

COMMITTEE OF THE WHOLE MAY 29, 2006

**OFFICIAL PLAN AMENDMENT FILE OP.05.016
ZONING BY-LAW AMENDMENT FILE Z.5.029
STEELES MEMORIAL CHAPEL
REPORT #P.2005.51
(Deferred Item)**

Council, at its meeting of February 27, 2006, adopted the following:

- 1) That this matter be deferred to provide an opportunity for the applicant to meet with the Ward Councillor and the community to address the concerns expressed;
- 2) That the following deputations and written submission be received:
 - a) Ms. Mary Fraizinger, 6 Sylvester Court, Thornhill, L4J 5R1, and written submission dated February 17, 2006; and
 - b) Mr. Ross McInnes, 8 Sylvester Court, Thornhill, L4J 5R1; and
- 3) That the written submission of Mr. Ronald M. Kanter, Gardner Roberts LLP, 40 King Street West, Suite 3100, Scotia Plaza, Toronto, M5H 3Y2, dated February 16, 2006, be received.

Report of the Commissioner of Planning, dated February 20, 2006

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board be advised that Council endorses Official Plan Amendment File OP.05.016 (Steeles Memorial Chapel) to redesignate the subject lands identified as Block "A" on Attachment #3 from "General Commercial" to "Low Density Residential".
2. THAT the Ontario Municipal Board be advised that Council endorses Zoning By-law Amendment File Z.05.029 (Steeles Memorial Chapel), subject to the following:
 - a) that By-law 1-88 be amended as follows:
 - i) rezone the subject lands identified as Block "A" on Attachment #3 from C1 Restricted Commercial Zone under site-specific Exception 9(106) to R4(H) Residential Zone with the addition of the Holding Symbol "H";
 - ii) require a site-specific exception to the R4(H) Zone to provide a reduced westerly interior side yard setback on Lot 1 to 0.6m as shown on Attachment #3; and
 - b) that prior to the removal of the "H" Holding Symbol from the R4(H) Residential Zone, water and sewage servicing capacity shall be identified and formally allocated by the City.
3. THAT the Ontario Municipal Board be advised that Council requires the Owner to amend the existing site plan agreement for the funeral home on the retained portion of the site as shown on Attachments #3, to reflect the changes to the parking area and landscape buffer strip at the rear of the parking lot in accordance with Attachments #3 and #4, to the satisfaction of the Development Planning Department.

4. THAT the Ontario Municipal Board be advised that no building permit will be issued for any residential dwelling unit until a noise report has been approved by the Engineering Department to address any noise issues identified in the report.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted applications to:

1. Amend the Official Plan, specifically OPA #210 (Thornhill Vaughan Community Plan) as amended by OPA #264, to redesignate the subject lands shown as Block "A" on Attachment #3 from "General Commercial" to "Low Density Residential" to permit the development of four single- detached residential dwellings.
2. Amend Zoning By-law 1-88, to rezone the subject lands shown as Block "A" on Attachment #3 from C1 Restricted Commercial Zone under Exception 9(106) to R4(H) Residential Zone with the Holding Symbol "H", to permit the development of four single-detached residential dwelling units on lots, each with minimum lot frontages of 10.65m, lot depths of 33.52m, and minimum lot areas of 357m².

The proposed redesignation and rezoning would facilitate the future severance of the 4 lots from the rear of the property fronting onto Steeles Avenue West, which will continue to be used by the existing funeral home.

Background - Analysis and Options

The subject lands are currently part of a larger overall landholding shown on Attachment #1, and located on the north side of Steeles Avenue West, in Part of Lot 26, Concession 1, and municipally known as 350 Steeles Avenue West, City of Vaughan. The site is developed with a one-storey funeral home fronting onto and having access to Steeles Avenue West. Parking for the funeral home is located at the rear of the building, and the rear 11.28m of the site is comprised of a landscaped buffer adjacent to Royal Palm Drive. The surrounding land uses are:

- North - Royal Palm Drive; existing residential detached dwellings (R4 and R3 Residential Zones)
- South - existing funeral home (C1 Restricted Commercial Zone under Exception 9(106))
- East - existing residential detached dwellings (R4 Residential Zone)
- West - existing commercial plaza and parking area (C1 Restricted Commercial Zone under Exception 9(918)).

The subject lands are designated "General Commercial" by OPA #210 (Thornhill Community Plan), and zoned C1 Restricted Commercial Zone by By-law 1-88, subject to site-specific zoning Exception 9(106) for the existing funeral home on the site.

Public Hearing

On August 26, 2005, a Notice of Public Hearing was mailed to property owners within 120m of the subject lands and to the Crestwood Springfarm Yorkhill Residents' Association. Written comments were received from three residents on Sylvester Court, located to the east objecting to the proposed development. A letter from #6 Sylvester Court outlined concerns that a similar 1999 application to develop these lands for housing had been refused by Council; that parking for the Steeles Memorial Chapel maybe inadequate; that existing commercial development may impact

negatively on the proposed future residential dwellings; and that the proposed residential development may impact negatively on the property values of the existing neighbouring residences.

A letter from #2 Sylvester Court also objected to the proposed development and raised similar concerns to those indicated above, and additional concerns relating to the loss of mature trees on the property, the appropriateness of developing these lands for housing, and the impact of construction noise on the adjacent properties.

A letter from #8 Sylvester Court objected to the proposed development on the basis of Council's refusal of the 1999 application for similar residential development on this site, and advised concerns similar to those raised by the above-noted neighbours.

The Public Hearing was held on September 19, 2005. A number of residents from Sylvester Court and Royal Palm Drive, including those who submitted letters of objection, appeared as deputations at the Public Hearing. A petition against the proposal was also submitted to the Committee at the Public Hearing. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 19, 2005, and to have the applicant meet with the Local Councillor and the affected residents to address the issues identified, prior to a technical report being brought forward to a future Committee of the Whole meeting, was ratified by Council on September 26, 2005.

Community Meeting

An evening Community Meeting was hosted by Councillor Shefman (Ward 5) on November 22, 2005. The meeting was attended by several residents from Sylvester Court and Royal Palm Drive, the applicant's agent, Councillor Shefman and a Planner from the Development Planning Department. The purpose of the meeting was to address issues identified at the Public Hearing and to allow the residents to have an open dialogue with the applicant's agent. The residents were advised of the development process and the applicant's agent presented the Composite Site Plan for the proposed development as shown on Attachment #3 and conceptual elevations for the proposed dwellings as shown Attachments #5 and #6. These drawings formed the basis of the discussion. The residents raised issues and concerns with the proposed lot sizes, setbacks, building height, parking for the funeral home, drainage and servicing for the proposed dwellings, noise, loss of property value, community safety, and the relocation of the existing Canada Post mailboxes on Royal Palm Drive. These concerns and issues are discussed later in this report.

Ontario Municipal Board (OMB)

Pursuant to Section 22(7) and Section 34(11) of the Planning Act, the Owner has referred and appealed their Official Plan and Zoning By-law Amendment applications, respectively, to the Ontario Municipal Board, on the basis that Council did not consider the applications within the timeframes stipulated in the Planning Act. To date, the OMB has not yet scheduled a Hearing date.

Policy Context

1. Provincial Policy Statement (PPS)

The PPS focuses on key provincial interests related to land use planning. Section 1.90 Developing Strong Communities, states (in part) that land requirements and land use patterns will be based on densities which efficiently use land, resources, and infrastructure and public service facilities, and support the use of public transit, and the provision of a range of uses and opportunities for intensification in areas which have existing or planned infrastructure to accommodate them.

The PPS includes provisions for a range of housing types and densities by encouraging all forms of residential intensification in built up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units from residential intensification.

2. Regional Official Plan

The Region of York Official Plan designates the subject property as "Urban Area". Steeles Avenue West is designated as a "Regional Corridor". The Regional Official Plan includes policies that encourage different housing forms, sizes and tenures. Policy 4.3.6 of the Regional Official Plan encourages housing to be provided on underutilized sites, and on single use development sites with full municipal services. It is also consistent with Regional Official Plan policies to direct development to existing built-up portions of the Urban Areas (Section 5.2.4).

Regional Planning Staff has indicated that the provision of single detached dwellings at this location provides a better interface with the single detached dwellings to the north and east of the subject lands. The Region does not object to the proposed change in land use.

3. City Official Plan

a) Land Use Designation

The subject lands and lands occupied by the funeral home are currently designated "General Commercial" by OPA #210, which permits commercial uses, retail stores for the leasing and exchanging of goods and services, restaurants, banks and business and professional offices. Policy 2.2.3.6 (o) of OPA #210 provides specific policies that apply to the site, which was implemented through the adoption of OPA #264.

b) Official Plan Amendment #264

OPA #264 was consolidated into OPA #210, and redesignated the rear 41m of the overall funeral homes lands and the properties to the west from "Low Density Residential" to "General Commercial", as shown on Attachment #2.

OPA #264 was initiated as a result of applications to amend the existing site plan agreements for the two commercial properties located to the west of the Steeles Memorial Chapel property. Those applications proposed that commercial parking be permitted on those sites in accordance with the existing M1 Restricted Industrial zoning, notwithstanding the residential designation in the Official Plan.

In addition to considering the site development plans for those lands, Council also wanted to give consideration to the status of Royal Palm Drive and land use alternatives for these properties. To allow for adequate consideration of these issues, Council enacted an interim control by-law to deal with the rear portions of the lands from 434 Steeles Avenue West to 350 Steeles Avenue West (Attachment #2). While the City studied the appropriate land use planning policies for these lands, both the interim control by-law and the site development applications were referred to the Ontario Municipal Board at the request of Development 2000 Inc. (434 Steeles). The OMB adjourned its consideration of the Development 2000 site plan application and the interim control by-law appeals to allow Council to consider a report on the interim control by-law. In the interim, Development 2000 initiated official plan and zoning by-law amendment applications for their lands (located west of the Steeles Memorial property) and referred these applications to the OMB in 1989 so that all their applications could be considered jointly by the Board.

The reports for the Development 2000 applications indicated it would be appropriate to redesignate the lands for commercial purposes and that providing for residential uses on the south side of the proposed Royal Palm Drive would have the effect of having dwellings backing onto the existing commercial plazas. The reports concluded that this would bring them into

conflict with activities related to the normal operation of commercial uses. The report recommended the establishment of a buffer between the residential uses to the north and the commercial uses to the south of Royal Palm Drive.

The purpose of OPA #264 was to establish the buffer by redesignating a 41m wide strip of land on the south side of Royal Palm Drive covering the subject lands and the adjacent properties to the west (Lots 16 to 19 on Plan 1607), from "Low Density Residential" to "General Commercial". The intent was to eliminate potential conflict between residential dwellings on the north side of Royal Palm Drive and the activities related to the normal operation of commercial sites by eliminating the potential for residential lots on the south side of Royal Palm Drive.

The policies of OPA #264 state:

- "i) In order to ensure that residential properties to the north enjoy an adequate distance separation from commercial uses, the implementing by-law shall provide for a generous building setback from the south limit of Royal Palm Drive. In addition, the zoning by-law and/or site development agreement shall ensure that servicing areas do not have a negative impact on the buildings to the north;
- ii) A substantial landscaped strip and privacy fencing shall be provided adjacent to the Royal Palm Drive right-of-way in order to establish a buffer between the commercial uses to the south and the residential use to the north. Conceptually, the landscaped strip and screen shall be provided generally in the manner set out in Schedule "3" to this Amendment and shall be implemented through individual amending zoning by-laws and site development agreements; and
- iii) No commercial access to Royal Palm Drive shall be permitted."

OPA #264 was approved by the OMB on July 27, 1995, to redesignate the rear 41m of the subject lands and the adjacent lands, as far west as Payson Avenue, from "Low Density Residential" to "General Commercial", and to provide for a 6m wide landscaped berm and fencing along the south side of Royal Palm Drive.

c) Proposed Redesignation to Low Density Residential

The proposed Official Plan Amendment application would redesignate the subject lands from "General Commercial" back to "Low Density Residential" which existed under OPA #210 thereby removing the existing restriction that the rear 41m of the subject lands be a landscaped buffer and allowing for the development of the 4 proposed residential lots.

A 3.0m wide landscaped buffer strip as shown on the Composite Site Plan on Attachment #3 and the Landscape Detail Plan on Attachment #4, is proposed to be provided at the rear of the funeral home property to screen the proposed new residential dwellings from the existing commercial to the south. The proposed screen fence and cedar hedge would be similar to that which exists at the rear of the Sylvester Court properties.

The proposed residential development of the subject lands precludes the opportunity for any future commercial use to ever gain access to Royal Palm Drive.

The "Low Density Residential" policies of OPA #210 permit a net residential density of 22 units per hectare. The net density for the proposed residential development is 21.51 units per hectare, which is compatible with the density of the existing residential uses to the north and east of the subject lands.

Most of the lots along the north side of Royal Palm Drive were developed as a result of rear lot severances by the owners of the lots along the south side of Crestwood Road severing the rear of

their lots following the creation of Royal Palm Drive as a new east/west road between Steeles Avenue West and Crestwood Road. The residential development proposed by the application is similar to and consistent with the pattern of development which has occurred to the north and east of the subject lands, and if approved, would extend the pattern of residential development already established in the existing neighbourhood.

All of the existing lots on Sylvester Court currently abut existing commercial uses (Steeles Memorial Chapel and Toys-R-Us Plaza complex) having frontage on Steeles Avenue West. The existing dwellings along the south side of Royal Palm Drive east of Sylvester Court, also back onto an existing commercial use (Toys-R-Us Plaza Complex). These Sylvester Court and Royal Palm Drive residential properties are screened from the abutting commercial uses by a wood privacy screen fence and a 2.4m wide buffer on the commercial property.

Typically, a landscaped buffer strip is provided on the commercial property as a buffer between residential uses. By-law 1-88 requires a minimum 2.4m wide landscaped strip to be provided on the retained commercial property (Steeles Memorial Chapel) if this application is approved. The Composite Site Plan shown on Attachment #3 and the Landscape Detail shown on Attachment #4, indicates a 3.0m wide landscaped strip (including a screen fence, cedar trees and shrubs) will be provided at the rear of the funeral home property. The existing site development agreement for the funeral home could be modified to address the requirement for fencing and landscaping of the buffer strip and address the revised parking layout for the funeral home as shown on Attachments #3 and #4.

Zoning

The subject property is zoned C1 Restricted Commercial Zone by By-law 1-88, and is subject to Exception 9(106) which applies to the funeral home. A zoning amendment is required to rezone the rear 33.52m of the property from C1 Restricted Commercial Zone to R4 Residential Zone, to permit the proposed 4 detached residential dwellings having frontages on Royal Palm Drive.

The proposed residential lots will be of similar lot frontages and lot areas to the existing residential lots to the east (on Sylvester Court) and along the north side of Royal Palm Drive which area also zoned R4.

The R4 provisions of By-law 1-88 require the following:

Minimum lot frontage	9.0m
Minimum lot area	270m ²
Minimum front yard setback	4.5m
Minimum rear yard setback	7.5m
Minimum interior side yard setback *	1.2m
Maximum lot coverage	45%
Maximum height	9.5m

*The minimum side yard on one side can be reduced to 0.3m, where it abuts a side yard of a minimum of 1.2m, except where the side yard abuts a non-residential use.

The zoning amendment application proposes the following:

Minimum lot frontage	10.65m
Minimum lot area	357m ²
Minimum front yard setback	4.5m
Minimum rear yard setback	7.5m
Minimum interior side yard setback *	1.2m
Maximum lot coverage	45%
Maximum height	9.5m

The Composite Site Plan (Attachment #3) shows the proposed lots with interior side yard setbacks being 1.2m on the east side of each of the proposed lots and a reduced side yard setback of 0.6m on the west side of each lot.

By-law 1-88 requires a minimum interior side yard setback of 1.2m within the R4 Zone. However, the by-law allows one side yard to be reduced to 0.3m, where it abuts a side yard of a minimum of 1.2m, except where the side yard abuts a non-residential use.

The proposed 1.2m interior side yard setback along the east lot line of Lot 4, which would maximize the distance between Sylvester Court dwellings and the new dwelling, results in a lotting and setback pattern that proposes a 0.6m reduced side yard along the west side of Lot 1. Lot 1 is adjacent to a non-residential use (ie. Commercial). By-law 1-88 requires a 1.2m westerly interior side yard setback for Lot 1 since it abuts a non-residential use. A by-law exception to the interior side yard provision for Lot 1 would be required to allow for a 0.6m reduced interior side yard setback in this location.

With the exception of the 0.6m westerly interior side yard setback for Lot 1, the proposed R4 zoning for the residential development is consistent with the R4 zoning provisions of By-law 1-88, in all other respects.

Site Design of Existing Funeral Home Property

If the rear portion of the funeral home property is developed for residential purposes, the existing site plan for the funeral home will be affected. There will be a reduction in the number of parking spaces provided on site and a reduction to the existing 6m wide rear landscape buffer. Development Planning Staff have reviewed the proposed Composite Site Plan and Landscape Detail as shown on Attachments #3 and #4 and are satisfied that the proposed privacy screen fence and cedar hedge in the proposed 3m wide landscape buffer strip will provide satisfactory buffer/screening from the funeral home on the southerly portion of the property, similar to that which exists on the neighbouring properties to the east, which abut commercial.

Issues Discussed at Community Meeting

As indicated earlier, a community meeting was hosted by the Local Ward 5 Councillor on November 22, 2005. That meeting was attended by several residents of Sylvester Court, a resident of Royal Palm Drive, the applicant's agent, Councillor Shefman and Development Planning Staff. At the Community Meeting, the residents raised issues concerning parking for the funeral home, drainage and servicing for the new lots, noise, community safety, the effect of the proposed development on the existing property values, lot sizes building height, setbacks for the proposed lots and loss of mature trees. The following outlines the issues/concerns that were discussed, and how these matters can be addressed.

a) Parking

The residents expressed concerns that if the rear portion of the funeral home lands were to be developed for residential use, it would impact on the amount of parking that could be provided for the funeral home. There was considerable discussion regarding parking. The applicant's agent presented the results of a parking study. The residents requested a peer review of that study. The residents were advised that the City's Engineering Department reviews parking studies. The Parking Assessment by TDG Engineering dated November 2005, was reviewed by the Engineering Department. Additional information was requested and the Engineering Department approved the parking assessment in January 2006.

By-law 1-88 requires 4 parking spaces per 100 m² of GFA for a funeral home. Given the GFA of 1,170m² for the existing funeral home building, By-law 1-88 requires 47 parking spaces to be provided on site. Currently, 77 parking spaces are provided on the site. If the proposed application is approved, parking spaces would be removed from the funeral home parking lot to accommodate the proposed residential development. The proposed Composite Plan, as shown on Attachment #3, indicates a total of 58 parking spaces will be provided on the funeral home site following the development of rear portion of the site. The proposed 58 parking spaces exceeds the minimum 47 parking space requirement of By-law 1-88 for the funeral home on the site.

In addition to the parking spaces required by By-law 1-88, there is a paved area adjacent to the parking area indicated on the Composite Site Plan as "vehicle stacking lanes". This area has been provided for vehicle stacking to allow for the funeral procession to form on site and exit via a one way southbound exit driveway (adjacent to west property line) onto Steeles Avenue West. These stacking lanes are not and cannot be included in the parking calculations for the site.

The Development Planning Department is satisfied that the required number of parking spaces can be provided on the funeral home site, if the rear 33.52m of the property is developed for future residential dwellings, in the manner shown on Attachment #3.

b) Drainage

At the Community Meeting, residents questioned the existing and proposed drainage for the site. The existing site plan for the funeral home shows the site grading, which indicates the site drains towards Steeles Avenue West. There is a catch basin on the funeral home site in the grassed area of the buffer along the east side of the parking lot. There is also a catch basin located at the rear of #6 Sylvester Court on the residential property. Any proposed residential development on the subject lands will not be tied into the drainage of the residential lands to the east nor to the funeral home lands to the south.

Site grading plans will need to be approved by the City, prior to building permits being issued for the development of any of the 4 residential lots. The drainage for each lot would be independent of the other lots and surrounding properties, and will each drain towards Royal Palm Drive.

c) Servicing

At the Community Meeting, the residents questioned how the lots would be serviced and were concerned that existing services might run through the subject lands of this application. There are no services running through the property.

Services for the proposed residential lots would connect to those available along Royal Palm Drive. Servicing allocation capacity for the proposed four residential dwellings would need to be assigned by Council resolution. The City's Engineering Department has indicated that servicing allocation capacity for the proposed development is currently not available.

The Development Planning Department recommends rezoning the proposed residential lots, if approved, to R4(H) Zone with the Holding Symbol "H". The Holding provision will be removed upon Council allocating servicing capacity to facilitate the 4 lots.

d) Noise

At the Community Meeting, the Sylvester Court residents complained of occasional late night noise and activity in the parking lot at the rear of 370 Steeles Avenue West, located to the west of the subject lands. The residents were advised that this property is not owned by the applicant and the applicant has no ability to regulate the activities on that property. The residences on Sylvester Court are located a considerable distance from the commercial uses at 370 Steeles Avenue West.

If the proposed development were approved, the new residential units would further buffer the existing residences on Sylvester Court from 370 Steeles Avenue West. The Engineering Department has indicated that a Noise Report is required prior to the release of Building Permits for the proposed residential lots. To date, a noise report has not been submitted. The Development Planning has included a recommendation requiring the approval of a noise report by the Engineering Department, and that the OMB be advised of this recommendation.

e) Loss of Mature Trees

The residents of Sylvester Court expressed concerns that the proposed development would destroy the existing mature cedar hedge at the rear of the funeral home property. If the proposed development were approved, the hedge would be removed to construct the homes. There is also one existing mature deciduous tree in an island within the parking lot that would need to be removed to facilitate the proposed development.

By-law 1-88 requires a landscape strip between residential and commercial uses. The proposed Composite Site Plan, as shown on Attachment #3 and the Landscape Detail Plan shown on Attachment #4, provides for a 3.0m buffer strip along the proposed property line between the future residential dwellings and the funeral home parking area. Those plans propose a 1.8m high wood screen fence and landscaping consisting of a cedar hedge and shrubs within the proposed buffer strip. The Development Planning Department has reviewed the proposed Composite Site Plan and the proposed Landscape Detail plan for the subject lands, and is satisfied with the fence details and with the caliper, species and spacing of the proposed landscaping and screening.

f) Relocation of Canada Post Mailbox

The residents advised that the existing Canada Post community mailbox on the south side of Royal Palm Drive would conflict with the driveways of the proposed residences. The residents did not agree on where the mailbox could be relocated. To minimize inconvenience to the existing residents, the mailbox could be relocated close to the current location, where a new concrete pad would need to be provided in the alternate location. Development Planning Staff have consulted with Canada Post and PowerStream regarding the relocation of the mailbox. Given the setbacks required by PowerStream from an existing hydro box in the boulevard, and those required by Canada Post, the exact site for the relocation of the mailbox will need to be determined on site by the applicant in consultation with Canada Post and PowerStream.

g) Traffic

The residents expressed concerns that the proposal would result in additional traffic and driveways along Royal Palm Drive and impact community safety.

Four new residential lots are proposed by this application on an existing residential street. The proposal has been reviewed by the City's Engineering Department and no traffic concerns or traffic safety issues have been identified.

h) Impact on Existing Community

The existing residential development along Royal Palm Drive was made possible a number of years ago when Royal Palm Drive was created as a new east-west street between Crestwood Road and Steeles Avenue West. The creation of Royal Palm Drive facilitated the severance and development of residential back lots along Crestwood Avenue. Most of the Crestwood properties were held in individual ownership so the residential development along Royal Palm Drive occurred piecemeal. A few remaining residential lots could still be developed on the remaining vacant parcels along Royal Palm Drive between Hilda Avenue and Payson Avenue. The development by this subject application would add four residential dwellings to the existing street.

i) Building Height and Elevations

During the Community meeting, the residents asked the applicant's agent about the height of the proposed residential dwellings. The residents were advised the height of the dwellings would be limited by the R4 Zone provisions of By-law 1-88, which is a maximum of 9.5m.

j) Setbacks

The residents expressed concerns that the easterly interior side yard setback of the proposed Lot 4, adjacent to the rear of the existing lots on Sylvester Court, was inadequate. The residents indicated they did not want to look at a brick wall. In the discussion between the residents and the applicant regarding the setback, no agreement was reached on what setback would be acceptable. However, the residents did not support residential development on the subject lands. The proposed development, as shown on the Composite Site Plan on Attachment #3, proposes a 1.2m setback on the east side of Lot 4 and a 0.6m setback on the west side of the lots in accordance with the R4 Zone standards.

Given the residents sought to achieve the greatest distance possible between their rear yards and any future development, this lot configuration as proposed in the Composite Site Plan provides a greater side yard setback of 1.2m between the proposed residential lots and the existing residential lots, rather than providing 0.6m setback at this location, which would have also been permitted by the R4 Zone Standards.

The proposed lot configuration would result in a similar lotting pattern to what exists, on the east side of Sylvester Court where the rear yards of the Royal Palm Drive lots back onto the side yard of the first lot on the east side of Sylvester Court. The proposed lots would be consistent with the pattern of development, which has already occurred to the east.

Lot Creation

The applicant intends to create the proposed lots through the Consent process. The applications for Consent have been submitted to the Committee of Adjustment under files B048/05 and B051/05 inclusive. The severed lots would be sold to a builder. The retained portion of the subject lands is the funeral home. The funeral home will retain its C1 Zone and existing site-specific zoning exception.

The Consent applications were also appealed to the OMB by the Applicant. The appeals will be considered by the OMB with the appeals of the Official Plan and Zoning By-law Amendment Applications.

Site Plan Agreement

There is an existing site development agreement for the funeral home site. If the proposed application is approved, that agreement would need to be modified to reflect the changes to the funeral home parking area, and to enable the City to ensure that the landscape buffer and fencing is appropriately addressed.

The applicant has submitted the Composite Site Plan and Landscape Detail Plan (as shown on Attachments #3 and #4), which would be used to implement the site plan revision for the funeral home.

Agency Review of Proposed Applications

The Official Plan Amendment and Zoning Amendment applications were circulated for review and comment to the affected external public agencies and City Departments. No concerns or objections to these applications were raised by any agency or City Department that reviewed the proposal.

Engineering Department

The Engineering Department has reviewed the proposal, and has approved the parking assessment and requires a noise report to be submitted prior to the issuance of a building permits.

Servicing allocation capacity for the proposed residential lots must be allocated to the development application by Council resolution. The current City Protocol for Servicing Capacity Reservation/ Allocation from November 14, 2005 does not include the subject lands. If the applications were approved, Council would consider assigning Reserved Sewage Capacity to the approved applications when the Protocol for Servicing Capacity Report is updated. Should capacity be available, Council may allocate capacity to these units at that time.

As noted earlier, if the OMB were to approve the Official Plan and Zoning Amendment applications, the zoning application could be approved with a Holding provision. Removal of the "H" Holding Symbol would be conditional upon Council's allocation of servicing capacity for these lots.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the proposed application to amend the Official Plan to redesignate the subject lands from "General Commercial" to "Low Density Residential". The application has been reviewed in the context of the Provincial Policy Statement, and is consistent with the policies of the Provincial Policy Statement. This proposal is for infill residential development in an existing built-up residential community with available full municipal servicing. The application is also consistent the Region of York's Official Plan policies and consistent with the "Low Density Residential" policies in the City's Official Plan.

The proposed residential lots are an appropriate form of development for the subject lands and are compatible with the existing surrounding land uses. Furthermore, the proposed development as shown on Attachments #3 and #4 is consistent with the pattern of development which already exists on the north side of Royal Palm Drive and along Sylvester Court.

A residential/commercial interface already exists between the lots on Sylvester Court which back onto commercial (the Toys R Us Plaza) and several other lots along the south side of Royal Palm Drive, between Sylvester Court and Hilda Avenue, which back onto commercial uses (the Toys R Us Plaza). The proposed residential development, with the proposed buffer strip along the rear of the proposed property line would be very similar to that which already exists along the rear of the majority of these Sylvester Court properties.

The Development Planning Department reviewed the issues raised by the residents and has given consideration to how their concerns can be addressed. The Composite Site Plan and Landscape Plan (Attachment #3 and #4) represents an appropriate and compatible building relationship with existing development in the area and is acceptable to the Development Planning Department. Furthermore, the Composite Site Plan and Landscape Plan can be used to modify the existing site plan agreement on the funeral home property to provide wood screen fencing and landscape buffering between the proposed residential lots and the funeral home.

In accordance with the above, the Development Planning Department can support the approval of the Official Plan Amendment Application, and the Zoning By-law Amendment Application which would rezone the proposed residential lands shown as Block "A" on Attachment #3 from C1 Restricted Commercial Zone to R4(H) Residential Zone with the Holding "H" provision. The "H" Holding symbol would be removed upon servicing capacity being allocated to the 4 lots by Council, in the future. In light of the above, the Development Planning Department has provided a recommendation wherein Council can advise the OMB that it endorses the approval of the Official Plan Amendment and Zoning By-law Amendment Applications, subject to the conditions of approval set out in the recommendation section of this report.

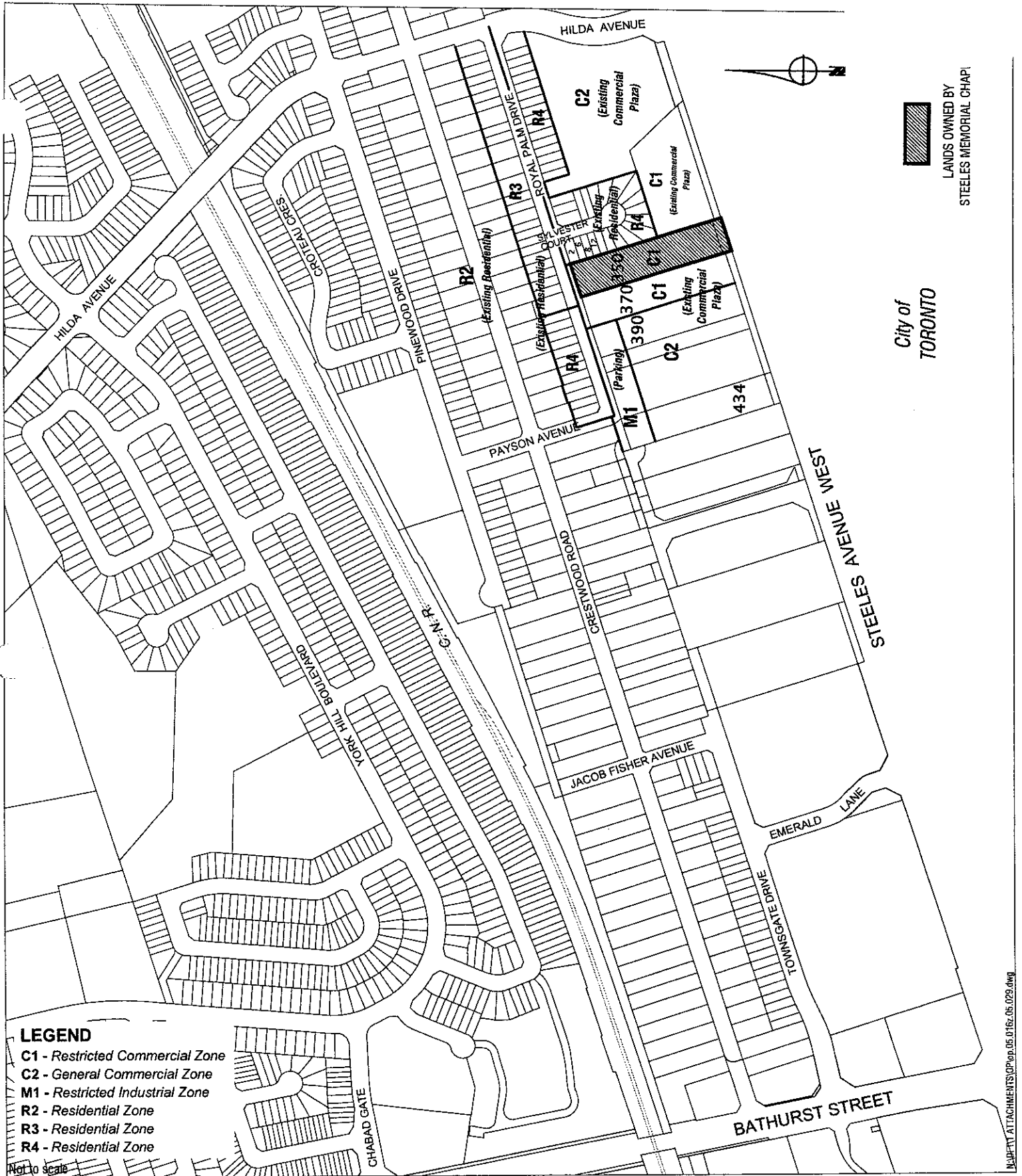
Attachments

1. Location Map
2. Extract from OPA #210 showing Official Plan Designations
3. Composite Site Plan
4. Landscape Details
5. Conceptual Street Elevations (Royal Palm Drive)
6. Conceptual Building Elevations
7. Related Correspondence (2)

Report prepared by:

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/LG



Location Map

Location:
Part Lot 26, Concession 1
Applicant:
STEELES MEMORIAL CHAPEL

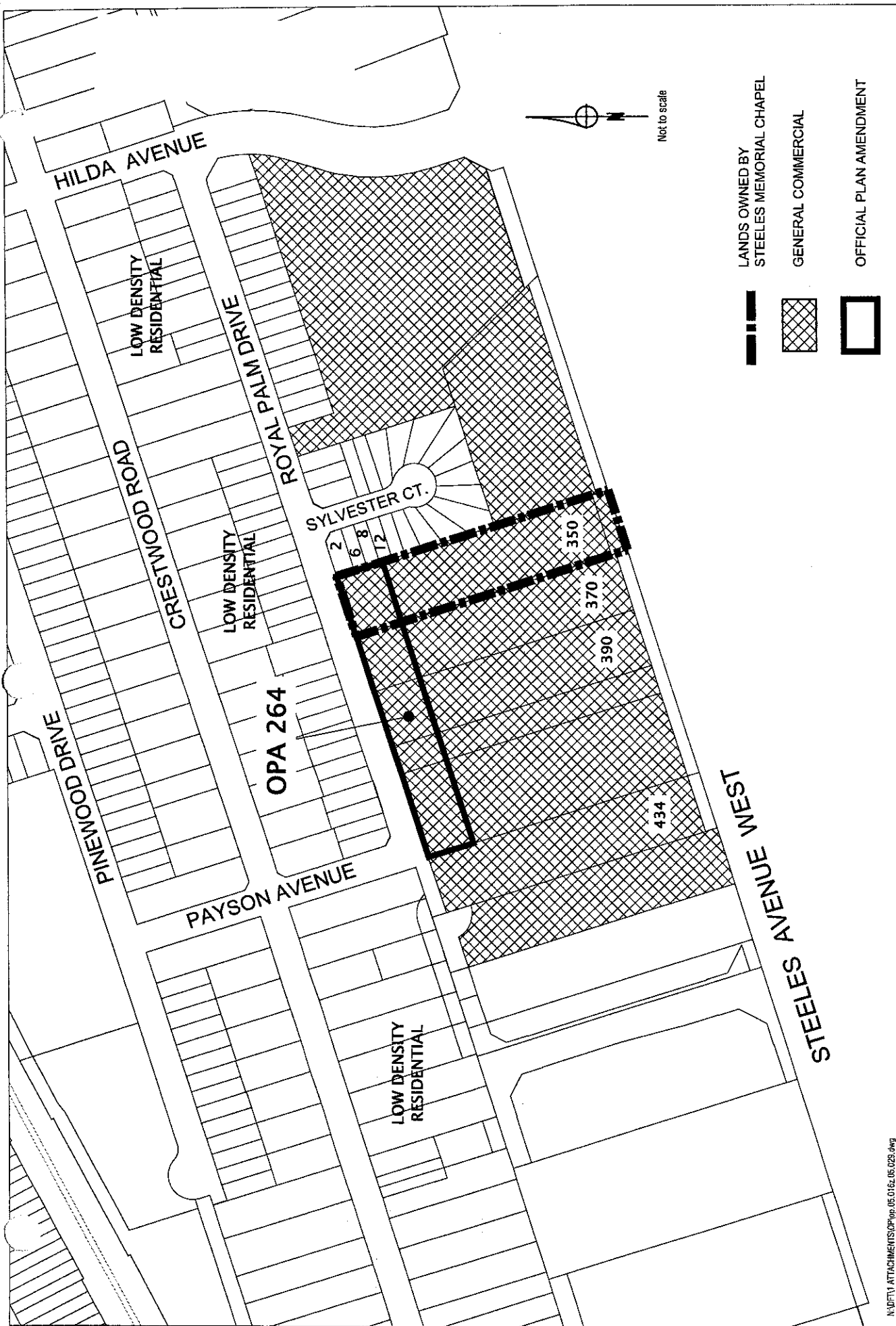


Development Planning Department

Attachment

File:
OP.05.016 & Z.05.029
Date:
February 7, 2006

1



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**Extract From Schedule 'A' of
OPA #210 Showing OPA Designations**

Applicant:
STEELES MEMORIAL CHAPEL

Location:
Part Lot 26, Concession 1



Development Planning Department

- LANDS OWNED BY STEELES MEMORIAL CHAPEL
- GENERAL COMMERCIAL
- OFFICIAL PLAN AMENDMENT



LOT 58 ROYAL PALM DRIVE

PROPOSED SEVERANCE LINE

PROPOSED 3m WIDE LANDSCAPED STRIP WITH 1.8m HIGH WOOD PRIVACY FENCE ON FUNERAL HOME LANDS

1607

PLAN

REGISTERED

STATISTICS

BLOCK A: Residential (1,428.44 sq.m.)

- Use: 4 Single Detached Dwellings
- Proposed Zoning: R4
- Lot Frontage: 10.66 m each
- Lot Depth: 33.5m each
- Lot Area: 357 sq.m. each
- Ground Floor Area: 163.6 sq.m.
- Gross Floor Area: 281.2 sq.m.
- Height: 2 storey (9.5m each)
- Lot Coverage: 45 % each

BLOCK B: Existing Funeral Home (7,785 sq.m.)

- Gross Floor Area: 1,170 sq.m.
- Existing Parking: 71 spaces*
- Parking to be removed: 15 spaces
- Net Parking: 58 spaces (6 Handicap)
- Parking Required: 47 spaces
- * Not including vehicle stacking lanes

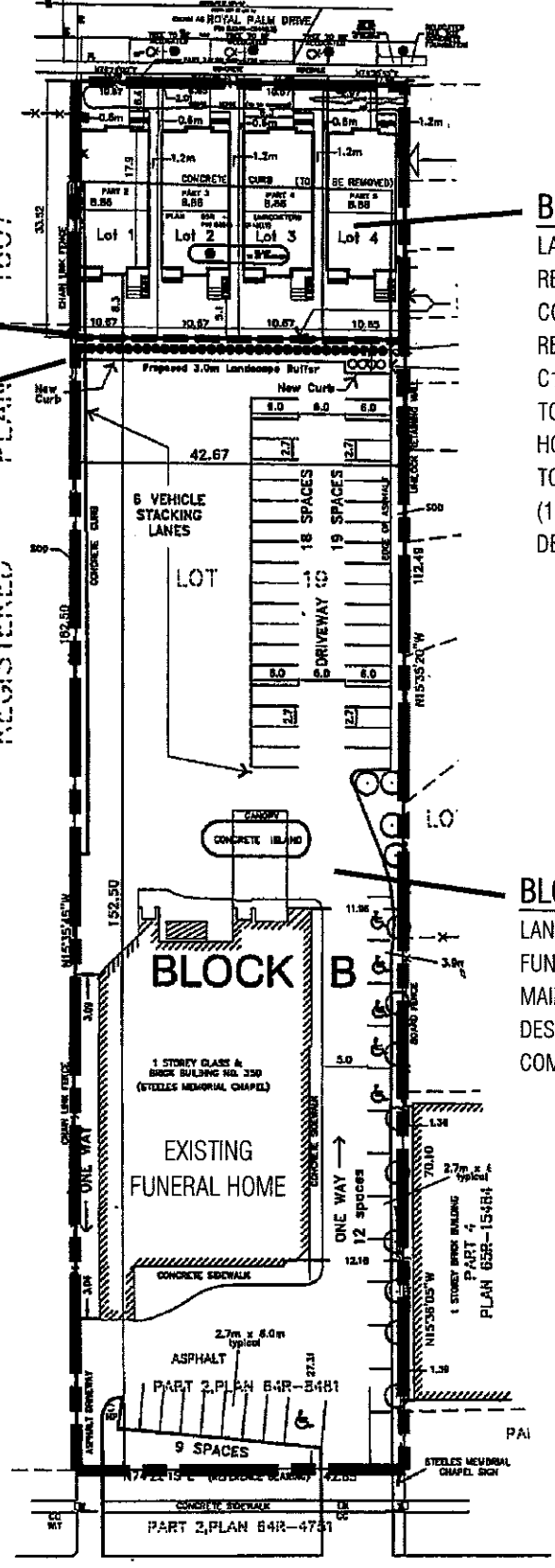
BLOCK A

LANDS TO BE SEVERED AND TO BE REDESIGNATED FROM "GENERAL COMMERCIAL" TO "LOW DENSITY RESIDENTIAL" AND REZONED FROM C1 RESTRICTED COMMERCIAL ZONE TO R4-H RESIDENTIAL ZONE WITH HOLDING PROVISION RESPECTIVELY, TO PERMIT 4 RESIDENTIAL LOTS (10.66m x 33.5m) FOR SINGLE DETACHED DWELLINGS.

BLOCK B

LANDS TO BE RETAINED FOR FUNERAL HOME AND TO MAINTAIN "GENERAL COMMERCIAL" DESIGNATION AND C1 RESTRICTED COMMERCIAL ZONE.

SUBJECT LANDS



STEELES AVENUE WEST

Not to scale

Composite Site Plan
(Showing Proposed Severance & Rezoning)



Development Planning Department

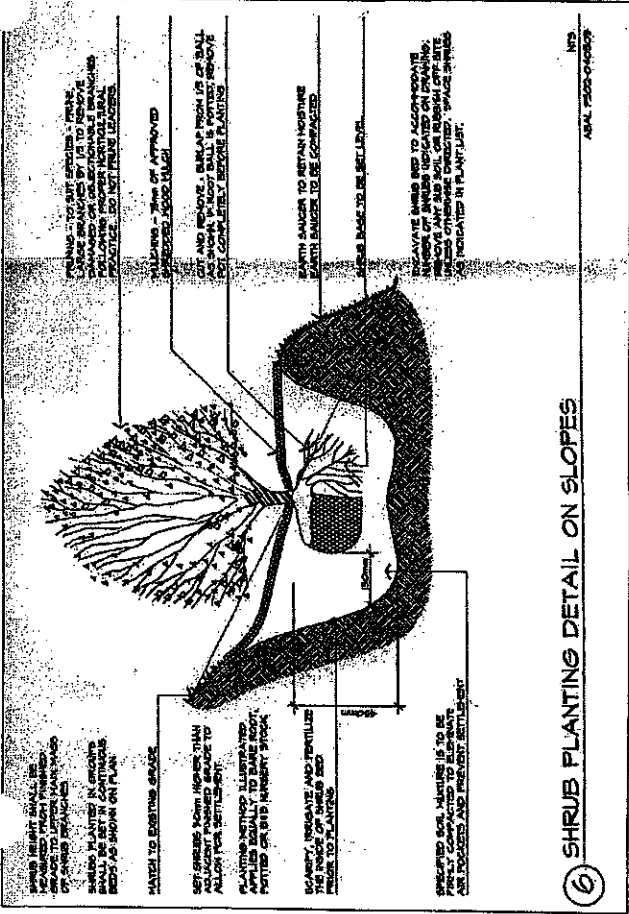
Applicant: STEELES MEMORIAL CHAPEL
Location: Part Lot 26, Concession 1

Attachment

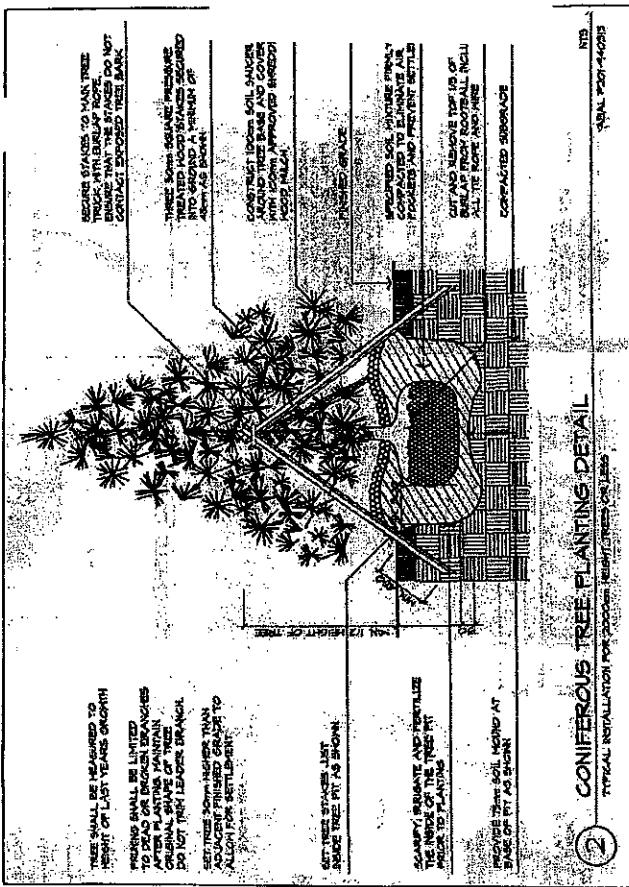
File: OP.05.016 & Z.05.029
Date: February 7, 2006

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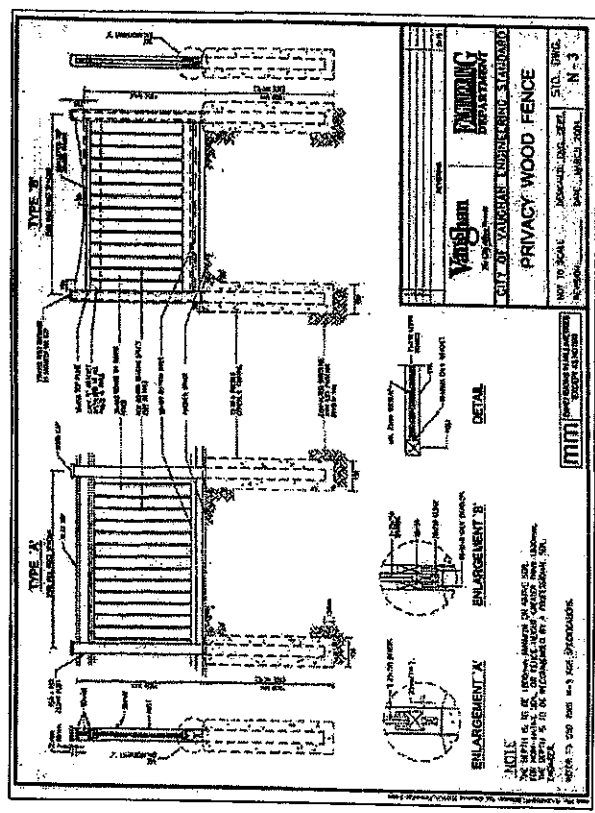


⑥ SHRUB PLANTING DETAIL ON SLOPES



⑦ CONIFEROUS TREE PLANTING DETAIL

Note: Fence and Landscape to be Provided Between Proposed Residential Lots & Existing Funeral Home Site



LANDSCAPE ATTACHMENTS: OP. 05.016 & Z.05.029 (REV. 04/06)

Landscape Details

Location: Part Lot 26, Concession 1
Applicant: STEELES MEMORIAL CHAPEL



The City of Vaughan Toronto

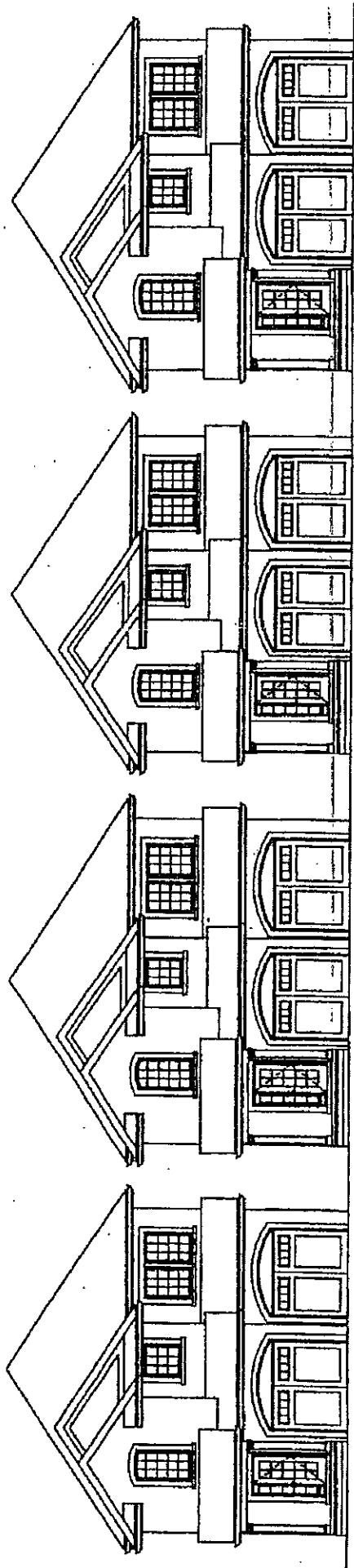
Development Planning Department

Attachment

File: OP.05.016 & Z.05.029
Date: February 7, 2006

4

Not to scale



ROYAL PALM DRIVE
STREET ELEVATION

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Conceptual Street Elevation

Location:
Part Lot 26, Concession 1
Applicant:
STEELES MEMORIAL CHAPEL



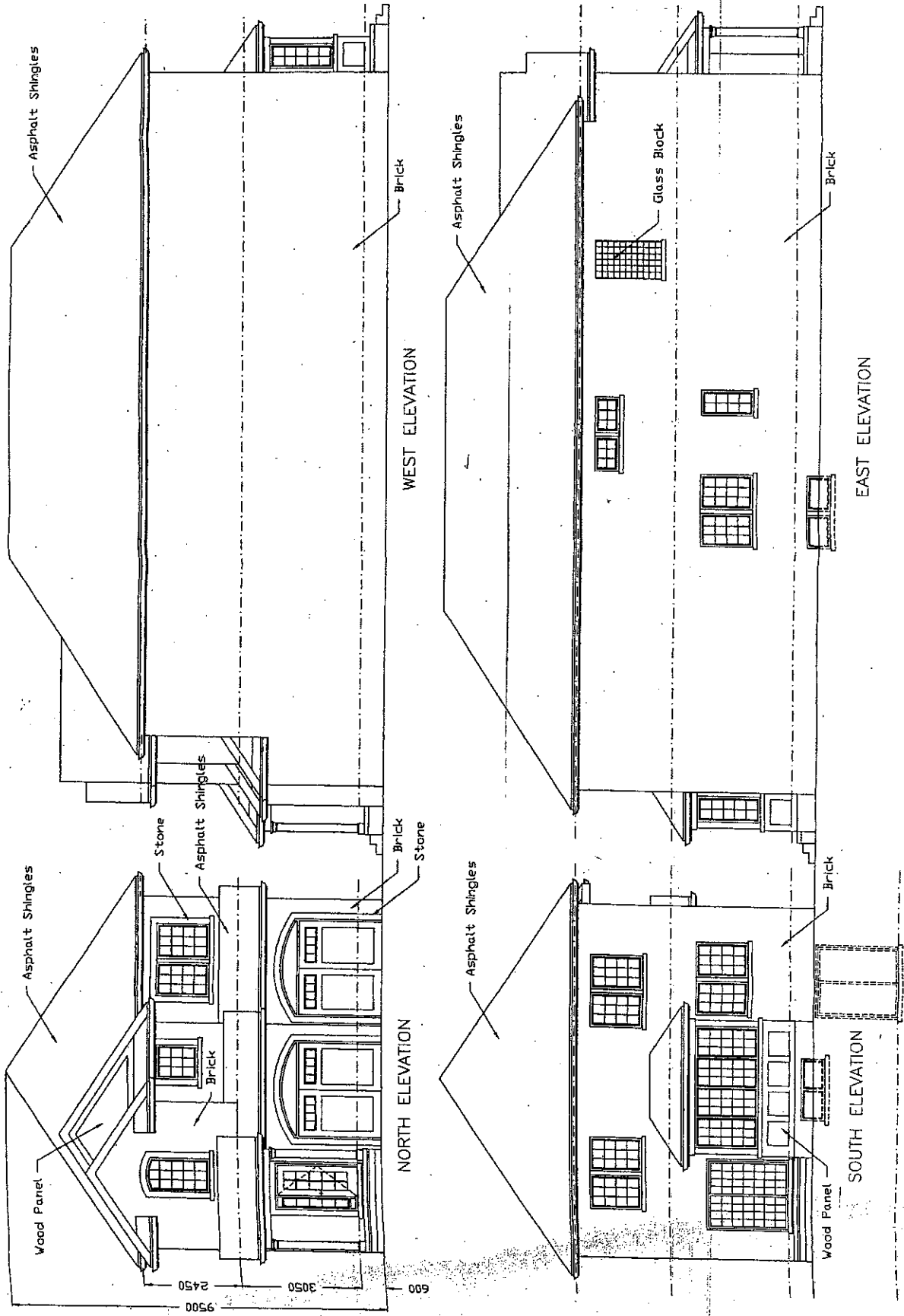
Development Planning Department

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Conceptual Building Elevations

Location:
Part Lot 26, Concession 1
Applicant:
STEELES MEMORIAL CHAPEL



ATTACHMENT 7

Fraizinger, Mary

From: Fraizinger, Mary
Sent: February 17, 2006 5:38 PM
To: 'alan.shefman@vaughan.ca'
Subject: Steeles Memorial Chapel Final Report

From: Mary Fraizinger
Resident
6 Sylvester Court,
Thornhill, Ontario.
L4J 5R1

On behalf of : 2 - 12 Sylvester Court Residents

For: Vaughan Committee of the Whole

Re: Steeles Memorial Chapel

1. The Residents just obtained the 18 page Report on February 17, and need time to review it in detail with their lawyer and land use planner.
2. On first reading, the Report seems to provide more protection for the proposed development than for existing residents. It recommends almost a 10 foot (3 m) landscaped buffer and fence at the north end of the property - but less than a 4 foot (1.2m) buffer without landscaping along the east end adjacent to Sylvester Court. See Attachments 3 & 4.
3. The Report seems to justify the proposal on the basis of a "similar lotting pattern" to the east side of Sylvester Court. (Page 10 Setbacks par. 3) However, the 2 - 12 Sylvester Court Residents purchased their houses with the expectation that they would be protected against any development, commercial or residential, behind their lots, while the other situations were known to the residents before they purchased.
4. The Residents request that the Report be deferred. They are prepared to meet again with Steeles Memorial. They want Planning Staff to report further on ways to mitigate the impact that the development will have on their properties.

A copy of a proposed Motion for the Committee's consideration is attached.


Mary Fraizinger,

Chief Financial Officer,
Gardiner Roberts LLP,
40 King St. W., Ste 3100,
Toronto, Ontario.
M5H 3Y2
Tel. (416) 865-6659
Fax (416) 865-6636
e-mail: mfraizinger@gardiner-roberts.com

2/17/2006

**Steeles Memorial Chapel
Motion for Committee of the Whole**

1. That the Final Report be deferred;
2. That the Applicant meet again with the residents of 2, 6 8 & 12 Sylvester Court and make its best efforts to settle its OMB appeals
3. That the Commissioner of Planning report further on measures to reduce the impact on existing Sylvester Court residents to the east, including setback, buffering, fencing, shadowing and overlook.



GARDINER ROBERTS LLP
Lawyers

February 16, 2006

Delivered Via Fax (905) 832-8535

Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Sir/Madam,

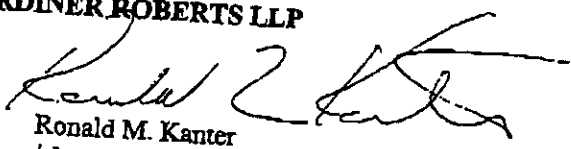
Re: **Steeles Memorial Chapel**
OP.05.016 and Zoning Z.05.029

We are the lawyers for the owners of 2, 6, 8 and 12 Sylvester Court, who are directly east of the Steeles Memorial Chapel application. On January 20, 2006, I wrote to Laura Janotta requesting a copy of her Final Report. By letter dated February 14, 2006, she stated that the Report would not be available until Friday, February 17, 2006, after 3:00 p.m., although the matter is scheduled for consideration on Monday, February 20, 2006 at 1:00 p.m.

The City's policy of not releasing the Report until late Friday afternoon will not allow sufficient time for my clients, who have also retained a land use planner, to review and respond to it. Consequently, I request the Committee to defer consideration of the Report on February 20, 2006.

Yours very truly,

GARDINER ROBERTS LLP


Per: Ronald M. Kanter
/ak

cc: Councillor Alan Shefman (via fax 905-832-8538)
Mary Fraizinger (delivered)
Moiz Behar (via fax 905-731-7837)

s:\84\84463\Janotta Let Jan 20 06

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