

Committee of the Whole (Public Hearing) Report

DATE: Monday, October 07, 2019

WARD: 1

**TITLE: RIZMI HOLDINGS LIMITED
ZONING BY-LAW AMENDMENT FILE Z.18.004
DRAFT PLAN OF SUBDIVISION FILE 19T-18V004
VICINITY OF DUFFERIN STREET AND KIRBY ROAD**

FROM:

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

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.18.004 and Draft Plan of Subdivision File 19T-18V004 to rezone the Subject Lands shown on Attachment 1, and to permit a residential plan of subdivision consisting of 526 lots that would be developed with detached dwellings, as shown on Attachment 2.

Report Highlights

- To receive input from the public and the Committee of the Whole on a residential plan of subdivision consisting of 526 lots for detached dwellings.
- A Zoning By-law Amendment and Draft Plan of Subdivision approval are required to permit the proposed development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Zoning By-law Amendment File Z.18.004 and Draft Plan of Subdivision File 19T-18V004 (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

The subject lands (the “Subject Lands”) are located on the east side of Dufferin Street, are municipally known as 11333 Dufferin Street and shown as Subject Lands on

Attachment 1. The surrounding land uses are also as shown on Attachment 1. The Subject Lands are used for a concrete recycling operation, where used concrete is crushed on the site, stock-piled and sold as aggregate.

The lands are subject to a Minister's Zoning Order issued in February 2015

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 Official Plan(s) and Zoning By-law(s) by Order for the Subject Lands. The Minister's Order amends the 1994 Official Plan of the Regional Municipality of York through Official Plan Amendment 72 ('OPA 72'), Vaughan Official Plan 600 ('OPA 600') through Official Plan Amendment 747 (OPA 747) and the City's Zoning By-law 1-88, by way of site-specific Zoning Exception Paragraph 9(1416).

The Minister's Order specifically states that notwithstanding subsection 2.5 'Oak Ridges Moraine' policies of the 1994 Official Plan of The Regional Municipality of York, notwithstanding subsection 6.2 'Rural Use Area' policies of OPA 600 and site-specific Zoning Exception 9(1416) to the City's Zoning By-law 1-88; the Subject Lands are to be developed for urban uses and only on the basis of full municipal services, an approved and registered plan of subdivision and an approved implementing zoning by-law.

A Public Hearing was held on June 5, 2018 for a previous proposal on the Subject Lands

A Committee of the Whole (Public Hearing) meeting was held on June 5, 2018, to receive comments from the public and members of the Committee of the Whole, regarding the original Zoning By-law Amendment and Draft Plan of Subdivision applications, shown on Attachment 3. The original Draft Plan of Subdivision consisted of 410 lots for detached dwellings with lot frontages ranging from 12 m to 20 m. The Owner also proposed to rezone the Subject lands from the "FUA Future Residential Zone" to "RD1 Residential Detached Zone One", "RD2 Residential Detached Zone Two", "RD3 Residential Detached Zone Three", "OS1 Open Space Conservation Zone", "OS2 Open Space Park Zone", "OS4 Open Space Woodlot Zone" and "OS5 Open Space Environmental Protection Zone".

The original Zoning By-law Amendment and Draft Plan of Subdivision Applications have been revised

The Owner has revised the following applications (the "Applications") for the Subject Lands shown on Attachment 1 to permit a residential plan of subdivision with 526 lots (the "Development") that would be developed with detached dwellings, as shown on Attachment 2:

1. Zoning By-law Amendment File Z.18.004 to amend Zoning By-law 1-88, to rezone the Subject Lands from "FUA Future Urban Area Zone," subject to site-specific Exception 9(1416), as shown on Attachment 2, to

- RD2 Residential Detached Zone Two
- RD4 Residential Detached Zone Four
- RD5 Residential Detached Zone Five
- OS1 Open Space Conservation Zone
- OS2 Open Space Park Zone
- OS4 Open Space Woodlot Zone
- OS5 Open Space Environmental Protection Zone

2. Draft Plan of Subdivision File 19T-18V004 as shown on Attachment 2 for a residential plan of subdivision consisting of the following:

<u>Lot/Blocks</u>	<u>Land Use</u>	<u>ha</u>	<u>Units</u>
Lots 1 - 526	Detached Residential (lot frontages 7.6 m - 15 m)	20.72 ha	526
Blocks 530, 532 & 542-588	0.3 m Reserves	0.01ha	
Blocks 539 & 541	Open Space Park/SWM	2.30ha	
Blocks 531, 533-537	Open Space	0.28ha	
Block 540	Natural Heritage System	2.28ha	
Block 538	Future Kirby Road Extension	4.65 ha	
Roads	(Public Roads "A"-“L”)	8.45ha	
Total		38.69ha	526 units

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

a) Date the Notice of Public Hearing was circulated: September 17, 2019

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

b) Circulation Area: 150 m and to the MacKenzie Ridge Ratepayers’ Association and to those individuals that provided written correspondence requesting notice or appeared at the Committee of the Whole Public Hearing on June 5, 2018

Any 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. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

Previous Reports/Authority

[Committee of the Whole \(Public Hearing\) Meeting June 5, 2018](#)

Analysis and Options

The Subject Lands are identified as “Minister’s Decision on Oak Ridges Moraine Conservation Plan (“ORMCP”) by Vaughan Official Plan 2010 and the York Region Official Plan 2010

Vaughan Official Plan 2010 (‘VOP 2010’) identifies the Subject Lands as “Minister’s Decision on ORMCP Designation” on all applicable Schedules and does not include policies for the Subject Lands, and instead refers to the Minister’s Order. The York Region Official Plan 2010 similarly identifies the Subject Lands on Map 1, "Regional Structure" and does not include policies regarding the Subject Lands, and instead refers to the Minister’s Order.

The Subject Lands are identified as “Refer to Minister’s Decision” by in-effect Region of York Official Plan 1994, as amended by site-specific OPA #72 (the “Minister’s Order”)

The Minister’s Order effectively amends the 1994 Official Plan of the Regional Municipality of York by way of site-specific OPA 72 for the Subject Lands. OPA 72 specifically amends Map 11, "Oak Ridges Moraine Conservation Plan Land Use Designation" to outline the Subject Lands with the notation “Subject to Clauses 2.5.14 and 5.9.10.11 Special Provisions for the lands municipally known as 11333 Dufferin Street.” The Minister’s Order specifically states that notwithstanding the policies of subsection 2.5 “Oak Ridges Moraine” and subsection 5.9 “Rural Policy Area” of the 1994 Official Plan of The Regional Municipality of York, the Subject Lands are intended to be developed for urban uses and the lands shall only be developed on the basis of full municipal services, an approved and registered plan of subdivision and an approved implementing zoning by-law.” The Owner has submitted the Applications in accordance with site-specific OPA 72, which forms part of the Minister’s Order.

The proposed Development conforms to in-effect OPA 600 as amended by site-specific OPA 747

The Subject Lands are designated “Low Density Residential” and “Valley and Stream Corridor” by in-effect OPA 600 as amended by the site-specific Minister’s Order (OPA 747) and shall only be developed on the basis of full municipal services and an approved and registered draft plan of subdivision and implementing zoning by-law. The "Low Density Residential" designation permits detached and semi-detached houses with a maximum residential density of 18 units per residential hectare with a mix of lot frontages and schools, parks and open space, private home daycare, home occupations and local convenience centres. The policies of OPA 600 governing Valley and Stream Corridors apply to the Subject Lands.

OPA 747 states that the final land use boundaries shall be confirmed through the processing of a plan of subdivision based on the technical analysis of the supporting information provided, to the satisfaction of the City, York Region and any affected review agencies. This policy permits the appropriate zoning and standards to be established through the concurrent review of a draft plan of subdivision and zoning by-law amendment, which will reflect the outcome of the draft plan of subdivision approval process.

OPA 747 does not identify a location for a municipal park. The location of a municipal park(s) will be established through the draft plan of subdivision process in accordance with the policies of OPA 600, to the satisfaction of the City.

In accordance with the Minister's Order, the Owner has submitted Draft Plan of Subdivision File 19T-18V004 and Zoning By-law Amendment File Z.18.004 to rezone the Subject Lands and facilitate a residential plan of subdivision. The proposed residential plan of subdivision shown on Attachment 2 includes 526 lots for detached dwelling units with lot frontages ranging from 7.6 m to 15 m and a residential density of 18 units per residential hectare. The proposed Development conforms to the Minister's Order and the Official Plan.

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

The Subject Lands are zoned "FUA Future Urban Area Zone", as shown on Attachment 2, by Zoning By-law 1-88 and are subject to site-specific Zoning Exception 9(1416), as set out in the Minister's Order. Site-specific Zoning Exception 9(1416) permits the future development of residential, local commercial and open space uses on the Subject Lands. The Zoning Exception states that the Subject Lands shall be subject to future *Planning Act* Applications including but not limited to Zoning By-law Amendment and Draft Plan of Subdivision Applications in order to identify the appropriate land use zones, delineate development limits, roadways, buffers, parks, stormwater management facilities and infrastructure, setbacks for utilities and the protection of open space.

In accordance with the provisions of site-specific Zoning Exception 9(1416), the Owner has submitted Zoning By-law Amendment File Z.18.004 to rezone the Subject Lands from "FUA Future Urban Area" as shown on Attachment 2, to "FUA Future Urban Area", "R2 Residential Zone", "R3 Residential Zone", "R4 Residential Zone", "R5 Residential Zone Five", "OS2 Open Space Park Zone", "OS4 Open Space Woodlot Zone" and "OS5 Open Space Environmental Protection Zone", in the manner shown on Attachment 2. The Owner is not proposing any exceptions to the proposed zone categories.

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 with the Minister's Order, Provincial Policies, York Region and City of Vaughan Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the Minister's Order, together with all applicable statutory policies including the <i>Provincial Policy - Statement (2014)</i> (the 'PPS'), <i>A Place to Grow - the Growth Plan for the Greater Golden Horseshoe (2019)</i> (the 'Growth Plan'), the 1994 York Region Official Plan (the 'YROP') as amended by OPA 72 and OPA 600, as amended by site-specific OPA 747.
b.	Appropriateness of the Proposed Rezoning	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed FUA, R2, R4, R5, OS1, OS2, OS4 and OS5 Zones as shown on Attachment 2, will be reviewed in consideration of conformity with the Minister's Order, compatibility with the surrounding existing and planned land uses, including the proposed lotting pattern, street design and access, park location, size and configuration, stormwater management facilities and the limits of development and necessary buffers. ▪ In accordance with OPA 747, the development limits of the Subject Lands must be established to the satisfaction of York Region, the Toronto and Region Conservation Authority, the City and the appropriate review agencies.
c.	Appropriateness of the Draft Plan of Subdivision	<ul style="list-style-type: none"> ▪ Should Vaughan Council approve the Applications, the required Draft Plan of Subdivision conditions will be included to address the following, but not limited to, access (including the requirements for the extension of Kirby Road and potential widening of Dufferin Street), road widths, road alignments and connections, servicing and grading, environmental, noise and other municipal, regional and public agency and utility requirements. ▪ Review will be given to the proposed park location, size and configuration in accordance with the policies of

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>OPA 747, to the satisfaction of the Parks Development Department.</p> <ul style="list-style-type: none"> ▪ In accordance with policies of OPA 747, the development limits of the Subject Lands must be established to the satisfaction of York Region, the Toronto and Region Conservation Authority, the City and any affected review agencies in consideration of the presence of Environmentally Sensitive Areas to employ both urban design, environmental design and mitigation measures that serve to optimize and preserve these characteristics. The approved measures will be reflected in the draft plan of subdivision and the implementing zoning by-law, if the Applications are approved.
d.	Kirby Road Environmental Assessment Study(EAS)	<ul style="list-style-type: none"> ▪ Rizmi Holdings Limited ('RHL'), as permitted by Council December 2015, is undertaking an Environmental Assessment Study ("EAS") for the Kirby Road extension between Dufferin Street and Bathurst Street. Schaeffers Consulting Engineers has been retained by RHL to carry out the EAS and to establish the preferred road alignment and design. ▪ The EAS, initiated in May 2017, is proceeding as a Schedule C project in accordance with the Municipal Engineers Association' Municipal Class Environmental Assessment October 2000, as amended in 2007, 2011 and 2015. The ongoing EAS identified a preferred road alignment for the missing Kirby Road link, connecting Bathurst Street to Dufferin Street, as shown on Attachment 4. The EAS is currently within the 30-day public review period which will end on October 18, 2019. ▪ Lots and roads abutting the Future Kirby Road Extension Block may be zoned with a Holding Symbol "(H)" until the final alignment of Kirby Road is approved, and the final lot and road network is determined.

	MATTERS TO BE REVIEWED	COMMENT(S)
e.	Studies and Reports	<ul style="list-style-type: none"> ▪ In accordance with the implementation policies of OPA 747, the Owner has submitted the following studies and reports in support of the Applications, which must be approved to the satisfaction of the City and/or the respective public approval authority: <ul style="list-style-type: none"> - Urban Design and Draft Architectural Guidelines - Typical Building Elevations - Landscape Master Plan - Arborist Report and Edge Management Plan, Tree Inventory and Preservation Plan - Stage 1 and 2 Archaeological Assessment - Master Environmental Servicing Plan/Functional Servicing Report - Phase 1 Environmental Site Assessment - Phase 2 Environmental Site Assessment - Supplemental Phase 2 Environmental Site Assessment - Traffic Assessment Study - Environmental Noise Report - Geotechnical Investigation - Environmental Impact Study - Hydrogeological Investigation and Water Balance Report - Draft Plan of Subdivision - Sustainability Matrix - Parkland Dedication Plan - Preliminary Phasing Plan - Slope Stability Plan ▪ The requirement for additional studies/reports may be identified as part of the Application review process.
f.	Water and Servicing Allocation	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the proposed Development must be identified and formally allocated by Vaughan Council, if the Applications are approved. If servicing capacity is unavailable, the entirety of the Subject Lands will be zoned with a Holding Symbol “(H)”, which will be removed once servicing capacity is identified and allocated to the Subject Lands by Vaughan Council.

	MATTERS TO BE REVIEWED	COMMENT(S)
g.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the draft plan of subdivision process, if the applications are approved.
h.	Toronto and Region Conservation Authority (the "TRCA")	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the TRCA's Regulated Area pursuant to Ontario Regulation 166/06. The Applications have been circulated to the TRCA for review and comment. The Owner must satisfy the requirements of the TRCA.
i.	TransCanada	<ul style="list-style-type: none"> ▪ TransCanada has three high pressure natural pipelines along the south limits of the Subject Lands. The Application have been circulated to TransCanada for review and comment. The Owner must satisfy the requirements of TransCanada.

Financial Impact

N/A

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. In accordance with the Region's "One-Window" policy, the Applications will be circulated to the appropriate Provincial Ministries, including but not limited to, the Ministry of Natural Resources and Forestry. Any Regional or Provincial 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 Applications will be considered in the technical review of the Applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Mary Caputo, Senior Planner, Development Planning Department, Extension: 8635

Attachments

1. Location Map
2. Draft Plan of Subdivision File 19T-18V004 and Proposed Zoning
3. Original Draft Plan and Proposed Zoning – Considered at Public Hearing June 5, 2018
4. Environmental Assessment Study Kirby Road Extension (Dufferin to Bathurst Street)

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