

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, February 05, 2019

WARD: 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.17.007
KIRBY 27 DEVELOPMENTS LIMITED
VICINITY OF REGIONAL ROAD 27 AND KIRBY ROAD**

FROM:

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

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan Amendment File OP.17.007 for the Subject Lands shown on Attachments 1 and 2, to amend Vaughan Official Plan 2010 ("VOP 2010") to redesignate the western 17.24 ha portion of the Subject Lands from "Agricultural" to "Low Rise Residential" with a "Parks" overlay, to permit the development of approximately 200 detached residential units, a public park, and to maintain the natural area, as shown on Attachments 3 and 4.

Report Highlights

- To receive input from the public and the Committee of the Whole on an Official Plan Amendment application to permit the development of the west portion of the Subject Lands with detached residential units and a public park, and to maintain the existing natural area on the east portion of the Subject Lands.
- An amendment to VOP 2010 is required to permit the development. Future Block Plan, Draft Plan of Subdivision and Zoning By-law Amendment Applications are required if the Official Plan Amendment Application is approved.
- A technical report prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Official Plan Amendment File OP.17.007 (Kirby 27 Developments Limited) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The subject lands ('Subject Lands') shown on Attachments 1 and 2 are located on the southeast corner of Regional Road 27 and Kirby Road, and are municipally known as 11363 Regional Road 27.

The Subject Lands consist of agricultural and open space uses. The surrounding land uses are shown on Attachment 2 and consist of low rise and rural residential uses to the north and east, and on the west side of Regional Road 27. The lands to the south are zoned OS2 "Open Space Park Zone" and are subject to Official Plan Amendment OP.17.008 (East Kleinburg Developments Inc./1045501 Ontario Limited) that proposes a residential development planned in conjunction with the Subject Lands.

An Official Plan Amendment Application has been submitted to permit the Development

The Owner has submitted Official Plan Amendment File OP.17.007 to amend VOP 2010, to redesignate the 17.24 ha west portion of the Subject Lands from "Agricultural" to "Low Rise Residential" with a "Park" overlay, to permit a residential development consisting of approximately 200 detached residential units and a public park (the 'Development'), as shown on Attachment 4. The eastern portion of the Subject Lands designated "Natural Areas" and "Greenbelt Plan Area" are proposed to be retained. The proposed land use for the Development is as follows:

<u>Land Use</u>	<u>Hectares (ha)</u>
Low Density Residential	10.81 ha
Parks	0.97 ha
Buffer Block / Vista (along Regional Road 27)	0.91 ha
Roads	4.55 ha
Natural Heritage System	6.31 ha
TOTAL	23.55 ha

The following site-specific amendments to VOP 2010 are required to permit the Development:

Table 1

	VOP 2010 Policy	Proposed Amendments to VOP 2010
a.	Section 3.2.3.10 states that Core Features and their related vegetation protection zone will be conveyed to the City and/or Toronto and Region Conservation Authority 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.	Conveyance of Core Features and their associated vegetation protection zones into public ownership shall be determined through the Block Plan / Draft Plan of Subdivision applications, without further amendment to VOP 2010.
b.	Section 4.1 and 4.2 identifies a hierarchy of street types established to provide a comprehensive transportation network.	Minor Collector roads shall be identified as part of the Application, as shown on Attachment 4. The final alignment of minor collector roads, and the final classification and layout of local roads, will be determined through the Block Plan and Draft Plan of Subdivision applications, without further amendment to VOP 2010.
c.	Section 4.2.3.4 requires sidewalks on both sides of collector roads.	Sidewalks on both sides of collector roads shall be determined at the Block Plan / Draft Plan of Subdivision applications, without further amendment to VOP 2010.

	VOP 2010 Policy	Proposed Amendments to VOP 2010
d.	Section 9.1.1.3 prohibits rear lotting on public streets.	Permit rear lotting on a public street (Regional Road 27) to reinforce the existing physical character of the Kleinburg Community, as per Sections 9.1.2.2 and 9.1.2.3 of VOP 2010.

Additional exceptions to VOP 2010 may be identified through the detailed review of the Application and will be considered in a technical report to a future Committee of the Whole meeting.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- a) Date the Notice of Public Hearing was circulated: January 11, 2019.

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

- b) Circulation Area: the extended polling area shown on Attachment 2 and to the Kleinburg and Area Ratepayers Association.

- c) Comments Received:

- Rosemarie Humphries of Humphries Planning Group, representing the landowner of 5841 Kirby Road. Email correspondence dated June 6, 2017, with comments indicating that provisions should be made to allow for the extension of low density residential uses to occur on the 5841 Kirby Road, and that the limits of the Application should be expanded to include 5841 Kirby Road to allow for a comprehensive evaluation of the area.

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

Previous Reports/Authority

Not Applicable.

Analysis and Options

The Development is partially located in the Greenbelt and subject to the transitional policies of the Greenbelt Plan, 2017 ('Greenbelt Plan')

The Greenbelt Plan was introduced by the Province of Ontario in 2005 and is intended to identify where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape. The eastern 7.10 ha portion of the Subject Lands are located within the "Natural Heritage System of the Protected Countryside" designation, as shown on Attachments 5 and 6. Approximately 0.80 ha within the Greenbelt Plan Area are proposed for development (identified as 'Transition Area' on Attachment 4).

The Owner is proposing that the 0.80 ha of Transition Area lands for development located within the Greenbelt Plan Area are subject to the following transitional policy identified in Section 5.2.1 of the Greenbelt Plan:

"where an official plan was amended prior to December 16, 2004, to specifically designate land use(s), this approval may continue to be recognized through the conformity exercise addressed in section 5.3 (of the Greenbelt Plan) and any further applications required under the *Planning Act* or the *Condominium Act* to implement the official plan approval are not required to conform to the Greenbelt Plan."

The Kleinburg-Nashville Community Plan ('OPA 601') was in full force and effect on October 29, 2001, and was the in-effect Official Plan for the Subject Lands prior to Vaughan Council's adoption of VOP 2010. OPA 601 designated the Subject Lands "Future Residential", as shown on Attachment 7, with permissions for limited residential development subject to appropriate servicing and design.

The Planning Justification Report in support of the Application prepared by Malone Given Parsons Ltd. and dated April 2017 states that the Transition Area lands were previously designated for residential uses within OPA 601, and that the Subject Lands have transitional status under Section 5.2.1 of the Greenbelt Plan, and are therefore not required to conform to the Greenbelt Plan.

As the in-effect date of OPA 601 predates the Greenbelt Plan transition date of December 16, 2004, the transitional policies of Section 5.2.1 of the Greenbelt Plan apply to the 0.80 ha portion (Transition Area lands) of the Subject Lands proposed for development and located in the Greenbelt Plan Area.

An amendment to Vaughan Official Plan 2010 is required to permit the Development

The Subject Lands are designated “Community Area” and “Natural Areas and Countryside” on Schedule 1 “Urban Structure” of VOP 2010. The eastern portion of the Subject Lands are also located within the Greenbelt Plan Area as described in the Greenbelt Section of this report.

The Subject Lands are designated “Agricultural”, “Natural Areas” and “Greenbelt Plan Area” on Schedule 13 “Land Use” of VOP 2010. The proposed low rise residential development with a public park is not permitted in these designations and does not conform to the policies of VOP 2010. The Owner has submitted an Official Plan Amendment application to redesignate the “Agricultural” portion of the Subject Lands to “Low Rise Residential” with a “Parks” overlay in order to permit the Development, together with the site-specific amendments to VOP 2010 identified in Table 1.

A future Zoning By-law Amendment Application is required to permit the Development

The Subject Lands are zoned “A Agricultural Zone” and “OS1 Open Space Conservation Zone” by Zoning By-law 1-88, as shown on Attachment 2, which permits open space and agricultural uses.

Should the Application be approved, a future Zoning By-law Amendment application is required to implement the corresponding zone categories of Zoning By-law 1-88, together with any site-specific zoning exceptions, to permit the Development.

Through a preliminary review of the Application, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Consistency and Conformity with Provincial Policies/Plans, Regional and City Official Plans	<ul style="list-style-type: none"> ▪ The Application will be reviewed in consideration of all applicable statutory policies of the <i>Provincial Policy Statement</i> (2014) (the 'PPS'), the <i>Growth Plan for the Greater Golden Horseshoe</i> (2017) (the 'Growth Plan'), the Greenbelt Plan (2017) and the York Region and VOP 2010 Official Plan policies. ▪ The Application will be reviewed in consideration of the applicable transition policies in the Greenbelt Plan for the 0.80 ha Transition Area lands of the Development located within the "Natural Heritage System of the Protected Countryside".
b.	Appropriateness of the Proposed Redesignation of the Subject Lands and the Site-Specific Official Plan Amendments	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed land use designations and site-specific amendments to VOP 2010 will be reviewed in consideration of the existing and planned land uses. Specifically, the proposed land uses and road network identified in the development concept (Attachment 4) will be reviewed to ensure consistency with the proposed Official Plan Amendment application on the lands to the south (File OP.17.008). ▪ The Owner is requesting that conveyance of the eastern portion of the lands designated "Core Features and "Natural Heritage System of the Protected Countryside" shall be determined through the Block Plan / Draft Plan of Subdivision applications, without further amendment to VOP 2010. Section 3.2.3.10 of VOP 2010 states that Core Features and their related vegetation protection zone will be conveyed to a public authority as a condition of development approval. Should the Owner request that the lands be kept in private ownership, justification in consideration of the applicable PPS, Growth Plan, YROP and VOP 2010 policies, and any applicable Toronto and Region Conservation Authority ("TRCA") policies, is required.

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	Future Block Plan / Draft Plan of Subdivision and Zoning By-law Amendment Applications	<ul style="list-style-type: none"> Due to the total developable area and the proposed population for the Development, and the Official Plan Amendment Application for the lands to the south (File OP.17.008), a scoped Block Plan is required, should the Application be approved. The Block Plan shall consist of information at a suitable level of detail to ensure that the Subject Lands and abutting lands to the south are planned in a comprehensive manner. The requirement for a Block Plan will be included in the implementing Official Plan Amendment should the Application be approved. Future Draft Plan of Subdivision and Zoning By-law Amendment Applications are required to implement the Development, should the Application be approved. These applications shall include required information of detail to ensure conformity to and general intent of the official plan amendment, including a detailed land use plan and justification report, the proposed lotting, local road network, densities and built form, and description of community features.
d.	Road Network	<ul style="list-style-type: none"> The concept plan includes minor collector and local roads. The east-west (Street 'A') and north-south (Street 'B') minor collector roads are shown on Attachment 4. The Owner proposes that the final alignment of the minor collector roads and the final classification and layout of the local road network be determined during the Block Plan and Draft Plan of Subdivision process, without further amendment to VOP 2010. Section 4.2.1.6 of VOP 2010 identifies improvements to the road network that includes jog eliminations at intersections. The potential for a jog elimination at Kirby Road and Regional Road 27 will be reviewed through the Block Plan / Draft Plan of Subdivision process. The comprehensive road network for the Development will be reviewed at the Block Plan / Draft Plan of Subdivision application stage for the following:

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - Appropriate right-of-way widths - Compliance with the City's Design Criteria and Standard Drawings for roads - The location of lay-by parking, if any - Dimensions of all local road widths, cul-de-sacs, and roundabouts - Alignment and design of intersections - Location of sight triangles
e.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Application, 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 - Functional Servicing and Stormwater Management Report - Transportation Assessment - Arborist Report - Hydrogeological Study - Geotechnical Report - Slope Stability Analysis - Phase 1 and 2 Environmental Site Assessment - Environmental Impact Study and Arborist Report - Stage 1 and 2 Archaeological Assessment ▪ Additional studies/reports may be required as part of the Application review process. ▪ Additional reports, including but not limited to, the following shall be required at the Draft Plan of Subdivision and Zoning By-law Amendment Application stage, should the Application be approved: <ul style="list-style-type: none"> - Detailed Functional Servicing Report - Traffic Management Plan (including sidewalks, bike routes, street signs, and traffic controls) - Tree protection and Edge Management Plan - Architectural Control and Urban Design Guidelines - Preliminary Noise Report

	MATTERS TO BE REVIEWED	COMMENT(S)
f.	Parkland Dedication and Proposed Parks	<ul style="list-style-type: none"> ▪ Dependent on the extent of parkland conveyance from the Development, the Owner shall provide payment-in-lieu of the dedication of parkland to meet the requirements of the <i>Planning Act</i>, VOP 2010 (Section 7.3.3 Parkland Dedication) and By-law 139-90, as amended by By-law 205-2012, to the satisfaction of the City. ▪ The Owner is required to complete a Parks and Open Space Master Plan during the Block Plan / Draft Plan of Subdivision stage for all proposed parks and open space trails within the Development. The Master Plan will identify the size, configuration and location of park and trail facilities to ensure that the City's facility provision standards are consistent with the 2018 Active Together Master Plan ('ATMP'). Through the Block Plan / Draft Plan of Subdivision stage, it may be beneficial to consolidate park blocks to accommodate the City's facility provision requirements. ▪ The Development includes a public park. Parkland Dedication requirements as outlined in the City's 2018 ATMP recommends that 2.0 ha of parkland be provided for every 1000 persons. The location and size of the proposed parks shown on Attachment 4 will be reviewed in consideration of the ATMP and are subject to revisions.
g.	Proposed Trail Connections and Landscape Buffers	<ul style="list-style-type: none"> ▪ Pedestrian connections between park blocks proposed for the Development and existing parks and open space trails located in proximity to the Subject Lands will be reviewed through the Block Plan and Draft Plan of Subdivision stages, specifically at mid-block locations to Regional Road 27 (Streets 'G' and 'D'), between local streets (Streets 'A', 'B', 'D' and 'F') and to the natural area located to the east (Street 'H'). ▪ The Pedestrian and Bicycle Master Plan 2007 and 2012 update identifies a multi-use trail adjacent to Regional Road 27. The Development includes a 24 m wide landscape buffer adjacent to Regional Road 27 with a multi-use pathway, as shown on Attachment 4. The proposed landscape buffer and multi-use pathway

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>will be reviewed in consideration of the Pedestrian and Bicycle Master Plan 2007 and 2012 update.</p> <ul style="list-style-type: none"> ▪ The Owner is required to prepare a trail feasibility plan that identifies the location of future city-wide and local trails within the Development. The Pedestrian and Bicycle Master Plan identifies community multi-use recreational pathways located to the south and east of the Subject Lands. Planned local trails shall connect to the proposed network and link to the Vaughan Super Trail, which is planned to run through an existing residential subdivision to the south of the Subject Lands. Any local pedestrian pathways will be reviewed in consideration of the Vaughan Super Trail Concept endorsed by Vaughan Council on April 2017, and the Pedestrian and Bicycle Master Plan 2007 and 2012 update.
h.	Architectural / Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The Owner is required to prepare urban design guidelines for the proposed new community at the Block Plan / Draft Plan of Subdivision Application stage, should the Application be approved. The urban design guidelines shall include, but not be limited to, the following: <ul style="list-style-type: none"> - Outlining the experience of place, how it functions and how it connects - Active transportation and its relationship to and compatibility with the surrounding neighbourhood context - A master landscape plan - Coordination of urban design/streetscape elements, including fencing treatments and street tree planting - Architectural control design guidelines - Low impact development and sustainable design practices/guidelines

	MATTERS TO BE REVIEWED	COMMENT(S)
i.	Allocation and Servicing	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council through the future Draft Plan of Subdivision application, if the Application is approved. If servicing capacity is unavailable, the entirety of Subject Lands, or parts thereof, will be zoned with a Holding Symbol "(H)" through the Zoning By-law Amendment Application, which will be removed once Vaughan Council has identified and allocated servicing capacity to the Subject Lands.
j.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none"> The Application has been circulated to the TRCA for review and comment. The Owner is required to satisfy all requirements of the TRCA. The TRCA advised in comments dated July 16, 2018 that the development limits are sufficient for the purpose of the Application, and that further refinement and the final development limits will be confirmed through the Block Plan / Draft Plan of Subdivision process, if the Application is approved.
k.	Source Water Protection Plan	<ul style="list-style-type: none"> The Subject Lands are located within the WHPA-Q Recharge Management Area, Significant Groundwater Recharge Area and Highly Vulnerable Aquifer as identified in the approved Source Protection Plan, which provides policies for protecting the drinking water sources/supply. All land development activities within the WHPA-Q area are to maintain pre-development recharge levels to the satisfaction of the Toronto and Region Conservation Authority ("TRCA") and the City. The Owner is required to satisfy all water balance requirements of the TRCA and the City at the Draft Plan of Subdivision Application stage.
l.	Tree Preservation and Compensation, and Edge Management	<ul style="list-style-type: none"> The Owner is required to provide a tree preservation study to the satisfaction of the City at the Block Plan / Draft Plan of Subdivision Application stage, should the Application be approved. The study shall include an inventory of all existing trees, assessment of

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>significant trees to be preserved and proposed methods of tree preservation.</p> <ul style="list-style-type: none"> ▪ Tree compensation options, if required, will be reviewed by the City and TRCA at the Draft Plan of Subdivision stage, if the Application is approved. ▪ The Owner is required to prepare a detailed edge management plan study for the perimeter of the open space lands at the Block Plan / Draft Plan of Subdivision Application stage. The study shall include an inventory of all existing trees within an 8 metre zone inside the staked edges, and areas where the open space edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included.
m.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the future Draft Plan of Subdivision Application process, if the Application is approved. ▪ In accordance with the City of Vaughan's Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Score.
n.	York District School Board & York Catholic District School Board	<ul style="list-style-type: none"> ▪ The Application has been circulated to the York Region District and York Catholic District School Boards for review and comment. The York Region District School Board advises that a public elementary school site is not required for the Application, but is required for the proposed development to the south (File OP.17.008) to service both developments.

	MATTERS TO BE REVIEWED	COMMENT(S)
o.	Road Widening	<ul style="list-style-type: none"> ▪ The Subject Lands are located adjacent to Regional Road 27, an arterial road under the jurisdiction of York Region, and identified as a 36 m wide street in Schedule 12 - Street Network of the YROP. The Owner must satisfy all road widening requirements of York Region, if required, at the Draft Plan of Subdivision Application stage, if the Application is approved.

Financial Impact

Not Applicable

Broader Regional Impacts/Considerations

The Application has been circulated to the York Region Community Planning and Development Services Department for review and comment. The Owner has made a request to exempt the Official Plan Amendment Application from York Region's approval. At the time of the preparation of this report, York Region has not issued a decision regarding the exemption request. 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 Application will be considered in the technical review of the Application, 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.

For more information, please contact: Mark Antoine, Senior Planner, Development Planning Department, Extension 8212.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Land Use - File OP.17.007
4. Concept Plan
5. VOP 2010 Schedule 1 - Urban Structure
6. VOP 2010 Schedule 13 - Land Use
7. OPA 601 (Kleinburg-Nashville Community Plan) - Schedule 'A' Land Use

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