

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 16, 2015

Item 23, Report No. 31, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 16, 2015.

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**ZONING BY-LAW AMENDMENT FILE Z.06.064
DRAFT PLAN OF SUBDIVISION FILE 19T-06V12 (PHASE 1)
COUNTRY WIDE HOMES (PINE VALLEY ESTATES) INC.
(FORMERLY KNOWN AS MARIA AND GIUSEPPE PANDOLFO)
WARD 3 - VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated September 9, 2015, be approved; and**
- 2) That the following deputations and Communication be received:**
 - 1. Ms. Gillian Evans, Upper Cold Creek Farm, Pine Valley Drive, Woodbridge, and Communication C2, dated September 9, 2015; and**
 - 2. Mr. Sam Balsamo, Countrywide Homes, Highway 7, Vaughan, L4L 3P5.**

Recommendation

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

1. THAT Zoning By-law Amendment File Z.06.064 (Country Wide Homes (Pine Valley Estates) Inc.) BE ENDORSED, to amend Zoning By-law 1-88, specifically to rezone the Phase 1 portion of the subject lands shown on Attachments #2 and #3, from A Agricultural Zone and OS1 Open Space Conservation Zone to RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, RT1 Residential Townhouse Zone, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone, in the manner shown on Attachment #4, together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report.
2. THAT Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes (Pine Valley Estates) Inc.) as shown on Attachment #5, BE ENDORSED, subject to the conditions set out in Attachment #1 of this report.
3. THAT the Notice of Approval for Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes (Pine Valley Estates) Inc.) not be issued until the implementing Official Plan Amendment (OPA) #744 is approved by the Ontario Municipal Board (OMB) and is in full force and effect, and a fully executed Landowner's Cost Sharing Agreement is in place that includes the funding arrangements and conveyances for the Block 40/47 Sanitary Pumping Station and associated works.
4. THAT should the approval of Official Plan Amendment (OPA) #744 result in modifications to the Official Plan or the Block 40/47 Plan, the zoning and Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes (Pine Valley Estates) Inc.) and supporting documents including the Master Environmental Servicing Plan (MESP) shall be revised to conform to the approved OPA #744 and the Block 40/47 Plan.

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5. THAT prior to the registration of the first Draft Plan of Subdivision or any phase thereof of any Draft Plan of Subdivision located within the Block 40/47 Plan, the Master Environmental Servicing Plan (MESP) must be approved to the satisfaction of the Toronto and Region Conservation Authority, York Region and the City of Vaughan.
6. THAT Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes (Pine Valley Estates) Inc.) shall be consistent with the approved Master Environmental Servicing Plan and Block 40/47 Plan.
7. THAT Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes (Pine Valley Estates) Inc.) be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total 192 residential units (670 persons equivalent).
8. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes (Pine Valley Estates) Inc.) shall include the following clause:

“The Owner shall provide parkland and/or pay to the City of Vaughan, by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit in accordance with the Planning Act and the City’s Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”
9. THAT City Staff be directed to attend the Ontario Municipal Board Hearing in support of the Owner’s appeals to Zoning By-law Amendment and Draft Plan of Subdivision on the terms and conditions set out in this report.
10. THAT the Ontario Municipal Board not issue its written Decision Order(s) until the Owner has satisfied all requirements of the City of Vaughan, the Toronto and Region Conservation Authority and York and Peel Regions.

Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 1: To significantly reduce our use of natural resources and the amount of waste we generate

- Objective 1.3: To support enhanced standards of stormwater management at the City and work with others to care for Vaughan’s watersheds

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit

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In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- a) Subdivision:
 - i) On lot infiltration trenches (locations to be confirmed through detailed design) to reduce/remove pollutants/sediments infiltrating into the ground water;
 - ii) Valleyland edge management planting;
 - iii) On-street bike lanes and routes;
 - iv) Transportation Demand Management (TDM) measures with a pedestrian focused development approach promoting open space or park areas within a 5-minute walk to the majority of dwellings, ensuring attractive, pedestrian-scaled streets and a valley crossing system that is coordinated with the sidewalk network;
- b) Building Materials and Technology:
 - i) Energy efficient construction including steel insulated doors, basement insulation, blown insulation in the attic, high-efficiency furnaces and plumbing fixtures, Energy Star equivalent standard light fixtures, Low Emissivity Energy Star windows and patio doors and locally sourced building materials where feasible;
 - ii) Waste management practices to ensure that all trades work efficiently to reduce and eliminate waste, including on-site waste management, and re-use and recycling of materials;
- c) Native Vegetation Protection:
 - i) educate the future homeowners, where the lots abut open space lands, about the importance of maintaining the native plants and discouraging/prohibiting the installation of gates to avoid unwanted intrusion into the natural area and disposal of refuse in natural areas;
 - ii) prohibit the planting of ornamental plants beyond the backyards; and,
 - iii) provide native vegetation barrier plantings (ie. raspberries) in areas of higher accessibility to deter human intrusion into the natural areas.

Economic Impact

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

Communications Plan

On August 8, 2014, a Notice of Public Hearing was circulated to an extended polling area beyond 150 m (Attachment #2) of the subject lands and to the Millwood Woodend Ratepayers' Association, Rimwood Estates Homeowners Association and the Kleinburg and Area Ratepayers Association. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the subject lands in accordance with the City's Notice Sign Procedures and Protocol. The recommendation of the Committee of the Whole

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to receive the Public Hearing report of September 2, 2014 and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on September 9, 2014. To date, a letter and a Communication were received by the Vaughan Planning Department:

- i) L. Tonelli, Pine Valley Drive - respecting the proposed 34 townhouse units and negative impact on the general character of the existing lands and buildings: visual impact on nature; density and overdevelopment of the site; being out of character with the community. Traffic and road safety on Pine Valley Drive was also noted.
- ii) F. & B. Di Sarra, Pine Valley Drive – respecting the inconsistency of the buffer shown on the Public Hearing attachments and an inadequate description of the buffer ie. dimensions; draft plan is premature until the buffer has been defined and all affected landowners are in agreement; the preference for estate size lots along the southerly border to create a gradual transition from the existing Greenbelt lands that will remain unchanged; the proposed fence of 1.8 m in height with 1 row of trees is an inadequate buffer and this resident requests that a study be undertaken to determine the appropriate fence height; fence should be maintained by the new owners not the farm to the south and should be required on title; trees should be planted on both sides of the fence along the property line by the developer as visual and acoustic privacy.

A deputation from the adjacent landowner to the south was made at the September 2, 2014, Public Hearing meeting:

D. Toyne & G. Evans – regarding an appropriate buffer between their active farm operation and the proposed development; buffer is a requirement of OPA #744; development will impact their agricultural expansion; provided an example of the City of Surrey in British Columbia where setback is 30 m to the house and 15 – 20 m heavily vegetated buffer and fence.

In response to the issues raised above, the following information is provided:

- i) Proposed townhouse units – A modification to OPA 744 was approved by York Region, which redesignated the lands located at the southeast corner of Pine Valley Drive and the southerly Primary Road access (Street 1 on Attachment #5) from “Medium Density Residential/Commercial” to “Low Rise Residential” which permits street townhouse dwellings, provided they are located adjacent to Pine Valley Drive and/or south of Street “1” (Attachment #5) and that no townhouse lots shall abut the southerly residential boundary of Block 47. Should OPA #744 be approved by the Ontario Municipal Board, the proposed development showing townhouses south of Street 1 conforms to the policies of OPA #744.
- ii) Impact on Pine Valley Drive – as part of the Block Plan 40/47 process, a Transportation Management Plan was submitted to the Vaughan Development Engineering and Infrastructure Planning Services Department for review, and was ultimately approved by Vaughan Council on June 24, 2014.
- iii) Buffer and Fence - The Owner has since revised the draft plan of subdivision and is proposing a 4.5 m wide buffer located at the southerly limit of Lots 119 to 136 inclusive, in private ownership. This buffer will be landscaped by the Owner (Country Wide Homes (Pine Valley Estates) Inc.) with dense trees and plantings. A landscape plan which details the materials used shall be approved by the City prior to registration of the subdivision, should it be approved. The buffer areas at the rear portion of these lots will be zoned OS1 Open Space Conservation Zone. The Owner has also proposed restrictive covenants to be registered on title with each lot, specifying the buffer shall be maintained

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with the landscaping provided and that building or structures and storage of any material is prohibited. A 1.8 m high board fence is proposed along the rear of Lots 119 to 135 inclusive which shall also be maintained by the individual lot owners. Specific draft plan conditions to this effect are included in Attachment 1a) of this report. The proposed zoning by-law will also include a provision that does not permit structures or buildings or storage of materials within the buffer block. More details on the buffer are provided throughout the report.

Purpose

To seek approval from the Committee of the Whole for the following applications on the subject lands shown on Attachments #2 and #3:

1. Zoning By-law Amendment File Z.06.064 to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, RT1 Residential Townhouse Zone, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone, in the manner shown on Attachment #4, together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report, to facilitate a proposed residential Draft Plan of Subdivision (Phase 1) for 192 dwelling units.
2. Draft Plan of Subdivision File 19T-06V12 (Phase 1) to facilitate a proposed residential Draft Plan of Subdivision as shown on Attachment #5 consisting of the following:

Lot/Block Number	Land Use	Area (ha)	Units
Lots 1, 3-8, 111-114, 135-140, 144-146, 154, Blks 169 and 171	Detached Residential Units (15.2 m frontage)	1.520	22
Lots 2, 9-36, 66-77, 79, 88-94, 100, 109, 110, 115-117, 119-134, 141-143, 147-153, 155-162, Blk 172	Detached Residential Units (13.7 m frontage)	4.691	89.5
Lots 37-65, 80-86, 95, 99, 101-108, Blk 170	Detached Residential Units (12.8 m frontage)	2.23	46.5
Blocks 78, 87, 96-98, 118	6 Townhouse Blocks	0.755	34
Block 175	Valley Buffer	0.158	
Blocks 176 & 177	Landscape Buffer	0.127	
Blocks 178	Road Widening	0.084	
Blocks 179-198	0.3 m Reserve	0.020	
Block 199	Future Development	0.096	
Block 200	Valley	10.659	
Block 201	Temporary Park	0.526	
	Streets	3.380	
	Total	24.246	192

Background - Analysis and Options

Synopsis:

The Owner is proposing to develop the subject lands for a residential plan of subdivision consisting of 158 detached dwelling units and 34 townhouse units (Phase 1), a neighbourhood park and including open space and buffer blocks, as shown on Attachment #5. The Vaughan Planning Department supports the Zoning By-law Amendment and Draft Plan of Subdivision Applications since they implement the Vaughan Council approved Official Plan and is compatible with the surrounding existing and planned land uses.

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Location

The subject lands are located on the west side of Pine Valley Drive, south of Teston Road, known municipally as 10390 Pine Valley Drive, City of Vaughan, as shown on Attachments #2 and #3.

Provincial Policies

The subject Official Plan amendment and Block Plan approval applications were submitted in advance of the Provincial Growth Plan for the Greater Golden Horseshoe – *Places to Grow*, the Greenbelt Plan and the Provincial Policy Statement of 2005 and 2014. As such, the processing of this Plan continues under the Provincial Policies in effect at the time of the originating application.

Official Plan Amendment (OPA) #600 and #744

The subject lands are designated “Urban Area” and “Valley Lands” by OPA #600 and form part of the Vellore Urban Village and are subject to the following policies (in-part):

- The lands designated Urban Area shall be subject to a comprehensive plan providing the technical basis to support secondary plan land use designations consistent with the planning approach of OPA #600;
- The lands or area will be planned for predominantly “executive housing” on large lots with full municipal services, with a gross density between 5.0 and 7.5 units per hectare.

The lands designated as “Urban Area” shall remain subject to the Rural Use Area, Rural-General and Agricultural Area policies of OPA #600 until such time as they are redesignated to specific urban land use categories by an approved amendment to this plan.

An application to amend OPA #600 was submitted by the Block 40/47 Developer’s Group on February 19, 2003, to redesignate the subject lands in a manner that would fulfill the requirements of OPA #600 for a Secondary Plan/Block Plan process and establish land use designations to develop Block 40/47 Planning Area for a predominantly low residential built form. On February 18, 2014, Vaughan Council adopted site-specific Official Plan Amendment (OPA) #744 for the area designated Urban Area in Block 40/47, which includes the subject lands.

The subject lands are designated “Low Density Residential”, “Neighbourhood Park” and “Valley Lands” by OPA #744, which was adopted by Vaughan Council. York Region, the approval authority of this amendment, issued its Notice of Decision to approve OPA #744 with modifications, which was subsequently appealed and is scheduled to be considered by the Ontario Municipal Board (OMB) at a Hearing commencing on September 28, 2015.

Two appeals of OPA #744 dated October 6, 2014 were filed with the OMB. One appeal was submitted by the Owner of the subject lands (previously known as Pandolfo et. al), who is a member of the Block 40/47 Developers Group Inc. The appeal relates to a conditional donation agreement respecting a heritage site within the Phase 2 portion of the property, and is awaiting a ruling from the Canada Revenue Agency (CRA). Phase 2 is not part of these applications that are before Vaughan Council for consideration at this time. The Owner advised the OMB that their appeal is precautionary as they await the CRA ruling.

The Owner is a party to the appeal to OPA #744 and as such, agrees and consents to the inclusion of Conditions #3 and #4 in the Recommendation of this report, and the terms set out therein, as conditions of approval for any Zoning By-law Amendment and/or approval of Draft Plan of Subdivision for the proposed development.

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The second appeal was submitted by a neighbouring landowner (Upper Cold Creek Farm) located adjacent to the Block 40/47 lands, along the southern boundary of the subject lands, which relates to concerns respecting the compatibility of the adjacent land uses with their existing farming operation.

OPA #744 contains the following policy respecting compatibility with adjacent land uses:

"Paragraph 6, Section IV, Clause xv. Compatibility with Adjacent Land Uses

Residential Uses, as provided for in this Plan, shall be developed in a manner that is compatible with adjacent Rural/Agricultural Uses. Measures to ensure compatibility will be considered and implemented through the draft plan of subdivision/zoning approval processes. Such measures may include: the provision of buffer areas, landscaping and screening, increased building setbacks, sympathetic massing and architectural treatments and grading measures that minimize the use of retaining structures."

As supporting documentation for the Zoning By-law Amendment and Draft Plan of Subdivision applications, the Owner submitted an Agrologist report, dated July 7, 2015, and a Witness Statement, dated August 4, 2015, both prepared by Michael Hoffman of AgPlan Limited. AgPlan Limited (Michael Hoffman) prepared the witness statement for the Owner (Country Wide Homes (Pine Valley Estates) Inc.) and will be providing expert opinion evidence at the OMB Hearing regarding Official Plan Amendment #744 (OMB Case No. PL141138), scheduled to commence on September 28, 2015.

The report and witness statement refer to the above noted policy in OPA #744 respecting compatibility with adjacent land uses and informs the comments and opinions in the documents, regarding the proposed buffer between the proposed residential development on the subject lands and the Upper Cold Creek Farm located to the south.

The following mitigation measures are recommended by AgPlan Limited, for the subject Draft Plan of Subdivision and implementing Zoning By-law to address the concerns respecting compatibility with the adjacent farming operation:

- i) Buffer: A 4.5 m wide vegetated buffer strip located at the rear of Lots 119 to 136 inclusive, to provide screening as shown on Attachment #5. The species chosen for the buffer must provide sufficient density to be an identifiable barrier and have sufficient height as a visual barrier. The buffer should not contain any species that will provide seed sources for undesirable plants in the adjacent hay/pasture area nor contain species that are highly invasive. The buffer will be held in private ownership.
- ii) Fencing: A 1.8 m high wood screen fence situated on the rear lot lines of Lots 119 to 135 inclusive.
- iii) Warning Clause: A warning clause to be included on title and as part of a sale/lease agreement that indicates that the adjacent southerly lands are actively farmed and will follow normal farm practices that may: include the application of pesticides; and, generate dust, noise, odour, light etc. which are all allowed and protected by the Farm Practices Protection Act.
- iv) Zoning of the Buffer Area: The buffer area at the rear of Lots 119 to 136 shall be zoned to OS1 Open Space Conservation Zone, which will not permit any uses or structures, or the storage of any material within the buffer area of the buffer area.

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AgPlan Limited concludes that should these compatibility measures be implemented, residential uses can be developed in a manner that is compatible with the adjacent farm.

DBH Soil Services Inc.(Dave Hodgson) was retained by the City of Vaughan to conduct a Peer Review of the findings in the AgPlan Limited agrologist report and witness statement. In a letter dated August 6, 2015, DHB Soil Services advises that the proposed mitigation measures are reasonable and sufficient to address the need for mitigation. As such, the proposed Draft Plan of Subdivision conforms to the policies of OPA #744. The implementation of the mitigation measures identified above will be discussed further in the report.

The proposed Draft Plan of Subdivision implements the Block 40/47 Plan, which facilitates the development of a complete community, with a mix of land-uses and housing types, and an overall gross density that does not exceed 18 units per hectare (uph). The subdivision has an average gross density of 14.978 uph. The proposed Draft Plan of Subdivision is consistent with the Block 40/47 land use plan approved by Vaughan Council on June 24, 2014 (Attachment #6). However, should the OMB approve OPA #744, and the OMB's decision results in modifications to the Official Plan, the Block 40/47 Plan and the proposed Draft Plan of Subdivision and implementing Zoning By-law must be revised to conform to the final approved Official Plan Amendment. A condition to this effect is included in the recommendation of this report and set out in the Conditions of Approval in Attachment #1a).

The Notice of Approval of Draft Plan of Subdivision File 19T-06V12 (Phase 1) will not be issued until such time as OPA #744 is approved by the OMB and is in full force and effect, and a fully executed Landowner's Cost Sharing Agreement is in place that includes the funding arrangements and conveyances for the Block 40/47 Sanitary Pumping Station and associated works. The final approved OPA #744 will be incorporated into Vaughan Official Plan (VOP) 2010 as a site-specific amendment in Volume 2 of the VOP 2010, if approved by the OMB.

On July 14, 2015, the Owner also appealed the subject Draft Plan of Subdivision File 19T-06V12 and Zoning By-law Amendment File Z.06.064 to the Ontario Municipal Board on the basis that no decision has been made by Council on these applications within 120 days as required by the Planning Act. To-date an OMB Hearing date has not been scheduled.

Block 40/47 Plan

In February 2003, the City of Vaughan received Block Plan File BL.40/47.2003 from the Developers Group for Blocks 40 and 47, to establish the comprehensive planning framework for these blocks including, but not limited to, the proposed land uses, housing mix and densities, protection and enhancement of the natural environment, the location of parks and community facilities, servicing infrastructure, transportation (road) network, public transit, urban design, and, phasing for the Blocks to manage growth.

The Block 40/47 Plan was originally considered by Vaughan Council at a Public Hearing on June 21, 2004. On February 18, 2014, Vaughan Council enacted By-law 18-2014 to adopt OPA #744, to establish secondary plan level policies for Block 40/47. Since the initial submission of the Block 40/47 Plan, it has been modified to respond to the policies of OPA #600, as amended by OPA #744, and to respond to comments from various public agencies, stakeholders and Ratepayers Association. OPA #744 designates the lands within the Block 40/47 Plan as required by OPA #600, to guide development in the Blocks and maintain the complex ecosystem functions and cultural heritage attributes associated with the Block Plan area.

A Public Hearing for the revised Block Plan submission, which responds to the policies of OPA #600 as amended by OPA #744, was held on February 25, 2014, and the recommendation to receive the Public Hearing report, was ratified by Vaughan Council on March 18, 2014. On June 24, 2014, Vaughan Council approved the Block 40/47 Plan, subject to York Region approval of

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OPA #744, and fulfillment by landowners of additional conditions, required by staff and agencies. Modifications to the Block 40/47 Plan, arising from comments from the public, external public agencies and the City, has resulted in the approval of an updated Block 40/47 Plan and conditions (Attachment #6). The proposed Draft Plan of Subdivision and Zoning By-law Amendment applications will facilitate development that is consistent with the Vaughan Council approved Block 40/47 Plan shown on Attachment #6.

Zoning

The subject lands are zoned A Agricultural Zone and OS1 Open Space Conservation Zone by Zoning By-law 1-88, as shown on Attachment #3. To facilitate the proposed Draft Plan of Subdivision shown on Attachment #5, an amendment to the zoning by-law is required to rezone the subject lands in the manner shown on Attachment #4, together with the following site-specific zoning exceptions:

Table 1: Proposed Zoning Exceptions

	By-law Standard	Zoning By-law 1-88, RD2 and RD3 Residential Detached Zone Requirements	Proposed Exceptions to the RD2 and RD3 Residential Detached Zone Requirements
a.	Fireplace or Chimney Pilaster Yard Encroachment	Sections 3.14 (a) and (d) in the By-law permit a maximum 0.5 m encroachment into a required yard, with no encroachment in an interior side yard to be closer than 1.2 m to the property line.	Permit a fireplace or chimney pilaster to encroach a maximum of 0.5 m into any yard.
b.	Permitted Encroachment of an Unenclosed Porch (Covered and Uncovered), and Balcony	Section 4.22.2 in the By-law makes reference to “front” and “exterior side” yards, which is proposed to be changed to “rear” and “exterior side” yards.	<p>Permit a covered and unenclosed porch and/or balcony both excavated and unexcavated as permitted encroachments into the rear, yard, subject to the following:</p> <ul style="list-style-type: none"> i) an unenclosed porch (covered or uncovered) to a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres; ii) a 1.5 metre no encroachment zone shall be maintained inside the property line within the rear yard and exterior side yard, and within the interior side yard abutting a greenway, walkway, buffer block or stormwater management pond, and at a sight triangle;

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			iii) the maximum finished floor elevation of an unenclosed porch (covered or uncovered, with or without a cold cellar) located in the rear yard or exterior side yard, or in the interior side yard abutting a greenway, walkway, buffer block or stormwater management pond, shall not exceed 1.2 metres above finished grade.
c.	Bay or Box Window Encroachment	Schedule "A3", Note "D" in the By-law also includes an encroachment into the interior side yard, which is proposed to be excluded.	Bay or box windows, or similar window projections constructed with or without footings may encroach into a required front, exterior side or rear yard a maximum of 0.6 m.
d.	Minimum Exterior Side Yard Abutting a Sight Triangle	3 m	1.5 m
e.	Minimum Interior Side Yard Setback Abutting a Non-Residential Use (Walkway, Open Space)	3.5 m	1.5 m
	By-law Standard	Zoning By-law 1-88, OS1 Open Space Conservation Zone Requirements	Proposed Exceptions to the OS1 Open Space Conservation Zone Requirements For the Rear of Lots 119 to 136 Inclusive
a.	Permitted Uses	Recreational, Institutional and Conservation Uses	Only landscaping is permitted within the 4.5 m buffer area. Buildings or structures including swimming pools, pool cabanas, gazebos, sheds or accessory buildings of any kind, and the storage machinery or materials are not permitted

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	By-law Standard	Zoning By-law 1-88, RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Fireplace or Chimney Pilaster Yard Encroachment	Sections 3.14 (a) and (d) in the By-law permit a maximum 0.5 m encroachment into a required yard, with no encroachment in an interior side yard to be closer than 1.2 m to the property line.	Permit a fireplace or chimney pilaster to encroach a maximum of 0.5 m in any yard.
b.	Permitted Encroachment of an Unenclosed Porch (Covered and Uncovered), Cold Cellars, and Balconies	Section 4.22.2 in the By-law makes reference to “front” and “exterior side” yards, which is proposed to be changed to “rear” and “exterior side” yards.	<p>Permit a covered and unenclosed porch and/or balcony both excavated and unexcavated as permitted encroachments in the rear yard, subject to the following:</p> <ul style="list-style-type: none"> i) an unenclosed porch (covered or uncovered) to a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres; ii) a 1.5 m no encroachment zone shall be maintained inside the property line within the rear yard and exterior side yard, and within the interior side yard abutting a greenway, walkway, buffer block or stormwater management pond, and at a sight triangle; iii) the maximum finished floor elevation of an unenclosed porch (covered or uncovered, with or without a cold cellar) located in the rear yard or exterior side yard, or in the interior side yard abutting a greenway, walkway, buffer block or stormwater management pond, shall not exceed 1.2 metres above finished grade.

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c.	Bay or Box Window Encroachments	Section 4.22.2 in the By-law permits an encroachment for a bay or box window into the “front” and “exterior side” yards.	Permit a bay or box window or similar projection with or without footings to encroach into the required front, exterior side or rear yards a maximum of 0.6 m.
d.	Minimum Exterior Side Yard Abutting a Sight Triangle	3 m	1.5 m

i) Proposed Zoning Exceptions

The Owner has requested exceptions to the yard encroachment requirements and side yard abutting a sight triangle for the proposed residential zones in order to maximize interior dwelling floor space and provide for building articulation. These exceptions are similar to those approved by Vaughan Council in the Block 40 South area and are considered acceptable.

To address the OPA #744 policy respecting compatibility with adjacent land uses as discussed earlier in the report, the Owner has provided a 4.5 metre wide landscaped buffer on a portion of the rear of Lots 119 to 136 (in private ownership) that abut the existing farm to the south. The buffer area will be zoned OS1 Open Space Conservation Zone, and the by-law will include a specific provision stating that buildings or structures of any kind, as well as the storage of any equipment will not be permitted in the buffer area. The buffer area will be landscaped with a sufficient height and density to be an identifiable barrier between the existing farm operation to the south and the new development. The landscape plan outlining the planting material and details shall be approved by the City of Vaughan. A 1.8 m high wood fence will also be constructed along the rear lot line of Lots 119 to 135 inclusive that abut the farm property to the south, and will be required to be maintained by the individual lot owners. To ensure the buffer and fence are maintained, the Owner will be including a restrictive covenant on title with each of Lots 119 to 136 inclusive. In addition a warning clause will be included in all offers of purchase and sale/lease advising that the adjacent lands to the south are actively farmed and will follow normal farm practices that may: include the application of pesticides; and, generate dust, noise, odour, light etc. which are all allowed and protected by the Farm Practices Protection Act. Conditions outlining the proposed requirements noted above are included in Attachment 1a).

The Vaughan Planning Department is satisfied that the proposed rezoning of the subject lands in the manner shown on Attachment #4, together with the requested site-specific zoning exceptions discussed above are appropriate for the development of the subject lands.

Block Plan

The Owner, as a result of addressing the City and external agency requirements, and the continuous work on the detailed design as part of the Block 40/47 Plan, must submit an updated Block Plan and Master Environmental and Servicing Plan (MESP) and any related reports, to the satisfaction to the City and Toronto and Region Conservation Authority (TRCA). Conditions to this respect are included in Attachment #1a).

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Subdivision Design

The Draft Plan of Subdivision (Phase 1) is comprised of 158 lots for detached dwellings, 4 residential blocks (2 lots) to be combined with adjacent lands to the north to create full lots, 6 blocks for 34 street townhouse units, a temporary park block and valleylands as shown on Attachment #5. The park is identified as temporary at this time pending the future completion of a design and development plan for the combined Phase 1 and 2 park and open space area. The purpose of the temporary park is to provide neighbourhood park facilities (playground, seating area, play area) to service the Phase 1 development. Once the Phase 2 portion of the Draft Plan of Subdivision is approved for development, the final park boundary will be clearly established. Prior to final approval, the Owner shall prepare Architectural and Urban Design Guidelines, and all development within the Draft Plan of Subdivision shall proceed in accordance with the approved Architectural Design Guidelines and Urban Design Guidelines. Conditions to this effect are included in Attachment #1a).

The Vaughan Planning Department is satisfied with the proposed subdivision design, subject to the comments in this report and conditions of approval in Attachment #1a).

Developers' Group Agreement

It is a standard condition of Draft Plan of Subdivision approval that the participating landowners for the block execute a Developers' Group Agreement respecting the provision of servicing infrastructure and roads for the Block. The Owner of the subject lands is a member of the Block 40/47 Developers' Group, and will be required to participate in the cost sharing for the Block, which includes addressing stormwater management and other infrastructure including providing sidewalks, roads and other municipal services. In addition, on June 23, 2015, Council adopted the following motion:

"That prior to the City Clerk issuing Notice of Draft Plan Approval for any of the draft plans of subdivision in Block 40/47, the City receive confirmation that a fully executed Landowner's Cost Sharing Agreement is in place which includes the funding arrangements and conveyances for the Block 40/47 Sanitary Pumping Station and associated works."

The parties to this agreement shall include all benefiting landowners within Block 40 South, Block 40/47 North, Block 55, and Block 41. Conditions to this effect are included in the recommendation section and Attachment #1a) of this report.

Vaughan Development Engineering and Infrastructure Planning Services Department

The Vaughan Development Engineering and Infrastructure Planning Services Department (DEIPS) has provided the following comments:

a) Road Network

The proposed lots and blocks will be served by a direct connection to Pine Valley Drive to the east and the internal local and minor collector roads will connect to the proposed roads in the adjacent plan to the north, being Draft Plan of Subdivision File 19T-03V25.

Improvements and urbanization to Pine Valley Drive from Teston Road to the south limits of the Block Plan shall include sidewalk and streetlighting to the satisfaction of the City and Region.

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b) Water Distribution

The subject lands are within Pressure District 7 (PD 7) of the York Water Supply System. Block 40/47 North will be serviced within PD 7 by the extension of the existing 450 mm diameter watermain on Teston Road from its current terminus just west of Weston Road. A secondary watermain feed for security and looping purposes will be provided via a connection to the existing system in Block 40 South. This secondary feed will require the crossing of the valley and the location coincides with the sanitary sewer crossing to the Pine Valley North Sewage Pumping Station (PVNSPS) from the west.

The Owner shall upfront finance the cost to design, tender and construct the required external watermain on Teston Road, west of Weston Road, taking into account the Region's plans for upgrading Teston Road, as a component of the first phase works to the satisfaction of the City. A portion of the watermain will be funded from Development Charges in accordance with the City's current Background Study.

c) Sanitary Servicing

The subject lands are ultimately tributary to the Jane-Rutherford Sanitary Trunk located within the Maple Service Area of the York-Durham Sewage System. The closest gravity sewer to the subject lands is currently located in Block 40 South at Lawford Road, north of Major Mackenzie Drive, west of Weston Road. From this point, a sanitary forcemain will be extended northerly, in conjunction with the development of Block 40 South, to the future Pine Valley North Sewage Pump Station (PVNSPS).

d) Pine Valley North Sanitary Pump Station

The development of the westerly portion (23 ha) of Block 40 South and all of the participating Block 40/47 North, Block 55 and Block 41 lands are dependent on the construction of the PVNSPS, which will discharge flows to Block 40 South. The PVNSPS will be located on the east side of Cold Creek on lands external to the Plan being Draft Plan of Subdivision File 19T-06V10, and surrounded by Open Space/Valleylands.

A Developers' Group Cost Sharing Agreement specifically for the design and construction of the PVNSPS and related trunk sewers/forcemain is necessary to ensure an adequate outlet is readily available for all benefitting lands. The parties to this Cost Sharing Agreement shall include all benefitting land owners within Block 40 South, Block 40/47, Block 55, and Block 41.

e) Stormwater Management

The subject lands are located within the Cold Creek basin of the East Humber River Sub-watershed. The lands are traversed by three (3) branches of Cold Creek; the west tributary runs parallel to the west limit of the lands, the central tributary runs north and is located 300m east of Pine Valley Drive, the east tributary runs east from the central tributary to past Weston Road and Teston Road. The storm water management (SWM) plan for lands within Block 40/47 North proposes the establishment of three (3) SWM facilities, one (1) being within Block 47 North, located immediately to the north within Draft Plan of Subdivision File 19T-03V25, which services this Plan. The SWM facilities are proposed to control the urban storm water runoff to the target release rates established for the East Humber River watershed. These facilities will also provide water quality treatment and erosion control.

In order to achieve the necessary water balance requirements for the Block, infiltration galleries are proposed within each of the stormwater management pond blocks. The proposed groundwater recharge/balance analysis included in the recent resubmission of the MESP remains

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under review with the Toronto and Region Conservation Authority (TRCA), Ministry of Natural Resources and Forestry (MNRF) and the City of Vaughan. Accordingly, a Holding Symbol “(H)” shall be applied to the amending zoning by-law for specific lots adjacent to the proposed stormwater management pond blocks to ensure development does not proceed until such time that the City is satisfied with the detailed design of the ponds and the infiltration galleries.

f) Sewage and Water Allocation

On May 19, 2015, the City’s latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City. Servicing capacity was reserved specifically to the Block 40/47 Trustee in the amount of 1,350 residential units (7,456 persons equivalent). Accordingly, servicing capacity to the draft plans within the Block 40/47 Plan is available and unrestricted.

g) Environmental Site Assessment

The Owner submitted an Updated Phase One Environmental Site Assessment (ESA) report dated April 2015, which the City determined to be acceptable.

The Owner is required to submit a Phase Two ESA for any open space/park lands to be conveyed to the City of Vaughan, in accordance with the City’s standards and requirements, with the investigation conducted only after certification of rough grading but prior to the placement of topsoil.

h) Environmental Noise/Vibration Impact

Acoustic measures shall be utilized to mitigate noise impacts from traffic on Pine Valley Drive. A Noise/Acoustic Report shall be submitted at the detailed design stage, which meets Ministry of Environment and Climate Change Guidelines and City criteria. The Owner shall implement all noise abatement measures as recommended in the report to the satisfaction of the City and York Region.

i) Streetlighting

Light-emitting diode (LED) streetlighting shall be utilized throughout the Plan in accordance with the approved Urban Design Guidelines and in accordance with the City’s latest design standards and specifications.

j) Pedestrian/Servicing Bridges

The subject lands are part of the Block 40/47 Plan, where two pedestrian/servicing bridge structures are proposed to cross the Cold Creek Valley systems. These structures will provide multi-use pedestrian and cycling connectivity between the east and west neighbourhoods within Block 40 North. In addition, the structures will be used as a utility corridor to support the necessary watermain and sanitary sewer crossings of the valley. Extensive consultation with MNRF and TRCA was undertaken in order to finalize the proposed bridge and abutment locations based on existing environmental considerations within the valleys.

To date a preliminary design of the proposed bridge structures has been prepared, peer reviewed and approved in principal. The City’s peer review Consultant will continue to assist with the review of the detailed design which may affect the approaches and adjacent lots. On-going operation and maintenance/access requirements will be finalized in conjunction with review of the detailed design to the satisfaction of the City of Vaughan, the TRCA and MNRF.

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As the subject lands are within the Block 40/47 Plan, the Owner shall be required to enter into a Developers' Group Agreement with the other participating landowners within Block 40/47, respecting all cost sharing for municipal services, such as the pedestrian/servicing bridge structures, among other matters, to the satisfaction of the City.

The Vaughan Development Engineering and Infrastructure Planning Services Department and the Parks Development Department have no objection to the development, subject to the conditions of approval in Attachment #1a.

Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Urban Design and Cultural Heritage Division of the Vaughan Development Planning Department advises that there are outstanding reports and Ministry of Tourism, Culture and Sport approvals for the subject lands. There are areas that were not subject to archaeological assessment and are located in an area of high archaeological potential, and are required to be assessed by a licensed archaeologist. Specifically, these lands are located within a strip along the northern boundary of the subject lands. The Owner submitted a letter on June 8, 2015 informing that this strip has been assessed through a Stage 1 and Stage 2 archaeological assessment, with no significant findings, and a report will be forthcoming. Further information is required to be submitted as outlined in the Conditions of Approval in Attachment #1a).

Vaughan Parks Development Department

The Vaughan Parks Development Department has no objection to the proposed development, subject to the conditions of approval in Attachment #1a). The department advises that prior to Phase 1 plan registration, the Owner shall enter into a separate agreement with the City respecting the total amount of parkland in Phases 1 and 2 of Draft Plan of Subdivision File 19T-06V12 to be conveyed and/or credited, and construction of the Temporary Park for Block 201 to the satisfaction of the Vaughan Parks Development Department, and the construction of the final park associated with Phase 1, including Block 174. In addition, prior to the execution of the first Subdivision Agreement, the Owner shall design and agree to construct all off-road pedestrian paths and trails in accordance with the approved Block 40/47 Landscape Master Plan, and Streetscape and Urban Design Guidelines, to the satisfaction of and at no cost to the City.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has advised that prior to final approval of the Draft Plan of Subdivision, the Owner is required to enter into a Developers' Group Agreement with the other participating landowners within the Block 40/47 Plan to the satisfaction of the City. The Agreement shall be regarding, but not limited to, all cost sharing for the provision of parks, cash-in-lieu of the dedication of parkland, and road and municipal services within Block 40/47 Plan. This agreement shall also provide a provision for additional developers to join the Developers' Group Agreement, when they wish to develop their lands. The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". This is included in the recommendation of this report and conditions of approval in Attachment #1a).

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has provided the following comments:

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a) Environmental Features

Block 40/47 includes significant environmental features located within the East Humber watershed, and more specifically traversed by several tributaries of the Cold Creek system. Cold Creek is a high quality, sensitive cold water system that supports a diverse range of aquatic species and provides habitat for the endangered Redside Dace. Ground and surface water sensitivities are also present given the network of tributaries. Provincially significant valleylands, woodlands, wildlife habitat and wetlands, and tableland wetland features are present. A significant, continuous block of forest exists within the well-defined valley systems in the Block Plan, supporting a number of flora and fauna species of concern including a number of area sensitive, forest dependent breeding birds. This part of the Humber Watershed was identified as one of the “centres of biodiversity” in the City of Vaughan’s natural heritage background report for the new Official Plan, and as such provides a range of ecosystem services.

These aquatic, terrestrial, and landscape attributes combined creates a valley system considered significant within the context of the Provincial Policy Statement (PPS). As part of the City’s Natural Heritage System, it is essential that any negative impacts resulting from urbanization of the area be carefully considered through ecologically-based site design in order to protect the long term health, function and ecological services of the natural system and open space amenity within the Block Plan area, and the broader watershed landscape.

b) Block Plan

The Block Plan includes a trail along the valley wall from the future northern pedestrian bridge. The location and details associated with the trail, given that it will also provide vehicular access, will be subject to review through the permit process. This TRCA comment is applicable to other draft plans in the Block 40/47 area, but not this particular draft plan.

c) Draft Plan of Subdivision

The Master Environmental and Servicing Plan (MESP) forms the background work to the Block Plan and supports the development pattern proposed. As the MESP requires further work, the TRCA requests that the Block Plan conditions related to the MESP be carried forward into the subdivision conditions. It is important to recognize that some of the outstanding matters relate to all of the subdivision plans in the Block as they drain through each other and ultimately into the valley system. The maintenance of water flow to surrounding natural features is an outstanding matter that may specifically impact the layout of the subdivisions as proposed. Given the nature of this outstanding matter, the TRCA anticipates future red-line revisions and a condition reflecting this has been included in Attachment #1c).

The TRCA notes that OPA #744 is before the OMB. The Draft Plan of Subdivision conditions are being provided on a “without prejudice” basis based on plans and information provided to date and the Plans of Subdivision referenced in each set of conditions in the TRCA correspondence dated June 12, 2015, and the Block 40/47 Plan. Should the OMB make any changes to OPA #744 (and by default the Block 40/47 Plan) that will impact the Draft Plans of Subdivision, the conditions attached hereto may no longer be valid and the TRCA will need to provide updated conditions of draft plan approval.

The TRCA has no objection to the proposal subject to the conditions of approval in Attachment #1c), which include the consolidation of matters discussed above, typical subdivision conditions (stormwater, erosion and sediment control, grading, etc.), and the conditions respecting the MESP.

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School Boards

The York Region District (Public) School Board, York Catholic District School Board and the Conseil Scolaire de District Catholique Centre-Sud have advised that they have no objection to the proposal and have no conditions of approval.

Enbridge Gas Distribution

Enbridge Gas Distribution has no objections to the applications. Enbridge advises that the Owner is required to contact Enbridge's Customer Connections Department for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to tree planting, silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner. In the event that an easement(s) are required to service this development, the Owner will provide the easement(s) to Enbridge Gas Distribution at no cost. This requirement is included in the conditions of approval in Attachment #1d).

Canada Post

Canada Post has no objections to the proposal subject to the Owner installing mail facilities and equipment to the satisfaction of Canada Post, which are subject to the conditions of approval in Attachment #1e).

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) Lead and Promote Environmental Sustainability

The Owner will be incorporating the sustainable site and building features identified in this report.

ii) Plan and Manage Growth & Economic Well-Being

Servicing for the proposed development has been identified in accordance with the annual servicing/allocation report approved by Vaughan Council.

iii) Enhance and Ensure Community Safety/Health and Wellness

The proposed development includes a neighbourhood public park to enhance the City's existing inventory of public amenity space.

Regional Implications

York Region has advised that the Draft Plan of Subdivision is located within the Maple North Wastewater Service Area and will be serviced from Water Pressure District PD 7. The Region understands that Vaughan Council has committed (reserved or assigned) 2013/Post 2013 water and wastewater servicing capacity allocation for 1,350 units for distribution by the Block 40/47 Group Trustee. If the City does not grant the subject development the required allocation from the Region's existing capacity assignments to date, then the development may require additional infrastructure based on conditions of future capacity assignment, which may include:

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- Duffin Creek Water Pollution Control Plant (WPCP) Outfall - 2017 expected completion;
- Duffin Creek Water Pollution Control Plant (WPCP) Stages 1 and 2 Upgrades - late 2017 expected completion;
- West Vaughan Sewage Servicing - 2018 expected completion;
- West Vaughan Water Servicing - 2018 expected completion;
- East Vaughan Water and Wastewater Servicing - 2021 expected completion; and,
- Other projects as may be identified in the future Water and Wastewater Master Plan Update and/or studies.

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only.

York Region requests that the City of Vaughan apply a lapsing provision to the draft plan, pursuant to Section 51(32) of the Ontario Planning Act, and that York Region be provided an opportunity to comment on any proposed extensions of approval.

York Region has no objection to draft plan approval of the Plan of Subdivision subject to the conditions in Attachment #1b).

Conclusion

The Zoning By-law Amendment and Draft Plan of Subdivision (Phase 1) applications, if approved, would facilitate the development of the subject lands with 192 dwelling units, a neighbourhood park and the protection of valleylands to be in public ownership, as shown on Attachment #5. The proposed Draft Plan of Subdivision conforms to the York Region and City approved Official Plan policies, and is in accordance with the approved Block 40/47 Plan. Should any modifications occur to the development as a result of the OMB decision on OPA #744, or to address City departments and external public agency requirements, the Draft Plan of Subdivision shall be modified to correspond to the OMB approved Official Plan and/or the updated Block 40/47 Plan, which reflects any required modifications.

The Vaughan Planning Department is satisfied that the proposed Draft Plan of Subdivision (Phase 1) shown on Attachment #5, and the zoning and site-specific exceptions will result in a residential development that is appropriate and compatible with the existing and permitted uses in the surrounding area. The Vaughan Planning Department can support the approval of the Zoning By-law Amendment Application and the proposed zone categories and exceptions, and the Draft Plan of Subdivision, subject to the recommendations in this report, and the Conditions of Approval set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning
5. Draft Plan of Subdivision File 19T-06V12 (Phase 1)
6. Approved Block 40/47 Plan

Report prepared by:

Carmela Marrelli, Senior Planner, ext. 8791

(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.)