



Report to: Development Services Committee

Report Date: June 19, 2012

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**SUBJECT:** RECOMMENDATION REPORT  
Elias and Ekaterini Bobotsis  
9941 Woodbine Avenue  
East side of Woodbine Avenue, south of Major Mackenzie Drive  
Applications for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit an expansion of the Royal Cachet Montessori School  
File No.'s: OPA, ZA and SC 11 110068

**PREPARED BY:** Gary Sellars, Senior Planner, West District, ext. 2960

**REVIEWED BY:** Ron Blake, Manager, West District, ext. 2600

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**RECOMMENDATION:**

1. That the report entitled "RECOMMENDATION REPORT, Elias and Ekaterini Bobotsis, 9941 Woodbine Avenue, East side of Woodbine Avenue, south of Major Mackenzie Drive, Applications for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit an expansion of the Royal Cachet Montessori School, File No.'s: OPA, ZA and SC 11 110068" be received;
2. That the application submitted by Elias and Ekaterini Bobotsis to amend the Official Plan, be approved and that the draft Official Plan Amendment attached as Appendix "A", be finalized and adopted without further notice;
3. That the notice of adoption of the Official Plan Amendment be forwarded to the Region of York for final approval of the Official Plan Amendment;
4. That the application submitted by Elias and Ekaterini Bobotsis to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix "B", be finalized and enacted without further notice;
5. That the application submitted by Elias and Ekaterini Bobotsis for site plan approval be endorsed in principle, subject to the conditions outlined in Appendix "C";
6. That site plan approval be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or designate has signed the plans;
7. That the site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period;

8. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to provide background information and recommend approval of the applications for Official Plan and zoning by-law amendments, and site plan approval to permit an addition to a Montessori school.

**BACKGROUND:**

**Property and Area Context**

The subject property consists of 0.23 ha. (0.57 acres) on the east side of Woodbine Avenue, south of Major Mackenzie Drive (Figure 1). The lot frontage and depth are 33m (108 ft.) and 71m (233 ft.) respectively. There is a single detached dwelling on the property.

The surrounding context is as follows:

- To the north and east are single detached dwellings and the Carlton Creek within the Cachet rural estate community
- To the south is the Royal Cachet Montessori School which is owned by the applicant (9921 Woodbine Avenue)
- To the west, across Woodbine Avenue, are single detached dwellings within the Woodbine North community

**Official Plan and Zoning**

The Official Plan designates the subject property Rural Residential and By-law 304-87, as amended, zones it Rural Residential Estate (RRE) (Figure 2).

**Proposal**

The applicant has applied for amendments to the Official Plan and Zoning By-law 304-87, as amended, and for site plan approval to permit an expansion onto the subject property of the Royal Cachet Montessori School, located on the adjacent property to the south. The proposed 1017m<sup>2</sup> (10,951 ft<sup>2</sup>) two storey expansion reflects the architectural style of the existing 524m<sup>2</sup> (5640 ft<sup>2</sup>) building (Figures 4 and 5). The expanded school will accommodate approximately 200 students (pre-school and elementary).

The applicant is seeking site specific provisions in the Official Plan and Zoning By-law amendments that are similar to those that were approved by the Town in 2005 to permit the existing school on the adjacent property. A site plan application that includes both the subject property and the adjacent property to the south has also been submitted.

**DISCUSSION:**

**Public meeting held**

A public meeting for the Official Plan and Zoning By-law Amendment applications was held on December 6, 2011. Key matters raised at the public meeting included potential

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traffic impacts from the proposal, pedestrian safety and potential privacy and noise concerns.

**Proposed onsite traffic circulation and student pick-up/drop off has been revised to staff's satisfaction**

Following concerns expressed by staff and Committee members at the Public Meeting, the applicant's traffic consultant reviewed the proposed onsite traffic circulation and student pick-up/drop-off. As a result, revisions that have been made to the plan include the elimination of parking spaces at the front of the school and an expanded pick-up/drop-off area. The driveway access to the property will be a one way system.

**Pedestrian walkways have been improved to staff's satisfaction**

The number of pedestrian walkways around the school building have been increased and widened to address staff concerns.

**Privacy and noise issues will be addressed through site plan approval**

A landscape plan, with privacy fencing and buffer landscaping around the perimeter of the property will be required as a condition of site plan approval. A noise study of roof top equipment will also be required as a condition of site plan approval. Any noise attenuation requirements will be included in the site plan agreement.

**Regional Transportation staff have no objection to the proposed expansion**

The Region has reviewed the transportation impact study submitted by the applicant in support of their proposal and has no objection to the proposed expansion.

**Parking being provided complies with Town standards**

The Town's Parking Standards By-law 28-97 requires 4 parking spaces per classroom for private schools. The expanded school will have a total of 11 classrooms and will thus require 44 parking spaces. Forty five parking spaces are being provided.

**Provision of a 10m environmental buffer on the subject property will be required.**

The Carlton Creek is located to the north and east of the subject property. The TRCA's Regional Floodline for this creek is located close to the northeast corner of the subject property. A 10m environmental buffer will be required on the subject property adjacent to the Regional Floodline. The buffer will be zoned as open space; no new buildings or structures will be permitted in this area.

**A merger of the subject property and the adjacent property to the south will be required.**

To facilitate the proposed expansion of the school in terms of zoning and servicing requirements, a merger of the subject property and the adjacent property to the south will be required.

**Conclusion**

Based on the revisions to the site plan as noted above, staff can support the applications.

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**FINANCIAL CONSIDERATIONS:**

Not applicable

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Growth Management: expansion of an existing facility that makes use of existing infrastructure

Environment: protection of the Regional floodplain with the provision of a 10m wide environmental buffer

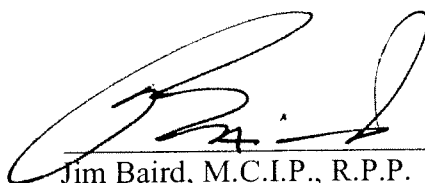
**BUSINESS UNITS CONSULTED AND AFFECTED:**

Requirements of the Town and external agencies will be reflected in the Official Plan and Zoning By-law amendments, and in the site plan and associated agreement.

**RECOMMENDED BY:**



Rino Mostacci, M.C.I.P., R.P.P.  
Director, Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.  
Commissioner, Development Services

**ATTACHMENTS:**

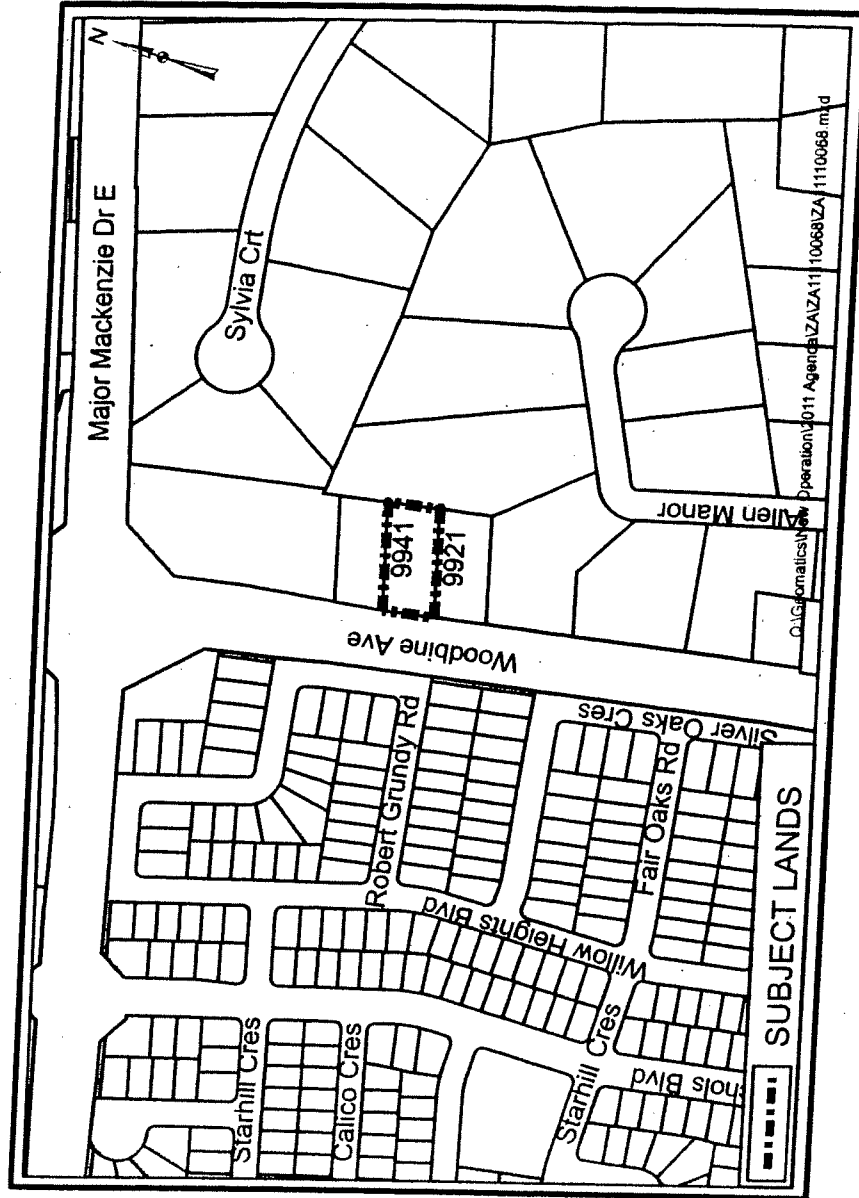
- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Proposed Site Plan
- Figure 5 – Proposed Building Elevations

**APPENDICIES:**

- Appendix “A” - Draft Official Plan Amendment
- Appendix “B” - Draft Zoning By-law Amendment
- Appendix “C” – Conditions of Site Plan Approval

**APPLICANT / AGENT:**

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QX4 Investments Ltd.  
17 Bauer Cres.  
Markham, ON  
L3R 4H3  
[ben.quan@rogers.com](mailto:ben.quan@rogers.com)





# AREA CONTEXT / ZONING

APPLICANT: ELIAS AND EKATERINI BOBOTSIS

9941 WOODBINE AVENUE

FILE No. ZA;SC;OPA11110068(GS)

////// SUBJECT LANDS

DATE: 09/22/11

FIGURE No. 2



# AIR PHOTO (2011)

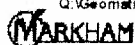
APPLICANT: ELIAS & EKATERINI BOBOTSIS  
9941 WOODBINE AVENUE

FILE No. OPA, SC, ZA.11110068 (GS)

 SUBJECT LANDS



DATE: 06/12/2012



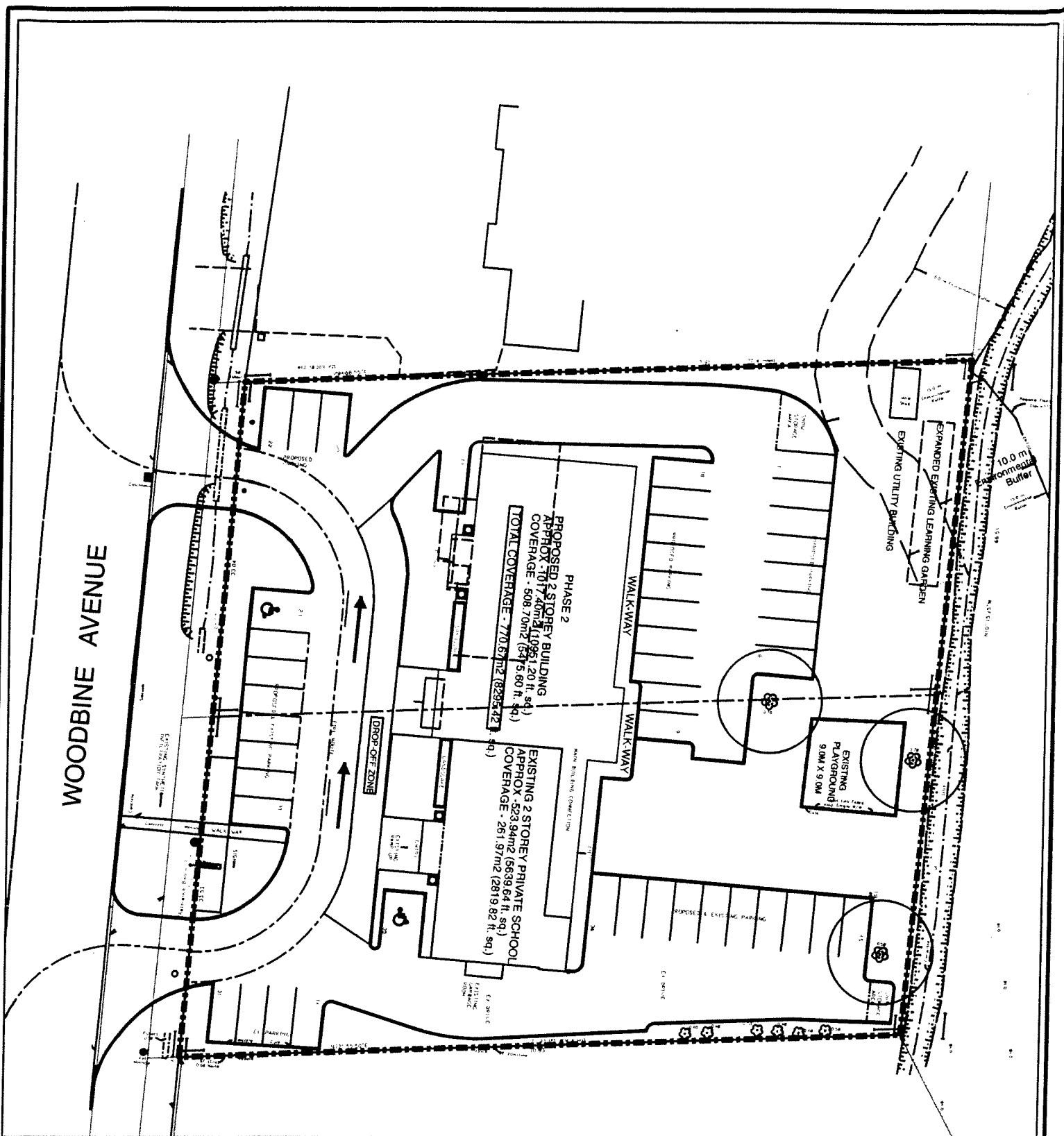
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: GS

FIGURE No. 3

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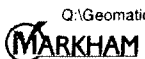


# SITE PLAN

APPLICANT: ELIAS & EKATERINI BOBOTSIS  
9941 WOODBINE AVENUE

FILE No. OPA, SC, ZA.11110068 (GS)

DATE: 06/12/2012



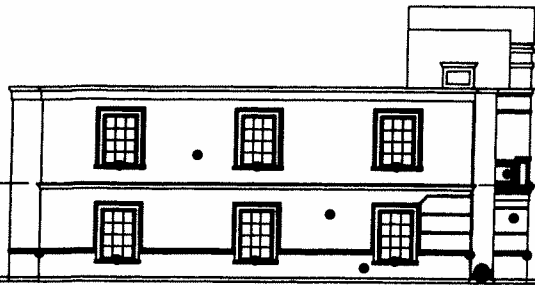
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

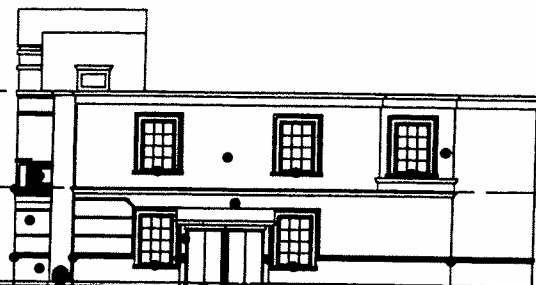
Checked By: GS

FIGURE No. 4





**NORTH SIDE ELEVATION**



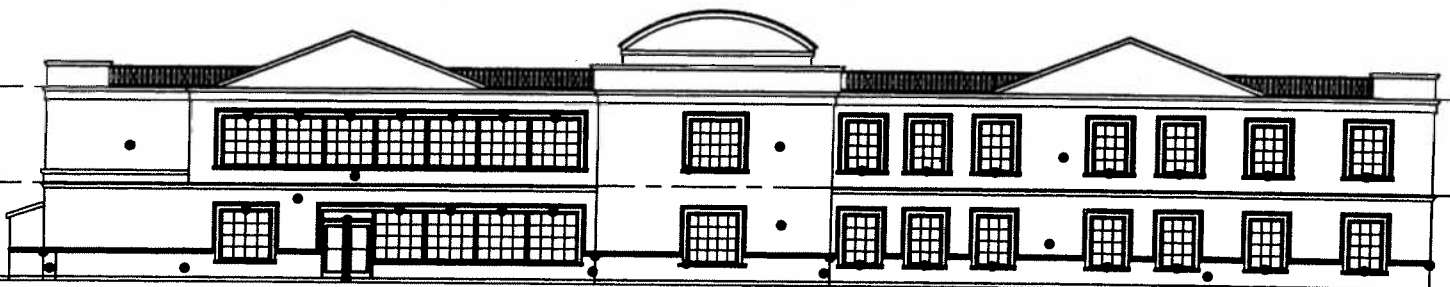
**SOUTH SIDE ELEVATION**



**PROPOSED TWO STOREY EXPANSION BUILDING**

**EXISTING FRONT ELEVATION**

**WEST ELEVATION**



**EXISTING REAR ELEVATION**

**PROPOSED TWO STOREY EXPANSION BUILDING**

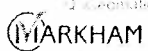
**EAST ELEVATION**

# ELEVATIONS

APPLICANT: ELIAS & EKATERINI BOBOTSIS  
9941 WOODBINE AVENUE

FILE No. OPA, SC, ZA.11110068 (GS)

DATE: 06/12/2012



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: GS

FIGURE No. 5

**OFFICIAL PLAN**  
**of the**  
**TOWN OF MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies  
for the Devil's Elbow Planning District (Planning District No. 12).

Royal Cachet Montessori School

\_\_\_\_\_, 2012

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Devil's Elbow Planning District (Planning District No. 12)

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. \_\_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Town Clerk

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**Mayor**

**THE CORPORATION OF THE TOWN OF MARKHAM**

**BY-LAW NO. \_\_\_\_\_**

Being a by-law to adopt Amendment No. XXX  
to the Town of Markham Official Plan (Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM,  
IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT,  
R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
MAYOR

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## **PART I - INTRODUCTION**

(This is not an operative part of  
Official Plan Amendment No. XXX)

## **PART - I INTRODUCTION**

### **1.0 GENERAL**

**1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

**1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Figure 12.4, attached thereto, constitutes Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment applies to a site, approximately 0.23 hectare (0.57 ac) in area, on the east side of Woodbine Avenue, south of Major Mackenzie Drive, known municipally as 9941 Woodbine Avenue.

### **3.0 PURPOSE**

The purpose of this Official Plan Amendment is to amend certain provisions of the Official Plan (Revised 1987) to permit a private school, day nursery and accessory uses to be expanded onto the subject site, which is designated RURAL RESIDENTIAL.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The subject site is designated RURAL RESIDENTIAL in the Official Plan (Revised 1987), as amended. The site is located on Woodbine Avenue, a Regional Arterial Road at the edge of the Devil's Elbow Planning District, and currently contains an older residential bungalow. The owner of the site proposes to demolish the existing dwelling and construct thereon an addition onto the adjacent private school to accommodate pre-school and elementary school age children. Schools, whether public or private, are not currently permitted under the RURAL RESIDENTIAL designation of the Official Plan (Revised 1987).

Over the past five years since the existing private school has been in operation, the Cathedral community to the north and the Angus Glen community to the east have continued to attract young families to the area. Along with the residential development of these nearby communities comes the need for additional schools, including private schools such as those provided by the Montessori system. Council has considered the proposal to expand the private elementary school at this location and is satisfied that it is an appropriate use of the site that will offer a service to the young families of the surrounding communities, including the Devil's Elbow area.

## **PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of  
Official Plan Amendment No. XXX)



## **PART II - THE OFFICIAL PLAN AMENDMENT**

### **1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number “XXX” to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 4.3.12.2 of the Official Plan (Revised 1987), as amended, is amended by amending subsection 4.3.12.2 d) and Figure 12.4 as follows:
  - 1.2.1 adding “and 9941” after “9921” in the heading
  - 1.2.2 replacing “No. 130” with “Nos. 130 and XXX” in the line under the heading
  - 1.2.3 replacing Figure 12.4 with the attached Figure 12.4

### **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to Zoning By-law 304-87, as amended, and site plan approval in conformity with the provisions of this Amendment.

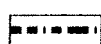
Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal. The Amendment is subject to approval by the Region of York.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised, 1987) shall not apply.



FIGURE No. 12.4

SPECIFIC SITE AND AREA POLICIES  
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED



Boundary of area subject to policies in section 4.3.12.2 d)

Land use designation: RURAL RESIDENTIAL



## **EXPLANATORY NOTE**

**BY-LAW 2012- ----**

**A By-law to amend By-law 304-87, as amended**

**Mr and Mrs Bobotsis  
9941 Woodbine Avenue**

### **Lands Affected**

The proposed by-law amendment applies to lands on the east side of Woodbine Avenue, south of Major Mackenzie, municipally known as 9941 Woodbine Avenue.

### **Existing Zoning**

The existing zoning of the lands is Rural Residential Estate (RRE)

### **Purpose and Effect**

The purpose of this By-law is to:

- add Private School and Day Nursery as permitted uses on the lands and establish development standards
- rezone a 10 metre wide portion of the rear of the lands adjacent to the Regional Floodline as defined by the TRCA to Open Space – Environmental Buffer (03)

The effect of the By-law is to permit an expansion of an existing Montessori school onto the lands.



## BY-LAW 2012- \_\_\_\_\_

A By-law to amend Zoning By-law 304-87, as amended

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1.0 By-law 304-87, as amended, be and the same is hereby further amended as follows:

1.1 By adding to Section 13-Exceptions the following new Subsection:

"13. \_\_\_ Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to the lands at 9941 Woodbine Avenue as shown on schedule 13. \_\_\_ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

a) By rezoning the lands outlined on Schedule 13. \_\_\_ hereto from Rural Residential Estate (RRE) to Open Space – Environmental Buffer.

b) Additional Permitted Uses

The following additional uses are permitted:

- i) Private School
- ii) Day Nursery

c) Zone Standards

The following specific zone standards apply:

- i) minimum lot area – 0.2 hectares
- ii) minimum lot frontage – 33 metres
- iii) minimum southerly side yard – 0 metres

2.0 All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
\*\* DAY OF June, 2012.

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KIMBERLEY KITTINGHAM  
TOWN CLERK

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FRANK SCARPITTI  
MAYOR



## BY-LAW SCHEDULE 13. TO AMEND BY-LAW 304-87

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE  
 BOUNDARY OF ZONE DESIGNATION(S)

 RURAL RESIDENTIAL ESTATE  
 OPEN SPACE-ENVIRONMENTAL BUFFER

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BY-LAW AMENDMENT No. .... PASSED .....

..... (MAYOR) ..... (CLERK)

## APPENDIX "C"

### Conditions of Site Plan Approval

1. That the Owner enter into a site plan agreement with the Town containing all the standard and special provisions and requirements of the Town and public agencies.

***NOTE: Site Plan Approval is issued only when the Director of Planning & Urban Design or designate has signed the plans "approved" following the execution of a site plan agreement;***

2. That a Landscape Plan, prepared by a Landscape Architect having O.A.L.A. membership, be submitted to the satisfaction of the Director of Planning and Urban Design;
3. That a Noise Study for roof top equipment, prepared by a qualified engineering consultant, be submitted to the satisfaction of the Director of Engineering;
4. That a School Travel Plan, prepared by a qualified transportation consultant, be submitted to the satisfaction of the Director of Engineering;
5. That prior to the execution of the Site Plan Agreement, the Owner shall:
  - a) submit final drawings, and comply with all requirements of the Town and public agencies, to the satisfaction of the Director of Planning and Urban Design;
6. That the Site Plan Agreement shall:
  - a) provide for payment by the Owner of all applicable fees, recoveries and development charges;
  - b) contain provisions for satisfying Town Departments including all requirements of the Director of Engineering, the Fire Department, Waste Management and Roads;