

**COMMITTEE OF THE WHOLE JUNE 23, 2009**

**ZONING BY-LAW AMENDMENT FILE Z.09.010**

**TONLU HOLDINGS LTD.**

**WARD 1**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.010 (Tonlu Holdings Ltd.) BE APPROVED, to amend the R1 Residential Zone respecting site-specific Exception 9(821) of By-law 1-88, to permit a children's day nursery as an additional use within the existing building, and two (2) associated outdoor play areas and 11 parking spaces, and to recognize the location of the existing buildings within two (2) building envelopes with the following setbacks and landscape buffers:

<b>Standards</b>	<b>Requirements of Exception 9(821)</b>	<b>Proposed Exceptions</b>
Minimum Front Yard Setback (Major Mackenzie Drive)	5.0 m	2.8 m
Minimum Interior Side Yard Setback (East Property Line)	5.0 m	2.0 m
Landscape Buffer Strip Width (along Major Mackenzie Drive)	5.0 m	2.8 m
Minimum Landscape Buffer Strip Width (Along East Property Line), where an institutional use abuts a residential use	2.4 m	2.0 m (adjacent to garage) 3.0 m (south of garage)

2. THAT the Owner submit a Site Development Application to the Vaughan Development Planning Department for consideration by Vaughan Council respecting, but not limited to, the following:
  - a) the reconfiguration of the parking area;
  - b) the location of the associated outdoor play areas;
  - c) additional landscaping;
  - d) new fencing, signage, and any elements to be incorporated from the Maple Streetscape Guidelines;
  - e) the comments by the Heritage Vaughan Committee, the Maple Streetscape Community Advisory Committee, Vaughan Engineering Department and the Region of York Transportation Services Department; and,
  - f) all the issues that were addressed and agreed to be undertaken by the Owner at the Ward 1 Subcommittee Meeting on May 13, 2009, including:
    - i) restrict all pedestrian access to and from Mathewson Street by replacing the existing wood picket fence and gate, with a 1.8 m high black wrought iron fence (completely enclosed);
    - ii) the parking area adjacent to Mathewson Street (6 spaces total) will be restricted to employee parking only. Employees would gain access into the day nursery from the existing 3-car garage access door by key only ; and,

- iii) the Owner redesign the main parking area to allow for a turning circle with a kiss and ride drop-off area as shown on Attachment #3. The day nursery operator would commit a staff member to receive the children every morning.

### **Contribution to Sustainability**

The contribution to sustainability will be determined through the site plan process.

### **Economic Impact**

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

### **Communications Plan**

On March 27, 2009, a Notice of Public Meeting was circulated to all property owners within 150 m of the subject lands. The Public Meeting was held on April 20, 2009 and considered amendments to the site-specific R1 Residential Zone provisions of Exception 9(821) to By-law 1-88, to permit a day nursery as an additional use within the existing building with two (2) associated outdoor play areas, and to recognize the location of the existing buildings within a building envelope.

Comments were received from the area residents and people in attendance at the April 20, 2009 Public Meeting. In particular, the following deputations were received:

- i) Ms. Angela Edwards, 41 Mathewson Street;
- ii) Mr. Vince Andriano, 4040 Steeles Avenue; and
- iii) Mr. Steve Piccotti, 9 Mathewson Street.

The following concerns were identified at the Public Meeting:

- i) the traffic impact by the proposed day nursery use will add pressure to Major Mackenzie Drive, which would have negative effects on road safety;
- ii) concern that the on-site parking spaces may not be sufficient;
- iii) access to and from Mathewson Street would generate additional unwanted vehicular and pedestrian traffic;
- iv) concern how pick-up and drop-off would be carried out on site; and,
- v) concern with the potential of additional on-street parking on Mathewson Street.

The recommendation of the Committee of the Whole on April 20, 2009, to receive the Public Meeting report and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on May 5, 2009.

### **Ward 1 Subcommittee Meeting**

In order to resolve the issues, the Local Councillor (Ward 1) along with the Owner, met with the area residents on May 13, 2009, at a Ward 1 Subcommittee meeting. The following residents were in attendance:

- a) Rosalba Lofranco, 32 Doe Trail;
- b) Antonetta Borges, 54 Mathewson Street;
- c) Kathy Volpe, 45 Mathewson Street;
- d) Angela Edwards, 41 Mathewson Street;
- e) Mima Casola, 97 Mathewson Street;
- f) Robert Khoubian, 54 Carmel Street.
- g) Frank Partipico, 4 Sonny Court;
- h) Steve Piccotti, 9 Mathewson Street;
- i) Antoniette-Oreste Ferrone, 86 Mathewson Street;

## **Background - Analysis and Options**

The subject lands shown on Attachments #1 and #2 are located on the north side of Major Mackenzie Drive, between McNaughton Road and Killian Road in Part of Lot 21, Concession 4, municipally known as 2600 Major Mackenzie Drive, City of Vaughan. The surrounding land uses are shown on Attachment #2.

### **Official Plan**

The subject lands are designated "Low Density Residential" by OPA #350 (Maple Community Plan). OPA #350 permits day nursery uses throughout the community. The proposed day nursery use is permitted by the Official Plan.

### **Zoning**

The subject lands are zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(821). The proposed day nursery use is not permitted on the property, and therefore, a By-law amendment is required for the following, as shown on Attachments #3 and #4:

- a) to permit a day nursery use, and the two (2) associated outdoor play areas, as an additional use on the subject lands;
- b) to recognize the location of the existing buildings within two (2) building envelopes; and,
- c) require a minimum of 11 parking spaces on the property, of which 3 parking spaces are tandem.

The Development Planning Department supports the proposed day nursery use and garage within the two (2) building envelopes identified on Attachment #4. The day nursery use will provide an additional service to the residents of the Maple Community. The applicant intends to maintain the existing exterior conditions of the currently vacant designated historical building; however, the Maple Streetscape Committee and Cultural Services (Heritage Vaughan) review on changes to any elements or requirements to provide elements on the property will be required at the future site development review stage. Issues respecting parking and traffic are discussed below.

### **Parking and Traffic**

The Owner is providing a total of 11 parking spaces on the property, as shown on Attachment #3, which includes 5 spaces accessed from Major Mackenzie Drive (main parking area) and 6 spaces (staff parking only) accessed from Mathewson Street of which 3 are tandem parking spaces located within the separate garage building.

The Owner has submitted a parking study by Mark Engineering, dated March 20, 2009, that concluded there is sufficient parking room within and in front (north) of the existing garage to serve the staff parking demands. The study also concludes that the 5 parking spaces accessed from Major Mackenzie Drive is sufficient for the use and that there is sufficient room on the north end of the parking area for vehicles to turn around should parking become unavailable.

The Owner subsequently provided a parking and traffic study addendum report by Mark Engineering, dated May 27, 2009, which concluded that the potential conflicts between vehicles parking and unparking from the parking area off Major Mackenzie Drive and the queue of vehicles waiting to leave the site onto Major Mackenzie Drive will be few in number and relatively minor.

The Vaughan Engineering Department has reviewed the reports by Mark Engineering and concurs with the findings respecting the parking demand by the day nursery use. Respecting the traffic impact study, the Vaughan Engineering Department deferred their comments to the Region of York Transportation Services Department as Major Mackenzie Drive is a Regional right-of-way.

## Region of York Transportation Services

The Region of York was provided the following reports by Mark Engineering:

- 1) Parking and Circulation Study, dated March 20, 2009;
- 2) Parking and Circulation Study Addendum, dated May 27, 2009; and,
- 3) Traffic Impact Brief, dated June 12, 2009.

The Traffic Impact Brief was requested by the Region for the purposes of providing additional details on the traffic and trip generation of the proposed use. The brief compared the trip generation for a day nursery use, which is currently not permitted on the subject lands, with that of a private school use, which is currently permitted on the property in the R1 Residential Zone. The conclusion of the brief is that the trip generation rate for a day nursery use is the same or less than the trip generation for a private school use. The Region concurs with the conclusions of the June 12, 2009 Traffic Impact Brief and in a correspondence to the Development Planning Department on June 17, 2009, advised that the Region has no objections to the proposed day nursery use on the property, given that a similar private school use is currently permitted in the existing R1 Residential Zone.

## Landscaping

The Development Planning Department has reviewed the conceptual site plan on Attachment #3 for the proposed day nursery and conducted a site visit on May 11, 2009, and is concerned that there are no visual or noise buffering between the existing residence to the east (86 Mathewson Street) and outdoor play area #2. Though the Owner proposes a minimum 2.0 m wide landscape buffer between the institutional use and the residential use along the east property line, the existing grade differential between the two properties, with the subject lands being a approximately 0.6 m higher, would warrant a minimum 3.0 m wide buffer along the east property line abutting the outdoor play area #2, and a minimum 1.8 m high fence, of a material that will provide acoustic and visual screening, along the entire east property line of the subject lands. The Owner has been notified of this requirement and in a memorandum dated June 17, 2009, the Owner expressed interest to work with the Development Planning Department on the matters of providing additional landscaping and fence details that will facilitate the future site development review.

The Development Planning Department will require the Owner to provide shading for the outdoor play areas with the addition of a mix of medium to large deciduous and coniferous trees. The choice of vegetation for the buffer along the east property line will be reviewed at the site development stage and will incorporate plant species that would act both as noise and screening buffers, to the satisfaction of the Development Planning Department. Furthermore, the Owner will be required to substitute the proposed chain link fence surrounding the outdoor play areas with another material to be determined at the future site development review stage.

## Vaughan Cultural Services/Heritage Vaughan/Maple Streetscape

The Vaughan Cultural Services Division has no objection to the zoning application. Cultural Services has advised the Development Planning Department that the existing structure is designated under Part IV of the Ontario Heritage Act and Heritage Permit approval will be required for any changes to the building and property, including signage, fencing and landscaping. The Heritage Permit may be applied for after the Owner submits a site development application. Cultural Services further advises that chain link fences around the proposed outdoor play areas are not considered appropriate for this property and that they will work with the applicant to determine a more appropriate fencing material at the future site development stage. Any requirements of the Maple Streetscape Guidelines will also need to be addressed in the Site Plan submission for consideration by the Maple Streetscape Community Advisory Committee.

## **Relationship to Vaughan Vision 2020/Strategic Plan**

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

## **Regional Implications**

The Region of York Transportation Services Department has reviewed the zoning by-law amendment application and has no objection to the proposed day nursery as an additional use on the subject lands. The future site development application will be circulated to the Region of York for comments and the Owner will be required to comply with all Regional requirements.

## **Conclusion**

The Development Planning Department has reviewed the proposed Zoning By-law Amendment Application in accordance with OPA #350 (Maple Community Plan), By-law 1-88, the comments from City Departments and external public agencies, the local residents, and the area context. The Development Planning Department is satisfied that the proposed development to permit a day nursery as an additional use within the existing "Jacob Rupert House", with two associated outdoor play areas, and 11 parking spaces is compatible with the existing and permitted uses in the surrounding area. The details to implement the proposal with respect to parking, landscaping, fencing, signage, among other matters, will be addressed through a separate Site Plan application, which the applicant must submit. The Development Planning Department can support the approval of the Zoning By-law Amendment Application, subject to the recommendations in this report.

## **Attachments**

1. Context Location Map
2. Location Map
3. Conceptual Site Plan
4. Proposed Building Envelopes

## **Report prepared by:**

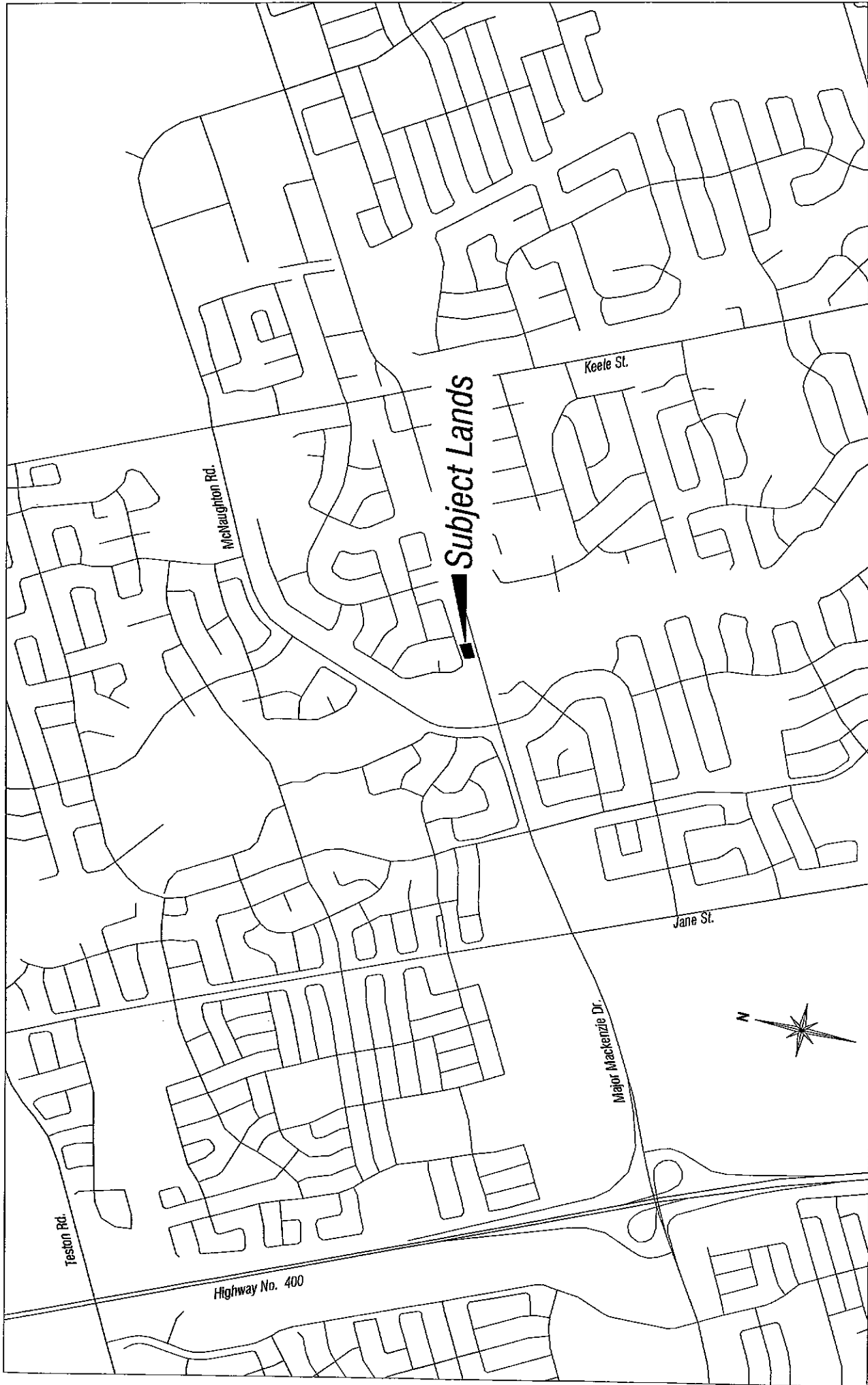
Stephen Lue, Planner, ext. 8210  
Carmela Marrelli, Senior Planner, ext. 8791  
Mauro Peverini, Manager of Development Planning, ext. 8407

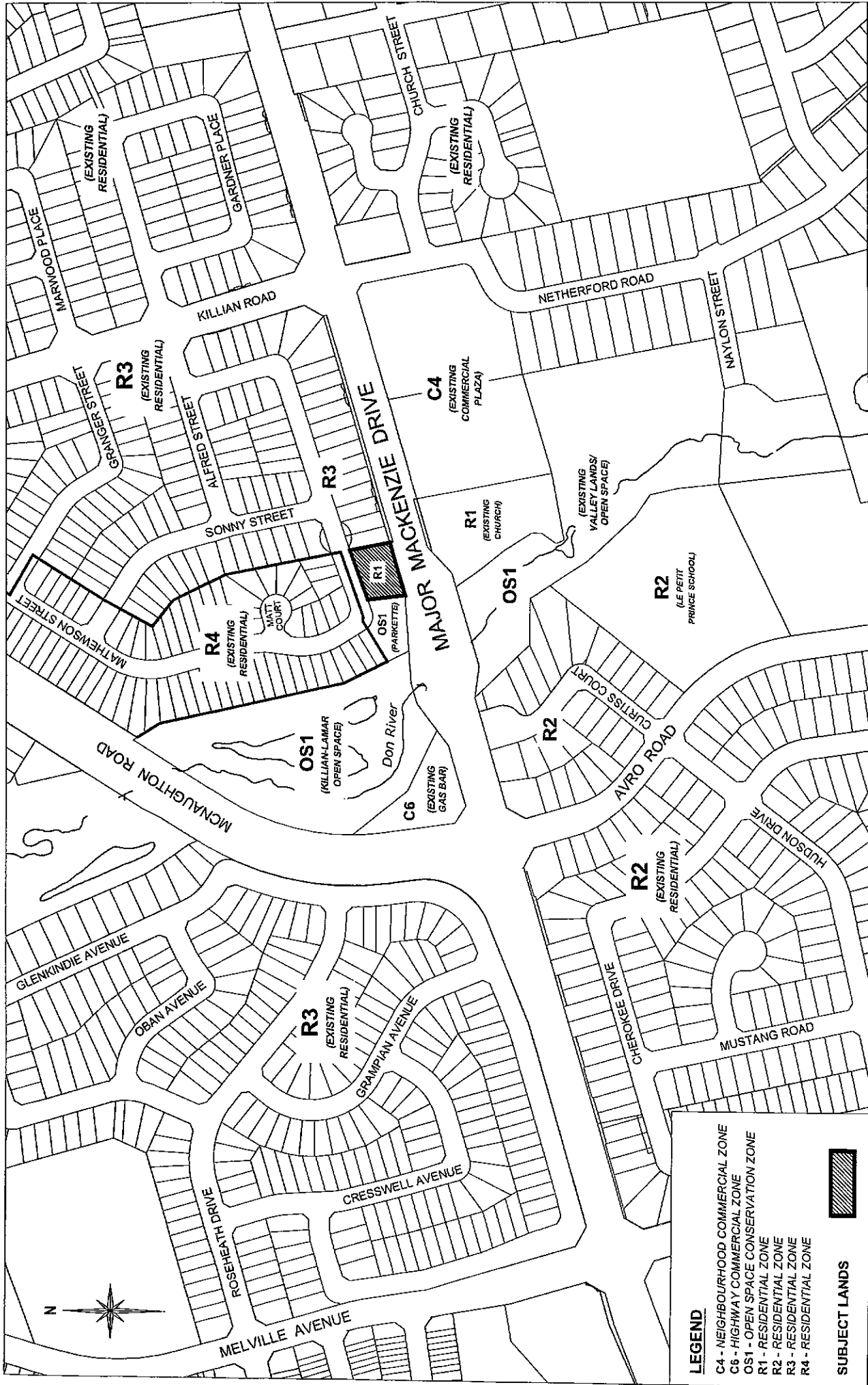
Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEVAMA  
Director of Development Planning

/LG





# Location Map

Location:  
Part of Lot 21, Concession 4

Applicant:  
TONLU HOLDINGS LTD.

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Development Planning Department

Attachment

FILE NO.:  
Z.09.010

Date:  
June 19, 2009

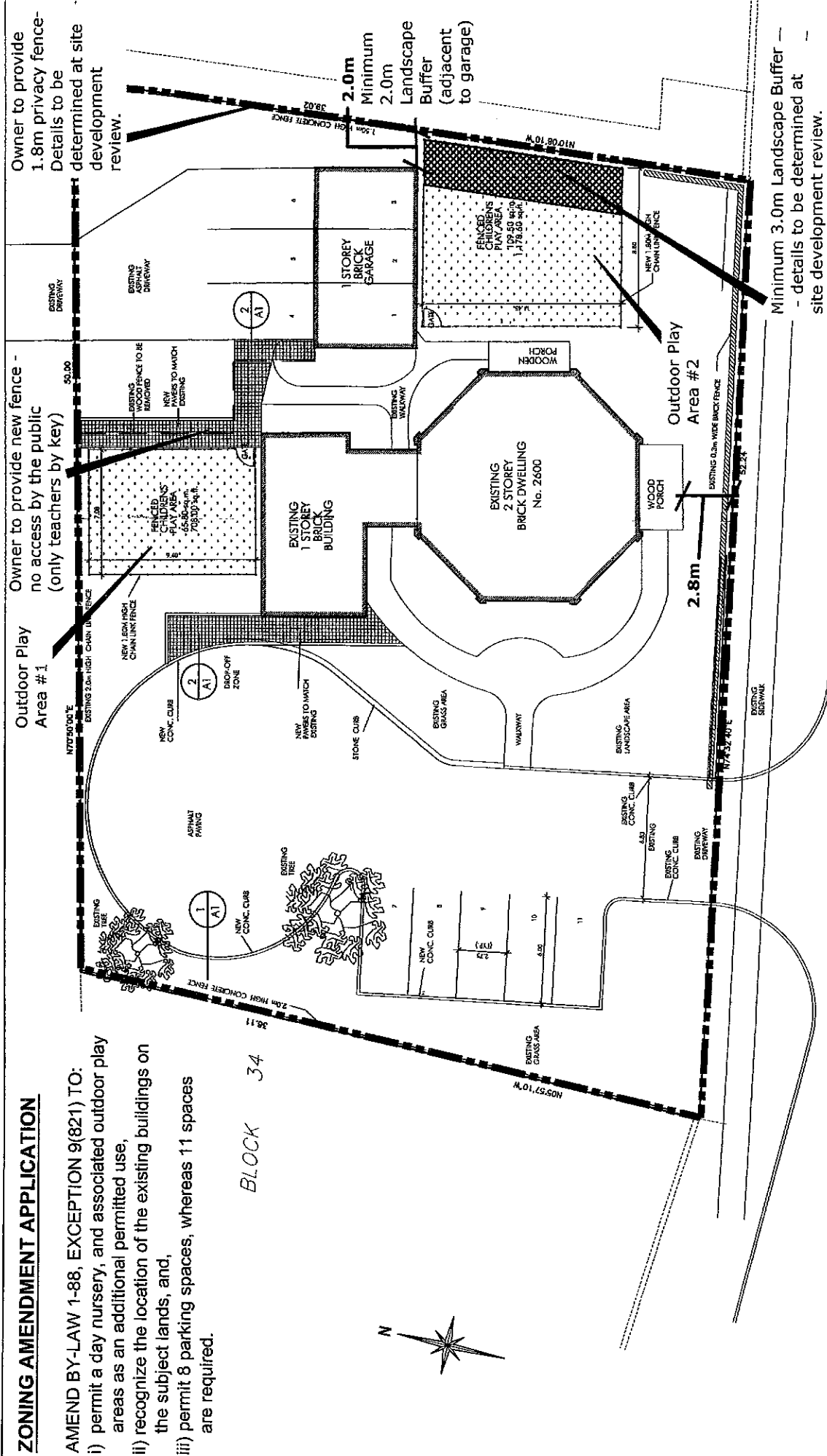
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### ZONING AMENDMENT APPLICATION

AMEND BY-LAW 1-88, EXCEPTION 9(821) TO:

- i) permit a day nursery, and associated outdoor play areas as an additional permitted use,
- ii) recognize the location of the existing buildings on the subject lands, and,
- iii) permit 8 parking spaces, whereas 11 spaces are required.

BLOCK 34



Owner to provide 1.8m privacy fence - Details to be determined at site development review.

Outdoor Play Area #1 - no access by the public (only teachers by key)

Minimum 3.0m Landscape Buffer - details to be determined at site development review.

2.0m Minimum Landscape Buffer (adjacent to garage)

----- SUBJECT LANDS

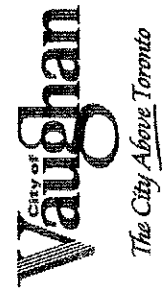
MAJOR MACKENZIE DRIVE WEST

### Conceptual Site Plan

Location:  
Part of Lot 21, Concession 4

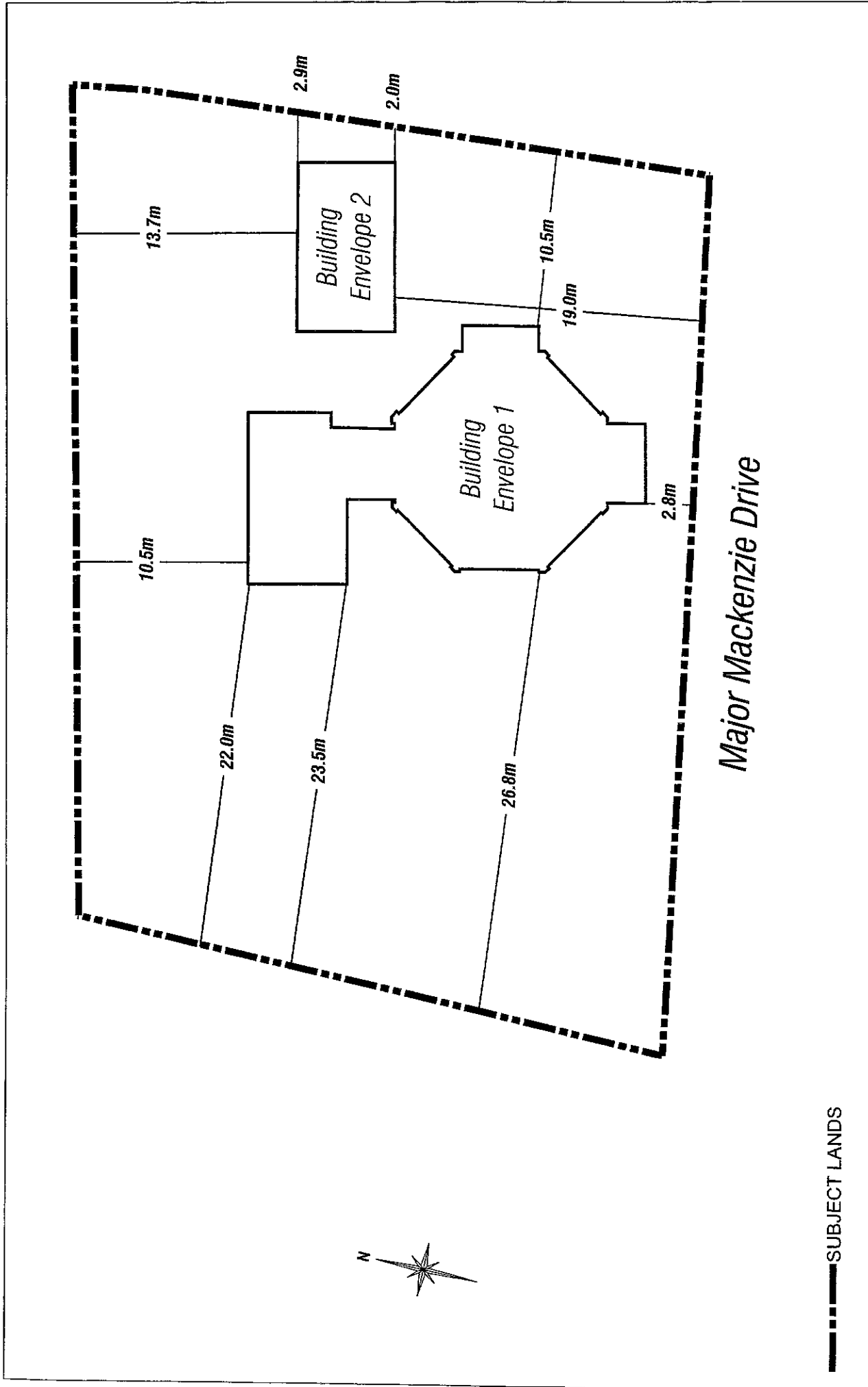
Applicant:  
TONLU HOLDINGS LTD.,

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Development Planning Department





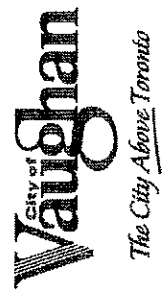
Major Mackenzie Drive

— — — — — SUBJECT LANDS



# Proposed Building Envelopes

Location:  
Part of Lot 21, Concession 4  
Applicant:  
TONLU HOLDINGS LTD. .  
N:\APTY\1 ATTACHMENTS\2-09.010.dwg



Development Planning Department

Attachment

FILE No.:  
Z.09.010

Date:  
June 19, 2009

4