

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013

Item 23, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 23, 2013.

23

**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:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated April 9, 2013, be approved; and**
- 2) That the deputation of Mr. Joel Ginsberg, Wigston Place, Thornhill, be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT this report BE RECEIVED as information.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On March 27, 2013, Mr. J. Ginsberg on Wigston Place was notified by the Development Planning Department by telephone call that the subject report would be considered by the Committee of the Whole on April 9, 2013.

Purpose

The purpose of this report is to respond to Vaughan Council's resolution of March 19, 2013, for staff to provide additional information regarding concerns raised at that meeting in Communication C11 (Letter from F and J Ginsberg), with respect to the enactment of Zoning By-law 24-2013 being deferred to allow the TRCA to assess if a watercourse is located on a portion of the subject lands approved to be zoned R1 Residential Zone and intended for the future development of single detached residential dwellings as shown on Attachment #3, which may have the potential to flood that area.

Background - Analysis and Options

On October 30, 2012, Vaughan Council ratified the minutes of the Committee of the Whole report dated October 26, 2012 and approved the following recommendations to facilitate the creation of 5 residential lots for detached dwellings:

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

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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 (TRCA) as a condition of any future lot creation.

The report of the Commissioner of Planning dated October 16, 2012, indicated that no issues or concerns were identified in the review and consideration of Zoning By-law Amendment File Z.12.013. The Toronto and Region Conservation Authority (TRCA) reviewed the Zoning By-law Amendment application and in a letter dated June 4, 2012, indicated no objection to the approval of the application. In addition, the TRCA was satisfied that the portion of the property, which is deemed to be valleyland, and the respective 10 m buffer located outside the TRCA staked top-of-bank, will be adequately protected by the proposed OS1 Open Space Conservation Zone for these lands. No concerns were identified with the portion of the site to be zoned R1 Residential Zone.

The report also indicated that the Development Planning Department was 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 development complies with the R1 Residential Zone standards in all respects. Accordingly, the Development Planning Department supported the approval of Zoning By-law Amendment File Z.12.013. The Committee of the Whole supported the recommendation to approve the subject Zoning By-law Amendment application, which was subsequently ratified by Vaughan Council on October 30, 2012.

In accordance with the conditions of approval, the Owner carried out an Archaeological Assessment of the property to the satisfaction of the Vaughan Cultural Services Division. No cultural heritage issues were identified by the assessment and it was entered into the Ontario Public Register of Archaeological reports by the Ministry of Tourism, Culture and Sport on January 7, 2013.

Furthermore, the Owner is required to dedicate the lands to be zoned OS1 Open Space Conservation Zone (including the 10 m buffer) to the TRCA as a condition of any future lot creation.

The implementing Zoning By-law 24-2013 was prepared for enactment by Vaughan Council on March 19, 2013, following confirmation that the Archaeological Assessment of the property, was completed to the satisfaction of the City. Prior to the Council meeting, the City Clerk received Communication C11, which suggested that a watercourse traversed the property between the existing dwellings located at #31 and #33 Wigston Place and the impacts of flooding on the future residential lots. Council also received a response from the Development Planning Department through Communication C18. At the meeting, Council deferred the enactment of the implementing Zoning By-law (By-law 24-2013) and requested that the Development Planning Department obtain additional information from the TRCA to respond to Communication C11.

The TRCA staff conducted a site visit of the property and in correspondence dated the same day

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on March 27, 2013, (Attachment #4) confirmed that the property contains only one watercourse and associated valley system, which was previously delineated by the TRCA and is proposed to be rezoned to OS1 Open Space Conservation Zone, and that there is no flood hazard concerns on the lands to be rezoned as R1 Residential Zone, and that the TRCA continues to have no comment or objection to Zoning By-law Amendment File Z.12.013.

Should the Committee concur, the implementing Zoning By-law (By-law 24-2013) will be brought forward to Vaughan Council for enactment on April 23, 2013.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

N/A

Conclusion

In accordance with Vaughan Council's resolution of March 19, 2013, the Vaughan Development Planning Department has confirmed with the TRCA that the subject lands contain one watercourse and associated valley system which was previously delineated by the TRCA and is proposed to be rezoned to OS1 Open Space Conservation Zone, and that there is no flood hazard concerns on the lands to be rezoned as R1 Residential Zone, as identified on Attachment #4. The Development Planning Department is satisfied that the development proposal is appropriate and compatible with the existing and planned future uses in the surrounding area. Accordingly, the Development Planning Department can support the enactment of Zoning By-law 24-2013, which will be forwarded to the Council meeting on April 23, 2013, should Council concur.

Attachments

1. Context Location Map
2. Location Map
3. Development Concept with Proposed Zoning
4. Letter from TRCA – March 27, 2013

Report prepared by:

Laura Janotta, Planner, ext. 8634
Christina Napoli, Senior Planner, ext. 8484
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.)

COMMITTEE OF THE WHOLE APRIL 9, 2013

**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**

Recommendation

The Commissioner of Planning recommends:

1. THAT this report BE RECEIVED as information.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On March 27, 2013, Mr. J. Ginsberg on Wigston Place was notified by the Development Planning Department by telephone call that the subject report would be considered by the Committee of the Whole on April 9, 2013.

Purpose

The purpose of this report is to respond to Vaughan Council's resolution of March 19, 2013, for staff to provide additional information regarding concerns raised at that meeting in Communication C11 (Letter from F and J Ginsberg), with respect to the enactment of Zoning By-law 24-2013 being deferred to allow the TRCA to assess if a watercourse is located on a portion of the subject lands approved to be zoned R1 Residential Zone and intended for the future development of single detached residential dwellings as shown on Attachment #3, which may have the potential to flood that area.

Background - Analysis and Options

On October 30, 2012, Vaughan Council ratified the minutes of the Committee of the Whole report dated October 26, 2012 and approved the following recommendations to facilitate the creation of 5 residential lots for detached dwellings:

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 (TRCA) as a condition of any future lot creation.

The report of the Commissioner of Planning dated October 16, 2012, indicated that no issues or concerns were identified in the review and consideration of Zoning By-law Amendment File Z.12.013. The Toronto and Region Conservation Authority (TRCA) reviewed the Zoning By-law Amendment application and in a letter dated June 4, 2012, indicated no objection to the approval of the application. In addition, the TRCA was satisfied that the portion of the property, which is deemed to be valleyland, and the respective 10 m buffer located outside the TRCA staked top-of-bank, will be adequately protected by the proposed OS1 Open Space Conservation Zone for these lands. No concerns were identified with the portion of the site to be zoned R1 Residential Zone.

The report also indicated that the Development Planning Department was 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 development complies with the R1 Residential Zone standards in all respects. Accordingly, the Development Planning Department supported the approval of Zoning By-law Amendment File Z.12.013. The Committee of the Whole supported the recommendation to approve the subject Zoning By-law Amendment application, which was subsequently ratified by Vaughan Council on October 30, 2012.

In accordance with the conditions of approval, the Owner carried out an Archaeological Assessment of the property to the satisfaction of the Vaughan Cultural Services Division. No cultural heritage issues were identified by the assessment and it was entered into the Ontario Public Register of Archaeological reports by the Ministry of Tourism, Culture and Sport on January 7, 2013.

Furthermore, the Owner is required to dedicate the lands to be zoned OS1 Open Space Conservation Zone (including the 10 m buffer) to the TRCA as a condition of any future lot creation.

The implementing Zoning By-law 24-2013 was prepared for enactment by Vaughan Council on March 19, 2013, following confirmation that the Archaeological Assessment of the property, was completed to the satisfaction of the City. Prior to the Council meeting, the City Clerk received Communication C11, which suggested that a watercourse traversed the property between the existing dwellings located at #31 and #33 Wigston Place and the impacts of flooding on the future residential lots. Council also received a response from the Development Planning Department through Communication C18. At the meeting, Council deferred the enactment of the implementing Zoning By-law (By-law 24-2013) and requested that the Development Planning Department obtain additional information from the TRCA to respond to Communication C11.

The TRCA staff conducted a site visit of the property and in correspondence dated the same day on March 27, 2013, (Attachment #4) confirmed that the property contains only one watercourse and associated valley system, which was previously delineated by the TRCA and is proposed to be rezoned to OS1 Open Space Conservation Zone, and that there is no flood hazard concerns on the lands to be rezoned as R1 Residential Zone, and that the TRCA continues to have no comment or objection to Zoning By-law Amendment File Z.12.013.

Should the Committee concur, the implementing Zoning By-law (By-law 24-2013) will be brought forward to Vaughan Council for enactment on April 23, 2013.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

N/A

Conclusion

In accordance with Vaughan Council's resolution of March 19, 2013, the Vaughan Development Planning Department has confirmed with the TRCA that the subject lands contain one watercourse and associated valley system which was previously delineated by the TRCA and is proposed to be rezoned to OS1 Open Space Conservation Zone, and that there is no flood hazard concerns on the lands to be rezoned as R1 Residential Zone, as identified on Attachment #4. The Development Planning Department is satisfied that the development proposal is appropriate and compatible with the existing and planned future uses in the surrounding area. Accordingly, the Development Planning Department can support the enactment of Zoning By-law 24-2013, which will be forwarded to the Council meeting on April 23, 2013, should Council concur.

Attachments

1. Context Location Map
2. Location Map
3. Development Concept with Proposed Zoning
4. Letter from TRCA – March 27, 2013

Report prepared by:

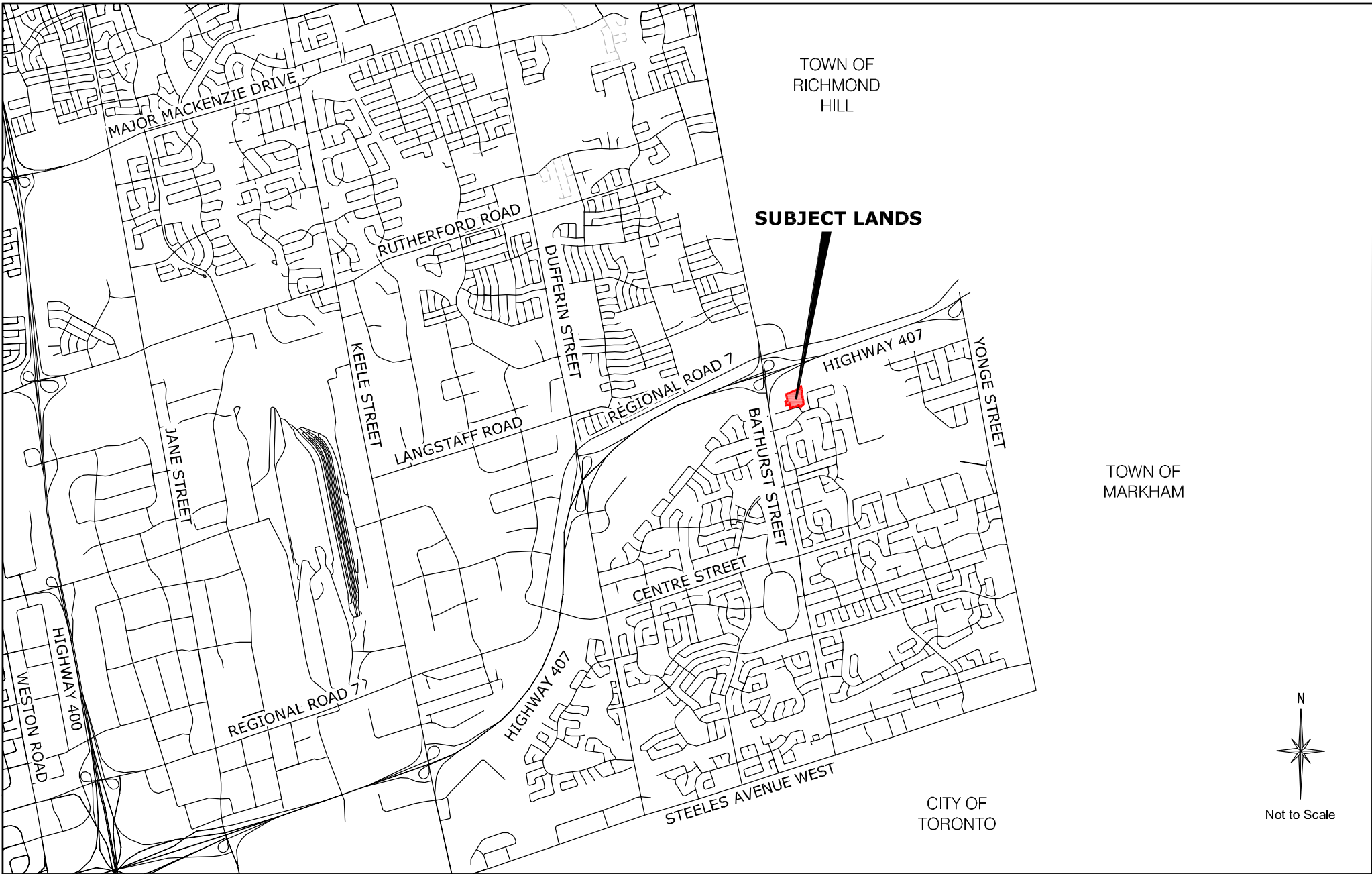
Laura Janotta, Planner, ext. 8634
Christina Napoli, Senior Planner, ext. 8484
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/CM



Context Location Map

Location:
Part of Lot 34, Concession 1

Applicant:
W. Martin, S. Howieson, R. Stevens,
G. Wigston, J. Legrandeur.

N:\DFT\1 ATTACHMENTS\Z\z.12.013.dwg

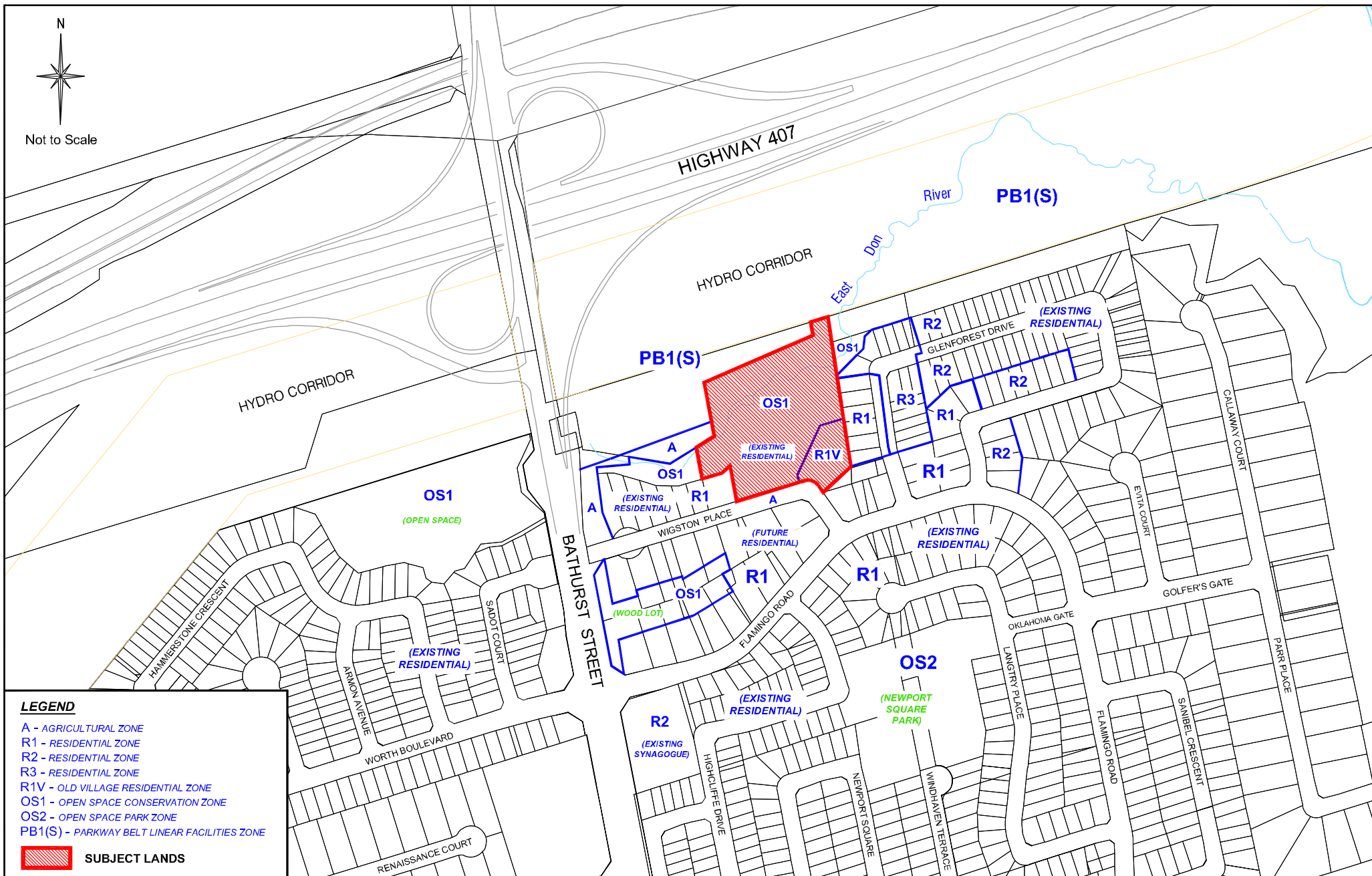


Attachment

File: Z.12.013
Related Files: Z.96.012 & Z.98.019

Date:
March 26, 2013

1



Location Map

Location:
Part of Lot 34, Concession 1

Applicant:
W. Martin, S. Howieson, R. Stevens,
G. Wigston, J. Legrandeur.

N:\DFT\1 ATTACHMENTS\Z\z.12.013.dwg

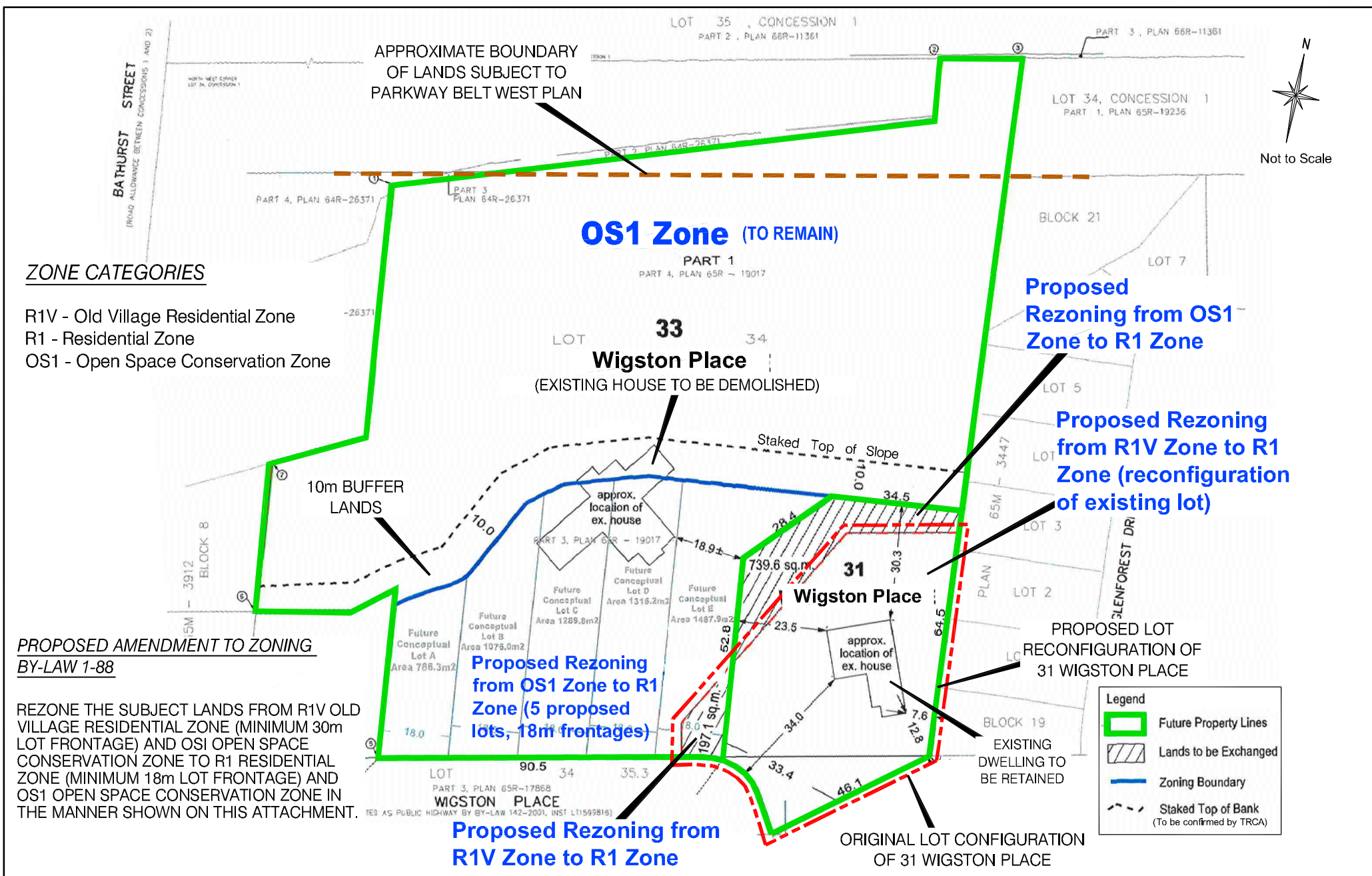


Attachment

File: Z.12.013
Related Files: Z.96.012 & Z.98.019

Date:
March 26, 2013

2



Development Concept with Proposed Zoning

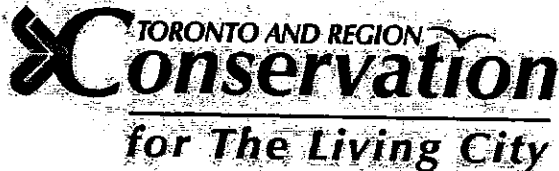
Applicant: W. Martin, S. Howieson, R. Stevens, G. Wigston, J. Legrandeur.
Location: Part of Lot 34, Concession 1



Attachment 3

File: Z.12.013
Related Files: Z.96.012 & Z.98.019

Date: March 26, 2013



March 27, 2013

CFN: 46961.05
X-Ref CFN: 45061.11

BY FAX (905-832-6080) AND MAIL

Ms. Laura Janotta
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. Janotta:

**Re: Zoning By-law Amendment Application Z.12.013
Part of Lot 34, Concession 1
31 & 33 Wigston Place
City of Vaughan, York Region
(Martin S. Howieson and R. Stevens)**

Further to our letter dated June 4, 2012, Toronto and Region Conservation Authority (TRCA) staff wish to provide you with some further clarification on our assessment of the subject property as requested. Based upon a site visit conducted by TRCA staff on March 27, 2013, we offer the following additional comments.

In our previous comments, the valley corridor of a tributary of the East Don River traverses the subject property and the majority of 31 Wigston Place is within the valley corridor. The limits of the valley corridor were previously established by TRCA staff as part of Zoning By-law Amendment Application Z.96.012 and Committee of Adjustment application B66/03.

Based upon our further site visit, we note that the limits of the valley as previously defined along with the applicable buffer (10 metres) still represent TRCA's position on the appropriate development limits for the property.

We note that there is a depressed area running from Wigston Place to the valley. TRCA staff consider this feature to be a draw feature, likely created by retreating glacial melt. However, TRCA staff are satisfied that the feature is not a valley and does not need to be retained through the redevelopment process on the basis of the following:

1. The majority of the draw is gently sloped and does not represent a natural erosion hazard;
2. There is no evidence of water flow (permanent or intermittent) through the draw to suggest that there is a watercourse;
3. Given that the draw only receives localized or site specific drainage, there are no flood hazard concerns. We note that only a portion of the subject property drains to this depression with no contributing flows from the lands south of Wigston Place since there is no culvert providing a connection and the roadway is raised to prevent any overland flow; and
4. The draw is already in a disturbed state (a manicured lawn), devoid of any significant vegetation with the existing dwelling (and possibly the existing septic system) partially located within the feature.



As such, TRCA staff are satisfied that the previously established development limits are consistent with the TRCA's Valley and Stream Corridor Management Program and Ontario Regulation 166/06.

Conclusions:

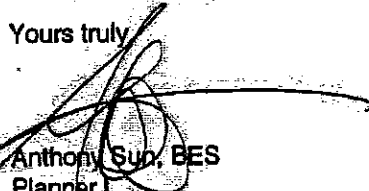
- The property contains only one watercourse and associated valley system which was previously delineated by TRCA staff. TRCA staff continue to support the implementation of a 10 metre buffer to this previously stake line;
- Regrading of the draw feature to allow for the redevelopment of the property can be supported by the TRCA staff provided that stormwater drainage and geotechnical issues are adequately addressed. Please note a permit under Ontario Regulation 166/06 is required for these works; and
- TRCA staff are satisfied that the overall existing ecological functions provided on the property are maintained and opportunities for enhancement can be provided through the planting of the buffer area.

In light of the above, TRCA staff continue to have **no comments or objections** to Zoning Amendment Application Z.12.013. As noted above, should any land division applications be submitted for the subject properties, TRCA will request that the valleylands and 10 metre buffer be placed into public ownership.

TRCA staff are available to meet with Mr. Ginsberg and any qualified consultants with regard to this matter should further clarification be required.

We trust these comments are of assistance. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly



Anthony Sun, BES
Planner I
Planning and Development
Extension 5724

/AS

cc: Jane McFarlane, Weston Consulting Group Inc. (Fax: 905-738-6637)

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 034-2013

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are in conformity with the Vaughan Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity;

NOW THEREFORE the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from R1V Old Village Residential Zone and OS1 Open Space Conservation Zone to R1 Residential Zone, in the manner shown on the said Schedule “1”.
 - b) Deleting Exception 9(941) from Section 9.0 “EXCEPTIONS” and substituting therefor the following paragraph:

“(941) Notwithstanding the provisions of:

 - a) Schedule “A” respecting the zone standards in the R1 Residential Zone; the following provisions shall apply to the lands shown as “Part A” on Schedule “E-1026”:
 - ai) the maximum permitted building height for dwellings shall be 11.0 m.
 - c) Deleting Schedule “E-1026” and substituting therefor the Schedule “E-1026” attached hereto as Schedule “1”.
 - d) Deleting Key Map 1B and substituting therefor the Key Map 1B attached hereto as Schedule “2”.
2. Schedules “1” and “2” shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 23rd day of April, 2013.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

Authorized by Item No. 23 of Report No. 14
of the Committee of the Whole
Adopted by Vaughan City Council on
April 23, 2013

SUMMARY TO BY-LAW 034-2013

The lands subject to this By-law are located on the north side of Wigston Place, southeast of Bathurst Street and Highway #407, being Part 2 on Reference Plan 65R-19017, Part 1 on Reference Plan 65R-19817, in Part of Lot 34, Concession 1, City of Vaughan.

The purpose of this by-law is to rezone the lands subject to this By-law from RIV Old Village Residential Zone and OS1 Open Space Conservation Zone to R1 Residential Zone One to facilitate the future development of the subject lands for 5 detached residential dwellings with lot frontages of 18m onto Wigston Place and to recognize the 11.0 m maximum building height permitted on "Part A" of the Subject Lands.