

COMMITTEE OF THE WHOLE MAY 2, 2005

**ZONING BY-LAW AMENDMENT FILE Z.03.104
SITE DEVELOPMENT FILE DA.03.080
VALENTINA AND VLADIMIR KRCDMAR
REPORT # P.2004.34**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.03.104 (Valentina and Vladimir Krcmar) BE APPROVED, to rezone the subject lands from A Agricultural Zone to C1 Restricted Commercial Zone, to permit a business and professional office use for a Land Surveyor, subject to the following:
 - i) require a minimum rear yard of 10m for the Accessory Building;
 - ii) require a minimum lot depth of 59m;
 - iii) require a minimum setback to a Residential Zone of 6.05m for the main building and 3.55m for the accessory building;
 - iv) eliminate the requirement to provide loading spaces;
 - v) require a minimum landscape strip width of 1.5m abutting Centre Street and 4.11m abutting Parsons Place; and
 - vi) require a minimum of 54 parking spaces, subject to confirmation through the review of a parking report by the Engineering Department.

2. THAT Site Development File DA.03.080 (Valentina and Vladimir Krcmar) as proposed by the Applicant NOT BE SUPPORTED, and that the Site Plan as red-lined by Staff as shown on Attachment #3 BE ENDORSED, subject to the following conditions:
 - a) that prior to the execution of the site plan agreement:
 - i) the final site plan, landscape plan and building elevations shall be approved by the Development Planning Department.
 - ii) the final site servicing and grading plans, stormwater management report, parking report, and noise report shall be approved by the Engineering Department.
 - iii) all hydro requirements shall be fulfilled to the satisfaction of PowerStream Inc.
 - iv) all required approvals from the Region of York Transportation and Works Department shall be obtained.
 - v) the implementing zoning by-law shall be in full force and effect.

 - b) that the site plan agreement include the following provisions:
 - i) The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

- ii) The Owner's site plan is deficient in required landscaping, and therefore, the Owner shall provide additional tree and shrub planting within the City's boulevard on Parsons Place in accordance with a landscape plan that is approved by the City. The additional boulevard planting shall be maintained (including watering, feeding and pruning) and replaced, at the cost of the Owner.
 - iii) The Owner shall convey all required 0.3m wide reserves, including along the rear lot line adjacent to Parsons Place.
3. THAT the Ontario Municipal Board withhold its Order respecting the approval of the Zoning By-law Amendment and Site Plan Applications, until such time as the Owner can provide revised drawings in keeping with the City's recommended red-lined site plan, landscape plan and building elevations, to confirm the site layout, landscaping and building design, and to ensure all zoning exceptions have been captured.

Economic Impact

N/A

Purpose

The Owner has submitted an application to amend the Zoning By-law to rezone the subject lands shown on Attachment #1 from A Agricultural Zone to C1 Restricted Commercial Zone in order to permit a business and professional office use for a Land Surveyor.

The Owner has also submitted a related Site Plan application to redevelop the 0.39 ha site with a 2½-storey, 1,785 m² business/professional office building and a 56.21m² accessory building, as shown on Attachment #2.

Background - Analysis and Options

On May 5, 1987, Council approved Official Plan Amendment Application OP.37.86 to redesignate the subject lands from "Low Density Residential" to "General Commercial". Council adopted implementing OPA #256 on September 19, 1988, which was approved by the Ministry of Municipal Affairs on October 30, 1992. On May 5, 1987, Council also approved Zoning By-law Amendment Application Z.81.86 to rezone the subject lands from A Agricultural Zone to an appropriate Residential/Commercial Zone, subject to site plan approval, in order to legalize the existing surveyor's office use (50m² of GFA) within the existing residential dwelling, and to permit a 2-storey, 979m² professional office building on the same lands. A Site Development application was never submitted, and the implementing by-law was not enacted.

On July 23, 2003, the Owner and his planning consultant and architect met with Staff to present their proposal to construct a 2½-storey, 1,860m² business and professional office fronting on Centre Street, with parking in the rear and one vehicle access point from Centre Street. The proposal also included the demolition of the existing residential dwelling and removal of the vehicle access on Parsons Place. Staff informed the Owner that the revised proposal would require both a Zoning By-law Amendment and Site Development applications, to be approved by Council. As a result, the Owner submitted the current Zoning By-law Amendment and Site Development applications Z.03.104 and DA.03.080 (see Attachment #2).

The subject lands are located on the south side of Centre Street, east of Dufferin Street (1137 Centre Street), being Block 7 on Plan 65M-2765, in Part of Lot 5, Concession 2, City of Vaughan. The 0.39 ha site is presently developed with a 2-storey building, which is to be demolished. The site has 64.85 m frontage on Centre Street and a depth ranging from 56.29m to 82.54m.

The subject lands are designated "General Commercial" by OPA No. 210 (Thornhill-Vaughan Community Plan), as amended by OPA No. 256, and zoned A Agricultural Zone by By-law 1-88. The surrounding land uses are:

- North – Centre Street; commercial (C1 Restricted Commercial Zone)
- South – Parsons Place; residential (R3 Residential Zone)
- East – residential (R3 Residential Zone)
- West – residential (R4 Residential Zone)

On January 9, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Brownridge Ratepayers' Association. To date, comments have been received, and summarized as follows:

- the accessory storage/refuse building is proposed along the south lot line, adjacent to Parsons Place, which would be in view of residents on Parsons Place;
- the relationship between the rear lot line of the subject lands (i.e. the proposed parking lot) and Parsons Place needs to be reviewed in greater detail (i.e. fencing, landscaping, etc.) to ensure an aesthetic streetscape is maintained;
- the residential look and feel of the neighbourhood must be preserved;
- site-specific OPA #256 addressed the existing building being retained on the subject lands, and consideration was never given to demolishing the existing building and redeveloping the site;
- the relationship between the existing and proposed development respecting the scale of the new building in comparison to other buildings on the street; and
- Parsons Place is a residential cul-de-sac used for commercial purposes to exit and enter the site, even though it was prohibited through OPA #256.

The recommendation of the Committee of the Whole on February 2, 2004 to receive the Public Hearing report, and to forward a technical report to a future Committee meeting was ratified by Council on February 9, 2004.

A number of community meetings were held in an attempt to resolve and mitigate concerns raised by the area residents. Staff from the Development Planning Department, the Local Ward 4 Councillor, selected representatives from the residents group, and the Applicant with his agent and architect, attempted to address the concerns raised at the public hearing and in writing from the local residents respecting the site layout. As a result, the group agreed on the concept plan shown on Attachment #3, which was later presented to the larger group of residents by their representative. The larger residents group still had concerns respecting the revised site plan.

On December 22, 2004, the applicant appealed Zoning By-law Amendment and Site Plan applications (Z.03.104 and DA.03.080) to the Ontario Municipal Board (OMB), on the basis of Council's failure to make a decision on their applications within the time frame stipulated in the Planning Act.

The OMB has scheduled a Hearing date to commence on May 16 to 20, 2005, to consider the appeals of the Zoning Amendment and Site Plan applications.

Official Plan

The subject lands are designated "General Commercial" by OPA No. 210 (Thornhill-Vaughan Community Plan), as amended by OPA No. 256. OPA No. 256 limits development of the subject lands to business and professional office uses, subject to the following site design criteria:

- "only residential access and parking shall be permitted from Parsons Place;
- access to the parking area provided for the business and professional office use shall be by way of Centre Street;
- no through connection between Parsons Place and Centre Street shall be permitted;
- all new development shall be compatible with the residential character of the existing and future development in the area, in respect of building design, coverage, scale, landscaping, buffering and building setbacks; and
- the site shall be designed in such a manner as to preserve the existing mature vegetation."

The proposed use of the subject lands for a business and professional office building would be permitted by the Official Plan. However, the applicant's proposed site plan, landscape plan and building elevations shown on Attachments #2, #4 and #6, respectively, would not meet the later two objectives of the above-noted Official Plan criteria.

The City's recommended red-lined site plan, landscape plan and building elevations shown on Attachments #3, #5 and #7, respectively, would achieve all of the objectives in OPA #256, as further discussed throughout this staff report.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88. The zoning by-law amendment application proposes rezoning the subject lands to C1 Restricted Commercial Zone for use as a business and professional office, subject to site-specific exceptions.

The applicant's original submission as shown on Attachment #2, would result in the following exceptions to the C1 Zone standards:

	<u>Applicant's Proposal (Attachment #2)</u>	<u>Required</u>
Min. Front Yard	3.0m	9.0m
Min Rear Yard for Accessory Building	3.02m	15.0m
Min. Lot Depth	59.0m	60.0m
Min. Setback to Residential Zone	6.05m(west)/3.5m(east)	9.0m
Loading Spaces	0 spaces	2 spaces
Min. Width of a Landscape Strip Abutting a Street	3.0m (abutting Centre Street); 1.42m (abutting Parsons Place)	6.0m

In addition to the above, the site will also require an exception for the location of the accessory building (storage/garbage shed), as By-law 1-88 requires that all accessory buildings adhere to the same setbacks as the main building.

The revised proposal as shown on Attachment #3, which City Staff is in support of would require all the same exceptions identified above, except for the reduction to the minimum front yard. As shown on Attachment #3, relocating the building to a central location on the subject lands would comply with the minimum 9.0m front yard requirement. In addition, an exception for a reduced landscape strip width of 1.5m along Centre Street will be necessary, in light of the grading issues, which will require a retaining wall to be constructed. As discussed in the "Landscaping" section of this report, 6 of 12 parking spaces along Centre Street as shown on the City's red-line plan (Attachment #3) will be removed, and replaced with landscaping.

Although the revised proposal indicates 63 parking spaces, Staff would support a minor reduction in parking as shown on Attachment #3 (City of Vaughan red-lined plan), to replace the parking spaces in the northwest and southwest parking areas with additional landscaping, thereby further mitigating the concerns of the neighbouring residents. A reduction in parking to 54 spaces (13% deficiency) can be supported, as discussed in the "Parking" section of this report.

Site Design

Attachment #2 proposes the building location at the northwest corner of the subject lands having a street presence along Centre Street. The only access to the site is from Centre Street leading to a reversed L-shaped parking area. Parking has been provided to the east and south of the building. An accessory building used for storage and refuse is located at the southeast corner of the subject lands. Landscaping has been provided around the periphery of the site, with an effort to maintain the existing mature landscaping.

The Development Planning Department's preferred plan (see Attachment #3 – City of Vaughan red-lined plan) shows the building with a slightly reduced gross floor area of 1,768m² located centrally to the site. The proposed parking area forms a U-shape around the building. The centrally located building is in keeping with the location of the residential dwellings on the adjacent lots to the east and the west. Landscaping is being provided around the periphery of the site, and will maintain the existing vegetation. Trees will also be relocated and replanted on the site. Access to the site is only from Centre Street. The accessory building has been reduced in size, and is located at the southeast corner of the subject lands.

On this basis, Staff cannot support the applicant's proposed site plan as shown on Attachment #2. It is recommended that the Committee not support the applicant's site plan, and that instead, the Committee endorse the City's red-lined site plan as shown on Attachment #3, for approval by the Ontario Municipal Board.

Building Elevations

Both the applicant's proposed building elevations (Attachment #6) and the City of Vaughan's Red-lined Elevation Plan (Attachment #7) show a building to be constructed with a height to a maximum of 11.0m. The main building material used throughout is masonry brick in a light brown colour.

The applicant's proposed elevation (see Attachment #6) has two main entrances on each of the north and south elevations. The main entrance on the north elevation is centrally located and covered by a canopy two storeys in height and supported by two columns. A single storey canopy covers the main entrance on the south elevation. Due to the site layout as shown on Attachment #2, the building is located at a higher elevation, requiring exterior stairs and a ramp to access the entrance on the south elevation. Four rows of windows have been provided on each side of the entrances for both the north and south elevations. Window dormers have also been provided in the roofline of the building.

The City of Vaughan Red-lined Plan as shown on Attachment #7 differs slightly in that the window treatments are not as symmetrical. The north elevation proposes smaller windows for the second

storey with wood shutters creating a residential look to the building. The south elevation has also incorporated residential design elements including shutters for the windows on the first and second storey, as well as, a bay window on each side of the main entrance.

On this basis, Staff cannot support the applicant's proposed building elevations as shown on Attachment #6. It is recommended that the Committee not support the applicant's building elevations, and that instead, the Committee endorse the City's red-lined elevation plan as shown on Attachment #7, for approval by the Ontario Municipal Board.

Access and Parking

The site is to be serviced by a single 7.5m wide full-movement driveway access on Centre Street. The existing access on Parsons Place will be removed and replaced with landscaping and a pedestrian walkway. The final location, width and design of the driveway access will be subject to the approval of the Region of York Transportation and Works Department.

The required parking for the applicant's site plan shown on Attachment #2 is calculated as follows:

$$1,785.0\text{m}^2 \text{ GFA @ } 3.5 \text{ parking spaces}/100\text{m}^2 \text{ GFA} = 63 \text{ parking spaces}$$

The applicant's Site Plan provides 63 spaces, including 1 handicapped space as required by the parking standards in By-law 1-88.

The required parking for the City's red-line plan shown on Attachment #3 is calculated as follows:

$$1,768.0\text{m}^2 \text{ GFA @ } 3.5 \text{ parking spaces}/100\text{m}^2 \text{ GFA} = 62 \text{ parking spaces}$$

The City of Vaughan's red-lined plan provides 63 parking spaces, with a surplus of 1 space. However, Staff have concerns respecting the reduction to the required landscaping strip width along the southerly lot line and would support the removal of 3 parking spaces in order to provide an increased coniferous landscaped buffer at the southwest corner of the subject lands abutting the rear (southerly) lot line (see Attachment #3).

As identified earlier in the "Zoning" section of this report, there is a retaining wall that is required to be constructed along the frontage of Centre Street, which limits the landscaping strip width to 1.5m. Accordingly, in order to increase the amount of landscaping along Centre Street, but still ensure that there is sufficient parking to serve the development, 6 of 12 parking spaces along Centre Street will be eliminated and replaced with landscaping and also to preserve a mature tree, as shown on Attachment #3.

The removal of 9 parking spaces to be replaced with landscaping, would yield a revised parking total of 54 spaces (13% deficiency), which can be supported by Staff, in order to achieve a more appropriate and compatible site plan layout that can be integrated with the surrounding residential development. However, this will need to be confirmed through the submission of a parking report, to be reviewed to the satisfaction of the Engineering Department.

The parking space depths that are shown at 5.5m, will be increased to a minimum of 6m, in keeping with the requirements of By-law 1-88. This can be achieved when the red-lined site plan is redrawn to show a smaller foot-print.

Landscaping

The applicant is proposing to maintain as much existing landscaping on site as possible, except in the rear yard, which will be paved with a hard surface to facilitate parking, as shown on the Applicant's landscape plan (Attachment #4). A mix of deciduous and coniferous tree and shrub

planting has been proposed around the periphery of the site in order to create a buffer between the subject lands and the surrounding residential lots. The proposed planting will also provide screening of the parking area. Planting has also been proposed along the base of the south, east and north elevations of the building.

The City of Vaughan's Red-lined Landscape Plan (see Attachment #5) also proposes a mix of coniferous and deciduous tree and shrub planting, as well as, preserving additional existing mature trees on site, including along Centre Street. Special attention to the planting along the rear lot line abutting Parsons Place is also proposed. Due to the relocation of the building, planting is proposed along the north, south and east elevations. A pedestrian walkway with an iron gate leading from Parsons Place to the subject lands has been incorporated into the site and landscape design.

The City will also allow planting to be provided in the City of Vaughan's boulevard along Parsons Place in an attempt to create an additional layer of landscape screening. The proposed trees and shrubs to be planted in the boulevard are to be maintained by the applicant, at their cost, including watering, feeding and pruning, and will be included as a condition of the site plan agreement. City Staff also require that pedestrian scale lighting poles be used within the parking areas.

On this basis, Staff cannot support the applicant's proposed landscape plan as shown on Attachment #4. It is recommended that the Committee not support the applicant's landscape plan, and that instead, the Committee endorse the City's red-lined landscape plan as shown on Attachment #5, for approval by the Ontario Municipal Board.

Servicing

The site has access to hydro, water, and sanitary and storm sewer services. The applicant is in the process of submitting detailed engineering drawings, including site servicing and grading plans, a storm water management report, and a functional servicing report, all which must be approved by the Engineering Department.

The Applicant is also required to convey a 0.3m wide reserve along the rear lot line adjacent to Parsons Place, which will prevent access on this street.

In addition, the Engineering Department requires an environmental noise impact study to be submitted for review and approval, as the lands are adjacent to residential uses.

Land Use and Compatibility

- OPA #256 redesignated the subject lands from "Low Density Residential" to "General Commercial". The proposed rezoning of the property from A Agricultural Zone to C1 Restricted Commercial Zone to permit a business and professional office use would implement the Official Plan designation, and conform to the Official Plan;
- OPA #256 restricts the permitted uses on the property to business and professional offices and the maintenance of the existing residential dwelling. The proposed surveyors office is considered to be a business or professional office as defined by By-law 1-88;
- The implementing site-specific zoning by-law will address the minor shortage of required parking spaces in order to facilitate an appropriate site plan layout that is compatible with the surrounding residential development;
- OPA #256 permits only residential access and parking from Parsons Place. As there is no longer a residential use proposed on the subject lands, the access from Parsons Place has been removed, and replaced with the extension of the landscape buffer along the

streetline. Through traffic or commercial traffic on Parsons Place is no longer an issue, as there will not be any vehicular traffic accessible to the site from the residential court;

- All access to the site will from Centre Street and is subject to the approval of the Region of York Transportation and Works Department;
- The proposed building location as shown on Attachment #2 is not compatible with the residential character of the surrounding area, in respect to the landscaping, buffering and building setbacks;
- The location of the building as proposed on Attachment #2, is not in keeping with the building setbacks of the residential properties flanking the subject lands to the east and west. Residential lots to the west are zoned R4 Residential Zone fronting on Parsons Place with rear yards abutting Centre Street. The residential lots to the east are zoned R3 Residential Zone. The R3 and R4 Zones require a minimum rear yard of 7.5m in comparison to the office building's proposed minimum 3.0m setback from Centre Street. The variation in setbacks from Centre Street creates a significant visual difference and inconsistency between the location of the proposed office building and the existing residential. This variation in setbacks would also interfere with the sight lines of the adjacent residents and impacts upon the privacy and enjoyment of the rear amenity areas of the adjacent residents;
- Neither the applicant's proposed building elevations, or the City of Vaughan's Red-lined Building Elevations (see Attachments #6 and #7) exceed the maximum 11.0m building height requirement to the top of the pitched roof;
- A number of existing trees are proposed to remain around the periphery of the subject lands and new planting has also been proposed in an attempt to create a soft landscaping buffer between the proposed use and the surrounding residential dwellings, including additional planting to be provided at the applicant's cost within the Parsons Place boulevard.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

Staff has reviewed the proposed application for Zoning By-law Amendment to rezone the subject lands from A Agricultural Zone to C1 Restricted Commercial Zone and can be supported. The applicant has also submitted a Site Plan Application, which is not supported by Staff, as the site, landscape and building design does not meet the site design criteria in the Official Plan, and would result in a development that is inappropriate and incompatible with the surrounding residential development.

Staff has provided a more appropriate alternative to the applicant's proposed submission, taking into consideration the surrounding residential context of the area. The City of Vaughan's Red-lined Plan (see Attachment #3) provides a site plan layout that is sensitive to the surrounding residential development, provides as much landscaping as possible, and preserves existing mature trees around the periphery of the site. The Red-lined plan also proposes a slightly smaller building GFA and smaller accessory building. The City's recommended plan would meet all of the site design criteria in the Official Plan. On this note, the City's red-lined site plan, landscape plan and building elevations shown on Attachment #3, #5 and #7, respectively, should be endorsed for approval by the Ontario Municipal Board (OMB). Accordingly, the recommended

zoning exceptions identified in this staff report to implement the City's red-line plans can also be endorsed for approval by the OMB.

The OMB has scheduled a Hearing date to commence on May 16 to 20, 2005, to consider the Zoning By-law Amendment and Site Plan applications that have been submitted on the Krcmar site. The Applicant is aware of the City's red-line revisions, and has verbally advised the City that they would have no objections in revising their proposal to reflect the City's recommended site layout. Accordingly, the OMB should withhold issuing its Order on the applications until such time as the applicant can provide revised drawings in keeping with the City's red-lined plans to confirm the site layout, landscaping and building elevations, and to ensure all zoning exceptions have been captured.

Attachments

1. Location Map
2. Proposed Site Plan
3. City of Vaughan – Red-Lined Site Plan
4. Proposed Landscape Plan
5. City of Vaughan – Red-Lined Landscape Plan
6. Proposed Building Elevations
7. City of Vaughan - Red-Lined Building Elevations

Report prepared by:

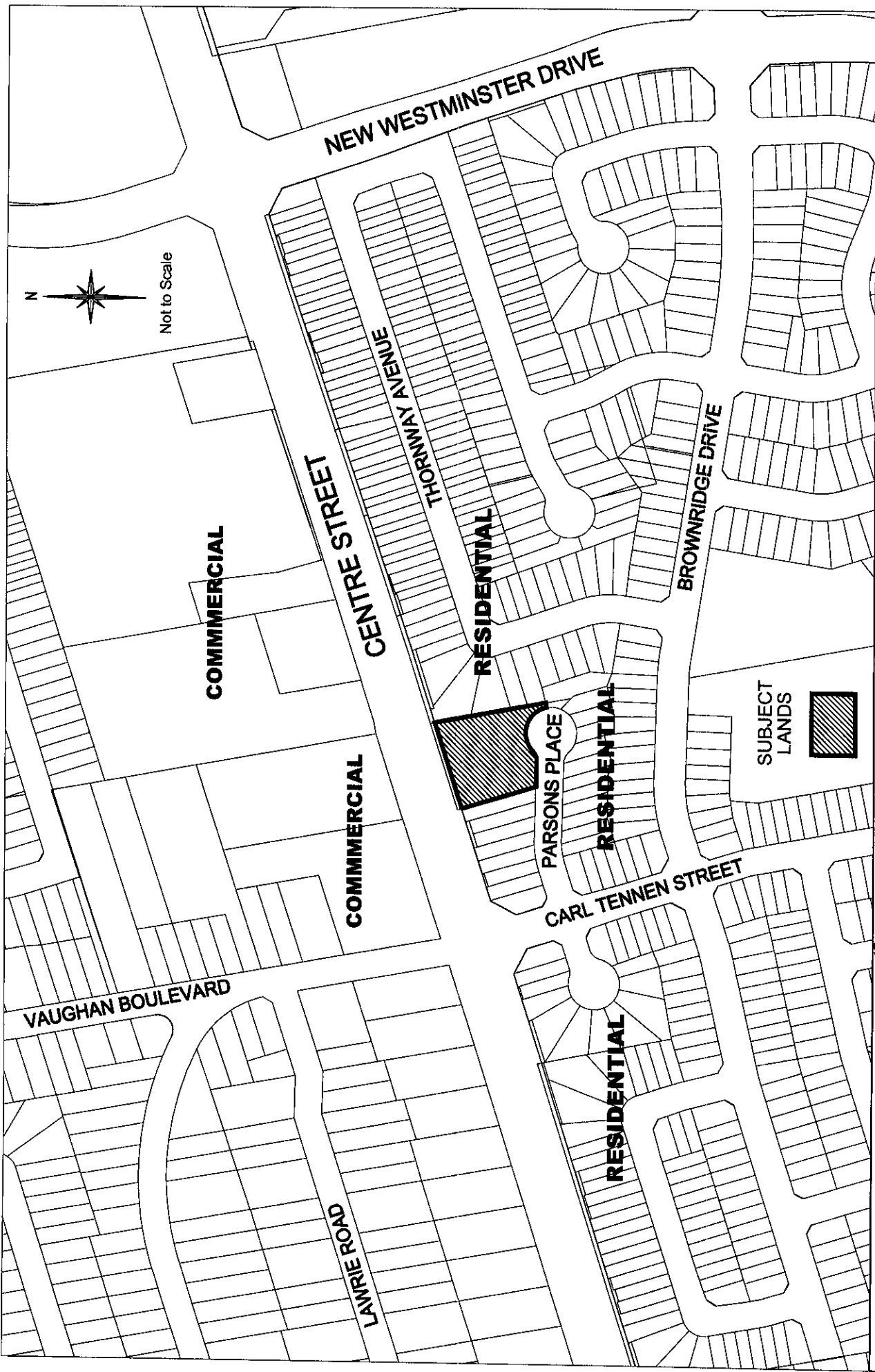
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM



Location Map

Part of Lot 5,
Concession 2

APPLICANT:
VALENTINA & VLADIMIR KRČMAR

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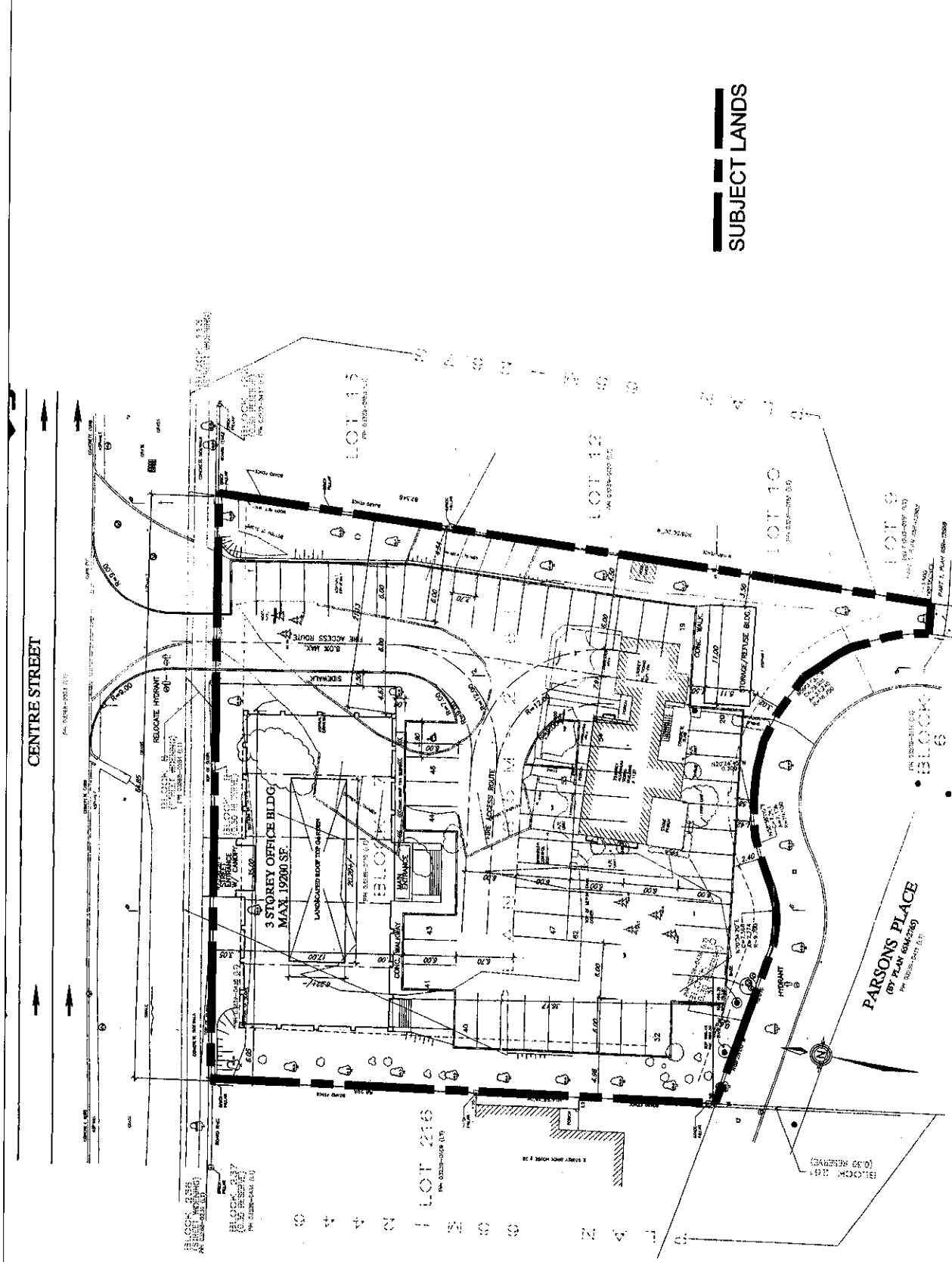
Development Planning Department

Attachment



FILE No's.:
DA.03.080
& Z.03.104

April 27, 2005



Not to Scale

SUBJECT LANDS

Proposed Site Plan

Part of Lot 5,
Concession 2

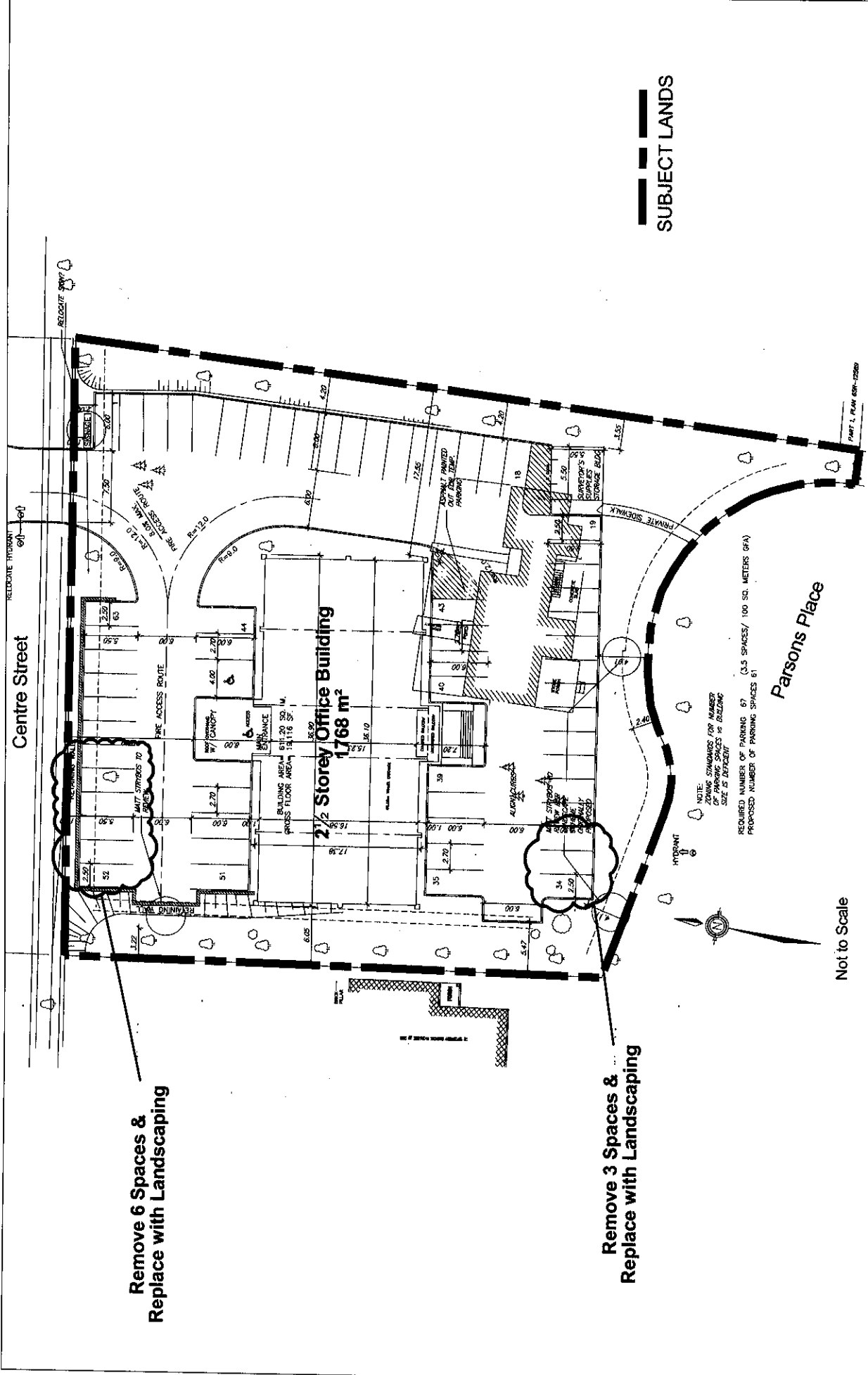
APPLICANT:
VALENTINA & VLADIMIR KRUMAR

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Development Planning Department

Attachment 2
FILE No.: DA.03.080
RELATED FILE: Z.03.104
April 27, 2005



Not to Scale

Attachment 3

FILE No.: DA.03.080
 RELATED FILE: Z.03.104
 April 27, 2005



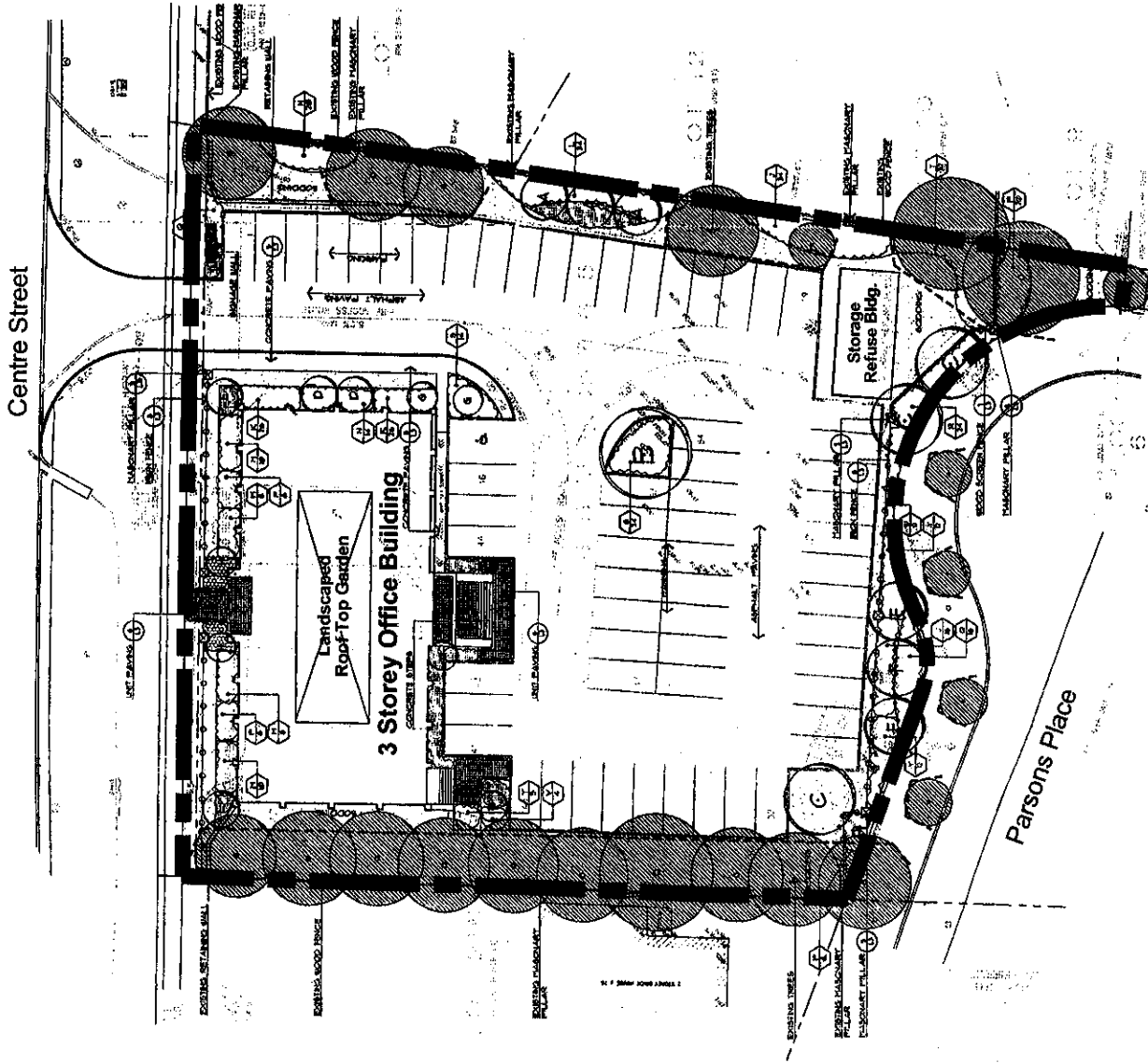
Development Planning Department

City of Vaughan Red-Lined Site Plan

Part of Lot 5, Concession 2

APPLICANT: VALENTINA & VLADIMIR KRUMAR

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SUBJECT LANDS



Proposed Landscape Plan

Part of Lot 5,
Concession 2
APPLICANT:
VALENTINA & VLADIMIR KRČMAR
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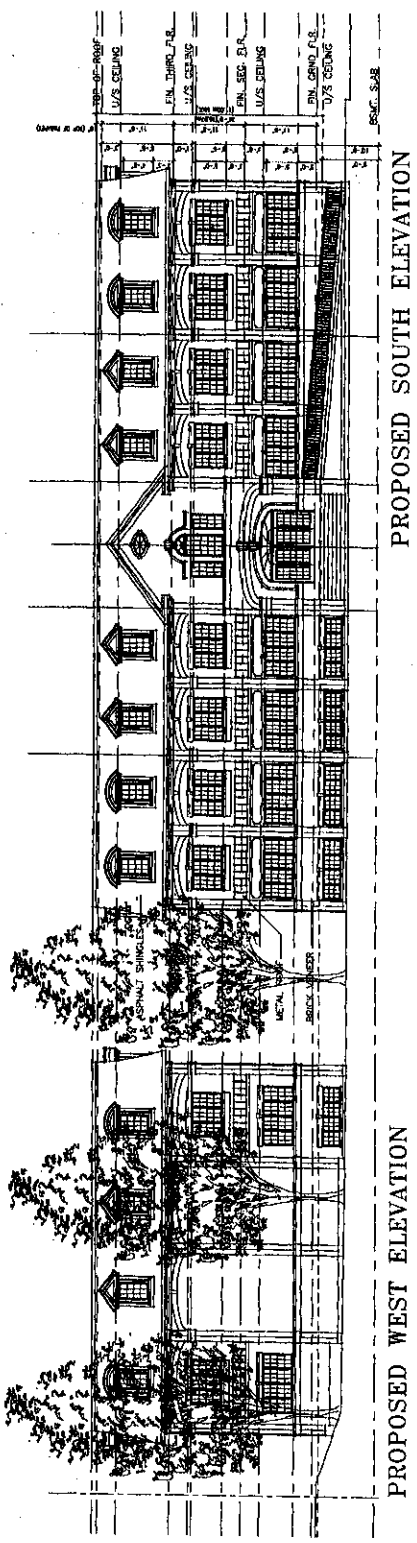
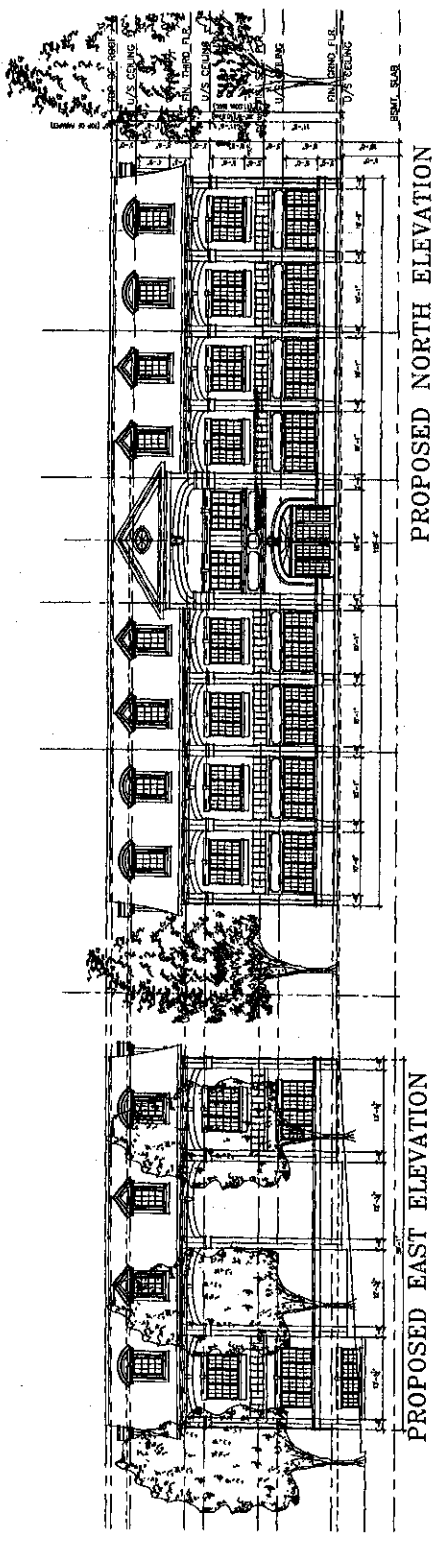


Development Planning Department

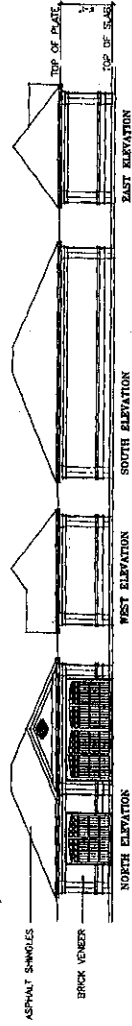
Attachment

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FILE No.:
DA.03.080
RELATED FILE:
Z.03.104
April 27, 2005



PROPOSED OFFICE BUILDING



ACCESSORY BUILDING

Not to Scale

Proposed Building Elevations

Part of Lot 5,
Concession 2

APPLICANT:
VALENTINA & VLADIMIR KRUMAR

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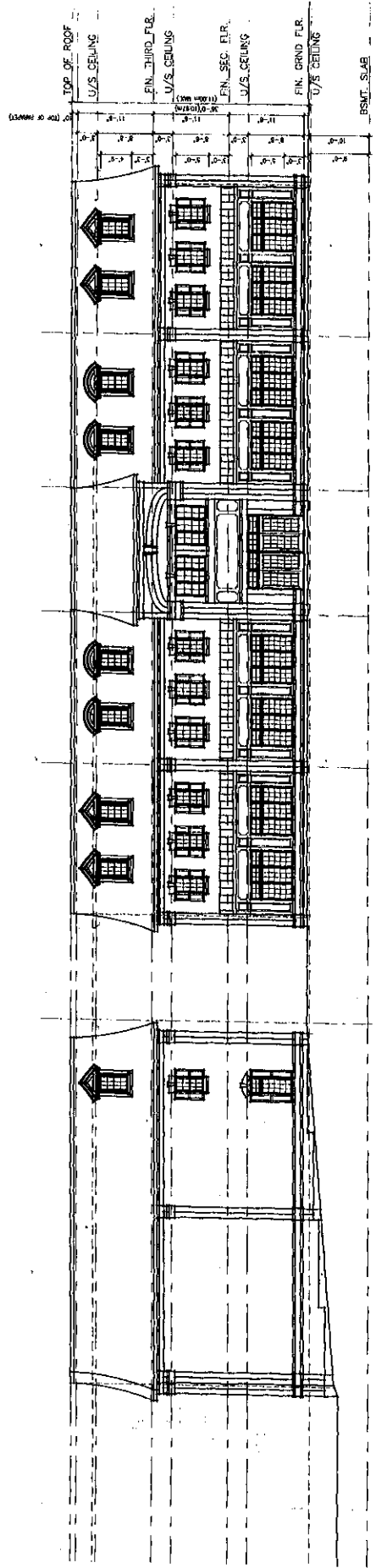


Development Planning Department

Attachment 6

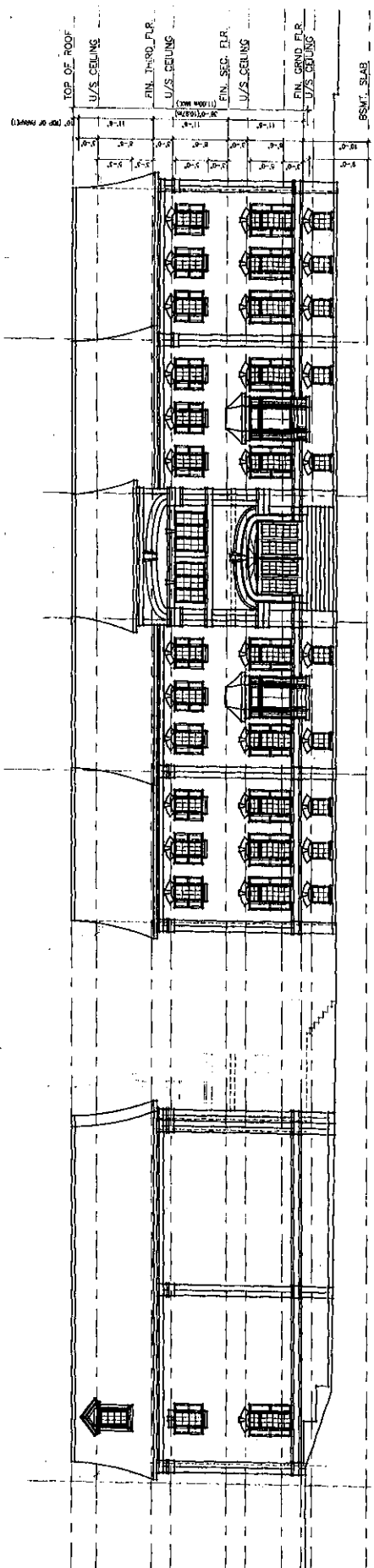
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Z.03.104

April 27, 2005



PROPOSED EAST ELEVATION

PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION

PROPOSED SOUTH ELEVATION

Not to Scale

City of Vaughan
Red-Lined Building Elevations

City of
Vaughan

Attachment 7

APPLICANT:
 VALENTINA & VLADIMIR KRUMAR
 Part of Lot 5,
 Concession 2

Development Planning Department

FILE No.:
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 RELATED FILE:
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 April 27, 2005