



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

October 18, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-43

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning By-law Amendment
260 Eagle Street
Town of Newmarket
711371 Ontario Corp. (Oxford homes)
File No.:D09NP1515, D14NP1515**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-43 dated October 18, 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 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, Municipally known as 260 Eagle 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 Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.**

COMMENTS

Location and Surrounding Land Uses

The Subject Lands are located at the southeast corner of Eagle Street and Cawthra Boulevard (See Location Map attached). The property has an area of approximately 0.55 hectares and has a frontage on Eagle Street of approximately 115 metres and a frontage on Cawthra Boulevard of approximately 46 metres. The properties are municipally known as 260 Eagle Street.

The subject property is currently vacant. The following are the adjacent land uses:

North: Convenience and Service Commercial uses

South: Single Detached Dwellings

East: Retail Commercial (the Arts Music Store)



West: Convenience Commercial uses and Townhouse Dwellings

Background

A statutory public meeting was held in March 2016 for previous development proposal for a 6 storey residential apartment building. Since the Public Meeting, the owner has submitted a revised proposal for town homes on the subject lands. As the proposed land use has significantly changed, it is appropriate to hold a further public meeting to garner comments on the townhouse proposal.

Proposal

The applicant has amended their application from a 6 storey residential apartment building accommodating 124 dwelling units to a proposed townhouse development consisting of 27 condominium townhouse units. Two points of access are proposed, one on Eagle Street and on Cawthra Boulevard. A row of townhomes adjacent to Eagle Street would front Eagle Street however; garages for these units would be accessed by way of the internal road. The proposed site plan is attached to this report.

Preliminary Review

Official Plan Considerations

The subject property is dually designated. The westerly two thirds of the site is designated Stable Residential and the easterly one third is designated Commercial on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhouse uses. The Commercial designation contemplates a number of commercial uses but precludes residential uses. The applicant is applying to replace the existing designations on the subject lands with the Emerging Residential designation to permit the proposed 27 townhouse units on a private road.

As noted in Section 2.1 of the Official Plan, a key principle reinforced throughout the Plan is the commitment to protect and strengthen existing neighbourhoods. Any development or redevelopment in stable residential areas must respect the existing character of the area.

The "Residential Areas" policies of the Official Plan found in Section 3.0 describe the two residential designations, being Stable Residential and Emerging Residential. Stable Residential Areas currently have a mix of housing forms including rowhouses, townhouses, duplexes, fourplexes, apartments and other multi-unit buildings however, only permit single detached and semi detached dwellings through new infill development. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified.

The focus of future intensification is directed by this Plan primarily to the Urban Centres. Limited intensification is permitted in Stable and Emerging Residential Areas in a form and location that will maintain the residential character and amenities.

When assessing new development proposals against the policies of the Official Plan, the compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal and the availability of hard services and road access requirements are reviewed and considered.

Compatibility with the scale of the surrounding neighbourhood

The existing neighbourhood is predominantly low density with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the regionally owned and operated building to the west and the pioneer cemetery to the north.

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

To address compatibility issues, the owners have revised the proposal from a 6 storey apartment building to ground related 3 storey townhouses. Directly adjacent to the rear yards of the existing adjacent dwelling are the rear yards of the proposed townhouses. The existing vegetation along the south property line is intended to remain. While the submitted landscape plan does not indicate additional buffering in this area, there may be opportunity for augmented landscaping in the rear yards of the proposed townhouses.

Physical Suitability of the site to accommodate the proposal

The subject lands are relatively flat with no significant grades to take into account. The proposal is sited on the subject lands to have two blocks of three townhouses fronting onto Eagle Street with each unit having a two car driveway and a one car garage accessed by an internal lane. Two more blocks of townhouses are proposed internal to the site with the front yards facing the proposed private road and rear yards abutting the existing residential properties to the south. The road width is proposed to be 6.0 metres and intended to be used as a fire route so no visitor parking can be accommodated on the private road.

The site can appear to accommodate the proposed development while providing necessary parking, amenity space and buffers.

Availability of hard services and road access requirements

While the revised Functional Servicing Report is currently under review by Engineering Services, It is anticipated that water, storm and sanitary servicing along with road access can be accommodated appropriately.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 15m zone (R1-D-119) 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 implement the plan. The applicant will also require site specific performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard 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*.”

Servicing Allocation

Servicing allocation has not been granted for this proposal. 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.

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.

The relevant sections of the PPS as they relate to Newmarket are found in the “Building Strong Communities” policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs. The “Settlement Areas” and “Housing” policies of the PPS further direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. Finally, planning authorities are directed to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.

Departmental and Agency Comments

The revised plan and supporting material has been circulated to Town departments and external agencies for review and comment.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of these lands in the event the applications are approved.

Capital Budget

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

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



Commissioner Development and Infrastructure
Services

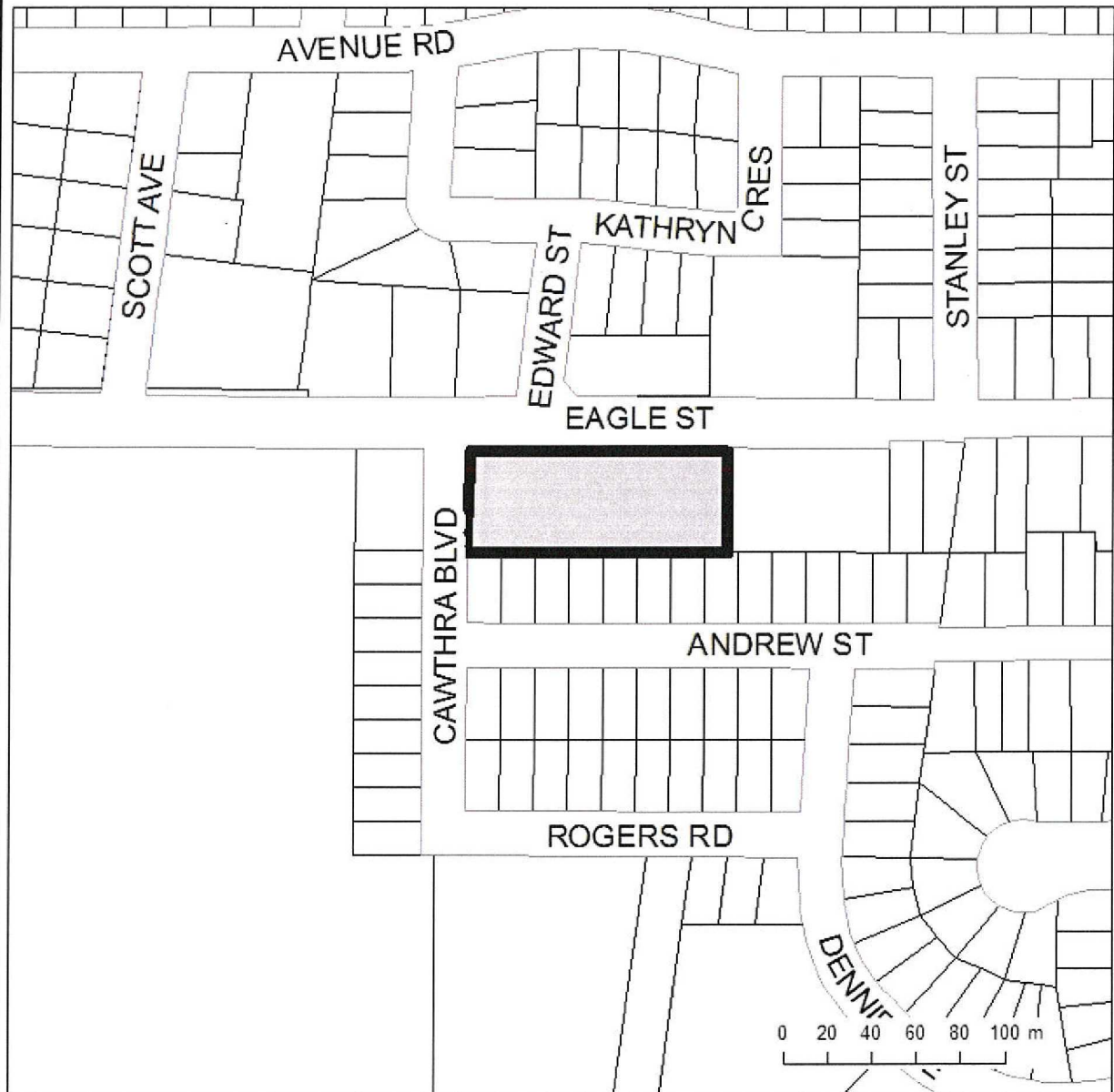



Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP 260 Eagle Street Town of Newmarket Regional Municipality of York



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Unit, October 2016. Land Parcel Boundaries - © Terrestrial and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2016. Zoning - Town of Newmarket, 2016.
 DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

T101 Services Planning Development Policy/General/Official Plan Amendment 2015/Official location map.mxd

