



PLANNING AND BUILDING SERVICES
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April 17, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES
REPORT 2014-18**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning Bylaw Amendment and
Draft Plan of Subdivision
955 and 995 Mulock Drive
North Side of Mulock Drive, West of Leslie Street
Lorne Park Gardens Inc.
D9-NP 13 28, D12-NP 13 28, D14-NP 13 28**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2014-18 dated April 17, 2014 regarding Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

- a) **THAT the Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision, as submitted by Lorne Park Gardens Inc. for lands being composed of part of Lot 31, Concession 2 E.Y.S., Municipally known as 955 and 995 Mulock Drive be referred to a public meeting.**
- b) **AND THAT the public meeting be scheduled at such time as issues of tree preservation and road access have been further advanced.**
- c) **AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- d) **AND THAT Jim Levac, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.**

COMMENTS

Location and Surrounding Land Uses

The Subject Lands are located on the north side of Mulock Drive, west of Leslie Street (See Location Map attached). The property has an area of approximately 2 hectares and has a frontage

on Mulock Drive of approximately 124 metres. The properties are municipally known as 955 and 995 Mulock Drive.

The subject properties currently contain two single family dwellings with various accessory structures. The following are the adjacent land uses:

North: Existing Townhouse Condominium dwellings (Creekfront Way)

South: Existing Single and Semi detached dwellings (Foxcroft Blvd.)/Fernbank Community Gardens/open space

East: Existing Townhouse Condominium dwellings (On Bogart Circle)

West: Newmarket High School/existing hydro substation

Proposal

The applicant is proposing to amend the existing Stable Residential designation to allow for the proposed townhouse dwelling type. The application also proposes to rezone the subject lands from the Residential Detached Dwelling 60m zone (R1-A) to the Residential Townhouse Dwelling 3 (R4-R) zone to permit a common element condominium consisting of 85 at grade townhomes within 13 townhouse blocks on the subject lands. The access is proposed to a single full turn access to and from Mulock Drive located on the east side of the site. The development proposal as shown would remove approximately 0.49 hectares of woodland and preserve approximately 0.28 hectares at the north end of the site.

Preliminary Review

Official Plan Considerations

The subject property is designated Stable Residential on Schedule “A” Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhomes. The applicant is applying to amend the existing designation on the subject lands to permit ground related townhomes.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north and east; Newmarket High School to the west and a development of single and semi detached dwellings on the south side of Mulock Drive, a regional road.

With regard to the physical suitability of the site to accommodate the proposed development, the lands drop significantly from Mulock Drive to the rear limit of the proposed development requiring a number of retaining walls which, while permitted, the Town attempts to minimize the amount and

heights of retaining walls as they are a maintenance burden for Town, and if on private property, the homeowner would be required to maintain at their cost. If this proposal is approved, Engineering Services have indicated any walls should be part of the condominium common elements to be the responsibility of the future condominium corporation. The plan as proposed would require the removal of a significant amount of the existing woodlot on the property. The preservation of the woodlot is discussed further in this report.

The availability of hard services to accommodate the development is discussed further in this report under Sanitary Sewage, Water Distribution, and Storm Drainage respectively.

Road access is also discussed further below under Roads and Traffic.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 60m zone (R1-A) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Dwelling 3 (R4-R) to implement the plan. The applicant has also requested additional relief from the R4-R performance standards that will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

- “3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
 - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
 - c. potential nuisance effects upon adjacent uses are mitigated;
 - d. adequate municipal services are available;
 - e. the size of the lot is appropriate for the proposed use;
 - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
 - g. the on-site parking, loading and circulation facilities are adequate; and,
 - h. public notice has been given in accordance with the *Planning Act*.”

As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Woodlot Preservation

As noted above, the applicant is proposing to retain 0.28ha and remove 0.49ha of the woodlot located on the northern portion of this property. The applicant has provided information through an Environmental Impact Study and the Planning Justification Report that would indicate the woodlot is not significant in terms of the Lake Simcoe Protection Plan and as the lands are not designated Natural Heritage in the Official Plan; the removal of the woodlot is permitted.

Section 9.3.2, under the Natural Heritage policies, includes the following provisions that would apply town wide.

Council shall promote and establish programs to increase the tree cover of the entire Town from its current level of 9% to 12%. The means to achieve this target include:

- a. active tree planting, particularly within Town-owned parks and undeveloped portions of the East Holland River and Bogart Creek Floodplains;*
- b. infilling gaps within and between existing woodlots; and,*
- c. allowing natural vegetation succession to occur selectively within undeveloped areas.*
- d. continue to contribute to the environmental protection of Lake Simcoe and the East Holland River Watershed by maintaining partnerships with the Lake Simcoe Region Conservation Authority (LSRCA) and non-government organizations; and,*
- e. encourage a program of tree planting and tree preservation in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy so that all residential areas are provided with a sufficient number of trees to maintain a high standard of amenity and appearance.*

The Lake Simcoe Region Conservation Authority have provided comments in relation to the woodlot, indicating that this woodlot could meet the criteria to be considered significant (under the Region of York Official Plan and the Provincial Policy Statement) as there is no gap in the canopy and it is greater than 4 hectares in size. The LSRCA recommend that the EIS reassess the evaluation of the woodlands significance on this property and address the policies related to the presence of significant woodlands as part of this development proposal.

Region of York – the town has not yet received comments from the Region of York. As the LSRCA are suggesting the woodlot may be considered significant under the Region of York Official Plan, comments from the region are required to further advance the analysis of the woodlot.

As there are outstanding issues in relation to woodlot preservation that could have considerable impact on the design of the plan, staff are recommending that the required statutory public meeting not be scheduled until such time as the discussion regarding the preservation requirements for the woodlot be advanced.

Parkland

No parkland dedication is proposed for this development. While there are significant recreation facilities on the south side of Mulock Drive at the Magna Centre, there are no town parks within close proximity to this site. The closest being College Manor Park at the north end of College Manor Drive. Private outdoor amenity space should be considered for this development.

Roads and Traffic

Mulock Drive is a Regional Road under the jurisdiction of the Region of York. At the time of writing this report, comments from the Region have not been received.

Comments from the Town's Engineering Services have requested further clarification on items contained in the Traffic Impact Study. The submitted Traffic Impact Study indicates that site lines are adequate for full turning to and from the property. Engineering Services require further

explanation on this issue as the development on the south side of Mulock Drive did not have sufficient sight lines for an intersection at this location.

Engineering Services also note that the proposed driveway is proposed to operate at a poor level of services (LOS F) in the future. The report notes, but does not undertake a gap analysis to determine if appropriate gaps are available. It is suggested that a gap study be undertaken to determine if sufficient gaps are available to accommodate the development traffic.

As the Region of York have not provided comments and there are significant outstanding issues relating to access to the site, it is recommended that the required public meeting not be scheduled until staff have a better understanding of the traffic implications and impacts on and from the proposed development.

Sanitary Sewage

Sanitary sewage from the proposed development will discharge to the existing stub sewer located in the neighbouring On Bogart Pond development. Engineering services have confirmed the flow from this proposed development was allowed in the design for the existing development. The applicant is to confirm ownership of the stub sewer and provide confirmation that they have legal permission to access this sewer located on neighbouring lands. The developer of the neighbouring lands will be seeking to obtain reimbursement from this developer for sewer oversizing costs incurred to accommodate this development.

Water Distribution

The water supply section of the FSR has been reviewed by MMM Group on behalf of the Town. A number of issues have been identified that are to be addressed prior to the application being recommended for approval.

Storm Drainage

Stormwater from the proposed development will be controlled on site and will discharge in the neighbouring On Bogart Pond development. Engineering services are satisfied that the measures proposed can provide adequate quantity and quality controls. The applicant is to provide confirmation that legal access is available to the storm sewer located in the neighbouring property.

Grading

Engineering Services note that the grades on site drop in excess of 10m from Mulock Drive northerly to the rear limit of the proposed development. A significant amount of retaining walls will be required to achieve reasonable internal road grades. The maintenance of these walls should not lie with the individual home owners but be included as common elements and be maintained by the future condominium corporation.

Noise analysis

The noise report has indicated that noise mitigation in the form of a 2.2m noise attenuation fence is required where there are proposed dwelling side yards are exposed to Mulock Drive. The analysis also requires an upgrade to the current noise mitigation barrier on the adjacent Hydro

lands of 5.5m being a combination of berm and fence. It is unclear at this point how the mitigation will be constructed. Staff will require hydro's comments and approval for this proposal.

Servicing Allocation

Servicing allocation has not been granted for this proposed draft plan of subdivision.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 2.1.4 of the PPS under the Natural Heritage Section indicates that development shall not be permitted in significant woodlands south and east of the Canadian Shield. Significant, in regard to woodlands, means "...an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history".

As noted above, and specifically in the comments from the Lake Simcoe Region Conservation Authority, the applicant is to reassess the evaluation of the woodlands significance on this property and address the policies related to the presence of significant woodlands as part of this development proposal.

Departmental and Agency Comments

Engineering Services have provided comments on the submitted reports outlined above.

Agency Comments

The Town has also received comments from various agencies that will be addressed throughout the planning process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This application has linkages to the Community Strategic Plan as follows:

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment, zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision in the event the applications are approved.

Capital Budget

There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

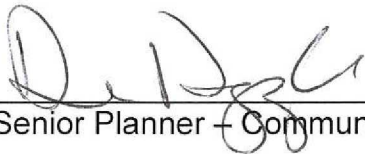
- 1 - Location Map
- 2 - Proposed site plan



Commissioner Development and Infrastructure
Services



Director of Planning and Building Services

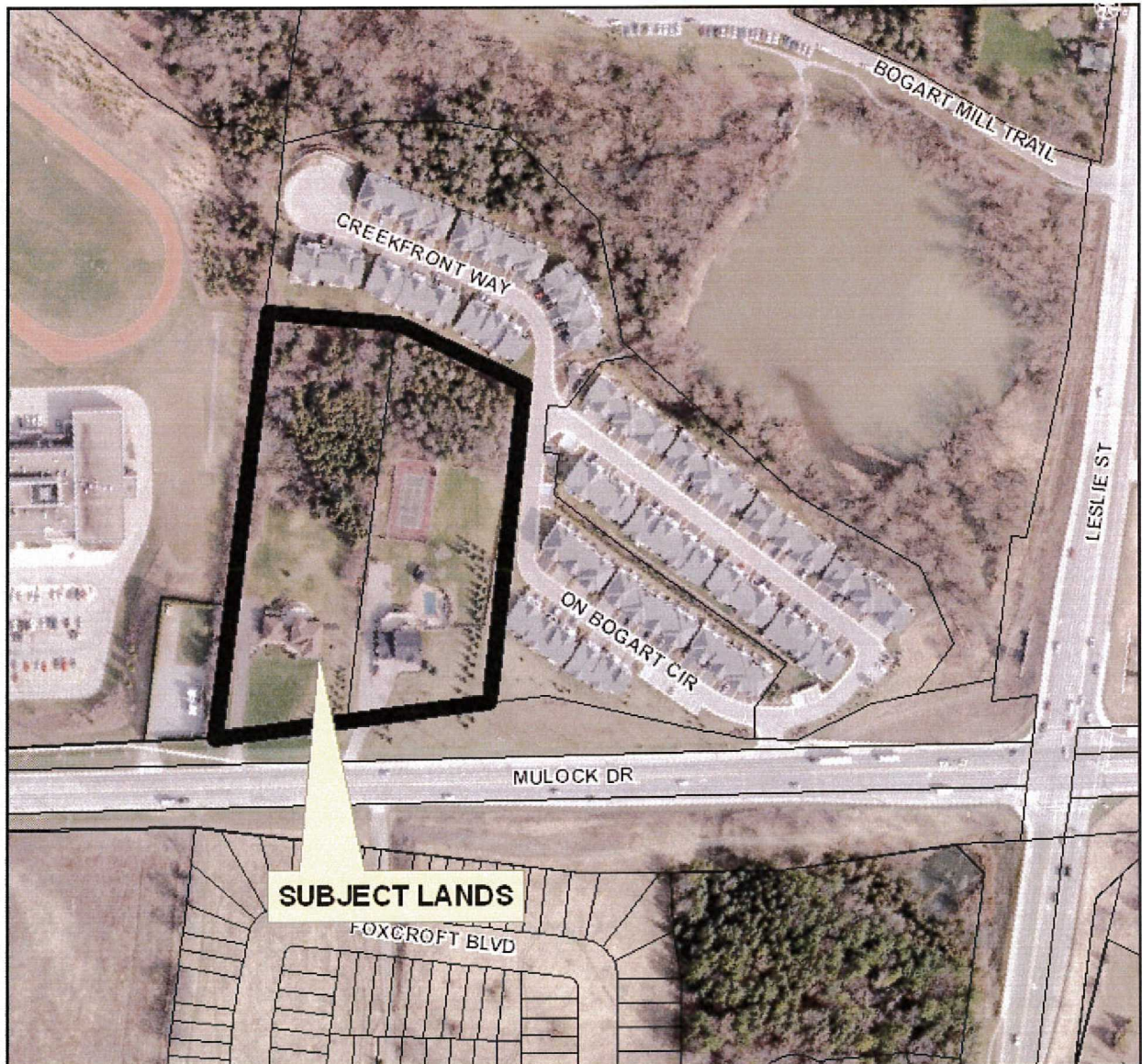


Senior Planner – Community Planning

LOCATION MAP

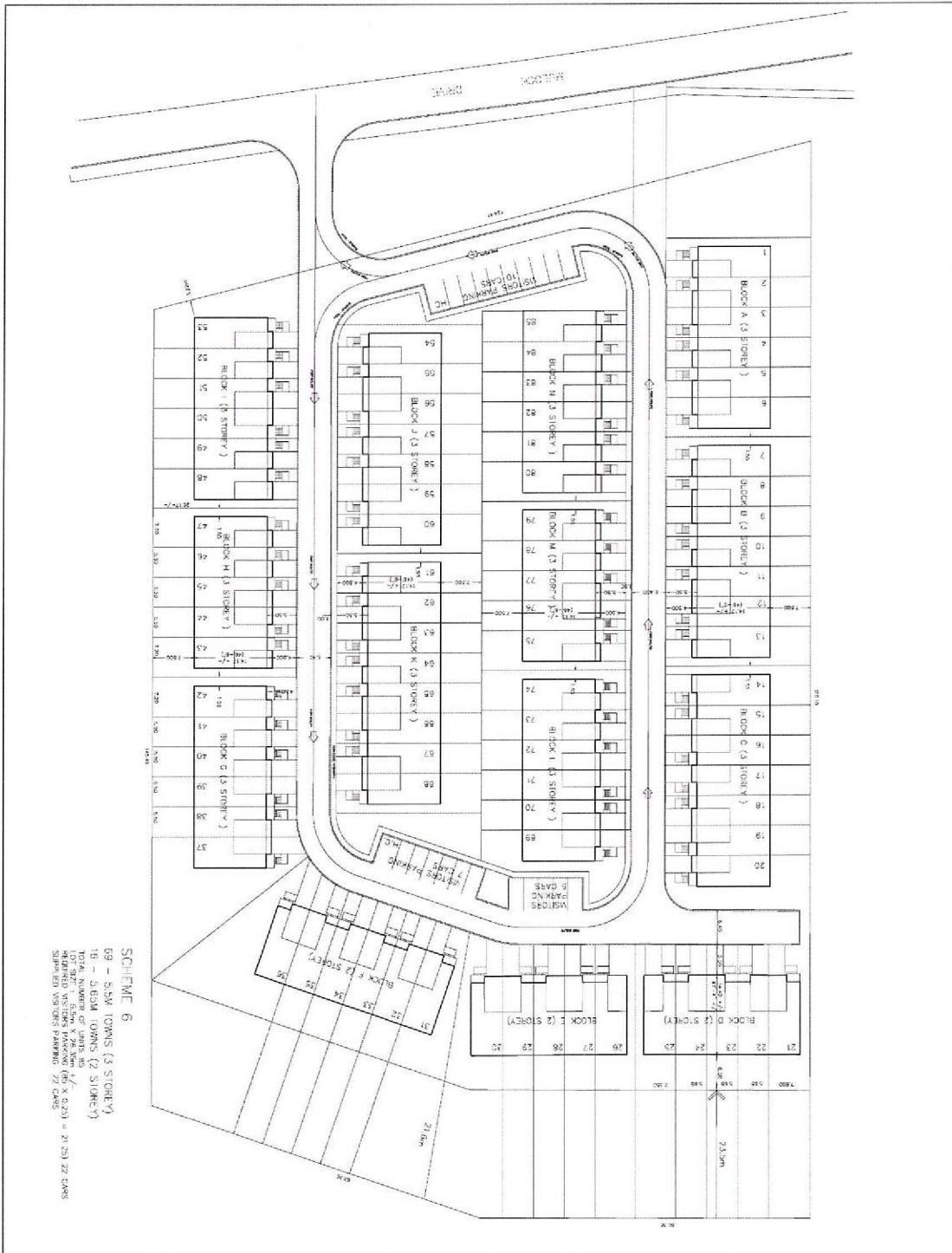
955 and 995 Mulock Drive

North Side of Mulock Drive, West of Leslie Street



TOWN OF NEWMARKET PLANNING DEPARTMENT

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DISCLAIMER: This mapping is based on the POLARIS parcel data products compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.



<p>James Piggott Residential Design</p> <p>421 SOUTH BAYVIEW, 2ND FLOOR AURORA, ONTARIO L4R 1R9 416-291-4440</p>	
<p>FALCONCREST HOMES</p> <p>448 MULOCK AVENUE UNIT 1 NEWMARKET, ONTARIO L4Y 4W7</p> <p>PROJECT NO. 2014-001 DRAWING NO. 101 DATE: NOV 2014</p>	
<p>955-985 MULOCK DR. NEWMARKET</p>	
<p>SITELAN SP-1</p>	