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VAUGHAN OFFICIAL PLAN AMENDMENT NO. 633 - KLEINBURG CORE AREA

(Mayor Black declared a pecuniary interest in this clause as Mr. Frank Greco is the landlord of premises from which she operates a legal practice and she did not participate in the discussion or vote on this clause.)

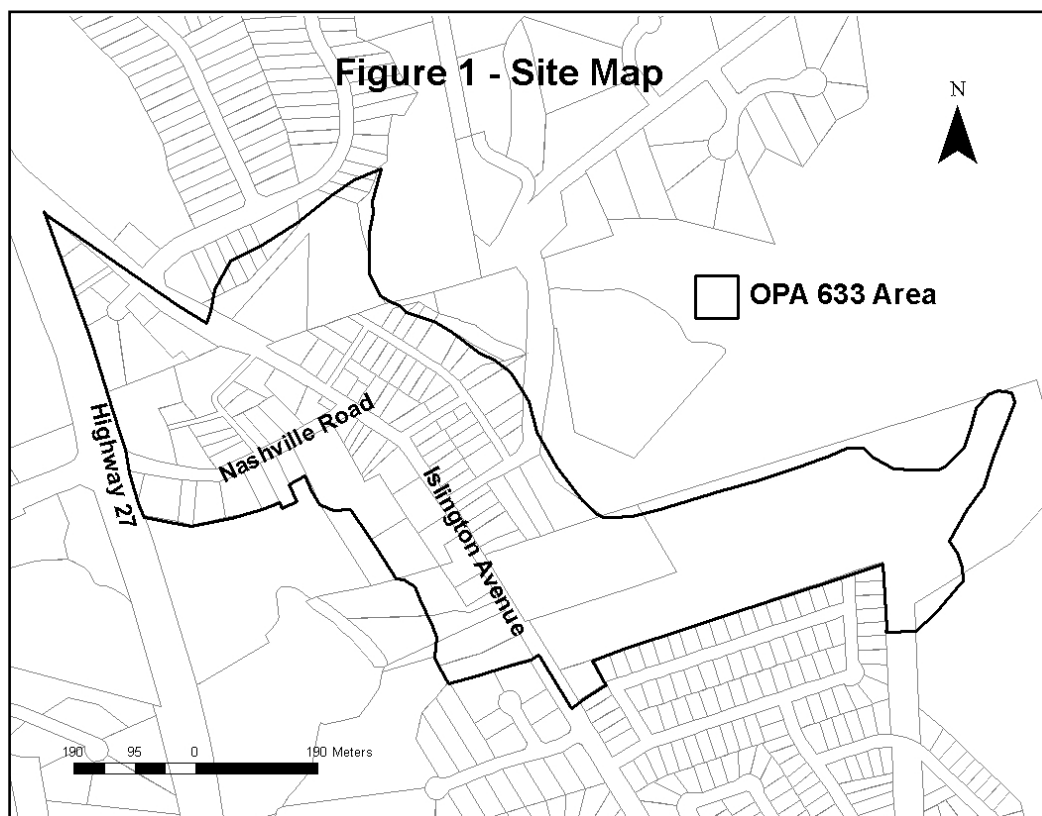
The Planning and Economic Development Committee recommends the following:

- 1. The deputation and communication from Mary Flynn-Gugliette, MB Services Limited Partnership, March 6, 2007, on behalf of Heritage Hill Developments, be received;**
- 2. The deputation by Frank Greco, on behalf of Canadiana Square/Villata Gardens Inc., be received; and**
- 3. The recommendations contained in the following report dated January 30, 2007, from the Commissioner of Planning and Development Services, be adopted:**

1. RECOMMENDATIONS

It is recommended that:

1. The Regional Commissioner of Planning and Development Services be authorized to issue a Notice of Decision to approve Vaughan Official Plan Amendment No. 633.
2. The Regional Clerk circulate a copy of this report to the City of Vaughan planning department for information.



2. PURPOSE

The purpose of this report is to recommend Regional approval of Vaughan Official Plan Amendment (OPA) No. 633, and to:

- Provide a brief background on the purpose and process of the amendment.
- Outline the unresolved issues and objections on-record.
- Explain the steps taken by Regional staff in attempting to resolve any unresolved issues, in consultation with the City, community representatives and area landowners.

3. BACKGROUND

3.1 Location

The area subject to OPA 633 is the community core of the old village of Kleinburg, which is generally centred around the intersection of Nashville Road and Islington Avenue, between Highway 27 in the west and the hydro electric corridor in the east (see *Figure 1*).

3.2 Purpose and history of OPA 633

The amendment was initiated by the Council for the City of Vaughan to update the existing policies guiding development in Kleinburg's community core. The existing policies were put in place by the Kleinburg-Nashville Community Plan (OPA 601), which was approved by the Region on October 4, 2001 and by the Ontario Municipal Board on November 21, 2001. OPA 633 was adopted by City Council on June 2, 2006, and was received by the Region for review and approval on June 5, 2006.

3.2.1 Comprehensive policy review and study

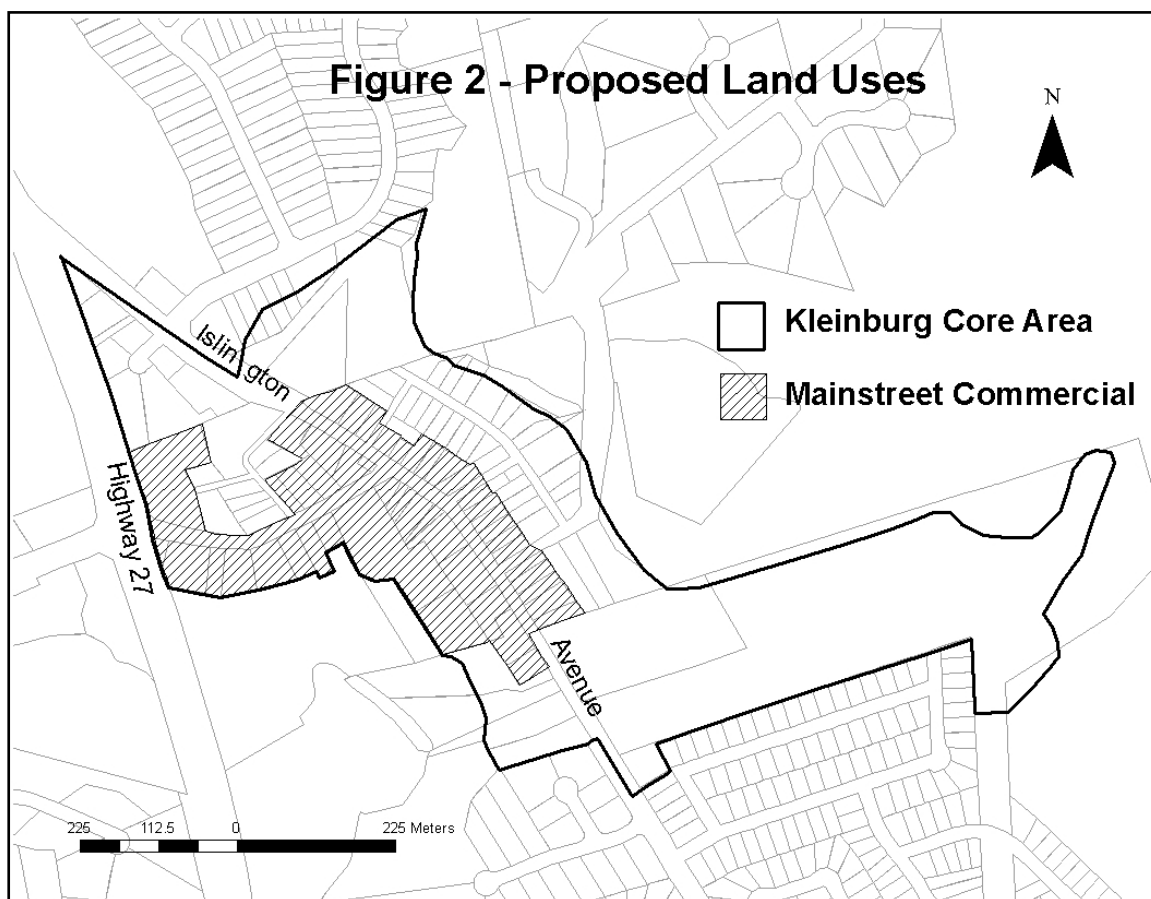
The policy updates under OPA 633 are based on a comprehensive planning review that stemmed from two City-initiated studies of the community: 1) the 2003 Kleinburg-Nashville Heritage Conservation District Study; and, 2) the 2004 Kleinburg Core Area Land Use Study. These studies aimed to further refine the planning vision set by the 2001 community plan, with the objectives of further heritage preservation and enhancing the commercial viability of the main street, respectively.

3.2.1.1 Kleinburg-Nashville Heritage Conservation Study and Plan

The heritage conservation study resulted in the City's adoption of the Kleinburg-Nashville Heritage Conservation District Plan and a corresponding by-law (#268-2003) that designated a Heritage Conservation District within the community plan area. This district is focused on the properties along and adjacent to the two major spines of Kleinburg; being Nashville Road and Islington Avenue.

3.2.1.2 Kleinburg Core Area Land Use Study

The City retained the planning firm of Ted Davidson (Consultants) Inc. to undertake the land use study, which resulted in the 2006 Kleinburg Core Area Policy Review document. There were several recommendations in the document, including the implementation of the recently-established Heritage Conservation District Plan, establishing a clear boundary between the mainstreet commercial and core areas, and refining the permitted uses in the mainstreet commercial and core area designations. These recommendations are reflected in OPA 633, as adopted by the City.



3.3 Changes to community plan proposed by OPA 633

The adopted version of OPA 633 reflects the recommendations arising from the City-initiated studies of the existing heritage resources and land use policies within Kleinburg under the current community plan (OPA 601). Two significant changes to the existing planning framework under OPA 633 are: 1) the delineation of a Mainstreet Commercial area boundary; and, 2) the removal of multiple family dwellings as a permitted use.

3.3.1 Defining the Mainstreet Commercial area boundary

OPA 633 establishes a clear boundary for the Mainstreet Commercial area within the Kleinburg core (see *Figure 2*). The rationale for defining this area is to add clarity to the plan by focusing further commercial uses in a logical manner, adjacent to existing commercial buildings along Islington Avenue.

The current community plan under OPA 601 sets out permitted Mainstreet Commercial uses within the Kleinburg Core Area designation, but does not define a corresponding geographic area within which commercial uses are to be focused. Commercial uses within the core are currently implemented through the zoning by-law.

3.3.2 Removing Multiple Family Dwellings

OPA 633 would remove multiple family dwellings from the list of permitted uses within the Mainstreet Commercial and Kleinburg Core Areas. This use is currently permitted, although a zoning by-law amendment application is required to implement any proposed development. Multiple family dwellings under OPA 601 are defined as at least two dwellings within a building which is designed to appear as a single-family dwelling in character and in scale.

3.3.2.1 Apartment dwellings permitted in a mixed-use form

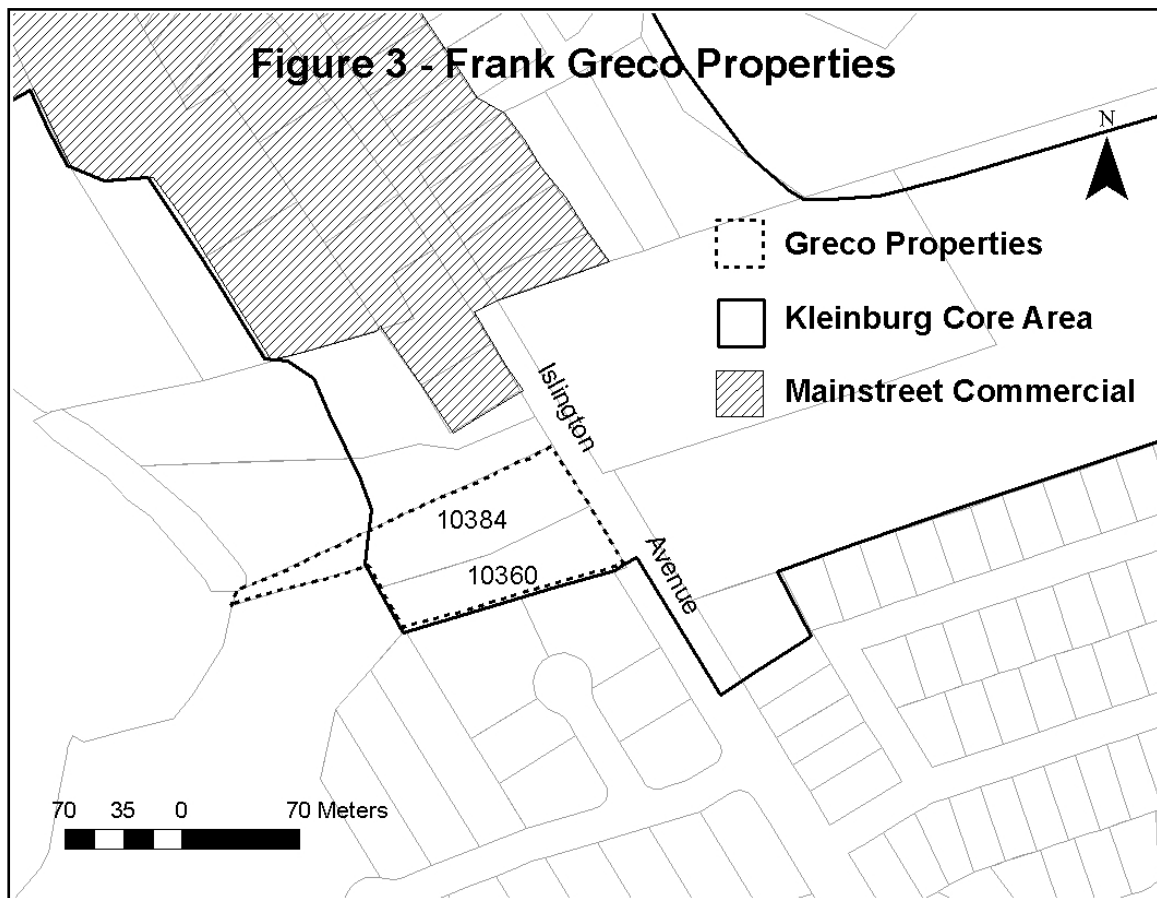
Although OPA 633 would not permit apartments in a stand-alone form as described in section 3.3.2 of this report, the proposed policies would permit “small scale mixed-use developments with at-grade commercial uses and an upper floor residential component” within the Mainstreet Commercial area. Under the development standards prescribed for this area, “small scale” would mean a maximum height of 9.5 metres (approximately three-storeys) and a maximum built density of 1.0 FSI (Floor Space Index). These height and density requirements do not differ from those prescribed by OPA 601.

3.3.2.2 Residential mix scaled-back in Kleinburg Core Area

While OPA 633 would focus apartment dwellings in a mixed-use form within the Mainstreet Commercial area, the proposed policies for the core area would limit residential forms to detached residential dwellings only. Other permitted land uses within the core would be bed and breakfast establishments, parks and open space, and public and institutional uses.

3.4 Objections on-file

The record forwarded to the Region by the City following its adoption of OPA 633 contained two letters of objection from landowners within the planning area. The objections were received from: 1) Sandra De Zen, regarding parking policies impacting her 10449 Islington Avenue property; and, 2) Frank Greco, regarding the definition of the Mainstreet Commercial boundary and the deletion of multiple family dwellings as a permitted use, impacting his properties at 10360 and 10384 Islington Avenue (*see Figure 3*). Mr. Greco currently has City approval for residential apartment condominium development at 10360 Islington Avenue. Both Ms. De Zen and Mr. Greco have already appealed the applicable zoning by-law to the Ontario Municipal Board, which was approved by the City concurrently with its adoption of OPA 633 last summer.



4. ANALYSIS AND OPTIONS

One of the Region's roles, as the approval authority for local official plan amendments, is to attempt to resolve outstanding matters in consultation with the local municipality, area land owners and other appropriate stakeholders. In the case of OPA 633, Regional community planning staff met on several occasions with City staff and other stakeholders over the past several months, including one time with Ms. De Zen and three times with Mr. Greco. Another meeting included a Local Councillor, a Regional Councillor, and representatives from the Kleinburg Ratepayers Association (KARA), Kleinburg Public School Council, Business Improvement Association (BIA) and the McMichael Canadian Art Collection.

4.1 Issues narrowed

Meetings facilitated by Regional community planning staff have led to some resolution of the outstanding issues related to OPA 633. The parking issues cited by Ms. De Zen have been determined to rest within the zoning by-law, which is currently before the OMB. Ms. De Zen, however, is still in a position to appeal the Region's decision with respect to the OPA. Conversely, not all issues raised by Mr. Greco have been resolved. A letter to the Region dated February 6, 2007 from Mr. Greco summarizes his outstanding issues,

and includes a request to modify the amendment (*see Attachment 1*). Regional staff attempted to resolve Mr. Greco's objections through a proposed modification to OPA 633. The proposed modification, however, could not be supported by all the parties.

The adopted version of OPA 633 is the result of a comprehensive local planning process, provides intensification opportunities, and is generally consistent with the Regional Official Plan. The site-specific issues related to OPA 633 are local in nature. It is for these reasons that Regional staff recommend the approval of OPA 633 in the form it was adopted by the City.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications from this report.

6. LOCAL MUNICIPAL IMPACT

The proposed changes to the Kleinburg-Nashville Community Plan under OPA 633 are the result of a comprehensive, City-initiated planning process that began in 2003. This process included a heritage study, a land use review and consultation with the local community. These changes are generally consistent with the Regional Official Plan, and are considered local in significance.

7. CONCLUSION

Regional staff recommend the approval of OPA 633 in the form it was adopted by City of Vaughan Council on June 2, 2006. The OPA was initiated by the City to update the policies guiding development in the community core of Kleinburg, which were established in 2001 by the Kleinburg-Nashville Community Plan (OPA 601). The changes being proposed under OPA 633 implement the recommendations of City-initiated heritage and land use studies that began in 2003.

Regional planning staff attempted to assist in the resolution of the outstanding issues arising from the City's adoption of OPA 633. The associated zoning by-law has been appealed and is currently before the OMB. A hearing date has not been set down. In the event that OPA 633 is appealed, it is likely that the hearing for the two documents will be consolidated.

For further information about this report, please contact Sean Hertel, Senior Planner, Community Planning Branch at (905) 830-4444 ext. 1556 or sean.hertel@york.ca.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is included with this report.)