

COMMITTEE OF THE WHOLE APRIL 12, 2011

ZONING BY-LAW AMENDMENT FILE Z.10.024 JACK FREEDMAN REAL ESTATE DEVELOPMENT CORP. WARD 1

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.10.024 (Jack Freedman Real Estate Development Corp.) BE APPROVED, to amend the C1 Restricted Commercial Zone, specifically Exception 9(810) to permit the following additional uses within the existing single storey commercial plaza (Attachment #3):
 - a) an Eating Establishment;
 - b) an Eating Establishment, Convenience;
 - c) a Service or Repair Shop; and,
 - d) a Pet Grooming Establishment.

2. THAT the implementing Zoning By-law include the following site-specific provisions:
 - a) A "Service or Repair Shop" shall be defined as: Means a building or part of a building used for only the servicing or repairing of small household appliances and home computers, a locksmith, and a tool sharpener. Accessory sales shall be permitted, provided the display area does not exceed ten percent (10%) of the total Gross Floor Area devoted to the Service or Repair Shop, if separated by a solid wall; and,

 - b) The combined total gross floor area devoted to an Eating Establishment, Eating Establishment-Convenience, and Eating Establishment-Take-Out uses shall not exceed a maximum of 588 m² or 45% of the gross floor area of the existing commercial plaza.

Contribution to Sustainability

The Zoning By-law Amendment Application (File Z.10.024) seeks permission for additional uses only within the existing commercial building. There is no proposal at this time to redevelop the existing commercial plaza.

Economic Impact

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

Communications Plan

On November 12, 2010, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the Maple Sherwood Ratepayers' Association. In accordance with the City of Vaughan "Notice Signs Procedures and Protocols", effective April 6, 2009, the Owner installed two (2) notice signs on the property along Keele Street and Fieldgate Drive.

The Public Hearing was held on December 7, 2010 and considered amendments to the site-specific C1 Restricted Commercial Zone provisions of Exception 9(810) of By-law 1-88, to permit the following additional uses within the existing single storey commercial plaza:

- a) a Club;
- b) an Eating Establishment;
- c) an Eating Establishment, Convenience;
- d) a Day Nursery;
- e) a Service or Repair Shop; and,
- f) a Pet Grooming Establishment.

A written petition by the Amalfi Condominium (9519 Keele Street), dated December 6, 2010, was received, as well as, comments from area residents. At the Public Hearing, the following deputations were received:

- a) Mr. Gary Freedman, 7 King Street;
- b) Mr. Angelo DiNardo, 182 Grenock Drive;
- c) Mr. Peter Baker, 9519 Keele Street;
- d) Mr. Diego Sinagoga, 114 Dina Road; and,
- e) Ms. Kim Leacock, 130 Dina Road.

The following concerns were identified at the Public Hearing, and are discussed in the Planning Considerations Section of this report:

- i) clarification on the definition of the proposed "Club" use and the possibility of limiting the size of the "Club" use on the property;
- ii) restriction of the proposed "Service or Repair Shop" use definition to only include small appliances;
- iii) risk of parking overflow onto the adjacent Amalfi property due to the additional permitted uses;
- iv) possibility of increased rodent population in association with a broader eating establishment use;
- v) additional noise as a result of the increased allowable uses; and,
- vi) limited space for the required outdoor play area for the proposed Day Nursery use.

The recommendation of the Committee of the Whole on December 7, 2010, 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 December 14, 2010.

Purpose

The Owner has submitted a Zoning By-law Amendment Application (File Z.10.024) for the subject lands shown on Attachments #1 and #2 to amend the C1 Restricted Commercial Zone, specifically Exception 9(810) to permit the following additional uses within the existing single storey commercial plaza, as shown on Attachment #3:

Table 1: Proposed Additional Commercial Uses			
	By-law Standard	By-law 1-88, C1 Zone, Exception 9(810) Requirements	Proposed Exceptions to C1 Zone, Exception 9(810)
a.	Permitted Uses	Permits only the following uses: i. a Bank or Financial Institution; ii. a Personal Service Shop;	To permit the following additional uses: i. a Club; ii. an Eating Establishment;

Table 1: Proposed Additional Commercial Uses			
	By-law Standard	By-law 1-88, C1 Zone, Exception 9(810) Requirements	Proposed Exceptions to C1 Zone, Exception 9(810)
		iii. a Business and/or Professional Office; iv. a Retail Store; and, v. a Take-Out Eating Establishment with a maximum gross floor area of 85 m ² .	iii. an Eating Establishment, Convenience; iv. a Day Nursery; v. a Service or Repair Shop; and, vi. a Pet Grooming Establishment.

The Owner is not proposing changes to the existing site plan or the building elevations.

Background - Analysis and Options

The 0.56 ha subject lands shown on Attachments #1 and #2, are located at the southeast corner of Fieldgate Drive and Keele Street. The property is developed with a single storey, multi-unit commercial plaza.

Official Plan

The subject lands are designated "Local Convenience Commercial" by OPA #350 (Maple Community Plan). The lands are designated "Low-Rise Mixed-Use" by the City of Vaughan Official Plan 2010, which is pending York Region approval. The proposal to permit additional commercial uses on the property conforms to the Official Plans.

Zoning

The subject lands are zoned C1 Restricted Commercial Zone by By-law 1-88, and subject to Exception 9(810). As noted in Table 1 above, site-specific commercial uses are permitted by Exception 9(810). The Applicant has advised that over the last several years, there have been vacancies in the commercial plaza due to the limitation of allowable commercial uses within the Zoning By-law Exception. In order to broaden the range of permitted uses on the property, the Owner has proposed the additional commercial uses, noted in Table 1.

Parking Study

In response to the December 7, 2010 Public Hearing, the Owner submitted a Parking Study prepared by LEA Consulting. The study recognized the proposed additional commercial uses without plans to modify the existing building or provide additional parking (73 existing spaces). The study reviewed other surrounding municipalities parking standards and it demonstrated that reduced parking standards are appropriate, particularly in an urban context where there are greater choices of transportation modes. The existing parking supply on the subject site would also support transit along Keele Street, encourage pedestrian activity, and discourage automobile dependence.

The study concluded that the parking requirements for the proposed eating establishment uses can be accommodated within the approved parking supply if a maximum cap for all eating establishment uses be set at 45% of the total gross floor area of the building or 588 m². The cap was based on the following two values:

1. through the parking supply review, it was determined that the subject lands had a residual parking supply of 33 spaces during the highest usage peak hour (weekday mid-day peak hour); and,
2. the By-law Exception 9(810) had a site-specific parking standard of 5.5 spaces per 100m² of gross floor area.

The two values resulted in a 600 m² cap (based on a calculation of 33 spaces / 5.5 spaces/100m²) x 100) which represents 46% of the total building gross floor area or 1,307 m². LEA Consulting rounded down the cap to 45% or 588 m² of the gross floor area of the building.

The study concludes that no additional parking spaces are required as a result of the proposed commercial uses. The implementing zoning by-law will include a provision to this effect as noted in the recommendation section of this report.

The Vaughan Engineering Department has reviewed the Parking Study and concurs with the findings of the study.

Planning Considerations

The Development Planning Department has reviewed the comments received from the December 7, 2010 Public Hearing as follows:

a) "Club" Use

The Owner submitted a Zoning By-law Amendment Application to permit additional commercial uses on the subject lands including a Club use, as identified on Table 1. In a correspondence dated March 11, 2011, the Owner has withdrawn the request for a Club use.

b) "Service or Repair Shop" Definition

Limiting the definition of the proposed "Service or Repair Shop" use to small household items was identified as an issue at the Public Hearing. The current definition in By-law 1-88 for a Service or Repair Shop, permits the service and repair of items such as oil burners, water and air coolers, and lawn care equipment, which would not be appropriate and compatible with other uses on the site and the surrounding land use context. Accordingly, the Development Planning Department recommends the following site-specific definition of "Service or Repair Shop":

"Means a building or part of a building used for only the servicing or repairing of small household appliances and home computers, a locksmith and a tool sharpener. Accessory sales will be permitted, provided the display area does not exceed ten percent (10%) of the total Gross Floor Area devoted to the Service or Repair Shop, if separated by a solid wall."

In a correspondence dated March 11, 2011, the Owner concurs with the above site-specific definition in consideration of the compatibility of the proposed commercial use and the existing surrounding residential uses.

c) Parking Overflow onto Adjacent Properties

As noted above, a Parking Study was submitted and supported by the Vaughan Engineering Department. The study concluded that the existing 73 parking spaces adequately serves the permitted and proposed uses provided that the total gross floor area devoted to all eating establishment uses does not exceed 588 m² of the total gross floor area of the building. The study indicated that no additional parking spaces are required as a result of the proposed commercial uses.

d) Day Nursery Use

The Development Planning Department has conducted a detailed review of the request for a day nursery use on the subject lands. Due to site limitations and the requirement to accommodate an outdoor play area under the Day Nurseries Act, the Development Planning Department cannot support a day nursery use on the subject lands. The Owner has been informed of this decision and concurs in a correspondence dated March 11, 2011.

e) Increase Noise and Rodent Control

At the Public Hearing, the residents were concerned that the proposed additional eating establishment uses would increase the occurrence of rodents and noise. In a correspondence dated March 11, 2011, the Owner reiterated and reassured that such occurrences have been and will continue to be monitored and controlled. Furthermore, all garbage is stored internally in a garbage room and cleaned frequently. Garbage and recycling pick-up is undertaken privately twice a week. With respect to noise generated from the additional uses, the hours of business operation shall comply with the City's Noise By-law.

f) Pet Grooming Establishment

The Owner has requested that a pet grooming establishment be permitted on the subject lands. Under By-law 1-88, the definition of a pet grooming establishment would prohibit the overnight boarding of animals and requires the use to be conducted entirely within a wholly enclosed building. Given these restrictions, a pet grooming establishment is considered appropriate on the subject lands.

g) Eating Establishment / Eating Establishment Convenience

The Owner has requested that an Eating Establishment and Eating Establishment - Convenience be permitted as additional uses for the property. It is noted that under Exception 9(810) that an Eating Establishment – Take Out having a maximum gross floor area of 85 m² is already permitted on the site. The proposed eating establishment uses are considered appropriate on the subject lands and compatible with the surrounding land uses subject to the maximum combined gross floor area of all eating establishment uses not exceeding 588m² or 45% of the gross floor area of the existing commercial building.

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

There are no Regional implications resulting from this zoning by-law amendment application.

Conclusion

The Zoning By-law Amendment Application has been reviewed in accordance with OPA #350, By-law 1-88, comments from City Departments and external public agencies, together with comments received by area residents at the Public Hearing. The Vaughan Development Planning Department is satisfied that the revised proposal to permit an Eating Establishment and Eating Establishment – Convenience uses with a maximum GFA of 588m² (including permitted Eating Establishment – Take Out use), a Service or Repair Shop with a modified definition, and a Pet Grooming Establishment are appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the

approval of Zoning By-law Amendment File Z.10.024, subject to the recommendations contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan

Report prepared by:

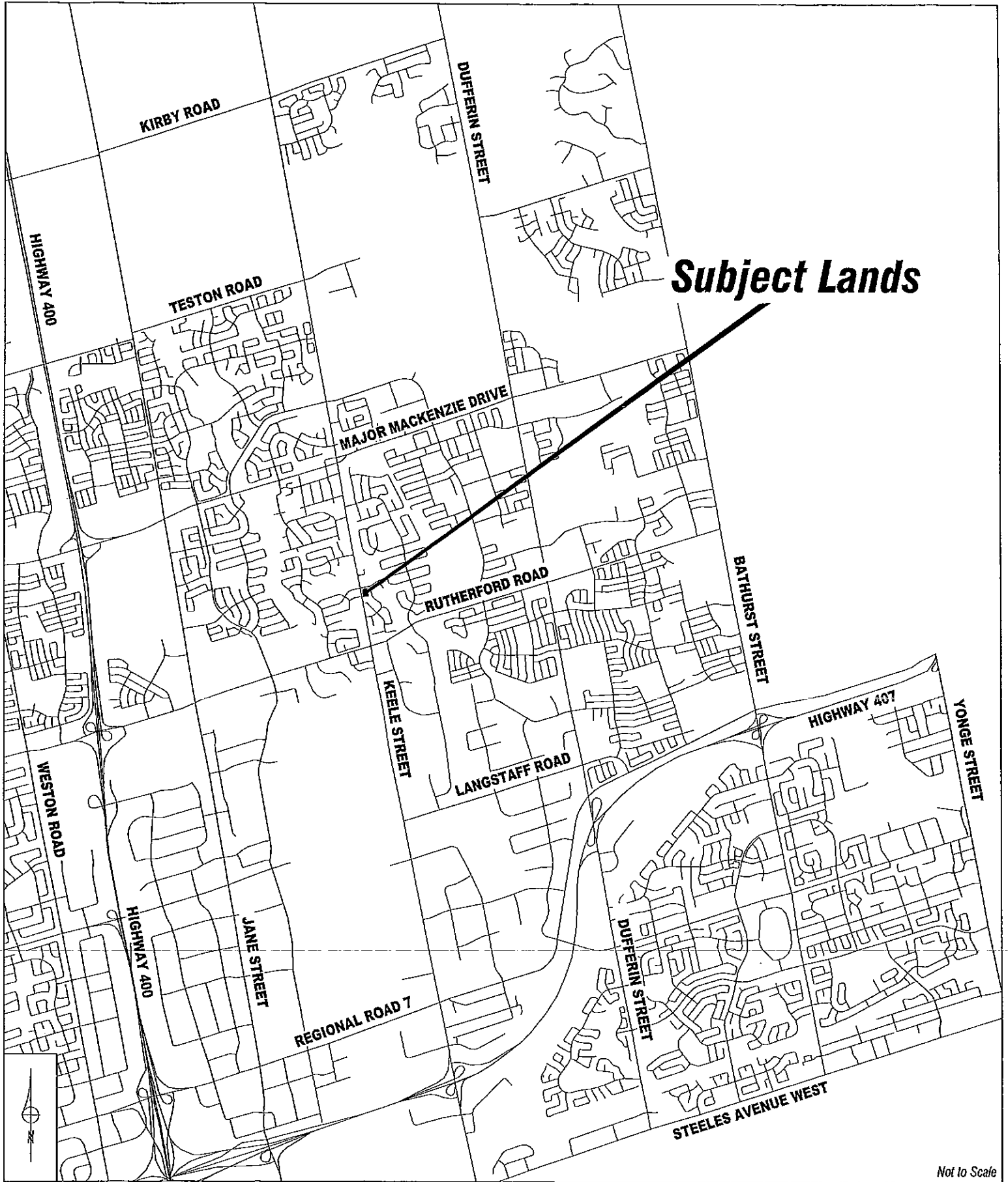
Stephen Lue, Planner, ext. 8210
Christina Napoli, Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYHEYAMA
Director of Development Planning

/LG



Subject Lands

Not to Scale

Context Location Map

LOCATION:
Part Lot 17, Concession 3

APPLICANT:
Jack Freedman Real Estate Development Corp.

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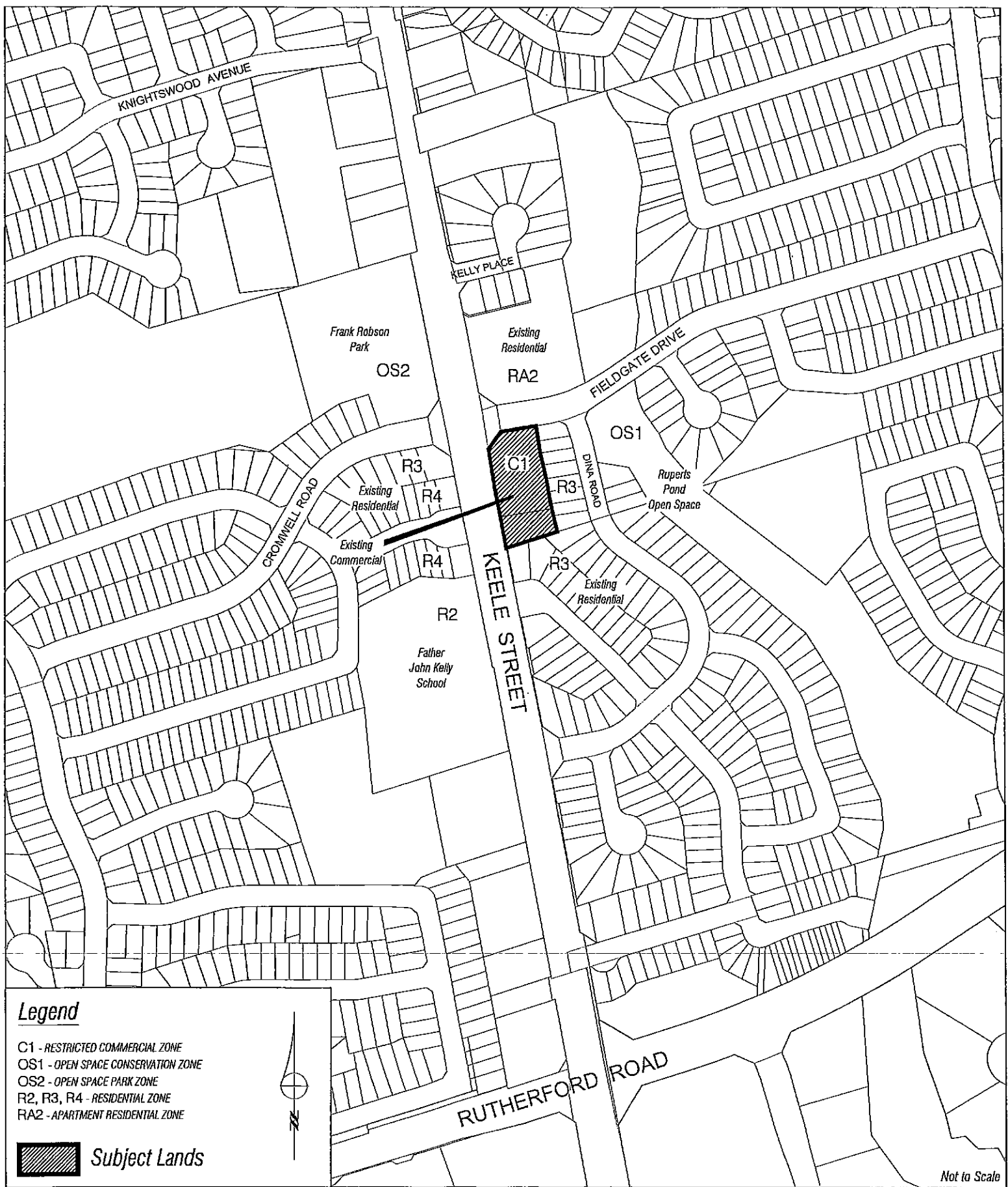


Attachment

FILE:
Z.10.024

DATE:
March 22, 2011

1



Location Map

LOCATION:
Part Lot 17, Concession 3

APPLICANT:
Jack Freedman Real Estate Development Corp.

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Attachment

FILE:
Z.10.024

DATE:
March 22, 2011

2

FIELDGATE DRIVE

ZONING AMENDMENT

ZONING BY-LAW AMENDMENT TO PERMIT THE FOLLOWING ADDITIONAL USES WITHIN THE EXISTING COMMERCIAL PLAZA:

- AN EATING ESTABLISHMENT;
- AN EATING ESTABLISHMENT, CONVENIENCE;
- A SERVICE OR REPAIR SHOP; AND,
- A PET GROOMING ESTABLISHMENT.

KEELE STREET

TOTAL PARKING PROVIDED:
73 SPACES

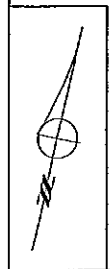
EXISTING
1307m²
COMMERCIAL
PLAZA

EXISTING
RESIDENTIAL

EXISTING RESIDENTIAL

Not to Scale

SUBJECT LANDS



Existing Site Plan

LOCATION:
Part Lot 17, Concession 3

APPLICANT:
Jack Freedman Real Estate Development Corp.

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Attachment

FILE:
Z.10.024

DATE:
March 22, 2011

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