



## **PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

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August 20, 2015

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-35**

**TO:** Committee of the Whole

**SUBJECT:** Application for Official Plan & Zoning By-Law Amendment and Draft Plan of Subdivision  
16920 & 16860 Leslie Street. West side of Leslie street North of Mulock Drive  
Pt Lt 31, Con 2; Pt E1/2 Lt 32, Con 2  
Newmarket Cemetery Corporation/2394237 Ontario Inc.  
(Forest Green Homes)  
Files: D9-NP1312, D12-NP1312, D14-NP1312

**ORIGIN:** Planning and Building Services

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### **RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2015-35 dated August 20, 2015 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- 1. THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by The Newmarket Cemetery Corporation on behalf of 2394237 Ontario Inc. for lands being composed of Pt Lt 31, Con 2; Pt E1/2 Lt 32, Con 2, EYS be referred to a public meeting.**
- 2. AND 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.**
- 3. AND THAT Groundswell Urban Planners, 30 W Beaver Creek Road, Unit 109, Richmond Hill L4B 3K1 be notified of this action by the Clerk.**

### **COMMENTS**

#### **Location**

Lands located on the west side of Leslie Street, north of Mulock Drive. (See Location Map attached)



## **Proposal**

An application for draft plan approval, Official Plan amendment and zoning bylaw amendment has been submitted by The Newmarket Cemetery Corporation on behalf of Forest Green Homes (2394237 Ontario Inc.) to rezone the 16.44 hectare subject lands from the Cemetery (I-C) zone, Residential Apartment Dwelling 1 (R5-S) zone, Environmental Protection/Open Space (OS-EP) zone and Residential Detached Dwelling 30m (R1-B) zone to the Residential Townhouse Condominium Plan Dwelling (R4-CP), Residential Townhouse Dwelling 3 (R4-R) zone, Open Space (OS-1) zone, the Residential Apartment Dwelling 2 (R5-T) zone and a new stacked townhouses condominium zone. This is to permit a draft plan of subdivision consisting of 91 freehold townhouses, 27 stacked townhouses, 78 condominium townhouses and 2 mid-rise apartments. The applicant has not indicated the number of units within the proposed mid-rise apartment blocks at this time. The subject lands also contain the John Bogart House designated under the Heritage Act which is intended to be restored and used for residential purposes. The proposed Draft Plan as well as Master Landscaping Plan are attached to this report.

## **Preliminary Review**

### **Official Plan Considerations**

The subject property is designated Major Institutional and Natural Heritage System – Woodlot in the 2006 Official Plan.

The applicant has requested a designation of Stable Residential for the development portions and Major Institutional for the woodlot. If these applications are deemed appropriate, it would be fitting to designate the development lands Emerging Residential with a site specific exception that would permit the proposed mid-rise apartments. It would also be appropriate to re-establish the Natural Heritage designation for the woodlot.

Section 3.3.2(3) of the residential policies of the Official Plan discuss compatibility requirements where new housing stock is proposed against existing residential stating that they should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights and minimum setbacks. This proposal is directly adjacent to the Bogart Trail Condominium (5 storey condominium building) to the south. In this location, the applicant is proposing a buffer area on an existing treed slope then a mid-rise apartment block (4 storey). The proposal also abuts the existing townhouse condominium on William Curtis Circle and McKinnon Court. The applicant is proposing freehold townhouses adjacent to these condominium townhouses. Finally, this proposal abuts existing condominium townhouses on Doak Lane. The applicant is proposing condominium townhouses adjacent to the condominium townhouses of a similar size and scale. Compatibility will be further discussed in a future report after receiving comments from community residents though the public meeting recommended by this report.



### Zoning Bylaw Considerations

The Subject Property is currently zoned Cemetery (I-C) zone, Environmental Protection Open Space (OS-EP) zone, Residential Apartment Building 1 (R5-S) zone and Residential Detached 30m (R1-B) zone by Bylaw Number 2010-40, as amended. The applicant has applied to rezone the subject lands to the Residential Townhouse Condominium Plan Dwelling (R4-CP), Residential Townhouse Dwelling 3 (R4-R) zone, Open Space (OS-1) zone, Residential Apartment Dwelling 2 (R5-T) zone and a new stacked townhouses condominium zone. This is to permit a draft plan of subdivision consisting of 91 freehold townhouses, 27 stacked townhouses, 78 condominium townhouses and 2 mid-rise apartments.

The applicant has also requested the mid-rise apartment block have dual zoning to also permit townhouses to enable them to react to the housing market.

The preliminary review of the applications has raised a concern with the proposed rezoning of the woodlot from the Environmental Protection – Open Space (OS-EP) zone to the Open space-1 (OS-1) zone. It would be appropriate to retain the existing OS-EP zone on the woodlot to ensure its continued preservation and conservation. The only permitted uses in the OS-EP zone are conservation uses and trails while the OS-1 zone would permit other uses such as community centres and outdoor recreation facilities among other uses.

### Servicing Allocation

Servicing allocation has not been granted for this proposal.

### 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 policies are to be applied to each situation.

The PPS discusses the promotion of healthy, liveable and safe communities that have access to recreational activities in the forms of parks, open spaces and trails. The PPS also promotes storm water management best practices, including low impact design. The proposed draft plan of subdivision is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket while protecting environmental features and providing trails and parkland in accordance with the Planning Act. The development is proposed adjacent to existing built up areas and allows for the efficient use of land, infrastructure and services. The applicant has proposed low impact design elements as part of the storm water management system.

The PPS requires that Natural features and areas will be protected for the long term for their economic, environmental and social benefits. The applicant has submitted an Environmental Impact Study in accordance with Town policy to ensure no negative impacts will occur on the natural heritage feature (woodlot) as a result of this development going forward.

The PPS also discusses the importance of encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. The subject land contains a dwelling designated under the Ontario Heritage Act. The applicant has indicated that they intend to restore the dwelling and incorporate it into the plan for use as a single detached dwelling. This heritage home is further discussed below.

#### **John Bogart House**

Constructed in 1811 for John Bogart, a Quaker pioneer from Pennsylvania who operated a saw mill and grist mill on the creek near the house. One of the earliest dwellings extant in the Newmarket area and is an example of the second dwelling constructed by pioneers having been preceded by a log structure. Two-storey frame dwelling, clad in narrow clapboard, which rests on a stone rubble foundation. Simple vernacular dwelling constructed only nine years after the area was settled, is one of the few reminders that Bogarttown was a significant centre in the early nineteenth century. The John Bogart House is designated under the Ontario Heritage Act by By-law 1987-40.

It is the intent of the developer to preserve and restore this important heritage home and retain as residential dwelling accessed from a road internal to the plan. The house would be moved southerly to the corner of Leslie Street and Bogart Mill Trail.

#### **Parkland**

The developer is intending on providing the required 5% parkland dedication through the conveyance of a 0.74 hectare block with frontage on the proposed public road. The proposed parkland is also adjacent to the retained woodlot which, if the woodlot ultimately ends up in public ownership, could benefit from the proximity in terms of providing public access to the woodlot.

#### **Departmental and Agency Comments**

Department and Agency comments will be addressed throughout the planning process and outlined in a comprehensive report as required.

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Living Well: protecting and enhancing environmentally sensitive features

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

#### **CONSULTATION**

The application has been circulated for comment to internal departments and external agencies. This report recommends the applications be referred to a statutory public meeting.



## **BUDGET IMPACT**

### **Operating Budget (Current and Future)**

The appropriate planning application fees have been received for Official Plan Amendment, zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision.

### **Capital Budget**

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

## **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)

## **Attachments**

- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision
- 3- Landscape Master Plan



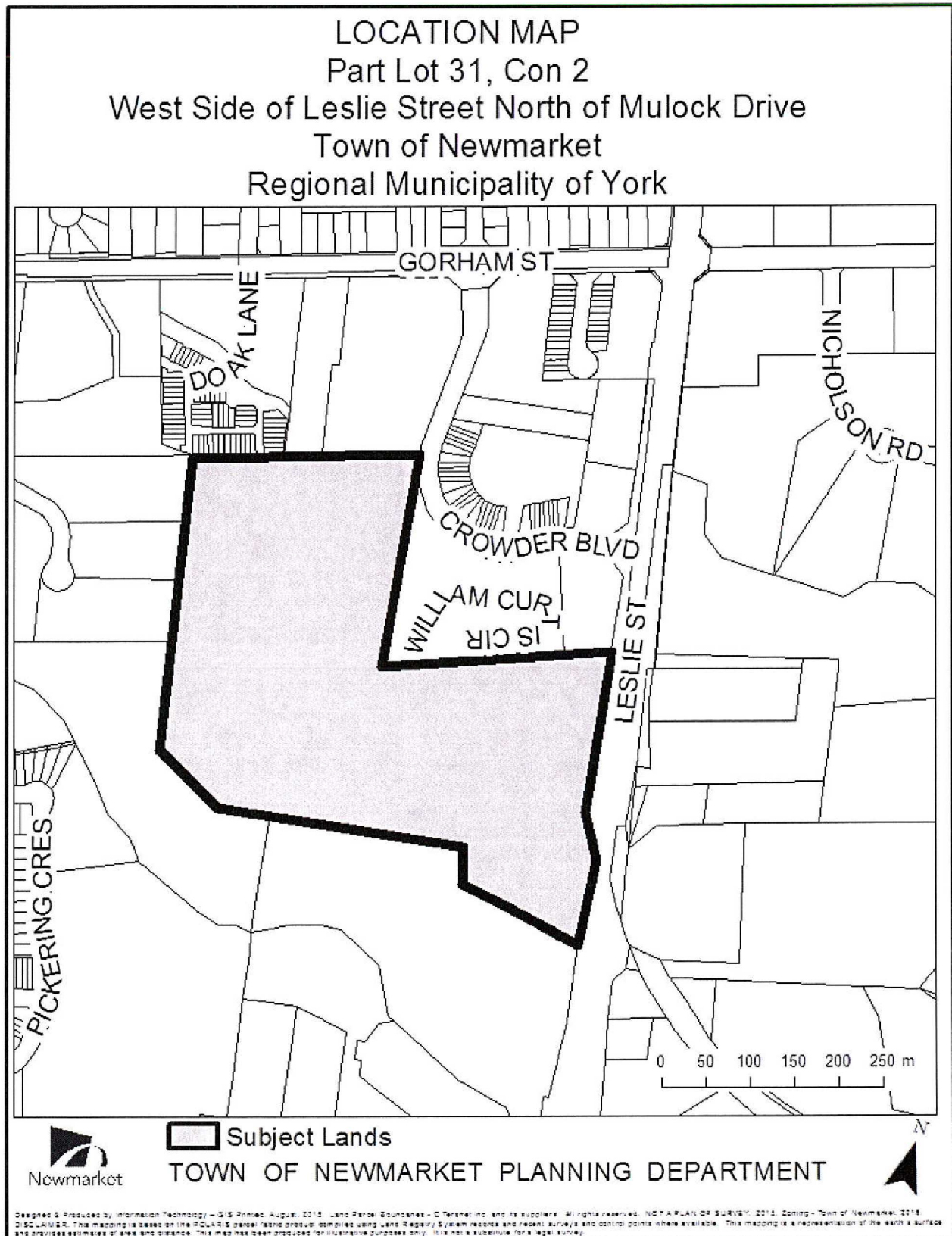
Director of Planning and Building Services



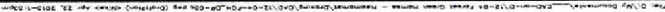
Commissioner of Development and Infrastructure  
Services



Senior Planner – Community Planning











**S B K**  
 STRYBOS BARRON KING  
 LANDSCAPE ARCHITECTS

**JSW+**  
 JAMES SWANSON & ASSOCIATES  
 LANDSCAPE ARCHITECTS

**STANLEY**  
 STANLEY ENGINEERING & ARCHITECTURE  
 ENGINEERS & ARCHITECTS

**MASTER PLAN**  
 PROPOSED SUBDIVISION  
 19TN 2013-001  
 SHEET NO. 11-4-4.3  
 SCALE 1:250

**DILLON**  
 CONSULTING

**FOREST GREEN HOMES**

**AUGUST 2014**