

**COMMITTEE OF THE WHOLE APRIL 19, 2004**

**ZONING BY-LAW AMENDMENT FILE Z.03.036  
SITE DEVELOPMENT FILE DA.04.014  
CARLO I CORP.  
REPORT #P.2003.72**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.03.036 (Carlo I Corp.) BE APPROVED, and that the implementing by-law:
  - a) rezone the developable portion of the site to EM1 Prestige Employment Area Zone, permitting a recreational use (soccer, bocce, office/meeting rooms);
  - b) provide the following exceptions to the EM1 Zone standards:
    - permit the accessory uses of a health spa (as a personal service shop and health centre), bar, and a banquet hall within a multi-unit building;
    - a minimum of 370 parking spaces;
    - no loading space;
    - a minimum 5m wide landscape strip abutting an Open Space Zone, and 4m at the southeast limit;
    - a 3m wide landscape strip adjacent to Rutherford Road; and,
    - a 10.9m rear yard and a 3.0m front yard.
  - c) rezone the floodplain to OS1 Open Space Conservation Zone, and permit outdoor passive and recreation, and gazebo uses in the clearing.
2. THAT the building elevations for Site Development Application DA.04.014 (Carlo I Corp.) BE APPROVED, and include additional treatment of the northwest corner, to the satisfaction of Staff.

**Purpose**

On October 24, 2003, the Owner submitted an application to amend the Zoning By-law to rezone the northerly portion of the site to EM1 Prestige Employment Area Zone, to permit the development of a 9,265.4m<sup>2</sup>, 3-storey recreational use building to include indoor soccer fields, bocce courts, health spa, bar, banquet hall, and office/meeting rooms, and a total of 370 indoor (first floor and underground) and outdoor parking spaces. On March 16, 2004, the Owner submitted a Site Plan Application, which would require the following exceptions to the EM1 Zone standards:

- permit accessory uses of a health spa, bar, and a banquet hall within a multi-unit, rather than a single-unit building;
- minimum of 370 parking spaces;
- no loading space, rather than 2 loading spaces;
- a minimum 5m wide landscape strip abutting an Open Space Zone, except at the southeast limit where 4m shall be permitted, rather than 7.5m;
- a 3m landscape strip width abutting Rutherford Road, rather than 9m;
- 10.9m rear yard, rather than 12m;
- a 3.0m front yard, rather than 9.0m.

The southerly portion of the site is proposed to be rezoned to OS1 Open Space Conservation Zone, maintaining the valley and woodlot in a natural state, with an exception to permit outdoor recreational activities, a gazebo and seating area uses, in the clearing.

### **Background - Analysis and Options**

The subject lands are located on the south side of Rutherford Road, east of Jane Street (2839 Rutherford Road), in Lot 15, Concession 4, City of Vaughan.

The rectangular-shaped 3.91 ha site has 182.11m frontage on Rutherford Road and a depth of 211m. The site is developed with a one-storey detached dwelling, garage and metal shed, which are to be demolished. The property slopes gently southward to a clearing below the top-of-bank, and towards a treed area that includes a tributary of the West Don River. The area of the tableland is 1.54 ha, and the floodplain is 2.36 ha.

The site is designated "Prestige Area", "Employment Area General" and "Stream Corridors" by OPA #450 (Employment Area Plan), and zoned A Agricultural Zone by By-law 1-88. The surrounding land uses are:

- North - Rutherford Road; Vaughan Joint Operations Centre (M2 General Industrial Zone)
- South - industrial (EM2 General Employment Area Zone), valley (OS1 Open Space Conservation Zone)
- East - industrial (EM1 Prestige Employment Area Zone and EM2 Zone), valley (OS1 Zone)
- West - valley (OS1 Zone), approved office/industrial (EM1 Zone)

On November 14, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and to the Maple Landing Ratepayers Association. To date, one written response has been received from the ratepayers association in support of the application, subject to a minimum 3m building setback from the north property line. The recommendation of the Committee of the Whole to receive the Public Hearing on December 8, 2003, and to forward a comprehensive report to a future Committee meeting, was ratified by Council on December 15, 2003.

### **Official Plan**

The "Prestige Area" designation in OPA #450 permits a wide range of employment, business, civic and recreational uses, with no outside storage. This designation is applicable to the northerly portion of the property along Rutherford Road at a depth of an industrial lot. The southerly tableland portion is designated "Employment Area General", which permits the above uses with outside storage, but is not contemplated. The proposed use of the tablelands for indoor recreational and accessory uses conforms to the Official Plan.

The southerly portion of the site is designated "Stream Corridors", which permits recreational activities that do not negatively impact the natural features or function of the stream corridor. The TRCA has advised that outdoor recreational activities, a gazebo and seating area, are acceptable uses in the open area of the floodplain. The proposed use of the floodplain conforms to the Official Plan.

The Owner will be dedicating the floodplain lands to the City, free of charge and encumbrances. The Owner has made a request to the City to lease and maintain at their cost, the open area of the floodplain to facilitate the outdoor recreational activities, gazebo and seating area. The Owner will be required to show on a drawing, the locations of the gazebo and seating area, to the satisfaction of Staff and the TRCA, at which time the potential lease arrangements will be considered.

## Zoning

The EM1 Prestige Employment Area Zone category would implement the designation in the Official Plan, and permit the proposed recreational uses, including the athletic fields (indoor soccer), lawn bowling greens (bocce), and related office/meeting rooms, but not the health spa, bar and banquet hall uses. The following exceptions to the EM1 Zone are required:

### a) Use

A health spa (hair, nail, facial, therapeutic massage, etc.) is not a defined use in the by-law. This use can be permitted indirectly as a "personal service shop" and/or a "health centre", with any body massage for medical or therapeutic treatment to be performed by duly qualified persons that are registered in Ontario as a Regulated Health Professional. Alternatively, such a business must include a Regulated Health Professional in order for non-registered persons to perform medical or therapeutic massages, so as to differentiate from an illegal body-rub parlour.

Health centre and personal service shop uses are permitted in the EM1 Zone, with the latter restricted to 185m<sup>2</sup> (1,991.3 sq.ft) in size. This use would complement and not compete with the recreation and banquet hall uses in the building, and can be supported by Staff. Although technically permitted, to ensure clarity, the implementing zoning by-law should indicate that a health spa is a personal service shop and health centre, and not a body-rub parlour.

A bar would complement the banquet hall and food service component for the recreational use, and can be supported by Staff as an accessory related use.

The by-law permits a banquet hall use in the EM1 Zone, but restricts its form to a single-use building to ensure that parking available to all businesses within a multi-unit building is not impacted. The banquet hall is to be an accessory component to the main recreational use, and would complement and not compete with the other uses in the building. Therefore, Staff can support a banquet hall use within the proposed multi-unit building.

### b) Parking & Loading:

The by-law does not contain a specific parking standard for a multi-use building containing recreational and accessory uses, but rather, standards for similar uses such as a community centre, place of entertainment, or an all season sports facility. Standards for these uses are either: 11 spaces/100m<sup>2</sup> GFA or 1 space/3 persons in the maximum design capacity of the building. A banquet hall use would be based on 11 spaces/100m<sup>2</sup> GFA. For comparison, the calculations for both parking scenarios are provided:

- Recreational and related accessory uses and banquet hall:  
11 spaces/100m<sup>2</sup> x 9,265.4m<sup>2</sup> = 1020 spaces; or,
- Recreational and related accessory uses:  
1space/3 persons in the maximum design capacity x 456 persons = 152 spaces,  
plus

Banquet Hall:

11 spaces/100 m<sup>2</sup> x 1,975.65m<sup>2</sup> =

Total:

218 spaces

370 spaces

The latter scenario provides a more functional assessment of the actual parking needs for the overall development, and can form the basis of the required parking to be included

in the implementing by-law. The site plan proposes 370 parking spaces, which will be included as an exception in the implementing by-law.

The by-law requires a minimum of two loading spaces to be provided, whereas the use would not functionally require any loading spaces. Therefore, Staff can support an exception to eliminate the loading space requirement.

c) Landscaping Width abutting an Open Space Zone:

The by-law requires a minimum 7.5m wide landscape strip to be provided adjacent to an Open Space Zone. The TRCA has advised that they can support a minimum 5m landscape strip adjacent to the floodplain and a 1m strip at the southeast limit (4m provided). Therefore, Staff can support the proposed reductions of 5m and 4m, respectively, in the landscape buffer width.

d) Front Yard & Landscape Strip Width abutting Rutherford Road:

The by-law requires a minimum front yard and landscape strip width of 9m abutting Rutherford Road, whereas the building is setback 3m from the north property line. The reduced building setback and planting within the landscape strip will provide a positive street-related development along Rutherford Road, and can be supported by Staff.

e) Rear Yard

The by-law requires a minimum rear yard of 12m, whereas the building is setback 10.9m from the south limit of the EM1 Zone, which can be supported by Staff.

The southerly portion of the site is proposed to be rezoned to OS1 Open Space Conservation Zone, maintaining the valley and woodlot in a natural state, with an exception to permit outdoor recreational activities, a gazebo and seating area, in the open area of the floodplain. Staff can support the proposed exceptions, which are supported by the TRCA.

Site Design

The site plan shows a square-shaped building that is centrally located along Rutherford Road, and setback 3m from the north property line. The 3-storey building will have a total gross floor area of 9,265.4m<sup>2</sup>, and include indoor soccer fields, bocce courts, health spa, bar, banquet hall, and office/meeting rooms. The main building entrance is located on the west side, with secondary entrances located on the east and south elevations. A total of 370 parking spaces will serve the development, including 198 outdoor spaces to the east, west and south of the building, and 172 indoor spaces on the first and underground floors.

A 7.5m wide access driveway from Rutherford Road is provided on each side of the building. The east access will be full-movement, and the west access will be right-in/right-out. The Region of York Transportation and Works Department must approve these accesses as well as a traffic impact study addressing short and long term road improvements for both entrances, including left and right turn lanes, illumination and signalization, pedestrian and transit considerations, and a signal warrant analysis for the easterly full-movement access.

Landscaping will be provided within a 3m wide strip along Rutherford Road, a 4-5m wide strip along the floodplain limit and within the parking lot.

Staff will be working with the applicant and external public agencies to finalize the site plan drawings, including a modest shift to the underground ramp location to facilitate proper vehicular turn movements.

### Compatibility

The developable area of the site is bounded by a wooded valley and floodplain to the west and south, an industrial building to the east, and the City's Joint Operations Centre to the north of Rutherford Road. The proposed use and development of the site for indoor recreational and related accessory uses is considered to be appropriate for the site within the context of the EM1 Zone, and compatible with the existing uses in the surrounding area.

The applications have been circulated to external agencies such as the Region of York Transportation and Works Department and the Toronto and Region Conservation Authority, who have expressed no objections to the use.

### Building Elevations

The building will be constructed to a height of 14.75m. The main entrance to the building is located on the west façade adjacent to the westerly driveway access. Secondary building entrances are located on the south and east façades. The entire building is comprised of a mix of light brown-coloured, smooth-finished sandblasted precast panels, brown-coloured brick face precast panels, and blue reflective double-glazed and spandrel glass panels. All garage and man-doors will be a brown colour to match the building. The garage door for the underground parking is on the south elevation. The first floor parking area will be served by three garage doors on the east elevation. Staff is satisfied with the proposed building elevations, but will require additional architectural treatment of the northeast corner of the building to reinforce this location as the main entrance. The final drawings will be included in the site plan agreement, to the satisfaction of Staff.

### Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #450.

### Conclusion

Staff has reviewed the application to amend the Zoning By-law in accordance with the policies of OPA #450 and the requirements of By-law 1-88, and the area context. Staff is satisfied that the rezoning of the developable portion of the site to EM1 Prestige Employment Area Zone to permit an indoor recreational building with accessory uses conforms to the Official Plan. The proposed use is appropriate for the site and compatible with the existing development in the surrounding area. The EM1 Prestige Employment Zone will facilitate the proposed development, with the addition of appropriate site-specific exceptions.

Rezoning of the floodplain to OS1 Open Space Conservation Zone would also conform to the Official Plan, and meet the requirements of the OS1 Zone with exceptions to permit outdoor recreational activities, a gazebo and seating area uses, in the open area of the floodplain.

Therefore, Staff recommends approval of the zoning by-law amendment application to permit the proposed development, and the building elevations associated with the related site plan application with the revisions noted in the report. Should the Committee concur, the recommendation in this report can be adopted.

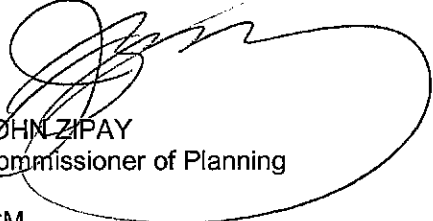
**Attachments**

1. Location Map
2. Site Plan
3. Landscape Plan
- 4a. Building Elevations (North & East)
- 4b. Building Elevations (South & West)

**Report prepared by:**

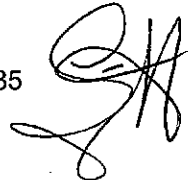
Grant A. Uyeyama, Senior Planner, Development, ext.8635

Respectfully submitted,

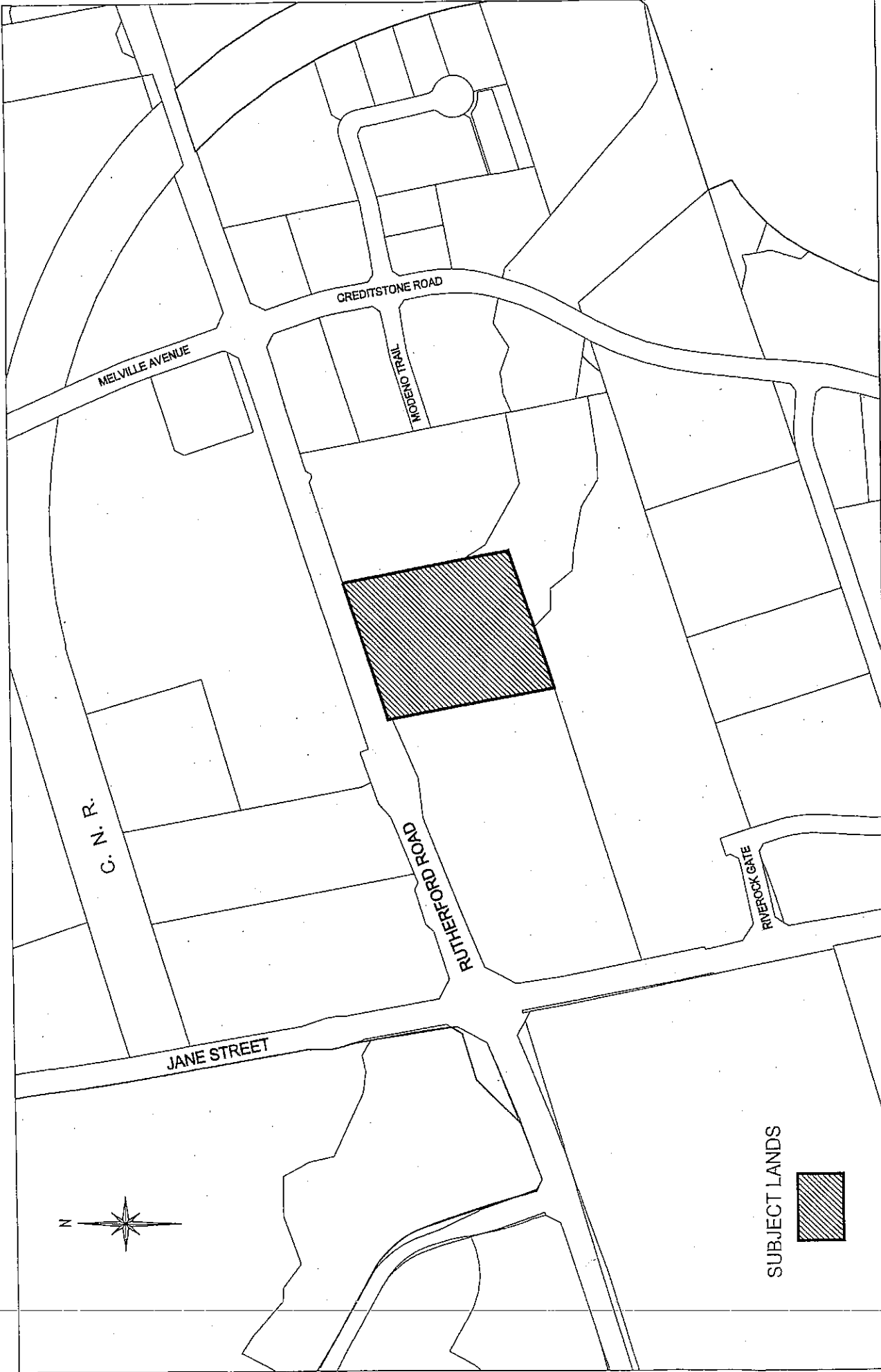


JOHN ZIPAY  
Commissioner of Planning

/CM



MARCO RAMUNNO  
Manager of Development Planning



FILE No.:  
 DA.04.014 & Z.03.036  
 Not to Scale  
 March 23, 2004

City of  
**Vaughan**

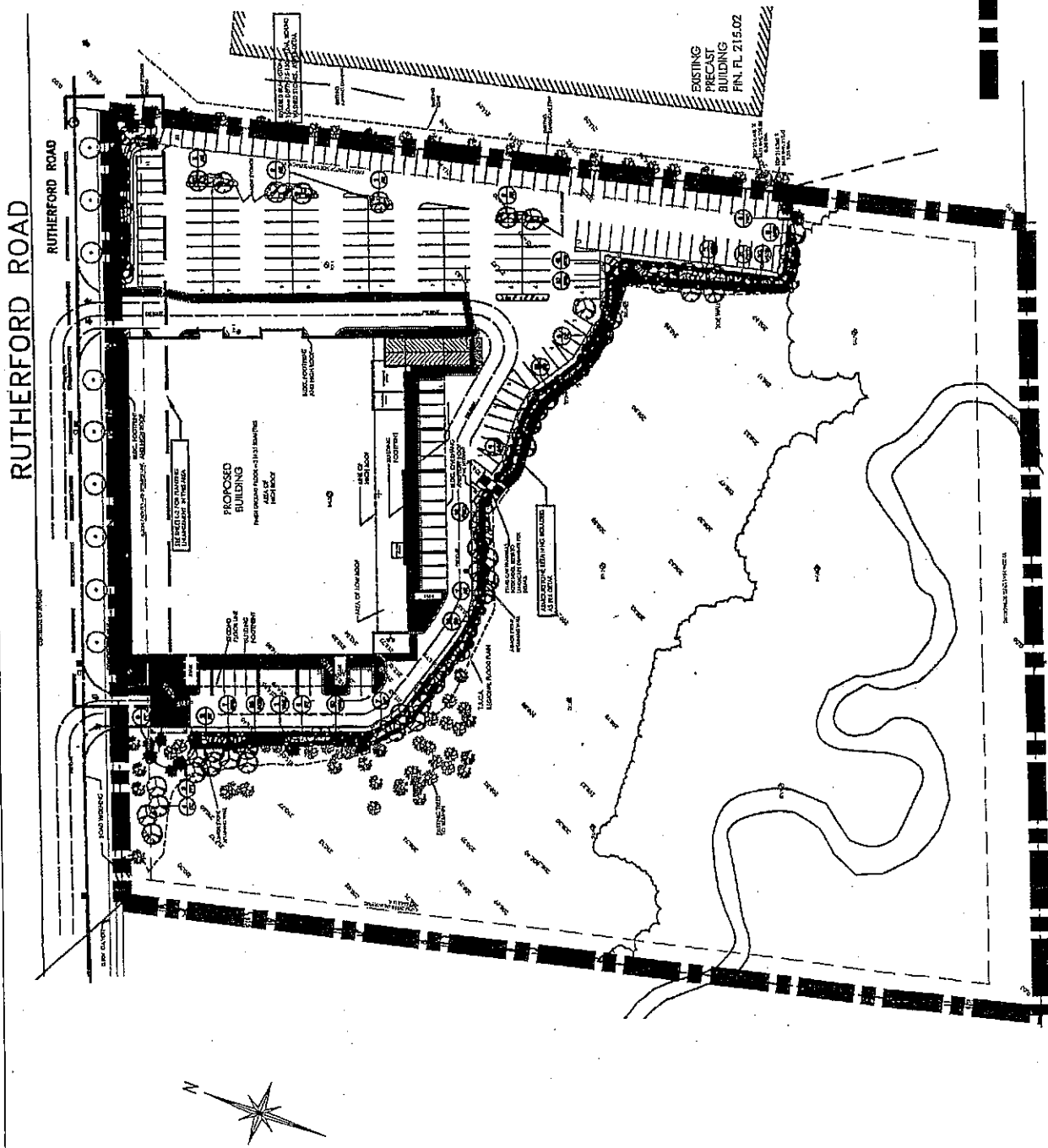
Community Planning Department

**Location Map**

Lot 15,  
 Concession 4  
 APPLICANT:  
 CARLO I CORPORATION







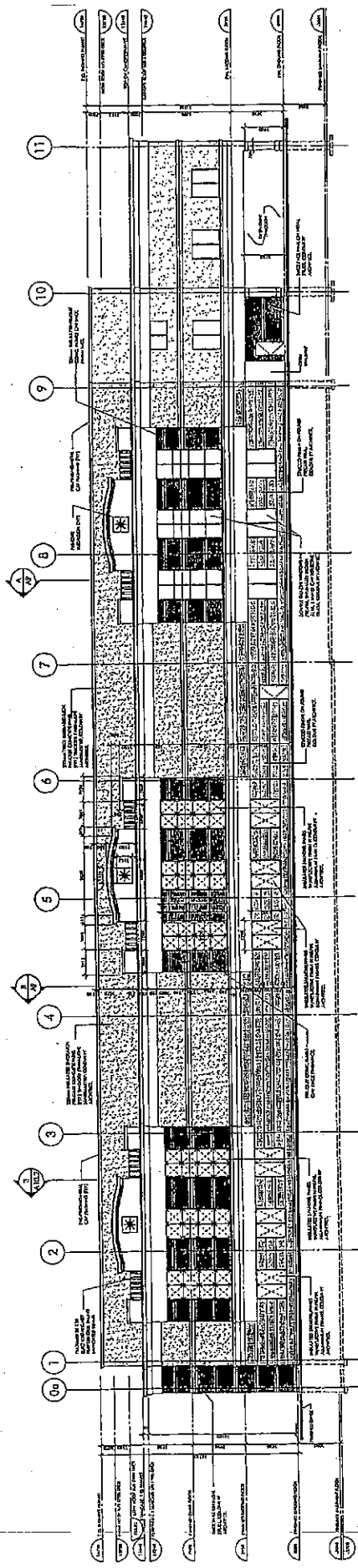
SUBJECT LANDS

# Attachment 3

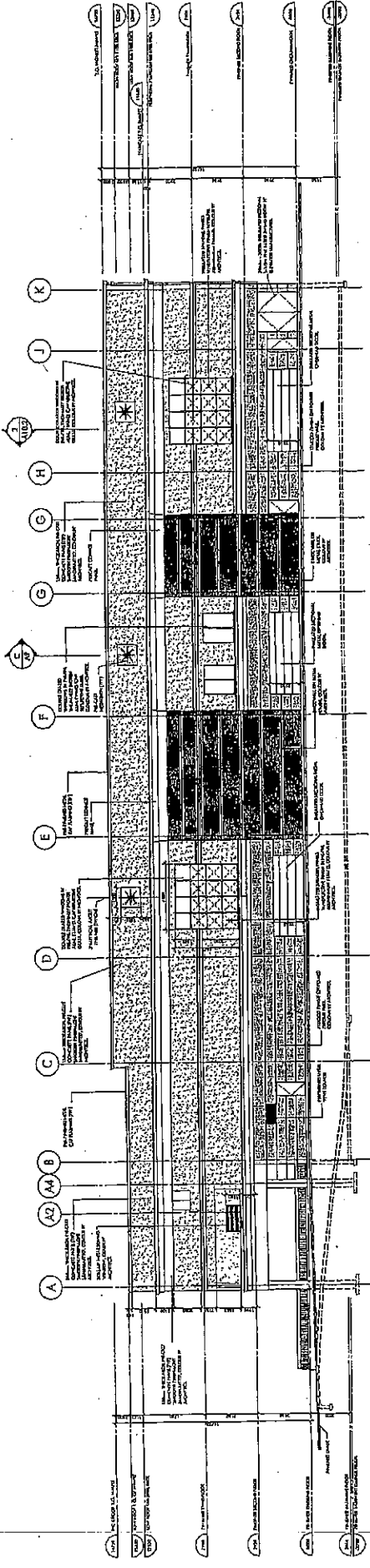
FILE NO.: DA.04.014 & Z.03.036  
 Not to Scale  
 March 23, 2004

## City of Vaughan Community Planning Department

**Landscape Plan**  
 Lot 15,  
 Concession 4  
 APPLICANT:  
 CARLO I CORPORATION



1 NORTH ELEVATION  
SCALE 1/8" = 1'-0"



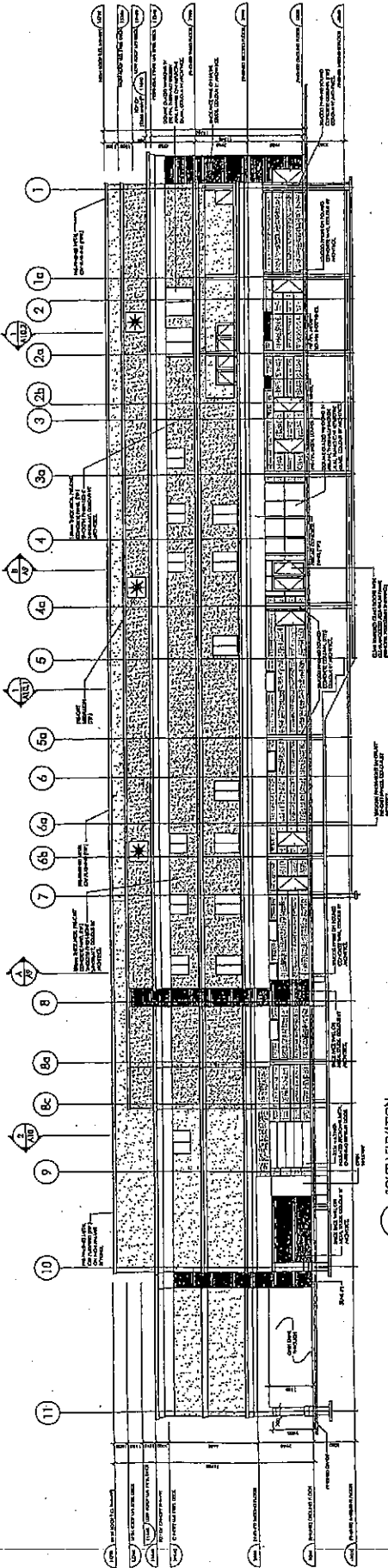
2 EAST ELEVATION  
SCALE 1/8" = 1'-0"

# Attachment 4a

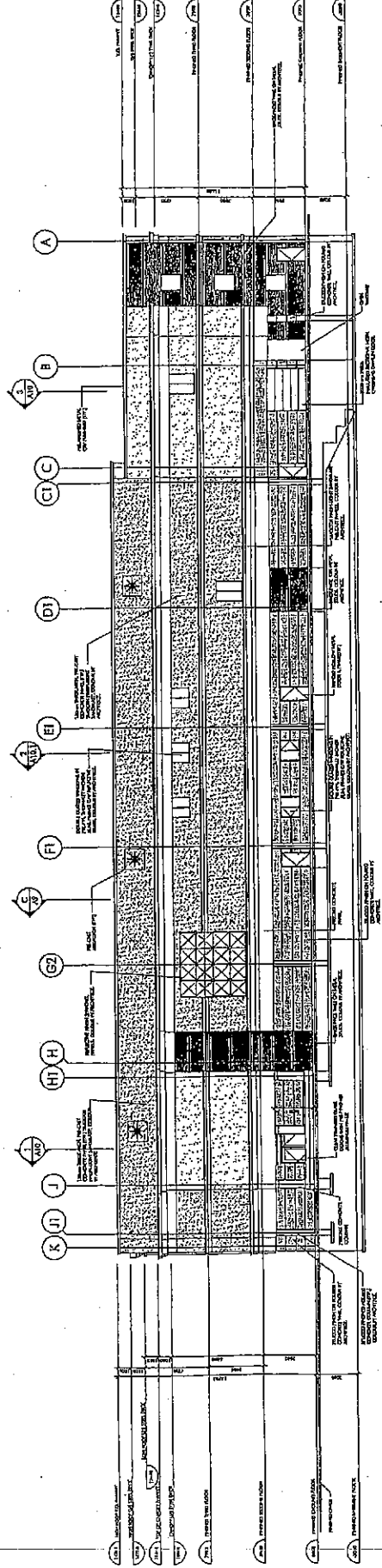
FILE No.: DA.04.014 & Z.03.036  
Not to Scale  
March 23, 2004

## CITY of Vaughan Community Planning Department

**Elevations**  
Lot 15,  
Concession 4  
APPLICANT:  
CARLO I CORPORATION



1 SOUTH ELEVATION  
SCALE: 1/8"



2 WEST ELEVATION  
SCALE: 1/8"

# Elevations

Lot 15,  
Concession 4  
APPLICANT:  
CARLO I CORPORATION



Community Planning Department

# Attachment 4b

FILE No.:  
DA.04.014 & Z.03.036  
Not to Scale  
March 23, 2004