

Committee of the Whole (2) Report

DATE: Tuesday, December 10, 2019

WARD(S): 5

TITLE: WYCLIFFE CLARK LIMITED

ZONING BY-LAW AMENDMENT FILE Z.16.037

DRAFT PLAN OF SUBDIVISION FILE 19T-16V008

SITE DEVELOPMENT FILE DA.16.079

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) FILE
19CDM-16V005**

**WARD 5- VICINITY OF CLARK AVENUE AND BATHURST
STREET**

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to amend the Council approved recommendation for Zoning By-law Amendment File Z.16.037 (Wycliffe Clark Limited, Item 3, Report No. 6 February 21, 2018) to include an additional recommendation to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day on which the implementing zoning by-law came into effect.

Report Highlights

- The Development Planning Department supports the inclusion of an additional recommendation to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day (May 23, 2018) in which the implementing Zoning By-law comes into effect on the subject lands to accommodate minor design changes to the Council approved site plan.

Recommendations

1. THAT the Council approved Recommendation for Item 3, Report No. 6 (Wycliffe Clark Limited) of February 21, 2018, be amended to include the following recommendation:

“THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.”

Background

The subject lands (the “Subject Lands”) are located on the south side of Clark Avenue, west of Bathurst Street.

Vaughan Council on February 21, 2018, approved Zoning By-law Amendment, Draft Plan of Subdivision, Site Development, and Draft Plan of Condominium (Common Elements) Files Z.16.037, 19T-16V008, DA.16.079 and 19CDM-16V005. Council’s approval (Item 3, Report No. 6) which did not include a recommendation to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. Council on May 23, 2018, passed the Wycliffe Clark Limited implementing Zoning By-law 081-2018.

Wycliffe Clark Limited on September 6, 2019 submitted Site Development File DA.19.064 (Attachment 3), to amend the Council approved Site Development File DA.16.079 (Attachment 2). The amendment is for a revision to five internal development blocks to reduce the number of townhouse units from 82 units to 74 units, increase the individual townhouse unit sizes and to permit two-car garages on 25 units.

Previous Reports/Authority

[February 21, 2018 Committee of the Whole \(Item3, Report No. 6\)](#)

Analysis and Options

The proposed amendments to the Council approved site plan conforms to the Vaughan Official Plan 2010

The Subject Lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (‘VOP 2010’) and are located with a Community Area, as identified on Schedule “1” – Urban Structure of VOP 2010. The proposed changes (Attachment 3) to the Council approved site plan (Attachment 2) maintains the townhouse development form which conforms to VOP 2010.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application(s) if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the Planning Act restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permit Council to pass a resolution to allow an Owner to apply for a Minor Variance application within two years of the passing of a zoning by-law.

The proposed amendments to the Council approved site plan are minor

The Subject Lands are zoned “RT1 Residential Townhouse Zone”, subject to exception Paragraph 9(1458), which permits the townhouse development.

The site-specific implementing Zoning By-law 081-2018 includes E-Schedule “E-1588’ which is based on the approved Site Development Plan (Attachment 2) showing 82 residential townhouse units. A new E-Schedule reflecting the revised townhouse block layouts (Attachment 3) for 74 townhouse units is required to permit the revised plan. As the implementing Zoning By-law 081-2018, was passed on May 23, 2018 less than two years ago, the *Planning Act* does not permit the Owner to apply for Minor Variance Application to the Committee of Adjustment to permit the proposed changes to the approved site plan, unless Council passes a resolution to allow the Owner to apply for a Minor Variance.

The proposed changes (Attachment 3) to the Council approved site plan maintains the townhouse built form and the original building setbacks on the Subject Lands are considered to be appropriate for the development of the lands.

Financial Impact

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

Broader Regional Impacts/Considerations

There are no requirements from the York Region Community Planning Department.

Conclusion

The Development Planning Department supports the request to permit the Owner to apply for a Minor Variance Application before the second anniversary of the day the implementing Zoning By-law came into effect. The proposed amendments to the Council approved site plan including the reduction of the number of units from 82 to 74 and the reconfiguration of 5 townhouse blocks to 8 blocks as shown on Attachment 3 are considered to be minor and appropriate for the development of the subject lands.

For more information, please contact: Carol Birch, Planner, Development Planning Department extension 8485.

Attachments

1. Location Map
2. Council Approved Site Plan (File DA.16.079)
3. Proposed Site Plan (File DA.19.064)

Prepared by

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/LG