



Town of Newmarket
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Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent Staff Report to Council

Report Number: 2019-49

Department(s): Planning and Building Services

Author(s): D. Ruggle

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from 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; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

Executive Summary

Staff have reviewed the development proposal for the subject lands against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is sufficiently advanced to warrant referral to the required statutory public meeting.

Purpose

The purpose of this report is to provide Council with the details of the application, the comments to date, and to recommend referral of the zoning application to the required statutory public meeting.

Background

An application for Zoning Amendment has been submitted by Siavash Kariminejad Nobari, Zahar Kariminejad Nobari and Faras Kariminejad Nobari (Kariminejad Nobari) to rezone the subject land from the Residential Detached Dwelling 15m (R1-D-119) zone to the Residential Detached Dwelling 12m (R1-E) zone to facilitate the division of these two lots into three separate building lots for single detached dwellings generally as shown on the attached conceptual development plan. If this rezoning application is approved, the applicant will be required to apply for consent to sever the property.

Discussion

Site Description

- the Subject lands currently contain two single storey, single detached dwellings, both with a ground floor area of approximately 120 metres.
- 247 Kathryn Crescent has a lot area of approximately 610m²
251 Kathryn Crescent has a lot area of approximately 585m²
- There are 5 mature trees on the subject lands. One significant tree in the front yard proposed to be removed (discussed further in this report)
- the surrounding land uses are:
 - North: Low density residential on Kathryn Crescent and Avenue Road
 - South: Low density residential on Kathryn Crescent, some commercial and service uses on Eagle Street
 - West/East: Existing low density residential

Preliminary Review

Official Plan Considerations

The Subject Property is designated Stable Residential on Schedule A - Land Use Plan to the Town's Official Plan. The main objectives of the Stable Residential designation are to sustain and enhance the character and identity of existing residential communities as well as encourage the preservation and maintenance of existing housing stock.

Section 3.9 of the Official Plan indicates that infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole is a permitted form of intensification within the Stable Residential designation. The creation of new lots for the purpose of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal, availability of hard services and road access requirements.

As the proposed rezoning is intended to facilitate consent applications to create a total of 3 building lots, compliance with Section 16.1.5 Consents is required. This section indicates that applications for consents shall only be granted where:

- a. the severance is for the purpose of infilling within existing development;
- b. a plan of subdivision is not necessary;
- c. the number of lots created is three or less;
- d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e. no extension, improvement or assumption of municipal services is required;
- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g. the lot will not restrict the ultimate development of adjacent lands;
- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i. the consent complies with all relevant provisions of this Plan.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the zoning bylaw:

- a. the proposed change is in conformity with this Plan;
- b. the proposed uses are 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 uses;
- 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.

With regard to the above requirements, the uses permitted within the stable residential designation are single family and semi detached dwellings. This infill proposal for a total of 3 single family dwelling lots proposes frontages of 12.19m. Properties on the same side of Kathryn Crescent have frontages of approximately 18m where the properties adjacent to the subject lands, on the south side of Kathryn Crescent have frontages of approximately 15m. It does not appear that the proposed rezoning will have any nuisance effects on adjacent uses and municipal services are available for the lands. The proposed lots are of sufficient size to accommodate a single family dwelling however require a rezoning to do so due to the proposed lot frontage width.

As Eagle Street is a primary collector road and this proposal would add a single unit to the street, we do not anticipate any traffic impacts if this application is approved. The site is of sufficient size to accommodate parking requirements of the Zoning By-Law. A public meeting will be held in accordance with the Planning Act.

Established Neighbourhoods Compatibility Study and Interim Control By-Law

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

As residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment, concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current zoning by-law regulations, but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved in part by regulating land use and built form.

Council recently directed staff to initiate a study of existing established neighbourhoods to examine the regulatory framework of the Town's Zoning By-law and Official Plan and propose recommendations for amendments that will assist in maintaining the existing character of the mature neighbourhoods.

Interim Control By-law (ICB) 2019-04, which regulates new residential buildings and additions, was passed by Town Council on January 21, 2019 and is a temporary by-law put in place while Council studies the issues of compatibility in established neighbourhoods. Council directed staff to bring forward the by-law to prevent significant new residential dwellings and additions until such time as they implement new policies

to address the issue. The study includes public consultation and outreach and is intended to conclude by the end of 2019 or shortly thereafter. The intent is that the neighbourhoods will be defined and studied to determine the important aspects and characteristics of the neighbourhoods and draft policies and standards for new buildings and additions in an attempt to ensure compatibility with the existing homes.

As this application for Zoning By-Law Amendment was submitted and declared complete prior to the enactment of the Interim Control By-law, it is not subject to the ICB polices. However, compatibility remains an important theme in the Town's current Official Plan. The established exemption process for the ICB looks at application against the following two criteria: Physical Character Compatibility and Streetscape Character Compatibility.

Compatibility

The existing neighbourhood is predominantly low density residential with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the pioneer cemetery to the south. A new Townhouse development is currently under construction on Eagle Street to the south of this proposal.

Lot Sizes - There are a range of lots sizes in the area however, they generally fall between 500 and 800 square meters with the predominant zoning in the area (R1-D) having a minimum lot area requirement of 511 square metres. The applicant is proposing three lots, each with a lot area of approximately 400 square metres.

Building Standards – All the existing dwellings on Kathryn Crescent are bungalow or side split style. Two storey dwellings are common in the broader neighbourhood. Existing side yard setbacks range from around 1 metre to 4 metres. The proposal would see side yard setbacks of 1.2 on one side and 0.65 metres to 1.11 metres on the other, providing a minimum of 1.8 metres building separation. The existing homes on Kathryn Crescent generally have floor areas between 125 and 200 square meters over one storey. The proposed westerly dwelling is intended to have a Gross Floor Area of 211.7 square metres. The other two dwellings are proposed to have a Gross Floor Area of 222.2 square metres. The actual proposed building footprint will be similar or less than those existing on the street, however, over two storeys the Gross Floor Area will be slightly greater than that of the largest home on the street. Many of the homes are built well below the permissions in the zone category.

Garages – A variety of types of garages appear in this neighbourhood including, detached and attached one and two car garages. The proposal details each dwelling with an attached two car garage and associated driveway that would also accommodate two vehicles.

Streetscape – The single storey nature of the dwellings along with building setbacks gives this street a very open and airy feel.

Zoning Bylaw Considerations

The subject lands are currently zoned Residential Detached Dwelling 15m (R1-D-119) by By-law 2010-40. The applicant is proposing to rezone the property to the Residential Detached Dwelling 12m (R1-E) Zone to facilitate future consent applications to redevelop these lands with three single family detached dwelling lots of 12.19m frontages each. The following table details the proposed zoning standards for each lot which will continue to be reviewed as we proceed through the process.

Table 1- Proposed Specifications

Lot #	Lot Area (M ²)	Frontage (M)	West Side Set Back (M)	East Side Set Back (M)	Rear Set Back (M)	Front Set Back (M)	Building Coverage (%)	Building Height (M)	Total Building Area (M ²)
1	395.58	12.19	1.2	0.76	9.37	7.10	34.60	9.41	222.2
2	400.40	12.19	1.2	1.11	10.16	6.32	33.00	9.38	211.7
3	397.80	12.19	0.65	1.2	10.09	6.90	34.4	9.49	222.2

Provincial Policy Statement

The Provincial Policy Statement 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 Provincial Policy Statement 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.

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

This proposal appears to be consistent with all relevant provisions the Provincial Policy Statement (2005).

Tree Preservation, Protection, Replacement and Enhancement Policy

The submitted tree review prepared by Central Tree Care Ltd. identifies all trees on the property and on adjacent lands. The report identifies 5 trees and proposes to retain 4 of them. The 5th tree, proposed for removal, is located in the front yard of 247 Kathryn Crescent. This tree is proposed to be removed as it would interfere with a driveway for the most westerly proposed dwelling. The Arborist report indicates that an alteration of the proposed driveway may allow for this tree to be preserved. The driveway would have to be located along the westerly property line and only as wide as needed to enter the proposed garage space. The tree work is currently under peer review.

Departmental and Agency Comments

The Town has received comments from utilities issuing no objections.

Engineering Services have provided the following comments on the application

Stormwater Management (SWM)

The proposed change in zoning would decrease the overall perviousness of the properties resulting in higher peak discharge and runoff volume. It is recommended the applicant be required to provide stormwater management measures to address same. Should the stormwater comments not be satisfactorily addressed prior to Planning's report to council it is recommended a "Holding Provision" be applied.

Grading & Drainage

Under the existing condition the lots drain from the front yard to the rear yard with reverse grade driveways. The documentation submitted with the application shows a drainage scheme with positive drainage from the front of the dwellings to the street. It appears a satisfactory grading design can be accommodated. However, a detailed grading plan for the property will be required at the detailed design stage.

Servicing

It is anticipated new service connections will be required for the proposal as submitted. The applicant will be required to submit a Functional Servicing Report/ Letter with a subsequent development application.

Environmental Reports

A Phase One ESA prepared by Sunrise Constrade Corp. dated October 18, 2018 concludes there are "no Areas of Potential Environmental Concern, and as such, no further investigation is warranted."

Engineering Services has no objection to the proposed Zoning By-Law amendment subject to the above comments.

Conclusion

The subject application Zoning By-Law amendment is sufficiently advanced to warrant its referral to a statutory public meeting.

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

Consultation

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the Zoning By-Law.

Human Resource Considerations

n/a

Budget Impact

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Zoning By-law amendment. The Town will also receive revenue from development charges as required by the Town's development charges by-law. Increased property tax assessment revenue would be collected from the development of these lands in the event the applications are approved.

Capital Budget

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

Attachments

Location Map

Proposed Site Plan

Proposed streetscape elevation

Approval

Commissioner Development and Infrastructure
Services

Director of Planning and Building
Services

Senior Planner – Community Planning

Contact

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