



PLANNING AND BUILDING SERVICES

Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

September 22, 2014

Addendum Report

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES –
PLANNING REPORT 2014-42**

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Amendment
212 Davis Drive
Green and Rose Developments Inc.
File No: D 14-NP-14-04

ORIGIN: Application Submitted to the Planning Department

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2014-42 dated September 22, 2014 regarding Proposed Zoning By-law Amendment Application D 14-NP-14-04 be received and that the following recommendations be adopted:

- 1. THAT Council support the Zoning By-law amendment in accordance with the Zoning By-law and Holding provisions as recommended in Revised Appendix A - Recommended Zoning By-law.**
- 2. AND THAT the applicant be advised that a Reference Plan is required to be submitted to the Town prior to Site Plan Approval, which identifies as a minimum, the land to be conveyed to the Town for the future Minor Collector across the southerly limit of 212 Davis Drive; all easements including the easement for the future burying of hydro and related infrastructure (a minimum of a 3 m wide easement along the Davis Drive frontage and space for the future burying of switch gear to replace the current dip pole on the frontage of the property), easements for servicing including, e.g., water, waste water and storm water.**
- 3. AND THAT Council direct staff and legal counsel to continue to work with the proponent, the commenting agencies toward the resolution of any outstanding issue as identified in Planning Report 2014-40 prior to the lifting to the "Holding" provisions and finalization of Site Plan Approval.**
- 4. AND THAT Council direct staff and legal counsel, as part of Site Plan process, to enter into a Site Plan Agreement addressing applicable outstanding issues generally as outlined, but not limited to, those identified in Appendix B.**

5. **AND THAT servicing allocation be granted to this development from the Urban Centres assignment in the amount of 439 people (225 apartment units).**
6. **AND THAT Brad Rogers of Groundswell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, Ontario L4B 3K1 and Daniel Berholz, Green and Rose Developments Inc. 156 Duncan Mills Road, Unit 12, Toronto, Ontario, M3B 3N2, be notified of this action.**

COMMENTS

1. Purpose of the Report

The purpose of this report is to recommend a Revised Appendix A - Recommended By-law for the Zoning By-law Amendment proposed to permit a 15 storey, 225 unit rental apartment building at 212 Davis Drive, subject to the relief and Holding provisions set out in the Recommended Revised By-law in Appendix A.

The aim of the revisions is to provide flexibility for the applicant and the Town to resolve any outstanding issues in conjunction with the lifting of the Holding provisions and the Site Plan process.

Modifications have been made to:

- the minimum and maximum setbacks to ensure flexibility for the consideration of the elevation and grading of the structures and access to the future Minor Collector located across the southern periphery of 212 Davis Drive;
- provide flexibility for the height of the podium structure across the frontage of the building;
- include maximum total lot coverage for accessory structures (parking structure).

Those sections of the Recommended By-law that have been modified are identified by grey highlighting.

A revised Appendix A is attached – Revised Appendix A - Recommended By-law.

Revisions to Appendix B – Site Plan Agreement are also attached to represent the continued dialogue with the applicant.

Conclusion

Many of the above issues will be addressed through the lifting of the Holding provisions and the Site Plan Process. The attached revised By-law has been drafted with significant flexibility in order that these issues may be appropriately addressed without an amendment to the By-law, and subject to the removal of “Holding” provisions.

Appendix D attached demonstrates the effect of the Recommended By-law.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The proposed application addresses the following Strategic Directions:

Well-planned and Connected

- furthering the provisions of the Official Plan
- improved inter-connectivity and interaction amongst neighbours and neighbourhoods

Well-equipped & Managed

- provides for varied housing types, affordability and densities

Living well by

- implementing traffic and growth management strategies.

CONSULTATION

Consultation has been carried out with the applicant, internal and external agencies, and Legal Services.

HUMAN RESOURCE CONSIDERATIONS

None applicable to this report.

BUDGET IMPACT

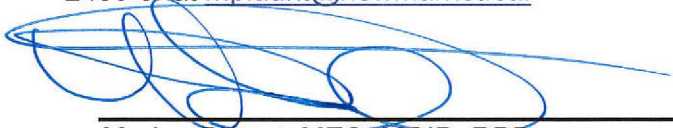
The Town will receive the planning application, Building Permit and Development Charges fees following the 36 month deferral. The Town will also receive increased tax revenue from the new development.

Capital Budget

Parkland fees will be applied to the acquisition and development of parkland and the development charges will contribute to the future Minor Collector located at the rear of the property as identified in the Newmarket Urban Centres Secondary Plan.

CONTACT

For more information on this report, contact Marion Plaunt, Senior Planner, Policy at 905 953-5300 Ext. 2459 or at mplaunt@newmarket.ca.



Marion Plaunt, MES, MCIP, RPP
Senior Planner – Policy
Planning & Building Services



Jason Unger, B.E.S., MPI, MCIP, RPP
Assistant Director of Planning
Planning & Building Services



Richard Nethery, B.E.S., MCIP, RPP
Director of Planning & Building Services



Peter Noehammer, P. Eng.
Commissioner
Development and Infrastructure Services

List of Attachments

Revised Appendix A	Recommended By-law
Appendix B	List of Matters to be Included in the Site Plan Agreement
Appendix C	See Planning Report 2014-40 (September 22, 2014)
Appendix D	Schematic Illustrating the Effect of the Recommended By-law

REVISED

APPENDIX A

RECOMMENDED BY-LAW

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-XX

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.

WHEREAS it is deemed advisable to amend By-law Number 2010-40;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT By-law Number 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule “A”, Map No.10, the UC-R-51 Zone on Part of Lot 4, Registered Plan 32, Town of Newmarket and municipally addressed 212 Davis Drive, and substituting therefore the:

Regional Urban Centre (H)UC-R-124 Exception Zone

as shown more particularly on Schedule “X” attached hereto, and forming part of this By-law.

2. Adding the following regulations relating to the UC-R zone to Section 8.1.1 List of Exceptions:

Exception 124	Zoning (H)UC-R-124	Map 10	By-Law Reference 2014-XX	File Reference D14-NP-14-04
i)	Location: 212 Davis Drive - South side of Davis Drive.			
ii)	Legal Description: Lot 4, Registered Plan 32, Town of Newmarket (PIN 03602-0347(LT)).			
iii)	Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000 L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage.			
iv)	Development Standards:			
			(H)UC-R-124	
	(a) Min. Yard Setbacks			
	<u>Apartment:</u>			
	From Front Lot Line (Davis Drive)		Min. 3.0 m ¹	
	<u>Apartment:</u>		Min. 4.5 m	
	From West Lot Line			
	<u>Parking Structure:</u>			
	From Rear Lot Line as measured from the northerly limit of the future Minor Collector ROW:		Min. 3 m from the future Minor Collector right of way. ²	
	<u>Above Ground Parking Structure:</u>			
	From East Lot Line		Min. 3 m	
	<u>Above Ground Parking Structure</u>			
	From West Lot Line		Min. 6 m	
	<u>Parking Structure Ramp</u>			

¹ The 3 m easement, in favour of the Town, is established for the future burying of the overhead hydro lines on Davis Drive and will provide the necessary above ground space for facilities including future cycling facility and wider sidewalks on Davis Drive.

² The future Minor Collector ROW is to be dedicated to the Town and will have a minimum width of 20 m.

From the West Lot Line	Min. 2.9 m
(b) Max Yard Setback <u>Apartment:</u> From Front Lot Line (Davis Drive)	Max. 15 m
<u>Above Ground Parking Structure:</u> From West Lot Line	Max. 9.6 m (excluding any ramps)
(c) Maximum Total Lot Coverage for all Accessory Structures	30 %
(d) Max. Floor Space Index:	2.0 FSI based on the <i>net lot area</i> of the property that is the subject of the zoning amendment as described below in provision (v).
(e) Min. Floor Space Index:	1.5 FSI based on <i>net land area</i> described below in provision (v).
(f) Max. Height of apartment : Where height is in metres and storeys, the measurement in metres shall prevail.	46 m (15 storeys)
(g) Podium Structure : Maximum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage Minimum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage Minimum step back Minimum frontage	Max. 10 m Min. 4.2 m Min. 3.0 m Min. two-thirds the width of the frontage of the apartment facing Davis Drive.
(h) Apartment Ground Floor Height:	Min. 4.0 m Max. 4.5 m
(i) Minimum Parking Requirement:	1.0 per apartment unit and 0.1 per apartment unit for visitor parking
(j) Minimum width of entrance to future Minor Collector at the rear of 212 Davis Drive	6.7 m

- v) *Net lot area* shall be calculated based on the entire property at the time of application of the By-law amendment (April 28, 2014), inclusive of the public Minor Collector across the rear of 212 Davis Drive and all private internal streets/lanes and the land included in the easements for underground hydro utilization across the frontage of Davis Drive.
- vi) *Podium Structure* means the lower part of the apartment building that is designed to break up the front façade and define the street edge. The podium refers to the overall structure that extends beyond the front wall of the tower portion of the building.
- vii) Special note (*3) of Section 6.4.1 shall not apply.
- viii) Sections 6.4.2 (notes *2-5) pertaining to terracing and setbacks shall not apply.
- ix) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.

3. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-law.

4. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
2014-XX	212 Davis Drive Part of Lot 4, Registered Plan 32, Town of Newmarket	<p>No person within the lands zoned (H)UC-R-124 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town.</p>	<p>1. Grading:</p> <p>That prior to lifting the "H" it shall be demonstrated to the satisfaction of the Town that the proposed grading and elevation of the proposed building and parking structure achieve appropriate vehicle and pedestrian connectivity to the future Minor Collector at the rear, and appropriately connect and transition to the surrounding properties, including Davis Drive.</p> <p>2. Conveyance of the Minor Collector and Hydro Easement along the frontage of Davis Drive:</p> <p>That prior to the lifting of the "H", that the Owner shall enter into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the rear of 212 Davis Drive and the 3 m easement and associated facilities at the Davis Drive frontage and the necessary agreements executed with the Town, and applicable agencies.</p> <p>3. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the "H" it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity available, or through a</p>	

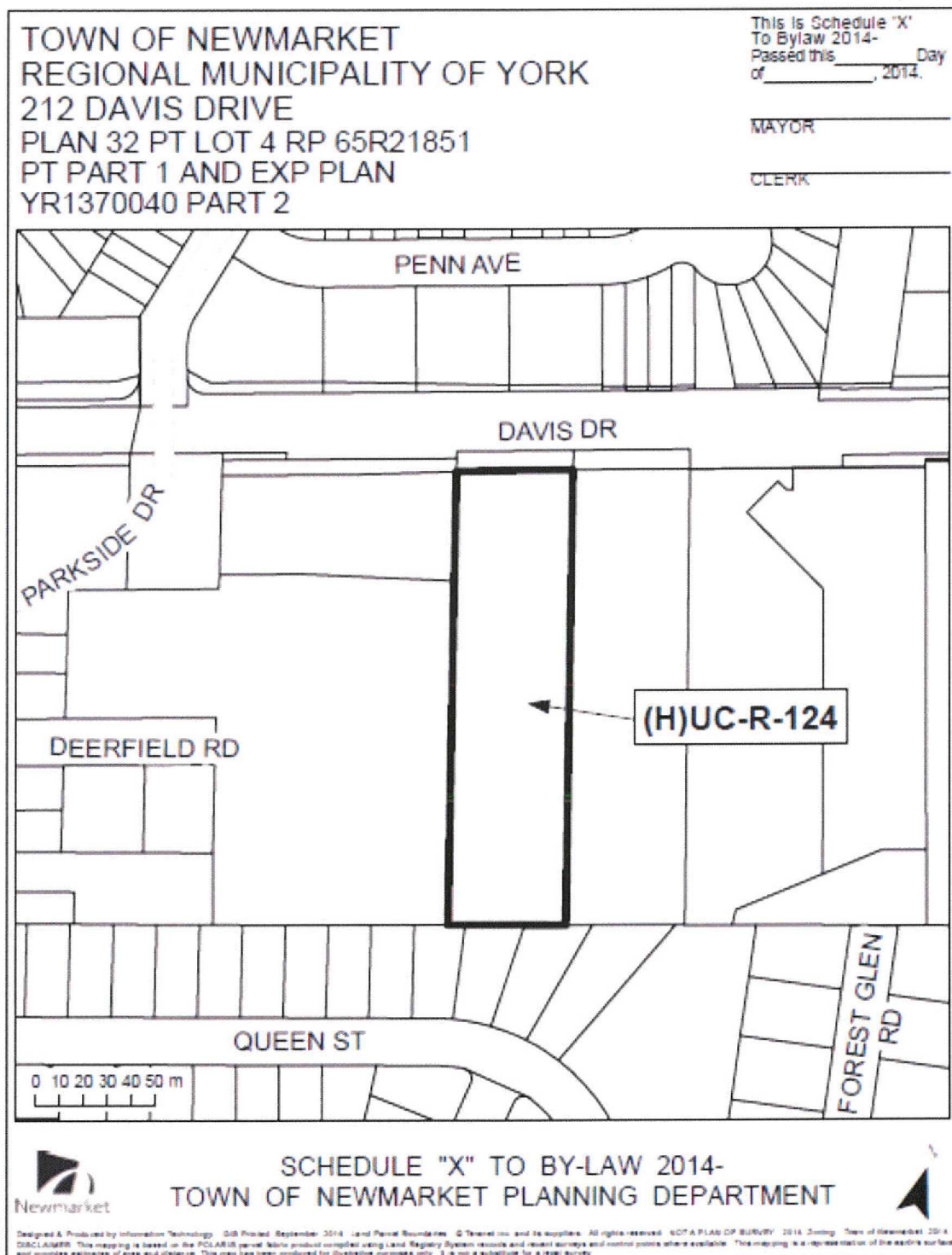
By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			<p>detailed calculation, demonstrate that water conservation measures will achieve the same end and that there will be no downstream adverse impacts.</p> <p>4. Record of Site Condition:</p> <p>That prior to lifting the "H" a Record of Site Condition shall be filed in accordance with the Town's Official Plan. (Policy 10.4.7 a))</p> <p>5. Stormwater:</p> <p>That prior to lifting the "H" a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and the Lake Simcoe Region Conservation Authority.</p> <p>6. Servicing Conveyance:</p> <p>That prior to the lifting of the "H" provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town.</p> <p>7. Source Water Impact and Assessment Mitigation Plan:</p> <p>That prior to lifting the "H" a Source Water Impact and Assessment Mitigation Plan shall be required to have received approval from the Region of York demonstrating that any construction activities, including any dewatering or groundwater depressurization will not interfere with quantity and quality of groundwater of the municipal well(s).</p> <p>8. Site Plan Agreement:</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			<p>That prior to lifting the "H" a Site Plan Agreement has been entered into between the Town and the Owner of the lands and the performance security contemplated therein posted.</p> <p>9. Official Plan:</p> <p>That prior to lifting the "H", all relevant provisions of the Official Plan have been complied with.</p>	

ENACTED THIS DAY OF , 2014

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



APPENDIX B

LIST OF MATTERS TO BE INCLUDED IN THE SITE PLAN AGREEMENT

Transportation

1. That the owner agrees that the Minor Collector road identified on Schedule 5 in the Newmarket Urban Centre Secondary Plan (June 23, 2014) and located across the rear of 212 Davis Drive shall be a public street and will be dedicated to the Town with the Town providing a Development Charges Credit in an amount to be determined through an agreement. The final width of the Minor Collector Right of Way will be determined once the Town has determined the final grade of said street. The street will be conveyed to the Town as described above and an up to date survey provided to the Town and registered on title.
2. That the Town agrees that the construction of the minor collector across the rear of 212 Davis Drive will not be the responsibility of the owner.
3. That the owner agrees to work with the Town to provide provision for future connectivity through the site to the future Minor Collector to the rear and to the adjacent lands through:
 - i. a private drive aisle connection between Davis Drive to the future Minor Collector located at the rear of 212 Davis Drive;
 - ii. a sidewalk connection to the proposed park to the east if and only if the Town develops the park;
 - iii. the space available for future potential pedestrian connection to the west; and
 - iv. an agreement that a future easement may be entered into with the Town to establish a private street west of the proposed development on the periphery of the subject property.

Underground Hydro

4. That the owner agrees that a 3 m easement will be dedicated to the Town to accommodate the future undergrounding of hydro along the Davis Drive frontage subject to an agreement with the Town.
5. That the owner agrees that an area of approximately 4 m x 5 m in size, in close proximity to the 3 m hydro easement and proposed hydro dip pole, be established for a future easement in favour of Newmarket Hydro or appropriate body for a pad mount transformer, which will replace the existing dip pole structure.

Affordable Housing

6. That the owner agrees to provide a minimum of 25 % of the rental accommodation within the affordability benchmark for rental housing in accordance with the Region of York criteria for affordability for moderate to low income households by, as a minimum, providing 25 % of the units at market rent to York Region under the Region's Rent Subsidy Program.

Open Space and Connectivity

7. That the owner agrees to provide a detailed landscape plan, to the satisfaction of the Town, for all lands outside the apartment and parking structures, including: a) any area that may become available with the placement of the existing watercourse located on the northeast corner of the property in a culvert; and b) for the second story of the parking structure.
8. That the owner agrees to provide a detailed design of the connection between Davis Drive and the future Minor Collector, to the satisfaction of the Town.
9. That the owner enter into an appropriate agreement with the owners of 230 Davis Drive to ensure that a minimum of one sidewalk at the joint entrance to the subject properties (212 and 230 Davis Drive) is provided, in addition to the sidewalk access proposed on the subject property.
10. That a detailed landscape and driveway access plan be submitted for the joint access at 230 Davis Drive to the satisfaction of the Town.

Sustainability

11. That the owner agrees to implement sustainability measures required by the policies of the municipal official plans, policies and guidelines and will give serious consideration to the sustainability measures encouraged by these plans and policies. Sustainability measures include, but are not limited to:
 - Implement grey water recycling to meet 50 % of the projected demand for toilets and urinals.
 - Implement reflective roofing or landscaped/green roofs on all rooftops exclusive of the areas used for mechanical equipment.
 - Design the buildings to be solar ready.
 - Make best commercial effort to provide for 40 % of the energy requirements to be purchased from alternative energy sources, or off-site renewable energy sources.
 - Design lighting and circulation/ventilation to meet or exceed energy efficient standards in effect at the time.
 - Ensure all appliances and water fixtures are low demand or low flow.
 - Design and implement three-stream waste management.
 - Design and building to accept advance communication technology e.g., conduit and wiring that meets or exceeds the minimum industry standard for advance communication e.g., broadband.

