

Committee of the Whole (1) Report

DATE: Tuesday, December 03, 2019

WARD: 4

**TITLE: FIRSTGREEN CORP.
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-19V007
VICINITY OF BATHURST STREET AND RUTHERFORD ROAD**

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium File 19CDM-19V007 to create the condominium tenure for the common elements shown on Attachment 3 for an approved townhouse development shown on Attachment 4.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Common Elements) Application to create the condominium tenure of privately owned and maintained (through a future Condominium Corporation) common elements for an approved townhouse development.
- The Development Planning Department supports the approval of the Application as it conforms to Vaughan Official Plan complies with Zoning By-law 1-88 and is consistent with the Council approved Site Development File DA.17.041.

Recommendations

1. That Draft Plan of Condominium (Common Elements) File 19CDM-19V007 (Firstgreen Corp.), BE APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 1.

Background

The subject lands (the 'Subject Lands') shown on Attachment 2, are located on the southeast corner of Ilan Ramon Boulevard and George Kirby Street. The surrounding land uses are shown on Attachment 2.

Previous Reports/Authority

[Council Approved Rezoning and Site Development Files Z.17.017 and DA.17.041](#)

Analysis and Options

The Owner has submitted Draft Plan of Condominium (Common Elements) File 19CDM-19V007 (the 'Application') to create the condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements (the 'Draft Plan'), shown on Attachment 3. The common elements consist of the following:

- Private internal roads
- Parking areas (12 visitor spaces and 1 barrier-free space)
- Sidewalks, walkways, landscaped areas and exterior amenity areas
- Community mail box

The Application conforms to Vaughan Official Plan 2010 and Zoning By-law 1-88

The Subject Lands are designated "Mid-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010'), with a maximum permitted building height of 12-storeys and maximum Floor Space Index ('FSI') of 3.5 times the area of the lot. The "Mid-Rise Mixed-Use" designation permits residential units, home occupation, community facilities, retail, office and hotel uses in a mid-rise building form. Townhouses, stacked townhouses and low-rise buildings are also permitted, provided that the lands area located within 70 m of lands designated "Low-Rise Residential" in VOP 2010 or on streets that area not arterial streets or major collector streets.

The Subject Lands are located with 70 m of lands designated "Low-Rise Residential" in VOP 2010, specifically the existing street townhouse dwellings on the north side of George Kirby Street, as shown on Attachment 2. The Subject Lands are not located on an arterial or major collector street. The Development for 50, 3-storey townhouse units conforms to VOP 2010.

The Subject Lands are zoned "RT1 Residential Townhouse Zone" by Zoning By-law 1-88, as shown on Attachment 2, and subject to site-specific Exception 9(1217) which permits the approved townhouse development. The Draft Plan would create a condominium tenure for a development that complies with Zoning By-law 1-88.

The Draft Plan is consistent with the approved Site Development Application

Vaughan Council, on June 19, 2018, approved Site Development File DA.17.041 (Firstgreen Corp.) to permit a development consisting of 50, three-storey townhouse dwelling units as shown on Attachment 4.

The Draft Plan shown on Attachment 3 is required to create the common element tenure for the following elements:

- Private internal roads
- Parking areas (12 visitor spaces and 1 barrier-free space)
- Sidewalks, walkways, landscaped areas and exterior amenity areas
- Community mail box

The Subject Lands are accessed from George Kirby Street via an existing driveway from the commercial plaza (the Rutherford Marketplace) to the east, which is subject to an access easement in favour of the Subject Lands. A second access driveway is proposed from Ilan Ramon Boulevard.

The Owner is required to submit a Part Lot Control Exemption application to lift the part lot control provisions of the *Planning Act* from the Subject Lands, in order to create conveyable freehold lots for the 50 townhouse units.

The Environmental Services Department, Solid Waste Management Division, has no objection to the Draft Plan

The Owner is proposing a controlled access gate adjacent to Block 8 for municipal waste collection and snow removal, as shown on Attachment 4. The proposed gate will allow for access to the development without the need for a turnaround and will be controlled by the future condominium corporation on collection days. The Environmental Services Department, Solid Waste Management Division has no objection to the Development.

The Development Engineering Department has no objection to the Draft Plan

The Development Engineering Department has no objection to the Draft Plan, subject to the conditions set out in Attachment 1.

The Development Finance Department has no objection to the Draft Plan

The Financial Planning and Development Finance Department has no objection to the Draft Plan, subject to the conditions set out in Attachment 1.

All utility providers and Canada Post have no objection to the Draft Plan

Bell Canada, Rogers Communication, Alectra Enbridge Gas and Canada Post advise that they have no objection to the condominium tenure for the development, subject to their conditions set out in Attachment 1. The Owner is required to confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority. A condition to this effect is included in Attachment 1.

Financial Impact

N/A.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has reviewed the Draft Plan. Prior to final approval the Owner must satisfy the requirements of York Region.

Conclusion

Draft Plan of Condominium (Common Elements) File 19CDM-19V007 conforms to VOP 2010, complies with Zoning By-law 1-88 as amended, and is consistent with the approved Site Development File DA.17.041. Accordingly, the Development Planning Department can support the approval of the Draft Plan of Condominium (Common Elements) Application, subject to the conditions set out in Attachment 1.

For more information, please contact: OluwaKemi Apanisile, Planner, Development Planning Department, Extension 8210.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Condominium (Common Elements)
4. Approved Site Plan (File DA.17.041)

Prepared by

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