

COMMITTEE OF THE WHOLE APRIL 22, 2002

**OFFICIAL PLAN AMENDMENT AND
ZONING AMENDMENT FILES OP.01.012 & Z.01.060
REGINA BATTISTON ET AL; AND
OFFICIAL PLAN AMENDMENT AND
ZONING AMENDMENT FILES OP.01.016 & Z.01.078
1346909 ONTARIO LIMITED
REPORT #P.2001.67**

Council adopted the following resolution at the Council meeting of April 15, 2002:

“That this matter be deferred to the Committee of the Whole meeting on April 22, 2002.”

The Committee of the Whole recommends:

- 1) That this matter be deferred to the Committee of the Whole meeting on April 22, 2002;
- 2) That the following deputations, and written submission, be received:
 - a) Mr. Robert DeAngelis, representing the applicant;
 - b) Ms. Nadia Magarelli, Weston Downs Ratepayers Association, 81 Blackburn Blvd., Woodbridge, L4L 7J5; and
 - c) Mr. Enzo Bertucci, Grand Valley, 4701 Steeles Avenue W., West Attria, Suite 220, Weston, M9L 1X2, and written submission dated April 5, 2002; and
- 3) That the written submissions from Mr. Quinto Annibale, Loopstra Nixon, Barristers and Solicitors, Woodbine Place, 135 Queens Plate Drive, Suite 600, Toronto, M9W 6V7, both dated April 5, 2002, be received.

(The Chair noted that the report had been written by the Director of Community Planning and requested that the record be changed accordingly.)

Recommendation

The Director of Community Planning recommends:

THAT Official Plan Amendment Applications OP.01.012 and OP.01.016 (Regina Battiston Et Al and 1346909 Ontario Limited) BE APPROVED to permit a maximum of 12 residential lots with minimum lot areas of .2ha in a similar manner as shown on Attachment #3.

THAT the Official Plan contain policies requiring a tree preservation/inventory plan with the intent to save and incorporate the existing trees as a buffer area.

THAT Zoning By-law Amendment Applications File Z.01.060 and Z.01.078 (Regina Battiston Et Al and 1346909 Ontario Limited) BE APPROVED to permit a maximum of 12 residential lots zoned RR Rural Residential Zone, with the following exceptions to the zoning standards:

- minimum lot area shall be 2000 sq.m
- minimum lot frontage shall be 38m
- maximum lot coverage shall be 15%
- minimum front yard shall be 7.5m
- minimum rear yard shall be 10 m

Purpose

In 2001, applications were received to amend the official plan and zoning by-law to permit lots that are less than .3 ha in area abutting the National Estates Golf Course subdivisions. The applications propose that the subject lands be divided into 15 residential lots ranging in size from .15 ha to .17ha, with lot frontages ranging from 30m to 35.5m.

Background - Analysis and Options

In 1990, Council refused a similar application (OP.31.90), which proposed to reduce the minimum lot area from .3 ha to .2 ha for the subject lands. More recently, Council approved a similar application (OP.99.093) for lands to the immediate east to reduce lot areas to approximately .15 ha. In that application (OP.01.016), the westerly remnant parcel (Lot 15) was to be combined with Lot 14 of the current application (OP.01.012) to make a .3 ha lot. However, the current application (OP.01.012) proposes to develop a smaller Lot 14 without joining it with the remnant parcel. Consequently, a separate application was required to allow the remnant parcel of the previous application to be a separate lot under .3 ha in area.

The subject lands are located southeast of Rutherford Road and Pine Valley Drive, on the south side of Muzich Place and Orr Avenue, being Blocks 31 and 33, Plan 65M-3331, Lots 53 and 54 and Blocks 55 and 56, Plan 65M-3052; Blocks 31 and 32, Plan 65M-3287; Blocks 39 to 41, Plan 65M-3310 and Block 76, Part of Lot 75, Plan 65M-3432, in Lot 15, Concession 6, City of Vaughan.

The surrounding land uses are:

- North - Muzich Place, Orr Avenue/Valdorr Avenue; residential (R1 Residential Zone)
- South- estate residential (RR Rural Residential Zone)
- East - residential (R1 Residential Zone)
- West - residential (R1 Residential Zone)

Official Plan

The subject lands are designated "Low Density Residential" by OPA #240 and subject to Section 3.4.2 (Residential Specific Policies), which states "On lands designated" Low Density Residential" immediately to the north and east of the National Estates Golf course plan of subdivision, any adjacent developments and abutting lots shall be a minimum of .3 ha in area and lot sizes will decrease gradually as the distance from the golf course subdivision increases".

A portion of the subject lands, specifically Block 76, Plan 65M-3432, a remnant block from a previous application (OP.99.093) (proposed Lot 15), is also subject to OPA #532, which requires that this block be joined with the block to the west to create a .3 ha lot.

The application proposes 15 residential lots ranging in size from .15 ha to .17 ha, and therefore an official plan amendment is required.

Zoning

The lands are zoned RR Rural Residential Zone by By-law 1-88, subject to Exceptions 9(847), 9(1012), 9(1014) and 9(1084), requiring a minimum lot area of .3 ha as per the official plan policies. The applicants are proposing to reduce the minimum lot area and to rezone the subject lands from RR Rural Residential Zone to R1V Old Village Residential Zone.

Neighbourhood Plan

In accordance with Section 12.0 (h) of OPA #240, Council approved neighbourhood plan for the Woodbridge Neighbourhood 3 North area. The neighbourhood plan was intended to provide for the orderly development of the area and establish priorities for the provision of municipal and regional services and facilities.

The approved block plan includes the subject site, the planned road network and surrounding lot sizes and shapes. The proposed application proposes 15 residential lots abutting the national estates subdivision rather than the 8 lots approved by Neighbourhood Plan and therefore an amendment to the existing block plan is required.

Developers Group Agreement

The Owners, as part of Draft plan approval have entered into the Woodbridge Neighbourhood 3 north Developers' Group Agreement, which sets out costs and obligations to be borne by the landowners within the neighbourhood. Any additional amendments to the agreement as a result of the additional lots must be made to the satisfaction of the City and the Neighbourhood trustee.

Amendments to the approved subdivision agreements are also necessary, given that many of the subdivision agreements contain clauses that many of the blocks be developed in combination with adjacent blocks.

Urban Design Department

This department has no objection to the proposed developments, provided confirmation that cash-in-lieu of parkland dedication has been taken to the satisfaction of the City.

It is recommended that a tree inventory/preservation plan be provided to City Staff to identify the condition and type of tree species. It is also recommended that the existing trees be incorporated into a buffer area.

Planning Consideration

The subject lands are currently vacant and completely fenced with a temporary snow fence. The lands are relatively flat with small rock croppings scattered throughout and mature coniferous trees are located along most of the southern lot line. To the north across a public road are urban residential lots, with areas of approximately .077 ha. Directly abutting the subject lands to the south are the more rural residential lots of the National Estates subdivision, which have average areas of approximately .47 ha. To the west, on the south side of Muzich Place, are .3 ha parcels that have been developed with estate homes and to the east are smaller lots ranging from .15 ha to .077 ha.

The intent of the policy for .3 ha lots in this area was to provide a transition between the larger estate lots to the south and the smaller urban lots to the north. Currently, the subject lands make up eight .3 ha residential lots, which are irregular in shape with many of the lots having lot frontages exceeding the lot depth. The proposal would create lots that are approximately half in size, but still larger than those lots to the north, and more regular in shape. Although, the low density requirements as set out in the official plan would still be met, the number of lots may adversely affect the lots to the south with respect to privacy or massing.

Planning Staff are of the opinion that a reduction in lot size can be supported, but only to a minimum area of .20 ha. This would create lots that are more regular in shape, still continue to meet the density requirement and provide the transition between the lands to the south and north as intended by the official plan. Furthermore, a minimum lot area of .20 ha would create only 4

additional lots from what was originally approved and is not expected to result in major implications to the lots to the south, specifically with respect to massing and privacy.

Proposed Zoning

Below is a chart comparing the proposed R1V Zone with the RR and R1 Zones in the immediate area:

| <u>Zones</u> | <u>R1V Residential Zone</u> | <u>RR Residential</u> | <u>R1 Residential</u> |
|-------------------------|-----------------------------|-----------------------|-----------------------|
| Min. Lot Frontage | 30m | 45m | 18m |
| Min. Lot Area | 845 sq.m. | .40 ha | 540 sq.m. |
| Min. Front Yard | 9m | 15m | 7.5m |
| Min.Rear Yard | 7.5m | 15m | 7.5m |
| Min. Interior Side Yard | 1.5m | 4.5m | 1.5m |
| Max. Lot Coverage | 20% | 10% | 35% |
| Max. Bldg. Height | 9.5m | 9.5m | 9.5m |

From the chart above, it is evident that the proposed .15 ha lotting is between the standard RR Rural Residential Zone and R1V Old Village Residential Zone lotting. The subject lands are separated from the R1 Zone to the north by a public road and abut the rear yards of RR Rural Zone lots to the north of the National Estates.

To be consistent with the abutting lots to the south, Planning Staff recommend that the lands maintain their RR Rural Residential Zone category so that greater rear and side yards can be achieved. Recognizing that these lots are smaller than typical RR lots, the implementing by-law should also contain exceptions to the RR standards to enable appropriate development while ensuring proper transition.

Conclusion

The Official Plan Amendment application proposing lots that are less than .3 ha in size abutting the National Estates subdivision has been reviewed in context of the intent of the Official Plan and the surrounding neighbourhood. Staff is concerned that the proposed reduction in lot size from .3 ha to .15ha, resulting in 7 additional lots, may have implications with respect to massing and or privacy for the lands to the south.

Planning Staff is also cognizant that these lands have been vacant for a number of years and have been the subject of previous proposals and many enquiries for division. The owners have indicated that lots are unusually shallow, many with frontages exceeding depth, making them difficult to develop. As such, Staff, can support a reduction in lot size to a minimum area of .2 ha. This would allow lots that are more regular in shape, meet the density requirement, continue to provide a transition between the lots to both the south and north, and would result in only 4 additional lots.

To ensure appropriate development, Staff recommend that the lands remain RR Rural Residential Zone, with exceptions to minimum front and rear yards, and lot coverage, area and frontage. An exception to the rear yard from 15m to 10m will enable proper development of the lot, while maintaining distance from the houses to the south. The by-law or development agreement should include a provision to protect and/or relocate the existing trees as a buffer area across the rear lot lines.

As such, Staff can support the application to reduce the minimum lot area to .2 ha, subject to the provisions and conditions set-out in the recommendation section of this report. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Proposal
3. Scenarios
4. Current Zoning Map of Area

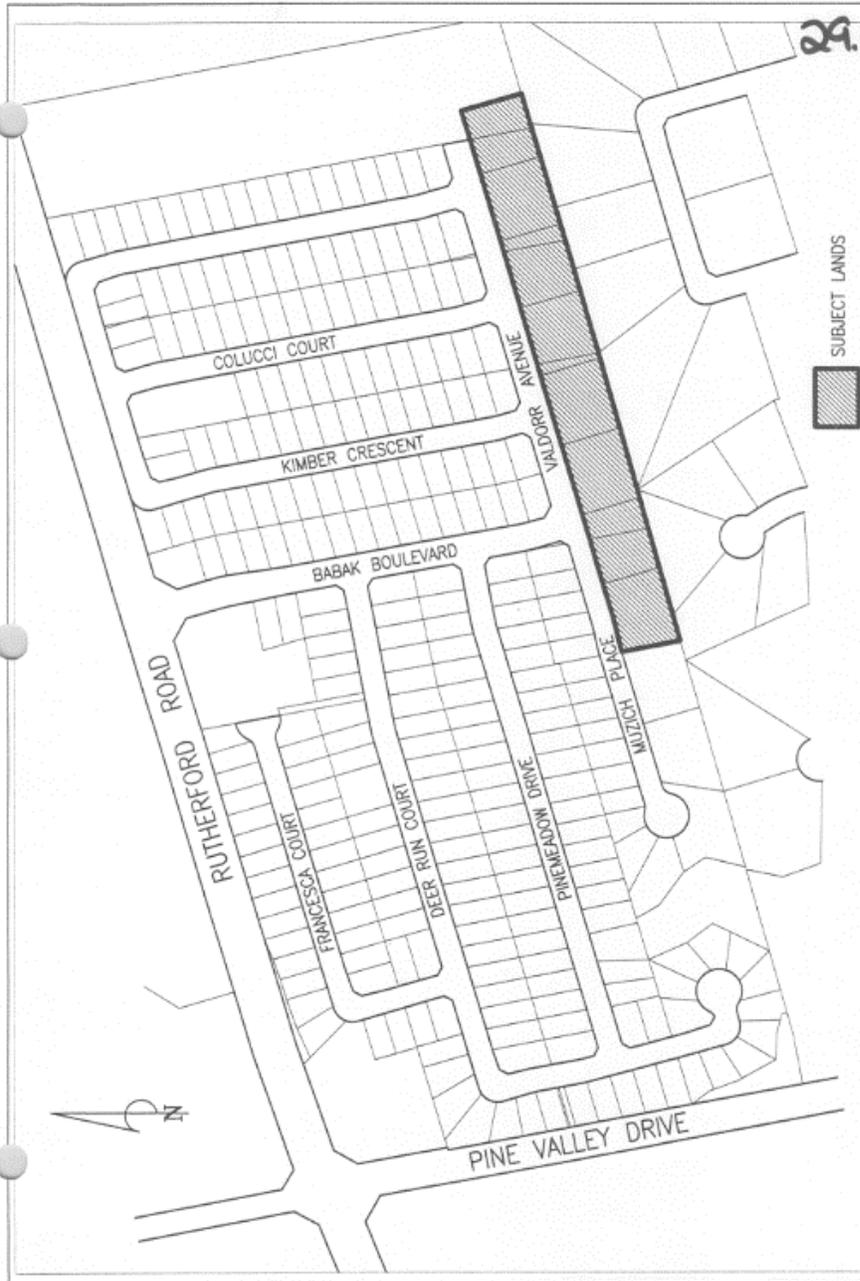
Report prepared by:

Eugene Fera, Planner, ext. 8064

Art Tikiryman, Senior Planner, ext. 8212

Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

/CM



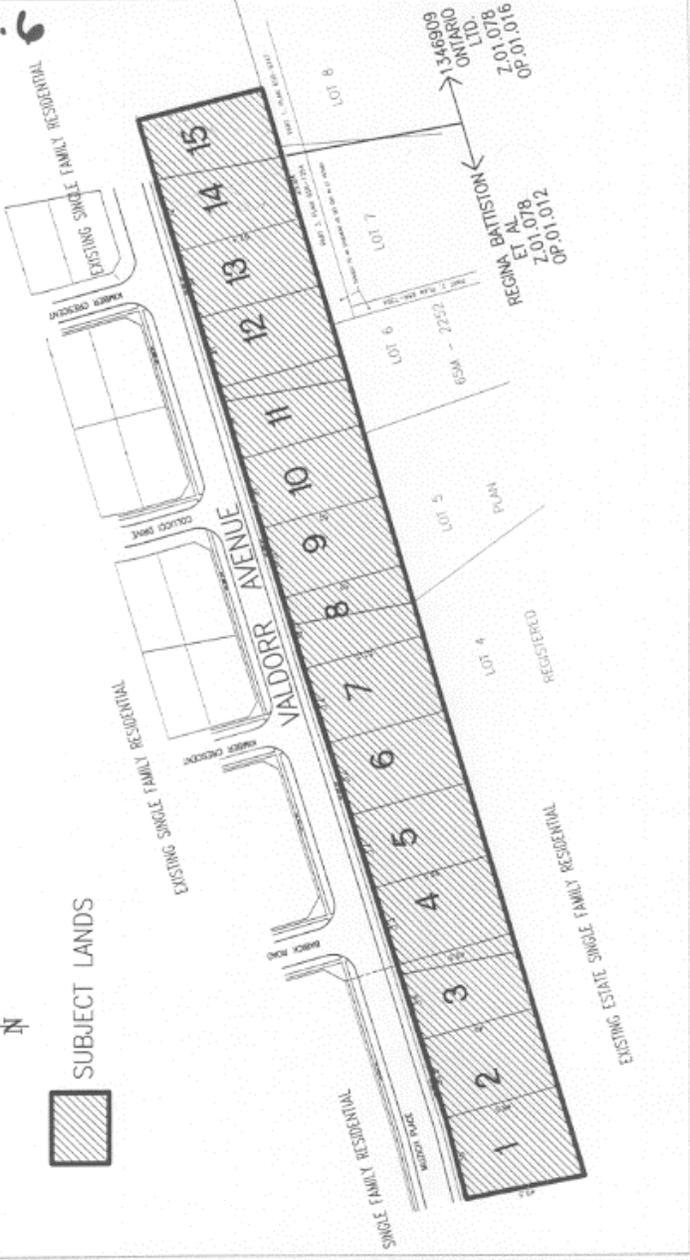
 SUBJECT LANDS

| | | | | | |
|--|--|--|--|---|---|
| ATTACHMENT '1' LOCATION MAP | | FILE #: Z.01.060 Z.01.078 OP.01.012 OP.01.016 | REPORT #: LOCATION: PART OF LOT 15, CONCESSION 6 | APPLICANT: CITY OF VAUGHAN PLANNING DEPARTMENT | DATE: 02/15/2002 SCALE: NOT TO SCALE |
| | | REGINA BATTISTON/1346909 ONTARIO LTD. | | | |

29.6



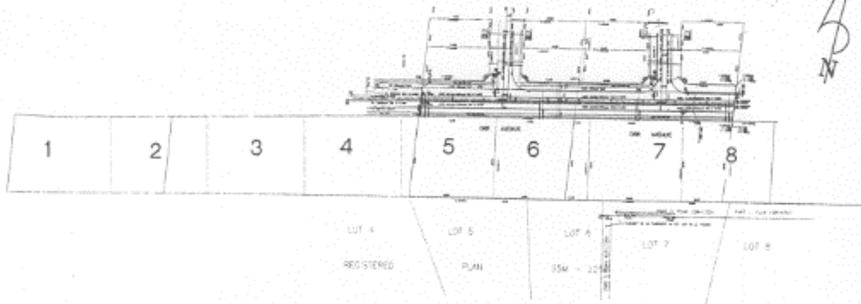
 SUBJECT LANDS



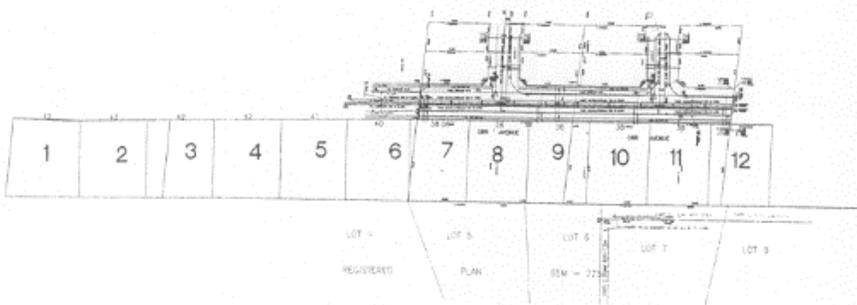
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|-----------------------------|--|---|---|--|---|---|
| ATTACHMENT '2' SITE PLAN | | FILE #: Z.01.060 Z.01.078 OP.01.012 OP.01.016 | REPORT #: LOCATION: PART OF LOT 15, CONCESSION 6 | CITY OF VAUGHAN PLANNING DEPARTMENT | APPLICANT: REGINA BATTISTON/1346909 ONTARIO LTD. | DATE: 02/15/2002 SCALE: NOT TO SCALE |
|-----------------------------|--|---|---|--|---|---|

0.300 Ha. Scenario
(EXISTING)

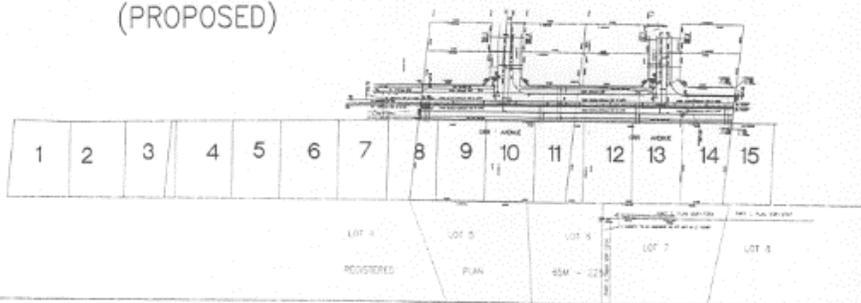
29.7



0.200 Ha. Scenario



0.150 Ha. Scenario
(PROPOSED)

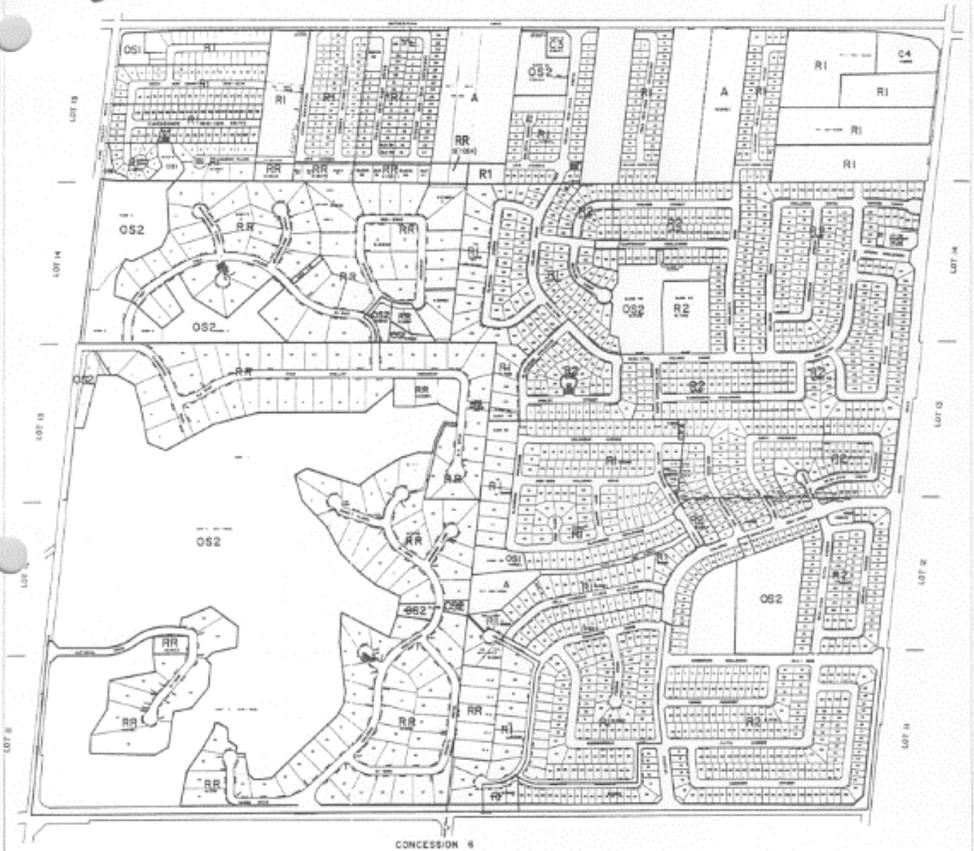


ATTACHMENT '3'
SCENARIOS

| | | | |
|--|--|--|--|
| FILE #: | REPORT #: | DATE: | 02/15/2002 |
| Z.01.060 Z.01.078 OP.01.012 OP.01.016 | LOCATION: PART OF LOT 15, CON. 6 | CITY OF VAUGHAN PLANNING DEPARTMENT | APPLICANT: SCALE: NOT TO SCALE REGINA BATTISTON/1346909 ONTARIO LTD. |

29.8

CONCESSION 6



BY-LAW NO. 1-88

KEY MAP 6C

CITY OF VAUGHAN

| TEXT AMENDMENTS | |
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| BASE MAP REVISIONS | |
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ATTACHMENT '4'
CURRENT ZONING

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|-----------|-------------|
| FILE #: | REPORT #: |
| Z.01.060 | LOCATION: |
| Z.01.078 | PART OF LOT |
| OP.01.012 | 15, CON. 6 |
| OP.01.016 | |

CITY OF VAUGHAN
PLANNING DEPARTMENT

| | |
|---------------------------------------|---------------------|
| DATE: | 02/15/2002 |
| APPLICANT: | SCALE: NOT TO SCALE |
| REGINA BATTISTON/1346909 ONTARIO LTD. | |