



PLANNING AND BUILDING SERVICES
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March 10, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES
REPORT 2016-10**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning By-law Amendment
16333 Leslie Street, Block 102, Plan 65M-3963
Northeast corner of Leslie St. and Veterans Way
724903 Ontario Inc.
Files: D14-NP1523 (ZBA) and D9-NP1523(OPA)**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-10 dated March 10, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendation(s) be adopted:

- a) **THAT the Application for Official Plan Amendment and Zoning By-law Amendment , as submitted by 724903 Ontario Inc. for lands being composed of part of Block 102, Plan 65M3963, Municipally known as 16333 Leslie Street be referred to a public meeting.**
- b) **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.**
- c) **AND THAT Janice A. Robinson, Goldberg Group, 2098 Avenue Road Toronto, ON M5M 4A8 be notified of this action.**

COMMENTS

Location and Surrounding Land Uses

The Subject Lands are located at the northeast corner of Leslie Street and Veteran's Way (See Location Map attached). The property has an area of approximately 0.28 hectares and has a frontage on Veterans Way of approximately 40m and frontage on Leslie Street of approximately 53 metres. The site also fronts Ralston Crescent and is municipally known as 16333 Leslie Street.

The subject property is currently vacant and was previously used for a sales office for the adjacent residential development. The following are the adjacent land uses:

North: Existing two storey detached dwellings fronting onto Ralston Crescent and facing Leslie Street.

South: Existing Stormwater Management Facility

East: Existing two storey detached dwellings along Ralston Crescent and Veteran's Way.

West: Existing Detached Dwellings on the west side of Leslie Street.

Proposal

The applicant is proposing to amend the Official Plan by replacing the existing Commercial designation with the Emerging Residential designation to allow for the proposed townhouse dwelling type. The application also proposes to rezone the subject lands from the Convenience Commercial – Exception 78 (CC-78) zone to the Residential Townhouse Condominium Plan Dwelling (R4-CP) zone to permit a condominium consisting of 10 at grade townhomes on the subject lands. The access is proposed from Veteran's Way to an internal driveway accessing the garages for the units. The units are proposed to be 4 storeys in height and oriented towards the external streets of Veteran's Way and Ralston Crescent. Two visitor parking spaces are proposed on site along with an outdoor amenity space located at the corner of Leslie Street and Veteran's Way.

Preliminary Review

Official Plan Considerations

The subject property is designated Commercial on Schedule "A" Land Use Plan in the 2006 Official Plan. The permitted uses within the Commercial designation include a range of retail and service commercial uses. The applicant is applying to replace the existing designation on the subject lands to the Emerging Residential designation to permit ground related townhomes.

Including convenience and service commercial uses within or adjacent to new and existing neighbourhoods is an important aspect of a complete community. The presence of commercial uses allows residents to take advantage of the services offered without reliance on an automobile and promotes active transportation. The Region of York, in their comments on this application, encourage the Town to consider the role of the existing 'Commercial' designation and how it would serve the surrounding residential area.

While the Official Plan permits and encourages convenience commercial uses within and adjacent to residential communities, it is not mandated from a policy perspective.

Section 3.0 of the Official Plan regarding residential areas indicates that limited intensification is permitted in Stable residential and Emerging Residential areas in a form and location that will maintain the residential character and amenities.

The proposal has been designed to include a landscaped buffer strip of approximately 4 metres along the easterly boundary of the site where it abuts existing residential dwellings. There is also a board on board privacy fence existing along this boundary. The buildings are orientated to the public roads to eliminate any back lotting and provide an appropriate streetscape. Pedestrian access to Leslie Street is detailed on the plan however should be reworked to eliminate the proposed steps to ensure accessibility.

The proposed development is generally compatible with the surrounding land uses being predominantly 2 storey detached dwellings. Arguably, the impacts of the residential townhouse development on the adjacent residential properties are less than what would occur with a commercial development having more activity including loading and unloading.

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.

Zoning Bylaw Consideration

The Subject Property is currently zoned Convenience Commercial – Exception 78 (CC-78) zone by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Condominium Plan Dwelling (R4-CP) zone to permit a condominium consisting of 10 at grade townhomes on the subject lands. If this development is approved, the by-law will include specific development standards that would implement the plan. Of particular note is the request to have a maximum height set at 14m (4 storeys); and to have the parking requirements met by having parking spaces within a garage where typically the Town would require the spaces be external to a garage. These standards will continue to be reviewed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

- “3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
 - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
 - c. potential nuisance effects upon adjacent uses are mitigated;
 - d. adequate municipal services are available;
 - e. the size of the lot is appropriate for the proposed use;
 - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
 - g. the on-site parking, loading and circulation facilities are adequate; and,
 - h. public notice has been given in accordance with the *Planning Act*.”

As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Roads and Traffic

Transportation Services concurs with the findings of the Traffic Opinion Letter provided with the application. It is not anticipated that traffic operations will be an issue and that the traffic impact would be less compared to a commercial use. As Leslie Street is a Regional Road, Regional Transportation Planning has also provided comments. They have no objection to the OPA application; however, have provided some technical comments that are to be address at the site plan stage if this development is approved.

With regard to the internal operations of the private road, concerns have been raised regarding the request for a reduction in visitor parking from three to two spaces, the adequacy of the proposed hammer-head for manoeuvring purposes and the limited exterior parking for the dwelling units. Two parking spaces are intended to be provided for in a private garage with a minimal driveway of 4m deep in front of the two car garage. It is suggested that, if this development is approved, the condominium or development agreement stipulate that the garages shall be kept free and clear of items to ensure that two parking spaces are available.

Grading, Sanitary Sewage, Water Distribution and Storm Drainage

Engineering Services have indicated that the grading, water, sanitary, and stormwater management presented demonstrates that the proposed use can be graded and serviced in an acceptable manner. While Engineering Services have no objection to the proposed Official Plan and Zoning By-law Amendments in principal, the final design will require modification to address the comments in their letter and noted above.

Noise analysis

The noise report has indicated that projected sound levels are predicted to be above the sound level criteria at the outside walls of the dwellings and for some of the roof patios (Outdoor Living Area). The report indicates that it is feasible to control sound levels within the outdoor and indoor areas of the proposed development to meet the stated criteria.

Shadow Study

A shadow study has been completed which indicates the rear yards of existing residential properties will be impacted by shadows, but not significantly more than if a two storey single family dwelling were sited with similar setbacks.

Servicing Allocation

Servicing allocation has not been granted for this proposed development.

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 PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. 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 Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.0 of the PPS, Building Strong Healthy Communities, discusses the importance of Ontario's long term prosperity, environmental health and social well-being and the relationship to wisely managing change and promoting efficient land use and development patterns.

This section of the PPS indicates that healthy, liveable and safe communities are sustained by:

Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (1.1.1.e);

Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for and efficiently use available infrastructure and public service facilities, support active transportation and are transit-supportive (1.1.3.2.a);

Land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated (1.1.3.2.b);

Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or area, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3);

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4);

A land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation (1.6.7.4);

Transportation and land use considerations shall be integrated at all stages of the planning process (1.6.7.5), and

To support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which promote compact form and promote the use of active transportation and transit (1.8.1.a and b).

It appears the this proposal is consistent with the Provincial Policy Statement.

Regional Planning Policy Context

The Region of York have provided comments indicating that the "...subject lands are designated 'Urban Area' on Map 1 of the York Region Official Plan (YROP – 2010). The Urban Area designation permits a wide range of residential, industrial, commercial and institutional uses. While the Urban Area designation is broadly applied at a Regional scale, the local Official Plan designation provides for more context for the subject lands. In this case, it appears that the residential community surrounding the subject lands does not have any commercial area within a reasonable walking distance. The redesignation of the subject lands to 'Emerging Residential' will result in a lost opportunity to have a commercial use serving the needs of the local neighbourhood. The YROP-2010 recognizes a strong relationship between walkability and proximity of uses within communities and the need to design to encourage walking, cycling and transit use. Effective urban form is also essential in creating vibrant complete communities. The Region encourages the Town to consider the role of the existing 'Commercial' designation and how it would serve the surrounding residential area and assist in creating a complete community."

The Region continues by identifying the site within a Wellhead Protection Area and subject to the Lake Simcoe Protection Plan. They encourage an integrated and innovative approach to water management and recommend the development be designed to achieve energy levels that exceed the Ontario Building Code in terms of water efficiency, solar gains and green building standards.

With regard to roads and traffic, the Region have provided no objection to the request for Official Plan Amendment and have also provided some preliminary comments to be addressed through the site plan process if these applications are approved.

Departmental and Agency Comments

Engineering Services have provided comments on the submitted reports outlined above.

Agency Comments

The Town has also received comments from various agencies that will be addressed throughout the planning process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This application has linkages to the Community Strategic Plan as follows:

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for 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.

Capital Budget

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

Conclusions

The applications for Official Plan and Zoning By-law Amendments are sufficiently advanced to warrant a referral to the required statutory public meeting to garner input from the community. The site specific zoning standards will continue to be reviewed through the process. In order to address the concerns raised in this report and the comments provided on the applications, a modification of the design is required which may see a reduction in unit count to accommodate proper vehicular circulation on the site.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

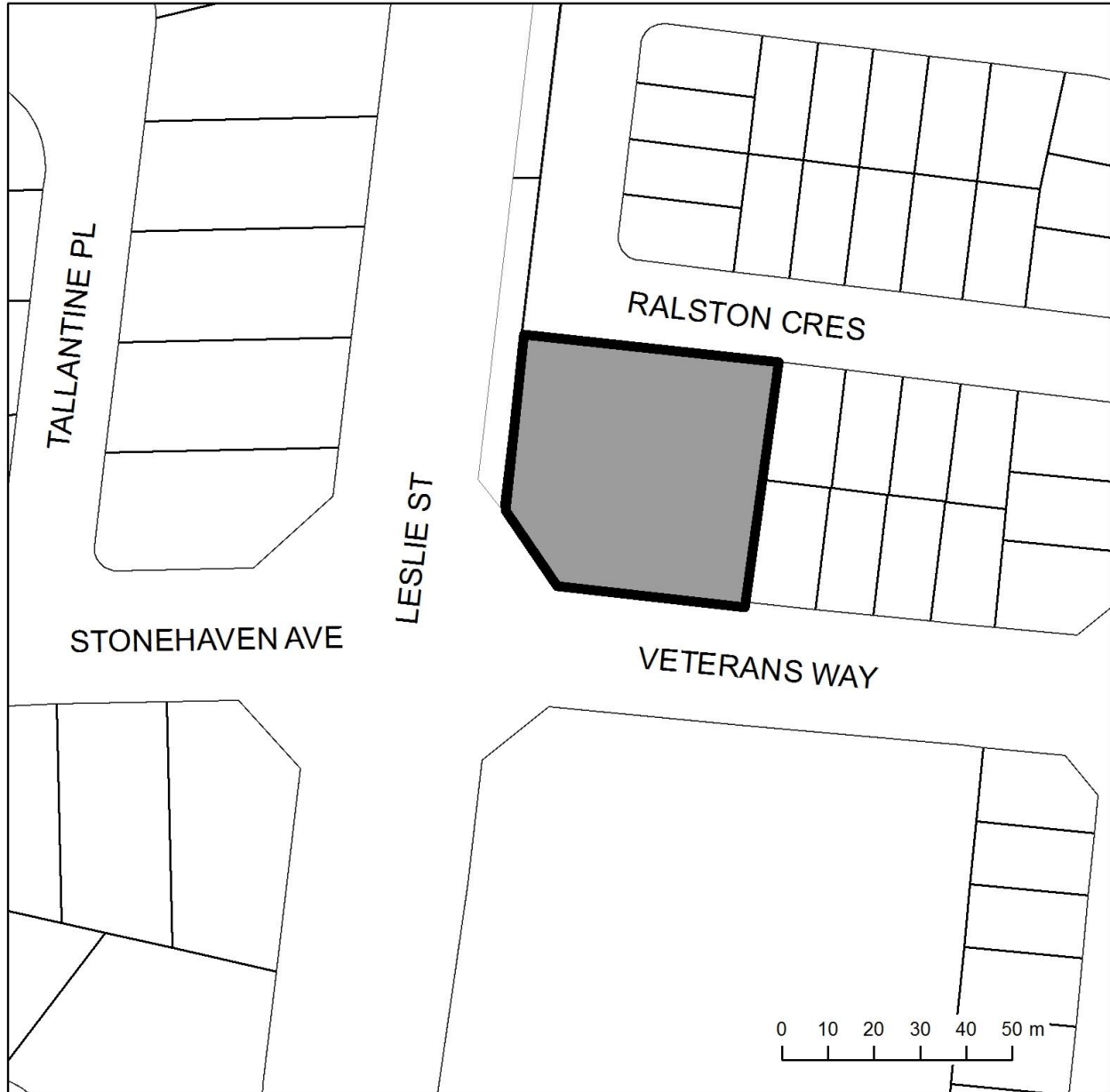
- 1 - Location Map
- 2 - Proposed site plan
- 3 – Proposed conceptual Landscape Plan
- 4 – Perspective Elevations

Commissioner Development and Infrastructure
Services

Director of Planning and Building Services

Senior Planner – Community Planning

LOCATION MAP
16333 Leslie Street
Block 102, Registered Plan 65M-3963
Northeast corner of Leslie Street and Veterans Way



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT



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