

## Staff Report 2021-0057

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Meeting Date: March 23, 2021

Subject: Proposed Official Plan Amendment and Zoning By-law Amendment Applications, 4 Walker Road West, Caledon East, Ward 3

Submitted By: Elaine Leung, Community Development Planner, Development Review Services, Planning Department

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### RECOMMENDATION

That the By-law attached as Schedule 'C' to Staff Report 2021-0057 be enacted to adopt Official Plan Amendment No. 262 to redesignate the subject lands from Low Density to a Low Density designation with a notwithstanding clause to increase the density to facilitate the creation of two residential lots;

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

That the By-law attached as Schedule 'D' to Staff Report 2021-0057 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended, from Rural Residential – Oak Ridges Moraine (RR-ORM) to Residential One - Exception 651 – Oak Ridges Moraine (R1-651-ORM) to permit residential uses with site specific standards for reduced lot area, reduced setbacks and increased building area; and,

That applications for minor variances for the lands as identified in Schedule 'A' to Staff Report 2021-0057 be permitted prior to the second anniversary of 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, Zoning By-law Amendment and Site Plan were filed by Weston Consulting Ltd. on behalf of Enio D'amato on August 30, 2019 and deemed 'complete' by the Town on September 18, 2019.
- Revised submissions have since been filed to address staff and agency comments.
- The applicant is proposing to amend the Official Plan designation from Low Density Residential to a Low Density designation with a notwithstanding clause to increase the density on the subject lands to facilitate the creation of two residential lots.
- The applicant is proposing to rezone the property from Rural Residential – Oak Ridges Moraine (RR-ORM) to Residential One – Exception 651 – Oak Ridges Moraine (R1-651-ORM) to permit residential uses with site specific standards for reduced lot area, to reduce setbacks and increased building area.
- The development proposes full municipal services, with access onto Walker Road West, and a new access onto McCaffrey's Lane.
- A formal Public Meeting was held on November 19, 2019 in Town Hall in accordance with the requirements of the *Planning Act*. There were no comments received regarding the applications.

- A consent application has been submitted to complete the severance portion of the subject lands. This application will proceed should these applications be approved with no appeals received.
- The proposed amendments are consistent with Provincial policies and conform to Provincial, Regional and local planning policy documents.
- Planning staff recommends that Council enact the draft Official Plan Amendment, and draft Zoning By-law Amendment, attached as Schedules 'C' and 'D', respectively.

### DISCUSSION

The purpose of this Report is to recommend Council approve the proposed Official Plan Amendment and enact the proposed Zoning By-law Amendment to increase the permitted density to facilitate the creation of two residential lots in Caledon East.

#### Subject Lands

The subject lands, known municipally as 4 Walker Road West, is located at the south-east corner of Walker Road West and McCaffrey's Lane, west of Airport Road in Caledon East (Ward 3). The vacant property is approximately 0.1 ha (0.24 ac) in area, with frontage onto both Walker Road West and McCaffrey's Lane. See Schedule 'A', Location Map, attached. The surrounding land uses consist of residential zoned lots to the east, south and directly adjacent west of McCaffrey's Lane, and village commercial to the north and northwest.

#### Proposed Development

On August 30, 2019 the Town of Caledon received Official Plan Amendment (POPA 19-05), Zoning By-law Amendment (RZ 19-07) and Site Plan (SPA 19-49) applications from Weston Consulting on behalf of Enio D'Amato. The applications were deemed 'complete' on September 18, 2019.

The applicant is proposing to amend the Official Plan to establish a site specific (increased) maximum density to permit the establishment of two residential lots on full services. Proposed Lot 1 (south lot) will be 573.43 m<sup>2</sup> in area, with 25.45 m of frontage onto McCaffery's Lane, which will be used for access. There is no access proposed onto Walker Road West. The proposed building area is 160.34 m<sup>2</sup>. Proposed Lot 2 (north lot) is proposed to be 420.08 m<sup>2</sup> in size, with 18.63 m of frontage onto Walker Road West, with a proposed building area of 143.03 m<sup>2</sup> (see Schedule "C"). The applicant is also proposing to amend the Zoning By-law to permit site specific standards with respect to lot area, setbacks and building area.

Staff note that a related consent application has been filed, which would provide for the application process in which the creation of the two proposed lots would be achieved. This would commence upon the Official Plan Amendment and Zoning By-law Amendment applications receiving approval.

*Site Plan Application*

Staff note that a formal Site Plan Application (SPA 19-49) has been filed in order to facilitate the development on a corner lot. Further detailed review regarding engineering, landscape and urban design will be conducted through the continued review of the application.

**Planning Review**

Documents that have been considered by the Town in its review of the proposed application include the Provincial Policy Statement, 2020, the Growth Plan for the Greater Golden Horseshoe, 2020, 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 which promote a mix of housing, employment, recreation, parks and open space, among other items. The PPS 2020, directs growth to settlement areas as per Section 1.1.3.1 and speaks to land use patterns within these areas being based on densities and a mix of land uses which, among others, efficiently uses land and resources, are appropriate for and efficiently use the infrastructure which are planned and available, and support active transportation. The applications are consistent with the PPS as the proposed development represents an appropriate infill development in the settlement area of Caledon East, which will have full municipal services, and access onto municipal roads.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan, which conforms to the PPS, 2020, contains similar policy direction to the PPS, 2020, which directs development to settlement areas. Policies note that development to be directed to settlement areas that have existing or planned municipal water and wastewater systems and can support the creation of complete communities. The applications conform to the Growth Plan as noted above, by representing additional density to an existing settlement area, Caledon East, and designated as residential area as recognized in the Town's Official Plan.

Region of Peel Official Plan

The Region of Peel Official Plan designates the subject property within the Caledon East Rural Service Centre on Schedule "D", Regional Structure. Policies within the Region's Official Plan requires that development is consistent with provincial, regional and local official plans. The Region has confirmed that there is water and sanitary services to support the proposed development and has advised that there are no concerns. The proposed applications conform to the Region of Peel Official Plan.

Town of Caledon Official Plan

The Town of Caledon Official Plan (OP) designates the subject property as Low Density Residential on Schedule 'D', Caledon East Land Use Plan.

The OP contains specific policies and direction for the Caledon East area, as it is recognized as a settlement areas within Caledon. Policies note that uses permitted in the Low Density Residential designation shall consist of single-detached and semi-detached dwellings, linked dwelling units, duplexes and freehold townhouse units.

The applicant is proposing to establish a notwithstanding clause, in order to increase the density on the subject lands to facilitate the creation of a second residential lot. This is required as the current density policies within the Low Density Residential designation, being 16.6 units/hectare, would not permit a further subdividing of the lot. The approval of the increased density to a maximum of 20.13 units/hectare would permit a severance application to create two residential lots. The proposed use would remain consistent with the existing Low Density designation in this area, which permits single-detached dwellings. See Schedule 'C', Proposed Official Plan Amendment, attached.

*Transportation*

Policies in the Official Plan state that vehicular connections should include interconnections between new and existing development, alternate emergency routes, major circulation routes within development areas, and vehicular connections to specific features. The subject property is located at the southeast corner of Walker Road West and McCaffrey's Lane, west of Airport Road, and thus has direct access onto existing municipal roads, without the need to create new access. Proposed Lot 1 (the corner lot) will have access onto McCaffrey's Lane and proposed Lot 2 (the interior lot) will have access onto Walker Road West. There are no new roads that are required as part of these applications.

*Servicing*

Policies in the Official Plan state that all new development within the Caledon East Settlement Area shall be serviced by municipal sanitary and storm sewers, municipal water, hydro and other utilities. The proposed development will comply with this policy as the dwellings will have full municipal services, which in fact currently exist in this area.

Staff is of the opinion that the applications represent infill of a vacant residential lot within Caledon East, where infrastructure currently exists. The overall residential characteristics of this area, and general lot fabric of the area would not be negatively affected by the proposed change, as only one additional dwelling would be permitted. Staff note that the proposed zoning would further restrict the use to permit a single detached dwelling only. The proposed increase in permitted density in the Official Plan would not negatively affect the immediate area, or the characteristics of the Low Residential designation.

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Staff is of the opinion that the proposed amendments conform to the intent of the Town's Official Plan.

### Town of Caledon Zoning By-law 2006-50

The subject lands are currently zoned as Rural Residential – Oak Ridges Moraine (RR-ORM) in Zoning By-law 2006-50, as amended. The Zoning By-law Amendment application (RZ 19-07) is proposing to rezone the lands to a site-specific zone, Residential One – Exception 651 – Oak Ridges Moraine (R1-651-ORM), to permit reduced lot area, reduced setbacks and to increase the building area. See attached Schedule 'D', Draft Zoning By-law Amendment and attached Schedule 'B' Site Concept Plan.

Staff note that provisions are included in the existing Zoning By-law to permit lands zoned Rural Residential (RR) which can apply the Residential One (R1) zone standards when full servicing is available. Both proposed Lot 1 and proposed Lot 2 would be fully serviced. Furthermore, staff note that the proposed Residential One - Exception 651 – Oak Ridges Moraine (R1-651-ORM) zone would restrict the form of housing to single detached dwelling only, consistent to permissions in the Residential One (R1) zone standards.

Staff is of the opinion that the proposed amendment will conform to the Official Plan designation, does not offend Zoning By-law 2006-50, as amended 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. In addition, signs were posted on the subject lands and the Notice was posted on the Town's website and advertised in the Caledon Citizen and Caledon Enterprise newspapers on September 26, 2019.

### Agency and Department Review

The proposed amendment was circulated to external agencies and internal departments for review and comment. Comments are attached (see Schedule 'E'). No objections to the proposed Official Plan Amendment and Zoning By-law Amendment were received.

### Public Meeting

In accordance with the Planning Act, the Notice of Public Meeting was mailed to all landowners within 120m (393.7 ft) of the subject property and was advertised in the Caledon Citizen and Caledon Enterprise on October 24, 2019.

A statutory Public Meeting was held on November 19, 2019 in accordance with the requirements of the *Planning Act*. There were no public comments received.



No Further Notice or Public Meeting

Since the Public Meeting in 2019, the proposed development and purpose of the amendments have remain largely unchanged. The applicant has been working through the application process, refining their proposal to address agency and department comments, resulting in slight deviations to the content of the Zoning By-law to recognize different standards for each lot, as well as general information such as section and exception numbers. Notice has been provided in accordance with the *Planning Act* and a sign is posted on the property. Staff request that Council confirm that no further notice or a Public Meeting is required as per Section 34(17) of the *Planning Act*.

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. Any such Variance application would typically 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 Site Plan and 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 in order to be allowed.

**FINANCIAL IMPLICATIONS**

This property (4 Walker Road West is currently assessed as Residential (\$356,000 CVA). The Town's share of taxes levied, based on current value assessment is approximately \$1,930. As at February 9, 2021, the property tax account is current.

If the proposed developments (include two single family dwellings on severed and retained lots) were to proceed as planned, the taxable assessment value of the property may change, to reflect the development that would have taken place.

Development Charges would apply as follows:

1. Town of Caledon: \$31,656.69 per single detached dwelling.
2. Region of Peel: \$60,093.31 per single detached dwelling.
3. School Boards: \$4,572 per any residential unit.
4. Go-transit: \$587.64 per single detached dwelling.

Development charge redevelopment credits may be available for a new dwelling on the retained parcel, after demolition of an existing dwelling. There will be no similar credits for a dwelling on the newly severed lot.

The Development Charges comments and estimates above are as at February 9, 2021 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 – Increased community diversity

### **ATTACHMENTS**

Schedule A: Location Map

Schedule B: Proposed Site Concept Plan

Schedule C: Draft Official Plan Amendment with Schedule

Schedule D: Draft Zoning By-law Amendment with Schedule

Schedule E: Agency and Department Comment Sheet