

COMMITTEE OF THE WHOLE OCTOBER 19, 2009

ZONING BY-LAW AMENDMENT FILE Z.09.012 MARIBEL DOSSANTOS AND JOAO DEFARIA WARD 3

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.012 (Maribel Dossantos and Joao Defaria) BE APPROVED, to amend By-law 1-88, specifically to:
 - a) rezone the subject lands shown on Attachment #2 from A Agricultural Zone to RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone and OS4 Open Space Woodlot Zone in the manner shown on Attachment #3;
 - b) permit the following zoning exceptions to the RD3 Zone to facilitate the future Consent applications to create four lots as shown on Attachment #3:
 - i) a minimum front yard of 5.0m for Lot 1, whereas 7.5m is required; and,
 - ii) a minimum lot depth of 26.7 m for Lot 1, whereas 27m is required.

Contribution to Sustainability

On November 12, 2007, Vaughan Council adopted Energy Star Conditions to be included in all Draft Plan of Subdivision approvals. Although these lots are planned to be created through Consent Applications, the future dwellings will be subject to the Energy Star requirements to be implemented through an engineering development agreement as a condition of approval for the respective Consent applications.

Economic Impact

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

Communications Plan

On May 29, 2009, a Notice of Public Meeting [Committee of the Whole (Public Hearing)] was circulated to all property owners within 150m of the subject lands. The recommendation to receive the Public Hearing report of June 23, 2009, was ratified by Vaughan Council on June 30, 2009.

On October 9, 2009, the Development Planning Department provided notice by mail to two individuals that requested notification of the subject Committee of the Whole meeting as follows: Grace Sorgini (97 Gas Light Crescent, Woodbridge) and Mark Fazari (21 Terme Avenue, Woodbridge).

Purpose

To amend the City's Zoning By-law 1-88, to rezone the subject lands shown on Attachment #2 from A Agricultural Zone to RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone, and OS4 Open Space Woodlot Zone, to facilitate the future severance of the property into four residential lots (proposed minimum lot frontage of 12.8 m) for single detached dwellings, an open space buffer (OS1) and protection of the woodlot (OS4), as shown on

Attachment #3. In addition, the following zoning exceptions are required to facilitate the proposed development:

- i) a minimum front yard of 5.0m for Lot 1, whereas 7.5m is required; and,
- ii) a minimum lot depth of 26.7 m for Lot 1, whereas 27m is required.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the east side of Pine Valley Drive, south of Major Mackenzie Drive, in Planning Block 39, being Part of Lot 19, Concession 6, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan and Block Plan

a) OPA #600 and Block 39 Plan

The subject lands are designated "Low Density Residential", "Valley Lands", and "Tableland Woodlot" by OPA #600 and are further designated "Single Detached" by the approved Block 39 Plan (Attachment #4). The proposal to rezone the property from A Agricultural Zone to RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone, and OS4 Open Space Woodlot Zone conforms to the Official Plan.

b) OPA #94

OPA #94 includes general severance policies for the City and five (5) criteria to evaluate a proposed severance including compatibility of the proposed lots with adjacent uses, access, the availability of services, conservation and financial implications.

The existing lots on Via Teodoro generally have lot frontages ranging from 12.8 m to slightly over 15 m and lot areas from 430 m² to 491 m². The majority of these lots (76%) have minimum 12.8m frontages, with the remainder being minimum 15 m wide corner lots or lots abutting an open space block. The lot to the immediate east of the subject lands has a slightly larger lot frontage of 15.4 m² given its configuration as a "reverse pie" lot (ie. wider frontage that narrows at the rear of the lot). The proposed lots have a minimum lot frontage of 12.8 m and areas ranging between 409 m² to 727 m². The proposed lots are consistent with the existing lot fabric on Via Teodoro and comply with the minimum requirements of the RD3 Residential Detached Zone Three.

The proposed lots have access from Via Teodoro which is constructed, including service connections in the road. The Toronto and Region Conservation Authority (TRCA) has reviewed the application and are satisfied with the proposed rezoning, subject to the open space lands and woodlot being zoned OS1 Open Space Conservation Zone and OS4 Open Space Woodlot Zone in the manner shown on Attachment #3. In addition, no capital expenditures are required to extend any major services or facilities for the proposed development. Accordingly, the application conforms to the requirements of OPA #94.

Zoning

i) Development Plan

The subject lands are zoned A Agricultural Zone by By-law 1-88. The proposed RD3 Residential Detached Zone Three provisions of By-law 1-88 establish the following development standards:

- Minimum Lot Frontage - 12.0m
- Minimum Lot Area - 324m²
- Minimum Lot Depth - 27m
- Minimum Front Yard Setback - 4.5m
- Minimum Rear Yard Setback - 7.5m
- Minimum Interior Side Yard Setback - 1.2m
- Minimum Exterior Side Yard Setback - 4.5m
- Maximum Building Height - 11.0m

The proposed rezoning of the tableland from A Agricultural Zone to RD3 Residential Detached Zone Three is consistent with the existing RD3 zoning for the lands in the vicinity of the property and fronting onto Via Teodoro. The proposed minimum 12.8 m lot frontage and lot areas ranging from 409m² to 727 m² also comply with the requirements of the RD3 Residential Detached Zone Three. Accordingly, the proposed lot frontage and areas are considered to be appropriate in the context of their compatibility with the surrounding residential lotting pattern in the adjacent easterly approved Plan of Subdivision (File 19T-04V01). Based on the concept plan submitted in support of the application, Lot 1 is an irregular-shaped parcel, and the following site-specific zoning exceptions are required to facilitate future development on the proposed residential lot:

- a) Lot 1 - Minimum rear yard setback of 5.0m, whereas 7.5m is required; and,
- b) Lot 1 - Minimum lot depth of 26.76m, whereas 27m is required.

The Development Planning Department has no objections to the conceptual development plan and the above-noted exceptions to By-law 1-88, which will facilitate development that is consistent with other dwellings on Via Teodoro. The property is also located within the Block 39 Planning area, which is subject to Architectural Control and the future dwellings will maintain a compatible built form, building materials, and architecture.

ii) Valley Land & Woodlot

The property is partially located within a Regulated Area of the Humber River Watershed. The Toronto and Region Conservation Authority (TRCA) has reviewed the application and advised that they are satisfied with the proposed rezoning subject to the woodlot located at the north limit of the plan and the valley lands being zoned in a manner to protect these features. The woodlot is proposed to be zoned OS4 Open Space Woodlot Zone. The valley lands are proposed to be zoned OS1 Open Space Conservation Zone, as shown on Attachment #3 and intended to protect the valley system along the northwest limit of the plan and implement the landscape buffer along Pine Valley Drive, consistent with the adjacent Draft Plan of Subdivision (File 19T-04V01) to the immediate south.

The TRCA has also confirmed the location of the dripline at the rear of the proposed lots. The dripline will be maintained in order to preserve the more significant trees. The dripline will not impact the proposed development envelopes for Lots 2, 3, and 4 as a 7.5 m rear yard setback is being maintained for each lot.

The TRCA has requested that a 10m setback from the flood line and an additional 4 m slope stability setback be maintained to any dwelling. These setbacks are incorporated within the limits and form the boundary of the proposed OS1 Open Space Conservation Zone as shown on Attachment #3. However, this matter results in the above-noted variances for rear yard setback and lot depth for Lot 1, as shown on Attachment #3. The Owner will be required to obtain a Permit from the TRCA, prior to any works occurring on this site.

Proposed Plan

The proposed lotting pattern shown on Attachment #3 is comprised of four lots intended for single detached dwelling units, which is both consistent with and provides an extension of the existing

development to the east, as shown on Attachment #2. The proposal would extend residential development along Via Teodoro with a proposed minimum lot frontage of 12.8 m and lot areas ranging between 409 m² to 727 m². The proposed plan includes lands to be zoned OS1 Open Space Conservation Zone and OS4 Open Space Woodlot Zone shown on Attachment #3 to protect the existing woodlot and valley land, respectively. A road widening for Pine Valley Drive and a 6 m wide landscape buffer is also provided along the west limit of the plan. The plan also includes lands that will form part of Via Teodoro.

Resident's Concerns

At the Public Hearing on June 23, 2009, deputants expressed concerns with respect to preserving some existing trees located on the proposed Lot 3, and the proposed lotting pattern.

There are some existing trees located on the property generally in the vicinity of the proposed Lot 3 which will be removed as part of this development. An Edge Management Plan has been submitted by the Applicant, prepared by Kuntz Forestry Consulting Inc., dated August 27, 2009, which provides for the removal of these trees and has been reviewed and approved by the Development Planning Department. However, the mature trees along the north limit of the property will be preserved and zoned into an OS4 Open Space Woodlot Zone, and these lands will be dedicated to either the TRCA or City.

With respect to the proposed lotting pattern, as discussed in this report, the minimum lot frontages and areas proposed for the 4 lots are in keeping with the easterly neighbouring subdivision and the lot frontages and lot areas on Via Teodoro. Lots 2, 3, and 4 will meet the building setbacks, lot depth and lot area requirements of the RD3 Residential Detached Zone Three. Only Lot 1 will require site-specific exceptions, specifically a reduction in the minimum lot depth and minimum rear yard setback as previously discussed in this report, due to the irregular configuration of this lot.

Vaughan Engineering Department

A Phase 1 ESA (Environmental Site Assessment) has been reviewed and approved by the Vaughan Engineering Department.

The Vaughan Engineering Department has confirmed that servicing allocation is available for the 4 proposed lots, therefore, the addition of the Holding Symbol "(H)" is not necessary.

The Owner intends to create the proposed lots through the Committee of Adjustment by submitting Consent Applications. Prior to the approval of the applications, the stormwater management report, site servicing and grading plans, and noise report must be approved to the satisfaction of the Vaughan Engineering Department. The Owner will also be required to enter into an engineering development agreement with the City to ensure that all engineering matters (e.g. dedication of road, securities, levies, etc.) are provided and secured.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has reviewed the Archaeological Assessment prepared by Archaeological Services Inc. As a future condition of the Consent Applications, the Archaeological Assessment must be approved to the satisfaction of the Vaughan Cultural Services Division.

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

The Region of York is requesting that a portion of the subject lands adjacent to Pine Valley Drive be reserved for a future road widening as shown on Attachment #3. As a condition of the Consent Applications, the Owner will be required to satisfy all conditions of the Region of York.

Conclusion

The proposed Zoning By-law Amendment File Z.09.012 has been reviewed by the Development Planning Department in accordance with the applicable policies of OPA #600, the requirements of By-law 1-88, the Block 39 Plan, the comments from City Departments and external public agencies, site considerations and the area context. The Development Planning Department is satisfied that the proposed rezoning of the subject lands from A Agricultural Zone to RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone, and OS4 Open Space Woodlot Zone to facilitate the severance of the property into four residential lots, provides for the protection of the existing natural features on the property, and would facilitate development that is compatible with the surrounding lands. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning and Severance Plan
4. Block Plan - Block 39

Report prepared by:

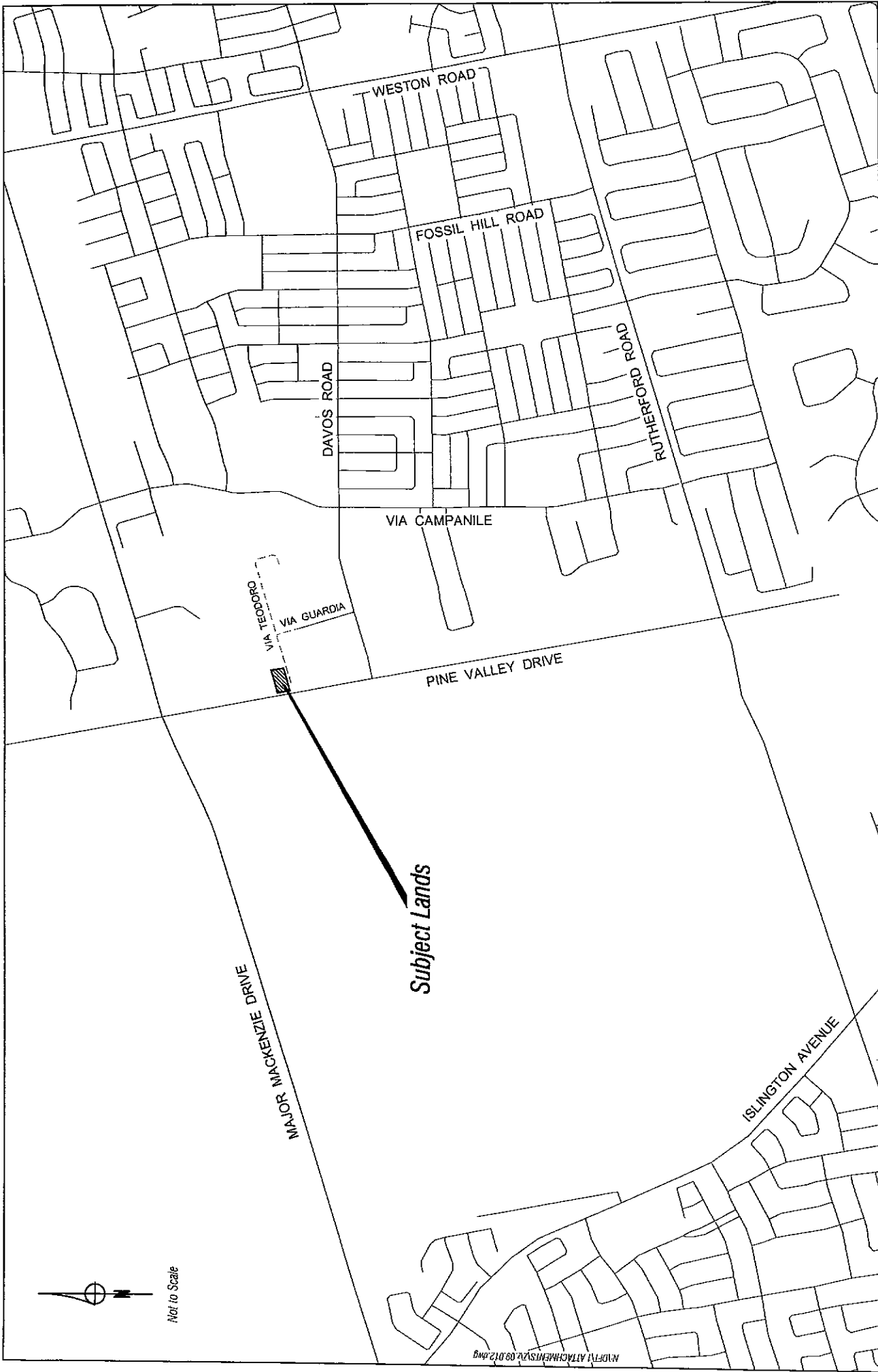
Morgan Jones, Planner 1, ext. 8216
Carmela Marrelli, Senior Planner, ext 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

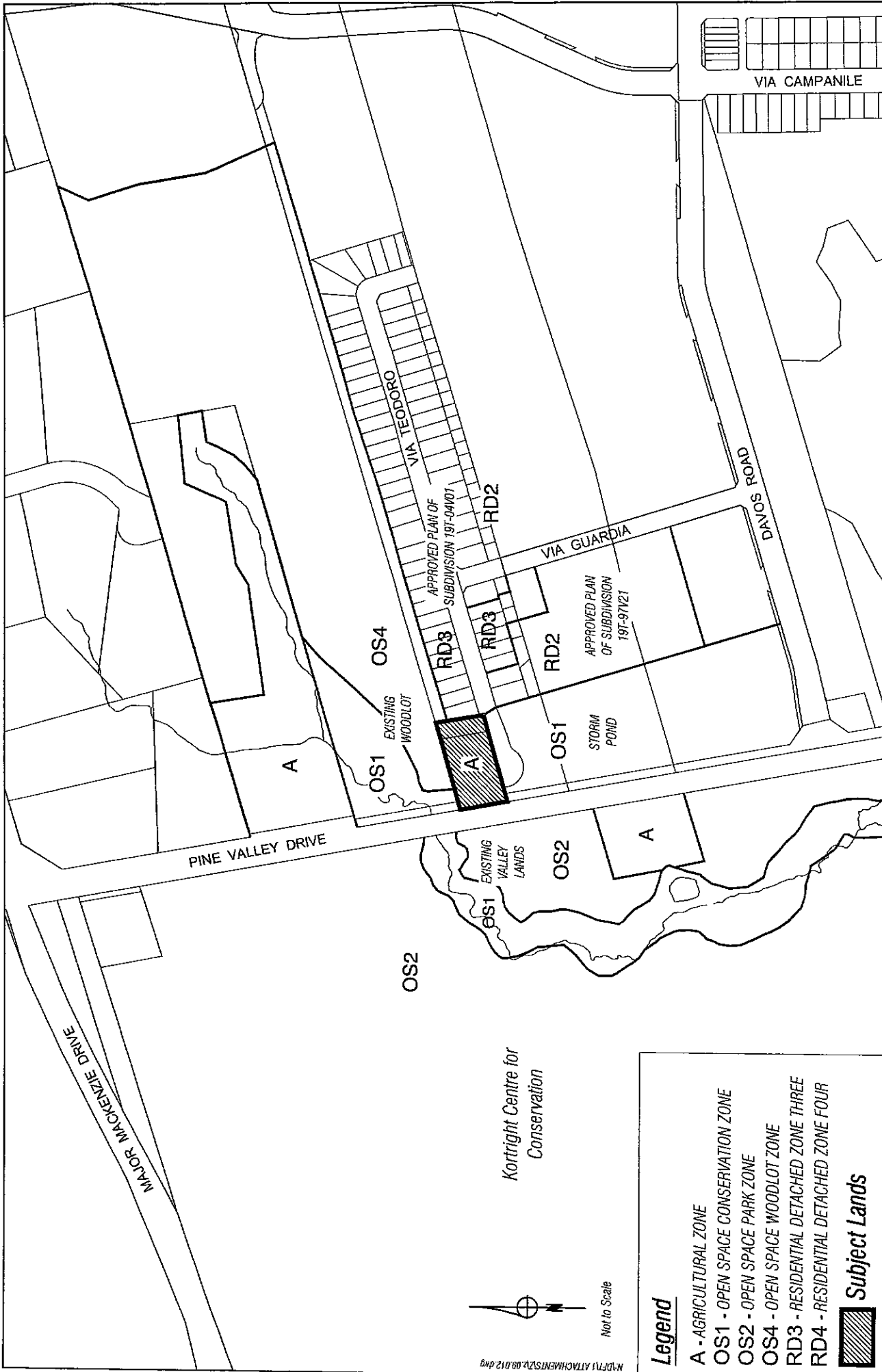
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning


/LG





Not to Scale

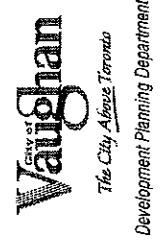
North Arrow

- Legend**
- A - AGRICULTURAL ZONE
 - OS1 - OPEN SPACE CONSERVATION ZONE
 - OS2 - OPEN SPACE PARK ZONE
 - OS4 - OPEN SPACE WOODLOT ZONE
 - RD3 - RESIDENTIAL DETACHED ZONE THREE
 - RD4 - RESIDENTIAL DETACHED ZONE FOUR
 -  Subject Lands

Location Map

Location:
Part Lot 19, Concession 6

Applicant:
Maribel Dossantos & Joao Delaria

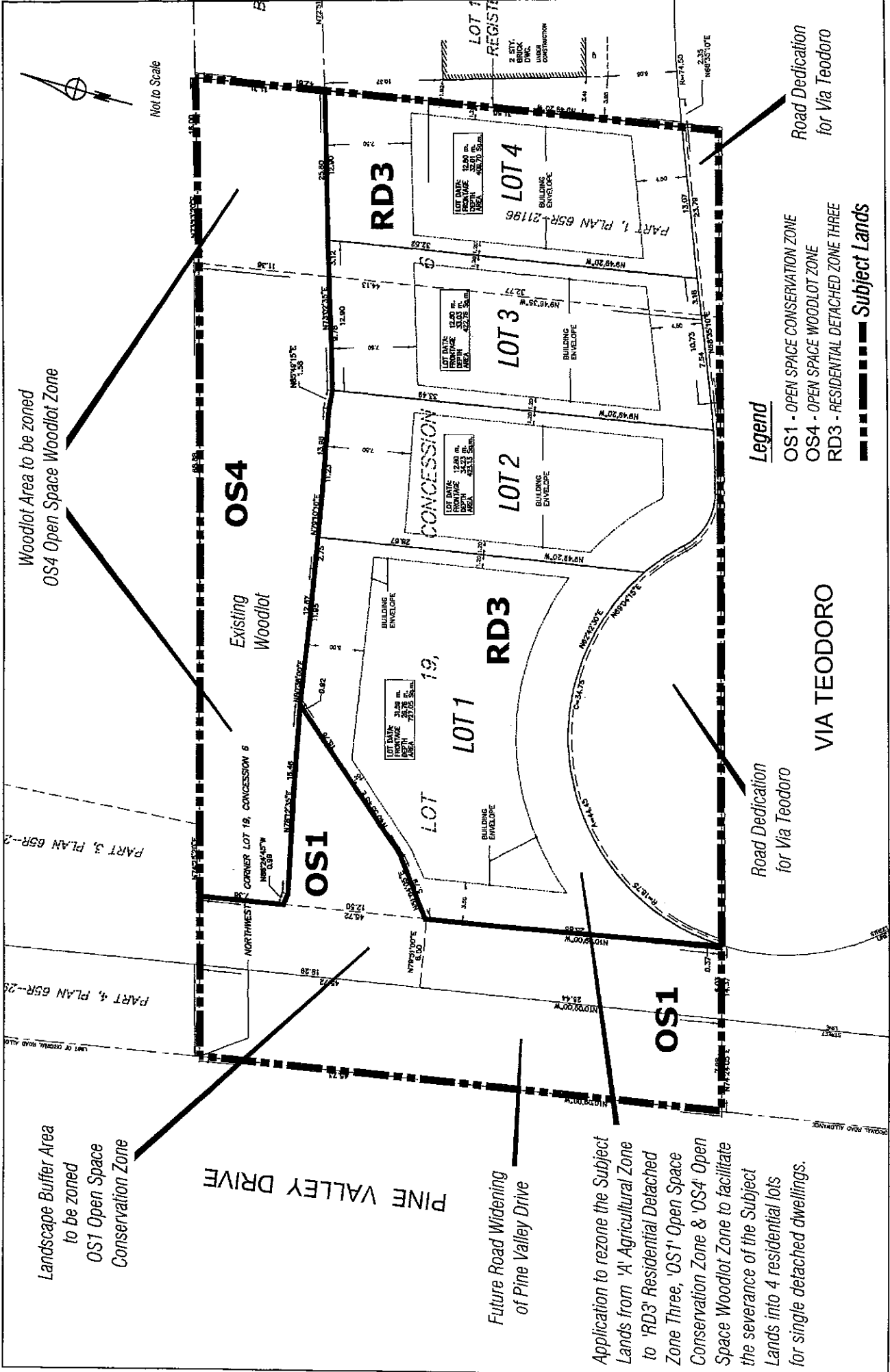


Attachment

File:
Z.09.012

Date:
September 24, 2009

2



PINE VALLEY DRIVE

Future Road Widening of Pine Valley Drive

Application to rezone the Subject Lands from 'A' Agricultural Zone to 'RD3' Residential Detached Zone Three, 'OS1' Open Space Conservation Zone & 'OS4' Open Space Woodlot Zone to facilitate the severance of the Subject Lands into 4 residential lots for single detached dwellings.

Road Dedication for Via Teodoro

VIA TEODORO

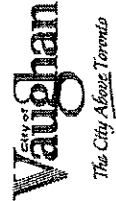
- Legend**
- OS1 - OPEN SPACE CONSERVATION ZONE
 - OS4 - OPEN SPACE WOODLOT ZONE
 - RD3 - RESIDENTIAL DETACHED ZONE THREE
 - Subject Lands

Road Dedication for Via Teodoro

Proposed Zoning & Severance Plan

Location: Part Lot 19, Concession 6

Applicant: Maribel Dossantos & Joao Defaria
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Development Planning Department

Attachment 3

File: Z.09.012

Date: September 24, 2009

VELLORE VILLAGE

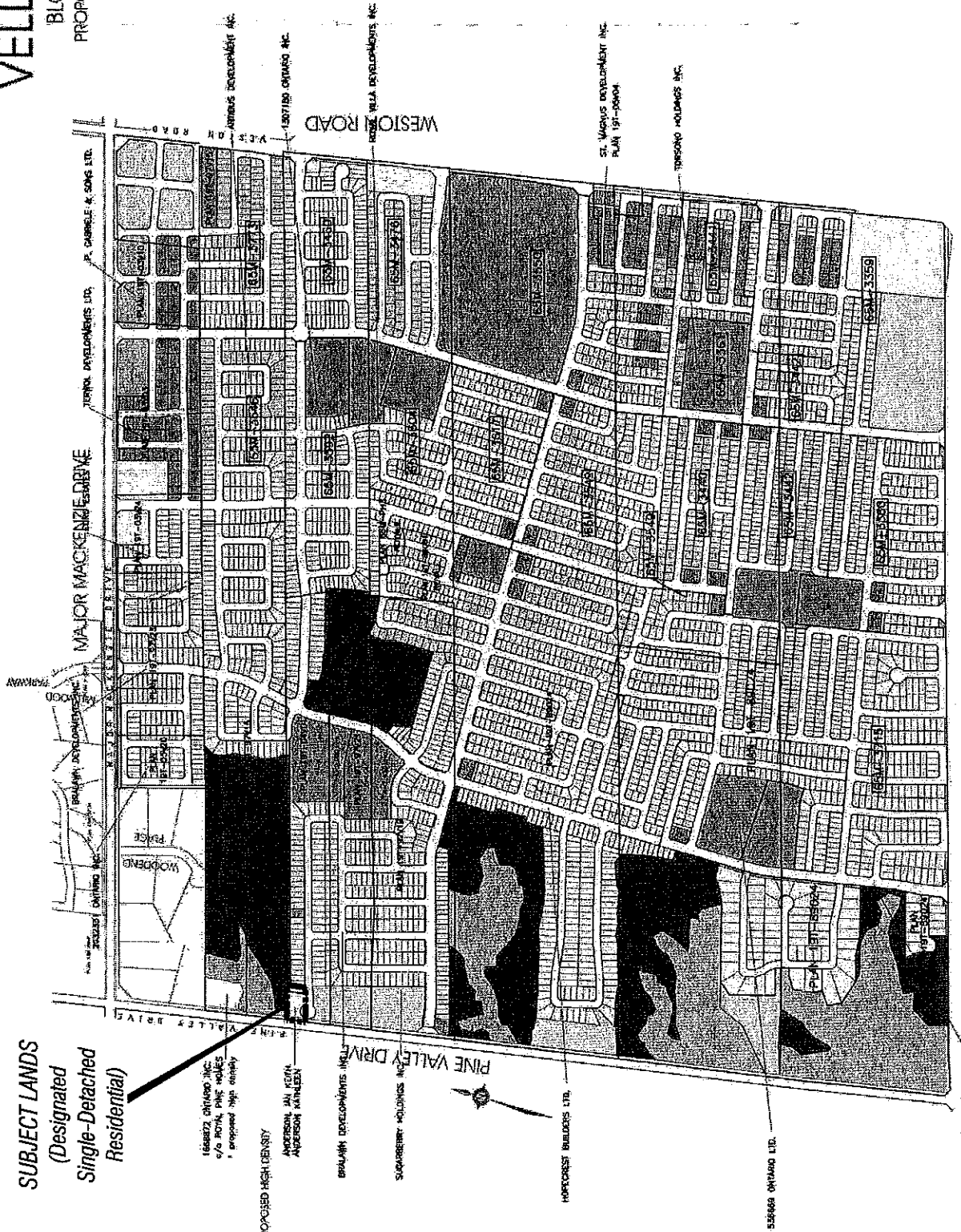
BLOCK PLAN - BLOCK 39

PROPOSED REVISION SEPTEMBER 2006

SUBJECT LANDS
(Designated
Single-Detached
Residential)

LEGEND

[Symbol]	SINGLE DETACHED
[Symbol]	SEMI DETACHED
[Symbol]	STREET TOWNHOUSE
[Symbol]	MEDIUM DENSITY
[Symbol]	VELLORE DISTRICT CENTRE
[Symbol]	COMMERCIAL
[Symbol]	SCHOOL & CHURCH
[Symbol]	VALLEY LAND
[Symbol]	S.W.M.
[Symbol]	GREENWAY
[Symbol]	PARK
[Symbol]	BUFFER
[Symbol]	TABLELAND WOODLOT



Not to Scale

Attachment 4

File: Z.09.012
Date: September 24, 2009

City of Vaughan
The City Above Toronto
Development Planning Department

Block Plan - Block 39

Location: Part Lot 19, Concession 6
Applicant: Maribel Dossantos & Joao Delaria

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