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Zoning Bylaw Amendment 17365 & 17395 Yonge Street Staff Report to Council

Report Number: 2021-35

Department(s): Planning & Building Services

Author(s): Casey Blakely

Meeting Date: May 3, 2021

Recommendations

1. That the report entitled Zoning By-law Amendment – 17365 & 17395 Yonge Street, dated May 3, 2021 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by Groundswell Urban Planners Inc., for 17365 & 17395 Yonge Street, be approved in its general form; and,
3. That 2143811 Ontario Limited (The Kerbel Group Inc.) and Groundswell Urban Planners Inc., be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Staff have reviewed the application to amend Zoning By-law 2010-40 to permit a 12 storey mixed use building with 303 units and two buildings containing a total of 28 townhouses on the subject lands. The Zoning By-law Amendment proposes to maintain the existing Provincial Urban Centres (UC-P) Zone, but incorporate certain exceptions relating to parking, setbacks, height and FSI.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in conformity with the policy framework.

A statutory public meeting was held on August 29, 2011 as required by the *Planning Act* and a Public Information Centre was held on May 22, 2019.

Purpose

This report provides recommendations to Council on the subject application for a Zoning By-law Amendment for 17365 & 17395 Yonge Street under Section 34 of the *Planning Act*.

The recommendations, if adopted, would result in an amendment to the Zoning By-law to permit the proposed mixed use condo apartment and townhouse development and apply a 'Holding' provision to ensure the orderly development of the site.

Background

Subject Land

The subject land is located south of Davis Drive, at the north-east corner of Yonge Street and Millard Avenue and is comprised of 17365 and 17395 Yonge Street. The site has an area of 1.12 ha (2.77 ac) and is currently vacant. There are retail/commercial uses to the west and south of the site.

The application was submitted in November 2009, and subsequently deemed complete in February 2010. This original application proposed a 400 unit residential development (condominium), consisting of two buildings at 12 and 17 storeys, a 6 storey connecting podium and an inner plaza.

Following the Public Meeting, the application was revised, and resubmitted with updated technical studies to support a revised development concept.

Discussion

Proposal

The applicant is proposing to rezone the subject lands from Provincial Urban Centre Zone (UC-P) to a site specific Provincial Urban Centre Zone ((H) UC-P-154) with a Holding Provision. The proposal is for a mixed-use development, inclusive of 303 residential condo units in a 12 storey building with retail space on the ground floor. In addition, 28 townhouses 3 storeys in height, located in 2 buildings, are proposed along the eastern property boundary. A total Floor Space Index (FSI) of 2.64 is proposed. York Region has advised that no access will be permitted onto Yonge Street and as such, access will be provided off of the existing driveway from Millard Avenue. Parking spaces are proposed at 413 spaces and 200 bicycle spots. Indoor and outdoor amenity spaces will be provided with both exceeding the requirements (463 sqm indoor proposed - minimum required is 455 sqm and 762 sqm outdoor proposed – minimum required is 497 sqm).

This application was submitted prior to the Urban Centres By-law (By-law 2019-06) and as such, has been reviewed under By-law 2010-40. By-law 2010-40 requires significantly more parking than Bylaw 2019-06. Under 2010-40, this site requires a total

of 544 parking spaces. Under the Urban Centres Bylaw (2019-06) a maximum of 413 total spaces are required. Staff feel that it is appropriate to amend By-law 2010-40 to allow for the current parking requirements that would have been applied to this site if this application came in under 2019-06.

The specific proposed zoning exceptions are outlined in Table 1 below:

Table 1

	UC-P	Proposed (H)UC-P-154 Zone
Min. Yard Setbacks		
From front lot line	3.0m	2.5m
From side lot line		
One side (or exterior)	3.0m	6.0m
Other side (or interior)	3.0m	6.5m
Max. Yard Setbacks		
One side (or exterior)	6.0m	6.5m
Max. Floor Space Index	1.25	2.64
Max. Height	24m (*2) (8 storeys)	40.1m (12 storeys)
Parking	544	413

Concept Plan and Rendering

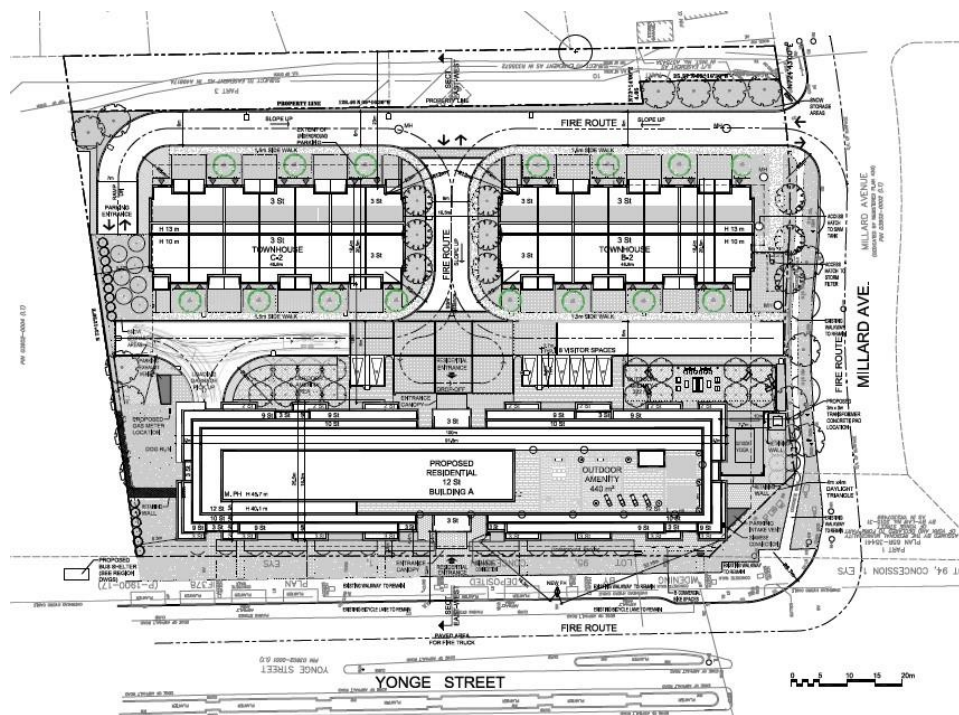


Figure 1: Conceptual Plan



Figure 2: North – East Facing Rendering



Provincial Policy Statement (PPS) and Provincial Plans

The *Planning Act* requires planning decisions to be consistent with the policy statements issued under subsection (1) of the Act, and shall conform to provincial plans in effect on that date, or shall not conflict with them. The current policy statement is the Provincial Policy Statement 2020 (the “PPS”). The applicable provincial plans are: the A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the “Growth Plan”) and, the Greenbelt Plan 2017 (the “Greenbelt Plan”).

This application supports and is consistent with the Provincial Policy Statement’s (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing intensification on an underutilized site, and will assist in building complete communities, located along a Regional Corridor served by transit and within the Province’s Built Boundary.

Region of York Official Plan

The subject property is located along a Regional Corridor and is designated Urban Area in the Region of York Official Plan. The Regional Plan is clear that the Region’s Centres and Corridors are to be the primary locations for the most intensive and greatest mix of development within the Region, and that development within Regional Centres and Corridors are to be of an urban form and design that is compact, mixed use, oriented to the street, pedestrian and cyclist friendly, and transit supportive. This application supports and is consistent with these policies.

Town of Newmarket Official Plan

The subject property is designated Yonge Davis Provincial Urban Growth Centre (YDPUC) in the Town’s Official Plan. The YDPUC is envisioned as a meeting place, location for cultural facilities, public institutions, major services and transit hubs. This area is intended to be a hub within York Region and beyond for commercial, recreational, cultural and entertainment activity that provides for a significant share of population and employment growth within Newmarket.

The YDPUC will be the focus of intensification for residential and employment uses. The Official Plan policies encourage mixed use development at densities of 200- 250 persons and employees per hectare. The YDPUC currently has a maximum density (measured by floor space index (FSI)) of 1.25 FSI for Phase One and a FSI of 2.5 and above for Phase Two. The Official Plan contains policies that allow for the consideration

of greater densities, provided supporting background studies are completed which demonstrate that the development will not create unacceptable impacts with respect to transportation, shadowing impacts, urban design and landscaping, built form compatibility, energy efficiency and servicing and infrastructure capacity. The subject development proposes an FSI of 2.64 and a range of studies were submitted with the application to support the increased FSI.

It is the opinion of staff that this application supports and is consistent with the policies of the Official Plan.

Urban Centres Secondary Plan

The subject property is located within the Urban Centres Secondary Plan area. Although the application was submitted and deemed complete prior to the enactment of the Secondary Plan, the policies have still been reviewed to ensure the application maintains the general intent of the Plan.

The Secondary Plan's main objective is to support the redevelopment and intensification of the Yonge and Davis Urban Centres. The Plan permits a mix of uses across the majority of the Plan area in an effort to support walkability and the development of a complete community, and sets out minimum and maximum building heights and densities throughout the Plan area.

This application satisfies the Secondary Plan's policies in terms of the intensification of the Urban Centres through the redevelopment of underutilized properties and adds a residential land use component which is permitted as an element of a mixed use community. Using the Town's persons per unit number of 1.95 for apartments units and 2.63 for townhouses, as provided by the Region of York, the development would introduce 665 new residents to the Town's Urban Centres.

It is the opinion of staff that this application generally supports and is consistent with the policies of the Secondary Plan, and will help re-urbanize the Yonge Street corridor. In particular, the Secondary Plan permits heights up to 12 storeys and a Floor Space Index (FSI) up to 2.5 (and 3.0 with bonusing) in this area. The proposed development meets the height and proposes an FSI of 2.64. Although the FSI is higher than the Secondary Plan, as noted above, this application was submitted prior to the Secondary Plan policies. Further, Schedule 5 of the Secondary Plan contemplates a future north-south private lane through this property and this proposal protects for that in the future.

Servicing Allocation

To date, servicing has not been allocated to this development. Allocation is being recommended through the Annual Servicing Allocation Report, at the May 3, 2021 Committee of the Whole Meeting. In accordance with the Servicing Allocation Policy, this proposal is located within the highest priority area identified in the Policy, and as such, staff are recommending that full allocation for this project be granted. A Holding

provision in the By-law is also proposed to ensure servicing is in place prior to the development proceeding.

Holding Provision

In accordance with Section 36 of the *Planning Act*, Council may impose Holding provisions ('H') on a Zoning Bylaw Amendment to limit the use of land until the 'H' provisions are removed. The proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement
- Servicing Allocation
- Clean Record of Site Condition

Conclusion

The proposed Zoning Bylaw Amendment has been circulated to the Town's internal departments and external agencies. Notice has been provided to persons and public bodies under the *Planning Act*.

A statutory public meeting was held on August 29, 2011 and a non-statutory meeting was held on May 22, 2019. A Memorandum of Understanding was entered into with the applicant and an adjacent residents group.

The application supports the goals of the Urban Centres Secondary Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement.

Further refinement will take place through detailed design as part of the Site Plan Application, within the parameters of the proposed zoning.

Business Plan and Strategic Plan Linkages

- Vibrancy on Yonge, Davis and Mulock.

Consultation

Public Consultation

Statutory Public Meeting and Public Information Centre (PIC)

A statutory Public Meeting was held on August 29, 2011 as required by the *Planning Act* and a Public Information Centre (PIC) was held on May 22, 2019.

Memorandum of Understanding (MOU)

Following the Public Meeting, the applicant worked with the residents to the east of the site to resolve certain issues regarding height, visual impact and density. The result of

this added consultation was the creation of a Memorandum of Understanding (MOU) in February, 2013 and updated in April 2019. The MOU is between the applicant and the designated representative of the residents group and sets out height and density maximums and step-back requirements. The applicant's proposal conforms to the MOU.

Internal Departments & External Agencies

The application and associated reports relating to traffic, servicing, stormwater and a planning justification report, were circulated to internal departments and external agencies. Comments provided back indicate there is no objection to the proposed Rezoning application with the inclusion of a 'Holding' provision. Detailed design comments relating to such items as: storm water management, sediment and erosion control plans, landscaping details, and urban design will be addressed through the review of a Site Plan application.

The Region of York, Lake Simcoe Region Conservation Authority, and our internal departments, including Engineering, Landscaping and Planning have advised that all technical comments will be addressed through the Site Plan Application. A Holding provision is proposed to address Site Plan approval. A complete Site Plan application has not yet been submitted, but would be the next step in the planning process following zoning approval.

Human Resource Considerations

None

Budget Impact

The appropriate planning application fees have been received for a zoning bylaw amendment application. The Town will also receive revenue from development charges and assessment revenue associated with this development.

Attachments

Schedule A – Location Map

Schedule B – Proposed Bylaw

Submitted by

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Approved for Submission

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Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

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