



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Zoning By-law Amendment – 99,103,105 Main Street South, part of 115 Main Street South, and 454, 462, and 466 Queen Street, 99 Main Street Inc. Staff Report to Council**

Report Number: 2023-84

Department(s): Planning & Building Services

Author(s): Kaitlin McKay, Senior Planner - Development

Meeting Date: December 4, 2023

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 99,103,105 Main Street South, part of 115 Main Street South, and 454, 462, and 466 Queen Street, 99 Main Street Inc., dated December 4, 2023 be received; and,
2. That the application for Zoning By-law Amendment be approved; and,
3. That staff be directed to bring forward the By-law, including the necessary Holding provisions, to Council for approval; and,
4. That the parking reduction described in this report be approved as a site-specific pilot program and that staff be directed to monitor parking usage on-site and parking-related complaints in the vicinity of the development for a period of three years; and,
5. That 99 Main Street Inc. and LARKIN+ Land Use Planners Inc. be notified of this action; and, and,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

A Zoning By-law Amendment application has been received to amend Zoning By-law 2010-40 to permit the development of 68 stacked and back-to-back townhouse units for the subject land municipally addressed as 99,103,105 Main Street South, part of 115 Main Street South, and 454, 462, and 466 Queen Street.

The Zoning By-law Amendment proposes to rezone the subject land to a site-specific zone to implement the proposed development. This report provides the context of the site, the details of the proposal, a discussion of the relevant planning policies and how the application addresses them, an outline of feedback received, and next steps in the development process.

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 September 11, 2023, as required by the *Planning Act*.

Should Committee adopt the recommendations of this report, the Zoning By-law Amendment will be presented to Council for approval at a subsequent Council meeting.

## Purpose

This report provides recommendations to Council on the application for a Zoning By-law Amendment for 99,103,105 Main Street South, part of 115 Main Street South, and 454, 462, and 466 Queen Street (the “subject land”).

The recommendations of the report, if adopted, will result in an amendment to the Zoning By-law to permit the proposed development, and apply necessary holding provisions to ensure the orderly development of the site.

## Background

### Subject Land

The subject land is municipally known as 99,103,105 Main Street South, part of 115 Main Street South, and 454, 462, and 466 Queen Street. The parcels have a combined area of approximately 0.45 hectares (1.12 acres) and are located on the east side of Main Street South and south of Queen Street (refer to **Appendix 1**).

Surrounding land uses include:

- a place of worship, single detached dwellings, and 3-storey stacked townhouses to the north;
- low density residential to the east;
- townhouse dwellings and commercial/office uses to the south; and,
- a combination of commercial and residential uses to the west.

The properties are currently occupied by single and semi-detached dwellings.

## The Proposal

The applicant is proposing to redevelop the subject land with 68 stacked and back-to-back townhouse units. Residents of the proposed development would have access to

the underground parking garage from Queen Street via Robertson Place. Visitors of the development and residents/visitors of 99 and 103-105 Main Street South would have access from Main Street South through an entrance to the south of 105 Main Street South and exit on the north side of 99 Main Street South.

The proposal is illustrated on the concept site plan, attached as **Appendix 2**.

## **Discussion**

Planning decisions must be reviewed in terms of the relevant planning policies and legislation. The high-level policy documents which are applicable to this development review are:

- **The Provincial Policy Statement 2020 (PPS):** The proposed development is consistent with the PPS by providing a mix of housing types within an existing settlement area, in close proximity to public transit, allowing for efficient use of existing infrastructure, and promoting supportive densities to facilitate a compact urban form.
- **The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe:** As the proposal provides for growth through intensification within the existing built-up area of Newmarket using infill and redevelopment, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.
- **The York Region Official Plan:** The proposed development supports and is consistent with the York Region Official Plan policies as the proposal is intensification and redevelopment that provides a mix of housing types within a Major Transit Station Area (MTSA).

## **Town of Newmarket Official Plan**

### **Land Use**

The subject land is within the area identified as “Urban Centres” and is designated “Historic Downtown Centre” on Schedule A – Land Use of the Town of Newmarket Official Plan.

The Historic Downtown Centre is focused on Main Street and is an area that is identified for intensification. One of the Official Plan’s primary goals is to revitalize the Historic Downtown while also protecting and enhancing natural and cultural heritage. The subject land is also located within the Community Improvement Policy Area, identified on Schedule ‘F’ of the Official Plan.

### **Density**

Development of residential uses in the Historic Downtown Centre is permitted, up to 80 units per net hectare and up to and including 1.0 FSI (Section 4.4, Table 1). The proposed development would result in an FSI of 1.86. Development applications for proposals beyond the above noted density provisions for the Historic Downtown Centre

may be permitted without an amendment to the Official Plan provided the supporting background studies demonstrate that the proposed development will not create an unacceptable level of traffic and will be compatible with the existing surrounding development.

The applicant has submitted a Transportation Impact Study (TIS) as part of the application and has concluded that the proposed development will not create an unacceptable level of traffic given the capacity of the surrounding road network serving the project.

The applicant's Planning Justification Report outlines how the development would be compatible and complement the existing neighbourhood, including:

- The built form and existing heritage structure along Main Street South will remain and be revitalized;
- New residential units have been set back from the historic Main Street;
- The building massing has been designed to be in scale with surrounding development, including townhouses to the south and a stacked townhouse building on Queen Street;
- The proposed building heights step down on the east side where the subject land abuts Robertson Place and is adjacent to existing low density residential;
- Landscape plantings are proposed along Queen Street and Robertson Place to enhance the pedestrian experience;
- The proposed buildings front onto and provide pedestrian entrances from both Queen Street and Robertson Place, providing "eyes on the street"; and,
- The proposal can be considered "Gentle Density" or "Missing Middle Housing", where the development of additional housing is provided that is of a slightly higher density than currently exists, in a manner that is sensitive and compatible with the existing neighbourhood (YROP, 2022).

Lighting, fencing, and vegetation screening will be reviewed further through the site plan application process to mitigate any potential impacts of new neighbours. It is the opinion of staff that the proposed development will not have a negative impact on traffic in the area and is compatible with the existing neighbourhood.

### **Affordable Housing**

Section 3.9.2 of the Town's Official Plan requires a minimum of 25% of new housing development outside of the Urban Centres Secondary Plan area to be affordable to low and moderate income households. This 25% minimum is comprehensive of all development applications outside of the Urban Centres and may not necessarily be achieved by each individual application.

A Holding Provision (H) has been included in the Zoning By-law, which requires that affordable housing policies are addressed to the Town's satisfaction.

## **Parkland Dedication**

Parkland Dedication is required in accordance with the Planning Act, as expressed locally through the Town's Parkland Dedication By-law. Cash-in-lieu of parkland will be provided.

## **Official Plan Policy for Zoning By-law Amendments**

Section 16.1.1, Policy 3 of the Town's Official Plan sets out the criteria for considering Zoning By-law Amendments. Staff are satisfied that the criteria for considering and approving a Zoning By-law Amendment have been met.

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

The subject land is currently split zoned. 99 Main Street South and 454, 462, and 466 Queen Street are zoned Residential (R1-D) by Zoning By-law 2010-40. 103 and 105 Main Street South are both zoned Residential (R2-K) and 115 Main Street South is zoned Residential (R4-CP) by Zoning By-law 2010-40. Stacked and back-to-back townhouses are not permitted in these zones.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site-specific zone that would permit stacked and back-to-back townhouse dwellings. The site-specific zone standards are provided in full within the attached Zoning By-law and associated schedule (**Appendix 4**). It is the opinion of staff that the proposed zoning by-law amendment and proposed site-specific provisions are appropriate for the proposed development on the subject land.

## **Servicing Allocation**

To date, servicing has not been allocated to this development. Servicing allocation will be considered in the annual servicing allocation report, scheduled for a future Committee of the Whole Meeting. A Holding provision in the By-law is 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 By-law Amendment to limit the use of land until the 'H' provisions are removed. In this application, the proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement;
- The owner obtaining and/or finalizing any required easements and land transfers, including easements for access to the development from Queen Street across the common element condominium lands at 115 Main Street;
- Addressing affordable housing policies;
- Servicing Allocation; and,

- Compensation for tree removal (if applicable).

## Future Applications

The applicant will be required to enter into a Site Plan Agreement (SPA) for the redevelopment of this site, as required through a holding provision (as per the above section). There remain some comments to be addressed and at least one additional submission of the site plan drawings will be required. Further refinement may take place through detailed design as part of the Site Plan Application, within the parameters of the proposed zoning.

Prior to Site Plan approval, consent applications will be required to create the development block through the severance of a portion of the property located at 115 Main Street South and severance of 99 and 103-105 Main Street South. The severed lands from the existing condominium lands will form part of the development block. Mutual cross easements will also be required to obtain access to the development across the existing condominium lands and across the retained properties on Main Street South (99, 103, and 105). Additional easements may be required for servicing and/or access and will be reviewed through the site plan application process. Applications for a Plan of Condominium and to remove the Holding (H) provision will also be required.

## Development Considerations

During the review and processing of this application, the following items have been highlighted and considered. How they have been incorporated or mitigated, as appropriate, is discussed below.

### Parking Pilot Program

The applicant is proposing 68 parking spaces for residents, to be located in one level of underground parking. The applicant is seeking a parking reduction to comply with the minimum parking requirements of the Urban Centres Zoning By-law. The required and proposed rates are outlined below.

<u>Required (2010-40 rate)</u>	<u>Proposed (2019-06 rate)</u>
1.5 parking spaces per dwelling unit, plus 0.25 visitor spaces per dwelling unit.	1 parking space per dwelling unit, plus 0.15 visitor parking spaces per dwelling unit.

Staff recommends that the above-noted parking reduction be approved as part of a site-specific parking pilot program, including the future monitoring of parking usage on-site and in the immediate area. The intent of this pilot program is to evaluate the impacts (if

any) of reduced parking requirements for a development outside of the Urban Centres Secondary Plan area.

When considering a parking reduction, there are several important site-specific considerations. The proposed parking rate is supportable in this location on a site-specific basis for the following reasons:

- The property is located in very close proximity (less than 200 metres) to the Urban Centres Secondary Plan area;
- Although the subject land is located outside the Urban Centres, this property is within similar proximity to the GO Station as other properties in the Urban Centres By-law that benefit from the parking area reduction that allows for a 30% reduction to the required parking rate;
- The property is easily accessible by public transit systems that are within 5 minutes walking distance, including the GO Transit Station and VIVA bus rapid transit on Davis Drive;
- The proposed stacked townhouses are smaller unit types and would be more comparable to a condo/apartment unit. These unit types typically generate less parking demand than a traditional townhouse or other larger residential dwelling;
- The subject land has easy access to active transportation (i.e., Tom Taylor Trail);
- The subject land is in walking distance to all of the services and amenities on and near Main Street South, including restaurants, retail, and recreation opportunities; and,
- The subject land is within a Major Transit Station Area (MTSA).

Additionally, the applicant has submitted a Parking Justification Letter as part of the application. The applicant's Transportation Consultant concludes that, "based on the forecasted demand and active transportation elements, the proposed redevelopment can be supported from a parking perspective." It is noted that the proposed development complies with the requirements for short- and long-term bicycle parking.

Dedicated parking spaces for the retained structures at 99 and 103-105 Main Street South are proposed behind the existing buildings. The applicant is not seeking a reduction to the required parking for these properties and will be required to comply with the minimum standards outlined in the Urban Centres By-law.

For the reasons outlined above, the proposed parking reduction can be considered as a pilot project in this location on a site-specific basis. Staff will monitor parking usage on-site and parking related complaints in the vicinity of the development for a period of three years.

## **Traffic**

A Transportation Impact Study (TIS) was submitted as part of the proposed development. The study concludes, "that the traffic generated by the proposed development can be supported by the boundary road network." No mitigation measures or changes to the existing road network were identified as required. The study has been

reviewed by the Town's Engineering Consultant and there are no objections to the approval of the subject application.

Based on feedback received from the public, Planning and Engineering staff have requested that the applicant review implementing the Main Street South accesses as one-way, with the south access as the entrance and the north access as the exit. Revisions to the driveways will be reviewed through the site plan application process.

### **Servicing**

The applicant has submitted a Functional Servicing and Stormwater Management Report as part of the applications. The report concludes that the development can be serviced with existing and proposed infrastructure and complies with the applicable policies and guidelines.

### **Access from Adjacent Condominium Property**

The applicant has advised that an agreement for the sale of part of the 115 Main Street South property has been reached and is pending formal approval once the Consent to Sever has been approved. Easements for access to the development from Queen Street across the current common element condominium lands will also be required through a subsequent application through the Committee of Adjustment.

### **Heritage Preservation**

The property located at 99 Main Street is a Listed Heritage property. This building and the building located at 103-105 Main Street South are to be retained and preserved. The existing buildings are proposed to be zoned for a mix of uses, to allow commercial and/or residential uses.

### **Urban Design**

The applicant has submitted conceptual elevations for the Zoning By-law Amendment application (refer to **Appendix 3**). Comments were received from the public regarding the design of the proposed development. Bill 23 – More Homes, Built Faster Act, 2022, amended legislation and allows municipalities to only comment on site plan matters related to the appearance of building elements if it impacts health, safety, accessibility, or sustainable design. The developer has received feedback from staff and residents related to the design and has been asked to consider these comments through the site plan application stage.

### **Conclusion**

The proposed Zoning By-law Amendment has been circulated to the Town's internal departments and external agencies and they have provided comments indicating that there are no concerns with the approval of the zoning by-law application.

The proposed development and its associated Zoning By-law Amendment is consistent with Provincial policy and is in conformity with the York Region Official Plan and the



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

Staff recommend approval of the application, subject to a Holding provision.

## **Business Plan and Strategic Plan Linkages**

- Community and economic vibrancy
- Extraordinary places and spaces

## **Consultation**

### **Agency and Department Comments**

The application and associated technical reports were circulated to all internal departments and external review agencies. Comments received indicate that there is no objection to the proposed Zoning By-law Amendment with the inclusion of a 'Holding' provision.

### **Effect of Public Input**

A Statutory Public Meeting was held on September 11, 2023. This meeting provided the public and interested persons an opportunity to comment on the application. Notice of the Committee of the Whole meeting has been provided to persons and public bodies under the *Planning Act*.

Comments were received from the public at the statutory Public Meeting and through email. Comments received included concerns related to traffic, parking, urban design, and density and have been responded to in detail in the development considerations section of this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

The appropriate planning application fees have been received for the application. The Town will also receive revenue from development charges associated with this development.

## **Attachments**

Appendix 1 – Location Map

Appendix 2 – Applicant's Concept Site Plan

Appendix 3a – Applicant's Concept Elevations – Building A

Appendix 3b – Applicant's Concept Elevations – Building B

Appendix 4 – Proposed Zoning By-law Amendment

## **Submitted by**

Kaitlin McKay, Senior Planner, Planning and Building Services

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

Kaitlin McKay MCIP, RPP

[kmckay@newmarket.ca](mailto:kmckay@newmarket.ca)