

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 14, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

14

ZONING BY-LAW AMENDMENT FILE Z.12.026

1738283 ONTARIO INC.

WARD 2 - VICINITY OF KIPLING AVENUE AND LANGSTAFF ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated June 17, 2014:

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.12.026 (1738283 Ontario Inc.) BE APPROVED, for the subject lands shown on Attachments #1 and #2, to amend City of Vaughan Zoning By-law 1-88, specifically to rezone Part "A" of the subject lands from A Agricultural Zone to R2 Residential Zone and Part "B" of the subject lands from R2 Residential Zone to A Agricultural Zone, in the manner shown on Attachments #3 and #4 to facilitate the creation of 3 residential lots to be developed with single detached dwellings, and to maintain an existing lot with two heritage dwellings on lands to remain A Agricultural Zone, together with the site-specific zoning exceptions identified in Table 1 of this report.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

Goal 4: To create a vibrant community where citizens, business and visitors thrive

- Objective 4.1: To foster a City with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage

Economic Impact

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

Communications Plan

On November 2, 2012, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the West Woodbridge Homeowner's Association. A copy of the Public Hearing Notice was posted on the City's website at www.vaughan.ca and a Notice sign was installed on the property. To date, two written correspondence were received from Mr. Bonofiglio, who is a neighbouring resident and representative of the residents on Gate House Court, with the following comments:

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1. Extend the depth of the proposed lots to be consistent with the existing adjacent lots on Gate House Court.
2. The proposed lots are contrary to the Official Plan as they are not consistent with the existing development on Gate House Court.

The Planning Department provides the following response to the above-noted comments and concerns:

1. The lots proposed by the owner comply with the R2 Residential Zone minimum lot area requirement of Zoning By-law 1-88. While the lots are smaller than the adjacent lots on Gate House Court, they are compatible with the lots, are of a similar configuration and permit the development of single detached dwellings that maintain the minimum yard setbacks noted in Zoning By-law 1-88. Further, the proposed development conforms to the policies of the in-effect Official Plan. These matters will be discussed in greater detail below.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.12.026 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone Part “A” of the subject lands from A Agricultural Zone to R2 Residential Zone and Part “B” of the subject lands from R2 Residential Zone to A Agricultural Zone, in the manner shown on Attachments #3 and #4 to facilitate the creation of 3 residential lots to be developed with single detached dwellings, and to maintain an existing lot with two heritage dwellings on lands to remain A Agricultural Zone, together with the following site-specific zoning exceptions:

Table 1

	By-law Standard	By-law 1-88 Requirements of the R2 Residential Zone	Proposed Exceptions to the R2 Residential Zone
a.	Minimum Lot Frontage	15 m	13.7 m (applies to only 2 of the lots as shown on Attachment #4)
	By-law Standard	By-law 1-88 Requirements of the A Agricultural Zone	Proposed Exceptions to the A Agricultural Zone
a.	Minimum Lot Frontage (Gate House Road)	100 m	36 m
b.	Minimum Lot Area	10 ha	2.5 ha

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	By-law Standard	By-law 1-88 Requirements of the A Agricultural Zone	Proposed Exceptions to the A Agricultural Zone
c.	Minimum Interior Side Yard Setback (to existing Heritage Dwelling fronting onto Gate House Court)	9 m	3.2 m
d.	Maximum Number of Dwellings on Lot	1	Two (2) dwelling units shall be maintained on the lands zoned A Agricultural Zone, in the manner shown on Attachment #3.

Background - Analysis and Options

Location

The subject lands are located southeast of Langstaff Road and Kipling Avenue, municipally known as 8399 Kipling Avenue, shown as “Subject Lands” on Attachments #1 and #2.

The 2.5 ha property is irregular in shape with approximately 78.85 m of frontage on Gate House Court. The property currently maintains two heritage dwellings shown as Existing Dwellings “A” and “B” on Attachment #3.

In-effect Official Plan

The subject lands are designated “Low Density Residential” by in-effect OPA #240 (Woodbridge Community Plan), as amended by OPA #695 (Kipling Avenue Corridor Study), which only permits single detached dwelling units on lots fronting on Gate House Court, with a minimum 4.5 m front yard setback, to maintain the character of the existing residential court. Schedule C - Identification of Heritage Resources of OPA #695 recognizes the two dwellings (Existing Dwellings “A” and “B” on Attachment #3) as properties that contribute to the Heritage Conservation District (HCD) heritage character.

Schedule D - Projected New Unit Counts and Density of OPA #695 identifies the subject lands as being located within Area ‘Q’ and identifies a potential of 7 units within this area. The proposal to create 3 new residential lots conforms to the proposed build scenario for Area ‘Q’.

The proposal to rezone a portion of the subject lands to create 3 new lots for single detached dwelling purposes, while maintaining the existing dwellings that contribute to the HCD heritage character, conforms to the Official Plan.

Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “Low-Rise Residential A” by the Kipling Avenue Corridor Secondary Plan, in Volume 2 of the Vaughan Official Plan 2010 (VOP 2010), which has been adopted by Vaughan Council, but has not been approved by the Ontario Municipal Board (OMB). The “Low-Rise Residential A” designation permits for lands fronting on Gate House Court, only single detached units with a 4.5 m front yard setback in order to maintain the character of the existing residential court.

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The proposal to rezone a portion of the subject lands to create 3 new lots for single detached houses, while maintaining the two existing heritage dwellings that contributes to the HCD heritage character, conforms to the Official Plan.

Zoning

The subject lands are zoned A Agricultural Zone, R2 Residential Zone and OS1 Open Space Conservation Zone by Zoning By-law 1-88, as shown on Attachment #2. To facilitate the future creation of 3 new residential lots for single detached dwellings, a portion of the subject lands (Part “A” on Attachment #4) is required to be rezoned from A Agricultural Zone to R2 Residential Zone, and a portion of the subject lands (Part “B” on Attachment #4) must be rezoned from R2 Residential Zone to A Agricultural Zone in the manner shown on Attachment #4.

The proposed R2 Residential Zone is consistent with the existing residential lots on Gate House Court. The proposed 3 lots comply with all of the development standards of the R2 Residential Zone, except for the minimum lot frontage requirement of 15 m. As shown on Attachment #4 and noted in Table 1, the owner is requesting to create 2 lots with a lot frontage of 13.72 m, while the proposed 3rd lot maintains all standards of the R2 Residential Zone. The Vaughan Planning Department is of the opinion that the proposed lot frontage is appropriate, and will result in lots and future development that is compatible with the existing residential lots on Gate House Court.

The retained lot is zoned A Agricultural Zone and OS1 Open Space Conservation Zone. The portion of the lands zoned OS1 Open Space Conservation Zone will remain intact and will not be impacted by the proposal to create 3 additional residential lots to the west. However, the subject lands do not meet the minimum lot area and frontage requirements of the A Agricultural Zone, and is not currently operating as a working agricultural lot, but rather is for residential purposes only. The lot maintains two existing residential dwellings that are included within the Vaughan Inventory of Heritage Buildings, but are not designated under Part IV of the Ontario Heritage Act. The owner is proposing to maintain both dwellings on one lot. As mentioned above, in-effect OPA #695 recognizes the two existing dwellings (Dwelling “A” and Dwelling “B” on Attachment #3) as properties that contribute to the Heritage Conservation District (HCD) heritage character. Further, OPA #695 states that heritage conservation is a core principle of the secondary plan, and that heritage conservation of heritage properties is key to achieving an attractive and livable urban environment. Therefore, the Vaughan Planning Department has no objection to the two dwellings being maintained on the reconfigured lot in the manner shown on Attachment #3.

Future Consent Applications

Should Vaughan Council approve this application, the owner must apply to create the 3 residential lots through Consent Applications for successful approval by the Vaughan Committee of Adjustment with the following standards, and in the manner shown on Attachments #3 and #4:

Lot	Zone	Lot Area	Lot Frontage
Lot #1	R2 Residential Zone	491 m ²	15.00 m
Lot #2	R2 Residential Zone	450 m ²	13.72 m
Lot #3	R2 Residential Zone	450 m ²	13.72 m
Retained Lot	A Agricultural Zone	2.5 ha	36.4 m

Vaughan Cultural Heritage Division

The Cultural Heritage Division of the Planning Department has reviewed the above-noted application and provides the following comments:

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The subject lands, municipally known as 8399 Kipling Avenue, have two heritage properties on the lands. Both properties are not individually designated under Part IV of the Ontario Heritage Act and are not designated as part of a heritage conservation district under Part V of the Ontario Heritage Act. However, both properties are included in the Vaughan Inventory of Heritage Buildings. The dwelling further setback from Gate House Court is also included in the Listing of Buildings of Architectural and Historical Value, the City of Vaughan's Register of Properties of Cultural Heritage Value as per Part IV, Subsection 27 of the Ontario Heritage Act. Buildings included in the Listing of Buildings of Architectural and Historical Value shall be preserved through the tools and provisions outlined in the Strategy for the Maintenance and Preservation of Significant Heritage Buildings.

The Cultural Heritage Division has no objection to the Zoning By-law Amendment Application and to the preservation of both existing dwellings.

Vaughan Development/Transportation Engineering Department

This Department has reviewed the above-noted application and provides the following comments:

i. Development and Transportation

The subject lands are located within the subdivision of Parwest Construction (File 19T-85002) Phase 2. The proposed lots will be connected to an existing 200 mm diameter sanitary sewer on Gate House Court. According to the construction drawing of the above-noted subdivision, services were installed during the construction of the above-noted subdivision. The proposed lots will be connected to an existing 150 mm diameter watermain, and an existing 300 mm diameter storm sewer, both located on Gate House Court. The proposed lots will maintain access from Gate House Court, via Kipling Avenue.

In accordance with the City's Servicing Capacity Allocation Strategy – Annual Update as approved by Vaughan Council on October 29, 2013, there is unrestricted servicing allocation capacity available for 3 residential lots (11 persons equivalent). While unrestricted servicing allocation capacity is available, at this time it is appropriate to defer allocation to the proposed 3 residential lots until the Owner applies for the required Consent Applications. Vaughan Engineering Planning and Studies has set aside unrestricted servicing allocation capacity for the proposed 3 residential lots, and they will be formally allocated capacity when the Owner applies for the required Consent Applications. Therefore, as servicing allocation capacity is reserved for the proposed 3 residential lots, the use of a Holding Symbol ("H") is not required at this time.

ii. Environmental

The Environmental Engineering Section has reviewed the associated Site Screening Questionnaire (SSQ) and the proposed lot creation plans. The SSQ is satisfactory and no further environmental documents are required at this time.

Toronto and Region Conservation Authority (TRCA)

The subject lands are located within the TRCA's regulated area, as defined and established by Ontario Regulation 166/06. The TRCA has reviewed the above-noted application and provided the following comments:

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The owner's revised proposal to create 3 residential lots and to maintain the existing dwelling fronting Gate House Court, accurately reflects the limits of the physical top-of-bank and dripline of the valley vegetation staked in the field with the TRCA on October 1, 2013 (as shown on Attachments #3 and #4). The revised proposal also shows the calculated long-term stable top of slope determined by Soil Engineers Ltd. using the Janbu Method in the Addendum to Slope Stability Analysis, dated July 29, 2013, and supported by the TRCA in its letter dated September 10, 2013.

The original application has been revised to reduce the number of lots proposed from 4 to 3. The 3 proposed lots are shown to be 23.5 m from the natural features and hazards identified on the site. As such, the owner has demonstrated that the proposed development does not encroach within the limits of the valley corridor and that there is still sufficient safe access to the remaining dwelling at 8399 Kipling Avenue.

The TRCA has no objection to the revised application, as shown on Attachments #3 and #4.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

The development is located within an existing residential area, which serves to implement the vision of the Gate House Court neighbourhood.

ii) **Preserve Our Heritage and Support, Diversity, Arts & Culture**

The owner is proposing to retain 2 existing dwellings that are listed in the Vaughan Inventory of Heritage Buildings and identified as an important heritage resource in OPA #695.

Regional Implications

The subject lands are not located adjacent to a Regional Road or any property of regional interest/ownership. The York Region Transportation and Community Planning Department has reviewed the proposal and has no objection to its approval.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.12.026 in consideration of the policies of the in-effect Official Plan, the requirements of Zoning By-law 1-88, comments received from City Departments, external public agencies, neighbouring landowners, and the area context. The Planning Department is satisfied with the proposed Zoning By-law Amendment application to facilitate the creation of 3 residential lots for single detached dwellings within an R2 Residential Zone category, and to maintain the existing lot with two heritage dwellings in the A Agricultural Zone. Accordingly, the Planning Department can support the approval of Zoning By-law Amendment File Z.12.026, subject to the recommendations in this report.

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Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan & Zoning
4. Lot Creation Detail

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.)