

Staff Report 2020-0252

Meeting Date: September 22, 2020

Subject: Proposed Official Plan Amendment and Zoning By-law Amendment Applications, Bolton Midtown Developments Inc., 13233 and 13247 Nunnville Road, Ward 5

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

RECOMMENDATION

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;

That the By-law attached as Schedule “C” to Staff Report 2020-0252 be enacted to adopt Official Plan Amendment No. 256 to redesignate the subject lands from Special Residential and Environmental Policy Area to Low Density Residential and Environmental Policy Area to permit the development of a residential plan of subdivision;

That the By-law attached as Schedule “D” to Staff Report 2020-0252 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to rezone the lands from Estate Residential - Exception 13 (RE-13) and Environmental Policy Area 1 Zone (EPA1) to Residential One - Exception 633 (R1-633), Environmental Policy Area 1 Zone (EPA1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405) 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 2020-0252, 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 19-04), Draft Plan of Subdivision (21T-19001C) and Zoning By-law Amendment (RZ 19-05) were submitted by WSP Canada Ltd. on behalf of Bolton Midtown Developments Inc. on August 16, 2019 and deemed ‘complete’ by staff on August 20, 2019.
- The applications support the development of a residential plan of subdivision consisting of 29 single detached dwellings on a new cul-de-sac, with an overland flow route and environmental block to protect the existing woodlot.
- The Official Plan Amendment application proposes to redesignate the lands from Special Residential and Environmental Policy Area to Low Density Residential and Environmental Policy Area.
- The Zoning By-law Amendment application proposes to rezone the lands from Estate Residential Exception 13 (RE-13) and Environmental Policy Area 1 Zone (EPA1) to Residential One Exception 633 (R1-633), Environmental Policy Area 1 Zone (EPA1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405).

- A statutory Public Meeting was held on November 19, 2019 in accordance with the requirements of the *Planning Act*.
- The proposed amendments are consistent with Provincial policies and conform to Provincial, Regional and local planning policy documents.
- Planning staff recommends that 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 consist of two separate parcels located at 13233 and 13247 Nunnville Road, in the Rural Service Centre of Bolton. See attached Schedule “A” Location Map. There is an existing dwelling on each property. The combined area of the site is approximately 3.33 ha (8.23 ac) in size fronting Nunnville Road. The lands are surrounded by existing estate residential uses to the north and south, residential subdivisions (i.e. single detached units) to the west and Albion Vaughan Road to the east, which is the boundary between the Town of Caledon and King Township. A portion of treed valleylands associated with the Main Humber River Valley traverses the north of the subject lands.

Proposed Development

On August 16, 2019, the Town received Official Plan Amendment (POPA 19-04), Draft Plan of Subdivision (21T-19001C) and Zoning By-law Amendment (RZ 19-05) applications from WSP Canada Ltd. on behalf of Bolton Midtown Developments Inc. for the subject lands. The applications were deemed complete on August 20, 2019.

The applicant is proposing to create a 29 lot residential subdivision with lot frontages ranging of 9.1 m (29.9 ft) and 13.1 m (43 ft). All lots are proposed to be accessed by a new cul-de-sac intersecting with Nunnville Road and serviced by full municipal water and sanitary services. A sidewalk will be provided on the north side of the street. Dwellings situated on a lot with a frontage of 9.1 m (29.9 ft) will have a single car garage, while the other lots will have a double-car garage. The subdivision also contains an overland flow servicing block and an environmental block to protect the woodlot/valleylands. See attached Schedule “B” Proposed Draft Plan of Subdivision.

The Official Plan Amendment application is proposing to redesignate the lands from Special Residential and Environmental Policy Area to Low Density Residential and

Environmental Policy Area 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 from Estate Residential - Exception 13 (RE-13) and Environmental Policy Area 1 Zone (EPA1) to Residential One - Exception 633 (R1-633) , Environmental Policy Area 1 Zone (EPA1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405). 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, 1.6 and 1.8 the proposed development efficiently uses land and municipal services on an existing infill site, and contributes to a range and mix of residential units while protecting open space blocks. The proposed development contributes to meeting the Town’s intensification target. The lot sizes can accommodate future secondary suites or multi-generational households through the provision of optional accessible house designs, helping meet the needs of different income groups, accessibility needs and people within all life stages. The proposed development protects the existing natural heritage features through measures recommended by the supporting environmental study including implementation of a buffer, protection within appropriate designation and zones, and dedication of the lands to the Toronto and Region Conservation Authority. The proposed amendments to implement the development are 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 existing 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 infill 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). As per Section 2.1, the proposed amendments protect the existing environmental features located on the property. 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 Bolton South Hill Land Use Plan, Schedule 'C-2', which designates the subject lands as Special 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 intensification that can be supported by existing infrastructure and contributes to the existing character of the area.

The subject lands are largely designated Special Residential, with the exception of the north-west corner designated as Environmental Policy Area (associated with the woodlot/valleylands). The Special Residential designation is used to recognize certain

existing residential areas within or immediately adjacent to settlements that are subject to a site-specific policy (Section 5.10.3.21) which identifies that they may be considered for redevelopment subject to the preparation of a Secondary Plan or additional studies to address servicing, appropriate uses and their demand, transportation issues, etc. (Section 5.10.4.5.12.1). As per Section 5.10.3.27.5, these Policy Areas require an Official Plan Amendment prior to the lands being released for development. The Official Plan identifies a suite of supporting studies and material required in support of the proposed amendment, including but not limited to, a transportation study, residential housing distribution assessment, environmental study, fiscal study, etc. The applicant has submitted the Official Plan Amendment application to redesignate a portion of the lands to Low Density Residential Area which permits the establishment of, among other uses, detached dwellings. The application included the various supporting studies and materials which support the amendment.

The Official Plan contains intensification objectives (Section 4.2.1) which seek to achieve compact and efficient urban forms which optimize the use of existing infrastructure and services within the built-up areas (Bolton). In addition the housing policies (Section 3.5) recognize the need to create a diverse range and mix of housing types, densities and tenures and recognizes secondary suites (such as Apartments-in-Houses) in single detached dwellings to assist in meeting the needs of the residents. Section 5.10.3.10 of the Official Plan identifies that land uses and proposed development is to be compatible with or enhance the community character of the settlement, being compatible with land use patterns, densities, road systems, parks, open spaces and streetscapes. Moreover Section 5.10.3.14 states that residential intensification will generally be permitted in settlements where the subject site or building can accommodate the form of development proposed and compatibility with surrounding community, the existing and planned services in the community can support the additional households and the potential demand for the type of housing can be demonstrated. The proposed development will help provide a range and mix of housing types that utilize existing infrastructure and public facilities, providing different lot sizes that can accommodate secondary suites in the future.

Pursuant to Sections 3.2.4 of the Town's Official Plan, the applicant submitted an Environmental Impact Study in support of the application which determined the limits of the natural feature and identified mitigation measures. A 10 metre buffer from the limit of the Environmental Policy Area lands has been implemented to protect the valley corridor. The entirety of the feature and the buffer will be dedicated to the Toronto and Region Conservation Authority (TRCA) and be designated and zoned to restrict the uses on these lands and protect the features.

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 Estate Residential - Exception 13 (RE-13) and Environmental Policy Area 1 Zone (EPA1) 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 Estate Residential - Exception 13 (RE-13) and Environmental Policy Area 1 Zone (EPA1) to Residential One - Exception 633 (R1-633), Environmental Policy Area 1 Zone (EPA1) and Environmental Policy Area 1 Zone – Exception 405 (EPA1-405). 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 area and frontage, setbacks, building area and encroachments. The proposed By-law is in keeping with the uses permitted in the Official Plan Amendment 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 August 29, 2019. 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 August 29, 2019.

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 Schedule “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 and Caledon Citizen newspapers on October 24, 2019.

A statutory Public Meeting was held on November 19, 2019 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
<p>There is a concern with the lack of parking provided on site, specifically with respect to the proposed single car garage units. Available on-street parking was also a concern for visitors and during the winter months, when on-street parking is not permitted.</p>	<p>The proposed plan meets the Town's Zoning By-law which requires that two parking spaces be provided per dwelling. There are six lots which have a single-car garage (providing for one parking space in the garage and one in the driveway); the remaining 23 lots will have a double-car garage (providing for two parking spaces in the garage and two in the driveway). There are 13 on-street parking spaces being provided. The proposed development provides for 117 parking spaces in total.</p>
<p>There is a concern about the traffic impact and road safety on Nunnville Road. Congestion concerns were raised about the Albion Vaughan Road/Nunnville Road intersection. Some residents believed that Hubert Corless Drive would be opened for vehicular access onto Nunnville Road.</p>	<p>The applicant submitted a Traffic Impact Study and a Traffic Analysis in support of the applications. The study concluded that the proposed development will have a minimal impact on the existing road system. An increase in traffic volume can be accommodated without signalization of the Albion Vaughan Road/Nunnville Road intersection. The analysis illustrated that after the proposed development is in place, the traffic level of service is projected to operate better than the existing level of service at the Albion Vaughan Road/Dovaston Gate intersection.</p> <p>The applicant also submitted a Sightline Assessment of the existing sightlines at the Albion Vaughan Road/Nunnville Road intersection. It was confirmed that there are satisfactory unobstructed sightlines which satisfies the requirements for vehicles to make turns onto Albion Vaughan Road from Nunnville Road based on the Transportation Association of Canada Geometric Design Guide.</p> <p>A 1.5m-wide sidewalk (in compliance with AODA standards) will be provided on the north side of proposed development to improve road safety.</p> <p>It is not intended for Hubert Corless Drive to be reopened for vehicular access with this proposed development.</p>

<p>Residents were concerned that the proposed development would detract from the privacy, quiet, tranquility, and overall neighbourhood character of the existing homes. Noise, light pollution, and inconsistency with existing homes on Nunnville Road were also identified as concerns.</p>	<p>The number of units have been reduced from 35 to 29 lots since the first submission. In addition, the unit composition has changed to the majority of 23 lots being 13 metres (43 feet) and only 6 lots being 9 metres (30 feet). The different lot sizes will help to develop a diverse mix of housing that accommodates a variety of residents, such as first-time homeowners through the availability of smaller units or multi-generational households with the option of the larger units. This unit and composition change helps to better reflect the character and built form of the existing neighbourhood, while continuing to support the achievement of the Provincial Growth Plan intensification targets.</p> <p>The architectural style of the proposed dwellings will be of traditional design that are consistent with the look and character of the surrounding neighbourhood. Corner lot dwellings will have upgraded articulated façades and enhanced landscaping as they are highly visible from the public realm. Privacy fencing will also be provided on the corner lots within the proposed development. Noise fencing will be required for the lots backing onto Albion Vaughan Road. The public realm is also addressed through minimizing the presence of the garage, providing trees, street lights and a sidewalk along one side of the street.</p>
<p>Residents were concerned about flooding and erosion impacts from the proposed development and requested that comments from the Toronto and Region Conservation Authority (TRCA) regarding stormwater quality control and buffer zones be addressed.</p>	<p>In support of the applications, the applicant submitted a Functional Servicing Report. This report identifies that all drainage from the proposed development is directed east towards the existing ditch adjacent to Albion Vaughan Road. No stormwater drainage is directed towards Nunnville Road and therefore there will be no opportunity for flooding or erosion impacts to existing residents.</p> <p>The valley corridor and associated 10-metre buffer, as shown on the draft plan of subdivision, will be placed into public ownership and dedicated to the TRCA. The TRCA has confirmed that appropriate buffers have been provided in the proposed development.</p>

Residents were concerned that current infrastructure, such as water and sewage, cannot support the proposed development. Concerns were also raised about impacts to the existing wells in the area and water quality from the construction of the proposed development.	The Region of Peel has confirmed that current water and sanitary sewer capacity is available to service the proposed development. A Hydrogeological Impact Assessment was submitted in support of the applications which indicates that there is a water well located outside of the development plan boundary and inside the zone of influence. The assessment concluded that this well is screened at a depth that is far below the proposed servicing invert elevations. As such, interference as a result of construction is not anticipated to be a concern. However, should a future well canvassing program determine that the well is still being used and there is a requirement to monitor it as a condition of approval, the well owner will be requested to participate in a monitoring program prior to, during, and after servicing of the Subject Site.
Residents were concerned about safety and maintenance on the walking path connecting Nunnville Road to Old King Road.	The proposed development has no impact on this walkway and no changes to the walkway are proposed as a result of the development.

Petition

The Town has received a petition with 29 signatures from 29 different properties along Nunnville Road and Bateman Lane. The petition was received in response to the Notice of Application sent in 2019. The petition is attached as Schedule 'F' to this report.

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 land owner 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, through the processing of the Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment, minor refinements to both the applications have occurred as follows:

- The number of units has decreased from 35 to 29 detached dwellings
- There have been slight modifications to provisions such as building area, setbacks and permitted encroachments to reflect the more refined development.
- The provision related to the maximum size of an accessory apartment has been increased from 30% to 35%.
- The addition of the Environmental Policy Area 1 Zone – Exception 405 (EPA1-405) to permit stormwater management uses on a block.

Staff is of the opinion that the clarifications are minor and maintain the intent of the application and therefore request that Council confirm that no further notice or a Public Meeting is required as per Section 34(17) of the *Planning Act*.

FINANCIAL IMPLICATIONS

The property located at 13233 Nunnville Road is currently assessed as \$1,178,000 CVA. The Town's share of taxes levied, based on current value assessment is approximately \$6,450. As at September 6, 2020, the property tax account is determined to be current.

The property located at 13247 Nunnville Road is currently assessed as \$1,430,000 CVA. The Town's share of taxes levied, based on current value assessment is approximately \$7,800. As at September 6, 2020, the property tax account is determined to be current.

If the proposed development (includes 29 single detached dwelling plan of subdivision) were to proceed as planned, the taxable assessment value would change to reflect the developments that would have taken place.

Any future development would be subject to Development Charges as follows:

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

The Development Charges comments and estimates above are as at September 6, 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

Connected Community: Preserve heritage and natural areas

ATTACHMENTS

Schedule A: Location Map

Schedule B: 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

Schedule F: Petition