

**COMMITTEE OF THE WHOLE JUNE 14, 2011**

**ZONING BY-LAW AMENDMENT FILE Z.11.007  
SITE DEVELOPMENT FILE DA.11.021  
RUTHERFORD CONTWO INVESTMENTS LIMITED  
WARD 4**

**Recommendation**

The Acting Commissioner of Planning and Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.11.007 (Rutherford Contwo Investments Limited) BE APPROVED, to amend Zoning By-law 1-88, specifically the RVM1 (WS-A) Residential Urban Village Multiple Zone One respecting site-specific Exception 9(1063) (kii) to permit a maximum curb cut width of 5.4 m as follows:
  - "kii) For the street townhouse dwelling units on the lands zoned RVM1(WS-A) on Schedule "E-1163M" the maximum width of a driveway on private residential lands shall be 5.4 m for the end unit of a row of townhouse dwellings and a maximum of 3.75 m in width on the interior units of a row of townhouse dwellings. Both interior and end units shall have a maximum 3.2 m wide curb cut. Notwithstanding the above, street townhouse end units with double car garages shall not exceed a maximum curb cut of 5.4 m."
2. THAT Site Development File DA.11.021 (Rutherford Contwo Investments Limited) BE APPROVED, to facilitate the widening of driveways from 3.2 m at the curb to 5.4 m for end units with a double car garage in a row of townhouse dwellings, as shown on Attachments #3 to #6, subject to the following condition:
  - a) that prior to the execution of the amending Site Plan Letter of Undertaking, the final site grading plan shall be approved by the Vaughan Development/Transportation Engineering Department.

**Contribution to Sustainability**

N/A

**Economic Impact**

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

**Communications Plan**

Two community meetings were held with the affected landowners, representatives of Fieldgate Homes, City Staff from the Development Planning and Development/Transportation Engineering Departments, and the Ward 4 Councillor on October 5, 2010 and March 23, 2011, for discussion and information purposes. At the March 23, 2011 meeting, conceptual plans (Attachments #3 to #5) were shown to the landowners by City Staff identifying all 38 properties with a curb cut of up to 5.4 m or slightly less due to individual site circumstances (e.g. location of municipal services such as fire hydrants, water meters, street light poles, etc.).

On April 15, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the Thornhill Woods Community Association. Through the notice circulation, no written comments were received by the Vaughan Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing

report of May 10, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on May 24, 2011.

### **Purpose**

The Owner has submitted Zoning By-law Amendment File Z.11.007 on behalf of 38 affected landowners for the subject lands shown on Attachments #1 to #5, to amend Zoning By-law 1-88, specifically the RVM1 (WS-A) Residential Urban Village Multiple Zone One respecting site-specific Exception 9(1063)(kii) to permit a maximum curb cut width of 5.4 m for each end unit with a double car garage in a row of townhouse dwellings, as shown on Attachments #3 to #6. Site-specific Exception 9(1063)(kii) currently permits a maximum driveway width of 5.4 m for end units and tapers to provide for a maximum curb cut width of 3.2 m.

The Owner has also submitted related Site Development File DA.11.021 to amend the previously approved Site Development Files DA.09.007 and DA.09.060, to facilitate the widening of driveways from 3.2 m at the curb to 5.4 m for the affected 38 end townhouse units with a double car garage.

In the Fall of 2010, during the construction of the driveways, of which some of the curb cuts for the affected lots were incorrectly cut (not in accordance with Zoning By-law 1-88), Fieldgate Homes was approached by the 38 landowners of the end units with double-car garages to widen their driveways at the curb, which is the subject of this Zoning By-law Amendment Application and related Site Development Application.

### **Background - Analysis and Options**

#### **Location**

The 38 affected properties shown on Attachments #4 and #5 are located southeast of Rutherford Road and Pleasant Ridge Avenue, and municipally known as: 128, 145, 146, 151, 155, 156, 169, and 181 Balsamwood Road; 132, 133, 145, 158 160, 166, 168 and 180 Foxwood Road; 11, 25, 29, 30, 41, 48, 60, 76, and 88 Mary Ellen Baker Crescent; 127, 128, 132, 139, 146, 147, 158, and 163 Mintwood Road; and, 641, 651, 657, 669, and 675 Pleasant Ridge Avenue, City of Vaughan.

#### **Official Plan**

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600 and "Low-Rise Residential" by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, and is subject to final approval from the Region of York. The proposal conforms to the Official Plans.

#### **Zoning**

The subject lands are zoned RVM1 (WS-A) Residential Urban Village Multiple Zone One by Zoning By-law 1-88, subject to Exception 9(1063) (kii), which reads as follows:

"For the street townhouse dwelling units on the lands zoned RVM1 (WS-A) on Schedule "E-1163M" the maximum width of a driveway on private residential lands shall be 5.4 m for the end unit of a row of townhouse dwellings and a maximum of 3.75 m in width on the interior units of a row of townhouse dwellings. Both interior and end units shall have a maximum 3.2 m wide curb cut."

The proposed amendment to Zoning By-law 1-88 will permit the driveways for the end units in a row of townhouse dwellings with a double car garage to have a maximum curb cut width of 5.4 m. Some townhouse end units have been constructed with single-car garages, however, the subject zoning by-law and site plan amendment applications do not propose to widen these driveways. It

is recommended that Exception 9(1063) (kii) be amended as follows (see bold) to permit the proposed curb cuts for driveways with double-car garages:

"For the street townhouse dwelling units on the lands zoned RVM1(W-S-A) on Schedule "E-1163M" the maximum width of a driveway on private residential lands shall be 5.4 m for the end unit of a row of townhouse dwellings and a maximum of 3.75 m in width on the interior units of a row of townhouse dwellings. Both interior and end units shall have a maximum 3.2 m wide curb cut. **Notwithstanding the above, street townhouse end units with double car garages shall not exceed a maximum curb cut of 5.4 m.**

Site Plan and Design

The driveways for the 38 affected end townhouse units with a double car garage shown on Attachments #4 and #5 may not have the maximum 5.4 m curb cut. Each affected unit would be permitted a the maximum possible curb cut width of 5.4 m however, due to individual site circumstances as they relate to conflict with municipal services such as fire hydrants, water metres, street light poles and hydro boxes, that lie within technical aspects of the development and construction of the subdivision the curb cut width could be less than 5.4 m. The actual curb cut width for each affected lot is as follows:

BLOCK	LOT	MUNICIPAL ADDRESS	CURB CUT WIDTH
169	1	181 Balsamwood Road	5.31 m
169	6	173 Balsamwood Road	5.21 m
170	11	155 Balsamwood Road	5.21 m
171	12	151 Balsamwood Road	5.21 m
171	15	145 Balsamwood Road	5.21 m
172	16	128 Balsamwood Road	5.21 m
173	21	146 Balsamwood Road	5.21 m
173	26	156 Balsamwood Road	4.74 m
174	32	145 Foxwood Road	5.23 m
175	36	133 Foxwood Road	5.21 m
176	37	132 Foxwood Road	5.21 m
177	45	158 Foxwood Road	5.21 m
178	46	160 Foxwood Road	5.18 m
178	49	166 Foxwood Road	5.28 m
179	50	168 Foxwood Road	5.21 m
179	55	180 Foxwood Road	4.01 m
180	56	641 Pleasant Ridge	4.04 m
180	60	651 Pleasant Ridge	5.26 m
181	61	657 Pleasant Ridge	5.18 m
182	66	669 Pleasant Ridge	5.26 m
182	69	675 Pleasant Ridge	3.91 m
183	70	163 Mintwood Road	4.98 m
184	76	147 Mintwood Road	5.21 m
184	79	139 Mintwood Road	5.22 m
185	83	127 Mintwood Road	5.23 m
186	84	128 Mintwood Road	5.21 m

BLOCK	LOT	MUNICIPAL ADDRESS	CURB CUT WIDTH
186	86	132 Mintwood Road	5.26 m
187	87	11 Mary Ellen Baker Cres.	5.28 m
187	92	25 Mary Ellen Baker Cres.	5.21 m
188	93	29 Mary Ellen Baker Cres.	5.21 m
188	98	41 Mary Ellen Baker Cres.	5.21 m
189	99	60 Mary Ellen Baker Cres.	4.66 m
189	104	48 Mary Ellen Baker Cres.	4.68 m
190	105	30 Mary Ellen Baker Cres.	5.21 m
192	109	146 Mintwood Road	5.31 m
192	113	158 Mintwood Road	5.31 m
193	114	88 Mary Ellen Baker Cres.	5.21 m
193	119	76 Mary Ellen Baker Cres.	5.21 m

Through the review of the applications, it was determined that the proposed driveway widening may affect the existing streetscape and the residential development. The proposal would result in the following changes to the development:

- 8 boulevard trees would be removed from their current location and replanted elsewhere within the subdivision;
- 6 on-street parking spaces will be lost; and,
- 12 of the affected driveways will have a water shut-off valve situated within the enlarged paved driveway.

The affected boulevard trees and loss in parking spaces are shown on Attachments #4 and #5. The Vaughan Development Planning Department has reviewed the site plan and landscape plan and is satisfied with the revisions to the 38 affected properties.

#### Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has advised that of the 38 properties subject to the Zoning By-law and Site Development Applications, the current as built state of the driveway is as follows:

- 14 properties base curbs have not been poured;
- 22 properties have a maximum 5.4 m wide curb cut with a tapered paved driveway;
- 1 property has a 5.4 m wide curb cut, however, the driveway has not been paved; and,
- 1 property has a constructed and paved 5.4 m wide driveway and curb cut.

The Vaughan Development/Transportation Engineering Department has reviewed the applications and has no objections. The final site grading plan must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition to this effect is included in the recommendation of this report.

#### Planning Considerations

The site-specific Exception 9(1063) (kii) permits the driveways for the end units within a row of townhouse dwellings to have a maximum driveway width of 5.4 m and a tapered 3.2 m curb cut width at the street. The tapering of the driveway impedes the maneuvering capabilities of a driver when reversing. Therefore, the proposal to widen the driveway at the curb to a maximum of 5.4 m will improve vehicle maneuverability and driver safety.

The Vaughan Development Planning Department and the Vaughan Development/Transportation Engineering Department are of the opinion that the proposal is an acceptable solution to the matter. The proposed amendment to Zoning By-law 1-88 is considered to be appropriate and will not have an impact on the surrounding development. City Staff and the Owner, in consultation with affected residents and the Ward 4 Councillor, have agreed on possible measures to mitigate any impact on the streetscape and surrounding developments. For example, the 8 trees that are proposed to be removed will be relocated elsewhere within the subdivision.

### **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 subject lands are located on local City of Vaughan roads. The proposed zoning by-law and site plan amendments are a local issue with no Regional implications.

### **Conclusion**

The Zoning By-law Amendment and Site Development Applications have been reviewed in accordance with the policies of OPA #600, the City of Vaughan Official Plan 2010, the requirements of Zoning By-law 1-88, the comments received from City departments, and the surrounding area context. The Vaughan Development Planning Department is satisfied that the proposal to amend site-specific Exception 9(1063) (kii) to By-law 1-88 to allow end units with double car garages in a row of townhouse dwellings to have a maximum curb cut of 5.4 m, is appropriate and compatible with the existing uses in the surrounding area, subject to the conditions in this report.

### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Site Plan - North
5. Site Plan - South
6. Typical Permitted and Proposed Driveway Widths

### **Report prepared by:**

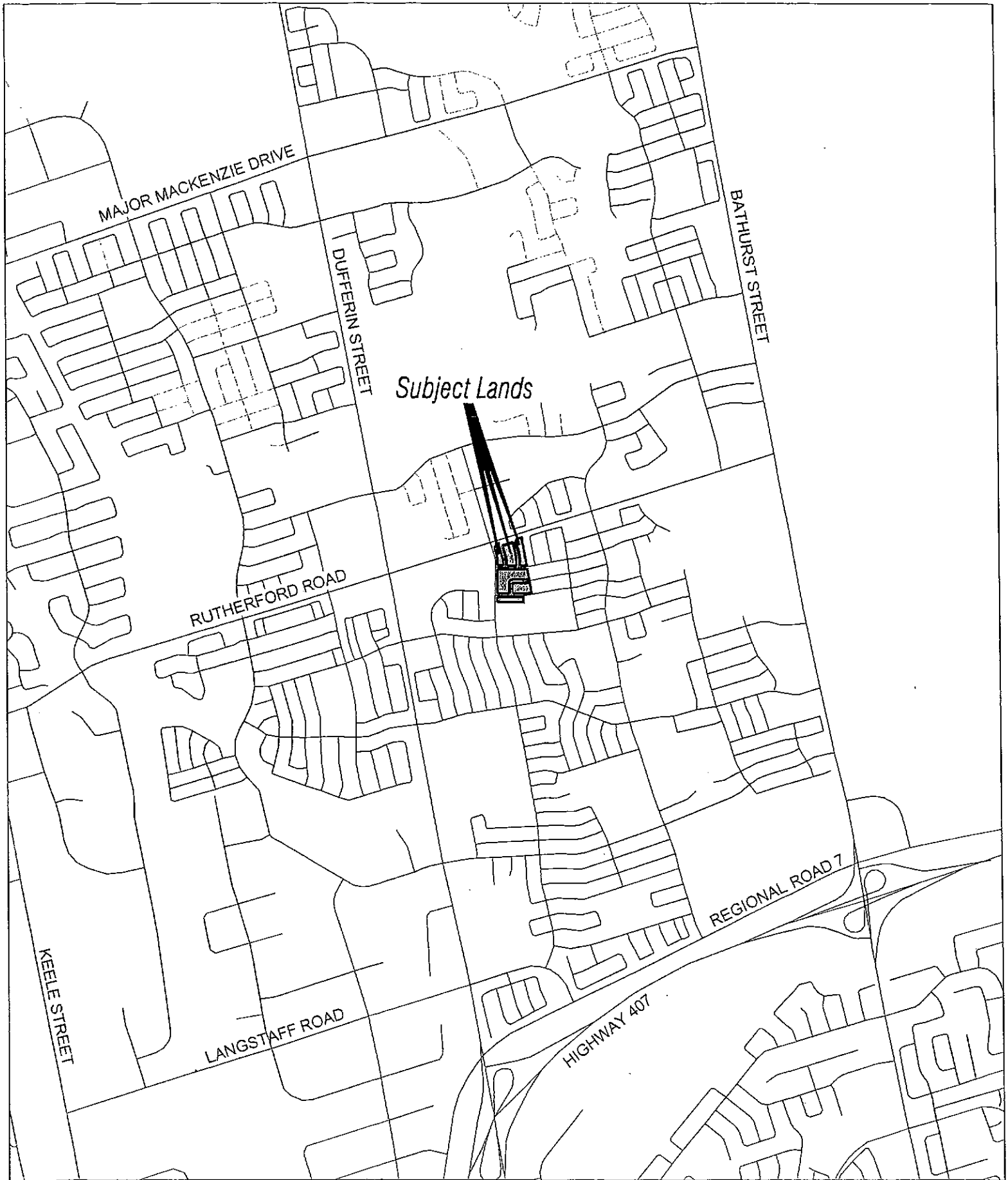
Mary Caputo, Planner 1, ext. 8215  
Christina Napoli, Senior Planner, ext. 8483  
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY  
Acting Commissioner of Planning

GRANT UYEVAMA  
Director of Development Planning

/LG



## Context Location Map

LOCATION:  
Part Lot 15, Concession 2

APPLICANT:  
Rutherford Contwo Investments Limited

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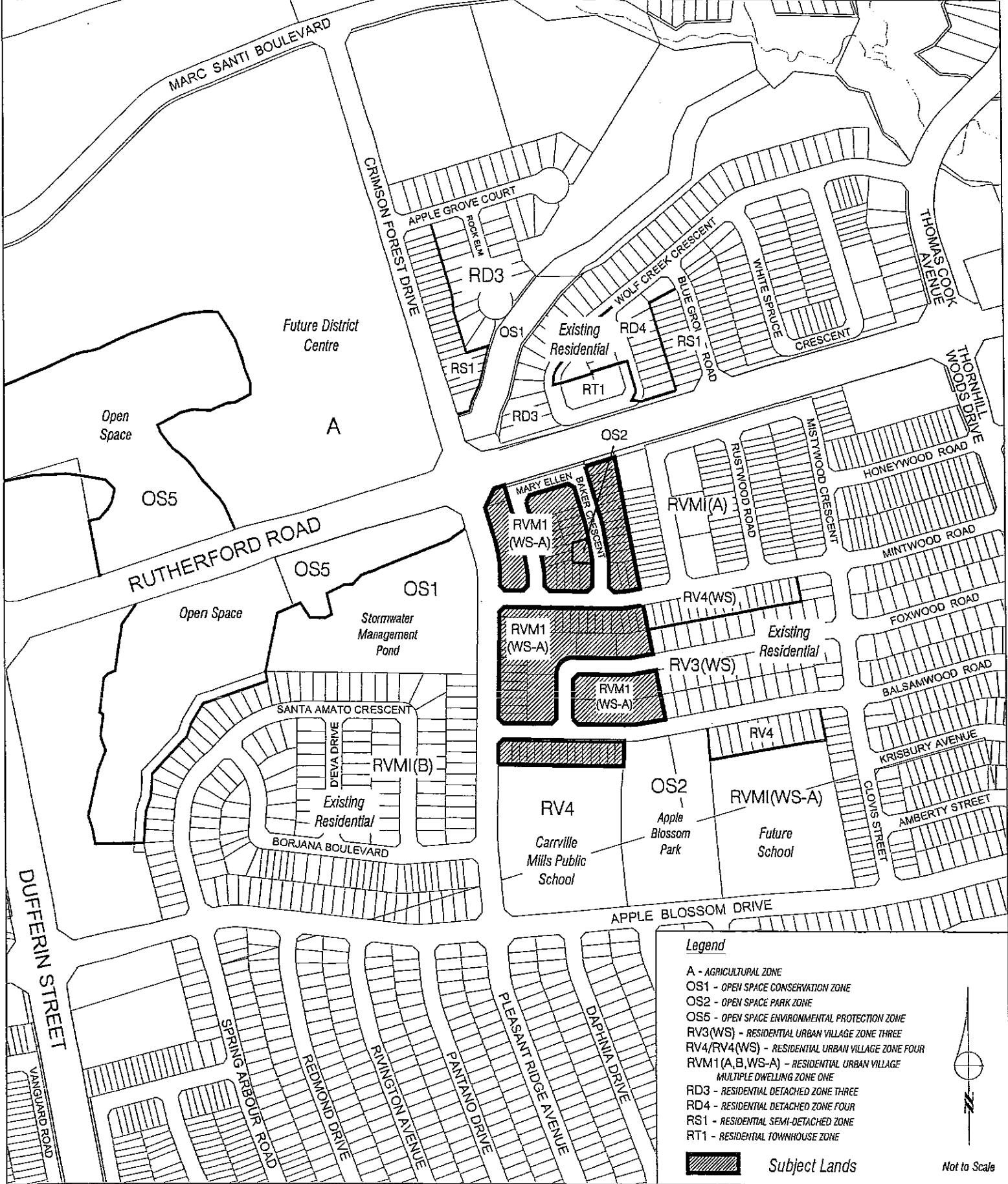


## Attachment

FILES:  
Z.11.007 & DA.11.021

DATE:  
April 13, 2011





# Location Map

LOCATION:  
Part Lot 15, Concession 2

APPLICANT:  
Rutherford Contwo Investments Limited

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# Attachment

FILES:  
Z.11.007 & DA.11.021

DATE:  
April 20, 2011

# 2

RUTHERFORD ROAD

**ZONING AMENDMENT APPLICATION:**

TO AMEND SITE SPECIFIC EXCEPTION 9(1063) OF ZONING BY-LAW 1-88 TO PERMIT A MAXIMUM CURB CUT WIDTH OF 5.4m FOR THE END UNIT WITH A DOUBLE CAR GARAGE IN A ROW OF TOWNHOUSE DWELLINGS, WHEREAS A MAXIMUM CURB CUT WIDTH OF 3.2m IS PERMITTED.

SITE PLAN NORTH  
(SEE ATTACHMENT #4)

SITE PLAN SOUTH  
(SEE ATTACHMENT #5)



Not to Scale

-  NEW TREE LOCATIONS
-  TREES TO BE REMOVED
-  ADDED AREAS TO DRIVEWAYS
-  TYPICAL PARKING SPOT FOR 5.50m (18' 0") LONG CARS
-  PARKING SPACE LOST DUE TO WIDENING OF DRIVEWAYS

**SUBJECT LANDS**

**Site Plan**

LOCATION:  
Part Lot 15, Concession 2

APPLICANT:  
Rutherford Contwo Investments Limited



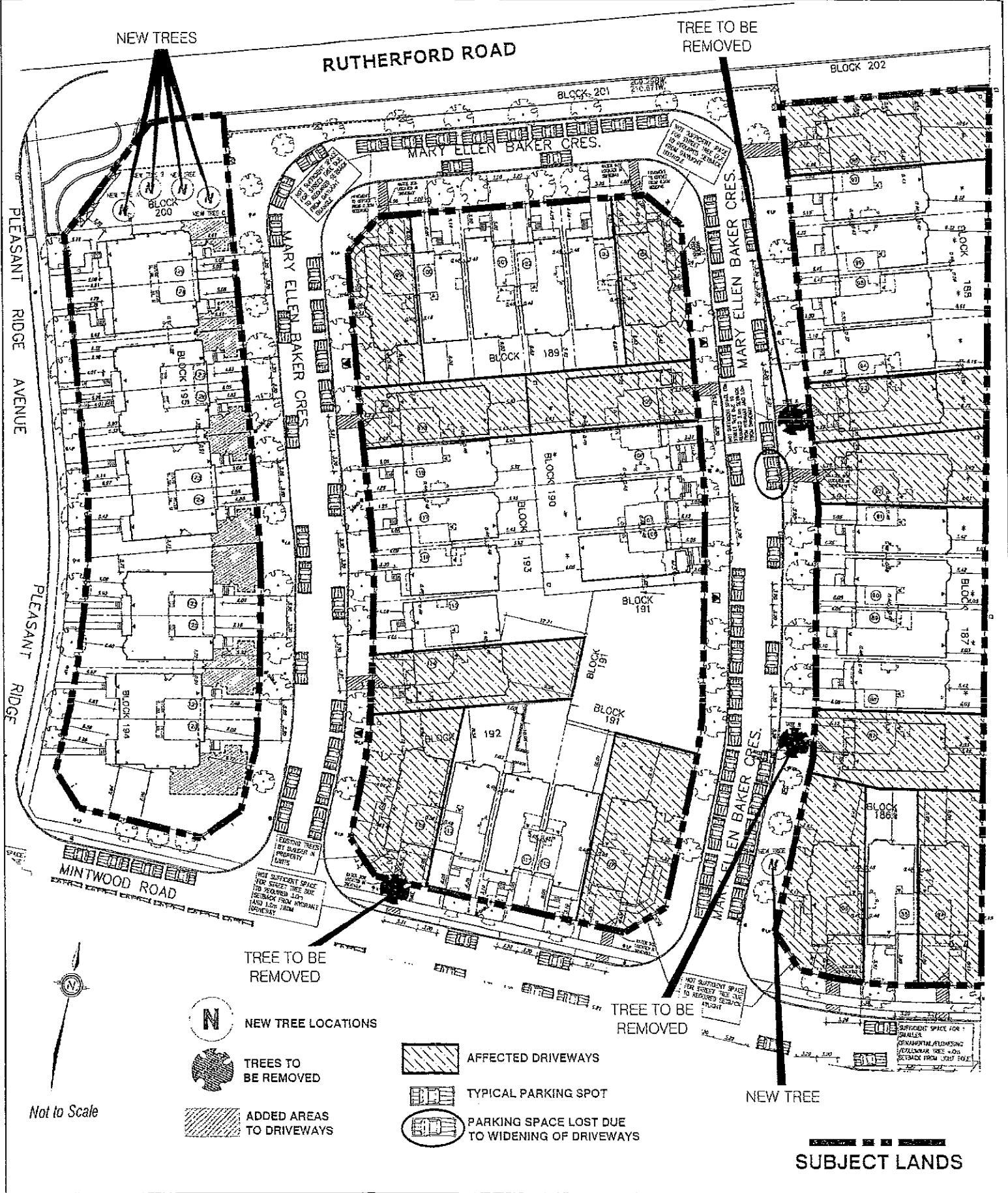
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FILES:  
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DATE:  
April 20, 2011

**3**





Site Plan - North

LOCATION:  
Part Lot 15, Concession 2

APPLICANT:  
Rutherford Contwo Investments Limited



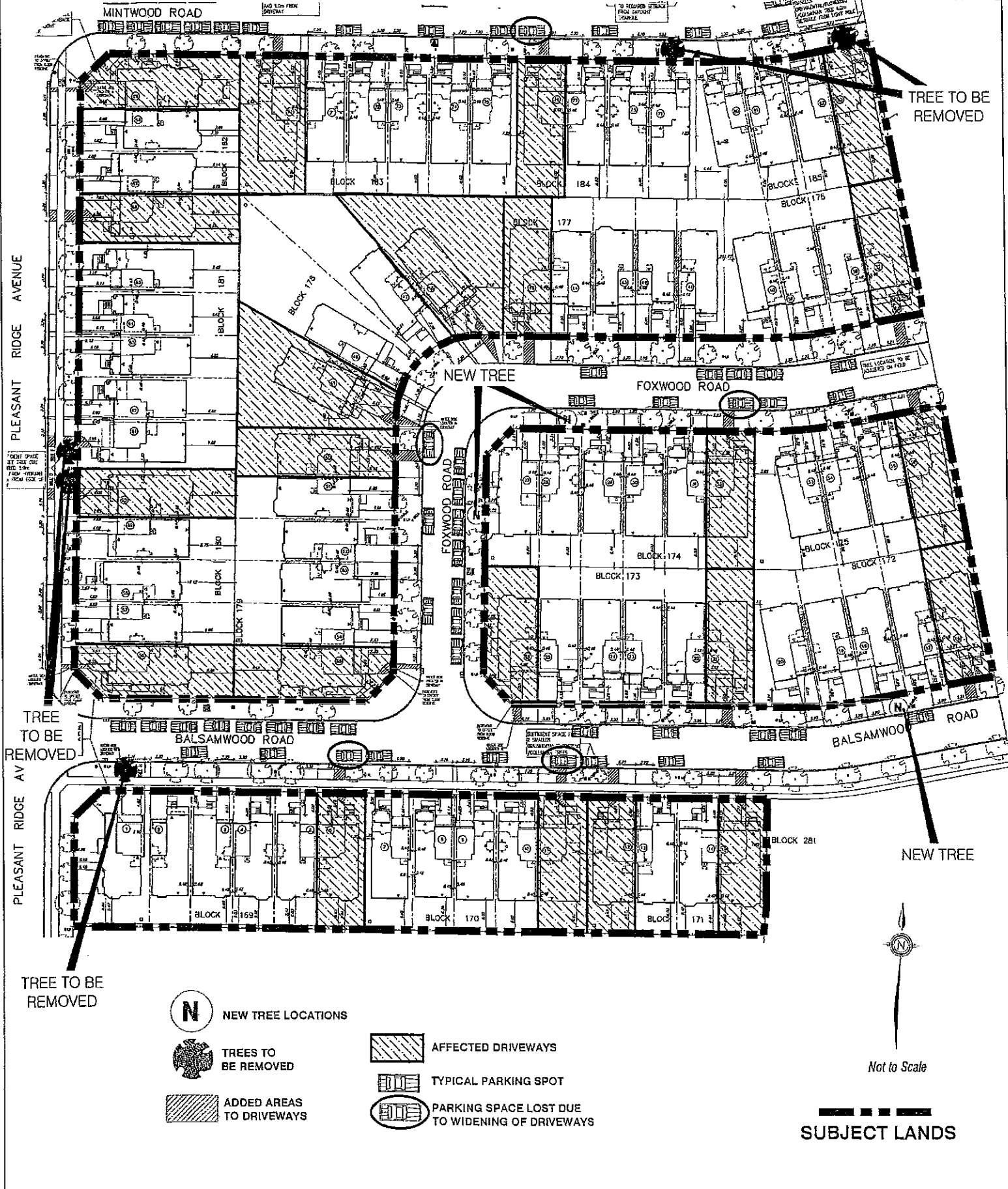
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DATE:  
April 13, 2011

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Site Plan - South

LOCATION:  
Part Lot 15, Concession 2

APPLICANT:  
Rutherford Contwo Investments Limited

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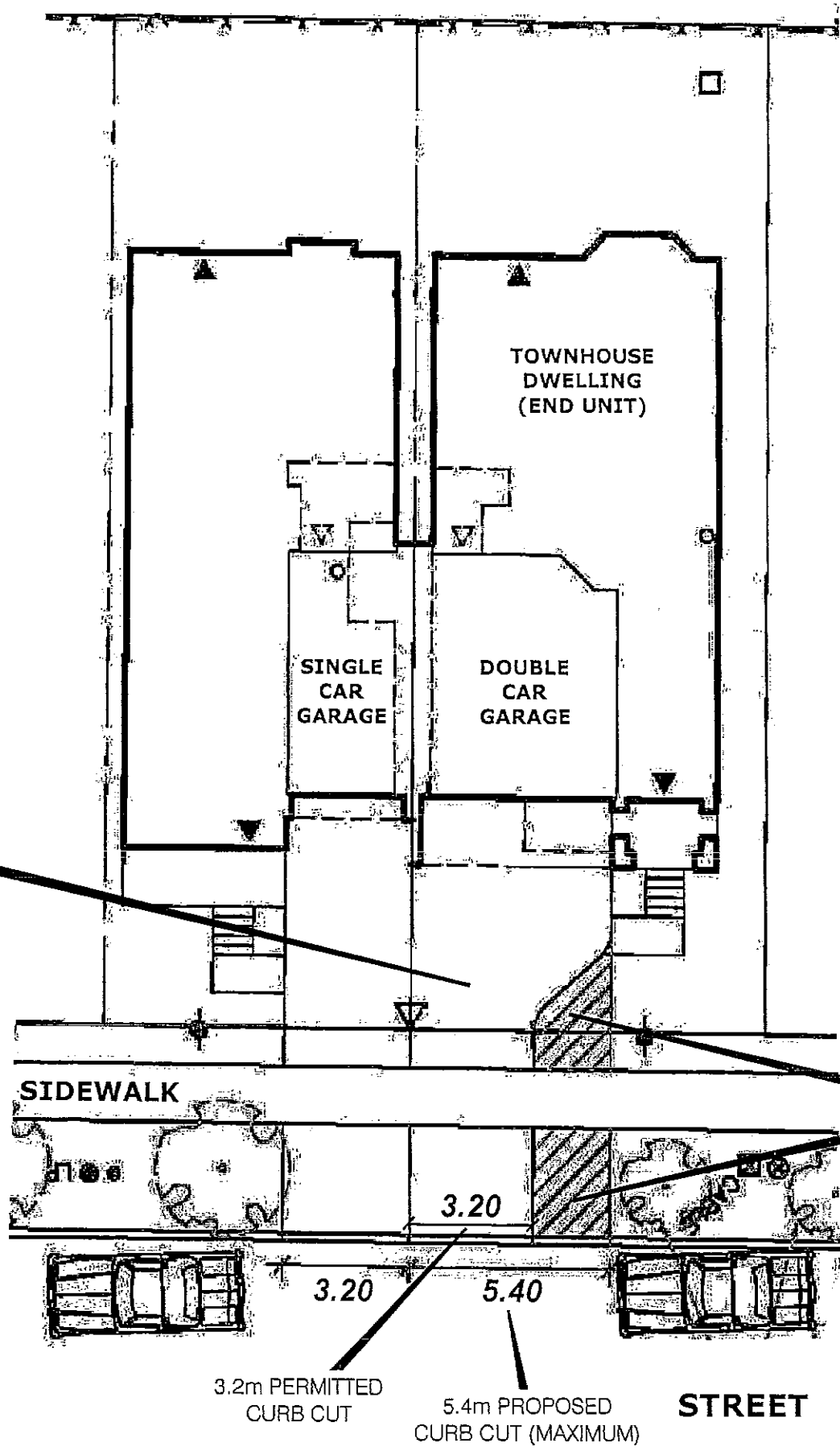
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FILES:  
Z.11.007 & DA.11.021

DATE:  
April 13, 2011

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DRIVEWAY  
CONFIGURATION  
AS REQUIRED BY  
ZONING BY-LAW  
1-88, EXCEPTION  
9(1063)



ADDITIONAL  
PAVED  
DRIVEWAY  
AREA  
(PROPOSED)

3.2m PERMITTED  
CURB CUT      5.4m PROPOSED  
CURB CUT (MAXIMUM)

**STREET**

*Typical Permitted &  
Proposed Driveway Widths*



*Attachment*  
FILES:  
Z.11.007 & DA.11.021

APPLICANT: Rutherford Control Investments Limited      LOCATION: Part Lot 15, Concession 2

DATE:  
April 20, 2011

**6**

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