

COMMITTEE OF THE WHOLE SEPTEMBER 7, 2004

**ZONING BY-LAW AMENDMENT FILE Z.02.090
DRAFT PLAN OF SUBDIVISION FILE 19T-02V12
RICK MARCHESAN
REPORT #P.2003.12**

Recommendation

The Commissioner of Planning recommends:

1. THAT Draft Plan of Subdivision 19T-02V12 (Rick Marchesan), prepared by Brutto Consulting, dated June 14, 2004, BE APPROVED, subject to the conditions of approval set out in Attachment #1.
2. THAT Zoning By-law Amendment Application Z.02.090 (Rick Marchesan) BE APPROVED, to rezone the lands from A1 Agricultural to R1 Residential Zone and to provide exceptions to zoning standards, as required, to implement the approved draft plan of subdivision.
3. FOR the purposes of notice, the Subdivision Agreement shall contain a provision that parkland shall be dedicated, and/or cash-in-lieu paid, within the plan at the rates stipulated in OPA #600 and conform to the approved "Cash-In-Lieu of Parkland Policy."
4. THAT Council pass the following resolution with respect to the allocation of sewage and water servicing capacity:

"NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT the proposed Plan of Subdivision 19T-02V12 be allocated sewage capacity from the Woodbridge Service Area of the York/Durham Servicing Scheme and water supply capacity from Kleinburg-Nashville Community Water System of the York Water Supply System, for a total of 7 residential units following the execution of a subdivision agreement to the satisfaction of the City."

Purpose

On December 24, 2002, the Owner submitted applications to amend the Zoning By-law and for a Draft Plan of Subdivision to permit a residential plan of subdivision on the easterly tableland portion of the subject lands. The draft plan consists of 7 lots with frontages ranging from 15.8 m to 24 m.

Background - Analysis and Options

The lands are located northeast of Major Mackenzie Drive and Highway 27, (9909 Highway 27), in Part of Lot 20, Concession 8, City of Vaughan. The lands are currently developed with a residential dwelling and accessory buildings. The surrounding land uses are:

- North - valleyland, residential (OS1 Open Space Conservation Zone and R1 Residential Zone)
- South - residential (A Agricultural Zone)
- East - approved draft plan of residential subdivision 19T-01V02 (R1 Residential Zone)
- West - Highway 27

On January 24, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and the Kleinburg and Area Ratepayers Association. Two letters were received regarding cost-sharing of services. The recommendation of the Committee of the Whole

at the Public Hearing on February 17, 2003, and ratified by Council on February 24, 2003, was in part:

- "1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 17, 2003, be approved;
- 2) That the applicant meet with staff and the local ratepayers' association to address any outstanding issues;"

Since the Public Hearing the applicant has met with staff and the Local Councillor.

Official Plan

The lands are designated "Serviced Residential", "Valley Policy Area 4" and "Valley and Stream Corridor" by OPA #601 (Kleinburg-Nashville Community Plan). The proposed subdivision is within the "Serviced Residential" designation.

The "Serviced Residential" designation permit detached dwellings, open space, parks and schools. Development within this designation must be on full municipal services. The proposed residential subdivision conforms to the official plan.

Zoning

The proposed zoning for the residential lots is the R1 Residential Zone with a minimum lot frontage of 18m. An exception for Lot 6 will be required, as it has a lot frontage of 15.8m. This is an appropriate exception given that lots on cul-de-sacs usually have smaller frontages due to their shape. Other minor exceptions to setbacks on Lot 5 may be required to permit a suitable building envelope, as a result of the unusual shape of the lot.

The buffer block (Block 10) will be zoned OS1 Open Space Conservation Zone.

Subdivision Design

The proposed subdivision consists of 7 single-detached residential lots on a small cul-de-sac. The development forms a logical extension of the subdivision to the east. Lot frontages, because the lots are pie-shaped, range from 15.8m to 24m.

Lot 5 is irregularly shaped as a result of the available tableland. The remaining lots range in depth from 41.5m to 64.1m.

Density

The maximum density for lands designated "Serviced Residential" is 5.0 to 7.5 units per hectare. The density of this development is 6.31 units per hectare and conforms to the Official Plan.

Servicing

The proposed subdivision is to be fully serviced by municipal services. A servicing report has been submitted and reviewed to the satisfaction of the Engineering Department. Water supply will be provided by the Kleinburg-Nashville Community Water System of the York Water Supply System and sewage capacity is to be from the Woodbridge Service Area of the York/Durham Servicing Scheme.

A condition of approval has been included for cost sharing for improvements to the Kleinburg/Nashville Water System and their proportionate share of the cost of any external municipal services.

Noise

Due to the proximity of the lands to Highway #27, the Engineering Department requires the submission of a noise report at the detailed engineering stage.

Parkland

As there is no parkland in this plan, cash-in-lieu of parkland will be required. A walkway block between Lots 5 and 6 is being provided for a future walkway which will be incorporated into the Regional Road 27 Trail system when it is developed. A buffer block is being provided along the top-of-bank in accordance with the Official Plan.

Other Comments

The Toronto and Region Conservation Authority, Region of York and Canada Post have advised that they have no objection subject to the conditions of approval, which are contained in Attachment #1.

The York Region District School Board has no objection to the applications.

Relationship to Vaughan Vision 2007

This draft plan of subdivision is consistent with the priorities of Vaughan Vision 2007 established in Section 4.7.1 that encourages managed growth through the implementation of OPA #600. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

The proposed draft plan of subdivision and zoning by-law amendment conforms to the policies of the Official Plan and is considered appropriate for the development of the land, subject to the conditions contained in Attachment #1. Should Committee concur, the 'Recommendation' can be adopted.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Subdivision

Report prepared by:

Todd Coles, Planner, ext. 8634
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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ATTACHMENT NO. 1

STANDARD CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF SUBDIVISION 19T-02V12
RICK MARCHESAN
LOT 20, CONCESSION 8, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-02V12, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by Brutto Consulting, drawing #A1, dated June 14, 2004.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law, which has come into effect in accordance with the provisions of The Planning Act. Particular zoning categories to be applied are as follows:
 - R1 Residential Zone
 - OS1 Open Space Conservation Zone
 -
3. The Owner shall pay any and all outstanding application fees to the Community Planning Department, in accordance with Tariff of Fees By-law 321-99.
4. The Owner shall enter into a subdivision agreement with the City to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies and the woodlot development charge, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
5. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2 m sideyards, or having roof encroachments, prior to transfer of land.
6. Prior to final approval, easements required for utility, drainage and construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances.
7. The road allowances within this Plan shall be named to the satisfaction of the City, in consultation with the Regional Planning Department; proposed street names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
8. The road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
9. Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3m reserve, to be conveyed to the City free of all charge and encumbrances, until required for a future road allowance or development of adjacent lands.

10. Final engineering design(s) may result in minor variations to the Plan (eg., in the configuration of road allowances and lotting, number of lots etc.), which may be reflected in the final plan to the satisfaction of the City.
11. The Owner shall agree that the location and design of the construction access shall be approved by the City and/or the appropriate authority.
12. Prior to final approval, the Owner shall submit a soils report, and the Owner shall agree to implement the recommendations of such report, as approved by the City.
13. The Owner shall agree to remove any driveways and buildings on site, which are not approved to be maintained as part of the plan; any modification to off-site driveways required to accommodate this Plan shall be co-ordinated and completed at the cost of the Owner.
14. The Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
15. The Owner shall agree that no building permits will be applied for until the City is satisfied that adequate access, municipal water, sanitary and storm services are available.
16. The Owner shall agree that on lots with flankages on a collector or primary road, as identified by the Architectural Design Guidelines and the City, a front elevation featuring a main entrance or in some cases, an upgraded elevation, shall face the flankage. The flankage elevation for such lots shall be approved by the Control Architect, and the Director of Urban Design and/or the Director of Community Planning, prior to issuance of a building permit.
17.
 - a) Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit environmental site assessment report(s) in accordance with the "Ministry of Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario, June 1996", as amended, and shall reimburse the City for the cost of peer review of the reports.
 - b) Should site remediation be required to meet the applicable soil and ground water criteria set out in the above Guidelines, the Owner shall submit to the City prior to final approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
 - c) The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria noted above.
 - d) Where lands are being conveyed to the municipality for parkland purposes, the Owner shall agree that prior to issuance of any building permits, the Owner shall submit a Phase 2 environmental site assessment report(s) addressing all park blocks in the plan, in accordance with the Ministry of Environment Guideline for Use at Contaminated Sites in Ontario (June 1996 as amended), to the satisfaction of the City. On-site sampling contained in the reports shall be conducted following completion and certification of the rough grading of the park block(s). Testing may include but not be limited to surface and subsurface soil, ground water, soil vapour, plant and aquatic species sampling and testing of building materials. The Owner shall reimburse the City for the cost of peer review of said report(s).

18. a) Prior to final approval and prior to any works commencing on the site, the Owner shall submit for approval by the City and the Toronto and Region Conservation Authority (TRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
- i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities;
 - iii) stormwater management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands; and
 - vi) storm water management practices to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- b) The Owner shall agree to implement the recommendations set out in the aforementioned report(s) to the satisfaction of the City and TRCA, and to obtain a permit for the works described.
19. The Owner shall agree:
- a) to obtain all necessary permits pursuant to Ontario Regulation 158 and the Lakes and Rivers Improvement Act;
 - b) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period;
 - c) that prior to the issuance of a building permit by the municipality the Owner shall provide detailed grading and sediment and erosion control plans for Lot 5 which shows a grading scheme which has the effect of restricting placement of fill or regrading within 7 metres of the rear lot line to the satisfaction of the Toronto and Region Conservation Authority;
 - d) That a restrictive covenant be placed at the rear of Lot 5 which will have the effect of restricting the placement of fill, regarding or the placement of any structures within 7 metres of the rear lot line to the satisfaction of the Toronto and Region Conservation Authority;
 - e) That prior to the initiation of any grading or construction of the site, to erect a 1.8 metre chain link fence or other suitable barrier along the rear lot line of all lots to the satisfaction of the Toronto and Region Conservation Authority; and

- f) to provide a copy of the executed subdivision agreement to The Toronto and Region Conservation Authority.
20. Prior to final approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the subject plan.
21. a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of Hydro Vaughan Distribution Inc., its successors and assigns, (herein Hydro Vaughan) regarding the design, installation, connection and/or expansion of electric distribution services, or any other related matters; the Owner shall enter into a development agreement with Hydro Vaughan which addresses the foregoing requirements.
- b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Hydro Vaughan Distribution Inc and the City.
22. Prior to final approval, the Owner shall submit a noise and/or vibration study, prepared by a qualified consultant for approval by both the City and the Region of York. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road network. The Owner shall agree in the subdivision agreement to implement the approved abatement measures.
23. The Owner shall convey the following lands to the City or the TRCA, where appropriate, free of all charge and encumbrances:
- a) Block 10 for open space purposes
- b) Block 8 for walkway purposes
24. The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding plans, all in accordance with City standards and specifications.
25. The Owner shall agree to erect fencing in the locations and of the types as shown on the approved construction drawing and as required by the City, in accordance with an Urban Design and Architectural Design Guidelines.
26. The Owner shall agree to pay the City at the time of registration of the Plan, payment at the rate of \$1,000.00 per residential unit, plus \$500.00 per future unit on each part lot, as per Schedule "I", in accordance with the Special Area Woodlot Development Charge By-law.
27. Prior to final approval, the Owner shall submit a tree assessment, including an inventory of all existing trees, assessment of significant trees to be preserved, and proposed methods of tree preservation/or remedial planting; the Owner shall agree to undertake the measures identified in the City-approved assessment.
28. Prior to final approval, the Owner shall not remove any vegetation or topsoil or start any grading of the lands, without a fill permit issued by the City, and a development agreement, if necessary.
29. Prior to final approval, architectural guidelines shall be submitted for Council's approval; the

Owner shall agree that:

- a) a control architect satisfactory to the City shall be retained at the cost of the Owner, to ensure that all development proceeds in compliance with the approved architectural design guidelines.
 - b) prior to the submission of individual building permit applications, the control architect shall have stamped and signed the drawings certifying compliance with the approved architectural guidelines.
 - c) City may undertake periodic reviews to ensure compliance with the architectural guidelines; should inadequate enforcement be evident, the City may cease to accept drawings stamped by the control architect and retain another control architect at the expense of the Owner.
- 30.
- a) Prior to final approval and prior to commencement of any works on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the satisfaction of the Ministry of Citizenship, Culture and Recreation (Archeological Unit) and the City; the Owner shall agree to take protective measures required by the City for such sites.
 - b) Prior to the commencement of any archaeological field work, a copy of the contract information sheet which was submitted to the Ontario Heritage Foundation, shall have been forwarded to the City; licensed consultants are urged to review the Archaeological Facility Master Plan Study housed in the City of Vaughan Archives, prior to commencing any fieldwork.
 - c) Prior to final approval of the plan of subdivision, the Owner by way of the subdivision agreement, shall agree that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as protective and mitigative measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Citizenship, Culture and Recreation (Archaeological Unit) and the municipality.
31. The Owner agrees to:
- a) provide the following for each community mailbox site, as shown on the servicing plans:
 - i) a sidewalk section (concrete pad), as per municipal and Canada Post standards, to support the mailboxes;
 - ii) any required walkway across the boulevard, as per municipal standards; and,
 - iii) any required curb depressions.
 - b) provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
 - c) consult with Canada Post Corporation to determine suitable locations for the placement of a Community Mailbox and to indicate these locations on the appropriate servicing plans.

- d) provide a copy of the executed agreement to Canada Post.
32. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks:
- a) within the entire subdivision plan:
- "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."
 - "Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Vaughan lot grading criteria in certain areas, to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions."
 - "Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances."
 - "Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the subdivision agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice."
 - "Purchasers and/or tenants are advised that the City has not imposed a "tree fee", or any other fee which may be charged as a condition of purchase, for the planting of trees. Any "tree fee" paid by a purchaser for boulevard trees does not guarantee that a tree will be planted on the boulevard adjacent to their residential dwelling."
 - "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
 - "Purchasers and/or tenants are advised that any roads ending in a dead end or cul-de-sac may be extended in the future to facilitate development of adjacent lands, without further notice."
- b) abutting any open space, woodlot or stormwater facility:
- "Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may be left in a naturally vegetated condition and receive minimal maintenance."
33. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No building permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan.

- the Block Plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines etc.
- the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval.
- the location of parks, open space, stormwater management facilities and trails.
- the location of institutional uses, including schools, places of worship, community facilities.
- the location and type of commercial sites.
- colour-coded residential for singles, semis, multiples, and apartment units.
- the following notes in BOLD CAPITAL TYPE on the map:

"For further information, on proposed and existing land uses, please call or visit the City of Vaughan Community Planning Department, at 2141 Major Mackenzie Drive, (905)832-8565."

"For detailed grading and berming information, please call the developer's engineering consultant, (name) at _____".

"This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers."

[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]

34. Where the Owner and the City determine that the Owner will develop the park block(s), the Owner shall agree that the design, securities and construction for the park(s) will be addressed through an agreement in accordance with the City's "Developer Build/Parks Development Policy, OPA #400 and future lands."
35. Where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an agreement with the City, setting out the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a building permit.
36. Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit a topsoil storage plan detailing the location, size, side slopes, stabilization methods and time period, for approval by the City. Topsoil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on either park or school blocks.
37. The Owner shall permit any telephone or telecommunications service provider to locate its plant in a common trench within the proposed Plan of Subdivision prior to release of the plan for

registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

38. Prior to the transfer of pertinent lots within the Plan, the Owner shall construct a 1.5 metre high black vinyl chain link fence along the limits of the residential lots where they abut the open space, to the satisfaction of the City.
39. Prior to the initiation of any grading and/or construction on the Plan, the Owner shall install an erosion and siltation fence along the top-of-bank within the plan. The erosion and siltation fence shall be maintained in place until sufficient grass cover is established within the plan to the satisfaction of the City.
40. Prior to final approval of the Plan, the Owner shall pay its proportionate share of costs for construction and improvements to the Kleinburg/Nashville Water System, to the satisfaction of the City.
41. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the front-end financing cost associated with the undertaking of the Kleinburg/Nashville Servicing Strategy Studies/ EA, to the satisfaction of the City.
42. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost any external municipal services that have been designed and oversized by others to accommodate the development of the Plan, to the satisfaction of the City.

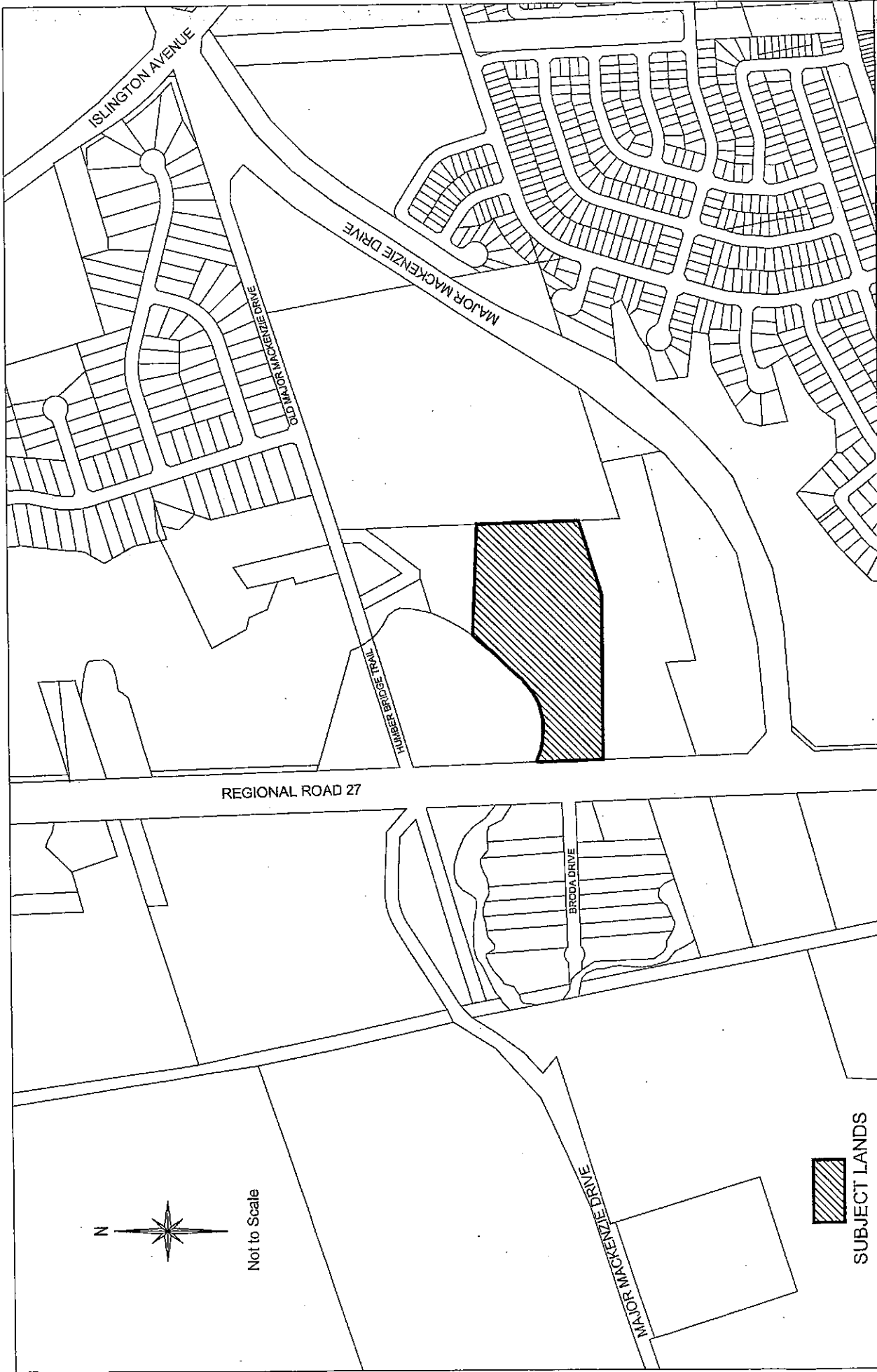
Region of York Conditions

43. The Region shall confirm that adequate water supply capacity and sewage treatment capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.
44. The Owner shall enter into an agreement with the Region of York, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-0005-2003-050.

Other Conditions

45. Final approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees provided that:
 - a) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and
 - b) all government agencies agree to registration by phases and provide clearances, as required in Conditions 1 to 44 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
52. The City shall advise that Conditions 1 to 42 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.

53. The Regional York shall advise that Conditions 43 to 44 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.



Attachment 2

FILE No:
19T - 02V12 &
Z.02.090

August 16, 2004

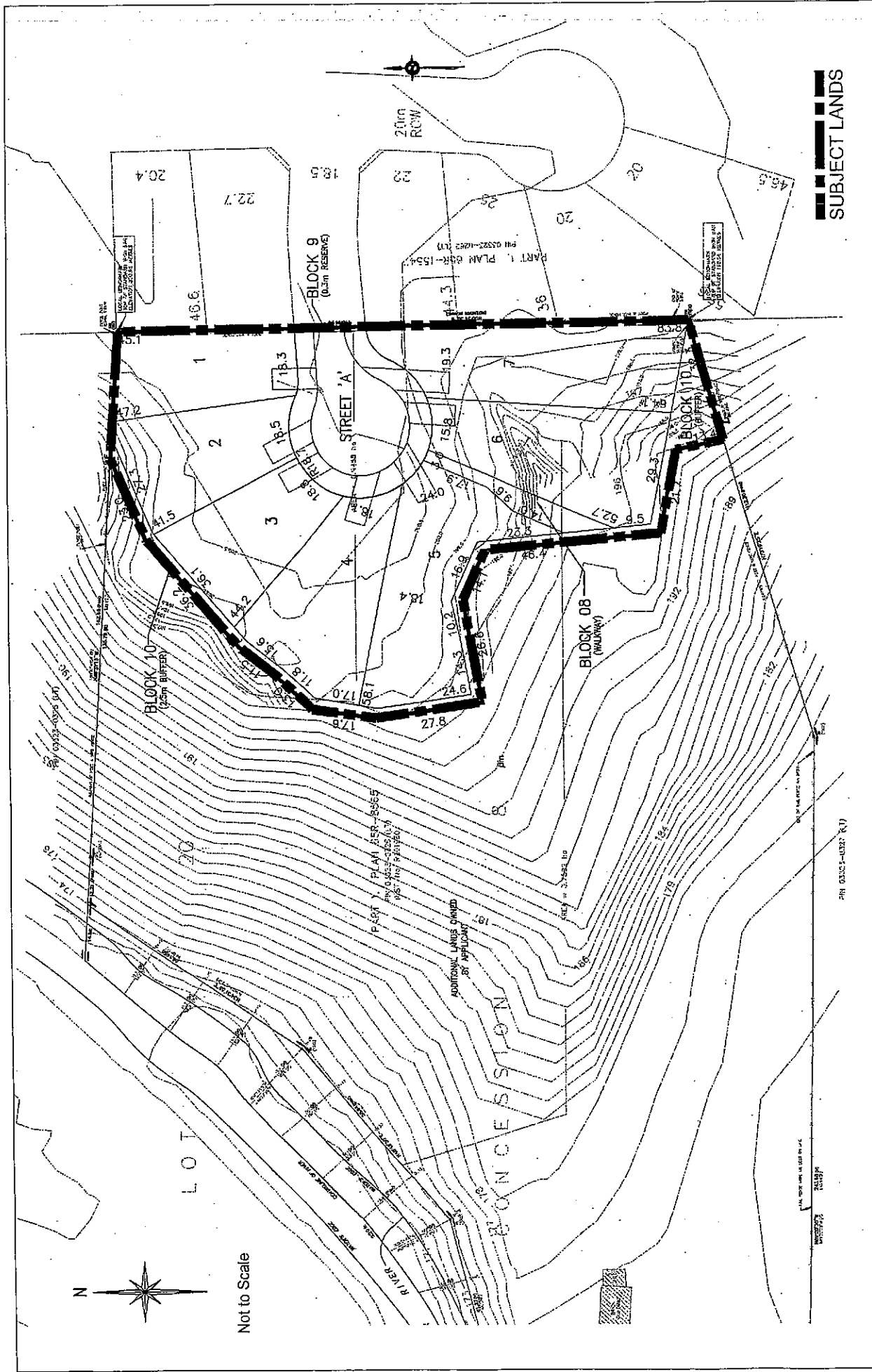
City of Vaughan

Community Planning Department

Location Map

Lot 20,
Concession 8

APPLICANT:
RICK MARCHESAN



Draft Plan of Subdivision

Lot 20,
Concession 8
APPLICANT:
RICK MARCHESAN



Community Planning Department

Attachment 3

FILE NO.:
19T-02V12 &
Z.02.090
August 16, 2004