



PLANNING AND BUILDING SERVICES

Town of Newmarket

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April 20, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-13

TO: Committee of the Whole

SUBJECT: Application for Zoning By-law Amendment
345 and 351 Davis Drive
1738357 Ontario Ltd.
File No: D 14-NP-13-29

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services 2016-13 dated April 20, 2016 regarding an application for a zoning by-law amendment be received and the following recommendation(s) be adopted:

- 1. THAT the application for zoning by-law amendment, as submitted by 1738357 Ontario Ltd. For lands being located at 345 and 351 Davis Drive, be approved and that staff be directed to prepare the necessary Zoning By-law Amendment including a Holding Provision, as necessary;**
- 2. AND THAT Andrew Fernacik, Walker, Nott, Dragicevic Assoc. Limited, 90 Eglinton Avenue East, Suite 970, Toronto, Ontario, M4P 2Y3, be notified of this action.**

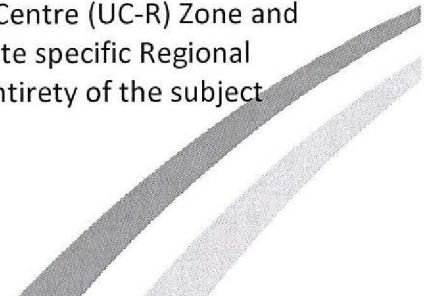
COMMENTS

Location

The subject property is located at 345 and 351 Davis Drive, generally north and west of the intersection of Davis Drive and Vincent Street, hereafter collectively referred to as the "subject property" (see Location Map, attached). The property has an area of 0.32 ha (0.79 acres) and is currently vacant.

Proposal

In order to permit the development of a 40 unit stacked townhouse condominium development this application is proposing to rezone the subject property from the Regional Urban Centre (UC-R) Zone and the Regional Urban Centre Zone Exception 86 (UC-R-86) Zone (dual zoning) to a site specific Regional Urban Centre Zone (UC-R) Zone. This would apply a consistent zone across the entirety of the subject property that recognizes and permits the proposed townhouse development.



The application is also proposing to add “stacked townhouses” as a permitted use, and establish specific development standards across the subject property.

Background

This zoning by-law amendment application was originally submitted in December, 2013. Additional materials including a noise and shadow study were requested by staff, which were subsequently provided by the applicant in March, 2014. The application was deemed complete on March 26, 2014. Staff comments and comments from the public were subsequently provided to the applicant. A statutory Public Meeting was held on September 22, 2014, and a community consultation meeting was held on November 21, 2014 to gather more input from the community regarding the proposal.

Staff identified three main issues with the original application, generally relating to:

1. The interface along the western property line and associated setbacks;
2. Visual impact from the residential properties to the north; and
3. The preference for a joint access from Davis Drive with the property to the east.

There had been no further movement on the file until recently when Town staff followed up with the applicant to assess status. The zoning by-law amendment application was then resubmitted in February, 2016 and includes revisions to address comments previously provided by Town staff, agencies and the public.

Public Consultation

As noted above, Council held the required statutory Public meeting on September 22, 2014. Public comments were centred on the issues of visual impact, traffic and noise.

Regarding concern over visual impact, the original application included 6 deciduous trees (Shagbark Hickory) along the rear. This resubmission increased the size of these trees at installation from 60mm caliper to 80mm caliper, and they are now proposed in a staggered pattern as opposed to being straight across the property line. In addition, 9 evergreen trees (white spruce) are now proposed along the rear fence line, having a size at installation of 350 cm caliper.

Concerns were also expressed regarding traffic. The subject property is located on Davis Drive, which is a regional arterial road recently improved through a Viva Rapidway. As an arterial road, Davis Drive has a planned function of carrying large volumes of traffic. This concern is further mitigated by the presence of the Rapidway, which is intended to facilitate the use of transit along the corridor and therefore decrease the amount of vehicular traffic to/from the site. Regarding potential compatibility issues arising from the noise generated by on-site vehicles, the application proposes underground parking facilities, which will have less noise impacts than a surface parking facility. Finally, the application has been revised to include a long-term access solution involving a shared driveway with the property to the east, thereby reducing the number of access points onto Davis Drive.

Regarding noise concerns, it is likely that the above noted revisions regarding visual impact and traffic impact will also mitigate noise impacts.

Town and External Agency Comments

The resubmission has been circulated internally and to external agencies. The review included original materials and those materials resubmitted as part of this resubmission. None of the commenting parties objected to the approval of the zoning by-law amendment application, and most indicated that more detailed comments will be provide during the Site Plan process.

Where appropriate, revisions were made to the application to respond to the comments received. The more significant revisions are as follows:

- The townhouse blocks have shifted slightly to the east in order to accommodate a walkway and landscaped strip along the west side yard;
- Additional landscaping along the northern property boundary;
- The integration of the development's driveway with that of the neighbouring property to the east;
- Minor adjustments to the interior courtyard regarding grading, terraces and the amenity space in order to accommodate the new walkway along the western property line.
- Numerous engineering revisions regarding servicing, grading, stormwater management, transportation and the environmental condition of the site.

Traffic

Town staff had previously requested a shared driveway configuration with the property to the east, in order to reduce the number of entrance/exits onto Davis Drive. The application has been revised to include such a configuration as a long term solution. However in the short-term, separate access to the subject site and the property to the east are proposed. These short term and long term solutions have been approved by the Region, and through the future site plan approval process, a site plan condition will be included regarding protecting for a potential future interconnection or shared driveway arrangement with the property to the east.

The driveway accessing the adjacent property to the east was recently re-constructed as part of the Viva Rapidway project, including new curbing along the shared property line with the subject property. Over the long-term, this application proposes to replace a section of this curbing with a retaining wall to create a shared driveway with the property to the east. Davis Drive is a Regional right-of-way, and therefore the Region has stated that that they will accept the current proposal showing a shared driveway and retaining wall.

In addition, as requested by Town staff as part of the long term solution, the proposal includes adding an access to the east side of the site, via a Future Private Road/Lane directly to Vincent Street, in conjunction with the neighbouring property.

Noise Feasibility Study

A Noise Feasibility Study was submitted with the application. This study determined that sound levels originating from Davis Drive are predicted to exceed Ministry of the Environment and Climate Change noise guidelines in some areas of the development. The Study recommended noise mitigation measures including rooftop barrier, air conditioning accommodation, upgraded building construction and the use of warning clauses to inform future residents of the traffic noise impacts.

The submitted Noise Report has been peer reviewed by Aiolos Engineering and found to be acceptable.

Parkland

No public parkland is proposed as part of this application. The applicant has confirmed that parkland dedication contribution will be paid to the Town as per the Town's parkland dedication requirements.

Provincial Policy Statement (PPS) and Provincial Plans

This application supports and is consistent with the Provincial Policy Statement (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 located along a Regional Corridor served by surface transit.

Region of York Official Plan

The subject property is located along a Regional Corridor and is designated Urban Area in the Regional Official Plan. The Regional Plan is clear that 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 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 Urban Centre in the Town's Official Plan (Yonge Street Regional Centre). The Official Plan is clear that the Urban Centres have a high potential for redevelopment and will be the focus for the intensification of residential and employment uses. Further, higher density housing and employment uses in Urban Centres are encouraged by the Plan as a means of enhancing the feasibility of transit services, increasing ridership, alleviating traffic congestion and reducing reliance on the automobile. This application supports and is consistent with these policies.

The application proposes 40 units on a 0.29 ha property, therefore proposing 138 units per hectare. Specific to the Yonge Street Regional Centre, residential uses in the 30 to 125 units per net hectare range are permitted, however additional densities can be considered, subject to specific study, at a time when a

Secondary Plan has been adopted, and a rapid transit system is operational. With these two criteria in now in place, the proposed density can be supported.

Urban Centres Secondary Plan

The subject property is located within the Urban Centres Secondary Plan area. Although not currently in force and effect, the Secondary Plan has 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 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 many of the Secondary Plan's policies in terms of the intensification of the 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 2.63 for townhouses, as provided by the Region of York, the development would introduce 106 new residents to the Town's Urban Centres.

The subject property is designated "Mixed Use" and "Low Density". The "Low Density" identification permits building heights of between 2-8 storeys and a Floor Space Index (FSI) of between 1.5 and 2.0. Having 3 storeys and a total height of 13.87m, the proposed development satisfies the height requirement. However, the development proposes an FSI of 1.36, therefore the minimum FSI requirement as required by the Secondary Plan is not satisfied. As the application was submitted prior to the enactment of the Secondary Plan, an amendment is not required to address the FSI deficiency.

It is the opinion of staff that this application generally supports and is consistent with the policies of the Secondary Plan, and will appropriately intensify the Davis Drive corridor.

Zoning By-law 2010-40

This application is proposing to rezone the subject property from the Regional Urban Centre (UC-R) Zone and the Regional Urban Centre Zone Exception 86 (UC-R-86) Zone (dual zoning) to a site specific Regional Urban Centre Zone (UC-R) Zone. This would apply a consistent zone across the entirety of the subject property that recognizes and permits the proposed townhouse development.

Regarding zoning standards, the applicant is proposing new standards to permit the proposed development. These new standards are listed on the attached "345-351 Davis Drive Zoning Relief Analysis" table as provided by the applicant, and summarized below.

Both properties (345 Davis Drive and 351 Davis Drive):

- Minimum parking space requirements (Section 5.3.1)

- Entrance/exit width (Section 5.5 viii)
- Loading space requirements (Section 5.6.1)
- Permitted use to allow stacked townhouses (Section 6.4.1)
- Minimum frontage (Section 6.4.2)
- Minimum side yard setback (Section 6.4.2)
- Maximum front yard setback (Section 6.4.2)
- Maximum floorspace index (Section 6.4.2)

Only 345 Davis Drive (relative to the site-specific zoning exception 86 that applies to the property):

- Permitted use to allow stacked townhouses
- Maximum front yard setback
- Minimum side yard setback
- Maximum building height

The Holding Provision under the Planning Act is recommended with the requirements for removal to include allocation of servicing by Council and that the necessary agreements have been entered into.

Servicing Allocation

Servicing has not been allocated to this development. Allocation will be reviewed through the annual servicing allocation review in the spring of 2016.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The redevelopment of this parcel of land is in accordance with the Urban Centres Secondary Plan and has linkages to the Community Strategic Plan as follows:

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

Well-Planned & Connected: implementing the policies of the Urban Centres Secondary Plan.

BUDGET IMPACT

Operating Budget (Current and Future)

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

Capital Budget

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

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



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Assistant Director of Planning



Rick Nethery, MCIP, RPP
Director of Planning & Building Services



Peter Noehammer, P. Eng.
Commissioner Development and Infrastructure
Services

Attachments:

1. Location Map
2. Zoning Relief Analysis Summary
3. Elevations



345-351 Davis Drive Zoning Relief Analysis

April 2016

By-law Section	Requirement	Proposal	Compliance
Section 5- Parking, Loading and Queuing Requirements			
5.3.1 – Minimum Parking Space Requirements for Townhouse or Stacked Townhouse on Private Road	1.5 Parking spaces per dwelling unit – 60 parking spaces	40 parking spaces for residents	Amendment Required
	0.25 visitor parking spaces per dwelling unit – 10 parking spaces	10 visitor parking spaces	Complies
5.5 – Entrances, Exits and Driveways	viii) each entrance and/or exit ramp shall have a minimum width at the street line of 7.9 metres and if undivided, a maximum of 9 metres	The proposed width is 7.52 metres	Amendment Required
5.6.1 – Loading Space Requirements in Urban Centre Zones	Total GFA between 2,323 m ² and 7,432 m ² – 3 loading spaces	1 loading space	Amendment Required
	Location – interior side or rear yard unless the setback from the street line is a minimum of 60 metres	Located in the middle of the lot	Amendment Required
	Size – width 3.6m, length 9m, vertical clearance 4.2m	Width of 3.6 , length of 9m and open to the sky	Complies
Section 6.4 – Urban Centre Zones			
6.4.1 – Permitted Use	Does not permit stacked townhouses	Stacked Townhouses	Amendment Required
6.4.2 Zone Standards			
Minimum Frontage	60 m	44.07 m	Amendment Required
Minimum Front Yard Setback	3 m	6.02 m	Complies
Minimum Rear Yard Setback	9 m plus an additional 3 m for the portion of the building with a height taller than 9 m – total required 12m	12.25 m	Complies
Minimum Side Yard Setback	3 m	West - 1.90 m	Amendment Required
Maximum Front Yard Setback	6 m	6.02 m	Amendment Required
Maximum Floorspace Index	1.0 FSI	1.36 FSI	Amendment Required
Maximum Height	18 m (6-storeys)	13.87 m (4-storeys)	Complies

Zoning Regulation	Urban Centre – Regional Zone	Proposal	Compliance
Section 8.1.1 – Exception 86 (applicable to 345 Davis Drive only)			
Permitted Uses	Only non-residential uses	Stacked Townhouses	Amendment Required
Minimum Front Yard Setback	22 m	6.02 m	Amendment Required
Minimum Side Yard Setback	3.6 m on one side 1.0 m on the other side	1.90 m	Amendment Required
Maximum Building Height	10.5 m	13.87 m	Amendment Required
Minimum Driveway Width	6.0 m	6.7 m	Complies
Landscape Buffer	A minimum buffer area and planting strip between a parking area and the easterly side lot line shall be 0.97 metres	N/A	N/A
	A minimum buffer area and planting strip between a parking area and the westerly lot line shall be 1.5 metres.	N/A	N/A
Parking Spaces	Parking spaces shall be permitted to be located a minimum of 0.97 metres from the easterly side lot line and 1.5 metres from the westerly lot line.	N/A	N/A

08 BLOCK 2 EAST ELEVATION

08
A031



14 PERSPECTIVE 2

14
A031



07 BLOCK 2 EAST ELEVATION

07
A031



13 PERSPECTIVE 1

13
A031

