

Staff Report 2022-0202

Meeting Date: June 21, 2022

Subject: Proposed Zoning By-law Amendment Application, Caledon Developments LP and Caledon Development General Partner Ltd. (Brookvalley), 12324 and 12502 McLaughlin Road, Ward 2

Submitted By: Sean Kenney, Senior Development Planner, Development and Design, Planning Department

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 2022-0202 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to rezone the lands to various zones to permit the development of live-work units, residential units and commercial uses; and

That applications for minor variances for the lands as identified in Schedule ‘A’ attached to Staff Report 2022-0202, 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

- A Zoning By-law Amendment (RZ 16-08) application was submitted by Malone Given Partners Ltd. on behalf of Caledon Development #2 LP on July 26, 2016 and deemed ‘complete’ by staff on August 9, 2016.
- The application was submitted to support the development of a residential plan of subdivision consisting of 323 single detached dwellings, 153 townhouse units, 8 live-work townhouse units, two medium density blocks totaling 209 residential units, a block for Region of Peel affordable housing totaling 56 units, a commercial block, an environmental block (woodlot), walkway blocks, road widening and 0.3 m reserve blocks. The plan has been registered.
- The application proposes to rezone a portion of the lands from Agricultural (A1) and Townhouse Residential – Exception 615 (RT-615) to Townhouse Residential Exception 665 (RT-665), Townhouse Residential - Exception 666 (RT-666), Townhouse Residential - Exception 667 (RT-667), Townhouse Residential - Exception 668 (RT-668) and Commercial - Exception 664 (C-664).
- This report is the final report required to fully implement the land uses of the registered plan of subdivision (Phase 1A and 1B).
- A statutory Public Meeting was held on November 22, 2016 in accordance with the requirements of the *Planning Act*. Notice was also been provided after this meeting for staff reports and other matters including draft plan approval and enactment of Zoning By-laws for the subdivision. Additionally, signs showing the proposed land uses in the area have been posted so prospective purchasers and area residents are aware of what is going to be constructed in the surrounding area.

- 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 Zoning By-law Amendment, attached as Schedule “C” to this report.

DISCUSSION

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

Proposed Development

On July 26, 2016, the Town received Draft Plan of Subdivision (21T-16005C) and Zoning By-law Amendment (RZ 16-08) applications from Malone Given Parsons Ltd. on behalf of Caledon Development #2 LP for the subject lands. The applications were deemed complete on August 9, 2016. Since that time, the owner of the lands has changed to Caledon Developments LP and Caledon Development General Partner Ltd.

The Draft Plan of Subdivision application was draft approved on August 16, 2019 to permit the development of a residential plan of subdivision with 323 single detached dwellings, 153 townhouse units, 8 live-work townhouse units, two medium density blocks totaling 209 residential units, a block for Region of Peel affordable housing totaling 56 units, a commercial block, an environmental block (woodlot), walkway blocks, road widening and 0.3 m reserve blocks. See attached Schedule “B” Draft Plan of Subdivision. The entirety of the plan has been registered in two phases. Most of the lands were zoned as part of By-Law 2021-33 approved on April 27, 2021, as recommended by Staff Report 2021-0155 and By-law 2021-81 approved on October 26, 2021, as recommended by Staff Report 2021-0240. The lands subject to this Staff Report were not zoned at that time as further detailed on the built form was required to inform the zoning.

The Zoning By-law Amendment application is seeking Council approval to rezone blocks along Tim Manley Avenue that were not rezoned earlier and consists of blocks within both Phase 1A and Phase 1B of the subdivision. The amendment proposes to rezone the lands from Agricultural (A1) and Residential Townhouse - Exception 615 (RT-615) to Townhouse Residential - Exception 665 (RT-665), Townhouse Residential - Exception 666 (RT-666), Townhouse Residential - Exception 667 (RT-667), Townhouse Residential - Exception 668 (RT-668) and Commercial - Exception 664 (C-664).

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 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 contributes to a range and mix of residential units and provides appropriate open space blocks, while supporting active transportation in the plan and larger community. The development, within the Mayfield West Phase 2 community, 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 amendment to implement the development is consistent with the Provincial Policy Statement, 2020.

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

The Growth Plan, in conforming to the PPS, 2014, contains similar, although refined, policy direction to the PPS, 2014. 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 Mayfield West Phase 2 Secondary Plan has been planned as a complete community that is compact, pedestrian and cyclist friendly, and transit-oriented, providing for a mix of residential uses and achieving the minimum intensification and density targets (Sections 2.2.6, 2.2.7, 3.2.2, 3.2.3 and 3.2.4). The proposed development will contribute to the mix of residential uses in the community, promotes walkability. 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 amendment 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 Mayfield West Rural Service Centre 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 Mayfield West Phase 2 community in providing for a range and mix of residential and recreational land uses and protects for the GTA West Transportation Corridor (Sections 5.4.3 and 5.4.3.2.8). 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 application. The

proposed amendment 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 of Mayfield West Phase 2 on Schedule 'A', Town of Caledon Land Use Plan. The Mayfield West Phase 2 Secondary Plan designates the property as Low Density Residential, Medium Density Residential, Live-Work Units, General Commercial and Environmental Policy Area on Schedule "B-2", Mayfield West Phase 2 Land Use Plan.

In total, the Mayfield West Phase 2 planning area is approximately 251 ha in size, of which approximately 44 ha comprises natural heritage features and an existing rail corridor. The total planned population for the area that shall be achieved is 10,348 people, in conjunction with 2,635 population-related jobs and 1,164 employment area jobs. This translates into a projected density of 68.2 combined people and jobs per ha. As per Section 7.14.3, compliance with these numbers is to be achieved through the approval of a community wide Development Staging and Sequencing Plan (DSSP). In accordance with Section 7.14.4, the applicant has demonstrated that the proposed plan conforms to the population and employment density for the Secondary Plan through Section 5 of the DSSP, found to be satisfactory to staff on April 22, 2019. The proposed development also conforms with the goals and recommendations of a series of other Mayfield West Phase 2 community-wide studies that include the following: Community Design Plan (CDP), Community-Wide Functional Servicing Report (FSR), and a Community-Wide Environmental Implementation Report (EIR) as required by Sections 7.14.4.5, 7.14.4.6 and 7.14.4.7. The other important element in the planning of the community is a Financial Agreement which was executed with members of the Mayfield Station Developers Group, dated November 2015. The Agreement identifies the group's financial commitments for implementing the Secondary Plan. The Trustee has confirmed that the owner is in good standing as required by Section 7.14.4.8.4 of the Official Plan. Furthermore, as per the Secondary Plan policies, the applicant has submitted a Sustainable Residential Home Strategy that identifies green energy features and systems including water-efficient and EnergyStar appliances, and a homeowner awareness program to help maximize their efficiencies in their homes.

The proposed development and Zoning By-law Amendment generally conforms to the land use plan identified on Schedule "B-2". Through the development process, the land uses, and their locations have been refined and adjusted in accordance with Section 7.14.23, taking into account reasons including the preservation of environmental features and street alignment.

The Medium Density Residential designation permits various forms of townhouse dwellings with a maximum height of four storeys and, along Chingacousy Road, Tim Manley Avenue and McLaughlin Road, low-rise apartment buildings up to 6 storeys in

height may be permitted for Region of Peel affordable housing purposes. Within the Medium Density designation, the draft approved plan identifies that townhouse dwellings and Region of Peel affordable housing are to be constructed. More specifically, within the lands subject to this amendment, the lands are intended to be developed as follows:

- Within the Townhouse Residential - Exception 666 (RT-666), Townhouse Residential - Exception 667 (RT-667) and Townhouse Residential - Exception 668 (RT-668) zones: Various townhouse style dwellings, including street townhouses, rear lane townhouses, stacked townhouses, back to back townhouses and stacked back-to back townhouses.
- Within the Townhouse Residential Exception 665 (RT-665) zone: 8 Live Work units at the northeast corner of Tim Manley Avenue and McLaughlin Road.
- Townhouse Residential Exception 667 (RT-667): Region of Peel affordable housing, where the zoning permits a low-rise apartment use (6 storey maximum) in addition to the permitted stacked townhouses, back to back townhouses and stacked back-to back townhouses.

The General Commercial designations at the south east corner of McLaughlin Road and Tim Manley Avenue are intended to function as an “Urban Village”. Development with this designation is be planned and designed to minimize walking distances to transit routes and provide safe, attractive, and direct pedestrian/cyclist connections to transit stops to and municipal sidewalks. The lands within this designation and subject to this Zoning Amendment, are intended to be developed as a commercial development that supports that daily and weekly commercial needs of the area residents. The Zoning By-law Amendment proposes to rezone these lands to Commercial - Exception 664 (C-664).

Town of Caledon Zoning By-laws 2006-50

The subject lands are zoned Agricultural (A1) and Residential Townhouse - Exception 615 (RT-615) by By-law 2006-50, as amended.

The Zoning By-law Amendment application is proposing to rezone five blocks along the north and south side of Tim Manley Avenue. The amendment proposes to rezone the from Agricultural (A1) and Residential Townhouse - Exception 615 (RT-615) to Townhouse Residential - Exception 666 (RT-666), Townhouse Residential - Exception 667 (RT-667), Townhouse Residential Exception - 668 (RT-668) and Commercial - Exception 664 (C-664). See attached Schedule “C” Draft Zoning By-law Amendment.

The proposed amendment will permit the development of the properties as envisioned through the plan of subdivision as described in detail in the Official Plan section of the report. The site-specific zones (RT-665, RT-666, RT-667, RT-668 and C-664) permit specific uses and zone provisions applicable to the proposed development in these zones. 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. 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 25, 2016.

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 'D' – Agency and Department Comment Sheet. No objections to the proposed 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 120 m (393.7 ft) of the subject property and was advertised in the Caledon Citizen and Caledon Enterprise newspapers on October 26, 2016.

A statutory Public Meeting was held on November 22, 2016 in accordance with the requirements of the *Planning Act*. The following questions were raised at the Public Meeting and/or received during the processing of this proposed amendment:

| Question/Comment | Response |
|--|---|
| Does the plan accommodate different forms of active transportation including walking, cycling, etc.? | The subdivision has been planned to provide for active transportation throughout the subdivision with linkages to the broader community through sidewalks, multi-use trails along Mayfield Road and trails in the greenway corridor and environmental block. The broader community includes bike lanes on arterial roads. |
| Does the Mayfield West Phase 2 Secondary Plan include a recreation centre? | Yes, there is a recreation facility planned for at the south-east corner of McLaughlin Road and the future Tim Manley Avenue (Spine Road). |

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 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.

No Further Notice (Section 34(17) of the *Planning Act*)

Since the Public Meeting, through the processing of both the Draft Plan of Subdivision and Zoning By-law Amendment, minor refinements to both the plan and draft by-law has occurred. The applicant has since revised the draft Zoning By-law Amendment to reflect the minor changes that occurred through the subdivision process.

Following the public meeting, neighbouring landowners have been advised of the ongoing development approvals process through notices for draft approval and enactment of Zoning By-laws. In addition, the Subdivision Agreement requires that signs be posted on these blocks to advise residents of the intended uses of the land.

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

For property tax purposes, the subject properties are collectively assessed as Residential (\$34.6 million CVA). As at May 29, 2022, both property tax accounts are determined to be current.

If the proposed development were to proceed as planned (to include various forms of residential townhouses, a low-rise residential apartment block, and separate floor space for commercial activities), the taxable assessment value of the properties would change to reflect the developments that would have taken place. This report does not include proposals for detached or semi-detached dwellings.

Development Charges (DC) will apply at the Residential and Non-Residential (Other) rates. Those rates are currently:

1. **Town of Caledon:** (a) \$35,025.42 per townhouse residential unit and includes back-to-back townhouses; (b) \$26,728.86 per large apartment unit > 70 m²; (c) \$15,685.90 per small apartment unit 70 m² or less, and (d) \$77.95 per m² of commercial space. Stacked townhouses as defined in the Town's bylaws will be charged at the large apartment rate.

2. **Region of Peel:** (a) \$53,505.11 per townhouse residential unit and includes back-to-back townhouses; (b) \$49,003.47 per large apartment unit > 70 m²; (c) \$25,916.51 per small apartment unit 70 m² or less, and (d) \$255.17 per m² of commercial space. Stacked townhouses as defined in the Region's bylaws will be charged at the large apartment rate.
3. Effective February 1, 2016, the Region began collecting directly for most hard service development charges (i.e. water, wastewater and roads) for residential developments, at the time of subdivision agreement execution.
4. **School Boards:** (a) \$4,572 per any residential unit; and (b) \$9.69 per m² of commercial space.
5. **Transit:** (a) \$657.09 per townhouse residential unit and includes back-to-back and stacked townhouses; (b) \$469.39 per large apartment unit > 70 m²; and (c) \$243.25 per small apartment unit 70 m² or less. There are no Transit DC charges for commercial space.

The Development Charges comments and estimates above are as at May 29, 2022 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

Not Applicable: Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Location Map

Schedule B: Draft Plan of Subdivision

Schedule C: Draft Zoning By-law Amendment with Schedule

Schedule D: Agency and Department Comment Sheet