

COMMITTEE OF THE WHOLE SEPTEMBER 2, 2003

ZONING BY-LAW AMENDMENT FILE Z.03.027 ROBERT COLAGIACOMO REPORT #P.2003.34

Recommendation

The Director of Community Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.027 (Robert Colagiacomo) BE APPROVED subject to the following:
 - a) that the implementing by-law delete the current building envelope and odour attenuation line restrictions, and add the revised odour attenuation line based on the current MDS calculations.
 - b) that prior to the enactment of the zoning by-law, a hydrogeological report addressing the quality and quantity of the groundwater be approved by the Engineering Department.

Purpose

The Owner has submitted an application to amend the Zoning By-law to delete the current building envelope and odour attenuation line restriction on the subject lands. The intended development is to sever the property into five estate residential lots, ranging in size from 8097m² to 9601m², with frontages ranging from 64m to 100m.

Background - Analysis and Options

The 4.23 ha lands are located on the northwest corner of Huntington Road and Ranch Trail Road, north of King-Vaughan Road, being Lot 1 on Plan M-89 (12300 Huntington Road), in Lot 1 (former Township of King), Concession 10, City of Vaughan. There is a detached dwelling on the property. The surrounding land uses are:

- North - farmland (Township of King)
- South - Ranch Trail Road; estate residential (RR Rural Residential Zone)
- East - Huntington Road; vacant (A Agricultural Zone)
- West - valley land, estate residential (OS1 Open Space Conservation and RR Rural Residential Zones)

The lands are designated "Estate Residential" by OPA #600, and zoned RR Rural Residential Zone by By-law 1-88, subject to Exception 9(237).

On April 11, 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. One letter was received from local residents concerned about the impact the additional wells may have on existing wells.

The recommendation of the Committee of the Whole at the Public Hearing on May 5, 2003, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on May 12, 2003.

Official Plan

The lands are designated "Estate Residential" by OPA #600. This designation permits detached dwellings on large lots, and as such, the proposed amendment to the by-law to permit rural residential development would conform to the Official Plan.

The Official Plan also provides design criteria for new estate lot proposals as well as consent policies.

Zoning By-law

The lands are zoned RR Rural Residential Zone by By-law 1-88, subject to Exception 9(237). The exception limits development on the entire subject lands to a single dwelling within a specific building envelope. The proposed lots would meet the minimum lot area and minimum lot frontage requirements of the RR Rural Residential Zone.

The exception also identifies an *'R' Line Zone of Odour Attenuation Prescribed by the Ministry of Agriculture and Food*. The exception states that:

"... no single dwelling may be erected north of the line shown as 'R' Line on the said Plan until such time as the Ministry of Agriculture and Food or its successor has confirmed in writing that the erection of such dwelling conforms with the separation requirements of the Agricultural Code of Practice and this By-law has been amended accordingly."

Upon approval of the draft plan of subdivision, this line provided the minimum distance for the development in this area of the plan from the agricultural application to the north.

The applicant has submitted an agricultural report prepared by AgPlan Limited in support of relocating the minimum distance line. This report concludes that the southerly portion of the odour attenuation area restriction can be lifted. As a result, appropriate setbacks will be required to ensure that no dwellings are constructed on the lands remaining within the attenuation area. It is appropriate to amend the by-law to reflect the new limits of the restricted odour attenuation area.

Consents

The Consent policies of the Official Plan require that adjacent uses, access, servicing, conservation and financial implications be considered.

With regard to adjacent uses, the proposed lots must be compatible in terms of size and shape with surrounding lots. The proposed lot shapes are rectangular and range in size from 8097m² to 8214m². The existing lots range in size from 8093m² to 22,581m². As such, the proposed lot areas are on average, smaller than the existing lots within the subdivision. The original draft plan of subdivision would likely have provided for 3 to 4 lots on the subject lands, all fronting on Ranch Trail Road, had the adjacent farm lot required that these lands be deferred from development. To be consistent with the character of the subdivision plan, fewer lots would provide a better size mix for this infill development.

The criteria also includes a requirement that all lots within an estate plan shall have access to an internal public road, rather than adjacent concession roads. Three of the proposed lots will have access from Ranch Trail Road, and two lots are proposed to have access from Huntington Road, including one existing driveway for the dwelling on the property. Re-subdivision of this property should provide for all lots fronting onto Ranch Trail Road, in accordance with this policy and to maintain the development pattern of the plan.

In consideration of the application to amend the zoning by-law, removing the building envelope and relocating the odour attenuation line, will enable RR development of the property. The number of lots proposed to be created by severance will need to conform to the Official Plan. The consent applications will be reviewed for compliance with the estate plan of subdivision criteria and consent policies in determining the appropriate development of the parcel.

Servicing

At the public hearing, a neighbouring landowner expressed the concern that an additional 5 lots in this area may affect the functioning of the existing wells in the area.

The Engineering Department has requested that a hydrogeological report addressing quantity and quality of groundwater be submitted. This report must be approved by the Engineering Department prior to the enactment of the zoning by-law.

The Toronto and Region Conservation Authority have reviewed the application and have no objections.

Conclusion

The proposed development of the lands for rural residential use conforms to the Official Plan. Amending the zoning restrictions by removing the building envelope and relocating the odour attenuation line will enable the lands to be redeveloped more intensively. The portion of the subdivision which had originally been restrained by the odour of an adjacent farming operation can now be completed.

To conform to the estate residential plan policies and consent policies of the Official Plan, an alternative division of the property than the 5 lots proposed may be necessary. A broader range of lots sizes in keeping with the existing lot pattern, all fronting onto Ranch Trail Road, would be in accordance with the Official Plan policies.

Planning Staff have no objection to the approval of this application, subject to conditions. Should Committee concur, the Recommendation can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

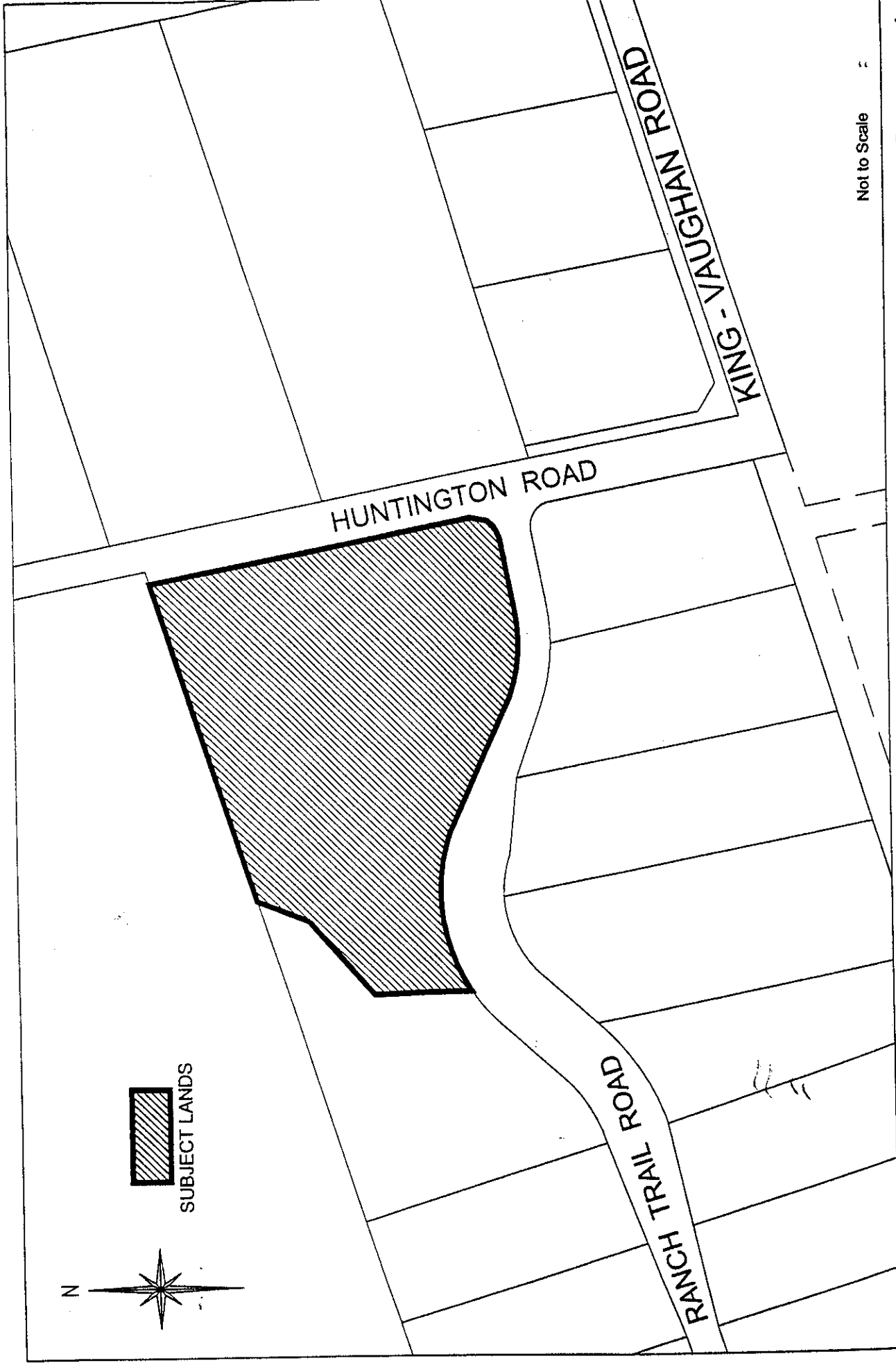
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Respectfully submitted,

JOANNE R. ARBOUR
Director of Community Planning

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Not to Scale

Attachment 1

FILE No.:
Z.03.027

April 3, 2003

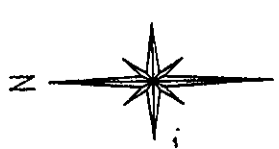


Community Planning Department

Location Map

Location: Part Lot 1 (Former Township of King),
Concession 10

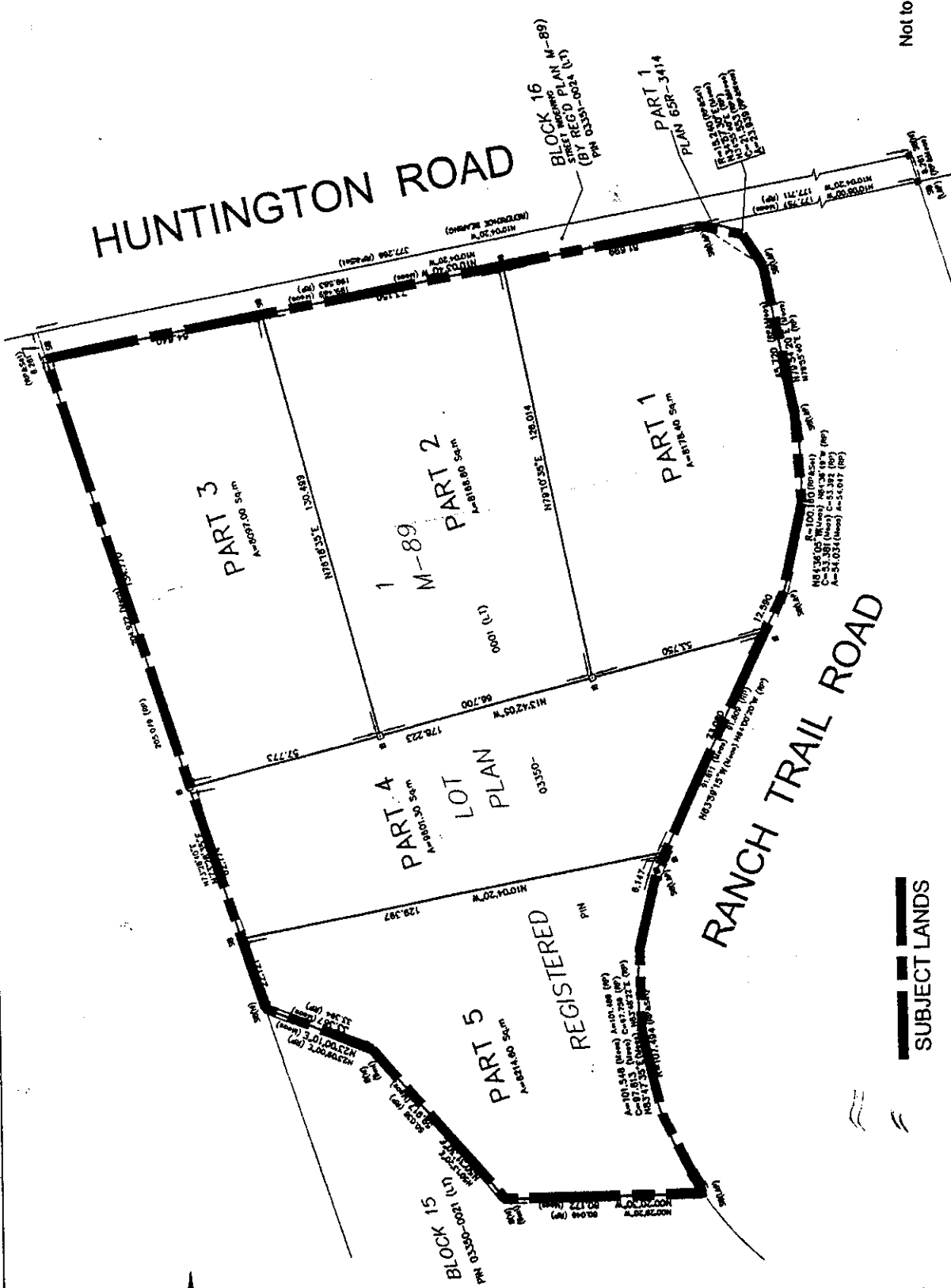
APPLICANT:
ROBERT COLAGIACOMO



HUNTINGTON ROAD

RANCH TRAIL ROAD

Not to Scale



Attachment 2

FILE No.: Z.03.027

April 3, 2003



Community Planning Department

Site Plan

Location: Part Lot 1 (Former Township of King), Concession 10

APPLICANT: ROBERT COLAGIACOMO

MAP\PT\1 ATTACHMENTS\A-1-03.027