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## **Zoning By-law Amendment and Official Plan Amendment – 415 Pickering Crescent Staff Report to Council**

Report Number: 2023-40

Department(s): Planning & Building Services

Author(s): Janany Nagulan, Planner

Meeting Date: June 19, 2023

### **Recommendations**

1. That the report entitled Zoning By-law Amendment and Official Plan Amendment – 415 Pickering Crescent dated June 19th, 2023 be received; and,
2. That the Official Plan Amendment be adopted; and,
3. That the application for Zoning By-law Amendment as submitted by 2425945 Ontario Inc. for lands municipally known as 415 Pickering, be approved, and that staff be directed to present the Zoning By-law Amendment, including necessary Holding provisions, to Council for approval; and,
4. That 2425945 Ontario Inc. and KLM Planning Partners Inc., be notified of this action; and, 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 Official Plan Amendment to permit the development of 24 townhouse units and 4 single-detached units on the subject lands municipally known as 415 Pickering Crescent. The recommendations, if adopted, would result in a Zoning By-law amendment to a site-specific zone allowing 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 to ensure that allocation is provided before final site plan approval and that the Town's affordable housing policies are met.

Zoning By-law Amendment & Official Plan Amendment – 415 Pickering Crescent

Staff have reviewed the development proposal against the relevant Provincial, Regional, and local policy documents and have concluded that the proposal conforms with the policy framework. If Council adopts the recommendations of this report, the Official Plan and 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 Official Plan Amendment for the subject property municipally addressed as 415 Pickering Crescent.

## Background

### Application History

The proposed Zoning By-law Amendment and Official Plan amendment applications were submitted in November 2020. There have been subsequent submissions in 2022 and, most recently, in 2023. A statutory Public Meeting for this proposal was held on May 9, 2022.

### Subject Lands

The subject lands are municipally known as 415 Pickering Crescent. The parcel is 0.8103 hectares (2 acres) in size and is located north of Mulock Drive and west of Leslie Street (a location map is attached as Appendix A). There is currently a one-story brick building on the property which is being used by a Private School.

The surrounding lands to the north and east are zoned Open Space Zone and lands abutting those lands are designated Natural Heritage by the Town's Official Plan. The lands to the west consist of existing single detached dwelling units and townhouses on Pickering Crescent. Finally, York Region District School Board lands associated with Newmarket High School are located south of the subject land.

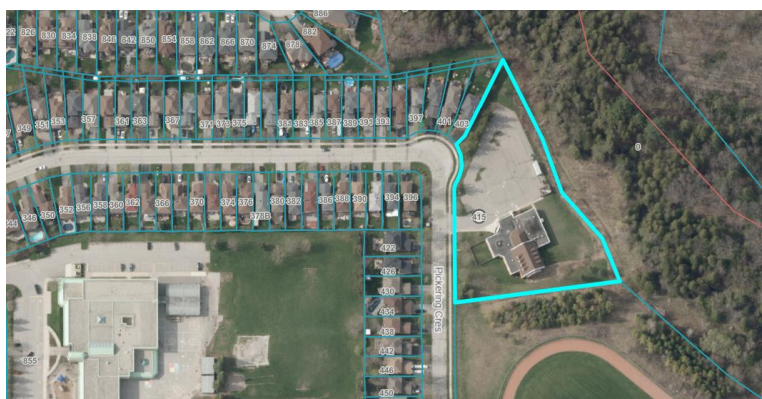


Figure 1 – Subject Property and Neighbourhood Context

## Discussion

### Proposal

The development proposal includes an application for a Zoning By-law Amendment and Official Plan Amendment for 24 townhouse units and 4 single-detached units on the subject lands.

Since its initial application in 2020, the proposal has undergone multiple revisions to address technical comments from the Town, agencies, and the public. Of note, the current proposal now meets the parking requirements of the Zoning By-law. The applicant reconfigured the site to accommodate these parking spaces, as well as removed the townhouse blocks proposed on Pickering Crescent and replacing them with single-detached units for urban design/community impact reasons.

The applicant has also agreed to convey land to the Town for a future trail and access easement for maintenance, to be located on the northern portion of the property. The future trail would be part of a larger trail network that would connect to the trail at the proposed development at 16860 & 16920 Leslie Street (Forest Green Homes).

The proposal also satisfies the Lake Simcoe Region Conservation Authority regarding wetland and woodlot buffers.

Each dwelling unit includes private amenity space in the form of private rear yards. In addition, the townhouses have balconies in the rear and at the front of the units. The townhouse blocks either back onto the Town-owned open space on the east side or the Newmarket High School field on the south side.



Figure 2 – Concept 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 proposed amendments support these goals and are consistent with the Provincial Policy Statement 2020 in that it will allow for a variety of housing types, promote the efficient use of land, and contribute to achieving growth and urban vitality while using the existing infrastructure efficiently. The proposed development also supports active transportation through the creation of a trail on the north edge of the property line.

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

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out policies and provides guidance to manage growth in the Greater Golden Horseshoe. The current Growth Plan was approved in 2019.

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:

- Providing a mix of built form;
- Providing a range of sizes and types of dwelling units; and,
- Supporting the efficient use of land, existing services, and infrastructure.

The proposal will replace the existing 1-storey brick building with 24 townhouse units and 4 single detached units. The proposed development will contribute to the goal of achieving complete communities as the subject land is located within an established community near commercial uses, major institutional uses including a school, and trails within a natural heritage system.

### **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 50% 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 in the YROP adopted in 2022 and the previous Plan from 2010.

The proposal adds to the existing built forms and will make efficient use of the land. The proposal provides a range of built forms consistent with the existing community.

### **Town of Newmarket Official Plan (OP)**

The proposed Official Plan Amendment would redesignate the lands from “Major Institutional” to “Residential Areas”.

The objectives of Residential Areas designation 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 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 contextually sensitive developments through Planning Act applications.

The Official Plan indicates that the predominate use of land in the Residential Areas designation shall be residential in the form of single-detached and semi-detached dwellings, as permitted.

The proposal is comprised of single-detached dwellings and townhouse units. The proposed amendment would redesignate the property and permit 24 three-storey townhouse units and four single detached dwelling units. The proposal is situated within an existing residential neighbourhood. Specifically, the site is surrounded by single-detached homes to the west with, open space to the north and east, and an existing high school to the south. Townhouses are also found in the surrounding area.

It is staff’s opinion that based on the type and location of the units proposed, as well as the composition of the surrounding area, 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 proposed rezoning will allow for the development of single detached dwellings and townhouse units, Single detached units are permitted within the Residential Areas designation and townhouses are permitted subject to demonstration of compatibility. As noted, staff are satisfied with compatibility has been addressed. Should the OPA to redesignate the lands be approved, the Zoning By-law Amendment will conform to the Official Plan.

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

Abutting properties host single-detached residential units, a high school to the south and open space. The proposed development includes unit types generally found in the area. The proposed roof-top patios have been removed to be more compatible with the existing area. The proposal is compatible with the existing area, and a fence and trail are proposed on the north end of the property to create a buffer between the existing residences and the new development.

**c. Potential nuisances effect upon adjacent uses are mitigated**

The proposed townhouses along the east side of the property back onto Town-owned open space. The side yard condition of the townhouse is setback further on the north side due to the proposed trail. A fence is also proposed on the north side of the property. On the south, the proposed townhouse units back onto the Newmarket High School lands and where there is an substantial existing buffer of mature trees. The single detached homes will back on to the proposed condominium road and have driveway access off Pickering Crescent, similar to the existing single detached homes in the area. Finally, the previously proposed rooftop patios have been removed.

**d. Adequate municipal services are available;**

The applicant has provided various reports that have been reviewed by Engineering Services. The reports have demonstrated that the proposed engineering design is feasible. A holding provision will be included for servicing allocation.

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

The lot sizes are appropriate for the proposed single detached and townhouse dwellings.

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

The applicant has provided a Traffic Impact Study which has been reviewed by Engineering Services. Further comments are to be provided and addressed at the site plan stage.

**g. The on-site parking, loading and circulation facilities are adequate; and**

The proposal provides for sufficient parking for both residents and visitors. The standards required by the Zoning By-law have been met. The applicant is not seeking a reduction in parking.

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

Public notice for the public meeting was issued on April 19<sup>th</sup>, 2022 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.

The proposal is comprised of single detached and townhouse units. The surrounding area is comprised of similar building types. The proposed single detached and townhouse dwellings are compatible with the existing neighbourhood and due to the consistent land use and house typology, impact to the existing community in minimized. The proposal is surrounded predominantly by open space to the north and east. The lands to the south of the subject property are associated with Newmarket High School are the field and track. The proposed single detached homes will front Pickering Crescent and maintain the existing building typology along the street.



Figure 3 – Elevations of the proposed single detached dwellings on Pickering Crescent

**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 25% may not necessarily be provided by each application. This policy also requires that applications include various 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 and Official Plan Amendments expand the type of built forms permitted on the subject lands to include townhouses, Townhouses developments are more compact and are generally more affordable than traditional low-density residential developments, such as single-detached dwellings. In addition, the applicant has committed to making a financial contribution of \$2,000 per unit to an affordable housing non-profit organization in consideration of the Town's Official Plan affordable housing objectives. A holding provision has been included in the Zoning By-law, which requires that affordable housing policies are satisfied.

### Natural Heritage

The Newmarket Official Plan requires a minimum 15 metre buffer between all wetlands and any proposed development. Per the submitted Environmental Impact Study, an average 15m wetland buffer is provided. In some areas, the proposed buffer would be 11 metres, while in other areas the buffer would be 20m. An amendment to the Official Plan has been proposed to reflect this. The proposed buffer has been reviewed by Lake Simcoe Region Conservation Authority and they are satisfied.

The Newmarket Official Plan requires that any development adjacent to a Woodlot shall be carried out in a manner that encourages the protection and management of the Woodlot. A minimum 10 metre buffer is required, which is comprised of a 3 metre wide strip from the tree dripline to the rear lot line, to be maintained in a naturally vegetated state, plus a 7m setback (within the lot) to the nearest building or structure. A 3 metre buffer has been accepted by Lake Simcoe Region Conservation Authority and an amendment to the Official Plan has been proposed.

The development proposes enhancement planting areas for both the wetland and woodland area.

### **Servicing Allocation**

Servicing has not been allocated to this development. Should the amendments 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.

### **Town of Newmarket Zoning By-law 2010-40**

The subject lands are currently zoned Major Institutional Zone (I-A) in the Town's Zoning By-law 2010-40, as amended. The application would create two site specific zones. The first zone ((H)R4-R-167) is for a portion of the site that would permit 24 townhouse units. This includes specific provisions for height, setbacks, permitted encroachments, and



landscaping. The second zone ((H)R1-F-168) is a portion of the property fronting onto Pickering Crescent that would permit 4 single detached dwellings and include specific provisions for setbacks.

### **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 until after the 'H' provisions are removed. For this application, the Zoning By-law Amendment will include the following Holding provisions:

- Servicing Allocation;
- Affordable Housing financial contribution;
- Site Plan Approval; and,
- Tree Removal Compensation.

### **Next Steps**

Should the Zoning By-law Amendment and Official Plan Amendments be approved by Council, future applications will include Draft Plan of Common Element Condominium and Site Plan Approval for the townhouse components and removal of the hold applications for both the townhouse and single -detached components.

### **Conclusion**

The proposed Zoning By-law Amendment and Official Plan Amendment applications have been processed per the Planning Act and circulated to the Town's internal departments and external agencies. No concerns have been identified with the land use change.

The proposal supports the goals of the Official Plan and conforms to or does not conflict with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and the York Region 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**

- Community and economic vibrancy
- Extraordinary places and spaces

### **Consultation**

#### **Agency and Public Comments**

Zoning By-law Amendment & Official Plan Amendment – 415 Pickering Crescent

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 Official Plan Amendment.

### **Engineering Services**

Engineering Services had no further comments regarding the Zoning By-law Amendment and Official Plan Amendment. Technical design details will be further reviewed through the Site Plan application process.

### **Lake Simcoe Region Conservation Authority**

Lake Simcoe Region Conservation Authority has reviewed the revised submission. Lake Simcoe Region Conservation Authority is satisfied that the outstanding comments can be addressed at the site plan stage and have no objections.

### **Effect of Public Input**

As noted, a statutory Public Meeting was held on May 9 2022.

Comments were received from the public at the statutory Public Meeting 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. The Town and the Region do not have any objection to the proposed Land Use. Further review and comments will be provided at the site plan stage.

### **Built Form/ Height**

The revised proposal has removed the rooftop amenity space and revised the roof design to mitigate overlook concerns to ensure compatibility with surrounding uses.

### **Natural Heritage**

The are proposed Official Plan amendments to the woodlot and wetland buffers. Lake Simcoe Region Conservation Authority has reviewed and is satisfied with the proposed buffers.

### **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 Official Plan Amendment and Zoning By-law Amendment applications. The Town will also receive revenue from development charges and assessment revenue associated with this development.

## **Attachments**

**Appendix A**– Location Map

**Appendix B** – Concept Site Plan

**Appendix C** – Proposed Zoning By-law

**Appendix D** – Proposed Official Plan Amendment

## **Submitted by**

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## **Approved for Submission**

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