

ZONING BY-LAW AMENDMENT FILE Z.10.001
SITE DEVELOPMENT FILE DA.10.002
PAUL FALLONE & CINZIA RECINE
WARD 1

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.10.001 (Paul Fallon e & Cinzia Recine) BE APPROVED, to amend By-law 1-88, specifically the C11 Mainstreet Commercial Zone and site-specific Zoning Exception 9(609), to amend the building envelope to permit a two-storey 17m² building addition to 4 Kellam Street, an additional gravel parking lot at 2 Kellam Street as shown on Attachment #3, and the additional zoning exceptions to the C11 Zone to facilitate the severance of the property into 2 parcels as identified in Table 1 of this report.
2. THAT Site Development File DA.10.002 (Paul Fallon e & Cinzia Recine) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations and landscape plan shall be approved by the Vaughan Development Planning Department;
 - ii) the Owner shall submit a site servicing and grading plan and a stormwater management report, which shall be approved by the Vaughan Engineering Department;
 - iii) the Consent Application required to sever the subject lands shall be approved by the Vaughan Committee of Adjustment, and shall be in full force and effect; and,
 - iv) the Owner shall satisfy the requirements of Heritage Vaughan in accordance with Heritage Permit HP.2010.003 to the satisfaction of the Vaughan Cultural Services Division and the resolution of Heritage Vaughan at its meeting on March 10, 2010 as identified in this report:

Contribution to Sustainability

The Owner has advised that the addition of the new parking lot on 2 Kellam Street will consist of gravel, which is more porous than asphalt.

Economic Impact

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

Communications Plan

On February 26, 2010, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the Kleinburg and Area Ratepayers' Association. The Public Hearing was held on March 23, 2010, and the recommendation to receive the Public Hearing report, was ratified by Vaughan Council on April 13, 2010. As of March 22, 2010, three written comments have been received as follows:

- a) KARA has provided the following comments:

- i) the proposed building addition to 4 Kellam Street should be in keeping with the existing building, and that Heritage Vaughan be satisfied with the proposed addition prior to proceeding to a Committee of the Whole meeting;
 - ii) the existing trees on the property should not be removed if it is not necessary;
 - iii) concerned with the addition of a parking lot and the added pavement. KARA would like to see hedging along Kellam Street to screen the parking lot as well as a reduction in parking spaces and the use of grasscrete; and,
 - iv) concerned with the severance - precedence respecting small lot sizes and reduced setbacks.
- b) The Owner's of the McNeil House (10499 Islington Avenue), shown as Part 1 on Attachment #4, had the following comments:
 - i) they acknowledge that their property will be impacted by the applications and parking requirements for the entire site (as discussed later in this report); and,
 - ii) they support the proposed severance, parking expansion of 7 new parking spaces on 2 Kellam Street and the two-storey 17m² addition to 4 Kellam Street.
- c) The Village of Kleinburg Business Improvement Association offers the following comments:
 - i) they support the on-site parking expansion as well as the modest expansion to the log dwelling on 4 Kellam Street; and,
 - ii) the proposal would cause minimal impact on the character of the property and the village core and at the same time enhance the property for professional offices and retail space.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. A Zoning By-law Amendment Application (File Z.10.001) to amend By-law 1-88, specifically the C11 Mainstreet Commercial Zone and site-specific Zoning Exception 9(609), to amend the building envelope to permit a two-storey 17m² building addition to 4 Kellam Street, an additional 7 space gravel parking lot on 2 Kellam Street as shown on Attachment #3, and the additional zoning exceptions to the C11 Zone to facilitate the severance of the property into 2 parcels as identified in Table 1 of this report.
2. A Site Development Application (File DA.10.002) to permit a two-storey 17m² building addition to 4 Kellam Street, and a new 7 space gravel parking lot on 2 Kellam Street as shown on Attachment #3.

Background - Analysis and Options

Location

The subject property shown on Attachments #1 and #2, is developed with 2 buildings (both vacant), municipally known as 2 and 4 Kellam Street, located east of Islington Avenue and south of Nashville Road, City of Vaughan.

Site History

On December 15, 2003, Vaughan Council approved a Zoning By-law Amendment Application (File Z.03.043 - Zena T. Reinhardt) on the lands shown on Attachment #4, which includes the subject lands (2 and 4 Kellam Street) and the property to the west (10499 Islington Avenue), to facilitate a severance of the lands into 2 parcels, comprising Part 1 (Islington property) and Part 2 (subject lands being 2 and 4 Kellam Street). Prior to this approval, the existing site-specific zoning exception permitted three buildings on a single parcel, and included exceptions for parking, driveway and aisle widths, setbacks, landscaping, permitted uses and yard requirements.

Zoning By-law 35-2004, which came into effect on February 9, 2004, amended the previous site-specific provisions in Zoning Exception 9(609) and recognized the approved severance of the property into 2 lots, and among other exceptions, permits the required parking for the Part 1 (Islington) lands to be provided off site on Part 2, being the subject lands (2 and 4 Kellam Street). If the subject zoning by-law amendment application is approved, the current exception requiring the parking (no set amount) for the Part 1 lands to be provided on the subject lands (ie. 15 spaces) comprising 2 and 4 Kellam Street on Attachment #3, will be maintained in the implementing by-law.

Official Plan

The subject lands are designated "Mainstreet Commercial" by OPA #601(Kleinburg-Nashville Community Plan), as amended by OPA #633, and are located within the Kleinburg-Nashville Heritage Conservation District, and designated under Part V of the Ontario Heritage Act.

The proposal to amend the site-specific Zoning Exception 9(609) to facilitate the severance of the property (2 and 4 Kellam Street) into 2 lots, and to amend the building envelope to permit a 17m² building addition to an existing dwelling at 4 Kellam Street, and an additional 7 space gravel parking lot on 2 Kellam Street, conforms to the Official Plan.

Zoning

The subject lands are zoned C11 Mainstreet Commercial Zone by By-law 1-88, subject to Exception 9(609). Schedule "E-677" to Exception 9(609) shown on Attachment #4 depicts the existing building envelopes, parking area and driveway access. A Zoning By-law Amendment is required to amend Exception 9(609) and Schedule "E-677" as the proposal for the 7 space gravel parking area on 2 Kellam Street, the expanded building envelope to accommodate the two-storey 17m² building addition on 4 Kellam Street, and the additional zoning exceptions to the C11 Zone to facilitate the severance of the property into 2 parcels, does not comply with By-law 1-88. The following exceptions to the C11 Zone are proposed:

Table 1:

	By-law Standard	By-law 1-88 C11 Mainstreet Commercial Zone Requirements and Exception 9(609)	Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements and Exception 9(609)
a.	Lot Area	A minimum of 742.5m ² is required.	2 Kellam Street: 466m ² is proposed. 4 Kellam Street: 386.7m ² is proposed.

	By-law Standard	By-law 1-88 C11 Mainstreet Commercial Zone Requirements and Exception 9(609)	Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements and Exception 9(609)
b.	Parking Area	<p>Shall not be located closer to a street line than the main building.</p> <p>Gravel is permitted for the parking area shown on Attachment #4 (any new parking area would require an asphalt or concrete surface).</p>	<p>To permit the parking area to be located closer to a street line than the main building on 2 Kellam Street.</p> <p>To permit a gravel surface for the new 7 space parking lot on 2 Kellam Street, to be consistent with the gravel surface permitted on 4 Kellam Street.</p>
c.	Minimum Required Parking	<p>A minimum of 8 parking spaces shall be required on the combined 2 and 4 Kellam Street properties as shown on Schedule "E-677" (Attachment #4).</p> <p>The required parking for Part 1 (10499 Islington Avenue) as shown on Attachment #4, shall be provided on Part 2 (2 and 4 Kellam Street).</p>	<p>To permit 7 new parking spaces on 2 Kellam Street, to facilitate the proposed severance, as shown on Attachment #3. 2 and 4 Kellam Street will each have its own parking lot upon severance. The implementing zoning by-law will require that all permitted C11 Zone uses can occupy 2 and 4 Kellam Street and 10499 Islington Avenue, and utilize the total 15 parking spaces shown on Attachment #3, without any further amendment to any individual parking standards upon change of tenants/land use.</p> <p>To maintain the required parking for Part 1 (10499 Islington Avenue) as shown on Attachment #4, to be provided within either parking lot on 2 and 4 Kellam Street, as shown on Attachment #3.</p>
d.	Building Envelope	All buildings shall be located within the envelopes shown on Schedule "E-677" (Attachment #4).	To permit the expansion of the building envelope for Building "C" on Attachment #4, to facilitate the proposed 17m ² addition to the structure located on 4 Kellam Street shown on Attachment #3.

The Development Planning Department is satisfied that the required zoning exceptions to address lot area, parking, driveway surface material, and expansion to a building envelope to facilitate a building addition as noted above are appropriate for the development of the subject lands as discussed further in this report.

Committee of Adjustment

The Owner will be submitting a Consent Application to the Vaughan Committee of Adjustment for the severance of 2 and 4 Kellam Street into 2 properties as shown on Attachment #3, if the requested zoning exceptions to implement the final site plan, are approved by Vaughan Council. The Committee's decision must be final and binding, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report.

Site Plan Review

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, landscape plan, and building addition elevations, shown on Attachments #3, #5, #6 and #7, respectively.

The Owner will be required to submit a site servicing and grading plan and a stormwater management report for approval by the Vaughan Engineering Department, prior to the execution of the Site Plan Letter of Undertaking.

On March 4, 2010, the Owner indicated in an e-mail correspondence to the Vaughan Cultural Services Division that they "will be placing 'Grass-Crete' in all new parking and driveway areas rather than gravel". Since then, the Owner has switched to gravel instead of 'Grass-Crete' due to the cost of the material for the new parking lot on 2 Kellam Street. The existing parking lot on 4 Kellam Street is surfaced with gravel.

The creation of the new 7 space gravel parking lot on 2 Kellam Street as shown on Attachment #3 has already been constructed by the Owner without review and approvals from the Vaughan Engineering Department, nor has zoning and site plan approvals been granted from Vaughan Council. The Vaughan Engineering Department has requested a Professional Engineer to provide stamped site servicing and grading plans and a stormwater management report to verify that the additional parking area and gravel surface does not cause adverse effects to any neighbouring properties. The Development Planning Department also met with the applicant on May 18, 2010 and reiterated the engineering requirements to be submitted as a condition of site plan approval, and prior to the execution of the Site Plan Letter of Undertaking, which is satisfactory to the Vaughan Engineering Department. A condition to this effect has been included in the recommendation of this report.

Kleinburg-Nashville Heritage Conservation District

The proposed building addition to 4 Kellam Street as shown on Attachment #7, conforms to the Kleinburg-Nashville Heritage Conservation District respecting the design, building materials and landscaping for the subject lands, to the satisfaction of Heritage Vaughan and the Vaughan Cultural Services Division as recommended below.

The related Heritage Permit (HP.2010.003), which includes the proposed building addition and the alterations to the property were included on the March 10, 2010 Heritage Vaughan Committee Agenda and the recommendations were as follows:

"Recommendation

Heritage Vaughan Committee recommends:

1. That a Heritage Permit application for the proposed addition, new parking and landscaping plan be approved;
2. That the fence be replaced with a wood post and metal chain fence;
3. That Staff provide information regarding grasscrete pavers as an alternative to asphalt paving;
4. That Heritage Vaughan request the applicant provide a full set of drawings reflecting any future minor design revisions for final approval by Cultural Services Staff; and,
5. That Heritage Vaughan request the applicant provide samples of all exterior cladding materials and paint samples for consideration and approval by Cultural Services Staff."

The Owner shall satisfy the requirements of Heritage Vaughan in accordance with the Heritage Permit to the satisfaction of the Vaughan Cultural Services Division, including addressing the resolution of Heritage Vaughan at its meeting on March 10, 2010.

As noted earlier, the new (recently constructed) 7 space parking lot on 2 Kellam Street will be gravel rather than "Grass-Crete". The gravel parking on 2 Kellam Street will be consistent with the gravel that is existing in the 8 space parking lot on 4 Kellam Street.

Vaughan Engineering Department

The Vaughan Engineering Department has no objection to the proposal and provides the following comments:

a) Development Engineering

As previously mentioned, the Vaughan Engineering Department has reviewed the proposal and requires the Owner to submit a site servicing and grading plan and stormwater management report for approval by the Engineering Department, prior to the execution of the Site Plan Letter of Undertaking. A recommendation to this effect has been included in this report.

b) Transportation Engineering

The existing site-specific Zoning By-law Exception 9(609) permits all of the C11 Mainstreet Commercial Zone uses with the existing 8 parking spaces. The new parking lot consisting of an additional 7 parking spaces will be over and above the required 8 parking spaces (ie. no cash-in-lieu of parking required) resulting in a total of 15 spaces. The Transportation Engineering Section is generally satisfied with the additional parking spaces subject to a site servicing and grading drawing being submitted for review and approval. A condition to this effect is included in the recommendation of this report.

Tree Removal

The Owner obtained a Permit from the Vaughan Parks and Forestry Operations Department on November 10, 2009 (Permit No. 2009-94) to remove one (1) existing Black Locust tree abutting Kellam Street and within the new proposed driveway access shown on Attachment #3. The Permit expired on April 10, 2010, and the tree has been removed.

The Permit requires the Owner to plant a replacement tree on the property, within one (1) year of the tree being removed. Attachment #5 shows the location of a new tree at the southwest corner of 2 Kellam Street, which is satisfactory to the Development Planning Department.

PowerStream

The Owner has been working with PowerStream to remove the utility pole and place the overhead wires underground in front of his property along Kellam Street, which have been completed.

Planning Considerations

The Development Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications. The zoning exceptions required to implement the proposal are considered to be acceptable as many of the exceptions can be attributed to facilitating the proposed severance of the property into 2 parcels. The balance of the exceptions are to amend the site-specific Zoning Schedule "E-677" to recognize the proposed two-storey 17m² building addition within an expanded building envelope on 4 Kellam Street, and the parking lot expansion of 7 spaces on a gravel surface on 2 Kellam Street to be consistent with the gravel surface permitted on 4 Kellam Street. The zoning exceptions to facilitate the proposal will result in development that is compatible with the surrounding land uses and conforms to the Official Plan.

The subject lands are located within the Kleinburg-Nashville Heritage Conservation District and are designated under Part V of the Ontario Heritage Act. The proposed building elevations for the two-storey addition to 4 Kellam Street are consistent with the existing building. The proposal is in accordance with the Kleinburg-Nashville Heritage Conservation District Guidelines.

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 has reviewed the proposal and has no comments or objections to the proposed development.

Conclusion

The proposed Zoning By-law Amendment and Site Development Applications (Files Z.10.001 and DA.10.002, Paul Fallon & Cinzia Recine) have been reviewed in accordance with the policies of OPA #601 (Kleinburg-Nashville Community Plan), as amended by OPA #633 and the Kleinburg-Nashville Heritage Conservation District Guidelines, the requirements of the C11 Mainstreet Commercial Zone of By-law 1-88 and Exception 9(609), comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the gravel parking lot expansion on 2 Kellam Street and the two-storey 17m² building addition on 4 Kellam Street is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, which will also facilitate the future severance of the property into 2 parcels.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Existing Zoning Schedule "E-677"
5. Landscape Plan
6. Elevation Plan
7. Existing and Proposed Elevations (4 Kellam Street)

Report prepared by:

Margaret Holyday, Planner ext. 8216

Christina Napoli, Acting Senior Planner, ext. 8483

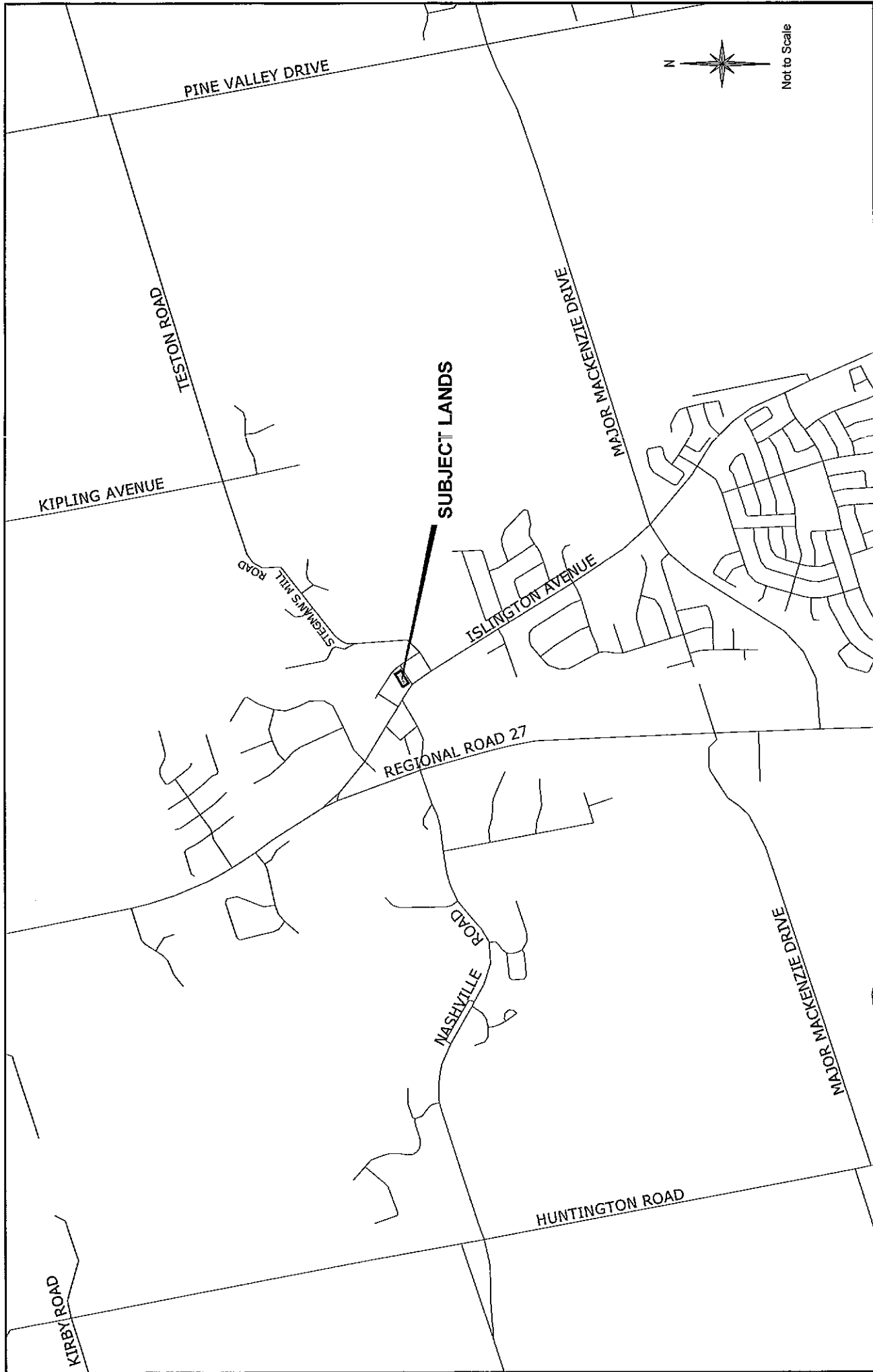
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYHEYAMA
Director of Development Planning

/LG



Context Location Map

Location: Part of Lot 24,
Concession 8

Applicant:
Paul Fallone & Cinzia Recine

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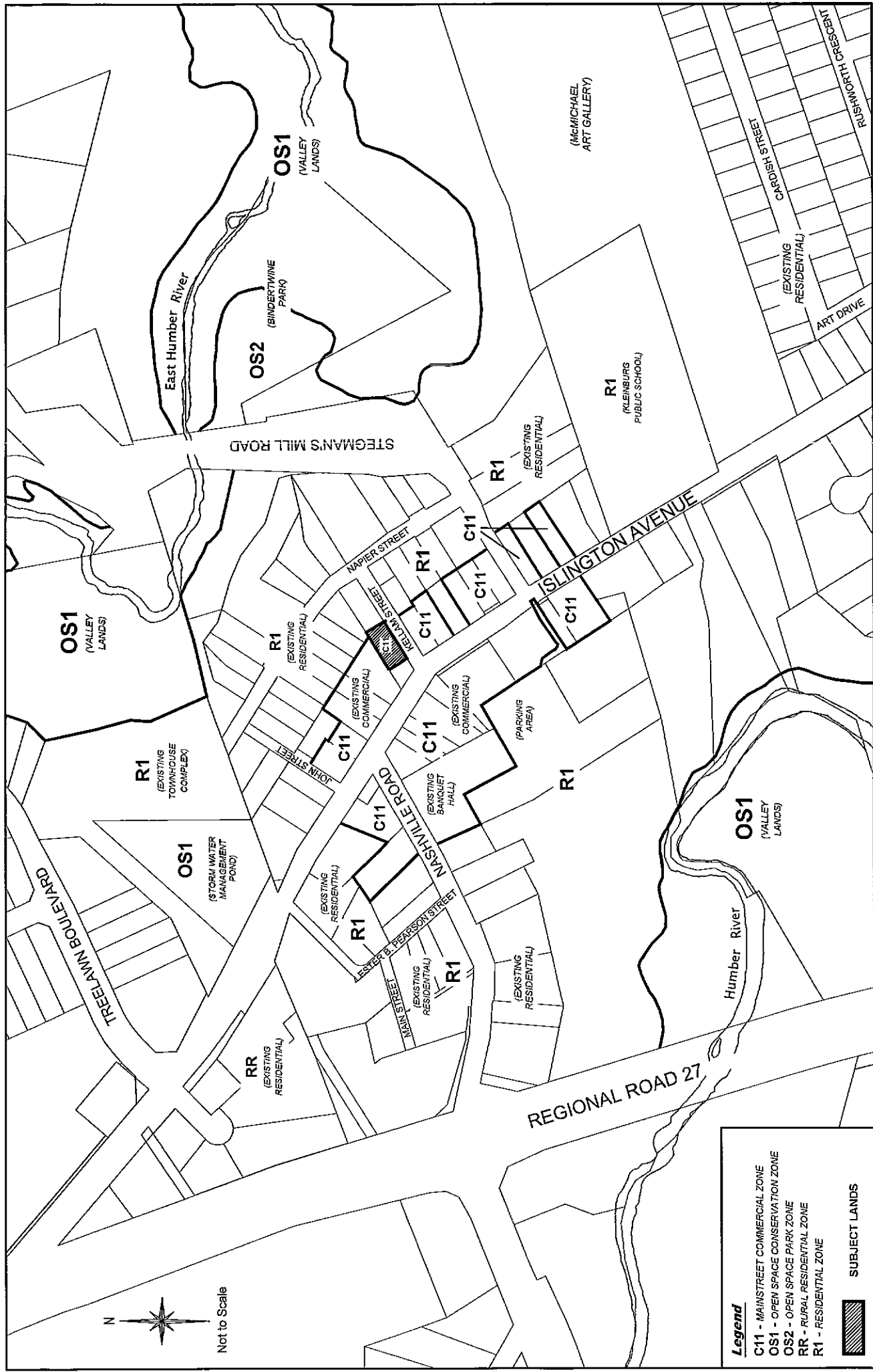
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Attachment

File(s): Z.10.001 &
DA.10.002

Date:
June 1, 2010

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Location Map

Location: Part of Lot 24,
Concession 8

Applicant:
Paul Fallone & Cinzia Recine

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Development Planning Department

Attachment

File(s): Z.10.001 &
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Date:
June 1, 2010

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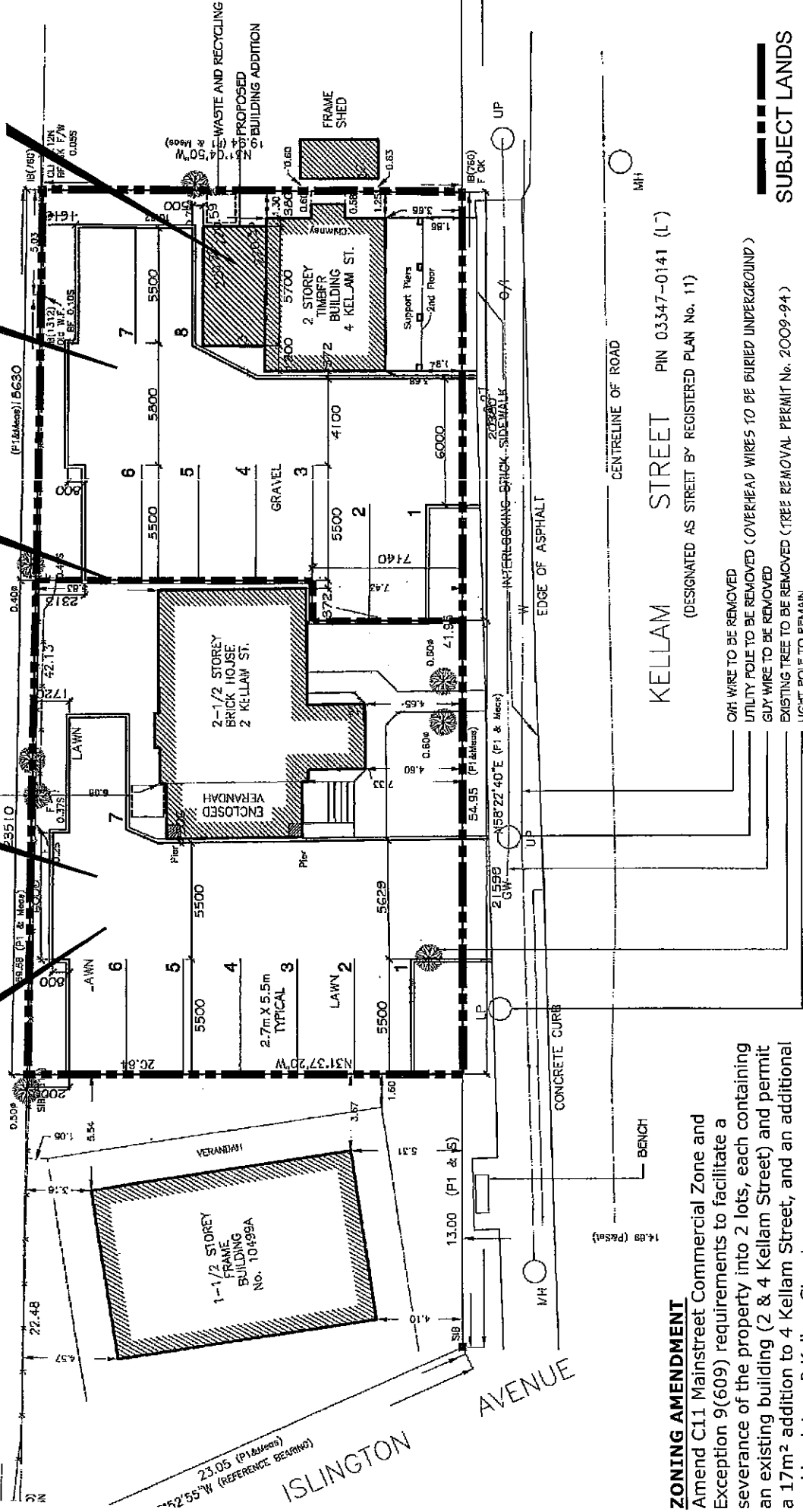
PROPOSED
PARKING LOT

PROPOSED LOT FOR
2 KELLAM STREET

PROPOSED
SEVERANCE
INTO 2 LOTS

PROPOSED LOT FOR
4 KELLAM STREET

PROPOSED 2-STORY
17m² BUILDING
ADDITION



ZONING AMENDMENT

Amend C11 Mainstreet Commercial Zone and Exception 9(609) requirements to facilitate a severance of the property into 2 lots, each containing an existing building (2 & 4 Kellam Street) and permit a 17m² addition to 4 Kellam Street, and an additional parking lot on 2 Kellam Street.

OR WIRE TO BE REMOVED
UTILITY POLE TO BE REMOVED (OVERHEAD WIRES TO BE BURIED UNDERGROUND)
GUY WIRE TO BE REMOVED
EXISTING TREE TO BE REMOVED (TREE REMOVAL PERMIT No. 2009-94)
LIGHT POLE TO REMAIN

SUBJECT LANDS

Site Plan

Location: Part of Lot 24,
Concession 8

Applicant:
Paul Fallone & Cinzia Recine

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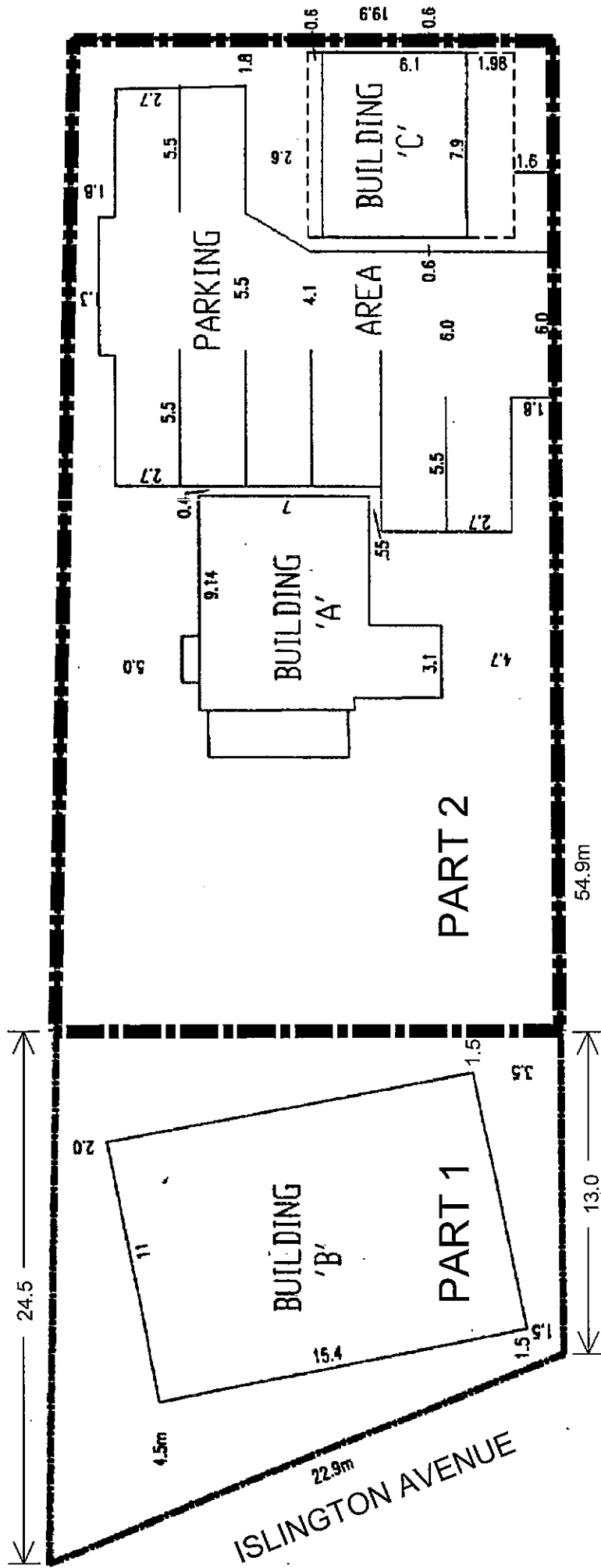
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Attachment

File(s): Z.10.001 &
DA.10.002

Date:
June 1, 2010

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KELLAM STREET

SUBJECT LANDS

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Existing Zoning Schedule 'E-677'

Location: Part of Lot 24,
Concession 8

Applicant:
Paul Fallone & Cinzia Recine

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File(s): Z.10.001 &
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Date:
June 1, 2010



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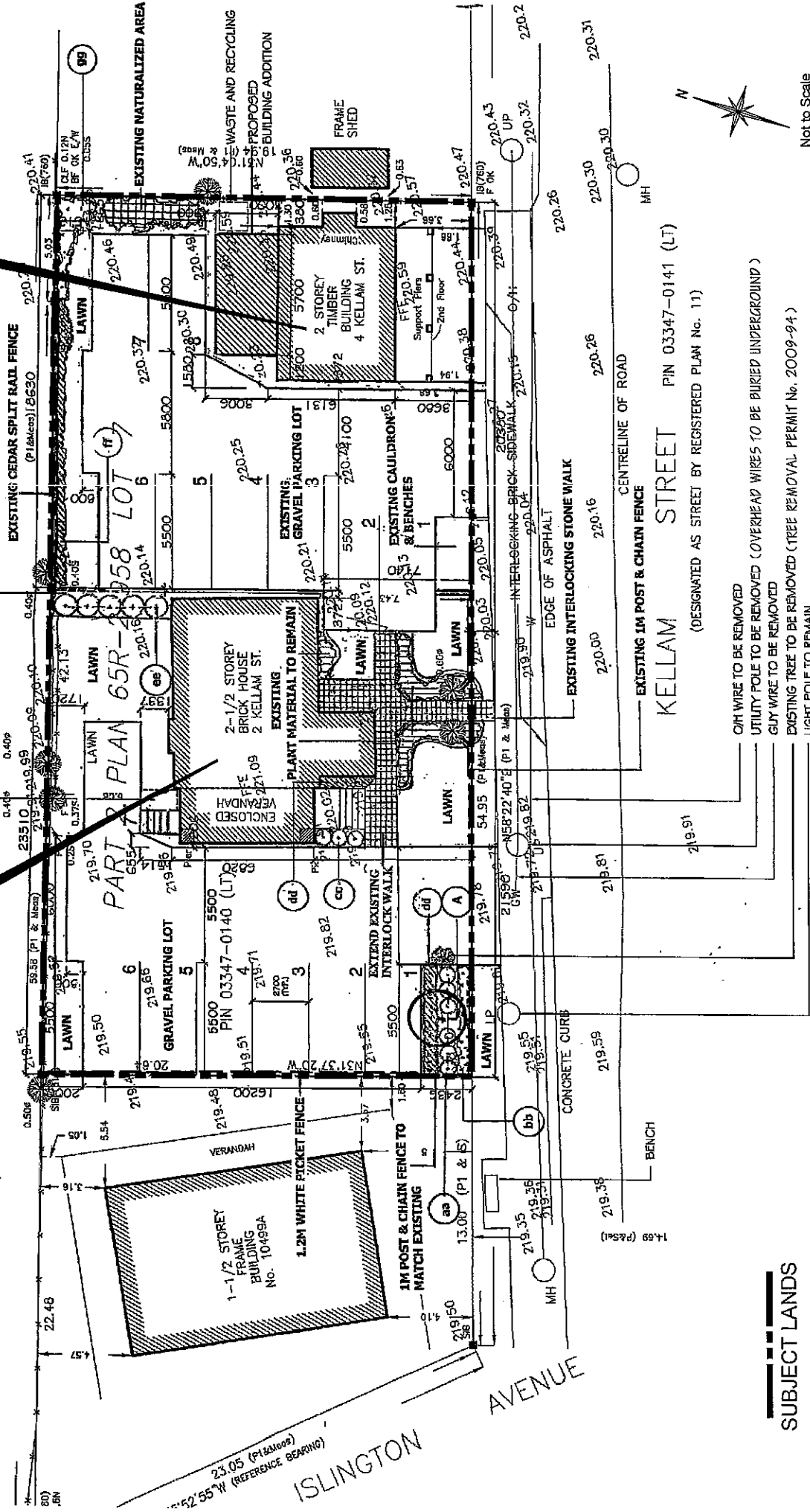
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2 KELLAM STREET

4 KELLAM STREET

1M POST & CHAIN FENCE TO MATCH EXISTING



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- OH WIRE TO BE REMOVED
- UTILITY POLE TO BE REMOVED (OVERHEAD WIRES TO BE BURIED UNDERGROUND)
- GUY WIRE TO BE REMOVED
- EXISTING TREE TO BE REMOVED (TREE REMOVAL PERMIT No. 2009-94)
- LIGHT POLE TO REMAIN

SUBJECT LANDS

Landscape Plan

Location: Part of Lot 24,
Concession 8

Applicant:
Paul Fallone & Cinzia Recine

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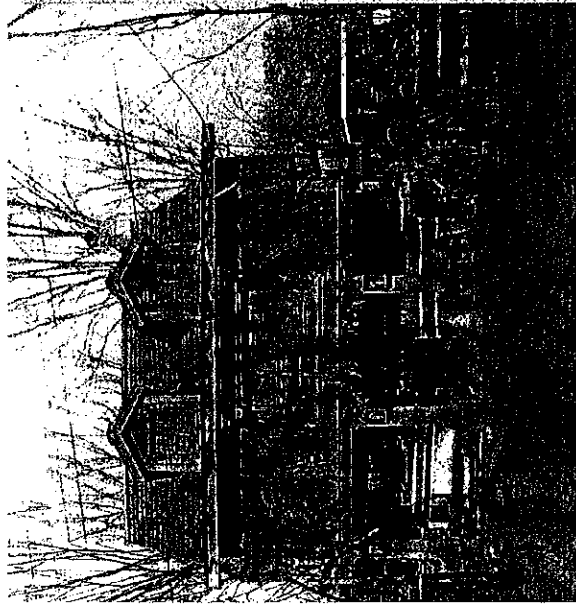
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Date:
June 1, 2010

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2 & 4 KELLAM STREET - EXISTING CONDITIONS



2 & 4 KELLAM STREET - PROPOSED CONDITIONS



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Elevation Plan

Location: Part of Lot 24,
Concession 8

Applicant:
Paul Fallone & Cinzia Recine

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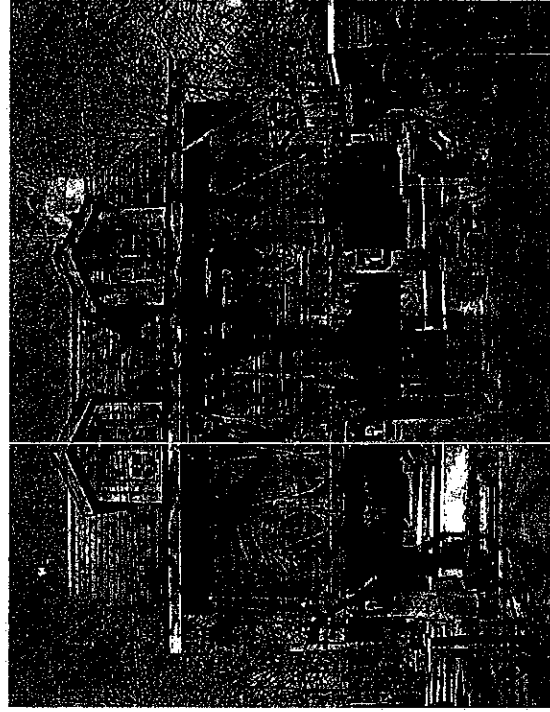
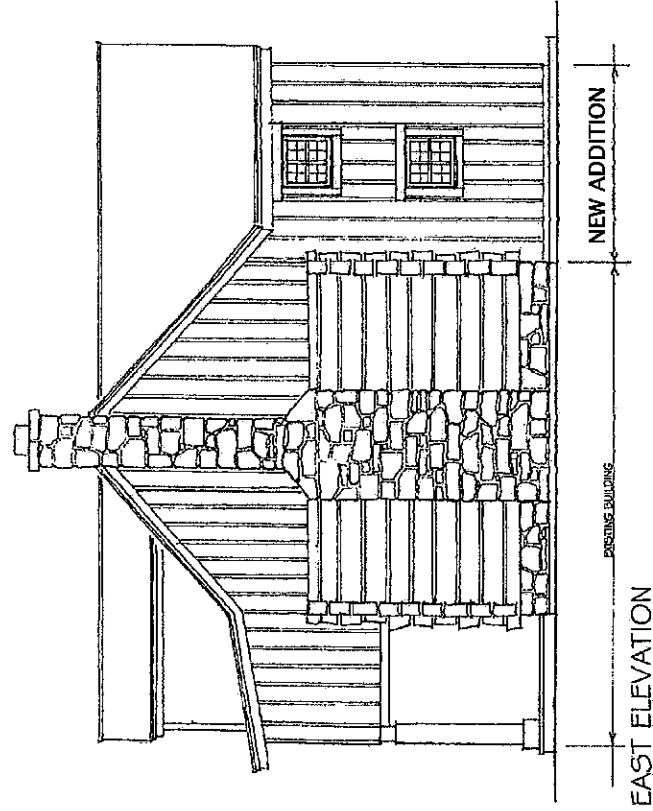
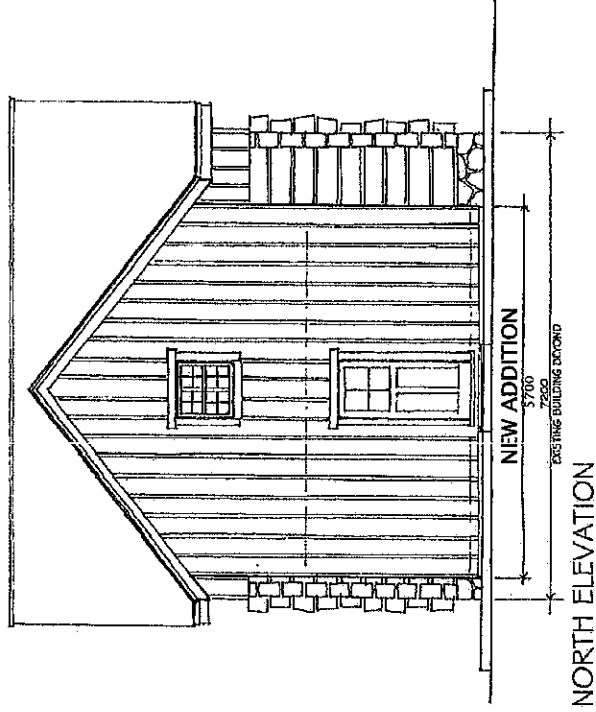
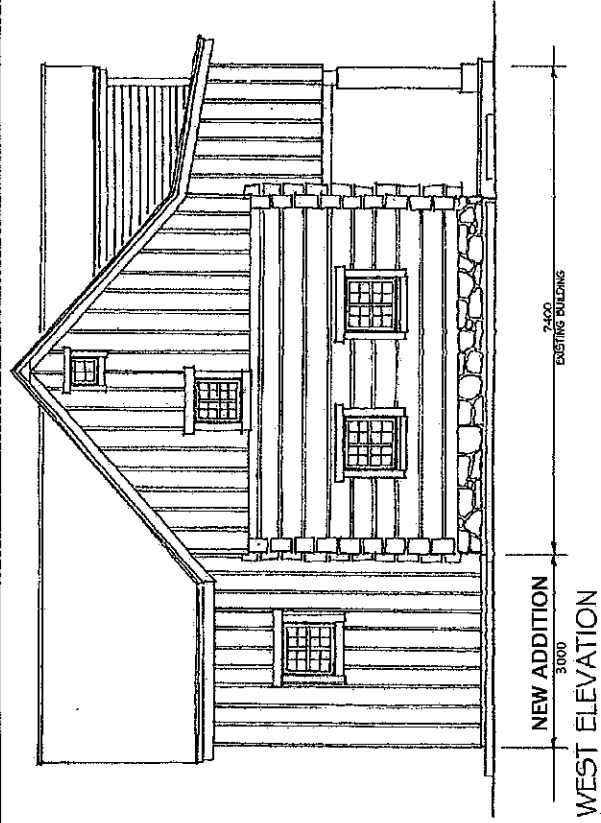
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Attachment

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Date:
June 1, 2010

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Existing & Proposed Elevations (4 Kellam St.)

City of Vaughan
The City Above Toronto

Applicant:
Paul Fallone & Cinzia Racine

Location: Part of Lot 24,
Concession 8

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Date:
June 1, 2010

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