

Staff Report 2020-0254

Meeting Date: September 22, 2020

Subject: Proposed Official Plan Amendment and Zoning By-law Amendment Applications, Paul King on behalf of 1361605 Ontario Limited and Peter Halmos, File No. POPA 13-05 and RZ 13-13, Ward 4

Submitted By: Stephanie McVittie, Acting Manager, Development Review Services, Community Services

RECOMMENDATION

That no further Public Meeting is required to be held for the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision; and,

That in accordance with Section 34(17) of the *Planning Act*, no further notice is required to be provided on the proposed Zoning By-law Amendment; and,

That after the surplus lands known as Part of Block 307 on Plan 43M-1324 are transferred to Peter Halmos, the By-law attached as Schedule “C” to Staff Report 2020-0254 be enacted to adopt Official Plan Amendment No. 253 to redesignate a portion of the subject lands from Environmental Policy Area to Low Density Residential to permit the development of a residential plan of subdivision; and,

That after the surplus lands known as Part of Block 307 on Plan 43M-1324 are transferred to Peter Halmos, the By-law attached as Schedule “D” to Staff Report 2020-0254 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to rezone the lands from Agricultural (A1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405) to Residential One – Exception 634 (R1-634) to permit the development of a residential plan of subdivision; and,

That applications for minor variances for the lands as identified in Schedule ‘A’ attached to Staff Report 2020-0254, be permitted prior to the second anniversary of the passing of any implementing Zoning By-law Amendment, pursuant to Section 45(1.4) of the *Planning Act*.

REPORT HIGHLIGHTS

- Applications for Official Plan Amendment (POPA 13-05), Draft Plan of Subdivision (21T-13002C) and Zoning By-law Amendment (RZ 13-13) were filed by Paul King on behalf of 1361605 Ontario Limited and Peter Halmos on October 29, 2013 and deemed ‘complete’ by Town staff on December 19, 2013.
- The applications were submitted to support the development of a residential plan of subdivision consisting of 7 single detached dwellings and a portion of the road allowance for Jack Kenny Court.
- The applications apply to a portion of Town-owned surplus lands, known as Part of Block 307 on Plan 43M-1324 to which Peter Halmos has entered into an Agreement of Purchase and Sale with the Town conditional upon holding of a further Public Meeting.

- The Official Plan Amendment application proposes to redesignate a portion of the subject lands from Environmental Policy Area to Low Density Residential.
- The Zoning By-law Amendment application proposes to rezone the lands from Agricultural (A1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405) to Residential One – Exception 634 (R1-634).
- The subdivision is proposed to be serviced by municipal water and sanitary services and existing stormwater management infrastructure in Jack Kenny Court, with the exception of Lots 1 and 2 that will drain directly to the existing stormwater management pond.
- A statutory Public Meeting was held on December 13, 2016 in accordance with the requirements of the *Planning Act* and there have been no substantial changes to the applications since the meeting was held.
- The proposed amendments are consistent with Provincial policies and conform to Provincial, Regional and local planning policy documents.
- Planning staff recommends that, after the surplus lands known as Part of Block 307 on Plan 43M-1324 are transferred to Peter Halmos, Council adopt the draft Official Plan Amendment and enact the draft Zoning By-law Amendment, attached as Schedules 'C' and 'D', respectively, to this report.

DISCUSSION

The purpose of this Report is to recommend that Council adopt the proposed Official Plan Amendment and enact the proposed Zoning By-law Amendment to redesignate and rezone the property to permit the development of a residential plan of subdivision.

Subject Lands

The subject lands are located on the west side of Coleraine Drive and east side of Jack Kenny Court, south of Harvest Moon Drive in Bolton (see Schedule 'A' – Location Map). The property is legally described as Part Lot 8, Concession 5 (Albion) and Part of Block 307 on M-1324, municipally known as 13576 and 13584 Coleraine Drive, and accommodates two existing dwellings that front Coleraine Drive. The proposed applications apply largely to the rear of the two residential properties as well as lands the Town previously deemed surplus to an existing stormwater management facility via By-law 2012-029. The existing dwellings will remain; however the rear yards of their lots will be reduced to accommodate the draft plan. Surrounding land uses include low density residential to the east, west and south and stormwater infrastructure to the north.

Proposed Development

On October 29, 2013, the Town received Official Plan Amendment (POPA 13-05), Draft Plan of Subdivision (21T-13002C) and Zoning By-law Amendment (RZ 13-13) applications from Paul King on behalf of 1361605 Ontario Limited and P. Halmos for the subject lands. The applications were deemed 'complete' on December 19, 2013.

The applicant is proposing to create a 7-lot residential subdivision with minimum lot sizes of 0.03 ha (0.79 acres) and minimum frontages of 10.7 metres (35.1 feet). All lots are accessed via a widened existing road, Jack Kenny Court and serviced by full municipal water and sanitary services. The lots are primarily within the rear amenity area of two existing residential properties fronting Coleraine Drive (13576 and 13584 Coleraine Drive) as well as a portion of Block 307 on Plan M-1324, which are lands surplus to an existing storm water management facility. See attached Schedule “B” Proposed Draft Plan of Subdivision.

The Official Plan Amendment application is proposing to redesignate a portion of the lands from Environmental Policy Area to Low Density Residential to implement the proposed draft plan of subdivision. See attached Schedule “C” Draft Official Plan Amendment.

The Zoning By-law Amendment application is proposing to rezone the lands to accommodate the residential subdivision. The amendment proposes to rezone the lands from Agricultural (A1) and Environmental Policy Area 1 Zone - Exception 405 (EPA1-405) to Residential One – Exception 634 (R1-634). See attached Schedule “D” Draft Zoning By-law Amendment.

Planning Review

Documents that have been considered by the Town in its review of the proposed applications include the Provincial Policy Statement, 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, the Region of Peel Official Plan, the Town of Caledon Official Plan and Comprehensive Zoning By-law 2006-50. Supporting technical studies and reports as well as comments and recommendations provided by internal departments, external review agencies and the public also informed the review of these applications.

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020, contains policies with respect to promoting efficient development and land use patterns in order to create healthy, liveable and complete communities while providing for an appropriate range of housing types and densities to meet requirements of current and future residents. The PPS, 2020 directs growth to settlement areas as per Section 1.1.3.1. In accordance with Sections 1.1.1, 1.1.3.2, 1.4, 1.5 and 1.8 the proposed development efficiently uses land and services, and contributes to a range and mix of residential units while protecting open space blocks and supporting active transportation in the plan and larger community. The development is adjacent to existing developed land and allows for the efficient use of land and infrastructure (Section 1.1.3.6). The proposed development will be serviced by municipal servicing (Section 1.6.6). The proposed amendments to implement the development is consistent with the Provincial Policy Statement, 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan, in conforming to the PPS, 2014, contains similar, although refined, policy direction to the PPS, 2014. The lands are located within the delineated Built Up Area of the Growth Plan. The Growth Plan also directs development to settlement areas that have existing or planned municipal water and wastewater systems and can support the creation of complete communities (Section 2.2.1). The proposed development will create additional lots in an area designated for residential uses and with the infrastructure to support it. The Growth Plan established minimum intensification targets to be achieved by municipalities and prescribes that by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, a minimum of 50% of all residential development occurring will be within the delineated built-up area. The proposed development contributes to the Town's intensification target by providing desirable growth within the built up area of Bolton. The plan will utilize municipal water and wastewater services and was supported by a satisfactory stormwater management plan (Sections 3.2.6 and 3.2.7) The proposed development represents an efficient use of land and infrastructure on an underutilized parcel within the built-up area of Bolton. It's compact form and compatible design completes the surrounding community and contributes to a complete neighbourhood. The proposed amendments to implement the development conforms to and is consistent with the Growth Plan.

Region of Peel Official Plan

The Region of Peel Official Plan designates the subject property within the Rural Service Centre of Bolton on Schedule "D", Regional Structure. The Region's Official Plan also provides for specific policies directing area municipalities to include more detailed objectives and policies in the local municipal official plans. Section 5.4.2.6 requires that development is consistent with the provincial plans, and regional and local official plans. The proposed development supports the Bolton community in contributing to the range and mix of residential land uses (Section 5.4.3). The Region has confirmed that there is sufficient water and sanitary services to support the proposed development and has also advised that there are no concerns with the proposed applications. The proposed amendments to implement the development conforms to the Region of Peel Official Plan.

Town of Caledon Official Plan

The Town of Caledon Official Plan designates the subject property within the Settlement Area (Rural Service Centre) of Bolton on Schedule 'A', Town of Caledon Land Use Plan. Schedule 'C', Bolton Land Use Plan further identifies that the property is located within the West Bolton Secondary Plan Area, Schedule 'C-3', which designates the subject lands as Low Density Residential and Environmental Policy Area.

The Town's Official Plan promotes residential intensification within the built-up area that better utilizes infrastructure and services, is compatible with land use patterns and enhances the community character of the settlement area (Sections 3.5, 4.2 and 5.10.3).

The proposed development is an example of desirable intensification that can be supported by existing infrastructure and contributes to the existing character of the area.

The subject lands are largely designated Low Density Residential, with the exception of the north-west corner designated as Environmental Policy Area (associated with the stormwater management pond). The detailed policies of the West Bolton Secondary Plan seek to establish compatible land use and a variety of dwelling types that better utilize land, services, community facilities and related infrastructure. The permitted uses in the Low Density Residential designation allows any residential built form, including single detached dwellings, that do not exceed a density of 30 units per net hectare (Section 7.4.5.1). The proposed development includes 7 residential lots for single detached dwellings, at a density of 22.5 units per net hectare that is compatible with adjacent lands and better utilizes existing services and infrastructure. As per Section 7.4.1.4, the proposed lots will be serviced by existing municipal services and full utilities.

The Official Plan contains sustainable development and community design policies to achieve compatibility between existing and new uses through a range of considerations, including noise. The proposed development was supported by a Noise Impact Study that reviewed the potential impacts of transportation (road and rail) and stationary noise sources (industrial facilities south of CP Rail tracks). The report was peer reviewed and determined to be acceptable. The noise study concluded that through appropriate design, including a 2.4m high acoustical barrier along the east and north boundaries of the proposed lots, a suitable acoustical environment could be provided that meets applicable guidelines. Ventilation and upgraded glazing will be required as well as noise warning clauses in agreement of offers to Purchase and Sale and lease/rental agreements; these will be secured through the Conditions of Draft Approval of the related Draft Plan of Subdivision.

Pursuant to Sections 3.2.4 and 7.4.9 of the Town's Official Plan, the applicant submitted a scoped Environmental Impact Study in support of the application that found the subject lands did not contain any natural heritage features and associated functions as defined by provincial policies. No significance is attached to the vegetation to be removed to accommodate the proposed development and tree removals will be compensated through new plantings at the adjacent stormwater management pond. In light of the above, staff support the proposed refinement of the Environmental Policy Area designation to support a Low-Density Residential designation as shown in Schedule 'C' to complete the residential development of Jack Kenny Court.

The proposed Zoning By-law Amendment implements the development by rezoning the lands from Agricultural (A1) and Environmental Policy Area 1 Zone - Exception 405 (EPA1-405) to Residential One Exception 634 (R1-634). See Schedule 'D'. This zone will allow for single detached dwellings and accessory uses, with site specific provisions to reflect the lot size, setbacks, building area and easement location.

Staff is of the opinion that the proposed amendment conforms to and is in keeping with the intent of the Town's Official Plan.

Town of Caledon Zoning By-laws 2006-50

The subject property is zoned Agricultural (A1) and Environmental Policy Area 1 – Exception 405 (EPA1-405) by By-law 2006-50, as amended.

The Zoning By-law Amendment application proposes to rezone the lands to accommodate the residential subdivision by rezoning the lands from Agricultural (A1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405) to Residential One Exception 634 (R1-634). See attached Schedule “D” Draft Zoning By-law Amendment. This zone will allow for single detached dwellings and accessory uses, with site specific provisions to reflect the lot size, setbacks, building area and easement location. The proposed By-law is in keeping with the uses permitted in the Official Plan and implements the proposed development.

Consultation

Notice of Application

In accordance with the *Planning Act*, a Notice of Application was mailed to all landowners within 120 m (393.7 ft) of the subject property on January 13, 2014. In addition, a notice sign has been posted on the subject lands and this Notice was posted on the Town’s website and advertised in the Caledon Citizen and Caledon Enterprise newspapers on January 16, 2014.

Agency and Department Review

The proposed amendment was circulated to external agencies and internal departments for review and comment. Comments are attached to this report as Appendix ‘E’ – Agency and Department Comment Sheet. No objections to the proposed Official Plan Amendment or Zoning By-law Amendment applications were received.

Public Meeting

In accordance with the *Planning Act*, the Notice of Public Meeting was mailed to all landowners within 120 m (393.7 ft) of the subject property and was advertised in the Caledon Enterprise newspaper on November 17, 2016.

A statutory Public Meeting was held on December 13, 2016 in accordance with the requirements of the *Planning Act*. The following questions and comments were raised at the Public Meeting and/or received during the processing of these proposed amendments:

Question/Comment	Response
Has noise from Coleraine Drive been taken into consideration?	The applicant submitted a noise report that studied noise from all potential noise sources, including Coleraine Drive, CP Railway and industrial facilities to the south. The report recommends noise mitigation measures, including a noise wall along the eastern and northern limits of the proposed lots to ensure new residents are appropriately mitigated from those potential noise sources. The Peer Reviewer for the Town as well as the Region have accepted the recommendations in the report and will ensure they are implemented through Conditions of Draft Approval of the related Draft Plan of Subdivision.
Clarify the purpose of the gap between Lots 2 and 3.	The Draft Plan of Subdivision provides a gap between Lots 2 and 3 to protect a future access to the remaining parcels of land owned by the applicants. The remaining parcels currently accommodate two rental dwellings that front onto Coleraine Drive; however, the Region has indicated through the concurrent Coleraine Drive Environmental Assessment (EA 16-4315) process that no lots or blocks shall have direct access to Coleraine. The gap therefore provides access to the remaining lands in the event the access to Coleraine is removed.
Could the additional lands owned by the applicant accommodate green space (trees) to further buffer noise? Or, more residential (i.e. townhouse) or a commercial development.	<p>The owner has not indicated an interest in redevelopment of the additional lands at this time. The lands are designated Low Density Residential and zoned Agricultural; as such, any redevelopment would require application(s) under the <i>Planning Act</i>.</p> <p>The redevelopment potential of the lands is difficult to determine until the Class EA process is complete and the extent of the Region's land requirements are known. The commercial development potential of the lands is very limited given the access restrictions to Coleraine.</p> <p>The applicant submitted a concept plan to show that the remnant parcel could accommodate a condominium townhouse development; however, any such redevelopment would require the applicable planning act applications and supporting technical reports and justification.</p>

Minor Variances

Section 45 (1.3) of the *Planning Act* prohibits any owner or applicant to apply for a Minor Variance application within two years of the approval of a Zoning By-law Amendment. Normally, variances would proceed to the Committee of Adjustment, however prior to the expiration of that two-year period, any request for a variance would need to appear before Council to allow a landowner to make an application to the Committee. This step may cause significant delay in processing of related Building Permit applications if a Minor Variance is required.

Section 45 (1.4) of the *Planning Act* allows Council to declare by resolution that such application is permitted within the two years. Staff is therefore recommending that Council, pursuant to the above *Planning Act* reference, permit Minor Variance applications to be applied as a precautionary measure to ensure development can proceed in a timely manner. Any variance application submitted would still require consideration and approval by the Committee of Adjustment.

No Further Notice or Public Meeting

Since the Public Meeting in 2016, the proposed development and amendments have not changed with the exception of minor refinements to both amendments for minor language or formatting purposes. The applicant has been working through the process to purchase a portion of Town owned lands (stormwater management pond). Notice has been provided in accordance with the *Planning Act* and a sign is posted on the property. As such, recognizing that there have been no changes to the proposed development and that the applicant has been working through the process to purchase Town owned lands, staff recommend that Council waive a requirement for a second public meeting as it applies to these proposed amendments and request that Council confirm that no further notice or a Public Meeting is required as per Section 34(17) of the *Planning Act*.

Agreement of Purchase and Sale of Town-Owned Lands

The applications apply to a portion of Town-owned surplus lands, known as Part of Block 307 on Plan 43M-1324 to which Peter Halmos has entered into an Agreement of Purchase and Sale with the Town conditional upon holding of a further Public Meeting. Prior to the Town adopting the Official Plan Amendment, issuing Draft Plan Approval or passing the Zoning By-law Amendment, the sale of the lands must be completed and the lands transferred into the ownership of Peter Halmos. After the land is transferred, Planning staff will forward the Official Plan Amendment and Zoning By-law Amendment, attached as Schedules “C” and “D” to this report, to Council for enactment.

FINANCIAL IMPLICATIONS

13576 Coleraine Drive

This property is currently assessed as Residential (\$536,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2,800. As at August 8, 2020, the property tax account is determined to be current.

13584 Coleraine Drive

This property is currently assessed as Residential (\$541,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2,900. As at August 8, 2020, the property tax account is determined to be current.

If the proposed developments (include 8 residential lots) were to proceed as planned, the taxable assessment of the property may change, to reflect the developments that would have taken place.

Development Charges would apply to the proposed changes as follows:

1. Town of Caledon: \$31,315.35 per single/semi-detached/duplex unit;
2. Region of Peel: \$53,083.06 per single/semi-detached/duplex unit. Effective February 1, 2016, the Region of Peel began collecting directly for hard service Development Charges (i.e. water, wastewater and roads) for all residential developments, except for apartments, at the time of subdivision agreement execution.
3. School Boards: \$4,572 per any residential unit; and
4. GO Transit: \$581.30 per single/semi-detached/duplex unit.

The Development Charges comments and estimates above are as at August 8, 2020 and are based upon information provided to the Town by the applicant, current By-laws in effect and current rates, which are indexed twice a year. Development Charges are calculated and payable at the time of building permit issuance. Development Charges By-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on the Development Charges By-law and rates in effect at the time of building permit, and actual information related to the construction as provided in the building permit application.

COUNCIL WORK PLAN

Not Applicable

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Location Map

Schedule B: Proposed Draft Plan of Subdivision

Schedule C: Draft Official Plan Amendment with Schedule

Schedule D: Draft Zoning By-law Amendment with Schedule

Schedule E: Agency and Department Comment Sheet