

COMMITTEE OF THE WHOLE JUNE 4, 2001

**ZONING BY-LAW AMENDMENT APPLICATION
REPORT P. 2001.28
MIRELLA ROTA
FILE: Z.01.018**

Recommendation

The Commissioner of Planning & Urban Design recommends:

THAT Zoning Amendment Application Z.01.018 (Mirella Rota) BE APPROVED, subject to the following:

1. That the implementing by-law rezone Parts 1 to 4 of the subject lands as RV3 Residential Urban Village Three Zone, and Parts 5 to 8 RV2 (WS) Residential Urban Village Two Zone (Wide Shallow).
2. That the implementing by-law provide for the following exceptions:
 - (i) the minimum lot frontage for Part 5 shall be 12m and for Part 6 shall be 13m; and,
 - (ii) a minimum 10m structural setback (rear and/or side yard) for lots adjacent to the lands zoned OS1 Open Space Conservation zone.
3. Prior to the enactment of the Zoning By-law:
 - (i) the Owner/Owners shall enter into the approved Developer's Group Agreement for the Woodbridge Expansion Area, to the satisfaction of the City, but not be limited to cash-in-lieu of parkland dedication and cost sharing for the provision of parks, roads, schools and municipal services within the block plan; and
 - (ii) the Trustee for the Woodbridge Expansion Area Block shall provide the City with a letter indicating that the landowner has fulfilled all cost sharing and other obligations of the Woodbridge Expansion Area Landowner's Cost Sharing Agreement.

Purpose

On March 1, 2001 the Owner submitted an application to amend the Zoning By-law to rezone the subject lands to the appropriate residential zone categories to allow the merging of the subject lands with the adjacent lands for residential use. The zoning will facilitate the creation of 8 blocks through the consent process, to be joined with blocks in the adjacent Draft Plan of Subdivision 19T-95100, resulting in 8 residential lots fronting onto Rota Crescent.

Background - Analysis and Options

Location

- Northeast of Highway #27 and Rutherford Road
- Parts 1 to 10, Plan 65R-22607 (5770 Rutherford Road)
- Lot 16, Concession 8, City of Vaughan

Land Use Status

- Designation - "Low Density Residential" by OPA #600
Subject to the Woodbridge Expansion Area Block Plan
- Zoning - A Agricultural Zone by By-law 1-88

Site Description

- an irregular shaped .38 ha, site with 78m frontage on Rutherford Road
- developed with a detached dwelling and several structures
- the surrounding land uses are:

North - Rota Crescent; residential (RV2 and RV4 (WS) Zones)

South - Rutherford Road; A Agricultural Zone

East - residential (RV2 WS and RV4 Residential Zones)

West - valley land (OS1 Open Space Conservation Zone)

Public Hearing

At the April 10, 2001 Committee of the Whole (Public Hearing), several nearby residents attended expressing concern with the proposed development, particularly with safety, compatibility (architectural control), dumping and timely completion of the development.

Planning Staff has also received a letter from an area resident, who has indicated that he could not support the application for safety reasons. The combination of narrow streets, lack of sidewalks and an additional 8 residential lots would create a situation that is unsafe for the area residents.

The recommendation of the Committee of the Whole on April 10, 2001 to receive the public hearing and forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on April 16, 2001.

A number of residents have identified concern with the lack of sidewalks in the immediate neighbourhood, particularly on Rota Crescent and Mira Vista Place. Although the City has a sidewalk policy which identifies criteria for requiring a sidewalk on a street, the lands were subject to block plan approval. As part of the block plan process, a sidewalk plan was prepared for the area at which time it was determined that the above streets did not require a sidewalk.

As the sidewalk policy is administered by the City Engineering Department, it would be the decision of this department to determine when sidewalks would be required in accordance with the policy.

Official Plan

The lands are designated "Low Density Residential" by OPA #400, as amended by OPA#600, which permits detached residential dwellings provided they conform to the density requirements. The maximum permitted density within the low density residential areas shall not exceed 22 units/ha and with an average net density ranging from 16 to 18 units/ha. The proposed development conforms to the Official Plan.

The Block Plan

The lands are subject to the Woodbridge Expansion Area (WEA) Block Plan, which comprises of approximately 331 hectares, of which 276 hectares are developable. The WEA Block Plan was approved by Council on February 10, 1997 and revised in March 2000, and proposes specific development within the entire block area.

The owners of the subject lands were not participants in the Block Plan process. The WEA did, however, allot a number of residential units for non-participants at the same approved density as those who participated. To this end, the subject lands must not exceed 6 full residential lots. The proposed development is for 3 full lots with frontage on a public road and approximately 5 part lots, and therefore conforms to the Block Plan.

Zoning

The lands are zoned A Agricultural Zone by By law 1-88, accordingly, an amendment to the Zoning By-law is required. The proposed application is to rezone the subject lands in a manner that would facilitate the future merging with abutting lands. The applicant is proposing to rezone the subject lands as follows:

- Parts 1 to 4 - RV3 Residential Urban Village Three Zone
- Parts 5 to 8 – RV2 (WS) Residential Urban Village Two Zone

Given that Parts 5 and 6 are somewhat pie-shaped, an exception to the minimum frontage is required and shall be included in the implementing by-law.

The residential lots abutting the subject lands are all regular in shape, with lot frontages ranging from 12m to 15m and lot sizes from 350 sq.m to 600 sq.m. The application will ultimately result in 8 full lots similar in size and shape with those in the immediate area. The proposed lots will have frontages ranging from 12m to 15m and lot sizes from 430 sq.m to 760 sq.m. The proposed infill development is compatible with the immediate area.

Architectural Design Guidelines and Streetscapes

On June 1998, Council approved Architectural Design Guidelines for the Woodbridge Expansion Area, which requires that prior to the issuance of a building permit, all dwelling units within the WEA Block Plan must be stamped approved by the Control Architect for the area to ensure conformity with the Guidelines. The owner or subsequent owners of the lands shall agree to comply to the WEA Architectural Guidelines, and a condition to this effect shall therefore be included as part of consent approval.

Developers Group Agreement

The participating landowners in the WEA have entered into a Developers Group Agreement. The Agreement identifies the costs and obligations to be borne by each of the participating landowners within the Block Plan, which includes, but is not limited to, the provisions of parks, feeder roads, storm water management ponds and municipal services. This Agreement provides for additional owners to become party to the agreement when they develop. A condition to this effect shall also be included as part of consent approval.

Consent Approval process

The Owner proposes to merge the subject parts with parts of Draft Plan of Subdivision 19T-95100 to create 8 residential lots. The land division would take place through the consent process rather than a plan of subdivision. The *Planning Act* provides that the Committee of Adjustment shall grant consent to convey if it is satisfied that a plan of Subdivision is not necessary. A plan of subdivision shall be deemed necessary in the following cases:

- a) Generally, where the number of new lots created is greater than three for any one ownership;
- b) where the extension of a public road allowance is required;
- c) where the extension of municipal services is required; and,

- d) agreements or conditions are required by any municipality or Ministry with regard to any part of the remaining lands:
- provided that insofar as paragraphs a, b, c and d, if the applicant reaches a satisfactory agreement with the authorities in question, a plan of subdivision may not be required.

The proposed development will result in a total 8 residential lots, 2 of which would be under the ownership of Paradise Homes, the owner of the lands within 19T-95100, and 6 to the Owner of the subject lands (Mirella Rota). Parts 9 and 10 will be deeded to the Region of York for the purposes of a reserve and road widening. No extension of a public road allowance or municipal services is required. In addition, a condition of consent approval shall include that the Owner enter into an agreement with the City Engineering Department to address costs and obligations to be borne by each landowner, compliance with architectural guidelines, and provision of parks and services.

Toronto Region Conservation Authority (TRCA)

The TRCA has no objection to the proposed application provided the implementing by-law provide for a minimum 10m structural setback for rear and/or side yards for lots adjacent to the Open Space Block.

Servicing and Access

The Planning and Studies Section of Engineering has advised that allocation has been reserved for the subject lands. Formal allocation will be required as a condition of approval at the consent application stage. All applicable conditions outlined in Subdivision Agreement 19T-95100 must be fulfilled to the satisfaction of the Engineering Department.

Access to the development would be provided from Rota Crescent, which has been constructed to City Standards (Alternative Road Design).

York Region Transportation Department

This agency has indicated that they have no objections to the proposed application and provide no conditions for approval. Construction access for the proposal shall not be permitted from Rutherford Road.

The Owner must submit a site servicing drawing, site grading drawing and storm drainage report for Staff approval.

Urban Design

The Department of Urban Design has reviewed the above zoning application and provides the following as conditions of final approval:

1. The Owner/Owners shall prepare a tree assessment study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessments of significant trees to be preserved, and proposed methods of tree preservation. The Owner shall not remove trees without written approval by the City.
2. The Owner shall agree in the development agreement to pay to the City at the time of registration of the Plan an additional voluntary payment at the rate of \$1000/residential dwelling unit plus \$500 for each future residential dwelling unit contained on a part in the plan which is to be combined with the abutting part lot in an adjacent plan to form a

building lot, as per Schedule "1" in accordance with the Voluntary Woodlot Contribution policy.

Conclusion

Staff have reviewed the proposed application to permit the development of 8 residential lots, the creation of a .3m reserve and a block to be dedicated for road widening, and have no objections.

The proposed RV3 Residential Urban Village Three Zone and RV2 (WS) Residential Urban Village Two Zone will facilitate the merging of the subject lands with the adjacent blocks, and are consistent with the zoning in the immediate area. Through the consent process, the City shall require that the Owner and subsequent Owners enter an agreement, which would ensure that the Owner enter into the Developers Group Agreement, comply to the area guidelines, and ensure that construction completion is timely.

Should Committee concur, Zoning Amendment Application Z.01.018 (Mirella Rota) can be approved with the adoption of the recommendation of this report.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

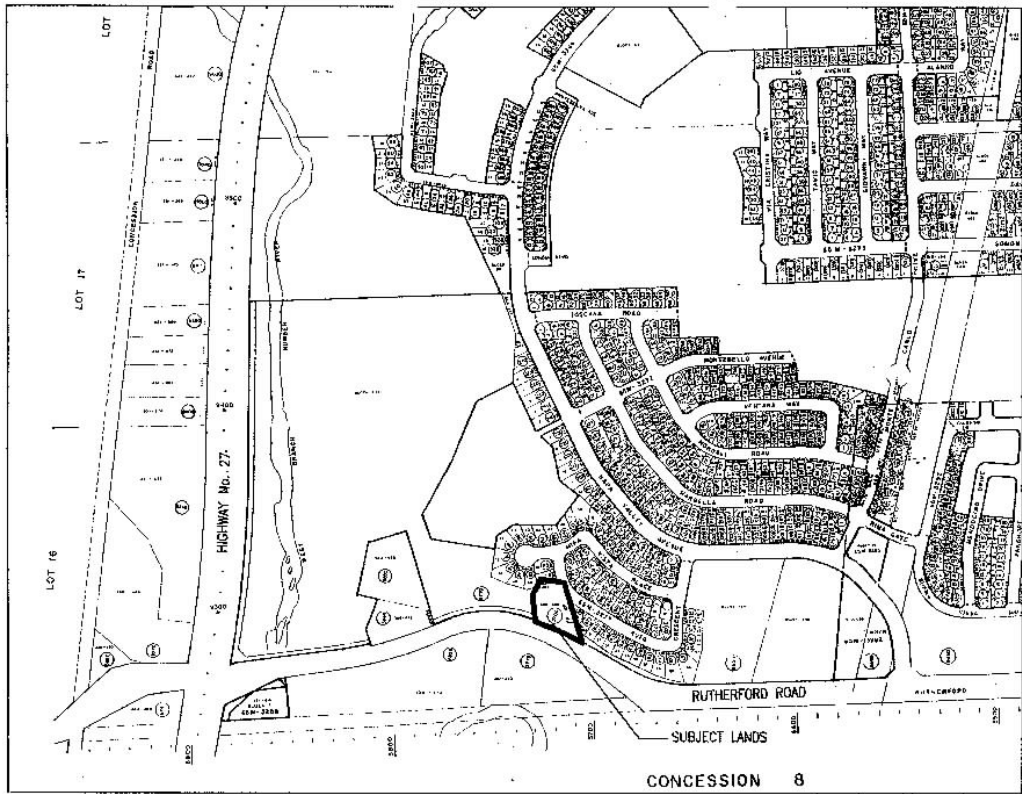
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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning & Urban Design

JOANNE R. ARBOUR
Director of Community Planning

/CM



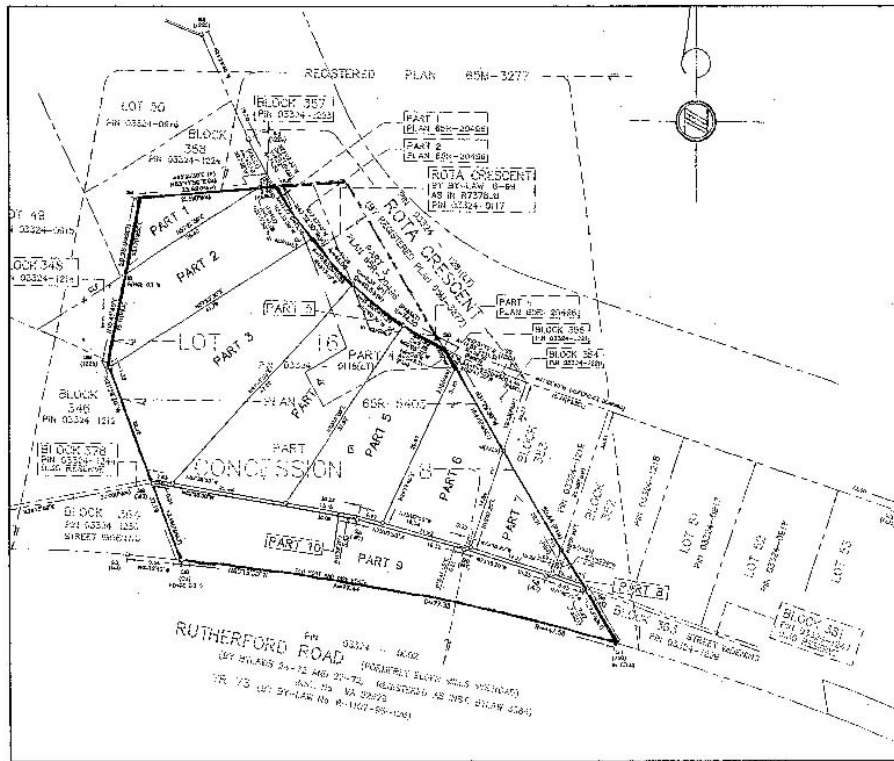
ATTACHMENT '1'
LOCATION MAP

FILE #:	REPORT #:
2.01.01B	LOCATION: LOT 16, CONC. 8

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:
MIRELLA ROTA

DATE:	01/03/09
SCALE:	NOT TO SCALE



ATTACHMENT '2' SITE PLAN	FILE #:	REPORT #:	DATE: 01/03/09
	2.01.018	LOT 16, CONC. B	SCALE: NOT TO SCALE
	CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT: MIRELLA ROTA