

COUNCIL - NOVEMBER 22, 2004

**ZONING BY-LAW AMENDMENT FILE Z.03.046
SITE DEVELOPMENT FILE DA.03.040 M. ELISA VALLESCURA
REPORT #P.2003.59**

(Referred from the Council Meeting of November 8, 2004)

Council, at its meeting of November 8, 2004, adopted the following:

That this matter be referred to the Council meeting of November 22, 2004.

Recommendation of the Committee of the Whole meeting of November 1, 2004:

- 1) That this matter be referred to the Council meeting of November 8, 2004; and
- 2) That the following deputations, be received:
 - a) Mr. Paul DeBuono;
 - b) Mr. Iain Craig, 365 Stegman's Mill Road, Kleinburg, L0J 1C0; and
 - c) Mr. Paul Bottos, Piccin Bottos, 4370 Steeles Avenue West, Woodbridge, L4L 4Y4, on behalf of the applicant.

Report of the Commissioner of Planning dated October 4, 2004

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.046 (M. Elisa Vallescura) BE APPROVED, subject to the following:
 - a) That the implementing by-law restrict the uses on the subject lands to the following:
 - i) Building #1 abutting Islington Avenue:
 - Tea Room – meaning a building or place where already prepared food and drink are offered for sale;
 - existing permitted residential unit on the second floor;
 - ii) Building #2 abutting Stegman's Mill:
 - Retail uses restricted to the sale of clothes, antiques, arts and crafts;
 - Private art school
 - b) That the implementing by-law provide exceptions to permit 10 parking spaces and two tandem parking spaces, the existing gravel parking area, and a 0.16 m wide landscape strip along the south property line.
2. THAT Site Development Application DA.03.040 (M. Elisa Vallescura) BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i) the final site plan including landscaping details shall be approved by the Community Planning and Urban Design Departments; and,

- ii) access and on-site vehicular circulation shall be approved by the Engineering Department.

Purpose

The Owner has submitted a revised application to amend the Zoning By-law to permit within the R1 Residential Zone, a ground floor eating establishment with an outdoor patio and a second storey residential unit in Building #1 adjacent to Islington Avenue, and a retail store allowing for the sale of clothing, antiques, arts and crafts, and the teaching of art classes in Building #2 adjacent to Stegman's Mill Road. Exceptions to the R1 Zone for reduced parking, the gravel parking area, and reduced landscape strip width along the south property line are also proposed.

A Site Plan application has also been submitted to facilitate changes to the parking and landscaped areas, in support of the zoning amendment application.

Background - Analysis and Options

The rectangular-shaped 931 m² site is located on the southeast corner of Islington Avenue and Stegman's Mill Road, being Part of Lot 25 on Plan M-11 (10449 Islington Avenue), in Lot 24, Concession 8, City of Vaughan. The site has 14.4 m frontage on Islington Avenue, and 61.48 m flankage on Stegman's Mills Road. The property is developed with a 2-storey 178.7 m² building along the front lot line, and a 1-storey 69.58 m² barn at the rear of the site, with parking located in between the two buildings.

The site is designated "Core Area" by OPA 601 (Kleinburg - Nashville Community Plan) and zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(610). The surrounding land uses are:

- North - Stegman's Mill Road; commercial (R1 Residential Zone, subject to Exception 9(230))
- South - residential (R1 Residential Zone)
- East - residential (R1 Residential Zone)
- West - Islington Avenue; commercial (C6 Highway Commercial Zone)

On August 8, 2003, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Kleinburg & Area Ratepayers Association. Comments were received from the Kleinburg & Area Ratepayers Association, neighbouring residents, and The Village of Kleinburg Business Association.

The Kleinburg & Area Ratepayers Association, as well as the abutting neighbours, expressed opposition to the proposal, for the following reasons:

- the patio would be located immediately beside a private residence, and infringe upon their privacy;
- increase in traffic congestion, odours, lack of parking and noise;
- restaurant odours would permeate throughout the area and into the neighbouring homes;
- commercial sites are taking precedence over residential sites off of Islington Avenue;
- quiet commercial ventures – businesses that will not be offensive to the residents in the Village Core should be sought; and,
- the village has historically been a unique mix of residential and conforming commercial enterprises.

Most of the above comments deal with the building abutting Islington Avenue, however, an additional letter received concentrated on Building Envelope #2 abutting Stegman's Mill Road. They expressed their opposition for the following reasons:

- currently, the permitted use for the subject building is for a storage barn, however in August of 2003, the tenant converted the storage barn into a retail store with a large sign stating "Kleinburg Trading House", which has been operating illegally (without a permit or zoning by-law) ever since;
- there are bristol board neon signs illegally placed on Islington Avenue and Stegman's Mill Road; and,
- clothes and other merchandise have been stored outdoors, which detracts from the atmosphere of the Village of Kleinburg.

The Village of Kleinburg Business Association "supports the rezoning change at 10449 Islington Avenue to allow a retail establishment at the rear building".

The recommendation of the Committee of the Whole at the Public Hearing on September 2, 2003, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on September 8, 2003. Council further resolved that the applicant meet with the local ratepayer association and area residents, prior to the technical report proceeding to the Committee of the Whole. The applicant met with KARA in September 2003.

Official Plan

The subject lands are designated "Core Area" by OPA 601 (Kleinburg - Nashville Community Plan), which permits "Mainstreet Commercial" uses along Islington Avenue, including the following:

- retail stores;
- personal service shops;
- professional and business offices;
- small scale hotels or "Village Inns";
- Bed and Breakfast operations;
- Restaurants including sidewalk cafes; and,
- Small scale mixed use developments with a residential component in the form of apartments

The commercial component of the Kleinburg Core Area is intended to maintain its role as a focus for tourism and as a commercial area servicing the local and neighbourhood shopping needs of the community. The Official Plan also requires that the majority of the commercial development proposals within the Kleinburg Core Area will be subject to site-specific amendments to the zoning by-law to implement the "Mainstreet Commercial" uses.

The proposed zoning amendment to permit a restaurant use and residential unit in Building Envelope #1, and a retail store that includes clothing, antiques, arts and crafts, and the teaching of art classes in Building Envelope #2, would conform to the permitted uses in the Official Plan.

Zoning

The subject lands are currently zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(610), which permits a retail store on the ground floor and a residential unit on the second floor of Building Envelope #1, and storage use in the existing barn in Building Envelope #2 abutting Stegman's Mill Road. An amendment to the Zoning By-law is required to reflect changes in the use of both buildings, and to recognize the parking count, driveway surface material, and reduced landscape strip width along the south property line.

a) Use

The proposal for the subject lands includes an existing residential unit on the second floor with an eating establishment and an accessory patio on the first floor of Building Envelope #1 abutting Islington Avenue. However, considering the limited parking spaces on the site, and the adjacent residential use to the south, Staff recommends the deletion of the outdoor patio use, and to restrict the first floor to a tea room. The tea room would include the sale of beverages and already prepared foods in order to mitigate odours, and which would provide least impact upon the adjacent residential properties to maintain the existing character of the area. The implementing by-law would include a definition for a "tea room", to restrict the ground floor of Building Envelope #1 to a low intensity form of eating establishment.

The zoning amendment for Building Envelope #2 abutting Stegman's Mill proposes to permit retail uses restricted to the sale of clothing, antiques, arts and crafts, and the teaching of art classes, which are appropriate uses for the site and compatible with uses in the surrounding area.

b) Parking

The existing site-specific zoning exception includes a schedule that shows the location of each building with the existing setbacks, and 6 parking spaces with a larger future parking area. The proposed site plan shows 10 parking spaces with two tandem spaces, which the existing By-law does not recognize. The following chart depicts the required parking for each of the proposed uses:

PROPOSED USE FOR BUILDING #1	REQUIRED PARKING
Tea Room	15
<i>Outdoor Patio*</i>	5*
Residential Unit on Second Floor	2
PROPOSED USE FOR BUILDING #2	REQUIRED PARKING
Retail Store	4
Private School	2
TOTAL PARKING REQUIRED	28 *however, if the recommendation contained in this report, to delete the patio is approved, then 23 parking spaces will be required
TOTAL PARKING PROVIDED ON SITE	12 parking spaces, 10 spaces with 2 tandem

With the staff recommendation to delete the outdoor patio use, which would have required an additional 5 parking spaces, a total of 23 parking spaces would be required. The 10 proposed parking spaces are considered to be appropriate to serve the uses on the site, within the context of the Kleinburg core. The 2 tandem parking spaces would be used by employees, and can also be supported.

c) Landscaping

The site-specific exception requires a 5 m side landscape strip adjacent to the south property line. With the expansion of the parking area, the landscape strip width will be reduced to 0.16 m in this area. Staff can support the landscape reduction as the existing 1.8 m high wood privacy fence along the south property line will continue to buffer the parking area from the residential to the south. An exception to permit the existing gravel parking area, whereas By-law 1-88 requires asphalt, can be supported to preserve the "Village" quality of the Kleinburg core area. The site plan should also be amended to replace the outdoor patio area with landscaping.

Site Design

The site plan must be changed to reflect Staff's recommendation to delete the proposed patio. The existing site-specific exception establishes the building envelopes and parking area, however, the proposed application has increased the parking area from the permitted 6 parking spaces to 10 parking spaces with two tandem spaces.

The buildings are to remain, as well as, the access on Stegman's Mill to the existing gravel parking area. The gravel parking area will remain for filtration purposes, as well as, to maintain the historical character of the area. All outdoor garbage areas are to be internal to the building and must be reflected on a revised site plan.

Servicing

The site has access to municipal services, including water, sanitary and storm sewers, and hydro, which will not be affected as a result of this proposal.

Heritage

The subject property falls within the Kleinburg-Nashville Heritage Conservation District, as designated under Part V of the Ontario Heritage Act (R.S.O. 1990), as amended, and is subject to the Heritage District Plan, which guides heritage conservation issues and new development in the community. The development of the subject property is subject to the requirements of the Kleinburg-Nashville Heritage Conservation Plan, and the proposal will be reviewed by the Urban Design and Cultural Services Departments, to ensure compliance.

Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #601.

This report is also consistent with Section 4.6.1 of Vaughan Vision 2007, which encourages the preservation of significant historic communities. The development is intended to compliment the existing historical community of Kleinburg.

Conclusion

Staff has reviewed the application in the context of the provisions of the Official Plan and Zoning By-law. The proposed zoning amendment to permit a tea room on the first floor and a residential unit on the second floor of Building Envelope #1, and a retail store restricted to the sale of clothing, antiques, arts and crafts including the teaching of art classes in Building Envelope #2, would be consistent and compatible with the existing commercial and residential uses in the area. Staff is satisfied that the proposal, with the exclusion of the outdoor patio associated with the tea room, is appropriate and in conformity with the "Mainstreet Commercial" uses in the Kleinburg Official Plan.

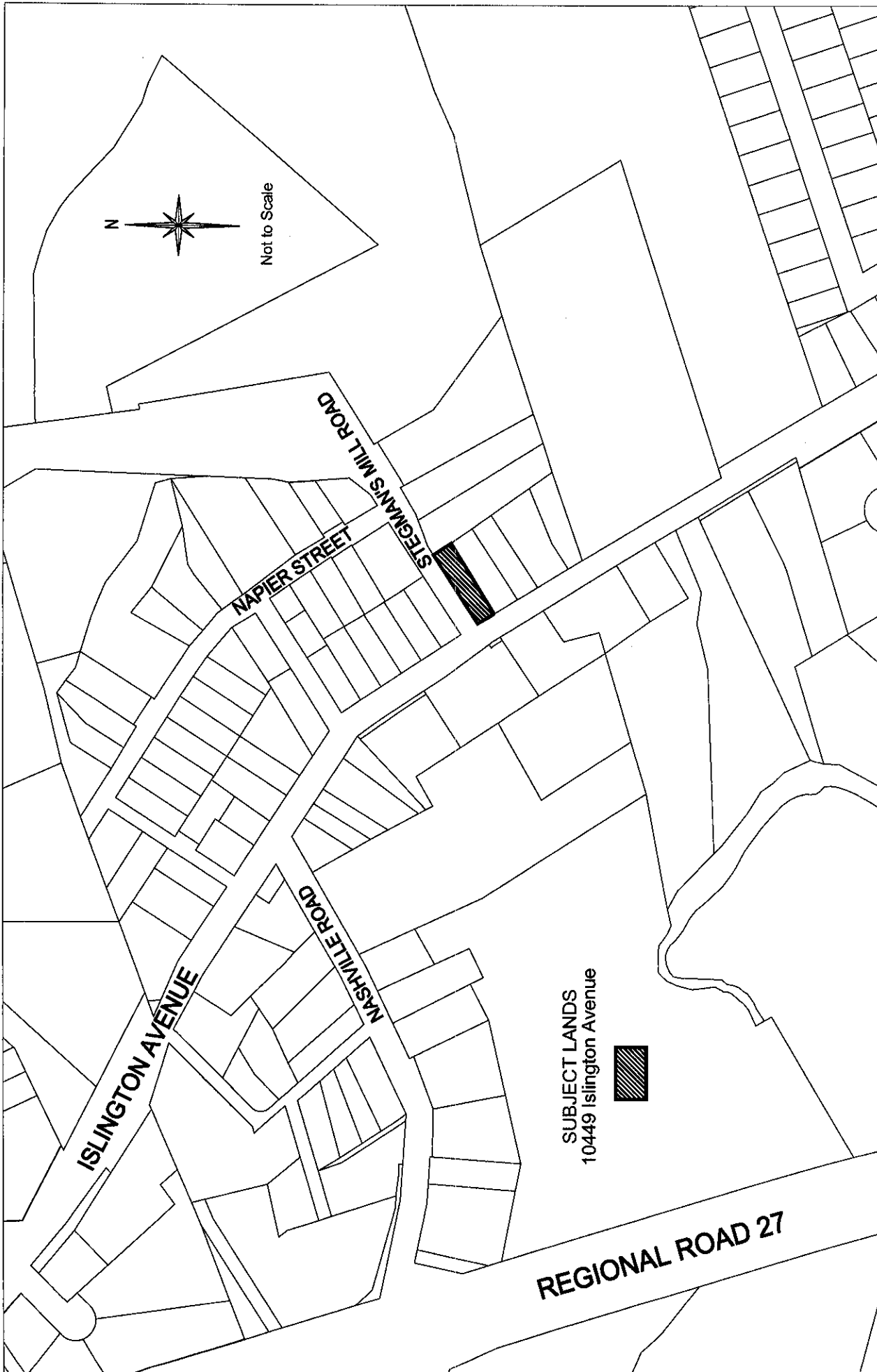
For these reasons, Staff recommends approval of the Zoning By-law Amendment (Z.03.046) and Site Development (DA.03.040) applications, subject to conditions. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Margaret Holyday, Planner 1, ext. 8216
Arto Tikiryana, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635



Location Map

Part Lot 24,
Concession 8
APPLICANT:
M. ELISA VALLESCURA

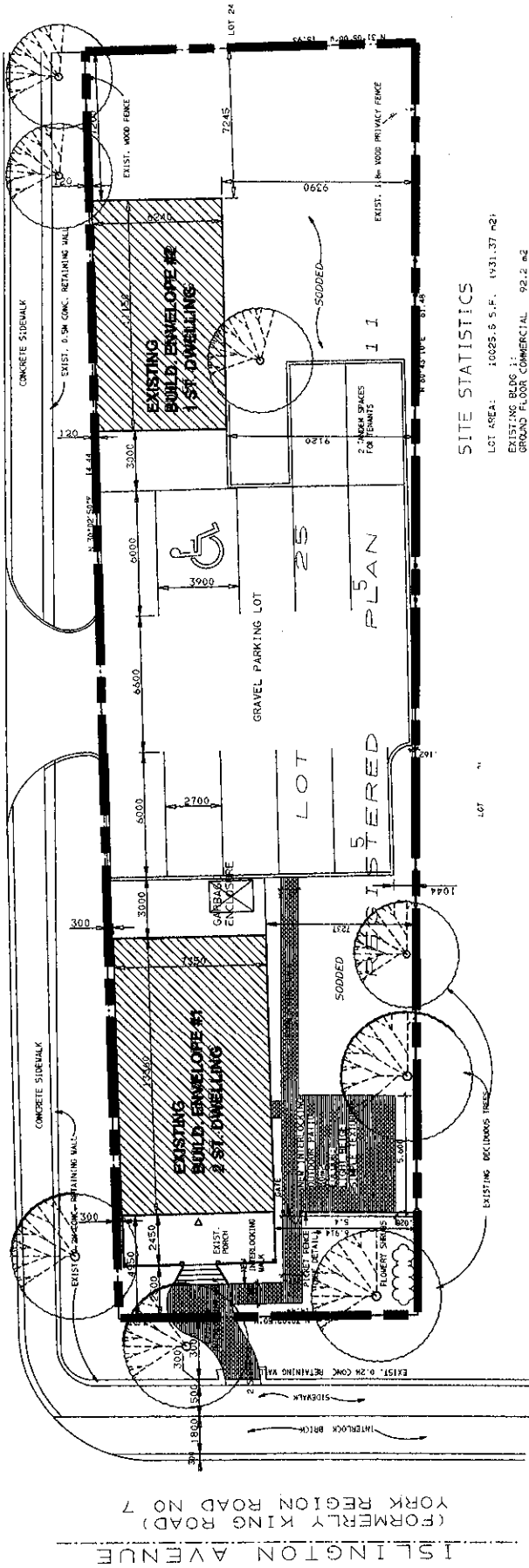


Community Planning Department

Attachment 1

FILE No.:
Z.03.046 &
DA.03.040
August 24, 2004

STEGMAN'S MILL ROAD (FORMERLY ROAD TO STEGMAN'S MILL)



SITE STATISTICS

LOT AREA: 10025.6 S.F. (431.37 m²)
 EXISTING BLDG 1: 92.2 m²
 GROUND FLOOR COMMERCIAL 86.5 m²
 SECOND FLOOR RESIDENTIAL 18.0 m²
 PORCH
 EXISTING BLDG 2: 69.58 m²
 GROUND FLOOR COMMERCIAL
 TOTAL FOOTPRINT AREA: 161.78 m²
 COVERASE (INC. PORCH): 18.42
 PAVED AREA: 277.3 m² - 29.72
 LANDSCAPE AREA: 474.3 m² - 51.92
 GROSS FLOOR AREA: 246.3 m² 26.62
 F.A.S.I.
 Pkg REQ'D:
 COMMERCIAL 1.75
 RESIDENTIAL 1.75
 BLDG. 1-RESTAURANT: 88.7m²
 OUTDOOR PATIO: 30.0m²
 TOTAL: 118.7m² 12.66/1000= 18.99
 BLDG. 2- RETAIL: 69.5m² 69.5/1000= 4.17
 TOTAL: 188.2m² 18.82/1000= 18.82
 25 SPACES
 PARKING PROVIDED: 16 SPACES
 * 2 TANDER SPACES FOR TENANT EMPLOYEES

SUBJECT LANDS



Not to Scale

Site Plan

Part Lot 24,
Concession 8

APPLICANT:
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Attachment 2

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