

COMMITTEE OF THE WHOLE JUNE 1, 2010

ZONING BY-LAW AMENDMENT FILE Z.09.014 1620144 ONTARIO LTD. (THE MAPLE GROUP) WARD 1

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.014 (1620144 Ontario Ltd.) BE APPROVED, to amend the building envelopes shown on Attachment #4, in the manner shown on Attachment #5, and to permit the site-specific exceptions to the RM2(H) Multiple Residential Zone of By-law 1-88 as identified in Table 1, to facilitate the development of 21 block townhouse units, 16 live/work stacked townhouse units, and the preservation of 2 heritage homes, for a total of 39 residential and live/work units, and to permit the following ground floor uses in building envelopes "A", "B", "C", "H" and "I" as shown on Attachment #5:
 - a) Business or Professional Office;
 - b) Retail Store;
 - c) Convenience Retail Store;
 - d) Personal Service Shop;
 - e) Photography Studio;
 - f) Service or Repair Shop;
 - g) Health Centre;
 - h) Eating Establishment - Convenience with an accessory Outdoor Patio; and,
 - i) Eating Establishment - Take-Out with an accessory Outdoor Patio.

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 September 4, 2009, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. In accordance with the City of Vaughan "Notice Signs Procedures and Protocols", effective April 6, 2009, the Owner installed four (4) notice signs on the property along Major Mackenzie Drive, Keele Street, Church Street, and Jackson Street.

The Public Hearing was held on September 29, 2009 and considered amendments to the site-specific RM2(H) Multiple Residential Zone provisions of Exception 9(1118) of By-law 1-88, to permit 38 (including 16 live-work units) townhouse units, and the preservation of 2 heritage homes, for a total of 40 residential units.

Comments were received from the area residents and people in attendance at the September 29, 2009 Public Hearing. In particular, the following deputations were received:

- i) Mr. Brock Hansler, 23 Naylon Street;
- ii) Mr. Guy Rizzo, 22 Jackson Street;
- iii) Mr. Walter Zanutel, 8 Welton Street;
- iv) Mrs. Mary Cavicchia, 18 Jackson Street;

- v) Ms. Gabrielle Mair, 20 Church Street;
- vi) Mr. Isabelle Crisante, 20 Church Street; and,
- vii) Mr. Tony Nardone and Ms. Antonette Nardone.

The following concerns were identified at the Public Hearing:

Building Setbacks

- i) The proposed reduced building setbacks would change the character of the existing neighbourhood.

Parking and Traffic

- i) The parking on the subject lands would not be enough to facilitate the proposed commercial uses, which would result in unwanted on-street parking along Church Street and Jackson Street; and,
- ii) Church Street, between Keele Street and Jackson Street, is currently a one-way (eastbound) street, however, this stretch of Church Street has a propensity of two-way traffic given its proximity to Keele Street, which would be further exacerbated with the development proposal.

Architecture and Heritage Homes

- i) the architecture of the development proposal should be of a high calibre; and,
- ii) the two existing heritage homes on the subject lands should be relocated to allow for a proper comprehensive plan as the homes would not be maintained to the standards of the new development.

The recommendation of the Committee of the Whole on September 29, 2009, 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 October 13, 2009. In addition, Council resolved that a separate meeting be held with the local residents to address their concerns. The meeting was arranged by the Local Ward 1 Councillor and was held on November 12, 2009. At the meeting, the updated conceptual building elevations, shown on Attachment #6 were presented to the residents, in particular, Mr. Walter Zanutel, 8 Welton Street, Maple, ON. Additional commercial uses were contemplated for the subject lands, recognizing its significance in the Village of Maple core area. The applicant agreed to work with the Development Planning Department to determine the appropriate additional commercial uses for the subject lands. In a memorandum dated November 26, 2009, the Owner of 8 Welton Street stated he had no issues or concerns with the design concepts.

Purpose

The Owner has submitted a Zoning By-law Amendment Application, File Z.09.014 [1620144 Ontario Ltd. (The Maple Group)] for the subject lands shown on Attachments #1 and #2, to amend the current approved building envelopes shown on Attachment #4, in the manner shown on Attachment #5, which would facilitate the development of 21 block townhouse units, 16 live/work stacked townhouse units, and the preservation of 2 heritage homes, for a total of 39 residential and live/work units, and to permit the following ground floor uses:

- a) Business or Professional Offices;
- b) Retail Store;
- c) Convenience Retail Store;
- d) Personal Service Shop;
- e) Photography Studio;
- f) Service or Repair Shop;

- g) Health Centre; and,
- h) Eating Establishment - Convenience with an accessory Outdoor Patio;
- i) Eating Establishment - Take-Out with an accessory Outdoor Patio; and,

to permit the following zoning exceptions to the RM2(H) Multiple Residential Zone of By-law 1-88:

Table 1:

	By-law Standard	By-law 1-88 Requirement RM2 Zone - Exception 9(1118)	Proposed Exception to RM2 Zone – Exception 9(1118)
a)	Building Setbacks	Approved Building Envelopes, as shown on Attachment #4	New Building Envelopes, as shown on Attachment #5
b)	Commercial Uses	1,670 m ² of ground floor commercial uses along Major Mackenzie Drive and Keele Street, including bank, business or professional office, personal service shop, photography studio, retail store, and service or repair shop uses, with residential units above	16 live-work units with a total of 657.4m ² of ground floor commercial area along Major Mackenzie Drive and Keele Street for: a) Business or Professional Offices; b) Retail Store; c) Convenience Retail Store; d) Personal Service Shop; e) Photography Studio; f) Service or Repair Shop; g) Health Centre; h) Eating Establishment - Convenience with an Outdoor Patio; i) Eating Establishment - Take-Out with an Outdoor Patio.
c)	Parking	Commercial Uses: 4.5 spaces/100m ² GFA; Residential Uses: 1.75 spaces/unit for Building Envelopes "A" and "B" and 2 spaces/unit for Building Envelopes "C" and "D", shown on Attachment #4	Provide a Minimum of 76 parking spaces
d)	Building Heights	9.0m and 3 storeys (Building Envelopes "A" and "B") and 7.0m and 2 storeys (Building Envelopes "C" and "D" as shown on Attachment #4	Maximum 11.8m (Building Envelopes "A", "B", and "C") and Maximum 10.5m (Building Envelopes "D", "E", "F", and "G") as shown on Attachment #5

Background - Analysis and Options

The 0.85 ha property, shown on Attachments #1 and #2, is bound by Major Mackenzie Drive to the north, Keele Street to the east, Church Street to the south, and Jackson Street to the west

(municipally known as 9964 and 9980 Keele Street; 2269, 2273, 2279, and 2285 Major Mackenzie Drive; 8, 10, and 12 Church Street; and 1 Jackson Street), in Part of Lot 20, Concession 4, City of Vaughan.

Proposed Conceptual Site Plan

The proposed conceptual site plan, shown on Attachment #3, is situated within the core of the Village of Maple Heritage Conservation District. The primary access to the property will be at Jackson Street with a secondary access from Church Street. Church Street is a one-way eastbound street that exits to Keele Street.

The Owner proposes live-work units (Building Envelopes "A", "B", "C", "H" and "I" on Attachment #5) along Keele Street and Major Mackenzie Drive with ground floor commercial uses including business or professional office, retail store, convenience retail store, personal service shop, photography studio, service or repair shop, health centre, and eating establishment – take-out and eating establishment-convenience, both with outdoor patios, as shown on Attachment #3. The uses will be served by outdoor patios and lay-by parking spaces along Keele Street and Major Mackenzie Drive. The buildings will be a maximum of 11.8m (three-storeys in height with a fourth storey within the roof line for amenity spaces only, i.e. access to roof top terraces). The heritage buildings within Building Envelopes "H" and "I" on Attachment #5 will be preserved for residential uses with the option of ground floor business or professional office uses, and eating establishment- convenience use in Building Envelope "H" only.

The units located in Building Envelopes "D", "E" and "F" will be strictly for residential uses with a maximum building height of 10.5m (3-storeys) at a height and scale that will be compatible with the existing surrounding residences. Vehicle access to these units will be from the interior of the property.

Building Envelope "G" is proposed at the centre of the site, with 6 residential units fronting onto an internal parkette, which also forms part of a linear pedestrian connection from Church Street to Major Mackenzie Drive. Twenty-two additional parking spaces are located internal to the property.

The Owner will be required to submit a future Site Development Application for Council's approval to ensure appropriate built form, building elevations, materials, urban design features, lay-by parking spaces, and access. The Owner's site plan must comply with the Maple Heritage Conservation District Plan and the Maple Streetscape Urban Design Guidelines.

Official Plan and Zoning

The property is designated "Maple Commercial Core Area" by OPA #350 (Maple Community Plan), as amended by OPA #556, which permits the development proposal.

The property is zoned RM2(H) Multiple Residential Zone with the Holding Symbol "H" by By-law 1-88, subject to Exception 9(1118). The proposal shown on Attachment #3 does not comply with the approved building envelopes in Exception 9(1118) as shown on Attachment #4, and the proposed additional commercial uses are not permitted, therefore a Zoning By-law Amendment is required. The merits of the proposal are discussed in the Planning Justification section of this report.

Planning Justification

Below is the planning justification for the development proposal in accordance with Table 1: Proposed Zoning Exceptions, of this report.

a) Building Setbacks

The Owner proposes to revise the approved building envelopes shown on Attachment #4 in the manner shown on Attachment #5. The proposed smaller building envelopes will provide permeability into the subject lands, which will allow for safer pedestrian connectivity compared with the approved building envelopes. The overall development proposal will be less intense than the original approved conceptual plan, which pays homage to the existing surrounding established neighbourhood and respects the need by the City to create a vibrant core area in the Village of Maple with thriving businesses.

b) Commercial Uses

At the September 29, 2009 Committee of the Whole (Public Hearing), the Development Planning Department reported that the Owner proposed commercial uses of 485 m² along Major Mackenzie Drive and Keele Street for business or professional office uses only. As this development proposal is situated in the core of the Maple Village area, the Owner intends to increase the potential for ground floor commercial uses from 485 m² to 657.4 m². The following additional commercial uses are contemplated in this development proposal and would encourage the pedestrianization of the core area:

Table 2: Proposed Uses Per Building Envelope

Building Envelope	Floor	Proposed Commercial Area or Residential Area	Uses Proposed at Public Hearing	Additional Uses Proposed after Public Hearing
A, B, C	Ground	485.3 m ²	<ul style="list-style-type: none"> Business or Professional Office 	<ul style="list-style-type: none"> Retail Store Convenience Retail Store Personal Service Shop Photography Studio Service or Repair Shop Health Centre Eating Establishment-Convenience and Take-Out with an accessory Outdoor Patio
	Second Third	2,689.7 m ² (16 units)	<ul style="list-style-type: none"> Residential 	<ul style="list-style-type: none"> Residential
D, E, F, G	Ground Second Third	4,113.5 m ² (21 units)	<ul style="list-style-type: none"> Residential 	<ul style="list-style-type: none"> Residential
H	Ground	85.2m ²	<ul style="list-style-type: none"> Residential 	<ul style="list-style-type: none"> Residential Business or Professional Office Eating Establishment-Convenience with an accessory Outdoor Patio
	Second	85.2m ² (1 unit)	<ul style="list-style-type: none"> Residential 	<ul style="list-style-type: none"> Residential
I	Ground	86.9m ²	<ul style="list-style-type: none"> Residential 	<ul style="list-style-type: none"> Residential Business or Professional

Table 2: Proposed Uses Per Building Envelope

Building Envelope	Floor	Proposed Commercial Area or Residential Area	Uses Proposed at Public Hearing	Additional Uses Proposed after Public Hearing
				Office
	Second	86.9m ² (1 Unit)	▪ Residential	▪ Residential
Total Ground Floor Commercial Area			485 m²	657.4 m²

In consultation with the Owner, the Development Planning Department can support the proposed uses identified in Table 2 for the proposed building envelopes shown on Attachment #5 with the following provisions for the purposes of the implementing zoning by-law:

- i) the "Eating Establishment – Take-Out" definition as it pertains to Building Envelopes "A", "B" and "C", will not require any seating;
- ii) "Outdoor patios" will be permitted as accessory uses to the Eating Establishment – Take-Out and Eating Establishment - Convenience uses. Furthermore, exceptions will be provided to permit outdoor patios in a yard between the building containing the main eating establishment and a residential zone. This would allow for outdoor patio uses within the interior of the property, as shown at Building Envelope "H" on Attachment #5;
- iii) Drive-through facilities accessory to an Eating Establishment are not considered appropriate and shall be prohibited;
- iv) Eating Establishment uses shall be limited to 20% of the total GFA of the ground floor commercial area, as concurred in writing by the applicant on May 12, 2010;
- v) the "Service or Repair Shop" definition will include only the servicing or repairing of small household appliances and home computers; and,
- vi) the office of a Regulated Health Professional and Veterinarian will be excluded from the definition of "Business or Professional Office."

Given the small sizes of the ground floor commercial units in Building Envelopes "A", "B", and "C", it is reasonable to exclude the maximum 24 seating requirement from the Eating Establishment – Take-Out definition from a business operational stand point. This is further argued as outdoor patio uses will be permitted as accessory uses to an eating establishment use and will be exempt from Vaughan's By-law 1-88 parking standards. This would encourage the use of outdoor patios, which are used partially during the year, and contribute to the pedestrianization of the Major Mackenzie Drive and Keele Street. The outdoor patio use and walkability of the development proposal will enhance the human-scale that is consistent to the intent of the Maple Village core area.

With respect to compatibility of the proposed commercial and residential uses and the surrounding area, the Owner concurs with the Development Planning Department that the definition of "Service or Repair Shop" will only include the servicing or repairing of small household appliances and home computers. Furthermore, an office of a Regulated Health Professional and Veterinarian will be excluded from the definition of "Business or Professional

Office" due to the incompatibility of veterinary services with residential uses and the potential for high parking generation for a Regulated Health Professional use resulting from waiting times by patients.

c) Parking

The Owner, in a meeting with the Development Planning Department, on November 26, 2009 proposed the additional commercial uses identified in Table 2 subject to a revised parking study. The development proposal will require the following parking spaces based on Vaughan's By-law 1-88 parking standards:

Table 3: Parking Standards		
	Residential Use	Commercial Uses
By-law 1-88 Parking Standards	1.5 spaces per unit + 0.25 spaces per unit (visitor)	6 spaces per 100 m ² Gross Floor Area
Required Parking Spaces	69 (including 10 visitors)	40
Total Required Parking Spaces	109	
Total Provided Parking Spaces	76	

The development proposal is deficient 33 parking spaces. The Region of York has no objection to lay-by parking spaces along Major Mackenzie Drive and Keele Street. Though such spaces cannot be considered part of the provided parking, the Owner proposes 10 lay-by spaces as shown on Attachment #3. The Owner has provided a parking study by Mark Engineering, dated May 12, 2010, supporting the reduction in parking from 109 spaces to 76. The Vaughan Engineering Department concurs with the findings of the Parking Study.

d) Building Heights

The Owner proposes to increase the building heights from the previously approved conceptual plans from 9.0m and 3 storeys to 11.8m (3-storeys plus 4th-storey in the roof) along Keele Street and Major Mackenzie Drive, and 7.0m and 2 storeys to 10.5m (3-storeys) along Church Street and Jackson Street. The overall increases to the building heights can be supported by the Development Planning Department for the following reasons:

- i) the overall development proposal is less dense than the previously approved proposal;
- ii) the proposed heights are in keeping with the 11.8m maximum building heights of the Village of Maple Heritage Conservation District Plan;
- iii) the increase in building heights are generally compatible with the existing residential uses in the surrounding area, while recognizing the importance of creating a higher calibre and denser village core area; and,
- iv) the smaller building envelopes, compared to the previously approved building envelopes, will provide visual permeability through the subject lands from the surrounding area, which will offset the taller building heights.

The Development Planning Department can support the revisions to the previously approved development proposal as the current proposal is within the core area of the Maple Village and is central to public transit. The Owner also proposes to maintain 2 existing heritage homes, which have been incorporated into the design of the site. The proposed commercial uses have the

potential of being neighbourhood amenities. The overall development proposal is conducive to creating a pedestrian oriented streetscape environment that contributes to the Maple Village core.

Heritage Vaughan

The subject lands are located within the Village of Maple Heritage Conservation District and have been designated under Part V of the Ontario Heritage Act since December 2007. Any proposed changes to the properties, including exterior alterations, additions or demolition will require at the site plan stage the approval of a Heritage Permit application, in accordance with the Village of Maple Heritage Conservation District Plan.

At the June 16, 2009 Heritage Vaughan Committee, the Cultural Services Division recommended the following:

- "1. That, Heritage Vaughan receive and support Cultural Services staff comments to be provided to the Development Planning Department regarding the applicant's proposal to amend the City of Vaughan Zoning By-law for the subject lands.*
- 2. That, Heritage Vaughan direct Cultural Services to continue to work with the applicant in order to obtain all information required to understand the full effect of the proposed development upon the Village of Maple Heritage Conservation District, its Statement of Heritage Value and its Statement of Heritage Attributes, as per the Background and Analysis sections of this staff report.*
- 3. That Heritage Vaughan direct Cultural Services staff to request from the property owner access to the existing buildings on the subject lands in order to determine a clearer assessment of the current physical condition and cultural heritage value or interest of the properties identified in the Village of Maple Heritage Conservation District Plan and in Zoning By-law Amendment 282-2001 [By-law Exception Number 9(1118)] as "heritage buildings". Specifically, these properties are: 1 Jackson Street; 8 and 10 Church Street; 9980 Keele Street; 2279, 2285 and 2291 Major Mackenzie Drive.*
- 4. That, Cultural Services continue to work with the applicant on the design of the proposed new construction of the proposal in order to bring the design proposal into compliance with the Village of Maple Heritage Conservation District Plan, its Policies and Design Guidelines."*

The Development Planning Department and the Cultural Services Division will continue to work with the Owner on matters including, but not limited to the site plan, building elevations, and materials at the future site plan application stage, which will also require consideration by the Maple Streetscape Committee at that time.

Vaughan Engineering

The Vaughan Engineering Department has reviewed the Zoning By-law Amendment Application and has commented that the following, but not limited, will be required to be submitted by the Owner: stormwater management plans, sanitary/water servicing plan, grading plans, noise study, functional servicing report, and external lighting plans, which will be reviewed at the site plan stage, to the satisfaction of the Engineering Department.

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 subject lands are located on the west side of Keele Street and on the south side of Major Mackenzie Drive, which are Regional Roads. The Region of York Transportation Services Department has been circulated the development proposal and has no objections in principle. The Region of York is protecting for a 30 m right-of-way for this section of Keele Street and Major Mackenzie Drive, measured 15m from the centreline of construction, a 6m by 6m day light triangle at the north west corner of Church Street and Keele Street, and a 1.5m protection from the existing property line in front of the heritage building, municipally known as 9980 Keele Street, as shown on Attachment #3. The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department, including the execution of a future Regional Site Plan Agreement.

Conclusion

The Zoning By-law Amendment has been reviewed in accordance with OPA #350 (Maple Community Plan), as amended by OPA #556, By-law 1-88, comments from City Departments and external agencies, and the area context. The Development Planning Department is satisfied that the proposed development for 21 townhouse units, 16 live/work stacked townhouses, the preservation of 2 heritage homes, the amendments to building height and parking, and for the additional commercial uses is appropriate and compatible with the existing and permitted uses in the surrounding area within the Heritage Conservation District of the Village of Maple core. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.09.014, subject to the conditions and recommendations of this report.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan
4. Approved Building Envelopes
5. Proposed Building Envelopes
6. Conceptual Building Elevations

Report prepared by:

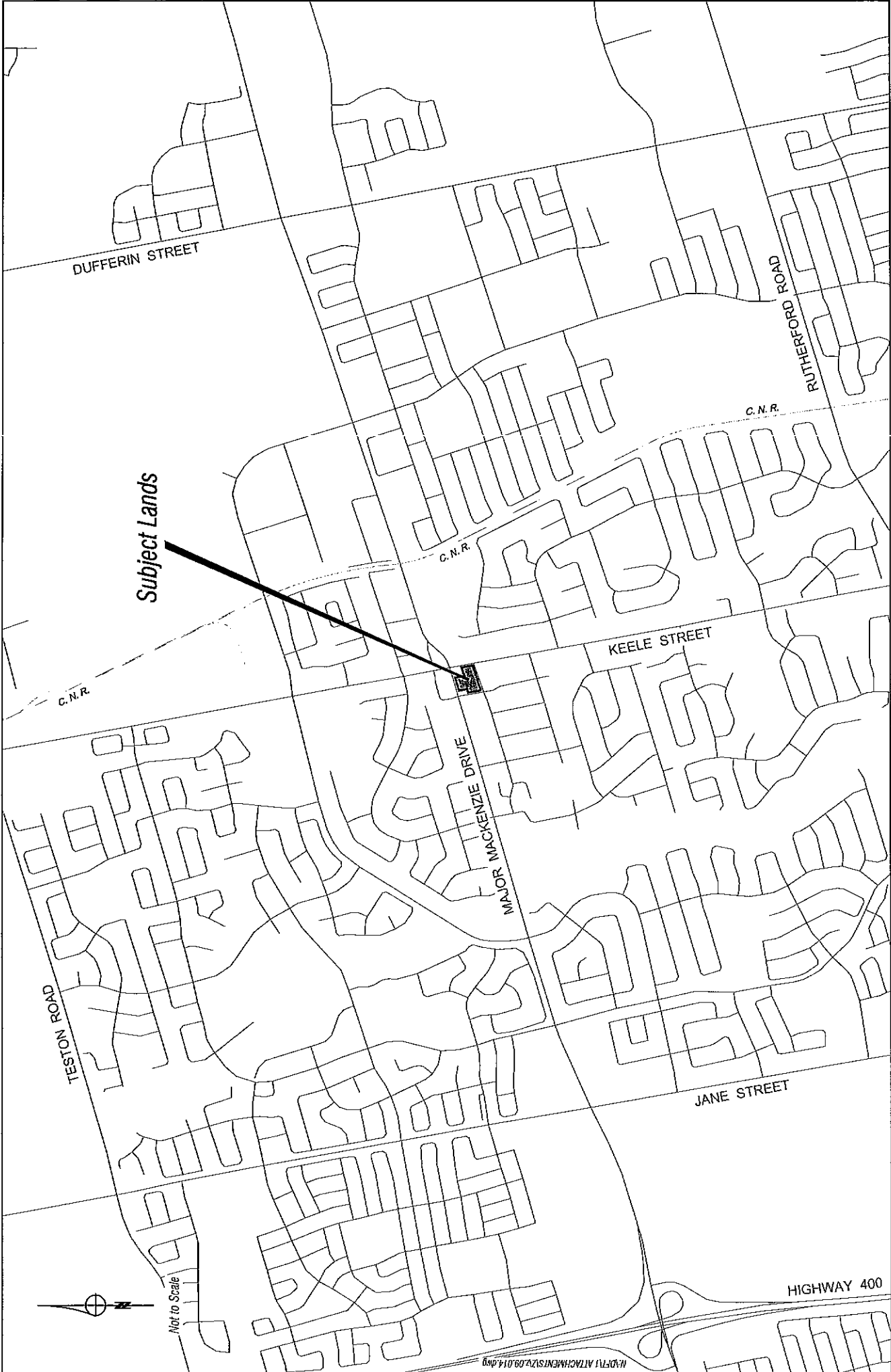
Stephen Lue, Planner, ext. 8210
Christina Napoli, Acting Senior Planner, ext. 8483
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

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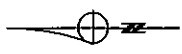
Context Location Map

City of Vaughan
The City Above Toronto
Development Planning Department

Attachment 1

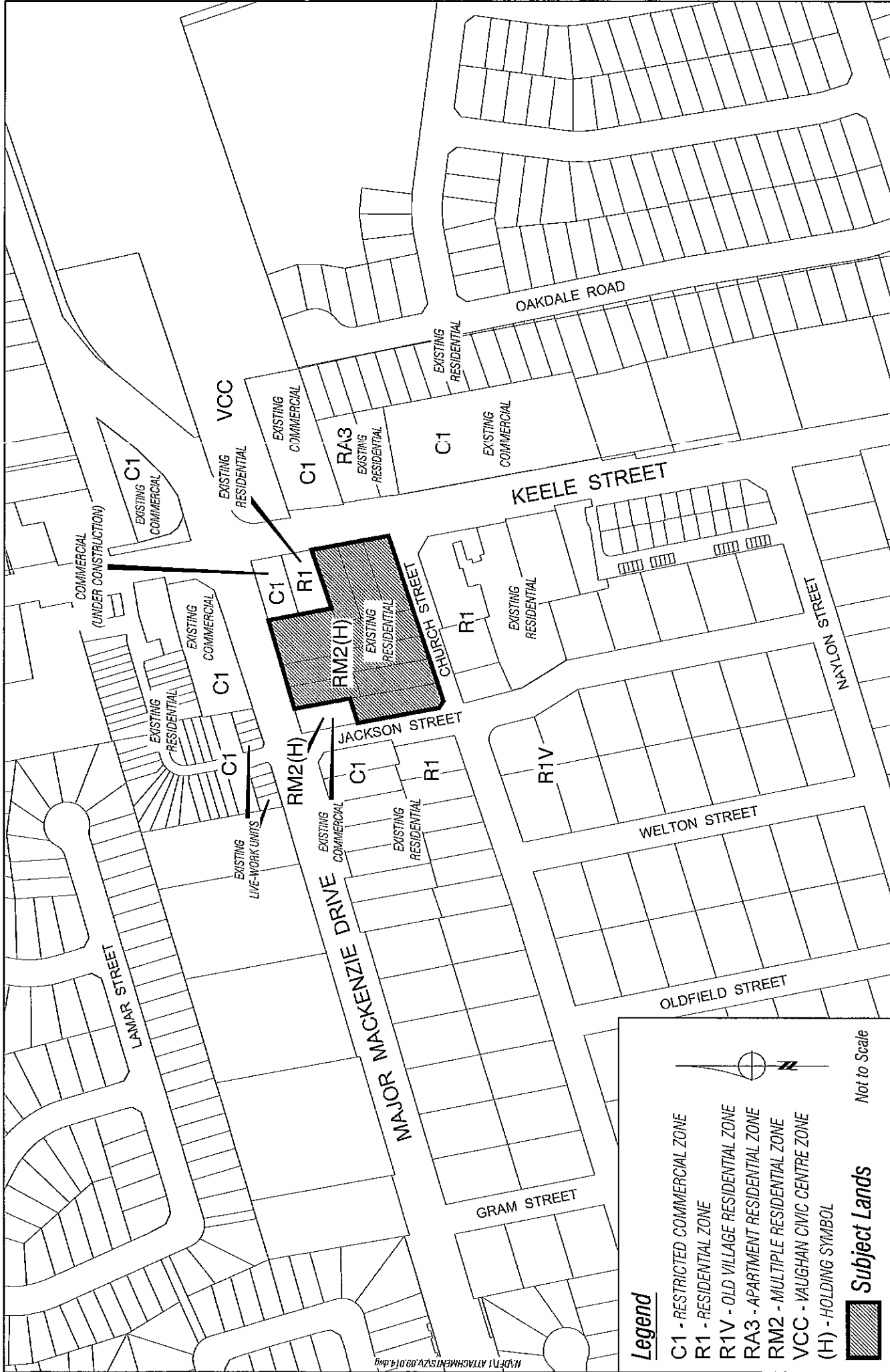
FILE: Z09.014
RELATED FILES: Z97.109, OP.97.026
DATE: May 12, 2010

LOCATION:
Part Lot 20, Concession 4
APPLICANT:
1620144 Ontario Ltd. (The Maple Group)




Not to Scale

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Legend

- C1 - RESTRICTED COMMERCIAL ZONE
- R1 - RESIDENTIAL ZONE
- R1V - OLD VILLAGE RESIDENTIAL ZONE
- RA3 - APARTMENT RESIDENTIAL ZONE
- RM2 - MULTIPLE RESIDENTIAL ZONE
- VCC - VAUGHAN CIVIC CENTRE ZONE
- (H) - HOLDING SYMBOL

 Subject Lands

Not to Scale

Location Map

LOCATION:
Part Lot 20, Concession 4

APPLICANT:
1620144 Ontario Ltd. (The Maple Group)



The City of Vaughan
Development Planning Department

Attachment

FILE: Z.09.014
RELATED FILES: Z.97.109, OP.97.026
DATE:
May 12, 2010

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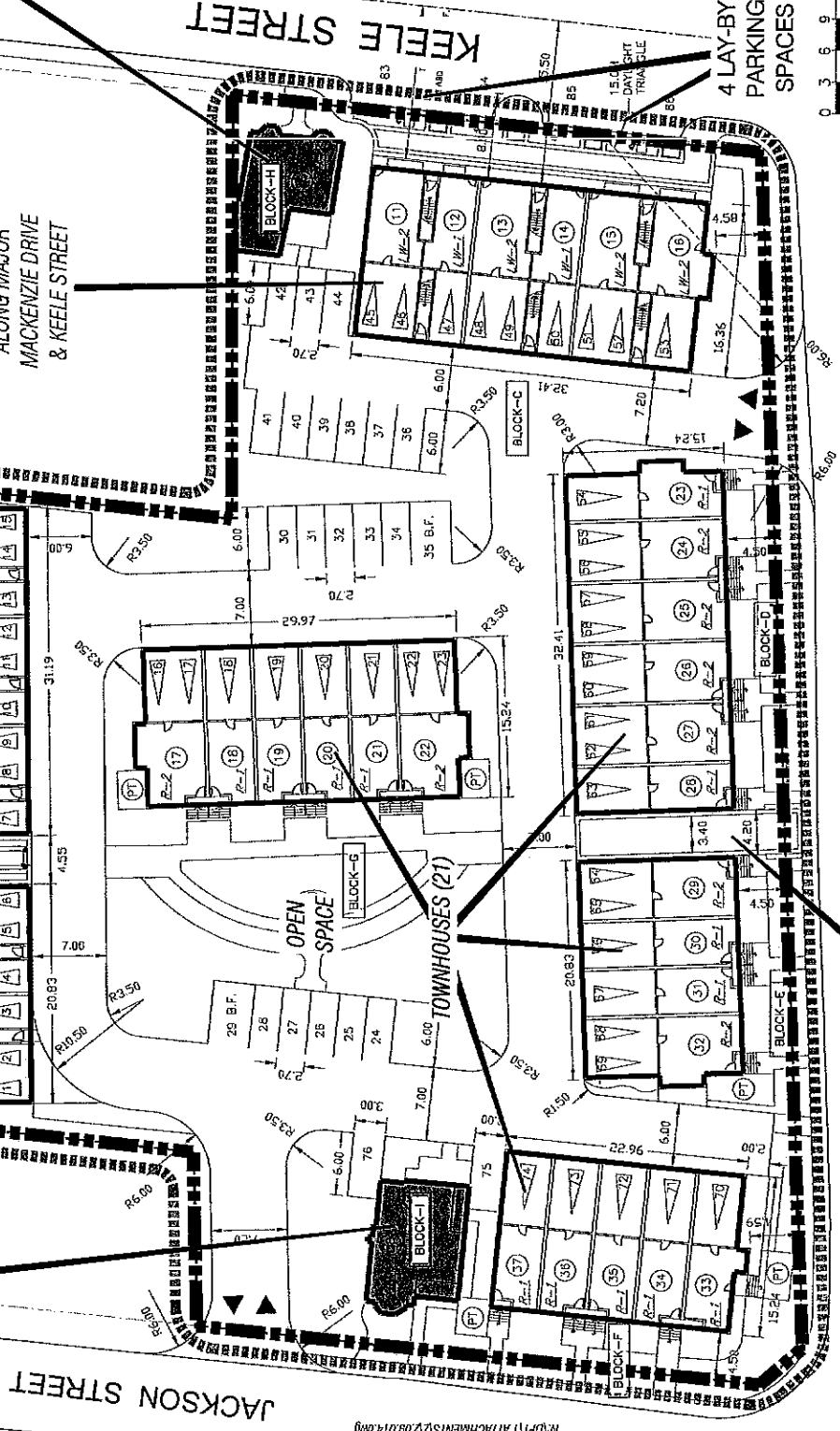
MAJOR MACKENZIE DRIVE

6 LAY-BY PARKING SPACES

HERITAGE HOUSE
TO BE PRESERVED
(9980 Keele Street)

HERITAGE HOUSE
TO BE PRESERVED
(1 JACKSON STREET)

PROPOSED (16)
LIVE-WORK UNITS
ALONG MAJOR
MACKENZIE DRIVE
& KEELE STREET



Subject Lands

Proposal:

To permit site-specific zoning exceptions to the RM2(H) Multiple Residential Zone to facilitate:

- 39 residential units, including 21 townhouse units, 16 live-work stacked townhouses, and the preservation of 2 heritage homes; and
- to permit the following ground floor commercial uses:
 - Business or Professional Offices;
 - Retail Store;
 - Convenience Retail Store;
 - Personal Service Shop
 - Service or Repair Shop
 - Health Centre;
 - Eating Establishment Convenience with an accessory Outdoor Patio; and,
 - Eating Establishment Take-Out with an accessory Outdoor Patio;
- amendments to the building envelopes; and
- increases to building heights-maximum 11.8m (building envelopes 'A', 'B', and 'C') and maximum 3 storeys and 10.5m (building envelopes 'D', 'E', 'F' and 'G').

Conceptual Site Plan

LOCATION:
Part Lot 20, Concession 4

APPLICANT:
1620144 Ontario Ltd. (The Maple Group)



Development Planning Department

Attachment

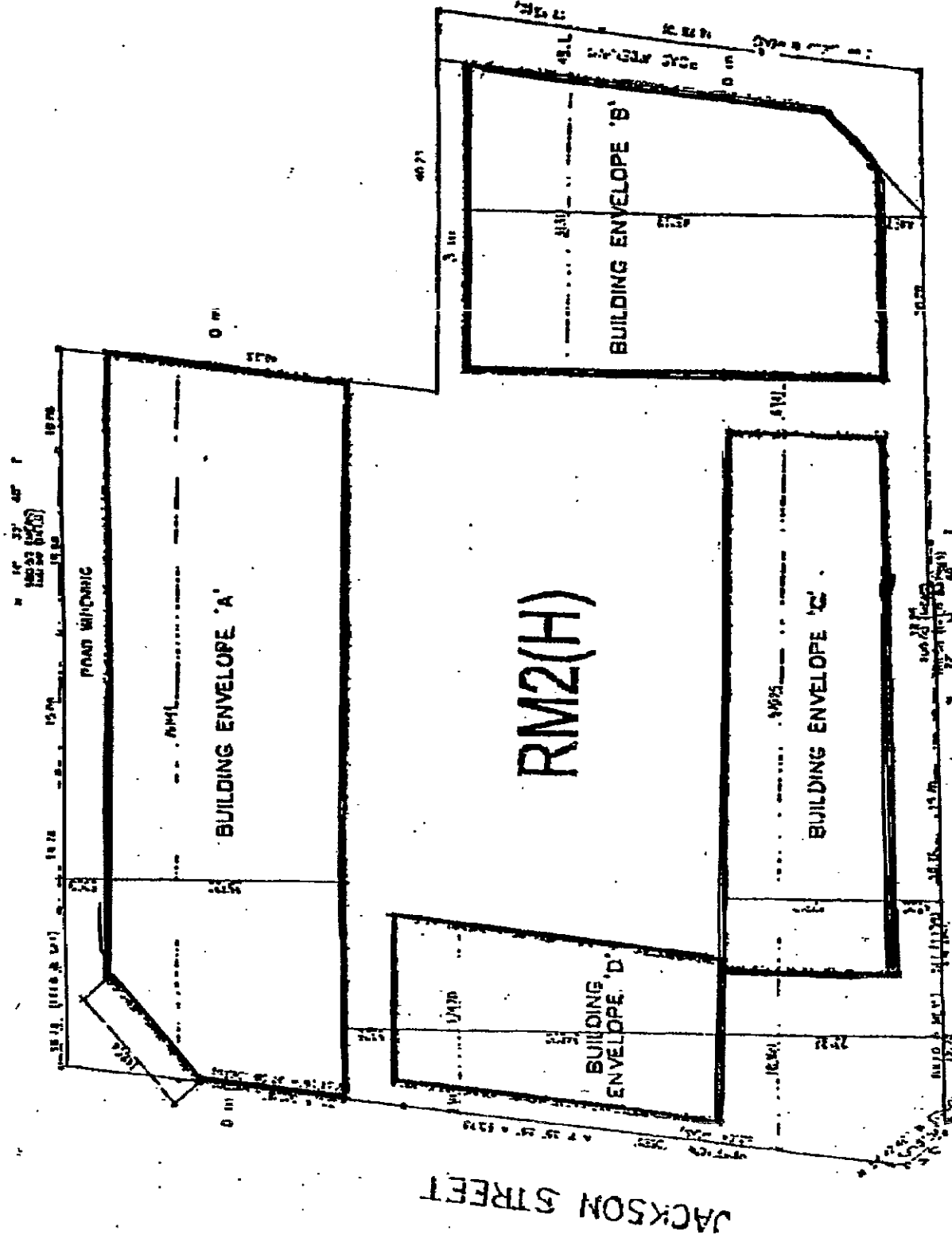
FILE: Z.09.014
RELATED FILES: Z.97.109, OP.97.026
DATE:
May 12, 2010

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Approved Building Envelopes

Location:
Part Lot 20, Concession 4

Applicant:
1620144 Ontario Ltd. (The Maple Group)



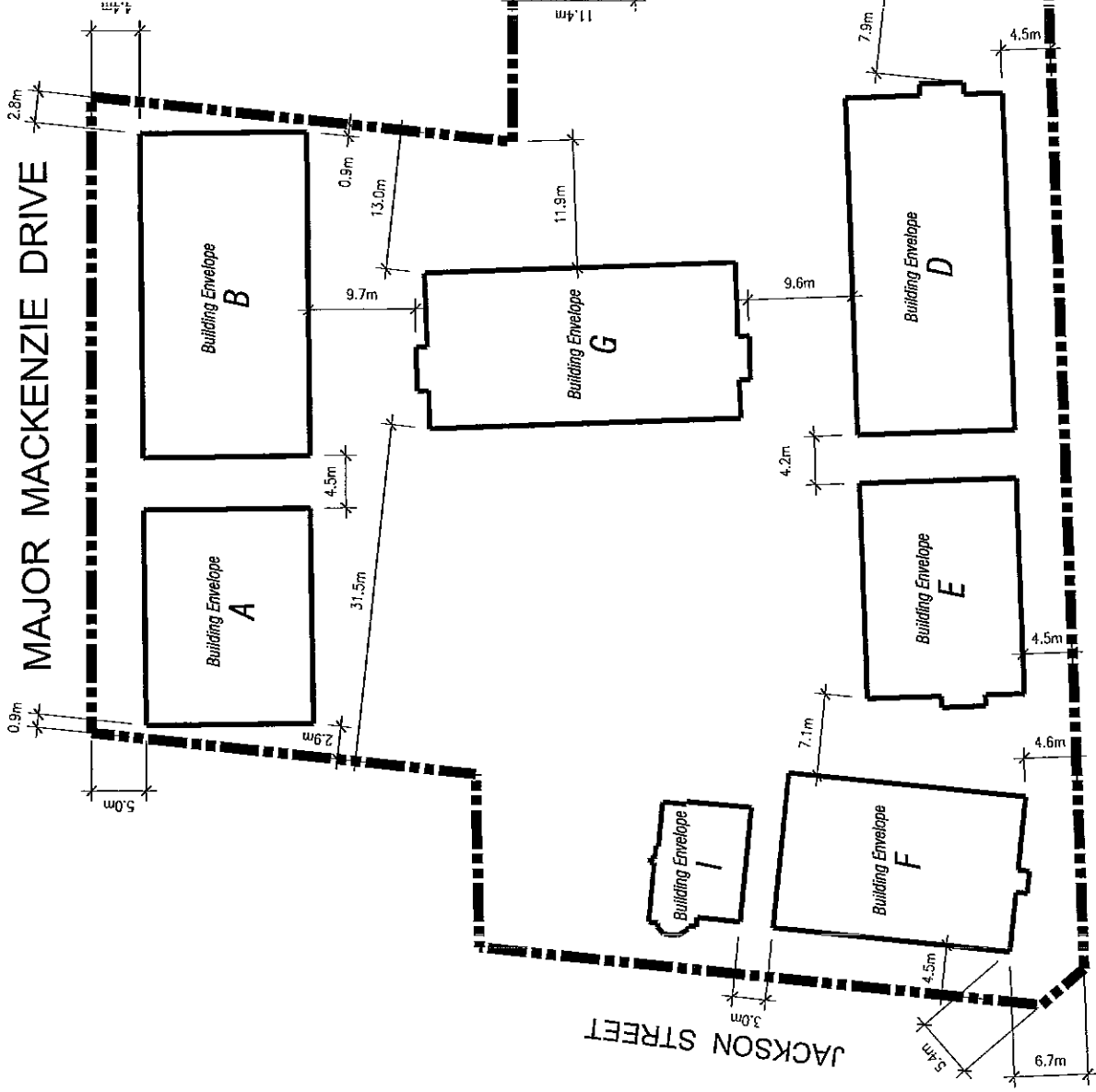
Development Planning Department

MAJOR MACKENZIE DRIVE

KEELE STREET

CHURCH STREET

JACKSON STREET



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Subject Lands

Proposed Building Envelopes



Development Planning Department

Attachment

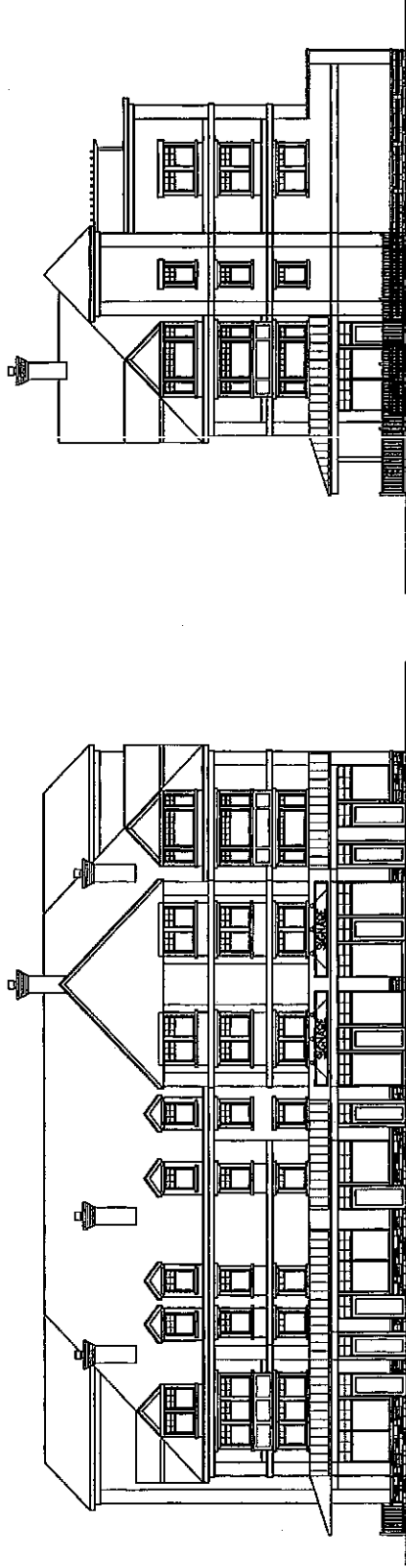
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May 12, 2010

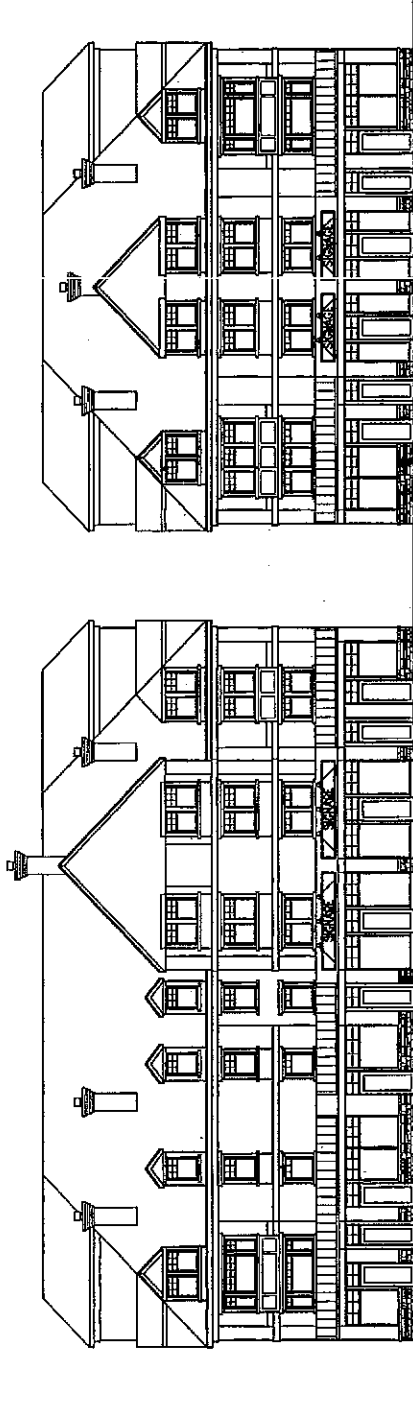
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Location:
Part Lot 20, Concession 4

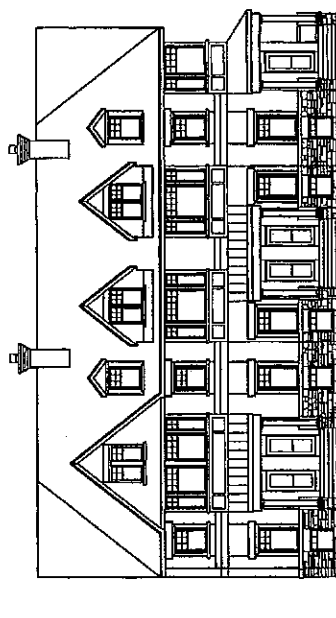
Applicant:
1620144 Ontario Ltd. (The Maple Group)



EAST ELEVATION (FACING KEELE STREET)

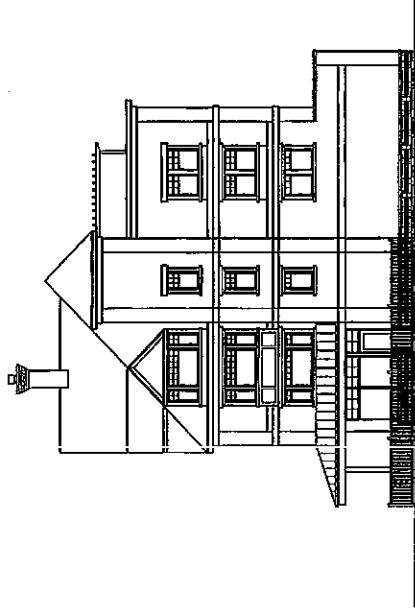


NORTH ELEVATIONS (FACING MAJOR MACKENZIE DRIVE)

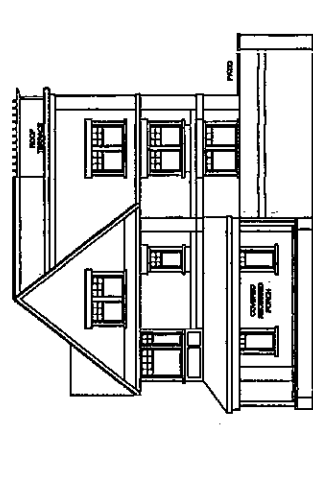


WEST ELEVATION (FACING JACKSON STREET)

Not to Scale



SIDE ELEVATION (TYPICAL)



SIDE ELEVATION (TYPICAL)

Conceptual Building Elevations

Location:
Part Lot 20, Concession 4

Applicant:
1620144 Ontario Ltd. (The Maple Group)

City of Vaughan
The City Above Toronto

Development Planning Department

Attachment

FILE: Z.09.014
RELATED FILES: Z.97.109, OP.97.026

DATE:
May 12, 2010

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