

COMMITTEE OF THE WHOLE DECEMBER 11, 2006

**ZONING BY-LAW AMENDMENT FILE Z.06.011
BAYVIEW CONSTRUCTION
REPORT #P.2006.27**

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.06.011 (Bayview Construction) BE APPROVED, to amend By-law 1-88 to rezone Parcel "1" as shown on Attachment #2 from A Agricultural Zone to R3(H) Residential Zone with the addition of the Holding Symbol (H), to be lifted upon registration of an application in the Land Registry Office, to consolidate the lands described as Block 120, Plan 65M-2984 with the abutting lands to the east (Block 121, Plan 65M-2984) owned by the applicant.

Economic Impact

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

Purpose

The Owner has submitted a Zoning By-law Amendment Application to rezone a portion of the subject lands shown as Parcel 1 on Attachment #2 from A Agricultural Zone to R3 Residential Zone, to facilitate a severance of Parcel 1 into two residential lots, each with a lot frontage of 12.4m, and lot areas of 547m² and 647m². The proposed severance will create a remainder parcel of land (Parcel 2) with an area of 3,945m², which will remain zoned A Agricultural Zone.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on Genova Court, located east of Martin Grove Road and north of Langstaff Road, being Block 120 within Registered Plan 65M-2984, City of Vaughan.

The subject lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), and zoned A Agricultural Zone by By-law 1-88, subject to Exception 9(692). The surrounding land uses are as follows:

- North - existing residential (R3 Residential Zone)
- South - vacant lands (A Agricultural Zone and OS2 Open Space Park Zone)
- East - hydro corridor under the ownership of the applicant (A Agricultural Zone)
- West - existing residential (R3 Residential Zone)

Block 120 has remained undeveloped due to the potential for methane gas migration from construction waste dumped on the property many years ago. Site-specific Exception 9(692) does not permit development on Block 120 until the City and the Ministry of the Environment are satisfied that the monitoring of methane gas and the water table are no longer required. This is discussed in greater detail in the report.

On March 24, 2006, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Woodbridge Meadows Ratepayers' Association. A Public Hearing was held on April 18, 2006, and as of November 23, 2006, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report and to forward a technical report to a future Committee meeting was ratified by Council on April 24, 2006.

Official Plan

The subject lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), which permits detached dwellings on the subject lands. The proposed rezoning to facilitate a severance for two additional lots conforms to the City's Official Plan.

Environmental

The subject lands (Block 120 of Plan 65M-2984) were not developed at the same time as the subject lands in the subdivision due to environmental issues, specifically the potential for methane gas migration from construction waste dumped on the property many years ago, which required the Owner to undertake methane gas testing. Site-specific Exception 9(692) does not permit development on the subject lands until the City and the Ministry of the Environment are satisfied that the monitoring of methane gas and the water table are no longer required.

The subject lands are located within Registered Plan of Subdivision 65M-2984 (File 19T-88009), which was registered on September 2, 1994. Section 21.41(b) of the Subdivision Agreement, which was executed in July 1994, states that:

"Quarterly monitoring of methane gas within Block 120 should be continued for a period of at least three years following municipal assumption of the roads and services."

The referenced subdivision (File 19T-88009/Plan 65M-2984) was assumed on January 24, 2001. Methane gas monitoring was undertaken during a period between 1994 and 1996, however there is no record of any gas-monitoring program following the assumption of the subdivision. Accordingly, in February of 2005, the City's Engineering Department recommended certain actions be undertaken by the developer in order to satisfy that methane gas was no longer an issue, including a 6-month methane gas-monitoring program to be conducted every two months with the results to be reviewed and evaluated by the Engineering Department. The Owner undertook the necessary monitoring and in October of 2005, the Engineering Department advised that methane gas is no longer an issue on the subject lands.

The site-specific Zoning Exception 9(692) does not permit development on Block 120 until the City and the Ministry of the Environment are satisfied that the monitoring of methane gas and the water table are no longer required. Since the approval of this site-specific zoning exception, the Province of Ontario has downloaded the responsibility of ensuring the suitability of contaminated and potentially contaminated sites for development from the Ministry of the Environment to municipalities. On May 14, 2001, Vaughan Council approved a Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites, which addresses these requirements. Again, the City of Vaughan Engineering Department is satisfied that methane gas is no longer an issue, and therefore it is considered that this requirement of the zoning by-law has been addressed.

Severance

The proposed partial rezoning of the subject lands from A Agricultural Zone to R3 Residential Zone as shown on Attachment #2, will facilitate a future severance of the subject lands into 2 parts and effectively complete Genova Court. The severance would result in a block identified as Parcel 2 on Attachment #2 that will not have frontage on a public road. The Owner has advised the Development Planning Department that a residential development is contemplated for this parcel which will be accessed from Sicilia Street, through the abutting hydro corridor (Block 121 within Plan 65M-2984), which is owned by the Applicant. Hydro One has indicated in writing (by letter dated April 4, 2006), that they are in principle supportive to allowing an access through the abutting hydro corridor (Block 121 within Plan 65M-2984), which would allow for the future development of the remaining lands. The Development Planning Department is recommending that Parcel 1 be rezoned with the addition of the Holding Symbol "H", to be lifted upon registration of an application in the Land Registry Office, to consolidate the lands described as Block 120, Plan 65M-2984 with the abutting lands to the east (Block 121, Plan 65M-2984) also owned by the applicant. Once the consolidation of the blocks occurs the severance of Parcel 1 can proceed and the remaining lands will have direct road frontage onto Sicilia Street. The development of the applicants remaining lands will require future development applications to be submitted, including a zoning by-law amendment, which will be subject to a public hearing and further consideration by the City and external public agencies.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, subject to Exception 9(692). The Owner has requested that the lands shown as Parcel 1 on Attachment #2 be rezoned from A Agricultural Zone to R3 Residential Zone in order to facilitate the future severance of 2 lots to complete Genova Court. The 2 proposed lots comply with the minimum lot frontage and lot area requirements of the R3 Residential Zone, being 12m and 360m², respectively.

The severance of the subject lands will result in a parcel of land (Parcel 2 as shown on Attachment #2) that will remain zoned A Agricultural Zone.

Engineering Department

The Engineering Department has indicated no objection to the proposed rezoning and that water and sewage servicing capacity will be allocated for the two new residential lots at the consent approval stage.

Toronto and Region Conservation Authority (TRCA)

A vegetated watercourse feature traverses the southern limit of the subject lands and connects to Rainbow Creek to the south. The TRCA, Owner and the City visited the site on March 31 and July 20, 2006 to verify the extent and nature of the feature. The Owner and the TRCA agreed to protect the feature and the applicant revised the rear lot lines of the proposed lots to be outside the limit of the vegetated watercourse feature, which will remain as A Agricultural Zone within the southwest corner of Parcel 2. The vegetated feature will be revisited upon the submission of future development applications on Parcel 2. The TRCA has no objection to the subject application.

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 Zoning By-law Amendment Application to rezone a portion (Parcel 1) of the subject lands as shown on Attachment #2 to facilitate a future severance of the subject lands into two (2) lots that are consistent with the lots in the immediate area, and will result in a development that is compatible with the surrounding land use context. The original zoning by-law for the subject lands maintained the Agricultural Zone due to the potential for methane gas migration from construction waste dumped on the property many years ago. The Owner has satisfied the City that this issue is no longer a concern. It is recommended that the lands be zoned R3(H) Residential Zone with the Holding Symbol (H), to be lifted upon registration of an application in the Land Registry Office, to consolidate the lands described as Block 120 with the abutting lands to the east, Block 121, Plan 65M-2984, also owned by the applicant. The applicant intends to develop Parcel 2 in the future for residential, which will require the filing of development applications, and will be subject to further review at that time. Accordingly, the Development Planning Department can support the subject application to amend the Zoning By-law, subject to the recommendations in this report.

Attachments

1. Location Map
2. Proposed Zoning/Severance Plan

Report prepared by:

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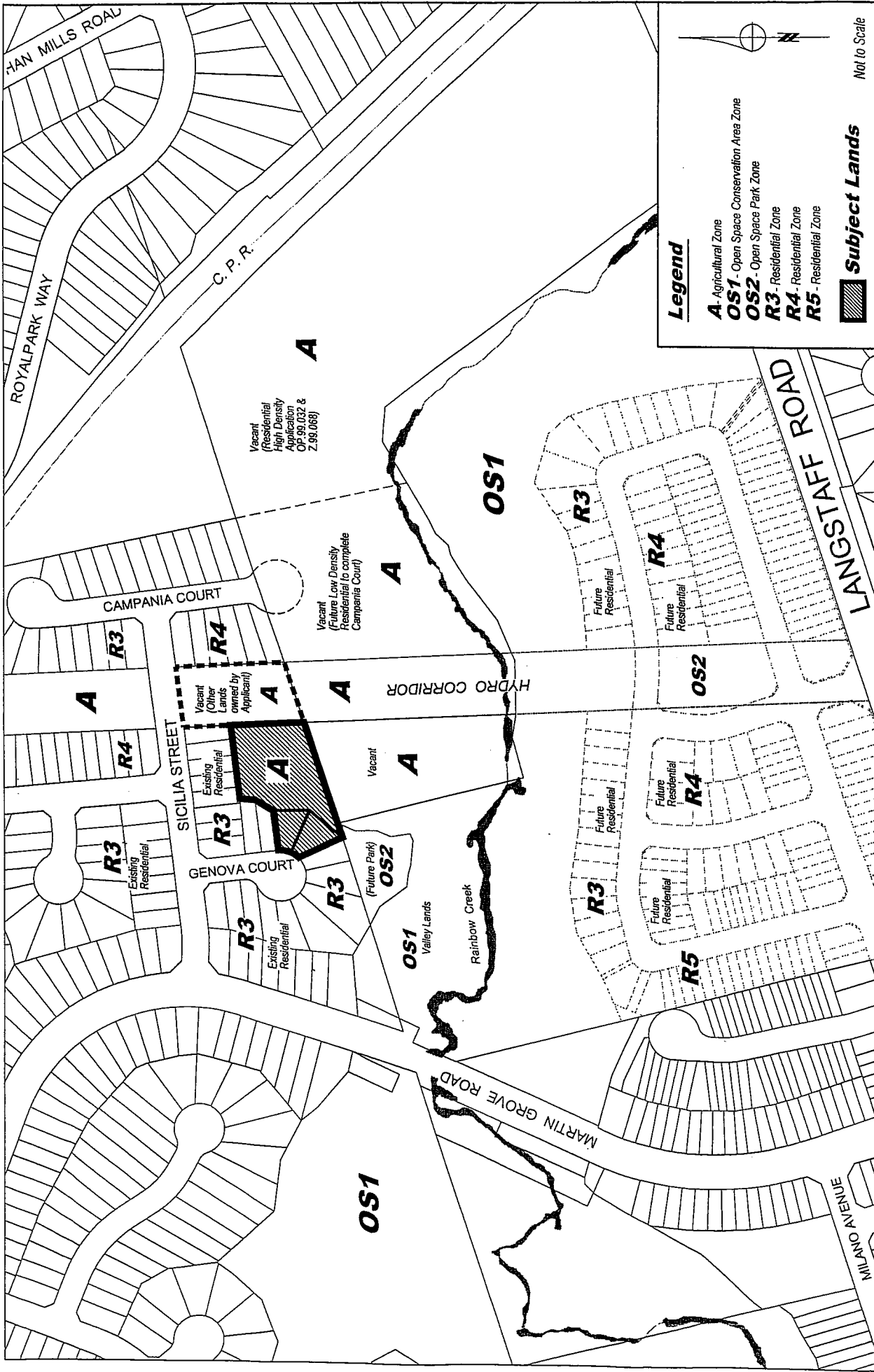
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Attachment 1

FILE No.: Z.06.011

November 23, 2006



Development Planning Department

Location Map

Part of Lot 12, Concession 8
 APPLICANT: BAYVIEW CONSTRUCTION
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**Rezone Parcel 1
of Subject Lands (Block 120,
Plan 65M-2984) from 'A'
Agricultural Zone to 'R3-H'
Residential Zone with
Holding Provision**

**Other Lands
owned by
Applicant
(Block 121,
Plan 65M-2984)**

**Parcel 2 of Subject
Lands (Block 120, Plan
65M-2984) to remain 'A'
Agricultural Zone**

HYDRO CORRIDOR

Subject Lands

**Proposed Zoning /
Severance Plan**

APPLICANT:
BAYVIEW CONSTRUCTION

Part of Lot 12,
Concession 8

**City of
Vaughan**

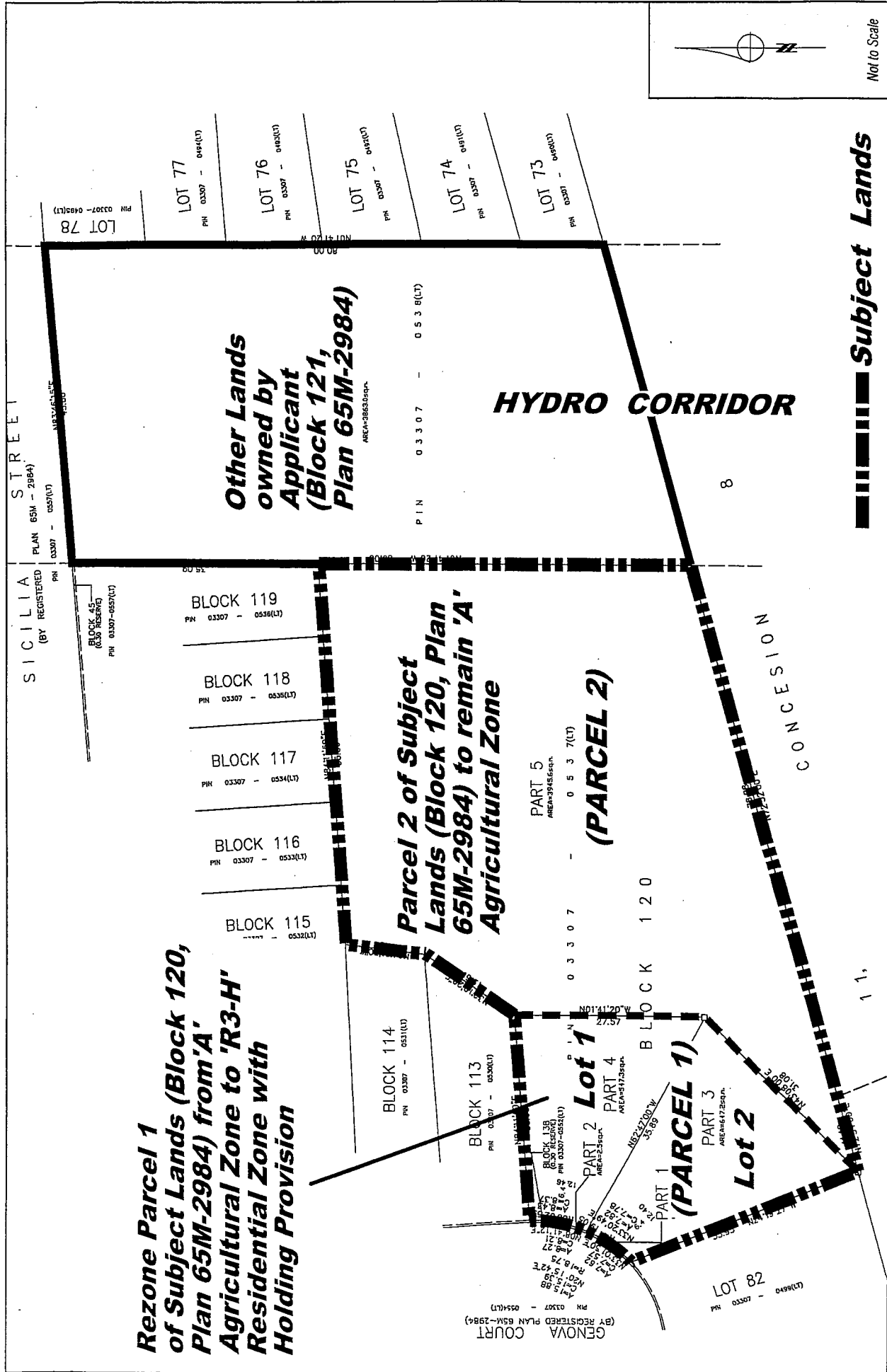
Development Planning Department

Attachment

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Z.06.011

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November 23, 2006



Not to Scale