

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, January 17, 2023

WARD(S): 1

TITLE: COPPER KIRBY DEVELOPMENTS LIMITED (PHASE 1)
ZONING BY-LAW AMENDMENT FILE Z.22.029
DRAFT PLAN OF SUBDIVISION FILE 19T-22V006
11363 HIGHWAY 27
VICINITY OF HIGHWAY 27 AND KIRBY ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on applications to amend Zoning By-laws 1-88 and 001-2021 and to permit a residential draft plan of subdivision consisting of 227 single detached and 71 street townhouse units, and a public park, as shown on Attachments 2 to 5.

Report Highlights

- The Owner proposes 227 single detached and 71 street townhouse units, and a public park
- Zoning By-law Amendment and Draft Plan of Subdivision applications are required to permit the proposed development
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Zoning By-law Amendment and Draft Plan of Subdivision Files Z.22.029 and 19T-22V006 (Copper Kirby 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

Location: 11363 Highway 27 (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: May 16, 2022

Date application(s) were deemed complete: November 1, 2022

The Subject Lands represent Phase 1 of a 4-phase development with associated Official Plan Amendment files subject to an Ontario Land Tribunal appeal

The Subject Lands represent Phase 1 of a comprehensive residential redevelopment that includes the Copper Creek Golf Course lands located south of the Subject Lands, as shown on Attachment 8 (the 'Block 55 West Block Plan').

Kirby 27 Developments Limited (the 'Owner') submitted Official Plan Amendment file OP.17.007 to redesignate the Subject Lands (Phase 1) from the "Agricultural" and "Natural Areas" designation to the "Low-Rise Residential" designation in Vaughan Official Plan 2010 ('VOP 2010'), and to modify the Future Transportation Network and establish minimum vegetation protection zones.

East Kleinburg Developments Inc. and 1045501 Ontario Limited submitted Official Plan Amendment file OP.17.008 to redesignate the Phases 2 to 4 lands from the "Private Open Space", "Natural Areas" and "Agricultural" designations in Vaughan Official Plan 2010 ('VOP 2010') to the "Low-Rise Residential" and "Low-Rise Mixed-Use" designations, and to establish minimum vegetation protection zones. Phases 2 and 4 include the lands known as the Copper Creek Golf Course.

On June 12, 2019, Vaughan Council approved Official Plan Amendment files OP.17.007 and OP.17.008, and adopted the implementing Official Plan Amendments No. 47 (By-law 107-2019) and No. 48 (By-law 108-2019). Official Plan Amendment files OP.17.007 and OP.17.008 were subsequently appealed to the Local Planning Appeal Tribunal ('LPAT') (now known as the Ontario Land Tribunal - 'OLT') on July 15, 2019, which later dismissed the appeal in June 2021. The OPAs are now in effect; however, the decision of the OLT is the subject of:

- a) a motion for leave to appeal to the Divisional Court and is awaiting a hearing date; and
- b) a notice of application for judicial review which is scheduled to be heard by the Divisional Court on May 8, 2023.

Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the proposed development

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the development of 227 single detached and 71 street

townhouse units, and a public park (the 'Development'), representing Phase 1 of the Overall Development, as shown on Attachments 2 to 5:

1. Zoning By-law Amendment File Z.22.029 to:
 - a) rezone the Subject Lands from "A – Agricultural Zone" ('A Zone') to "RD1 Residential Detached Zone One" ('RD1 Zone'), "RD2 Residential Detached Zone Two" ('RD2 Zone'), "RD3 Residential Detached Zone Three" ('RD3 Zone'), "RD4 Residential Detached Zone Four" ('RD4 Zone'), "RD5 Residential Detached Zone Five" ('RD5 Zone'), "RT1 Residential Townhouse Zone" ('RT1 Zone') and "OS2 Open Space Park Zone" ('OS2 Zone') under Zoning By-law 1-88, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified on Attachment 6; and
 - b) rezone the Subject Lands from "A – Agricultural Zone" ('A Zone') to "R2A Second Density Residential Zone" ('R2A Zone'), "R3A Third Density Residential Zone" ('R3A Zone'), "R4 Fourth Density Residential Zone" ('R4 Zone'), "RT1 Townhouse Residential Zone" and "OS2 Private Open Space Zone" under Zoning By-law 001-2021 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified on Attachment 7.
2. Draft Plan of Subdivision File 19T-22V006, as shown on Attachment 2, to facilitate a residential plan of subdivision consisting of the following:

Lots/Blocks	Land Use	Area (ha)	Units
Lots 1-141	Single Detached with Public Laneway	3.87	141
Lots 141-227	Single Detached	4.33	86
Blocks 228-242	Street Townhouses	1.67	71
Block 243	Road Widening	0.17	
Block 244	Landscape Buffer	0.86	
Block 245	Public Park	0.84	
Blocks 246-247	Overland Flow Route	0.04	
Blocks 248-303	0.3 m Reserves	0.01	
	Public Roads	5.49	
Total		17.28 ha	298 units

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

- a) Date the Notice of Public Meeting was circulated: December 23, 2022

The Notice of Public Meeting was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed along Highway 27 and Kirby Road in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: To all property owners within 150 m of the Subject Lands, to the

Kleinburg and Area Ratepayers' Association and to anyone on file with the Office of the City Clerk having requested notice.

- c) The following is a summary of written comments received as of *January 3, 2023*.

The comments are organized by theme as follows:

Environmental Impacts

- Concerns that the Development will pose negative environmental impacts to nearby natural features and impact lands within the Greenbelt

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 and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following link is to a previous report regarding the Subject Lands:

Kirby 27 Developments Limited Committee of the Whole Report:
[June 4, 2019 Committee of the Whole \(Item 4, Report No. 20\)](#)

Analysis and Options

The Development conforms to Vaughan Official Plan 2010

Official Plan Designation:

- "Community Area" and "Natural Areas and Countryside" on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 ('VOP 2010')
- "Greenbelt Natural Heritage System" on Schedule 4 – Oak Ridges Moraine Conservation & Greenbelt Plan Areas by VOP 2010
- Official Plan Amendment file OP.17.007 redesignated the Subject Lands from Agricultural to Low-Rise Residential to permit the Development, and the associated Official Plan Amendment (OPA No.47) is now in effect

Amendments to Zoning By-laws 1-88 and 001-2021 are required to permit the Development

Zoning By-law 1-88:

- A Zone by Zoning By-law 1-88
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to the RD1, RD2, RD3, RD4, RD5, RT1 and OS2 Zones as shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 6 to permit the Development
- 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

Zoning By-law 001-2021:

- A Zone by Zoning By-law 001-2021
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to the R2A, R3A, R4, RT1 Townhouse Residential and OS2 Private Open Space Zones as shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 7 to permit the Development
- 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 a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies, and the Block 55 West Block Plan	<ul style="list-style-type: none">▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010, including the policies identified in OPA 47.▪ The Subject Lands are within the Block 55 West Block Plan area, as shown on Attachment 8, which is subject to ongoing review. A final technical report is anticipated in Q1 of 2023 which will inform the Applications and provide conditions of approval to be implemented prior to final approval of the Plan of Subdivision. The Applications will be reviewed for consistency and conformity with the associated Block 55 West Block Plan process.▪ OPA 47 requires transition measures to be implemented to mitigate potential impacts on the properties on the north side of Kirby Road, which shall be established through the associated Block 55 West Block Plan and will be reviewed through the Applications.
b.	Appropriateness of Amendments to Zoning By-laws 1-88 and 001-2021	<ul style="list-style-type: none">▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses.
c.	Draft Plan of Subdivision	<ul style="list-style-type: none">▪ Should the Applications be approved, the required draft plan of subdivision conditions will be included to address site access, road alignments and connections, servicing and

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>grading, environmental, noise, and other municipal, regional and public agency and utility requirements.</p> <ul style="list-style-type: none"> ▪ The design and layout of the proposed public laneways will be reviewed to the satisfaction of the Development Engineering Department.
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process.
e.	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, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council.
f.	Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines.
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region, the Toronto and Region Conservation Authority and external public agencies and utilities, and the Public, Separate, and French School Boards. ▪ Through the associated Block 55 West Block Plan process, the York Catholic District School Board ('YCDSB') identified the requirement for a 15-acre (6.07 ha) school site within the Block 55 West Plan shown on Attachment 8; however, a location has not been identified at this time.
h.	Toronto and Region Conservation Authority ('TRCA')	<ul style="list-style-type: none"> ▪ The Subject Lands are regulated by the TRCA, who have been circulated for review on the Applications. ▪ OPA 47 requires that the precise limit of woodlands and vegetation protection zones be established to the satisfaction of the City and TRCA.

	MATTERS TO BE REVIEWED	COMMENT(S)
i.	Sustainable Development	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program. The Development shall achieve a minimum Bronze score of 21.
j.	Parkland Dedication	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy.
k.	Affordable Housing	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals.

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have 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. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Chris Cosentino, Senior Planner, Development Planning Department, ext. 8215.

Attachments

1. Context and Location Map
2. Draft Plan of Subdivision – File 19T-22V006 and Proposed Zoning
3. Conceptual Landscape Plan
4. Elevations (Typical)
5. Elevations (Typical)
6. Draft Zoning By-law Amendment (By-law 1-88)
7. Draft Zoning By-law Amendment (By-law 001-2021)
8. Block 55W Block Plan Area

Prepared by

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Approved by

A handwritten signature in cursive script, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in cursive script, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager