

Meeting Date: November 21, 2023

Subject: Proposed Zoning By-law Amendment and Draft Plan of Subdivision Applications, Averica Land Development Services on behalf of 336 Kings Ridge Inc., 336 King Street East, Ward 5, OLT Case PL200067

Submitted By: Dan Currie and Aleah Clarke, MHBC Planning on behalf of Development, Planning Department

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## **RECOMMENDATION**

That Council advise the Ontario Land Tribunal (OLT) that it supports the settlement offer proposed by 336 Kings Ridge Inc. as it meets the applicable provincial, regional and municipal policy framework, and the Town's Engineering Standards.

## **REPORT HIGHLIGHTS**

- The Town received an Official Plan Amendment, Draft Plan of Subdivision, Zoning By-law Amendment, Draft Plan of Condominium and Site Plan applications for Averica Land Development Services on behalf of 336 Kings Ridge Inc. for the property municipally known as 336 King Street East on November 17, 2018. The applications were deemed complete on December 10, 2018.
- The applications proposed 16 four-storey townhouse units at 13.3 metres in height, accessed by a private common element road that has access to King Street East, and serviced by municipal water and wastewater services. The townhouses were divided into two blocks of 8 units.
- Town staff had several concerns with the proposed development including conformity to provincial, regional and local planning policies, conformity with the Town standards and guidelines as well as compatibility with adjacent properties and the broader community of Bolton.
- A Public Meeting was held on February 12, 2019. There were a number of residents who spoke and provided comments in respect to the applications.
- On January 14, 2020, the owner appealed the Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment as a decision was not made within the prescribed timelines of the Planning Act (120 days).
- A Case Management Conference was held on December 2, 2020. Since the Case Management Conference, the Applicant has been working with the Town to reach a settlement.
- Settlement discussions have been ongoing for the past two years. The applicant has revised the form of their development, ending the need for an Official Plan Amendment. The applicant is no longer proposing 16 four-storey townhouses but is instead proposing six single detached houses on a private condominium road. A Zoning By-law Amendment and Draft Plan of Subdivision application is required to facilitate the proposed development.
- Town staff support the settlement and are satisfied that it conforms to provincial, regional and local planning policies, standards and guidelines, and is compatible with the broader community of Bolton. If Council agrees to move ahead with the settlement,

mutually supportable planning instruments will be presented to the Tribunal without the need for a contested hearing.

## **DISCUSSION**

The purpose of this report is to seek Council direction regarding the position of the Town in respect of the settlement offer and the basis of that position.

### **Background**

The subject lands are located at 336 King Street East in Bolton (“subject lands”). The lands are approximately 0.68 hectares (1.7 acres) in size and currently accommodate a single-detached residential dwelling that would be demolished to facilitate the proposed development. The surrounding land uses are rural residential to the north, east and west, and the Humber River Valley traverses the property to the south. The Region of Peel’s water treatment facility, and some general industrial uses are located further west surrounding the intersection of King Street East and Old King Road. See Schedule A, Location Map, attached.

The Town of Caledon received Official Plan Amendment, Draft Plan of Subdivision, Zoning By-law Amendment, Draft Plan of Condominium and Site Plan applications for the subject lands from Averica Land Development Services on behalf of 336 Kings Ridge Inc on November 16, 2018. The applications were deemed complete on December 10, 2018.

### **Original Proposed Development**

The original applications were submitted to permit 16 four-storey townhouse units accessed by a private common element road that has access to King Street East and serviced by municipal water and wastewater services. The townhouses were divided into two blocks of 8 units.

- The Official Plan Amendment proposed to re-designate the lands from Low Density Residential to a site-specific High-Density Residential designation.
- The Zoning By-law Amendment proposed to rezone the lands from Rural Residential (RR) to Townhouse Residential – Exception XXX (RT-XX).
- The Draft Plan of Subdivision proposed to create one residential condominium block (2,501.7 metres squared), and two environmental blocks (3,575.80 metres squared).
- The Draft Plan of Condominium sought to create a common element tenure for an internal private road and visitor parking.
- The Site Plan application sought to implement the proposed townhouse development.

## **Consultation**

### Notice of Application

In accordance with the Planning Act, a Notice of Application was mailed to all landowners within 120 metres (393.7 feet). In addition, the Notice was placed in the Caledon Enterprise and Caledon Citizen on December 20, 2018, and signage posted on the property.

### Public Meeting

A Public Meeting was held on February 12, 2019. In accordance with the Planning Act, a Notice of Public Meeting was mailed to all landowners within 120 metres (393.7 feet) of the subject lands and to members of the public who requested notification. In addition, the Notice of Public Meeting was placed in the Caledon Enterprise and Caledon Citizen on January 17, 2019 and posted on the Town's website.

### Agency/Department Consultation

The applications were first circulated to various external agencies and internal departments on December 11, 2018. A number of agencies and departments provided comments in response to the first submission circulation. On April 18, 2018, the Town sent a Summary of Comments letter to the applicant identifying all comments.

Due to the magnitude of the comments and concerns raised, the review was largely focused on the Official Plan Amendment. A revised submission was requested to address the comments.

Town staff had several issues with the proposed development related to conformity with the Town's Official Plan policies and the compatibility with the broader community of Bolton. The applicant had to first address the comments on the Official Plan Amendment (OPA) to the satisfaction of the Town, Region of Peel and TRCA before staff considered the other planning applications. The key issues related to the OPA were:

- Delineation and protection of the EPA valley feature and buffer;
- Regional servicing capacity to support the development;
- Conformity with Town OP growth management, intensification and settlement policies;
- Conformity with the Caledon Comprehensive Town-Wide Design Guidelines; and
- Compatibility of the proposed high density housing within an established low density residential area, versus within closer proximity to the commercial/downtown core of Bolton.

## **Appeal to the Local Planning Appeal Tribunal (LPAT)**

On January 14, 2020, the landowner appealed the Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment as a decision was not made within the prescribed timelines of the Planning Act (120 days). A Case Management hearing was held on December 2, 2020, in relation to the LPAT appeal.

Following the Case Management Conference, the applicant revised their development concept in order to comply with the Official Plan and eliminating the need for an Official Plan Amendment. The revised development concept reduced the scale of the proposed development from 16 four-storey townhouse dwellings to 6 three-storey single detached dwellings. The applicant resubmitted materials in support of their applications for Zoning By-law Amendment and Draft Plan of Subdivision on a confidential without prejudice basis on November 18, 2021, January 17, 2022, January 19, 2022, January 21, 2022.

The resubmission resolved many of the Town and Agency comments, but more detailed comments arose through the resubmission and a summary of comments letter was sent to the applicant on March 25, 2022. A third submission was received on October 20, October 26, and December 15, 2022. A new summary of comments letter was sent to the applicant on March 9, 2022 and a fourth submission was received from the applicant on May 31 and June 1, 2023. The fourth submission resolved the majority of the Town and Agency comments related to the Zoning By-law Amendment and Draft Plan of Subdivision applications. The Town sent a Summary of Comments letter to the applicant identifying all comments on August 9, 2023, see Schedule B, Summary of Comments Letter. A fifth and final submission was received on August 28, 2023 and has resolved all Town and Agency comments.

### **Settlement Offer – Revised Concept**

The Settlement Offer is for a revised concept plan that will result in 6 three-storey single detached dwellings, rather than 16 four-storey townhouses. The proposed single detached dwellings are proposed to be accessed by a private common element road that has access to King Street East and serviced by municipal water and wastewater services. See Schedule C, Proposed Draft Plan of Subdivision, and Schedule D, Proposed Zoning By-law Amendment, attached to this report. In summary:

- The Official Plan Amendment is no longer required.
- The Zoning By-law Amendment proposes to rezone the lands from Rural Residential (RR) to Residential One – Exception 678 (R1-678) and Environmental Policy Area (EPA1).
  - The R1 site specific variances permit common element detached dwellings, a private street, reduced lot line and yard setbacks, increased driveway widths, multiple units per lot, an exemption from site triangle provisions, reduced lot area and frontage, increased building area, reduced separation between buildings, buffer from EPA1 zoned lands, site specific parking requirements, and site specific encroachments.
- The Draft Plan of Subdivision proposes to create one residential block (2,201 metres squared), one road widening block (114 metres squared), two reserve blocks (10.5 metres squared) and one natural feature block (3,869 metres squared).

The Draft Plan of Condominium and Site Plan applications are not under appeal and will be finalized following the conclusion of the OLT case.

Based on our analysis of the Provincial Policy Statement 2022, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020, Region of Peel Official Plan, Town of Caledon Official Plan, Town of Caledon Zoning By-law 2006-50 and other standards, policies and guidelines, Town staff believe that the settlement offer should be accepted for the following reasons:

- The proposed Zoning By-law amendment will facilitate the development of an alternative form of housing which makes efficient use of land and infrastructure on an existing lot in the Bolton settlement area.
- The proposed development complies with the policies of the Region of Peel Official Plan, the Town of Caledon Official Plan and the intent of the Town's Zoning By-law.
- The proposed development can be serviced with existing water and sanitary services in King Street East, and the site's existing environmental lands will be placed into an appropriate zoning category and protected for the long term in public ownership.
- The proposed zoning by-law amendment also implements appropriate site specific standards to allow for reduced lot sizes to achieve a higher density while maintaining a low rise built form and implementing the proposed condominium tenure.

Town staff is recommending that Council direct staff to support the settlement offer at the Ontario Land Tribunal hearing at which point mutually supported instruments can be introduced by both parties in order to avoid a contested hearing.

## **FINANCIAL IMPLICATIONS**

At this stage of the proceedings there has already been many hours of settlement discussions with the applicant, as well as tens of hours of Town, agency and consultant time reviewing and providing comments on the resubmissions by the applicant, which were submitted with the goal of reaching a settlement. Should a settlement not be reached, there are a large number of unknown factors that can impact further cost and length of hearing:

- Total number of witnesses to be called by all parties (this will determine the length of the hearing and be the key driver of costs);
- Whether there are any contentious motions;
- Whether the appeal settles and the drafting of minutes of settlement becomes necessary.

If the proposed development were to proceed as planned, (one block of single-detached residential dwellings on a private road), the taxable assessment value of the property would change to reflect the developments that would have taken place.

The following Development Charges would apply to the proposed developments:

Town of Caledon: \$55,392.18 per single detached dwelling.

Region of Peel: \$70,576.98 per single detached dwelling. Effective February 1, 2016, the Region of Peel 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.

School Boards: \$4,572.00 per any residential unit.

Go-transit: \$792.88 per single detached dwelling.

The applicant may receive credit for development charges previously paid relating to any existing dwelling that may be demolished to support the new project. Development Charges are indexed twice a year, February 1<sup>st</sup> and August 1<sup>st</sup>. The Development Charges comments and estimates above are as at October 23, 2023 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. For site plan or rezoning applications determined to be complete on or after January 1, 2020, and the approval of the application occurs within 2 years of building permit issuance, Development Charges are calculated at rates applicable on the date when an application is determined to be complete; and are payable at the time of building permit issuance. Interest charges will apply for affected applications. For site plan or rezoning applications dated prior to January 1, 2020, Development Charges are calculated and payable at building permit issuance date. 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 changes in actual information related to the construction as provided in the building permit application.

## **COUNCIL WORK PLAN**

### **Strategic Plan 2023-2035**

Community Vitality and Livability

## **ATTACHMENTS**

Schedule A: Location Map

Schedule B: Summary of Comments Letter

Schedule C: Proposed Draft Plan of Subdivision

Schedule D: Proposed Zoning By-law Amendment

