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## **460 Davis Drive – Modifications to Official Plan Amendment 25 and related Zoning By-law Amendment Staff Report to Council**

Report Number: 2021-25

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner - Policy

Meeting Date: April 12, 2021

### **Recommendations**

1. That the report entitled 460 Davis Drive – Modifications to Official Plan Amendment 25 and related Zoning By-law Amendment, dated April 12, 2021 be received; and,
2. That Council endorse the proposed redesignation for 460 Davis Drive as shown in Attachment 1; and,
3. That Staff be directed to request the Regional Municipality of York to approve the modified Urban Centres Secondary Plan Technical Amendment (OPA 25) for 460 Davis Drive as shown in Attachment 1; and,
4. That upon the approval of OPA 25 by the Regional Municipality of York, Staff be directed to forward the Zoning By-law Amendment as shown in Attachment 2 to a regular Council meeting for approval; and,
5. That the owner of 460 Davis Drive be notified; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to seek Council's direction to resolve the deferred land use designation and zoning matters for 460 Davis Drive.

## Background

In September 2019, Council considered [staff report 2019-85](#) and directed staff to proceed to a public meeting regarding the technical amendments for the Urban Centres Secondary Plan (UCSP) and Zoning By-law 2019-06. One of the proposed technical amendments involved correcting a mapping error by rezoning the entirety of 460 Davis Drive (subject lands) from Mixed Use One (MU-1) Zone to Open Space (OS-2) Zone to be in conformity with the site's Parks and Open Space designation in the UCSP. At the September 23, 2019 Committee of the Whole meeting, the owner of the subject lands (Owner) objected to the housekeeping rezoning.

Staff considered the comments from the Owner and proposed to redesignate the southern half of the subject lands from "Parks and Open Space" to "Mixed Use", and only rezone the northern half of the subject lands to be in conformity with the Parks and Open Space designation. At the [July 27, 2020](#) statutory public meeting, staff presented the above mentioned proposed redesignation and rezoning to Council and members of the public.

At the October 26, 2020 Committee of the Whole meeting, the Owner requested that the entire subject lands be redesignated to "Mixed Use" and the existing MU-1 Zone be maintained. In addition, the Owner also requested that should Council adopt dual designations and dual zoning on the subject lands, the lot area and boundaries of the entire subject lands be used to calculate permitted density and setback requirements on the MU-1 Zone portion of the subject lands.

On December 14, 2020, Council adopted all other proposed technical amendments in [Official Plan Amendment 25](#) (OPA 25) and deferred the decision on the subject lands. OPA 25 was subsequently forwarded to the Regional Municipality of York (York Region) for approval; therefore, all components of OPA 25 that have been adopted by Council are not subject to further discussion. The purpose of this report is to seek Council's direction in resolving the deferral matter for the subject lands and that staff be directed to request York Region to make a decision for the same as part of the Notice of Decision for OPA 25, which has not yet been issued.

## Discussion

### Location

The subject lands, municipally known as 460 Davis Drive, are located at the southeast corner of Davis Drive and Superior Street, west of the railway, and north of Ontario Street. The subject lands are approximately 0.57 hectares and are largely vacant, but host a one-storey building on the northern part of the site.

## **Current Land Use Designation and Zoning**

The subject lands are designated “Parks and Open Space”, with a “Flood and Hazard Lands” overlay on Schedule 3 of the UCSP. The subject lands are further identified as the “Superior Street Open Space” in accordance with Policy 10.3.4(g) which states:

“This space is within the Floodplain of the Holland River and is located west of the railway. It provides for open space in proximity to the northern end of historic Downtown Newmarket.”

Open Spaces within the UCSP are intended to be passive in nature, respecting their location within the floodplain and their linkage to natural heritage functions. General uses such as trails and passive open space may be permitted.

In accordance with Policy 6.4.6(ii) of the UCSP, “the Floodplain and Hazard Lands designation is an overlay designation and therefore the permitted land uses, density and height provisions of this Secondary Plan identified on Table 1 and on Schedules 3 and 4 do not apply within the Floodplain and Hazard Lands designation unless written approval for specific development applications has been received from the Lake Simcoe Region Conservation Authority.”

The subject lands are zoned Mixed Use One (MU-1) in Zoning By-law 2019-06. The MU-1 Zone permits a full range of residential, commercial, and institutional uses. In addition, the subject lands are also identified as Floodplain and Other Natural Hazard (FP-NH) Zone on Schedule E to Zoning By-law 2019-06. The FP-NH Zone is an overlay zone where the underlying MU-1 Zone development standards continue to apply subject to LSRCA regulations and the Floodplain provisions of By-law 2019-06.

## **Proposed Redesignation and Rezoning**

Upon review of comments from the Lake Simcoe Region Conservation Authority (LSRCA) and relevant policies of the UCSP, and discussions with the Owner, staff recommend dual designations and zoning as shown in Figure 1. The revised dual designations involve a Parks and Open Space designation for the north portion and a Mixed Use designation for the south portion. Accordingly, the subject lands will be zoned Open Space 2 (OS-2) in the north and Mixed Use One (MU-1) in the south. In this way, the designations and zones for the north and south portions will align with each other. In addition, staff would also recommend that a site-specific zoning provision be added for the subject lands to restrict the erection of any buildings or structures within 7.5 metres from the new northerly boundary of the MU-1 Zone. The proposed 7.5 metres is based on an extension of the centerline of Simcoe Street into the property. This proposed site-specific condition is intended to protect the vista of the OS-2 Zone when looking eastward down Simcoe Street.

Figure 1 Proposed designations/zoning and special provision



The intent of the proposed dual designations and zoning is to balance the Town's vision of having an open space along Davis Drive while providing potential development opportunities that support the growth of the UCSP on the southern part of the property, subject to LSRCA's approval through future development application. The revised designation/zoning division line protects for a potential future access for the MU1 Zone off of Superior Street to align with Simcoe Street.

All applicable Provincial and Regional floodplain policies, Town land use and floodplain and hazard lands policies in the UCSP and Zoning By-law 2019-06 continue to apply to the subject lands.

The following modifications have been included in Attachments 1 and 2 to reflect the proposed revisions discussed above:

- Removed the subject lands from Section 16.0 Deferrals in the text of the adopted OPA 25;
- Removed "Subject to Section 16.0 Deferrals" for the subject lands from the adopted Schedules 3, 4, 5 and 6;
- Updated Schedule 3 Land Use to show the revised dual designations;
- Updated Schedule 4 Height and Density to show the revised Parks and Open Space in the north and Low Density (2-6 storeys) in the south;
- Updated Schedule 5 Street Network and Schedule 6 Parks, Open Space & Natural Heritage to show the revised Parks and Open Space designation boundaries;

- Updated the text of the draft Zoning By-law to include site-specific setback requirement for the subject lands as discussed above;
- Updated Zoning Map 5 Davis Drive Zoning Map to reflect dual zoning as discussed above;
- Updated Zoning Map 11 Davis Drive Height Map to reflect height permission of 8m – 20m for the MU1 portion of the subject lands, and
- Updated Zoning Map 17 Davis Drive Holding Zones to reflect the revised Parks and Open Space boundaries.

### **Owner's Request on Density Transfer**

The Owner's second request relates to density transfer between the two zones within the subject lands. It was requested that the subject lands to be exempted from provision 2.4(v) of Zoning By-law 2019-06, which states:

“where a lot is divided into two or more zones the zone boundary dividing the lot shall be deemed to be a lot line for purposes of calculating coverage, and each portion of the lot is required to satisfy the provisions of this By-law for the applicable zone”.

Staff have considered the Owner's request, however recommend that the existing provision 2.4(v) of Zoning By-law 2019-06 remain applicable to the subject lands. The purpose of provision 2.4(v) is to avoid over development of a particular portion of a dual zone lot that would otherwise occur by “transferring” density permissions from one zone to another zone. In this case, should Council approve the proposed dual zoning on the subject lands, all development standards for a potential Mixed Use development such as minimum setbacks and maximum density should be taken from the MU-1 Zone boundaries. The area and lot lines that are part of the OS-2 Zone will not be used for calculating maximum density or determining minimum setbacks for a development in the MU-1 Zone. Thus, the transferring of density from the northern portion of the subject lands to the southern part of the subject lands to facilitate a larger development will not be permitted.

### **Conclusion**

The subject lands were deferred from the adoption of the Urban Centres Secondary Plan technical amendments (OPA 25). Staff have considered all comments received from the Owner and have come to an agreement on the designations and zones across the property. Staff are recommending modifications to the dual designations and dual zoning as discussed in this report and as shown in Attachments 1 and 2.

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

- Vibrancy on Yonge, Davis and Mulock



## **Consultation**

Staff have consulted the Owner on the proposed redesignation and rezoning. The Owner agrees with the proposed dual designations and zoning as well as the inclusion of the special zoning provision.

Staff have also consulted the LSRCA on the proposed redesignation and rezoning of the subject lands. LSRCA has advised that the entire site is within an area governed by Ontario Regulation 179/06 and a permit will be required for any site alteration or development on the subject lands. Any proposed development would need to demonstrate consistency with Section 3.0 of the Provincial Policy Statement and conformity with the applicable Regional and local policies as well as be in accordance with the LSRCA Watershed Development Guidelines.

## **Human Resource Considerations**

None

## **Budget Impact**

None

## **Attachments**

Attachment 1 – Modified Official Plan Amendment 25

Attachment 2 – Modified Zoning By-law Amendment

## **Submitted by**

Phoebe Chow, Senior Planner – Policy

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

## **Contact**

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