



COMMUNITY SERVICES/PLANNING & BUILDING SERVICES
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February 2, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES -
REPORT 2015-02**

TO: Committee of the Whole
SUBJECT: Glenway Process Report
ORIGIN: Planning and Building Services

RECOMMENDATIONS

1. **THAT Development and Infrastructure Services/Planning and Building Services Report 2015-02 dated February 2, 2015 regarding the continued processing of the Marianneville applications for subdivision approval, Official Plan Amendment, zoning By-law amendment and Site Plan Approval be received and the following recommendation be adopted:**
2. **THAT Council endorse the processes outlined in this report .**

PURPOSE

The purpose of this report is four-fold:

- To outline the planning process for development applications in Ontario;
- To discuss the specific Glenway applications currently being processed by the Town, including a high level chronology and process to date and moving forward;
- To advise of upcoming public input opportunities for the various components of the Glenway development; and
- To provide an update on the "lessons learned" commitment by Council resulting from the Glenway Ontario Municipal Board decision

Planning Process in Ontario

The Planning process in Ontario is regulated by the *Planning Act* and applies Province-wide. Key to this process is the right by any landowner to make a development application for his or her lands. Once a municipality receives a development application, the following general process applies depending on the type of application.

Official Plan Amendment, Zoning By-law Amendment, and/or Plan of Subdivision

Land owners wishing to make application for Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of subdivision are required to go through a pre-consultation

process. This process allows the applicant to present and explain the proposal. Staff provide general comments at this meeting and inform the applicant of submission requirements including the types of studies required in support of the applications. Once a complete applications are submitted, they are processed concurrently by staff, who circulate the applications and supporting information to Town departments, the Mayor and ward Councillor, community organizations and required public bodies for comments, all property owners within 120 metres of the subject site are also notified of the application.

Once the comments have been received and reviewed, a preliminary report is prepared typically referring the applications to the required Statutory Public Meeting. The Public Meeting must be held to allow the public an opportunity to provide comments on the proposed plan of subdivision. Notice of the Public Meeting is posted on the property and notice letter are sent out to the community.

After the Statutory Public Meeting has occurred and any additional comments have been reviewed, staff prepare a comprehensive report with a final recommendation on the applications. When Draft Plan Approval is granted, there are usually a number of conditions to be met by the applicant prior to final approval and registration of the plan of subdivision. Among the conditions there is a requirement that the owner enter into a subdivision agreement with the Town regarding matters such as the construction of roads, servicing, compatibility and parkland dedication. The responsibility for fulfilling the conditions of draft approval rests primarily with the developer, as does the timing involved.

When a zoning by-law amendment application is filed concurrently with draft plan of subdivision, if the recommendation is for approval, the Zoning by-law is brought forward for Council approval at the same time as Subdivision approval.

Approval of an Official Plan Amendment is the responsibility of the Region of York unless that authority is delegated by the Region to the Town. Once the Town adopts an Official Plan Amendment, it is forwarded to the Region for final approval.

In all circumstances, these applications may be subject to appeals. If council fail to make a decision within the prescribed timeframes under the Planning Act or deny the applications, the applicant can appeal to the Ontario Municipal Board. If Council approves an application, individuals or agencies can appeal to the Ontario Municipal Board.

Site Plan

Where an area is designated by by-law, as being under site plan control, no person may undertake any development without municipal approval of the proposed plans and drawings. Site Plan approval establishes how the development proposal will fit and function on the site, including its relationship to the public realm and to adjacent land uses. For example, a zoning by-law may establish the parameters for use, density, height and set backs. In contrast, site plan approval will address where the driveway accesses the municipal road, the layout for vehicular loading and

parking facilities, landscaping to be planted and where garbage enclosures and exterior floodlighting will be maintained.

In Newmarket, the entire town is defined as a Site Plan Control Area by By-law 2010-41. Generally all new commercial, industrial, multiple residential and institutional development (and additions to existing development), on lands zoned for such purposes are subject to Site Plan Control.

Site Plan applications are divided into three categories: Exempt, Full Site Plan Review and Delegated Site Plan Review. Under which category applications fall is determined by the use, size and location of the project. Detailed information relating to the Site Plan Review process can be found on the Town's Website.

Site Plan Review Committee requires a Public Information Centre (PIC) to be held for any development being undertaken by public authorities and/or agencies, unless directed otherwise by Council. Site Plan Review Committee may request a Public Information Centre be held for any other Full Site Plan Review application.

Glenway Applications

Chronology

The Town of Newmarket received a Planning Application form signed and dated April 20, 2012 for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit infill residential and commercial development.

A Statutory Public Meeting was held on January 7, 2013 at the Newmarket Theatre.

On April 15, 2013 an appeal of the Official Plan Amendment, Zoning By-law Amendment and the Draft Plan of Subdivision to the Ontario Municipal Board was received. The basis of the appeal, as set out in the submission, is the failure of the Town of Newmarket to make a decision on the applications in accordance with Sections 22(7), 34(11) and 51(34) of the *Planning Act*.

At the Ontario Municipal Board Prehearing Conference held August 7, 2013 the Board scheduled a second Prehearing for December 10, 2013 and an eight-week Hearing commencing March 3, 2014.

The first phase of the OMB hearing took place from March 17, 2014 to March 27, 2014. Following that hearing, the OMB gave an oral decision on whether the principle of development had been established on the subject lands. The OMB held that the fundamental test of the principle of development has been met and that there was no legislative prohibition or restriction on developing a residential subdivision on the former golf course lands. Following that decision, Council subsequently directed staff to negotiate a resolution of the technical details for the Development. On April 14, 2014, Committee of the Whole adopted recommendations relating to a

settlement of the Phase 2 hearing. A settlement hearing was held on April 23, 2014, following which the OMB reserved its' written decision and Order.

In November 2014 the Ontario Municipal Board ruled to allow a change in the Town of Newmarket's Official Plan and zoning bylaw, effectively enabling Marianneville Developments to proceed with its plan to build a 742 unit subdivision on the former Glenway Golf and Country Club property. This includes 158 single family units, 51 single family condo units, 223 townhomes, 298 apartment units, and 12 mixed use units. A copy of the written order (including the approved documents) was released on November 19, 2014 and is available on the Town Website.

Process moving forward

With the approval of the Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications through the Ontario Municipal Board, the plan will continued to be reviewed through two processes: Detailed Engineering Design submissions for the subdivision portion of the development and Site Plan Approval for the townhouse blocks, mixed use block, the commercial block, the high density block and the single family condominium blocks.

Appendix A details those areas where development is proceeding through the subdivision approval process only, and those areas where site plan review is required.

With regard to the subdivision lands, the developer is currently in the process of preparing detailed engineering design drawings necessary to implement the plan. These drawings typically go through numerous revisions to address matters such as boundary conditions, grading requirements, drainage, servicing requirements, etc. There may be activity on-site such as surveyors, and they are gathering detailed topographic information in support of the grading and servicing work that will need to occur.

With regard to the site plan lands, to date, the developer has applied for site plan approval for Block 159 being the area of the former Glenway Golf Course Club House for a townhouse development. This item was on the January 19, 2015 Site Plan Review Committee agenda where it was referred to a Public Information Centre to be held on February 24, 2015. It is important to note that Site Plan Applications are not subject to 3rd party appeals to the OMB. However, if the applicant is not satisfied with the decision of Council, they have the ability to appeal that decision to the Board.

Public Commenting Opportunities

On these specific, current applications, the following opportunities for public input will occur: With regards to the Draft Plan of Subdivision lands, the Town intends to hold a Public Information Centre (PIC) once the engineering design is further along and these details are better known. We anticipate this will be sometime over the winter months. At this PIC, detailed subdivision design drawings will be available for viewing along with the current tree preservation details and the compatibility plan.

The compatibility plan, which addresses the interface between existing and new homes, must take into consideration the grading, drainage, servicing, and zoning requirements of the plan. Therefore, while some may wish to see a continuous row of trees, fencing, and/or landscaping between new and existing homes, this is generally not feasible. Residents will be given the opportunity to review the draft compatibility plan and provide comments and suggestions, which staff will then review and evaluate against the engineering and zoning requirements.

With regards to the site plan approval process, as noted above, Site Plan Review Committee have the ability to require a PIC for site plan review items. If referred to a PIC, the public will have an opportunity to review and comment on the site plan proposals. As noted above, the Site Plan application for the former club house lands were referred to a PIC at the January 19, 2015 Site Plan Review Committee to be held on February 24, 2015.

Glenway West Lands

The developer has made a request to have a pre-consultation meeting with staff to discuss what studies, etc., will be required to be submitted with a development application for the west lands. This pre-consultation meeting is a requirement of the Town and involves staff from various departments, as well as other agencies such as the Fire Department and the Conservation Authority. The pre-consultation meeting is an internal meeting for staff and other agencies to identify what studies will be required to be submitted, and to outline any other requirements that the developer should be aware of (for example the Town's Official Plan compatibility clause, Oak Ridges Moraine requirements, etc.).

Following the pre-consultation meeting the developer will then file a development application. The community will be notified once a formal application has been submitted, and this will then afford residents the opportunity to review the plans and associated studies and provide comments to the Town.

The application will follow the *Planning Act* process including a statutory public meeting where residents will continue to be able to provide comments on the proposed plan.

Lessons Learned

Newmarket Council have committed to providing a "Lessons Learned" report related to the process and ultimate Ontario Municipal Board decision for the Glenway Development. It is anticipated that this report will be presented to Council in the spring of 2015.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report, providing an update to council on ongoing Glenway matters aligns with the Newmarket Strategic Plan and vision of being well equipped and managed.

CONTACT

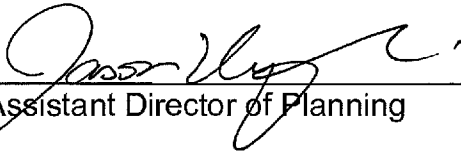
For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning,
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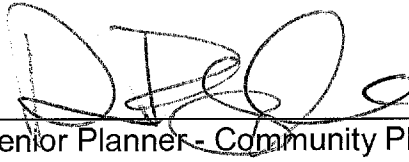
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