

COMMITTEE OF THE WHOLE DECEMBER 6, 2011

ZONING BY-LAW AMENDMENT FILE Z.11.023

SHAEL E. BECKENSTEIN, MARCIANO BECKENSTEIN, LLP

WARD 5

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.11.023 (Shael E. Beckenstein, Marciano Beckenstein, LLP) BE APPROVED, specifically to amend Zoning By-law 1-88, to rezone the subject lands shown on Attachments #1 and #2 from R1V Old Village Residential Zone to R1 Residential Zone.

Contribution to Sustainability

The applicant has advised that the following sustainable features will be included in the single detached residential unit design:

- Low E windows;
- Low flow toilets/shower heads/faucets;
- High efficiency furnaces/air conditioners; and,
- combination batt and spray foam insulation to meet or exceed the Ontario Building Code requirement.

Economic Impact

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

Communications Plan

On September 9, 2011, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. To date, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report of October 4, 2011 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on October 18, 2011.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.11.023, specifically to amend Zoning By-law 1-88, to rezone the subject lands shown on Attachments #1 and #2 from R1V Old Village Residential Zone (minimum 30 m frontage) to R1 Residential Zone (minimum 18 m frontage), to facilitate the creation and development of 2 lots with frontage on Wigston Place for detached residential dwellings through a future severance application, as shown on Attachment #3.

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2 are located on the north side of Wigston Place, southeast of Bathurst Street and Highway #407, being Part 1 on Reference Plan 65R-19017, City of Vaughan. The surrounding land uses are shown on Attachment #2. The subject lands are adjacent to existing single-detached residential and valleylands. The lands are relatively flat and treed, and there are no buildings or structures on site.

Official Plan

The subject lands are designated "Low Density Residential" by OPA #210 (Thornhill Community Plan) and "Low-Rise Residential" by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011), and is pending approval from the Region of York. The proposal to rezone the property to R1 Zone and permit 2 detached dwellings conforms to the Official Plans.

Zoning

The subject lands are zoned R1V Old Village Residential Zone by Zoning By-law 1-88, subject to Exception 9(941), which identifies building setbacks on the original lot. The Owner is proposing to amend Zoning By-law 1-88 to rezone the subject lands to R1 Residential Zone to facilitate the severance of the subject lands into 2 lots to permit the development of two single-detached residential dwellings (with 18.1 m frontages) as shown on Attachment #3.

The proposed rezoning would facilitate the severance of the subject lands into two lots to be developed with detached residential dwellings which conform to the in effect Official Plan (OPA #210 – Thornhill Vaughan Community Plan) and the new City of Vaughan Official Plan 2010. The proposed lots would also comply with the minimum lot frontage and area requirements of the proposed R1 Residential Zone standards in Zoning By-law 1-88. No exceptions to the R1 Residential Zone standards are required.

The existing lots in the vicinity of the subject lands on the west and south of Wigston Place are zoned R1 Residential Zone. The two existing lots to the immediate west of the subject lands are of similar lot frontage and area. The property also abuts valleylands zoned OS1 Open Space Conservation Zone to the north and east.

The Development Planning Department is satisfied that the proposed rezoning of the subject lands to facilitate a future severance of the property would result in development that conforms to the Official Plan, is compatible with the existing pattern of development in the area, and would not have an impact on the existing community. The proposed rezoning is also consistent with the R1 Zone standards in all respects, and exceptions are not required. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment application.

Vaughan Committee of Adjustment/Severance

Should Vaughan Council approve the subject Zoning By-law Amendment application, the Owner must submit a consent Application to the Committee of Adjustment to sever the subject lands into two residential lots with minimum 18 m frontages.

Cash In-Lieu of Parkland

The Vaughan Legal Services Department - Real Estate Division has indicated that the Owner is required to pay 5% cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, or a fixed rate per unit, whichever is higher, prior to the release of a Vaughan Building Permit, in accordance with the Planning Act and the City's Cash-In-Lieu of Parkland Policy. The Vaughan Legal Services Department – Real Estate Division has advised that this cash-in-lieu requirement will be a condition of the Consent Application.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has provided the following comments:

a) Servicing

The proposed soak-away pits and lot grading shall be submitted to the Toronto and Region Conservation Authority (TRCA) and City for review and approval. The Owner shall submit a servicing and grading plan detailing how the drainage system will be tied into the surrounding drainage systems, to the City's satisfaction. These plans will be required as a condition of approval for the future Consent Application.

Should Council find merit in the subject Zoning By-law Amendment Application and should the future Consent Application be approved by the Vaughan Committee of Adjustment, formal allocation of capacity is required. In accordance with the City's Servicing Capacity Distribution Protocol, Council approved a Discretionary Reserve of sewage and water capacity for consents and infill development throughout the City. The allocation of sewage and water capacity from Council's Discretionary Reserve for the two subject lots will be allocated through the future Consent Application.

The Department has requested a photometric analysis of the existing street lighting system on Wigston Place. In addition, the Owner shall certify that the streetlighting is designed to service the proposed development in accordance with the requirements of the City. The photometric street lighting analysis and certification will be required as conditions of approval for the future Consent Application.

The Owner shall contact the utility companies to verify the location of existing utilities located on, or crossing the subject lands. As a condition of the future Consent Application, any utilities shall be relocated to the boulevard to the satisfaction of the City and the utility authority, if necessary. The relocation shall be the responsibility of the Owner and shall require a Utility Coordination Plan to be submitted to the City for approval.

The Department has indicated that Wigston Place is not assumed at this time. The Owner shall contact the original subdivision owner (Jan-Sil Golfwood Residential) for permission for service connections. The Owner may be required to enter into a development agreement with the City. The development agreement may be a condition of approval for the future Consent Application.

b) Noise Report

The Owner shall submit a noise report for the proposed development to address the impact of the potential noise sources from the surrounding area as well as the noise attenuation feature if necessary. The submission of the required noise report and the implementation of noise attenuation shall be a condition of approval for the future Consent Application.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the zoning application and has no objection to the approval of the proposal, subject to the Owner obtaining a TRCA Permit under Ontario Regulation 166/06 for works located within the TRCA regulated area. This will be addressed through the future Consent Application.

Canada Post

The Owner must advise perspective purchasers that mail delivery will be from a community designated mailbox. The required servicing plan must show the Canada Post requirements for the community mailbox to the satisfaction of Canada Post and the City. This will be addressed through the future Consent Application.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

N/A

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.11.023 in accordance with the policies of the Official Plan, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposal to rezone the subject lands from R1V Zone to R1 Zone to facilitate the future development of two lots for detached residential dwelling units conforms to the policies of the Official Plan. The development proposal is appropriate and compatible with the existing and planned future uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.11.023, subject to the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan

Report prepared by:

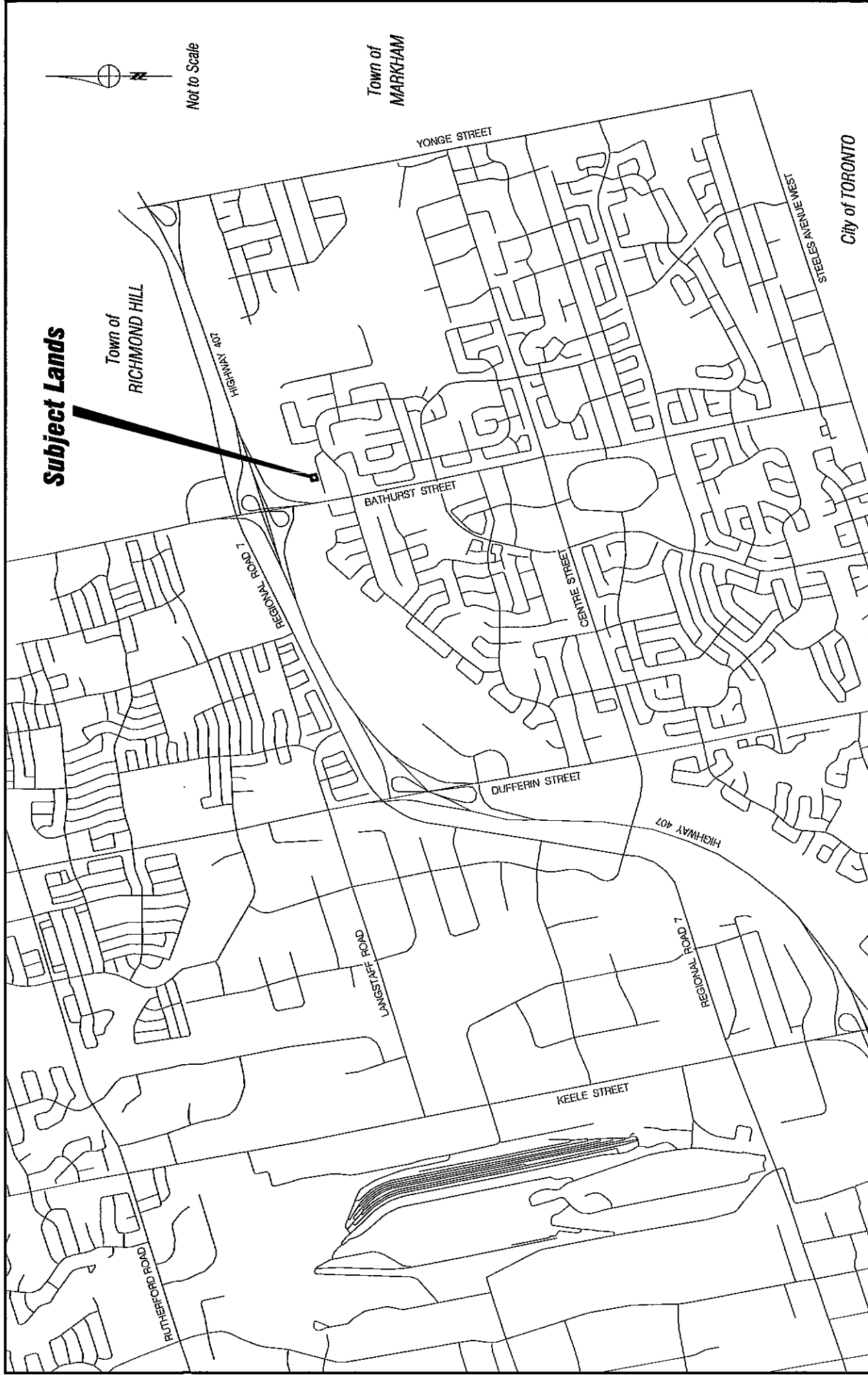
Laura Janotta, Planner, ext. 8634
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Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/CM



Context Location Map

LOCATION:
Part of Lot 34, Concession 1

APPLICANT:
Shael E. Beckenstein, Marciano Beckenstein LLP
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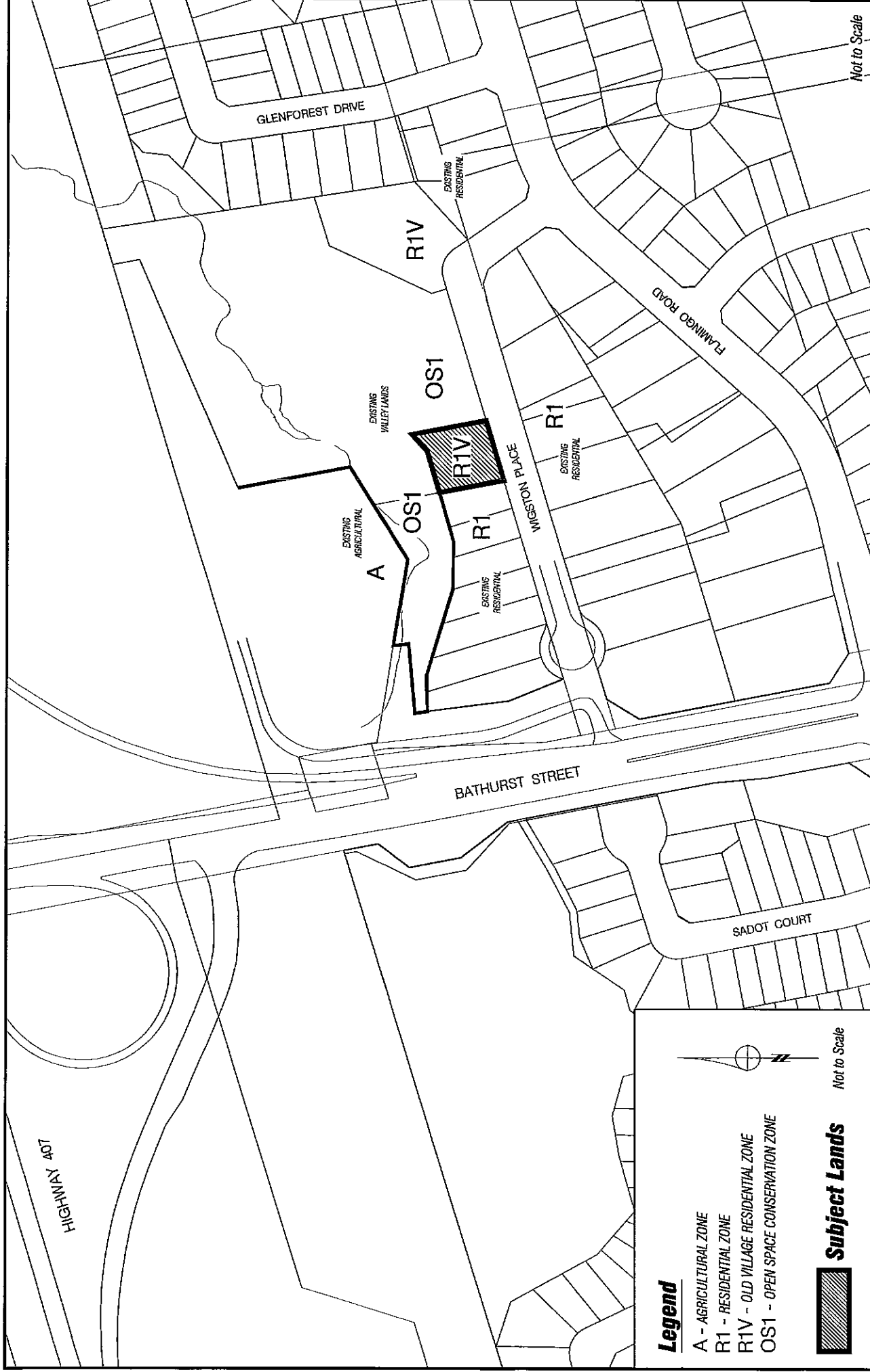


Attachment

FILE:
Z.11.023

DATE:
December 6, 2011

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Legend

- A - AGRICULTURAL ZONE
- R1 - RESIDENTIAL ZONE
- R1V - OLD VILLAGE RESIDENTIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE



Subject Lands

Not to Scale

Location Map

LOCATION:
Part of Lot 34, Concession 1

APPLICANT:
Shael E. Beckenstein, Marciano Beckenstein LLP

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Attachment

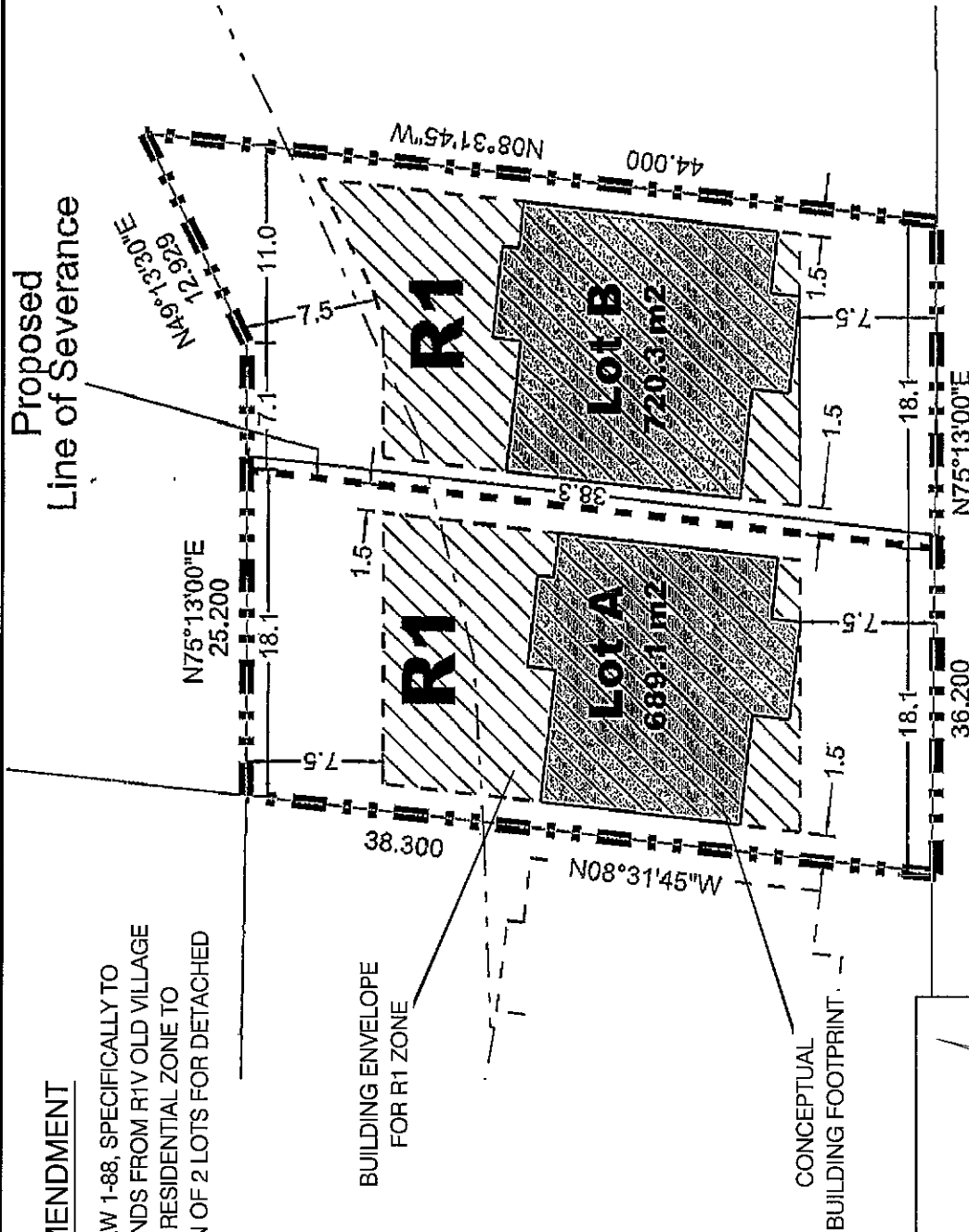
FILE:
Z.11.023

DATE:
December 6, 2011

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ZONING BY-LAW AMENDMENT

TO AMEND ZONING BY-LAW 1-88, SPECIFICALLY TO REZONE THE SUBJECT LANDS FROM R1V OLD VILLAGE RESIDENTIAL ZONE TO R1 RESIDENTIAL ZONE TO FACILITATE THE CREATION OF 2 LOTS FOR DETACHED RESIDENTIAL DWELLINGS.



Legend

■■■■■ Subject Lands



Not to Scale

W I G S T O N P L A C E

Conceptual Site Plan

LOCATION:
Part of Lot 34, Concession 1

APPLICANT:
Shael E. Beckenstein, Marciano Beckenstein LLP

N:\DFT\1 ATTACHMENTS\2\z.11.023.dwg



Attachment

FILE:
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Not to Scale