

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

Item 5, Report No. 54, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on December 10, 2013.

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**OFFICIAL PLAN AMENDMENT FILE OP.13.012
ZONING BY-LAW AMENDMENT FILE Z.13.027
CLARZAN DEVELOPMENTS INC.
WARD 2 - VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 26, 2013, be approved; and**
- 2) That the following deputations be received:**
 - 1. Mr. Jim Kotsopoulos, Guizzetti Corporation, Yonge Street, Richmond Hill, on behalf of the applicant; and**
 - 2. Ms. Monica Fiorini, Appian Way, Vaughan.**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

- 1. THAT the Public Hearing report for Files OP.13.012 and Z.13.027 (Clarzan Developments Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.**

Contribution to Sustainability

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

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: November 1, 2013
- b) Circulation Area: 150 m
- c) Comments Received as of November 12, 2013:
 1. Email correspondence was received from Rocki Guzzo, area resident, which identifies concerns related to the proposal negatively changing the character of the existing residential neighbourhood and the negative impact of the proposed reduction of lot area and frontage on the existing R1 Residential Zone neighbourhood.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2 to facilitate the creation of 6 lots for detached dwelling units with frontage on Appian Way, and to extend and complete Appian Way, in the manner shown on Attachment #3:

1. Official Plan Amendment File OP.13.012 to amend the policies of in-effect OPA #240 (Woodbridge Community Plan), specifically the policy respecting the maximum permitted density for Neighbourhood 4C, as shown on Attachment #2, as follows:

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	Policy of Official Plan Amendment #240	Proposed Amendment to OPA #240
a.	The maximum density permitted for new development in Neighbourhood 4C shall be 7.4 units per gross hectare, based on the calculation of a gross hectare as defined in OPA #240. A total of 5 lots would be permitted on the subject lands.	Permit a maximum density of 8.0 units per gross hectare, based on the calculation of a gross hectare as defined in OPA #240. A total of 6 lots are being proposed on the subject lands, which exceeds the maximum permitted density by 1 lot.

2. Zoning By-law Amendment File Z.13.027 to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone (1115 Clarence Street) and R1 Residential Zone, subject to site-specific Exception 9(827) (40 Appian Way) to R1 Residential Zone, to facilitate the creation of 6 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3, together with the following site-specific zoning exceptions:

	By-law Standard	By-law 1-88 Requirements of R1 Residential Zone	Proposed Exceptions to R1 Residential Zone
a.	Minimum Lot Frontage	18 m	15 m
b.	Minimum Lot Area	540 m ²	500 m ²
c.	Maximum Lot Coverage	35%	40%
d.	Minimum Front Yard Setback	7.5 m	4.5 m

Background - Analysis and Options

Location	<ul style="list-style-type: none"> ▪ The subject lands are located on the east side of Clarence Street, south of Rutherford Road, shown as “Subject Lands” on Attachments #1 and #2. ▪ The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way, and are currently vacant.
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Official Plan Designation	
a) In-effect OPA #240	<ul style="list-style-type: none">▪ The subject lands are designated “Low Density Residential” by in-effect OPA #240 (Woodbridge Community Plan), which permits detached and semi-detached dwelling units. The subject lands are located within Neighbourhood 4C of OPA #240 as shown on Attachment #2. The maximum density permitted for Neighbourhood 4C is 7.4 units per gross hectare. For the purpose of calculating density for the subject lands, a gross hectare includes the net residential land area, the local roads, and one-half of the boundary roads. Based on this definition, Neighbourhood 4C has a gross area of 16.18 ha, which would permit 120 units. Neighbourhood 4C currently maintains 115 units, and, therefore, based on the density calculation of OPA #240, the creation of 6 new lots for detached dwelling units on the subject lands will raise the density of Neighbourhood 4C to approximately 8.0 units per gross hectare and 121 dwelling units. There are no remaining vacant lands in Neighbourhood 4C.▪ The Owner’s proposal to create 6 new lots for detached dwelling units does not conform to the maximum density permission for Neighbourhood 4C in the in-effect Official Plan, as only 5 lots would be permitted on the subject lands and therefore, an Official Plan Amendment is required.▪ The Owner is proposing to create the proposed lots through the land severance process, as detailed in the in-effect OPA #94 (Severance Policy). Section 2.1 - Adjacent Uses of OPA #94 states that proposed lots should have regard for the compatibility of the proposed size, shape and use of the lots to be created with the present and potential uses in the adjacent area. The existing lots in the surrounding residential neighbourhood maintain a minimum frontage of 18 m and 7.5 m front yard setbacks to the dwelling units, whereas a minimum 15 m lot frontage and 4.5 m front yard setback are proposed in the Clarzan development. Further, the Owner will be required to enter into a Development Agreement with the City to secure the road extension of Appian Way, new municipal servicing infrastructure, and any infrastructure improvements, if the applications are approved.
b) New VOP 2010	<ul style="list-style-type: none">▪ The subject lands are designated “Low-Rise Residential” by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012 and April 17, 2012), as modified and endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board on July 23, 2013.

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	<ul style="list-style-type: none"> The “Low-Rise Residential” designation permits detached dwellings with a maximum building height of 3-storeys. There is no maximum density provision in VOP 2010 for the “Low-Rise Residential” designation. However, VOP 2010 regulates the division of land through the Consents (Severances) policies identified in Section 10 – Implementation, and it is specifically identified that lot creation shall have regard for the compatibility of the proposed size, shape and use of the lot with the local pattern of lots streets and blocks; the size and configuration of existing lots; and, the setbacks of buildings from the street, among other items. The existing lots in the surrounding residential neighbourhood maintain a minimum 18 m lot frontage and 7.5 m front yard setback to each dwelling unit, whereas a minimum 15 m lot frontage and 4.5 m front yard setback are proposed.
Zoning	<ul style="list-style-type: none"> The subject lands are zoned A Agricultural Zone (1115 Clarence Street) and R1 Residential Zone, subject to Exception 9(827) (40 Appian Way) by Zoning By-law 1-88. An amendment to Zoning By-law 1-88 is required to rezone the subject lands to R1 Residential Zone and to permit the site-specific zoning exceptions to facilitate the creation of 6 residential lots for detached dwellings.
Surrounding Land Uses	<ul style="list-style-type: none"> Shown on Attachment #2.

Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City Official Plan	<ul style="list-style-type: none"> The applications will be reviewed in consideration of the applicable City Official Plan policies, with respect to the appropriateness of the development increase of 1 additional lot on the subject lands.
b.	Appropriateness of Proposed Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> The appropriateness of rezoning the entirety of the property to R1 Residential Zone with lots having a reduced lot frontage, lot area, and front yard setback and increased lot coverage will be reviewed in consideration of compatibility with the R1 Zone standards, the setbacks and siting of existing surrounding dwellings, and the surrounding R1 Zone land use context.

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c.	Functional Servicing Report, Stormwater Management Brief, Phase 1 Environmental Assessment, Geotechnical/Soils Report, Noise Control Study	<ul style="list-style-type: none"> The Functional Servicing Report and Stormwater Management Report, prepared by Ame-Tech Developments Limited; Phase 1 Environmental Assessment and Geotechnical/Soils Report, prepared by BAE & Associates; and, Noise Control Study, prepared by SS Wilson Associates Consulting Engineers, all submitted in support of the applications, must be reviewed and approved by the Vaughan Development/Transportation Engineering Department.
d.	Future Consent Applications / Engineering Development Agreement	<ul style="list-style-type: none"> The Owner has advised that the proposed lots will be created by individual Consent Applications, if Zoning By-law Amendment File Z.13.027 is approved by Vaughan Council. The Owner must file future Consent Applications with the Vaughan Committee of Adjustment and be successful in obtaining their approval, and the Committee's decision, in addition to the implementing Zoning By-law, must be final and binding prior to a Building Permit(s) being issued by the City for the development of the subject lands. The Owner will be required to satisfy all conditions of the City, which will include the requirement for the Owner to enter into a Development Agreement with the City of Vaughan for the provision of the road and engineering services. The policies of in-effect OPA #94 (the in-effect Official Plan Amendment for Land Severances) detail the municipal process, criteria and conditions for reviewing proposed land severances. The proposed application will be reviewed in consideration of the policies of OPA #94.
e.	Appian Way	<ul style="list-style-type: none"> The portion of Appian Way that abuts the subject lands to the south was constructed by the landowner to the south approximately 20 years ago and has not been assumed by the City of Vaughan. The physical condition of Appian Way and services located within the right-of-way must meet City standards and any impact to the Clarzan lands will be addressed in the technical report.
f.	Servicing	<ul style="list-style-type: none"> Water and servicing allocation for the subject lands must be identified and allocated by Vaughan Council. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol ("H"), which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council.
g.	Cash-in-Lieu of Parkland	<ul style="list-style-type: none"> The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu Policy. The final value of the cash-in-lieu of parkland dedication will be determined by the Vaughan Legal Services Department, Real Estate Division, and addressed through the Consent (Severance) process.

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Relationship to Vaughan Vision 2020/Strategic Plan

The applicability the applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

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

Conclusion

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

Attachments

1. Context Location Map
2. Location Map
3. Proposed Lot Creation, Road Extension, and Zoning

Report prepared by:

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Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)