

## **COMMITTEE OF THE WHOLE DECEMBER 3, 2007**

### **ZONING BY-LAW AMENDMENT FILE Z.147.85 DRAFT PLAN OF SUBDIVISION FILE 19T-84076 KERROWOOD DEVELOPMENTS INC.**

#### **Recommendation**

The Commissioner of Planning and recommends:

1. That Zoning By-law Amendment File Z.147.85 and Draft Plan of Subdivision File 19T-84076 (Kerrowood Developments Inc.) BE REFUSED.

#### **Economic Impact**

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

#### **Communications**

N/A

#### **Purpose**

The Owner has submitted the following applications:

1. A Zoning By-law Amendment Application to amend Zoning By-law 1-88 to rezone the subject lands shown on Attachment #1 from A Agricultural Zone and OS1 Open Space Conservation Zone to R1 Residential Zone and OS1 Open Space Conservation Zone to facilitate the development of 45 residential lots for detached dwelling units.
2. An Application for Draft Plan of Subdivision approval as shown on Attachment #2, consisting of the following:
  - 45 lots for detached dwelling units with minimum 18.3m frontages 4.175 ha
  - Storm water management (Block "B") 0.32 ha
  - Open Space Block (Block "A") 2.85 ha
  - Buffer Block (Block "C") 0.34 ha
  - Reforestation Blocks (Blocks "D1", "D2") 0.15 ha
  - Road & Reserves 1.065 ha
  - Total Site Area 8.9 ha

#### **Background - Analysis and Options**

The 8.9 ha irregular shaped site shown on Attachment #1, is located on the west side of Highway 27, north of Nashville Road, municipally known as 10740 Highway #27, being Part of Lots 24 and 25, Concession 8, City of Vaughan.

An application for draft plan of subdivision was originally submitted in 1984 for the subject lands. Revised Zoning By-law Amendment, Official Plan Amendment and Draft Plan of Subdivision applications submitted on December 3, 2003 to permit 45 lots for detached dwelling units.

Official Plan Amendment #614 was adopted by Council on October 25, 2004, which amends OPA #601 (Kleinburg-Nashville Community Plan) by redesignating the subject lands from "Suburban Residential" and "Valley Area" to "Serviced Residential" and "Valley Area" to permit the development of a residential subdivision on full municipal services. OPA #614 was forwarded to the Region of York for approval. On December 6, 2004 the TRCA requested the Region of York

defer the approval of OPA #614 until such time as the limits of development were firmly established for the subject lands. To date, the Region has not approved OPA #614, as a result the applicant has appealed the Region's lack of decision on OPA #614 to the Ontario Municipal Board for a consolidated hearing with the related subdivision and zoning applications to commence on January 15, 2008.

The subject lands are designated "Serviced Residential" by the City of Vaughan approved OPA #614, and zoned A Agricultural Zone and OS1 Open Space Conservation Zone by By-law 1-88, subject to Exception 9(498). The surrounding land uses are:

- North - valleyland and existing residential (OS1 Open Space Conservation Zone and RR Rural Residential Zone)
- South - existing residential and Presbyterian Cornerstone Community Church (RR Rural Residential Zone and A Agricultural Zone)
- East - Highway #27; residential and community edge buffer block (RR Rural Residential Zone and OS2 Open Space Park Zone)
- West - west Branch of Humber River valley (OS1 Open Space Conservation Zone)

On February 6, 2004, a Notice of Public Hearing was mailed to all property owners within 120 m of the subject lands, to consider the Official Plan and Zoning Amendment and Draft Plan of Subdivision Applications. The recommendation of the Committee of the Whole to receive the Public Hearing report of March 1, 2004, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on March 8, 2004.

A petition from 9 residents was received on March 1, 2004, objecting to the applications. Their concerns related to:

- the scale and density of the proposed development;
- the compatibility with surrounding area; and,
- the impact of the proposed development on the valley, drainage and erosion.

On September 7, 2005 a technical report was considered by the Committee of the Whole that dealt with the Official Plan Amendment Application (File: OP.30.90). An additional letter was submitted by the same 9 residents, objecting to the application and included the following concerns:

- that the application was not as comprehensive as that considered on March 1, 2004;
- a comprehensive report must and should include independent reports from the Toronto and Region Conservation Authority; and
- consideration should be given to matters such as Environmental Site Assessment, Heritage Impact Assessment, Urban Design and Architectural Control Guidelines, Vegetation Inventory, Assessment and Preservation Plan, Master Landscape Plan, Open Space Master Plan, Noise Report and Master Environmental/Servicing Plan as required in the Official Plan.

On September 14, 2004, Council approved the Official Plan Amendment Application (File OP.30.90), and OPA #614 was subsequently adopted by Council on October 25, 2004.

On December 22, 2006, the applicant appealed the Zoning By-law Amendment and Draft Plan of Subdivision Applications to the Ontario Municipal Board on the grounds that Council neglected to make a decision on the applications within the Planning Act time frames. An OMB hearing is scheduled to commence on January 15, 2008 to deal with the official plan, zoning and subdivision applications.

On June 25, 2007, Council considered a report from the City Solicitor/Litigation, and adopted the recommendation that staff be directed to attend the OMB hearing in opposition to the zoning by-law amendment application and draft plan of subdivision on the basis that they do not comply with the requirements of OPA #601.

On June 29, 2007, a letter was received from the Nashville Area Ratepayers Association (NARA) in support of the applications, including the reduced community edge that is proposed.

### **Land Use Status/Planning Considerations**

#### **Subdivision Design**

On April 10, 2007, the applicant submitted a revised draft plan of subdivision as shown on Attachment #2, which proposes 45 residential dwelling lots consisting primarily of 18.3 m frontage lots with lot depths ranging from 34.0 m to 56.8 m. Each lot has access to a single north/south orientated local road terminating with a cul-de-sac at each end. Access to the draft plan is proposed via one full movement access to Highway #27, located towards the north end of the proposed draft plan.

The draft plan also includes a 2.85 ha open space block (Block "A"), which delineates the valley portions of the subject lands and defines the limits of the land that would be dedicated to the Toronto and Region Conservation Authority (TRCA). An additional buffer along the valley edge (Block "C") is proposed, as required by the TRCA, to act as a separator for the residential lots that back onto the valley system. This buffer ranges in width from 5.0 m to 10.0 m. At the south end of the plan (adjacent to Lots 21-35) an additional 0.15 ha block (Blocks "D1" & "D2") is provided as an area of reforestation as required by the TRCA. The buffer block adjacent to the valley and the reforestation blocks would also be conveyed to the TRCA and zoned appropriately (OS1 Open Space Conservation Zone) if the plan is approved. A 0.32 ha storm water management pond (Block "B") is located in the southeast corner of the plan, adjacent to Highway No. 27.

The revised plan indicates that the lots adjacent to Highway No. 27 include a minimum 20.0 m wide privately owned landscaped berm. The disposition of this berm is discussed later in the report. The draft plan proposes to create a lot (Lot 42) in order to preserve an existing dwelling which flanks Highway #27. The configuration of this lot is irregular and would prevent the possibility of establishing a community edge along this portion of the proposed subdivision. Accordingly, the creation of Lot 42 as proposed, cannot be supported.

#### **Official Plan Analysis**

##### **a) Density**

The subject lands are designated "Serviced Residential" by Official Plan Amendment #614. OPA #614, which amends OPA #601, has been adopted by Vaughan Council but has not been approved by the Regional Municipality of York. The applicant has referred OPA #614 to the Ontario Municipal Board, together with the Zoning Amendment and Draft Plan of Subdivision applications.

The density provisions for the subject lands are contained in OPA #601 (Kleinburg-Nashville Community Plan). Specifically, OPA #601 permits a maximum density range of 5.0 to 7.5 units per hectare and Section 4.3.1.1 Calculation of Residential Density states:

"The area included in the calculation of Residential Density for all residential designations of this plan shall be based on a net residential hectare which includes local and primary roads, the land for dwelling units, environmental linkages located on tablelands, and tableland valley buffer areas. Density will be calculated on a draft plan or block plan basis."

The land area devoted to the community edge buffer and the stormwater management pond are not included in the calculation of residential density. Based on this definition, the following land areas of the proposed draft plan of subdivision are included in the calculation of residential density for the purposes of conforming with OPA #601:

Local and primary roads, including reserves:	1.065 ha
Lands for residential dwelling units:	4.175 ha
Tableland buffer areas:	0.49 ha
Total	5.73 ha

Since the applicant is proposing that the community edge buffer land remain in private ownership and form part of the lotting pattern, it is not identified as a separate block on the proposed draft plan shown on Attachment #2. If a minimum 30 m depth were applied to this draft plan (an area of approximately 1.1 ha), this would result in a net area of 4.63 ha for the purpose of calculating density. Based on this calculation, the yield would be a density of approximately 9.72 units per hectare. If the permitted density of 7.5 units per net hectare is applied to the lands, it would result in the permission for 35 residential lots. The applicant is proposing a total of 45 lots.

The proposed density exceeds the maximum density permitted by OPA #601, and therefore cannot be supported.

b) Community Edge

OPA #601 (Kleinburg-Nashville Community Plan), Section 4.7.3 Community Edges, requires the following:

"In order to retain the distinctive image of Kleinburg as a historic village in a rural landscape setting, buffer areas shall be developed along Major Mackenzie Drive, and Regional Road #27, that shall effectively screen the visibility of residential neighbourhoods from arterial roads. The width of buffer areas shall be in the range of 30 to 50 metres, and are intended to be landscaped with dense naturalized plant materials and not form part of the parkland dedication."

In addition, Section 4.7.5, Community Corridor states:

"Nashville Road and Regional Road 27 are considered as important community corridors between the existing villages of Kleinburg and Nashville and linking the developed and more rural areas within the Community Planning area. Consideration shall be given to the landscaping and streetscaping along these corridors to ensure that the rural character and vistas of the rural and natural landscapes are retained. The visibility of development in such areas from major roads and corridors should be minimized."

The applicant proposes to provide a "20 m landscape berm, no buildings, 10m Restricted building height" as shown on Attachment #2. This berm is located along the rear of Lots 1 to 15 inclusive to be retained in private ownership and become part of each lot in order to address the Community Edge policy of OPA #601.

The Development Planning Department cannot support the provision of a 20 m landscape area in private ownership as proposed since it does not meet the requirements of the Official Plan. The Development Planning Department supports the implementation of the Official Plan requirement,

of a 30 m community edge buffer which has been applied consistently for community edge treatments along Regional Road #27. In addition, the community edge buffer has been dedicated to the municipality in other instances to ensure that its' integrity is not eroded in the future by the intrusion of residential uses (fences, gardens etc). The intent of OPA #601 is to create a "Community Edge", which requires public, not private ownership. The City has secured a 30 m public buffer block along Regional Road #27 from three previous subdivision developments in the past, the Treelawn and Humberplex subdivisions on the east side of Regional Road #27, as well as within the Hedgerow subdivision on the west side of Regional Road #27, across from Copper Creek Golf Course.

The proposed draft plan includes a lot (Lot 42), as shown on Attachments #2, for the purpose of maintaining an existing dwelling on the subject lands and which is located within the proposed private buffer area. Lot 42 is "L-shaped", with a width of approximately 20m flanking Highway #27 and access is proposed from the cul-de-sac at the north end of Street "B". This lot would be in private ownership and therefore, prevent the creation of any form of a community edge on the part of the plan lying north of Street "A".

Given that the draft plan exceeds the maximum permitted density, the Development Planning Department recommends that Lot 42 and the lots exceeding the permitted density be eliminated. The proposed lots in this area of the draft plan should be reconfigured and the plan be revised to include the required community edge buffer in accordance with minimum OPA requirements.

The Development Planning Department notes that the original draft plan of subdivision submitted by the Owner in support of the application (prepared by Brutto Consulting, dated December 2, 2003) which was included in the technical report to Council on September 7, 2004 as a basis for Official Plan Amendment application, as shown on Attachment #3, illustrates a 30 metre separate buffer block. This plan indicates that the Owner is aware of the intent of the Official Plan with respect to the community edge area being a separate block, not forming part of the individual lots.

With further revisions to the draft plan, the Development Planning Department is of the opinion that the policies of OPA #601 can be achieved, including providing the minimum 30 metre wide community edge buffer in public ownership and meet the maximum density provisions.

### Zoning

The subject lands shown on Attachment #1 are zoned A Agricultural Zone and OS1 Open Space Conservation Zone, subject to Exception 9(498). To facilitate the proposed plan of subdivision, as shown on Attachment #2, a by-law amendment is required to rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to R1 Single Detached Dwelling Zone and OS1 Open Space Conservation Zone, in accordance with the standard requirements of Schedule "A" of By-law 1-88. The R1 Residential Zone requires a minimum lot frontage and area of 18 m and 540 m<sup>2</sup> respectively.

Should the Zoning Amendment application be approved, the residential lands would be required to be zoned with the Holding Symbol "(H)" as the residential dwelling units do not have water and sewage servicing allocation. A clause would be included in the implementing zoning by-law limiting the use of the lands zoned with the Holding Symbol "(H)" to a use legally existing as of the date of enactment of the implementing by-law. The Holding Symbol "(H)" would not be removed until the water and sewage servicing capacity has been identified and allocated by the City.

### City Engineering Department

The Vaughan Engineering Department has provided the following technical comments:

a) Water Supply

The draft plan is located within the service area of Kleinburg/Nashville of the York Region Water Supply System. The MESP report proposes two connections to the existing 300 mm watermain on Highway No. 27 and the construction of a 200 mm watermain on Streets "A" and "B" to provide a looped water system to the draft plan.

b) Storm Drainage

The subject land drains in a south-westerly direction into the Humber River valley, which abuts the west boundary of the draft plan. The MESP report proposes a stormwater management pond located at the south portion of the draft plan. As part of the engineering design and prior to the initiation of any grading on the draft plan, the applicant shall provide an engineering report for the review and approval of the City that describes the proposed storm drainage system to develop the subject lands. This report shall describe the proposed drainage system required to develop the subject lands and include, but not be limited to, the following items:

- (i) plans illustrating the proposed system and its connection into the existing storm system;
- (ii) storm water management techniques that may be required to control minor or major flows;
- (iii) detail all external tributary lands, include the existing residence(s); and
- (iv) proposed methods for controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction.

c) Sanitary Servicing

The MESP report proposes a connection to the existing sanitary sewers on Highway #27. Since the City's on-going OPA #601 Kleinburg-Nashville Servicing Strategy Master Plan Class Environmental Assessment has yet to be completed, the MESP report must be revised to not only establish the sanitary connection, but provide the detailed analysis of the proposed system in its entirety to the Kleinburg sewage treatment plant to confirm residual capacity and/or surcharging and provide recommendations for any necessary improvements to the existing sanitary system. The revised MESP report shall describe the proposed sanitary system to develop the draft plan and include, but not be limited to, the following items:

- i) profile drawings illustrating the proposed system and its connection into the existing sanitary system;
- ii) sanitary design sheets that confirm self-cleansing velocity (minimum actual velocity of 0.6m/s) and confirm any surcharging for the entire route to the Kleinburg sewage treatment plant;
- iii) detail all external tributary lands, include the existing residence(s); and
- iv) provide recommendations detailing the upgrades required to the existing sanitary sewers, the Kleinburg sanitary pumping Station and, if any, the Kleinburg sewage treatment plant.

d) Sewage and Water Allocation

1. Functional servicing options for the above noted development will be subject to the completion of the City's on-going OPA #601 Kleinburg-Nashville Servicing Strategy Master Plan Class Environmental Assessment. The Region's Environmental Study Report (ESR) has been completed and is currently available for public review. The ultimate servicing requirements for the proposed plan shall conform to the final recommendations of both reports.
2. Based on the recommendations of the City and Regional Studies, developments within the Kleinburg-Nashville Community Plan OPA #601 will have to contribute their proportionate share of the required proposed works based on net developable area. As well, and if required, financial contributions for the proportionate share towards any external municipal services that have been designed and oversized by others to accommodate the plan will be required from the subject development.
3. The Master Environmental Servicing Plan shall be revised to address all Engineering Department comments as per the May 29, 2007 correspondence.
4. In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on February 26, 2007, servicing allocation capacity for the above noted development application(s) has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development concept.

More specifically, servicing allocation capacity from the Kleinburg Water Pollution Control Plant and Water Supply System is currently not available. Future Regional servicing allocation capacity to allow for the full build-out of the Kleinburg-Nashville Community Plan OPA #601 area will be required from the Region of York.

Sewage and water allocation is currently unavailable. If the applications are approved, draft plan conditions of approval regarding sewage and water allocation will be provided.

e) Environmental Site Assessment

The Environmental Site Assessment report submitted in support of the proposed draft plan is acceptable. Conditions of draft plan approval will be provided if the applications are approved.

f) Transportation

The Engineering Transportation Section has provided a red-lined copy of the draft plan dated November 15, 2007. In summary, if the access point is determined to be acceptable, outstanding issues will need to be reviewed, including, but not limited to the following: sight distance analysis; driveway locations on the draft plan; a traffic management plan; the provision of two 6 m wide outbound lanes.

g) Streetlighting

The streetlighting design shall meet the City criteria within the draft plan and at the intersection with Highway No. 27.

h) Environmental Noise Impact

Due to the proximity of the draft plan to Highway No. 27, the applicant is required to submit a noise report for review and approval by the City as part of the detailed engineering submission. Despite the preliminary recommendations in the MESP in regards to environmental noise, the

City requires all dwelling units that abut or face an arterial road such as Highway No. 27 be constructed with mandatory central A/C. All required acoustic barriers abutting public lands shall be constructed with all berming and/or fencing material, including foundations, completely on private lands and totally clear of any 0.3 m road reserve.

i) Road Network

The local road is proposed as a 17.5 meter wide right-of-way within the draft plan. The applicant is advised that the OPA #601 Kleinburg-Nashville Community Plan dictates local roads to have an 18.5 metre to 20 metre right-of-way. As part of the OPA block plan process, the Engineering Department and utility companies recommended reduced roads allowances known as Alternative Design Standard (ADS). The adoption of ADS reduces local residential road allowances to a 17.5 metre cross-section and a 15.0 metre cross section in locations where a road is single loaded (houses on one side only). Council approved the ADS road allowances in principle for OPA #600 and for use in the Woodbridge Expansion Area. However, the subject lands are outside OPA #600 and should Council wish to achieve certain urban design objectives, the Engineering Department would have no objection to establishing a 17.5 metre road allowance ADS within this draft plan.

In addition, the Engineering has provided conditions of draft plan approval that will be provided, if the application is approved.

Parkland/Cash-in-Lieu

If the report is approved, the subdivision agreement shall contain a provision that parkland shall be dedicated, and/or cash-in-lieu paid, within the plan at the rates stipulated in the approved Cash-In-Lieu of Parkland Policy. There is no parkland provided in the plan, therefore total parkland under-dedication is 0.286 ha and is calculated as follows:

Total Land Area:	8.9 ha
Minus Open Space Lands:	-2.850 ha
Minus Buffer Block:	-0.34 ha
Total Parkland @ 5% Dedication:	5.71 ha @ 5% = 0.286 ha

Additional conditions of approval from the Urban Design section will be issued if the draft plan is approved.

Cultural Services Department

The Cultural Services Department requires that prior to final approval of the subdivision or prior to the initiation of any grading, an archaeological evaluation is to be undertaken in accordance with the Ministry of Citizenship, Culture and Recreation's approved Archaeological Assessment Technical Guidelines, for approval by the City and Ministry.

The property falls within the Kleinburg-Nashville Heritage Conservation District, approved by Council under Part V of the Ontario Heritage Act (R.S.O. 1990) as amended, and is subject to review in accordance with the Heritage District Plan, which guides heritage conservation issues and new development in the community. The Heritage District Plan and the Ontario Heritage Act require that all changes in a designated Heritage Conservation District be reviewed and approved by Heritage Vaughan committee through the Heritage Permit process.

The above noted issues raised by Cultural Services will be included as conditions of draft approval should the applications be approved.



### The Region of York

In accordance with York Region's servicing protocol respecting draft plans receiving approval prior to servicing allocation being available, the Region of York has requested that all residential lands be subject to various restrictions (ie. Holding "(H)" Zone) to ensure that the water and sewer servicing are available prior to occupancy. These restriction are included within the requested pre-condition, which are to be satisfied prior to or concurrent with draft plan approval.

The conditions of Pre-approval are as follows:

1. Prior to or concurrent with draft plan approval, the Owner shall enter into an agreement with the City of Vaughan, which agreement shall be registered on title, committing the Owner not to enter into any agreements of purchase and sale with end users, for the subject lands until such time as:
  - a)
    - i) York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Kleinburg Storage Facility, Additional Water Supply Works in Kleinburg and the Kleinburg WPCP Expansion; and,
    - ii) Council of the City of Vaughan has allocated adequate water supply and sewage servicing capacity to the subject development;
- OR,
- b) City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
- c) the Regional Commissioner of Transportation and Works confirms servicing allocation for this development by a suitable alternative method.
2. Prior to draft plan approval, York Region shall confirm that all land required for Regional water and sewer servicing infrastructure, to service this development, has been acquired by the Region.

The Region of York has also issued their standard conditions of Draft Plan approval for this development.

### Toronto and Region Conservation Authority (TRCA)

Development Planning Department have received various letters from the Toronto and Region Conservation Authority (TRCA), dating as far back as December 5, 2005, indicating that prior to any approvals or draft plan conditions being issued by the TRCA, revisions to the Master Environmental Servicing Plan as well as the submission of additional information was required for review and comment.

The last letter received from the TRCA, dated November 16, 2007 indicates that the Toronto and Region Conservation Authority (TRCA) has issued their conditions of Draft Plan approval with outstanding issues relating to ecology and water management to be addressed to their satisfaction.

### Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

### **Regional Implication**

The Region of York will be a party at the OMB Hearing scheduled for January 15, 2008 on these applications.

### **Conclusion**

The Development Planning Department has reviewed the applications to amend the Zoning By-law (Z.06.026) and for approval of Draft Plan of Subdivision 19T-06V04 in accordance with the applicable policies of the Official Plan and the requirements of the Zoning By-law. The proposed draft plan of subdivision, as shown on Attachment #2, does not conform to the Official Plan policies of OPA #601 as they pertain to the maximum permitted density and the community edge policy. Accordingly, the Development Planning Department cannot support the approval of the Zoning By-law Amendment Application and the Draft Plan of Subdivision, as shown on Attachment #2, and recommends that the applications BE REFUSED.

### **Attachments**

1. Location Map
2. Proposed Draft Plan of Subdivision 19T-84076
3. Original Draft Plan of Subdivision Submitted 2003

### **Report prepared by:**

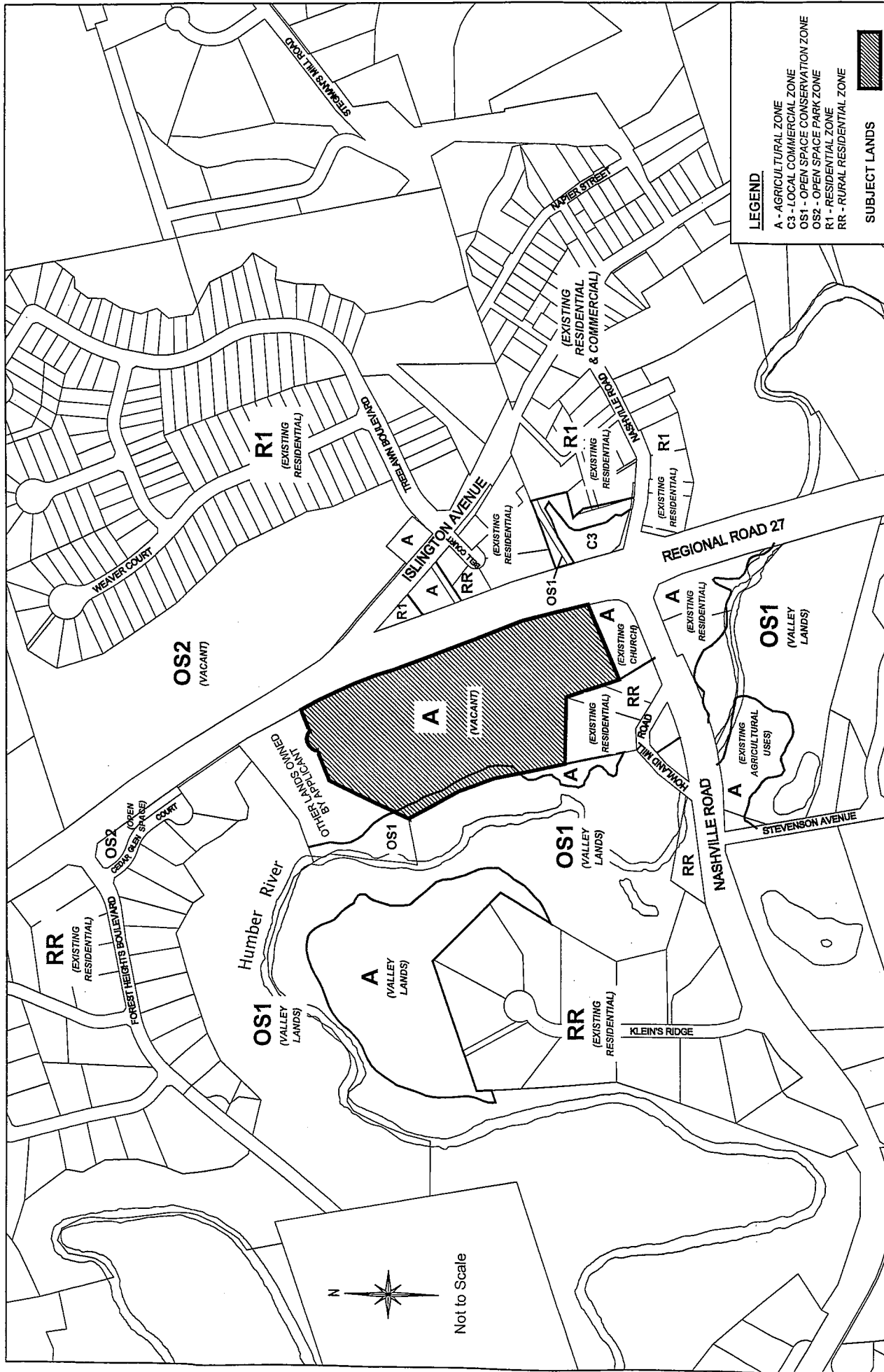
Carmela Marrelli, Planner, ext. 8791  
Mauro Peverini, Senior Planner, ext. 8407  
Grant Uyeyama, Manager of Development Planning, ext. 8635

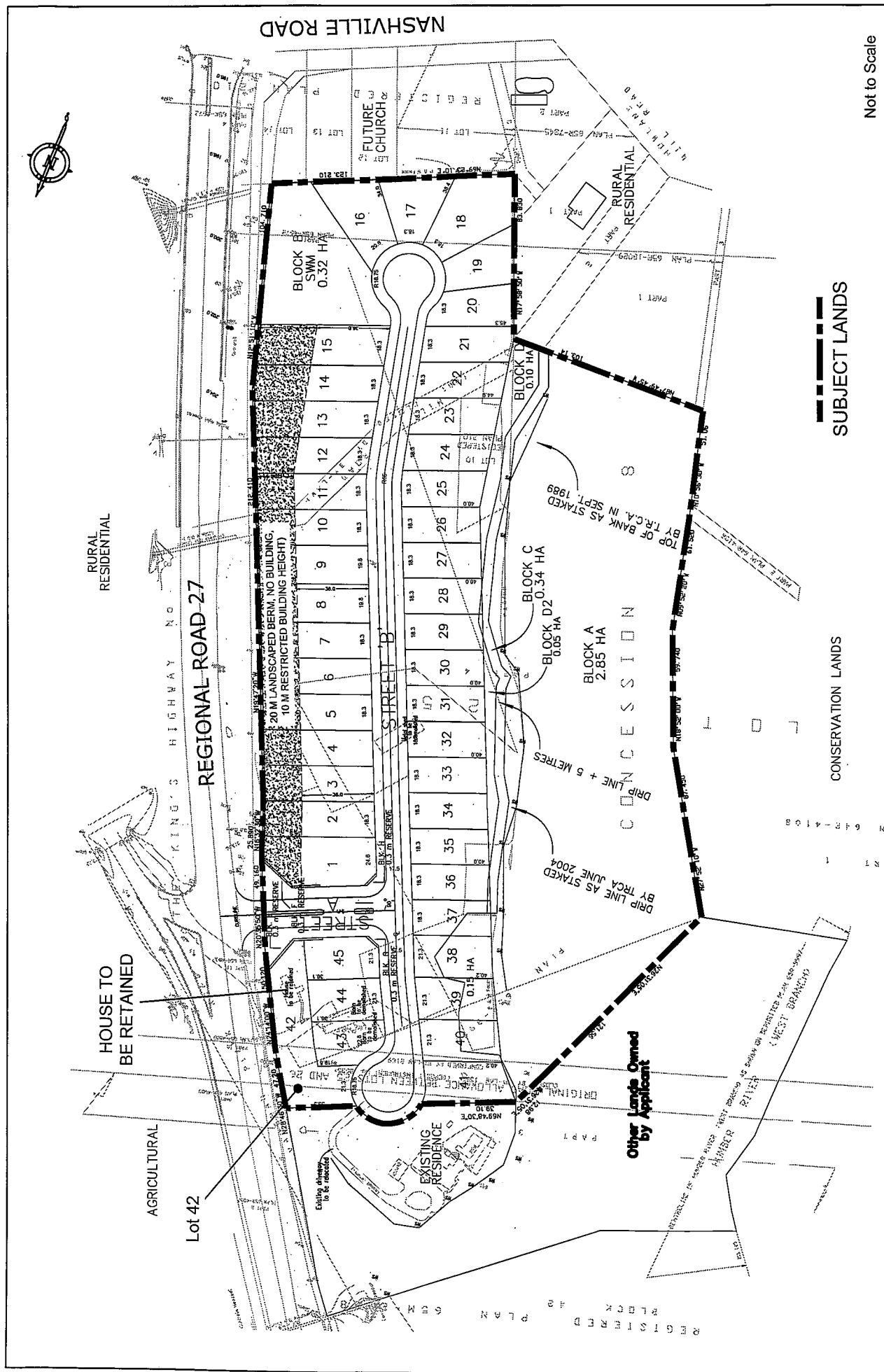
Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

MARCO RAMUNNO  
Director of Development Planning

/CM





Not to Scale

SUBJECT LANDS

CONSERVATION LANDS

# Draft Plan of Subdivision

Lots 24, 25,  
Concession 8

APPLICANT:  
KERWOOD DEVELOPMENTS LIMITED



The City Above Toronto

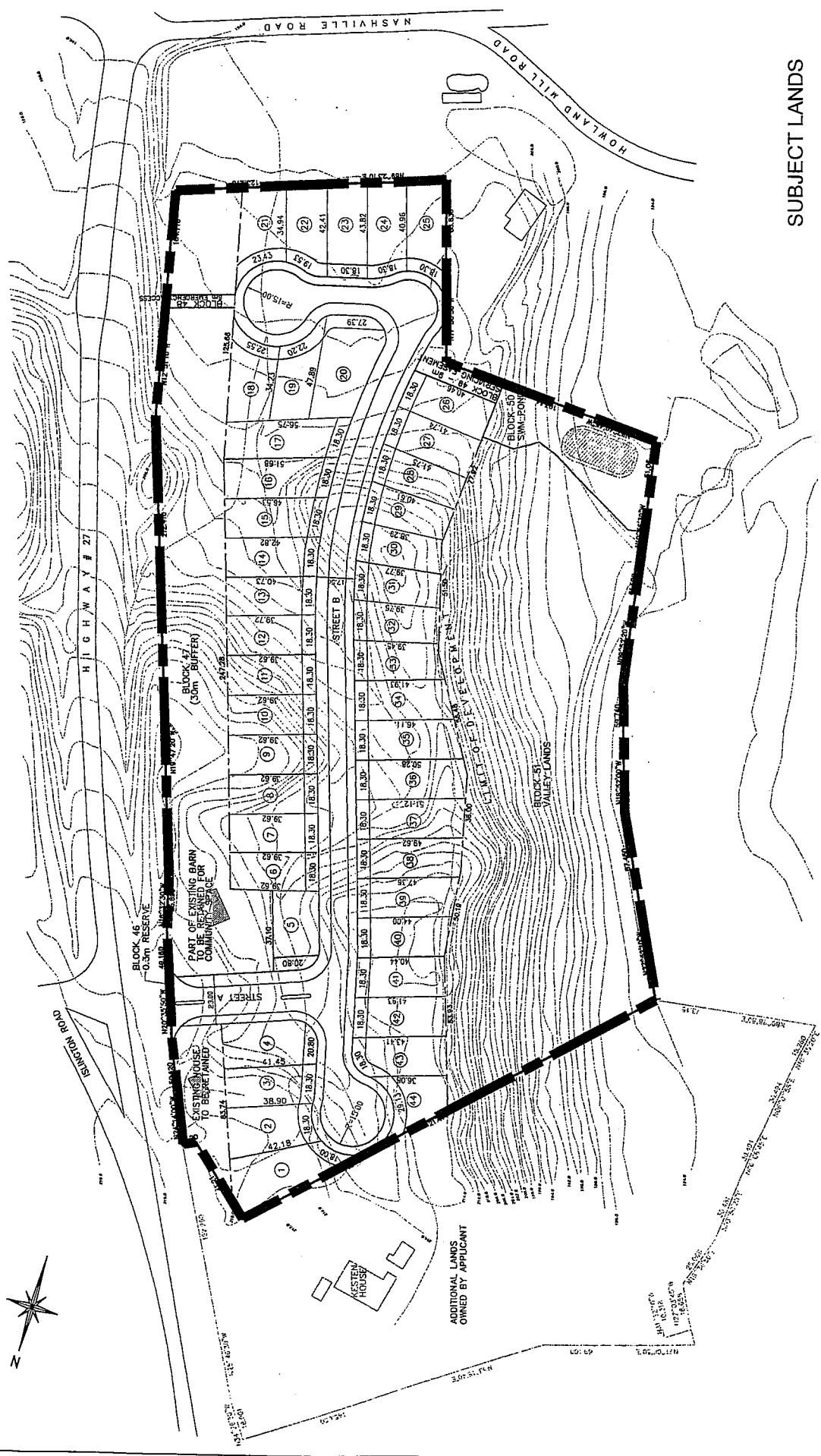
Development Planning Department

# Attachment

# 2

FILE No.:  
19T-84076, OP.30.90  
& Z.147.85

November 21, 2007



SUBJECT LANDS  
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Not to Scale

# Original Draft Plan of Subdivision - Submitted 2003

APPLICANT: KERROWOOD DEVELOPMENTS LIMITED  
Lots 24, 25,  
Concession 8



Development Planning Department

## Attachment 3

FILE NO.:  
19T - 84076, OP.30.90  
& Z.147.85  
November 21, 2007