration. A condition of site plan approval has been included in this respect.

Site Plan Review

The Development Planning Department is satisfied that the proposed site plan, as modified and the building elevation, as shown on Attachment #3 and #4, are satisfactory.

The Owner has reconfigured the parking area along the west side of the subject lands to increase the number of parking spaces on the subject lands from 83 to 86 spaces, not including the area devoted to the outdoor play area. By-law 1-88 requires a minimum of 79 parking spaces. Therefore, the minimum parking spaces provided meets the minimum parking spaces requirements of By-law 1-88.

The Vaughan Engineering Department has no objections to the proposed development.

Sustainability

The applicant has advised that the following sustainable features will be provided:

- i) the location of the outdoor play area will protect the existing mature trees along the west property line which provides shading and reduces the site's heat island effects and the amount of storm water runoff;
- ii) the existing mature trees will decrease the noise impact on the surrounding land uses generated by the play area; and,
- iii) the day nursery operation will generate refuse that will be sorted and recycled.

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 York Region Transportation Services Department has no objections to the development proposal.

Conclusion

The Site Development Application has been reviewed in accordance with OPA #350 (Maple Community Plan), By-law 1-88, the comments from City Departments and the area context. The Development Planning Department is satisfied that the proposed development for a day nursery use and an associated outdoor play area is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can

support the approval of the Zoning By-law Amendment and Site Development Application, subject to the recommendations in this report.

Attachments

1. Location Map
2. Original Site Plan
3. Site Plan with Modified Play Area
4. West Elevation

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEHAMA
Director of Development Planning

/CM



Legend

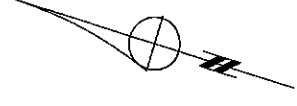
- C1 - RESTRICTED COMMERCIAL ZONE
- R1 - RESIDENTIAL ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE

Subject Lands

Not to Scale

KILLIAN ROAD

KEELE STREET



Not to Scale

Subject Lands

Zoning Amendment Application

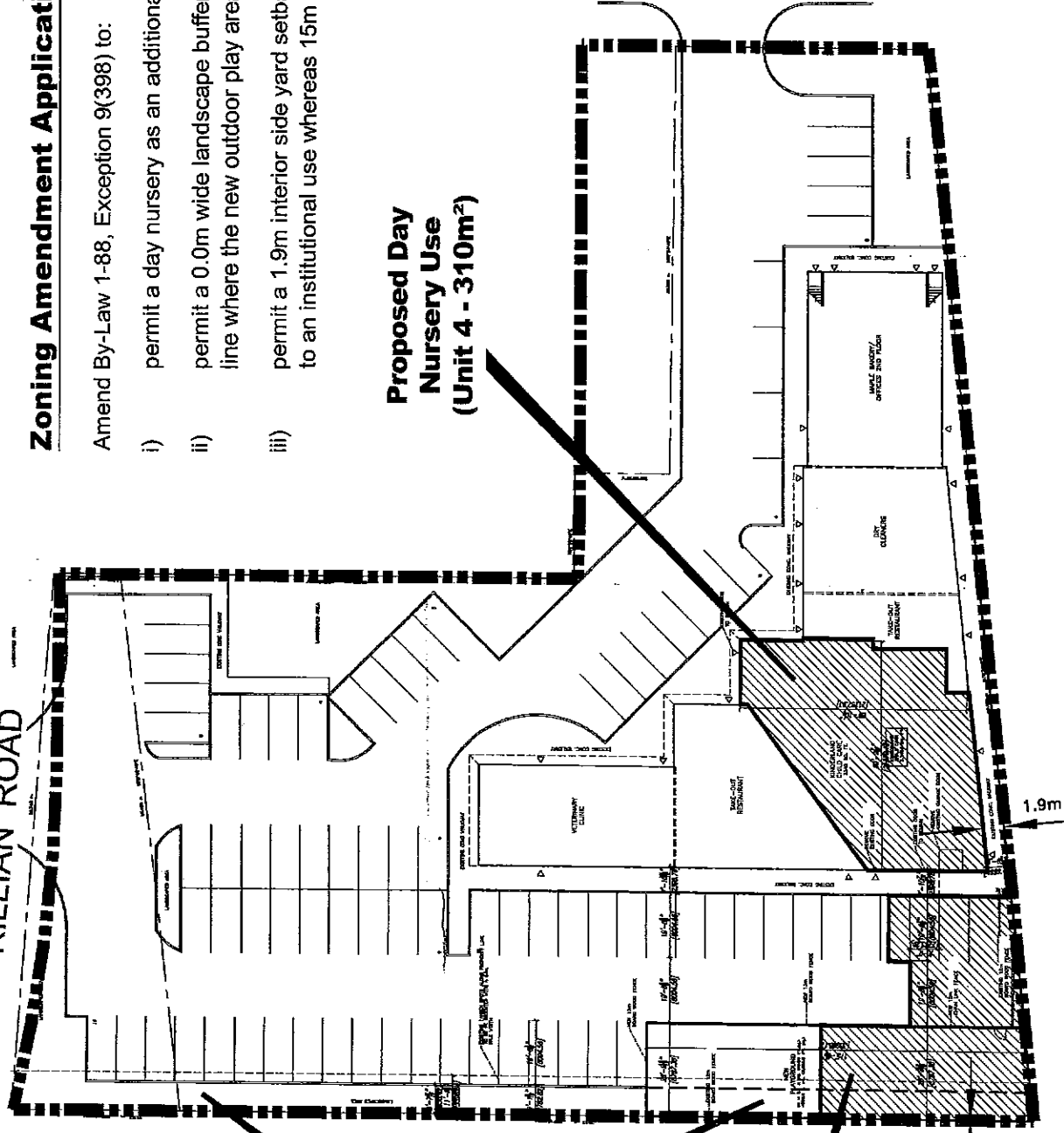
Amend By-Law 1-88, Exception 9(398) to:

- i) permit a day nursery as an additional permitted use in Unit 4;
- ii) permit a 0.0m wide landscape buffer along the west property line where the new outdoor play area is proposed; and
- iii) permit a 1.9m interior side yard setback (south property line) to an institutional use whereas 15m is required.

Proposed Day Nursery Use (Unit 4 - 310m²)

Existing Landscaped Area

Proposed Modified Outdoor Play Area

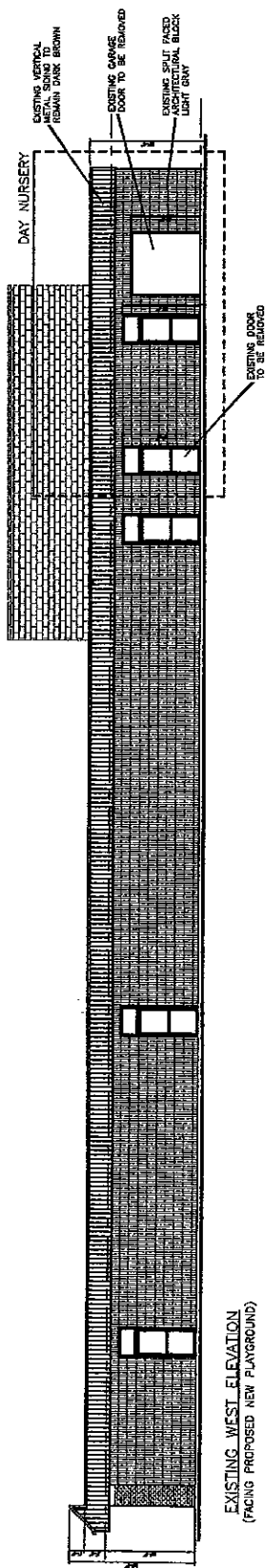


Site Plan with Modified Play Area

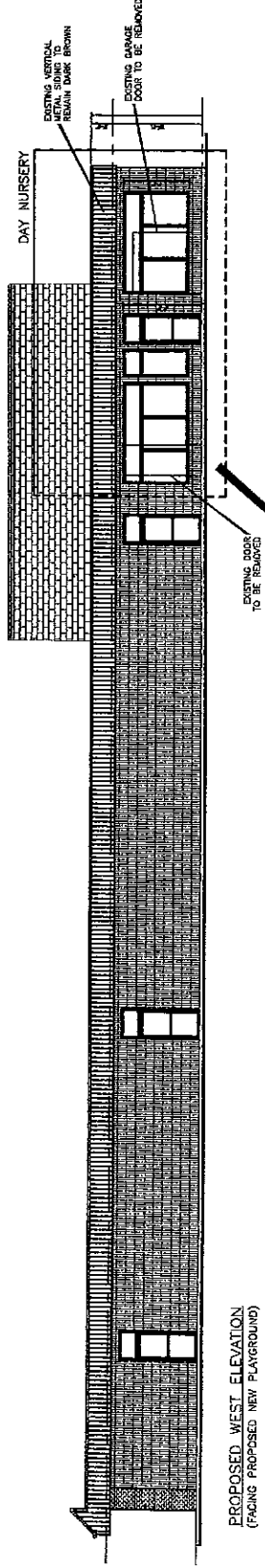
Part of Lot 21,
Concession 4
 APPLICANT: DILUCA & MAZZOCCA
 INVESTMENTS LTD.
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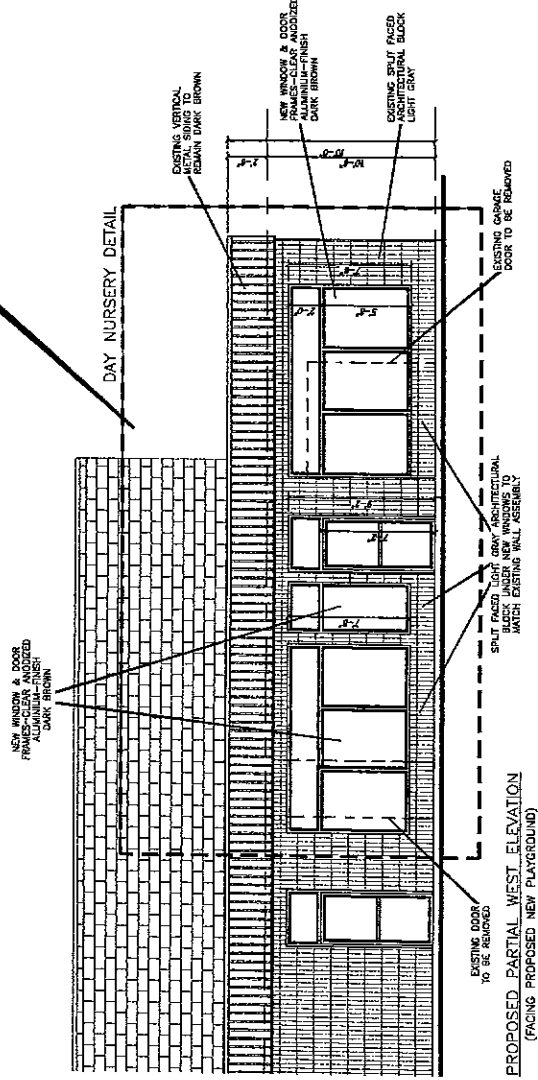
Development Planning Department



EXISTING WEST ELEVATION
(FACING PROPOSED NEW PLAYGROUND)



PROPOSED WEST ELEVATION
(FACING PROPOSED NEW PLAYGROUND)



PROPOSED PARTIAL WEST ELEVATION
(FACING PROPOSED NEW PLAYGROUND)

Not to Scale

West Elevation

Part of Lot 21,
Concession 4
APPLICANT: DILUCA & MAZZOCCA
INVESTMENTS LTD.

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Development Planning Department