

COMMITTEE OF THE WHOLE JUNE 19, 2012

ZONING BY-LAW AMENDMENT FILE Z.12.006

SITE DEVELOPMENT FILE DA.12.014

LANCE KOTTON

WARD 2 - VICINITY OF PINE VALLEY DRIVE AND VILLA PARK DRIVE

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.12.006 (Lance Kotton) BE APPROVED, to amend Zoning By-law 1-88, specifically the RM2 Multiple Residential Zone, subject to Exception 9(1277), to facilitate the conversion of the existing Nursing Home building (7890 Pine Valley Drive) as shown on Attachment #3, to an Apartment Dwelling with a total of 51 residence suites, with a common kitchen, dining room and activity room, to be marketed to seniors as rental units on the subject lands, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.12.014 (Lance Kotton) BE APPROVED, to permit minor modifications to the existing building and property including the addition of an enclosed 35.5 m² (1-storey) atrium addition, cosmetic changes to the building's exterior, and changes to the existing parking configuration and landscaping, as shown on Attachments #3 to #5, subject to the following conditions:
 - a) the Owner shall submit a separate Letter of Credit in an amount satisfactory to the Toronto and Region Conservation Authority, to guarantee the clean-up/restoration/repair works required to address the outstanding issues on the site, as outlined in this report; and,
 - b) that prior to the execution of the Site Plan Letter of Undertaking, the site plan and landscape plans shall be amended to:
 - i) include a continuous 1.8 m high wood privacy fence (built to City of Vaughan standards) to be erected along the entire west and north property lines adjacent to the existing residential lots, to the satisfaction of the Vaughan Development Planning Department; and, the existing generator and concrete pad shall be removed from the site; and,
 - ii) the Owner shall satisfy all requirements of the Vaughan Development Planning Department, Vaughan Development/Transportation Engineering Department, Toronto and Region Conservation Authority, and Region of York Transportation and Community Planning Department;
 - c) the implementing Site Plan Letter of Undertaking include the following provision:
 - i) the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed rate per unit, whichever is higher, for all additional units since the original Building Permit was issued, in accordance with the Planning Act and City's Cash-in-lieu of Parkland Policy. 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.

Contribution to Sustainability

The Owner has advised that the following sustainable features will be provided within the building and site design:

- i) restoration plantings within the Edge Restoration Area;
- ii) high-efficiency HVAC system;
- iii) use of drought resistant plants; and,
- iv) precast wall cladding with R20 insulating value.

Economic Impact

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

Communications Plan

On March 9, 2012, a Notice of Public Hearing was circulated to all land owners within 150m of the subject lands and to the Vaughanwood Ratepayers Association.

At the April 3, 2012, Public Hearing, several residents appeared and expressed the following concerns (in part):

- a) the proposed development should provide on-site parking only;
- b) the proposed off-site parking area is located too far from the site;
- c) the proposed "valet parking" will raise costs and may result in liability issues;
- d) the location of the generator is too close to the residential property to the north; noise and exhaust from the generator is a concern;
- e) the increase in the number of units and conversion from a nursing home to a rental apartment building; and,
- f) the loss of privacy; a wooden privacy fence should be installed along the abutting residential lots.

In response to these concerns, the Owner's agent indicated that a nursing home as permitted with 44 beds is not feasible at this location. The Owner has reviewed various options, however, the proposed model of rental units geared to seniors (with a common kitchen and dining area) is the most viable option for the existing building. The agent advised that minor external cosmetic changes to the building and landscaping are proposed and there will be no impact to the approved building setbacks and height. The Owner is no longer proposing off-site or valet parking. The resident's concerns respecting noise and privacy, the removal of the generator, and the installation of a wood privacy fence have been addressed later in this report.

The recommendation of the Committee of the Whole to receive the Public Hearing report of April 3, 2012, was ratified by Vaughan Council on April 17, 2012.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.12.006 to amend Zoning By-law 1-88, specifically the RM2 Multiple Residential Zone, subject to Exception 9(1277), to facilitate the conversion of the existing Nursing Home building (7890 Pine Valley Drive), shown on Attachment #3, to an Apartment Dwelling with a total of 51 residence suites with a common kitchen, dining room, and activity room, to be marketed to seniors as rental units, together with the site-specific zoning exceptions identified in Table 1 of this report; and,

2. Site Development File DA.12.014 to permit minor modifications to the existing 5-storey residential building and property including the addition of an enclosed 35.5 m² (1-storey) atrium addition, cosmetic changes to the existing building's exterior, and changes to the existing parking configuration and landscaping, as shown on Attachments #3 to #5, to facilitate the proposed development.

Background - Analysis and Options

In 2001, applications by the previous Owner were submitted to amend Zoning By-law 1-88 (File Z.01.044) to rezone the subject lands to RM2 Multiple Residential Zone and OS1 Open Space Conservation Zone, and a Site Development Application (File DA.01.071) to permit a 5-storey nursing home building with 45 bed/rooms and 22 parking spaces.

In 2002, that Owner appealed both applications to the Ontario Municipal Board (OMB) on the basis that Council failed to make a decision respecting the applications.

On April 28, 2003, the Ontario Municipal Board (OMB) issued Order No. 0525, allowing the appeal on the basis that the Zoning By-law Amendment and Site Development Applications represented and good planning, are in the public interest, conforms to the Official Plan, and should be approved subject to modifications.

The building was since constructed and has remained vacant for the past several years. The applicant (Lance Kotton) recently purchased the building in receivership and after extensive market research, it was determined that an apartment dwelling for senior's rental lifestyle living, which would include meals prepared in a common kitchen and served in a common dining room area, was a viable option for the existing building.

Location

The subject lands are located on the west side of Pine Valley Drive, north of Regional Road 7, being 7890 Pine Valley Drive, City of Vaughan, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Land Use Policies/Planning Considerations

Official Plan

The property is designated "Low Density Residential" (tableland) and "Open Space" (Valley Land portion) by in-effect OPA #240 (Woodbridge Community Plan). OPA #240 includes an institutional policy that permits homes for the aged to be located in the vicinity of the commercial core, community commercial or residential areas. The proposed apartment dwelling for seniors use conforms to the Official Plan.

The subject lands are designated "Low Rise Residential" (tableland) and "Natural Area" (valleyland) by the new Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011 and April 17, 2012) and is pending approval from the Ontario Municipal Board. The proposed use is not permitted in the "Low Rise Residential" designation, and would not conform to VOP 2010. However, the proposed development is subject to the in-effect OPA #240, which permits the proposed seniors development.

Zoning

The subject lands are zoned RM2 Multiple Residential Zone by Zoning By-law 1-88, subject to Exception 9(1277). The Owner is proposing to convert the existing nursing home building (7890

Pine Valley Drive) shown on Attachment #3, to an Apartment Dwelling with a total of 51 residence suites, with a common kitchen, dining room, and activity room, to be marketed to seniors as rental units, together with the following site-specific zoning exceptions:

Table 1

	By-law Standard	By-law 1-88 RM2 Multiple Residential Zone, Exception 9(1277) Requirements	Proposed Exceptions to RM2 Multiple Residential Zone, Exception 9(1277) Requirements
a.	Permitted Uses	<p>A Nursing Home, containing a maximum of 45 beds, and including nursing stations, lounge areas, a common dining room and kitchen, activity rooms and the following accessory uses, provided that such accessory uses, are internal thereto with no direct access to the outside, all restricted to a maximum total gross floor area of 3,160 m²:</p> <ul style="list-style-type: none"> - one personal service shop restricted to a hair salon with a maximum gross floor area of 30m², and one convenience retail store restricted to a tuck shop with a maximum gross floor area of 15 m². 	<p>An Apartment Dwelling with a maximum gross floor area of 3,334 m² and a maximum of 51 residence suites, including a common kitchen, dining room, and activity room, to be marketed to seniors as rental units.</p> <p>A residence suite shall include sanitary conveniences and shall not include cooking facilities and the installation of cooking equipment shall not be permitted, with the exception of a micro-wave and a refrigerator.</p>
b.	Minimum Parking Requirement	22 parking spaces for a Nursing Home Use	<p>22 parking spaces for an apartment building marketed to seniors and calculated as follows:</p> <p>0.412 spaces per unit (13 indoor and 8 outdoor parking spaces)</p>
c.	Maximum Lot Coverage	30%	31%
d.	Minimum Lot Area Per Unit	55 m ² per unit (bed)	49 m ² per unit

The Owner has advised that the proposed use is a hybrid between an apartment building and a nursing home summarized as follows:

- a. the residence suites will be rented to seniors, and tenants will be required to buy into a meal and activity plan;
- b. the residents will be served 3 meals a day and snacks in the common dining room;
- c. there are no cooking facilities (kitchen) in the suite, except for a microwave and small refrigerator;
- d. there will be no accessory uses or tuck shop in the building; and,
- e. there will be no nursing care on site, however, there will be a lifeline emergency system.

The Owner has advised that extensive research was undertaken and it was determined that the proposed lifestyle model was the most viable operating model for the existing building.

The Development Planning Department has reviewed the applications and is of the opinion that permitting an Apartment Dwelling with 51 residence suites, which contain no kitchen facilities, instead of the permitted nursing home use with 45 units is an acceptable form of development for the subject lands. The proposed apartment dwelling maintains a residential use on the site and the existing yard requirements. The 1% increase in maximum lot coverage from 30% to 31%, and the decrease in minimum lot area per unit from 55 m² to 49 m², are considered to be minor in nature and will facilitate the proposed residential development. The Owner submitted a Parking Study prepared by Cole Engineering, which justified the use of the 22 existing parking spaces on the site for the use of the proposed apartment building for seniors, which was determined to be acceptable by the Vaughan Development/Transportation Engineering Department.

The proposed development is therefore considered to be an appropriate form of development for the site, subject to the revisions and conditions referenced in this report.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the Functional Servicing Report, the Grading and Erosion Control Plan and required studies, and advises that the applicant must address all engineering requirements to their satisfaction.

As mentioned, the applicant has submitted a Parking Study prepared by Cole Engineering Group, dated January 9, 2012, in support of the proposed parking reduction. The Development/Transportation Engineering Department has reviewed the parking study and can support its' conclusions, which identifies the proposed parking standard of 0.412 parking spaces per residence suite.

Site Development Application/Proposed Use

The Owner has submitted Site Development File DA.12.014 for the subject lands to facilitate the proposed development shown on Attachments #3 to #5. The site plan and landscape plan that were submitted propose minor modifications to the existing building and property, including: the enclosure of an existing patio area (identified as the atrium on Attachment #3); cosmetic changes to the exterior of the building; and, changes to the existing parking configuration and landscaping, as shown on Attachments #3 to #5.

In general, the Development Planning Department is satisfied with the minor modifications to the landscape plan and site plan, however, recommend the following changes be made to the site design:

- i) a continuous 1.8 m high wood privacy fence shall be provided along the north and west lot lines adjacent to the existing residential lots, to the satisfaction of the Vaughan Development Planning Department; and,

- ii) the existing generator and concrete pad shown on the site and landscape plans, shall be removed from the site.

The Owner is proposing a 1.8 m high wood privacy fence along the west lot line, which wraps around the north lot line, and ends at the mid-point of the building, as shown on Attachments #3 and #4. The Development Planning Department recommends that the plans be amended to extend the proposed fence along the entire north lot line, abutting all the existing residential lots to the north. In addition, the Development Planning Department advises that the existing generator and concrete pad as shown on Attachments #3 and #4, must be relocated as indicated on the site plan, to address concerns raised by the neighbour at the Public Hearing. These revisions must be made to the site plan and landscape plan, to the satisfaction of the Development Planning Department. A condition to this effect has been included in the recommendation of this report.

Proposed Elevation Changes

The elevations shown on Attachment #5 are for the most part identical to those previously approved by the Ontario Municipal Board, with the exception of minor cosmetic changes including additional man doors, signage, and the enclosure and conversion of a patio area along the north elevation to an enclosed atrium. The proposed atrium will be one-storey in height and will not impact the approved setbacks. There are no changes proposed to the south elevation. Accordingly, the Development Planning Department is satisfied with the elevations shown on Attachment #5.

Cash-In-Lieu of Parkland Dedication

The Vaughan Legal Department, Real Estate Division has indicated that cash-in-lieu of parkland dedication is payable for all additional units since the original building permit was issued. The Owner must satisfy all cash-in lieu requirements to their satisfaction. A condition to this effect has been included in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority has reviewed the applications, and together with the observations made during a site visit on April 17, 2012, has provided the following comments (in part):

- i) the integrity of the culvert crossing of Jersey Creek should be confirmed;
- ii) a stabilization and planting plan is required for the right-of-way (culvert crossing), consistent with the plans previously approved by TRCA (Permit No. C-07730);
- iii) as-built drawings are required for the works within the right-of-way (i.e. culvert crossing and in-stream works) to ensure they have been installed per previously approved plans (Permit No. C-07730);
- iv) details are required on the in-stream works to repair gabion baskets, which was noted as an outstanding issue at the site visit. The Ministry of Natural Resources (MNR) should be contacted for the correct fisheries timing window;
- v) a Geotechnical Assessment report is required to evaluate the current and long term stability conditions and corresponding Factor of Safety figures at a minimum of three critical cross sections to the satisfaction of the TRCA;
- vi) the report should also include recommendations for slope restoration and stabilization;

- vii) a Tree Removal and Restoration Plan must be provided for TRCA review and approval;
- viii) sediment clean-up on the floodplain will not be required, as this material is now stable, however, intensive restoration is requested. The proponent must provide a restoration plan that includes native, non-invasive trees and shrubs;
- ix) the headwall and flow spreader are in need of repair to ensure proper functioning and should be repaired to the satisfaction of the TRCA;
- x) the landscape plan must be revised to the satisfaction of the TRCA;
- xi) the proponent must provide the Erosion and Sediment Control (ESC) Plan on a drawing separate from the Grading Plan to the satisfaction of the TRCA;
- xii) the proponent must show all soil stockpile locations, if stockpiling is necessary. It should be noted that soil stockpile locations should be surrounded by sediment controls;
- xiii) if the fill material on the slope requires removal, a detailed ESC plan is required for this area as well; and,
- xiv) the proponent requires a Permit from the TRCA for any proposed works on the site pursuant the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation Ontario Regulation 166/06.

The TRCA has indicated that the outstanding violations on the site need to be resolved to the satisfaction of the TRCA, concurrently with the current planning applications, as these issues impact safe access and occupancy of the site and restoration of the disturbed natural areas. These issues were discussed with the landowner and staff from the City of Vaughan and Regional Municipality of York at the site walk on April 17, 2012.

In light of the above, the TRCA has advised that it is premature to provide a recommendation on Site Development File DA.12.014 at this time. The TRCA has no objection to Zoning By-law Amendment File Z.12.006. The Vaughan Development Planning Department is satisfied that these site plan comments can be addressed prior to the execution of the Site Plan Letter of Undertaking and the issuance of a municipal Building Permit. A condition of approval is included requiring that the TRCA's conditions must be satisfied prior to the execution of the Site Plan Letter of Undertaking. This will allow the applicant to address the TRCA's comments and facilitate the processing of the Site Development Application.

The TRCA also understands that the proponent has approached the City of Vaughan to pursue approval of the above-noted applications with the condition that a separate Letter of Credit (LC) be provided to guarantee the clean-up/restoration/repair works required to address the outstanding issues on the site. The TRCA is willing to consider this approach in order to move forward the Site Development application, but will require the LC prior to final approval. A condition to ensure this occurs prior to the issuance of the Site Plan Letter of Undertaking is included in the recommendation of this report.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Well-being".

Regional Implications

The subject lands are located on the west side of Pine Valley Drive, which is a Regional Road. The Zoning By-law Amendment and Site Development Applications were circulated to the Region of York Transportation and Community Planning Department for comment. The Owner will be required to fulfill any conditions and requirements of the Region of York Transportation and Community Planning Department. A condition to this effect is included in the recommendation of this report.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment and Site Development Files Z.11.006 and DA.12.014 (Lance Kotton) in consideration of the applicable City Official Plan policies, the requirements of Zoning By-law 1-88, and the surrounding land use context. The proposed apartment dwelling with 51 residence suites for seniors and the site-specific exceptions to Zoning By-law 1-88 identified in this report are considered an appropriate form of development for the existing residential apartment building. The changes to the site design and modifications to the building are minor and continue to provide a residential development that will be compatible with the surrounding lands from both a land use and built form perspective.

On this basis, the Vaughan Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevation Plan

Report prepared by:

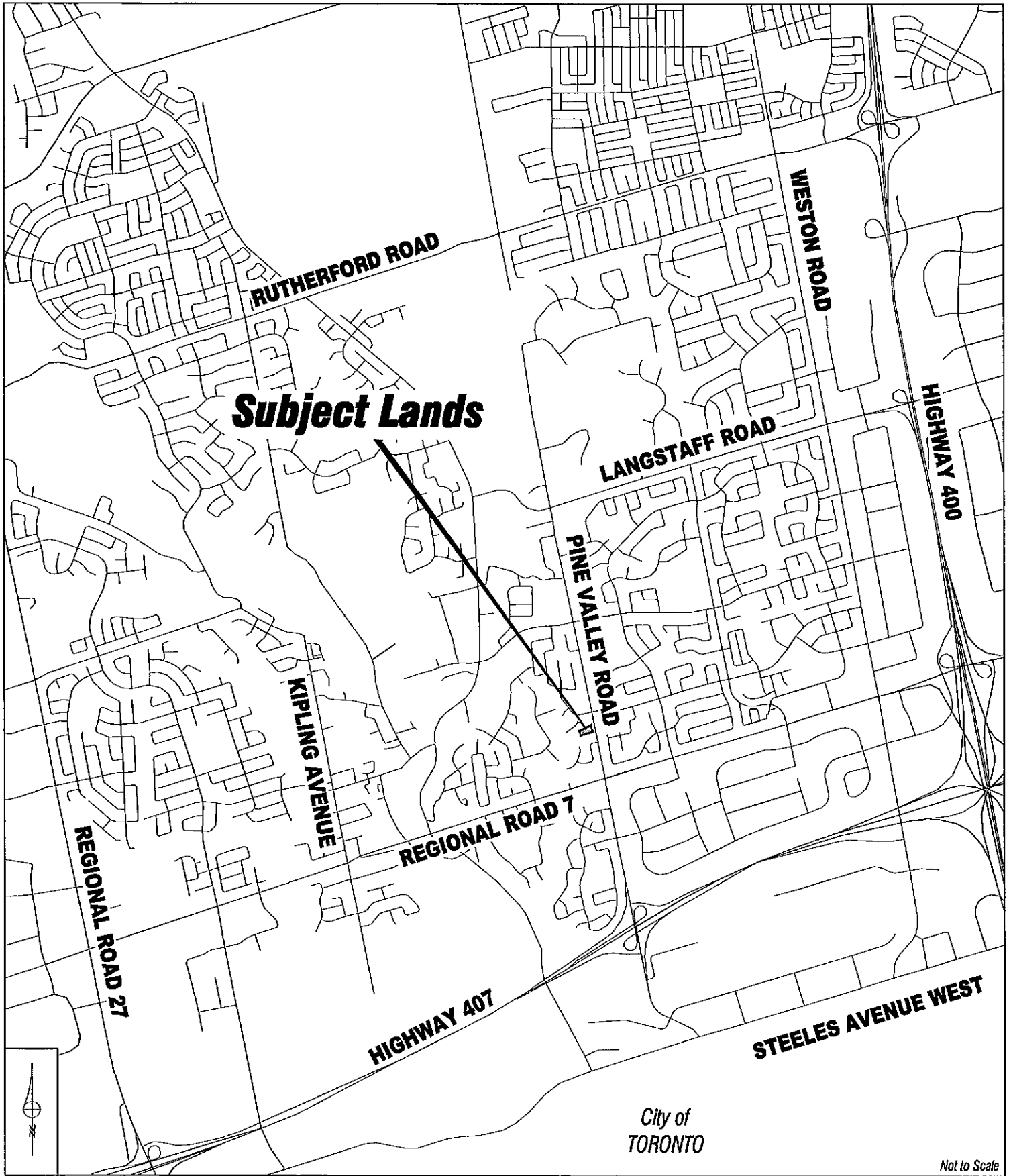
Eugene Fera, Planner, ext. 8064
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext 8407

Respectfully submitted,

JOHN MACKENIZE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part Lot 6, Concession 7

APPLICANT:
Lance Kotton

N:\DFT\1 ATTACHMENTS\z\z.12.006da.12.014.dwg

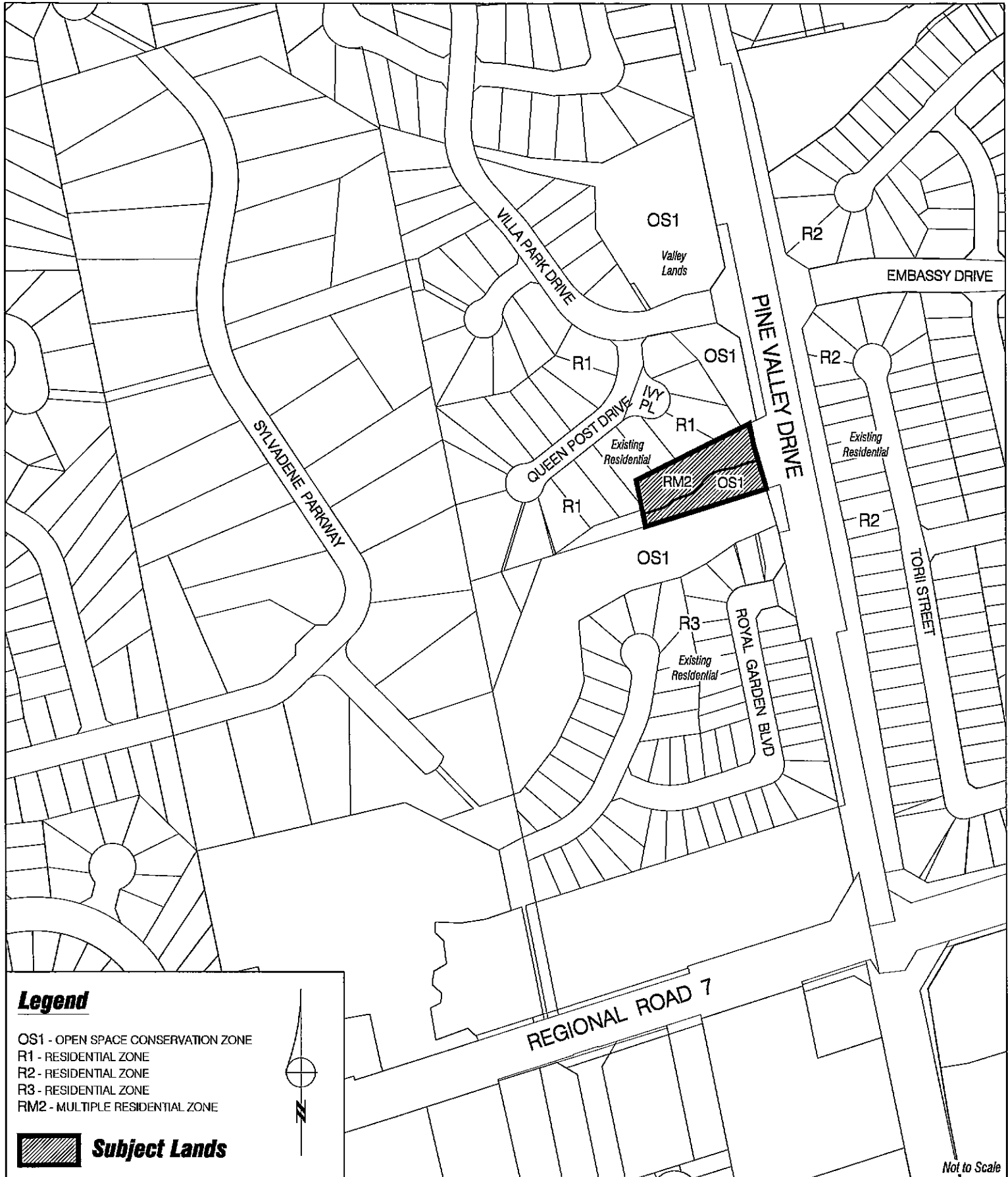


Attachment

FILE: Z.12.006
REALTED FILE: DA.12.014

DATE:
June 5, 2012

1



Location Map

LOCATION:
Part Lot 6, Concession 7

APPLICANT:
Lance Kotton

N:\DPT\1 ATTACHMENTS\Z\z.12.008do.12.014.dwg



Attachment
FILE: Z.12.006
REALTED FILE: DA.12.014

DATE:
June 5, 2012

2

PINE VALLEY DRIVE

Subject Lands

REDLINED TO EXTEND THE
PROPOSED WOOD PRIVACY
FENCE EAST ALONG THE ENTIRE
NORTH PROPERTY LINE

REDLINED TO REMOVE
EXISTING GENERATOR

PROPOSED WOOD
PRIVACY FENCE

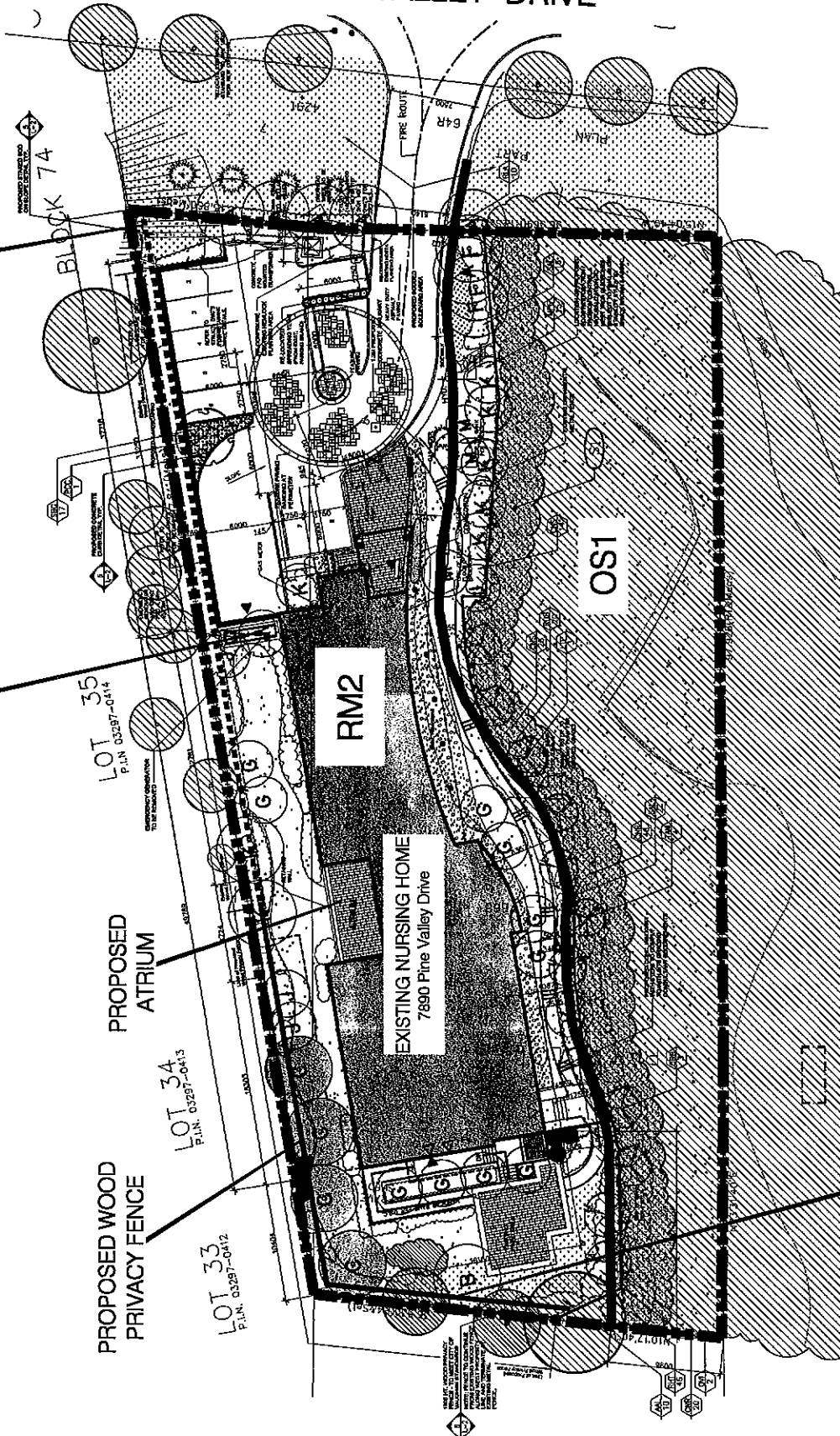
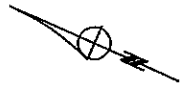
PROPOSED
ATRIUM

RM2

EXISTING NURSING HOME
7890 Pine Valley Drive

OS1

PROPOSED WOOD
PRIVACY FENCE



Not to Scale

Landscape Plan

LOCATION:
Part Lot 6, Concession 7

APPLICANT:
Lance Kotton

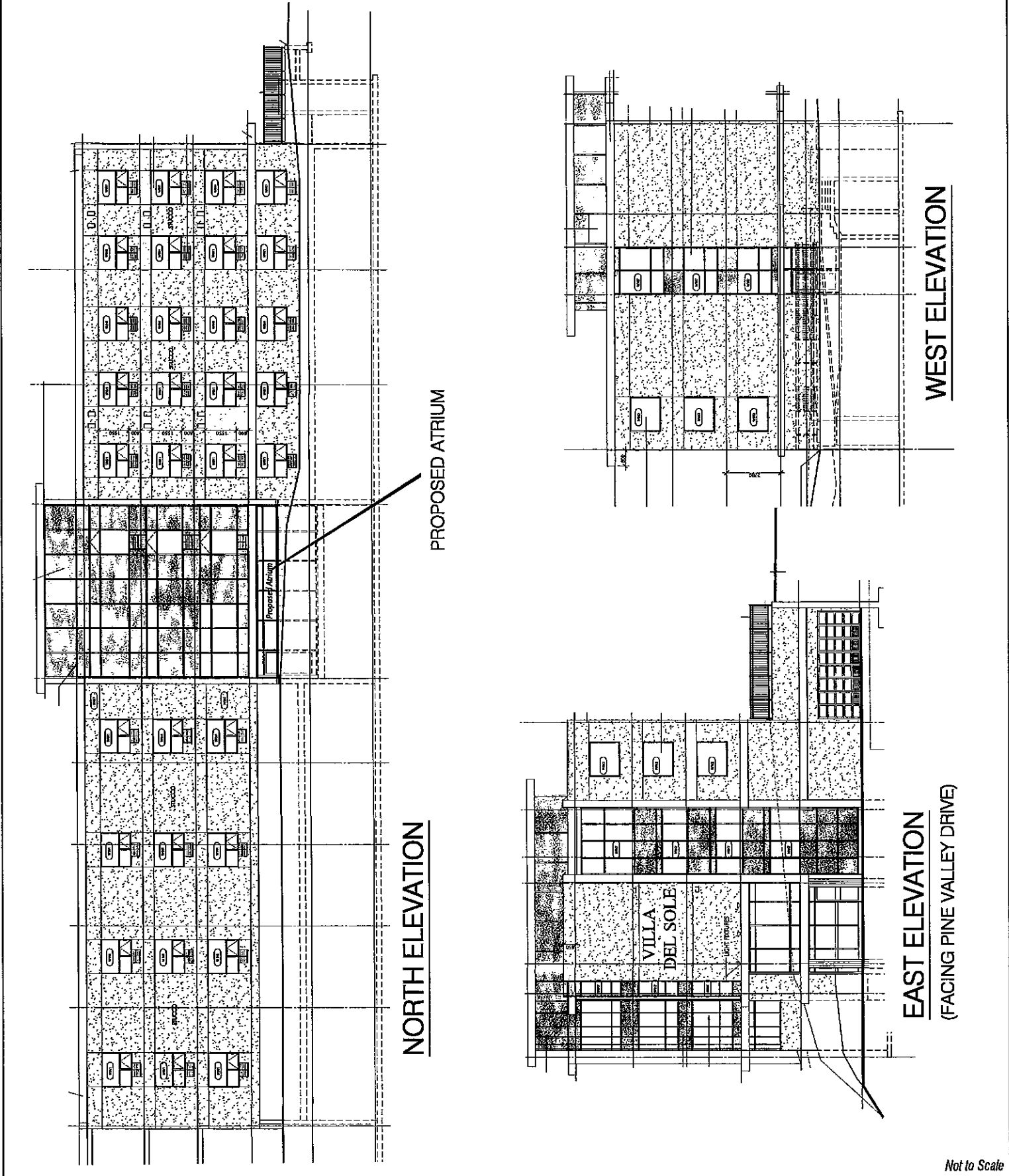
N:\OFT\1 ATTACHMENTS\Z\z.12.006da.12.014.dwg



Attachment
FILE: Z.12.006
REALTED FILE: DA.12.014

DATE:
June 5, 2012

4



NORTH ELEVATION

PROPOSED ATRIUM

WEST ELEVATION

EAST ELEVATION
(FACING PINE VALLEY DRIVE)

Not to Scale

Elevation Plan

LOCATION:
Part Lot 6, Concession 7

APPLICANT:
Lance Kotton

N:\DFT\1 ATTACHMENTS\Z\z.12.006dc.12.014.dwg



Attachment

FILE: Z.12.006
REALTED FILE: DA.12.014

DATE:
June 5, 2012

5