

**ZONING BY-LAW AMENDMENT FILE Z.10.033
2077117 ONTARIO INC.
WARD 4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.10.033 (2077117 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the C1 Restricted Commercial Zone respecting site-specific Exception 9(1245) to permit a Business or Professional Office (not including the Office of a Regulated Health Professional) as an additional permitted use on the subject lands within the existing 1,354.5m² (not including the basement) 3-storey building and a site parking requirement of 38 parking spaces.

Contribution to Sustainability

The Owner is proposing to permit an additional use within an existing building on the subject lands. No changes are being proposed to the existing site layout or building.

Economic Impact

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

Communications Plan

On March 18, 2011, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. No comments were received through the notice of circulation by the Vaughan Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of April 12, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 18, 2011.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.10.033 on the subject lands shown on Attachments #1 and #2 to amend Zoning By-law 1-88, specifically the C1 Restricted Commercial Zone respecting site-specific Exception 9(1245) to permit a Business or Professional Office (not including the Office of a Regulated Health Professional) as an additional permitted use on the subject lands within the existing 3-storey building and utilizing the existing 38 parking spaces as shown on Attachment #3, whereas Exception 9(1245) currently restricts the permitted use on the subject lands to a Day Nursery only.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at 941 Rutherford Road, between Bathurst Street and Thornhill Woods Drive, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Previous Applications

i) Zoning By-law Amendment File Z.03.062 and Site Development File DA.03.052

The Owner previously submitted Zoning By-law Amendment and Site Development Applications (Files Z.03.062 and DA.03.052) on the subject lands to facilitate the development of a 3-storey, 1,368.15 m² building with the following uses:

- Day Nursery;
- Business or Professional Office; and,
- Private Technical School.

On June 27, 2005, Vaughan Council approved Zoning By-law Amendment File Z.03.062 to rezone the subject lands from RR Rural Residential Zone to C1 Restricted Commercial Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) in order to permit a Day Nursery use (20 employees) located on the first and second floors, and that the offices of a regulated health professional, real estate office, accountant and/or private technical school (music school) be permitted on the third floor of the building. On June 27, 2005, Vaughan Council enacted Zoning By-law 247-2005 to implement Council's decision. On this date, Council also approved Site Development File DA.03.052.

By-law 247-2005 was appealed to the Ontario Municipal Board (OMB) by a neighbouring Place of Worship. The OMB subsequently ordered that the Zoning By-law Amendment be approved subject to the permitted use on the subject lands being limited to a Day Nursery with a maximum of 115 children and a maximum of 606 m² devoted to classroom space (not based on the gross floor area of the two floors being 919.5m²). At the time, it was anticipated that the third floor would be used for space accessory to the Day Nursery.

The Day Nursery use currently occupies 10 classrooms on the first and second floors of the existing building, and the third floor is vacant.

ii) Minor Variance Application

On February 27, 2008, the Vaughan Committee of Adjustment approved Minor Variance Application A371/07 being a variance to Exception 9(1245) to permit an increase in the maximum number of children permitted in the day nursery operation at any one time from 115 to 160 children.

Official Plan

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600. The "Medium Density Residential/Commercial" designation permits residential uses as well as a variety of commercial, retail, and office uses. The "Medium Density Residential/Commercial" designation permits the proposed Business or Professional Office use.

The subject lands are designated "Low-Rise Mixed-Use" by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, and is pending final approval from the Region of York. The proposed Business or Professional Office use is permitted in the "Low-Rise Mixed-Use" designation.

Zoning

The property is zoned C1 Restricted Commercial Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) by Zoning By-law 1-88, subject to site-specific Exception 9(1245), which permits only a Day Nursery use on the C1 lands, subject to the following:

- the number of classrooms shall not exceed 10;
- the total gross floor area for the classrooms shall not exceed 606 m² (not based on the total gross floor area of the first and second floors being 919.5 m²);
- the basement shall not be used for classrooms; and,
- the maximum number of children served shall not exceed 115 at any one time (this provision was amended by Minor Variance File A371/07 to increase the number of children permitted to 160).

An Amendment to Zoning By-law 1-88 is required to permit the proposed Business or Professional Office use within the existing 3-storey building on the property.

The following amendments are required to the C1 Restricted Commercial Zone respecting Exception 9(1245) to permit the proposed Business or Professional Office (excluding the Office of a Regulated Health Professional) on the subject lands:

By-law Standard	By-law 1-88 Requirement (C1 Restricted Commercial Zone, Exception 9(1245))	Proposed Exception to By-law 1-88 (C1 Restricted Commercial Zone, Exception 9(1245))
Permitted Use	Day Nursery Use Only	Business or Professional Office (not including the Office of a Regulated Health Professional) as an additional permitted use
Required Parking	<p>38 parking spaces for permitted Day Nursery</p> <p>However, with proposed additional Business or Professional Office use, the required parking is:</p> <p><u>Minimum</u> All 3 floors occupied by Day Nursery and a maximum of 25 employees: 1.5 spaces/employee = 38 spaces</p> <p><u>Maximum</u> All 3 floors occupied entirely by a Business or Professional Office: 1,354.5m² @ 3.5 spaces/100m² = 48 spaces</p>	38 spaces (reflects existing situation)

The subject lands are currently developed with a 3-storey building having a total gross floor area of 1354.5m², and a total of 38 parking spaces, being the equivalent of 2.75 spaces/100m² of GFA.

The first and second floors of the existing 3-storey office building have a combined GFA of 919.0m² and are currently occupied with a Day Nursery use, and the intention is to use the third storey with a GFA of 435.5m² for Business or Professional Office uses.

Parking

Exception 9(1245) permits a Day Nursery with 10 classrooms on the subject lands. This approval was based on the Day Nursery use having 20 employees, which would result in a parking requirement of 30 spaces (1.5 spaces/employee). Thirty-eight parking spaces are currently available on the site. If the Day Nursery were expanded to occupy the entire building, a maximum of 25 employees could be accommodated based on Zoning By-law 1-88, which requires 1.5 spaces per employee (38 spaces/1.5 spaces/employee = 25 employees). However, if the building is occupied entirely by a Business or Professional Office use (excluding the basement area), the minimum parking requirement under Zoning By-law 1-88 is:

$$1354.5 \text{ m}^2 @ 3.5 \text{ spaces}/100 \text{ m}^2 = 48 \text{ spaces}$$

Therefore, the range in the parking required to accommodate the building being used entirely for one use as discussed above or a combination of the two uses under Zoning By-law 1-88 is 38-48 spaces.

A parking report titled "Traffic and Parking Study for 941 Rutherford Road City of Vaughan" dated May 2011, prepared by Mark Engineering was submitted by the Owner and reviewed by the Vaughan Development/Transportation Engineering Department. The report outlined 4 development scenarios for the site:

- i) Scenario 1 - Existing Day Nursery Use on all three floors;
- ii) Scenario 2 - Existing Day Nursery use on the 1st and 2nd floors and Business or Professional Office uses (not including the Office of a Regulated Health Professional) on the 3rd floor;
- iii) Scenario 3 - A Day Nursery use on the ground floor and Business or Professional Office uses (not including the Office of a Regulated Health Professional) on the 2nd and 3rd floors; and,
- iv) Scenario 4 - All three floors occupied by Business or Professional Office uses (not including the Office of a Regulated Health Professional).

The basement area was not considered in any of the 4 scenarios, and therefore, will remain strictly for storage, maintenance and amenity purposes. Day Nursery and Business or Professional Office uses will not be permitted in the basement.

The study considered the current parking supply, parking demand, parking requirements, drop-off and pick-up durations, and included the results of a parking survey. The final recommendations in the report deemed the parking supply to be sufficient to serve all four development scenarios. The study was reviewed by the Vaughan Development/Transportation Engineering Department, and the following comments were provided:

"The Parking Study report concludes that the proposed parking supply of 38 spaces would be sufficient for the development's specific requirements. The on-site and proposed parking supply figure appears to be adequate based on supporting review and analysis provided in the consultant's report. We have no issues with the conclusions of the report, and therefore support the parking supply reduction as recommended in the report."

Planning Considerations

Exception 9(1245) restricts the use of the subject lands to a Day Nursery use. This use restriction is the result of an Ontario Municipal Board decision. The Owner has proposed to permit a Business or Professional Office (not including the Office of a Regulated Health Professional) on the property. Zoning By-law 1-88 permits a Business or Professional Office use (including the Office of a Regulated Health Professional) and a Day Nursery use as-of-right in a C1 Restricted

Office of a Regulated Health Professional) and a Day Nursery use as-of-right in a C1 Restricted Commercial Zone as these uses are considered compatible. No changes to the exterior of the building or the site plan are proposed to accommodate the proposed additional use. Furthermore, the Owner has submitted a parking study in support of the application, which has been reviewed and approved by the Vaughan Development/Transportation Engineering Department.

Accordingly, the addition of the proposed use is considered appropriate for the subject lands and is supported by the Development Planning Department.

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

The Region of York has no comment respecting the Zoning By-law Amendment Application.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.10.033 in accordance with the policies of OPA #600, the requirements of Zoning By-law 1-88, comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to permit a Business or Professional Office use (not including the Office of a Regulated Health Professional) is appropriate and compatible with the existing Day Nursery use on the property and the surrounding land uses. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

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

Report prepared by:

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Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/CM



Not to Scale

TOWN
OF
RICHMOND
HILL



File: Z.10.033
Date: June 24, 2011

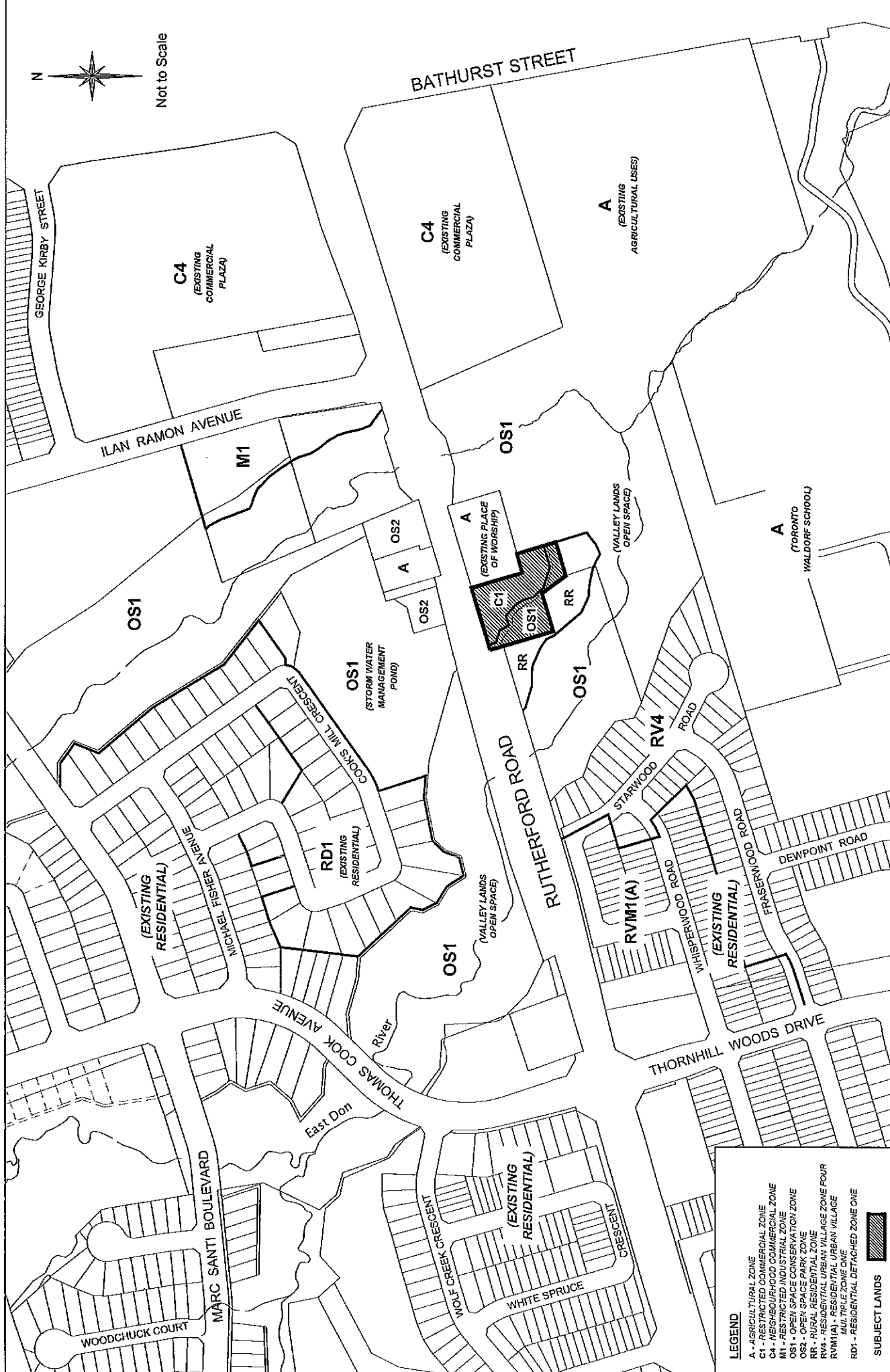


Context Location Map

Part of Lot 15,
Concession 2
Applicant: 2077117 ONTARIO INC.
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LEGEND

- A - AGRICULTURAL ZONE
- C1 - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- M1 - RESTRICTED INDUSTRIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- RR - RURAL RESIDENTIAL ZONE
- RV4 - RESIDENTIAL URBAN VILLAGE ZONE FOUR
- RVM1(A) - RESIDENTIAL URBAN VILLAGE MULTIPLE ZONE ONE
- RD1 - RESIDENTIAL DETACHED ZONE ONE

SUBJECT LANDS

Location Map

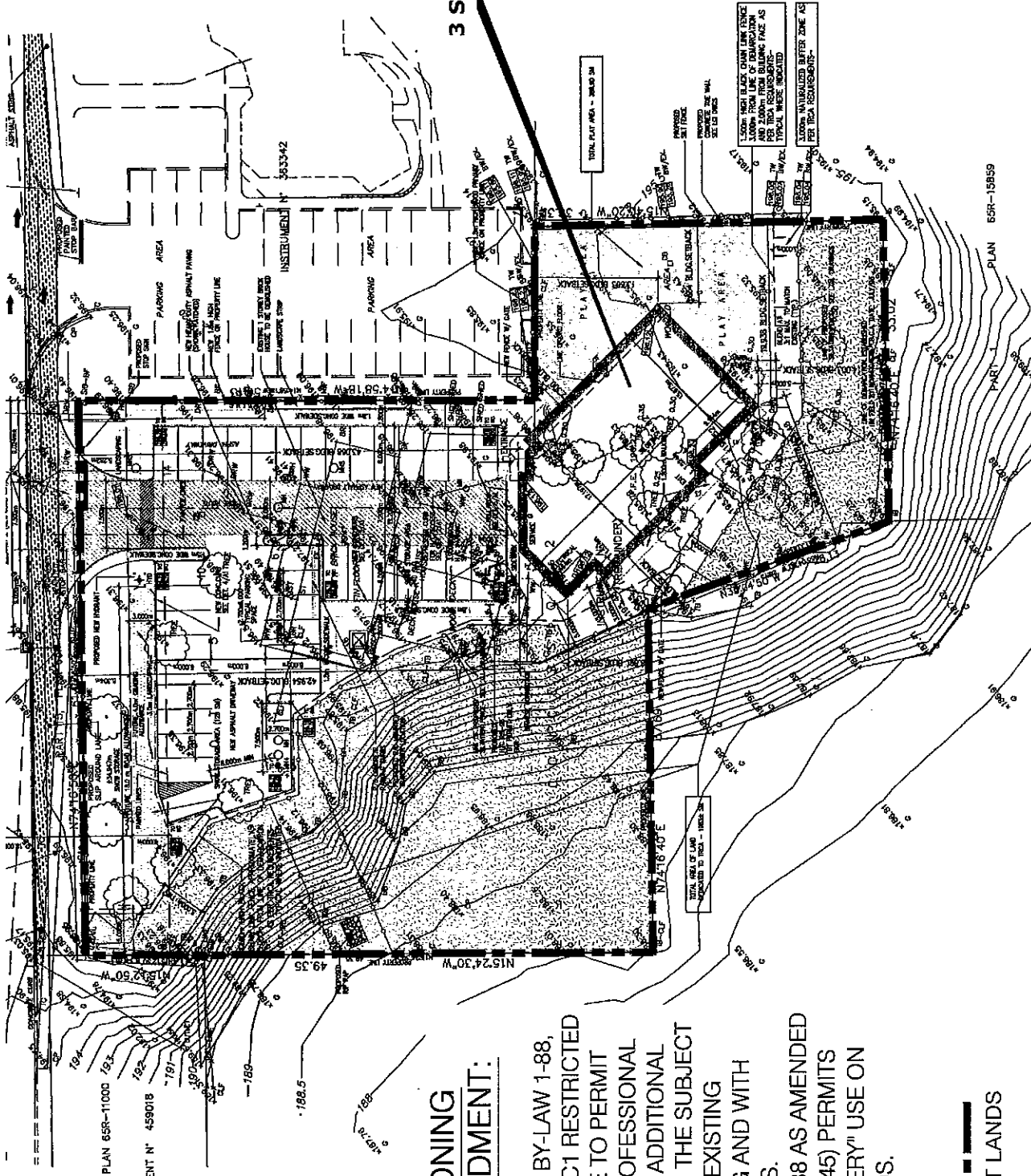
Part of Lot 15,
Concession 2
Applicant:
2077117 ONTARIO INC.
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Attachment 2

File: Z.10.033
Date: March 21, 2011

RUTHERFORD ROAD



Not to Scale

PROPOSED ZONING BY-LAW AMENDMENT:

TO AMEND ZONING BY-LAW 1-88, SPECIFICALLY THE C1 RESTRICTED COMMERCIAL ZONE TO PERMIT A "BUSINESS OR PROFESSIONAL OFFICE" USE AS AN ADDITIONAL PERMITTED USE ON THE SUBJECT LANDS WITHIN THE EXISTING 3-STOREY BUILDING AND WITH 38 PARKING SPACES.
 ZONING BY-LAW 1-88 AS AMENDED BY EXCEPTION 9(1245) PERMITS ONLY A "DAY NURSERY" USE ON THE SUBJECT LANDS.

--- SUBJECT LANDS

Existing Site Plan

