

## Committee of the Whole (1) Report

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**DATE:** Tuesday, June 1, 2021

**WARD(S):** 1

**TITLE:** NASHVILLE DEVELOPMENTS (SOUTH) INC.  
ZONING BY-LAW AMENDMENT FILE Z.19.015  
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-19V006  
VICINITY OF HUNTINGTON ROAD AND MAJOR MACKENZIE  
DRIVE

**FROM:**

Haiqing Xu, Deputy City Manager Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for the following:

1. To amend the Council approved recommendations for Zoning By-law Amendment File Z.19.015 (Nashville Developments (South) Inc.) to allow the Owner to apply for a Minor Variance Application(s) for the subject lands shown on Attachment 2 before the second anniversary of the day in which the implementing zoning by-law came into effect.
2. Draft Plan of Condominium (Common Elements) File 19CDM-19V006 for the subject lands shown on Attachment 2 to create a common elements condominium tenure for an approved townhouse development shown on Attachments 3 and 4.

## **Report Highlights**

- The Owner has submitted a Draft Plan of Condominium (Common Elements) Application to create a common elements condominium tenure for an approved townhouse development
- Relief from Zoning By-law 1-88 is required to reduce the minimum required lot depth for Unit 5 of Block 11 on the Subject Lands
- The Development Planning Department supports the request to permit the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the implementing zoning by-law came into effect by Council (September 29, 2020)
- The Development Planning Department supports the Draft Plan of Condominium File 19CDM-19V006, subject to conditions, as it will implement a Council approved development

## **Recommendations**

1. THAT the Council approved Recommendations contained in Item 6, Report No. 22 (Nashville Developments (South) Inc.) dated June 9, 2020, be amended to include the following recommendation:

“THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.”

2. THAT Draft Plan of Condominium (Common Elements) File 19CDM-19V006 BE APPROVED, to create a common elements condominium tenure, as shown on Attachment 4, subject to the Conditions of Draft Plan of Condominium Approval identified in Attachment 1.

## **Background**

The 1.4 ha subject lands (the ‘Subject Lands’) shown on Attachment 2 are located on the east side of Huntington Road, north of Major Mackenzie Drive. The Subject Lands and surrounding land uses are shown on Attachment 2.

### ***Draft Plan of Subdivision, Zoning By-law Amendment and Site Development Applications were approved for the Subject Lands***

Council on November 29, 2011, approved Draft Plan of Subdivision File 19T-10V004 to facilitate the creation of residential blocks and lots, and school and park sites for the area north of Major Mackenzie Drive, east of Huntington Road, south of Nashville Road and west of the Canadian Pacific (‘CP’) rail line. Block 1111 within Draft Plan of

Subdivision File 19T-10V004 was registered on November 5, 2020, as Block 1 on Plan 65M-4675 and forms most of the Subject Lands. Part 1 of Block 231 on the adjacent Plan 65M-4373, as shown on Attachment 2, was conveyed to the Owner by the City to provide additional visitor parking spaces, as shown on Attachment 3, and forms part of the Subject Lands.

Council on June 29, 2020, approved Zoning By-law Amendment and Site Development Files Z.19.015 and DA.19.063 to rezone a portion of the Subject Lands from “OS2 Open Space Park Zone” (‘OS2 Zone’) to “RVM2(H) Residential Urban Village Multiple Family Zone” with the Holding Symbol “(H)” (‘RVM2(H) Zone’). In addition, site-specific zoning exceptions were included to permit the development of 32 townhouse and 40 back-to-back townhouse units on a common element condominium road with 21 visitor parking spaces (the ‘Development’), as shown on Attachment 3.

Council on November 10, 2020, approved Zoning By-law Amendment File Z.20.028 to remove the Holding Symbol “(H)” from the Subject Lands, effectively zoning the lands “RVM2 Residential Urban Village Multiple Family Zone” (‘RVM2 Zone’).

### **Previous Reports/Authority**

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

[November 15, 2011, Committee of the Whole \(Item 16, Report No. 50\)](#)

[November 5, 2019, Committee of the Whole \(Public Meeting\) \(Item 1, Report No. 35\)](#)

[June 9, 2020, Committee of the Whole \(Item 6, Report No. 22\)](#)

### **Analysis and Options**

#### ***A Draft Plan of Condominium (Common Elements) Application was submitted to create a condominium tenure of common elements for the Subject Lands***

Nashville Developments (South) Inc. (the ‘Owner’) has submitted Draft Plan of Condominium File 19CDM-19V006 (the ‘Application’) to create a common elements condominium tenure for the Development. The common elements include the internal private roads, visitor parking, pedestrian walkways, a community mailbox, landscaping elements, service connections and infrastructure, as shown on Attachment 4. The 11 units in Blocks 1 and 2 fronting Moody Drive will have shared access to the common elements; however, they will receive public servicing, waste collection and driveway access from Moody Drive, a City-owned right-of-way.

#### ***The Application is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall

be consistent" with the Provincial Policy Statement, 2020 (the 'PPS'). Council's planning decisions are also required by the *Planning Act* to conform, or not conflict with, the Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019, as amended (the 'Growth Plan').

Consistency with the PPS and conformity with the Growth Plan were established through Council's decision on June 29, 2020 to approve related Zoning By-law Amendment and Site Development Files Z.19.015 and DA.19.063 for the Subject Lands (the 'Related Files'). Accordingly, Sections 1.1.3.1, 1.1.3.2, 1.1.3.4, 1.4.3 and 1.6.6.2 of the PPS and Sections 1.2.1, 2.2.1(2)(a) and 2.2.2(2) of the Growth Plan have been satisfied. The Application is consistent with the PPS and conforms to the Growth Plan.

***The Application conforms to the York Region Official Plan, 2010***

The York Region Official Plan, 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Towns and Villages" on Map 1, "Regional Structure" of the YROP. Conformity with the YROP was established through Council's decision on June 29, 2020 to approve the Related Files. Accordingly, the Application conforms to YROP.

***The Application conforms to Vaughan Official Plan 2010***

The Subject Lands are designated "Mid-Rise Residential" and permits a maximum building height of 10-storeys and a Floor Space Index ('FSI') of 3 times the area of the lot by Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Section 12.7 - Block 61 West - Nashville Heights. Conformity with VOP 2010 was established through Council's decision on June 29, 2020 to approve the Related Files. Accordingly, the Application conforms to VOP 2010.

***The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance Application(s) within two years of a zoning by-law coming into full force and effect***

Section 45(1.3) of the *Planning Act* restricts the submission of a Minor Variance Application(s) to the Committee of Adjustment within two years of the day in which a zoning by-law was amended. Section 45(1.4) of the *Planning Act* permits a Council to pass a resolution to allow an owner to apply for a Minor Variance Application within two years of the passing of a zoning by-law. Zoning By-law 123-2020 for the Subject Lands was adopted by Vaughan Council on September 29, 2020 and therefore, two years have not passed since the enactment of the by-law. At the time that Zoning By-law Amendment File Z.19.015 was considered by Council, the Owner did not request exemption from Section 45(1.3) of the *Planning Act*. Through a subsequent review of the submitted lot certificates for associated Part-Lot Control Application PLC.19.008, a

minor deficiency was identified for the lot depth of Unit 5 in Block 11, as noted below, therefore requiring an exemption from Section 45(1.3) of the *Planning Act*.

Should Council approve the recommendations in this Report, the Owner would be able to apply for a Minor Variance Application to permit the proposed site-specific zoning exception identified below, and if necessary, for future zoning relief for the Subject Lands in the event other minor zoning matters arise within the prescribed two-year period in which the zoning by-law was amended.

***A Minor Variance is required for the Development to comply with the RVM2 Zone, subject to site-specific Exception 9(1376)***

The Subject Lands are Zoned “RVM2 Zone”, subject to site-specific Exception 9(1376). The following additional zoning exception is required for the Development:

1. To permit a minimum lot depth of 18.84 m for Unit 5 in Block 11, whereas a minimum lot depth of 19 m is required.

The Development Planning Department can support the noted variance as it is considered a minor deviation (0.16 m) from the requirements of the “RVM2 Zone” and does not negatively impact the site layout or functionality of the Development.

Should Council approve the recommendations in this Report, the Owner shall submit a Minor Variance Application for consideration by the Committee of Adjustment (‘Committee’) to permit the above noted variance to the “RVM2 Zone”, subject to site-specific Exception 9(1376). The Minor Variance Application must be approved by the Committee, and the decision be Final and Binding prior to final registration of the condominium plan and the passing of a by-law to exempt the Subject Lands from the provisions of Part-Lot Control (File PLC.19.008). A Condition to this effect is included in Attachment 1.

***The Condominium Plan is consistent with Council approved Site Development File DA.19.063***

The submitted Draft Plan of Condominium (Common Elements) shown on Attachment 4 is consistent with the approved site plan for the Subject Lands shown on Attachment 3. The Development Planning Department has no objection to the Application, subject to the Conditions identified in Attachment 1.

***The Development Engineering Department has no objection to the Application***

The Subject Lands abut Huntington Road to the west, which is subject to improvements and realignment with the future Highway 427 off-ramp at Major Mackenzie Drive West. In addition, noise levels in the area may exceed the City’s and the Ministry of the

Environment, Conservation and Park's ('MECP') noise criteria. The Development Engineering ('DE') Department has no objection to the Application, subject to the inclusion of warning clauses pertaining to the potential Huntington Road improvements and realignment, as well as other noise levels in the area in the Condominium Declaration. Conditions to this effect are included in Attachment 1.

***The Development may be eligible for municipal waste collection services***

The Development may be eligible for municipal waste collection services upon a successfully completed application, site inspection and executed agreement, as determined by the City. Should the future Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal waste collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. A condition to this effect shall be included in the Condominium Agreement, as identified in Attachment 1.

***TransCanada has no objection to the Application***

The Subject Lands abut a TransCanada right-of-way along its north boundary. TransCanada has no objection to the Application, subject to the inclusion of associated warning clauses in the Condominium Declaration identified in Attachment 1.

***The various utilities have no objection to the Application***

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, and Rogers Communications Inc. have no objection to the Application, subject to the Owner coordinating servicing, connections, easements and locates with the required utility company prior to the commencement of any site works. A Condition to this effect is included Attachment 1.

***Canada Post has no objection to the Application***

The Development will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. Canada Post has no objection to the Application, subject to their Conditions identified in Attachment 1.

**Financial Impact**

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

**Broader Regional Impacts/Considerations**

The York Region Community Planning and Development Services Department has no objection to the Application, subject to their Conditions identified in Attachment 1.

## **Conclusion**

The Development Planning Department supports the request from the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which implementing Zoning By-law 123-2020 came into effect. Should Council approve the recommendation, the Owner would be permitted to apply for a Minor Variance Application(s) to the Committee of Adjustment to permit variances to the Development. The Development Planning Department is of the opinion that the required variance to the "RVM2 Zone" is minor in nature and does not negatively impact the Development.

The Development Planning Department also supports the Application to create a common elements condominium tenure for the Development, subject to the Conditions identified in Attachment 1, as it is consistent with the PPS and conforms to the Growth Plan, the YROP and VOP 2010 and would implement a Council approved development.

**For more information**, please contact Chris Cosentino, Planner, Development Planning Department, ext. 8215.

## **Attachments**

1. Conditions of Draft Approval
2. Context and Location Map
3. Approved Site Plan - File DA.19.063
4. Draft Plan of Condominium (Common Elements) - File 19CDM-19V006

## **Prepared by**

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## **Approved by**



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## **Reviewed by**



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