

ZONING BY-LAW AMENDMENT FILE Z.03.062
SITE DEVELOPMENT FILE DA.03.052
SOFIA ROM, A.C.E. DAYCARE

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.03.062 (Sofia Rom, A.C.E. Daycare) BE APPROVED, to rezone the subject lands shown on Attachment #1 from RR Rural Residential Zone to C1 Restricted Commercial Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) in order to permit a day care, business or professional office uses, and private technical school (music school) as shown on Attachment #2, subject to the following:
 - i) require a minimum interior side yard of 2.3m from the easterly property line to the building;
 - ii) require a minimum rear yard of 14.0m;
 - iii) require a minimum interior side yard of 5.68m from the westerly property line to the building;
 - iv) require a minimum 3.0m wide landscape strip abutting Rutherford Road;
 - v) no loading spaces shall be required;
 - vi) permit a maximum building height of 12.5m;
 - vii) permit a minimum 38 parking spaces.

2. THAT Site Development File DA.03.052 (Sofia Rom, A.C.E. Daycare) BE APPROVED, 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 and stormwater management report shall be approved by the Engineering Department;
 - iii) the Owner shall obtain all necessary approvals from the adjacent landowners Block 10 and Block 11 Developers Group) for the proposed watermain and sanitary connections; and the Owner shall ensure all financial obligations are in place with the Developer Groups in Block 10 and 11;
 - iv) the final parking study shall be approved by the City of Vaughan Engineering Department;
 - v) all requirements of the Region of York Transportation and Works Department shall be satisfied;
 - vi) all requirements of the Toronto and Region Conservation Authority shall be satisfied;
 - vii) all hydro requirements shall be fulfilled to the satisfaction of Power Stream Inc.; and

- viii) 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 the 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.

Economic Impact

There are no requirements for a new funding associated with this report. The proposed development will add new assessment to the local tax base.

Purpose

The Owner submitted an application to amend the Zoning By-law to rezone the subject lands from RR Rural Residential Zone to C3 Local Commercial Zone.

The Owner has also submitted a related Site Plan application to develop the 0.5 ha site with a 1,368.15m², 3-storey daycare/office building, with an outdoor play area to operate in conjunction with the daycare use as shown on Attachment #2.

Background - Analysis and Options

The subject lands are located on the south side of Rutherford Road, west of Bathurst Street, (941 Rutherford Road), in Part of Lot 15, Concession 2, (Planning Block 10) City of Vaughan. The irregular shaped 0.5 ha site has 61m frontage on Rutherford Road and a lot depth of 94m. The site is presently developed with a detached dwelling.

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600, and zoned RR Rural Residential by By-law 1-88. The surrounding land uses are:

- North - Rutherford Road; future stormwater management pond (Block 11 OS1 Open Space Conservation Zone), Block 11 Community Plan
- South - valleyland (OS1 Open Space Conservation Zone)
- East - Place of worship (A Agricultural Zone)
- West - valleyland (OS1 Open Space Conservation Zone)

On August 22, 2003, a Notice of Public Hearing was circulated to all property owners with 120m of the subject lands. To date, comments have been received, and summarized as follows:

- rezoning the subject lands to a Commercial Zone introduces a number of commercial uses which may not be suitable adjacent to and across from the existing places of worship to the east and north of the subject lands;
- the proposed site plan has over developed the subject lands, requiring almost complete coverage of some of the most environmentally sensitive sections of the subject lands; and
- traffic circulation and parking on site are a concern for the users of the site and proper circulation so cars pulling out of parking spaces do not block access to the site; and there may be a need for a signalized intersection.

The recommendation of the Committee of the Whole on September 15, 2003 to receive the Public Hearing report, and to, and to forward a technical report to a future Committee meeting was ratified by Council on September 22, 2003.

Official Plan

The subject lands are designated "Medium Density Residential/Commercial by OPA No. 600. This designation provides opportunities for daycares, schools, and commercial uses in accordance with the policies of OPA No. 600 which states "small scale retail and office commercial uses shall be permitted, provided such uses face on a primary street or arterial road".

Rezoning the subject lands to a Commercial Zone to facilitate the proposed daycare and office uses would bring the subject lands into conformity with the Official Plan.

Zoning

The subject lands are zoned RR Rural Residential Zone by By-law 1-88. The zoning application proposes to rezone the site plan RR Rural Residential Zone to C3 Local Commercial Zone to permit a daycare, business and professional offices and a private technical school, subject to site specific exceptions.

The Planning Department recommends that the subject lands be rezoned to C1 Restricted Commercial Zone and the uses be limited to daycare, business and a professional office uses and private technical school (specifically music school). These uses more accurately reflect those identified in the site plan and have a lower parking space standard that other uses permitted in commercial zones.

The following exceptions are required to facilitate the development of the subject lands as shown on Attachment #2.

	<u>Required</u>	<u>Proposed</u>
Min. Interior Side Yard (easterly lot line)	15.0m	2.3m
Min. Rear Yard	15.0m	2.0m
Min. Interior Side Yard (westerly lot line)	15.0m	2.0m
Min. Width of Landscape Strip abutting a Street	6.0m	3.0m
Required number of Loading Spaces	2	0
Maximum Building Height	11.0m	12.5m
Parking	46 spaces	38 spaces

The reduction to the required interior side yards and rear yard are appropriate. Setbacks are generally taken to the property line, as the subject lands has a split zoning, the setbacks have been taken to the zoning line. An additional 3m of lands zoned Open Space Conservation Zone exists between the building and the property line. The reduction along the easterly side lot line to 2.3m is for the narrowest area between the building and the lot line.

Site Plan

The irregular-shaped lot is to be developed with a 3-storey office building as shown on Attachment # 2. The building location is setback from the front of the property facing Rutherford Road. The L-shaped parking area is located on the northern half of the site. The site proposes one full movement access from Rutherford Drive leading to the parking area. A 1.8 wide sidewalk

is located around the perimeter of the parking area leading to the office building and providing for pedestrian movement around the site. A children's play area is located southeast of the building.

Building Elevations

The 3-storey 1,368.15m² building will be constructed to a maximum height of 12.5m. The main building material used for the building is a stucco finish, with a sloped aluminum roofline as shown on Attachments #4 to #8. Windows and coloured glass spandrel panels have been incorporated throughout the building on all elevations. The main entrance to the building is comprised of double glass doors with prefinished aluminum framing. An aluminum canopy constructed of the same material as the roof has been located above the main entrance. Above the canopy are alternating coloured glass spandrel panels.

Other entrances to the building have been located on the northwest and southwest elevations.

Access and Parking

The site plan (see Attachment #2) proposes 38 parking spaces whereas the by-law requires 46 based on the first and second storey being devoted to the day nursery use with a maximum of 20 employees and the third floor restricted to office uses. The site has been designed with a singular full-movement access from Rutherford Road. The final location and design of the driveway access will be subject to the Approval of the Region of York Transportation and Works Department.

By-law 1-88 requires parking to be provided on the following basis:

- Day Nursery: 20 employees x 1.5 parking spaces/employee = 30 spaces
- Office Use: 456.05m² x 3.5 parking spaces/100m² GFA = 16 spaces

The site plan provides 38 spaces, resulting in a reduction of 8 spaces (17.4% deficiency). The Engineering Department has reviewed the parking study submitted by the Owner and supports the findings of the parking study and finds the parking supply acceptable.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority has reviewed the proposed development and determined that the lands below top of bank and to the south of the site shall be dedicated to the Toronto and Region Conservation Authority and zoned OS1 Open Space Conservation Zone as shown on Attachment #1. The Owner is also required to register a conservation easement in favour of the TRCA on all lands within the 3m to 5m naturalized setback.

The Owner is also required to obtain an Ontario Regulation 158 permit from the TRCA for the proposed development, prior to issuance of any building permit.

Servicing

The site will be provided with sanitary services from Block 11 to the north and water services from Block 10 to the south. The Owner shall provide written approvals from both the developers groups for Block 10 and 11 stating that services will be provided for the subject lands. The final servicing and grading plans shall be to the satisfaction of the Engineering Department.

Region of York Transportation and Works

The subject lands front onto Rutherford Road, which is under the jurisdiction of the Region of York. The Region of York's Transportation and Works Department has reviewed the proposed development and determined that a left turn lane from Rutherford Road to the subject lands is

required, among other minor improvements. The Region shall confirm the location of the site access and any necessary transportation improvements affecting Rutherford Road. The final location for access and site plan shall be to the satisfaction of the Region of York Transportation and Works Department.

Land Use Compatibility

The zoning amendment proposes rezoning the subject lands from RR Rural Residential Zone to C1 Restricted Commercial Zone to permit a daycare use, business and professional offices and music school. The rezoning of the subject lands and the introduction of commercial uses would implement the Official Plan designation, and conform to the official plan. The proposed uses are also considered to be low parking space generators compared to other commercial uses.

The proposed development of a 3-storey building is an appropriate form of development for the area. The uses are compatible with the existing and future land uses in both the Block 10 and 11 communities. Accordingly, the Planning Department can support the approval of the zoning by-law amendment and site plan application.

Relationship to Vaughan Vision 2007

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

Conclusion

The proposed zoning By-law Amendment and Site Development applications have been reviewed in accordance with the policies of OPA #600, the requirements of the Zoning By-law, and the area context. The proposed uses are appropriate commercial development for the community. For these reasons, it is recommended that the zoning amendment and site plan applications be approved.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. to 8. Building Elevations

Report prepared by:

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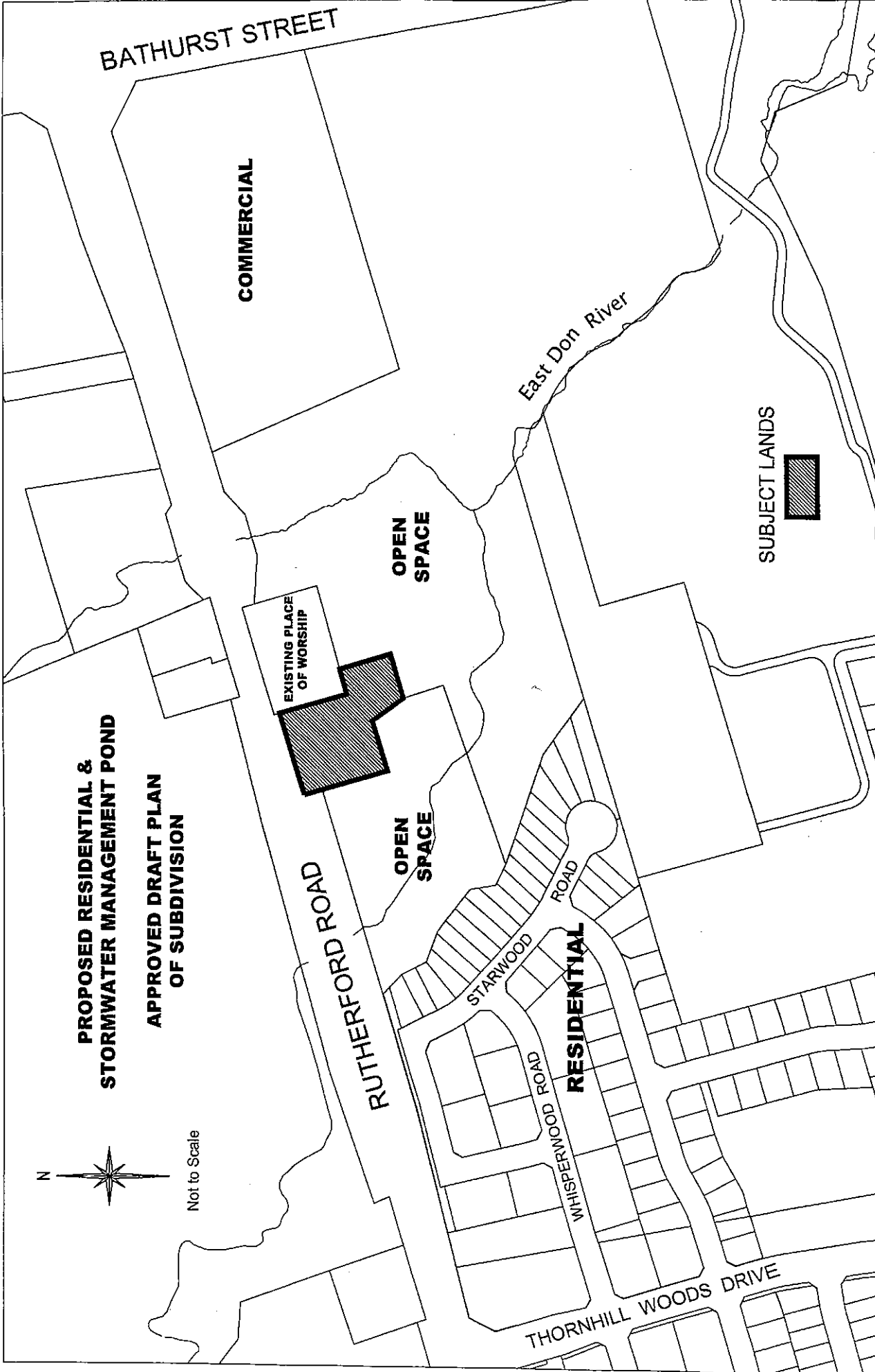
Respectfully submitted,

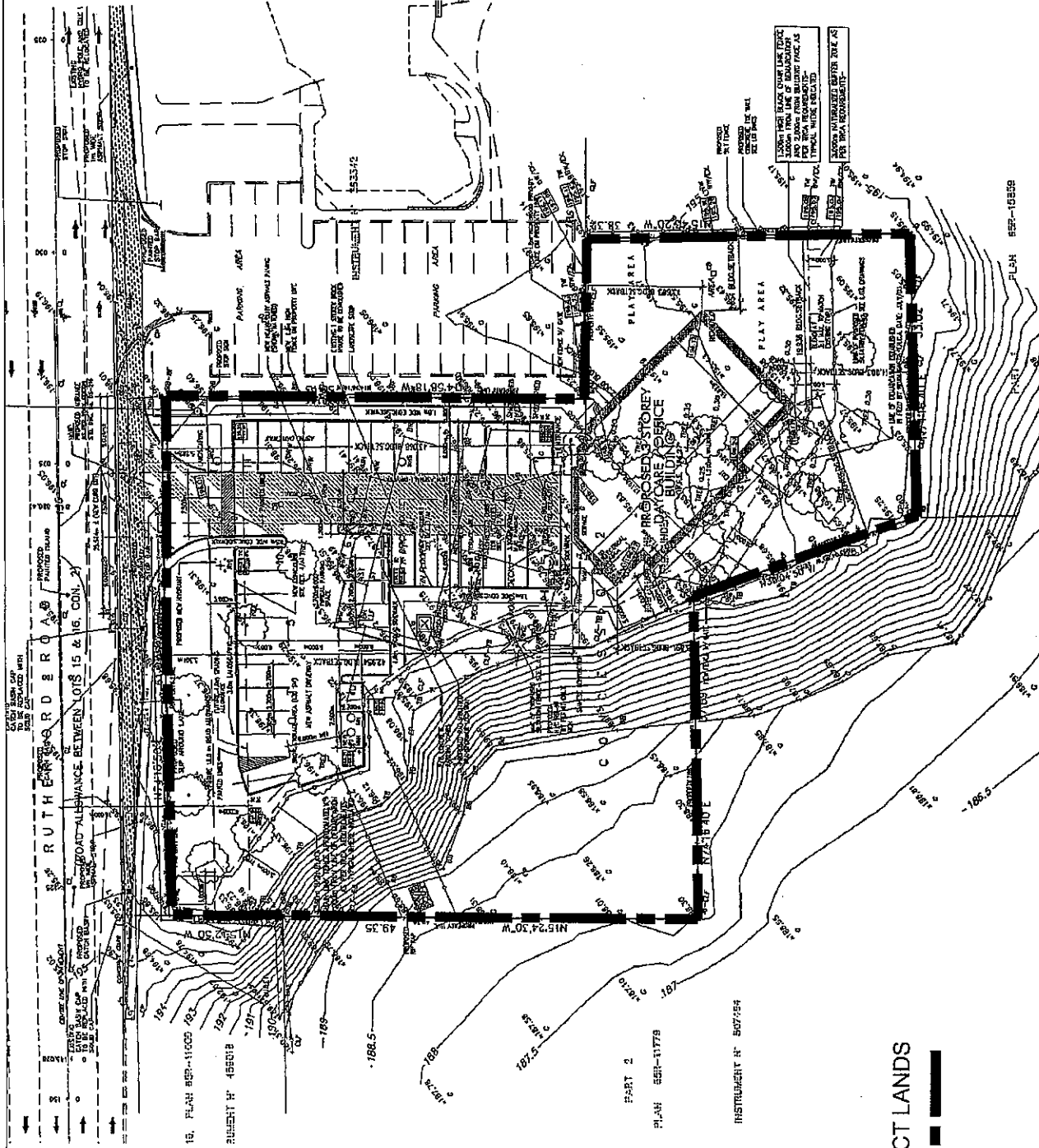
JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Attachment 2

FILE No's:
DA.03.062 &
Z.03.062

June 16, 2005

City of Vaughan Vaughan

Development Planning Department

Site Plan

Part of Lot 15,
Concession 2

APPLICANT:
SOFIA ROM - A.C.E. DAYCARE

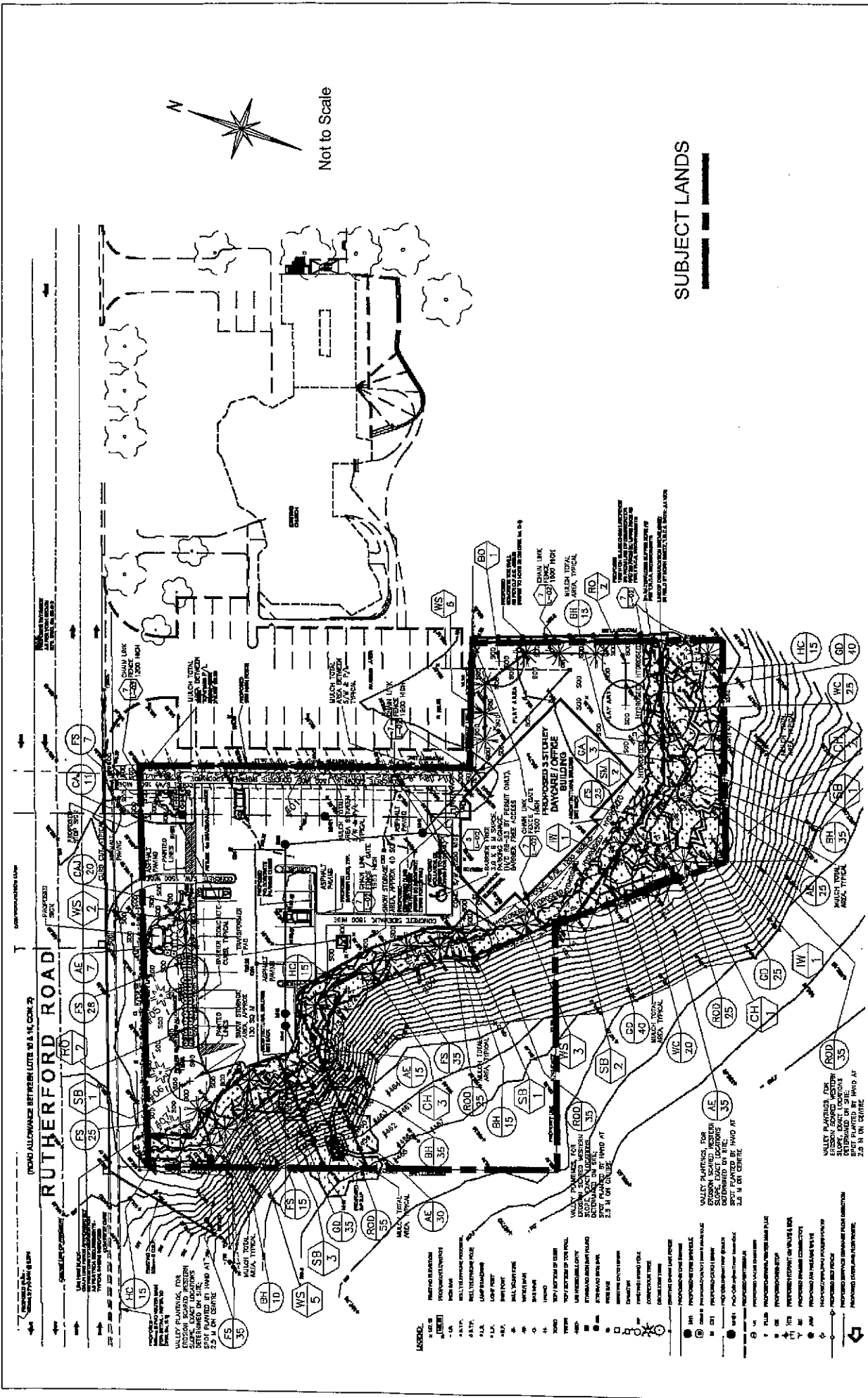
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SUBJECT LANDS
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PART 2
PLAN 552-11779
INSTRUMENT N° 507254



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SUBJECT LANDS

Attachment 3

FILE No's:
DA.03.052 &
Z.03.062

June 16, 2005

City of Vaughan

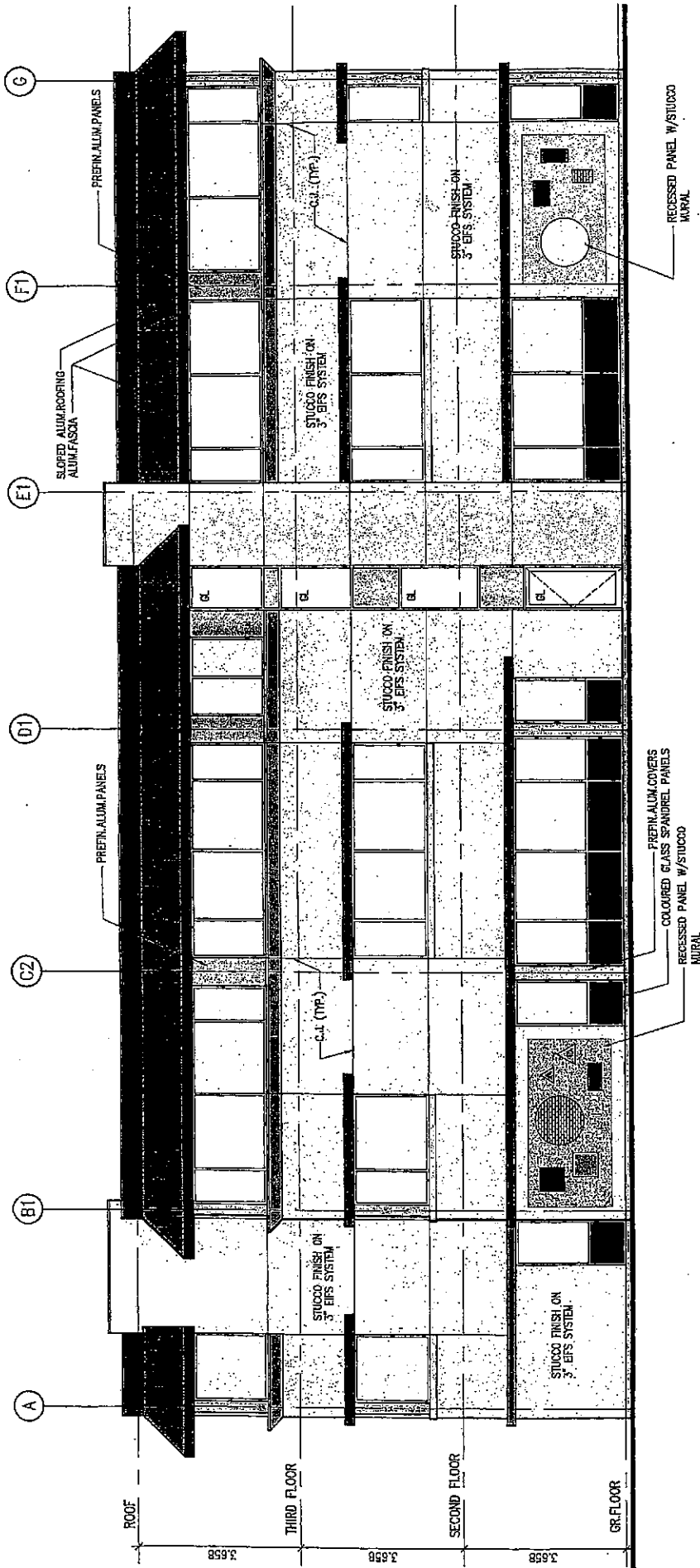
Development Planning Department

Landscape Plan

Part of Lot 15,
Concession 2

APPLICANT:
SOFIA ROM - A.C.E. DAYCARE

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South-West Elevations

Part of Lot 15,
Concession 2

APPLICANT:
SOFIA ROM - A.C.E. DAYCARE

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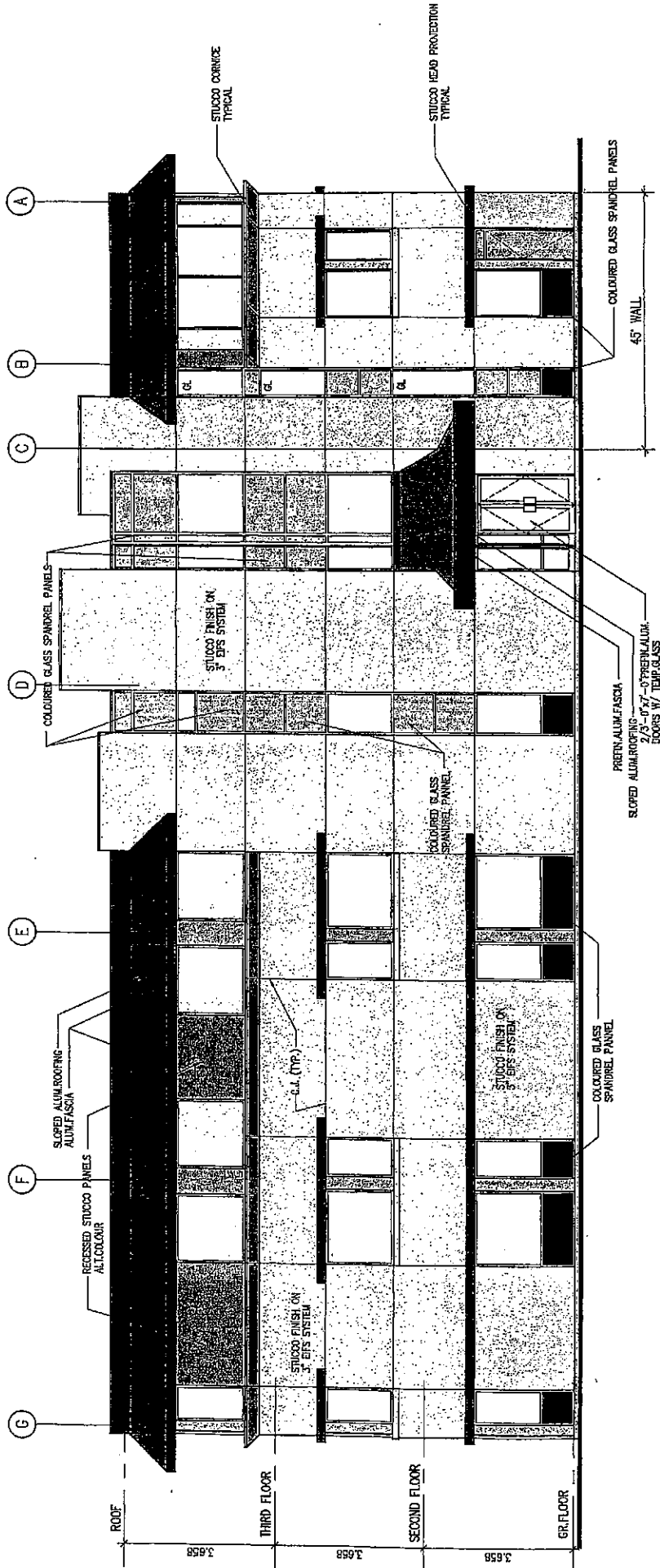


Development Planning Department

Attachment 4

FILE No's.:
DA.03.052 &
Z.03.062

June 16, 2005



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Attachment 5

FILE No's:
DA.03.052 &
Z.03.062

June 16, 2005

CITY OF Vaughan

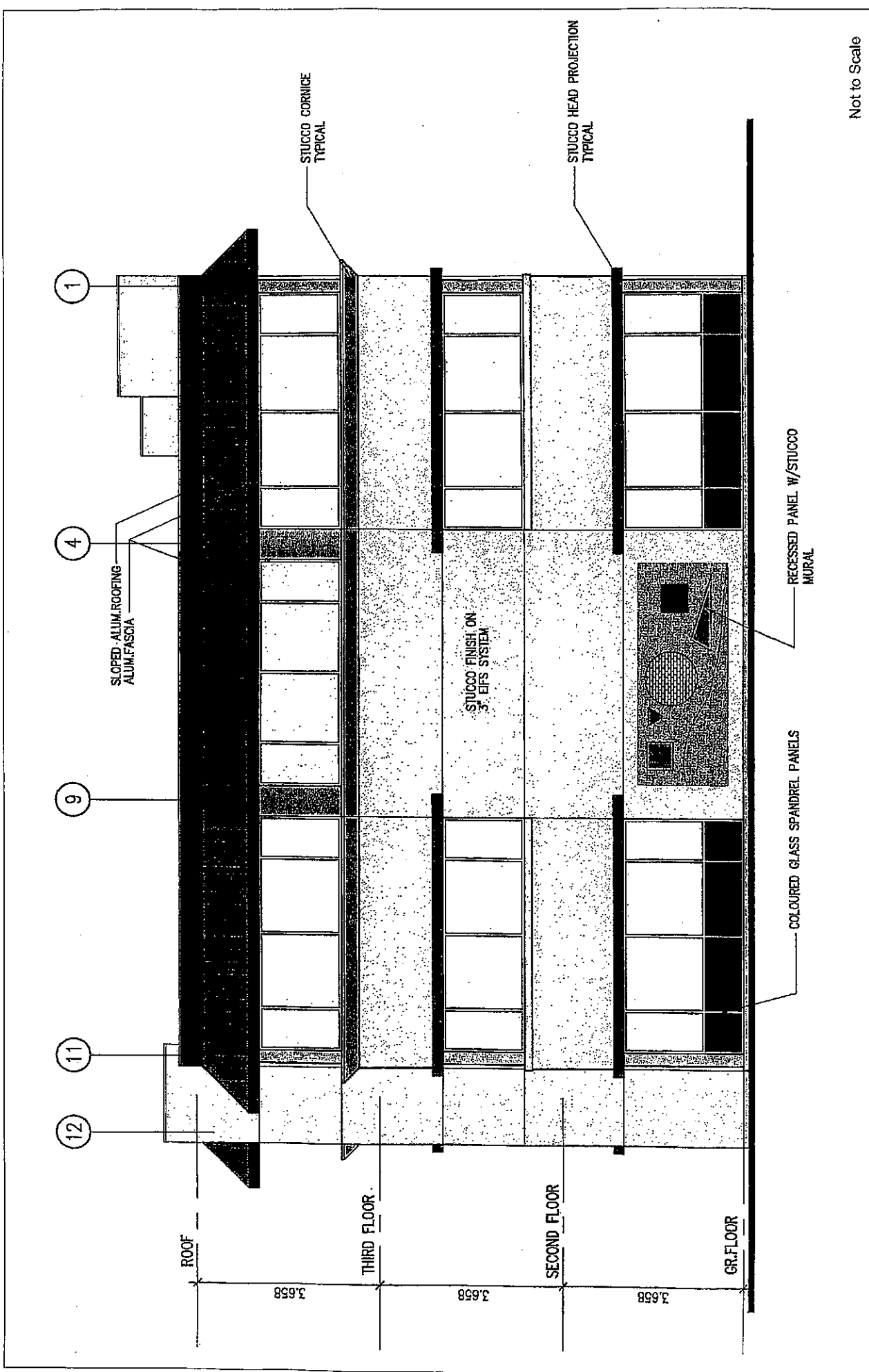
Development Planning Department

North-East Elevations

Part of Lot 15,
Concession 2

APPLICANT:
SOFIA ROM - A.C.E. DAYCARE

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Attachment 6

FILE No's:
DA.03.062 &
Z.03.062

June 16, 2005



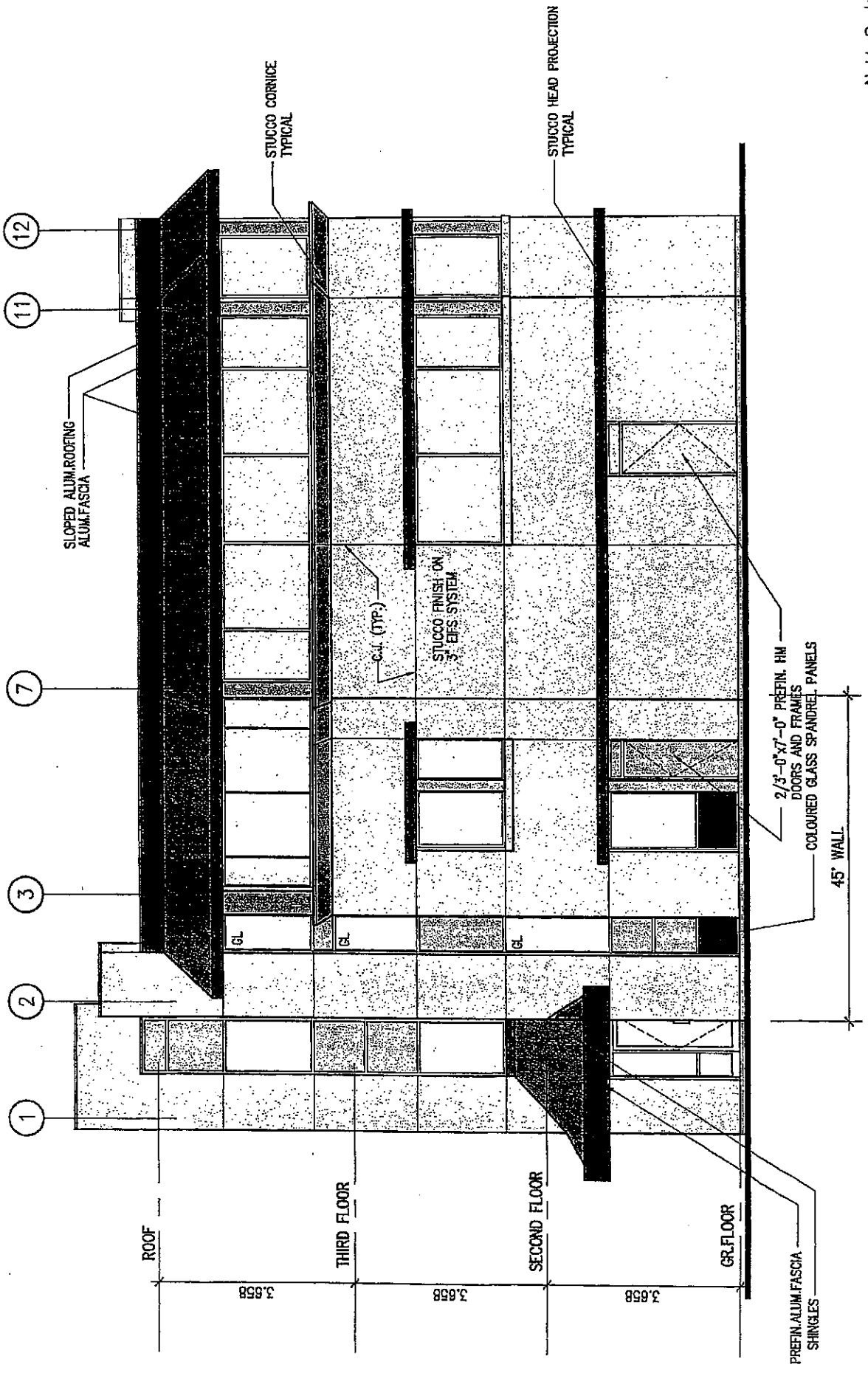
Development Planning Department

South-East Elevations

Part of Lot 15,
Concession 2

APPLICANT:
SOFIA ROM - A.C.E. DAYCARE

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Attachment 7

FILE No's:
DA.03.052 &
Z.03.062

June 16, 2005

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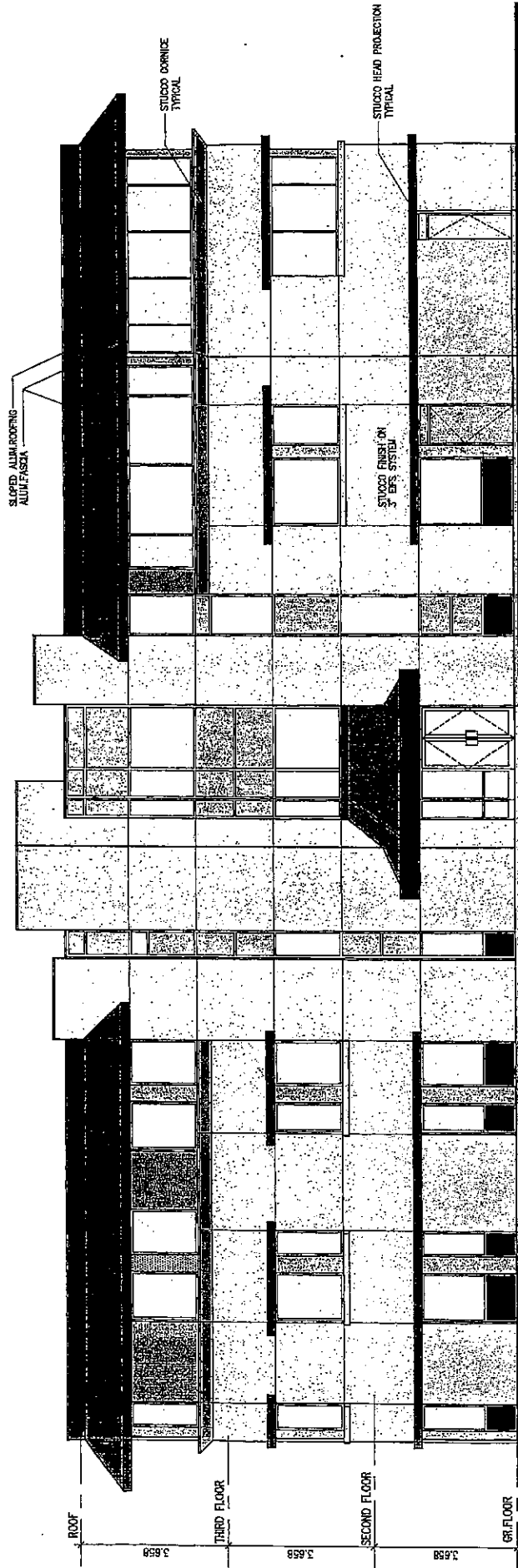
Development Planning Department

North-West Elevations

Part of Lot 15,
Concession 2

APPLICANT:
SOFIA ROM - A.C.E. DAYCARE

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North Elevations

Part of Lot 15,
Concession 2
 APPLICANT:
 SOFIA ROM - A.C.E. DAYCARE
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Development Planning Department

Attachment 8

FILE No's.:
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June 16, 2005