



## Ramsay Planning Inc.

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Communication

CW(1) – November 28, 2023

Item No. 5

Email Only

November 24, 2023

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Clerk,

**Re: Copper Kirby Developments Limited – Zoning By-Law Amendment  
(File Z.22.029) and Draft Plan Of Subdivision (File 19t-22v006), 11363  
Highway 27, Vicinity Of Highway 27 And Kirby Road, City Of Vaughan**

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Allan Ramsay Planning Associates Inc. has been retained by the Friends to Conserve Kleinburg Inc. (“**FTCK**”) and Humberplex Developments Inc. (“**Humberplex**”) with a request to review and provide an independent land use planning opinion regarding the residential development applications submitted by Copper Kirby Development Limited (“**Copper Kirby**”) affecting lands located in the vicinity of Kirby Road and Regional Road 27 (the “**Subject Lands**”). The Subject Lands include the Copper Creek Golf Course and lands immediately to the north.

The purpose of this letter to provide comments regarding the rezoning application and subdivision application submitted by Copper Kirby that affects approximately 17.18 ha of the Subject Lands located at the south-east quadrant of Kirby Road and Highway 27 (the “Phase 1 Lands”). These applications comprise Phase 1 of a four-phase redevelopment scheme of the Subject Lands.

**The Proposed Rezoning and Subdivision:**

The Phase 1 applications will permit the development of 227 single detached and 70 street townhouse units, and a public park.

The rezoning application proposes to rezone the site to:

- “R2A(H) Second Density Residential Zone”



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- “R3A(H) Third Density Residential Zone”
- “R4(H) and R4A(H) Fourth Density Residential Zones”
- “RT1(H) Townhouse Residential Zone”
- “OS1 Public Open Space Zone” and “OS2 Private Open Space Zone”

The proposed draft plan of subdivision comprises:

<b>Lots/Blocks</b>	<b>Land Use</b>	<b>Area (ha)</b>	<b>Units/Lots</b>
1-141	Single Detached with Public Laneway	3.82	141 Lots
142-227	Single Detached	4.22	86
Blocks 228-242	Street Townhouses	1.67	70
Block 246	Public Park	0.86	
Blocks 243-244, 248-298	Road Widening, 0.3m Reserves and Roads	5.73	
Block 245	Landscape Buffer	0.86	
Block 247	Overland Flow Route	0.02	
Total		17.18 ha	297 units

### **Comments:**

In our opinion the proposed rezoning and proposed draft plan of subdivision raises the following issues:

a) Prematurity

In June, 2019 the City of Vaughan adopted OPA 47 to redesignate the Phase 1 Lands from the “Agricultural” and “Natural Areas” designation to the “Low-Rise Residential” designation in Vaughan Official Plan 2010 (the “VOP 2010”). OPA 47, along with OPA 48 which affected the remainder of the Subject Lands, were appealed to the Local Planning Appeal Tribunal and subsequently approved by the Tribunal in June, 2021. These OLT decisions are the subject of a motion for leave to appeal to the Divisional Court which is awaiting a hearing date. A related application for judicial review has also been filed in Divisional Court. In our opinion it is premature to approve the Copper Kirby rezoning application and grant draft plan approval to the subdivision to authorize redevelopment of the Phase 1 Lands while the aforementioned court applications are outstanding.



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### b) Density and Lot Sizes

Overall, the proposed density and lot sizes will result in a neighbourhood design that does not reflect the distinctive image of the Kleinburg Area and the surrounding neighbourhoods. The surrounding lands are characterized by large lots with lot frontages that generally are in excess of 15 m with many lot frontages in excess of 22 m. In contrast, only 11 of the 227 (4.8%) detached dwelling lots within the proposed Phase 1 subdivision are located within a zone (R2A(H) Zone) that requires a minimum lot frontage of 15 m or greater. The vast majority of detached dwelling lots (191 of the 227 lots or 84.1%) are found within a proposed zone (R4 and R4A Zones) where the minimum lot frontage requirement is 9 m. The proposed draft plan of subdivision represents a small-lot, suburban, car oriented development scheme.

A community design that is based on maintaining the distinctive large lot character of the area while introducing pockets of low-rise multiple unit developments would be a more compatible form of development and would still achieve the minimum density of 50 persons and jobs per hectare required for Designated Greenfield Areas under the Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

### c) Consistency with the Provincial Policy Statement (2020) (the “PPS”)

Public Spaces, Recreation, Parks, Trails and Open Space (Section 1.5.1) - The proposed rezoning and proposed draft plan of subdivision do not provide sufficient facilities to meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity and do not provide a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages.

Climate Change (Section 1.8.1) - requires municipalities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and prepare for the *impacts of a changing climate* through land use and development patterns. The proposed rezoning and draft plan of subdivision will facilitate a traditional suburban, low density automobile oriented subdivision that does not encourage transit-supportive development, maximize vegetation cover within a settlement area or promote a compact form as direct by Section 1.8.1. The proposed low density residential



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development will not generate appropriate public transit trips, and is not an efficient use of the road network.

Natural Heritage Features (Section 2.1) – According to our Client’s peer reviewer the proposed development is not consistent with Section 2.1.5 (significant valleylands, significant wildlife habit), 2.1.6 (fish habitat), 2.1.7 (habitat of threatened and endangered species) and 2.1.8 (adjacent lands) that prohibits development or site alteration unless it is demonstrated through an EIS that the development or site alteration will not result in a negative impact on the feature or its functions or in accordance with provincial and federal requirements.

- d) Conformity with the City of Vaughan Official Plan (“**VOP 2010**”)
- (i) The proposed rezoning and proposed draft plan of subdivision do not conform to s. 2.2.3 that requires new development to protect or strengthen the character of the area and represent a form of development that is sensitive to, or respectful of, the existing character of the area (s. 2.2.3). The proposed development lacks an appropriate transition with adjacent lands.
  - (ii) The proposed rezoning and proposed draft plan of subdivision do not conform to s. 2.2.3.2 that requires new development to respect and reinforce the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate local area and is sensitive to and compatible with the adjacent lower density lands (s. 2.2.3.2). Within the areas adjacent to existing residential development the proposed will neither respect nor reinforce the existing scale and character of the adjacent lands and will not be compatible with adjacent uses. As outlined above, the proposed development lacks an appropriate transition with adjacent lands.
  - (iii) The proposed development does not conform with Section 3.2.3.8 that prohibits development or site alteration on lands adjacent to Core Features unless it is demonstrated through an EIS that the development or site alteration will not result in a negative impact on the feature or its functions. A portion of the Phase 1 Lands are located adjacent the East Humber River Valley and its associated Core Features that include an Environmentally Significant Area. In this location the proposed zoning by-law amendment and proposed draft plan of subdivision permit detached dwellings. Based on our peer



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review of the Applicant's supporting studies it has not been adequately demonstrated that development or site alteration will not result in a negative impact on the feature or its functions.

### e) Stormwater Management and Greenbelt Lands

The proposed draft plan of subdivision relies on stormwater management ponds ("SWM") that are to be located within the East Humber River Valley and outside of the City's Urban Area and within the boundaries of the Greenbelt Plan. It is our opinion that the Greenbelt Plan does not permit infrastructure such as stormwater management ponds that serve an adjacent urban area to be located within the Greenbelt Plan area.

Furthermore, the SWM facilities are situated on lands designated in the VOP 2010 as valley lands for environmental protection. Experts retained by our Clients have objected to the SWM location and sizing, and have serious concerns about the final water balance achieved across the site.

### f) Valley, Woodlands and Vegetation Protection Zone Identification

A portion of the Phase 1 Lands are adjacent to the East Humber River Valley. Based on our Client's peer review of the Applicant's supporting studies it is our opinion that the limits of the valley, woodlands and Vegetation Protection Zones surrounding the valley corridor and woodlands have not been appropriately defined as required by Section 13.47.1.9 and 13.47.1.11 of OPA 47.

In particular, the Applicant's supporting studies have not adequately demonstrated that that vulnerable species such as the red side dace are protected or how other species-at-risk associated with the nearby branch of the East Humber River will be protected.

In our opinion a significant landscape buffer is required along the top of the valley to protect wildlife movement and habitat.

### g) Tree Preservation

According to the Applicant's Tree Inventory and Preservation Report 340 inventoried tree are to be removed with 248 trees requiring replacement. This significant tree loss can be avoided or the number of trees removed minimized through the use of larger buffer areas. As proposed vegetation



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buffers are limited to 10 m. This includes mature vegetation at both the southern limit of the property and golf course entry off Hwy 27.

### h) Traffic

Our client's peer reviewer has identified the following traffic issues that need to be addressed:

- The implementation of a signalized intersection to provide access to the proposed development will further decrease the capacity on Highway 27.
- Improvements such as widening of Highway 27 to four lanes between Major Mackenzie Drive and Kirby Road may be required to accommodate traffic generated by the proposed development.
- Driver sight line distance at Kirby Road and Street A is a safety concern. Street A connects to Hwy 27 such that adequate DL triangles (15x15) cannot be provided until the adjacent property to the south develops. Currently there is no timing to the south development.

### **Summary:**

Based on our review the proposed zoning by-law amendment and proposed draft plan of subdivision raise several issues that require further investigation and revisions. Under these circumstances the proposed zoning by-law amendment and proposed draft plan of subdivision should not be approved.

If you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

Allan Ramsay, MCIP, RPP  
Principal