

## Committee of the Whole (Public Meeting) Report

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**DATE:** Tuesday, December 01, 2020

**WARD(S):** 1

**TITLE: G. FARRUGGIO ET AL.**

**ZONING BY-LAW AMENDMENT FILE Z.17.007**

**DRAFT PLAN OF SUBDIVISION FILE 19T-17V002**

**5315 KIRBY ROAD**

**VICINITY OF KIRBY ROAD & KIPLING AVENUE**

**FROM:**

Nick Spensieri, Deputy City Manager, Infrastructure Development

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment and Draft Plan of Subdivision Files Z.17.007 and 19T-17V002 (G. Farruggio et al.) for the subject lands shown on Attachment 1. The Owner seeks to rezone the subject lands from “A Agricultural Zone” subject to site-specific Exception 9(702) to “RD2 Residential Detached Zone Two”, “RD3 Residential Detached Zone Three”, “RD4 Residential Detached Zone Four” and “OS1 Open Space Conservation Zone” to permit a development consisting of 21 residential lots within a Plan of Subdivision as shown on Attachment 2.

### **Report Highlights**

- To receive input from the public and the Committee of the Whole on applications to rezone the subject lands and for Draft Plan of Subdivision approval to permit a development consisting of 21 residential lots within a Plan of Subdivision
- Amendments to Zoning By-law 1-88 and a Draft Plan of Subdivision application are required to permit the Development
- 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 Meeting report for Zoning By-law Amendment File Z.17.007 and Draft Plan of Subdivision File 19T-17V002 (G. Farruggio et al.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to a future Committee of the Whole meeting.

## **Background**

The subject lands (the 'Subject Lands') shown on Attachment 1, are located south of Kirby Road and west of Kipling Avenue, being the south portion of the property known municipally as 5315 Kirby Road. The surrounding land uses are shown in Attachment 1.

The Committee of the Whole at a Public Meeting held on September 19, 2017, considered the subject Zoning By-law Amendment and Draft Plan of Subdivision Files Z.17.007 and 19T-17V002 for 20 residential dwellings. The Owner has since revised the applications to permit 21 residential dwellings and a second Public Meeting is required by Vaughan Official Plan 2010 ('VOP 2010') as more than two years have passed since Council received the Public Meeting report on September 26, 2017.

### ***Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the proposal***

G. Farruggio et al. (the 'Owner') submitted the following applications (the 'Applications') on the Subject Lands to permit a development consisting of 21 residential lots, open space, landscape and stormwater pond blocks and public roads within a Plan of Subdivision (the 'Development') as shown on Attachment 2:

1. Zoning By-law Amendment File Z.17.007 to amend Zoning By-law 1-88 to rezone the Subject Lands from "A Agricultural Zone" subject to site-specific Exception 9(702) to "RD2 Residential Detached Zone Two", "RD3 Residential Detached Zone Three", "RD4 Residential Detached Zone Four" and "OS1 Open Space Conservation Zone", together with site-specific zoning exceptions identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-17V002, as shown on Attachment 2, for a residential Plan of Subdivision consisting of the following:

<b>Blocks/Roads</b>	<b>Land Use</b>	<b>Area (ha)</b>	<b>Number of Units</b>
1 to 21	Residential Lots	1.126	21
22	Landscaped Area	0.051	N/A
23	Stormwater Management	0.571	N/A

Blocks/Roads	Land Use	Area (ha)	Number of Units
24	Open Space Buffer	0.289	N/A
25	Open Space	0.023	N/A
26-29	0.3m Reserves	0.001	N/A
Public Roads	Streets "Silver Morning Court" and "October Gold Court" (18.5m Right-of-Way)	0.442	N/A
TOTAL		2.503	21

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

- a) Date the Notice of Public Meeting was circulated: November 6, 2020

The Notice of Public Meeting was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca). Notice Signs were installed on the Subject Lands in accordance with the City's Notice Signs, Procedures and Protocols

- b) Circulation Area: An expanded notification area beyond 150 m radius from the Subject Lands, as shown in Attachment 1, and to the Kleinburg and Area Ratepayers' Association
- c) Comments received to date: None

Any additional 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 received will be reviewed by the 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.

**Previous Reports/Authority**

The previous report related to these Applications is available at the following link: [Item 4, Report No. 32, Committee of the Whole \(Public Hearing\) Meeting September 19, 2017 – Zoning By-law and Draft Plan of Subdivision Files Z.17.007 & 19T-17V002](#)

**Analysis and Options**

***The proposed Development conforms to Vaughan Official Plan 2010 ('VOP 2010')***

The Subject Lands are located within the "Kipling Avenue Community" and designated "KN Low-Rise Residential 1" "Special Study Area", "Natural Areas" and "Agricultural" by

VOP 2010, Volume 2 Section 11.8 – the North Kleinburg-Nashville Secondary Plan (NKNSP). A Minor Collector Road is identified along the eastern boundary of the Subject Lands abutting the hydro corridor, on Schedule B3 - Land Use. The “KN Low-Rise Residential 1” designation permits detached dwelling units with a maximum building height of 3-storeys. The proposed zoning to facilitate a Draft Plan of Subdivision for detached dwellings conforms to the Official Plan.

Schedule B3 – Land Use of the NKNSP identifies a Special Study Area (‘SSA’) on the Subject Lands. Section 4.8 c) of the NKNSP recognizes lands within the SSA may have development potential, subject to the detailed Environmental Impact Study (‘EIS’) prepared to the satisfaction of the City in consultation with the Toronto and Region Conservation Authority (‘TRCA’) 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. The review of the Environmental reports was undertaken through the Block Plan process, discussed below.

***The proposed Development is consistent with the Block 55 Plan***

Vaughan Council on May 27, 2014 approved the Block 55 Plan (File BL.55.2013), as shown on Attachment 3.

Through the Block 55 Plan approval process, Environmental reports were submitted, and reviewed and approved by the TRCA and the City and concluded the most appropriate land use for the developable area of the SSA is residential, particularly larger lot sizes to reduce imperviousness and promote groundwater infiltration and water quality treatment. Accordingly, the Block 55 Land Use Plan shown on Attachment 3 identifies low-rise residential uses for the portion of the Subject Lands identified as an SSA on Schedule B3 of the NKNSP. The proposed Draft Plan of Subdivision must be consistent with the Environmental Impact Studies approved by the City of Vaughan and respective public authorities as part of the Block 55 Plan approval process.

The proposed Draft Plan of Subdivision does not include the Minor Collector Road identified on Schedule B3 of the NKNSP because the road has been relocated to the east side of the hydro corridor in accordance with the approved Block 55 Plan. As stated above, no further amendment to the NKNSP is required if lands are found to have development potential through the review of an EIS report.

The proposed Draft Plan of Subdivision conforms to VOP 2010 and is consistent with the Block 55 Plan.

***Amendments to Zoning By-law 1-88 are required to permit the development***

The Subject Lands are zoned “A Agricultural Zone” subject to site-specific Exception 9(702) as shown on Attachment 1. The proposed residential dwellings are not permitted. The Owner is proposing to rezone the Subject Lands to “RD2 Residential Detached Zone Two”, “RD3 Residential Detached Zone Three”, “RD4 Residential

Detached Zone Four”, and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 2 to permit the Development, together with the following site-specific Exception to Zoning By-law 1-88:

Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>“RD2 Residential Detached Zone Two” and “RD4 Residential Detached Zone Four” Requirements</b>	<b>Proposed Exceptions to the “RD2 Residential Detached Zone Two” and “RD4 Residential Detached Zone Four” Requirements</b>
a.	Minimum Interior Side Yard (Abutting a non-residential use)	3.5 m	1.2 m (for Lots 9, 10, and 12 only)
	<b>Zoning By-law 1-88 Standard</b>	<b>“RD3 Residential Detached Zone Three” and “RD4 Residential Detached Zone Four” Requirements</b>	<b>Proposed Exceptions to the “RD3 Residential Detached Zone Three” and “RD4 Residential Detached Zone Four” Requirements</b>
b.	Minimum Interior Side Yard	1.2 m	1.2 m which may be reduced to 0.6m on one side where it abuts an interior side yard of 1.2 m

Additional 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.

***Following the preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail***

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Conformity and Consistency with Provincial Policies and York Region and City of Vaughan Official Plans	<ul style="list-style-type: none"> <li>The Applications will be reviewed in consideration of the statutory Provincial policies including the Provincial Policy Statement 2020 (the ‘PPS’), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the ‘Growth Plan’), as amended, and the policies of the York Region Official Plan (‘YROP 2010’)</li> </ul>

	MATTERS TO BE REVIEWED	COMMENT(S)
b.	Conformity to City of Vaughan Official Plan and Block 55 Plan	<ul style="list-style-type: none"> <li>• The Applications will be reviewed in consideration of the policies of VOP 2010 and the North Kleinburg-Nashville Secondary Plan</li> <li>• The final Draft Plan of Subdivision must be consistent with the approved Block 55 Plan (Attachment 3), including but not limited to the location of the land use designations, public rights-of-way, access, open space, greenbelt and buffers</li> <li>• The proposed lotting pattern and length of the cul-de-sac shown on Attachment 2 will be reviewed as both do not correspond with the approved residential lot pattern and cul-de-sac road identified as "Street F", as shown on Attachment 3</li> </ul>
c.	Greenbelt Plan (2017)	<ul style="list-style-type: none"> <li>• The lands identified as "Other Lands Owned by Applicant" on Attachment 3 are zoned A Agricultural, subject to site-specific Exception 9(702), and are located within the Protected Countryside and Natural Heritage System of the Greenbelt Plan (2017). These lands are designated "Natural Areas" and identified as a Core Feature by VOP 2010 and designated "Natural Areas" and "Agricultural" by the North Kleinburg-Nashville Secondary Plan. These lands contain a Provincially Significant Wetland (PSW 59) identified by the Ministry of Natural Resources and Forestry ('MNR') to support significant fauna and to function as a breeding area for amphibians and as habitat for birds</li> <li>• The Protected Countryside Goals of Section 1.2.2, and more specifically Section 1.2.2.2 Environmental Protection, provide the following (in part): <ul style="list-style-type: none"> <li>- Protection, maintenance and enhancement of natural heritage, hydrologic and <i>landform features</i>, areas and functions, including protection of habitat for flora and fauna and particularly species at risk</li> </ul> </li> </ul>

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> <li>- Protection, improvement or restoration of the quality and quantity of ground and surface water and the hydrological integrity of watersheds</li> <li>- Provision of long-term guidance for the management of natural heritage and water resources when contemplating such matters as watershed/subwatershed and stormwater management planning, water and wastewater servicing, <i>development, infrastructure</i>, open space planning and management, aggregate rehabilitation and private or public stewardship programs</li> <li>• Section 3.2.3.10 of 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</li> <li>• The northern 1.7 ha portion of the Subject Lands contains Core Features within the Greenbelt Plan Area not subject to the Applications. The Owner has agreed to dedicate 1.53 ha of these lands into public ownership. The remaining 0.17 ha, as shown on Attachment 2, will be severed from the lands being conveyed and retained under private ownership. The severed lands do not contain Core Features. The dedication of these into public ownership will occur through the review of the Applications</li> <li>• The Applications will be reviewed in a consideration of the protection of the natural features, including buffers, on the Subject Lands and adjacent lands, together with the applicable Provincial, Regional, and City Official Plan policies, and in consultation with the TRCA and the MNRF. Potential compensation areas have been identified in Attachment 2 for the reduced wetland buffer to allow the connection of Silver Morning Court to the adjacent developments</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
d.	Appropriateness of the Proposed Rezoning and Site-Specific Exceptions	<ul style="list-style-type: none"> <li>The appropriateness of the proposed rezoning of the Subject Lands and the site-specific exceptions to Zoning By-law 1-88 required to permit the Development will be reviewed in consideration of the existing and planned surrounding land uses and appropriate development standards</li> </ul>
e.	Draft Plan of Subdivision	<ul style="list-style-type: none"> <li>The proposed Draft Plan of Subdivision will be reviewed in consideration of the proposed road network, including a potential temporary turning circle at the west limit of Silver Morning Court, dependent on the timing of future development on adjacent lands to the west, the pedestrian network, the existing and planned surrounding land uses, and the lot sizes and lotting pattern with the proposed, existing and approved residential development in the area</li> <li>Access to the proposed Draft Plan of Subdivision must be reviewed and approved to the satisfaction of the City. The pedestrian network (i.e. trails, sidewalks) within the surrounding lands will be reviewed</li> </ul>
f.	Drawings and Reports	<ul style="list-style-type: none"> <li>The Owner has submitted the following drawings and reports in support of the Applications: <ul style="list-style-type: none"> <li>- Draft Plan of Subdivision</li> <li>- Draft Zoning By-law</li> <li>- Stormwater Management Compliance Letter and Servicing Analysis</li> <li>- Updated Environmental Impact Assessment</li> <li>- Environmental Site Assessment (ESA) Phase 1</li> <li>- Environmental Site Assessment (ESA) Phase 2</li> <li>- Vegetation Community Preservation Report</li> <li>- Tree Inventory Plan</li> <li>- Community Services and Facilities Study</li> <li>- Greenbelt Conformity Report</li> <li>- Master Environmental Servicing Plan ('MESP')</li> <li>- Noise Brief</li> <li>- Stage 1 &amp; Stage 2 Archaeological Assessments</li> <li>- Architectural and Urban Design Guidelines</li> </ul> </li> </ul>



	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> <li>These drawings and reports are available on the City's website at <a href="https://maps.vaughan.ca/planit/">https://maps.vaughan.ca/planit/</a> (PLANit Viewer)</li> <li>Additional studies and/or reports may be required as part of the application review process</li> </ul>
g.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none"> <li>The Subject Lands are partially located within the TRCA Regulated Area. The Owner must obtain all necessary permits from the TRCA, and the TRCA must review and approve the applicable reports submitted in support of the Applications</li> </ul>
h.	Parkland Dedication	<ul style="list-style-type: none"> <li>The Owner will be required to pay to the City of Vaughan a cash-in-lieu of parkland dedication, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-Lieu of Parkland Policy, should the Applications be approved</li> <li>The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the Infrastructure Development, Real Estate Department</li> </ul>
i.	Water and Servicing Allocation	<ul style="list-style-type: none"> <li>The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, should the Applications be approved</li> <li>If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", and will be removed once Vaughan Council identifies and allocates servicing capacity for the Subject Lands</li> </ul>
j.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> <li>The future development in this Draft Plan of Subdivision must conform to the Vaughan Council approved Block 55 (Kipling Avenue Community) Urban Design Guidelines, should the Applications be approved</li> </ul>

	MATTERS TO BE REVIEWED	COMMENT(S)
k.	Hydro One Networks Inc.	<ul style="list-style-type: none"> <li>An existing Hydro Corridor abuts the proposed Draft Plan of Subdivision to the east. The Applications have been circulated to Hydro One Networks Inc. for review and comment</li> </ul>

### **Financial Impact**

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

### **Broader Regional Impacts/Considerations**

The Applications has been circulated to the York Region Community Planning and Development Services Department 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 Meeting or in writing and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

**For more information**, please contact Jennifer Kim, Planner, Development Planning Department, at extension 8592.

### **Attachments**

1. Context and Location Map
2. Proposed Zoning and Draft Plan of Subdivision File 19T-17V002
3. Approved Block 55 Plan (File BL.55.2013)

### **Prepared by**

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**Approved by**

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Nick Spensieri, Deputy City Manager,  
Infrastructure Development

**Reviewed by**

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Jim Harnum, City Manager