

Committee of the Whole (1) Report

DATE: Tuesday, May 5, 2026

WARD(S): 1

**TITLE: COPPER KIRBY DEVELOPMENTS LIMITED
ZONING BY-LAW AMENDMENT FILE Z.25.049
11363 HIGHWAY 27
VICINITY OF HIGHWAY 27 AND KIRBY ROAD**

FROM:

Vince Musacchio, Deputy City Manager, Planning and Infrastructure Development

ACTION: DECISION

Purpose

To seek approval on an application to amend Zoning By-law 001-2021 to permit a revised residential draft plan of subdivision consisting of 198 single detached units, 70 townhouse units and a public park, as shown on Attachments 2 to 4.

Report Highlights

- The Owner proposes 198 single detached units, 70 townhouse units and a public park
- Amendments are required to the previously approved Zoning By-law and Draft Plan of Subdivision for the subject lands to reflect revisions made to the proposed development
- The Development and Parks Planning Department supports the proposed amendments as outlined in this report

Recommendations

1. That Zoning By-law Amendment File Z.25.049 (Copper Kirby Developments Limited) be approved, to amend Zoning By-law 001-2021, to rezone a portion of the Subject Lands shown on Attachment 1, from “R4A(H) Fourth Density Residential Zone” with the Holding Symbol “(H)” to “R3A(H) Third Density Residential Zone”, “R4(H) Fourth Density Residential Zone”, both with the Holding Symbol “(H)” and subject to site-specific exception 14.1161, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.

2. That the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
 - a) As the Subject Lands are tributary to future water and sanitary service infrastructure improvements, the Owner must demonstrate that an alternate interim sanitary and water servicing strategy can be achieved utilizing a comprehensive study, and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City;
 - b) The Owner shall ensure that the proposed sanitary pump station, designated as the Kirby Sanitary Pumping Station, is fully operational and commissioned in accordance with the approved plans, specifications, and all relevant municipal and regulatory standards;
 - c) The Owner shall ensure that the water services are fully operational and commissioned in accordance with the approved plans, specifications, and all relevant municipal and regulatory standards;
 - d) External lands are required to provide service and access to the subject lands; therefore, the following conditions must be satisfied:
 - i. The Owner shall enter into a Developers’ Group Agreement or provide acknowledgement from the other land owners within Block 55 West to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services, including land dedication and construction of any future roads and streets deemed required to service the Subject Lands. This Agreement shall also include a provision for additional developers to participate with the Developers’ Group Agreement when they wish to develop their lands, all to the satisfaction of the Development Engineering Department;
 - ii. The Owner shall submit a letter from the Block Trustee or balance of the other landowners within Block 55 West indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 55 West

Landowners Cost Sharing Agreement, to the satisfaction of the Development Engineering Department; and

- iii. The Owner through the Block 55 Developers' Group shall enter into an Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the municipal services for the Block, including but not limited to, roads, water, wastewater, storm and storm water management pond, land conveyances, including the construction of streets and roads south of the Subject Lands or frontend the works and enter into a Development Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the necessary municipal services, including but not limited to, roads, water, wastewater, storm and storm water management pond, land conveyances including the construction of streets and roads south of the Subject Lands. The Agreements shall be registered against the lands to which it applies and to the satisfaction of the Development Engineering Department.
- e) The Owner contributes their share of the cost of infrastructure works and/or undertakes the necessary improvement works and enters into an Agreement (if required) with the City, for the works associated with implementing the municipal servicing improvements for the ultimate build out of the ultimate condition. The Owner's contributions are to be based on the conclusions and recommendations of the on-going Integrated Urban Water Master Plan Environmental Assessment and latest Functional Servicing Strategy Report, as required to the satisfaction of the City.

Background

Location: 11363 Highway 27 (the Subject Lands). The Subject Lands and surrounding land uses are shown on Attachment 1.

The Subject Lands represent Phase 1 of a 4-phase development with associated Official Plan Amendment files subject to an Ontario Land Tribunal appeal.

The Subject Lands represent Phase 1 of a comprehensive residential redevelopment that includes the Copper Creek Golf Course lands located south of the Subject Lands, as shown on Attachment 5 (the Block 55 West Block Plan).

Kirby 27 Developments Limited submitted Official Plan Amendment file OP.17.007 to redesignate the Subject Lands (Phase 1) from the "Agricultural" and "Natural Areas" designation to the "Low-Rise Residential" designation in Vaughan Official Plan 2010 (VOP 2010), and to modify the Future Transportation Network and establish minimum vegetation protection zones.

On June 12, 2019, Vaughan Council approved Official Plan Amendment file OP.17.007 and adopted the implementing Official Plan Amendment No. 47 (By-law 107-2019). Official Plan Amendment file OP.17.007 was subsequently appealed to the Local Planning Appeal Tribunal (LPAT) (now known as the Ontario Land Tribunal - OLT) on

July 15, 2019, which later dismissed the appeal in June 2021. The OPA is now in effect. The OPA was subject to both an application for judicial review and a motion for leave to appeal. However, the Divisional Court dismissed the application for judicial review in April 2024 (in November 2024, the Court of Appeal refused to grant leave from that Divisional Court decision). The motion for leave to appeal the Tribunal's Decision was then dismissed by the Divisional Court in July 2025.

Revisions are required to the previously approved Zoning By-law Amendment and Draft Plan of Subdivision Applications for the Subject Lands.

On Dec. 12, 2023, Council approved Zoning By-law Amendment file Z.22.029 and Draft Plan of Subdivision file 19T-22V006 which rezoned the Subject Lands from “A – Agricultural Zone” to the residential and open space zone categories shown on Attachment 1, together with site-specific zoning exceptions to facilitate a Draft Plan of Subdivision consisting of 227 single detached and 70 townhouse units, and a public park, as shown on Attachment 6. Since the approval of these applications, the Owner has revised the development as follows:

- to remove three laneways (identified as Laneways “B”, “C” and “D” on Attachment 6);
- further tapering Bendview Trail to adjust the transition from Copper Club Drive;
- adjust the tapering of the Charming Pines Gate intersection with Highway 27; and,
- make lotting adjustments associated with the above changes that have the effect of reducing the number of single detached lots from 227 to 198.

The resulting changes alter the lotting and development pattern on a portion of the Draft Plan that necessitates different zoning categories and development standards to be applied than what was approved through Zoning By-law Amendment file Z.22.029. To address these changes, the Owner submitted Zoning By-law Amendment file Z.25.049 and a revision to existing Draft Plan of Subdivision file 19T-22V006, which was only draft approved (i.e no registered M-Plan) at the time the changes were made.

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

The Owner has submitted Zoning By-law Amendment File Z.25.049 (the Application) for the Subject Lands to permit a revised residential draft plan of subdivision consisting of 198 single detached units, 70 townhouse units and a public park (the Development) as shown on Attachments 2 to 4 for the following:

1. to rezone a portion of the Subject Lands (identified as “Rezoned Areas” on Attachment 2) from “R4A(H) Fourth Density Residential Zone” with the Holding Symbol “(H)” (‘R4A(H) Zone’) to “R3A(H) Third Density Residential Zone” (‘R3A(H) Zone’) and “R4(H) Fourth Density Residential Zone” (‘R4(H) Zone’), both with the Holding Symbol “(H)” under Zoning By-law 001-2021 in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified on Attachment 7 which apply to the entire Subject Lands.

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

- *Date of Notice (Circulated 150 metres from Subject Lands as shown on Attachment 1):*
- *Location of Notice Sign(s): Highway 27 and Kirby Road*
- *Date of Public Meeting(s): March 4, 2026, date ratified by Council March 24, 2026*
- *Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: April 28, 2026*

No public comments were received at the time of writing this report.

Previous Reports/Authority

Previous reports related to the Subject Lands can be found at the following links:

Kirby 27 Developments Limited Committee of the Whole Report (file OP.17.007):
[June 4, 2019, Committee of the Whole \(Item 4, Report No. 20\)](#)

Copper Kirby Developments Limited Committee of the Whole Report (file Z.22.029):
[Nov. 28, 2023, Committee of the Whole \(Item 5, Report No. 48\)](#)

Copper Kirby Developments Limited Public Meeting Report (file Z.25.049):
[Mar. 4, 2026, Committee of the Whole \(Public Meeting\) \(Item 5, Report No. 14\)](#)

Analysis and Options

The Development is consistent with the Provincial Planning Statement 2024, and conforms to the Greenbelt Plan, York Region Official Plan 2022, and Vaughan Official Plan 2010.

Provincial Planning Statement, 2024

The Provincial Planning Statement 2024 is a policy statement issued pursuant to Section 3 of the *Planning Act* and came into effect on Oct. 20, 2024. All decisions made on or after Oct. 20, 2024, in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement. The Provincial Planning Statement 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Development facilitates a compact urban form through intensification of underutilized lands with a mix of unit types that efficiently use existing and planned infrastructure and services, while maintaining a low-rise built form character compatible with the area. Staff are satisfied that the Development is consistent with the Provincial Planning Statement.

The Greenbelt Plan, 2017

The Greenbelt Plan is intended to identify where urbanization should not occur, to provide permanent protection to the agricultural land base, together with the ecological and hydrological features, areas and functions occurring on this landscape.

The Greenbelt Plan includes transition provisions which recognize land uses permitted through an official plan amendment prior to Dec. 16, 2004. The Kleinburg-Nashville Community Plan (OPA 601) was in full force and effect on Oct. 29, 2001 which designated the Subject Lands as “Future Residential” and “Valley Area” and permitted residential uses on the “Future Residential” portion subject to the establishment of development limits. The technical studies submitted through the review of OPA 47 established the development limits to the satisfaction of the Toronto and Region Conservation Authority (TRCA). The land use permissions from OPA 601 for the Subject Lands were transitioned into VOP 2010, and therefore are transitioned under the Greenbelt Plan. The Application makes modifications to certain residential zoning boundaries and standards within the Subject Lands that do not affect lands within the Greenbelt Plan. Staff are satisfied that the Development conforms to the Greenbelt Plan.

York Region Official Plan 2022

York Region Council adopted the York Region Official Plan 2022 in June 2022. York Region Official Plan 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York Region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, York Region Official Plan 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Subject Lands are designated “Urban Area” on Map 1 – “Regional Structure” of the York Region Official Plan 2022, which recognizes the approval of OPA 47 and redesignation for development implemented prior to the adoption of the York Region Official Plan 2022. Policy 7.4.12 of the York Region Official Plan 2022 provides transitional permissions for legally permitted land uses that conform with in-force local official plans. The revised unit count of 198 single detached and 70 townhouse units provides a density of 52 people and jobs per hectare, exceeding the minimum density target of 50 residents and jobs per hectare required at the time OPA 47 was implemented. The Application conforms to the transition provisions of the York Region Official Plan 2022.

Vaughan Official Plan 2010 (VOP 2010)

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- “Community Area” and “Natural Areas and Countryside” on Schedule 1 – “Urban Structure”
- Partially within the “Greenbelt Natural Heritage System” on Schedule 4 – “Oak Ridges Moraine Conservation & Greenbelt Plan Areas”
- “Low-Rise Residential” by OPA 47

The proposed revisions to the Development maintain the low-rise built forms of street townhouses and single detached dwellings, which are permitted by the “Low-Rise Residential” designation. The required 24-metre landscape buffer and rear-lotting along Highway 27 as required by OPA 47 will be maintained. The Application conforms to VOP 2010 and OPA 47.

The revisions to the approved Block 55W Plan are generally consistent with the Council approved Block 55W Plan.

The Block 55W Plan was approved by Council on Sept. 26, 2023, reflecting the originally proposed draft plan of subdivision layout shown on Attachment 6. Policy 10.1.1.26 of VOP 2010 permits the approval of a plan of subdivision that deviates from an approved Block Plan, provided the changes are appropriate and conform to the policies of VOP 2010. As the proposed revisions to Draft Plan of Subdivision file 19T-22V006 conform to VOP 2010 and OPA 47 and are considered minor and generally consistent with the Council approved Block 55W Plan, the revised Block 55W Plan shown on Attachment 5 can be supported and does not require further approval from Council. The Owner is required to submit a revised Block 55W Plan as part of the revised conditions of draft plan approval for File 19T-22V006.

The recently adopted Vaughan Official Plan 2025 is not the in-force policy for the Subject Lands.

The Vaughan Official Plan 2025, which represents the City's new policy direction, was adopted by the City on Oct. 28, 2025, as the new official plan for the City. The Vaughan Official Plan 2025 is subject to approval by the Minister of Municipal Affairs and Housing and is not in force. The Application was deemed complete prior to the approval of the Vaughan Official Plan 2025. As such, the VOP 2010, in addition to certain York Region Official Plan 2022 policies deemed to be the City's official plan policies, are the in-force policies against which conformity of the Application is reviewed and assessed.

Amendments to Zoning By-law 001-2021 are required to permit the Development.

Zoning:

- R2A(H), R3A(H), R4A(H), R4(H), RT1(H), OS1 and OS2 Zone by Zoning By-law 001-2021, subject to site-specific Exception 14.1161.
- These Zones permit the proposed uses for the Development, however amendments to the boundaries of the R4A(H) Zone are proposed to convert a portion of the

R4A(H) Zone to the R3A(H) and R4(H) Zones (as shown on Attachment 2) to better reflect the required development standards for the revised lots and removed laneways.

- The additional site-specific zoning exceptions shown in Attachment 7 are required to permit the Development.

The Development and Parks Planning Department can support the proposed revised zoning shown on Attachment 2 and site-specific zoning exceptions shown in Attachment 7 on the basis that they would facilitate a Development that is consistent with the policies of the Provincial Planning Statement 2024, conform to the York Region Official Plan 2022, VOP 2010 and OPA 47. The revised zoning boundaries are internal to the Subject Lands and have the effect of reducing the overall unit count while maintaining the character and general pattern of development of the draft approved Draft Plan of Subdivision file 19T-22V006. The revised site-specific exceptions more accurately reflect the necessary standards to implement the Development which have been identified through review of detailed drawings associated with Draft Plan of Subdivision file 19T-22V006.

Minor modifications may be made to the zoning exceptions identified in Attachment 7 prior to the enactment of an implementing Zoning By-law, as required, should the Application be approved.

The majority of the existing holding conditions shall continue to apply to the Subject Lands.

The Subject Lands are currently zoned with the Holding Symbol “(H)” by site-specific Exception 14.1161 to ensure the Owner enters into agreements, as required, with the City and developers’ group for matters such as achieving an alternate interim sanitary and water servicing strategy, implementation of infrastructure, and cost sharing, and the submission of revised drawings. The Holding Symbol “(H)” and existing conditions shall largely continue to apply to the Subject Lands and the new zone categories, except for the condition requiring the Owner to provide an updated functional design for the Kirby Road and Copper Club Drive intersection, which has now been satisfied. The remaining required conditions are included in the Recommendations of this report.

Approval of the revisions to the draft approved Draft Plan of Subdivision file 19T-22V006 are delegated to staff.

The Owner has submitted revised drawings and supporting studies to reflect the proposed changes to the draft approved Draft Plan of Subdivision file 19T-22V006. Should the Application be approved, a revised draft plan of subdivision and conditions of draft plan approval reflecting the changes to the lot pattern and street orientation shall be issued by staff through a revised notice of decision to all relevant commenting departments, external review agencies and persons requesting to be notified on decisions for the Subject Lands.

Financial Impact

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

Operational Impact

Internal City Departments external review agencies have no objections to the revisions made by the Application.

The revised zoning boundaries and site-specific exceptions have been reviewed by the internal City Departments and external review agencies who previously provided comments on the related Zoning By-law Amendment file Z.22.029 and Draft Plan of Subdivision file 19T-22V006 and have no objection to the Application. Previously provided conditions of draft plan approval shall continue to apply to the Draft Plan of Subdivision file 19T-22V006.

Broader Regional Impacts/Considerations

The Application has been circulated to York Region for the purpose of receiving comments on matters of Regional interest i.e. roads and servicing infrastructure. York Region has no objection to the approval of the Application. Their previously provided draft plan conditions dated Dec. 15, 2022, continue to apply.

The Toronto and Region Conservation Authority (TRCA) has no objections.

The lands containing core features east of the Subject Lands are regulated by the TRCA, who have no objection to the approval of the Application. The TRCA previously provided draft plan conditions on Oct. 25, 2023, which continue to apply.

Conclusion

The Development and Parks Planning Department is satisfied the Application is consistent with the Provincial Planning Statement 2024, and conforms to the Greenbelt Plan 2017, York Region and City Official Plan policies and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development and Parks Planning Department can recommend approval of the Application.

For more information, please contact Chris Cosentino, Senior Planner, Development and Parks Planning Department, ext. 8215.

Attachments

1. Context and Location Map
2. Revised Draft Plan of Subdivision (File 19T-22V006) and Proposed Zoning
3. Conceptual Landscape Plan
4. Elevations (Typical)
5. Revised Block 55W Block Plan Area
6. Draft Approved Plan of Subdivision File 19T-22V006 and Approved Zoning
7. Zoning By-law 001-2021 Table 1

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