

COMMITTEE OF THE WHOLE MARCH 3, 2009

**ZONING BY-LAW AMENDMENT FILE Z.07.010
1231674 ONTARIO INC.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.07.010 (1231674 Ontario Inc.) BE APPROVED, to amend By-law 1-88, specifically to rezone the subject lands shown on Attachment #1 from A Agricultural Zone, subject to Exception Paragraph 9(692) to R5(H) Residential Zone with the addition of the Holding Symbol "(H)", OS1 Open Space Conservation Zone, and A Agricultural Zone as shown on Attachment #2, with the following exceptions to facilitate the development of 8 detached dwellings accessed by a private common element road as shown on Attachment #2:
 - i) permit a building or structure without frontage on a public street, whereas frontage on a public street is required;
 - ii) a minimum rear yard of 4.5m (Lots 4 to 8), 5.4m (Lot 1), and 6.6m (Lot 3), whereas 7.5m is required;
 - iii) a minimum interior setbacks of 0.3m (Lots 2 and 3 and 5 to 7) and 1.2m (Lots 1 and 2, and 4 to 7), whereas 1.5m is required;
 - iv) a minimum setback of 6.0m to the garage, whereas 6.4m is required;
 - v) a common element driveway width of 8.0m, whereas 7.5m is the maximum permitted;
 - vi) a minimum lot area of 209m² (Lots 5, 6 and 7), whereas 225m² is required;
 - vii) a minimum exterior side yard of 1.81m (Lot 4), whereas 4.5m is required;
 - viii) a minimum exterior side yard abutting the turn-around of 1.81m, whereas 4.5m is required; and,
 - ix) a minimum exterior side yard of 0.3m (Lots 1 and 8), whereas 4.5m is required.

2. THAT the Holding Symbol "(H)" shall be removed from the subject lands zoned R5(H) Residential Zone upon:
 - i) servicing capacity being allocated by Council; and,
 - ii) a Site Development Application is approved by Council.

Economic Impact

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

Communications Plan

On May 25, 2007, a Notice of Public Meeting was circulated to all property owners within 120 m of the subject lands, Genova Court, Sicilia Street, Campania Court, Calabria Court, the Owners of property with municipal addresses 143-165, 183-193, and 172-230 Castlepoint Drive and 8709-8779 Martin Grove Road. Four (4) residents who reside in the surrounding area appeared as delegations at the Public Hearing. Concern was expressed respecting the general maintenance of the lands located beneath a Hydro Corridor. Although the residents stated that development of the lands was worthy of being supported, there was concern with respect to the density being considered at the time. The original application considered at the Public Meeting consisted of 12 detached dwellings accessed from a private road as shown on Attachment #3.

The applicant has since revised the plan as shown on Attachment #2 consisting of 8 detached dwellings on the subject lands. The recommendation of the Committee of the Whole to receive the Public Meeting report of June 18, 2007, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 25, 2007.

Purpose

The Owner has submitted a Zoning By-law Amendment Application (File Z.07.010), specifically to amend By-law 1-88 to rezone the subject lands shown on Attachment #1 from "A" Agricultural Zone to R5 Residential Zone with the necessary zoning exceptions required to implement the proposed 8 unit, single-detached development, as shown on Attachment #2.

Background - Analysis and Options (Planning Considerations)

Location

The subject lands shown on Attachment #1 are located south of Sicilia Street, east of Genova Court, located northeast of Martin Grove Road and Langstaff Road, being Blocks 120 and 121 within Registered Plan 65M-2984, City of Vaughan. The surrounding land uses are shown on Attachment #1.

Provincial Policy Statement

The subject applications were initiated after March 1, 2005, and are therefore, subject to the 2005 Provincial Policy Statement (PPS). The PPS sets out the overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage the focus of new growth to urban areas. The PPS promotes efficient, cost effective development, and land use patterns that are based on densities which:

- i) efficiently use land, resources, infrastructure, and public service facilities; and,
- ii) avoid the need for unnecessary and/or uneconomical expansion of infrastructure.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents by ensuring all forms of residential intensification in parts of built-up areas that have sufficient infrastructure to create a potential supply of new housing units. Development and land use patterns which may cause environmental or public health and safety concerns shall be avoided. The proposal meets the intent of the PPS with respect to the efficient use of land and infrastructure and providing a range of housing types.

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 conforms to the Official Plan.

Environmental

The subject lands, being Blocks 120 and 121 of Plan 65M-2984, were not developed at the same time as the balance of the subdivision (File 19T-88009) 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 Zoning By-law 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 is 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 was 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. The City of Vaughan Engineering Department is satisfied that methane gas is no longer an issue.

On December 18, 2006, Council approved a Zoning By-law Amendment Application (File Z.06.011) related to lands abutting the subject lands (shown as Parts 1, 2, 3 and 4 on Attachment #2) in order to facilitate the severance of a portion of Block 120 within Plan 65M-2984 into 2 residential lots.

Hydro One Corridor

The proposed development will be accessed from Sicilia Street, through a hydro corridor (Block 121 within Plan 65M-2984), which is owned by the Applicant. Hydro One has indicated in writing (by correspondence dated April 4, 2006 and April 24, 2008), that they are supportive of allowing an access through the hydro corridor. The applicant has advised that the access will be via a common element road and that the areas noted as common element on the periphery (as shown on Attachment #2) will be landscape areas that will be maintained by the condominium corporation. As such, the applicant will be required to submit applications for Draft Plan of Condominium and Site Development approval to facilitate the proposed development.

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 subject lands be rezoned from A Agricultural Zone to R5 Residential Zone with the following exceptions in order to facilitate the proposed development concept shown on Attachment #2.

- i) permit a building or structure without frontage on a public street, whereas frontage on a public street is required;
- ii) a minimum rear yard of 4.5m (Lots 4 to 8), 5.4m (Lot 1), and 6.6m (Lot 3), whereas 7.5m is required;
- iii) a minimum interior setbacks of 0.3m (Lots 2 and 3 and 5 to 7) and 1.2m (Lots 1 and 2, and 4 to 7), whereas 1.5m is required;

- iv) a minimum setback of 6.0m to the garage, whereas 6.4m is required;
- v) a common element driveway width of 8.0m, whereas 7.5m is the maximum permitted;
- vi) a minimum lot area of 209m² (Lots 5, 6 and 7), whereas 225m² is required;
- vii) a minimum exterior side yard of 1.81m (Lot 4), whereas 4.5m is required;
- viii) a minimum exterior side yard abutting the turn-around of 1.81m, whereas 4.5m is required; and
- ix) a minimum exterior side yard of 0.3m (Lots 1 and 8), whereas 4.5m is required.

The R5 Residential Zone will be applied to the lands devoted to the residential development, the driveway, and the common element landscaped areas. The proposed dwelling will be accessed by a common element road. An application for Draft Plan of Condominium approval and a Site Development Application will be required to facilitate the proposed plan shown on Attachment #2. It is noted that the Toronto and Region Conservation Authority has identified a 5m landscaped buffer to protect the valley edge located at the south-west limit of the property as shown on Attachment #2. It is recommended that these lands be zoned OS1 Open Space Conservation Zone as shown on Attachment #2. Furthermore, it is recommended that the balance of the lands lying under the Hydro Corridor remain zoned A Agricultural Zone to prevent development of these lands with residential or other uses. The R5 Residential Zone permits detached dwellings within the built-up area of the City, and together with the noted zoning exceptions can accommodate the proposed development concept.

The Engineering Department has advised that the allocation of servicing for the proposed additional lots is not available at this time. Accordingly, the Development Planning Department recommends that the lands be zoned R5(H) Residential Zone with the Holding Symbol "(H)", which will prevent development until servicing becomes available, and upon which, the Holding Symbol "(H)" can be removed. The proposed residential block development is subject to Site Plan Control. Accordingly, it is recommended that prior to the removal of the Holding Symbol "(H)", that a Site Plan Application be approved by Council to facilitate the development. This will also ensure that open space areas shown on the concept plan (i.e. the area west of the turn-around, the parking circle, and the area between the proposed dwellings and the hydro-corridor) will be landscaped to the satisfaction of the City.

Engineering Department

The Engineering Department has provided the following comments:

a) Servicing Capacity

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on February 26, 2007, servicing allocation capacity for the above noted development application has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development concept.

As noted earlier, the proposed development concept will be zoned with the Holding Symbol "(H)", to be removed at such time that servicing is allocated. The Engineering Department intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol. The availability of servicing capacity may be revisited at that time, in consideration of the status of other development applications.

b) Environmental Site Assessment (ESA)

The City is in receipt of an acceptable Record of Site Condition (RSC) with the Environmental Site Registry of the Ministry of the Environment (MOE), which includes the acknowledgement from the MOE and a signed RSC by a qualified person.

The applicant has also received written approval from both the City and the Region of York to use non-potable ground water condition standards as the assessment criteria for any required remedial operations.

c) Other

Supporting material that may be required at the Site Plan stage may include the submission of the stormwater and servicing report, noise report, sanitary servicing, functional servicing, and lot grading information.

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. As part of the previous development application (File Z.06.010), the Toronto and Region Conservation Authority (TRCA), Owner and the City visited the site on March 31 and July 20, 2006 to verify the extent and nature of the feature. Another site visit was conducted on August 24, 2007 and the TRCA has no objection to the subject application provided that the natural feature and a 5m buffer area are zoned in an appropriate open space category.

Real Estate

The Real Estate Department has advised that the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Planning Act and the City's cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

N/A

Conclusion

The Zoning By-law Amendment Application has been reviewed in accordance with the policies in OPA #240, the requirements of Zoning By-law 1-88, the comments received from City Departments and the Toronto and Region Conservation Authority. The Development Planning Department is satisfied that the proposal to facilitate the development of 8 single-family detached dwellings on a common element road complies with the Official Plan and is compatible with surrounding land uses and appropriate at this location, subject to the comments and recommendation in this report. Accordingly, the Development Planning Department can support the Zoning By-law Amendment Application.

Attachments

1. Location Map
2. Proposed Concept Plan and Zoning
3. Original Concept Plan Considered At Public Meeting (June 18, 2007)

Report prepared by:

Clement Messere, Planner, ext. 8409

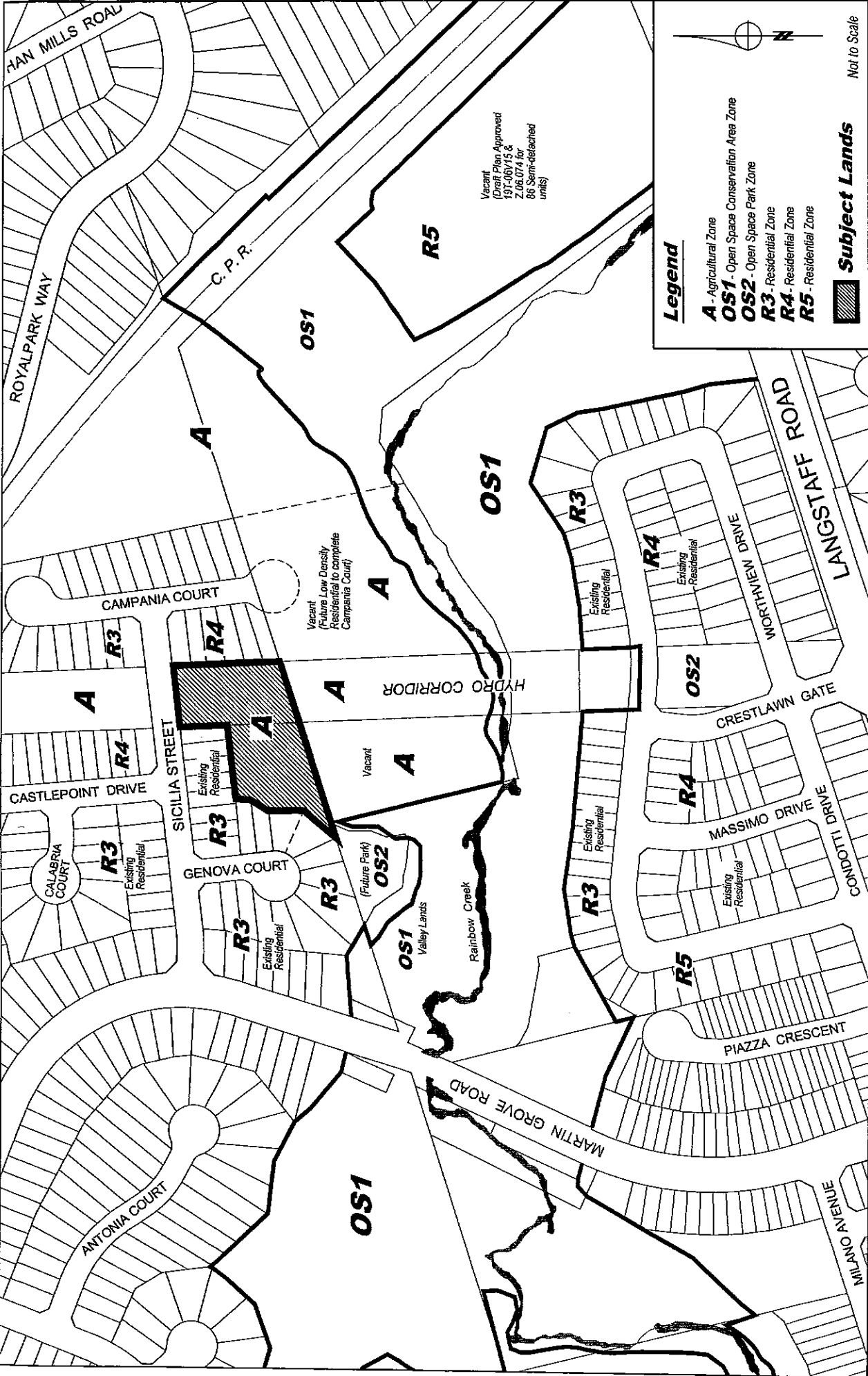
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



Legend

- A - Agricultural Zone
- OS1 - Open Space Conservation Area Zone
- OS2 - Open Space Park Zone
- R3 - Residential Zone
- R4 - Residential Zone
- R5 - Residential Zone

Subject Lands Not to Scale

Location Map

Part of Lot 12,
Concession 8
APPLICANT:
1231674 ONTARIO INC.



Development Planning Department

Attachment 1

FILE No.:
Z.07.010

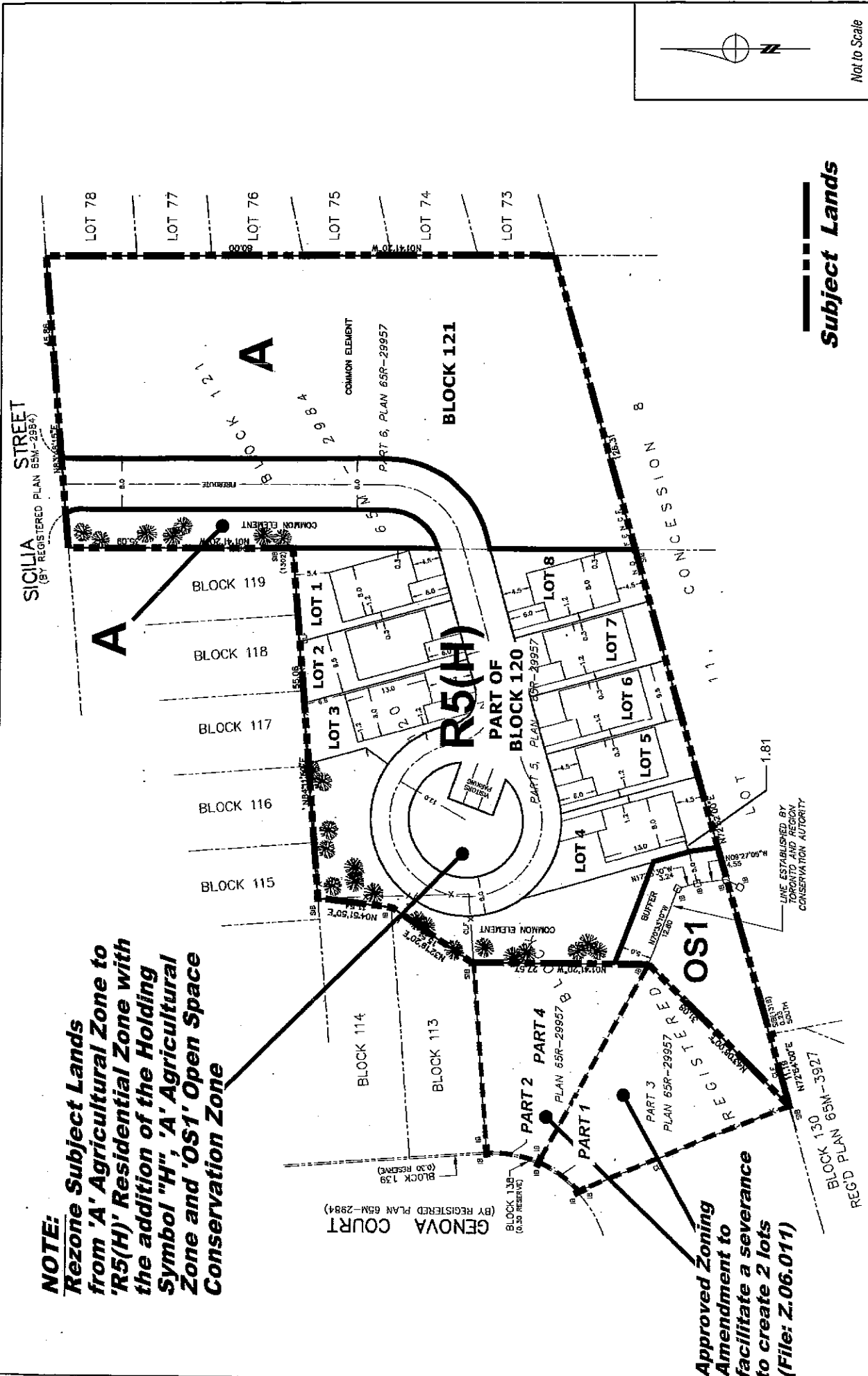
February 9, 2009

INVENTORY ATTACHMENTS\Z07.010.DWG

NOTE:

Rezone Subject Lands from 'A' Agricultural Zone to 'R5(H)' Residential Zone with the addition of the Holding Symbol 'H', 'A' Agricultural Zone and 'OS1' Open Space Conservation Zone

Approved Zoning Amendment to facilitate a severance to create 2 lots (File: Z.06.011)



Subject Lands

Not to Scale

Proposed Concept Plan & Zoning

APPLICANT:
1231674 ONTARIO INC.

Part of Lot 12,
Concession 8

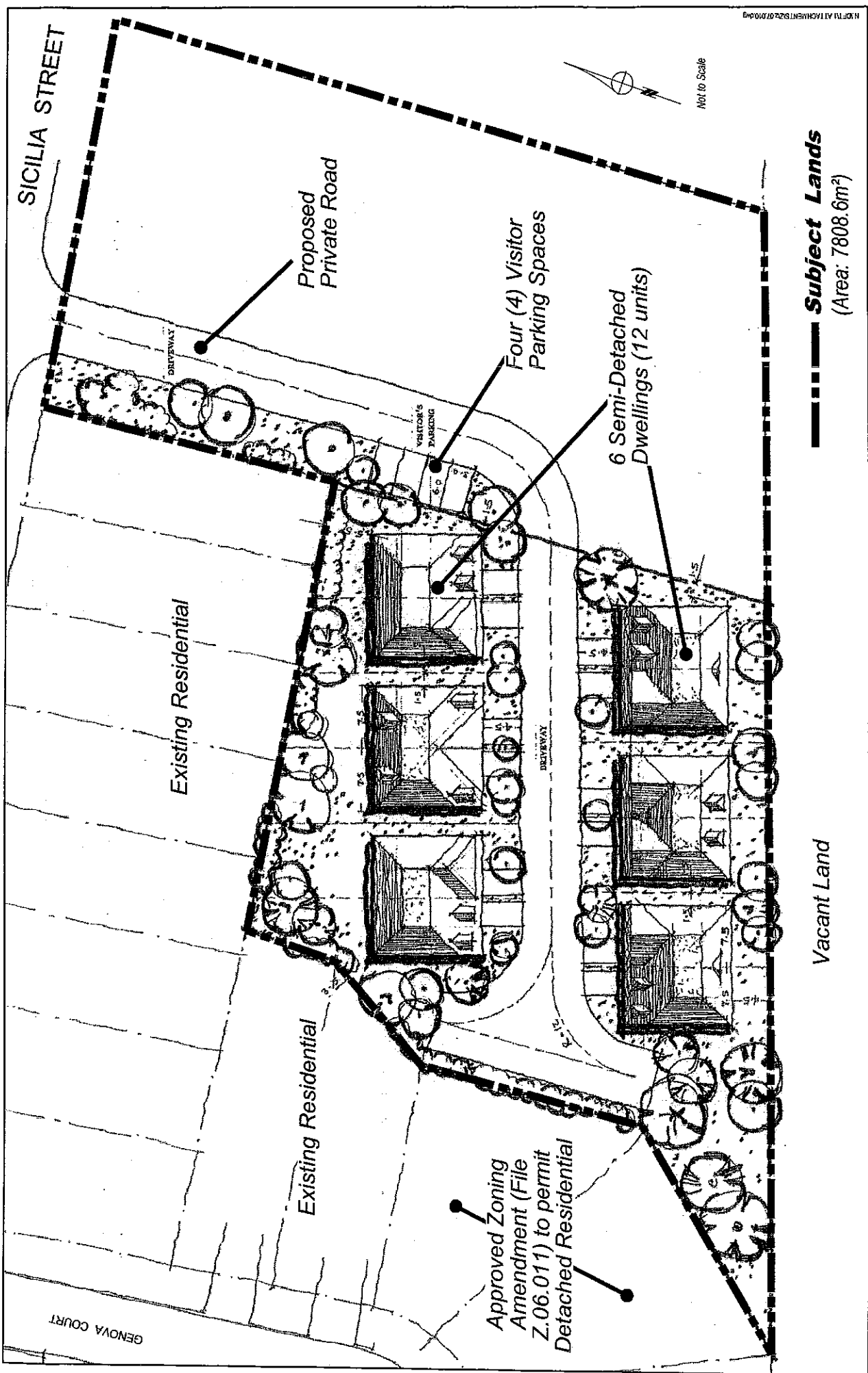


Development Planning Department

Attachment 2

FILE No.:
Z.07.010

February 11, 2009



Subject Lands
(Area: 7808.6m²)

Vacant Land

Attachment 3

FILE No.: Z.07.010
February 9, 2009

CITY OF Vaughan
Development Planning Department

Original Concept Plan Considered at Public Meeting (June 18, 2007)
APPLICANT: Part of Lot 12, Concession 8
1231674 ONTARIO INC.

Approved Zoning Amendment (File Z.06.011) to permit Detached Residential

NORTH ATTACHMENT 3 Z.07.010.dwg