EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, Report No. 15, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on April 11, 2018.

By receiving the following communications:

- C2 Mr. Adam Grossi, Humphries Planning Group Inc., Chrislea Road, Vaughan, dated April 4, 2018; and
- C3 Mr. Doug Bentley, Simmons Street, Vaughan, dated April 4, 2018.

Councillor Carella declared an interest with respect to this matter as he is an officer of a not-for-profit corporation in the vicinity of the subject property, and did not take part in the discussion or vote on the matter.

OFFICIAL PLAN AMENDMENT FILE OP.17.011 ZONING BY-LAW AMENDMENT FILE Z.17.031 DRAFT PLAN OF SUBDIVISION FILE 19T-17V011 GEMINI URBAN DESIGN (W) CORP. VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated April 4, 2018, be approved;
- 2) That the following deputations be received:
 - 1. Mr. Jim Levac, GSAI, Kingsbridge Garden Circle, Mississauga, representing the applicant;
 - 2. Ms. Iolanda Grassa, Simmons Street, Woodbridge;
 - 3. Mr. Richard Lorello, Treelawn Boulevard, Kleinburg;
 - 4. Mr. Salvatore Grassa, Arcangelo Gate, Woodbridge; and
 - 5. Resident of Simmons Street; and
- 3) That communication C2 from Ms. Alfia Lacaria, Simmons Street, Vaughan, dated March 29, 2018, be received.

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.17.011 and Z.17.031 and Draft Plan of Subdivision File 19T-17V011 for the subject lands shown on Attachments #1 and #2, to permit a residential development consisting of 106 townhouse units and two semi-detached dwelling units.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 – Page 2

Recommendation

1. THAT the Public Hearing report for Files OP. 17.011, Z.17.031 and 19T-17V011 (Gemini Urban Design (W) Corp.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Report Highlights

- To receive input from the public and the Committee of the Whole on a proposed development consisting of 106 townhouse units and two semidetached units to be served by private common element roads.
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Background

The subject lands are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street, shown as "Subject Lands" on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the proposed development

The Owner has submitted the following applications for the subject lands shown on Attachments #1and #2 to permit a residential development consisting of 106 townhouse units and 2 semi-detached dwelling units as shown on Attachment #3:

- 1. Official Plan Amendment File OP.17.011 to amend the policies of Vaughan Official Plan 2010 (VOP 2010) respecting the design and compatibility criteria for new development within lands identified as a "Community Area".
- Zoning By-law Amendment File Z.17.031, to rezone the subject lands from RR Rural Residential Zone, as shown on Attachment #2, to RT1 Residential Townhouse Zone (freehold townhouse units) and RR Rural Residential Zone in the manner shown on Attachment #4, together with the site-specific zoning exceptions to the RT1 and RR Zone standards of Zoning By-law 1-88 as identified in Table 1 of this report.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 – Page 3

3. Draft Plan of Subdivision File 19T-17V011, as shown on Attachment #3, for a Draft Plan of Subdivision consisting of the following:

Block 1 for 108 residential units	3.12 ha
Block 2 for a stormwater management pond	0.13 ha
Block 3 for a road widening (Rutherford Road)	0.06 ha
Block 4 for an environmental buffer	0.13 ha
Total	3.44 ha

The Draft Plan of Subdivision application has been submitted for technical reasons to create a block within a future Registered M-Plan and to facilitate a future Draft Plan of Condominium (Common Elements) application to create for the condominium tenure of the common elements (internal road, visitor parking spaces and landscape amenity area) under the *Planning Act*, for the proposed development shown on Attachment #4. The Owner also owns 0.37 ha of land shown as "Additional Lands Owned by the Applicant" fronting on to Simmons Street, as shown on Attachment # 2.

The subject applications are related to existing development applications that were considered at a previous Public Hearing and that have been appealed to the Ontario Municipal Board

The Owner in April 2016, submitted Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.16.007, Z.16.019, and 19T-16V004 to the City of Vaughan for 6061 and 6079 Rutherford Road, as shown on Attachment #5, which also form part of the lands that are the subject of this report. The April 2016 applications were for a development consisting of 100 three-storey freehold townhouse units and 1 (one) detached dwelling unit. Vaughan Council considered these applications at a Public Hearing held on November 1, 2016.

The April 2016 development proposal also consisted of two development phases to accommodate the required sanitary servicing, which included a temporary septic system. Phase 1, as shown on Attachment # 5, was for 76 townhouse units serviced by a temporary septic system located on the Phase 2 lands. Once municipal servicing was identified for the Phase 1 lands, the Phase 2 lands would be developed for 24 townhouse units and 1 detached dwelling, as shown on Attachment #5.

Since the November 2016 Public Hearing, the Owner has acquired two additional properties, municipally known as 134 and 140 Simmons Street, located adjacent to the original lands, as shown on Attachment #2. The Owner submitted Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.17.011, Z.17.031 and 19T-17V011 to reflect the additional property assembly and revisions to the original development concept. These applications include the entirety of the lands subject to the

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 - Page 4

April 2016 applications (Files OP.16.007, Z.16.031 and 19T-16V004). The Owner, on November 22, 2017, appealed Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.16.007, Z.16.031 and 19T-16V004 to the Ontario Municipal Board (OMB) citing the City's failure to make a decision within the timeframes prescribed by the *Planning Act*. The files currently remain before the OMB.

The current Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications require a Public Hearing. For the purposes of this report, the subject lands comprise all 4 properties including, 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street. The development concept has been revised to reflect:

- municipal water, sanitary and stormwater services for the development from Simmons Street;
- vehicular access from Simmons Street, whereas the original concept included access from Rutherford Road;
- a total of 108 units (106 townhouse units and two semi-detached units); and
- each townhouse unit will have a minimum width of 6 m, a minimum 7.5 m rear yard, and a maximum of 6 units or less in each block.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- a) Date the Notice of Public Hearing was circulated: March 9, 2018.
 - The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and Notice Sign were installed along Rutherford Road and Simmons Street in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: 150 m, all properties with frontage on to Simmons Street, and the West Woodbridge Homeowners' Association and the Kleinburg and Area Ratepayers' Association, and to those individuals who provided written correspondence or made oral deputations at the November 1, 2016 Public Hearing for the related Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications (Files OP.16.007, Z.16.031 and 19T-16V004).
- c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 – Page 5

Previous Reports/Authority

November 1, 2016 Public Hearing Related Applications

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the proposed development

The subject lands are designated "Low-Rise Residential" and "Natural Areas" by Vaughan Official Plan 2010 (VOP 2010) and are located within a "Community Area" as identified on Schedule 1, "Urban Structure" of VOP 2010. This designation permits detached, semi-detached and townhouse dwelling units having a maximum permitted building height of 3-storeys, and there is no associated density requirement.

VOP 2010 identifies compatibility criteria for new development in a "Community Area". The compatibility criteria directs that new development be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a "Community Area" within established development areas shall pay attention to local lot patterns, size and configuration, and existing building types with similar setbacks. The proposed development is located on Rutherford Road, a major arterial road, that contains larger residential lots to the east and lands that are designated for employment uses to the west. The proposal is not consistent with the compatibility and development criteria of the Official Plan. Therefore, an amendment to VOP 2010 is required.

VOP 2010 permits limited intensification in Community Areas provided the proposed development is sensitive to and compatible with the character, form and planned function of the surrounding context.

A portion of the subject lands are designated as "Natural Areas". The refinement of the boundary between the "Low Rise Residential" and "Natural Areas" designations will be considered through the review of the applications.

An amendment to Zoning By-law 1-88 is required to permit the proposed development

The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, which permits only detached dwellings on lots with a minimum frontage of 45 m and a lot area of 400m². The Owner is proposing to develop the site with townhouse and semi-detached units, which is not a permitted use in the RR Rural Residential Zone. The Owner is proposing amend Zoning By-law 1-88, specifically to rezone the subject lands to RT1 Residential Townhouse Zone, together with the following site-specific zoning exceptions to permit the development shown on Attachments #3 and #4:

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 - Page 6

Table 1

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Frontage on a Public Street	A lot must front onto a public street.	Permit a freehold lot to front onto a private common element condominium road.
b.	Definition of a "Street Townhouse Dwelling"	Means a townhouse dwelling in which each dwelling unit is situated on its own lot which abuts a public street.	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which fronts onto a public street or private road.
C.	Permitted Uses	Street Townhouse Dwellings	Permit a Detached Dwelling and a Semi-Detached Dwelling
d.	Minimum Lot Depth	27 m / unit	23.5 m / unit
e.	Minimum Lot Area	162 m ² / unit	141 m ² / unit
f.	Minimum Exterior Side Yard Setback (Private Road)	4.5 m	1.3 m (Block 4) 0.9 m (Block 5) 2.7 m (Blocks 6 & 11) 2.6 m (Block 7) 1.2 m (Block 16) 3 m (Block 19) 1.6 m (Block 22) 1.4 m (Block 23)

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 - Page 7

g.	Minimum Interior Side Yard Setback (Greenway or buffer block)	3.5 m	0 m (Block 1) 1.5 m (Block 23)
	Zoning By-law 1-88 Standard	RR Rural Residential Zone	Proposed Exception to RR Rural Residential Zone Requirement
			-

The Owner has submitted a conceptual site plan in support of the proposal, as shown on Attachment #4. Other zoning exceptions may be identified through the detailed review of the applications and will be considered in a technical report to a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENTS
a.	Conformity with Provincial policies, York Region and City Official Plan Policies	The applications will be reviewed in consideration of the applicable Provincial policies (e.g. Provincial Policy Statement and Growth Plan) and the York Region and City Official Plan policies, particularly the policies in VOP 2010 respecting the design and compatibility criteria for new development in a "Community Area".
b.	Block Plan/Comprehensive Development Concept	The Owner has been advised that the submission of a broader development concept plan that includes all of the properties with frontage on Simmons Street is required in order for City staff to consider possible future development scenarios in the area bounded by Rutherford Road, Regional Road 27 and the CP Rail line. Emphasis on matters such as, but not limited to, access, the co-ordination of servicing, public amenity space, and the preservation of environmental features, will be reviewed. Additional supporting studies may be required in this regard.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

	MATTERS TO BE REVIEWED	COMMENTS
C.	Appropriateness of the Proposed Rezoning and Site- Specific Zoning Exceptions	 The appropriateness of the proposed rezoning to permit the development on the subject lands and the retention of the existing detached dwelling, will be reviewed in consideration of the existing and planned surrounding land uses.
d.	Community Area Policy Review for Low-Rise Residential Designations	■ In recognition of the increased development pressure in large lot neighbourhoods, the City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in Vaughan Council adopting Urban Design Guidelines ("Guidelines") for Infill Development in Established Low-Rise Residential Neighbourhoods and the Community Area Policy Review for Low-Rise Residential Designations Study ("Study").
		■ The Guidelines were approved by Vaughan Council on October 19, 2016, and serve to clarify and implement the existing official plan policies related to compatibility. The Study was approved by Vaughan Council on April 19, 2017, and an Official Plan Amendment to implement the Study recommendations will be forwarded to Vaughan Council for adoption at a future date. The proposed development will be reviewed in consideration of the Guidelines and the Study.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

	MATTERS TO BE REVIEWED	COMMENTS
e.	Studies and Reports	The Owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City and/or respective public approval authority:
		- Planning Justification Report
		- Conceptual Site Plan and Landscape Plan
		 Functional Servicing and Stormwater Management Report
		- Transportation Study
		- Environmental Impact Study
		- Community Services and Facilities Impact Study
		- Noise and Vibration Feasibility Study
		- Urban Design and Sustainability Brief
		- Arborist Report
		- Tree Inventory and Preservation Plan
		- Stage 1 and 2 Archaeological Assessment
		- Phase 1 Environmental Site Assessment
		- Hydrogeological Assessment
		- Geotechnical Assessment
		 Additional studies and/or reports may be required as part of the development application review process.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

	MATTERS TO BE REVIEWED	COMMENTS
f.	External Agencies- Toronto and Region Conservation Authority, Canadian Pacific Rail and Metrolinx	The subject lands are located within the Toronto and Region Conservation Authority's (TRCA) regulated area, and therefore, the development proposal must be reviewed by the TRCA. Matters regarding the establishment of the development limits, building setbacks, buffer areas, tree preservation, geotechnical requirements, servicing, and the dedication/conveyance of open space to either the City of Vaughan or the TRCA will be reviewed.
		 The subject lands abut a Canadian Pacific Rail (CPR) rail line and the applications have been circulated to CPR and Metrolinx for review.
g.	Draft Plan of Subdivision File 19T-17V011	■ Draft Plan of Subdivision File 19T-17V011 has been submitted for technical reasons under the <i>Planning Act</i> to create a block within a future Registered M-Plan. This would facilitate a future Draft Plan of Condominium (Common Elements) application to establish the condominium tenure of the common elements (private road, internal walkway, and visitor parking spaces); the creation of individual lots for the townhouse and semi-detached dwelling units through a Part Lot Control application(s); and for the conveyance of the road widening. These matters will be reviewed in consideration of the surrounding land uses and to implement the appropriate Draft Plan of Subdivision conditions, should the applications be approved.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

	MATTERS TO BE REVIEWED	COMMENTS
h.	Conceptual Site Plan / Future Site Development Application	 A future Site Development Application(s) is required to facilitate the proposed development, should the subject applications be approved. The following matters, but not limited to, will be considered through the review of the Site Development Application: pedestrian and barrier free accessibility; proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private roads; appropriate site design and building materials, orientation of units and upgraded elevations for units facing Rutherford and visible flankage elevations, landscaping, snow storage, stormwater management, and servicing and grading; the location of air conditioning units; the relationship between the facing distance of each townhouse block to maximize daylight, enhance landscaping and ensure privacy; accessibility and location of the proposed residential visitor parking spaces; the provision of an appropriate amenity space; the relationship of the proposed built form, building setbacks and design with the immediate neighbourhood and site; and co-ordination of access with possible future development with the lands to the south.
i.	Sustainable Development	Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bioswales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the subject applications are approved.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

	MATTERS TO BE REVIEWED	COMMENTS
j.	Future Draft Plan Condominium Application	 A future Draft Plan of Condominium Application is required to establish the condominium tenure of the private common elements (i.e. private road, internal sidewalk, visitor parking, and common landscaped amenity areas), to be managed by a future Condominium Corporation, should the subject applications be approved.
k.	Parkland and Cash-in-Lieu of the Dedication Parkland	 Opportunities for public parkland will be considered as part of the processing and consideration of the proposal. 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 of Parkland Policy, should the subject applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.
I.	Allocation and Servicing	The availability of water and sanitary servicing capacity for the proposed development must be identified and allocated by Vaughan Council, if the proposed development is approved. If servicing 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.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 - Page 13

	MATTERS TO BE REVIEWED	COMMENTS
m.	Phase 1and 2 Environmental Site Assessments (ESA)	The Development Engineering Department has reviewed a Phase 1 and a Phase 2 ESA (Environmental Site Assessment) submitted in support of the applications. The Phase 2 ESA identified minor exceedances of petroleum hydrocarbons in the soil and Polycyclic Aromatic Hydrocarbons in the groundwater. The Owner is required to provide the City with a Remedial Action Plan (RAP). The report must be submitted to the City for review and approval.
n.	Noise Attenuation	The subject lands are located adjacent to the CPR rail corridor, Rutherford Road and a potential future GO Station, which are sources of noise. The Development Engineering Department will review the Noise and Vibration Feasibility Study to determine the appropriate measures that will be required to mitigate noise and vibration.
0.	Road Widening and Access	This portion of Rutherford Road has been identified for a future road widening, grade separation related to future planned road improvements and a rail bridge. York Region must approve the final planned road right-of-way width, site access, any road improvements and the final design of Rutherford Road.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered. The Owner has a made a request to exempt the Official Plan Amendment Application from York Region approval.

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 3, CW (PH) Report No. 15 – Page 14

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.

This report was prepared in consultation with the Director of Development Planning, and the Interim Senior Manager of Development Planning. For more information, please contact: Clement Messere, Senior Planner, Development Planning Department, Extension 8409.

Attachments

- Context Location Map
- 2. Location Map
- 3. Draft Plan of Subdivision File 19T-17V011
- 4. Conceptual Site Plan and Proposed Zoning
- 5. Previous Conceptual Site Plan Considered at the November 1, 2016 Public Hearing

Prepared by

Clement Messere, Senior Planner, ext. 8409

(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.)

Councillor Carella declared an interest with respect to the foregoing matter as he is an officer of a not-for-profit corporation in the vicinity of the subject property, and did not take part in the discussion or vote on the matter.

HUMPHRIES PLANNING GROUP INC.

Celebrating 15 years 2003-2018

COUNCIL: Apr [[]]

CWOHRpt. No. 15 Item

DELIVERED BY EMAIL ONLY

April 4, 2018 HPGI File: 17482

The Corporation of the City of Vaughan 2141 Major Mackenzie Drive Vaughan, Ontario L6A 1T1

Attn: Clement Messere, Senior Planner

Re: Gemini Urban Design (W) Corp.

Official Plan Amendment, Zoning By-law Amendment and Draft Plan

of Subdivision Applications

City File Nos.: OP.17.011, Z.17.031 & 19T-17V011

6061 & 6079 Rutherford Road and 134 & 140 Simmons Street

Dear Mr. Messere,

Humphries Planning Group Inc. ("HPGI") represents the owner of the lands at 10, 20 & 25 Di Benedetto Lane and 110 Simmons Street, being the lands immediately south of the lands owned by Gemini Urban Design (W) Corp ("Gemini").

It is our client's intention to redevelop their lands, with development applications and supporting materials submitted to the City of Vaughan in due course.

Given the proximity of our client's lands to the proposed development, we wish to formally request notification of any future meetings, actions or procedures related to the above noted development applications, as well as notice of any future development applications for Gemini's lands.

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

HUMPHRIES PLANNING GROUP INC.

Adam Grossi MAES, MCIP, RPP

Senior Planner

cc. Tony Di Benedetto

216 Chrislea Road Suite 103 Vaughan, ON L4L 8S5

T: 905-264-7678 F: 905-264-8073 www.**humphries**planning.com
-- Do Something Good Everyday! --

Mr. Clement Messere City of Vaughan Planning Dept. 2141 Major Mackenzie Drive Vaughan, Ontario L6A-1T1 c<u>3</u>
Communication
COUNCIL: APX 11 18
CW(PH)Rpt. No. 15 Item 3

Dear Mr. Messere,

April 4, 2018

I'm writing to you regarding Official Plan Amendment File # OP .17.011, Zoning By-law Amendment File # Z .17.031 and draft Plan of Subdivision File #19T – 17V011.

I own Simmons St., which abuts this proposed project. My property is presently zoned RR. My property as well as my neighbour, Simmons St., are not part of this plan but will be directly impacted by it.

I have owned this property since 1981 and I have witnessed many fatal accidents on Rutherford Rd. Vehicles come over the train tracks heading east and cannot see if traffic is backed up. When they do see it backed up its sometimes too late for them to safely stop.

I believe this situation should be corrected first before any higher density development is allowed.

There was the suggestion that there may be a train bridge and road grade change as well as a possible GO Station constructed at the site. This change would correct the present danger at the location and I feel it should occur prior to the proposed development.

Should this development be approved, and the changes to Rutherford Rd. occur, our property would no longer be suitable as Rural Residential and I would expect to have The City of Vaughan change my zoning designation to Multi Residential or Commercial.

I'm not opposed to this project and I do realize that Vaughan can use more higher density housing, but I do feel that infrastructure should be dealt with first and our property should be included in what ever changes occur.

You can reach me at this email or the number below to discuss.

Yours truly, Doug Bentley

Thursday March 29, 2018

Dear Mr. Clement Messere.

PUBLIC HEARING C 2

Date: Apr 4/18 ITEM NO. 3

We are writing this letter in regards to the development application made by Gemini Urban Design(W) Corp. file numbers OP.17.011,Z17.031 and 19T-17V011 and related files. We would like to address the following questions/concerns:

1. Swim pond proposal on 134 Simmons

- -We would like an alternative to the swim pond management system.
- -We would like to have the swim pond (water management system) relocated as it is currently proposed to be built on land that is on significantly higher ground than our property. (we own the house on Simmons St.) We are concerned about water run-off and excess water in the soil which in turn will leak into our basements. Who is responsible if this happens?
- -What will the swim pond be used for and what will it look like (we want to see the plans)
- -What are the maintenance plans for the swim pond?
- -Are there any plans to expand into 140 Simmons St. with the swim pond?

2. Road entering subdivision is only on Simmons.

- We are proposing an entrance from Rutherford instead.
- We are concerned with the increase in traffic and noise to the area if entrance is on Simmons.
- -We would like to see the results of the studies and reports.

Please Feel free to contact me at	or American
Best regards,	
Alfia Lacaria	

Item: 3



Committee of the Whole (Public Hearing) Report

DATE: Wednesday, April 04, 2018 **WARD:** 2

TITLE: OFFICIAL PLAN AMENDMENT FILE OP.17.011
ZONING BY-LAW AMENDMENT FILE Z.17.031
DRAFT PLAN OF SUBDIVISION FILE 19T-17V011
GEMINI URBAN DESIGN (W) CORP.
VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

<u>Purpose</u>

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.17.011 and Z.17.031 and Draft Plan of Subdivision File 19T-17V011 for the subject lands shown on Attachments #1 and #2, to permit a residential development consisting of 106 townhouse units and two semi-detached dwelling units.

Recommendation

1. THAT the Public Hearing report for Files OP. 17.011, Z.17.031 and 19T-17V011 (Gemini Urban Design (W) Corp.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Report Highlights

- To receive input from the public and the Committee of the Whole on a proposed development consisting of 106 townhouse units and two semidetached units to be served by private common element roads.
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Background

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The subject applications are related to existing development applications that were considered at a previous Public Hearing and that have been appealed to the Ontario Municipal Board

The Owner in April 2016, submitted Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.16.007, Z.16.019, and 19T-16V004 to the City of Vaughan for 6061 and 6079 Rutherford Road, as shown on Attachment #5, which also form part of the lands that are the subject of this report. The April 2016 applications were for a development consisting of 100 three-storey freehold townhouse units and 1 (one) detached dwelling unit. Vaughan Council considered these applications at a Public Hearing held on November 1, 2016.

The April 2016 development proposal also consisted of two development phases to accommodate the required sanitary servicing, which included a temporary septic system. Phase 1, as shown on Attachment # 5, was for 76 townhouse units serviced by a temporary septic system located on the Phase 2 lands. Once municipal servicing was identified for the Phase 1 lands, the Phase 2 lands would be developed for 24 townhouse units and 1 detached dwelling, as shown on Attachment #5.

Since the November 2016 Public Hearing, the Owner has acquired two additional properties, municipally known as 134 and 140 Simmons Street, located adjacent to the original lands, as shown on Attachment #2. The Owner submitted Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.17.011, Z.17.031 and 19T-17V011 to reflect the additional property assembly and revisions to the original development concept. These applications include the entirety of the lands subject to the April 2016 applications (Files OP.16.007, Z.16.031 and 19T-16V004). The Owner, on November 22, 2017, appealed Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.16.007, Z.16.031 and 19T-16V004 to the Ontario Municipal Board (OMB) citing the City's failure to make a decision within the timeframes prescribed by the *Planning Act.* The files currently remain before the OMB.

The current Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications require a Public Hearing. For the purposes of this report, the subject lands comprise all 4 properties including, 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street. The development concept has been revised to reflect:

- municipal water, sanitary and stormwater services for the development from Simmons Street:
- vehicular access from Simmons Street, whereas the original concept included access from Rutherford Road;
- a total of 108 units (106 townhouse units and two semi-detached units); and
- each townhouse unit will have a minimum width of 6 m, a minimum 7.5 m rear yard, and a maximum of 6 units or less in each block.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- a) Date the Notice of Public Hearing was circulated: March 9, 2018.
 - The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and Notice Sign were installed along Rutherford Road and Simmons Street in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: 150 m, all properties with frontage on to Simmons Street, and the West Woodbridge Homeowners' Association and the Kleinburg and Area Ratepayers' Association, and to those individuals who provided written correspondence or made oral deputations at the November 1, 2016 Public Hearing for the related Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications (Files OP.16.007, Z.16.031 and 19T-16V004).
- c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

November 1, 2016 Public Hearing Related Applications

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the proposed development

The subject lands are designated "Low-Rise Residential" and "Natural Areas" by Vaughan Official Plan 2010 (VOP 2010) and are located within a "Community Area" as identified on Schedule 1, "Urban Structure" of VOP 2010. This designation permits detached, semi-detached and townhouse dwelling units having a maximum permitted building height of 3-storeys, and there is no associated density requirement.

VOP 2010 identifies compatibility criteria for new development in a "Community Area". The compatibility criteria directs that new development be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a "Community Area" within established development areas shall pay attention to local lot patterns, size and configuration, and existing building types with similar setbacks. The proposed development is located on Rutherford Road, a major arterial road, that contains larger residential lots to the east

and lands that are designated for employment uses to the west. The proposal is not consistent with the compatibility and development criteria of the Official Plan. Therefore, an amendment to VOP 2010 is required.

VOP 2010 permits limited intensification in Community Areas provided the proposed development is sensitive to and compatible with the character, form and planned function of the surrounding context.

A portion of the subject lands are designated as "Natural Areas". The refinement of the boundary between the "Low Rise Residential" and "Natural Areas" designations will be considered through the review of the applications.

An amendment to Zoning By-law 1-88 is required to permit the proposed development

The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, which permits only detached dwellings on lots with a minimum frontage of 45 m and a lot area of 400m^2 . The Owner is proposing to develop the site with townhouse and semi-detached units, which is not a permitted use in the RR Rural Residential Zone. The Owner is proposing amend Zoning By-law 1-88, specifically to rezone the subject lands to RT1 Residential Townhouse Zone, together with the following site-specific zoning exceptions to permit the development shown on Attachments #3 and #4:

Table 1

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Frontage on a Public Street	A lot must front onto a public street.	Permit a freehold lot to front onto a private common element condominium road.
b.	Definition of a "Street Townhouse Dwelling"	Means a townhouse dwelling in which each dwelling unit is situated on its own lot which abuts a public street.	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which fronts onto a public street or private road.
C.	Permitted Uses	Street Townhouse Dwellings	Permit a Detached Dwelling and a Semi-Detached Dwelling

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
d.	Minimum Lot Depth	27 m / unit	23.5 m / unit
e.	Minimum Lot Area	162 m ² / unit	141 m ² / unit
f.	Minimum Exterior Side Yard Setback (Private Road)	4.5 m	1.3 m (Block 4) 0.9 m (Block 5) 2.7 m (Blocks 6 & 11) 2.6 m (Block 7) 1.2 m (Block 16) 3 m (Block 19) 1.6 m (Block 22) 1.4 m (Block 23)
g.	Minimum Interior Side Yard Setback (Greenway or buffer block)	3.5 m	0 m (Block 1) 1.5 m (Block 23)
	Zoning By-law 1-88 Standard	RR Rural Residential Zone	Proposed Exception to RR Rural Residential Zone Requirement
a.	Minimum Lot Area	4,000 m ²	3,700 m ²

The Owner has submitted a conceptual site plan in support of the proposal, as shown on Attachment #4. Other zoning exceptions may be identified through the detailed review of the applications and will be considered in a technical report to a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENTS
a.	Conformity with Provincial policies, York Region and City Official Plan Policies	The applications will be reviewed in consideration of the applicable Provincial policies (e.g. Provincial Policy Statement and Growth Plan) and the York Region and City Official Plan policies, particularly the policies in VOP 2010 respecting the design and compatibility criteria for new development in a "Community Area".
b.	Block Plan/Comprehensive Development Concept	■ The Owner has been advised that the submission of a broader development concept plan that includes all of the properties with frontage on Simmons Street is required in order for City staff to consider possible future development scenarios in the area bounded by Rutherford Road, Regional Road 27 and the CP Rail line. Emphasis on matters such as, but not limited to, access, the co-ordination of servicing, public amenity space, and the preservation of environmental features, will be reviewed. Additional supporting studies may be required in this regard.
C.	Appropriateness of the Proposed Rezoning and Site- Specific Zoning Exceptions	The appropriateness of the proposed rezoning to permit the development on the subject lands and the retention of the existing detached dwelling, will be reviewed in consideration of the existing and planned surrounding land uses.
d.	Community Area Policy Review for Low-Rise Residential Designations	■ In recognition of the increased development pressure in large lot neighbourhoods, the City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in Vaughan Council adopting Urban Design Guidelines ("Guidelines") for Infill Development in Established Low-Rise Residential Neighbourhoods and the Community Area Policy Review for Low-Rise Residential Designations Study ("Study").

	MATTERS TO BE REVIEWED	COMMENTS
		■ The Guidelines were approved by Vaughan Council on October 19, 2016, and serve to clarify and implement the existing official plan policies related to compatibility. The Study was approved by Vaughan Council on April 19, 2017, and an Official Plan Amendment to implement the Study recommendations will be forwarded to Vaughan Council for adoption at a future date. The proposed development will be reviewed in consideration of the Guidelines and the Study.
e.	Studies and Reports	 The Owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City and/or respective public approval authority: Planning Justification Report Conceptual Site Plan and Landscape Plan Functional Servicing and Stormwater Management Report Transportation Study Environmental Impact Study Community Services and Facilities Impact Study Noise and Vibration Feasibility Study Urban Design and Sustainability Brief Arborist Report Tree Inventory and Preservation Plan Stage 1 and 2 Archaeological Assessment Phase 1 Environmental Site Assessment Hydrogeological Assessment Geotechnical Assessment Additional studies and/or reports may be required as part of the development application review process.
f.	External Agencies- Toronto and Region Conservation Authority, Canadian Pacific Rail and Metrolinx	 The subject lands are located within the Toronto and Region Conservation Authority's (TRCA) regulated area, and therefore, the development proposal must be reviewed by the TRCA. Matters regarding the establishment of the development limits, building setbacks, buffer areas, tree preservation, geotechnical requirements, servicing,

	MATTERS TO BE	
	MATTERS TO BE REVIEWED	COMMENTS
		 and the dedication/conveyance of open space to either the City of Vaughan or the TRCA will be reviewed. The subject lands abut a Canadian Pacific Rail (CPR) rail line and the applications have been circulated to CPR and Metrolinx for review.
g.	Draft Plan of Subdivision File 19T-17V011	Draft Plan of Subdivision File 19T-17V011 has been submitted for technical reasons under the <i>Planning Act</i> to create a block within a future Registered M-Plan. This would facilitate a future Draft Plan of Condominium (Common Elements) application to establish the condominium tenure of the common elements (private road, internal walkway, and visitor parking spaces); the creation of individual lots for the townhouse and semi-detached dwelling units through a Part Lot Control application(s); and for the conveyance of the road widening. These matters will be reviewed in consideration of the surrounding land uses and to implement the appropriate Draft Plan of Subdivision conditions, should the applications be approved.
h.	Conceptual Site Plan / Future Site Development Application	 A future Site Development Application(s) is required to facilitate the proposed development, should the subject applications be approved. The following matters, but not limited to, will be considered through the review of the Site Development Application: pedestrian and barrier free accessibility; proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private roads; appropriate site design and building materials, orientation of units and upgraded elevations for units facing Rutherford and visible flankage elevations, landscaping, snow storage, stormwater management, and servicing and grading; the location of air conditioning units;

	MATTERS TO BE REVIEWED	COMMENTS
		 the relationship between the facing distance of each townhouse block to maximize daylight, enhance landscaping and ensure privacy; accessibility and location of the proposed residential visitor parking spaces; the provision of an appropriate amenity space; the relationship of the proposed built form, building setbacks and design with the immediate neighbourhood and site; and co-ordination of access with possible future development with the lands to the south.
i.	Sustainable Development	 Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio- swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the subject applications are approved.
j.	Future Draft Plan Condominium Application	A future Draft Plan of Condominium Application is required to establish the condominium tenure of the private common elements (i.e. private road, internal sidewalk, visitor parking, and common landscaped amenity areas), to be managed by a future Condominium Corporation, should the subject applications be approved.
k.	Parkland and Cash-in-Lieu of the Dedication Parkland	 Opportunities for public parkland will be considered as part of the processing and consideration of the proposal. 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 of Parkland Policy, should the subject applications be approved. The final value of the cash-in-lieu of parkland dedication will be

	MATTERS TO BE REVIEWED	COMMENTS
		determined by the Office of the City Solicitor, Real Estate Department.
I.	Allocation and Servicing	■ The availability of water and sanitary servicing capacity for the proposed development must be identified and allocated by Vaughan Council, if the proposed development is approved. If servicing 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.
m.	Phase 1and 2 Environmental Site Assessments (ESA)	■ The Development Engineering Department has reviewed a Phase 1 and a Phase 2 ESA (Environmental Site Assessment) submitted in support of the applications. The Phase 2 ESA identified minor exceedances of petroleum hydrocarbons in the soil and Polycyclic Aromatic Hydrocarbons in the groundwater. The Owner is required to provide the City with a Remedial Action Plan (RAP). The report must be submitted to the City for review and approval.
n.	Noise Attenuation	The subject lands are located adjacent to the CPR rail corridor, Rutherford Road and a potential future GO Station, which are sources of noise. The Development Engineering Department will review the Noise and Vibration Feasibility Study to determine the appropriate measures that will be required to mitigate noise and vibration.
0.	Road Widening and Access	This portion of Rutherford Road has been identified for a future road widening, grade separation related to future planned road improvements and a rail bridge. York Region must approve the final planned road right-of-way width, site access, any road improvements and the final design of Rutherford Road.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered. The Owner has a made a request to exempt the Official Plan Amendment Application from York Region approval.

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.

This report was prepared in consultation with the Director of Development Planning, and the Interim Senior Manager of Development Planning. For more information, please contact: Clement Messere, Senior Planner, Development Planning Department, Extension 8409.

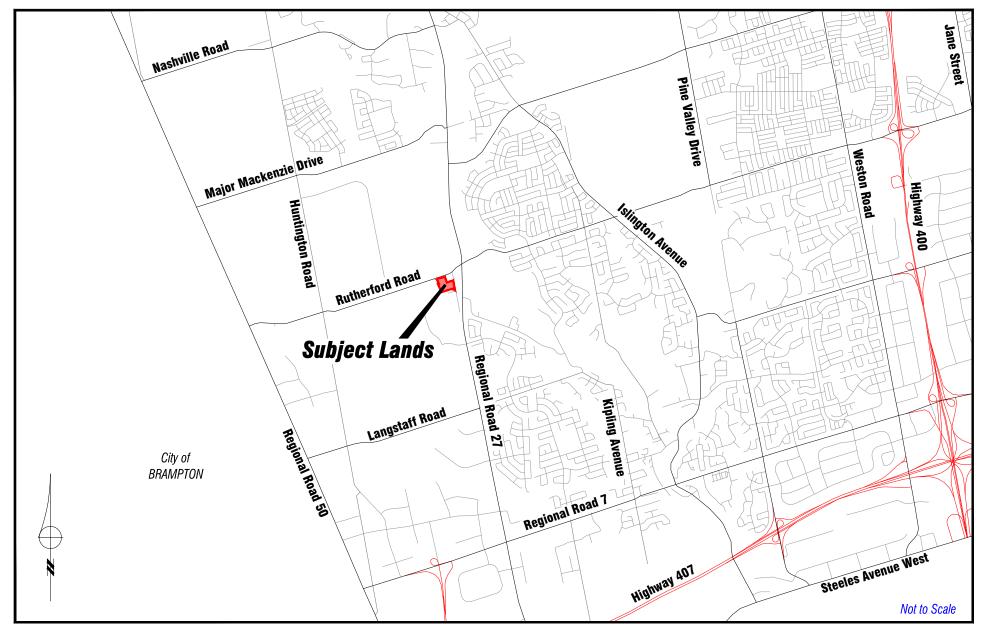
Attachments

- Context Location Map
- 2. Location Map
- Draft Plan of Subdivision File 19T-17V011
- 4. Conceptual Site Plan and Proposed Zoning
- Previous Conceptual Site Plan Considered at the November 1, 2016 Public Hearing

Prepared by

Clement Messere, Senior Planner, ext. 8409

/LG



Context Location Map

Part of East Half of Lot 15, Concession 9

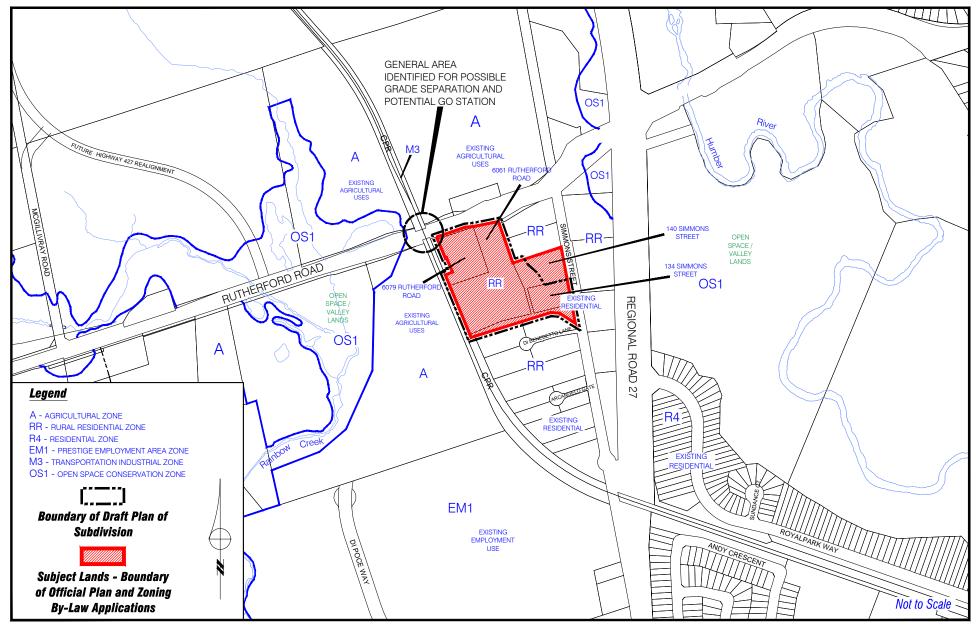
APPLICANT:

Gemini Urban Design (W) Corp.



Attachment

FILES: OP.17.011, Z.17.031 & 19T-17V011 RELATED FILES: OP.16.007, Z.16.019 & 19T-16V004



Location Map

LOCATION:

Part of East Half of Lot 15, Concession 9

APPLICANT:

Gemini Urban Design (W) Corp.

VAUGHAN

Development Planning

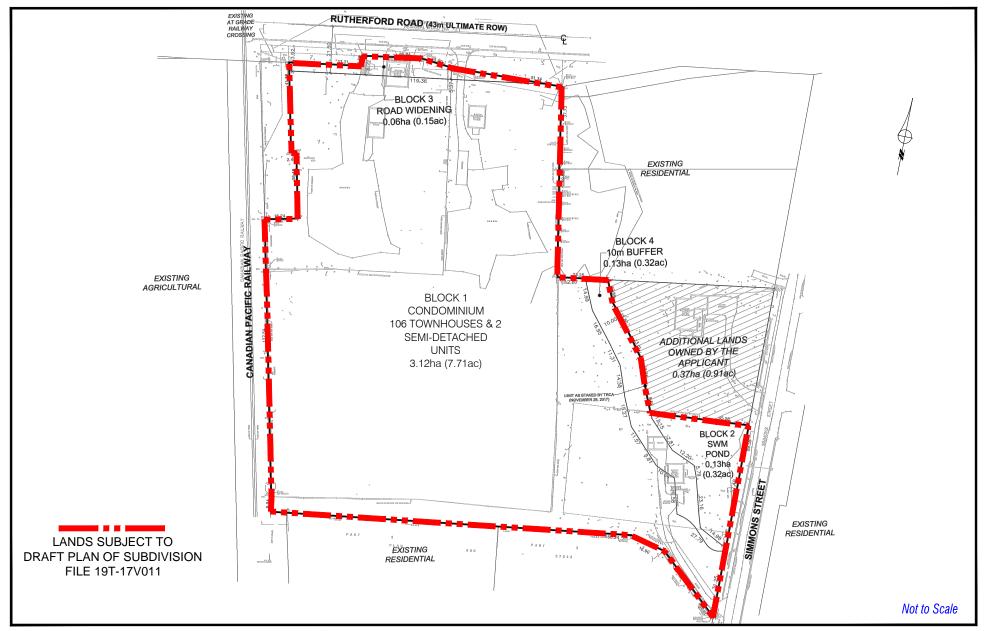
Department

Attachment

FILES: OP.17.011, Z.17.031 & 19T-17V011 RELATED FILES: OP.16.007, Z.16.019 & 19T-16V004

DATE: April 4, 2018





Draft Plan of Subdivision File 19T-17V011

APPLICANT: Gemini Urban Design (W) Corp. Half of Lot 15, Concession 9

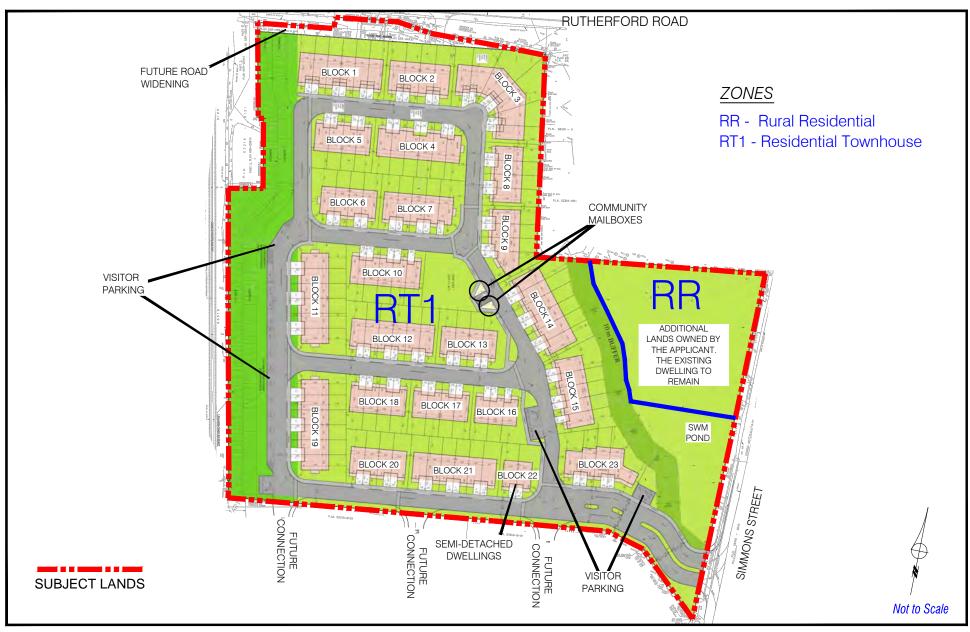
LOCATION: Part of East



Attachment

FILES: OP.17.011, Z.17.031 & 19T-17V011 RELATED FILES: OP.16.007, Z.16.019 & 19T-16V004

DATE: April 4, 2018



Conceptual Site Plan and Proposed Zoning

APPLICANT:
Gemini Urban Design (W) Corp.
N:\GIS_Archive\Attachments\0P\op.17.011eta.dwg

LOCATION: Part of East Half of Lot 15, Concession 9



Attachment

FILES: OP.17.011, Z.17.031 & 19T-17V011 RELATED FILES: OP.16.007, Z.16.019 & 19T-16V004

DATE: April 4, 2018

4



Previous Conceptual Site Plan Considered At The November 1, 2016 Public Hearing

APPLICANT: Gemini Urban Design (W) Corp. of Lot 15, Concession 9

LOCATION: Part of East Half



Attachment

FILES: OP.17.011, Z.17.031 & 19T-17V011 RELATED FILES: OP.16.007, Z.16.019 & 19T-16V004