

**3. ZONING BY-LAW AMENDMENT FILE Z.08.020
 DRAFT PLAN OF CONDOMINIUM FILE 19CDM-08V02
 ORLANDO SILVESTRI AND ANNA SILVESTRI**

P.2008.21

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files Z.08.020 and 19CDM-08V02 (Orlando Silvestri and Anna Silvestri) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

On April 25, 2008, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Kleinburg and Area Ratepayers Association. As of May 12, 2008, the City has received a letter of objection from Eduard Krasnokutsky of 88 Simmons Street, the adjacent landowner to the north of the subject lands, respecting the increased density in a rural area. Mr. Krasnokutsky advised that he approached the Applicant and proposed a merging of the lots, whereby the road would be shared between 70 and 88 Simmons Street for a total of 9 lots for detached dwelling units. The issues raised in the letter and any other responses received will be addressed in the technical review and included in a comprehensive report to a future Committee of the Whole meeting.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachment #1:

1. An application to amend the Zoning By-law (File Z.08.020) on the subject lands shown on Attachment #1, specifically By-law 1-88, to permit the following exceptions to the RR Rural Residential Zone, to implement the proposed development shown on Attachment #2:
 - i) to permit the proposed freehold detached dwellings to front onto a common element condominium road that is private, whereas the By-law requires all freehold dwellings to front onto a public street;
 - ii) exceptions to amend Section 2.0 "Definitions", specifically for: Lot; Corner Lot; Front Lot Line; and Exterior Lot Line, to refer to a common element condominium road that is private, whereas the By-law definitions make reference to a public street;
 - iii) a minimum lot area ranging from 1355 m² to 2365 m², whereas the By-law requires a minimum lot area of 4000 m²;
 - iv) a minimum lot frontage of 22.8 m and 25 m (Lots 1 and 4, respectively), and 28 m (Lots 2 and 3, respectively), whereas the By-law requires a minimum lot frontage of 45 m;

- v) a maximum lot coverage ranging from 10.5% to 19.1%, whereas the By-law requires a maximum lot coverage of 10%;
 - vi) a minimum front yard setback of 10 m, 10.3 m and 9.0 m (Lots 2, 3 and 4, respectively), whereas the By-law requires a minimum front yard setback of 15 m;
 - vii) a minimum interior side yard setback of 2 m (Lots 2 and 3) and 4.2 m (Lot 4), whereas the By-law requires a minimum interior side yard setback of 4.5 m; and,
 - viii) a minimum exterior yard setback of 2.46 m and 4.77 m (Lots 1 and 4, respectively), whereas the By-law requires a minimum exterior side yard setback of 9 m.
2. An Application for Draft Plan of Condominium approval (File 19CDM-08V02) on the subject lands shown on Attachment #1, to facilitate a common element condominium road that is private (cul-de-sac) as shown on Attachment #3, and consisting of the following land use statistics:

4 Residential Lots (for freehold dwellings)	7,323.34 m ²
Common Element Condominium Private Road (Cul-de-sac)	<u>1,039.00 m²</u>
Total Site Area	8,362.34 m ²

The Owner has submitted a related Site Development Application (File DA.08.015) on the subject lands shown on Attachment #1, which is not subject of this Public Hearing, to facilitate the proposed development. The site plan application will be considered at a future Committee of the Whole meeting. The proposed lots will be created through the consent (severance) process and will require approval from the Committee of Adjustment. The proposed site statistics are as follows:

Lot Number	Lot Area (m ²)	Ground Floor Area (m ²)	Lot Coverage (%)
1 (Retained)	1,355	95.2	7
2 (Severed)	2,365	227.3	9.6
3 (Severed)	2,160	227.3	9.6
4 (Severed)	<u>1,444</u>	<u>275.3</u>	<u>19.1</u>
Total	7,324	825.1	11.3

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the west side of Simmons Street, being south of Rutherford Road and west of Regional Road 27, known municipally as 70 Simmons Street, in Part of Lot 15, Concession 9, City of Vaughan. The subject lands have a total area of 8362.34 m², with 55.32 m of frontage along Simmons Street and a depth of 139.8 m.

The subject lands are designated "Hamlet (Elder Mills)" by OPA #600, as shown on Attachment #4, which permits primarily residential uses where limited development of an infilling nature is permitted. The subject lands are zoned RR Rural Residential Zone by By-law 1-88. The surrounding land uses are shown on Attachment #1.

Preliminary Review

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:

- ii) the appropriateness of the proposed zoning exceptions and land uses, including lotting and road pattern for the subject lands, and the appropriateness and compatibility of the proposed site plan and condominium plan, will be reviewed within the context of the surrounding existing and planned land uses;
- iii) the *Soil Investigation for Proposed Residential*, dated April 2007 and prepared by Soil Engineers Ltd., and *Site Servicing and Stormwater Management Plan*, dated March 18, 2008 and prepared by Soil Engineers Ltd., were submitted to the City for review; the availability of water must be identified and allocated by Council, if approved; the existing lot is currently on a private individual septic system for sanitary services, and the proposed lots are also to be on private individual septic systems for sanitary services;
- iv) the *Phase 1 Environmental Assessment*, dated December 28, 2007 and prepared by Toronto Inspection Ltd., was submitted to the City for review; the Phase I report must be approved by the City Engineering Department;
- v) the *Noise & Vibration Feasibility Study*, dated March 11, 2008 and prepared by Howe Gastmeier Chapnik Limited, was submitted to the City for review; the appropriate noise attenuation measures (e.g., setbacks, acoustic fencing and air conditioning, etc.), will need to be determined and implemented for the proposal; and,
- vi) the *Arborist Report*, dated March 20, 2008 and prepared by D. Andrew White, was submitted to the City for review; the impact of the proposed development with respect to removal and/or injury to existing trees, and any required restoration, if any, will be reviewed.

Relationship to Vaughan Vision 2020

The applicability of these applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The applications have been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The above issues, but not limited to, will be considered in the technical review of the applications, together with comments expressed by the public and Council at the Public Hearing or in writing, and addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, the proposal will be reviewed in light of the applicable Official Plan policies, protection of environmental features, the appropriateness of the proposed zoning standards, and compatibility with the adjacent land uses.

Attachments

1. Location Map
2. Site Plan
3. Proposed Draft Plan of Condominium
4. OPA No. 600 - Land Use Schedule - Rural Area General

Report prepared by:

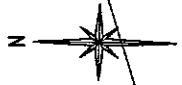
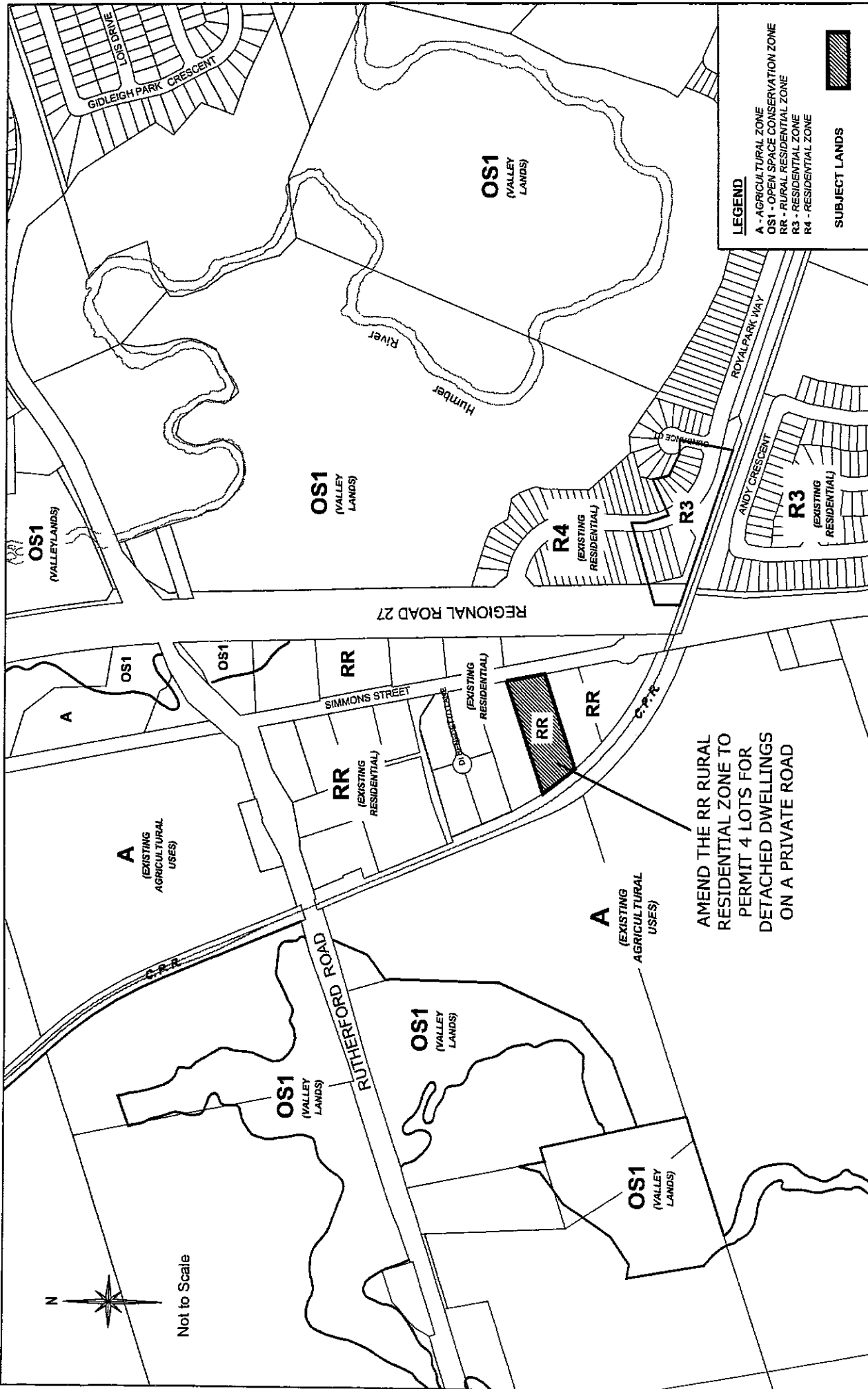
Judy Jeffers, Planner, ext. 8645
Mauro Peverini, Senior Planner, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Manager of Development Planning

/CM



Not to Scale

Location Map

Part of Lot 15,
Concession 9

APPLICANT:
ORLANDO SILVESTRI & ANNA SILVESTRI

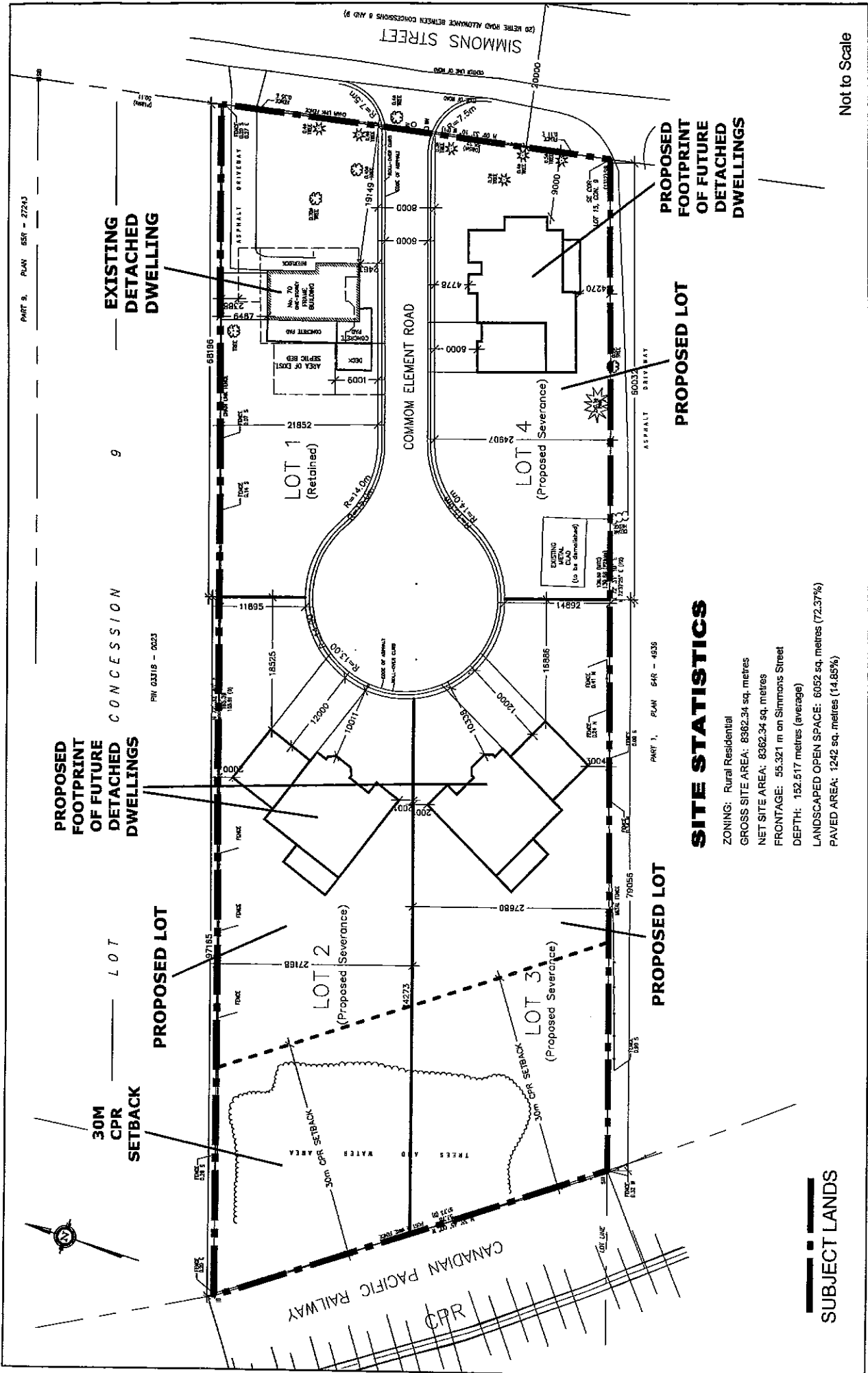
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Development Planning Department

Attachment 1

FILE No(s):
Z.08.020
19CDM-08V02 &
DA.08.015
April 18, 2008



PART 9, PLAN 6SR - 27243

EXISTING
DETACHED
DWELLING

CONCESSION 9

PROPOSED
FOOTPRINT
OF FUTURE
DETACHED
DWELLINGS

PROPOSED LOT

PROPOSED LOT

Not to Scale

SITE STATISTICS

- ZONING: Rural Residential
- GROSS SITE AREA: 8362.34 sq. metres
- NET SITE AREA: 8362.34 sq. metres
- FRONTAGE: 55.321 m on Simmons Street
- DEPTH: 152.517 metres (average)
- LANDSCAPED OPEN SPACE: 6092 sq. metres (72.37%)
- PAVED AREA: 1242 sq. metres (14.85%)

SUBJECT LANDS

Attachment 2

FILE No(s):
Z.08.020
19CDM-08V02 &
DA.08.015
May 7, 2008



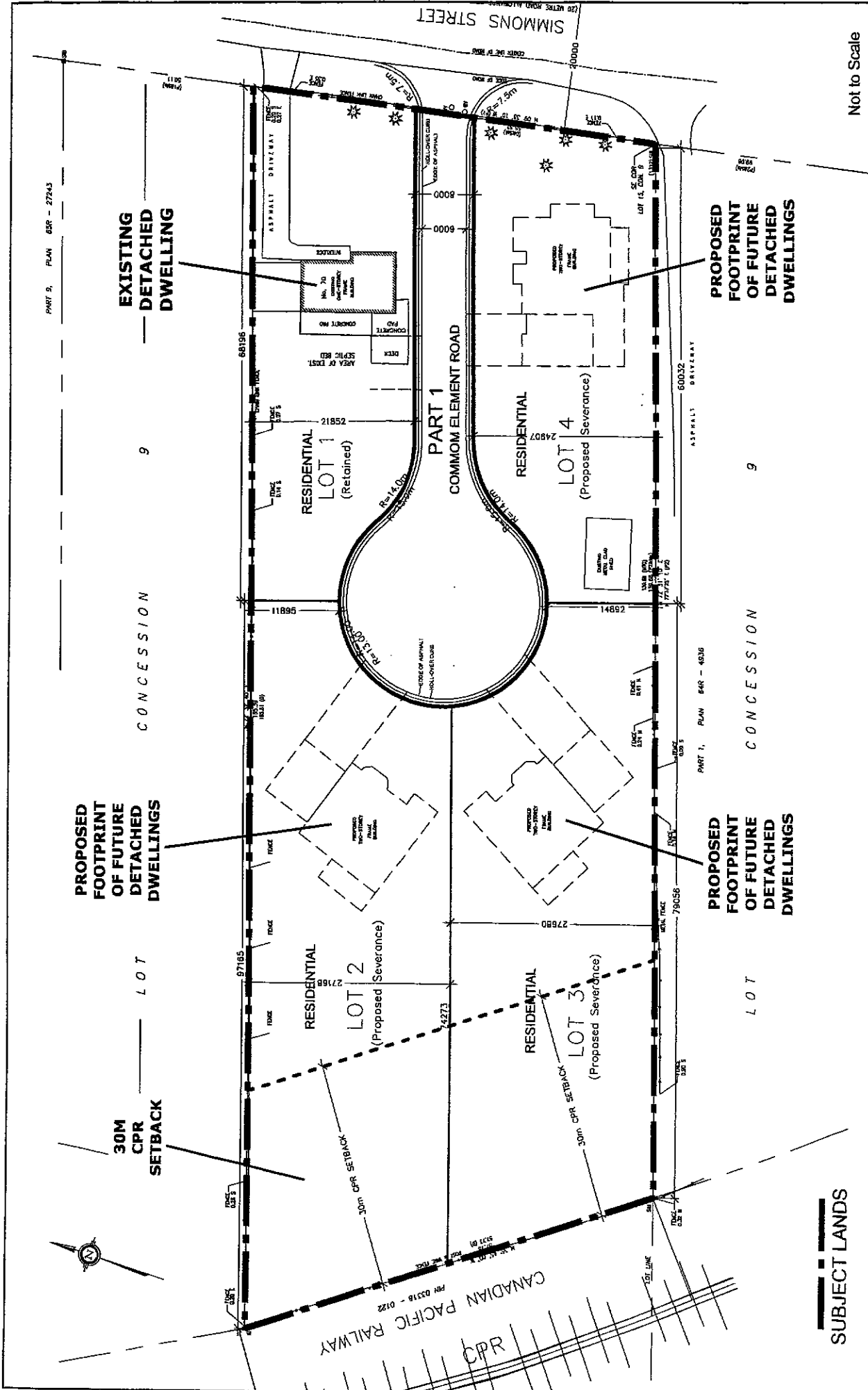
The City Above Toronto

Development Planning Department

Site Plan

Part of Lot 15,
Concession 9
APPLICANT:
ORLANDO SILVESTRI & ANNA SILVESTRI

NA\DP\1 ATTACHMENTS\19\08\020da.08.015_19cdm-08v02



SUBJECT LANDS

Not to Scale

Proposed Draft Plan of Condominium

APPLICANT: ORLANDO SILVESTRI & ANNA SILVESTRI
 Part of Lot 15, Concession 9



The City Above Toronto

Development Planning Department

Attachment 3

FILE No(s):
 Z.08.020
 19CDM-08V02 &
 DA.08.015
 April 18, 2008

PART 5, PLAN 64R - 27243

PART 1, PLAN 64R - 4036

APP'DRAFT1 ATTACHMENTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

THIS IS SCHEDULE 'F' TO
AMENDMENT NO. 600

ADOPTED THE 25th DAY OF SEPTEMBER, 2000

SIGNING OFFICERS

L. D. JACKSON

J. D. LEACH

APPEALED UNDER
SECTION 17(39) AND (36)
OF THE PLANNING ACT -
#6 OF OPA #600

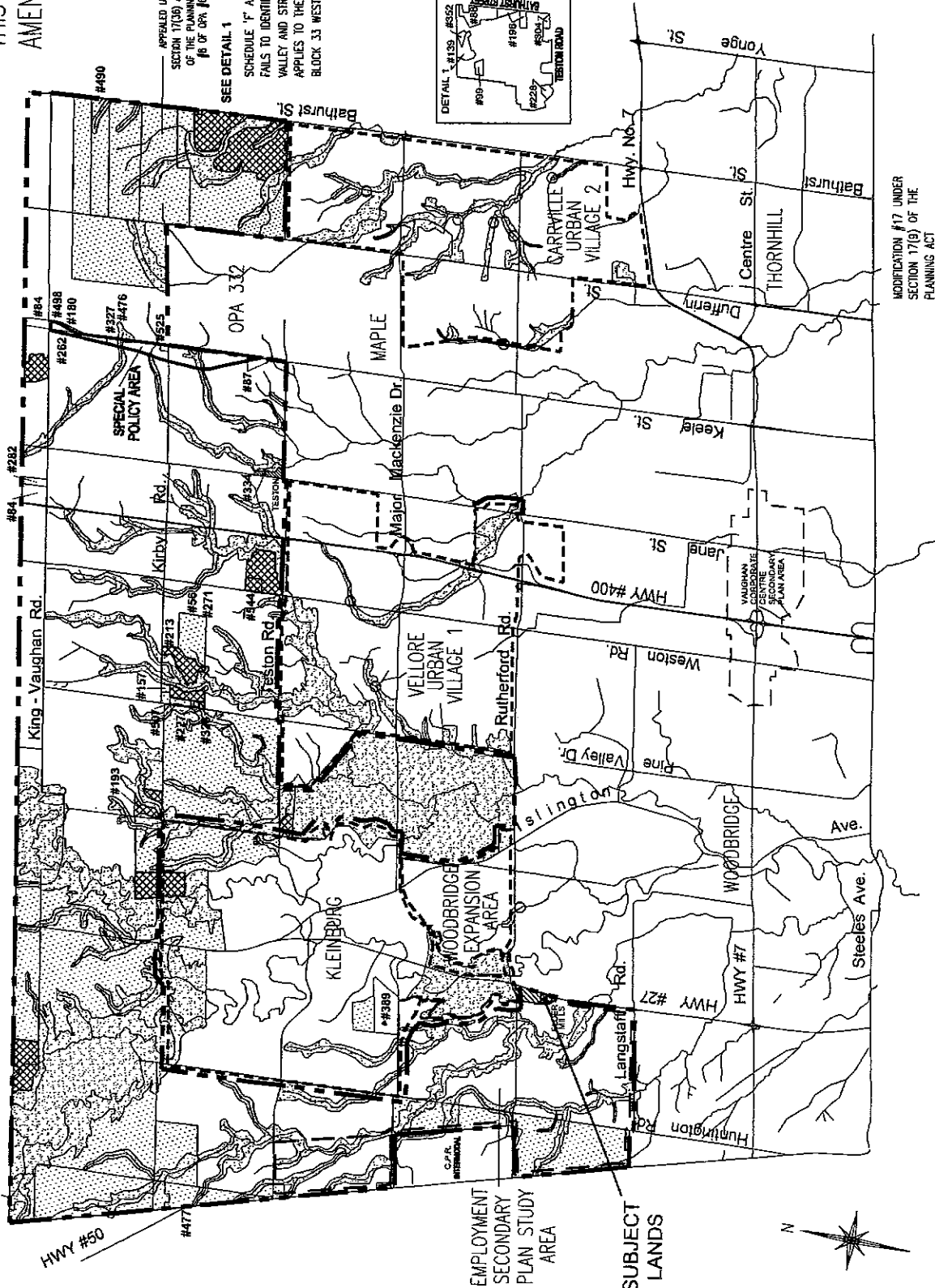
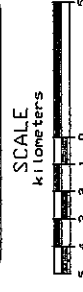
SEE DETAIL 1

SCHEDULE 'F' APPEALS (#1 AND #2) INSO FAR AS IT
FAILS TO IDENTIFY THAT THE PINE VALLEY DRIVE LINK IS WITHIN THE
VALLEY AND STREAM CORRIDOR. (APPEAL #4) INSO FAR AS IT
APPLIES TO THE
BLOCK 33 WEST AREA

RURAL AREA
GENERAL

LEGEND

- LANDS SUBJECT TO RURAL AREA GENERAL
- ESTATE RESIDENTIAL
- AGRICULTURE AREA
- VALLEY & STREAM CORRIDOR
- RURAL USE AREA
- HAMLET
- SITE SPECIFIC POLICIES OF APPLICABLE OFFICIAL PLAN AMENDMENT #198
- 125 HA DRAINAGE LIMIT



MODIFICATION #17 UNDER
SECTION 17(9) OF THE
PLANNING ACT

OPA No. 600 Land Use
Schedule - Rural Area General

APPLICANT: ORLANDO SILVESTRI
& ANNA SILVESTRI

The City Above Toronto

Development Planning Department

Attachment
4

FILE No(s):
Z.08.020
19CDM-08V02 &
DA.08.015
April 18, 2008