

VIA EMAIL

2019-01-23

Mayor & Members of Council
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main,
Newmarket, Ontario L3Y 4X7

Dear Mayor & Members of Council,

**Re: Official Plan & Zoning By-law Amendments
Town of Newmarket - Old Main Street Tertiary Plan & Zoning By-law Directions
Final Report - January, 2019 (Draft V2)**

LARKIN+ Land Use Planners Inc. represents Larry Li, Lok Lee and ProPlus Construction Inc. (o/a ProPlus Contracting) regarding the property at 231 Old Main Street, within the limits of the proposed Tertiary Plan. On April 25, 2017 on behalf of our client, we met with Town staff for a preconsultation meeting to consider our client's proposal to develop this site for a Common Element Condominium Corporation (CECC) comprising Semi-detached dwellings fronting a private road. Our client's current proposal is to develop 12 of these dwellings on freehold lots fronting a private road running perpendicular to Old Main Street. Subsequently, the Town placed the property at 231 Old Main Street and the other properties in the study area for the Tertiary Plan under Interim Control. We have been monitoring the progression of the Tertiary Plan, including the January 2019 Drafts of the Tertiary Plan and Zoning By-law Directions.

In reviewing the January 2019 Draft Old Main Street Tertiary Plan, we note that Section 3.3.1iv - Residential Areas is a new policy which we welcome and which appears to facilitate our client's proposal:

"3.3.1 iv. New residential uses may be permitted on a private road, subject to the appropriate technical studies, including but not limited to a detailed Environmental Impact Statement, to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority."

In reviewing these drafts of the Tertiary Plan and Zoning By-law Directions, there are other policies in the Plan which need to be clarified and/or strengthened to recognize the form of development permitted in Section 3.3.1iv of the Plan, and regulations need to be added to the Zoning By-law Directions to accommodate this form of development:

Old Main Street Tertiary Plan January, 2019 (Draft V2)

Section 2.1 – Vision Statement indicates that the Old Main Street Neighbourhood will retain its rural cottage-like and scenic natural character, while accommodating contextually-sensitive development. This vision is reflected throughout the content of the document including in Section 6.0 - Site Design which speaks to development details regarding the location and orientation of future development in the area. The Site Design objectives in Section 6.2 seek to "...facilitate future development, including the introduction of new building typologies, while respecting the prevailing lot development and site design characteristics of the Old Main Street Neighbourhood" which we do not take issue with.



However, in reviewing other portions of this draft of the Tertiary Plan we note that the following policies do not recognise development on private streets as permitted by Section 3.3.1 iv of the Plan and should be clarified and/or strengthened to recognize this form of development:

- Section 2.2 – Guiding Principles (Respect Prevailing Site Design Characteristics) and Sections 6.3.3i and iii – Site Design Policies (Location and Orientation) indicate that future development shall generally maintain the predominant east-west alignment of existing parcels, and that generally dwellings shall be located near the front of the property, with facades and entrances oriented toward Old Main Street. We request that this policy be modified to recognize north-south dwelling orientations provided that dwellings in proximity to Old Main Street respect the existing east-west orientation with facades and entrances oriented to that street.
- Section 6.3.1 – Site Design Policies (Lot Dimensions) indicates that future development shall maintain the appearance of prevailing lot dimensions and areas. We request that this policy be modified to recognize the smaller lot dimensions and areas associated with CECC developments while respecting and being compatible with the prevailing lot dimensions and areas along the Old Main streetscape.
- Section 6.3.8 ii - Site Design Policies (Entrances) indicates that primary building entrances shall be located on the primary facade of the building, and shall be visible and directly accessible from Old Main Street. We request that this policy be modified to apply to those dwellings closest to Old Main Street.

The development that our client proposes has one perpendicular private road connection to Old Main Street and the development can be designed such that the dwellings closest to Old Main Street have facades (with main entrances) facing the street with a setback, massing and architectural features that maintain streetscape character. The Semi-detached dwellings on the balance of the site on north-south lots fronting the private street can be effectively screened and integrated and will not unduly detract from the Old Main Street character.

We note that Section 3.3.1 (iii) – Land Use and Density (Residential Areas) of the Plan allows a maximum Floor Space Index (FSI) of 1.0 (also reflected in the draft Zoning By-law Directions); the Town should clarify if a density credit will be provided for portions of lots comprising flood hazards and natural heritage features. Our client's currently proposed CECC development results in an FSI over the entire site of 0.41 which includes lands within the flood regulated area which cannot be developed. Additionally, we note that the Zoning By-law Directions allows a maximum coverage for the permitted uses of 50% and our client's proposal results in a coverage of only 22.6% over the entire site. This lower FSI and coverage will result in a scale and massing of development which is compatible and complementary to that envisioned by the Tertiary Plan for the area.

Lastly, we note that Section 4.3.1i – Transportation (Policies – Old Main Street) of the Tertiary Plan proposes an approximate 18 m ROW between Bexhill Road and Main Street, where feasible, and we request information about the impact of this widening on our client's property.

Zoning By-law Directions January 2019 (Draft)

It is our understanding from the Notice of Public Meeting and in liaising with Town planning staff that the Town intends to apply a Holding provision to the zoning for lands covered by the proposed Official Plan Amendment for the Tertiary Plan as an interim measure until new area-wide zoning can be developed and applied which implements the OPA. We understand that removal of the "H" Holding symbol will be conditional upon satisfying servicing allocation, consideration of property consolidation, and the completion of a storm water and drainage master plan. However, it is unclear what interim uses will be permitted prior to lifting the "H" Holding symbol and what uses will be permitted upon removal of the symbol and we request clarification on these matters as well as a copy of the proposed zoning by-law for the Holding



provision. It is our understanding that the Town will consider accepting and processing individual rezoning applications prior to the ultimate area wide zoning being passed.

In reviewing the January 2019 Draft Zoning By-law Directions, we note that the proposed regulations neither accommodate block development nor CECC development on private roads and that these regulations will need to be changed to implement Section 3.3.1iv of the January 2019 Draft Tertiary Plan. The proposed regulations require for Semi-detached dwellings:

- a minimum lot frontage of 9 m and minimum lot depth of 30 m for each dwelling;
- a maximum front yard setback for dwellings of 6 m from Old Main Street;
- minimum side yard setbacks of 2.5 m; and,
- a maximum curb cut width on Old Main Street and taper width for shared driveways of 3 m (two-way private roads will be wider).

Town Planning staff has acknowledged to us that these regulations will need to be changed. We suggest that in place of detailed regulations for CECC freehold lots that reliance on Site Plan Control be utilized to satisfy the intent of the Tertiary Plan's vision and Site Design objective and to avoid the need for minor variances which are common with this form of development.

Conclusion

We appreciate the opportunity to provide comment on the January 2019 Drafts of the Tertiary Plan and Zoning By-law Directions and acknowledge that the Town has accommodated development on private roads within the Plan which would permit our client's proposal in principle. As discussed above, there are additional policies in the Plan that need to be clarified and/or strengthened to recognize this form of development, including allowing it in a north-south orientation, and the proposed zoning regulations for the area need to be amended to accommodate this form.

We reserve the right to provide further comments on any future drafts of the Tertiary Plan/proposed Official Plan Amendment and on any proposed zoning as it affects our client's property as the process unfolds. We also request notice of any additional public meetings and Committee of the Whole/Council consideration of recommendations relating to these documents, and notices relating to the adoption of the Tertiary Plan/Official Plan and Zoning By-law Amendments.

Sincerely,

LARKIN+

Robert Walters MCIP, RPP
Planning Manager
rww@larkinplus.com

cc Larry Li, ProPlus Contracting