



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** March 19, 2018

**Report Number:** SRPRS.18.063

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** **SRPRS.18.063 – Request for Approval – Zoning By-law Amendment Application – Inter Universe Canada Inc. – Town File D02-16038**

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### **Owner:**

Inter Universe Canada Inc.  
26 Sir Giancarlo Court  
Vaughan, Ontario  
L6A 0C6

### **Agent:**

Evans Planning Inc.  
8481 Keele Street, Unit 12  
Vaughan, Ontario  
L4K 1Z7

### **Location:**

Legal Description: Part of Lot 56, Concession 1, E.Y.S.  
Municipal Address: 360 19<sup>th</sup> Avenue

### **Purpose:**

A request for approval concerning a proposed Zoning By-law Amendment application to facilitate the creation of one (1) additional building lot on the subject lands.

### **Recommendations:**

- a) That the Zoning By-law Amendment application submitted by Inter Universe Canada Inc. for the lands known as Part of Lot 56, Concession 1, E.Y.S. (Municipal Address: 360 19<sup>th</sup> Avenue), Town File D02-16038, be approved, subject to the following:
  - (i) that the subject lands be rezoned from Rural Residential One (RR1) Zone under By-law 2325-68, as amended, to Single Detached Six (R6) Zone and

**Environmental Protection Area Two (EPA2) Zone under By-law 235-97, as amended; and,**

- (ii) that the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment.**

**Contact Person:**

Simone Fiore, Planner I – Subdivisions, phone number 905-771-2479 and/or  
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

**Report Approval:**

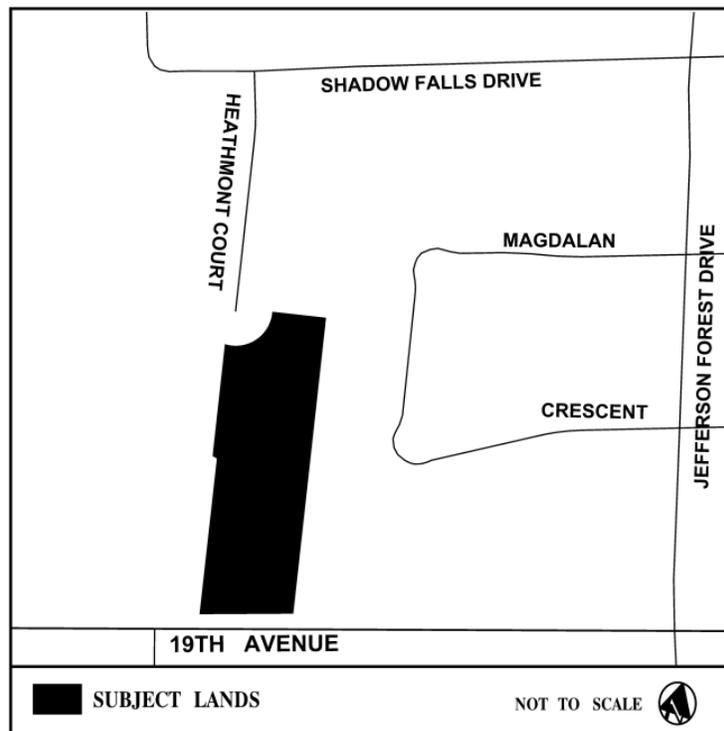
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

**Location Map:**

Below is a map displaying the property location. Should you require an alternative format call the person listed under “Contact Person” above.



## **Background:**

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting on April 5, 2017 wherein Council received Staff Report SRPRS.17.056 for information purposes and directed that all comments be referred back to staff for further consideration (refer to Appendix “A”).

Concerns were raised by Council and members of the public with respect to the potential impacts that the proposed additional lot will have on the natural environment. This matter is addressed in greater detail in the later sections of this report.

All comments from internal departments and external agencies pertaining to the subject proposal have been satisfactorily addressed by the applicant. In this regard, the purpose of this report is to seek Council’s approval of the applicant’s Zoning By-law Amendment application to facilitate the creation of one (1) additional building lot on its land holdings.

## **Summary Analysis:**

### **Site Location and Adjacent Uses**

The subject lands are located on the north side of 19<sup>th</sup> Avenue, west of Jefferson Forest Drive and have a total lot area of 0.658 hectares (1.63 acres). Currently, the subject lands support a single detached dwelling which has frontage on both 19<sup>th</sup> Avenue and Heathmont Court with access from 19<sup>th</sup> Avenue. The subject lands are traversed by the valley corridor of a tributary of the Rouge River, are partially within the Regulatory Flood Plain and also contain a man made pond. The lands abut residential uses to the north and east, environmental lands to the west, and 19<sup>th</sup> Avenue to the south (refer to Maps 1 and 2). Municipal servicing currently runs through the existing lot, necessitating registered easements through the lands.

The adjacent lands consist of a recently constructed Plan of Subdivision (Town File 19T-97010), which supports a total of nine (9) single detached dwellings with frontages ranging from 15 metres (49.21 feet) to 19 metres (62.34 feet) on Heathmont Court. The subject lands were not included in the adjacent Plan of Subdivision. However, the lands were included in the Subdivision Agreement to serve as a replanting area to compensate for the removal of trees as part of the subdivision approval process.

### **Development Proposal**

The applicant submitted a revised Tree Inventory and Preservation Plan and Restoration Plan in response to comments arising from the initial submission of November 2016. Specifically, the applicant addressed comments received from the Town’s Park and Natural Heritage Planning Section and the Toronto and Region Conservation Authority (TRCA).

The applicant is seeking Council’s approval of its request to amend the Zoning By-law to facilitate the creation of one (1) additional building lot on its land holdings (refer to

Map 5). Both the severed lot and the retained lot will have frontage on Heathmont Court (refer to Maps 5 and 6). Staff note that the proposed **Environmental Protection Area Two (EPA2) Zone** portion of the subject lands is to be dedicated to a public authority through the future Consent application approval process. In this regard, the retained lands will no longer have frontage onto 19<sup>th</sup> Avenue. The following is a summary table outlining the pertinent statistics of the applicant's development proposal based on the revised plans and drawings submitted to the Town:

- **Total Lot Area: 0.658 hectares (1.63 acres)**
- **Lot 1 (Proposed Severed Lot):**
  - **Lot Frontage: 22.32 metres (73.23 feet) fronting onto Heathmont Court**
  - **Lot Area: 590 square metres (6,350.71 square feet)**
- **Lot 2 (Proposed Retained Lot):**
  - **Lot Frontage: 18.2 metres (59.71 feet) fronting onto Heathmont Court**
  - **Lot Area: 5,990 square metres (64,475.82 square feet)**

## Planning Analysis:

### Town of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 – Land Use of the Town's Official Plan (the "Plan") (refer to Map 3). The lands are also within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* ("ORMCP").

Uses permitted within the **Neighbourhood** designation include primarily low-density residential uses, medium-density residential uses, neighbourhood commercial uses, community use, parks and open spaces, and automotive service commercial uses subject to specific policy criteria as outlined in Chapter 4 of the Town's Official Plan. The applicant is proposing a single detached dwelling which is permitted within the **Neighbourhood** designation. In accordance with Section 4.9.2 of the Plan, development shall be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, general patterns of streets, blocks, and lots, landscaped areas and treatments, and the general pattern of yard setbacks. Staff is of the opinion that the proposed single detached dwelling lots are compatible with the predominant building form and type of development in the area.

The **Natural Core** designation includes natural core areas located within the **Settlement Areas** both on and off the Oak Ridges Moraine. Permitted uses in the **Natural Core** designation include fish, wildlife and forest management, conservation projects and flood and erosion control projects other than stormwater management works, essential transportation, infrastructure, and utilities subject to specific policy criteria as outlined in Chapter 4 of the Town's Official Plan, low-intensity recreational uses, unserviced parks and accessory uses.

Section 3.2.1.8 of the Plan speaks to dedicating key natural heritage features and key hydrological features and their associated minimum vegetation protection zones through the development approval process to an appropriate public agency. Staff note that a large portion of the subject lands (which are proposed to be zoned **Environmental Protection Area Two (EPA2) Zone**), are traversed by the valley corridor of a tributary of the Rouge River and a portion of the lands are within the TRCA Regulated Flood Plain. As noted above, through the future Consent application which is required in order to facilitate the additional lot, staff will request conveyance of the lands zoned **EPA2** to a public authority.

Given all of the above, Planning staff is of the opinion that the subject Zoning By-law Amendment application has appropriate regard for and is consistent with the **Neighbourhood** designation and the broader policy direction for this part of the Town as outlined in the Town’s Official Plan.

### **Proposed Zoning By-law Amendment:**

The subject lands are currently zoned **Rural Residential One (RR1) Zone** under By-law 2325-68, as amended (refer to Map 4). This zone category permits a single detached dwelling among other uses. The development as proposed does not meet the majority of the development standards of the **RR1 Zone** category including the minimum lot frontage and lot area requirements of 45.72 metres (150 feet) and 4,046.86 square metres (43,560 square feet), respectively. As such, the applicant has requested Council’s approval to rezone the majority of the subject lands to **Single Detached Six (R6) Zone** under Zoning By-law 313-96, as amended. Staff has reviewed and analyzed the applicants request and recommend that the lands be rezoned under By-law 235-97, as amended, which is the parent by-law applicable for the surrounding area. The development standards of the **R6 Zone** under By-law 235-97 are in keeping with the standards of By-law 313-96 and as such, the applicant has no objections to this direction. The following table provides a summary of development standards applicable to the proposed **Single Detached Six (R6) Zone** category under Zoning By-law 235-97, as amended, and the applicant’s proposed development:

<b>Development Standard</b>	<b>R6 Zone Standards, By-law 235-97</b>	<b>Proposed Development</b>
Minimum Lot Area (Interior)	500 square metres (5,381.96 square feet)	Proposed Severed Lot: 590 square metres (6,350.71 square feet) Proposed Retained Lot: 2,965 square metres (31,915 square feet)*
Minimum Lot Frontage (Interior)	15 metres (49.21 feet)	Proposed Severed Lot: 22.32 metres (73.23 feet) Proposed Retained Lot: 18.2 metres (59.71 feet)*
Minimum Front Yard	4.5 metres (14.76 feet)	Proposed Severed Lot: 5.76 metres (18.9 feet) Proposed Retained Lot: 16.22 metres (53.22 feet)*

Minimum Side Yard	1.5 metres (4.92 feet)	Proposed Severed Lot: 1.55 metres (5.09 feet) Proposed Retained Lot: 3.96 metres (12.99 feet)
Minimum Rear Yard	7.5 metres (24.61 feet)	Proposed Severed Lot: 7.56 metres (24.8 feet) Proposed Retained Lot: 30.33 metres (99.51 feet)*
Maximum Height	11 metres (36.1 feet)	Proposed Severed Lot: 9.6 metres (31.5 feet) Proposed Retained Lot: 10.67 metres (35.01 feet)
Maximum Lot Coverage	40%	Proposed Severed Lot: 37.55% Proposed Retained Lot: 10%*

\*for purposes of demonstrating conformity with the R6 Zone, the proposed development standard does not include **EPA2 Zone** lands to be conveyed to a public authority.

Planning staff has undertaken a comprehensive analysis of the applicant's revised development proposal and is satisfied that the proposed **R6 Zone** category and site specific provisions are appropriate to facilitate the applicant's development proposal.

### Public Meeting Comments:

As noted previously, concerns were raised by Council and the public at the Council Public Meeting held on April 5, 2017. More specifically, concerns were raised with regard to the possible impact that the proposed lot severance may have on the environment, specifically the existing trees and the subdivision replanting area. As mentioned in the preceding section, the subject lands are adjacent to a recently constructed Plan of Subdivision (Town File 19T-97010) which supports a total of nine (9) single detached dwellings with frontage onto Heathmont Court. The applicants land holdings were not included in the Plan of Subdivision. However, the lands were included in the Subdivision Agreement to serve as a replanting area to compensate for the removal of trees.

After a comprehensive review of the Natural Heritage Evaluation and the Arborist Report submitted by the applicant, Town and TRCA staff have determined that the plantings that were to be located on the subject lands as part of the restoration from the subdivision can be relocated south of the existing dwelling near the pond which will provide for a better ecological benefit to the stream corridor than the originally agreed upon location. The replanting proposed by the applicant will be implemented through the approval process of a future Consent application. Further, staff note that the proposed removal of trees on the additional lot is a separate matter from the subdivision replanting. Replacement trees are required and will be a condition of approval through the future Consent or Building Permit application. As such, staff is satisfied that there will be no negative environmental impacts related to the subject proposal.

## Town Department and External Agency Comments:

### Development Planning Division

Planning staff has reviewed the applicant's development proposal and is recommending approval of its Zoning By-law Amendment application for the following reasons:

- the proposed land uses are permitted under the **Neighbourhood** designation;
- the development proposal conforms with the applicable development policies of the *Oak Ridges Moraine Conservation Plan*;
- the applicant has requested that the subject lands be rezoned under By-law 313-96. Through a comprehensive review and analysis of the application, staff recommend that the lands be rezoned under By-law 235-97, which is the parent By-law applicable to the surrounding lands. The proposed development standards conform with the provisions of the **R6 Zone** under By-law 235-97, as amended;
- the adjacent environmental lands that are to be within public ownership are to be zoned **EPA2**;
- through the future Consent approval, the applicant has acknowledged that appropriate tree replanting will be implemented and securities will be required for the tree restoration works as indicated by Park and Natural Heritage Planning staff;
- an access easement in favour of the owner will be required for the existing driveway over the future Town owned land zoned **EPA2**;
- any future redevelopment of the retained lot shall provide access from Heathmont Court and the existing driveway with access from 19<sup>th</sup> Avenue shall be removed; and,
- circulated Town departments and external agencies have no further concerns or comments regarding the subject Zoning By-law Amendment application.

### Other Department and External Agency Comments

The applicant's revised development proposal satisfactorily addresses the comments from Town departments and external agencies. Town departments and external agencies have no further comments or objections with respect to the application.

### Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

### Relationship to Strategic Plan:

The applicant's development proposal aligns with **Goal Two - Better Choice in Richmond Hill** by providing housing that offers options for people at all stages of life, in addition to **Goal Four - Wise Management of Resources in Richmond Hill** by designing energy efficient dwellings and using land responsibly.

## **Conclusion:**

The applicant is seeking Council's approval of its proposal to facilitate the creation of one (1) additional building lot on its land holdings. The submitted Zoning By-law Amendment application conforms with the Town's Official Plan and staff is of the opinion that the proposed amendment is appropriate and represents good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment application in accordance with the direction outlined in this report.

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#12-17 held April 5, 2017 Public Meeting
- Appendix B, Draft Zoning By-law
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Official Plan Designation
- Map 4 Existing Zoning
- Map 5 Proposed Site Plan
- Map 6 Proposed Elevation Plans
- Map 7 Conceptual Development Plan

### Report Approval Details

Document Title:	SRPRS.18.063 - Request for Approval - Zoning By-law Amendment Application - 360 19th Avenue.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A, CPM Extract.pdf</li><li>- Appendix B, Draft Zoning By-law.pdf</li><li>- Appendix B, Zoning By-law Schedule.pdf</li><li>- MAP_1_AERIAL_PHOTOGRAPH_NEW.pdf</li><li>- MAP_2_NEIGHBOURHOOD_CONTEXT_S216038.pdf</li><li>- MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf</li><li>- MAP_4_EXISTING_ZONING_S216038.pdf</li><li>- MAP_5_SITE_PLAN.pdf</li><li>- MAP_6_PROPOSED_ELEVATION_PLANS.pdf</li><li>- MAP_7_conceptual_development_plan.pdf</li></ul>
Final Approval Date:	Mar 6, 2018

This report and all of its attachments were approved and signed as outlined below:

**Gus Galanis - Mar 5, 2018 - 6:17 PM**

**Kelvin Kwan - Mar 6, 2018 - 7:28 AM**

**Neil Garbe - Mar 6, 2018 - 4:20 PM**