

COMMITTEE OF THE WHOLE FEBRUARY 4, 2008

**ZONING BY-LAW AMENDMENT FILE Z.07.034
DRAFT PLAN OF SUBDIVISION FILE 19T-07V03
ELM THORNHILL WOODS INC.
REPORT #P.2007.22**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.07.034 (Elm Thornhill Woods Inc.) BE APPROVED, to provide site-specific exceptions to By-law 1-88, which would permit the frontage of freehold townhouse lots to be located on a private proposed common elements condominium driveway as shown on Attachment #4.
2. THAT Draft Plan of Subdivision 19T-07V03 (Elm Thornhill Woods Inc.) prepared by Rabideau & Czerwinski Ontario Land Surveyors as shown on Attachment #3, BE APPROVED, subject to the conditions set out in Attachment #1.

Economic Impact

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

Communications Plan

On August 10, 2007, a Notice of Public Hearing was mailed to all property owners within 120m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole on September 4, 2007, to receive the Public Hearing report, and to forward a technical report to a future Committee of the Whole meeting, was ratified by Council on September 11, 2007.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachment #2:

1. An application to amend the Zoning By-law to permit 17 proposed freehold townhouse lots (Lots 1 to 17), within a 32 lot townhouse development as shown on Attachment #4, to have frontage on a private proposed common elements condominium driveway, whereas By-law 1-88 requires freehold lots to front onto a public road.
2. An application for Draft Plan of Subdivision approval for the subject lands shown on Attachment #3, to facilitate the creation of one block, under a single registered M-Plan, which would facilitate applications for Draft Plan of Condominium (Common Elements) and Part Lot Control (to create 32 freehold townhouse lots).

Both the Zoning By-law Amendment and Draft Plan of Subdivision applications are required to implement a related application for Draft Plan of Condominium (common elements include driveway, visitor parking spaces, walkways and common landscaped areas; File 19CDM-07V06). A site plan has been approved for the subject lands and the 32 townhouse units are currently under construction as shown on Attachment #4.

Background - Analysis and Options

The subject lands shown on Attachment #2 are located at the northeast corner of Summeridge Drive and Dufferin Street, known municipally as 8777 Dufferin Street, being Block 392 on Registered Plan 65M-3757, in the City of Vaughan. The 8,461.89 m² block is presently under construction with the development of 32 townhouses. The site has 66.4 m frontage on Dufferin Street, and 124m flankage on Summeridge Drive. The surrounding land uses are as follows;

- North - approved for institutional synagogue use (A Agricultural Zone)
- South - Summeridge Drive; commercial (C4 Neighbourhood Commercial Zone)
- East - residential (RVM1 (WS-A) Residential Urban Village Multiple Zone One)
- West - Dufferin Street; commercial (C4 Neighbourhood Commercial Zone)

Official Plan

The subject lands shown on Attachment #2 are designated "Medium Density Residential/Commercial" by OPA #600, which permits townhouse uses at a net density of between 17-40 units/ha. The proposed development has a net density of 36.66 units/ha, and conforms to the Official Plan.

Zoning

The subject lands are zoned RVM2 Residential Urban Village Multiple Zone Two by By-law 1-88 subject to Exception 9(1210). The RVM2 Zone permits the development of block townhouses as of right, however, a further exception to the by-law is required to permit 17 proposed freehold lots (Lots 1 to 17), within a 32 lot townhouse development as shown on Attachment #4, to have frontage on a private proposed common elements condominium driveway, whereas By-law 1-88 requires freehold lots to front onto public road. Therefore, a zoning exception is required to facilitate the proposed freehold townhouse lots to not be located on a public road.

The Development Planning Department can support the proposed zoning amendment, which addresses the proposed tenure of the freehold townhouse units and the private internal driveways, and which does not impact the physical built form of the overall townhouse complex.

Subdivision and Site Plan Design

The draft plan of subdivision shown on Attachment #3 proposes one (1) block fronting onto Dufferin Street and having flankage on Summeridge Drive. The subject lands are currently under construction with the site plan approved townhouse development as shown on Attachment #4. The block referenced as Block 1 on the subdivision plan will contain all 32 of the approved townhouses, which access to the subject lands to be from Summeridge Drive at the southeast corner of the block. The common elements driveway being Lane 'A' as shown on Attachment #4 proceeds in a northerly direction and intersects with the second common elements driveway, Lane 'B', which is parallel to Summeridge Drive and ends at the westerly limit of the subject lands.

The co-ordination of land uses, servicing and traffic connections with adjacent lands has been considered in the context of the approved Site Development Application (DA.04.047). The approved site plan facilitates the townhouses, which will be sited on freehold lots, with access onto a private common element driveway, and provided with common element landscaped amenity areas, walkways, and visitor parking spaces.

Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the proposed plan and provides the following comments:

- a) The draft plan of subdivision as shown on Attachment #3 is serviced by storm sewers, sanitary sewers and watermain connecting to existing services on Summeridge Drive located within Block 10. On June 27, 2005, Council approved water and sewage allocation for 32 units in keeping with the proposed site development.
- b) A Phase I Environmental Evaluation (ESA) dated December 23, 2003 was prepared by Bruce A. Brown Associates Limited, and reviewed through the Site Plan Application process (File DA.04.047). On July 19, 2006, the City provided the ESA clearance for the subject lands.

Subject to the conditions contained in Attachment #1, Vaughan Engineering Staff have no objections to the approval of the proposed draft plan of subdivision.

Waste/ Collection Snow Removal

Garbage and recycling pick-up and snow removal will be the responsibility of the Condominium Corporation, and undertaken through private contractors.

Parkland Dedication

Cash-in-lieu of Parkland Dedication was included in the overall calculations for Block 10, and was paid through the related site plan approvals process.

School Boards

The York Region District School Board, York Catholic District School Boards, and the Conseil Scolaire de District Catholique Centre-Sud have no objections to the proposed draft plan of subdivision.

Canada Post

Canada Post Corporation has no objection to the proposed subdivision plan, and has provided conditions of approval, which have been included in Attachment #1

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 20, particularly, "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has completed its review of the proposed draft plan of subdivision and has no objections subject to the conditions of approval outlined in Attachment #1.

Conclusion

The Development Planning Department has reviewed the proposed application for Draft Plan of Subdivision approval to facilitate the creation of one (1) block, and the Zoning By-law Amendment application to permit freehold townhouse lots to front onto a private driveway, whereas the by-law requires lots to have frontage on a public street. The applications were reviewed in the context of the Official Plan policies By-law 1-88 standards, and the existing surrounding neighbourhood. The proposed residential block will enable the individual townhouse lots to be created through the lifting of Part Lot Control and the common blocks for the private road and amenity areas will be created through a Draft Plan of Condominium (19CDM-07V06). The development of the subdivision block with 32 freehold townhouse lots on a common elements driveway is appropriate

and compatible with the existing surrounding uses, and addresses the intended tenure of the overall development without impacting the physical built form of the townhouse complex.

Attachments

1. Conditions of Subdivision Approval
2. Location Map
3. Draft Plan of Subdivision 19T-07V03
4. Approved Site Plan For Townhouse Development (File DA.04.047)

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

**DRAFT PLAN OF SUBDIVISION 19T-07V03
ELM THORNHIL WOODS INC.
PART OF BLOCK 392, REGISTERED PLAN 65M-3757, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-07V03, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by Rabideau & Czerwinski Ontario Land Surveyors, Drawing #RC6925B2, dated July 18, 2007.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law, which has come into effect in accordance with the provisions of The Planning Act.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with Tariff of Fees By-law 135-2007.
4. Prior to final approval of any part of the Plan, the Owner shall submit a revised Block Plan, if required, to reflect any significant alterations caused from this draft plan approval.
5. The Owner shall enter into a subdivision agreement with the City to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies and the woodlot development charge, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
6. Prior to final approval, easements required for utility, drainage and/or construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances.

The Owner shall advise that satisfactory arrangements have been made with the land owner to the north to provide private easement for service connections at the approved locations and to the satisfaction of the City. The private easement would provide for the site servicing purposes of sanitary sewers, storm sewers, watermain, access and egress over Parts 7, 8, 13 and 14 on Plan 65R-28438 in favour of the owner of the lands adjoining its property on the north limit of the draft plan of subdivision 19T-07V03.

7. Prior to final approval of the Plan, the City and Region of York Transportation and Works Department Water and Wastewater Branch shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development.
8. Prior to final approval of the plan, or any phase thereof and prior to the initiation of any grading or any phase thereof, the Owner shall submit for review and approval of the City the following:
 - a) a detailed engineering report(s) that describes the storm drainage system for the proposed development. The report shall include:
 - i) the manner in which stormwater will be conveyed from the site, including how this subdivision will be tied into existing development and how it conforms to the approved Municipal services report;

- ii) Appropriate Stormwater Management Practices (SWMP's) to be used to stormwater;
 - iii) the location and description of all outlets and other facilities;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction; and,
 - b) Overall grading plans for the subject lands. The Owner shall agree to carry out or cause to carry out, the recommendations set out in any and all aforementioned reports to the satisfaction of the City.
9. Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream Inc. (Former Hydro Vaughan Distribution Inc.), its successors and assigns, regarding the design, installation, connection and/or expansion of electric distribution services, or any other related matters; the Owner shall enter into a development agreement with PowerStream Inc. which addresses the foregoing requirements.
 10. Prior to final approval, the Owner shall submit to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of the Block Area, Lot Frontage and Lot Depth in accordance with the approved Zoning By-law for the Block within the Plan.
 11. The Owner shall erect fencing in the locations and of the types as shown on the approved construction drawing and as required by the City, in accordance with the Urban Design and Architectural Design Guidelines.
 12. The City acknowledges that the Owner has entered into a Site Plan Development Agreement (File DA.04.047) to the satisfaction of the City.

The Agreement deals with matters including, but not limited to the following: engineering matters such as municipal services; road widening; construction and reconstruction; signals; grading; fencing; noise mitigation, and warning clauses; financial issues, such as cash contributions, levies (development charges); land dedications or reserves; securities, and letters of credit; planning matters such as residential reserve blocks, buffer blocks, site plan and landscape plan approvals and conservation heritage activities.
 13. Prior to final approval of the plan, the Owner shall forward a copy of the Noise Report to the satisfaction of the City. The Owner shall satisfy all requirements with respect to noise attenuation measures within the Plan and include the necessary warning clauses in the Offers of Purchase and Sale for those lots affected. The warning clauses pertain to noise levels from traffic and construction and building activities.
 14. The following warning clause shall be included in all Offers of Purchase and Sale or Lease:
 - "The Owner shall inform the public and all purchasers and tenants that this development will function as a common element condominium and all details and associated costs shall be presented in the sales office, and through marketing material etc."
 15. The private driveways within this draft plan of subdivision shall be named to the satisfaction of the City in consultation with the Regional Planning and Development Services Department; proposed names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
 16. The Owner shall not apply for occupancy permits and the City shall not issue occupancy permits until the City is satisfied that temporary vehicular turn-around is constructed in accordance with the approved Construction Drawings.

The Owner shall maintain and not remove the temporary vehicular turn-around until the development of the adjacent lands and the extension of the road allowances. Following the extension of the road allowances, the Owner shall remove the temporary vehicular turn-around and restore the affected roadway and boulevards at his cost and to the satisfaction of the City.

17. The following warning clause shall be included in all Offers of Purchase and Sale or Lease:

- "Purchasers and/or tenants are advised that the road adjacent to Lot 17 ending in a dead end or cul-de-sac may be extended in the future to facilitate development of adjacent lands without further notice."

18. The following warning clause shall be included in all Offers of Purchase and Sale or Lease:

- "Purchasers and/or tenants are advised that the dwelling on Lot 17, may front onto or abut a temporary vehicular turn-around/and or hammerhead. The temporary vehicular turn-around/and or hammerhead will be removed upon the development of the adjacent lands and the extension of the road allowance."

Region of York

19. Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.

20. The Owner shall agree in the subdivision agreement that all unused wells shall be decommissioned according to Ontario Regulation 903 prior to any construction works occurring on the site.

21. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Works Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.

22. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation and Works Department recommending noise attenuation features.

23. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Works Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation and Works Department.

24. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Works Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment Guidelines and the York Region Noise Policy.

25. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

26. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation and Works Department, the following:

- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) that maintenance of the noise barriers and fences bordering on York Region's right-of-way shall not be the responsibility of York Region; and
 - d) that any landscaping provided on York Region's right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
27. The Owner shall convey the following lands, along the entire frontage of the site adjacent to Dufferin Street, to York Region, free of costs and encumbrances;
- a) sufficient property to provide 18.0 metres from the centreline of construction of Dufferin Street;
 - b) sufficient property to provide a 15.0 metres daylighting triangle at the northeast corner of Dufferin Street and Summeridge Drive; and
 - c) a 0.3 metre reserve across the full frontage of the site where it abuts Dufferin Street shall be conveyed to the Regional Municipality of York for public highway purposes, free of all costs and encumbrances.
28. Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Dufferin Street abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of Dufferin Street.
29. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Works Department that the Owner will be responsible for determining the location of all utility plants within York Region's right-of-way and for the cost of relocating replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
30. Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation and Works Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadway listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadways that have/will have transit services.
- Existing YRT Transit services operate on the following roadway in the vicinity of the subject lands:
- Dufferin Street
31. Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation and Works Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway to the Regional roadway as follows:
- Connecting the north side of the east-west section of the "proposed Common Elements Roadway" to the required sidewalk on the east side of Dufferin Street.

- Connecting the west side of the north-south section of the "proposed Common Elements Roadway" to the "Proposed Sidewalk" on the north side of Summeridge Drive.
32. The concrete pedestrian access connection shall meet the local municipality's standard for sidewalks and shall be owned and maintained by the area municipality
 33. The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 32 above.
 34. Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk location and concrete pedestrian access to the satisfaction of York Region.
 35. The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in Condition 30. This includes potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information at sales offices) and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
 36. The Owner shall satisfy the Regional Municipality of York Transportation and Works Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have or will have transit services, sidewalks, pedestrian access and bus stop locations.
 37. Prior to final approval, the Owner shall submit engineering plans for York's Region's approval that identify on the plans the Transit requirements.
 38. The Owner shall enter into an agreement with the Region of York, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development charges are payable prior to final approval in accordance with By-laws DC-0005-2003-050 and DC-0005(a)-2005-060.

Canada Post

39. The Consulting Engineers shall send Canada Post, two (2) copies of the Utility co-ordination plan/site plan, for use in identifying our Community Mailbox location.
40. The Owner/Developer shall agree to include on all offers of purchase/rental agreement (if applicable) and sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
41. The Owner/Developer will be responsible for notifying the purchaser/renter of the exact Community Mailbox locations prior to the closing of any home sale.
42. The Owner/Developer shall consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plans.
43. The Owner/Developer shall provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - a) An appropriately sized sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on.
 - b) Any required walkway across the boulevard, as per municipal standards.

- c) Any required curb depressions for wheelchair access.
44. The Owner/Developer shall further agree to determine and provide and fit up a suitable temporary Community Mailbox Location(s) which may be utilized by Canada Post until curbs, sidewalks and final grading have been completed at the permanent Community Mailbox Locations. This will enable Canada Post to provide mail delivery to new residences as soon as the homes are occupied.

Clearances

45. The City shall advise that Conditions 1 to 18 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
46. The Region of York shall advise that Conditions 19 to 38 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
47. Canada Post shall advise that Conditions 39 to 44 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.



Location Map

Part of Lot 12,
Concession 2

APPLICANT:
ELM THORNHILL WOODS INC.

City of
Vaughan

The City Above Toronto

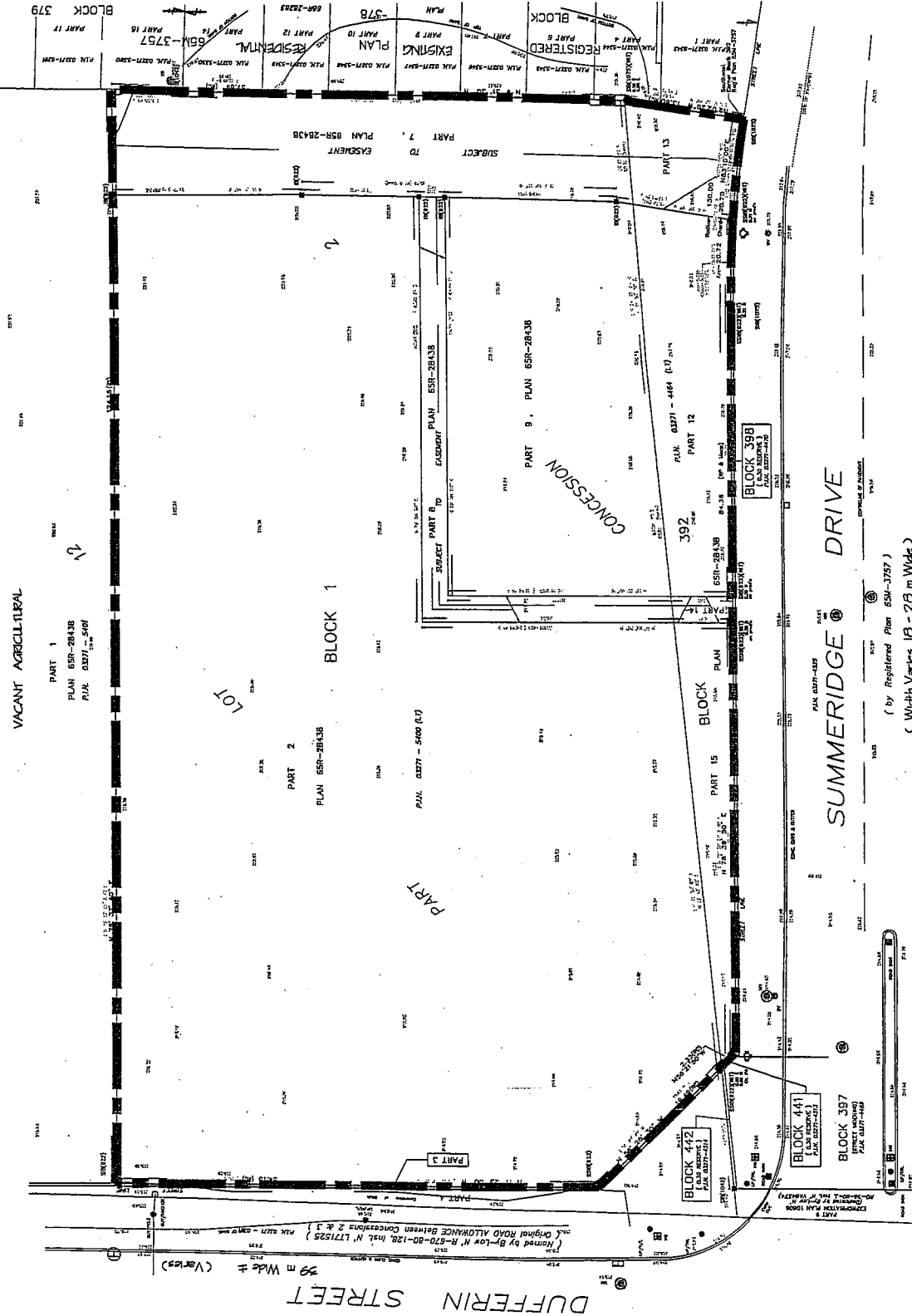
Development Planning Department

Attachment

2

FILE No.:
Z.07.034 & 19T-07V03
RELATED FILES:
19CDM-07V06 & DA.04.047
January 4, 2008

EXISTING 30M WIDE HIGHWAY 404, N. 4040
 EXISTING 30M WIDE HIGHWAY 404, N. 4040
 EXISTING 30M WIDE HIGHWAY 404, N. 4040



VACANT AGRICULTURAL

PART 1
 PLAN 65R-2843B
 PLAN 65R-2843B

LOT 2

LOT 2

BLOCK 1

PART 2
 PLAN 65R-2843B

PART 3

PART 9, PLAN 65R-2843B

CONCESSION

BLOCK 392

PART 15

PLAN 65R-2843B

BLOCK 398

PLAN 65R-2843B

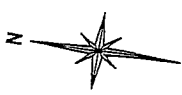
SUMMERIDGE DRIVE

(By Registered Plan 65R-3757)

(Width Varies 18 - 28 m Wide)

DUFFERIN STREET

39 m Wide ± (Varies)



Not to Scale

SUBJECT LANDS

Draft Plan of Subdivision

Part of Lot 12,
 Concession 2

APPLICANT:
 ELM THORNHILL WOODS INC.



The City Above Toronto

Development Planning Department

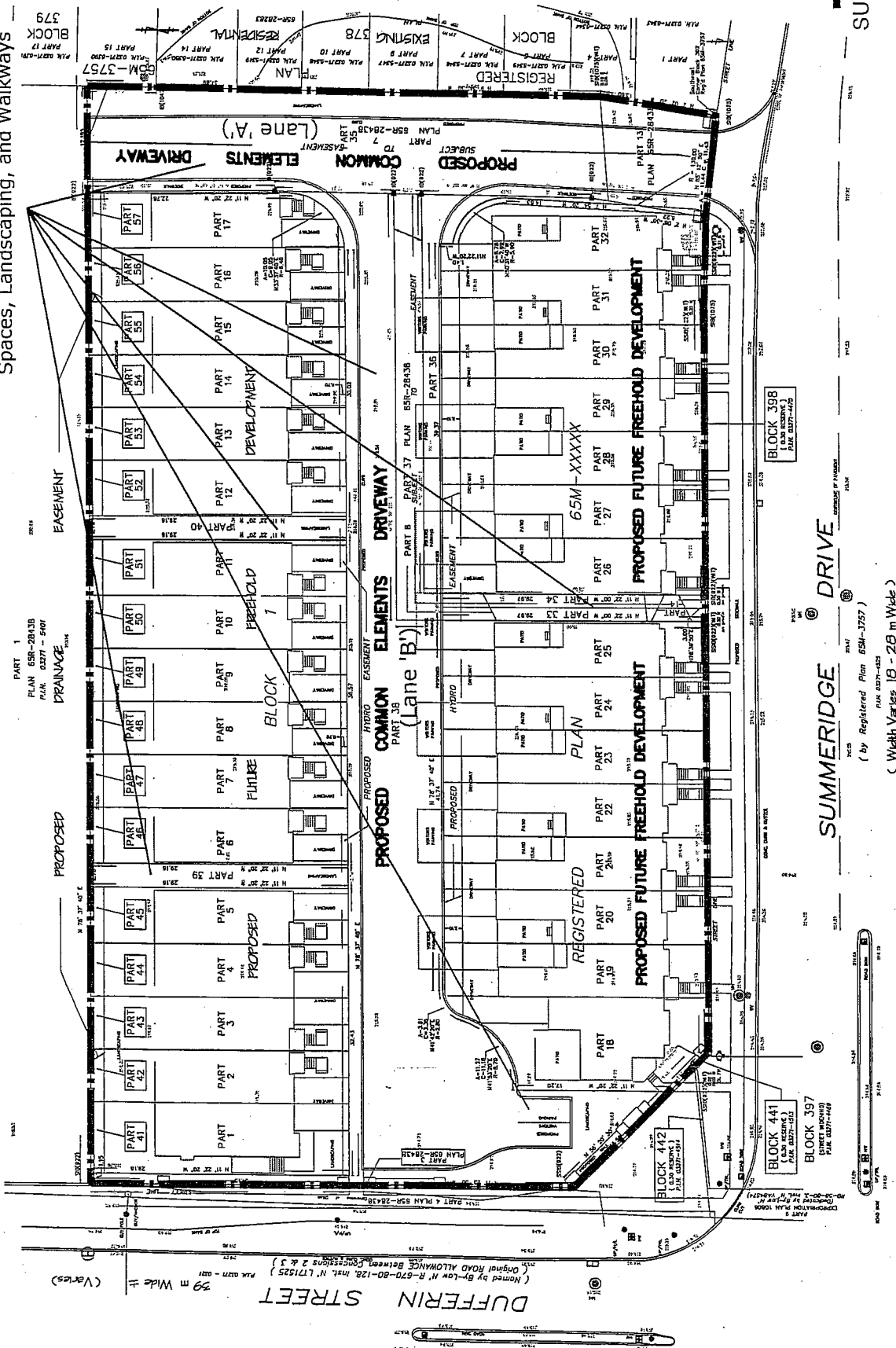
Attachment 3

FILE No.:
 Z.07.034 & 19T-07V03
 RELATED FILES:
 19CDM-07V06 & DA.04.047
 January 4, 2008

VACANT AGRICULTURAL

PART OF LOT 12, CONCESSION 2

COMMON ELEMENTS INCLUDE :
Private Driveways, Visitor Parking
Spaces, Landscaping, and Walkways



Approved Site Plan For Townhouse Development (Under Construction)

APPLICANT: ELM
THORNHILL WOODS INC.
Part of Lot 12,
Concession 2

City of
Vaughan

The City Above Toronto

Development Planning Department

Attachment

4

FILE No.:
19T-07V03 & Z.07.034
RELATED FILE:
19CDM-07V06

January 4, 2008