



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Stickwood Walker OPA & ZBA Final Report Staff Report to Council

Report Number: 2019-79

Department(s): Planning & Building Services

Author(s): Meghan White and Thia Walters

Meeting Date: August 26, 2019

Recommendations

1. That the report entitled Stickwood Walker OPA & ZBA Final Report dated August 26, 2019, be received; and,
2. That Official Plan Amendment No. 24 (Stickwood Walker Property), generally as attached to this report, be adopted; and,
3. That an implementing zoning by-law based on Official Plan Amendment No. 24, generally as attached to this report, be approved; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

This report recommends approval of the Official Plan Amendment (OPA) and implementing Zoning By-law Amendment (ZBA) which propose to amend the Official Plan and Zoning By-law to enable a day nursery use and accessory community uses to take place on the subject portion of the Stickwood Walker property. The report highlights the location and basis of the amendments and speaks to how the amendments conform to and are consistent with all of the relevant upper level planning documents, including the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Lake Simcoe Protection Plan and the Regional Official Plan.

Finally, the report outlines and addresses the public comments received prior to and at the Public Meeting; reviewing comments on parking, the clarification of proposed land uses, traffic, trees and health concerns.

The report finds that the Official Plan Amendment and the implementing Zoning By-law Amendment for the Stickwood Walker property represent good planning and are in the public interest.

Purpose

The purpose of this report is to recommend the approval of Official Plan Amendment (OPA) No. 24 (Stickwood Walker Property) and the implementing zoning by-law. This report lays out the planning rationale for approving the OPA and ZBA including how it conforms to all relevant policy documents. The report also discusses comments heard at the Public Meeting and how they have been addressed.

Background

Location

The subject lands are located on the southeast corner of Mulock Drive and Fernbank Road. The surrounding land uses are:

- North: major institutional and commercial uses
- South: residential uses, primarily single detached dwellings
- East: residential uses, primarily single detached dwellings
- West: major institutional use (Magna Centre)

The subject site represents a portion of the property, which is more specifically located south of Mulock Drive, north of the existing parking lot, east of the soccer fields, west of the community gardens, and includes the Stickwood Walker farmhouse. The site is part of Plan 65M-4022 Block 38, and is municipally known as both 900 Mulock Drive and 605 Fernbank Road (see location map attached).

Site Description

The aforementioned property, known as the Stickwood Walker Farm, was purchased by the Town in 2003. The terms of purchase included for the site to be used, for a period of 20 years, for community uses and for the farmhouse to be retained. Currently, portions of the property are used as soccer fields and a community garden; however, the farmhouse has generally remained vacant for the last few years and as such, the Town undertook a Request for Proposal (RFP) process to find a partner who would be able to use the farmhouse and the otherwise underutilized part of the property.

Denison Child Care was the successful proponent, who proposes to re-use the farmhouse and construct a 5,000 square foot building on the property for the purposes of running a child day care centre, which will house approximately 73 new child care spaces and create approximately 20 new jobs.

Denison Child Care, through their terms of lease agreement, also intends to provide community space (i.e., offices for not-for-profit organizations) within the existing

Stickwood Walker farmhouse. The farmhouse will also be used to display historical photographs and artifacts about the property and all exterior historical aspects of the farmhouse will be preserved. The existing sales office that can be accessed from Mulock Drive will be removed; no direct access to Mulock Drive is proposed for the day care.

Proposal

To accommodate the day care and community space uses on the subject site, an OPA and ZBA are required, as the current Official Plan and Zoning By-law designations for this property, Parks & Open Space and Open Space, respectively, do not allow for such uses.

Discussion

Plan Conformity and Consistency

The *Planning Act* requires that a decision of Council shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform to provincial plans in effect on that date, or shall not conflict with them.

Provincial Policy Statement

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 the policy statement.

Section 1.1.3 of the PPS communicates that settlement areas shall be the focus of growth and development, and that their vitality be promoted. Further, settlement areas shall be based on densities and a mix of land uses that promote appropriate development standards to facilitate intensification, redevelopment and compact form.

Section 1.5.1 of the PPS discusses how healthy, active communities shall be promoted by planning spaces which meet community needs and provide equitable opportunity for engagement and benefit.

Section 1.7 of the PPS speaks to long-term economic prosperity which shall be supported in numerous ways, including encouraging a sense of place through heritage preservation and promoting opportunities for local economic development.

The Stickwood Walker property OPA is consistent with the PPS, as it will diversify the density and land use patterns of the settlement area in such a way that ultimately promotes the vitality of the surrounding neighbourhoods. The proposed development promises a day nursery facility, a place for accessory community uses, a focus on heritage preservation and presentation and a continued respect for the natural environment, which both meets local needs and provides accessible and equitable opportunities for employment, use of services offered and enjoyment of the property's

park/open space. In addition, the proposed development shall also enhance the Newmarket's sense of place by retaining the Stickwood Walker farmhouse and redeveloping the property to be functional and beneficial to the greater community.

The Stickwood Walker property Official Plan Amendment is consistent with the PPS, as it considers the redevelopment and intensification of existing infrastructure services whilst ensuring that the surrounding neighbourhood and general community are benefitted through the sensitive addition of a day nursery and accessory community uses on the property.

Growth Plan

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobiles through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

It is important to note the Stickwood Walker property's close proximity to Mullock Drive, a primary east/west transportation link for Newmarket. Transit options along Mullock Drive and within nearby residential areas means that the proposed day care and accessory community uses will be accessible to the greater community. In addition, the mixed-use nature of this area will serve to reduce the dependence on private automobile use, encourage walking and cycling and ultimately provide a high quality urban space.

Furthermore, the preservation of the natural environment and cultural heritage on the property, where possible and appropriate, will continue to reinforce and promote the vibrancy, resiliency and identity of Newmarket as it grows in the future. The Stickwood Walker property Official Plan Amendment aligns with and conforms to the objectives of the Growth Plan, as it improves the quality of life (environmentally, economically, mentally and physically) for Newmarket residents in the long-term.

Regional Official Plan

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The YROP designates this site as part of the "Urban Area". This designation allows for urban development.

Chapter 3.0 of the YROP speaks to healthy communities in terms of human well-being, environmental resiliency, service accessibility, cultural heritage and housing provision. This Official Plan Amendment aligns with these foundations of healthy communities by enabling the property to house a community service which is accessible to surrounding neighbourhoods and the greater community, to be developed in a way that is sensitive and supportive to the existing greenspace and to contribute to the preservation of local heritage.

Section 8.3.8 of the Region's Official Plan allows for municipalities to request an exemption from Regional approval of an official plan amendment, if it can be demonstrated that it will not adversely affect any Regional interests. The area subject to the Stickwood Walker property Official Plan Amendment is within the urban boundary of Newmarket, thus the OPA is of local importance, and will not adversely affect any Regional interests.

The Region has granted an exemption from their approval of the OPA and their staff is satisfied that Regional interests will not be negatively impacted and that the Stickwood Walker property conforms to the Regional Official Plan policies.

Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) is a provincial plan which looks to the preservation and enhancement of Lake Simcoe as a significant water body. The policies of the LSPP speak to stormwater management, subwatershed planning, wetland protection, watercourse protection, natural heritage planning, significant valley lands, ecological offsetting and phosphorus offsetting. The Lake Simcoe Region Conservation Authority (LSRCA) administers the LSPP and has advised that the Stickwood Walker property Official Plan Amendment conforms to the relevant sections of the LSPP.

Town's Official Plan

The subject lands are currently designated Parks & Open Space and located within Wellhead Protection Area D.

The Parks and Open Space System designation permits uses which support the natural, open and recreational uses of the land, including a complete range of public recreational uses, private outdoor recreational facilities, existing golf courses and associated uses, and conservation uses.

In addition, Section 1.3.2 of the Official Plan reiterates the Town's priority of cultural heritage protection and balanced recreational opportunities. The preservation, restoration and utilization of the Town's heritage resources, such as proposed through this amendment, will help preserve cultural identity and wellness within the community in a manner that is compatible with its surroundings.

Section 1.3.3 discusses the need for sustainable communities to be able to meet current needs and ensure the needs of future generations as well. The proposed redevelopment will help the community become more sustainable by creating a property which improves the quality of life for nearby residents in terms of both form and function. The property's greenspace and community-based buildings/services will maintain a design appropriate to its surroundings and accessible to all, while the functions of the building will be able to locally house services that are desired by nearby residents and community-based organizations.

The OPA and ZBA also address Section 1.3.4 on Sustainable Transportation and 1.3.5 on Employment and Economic Wellbeing of the Official Plan by ensuring the property, which is situated on an established east/west transportation link, and its proposed land uses, are accessible, supportive of existing and future transportation infrastructure, and beneficial in providing local employment opportunities.

The Stickwood Walker property Official Plan Amendment allows for the gentle development of a portion of the lands to house community uses and a day care facility. It also ensures that the remaining lands on the property will continue to be used as the Parks and Open Space policies of Section 8.0 permit. This is in keeping with the general intent and overall direction of the Official Plan and the Parks and Open Spaces policies.

Furthermore, the OPA and ZBA support Section 11.0 of the Official Plan (Cultural Heritage Resources) by continuing the protection of the designated farmhouse and allowing for the respectful reuse of the property to enhance its contribution to the Town's sense of place in the future.

The proposed amendments for the Stickwood Walker property also take into consideration urban design principles, as discussed in Section 12.2 of the Town's Official Plan. Staff believes that the designs proposed for the development will create a high quality urban space which is desirable to use and which respects the natural and built environments surrounding it.

It is staff's opinion that OPA No. 24 (Stickwood Walker Property Official Plan Amendment) represents good planning and is in keeping with the Town's own policies as well as all higher level Regional and Provincial Plans.

Zoning By-law Considerations

The subject lands are currently zoned Open Space (OS-1) Zone by By-law 2010-40. The Town-initiated ZBA is proposing to create a site-specific zone Open Space Exception 149 (OS-1-149) for the subject lands to permit and implement the proposed development.

Staff has reviewed Section 16.1.1, policy 3 in the Official Plan with regards to the Zoning By-law Amendment. That policy states that: In considering an amendment to the Zoning By-law, Council shall be satisfied that:

a. the proposed change is in conformity with this Plan;

As a result of the review and analysis of the submitted application, staff are recommending approval of the Zoning By-law Amendment which proposes the site-specific addition of the day nursery use and related administrative uses, and accessory community uses as permitted uses to the current Parks & Open Space designated Stickwood Walker Farm property. The proposed zoning will better align the property to meet the goals and work toward the strategic directions intentioned in the Official Plan. All relevant policies of the Official Plan have been addressed.

Therefore, it is staff's opinion that the proposed change is in conformity with the Official Plan.

b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

The proposal is generally compatible with the surrounding land uses. The proposed redevelopment will have little effect on outer edges of the property which are directly adjacent to residential and major institutional land uses surrounding it, thus additional buffering may not be necessary to maintain visual separation and compatibility between uses. The Town and applicant intend to preserve as many trees as possible to contribute to the buffering and to ensure that the programming of the property is environmentally responsible.

c. potential nuisance effects upon adjacent uses are mitigated;

Nuisance effects typically refer to impact of noise and airborne particles on occupiers of neighbouring properties, usually from employment uses. It is not anticipated that this development will cause any nuisance effects with the exception of construction activities which will be addressed in a construction management plan at the detailed design stage.

d. adequate municipal services are available;

The new development will be connected to the Town's water and wastewater infrastructure. Adequate services are available.

e. the size of the lot is appropriate for the proposed use;

The proposed development can be appropriately accommodated on these lands by providing reasonable structure sizes, amenity areas, stormwater management and preservation of the trees. The total property area is significantly larger than the leased area, thus ensuring that the proposed uses will have an appropriate footprint.

f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

The access and surrounding road network are sufficient to accommodate the traffic generated by a new day care use.

g. the on-site parking, loading and circulation facilities are adequate; and,

On-site parking, loading and circulation facilities will be provided to ensure adequate parking and flow. No new roads are proposed.

h. public notice has been given in accordance with the *Planning Act*.

Public Notice was provided in accordance with the *Planning Act* by providing direct mail out to the surrounding community and Notice signs being erected on the property. The Statutory public meeting was held on June 17, 2019.

Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority has reviewed the applications and is satisfied with the proposal such that they have no further requirements related to its approval.

Regional Municipality of York

York Region staff is satisfied with the proposed Official Plan Amendment. An exemption from approval by the Regional Planning Committee and Council has been granted.

Conclusion

It is staff's opinion that OPA No. 24 (Stickwood Walker Property) and the implementing Zoning By-law Amendment represent good planning and are in the public interest. Staff is recommending Council approve the applications for the Official Plan Amendment and Zoning By-law Amendment for the subject lands.

Strategic Plan Linkages

The development of this parcel of land is in accordance with the Town's Official Plan and supports the following of Council's Strategic Priorities as noted below:

- Long Term Financial Sustainability
 - Expected to reduce/eliminate the Town's current operating costs associated with maintaining the property
- Extraordinary Places and Spaces
 - Addresses a vacant municipal property
 - Supports local culture and place-making
- Economic Leadership and Job Creation
 - Creates employment opportunities
- Vibrancy on Yonge, Davis and Mulock
 - Increases the vibrancy and vitality of Mulock Drive
 - Provides services which meet the needs of current and future residents
 - Helps develop the Mulock corridor by adding another high quality urban space
- Environmental Stewardship
 - Focus on maintaining and improving the existing tree canopy and greenspace on the property, as appropriate and where possible

The Stickwood Walker property OPA and ZBA supports Council's Strategic Priorities and demonstrates a commitment to improving Newmarket through these pillars.

Consultation

Community Consultation

The Statutory Public Meeting was held on June 17, 2019, where comments focused on the following:

Parking

At the public meeting, staff heard residents' concern that there is not enough parking proposed and that the layout of the existing parking lot is not appropriate for dropping off children. The proposed development will meet parking-related zoning standards for a day nursery as required by the Town's Zoning By-law 2010-40. Appropriate drop-off, traffic flow and lot configuration will be determined during the detailed design stage.

Definition of Accessory Community Uses

Residents communicated that the term "accessory community uses" referred to by the Stickwood Walker property OPA/ZBA was vague and unclear. The term "accessory community uses" is defined in the attached draft zoning by-law. It is generally contemplating uses such as: office space shared with another not-for-profit agency, partnering with post-secondary schools for co-op/intern programs, and potential collaboration with government agencies offering English as a Second Language (ESL) classes. By permitted accessory community uses, Denison Child Care will be able to partner with other not-for-profit, charitable and government agencies. Not only are these kinds of partnerships beneficial for not-for-profit agencies with limited resources, they are also invaluable to the community as a whole. Through Denison Child Care helping other not-for-profit agencies, residents will have access to a greater number of public goods and services, thus ultimately benefiting the entire community.

Traffic

Attendees at the public meeting were also concerned that Fernbank Road would be unable to accommodate the predicted traffic increase following the execution of this proposed development. Fernbank is a minor collector road and staff do not foresee any traffic issues with the addition of a day care use or accessory community uses on the property.

Trees

Residents noted that more trees should be planted to increase the buffer area between the property and adjacent land uses and to enhance the greenspace on the property. The Town will work with the applicant to ensure that trees will be preserved, as appropriate and where possible, and that new trees will be planted if necessary.

Health Concerns

Residents also expressed concerns about the health and safety of nearby residents if chickens are to be raised on the site. On June 6, 2017, Council removed chickens/hens from the prohibited animals list and enacted a Town-wide by-law following the successful one year pilot project permitting a select number of backyard coops in residential areas which commenced March 2016. If any chickens are kept on site in the future, the rules and regulations of the Town, in place at the time, will be complied with. The by-law addresses health concerns by limiting the number of chickens/hens onsite. Additionally, any keeping of chickens/hens shall be for the purposes of education by the day nursery facility on the property and will not be an operation of mass scale.

Human Resource Considerations

None.

Budget Impact

Through the proposed development, the OPA and ZBA are expected to reduce/eliminate the Town's current operating costs associated with maintaining the property.

Attachments

1. Location Map
2. Draft Official Plan Amendment
3. Draft Zoning By-law Amendment

Approval

Meghan White, MCIP RPP

Planner, Planning and Building Services

Jason Unger, MCIP RPP

Acting Director, Planning and Building Services

Peter Noehammer, P.Eng

Commissioner, Development & Infrastructure Services

Contact

Meghan White, Planner mwhite@newmarket.ca or 905-953-5300 x 2460.