

1209104 ONTARIO LIMITED



December 13, 2020

By E-mail
clerks@newmarket.ca

Mayor John Taylor and Members of Town Council
Town of Newmarket
395 Mulock Drive
Newmarket, ON L3Y 4X7
Attention: Lisa Lyons, Municipal Clerk

Dear Mayor and Council:

Re: Town Council Meeting December 14, 2020

Agenda Item 9.1: OPA 29 and draft Zoning Bylaw 2020-63 to amend 2010-40

Report 2020-72 “Established Neighbourhood Compatibility Study and Policy Recommendations”

We are the owners of lands generally located in the northwest quadrant of Yonge Street and Clearmeadow Boulevard and specifically identified as: 16950 Yonge Street; Lots 1-10, 33-35 on Registered Plan 65M-4523; and Lots 26 to 42 on Draft Plan 19T87N29 (known as Landmark Estates Phase 5).

We submit this letter to Council to state our objections to the aforementioned agenda items and respectfully request Council not approve these items and not enact bylaws 2020-63 or 2020-64. We would respectfully request staff contact us to resolve our issues with these items before Council’s final consideration or remove our lands from the proposed Zoning By-law.

We are concerned that **By-law 2020-63** will have numerous unintended negative impacts on our approved development project which is nearing completion.

Section 2.iv.i removes our currently prescribed exterior side yard set-back of 3.0 meters for zone R2-G and replaces it, through verbiage in 2.v.c (*18), with a dimension that will negatively affect Lot 1 on RP 65M-4523. In our adjacent plan of subdivision, we had already sought relief from an exterior side yard set-back in our specific zoning, R2-J-31, and the Town Planner wrote in his report that “The requested relief from the required exterior side yard set-back will continue to maintain an appropriate streetscape.” Therefore, we see no reason for this change; especially since we are in the process of completing our project.

Another proposed change which we do not agree with is the decrease in maximum lot coverage as shown on Schedule D, a clip of which is enclosed as Figure 1. Lots 33 to 35 of RP 65M-4523 are lots that are designed to be split through exemption from part lot control exactly like the surrounding orange colors on the drawing. There is no reason to decrease the maximum lot coverage from 40% to 35%. Also, of note, Lots 11 to 20, and 29 to 32 have already been built upon and illustrate the inconsistency and error in this By-law. Moreover, we also object to the proposed maximum 40% coverage being applied to the entirety

of the lands at the northwest corner of Yonge St. and Clearmeadow Blvd. as shown on Figure 1 – this should be removed.

It should also be noted that there is an error in the mapping at the northwest corner of Yonge Street and Clearmeadow as these lands are within the Urban Centres Secondary Plan area and not designated “Residential” and therefore should not be included in any aspect of this By-law. We request that these lands be removed from the By-law mapping.

We also take issue with the proposed By-law’s definitions and corresponding criteria such as: maximum building height, the definition of a basement, maximum finished first floor height, amongst others. Engineering services dictates that some of our basement slabs on our already serviced, registered lots be at a minimum elevation to avoid drainage issues. This constraint, along with the proposed new zoning provisions per this By-law, are problematic for the final product.

The proposed front yard set-back criteria as mentioned in section 2.v.c (*16) is plagued with problems and we see this adding delays to builders when applying for multiple permits. Subdivision builders already have architectural control guidelines; this is yet another reason we are objecting to this By-law.

We are also objecting to **OPA 29**, to be enacted through **By-law 2020-64**, as it pertains to our lands. Our recent plans of subdivision were registered in 2012 and 2016, which is under construction; Phase 5 is in process to be registered shortly. The criteria being used in the SvN Background Study would suggest “Traditional Suburban Character Area” would not apply to our lands. Moreover, our development lands, adjacent to these relatively new registered plans, are large enough to create its own character area. As such, we object to Schedule I in identifying our lands as part of a “Traditional Suburban Character Area.”

We would like to thank you for your consideration of our comments and would be available should you wish to further discuss our concerns.

Yours Truly,
1209104 ONTARIO LIMITED

Frank Orsi
-encls. – Figure 1

-c.c. – Jason Ugner, BES, MCIP, RPP. Director of Planning & Building Services – by E-mail

Figure 1: Clip of Sch. D from By-law 2020-10

