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# **Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 Staff Report to Council**

Report Number: 2020-14

Department(s): Planning and Building Services

Author(s): Alannah Slattery

Meeting Date: February 24, 2020

## **Recommendations**

1. That the report entitled Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 dated February 24, 2020 be received;
2. That the application for Official Plan & Zoning By-Law amendment, as submitted by Marianneville Developments Limited for Blocks 164 and 165 of the Estates of Glenway Community subdivision, be approved, and that staff be directed to prepare the necessary Official Plan and Zoning By-law amendments, including the necessary Holding provisions;
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Kerigan Kelly, of Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill, ON, L4B 3G2, be notified of this action.

## **Executive Summary**

Staff have reviewed the application to amend Official Plan 2006 and Zoning By-law 2010-40 to permit the development of stacked townhouses and live-work units on the subject lands known as Block 164 and 165 of Plan of Subdivision 65M-4587, Estates of Glenway Community.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy framework as it relates to providing desirable residential dwellings, prioritizing intensification to make efficient use of land and infrastructure and

Official Plan and Zoning By-Law Amendment  
Glenway Blocks 164 & 165

support transit viability, supporting a range and mix of housing options to serve all sizes, incomes, and ages of households, and creating complete communities.

This report provides the context of the site, details of the proposal and how it has changed from its initial submission, a discussion of the relevant planning policies and how the application addresses them, an outline of feedback received, and next steps in the development process.

If Committee adopts the recommendations of this report, the Official Plan and Zoning By-law amendments will be presented to Council for adoption at a future date.

## Purpose

This report serves to provide recommendations to Committee of the Whole on the applications for Official Plan and Zoning By-law amendment for Block 164 and 165 of Plan of Subdivision 65M-4587.

This report discusses the application as it has been revised based on comments from staff from the Town and its development review partners, along with feedback provided by members of Council and the public. The recommendations of the report, if adopted, would result in amendments to the Official Plan and Zoning By-law to permit the proposed development, and apply necessary holding provisions to secure servicing requirements and to ensure the applicant enter into a Site Plan Agreement with the Town.

## Background

### Subject Lands

The subject lands are located within the most northeasterly portion of the Estates of Glenway Community subdivision, as approved by the Ontario Municipal Board in 2014. Blocks 164 and 165, as outlined on Plan of Subdivision 65M-4587, are located south of Davis Drive, east of Mitchell Place and west of the Bus Terminal. The subject lands are currently vacant and devoid of significant natural features or vegetation. The lands have a land area of approximately 2.71 ha (6.7 acres).



The surrounding land uses are as follows:

**North:** Future residential development lands (Sundial Homes)

**East:** Bus Station

**South:** Stable residential lands, single-detached dwellings

**West:** Emerging residential lands, townhomes

The subject lands were subject to Official Plan Amendment 16 (OPA 16) in 2014, which designated the lands to permit 4 to 6 storey apartment buildings and mixed use “live-work” units. Accordingly, the subject lands are currently zoned Residential with Exception (H)(R5-T-125) and retail Commercial with Exception (H)(CR-2-126), to permit apartment dwellings 4 to 6 storeys in height, an elementary school and residential uses in the form of live work units.

## Proposal

The applicant is proposing to amend the Official Plan to expand the permitted uses on the subject property to include stacked townhouse units as a permitted use. The applicant is further seeking to amend Zoning By-law 2010-40 to permit twelve townhouse buildings for residential and commercial uses, consisting of 304 dwelling units, 12 of which are proposed as live-work units.

### Live-work Units

The proposed live-work units will be located on the ground floor of Buildings 1 and 2, which are situated in the northwest corner of the subject lands, closest to the intersection of Mitchell Place and Davis Drive West.

The general built form for each live-work building is similar in design; each building features a garage with both an internal access through the garage and exterior access to the dwelling unit.

The commercial units will be located facing Mitchell Place and Davis Drive, each having up to 60 square metres of commercial space, and pedestrian access from the abutting streets.

Parking for the live-work units will be provided in a lot at ground-level.



Image: Live-work units, commercial side facing Davis Drive



Image: Live-work units, residential side

## Residential Units

Buildings 3-12 are proposed to be developed as back-to-back stacked townhouses, each consisting of 20 to 36 units, resulting in a total of 292 dwelling units. The stacked townhouses are proposed to have four habitable levels, with the lower level being partially below grade, resulting in a height of 3.5 storeys. The stacked townhouse buildings will consist of one, two and three bedroom units.

The stacked townhouse dwellings are similar in design to the proposed-live-work units, however the stacked townhouses buildings do not include an attached garage.

Parking for the residential units will be provided in an underground parking garage, with visitor parking spaces located both at ground-level and underground.



Image: Back-to-back stacked townhouses

## Open Space

The proposed development includes a strip of open space along the southerly portion of the subject lands, which is consistent with the previously approved development concept. The open space strip is approximately 30 metres in width and is proposed to act as a buffer space between the proposed stacked townhouses and the existing single-detached dwellings to the south of the subject lands. This open space area will act as a private park area for residents and is proposed to contain a walking path and outdoor seating.

The applicants are also proposing amenity spaces in the centre of the development and in the northwest corner of the subject lands, abutting Davis Drive and Mitchell Place.



## **Parking and Transportation**

The majority of parking for the stacked townhouse units is proposed to be located underground, with the access point located centrally. Visitor parking for residential units will be located both at grade and underground. Parking for the commercial units and visitor parking will be provided in lots at grade level.

The applicants have requested a 5% reduction for residential parking requirements, due to the proximity of the development to the Bus Station location directly adjacent to the subject lands. This site-specific zoning provision is discussed in detail further in this report.

Access to the subject lands is proposed from an all turns access on Mitchell Place to the west, which connects to a signalized connection to Davis Drive West. Emergency access will be designed through a hard-surface landscaped area in the northwesterly corner of the site.

Pedestrian access points are planned from Mitchell Place and Davis Drive.

The subject lands are located adjacent to the Newmarket Bus Terminal, and are in close proximity to the VIVA bus rapid transit route along Davis Drive, providing public transit options for residents.

## **Discussion**

The following section will review the development proposal against applicable planning policy.

### **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 Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

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 policies set out in the PPS outline how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term, and accommodating an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The policies also direct municipalities to provide for a range and mix of housing types and densities, including implementing minimum targets for affordable housing and facilitating diverse forms of housing and residential intensification.

The proposed development is consistent with the PPS by adding to the mix of housing types within the settlement area of the Town of Newmarket. Stacked townhouses and live-work units represent a type of residential development that is more compact than traditional low-density residential development, such as single-detached dwellings. The proposal provides for a compact form allowing for the efficient use of land and infrastructure, and promotes the use of active transportation and public transit options.

## **A Place to Grow – Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

The Growth Plan identifies an Urban Growth Centre in Newmarket, the boundaries of which are generally surrounding the intersection of Yonge Street and Davis Drive and are more specifically delineated in the Town’s Official Plan. The Growth Plan sets a target of 200 residents and jobs per hectare for the ‘Newmarket Centre’ Urban Growth Centre. The proposed development lands are located adjacent to the boundaries of the Urban Growth Centre, along Davis Drive.

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobiles through mixed-use, transit-supportive development. This proposal would improve the diversity of housing stock in Newmarket, provide additional dwelling units close to transit and retail options, and provide a parking supply that supports reduced dependence on private automobile use.

This development proposal aligns with the objectives of the Growth Plan by:

- providing a mix of built forms;
- seeking to meet affordable housing targets;
- providing a range of size and types of dwelling units; and
- supporting transportation demand management through its proximity to the Davis Drive corridor and accessibility of public transit options.

## **York Region Official Plan**

The YROP designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth. A minimum of 40% of all residential

development in York Region is to occur within the built-up area, which includes the subject lands. This application supports the achievement of this target.

In addition, the application generally supports the YROP policies related to intensification. The application supports the YROP policy of permitting a mix and range of housing types, lot sizes, unit sizes, functions, tenures, and levels of affordability.

Based on its location adjacent to Davis Drive, the application supports the YROP targets of locating 50 percent of residents within 200 metres of a transit stop, and 90 percent of residents within 500 metres of a transit stop.

York Region has provided comments on the proposed development application which are addressed further in this report.

## **Official Plan Considerations**

The subject lands are designated Emerging Residential on Schedule “A” Land Use of the Newmarket Official Plan. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified. The policies of the plan direct new developments of these forms to the Urban Centres and the Emerging Residential areas, where appropriate, in order to manage change in a manner that will maintain neighbourhood character.

Emerging Residential areas represent future residential areas that are in the process of being developed or are anticipated to be developed but will eventually become Stable Residential areas. These areas may develop at low densities similar to the Stable Residential areas while providing for a range of innovative and affordable housing types, zoning standards and subdivision designs.

The objective of the Emerging Residential designation is to provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs; and to encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

In 2014, the subject lands were subject to Official Plan Amendment 16 (OPA 16), which was approved by the Ontario Municipal Board and adopted by the Town of Newmarket on November 18th, 2014. The purpose of OPA 16 was to change Schedule “A” Land Use Designations as it related to parts of the former Glenway Country Club lands, and to add a special policy to Section 33 Emerging Residential Areas. The special policy reads as follows:

*Town of Newmarket Official Plan Section 3.3.2.5:*

*Within the Emerging Residential Area located on Davis Drive, immediately west of the GO Bus Terminal, permitted uses shall also include 4 to 6 storey apartment buildings and mixed use “live-work” units.*

The applicant is now proposing to re-designate the subject lands to permit stacked townhouse dwellings in addition to the 4 to 6 storey apartment buildings that were previously approved by OPA 16. The applicants are looking to maintain the “live-work” units as a permitted use on the subject lands.

The proposal has been designed to include a landscaped buffer strip of approximately 30 metres along the southerly boundary of the site where it abuts existing residential dwellings to the south. In addition, a 1.8 metre high wood privacy fence is proposed to be constructed 0.3 metres inside the property line along the southerly lot boundary.

The Official Plan allows for this type of development within the Emerging Residential designation which looks to provide for a range of residential accommodations, including stacked townhouse developments.

### **Compatibility and Site Suitability**

The existing neighbourhood contains a mix of low to medium density dwellings. To the south of the subject lands are Stable Residential lands, consisting of single-detached dwellings. To the west and southwest of the subject lands there are Emerging Residential lands, consisting of townhouse dwellings currently under construction. To the north of the subject lands across Davis Drive are Emerging Residential lands, currently proposed for future townhouse development. The applicants have proposed a 30 metre open space area between the proposed stacked townhouses and the existing single-detached dwellings, as well as a 1.8 metre high wood privacy fence, to act as a buffer between the two land uses.

From Davis Drive, the proposed stacked townhouse units will be similar in style and massing to the townhouse development to the west, and the proposed townhouse development to the north, creating a similar streetscape.

With regard to the physical suitability of the site to accommodate the proposed development, Engineering Services have reviewed the grading, water distribution, sanitary service and stormwater, and have indicated that the proposed use can be graded and serviced in an acceptable manner.

### **Affordable Housing**

Section 3.10.2 of the Town’s Official Plan requires a minimum of 25% of new housing development outside the Urban Centres Secondary Plan to be affordable to low and moderate income households. This 25% minimum is comprehensive of all development applications outside of the Urban Centres and may not necessarily be achieved by each individual application. This policy also requires that these units include a range of types, unit size, tenures to provide opportunities for all household types, including larger families, seniors and persons with special needs.



The proposed Official Plan and Zoning By-law amendments expand the range of built form permitted on the subject lands to include stacked townhouse dwellings, in addition to the existing approvals for low-rise apartment buildings and live-work units.

### **Parkland Dedication**

Parkland Dedication was collected as part of the original approval of the entire Glenway development lands.

### **Zoning By-law Considerations**

The subject property is currently zoned Residential with Exception (H)(R5-T-125) and Retail Commercial with Exception (H)(CR-2-126). The zoning for the subject property was approved by the Ontario Municipal Board in 2014, and amended by By-law number 2014-25.

The current (H)R5-T-125 zone permits apartment dwellings 4 to 6 storeys in height. The zone also permits an elementary school use.

The current (H)CR-2-126 zone permits residential uses in the form of live work units, and commercial uses including the following: art gallery, studio, personal service shop, retail store, and office, as well as an elementary school.

The applicant is proposing to replace the current (H)R5-T-125 Zone with an amended Residential Exception Zone (H)(R5-T-125). This new (H)R5-T-125 zone would add stacked townhouses as a permitted use, including site specific regulations, and remove elementary school as a permitted use, as an alternative school site was ultimately chosen by the school board, and it no longer requires this site. The current Retail Commercial with Exception (H)(CR-2-126) Zone would also be amended to remove the elementary school as a permitted use.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose holding provisions (“H”) on a zoning by-law to limit the use of lands until the provision is removed. The amending zoning by-law will include holding provisions that are typical for zoning by-law amendments for residential developments such as the requirement to enter into a site plan agreement and to obtain servicing allocation.

### **Parking**

The majority of parking for the residential units is proposed to be located underground, with the access point to the underground parking lot located centrally. Visitor parking for residential units will be located both at grade and underground. Parking for the commercial units and visitor parking will be provided in lots at grade level.

The applicants have requested a 5% reduction for residential parking requirements, due to the proximity of the development to the Bus Station located directly adjacent to the

subject lands. This reduction will not affect the parking spaces for the live/work units or the parking requirements for visitor parking.

Section 5.3.1.3 of the Town's Urban Centres Zoning By-law 2019-06, allows for the minimum and maximum parking rates for each of the permitted residential and non-residential uses identified in Sections 5.3.1.1 and 5.3.1.2 to be reduced by 30% if the property of such use is within a Parking Reduction Area as shown on the map below.

Section 9.3.1 of the Town's Urban Centres Secondary Plan states that transportation systems in the Urban Centres will be planned, designed and implemented in a manner that supports a transportation hierarchy in which priority is given to active transportation and public transit.

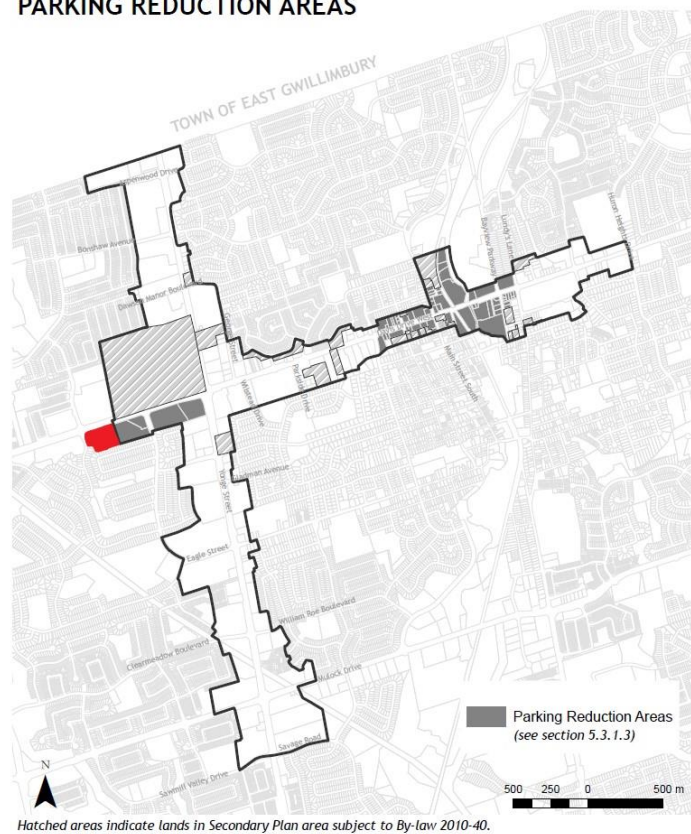
These policies look at encouraging modal shifts away from single occupant vehicles in favour of more sustainable modes of transportation, including public transit.

The subject lands are located directly adjacent to the Urban Centres boundary. As such, the policies of the Urban Centres Secondary Plan and Urban Centres Zoning By-law do not apply to the subject lands.

Presently, the zoning requires 1.5 parking spaces per residential unit, with an additional 0.25 spaces for visitor parking. This results in a requirement of 438 parking spaces for the residential units and 73 visitor parking spaces. Should the applicant receive a 5% reduction in parking requirements, the zoning would require 416 residential parking spaces for the development, or 1.42 parking spaces per unit.

Due to the proximity of the proposed development to transit options, including York Region Transit bus routes and viva Bus Rapid Transit routes, the proximity of the abutting Bus Station, and taking guidance from the policies of the Town's Urban Centres Zoning By-law that recognize a 30% reduction in required parking, it is staff's opinion that a 5% reduction in required residential parking spaces will not have a significant negative impact on the proposed development.

#### PARKING REDUCTION AREAS



## **Roads and Traffic**

The submitted Traffic Impact Study has been reviewed by Engineering Services, who have concurred that the proposed OPA and ZBA will not have a significant impact on the previously approved Transportation Impact Study. They note that the Transportation Demand Management Plan is acceptable, subject to the Region's approval of the recommendations outlined in the report.

## **Stormwater Management and Storm Drainage**

Engineering Services have indicated that the subject site is designed to outlet to Pond 4 of the Glenway subdivision. They note that the imperviousness level of the revised site is higher than that allocated in the subdivision design. As such, an on-site underground storage chamber is proposed to provide adequate quantity control. It is noted that no additional measures are required for quality control, as the pond as designed can provide the adequate level of quantity control. Engineering Services note that the following items are to be addressed at the Site Plan Application stage:

- Detailed calculations for the runoff coefficients and imperviousness
- Any permanent dewatering from the underground parking is to be discussed and accommodated in the stormwater management design
- Additional Low Impact Development measures are to be reviewed and implemented during the detailed engineering design stage

## **Sanitary Drainage, Water and Grading**

Engineering Services note that changes may be required of the calculations for proposed flows of the development, however this should be addressed at the detailed design stage. It is noted that the proposed watermain system is sufficient to support the proposed use and justification for the proposed watermain size should be provided at the Site Plan stage. Additional details regarding grading will also be required at the Site Plan stage.

## **Servicing**

Servicing allocation has not been granted to this development. This report recommends a holding provision be employed to require that servicing allocation be granted before any development occurs.

## **Noise**

The submitted Noise Impact Study has been reviewed and engineering staff have concurred that the proposed development can be compatible with the existing noise levels from the surrounding operations and can be accommodated with mitigation measures, and that additional comments will need to be addressed at the Site Plan stage.

## **Vibration**

On March 18 2019, staff brought forward Report 2019-29 to Council recommending vibration impact assessments be required as part of a complete application for development proposals. As the pre-consultation for the proposed development was held June 2018, prior to this process being approved, a vibration impact assessment had not been established as a requirement for a complete application. Notwithstanding this, the applicant has provided an assessment of construction vibration potential related to the proposed development.

The vibration impact assessment has been reviewed by the Town's review partners who have stated that vibration comments will be addressed at the Site Plan stage and should not be a concern for the current Official Plan and Zoning By-law amendments. The Town's review partners have provided that other engineering aspects are satisfactory with respect to the Official Plan and Zoning By-law amendments, as outlined in their original comments.

## **Environmental Site Assessment**

The submitted Phase One and Two Environmental Site Assessments have been reviewed by Engineering Services. It is noted that the proposed change use of land will have no bearing on the Record of Site Condition filed with the Ministry.

## **Agency and Public Comments**

The development proposal has been circulated internally and externally to the public and the Town's review partners. Many of the comments provided are outlined in the discussion section above. Additional comments from several review partners are provided below for greater context.

### **York Region**

Staff from the Regional Municipality of York have provided comments on the application. They note that they have no objections to the Official Plan Amendment and Zoning By-law Amendment, and that they are of the opinion that the proposal appears to be a routine matter of local significance and will not adversely affect Regional planning policies or interests. York Region has provided the application with exemption from Regional approval.

Technical comments from York Region will be addressed through the appropriate planning tools.

### **Engineering Services**

Staff from Engineering Services have provided comments on the application outlined in the above section.

## **Lake Simcoe Region Conservation Authority**

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the Conservation Authorities Act, and have provided comments applicable to the application.

The LSRCA have provided technical comments to inform the preparation of the subsequent detailed design submission (Site Plan) for these lands.

Based on the review of the submitted information, the LSRCA does not object to the approval of this Application for Official Plan and Zoning By-Law Amendment.

### **Other Review Partners**

- The York Region District School Board has been advised of the application and they have noted that they have no objections to the approval of the proposed OPA and ZBA.
- Canada Post has been advised of the application and they have noted they do not have any comments at this time.
- The Southlake Regional Health Centre has been advised of the application and they have noted the ongoing need for capital investment and public support to meet the needs of the region's growing population.

### **Effect of Public Input**

A statutory public meeting was held in November of 2019. Comments were received in person from the public at the statutory public meeting. The effect of this input, or the way in which the matters raised by the public were otherwise addressed, are discussed below. These comments centered on the following themes:

- Vibration and construction noise
- Traffic

A **vibration impact assessment** was submitted as part of the applicant's second submission of studies. This study has been reviewed by the Town's review partners who have provided that the vibration impact assessment will be reviewed in detail, and any vibration comments should be addressed at the Site Plan stage.

Noise from the construction process will be regulated as per the Town of Newmarket's Noise By-law 2017-76.

The applicant had submitted a **Traffic Impact Study** in October 2014, in support of the original rezoning and Official Plan Amendment applications. This Traffic Impact Study was reviewed and approved by the Town for the original development proposal. In 2019, the applicant submitted a revised **Traffic Impact Study**, to address the changes in the development proposal. The original development concept was comprised of apartment



buildings consisting of 298 residential units and 12 live/work units. The revised concept consists of 292 stacked townhouse units and 12 live/work units. The revised plan results in six fewer units than the previously approved concept plan. The applicant has provided an analysis of the amount of trips generated from the original concept plan to the proposed plan, and have found that the revised site plan will generate fewer trips.

Engineering Services have concurred that the proposed OPA and ZBA will not have a significant impact on the previously approved Transportation Impact Study, and note that the Transportation Demand Management Plan is acceptable.

## **Conclusion**

The amendment applications meet the policies of the Town's Official Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

Staff recommend approval of the applications, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

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

- Vibrancy on Yonge, Davis and Mulock

## **Consultation**

The Official Plan and Zoning by-law Amendment application has been provided to the Town's internal review partners and external agencies per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 543/06 and Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held in November of 2019. Following this meeting additional studies were provided to the Town in January of 2020, which were also circulated for review.

## **Human Resource Considerations**

N/A

## **Budget Impact**

The appropriate planning application fees have been received for the Official Plan Amendment and Zoning By-law Amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

## **Attachments**

- Location Map
- Proposed Site Plan
- Proposed Conceptual Landscape Plan
- Perspective Elevations

## **Approval**

Alannah Slattery, BES, MCC

Planner, Planning and Building Services

Adrian Cammaert, MCIP, RPP, CNU-A

Acting Manager, Planning Services

Jason Unger, MCIP RPP

Acting Director, Planning and Building Services

Peter Noehammer, P.Eng

Commissioner, Development & Infrastructure Services

## **Contact**

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