

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, May 7, 2024

WARD: 1

**TITLE: RIZMI HOLDINGS LIMITED
ZONING BY-LAW AMENDMENT FILE Z.18.004
11333 DUFFERIN STREET
VICINITY OF DUFFERIN STREET 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 Zoning By-law Amendment File Z.18.004. The Owner proposes to rezone the subject lands to permit Phase 2 of a draft plan of subdivision for 96 single detached lots, and make modifications to the Council approved Phase 1 zoning, as shown on Attachments 1 and 2.

Report Highlights

- The Owner proposes to amend Zoning By-law 1-88 to permit Phase 2 of a draft plan of subdivision for 96 single detached lots.
- The Owner proposes minor amendments to the Council approved Phase 1 zoning.
- The Owner proposes a minor Phase 1 lot reconfiguration for previously approved Blocks 428, 476, 477, 481 and lots 410 to 427 to create lots 410 to 424. Blocks 471 and 472 may become Lots 425 and 426 should the temporary turning circle for Street 'O' no longer be required. No additional lots are proposed.
- 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 File Z.18.004 (Rizmi Holdings 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: 11333 Dufferin Street (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: June 8, 2017

Date application was deemed complete: March 21, 2018

The Minister of Municipal Affairs and Housing on February 3, 2015 issued an Order for the Subject Lands.

The Minister of Municipal Affairs and Housing on February 3, 2015, issued an Order (the 'Minister's Order'), pursuant to Section 18(1) of *the Oak Ridges Moraine Conservation Act, 2001* to amend the relevant York Region and City of Vaughan Official Plans and the City's Zoning By-law 1-88. The Minister's Order amends:

- York Region Official Plan 1994 ('YROP 1994') through Official Plan Amendment 72 ('OPA 72'), specifically Section 2.5 "Oak Ridges Moraine" and 5.9 "Rural Policy Area" and Map 11 "Oak Ridges Moraine Conservation Plan Land Use Designations")
- Vaughan Official Plan 600 ('OPA 600') through Official Plan Amendment 747 ('OPA 747'); and
- Zoning By-law 1-88, by way of site-specific Zoning By-law 023-2015, being site-specific Exception 9(1416) to Zoning By-law 1-88.

The Minister's Order, through OPAs 72 and 747 designates the Subject Lands as "Low Density Residential" and "Valley and Stream Corridor". The Minister's Order zones the Subject Lands "FUA Future Urban Area Zone" and provided for the following (in part):

- development of the Subject Lands shall be based on full municipal services, an approved and registered plan of subdivision and an approved implementing zoning by-law, subject to polices included by the Minister in the implementing documents
- the Subject Lands may be developed for urban uses including detached and semi-detached houses, schools, parks and open space, private home daycare, home occupation and local convenience centre
- the final boundary between the "Low Density Residential" and "Valley and Stream Corridor" designations and the location of a municipal park shall be determined through the processing of the development applications

- the maximum average residential density permitted is 18 units per residential hectare and will be determined by an evaluation of the environmental constraints through the development application review
- the policies of OPA 600 regarding Valley and Stream Corridor apply
- consideration of the Kirby Road extension through the draft plan of subdivision process
- in consideration of the rural setting of the Subject Lands, its location on the Oak Ridges Moraine, and the presence of environmentally sensitive areas employing urban design and environmental design mitigation measures to optimize and reserve these characteristics
- the requirement for studies through the development application review process
- the requirement for zoning by-law amendment and draft plan of subdivision applications to implement the land use designations

The Minister's Order is final and not subject to appeal.

The Committee of the Whole (Public Hearing) considered the Development Application on October 7, 2019.

The Committee of the Whole, on October 7, 2019, received a Public Hearing report on Zoning By-law Amendment Application Z.18.004 and Draft Plan of Subdivision 19T-18V004 for both Phase 1 and 2 of the Subject Lands.

On October 21, 2020, Council approved a Zoning By-law Amendment and Draft Plan of Subdivision for Phase 1 of the Subject Lands.

The Application for Phase 2 has not been considered by Council within two years from the date of the original Public Meeting (October 7, 2019). As per policy 10.1.4.1 of the Vaughan Official Plan (VOP 2010) a new Public Meeting is automatically required if Council has not considered the Applications within two years of a previous statutory Public Meeting, as such the policy is applicable.

Related Applications, Draft Plan of Subdivision File 19T-18V004 and Zoning By-law Amendment Phase 1 were approved.

On October 21, 2020, Council approved Draft Plan of Subdivision File 19T-18V004 and Zoning Bylaw Amendment File Z.18.004 for Phase 1 to permit the approval of a 429-lot residential plan of subdivision. The approval rezoned the Subject Lands from FUA Future Urban Area Zone subject to site-specific Exception 9(1416) to the following zone categories and site-specific zoning exceptions:

- R4(H), (H1), (H2) and (H5) Residential Zone with the Holding Symbols '(H)', '(H1)', '(H2)', and '(H5)'
- R5(H), (H3), (H4), and (H6) Residential Zone with the Holding Symbol '(H)', '(H3)', '(H4)' and '(H6)'
- OS2(H) Open Space Park Zone, with the Holding Symbol '(H)'
- OS5(H) Open Space Environmental Protection Zone, with the Holding Symbol '(H)'
- FUA(H) Future Urban Area Zone, with the Holding Symbol '(H)'

A Zoning By-law Amendment Application has been submitted to permit the proposed Phase 2 development.

Rizmi Holdings Limited (the 'Owner') has submitted Zoning By-law Amendment File Z.18.004 (the 'Application') to permit a 96-lot residential subdivision, as shown on Attachment 2, (the 'Development') through the following amendment:

1. Zoning By-law Amendment File Z.18.004 to:
 - a) rezone the Subject Lands – Phase 2 from FUA Future Urban Area Zone, to R2(H) Residential Zone, R4(H) Residential Zone, OS4(H) Open Space Woodlot Zone, and OS5(H) Open Space Environmental Protection Zone, all with the Holding Symbol "(H)", together with the site-specific zoning exceptions identified in Table 1, and
 - b) amend Council approved Phase 1 zoning to adjust zone lines and lot lines including the R4(H5) Zone and R4(H) Zone, the R4(H1) and R4(H) Zone, and OS2(H) Zone to R4(H3) Zone.

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

- a) Date the Notice of Public Meeting was circulated: April 12, 2023.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along Dufferin Street 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 and to the Mackenzie Ridge 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 at the October 7, 2019 Public Meeting, and as of April 23, 2024 regarding Phase 2. The comments are organized by theme as follows:

Density and Compatibility

- the size of lots are too small and too many units are proposed
- compatibility – the proposed lots are smaller than other lots in the area

Access, Transit and Traffic

- local roads are congested, Dufferin Street needs to be widened, Kirby Road needs to be extended from Dufferin to Bathurst Street, Teston Road needs to be extended
- One road out of the subdivision onto Dufferin Street is insufficient under regular conditions and in an emergency
- The Subject Lands are poorly served by Metrolinx and York Region Rapid Transit

Parks and Stormwater Management Facilities

- the proposed parks are located at the east end of the subdivision and children will have to cross Dufferin Street to go to the existing parks west, located far from the Subject Lands
- the parks are proposed to be located on top of an underground stormwater management facility
- underground stormwater facilities may have capacity limitations, increase operation and maintenance costs, and park programming may be impacted if located on top of the facilities
- the existing parks will not be able to serve the needs of new and existing residents
- there is a need for tennis courts and a skateboard park

Natural Areas

- the woodlot needs to be protected and should not form part of the residential lots
- the Subject Lands are within the Oak Ridges Moraine and should not be developed
- the environment needs to be protected

Other

- fire stations, schools, water and sewage services, roads are required and should be paid for by the developer
- current water pressure in the area is low and additional units will make it worse; new water demand study is required
- current water pressure in the area is low and additional units will make it worse; a new water demand study is required
- property values will be reduced due to the introduction of smaller residential lots in the area. Council should contact the Municipal Property Assessment Corporation ('MPAC') to have the property taxes of the existing homes lowered
- there are no commercial uses to serve the area residents
- The Maple Downs Golf Course is concerned the development is too close to Holes 2 and 5 and the City may approve development before the supporting infrastructure is in place

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

[October 7, 2019 Committee of the Whole \(Public Hearing\) \(Item 3, Report 31\)](#)

[October 6, 2020, Committee of the Whole Meeting \(Item 2, Report 44\)](#)

Analysis and Options

The proposed development conforms with Vaughan Official Plan 2010.

Official Plan Designation:

- “Minister’s Decision on ORMCP Designation” is indicated on all applicable VOP 2010 Schedules.
- VOP 2010 does not include policies of the Subject Lands, readers are referred to the Minister’s Order.
- The Owner appealed the policies of VOP 2010 (Appeal #62) as they relate to their land holdings, including the Subject Lands. The policies of OPA 600, as amended by OPA 747 (the Minister’s Order) are in effect for the Subject Lands.

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

As the Applications were received by the City on February 21, 2018, and deemed complete on March 21, 2018, the Applications are transitioned under Zoning By-law 001-2021.

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

Zoning:

- FUA Future Urban Area Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1416).
- This Zone permits residential, local commercial and open space uses, but requires a zoning by-law amendment to implement the appropriate zoning of the Subject lands and the related development standards.
- The Owner proposes to rezone the Subject Lands from FUA Future Urban Area Zone to R2(H) Residential Zone, R4(H) Residential Zone, OS4(H) Open Space Woodlot Zone, and OS5(H) Open Space Environmental Protection Zone, all with the Holding Symbol “(H)”, together with the following site-specific zoning exceptions to permit the Development, as shown in Table 1.
- The Owner also proposes to amend the Council approved Phase 1 Zoning to rezone Block 477 from OS2(H) to R4(H3), to reconfigure Blocks 476, 481 and Lots 410 to 427 which will result in a reconfiguration of Block 428 which is zoned OS2(H). The lot reconfiguration results in a five lot decrease from the Council approved 429 lots to 424 lots. Should the temporary turning circle at the end of Street ‘O’ no longer be required, Blocks 471 and 472 may become Lots 425 and 426.

Table 1:

| | Zoning By-law 1-88 Standard | R4 Residential Zone Requirement | Proposed Exceptions to the R4 Residential Zone Requirement |
|----|---|--|---|
| a. | Minimum Rear Yard (Lots 11-24 and Lots 75-92) | 7.5 m | 6 m |
| b. | Maximum Building Height | 9.5 m | 13 m |

| | Zoning By-law 1-88 Standard | R4 Residential Zone Requirement | Proposed Exceptions to the R4 Residential Zone Requirement |
|----|--|--|--|
| c. | TransCanada Pipeline Setbacks | Not specified | No permanent building or structure shall be located within 7 m of the TransCanada Pipeline right-of-way Accessory buildings and structure shall be setback 3 m from the TransCanada Pipeline right-of-way |

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 | <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, 1994 ('YROP'), OPA 600, and Minister's Order. |
| b. | Appropriateness of Amendments to Zoning By-law | <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. | 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. |
| d. | 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 |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|----|---|--|
| | | “(H)”, which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council. |
| e. | 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 Trans Canada Pipeline, and external public agencies and utilities, municipalities and the Public, Separate, and French School Boards. |
| f. | 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. |
| g. | 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. |
| h. | City’s Tree Protection Protocol (‘TPP’) | <ul style="list-style-type: none"> The Development will be reviewed in accordance with the TPP, for the protection and the replacement of any tree(s) should they be damaged during construction, if the Applications are approved. |
| i. | Traffic Impacts, Road Widening and Access | <ul style="list-style-type: none"> The Transportation Impact Study (‘TIS’) will be reviewed in accordance with the City’s TIS Guidelines to the satisfaction of the Development Engineering Department (‘DE’). The proposed traffic generated by the Development at the requested density will be reviewed in consideration of existing traffic conditions on Dufferin Street. Matters including the driveway entrances and Transportation Demand Management requirements are required to be reviewed to the satisfaction of DE. The Subject Lands are located on Dufferin Street, an arterial road under the jurisdiction of York Region. York Region will identify any required land conveyances. |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|----|-------------------------------|--|
| j. | Required Applications | <ul style="list-style-type: none"> ▪ The Owner has submitted a Draft Plan of Subdivision Application File 19T-18V004 for Phase 2. ▪ Should the Applications be approved, the required conditions will be included to address site access, road alignments and connections, servicing and grading, environmental, noise, and other municipal, regional and public agency and utility requirements. ▪ The Owner has applied for a minor amendment to the Council Approved Phase 1 Draft Plan of Subdivision which includes adjustments to Lots 410 to 427 and Blocks 428, 477, 476 and 481. ▪ Due to changes made by the Province of Ontario to the Ontario Planning Act through Bill 23, Public Meetings are no longer required for Draft Plans of Subdivision. |

Financial Impact

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

Operational Impact

Development Planning staff have circulated the Application to internal City Developments for review.

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 Application 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 Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Context and Location Map
2. Draft Plan of Subdivision and Proposed Zoning

Prepared by

Carol Birch, Planner, ext. 8485

Margaret Holyday, Senior Planner, ext. 8216

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development Planning, ext. 8529