

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015

Item 14, Report No. 35, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 20, 2015.

**14 DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-15V007
 WEST WOODBRIDGE VILLAGE TOWNS LTD.
 WARD 2 - VICINITY OF LANGSTAFF ROAD AND KIPLING AVENUE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Senior Manager of Development Planning, dated October 7, 2015:

Recommendation

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

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-15V007 (West Woodbridge Village Towns Ltd.) BE APPROVED, subject to the conditions set out in Attachment #1.

Contribution to Sustainability

The subject lands are currently being developed in accordance with Site Development File DA.13.107, which was approved by Vaughan Council on June 24, 2014. The contribution to sustainability was identified during the Site Development process. The condominium proposal addresses the tenure of the property only, and therefore, there is no contribution to sustainability through this application.

Economic Impact

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

Communications Plan

On August 14, 2015, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, to the West Woodbridge Homeowners Association, and to those individuals that requested notification. A copy of the Notice of Public Hearing was posted on the City's website at www.vaughan.ca and a Notice sign was installed on the property. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 9, 2015, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on September 16, 2015.

The Vaughan Planning Department received correspondence from Mr. Bernie DiVona, regarding the proposal on September 2, 2015. The following general issues were identified, with responses as follows:

1. Was the site always intended as a condominium?
 - The site was always intended as a common elements condominium (ie. private road, visitor parking, sidewalk, and private amenity space/tot lot). The staff report for the Official Plan Amendment File OP.12.017, Zoning By-law Amendment File Z.12.038 and Draft Plan of Subdivision File 19T-12V010 that were approved by Council on May 14, 2013, each identify the condominium tenure for the common elements for this development, and that the individual townhouse units and respective lots are in freehold ownership.

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- The Site Plan technical report considered and approved by Vaughan Council on June 24, 2014, also refers to the common elements of the proposed development and stipulates that within the Site Plan Agreement (registered on June 3, 2015) warning clauses are to be included in all Agreements of Purchase and in the Condominium Agreement advising that services such as garbage pickup and snow plowing are the responsibility of the Condominium Corporation.
2. Why is there not an appropriate zoning category for condominiums of this type?
- Zoning By-law 1-88, at this time, does not have a specific zone(s) to implement the specific tenure of development. However, many common element condominium developments have been implemented by site-specific zoning amendments, similar to the subject development. It is expected that when the comprehensive review of the City's Zoning By-law 1-88 is undertaken, that general provisions will be included in the City's Comprehensive Zoning By-law.
3. What are the parking standards for this type of development?
- Each unit provides 2 parking spaces in accordance with Zoning By-law 1-88, and as part of the rezoning application, a site-specific visitor parking standard for 14 spaces was approved by Vaughan Council on May 14, 2013.

At the Committee of the Whole (Public Hearing) on September 9, 2015, a concern was raised with regard to the garbage collection arrangements on the private condominium road, and any negative impact on Kipling Avenue should the garbage trucks not be able to access the private road.

Response:

Garbage will be collected curbside on the private condominium road and this will be arranged privately by the Condominium Corporation. A clause to this effect will be included within the Condominium Agreement. The "U-shaped" configuration of the common element condominium will allow for a vehicle to enter and exit the site in a forward moving direction. The private road is 6 m wide and is the minimum width for emergency vehicles (eg. fire truck) and large service vehicles (eg. garbage truck) to safely and properly manoeuvre and travel.

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Elements) File 19CDM-15V007, respecting the subject lands shown on Attachments #2 and #3, to facilitate the proposed condominium tenure of the common elements that consist of a private road, 14 visitor parking spaces, sidewalk, and a private amenity/tot lot, as shown on Attachment #4, that will serve a development of 56 freehold 3-storey townhouse units and 1 detached residential dwelling that were earlier approved by the City and are under construction in the manner shown on Attachment #5.

Background - Analysis and Options

Location

The subject lands are located on the west side of Kipling Avenue, south of Gordon Drive, known municipally as 1 – 73 City Park Circle, shown as "Subject Lands" on Attachments #2 and #3. The surrounding land uses are shown on Attachment #3.

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Official Plan and Zoning

The subject lands are designated “Low-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.5 (Kipling Avenue Corridor Secondary Plan), which permits detached, semi-detached and townhouse dwelling units.

The subject lands were the subject of Official Plan Amendment File OP.12.017 that added site-specific policies through OPA #734 as an amendment to OPA #695 (Kipling Avenue Corridor Secondary Plan) to permit this development. The proposed Draft Plan of Condominium conforms to the Official Plan.

The subject lands are zoned RM2 Multiple Residential Zone by Zoning By-law 1-88, as shown on Attachment #3, and subject to site-specific Exception 9(1388), which permits the townhouse and single detached development. The application for Draft Plan of Condominium complies with Zoning By-law 1-88.

Site Plan

Site Development File DA.13.107 was approved by Vaughan Council on June 24, 2014 to permit a development comprised of 56 freehold townhouse units and one freehold detached dwelling accessed by a private common element condominium road, as well as, 2 semi-detached dwellings and the retention of 3 heritage buildings along Kipling Avenue and not subject to this condominium application, as shown on Attachment #5. The Site Plan Agreement was registered on title as Instrument No. YR-2304782 on June 12, 2015. The proposed Draft Plan of Condominium (Common Elements) is required for the private road, 14 visitor parking spaces, sidewalk, and a private amenity/tot lot area. The proposed Draft Plan of Condominium is consistent with the approved site plan.

As a condition of final approval, the Owner shall submit an ‘as-built’ survey to the satisfaction of the Vaughan Building Standards Department, prior to the registration of the Draft Plan of Condominium.

Future Park Development

As part of the approval of the Official Plan Amendment File OP.12.017 for the subject lands, a land use designation for a parkette on the subject lands was removed to allow for the preservation of the heritage dwellings fronting onto Kipling Avenue. The Vaughan Parks Development Department has reviewed the land to the immediate west of the subject lands for its suitability as a possible park with a playground. However, at this stage the land has not been deemed as suitable due to the limited public frontage from a public right-of-way.

Should the land to the immediate west of the subject lands be developed as a park/open space in the future, the amenity/tot lot area on the subject lands may be required to be removed and/or incorporated as part of the park area in order to create a larger park with street frontage on the east/west public road planned to the south of the subject lands. The implementing Site Plan Agreement includes a clause requiring the Owner to grant an easement over the amenity/tot lot area in favour of the City of Vaughan, to provide access for the public and maintenance purpose over these lands.

It is recommended that a clause also be included within the Condominium Agreement and Condominium Declaration to ensure that the Owner/Condominium Corporation agrees to grant an easement in the future, at no extra cost to the City, over the private amenity space/tot lot area located at the southwest corner of the subject land to the land immediate west, should it be used for a public park in the future. A condition to this effect is included in the Conditions of Draft Approval in Attachment #1.

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Garbage/ Recycling Collection and Snow Removal

Garbage and recycling collection (3 stream) and snow removal for the private road will be privately administered and the responsibility of the Condominium Corporation. All garbage and recycling will be placed in front of each unit and picked-up curbside on collection days by the private contractor to be hired by the condominium corporation.

Canada Post Corporation

Canada Post has no objections to the proposed Draft Plan of Condominium subject to the inclusion of their conditions in the Condominium Agreement as identified in Attachment #1. A community mailbox is shown on the approved site plan on Attachment #5.

Related Part Lot Control Application

The Owner has submitted related Part Lot Control File PLC.15.013 to facilitate the creation of individual freehold lots for the proposed 56 freehold townhouse units and 1 detached dwelling unit, which forms part of the Draft Plan of Condominium and 2 semi-detached and 2 detached dwellings (existing heritage dwellings) included in the original site plan approved by Vaughan Council shown on Attachment #5. The proposed lots (frontage, area and depth) shall comply with the RM2 Multiple Residential Zone (townhouse units and one detached dwelling) and the R3 Residential Zone (detached dwelling) requirements of Zoning By-law 1-88, subject to site-specific Exception 9(1388) and the approved site plan.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The York Region Transportation and Community Planning Department has no objection to the approval of Draft Plan of Condominium File 19CDM-15V007.

Conclusion

The Vaughan Development Planning Department has reviewed the Draft Plan of Condominium Application, which conforms to the Official Plan, complies with Zoning By-law 1-88, and is consistent with the Site Plan approved by Vaughan Council. The Vaughan Development Planning Department has no objection to the approval of the Draft Plan of Condominium (Common Elements), subject to the conditions set out in Attachment #1.

Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Condominium (Common Elements) File 19CDM-15V007
5. Site Plan Approved by Vaughan Council on June 24, 2014 - File DA.13.107

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.)