

Committee of the Whole Report

DATE: Tuesday, June 04, 2019

WARD: 1

**TITLE: NASHVILLE DEVELOPMENTS (NORTH) INC.
ZONING BY-LAW AMENDMENT FILE Z.18.037
VICINITY OF HUNTINGTON ROAD AND EAST'S CORNERS
BOULEVARD**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.18.037 to rezone the Subject Lands shown on Attachment 1 from “OS1 Open Space Conservation Zone” to “RD4(H) Residential Detached Zone Four”, subject to Exception 9(1376), with the addition of the Holding Symbol “(H)”, and “OS1 Open Space Conservation Zone” to facilitate five lots for detached dwelling units and maintain valley/open space lands as shown on Attachments 2 to 4.

Report Highlights

- To seek approval from the Committee of the Whole to rezone the subject lands from “OS1 Open Space Conservation Zone” to “RD4(H) Residential Detached Zone Four”, subject to Exception 9(1376), with the addition of the Holding Symbol “(H)” and “OS1 Open Space Conservation Zone” to be combined with the adjacent part lots in approved Draft Plan of Subdivision File 19T-16V010, to facilitate five full lots for detached dwelling units and to maintain valley/open space lands.
- The Development Planning Department supports approval of the application as it is consistent with the *Provincial Policy Statement* and conforms to the *Growth Plan for the Greater Golden Horseshoe, 2019*, the York Region and City of Vaughan Official Plans. The Development is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT Zoning By-law Amendment File Z.18.037 (Nashville Developments (North) Inc.) BE APPROVED; to amend Zoning By-law 1-88 on the Subject Lands shown on Attachment 1 from “OS1 Open Space Conservation Zone” to “RD4(H) Residential Detached Zone Four”, subject to Exception 9(1376), with the addition of the Holding Symbol “(H)” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 2.
2. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until Block 56 in Registered Plan 65M-4564 and Blocks 129 to 133 inclusive in Plan of Subdivision File 19T-10V005, Pinestaff Developments Inc. are combined to form full lots for future development to the satisfaction of the City.

Background

The subject lands (the ‘Subject Lands’) are located east of Huntington Road, north of East’s Corners Boulevard, shown as “Subject Lands” on Attachment 1. The surrounding land uses are shown on Attachment 1.

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

On February 8, 2019, a Notice of a Public Hearing was circulated to all property owners within 150 m of the Subject Lands and to the Kleinburg and Area Ratepayers’ Association (“KARA”). A copy of the Notice of Public Hearing was also posted on the City’s web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) meeting was held on March 5, 2019, to receive comments from the public and the Committee of the Whole. The recommendation of the Committee of the Whole to receive the Public Hearing report of March 5, 2019, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on March 19, 2019.

The Deputations and written submission were made by the following at the Public Hearing:

Deputations

1. Joan McIntyre, Malone Given Parsons Ltd., Renfrew Drive, Markham, representing the Owner
2. Giuseppe Ierullo, Rotundo Crescent, Kipling

Communications/Written Submissions

1. Rachna Malik, dated February 26, 2019

The following is a summary of the comments provided in the deputations and written submissions received by the Development Planning Department, submitted at the Public Hearing on March 5, 2019, and responses to each:

- a) The residents entered into purchase of sale agreements in 2016 with a builder / developer to buy houses based on plans that showed open space to the rear, for which they paid a premium. The residents took ownership of the houses in 2018, to find that most of the open space had been removed for development.

On December 12, 2016, the Owner submitted Zoning By-law Amendment File Z.16.052 and Draft Plan of Subdivision File 19T-16V010 (Nashville Developments (North) Inc.) for Blocks 129 to 133 inclusive, shown on Attachment 3, which were part of the man-made ponds and surrounding marsh and woodland system. Through the Memorandum of Understanding dated December 9, 2016, between the Owner and the Toronto and Region Conservation Authority ("TRCA"), the man-made ponds and surrounding marsh and woodland would be decommissioned and become available for residential use. These lands would then be replaced with a new enhanced Tributary "A" valley corridor. In exchange, the Owner would provide an extensive restoration plan and contribute to enhancement, restoration, planting and rehabilitation projects within the Nashville Conservation Reserve Management Plan area northeast of Nashville Road and Huntington Road.

The City on April 26, 2017, circulated a Notice of a Public Hearing to all property owners within 150 m of the lands subject to Zoning By-law Amendment and Draft Plan of Subdivision Files Z.16.052 and 19T-16V010 (Nashville Developments (North) Inc.), and to KARA, regarding a residential plan of subdivision, which included the change of land use from open space to residential on the lands to the immediate north. The Public Hearing was held on May 23, 2017, and no deputations or written submissions were received from the public.

The Committee of the Whole meeting for Files Z.16.052 and 19T-16V010 was held on September 19, 2017, and the recommendation to approve these Files was ratified by Council on September 26, 2017. The final Notice of Decision for File 19T-16V010 was issued on December 15, 2017, and the final Plan is anticipated to be registered in the near future. Notification was not provided to any member of the public as there were no deputations or written submissions regarding the Application. The implementing Zoning By-law 59-2018 was enacted by Council on April 11, 2018, with the notification being circulated on April 23, 2018, to all property owners within 150 m of the lands subject to Zoning By-law 59-2018 and to KARA. There were no residents identified on the notification list for Rotundo Crescent as the Rotundo Crescent lands were still in the ownership of the builder/developer for Registered Plan 65M-4564 (Plan of Subdivision File 19T-10V005, Pinestaff Developments Inc.).

The current owners of the houses on Rotundo Crescent did not own the lands at the time Files Z.16.052 and 19T-16V010 were under review and as such did not receive any notification respecting the change of land use. The purchase of sale agreement transactions that occurred between the prospective purchasers and the builder/developer are a private matter. The City is not involved in these transactions and is not aware of the arrangements between the purchasers and the builder/developer.

Previous Reports/Authority

[Committee of the Whole \(Public Hearing\) March 5 2019](#)

On May 24, 2019, a courtesy notice of this Committee of the Whole meeting was sent to all individuals who made a deputation at the Public Hearing, submitted written correspondence to the Development Planning Department, or requested notification regarding the Applications.

Analysis and Options

A Zoning By-law Amendment Application has been submitted to rezone the Subject Lands to facilitate the creation of five full lots for residential development

The Owner has submitted Zoning By-law Amendment File Z.18.037 (the 'Application') to amend Zoning By-law 1-88, specifically to rezone the Subject Lands from "OS1 Open Space Conservation Zone" to "RD4(H) Residential Detached Zone Four", subject to Exception 9(1376) and the site-specific zoning exceptions identified in Table 1 of this report, with the addition of the Holding Symbol "(H)", and "OS1 Open Space Conservation Zone", as shown on Attachment 2. The Application will facilitate a consistent zone category and development standards over five full lots for detached dwelling units which are to be developed with the adjacent lands to the north and will maintain valley/open space lands, as shown on Attachments 2 to 4.

The Application is consistent with the Provincial Policy Statement ('PPS') 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the PPS. The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Application in consideration of the policies of the PPS and is of the opinion that the Application is consistent with these Provincial policies, specifically:

- Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land

The Application will facilitate residential detached dwellings within a settlement area which conforms to the “Low-Rise Residential” and “Mid-Rise Mixed-Use ‘A’” land use designations in VOP 2010, site-specific Policy 12.7 - Volume 2. The Owner also proposes to conserve the natural heritage resources, being the valley lands/open space Block (Attachments 2 to 4). On this basis, the Application is consistent with the PPS.

The Application conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 (‘Growth Plan’)

The Provincial *Growth* is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Council’s planning decisions are required by the *Planning Act* to conform to, or not conflict with, the Growth Plan. The Development is consistent with the policy framework of the Growth Plan as the built form would utilize the Subject Lands more efficiently, make more use of existing infrastructure, and provide housing at densities that are supportive of the Growth Plan objectives, specifically:

- Section 2.2.1 - directing growth to settlement areas that have existing or planned municipal water and wastewater systems

The Application shown on Attachment 3 is for residential development within a settlement area and delineated built-up area, and conforms to VOP 2010. Accordingly, the Application conforms to the Growth Plan.

The Application conforms to the York Region Official Plan 2010 (‘YROP’)

The YROP guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Towns and Villages” by the YROP. Section 5.0 of the YROP states that “Growth will also occur in new community areas, Towns and Villages throughout the Region.” Section 3.5.4 of the YROP, requires that “local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.” It also states that “the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements.”

YROP encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes. The related Draft Plan of Subdivision File 19T-16V010 will diversify housing options, including the mix and range of housing types, lots and unit sizes and create a public amenity through the proposed pedestrian walkways and the provision of neighbourhood and linear park areas. The Application conforms to the YROP.

The Application conforms to VOP 2010

The Subject Lands are designated "Low-Rise Residential" and "Natural Areas" by VOP 2010, specifically Volume 2, Section 12.7 - Block 61 West Nashville Heights. The "Low-Rise Residential" designation permits detached dwellings having a maximum building height of three-storeys. The proposed rezoning of the Subject Lands to "RD4(H) Residential Detached Zone Four" with site-specific exceptions and the addition of the Holding Symbol "(H)" conforms to the "Low-Rise Residential" designation policies of VOP 2010.

The "Natural Area" designation permits valley and stream corridors, wetlands and woodlands. Sections 12.7.8.2 and 12.7.18.7 of VOP 2010 states that "the location and widths of all valley and stream corridors are approximate and may change without requiring an amendment to the Official Plan". The Owner modified the "Natural Area" designation boundary of VOP 2010 to allow the Subject Lands to develop with Blocks 129 to 133 in Draft Plan of Subdivision File 19T-16V010, that are zoned "RD4(H) Residential Detached Zone Four" with the addition of the Holding Symbol "(H)", and subject to site-specific Exception 9(1376).

The above modifications were part of negotiations with the Owner and the TRCA regarding adjustments to the development limits, specifically as it relates to the central Tributary "A" corridor (Attachment 1) within the Block 61 West Plan. Tributary "A", located within Draft Plan of Subdivision File 19T-16V010, included two man-made ponds that were originally created for agricultural purposes. These ponds were subject to previous discussions with the TRCA and City Staff regarding potential alteration to eliminate long-term maintenance issues associated with the existing berms and outfalls, and address liability issues associated with the steep pond side slopes and to reduce the amount of ponding that may be acting as a source of thermal impact to the watercourse downstream.

Through the Memorandum of Understanding for Draft Plan of Subdivision File 19T-16V010 between the Owner and TRCA dated December 9, 2016, it was agreed that the man-made ponds and surrounding marsh and woodland would be decommissioned and replaced with a new enhanced Tributary "A" valley corridor (Attachment 1), similar to earlier realignment and restoration work undertaken along Tributary "A" south of the lands subject to Draft Plan of Subdivision File 19T-16V010 and the Subject Lands. In exchange, the Owner provided an extensive restoration plan and contribute to enhancement, restoration, planting and rehabilitation projects within the Nashville Conservation Reserve Management Plan area northeast of Nashville Road and Huntington Road.

The TRCA, in correspondence dated January 21, 2019, advised that as a result of the enhancement, restoration, planting and rehabilitation projects, Parts 1 to 5 of Block 56 shown on Attachment 4 no longer contain any natural features or hazards and the lands are outside of the associated buffer of the new enhanced Tributary "A" valley corridor. As such, TRCA staff have no objection to the rezoning of Parts 1 through 5 to "RD4 Residential Detached Zone Four". The TRCA further advised that Part 6 of Block 56

shown on Attachment 4 is located within the established buffer of the new enhanced Tributary "A" valley corridor. As such, the Owner will maintain the current "OS1 Open Space Conservation Zone on Part 6.

As the TRCA has identified that Parts 1 to 5 of Block 56 no longer contain any natural features or hazards, the "Natural Area" designation can be adjusted and Parts 1 to 5 of Block 56 will be subject to the policies of the "Low-Rise Residential" designation in accordance with Policy 12.7.18.7 of VOP 2010. Part 6 of Block 56 will be subject to the policies of the "Natural Area" designation of VOP 2010. The proposed rezoning for the Subject Lands conforms to VOP 2010.

The Low-Rise Guidelines do not apply to the Subject Lands

The City initiated the Community Area Policy Review for Low-Rise Residential Designations, which resulted in the Council adopted Urban Design Guidelines ('Guidelines') for Infill Development in Established Low-Rise Residential Neighbourhoods and the Community Area Policy Review for Low-Rise Residential Designations Study ('Study'). Council on October 19, 2016, approved the Guidelines, which serve to help clarify and implement Policy 9.1.2.3 of VOP 2010 related to compatibility. The Guidelines apply to Established Community Areas. The Subject Lands are not located in an Established Community Area, but instead are located in a developing community. Accordingly, the Guidelines do not apply to the Application.

The proposed modifications to the Nashville Heights Block 61 West Plan ('Block Plan') are in accordance with Vaughan Official Plan 2010

Vaughan Council on May 24, 2011, approved the Block Plan, which includes the Subject Lands. The Block Plan provides the basis for the land uses, housing mix, development densities, environmental protection, servicing infrastructure, transportation (road) network, public transit, urban design, and phasing for Block 61 in order to manage growth.

The Block Plan was modified by altering the "Natural Area" designation boundary of VOP 2010 as part of Draft Plan of Subdivision File 19T-16V010 (Nashville Developments (North) Inc.), which was approved by Council on September 26, 2017, to facilitate additional lotting. The modification to the "Natural Area" designation was reviewed and approved by the TRCA.

In consideration of the applicable policies outlined in this report, the proposed rezoning of the Subject Lands is consistent with the policies of the PPS and conforms to the policies of the Growth Plan and the York Region and VOP 2010 Official Plans.

The proposed rezoning will facilitate full lots for future development

The Subject Lands are zoned "OS1 Open Space Conservation Zone" as shown on Attachment 1. Residential uses are not permitted in an "OS1 Open Space Conservation Zone" and therefore, an amendment to Zoning By-law 1-88 is required to rezone the

Subject Lands to "RD4(H) Residential Detached Zone Four", subject to site specific Exception 9(1376), with the addition of the Holding Symbol "(H)" and "OS1 Open Space Conservation Zone" as shown on Attachment 2. The proposed rezoning and the development standards identified in site specific Exception 9(1376) with respect to minimum interior side yard and maximum interior garage width shall apply to the Subject Lands to create one consistent zone category and development standards over the entirety of the 5 lots.

The Subject Lands will be zoned with the Holding Symbol “(H)”

The Subject Lands will be zoned with the Holding Symbol “(H)” in the manner shown on Attachment 4. The Holding Symbol “(H)” will not be removed until the following condition is satisfied, in addition to the previously established conditions as identified in Exception 9(1376) have been met to the satisfaction of the City:

- a) That Block 56 in Registered Plan 65M-4564 and Blocks 129 to 133 inclusive in Plan of Subdivision File 19T-10V005, Pinestaff Developments Inc. form full lots for future development to the satisfaction of the City.

The Development Planning Department has no objection to the approval of the Application

The Application is consistent with the policies of the PPS and conforms to the Growth Plan, YROP and VOP 2010 while facilitating five full lots for detached dwelling units in conjunction with the lands to the north and maintaining valley/open space lands. The Development Planning Department has no objection to the approval of the Application, subject to the Recommendations of this report.

The Subject Lands have previously been cleared of archaeological concern by the Ministry of Tourism, Culture and Sport. Notwithstanding, the following archaeological clauses shall apply:

- a) 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 Planning Department shall be notified immediately; and
- b) In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The Owner shall contact the City of Vaughan’s Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

The Development Engineering Department has no objection to the approval of the Application

The Subject Lands will be accessed and serviced by the adjacent lands to the north subject to related Draft Plan of Subdivision File 19T-16V010. The Development Engineering Department has no objection to the Application.

The Parks Development Department has no objection to the approval of the Application

The Owner will be required to provide parkland dedication and/or cash-in-lieu of parkland as a condition of related Draft Plan of Subdivision File 19T-16V010, in accordance with the parkland dedication requirements under the *Planning Act*, VOP 2010 (Policy 7.3.3 Parkland Dedication) and By-law 139-90, as amended by By-law 205-2012. The Parks Development Department has no objection to the approval of the Application.

The TRCA have no objection to the approval of the Application

As stated previously in this report, the TRCA, in correspondence dated January 21, 2019, advised that as a result of the enhancement, restoration, planting and rehabilitation projects, Parts 1 to 5 of Block 56 shown on Attachment 4 no longer contain any natural features or hazards and the lands are outside of the associated buffer of the new enhanced Tributary "A" valley corridor. As such, TRCA staff have no objection to the rezoning of Parts 1 through 5 to "RD4 Residential Detached Zone Four" and the maintenance of the current zoning designation on Part 6 of Block 56 as "OS1 Open Space Conservation Zone".

All utility providers have no objection to the approval of the Application

Enbridge Gas Distribution, Alectra Utilities Corporation, Rogers Communications Inc. and Bell Canada have no objection to the approval of the Application.

Canada Post has no objection to the approval of the Application

The Subject Lands will be serviced by centralized mail delivery. Conditions have been implemented through related Draft Plan of Subdivision File 19T-16V010 accordingly. Canada Post has no objection to the approval of the Application.

Financial Impact

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

Broader Regional Impacts/Considerations

The Application is considered a matter of local significance, and as such York Region has no comments.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.18.037, which if approved, would facilitate five full lots for detached dwelling units which are to develop with the adjacent lands to the north, and to maintain valley/open space lands, as shown on Attachments 2 to 4, together with the site-specific zoning exceptions identified in Table 1 of this report. The proposed rezoning is consistent with the policies in the PPS, conforms to the Growth Plan, York Region Official Plan and Vaughan Official Plan 2010.

The Development Planning Department is satisfied that the proposed zoning and site-specific exceptions identified in Table 1 of this report will result in a residential development that is appropriate and compatible with the existing and permitted uses in the surrounding area. The Development Planning Department can support the approval of the Zoning By-law Amendment, subject to the Recommendations in this report.

For more information, please contact Judy Jeffers, Planner, at extension 8645.

Attachments

1. Location Map
2. Proposed Zoning
3. Concept Plan
4. Plan of Survey

Prepared by

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/CM