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Zoning By-law Amendment and Draft Plan of Subdivision – 1038 & 1040 Jacarandah Drive Staff Report to Council

Report Number: 2023-30

Department(s): Planning & Building Services

Author(s): Janany Nagulan, Planner, Planning Services

Meeting Date: May 8, 2023

Recommendations

1. That the report entitled Zoning By-law Amendment and Draft Plan of Subdivision – 1038 & 1040 Jacarandah Drive dated May 8th, 2023 be received; and,
2. That the applications for Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by 2529437 Ontario Ltd. for lands municipally known as 1038 & 1040 Jacarandah Drive, be approved, and that staff be directed to present the Zoning By-law Amendment, including necessary Holding provisions, to Council for approval; and,
3. That the approval of the Draft Plan of Subdivision 19TN 2021 001 is also subject to the schedule of conditions set out in Schedule D attached to and forming part of this report; and,
4. That 2529437 Ontario Ltd and MHBC Planning, Urban Design & Landscape Architecture, be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Staff are recommending approval of the proposed Zoning By-law Amendment and Draft Plan of Subdivision to permit the development of 20 semi-detached units and 3 single-detached units on the subject lands municipally known as 1038 & 1040 Jacarandah Drive. The recommendations, if adopted, would result in a Zoning By-law amendment to

rezone the subject property to a site-specific zone to allow the proposed development. The Zoning By-law Amendment includes a Holding Provision for servicing allocation as servicing has yet to be allocated for the proposal. Conditions of Draft Plan Approval are attached to the report that is to be.

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

If Council adopts the recommendations of this report, the Zoning By-law amendments will be presented to Council for adoption.

Purpose

The purpose of this report is to provide to Council a recommendation regarding the Zoning By-law Amendment and Draft Plan of Subdivision for the subject properties municipally addressed as 1038 & 1040 Jacarandah Drive.

Background

Application History

The proposed Zoning By-law Amendment application was initially submitted in 2017, with a resubmission in 2020. However, the applicant applied additionally for a Draft Plan of Subdivision in 2021. There have been subsequent submissions in 2022 and, most recently, in 2023. There have been two statutory public meetings for this proposal. The first was held on March 28, 2022, however, due to technical issues regarding access to application documents a second public meeting was held on May 9, 2022.

Subject Lands

The subject lands are comprised of two parcels, municipally known as 1038 & 1040 Jacarandah Drive. The parcels have a combined area of 0.45 hectares (1.11 acres) and are located one block west of Leslie Drive on Jacarandah Drive (Appendix D and Figure 1 below). There is currently a single-detached home on each property.

The surrounding lands to the north, south and west consist of existing single detached dwellings on Jacarandah Drive and Banksia Crescent. On the lands east of the proposed development, an existing church (New Apostolic Church) is located on the corner of Jacarandah Drive and Leslie Street. Finally, a townhouse development is located off Leslie Street is located on Brook Garden Marsh.

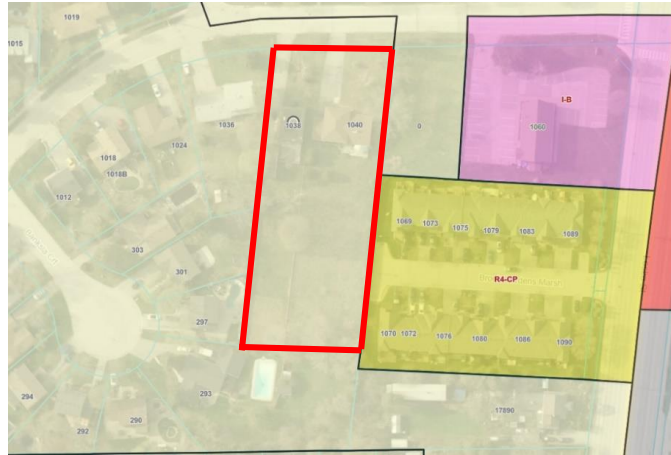


Figure 1 - Location Map showing surrounding zoning

Discussion

Proposal

The development proposal includes an application for a Zoning By-law Amendment and a Draft Plan of Subdivision for 20 semi-detached units and 3 single-detached units on the subject lands, for a total of 23 new dwellings.

Since its initial application in 2017, the proposal has undergone revisions largely to address technical comments provided by the Town, agencies and the public. The application now provides two exterior parking spaces per unit, increased rear yard setbacks, removed third storey balconies and incorporated smaller second-storey balconies to minimize overlook and provides various dwelling types.

Each dwelling unit includes private amenity spaces in the form of private rear yards and second-storey balconies. These balconies are proposed on the second floor and due to their reduced size, do not impact the privacy of neighbouring properties. Additional measures to increase privacy will be taken at the future site plan stage and will include measures such as adding privacy planting and higher privacy fencing along the backyards.

The proposed infill development will have a T-shape internal condominium road with 8 semi-detached units on the west side of the property (Units 16- 23), 8 semi-detached units with 2 single detached units bookending the units on the east side (Units 1-10) and 4 semi-detached units with one single detached unit (Units 11-15) on the south side of the property (see Figure 2).

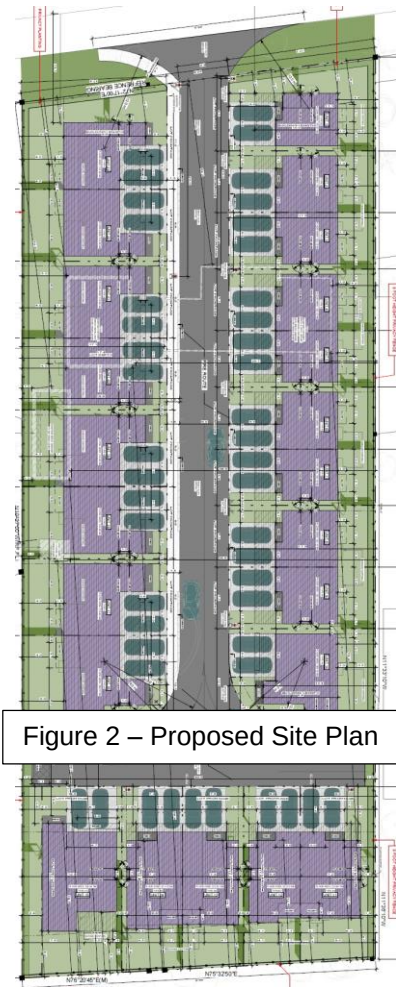


Figure 2 – Proposed Site Plan

Planning Policy Context

Provincial Policy Statement (PPS) 2020

The Planning Act requires planning decisions to be consistent with the policy statements issued under subsection (1) of the *Act* and shall conform to the provincial plans in effect on the date or shall not conflict with them. The policy statement referred to in this report will be the Provincial Policy Statement 2020 (the “PPS”). The PPS provides overall policy direction on matters of provincial interest related to land use and development in Ontario.

The PPS speaks to municipalities facilitating a mix and range of housing options and intensification, directing development to locations with existing infrastructure, promoting transit supportive densities and facilitating compact urban form.

The proposal was originally submitted before the Provincial Policy Statement 2020 was in place however, the proposed Zoning By-law and Draft Plan of Subdivision applications support and are consistent with the Provincial Policy Statement 2020 as well as its predecessor, Provincial Policy Statement 2014, in that it provides various

housing types and intensification to achieve growth and urban vitality while making efficient use of the existing infrastructure.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe sets out policies and provides guidance to manage growth in the Greater Gold Horseshoe. The Growth Plan was approved in Ontario in 2006, 2017, 2019, and 2020.

The proposal supports the policies of the Growth Plan by providing growth within existing built-up areas, assisting in building complete communities and improving the diversity of housing stock in Newmarket. The development proposal meets the following objectives of the Growth Plan by:

- Providing a mix of built forms
- Providing a range of size and types of dwelling units
- Supporting the effective use of land, existing services, and infrastructure.

The proposal will be replacing 2 existing single detached dwelling with 20 semi-detached units and 3 single detached units. The proposed number of units is an effective use of land as it will be using existing services and surrounding infrastructure.

York Region Official Plan (YROP)

The subject lands are designated as part of the “Urban Area” in the YROP, which is focused on accommodating growth. A minimum of 40% of all residential development in York Region is to occur within the built-up area, which includes the subject lands. The proposal generally supports the intensification policies set in the YROP adopted in 2022 as well as the previous Plan from 2010.

The proposal provides an appropriate transition of built form from the existing single detached homes to the existing townhouse development. The proposal provides a range of built forms which is consistent with the existing community.

Town of Newmarket Official Plan (OP)

The subject lands are designated “Residential Area” on Schedule A – Land Use of the Town of Newmarket Official Plan. The Official Plan’s objectives include providing a range of residential housing types, tenure, sizes and locations; establishing zoning standards that respect the existing physical character of the surrounding neighbourhood; and finally encouraging a range of innovative and affordable housing types, zoning standards and subdivisions designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained. The Official Plan also recognizes the desirability of gradual, ongoing change by allowing for contextual-sensitive developments through Planning Act applications.

The Official Plan indicates that the predominate use of land in the Residential Areas shall be residential in the form of single-detached and semi-detached dwellings, as Zoning By-law Amendment & Draft Plan of Subdivision - 1038 & 1040 Jacarandah Drive

permitted. As previously stated, the proposal is made up of semi-detached and single-detached dwellings. The proposal is situated between single-detached dwellings and a townhouse development on the east end of Jacarandah Drive approaching Leslie Street. The proposed built form allows for efficient use of land and infrastructure. The proposal provides a transition in density and adds to the various types and sizes in the area. Based on the above, it is staff's opinion that the development is compatible with the existing neighbourhood.

Section 16.1.1 of the Official Plan outlines the items that need to be considered by Council when considering an amendment to the Zoning By-law:

a. The proposed change is in conformity with this Plan;

The proposal is in conformity with the Official Plan as the development of semi-detached units and single detached units, are permitted in the Residential Area designation.

b. The proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

Existing single-detached lots abuts the property to the west and south, and a townhouse development is located to the east. The proposed development includes unit types generally found in the area and adds to the diversity of unit types in the area.

c. Potential nuisances effect upon adjacent uses are mitigated

The proposed rear setback of the units located on the west and south side of the development, which are adjacent to the backyards of the existing residential properties, are larger than the rear setback proposed for the units on the east side, which will be adjacent to the side yard condition of the existing townhouse development. The proposed balconies are limited to the second-storey (not the third) and will encroach a maximum of 1 meter into the rear yard. Finally, the applicant proposes eight-foot fences and landscape plantings to mitigate inconveniences which will be implemented through future site plan approval process.

d. Adequate municipal services are available;

The applicant has provided reports that Engineering Services have reviewed, and the proposal is not expected to have a significant impact on municipal services. A holding provision will be included with regard to servicing allocation.

e. The size of the lot is appropriate for the proposed use;

The size of the lots are appropriate for the single detached and semi-detached dwellings proposed.

f. The site has adequate road access and the boundary roads can accommodate the traffic generated;

The applicant has provided a traffic brief that has been reviewed by Engineering Services, and there are no concerns. The site has adequate road access to Jacarandah Road, and there are no concerns with the ability of the street to accommodate the potential traffic.

g. The on-site parking, loading and circulation facilities are adequate; and
The proposed number of exterior parking spaces for each unit meets the parking requirements per Zoning By-law 2010-40, as amended. The proposal does not require site specific parking requirements.

h. Public notice has been given in accordance with the Planning Act.

Public notice has been provided in accordance with the Planning Act.

Compatibility and Site Suitability

Section 12.4 of the Town's Official Plan speaks to compatibility requirements. The policies consider the appropriateness of development as it relates to the character of the area and the existing and proposed built form elements, such as height, massing, and setbacks that are incorporated into surrounding buildings.

The proposal is comprised of single detached and semi-detached dwellings. The surrounding area is comprised of single detached dwellings. Both single detached and semi-detached dwellings are deemed to be compatible with each other and are therefore permitted by the Official Plan in the same designation. The proposal is located between existing single-detached homes on the west and an existing townhouse development on the east (see Figure 3 below).

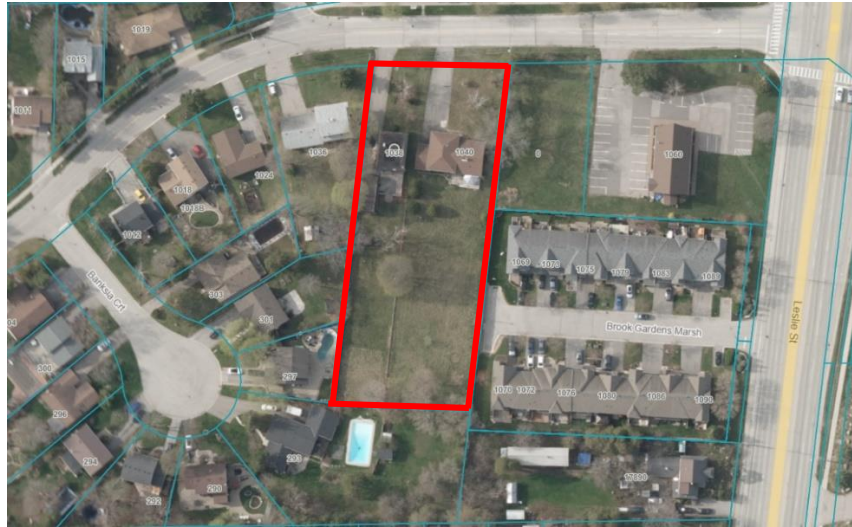


Figure 3 – Subject Property and Neighbourhood Context

As shown in the cross section below (Figure 4), the proposed semi and single detached units are three stories in height however, they are in line with the massing of the neighbouring single-detached homes. The units are setback further on the west and south sides of the property (5m) where single-detached homes are located. The setbacks for the proposed dwellings and the existing dwellings are a minimum 8m apart.



Affordable Housing

Section 3.9.3 of the Town's Official Plan requires a minimum of 25% of new housing development outside the Urban Centres Secondary Plan to be affordable to low and moderate income households. The 25% minimum is a total of all development applications outside the Urban Centres and may not necessarily be provided by each individual application. This policy also requires that applications include a range of types, unit sizes, and tenures to offer opportunities for all household types, including larger families, seniors and persons with special needs.

The proposed Zoning By-law Amendment expands the range of built form permitted on the subject lands to include semi-detached homes. This will increase the affordability in the area as semi-detached units typically sell at a lower price point than single detached

units. In addition, a draft plan condition has been included that will require further actions to achieve deeper levels of affordability at a larger scale and continued discussion will occur through the site plan process regarding the options for affordability for this proposal.

Town of Newmarket Zoning By-law 2010-40

The subject lands are currently zoned Residential Detached Dwelling 15m Zone (R1-D) of the Town's Zoning By-law 2010-40, as amended. The application would create a site specific (R2-H-165) zone for the site that would permit 20 semi-detached units and 3 single detached units with site specific zoning standards. This includes specific provisions for height and setbacks. The applicant has made multiple revisions to their proposal to meet parking requirements per the zoning by-law, which require two exterior parking spaces per unit, as well as addressing compatibility comments.

Draft Plan Conditions

Draft plan conditions have been prepared for the proposed draft plan of subdivision, contingent on the approval of this report. These conditions generally address technical items to be addressed.

Servicing Allocation

Servicing has not been allocated to this development. Should the rezoning be approved, servicing allocation would be considered part of the annual servicing report, which will be scheduled for a future Committee of the Whole Meeting. A Holding provision would be applied as part of the new zoning to ensure servicing is in place before the development proceeds.

Holding Provision

In accordance with Section 36 of the Planning Act, Council may impose Holding provisions ('H') on a Zoning By-law Amendment to limit the use of land units after the 'H' provisions are removed. In the application, the proposed Zoning By-law Amending will include the following Holding provisions:

- Servicing Allocation
- Site Plan Approval
- Tree Removal Compensation

Conclusion

The proposed Zoning By-law Amendment and Draft Plan of Subdivision have been processed in accordance with the Planning Act, and these have been circulated to the Town's internal departments and external agencies. No concerns have been identified with the approval of the subject application and department and draft plan conditions have been provided.

The applications support the goals of the Official Plan and is consistent with and conforms to the with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, York Region Official Plan, and the Town's Official Plan.

Staff recommend approval of the applications, subject to specific holding provisions. Further review and refinement of the application will be part of the site plan approval process.

Business Plan and Strategic Plan Linkages

Well – Planned & Connected - The proposal provides additional housing types and built-forms in the existing community to add to the diversity of housing and represents efficient redevelopment along existing servicing.

Consultation

Agency and Public Comments

The development proposal has been circulated internally and externally to the public and the Town's review partners. Comments received indicate that there is no objection to the proposed Zoning By-law Amendment and Draft Plan Approval.

Engineering Services

Engineering Services has no further comments regarding the Zoning By-law Amendment and Conditions of Draft Approval. Outstanding comments and concerns can be addressed at the Site Plan stage. No Conditions of Draft Approval were provided.

Lake Simcoe Region Conservation Authority

A number of technical comments were provided for the development including stormwater management. However, Lake Simcoe Region Conservation Authority has provided Conditions of Draft Approval to be added as part of the Subdivision agreement to address such comments.

Effect of Public Input

As noted, statutory Public Meetings were held on March 28, 2022 and again on May 9 2022.

Comments were received from the public at the statutory Public Meetings and through email. The effect of this input, or the way in which the matters raised by the public were otherwise addressed, are discussed below.

Parking

The proposal was revised to provide two exterior parking spaces as per the Zoning By-law. This included removing units and reconfiguring the site. As such there are no site-specific standards required in the By-law for parking.

Traffic

A Traffic Brief was provided as part of the submission. It has been reviewed and no further comments were provided at the stage. Further review will be conducted at the site plan stage.

Privacy

The proposal was revised to provide larger rear yard setbacks on the west and south sides of the property where units were adjacent to existing back yards. Also, third storey balconies were removed, and second storey balconies were revised to encroach less into the rear yard for all units. Finally, the proposal includes an eight-foot privacy fence and additional landscape planting, to be implemented through the site plan.

Compatibility

The applicant provided a compatibility study to indicate how the proposal is compatible with the existing neighbourhood. As identified, the building typologies are well-represented in the neighbourhood and building heights are compatible. Building setbacks have been increased along the most sensitive interfaces and are now supportable.

Construction Management

A construction management report is required to be provided at the site plan stage. The report will address traffic management, noise and vibration, and dust control.

Human Resource Considerations

There are no Human Resource requirements as a result of the recommendations in this Report.

Budget Impact

The appropriate planning application fees have been received for the Zoning By-law Amendment and Draft Plan of Subdivision applications. The Town will also receive revenue from development charges and assessment revenue associated with this development.

Attachments

Appendix A – Conditions of Draft Approval

Appendix B – Proposed Zoning By-law

Appendix C – Draft Plan of Subdivision

Appendix D – Location Map

Appendix E – Concept Site Plan

Submitted by

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Approved for Submission

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