



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

# **Application for Draft Plan of Subdivision Official Plan Zoning By-law Amendments Marianneville Developments Limited Staff Report to Council**

Report Number: 2019-71

Department(s): Planning and Building Services

Author(s): D. Ruggle

Meeting Date: August 26, 2019

## **Recommendations**

1. That the report entitled Application for Draft Plan of Subdivision Official Plan Zoning By-law Amendments Marianneville Developments Limited dated August 26, 2019 be received; and,
2. THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Marianneville Developments Limited be referred to a public meeting; and,
3. 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; and,
4. THAT Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill, L4B 3G2 be notified of this action.

Application for Draft Plan of Subdivision Official Plan Zoning By-law Amendments Marianneville Developments Limited

## **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 for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment is sufficiently advanced to warrant referral to the required statutory public meeting.

## **Purpose**

The purpose of this report is to provide Council with an overview of the development applications, report on the comments to date and recommend the applications be referred to the required statutory public meeting to garner feedback from the public.

## **Background**

An application for draft plan of subdivision approval, Official Plan amendment and zoning by-law amendment has been submitted for lands by Marianneville Developments Limited to amend the existing Official Plan designations and Zoning By-law permissions to permit a draft plan of subdivision consisting of:

- 10 single detached dwellings: five on the south side of Sykes Road (Lots 1-5) and five on the east side of Alex Doner Drive (Lots 6-10).
- 87 single detached condominium units (POTLs) on private roads: 26 located in the area surrounded by westerly leg of Alex Doner Drive (Block 11), and 61 located north and west of Kirby Crescent (Block 12).
- 96 residential townhouse units, located east of Bathurst Street and south of Sykes Road (Block 13).
- Parkland/Trail blocks: west of Borland Court and including the recreational trail easement intended to be conveyed to the Town (Block 14); north of Amberlee Court (Block 15); and adjacent to Kirby Park, providing a westerly expansion to the existing Park (Block 16).

- Storm Water Management: Blocks 17 and 18 currently contain existing stormwater ponds which will be retrofitted and upgraded. These blocks will also provide for passive recreation use, and will have connections to other open space, parkland and trails.

## **Discussion**

### **Site Description**

The Subject Lands are located within the westerly portion of the former Glenway Golf Course generally located east of Bathurst Street and south of Alex Doner Drive. (See Location Map attached)

Surrounding land uses

North and East – generally low density ground related residential.

South - Open Space lands/existing low density residential

West – Township of King – Actively farmed Rural land

### **Preliminary Review**

This application for residential land uses proposes to add 10 single detached dwellings on public roads, 87 single detached dwellings and 96 townhomes on private roads to the existing Glenway community. The plan also includes lands for parks and recreation purposes and stormwater management. A woodlot designated Natural Heritage is also shown on the plans as “other lands owned by applicant”. The attached location map details the subject lands as well as other lands owned by the applicant.

### **Provincial Policy Statement**

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters “shall be consistent” with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant polices are to be applied to each situation.

The proposed draft plan of subdivision is generally consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket.

This proposal appears to be consistent with the relevant provisions the Provincial Policy Statement (2014).

### Official Plan Considerations

The subject property is designated Parks and Open Space and Natural Heritage System on Schedule “A” Land Use Plan in the 2006 Official Plan. OPA 28, the Towns Official Plan amendment relating to the Oak Ridges Moraine, designates a portion of the lands Open Space (Oak Ridges Moraine) and Neighbourhood Park (Oak Ridges Moraine).

The applicant is proposing to amend these designations to Emerging Residential, Low Density Residential and Medium Density Residential with the parkland and stormwater ponds remaining in the parks and Open Space Designation to support the development application. A portion of the Natural Heritage Woodlot designation is proposed to be redesignated to the Emerging Residential.

With regards to compatibility, the Official Plan indicates that where new housing is proposed adjacent to existing homes, the new dwellings should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, building heights and setbacks. The proposed development is generally compatible with the surrounding uses being single detached dwellings. The continued detailed review of the proposed zoning is required to ensure standards are put in place to address the compatibility of the proposal with the existing community.

The proposal to re-designate a portion of the Natural Heritage (woodlot) to Emerging Residential is continuing to be reviewed by the LSRCA. It is noted that the LSRCA have staked the limits of the woodlot which resulted in the reduced boundary shown on the plans. The LSRCA have indicated that any buffer improvements as well as offsetting measures will result in an ecological net gain.

### Zoning By-law Consideration

The following outlines the submitted proposed zoning By-law amendment:

Removing the Residential Detached (R1D) zone from the westerly part of lot 1 of the original estates of Glenway subdivision to allow access to the proposed condominium block.

Removing the Open Space (OS-2-32) and (OS-2-NZ) zones from the remainder of the lands subject to this application.

Apply the Residential Detached 15m (R1D) zone to the 10 proposed residential detached lots fronting on Public Roads

Apply the Residential Detached 15m R1D zone with special provisions for an increased rear yard set back (from 7.5m to 8m minimum) and reduced front yard setback (from 7.5m to 7m minimum) to the residential detached condominium blocks.

Apply the Residential Townhouse Dwelling 1 zone (R4-N) with special provisions requiring dual front entry for Townhouse units adjacent to Bathurst Street and Sykes Road, specifying lot area, coverage, setback and height regulations to the proposed townhouse block at this location.

Apply the Public Open Space zone (OS-1) to all parkland, open space and stormwater management Blocks.

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.

### Parkland

The Town's parkland dedication by-law requires residential developers to provide parkland dedication either in land conveyance or cash in lieu equalling the same value. The proposed development lands are 12.639 ha. The parkland dedication by-law would

require a minimum of 0.64 ha of land to be conveyed to the municipality for parks purposes. In this application, parkland dedication is proposed to be addressed through the conveyance of 0.912 hectares of land within the proposed draft plan of subdivision. Specifically, three blocks (14, 15 and 16) are proposed to be dedicated as parkland. Block 14 is a linear parcel of land along the rear of lots on Borland Court intended to stay in private ownership (part of the proposed townhouse condominium) with a land area of 0.29 ha. This parcel is intended to link the future town owned block south of the proposal to Alex Doner Drive by way of an easement. Block 15, being 0.26 ha in size is located north of Amberlee Court intended to provide a pedestrian link through the open space lands. However, at this point, the proposed linkage terminates at the privately owned natural heritage woodlot. Block 16 is 0.36 ha in size and is intended to be added to the west side of the existing Kirby Park. The blocks intended for parkland Dedication are detailed on the attached draft plan of subdivision.

The appropriateness of the proposed blocks for parkland dedication is under review along with the overall parks provisions.

### Roads and Traffic

Bathurst Street is a Regional Road under the jurisdiction of the Region of York. The Region of York have provided comments in regards to transportation planning and have indicated no objection to the proposed Official Plan Amendment. The Region have indicated that access from the proposed Townhouse Block to Bathurst Street is proposed to be a right in/right out for emergency vehicles only and that the access will be further reviewed by the Region at the site plan approval stage in the event these applications are approved.

Engineering Services have provided comments on the submitted Transportation Mobility Plan that are required to be addressed prior to being in a position to support draft plan approval. Comments relate to the proposed access locations supporting the condominium blocks, access to the site from Bathurst Street and questions regarding technical clarifications on the report.

### Sanitary Drainage

New Sanitary sewers discharging to the existing sanitary sewer network on Sykes Road, Alex Doner Drive and Reg Harrison Trail will be constructed to service the new units. The Town's sanitary consultant has reviewed the capacity of the downstream sanitary sewer system and has advised that adequate capacity is available to accommodate flows from this development.

### Water Servicing

Application for Draft Plan of Subdivision Official Plan Zoning By-law Amendments Marianneville Developments Limited

A number of comments have been provided by Engineering Services that will require significant changes to the water servicing design currently being proposed.

### Storm Drainage

Engineering Services have provided a number of comments on the stormwater management design that will have to be addressed prior to providing draft plan conditions for these applications. A revision to the proposed layout may be required to address the concerns.

### Grading

There are a number of proposed lots where “deck” or “walk out” type lots are being proposed backing onto existing lots creating a condition whereby the new dwellings will be higher than the existing homes. A Compatibility Interface report/plan will be required prior to draft plan approval which provides a review of these conditions. The report should provide cross sections drawn to realistic scales showing existing and proposed ground grades and grades at the top and bottom of the existing and proposed units. Recommendations to mitigate the impact of the new units on the existing units are to be provided. The report is required prior to draft plan approval to allow appropriate zoning provisions to be put in place to control the setback and height of the proposed units and decks.

Engineering Services have provide additional comments on the grading plan that require addressing as we proceed through the process.

### Phase One Environmental Site Assessment

ES have reviewed the Phase One Environmental Site Assessment and find it to be acceptable. The report recommends that a Phase Two ESA be carried out and notes that as the land use is proposed to be changed to a more sensitive land use (commercial golf course to residential), Records of Site Condition are required.

### Trees

An arborist report prepared by SBK has been submitted in support of the development application. Of the 641 trees and tree groupings inventoried. It was determined that 510 trees and tree groupings require removal to accommodate the proposed development. Of these 510 trees, 378 trees or tree groupings are subject to the Town’s Tree Preservation, Protection and Enhancement Policy. The report indicates that the compensation required for the removal of the identified trees amounts to 1,335 new 6cm caliper trees or a total cash value of \$534,000.00. In the Glenway development currently building out east of the Hydro corridor, a number of trees were transplanted to other

areas of the property. The arborist report indicates that the previous transplanting program was, in their opinion unsuccessful as many of trees did not survive and had to be removed. While considered for this development proposal, it was ultimately not considered viable as a sustainable course of action.

The arborist report recommends the landscape planning for this development should explore various locations to provide new tree planting on the site to, in time, establish a sustainable tree canopy coverage for the new development. Locations such as rear yard tree planting, buffer planting, street tree planting and enhanced SWM pond planting should be considered.

The submitted report and tree protection plan have been reviewed by the Town's peer review arborist Urban Forest Innovations Inc. A number of technical comments have been provides that necessitates a further resubmission of the Arborist Report.

The LSRCA have also commented on the Tree Work and have requested the developer further review the plans in specific locations in an effort to preserve additional trees within the proposal.

### **Servicing Allocation**

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

### **Departmental and Agency Comments**

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

### **Agency Comments**

Lake Simcoe Region Conservation Authority – have provided no objection to the proposal, however, have a number of comments to be addressed in a further submission prior to them being in a position to recommend development approval. Comments related to the proposal to remove a portion of land within the Natural Heritage designation can be found under the Official Plan section of this report. The LSRCA further note that the technical engineering review is ongoing and comments will be provided at a future date.

The LSRCA have reviewed the Hydrological investigation report, Geotechnical Investigation and source Water Impact Assessment and have a number of technical

comments to be addressed, many dealing with the provision of Low Impact Design elements of the plan.

The Town has also received general comments from various agencies/utilities that will be addressed throughout the planning process as necessary.

#### Public Consultation/Comments

A developer led Public Information Centre was held on May 13, 2019 where the applicant and their consultants provided information to the community and answered general questions. A Ward 7 meeting was held on June 19, 2019 where Town staff provided a presentation of the planning process as it relates the subject proposal and answered general questions regarding the process and plan.

A number of residents have provided preliminary comments on the proposal generally as it relates to compatibility with the existing neighbourhood, loss of green space, loss of significant trees, privacy issues and grading concerns. As noted under the Official Plan discussion above, additional information has been requested from the developer to allow staff to further review the issues of compatibility.

Further comments from the public will be received at the statutory public meeting if council adopt the recommendations of this report.

## **Conclusion**

The application for Draft plan of subdivision approval, Official Plan and Zoning By-law amendment are sufficiently advanced to warrant referral to the required statutory public meeting.

## **Business Plan and Strategic Plan Linkages**

The development of this parcel of land has linkages to the Strategic Pillars and Priorities as follows:

Long Term Financial Stability through the collection of fees and charges along with Development Charges if this application in approved.

Safe Transportation by providing off street linkages through the proposed development and existing community

Environmental stewardship through the preservation of a Natural Heritage Woodlot

Application for Draft Plan of Subdivision Official Plan Zoning By-law Amendments Marianneville Developments Limited

## **Consultation**

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act. Additional consultation has occurred as described in this report.

## **Human Resource Considerations**

n/a

## **Budget Impact**

### Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment, zoning By-law 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.

## **Attachments**

Location Map

Proposed Draft Plan of Subdivision

## **Approval**

Peter Noehammer, Commissioner Development and Infrastructure Services

Jason Unger, Acting Director, Planning and Building Services

Dave Ruggle, Senior Planner, Community Planning

Application for Draft Plan of Subdivision Official Plan Zoning By-law Amendments Marianneville  
Developments Limited

## **Contact**

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