



Staff Report for Council Meeting

Date of Meeting: September 9, 2020

Report Number: SRPRS.20.110

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.20.110 – Request for Approval –
Deeming By-law Applications – Anix
Developments Inc. and Italo Magnifico - City
Files D27-20001 and D27-20002**

Owner/Agent:

Anix Developments Inc.

P.O. Box 2790

Richmond Hill ON

L4E 1A7

Italo Magnifico

P.O. Box 2790

Richmond Hill ON

L4E 1A7

Location:

Legal Description: Blocks 171 and 172, Plan 65M-3711

Municipal Addresses: 38 and 40 Verdi Road

Purpose:

A request for approval of Deeming By-law applications to deem Blocks 171 and 172, Plan 65M-3711 not to be blocks in a registered Plan of Subdivision.

Recommendations:

- a) **That Staff Report SRPRS.20.110 be received and that the Deeming By-law Applications submitted by Anix Developments Inc. and Italo Magnifico for the lands known as Blocks 171 and 172, Plan 65M-3711 (Municipal Addresses: 38 and 40 Verdi Road), City Files D27-20001 and D27-20002 be approved, subject to the following:**

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- (i) That the Deeming By-laws be brought forward to a regular meeting of Council for consideration and enactment in the form of the draft by-laws attached as Appendix “A” and Appendix “B” to SRPRS.20.110.

Contact Person:

Sarah Mowder, Planner I – Subdivisions, phone number 905-771-5475 and/or
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

Report Approval:

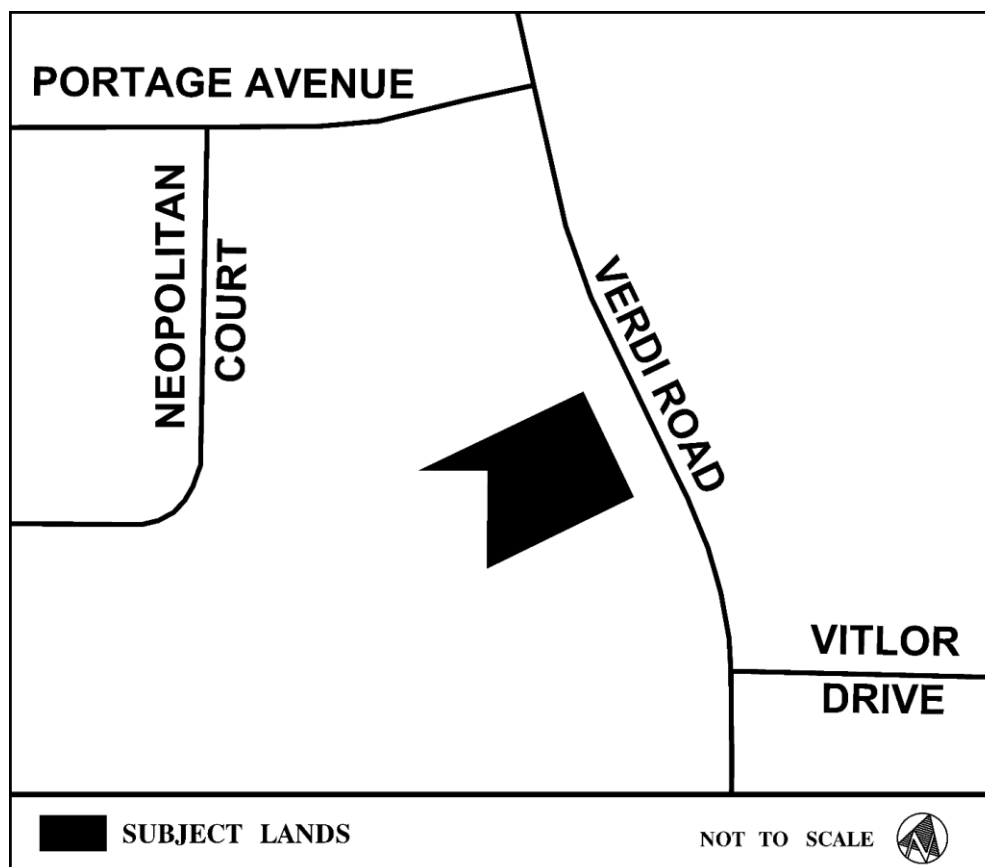
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Mary-Anne Dempster, City Manager

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

Location Map

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



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Background:

The subject Deeming By-law applications were received and deemed complete by the City on July 20, 2020. The applicant is requesting approval of its proposal to deem Blocks 171 and 172, Plan 65M-3711 not to be blocks in a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*.

The purpose of this report is to request approval of the applicant's Deeming By-law applications in order to facilitate the conveyance and merger of adjacent lands.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of Verdi Road, between Portage Avenue to the north and Vitlor Drive to the south (refer to Map 1). The lands municipally known as 38 and 40 Verdi Road each have a lot frontage of 12.0 metres (39.37 feet) and have total lot areas of approximately 371.07 square metres (3,994.16 square feet) and 345.03 square metres (3,713.87 square feet), respectively. Both lots have frontage on Verdi Road to the east and abut single detached dwelling lots to the north and south. Further, the subject lands have irregularly shaped rear yards, which abut an unopened municipal road allowance to the west. The subject lands are presently vacant and will be developed with single detached dwellings in the future.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 - Land Use of the City's Official Plan (the "Plan"). Uses permitted within the **Neighbourhood** designation include primarily low-density residential uses, medium density residential uses, neighbourhood commercial uses, community uses, parks and open spaces, and automotive service commercial uses, subject to specific policy criteria as outlined in Chapter 4 of the Plan. Additionally, the lands are located within the **Settlement Area** of the Oak Ridges Moraine, in accordance with the *Oak Ridges Moraine Conservation Plan* ("ORMCP"). In accordance with **Section 3.2.1.1(18)** of the Plan, all uses which are otherwise permitted under the Plan shall be permitted within the **Settlement Area**.

Existing Zoning By-law

The subject lands are zoned **Single Detached Four (R4) Zone** under By-law 313-96, as amended. Permitted uses within the **R4 Zone** include a single detached dwelling, home occupation, private home daycare, group foster home, and group home for physically or developmentally handicapped persons.

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Department and External Agency Comments:

The subject applications have been circulated to various City departments and external agencies for information purposes only.

Development Planning Division

The subject lands presently have irregularly shaped rear yards (refer to Map 1). Through the Subdivision Agreement applicable to the lands, Section 118 restrictions pursuant to the *Land Titles Act* were placed on the subject lands which stipulate that no development can take place or Building Permits applied for unless the subject lands are combined with the abutting lands to the west to the satisfaction of the City. In this regard, the subject lands are not developable without the acquisition of a portion of the lands to the west, which are owned by the City of Richmond Hill. The applicant is in the process of finalizing the acquisition of a portion of the adjacent City lands in order to create buildable lots.

The purpose of the Deeming By-laws is to ensure that the portion of lands to be transferred from the City are merged on title with the applicant's existing land holdings and that the acquired lands are not conveyable as separate parcels of land. The proposed request, if approved, would deem the subject lands to not be in a Plan of Subdivision, and have the effect of releasing the lands from Subdivision control. This will ensure that Parts 1 and 2, in addition to Parts 3 and 4 of Plan 65R-38893, merge together to create the building lots (refer to Map 4).

Planning staff have reviewed the applicant's Deeming By-law applications and have no objection to their approval. On the basis of the preceding, it is recommended that implementing by-laws be forwarded for Council's enactment to deem Blocks 171 and 172, Plan 65M-3711, respectively, not be blocks in a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*. The proposed by-laws have been attached as Appendix "A" and "B" to this report for Council's review and consideration.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The recommendations of this report do not have any direct implications with respect to the City's Strategic Plan. The proposed development is generally aligned with **Goal Four – Wise Management of Resources in Richmond Hill** by using land responsibly.

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Conclusion:

The applicant is seeking Council's approval of their Deeming By-law applications to deem Blocks 171 and 172, Plan 65M-3711 not to be blocks in a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*. Staff supports the applicant's request on the basis that the Deeming By-laws will facilitate the transfer of lands from the City to be merged on title with the applicant's land holdings.

Attachments:

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

- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Reference Plan
- Appendix A, Draft By-law 97-20
- Appendix B, Draft By-law 98-20

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Report Approval Details

Document Title:	SRPRS.20.110 - Request for Approval - 38 and 40 Verdi Road - City Files D27-20001 and D27-20002.docx
Attachments:	<ul style="list-style-type: none">- MAP 1 AERIAL PHOTOGRAPH.pdf- MAP 2 OFFICIAL PLAN DESIGNATION.pdf- MAP 3 EXISTING ZONING.pdf- MAP 4 REFERENCE PLAN.pdf- APPENDIX A DRAFT BY-LAW 97-20.docx- APPENDIX B DRAFT BY-LAW 98-20.docx
Final Approval Date:	Aug 18, 2020

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

Gus Galanis - Aug 17, 2020 - 11:24 AM

Kelvin Kwan - Aug 17, 2020 - 4:35 PM

MaryAnne Dempster - Aug 18, 2020 - 12:14 PM