Item: 7

# Committee of the Whole (Public Hearing) Report

**DATE:** Tuesday, January 22, 2019 **WARD:** 1

**TITLE: KLEINDOR DEVELOPMENTS INC.**
**ZONING BY-LAW AMENDMENT FILE Z.18.033**
**DRAFT PLAN OF SUBDIVISION FILE 19T-18V003**
**VICINITY OF MAJOR MACKENZIE DRIVE AND REGIONAL ROAD 27**

**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.18.033 and Draft Plan of Subdivision File 19T-18V003 for the Subject Lands shown on Attachments 1 and 2, to permit a residential plan of subdivision consisting of 27 lots for detached dwellings and 3 part blocks for future detached dwellings, as shown on Attachment 3.

## Report Highlights

- To receive comments from the public and Committee of the Whole on Zoning By-law Amendment and Draft Plan of Subdivision applications for the subject lands shown on Attachments 1 and 2, to facilitate a residential development consisting of 27 lots for detached dwellings and 3 part blocks for future detached dwellings.
- Zoning By-law Amendment and Draft Plan of Subdivision applications 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 Files Z.18.033 and 19T-18V003 (Kleindor Developments 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

The 1.671 ha vacant subject lands (the 'Subject Lands') shown on Attachments 1 and 2, are located north of Major Mackenzie Drive and west of Regional Road 27, being Block 200 on Registered Plan 65M-4383. The Subject Lands were formerly a designated school block however, the York Catholic District School Board ("YCDSB") on July 6, 2017 released their interest in the Subject Lands. The surrounding land uses are shown on Attachment 2.

### *Zoning By-law Amendment and Draft Plan of Subdivision applications have been submitted to permit the Development*

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachments 1 and 2, to permit a residential plan of subdivision (the 'Development') consisting of 27 lots for detached dwellings and 3 part blocks for future detached dwellings, and an extension of a public road (Street '1') in the manner shown on Attachment 3:

1. Zoning By-law Amendment File Z.18.033 to amend Zoning By-law 1-88 to rezone the Subject Lands from "RD2 Residential Detached Zone Two" subject to site-specific Exception 9(1313) to "RD3 Residential Detached Zone Three" in the manner shown on Attachment 3, together with the site-specific zoning exceptions to Zoning By-law 1-88 identified in Table 1 of this report.

2. Draft Plan of Subdivision File 19T-18V003 shown on Attachment 3, to facilitate a residential Plan of Subdivision consisting of the following:

| Lot / Block | Land Use | Area (ha) | Units |
|---|---|---|---|
| 1 - 27 | Detached Dwellings | 1.331 | 27 |
| 28 - 30 | Part Blocks for Future Detached Dwellings | 0.106 | 1.5 |
| Street | 20 m Street "1" | 0.234 | - |
| **Total** | | **1.671** | **28.5** |

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

a) Date the Notice of a Public Hearing was circulated: December 14, 2018.

The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

b) Circulation Area: to all property owners within 150 m of the Subject Lands, and to the Kleinburg and Area Ratepayers' Association.

c) Comments Received: None

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 Vaughan Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

## Previous Reports/Authority

Committee of the Whole November 3, 2008 – Zoning By-law Amendment File Z.05.057 and Draft Plan of Subdivision File 19T-05V10, Lake Rivers Inc.

Council Meeting Minutes November 10, 2008, Item 28

## Analysis and Options

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

The Subject Lands are designated "Low-Rise Residential" and are located within a 'Community Area' as identified on "Schedule 1 - Urban Structure" of Vaughan Official Plan 2010 ("VOP 2010"). The "Low-Rise Residential" designation permits detached dwellings with a maximum building height of 3-storeys. There is no associated density requirement.

Section 9.1.2.2 of VOP 2010 identifies compatibility criteria for new development in a 'Community Area'. The compatibility criteria directs that new development be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a 'Community Area' within

established areas shall pay particular attention to local lot patterns, size and configuration, and existing building types with similar setbacks.

Section 9.2.3.1. in VOP 2010 further identifies development criteria for detached houses, which states that detached houses will respect and reinforce the scale, massing, setback and orientation of other built and approved detached houses in the immediate area. The Draft Plan of Subdivision includes lot frontages and areas, and a proposed zone category that are consistent and compatible with the existing surrounding development. The proposed residential Draft Plan of Subdivision conforms to the compatibility requirements of VOP 2010.

***The Development is consistent with the Community Area Policy Review for Low-Rise Residential Designations***

In recognition of development pressures in existing neighbourhoods, the City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in the Council adopted Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods (the 'Guidelines') and the Community Area Policy Review for Low-Rise Residential Designations Study (the 'Study'). The Guidelines were approved by Vaughan Council on October 19, 2016.

The Study was approved by Vaughan Council on April 19, 2017, and an Official Plan Amendment (Official Plan Amendment No. 15 ('OPA 15')) to implement the Study recommendations was forwarded to Vaughan Council for adoption on September 27, 2018. At the time of writing of this report, OPA 15 remains unapproved by York Region. The Applications were deemed "Complete" on November 7, 2018. Development applications are assessed and reviewed based on existing policy at the time of a "Complete" application, therefore, the Applications are not subject to OPA 15. However, the Development includes detached dwellings with similar lotting, lot widths, lot depths, and setbacks as the existing and surrounding development, and complies with the Guidelines.

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

The Subject Lands are zoned "RD2 Residential Detached Zone Two" by Zoning By-law 1-88, subject to site-specific Exception 9(1313), as shown on Attachment 2. The Owner is proposing to amend Zoning By-law 1-88 to rezone the Subject Lands to "RD3 Residential Detached Zone Three" together with the following site-specific zoning exceptions to the RD3 Zone standards:

Table 1

| | Zoning By-Law 1-88 Standards | 'RD3 Residential Detached Zone Three' Requirements | Proposed Exceptions to the 'RD3 Residential Detached Zone Three Requirements |
|---|---|---|---|
| a. | Minimum Interior Side Yard Abutting a Non-Residential Use (Park) | 3.5 m | 1.2 m<br>(Lot 27) |
| b. | Minimum Exterior Side Yard Abutting a Sight Triangle | 3 m | 1.2 m<br>(Lots 7, 11 and 24) |
| c. | Minimum Exterior Side Yard Abutting Greenway | 3.5 m<br><br>There is no standard for an exterior side yard abutting a walkway. | 1.2 m to a greenway or walkway.<br>(Lots 7, 11 and 24) |
| d. | Permitted Yard Encroachments | Fireplaces are not permitted to project into a required yard. | Permit fireplaces to encroach 0.5 m into a required yard. |
| e. | No Encroachment Zone | A 1.5 m no encroachment zone shall be maintained inside the property line within the front yard and exterior yard, and within the interior side yard. | A 1.2 m no encroachment zone shall be maintained inside the property line within the front yard and exterior yard. |

| | Zoning By-Law 1-88 Standards | 'RD3 Residential Detached Zone Three' Requirements | Proposed Exceptions to the 'RD3 Residential Detached Zone Three Requirements |
|---|---|---|---|
| f. | Maximum Encroachment for Uncovered, Unexcavated and Unenclosed Exterior Stairways, Porches and Balconies | Exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 m, and may extend into a required front, exterior side or rear yard to a maximum of 1.8 m. | A bay or box window or similar window projection constructed with footings shall be permitted and may extend into a required front, exterior side or rear yard to maximum of 0.6 m. |

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report at 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 Policies, and Regional and City Official Plans | ▪ The Applications will be reviewed for consistency with the *Provincial Policy Statement*, 2014 (the "PPS"), and for conformity to Places to Grow: The Growth Plan for the Greater Golden Horseshoe, 2017 (the "Growth Plan"), the York Region Official Plan 2010 and VOP 2010 policies.<br><br>▪ The Development will be reviewed in consideration of Sections 9.1.2.2 and 9.2.3.1 of VOP 2010, regarding the compatibility criteria for new development within existing Community Areas. |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|---|---|---|
| b. | Appropriateness of Proposed Rezoning and Exceptions | ▪ The appropriateness of the proposed "RD3 Residential Detached Zone Three" Zone, together with the site-specific zoning exceptions identified in Table 1, will be reviewed in consideration of, but not limited to, compatibility with the existing lots and uses in the surrounding area. |
| c. | Draft Plan of Subdivision File 19T-18V003 | ▪ The Draft Plan of Subdivision will be reviewed in consideration of the proposed road extension (Street '1') from the adjacent lands to the north (Draft Plan of Subdivision File 19T-18V007) to ensure the appropriate alignment and coordination is achieved.<br><br>▪ The proposed lot frontages and driveway configurations and locations will be reviewed for appropriateness and to ensure compatibility and functionality.<br><br>▪ The configuration and zoning of the Part Blocks will be reviewed to ensure coordination with the Part Blocks in the adjacent lands to the north. |
| d. | Urban Design and Architectural Guidelines | ▪ The Development is subject to the Council-approved Architectural Design Guidelines for the Southern Neighbourhood of Molise Kleinburg Estates/Lake Rivers Community. The Owner has submitted an Addendum to the Architectural Design Guidelines, which must be approved to the satisfaction of the Development Planning Department. |
| e. | Water and Servicing Allocation | ▪ Vaughan Council on February 21, 2018, endorsed the City's latest annual servicing capacity allocation strategy report. The report confirmed servicing capacity is available to support continued urban growth throughout the City. Accordingly, servicing capacity for the Development is available and unrestricted for a total of 28.5 residential units (88 persons equivalent). |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|---|---|---|
| | | ▪ If the Applications are approved, the availability of water and sanitary servicing capacity for the Development must be formally allocated by Vaughan Council. |
| f. | Parkland Dedication | ▪ If the Applications are approved, the Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City of Vaughan's Cash-in-Lieu of Parkland Policy. |
| g. | Block 61 Developer's Group Agreement | ▪ If the Applications are approved, the Owner is required to enter into a Developer's Group Agreement with the other participating landowners within Block 61 regarding cost sharing provisions for parks, cash-in-lieu of parkland, road and municipal services within Block 61. |
| h. | Studies and Reports | ▪ 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 respective approval authority:<br><br>- Architectural Design Guidelines Addendum<br>- Urban Design Guidelines Addendum<br>- Environmental Noise and Vibration Report Addendum<br>- Phase I Environmental Site Assessment<br>- Functional Servicing and Stormwater Management Report<br>- Traffic Impact Reliance Letter<br><br>▪ The requirement for additional studies/information may be identified through review of the Applications. |
| i. | Source Water Protection Area | ▪ The Subject Lands are located within the Wellhead Protection Area Water Quantity (WHPA-Q), Significant Groundwater Recharge Areas and |

| | MATTERS TO BE REVIEWED | COMMENT(S) |
|---|---|---|
| | | Highly Vulnerable Aquifers. In order to protect the drinking water quality and quantity, all land development activities in these areas are to address how significant drinking water threats will be prevented, reduced or eliminated to the satisfaction of the Toronto and Region Conservation Authority ("TRCA") and the City. |
| j. | Sustainable Development | ▪ Opportunities for sustainable design, including Crime Prevention Through Environmental Design ("CPTED"), Leadership in Energy and Environmental Design ("LEED"), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement to address the "heat island" effect, etc., will be reviewed and implemented through the Draft Plan of Subdivision process, if the Applications are approved. |
| k. | Adjacent Park | ▪ A neighbourhood park, currently under construction and scheduled for completion in the late summer of 2019, is located to the east of the Subject Lands. A junior soccerfield is to be located 15 m from the Subject Lands. The park will also include junior and senior playground equipment, a basketball court, a shade structure, site furnishing, lit pathways and landscape planting.<br><br>▪ The Parks Development Department advised that the Owner will be required to install a 1.8 m high wood privacy fence along the limits of the proposed lots abutting the parkland boundary instead of the typical 1.5 m high black vinyl chain link due to the activities proposed for the neighbourhood park.<br><br>▪ The Owner shall not undertake any works on the Subject Lands that will impact the neighbourhood park. |

## Financial Impact

Not Applicable

## 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 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: Judy Jeffers, Planner, Development Planning Department, ext. 8645

## Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning and Draft Plan of Subdivision File 19T-18V003

## Prepared by

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