

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES JANUARY 29, 2013

Item 4, Report No. 3, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on January 29, 2013.

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ZONING BY-LAW AMENDMENT FILE Z.12.039

PETER AND DONNA MAYOR

WARD 4 - VICINITY OF RUTHERFORD ROAD AND THOMAS COOK DRIVE

The Committee of the Whole (Public Hearing) recommends that the recommendation contained in the following report of the Commissioner of Planning, dated January 15, 2013, be approved:

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for File Z.12.039 (Peter and Donna Mayor) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: December 21, 2012
- b) Circulation Area: 150 m
- c) Comments Received as of January 2, 2013: None.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.12.039 to amend Zoning By-law 1-88, specifically to:

- i) rezone Part "A" of the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to RD2(H) Residential Detached Zone Two with the addition of the Holding Symbol "(H)" and subject to Exception 9(1217) for the purposes of facilitating the future severance of Part "A" into 13 blocks to be combined with the lands to the east, being Part 50 on Reference Plan 65R-28995, to form full lots (minimum lot frontage of 15 m and lot depth of 30 m) for detached dwellings fronting on Thomas Cook Drive in the manner shown on Attachment #4;
- ii) rezone Part "B" of the subject lands from OS1 Open Space Conservation Zone to RD2 Residential Detached Zone Three and subject to Exception 9(1264) for the purposes of facilitating a future severance of Part "B" into 4 blocks to be combined with Blocks 59 to 62 on Registered Plan 65M-4199 to form full lots (minimum lot frontage of 12 m and lot depth of 30 m) for detached dwellings fronting on Marmot Court in the manner shown on Attachment #4;
- iii) maintain the existing detached dwelling in the A Agricultural Zone as shown on Attachment #4; and,
- iv) maintain the OS1 Open Space Conservation Zone and to permit an accessory building (existing barn) on the balance of the subject lands in the manner shown on Attachment #4.

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Background – Analysis and Options

Location	<ul style="list-style-type: none">▪ The 2.75 ha site is located north of Marc Santi Boulevard and west of Thomas Cook Drive being Block 116 on Registered Plan 65M-3917, and 340 Marc Santi Boulevard, City of Vaughan, shown as “Subject Lands” on Attachments #1 and #2.▪ The site is currently developed with one single detached dwelling and an accessory building (existing barn), which are proposed to be retained, as shown on Attachment #4.
Official Plan Designation	<ul style="list-style-type: none">▪ “Low Density Residential” (tableland) and “Valley Lands” (valleyland) by in-effect OPA #600, which permits detached residential dwellings on the portion of the subject lands designated “Low Density Residential”.▪ The subject lands are designated “Low-Rise Residential” (tableland) and “Natural Areas” and “Core Feature” (valleylands) by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board (OMB). The “Low-Rise Residential” designation permits detached residential dwellings. The “Valley Lands” and “Core Feature” policies permits development that existed prior to the date that VOP 2010 is approved, to remain, which includes the existing dwelling and accessory structure (barn).▪ The subject lands are located within the Block 11 Community Plan and are identified as “Lands for Future Phases of Development” and “Valleyland”, as shown on Attachment #3.▪ The application conforms to the Official Plans.

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Zoning	<ul style="list-style-type: none">▪ OS1 Open Space Conservation Zone, which permits open space conservation uses; and A Agricultural Zone, which permits agricultural uses and one (1) single detached dwelling by Zoning By-law 1-88, as shown on Attachment #2. An exception to By-law 1-88 will be required to permit the existing accessory structure (barn) to remain in the OS1 Zone.▪ The proposed 17 residential lots would not be permitted in either the OS1 Open Space Conservation or A Agricultural Zones. A Zoning By-law Amendment is required to rezone the subject lands to RD2 Residential Detached Zone Two and RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” to facilitate the proposed development in the manner shown on Attachment #4.▪ The remainder of the subject lands will maintain the existing OS1 Open Space Conservation and A Agricultural Zone categories.▪ Additional site-specific zoning exceptions may be identified through the detailed review of the application.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City Official Plan	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the applicable City Official Plan policies.
b.	Appropriateness of Proposed Rezoning	<ul style="list-style-type: none">▪ The appropriateness of amending Zoning By-law 1-88 to facilitate the creation of full lots for detached dwellings will be reviewed in consideration of the surrounding existing and planned lotting pattern.▪ The applicant has submitted a Planning Justification Report in support of the application, which must be reviewed to the satisfaction of the Vaughan Development Planning Department.
c.	Urban Design and Architectural Guidelines; Landscape Master Plan	<ul style="list-style-type: none">▪ The proposed development will be reviewed in consideration of the Block 11 Urban Design Guidelines, Landscape Master Plan and Architectural Control Guidelines.

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d.	Toronto and Region Conservation Authority	<ul style="list-style-type: none">▪ The Toronto and Region Conservation Authority (TRCA) has advised of the following:<ul style="list-style-type: none">i) the TRCA will require a formal site walk to identify and stake the limits of the natural features. A surveyor should accompany TRCA staff on the site walk so that the natural features limits can be delineated. A topographic survey should be produced and a minimum 10 m buffer will be applied from the greater of either the stable top-of-bank, Regional Storm Flood Plain, or from the dripline of significant vegetation contiguous with the valley corridor;ii) the TRCA requires a Stormwater Management Report detailing how water quality and quantity objectives will be met;iii) a Water Balance Study is required detailing that a minimum 5 mm storm event and associated run-off are managed on site;iv) a Flood Study is required assessing the Regional Storm Flood Plain of the East Don River related to the proposed development; and,v) the TRCA requires a Geotechnical Slope Stability/Erosion Hazard Assessment to identify the stable slope line on the property and determine any erosion hazard limit/allowance. Buffer setbacks are required from the erosion hazard line/stable slope line.▪ The Owner has identified a 2.5 m wide valley buffer to be provided abutting a portion of Part "A" and all of Part "B" as shown on Attachment #4. The appropriateness of the proposed 2.5 m buffer must be reviewed and approved to the satisfaction of the TRCA and the City of Vaughan.▪ The floodlines and valley feature limits shown on Attachment #4 were identified through the review of the Block 11 Plan, which was approved on August 25, 2003. The identified limits must be reviewed and confirmed to the satisfaction of the TRCA and the City of Vaughan.▪ The proposed maintenance of the existing barn on lands zoned OS1 Open Space Conservation Zone must be reviewed by the TRCA and City of Vaughan. Should the application be approved, the Owner may be required to enter into an encroachment agreement or other agreement(s) as necessary to allow the barn to remain in its' current location.
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e.	Cultural Services	<ul style="list-style-type: none">▪ The subject property contains the Carrville Mill Dam, as shown on Attachment #4, which is designated under Part IV of the Ontario Heritage Act by By-law 291-87.▪ The Vaughan Cultural Services Division requires that a new legal description be prepared for the lot containing the Carrville Mill Dam and an updated survey identifying the location of the designated dam in order to amend the current designation by-law. A new lot may be created for the dam.▪ An archaeological assessment of the entire development property is required. Any significant archaeological resources that are found need to be documented, and preserved or removed to the satisfaction of the City of Vaughan.▪ No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority confirming that all archaeological resource concerns have met resource conservation requirements.
f.	City and Public Agency Review	<ul style="list-style-type: none">▪ The Owner will be required to address all City and Public Agency review comments.
g.	Committee of Adjustment	<ul style="list-style-type: none">▪ The applicant intends to submit 17 separate Consent (severance) applications to the Vaughan Committee of Adjustment in order to facilitate the future severance of Parts "A" and "B" to form full development lots.▪ Should the Consent applications be approved, the Owner will be required to enter into an engineering Development Agreement and/or other Agreement(s) as required to implement the proposed residential development, to the satisfaction of the City of Vaughan.
h.	Creation of Part Lots Part 50, Plan 65R-28995	<ul style="list-style-type: none">▪ The lots proposed to be created in Part "A" must be combined with the lands located to the east of the subject lands, being Part 50 on Reference Plan 65R-28995. Part 50 is currently a single Block that must be divided into part lots to form full development lots. The appropriate process for the division of Part 50 is the Consent process, or an amending Subdivision Agreement and registration of a subdivision plan for the adjacent lands under File 19T-95062 (Woodvalley Development) which would include the appropriate conditions applicable to the development of Block 50

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i.	Site-Specific Zoning Exceptions	<ul style="list-style-type: none">Part 50 on Plan 65R-28995 (to be combined with Part “A”) is zoned RD2(H) Residential Detached Zone Two with the Holding Symbol “(H)”, subject to Exception 9(1217). Blocks 59 to 62 on Registered Plan 65M-4199 (to be combined with Part “B”) are zoned RD3 Residential Detached Zone Three, subject to Exception 9(1264). The appropriateness of applying the site-specific provisions of Exceptions 9(1217) and 9(1264) to Parts “A” and “B” of the subject lands, respectively, will be considered in the technical review of the application.
j.	Block 11 Plan	<ul style="list-style-type: none">The approved Block 11 Plan identifies the subject lands as “Lands for Future Phases of Development” and “Valleyland”. The proposed development will be reviewed in consideration of the Block 11 Plan and the planned and existing and surrounding land uses.
k.	Block 11 Developers Group Agreement	<ul style="list-style-type: none">The Owner will be required to satisfy all obligations, financial or otherwise of the Block 11 Developers Group Agreement to the satisfaction of the Block 11 Trustee and the City of Vaughan.
l.	Servicing Allocation	<ul style="list-style-type: none">Servicing for Blocks 59 to 62 on Registered Plan 65M-4199, to be combined with Part “B” of the subject lands, was allocated by Vaughan Council as part of the approvals for adjacent Draft Plan of Subdivision File 19T-95066 (Nine Ten West).Should the subject zoning application be approved, the availability of water and sanitary servicing capacity for Part “A” of the subject lands, to be combined with Part 50 of Reference 65R-28995 (13 proposed lots) must be identified and formally allocated by Vaughan Council. The use of a Holding Symbol “(H)” will be placed on Part “A” of the lands and will remain in place until servicing has been identified and allocated by Vaughan Council for the proposed 13 lots and until Part 50 on Reference Plan 65R-28995 is subdivided to enable creation of full lots.
m.	Parkland Dedication	<ul style="list-style-type: none">The Owner will be required to pay the City of Vaughan cash-in-lieu of parkland dedication in accordance with the City’s Cash-in-lieu Policy and the Planning Act.

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

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Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Context Location Map
2. Location Map
3. Block 11 Community Plan Excerpt
4. Proposed Lot Completion Plan and Proposed Zoning

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)