

Committee of the Whole (1) Report

DATE: Tuesday, May 30, 2023

WARD: 1

**TITLE: NASHVILLE TEN ACRES DEVELOPMENTS INC. AND
NASHVILLE DEVELOPMENTS (BARONS) INC.:
ZONING BY-LAW AMENDMENT FILE NO. Z.22.001 –
NORTHEAST CORNER OF MACTIER DRIVE AND BARONS
STREET,
VICINITY OF HUNTINGTON ROAD AND MACTIER DRIVE**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole on a Zoning By-law Amendment application to amend Zoning By-law 1-88 and Zoning By-law 001-2021 for the subject lands shown on Attachment 1, to permit the development of 15, 2-storey street townhouse units as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes 15, 2-storey street townhouse units.
- A Zoning By-law Amendment application is required to permit the proposed development.
- The Development Planning Department supports the proposed application.

Recommendations

1. THAT Zoning By-law Amendment File Z.22.001 (Nashville Ten Acres Developments Inc. and Nashville Developments (Barons) Inc.) BE APPROVED, to rezone the Subject Lands shown on Attachments 2 to 6 as follows:
 - From “RVM2 Residential Urban Village Multiple Dwelling Zone Two” and “OS2 Open Space Park Zone”, subject to site-specific Exception 9(1376) in Zoning By-law 1-88 to “RVM2 Residential Urban Village Multiple Dwelling Zone Two” in

Zoning By-law 1-88 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 on Attachment 7; and

- From “RM1(H)-1006 Multiple Unit Residential Zone” with the addition of the Holding Symbol (H) and “OS1-1006 Public Open Space Zone” in Zoning By-law 001-2021 to “RT1 Townhouse Residential Zone” in Zoning By-law 001-2021 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 on Attachment 8.

Background

Location: The 0.35 ha vacant subject lands are located at the northeast corner of Mactier and Barons Street (the ‘Subject Lands’). The Subject Lands and surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: February 11, 2021

Date application was deemed complete: January 26, 2022

Council Draft Approved a portion of the Subject Lands through Draft Plan of Subdivision File 19T-10V004 for an Open Space Public Square

- On November 17, 2015, Council ratified the November 3, 2015, recommendation of the Committee of the Whole to draft approve Draft Plan of Subdivision File 19T-10V004 Phase 4
- Plan of Subdivision File 19T-10V004 Phase 4 was registered as Plan 65M-4556 on May 18, 2017
- Block 125 on Plan 65M-4556 (‘Block 125’), shown on Attachment 2, was approved for a proposed open space public square and was subsequently zoned “OS2 Open Space Park Zone”
- The Parks Infrastructure Planning and Development Department confirmed on March 18, 2022, that Block 125 is surplus to the local parkland requirement and therefore can be conveyed back to the Owner
- The Owner consolidated Block 125 with Block 106 on Plan 65M-4556 (‘Block 106’) and Part of Block 245, Plan 65M-4672 (‘Block 245’), as shown on Attachment 2, to develop 15 street townhouse units
- A 1.58 ha neighbourhood park and 1.1 ha linear park are located north of the Subject Lands on Barons Street, as shown on Attachment 1

A Zoning By-law Amendment Application has been submitted to permit the proposed development

The Owner has submitted Zoning By-law Amendment File Z.22.001 (the ‘Application’) to rezone the Subject Lands as follows:

- From “RVM2 Residential Urban Village Multiple Dwelling Zone Two” and “OS2 Open Space Park Zone”, subject to site-specific Exception 9(1376) in Zoning By-law 1-88 to “RVM2 Residential Urban Village Multiple Dwelling Zone Two” in

Zoning By-law 1-88 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 on Attachment 7.

- From “RM1(H)-1006 Multiple Unit Residential Zone” with the addition of the Holding Symbol (H) and “OS1-1006 Public Open Space Zone” in Zoning By-law 001-2021 to “RT1 Townhouse Residential Zone” in Zoning By-law 001-2021 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 on Attachment 8.

The Application would permit the development of 15, 2-storey street townhouse units with access onto Mactier Drive, Barons Street and Ghent Drive (the ‘Development’), as shown on Attachments 2 to 6.

A related Site Development Application and Part Lot Control Application were submitted for the Subject Lands

The Owner has submitted Site Development File DA.21.071 for the seven street townhouse dwellings located along Barons Street, as shown in Attachments 3 to 6. In accordance with Bill 23 (the More Homed Built Faster Act), Site Development Applications are no longer required for development containing 10 residential units or less, therefore, a Site Development Application is not required for this Development. The Site Development File DA.21.071 can be withdrawn.

The Owner submitted Part Lot Control Application File PLC.22.001 for the Subject Lands to lift the part lot control provisions of the Planning Act, R.S.O. 1990, c. P.13 from the Subject Lands, in order to create conveyable freehold lots for the 15 street townhouse units and maintenance easements. A future by-law for exemption to the provisions of part lot control will be prepared for Council’s consideration at a later date should the Application be approved.

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

- Date of Notice: May 6, 2022
- The Notice was circulated to all properties located within 200 m of the Subject Lands, as shown on Attachment 1, and to the Kleinburg and Area Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice
- Location of Notice Signs: Mactier Drive, Barons Street and Ghent Drive
- Date of Public Meeting: May 30, 2022, date ratified by Council June 28, 2022
- Date of Courtesy Notice for this Committee of the Whole meeting sent to those requested to be notified: May 18, 2023

Public Comments were received

The following is a summary of written comments received as of May 16, 2023, by the Development Planning Department:

- Suli Zhang and Bai Zhu, Ghent Drive, dated April 7, 2022

The comments are organized by theme as follows:

Lack of Commercial Uses for the Residents

- Residents were advised at the time of purchasing the residential dwelling units that the Subject Lands might have ground floor commercial uses and upper floor residential uses
- Commercial uses would benefit the residents as no commercial uses are in the vicinity of the community

Response: Commercial uses are not proposed for the Subject Lands. Future commercial uses are proposed for the intersection of Major Mackenzie Drive and Barons Street through Site Development File DA.22.055, which is under review by the City.

Previous Reports/Authority

Previous reports related to the application and Subject Lands can be found at the following links:

Block Plan File BL.61.2009 (Block 61 West (Nashville Heights)), Committee of the Whole Report

[May 10, 2011, Committee of the Whole Meeting \(Item 30, Report 25\)](#)

Block Plan File BL.61.2009 (Block 61 West (Nashville Heights)), Committee of the Whole Report

[November 15, 2011, Committee of the Whole Meeting \(Item 13, Report 50\)](#)

Zoning By-law Amendment File Z.10.031 and Draft Plan of Subdivision File 19T-10V004 (Phase 4) (Nashville Developments Inc. Et Al, Committee of the Whole Report

[November 3, 2015, Committee of the Whole Report \(Item 10, Report 40\)](#)

Zoning By-law Amendment File Z.17.022 and Draft Plan of Subdivision File 19T-17V007 (Nashville (Barons) Developments Inc. and Nashville (10 Acres) Developments Inc.), Committee of the Whole Report

[June 5, 2018, Committee of the Whole \(Item 40, Report 21\)](#)

Zoning By-law Amendment File Z.22.001 (Nashville Ten Acres Developments Inc. and Nashville Developments (Barons) Inc.), Public Meeting Report

[May 30, 2022, Committee of the Whole \(Item 2, Report 26\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, York Region Official Plan 2022, and Vaughan Official Plan 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use, and management of resources, and protecting public health and safety.

The Development is within a Settlement Area. The PPS encourages development within Settlement Areas to make efficient use of land, and planned and existing infrastructure and services. The Development would more efficiently utilize a vacant site within the Block 61 West residential area and will add to the housing supply. The Development complements and is compatible with the existing uses within the residential area. Additionally, the Subject Lands are located in an area where servicing and infrastructure are available for the Development, consistent with the PPS. Staff are satisfied that the Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting, and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are located within the "Community Area" by Schedule 1 - Urban Structure of Vaughan Official Plan 2010 ('VOP 2010'), Volume 1. The Subject Lands are located within the Settlement Area of the Growth Plan and the "Growth Plan 2006 Built Boundary" by Schedule 1A - Urban Area VOP 2010, Volume 1 where there is a delineated built boundary to accommodate growth. The Development provides for a low-rise residential development to accommodate future growth. The Development's low-rise building form is compatible with the character, form, and planned and existing function of the surrounding community and will utilize existing infrastructure. In consideration of the above, the Development conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022') / York Region Official Plan 2010 ('YROP 2010')

The York Region Official Plan 2022 ('YROP 2022') identifies the Subject Lands as "Urban Area" on Map 1 - Regional Structure, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are designated "Urban System - Community" Area" on Map 1A - Land Use Designations, YROP 2022. The Development provides for residential uses that contributes to the range and mix of housing types and sizes in the community. The Development conforms to the YROP 2022.

The YROP 2022 replaces the York Region Official Plan 2010 ('YROP 2010') with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Application was deemed complete prior to the approval of YROP 2022 (November 4, 2022), the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Application is measured. The YROP 2010 designates the Subject Lands "Towns and Villages", which permits a wide range of residential, commercial, industrial, and institutional uses, subject to additional policy criteria. The Subject Lands conform to the YROP 2010.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010
- "Mid-Rise Mixed Use "A"" on Map 12.7.A Block 61 West - Nashville Heights - Land Use by Volume 2, Area Specific Policy 12.7, Block 61 West – Nashville Heights
- The "Mid-Rise Mixed Use "A"" designation permits buildings at a maximum building height of 5-stories and a maximum floor space index of 1.75 times the area of the Subject Lands
- The designation permits the townhouse dwelling units. The Development conforms to VOP 2010.

Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

As the Application was received by the City on January 13, 2022, and deemed complete on January 26, 2022, the Application is transitioned under Zoning By-law 001-2021. However, the Applicant requests a dual review under both Zoning By-law 1-88 and Zoning By-law 001-2021.

Amendments to Zoning By-law 1-88 are required to permit the Development Zoning:

- "RVM2 Residential Urban Village Multiple Dwelling Zone Two" and "OS2 Open Space Park Zone" by Zoning By-law 1-88, and subject to site-specific Exception 9(1376)
- These zones do not permit the Development
- The Owner proposes to rezone the Subject Lands to "RVM2 Residential Urban Village Multiple Dwelling Zone Two" together with the site-specific zoning exceptions shown in Table 1 on Attachment 7 to permit the Development.

Amendments to Zoning By-law 001-2021 are required to permit the Development Zoning:

- "RM1(H)-1006 Multiple Unit Residential Zone" with the addition of the Holding Symbol (H) and "OS1-1006 Public Open Space Zone"
- These zones do not permit the Development
- The Owner proposes to rezone the Subject Lands to "RT1 Townhouse Residential Zone" together with the site-specific zoning exception shown in Table 2 on Attachment 8 to permit the Development.

The Development Planning Department supports the Development

The Development Planning Department can support the rezoning and proposed site-specific zoning standards identified in Table 1 and Table 2 for the Subject Lands. The rezoning and site-specific exceptions would facilitate a Development that is consistent with the policies of the PPS and conforms to the Growth Plan, YROP 2022 and VOP 2010. The site-specific development standards will enable a compact built form.

Minor modifications may be made to the zoning exceptions identified in Table 1 (Attachment 7) and in Table 2 (Attachment 8) prior to the enactment of implementing Zoning By-laws, as required, should the Application be approved.

The Subject Lands have archaeological potential

The Subject Lands are not located within a Heritage Conservation Area and have no other Heritage content. However, the Subject Lands do have archaeological potential. The following standard archaeological policies shall apply to the Subject Lands:

1. The Subject Lands lie in an area identified as a being of some archaeological potential, and consideration shall be maintained. As such, the following standard clauses shall apply:
 - i. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Department shall be notified immediately.
 - ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
2. In the event of a future development application that involves further soil disturbance an archaeological assessment by a professional licensed archaeologist may be required and conditions of approval may apply.

Financial Impact

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

Operational Impact

The Development Engineering ('DE') Department supports the Development

The Development Engineering ('DE') Department has no object to the Development and has provided the following comments:

Water Servicing

The Development is proposed to connect from the existing watermain on Barons Street on the west side of the Subject Lands. The analysis indicates that the Subject Lands can be adequately serviced under all demand scenarios.

Storm Sewer

The existing storm sewer on Barons Street is too deep and is therefore too difficult to provide a service connection for the Subject Lands. As a result, sump pumps are proposed for the seven (7) townhouses units fronting on Barons Street to protect future basements from flooding. The sump pumps will pump water to the ground level and discharge to the lawns.

Lot Grading

The proposed lot grading of the Subject Lands shall meet the City's current lot grading criteria.

Warning Clause

The Owner shall include the following warning clauses as a schedule in all Offers of Purchase and Sale, or Lease for all lots/blocks:

“Purchasers and/or tenants are advised that the design of each dwelling unit will be equipped with a storm sump pump as a means of draining the foundation drains.”

Cash-in-lieu of parkland dedication in accordance with the City's Cash-in-Lieu of Parkland and Policy and the Planning Act has been satisfied

The Real Estate Department advised that the dedication of parkland for the Subject Lands, in accordance with Section 51 of the *Planning Act* and City of Vaughan Policy has been satisfied.

The Parks Infrastructure Planning and Development ('PIPD') Department supports the Development

The Parks Infrastructure Planning and Development ('PIPD') Department confirms that Park Block 125 is surplus to the local parkland needs, and as such have no issues with this block being conveyed back to the Owner. Also, PIPD staff confirm that parkland dedication has been satisfied within the Block 61 West Plan and no further cash-in-lieu is required, given that the Development matches the land designation and proposed densities. PIPD staff have no objections to the Development.

The Forestry Operations Division supports the Development

Forestry Staff have reviewed the Tree Inventory and Preservation / Edge Management Plan and Report dated July 25, 2016, and prepared by Kuntz Forestry Consulting Inc., and Tree Inventory and Preservation / Edge Management Plan and Restoration Report dated June 7, 2010, and prepared by Kuntz Forestry Consulting Inc. submitted in support of the Development and can support the Development.

The Fire and Rescue Department requires compliance with the Ontario Building Code

The Fire and Rescue Department advised that all applicable Ontario Building Code requirements shall be addressed. The following comments are raised to provide a minimum level of fire safety and protection to the environment and the building construction stage which will support firefighting operations when required:

1. Water supply for firefighting, including hydrants, municipal or private shall be identified in the plans and code requirements to be installed and operational prior to construction of building.
2. Hydrants shall be unobstructed and ready for use at all times.
3. Access roadways shall be maintained and suitable for large heavy vehicles.
4. Roads shall be complete to a minimum base coat of asphalt capable of carrying emergency vehicle loading prior to construction of buildings.
5. Temporary Municipal address to be posted and visible for responding emergency vehicles satisfactory to the City.
6. Fire Route to be posted prior to construction as per City By-laws.
7. Fire Route to be in accordance with the 2012 Ontario Building Code.
8. General concerns of vehicle parking on the roads which would reduce the width below the minimum code requirements for fire route.

City Departments have no objections to the Development

The By-law and Compliance, Environmental Services, Financial Planning and Development Finance, Licensing and Permit Services, Infrastructure Planning and Corporate Asset Management, and Policy Planning and Special Programs Departments have no objections to the Development.

Canadian Pacific Railway have advised that the Owner follow Guidelines for New Development in Proximity to Railway Operations

The Development is in proximity to the Canadian Pacific Railway ('CP') owned and operated Mactier Subdivision to the east, classified as a principal main rail line. CP is not in favour of residential development in proximity to its right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities. Should any proposed residential subdivision application adjacent to railway right-of-way receive approval, CP requests that all recommended Guidelines for New Development in Proximity to Railway Operations ('CP Guidelines') are followed as it relates to residential development adjacent to the CP. The CP Guidelines can be found at the following link – <http://www.proximityissues.ca>. CP advised it is not an approving authority and that it no longer will provide conditions to be cleared by their agency.

CP recommends that the following condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed buildings:

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

Other external agencies and various utilities have no objection to the Development

Alectra Utilities, Bell Canada, Canada Post, Enbridge Gas, Hydro One, Rogers Communications and York Region District School Board have no objection to the Development, subject to their requirements being met.

Broader Regional Impacts/Considerations

York Region has no objections to the Development

York Region staff considers this Development to be a local matter and do not have any comments.

Conclusion

The Development Planning Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Application.

For more information, please contact: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Context and Location Map
2. Proposed Zoning
3. Proposed Zoning and Site Plan
4. Landscape Plan
5. Building Elevations Block 1
6. Building Elevations Block 2
7. Zoning By-law 1-88 Table 1
8. Zoning By-law 001-2021 Table 2

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Approved by



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Reviewed by



Zoran Postic
on behalf of Nick Spensieri,
City Manager