

## Proposed Land Use - File OP.17.007

**Location:** Part of Lot 30, Concession 8

**Applicant:** Kirby 27 Developments Limited

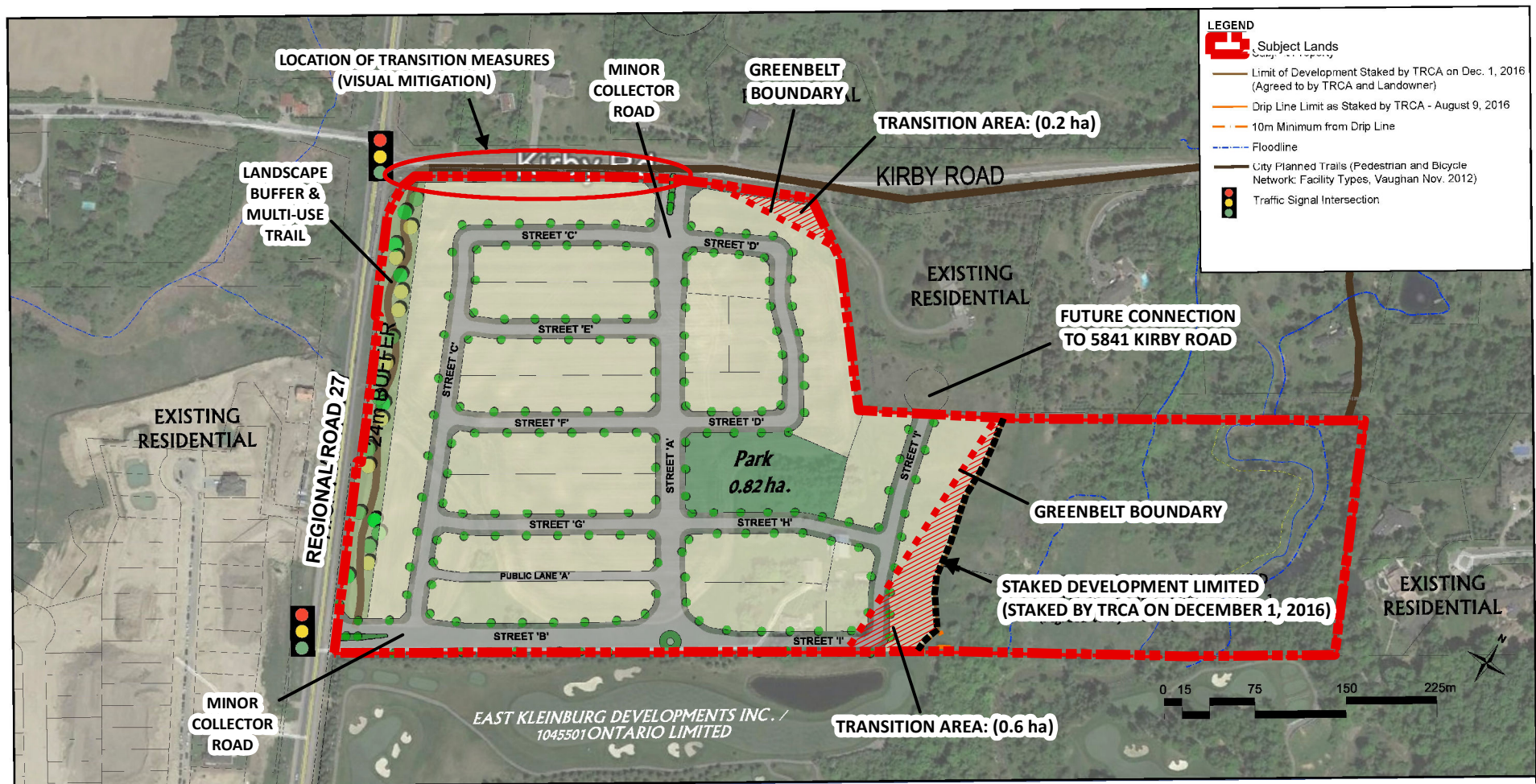


## Attachment

**FILE:**  
OP.17.007

**DATE:**  
June 4, 2019

# 2



Land Use	Area (ha)	Units	Public Road by R.O.W.	Approximate Density Calculations
Low-Rise Residential	10.32	Low-Rise Residential	24.5m = 360m / 1,181'	Total People: 977
Park	0.82	Approximately 279	17.5m = 1,774m / 5,820'	Total Jobs: 29
Buffer	0.91		8.0m = 184m / 604'	Total People and Jobs: <sup>(1)(2)</sup> 1006
Roads	5.19		<b>TOTAL = 2,217m / 7,274'</b>	Total Developable Area: <sup>(3)(4)</sup> 18.64 ha.
NHS	6.31			Total Units/ Hectare: 15
<b>TOTAL</b>	<b>23.55</b>			Total People and Jobs/ Hectare: 54

# Development Concept Plan

**LOCATION:**  
Part of Lot 30, Concession 8

**APPLICANT:** Kirby 27 Developments Limited



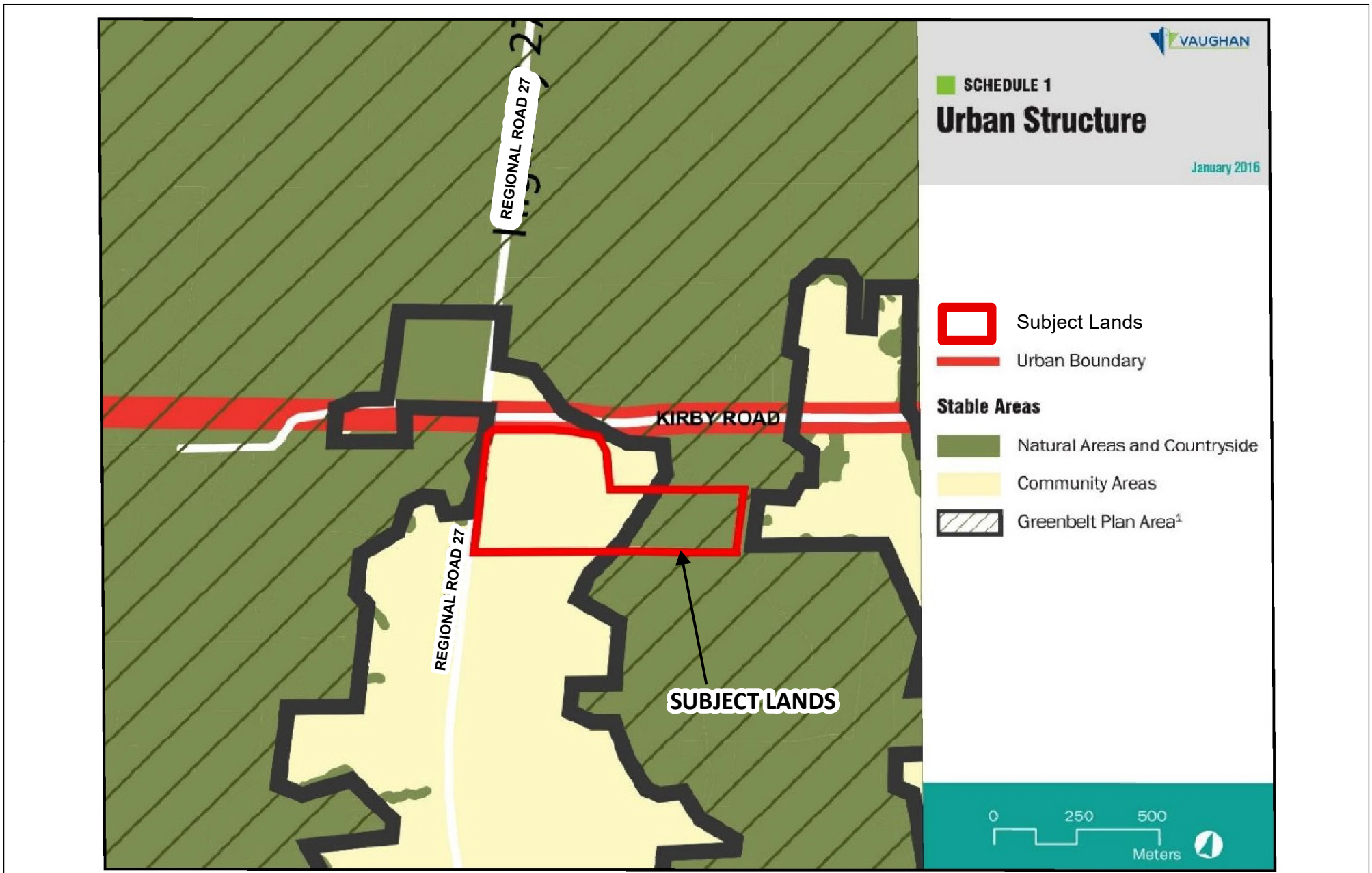
# Attachment

**FILE:**  
OP.17.007

**DATE:**  
June 4, 2019

**3**





## VOP 2010 Schedule 1 - Urban Structure

## Attachment

**LOCATION:**  
Part of Lot 30, Concession 8

**APPLICANT:** Kirby 27 Developments Limited

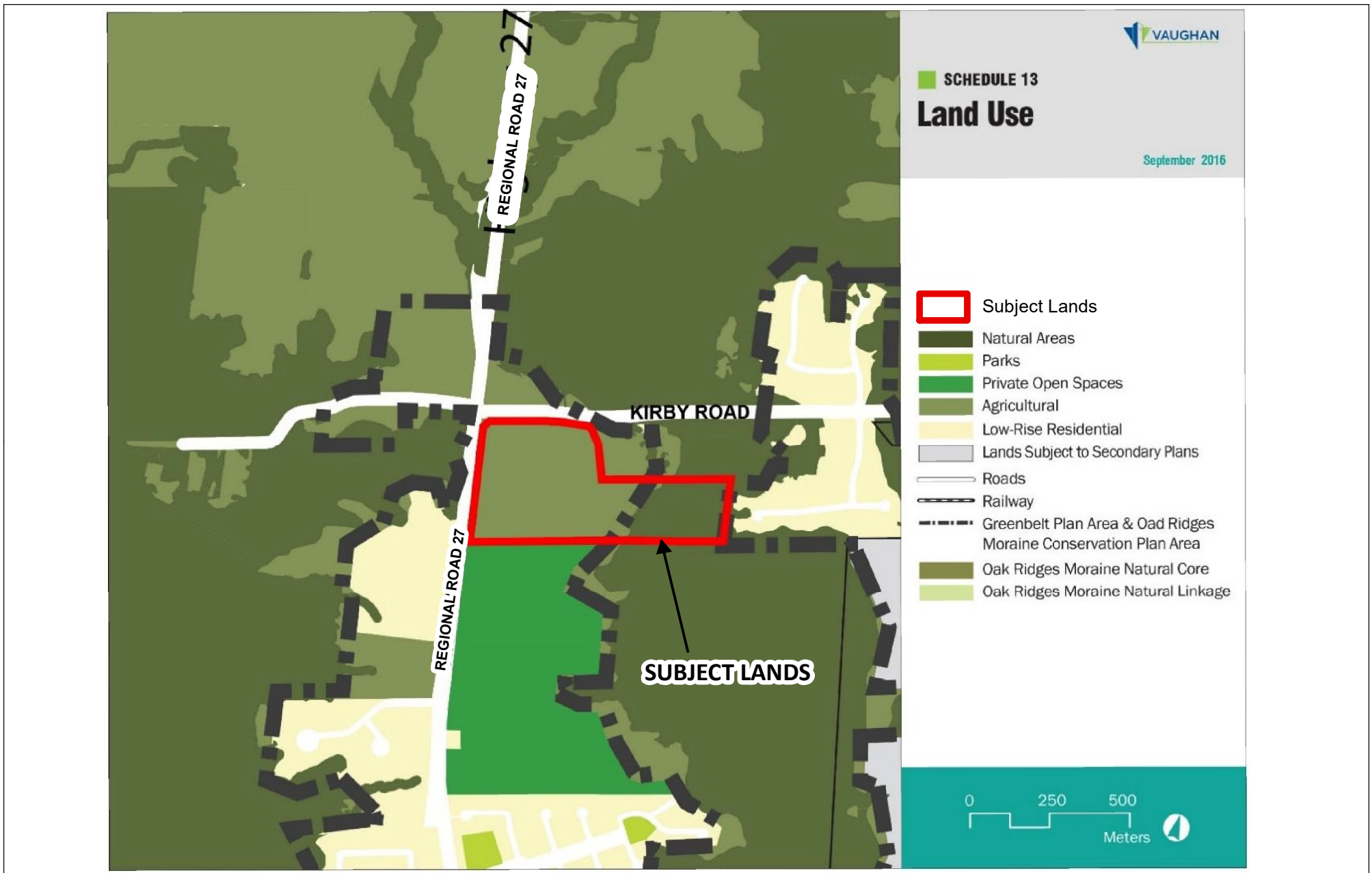


**FILE:**  
OP.17.007

**DATE:**  
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**4**





## VOP 2010 Schedule 13 - Land Use

**LOCATION:**  
Part of Lot 30, Concession 8

**APPLICANT:** Kirby 27 Developments Limited

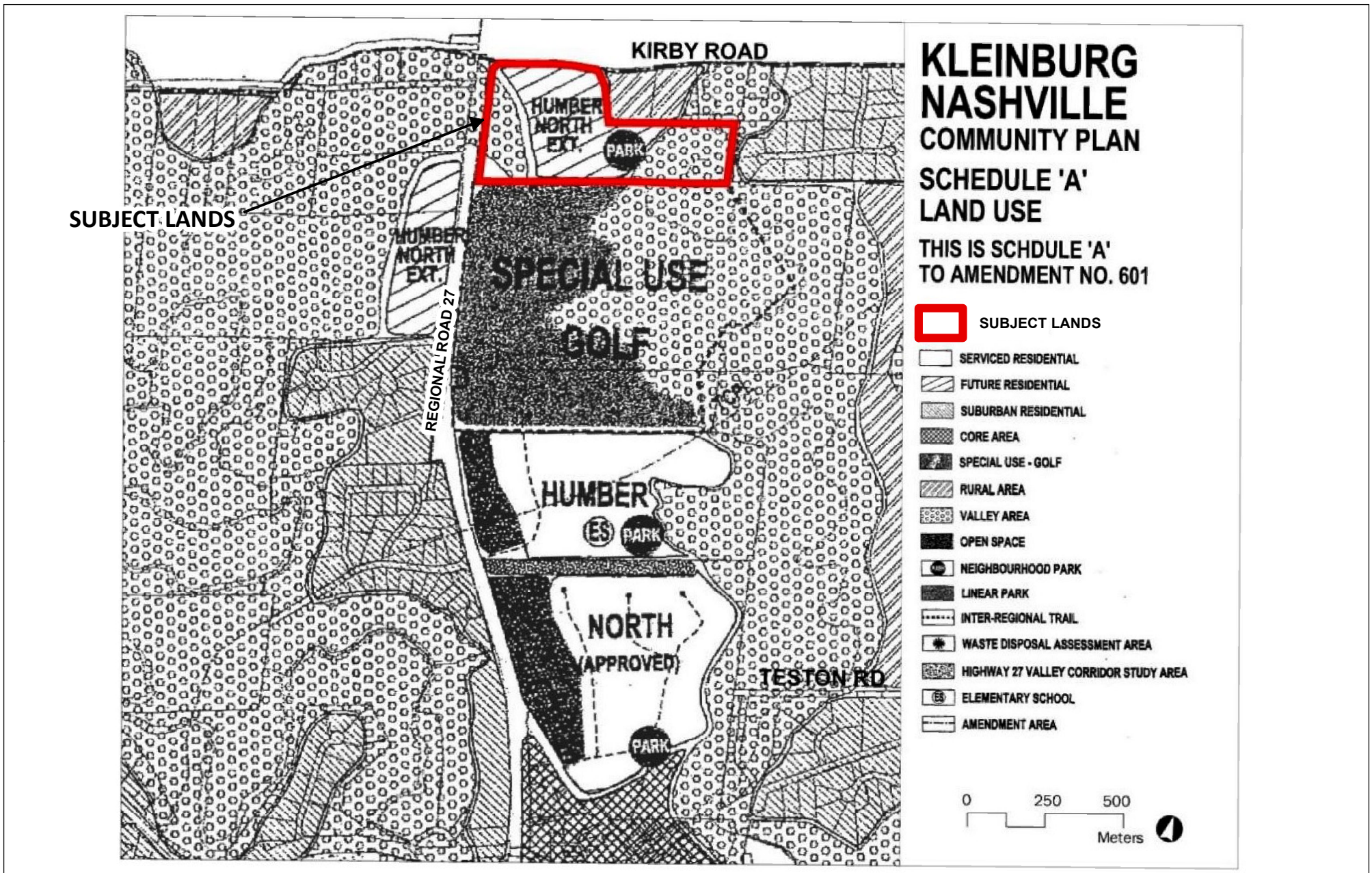


## Attachment

**FILE:**  
OP.17.007

**DATE:**  
June 4, 2019

**5**



# **OPA 601 (Kleinburg - Nashville Community Plan) - Schedule 'A' Land Use**

**LOCATION:**  
Part of Lot 30, Concession 8

**APPLICANT:** Kirby 27 Developments Limited



**Attachment**

**FILE:**  
OP.17.007

**DATE:**  
June 4, 2019

**6**



## Attachment 7a

PUBLIC HEARING  
COMMUNICATION

C1

Date: Feb 5/19 ITEM NO. 122

January 30, 2019

City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan, ON L6A 1T1

Attention: Mark Antoine, Senior Planner OR

To Whom it may Concern

Hello:

My name is Constantine Afentakis. I received your letter about

Property 11363 Regional Road 27  
File # OP.17.007 and

Property 11063 and 11197 Regional Road 27  
File # OP.17.008

Basically you are proposing a meeting to tell me (us) about your plans to destroy another section of this beautiful land!

We all know that this is a done deal, all you are trying to do with your letter and your meetings is to throw dust in our eyes, and tell us how beautiful this is going to be for us!

Since you are giving me the opportunity to reply, here are my thoughts.

This part of our earth you plan to destroy by covering it with cement will never see the daylight. A land that produces local food for us, birds, flowers, butterflies, find home here, trees that produce oxygen, a land full of life is going to live in darkness for millions of years. In my opinion, it is the funeral of this land.

Did it ever occur to you, Mr. Developer, and you politicians?? that the ground is the lungs of the earth? What will happen if you keep covering it with cement and put weight on it (so fast) every single day? How long will it last before it explodes? And all this for what? For Mr. Developers to put more money into your big pockets, well, more property taxes so you can spend it unwisely as usual. It is sad, really sad. Politicians, what politicians, a joke!: As Plato said, "If you never enter politics in your life you will be always governed by people worse than yourself."

All about money!

Listen to ABBA's song sometime!

Please explain to me what "Entering the Green Belt" means?? How big is the Green Belt, and why do you call it "Green Belt"? Is it supposed to be protected?? From construction?

Since your mind has been made up already and nothing will stop you, what remains only are some questions by me, a concerned citizen that loves nature in our neighbourhood so I can say at least I did something about it.

Questions

1. Which road is going to carry this heavy traffic? A very tired, poor, old, exhausted, sad looking, already busy Hwy 27? One lane highway? What a joke! I demand an answer whether a study was conducted on this issue.
2. Was an environmental study done? Did you notice there is a river nearby? Take a walk and look at all the garbage people are throwing near the bridge. Did you consider of this river being flooded if the water has no place to go? With all your cement where are you going to put it? I demand an answer if an environmental study has been done?

In conclusion, this is what you will be doing:

1. Kill a beautiful part of our earth
2. Increase traffic so driving to work will be a nightmare (already is).
3. Increase pollution
4. Increase noise
5. Upset people that live around this area for a long time and love it
6. Collect a lot of property taxes money
7. Fill Mr. Developers' big pockets with more cash.

Mr. Developers, do something different. You are already multimillionaires. Buy a section of earth and protect it, let it be, give it as a gift to our earth, but to do that you must love this earth and have a vision. Imagine for a minute, if you do that the happiness you will feel deep inside your heart.

As the late Hawking said, "We are in danger of destroying ourselves by our greed and stupidity. We cannot remain looking inwards at ourselves on a small and increasingly polluted area of our overcrowded planet."

Mr. Developers and politicians put your signature on this deal.  
"I participated in destroying (killing) this beautiful part of our earth."

Shame, shame, shame.

C. Afentakis  
[REDACTED] Kirby Road  
Kleinburg, ON



# Attachment 7b

**Subject:**

FILE OP.17.007 AND OP.17.008 - HEARING SUBMISSIONS

**PUBLIC HEARING  
COMMUNICATION**

C2

Date: Feb 5/19 ITEM NO. 142

**From:** Robert Lenz [REDACTED]

**Sent:** February-04-19 8:57 AM

**To:** [DevelopmentPlanning@vaughan.ca](mailto:DevelopmentPlanning@vaughan.ca)

**Cc:** [REDACTED]

**Subject:** FILE OP.17.007 AND OP.17.008 - HEARING SUBMISSIONS

Good day, please find a list of requests and comments from property owners at [REDACTED] Kirby Road regarding the development applications OP.17.007 and OP.17.008, Kirby 27 Developments Limited and East Kleinburg Developments Inc./1045501 Ontario Inc for councils consideration at the upcoming Committee of the Whole (Public Hearing) February 5, 2019.

1. Elimination of Street "B" intersection at north end of property with Kirby Road. With regards to safety, location is very poor for this intersection to be placed here and will cause vehicular accidents in the future as the road is crested by a blind hill to the west and a blind curve approaching from a lower elevation to the east. Cars entering and exiting will not have sufficient sight line and time to negotiate oncoming traffic. Also, traffic congestion on Kirby is already unacceptable at rush hour times, this road can not handle additional traffic traveling on it.
2. Property at [REDACTED] Kirby Road be allowed at the developers expense and property owners approval, noise, barrier and light intrusion prevention measures to safeguard the existing property if an intersection is allowed at Street "B" and Kirby Road. Possible items could include as additions to the property noise solutions through increased vegetation, fencing, headlamp absorption alternatives so head lamps from vehicles are not shining onto the property, traffic control to stop cars that may drive straight through the intersection.
3. Developer to safeguard and guarantee the continued, satisfactory and uninterrupted use of well water supply to all adjacent properties.
4. Creation of a buffer zone along north end of property adjacent to Kirby Road to allow proper accommodation of City Planned Trails (Pedestrian and Bicycle Network: Facility Types, Vaughan Nov. 2012) as is allowed for along west side of the property adjacent to Highway No. 27.
5. All new residences to be fully detached in keeping with the current area style.
6. Street "A" at Highway No. 27 should be controlled by signals for safety.
7. Pedestrian walkways leading from inside the new neighbourhood to access the trail around the development in the buffer zone.

Sincerely,

Robert Lenz and Family

[REDACTED] Kirby Road

## Brutto Consulting

999 Edgeley Blvd - Unit 6  
Vaughan, ON, L4K 5Z1

(416) 453-6197

Email: cbritto@bruttoconsulting.ca

February 5<sup>th</sup>, 2019

**Mr. Jason Schmidt-Shoukri**

Deputy City Manager, Planning and Growth Management

City of Vaughan

2141 Major Mackenzie Drive

Vaughan, ON L6A 1T1

**Re: 11363 & 11063/11191 Highway 27, City of Vaughan**  
**File No. OP.17.007 and OP.17.008**

**Dear Mr. Schmidt-Shoukri:**

We are the Planning Consultants for Humberplex Developments Inc. who are owners of property to the immediate south of the subject applications.

We have had an opportunity to review the materials that were available via the City's website. This letter outlines our questions and concerns arising from our review to date of the applications that are before the Committee of the Whole Public Hearing of February 5<sup>th</sup> 2019. We will be providing further input as the approval process continues. Our comments are noted below and do not appear in any particular order but we have outlined our concern with the Transitional Policies of the Greenbelt Plan first in this submission.

1. The applicant has gone to great lengths to justify why the lands which are partially within the Greenbelt Plan enjoy transitional status under the Plan. The proponent indicates that OPA 601 was in place prior to the approval of the Greenbelt Plan (December 16, 2014).

In such cases the proponent advises that the lands are not required to conform to the Greenbelt Plan. The key reference in the Greenbelt plan is Section 5.2.1. Careful consideration needs to be applied to the interpretation of Section 5.2.1. The heading of this section reads "Decisions on Applications Related to Previous Site-Specific Approvals".

It is important to note that OPA 601 was not a site-specific approval. OPA 601 is a comprehensive Community Plan in which the subject lands are located. OPA 601 designates the Golf Course lands as Special Use-Golf. Within that designation there is a provision that limited residential development may occur provided the development does not detract from the major use of the lands as a golf course.



There has been a liberal use of the transitional provisions in the Greenbelt Plan which requires a more rigorous review by staff.

2. Comment Number 1 leads to some misgivings about the future status of environmental features on the properties. The proposal stretches the interpretation of the need to conform to the Greenbelt Plan to the benefit of the applicant for development purposes rather than embracing an environment first approach to development.

This misgiving is heightened by the proponent's request to maintain the valley lands associated with the Humber River Valley with OP.17.007 in private ownership. It begs the question; what entity is best suited to be the stewards of environmental protection on these two sites? It is noteworthy to observe that there are already a significant number of golf holes within the Humber River Valley associated with the Golf Course.

Is the retention of the easterly lands within the OP.17.007 intended to keep open the possibility that additional golf associated uses are intended for that land? We ask Council and the TRCA to subject this request to a further and fulsome review. Is it not the policy of the City and the TRCA to maintain environmental lands in the public trust?

3. We note that a considerable amount of technical work has been undertaken on the subject applications. There appears to be a distinct lack of communication about the whole process. There has been no formal outreach to our Client and others in the neighbourhood that are most affected by this proposal; that is, the Boulevard neighbourhood to the immediate south of the subject applications.

This development is a major departure from the existing development on site. Particularly in respect of the golf course lands. There was no indication in OPA 601 or VOP 2010 that the tableland portions of the golf course would be considered for such dense residential development. Section 9.2.2.17 clearly provides; inter alia, that:

*"a. Private open Spaces shall consist of cemeteries and golf courses, which shall contribute to the overall open space network, and the former Keele Valley Landfill and form Township of Vaughan Landfill Sites."*

Property owners along the southerly boundary of the proposal have very serious concerns in respect of the subject development proposal, having relied on VOP 2010 and OPA 601 as important and valid planning documents directing land use in Kleinburg-Nashville as part of their due diligence undertakings. There is a need for clarity and certainty in respect of the interpretation of the Greenbelt Plan transitional policies.

4. While the applicant relies considerably on OPA 601 in their interpretation of Greenbelt Plan transitional status, the applicant fails to adhere to the basic land use tenants of OPA 601. OPA 601 envisaged future residential development of the lands associated with OP.17.008. It is clear from OPA 601 that there would be modest residential growth on those lands.

The application that is before Committee cannot be described as modest. In fact, quite the opposite when a request is being made for a midrise building on the golf course lands. It is apparent that the

applicant is cherry picking policies in OPA 601 to its apparent advantage in recusing these lands from the Greenbelt Plan while proposing significant residential development which OPA 601 advised would be modest - thereby ignoring this policy direction.

5. It is noteworthy to point out that OPA 601 envisaged limited residential development within the area of the current golf course and that this type of development should not detract from the major use of the site as a golf course. OPA 601 is clear. Residential uses should be ancillary to the golf course.

The proponent's Planning Justification Report for OP.17.008 omits critical language from OPA 601. The consultants planning report states at page 49 that the subject site was identified for Special Use-Golf with permissions for residential uses (the word *limited* not included in planners' statement). As noted above, the policy speaks to "limited" residential development. This begs the question of the validity of the Planning Justification Reports as it pertains to this item and the use of OPA 601 to justify the transitional status relative to the Greenbelt Plan. We ask staff to carefully consider all matters pertaining the transitional status and the use of OPA 601 for the sole purpose of justifying significant residential density on site.

6. It is highly noteworthy to advise that OPA 601 makes its way into the very Official Plan Amendments that the proponent seeks to have approved. References to OPA 601 within the proposed amendment speak to not only Greenbelt transitional status but also indicates as follows "The development proposal meets the general intent of the Special Use-Golf and Valley Area land use provisions of OPA 601". This statement requires rigorous scrutiny. A major residential development was not envisaged on the subject lands in OPA 601 or VOP 2010. We do not agree that the proposal meets the general intent of OPA 601 as it relates to the subject applications.
7. This leads us to the adoption of VOP 2010. The City Official Plan 2010 is consistent with OPA 601. It designates the property, Schedule 13, as Private Open Space in respect of its development as a golf course. If there was an intent to redevelop the golf course for the type of intensive residential uses currently proposed, it ought to have been reviewed as such during the processing of the VOP 2010. This was not the case. That would have been the ideal time as the VOP 2010 underwent a City-wide comprehensive review.

The proposal that is before the Committee should be subject to a municipal wide review given the scale of the proposed development and the major departures from the current designation. The City is being asked, without a comprehensive city-wide review, to approve two Official Plan Amendments that would result in revisions to:

Schedule 1 Urban Structure,  
Schedule 2 Natural Heritage Network,  
Schedule 3 ESAs and ANSIs,  
Schedule 13 Land Use,  
Schedule 14 c Areas Subject to Site Specific Plans (Volume 2 of VOP 2010).



8. VOP 2010 underwent a vigorous municipal wide review and was subject of many public consultations and reports that came before Council. As part of the VOP 2010 planning exercise the City was required to identify areas of Intensification to satisfy Provincial intensification targets. *The area of Kleinberg-Nashville is not identified as an area of intensification.*

Intensification areas are noted as:

**Vaughan Metropolitan Area,  
Regional Intensification Corridors like Highway 7 and Yonge Street,  
Primary Centers,  
Primary Intensification Corridors such as Jane Street and Major Mackenzie Drive,  
Key Development Areas which are Intensification Corridors that link and complement planning  
for Primary and Local Centers and Local Centers.**

We ask that careful consideration be undertaken in respect of the City intensification policies as it relates to the subject sites. The land use designation contained in VOP 2010 for the golf course was considered to be appropriate for the use existing on site.

9. The amendments that are being sought would permit golf course uses into the Natural Area according to the planning reports prepared by the applicant. Golf course uses could include clubhouse facilities, maintenance buildings and driving ranges. The applicant advises simply that the expansion or relocation of the clubhouse further into the "Natural Areas" *is not contemplated*. This is no guarantee that it would not happen as the applicant will continue to rely on the Greenbelt transition policies if its transition policy interpretation were to prevail.
10. VOP 2010 provides that should a Private Open Space (golf course included) cease to exist, appropriate alternate land use shall be determined through an Official Plan Amendment process and be subject to an area specific study.

In reviewing the documents that have been posted on the website, we see no evidence of an area specific study being undertaken. The City is being asked to process two proposed Official Plan amendments without the benefit of an area specific study. That study should involve the entire community of Kleinburg-Nashville.

Also, the proponent is seeking to undertake a Scoped Block Plan subsequent to the approval of the proposed Official Plan Amendment. We believe that this planning process is flawed. Approving the proposed Official Plan Amendment(s) first invalidates the Scoped Block Plan process which would follow. A scoped Block Plan is contemplated and there is no valid reason for scoping the process.

It is noteworthy to advise that these applications can be deemed to be Major Development in light of the area in which the development is contemplated. The development of these lands will have far reaching implications on the community as a whole. It is far too simplistic to scope the Block Plan without proper regard for implications on the wider community. The scoped Block Plan process is fundamentally flawed from the perspective of proper community planning.

11. In reviewing the proposed Official Plan Amendments, we note that they will not be finally determinative of the ultimate density or built form on the subject properties. If the proposed Official Plan Amendments are approved as currently constituted, there is no clear mechanism for controlling the number, type and location of units that could be built on this site.

The Concept Plans that are included in the Planning Justification Reports do not and will not form part of the Official Plan Amendments. The Scoped Block Plan is not a *Planning Act* mandated process. The next *Planning Act* mandated process will be the Plans of Subdivision and Rezoning's. There is no control on the number of units if the plans of subdivision are consistent with the Land Use Schedules that form part of the Official Plan Amendment.

The majority of the subject properties are proposed to be designated as Low-Rise Residential. This designation permits Detached Houses, Semi-Detached Houses, Townhouses and Public and Private Institutional Buildings. In the event that these Official Plan Amendments are approved as they are currently constituted each of these built forms will be permitted anywhere on the respective sites. As indicated, the Concept Plan does not form part of the Official Plan Amendment.

There is a great deal of uncertainty as to the type of units, number of units or the location of where each of the built forms will be situated. This is being deferred to the Plan of Subdivision and Zoning stages. Regarding the Mid-Rise Mixed Use proposed designation. There is a great deal of uncertainty as to what could be built in that location and what impacts it may have on the community and whether this is the appropriate location for this type of intensification.

The Planning Consultant indicates in letters to the City dated December 5<sup>th</sup> 2018, as it relates to Population and Density the following:

*The development, including the golf course, will have an estimated population of 1,500 people, 360 jobs and will achieve a density of approximately 10 units per hectare and approximately 41 residents and jobs per hectare. The population and density for the proposed development may change through the planning process as layout, unit type and yield are determined in conformity with the VOP 2010 and this Official Plan Amendment (OPA)*

In our opinion, the applications as currently constituted are premature. The process has been non-inclusive as it pertains to the most affected residents to the south of the golf course. There are significant implications to the environment resulting from inconsistent applications of the Greenbelt Plan.

There is a request to maintain in private ownership the lands associated with the Humber River Valley which is not consistent with the typical process whereby these lands are deeded to a public entity. Stewardship of natural environmental lands should rest with a public authority. There is a clear direction in the proposal that any golf course related uses could be located within the natural environmental area. There exists only a notation in the proponents Planning Justification Report that advises that at this time no further golf course related development is contemplated in the natural environmental area. This provides no assurance that golf course related uses will not be placed in the natural environmental area. Full protection of the natural environmental area is a mainstay of VOP 2010.

There is a lack of clarity in the density and location of unit types built into the proposed Official Plan Amendments. The impacts of approving the Official Plan Amendments as currently constituted will only be determined at the stage of the Plans of Subdivision and Rezoning. It is conceivable that the ultimate plans of subdivision could propose many more residential units than are currently illustrated as the plans are conceptual in nature.

In closing, there are many concerns that arise from the two Official Plan Amendment applications that are before this Committee. First and foremost is the proper interpretation of the Greenbelt Plan transitional policies. Vaughan is understood to be a City where plans are well vetted and expressed to the Public in a comprehensive fashion. These applications raise many questions and concerns that should be addressed by City Planners and other experts that are reviewing the reports and plans. There is a common theme in the reports that is disturbing as it relates to certainty in protecting the natural environment area which is a vested right for all of the residents of Vaughan.

On behalf of our Client we would like to ensure that this communication forms part of the record for this Public Meeting. We respectfully ask to receive directly any correspondence of decisions of Council arising from these two applications. We would invite and appreciate an opportunity to meet with City staff, the TRCA and the Province as well as the Proponent at any mutually convenient time.

Yours truly,



**Claudio P. Brutto, MCIP, RPP**  
*President*  
Brutto Consulting

cc. Mark Antoine ([Mark.Antoine@vaughan.ca](mailto:Mark.Antoine@vaughan.ca)), Senior Project Planner, City of Vaughan

cc. Humberplex Developments Inc., Client

cc. Gerard C. Borean, J.D. ([gborean@parenteborean.com](mailto:gborean@parenteborean.com)), Client Solicitor

# **Presentation to Committee of the Whole Public Hearing**

**February 5<sup>th</sup>, 2019**

**Brutto Consulting on behalf of Humberplex Developments Inc.**



# **11363 & 11063/11191**

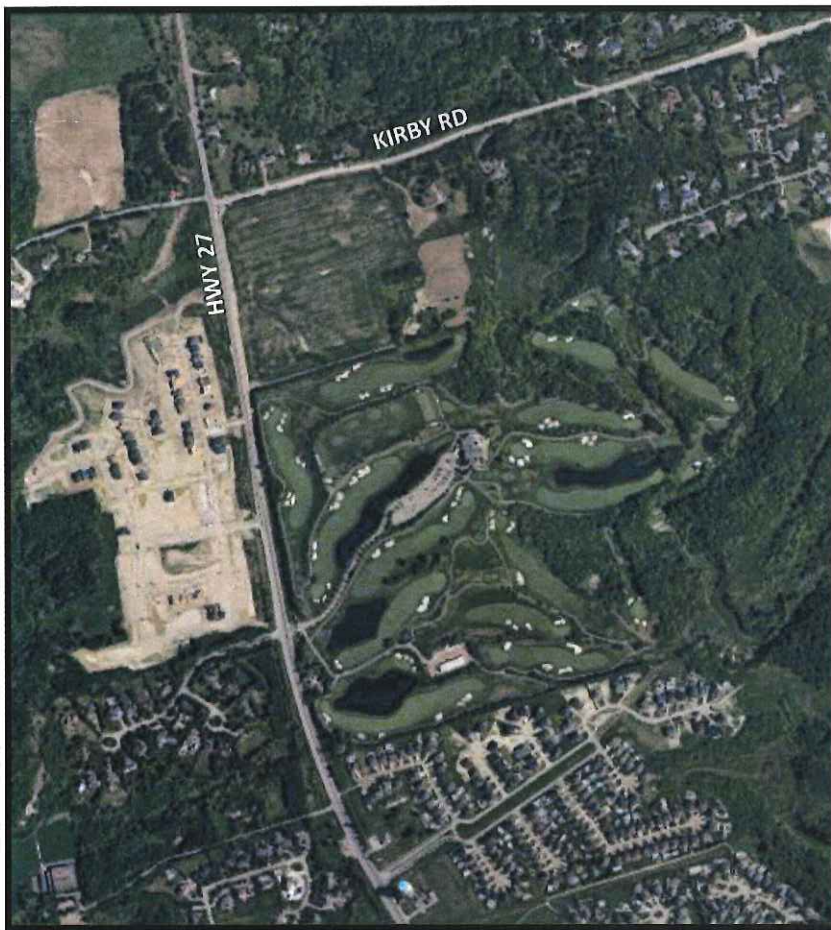
## **Highway 27, City of Vaughan**

File No. OP.17.007 and OP.17.008





# Major Development for Kleinburg-Nashville



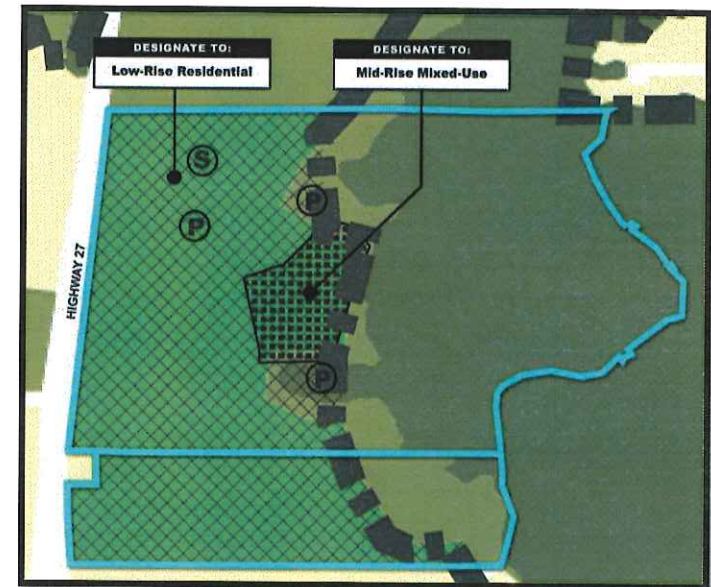
BEFORE



AFTER

# OP Schedule Amendments

- The City is being asked to approve two Official Plan Amendments that would result in revisions to:
  - 1) Schedule 1 - Urban Structure
  - 2) Schedule 2 - Natural Heritage Network
  - 3) Schedule 3 - Environmentally Sensitive Areas (ESAs) and Areas of Natural Scientific Interest (ANSIs)
  - 4) Schedule 9 - Future Transportation Network
  - 5) Schedule 13 - Land Use
  - 6) Schedule 14c - Areas Subject to Site Specific Plans





## Greenbelt (2017) Transition Policies

### **5.2.1 Decisions on Applications Related to Previous Site-Specific Approvals**

Where an official plan was amended prior to December 16, 2004 to specifically designate land use(s), this approval may continue to be recognized through the conformity exercise addressed in section 5.3 and any further applications required under the *Planning Act* or the *Condominium Act, 1998* to implement the official plan approval are not required to conform with this Plan.

Where a zoning by-law was amended prior to December 16, 2004 to specifically permit land use(s), this approval may continue to be recognized through the conformity exercise described in section 5.3, and any further applications required under the *Planning Act* or the *Condominium Act, 1998* to implement the use permitted by the zoning by-law are not required to conform with this Plan.

Applications to further amend the site-specific official plan or zoning by-law permissions referred to above for uses similar to or more in conformity with the provision of this Plan are also permitted. All such applications should, where possible, seek to achieve or improve conformity with this Plan.



# THIS IS SCHEDULE 'A' TO AMENDMENT NO. 601

ADOPTED THE \_\_\_\_ DAY OF \_\_\_\_, 2001

SIGNING OFFICERS

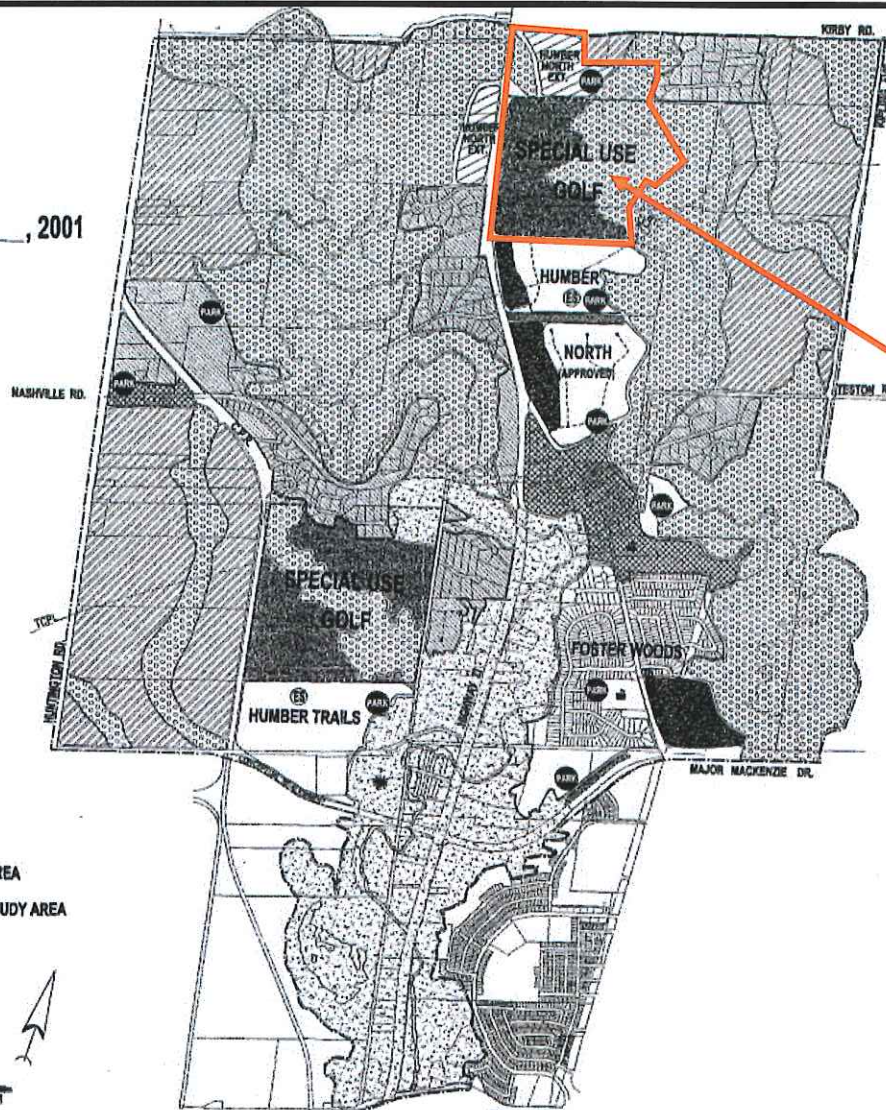
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## LEGEND

- SERVICED RESIDENTIAL
- FUTURE RESIDENTIAL
- SUBURBAN RESIDENTIAL
- CORE AREA
- SPECIAL USE - GOLF
- RURAL AREA
- VALLEY AREA
- OPEN SPACE
- NEIGHBOURHOOD PARK
- LINEAR PARK
- INTER-REGIONAL TRAIL
- WASTE DISPOSAL ASSESSMENT AREA
- HIGHWAY 27 VALLEY CORRIDOR STUDY AREA
- ELEMENTARY SCHOOL
- AMENDMENT AREA

SCALE



# KLEINBURG NASHVILLE COMMUNITY PLAN

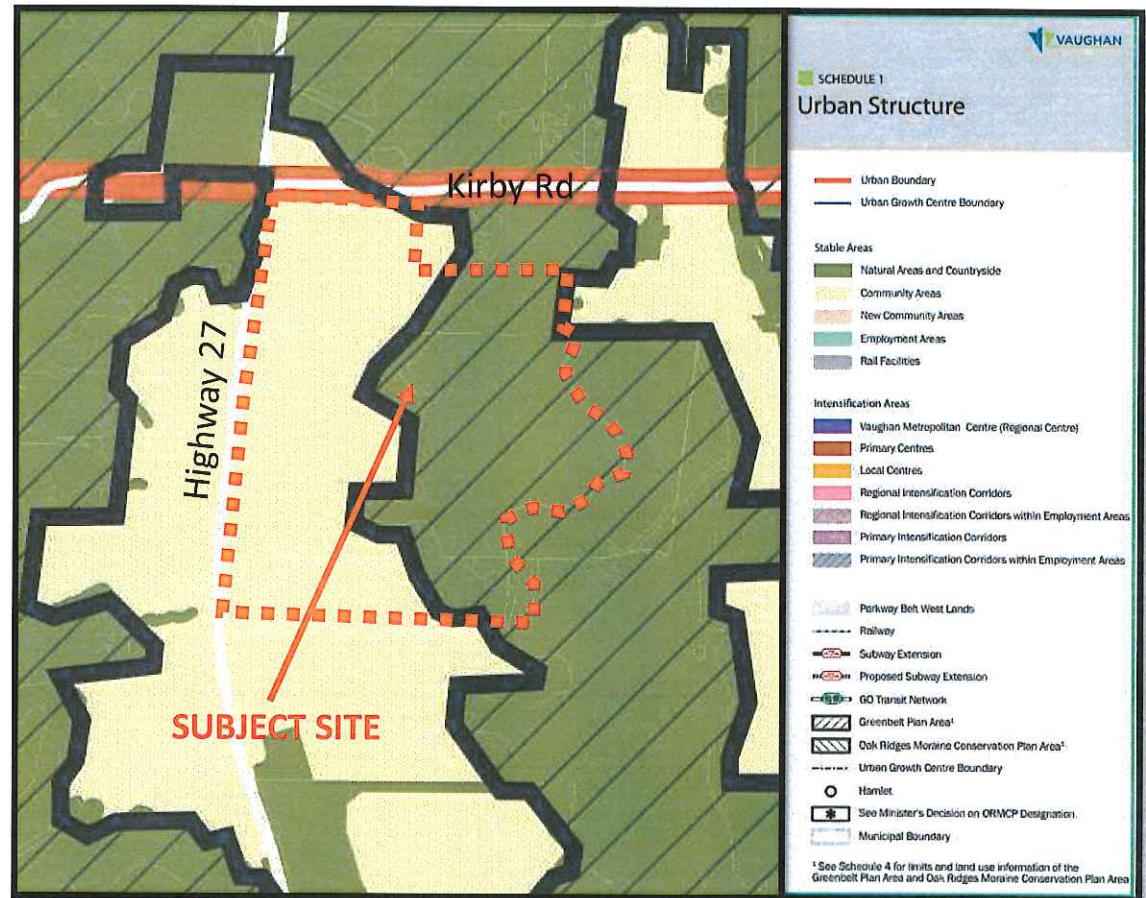
## SCHEDULE 'A' LAND USE

**SUBJECT SITE**



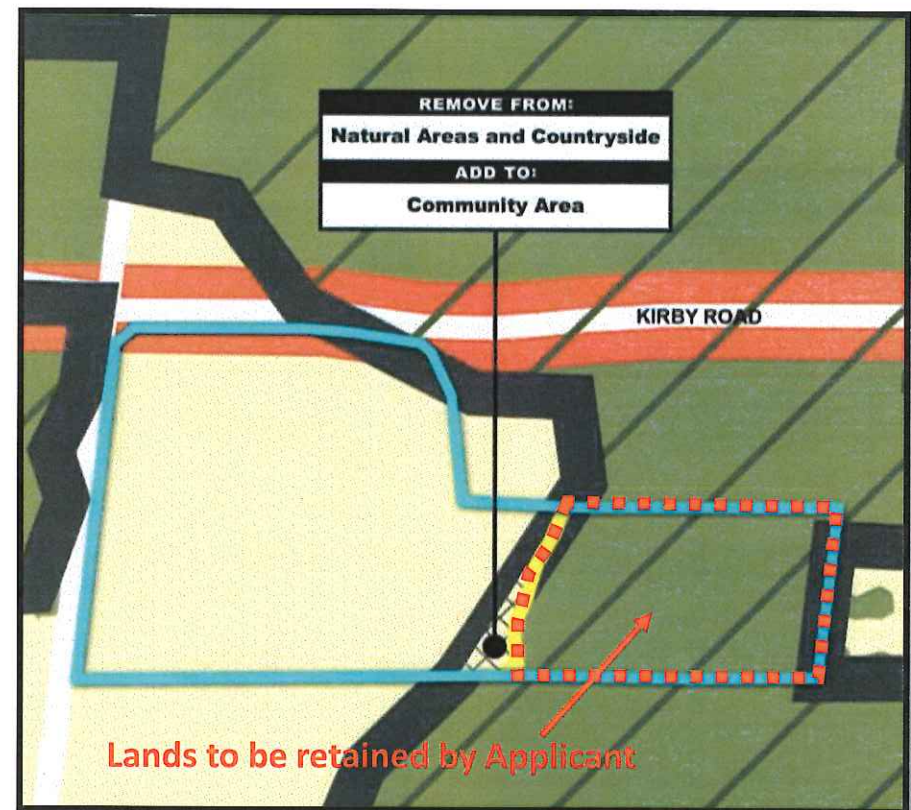
# Intensification Areas of VOP (2010)

- The Subject Properties are not within the “Intensification Areas” of the VOP (2010).
- Kleinburg-Nashville is not identified as an Intensification Area.
- The VOP 2010 notes the following Intensification Areas:
  - Vaughan Metropolitan Centre;
  - Regional Intensification Corridors like Highway 7 and Yonge Street;
  - Primary Centers;
  - Primary Intensification Corridors such as Jane Street and Major Mackenzie Drive;
  - Key Development Areas which are Intensification Corridors that link and complement planning for Primary and Local Centers and Local Centers.
- The properties are considered “**Stable Areas**” and are designated “**Natural Areas and Countryside**” and “**Community Areas**” under Schedule 1 – Urban Structure of the VOP (2010).



# Retaining Valley lands in Private Ownership (OP.17.007)

- As part of OP. 17.007 the applicant is proposing to retain the eastern part of the site generally associated with the Humber River Valley consisting of approximately 16 acres.
- It is general policy that environmental lands be transferred to a public body, either the City or the Toronto Region Conservation Authority (TRCA).
- The eastern portion of the of the Subject Lands designated “Natural Areas and Countryside” are proposed to be retained by the applicant.
- It is unclear to what the intent is in keeping this portion of the lands.





# Community Outreach

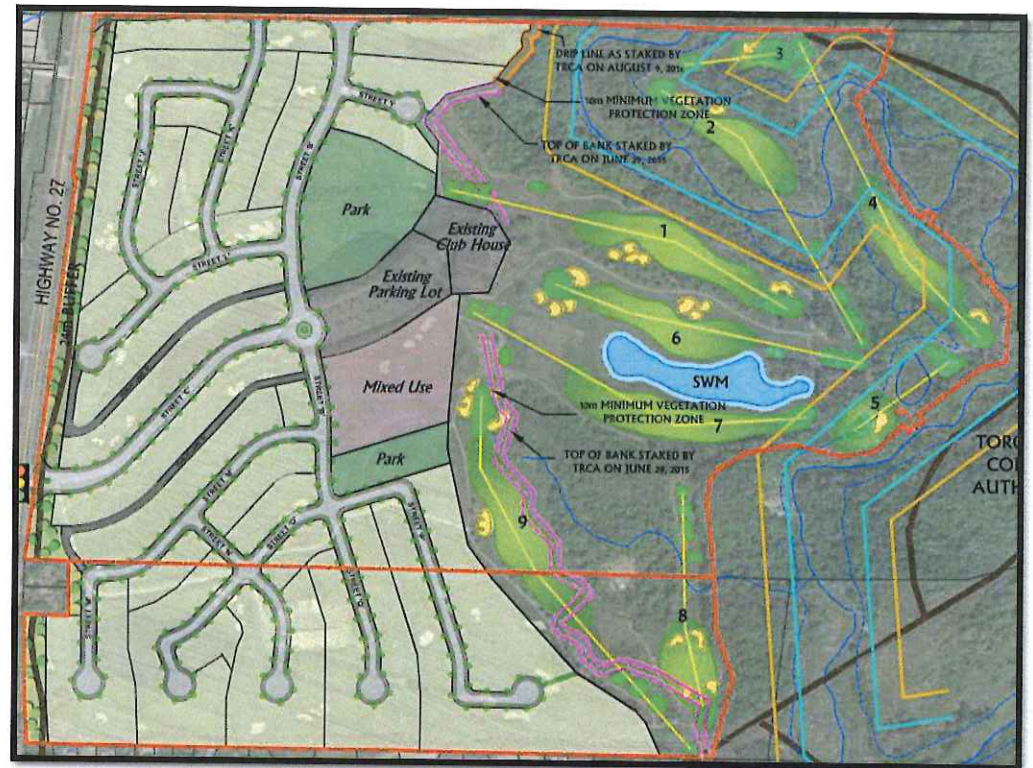
- There has been **no formal outreach** to the immediate local community to the south that we are aware of, yet a considerable amount of technical work has been undertaken on the subject applications.
- This development is a major departure from the existing development on site. Particularly in respect of the golf course lands.
- There was no indication in OP 601 or VOP (2010) that the tableland portions of the golf course would be considered for such dense residential development.
- The development of these lands will have far reaching implications on the community as a whole.





# Golf Course Uses in Natural Area

- The applicant advises simply that the expansion or relocation of the clubhouse further into the “Natural Areas” is not contemplated.
  - This is no guarantee that it would not happen.



Proposed Golf Course Uses in Natural Area

# Prematurity

- Should **Private Open Space** (golf courses included) be re-designated, the VOP (2010) requires that appropriate alternate land uses be determined through an Official Plan Amendment process and be subject to an **Area Specific Study**.
- The City is being asked to process two Official Plan Amendments **without** the benefit of an Area Specific Study.
- The Official Plan Amendment applications also do not include a cap on density.
  - The proposed residential uses may range from single detached home to townhouses and **up to 12 storey buildings**
- The development of these lands will have far reaching implications on the community as a whole. It is far too simplistic to include only the subject lands without proper regard for implications on the wider community.
- The proposed OPAs are premature and fundamentally flawed from the perspective of proper community planning.

## POPULATION & DENSITY

The development will have an estimated population of 780 people, 20 jobs and will achieve a density of approximately 11 units per hectare and approximately 43 residents and jobs per hectare. The population and density for the proposed development may change through the planning process as layout, unit type and yield are determined in conformity with the VOP 2010 and this Official Plan Amendment (OPA).

## OFFICIAL PLAN AMENDMENT

Amendments to Schedules 9 and 13 in Volume 1, Schedule 14-C in Volume 2, and to site-specific policies in Volume 2, Chapter 13 of the City of Vaughan's Official Plan are required to implement the proposed redevelopment of the site.

## LAND USE

The "Low-Rise Residential" Official Plan designation proposed for the lands will permit ground related built form such as single detached dwelling units and townhouses, as well as parks and stormwater management facilities.

Extract from Addendum to Planning Opinion Report for OP.17.007 (Dec 5<sup>th</sup>, 2018)

## POPULATION & DENSITY

The development, including the golf course, will have an estimated population of 1,500 people, 360 jobs and will achieve a density of approximately 10 units per hectare and approximately 41 residents and jobs per hectare. The population and density for the proposed development may change through the planning process as layout, unit type and yield are determined in conformity with the VOP 2010 and this Official Plan Amendment (OPA).

## OFFICIAL PLAN AMENDMENT

Amendments to Schedules 9 and 13 in Volume 1, Schedule 14-C in Volume 2, and to site-specific policies in Volume 2, Chapter 13 of the City of Vaughan's Official Plan are required to implement the proposed redevelopment of the site.

## LAND USE

The "Low-Rise Residential" Official Plan designation proposed for the lands will permit ground related built form such as single detached dwelling units and townhouses. "Mid-Rise Mixed-Use" permits mid-rise mixed-use buildings up to a max height of 12 stories.

Extract from Addendum to Planning Opinion Report for OP.17.008 (Dec 5<sup>th</sup>, 2018)

# Concluding Comments

- Validity of applying Greenbelt Plan Transition Policies
- Disposition of Valleylands (Public vs. Private)
- Communications with most affected community
- Significant changes to VOP 2010
- Approval of Official Plan Amendments prior to full consideration of densities and built form is premature
- The first order in the planning process should be the determination of Transition Policies



April 30, 2019

***Via e-mail to Mauro.peverini@vaughan.ca***

Mauro Peverini  
Director of Development Planning  
City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan ON L6A 1T1

Dear Mr. Peverini,

**Re: 11363 & 11063/11191 Highway 27  
File No. OP.17.007 and OP.17.008  
City of Vaughan**

Donnelly Law represents Humberplex Developments Inc. ("Humberplex"), the landowner immediately adjacent to the subject applications known as the Copper Creek application (the "Subject Lands"). Please accept this letter as our introduction as co-counsel with Mr. Gerry Borean of Parente Borean LLP.

We wish to be informed of any new developments with respect to the on-going evaluation of the application, and reiterate the request to meet with the City and Toronto and Region Conservation Authority ("TRCA") to discuss the file, first articulated in the email of Mr. C Brutto, dated February 5, 2019.

It is our understanding a number of residents are in the process of incorporating in order to represent their interests before the City of Vaughan ("Vaughan"), York Region ("York"), relevant agencies, and Province of Ontario.

Humberplex has retained a number of experts to examine the application arising from the unanswered questions remaining after the February 5, 2019 Committee of the Whole Public Hearing. Specifically, Humberplex is not satisfied the technical and planning work undertaken to date justifies the introduction of



approximately 630 dwellings and associated infrastructure in and around the Greenbelt.

Residents routinely see a number of wildlife traversing the valley onto the golf course lands and surrounding woodlands e.g. deer, coyote, turkeys, fox, amphibians, etc. There are a great number of species-at-risk associated with the nearby branch of the Humber River.

Of great concern to Humberplex is that the development proposal at the proposed density introduces new land uses in protected valley lands in the Greenbelt for infrastructure, including a stormwater management pond. Humberplex is conducting a peer review of the Environmental Impact Study to ensure that vulnerable species such as the red side dace are protected. The Greenbelt Plan does not permit infrastructure in Natural Areas such as is being proposed.

In addition, concerns have been raised but not answered regarding possible future uses of Greenbelt Natural Areas for an expanded clubhouse and other development requiring paving and the introduction of impermeable surfaces in close proximity to sensitive water features.

The proposal also appears to not conform with an important policy in Vaughan Official Plan Amendment 601, which applies directly to the Copper Creek lands. OPA 601 designated the area "Special Use Golf" that created an important open space and recreational amenity in the agricultural and rural areas north of the Village of Kleinberg.

Residential uses should be ancillary to the golf course. The designation allowed only "limited residential development of a minor nature" and contemplated a very modest population estimate for redevelopment of the Subject Lands, to a maximum of 570 people.

The development proposal yields a population estimate of 2,273 people, or approximately four times the density prescribed by OP 601.

Kleinberg-Nashville is not identified as an area of intensification in the Vaughan Official Plan, 2010 ("VOP").

As a landowner, Humberplex is acutely concerned regarding inappropriate development that does not conform to the VOP.

VOP Section 2.2.3 identifies the communities of Woodbridge, Kleinburg, Maple, Thornhill, Concord, and the new communities of Vellore and Carrville as contributing to a unique sense of place for the City and establish the Vaughan identity. Part of that identity is a landscape dominated by trees, open space,

wide lots and generous backyards that permit the maximum greenspace and foliage.

The predominate feature of these communities is their contribution to a modest scale of development that does not overwhelm its surroundings.

New communities must attempt to do the same. Section 2.2.3 also indicates that:

“...Vaughan's existing Community Areas are characterized by predominantly Low-Rise Residential housing stock, with local amenities including local retail, community facilities, schools and parks, and they provide access to the City's natural heritage and open spaces.

The policies of this Plan will protect and strengthen the character of these areas. As the City grows and matures, these Community Areas will remain mostly stable.

However, incremental change is expected as a natural part of maturing neighbourhoods. This change will be sensitive to, and respectful of, the existing character of the area”.

The proposed developments will not protect or strengthen the character of the area and represents a form of development that is not sensitive to, or respectful of, the existing character of the area.

The proposals fundamentally lack an appropriate transition with the adjacent lands by incorporating undersized lots and introduces new building types and larger building mass than what is found within the surrounding neighbourhood.

This has functional, aesthetic and environmental consequences. It is the unnecessary introduction of infrastructure and impermeable surfaces that exceeds the prescribed amounts. Intensification has its place, but not here.

We understand that Vaughan has exceeded its provincially mandated target for intensification. The benefit of this outcome is a reduction in the need for intensification outside of designated areas. In other words, intensification as proposed in the development application is unnecessary.

Furthermore, OP 601 pre-dates the Greenbelt Plan. To benefit from the transition provision under s. 5.2.1 of the Plan, a landowner cannot significantly increase the density or intensity of development. This opinion is shared by a number of senior planners familiar with the Greenbelt Plan.

As you are aware, the re-development of major open spaces in Vaughan is a very controversial subject in Vaughan. Residents are becoming increasingly

concerned that the lack of a stricter Open Space protection policy is undermining important natural and cultural heritage landscapes like golf courses that abut the Humber River.

Mostly, residents are concerned that the conversion of these open spaces were never contemplated in the Block Plans that are to guide development and inform prospective property buyers with respect to the landscape in which they make, for many, their most significant investment in purchasing a home. As you are no doubt aware, Council has been asked previously to adopt an Interim Control By-law ("ICBL") to study the issue of loss of greenspace.

Presently, Council appears to be dealing with each new development application on an *ad hoc* basis. Our client is concerned regarding the loss of open space and respectfully submits that Council should plan for the preservation of greenspace in a comprehensive manner.

Compounding this concern is the uncertainty surrounding the number, type and location of new units in this sensitive area. This uncertainty further undermines the technical work conducted in order satisfy public agencies that the environment is being protected.

My client reiterates its position that it is premature to approve the development at this time. In addition, given the interest and concern of residents, a meeting should be held with the City and TRCA representatives in order to answer these questions and those posed by Mr. C. Brutto previously.

Please do not hesitate to contact me at 416-572-0464, or by e-mail to [david@donnellylaw.ca](mailto:david@donnellylaw.ca) , cc'ing alexandra@donnellylaw.ca, should you have any questions or comments concerning this correspondence.

Yours truly,

A handwritten signature in blue ink, appearing to read 'D. Donnelly', with a long horizontal line extending from the end of the signature.

David R. Donnelly

cc. Jason Schmidt-Shoukri, City of Vaughan  
John MacKenzie, TRCA  
G. Borean

# Attachment 8



Corporate Services

May 3, 2019

Mr. Mauro Peverini  
Director of Development Planning  
The City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario, L6A 1T1

Attention: Mark Antoine, Senior Planner

**Re: Kirby 27 Developments Limited**  
**City of Vaughan**  
**Your File No.: OP.17.007**  
**York Region File No.: LOPA.17.V.0036**

This is in response to your request for comments for the above-captioned Official Plan Amendment ("OPA") application. The subject site is approximately 23.55 hectares (58.19 acres) in size, and is located on lands municipally known as 11363 Highway 27, which is at the southeast corner of Highway 27 and Kirby Road. Highway 27 is a Regional road and Kirby Road is under the City of Vaughan's jurisdiction.

The proposed development consists of a residential neighbourhood with approximately 200 low-rise residential units and a public park, on the tableland portion of the subject lands.

## **Purpose and Effect of the Proposed Official Plan Amendment**

The new Vaughan Official Plan 2010 ("VOP 2010") is the in-force Plan applicable to the subject site. Schedule 1 – Urban Structure, of the VOP 2010, identifies the site within the Community Area and Greenbelt Plan Area. Schedule 13 – Land Use designates the subject site "Agriculture", and "Natural Area" within the Greenbelt Plan Area.

The purpose of the proposed OPA is to amend the VOP 2010, specifically, Volume 1, Schedules 9 and 13, and Volume 2, Schedule 14-C and Chapter 13 Site Specific Policies to bring the subject property into conformity with the Vaughan Official Plan, the York Region Official Plan (2010) and Provincial Policy pertaining to the site by re-designating the current land use from "Agricultural" and "Natural Areas" to "Low-Rise Residential" and "Natural Areas".

According to the applicant's addendum planning justification report, prepared by Malone Given Parsons Ltd., dated December 5, 2018, the subject lands are transitioned



from the Greenbelt Plan through application of Greenbelt Plan policy 5.2.1. This is made possible by bringing forward relevant policies from OPA 601, as amended, which was in force on the subject lands prior to the Greenbelt Plan, into the VOP 2010. York Region Community Planning staff agrees with this approach, as the natural heritage features are appropriately protected from development. The limits of development are determined through detailed environmental assessments completed to the satisfaction of the Toronto and Region Conservation Authority.

#### **Conformity with the York Region 2010 Official Plan**

The subject site is designated “Towns and Villages” and “Greenbelt Protected Countryside” by Map 1 – Regional Structure of the York Region 2010 Official Plan (“ROP 2010”). Map 2 – Greenlands shows the natural heritage features as “Regional Greenland System”. Map 3 – Environmental Significant Areas and Areas of Natural and Scientific Interest shows that there are “Environmental Significant Areas” within the Regional Greenland System. Map 5 – Woodlands shows that there are also “Woodlands” within the Regional Greenlands system. Map 8 – Agricultural and Rural Area shows that the lands within the Greenbelt Plan are “Agricultural Area”. Map 14- Highly Vulnerable Aquifers shows that there are areas of “Highly Vulnerable Aquifers” generally within the Regional Greenland System.

Regional Official Plan policies found in Section 2.1 – Regional Greenlands System, states that Regional Greenlands are to be protected and enhanced, and new development and site alteration in the vicinity of the System is to be controlled (Policy 2.1.1). The Regional Official Plan also directs local Official Plans to establish and protect greenlands systems from development and site alteration (Policy 2.1.4) and to more specifically identify and integrate the System into community design (Policy 2.1.5). The boundaries and the extent of the Regional Greenland System, as shown on Map 2 of the Regional Official Plan, are approximate. Refinements to the boundaries may occur through approved planning applications supported by appropriate technical studies (Policy 2.1.7).

The proposed Official Plan Amendment generally conforms to the York Region Official Plan. The natural heritage features are being protected from development and the tableland portions of the subject site are proposed to be designated to accommodate development of a new community.

#### **Exemption from York Region Approval**

Based on our review and assessment, this proposed OPA appears to be a routine matter of local significance. Furthermore, in accordance with Regional Official Plan policy 8.3.8, the proposed Amendment does not adversely affect Regional planning policies or interests.

Pursuant to Council authorization specified in By-law A-0265-1999-017, this application is hereby exempted from approval by Regional Council. However, this exemption from Regional approval is granted on the basis of TRCA's approval of the limits of development. This allows the Amendment to come into effect following its adoption by the City of Vaughan and the expiration of the required appeal period.

#### **Technical Comments from Regional Circulation**

The following summarizes technical comments received from the various commenting Regional Branches and Departments.

#### **Environmental Services**

Regional staff from Water Resources do not have comments on the OPA application, but provide comments for subsequent development applications. The applicant is advised that the property is located within a Significant Groundwater Recharge Area and WHPA-Q. As such the CTC Source Protection Plan water quantity recharge maintenance policy will apply. The proponent will be required to maintain recharge as demonstrated through a hydrogeological study that shows the existing (i.e. pre proposed development) water balance can be maintained in the future (i.e. post proposed development). Water Resources acknowledges that the proponent has prepared a Pre and Post Development Site Specific Water Balance Assessment (prepared by WSP Canada Inc., dated February 28, 2017) to address the CTC Source Protection Plan Water Balance Requirements. The contact person for the scoping and review of the water balance for Source Protection Plan conformity is Don Ford at TRCA.

The applicant is advised that Low Impact Development (LID) measures are encouraged to be applied to the site. As per York Region Official Plan policy 2.3.37, developments should maximize infiltration through integrated treatment approach techniques to minimize stormwater volume and contaminant loads. This should include, but not be limited to, techniques such as rainwater harvesting, phosphorus reduction, constructed wetlands, bioretention swales, green roofs, permeable surfaces, clean water collection systems, and the preservation and enhancement of native vegetation cover. The use of the following resource is encouraged: Low Impact Development Stormwater Management Planning and Design Guide and is available using the following link: <http://www.creditvalleyca.ca/low-impact-development/low-impact-development-support/stormwater-management-lid-guidance-documents/low-impact-development-stormwater-management-planning-and-design-guide/>

Regional staff from Infrastructure Asset Management (water and wastewater) advises that the residential development proposed within the application will require water and wastewater servicing allocation from the City of Vaughan. If the City of Vaughan does not grant this development the required allocation from the Region's existing capacity

assignments to date, then the development may require additional infrastructure based on conditions of future capacity assignment, which may include:

- West Vaughan Sewage Servicing – 2028 expected completion
- Other projects as may be identified in future studies.

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only.

Based on the FSR provided, the wastewater and water servicing are summarized below.

#### Wastewater

The wastewater servicing for the proposed development relies on a new City of Vaughan wastewater pump station that discharges to the existing City of Vaughan sanitary sewer on Highway 27.

#### Water

The WSP's water analysis report needs to be revised. It should reflect the existing and planned water system conditions in that area. Their system understanding, as demonstrated in the report and used in their design and analysis, is not correct. As such, we advise WSP to use correct system boundary information in the analysis. Typically they should get the system information from the City of Vaughan. However, we are amenable to meet with the consultant if needed. The applicant is advised to contact Jhapendra Pokhrel, Water and Wastewater Modelling Engineer, at 1-877-464-9675 ext. 75512, for further assistance.

#### **Transportation Services**

Transportation staff have no objections to the proposed OPA application with regards to the land use.

The following Regional comments shall be addressed to the satisfaction of the Region prior to the subsequent development applications for the proposed development.

#### Technical Comments on the TIS

1. A review of the supporting Traffic Impact Study dated March 2017 indicates that the report used the old Guidelines (August 2007) for preparing Transportation Impact Study. It should be noted that effective January 1, 2017, all transportation impact study report must be consistent the Region's Transportation Mobility Plan Guidelines for Development Application (November 2016). As such, the Transportation Study shall be revised and submitted for further review.



2. The traffic count data shall be updated with the latest traffic counts. The traffic volume data was collected in May 2015. The Region does not accept traffic volume data more than three years old.
3. The Study shall analyse peak hours including weekend peak hours as Highway 27 is a preferred route of cottage-traffic to and from the north.
4. The Study shows peak direction future traffic volumes of +1600 during peak hours on Highway 27. This section of Highway 27 between Major Mackenzie Drive and Kirby Road is predominantly a two lane section. Implementation of 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. The revised study shall address this concern. The revised Study shall assess and identify the required improvements of Highway 27 between Major Mackenzie Drive and Kirby Road.
5. The Study area shall also include the intersection of Nashville Road and Highway 27 in the intersection operation capacity analysis.
6. The Study shall also recommend the pedestrian and cyclists facilities required on Highway 27 to accommodate and encourage alternative modes of transportation from the proposed development.
7. The revised report format shall be consistent with the Region's Transportation Mobility Plan Guidelines for Development Applications (November 2016), which includes the table of content, figures and list of table. Table 10 of the Guidelines should be filled out and attached to the final report.
8. The Study shall include existing and future level of service analysis for automobile, walking, cycling and transit modes of transportation, as outlined in the Region's Transportation Mobility Plan Guidelines.
9. A TDM checklist which is similar to Table 13 of the Transportation Mobility Plan Guidelines shall be provided that summarizes the programs and measures, responsibility of the Owner, and the estimated costs for these recommendations.
10. The TDM Plan shall provide at later stages of the development a communication strategy to communicate and notify the Region and the City of Vaughan to effectively deliver the Information Packages and pre-loaded PRESTO Cards to

residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards, if applicable.

The Region will provide additional comments on the revised Traffic Impact Study when it is submitted for review.

Preliminary Comments for Subsequent Development Application for this site

The following preliminary consolidated comments are provided for subsequent development applications. These comments are not an approval and are subject to modification. It is intended to provide information to the applicant regarding the Regional requirements that have been identified to date. More detailed comments will be provided through the Draft Plan of Subdivision application and/or at the subsequent Site Plan application.

**Transportation Planning**

1. Provide a basic 36 metre right-of-way for this section of Highway 27. As such, all municipal setbacks shall be referenced from a point 18.0 metre from the centerline of construction of Highway 27 and any lands required for additional turn lanes at the intersections will also be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
2. Agree in the Subdivision Agreement to provide interconnections with adjacent developments or existing communities in order to consolidate and reduce the number of accesses onto Regional roads (as per the Regional Official Plan Policy 7.2.53), where appropriate.
3. Agree in the Subdivision Agreement that the proposed development access be provided via local streets, shared driveways and interconnected properties to maximize the efficiency of the Regional street system (as per the Regional Official Plan Policy 7.2.53), where appropriate.
4. Provide direct pedestrian and cycling connections to the boundary roadways and adjacent developments to facilitate active transportation. A drawing shall be provided to illustrate the pedestrian and cycling connections and facilities, to the satisfaction of the Region.
5. Address all Regional comments provided in regards to the supporting Transportation Study dated March, 2017 prepared by Poulos and Chung, to the satisfaction of York Region.

### Development Engineering

1. Street A connects to Hwy 27 such that adequate daylight triangles cannot be provided until the adjacent property to the south developments. Currently there is no timing to this south development. The applicant will need to adjust the draft plan of subdivision or make arrangements with the adjacent property owner to the south to convey 15m x 15m daylight triangles for Street A.
2. Signals will not be permitted unless the signals warrants are met.
3. The traffic report needs to be revised to recommend geometry for the proposed intersections.
4. We have no comments regarding the servicing for the subject property.

### YRT/Viva

Detailed comments will be provided as part of the Draft Plan of Subdivision and/or subsequent Site Plan application.

For inquiries pertaining to comments provided by Transportation Planning, YRT/Viva, and Capital Planning and Delivery, please contact Shahid Matloob at 1-877-464-9675 ext. 75080.

For inquiries pertaining to comments provided by Development Engineering, please contact Trevor Catherwood at 1-877-464-9675 extension 75753.

For inquiries pertaining to Regional planning please contact Augustine Ko at 1-877-464-9675 ext. 71524.

Sincerely,



Karen Whitney, M.C.I.P., R.P.P  
Director of Community Planning and  
Development Services

AK