

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, June 1, 2021

WARD: 1

TITLE: 1539253 ONTARIO INC.

OFFICIAL PLAN AMENDMENT FILE OP.09.003

ZONING BY-LAW AMENDMENT FILE Z.09.026

10951 KIPLING AVENUE

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FROM:

Haiqing Xu, Deputy City Manager Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.09.003 and Z.09.026 to permit a private recreational facility consisting of outdoor and indoor (within a proposed 1-storey, 11,210 m² indoor facility building) recreational uses, and to retain the existing farm dwelling as an accessory structure for the development as shown on Attachment 2. In addition, the natural features and associated buffers on the subject lands would be rezoned from “A Agricultural Zone” to “OS1 Open Space Conservation Zone”, as shown on Attachment 3.

Report Highlights

- To receive comments from the public and the Committee of the Whole on the proposed amendments to the Official Plan and Zoning By-law to facilitate the development of a private recreational facility consisting of outdoor and indoor (1-storey building) and an existing accessory building
- The Natural heritage features and associated buffers will be rezoned from “A Agricultural Zone” to “OS1 Open Space Conservation Zone”
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.09.003 and Z.09.026 (1539253 Ontario Inc.) 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

Location: 10951 Kipling Avenue (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1. There is an existing farm dwelling situated on the Subject Lands which will be retained and used as an accessory structure to support the development.

Date of Pre-Application Consultation Meeting: When these applications were submitted, there were no requirements for a Pre-Application Consultation Meeting.

Official Plan and Zoning By-law Amendment applications were submitted to Amend Official Plan 600, the in-effect Official Plan to permit a private recreational facility on the Subject Lands

The Owner 1539253 Ontario Inc, (the 'Owner') on September 11, 2009, originally submitted Official Plan and Zoning By-law Amendment applications (the 'Applications') to permit a private recreational facility and accessory structures on the Subject Lands. The proposed development included the following uses:

- a 9-hole golf course and driving range
- a clubhouse building
- 4 baseball and soccer fields
- an ice rink
- swimming pool
- lawn bowling and bocce courts
- tennis courts
- a picnic area

The development also included 720 parking spaces.

The Official Plan and Zoning By-law Amendment applications sought to amend the in-effect "Rural Use Area Policies" of Official Plan 600 ('OPA 600') and the "A Agricultural Zone" of Zoning By-law 1-88 to permit the private recreational facility on the Subject Lands.

The Applications were considered at a Public Hearing on December 1, 2009, where deputations were received from residents and a representative from the Kleinburg Area Ratepayers' Association. The City also received written correspondence regarding the applications. The comments raised at the Public Hearing meeting included the size of the proposed building, traffic and impacts to the natural features on the Subject Lands.

Council on December 14, 2009 ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of December 1, 2009 and to forward a comprehensive technical report to the Committee of the Whole.

The Owner proceeded only with the Official Plan Amendment application at the time

As part of the review process, the Owner proceeded to undertake additional studies to determine the extent of the natural features and to determine the development limits for the proposed development of the Subject Lands. After the review of the additional studies and based on the feedback received from City staff and external agencies, the Owner decided to proceed only with the Official Plan Amendment application (File OP.09.003 (the 'OP Application')). As such, it was the intent of the Owner to proceed with the Zoning By-law Amendment application concurrently with a Site Development Application should the OP Application be approved.

The Official Plan Amendment application was considered, and the matter was deferred to allow further consultation and obtain additional information

The Committee of the Whole on June 18, 2013, considered a staff report that recommended approval of the OP Application to amend OPA 600, specifically the "Rural Use Area Policies" designation, to establish the development limits of the Subject Lands in order to permit a private recreation facility including both outdoor and indoor recreational uses.

The original development also requested permission to permit a Cultural Centre, having a maximum building area of 11,210 m². This facility was intended to be used for community activities, including recreational uses, private and public commercial uses incidental to the principal use, and was not intended to include a Place of Worship.

The recommendation also included the requirement for additional studies in support of the submission of the Zoning By-law Amendment and Site Development applications for the Subject Lands.

Vaughan Council on June 25, 2013, deferred consideration of the OP Application to the Committee of the Whole meeting of September 24, 2013, to allow further consultation between the Owner, staff, and local residents. Development Planning staff reported to the September 24, 2013, Committee of the Whole meeting to provide an update on the comments raised at the two community meetings held on July 29, 2013 and August 16, 2013 regarding the OP Application. The comments raised at the meetings included the size of the proposed building, definition of a Cultural Centre, the proposed uses, conformity with the Greenbelt Plan, traffic and the number of parking spaces required for the facility.

The Committee of the Whole deferred the meeting of September 24, 2013 to October 8, 2013. At that meeting the OP Application was deferred to a future Committee of the Whole meeting to allow further consultation and to receive a communication from the Commissioner of Planning, which recommended that this item be deferred to the

October 15 , 2013 Committee of the Whole. Since that time, there has been no further activity by the Owner related to the OP Application.

Vaughan Official Plan 2010 and York Region Official Plan 2010 were appealed to the Ontario Municipal Board, as it relates to the Subject Lands

The Owner on November 12, 2012, appealed Vaughan Official Plan 2010 ('VOP 2010') to the Ontario Municipal Board, now known as the Local Planning Appeal Tribunal (the 'LPAT') as the proposed "Agricultural Area" designation of the Subject Lands under VOP 2010 does not permit the proposed private recreational facility. The appeal has been identified as VOP 2010 Appeal 68 and remains outstanding.

The Owner on May 18, 2015, appealed the York Region Official Plan 2010 ('YROP 2010') to the LPAT. The basis of the appeal was that the Subject Lands were proposed to be redesignated from "Rural Policy Area" to "Agricultural Area" which would not have permitted the proposed private recreational facility. The appeal to YROP 2010 remains outstanding.

The Owner appealed the Applications to the Local Planning Appeal Tribunal

The Owner on April 30, 2014 filed appeals of the site-specific Official Plan and Zoning By-law Amendment Applications (Files OP.09.003 and Z.09.026) to the LPAT for the City's failure to make a decision within the prescribed timelines stipulated under the *Planning Act*.

The Owner has revised the Applications proposing minor adjustments to the original conceptual development plan, and has expanded the range of proposed uses for the Subject Lands

The Owner has revised the Applications for the Subject Lands:

1. Official Plan Amendment File OP.09.003 to amend VOP 2010 to permit a private recreation facility consisting of a 1-storey 11,210m² building, which includes the following uses: soccer field, ice rink, accessory hotel and conference centre; meeting rooms, concession area, accessory restaurant and banquet hall facility and outdoor recreational uses (the 'Development') as shown on Attachment 2.
2. Zoning By-law Amendment File Z.09.026 to amend Zoning By-law 1-88 to permit a private recreation facility on the Subject lands within the "A Agricultural Zone" and to rezone the natural heritage features from "A Agricultural Zone" to "OS1 Open Space Conservation Zone", as shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

A Second Public Meeting is required as more than two years have passed since the first Public Hearing was considered by Council

In accordance with Policy 10.1.4.1 of VOP 2010 a new public meeting shall automatically be required when an application has not been considered by Council within two years after the date it was considered at a previous statutory public meeting and/or an application has been significantly amended, such as to increase the proposed

density and/or building height, beyond what was proposed and considered by Council at a previous public meeting. Since it has been more than two years since the December 1, 2009 Public Meeting for the Applications, a second Public Meeting is required.

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

a) Date the Notice of Public Meeting was circulated: May 7, 2021.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on Kipling Avenue in accordance with the City's Notice Signs Procedures and Protocols.

b) Circulation Area: To all property owners within the expanded polling area shown on Attachment 1, to the Kleinburg and Area Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.

c) No comments have been received as of May 11, 2021 by the Development Planning Department.

Any additional 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 and be reviewed and addressed by the Development Planning Department in a future comprehensive report to the Committee of the Whole.

Previous Reports/Authority

Previous reports relating to the Subject Lands can be found at the following links:
[December 1, 2009. Committee of the Whole Public Hearing \(Item 1, Report 56\)](#)
[June 18, 2013, Committee of the Whole meeting, \(item 9, Report 32\)](#)

Analysis and Options

The revised Development and expanded range of uses will be reviewed to ensure conformity with OPA 600, which is the in-effect policy framework and with VOP 2010 and the Greenbelt Plan 2017

Official Plan Designation - OPA 600

- OPA 600 is in effect as it relates to the Subject Lands
- "Rural Use Area" and "Valley Stream Corridor" on Schedule F – Rural Area General
- This designation permits recreational uses, subject to a site-specific amendment to OPA 600 to ensure the general criteria outlined in Section 6.2.1 of OPA 600 are addressed
- The range of recreational uses proposed for the Subject Lands will be reviewed for conformity with the "Rural Use Area" designation of OPA 600

Official Plan Designation - VOP 2010

- “Natural Areas and Countryside” and within the Greenbelt Plan Area on Schedule 1- Urban Structure by VOP 2010
- “Core Feature” on Schedule 2 – Natural Heritage Network
- Designated “Agricultural” and “Natural Area” on Schedule 13 – Land Use by VOP 2010
- This designation does not permit the recreational uses on the Subject Lands
- An amendment to VOP 2010 is required to permit recreational uses within the “Agricultural” land use designation
- The Owner has appealed VOP 2010 to the LPAT as it relates to the Subject Lands and therefore it is not in effect

Greenbelt Plan 2017

- “Protected Countryside” and forms part of the “Natural Heritage System”

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

Zoning:

- “A - Agricultural Zone” by Zoning By-law 1-88
- Permitted uses include a community centre and limited recreational uses, but does not permit the private recreational facility as proposed with the range of recreational uses being proposed
- The Owner proposes to rezone the Natural Features on the Subject Lands to “OS1 - Open Space Conservation Zone”, as shown on Attachment 3
- The Owner also proposes to amend Zoning By-law 1-88 to expand and define the range of permitted uses within the lands zoned “A - Agricultural Zone” together with the site-specific exceptions identified in Table 1 below

Table 1:

	Zoning By-law 1-88 Standard	A - Agricultural Zone Requirements	Proposed Exceptions to the A - Agricultural Zone Requirements
a.	Definition of a “Lot”	Means a parcel of land fronting on a street	Means the parcel of land (Subject Lands) shall be deemed to be one lot notwithstanding the number of buildings and structures constructed thereon, the creation of separate parcels by way of plan of condominium, consent, conveyance of private or public roads and reserves, and any easements or registration that are granted

	Zoning By-law 1-88 Standard	A - Agricultural Zone Requirements	Proposed Exceptions to the A - Agricultural Zone Requirements
b.	Permitted Recreational Uses in an A - Agricultural Zone and Definition of "Indoor Facility"	<p>Agricultural Zone Permits limited recreational uses as follows:</p> <ul style="list-style-type: none"> - Bowling Green - Curling rink - Private or municipal swimming or wading pool - Skating rink - Tennis courts - Add a definition of Indoor Facility 	<p>Permit the following uses on the Subject Lands in the A - Agricultural Zone:</p> <p><u>Outdoor uses:</u></p> <ul style="list-style-type: none"> - Parks and playgrounds - Racquet courts - Lawn bowling greens - Skating and curling rinks - Athletic fields - Swimming pools - Day camps - Snow skiing and walking trails - together with accessory buildings and structures <p>An Indoor Facility, which is defined as:</p> <p>A building having a maximum 11, 210 m² gross floor area that permits indoor recreational uses intended to complement the outdoor recreational uses throughout the year, which can include the following but not be limited to:</p> <ul style="list-style-type: none"> - an indoor soccer facility - ice rink and curling rink - bowling alley - accessory hotel and conference centre / meeting rooms - concession area

	Zoning By-law 1-88 Standard	A - Agricultural Zone Requirements	Proposed Exceptions to the A - Agricultural Zone Requirements
			<ul style="list-style-type: none"> - accessory restaurant and banquet hall to hold functions associated with sports leagues using the recreational playing fields and which can be rented for weddings and other special occasions during off-peak hours or off-season periods; locker rooms, washroom facilities, administrative offices; storage and maintenance rooms and associated parking related to the permitted uses. <p>The following uses shall be prohibited:</p> <ul style="list-style-type: none"> - a track for racing of animals, motor vehicles, snowmobile, motorcycles - golf driving ranges - miniature golf courses, or golf courses - community centre - a place of worship

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report to a future Committee of the Whole meeting.

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 and Consistency with Provincial	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater

	MATTERS TO BE REVIEWED	COMMENT(S)
	Policies, York Region and City Official Plan Policies	Golden Horseshoe, 2019, as amended (the ‘Growth Plan’) the Greenbelt Plan 2017 as amended, the policies of the York Region Official Plan 2010 (‘YROP’) , VOP 2010 and OPA 600
b.	Appropriateness of Amendments to OPA 600, VOP 2010 and Zoning By-law	<ul style="list-style-type: none"> • The appropriateness of the site-specific amendment as required by OPA 600 will be reviewed in consideration of the existing land use designation, the latest concept plan and the range of proposed uses identified in Table 1 of this report • The Applications will be reviewed in consideration of the policies of VOP 2010, which are not in effect on the Subject Lands • The appropriateness of permitting the range of proposed uses on the Subject lands as additional uses within the “A Agricultural Zone” of By-law 1-88 will be reviewed in consideration of the existing and surrounding land uses • Maximum gross floor areas will be considered for some of the proposed indoor uses identified in Table 1 (e.g. hotel and convention centre and banquet hall) to ensure these uses remain accessory to the recreation uses and do not occupy the entirety of the proposed indoor facility building
c.	Conformity with the Greenbelt Plan 2017 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and York Region Official Plan 2010	<ul style="list-style-type: none"> • On the date the Applications were submitted in 2009, they were reviewed in accordance with the applicable provincial policies at that time, the Greenbelt Plan, 2005 and the Growth Plan, 2005. • The Subject Lands were designated as “Rural Policy Area” by the York Region Official Plan, 1994 and as “Rural Use Area” under OPA 600. Notwithstanding, the Applications will be reviewed for conformity pursuant to the updated and in-effect provincial and municipal plan policy framework • The Subject Lands are located within the Protected Countryside land use designation of the Greenbelt Plan, 2017. Further, the Subject Lands are also identified as being within a Prime Agricultural Area in accordance with the Agricultural Land Base mapping issued in support of

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>the Growth Plan, 2019, as amended, on February 9, 2018</p> <ul style="list-style-type: none"> • Non-agricultural uses are not permitted within prime agricultural areas of the Protected Countryside with the exception of those uses permitted under Section 4.2 to 4.6 of the Greenbelt Plan related to infrastructure, cultural heritage and natural resources
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications which are available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
e.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council
f.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority and external public agencies and utilities
g.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
h.	Future Site Plan	<ul style="list-style-type: none"> ▪ The Owner is required to submit a Site Development Application should the Applications be approved
i.	Road Widening, Access, Traffic and Parking	<ul style="list-style-type: none"> ▪ The Subject Lands will have access from Kipling Avenue, a City road with a planned right-of way of 26 m. If the Applications are approved the Owner shall convey the necessary road widening to the satisfaction of the City

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ Development Engineering will review the location of the proposed access from Kipling Avenue and identify any required land conveyances and/or road dedications ▪ The Owner has submitted a Traffic Impact Study in support of the Development which will be reviewed and approved by the Development Engineering Department
j.	Withdrawal of VOP 2010 LPAT Appeal 68	<ul style="list-style-type: none"> ▪ Should the Applications be approved, a condition of approval will require the Owner to resolve and withdraw Appeal 68 to the satisfaction of the Deputy City Manager Administrative Services and City Solicitor and the Deputy City Manager of Planning and Growth Management ▪ Should the Applications receive approval and Appeal 68 is resolved and withdrawn the appropriate amendments to VOP 2010 will be required
k.	The Active Together Master Plan (ATMP)	<ul style="list-style-type: none"> ▪ Should the Applications be approved, opportunities for shared use arrangements with private recreational facilities to provide additional recreational opportunities for the surrounding community and in keeping with the ATMP may be considered through further review

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the comprehensive 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. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Eugene Fera, Senior Planner, Development Planning Department, ext. 8003.

Attachments

1. Context and Location Map
2. Concept Plan
3. Proposed Zoning

Prepared by

Eugene Fera, Senior Planner, ext. 8003

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Bill Kiru, Director, Acting Director of Development Planning, ext. 8633

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Jim Harnum, City Manager