

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 1, Report No. 44, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on December 13, 2016.

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**ZONING BY-LAW AMENDMENT FILE Z.16.032
DRAFT PLAN OF SUBDIVISION FILE 19T-16V007
F. GRECO
WARD 1 - VICINITY OF KIRBY ROAD AND KIPLING AVENUE**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016, be approved;**
- 2) That the following Communications be received:**
 - C1. Melissa, resident of Kleinburg, dated November 22, 2016; and**
 - C2. Mr. Claudio P. Brutto, dated December 5, 2016; and**
- 3) That the deputation of Ms. Joan MacIntyre, Malone Given Parsons Ltd., Renfrew Drive, Markham, on behalf of the applicant, be received.**

Recommendation

The Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning recommend:

- 1. THAT the Public Hearing report for Files Z.16.032 and 19T-16V007 (F. Greco) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.**

Contribution to Sustainability

The contribution to sustainability such as site and building design initiatives will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of Public Hearing was circulated: November 11, 2016.

The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Sign Procedures and Protocol.

- b) Circulation Area: Expanded notification area beyond 150 m, as shown on Attachment #1, and to the Kleinburg and Area Ratepayers Association.

- c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments

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that are received will be reviewed by the Vaughan Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Purpose

To receive comments from the public and the Committee of the Whole on the following applications for the subject lands, as shown on Attachments #1 and #2. The applications seek to facilitate the development of a residential plan of subdivision consisting of 9 residential lots, one future residential block, an open space block, 2 open space buffer blocks, and 2 blocks to provide landscape vistas, a stormwater management block, and a public street (Street "A"), as shown on Attachment #3:

1. Zoning By-law Amendment File Z.16.032 to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone to RD1 Residential Detached Zone One (minimum 18 m frontage), RD1(H) Residential Detached Zone One with the Holding Symbol "(H)" (minimum 18 m frontage), RD2 Residential Detached Zone Two (minimum 15 m frontage), OS1 Open Space Conservation Zone and OS2 Open Space Park Zone, in the manner shown on Attachment #3.

The lands proposed to be zoned with the Holding Symbol "(H)" cannot be developed until Council passes a By-law to remove the Holding Symbol "(H)" and only when all conditions for removal have been satisfied. Zoning exceptions may be identified through the detailed review of the applications and will be considered in a technical report to a future Committee of the Whole meeting.

2. Draft Plan of Subdivision File 19T-16V007 to facilitate the development of a residential plan of subdivision, as shown on Attachment #3, consisting of the following:

Block Number	Land Use	Area (ha)
1 - 9	Residential Lots	0.68
10	Open Space Block	0.55
11 - 13	Open Space Buffer and Vista blocks	0.41
14	Stormwater Management Pond	0.04
15	Future Landscape Vista	0.02
16 and 17	Future Residential Block	0.10
18 - 19	0.3 m Reserves	0.01
Street "A"	Public Street	0.21
	Total	2.02

The proposed Draft Plan of Subdivision would divide the lands into separate parcels. The north parcel which is identified as "Other Lands Owned By Applicant" does not form part of these applications, and is not part of the subject lands, as shown on Attachment #3.

Background - Analysis and Options

Location	<ul style="list-style-type: none">▪ The subject lands are located south of Kirby Road, west of Kipling Avenue, being the southerly half of the property known municipally as 5445 Kirby Road, City of Vaughan, as shown on Attachments #1 and #2.
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	<ul style="list-style-type: none"> ▪ The Owner is proposing to develop the southerly portion of the Owner's overall land holding as shown on Attachment #3. The northerly lands will remain zoned A Agricultural Zone and maintained with a single detached dwelling.
Official Plan Designation	<ul style="list-style-type: none"> ▪ The subject lands are designated "KN Low Rise Residential 1", "Special Study Area", "Natural Heritage System: Core Area" and "Agricultural" by the North Kleinburg-Nashville Secondary Plan (NKNSP), and are located within the Kipling Avenue Community, as identified on Schedule 3B of the NKNSP, Volume 2 of Vaughan Official Plan 2010 (VOP 2010). The "KN Low Rise Residential 1" designation permits single family detached dwelling units with a maximum building height of 3 storeys. ▪ The Special Study Area (SSA) designation (Attachment #4) recognizes that lands within the SSA may have some development potential, subject to a detailed Environmental Impact Study (EIS) prepared to the satisfaction of the City in consultation with the Toronto and Region Conservation Authority (and any other agency having jurisdiction). Through the review of the EIS report, any lands found to have development potential shall be considered for development under the policies of the KN Low Rise Residential 1 designation, without further amendment to the plan.
Block 55 Policies	<ul style="list-style-type: none"> ▪ Through the Block 55 Plan approval process, Environmental reports were submitted and concluded that the most appropriate use for the developable area of SSA's is residential, particularly larger lot sizes to reduce imperviousness and promote groundwater infiltration and water quality treatment. ▪ The Draft Plan of Subdivision proposes a development comprised of 9 residential lots and one future residential block, which is consistent with the Official Plan density target of 30 persons and jobs per hectare and to the 34.8 persons and jobs per hectare identified in the Block 55 Plan, which was approved by Vaughan Council on May 27, 2014. ▪ The Neighbourhood Development objectives of the NKNSP are to create an urban environment that provides for safe, functional, and attractive residential/mixed-use neighbourhoods. The proposed Draft Plan of Subdivision forms part of the Block 55 Plan (Attachment #4), which facilitates the development of a cohesive and complete community, with a mix of land uses, housing types and activities. The overall density of 34.8 persons and jobs per hectare for Block 55 is consistent with the target density of the NKNSP.

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	<ul style="list-style-type: none"> ▪ The proposed Draft Plan of Subdivision complies with VOP 2010 and conforms to the Block 55 Plan, which was approved by Vaughan Council on May 27, 2014. ▪ Staff will ensure that the plan of subdivision, as proposed, is consistent with the Environmental Impact Studies approved by the City of Vaughan and respective public authorities as part of the Block Plan approval process.
Zoning	<ul style="list-style-type: none"> ▪ The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88. In order to implement the proposed subdivision application, the Owner is proposing to rezone the subject lands to RD1 Residential Detached Zone One, RD1(H) Residential Detached Zone One with a Holding Symbol, RD2 Residential Detached Zone Two, OS1 Open Space Conservation Zone, and OS2 Open Space Park Zone as shown on Attachment #3. Any applicable site-specific zoning exceptions identified through the processing of the development applications will be addressed in the implementing zoning by-law. ▪ As part of the current application, the Owner has excluded the lands to the north and is not seeking to have them rezoned, as such they will remain zoned as A Agricultural Zone and be maintained by the Owner with a single detached dwelling lot. As a result, the retained lands will no longer comply to the A Agricultural Zone provisions of Zoning By-law 1-88 but is considered to be a legal non-conforming situation.
Surrounding Land Uses	<ul style="list-style-type: none"> ▪ Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the applications, the Vaughan Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	City Official Plan and approved Block 55 Plan	<ul style="list-style-type: none"> ▪ The applications will be reviewed in consideration of the Vaughan Official Plan (VOP 2010) and North Kleinburg-Nashville Secondary Plan policies. ▪ The final Draft Plan of Subdivision must conform to the approved Block 55 Plan (Attachment #4), including but not limited to the location of land use designations, public rights-of-way, access, open space, greenbelt and buffers.

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b.	Appropriateness of Proposed Rezoning and Exceptions	<ul style="list-style-type: none">▪ The appropriateness of the proposed zoning categories and use of the Holding Symbol “(H)”, as shown Attachment #3, will be reviewed in consideration of the policies of VOP 2010, the North Kleinburg-Nashville Secondary Plan, the approved Block 55 Plan and the surrounding existing and planned land use context.▪ An “(H)” Holding provision will likely be applied to Lots 1 to 6 as there is no direct road access to facilitate these lots at this time, given there are no development applications proposed on either of the properties to the east or west, and access from the applicant's northerly landholding is not physically possible, given its location in the Greenbelt.
c.	Draft Plan of Subdivision	<ul style="list-style-type: none">▪ The proposed Draft Plan of Subdivision will be reviewed in consideration of the proposed road network, including the temporary turning circle, the future residential block, the existing surrounding land uses, and lot sizes and lotting pattern with the existing and approved residential development in the area.▪ Access to the proposed draft plan of subdivision will be reviewed and approved to the satisfaction of the City. At this time, and as discussed in (b) above, access appears to be limited to the southern development portion of the site (Lots 7 - 9), as shown on Attachment #3, which will gain vehicular access from the approved subdivision to the south.
d.	Studies and Reports	<ul style="list-style-type: none">▪ The Owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City and/or respective public approval authority:<ul style="list-style-type: none">- Planning Justification Report- Draft Zoning By-law- Environmental Site Assessment (ESA) Phase 1- Arborist Report and Tree Inventory and Preservation Plan- Architectural Guidelines- Sustainability Metrics- Functional Servicing Report- Master Environmental Servicing Plan (MESP)- Noise and Vibration Report <p>Additional reports may be required as part of the development review process.</p>

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e.	Servicing Capacity	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the proposed development must be identified and formally allocated by Vaughan Council, if the applications are approved. Should servicing capacity not be available, a Holding Symbol “(H)” will be placed on the subject lands, which will be removed once servicing capacity is identified and allocated to the subject lands by Vaughan Council.
f.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> The development proposed in this Draft Plan of Subdivision must conform to the Vaughan Council approved Block 55 (Kipling Avenue Community) Urban Design Guidelines.
g.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none"> The subject lands are located within the TRCA Regulated Area and in an area identified as a significant groundwater recharge area, and therefore, all necessary permits from the TRCA must be obtained. The TRCA must review and approve the applicable reports submitted in support of the applications.
h.	Parkland Dedication	<ul style="list-style-type: none"> The Owner will be required to pay to the City of Vaughan cash-in-lieu of the dedication of parkland in accordance with the <i>Planning Act</i> and City’s Cash-in-Lieu of Parkland Policy, should the applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.
i.	Greenbelt	<ul style="list-style-type: none"> The lands identified as “Other Lands Owned by Applicant” shown on Attachment #3 are zoned Agricultural and located within the Greenbelt Plan. These lands are designated “Natural Area” and “Agricultural”, and identified as a Core Feature by VOP 2010, and designated “Natural Area and ”Agricultural” by the North Kleinburg-Nashville Secondary Plan. These lands were included in the review process for the final approved Block 55 Plan (Attachment #4) and identified for Open Space and Agricultural uses. The lands contain a Provincially Significant Wetland (PSW), which were identified to support significant fauna, and to function as a breeding area for amphibians and as habitat for birds. Section 1.2.2 of Greenbelt Goals and Section 1.2.2.2 Environmental Protection provide the following (in part):

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	<ul style="list-style-type: none">- Protection, maintenance and enhancement of natural heritage, hydrologic and landform features and functions, including protection of habitat for flora and fauna and particularly species at risk;- Protection, improvement or restoration of the quality and quantity of ground and surface water and the hydrological integrity of watersheds; and- Provision of long-term guidance for the management of natural heritage and water resources when contemplating such matters as development, infrastructure, open space planning and management, aggregate rehabilitation and private and public stewardship programs. <p>▪ VOP 2010 requires that Core Features and their related vegetation protection zone(s) be conveyed to the City and/or TRCA as a condition of development approval. To enable comprehensive management, such features shall not be fragmented, but shall be brought into public ownership to ensure their continued protection and management. Although the northerly lands are not subject to the zoning and subdivision applications, opportunities for dedication of these lands into public ownership will be explored with the Owner through the review of the subject applications.</p> <p>The subject applications will be reviewed in consideration of the natural features and their protection, including the requisite buffers that exist on the subject and adjacent lands and the applicable Provincial policies, Regional and City Official Plan policies, and in consultation with the TRCA and Provincial Ministries.</p>
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Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The applicability of these applications to the Term of Council Service Excellence Strategy Map will be determined when the technical report is considered.

Regional Implications

The applications have been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

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Attachments

1. Concept Location Map
2. Location Map
3. Draft Plan of Subdivision File 19T-16V007 and Proposed Zoning
4. Approved Block 55 Plan (BL.55.2013)

Report prepared by:

Eugene Fera, Planner, ext. 8003
Clement Messere, Senior Planner, ext. 8483

(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.)