

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012

Item 19, Report No. 39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 30, 2012.

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ZONING BY-LAW AMENDMENT FILE Z.12.028

KLEINDOR DEVELOPMENTS INC.

WARD 1 – VICINITY OF MAJOR MACKENZIE DRIVE AND REGIONAL ROAD 27

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated October 16, 2012:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.12.028 (Kleindor Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically Exception 9(1313) to:
 - a) rezone the subject lands shown on Attachments #1 and #2, from RD1(H) Residential Detached Zone One, RD2(H) Residential Detached Zone Two, OS1(H) Open Space Conservation Zone and OS2(H) Open Space Park Zone, each with the addition of the Holding Symbol "(H)", to RD1 Residential Detached Zone One, RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone, in the manner shown on Attachment #3;
 - b) permit the site-specific zoning exceptions identified in Table 2 of this report; and,
 - c) modify the original boundaries (Attachment #5) of the Phase 1 and Phase 2 for approved Plan of Subdivision 19T-05V10 in the manner shown on Attachment #3.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On August 10, 2012, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the Kleinburg and Area Ratepayers' Association. As of October 2, 2012, two letters have been received with the following comments:

- i) Correspondence dated September 4, 2012, from Ken Schwenger, representing the Kleinburg and Area Ratepayers' Association (KARA), respecting their opposition to the removal of the 30 m buffer along Major Mackenzie Drive due to the landscaping buffer providing a barrier to minimize the noise and sight of the traffic on Major Mackenzie Drive from residences, rather than providing noise attenuation barriers, which are not in keeping with maintaining the village character. Also, KARA opposes the reduction of the side yard from 3.5 m to 1.2 m abutting an OS2 Open Space Park Zone, as this may set a precedent.
- ii) Correspondence dated September 19, 2012, from Paul Mantella, representing the Nashville Area Ratepayers Association, requesting clarification respecting the

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relationship of the phasing of Plan of Subdivision 19T-05V10, the realignment of Major Mackenzie Drive, and the schedule for construction and completion of the Major Mackenzie Drive road improvements.

The above noted issues will be discussed in greater detail in the Official Plan and Zoning sections of this report.

Purpose

The Owner has submitted Zoning Amendment File Z.12.028 to amend Zoning By-law 1-88, specifically Exception 9(1313) to:

- a) rezone the subject lands shown on Attachments #1 and #2, from RD1(H) Residential Detached Zone One, RD2(H) Residential Detached Zone Two, OS1(H) Open Space Conservation Zone and OS2(H) Open Space Park Zone, each with the addition of the Holding Symbol “(H)”, to RD1 Residential Detached Zone One, RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone, in the manner shown on Attachment #3;
- b) permit the site-specific zoning exceptions identified in Table 2 of this report; and,
- c) modify the original boundaries (Attachment #5) of the Phase 1 and Phase 2 for approved Plan of Subdivision 19T-05V10 in the manner shown on Attachment #3.

The application would facilitate the development of the subject lands, being Phase 1 of Plan of Subdivision 19T-05V10 (Kleindor Developments Inc., formerly Lake Rivers Inc.), with 194 detached dwelling units, an elementary school, neighbourhood park and parkette on 19.13 ha, as shown on Attachment #4.

Background - Analysis and Options

Location

The subject lands, shown on Attachments #1 and #2, are located on the north side of Major Mackenzie Drive and west of Regional Road 27, in Part of Lot 21, Concession 9, City of Vaughan.

Revisions to Plan of Subdivision 19T-05V10 (Kleindor Developments Inc.)

Plan of Subdivision 19T-05V10 (Attachment #5) was draft approved in 2009, and is zoned by Zoning By-law 1-88, as amended by Exception 9(1313) in the manner shown on Attachment #5. The Owner is proposing modifications to the Plan of Subdivision, including:

- i) the relocation of all (2) stormwater management ponds on the subject lands to one, large facility located south of Major Mackenzie Drive, on a former waste disposal site, shown as M4 Pits and Quarries Industrial Zone on Attachment #2;
- ii) the increase in the berm width (Block 198) adjacent to the Railway right-of-way (Attachment #4) to accommodate a swale that is required for stormwater management purposes; and,
- iii) modifications to the original boundaries of Phase 1 and 2 as shown on Attachment #5 in the manner shown on Attachment #3.

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As a result of these modifications, the original lotting and road pattern has been adjusted as shown on Attachment #4. These modifications also result in the current zone boundaries, as shown on Attachment #2, no longer corresponding to the modified road and lotting pattern. As a result, the Owner has submitted Zoning Amendment File Z.12.028 to adjust the current zone boundaries as shown on Attachment #3 to coincide with the proposed lotting pattern for Phase 1 of the Plan of Subdivision. The modified plan (Attachment #4) provides for the following:

<u>Land Use</u>	<u>Units</u>	<u>Area (ha)</u>
Detached Dwellings (18.3 m frontage, 585.6 m ² lot area)	14	1.061
Detached Dwellings (15.3 m frontage, 489.6 m ² lot area)	119	6.158
Detached Dwellings (12.2 m frontage, 390.4 m ² lot area)	61	2.420
School (Block 195)		1.664
Park (Block 196)		1.790
Parkette (Block 197)		0.069
Berm (Block 198)		0.269
Buffer (Block 199)		0.028
Road Widening - Major Mackenzie Drive (Block 200)		0.102
0.3 m Reserves		0.031
<u>Roads</u>		<u>5.541</u>
Total	194	19.133 ha
<u>Official Plan</u>		

The subject lands are designated "Serviced Residential-Humber Trails Central", "Elementary School", and "Neighbourhood Park" by in-effect OPA #601 (Kleinburg-Nashville Community Plan), as amended by site-specific OPA #686, and are identified in OPA #601 as being in a "Potential Groundwater Recharge Area/Potential Groundwater Discharge Area" (Schedule "B1"), and "Highway 27 Humber Valley Forest North Major Mackenzie (WL) with a Low Functional Rating" (Schedule "B4").

OPA #686 permits a maximum density of 11.2 units per hectare and a maximum of 312 detached dwelling units on a net developable area of 27.848 ha within Plan of Subdivision 19T-05V10. The area included in the calculation of residential density in OPA #601 is based on a net residential hectare which includes the local and primary roads, the land for the dwelling units, environmental linkages located on tablelands, and tableland valley buffer areas. The subject lands have a density of 7 units per hectare across all of Plan of Subdivision 19T-05V10. The subject lands are designated "Low-Rise Residential" by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012 and April 17, 2012) and is pending approval from the Ontario Municipal Board.

The proposed residential, school, park and parkette uses and density conform to the Official Plans.

i) Community Edge Buffer

The Community Edges policy of OPA #601 requires a community edge landscape buffer ranging in width between 30 m to 50 m abutting Major Mackenzie Drive and Regional Road 27 in order to screen the residential neighbourhoods from these arterial roads. As Major Mackenzie Drive is being relocated south of the subject lands, as shown on Attachment #4, this policy no longer applies to the subject lands as further explained.

The Region of York received approval from the Ministry of the Environment on July 18, 2012, of the *Western Vaughan Transportation Improvements Individual Environmental Assessment (IEA)*, that identifies the proposed road improvements to Major Mackenzie Drive, including realigning the stretch of Major Mackenzie Drive adjacent to the subject lands south of its current location, as

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shown on Attachment #4, in order to eliminate the northerly and southerly jogs at the Major Mackenzie Drive and Regional Road 27 intersections, and to widen the road to facilitate a future road with a right-of-way width of 42.6 m for 6 lanes with dedicated transit lanes/high occupancy transit lanes and bike lanes. The southerly relocation of Major Mackenzie Drive results in the current alignment's future use being for local road and/or residential use.

As the lands that formed part of the existing Major Mackenzie Drive will in the future no longer be required as part of the arterial road network, the provision of a 30 m to 50 m buffer is not applicable to this stretch of Major Mackenzie Drive, which will cease to exist, and therefore, the proposal conforms to the Official Plan.

Zoning

The subject lands are currently zoned by Zoning By-law 1-88, subject to Exception 9(1313), as shown on Attachment #2. To facilitate the revised plan of subdivision, as shown on Attachment #4, an amendment to Exception 9(1313) is required to rezone the subject lands. The proposed zone categories for the lots and blocks within the revised draft plan of subdivision are identified as follows, and in the manner as shown on Attachment #3:

Table 1 – Proposed Rezoning

	Current Zoning	Proposed Rezoning
a.	i) RD1(H) Residential Detached Zone One (minimum 18 m frontage and minimum 540 m ² lot area); ii) RD2(H) Residential Detached Zone Two (minimum 15 m frontage and minimum 450 m ² lot area); iii) OS1(H) Open Space Conservation Zone; iv) OS2(H) Open Space Park Zone; and, v) all each zone with the addition of the Holding Symbol "(H)".	i) RD1 Residential Detached Zone One (minimum 18 m frontage and minimum 540 m ² lot area); ii) RD2 Residential Detached Zone Two (minimum 15 m frontage and minimum 450 m ² lot area); iii) RD3 Residential Detached Zone Three (minimum 12 m frontage and minimum 324 m ² lot area); iv) OS1 Open Space Conservation Zone; and, v) OS2 Open Space Park Zone.

Further, site-specific, amendments are required to Zoning By-law 1-88 to implement the modified draft plan as follows:

Table 2 - Exceptions

	By-law Standard	Zoning By-law 1-88 Requirements for RD1, RD2 and RD3 Zone	Proposed Exception to Zoning By-law 1-88
a.	Minimum Interior Side Yard Abutting A Non-Residential Use Including A Walkway, Greenway, Buffer Block or Stormwater Management Block (Lots 1, 25, 75, 76, 187 and 188, as shown on Attachment #3)	3.5 m	1.2 m

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	By-law Standard	Exception 9(1313) Requirements for RD1, RD2 and RD3 Zone	Proposed Exception to Exception 9(1313)
b.	Minimum Landscape Width abutting a Street Line (Major Mackenzie Drive)	30 m	3.5 m

The proposed exception to the minimum interior side yard abutting a non-residential use including a walkway, greenway, buffer block or stormwater management block is minor in that it will apply to only six lots as identified above and shown on Attachment #3. Three of the lots (Lots 1, 25, and 75) may become interior lots in the future, should the abutting lands to the south be developed for residential dwelling units. One lot (Lot 76) abuts an 11.7 m wide gateway landscape buffer to Major Mackenzie Drive which functions as a side yard to the lot, thereby negating the requirement for an interior yard being 3.5 m wide instead of 1.2 m wide. Two lots (Lots 187 and 188) abut a small 689 m² size parkette, to protect an oak tree, where little activity is anticipated which could disturb the residents.

The exception to the minimum landscape area abutting a street line, as discussed earlier in this report, is due to the future realignment of Major Mackenzie Drive to the south (Attachment #4), resulting in Major Mackenzie Drive no longer abutting the subject lands.

The Development Planning Department is satisfied that the requested rezoning and site-specific zoning exceptions are appropriate to facilitate the development of the revised Plan of Subdivision, shown on Attachment #4.

Holding Symbol “(H)”

All of the subject lands, were zoned with the Holding Symbol“(H)”. The removal of the Holding Symbol “(H)” is contingent upon the following conditions being addressed:

- i)
 - a) that the Region of York shall advise, in writing, that it is no earlier than six (6) months prior to the expected completion of the Kleinburg Water Storage Facility, Additional Water Supply Works in Kleinburg and Kleinburg Water Pressure Control Plant Expansion; or,
 - b) that The City of Vaughan shall approve a transfer of water supply and sewage servicing allocation to Phase 1 that is not dependent upon the completion of the infrastructure; or,
 - c) that the Regional Commissioner of Environmental Services shall confirm water supply and sewage servicing allocation for Phase 1 by a suitable alternative method and the Council of the City of Vaughan shall allocate adequate water supply and sewage servicing capacity to Phase 1.
- ii)
 - a) that an Environmental Assessment has identified a preferred alignment for Major Mackenzie Drive and the associated grade separation of the CP Rail Line to the satisfaction of the City and York Region; and,
 - b) that York Region will consider a phased or partial release of the lots and blocks identified above, when the Environmental Assessment or a Feasibility Study (undertaken by the City and/or the Owner) has identified, to the satisfaction of York Region, that particular lots and blocks are no longer impacted by the proposed alignment and grade separation of Major Mackenzie Drive; and,

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- c) that the Owner shall agree to submit a revised draft plan which incorporates the preferred alignment for Major Mackenzie Drive and the grade separation of the CP Rail Line, including any associated changes to the configuration of the subject lots, blocks and local street network, and location of land uses to the satisfaction of the City and York Region; and,
- iii) that the final configuration, sizing and location of the stormwater management pond facilities located in Phase 1, identified as Block 316 and the subject lands in Phase 2, identified as Block 315, as shown on Attachment #5, which are zoned OS1(H) Open Space Conservation Zone, with the addition of the Holding Symbol "(H)", shall be approved to the satisfaction of the City of Vaughan and the Toronto and Region Conservation Authority.

Condition i) has been addressed with the allocation of servicing capacity from the York Sewage Servicing/Water Supply System for 145 units by Vaughan Council on May 24, 2011, and 55 units by Vaughan Council June 26, 2012, for a total allocation of 200 units to enable the Holding Symbol "(H)" to be removed from the subject lands for 194 units in the revised draft plan.

Condition ii) has been addressed with the July 2012 approval of the *Western Vaughan Transportation Improvements Individual Environmental Assessment (IEA)*, which identified the proposed road improvements and realignment of Major Mackenzie Drive. The grade separation of the CP Rail Line would impact the Phase 2 lands, which are located in the southwest quadrant of the revised draft plan, as shown on Attachment #4, and therefore would not prohibit the removal of the Holding Symbol "(H)" from the subject lands.

Condition iii) respecting the stormwater management pond facility is under review by City of Vaughan and the Toronto and Region Conservation Authority (TRCA). The two stormwater management pond facilities on both the Phase 1 and Phase 2 lands, as shown on Attachment #5 have been eliminated, and are being replaced by one stormwater management pond facility on the lands south of Major Mackenzie Drive, as shown on Attachments #2 and #4. As a condition of draft plan of subdivision approval, and prior to final approval of the draft plan, the technical details respecting the stormwater management pond facility such as the design requirements, road access, Environmental Site Assessment, and the conveyance of the lands to the City, will be addressed through provisions in the Subdivision Agreement to the satisfaction of the Vaughan Development/Transportation Engineering Department and Toronto and Region Conservation Authority. Therefore, the Holding Symbol "(H)" can be removed from the subject lands.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has advised that the stormwater management pond facility will be addressed in the Subdivision Agreement for the first phase of the development.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority has no concerns with the proposed rezoning application and has advised that any outstanding issues respecting the relocated stormwater management pond facility to the south of the subject lands such as design details, and ownership, will be addressed prior to final approval of the revised draft plan of subdivision for Phase 1.

Commenting City Departments and External Agencies

The Zoning Amendment application, as well as the revised Plan of Subdivision, was circulated to City departments and external agencies that had conditions of Draft Plan of Subdivision approval, and there were no objections to the application.

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Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

In December 2011, the Region of York advised that the infrastructure projects respecting the Kleinburg Water Pollution Control Plant for the water supply and the Humber Pumping Station for the sewage supply are on schedule and therefore, the Holding Symbol "(H)" respecting the no pre-sale of units could be lifted to permit a maximum of 200 units in Plan of Subdivision 19T-05V10 to receive the allocation of servicing capacity. Accordingly, the City allocated servicing capacity from the York Sewage Servicing/Water Supply System for 145 units by Vaughan Council on May 24, 2011 and 55 units by Vaughan Council June 26, 2012 for a total allocation of 200 units. In addition, the Region received approval from the Ministry of the Environment for the Western Vaughan Transportation Improvements Individual Environmental assessment with respect to re-alignment of Major Mackenzie Drive.

Conclusion

The Vaughan Development Planning Department is satisfied that the proposal to amend Zoning By-law 1-88, specifically to rezone the subject lands in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 2 of this report, conforms with the Official Plan. The proposal will facilitate the development of 194 detached dwelling units, an elementary school, a neighbourhood park, and parkette on 19.13 ha, which can be developed in a manner that is appropriate and compatible with the existing and planned community. The Development Planning Department can support the 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 Zoning (Phase 1)
4. Modified Draft Plan of Subdivision 19T-05V10
5. Approved Draft Plan of Subdivision File 19T-05V10 and current Zoning - Exception 9(1313)

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(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.)