



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** July 3, 2018

**Report Number:** SRPRS.18.160

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** SRPRS.18.160 – Request for Approval – Zoning By-law Amendment Application – Seyed Mohammad Shams and Lida Shahi – Town File D02-15043 (Related File D06-15092)

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### **Owner:**

Seyed Mohammad Shams and Lida Shahi  
13029 Bathurst Street  
Richmond Hill, Ontario  
L4E 2Z2

### **Agent:**

Alexander Planning Inc.  
72 Herefordshire Crescent  
East Gwillimbury, Ontario  
L9N 0B6

### **Location:**

Legal Description: Part of Lot 21, Plan M-807  
Municipal Address: 13029 Bathurst Street

### **Purpose:**

A request for approval concerning a proposed Zoning By-law Amendment application to permit a day nursery within the existing single detached dwelling located on the subject lands.

### **Recommendations:**

- a) That the Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for the lands known as Part of Lot 21, Plan M-807 (Municipal Address: 13029 Bathurst Street), Town File D02-15043 (Related File D06-15092), be approved, subject to the following:

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- (i) That a day nursery be added as a stand-alone use for the subject lands zoned “Single Detached Six (R6) Zone” under By-law 313-96, as amended, and that the amending Zoning By-law establish site specific development standards as outlined in Staff Report SRPRS.18.160;
  - (ii) That the amending Zoning By-law be brought forward to the July 9, 2018 Council meeting for consideration and enactment; and,
  - (iii) That prior to forwarding the amending Zoning By-law to Council for enactment, the applicant pay the applicable processing fee in accordance with the Town’s Tariff of Fees By-law 79-17.
- b) That all comments concerning the related Site Plan application, Town File D06-15092 be referred back to staff.

### Contact Person:

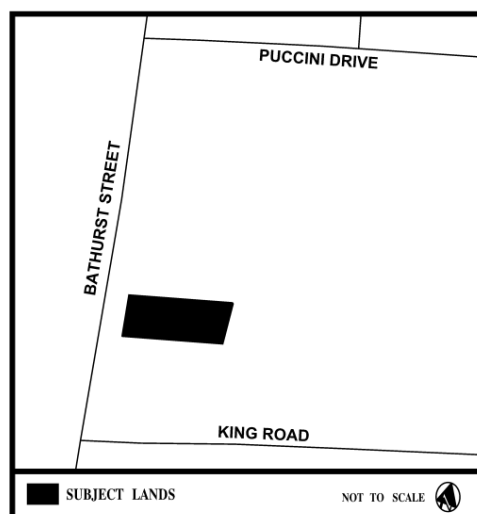
Katherine Faria, Planner II – Subdivisions, phone number 905-771-5543  
Deborah Giannetta, Manager of Development – Site Plans, phone number 905-771-5542

### Report Approval:

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.



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### **Background:**

A statutory Council Public Meeting regarding the subject proposal was held on May 11, 2016 wherein Council received Staff Report SRPRS.16.092 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). Various concerns were raised at the Council Public Meeting with respect to the applicant's development proposal, including those related to the preservation of existing vegetation on the adjacent property, the adequacy of the proposed parking and pick-up and drop-off facilities, landscaping, snow storage, and access and egress. These concerns are discussed in greater detail in the later sections of this report.

The comments provided by Town departments and external agencies concerning the applicant's proposed Zoning By-law Amendment and overall site layout have been satisfactorily addressed by the applicant and only technical matters remain outstanding at the time of writing of this report. In this regard, the purpose of this report is to seek Council's approval of the applicant's Zoning By-law Amendment application and to seek its comments with respect to the related Site Plan application.

### **Summary Analysis:**

#### **Site Location and Adjacent Uses**

The subject lands are located on the east side of Bathurst Street, north of King Road and have a lot area of approximately 0.12 hectares (0.30 acres). The lands abut low-density uses to the north, Bathurst Street to the west, a proposed residential development to the east (Town Files D02-13022 and D03-13007) and the Temperanceville (United) Church and Cemetery to the south (listed on the Town's Inventory of Buildings of Architectural and Historical Significance) (refer to Map 1). The existing single detached dwelling on the subject lands is proposed to remain.

#### **Development Proposal**

The applicant is seeking Council's approval to amend By-law 313-96, as amended, to permit a day nursery with a maximum capacity of 45 children as a stand-alone use within the existing single detached dwelling located on its land holdings. The following is a summary table outlining the pertinent statistics of the applicant's revised development proposal on the basis of the plans and drawings submitted to the Town:

**Total Site Area: 0.12 hectares (0.30 acres)**

**Lot Frontage: 19.49 metres (63.94 feet)**

**Gross Floor Area: 481.8 square metres (5,186.05 square feet)**

**Building Height: 6.33 metres (20.77 feet)**

**Number of Parking Spaces: 9 spaces**

**Number of Barrier-Free Parking Spaces: 2**

**Proposed Maximum Capacity: 45 children**

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The applicant's initial proposal sought approval for a day nursery that would accommodate 70 children, with 14 parking spaces within the front yard of the existing dwelling and an additional 3 parking spaces within the existing garage. Following the receipt of comments from Town departments and agencies, the applicant filed revised submissions in December, 2016, November, 2017, and May, 2018. The applicant's latest submission has reduced the capacity of the proposed day nursery from 70 to 45 children and proposed 9 outdoor parking spaces, including 2 barrier-free spaces and 2 parking spaces to be located within the existing garage on the property. In addition, bike parking is proposed within the north side yard of the existing building.

## Planning Analysis:

### Town of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2-Land Use of the Town's Official Plan ("Plan") (refer to Map 2) and are located within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* ("ORMCP"). Uses permitted within the **Neighbourhood** designation include primarily low density residential uses as well as medium density residential uses, neighbourhood commercial uses, community uses, parks and urban open spaces, and automotive service commercial uses subject to specific policy criteria as defined in Chapter 4 of the Plan.

In accordance with Section 4.1.1 of the Plan, a range of community uses are permitted within the **Neighbourhood** designation, including a day nursery as proposed by the subject application. However, day nurseries are only permitted where the lands front onto an arterial street or on a collector street where integrated with or adjacent to another community use or adjacent to a park or the Greenway System. Further, Section 4.2.1 of the Plan provides that, where community uses are permitted, such development shall be compatible and integrated with the surrounding area and the lands shall be appropriately sized to accommodate sufficient on-site pick-up and drop-off facilities, access and parking, buffering and landscaping, and amenity space. Development within the **Neighbourhood** shall have a maximum building height of 3 storeys with the exception of lands on an arterial street, where the maximum permitted building height is 4 storeys.

As noted above, the subject lands are located within the **Settlement Area** of the ORMCP. In accordance with Policy 3.2.1.1(18) of the Plan, all uses including the creation of new lots which are otherwise permitted under the Plan shall be permitted within the **Settlement Area** and shall be subject to the applicable policies of the ORMCP. It is noted that no key natural heritage features or key hydrological features have been identified on or adjacent to the subject lands.

On the basis of the foregoing, the applicant's development proposal is considered to conform with the land use and design policies of the Plan for the following reasons:

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- the proposed day nursery use is permitted within the **Neighbourhood** designation in accordance with the locational criteria stipulated in Policy 4.1.1(3) of the Plan;
- the proposed development satisfies the design criteria described in Section 4.1.2 of the Plan applicable to community uses. In this regard, the proposed Site Plan makes appropriate provisions for on-site pick-up and drop-off facilities, access, a functional parking layout, landscaped areas, and amenity space;
- the proposed development is compatible with the general character of the adjacent and surrounding lands; and,
- the proposed use conforms with the applicable provisions of the ORMCP.

### Proposed Zoning By-law Amendment

The subject lands are zoned **Single Detached Six (R6) Zone** under By-law 313-96, as amended (refer to Map 3). The **R6 Zone** permits a single detached dwelling, home occupation, private home daycare and group homes. A day nursery is not a permitted use within the **R6 Zone**. As such, the applicant is proposing to amend By-law 313-96, as amended, to add a day nursery as a stand-alone use with site-specific development standards to facilitate the development proposal on its land holdings.

The following table provides a summary of the development standards for the **Single Detached Six (R6) Zone** under By-law 313-96, as amended, and the site-specific provisions proposed by the applicant:

Development Standard	R6 Zone Development Standards	Proposed Development Standards
Minimum Lot Area (Interior)	500 square metres (5,381.96 square feet)	Complies
Minimum Lot Frontage (Interior)	15 metres (49.21 feet)	Complies
Minimum Front Yard	4.5 metres (14.76 feet)	Complies
Minimum Side Yard	1.5 metres (4.92 feet)	<b>1.4 metres (4.59 feet)</b>
Minimum Rear Yard	7.5 metres (24.61 feet)	Complies
Maximum Height	11.0 metres (36.09 feet)	Complies
Maximum Lot Coverage	40%	Complies
Minimum Landscape Strip to Bathurst Street	Nil	<b>2.0 metres (6.56 feet)</b>
Minimum Landscape Buffers	Nil	<b>3.0 metres (9.84 feet) (East)</b> <b>1.0 metre (3.28 feet) (North and South)</b>

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Required Parking Supply	1 parking space for each 5 children to be accommodated at any given time  or 1 parking space per employee, whichever is the greater	Standard provisions will apply
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As noted above, the standard provisions of the **R6 Zone** require a minimum side yard setback of 1.5 metres (4.92 feet); however, based on the property survey submitted to the Town, the as-built setback from the existing attached garage to the north lot line does not appear to comply with the minimum setback requirement. In this regard, a site-specific provision is recommended to recognize the deficient side yard setback to the existing garage and is not required to facilitate the proposed use of the lands as a day nursery.

Sections 5.7 and 5.8 of By-law 313-96, as amended, contain specific provisions with respect to minimum landscaping and buffer requirements to be provided within commercial and institutional zones, where a day nursery as proposed by the subject application is typically permitted. In this regard, By-law 313-96, as amended, requires a strip of land 6.0 metres (19.69 feet) in depth to be used only for landscaping immediately abutting all street lines within medium and high density residential, commercial and institutional zones. In addition, where a non-residential zone abuts a residential zone, a strip of land that is at least 3.0 metres (9.84 feet) in depth shall be provided for landscaping purposes on the non-residential lands. However, as the proposed use is to be located within an existing single detached dwelling in a low density residential zone category, the landscaping and buffer provisions of the above sections would not apply.

In consideration of the above, staff recommends minimum landscaping and buffering requirements be applied to the subject development as the proposal seeks to add a non-residential use within an existing single detached dwelling. Having regard to the physical context of the site and the surrounding lands, staff recommends appropriate landscaping provisions as described in the above table to achieve adequate buffering and screening for the proposed development. It should be further noted that the widths of the landscaped areas stipulated within the proposed draft Zoning By-law represent minimum requirements and the related Site Plan may provide for greater widths across the subject lands, where appropriate.

With respect to parking, By-law 313-96, as amended, requires parking for a day nursery to be provided at a rate of either 1 parking for each 5 children to be accommodated at any given time, or 1 parking space per employee, whichever is greater. Therefore, the applicant's proposal for a day nursery with a maximum capacity of 45 children on the subject lands would require a minimum of 9 parking spaces, as depicted on the proposed Site Plan. The proposal complies with the standard requirements of By-law 313-96, as amended.

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Based on the foregoing, staff considers the proposed Zoning By-law Amendment, including the requested site-specific provisions to be appropriate in light of the proposed site design, land use and physical context of the surrounding area.

### **Site Plan Application**

A Site Plan application (Town File D06-15092) was submitted concurrently with the subject Zoning By-law Amendment application to permit modifications to the existing single detached dwelling to accommodate the proposed day nursery facility (refer to Maps 4 and 5). The applicant has revised the Site Plan with respect to the proposed parking area to include pick-up and drop-off areas and adequate space for vehicular circulation, designation of a snow storage area, the addition of bike parking and the provision of a pedestrian walkway connection to the existing sidewalk on Bathurst Street. In addition, the revised design provides additional opportunities for the preservation of the existing vegetation on the abutting property to the south of the subject lands. At the time of writing of this report, only technical matters remain to be addressed with respect to the applicant's development proposal. Therefore, staff recommends approval of the Zoning By-law Amendment for the proposed development as set out in Appendix "B" to this report.

### **Town Department, External Agency and Public Comments:**

The subject Zoning By-law Amendment and Site Plan applications, including the associated background studies and reports submitted in support of same were circulated to various Town departments and external agencies for their review and comment. The following is a summary of comments received on the materials submitted to the Town, including a brief discussion on how concerns and issues have been addressed by the applicant as well as a summary of outstanding technical matters to be addressed prior to finalization of the related Site Plan application.

### **Development Engineering Division**

Development Engineering staff provided comments on the applicant's initial and revised Zoning By-law Amendment and Site Plan application with respect to various technical and functional considerations, including servicing and grading, accessibility and design, transportation and traffic, sustainable design, stormwater management, and erosion and sediment control. More particularly, Development Engineering staff identified concerns with respect to the operation of the proposed parking area, including the placement of the proposed pick-up and drop-off parking space and the absence of a functional turnaround area.

Development Engineering staff has reviewed the applicant's latest submission and at the time of writing of this report, only technical matters remain to be addressed relating to the location of the proposed barrier-free parking space, servicing, grading, sidewalk alignment and traffic management.

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### **Regional Municipality of York**

The Regional Municipality of York (“Region”) has reviewed the subject applications and has no objections to the proposed Zoning By-law Amendment. With regard to the related Site Plan application, the Region has provided technical comments with respect to traffic management, grading, stormwater management, utilities and servicing, landscaping and proposed works within the Regional right-of-way. At the time of writing of this report, the applicant’s latest submission is under review with the Region; however, the Region has indicated that the proposed design is generally acceptable, wherein minor revisions may be required prior to finalization of the Site Plan. The Region has advised that it will not be party to the Site Plan Agreement.

### **Public Comments:**

As noted previously in this report, concerns were raised at the Council Public Meeting with respect to the applicant’s initial development proposal related to the adequacy of parking and pick-up and drop-off facilities to support the proposed day nursery, the protection of existing vegetation on adjacent properties, a lack of green space, snow storage areas and access and egress (refer to Appendix A). In this regard, the applicant has revised the site layout to accommodate the minimum parking supply required to support the proposed use, provided sufficient on-site circulation, pick-up and drop-off facilities, appropriate access and egress and landscaping in accordance with Town standards. In addition, the revised site layout provides opportunities for the preservation of existing vegetation on the abutting private property. Based on the foregoing, staff is satisfied with the revisions made to the original proposal.

### **Development Planning Division**

Planning staff has reviewed the applicant’s development proposal and is of the opinion that it conforms with the applicable policies of the Plan and represents good planning. On this basis, it is recommended that the subject Zoning By-law Amendment application be approved for the following reasons:

- the subject development proposal conforms to the applicable policies of the Plan; and,
- the applicant has satisfactorily addressed comments from Town departments, external agencies and the public with respect to site circulation and the provision of a functional parking area layout, pick-up and drop-off facilities, snow storage areas, landscaping and tree preservation, and pedestrian connectivity.

### **Financial/Staffing/Other Implications:**

The recommendation does not have any financial, staffing or other implications.

### **Relationship to the Strategic Plan:**

The applicant’s development proposal aligns with **Goal One – Stronger Connections in Richmond Hill** in providing a service within the community. The proposed



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development also aligns with **Goal Four – Wise Management of Resources in Richmond Hill** in committing to use land and resources responsibly.

### Conclusion:

The applicant is seeking Council's approval of its proposal to permit a day nursery as a stand-alone use within the existing single detached dwelling located on its land holdings. The proposed Zoning By-law Amendment is consistent with the broader policy direction for this part of the Town, as outlined in the Town's Official Plan. The applicant has satisfactorily addressed the principle issues and concerns raised by the public as well as circulated departments and agencies. Accordingly, the proposal represents good planning and therefore staff recommends Council approve the subject Zoning By-law Amendment and refer any additional comments from Council related to the Site Plan back to staff for consideration.

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### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting #18-16 held on May 11, 2016
- Appendix B, Draft Zoning By-law Amendment
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Proposed Site Plan
- Map 5, Proposed Elevations

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### Report Approval Details

Document Title:	SRPRS.18.160.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPRS.18.160 - Appendix A.pdf</li><li>- SRPRS.18.160 - Appendix B.pdf</li><li>- SRPRS.18.160 - Map 1.pdf</li><li>- SRPRS.18.160 - Map 2.pdf</li><li>- SRPRS.18.160 - Map 3.pdf</li><li>- SRPRS.18.160 - Map 4.pdf</li><li>- SRPRS.18.160 - Map 5.pdf</li></ul>
Final Approval Date:	Jun 21, 2018

This report and all of its attachments were approved and signed as outlined below:

**Gus Galanis - Jun 20, 2018 - 10:31 AM**

**Kelvin Kwan - Jun 20, 2018 - 11:31 AM**

**Neil Garbe - Jun 21, 2018 - 2:41 PM**