

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, Report No. 36, of the Committee the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 9, 2014, as follows:

By receiving Communication C22 from Mr. Patrick Di Monte, Barrister, Solicitor, Notary, Steeles Avenue West, Concord, dated September 5, 2014.

19

**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 recommends:

- 1) That consideration of this matter be deferred to a future Committee of the Whole meeting to allow further consultation by the applicant and the residents in an effort to work on a revised plan that is compatible with the R1 zoning of the community; and**
- 2) That the following deputations and Communications be received:**
 - 1. Mr. Mario Di Nardo, Clarence Street, Woodbridge, and Communication C7, petition, and C32;**
 - 2. Mr. Syed M. Iqbal, Appian Way, Woodbridge; and**
 - 3. Ms. Monica Fiorini, Appian Way, Woodbridge, and Communication C9, petition.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

- 1. THAT Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:**
 - a) rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3;**
 - b) permit a minimum lot frontage of 15 m for Lots 1 and 2, as shown on Attachment #3, whereas 18 m is required; and,**
 - c) that the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5, not be supported.**

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal**
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth**

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, CW Report No. 36 – Page 2

The creation of 5 lots for single detached dwellings in an existing residential subdivision will facilitate development that is compatible with the surrounding land uses, supports the expected population growth and conforms with the Official Plan.

Economic Impact

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

Communications Plan

On November 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice sign installed on the property in accordance with the City's Sign Notification Protocol. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 26, 2013, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on December 10, 2013.

A notice of this subject Committee of the Whole meeting was sent to individuals that attended the Public Hearing or have provided written correspondence to date.

To date, one email correspondence was received by the Planning Department from Rocki Guzzo, area resident, with the following comments:

- i. The proposal will negatively change the character of the existing residential neighbourhood.
- ii. The proposal will have a negative impact on the existing residential area due to the proposed lot areas, frontages and setbacks.

Based on comments received at the Public Hearing and concerns identified by the Planning Department, area residents and Vaughan Council, the owner revised their development applications as follows:

- i. The number of proposed lots has been reduced from 6 lots to 5 lots. The revised proposal conforms to the in-effect Official Plan, and therefore, the related Official Plan Amendment File OP.13.012 is no longer required and has been closed by the Owner.
- ii. The proposed reduction in the minimum required lot frontage from 18 m to 15 m for Lots #3 to #5 inclusive is no longer being requested.
- iii. The proposed reduction in the minimum required lot area from 540 m² to 500 m² for the proposed lots is no longer being requested.
- iv. The proposed lot coverage increase from the permitted maximum of 35% to 40% for the proposed lots is no longer being requested.

The Owner is proposing to maintain a reduced front yard setback for Lots #3 to #5, and a reduced lot frontage for Lots #1 and #2, as shown on Attachment #3. The zoning exceptions are identified in the "Purpose" section and discussed further in the "Zoning" section of this report.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.027 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, CW Report No. 36 – Page 3

specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 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:

Table 1:

	By-law Standard	Zoning By-law 1-88 Requirements of the R1 Residential Zone	Proposed Exceptions to R1 Residential Zone
a.	Minimum Lot Frontage	18 m	15 m (for Lots #1 and #2 shown on Attachment #3)
b.	Minimum Front Yard Setback	7.5 m	4.5 m (for Lots #3 to #5 shown on Attachment #3)

Background - Analysis and Options

Location

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, respectively, and are currently vacant. The surrounding land uses are shown on Attachment #2.

Official Plan

a) In-effect Official Plan

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 the boundary of 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. The creation of 5 lots for detached dwelling units on the subject lands would increase the total number of units to 120, which is the maximum permissible through the density calculation of OPA #240, and therefore conforms to the in-effect Official Plan.

b) Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (VOP 2010), which was approved by the Ontario Municipal Board (OMB) on February 3, 2014. At the time of application submission, VOP 2010 was not yet approved and in-effect.

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. The proposed development conforms to VOP 2010.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, CW Report No. 36 – Page 4

Zoning By-law 1-88

The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way. The lands known as 1115 Clarence Street are zoned A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845), and the lands known as 40 Appian

Way are zoned R1 Residential Zone, subject to site-specific Exception 9(827). The owner is proposing to rezone the entirety of the subject lands to R1 Residential Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report. The Planning Department has reviewed the proposed exceptions and provides the following comments:

- a. Proposed Minimum Lot Frontage of 15 m for Lots #1 and #2, whereas 18 m is required

The Planning Department can support the proposed reduction in lot frontage for Lots #1 and #2, as shown on Attachment #3, from 18 m to 15 m. The proposed lot frontage will not negatively impact the existing residential dwellings and will maintain the character of the existing subdivision. Lots #1 and #2 will maintain minimum areas of 665 m² and 671 m², respectively, and are approximately 45 m in depth, which are consistent with the existing lots in Neighbourhood 4C of OPA #240 and greater than the minimum required lot area (540 m²) for lands zoned R1 Residential Zone by Zoning By-law 1-88. This measurement is inclusive of land to be dedicated as road widening that the City of Vaughan will acquire along Clarence Street, through a future Consent (Severance) application to the Vaughan Committee of Adjustment. Furthermore, the proposed lots can accommodate dwellings that meet all minimum development standards, including all yard setbacks, building height and lot coverage requirements of the R1 Residential Zone of Zoning By-law 1-88.

- b. Proposed Front Yard Setback of 4.5 m for Lots #3 to #5 inclusive, whereas 7.5 m is required.

The Planning Department is of the opinion that the proposed front yard setback of 4.5 m for Lots 3, 4 and 5 will have an impact on the existing streetscape on Appian Way and the character of the existing residential neighbourhood. The existing dwellings on Appian Way meet the 7.5 m front yard setback requirement. In addition, within the Neighbourhood 4C of OPA #240 as shown on Attachment #2, there has been no reduction to the required front yard setback of 7.5 m. To maintain the character and existing development form on Appian Way and within the neighbourhood, the Planning Department does not support the proposed front yard setback of 4.5 m for Lots #3 to #5 inclusive.

Future Consent Applications

Should Vaughan Council approve this application, the owner must apply to create the 5 residential lots through Consent Applications for successful approval by the Vaughan Committee of Adjustment. As discussed earlier, the Owner will be required to convey to the City of Vaughan a 5 m wide strip of land to be dedicated as a road widening and 0.3 m reserve, as shown on Attachment #3, along Clarence Street. This will be a condition of Consent Application approval.

Prior to the issuance of a Building Permit(s), and approval of any Consent Applications, the implementing Zoning By-law must be final and binding and all conditions required to be satisfied by the Owner with the City, including the requirement to enter into a Development Agreement with the City of Vaughan for the provision of the road and engineering services as discussed below, must be satisfied to the satisfaction of the City of Vaughan.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, CW Report No. 36 – Page 5

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the proposal and provides the following comments:

a) Development Engineering

Road Network:

The proposed 5 residential lots for single detached dwellings will have driveways and access from the existing or future extension of Appian Way. Any existing access/driveway from Clarence Avenue shall be removed and restored to the satisfaction of the City of Vaughan. The alignment of the future extension of Appian Way, as shown on Attachment #3, has now been finalized, and the design and construction shall be coordinated by the Owner's Engineering Consultant with the adjacent Owner to the north, to the satisfaction of the City of Vaughan.

The Owner shall convey a 0.3m reserve to the lots along the inside site triangle adjacent to Lot 3 free of charge or encumbrances.

Municipal Servicing:

The Owner has submitted a Functional Servicing Report (FSR) prepared by AME-TECH Developments Limited, dated June 2013, in support of the proposed application. The report concludes that the proposed site development can be serviced by connections to the existing municipal sanitary and storm sewers and watermain on Appian Way and new sewers and connections on the future extension of Appian Way, which outlet to the former.

Appian Way and the associated municipal services were constructed in conjunction with the DiNardo Estates Subdivision, File 19T-89056. Pursuant to the noted subdivision agreement, Clarzan Developments Inc. will be required to pay its proportionate share of the cost of constructing the road and services as a condition of development approval.

In addition, Block 7 on Plan 65M-4260 shall be developed in conjunction with the Lots 3 to 5 inclusive.

Environmental Noise Impact:

The Owner has submitted a Detailed Noise Control Study dated July 29, 2013, prepared by SS Wilson Associates. The report identifies traffic on Clarence Avenue as the primary source of noise for the site development. The study proposes an acoustic barrier and the provision for central air conditioning to meet the City of Vaughan and Ministry of Environment's noise criteria for the lots backing onto Clarence Avenue, including standard warning clauses.

Further comments:

An R-plan shall be prepared and copies submitted with the submission of the Consent applications, should the zoning amendment application be approved by Vaughan Council. Lots #3 to #5 shall be joined in conjunction with Block 7 on Registered Plan 65M-4260, and Lot #5 shall be joined in conjunction with Block 106 on Registered Plan 65M-2975, as shown on Attachment #3. Block 6, as shown on Attachment #3, shall be conveyed to the City of Vaughan as part of the completion of Appian Way.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, CW Report No. 36 – Page 6

b) **Engineering Planning & Studies**

The City of Vaughan's 2013 allocation report was endorsed by Vaughan Council on October 29, 2013. Although the above noted application was not specifically included on any of the schedules, the City of Vaughan does have unrestricted servicing capacity that can be applied to the development at the appropriate time (i.e. submission of Consent applications).

c) **Environmental Engineering**

Environmental Engineering has reviewed the additional environmental site assessment documents submitted and is satisfied that the Owner's environmental consultant has addressed all City comments.

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, as the proposal to rezone the subject lands to R1 Residential Zone implements the in-effect land use designation.

Regional Implications

The York Region Transportation and Community Planning Department has advised that they have no concerns or objections to the application.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.13.027 in consideration of the policies of OPA #240, Vaughan Official Plan 2010 (VOP 2010), the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and an area resident, and the overall neighbourhood context. The Vaughan Planning Department is satisfied that the proposed rezoning to facilitate the creation of 5 lots for single detached dwellings, together with the proposed site-specific exception for 15 m frontages for Lots #1 and #2, is appropriate and compatible with the existing residential neighbourhood. The Planning Department does not support the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5 inclusive, as this would deviate away from what all other properties in the community have provided and would create a negative impact on the existing residential streetscape on Appian Way. Accordingly, the Vaughan Planning Department recommends approval of the Zoning By-law Amendment Application, subject to the recommendation in this report.

Attachments

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 19, CW Report No. 36 – Page 7

Report prepared by:

Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791

(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.)

PATRICK DI MONTE, B.A., LL.B
Barrister, Solicitor, Notary

Suite 211
3100 Steeles Avenue West
Concord, Ontario
L4K 3R1

Telephone: (905) 738-2101
Facsimile: (905) 738-1168

VIA FAX 905-832-8535 & EMAIL council@vaughan.ca

September 5, 2014

Committee of the Whole
City of Vaughan
2141 Major MacKenzie Drive
Vaughan, Ontario
L6A 1T1

C	<u>22</u>
Item #	<u>19</u>
Report No.	<u>36 (cw)</u>
<u>Council - September 9/14</u>	

Attention: Mayor Maurizio Bevilacqua, Deputy Mayor and Regional Councilor Gino Rosati, Regional Councilor Michael Di Biase, Regional Councilor Deb Schulte, Ward 1 Councilor Marilyn Iafrate, Ward 2 Councilor Tony Carella, Ward 3 Councilor Rosanna DeFrancesca, Ward 4 Councilor Sandra Yeung Racco, Ward 5 Councilor Alan Shefman

Dear Mayor Maurizio Bevilacqua and Members of Council Sitting on the Committee of the Whole:

RE: Application for Severance and to amend Zoning By-Law by Clarazan Development Limited
Francesco Di Nardo and Amelia Miragliotta
Official Plan Amendment File: OP-13-012
Zoning By-Law Amendment File: Z-13-027 (1115 Clarence Street and 40 Appain Way)
Clarzan Developments Inc.
Heard: September 2, 2014 at 11:00 a.m.

I act for Amelia Miragliotta also known as Amelia Miragliotta Di Nardo, the registered owner of Lots 3, 4 and 5 on Plan 65M-4260 and Block 6.

Clarzan Developments Inc. took title to Block 7, Plan 65M-4260 by direction from Mark Zanette, Stephen Zanette and Randy Zanette by Instrument Number: YR1891258 on September 27, 2012.

Clarzan submitted an application for a zoning by-law amendment and the creation of five (5) lots for single detached dwelling in an existing residential sub-division.

At Committee of the Whole, Mr. Mario Di Nardo, my client's son and other individuals present in person or by petition requested Council to maintain 1115 Clarence Street and 40 Appain Way and the creation of new lots in accordance with by-law 1-884R1 Residential Zone, namely minimum lot frontage 18 meters, minimum lot area 540 square meters, maximum lot coverage 35%, minimum front yard setback 7.5 meters.

I was in attendance for a period of four (4) hours but had to depart at 3:00 p.m. because of other commitments. I had submitted my name to make a five (5) minute deputation. The purpose of my attendance was to advise Members of the Committee and Staff present for the City of Vaughan that there is a Superior Court Order dated the 3rd day of August, 2010 of the Honourable Justice Mulligan in Newmarket which was an Order on Consent of all parties. The operative paragraph is found on page 6 of the Court Order which reads as follows:

"The Vendor and Purchasers shall agree to a restriction as to the future development of Block 7, the Zanette Lots and all other lots/blocks within the Plan, such that development thereon will be restricted to the City of Vaughan's R1 single family dwelling-zoning as per the Zone Requirement Table By-Law 1-88 in effect today attached as Schedule "C". No future change in By-Law 1-88 shall affect the definition of R1 single family dwelling-zoning. This provision shall not be registered on title to any of the properties."

The vendor referred to Amelia Miragliotta and the purchasers were Mark Zanette, Stephen Zanette and Randy Zanette who directed title to Clarzan Developments Inc.

To the best of my understanding, Clarzan takes the position at paragraph "O" above recited only applies to the future lots 3, 4 and 5 whereas my client takes the position that it applies to all proposed lots including lots 1, 2, 3, 4 and 5.

Clearly then the proposed lots 3, 4 and 5 must comply in every respect to By-Law 1-88 R1 single family dwelling-zoning. The only question up for debate is whether this clause applies to the proposed lots 1 and 2, the Clarence Lands.

Because of this disagreement, my client has asked that this matter be once again referred to the court for interpretation of Justice Mulligan's Order. The date chosen for this motion is Thursday October 23, 2014 at 10:00 a.m. in Newmarket.

I understand that Francesco Di Nardo delivered a full copy of the court order to you previously and therefore I shall not be sending you a copy with this letter. If you require a full copy of the court order, I shall be pleased to provide it to you.

If you have any questions relating to any of the above matters, please do not hesitate to call me anytime. I understand that the next time this matter will be revisited is Tuesday September 9, 2014.

Yours truly,

A handwritten signature in black ink, appearing to read 'Patrick Di Monte', with a long, sweeping horizontal stroke extending to the right.

Patrick Di Monte
PDM/dm

c.c. Mr. Di Nardo
c.c. Mrs. Amelia Miragliotta
c.c. Mr. Angelo Vumbaca



c <u>7</u>
Communication
CW: <u>Sept 2/14</u>
Item: <u>19</u>

COMMUNICATION C7
COMMITTEE OF THE WHOLE
SEPTEMBER 2, 2014

RE: Item 19, Report No. 36
ZONING BY-LAW AMENDMENT FILE Z.13.027
CLARZAN DEVELOPMENTS INC.
WARD 2 – VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD

The City Clerk's Office has received a petition from area residents regarding the above noted application with the summary wording below.

The total number of signatures on the petition are: 23.

Wording:

" We the undersigned, owners of properties in neighbour 4C and vicinity, petition Council to maintain 1115 Clarence Street and 40 Appian Way and the creation of new lots thereon in accordance with By-Law 1-88 for R1 Residential Zone namely:

<i>Minimum lot frontage</i>	<i>18m</i>
<i>Minimum lot area</i>	<i>540m²</i>
<i>Minimum lot coverage</i>	<i>35%</i>
<i>Minimum front yard setback</i>	<i>7.5m</i>

This is necessary to maintain the integrity of the planning and community standards to which we ourselves subscribe."

A copy of the entire petition document containing a total of 8 pages is on file in the office of the City Clerk.

Magnifico, Rose

Subject: Item#19 Sept.2/14, AppianWay planning
Attachments: Petition.pdf; Scan0001.jpg

c9
Communication
cw: <u>Sept 2/14</u>
Item: <u>19</u>

From: Monica Fiorini [<mailto:monica.fiorini77@gmail.com>]

Sent: Thursday, August 28, 2014 2:38 PM

To: Magnifico, Rose

Subject: Item#19 Sept.2/14, AppianWay planning

Hello Rose,

As per our conversation please find attached our petition concerning the properties on Appian Way and Clarence Street. I have sent you the signed form by PDF and Jpeg. If you have any difficulty please call me at 905-264-0586. Thank you for your assistance.

Regards,

Monica Fiorini



PETITION

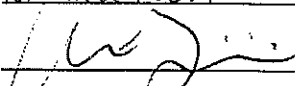
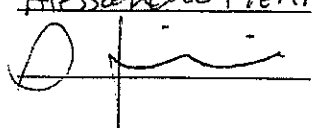
To: City of Vaughan
Committee of The Whole (Public Hearing)
September 2, 2014

Re: Official Plan Amendment File o.P. 13.012
Zoning By-Law Amendment File z - 13.027
Clarzan Developments Inc. Ward 2

We the undersigned, owners of properties in neighbour 4C and vicinity, petition council to maintain 1115 Clarence Street and 40 Appian Way and the creation of new lots thereon in accordance with By-Law 1-88 for R1 Residential Zone namely

Minimum lot frontage	18 m
Minimum lot area	540 m ²
Maximum lot coverage	35%
Minimum front yard setback	7.5 m

This is necessary to maintain the integrity of the planning and community standards to which we ourselves subscribe.

Address	Name & Signature	Date
116 Appian Way	Monica Ferri	
		Aug 28/14
116 Appian Way	Alessandro Ferri	
		Aug 28/14

MARTO DIWARDO
C32
Item 19.

c 32
Communication
cw: <u>Sept 2/14</u>
Item: <u>19</u>

Members of the Committee, I draw your attention to Attachment 3 to Item 19. The application, in its original form, proposed 6 lots, not 5 as shown---two lots at the west end (still labeled Lots 1 and 2) and four at the east (Lots 3 to 6), all under 18m wide, with a minimum front yard setback of 4.5m, a minimum required lot area of 500m², and a proposed lot coverage increase from the permitted maximum of 35% to 40%.

Although the applicant has withdrawn a few of his initial requests (reducing the total number of lots from 6 to 5), he is still requesting amendments which are incompatible with the existing neighbourhood. Specifically a reduction to 15m from 18m in the minimum lot frontage of Lots 1 and 2 and the minimum front yard setback of 4.5m from 7.5m for Lots 3 to 5 will seriously alter the existing streetscape.

Due to the negative impact the setback would have to the existing streetscape of APPIAN WAY, the Planning Department is not recommending any front yard setbacks of 4.5m. We support that recommendation, and thank the Planning Department.

But the residents also want to ensure that the reduction of the minimum lot frontage on Lots 1 and 2, from 18m to 15m, is not approved. We would like the Staff and Council to protect the residents of Appian Way, who purchased homes in the neighbourhood with the understanding that lots in the immediate area would be consistent and compatible with the existing lots---not just in terms of front yard set-backs of 7.5 m but in terms of frontage widths as well. Why should R2 frontages and widths be permitted in a very small neighbourhood with existing R1 frontages and widths?

I ask the Planning Department to take this opportunity to help a very anxious community, and re -think its support for the reduction in minimum lot frontage from 18m to 15m, for Lots 1 and 2. If the reduction on these two lots is approved as staff is recommending, we believe that the applicant will then appeal to the OMB the reduction in the front yard setback from 7.5m to 4.5m.

And believe me, Member of the Committee, this is how it will play out:

Once before the OMB, the applicant will argue that if the City Of Vaughan's Planning Department did not see anything wrong with supporting a 15m lot frontage on lots 1 and 2, then what would be the problem with the original application of 4 Lots of 15m of frontage on the rest of the lands? **In effect, what the applicant plans to do is use the refusal of one thing he wants (4.5 m setbacks) as an excuse to go to the OMB, and once at the OMB, use staff's support of 15m frontages on Lots 1 and 2 at the west end to get an extra lot (Lot 6) on the east end.**

Don't be fooled! Approve just one 30 m lot at the west end, not two of 15 m, and let the applicant work with the owner of the highly-developable 30 m lot to the north. They can come back together with a proposal for three 20m lots, and everyone of the residents of the existing neighbourhood will believe the members of this committee are planning geniuses!

Do the right thing!!!

Thank you!

*

COURT

*

*

- (o) The Vendor and Purchasers shall agree to a restriction as to the future development of Block 7, the Zanette Lots and all other lots/blocks within the Plan, such that development thereon will be restricted to the City of Vaughan's R1 single family dwelling-zoning as per the Zone Requirement Table By-Law 1-88 in effect today, attached as Schedule "C". No future change in By-Law 1-88 shall affect the definition of R1 single family dwelling-zoning. This provision shall not be registered on title to any of the properties;

*

OCT

*

GET ON IN PROGRESS.

(c) The Vendor covenants, warrants and represents as of the date of the Miragliotta

COMMITTEE OF THE WHOLE SEPTEMBER 2, 2014

ZONING BY-LAW AMENDMENT FILE Z.13.027

CLARZAN DEVELOPMENTS INC.

WARD 2 - VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
 - a) rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3;
 - b) permit a minimum lot frontage of 15 m for Lots 1 and 2, as shown on Attachment #3, whereas 18 m is required; and,
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Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

The creation of 5 lots for single detached dwellings in an existing residential subdivision will facilitate development that is compatible with the surrounding land uses, supports the expected population growth and conforms with the Official Plan.

Economic Impact

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

Communications Plan

On November 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice sign installed on the property in accordance with the City's Sign Notification Protocol. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 26, 2013, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on December 10, 2013.

A notice of this subject Committee of the Whole meeting was sent to individuals that attended the Public Hearing or have provided written correspondence to date.

To date, one email correspondence was received by the Planning Department from Rocki Guzzo, area resident, with the following comments:

- i. The proposal will negatively change the character of the existing residential neighbourhood.
- ii. The proposal will have a negative impact on the existing residential area due to the proposed lot areas, frontages and setbacks.

Based on comments received at the Public Hearing and concerns identified by the Planning Department, area residents and Vaughan Council, the owner revised their development applications as follows:

- i. The number of proposed lots has been reduced from 6 lots to 5 lots. The revised proposal conforms to the in-effect Official Plan, and therefore, the related Official Plan Amendment File OP.13.012 is no longer required and has been closed by the Owner.
- ii. The proposed reduction in the minimum required lot frontage from 18 m to 15 m for Lots #3 to #5 inclusive is no longer being requested.
- iii. The proposed reduction in the minimum required lot area from 540 m² to 500 m² for the proposed lots is no longer being requested.
- iv. The proposed lot coverage increase from the permitted maximum of 35% to 40% for the proposed lots is no longer being requested.

The Owner is proposing to maintain a reduced front yard setback for Lots #3 to #5, and a reduced lot frontage for Lots #1 and #2, as shown on Attachment #3. The zoning exceptions are identified in the "Purpose" section and discussed further in the "Zoning" section of this report.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.027 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 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:

Table 1:

	By-law Standard	Zoning By-law 1-88 Requirements of the R1 Residential Zone	Proposed Exceptions to R1 Residential Zone
a.	Minimum Lot Frontage	18 m	15 m (for Lots #1 and #2 shown on Attachment #3)
b.	Minimum Front Yard Setback	7.5 m	4.5 m (for Lots #3 to #5 shown on Attachment #3)

Background - Analysis and Options

Location

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, respectively, and are currently vacant. The surrounding land uses are shown on Attachment #2.

Official Plan

a) In-effect Official Plan

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 the boundary of 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. The creation of 5 lots for detached dwelling units on the subject lands would increase the total number of units to 120, which is the maximum permissible through the density calculation of OPA #240, and therefore conforms to the in-effect Official Plan.

b) Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 (VOP 2010), which was approved by the Ontario Municipal Board (OMB) on February 3, 2014. At the time of application submission, VOP 2010 was not yet approved and in-effect.

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. The proposed development conforms to VOP 2010.

Zoning By-law 1-88

The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way. The lands known as 1115 Clarence Street are zoned A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845), and the lands known as 40 Appian Way are zoned R1 Residential Zone, subject to site-specific Exception 9(827). The owner is proposing to rezone the entirety of the subject lands to R1 Residential Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report. The Planning Department has reviewed the proposed exceptions and provides the following comments:

a. Proposed Minimum Lot Frontage of 15 m for Lots #1 and #2, whereas 18 m is required

The Planning Department can support the proposed reduction in lot frontage for Lots #1 and #2, as shown on Attachment #3, from 18 m to 15 m. The proposed lot frontage will not negatively impact the existing residential dwellings and will maintain the character of the existing subdivision. Lots #1 and #2 will maintain minimum areas of 665 m² and 671 m², respectively, and are approximately 45 m in depth, which are consistent with the existing lots in Neighbourhood 4C of OPA #240 and greater than the minimum required lot area (540 m²) for lands zoned R1 Residential Zone by Zoning By-law 1-88. This measurement is inclusive of land to be dedicated as road widening that the City of Vaughan will acquire along Clarence Street, through a future Consent (Severance) application to the Vaughan Committee of Adjustment. Furthermore, the

proposed lots can accommodate dwellings that meet all minimum development standards, including all yard setbacks, building height and lot coverage requirements of the R1 Residential Zone of Zoning By-law 1-88.

b. Proposed Front Yard Setback of 4.5 m for Lots #3 to #5 inclusive, whereas 7.5 m is required.

The Planning Department is of the opinion that the proposed front yard setback of 4.5 m for Lots 3, 4 and 5 will have an impact on the existing streetscape on Appian Way and the character of the existing residential neighbourhood. The existing dwellings on Appian Way meet the 7.5 m front yard setback requirement. In addition, within the Neighbourhood 4C of OPA #240 as shown on Attachment #2, there has been no reduction to the required front yard setback of 7.5 m. To maintain the character and existing development form on Appian Way and within the neighbourhood, the Planning Department does not support the proposed front yard setback of 4.5 m for Lots #3 to #5 inclusive.

Future Consent Applications

Should Vaughan Council approve this application, the owner must apply to create the 5 residential lots through Consent Applications for successful approval by the Vaughan Committee of Adjustment. As discussed earlier, the Owner will be required to convey to the City of Vaughan a 5 m wide strip of land to be dedicated as a road widening and 0.3 m reserve, as shown on Attachment #3, along Clarence Street. This will be a condition of Consent Application approval.

Prior to the issuance of a Building Permit(s), and approval of any Consent Applications, the implementing Zoning By-law must be final and binding and all conditions required to be satisfied by the Owner with the City, including the requirement to enter into a Development Agreement with the City of Vaughan for the provision of the road and engineering services as discussed below, must be satisfied to the satisfaction of the City of Vaughan.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the proposal and provides the following comments:

a) Development Engineering

Road Network:

The proposed 5 residential lots for single detached dwellings will have driveways and access from the existing or future extension of Appian Way. Any existing access/driveway from Clarence Avenue shall be removed and restored to the satisfaction of the City of Vaughan. The alignment of the future extension of Appian Way, as shown on Attachment #3, has now been finalized, and the design and construction shall be coordinated by the Owner's Engineering Consultant with the adjacent Owner to the north, to the satisfaction of the City of Vaughan.

The Owner shall convey a 0.3m reserve to the lots along the inside site triangle adjacent to Lot 3 free of charge or encumbrances.

Municipal Servicing:

The Owner has submitted a Functional Servicing Report (FSR) prepared by AME-TECH Developments Limited, dated June 2013, in support of the proposed application. The report concludes that the proposed site development can be serviced by connections to the existing municipal sanitary and storm sewers and watermain on Appian Way and new

sewers and connections on the future extension of Appian Way, which outlet to the former.

Appian Way and the associated municipal services were constructed in conjunction with the DiNardo Estates Subdivision, File19T-89056. Pursuant to the noted subdivision agreement, Clarzan Developments Inc. will be required to pay its proportionate share of the cost of constructing the road and services as a condition of development approval.

In addition, Block 7 on Plan 65M-4260 shall be developed in conjunction with the Lots 3 to 5 inclusive.

Environmental Noise Impact:

The Owner has submitted a Detailed Noise Control Study dated July 29, 2013, prepared by SS Wilson Associates. The report identifies traffic on Clarence Avenue as the primary source of noise for the site development. The study proposes an acoustic barrier and the provision for central air conditioning to meet the City of Vaughan and Ministry of Environment's noise criteria for the lots backing onto Clarence Avenue, including standard warning clauses.

Further comments:

An R-plan shall be prepared and copies submitted with the submission of the Consent applications, should the zoning amendment application be approved by Vaughan Council. Lots #3 to #5 shall be joined in conjunction with Block 7 on Registered Plan 65M-4260, and Lot #5 shall be joined in conjunction with Block 106 on Registered Plan 65M-2975, as shown on Attachment #3. Block 6, as shown on Attachment #3, shall be conveyed to the City of Vaughan as part of the completion of Appian Way.

b) Engineering Planning & Studies

The City of Vaughan's 2013 allocation report was endorsed by Vaughan Council on October 29, 2013. Although the above noted application was not specifically included on any of the schedules, the City of Vaughan does have unrestricted servicing capacity that can be applied to the development at the appropriate time (i.e. submission of Consent applications).

c) Environmental Engineering

Environmental Engineering has reviewed the additional environmental site assessment documents submitted and is satisfied that the Owner's environmental consultant has addressed all City comments.

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, as the proposal to rezone the subject lands to R1 Residential Zone implements the in-effect land use designation.

Regional Implications

The York Region Transportation and Community Planning Department has advised that they have no concerns or objections to the application.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.13.027 in consideration of the policies of OPA #240, Vaughan Official Plan 2010 (VOP 2010), the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and an area resident, and the overall neighbourhood context. The Vaughan Planning Department is satisfied that the proposed rezoning to facilitate the creation of 5 lots for single detached dwellings, together with the proposed site-specific exception for 15 m frontages for Lots #1 and #2, is appropriate and compatible with the existing residential neighbourhood. The Planning Department does not support the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5 inclusive, as this would deviate away from what all other properties in the community have provided and would create a negative impact on the existing residential streetscape on Appian Way. Accordingly, the Vaughan Planning Department recommends approval of the Zoning By-law Amendment Application, subject to the recommendation in this report.

Attachments

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

Report prepared by:

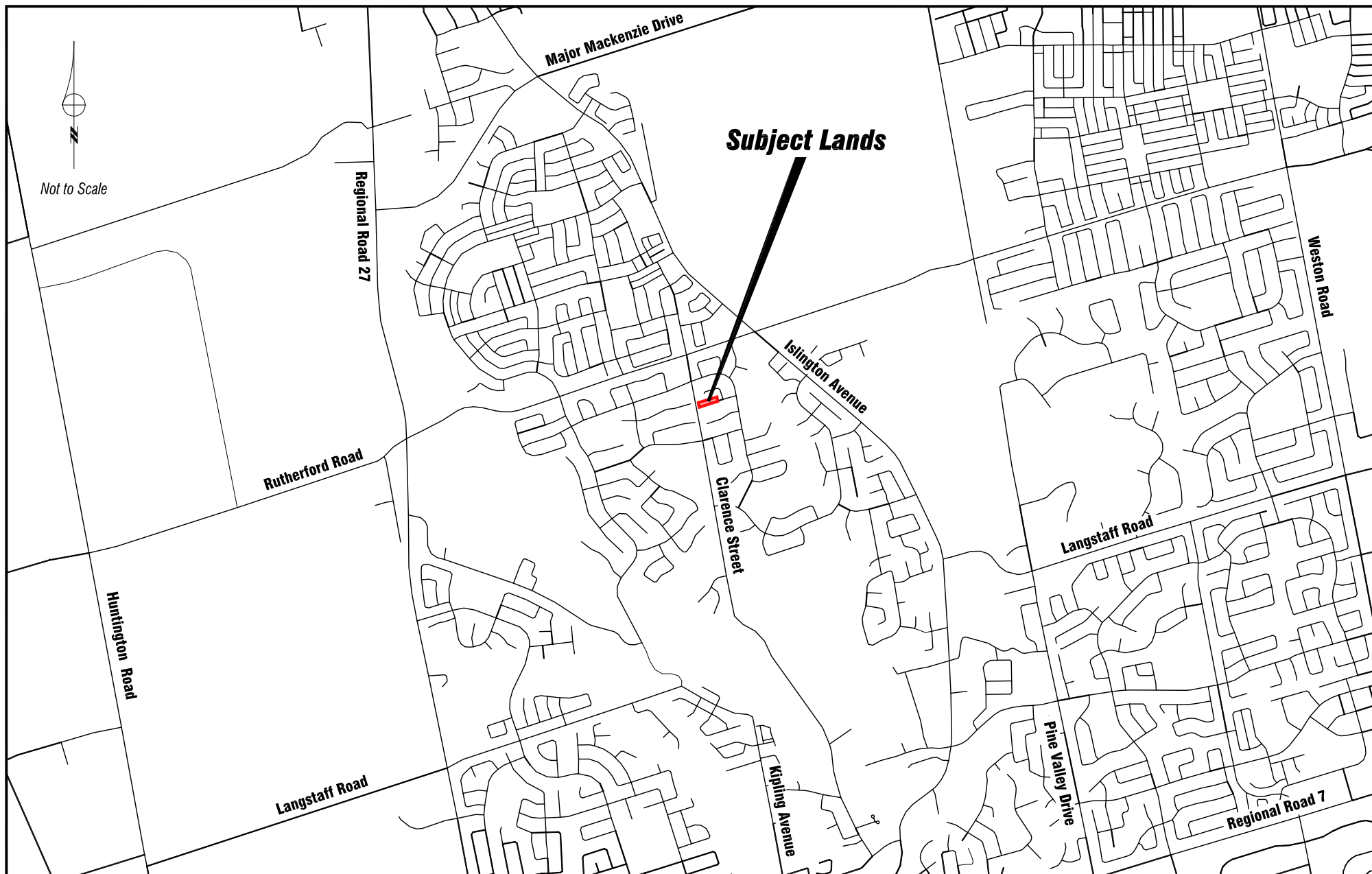
Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Interim Director of Planning, and
Director of Development Planning

MAURO PEVERINI
Manager of Development Planning



Context Location Map

LOCATION:
Part of Lot 15, Concession 7

APPLICANT:
Clarzan Developments Inc.

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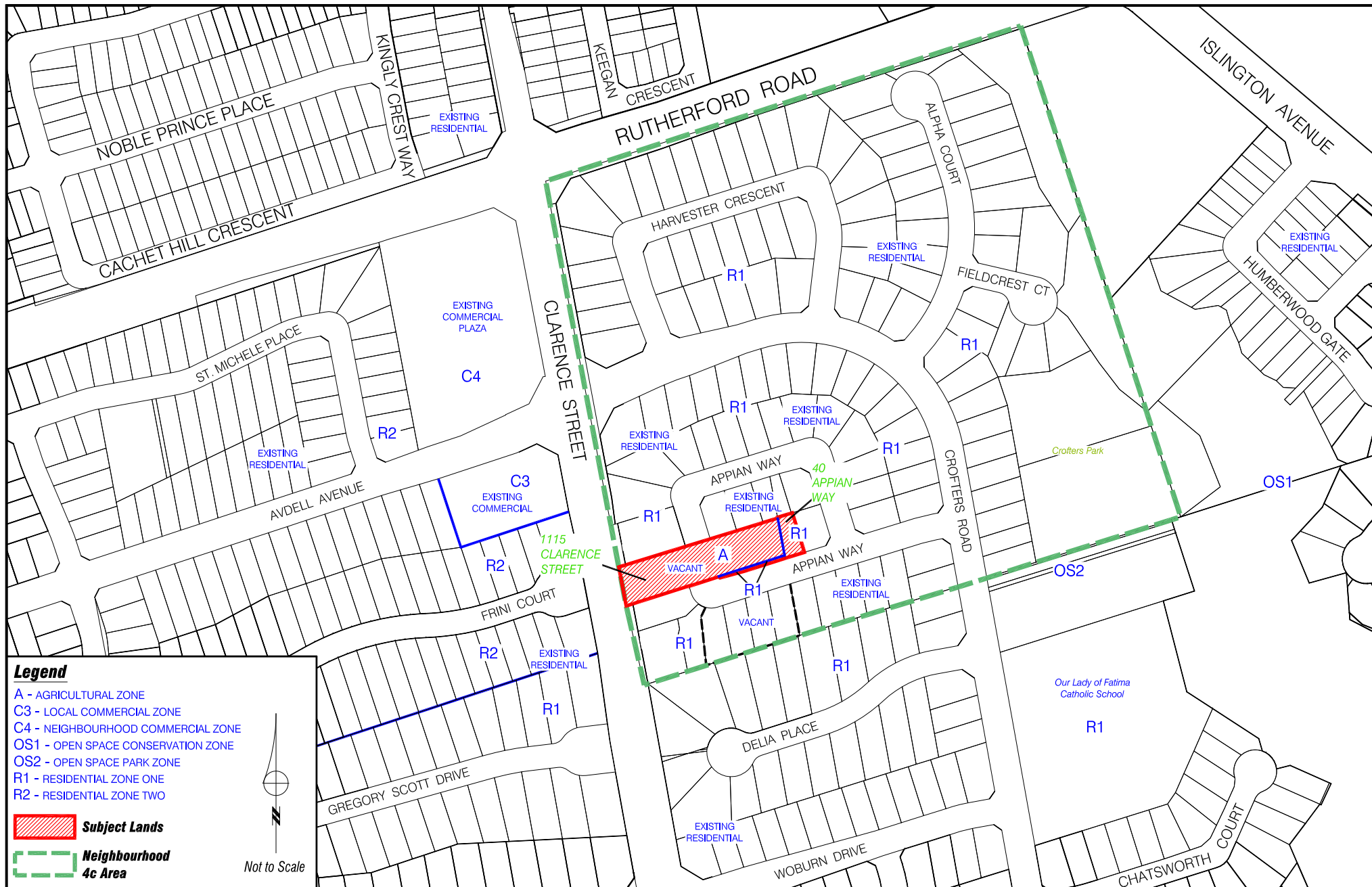


Attachment

FILE: Z.13.027

DATE: August 5, 2014

1



Location Map

LOCATION:
Part of Lot 15, Concession 7

APPLICANT:
Clarzan Developments Inc.

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Attachment

FILE: Z.13.027

DATE: August 5, 2014

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