

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012

Item 18, Report No. 39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 30, 2012.

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**ZONING BY-LAW AMENDMENT FILE Z.12.013
W. MARTIN, S. HOWIESON AND R. STEVENS (31 WIGSTON PLACE)
J. LAGRANDEUR AND G. WIGSTON (33 WIGSTON PLACE)
WARD 5 - VICINITY OF BATHURST STREET AND HIGHWAY #407**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated October 16, 2012:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.12.013 (W. Martin, S. Howieson, R. Stevens, J. LaGranduer, and G. Wigston) BE APPROVED, specifically to amend Zoning By-law 1-88, to rezone the subject lands shown on Attachments #1 and #2 from R1V Old Village Residential Zone (minimum 30m lot frontage) and OS1 Open Space Conservation Zone subject to Exception 9(941) to R1 Residential Zone (minimum 18m lot frontage) and OS1 Open Space Conservation Zone (valley) in the manner shown on Attachment #3, subject to the following condition:
 - i) that prior to the enactment of the implementing zoning by-law, the Owner shall carry out an Archaeological Assessment of the entire property to the satisfaction of the Vaughan Cultural Services Division.
2. THAT the lands zoned OS1 Open Space Conservation Zone (including the 10 m buffer) as shown on Attachment #3, be dedicated as open space valleyland to the Toronto and Region Conservation Authority as a condition of any future lot creation.

Contribution to Sustainability

The application has delineated the developable tableland and the open space valleylands to be maintained in a natural state.

Economic Impact

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

Communications Plan

On May 11, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. No comments were received through the Notice circulation. The recommendation of the Committee of the Whole to receive the Public Hearing report of June 5, 2012 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 26, 2012.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.12.013, specifically to amend Zoning By-law 1-88, to rezone the subject lands from R1V Old Village Residential Zone (minimum 30m lot frontage) and OS1 Open Space Conservation Zone subject to Exception 9(941) to R1 Residential Zone (minimum 18m lot frontage) and OS1 Open Space Conservation Zone (valley) to facilitate the creation of 5 future residential lots for detached dwellings, each with frontage on

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Wigston Place, to be developed through a future application for lot creation, and to maintain the existing dwelling municipally known as 31 Wigston Place on a reconfigured lot in the manner shown on Attachment #3. The existing dwelling located at 33 Wigston Place is proposed to be demolished. The open space valleylands shown on Attachment #3, will be dedicated to the Toronto and Region Conservation Authority.

Background - Analysis and Options

The subject lands (31 and 33 Wigston Place) shown on Attachments #1 and #2 are located on the north side of Wigston Place, southeast of Bathurst Street and Highway #407, City of Vaughan. The surrounding land uses are shown on Attachment #2. The southerly portion of the subject lands, located south of the TRCA staked top of slope, are relatively flat and are landscaped with mature trees. There is an existing dwelling on 31 Wigston Place, which is proposed to be retained on a reconfigured lot. There is an existing dwelling on 33 Wigston Place that is proposed to be removed to facilitate the future residential lots. The northerly portion of the site, being the lands north of the top of slope, will remain zoned OS1 Open Space Conservation Zone and will ultimately be dedicated to the TRCA through a future application for the creation of the proposed 5 residential lots, should this application be approved.

Official Plan

The subject lands are designated “Low Density Residential” by OPA #210 (Thornhill Vaughan Community Plan); and, “Low-Rise Residential” by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and is pending approval from the Ontario Municipal Board. The proposal to rezone the tableland to R1 Residential Zone to permit the future development of 5 residential lots for detached dwelling units and the reconfiguration of 31 Wigston Place in the manner shown on Attachment #3, conforms to the Official Plans.

Zoning

The subject lands (31 and 33 Wigston Place) are currently zoned R1V Old Village Residential Zone (minimum 30 m frontage) and OS1 Open Space Conservation Zone in the manner shown on Attachment #2 and further subject to Exception 9(941) by Zoning By-law 1-88. The applicant is proposing to amend Zoning By-law 1-88 to rezone the subject lands to R1 Residential Zone (minimum 18m frontage) and OS1 Open Space Conservation Zone (valley) in the manner shown on Attachment #3.

The proposed rezoning will facilitate the creation and development of 5 new residential lots with frontage on Wigston Place for detached dwellings, and the reconfiguration of the property boundary for 31 Wigston Place, through a future lot creation application, as shown on Attachment #3.

The property at 31 Wigston Place is zoned R1V Old Village Residential Zone. This zone is used in the communities of Thornhill, Maple, Woodbridge and Kleinburg, where historically the largest lots existed and where a large lot area was required for private servicing. The lot at 31 Wigston Place is located within the current urban boundary; can be serviced from Wigston Place; is adjacent to other residential subdivisions zoned R1 Residential Zone; and, the proposed rezoning of this lot from R1V Old Village Residential Zone to R1 Residential Zone and the reconfiguration of the lot boundary would result in a lot that is compatible with the surrounding existing R1 development as shown on Attachment #2.

The proposed rezoning of 33 Wigston Place (and a portion of 31 Wigston Place), would facilitate the creation of 5 future residential lots to be developed with detached dwellings fronting onto Wigston Place. The proposed 18m frontage lots for residential detached dwellings would

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conform to the in-effect Official Plan (OPA #210 - Thornhill Vaughan Community Plan) and the new City of Vaughan Official Plan 2010. The proposed lots would also comply with the minimum lot frontage and area requirements of the proposed R1 Residential Zone standards in Zoning By-law 1-88. No exceptions to the R1 Residential Zone standards are proposed.

The existing lots in the vicinity of the subject lands to the east, west and south of Wigston Place are zoned R1 Residential Zone. The two existing lots to the immediate west of the subject lands have a similar lot frontage and lot area and were the subject of a recent Zoning By-law Amendment Application (File Z.12.013), which was approved by Vaughan Council on December 13, 2011.

The Development Planning Department is satisfied that the proposed rezoning of the subject lands to facilitate the creation of 5 residential lots for single detached dwellings would result in development that conforms to the Official Plan, is compatible with the existing pattern of development in the area, and would not have an impact on the existing community. The proposed rezoning is also consistent with the R1 Zone standards in all respects, and zoning exceptions are not required. On this basis, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.12.013.

Should Vaughan Council approve the subject Zoning By-law Amendment application, the Owner must submit an application to create the future lots with minimum 18 m frontages, either through a draft plan of subdivision or more likely by way of Consent (severance) Applications through the Committee of Adjustment.

Ministry of Municipal Affairs and Housing (MMAH)

The northeasterly portion of 33 Wigston Place, as shown on Attachment #3, is located within the Parkway Belt West Plan and is designated "Electric Power Facility" within the Public Use Area. Permitted uses for the lands within the Public Use Area as outlined in Section 5.4.1 of the Parkway Belt West Plan, permit the following linear facilities: linear transportation, communication and utility facilities, including necessary accessory facilities and installations such as interchanges, transit including stations, parking, maintenance/storage yards, transformer station, and treatment plants that are part of the linear distribution or collection networks. Section 6.5.3 e) i) of the Parkway Belt West Plan also provides for a right-of-way for Ontario Hydro facilities across the top of the site.

Since the hydro corridor will continue to be protected by Vaughan's restrictive OS1 Open Space Conservation Zone, within Zoning By-law 1-88, the Ministry of Municipal Affairs and Housing has no objection to the proposed rezoning of 33 Wigston Place. The property at 31 Wigston Place is not adjacent to the Parkway Belt West Plan.

Cash In-Lieu of Parkland Dedication

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

Vaughan Development/Transportation Engineering Department

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

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The Owner shall enter into a Servicing Agreement/Development Agreement if required, to satisfy all conditions, financial or otherwise, of the City with regard to such matters the City may consider necessary, including the payment of development levies, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the Development/Transportation Engineering Department.

A detailed servicing/grading plan is required describing how the storm drainage system for the proposed development will be tied into the surrounding drainage systems, and indicate whether it is part of an overall drainage scheme, and how external flows will be accommodated.

Wigston Place is part of the Jan-Sil Golfwood Residential Subdivision, Registered Plan 65M-3195. This subdivision is not assumed by the City. The Owner shall contact the Public Works Department and file an application for the proposed service connections.

All proposed driveways shall be located a minimum of 1.0m clear of existing catch basins, trees, above ground services and utilities.

The Owner shall contact the utility companies to verify the existing utilities located or crossing the subject lands. Any utilities if necessary shall be relocated to the boulevard to the satisfaction of the City and the utility authority. All costs associated with the said relocation works shall be the responsibility of the Owner. In case of utility relocation, the Owner shall submit a Utility Coordination Plan to the City for review and approval.

The Owner shall obtain all necessary approvals from the TRCA and the Region of York, where applicable. All setbacks of structures from the regional flood line, and/or the buffer zone shall be subject to TRCA approval.

The Owner shall submit a Storm Water Management Report at the time of application for lot creation, indicating that there is an acceptable outlet for storm water runoff from the subject site and justifying that the allowable site release rate will not be exceeded, in coordination with the Subdivision consultant and to the satisfaction of the Development/Transportation Engineering Department and the TRCA. This report shall be signed and sealed by a Professional Engineer.

A Site Servicing Plan shall be submitted as part of the Development Agreement / lot creation application, to the satisfaction of the Development/Transportation Engineering Department. Servicing capacity for the proposed lots has not been allocated, reserved or assigned. A Functional Servicing Report shall be submitted to the City for review and approval.

Lot Grading Plans shall be submitted to the satisfaction of the Development /Transportation Engineering Department, showing existing and proposed grades, including existing grades a minimum of 20m beyond the site boundary.

An Architectural Site Plan shall be provided for the proposed lots as part of the lot creation application.

The Owner shall submit 2 copies of a Noise Report (Brief) to the Development/Transportation Engineering Department for review and comments. That report shall discuss the impact of the potential noise sources from surrounding area to the proposed development, as well as the noise attenuation features required (if necessary) for the development.

A Phase 1 Environmental Site Assessment (ESA) Report for the above noted development is required as part of the lot creation application, along with a Peer Review Fee Deposit of \$2,000.00 certified cheque payable to the City of Vaughan.

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Additional comments and conditions will be provided in response to a future lot creation application.

Vaughan Cultural Services Division

The Owner is required to carry out an archaeological assessment of the entire property and mitigate through preservation and resource removal, a documentation of all adverse impacts to any significant archaeological resources found. The Owner must adhere to the archaeological conditions outlined in the May 10, 2012 memorandum from the Vaughan Cultural Services Division, prior to the enactment of the implementing by-law, to the satisfaction of this Division. A condition to this effect is included in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) staked the top of slope on the subject lands in conjunction with Zoning By-law Amendment File Z.96.012 and Consent Application B66/03, which permitted the severance of 31 Wigston Place from the original 33 Wigston Place property. The subject Zoning Amendment File Z.12.013 recognizes the staked top of slope and the application further defines a 10m buffer inland from the top of slope for lands which will remain zoned as OS1 Open Space Conservation Zone. The TRCA is satisfied that the portion of the property to be rezoned to R1 Residential Zone is tableland.

The TRCA has reviewed the Zoning By-law Amendment Application and has no objection to the approval of the application. A portion of the subject property is partially located within a Regulated Area of the Don River Watershed. In accordance with Ontario Regulation 166/06, the Owner must obtain a TRCA Permit for works located within the TRCA regulated area. This will be addressed through the application for the creation of the future lots.

The TRCA in a letter dated June 4, 2012, has requested that the valley lands and the 10m buffer area be placed into public ownership. The TRCA already has ownership of the valleylands and buffer to the west. As such, a condition requiring the dedication of the valley lands and 10m buffer area will be included as a condition of any future lot creation application.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

N/A

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.12.013 in accordance with the policies of the Official Plan, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Department is satisfied that the proposal to rezone the subject lands to R1 Residential Zone (minimum 18m frontage) and OS1 Open Space Conservation Zone in the manner shown on Attachment #3, and to require the dedication of the lands to be zoned OS1 Open Space Conservation Zone to the TRCA, through a related future lot creation application to facilitate the future development of 5 residential lots for detached residential dwelling units and the reconfiguration of 31 Wigston Place, conforms to the Official Plan. The development proposal is appropriate and compatible with the existing and planned future uses in the surrounding area. Accordingly, the Development

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Planning Department can support the approval of Zoning By-law Amendment File Z.12.013, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Development Concept with 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.)