

## Staff Report 2020-0324

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Meeting Date: November 17, 2020

Subject: Proposed Official Plan Amendment and Zoning By-law Amendment Applications, Pluribus Corp., Ward 3

Submitted By: Stephanie McVittie, Acting Manager, Development Review, Planning

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### RECOMMENDATION

That no further Public Meeting is required to be held for the proposed Official Plan Amendment;

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 'D' to Staff Report 2020-0324 be enacted to adopt Official Plan Amendment No. 260 to amend Sections 7.7.8.5.2 and 7.7.8.5.3 of the Official Plan to increase the building height, permit retail uses and introduce a maximum residential density of 150 units per gross hectare subject to the on-site parking supply that can be provided in accordance with Town requirements, to permit the development of a mixed-use building and Town Square;

That the By-law attached as Schedule 'E' to Staff Report 2020-0324 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to rezone the lands from Village Commercial – Exception 507 (CV-507) and Open Space – Exception 505 (OS-505) to Village Commercial – Exception 640 (CV-640) and Open Space – Exception 641 (OS-641) to permit the development of a mixed-use building and Town Square; and

That applications for minor variances for the lands as identified in Schedule 'A' attached to Staff Report 2020-0324, 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 18-01), Zoning By-law Amendment (RZ 18-03) and Site Plan (SPA 18-06) were filed by Pluribus Corp. on May 4, 2018 and deemed 'complete' by Town staff on May 16, 2018.
- The applications were submitted to support the development of a 5 storey, 87 unit mixed-use condominium building with 650 m<sup>2</sup> (6,996.54 ft<sup>2</sup>) of ground floor commercial gross floor area with residential units above, an open space town square, underground parking, and a surface parking area.
- The Official Plan Amendment application proposes to amend Sections 7.7.8.5.2 and 7.7.8.5.3 of the Official Plan to increase the building height, permit retail and introduce a maximum residential density of 150 units per gross hectare subject to the on-site parking supply that can be provided in accordance with Town requirements.

- The Zoning By-law Amendment application proposes to rezone the lands from Village Commercial – Exception 507 (CV-507) and Open Space – Exception 505 (OS-505) to Village Commercial – Exception 640 (CV-640) and Open Space – Exception 641 (OS-641).
- Residents Meetings were held on November 13, 2018 and June 27, 2019. A statutory Public Meeting was held on June 18, 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 'D' and 'E', 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 mixed-use building and Town square park.

### **Subject Lands**

The subject lands are located on the north-east corner of Atchison Drive and Old Church Road in Caledon East (see Schedule 'A' – Location Map). The property is legally described as Block 164, Plan 43M-1840, municipally known as 0 Atchison Drive, and is currently vacant. The surrounding land uses are residential to the north, east and west, and the Town Hall Civic Campus to the south.

### **Proposed Development**

On May 4, 2018, the Town received Official Plan Amendment ((POPA 18-01), Zoning By-law Amendment (RZ 18-03) and Site Plan (SPA 18-06) applications from Pluribus Corp. for the subject lands. The applications were deemed 'complete' on May 16, 2018.

At the time the applications were initially submitted, the applications were to support the development of a 5 storey, 85 unit mixed-use building with 870 m<sup>2</sup> (9,364.6 ft<sup>2</sup>) of ground floor commercial gross floor area with residential units above, an open space/town square, with associated underground and surface parking.

Most recently the 5-storey mixed-use condominium building proposal was revised to change the number of units to a maximum of 87 units (dependent on parking) and reduce the commercial area to 650 m<sup>2</sup> (6,996.54 ft<sup>2</sup>). The development provides for dwelling units of various sizes (ranging from 625 ft<sup>2</sup> to 1,000 ft<sup>2</sup>) and type (ranging from studio to three-bedroom units). The applicant continues to propose surface and underground parking. The design of the building features terraces on the fourth and fifth stories with a prominent

street presence along Old Church Road and Atchison Drive, surrounding the Town Square/Open Space. See attached Schedule 'B' Proposed Concept Plan and Schedule 'C' Proposed Concept Elevations.

The Town Square is proposed to be a privately owned parkette-type space which will serve as an outdoor gathering place for the community. The square will have a mix of hard and soft landscaping and would be able to also facilitate patios associated with restaurants in the mixed-use building.

The Official Plan Amendment application is proposing to amend Sections 7.7.8.5.2 and 7.7.8.5.3 of the Official Plan to increase the building height, permit retail and introduce a maximum residential density of 150 units per gross hectare subject to the on-site parking supply that can be provided in accordance with Town requirements, to permit the development of a mixed-use building and Town square/park. See attached Schedule 'D' Draft Official Plan Amendment.

The Zoning By-law Amendment application proposes to rezone the lands from Village Commercial – Exception 507 (CV-507) and Open Space – Exception 505 (OS-505) to Village Commercial – Exception 640 (CV-640) and Open Space – Exception 641 (OS-641) to permit the development of a mixed-use building and Town square/park. See attached Schedule 'E' Draft Zoning By-law Amendment.

The Town will continue to work with agencies and departments to ensure that the Site Plan application meets requirements and standards and implements the attached amendments accordingly.

### **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, Oak Ridges Moraine Conservation Plan, 2017, 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 will contribute to the Town's overall mix of housing units by providing dwelling units of various sizes and types. The proposed development brings a variety of affordable housing units to the Town's market. 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 PPS, 2020 encourages compact, mixed-use development that incorporates compatible employment uses with housing form (Section 1.3.1). The ground floor commercial units provide for additional employment without detracting from the main commercial area along Airport Road. Section 1.5 of the PPS, 2020 promotes healthy, active communities by planning public streets, spaces and facilities to be safe, pedestrian-oriented, foster social interaction and facilitate active transportation and community connectivity. The Town Square provides a privately-owned park/gathering place which will be welcoming to the general public and integrate with the surrounding lands and civic campus. 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, 2020, contains similar, although refined, policy direction to the PPS, 2020. The lands are located within the 2021 settlement boundary of Caledon East. 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 dwelling units 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 development 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 Caledon East. The multi-unit residential development will incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (Section 2.2.6). It's compact form and compatible design completes the surrounding community and contributes to a complete neighbourhood. Section 2.2.5 of the Plan speaks to promoting economic development and competitiveness by making more efficient use of employment lands, increasing employment density, integrating and aligning land use planning and economic development to retain and attract investment and employment. Specifically, the retail uses are to be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of these uses with other land

uses to support complete communities. The proposed amendments to implement the development conforms to and is consistent with the Growth Plan.

Oak Ridges Moraine Conservation Plan, 2017

The lands are identified as Settlement Area in the Oak Ridges Moraine Conservation Plan. Settlement Areas are designated for development permitting a range of residential, commercial, industrial and institutional uses and encouraging the development of communities that provide residents with access to a mix of employment, transportation options, housing and public service facilities. The Plan, similar to the PPS and Growth Plan, promotes the efficient use of land with transit-supportive densities, through intensification and redevelopment within existing settlement areas. The Plan directs that all uses permitted within the local Official Plan are permitted within the Settlement Area designation. The development will utilize municipal water and wastewater services and was supported by a satisfactory stormwater management plan. The proposed amendments to implement the development conforms to and is consistent with the Oak Ridges Moraine Conservation Plan.

Region of Peel Official Plan

The Region of Peel Official Plan designates the subject property within the Rural Service Centre of Caledon East 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 Caledon East 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 subject property is located within the settlement boundary of the Rural Service Centre of Caledon East and is designated Special Use Area C: Community Focus Area on Schedule “D” Caledon East Land Use Plan. The property is also designated Rural Settlement (a component of Countryside Area) on Schedule “P” Oak Ridges Moraine Conservation Plan Land Use Designations and High Aquifer Vulnerability on Schedule “P-1” Oak Ridges Moraine Conservation Plan Aquifer Vulnerability Areas.

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). Residential intensification is permitted where the site can accommodate the form of development proposed and is compatible with the surrounding community, the existing and planned services can support the development and there is a potential demand for

the housing type. 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 designated Special Use Area C: Community Focus Area within the Caledon East Secondary Plan (Section 7.7.8.5). The purpose of this area is to strengthen the Old Church Road Corridor by providing a “town square” as a public gathering place and to complement the existing Town Civic Campus and surrounding area. This Area will provide multiple housing in close proximity to community facilities and services, opportunities for partnerships with public and private sectors and introduce opportunities for employment.

The permitted uses within this area include a mixed-use building or buildings, with a maximum height of three stories, subject to the Community Design and Architectural Design Guidelines. These buildings may contain office and personal service commercial uses, institutional uses and residential uses. A total maximum gross floor area of 650 m<sup>2</sup> of retail commercial use is permitted abutting the intersection of Old Church Road and Atchison Drive.

The building(s) shall enclose a landscaped public open space area at least 0.1 ha (0.25 ac) in size. The maximum building height is four stories. Staff note that there is a discrepancy in the Official Plan discussing building height being either three or four stories. The development shall be subject to the streetscaping standards of the Caledon East Streetscape Concept.

The Official Plan Amendment proposes to amend the building height to be a maximum of 5 stories, will permit retail uses and will introduce a maximum residential density of 150 units per gross hectare subject to the on-site parking supply that can be provided in accordance with Town requirements. See Schedule ‘D’, Draft Official Plan Amendment.

The applicant has submitted supporting information and material including, but not limited to, architectural design and elevations of the building and a shadow study. The proposed building, being five stories in height, will create visual prominence at the intersection and will feature terraces on the fourth and fifth floors, assisting with transition of building heights within the area. The Market Opportunity and Impact Analysis suggests that a vibrant and well used Town Square requires an expanded range of permitted uses beyond personal service uses, which are being proposed through the Official Plan Amendment. While there is an expanded range of uses proposed, the revised proposal does not propose an increase to the existing commercial gross floor area.

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 Village Commercial – Exception 507 (CV-507) and Open Space – Exception 505 (OS-505) by By-law 2006-50, as amended.

The Zoning By-law Amendment application proposes to rezone the lands from Village Commercial – Exception 507 (CV-507) and Open Space – Exception 505 (OS-505) to Village Commercial – Exception 640 (CV-640) and Open Space – Exception 641 (OS-641) to permit the development of a mixed-use building and Town square/park. See attached Schedule 'E' Draft Zoning By-law Amendment.

The CV-640 zone permits various retail and commercial uses on the ground floor, with residential units permitted on floors above the ground floor. Limited residential units may be permitted on the ground floor. The by-law proposes various site-specific standards which ensure the building is prominent along both streets and wraps around the Town square. In keeping with the proposed Official Plan Amendment, the by-law proposes a height permitting the 5-storey building, also recognizing a mechanical unit/elevator penthouse. Typically different commercial uses are applied different parking rates; however, the by-law proposes a standardized parking rate across all commercial uses, supported by technical studies and documentation. The by-law proposes additional site specific standards to implement the development.

The OS-641 zone permits a park, patios accessory to restaurants within the mixed-use building and outdoor sales and display accessory to either a park use or the mixed-use building. The by-law also reduces setback requirements and removes parking requirements for the use.

The proposed By-law is in keeping with the uses proposed through 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 and a notice sign has been posted on the subject lands. This Notice was posted on the Town's website and advertised in the Caledon Citizen and Caledon Enterprise newspapers on January May 24, 2018.

### 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 'F' – Agency and Department Comment Sheet. No objections to the proposed Official Plan Amendment or Zoning By-law Amendment applications were received.

### Residents Meetings

During the processing of these applications, two Residents Meetings were held on November 13, 2018 and June 27, 2019 at the Caledon East Community Complex and

Town Hall, respectively. At these meetings, Town of Caledon Planning and Development staff and the consultant for the applicant provided an overview of the proposal, and the applicant and his consultant team were available to answer questions. Notice of the resident's meeting was mailed to all landowners within 120 m (393.7 ft) of the subject lands.

#### 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 May 23, 2019. A statutory Public Meeting was held on June 18, 2019 in accordance with the requirements of the *Planning Act*.

#### Public Engagement

The Town received a number of comments from the public. In general, comments were raised with respect to:

- Residents of the surrounding subdivision being unaware that the site was designated to permit commercial and residential uses
- The development not "fitting" with Caledon East or the streetscape
- The unit types offered being unfavourable for Caledon East
- The increased density and height being unacceptable and casting shadows on neighbouring lots
- Increase in parking and traffic congestion
- Pollution, noise and garbage-related concerns due to the commercial units proposed
- The size of the Town Square being too small and a lack of green space on site

The Town has also received a petition, attached as Schedule "G" to this report.

The subject lands are designated Special Use Area C: Community Focus Area in the Caledon East Secondary Plan, which permits a mixed-use building and Town square. The applicant is proposing a mixed-use condominium building allowing a variety of unit sizes to own. The applicant has submitted material (plans/reports) in support of their application, including but not limited to a Planning Justification Report, Site Plan, Elevations, Shadow Study, Noise Impact Study, Traffic Impact Study including parking analysis, etc. These reports have been reviewed by Region of Peel staff, Town staff and peer reviewers and have found to be acceptable. Garbage will be stored internal to the building, and then relocated to the loading area for pick-up. The noise study found that the noise from the site, including the loading space and mechanical penthouse will meet Ministry guidelines. The parking study supports the blended parking rate for commercial uses and demonstrates that sufficient parking is being provided on site for both commercial and residential uses. The traffic impact study demonstrated that there will be no significant traffic impacts.



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 2019, the proposed development and amendments have remain largely unchanged with the exception of reduced commercial area, reduced number of residential units and associated reduction in parking. The applicant has been working through the application process, refining the architectural design of their proposal and addressing agency and department comments. Notice has been provided in accordance with the *Planning Act* and a sign is posted on the property. 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*.

**FINANCIAL IMPLICATIONS**

For property tax purposes, 0 Atchison Drive, Block 164 on Plan 43M-1840, is currently assessed as Commercial (\$1.57 million CVA). The Town's share of taxes levied, based on current value assessment is approximately \$4,000. As at October 29, 2020, the property tax account is determined to be current.

If the proposed development were to proceed as planned (includes 87 residential apartments, and 700 m<sup>2</sup> commercial space), the taxable assessment value of the property would change to reflect the development that would have taken place.

Development charges would be applied at the Residential, and Non-Residential, Other rates. Currently, those are:

Town of Caledon: (a) \$18,194.65 per residential apartment > 70 m<sup>2</sup>; (b) \$10,678.43 per residential apartment ≤ 70 m<sup>2</sup>; and (c) \$57.78 per m<sup>2</sup> of commercial floor space.

Region of Peel: (a) \$32,491.01 per residential apartment > 70 m<sup>2</sup>; (b) \$21,489.21 per residential apartment ≤ 70 m<sup>2</sup>; and (c) \$232.86 per m<sup>2</sup> of commercial floor space.

Go-transit: (a) \$415.25 per residential apartment > 70 m<sup>2</sup>; and (b) \$215.19 per residential apartment ≤ 70 m<sup>2</sup>.

School Boards: (a) \$4,572 per residential apartment; and (b) \$9.69 per m<sup>2</sup> of commercial floor space.

The Development Charges comments and estimates above are as at October 29, 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 Charge 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**

**Sustainable Growth:** Enhanced civic campus including connecting paths

**Improved Service Delivery:** Build and maintain parks and green spaces

### **ATTACHMENTS**

- Schedule A: Location Map
- Schedule B: Proposed Concept Plan
- Schedule C: Proposed Concept Elevations
- Schedule D: Draft Official Plan Amendment with Schedule
- Schedule E: Draft Zoning By-law Amendment with Schedule
- Schedule F: Agency and Department Comment Sheet
- Schedule G: Petition from Residents